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SECOND SESSION

SENATE

MONDAY, *June 23, 1930*

(Legislative day of Wednesday, June 18, 1930)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Chair lays before the Senate the special order for to-day, which will be stated.

The CHIEF CLERK. A bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended.

Mr. REED obtained the floor.

Mr. FESS. Mr. President, will the Senator yield to enable me to suggest the absence of a quorum?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield for that purpose?

Mr. REED. If it is understood that I do not lose my right to the floor, I yield to the Senator from Ohio for the purpose of suggesting the absence of a quorum.

Mr. BINGHAM. Will the Senator withhold the demand for a quorum that I may ask unanimous consent that the Chair lay before the Senate the action of the House of Representatives on the District of Columbia appropriation bill.

Mr. FESS. I yield for that purpose.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. I ask that the Chair may lay before the Senate the action of the House of Representatives on the District of Columbia appropriation bill.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives further insisting on its disagreement to the amendments of the Senate to the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes.

Mr. BINGHAM. I move that the Senate further insist upon its amendments, ask a further conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BINGHAM, Mr. PHIPPS, Mr. CAPPER, Mr. GLASS, and Mr. KENDRICK conferees on the part of the Senate at the further conference.

CALL OF THE ROLL

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	McMaster	Smoot
Ashurst	Gillett	McNary	Steck
Barkley	Glass	Metcalf	Steiwer
Bingham	Glenn	Moses	Stephens
Black	Goldsborough	Norris	Swanson
Blaine	Hale	Oddie	Thomas, Idaho
Borah	Harris	Overman	Thomas, Okla.
Bratton	Harrison	Patterson	Townsend
Brock	Hastings	Phipps	Trammell
Broussard	Hatfield	Pine	Tydings
Capper	Hayden	Pittman	Vandenberg
Caraway	Hebert	Ransdell	Wagner
Connally	Heflin	Reed	Walcott
Copeland	Howell	Robinson, Ark.	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Cutting	Jones	Robsion, Ky.	Watson
Dale	Kendrick	Sheppard	Wheeler
Deneen	La Follette	Shipstead	
Dill	McCulloch	Shortridge	
Fess	McKellar	Simmons	

Mr. SHEPPARD. I wish to announce that the Senator from Missouri [Mr. HAWES], the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 304. An act for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan;

S. 308. An act for the relief of August Mohr;

S. 363. An act for the relief of Charles W. Martin;

S. 670. An act for the relief of Charles E. Anderson;

S. 671. An act for the relief of E. M. Davis;

S. 857. An act for the relief of Gilbert Peterson;

S. 1183. An act to authorize the conveyance of certain land in the Hot Springs National Park, Ark., to the P. F. Connelly Paving Co.;

S. 1254. An act for the relief of Kremer & Hog, a partnership;

S. 1255. An act for the relief of the Gulf Refining Co.;

S. 1257. An act for the relief of the Beaver Valley Milling Co.;

S. 1702. An act for the relief of George W. Burgess;

S. 1955. An act for the relief of the Maddux Air Lines (Inc.);

S. 1963. An act for the relief of members of the crew of the transport *Antilles;*

S. 1971. An act for the relief of Buford E. Ellis;

S. 2465. An act for the relief of C. A. Chitwood;

S. 2718. An act for the relief of Stephen W. Douglass, chief pharmacist, United States Navy, retired;

S. 2788. An act for the relief of A. R. Johnston;

S. 2864. An act for the relief of certain lessees of public lands in the State of Wyoming under the act of February 25, 1920, as amended;

S. 3284. An act for the relief of the Buck Creek Oil Co.;

S. 3577. An act for the relief of John Wilcox, jr.;

S. 3642. An act for the relief of Mary Elizabeth Council;

S. 3664. An act for the relief of T. B. Cowper;

S. 3665. An act for the relief of Vida T. Layman; and

S. 3666. An act for the relief of the Oregon Short Line Railroad Co., Salt Lake City, Utah.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 30) to pay to Helen T. Scott a sum equal to six months' compensation of the late Walter W. Scott.

The message further announced that the House had agreed to the amendment of the Senate to the following bills of the House:

H. R. 745. An act for the relief of B. Frank Shetter;

H. R. 3430. An act for the relief of Anthony Marcum; and

H. R. 3764. An act for the relief of Ruban W. Riley.

The message also announced that the House insisted upon its amendment to the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCLEOD, Mr. BEERS, and Mr. WHITEHEAD were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 328. An act for the relief of Edward C. Dunlap;

S. 1252. An act for the relief of Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased;

S. 2972. An act for the relief of DeWitt & Shobe; and

S. 3623. An act for reimbursement of James R. Sheffield, formerly American ambassador to Mexico City.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 968. An act for the relief of Anna Faceina;
S. 3038. An act for the relief of the National Surety Co.;
S. 3472. An act for the relief of H. F. Frick and others; and
S. 3726. An act for the relief of the owner of the American steam tug *Charles Runyon*.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 576. An act for the relief of Matthew Edward Murphy;
H. R. 644. An act for the relief of Casey McDannell;
H. R. 680. An act for the relief of J. O. Winnett;
H. R. 1826. An act for the relief of Floyd Dillon, deceased;
H. R. 3159. An act for the relief of W. F. Nash;
H. R. 3960. An act for the relief of Louis Nebel & Son;
H. R. 4110. An act to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army;
H. R. 5212. An act for the relief of George Charles Walthers;
H. R. 6113. An act for the relief of Gilbert Grocery Co., Lynchburg, Va.;
H. R. 6195. An act for the relief of Joseph Faneuf, otherwise known as Joe Faneuf;
H. R. 6642. An act for the relief of John Magee;
H. R. 6694. An act for the relief of P. M. Nigro;
H. R. 7063. An act for the relief of H. E. Mills;
H. R. 7445. An act for the relief of J. W. Nix;
H. R. 8438. An act for the relief of J. T. Bonner;
H. R. 8612. An act for the relief of Ralph Rhees;
H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;
H. R. 9279. An act for the relief of Henry A. Knott & Co.;
H. R. 9347. An act for the relief of Sidney J. Lock;
H. R. 9564. An act for the relief of Thomas W. Bath;
H. R. 10490. An act for the relief of Flossie R. Blair;
H. R. 10532. An act for the relief of Frank M. Grover;
H. R. 10542. An act for the relief of John A. Arnold;
H. R. 10983. An act for the relief of Iria T. Peck;
H. R. 11564. An act to reimburse William Whitright for expenses incurred as an authorized delegate of the Fort Peck Indians;
H. R. 11565. An act to reimburse Charles Thompson for expenses incurred as an authorized delegate of the Fort Peck Indians;
H. R. 11608. An act for the relief of Jerry Esposito;
H. R. 11675. An act to authorize the issuance of a patent in fee for certain land and buildings within the Colville Reservation, Wash., for public-school use;
H. R. 12902. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes; and
H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

H. R. 745. An act for the relief of B. Frank Shetter;
H. R. 3430. An act for the relief of Anthony Marcum;
H. R. 3764. An act for the relief of Ruban W. Riley;
H. R. 7643. An act to establish a term of the District Court of the United States for the District of Nevada at Las Vegas, Nev.;
H. R. 11050. An act to transfer Willacy County in the State of Texas from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district;
H. J. Res. 251. Joint resolution to promote peace and to equalize the burdens and to minimize the profits of war; and
H. J. Res. 311. Joint resolution for the participation of the United States in an exposition to be held at Paris, France, in 1931.

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SHORTRIDGE. May the RECORD show that by unanimous consent the formal reading of the bill was dispensed with——

The VICE PRESIDENT. That has already been ordered.

Mr. SHORTRIDGE. And the first amendment proposed by the committee was read and is pending?

The VICE PRESIDENT. That is the pending question. The first amendment of the committee will be stated.

The CHIEF CLERK. On page 1, line 11, after the word "purposes," it is proposed to strike out "*Provided*, That in making regulations pursuant to existing law with reference to home treatment for service-connected disabilities, the director shall not discriminate against any veteran solely on the ground that such veteran left a Government hospital against medical advice or without official leave; the director" and insert the word "and," so as to read:

That section 5 of the World War veterans' act, 1924, as amended (sec. 426, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 5. The director, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this act, and for that purpose shall have full power and authority to make rules and regulations, not inconsistent with the provisions of this act, which are necessary or appropriate to carry out its purposes and shall decide all questions arising under this act.

Mr. WATSON. Mr. President, will the Senator from Pennsylvania yield?

Mr. REED. If I do not lose the floor.

Mr. WATSON. As the basis for discussion I should like to have read the letters which I send to the desk.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield for that purpose?

Mr. REED. If it is understood that I do not lose the floor.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

THE WHITE HOUSE,
Washington, June 21, 1930.

The Hon. JAMES E. WATSON,
United States Senate.

MY DEAR MR. SENATOR: In accordance with our discussion, I am sending herewith communications from Secretary Mellon and General Hines, Director of the Veterans' Bureau, on the subject of the World War veterans' legislation now before the Congress, showing the result of their investigation into the effect of the bill reported this week to the Senate. These memoranda confirm the views which I have expressed during the past few weeks and I believe the Congress and the public should be informed thereon.

General Hines states that the bill which has been passed by the House of Representatives will add directly to our present expenditure for World War veterans—at present $511,000,000 per annum—by $181,000,000 for the first year, increasing annually until it reaches a possible additional sum of $400,000,000 a year. This bill as amended by Senate committee will add directly $102,000,000 the first year, ultimately rising to the addition of a sum of $225,000,000 per annum. Even these estimates are far from including the whole of the potential obligations created by the principles embraced in this legislation and the uncertain added expense by certain amendments to previous legislation.

Mr. Mellon states that the passage of this legislation implies positive increase of taxation at the next session of Congress.

It does not appear that these bills even represent the real views of the various veterans' organizations. The American Legion, after careful study as to what they considered the needs of their fellow veterans, proposed legislation which would require an additional annual expenditure of $35,000,000 per annum. Thus these measures which are before Congress represent an implied increase in expenditures of from three to ten times what these veterans themselves consider would be just. The Veterans' of Foreign Wars and other organizations have contended for a measure differing entirely from those now proposed.

General Hines has pointed out that this legislation goes far beyond immediate necessities and that, of even more importance, it creates grave inequalities, injustices, and discriminations among veterans resulting from the methods adopted or extended in these bills and creates future dangers to both the public and the veterans. The very fact that the committees of Congress and the various veterans' associations have themselves been, during the past six months, of many minds upon these questions indicates their extreme difficulty. There certainly comes from it all the conclusion that we should either have a sound plan now or should have more time for determination of national policy upon established principles in dealing with these questions for the future. We must arrive at such a basis as will discharge our manifest obligation with equity among veterans and to the public.

I do not wish to be misunderstood. There are cases of veterans who are in need of help to-day, who are suffering, and to whom I earnestly wish to see generous treatment given. But these situations do not reach anything like the dimensions of these measures.

We have stretched Government expenditures in the Budget beginning July 1 to the utmost limit of our possible receipts and have even incurred a probable deficit principally for the relief of unemployment through expansion of public construction. Every additional dollar of expenditure means an additional dollar in taxes. This is no time to increase the tax burden of the country. I recognize that such considerations would carry but little weight with our people were the needs of our veterans the issue and were we dealing with sound measures; but, as General Hines presents, there are conclusive reasons for opposing an

unsound measure which is against the best interests of the veterans themselves and which places an unjustified load upon the taxpayers at a time when every effort should be made to lighten it.

I do not believe that just criticism or opposition should arise to such suggestions upon full understanding of the situation, for I know that the great body of patriotic men who served in the World War themselves recognize that there are limits to expenditure and that there are principles that should be adhered to if we are not to prejudice their interest both as veterans and citizens.

Yours faithfully,

HERBERT HOOVER.

Mr. SHORTRIDGE. Mr. President, I wish to say that the President has been misled when he says that the American Legion does not approve of this bill.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from California?

Mr. REED. No, Mr. President; I yielded merely for the reading of the letters.

Mr. SHORTRIDGE. I rose for the purpose of making the statement I have made.

The VICE PRESIDENT. The clerk will resume the reading.

The Chief Clerk read as follows:

THE SECRETARY OF THE TREASURY,
Washington, June 21, 1930.

MY DEAR MR. PRESIDENT: I have your memorandum stating that the Director of the Veterans' Bureau estimates the cost in the fiscal year 1931 of H. R. 10381, as amended and reported by the Senate Finance Committee, to be $102,000,000, and the ultimate cost to be $225,000,000 annually. You ask me to give you my best judgment as to whether receipts for the fiscal year 1931 will be adequate to support this additional burden. I regret to say that they will not.

You appreciate, of course, the very great difficulty of estimating revenue 12 months in advance, particularly when, as under our system, the Government depends so largely on one form of tax—the income tax—which is directly susceptible to fluctuations in business conditions. An absolutely accurate estimate would presuppose our ability to forecast general business conditions over the period of the next 12 months, and this is obviously impossible.

Based on estimates of expenditures furnished by the Director of the Budget and on this department's estimates of receipts, which, I may add, are predicated on a not unhopeful attitude in respect of future business developments, the present indications are that the Government will close the fiscal year 1931 with a deficit of over $100,000,000. If the reduced income-tax rate is to be retained and made applicable to 1930 incomes present estimates forecast a deficit of approximately $180,000,000. These figures are, of course, exclusive of any additional burdens to be imposed by new legislation.

I think I should call your attention to the fact that these figures are based on the assumption that interest payments to be made by foreign governments in accordance with existing debt-settlement agreements will be paid in United States Government securities, as they have almost universally been paid in the past, rather than in cash, thus constituting an automatic reduction of our national debt, but not making these payments available for current expenditures. Even when foreign interest payments have been made in cash the Treasury up to the present time has been in a position to apply them to the reduction of our national debt. This policy has been so well established over the course of years, and is manifestly so sound, that foreign repayments, both principal and interest, have come to be looked upon as definitely earmarked for the reduction of our war debt. Moreover, whether these interest payments are to be made in securities or cash is dependent on conditions wholly without our control. We are not justified, therefore, in budgeting upon the assumption that they will be made in cash. But assuming that they are, and assuming that our Government is willing to set aside its well-considered and established program of debt reduction, even then I can not give you any assurance at the present time, and without taking into consideration new burdens, that we can retain the 1 per cent reduction and not incur the danger of a deficit.

But if $100,000,000 or more is to be added to the expenditures already in sight, it is perfectly apparent that the 1928 income-tax rates must be restored, and I should not be quite fair to the Members of both Houses and to the taxpayers of the United States if I did not point out at this time that this increased burden may necessitate even higher rates than provided for in the 1928 revenue act.

In the present state of business, accompanied as it must be by an inevitable reduction in the national income, the Treasury Department is vitally interested in not definitely closing the door to the possibility of retaining the reduced tax rates now in existence. In spite of the figures above quoted, I am still hopeful that conditions may have shown such improvement by December as to justify my recommending to you and to the Congress a renewal of the action taken last December. The present estimates do not indicate that this is possible, but this does not mean that we should put ourselves in such a position as to preclude the possibility should events take a favorable course.

In this connection I think it is appropriate to remind you of what this 1 per cent reduction means to the income-tax payer, and particularly to the income-tax payer with a moderate income.

If the 1 per cent reduction is not retained, approximately 2,095,000 taxpayers with net income of $10,000 or less will pay during the calendar year 1931 approximately $28,000,000 more than they would otherwise pay, thus losing the benefit of a 56 per cent reduction. If we take taxpayers with net incomes of $7,000 or less, they will lose the benefit of a 66 per cent reduction in taxes. It will be remembered that about two-thirds of the tax reduction benefit to individuals was accorded to taxpayers with net incomes of $25,000 or less.

In so far as corporations are concerned, if the rate is restored to 12 per cent they will lose the benefit of approximately a $90,000,000 reduction in their income taxes—at a time when the Government should endeavor to relieve rather than to increase the burdens on industry.

In conclusion I can answer your question by stating that legislation increasing the expenditures for 1931 by $100,000,000 and more over and above expenditures as now estimated by the Budget Director will necessitate the restoration of rates applicable to 1931 income to the rates provided for in the revenue act of 1928, and it is probable that such increased expenditures may call for even higher taxes in order to maintain a balanced budget.

In fairness to the country I feel that the Congress should be informed that if expenditures are further increased now taxes must be in December.

Faithfully yours,

A. W. MELLON.

THE PRESIDENT,
The White House.

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, June 21, 1930.

MY DEAR MR. PRESIDENT: I wish to call your attention to the very grave situation that has arisen in the matter of veterans' legislation, both as to the proposed principles being considered and their ultimate effect, if adopted, upon the veterans and upon the policy and expenditures of the Government and the very large immediate burden which this legislation calls for.

I recently advised the Senate Committee on Finance that the bill passed by the House of Representatives, and then being considered by them, would cost approximately $181,040,650 per annum and a possible final annual expenditure of over $400,000,000.

The Senate Finance Committee made various amendments to this bill, and I have now made a reexamination of the cost implied under the bill as reported to the Senate. This bill requires an estimated immediate annual expenditure of $102,553,250, with a growing maximum cost reaching a potential amount in five years of approximately $225,000,000 per annum.

Of the deepest concern to the Nation should be the principles being incorporated into these forms of legislation. The principles in both of these bills depart absolutely from the original conception of assistance to World War veterans based upon disability to earn their living because of injury or disease arising out of the World War. No one questions the obligation of the Nation to its disabled veterans, and under the present law some 374,500 veterans or their dependents, out of the total of 4,500,000, are now being compensated at an annual expense approximating $206,000,000. These veterans also participate with all other veterans in the benefits of the war-risk insurance legislation and the so-called bonus legislation, which brings up the total annual sum of expenditures of this bureau at the present time to approximately $511,000,000.

One of the results of this legislation would be that men suffering with those diseases now presumed to have been acquired in the service if developed prior to January 1, 1925, would have such diseases presumed to have been acquired in the service if they developed prior to January 1, 1930, and other men suffering with diseases which have not heretofore been afforded the benefit of any presumption by law would be presumed to have acquired their diseases in the service if the same arose prior to January 1, 1930. It is estimated that this provision alone would probably affect approximately 100,000 veterans not now in receipt of compensation benefits for these disabilities.

The medical council of the Veterans' Bureau, comprising some of the ablest physicians and surgeons of our country, has reported to me that the inclusion of the diseases contemplated by this provision is unsound medically, and it can not be presumed that the diseases involved are the result of service during the World War. Therefore the theory upon which these benefits are extended is false.

If we are to depart from the sound principles of the payment of compensation for injury and disease resulting from war service, then it would appear to me that the real problem before us is whether the Nation is going to assume responsibility for disabilities among the four and a half million veterans which originate as ordinary incidents

of life. The policy of our Government, almost from its inception, has been to take care of our veterans when they have reached that period in life when they are overcome by permanent disabilities or age, so that they are unable to earn a support. At this date, 13 years after the World War, the veterans of that war average about 38 years of age. If it is claimed that the time has been reached when it is necessary to give consideration to the matter of a pension for this group of veterans, along the same lines that we have cared for veterans of other wars, then the policy should be based upon the fundamental principles of pension legislation adopted to what the Nation can afford to do for the entire group of veterans who will eventually have to be cared for. Most certainly we should distinguish clearly between those veterans whose injuries and disabilities were incurred in service and those whose disabilities have been brought about by other causes after service. To approve a measure which will simply take care of 100,000 of these men, under a presumption which we know is unsound, where their disabilities are not due to service, without extending to their comrades in the larger group the same measure of relief, is manifestly inequitable. In other words, we are opening the door to a general pension system at the same rates of compensation given to men who actually suffered in the war. Its potential cost to the Government may quite well run into hundreds of millions of dollars.

I have no doubt that the Congress has in mind by suggesting the further broadening of the presumptive clause of the present World War veterans' act, taking care of a number of cases which they feel are meritorious and which at this time the law does not cover. If it was only the intention of the Congress to take in border-line cases, it might well be accomplished by so amending the present act to permit the bureau to give due regard to lay and other evidence not of a medical nature in connection with the adjudication of claims. Such a provision would be interpreted by the Veterans' Bureau as sufficiently broad to permit liberal adjudication of border-line cases.

Another radical departure in the proposed legislation from the existing law is the provision to give a cash allowance to men in hospitals not suffering from a service-connected disability and while in hospital to also pay an allowance for their families and dependents. Under the present law, where there are vacant beds available opportunity is afforded to a veteran for medical care in hospitals when he is in need of treatment without regard to the character or origin of his disability. The hospital facilities of the Government are at this time inadequate to provide care for all veterans of noncompensable disability who need medical attention, and consequently there is before the bureau at all times a waiting list of men seeking treatment. We are faced with the proposed policy of paying the veteran fortunate enough to secure a hospital bed an allowance for himself and his dependents. For the veteran who is equally in need of treatment but for whom a hospital bed is not available, it is not proposed that any payment be made either to himself or to his dependents. Inequity immediately arises, and to the extent the Government is not able to furnish hospital beds does this inequity increase. The Congress has not signified definitely its purpose to construct permanent hospital beds for all veterans who need hospital treatment. Certainly with the passage of this proposed provision there would result a definite and increasing demand for additional hospital beds and in all equity such a demand can not but be recognized. It is conservatively estimated the total number of veterans who will need hospitalization is 69,000. If the Government is to provide sufficient hospital facilities so that all men suffering with disabilities, irrespective of service origin, can be hospitalized, it would necessitate providing within the next three years 13,000 new beds in addition to those existing or authorized. The cost of construction of such facilities would approximate $45,500,000, and the annual maintenance cost, after completion, would approximate $19,500,000. Further, if the Government is to eliminate all question of inequality, even to the point where the bureau's peak of hospital load is expected, current estimates indicate an ultimate need of 39,400 additional beds, the cost of construction of which would approximate $137,900,000, with an annual maintenance cost of $59,100,000.

Even with all these provisions we would not have taken care of old age and many other fatalities that may happen to our World War veterans.

My plea at the moment is that we are proceeding on wrong principles, that we are driving toward such a stupendous expenditure by the Government, the extent of which can not be estimated, as will eventually react against the interest of the disabled veterans themselves. We are creating a prospective burden for the taxpayer, before we have adopted any sound national policy of dealing with the whole problem, which will have committed ourselves directly and inferentially to a total annual expenditure on account of World War veterans of upward of a billion dollars per annum even before we have given consideration to the granting of pensions. My plea is directed to the fact that this legislation should not be passed, and that there should be substituted an entire consideration of the principles upon which the Nation will discharge its obligations, not by creating injustices and inequalities, but by some method of general application to the entire group.

Pending such study, I earnestly urge that the bill which I submitted for the consideration of Congress, which will be beneficial to many veterans, be adopted.

Very sincerely yours,

FRANK T. HINES, *Director.*

Hon. HERBERT HOOVER,
President of the United States,
The White House.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED. If I do not lose the floor.

Mr. ROBINSON of Arkansas. I wish to submit a request for unanimous consent in connection with that already adopted.

Manifestly, there ought to be some division of time—I am not going to make a speech on the subject—between the proponents of this bill and of the amendment which it is understood the Senator from Pennsylvania is about to propose. I ask unanimous consent that the time intervening between now and 3 o'clock be equally divided between those who favor the bill and those who favor the amendment.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. REED. I yield to the Senator from Indiana.

Mr. WATSON. Inasmuch as these propositions have just come before the Senate, would it not be eminently fair to both sides to extend the time to 5 o'clock, instead of 3, by unanimous consent?

Mr. ROBINSON of Arkansas. I think that can be done by unanimous consent—and divide the time equally between the two propositions.

Mr. WATSON. Yes; divide the time equally.

Mr. ROBINSON of Arkansas. I make that request. Of course, it must be done by unanimous consent.

The VICE PRESIDENT. Is there objection?

Mr. GEORGE. Mr. President, that does not in any way abrogate the further provision of the unanimous-consent agreement that before adjournment to-day we will take a vote?

Mr. ROBINSON of Arkansas. No; and that the limitation of debate to 10 minutes go into effect at 5 o'clock instead of 3.

I hope Senators will agree to that.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, I do not want to object, but I desire to understand the request. Does not the Senator think it would be well to run on until 3 and see how much debate develops?

Mr. ROBINSON of Arkansas. No; I am morally sure that the general time ought to be extended now.

Mr. DILL. I have no objection.

The VICE PRESIDENT. Is there objection?

Mr. COUZENS. Reserving the right to object, I think the request is premature, for the reason that I do not know what the amendment is which the Senator from Pennsylvania is going to offer. I have not seen it yet. I do not know what its terms are, or how the time can be divided between those who are for and against. So, for the time being, until I find out what the proposition is, I shall have to object.

Mr. ROBINSON of Arkansas. Mr. President, I will renew the request a little later.

I wish to state now, with the indulgence of the Senator from Pennsylvania, that it is quite surprising that after this bill should have been pending before the Committee on Finance for so long a time, should have been considered and reported to the committee, just the minute before the bill is to be disposed of, and after a time limit has been fixed on debate, propositions that impeach the bill from beginning to end are brought forward in the way that is being done.

I am not criticizing anybody for the course pursued. I am simply stating a fact. I can not understand why these issues were not brought before the Finance Committee. What is the object of the great committees of the Senate if the real issues in important legislation are not to be threshed out and conclusions reached concerning them before committees?

We have here now one of the most important bills of the entire session, brought in during the closing days of the session, and issues raised concerning it that apparently have not been considered by the committees of the Senate; and we are expected in two or three hours to determine those issues.

I shall renew my request later.

(At this point, by unanimous consent, sundry reports were made and matter submitted for printing in the RECORD, which appear under their appropriate headings.)

The VICE PRESIDENT. The Chair will state that the unanimous-consent agreement provides that no other business shall intervene in the consideration of the special order; but, of course, it is up to the Senate to determine its procedure.

Mr. GEORGE. I shall object to any further business intervening.

Mr. REED. Then, Mr. President, I shall proceed with the matter in hand.

First, I want to reply to the suggestions of my friend from Arkansas that this matter ought to have been brought forward earlier.

The veterans' bill was not reported to the Senate until last Tuesday. In the deliberations of the committee that occurred before that time I, for one, was unable to take any part because of the practically continuous sessions of the Committee on Foreign Relations, which was working on the naval treaty. Last Thursday, such was the zeal to pass this bill that there was some difficulty in preventing the rivers and harbors bill from being laid aside so that the veterans' bill might be passed with practically no discussion. Again on Friday the same spirit was manifested; and it was only when we had been able to work out a consent agreement for a vote before adjournment to-day that the Senate was willing to give us time for consideration even over the week-end. So that is the reason why the thought that I have has not been presented before, either to the committee or to the Senate.

I am not going to talk very long, Mr. President; but it seems to me that both the magnitude of the amount involved and the magnitude of the distress involved on the part of the veterans demand the careful attention of the Senate. Whether our thoughts be turned to the country as a whole and its fiscal affairs in this time of difficulty, or whether they be turned to the veterans of the last war and the distress that results to them from the physical incapacity to which many of them have been reduced, whichever way our thoughts turn, or whether we try to think of both, the business in hand demands the best thought we can give it.

Let me very briefly describe the need that there is for this bill.

By legislation which is more liberal than that which has been adopted by any other country at any time in the history of the world, we have attempted to take care of those of our veterans of the World War whose disability is ascribable to their military service; and everyone of us, I think, is glad that we have done so. Everyone of us is glad that so far as Congress can do so, we have resolved every doubt in favor of the veteran.

In view of the prosperity of the country, in view of the need of many of those veterans, we need have no reproaches upon ourselves for the liberality we have shown in the past in these veterans' compensation bills. I am not speaking now of the officers' retirement bill. That is a side issue. I refer to the World War veterans' law.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield for a brief statement right there?

Mr. REED. I yield.

Mr. ROBINSON of Indiana. I understood the Senator to say that all doubts are resolved in favor of the veteran. Doubts are invariably resolved in favor of the Government.

Mr. REED. Mr. President, perhaps I spoke too broadly when I said "all doubts." I should more fairly have said "most doubts." Necessarily, however, in the administration of the law, the Veterans' Bureau has had to draw the line somewhere. What Congress has done has been to try to resolve the doubt in favor of the veteran; and we have gone so far as to presume conclusively that a man who went crazy in December, 1924, owes his insanity to his World War military service, although it may have lasted only one week, and may have been quite as peaceful as the service of any National Guardsman in any summer camp.

We have done the same thing with tuberculosis and with a lot of other diseases; and the beneficiaries of those presumptions are men, I say again, whose service was no more arduous, no more dangerous, no more difficult, than that of any National Guardsman or reserve officer who to-day goes to summer camp for a week or so.

Mr. CUTTING. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. CUTTING. Is the Senator speaking about definite cases, or is he speaking about hypothetical cases?

Mr. REED. I am speaking about definite cases to the number of tens of thousands.

Last week an officer who was a doctor in the Medical Corps in our Army in the World War applied for retirement under the Tyson-Fitzgerald Act, which gives him two-thirds of his Army pay for the rest of his life; and it was found upon looking up his case that his service to this grateful country began on November 9, 1918, and ended on November 11. He never got outside his home town. If the Senator wants definite cases, I can give them to him by the hundreds.

Mr. CUTTING. I thought we were not discussing the Tyson-Fitzgerald bill.

Mr. REED. No, Mr. President; we are endeavoring, under multiple difficulties, to discuss the bill now before the Senate.

Mr. CUTTING. I mentioned specific cases only because I should like, if I am able to get the floor, to present certain specific cases dealing with, for instance, the presumption of insanity which the Senator has mentioned.

Mr. REED. Very good. I am still in the process of the introduction of my subject, Mr. President. What I am trying to say is that Congress has endeavored to be liberal, and I am glad that she has. No doubt we have given compensation to many cases whose disability is not at all ascribable to military service; but if we have erred on the score of liberality, I think we are all glad that we have.

In framing the World War veterans' act we realized that there might be vacant beds in the hospitals we were providing here or there, and with that in mind in that act we provided that those vacant beds, wherever they occurred, might be occupied by service men who were ill, even if their illness had nothing whatever to do with their World War service. It is important to bear that in mind, because it has brought about a strange situation.

In every veterans' hospital to-day there are two groups of patients, one group composed of those whose disabilities are directly connected with their military service, who are receiving compensation under the World War veterans' act of 1924. There is another group who are there because of that clause in the veterans' act permitting them to occupy vacant beds, although their disabilities have no connection with their World War service.

The contrast between the two groups is very marked, and the World War veteran who lies there in his hospital bed feels pretty bitter about it when he knows that the man in the next bed is getting perhaps $80 or $100 a month in compensation and that if he has any dependents those dependents are having allowances made to them, while he, simply because he does not come within some of those presumptive clauses, gets nothing. He can not, even with the help of the presumption, trace his disability to his World War service.

It is estimated that at the present time there are about 300,000 World War veterans who are to some extent disabled, and whose disabilities can not under the law be ascribed to their World War service. There are approximately 300,000 whose disabilities are traceable to their war service. That gives us two groups, probably on the average equal in service to their country, but one group, quite unfortunate, living in destitution, and the other group with very liberal allowance under the law.

That is the situation the House and the Senate have been trying to reach by the bill now before us, and the intention is wholly praiseworthy. Everyone must see that a disability feels the same to the veteran in bed No. 1 as to him in bed No. 2, and that it is to some extent an accident that No. 1 can receive nothing but that No. 2 does receive a liberal allowance.

This is what the bill as it comes to the Finance Committee does in trying to get to those unfortunate cases. It begins by extending the presumptive period from 1925 up to 1930. It abolishes the arbitrary line of January 1, 1925, and substitutes a new arbitrary line, January 1, 1930. Consequently, in the future, if the bill passes in the way in which it is, if a veteran showed signs of tuberculosis last Christmas time he is presumed to have gotten that tuberculosis as a result of his World War service, while if he showed it in New Year's week he gets nothing.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. SHORTRIDGE. Will the Senator be good enough to state that that presumption is, of course, rebuttable? If what General Hines says be accurate, it will be very easily overcome by evidence. It is not a conclusive presumption at all.

Mr. REED. I grant it is not. Then, let us put it this way, that the man who got tuberculosis last Christmas has a rebuttable presumption in his favor that it is due to his World War service, but the man who got it last New Year's Day has no such presumption.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. NORRIS. The Senator's objection would apply to any arbitrary date.

Mr. REED. Yes; it would.

Mr. NORRIS. So that even if we leave the law as it is, the same comparison could be used as to 1925 that the Senator uses as to 1930.

Mr. REED. Surely.

Mr. NORRIS. That weakness will apply to any law which has in it an arbitrary date.

Mr. REED. Exactly; and what I am coming to is the suggestion of a solution which will have in it no arbitrary date, but

will take care of all according to their misfortune, and not according to the fortuitous fact of the date when the first symptoms appeared.

Mr. GEORGE. Mr. President, will the Senator yield to me?

Mr. REED. I yield.

Mr. GEORGE. The Senator raises an objection—which, of course, is an objection which exists to the bill—to wit, that all disability cases are not cared for. As the spokesman of the administration, is the Senator willing to go to a pension basis at this time?

Mr. REED. I am, Mr. President, although I am not the spokesman of the administration.

Mr. GEORGE. Will the President approve a pension bill for all disabled veterans?

Mr. REED. I should hope that he would.

Mr. GEORGE. I think the Senator ought to deal candidly with the Senate.

Mr. REED. I will be candid with the Senate. I am not authorized to say whether the President would or would not, but I should expect him to.

If I may be permitted to go on for a moment, the bill tries to reach these unfortunate men first by extending the period of presumption, and, as the Senator from California has correctly said, would give them the benefit of only a rebuttable presumption during the latter part of that period. Then it tries to reach some more of them by introducing a number of new diseases, which, if occurring within that period, will be presumed to have resulted from war service.

Let me show to the Senate what some of those diseases are. They are incorporated in the bill by reference to the rating schedule of the Veterans' Bureau, and, as will be seen at pages 16 and 17, these diseases which are within the presumption are mentioned in the terms of the old law, plus the phrase "leprosy, a chronic constitutional disease or analogous disease, particularly, all diseases enumerated on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925."

We turn to that schedule of ratings, and we find on page 75 that the constitutional diseases which will have the benefit of this presumption are acidosis; anæmia primary (all types); arteriosclerosis; beriberi; diabetes insipidus; diabetes mellitus; gout; hæmochromatosis—I hope no one will ask me what that is—hæmoglobinuria (paroxysmal); hæmophilia—that is what is making trouble with some of the royal families in Europe; it is inherited through the female side of the family—I have some difficulty in ascribing that to World War service; Hodgkins' disease; all types of leukemia; obesity; ochronosis; pellagra; and then a lot more, including rickets, and scurvy; and leprosy, and carcinoma, and arthritis, valvulitis, and myocarditis.

The result of the bill, as it stands, would be that if obesity developed last Christmas time, there is a presumption that that was due to service in the World War, although the service in the World War may have been like that of my doctor friend, two days in his home town before the armistice came. Obviously one's common sense recoils at that. Immediately we ask whether those absurdities are characteristic of the working out of this bill, and I think they are.

Mr. President, we are told by the Veterans' Bureau that about 100,000 men will benefit from this extension of the list of diseases and the extension of the presumptive period; but 200,000 equally unfortunate men will benefit in no way whatever.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. TYDINGS. I was wondering whether the Director of the Veterans' Bureau had stated definitely his position on the particular clause to which the Senator is now addressing himself?

Mr. REED. Yes, Mr. President; his letter, which was read into the RECORD a little while ago, calls attention to some of these paradoxical results.

Mr. CUTTING. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. CUTTING. Has the Senator any figures to show how many of the extra hundred thousand cases would be traceable to the diseases so scientifically enumerated by the Senator just now?

Mr. REED. No; I have not. Necessarily, there is a factor of estimate in this; but Director Hines's estimates have been pretty accurate in the past.

Mr. CUTTING. Is not the great majority due to tuberculosis and spinal meningitis, and the diseases in that class?

Mr. REED. Readily granted. I suppose the obesity cases and the gout cases and the rickets cases will be comparatively few.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. REED. I hope the Senator will interrupt only between sentences.

Mr. SHORTRIDGE. I thank the Senator.

Mr. REED. If these things have any use at all, it is to illustrate the absurdity of classifying men in this way. What I would like to do, and what I think the amendment I am trying to propose would accomplish, is to take care of all disabled men, and not single out a few according to the moment when their first symptom was detected, or the particular type of chronic disease they may have.

I am not objecting to the inclusion of these cases at all. I am objecting rather to the exclusion of equally deserving men whose diseases do not happen to be mentioned on page 75 of this particular book.

Now I yield to the Senator from California.

Mr. SHORTRIDGE. I do not wish to consume time by interrupting; but, if, as suggested playfully, obesity incurred last Christmas falls within this presumption, if it is so absurd and so ridiculous as to provoke laughter and derision, that presumption can be very easily overcome, and the claimant will receive no benefit under the presumption.

Mr. REED. What I am trying to do is to call attention to the lack of any sensible rule laid down in the measure. I am not making fun of the chap who contracted obesity last Christmas. If it disables him, I am glad to see him taken care of in his disability; but I do not want him to be singled out as against somebody equally worthy whose disability, according to our common sense, is more likely to have resulted from his war service.

Mr. NORRIS rose.

Mr. REED. I hope I make myself clear on that.

Mr. NORRIS. Mr. President, I think the Senator has made himself perfectly clear, and that is why I ask him to permit me to ask a question.

Mr. REED. Gladly.

Mr. NORRIS. The Senator objects not because these things are in but because some other things are left out.

Mr. REED. That is exactly it.

Mr. NORRIS. The thought occurs to me at once: Why does not the Senator then propose to perfect the measure by offering an amendment to include those left out, and who ought to be put in?

Mr. REED. That is exactly what I proposed to do, but I want first to state my reasons before I offer the amendment. Then it will perhaps be understood.

General Hines has submitted the bill to his medical council, which is made up of the most distinguished physicians in the United States, so far as he is able to get them to give volunteer service to the Veterans' Bureau. They have told him unanimously that it is not a sensible hypothesis to lay down that a disease of any sort—tuberculosis, insanity, or any other sort—may be latent for so long as 12 years and then develop as a result of service in 1917–18.

Mr. CUTTING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Pennsylvania yield to the Senator from New Mexico?

Mr. REED. I yield.

Mr. CUTTING. Does not the Senator know from personal knowledge of many cases in which the Veterans' Bureau has traced disease in exactly that way?

Mr. REED. But it has not been latent all that time. There have been symptoms appearing long before 12 years have elapsed.

Mr. CUTTING. I think the Senator is in error, if I may say so. I think I can show him cases of that sort.

Mr. REED. These doctors say to the contrary. I am not medical expert enough to pass judgment upon it.

If I have made myself clear on that point, the bill as it stands is unfair to the men who are disabled from other diseases than those mentioned here. The bill is unfair to those whose disability first appears after the deadline of January 1 last. Those men are equally deserving with the men who come within the terms of the bill. The 200,000 who get nothing by the legislation are just as deserving as the 100,000 men who get something, and that is a flaw in the bill which we ought to cure if we can.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. GEORGE. I again ask the Senator to give his attention to a pension bill.

Mr. REED. I want to propose a pension system; and if the Senator will let me talk, I am going to do it.

Mr. GEORGE. I did not know the Senator was going to propose it.

Mr. REED. Yes; I am going to propose it.

Mr. GEORGE. It was before the committee and it was then evidently not acceptable to the administration.

Mr. REED. If the Senator will permit me, I would like to say a few words for myself. I am not spokesman for the administration. It will have to find some other spokesman than me. I am trying to show the Senate what I conceive to be the faults in the bill and trying to show how they can be avoided and how a fairer thing can be done.

Let me come to another clause with which I want to find fault. If Senators will look at pages 26 and 27 of the bill which we are now considering, beginning in line 22, page 26, it will be seen that where a World War veteran is hospitalized he is given a spending-money allowance and his dependents are given a subsistence allowance. That is where he is hospitalized. There are not enough beds in the veterans' hospitals to begin to take care of the possible World War veterans whose disability is not traceable to service. There are many thousands of them who are in the hospitals, but a great many thousands of them for whom there are no beds available.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REED. Very well.

Mr. BARKLEY. Whose fault is it that there are not enough beds to take care of those who are deserving and who are disabled?

Mr. REED. It is nobody's fault. I tried to explain a few moments ago that we had beds enough to take care of our war disabled, and then, realizing that we had some vacant beds, we provided that in response to that necessity they might be available for men whose disability was not traceable to the war. In that way there have grown up two classes of patients. Some hospitals have more of the non-service-connected patients than they have of the service-connected cases. But no one can say it is our fault because we have not built a hospital or hospitals to take care of every one of the 4,500,000 veterans who may get ill now.

Mr. BARKLEY. But the mere fact that we are taking care of some disabled veterans who are not service connected as to their disability in itself operates unfairly toward others who are in the same situation, but who can not secure accommodation because of a lack of beds. Under any sort of hypothesis we are bound to have some injustices as between the one class and the other class.

Mr. REED. Exactly; and what I say is that the bill accentuates the injustice instead of breaking it up. Let me explain why. We have some of the non-service-connected cases in the hospitals to-day. They have that advantage over their comrades equally disabled who are not lucky enough to find vacant beds. The bill gives an allowance to those men in the hospitals and a dependency allowance to their relatives while they are there, but it gives absolutely nothing to their unfortunate comrades who can not find a vacant bed into which they can get themselves. The man in the hospital to-day is getting better treatment, of course, than the man outside. He was lucky enough to find a vacant bed. We propose by the terms of the bill to increase the disparity between the two of them by giving an allowance to the lucky class, where we give nothing to the unlucky ones.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED. I yield.

Mr. CARAWAY. Does the Senator find himself able to state whether the amendment which he proposes to offer will cost more or less than the pending bill?

Mr. REED. It would cost less in the first year. Ultimately I think it would cost pretty nearly as much; as the disabilities increase it will, and it takes care of three times as many men.

Mr. CARAWAY. The amendment the Senator proposes will take care of every disabled veteran, whether the disability arises from service or occurred subsequently?

Mr. REED. Yes.

Mr. CARAWAY. Sometimes in the form of temporary disability and sometimes as a permanent disability?

Mr. REED. Yes.

Mr. BARKLEY. The maximum allowance under the Senator's amendment for total permanent disability for a World War veteran is $40.

Mr. REED. That is right.

Mr. BARKLEY. And it runs all the way down to $12.50?

Mr. REED. That is right.

Mr. BARKLEY. Speaking of the comparative justice and injustice, and assuming that January 1, 1925, is the deadline of the date of presumption, how does the Senator justify allowing only $40 a month for a totally disabled veteran who became totally disabled in January, 1925, as compared with the soldier similarly situated but whose total disability began in December, 1924? The bill provides $100 a month to the man disabled prior to that date, while the man disabled in January, 1925, is to draw only $40 a month for total disability.

Mr. REED. I can only justify it in this way, that at the present time the first man gets nothing and the second man gets full compensation. The amendment would diminish the disparity between them which to-day is as wide as the distance between the poles.

Mr. BARKLEY. While it is true that the second man under the law gets nothing, under the bill as reported by the Senate Committee on Finance he would share the same as the first man mentioned by me by getting the same amount.

Mr. REED. Absolutely; and the man who had some other disease, but who was equally disabled, would get nothing, so under the bill the disparity continues.

Mr. CARAWAY. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED. I yield.

Mr. CARAWAY. The bill undertakes by presumption to give a great many veterans, who have the right if they are not barred by the statute of limitations, permission to bring their suits. Does the Senator's amendment take care of that?

Mr. REED. I am sorry, but I was unable to hear the Senator because of confusion in the Chamber.

Mr. CARAWAY. The pending bill undertakes to extend the time in which a veteran may bring his suit upon a cause of action which is now barred by reason of the fact that he did not bring it within the then statute of limitations. Does the Senator's amendment take care of those cases?

Mr. REED. The amendment would not affect that matter. The right to sue would remain as it is in the bill as reported by the committee.

Mr. CARAWAY. May I ask the Senator if he does not think it ought to take care of that matter? Ought the Government of the United States ever to be in a position——

Mr. REED. The Senator has not understood me. The amendment as I shall present it does not change the present bill in that respect. I do not propose to amend that part of the bill which allows the extension.

Mr. CARAWAY. I understand; but I was merely asking the Senator if he did not think his amendment ought to take care of that matter.

Mr. ROBINSON of Arkansas. The amendment of the Senator from Pennsylvania leaves that exactly as it is in the bill.

Mr. CARAWAY. Oh, I see!

Mr. REED. The Senator has not understood me.

Mr. CARAWAY. No; I did not.

Mr. REED. The bill extends the statute of limitations, anyway.

Mr. CARAWAY. The Senator's amendment which has heretofore been proposed does not strike out that provision?

Mr. REED. It does not. I think the Government is entitled to protection by some statute of limitation, but there again I believe we ought to be liberal, and I do not propose to change the action of the committee in extending the statute.

Mr. BARKLEY. Mr. President——

Mr. REED. Will not the Senator yield to me that I may use some of my own time?

Mr. BARKLEY. I do not want to anticipate the Senator's amendment, but we have just passed a bill granting total disability pensions to Spanish War veterans of $60 a month. How does the Senator arrive at his $40 for totally and permanently disabled World War veterans as compared with the pensions granted to Spanish-American War veterans?

Mr. REED. I was coming to that a little later, but I might as well answer it now. The Spanish War veterans had to wait 22 years before they got the scale of benefit which, under the amendment which I shall offer, would come to the World War veterans after 12 years. The Spanish War veterans' allowance was increased, and properly so, I think, in 1926, and again this year. That is all right; but it is 32 years since those men had their service. They are very much older. Their earning power is less. They are more and more disabled by the passage of time and by old age. That is not true of the World War veterans.

Mr. BARKLEY. The Senator then believes because the Government was tardy in its recognition of the merits of the Spanish-American War veterans it ought to be equally tardy in recognizing the merits of the World War veterans? I grant that the Government of the United States was unnecessarily and unjustly tardy in recognizing the merits of the total disability claims of the Spanish-American War soldier, but I do not accept that as a reason why we ought to treat the World War veterans in the same way. If a World War veteran is

totally disabled, he is entitled to just as much consideration as any other soldier who is totally disabled. In view of the fact that to-day the expense of sustenance is much more than it was during the first 20 years of the life of the Spanish War veterans after that war in which they participated, I can not see the justice in that proposal.

Mr. REED. All right, Mr. President, I will answer that. The act of 1920 fixed a maximum allowance for Spanish War disabled veterans at $30 a month, and at the time that act was passed the cost of living was higher in the United States than it has ever been before or since. The amendment which I have handed to the Senator, and which he has read, will allow a maximum of $40 a month at a time when the cost of living has come down to about one-half of what it was when the Spanish War veterans' act was passed.

Mr. DILL. Mr. President——

Mr. REED. Please let me proceed with my statement. I have hardly had a chance to utter more than a sentence in my own time for the last 15 minutes.

Mr. DILL. I want to ask the Senator a question.

Mr. REED. Very well; I yield.

Mr. DILL. I want to ask whether the purpose of his amendment to the bill is to make it possible to cut the income tax 1 per cent next year or whether he is really trying to do justice to these men?

Mr. REED. I have just as much interest in the World War veterans as any Member of this body. I served with him in time of war and I saw how faithfully and loyally and ably he served. Of course, if we are going to do our duty by the country which we represent we have also got to keep in mind the question of cost, but if the bill as reported to the Senate is passed I can assure the Senator that there is not only no chance of having continued that reduction which was put into effect last spring, but the income-tax rates of the United States must necessarily be increased when we meet next December. That is worth thinking about.

If it is the payment of a debt we owe, all well and good; let the rate be increased wherever it is necessary. However, when it is a question of taking care of a group of our citizens for disabilities that have nothing to do with their war service, but merely out of recognition of their former loyalty at a time when their service was needed, then I say that we have got to look at both sides.

Mr. DILL. We are all agreed as to that, but I raised the question because of the argument that it will necessitate the abandonment of the 1 per cent income-tax reduction.

Mr. REED. I have not mentioned the 1 per cent income-tax reduction.

Mr. DILL. The query I had in mind was whether such an argument is worthy of consideration in comparison to taking care of the boys who were disabled; and I was wondering whether the Senator was arguing on the basis of saving this 1 per cent income-tax reduction or whether he was arguing on the basis that his proposal will more nearly do justice to the veterans.

Mr. REED. The Senator could not have been present while I have been talking, because I have not mentioned until this minute the cost of this bill.

Mr. LA FOLLETTE. Mr. President, is the Senator willing to say upon whose estimate the statement he just made concerning the necessity of increased income taxes was based?

Mr. REED. What I said was made on the basis of a statement to me yesterday by Mr. Ogden Mills, Undersecretary of the Treasury.

Mr. TYDINGS. Mr. President, will the Senator yield? I do not want to take the Senator's time.

Mr. REED. I yield.

Mr. TYDINGS. Are the amendments which the Senator proposes to offer in line with the resolutions adopted by the American Legion in their national convention?

Mr. REED. I think they are, Mr. President. I do not propose to offer the American Legion bill, because I think its great fault is that it only takes care of some of the men. What I think ought to be done is to cease to exaggerate the presumptions, which already have reached the limits of common sense. Let us not try to get in new men by stretching the presumptions so as to cover more men, but let us frankly disregard those presumptions and require just one test, and that is disability in a veteran. In that way, we will work out a more impartial system; we will work out a plan that is fairer to everybody, and instead of taking care of one-third of those now disabled we will take care of all of them, to the best of our ability.

Mr. BLACK. Mr. President——

Mr. TYDINGS. Mr. President, will the Senator yield for just one more observation?

Mr. REED. I yield first to the Senator from Maryland.

Mr. TYDINGS. As I understand, the bill, in its present shape, as reported by the Finance Committee, is not in line with the recommendations of the American Legion nor with the views of the officers who now head that organization?

Mr. REED. Absolutely not.

Mr. GEORGE. Mr. President, I am not willing to let that statement go unchallenged.

Mr. REED. Please let me answer the question before another one is asked. I do not yield for the next two minutes. Answering the Senator from Maryland, the representatives of the American Legion, as I understand, came before the committee and offered an amendment which bore no resemblance to that which the committee put in the bill. They did not ask that the presumption be extended to 1930; they did not ask that the disparities that I have been mentioning be put into the law. They are supporting the bill now because they want something; and they say that anything is better than nothing; and, of course, that is so; but they never suggested what the committee has reported.

Coming back to the matter of cost, the American Legion's position is very well shown by a letter from the national commander sent last month to Representative BOLTON, in which he says:

> I am very much concerned about the situation as it stands to-day. It is my sincere hope that the Senate committee will see fit to so prepare this legislation as to make it acceptable to all parties concerned. We need veteran legislation at this time. If we can not get all to which we believe the veterans are entitled, then I am practical enough to be willing to accept that which can be secured, so that these men shall receive at least a partial settlement of that to which their service entitles them.

I believe that the inclosed statement—

> Referring to a copy of his statement to the Associated Press—

will indicate to you that the Legion, as I see it, is not interested in raiding the Federal Treasury, just because of favorable public opinion.

After that letter was written, the Legion submitted an amendment to the Finance Committee that called for an increase in expenditure of about $35,000,000 per year.

Mr. SMOOT. About $30,000,000 a year.

Mr. REED. Well, between $30,000,000 and $35,000,000—something less than would be called for by the amendment that I am now proposing. My amendment calls for more than the Legion asked, but the Senate Finance Committee paid no attention, apparently, to the request of the American Legion, and reported out an amendment which, according to General Hines's testimony before the committee, will cost $102,000,000 next year, and will only take care of one-third of the men who ought to be taken care of.

Mr. BARKLEY and Mr. BLACK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I yield first to the Senator from Kentucky.

Mr. BLACK. I have been trying to get the Senator to yield for some time.

Mr. BARKLEY. I wish to state to the Senator that on last Friday night in the city of Lexington, Ky., Mr. O. L. Bodenhamer, national commander of the American Legion, made a statement in which he urged the passage of the bill as reported by the Senate committee.

Mr. REED. There is no doubt about that, and so is Mr. John Thomas Taylor urging it at this minute.

Mr. BLACK. Mr. President——

Mr. REED. I yield to the Senator from Alabama.

Mr. BLACK. As to the statement of the Senator that he proposes the amendment to take care of more men and do it at less expense to the Government, how is that to be accomplished?

Mr. REED. The amendment which I am about to offer proposes a disability allowance—or one can call it a pension, if he pleases—to every disabled man who can not establish service connection. If he can show service connection, he is taken care of under the present law; but there are about 300,000 of them who can not do so. The amendment which I intend to offer will cost, I am told, about $35,000,000 next year in additional expense, and about $55,000,000 the year after, and the cost will go on increasing until it reaches $80,000,000 in 1935, and probably it will increase after that.

Mr. BLACK. I should like to ask the Senator a further question, as I desire to get his amendment clear in my mind. I presume, then, if the Senator's amendment will take care of more men at a smaller expense to the Government, that the individual allowance to the men will be much smaller than the allowance under the Senate committee bill? Otherwise a saving would not be effectuated.

Mr. REED. It is pretty difficult to say whether the allowance will be larger or smaller. The Senate committee bill gives a maximum of $40 per month to a man who has a wife and a child, plus an allowance, I think, of $8 for spending money, if the veteran gets in the hospital with a non-service-connected case. That same veteran, assuming him to be permanently disabled, would get $40 under the amendment I propose, but so would his comrade who could not get in the hospital.

Mr. BLACK. What I can not understand is how it would be possible for a substitute or amendment to involve less expense to the Government and at the same time pay more men compensation.

Mr. REED. Oh, I can explain that easily. The non-service-connected cases would be treated better under my amendment than under the Senate committee bill. The first cost under the amendment would be less, because it does not extend the presumptions and create a great new group of service-connected cases. That is where the saving would come in. Upon the other hand, there would be an increased allowance to the service-connected cases.

Mr. BLACK. Then, as I understand, it would not be exactly accurate, would it, to say that more ex-soldiers would be benefited by the Senator's substitute than would be benefited by the Senate committee bill?

Mr. REED. Oh, yes; that would be quite true. The Veterans' Bureau tells me that 300,000 men would receive the benefit of this general disability allowance amendment.

Mr. BLACK. And how many under the Senate committee bill?

Mr. REED. About 100,000.

Mr. BLACK. Then it necessarily follows that if the soldiers under the Senator's amendment would receive as much, and there are 300,000 of them, it would cost the Government a great deal more to adopt the Senator's amendment than it would to pass the Senate committee bill.

Mr. REED. No; because the Senate committee bill takes a lot of these cases and transfers them over into a group of service-connected cases. It picks out a privileged few and says, "You are presumed to have suffered from your service."

Mr. BLACK. I understand that, but assuming that there are a hundred thousand of them, and that there are 300,000 who would receive benefits under the Senator's amendment——

Mr. REED. That is right.

Mr. BLACK. And they receive the same amount under each measure, it necessarily follows that it will be more expensive to give $40 a month, say, to 300,000 than it will be to give $40 a month to a hundred thousand.

Mr. REED. Of course, that is so; but what I am trying to explain to the Senator is that the Senate committee bill takes a preferred group of those 300,000 and puts them into the class of service-connected cases, and gives them very much higher compensation than my amendment would give them.

Mr. WALSH of Massachusetts. Under the Senate committee bill the compensation would go as high as $100.

Mr. REED. Yes; plus the dependency allowance.

Mr. WALSH of Massachusetts. The maximum under the Senate bill is $100, while the maximum in the amendment of the Senator from Pennsylvania is $40.

Mr. BLACK. That makes it clear. The difference comes in that the individuals receiving the compensation would receive on an average a greater amount under the Senate committee bill than they would under the Senator's amendment.

Mr. REED. That is right.

Mr. President, the trouble is that the presumptions allowed and the diseases specified in order to bring about the result seem to me to be repugnant to one's common sense. Including such preposterous cases as gout and obesity among the preferred diseases illustrates, I think, the unsoundness of the distinction.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. HEBERT in the chair). Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED. Certainly.

Mr. CARAWAY. How does the Senator justify giving a man $40 a month for a disability of precisely the same character for which somebody else who benefits under the presumption of 1925 gets $100?

Mr. REED. Because the latter class have been said by Congress to owe their disability to their war service.

Mr. CARAWAY. I understand that, but——

Mr. REED. Let me finish, please. The first class acquire their disabilities as do any other citizens. We are not treating the two classes alike, for the origin of their disability is unlike; those in one class suffer from the ordinary ills of humanity, like their fellow citizens, while those in the other class suffer directly, we have said, because of service in defending their country.

Mr. CARAWAY. The Senator did not allow me to finish my question. As to one of them, the presumption arises because the disability could be established prior to 1925, which is an arbitrary presumption.

Mr. REED. Yes.

Mr. CARAWAY. Refusing to extend that arbitrary presumption at once strikes down the other man's right of compensation two and a half times.

Mr. REED. That is right. We have established an arbitrary line, January 1, 1925, at the extreme date to which the doctors said tuberculosis or insanity might by any possibility be due to war service. We have to draw the line somewhere.

Mr. CARAWAY. I heard the Senator say it was purely arbitrary.

Mr. REED. It was, of course.

Mr. CARAWAY. That being true, by act Congress extended the presumption to 1925. Now it is said to be wholly unwarranted to extend it to 1930.

Mr. REED. Yes; because the doctors have told us that 1925 was the date at which we could be sure we were including everybody who owed his disability to war service, as they tell us now that 1930 is a point that is absurd, because no disease will lie latent so long.

Mr. CARAWAY. There is a difference of opinion, then, among the doctors.

Mr. REED. There was not a difference of opinion among the medical council of the Veterans' Bureau.

Mr. CARAWAY. I was not speaking of them.

Mr. REED. Mr. President, I think I have shown the ideas that underlie this amendment. It is an effort to give to the disabled veterans of the World War treatment as good 12 years from the date of that service as the Spanish-American War veterans received after 22 years of waiting. It gives them slightly larger allowances than were then given to the Spanish-American war veterans, although at the time that act was passed we were at a period of the highest cost of commodities and the highest cost of living that the United States has ever known before or since.

The merit of this proposal, if it has any merit, is that it takes care of all disabilities, asks only that the man be truly disabled, and that he rendered honorable service in the war.

I should add one further qualification, which will appear when the amendment shall be read—and I am going to ask that it be done now—and that is that those men who have incomes over the amount of the income-tax exemption shall not get this disability allowance.

Obviously, if an unmarried man has over $1,500 income he is not destitute. If a married man has over $3,500 income he is not destitute. That is the only qualification. Otherwise, it conforms with the disability allowance or pension schemes offered the Spanish War veterans.

I now send the amendment to the desk and ask that it may be read; and I shall move its adoption when amendments from the floor are permitted.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The CHIEF CLERK. On page 13, beginning with line 16, strike out through line 23, on page 17, and insert in lieu thereof the following:

SEC. 10. That section 200 of the World War veterans' act, 1924, as amended (sec. 471, title 38, U. S. C.), be hereby amended by adding at the end thereof the following:

"On and after the date of the approval of this amendatory act any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War, and who is or may hereafter be suffering from a 25 per cent or more permanent disability, as defined by the director, not the result of his own willful misconduct, which was not acquired in the service during the World War, or for which compensation is not payable, shall be entitled to receive a disability allowance at the following rates: 25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month. No disability allowance payable under this paragraph shall commence prior to the date of the passage of this amendatory act or the date of application therefor, and such application shall be in such form as the director may prescribe: *Provided*, That no disability allowance under this paragraph shall be payable to any person not entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for such disability allowance under this paragraph. In any case in which the amount of compensation hereafter payable to any person for permanent disability under the provisions of this act is less than the maximum amount of the disability allowance payable for a corre-

sponding degree of disability under the provisions of this paragraph, then such person may receive such disability allowance in lieu of compensation. Nothing in this paragraph shall be construed to allow the payment to any person of both a disability allowance and compensation during the same period; and all payments made to any person for a period covered by a new or increased award of disability allowance or compensation shall be deducted from the amount payable under such new or increased award. As used in Titles I and V of the World War veterans' act, 1924, as amended, the term 'compensation' shall be deemed to include the term 'disability allowance' as used in this paragraph.

"The Secretary of the Treasury is hereby directed, upon the request of the director, to transmit to the director a certificate stating whether the veteran who is applying for a disability allowance under this paragraph was entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for the disability allowance, and such certificate shall be conclusive evidence of the facts stated therein."

On page 25, beginning with line 23, strike out through line 2 on page 26, and on page 26, beginning with line 22, strike out through line 14, on page 27, and on page 28, beginning with line 4, strike out through line 12.

Mr. SHORTRIDGE obtained the floor.

Mr. GEORGE. Mr. President, may I ask the Senator from Pennsylvania one other question before he takes his seat?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Georgia?

Mr. SHORTRIDGE. Yes; I yield to the Senator.

Mr. GEORGE. For a 25 per cent disability, under the amendment offered by the Senator from Pennsylvania, the veteran is to receive what amount?

Mr. REED. For 25 per cent disability, $12 a month.

Mr. GEORGE. That, of course, is for permanent disability?

Mr. REED. Yes.

Mr. GEORGE. For 50 per cent disability, how much?

Mr. REED. Eighteen dollars; for 75 per cent disability, $24; and for total disability, $40.

Mr. GEORGE. Now, let me ask the Senator if he does not agree that a 50 per cent permanent disability, under modern conditions, practically eliminates a man from the industrial competition of the present time?

Mr. REED. No, Mr. President. If it does, then his disability is 100 per cent.

Mr. GEORGE. Oh, no. He is to be rated 50 per cent disabled according to the Veterans' Bureau system of rating. I ask the Senator, without any reference to that system of rating, whether he does not know that under modern conditions a man 50 per cent permanently disabled is really out of the running in commercial competition?

Mr. REED. No, Mr. President; I know exactly the contrary, and that if he is really out of the running he is rated at 100 per cent. The ratings endeavor to be fair to the veteran.

Mr. GEORGE. Let me make myself understood. Does the Senator know of anybody who is employing men 50 per cent permanently disabled in modern industry?

Mr. REED. Of course I do. The Veterans' Bureau is full of them. Every Government department is full of them. Every large industry has men who are on this disabled list.

Mr. GEORGE. Every large industry is full of men permanently disabled to the extent of 50 per cent?

Mr. REED. No; of course it is not full of them, but it has such men on its list.

Mr. GEORGE. I am afraid the Senator is not informed.

Mr. REED. I feel quite confident I am informed.

Mr. GEORGE. There may be disabled men in the Government service; but I am afraid the Senator does not take into consideration modern conditions, under which a man 50 per cent permanently disabled has just about as much chance to get a job as a man 75 or 80 per cent disabled.

Mr. REED. I do not know what it is like in Georgia, but they are preferred where they are able to do the work at all.

Mr. GEORGE. The Senator knows that some of the railroads of the country have even drawn the age limit at around 60 years of age, although the man may be perfectly able to work, and men of that age can not get employment; and yet the Senator stands here and says that men 50 per cent permanently disabled have jobs open to them in the industries of the country under modern circumstances and conditions.

Mr. SHORTRIDGE. Mr. President, if Senators will pardon me——

Mr. GEORGE. I beg the Senator's pardon.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Massachusetts?

Mr. WALSH of Massachusetts. Just one question, if the Senator will yield.

Mr. SHORTRIDGE. Certainly. It is time that concerns me, Mr. President.

Mr. WALSH of Massachusetts. Will the Senator from Pennsylvania tell me just what sections he strikes out?

Mr. REED. Yes, Mr. President. I will present the Senator with a copy of my amendment, showing the sections stricken out.

Mr. McNARY. Mr. President, will the Senator from California yield for a moment in order that I may suggest the absence of a quorum?

Mr. SHORTRIDGE. Very well.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	McMaster	Smoot
Ashurst	Gillett	McNary	Steck
Barkley	Glass	Metcalf	Stelwer
Bingham	Glenn	Moses	Stephens
Black	Goldsborough	Norris	Swanson
Blaine	Hale	Oddie	Thomas, Idaho
Borah	Harris	Overman	Thomas, Okla.
Bratton	Harrison	Patterson	Townsend
Brock	Hastings	Phipps	Trammell
Broussard	Hatfield	Pine	Tydings
Capper	Hayden	Pittman	Vandenberg
Caraway	Hebert	Ransdell	Wagner
Connally	Heflin	Reed	Walcott
Copeland	Howell	Robinson, Ark.	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Cutting	Jones	Robsion, Ky.	Watson
Dale	Kendrick	Sheppard	Wheeler
Deneen	La Follette	Shipstead	
Dill	McCulloch	Shortridge	
Fess	McKellar	Simmons	

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, a quorum is present.

SECOND DEFICIENCY APPROPRIATIONS

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Washington?

Mr. SHORTRIDGE. I yield.

Mr. JONES. It was understood when the unanimous-consent agreement was made that I would have the privilege of reporting an appropriation bill from the Committee on Appropriations. Pursuant to that, I desire to report back favorably, with amendments, the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, and I submit a report (No. 1078) thereon.

Mr. HAYDEN. Mr. President, will the Senator from California yield to me?

Mr. SHORTRIDGE. I yield.

Mr. HAYDEN. I ask leave to file my minority views against the appropriation of $10,660,000 for the Boulder Canyon project carried in the deficiency bill just reported.

There being no objection, the minority views (Rept. No. 1078, pt. 2) were ordered to be printed in the RECORD, as follows:

SECOND DEFICIENCY APPROPRIATION BILL, 1930

[S. Rept. No. 1078, pt. 2, 71st Cong., 2d sess.]

Mr. HAYDEN, from the Committee on Appropriations, submitted the following minority views (to accompany H. R. 12902, the deficiency appropriation bill):

On behalf of the State of Arizona I recommend that the appropriation of $10,660,000 for the commencement of construction on the Boulder Canyon Dam and hydroelectric power plant be stricken from the bill for the following reasons:

1. A solemn promise made in order to secure the passage of the Boulder Canyon project act has not been kept. Congress was repeatedly assured that the city of Los Angeles would be the principal guarantor for the return of the money advanced by the Federal Government for the construction of the Boulder Canyon project. That city has guaranteed nothing.

Something alleged to be "just as good" has been substituted. Its bureau of power and water has made a contract for lease of power privilege, which it is freely confessed can not be enforced against the city of Los Angeles. There is also good reason to justify the opinion that this contract can not be enforced against the bureau. Congress should beware of substitutes and insist that no appropriation of money will be made until the original pledge is redeemed in every detail.

2. The contract for lease of power privilege is made subject to the condition that it shall not go into effect until after Congress makes an appropriation of money to commence construction of Boulder Canyon Dam. There is testimony in the committee hearings to prove that this contract is so drawn that the private power companies in California will gain control of over one-half of the firm energy produced at Boulder Dam and the major portion of the secondary energy.

This requires an immediate decision as to whether it is advisable for Congress to appropriate public money collected from taxpayers throughout the United States to produce cheap electric power which will be distributed at retail to consumers in one section of the country by private agencies for profit. Congress should not make the first appropriation to commence construction of Boulder Dam until this question has been thoroughly considered. Haste should be avoided because Congress has no power to abrogate a contract once made.

3. Section 4 (a) of the Boulder Canyon project act authorizes an agreement or compact among the States of Arizona, California, and Nevada for an equitable division of the waters of the lower basin of the Colorado River. Arizona has in good faith diligently and earnestly endeavored to enter into such a compact. The commissioners representing that State have at no time sought to depart from the expressed intent of Congress with respect to the division of water which the act proposed.

California has consistently and persistently refused to divide the waters of the Colorado River Basin with Arizona. It is the intention of that State to avoid any agreement whatsoever with Arizona respecting an apportionment of water. Through the use of the money and the power of the Federal Government that State hopes to gain control of all the waters of the Colorado River which can possibly be used in California and hold the same by right of prior appropriation.

If the Federal Government will only keep out of this controversy, Arizona has no fear that California can gain any advantage over her. There is not water enough in the Colorado River to completely serve the needs of both States. Water is the chief factor which limits the growth of population and wealth in both Arizona and southern California. Arizona asks to be assured of a fair share of the water in the manner proposed by Congress in the Boulder Canyon project act. Until California is willing to do what Congress has thus indicated should be done no appropriation should be made to commence construction of the Boulder Canyon Dam. Federal funds and Federal influence should not be used to confer benefits on one State to the detriment of another.

Respectfully submitted.

CARL HAYDEN.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House still further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SIMMONS, Mr. HOLADAY, Mr. THATCHER, Mr. CANNON, and Mr. COLLINS were appointed managers on the part of the House at the further conference.

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended.

Mr. SHORTRIDGE. Mr. President, I repeat in effect what I said when this bill was made the unfinished business. This proposed legislation was before the House of Representatives for many weeks, in fact, for months. It came to the Senate, was referred to the Finance Committee, and that committee gave to it careful and, I venture to say, thoughtful consideration. We amended the bill in a great many particulars, and it was reported to the Senate by practically the unanimous vote of the committee.

I have said before, I do not hesitate now to state, that I favored and I favor the bill in the form in which it is before us. Wherefore, it is not necessary for me to add, but I do add, that I am opposed to the amendment offered by the senior Senator from Pennsylvania [Mr. REED].

I beg to advise Senators who are now present that the sum and substance of the amendment offered by the Senator from Pennsylvania was considered, discussed, argued for and against by members of the Finance Committee, and after a thorough consideration of it was rejected by a practically unanimous vote of the committee. It is not a new discovery, it is not born out of the mind of the Senator from Pennsylvania. It was urged before the Finance Committee. But inasmuch as it involved and involves practically a pension system, it was for that and other reasons rejected by the committee.

Mr. President, I rise in perhaps the performance of a duty, since the duty of reporting the bill was cast on me, to call upon the Senate to sustain the bill in its present form. I do that without hesitation, because I believe it to be sound, I believe it to be right, and I go upon the theory in public and in private life that whatever is right is wise.

I believe it is right to all who are to be immediately benefited by it. I believe it is right to the great people of this Nation, and, with respect for mathematicians, or men great in the commercial world, in or out of office, I disagree with, I dispute, I deny the more or less autocratic statement of certain officers that this bill will so burden the Treasury as to cause an increase of taxes.

I deny that it will cause a deficit in the revenues of the Government, and with unfeigned and sincere respect for the Secretary of the Treasury I undertake to say there are men on the Finance Committee and other men in this body who are just as deeply concerned in the income and the outgo of the revenues as he is.

We were not indifferent to the cost of this legislation. We did not, like drunken sailors, report it to this body. We had regard to the great demand made upon the Treasury, but we did not stifle every emotion of the human heart. Nor would I shut the doors of mercy on mankind.

We had regard for the Republic which we are in part representing and striving wisely to serve, and by a consensus of opinion we determined that the bill in the form reported would not cost more than indicated in the committee, namely, seventy-four or possibly seventy-five million dollars per annum. That sum was arrived at after careful calculation.

It is true that subsequent to his appearance before us the director of the bureau has gone into counsel with himself or with others and has modified his views, as he has again and again changed them during the consideration of this and other bills, and now at a late hour he comes forward and says that the minimum cost of this bill will be $102,000,000. I speak in round figures; he, with wonderful genius for figures, now estimates the cost almost to the very cent. In rough figures he now claims it would be $102,553,250.

I want Senators present who have not read the committee's report, or those who have not heard this statement, to hear that in the committee, after long discussion, and good-natured, gentlemanly controversy over the cost of the bill, it was practically admitted by all that the cost would be seventy-four or seventy-five million dollars.

The assistant to General Hines, who sat there advising us with pencil in hand, made calculations based upon suggested amendments, or the condition in which the bill was then, and arrived at the figures seventy-four or seventy-five million dollars.

At this stage in my remarks, and to the end that the country at large may the better understand this proposed legislation, I ask that the report of the committee be incorporated in the RECORD.

The PRESIDING OFFICER (Mr. COUZENS in the chair). Is there objection?

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 885, 71st Cong., 2d sess.]

AN ACT TO AMEND THE WORLD WAR VETERANS' ACT, 1924, AS AMENDED

(Report to accompany H. R. 10381)

The Committee on Finance, to whom was referred the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, having had the same under consideration, report it back to the Senate with certain amendments and recommend that the bill do pass.

Your committee in this report will discuss each provision of the bill as it passed the House of Representatives, and where any change therein has been made the discussion will embrace, first, the provision as it passed the House; second, the provision of the present law, and, third, suggested amendments of your committee, or the reasons for the omission of the House amendment. Such changes will be indicated by reference to the pages and lines in the bill appearing immediately before the explanation of the section in which the change is made.

Page 1, line 11, and page 2, lines 1 to 6:

Section 1 of H. R. 10381 as it passed the House of Representatives amends section 5 of the act by providing that, in making regulations with reference to home treatment for service-connected disabilities, the director shall not discriminate against any veteran solely on the ground that such veteran left a Government hospital against medical advice or without official leave. There is no specific provision in the present law regarding this matter. However, it has been the policy of the Government to afford treatment in Government institutions. To this end millions of dollars have been spent in erecting hospitals. Your committee is not aware that there is any sentiment for a change in this policy. If the Government offers a man hospitalization and he refuses, it would not seem that home treatment should be afforded him. Otherwise, men could leave hospitals at their pleasure and demand home treatment. Your committee therefore has eliminated from section 1 of the bill this amendment, as it is of the opinion that any differences which may have arisen other than as to the existing Government policy can be corrected under the present law by appropriate regulations, and that the enactment of a specific provision regarding the matter would

be a dictation of the methods of procedure, which is a matter of medical administration.

Section 1 of the bill also amends section 5 of the act by directing that regulations relative to evidence shall provide that due regard be given to lay and other evidence not of a medical nature in connection with the adjudication of claims. It is the feeling of the committee that in certain border-line cases a more liberal evaluation of lay testimony would enable the bureau to grant relief under the law. Although under existing law the bureau has the authority to consider such evidence in its proper light, it is felt that this amendment will constitute the express will of Congress regarding such evidence, and will enable the director of the bureau to issue more elastic regulations with regard thereto.

Section 1 of the bill further amends section 5 of the act by providing that where service incurrence or aggravation of a disability has been found by the bureau to exist, and such finding has continued in effect for a period of five years, the finding shall be final, except in cases of fraud participated in by the claimant. The period of limitation is to run from the date that the finding was made, irrespective of whether that period began prior to the passage of the amendatory act. It was felt by your committee that, if a veteran or other claimant has been lulled into a sense of security by reason of having a finding made in his favor stand for a period of five years, that finding in the absence of fraud should remain undisturbed even though subsequent differences of opinion might indicate that administratively a change therein should be effected.

Section 2 of the bill amends section 10 of the act by adding thereto a paragraph authorizing the director to secure such recreational facilities, supplies, and equipment for the use of patients, in hospitals, and for employees at isolated stations, as he may deem necessary, and the appropriations made available for the carrying out of the present provisions of section 10, which relates to the furnishing of medical and hospital treatment, are authorized to be expended for this purpose. The bureau is authorized under existing legislation to provide recreational facilities for patients in hospitals, but has no authority to provide such facilities for employees. Many of the employees are stationed at isolated places, so far removed from facilities provided by municipalities or clubs that it is practically impossible for them to avail themselves thereof. The committee, therefore, believes that the director should be authorized to provide facilities as part of the hospital reservation where they are needed.

Page 4, lines 3 to 14:

Section 2 of H. R. 10381, as it passed the House of Representatives, amends section 10 of the act by authorizing and directing the transfer of the Battle Mountain Sanitarium and the Battle Mountain Sanitarium Reserve from the jurisdiction of the Board of Managers of the National Home for Disabled Volunteer Soldiers to the bureau. It is the opinion of your committee that this amendment is not properly a part of this legislation, as no good reason is seen for singling out this particular institution. There is now pending before your committee another bill which has been passed by the House of Representatives (H. R. 10630), which is a general bill providing for the transfer of all such institutions to the jurisdiction and control of a new bureau to have charge of all matters affecting veterans. It is believed that if the transfer is to be effected it should be by means of a bill such as H. R. 10630, equally applicable to all such institutions.

Page 4, lines 20 and 25, and page 5, line 5:

Section 3 of the bill as it passed the House of Representatives contained three typographical errors in the use of the word "renewal." This has been changed to "renewable."

Section 3 of the bill amends section 16 of the act and authorizes the refund of premiums paid beyond the date of maturity on war risk term insurance. The bureau has always refunded such premiums, but the Comptroller General recently held that the bureau appropriations were not available for such purpose. In view of the fact that no risk attached to the Government for the period covered by these premiums, and that it is the practice of commercial insurance companies under similar circumstances to refund premiums, it is believed that this amendment is proper.

Section 4 of the bill amends section 19 of the act by authorizing the courts, as part of the judgment, to direct the refund of premiums. This amendment, which is in line with the preceding one, merely constitutes legislative approval of a practice carried on by the bureau prior to a recent decision of the Comptroller General.

Section 4 of the bill also amends section 19 of the act by extending the time during which suits on insurance contracts may be instituted one year from the date of the approval of the amendatory act. Under existing law suits may be instituted within six years after the date the right accrued for which the claim is made or prior to May 29, 1929, whichever is the later date. Certain exceptions are made in the statute to protect the interests of minor and incompetent beneficiaries, and the running of the limitation period is suspended for the period elapsing between the filing in the bureau of the claim sued upon, and the denial of said claim by the director. The committee is of the opinion that the further extension of time for filing suit—one year after the passage of this amendatory act—is warranted, in order that no veteran may be deprived of his right to enforce his contract of Government insurance merely because of lapse of time. It was pointed out to the committee by representatives of the ex-service organizations that many men were not familiar with their right to bring suit until after the time limit in the existing law had expired.

Section 4 of the bill also amends section 19 of the act in the following respects:

(1) Authorizes the issuance of subpœnas for witnesses who are required to attend trials and who live at a greater distance than 100 miles from the place where the case is to be tried. This provision is extremely important from the point of view of both the veteran and the Government, as under existing law it is necessary that the testimony of such witnesses be taken by depositions, which is highly unsatisfactory.

(2) Authorizes the payment of regular travel and subsistence allowances to attorneys of the bureau when assigned to assist at the trials of cases, and to employees of the bureau when ordered in writing by the director to appear as witnesses.

(3) Authorizes the director to order part-time and fee-basis employees of the bureau to appear as witnesses in suits against the Government under this section and to pay them in his discretion a fee in an amount not to exceed $20 a day.

(4) Authorizes official leave for bureau employees subpœnaed to attend trials as witnesses for veteran plaintiffs in suits under this section. At the present time these employees are required in answering subpœnas to take their time on annual leave. This is a hardship of which the committee believes they should be relieved.

(5) A paragraph is added to define the meaning of the term "claim" and the term "disagreement" as used therein. It has for its purpose the establishment of a definite rule that before suit is brought a claimant must make a claim for insurance and prosecute his case on appeal through the appellate agencies of the bureau before he shall have the right to enter suit. Your committee felt that in view of the fact that the Government has set up in the bureau expensive machinery for hearing claims it was unfair for a veteran to disregard this machinery on the basis of the disallowance of his claim by some subordinate board and enter suit.

(6) A savings clause was added at the end to protect the suits already brought, from adverse effect by any amendment included in this section.

Page 9, lines 14 to 18:

Your committee has eliminated from the provisions of section 4 of H. R. 10381, as it passed the House of Representatives, that part which refers to the individual claim of Hal R. Johnson XC–423904, since that amendment deals specifically with the adjusted-service certificate of the deceased veteran and is not believed to be properly a part of this general legislation. However, for the information of the Senate, under a recent ruling of the Comptroller General the claim can now be paid without amendatory legislation.

Section 5 of the bill adds a subdivision to section 21 to place authority in the director to pay compensation to the person having custody and control of an incompetent or minor beneficiary during the time compensation payments to a guardian may be suspended or withheld under section 21 of the statute as it now stands. At the present time, when the director suspends payments to a guardian, there is no authority to pay any compensation unless the veteran is in a hospital, in which case all or any part of the compensation may be apportioned to his dependents, if any, and also to the medical officer in charge of the hospital for the benefit of the veteran himself under authority of section 202, subdivision (7). Section 23 of the war risk insurance act contained a provision similar to the one proposed by this bill, but it was eliminated by the act of June 7, 1924, apparently upon the assumption that these cases would be taken care of by section 202 (7). It has developed, however, that the provision of section 202 (7) is not adequate.

This section also authorizes the reestablishment of the fund known as "fund due incompetent beneficiaries," which was established under section 23 of the war risk insurance act and into which the bureau has always paid to the credit of an incompetent beneficiary any part of the fund not paid to the chief officer of the institution in which he is an inmate, or apportioned to his dependents under the provisions of section 202 (7). The Comptroller General has ruled, however, that subsequent to June 7, 1924, no legal authority existed for this fund and although he has permitted it to be continued until June 30, 1930, it will be necessary to amend the law to provide therefor subsequent to that date.

This section also provides that in case the incompetent veteran recovers and is found competent, the balance remaining in the fund may be paid to him, or, if he does not recover, to his guardian, or in the event of his death to his personal representative. In case, however, escheat would result upon death of the veteran, it is provided that the escheat shall be to the United States, as will also be the case with any funds derived from compensation or insurance that are in the hands of a guardian, curator, conservator, or other fiduciary at the time of the veteran's death.

Section 6 of the bill proposes to amend section 28 of the World War veterans' act, as amended, to provide that said section, as amended, shall be deemed to be in effect as of June 7, 1924. Section 28 of the

World War veterans' act, as amended, authorizes the waiver of recovery of payments from any person who in the judgment of the director is without fault on his part, and where in the judgment of the director such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience, and further provides that no disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section. The last-mentioned provision relieving the disbursing officers from liability was inserted in the statute at the second session of the Seventieth Congress on recommendation of the Director of the United States Veterans' Bureau, it having been shown that the Comptroller General of the United States had held that although recovery might be waived so far as the payee was concerned the disbursing officer was nevertheless liable under his bond for any erroneous disbursement. Although the committee believed that the language was sufficiently clear and unambiguous to express the intention of Congress that these disbursing officers should no longer be liable for amounts, the recovery of which had been waived prior to the amendments, as well as those which might be waived subsequent thereto, the Comptroller General has ruled that there is no authority to apply this amendment retroactively so as to relieve disbursing officers for disallowances set up against their accounts prior to May 29, 1928. This amendment specifically declaring that section 28, as amended, shall be deemed to be in effect as of June 7, 1924, is therefore now included at the request of the director of the bureau.

Page 12, lines 3 to 11:

Section 7 of H. R. 10381 as it passed the House of Representatives has been reallocated as section 8 of this bill, and will be explained under that caption. Section 7 of the bill contains new matter proposed by your committee and provides an amendment to section 30 to enable the director of the bureau, under such rules and regulations as he may prescribe, to permit the representatives of ex-service organizations mentioned in section 500 to inspect bureau records. As the members are aware, the provisions in the existing law makes confidential the records of bureau claimants, except in certain instances which are specified in the law. Section 500 of the act, however, authorizes the recognized representatives of the American Red Cross, the American Legion, the Disabled American Veterans of the World War, the Veterans of Foreign Wars, and such other organizations as shall be approved by the director to represent claimants before the bureau, and to be recognized by the bureau in connection with this work. To effectively carry out this responsibility it is believed to be essential that representatives of these organizations be permitted to inspect the bureau records under appropriate regulations, with the understanding, of course, that the information thereby obtained will be kept absolutely confidential and be used only in presenting claims before the bureau.

Section 8 of the bill (p. 12, lines 12 to 20) is the same as section 7 of H. R. 10381 as it passed the House of Representatives. This section provides that checks properly issued to beneficiaries which are undelivered for any reason shall be retained in the files of the bureau until such time as delivery may be accomplished or until three full fiscal years have elapsed after the end of the fiscal year in which issued. At the present time these checks are forwarded to the General Accounting Office when they are undelivered and more than three months old. This is in accordance with the established regulations of the Comptroller General. It is believed that this amendment will facilitate the delivery of these checks, as the work of the bureau is now unduly complicated under existing procedure, especially in the supervision of awards to fiduciaries for minors and incompetent beneficiaries. In such cases when the checks are remailed by the General Accounting Office, the bureau receives no notice thereof, unless certification is made to the payee other than the one in whose favor the checks were originally drawn. It will readily be seen therefore, that fiduciaries may receive payments of which the bureau will have no knowledge and will therefore be unable to require a proper accounting as contemplated by section 21 of the World War veterans' act, as amended.

Page 12, line 21 to line 4 on page 13:

Section 8 of H. R. 10381 as it passed the House has been eliminated. This section provided that the director of the bureau would be authorized to purchase uniforms for all personnel employed as watchmen, elevator operators, and elevator starters in the Arlington Building, Washington, D. C. It is the opinion of your committee that such legislation is inadvisable unless and until provision is also made for the uniforming of all personnel serving in like capacities in the various Government departments. Accordingly your committee has not included this provision in the bill herewith submitted.

Section 9 adds a section, to be known as section 38, to enable the Secretary of War to accumulate in the city of Washington all medical and service records now scattered throughout the United States in many Army stations. The records are with particular regard to veterans of the World War and are of inestimable value in enabling both the veterans and the Veterans' Bureau to determine if certain allegations made in connection with claims for compensation can be supported by the records, thus eliminating delay and the necessity for much affidavit evidence which must now be furnished in lieu of such records. This section was shown as section 9 in H. R. 10381 as it passed the House of Representatives.

Page 13, line 16, through line 23, page 17 (p. 14, line 13, to line 3, p. 15; p. 15, line 17, to line 10, p. 16; p. 16, line 14; p. 16, line 25; p. 17, lines 5 to 7, inclusive).

Section 10 of the bill as it passed the House of Representatives amended section 200 of the act in the following particulars:

1. By providing that compensation should not be denied any applicant therefor by reason of injury, disease, aggravation, or recurrence having been caused by the soldier's own willful misconduct.

2. By providing a presumption of service incurrence or aggravation for disabilities becoming manifest to a 10 per cent degree in accordance with the schedule of disability ratings before January 1, 1930.

3. By providing that the presumptions created shall be conclusive in cases of tuberculosis, paralysis, paresis, blindness, those permanently helpless or permanently bedridden, spinal meningitis, neuropsychiatric disease, paralysis agitans, encephalitis lethargica, a chronic constitutional disease or analogous disease, particularly all diseases enumerated on page 75 of the schedule of disability ratings, or amœbic dysentery.

4. By providing that where service connection is granted solely on the basis of a new presumption of the amendatory act that no compensation should be paid for any period prior to the approval of the act, nor for more than three years after such approval, pending a further study of veterans' relief by the Congress.

5. By providing that nothing contained in the section should be construed to apply to an ex-service man who enlisted or entered the military service subsequently to November 11, 1918.

Under existing law the provision with reference to misconduct is that no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by the veteran's own willful misconduct. It is provided, however, that no person suffering from paralysis, paresis, or blindness, nor any person helpless or bedridden as a result of any disability shall be denied compensation by reason of willful misconduct. The present law also provides a presumption of service origin or aggravation for an ex-service man who is shown to have, or if deceased, to have had, prior to January 1, 1925, neuropsychiatric disease, spinal meningitis, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, or amœbic dysentery developing a 10 per cent degree of disability or more in accordance with the rating schedule of the bureau. This presumption is rebuttable, except in the cases of active tuberculosis disease and spinal meningitis.

Your committee is of the opinion that the language used in H. R. 10381 with reference to misconduct diseases was too broad and would authorize the payment of compensation for self-inflicted wounds. In addition to those cases now covered by the act, this amendment provides that compensation shall not be denied those who incurred a venereal infection prior to discharge from the service during the World War.

Your committee has also changed the phraseology of the first sentence following the misconduct provision as it exists in the present law to clarify the remainder of the section. The word "act" was substituted for the word "section" in the amendment to the World War veterans' act dated July 2, 1926, in order to enable veterans to reinstate insurance under section 304 of the act, and show for that purpose that the disease from which they were suffering at the time of attempted reinstatement was of service origin. It was not intended by the change to enable a veteran in a suit on Government insurance to establish for the purposes of the suit that the disability on account of which the same was based was of service origin. Your committee has been informed that certain courts have so construed this section as it reads in the present law. In order to clarify the matter and show clearly the original intent of the Congress, your committee has therefore changed the word "act" to "section and section 304 of this act," on page 15, lines 2 and 3.

Your committee felt that the amendment adopted by the House with reference to presumption of service origin or aggravation was too broad, and that it should be modified so as to presume service origin only in those cases where the ex-service man is shown to have, or, if deceased, to have had prior to January 1, 1930, neuropsychiatric disease, leprosy, spinal meningitis, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, a chronic constitutional disease or analogous disease, particularly all diseases enumerated on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925, or amœbic dysentery, developing a 10 per cent degree of disability or more in accordance with the bureau rating schedule.

The restrictions with reference to retroactive payments, the continuance of payments for only three years, and the requirement that the ex-service man must have enlisted or entered the military or naval service prior to November 12, 1918, have been retained.

Page 18, lines 7 to 9:

Section 11 of the bill as it passed the House of Representatives did not contain any provision changing existing law regarding dependency allowance for fathers and mothers of deceased veterans. Your committee felt that an amendment to subdivision (f) should be adopted which would provide that where death compensation is payable to a

widow and children and there is a dependent mother and father, the total amount payable to the dependent mother and father should not be less than $20 per month. This amendment is made necessary because the present law provides that while the rate payable for a dependent mother or father is $20, or both $30, the amount payable in such cases shall not exceed the difference between the total amount payable to the widow and children and the sum of $75. It is possible under the present law that the dependent mother and father may receive nothing because of the fact that the veteran left a widow and several children.

Section 11 of the bill amends section 201, subdivision (f) by providing that the status of dependency shall be determined annually as of the anniversary date of the approval of the award. Subdivision (f) now provides that the status of dependency of a father or mother of a deceased veteran who is receiving dependency compensation, shall be determined as of the first day of each year. The administrative burden placed upon the bureau through the necessity of reviewing all of these cases as of the 1st day of January in each year is so great that the director has recommended that the language be changed to permit the annual review as of the anniversary date of the award. This will spread the reviews throughout the entire year, and not only relieve the burden upon the bureau, but also that upon the dependent parents, especially in those cases where the first award is made toward the end of one calendar year, only to be reviewed, with the submission of such proof as may be required, as of the first of the next calendar year.

Section 11 of the bill also amends section 201, subdivision (1) of the act by authorizing the payment of burial and funeral expenses, and in addition thereto the actual and necessary cost of transportation of the body of the person, including preparation of the body, to the place of burial within the continental limits of the United States, its Territories, or possessions, and including also, in the discretion of the director, the actual necessary cost of transportation of an attendant, where a person dies in a national military home, and authorizes the furnishing of a flag to drape the casket of every deceased veteran of any war.

Section 12 amends subdivisions (3) and (5) of section 202 of the act by providing compensation of $25 per month, independent of any other compensation that may be payable under the World War veterans' act, 1924, as amended, to any person who suffered the loss of the use of a creative organ or one foot or one hand or both feet or both hands in the active service in line of duty between April 6, 1917, and November 11, 1918, except if the veteran served with the United States military forces in Russia, in which event the time is extended to April 1, 1920. This section also removes the necessity for showing the constant need of a nurse or attendant where claim for a nurse or attendant allowance is made. Your committee felt that these men who suffered a disability in line of duty during the period of actual warfare are entitled to this additional amount. The purpose of the amendment with reference to nurse or attendant allowance is to overcome the bureau interpretation as applied to the provision in existing law. Under the regulations it is necessary that the claimant be "continuously" as well as "constantly" in need of such service; whereas, as a matter of fact, there are many cases in which the ill claimant for all practical purposes needs the services of either a nurse or attendant to enable him to carry out the medical regimen prescribed for the malady from which he is suffering, and yet it can not be legally held that he needs such assistance "constantly."

Section 13 of the bill amends subdivision (7) of section 202 of the act to provide that in any case where the estate of an insane veteran who has no dependents equals or exceeds $3,000, further payment of compensation shall be suspended until the estate is reduced below that amount, in which event payment will again be resumed up to $3,000. The purpose of this amendment is to avoid the building up of large estates for these insane veterans who have no dependent relatives and whose estates will otherwise escheat. The interest of the veteran is fully protected for the reason that in the event he recovers his competency the amount suspended will be paid to him.

Page 25, lines 6 to 18:

Section 13 of H. R. 10381, as it passed the House of Representatives, also provided that the statutory award of $50 per month should be granted for arrested or cured tuberculosis of service origin whether or not a condition of active tuberculosis was shown to exist either during service or prior to the time limit specified for connecting tuberculosis disabilities with service by presumption. The existing law as interpreted by the Comptroller General requires that the statutory award can be paid only when the veteran is able to show that either during service or within the time limit required for presumptive service connection active tuberculosis existed.

Your committee eliminated this amendment, as it was informed by the experts of the bureau that in their opinion this amendment could not be justified. It was pointed out that medical statistics show that at least 75 per cent of the entire population has been infected with tuberculosis, but, due to immunity and physical resistance, the condition does not become disabling in the majority of cases. It is also agreed that unless preceded by a more or less extensive period of activity, the condition diagnosed as arrested or cured tuberculosis is not in itself seriously disabling either from a medical or industrial standpoint. When it is considered that thousands of men entered the military service without any notation of these arrested conditions and completed their military service without any adverse effect, it did not seem to your committee that the Government should pay compensation at the rate of $50 per month to these men for the remainder of their lives. It was felt that such a provision is essentially a pension measure, based upon other than actual disability, and, in view of the fact that the Government to date has not recognized any obligation to pay compensation for disabilities not acquired in the service, it did not seem just to prefer these men over all others, particularly when many of the others are disabled to a far greater extent. The adoption of the amendment would, in reality, be the paying of a bounty of $50 per month for a diagnosed condition of which the veteran in all probability would never have been aware had it not been for the medical examination in the military service.

Section 13 of the bill also amends subdivision (7) of section 202 of the act by providing that the director shall insert in the schedule of disability ratings a minimum rating of permanent partial 25 per cent for arrested or apparently cured tuberculosis. This provision will not be of particular effect where the only service-connected disability is that of active tuberculosis and the veteran is entitled to the statutory award of $50 per month, since that award is in excess of the 25 per cent rating established by this amendment. If, however, the veteran has in addition to a service-connected tubercular disability another disability of service origin he will be enabled to obtain a combined rating, and in such rating the disability resulting from the service-connected tubercular condition will be evaluated in the degree specified. The combined total disability rating may thus entitle the veteran to an amount in excess of $50 per month. It is further noted that the medical council of the bureau has advised the director that persons with arrested tuberculosis have a minimum industrial handicap of 25 per cent if such arrested tuberculosis follows a period of activity.

Page 26, lines 3 to 17:

Section 14 of the bill as it passed the House of Representatives did not contain any provision authorizing the hospitalization of contract surgeons who served overseas in the Spanish-American War under the provisions of subdivision (10), section 202, when facilities are available. Under the present law, these persons are not able to obtain such hospitalization as they are not veterans. It came to the attention of your committee that there are a small number of these contract surgeons who are in need of this hospitalization and who served with troops in Cuba, in the Philippines, or in foreign waters during the Spanish-American War, in similar capacities to that of the Regular Army commissioned medical personnel. Accordingly an amendment to the section as contained in H. R. 10381 has been inserted to enable these surgeons to obtain hospital treatment from the bureau, if service was rendered overseas during the Spanish-American War and if facilities are available.

Page 26, line 22:

Section 14 of the bill as it passed the House of Representatives amends section 202 of the act by authorizing the payment of compensation at specific rates to the dependents of a World War veteran hospitalized under that section who files an affidavit with the commanding officer of the hospital to the effect that his annual income is less than $1,000, where the veteran remains in the hospital for a period of 30 days or more. The payments are to commence after the expiration of the 30-day period and to continue during the further period of hospitalization and for two calendar months thereafter. There is no such provision in existing law. Your committee has inserted the words "hereafter where" on line 22, page 26, instead of the word "where" merely for clarification purposes, and to show clearly that payments under this section will not be retroactive.

Section 14 of the bill also amends section 202 of the act by defining the term "Spanish-American War" for the purposes of the section to mean the period between April 21, 1898, and July 4, 1902, and the term "veteran" is deemed to include those persons retired or not dishonorably separated from the active list of the Army or Navy. The purpose of defining the Spanish-American War is to fix the same period for the term "Spanish-American War" as used in connection with the hospital provisions as is accepted for pensions. The defining of the term "veteran" is for the purpose of overcoming a decision of the Comptroller General to the effect that men on the retired list of the Army and Navy are not veterans of the World War, although they served in the World War, because they have not been separated from the military or naval service.

Page 27, line 21, to line 12 on page 28:

Section 14 of the bill as it passed the House of Representatives authorizes the payment to a verteran hospitalized under the section at the rate of $8 per month in the event he certifies he is financially in need, unless he is entitled to compensation or pension equal to or in excess of that amount. There is no such provision in existing law. Your committee felt that this amendment is desirable, but believed that, as in the case of payments to dependents of veterans hospitalized under the same section, payments should not begin until after the expiration of 30 days of hospitalization. Unless such limitation is placed in the bill, small amounts would be payable for short periods of hospitalization, which would be administratively difficult to handle and would, in reality,



confer no real benefit on the veteran. Therefore your committee has redrafted the entire provision and it now appears on page 28, lines 4 to 12.

Section 15 amends subdivision (15) of section 202, which provides that any person who is now receiving a gratuity or pension from the United States shall not receive compensation under this section unless he shall first surrender all claim to further payments of such gratuity or pension, by providing that where such surrender of pension is made, any disability incurred in the military service of the United States, by reason of which said pension would be payable, shall be evaluated in accordance with the provisions of subdivision (4), section 202, and shall be payable as compensation under this act. Provision is also made for the combining of such rate with other ratings. The purpose of this amendment is to permit a person to receive adequate compensation for all disabilities incurred in the service.

Section 16 of the bill repeals section 206 of the act, which requires the filing of proof in certain cases prior to April 6, 1930.

Section 17 of the bill repeals section 209 of the act, which requires the filing of claims prior to April 6, 1930, in certain cases.

Section 18 amends section 210 of the World War veterans' act, as amended, by the addition of a proviso to the effect that nothing therein shall be construed to permit the payment of compensation under the World War veterans' act, as amended, for any period prior to June 7, 1924. This amendment is designed to place the stamp of approval on the interpretation of the World War veterans' act, 1924, by the bureau to the effect that in cases first brought within the purview of the statute by the act of June 7, 1924, no compensation could be paid for any period prior to that date.

Section 19 adds two provisos to section 212 of the World War veterans' act, 1924, as amended by adding (1) that where a veteran dies after June 7, 1924, as a result of disease or injury for which he was entitled to compensation by virtue of an accrued right under the war risk insurance act, as amended, his dependents shall be entitled to the compensation provided by section 201 of the act; and (2) that an application for compensation under the provisions of the war risk insurance act, as amended, or the World War veterans' act, 1924, as amended, shall be deemed to be a claim for compensation under all subsequent amendments. In connection with the first of these matters there were a small number of veterans who incurred disabilities between July 2, 1921, and June 7, 1924, and who, under the war risk insurance act as amended August 9, 1921, were entitled to disability compensation. The World War veterans' act, 1924, as amended, however, provides for payment of compensation only where death or disability was incurred between April 6, 1917, and July 2, 1921. Where a veteran of this class died before June 7, 1924, his dependents acquired an accrued right to compensation under the war risk insurance act, as amended, which is payable under the World War veterans' act, 1924, as amended, but in the event the veteran died subsequent to June 7, 1924, although he received disability compensation up to the time of his death by virtue of an accrued right under the war risk insurance act, as amended, his dependents (who acquired no such accrued right) are not entitled to death compensation. It is the opinion of the committee that the widows, children, and dependent parents of these veterans should be entitled to compensation.

The second proviso is designed to overcome the ruling of the Comptroller General to the effect that a claim which has been disallowed under an earlier statute can not be reviewed and paid, under a subsequent amendment bringing the case within the purview of the law, without the filing of a new claim. The bureau has always followed the practice of reviewing these cases without requiring another application, on the theory that section 305 of the war risk insurance act, as amended, and section 205 of the World War veterans' act, 1924, as amended, which authorize the bureau at any time, upon its own motion or upon application, to review disallowed cases, permitted such action. The committee believes the practice of the bureau to be legally sound, administratively advisable, and reasonable from the point of view of both the veteran and the Government.

Section 20 adds a new section to the World War veterans' act, 1924, as amended, to be known as section 214 and to authorize the director, in his discretion, to pay to the dependents of a compensable incompetent veteran who disappears the same amount of compensation as is provided in section 201 of the World War veterans' act, 1924, as amended, for dependents of veterans. When a veteran disappears it is necessary for the bureau to suspend all payments of compensation pending his reappearance or proof of his death. This works great hardship upon the dependents and it is the opinion of the committee that there should be legal authority for paying an allowance to the dependents under such circumstances.

Section 21 proposes a slight amendment to paragraph 3 of section 301 of the statute. This section now provides that where an insured whose yearly renewable term insurance has matured by reason of permanent and total disability is found and declared to be no longer permanently and totally disabled and is required to renew payment of premiums on said term insurance, and this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given an additional period of two years in which to renew payment of premiums and to convert said term insurance. The amendment provides that during the same two years he shall also have the right to reinstate his term insurance should it lapse. There are a number of cases in which the insured has permitted his insurance to lapse either by failure to pay the first premium at the required time or, having once renewed the payment of premiums and before conversion, has permitted the insurance to lapse. In such cases the insured, unless in a state of health which would meet the requirements for direct application for converted insurance under section 310 of the World War veterans' act, as amended, is precluded from carrying Government insurance. This amendment would, within the 2-year period prescribed, permit him to reinstate his old term insurance and convert it under less rigid requirements as to good health. The records of the bureau show that there are at present 100 cases in which insurance has been allowed to lapse after recovery from a disability rated permanent and total, 48 of which lapsed for the nonpayment of the first premium due after the rerating, and 52 for the nonpayment of premiums subsequent to the first. In a number of cases the remittance to cover the monthly premium was only a few days late. The fourth paragraph of this section is also amended, the purpose being merely to carry through the entire act the amendment included in section 3 of this bill, which, as explained heretofore, amends section 16 of the World War veterans' act, as amended, to authorize specifically refund of unearned premiums on yearly renewable term insurance.

Section 22 amends section 304 of the World War veterans' act, as amended, by changing the language of the last proviso thereof, which now states that no yearly renewable term insurance shall be reinstated after July 2, 1927, to provide an exception in favor of those who will reinstate term insurance during the 2-year period allowed in section 301 for those who have recovered from permanent and total disability.

Section 23 amends section 307, which relates to the incontestability of insurance contracts. The purpose is to make all contracts or policies of insurance incontestable from date of issuance, reinstatement, or conversion, for all reasons except fraud, nonpayment of premiums, or that the applicant was not a member of the military or naval forces of the United States. This incontestability would protect contracts where they were not applied for within the time limit required, where the applicant was not in the required state of health, or was permanently and totally disabled prior to the date of application, or for any other reasons except those specifically mentioned in the statute. It is appreciated that this is a broad provision, but it was felt that it was necessary in order to do justice to the veterans to place this insurance on a parity with commercial insurance companies from a stability standpoint, and to overcome decisions of the Comptroller General which practically nullify the section as it now exists. Further provision is made permitting the insured to elect after a reinstatement or conversion to go back to some prior contract and claim rights thereunder; and if he proves himself entitled to such rights, upon surrender of the latter contract or contracts, to be paid under the prior contract. The purpose is to prohibit the raising of estoppel against the claimant either in or out of the courts because of his reinstatement or conversion of his insurance. Provision is also contained whereby suit may be brought either in the original action or by alternative plea in the same suit with a subsequent contract or policy. Recovery, however, can only be effected upon one of the contracts or policies. The effect of the present practice of the bureau in raising estoppel is to penalize the man who pays his premiums or tries to continue all or a part of his insurance in force. This amendment is specifically made retroactive in order that in any case where the claim has been heretofore disallowed on the ground of estoppel, or because of the policy not being incontestable, the insured, or the beneficiary under such contract or policy may, if he/she so elects, have the benefit thereof. It is contemplated that payments in cases of contracts or policies incontestable under this section will begin from date of maturity of such contracts or policies.

Section 24 proposes to amend section 311 of the statute, which was added to the law at the last Congress (Public, No. 585, 70th Cong.), and was designed to authorize the director to include in the present United States Government life (converted) insurance policy a clause providing a new maturing factor. This amendment provided that where an insured was totally disabled for a period of 12 consecutive months he should receive disability benefits as if he were permanently and totally disabled, thus authorizing the payment of disability benefits of $5.75 for each $1,000 of insurance, the face of the policy being depleted by such payments. Prior to this amendment the man must have been permanently and totally disabled before any disability benefit was payable under his policy. The amendment in the present bill, however, provides for a disability benefit of $5.75 per $1,000 upon application of the insured, which, upon the happening of the contingency on which it is based—i. e., total disability for a period of four months or more—shall be paid independent of the present permanent and total disability clause in the policy and shall not deplete the face value of the policy. Payments begin on the first day of the fifth consecutive month. In the event the insured

becomes actually permanently and totally disabled within the meaning of the present provision in the converted insurance policy, he is, under the amendment, to receive payments under the new total disability clause concurrently with the payments under the permanent and total disability clause now in the converted policy, payments under the latter only depleting the face value. This new disability feature is limited to a rate of $5.75 on each $1,000 of insurance carried and may be less than the total amount carried, but not more. It is to be handled as a separate liability from the present provision for a permanent and total disability and will be so shown on the records, so that the present United States Government life-insurance fund shall not be assessed for any losses to be paid under this provision. This insurance will be paid for by the insured and will not result in any increased cost to the Government except so far as the cost of administration is concerned.

Section 25 has for its purpose the protecting of rights existing under the World War veterans' act, 1924, and amendments thereto in effect prior to the passage of this amendatory act. Your committee was of the opinion that the rights granted by this amendatory bill should be in addition to those previously conferred, and in order that there might be no misunderstanding concerning the intention of Congress this section is included in the bill.

Your committee has also made some slight typographical changes in H. R. 10381, to correct manifest clerical errors. Such changes will be readily apparent.

Mr. SHORTRIDGE. Mr. President, I remind Senators that in this report we undertake to explain not only the amendments which we put in the bill, but the scope and nature of the proposed legislation. To that end we point out what the law is; second, what the House bill proposed; third, what the Senate Finance Committee agreed upon, so that a reading of this report would advise Senators as to the present law, as to the bill as it passed the House, and as to the bill amended by the committee and reported to the Senate.

Mr. President, right here permit me to observe that there is not one ex-service man among a million who understands what the law is; there is not one lawyer in the United States, unless he has made a specialty of this type of legal work, who understands what the law is; and, with utmost respect, I question whether there was one Senator who understood what the law was, or, as of now, still is, because, first, of the many acts that have been passed; second, the interpretations placed upon those several acts by the director; and, third, the different rulings of judges in cases which have reached the courts.

The result is that unless a gentleman devotes careful study to the problem he is in a state of confusion as to what the law is, and what the measure here and now before us proposes in the way of changing the existing law.

I beg to say—and I say it in a sense apologetically to myself—that two or three weeks or a month ago I had very vague notions in respect of the law because I had not devoted special attention to it, and hence I was in a state of confusion. But during the last two or three weeks I have given some attention to the law, to the rulings of the bureau, to the decisions of the courts, and I have a fair conception, I think, of what the law is, as it is to be affected by this bill, and I can, without taking up very much time, explain to the Senate just what the bill would do by way of amending the existing law.

At this point I wish to impress upon the Senate that we are not setting out to reconsider all the legislation upon the question of relief for veterans, and yet this bill contemplates that within the next three years there shall be a thorough examination into the existing statutes, harmonizing them, reducing them into symmetry and certainty, to the end that justice may be done to all entitled to the gratitude and the care of his grateful Nation.

Something was said here, and I notice that the papers filled columns with unnecessary words, to the effect that there is a division among veteran organizations touching the legislation now before us or touching the legislation which is involved. I hold in my hand a letter addressed to me by Mr. Taylor, which I assume he was authorized to send to me, speaking on behalf of the American Legion, which I shall read:

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., June 21, 1930.

Hon. SAMUEL M. SHORTRIDGE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: We were all very glad to note that the Senate yesterday before adjournment made H. R. 10381, the disabled men's legislation, the unfinished business of the Senate and that it would be taken up for consideration Monday, June 23, and be voted upon before adjournment on that day.

On June 14 I addressed a letter to each Senator, a copy of which is inclosed, appealing to them to pass the disabled bill promptly in substantially the form reported by the Senate Finance Committee. The RECORD contains the statement that several of the Senators intend to offer amendments. I take this opportunity, therefore, to again state to you, since you have charge of the bill on the floor of the Senate, that it is our hope that the bill will be passed without substantial amendment. In our opinion, it is a splendid piece of legislation as reported by the Finance Committee and is satisfactory to the members of the American Legion.

Very sincerely yours,

JOHN THOMAS TAYLOR,
Vice Chairman National Legislative Committee.

So that I am warranted now in saying that all the various veterans' associations, by whatever name known, are in sympathy with and in favor of the passage of the bill in the form in which it is now before the Senate.

Mr. President, I have said that there are many laws relating to the veterans of the late World War. There are some relating to the Spanish War veterans. As we know, there are laws relating to the Civil War veterans. The bill now before us amends the laws in certain respects, and in their order I wish to invite particular attention to these amendments.

First, as to the statute of limitations; Under the present law certain actions grow out of insurance policies issued by the Government to the veterans and there is a fixed time within which such actions may be commenced. The present bill amends the law to the extent of extending the time one year. Why was that done? The laws of every State in the Union contain what are called statutes of limitations running from six months up to 10 or 15 years. Because veterans scattered over the Union in the Southland and the Eastland, the Northland and the Westland, were not lawyers, not informed, and did not know the law, it is quite conceivable that there may be a number of additional actions brought if we extend the time. I am not indulging in sentiment. I am stating, however, that if a veteran has a bona fide case it is only fair for us to extend the statute in his interest if through his inability or ignorance he has not already brought his action within the term fixed in the present law.

I have heard elsewhere and it has been intimated here that the extension of this time would bring in an innumerable number of cases. Suppose it does? What are our courts set up to do? For what purpose have we courts unless it be to administer justice as between citizen and citizen or as between the citizen and his Government? But it does not follow that all the cases will be meritorious or that they will be decided in favor of the veterans—100,000 is suggested as the possible number, but it is a pure guess. I can prophesy just as well as General Hines. It is a guess as to the number of cases that would be commenced if the time of the statute be extended one year. It has been testified before the committee that on a general average 50 per cent of the cases are lost, so that we reduce his figures from 100,000 to 50,000. I fear me, Mr. President, that the great man yonder in the White House whom I support has been misled in various ways touching the very scope and meaning of this bill, for I question whether with the multitude of his duties he had opportunity to read the committee's report explanatory of the bill.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Washington?

Mr. SHORTRIDGE. I yield.

Mr. DILL. I have been told that the amendment now offered is in substance the same amendment that was offered in the committee and adopted by the committee, and then was taken out at the request of the administration.

Mr. SHORTRIDGE. I think it was.

Mr. DILL. Then I wonder if the President was wrongly advised when he insisted on it being taken out or now when he insists upon it being put in? Did he have the same advisers or different advisers.

Mr. SHORTRIDGE. I do not know.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Kentucky?

Mr. SHORTRIDGE. I yield.

Mr. BARKLEY. The amendment which was submitted in the committee and in a way was accepted was later rejected on advice received from the administration. It provided a maximum pay of $60 for totally disabled veterans and a minimum of $24 or $25 for partial disability, whereas the amendment now offered by the Senator from Pennsylvania provides a maximum of $40 and a minimum of $12.50.

Mr. SHORTRIDGE. Yes. As I said a moment ago, I assume that it was rejected for various reasons, but chiefly because it was essentially a pension proposition. The bill and the present laws are grounded upon the idea of compensation for disability

incurred during military service and not, to use the phrase, a general pension proposition.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Arkansas?

Mr. SHORTRIDGE. I yield.

Mr. ROBINSON of Arkansas. This relates to a very important and interesting feature of the controversy. According to the statement just made by the Senator in charge of the bill, an amendment similar to that which is now presented by the Senator from Pennsylvania, differing from it in the amount authorized to be paid to disabled soldiers without service connection with regard to their disability, was first accepted by the Committee on Finance.

Mr. SHORTRIDGE. It was accepted tentatively, but not determined.

Mr. ROBINSON of Arkansas. Not actually accepted?

Mr. SHORTRIDGE. No; it was not.

Mr. ROBINSON of Arkansas. But considered favorably?

Mr. SHORTRIDGE. Yes; by some.

The PRESIDING OFFICER (Mr. COUZENS). The present occupant of the chair announces it was considered favorably by a majority.

Mr. ROBINSON of Arkansas. The present occupant of the chair makes an authoritative announcement that a majority of the members of the Finance Committee had first studied a proposition almost identical with that now presented by the Senator from Pennsylvania, except with a difference in regard to the amounts. The statement is made that it was finally rejected by the committee on the recommendation of the administration.

Mr. SHORTRIDGE. I can not say that accurately. I would not state that because I do not know, but I know there were conferences and I know there were suggestions later made which brought about the rejection of the proposed amendment.

Mr. ROBINSON of Arkansas. The point I am about to make is that to which I referred an hour or two ago. This is a very important matter, quite a difficult and complicated matter as stated by the Senator from California. It appears now that the controversy was raised in the committee and resolved in favor of the Senate committee report.

Mr. SHORTRIDGE. Yes; that is quite true.

Mr. ROBINSON of Arkansas. I would like for some one who does know, some one who is willing to take responsibility for an affirmative declaration on the subject, to give us the history of this matter. On the 25th of April this bill was referred to the Finance Committee. Everyone must have recognized its importance. It was considered by that committee and reported here with a number of amendments. I think some additional amendments ought to have been favorably acted upon by the committee. After the Senate had agreed to vote on the proposition with a narrow limitation as to debate, foreclosing a comprehensive consideration of the issues involved—rejected, as some say, upon the initiative of the administration—the proposition rejected by the Finance Committee is brought in and insisted upon and proposed now clearly upon the initiative of the administration.

Mr. SHORTRIDGE. Yes; it may be so.

Mr. ROBINSON of Arkansas. Is this the way legislation is to be considered in the Senate? Are measures of this importance to be treated in that manner? Let us have the facts about it. Let us know if it is true that the Finance Committee considered first favorably and then unfavorably the substance of the pending amendment, and let us understand what is behind the discussion.

Mr. SHORTRIDGE. Mr. President, I must decline further to yield.

The PRESIDING OFFICER. The Senator from California declines to yield further.

Mr. ROBINSON of Arkansas. I thank the Senator for yielding to me.

Mr. SHORTRIDGE. I am concerned with what is before us, with the bill as it is.

Mr. ROBINSON of Arkansas. The plain innuendo is made in the Senate. It is made by members of the Finance Committee that the proposition now submitted by the Senator from Pennsylvania was considered by the Finance Committee and finally rejected by that committee.

Mr. SHORTRIDGE. I made that statement a moment ago very positively.

Mr. ROBINSON of Arkansas. It is brought in now as an emergency measure.

Mr. SHORTRIDGE. I made that statement without any qualifications.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. SHORTRIDGE. I yield.

Mr. BORAH. Has the Senator from Arkansas resubmitted his request with reference to extending the time for general debate?

Mr. ROBINSON of Arkansas. I have not, but I shall do so with the indulgence of the Senator from California and with his permission.

Mr. BORAH. I think we ought to have another day to consider the matter. If there is anyone who knows the details of the different bills, he is not able to get them before us. There is a wide difference of opinion among the members of the committee themselves. The amendment of the Senator from Pennsylvania comes here after we have agreed upon a time to vote when it is perfectly certain that we are not going to give the bill the consideration that it ought to have.

Mr. SHORTRIDGE. Mr. President, I set out to explain the controverted amendments—there are not many of them—and I can make them, I think, perfectly clear.

The amendment proposed by the Senator from Pennsylvania, I repeat, was in substance submitted to the committee and considered and finally rejected. As I said a moment ago, it was not born out of his brain; it is not a new thing to the members of the committee, but it may be new to Members of the Senate.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. SHORTRIDGE. I gladly yield.

Mr. BORAH. What information has the Senator as to why it was rejected? Was it through the influence of the administration?

Mr. SHORTRIDGE. I do not think so.

Mr. BORAH. Well, somebody ought to know; the Senator was in conference with the administration.

Mr. SHORTRIDGE. No; I was not, but I do not care as to that.

Mr. BORAH. I do care.

Mr. SHORTRIDGE. I am concerned in what a Senator thinks is right; what occurs elsewhere is not what I am interested in; that is what I mean to say.

Mr. BORAH. But it has much to do with the peculiar manner in which this question is presented.

Mr. SHORTRIDGE. That may be; but I repeat what I said a moment ago, that I am not curious to follow the trail of men here in the city; I am taking this bill as it is before us, and I repeat again and again that this amendment was submitted to the committee and that it involves a pension scheme. Many members of the committee were kindly disposed toward a measure based on the theory of compensation for disabilities incurred during war; and, in fact, provable by direct testimony or by presumption, but they were opposed to a general pension system; and many expressed their alarm that the adoption of the amendment would introduce a general pension system, as, indeed, the amendment of the Senator from Pennsylvania does. Upon reflection and upon further study I must assume—I know how it was so with me—the conclusion was reached that the bill in its present form should be favored because it is grounded upon the fundamental proposition—every amendment proposed by the committee to the pending law is grounded upon the fundamental proposition—that the sickness or infirmity of the veteran in question is due to his service during the war period.

Mr. SMOOT. It is just the opposite.

Mr. SHORTRIDGE. No; it is not the opposite. Why does the Senator sit here and say it is just the opposite? I say every amendment is grounded upon that theory.

Mr. SMOOT. It may be grounded upon that theory, but it will not so work in practice, because, even though a veteran contracted disease by his own vicious habits after the war was over he will get the compensation. So I say the statement made by the Senator can not possibly be substantiated.

Mr. SHORTRIDGE. Very well; I will approach that in a few moments and I will show the Senator, as I could show the Supreme Court, sitting in yonder court room, that he does not know what the law is, and he does not know what we propose to do here. I am not concerned with other rules and regulations and laws; I am concerned with what this bill does by way of amending existing law.

Mr. BORAH. Does the Senate committee bill provide for taking care only of those veterans who contracted disease or suffered disabilities by reason of their service in the war?

Mr. SHORTRIDGE. So far as this bill goes by way of amending existing law; yes. That is the answer.

Mr. BORAH. There you are.

Mr. SHORTRIDGE. And that is the correct answer.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Kentucky?

Mr. SHORTRIDGE. I will yield to the Senator, but I will approach the question in due time.

Mr. BARKLEY. The bill is somewhat more liberal than the question of the Senator from Idaho might indicate. It extends the period of presumptive war connection to January 1, 1930, and there is included a larger category of diseases than are included in the present law. So it may by presumption actually grant relief to veterans whose disability can not be and has not been connected with their service; and there are some 600,000 of them who have made application and who have been unable to connect their disabilities with the service.

Mr. SHORTRIDGE. That is not a fair or full statement of the law. The Senator is a lawyer——

Mr. SMOOT. I think it is a fair statement.

The PRESIDING OFFICER. To whom does the Senator from California yield?

Mr. SHORTRIDGE. I yield to no one at present.

Mr. SMOOT. The Senator from Kentucky is right in the matter.

Mr. BARKLEY. Yes; I think my statement is correct.

Mr. SHORTRIDGE. Mr. President, I digress right here to say that as to the presumption period, it is extended from January 1, 1925, to January 1, 1930. There are certain presumptions which are conclusive, presumptions which are already in the law and as to those diseases where the presumption is conclusive there is no change proposed; but there are included certain diseases presumably connected with war service which are not now covered by the law. Each and every of those presumptions, we are told, is ridiculous, unfounded, and absurd. If that be so, they can be easily overcome by lay evidence or by medical professional evidence which is available.

Mr. BORAH. Does the presumption do anything more than place the burden of proof upon anyone who may wish to dispute the liability?

Mr. SHORTRIDGE. That is the effect of the presumption.

Mr. BORAH. There is no presumption, so far as the amendment to the law is concerned, except that which may be overcome by evidence?

Mr. SHORTRIDGE. Certainly not, and when Senators rise here——

Mr. SMOOT. As I understand, that is not so.

Mr. SHORTRIDGE. That is the law, and if anybody knows what the law is he will realize that fact.

Mr. ROBINSON of Arkansas. But nobody seems to know what it is.

Mr. SHORTRIDGE. I say that, under the law, a presumption may be conclusive or rebuttable or controvertible. In the law a presumption is evidence introduced on behalf of a given party. There are certain diseases, which I will mention, from which a veteran is now suffering as to which under the present law there is a conclusive presumption that they were contracted as a result of service. That is a conclusive presumption, and for the benefit of the lay Members of the Senate, let me say that such conclusion or presumption may not be disputed. The law determines it; it is a conclusive presumption; but, as in the statutes of every State—my own great State included—there are hundreds of presumptions in which the law indulges. Every State has statutes naming different presumptions, which are called "rebuttable" presumptions. If what my learned brethren say here be true, namely, that the presumption that a man contracted gout, which developed last week, by serving in France 10 years ago, or that, becoming somewhat enlarged corporally, he is suffering from obesity now because of some service yonder in Belgium or France 10 to 12 years ago, is so absurd, so ridiculous as to excite laughter and contempt for those who favor this bill, the testimony of any learned doctor, a little lay testimony, a little examination into the record of the man will very speedily overcome such a presumption, and his claim will be disallowed. That is all there is to be said on the subject.

But some Senators have proceeded upon the notion that the presumption was something very difficult to overcome, and, therefore, it was absurd to include these various diseases within the presumptions mentioned.

Mr. WALSH of Montana. Mr. President, will the Senator suffer an interruption there?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Montana?

Mr. SHORTRIDGE. I yield.

Mr. WALSH of Montana. While this amendment is before the Senate, and in connection with the remarks of the Senator from California, I want to advert to what has been referred to as an effort to ridicule the idea of the presumption which this proposed statute would raise in the case of leprosy. There would be a rebuttable presumption in the case of one contracting leprosy that his leprosy was contracted during the war, and that was referred to as absurd. The records of this body disclose the most distressing case of leprosy contracted during the Spanish-American War by a soldier who was discharged in 1904. The victim was repeatedly examined in Government hospitals between that year and 1917, when he went to the Mayo Clinic at Rochester, Minn., and his case was there diagnosed as leprosy. He was in quarantine, and continued there for a period of nearly 10 years.

His case being presented to Congress, he was first adjudicated a pension of $20 a month and later of $72 a month, it being shown that the only possibility of his having contracted the disease was when he served in the Philippines, and, notwithstanding repeated examinations by competent physicians—I say competent physicians, but probably they had no experience in leprosy cases—it was not even suggested that he had leprosy until he was examined at the Mayo's in 1917, 13 years after he was discharged from the Army.

The great difficulty in that case, Mr. President, was in convincing anybody that, after such a long lapse of time, he had actually contracted the disease while he was in the service. A committee of this body recommended against a special bill that was introduced in his behalf upon the ground that it was quite unreasonable that he should have contracted that disease so long before; and yet there is not any doubt that he must have done so, because it was impossible that he should have contracted it in any other way, and the Congress eventually reached that conclusion and gave him a pension of $50 in the first place and $72 finally.

I assert, Mr. President, that the provision in the bill is a very reasonable one in respect at least to what might be regarded as exotic diseases; that is to say, those that probably were contracted overseas.

Mr. SHORTRIDGE. I thank the Senator for the statement he has made. So the Senate may understand the extension of the time within which suit may be brought, let me say again that the presumption period is extended from January 1, 1925, to January 1, 1930. As to the number of suits that may be brought—and I have heard the number referred to as being in the neighborhood of 100,000—it must be borne in mind that fully 50 per cent of them are lost. There is no way on earth to forecast that there will be 100,000 additional cases brought, and it is utterly impossible and purely empirical to say so.

I reserve for later comment the question as to misconduct, but as to presumptions I must make it clear, perhaps to others than those present, that there are certain specified diseases and conditions which in the present law and in this bill are conclusively presumed to be of service origin, and there are certain additional diseases which are covered by disputable or rebuttable presumptions.

Mr. BORAH. Mr. President——

Mr. SHORTRIDGE. I yield to the Senator from Idaho.

Mr. BORAH. The bill, on page 17, reads:

> And said presumption shall be conclusive in cases of active tuberculosis disease and spinal meningitis, but in all other cases said presumption shall be rebuttable.

Are those the only two diseases as to which it is conclusive?

Mr. SHORTRIDGE. Yes; under the existing law. That does not add to the law. That is the existing law.

Mr. BORAH. Exactly.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. Just a moment, please, Mr. President. I desire to call attention to the fact—will Senators now take note of this?—first, that the benefit of a new presumption is not retroactive; second, nor is any compensation to be paid for more than three years after the approval of this act "pending a further study of veterans' relief by Congress." It was considered in the committee, it has been discussed elsewhere that during the coming three years there would be a study of all these more or less inter-related and complex and uncertain laws, whereby all veterans might be placed upon an equitable basis.

In other words, and to make the matter perfectly clear, there is no addition to the diseases as to which the presumption is conclusive. There are other diseases brought in by way of rebuttable presumptions; but the benefits of any new presumption are to continue for three years, not more. That is specifically stated in lines 14 to 19, page 17, of the bill.

I now yield to the Senator from New Mexico.

Mr. BRATTON. Mr. President, what diseases are embraced in the 5-year extension of the presumptive period—that is, from January 1, 1925, to January 1, 1930?

Mr. SHORTRIDGE. I have in my hand a list of diseases presumed to be of service origin if shown to exist to the degree

of 10 per cent before January 1, 1925. Then follows a list of diseases contained in H. R. 10381 which will be presumed to be of service origin if shown to exist to a 10 per cent degree before January 1, 1930. Then follow the diseases which will fall under these rebuttable presumptions. I ask leave to incorporate these lists in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

List of diseases now presumed to be of service origin if shown to a degree of 10 per cent before January 1, 1925:

Neuropsychiatric diseases: Spinal meningitis, active tuberculosis disease, paralysis agitans, encephalitis lethargica, amœbic dysentery.

List of diseases contained in H. R. 10381 which will be presumed to be of service origin if shown to exist to a 10 per cent degree before January 1, 1930:

Neuropsychiatric diseases: Spinal meningitis, active tuberculosis disease, paralysis agitans, encephalitis lethargica, amœbic dysentery.

Chronic constitutional diseases: Leprosy, acidosis, anemias (primary), arteriosclerosis, beriberi, diabetes insipidus, diabetes mellitus, gout, hæmochromatosis, hæmophila, Hodgkins's disease, leukemia, obesity, ochronosis, pellagra, polycythemia, purpura, rickets, scurvy, endocrinopathies.

Analogous diseases: Arthritis (chronic), carcinoma (sarcoma), cardiovascular renal disease, cholecystitis, endocarditis, myocarditis, nephritis, nephrolithiasis, valvulitis.

Mr. BRATTON. Mr. President, are any diseases that are presumed to be of service origin under the existing law excluded or eliminated under the new bill?

Mr. SHORTRIDGE. None—none excluded, Mr. President——

Mr. BRATTON. There are no exclusions, but some additions?

Mr. SHORTRIDGE. Yes, sir.

Mr. BRATTON. Is there any difference in the diseases which are conclusively presumed to be of service origin under the proposed bill and under existing law?

Mr. SHORTRIDGE. No.

Mr. BRATTON. They remain the same?

Mr. SHORTRIDGE. They are continued under the proposed law—this bill—but, as is perfectly manifest, the purpose of the amendment was to bring in some additional cases, and to bring them in by way of a presumption, to the end that the man might have a hearing, and, if the presumption is not overcome, be entitled to some little relief.

Mr. BORAH. But all those cases which have been brought in are under the rebuttable presumption?

Mr. SHORTRIDGE. Yes, Mr. President.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maryland?

Mr. SHORTRIDGE. I yield to the Senator.

Mr. TYDINGS. One difference between the Senate bill and the Reed amendment is that if a veteran lost his arm, or both arms, and became permanently disabled as a result of a street-car accident having no connection whatsoever with the war, under the Reed amendment he would draw $40 a month, and under the Senate bill he would get nothing. Is that correct?

Mr. SHORTRIDGE. It might result in that. I am not quite clear as to that.

Mr. TYDINGS. As I understand the Reed amendment, it would give $40 a month to every veteran of the World War who is totally disabled at the present time, regardless of whether that disability was incurred within or without the service, while the Senate bill deals simply with the class of veterans whose disabilities are connected with the service.

Mr. SHORTRIDGE. There is no doubt about that. That is the law now, and this bill does not change the law in that respect.

Mr. BORAH. Mr. President, may I ask one further question?

Mr. SHORTRIDGE. Yes, sir.

Mr. BORAH. Do any of these measures purport in any way to take care of the widows and orphans?

Mr. SHORTRIDGE. This measure does; yes, Mr. President. It comes in under the term "dependents."

Mr. WALSH of Massachusetts. Only to a very limited degree.

Mr. SHORTRIDGE. I grant that.

Mr. WALSH of Massachusetts. Only when a veteran is in a hospital, and has not service connection, after he is there one month he himself, if he is worth less than a thousand dollars, can get $8 per month. His wife, if he has a wife, and one child, can get $30 a month while he is in the hospital. In my opinion, one of the weaknesses of the bill is that after the man is dead, not in the hospital, his wife and children get nothing.

Mr. BORAH. That is what I had in mind.

Mr. SHORTRIDGE. I will answer—that allowance is given to or for dependents of a man in a hospital who has an income of less than $1,000, Mr. President. On pages 26 and 27 of the bill, section 14, amending section 202 of the existing law, provides that where this veteran is in the hospital and has an income of less than $1,000, the wife receives $30 per month, the wife and one child, $40 per month, with $6 for each additional child. The bill further provides "if there be no wife but one child, $20 per month; if there be no wife but two children, $30 per month; if there be no wife but three children, $40 per month, with $6 for each additional child."

Mr. WALSH of Massachusetts. There are no instances of mother or father.

Mr. SHORTRIDGE. Elsewhere in the bill, Mr. President, there is provision for a small allowance to dependent mother or father, or both.

Mr. TYDINGS. Mr. President, will the Senator yield for an observation while he is looking that up?

Mr. SHORTRIDGE. Yes.

Mr. TYDINGS. May I call to the Senator's attention the fact that when the emergency officers' retirement bill was passed, it was to take care of those officers who were disabled in the war on a parity with those who were in the Regular Army. It so happens, I am reliably informed, that of the officers who have taken the benefit of that act, over 50 per cent were in the medical profession.

I do not wish to cast any aspersion on the medical profession; but it certainly is strange, most peculiar, that over half of the emergency officers who are to-day receiving retirement pay are of the Medical Corps; and, with a few exceptions, the medical officers were not line officers. They were not in command of troops. They were not in battle, many of them. Of course, a great many of them were; but since that law has been applied we find that about 53 per cent of its beneficiaries are officers who were in the Medical Corps. Therefore, having seen the effect of broad interpretations in that act, I think the Senate would be wise to look at this one carefully, and they will find a lot of men getting benefits who are not entitled to them, and others excluded who are entitled to benefits.

Mr. SHORTRIDGE. That may well be; but we are dealing now with a bill before us. It may not be perfect. It may not do as much as the Senator or others might wish to be done; or let me respond to the Senator's thoughts by saying that the present laws may not be perfect. I am dealing, however, with the matter before us. Congress will meet again, and let us hope we shall all be here, and there will be the possibility to add to, take from, correct, perfect the laws. The second flood is not coming to-morrow.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield.

Mr. TYDINGS. I appreciate the fact that the Senator from California wants to take care of what he thinks is a deserving lot of ex-service men. May I point out to him that the World War has been over now 11 years.

Mr. SHORTRIDGE. Yes; but the awful aftermath is here, and we had better build a few less battleships and take care of the wrecks of the late war.

Mr. TYDINGS. The war has been over 11 years. If the Senator will give me his attention, this set of facts is very likely to come into being, and these are the results which will follow therefrom:

Here are two men. One man is given by this law a presumption that his disability was incurred in line of service; and, although it is only a rebuttable presumption, with what evidence it is possible to get together from comrades and perhaps from medical officers in some cases he can sustain that presumption and make it conclusive, and he will get $100 a month; while another veteran in the same company, although he too has a presumptive right to the compensation, will get absolutely nothing. Under the Reed amendment, however, both of these men would get exactly the same, because that amendment, as I see it, is predicated on the fact that after 11 years it is well nigh impossible in 99 cases out of 100 by any set of facts to tell whether the disability that the man now has was due to the service or due to something that happened subsequently to the service.

Mr. SHORTRIDGE. If that be so, the presumption would be easily overturned.

Mr. GEORGE. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. May the Chair remind the Senator that in 15 or 20 minutes the time for unlimited discussion is up.

Mr. GEORGE. If the Senator will let me make a suggestion, nearly all of the arguments here have gone upon the theory that 11 years after the war some man is taken sick, and the presumption arises. The applications of veterans pending in the bureau to-day will average more than three years, and possibly four years. There are many applications that have been filed in the Veterans' Bureau for eight years upon which no compen-

sation has ever been granted. So it is not fair to suggest that the disease makes its first appearance 11 years after the war.

Mr. SHORTRIDGE. No.

Mr. TYDINGS. Mr. President, will the Senator yield for just one moment?

Mr. SHORTRIDGE. The time is running. I can not yield, except very briefly.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. TYDINGS. Just a moment.

Mr. SHORTRIDGE. Very well.

Mr. TYDINGS. May I say to the Senator from Georgia that if he will look at the statistics, he will find that the vast majority of the cases which have not been closed have arisen since January 1, 1925.

Mr. GEORGE. I will say to the Senator that the average of all applications pending in the Veterans' Bureau where compensation has not been paid is more than three years; so that the disease actually made its appearance in many, many, many cases 5, 6, 7, 8, and 9 years ago.

Mr. SHORTRIDGE. Mr. President, I again refer to the report as being explanatory of each and all of the sections in the bill, of the law as it was, as the bill came from the House, and as the committee propose to amend it. As to the point under discussion—namely, as to the presumption cases—if what Senators say again and again be sound and true, the presumption will probably be as a thistledown, and it will be easy to overcome it. The director, in all human probability, will find evidence speedily to overcome it; or if it should be possible to carry the matter to the courts, the courts will very likely, by ruling, overcome this presumption.

Mr. BINGHAM. Mr. President——

Mr. SHORTRIDGE. But I think the Senate now understands that it is not piling on a burden to break the back of the Government, a heavy burden to be carried by the taxpayers of this Nation; but I do not care if it does add a little bit to the expense of government.

If absolutely necessary to provide for the additional expense of this bill I would cease to erect some buildings; I perhaps might defer the cleaning out of some sleepy lagoon; I would stop extravagant expenses in the personnel of this bureau. Why, this bureau costs forty-odd million dollars a year. The director has an army of employees, and yet he says that if this bill goes through it will call for another $5,000,000 additional in personnel. Great God! They ought to cut off about $10,000,000 now; and he reaches his $102,000,000 cost of this bill by the suggestion that it will call for $5,000,000 more for personnel to administer this law!

What changes are here made in the present law which will call for an addition to the great army now under General Hines? It is perfectly ridiculous and absurd to suggest that this bill will call for more assistants.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. In a moment I will yield with pleasure.

Another thing, he does not call attention to the fact that the $3,000,000 which he puts in to make up his $102,000,000 estimated cost should not be charged to this bill at all. Here is an item found in section 38, which he says will cost $3,000,000, that is a provision directing the Secretary of War to gather up and accumulate in the War Department all the records and files regarding the service of veterans of the World War, all to the end, I suppose, that the rights of veterans may be the better guarded and history preserved. This item in this bill has nothing to do directly with veteran relief legislation. Yet he uses it, and doubtless impressed it upon the mind of the President. I would be perfectly willing to eliminate that item of expense. It has no place in this relief legislation.

There is another thing to which nobody has called attention, but to which attention should be called. Let me state the case in this form: Under certain rulings of the director this Government is now obligated to pay something over $25,000,000. Under an early estimate of General Hines, it was some $42,000,000. I beg Senators to follow me. Under present rulings we are obligated to pay at least $25,000,000. Why do I say that? The director rejected claims amounting to the sum stated, but the Attorney General of the United States and General McCarl, the Comptroller General, have both now ruled that those were and are valid claims against the Government, and unless we do what we have a constitutional right and power to do, unless we now, by the provision in the bill, found on lines 19 and following on page 29, affirm in legal effect the ruling of the Director of the Budget, the United States Treasury will be called upon immediately to pay over $25,000,000.

At first blush, when that provision was called to my attention, I said, perhaps half lawyerlike, "If such a claim was a valid claim, it became a vested right, and how can we interfere with it?" But upon a little reflection it occurred to me that it has been held repeatedly that where the amount to be paid is in the nature of a gratuity, without consideration, it is competent for Congress to change the law and provide that the gratuity shall not be given. Therefore, under this ruling of the Attorney General and General McCarl, unless we pass this bill with this provision in it, the Director of the Budget, under the law, will proceed to pay out over $25,000,000 on claims which he has heretofore rejected.

Mr. REED. Mr. President, is it not so that the bill as it came from the House contained those provisions, that the Finance Committee did not amend them, that my amendment does not touch them, and that the question is not at issue at all? Nobody is proposing to change that.

Mr. SHORTRIDGE. All right; but I am dwelling on this item for the moment to remind the Senate that this saving of $25,000,000 is not mentioned by the director when estimating the cost of this bill. He has not called the attention of the country to the fact that this bill saves the Government, at least for one year, $25,000,000.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield.

Mr. BARKLEY. I was going to ask the Senator whether that is an annual saving or whether it is a saving of a lump sum of $25,000,000 or more?

Mr. SHORTRIDGE. As of now, it is an accrued and may be called a lump sum which is due.

Mr. BARKLEY. Of course, it might continue in the future, I imagine. If these claims are held valid as to the past, they might project themselves, at least to a certain extent, into the future.

Mr. SHORTRIDGE. Quite possibly.

Mr. BARKLEY. Assuming, however, that they were for only one year, then they would reduce the total amount involved in this bill as reported by the committee by $25,000,000.

Mr. SHORTRIDGE. Beyond any controversy.

Mr. BARKLEY. So that if General Hines's first estimate of the cost of this bill as it now stands is $74,000,000, which he stated before the committee it represented, and we deduct the $25,000,000 referred to, that leaves only $49,000,000 as the expense of this new bill for the first fiscal year.

Mr. SHORTRIDGE. Precisely; or, if it is to be $102,000,000, as he says, by this reduction of $25,000,000, we bring back the cost for next year to about the $74,000,000 or $75,000,000, which was agreed upon in the committee, with a representative of the director there so advising us, with pencil in hand, adding, subtracting, and calculating.

Mr. ALLEN. Mr. President, will the Senator yield to me?

Mr. SHORTRIDGE. I yield.

Mr. ALLEN. Is it a settled fact that General Hines agrees that the $25,000,000 may be subtracted from the estimate of whatever it is? My information is that he says that it is not legitimate to subtract the $50,000,000, or whatever amount is subtractable, because of the changing of the retroactive date. Has anyone here any accurate and dependable statement from General Hines touching the effect of this new date to which the retroactive act will go?

Mr. REED. Mr. President, I have.

Mr. SHORTRIDGE. The Senator may have his latest figure, but if he has his estimate of last week, or last month, it may be somewhat different. What is the point of the query? The Senator from Pennsylvania has explained himself with great clearness, and it has been suggested, if I catch the question, that the extension of the period from 1925 to 1930 would bring in 100,000 cases?

Mr. ALLEN. No; the establishing of 1924.

Mr. REED. May I answer the question?

Mr. SHORTRIDGE. There is no retroactive feature in this bill.

Mr. REED. Mr. President, if the Senator will look at the middle of the first column of page 11309 of the CONGRESSIONAL RECORD of this session, he will see a letter from General Hines explaining the effect of this section.

Mr. SHORTRIDGE. Yes; that letter has been circulated about, and has been torn to tatters. It has been answered again and yet again. It is speculative. It is dismally prophetic, as though he were striving to build up a case, to erect a barrier. I do not claim to be a statistician, or a mathematician, or much of a logician, but I sometimes try to judge the future by the past. I know of no better standard of measurement. Nearly every one of the prophecies of the director is a prophecy not grounded upon established past facts. Moreover, he forgets the running of time. He forgets the death of men. There are from 70 to possibly 100 dying daily now. He forgets that some children once dependent are now 21 years of age, and in a few years there will be no dependent children to come in under

this legislation, for they will have reached the age of 21 years, and will, of course, be off the roll.

Mr. McMASTER. Mr. President, if I may ask the Senator, when General Hines appeared before the committee last week, had all the amendments to the bill been made by the Finance Committee at that time, so that he had before him the bill which is now before us when he made the statement about the $74,000,000?

Mr. SHORTRIDGE. I think we had practically concluded the consideration of the bill. I think it was merely left then to the experts to put it into shape.

Mr. REED. General Hines never made any estimate of $74,000,000, did he, Mr. President?

Mr. SHORTRIDGE. No; not in so many words; but his office was there represented daily before the committee, and he has never dissented before the committee from the estimate made by his office.

Mr. REED. But he testified in detail to the items that were contained in this letter, and his testimony before the committee was the same as in the letter, and his representative—I suppose the Senator refers to Major Roberts——

Mr. SHORTRIDGE. I do, as one.

Mr. REED. His representative testified as to the cost of the legislation; he was asked out of a clear sky to estimate its cost, and he said it would run from $75,000,000 to $100,000,000. That was a pretty good guess for a guess made under those circumstances.

Mr. SHORTRIDGE. His figures are here still, in pencil, and the conclusion reached was as I have stated. He could not with accuracy say that it would be just so much, to the cent, yet, by common opinion of the committee, it would be between $74,000,000 and $75,000,000. Of course, some cataclysm, something extraordinary, something unnatural, might occur which would run it up somewhat, but nobody ever thought, as of then, that the minimum would be $102,000,000. Nor does he take account of this $25,000,000 which I have mentioned. Nor does he take account of the $3,000,000, which is not properly chargeable to this bill.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Arkansas?

Mr. SHORTRIDGE. I yield.

Mr. ROBINSON of Arkansas. When the proposed amendment presented by the Senator from Pennsylvania was offered to the Committee on Finance in a somewhat different form, was the opinion of the Director of the Veterans' Bureau obtained by the committee on the merits of the proposal?

Mr. SHORTRIDGE. I think probably the Senator from Massachusetts [Mr. WALSH] could better answer that question.

Mr. ROBINSON of Arkansas. May I ask who presented to the Committee on Finance the amendment now offered by the Senator from Pennsylvania?

Mr. SHORTRIDGE. I should have said the Senator from Texas [Mr. CONNALLY] could the better answer that than I can.

Mr. BINGHAM. Mr. President——

Mr. SHORTRIDGE. I yield.

Mr. ROBINSON of Arkansas. I am seeking information.

Mr. BINGHAM. The Senator from Massachusetts and the Senator from Texas, if my recollection serves me correctly, proposed an amendment somewhat similar to that offered by the Senator from Pennsylvania, based on the present pension allowance given for disabilities to veterans of the Spanish-American War. As I understand it, the amendment offered by the Senator from Pennsylvania is based on the allowances made to veterans of the Spanish-American War 22 years after the war was over, in 1920, and therefore is considerably less, and the proposal was that it be based on the present pension of the Spanish-American War veterans, which I understood the President objected to.

Mr. ROBINSON of Arkansas. Mr. President, that is one of the things I am trying to find out, and I can not understand the mystery about it.

Mr. SHORTRIDGE. There is no mystery; I see no mystery.

Mr. ROBINSON of Arkansas. There seems to be some mystery about it. It appears that two Senators on the Finance Committee submitted a proposal different only from that now presented by the Senator from Pennsylvania in the amounts carried, recognizing exactly the same principle, and, of course, it would have occurred to anyone who has sufficient intelligence to serve on the Finance Committee to adjust the rates carried in the proposal then submitted to that committee. What I desire to know now is whether it was regarded by the committee as of sufficient importance to take the opinion of the Director of the Veterans' Bureau on the merits of the proposal and whether that opinion was actually taken.

The natural course to have pursued was to follow the matter out, to say that if the rates presented by the Senator from Massachusetts and the Senator from Texas were too high to reduce them, not to repudiate the principle, if the principle is now advanced as being sound, namely, service pension for disability.

Mr. WATSON. Mr. President, will all Senators yield to me a moment until I submit a unanimous-consent agreement?

Mr. ROBINSON of Arkansas. I myself submitted a request for an extension of the time for discussion from 3 o'clock until 5 o'clock.

Mr. WATSON. I suggest that the Senator do it again.

Mr. ROBINSON of Arkansas. It was rejected. I stated then that I would submit another request.

Mr. WATSON. It is time now to do it.

Mr. ROBINSON of Arkansas. But I have been advised by a number of Senators that they will not consent to an extension of time under present conditions. In good faith I think the Senate ought to know more about the subject than it has yet learned. To me the statement of the Senator from California, in charge of the bill, has been illuminating. He has cleared up in my mind a number of matters that were quite confused.

The PRESIDING OFFICER. Senators will suspend while the Chair invites the attention of the Senate to the unanimous-consent agreement under which we are now operating:

That after the hour of 3 o'clock p. m. on said day [to-day] no Senator shall speak more than once or longer than 10 minutes upon any amendment or the bill, and that prior to adjournment on said day the Senate proceed to vote upon any amendment that may be pending or that may be proposed, and upon the bill through its several parliamentary stages to and including final passage.

The hour of 3 o'clock having arrived, that part of the agreement now goes into effect.

Mr. SHORTRIDGE. I thank the Chair.

The PRESIDING OFFICER. The Senator from California has 10 minutes.

Mr. ROBINSON of Arkansas. Will the Senator yield to me?

Mr. SHORTRIDGE. I yield.

Mr. ROBINSON of Arkansas. I was about to say that I believe I ought to resubmit the request which was rejected an hour or two ago. I ask unanimous consent that debate continue without limit until 5 o'clock, at which time the limitation of 10 minutes now in effect shall be applicable, and that the time between now and 5 o'clock shall be equally divided, to be controlled by the Senator from California [Mr. SHORTRIDGE] for the bill, and the Senator from Pennsylvania [Mr. REED] for the amendment which he has presented.

Mr. SHORTRIDGE. I hope that will be granted.

Mr. McNARY. Mr. President, inasmuch as I submitted the unanimous-consent agreement under which we are working, if there be any proposed modification to consider, it should follow a quorum call, and I therefore suggest the absence of a quorum.

Mr. ROBINSON of Arkansas. A quorum call is not necessary.

Mr. McNARY. I would think it not necessary except that certain Senators have discussed the matter with me who ought to be present. I shall object until a quorum is called.

The PRESIDING OFFICER (Mr. COUZENS in the chair). If no one else will object, the present occupant of the chair will object to the proposed unanimous-consent agreement because of the presentation of the proposed amendment after the Committee on Finance had thoroughly discussed it. The present occupant of the chair objects.

Mr. ROBINSON of Arkansas. Then I call for the regular order.

The PRESIDING OFFICER. The Senator from California has 10 minutes.

Mr. BARKLEY. Mr. President——

Mr. SHORTRIDGE. I beg of the Senator not to take any of my time. I have only 10 minutes.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. Does the Chair hold that each Senator may have 10 minutes on the pending amendment and an additional 10 minutes on the bill and then 10 minutes on each succeeding amendment?

The PRESIDING OFFICER. Only 10 minutes upon the bill and upon the pending amendment. The unanimous-consent agreement provides—

That after the hour of 3 o'clock on said day—

Which is to-day—

no Senator shall speak more than once or longer than 10 minutes upon any amendment or the bill.

It does not say "and the bill."

Mr. BARKLEY. If it had said "and the bill" it would have meant only 10 minutes in all; but if it says "or the bill" it means 10 minutes upon each. A Senator may speak upon either one only 10 minutes.

The PRESIDING OFFICER. When an amendment is pending a Senator is permitted to speak only 10 minutes upon that amendment.

Mr. BARKLEY. And 10 minutes upon the bill.

The PRESIDING OFFICER. Not while the amendment is pending.

Mr. BARKLEY. He may do so later?

The PRESIDING OFFICER. He may do so later on the bill. The Senator from California has the floor and has 10 minutes upon the pending amendment.

Mr. SHORTRIDGE. Mr. President, I have endeavored to clear up two or three of the principal amendments to the bill. There are 30 or 40 concerning which everybody agrees. I perhaps repeat myself when I say that the bill before us will not call upon the Treasury to pay more next year possibly than $75,000,000. That I say even though the present estimate of the Director of the Veterans' Bureau be correct, namely, that the amount is $102,000,000, for we have the right to consider that the bill relieves the Government from the payment of at least $25,000,000. Under the law, the Director of the Veterans' Bureau will follow the rulings of the Attorney General and the Comptroller General, Mr. McCarl, and pay the claims which have been rejected but which as of now are valid obligations of the Government.

It has been suggested in the letters read and in the remarks of my friend the Senator from Pennsylvania [Mr. REED] that the bill is a departure from the policy heretofore adopted. Why, Mr. President, it is following right along in the beaten path of the policy adopted. We are merely extending the time within which actions may be brought. We are adding by way of presumptions some diseases attributable to war service, and we are in every way following the policy of a compensation bill rather than a pension bill. The amendment proposed by the Senator from Pennsylvania is the departure, for it avowedly is a pension proposition. Emphasis, reiteration, restatement can not make that any plainer. It is true. It is a fact. Therefore why the outcry that the bill is a departure from the policy of the Government?

Ah, my friend from Utah [Mr. SMOOT] may say that it is a departure because we propose to recognize some cases which are the result of human misconduct. We already recognize them to the full. It may be that the Senate or the country does not know that we to-day recognize and care for the helpless veteran whose condition is a direct result of his alleged misconduct.

Where the man is helpless or bedridden, where he is blind, where he is a paralytic, where he is suffering from paresis, a poor human wreck, the Government reaches out its arms in kindness and in love and gives him shelter, trying to prolong his life when perhaps it were better if he went to sleep.

Perhaps it was because of some remark of mine that a rather violent speech was made against the provision of the bill which seeks to care for those young men, now grown older, who are suffering from so-called or, if it be, actual violation of law or misconduct. The time has come to speak in rather plain words. I can indulge in euphemistic phrases. I can gloss over ideas. I can hint and infer and insinuate. Perhaps I have a vocabulary copious enough to indulge in that sort of speech. But let us be a little frank as fathers. I undertake to say that Uncle Sam condoned every one of those offenses. He not only condoned them but he practically encouraged them, for over yonder in France, it may be the night or the day before the boy was going to the front to die, Uncle Sam condoned his offense if he wandered afield. If as a result of this misconduct he has become and is now a total wreck, under the law as it is he is eligible to enter a hospital and to be cared for the rest of his life. Is there any father or mother in America who would turn him out upon the streets to die a beggar?

Uncle Sam is the pater patriæ, the father of the country. He called his sons from the patriotic South, from the patriotic North, from the patriotic East, and from the patriotic West and sent them to fight, to suffer, if need be to die, in order that the flag of their patriot hearts might triumph. They marched, they fought, many died and sleep far from the land of their birth, one unknown but not unhonored sleeps at Arlington, guarded by a nation's gratitude and love. Some erred and suffer. Uncle Sam condoned and forgave. Shall we be less forgiving?

The VICE PRESIDENT. The time of the Senator from California has expired.

Mr. SHORTRIDGE. I will speak on amendment No. 1.

The VICE PRESIDENT. The Senator has been speaking on that amendment.

Mr. SHORTRIDGE. Then I will speak on amendment No. 2. May I not do that?

The VICE PRESIDENT. That may not be done.

Mr. SHORTRIDGE. Then I thank you, Mr. President, and later on, perhaps, I may finish that incompleted thought.

Mr. GEORGE. Mr. President, may I inquire what amendment is now before the Senate?

The VICE PRESIDENT. The first amendment of the committee, which the clerk will report.

Mr. GEORGE. I express the hope that the committee amendments may be accepted until we get down to the controverted sections of the bill. We very early will come to that part.

Mr. ROBINSON of Arkansas. What are the uncontroverted amendments?

Mr. GEORGE. This is not a controverted amendment at all, and until we get to section 200 of the bill we find practically no controversy.

The VICE PRESIDENT. The question is on agreeing to the first committee amendment.

Mr. BRATTON. Let it be reported.

The VICE PRESIDENT. The amendment will be read.

The LEGISLATIVE CLERK. On page 1, line 11, after the word "purposes," it is proposed to strike out "*Provided*, That in making regulations pursuant to existing law with reference to home treatment for service-connected disabilities, the director shall not discriminate against any veteran solely on the ground that such veteran left a Government hospital against medical advice or without official leave; the director" and to insert the word "and," so as to read:

That section 5 of the World War veterans' act, 1924, as amended (sec. 426, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 5. The director, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this act, and for that purpose shall have full power and authority to make rules and regulations, not inconsistent with the provisions of this act, which are necessary or appropriate to carry out its purposes and shall decide all questions arising under this act.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 4, after line 2, to strike out:

All property acquired by the Board of Managers of the National Home for Disabled Volunteer Soldiers under the act of May 29, 1902 (32 Stat. 282), known as the Battle Mountain Sanitarium, is hereby transferred to and the title thereof vested in the United States. The jurisdiction and control of said Battle Mountain Sanitarium, and the Battle Mountain Sanitarium Reserve created under the act of March 22, 1906 (secs. 151–154, title 24, U. S. C.), are hereby transferred to the United States Veterans' Bureau, and any unexpended balances of appropriations therefor are made available for expenditure by said bureau.

Mr. McMASTER. Mr. President, I hope the Committee on Finance will not insist upon this particular amendment which they have proposed. There are peculiar circumstances surrounding the disabled veterans' home at Hot Springs, S. Dak.

In the first place, it is ideally located for an institution of this kind, and particularly for disabled veterans. We have more days of sunshine there probably than in any other city in any other State where one of the old soldiers' homes is located. We have a splendid climate. We have mineral waters of all kinds of curative properties. We have hot and cold water of all temperatures. The reason why the disabled veterans will not attend or go to that hospital is because of the food that is served there. As the Senate well knows, the food allotment for the veterans of the World War in their hospitals is $1 a day more than it is in the homes for the veterans of the Civil War. With a hospital there we appropriated for 178 beds for veterans of the World War. On account of the excellent surroundings and the curative properties of the mineral waters it is an excellent location for such use, and, by transferring jurisdiction of that home to the Veterans' Bureau, the additional food can be provided.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. McMASTER. I yield.

Mr. BINGHAM. A member of the board of trustees of the soldiers' homes appeared before the committee and explained that if the committee amendment were not adopted and the provision were left in the bill as the Senator desires, some 300 old gentlemen, veterans of previous wars, would have to find a place elsewhere or would have to be moved.

Mr. McMASTER. Is the Senator sure that that statement is correct?

Mr. BINGHAM. I have no means of verifying it, I will say to the Senator, but that is what the member of the board of trustees said to us.

Mr. SMOOT. That was the testimony of Gen. George H. Wood.

Mr. McMASTER. Of course, the president of the board, to which the Senator refers, would be loath to relinquish control of any one of these institutions; but General Hines has recommended this proposal; the American Legion has recommended it; it went before the committee of the House, and the committee passed favorably upon it, and the House of Representatives likewise passed upon it. That was the report made to me by the chairman of the committee in the House having charge of veterans' legislation.

Mr. SMOOT. I think that the report——

Mr. McMASTER. Does the report show the contrary to be true?

Mr. SMOOT. I have the report here; but the question arose, I know, when the bill was being considered by our committee, and the statement to which reference has been made was made to me before I went to the committee, and I there asked the question as to whether it was so or not and I was told it was. I do not know anything except so far as the statement made is concerned.

Mr. BINGHAM. Mr. President, the reason I voted for this amendment in the committee was simply and purely because we were told that about half the beds in the hospital were occupied by aged veterans of the Civil War, who did not want to move out; that they had no other place to go, except some strange home; and it was to prevent the necessity of their being moved that the amendment was adopted.

Mr. McMASTER. I wish to call the Senator's attention to the fact that before the Committee on Finance now there is pending a bill that places the jurisdiction of all the soldiers' homes under the Veterans' Bureau. Certainly in that case the veterans of the Civil War would not be dislodged from these homes.

Mr. BINGHAM. If that bill shall pass, that which the Senator wishes to see done will be done; but if that bill shall not pass and this amendment shall be adopted, it will mean the discomfort and inconvenience of some 300 aged veterans, who will have to be moved far away to some other soldiers' home in order that the beds in this hospital may be available for veterans of the World War.

Mr. SHORTRIDGE. I will say to the Senator from South Dakota that I think the situation to which he has reference will be taken care of in another bill.

Mr. McMASTER. The other bill has been before the Committee on Finance since April, 1929, and it is quite apparent that the Committee on Finance is not in favor of the bill and does not propose to recommend its passage.

Mr. SMOOT and Mr. GEORGE addressed the Chair.

The VICE PRESIDENT. Does the Senator from South Dakota yield; and if so, to whom?

Mr. McMASTER. I yield first to the Senator from Utah.

Mr. SMOOT. I merely wish to say to the Senator that the bill is before the committee, but it has an adverse report.

Mr. McMASTER. Naturally.

Mr. President, in view of the fact that Congress has appropriated money for 178 beds for veterans of the World War in this institution, and that such veterans will not go there on account of the food, it seems to me that this amendment ought to be adopted. I can not agree with the Senator from Connecticut that its adoption would result in dislodging the old soldiers to whom he has referred.

Mr. SMOOT. That is what General Wood stated.

Mr. GEORGE. Mr. President, may I say to the Senator from South Dakota that the committee first agreed to the amendment and was perfectly willing that the hospital be taken over by the Veterans' Bureau, but when the trustee representing the institution appeared and filed objection to the amendment the committee simply deferred to his wishes; that is exactly what happened.

Mr. McMASTER. It is perfectly natural that the president of the board of trustees should appear before the committee and object that the jurisdiction of any one of these institutions should be transferred to the Veterans' Bureau, because, of course, the members of the board are opposed to such a policy, and if one were transferred I presume there would arise a feeling that they would lose control of all; but there are most peculiar circumstances concerning this institution at Hot Springs.

Mr. BINGHAM. Mr. President, I wish the Senator would tell us what will become of the 300 veterans of the Civil War if the hospital to which he refers shall become a World War veterans' hospital when the veterans there now did not serve in the World War. Will they not have to be moved?

Mr. McMASTER. I do not think they will have to be moved. This amendment simply places the jurisdiction of the home in the Veterans' Bureau; that is about all it does; it will not result in dislodging a single veteran of the Civil War. I hope, Mr. President, that the chairman of the committee will recede from the position taken, and agree that the committee amendment may be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. SMOOT. Mr. President, it was the unanimous opinion of the committee that the provision to which he refers should not be agreed to, and I have no authority now to yield because of the fact that I was instructed by unanimous vote of the committee to report the bill as it is.

Mr. McMASTER. The committee simply hears the statement of the president of the board of trustees, and then adopts that statement.

Mr. COUZENS. Mr. President, will the Senator from South Dakota yield to me?

The VICE PRESIDENT. The Senator from South Dakota has exhausted his time.

Mr. COUZENS. I merely wish to say to the Senator that it was not merely the objection of the president of the board of trustees that caused us to eliminate the provision.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. WALSH of Montana. Mr. President, I inquire whether the Senate is considering amendments reported by the committee?

The VICE PRESIDENT. By unanimous-consent agreement committee amendments were first to be considered, as the Chair is advised. The present occupant of the Chair was not in the chair at the time the agreement was entered into.

Mr. WALSH of Montana. I have an amendment at the desk, which I desire to present at the proper time.

The VICE PRESIDENT. The amendment of the Senator from Montana will be in order when the committee amendments shall have been disposed of. The next committee amendment will be stated.

The next amendment of the Committee on Finance was, on page 4, line 20, after the word "yearly," to strike out "renewal" and insert "renewable"; in line 25, before the word "term," to strike out "renewal" and insert "renewable," and on page 5, line 5, after the word "yearly," to strike out "renewal" and insert "renewable," so as to read:

SEC. 3. That section 16 of the World War veterans' act, 1924, as amended (sec. 442, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 16. All sums heretofore appropriated for the military and naval insurance appropriation and all premiums collected for the yearly renewable term insurance provided by the provisions of Title III deposited and covered into the Treasury to the credit of this appropriation, shall where unexpended, be made available for the bureau. All premiums that may hereafter be collected for the yearly renewable term insurance provided by the provisions of Title III hereof shall be deposited and covered into the Treasury for the credit of this appropriation. Such sum, including all premium payments, is made available for the payment of the liabilities of the United States incurred under contracts of yearly renewable term insurance made under the previsions of Title III, including the refund of premiums and such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia. Payments from this appropriation shall be made upon and in accordance with the awards by the director."

The amendment was agreed to.

The next amendment was, on page 9, line 14, after the word "amended," to strike out the colon and the following additional proviso: "*Provided further*, That in connection with adjudication of the claim of Hal R. Johnson X C423904, the director shall make payment of the amount of the adjusted-service certificate in accordance with the last will and testament of the deceased," so as to read:

The term "claim" as used in this section means any writing which alleges permanent and total disability at a time when the contract of insurance was in force, or which uses words showing an intention to claim insurance benefits, and the term "disagreement" means a denial of the claim by the director or some one acting in his name on an appeal to the director. This section, as amended, with the exception of this paragraph, shall apply to all suits now pending against the United States under the provisions of the war risk insurance act, as amended, or the World War veterans' act, 1924, as amended.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to insert:

SEC. 7. That section 30 of the World War veterans' act, 1924, as amended (sec. 456, title 38, U. S. C.), be hereby amended by adding thereto a new subdivision to be known as subdivision (e), and to read as follows:

"(e) The director may authorize an inspection of bureau records by duly authorized representatives of the organizations designated in or approved by him under section 500 of the World War veterans' act, 1924, as amended, under such rules and regulations as he may prescribe."

Mr. ROBINSON of Arkansas. I propose an amendment to the committee amendment which I think the Senator from California [Mr. SHORTRIDGE] may approve. On line 8, after the word "representatives," I move to insert "of the American Veterans of All Wars and," so as to read:

The director may authorize an inspection of bureau records by duly authorized representatives of the American Veterans of All Wars and of the organizations designated in or approved by him under section 500 of the World War veterans' act, 1924—

And so forth. The existing law referred to as "section 500" does not mention the organization to which I am referring. It does mention other organizations. I take it that the omission is an oversight and that the intention is to give to representatives of all these organizations the opportunity to make the inspections which are authorized by this section.

Mr. REED. Mr. President, will the Senator from Arkansas permit a question?

Mr. ROBINSON of Arkansas. Certainly.

Mr. REED. I never heard of an organization called the American Veterans of All Wars, but if there be such an organization, it can, under section 500 of the veterans' act, be admitted to these privileges by order of the director.

Mr. ROBINSON of Arkansas. The other organizations are expressly named, and I am suggesting that this organization be placed on an equality with those which are named.

Mr. REED. Can the Senator tell us something about the organization to which he refers?

Mr. ROBINSON of Arkansas. Yes. It is an organization that has its headquarters in Muskogee, Okla. I do not know the number of its members, but it is represented by Mr. J. H. Stolper, and I think there can be no objection to extending this privilege to that organization.

Mr. SHORTRIDGE. Is it the opinion of the Senator from Arkansas that the organization referred to would not have the privilege under existing law?

Mr. ROBINSON of Arkansas. The organization is not named as among the organizations whose representatives are entitled to make the inspection. They feel that that is a discrimination. I ask that the amendment to the amendment may be agreed to.

Mr. SHORTRIDGE. Personally I have no objection to the amendment to the amendment.

Mr. SMOOT. Let the amendment to the amendment be agreed to, and we may look into the matter in conference.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Finance was, on page 12, line 12, after "Sec.," to strike out "7" and insert "8," and in line 13, after the word "amended," to strike out ("sec. —, title 38, U. S. C.)," so as to read:

SEC. 8. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 37, and to read as follows:

"SEC. 37. Checks properly issued to beneficiaries and undelivered for any reason shall be retained in the files of the bureau until such time as delivery may be accomplished, or, until three full fiscal years have elapsed after the end of the fiscal year in which issued."

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to strike out:

SEC. 8. That a new section be added to Title I of the World War veterans' act, 1924, as amended (sec. —, title 38, U. S. C.), to be known as section 38, and to read as follows:

"SEC. 38. The director is hereby authorized to purchase uniforms for all personnel employed as watchmen, elevator operators, and elevator starters in the Arlington Building, city of Washington, D. C."

Mr. GEORGE. Mr. President, the pending amendment does not involve a controversial matter, I take it, but I am availing myself of the opportunity of speaking upon other provisions of the bill.

This particular amendment proposes to strike out a provision inserted by the House authorizing the director to provide uniforms for elevator starters, and so forth, in the Veterans' Bureau in the Arlington Building, in this city. I presume the committee amendment will be approved by the Senate.

Mr. BINGHAM. Mr. President, will the Senator from Georgia yield?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. GEORGE. I can not yield just now. Inasmuch as the next section of the bill is controverted, I wish to speak upon the pending amendment now, and then shall avail myself of the opportunity of speaking 10 minutes on the latter amendment, if I may.

Mr. President, the veterans' bill, which is now before the Senate, came to this body on the 25th day of April, practically 60 days ago. On the following day I gave notice from the floor that unless the Finance Committee proceeded with the hearings upon the bill, I should move to discharge the committee from the consideration of the measure, and to bring the bill to the floor of the Senate. Notwithstanding that statement, and notwithstanding daily efforts upon my part, it was not until the 1st day of May, as I recall, when hearings were actually commenced.

Mr. SMOOT. Mr. President, will the Senator from Georgia yield to me?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. GEORGE. I will not yield just now, because I am speaking under the 10-minute limitation.

Mr. SMOOT. It would not take me very long to make my suggestion.

Mr. GEORGE. After the hearings, Mr. President, which were unduly protracted—and I am speaking frankly and candidly about it; time does not permit redundant statement—the committee reported the bill to the Senate on the 11th day of June—I am speaking of calendar days—thereafter, and on every day subsequently, practically, I sought to get the measure before the Senate for consideration. Between the time the hearings were closed and until the Finance Committee reported the bill, I made repeated appeals for the consideration of the proposed legislation.

When the Finance Committee was considering the bill in executive session the proposal was made by the Senator from Texas [Mr. CONNALLY] and the Senator from Massachusetts [Mr. WALSH] to substitute for section 200 of the bill, the controversial section of the bill, the Spanish-American War pension act, which, in principle, is exactly the proposal now made by the Senator from Pennsylvania [Mr. REED].

Some of us of the committee voted against that proposal, but we did it—and I believe it was understood by the entire committee—solely because we believed the President would not approve the bill. We did it because we knew that to substitute the provisions of the Spanish-American War pension bill would carry the cost of this bill practically up to the limit of cost of the House bill, if not in excess of it. But when the provision was first submitted, by an affirmative vote of the Finance Committee it was tentatively accepted. There was an adjournment of the committee overnight, with the understanding, at least, that some one would approach the President and ascertain the views of the administration. The following day, when the matter was again voted upon, the proposal made by the Senators from Massachusetts and Texas was rejected by the committee, because it was ascertained that to substitute the provisions of the Spanish-American War pension bill would carry the cost of the bill very much above the cost of the bill as finally reported out of the Finance Committee; and the committee was led to believe, at least, that the proposed substitute was unacceptable to the administration. The amendment suggested by the Senator from Texas and by the Senator from Massachusetts was a much fairer bill, a much juster bill than the Reed substitute, in that it placed the veterans of the World War upon the same basis as the Spanish-American War veterans. The Connally-Walsh substitute provided compensation, or disability pension, of $20 per month for a 10 per cent disability with a $60 maximum for permanent total disability.

Now let me analyze the substitute offered by the Senator from Pennsylvania. He proposes to pay to the disabled veterans of the World War, if they are 25 per cent permanently disabled, $12 a month; if they are 50 per cent permanently disabled, $18 a month. General Hines testified before the committee that taking the seventy thousand and odd veterans who are not to-day drawing compensation, of whom 72 are dying per day, the average disability is only 43 per cent. So under the amendment offered by the Senator from Pennsylvania, the first 70,000 veterans, seventy-odd of them dying every day, will on the average fall not under the 50 per cent permanent disability, because the average disability of these veterans is only 43 per cent, but they

will be rated and pensionable at 25 per cent permanent disability. They will draw the handsome sum of $12 per month.

There is not anything in this proposal for the veterans of the war—nothing to commend it to Senators who wish to do justice to the disabled veterans—except the thought that it does give some compensation, however inadequate, to all of the disabled soldiers. In that respect I agree with the Senator from Pennsylvania; and if this administration now will send to the Senate the assurance that he will approve the substitution of the Spanish-American War pension act, I will go with him and support his proposal. It will not cost less than the bill we now have before the Senate, however, but it will cost considerably more immediately; but I would be willing to support such a proposal if given assurance that the President wished it. Under the substitute now presented by the Senator from Pennsylvania [Mr. REED] the 70,000 to 100,000 severely disabled veterans who now draw no compensation will on the average receive but $12 a month. Some of them, of course, will draw $18. Some few of them will draw $24 for 75 per cent permanent disability; but the majority of them, and the vast majority of them, will draw $12 a month.

The VICE PRESIDENT rapped with his gavel.

Mr. GEORGE. Mr. President, now let me add to that.

Mr. REED. Mr. President, a parliamentary inquiry: Has not the time of the Senator expired?

The VICE PRESIDENT. The Senator's time has expired.

Mr. GEORGE. Very well, Mr. President. I have no objection to the amendment now before the Senate.

Mr. SMOOT. Mr. President, I think the reference of the Senator from Georgia to the slowness, if it may be called such, of the Finance Committee in considering this legislation, is very uncalled for.

I want to say to the Senator—and he knows it to be true—that during that whole time I stood upon the floor of the Senate for 10 hours each day. We had the tariff bill before this body all the time. I told the Senator that the minute it was out of the way I would call the committee together; and I called the committee together just as soon as the tariff bill passed.

If this bill had been reported out to the Senate, we could not have done a thing with it. The tariff bill was the unfinished business. I think the statement is uncalled for, because I say to the Senator that there never was a time when I thought for a minute that there would not be action taken upon this bill. The very first opportunity that I had, of that the members of the committee had, they were called together for the consideration of the bill. I think the consideration of the bill took about three or four days, and then it was reported out.

I felt like saying that, not only in my own behalf but in behalf of the other members of the committee.

Mr. BINGHAM. Mr. President, before this amendment is voted on, I should like to call the attention of the Senate to the fact that this amendment is contrary to the views of the Director of the Veterans' Bureau when he asked that a new section 38 be put in, as was done by the House, and that he be authorized to provide uniforms for all personnel employed in the Veterans' Bureau Building, and that it was stated to the committee that the reason for this was as follows:

Frequently, soldiers who are without friends and without knowledge of any person in Washington come here to Washington to try to get their claims straightened out, to try to get the compensation straightened out for themselves and their friends. They finally find this great, big building, with all its thousands of clerks. They wander around, frequently in distress mentally, frequently in distress bodily. It was the belief of the director of the bureau and his assistants that if the paid employees of the building with whom these soldiers first come in contact, namely, the watchmen, the elevator operators, and the elevator starters, were put in uniform it would add greatly to the comfort and convenience of the veterans coming to do business at the Veterans' Bureau and would cause them a great deal less suffering, and would materially increase the efficiency of the service and the comfort and convenience of veterans.

I hope this amendment may not be agreed to.

Mr. ROBINSON of Arkansas. Mr. President, what would be the cost of the provision?

Mr. BINGHAM. We were not told the exact cost; but as there are not a large number of elevators or watchmen, the cost certainly would not be very large; and since the director of the bureau has been very anxious to keep down the cost, it is obvious that he would not be asking for it if the cost were great. He believed it well worth the expenditure.

Mr. REED. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. REED. I am told that the cost of the provision, which was stricken out by the committee, would be $1,800.

Mr. McKELLAR. Mr. President, I want to speak for just a few moments about the amendment of the Senator from Pennsylvania. I am opposed to that amendment. I am in favor of the bill as the committee has reported it.

We remember that whenever, or nearly whenever, an important soldiers' bill comes before the Senate or before the Congress, we have a report from Mr. Mellon, the Secretary of the Treasury, usually indorsed by the President, that they have not the money to make the payments under the bill. We remember, when the bonus bill came before the Senate several years ago, that there came profoundly doleful kinds of letters from the Secretary of the Treasury, and a report from the President at that time also, saying that the Treasury balance would be wiped out, would be swamped; that we did not have the money to pay the bonus bill, and that the country would go to the bowwows if the bill passed. It will be remembered that the Congress passed it, and the Treasury paid it without trouble. There has not been any trouble about that act at all; and, instead of not having the money, we have from time to time reduced taxes and have paid the bonus, too. It did not cause the slightest trouble to the Treasury, notwithstanding all the direful predictions by the Secretary of the Treasury.

It will be remembered also that when the Congress recently passed the Spanish-American War pension bill the President found some excuse to veto the bill. The Congress passed the bill over the President's veto, and the country is still going on as usual, notwithstanding the like doleful predictions of the Secretary. So at this late hour, at the very close of the session, after there is an agreement to vote and a limitation on the time when we are to vote, when the Secretary of the Treasury and the President come down with the hair-raising statement that we have not the money to make the payments under the bill, that there will be a deficit in the Treasury, I do not think we ought to pay a great deal of attention to it. We might well, in light of previous like predictions, wholly ignore it.

Mr. President, when a soldiers' bill comes before the Congress, the President of the United States is very keen to find reasons for not signing it; but when there is a proposal to reduce taxes on those who are able to pay taxes, that is a very different thing. If a proposed measure will reduce taxes upon the great, rich corporations and individuals of the country, or to restore or refund taxes to such taxpayers, the Treasury, according to the Secretary, is always able to pay.

It will be remembered that last winter it was said by the Secretary and the President that we were collecting too much money; and we refunded, as I remember, some $161,000,000 to the wealthy taxpayers of the country. Oh, yes; it is perfectly right, perfectly appropriate, perfectly easy, according to the administration, to return to the wealthy taxpayers of the country taxes that have already been collected; but when there is a movement on to give the soldiers what is their due, we have not the money in the Treasury! The Secretary is again mistaken.

Another thing must be remembered, Mr. President, while we are considering this matter. It will be remembered that this very Secretary of the Treasury has been for years refunding not only to the rich taxpayers, principally to the war profiteers, from $150,000,000 to $200,000,000 a year, for taxes that were paid more than 12 years ago, most of them war-profits taxes, by men who never went to the war, men who stayed here and got wealthy while these boys went and fought and won the war. Oh, yes; the Secretary is paying back secretly, and he will not have any publicity about it, to the war profiteers something like $150,000,000 to $200,000,000 a year, and there is plenty of money in the Treasury to pay it back. There is not a word about the Treasury being in trouble when it comes to returning to the war profiteers taxes paid 10 years ago.

Why, Mr. President, do the Secretary of the Treasury and the President have so much sympathy for the war profiteers and so little sympathy for the soldiers who fought for their country? Why do they prefer to look after the war profiteers rather than those boys who were maimed and wounded in their country's defense? It is all right to aid the war profiteers; the Government has plenty of money to do that; but when the proposal is to give a pension to a disabled soldier, to a maimed or sick soldier, to a soldier who risked his life for his country, while those very war profiteers were profiteering upon the country, immediately the cry goes up by the President and Secretary of the Treasury, "We have not the money; we can not pay it!"

Mr. President, as it seems to me, the Senate ought to do its duty to-day, and that duty is to pass this bill as the Finance Committee has reported it out. If the President wants to veto it, let him do it. That is his responsibility. That is not ours. What we ought to do is to do our duty. I do not believe this last-minute appeal that the Treasury is in trouble and can not pay this sum.

Mr. President, I desire to call attention to, and ask to have printed as a part of my remarks, an editorial that appeared in yesterday's Washington Post entitled "Mr. Mellon's Opinion." It begins:

The business men of the United States have the greatest respect for the opinions of Andrew W. Mellon. They regard him as the best-informed man in the country on financial and business conditions, and they place the highest value upon his ability to foresee the trend of events.

I am not going to read it all. It is a panegyric upon the great business capacity and the great influence of the Secretary of the Treasury, written by the editor of the Washington Post. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington Post of Sunday, June 22, 1930]

MR. MELLON'S OPINION

The business men of the United States have the greatest respect for the opinions of Andrew W. Mellon. They regard him as the best-informed man in the country on financial and business conditions, and they place the highest value upon his ability to foresee the trend of events. A few of Secretary Mellon's measured words sweep away the mountain heaps of rubbish put forth by croakers who, for political or selfish reasons, picture the new tariff law as a disastrous enactment. In response to the question whether, in his opinion, the tariff law would adversely affect business interests and retard a business recovery, Mr. Mellon said:

"I do not believe that it will. It seems to me that fears and criticisms have been greatly exaggerated. Whenever a new protective tariff law has been enacted gloomy prophecies have been made. They have failed to materialize as far back as I can remember, and my memory goes back many years. * * * The notion that this law is going to destroy our foreign trade, expressed in some quarters, is certainly without foundation. The United States will continue to buy a vast quantity of foreign products and to sell the products of its farms, mines, and factories all over the world. * * * The enactment of this measure brings to an end 15 months of uncertainty. American industries now know where they stand and will, I am confident, adjust themselves without difficulty to new conditions. * * * While it is true that there is a sharp increase in rates applicable to the agricultural schedule, generally speaking, other rates can not be said to have been advanced sufficiently to alter substantially our existing economic position. * * *

"In short, it seems to me that the final enactment of the tariff law, far from placing new obstacles in the way of business recovery, removes one by eliminating the uncertainty of the last 15 months and by its promise of more business-like revision in the future makes a definite contribution to business stability."

Every business man would do well to clip out this statement by Secretary Mellon and hold it against any and all "gloomy prophecies" uttered by politicians, international bankers, and internationalists generally. Business is neither Democratic nor Republican. Democratic business men gain nothing by joining the anvil chorus against a measure which "makes a definite contribution to business stability."

The talk of reprisals by foreign nations is ascertained to be nonsense. Foreign tariffs are already higher than the new American tariff, as a rule, and yet superior American goods, moderately priced, are successfully competing with foreign wares in all markets. A few short-sighted American producers who sell abroad are willing to sacrifice their countrymen's tariff protection for the sake of obtaining lower foreign tariff rates on their own commodities, but happily they can not destroy the American protective system. Their own prosperity depends upon the prosperity of the United States, which is their biggest market. They are saved from their folly by the new tariff law.

Mr. McKELLAR. Mr. President, think of this panegyric, and then see what happened.

Mr. President, that very day an article appeared, in the New York Times, with the heading:

One hundred stocks break to year's new low. Entire list sinks as selling pressure against leaders is intensified.

The article goes on to state that notwithstanding Mr. Mellon's advice, the business men of New York sold those stocks. Business men paid no more attention to Mr. Mellon's opinion than if it had not been given.

I ask that that article may be printed in the RECORD as a part of my remarks, together with another short article.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

100 STOCKS BREAK TO YEAR'S NEW LOWS—ENTIRE LIST SINKS AS SELLING PRESSURE AGAINST LEADERS IS INTENSIFIED—PIVOTAL ISSUES HARD HIT—STEEL GOES DOWN TO 154—ALL WHEAT OPTIONS BELOW $1—COTTON OFF $2 A BALE

More than 100 stocks reacted to the lowest levels of the year yesterday as selling pressure was intensified against United States Steel, General Electric, American Can, and other market leaders. The wide-open break on the stock exchange was accompanied by fresh weakness in the commodity markets, with every future delivery of wheat selling at $1 a bushel or less and cotton losing $2 a bale.

The declines in the stock market were severest in some of the pivotal issued to which Wall Street is accustomed to look for a steadying influence. United States Steel, upon which selling has been concentrated for some weeks, went into new low ground for the year, and at the bottom for the day, 154, was only 4 points above the extreme low reached in the market collapse of last November. Its net loss was 2¾ points, while other prominent issues ended the day with declines ranging from 3 to 9 points.

ONE MILLION NINE HUNDRED AND SIXTY-SIX THOUSAND SIX HUNDRED AND TEN SHARES CHANGE HANDS

Allied Chemical was off 15 points when trading ended. American Can was off 5⅞ points at the close; General Electric, 3⅝; Westinghouse Electric, 4⅝; American Machine & Foundry, 8; American Telephone & Telegraph, 3⅝; American Tobacco, 9; Atchison, Topeka & Santa Fe, 4¾; Brooklyn Union Gas, 5½; Columbian Carbon, 9¼; Consolidated Gas, 4⅝; Houston Oil, 3⅛; Eastman Kodak, 7; National Biscuit, 3⅞; Bethlehem Steel, 2½; Union Carbide, 3⅜; Standard Oil of New Jersey, 1⅞; and Vanadium, 3⅝.

The market caught the full force of the selling movement at the opening, when big blocks had to be absorbed. Radio opened with 10,000 shares at 35⅛, off ⅞ point, and United States Steel, with 8,000 shares at 156, off 2. Initial transactions of 5,000 shares, or slightly less, were recorded in several other issues, the opening prices in all instances showing an overnight depreciation.

Prices fell gradually from the opening until shortly before the close, when there was a feeble rally. For fully an hour and 45 minutes, however, stocks were fed out on a descending price scale. In all, 1,966,610 shares changed hands. This turnover, while not unusually heavy for a Saturday, was at the rate of almost 5,000,000 shares for a full five-hour trading day.

MELLON STATEMENT DISREGARDED

Wall Street was surprised at the vigor of the selling movement, particularly since it came on the heels of reassuring statements from Washington on the effects of the new tariff legislation. Contrary to custom, the financial community chose to disregard the latest statement by Secretary of the Treasury Mellon, that in his opinion the new tariff rates will not retard the recovery of business. Ordinarily Mr. Mellon's views are greeted with enthusiasm in the financial district, but this time, to the surprise of many, the stock market, instead of giving a demonstration of strength, actually pointed downward. Brokers in their week-end comments indicated their belief that more powerful influences are necessary to resuscitate the market at this time.

It was apparent that bearish professionals were resuming activity in aggressive fashion and on a broad front. This was suggested as only one of the explanations for the day's weakness.

Mr. McKELLAR. Mr. President, I have inserted these articles to show that even the business world does not any longer believe that Mr. Mellon is infallible. Indeed, Mr. Mellon's statement made on Saturday, no doubt for the purpose of sustaining the market, had no such effect. Indeed, the market broke and caused the greatest losses of any day for some time. So that we find that panegyric is wholly unjustified. Mr. Mellon's opinion is no longer one to conjure with. Business men disregard his views.

Mr. President, in other words, the Secretary has just cried "trouble" too often when he is opposed to a measure, and has praised too often when he favors a measure. Whenever there is a soldier's bill before Congress, according to the Secretary, the Treasury is in awful shape; it can not pay; the money is not there, says the great Secretary of the Treasury. But when it comes to refunding taxes in enormous sums of one hundred and fifty to two hundred million dollars a year, there is plenty of money in the Treasury! "Come and get it, O you profiteers of the late war! Come on and get what is coming to you! Come on and get it as much and as often as you desire!" And when it is to refund taxes already paid by the great interests, there is always plenty of money!

Mr. President, I hope the Senate will not be scared by these statements from the White House, and from the Secretary of the Treasury, but that this bill as prepared by the committee, which would have gone through without a hitch or a bobble if it had not been for this last-minute scare put forth by the Secretary of the Treasury and by the President, will be passed. I hope the Senate will do its duty, and pass this very deserving bill. It is a fair and just measure of relief to the sick, maimed, and wounded soldiers.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 13, line 6, after the word "amended," to strike out "(sec. —, title 38, U. S. C.)"; in line

8, to strike out "39" and insert "38"; and in line 9, to change the section number from 39 to 38, so as to read:

SEC. 9. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 38, and to read as follows:

"SEC. 38. The Secretary of War is hereby authorized and directed to transfer to and accumulate in the War Department in the city of Washington, D. C., all records and files containing information regarding medical and service records of veterans of the World War: *Provided*, That the necessary appropriation to accomplish the transfer of such records and files is hereby authorized."

Mr. GEORGE. Mr. President, as I was attempting to say when I was interrupted by the expiration of my time under the amendment just adopted, the amendment offered by the Senator from Pennsylvania will give to the 70,000 men suffering the greatest disability less than a 50 per cent rating, on the average, and they will, of course, come under the 25 per cent provision and draw the handsome sum of $12 a month.

As to the other 200,000, all of them will get something, according to the Senator's contention, except—and this is a very important exception—those who are less than 25 per cent permanently disabled. If they are 20 per cent disabled, 23 per cent disabled, 24½ per cent disabled, they will not get a penny, and just as many will fall outside of the amendment offered by the Senator from Pennsylvania as will fall outside of the bill as reported by the committee. So that the Reed substitute does not compensate every man disabled in the World War; it will exclude all of those not having a permanent disability of 25 per cent or more. More than one-half of the most grievous cases will receive only $12 per month.

Mr. President, not only is that so, but as to the 70,000 to 89,000 veterans, approximately 90,000, let us say, suffering the greatest disability, and rated 43 per cent disabled, on the average, it must be borne in mind that that average is the average of veterans disabled from 10 per cent to 100 per cent, whereas the proposal of the Senator from Pennsylvania begins with a 25 per cent disability. So that, under the Senator's amendment, the veterans who are most disabled would be rated somewhere between 40 and 50 per cent disabled, and would draw $12 a month on the average.

Mr. CARAWAY and Mr. REED addressed the Chair.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator yield; and if so, to whom?

Mr. GEORGE. I yield first to the Senator from Arkansas.

Mr. CARAWAY. Permit me to yield to the Senator from Pennsylvania.

Mr. REED. I just wondered if I understood the Senator. Does he contend that, by the exclusion of the low percentages, the percentage of those who are left would be less than 43 per cent or would be more than 43 per cent?

Mr. GEORGE. It would be less than 43 per cent, because there would be so many deductions from it, and you will not be able to obtain your average from so large a total.

Mr. REED. Is it not self-evident that the excluding of the less——

Mr. GEORGE. We will not quarrel about it. When, under the Senator's amendment, no veteran would be compensated unless he were 25 per cent permanently disabled, there would be turned away, without compensation, more soldiers than under this bill, although the only merit of the Senator's amendment is, as he asserts, that he proposes to compensate every disabled man, and I again repeat the substitute would give to the cases suffering the greatest degree of disability the magnificent average of $12 a month, because they would in any event be rated less than 50 per cent disabled.

Mr. President, that is all I can say about the substitute in the limited time I have. Within the fraction of 10 minutes remaining to me I wish to say just this, that it is true that this amendment does move forward the presumption date to January 1, 1930, but that does not move forward the disabilities of these men. Some of them have been disabled since the peace treaty was signed. Certainly many Senators have cases before the Veterans' Bureau to-day which have been pending for several years, some eight, some seven years, and we have not been able to obtain for the veteran what we believe to be justice.

I grant that after the amendment of the act, which raised a presumption in favor of the veteran, relief was given to many soldiers, but many were not relieved. The Government may rebut the presumption which arises in every case, except in those which are now entitled to the conclusive presumption under the law as it now stands.

Why should we not put the burden on the Government rather than on the soldier? I have great admiration for General Hines and the personnel working under him, but the trouble with the bureau is that it is filled with doctors from roof to cellar, and they are undertaking to administer justice according to their scientific views of what is justice. If they were to deal with the cases in a common-sense way, there would be little trouble with the law as it stands, and 30 per cent, perhaps, of the men who will benefit by the presumption raised in the bill before the Senate would to-day be drawing compensation.

As long as medical experts construe the law technically, we ought to place the burden upon the Government, we ought to give the service man the presumption that his disability resulted from service, and let the Government, with all of its power, rebut that presumption, bring in its proofs, and not deprive the man of some consideration by his Government merely because he can not establish his case.

If one loses his birth certificate, he can not prove to the satisfaction of many of the doctors in the bureau that he is actually alive, and if one loses his marriage certificate, he is decidedly out of luck when he passes under the scrutiny of some of the highly technical men in the bureau. I am not criticizing. I am simply saying that when men apply their scientific standards and definitions, they frequently do not work human justice, and that is precisely what has happened in the administration of this law. It is through no fault of General Hines. It is simply the system that has grown up in the bureau.

When the presumption date is moved up to January 1, 1930, only a negligible number of men who have not been knocking at the doors of the bureau for an average time of more than 3 years, and many of them for 6 or 7 or 8 years, will be admitted. We are not creating new diseases, new disabilities; we are merely giving to these men the presumption that their disability had its connection back in the service, and we are saying to the Government, "If you can rebut that, all good and well, we will deny compensation, but we will not longer deny the soldiers compensation because they can not meet your technical requirements, and comply strictly with all the medical requirements of the bureau, highly technical, as many of them are."

Mr. President, I have nothing to say about the provision with reference to the willful misconduct of a veteran, contained in this section. It is so hedged about and so restricted that no diseases which can be charged to the vicious habits or misconduct of the soldier, except venereal disease itself, can be compensated for. The law otherwise is exactly as it stands to-day. Disability resulting from venereal disease, which is made compensable, must have occurred during the actual period of the war.

The VICE PRESIDENT. The Senator's time has expired.

Mr. REED. Mr. President, just a word on the subject last mentioned by the Senator from Georgia.

We might as well call a spade a spade. Under the law as it stands to-day, a soldier who is blinded or paralyzed as a result of venereal disease contracted by him is not denied compensation. The bill which the Finanace Committee has reported continues that provision, and I make no complaint of that. But it also provides that a soldier who is disabled in any other way, in any other degree, or with any other symptoms, from venereal disease contracted by him while in the service in the war, shall not only be treated by his Government, but paid by his Government; he shall be compensated for disabling himself while serving as a faithful soldier.

Mind you, willful misconduct as applied to venereal disease means venereal disease caught otherwise than by honest accident. It does not prohibit compensation to a soldier who might innocently have contracted venereal disease while behaving himself. But this bill provides that a grateful Government shall not only treat in its hosiptals men who, through their own misconduct, have contracted venereal disease, but shall pay them as if they had been wounded in action for an act which disabled them from serving their Government as a loyal and faithful soldier would do.

I do not believe, Mr. President, that the people of the United States, when they learn about this, will approve the action of the Congress in enacting any such legislation. I hope that when section 200 is voted on by the Senate it will be with a full and open-eyed realization of the provisions we are making. Understand, if you please, that under the very best interpretation we may put upon the bill as reported by the Finance Committee, there will remain about 200,000 disabled men who will get nothing, no matter how faithful was their service in war time. Understand that while that is so, it is proposed to vote money payment to men who by their own vices brought venereal disease upon themselves at a time when the country needed them.

Mr. GLASS. Mr. President, may I ask the Senator from Pennsylvania a question?

Mr. REED. Certainly.

Mr. GLASS. Has any amendment been proposed to the section covering that very objection?

Mr. REED. Yes; I have proposed such an amendment.

Mr. STECK. Mr. President, I have not heard all the debate on the bill, but I have heard in part at least the remarks of the Senator from Utah [Mr. SMOOT] and the Senator from Pennsylvania [Mr. REED]. I heard particularly their remarks with reference to the vicious-habits clause. It was my privilege, the same as it was the privilege of the Senator from Pennsylvania, to have served during the late war. I had men under my command, as he had.

I want to say in the first place that if there has been any intimation gained by the country or by Senators that the men who served in the past war were not average men and that their conduct was not at least the average, or I would say above the average of men in the country to-day, they are absolutely mistaken. They were a fine bunch of men. While they were in the Army their cleanliness, morality, and sobriety averaged away above those of men of their ages in the United States in those days and in these days.

It is said that we are granting these men hospitalization and compensation for having a venereal disease. Senators lost sight of the fact that thousands of men were brought into the Army and accepted when they had a venereal disease at the time they entered. They were accepted by the Army and kept in the Army in spite of the fact that they had the disease. As I understand it, such an order came out, at least, as a part of the draft movement. Men were brought into the Army in considerable numbers who had a venereal disease when they were accepted.

From my own observation I know there were men who came into my own organization who had venereal disease, but all the time they were in it, during the two years I had them under my command, never did I have any knowledge or information of a new case of venereal disease occurring in my organization.

I will say for the benefit of the Senator from Utah that, because he read his speech, he knew what he was saying. He stated that men voluntarily incurred this disease for the purpose of being kept out of the front lines and the fighting. Such a statement should not have been made. He has no record of any such case, I am sure, and he can not produce such a record before this body or any other body.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. STECK. Certainly.

Mr. SMOOT. I have taken the evidence of men who, I think, ought to know.

Mr. STECK. The Senator did not make it as a statement. He made it as an assumption that it may have happened.

Mr. SMOOT. I stand by the statement I made.

Mr. STECK. If the Senator has any evidence, I would be glad to hear it.

Mr. SMOOT. So far as I am concerned, I made the statement upon evidence that I feel is absolutely correct.

Mr. STECK. Was that evidence produced before the Finance Committee in the hearings?

Mr. SMOOT. No; it was not before the committee, I will say to the Senator.

Mr. STECK. I am sorry the Senator made the statement.

As for myself, I state that the men with whom I served and the men with whom other Senators served were not that type of men. I think the statement is entirely unjustified and should not have been made on the floor of the Senate.

Mr. SMOOT. It had no reference to any man unless he was guilty.

Mr. STECK. I realize the Senator is usually accurate in these matters. I am questioning the source of his information, if he has any definite information along that line at this time.

Mr. BRATTON. Mr. President, before addressing myself to the pending amendment, I ask to have two telegrams read by the clerk.

The VICE PRESIDENT. The clerk will read, as requested.

The legislative clerk read as follows:

FORT BAYARD, N. MEX., *June 21, 1930.*

Hon. SAM G. BRATTON,

Senate Office Building, Washington, D. C.:

Many thanks your wire Rankin bill. Suspense and anxiety among veterans becoming more intense each day; uncompensated disabled boys dying rapidly. One case in particular very pitiful. Man named Reynolds died here last week without compensation. Had most brilliant war record of any man ever died this hospital. Participated nine engagements World War, including five major ones. Received two citations for bravery. Not sick enough for country to compensate. Evidently yet sick enough to die. Please acquaint Senate this case. Do all you can; men in dispair.

ETHEL MARY WADSWORTH, *Secretary.*

FORT BAYARD, N. MEX., *June 22, 1930.*

Hon. SAM G. BRATTON,

Senate Office Building:

Please present this message as petition to Senate from all uncompensated disabled veterans. Future of thousands of penniless disabled men and their destitute families rests in your hands to-day. They depend on you to dispense to them this distressingly needed relief by voting for the Rankin bill with all possible speed. Can not possibly carry on until another Congress meets.

JAMES FOY, *Chairman.*

Mr. BRATTON. Mr. President, the theory upon which the amendment proposed by the Senator from Pennsylvania [Mr. REED] rests is in the nature of a pension; that is to say, upon the basis of need. It may be that the time soon will come when the theory of compensation to the veterans of the World War should be placed upon that basis, but I think the Congress has not given sufficient time nor consideration nor hearing to a change of policy, a change of basis so comprehensive as that.

The veterans throughout the country have been given no notice that the Senate contemplates making any such change in dealing with them. They have had no adequate opportunity to express themselves respecting any such proposal. For that reason alone, Mr. President, I should disapprove the amendment of the Senator from Pennsylvania. Before we take that step the veterans of the country should be advised that it is to be considered and they be given the opportunity to express themselves, because, Mr. President, they have some rights, indeed the superior rights in this legislation; they have some interest, indeed the paramount interest in the subject now pending. They are the ones who will be affected by the action taken.

But aside from and above that feature of the situation, the amendment can not be condemned in too strong language when it is borne in mind that the Senator from Pennsylvania proposes to compensate a veteran who is 25 per cent disabled by giving him the handsome sum of $12 a month; by compensating an ex-service man who is 50 per cent disabled by granting him the munificent sum of $18 per month; by compensating the former soldier 75 per cent disabled at $24 per month, and the defender of his country now totally disabled at $40 per month—a mere pittance in view of the conditions under which we live and under which these men live. They are the patriots who served in time of need. Yet when we are remitting $160,000,000 in taxes, when we are appropriating money for every conceivable purpose, when there is no limit to appropriations for constructive work throughout the country and I make no criticism of that now, we hesitate, draw back, and shrink from a bill to compensate veterans of the World War.

Mr. President, the agitation which is going throughout the country against this legislation emanates from an unfriendly attitude toward it, and not from the standpoint of the dollars and cents involved. We appropriate money for rivers and harbors. We appropriate money for public buildings throughout the country. We appropriate money for every conceivable purpose and the sky seems to be the limit; and yet on the eve of adjournment a bill is brought here when the gavel is almost falling proclaiming adjournment, and we are told we must have more time, that we are proceeding recklessly and without adequate deliberation and calmness, and with disregard to the Treasury.

Mr. President, the amendment should fail. It should be rejected decisively on account of the figures involved, if for no other reason.

Mr. BARKLEY. Mr. President, I am opposed to the amendment offered by the Senator from Pennsylvania [Mr. REED] on its merits, and I am also opposed to it because of the fashion in which it comes before the Senate.

When the pending bill was under consideration in the Committee on Finance, it being based on the provisions of the House bill, we proceeded for some time in an undertaking to adjust the presumptive clause of the measure, and certain other provisions looking to the care of disabled veterans who are not now provided for. During the deliberations of the committee a proposal was made in the form of a substitute, offered, as has already been indicated by the Senator from Texas [Mr. CONNALLY] and the Senator from Massachusetts [Mr. WALSH], which provided for what was equivalent to a service disability pension, regardless of service connection, based on a 60 per cent allowance for the nonservice-connected disabilities as compared with service-connected disabilities; in other words, if a disabled man tracing his disability to the war, would draw $100 per month another ex-service man, equally disabled but unable to trace his disability to the war, would draw $60 per month.

About that time Congress passed the amended Spanish-American War veterans' bill which raised the maximum pension to $60. Finally, I think, a substitute was offered in committee

to apply the same rule to the veterans of the World War. That proposal would have involved in 1931 the expenditure of $86,000,000 and would have benefited 304,000 men; for 1935 it would have benefited 741,000 men and would have involved an expenditure of $274,000,000. We had a roll call in the committee on the proposition and it was tentatively adopted by a roll call of a majority of the members. It was then suggested that before the committee finally concluded its action upon that proposition majority members would like to confer with the administration—to be frank about it, to confer with the President. The next day the report came back that the President had been conferred with, and many of those who had voted to insert that provision on the day before changed their votes, and the proposed amendment was eliminated.

Now, it comes in here accompanied by a fanfare of trumpets and pessimistic predictions on the part of the Secretary of the Treasury, and everybody else connected with the administration, that if we shall pass this bill now before us, as reported by the Senate committee, there is to be an immense deficit in the Treasury of the United States and an increase in the taxes for 1931. The Senator from Pennsylvania was not in the committee at the time; he was away on other important business which attracted his attention and his activities.

Mr. President, under the bill now reported by the Finance Committee General Hines estimated that the cost would amount the first year to about $74,000,000. Those figures have been increased to $102,000,000, I believe, in the latest statement from General Hines. I am not questioning his sincerity about it; he has always given himself sufficient leeway to increase the figures, if necessary, because he said the minimum would be $71,000,000, I believe, and the maximum about $400,000,000, and that gives him a great deal of space to move up and down, as the occasion may demand.

The Reed amendment, if adopted for 1931, will cost, according to the Veterans' Bureau, a little over $22,000,000 for 1931, and will benefit 164,000 men. By 1935 the cost will have risen to $70,000,000 annually, and the provision will benefit 400,000 men.

Mr. President, I think we have arrived at a situation where we have got to pass this bill substantially as it has been reported by the Committee on Finance or take chances of having no legislation whatever. If we shall send the bill back to the House of Representatives with the Reed amendment attached, or anything similar to it, it will make it necessary to send the measure to conference, and we know, Mr. President, in view of the maneuvers that have taken place with respect to the management of this bill heretofore, that it will be unsafe to send the bill to conference. In my opinion the probabilities are that if we pass the bill substantially as reported by the committee, the House will agree to the amendments of the Senate, and the bill will go on its way to the White House.

What about the scare as to a deficit in the Treasury? On the 19th day of this month, which was last Thursday, according to the statement of Mr. Ogden Mills, the Undersecretary of the Treasury, there was a surplus of $146,000,000 in the Treasury of the United States. It is estimated that on the 1st of July there will be in the neighborhood of $150,000,000 surplus, and that takes into account the fact that Congress has given back to the people $160,000,000 in taxes for this year. If we had not done that, the surplus would have been over $300,000,000 on the 1st day of July of this year.

Mr. President, we recall, as has already been indicated, that every time we have tried to reduce taxes in the Congress of the United States below the figure recommended by the Secretary of the Treasury there has come forth a doleful suggestion that if we carried out our intentions and our wishes there would be a deficit in the Treasury, but on each occasion those predictions have come to naught. Sometimes we have reduced the taxes below the estimate of the Secretary of the Treasury, and in spite of his predictions the smallest surplus was $132,000,000 and the largest was over $600,000,000.

Furthermore, everybody knows that when we reduced taxes in 1930 by giving back to the people $160,000,000 it was done with the understanding that it was temporary; it was done against the objection of many economists that it was unsound action to take; and everybody understands that it was done for only one purpose, and that was to stimulate confidence in the stock market and help stop the panic. It came on the very heels of the stock-market crash in the month of November, 1929. It was thoroughly understood that the decrease in income taxes was only for the year 1930, and that the rate existing prior to the action taken by Congress would automatically go back into effect on the 1st day of January, 1931.

So when we consider that, in spite of the expenditures for the fiscal year 1930, had it not been for the $160,000,000 which were returned to the people in the way of income taxes there would be a surplus of more than $300,000,000 in the Treasury on the 1st day of July, I think we may, with a good deal of safety, discount the doleful predictions of the Secretary of the Treasury that the enactment of the pending legislation will make it necessary not only to return to the income-tax rates in effect for 1928, but may make it necessary to increase the taxes above the rate for that year.

But suppose it shall be necessary, Mr. President; suppose we can not carry the decrease in income taxes for 1930 over into 1931; if uncompensated veterans of the World War are dying at the rate of 75 a day, if they are suffering from injuries for which they ought to be compensated, and the American people owe it to them to compensate them, why should we haggle over a 1 per cent automatic increase in our taxes to take effect on the 1st of January, and which everybody understood would take effect and will take effect unless Congress sees fit to enact another joint resolution relieving incomes of 1930 from the higher rate of taxation for the year 1931?

I do not wish to impute to the Senator from Pennsylvania anything except the highest motives of patriotism; I acknowledge gladly his interest in the World War veterans, and I acknowledge his service to his country not only in war but in peace; but it is a peculiar coincidence that on the very heels of these predictions of the Secretary of the Treasury, as he has outlined them to the President, on the very day when we are expected to vote on this bill, the Senator from Pennsylvania comes in here with his miserable substitute for the proposition that was offered in the committee and rejected by the committee on the recommendation, so we were told, of the President of the United States.

This bill passed the House carrying $181,000,000. There was not a word of protest from the Secretary of the Treasury; not a word from the administration. It came over here, and was referred to the Committee on Finance, still carrying $181,000,000 as a minimum, and there was no protest from anybody. It came out of the committee, on the floor of the Senate, carrying an estimated minimum of $74,000,000, with no protest from anybody until the day on which we are called on to vote on it; and then we are suddenly alarmed by the proposal that if we spend $74,000,000 to relieve disabled veterans, we are to have an increase in taxes in the United States! I hope the amendment of the Senator from Pennsylvania will be defeated and that this bill will pass as it now stands.

The VICE PRESIDENT. The time of the Senator from Kentucky has expired.

Mr. COPELAND. Mr. President, if I know anything about the sentiment of this country, I think there is a universal desire that the veterans shall be well compensated.

One of the things that has grieved me in all of our debates over compensation for the veterans has been this specter of the Treasury. In 1924 I introduced a cash bonus plan. The Treasury opposed it because if we paid this cash bonus, it was said, the taxes could not be reduced. Whenever we hear about any plan for compensation, about more generous treatment of the veterans of any war, we find the question raised at once, "What effect will it have on the Treasury?" To my mind, it is a very sordid reason to set up against justice to these men; it is cruel and selfish to raise the question of the cost to the Treasury of the United States.

If I know the spirit of my State, I know that it will gladly contribute its 30 per cent of the taxes necessary to run the Government and to pay this bill. I believe that the sentiment of the people of my State is in favor of liberal treatment of these veterans.

I could not support the amendment offered by the Senator from Pennsylvania [Mr. REED]. He provides that for total permanent disability the amount is limited to $40 per month. Further that disability must not be paid unless the person who applies for it is entitled to exemption from payment of a Federal income tax. In other words, the certificate of poverty which we voted down in the Spanish War veterans' measure is set up again here—that the man must be poverty stricken as well as totally disabled before he can have this pittance paid to him!

Mr. President, criticism has been offered of the bill. I heard the Senator from Pennsylvania this morning read a list of disabilities which are included on page 75 of the schedule of the United States Veterans' Bureau. He did not seem to leave out anything. I think almost everything in the way of disease is included there; but the presumption is conclusive in two diseases only—in tuberculosis and in spinal meningitis. In spinal meningitis, the evidence would be there and the disease could be recognized at once. There would be no question about it. There is no doubt in my mind that if a man is suffering from active tuberculosis at this time, unquestionably his service had much to do with the acquisition or at least the aggravation of the disease.

Always, as I see it, the burden of proof should be on the Government. I think that should be the attitude of the Veterans' Bureau. I said that in speaking at a dinner given to General Hines when he was first appointed to this position. I think he has done his job well; but at that time I said this: "If there is a question between the United States Government on the one hand and the veteran on the other, always the benefit of the doubt should be given to the veteran." Here, however, the matter is safeguarded in every other disease except spinal meningitis and tuberculosis. The presumption of service connection can be offset by any clear and convincing evidence that the Government may give; and in that case certainly no injustice can come to the Government. If I had my way I would be still more generous as regards the veteran.

Now, we come once more to the much-mooted question about compensation for the effect of willful misconduct.

Mr. CARAWAY. Mr. President, before the Senator leaves that subject may I ask him a question?

Mr. COPELAND. Certainly.

Mr. CARAWAY. Referring to this presumptive origin that the veteran is given to start with, what is that going to amount to with a board that already says that it is impossible for a disease manifesting itself now to have had its origin from service connection? Will they not reject his claim immediately when he applies?

Mr. COPELAND. Oh, no; I do not think so. I take a more generous view of the board's attitude than that.

Mr. CARAWAY. I should like to see the matter guarded better than that. I have had a great deal of experience with the Veterans' Bureau, and a great deal of the trouble in trying to establish service origin, even where nobody undertakes to say that the disability did not originate in the service; yet they refuse to accept it. I am afraid the veteran is going to find himself in trouble.

Mr. COPELAND. If I had my way, I would be more generous in such cases. But, if this bill passes, the veterans will have more relief and more chance of relief than they have ever had before.

To speak once more, and very briefly, about willful misconduct, certainly no man in his senses is going out deliberately to contract a venereal disease. I do not believe any man ever did; but, as I said the other day, when the war came on the long arm of Government reached out to every part of this great country and took these men. They were taken away from home influences, and from church influences, and from other moral influences; and there rests upon us an ethical obligation, as I see it, to compensate these men for paresis or paralysis or blindness or other disability which, because of war conditions, can be traced to "willful misconduct." Such men are charges upon some branch of government anyhow; and, since they have served their country, they might well be made charges upon the Federal Government.

Mr. President, I know that in the brief time allotted me I can say no more; but I do wish in the remainder of my time to have read from the desk a telegram I have just received from the Commander of the Department of New York of Disabled Veterans of the World War.

The VICE PRESIDENT. Without objection, the telegram will be read.

The Chief Clerk read as follows:

LIBERTY, N. Y., *June 22, 1930.*

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.:

As commamnder of the Department of New York, Disabled American Veterans of the World War, I humbly request that you read the following message to your colleagues in the United States Senate. I am humbly requesting that the Rankin bill (10381), in behalf of disabled veterans of the World War, disabled in the service of their country, be supported and passed by you worthy gentlemen, because these men have fought your battles and are now fighting their own daily battles of life, and doing it with the same smile as in 1917 and 1918 over there. At that time the slogan was "Give until it hurts." There was no distinction then and there should be none now. These veterans have given to their country their most valuable asset—their health—and no amount of money that their Government might give them could commence to repay them for their lost health and disabilities, and there is no Senator or Congressman that would exchange places with these veterans, no matter how slight their disabilities.

I sincerely hope that none of you Senators have a boy or a relative who is to-day suffering from a disability; and if you have, please remember that some mother or father has beneath his breast the same feeling as you have. I beseech you Senators to manifest the same spirit of comradeship as you would if these same boys were just going over there. Pass the above-mentioned bill, so that these boys' lives may be made more happy and contented. They are living souls now, and they can and will appreciate your support. The time to aid your fellowman is when he is alive and not when he has passed to that Great Beyond from whose bourne no traveler returns. The best for these veterans is none too good, and you all know that they deserve the best.

I thank you for your loyal support, and I can assure you that that giving of support will not hurt. We were all comrades then, and we should be comrades now.

Yours in comradeship,

HENRY C. JOHNSON,
Commander Department of New York, Disabled American Veterans of the World War.

Mr. CARAWAY. Mr. President, I think I realize the spirit of the Senate. I am sure it intends to pass the bill as it was reported from the Committee on Finance. I know that I am glad to support it in that form.

I wish that we had guarded the presumptive origin in the bill more than the present bill does, because while we give the veteran the benefit of the presumption that his disease was of service origin, it is very easy for a board composed, as this board is, of men who are technically trained to pass upon the origin of disease, to strip him of this right. One of the most valuable provisions, I think, in the bill is the right to go into court and have the matter determined by a jury.

The thing that impresses me most is that from listening to the debate one would imagine that the country is giving to these ex-service men a gratuity. Who owns the country? Who defends it, and who is to inherit it after the brief time when the men now in authority shall pass on? It is their country, and whatever this country has is theirs, and therefore it is not a gratuity. It is not ours to give. It is theirs. The money in the Treasury does not belong to those who temporarily may be in charge of the Treasury, and therefore it is not a question of what we shall do for them; it is what they are decreeing shall be done for them by themselves.

I recall that when the war was coming on I made a speech. I was advocating then that we should pay as we go. I said, "Unless you do it, eventually we shall be charging the men for the muskets they carry and the uniforms they wear"; and now we seem to have reached that position. Some seem to imagine that it is something that they have no interest in, that we are doling out this money to them. I do not feel that way about it at all, and I do not think Congress should.

I have for the Senator from Pennsylvania [Mr. REED] a very high regard indeed, although he unintentionally misled me when I asked him about his amendment. I thought his amendment purposed to give to every disabled soldier some compensation. I find that it does not; that even a larger number would be excluded under it than are excluded under the provisions of the present bill.

Mr. REED. Mr. President, where does the Senator find that?

Mr. CARAWAY. I find that from the fact that under the Senator's amendment no one, unless he has 25 per cent disability, can get a cent.

Mr. REED. Does the Senator think that would exclude two-thirds of them, as the present bill does?

Mr. CARAWAY. I do not think the present bill excludes two-thirds of them. If it does, I think that instead of establishing a policy to exclude, the next Congress will include the other two-thirds that are excluded now.

Society must take care of its wastage; I do not care whether it be by disease or by battle wounds. Somebody has to pay for it; and everybody realizes that $40 a month will not now care for one who is totally disabled. If you are going to say that a man must have no means—because you have that written into the amendment—and that you will give him $40, you might as well let him have nothing, because he can not live on it. He must eventually become a public charge upon somebody, and therefore it is not any relief at all.

If the Government itself is going to recognize its obligation to the ex-service men, let it do so on such a scale that they can live and not be public charges after it has been said that the Government has discharged its duty.

I do not know whether there will be a deficit or not if this bill is enacted into law; I am not much concerned, so far as my vote on this bill is to be controlled, about whether the guess of the Secretary of the Treasury is correct or not. I should vote for the bill if I knew a deficit would result. I would vote for it if I knew that an increase in taxes must come.

Under the same Secretary of the Treasury we gave away to France and Italy and other countries three times as much as this bill would cost the country, and we did it in the interest of international good will, or international trade.

We reduced the taxes in the high income brackets because it was said that the people were hiding away their money, that

we could get more money from them if we made the rate lower, in other words, that we could make them honest if we did not take quite so much from them, thus encouraging them to practice common honesty with the Government by reducing the rate. They have no right to complain. A majority of the men who benefitted by the lowering of the taxes, if they had been compelled to wear their country's uniform when these boys were wearing theirs, would not be paying the high income taxes they now pay. They profited by the opportunity which knocked at their doors, and they profited greatly by it. Now, should they complain because these men who made it possible for them to keep what they got ask that justice be done them?

I do not believe the country will sympathize with that view of the President of the United States and that view of the Secretary of the Treasury when they appeal to the Congress to refuse this justice because some taxpayer may have to pay a little more taxes.

I gladly support the bill.

Mr. CONNALLY. Mr. President, when the Finance Committee was considering this bill all of the arguments which have been presented here to-day were made before the committee and were considered by the committee. The Senator from Massachusetts [Mr. WALSH] and the junior Senator from Texas offered an amendment in the committee providing that all veterans disabled, whatever the cause from which the disability may have arisen, should be compensated on the same basis which we have adopted in the case of Spanish-American War veterans.

That amendment was offered because of the conviction that sooner or later this Government is coming to the policy of compensating all disabled veterans regardless of the source of the disability. We have done that in the case of the Civil War veterans, of the Mexican War veterans, of the veterans of the War of 1812, and now of the veterans of the Spanish-American War.

This bill is simply an indication that that policy will ultimately be adopted with reference to the World War veterans, because, by the amendments contained in the bill, a larger presumptive class is being created. But while a larger presumptive class is created, there are still left outside of the pale thousands upon thousands of veterans who are disabled, who need the Government's aid, and yet, because they are not suffering from some particular disease, they receive no benefit whatever.

To the extent of the principle I am in sympathy with the amendment offered by the Senator from Pennsylvania. The amendment offered by the Senator from Massachusetts and myself was adopted by the Finance Committee on one day, and then emissaries of the administration rushed up to the White House posthaste and came back on the following morning and said that that plan would not be approved by the White House, but not because it was not a sound principle. They said it was a sound principle, but they said it would not be approved because it did not fit the Budget as it had been cut by the Director of the Budget.

Mr. President, the Senate Finance Committee, obeying the behest of the White House, hurried their forces into the Finance Committee on the following day, took the amendment of the Senator from Massachusetts and myself out of the bill, and adopted the provisions now appearing in the measure. Yet this morning the Senator from Pennsylvania, who is a member of the Finance Committee and who, of course, is interested in this matter, but who never attended, so far as I recall, a single meeting of the committee when we were having a struggle over this proposition, now offers an amendment, so far as the principle is concerned, largely the amendment of the Senator from Massachusetts and myself, but with rates wholly inadequate, and rates which I can not support, even though I believe in the principle, as I have stated.

Mr. President, I recognize the fact that a veteran who can not connect his disability with the service should probably not receive as high a rate of compensation as the soldier who can connect his disability with the service, because we compensated them originally upon the theory of compensation and not a pension.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. NORRIS. I am interested in what the Senator has said about offering this amendment in the committee. Does the Senator mean that he offered this in the committee, and that it was agreed to in the committee, with the same rates provided that are in the bill now?

Mr. CONNALLY. No; the Senator did not follow me when I first began. I said our amendment provided the same rates which are provided for the Spanish War veterans, a maximum of $60 a month, a minimum of $20 a month, for 10 per cent disability.

Mr. NORRIS. That was the amendment which was voted out after consultation of members of the committee with the President?

Mr. CONNALLY. It was. I assume they consulted the President. The matter was postponed from one day to the next, after being adopted, for final action, with the statement that the leaders would consult the President. I do not know whether they did so or not.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield, although my time is fast being exhausted.

Mr. SMOOT. I do not know what members of the committee saw the President, or whether any of them did. I will say to the Senator that I did not, and I will also say to the Senator that there were Democrats on the committee who voted against the proposition, and there were only a few who voted for it.

Mr. CONNALLY. The Senator now is trying to drag in politics.

Mr. SMOOT. No; I am not at all.

Mr. CONNALLY. The Senator from Utah will not deny that the day we adopted the amendment the statement was made that we would not take final action until the following day, in order to give the leaders time to consult the White House.

Mr. COUZENS. Mr. President, will the Senator yield to me?

Mr. CONNALLY. I yield.

Mr. COUZENS. The Senator recalls very well that the Senator from Utah and the Senator from Indiana were delegated to see the President and advise the committee the next day whether he would sign such a proposal, and the next day the vote was taken, and the tentative agreement to accept this provision was voted down.

Mr. CONNALLY. That answers the Senator from Utah.

Now, Mr. President, one other word. Scientists have never gotten to the point where they have been able to devise an instrument which can detect the very moment when a bug or a microbe attacks a human body. The decision of these boards in the Veterans' Bureau are largely guesswork, so far as telling whether a man's disability is connected with the service or is not connected with the service. When, some years after a soldier leaves the service, his health breaks down, nobody can then look back through the years that have passed and see the very moment he was attacked by a bug or a microbe.

My belief is that when a soldier has fought the battles of his country and is physically disabled the Government ought to see to it that he is not in want, and for that reason I advocated the amendment proposed by the Senator from Massachusetts and myself. But the rates proposed in the amendment of the Senator from Pennsylvania are absolutely inadequate, they are little better than nothing, because they simply are offered as a stopgap to a more adequate pension in the future, and they will simply be used as an argument to keep from giving the veterans what they are really entitled to, based on the degree of their disability in the future.

Mr. President, Mr. Mellon is a fine authority on budgets, and dividends, and bank balances, and income taxes, but Mr. Mellon knows very little about hunger, he knows very little about want, he knows very little about a crippled soldier, with his body all broken and bent with disease, and with a family dependent upon him for livelihood. Mr. Mellon evidently measures this bill by the standard of money, pure and simple.

There is no argument from him here against the principle of the bill. What is the argument? The argument is that it would cost too much money. The argument is, "If we adopt it, we will be in a bad political attitude before the country; we will have a deficit instead of a surplus."

Mr. President, Mr. Mellon's argument does not go to the merits of the case. This bill lays down the argument why a soldier should be compensated for his disability. The only answer Mr. Mellon makes is to throw a dollar down on the counter, that is all. It simply means, it is contended, "We will be in an unfavorable position before the country. We want a surplus so that we can brag about our administration." But if this bill is adopted, no matter how just it may be, Mr. Mellon says "We will be in a bad political situation because we will have a deficit."

Mr. President, when I owe money at the bank I usually have to pay it even though I have to borrow to do so and without regard to the executive budget, and when the Government of the United States owes a debt to the soldiers who, in health and strength, carried the flag in the hour of danger, soldiers now diseased and disabled, the Government of the United States ought to discharge that debt, even though it may abash Mr. Mellon.

Mr. COUZENS. Mr. President, I want to say a few words with respect to the Reed amendment, and point out the inadequacy of the amounts allowed in the amendment.

Mr. Mellon says that we are unable to afford the bill as it was reported out of the committee. The principle involved in the Reed amendment was carefully considered by the committee, and nearly all of the committee thought that the proposal was sound. It was placed on the basis of the Spanish War veterans' bill, which the President vetoed and which was passed over his veto. There seems to be no sound reason why any proposal of this sort should carry a lower rate than the rate carried in the Spanish War veterans' law.

The Secretary of the Treasury harps upon the question of taxes which may have to be reinstated. He does not refer to any raise in the rates which now exist in the internal revenue act, but he refers to the reduction we made last January, against the better judgment of many of us, and fears that there will be no joint resolution next year cutting the taxes again 1 per cent, as we did this past year.

Let us look, for instance, at what taxes are paid to-day, under existing law. A man with an income of $10,000 a year has to pay an income tax of $52.50. It occurs to me that there is no one at this time paying income taxes which could be considered a burden to carry.

Everywhere we hear from the administration, particularly the Treasury Department, that we must relieve the burdens of the taxpayers. A man with an income of even a million dollars per annum has to pay only $230,870 in income taxes. So that on incomes from $10,000 up to $1,000,000 no one is injured by existing rates even though the 1 per cent reduction is not granted next year.

Mr. President, I want to say a few words with respect to the question of the pensions proposed by the Reed amendment, and to show conclusively that the provisions of the pending bill as reported by the Finance Committee are not extravagant rates of compensation for injuries.

It is well known that Mr. Ford recently requested the League of Nations to ascertain a compensatory rate for foreign workers in the Ford plants. On the basis of that request, the Bureau of Statistics in the Department of Labor made an inquiry and investigation to ascertain what the Ford workers do with their $7 per day minimum wage. Everyone knows that $7 per day for workers is considered in these days a very adequate return. The workers who could come within the range of the inquiry must work at least 225 days a year at $7 per day in order to be counted in to show what they did with their money. I have a copy of the bureau's report upon that inquiry, and, among other things, is the following, which has been taken out of the report by a newspaper here called Labor:

DIFFICULTIES ENCOUNTERED

"The group selected does not represent the earnings or the living conditions of the average Ford family, but what it is possible for a family to do in Detroit on $7 a day with as nearly full-time employment as is possible," said Ethelbert Stewart, commissioner of labor statistics.

The difficulty encountered in finding among the army of Ford workers 100 families which could meet the comparatively modest tests is in itself a revelation of living conditions among American workers, even when they are receiving wages far above the average paid in this country.

In many cases the Ford breadwinner had not worked 225 days a year. In others, the family had been able to augment their income in some fashion—keeping boarders, renting rooms, or sending the wife or children out to work, or in some other fashion.

It is interesting to note that the size of the family chosen is below the generally accepted average—two adults and three dependents.

WAGES AND EXPENSES

The investigation consumed about five months, and the report deals with what the families actually earned and purchased. There is no theorizing or other comment.

It was found that the average wage for the year was $1,694.43, while the expenditures amounted to $1,719.83, leaving an average deficit of $25.40.

Only 19 families broke even, 44 spent more than their income, while 37 were so fortunate as to save a little, usually in the form of payments on a home.

The latter showing, investigation disclosed, was made through rigid economy and self-denial.

Food, found to be the most expensive item and consuming nearly one-third of the income, amounted to only about $12 a person per month.

That is the minimum allowed to a veteran with a 25 per cent disability.

This meant that the fathers and the children carried cold lunches to work and school, and that the articles purchased, while adequate, were of the plainest description.

The father spent $63.39 and the wife $59.21 for clothes, with smaller amounts for the children.

AVERAGE BUDGET OF WIFE

This was found to mean that the father bought a hat, costing less than $4, once in 2 years; a suit, costing $27.43, about every 2½ years, and that he was only able to purchase an overcoat, costing $23.75, once in 7 years.

In the average budget for the wife typical items were a pair of cotton gloves once in 2 years, 3 hats, costing $2.55 each, in 2 years; 4 pairs of cotton hose, 35 cents a pair; a cotton dress, $1.74, and a rayon dress, $7.51. Her 1 nightgown in a year cost 87 cents, and her house slippers, 98 cents.

Housing, whether rented or in the case of the 32 families endeavoring to purchase a home on installment payments, averaged less than $33 a month.

This meant that the home consisted of one room to a person and that the kitchen was also frequently the dining room and living room. Heating by stoves was common and anthracite coal was a luxury, indulged in by only a few.

Furniture and articles for household use were almost invariably purchased on the installment plan. School expenses of the two children came to only $6.43 a year.

I could go on indefinitely and point out the difficulties that a family has in trying to get along on $5 or $7 or $8 per day; and yet Senators, newspaper editors, capitalists, and industrial managers generally complain because Congress is too liberal in compensating the veterans who staked their all to save our country. There are millions of war profiteers in the country now paying a modest income tax, and the whole opposition to the bill is based on the theory that we must not pay the veterans too much money, otherwise we may have to raise the income taxes of the war profiteers.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee on Finance, which will be reported.

Mr. LA FOLLETTE. Mr. President, there is no necessity to report the amendment now, because I do not expect to address myself to it in particular terms. I wish to speak in general, which is necessary, I may say, because of the unanimous-consent agreement into which we have entered.

Mr. President, the pending bill is not, in my judgment, an ideal measure. What a majority of the Finance Committee attempted to do was to take the bill as it passed the House, to amend it in such form that it would commend itself to a majority of the Senate and the people of the country as not being a too extravagant bill, and which would at the same time bring within the compass of its relief the veterans suffering most acutely and therefore most in need of aid at this time.

As has been pointed out in the debate, the intent of the amendment to section 200 is that it should continue in force only three additional years. In view of the discrepancy which exists in the treatment by the Government of the veterans of our different wars, we hope that Congress will make a comprehensive review of all pension and compensation legislation in an effort to bring all the veterans upon a basis of parity.

But, Mr. President, there are pressing and distressing cases concerning the veterans of the World War which I believe a majority of the Finance Committee felt could not wait for three years until Congress could take the time to evaluate all this legislation and to bring the treatment of the veterans of the various wars to a basis of parity.

The amendment to section 200 as reported by the Finance Committee will take care of the most distressing cases which were brought to the attention of your committee. It will take care of the mental cases. It will take care of the neuropsychiatric cases. It will take care of the active tubercular cases. It will take care of the chronic constitutional diseases. It will, in addition, bring the presumptive date down to January 1, 1930, for the diseases just mentioned, which will afford relief to a large number of veterans.

Mr. President, I share the sentiment expressed by other members of the Senate Finance Committee, that an unusual proceedure has been adopted concerning the REED amendment. After the committee had labored over the bill for weeks, after an amendment embodying the principles contained in the so-called REED substitute had been debated by the committee, and after it had become known by the committee that the amendment proposed by the Senator from Massachusetts [Mr. WALSH] and the Senator from Texas [Mr. CONNALLY] did not meet with approval at the other end of the avenue, and after a unanimous-consent agreement had been entered into, the Senator from Pennsylvania [Mr. REED] introduced his amendment at the last moment—an amendment which is not even printed. An analysis of the amendment will perhaps explain why.

In order to obtain any relief under the Reed amendment a veteran must be disabled to the extent of 25 per cent. The rates are perfectly inadequate as pointed out by the Senator from Michigan. Mr. President, it does not come gracefully

from Senators, many of whom voted to put the country into the World War, and who voted for the draft act to take these men and send them 3,000 miles across the sea to fight in a war on foreign soil at $30 a month, now to quibble as to whether or not we shall generously compensate those men thus taken to fight in that war.

I say to you, Senators, that we should not consider whether or not this legislation will make necessary the repeal of some or all of the tax reduction to the extent of $160,000,000 which was made in order to stabilize the stock market. No warning was issued by Secretary Mellon about a deficit then. The administration favored it. Even the Senator from Utah [Mr. SMOOT], in response to a question which I directed to him, admitted that no man could tell whether there would be a deficit or not if we made that $160,000,000 tax reduction, and yet an overwhelming majority of the Senate voted for it. If we can give $160,000,000 in tax reduction to the wealthy of the country and to the great corporations in order to "peg" the stock market in a speculative crash, it is not time now for the Senate to begin to study whether or not, if we give adequate relief to these veterans, we can still maintain that tax reduction.

It has been pointed out by the Senator from Georgia [Mr. GEORGE] that there are discrepancies in the bill. There are discrepancies in the existing law. The same arguments could have been made against bringing the presumptive date down to January 1, 1925, that are made against extending that date down to January 1, 1930. But I agree with the statement made by the Senator from Georgia after listening to all the testimony before the Finance Committee, that under the Reed amendment more men would be discriminated against than will be discriminated against under the provisions which are contained in the bill as reported out by the Finance Committee.

Some discussion has occurred with reference to erroneous estimates concerning deficits which Secretary of the Treasury Andrew W. Mellon has made since he was Secretary of the Treasury. May I say that I have not had a chance since the statement was made public this morning to review all of his declared predictions concerning a possible deficit in the event of the passage of this bill.

I venture the assertion, however—and I challenge any Senator to contradict it—that Andrew W. Mellon has never been right in any prediction which he has made as to a deficit in connection with a bill to which he was opposed. He was the most ardent opponent of the soldiers' bonus measure, and when the bill providing a soldiers' bonus was before the Congress he made a statement that, if passed, it would create a deficit of $600,000,000. Within 90 days, Mr. President, the Treasury found it politic to report a surplus and issued an estimate that the surplus was $300,000,000. So, as to that piece of soldiers' legislation, the so-called "greatest Secretary of the Treasury since Alexander Hamilton" was off to the tune of $900,000,000 in 90 days.

I am not the least bit concerned about thimble-rigged statements that are given out at the psychological moment in order to defeat a piece of genuine relief legislation on behalf of the soldiers who have served this country. [Applause in the galleries.]

The VICE PRESIDENT. Demonstrations of applause are forbidden by the rules of the Senate.

Mr. CUTTING. Mr. President, I had intended to say a few words about the message the President gave out this morning, and especially what seems to me to be the extraordinarily inaccurate letter from the Director of the Veterans' Bureau; but in the time at our disposal it is almost impossible to deal with the subject in any adequate way; so I prefer to consume my 10 minutes on this amendment by asking that the clerk read a letter sent to Representative JOHN E. RANKIN by the Disabled Veterans of the World War in Fitzsimons Hospital at Denver, Colo., because I consider that the attitude of these men who are actually suffering from the present situation is of far more importance than anything which any of us on this floor can say with regard to the pending proposed legislation.

The VICE PRESIDENT. Is there objection to the Secretary reading? The Chair hears none, and the Secretary will read.

The Chief Clerk read as follows:

[Telegram from the Disabled Veterans of the World War, Fitzsimons Hospital, Denver, Colo.]

DENVER, COLO., *June 23, 1930.*

Hon. JOHN E. RANKIN,
House of Representatives,
Washington, D. C.

* * * * * * *

An open letter to the President and Members of both Houses of Congress: It now seems certain that eleventh hour efforts are being furthered with the aim in view of finally defeating the pending veterans' relief legislation. Cognizant of the prevalence of this condition, the following is submitted by the uncompensated disabled veterans of this hospital.

Bearing in mind that Congress has with full administrative approval but recently enacted a certain law in the functioning of which some one hundred and ninety millions of dollars has been refunded to the income-tax payers of the Nation—there has also been divers other legislation enacted by the present session involving an expenditure of many other hundreds of millions of dollars thus far—we have heard of no secret conferences taking place that countenanced Treasury conservatism in these instances, but now on the very eve of congressional adjournment a secret conference is called with talk of a deficit if disabled veterans' relief is granted. Unfortunately the bulk of our great population and practically the whole of the five million men who fought and won the war are not of that type of citizenry whose incomes are of the proportions coming under the tax paying head. Ours has been the more common constituent type of citizen soldiery. We have paid with our lives, our bodies, and our health.

We disabled tubercular patients are still paying the price and will thus continue paying it till the final curtain is drawn and closes our earthly careers. To the patients of these hospital cots and the helpless husbands and fathers of broken homes the war goes on. Poison gas, fatigue, exposure, and incident hardships of soldier life have set the armies to work in our bodies that know no peace nor enemy retreat.

For us there has been no armistice, nor ever will be. Is a timely death destined to be the only peace treaty we will ever know? Is $15 or $20 per month donated by charity sufficient to maintain a mother and two or three small children in a living condition that could be considered as being decent?

A presidential suggestion in 1917 and a united Congress unanimously concurred in a declaration of war. As a result of that leadership hundreds of thousands volunteered and other millions were drafted into a service which risked our lives, our limbs, and our health. We were assured from the lips and the written words of our President and our legislators at the time that a grateful Nation, including, of course, its taxpayers, would see to it that we would be amply provided for in the event of our death or disability. To date has this promise been faithfully fulfilled or must the old-time traditional slogan which says, "A rich man's war and a poor man's fight," be destined to be in this instance, after all, a logically well-founded one? We are trusting that we have faithfully stood by our guns and made good our pledge. We are hoping also that our President, our Congressmen, and our taxpayers will make their pledge equally as good. As things stand at present, our position can be well thus defined, "A helpless man's war and a helpless man's fight." Are you going to be our saviors or our deceivers? We will soon know; in the meantime our faith in you remains unshaken.

THE UNCOMPENSATED PATIENTS OF FITZSIMONS HOSPITAL.
JOHN MAKAR, *Chairman.*
ROBERT E. MORROW, *Vice Chairman.*
HERMAN WILSON, *Secretary.*

The VICE PRESIDENT. The question is on agreeing to the amendment, which the Secretary will report.

The CHIEF CLERK. On page 13, line 6, it is proposed to strike out "(sec. —, title 38, U. S. C.)"; in line 8 to strike out "39" and insert "38"; and in line 9, after the word "Sec.," to strike out "39" and insert "38"; so as to read:

SEC. 9. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 38, and to read as follows:

"SEC. 38. The Secretary of War is hereby authorized and directed to transfer to and accumulate in the War Department in the city of Washington, D. C., all records and files containing information regarding medical and service records of veterans of the World War."

The amendment was agreed to.

The next amendment was, on page 14, line 13, after the word "provided," to strike out the colon and the following proviso:

Provided, That compensation shall not be denied any applicant therefor by reason of the injury, disease, aggravation, or recurrence having been caused by his own willful misconduct: *Provided further,* That such willful misconduct occurred during the period of enlistment of such applicant.

And to insert a semicolon and the following:

But no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided,* That no person suffering from paralysis, paresis, or blindness, or from a venereal disease contracted not later than the date of his discharge or resignation from the service during the World War (including any disability or disease resulting at any time therefrom), or who is helpless or bedridden as a result of any disability, shall be denied compensation by reason of willful misconduct.

So as to read:

SEC. 10. That section 200 of the World War veterans' act, 1924, as amended (sec. 471, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 200. For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered or contracted in, or such recurrence was caused by, the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), or women citizens of the United States who were taken from the United States by the United States Government and who served in base hospitals overseas, or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided*, That no person suffering from paralysis, paresis, or blindness, or from a venereal disease contracted not later than the date of his discharge or resignation from the service during the World War (including any disability or disease resulting at any time therefrom), or who is helpless or bedridden as a result of any disability, shall be denied compensation by reason of willful misconduct."

Mr. REED. Mr. President, I move to amend the committee amendment commencing in line 21, on page 14, by striking out the words—

Or from a venereal disease contracted not later than the date of his discharge or resignation from the service during the World War (including any disability or disease resulting at any time therefrom).

I wish to say a few words of explanation regarding the amendment.

The present law provides hospitalization for all venereal cases. It provides compensation for all those who are paralyzed, who are blinded, or who are bedridden. The language which I move to strike from the committee amendment would have the effect of requiring not only hospitalization, which now is provided, but in addition thereto compensation in money to those who while in the military service allowed themselves to be incapacitated for military service by contracting a venereal disease.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Washington?

Mr. REED. I yield.

Mr. DILL. What does the Senator propose to do in the case of veterans who have other afflictions and there is a reasonable doubt as to whether their condition is due to venereal disease or some other cause? That is the trouble to-day. We have many cases of men who have had venereal disease, and who also have other afflictions, and the doctors in the bureau continually resolve the doubt against the men and they have been getting no compensation. That is what I am concerned about in this bill.

Mr. REED. It is a question of fact in each case.

Mr. DILL. Oh, the question of fact is determined by the doctors who always resolve the doubt against the men.

Mr. REED. I am not so advised.

Mr. DILL. I am.

Mr. REED. It is a question of fact in each case, and Congress can not decide it. What we can do, however, is to say no to the proposition that the mere occurrence of syphilis or gonorrhea shall give rise to a claim against the Government under a bill which is supposed to give compensation for wartime disabilities.

The men who acquired these diseases unfitted themselves for service. Remember, in considering this question, that out of the 5,000,000 men who were in the Army not more than 1,000,000 ever heard a hostile shot fired; most of the men who would profit by the provision now in the bill are men who never left the United States at all; and for Congress now to inaugurate a policy of saying that soldiers in camp undergoing training may go out and get themselves infected in this way, and that then the Government will compensate them as if they had suffered heroically in battle would be a poisonous policy, and Congress ought not to adopt it without having its eyes wide open, because I do not believe——

Mr. ROBSION of Kentucky. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Kentucky?

Mr. REED. No; I do not yield. I do not believe that the people of the United States, when they learn what is done here, will for one moment approve it; I do not believe that cynicism has so far overwhelmed the people of this country that they are blind to right and wrong and that they are going to approve any such squalid exhibition of hysterics on our part as to afford such relief as is proposed in cases of the character referred to.

Mr. WALSH of Massachusetts. Mr. President, under the present law veterans who have contracted venereal diseases in the service may receive full compensation if their disease reaches the stage of blindness or paralysis, or if they become bedridden, but veterans who contract such diseases and do not reach that deplorable physical state receive no compensation.

The House bill provided that veterans should have compensation even if the disease was contracted due to their own willful misconduct. It was believed by the members of the Finance Committee that the words "willful misconduct" were too broad, and included compensation for diseases or injuries with which one might personally inflict himself, and which might have been contracted other than through venereal disease.

It will be observed that the Senate Finance Committee struck out the broad provisions of the House bill, and wrote a provision limiting compensation to veterans who contract not diseases caused by willful misconduct but venereal diseases only when actually contracted in the service.

I want to say for myself, and I think I express the sentiment of the committee, that I do not believe a government can escape the responsibility of recognizing as one of the casualties of war the fact of taking a boy 18 or 19 or 20 years of age away from his home and family and local environment, placing him in the Army of his country with strangers, placing him in an atmosphere of unusual excitement, of loose morals—the suggestion is made by the Senator on my left, a man who has had extensive military service—and placing him in a position where there are abnormal conditions of living, great excitement, and war tension.

I realize the position that others take; but I do not propose to deny a boy who, under those circumstances, actually during the war contracts a venereal disease the right to get compensation for it. Notwithstanding the fact that there are rules against it, and that he could be punished for it, I think we have to recognize the fact that that is a war condition for which we ought to assume the responsibility.

The Government took the boy away from his home and his church and his associates and his companions, and threw him into a new, unusual, and strange atmosphere, with extraordinary temptations and an abnormal manner of living. If, in the tense excitement of the war, he was misled by companions who led him to contract venereal disease, I do not think we can turn our backs upon him and say, "Not until you get blind, not until you get bedridden, not until you get paralyzed will we take care of you." I do not see how we can possibly escape the responsibility of attributing this disease to war service.

Therefore I think the amendment offered by the Finance Committee is a reasonably sane one, restricting it as it does to venereal diseases actually contracted during the war.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. ASHURST. Assuming that a young man, through his own willful misconduct in the war, contracts a venereal disease. Humanity must take care of him—either the county, the city, the State, the ward, or gifts from charitably disposed people. Should not the Government that called him into that service be the one that takes care of him?

Mr. WALSH of Massachusetts. The Government does give him hospitalization, but it can not leave him impoverished.

Mr. ASHURST. Yes; but I mean compensation.

Mr. WALSH of Massachusetts. I think it ought to be considered one of the casualties of the war—one of the diseases that are an outgrowth of the conditions that surround war.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. WALSH of Massachusetts. I do.

Mr. DILL. The trouble with the Senator's suggestion about hospitalization is that it does not care for them. There are too many who can not get hospitalization to-day.

Mr. WALSH of Massachusetts. I think the amendment offered by the Finance Committee is a reasonably sane one, and properly restricted. It should be adopted.

Mr. President, I now desire to speak briefly upon the bill in general.

The pending bill contains many splendid provisions both of an administrative character and in the nature of relief to thousands of diseased ex-service men and their dependents who otherwise

would receive no assistance from the Government. On this account I favor the bill, but I regret that a better and more comprehensive plan of relief has not been presented by the committee.

I think it unfortunate that more time and consideration at an earlier period in the session was not given to this very important measure in order that a definite settled policy might be shaped providing for a sound and equitable plan for the future in connection with veteran relief. I presented, together with the Senator from Texas [Mr. CONNALLY], such a plan looking into the future of this problem.

I believe we have reached the point with reference to the relief of disabled ex-service men of the World War where we must provide for those who are disabled as a result of disabilities acquired subsequent to their period of service. This bill enters into that domain of relief, but unfortunately it does it with no well-thought-out plan. The bill is not based on an equitable extension of relief for all disabled ex-service men during future years. It gives relief only in certain cases but does not adequately survey the whole problem.

The only way to deal with the question of veterans' relief is to treat all veterans on a parity. The pending bill does not do this. It extends relief to some deserving cases and it denies relief to many other veterans who are just as deserving. For every person receiving relief from this bill there are many others who are equally entitled to such relief. This is not only my belief but the belief of the United States Veterans' Bureau and all veterans' organizations.

Let me point out wherein this bill does not place all veterans on a parity.

Section 10 of the bill extends to those veterans who suffer with certain specified diseases disabling to a 10 per cent degree prior to January 1, 1930, a presumption that their disability was incurred in service. No one can dispute that in a certain number of cases that will receive a service presumption under this bill the disability was acquired after service. If this is so, then, this is a pension measure for non-service-connected disabilities. Yet, because of a false hypothesis, the veterans concerned are to receive a presumption that their disabilities were acquired in service and receive the same amount of compensation as the veterans actually disabled in line of duty during the war. I favor relief being extended to veterans who acquired their disabilities subsequent to war service, but I do not believe they should be on the same footing with veterans who acquired disabilities as the result of actual war service. The Government has always recognized this distinction. Furthermore, I can not reconcile myself to the equity of a provision which gives to the veteran who became disabled in December, 1929, from a certain disease compensation and then does not give compensation to the veteran who becomes disabled from the same disease in January, 1930 or later. There is no sound or equitable basis for such a distinction. I do not see how we can be equitable to all veterans, nor do I see any other direction in which to move in view of this section except to presume all disabilities, no matter when or where acquired, to have been incurred in the service. Because of these views I have reached the conclusion that the time has come to face the proposal of providing relief for all veterans suffering from non-service-connected disabilities, apart from and in a class distinct from veterans suffering from disabilities connected with service.

I favored and urged upon the committee that before we enter into the domain of making several additional disabilities presumptively attributable to service we classify all veterans into two groups:

First. Those veterans having disabilities connected with the service and who can prove same under the law should be entitled to all benefits provided now and in the future for service-connected disabilities.

Second. Those veterans suffering from disabilities not legally traceable to war service shall be granted a pension similar to that received by Spanish War veterans suffering from disabilities not necessarily incurred in service. This plan was presented to the Senate Finance Committee by Senator CONNALLY, of Texas, and myself but was not accepted. It is only fair to state, however, that the objection was not due to any admission that the plan was not more equitable than any other but was due to the fact that many of the majority Senators gave their support to the bill which at the outset would cost the least. Revised figures now show that the plan adopted by the committee will in the long run be much more expensive as well as inequitable.

Section 10 of this bill, which is the important section, will extend relief to 77,000 veterans, while there are to-day 891,291 veterans suffering with non-service-connected disabilities. What are these other veterans going to say, who are suffering from non-service-connected disabilities just as debilitating and impoverishing as those provided for in this section? Are not these veterans entitled to just as much in the way of presumption as the man who develops a chronic constitutional disease in December, 1929? Does anyone think for a moment that these veterans will not be at the doors of Congress seeking for relief? What answer can you make to them other than that they happened to have the wrong kind of disease, although their disabilities are of the same degree as those who are getting compensation? Will we not sooner or later be expected to extend the same measure of relief to them? It is not that the cases taken care of herein are deserving, it is that it does not include all alike.

The next inequality in this bill which I desire to point out is section 14, which provides that where a World War veteran hospitalized under that section for a period of more than 30 days files an affidavit with the commanding officer of the hospital to the effect that his annual income, inclusive of compensation or pension, is less than $1,000, there shall be paid to the dependents of such veteran commencing with the expiration of such 30-day period and to be payable during the period of any further continuous hospitalization and for two calendar months thereafter, the following amount of compensation:

(a) If there is a wife but no child, $30 per month.

(b) If there is a wife and one child, $40 per month, with $6 for each additional child.

(c) If there is no wife but one child, $20 per month.

(d) If there is no wife but two children, $30 per month.

(e) If there is no wife but three children, $40 per month, with $6 for each additional child.

It also provides that where a veteran hospitalized under this section for more than 30 days certifies that he is financially in need he shall be paid an allowance of $8 per month during the period of hospitalization unless he is entitled to compensation or pension equal to or in excess of such amount. Mr. President, it is a known fact that the hospital facilities of the Government are entirely inadequate to provide for veterans suffering with non-service-connected disabilities. Think of the discrimination which will result from the adoption of such a provision. To the man who is fortunate enough to be hospitalized, and for whose hospitalization the Government is spending approximately $120 per month, there will be given to him personally $8 per month if he is financially in need, and a monetary allowance will be given to his dependents if his income is less than $1,000, whereas the veteran who applies for hospitalization but can not be hospitalized will not only have to pay for his own hospital treatment but will receive no allowance for himself or for his dependents. Where is there any fairness or justice in such a discriminatory provision? Further, there is for consideration the man who is disabled to the extent that he can not work but who needs no hospital treatment. Is he not entitled to a spending allowance of $8 per month? Are not his wife and children entitled to consideration? There is also for consideration the widows and children of the men who have died from non-service-connected disabilities. The whole theory of this section is that where the bread-winner of the family is incapacitated because of the need of hospital treatment, provision should be made for his wife and children. Certainly where the bread-winner of the family has been taken away by death the widow and children have as much right to look to the Government for relief as have the wives and children of the men who are taken away temporarily because of disease necessitating hospital treatment. Looking at this proposition as a matter of principle, let us take the man who is hospitalized for treatment for a non-service-connected disability. We commence to pay his wife $30 a month on the theory that she is in need because of his temporary incapacity to support her. This man dies after a few months' hospitalization. What is the justification for discontinuing these payments?

In closing let me say to the Senate that, in my opinion, justice demands equal treatment to all World War veterans and that we should recognize a greater duty to those veterans disabled in line of duty during the World War and a lesser duty to those disabled as a result of injury or disease acquired after the war. I intend to vote for this bill if it is the only way in which we can afford relief at least to some disabled veterans, but I do so with a great deal of fear and apprehension as to the future, and I believe it would be much better, and I certainly should much prefer to see substituted for sections 10 and 14 of this bill a simple provision authorizing the payment of the same pension on the basis of the same service as was provided for the Spanish-American War veterans in the measure adopted on June 2 of this year by the Congress.

Mr. SHORTRIDGE. Mr. President, the law as it now stands is as follows:

Provided, That no person suffering from paralysis, paresis, or blindness, or who is helpless or bedridden as a result of any disability, shall be denied compensation by reason of willful misconduct.

So that the Government—we have recognized that in a case so sad, so pathetic, we give compensation notwithstanding that condition has been brought about by the misconduct of the victim.

I think it is just and merciful to do so. What this amendment now proposes, as I undertook some time ago to point out, is to grant some relief, administer some cure, to the victim before he becomes helpless and bedridden. That is the purpose of the amendment, and that is the only purpose.

The supermen who inveigh against this proposition because it is supposed that the soldier has committed some unpardonable sin should bear in mind that Uncle Sam now cares for the helpless victim fully, and rightly so. What this amendment proposes, and all that it proposes, is that we shall arrest the disease; and when it is arrested, when the victim is cured, automatically he goes off the roll, and the Government is saved any further compensation or any expense.

On the doctrine of probabilities—some of us have read the great work of the great lawyer, Williams, of London, on that subject—on that doctrine, I undertake to say that in the end it will be a saving of money by curing the victim, rather than suffering his disease to advance until he becomes a permanent, helpless wreck, and a permanent burden on the Government.

So if you will take all the emotion out of your hearts, and forget that you are fathers, and let Uncle Sam forget that these are his sons—just cease to be emotional men and look at the matter from a cold-blooded metallic, or pecuniary standpoint—I undertake to say that the Government will save money by taking hold of the victim and curing him, when he automatically will go off the roll, and the Government will be no further burdened. Moreover, he will be returned to activity. His cure will be a blessing to him and a benefit to society. Others may, but I do not, forget what St. Paul says to his beloved Timothy, that he, St. Paul, the sinner of sinners the chief, was forgiven and obtained mercy and great reward. He enjoined upon his beloved son, Timothy, to be forgiving and merciful, and reminded him to be strong in the grace of the Master, who is mercy itself.

Mr. REED. Mr. President, will the Senator from California tell us whether he gave compensation to his son Timothy for having gone off on a bat?

Mr. SHORTRIDGE. He promised him immortal life. Is that not compensation? If the Senator wants to question me touching the Holy Book, I can stand here and perhaps answer. Permit me, now, since the Senator provokes it. I did not intend to recur to this subject but for the speech which was made the other day.

I had thrown out the thought before the committee that we must deal with these men as fathers; that Uncle Sam was the parens patriæ; and that his sons had served him and were now ill; and because I emphasized the thought of being merciful much has since been said.

If I am called upon now to sustain myself by Holy Writ, I beg Senators to read the Proverbs. I ask them to read the Beatitudes; and the most beautiful of them is, "Blessed are the merciful; for they shall obtain mercy."

If we want to go a little further and take up God's great ambassador, St. Paul, all through his ministry he dwells upon that feature of the goodness of God, who forgives and rewards with immortal life; and if we can come down to profane literature it will be recalled that Tamora said to Titus Andronicus:

> Wilt thou draw near the nature of the gods?
> Draw near them then in being merciful.

So let us be merciful and deal justly with even him who may have erred.

Mr. BINGHAM. Mr. President, may I call the attention of the Senate to the fact that the bill as it came over from the House provided compensation for any injury which had been caused by the man's own willful misconduct. It was pointed out that a self-inflicted wound, therefore, would receive compensation. Under the bill as it came over from the House, a man might have shot himself in the hand or foot to avoid service at the front and receive the same compensation that he would receive had he been wounded at the front in the same way. The Senate committee did not believe that was an appropriate thing to do.

It was also pointed out that under the bill as it came over from the House a man might be escaping from confinement for a crime, that he might have been shot by a sentry and wounded, and receive the same compensation for that wound as though he had received it at the front.

The representative of the American Legion, Colonel Taylor, appeared before the committee and asked us particularly to see to it that those suffering from venereal disease acquired during their time of service should not be denied compensation; and he made such an effective presentation of his case on behalf of the Legion that the committee voted the language in the form in which it is in the bill as recommended by the committee.

Mr. LA FOLLETTE. Mr. President, I shall take only a moment; but it does seem to me that the policy involved in this amendment proposed by the Senator from Pennsylvania [Mr. REED] is now a moot question.

We have already eliminated the vicious-habits clause from the Civil War veterans' pension legislation. We have passed over the President's veto a bill which took out the vicious-habits clause, not only so far as the disease was incurred during their service in the war but at any time following the war. Therefore, since the committee has limited this to the war, during the time that the man was in service, upon what theory are we going to justify having removed the inhibition of vicious habits against pension legislation for Civil War veterans and for Spanish War veterans and now say that to the veterans of the World War we will deny that compensation, even though the disease was actually incurred during the time of their service?

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Pennsylvania [Mr. REED] to the amendment of the committee.

Mr. REED. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is upon the committee amendment.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment.

The CHIEF CLERK. On page 15, line 2, strike out the word "act" and insert "section and section 304 of this act," so as to read:

> That for the purposes of this section and section 304 of this act every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record—

And so forth.

Mr. CUTTING. Mr. President, I wonder if the Senator from California [Mr. SHORTRIDGE] will be good enough to explain the purpose of this amendment. I ask because I have a telegram from a very honorable citizen of my State objecting to the amendment. I am not quite sure what is the principle involved, and I ask the Senator to explain it.

Mr. SHORTRIDGE. Mr. President, in a few words, the purpose of this amendment is to place the legislative stamp of approval upon the bureau's construction that the present language, "for the purposes of this act," relates only to compensation and reinstatement of insurance under section 304.

One or two of the courts have recently held that they are bound by presumption of service connection for tuberculosis in connection with determining whether a man was, at date of discharge, permanently and totally disabled for insurance benefits. So it was deemed necessary to amend the bill as it came from the House by striking out the word "act" and inserting the words "section and section 304 of this act."

Mr. CUTTING. Mr. President, while I very much prefer the language in which the bill came from the House, I am not going to make any objection to this amendment, because I realize the lateness of the hour and the difficulty under which we are working under the unanimous-consent agreement.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 15, line 17, after the word "record," to strike out the following proviso:

> *Provided*, That an ex-service man who is shown to have or, if deceased, to have had, prior to January 1, 1930, a disability developing a 10 per cent degree or more in accordance with the provisions of subdivision (4) of section 202 of this act shall be presumed to have ac-

quired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting disability in such service between said dates, and said presumption shall be conclusive in cases of tuberculosis, paralysis, paresis, blindness, those permanently helpless or permanently bedridden, and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability of more than 10 per cent degree (in accordance with the provisions of subdivision (4) of section 202 of this act) on or subsequent to January 1, 1930, if the facts in the case substantiate his claim.

The amendment was agreed to.

The next amendment was, on page 16, line 10, after the word "*Provided*," to strike out "*further*"; in line 14, after the words "encephalitis lethargica" to insert "leprosy"; in line 25, after the words "encephalitis lethargica," to insert "leprosy"; on page 17, line 2, after the word "schedule" to strike out "or" and insert "of"; and in line 5, after the word "conclusive," to insert "in cases of active tuberculosis disease and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence," so as to read:

Provided, That an ex-service man who is shown to have, or, if deceased, to have had, prior to January 1, 1930, neuropsychiatric disease and spinal meningitis, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, leprosy, a chronic constitutional disease or analogous disease, particularly, all diseases enumerated on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925, or amœbic dysentery developing a 10 per cent degree of disability or more in accordance with the provisions of subdivision (4) of section 202 of this act, shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease and spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, leprosy, a chronic constitutional disease or analogous disease, particularly, all diseases enumerated on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925, or amœbic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculosis disease and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per cent degree (in accordance with the provisions of subdivision (4) of section 202 of this act) on or subsequent to January 1, 1930, if the facts in the case substantiate his claim.

Mr. CUTTING. Mr. President, is an amendment to that amendment in order?

The VICE PRESIDENT. It is.

Mr. CUTTING. I move to amend by striking out, in line 5, the words "active" and "disease," so that the amendment would read:

In cases of tuberculosis and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence.

It is rather difficult to explain in the limited time the reasons for this suggestion of mine. I will try to make myself as clear as possible, and to be as brief as possible.

Section 200 of the veterans' act provides a presumption of service origin with regard to all cases of active tuberculosis diagnosed before a particular date.

An entirely different section, section 202, provides that in cases of arrested tuberculosis a monthly award of $50 shall be awarded. Nothing is said in that section about the "activity" of the disease.

Yet the Veterans' Bureau, in their constant rulings for the last two years, and acting under an opinion of the Comptroller General, have taken the word "active" used in section 200 and applied it to section 202, so that many men who have received statutory awards for arrested tuberculosis have had their cases afterwards invalidated because the bureau claimed there was no evidence that the tuberculosis from which they had recovered was "active."

The word "active" in this particular section—section 200—does not alter the meaning of the bill in any material way, because in order to get compensation under this presumption there must be a disability of at least 10 per cent. But when this same provision is thrown over into section 202, it does away with the benefit of the presumption in all cases where the statutory award has been granted without the actual use of the word "active."

I think it will be clearer if I take up a definite case. I have three of them here, but one will be sufficient.

Ollie J. Isaacks, a veteran of Las Cruces, N. Mex., was discharged after six months' service for what was diagnosed as "tuberculosis, chronic," with evidence of trouble in both lungs. He was discharged from the service on that ground. But the words in his discharge omit the term "active."

Compensation was paid that man from January 8, 1918, until March 1, 1929, eleven years and a half. He received vocational training for two years. Of course, that man's tuberculosis was active. If it had not been active, it would not have necessitated his discharge from the service. He would not have received compensation over all that period. I am using the word "active" in the sense in which the layman uses it, and not in the sense in which some bureau doctor may twist the language to make it mean something else.

In other words, "active" is not used as we ordinarily use it, in contradistinction to "inactive" or "arrested" tuberculosis. It is used in contradistinction to the word "chronic." I will read a sentence of the Veterans' Bureau's decision.

The records of the War Department indicate that this veteran was discharged from the military service on account of pulmonary tuberculosis, it not being stated whether the condition was active or arrested.

Mr. President, how much more time have I?

The VICE PRESIDENT. The Senator has four minutes remaining.

Mr. CUTTING. This amendment, in my opinion, would be unnecessary if the bureau had given the veterans the benefit of the doubt under section 202.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CUTTING. I have not much time, but I will yield to the Senator for a question.

Mr. BARKLEY. Would the elimination of the word "active" mean that a veteran might draw double compensation; that is, might an arrested case draw compensation regardless of the fact that the man was drawing compensation for a chronic case?

Mr. CUTTING. What the bureau classes as a chronic case might conceivably draw compensation if it were a case of more than 10 per cent, but a case which is more than 10 per cent should, in my opinion, receive compensation whether the bureau doctors happen to call it active or chronic. There is no material difference in the condition of the patient.

It is because of this ruling of the Comptroller General, followed by the Veterans' Bureau, that so many of the tubercular men of the West are now receiving nothing. I asked the adjutant of the American Legion of my own State of New Mexico the other day how many cases of men who had been drawing the statutory $50 a month had been thrown out, and my remembrance is that he told me that it was something like 800 cases. If that is so in New Mexico, Senators can imagine what it is in the country as a whole.

I hope the Senator in charge of the bill will accept my amendment.

Mr. SWANSON. Mr. President, I hope the Senator from California will not accept a lot of amendments to this bill. The bill has been considered by the Committee on Finance, and has been fully considered in the Senate. We must realize that the best chance of getting it enacted is for the House to concur in the amendments placed on the bill by the Senate. If we put a lot of amendments on the bill, whether we know they are right or not, the House will not concur in the Senate amendments, and the bill will be sent to conference.

Mr. CUTTING. Mr. President, will the Senator yield?

Mr. SWANSON. I will not yield until I get through with my statement.

The bill will go to conference, and the opponents of the bill could keep it in conference and defeat the legislation. I do not know whether this amendment is a good amendment or not. I could not form a conclusion as to the matter from the short statement made. I do hope the Senator from California will protect the bill against ill-considered, or not fully considered, amendments, so that when the bill does go to the House we can get the concurrence of the House in the Senate amendments, and not have important matters put on the bill so that it will have to go to conference. I believe that if the bill shall go to conference it will be defeated, and we will have no legislation on this subject at this session of Congress.

This amendment might be all right; I do not know whether it is or not; I could not form a conclusion from the discussion that has taken place. The amendment was not referred to the committee, however, and there has been no report on it. We do not know what it would cost, and it does seem to me that amendments of such a character should not be insisted on.

Mr. SHORTRIDGE. Mr. President, I have no authority, as I understand it, to accept amendments. I said at the beginning

that I stood for this bill as reported, and, of course, even if I had authority to accept an amendment, I could not do so without great inconsistency.

Mr. CUTTING. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield.

Mr. CUTTING. I just want the Senator to yield so that I may explain to the Senator from Virginia that the language which I propose is language passed by the House. Therefore, if we restored the language of the House, there could not possibly be any difficulty in conference.

Mr. SHORTRIDGE. Even if the Senator's amendment were adopted, we would have to go back to line 13, page 16, and strike out the word "active" as it there modifies "tuberculosis."

I do not think it necessary, particularly in view of the fact that these are the two cases where the presumption is conclusive, to go further. If wrong has been done, it has been in the administration of the law.

Mr. COPELAND. Mr. President, I think the Senator from New Mexico has offered an important amendment. It might readily happen that a veteran had tuberculosis of a joint which was of a chronic or semichronic nature, and he would not have the benefit of this clause of the bill if it were left as "active tuberculosis disease," as it is here.

As I understand, the Senator proposes to strike out the words "active" and "disease," and leave in just the word "tuberculosis." Am I right in that?

Mr. CUTTING. The Senator is correct.

Mr. COPELAND. My judgment is that that is a very wise amendment.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. COPELAND. I yield.

Mr. BARKLEY. I should like to inquire whether the adoption of this amendment would result in giving double compensation, whether it would give to those now drawing the statutory $50 an additional compensation which they would draw regardless of the $50, based upon the conclusive presumption as to tuberculosis?

Mr. COPELAND. I would not think so.

Mr. BARKLEY. I understand that the reason why the committee put in the word "active" was to distinguish between active cases, where the patients are not drawing $50, and inactive or arrested cases, where they are drawing $50.

Mr. COPELAND. But there is another group of diseases which come between. It might not be an active case, but the bureau might take refuge behind the words appearing here.

Mr. BARKLEY. If it has been active and the veteran has been drawing $50——

Mr. COPELAND. He might still have another form of tuberculosis which is not arrested and is not active.

Mr. BARKLEY. He might have tuberculosis of a joint, or something of that sort, not tuberculosis of the lung. But I am asking whether the elimination of this word would not result in additional compensation of $50, even though the case is inactive.

Mr. HATFIELD. Mr. President, will the Senator yield to me?

Mr. COPELAND. I yield.

Mr. HATFIELD. It altogether depends on the continued resistance of the individual suffering from a tubercular condition as to how long he may remain in that condition. For instance, if he breaks down because of overexertion or work, then the process becomes active again. Is not that true?

Mr. COPELAND. Yes, that is true; and, of course, under the other clause, farther on, on page 25, or wherever it is, which speaks about arrested tuberculosis, there is no inflammatory process, it is arrested, and he gets $50. But if he has active tuberculosis, or semiactive or semichronic tuberculosis, it would seem that he should have exactly the same consideration he would have if he had active tuberculosis.

The VICE PRESIDENT. The two amendments will be considered as one amendment. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 17, line 24, after the word "and," to strike out "(1)" and insert "(1)"; on page 18, line 1, before the numerals "472," to strike out "sections" and insert "section"; in the same line, after the numerals "472," to strike out "475"; and in line 7, after the figures "$75," to insert a colon and the following proviso: "*Provided*, That in case there is both a dependent mother and a dependent father, the amount payable to them shall not be less than $20," so as to read:

SEC. 11. That section 201, subdivisions (f) and (1), of the World War veterans' act, 1924, as amended (sec. 472, title 38, U. S. C.), be hereby amended to read as follows:

"(f) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75: *Provided*, That in case there is both a dependent mother and a dependent father, the amount payable to them shall not be less than $20. Such compensation shall be payable, whether the dependency of the father or mother or both arises before or after the death of the person.

The amendment was agreed to.

The next amendment was, on page 25, line 7, after the word "disease," to strike out "of service origin, whether active or otherwise," and insert "of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease," and in line 17, before the word "act," to strike out "amendatory," so as to read:

SEC. 13. That subdivision (7) of section 202 of the World War veterans' act, 1924, as amended (secs. 490, 481, title 38, U. S. C.), be hereby amended to read as follows:

"(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $20 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however*, That in any case where the estate of such veteran derived from funds paid under the war risk insurance act, as amended, and/or the World War veterans' act, 1924, as amended, equals or exceeds $3,000, payment of the $20 per month shall be discontinued until the estate is reduced to $3,000: *Provided further*, That if such person shall recover his reason and shall be discharged from such institution as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced or discontinued through the provisions of this subdivision.

"All or any part of the compensation of any mentally incompetent inmate of an institution may, in the discretion of the director, be paid to the chief officer of said institution to be properly accounted for and to be used for the benefit of such inmate, or may, in the discretion of the director, be apportioned to wife, child, or children, or dependent parents in accordance with regulations.

"That any ex-service person shown to have had a tuberculous disease of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however*, That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further*, That no payments under this provision shall be retroactive, and the payments hereunder shall commence from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever be the later date.

"The director is hereby authorized and directed to insert in the rating schedule a minimum rating of permanent partial 25 per cent for arrested or apparently cured tuberculosis."

The amendment was agreed to.

The next amendment was, on page 25, after line 22, to strike out:

SEC. 14. That two new paragraphs be added to subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), to read as follows:

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to insert:

SEC. 14. (1) That so much of the second sentence of subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), as precedes the first proviso thereof, be hereby amended to read as follows: "The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, and including persons who served overseas as contract surgeons of the Army at any time during the Spanish-American War, not dishonorably discharged, without regard to the nature or origin of their disabilities:"

(2) That the following new paragraphs be added to subdivision (10) of section 202 of the World War veterans' act, 1924, as (sec. 484, title 38, U. S. C.), to read as follows:

The amendment was agreed to.

The next amendment was, on page 26, line 22, before the word "a," to strike out "Where" and insert "Hereafter where," so as to read:

Hereafter where a World War veteran hospitalized under this section for a period of more than 30 days files an affidavit with the

commanding officer of the hospital to the effect that his annual income, inclusive of compensation or pension, is less than $1,000, there shall be paid to the dependents of such veteran (commencing with the expiration of such 30-day period and to be payable) during the period of any further continuous hospitalization and for two calendar months thereafter, the following amount of compensation:

(a) If there is a wife but no child, $30 per month;

(b) If there is a wife and one child, $40 per month, with $6 for each additional child;

(c) If there is no wife but one child, $20 per month;

(d) If there is no wife but two children, $30 per month;

(e) If there is no wife but three children, $40 per month, with $6 for each additional child.

For the purpose of this section the Spanish-American War shall be construed to mean service between April 21, 1898, and July 4, 1902, and the term "veteran" shall be deemed to include those persons retired or otherwise not dishonorably separated from the active list of the Army or Navy.

The amendment was agreed to.

The next amendment was, on page 27, after line 20, to strike out:

That veterans hospitalized under the provisions of the World War veterans' act, as amended, shall be paid a hospital allowance in addition to any other benefits to which they may be entitled at the rate of $8 per month during the period of hospitalization, in the event they certify they are financially in need, unless they are entitled to compensation or pension equal to or in excess of that amount.

And in lieu thereof to insert:

Hereafter any veteran hospitalized under the provisions of this act, as amended, for a period of more than 30 days, shall be paid an allowance, in addition to any other benefits to which he may be entitled, at the rate of $8 a month (commencing with the expiration of such 30-day period) during the period of hospitalization, in the event that such veteran certifies that he is financially in need, unless he is entitled to compensation or pension equal to or in excess of the amount of such allowance.

The amendment was agreed to.

The next amendment was, on page 30, line 18, after the word "amended," to strike out "(section —, title 38, United States Code)," so as to read:

SEC. 20. That a new section be added to Title II of the World War veterans' act, 1924, as amended, to be known as section 214, and to read as follows:

"SEC. 214. Where an incompetent veteran receiving disability compensation under the provisions of this act disappears, the director, in his discretion, may pay to the dependents of such veteran the amount of compensation provided in section 201 of the World War veterans' act, 1924, as amended, for dependents of veterans."

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

Mr. SHORTRIDGE. Mr. President, on behalf of the committee, I move, on page 16, line 13, before the word "spinal," to strike out the word "and" and insert a comma.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SHORTRIDGE. On page 16, line 23, before the word "spinal," I move to strike out the word "and" and insert a comma.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SHORTRIDGE. On page 36, line 13, I move to strike out the word "This," and to insert the words "Except as provided in section 18 of this act, this." That is to clarify the language.

Mr. LA FOLLETTE. Mr. President, what is the effect of the amendment?

Mr. SHORTRIDGE. In view of certain rulings and in view of the adoption of section 18, if we put in those words, then it will be provided that except as provided in section 18 of this act this amendment shall not affect any rights which shall accrue under the World War veterans' act.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The Senator from Pennsylvania [Mr. REED] has an amendment pending, which will be reported.

The CHIEF CLERK. On page 13, beginning with line 16, strike out through line 23 on page 17 and insert in lieu thereof the following:

SEC. 10. That section 200 of the World War veterans' act, 1924, as amended (sec. 471, title 38, U. S. C.) be hereby amended by adding at the end thereof the following:

"On and after the date of the approval of this amendatory act any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War and who is or may hereafter be suffering from a 25 per cent or more permanent disability, as defined by the director, not the result of his own willful misconduct which was not acquired in the service during the World War or for which compensation is not payable shall be entitled to receive a disability allowance at the following rates: 25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month. No disability allowance payable under this paragraph shall commence prior to the date of the passage of this amendatory act or the date of application therefor and such application shall be in such form as the director may prescribe: *Provided*, That no disability allowance under this paragraph shall be payable to any person not entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for such disability allowance under this paragraph. In any case in which the amount of compensation hereafter payable to any person for permanent disability under the provisions of this act is less than the maximum amount of the disability allowance payable for a corresponding degree of disability under the provisions of this paragraph, then such person may receive such disability allowance in lieu of compensation. Nothing in this paragraph shall be construed to allow the payment to any person of both a disability allowance and compensation during the same period and all payments made to any person for a period covered by a new or increased award of disability allowance or compensation shall be deducted from the amount payable under such new or increased award. As used in Titles I and V of the World War veterans' act, 1924, as amended, the term 'compensation' shall be deemed to include the term 'disability' allowance as used in this paragraph.

"The Secretary of the Treasury is hereby directed upon the request of the director to transmit to the director a certificate stating whether the veteran who is applying for a disability allowance under this paragraph was entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for the disability allowance and such certificate shall be conclusive evidence of the facts stated therein."

On page 25, beginning with line 23, strike out through line 2 on page 26, and on page 26, beginning with line 22, strike out through line 14 on page 27, and on page 28, beginning with line 4, strike out through line 12.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania.

Mr. NORRIS. Mr. President, we are called upon now to vote upon an amendment which comes before us in a most extraordinary manner. We have the bill before us, brought before us under a unanimous-consent agreement which included an agreement that we should vote to-day upon this amendment. Until that agreement was made the amendment was unborn; at least nobody had heard of it. When the agreement was made, when it was known that we had to vote to-day and that debate on every amendment was limited to 10 minutes, then came this amendment, an amendment which in effect is really a substitute bill, which practically wipes out all of the bill and proposes an entirely different bill upon an entirely different theory.

After the unanimous-consent agreement was entered into when it was impossible to extend the time for debate even long enough to have the amendment printed, comes a letter, not an official message, but a letter from the President of the United States directed to the Senator from Indiana [Mr. WATSON]. In it he includes a letter from the Secretary of the Treasury and a letter from the head of the Veterans' Bureau, General Hines. When those letters are read the Senate has not yet heard of the amendment. It has never been printed. It has never been read at the clerk's desk until just a moment ago, and it is now 10 minutes after 6 o'clock when we are expected to vote upon the amendment within the next few minutes.

Mr. REED (in his seat). It was read at 1 o'clock.

Mr. NORRIS. The Senator from Pennsylvania just informs me that the amendment was read at 1 o'clock. Then it has been read twice. But it has never been printed.

Everyone knows that to take up an entire system of pension legislation, providing for the details of its application, is a big task. No Member of this body or any other body would be prepared, simply after hearing such a proposal read at the clerk's desk, to vote upon it. Not one-half of the Members of the Senate even heard the amendment read. It was an impossibility to hear it read even by those present. Now we are called upon to vote for the amendment to carry out the wishes of the President, the wishes of Mr. Mellon, and the wishes of Mr. Hines, which have never yet been officially communicated to the Senate; which have never yet been brought to the attention of the Senate except as the Senator from Indiana had the letter addressed to him read at the clerk's desk immediately after 12 o'clock noon to-day.

Mr. President, is that the way to legislate? Is that the way to provide for the expenditure of hundreds of millions of dol-

lars of public funds? Is that the way to treat hundreds of thousands of disabled veterans who were disabled in the World War? Is that common sense? Is that the way to do business on behalf of this great Government? We are called upon now, in order to please the Chief Executive and his Secretary of the Treasury, to vote for a complete system of pension legislation that none of us know anything about and that nobody heard of before to-day, and but few of us understand now what the amendment contains in detail at least.

Mr. President, as I listened to the reading of Secretary Mellon's letter and the letter of the President to the Senator from Indiana, I failed to get one sentence of argument against the Senate committee bill, not one fundamental principle enunciated in opposition to it, the main point being "We have not money enough. It is going to cost too much, and we may have a deficit." We heard no cry from these same sources when we had the ship subsidy bill before us. We heard no cry from these same sources when we were called upon by these same sources to reduce by $160,000,000 the taxes of the wealthy people who are paying income taxes—not a word. Everything was then in favor of the reduction because we had too much money and we were going to have a surplus.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. NORRIS. I yield.

Mr. COUZENS. Did the Senator hear any opposition from the Treasury when we canceled millions of dollars of foreign debts?

Mr. NORRIS. I was going to mention that. I thank the Senator for calling my attention to it. When we came to a settlement of the debts which represented money borrowed from the taxpayers of America, and which they have had to pay and are paying now, and interest upon which will be paid long after all of us are dead and forgotten, we heard the same cry from the same men in the same places urging us to cancel as much of those debts as we could, and we cut practically half of the debts out, even though the American taxpayers must continue to pay. There was no such cry then about a deficit.

But now we come to the payment of the disabled soldiers, the men who were drafted or who enlisted and who were taken away from their homes to go into the worst carnage of war and hell and destruction that the world has ever known, and now comes the plaintive cry, "Oh, it is going to cost too much money."

Mr. President, I voted against——

The VICE PRESIDENT. The time of the Senator from Nebraska has expired. The question is on the amendment of the Senator from Pennsylvania.

The amendment was rejected.

Mr. WALSH of Montana. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 7, beginning with line 3, it is proposed to strike out through the word "director," in line 13, and to insert in lieu thereof the following:

> No suit shall be allowed under this section unless the same shall have been brought within six years from the date of the denial of the claim by the director, or within one year from the date of the approval of this amendatory act, whichever is the later date.

Mr. WALSH of Montana. Mr. President, I made reference to this amendment some days ago, and I hope very much the Senate will adopt it. It was prepared by Mr. Charles E. Pew, a very able attorney of Helena, Mont., who for many years has acted as secretary of the Montana veterans' commission, who has devoted a great deal of time to questions in which veterans are interested, and who has had the most disheartening experience with the Veterans' Bureau. He calls attention to the fact that oftentimes after the right has accrued and application is made to the Veterans' Bureau the case hangs there for years and years, and the right of action is barred six years after the right accrues. He insists that the action ought not to be barred until six years have elapsed after the case has been disposed of or been determined finally adversely by the Veterans' Bureau. He makes a very powerful argument in favor of this amendment. I ask that his letter supporting it may be incorporated in the RECORD in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

HELENA, MONT., *May 13, 1930.*

Hon. T. J. WALSH,
Washington, D. C.

DEAR SENATOR: With reference to the proposed amendment of the veterans' bill so as to make the limitation upon actions upon insurance policies run from the time of the disallowance of a claim for the insurance, I beg to say that the reason such change should be made is that under the law as it now is it would be extremely difficult, if not impossible, to accurately determine the time within which a man might sue.

If a man should claim total permanent disability as of the time of his injury and it appeared that he had not filed a claim specifically asking for the insurance within six years after the injury, the statute would have run against him years ago, and he would have to bring suit within the year following the passage of the act or be barred.

As a matter of common sense, the filing of an application for compensation should be construed as an application for all benefits; but the bureau has differentiated between compensation and insurance to such an extent as to make itself ridiculous.

The law provides no different test of total permanent disability in the case of compensation than it does for insurance purposes; yet the bureau has frequently held a man totally and permanently disabled for the purpose of cutting off his right to reinstate his insurance and at the same time refused to allow him compensation, although all of the disabilities he has originated in the service.

Practically every claim filed within eight or nine years after the war was filed under the belief not only on the part of the man himself but of those representing him that a claim for compensation presented all questions depending upon service-connected disabilities.

Cases have been fought for years upon applications for compensation before a compensation rating of anywhere near 100 per cent could be obtained, and then a man might succeed in obtaining such a rating from the time of discharge.

Such a man, who had battled for more than six years for his compensation, would be barred unless he got in under the terms of the act and filed his suit within a year after its passage.

For example, suppose a man in that situation later filed a claim for insurance and, as has happened in innumerable cases, the bureau would keep evading the issue, referring the man back for further examination, and chase him around through the various avenues of appeal and back several times and not give him a definite answer until after the year had expired. Under the statute he would be out, as the full six years would have expired before he filed a claim for insurance, and he would only have the one year after the passage of the act in which to save himself, and if the bureau did not give him an answer in time he would be shut out.

As a matter of fact, I think the proper wording of the law would be as I suggested a year or so ago; that is, to give a man six years after a denial of his claim in which to sue.

There has been so much uncertainty on the part of the bureau that it is unfair to now tangle the men up by trapping them in situations that they did not understand and that the bureau did not understand.

The tendency of the courts is to spring rules of law upon them that have no application whatever to cases of this kind and which result only in injustice to the men.

For example, the bureau herded the men in to reinstate prior to July 2, 1927. Thousands of these men did not know their rights. They did not know what constituted total and permanent disability, any more than did the bureau, nor did they or any member of the bureau staff think that any question of estoppel would be raised, but everybody was working with the sole idea of safeguarding their insurance.

The bureau was in full possession of all the facts, and its medical staff had made thorough examinations, and the bureau even accepted applications for reinstatement which stated positively that the applicant was totally and permanently disabled.

We now find the courts holding the men estopped by their applications, especially where they at the instance of bureau employees having charge of reinstatement stated that they were not then totally and permanently disabled.

The courts are denying recovery on the original war-term insurance, which recovery would, of course, automatically invalidate any converted policy without loss to the Government.

It seems as though every move that Congress makes, although with the obvious purpose of benefiting the men, is converted into a trap by the bureau and the courts, and it is the men that are caught in the trap.

If cold-blooded rules of law are to be applied to these cases (and they are now applied more cold-bloodedly than any private insurance companies would dare apply them), it is only fair to start with a clean slate and apprise the men that every move is to be made with a lawyer at his elbow to guard him against losing his rights through technicalities.

The man who drew the first war-risk act assumed that the full effects of the war would be well known to every participant, no matter how ignorant or unskilled he might be, and no matter how much he might desire to get along on his own hook, rather than rely on Government compensation. This draftsman presumed that the average man of the rank and file knew more of medicine than a skilled physician, very much as the layman is presumed to know the law which the lawyer may not.

Cases are coming up every day of men who were badly injured in the war, but for one or the other reason have taken no action. I have now

in mind a man who was shot down three times in the Air Service, was badly injured about the face and head, having a metal plate in his head, and his mouth all patched up, and a defect in his speech, and who is suffering from the effects of his injuries, who has never filed a claim.

I think that the law should provide that the filing of a claim for compensation should be deemed equivalent to the making of a claim for all of the benefits of the laws of Congress, and that until a claim of total and permanent disability is unequivocally denied by the bureau the statute should not run; that in order not to enmesh the men in the tangle which resulted from the gropings of the bureau during the past years, the men should be given the right to file a claim for any now-existing disability within a certain number of years from the passage of the act, and the right to bring a suit within at least six years after the final denial by the bureau of a claim of total-permanent disability.

The only reason for narrowing the limit of time within which actions of any kind may be brought is because of the presumed loss of evidence.

In cases of this kind the Government is in so much more favorable a position than the man that the man himself is the one who would suffer the most by the lapse of time.

It is, of course, true that there may not be many cases which would be affected by the limitation fixed in the act in its present form, but that is mere surmise. Furthermore, it is as important to the men affected as though they were all in the same situation.

The Government has paid out millions of dollars on stale claims upon contracts and ordinary property transactions, and there is no reason why such a tight limit should be placed upon the enforcement of claims by these men who have suffered much more than the men who have lost property only.

I trust that my reasons for desiring to see the amendment are sufficiently explained.

With best regards, I am, very truly yours,

C. E. PEW.

Mr. WALSH of Montana. I want to add that it is, as a matter of fact, provided by the bill:

That for the purposes of this section it shall be deemed that the right accrued on the happening of the contingency on which the claim is founded: *Provided further*, That this limitation is suspended for the period elapsing between the filing in the bureau of the claim sued upon and the denial of said claim by the director.

That is to say, if a man hesitates about the matter and does not present his claim until almost six years have expired, and then presents it, and the case hangs on before the Veterans' Bureau for a long period, four or five years more, the time during which it was pending before the bureau is subtracted from the six years, and he has only the remaining time in which to prosecute his action.

Likewise, Mr. Pew discloses that very often the right to recover on an insurance policy—and this amendment relates to the right to recover on insurance policies—depends upon exactly the same conditions on which his right to compensation rests. He makes an application for compensation, and that hangs fire before the Veterans' Bureau for possibly 3, 4, or 5 years, and then is denied. He does not want to bring suit upon his insurance policy until he determines whether the bureau is willing to acknowledge his claim so far as his compensation is concerned. All these contingencies, Mr. President, have the effect often of barring the right to recover where it exists. In his letter Mr. Pew says:

Cases are coming up every day of men who were badly injured in the war, but for one or the other reason have taken no action. I have now in mind a man who was shot down three times in the Air Service, was badly injured about the face and head, having a metal plate in his head, and his mouth all patched up, and a defect in his speech, and who is suffering from the effect of his injuries, who has never filed a claim.

So, Mr. President, if the veteran wishes to institute suit he is entirely barred, except that he has a right to begin suit within one year after this act shall have been passed; but if, after that time, he concludes he had better apply for compensation or to recover upon his insurance, he is barred. He ought, Mr. President, to have the right to sue within the period of six years after the director determines that he is not entitled to recover.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. SHORTRIDGE. Of course, the veteran can bring his action while the case is pending, may he not?

Mr. WALSH of Montana. Of course.

Mr. SHORTRIDGE. He has six years in which to do so.

Mr. WALSH of Montana. But the point I make is that he will not do that; he will not be prosecuting two proceedings at one and the same time.

Mr. SHORTRIDGE. That may be.

Mr. WALSH of Montana. It would be a burden upon him to require him to do so.

Mr. SHORTRIDGE. That is true; but he has six years within which to begin the action, and it is now proposed to give him an additional year.

Mr. WALSH of Montana. To give him one year.

Mr. SHORTRIDGE. Whilst there is much that is persuasive in what the Senator says, and the presentation of the case is a very thoughtful one, I personally do not think we could change the law.

Mr. WALSH of Montana. I see no reason why the Government should feel that this is any burden at all upon it. The veteran has a right to present his case to the Veterans' Bureau, and if the Veterans' Bureau decides against him, he ought to have the period of the statute of limitations within which to commence his case after the Veterans' Bureau decides against him.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. BINGHAM. I desire to offer an amendment on page 15, line 2. I shall later ask to have the amendment read at the desk, but before doing so I desire to state that the amendment, which is to the celebrated paragraph 200 is the result of a long series of conferences and study by the American Legion. This is the form in which, at their last annual convention, they recommended legislation should be passed for the relief of veterans.

Mr. President, I have been a member of the Legion since it was formed; in fact, I was one of those who helped organize it in the State of Connecticut, and I have had the very highest regard for the Legion and its officers and its activities directed to helping the veterans. Therefore, when I learned from Colonel Taylor, the Legion representative who appeared before the committee on May 8, that this amendment was the result of prolonged study on their part, I moved its adoption in the committee; and the motion was lost by only one vote.

I should like, Mr. President, to read Mr. Taylor's testimony in connection with this proposed amendment, which is known as the American Legion amendment. Before doing that, however, I desire to have it distinctly understood that since the bill has been reported out of the committee the Legion legislative committee here in Washington has recommended the passage of the bill as it came from the Finance Committee; but the fact remains that the Legion itself, after giving the matter several years' study, recommended the adoption of the amendment which I am about to offer. The testimony of Mr. Taylor, from which I now desire to read, occurs on page 101 of the hearings before the committee. I quote as follows:

The important section, of course, as far as we are concerned, is section 200.

Section 200 in the Johnson bill as it is, the department has estimated, would cost $76,000,000. It was estimated that the bill would cost $89,000,000, although Mr. Johnson on the floor of the House, after receiving some figures from the Pension Bureau, said that it might run up as high as $400,000,000; but if you take the $76,000,000 that section 200 of the Johnson bill costs, which eliminates the question of diseases and inserts the word "disability," and substitute for it section 200 of the American Legion bill, which brings up to 1925 as a presumptive date certain constitutional diseases, about 20 of them, that reduces the cost $12,500,000, and makes the total cost of the bill somewhere between $25,000,000 and $30,000,000.

Mr. President, as a member of the Legion, I desire to place distinctly upon record before the Senate and before any who may consult the CONGRESSIONAL RECORD the fact that the American Legion, by far the largest organization of veterans in existence, did not recommend any bill that would threaten this country with having to go into debt, with having to issue bonds, or with having to increase taxes, but, after a prolonged study, recommended an extremely reasonable bill. Mr. Taylor says further:

This is a question which has come before the American Legion repeatedly—the question of the extension of the presumptive period—and the Legion, acting upon its best medical advice, recommends that these constitutional diseases be brought up to January 1, 1925, and that presumptive date of January 1, 1925, was put in the law by this committee.

Mr. President, as a veteran myself and member of the Legion, may I be permitted to say that I have felt all along that one of the most unfair provisions brought in the bill as it came from the House, and now in the bill as it comes from the Senate committee, was the presumptive date of January 1, 1930? To say to those of us who served in France that a disability

suffered there of, let us say, 49 per cent—which is the disability granted to a bookkeeper who lost a leg at the front and for which he now receives $49 per month—is not as great as a constitutional or chronic disease contracted by a veteran between 1925 and 1930, for which, if it renders him totally disabled, he is given compensation of $100 per month, is extremely unfair against the man who lost a leg at the front, on account of which he only receives $49 a month.

It is so unfair that it will, I believe, eventually cause, in fact, I so trust, such a change in the law as to provide that the man who lost a leg at the front, instead of receiving $49, will receive $100 a month, which is the amount in this bill provided for the man who contracted a chronic or constitutional disease between 1925 and 1930. It seems to me that those who served in France and suffered a disability during the war which they can prove, are more deserving of the high compensation ratings than those who contracted diseases, however much they may disable, between 1925 and 1930.

Therefore, Mr. President, when the Senator from Massachusetts and the Senator from Texas brought before the committee a general pension proposal granting 60 per cent of the compensation rating to any veteran of the World War who has contracted disease, provided he goes before the Veterans' Bureau and is able to prove that he is disabled but is unable to prove that his disability arises from anything connected with his service during the war, I voted for it, even after it was shown that it was disapproved at the White House, because I believed that that was a fair thing to do, and I believed that some day we ought to come to that.

However, Mr. President, when Mr. Taylor showed that the posts of the American Legion, composed of more than a million veterans, represented at the convention last year by some 1,200 delegates, every State of the Union being represented on the committee on resolutions, had unanimously recommended this amendment, after many years of study of the question of disability and compensation legislation, I felt I was justified in supporting it. Therefore, I supported it in the committee, and I now offer it as an amendment.

The VICE PRESIDENT. Let the amendment be read.

The CHIEF CLERK. On page 15, line 2, after the period following the word "misconduct," it is proposed to strike out the remainder of the section on pages 15, 16, and 17 and in lieu thereof to insert the following:

That for the purposes of this act every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which such defect, disorder, or infirmity was so made of record: *Provided*, That an ex-service man who is shown to have or, if deceased, to have had, prior to January 1, 1925, neuropsychiatric disease and spinal meningitis, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, diabetes insipidus, primary anemias, arterial sclerosis, diabetes mellitus, Hodgkins disease, leukeima, polycythemia (erythremia), arthritis deformans, arthritis chronic, carcinoma sarcoma, malignant tumors, cardiorascular renal diseases (including hypertension), cholecystitis chronic, endocarditis chronic, leprosy, myocarditis chronic, nephritis chronic, nephrolithiasis, chronic nontubercular pulmonary disease, or amoebic dysentery developing a 10 per cent degree of disability or more in accordance with the provisions of subdivision (4) of section 202 of this act, shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease and spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, diabetes insipidus, primary anemias, arterial sclerosis, diabetes mellitus, Hodgkins disease, leukeima, polycythemia (erythremia), arthritis deformans, arthritis chronic, carcinoma sarcoma, malignant tumors, cardiorascular renal diseases (including hypertension), cholecystitis chronic, endocarditis chronic, leprosy, myocarditis chronic, nephritis chronic, nephrolithiasis, chronic nontubercular pulmonary disease, or amoebic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculosis disease, paralysis, paresis, blindness, those helpless or bedridden, and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per cent degree (in accordance with the provisions of subdivision (4) of section 202 of this act) on or subsequent to January 1, 1925, if the facts in the case substantiate his claim.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Connecticut.

Mr. CUTTING. Mr. President, I want to say just a word about the extension of the presumptive theory, because that is the issue between the Senator from Connecticut and the Finance Committee.

The so-called Rankin amendment, extending the presumptive period from January 1, 1925, to January 1, 1930, has been singled out by the Director of the Veterans' Bureau in his letter this morning as being thoroughly unsound. He says it "is unsound medically, and it can not be presumed that disease arising after the time mentioned was the result of service during the World War."

I am sorry the Senator from Pennsylvania is not present, because he made the position even clearer this morning in his speech. I quote from the stenographic report. The Senator from Pennsylvania said this morning:

General Hines has submitted the bill to his medical council, which is made up of the most distinguished physicians in the United States so far as he is able to get them to give volunteer service to the Veterans' Bureau. They have told him unanimously that it is not a sensible hypothesis to lay down that a disease of any sort, tuberculosis, insanity, or any other sort may be latent for so long as 12 years and then develop as a result of service in 1917–18.

When I asked the Senator from Pennsylvania—

Does not the Senator know from personal knowledge of many cases in which the Veterans' Bureau has traced disease in exactly that way?

The Senator replied:

But it has not been latent all that time. There have been symptoms appearing long before 12 years have elapsed.

Mr. President, the trouble with all these statutes that we have passed in behalf of the veteran is that the bureau always, or almost always, interprets them against the interest of the veteran. When we try to lengthen the presumptive period they say a disease can not possibly be traced back as far as 12 years unless there are symptoms constantly appearing.

As a contrast, I should like to present just one case which came to my attention the other day.

A constituent of mine served in the World War from October, 1917, to June, 1919. I prefer not to give his name on account of his family; but I shall be glad to give it to any Senator who asks me. He was born in 1891. After leaving the service, in which he served two years, he worked in his occupation as a cook until 1924, when he suddenly became unable to perform the work necessary to his profession, and went through a number of examinations by various representatives of the Veterans' Bureau. In 1925, as a culmination of various diagnoses, he was ruled as having general paralysis of the brain.

The boy could remember nothing. He wept all the time. He could not remember dates. He could not add or subtract figures. Finally, however—and this is the point I am trying to get at—at one of these examinations they extracted from this unfortunate citizen of the Republic the admission that at the age of 12 he had contracted a venereal disease in the year 1904. There was no other record of the disease. The doctor who was supposed to have treated him was dead; and yet this insanity was traced by the doctors at the bureau to a disease which presumably had occurred 21 years before.

Twenty-one years! According to the distinguished Senator from Pennsylvania, it is impossible to trace back these diseases for 12 years unless symptoms have been recurring in the interval. There had been none in this case; yet not only does the bureau make this presumption against the veteran, denying him the benefits of section 200 of the present act, but it makes the presumption on the admission of an insane man!

I just use that as an instance of the kind of thing that we run up against when we are dealing with the Veterans' Bureau, and the impossibility of accepting seriously any such statement as the medical advisers of the bureau made to General Hines as the basis of his position.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Connecticut.

Mr. BINGHAM. I ask for the yeas and nays.

Mr. WATSON. Mr. President, three propositions came before the Committe on Finance.

The first was the Legion bill, which was introduced as an amendment by the Senator from Connecticut [Mr. BINGHAM]. I am not at liberty to state how members of the committee voted except myself. I voted for that proposition. The Legion

wanted it. Mr. Taylor, the very efficient representative of the Legion, was there to present it, and did present it. He stated to us what it would cost. He stated to us whom it would include, and that it would in effect take care of everybody that at the present time ought to be taken care of. It seemed to me like a sane and sensible proposition, and not one that would in any wise embarrass the Treasury of the United States. It was the proposition that had been adopted by the Legion convention in Louisville, and was the one that was sponsored here by the representatives of that great organization in the city of Washington in a legislative way.

As the Senator has already said, when this proposal was submitted to a vote of the Finance Committee, I think all of its members perhaps being present, it was beaten by a single vote. It occurred to me then, as it occurs to me now, that since the representatives of this great organization were standing for that measure and sponsoring it, and declaring to us on their honor that it would take care of practically every case that at the present time needed to be taken care of, it was a wise and sane measure, and that we might well afford to adopt it as a committee, and to report it to the Senate.

The second proposition was the one sponsored by the Senator from Wisconsin [Mr. LA FOLLETTE]. It was a modified form of the Rankin bill which had been passed in the House. The Rankin bill was one which carried, or would carry within a few years, as much as $400,000,000.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. WATSON. Yes.

Mr. LA FOLLETTE. The Senator does not refer to the so-called Rankin amendment to section 200?

Mr. WATSON. I am not referring to the amendment proposed by the Senate at all. I am referring to the original Rankin bill introduced on the House side.

Mr. LA FOLLETTE. No one has ever estimated that the so-called Rankin amendment would cost $400,000,000. I think the Senator is referring to the bill as it passed the House.

Mr. WATSON. The bill as it passed the House, which absolutely was the one sponsored by Mr. RANKIN more than by anybody else; and that was the bill which ultimately would carry $400,000,000.

When the Senator from Wisconsin introduced the bill, he lopped off a great deal of it here, there, and yonder. I am not familiar with the details; but when those representing the Veterans' Bureau came before our committee they testified that that bill would carry probably from $74,000,000 to $100,000,000. I think perhaps one of them flatly stated that it would carry $74,000,000; but it was a snap-judgment decision. He had not had time to think about it, and he snapped it off to us "$74,000,000." Since that time they have stated that it would run up to over $100,000,000.

The next proposition was the one brought in by the able Senator from Massachusetts [Mr. WALSH] and my distinguished friend from Texas [Mr. CONNALLY]. It was a proposition that the first year would carry perhaps $118,000,000, if I recall correctly; the second year, $250,000,000; and the third, fourth, and fifth years a like sum. According to my judgment, if we intended to go directly to a pension system, that was the one we ought to have taken. It stopped up more holes and more gaps than any other proposition before us, and appealed to me with a great deal of force if we were in a position at this time to go directly to a pension bill; but after we had fully discussed it we came to the conclusion that we could not afford at this time to change the entire basis of legislation on this subject and go to a pension bill, because it is but one step removed from a universal service pension, and we were not yet ready to embark upon that somewhat uncertain sea.

After the Legion bill had been voted down by a majority of 1, the next proposition was the one sponsored by my friend from Wisconsin [Mr. LA FOLLETTE], or the one sponsored by the Senator from Massachusetts [Mr. WALSH], and the Senator from Texas [Mr. CONNALLY]. After we had fully discussed them, not one day but two, we came to the conclusion that as between the two we had better take the proposition which was reported from the Finance Committee.

We did not have votes enough to pass the Legion bill, we did not think it wise to pass the Walsh bill, and therefore we took the only other alternative that was afforded us if we intended to report anything at all, and we reported this measure which is before the Senate now as the one alternative remaining after we found it impossible to report the one because of the lack of votes and the other because we did not deem it wise under the existing conditions. This is how this amendment happened to be here.

The Reed amendment never came before us. The Reed amendment was literally a proposition put forward by ROYAL JOHNSON in the House. Just before the bill passed the House he moved to recommit the measure to the Committee on Pension with instructions to report back a measure which is practically the proposition offered by the Senator from Pennsylvania to-day. Therefore, instead of being a new thing, as my good friend the Senator from Arkansas [Mr. ROBINSON] said to-day, it is an old thing, because that was sponsored by Mr. JOHNSON in the House in the month of April. This is practically a revamping of that proposition.

Mr. BARKLEY. Mr. President, on a roll call the House overwhelmingly defeated the motion offered by Mr. JOHNSON.

Mr. WATSON. But it received 157 votes, and considering that it was a motion to recommit, I thought that was quite a vote.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Indiana whether the proposition was voted on by the Finance Committee?

Mr. WATSON. No; that proposition was not.

Mr. ROBINSON of Arkansas. It was not even considered by the Finance Committee?

Mr. WATSON. No; it was not even considered.

Mr. ROBINSON of Arkansas. It was not different in principle from the amendment proposed by the Senator from Massachusetts and the Senator from Texas?

Mr. WATSON. No; because in reality they are both disability pensions.

Mr. ROBINSON of Arkansas. That was my understanding of it.

Mr. WATSON. Although I will say to the Senator they do not call it a "disability pension," they call it a "disability allowance." That is the distinction.

Mr. ROBINSON of Arkansas. As a matter of fact, the committee decided against any disability pension?

Mr. WATSON. That is what it did; I agree with the Senator.

Mr. ROBINSON of Arkansas. I repeat, then, that so far as the Senate is concerned, the Reed amendment was a new proposal.

Mr. WATSON. Mr. President, what I started to say to my associates was that under all the conditions which confront us, I think we made a mistake when we did not take the Legion bill, because it was sponsored by the greatest soldier organization in the United States, because it claimed to deal with everybody who needed to be dealt with, and to care for all those who needed special care, and would cost us, perhaps, $35,000,000, as I recall. So far as I am concerned, I intend to vote for this amendment. I do not know whether it will pass or not, but I know that if the American Legion wanted it, the only reason why they do not want it now is that they are afraid that if they do not take this measure before the Senate they will not get anything—though I think they are wrong about that. The Senate will never adjourn until it passes pension legislation, and the House could never be driven out of Washington before they passed a pension bill. Therefore the idea that we must have this measure or nothing is fallacious; we will have something before we leave, but, in my judgment, the Legion bill is the wise bill.

Mr. LA FOLLETTE. Mr. President, I do not desire to have the statement stand on the RECORD that I proposed any bill in the committee which was my own bill. I do not claim any credit for what I proposed. All I offered in the committee was the so-called Rankin amendment, which, it has been estimated, would cost $44,000,000, although I think that estimate is high.

Mr. President, while I have great respect for the American Legion, as well as for other veterans' organizations, and believe their attitude toward veterans' legislation should have considerate attention on the part of Congress, I do not think the Congress should enact legislation or defeat legislation because one of the veterans' organizations takes a particular position. It seems to me that the responsibility of Congress is to hear all the testimony which it can get concerning proposed legislation, and then discharge its responsibility as its judgment dictates.

Inasmuch as an attempt has been made to give the impression that the American Legion is at this time sponsoring the amendment offered by the Senator from Connecticut, I want to read a statement showing their position.

Mr. BINGHAM. Mr. President, who ever attempted to give that impression?

Mr. LA FOLLETTE. I got that impression from what the Senator from Connecticut stated, and what the Senator from Indiana stated.

Mr. BINGHAM. I stated distinctly that at the present time the Legion is for the bill as amended and reported, but that the amendment which I proposed was a result of long study by the last convention. I not only did not intend to give the impression that it was the present position of the Legion, but I stated distinctly that it was not their present position.

Mr. LA FOLLETTE. I also understood the Senator from Indiana to say that the only reason why they were now supporting this legislation was because they were afraid that if this bill were amended they would not secure any legislation.

Mr. WATSON. That is my understanding.

Mr. LA FOLLETTE. I want to read now a letter written by John Thomas Taylor, vice chairman of the national legislative committee of the American Legion, on June 14, 1930, after this bill was reported from the Finance Committee, and after Mr. Taylor and the other officers of the Legion had had an opportunity not only to hear all the testimony but to weigh the provisions of the bill as reported. The letter reads:

THE AMERICAN LEGION
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., June 14, 1930.

Hon. ROBERT M. LA FOLLETTE, Jr.,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Assertions are being made in the press that the passage of the disabled veterans' bill will cause an increase in taxes. We do not believe these assertions to be founded upon fact, but we bring them to your attention because of the many different estimates being made concerning the cost and effect of the pending veterans' legislation, with the oft-repeated statement that following its passage in the Congress it will be vetoed and therefore fail to become a law.

The Congress has enacted many measures at the present session, which, together with the additions to the appropriation bills, will cost many times more than the veterans' measure, and a majority of these increases were voted by the Congress while the veterans' bill was still pending. If there is to be an increase in taxes—which we do not admit—because of increased appropriations voted by the Congress, it would therefore be most unfair to lay this at the door of the disabled veterans. The blame for these increases should rather be placed where it belongs—upon the other measures enacted while the veterans' bill was still pending—for the Congress has realized all along that the needs of the disabled had to be met at the present session through an adequate relief measure.

The Finance Committee reported favorably to the Senate, June 11, H. R. 10381, the Johnson bill, which we urge you to consider and pass promptly. The measure has now been before the Finance Committee and the Senate more than seven weeks. Further Senate delay may endanger its enactment at the present session.

As passed by the House, this bill would have cost $181,000,000 a year, a sum which many believe the President would disapprove. The Finance Committee has reduced this cost to about $74,000,000. In addition to this, it has included an amendment which will save a $25,000,000 expenditure which would be necessary under existing law.

Therefore, subtracting this $25,000,000 saving from the $74,000,000 of expenditures provided, the net cost of the bill for its first year would be about $50,000,000. This net expenditure of $50,000,000 will assist countless distressing cases. Among others it will connect with the service the following:

Mental cases	23,000
Tuberculosis	19,000
Chronic and constitutional diseases	29,000

This relief will be real and practical. It will be both generous and just, and will reflect the oft-repeated attitude of the Congress and the Nation—"everything for the disabled." The measure will compensate about 100,000 of the most distressing and deserving cases, save an untold number of lives, and brighten tens of thousands of homes now darkened through suffering and financial distress—homes in which widows and children have been pondering the gratitude of governments.

These men were the flower of our country's youth when the Senate selected them to defend our country. Tens of thousands of them are wrecks to-day as a result of the war. We are asking the Senate—many of whose Members voted to send these men to war—to make certain now that such an urgent relief measure is enacted into law.

It is continually stated privately that the Senate will not be content with this $50,000,000 bill, that the Senate will load it down until it approximates the $181,000,000 bill which the House passed, regardless of whether such a measure may be vetoed. It is even stated privately that after loading down the bill, the Senate plans to provide an opportunity for a pocket veto, by setting the adjournment date within the 10 days allowed for presidential consideration of a bill.

The Legion does not credit these private statements. We believe that the Senate will place the welfare of the disabled above and beyond all other considerations. But we would not be fair unless we repeated these statements to you. I am writing you candidly, for the well-being of 100,000 disabled veterans is at stake.

We therefore appeal to you to pass the disabled bill promptly, in substantially the form reported to you, to urge the House to accept your amendment—thus avoiding the delays and dangers of a conference—to send such a bill to the President as he may sign, and to allow the Chief Executive his 10 full days in which to approve it, before you adjourn the present session.

In doing this you will keep faith with the disabled, with the country, and with yourselves.

Very sincerely yours,

JOHN THOMAS TAYLOR,
Vice Chairman National Legislative Committee.

Mr. SIMMONS. Mr. President, I want to make a statement as to what occurred in the Committee on Finance in regard to this matter.

There were three propositions, one known as the Legion proposition, sponsored by the Senator from Utah; one known as the Connally-Walsh proposition, sponsored by the Senator from Massachusetts; the other proposition known as the Rankin bill, as modified by certain amendments offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

We discussed all of those propositions for days, and finally I suggested that we had discussed the proposition sufficiently and that we take a vote. I moved the adoption of the so-called Rankin amendment as modified by the Senator from Wisconsin, suggesting that the other two propositions might be submitted as substitutes, and that we would vote upon those substitute propositions.

The Senator from Utah presented the measure known as the veterans' proposition. We voted on that, and the vote was close. According to my understanding, some Senators voted for it because it carried a small appropriation as compared with the others, and it was not believed by them that the Treasury was in position to assume the heavier burden carried in the other two propositions.

I do not think we voted upon that upon its merits; we voted upon that upon a dollar principle, and only upon a dollar principle, and voting upon it in that way, it did, I believe, get within one of a majority vote, but it was voted down.

Then we voted on the other proposition, sponsored by the Senator from Massachusetts as a substitute, and that was voted down. Then by a vote of 16 to 3 we adopted the Rankin proposition, as amended by the Senator from Wisconsin.

I think I have correctly stated the action of the committee with respect to this matter.

Mr. ROBINSON of Arkansas. Mr. President, is that the bill now before the Senate?

Mr. SIMMONS. That is the bill now before the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. BINGHAM].

The amendment was rejected.

Mr. BRATTON. Mr. President, I send forward an amendment, and ask to have it read.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from New Mexico offers the following amendment: On page 25, line 11, after the word "month" insert a colon and the following proviso:

Provided, That the rating of any person once awarded compensation under this provision shall not hereafter be so modified as to discontinue such compensation or to reduce it to less than $50 per month, and payments to any such person whose rating has heretofore been so modified shall be resumed at the rate of not less than $50 per month from the date of such modification.

Mr. BRATTON. Mr. President, I realize that the hour is late and that the Senate is impatient, desiring to reach the passage of the bill as soon as may be possible. Notwithstanding that fact, I believe that if I can secure the ear of the Senate a few moments, I can explain the merits of this amendment so that it will be adopted.

In 1926 the senior Senator from Arizona [Mr. ASHURST] proposed an amendment to the World War veterans' act of 1924, to provide that any veteran having tuberculosis who had reached the arrested stage should be compensated at the rate of $50 per month; that is to say, after the bureau had diagnosed the veteran's condition as being arrested tuberculosis, he should be compensated at a flat figure of $50 per month.

It was stated upon the floor of the Senate then by the Senator from Arizona and myself that the object of the provision was to give veterans, particularly those who went to the West and the Southwest, and regained their health there to the extent of their tuberculosis being arrested, the assurance that their compensation would never be reduced below $50 per month. It was to relieve them of the mental disturbance occasioned by the fact that they might be called before the bureau from time to time, reexamined, and their compensation reduced or increased.

It was understood then that those veterans were to have a fixed status. But following that, and yielding to a decision rendered by the Comptroller General, the Veterans' Bureau has been compelled to reduce the compensation of large numbers of arrested tuberculars and to discontinue it in many other cases.

My colleague said a few moments ago that in New Mexico alone more than 800 ex-service men who have been diagnosed as arrested tuberculars, compensated for a while at $50 a month, have thereafter either had their compensation reduced below that figure or had it discontinued entirely.

Mr. SHORTRIDGE. I understand that the Senator's proposal is to make the allowance a vested, continuing right, not subject to modification.

Mr. BRATTON. Exactly so.

Mr. SHORTRIDGE. Suppose a reexamination shows that there was a manifest error in the original examination?

Mr. BRATTON. That is exactly the thing against which I complain. The bureau diagnosed these men; it gave them that status; it determined their condition and, in some cases, compensated them for three or four years, and then, in some instances, without even calling the veteran before the bureau or giving him any warning, but upon a mere reexamination of his file in his absence, notified him that the bureau finds that he never did have tuberculosis and consequently never was an arrested case, in consequence of which his compensation is discontinued. That violates the very thing that Congress sought to accomplish in the enactment of the amendment proposed by my distinguished friend from Arizona. The facts were stated clearly and unmistakably on the floor of this body when the amendment was under consideration.

I do not criticize the bureau. It has pursued that course in obedience to a decision rendered by the Comptroller General, but the Comptroller General's opinion violates the object of the Congress. A great many of these veterans——

Mr. SHORTRIDGE. Mr. President——

Mr. BRATTON. Pardon me, but I am speaking under a limitation of time.

Mr. SHORTRIDGE. I merely call the Senator's attention to the fact that it is a controverted matter about which men may differ, and it may have a very serious effect if enacted into legislation.

Mr. BRATTON. I think not. I have looked into that matter. I think I have reasonable assurance that the adoption of this amendment will not complicate passage of the bill. I anticipated that suggestion and inquired into it. It is my belief that the amendment is just and it carries out with such exaction what the Congress had in mind in the first place, that I am sure it will not jeopardize the passage of the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Mexico [Mr. BRATTON].

The amendment was agreed to.

Mr. COPELAND. Mr. President, I have two or three amendments to offer, but I realize that the bill must not be loaded down. Consequently, with the exception of one to which I wish to call the attention of the chairman of the committee, I shall not offer them. On page 23, line 14, would there be any objection to changing the date November 11, 1918, to July 2, 1921? Suppose a soldier lost a foot or hand in the line of duty after the armistice and before the end of the war, he could not receive this limited compensation. I know of one or two cases that fall under the ban by reason of the fact that the date as fixed is November 11, 1918. Would it be a serious embarrassment to the chairman of the committee if I were to offer an amendment making the date July 2, 1921, instead of November 11, 1918, as it is now?

Mr. SHORTRIDGE. I can not speak for the committee. They have reported the bill with the date fixed as of November 11, 1918, the date of the armistice. That is as the bill came to the Senate. This would change it, I am afraid, very materially. I do not think it wise to make the change.

Mr. COPELAND. I call attention to the fact that the accident must have been in the active service and in line of duty. The Senator can readily see that after the armistice a man still on duty in Europe might be run over by a truck and a leg taken off and he would not have the benefit of the compensation, and yet he would be just as much entitled to it as the man who suffered a similar accident previous to the date of the armistice.

Mr. SHORTRIDGE. That is unquestionably so if he was still in the service. If he was not discharged as of the date of the service that would be true. I appreciate the force of that statement, but I can do no more than I have indicated.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator from New York will not press the matter. There are many inequalities in the bill. I think we ought to be careful not to amend the bill too much. The difficulty of the matter is that if we attempt to change the time in the law which has been fixed and determined since the war, I am afraid the Senator will open the door to a large number of new cases.

Mr. COPELAND. Of course, I have no desire to load down the bill with amendments.

Mr. WALSH of Massachusetts. I know how friendly the Senator is to the bill.

Mr. COPELAND. Therefore I shall not offer the amendment.

Mr. CUTTING. Mr. President, I want to propose an amendment which I mentioned some time ago. On page 16, line 13, I propose an amendment similar to one which was agreed to on page 17. On page 16, line 13, before the word "tuberculosis," strike out the words "an active," and after the word "tuberculosis" strike out the word "disease."

Mr. WALSH of Massachusetts. Mr. President, I do not want to interfere with what the Senate has already done, but I would like to have somebody now show how much more money that is going to cost the Government.

Mr. CUTTING. That is impossible to estimate. It is just a question as to how much the Bureau would come down from what the bureau intended to give in the first place.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to amendment. If there be no further amendments, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, shall the bill pass?

Mr. GEORGE. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. MOSES (when his name was called). I have a special pair with the senior Senator from Missouri [Mr. HAWES] and therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. LA FOLLETTE (when Mr. NYE's name was called). I desire to announce the unavoidable absence of the senior Senator from North Dakota [Mr. FRAZIER] and the junior Senator from North Dakota [Mr. NYE]. If present, they would both vote "yea."

Mr. SHIPSTEAD (when Mr. SCHALL's name was called). My colleague the junior Senator from Minnesota [Mr. SCHALL] is unavoidably absent. I understand that if present he would vote "yea."

Mr. WATSON (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Pennsylvania [Mr. GRUNDY] and vote "nay."

The roll call was concluded.

Mr. NORRIS. I was requested to announce that the junior Senator from Iowa [Mr. BROOKHART] is absent from the city. If present, he would vote "yea."

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague the senior Senator from Florida [Mr. FLETCHER] on account of illness. I understand if he were present he would vote "yea."

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent on official business. He had no opportunity to arrange a pair before leaving. If he were present, he would vote "yea."

Mr. McNARY. I was requested to announce the unavoidable absence of the junior Senator from Colorado [Mr. WATERMAN]. If he were present, he would vote "yea."

Mr. HARRISON. I desire to announce that my colleague the junior Senator from Mississippi [Mr. STEPHENS] is paired with the senior Senator from Vermont [Mr. GREENE]. If present, my colleague [Mr. STEPHENS] would vote "yea." My colleague is detained from the Senate by illness.

Mr. McNARY. I desire to announce that the Senator from New Hampshire [Mr. KEYES] is paired with the Senator from Utah [Mr. KING]. If the Senator from New Hampshire [Mr. KEYES] were present, he would vote "yea," and if the Senator from Utah [Mr. KING] were present he would vote "nay."

I also desire to announce that the Senator from Vermont [Mr. GREENE] has a pair with the Senator from Mississippi [Mr. STEPHENS]. If the Senator from Vermont [Mr. GREENE] were present, he would vote "nay." If the Senator from Mississippi [Mr. STEPHENS] were present, he would vote "yea."

The senior Senator from New Jersey [Mr. KEAN], the junior Senator from New Jersey [Mr. BAIRD], the senior Senator from West Virginia [Mr. GOFF], the junior Senator from Iowa [Mr. BROOKHART], and the junior Senator from Minnesota [Mr. SCHALL] are all necessarily detained from the Senate. If present, these Senators would vote "yea."

I also desire to announce the general pair of the Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE.]

I also wish to announce that the Senator from Ohio [Mr. FESS] is unavoidably absent.

Mr. SHEPPARD. The Senator from Missouri [Mr. HAWES] is necessarily detained by illness. If present, he would vote "yea."

The junior Senator from South Carolina [Mr. BLEASE] is detained by illness in his family. If present, he would vote "yea." He has a general pair with the Senator from Maine [Mr. GOULD].

The senior Senator from South Carolina [Mr. SMITH] is detained by illness. If present, he also would vote "yea."

Mr. BLACK. My colleague the senior Senator from Alabama [Mr. HEFLIN] is unavoidably absent. I understand that if present he would vote "yea."

The result was announced—yeas 66, nays 6, as follows:

YEAS—66

Allen	Dill	McKellar	Shortridge
Ashurst	George	McMaster	Simmons
Barkley	Glass	McNary	Steck
Black	Glenn	Metcalf	Steiwer
Blaine	Goldsborough	Norris	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Bratton	Harris	Overman	Thomas, Okla.
Brock	Harrison	Patterson	Townsend
Broussard	Hatfield	Phipps	Trammell
Capper	Hayden	Pine	Tydings
Caraway	Hebert	Pittman	Vandenberg
Connally	Howell	Ransdell	Wagner
Copeland	Johnson	Robinson, Ark.	Walsh, Mass.
Couzens	Jones	Robinson, Ind.	Walsh, Mont.
Cutting	Kendrick	Robsion, Ky.	Wheeler
Dale	La Follette	Sheppard	
Deneen	McCulloch	Shipstead	

NAYS—6

Bingham	Hastings	Walcott	Watson
Gillett	Reed		

NOT VOTING—24

Baird	Goff	Kean	Schall
Blease	Gould	Keyes	Smith
Brookhart	Greene	King	Smoot
Fess	Grundy	Moses	Stephens
Fletcher	Hawes	Norbeck	Sullivan
Frazier	Heflin	Nye	Waterman

So the bill was passed, and it is as follows:

Be it enacted, etc., That section 5 of the World War veterans' act, 1924, as amended (sec. 426, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 5. The director, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this act, and for that purpose shall have full power and authority to make rules and regulations, not inconsistent with the provisions of this act, which are necessary or appropriate to carry out its purposes, and shall decide all questions arising under this act; and all decisions of questions of fact affecting any claimant to the benefits of Titles II, III, or IV of this act shall be conclusive except as otherwise provided herein. All officers and employees of the bureau shall perform such duties as may be assigned them by the director. All official acts performed by such officers or employees specially designated therefor by the director shall have the same force and effect as though performed by the director in person. Wherever under any provision or provisions of the act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director. The director shall adopt reasonable and proper rules to govern the procedure of the divisions and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of compensation, insurance, vocational training, or maintenance and support allowance provided for in this act, the forms of application of those claiming to be entitled to such benefits, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards: *Provided*, That regulations relating to the nature and extent of the proofs and evidence shall provide that due regard shall be given to lay and other evidence not of a medical nature: *Provided further*, That where service connection has been found by the United States Veterans' Bureau to exist (whether or not by reason of a presumption of law) in the case of any injury or disease or any aggravation or recurrence of a disability, and such finding has continued in effect for a period of five years, such finding, except in case of fraud participated in by the claimant, shall be final and conclusive for the purposes of this act, and the claimant shall be entitled to benefits thereunder in accordance with such finding from and after the end of such 5-year period, whether or not such period ended prior to the passage of this amendatory act."

SEC. 2. That section 10 of the World War veterans' act, 1924, as amended (sec. 434, title 38, U. S. C.), be hereby amended by adding thereto the following paragraph:

"The director is further authorized to secure such recreational facilities, supplies, and equipment for the use of patients in hospitals, and for employees at isolated stations as he, in his discretion, may deem necessary, and the appropriations made available for the carrying out of the provisions of this section may be expended for that purpose."

SEC. 3. That section 16 of the World War veterans' act, 1924, as amended (sec. 442, title 38, U. S. C.), be hereby amendment to read as follows:

"SEC. 16. All sums heretofore appropriated for the military and naval insurance appropriation and all premiums collected for the yearly renewable term insurance provided by the provisions of Title III deposited and covered into the Treasury for the credit of this appropriation, where unexpended, be made available for the bureau. All premiums that may hereafter be collected for the yearly renewable term insurance provided by the provisions of Title III hereof shall be deposited and covered into the Treasury for the credit of this appropriation. Such sum, including all premium payments, is made available for the payment of the liabilities of the United States incurred under contracts of yearly renewable term insurance made under the provisions of Title III, including the refund of premiums and such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia. Payments from this appropriation shall be made upon and in accordance with the award by the director."

SEC. 4. That section 19 of the World War veterans' act, 1924, as amended (sec. 445, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 19. In the event of disagreement as to claim, including claim for refund of premiums, under a contract of insurance between the bureau and any person or persons claiming thereunder an action on the claim may be brought against the United States either in the Supreme Court of the District of Columbia or in the district court of the United States in and for the district in which such persons or any one of them resides, and jurisdiction is hereby conferred upon such courts to hear and determine all such controversies. The procedure in such suits shall be the same as that provided in sections 5 and 6 of the act entitled 'An act to provide for the bringing of suits against the Government of the United States,' approved March 3, 1887, and section 10 thereof so far as applicable. All persons having or claiming to have an interest in such insurance may be made parties to such suit, and such as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct. In all cases where the bureau acknowledges the indebtedness of the United States upon any such contract of insurance and there is a dispute as to the person or persons entitled to payment, a suit in the nature of a bill of interpleader may be brought by the bureau in the name of the United States against all persons having or claiming to have any interest in such insurance in the Supreme Court of the District of Columbia or in the district court in and for the district in which any of such claimants reside: *Provided*, That no less than 30 days prior to instituting such suit the bureau shall mail a notice of such intention to each of the persons to be made parties to the suit. The circuit courts of appeal and the Court of Appeals of the District of Columbia shall respectively exercise appellate jurisdiction and, except as provided in sections 346 and 347, title 28, United States Code, the decrees of the circuit courts of appeal and the Court of Appeals of the District of Columbia shall be final.

"No suit shall be allowed under this section unless the same shall have been brought within six years from the date of the denial of the claim by the director, or within one year from the date of the approval of this amendatory act, whichever is the later date. Infants, insane persons, or persons under other legal disability, or persons rated as incompetent or insane by the bureau shall have three years in which to bring suit after the removal of their disabilities. If suit is seasonably begun and fails for defect in process, or for other reasons not affecting the merits, a new action, if one lies, may be brought within a year though the period of limitations has elapsed. Judgments heretofore rendered against the person or persons claiming under the contract of war-risk insurance on the ground that the claim was barred by the statute of limitations shall not be a bar to the institution of another suit on the same claim. No State or other statute of limitations shall be applicable to suits filed under this section.

"In any suit, action, or proceeding brought under the provisions of this act, subpœnas for witnesses who are required to attend a court of the United States in any district may run into any other district: *Provided*, That no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than 100 miles from the place of holding the same without the permission of the court being first had upon proper application and cause shown. The word 'district' and the words 'district court' as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia.

"Attorneys of the bureau when assigned to assist in the trial of cases, and employees of the bureau when ordered in writing by the director to appear as witnesses shall be paid the regular travel and subsistence allowance paid to other employees when on official travel status.

"Part time and fee basis employees of the bureau, in addition to their regular travel and subsistence allowance, when ordered in writing by





the director to appear as witnesses in suits under this section, may be allowed, within the discretion and under written orders of the director, a fee in an amount not to exceed $20 per day.

"Employees of the United States Veterans' Bureau who are subpœnoed to attend the trial of any suit, under the provisions of this act, as witnesses for plaintiffs shall be granted official leave for the period they are required to be away from the bureau in answer to such subpœnas.

"The term 'claim' as used in this section means any writing which alleges permanent and total disability at a time when the contract of insurance was in force, or which uses words showing an intention to claim insurance benefits and the term 'disagreement' means a denial of the claim by the director or some one acting in his name on an appeal to the director. This section, as amended, with the exception of this paragraph, shall apply to all suits now pending against the United States under the provisions of the war risk insurance act, as amended, or the World War veterans' act, 1924, as amended."

SEC. 5. That a new subdivision be added to section 21 of the World War veterans' act, 1924, as amended (sec. 450, title 38, U. S. C.), to be known as subdivision (3), and to read as follows:

"(3) All or any part of the compensation or insurance the payment of which is suspended or withheld under this section may, in the discretion of the director, be paid temporarily to the person having custody and control of the incompetent or minor beneficiary to be used solely for the benefit of such beneficiary, or, in the case of an incompetent veteran, may be apportioned to the dependent or dependents, if any, of such veteran. Any part not so paid and any funds of a mentally incompetent or insane veteran not paid to the chief officer of the institution in which such veteran is an inmate nor apportioned to his dependent or dependents under the provisions of section 202 (7) of this act may be ordered held in the Treasury to the credit of such beneficiary. All funds so held shall be disbursed under the order and in the discretion of the director for the benefit of such veteran or his dependents. Any balance remaining in such fund to the credit of any veteran may be paid to him if he recovers and is found competent, or otherwise to his guardian, curator, or conservator, or, in the event of his death, to his personal representative, except as provided in section 26 of this act: *Provided*, That payment will not be made to his personal representative if, under the law of the State of his last legal residence, his estate would escheat to the State: *Provided further*, That any funds in the hands of a guardian, curator, conservator, or person legally vested with the care of the veteran or his estate, derived from compensation, automatic or term insurance payable under said acts, which under the law of the State wherein the veteran had his last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such guardian, curator, conservator, or person legally vested with the care of the veteran or his estate, less legal expenses of any administration necessary to determine that an escheat is in order, to the bureau, and shall be deposited to the credit of the current appropriations provided for payment of compensation and insurance."

SEC. 6. That section 28 of the World War veterans' act, 1924, as amended (sec. 453, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 28. There shall be no recovery of payments from any person, who, in the judgment of the director, is without fault on his part and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section.

"When under the provisions of this section the recovery of a payment made from the United States Government life insurance fund is waived, the United States Government life insurance fund shall be reimbursed for the amount involved from the current appropriation for military and naval insurance.

"This section, as amended, shall be deemed to be in effect as of June 7, 1924."

SEC. 7. That section 30 of the World War veterans' act, 1924, as amended (sec. 456, title 38, U. S. C.), be hereby amended by adding thereto a new subdivision to be known as subdivision (e), and to read as follows:

"(e) The director may authorize an inspection of bureau records by duly authorized representatives of the American veterans of all wars, and of the organizations designated in or approved by him under section 500 of the World War veterans' act, 1924, as amended, under such rules and regulations as he may prescribe."

SEC. 8. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 37, and to read as follows:

"SEC. 37. Checks properly issued to beneficiaries and undelivered for any reason shall be retained in the files of the bureau until such time as delivery may be accomplished, or, until three full fiscal years have elapsed after the end of the fiscal year in which issued."

SEC. 9. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 38, and to read as follows:

"SEC. 38. The Secretary of War is hereby authorized and directed to transfer to and accumulate in the War Department in the city of Washington, D. C., all records and files containing information regarding medical and service records of veterans of the World War: *Provided*, That the necessary appropriation to accomplish the transfer of such records and files is hereby authorized."

SEC. 10. That section 200 of the World War veterans' act, 1924, as amended (sec. 471, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 200. For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered or contracted in, or such recurrence was caused by, the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), or women citizens of the United States who were taken from the United States by the United States Government and who served in base hospitals overseas, or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided*, That no person suffering from paralysis, paresis, or blindness, or from a venereal disease contracted not later than the date of his discharge or resignation from the service during the World War (including any disability or disease resulting at any time therefrom), or who is helpless or bedridden as a result of any disability, shall be denied compensation by reason of willful misconduct. That for the purposes of this section and section 304 of this act every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record: *Provided*, That an ex-service man who is shown to have, if deceased, to have had, prior to January 1, 1930, neuropsychiatric disease and spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, leprosy, a chronic constitutional disease or analogous disease, particularly, all diseases enumerated on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925, or amœbic dysentery developing a 10 per cent degree of disability or more in accordance with the provisions of subdivision (4) of section 202 of this act, shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease, spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, leprosy, a chronic constitutional disease or analogous disease, particularly, all diseases enumerated on page 75 of the schedule of disability ratings of the United States Veterans' Bureau, 1925, or amœbic dysentery in such service between said dates, and said presumption shall be conclusive in cases of tuberculosis and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per cent degree (in accordance with the provisions of subdivision (4) of sec. 202 of this act) on or subsequent to January 1, 1930, if the facts in the case substantiate his claim: *Provided further*, That in any case where service connection is granted solely on the basis of a new presumption created by this amendatory act, no compensation shall be paid for any period prior to the approval of this act, nor for more than three years after such approval pending a further study of veterans' relief by the Congress: *Provided further*, That nothing herein contained shall be construed to apply to an ex-service man who enlisted or entered military or naval service subsequent to November 11, 1918."

SEC. 11. That section 201, subdivisions (f) and (1), of the World War veterans' act, 1924, as amended (sec. 472, title 38, U. S. C.), be hereby amended to read as follows:

"(f) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed

the difference between the total amount payable to the widow and children and the sum of $75: *Provided*, That in case there is both a dependent mother and a dependent father, the amount payable to them shall not be less than $20. Such compensation shall be payable whether the dependency of the father or mother, or both, arises before or after the death of the person: *Provided*, That the status of dependency shall be determined annually as of the anniversary date of the approval of the award, and the director is authorized to require a submission of such proof of dependency as he, in his discretion, may deem necessary: *Provided further*, That upon refusal or neglect of the claimant or claimants to supply such proof of dependency in a reasonable time the payment of compensation shall be suspended or discontinued.

"(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service, the director, in his discretion and with due regard to the circumstances of each case, shall pay, for burial and funeral expenses and the transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $107 to cover such items and to be paid to such person or persons as may be fixed by regulations: *Provided*, That when such person dies while receiving from the bureau compensation or vocational training, or in a national military home, the above benefits shall be payable in all cases: *Provided further*, That where such persons, while receiving from the bureau medical, surgical, or hospital treatment, or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, or in a national military home, the above benefits shall be payable in all cases, and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories, or possessions, and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *Provided further*, That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed: *Provided further*, That the director may, in his discretion, make contracts for burial and funeral services within the limits of the amounts allowed herein without regard to the laws prescribing advertisement for proposals for supplies and services for the United States Veterans' Bureau: *Provided further*, That section 5, title 41, of the United States Code, shall not be applied to contracts for burial and funeral expenses heretofore entered into by the director so as to deny payment for services rendered thereunder, and all suspensions of payment heretofore made in connection with such contracts are hereby removed, and any and all payments which are now or may hereafter become due on such contracts are hereby expressly authorized: *Provided further*, That no deduction shall be made from the sum allowed because of any contribution toward the burial which shall be made by any State, county, or municipality, but the aggregate of the sum allowed plus such contribution or contributions shall not exceed the actual cost of the burial.

"Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service, the director shall furnish a flag to drape the casket of such veteran and afterwards to be given to his next of kin, regardless of the cause of death of such veteran."

SEC. 12. That subdivisions (3) and (5) of section 202 of the World War veterans' act, 1924, as amended (secs. 473, 478, 479, title 38, U. S. C.), be hereby amended to read as follows:

"(3) If and while the disability is rated as total and permanent, the rate of compensation shall be $100 per month: *Provided, however*, That the permanent loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total permanent disability: *Provided further*, That the compensation for the loss of the use of both eyes shall be $150 per month, and that compensation for the loss of the use of both eyes and one or more limbs shall be $200 per month: *Provided further*, That for double total permanent disability the rate of compensation shall be $200 per month.

"That any ex-service man shown to have a tuberculous disease of compensable degree, and who has been hospitalized for a period of one year, and who in the judgment of the director will not reach a condition of arrest by further hospitalization, and whose discharge from hospitalization will not be prejudicial to the beneficiary or his family, and who is not, in the judgment of the director, feasible for training, shall, upon his request, be discharged from hospitalization and rated as temporarily totally disabled, said rating to continue for the period of three years: *Provided, however*, That nothing in this subdivision shall deny the beneficiary the right, upon presentation of satisfactory evidence, to be adjudged to be permanently and totally disabled: *Provided further*, That in addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services, including payment of court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for care and treatment of the insane, and shall be furnished with such supplies, including wheel chairs, artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary, which wheel chairs, artificial limbs, trusses, and similar appliances may be procured by the bureau in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary: *Provided*, That nothing in this act shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service: *Provided further*, That where any person entitled to the benefits of this paragraph has heretofore been hospitalized in a State institution, the United States Veterans' Bureau is hereby authorized to reimburse such person, or his estate, where payment has been made to the State out of the funds of such person, or to reimburse the State or any subdivision thereof where no payment has been made for the reasonable cost of such services from the date of admission.

"There shall be paid to any person who suffered the loss of the use of a creative organ or one or more feet or hands in the active service in line of duty between April 6, 1917, and November 11, 1918, compensation of $25 per month, independent of any other compensation which may be payable under this act: *Provided, however*, That if such disability was incurred while the veteran was serving with the United States military forces in Russia, the dates herein stated shall extend from April 6, 1917, to April 1, 1920.

"(5) If the disabled person is so helpless as to be in need of a nurse or attendant, such additional sum shall be paid, but not exceeding $50 per month, as the director may deem reasonable."

SEC. 13. That subdivision (7) of section 202 of the World War veterans' act, 1924, as amended (secs. 480, 481, title 38, U. S. C.), be hereby amended to read as follows:

"(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $20 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however*, That in any case where the estate of such veteran derived from funds paid under the war risk insurance act, as amended, and/or the World War veterans' act, 1924, as amended, equals or exceeds $3,000, payment of the $20 per month shall be discontinued until the estate is reduced to $3,000: *Provided further*, That if such person shall recover his reason and shall be discharged from such institution as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced or discontinued through the provisions of this subdivision.

"All or any part of the compensation of any mentally incompetent inmate of an institution may, in the discretion of the director, be paid to the chief officer of said institution to be properly accounted for and to be used for the benefit of such inmate, or may, in the discretion of the director, be apportioned to wife, child, or children, or dependent parents in accordance with regulations.

"That any ex-service person shown to have had a tuberculous disease of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided*, That the rating of any person once awarded compensation under this provision shall not hereafter be so modified as to discontinue such compensation or to reduce it to less than $50 per month, and payments to any such person whose rating has heretofore been so modified shall be resumed at the rate of not less than $50 per month from the date of such modification: *Provided, however*, That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further*, That no payments under this provision shall be retroactive, and the payments hereunder shall commence from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever be the later date.

"The director is hereby authorized and directed to insert in the rating schedule a minimum rating of permanent partial 25 per cent for arrested or apparently cured tuberculosis."

SEC. 14. (1) That so much of the second sentence of subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), as precedes the first provision thereof be hereby amended to read as follows: "The director is further authorized, so far as he shall find that existing Government facilities permit, to

furnish hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, and including persons who served overseas as contract surgeons of the Army at any time during the Spanish-American War, not dishonorably discharged, without regard to the nature or origin of their disabilities."

(2) That the following new paragraphs be added to subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), to read as follows:

"Hereafter where a World War veteran hospitalized under this section for a period of more than 30 days files an affidavit with the commanding officer of the hospital to the effect that his annual income, inclusive of compensation or pension, is less than $1,000, there shall be paid to the dependents of such veteran (commencing with the expiration of such 30-day period and to be payable) during the period of any further continuous hospitalization and for two calendar months thereafter, the following amount of compensation:

"(a) If there is a wife but no child, $30 per month;

"(b) If there is a wife and one child, $40 per month, with $6 for each additional child;

"(c) If there is no wife but one child, $20 per month;

"(d) If there is no wife but two children, $30 per month;

"(e) If there is no wife but three children, $40 per month, with $6 for each additional child.

"For the purposes of this section the Spanish-American War shall be construed to mean service between April 21, 1898, and July 4, 1902, and the term 'veteran' shall be deemed to include those persons retired or otherwise not dishonorably separated from the active list of the Army or Navy.

"Hereafter any veteran hospitalized under the provisions of this act, as amended, for a period of more than 30 days, shall be paid an allowance, in addition to any other benefits to which he may be entitled, at the rate of $8 a month (commencing with the expiration of such 30-day period) during the period of hospitalization, in the event that such veteran certifies that he is financially in need, unless he is entitled to compensation or pension equal to or in excess of the amount of such allowance."

SEC. 15. That subdivision (15) of section 202 of the World War veterans' act, 1924, as amended (sec. 489, title 38, U. S. C.), is hereby amended to read as follows:

"(15) That any person who is now receiving a gratuity or pension from the United States under existing law shall not receive compensation under this section unless he shall first surrender all claim to further payments of such gratuity or pension, except as hereafter provided and in subdivision (7) of section 201: *Provided*, That in the event of surrender of pension as hereinbefore set forth, any disability incurred in the military service of the United States, by reason of which said pension would be payable, shall be evaluated in accordance with the provisions of subdivision (4), section 202, and shall be payable as compensation under this act: *Provided further*, That such compensation rating shall be combined with any other compensation rating awarded by reason of active service in the World War."

SEC. 16. That section 206 of the World War veterans' act, 1924, as amended (sec. 495, title 38, U. S. C.), be hereby repealed.

SEC. 17. That section 209 of the World War veterans' act, 1924, as amended (sec. 498, title 38, U. S. C.), be hereby repealed.

SEC. 18. That section 210 of the World War veterans' act, 1924, as amended (sec. 499, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 210. That no compensation shall be payable for any period more than one year prior to the date of claim therefor, nor shall increased compensation be awarded to revert back more than six months prior to the date of claim therefor: *Provided*, That nothing herein shall be construed to permit the payment of compensation under the World War veterans' act, as amended, for any period prior to June 7, 1924. Except in case of fraud participated in by the beneficiary, no reduction in compensation shall be made retroactive. This section, as amended, shall be effective as of June 7, 1924."

SEC. 19. That section 212 of the World War veterans' act, 1924, as amended (sec. 422, title 38, U. S. C.), be hereby amended by adding thereto the following provisos: "*Provided further*, That where death occurs subsequent to June 7, 1924, as a result of a disease or injury for which the veteran was entitled to compensation by virtue of an accrued right under the war risk insurance act, as amended, his dependents shall be entitled to the compensation provided by section 201 of this act: *Provided further*, That an application for compensation under the war risk insurance act, as amended, shall be deemed to be a claim for compensation under this act, and an application for compensation under the provisions of this act shall be deemed to be a claim for compensation under all subsequent amendments to said act, this proviso to be effective as of June 7, 1924."

SEC. 20. That a new section be added to Title II of the World War veterans' act, 1924, as amended, to be known as section 214, and to read as follows:

"SEC. 214. Where an incompetent veteran receiving disability compensation under the provisions of this act disappears, the director, in his discretion, may pay to the dependents of such veteran the amount of compensation provided in section 201 of the World War veterans' act, 1924, as amended, for dependents of veterans."

SEC. 21. That section 301, paragraphs 3 and 4, of the World War veterans' act, 1924, as amended (sec. 512, title 38, U. S. C.), be hereby amended to read as follows:

"In case where an insured, whose yearly renewable term insurance has matured by reason of total permanent disability, is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to reinstate or convert said term insurance as hereinbefore provided: *Provided*, That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

"The insurance, except as provided herein, shall be payable in 240 equal monthly installments: *Provided*, That when the amount of an individual monthly payment is less than $5, such amount may, in the discretion of the director, be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for refund of premiums, cash, loan, paid-up, and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per cent per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than 240 months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided."

SEC. 22. That the last proviso of section 304 of the World War veterans' act, 1924, as amended (sec. 515, title 38, U. S. C.), be hereby amended to read as follows: "*And provided further*, That except as provided in section 301 of the World War veterans' act, as amended, no yearly renewable term insurance shall be reinstated after July 2, 1927."

SEC. 23. That section 307 of the World War veterans' act, 1924, as amended (sec. 518, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 307. All contracts or policies of insurance heretofore or hereafter issued, reinstated, or converted shall be incontestable from the date of issuance, reinstatement, or conversion, except for fraud, nonpayment of premiums, or on the ground that the applicant was not a member of the military or naval forces of the United States, and subject to the provisions of section 23: *Provided*, That the insured under such contract or policy may, without prejudicing his rights, elect to make claim to the bureau or to bring suit under section 19 of this act on any prior contract or policy and, if found entitled thereto, shall, upon surrender of any subsequent contract or policy, be entitled to payments under the prior contract or policy. Such suit may be brought either as an original action or by alternative plea in the same suit with the subsequent contract or policy, but recovery shall not be had on both such contracts or policies: *Provided further*, That this section shall be deemed to be effective as of April 6, 1917, and applicable from that date to all contracts or policies of insurance."

SEC. 24. That section 311 of the World War veterans' act, 1924, as amended (sec. 512b, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 311. The director is hereby authorized and directed to include in United States Government life (converted) insurance policies provision whereby an insured, who is totally disabled as a result of disease or injury for a period of four consecutive months or more before attaining the age of 65 years and before default in payment of any premium, shall be paid disability benefits at the rate of $5.75 monthly for each $1,000 of converted insurance in force when total disability benefits become payable. The amount of such monthly payment under the provisions of this section shall not be reduced because of payment of permanent and total disability benefits under the United States Government life (converted) insurance policy. Such payments shall be effective as of the first day of the fifth consecutive month, and shall be made monthly during the continuance of such total disability. Such payments shall be concurrent with or independent of permanent total disability benefits under the United States Government life (converted) insurance policy. In addition to the monthly disability benefits the

payment of premiums on the United States Government life (converted) insurance policy and for the total disability benefits authorized by this section shall be waived during the continuance of such total disability. Regulations shall provide for reexaminations of beneficiaries under this section; and in the event that it is found that an insured is no longer totally disabled the waiver of premiums and payment of benefits shall cease and the United States Government life (converted) insurance policy, including the total disability provision authorized by this section, may be continued by payment of premiums as provided in said policy and the total disability provision authorized by this section. Neither the dividends nor the amount payable in any settlement under any United States Government life (converted) insurance policy shall be decreased because of disability benefits granted under the provisions of this section. The payment of total disability benefits shall not prejudice the right of any insured who is totally and permanently disabled to total permanent disability benefits under his United States Government life (converted) insurance policy: *Provided*, That the provision authorized by this section shall not be included in any United States Government life (converted) insurance policy heretofore or hereafter issued, except upon application, payment of premium by the insured, and proof of good health satisfactory to the director. The benefits granted under this section shall be on the basis of multiples of $500, and not less than $1,000 or more than the amount of United States Government life (converted) insurance in force at time of application. The director shall determine the amount of the monthly premium to cover the benefits of this section, and in order to continue such benefits in force the monthly premiums shall be payable until the insured attains the age of 65 years or until the prior maturity of the policy. In all other respects such monthly premium shall be payable under the same terms and conditions as the regular monthly premium on the United States Government life (converted) insurance policy."

SEC. 25. Except as provided by section 18 of this act, this amendment shall not affect rights which have accrued under the World War veterans' act, 1924, as amended, prior to the approval of this amendatory act, but all such rights shall continue and may be enforced in the same manner as if said amendatory act had not been approved.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 576. An act for the relief of Matthew Edward Murphy;
H. R. 644. An act for the relief of Casey McDannell;
H. R. 680. An act for the relief of J. O. Winnett;
H. R. 3159. An act for the relief of W. F. Nash;
H. R. 3960. An act for the relief of Louis Nebel & Son;
H. R. 4110. An act to credit the accounts of Maj. Benjamin L. Jacobson, finance department, United States Army;
H. R. 5212. An act for the relief of George Charles Walthers;
H. R. 6113. An act for the relief of Gilbert Grocery Co., Lynchburg, Va.;
H. R. 6642. An act for the relief of John Magee;
H. R. 6694. An act for the relief of P. M. Nigro;
H. R. 7445. An act for the relief of J. W. Nix;
H. R. 8438. An act for the relief of J. T. Bonner;
H. R. 8512. An act for the relief of Ralph Rhees;
H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;
H. R. 9279. An act for the relief of Henry A. Knott & Co.;
H. R. 10490. An act for the relief of Flossie R. Blair;
H. R. 10532. An act for the relief of Frank M. Grover;
H. R. 10542. An act for the relief of John A. Arnold; and
H. R. 11608. An act for the relief of Jerry Esposito; to the Committee on Claims.

H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes; to the Committee on Commerce.

H. R. 1826. An act for the relief of Floyd Dillon, deceased;
H. R. 6195. An act for the relief of Joseph Faneuf, otherwise known as Joe Faneuf;
H. R. 9347. An act for the relief of Sidney J. Lock;
H. R. 9564. An act for the relief of Thomas W. Bath; and
H. R. 10983. An act for the relief of Iria T. Peck; to the Committee on Military Affairs.

H. R. 7063. An act for the relief of H. E. Mills;
H. R. 11564. An act to reimburse William Whitright for expenses incurred as an authorized delegate of the Fort Peck Indians;
H. R. 11565. An act to reimburse Charles Thompson for expenses incurred as an authorized delegate of the Fort Peck Indians; and
H. R. 11675. An act to authorize the issuance of a patent in fee for certain land and buildings within the Colville Reservation, Wash., for public-school use; to the Committee on Indian Affairs.

H. R. 12902. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes; to the Committee on Appropriations.

YORKTOWN SESQUICENTENNIAL COMMISSION (S. DOC. NO. 195)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the United States Yorktown Sesquicentennial Commission, fiscal year 1931, amounting to $8,000, to enable the commission to formulate appropriate plans for the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis, as authorized by law, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SURVEY OF BATTLE FIELD OF SARATOGA, N. Y. (S. DOC. NO. 196)

The VICE PRESIDENT laid before the Senate a supplemental estimate of appropriation, fiscal year 1931, for the War Department, for a study, investigation, and survey of the battle field of Saratoga, N. Y., amounting to $4,400, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CONTINGENT EXPENSES, FOREIGN MISSIONS (S. DOC. NO. 194)

The VICE PRESIDENT laid before the Senate a supplemental estimate of appropriation for the Department of State, fiscal year 1931, amounting to $50,000, for an additional amount for contingent expenses, Foreign Missions, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM FOR DAMAGES TO PRIVATELY OWNED PROPERTY (S. DOC. NO. 188)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting an estimate of appropriation submitted by the Department of the Interior to pay a claim for damage to privately owned property, amounting to $85, which has been considered and adjusted under the provisions of law, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL POWER COMMISSION (S. DOC. NO. 192)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Power Commission, fiscal year 1931, amounting to $111,920, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS RENDERED AGAINST THE GOVERNMENT BY DISTRICT COURTS, UNDER THE PUBLIC VESSELS ACT (S. DOC. NO. 189)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States transmitting, pursuant to law, records of judgments rendered against the Government by the United States district courts, under the public vessels act, amounting to $67,804.73, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

POST OFFICE, COURT HOUSE, LAS VEGAS, NEV. (S. DOC. NO. 193)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States transmitting a draft of a proposed provision pertaining to an item contained in the second deficiency bill, 1930, for the construction of a building at Las Vegas, Nev., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

APPROPRIATION FOR BUREAU OF STANDARDS (S. DOC. NO. 191)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce, fiscal year 1930, amounting to $400,000, for additional land, Bureau of Standards, to remain available until expended, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

APPROPRIATION FOR LIGHTHOUSE SERVICE (S. DOC. NO. 190)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce, fiscal year 1931, amounting to $70,000, for aids to navigation, Lighthouse Service, to remain available until expended, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

EXECUTIVE SECRETARY FEDERAL POWER COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in compliance with Senate Resolution 281, the file containing reports and other data bearing upon the alleged removal, concealment, or destruction of letters and papers of the Federal Power Commission, which, with the accompanying papers, was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram from John H. Myers, Isadore Glucksman, and B. Goerlitz, bondholders of German Government cities and states, of Oklahoma City, Okla., protesting against the offer for sale of German Government international 5½ per cent loan, 1930, by J. P. Morgan & Co. and associates, while outstanding bonds remain unpaid, etc., which was referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the John Mitchell Literary Club, of Chicago, Ill., opposing the ratification of the so-called London naval pact without thorough consideration and review, which was ordered to lie on the table.

He also laid before the Senate resolutions adopted by Admiral George Dewey Naval Camp, No. 7, United Spanish War Veterans, of the District of Columbia, favoring a thorough investigation of the so-called London naval pact before it is ratified, which were ordered to lie on the table.

He also laid before the Senate a telegram from the Buffalo (N. Y.) District of Federation of American Hungarians, signed by its president and secretary, favoring a revision of the treaty of Trianon so as to restore territories to Hungary, which was referred to the Committee on Foreign Relations.

He also laid before the Senate the petition of the Roman and Greek Catholic Hungarian Federation in the United States of America, of Cleveland, Ohio, favoring a revision of the treaty of Trianon so as to restore territories to Hungary, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a communication from Federico Ramos Antonini, post commander, transmitting resolutions adopted by Colonel Theodore Roosevelt, Sr., Post, No. 50, the American Legion, of Ponce, P. R., in connection with the additional loan of $3,000,000 for the rehabilitation of Porto Rico, which was referred to the Committee on Territories and Insular Affairs.

Mr. DENEEN presented petitions numerously signed by sundry citizens of the State of Illinois, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia or in any of the territorial or insular possessions of the United States, which were referred to the Committee on the District of Columbia.

GIFT OF CHEMICAL FOUNDATION TO NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. I ask unanimous consent to insert in the RECORD a letter from Mr. Francis P. Garvan offering, on behalf of the Chemical Foundation (Inc.), of New York, N. Y., a gift of $100,000 to the National Institute of Health, and my reply thereto.

There being no objection, Mr. Garvan's letter and Senator RANSDELL's reply were ordered to be printed in the RECORD, as follows:

THE CHEMICAL FOUNDATION (INC.),
New York City, June 20, 1930.

Hon. JOSEPH E. RANSDELL,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I am writing to you to ask you to confer with the Surgeon General of the Public Health Service and convey to him the offer of the Chemical Foundation of gift No. 1 of $100,000 to the National Institute of Health, the income of which is to be used for one or more fellowships in basic chemical research in matters pertaining to public health. Details are left by us to the Surgeon General and his advisory committee.

It is with great pride that we feel ourselves able to institute the giving of private funds for the endowment of fellowships in the great governmental work which the bill sponsored by you has made possible.

Our representative, Mr. William F. Keohan, is constantly in Washington and at your service with regard to details.

Yours very truly,

FRANCIS P. GARVAN.

JUNE 23, 1930.

Mr. FRANCIS P. GARVAN,
The Chemical Foundation, New York City.

DEAR MR. GARVAN: I am just in receipt of your letter of the 20th asking me to convey to the Surgeon General of the Public Health Service your offer on behalf of the Chemical Foundation of gift No. 1 of $100,000 to the National Institute of Health. This is extremely generous, and I can not tell you how gratified I am to have your letter. This gift is the first to the National Institute of Health, and I believe it is the harbinger of many others in the near future.

On behalf of the countless millions of suffering human beings who will derive untold benefits from the work of this institute permit me to thank you for this princely donation.

With highest esteem, believe me,

Cordially and sincerely yours,

JOS. E. RANSDELL.

REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 322) authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia, reported it without amendment and submitted a report (No. 1077) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4708) to amend the act entitled "An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska, in cooperation with the Dominion of Canada," approved May 15, 1930, reported it without amendment and submitted a report (No. 1079) thereon.

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the bill (H. R. 12842) to create an additional judge for the southern district of Florida, reported it without amendment and submitted a report (No. 1081) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 1063) for the relief of Alice Hipkins, reported it with an amendment and submitted a report (No. 1082) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3238) for the relief of Martin E. Riley, reported it adversely and submitted a report (No. 1083) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 4671) granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont., reported it with an amendment and submitted a report (No. 1084) therein.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4687. A bill granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island (Rept. No. 1085); and

S. 4690. A bill granting the consent of Congress to the State of Montana or the county of Roosevelt, or both of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont. (Rept. No. 1086).

LIMITATION AND REDUCTION OF NAVAL ARMAMENT

As in executive session,

Mr. BORAH, from the Committee on Foreign Relations, to which was referred Executive I (71st Cong., 2d sess.), a treaty for the limitation and reduction of naval armament, signed at London on April 22, 1930, reported it without amendment, and it was placed on the Executive Calendar.

Mr. SHIPSTEAD, from the Committee on Foreign Relations, submitted his individual views on the foregoing treaty, which were ordered to be printed as Report No. 1080.

REPORTS OF NOMINATIONS

As in executive session,

Mr. HALE, from the Committee on Naval Affairs, reported the nominations of sundry officers in the Navy, which were placed on the Executive Calendar.

Mr. HEBERT, from the Committee on the Judiciary, reported the nomination of Louis H. Crawford, of Georgia, to be United States marshal, northern district of Georgia, which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 4744) to amend section 1 of the act of May 12, 1900 (31 Stat. ch. 393, p. 177), as amended (U. S. C., title 26, ch. 21, sec. 1174); to the Committee on Finance.

By Mr. WALSH of Montana:

A bill (S. 4745) granting the consent of Congress to the county of Roosevelt, State of Montana, to construct a bridge across the Missouri River at or near Culbertson, Mont.; to the Committee on Commerce.

By Mr. BROCK:

A bill (S. 4746) to confer additional jurisdiction on the United States Board of Tax Appeals, and for other purposes; to the Committee on Finance.

By Mr. ROBINSON of Indiana:

A bill (S. 4747) granting a pension to Rosa Ada Lee (with accompanying papers); and

A bill (S. 4748) granting an increase of pension to Marinda M. De Puy (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER and Mr. TRAMMELL:

A joint resolution (S. J. Res. 197) making an appropriation for Caloosahatchee River and Lake Okeechobee drainage areas, Florida; to the Committee on Appropriations.

AMENDMENTS TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. REED submitted an amendment proposing to pay $300 to James F. Sellers for extra services rendered the Senate during the consideration of the tariff bill, intended to be proposed by him to House bill 12902, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER and Mr. TRAMMELL submitted an amendment intended to be proposed by them to House bill 12902, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 127, after line 8, to insert:

"Caloosahatchee River and Lake Okeechobee drainage areas, Florida: For improvement of the Caloosahatchee River and Lake Okeechobee drainage areas, Florida, on account of emergency flood conditions, to be expended under the direction of the Secretary of War and supervision of the Chief of Engineers in accordance with the report submitted in Senate Document No. 115, Seventy-first Congress, second session, $2,000,000, to remain available until expended."

Mr. HARRISON submitted an amendment proposing to appropriate $25,000 for an additional amount to enable the Secretary of Agriculture to collect, publish, and distribute by telegraph, mail, or otherwise timely information on the current market prices of cottonseed and cottonseed products independently and in cooperation with State agencies, etc., intended to be proposed by him to House bill 12902, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to House bill 12902, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 74, line 21, insert the following: "on the site of the existing post-office and Federal office building or"

Mr. McKELLAR submitted amendments intended to be proposed by him to House bill 12902, the second deficiency appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 82, line 24, after the word "building" to insert "or, in the discretion of the Secretary of the Treasury, the acquisition of additional land, and remodeling and extension of the present building"

On page 120, after line 20, to insert:

"Toward rebuilding and resurfacing with concrete, the road situated in Shiloh National Military Park in Tennessee, from the original boundaries of the park to the Corinth National Cemetery at Corinth, Miss., at a total limit of cost of $306,000 there is hereby reappropriated the sum of $100,000 already appropriated in the military affairs appropriation act approved May 28, 1930, to be expended under the direction of the Secretary of War under the terms of this act instead of under the terms of said act of May 28, 1930: *Provided*, That the State of Tennessee will build a like concrete road from the boundaries of Shiloh National Park northward to connect with Tennessee State Highway No. 15, a distance of about 5 miles, such road to be built prior to the completion of the road provided for herein."

MERGER OF THE GEORGETOWN AND WASHINGTON GAS LIGHT COMPANIES

Mr. HOWELL submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co., and for other purposes, which was ordered to lie on the table and to be printed.

PRINTING OF ADDITIONAL COPIES OF LOBBY HEARINGS

Mr. NORRIS submitted the following resolution (S. Res. 297), which was referred to the Committee on Printing:

Resolved, That in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on the Judiciary of the Senate be, and is hereby, empowered to have printed for its use 700 additional copies of part 2 of the hearings held before its subcommittee on lobby investigation.

INVESTIGATION RELATIVE TO THE ALASKA RAILROAD

Mr. HOWELL submitted the following resolution (S. Res. 298), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a special select committee of three Senators, to be appointed by the President of the Senate, is authorized and directed to investigate the operations, economic situation, and prospects of the Alaska Railroad, and to report to Congress as soon as practicable the results of such investigation, together with its recommendations for legislation in connection therewith.

For the purposes of this resolution such committee or any duly authorized subcommittee thereof is authorized to hold hearings, to sit and act at such times and places (in the continental United States and in Alaska) during the sessions and recesses of the Senate until its report is submitted, to employ such experts and clerical, stenographic, and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On June 19, 1930:

S. 420. An act for the relief of Charles E. Byron, alias Charles E. Marble;

S. 1447. An act for the relief of Pasquale Iannacone;

S. 3784. An act for the relief of John Marks, alias John Bell;

S. 3866. An act for the relief of Joseph N. Marin;

S. 4050. An act to confer full rights of citizenship upon the Cherokee Indians resident in the State of North Carolina, and for other purposes; and

S. 4140. An act providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes.

On June 20, 1930:

S. 4583. An act to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr.," approved June 4, 1872.

On June 21, 1930:

S. 174. An act to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in one of the Southern States;

S. 465. An act to give war-time rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States;

S. 1372. An act authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians;

S. 2414. An act authorizing the Government of the United States to participate in the international hygiene exhibition at Dresden, Germany, from May 6, 1930, to October 1, 1930, inclusive;

S. 3421. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md.;

S. 4017. An act to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act; and

S. J. Res. 190. Joint resolution authorizing the Postmaster General to accept the bid of the Mississippi Shipping Co. to carry mail between United States Gulf ports and the east coast of South America.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes

of the two Houses on the amendment of the Senate to the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia.

The message also announced that the House had passed a joint resolution (H. J. Res. 367) to amend the act entitled "An act to create in the Treasury Department a bureau of narcotics, and for other purposes," approved June 14, 1930, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 304. An act for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan;

S. 308. An act for the relief of August Mohr;

S. 670. An act for the relief of Charles E. Anderson;

S. 671. An act for the relief of E. M. Davis;

S. 857. An act for the relief of Gilbert Peterson;

S. 1183. An act to authorize the conveyance of certain land in the Hot Springs National Park, Ark., to the P. F. Connelly Paving Co.;

S. 1254. An act for the relief of Kremer & Hog, a partnership;

S. 1255. An act for the relief of the Gulf Refining Co.;

S. 1257. An act for the relief of the Beaver Valley Milling Co.;

S. 1702. An act for the relief of George W. Burgess;

S. 1955. An act for the relief of the Maddux Air Lines (Inc.);

S. 1963. An act for the relief of members of the crew of the transport *Antilles*;

S. 1971. An act for the relief of Buford E. Ellis;

S. 2465. An act for the relief of C. A. Chitwood;

S. 2788. An act for the relief of A. R. Johnston;

S. 2864. An act for the relief of certain lessees of public lands in the State of Wyoming under the act of February 25, 1920, as amended;

S. 3284. An act for the relief of the Buck Creek Oil Co.;

S. 3577. An act for the relief of John Wilcox, jr.;

S. 3642. An act for the relief of Mary Elizabeth Council;

S. 3664. An act for the relief of T. B. Cowper;

S. 3665. An act for the relief of Vida T. Layman; and

S. 3666. An act for the relief of the Oregon Short Line Railroad Co., Salt Lake City, Utah.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate executive messages from the President of the United States submitting nominations and treaties, which were referred to the appropriate committees.

DEXTER (MICH.) METHODIST EPISCOPAL CHURCH—ADDRESS BY SENATOR COPELAND

Mr. VANDENBERG. Mr. President, the distinguished senior Senator from New York [Mr. COPELAND] returned to the home of his youth at Dexter, Mich., last week and delivered a brilliant address on the subject "A Senator Looks at the Church." The Senator from New York retains a beautiful fidelity to the State of Michigan and to the town of his forbears. He is a regular and always welcome visitor. Upon this recent occasion he discussed a matter of wide public interest. I ask unanimous consent that his address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

This year, 1930, marks the one thousand nine hundredth anniversary of the birth of the Christian Church. It is an important anniversary in Dexter for another reason. It is the one hundredth birthday of this Methodist Episcopal Church Society. Is it not an appropriate time for serious review of the past and a time to consider the future?

When we look about and give thought to the comforts of present-day living, 1830 seems ages ago. It is difficult to believe it is but a century and a quarter since the first Methodist minister preached his initial sermon in what is now the State of Michigan. Yet it is true that a brave soul named Freeman, a local preacher, from somewhere in Canada, was first of our denomination to proclaim the gospel in Detroit; that was within the lifetime of our grandparents, in the spring of 1804.

The early settlers of Detroit were Roman Catholics. It was essentially a French community, far removed in spirit and practice from the austerities of early Methodism. I am not surprised to learn that Brother Freeman's visit was a short one; he disappeared within a few days.

It would not be true to say Mr. Freeman was the first Protestant minister to visit this territory. As a matter of fact, certain Moravian preachers spent a winter here at the end of the Revolution. They made no efforts to reach the whites, confining their evangelistic efforts to the Indians and speedily returning to Ohio whence they came.

Rev. David Bacon was another of the early preachers. He was sent out by a Congregational Society in Connecticut, apparently inspired by the story of Father Marquette. As that great Jesuit was filled with the desire to help the Indians, so Mr. Bacon sought to establish a mission among them. At Mackinaw and in the Northwest he found no encouragement, giving up in despair.

On his way back to the East he stopped off in Detroit, preaching during a brief period, till the Methodists came on the scene. It is related of Mr. Bacon that he said to the next Protestant minister who appeared: "If you can do the people any good, I shall be glad of it, for I can not."

As I have witnessed the honest efforts of ministers of the gospel, preaching excellent sermons to empty pews, I have marvelled at their bravery. It takes faith and a lot of it to be a minister!

We come now to the first official recognition of the spiritual needs of the Michigan Peninsula. It is with some pride that I say my own conference, the New York conference, at a session held in New York City in July, 1804, determined to enter this field. The Rev. Nathan Bangs was appointed to the Thames Circuit, in upper Canada district.

Detroit was determined upon as one of the appointments on this circuit. But, alas! poor Doctor Bangs met the usual Protestant fate! The frosts of late October nipped his ambitions, and he, too, fled from the territory.

Shortly after this all but 1 of the 150 houses in Detroit were destroyed by fire. One writer, commenting upon the fact, said: "Whether this destruction had any relation to their rejection of the gospel, everyone must judge for himself!"

The New York conference appears to have been discouraged, because no record is shown of further effort to Protestantize Michigan until 1809. At the session in May of that year the Rev. William Case was appointed to Detroit.

The poor man had a dreadful prospect before him. There was not a Protestant convert to religion in the entire area of Michigan Territory.

It was the custom of those times to cultivate the field, preaching and exhorting till there were converts enough to organize a society, a church. That was the case in Dexter. We are celebrating to-night the centenary of Methodism in Dexter, not the centenary of the church, because that was organized two years later, in 1832. But, as in Detroit where the first regular preaching began in 1809, it was more than a year before a Methodist church society was organized.

The experiences of Detroit were repeated in Dexter a quarter of a century later. First there was the preaching of the gospel, conversions resulted, and in due time the little band of Christians was strong enough in numbers, as well as in faith, to organize a church.

It is recorded that the first preaching of the gospel by a Methodist minister to the meager population of Dexter was in the spring of 1830. Just 100 years ago the Rev. S. B. Gurley, of the Ohio conference, began his work here. His preaching became a regular part of the community life.

At that time Dexter was a part of the Huron circuit. Scattered and few were the inhabitants. As I shall show you pretty soon, it required physical as well as religious heroism to travel that circuit. The country was a wilderness. Wolves and other wild animals, unfriendly Indians and white men who indulged freely in liquor far outnumbered those who were likely to be reached by the tender and kindly influences of the Christian religion.

In the fall of 1830, a few months after Mr. Gurley established his work in Dexter, the Huron circuit was renamed. It was known for a long time after as the "Ann Arbor circuit." Its area was much larger geographically than what is called now the "Ann Arbor district." Very shortly the church in Dexter was organized, but before speaking of that I wish to mention another event in the remarkable year of 1830.

I refer to the coming to this circuit of a man who was destined to be the most vital factor in the growth and increasing power of Michigan Methodism. Together with an older associate, there came to take charge of the circuit the Rev. Elijah H. Pilcher.

As I have studied Michigan Methodism, there has come to my soul the profound conviction that Mr. Pilcher was one of the greatest missionaries the world has ever known. It takes a long time for some men to win the fame to which they are entitled by all the rules of history and justice.

During the past two or three years Andrew Johnson, seventeenth President of the United States, has been given the place he deserves in the history of our country. Writers of biography are vying with each other in their passionate desire to give President Johnson his greatly belated recognition. It has taken 60 years for an ungrateful Nation to bestow upon him the honors which should have been his long, long ago. Similar has been the fate of Mr. Pilcher.

I wish I might know how the colleagues of his old age in the Detroit conference regarded Doctor Pilcher. Certainly they must have recognized the large part he took in pushing out the boundaries of Methodism. Should by chance these words of mine be heard by anybody having knowledge of the life and deeds of Pilcher, I shall take it as

the highest sort of favor to be given every scrap of evidence relating to this noble character.

There are pictures of Doctor Pilcher, pictures taken late in life. But I am seeking a picture of the man in his youth. He may be referred to as a "boy preacher," because he was only 19 or 20 years of age when he came to the Huron circuit. Where is there an authentic picture of this wonderful lad? I beg of you to help find it.

The only description I have found of the appearance of my hero is taken from an address made by our old friend, Russell Cooley Reeue. In a history of the Dexter Methodist Episcopal Church, read at a reunion on November 19, 1896, is this sentence:

"Pilcher was of medium size, of an unusually square build, deep chested, and earnest in deportment."

In his own History of Protestantism in Michigan is a photograph of Doctor Pilcher. But it pictures the man as he was a full half century after he visited Dexter in 1830–31, and not as he appeared when he organized this society in the spring of 1832.

We rejoice in the hundred years of Methodism's unbroken record in Dexter and are proud of the achievements of this society. But, of course, we do not place Mr. Pilcher's claim to fame upon his pioneer work in this village. Important to us as is the effect of his labors in Dexter there are other more significant monuments to his glory.

The church at Ann Arbor, the head of the Huron circuit, dates back to Pilcher's pastorate. That is true of the church of Jackson, as well as the church at Grand Rapids.

Pilcher was the prime mover in the Bay View organization. He had a large part in the organization of Albion College. Indeed, wherever this remarkable man went the spiritual wilderness bloomed.

I wish to tell you in his own words the work of one day. I speak of it because it gives a graphic picture of the early days in Washtenaw County, in this very Huron circuit, and almost at the very door of his church.

Mr. Pilcher kept a diary. It is recorded that in October, 1831, he had been in the western part of the circuit. On the 13th, which he must have considered an unlucky day, he was struggling to get from Jackson to Ann Arbor, traveling on what is now the old Territorial Road. I quote:

"Thursday, 13th. Rode to Ann Arbor, 40 miles, over the worst road I ever met with. The Grand River at Jackson was very high, so that the logway on each side of the bridge was all afloat. My horse soon went down across the logs. Had to dismount, help him off, and lead him across by the end of the bridge. All the bridges across the marshes and little streams were either afloat or were carried away. Occasionally I would make my horse leap across the creek, but sometimes I had to strip him and drive him through and get myself and my baggage over the best I could. Near sundown I reached Mill Creek at Lima Center, where I found the bridge entirely gone, except the stringers. There was no time to parley. I stripped my horse and drove him into the creek. He went to the opposite bank, but would not leap up, and he came back. Drove him in again, with the same result. This time I put the saddle on and mounted, having left my saddlebags, overcoat, and undercoat on the bank. The water came over the top of the saddle—made him leap up the bank, and we pressed on, but when we had got about halfway over the wide marsh he mired down and could not help himself. Dismounting, I rolled up my sleeves, plunged my hands down into the mud, pulled out his feet and got them onto fresh turf, and assisted him up. Went back after my things, mounted, and rode 11 miles to Ann Arbor. Reached there about 9 o'clock p. m., wet, cold, tired, and hungry."

Even under modern conditions the itinerant ministry has its drawbacks. But who can fail to be thrilled by the sacrifices made by those zealous preachers of long ago? Think of what Pilcher gave of his body and mind in order that Huron circuit, the church at Dexter, and our grandparents might receive the gospel.

I wish I might have known that hero of olden times! His spirit is present, I am sure. We can commune with him even if we can not see him.

In that all too brief description of Mr. Pilcher, Brother Reeue said he was "earnest in deportment." Undoubtedly he was that and also eloquent in his preaching, a great exhorter.

There fell under the spell of his words a young boy of whom much was to be heard in later years. The conviction of sin came to this youth and it was not long before he was at the altar rail. Under the guidance of Mr. Pilcher the lad was led into the joy and fullness of religion.

That boy was Judson Collins, who became the first of Methodism's great missionaries. He broke through the conservatism of ancient China and carried to that land the gospel of Jesus Christ. The gate Collins opened has never been closed.

The Huron circuit and Mr. Pilcher have much to memorialize them, but bronze and granite are incapable of being used in monument so lasting, so compelling, so significant as the life of Judson Collins. We should be proud that the mortal remains of that remarkable man of God lie in the old Huron circuit. In a little cemetery in Lyndon township of this county rests the body of this selfless follower of the Nazarene.

You see, my friends, Elijah H. Pilcher was used of God to aid Him in the performance of many wonders. Those of us who have been ministered to in this Dexter Church have particular reason to bless the memory of this self-sacrificing father in Israel.

When I was a small boy there lived next door to us a pious neighbor, Mr. Evander Cooper, a native of New York. This good man was not only a Cooper by name but a cooper by trade. His shop was at the foot of Huron Street by the well where hung the old oaken bucket.

The bright tools of that shop and the shavings they would make were the joy of my young heart. Many a day after school and many an hour on rainy Saturdays I spent with my dear old friend.

He talked to me of many things, of his own youth, of his journey to Michigan. He told me about the early days of Michigan. We hinted at the needs of the soul.

You will recall that on Huron Street stands the old Dexter mansion, now much restricted in size. When I was a boy all its rambling wings and long side porches were still well preserved in spite of the ancient origin of the building.

Many a time Mr. Cooper took me to the door of his shop to point out where the Methodists used to meet in pleasant weather on the east porch. "In that building it was," Mr. Cooper said, "that the Dexter Methodist Church was organized in 1832."

It is recorded that on March 15 of that year Mr. Pilcher preached and then proceeded to the organization of the church society. Perhaps we may consider the even dozen who joined the church that day as the twelve apostles of Dexter Methodism.

For the sake of the record I will include here the names of those who participated actively in that memorable meeting. They were:

Athelia Allen, Abigal Dunlavey, and John Doane presented their letters. These were received on probation: Dr. Cyril Nichols, Mary Nichols, William Hudson, Sarah Hudson, Phelina Nicholns, Silas Peck, Electa Pattengill, Samantha Riggs, and Dorina Phelps. Of others who were present on that notable day was my old friend Mr. Cooper. He handed in his letter a few weeks later. His sister Emily and Mr. Doane were first to be married among the members of the new church society.

I am not clear as to why no mention is made of the part Judge Dexter must have taken in the organization of the Dexter Church. There is every reason in history and tradition for believing that one of his dearest desires was to have Methodism strongly entrenched in the Huron circuit. He had much to do with the construction of the dear old building, the predecessor of the present church.

Judge Dexter was abroad for a year, and I have an idea it was during this absence that Mr. Pilcher organized the church society. Certainly if he were within reach, his name would have been included among those who were present at the initial meeting. In any event he was active in arranging for the building of the meeting house and, if memory serves me, donated the land upon which the church was built. He was most active of all those who planned the building project.

The membership had increased greatly. Until a house of its own could be had, the old Hotel Waldo, a wooden structure, beside what is now the park, was the meeting place.

In 1842 the eager members started the building of the church home. Calvin Fillmore, a brother of President Fillmore, was given the contract and had the church ready for dedication in 1843. It served its noble purpose for more than 80 years.

It must be admitted that many changes have come over Methodism in the course of a hundred years. The life of the church member of to-day is not what it was when Elijah Pilcher first preached in Dexter.

I need not remind you of the changes that have revolutionized society. Nothing to-day is as it was then. Modern conveniences have made life easier. I wonder if the softer life has softened character?

God is from everlasting to everlasting. He does not change. His goodness endureth forever. But the power of the gospel presentation, as I see it, is not so great as it was when this church was born.

When I say this I have no criticism to make of any individual preacher. What I say relates to the church in general and not to any given minister or to any given denomination. Please bear this in mind.

If Elijah Pilcher had argued for movements that are political in their nature, if he had railed against institutions, powers, and potentates, if he had discussed "issues," instead of crying for repentance and a new life, this organization would not have survived. If it is to continue a force for good, the church must use the methods of the founders.

As I see it, the church must be tolerant of all things except sin. It must be intolerant of evil and evil conduct, but never intolerant of men or institutions striving honestly and earnestly in their way for what they believe is right.

In short, this church, if it is to survive another century, must keep in mind its spiritual mission. It must not be tempted from its stated path, either to inspect strange doctrines or to take a fling at something with which it is not its mission to deal. To preach the gospel of Christ and Him crucified is a task sufficient to command the energies of the church.

Doubtless there is a temptation to attempt to fill empty seats by sensational attacks upon things social, economic, or political. There is

the same temptation for statesmen to go far afield in efforts at "progressive" legislation. The Constitution is forgotten in an effort at solving some social or economic problem by unusual and fantastic legislation.

It is human to be tempted into experimental methods of treatment. Alas! In the long run, these methods result in serious harm. Whether preacher or statesman, it is far safer to depend on constitutional methods.

The constitution of the church is the Holy Bible. All the precedents indicate that to conform to what we call "old-fashioned religion" is the surest way to make the church a greater force a hundred years from now than it is to-day.

When I speak of "old-fashioned religion," I do not refer to the preaching of "hell and damnation." I have in mind the tender and sympathetic utterances of the Master, the sweetness and soul-satisfying religion that purifies the life and whitens the soul.

I say in all reverence that the least worthy of the acts of Jesus, as I view it, was his violence on driving the money changers from the temple. It was the human side of the Master that we see in that occurrence. It is the utterance of Jesus. "Forgive them; they know not what they do." It is the spirit of this prayer that gives immortality to the religion of the Lord Jesus Christ.

As I study the career of Elijah Pilcher, it was preaching of this sort that made him the power he was and the power he continues to be. His spirit goes marching on, not alone on the Huron circuit but throughout the State of Michigan, in China, in all places to which his contacts can be traced.

At the dedication of the present church building I said this: "A man may leave Dexter and the Methodist Church here, but Dexter and the Methodist Church will never leave the man." We can never forget them.

I love this village and this church. I am thankful to the pioneers who gave them to us. For a hundred years this church has contributed to the spiritual welfare of the community. My prayer is that it may continue its inspiring work for another century; my prophecy is that it will do so if its members emulate the example of our ancestors in the faith.

MUSCLE SHOALS AND THE COTTON QUESTION

Mr. HEFLIN. Mr. President, I ask leave to have printed in the RECORD a brief statement regarding Muscle Shoals and the cotton question.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR HEFLIN AT THE WHITE HOUSE

Senator HEFLIN, who has incessantly waged war for Muscle Shoals and who has been a member of the Senate committee that has three times considered and reported to the Senate bills for the operation of the Muscle Shoals project that required the making of cheap fertilizer for the farmer, and who has three times been successful as one of the leaders in the fight to procure favorable action by the Senate, had a conference with President Hoover to-day regarding the present situation in Muscle Shoals legislation.

He reminded the President that the bill that passed the Senate several weeks ago was rejected by the House of Representatives, and that the House had passed an entirely different bill for the disposition of Muscle Shoals, and that the two bills had been hopelessly deadlocked in the conference committee between the House and the Senate until the Senate conferees unanimously agreed to accept the House bill with certain amendments proposed by Senator NORRIS regarding the making of fertilizer and selling light and power to the communities about Muscle Shoals.

Senator HEFLIN told the President that while neither one of the bills was entirely satisfactory to him, he felt that the compromise measure should be agreed upon and the matter disposed of at this session of Congress, and expressed the hope that the President would use his good offices in bringing about an agreement between the House and Senate conferees to the end that this long-debated and oft-considered question would be promptly disposed of before this session of Congress adjourns. He told the President that he was exceedingly anxious to have the question disposed of now, not only because the Government is losing millions of dollars every year on unused or wasted power at Muscle Shoals, but because the farmers are entitled to have a portion of that power used immediately for the manufacture of fertilizer, so as to relieve them from the high prices now charged by the Fertilizer Trust; and last, that the people who live at Florence, Sheffield, Tuscumbia, and in the counties of that section had been led to believe that President Hoover would see to it that all the power at Muscle Shoals would be put to work in earnest early in his administration. He said that the disposition of it at this time would relieve a very distressing situation in that section.

Senator HEFLIN told the President that Alabama, the South, and the whole country would be pleased to have the Muscle Shoals matter settled at this session of Congress.

COTTON

When the Alabama Senator had finished with Muscle Shoals he took up with the President a question dear to his heart—the cotton question. He told the President that the present price of cotton was way down below the cost of production and that the advance in price to a profitable basis of no other product in the United States would be so helpful and powerful in bringing prosperity to the whole people of the United States as a profitable price for cotton. He said nobody ever saw or heard of hard times in the United States when cotton was bringing a good price. He requested the President to urge the Farm Board to use its power and do its full duty under the farm relief law to enable the cotton farmers of the United States to receive at least 20 cents a pound for the cotton crop of 1930. He says that the vast and varied uses to which American cotton is being put and the high price being paid for many articles made of American cotton that the cotton farmer is justified in asking and demanding more than 20 cents a pound. He mentions an instance where a Frenchman manufactured one bale of American cotton into "hard laces" and sold the output for $1,004.

POLITICAL SITUATION IN ALABAMA

Mr. HEFLIN. Mr. President, I ask leave to have published in the RECORD a letter written by me to the editor of the New York World under date of June 20, 1930, on the political situation in Alabama.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SENATOR HEFLIN REPLIES TO HALL

WASHINGTON, D. C., *June 20, 1930.*

EDITOR NEW YORK WORLD:

I have just read Grover C. Hall's article concerning me and the political situation in Alabama.

Grover C. is a very good writer of fiction, but nobody in Alabama takes him seriously when he undertakes to tell "the world" what is going to happen in Alabama, politically. As a rule, the Democrats of the State vote against Grover C.'s candidate. They know that Grover C. likes to paint rosy pictures to put before those that he desires to become interested in a substantial way in his position and propaganda. It's good for Grover C., but it's ——— on those who invest in his political enterprises. Go read the back issues of the Montgomery Advertiser, the paper that Grover C. writes for in Alabama, and note what happened when Judge Teasley ran for the Democratic nomination for governor a few years ago. The paper that Grover C. works for, the Advertiser, picked Teasley as the winner, and told its readers day by day that he would be nominated beyond a doubt—couldn't lose. Well, when the primary election was over, Teasley had received 18,000 votes out of 160,000 votes cast in the primary.

But Grover C. knows how to write "ar-tic-les" that will help along his "works." The truth is, four-fifths of the Democrats who voted for Smith in 1928 in Alabama did not want to vote for him.

Grover C. tells the New York World and Tammany that he knows of a great many Democrats in Alabama who voted for Hoover who are now "ashamed" of their stand in 1928. That strange and "studied" statement of Grover C.'s will cause many a Democratic man and woman in Alabama to "smile." Unless it is a secret and a confidential matter, may I ask the New York World how much it paid Grover C. to write that story about me and the political situation in Alabama?

J. THOS. HEFLIN.

SENATOR HEFLIN'S REPLY TO THE GADSDEN TIMES, GADSDEN, ALA.

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written by me to the Gadsden Times, of Gadsden, Ala., explaining my opposition to the confirmation of Judge Parker and to Alfred E. Smith as a presidential candidate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *June 21, 1930.*

The GADSDEN TIMES,
Gadsden, Ala.:

I have read your unwarranted, unfair, and ridiculous editorials regarding me in connection with the rejection of Judge Parker for Associate Justice of the Supreme Court of the United States. Your editorials criticizing me commit you to the support of Judge Parker, for you bitterly attack me for opposing his confirmation as a judge for life on our Supreme Court.

The Bible says, "by their fruits ye shall know them." I opposed Judge Parker for two reasons. First, because he rendered a decision as judge of the Circuit Court of Appeals which showed him to be not only unfriendly but unfair and dangerously antagonistic to organized labor in the United States. Second, because, as a judge of the same Circuit Court of Appeals, Judge Parker rendered a decision in the Richmond, Va., case in favor of the negroes against the white people of Virginia who were contending that they had the right to "segregate"

the races—have negroes live in one section and whites in another section of the city, instead of having negro houses mixed in with white residents all over the city of Richmond.

Judge Parker, in his decision, ruled against the white people of Richmond and in favor of the negroes. That decision was against my position on the negro question and against the position of the white people of the South.

These are the facts. Was I right or was I wrong in opposing his confirmation as a Supreme Court judge for life? Answer in your editorials as soon as you receive my letter. I ask you to do that because I am going to speak in Gadsden Saturday, June 28. I am writing you in advance so that you may have an opportunity to express to the people who support and read your paper just how you now feel on the subject since you have received the facts about the matter from one whose duty it was to know the facts when he opposed and helped to defeat Judge Parker's confirmation. There were Republican Senators as well as Democratic Senators who opposed his confirmation.

I opposed Governor Smith for President, among other things, because of his position on the negro question—because he favored social equality between negroes and whites. You know that the negro's best friend is in the South, and we owe it to ourselves and to the negro to tell him the truth, and that is that God Almighty made the white race superior to every other race under the sun, and we are going to rule this country at any cost.

After reading the Smith-Tammany campaign literature appealing to the negro vote, I charged on the floor of the Senate in the spring of 1928, before Smith was nominated, that he was not in sympathy with the white people of the South in their position on the negro question and white supremacy; that he not only stood for social equality between negroes and whites, but that he believed in and permitted while Governor of New York State the marriage between negroes and whites. Do you agree with me that no Democrat in Alabama would have voted for Smith for President in 1928 if he or she had known that that was his position on the negro question? He refused to answer during the campaign in 1928, and he has not answered to this day.

Now, I ask you to write to Governor Smith and ask him to deny in detail the charges that I have made against him. He owes it to you to make a fair and frank answer. Get his answers and publish them so that I can comment upon them when I speak at Gadsden. If he does not respond to your request, get Congressman McDUFFIE, Ed Pettus, and O'Toole, of Montgomery, to ask him to deny the charges that I have made against him and that he is in favor of social equality between negroes and whites and that he approves of marriage between negroes and whites, and favors negroes and whites attending the same church, and negro and white children going to the same school.

J. THOS. HEFLIN.

Please publish.

MOTOR-BUS TRANSPORTATION

Mr. COUZENS. Mr. President, I move that the Senate proceed to the consideration of Order of Business 726, being House bill 10288, the motor bus bill.

The VICE PRESIDENT. Let the bill be reported by its title.

The CHIEF CLERK. A bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan.

Mr. JONES. Mr. President, I shall not oppose the motion of the Senator at this time, but I want it understood that I shall expect to take up the deficiency appropriation bill to-morrow at the first opportunity, and, if necessary, I shall make a motion to that effect.

Mr. BINGHAM. Mr. President, I should like to ask the assistant majority leader whether it is the intention to adjourn to-night, so that the calendar may be considered to-morrow?

Mr. McNARY. Yes; I am going to move an adjournment later on with that object in view.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

CONSIDERATION OF CALENDAR

Mr. REED. Mr. President, I should like to inquire of the Senator from Oregon, the assistant majority floor leader, whether we can not have the calendar considered to-morrow morning?

Mr. McNARY. I am going to move an adjournment for the purpose of having the calendar considered in the morning.

Mr. REED. Under the rule, to-morrow not being Monday, would the calendar nevertheless be considered if we adjourn to-night?

Mr. McNARY. Yes; it would automatically come up.

BUREAU OF NARCOTICS IN TREASURY DEPARTMENT

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution coming over from the House, which will be read.

The joint resolution (H. J. Res. 367) to amend the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That subsection (b) of section 2 of the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930, is amended by striking out the word "specific" and inserting in lieu thereof the word "specified."

SEC. 2. Section 9 of such act of June 14, 1930, is amended to read as follows:

"SEC. 9. This act shall take effect on July 1, 1930."

Mr. WATSON. I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. JONES. Mr. President, I inquire if the joint resolution has been reported by any committee?

The VICE PRESIDENT. It has been on the table and has been laid before the Senate from the table.

Mr. JONES. As a general rule, I am opposed to considering bills and joint resolutions without reference to committees.

Mr. GEORGE. Mr. President, may I say to the Senator from Washington that the joint resolution which has passed the House proposes an amendment to an act which has been passed by both Houses. The only thing it does is to correct one word and change the date when the law shall go into effect. As the original bill creating the narcotics bureau was passed, it left that bureau suspended for a couple of weeks, or until after the transfer of the Prohibition Bureau to the Treasury Department. This joint resolution passed by the House simply provides a necessary amendment to correct a misplaced word, in the first place, and to make the act effective upon a date earlier than it otherwise would have been effective.

Mr. JONES. Of course, under those circumstances, it would have been very easy to have referred the joint resolution to the committee and have had it reported back.

Mr. GEORGE. Let me make this further statement.

Mr. JONES. I do not like the procedure of passing bills without reference to a committee.

Mr. GEORGE. It would have been a very easy matter, but let me say to the Senator that the bureau has only about one week in which to make this entire transfer, and therefore the necessity of getting the joint resolution through promptly.

Mr. DILL and Mr. COPELAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. I yield first to my colleague.

Mr. DILL. I want to remind my colleague that the action now proposed is not without precedent. I recall that when the session was closing last year a bill came over from the House to authorize an appropriation for the Nicaraguan Canal survey, and I heard no protest, except my own, then made against taking it up immediately without reference to a committee. So the action now proposed is not without precedent.

Mr. JONES. I probably was not on the floor, because I myself have made it a rule to object under such circumstances.

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New York?

Mr. JONES. I yield.

Mr. COPELAND. It was the desire of the Senator from Utah [Mr. SMOOT] that this joint resolution be passed to-day because of the shortness of the time, and if he were here he would be urging its passage, as he hoped to do earlier in the afternoon.

Mr. JONES. Of course, I have very high regard for the Senator from Utah, but I dislike to see such precedents made. My colleague has just called attention to one, and if we add another one and continue along in that course the first thing we know we will be passing bills from the House without their having had any consideration by a Senate committee or anything of the kind.

Mr. GEORGE. I can assure the Senator that the bill, in the first place, passed the House, came to the Finance Committee, was considered, reported to the Senate, and was passed by the Senate, and sent back to the House. This amending joint resolution relates entirely to the matters to which I have directed the attention of the Senate.

Mr. JONES. This joint resolution could be referred to the committee and reported back to-morrow and passed, so I object.

The VICE PRESIDENT. The Senator from Washington objects, and the joint resolution will be referred to the Committee on Finance.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. Mr. President, at the beginning of the session to-day, the Senate voted to send back to conference the District of Columbia appropriation bill. I read in the Evening Star that—

When the motion to disagree further and send the bill to conference was made in the House to-day by Chairman SIMMONS of the Subcommittee on District Appropriations, Representative CRAMTON, Republican, of Michigan, author of the original provision for the lump-sum contribution, was the only speaker on the motion.

He pointed out that the House, after a disagreement had been reported, by a record vote of nearly 20 to 1, insisted that the House conferees remain firm in their disagreement.

"As yet there has been no record vote in the Senate," said Representative CRAMTON, and he argued that "there should be a record vote in the Senate so that the House membership can know what is the real sentiment of the Senate. "I hope," he said, "that the House conferees will not be in any hurry to compromise on this Senate amendment until the Senate membership has been given an opportunity to express their views by a record vote."

In view of that fact, Mr. President, I am going to ask unanimous consent to do the only thing which may be done, and that is at this time to submit a resolution stating:

That it is the sense of the Senate that $9,000,000 is not a sufficient contribution to be made by the Federal Government to the expenses of the District of Columbia.

I am taking this action in order that to-morrow the resolution may come up at the proper time when resolutions coming over from a preceding day are laid before the Senate; and I shall ask for a record vote at that time, so that we may know whether the Senate believes, with its conferees on this bill, that $9,000,000 is not a sufficient amount, and that the Senate conferees ought to compromise somewhere between the House figure of $9,000,000 and the Senate figure of $12,000,000. So I ask unanimous consent at this time to offer the resolution, in order that it may be acted upon to-morrow.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 299) was ordered to be printed and to be laid on the table, as follows:

Resolved, That it is the sense of the Senate that $9,000,000 is not a sufficient contribution to be made by the Federal Government to the expenses of the District of Columbia.

NOTICE OF SUSPENSION OF PARAGRAPH 1, RULE XVI—AMENDMENT TO THE DEFICIENCY BILL

Mr. BLACK. I desire to give notice of a motion which I shall make to-morrow to suspend the rules so that I may offer to the second deficiency appropriation bill the amendment which I send to the desk. I inquire if it is necessary that the notice should be read?

Mr. JONES. I think it should be read.

The VICE PRESIDENT. It should be read.

Mr. BLACK. I ask that it may be read.

The VICE PRESIDENT. The Secretary will read, as requested.

The Chief Clerk read as follows:

Pursuant to the provisions of Rule XL, I hereby give notice of my intention hereafter to move to suspend paragraph 1 of Rule XVI of the Standing Rules of the Senate for the purpose of proposing to House bill 12902, the second deficiency appropriation bill, the following amendment, namely:

Add at the appropriate place the following:

"For the further study and investigation of the salt marsh areas of the South Atlantic and Gulf States, to determine the exact character of the breeding places of the salt-marsh mosquitoes, in order that a definite idea may be formed as to the best methods of controlling the breeding of such mosquitoes, $25,000, to be expended by the Public Health Service in cooperation with the Bureau of Entomology of the Agricultural Department."

ADJOURNMENT

Mr. McNARY. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 24, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 23 (legislative day of June 18), 1930

ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

Oscar R. Luhring, of Indiana, to be an associate justice of the Supreme Court of the District of Columbia. (Additional position.)

Joseph W. Cox, of the District of Columbia, to be an associate justice of the Supreme Court of the District of Columbia. (Additional position.)

HOUSE OF REPRESENTATIVES

MONDAY, *June 23, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Merciful Heavenly Father, we thank Thee that Thou art sufficient to the needs of each day. Do Thou hush the voices of evil desire, motive, and passion, and make the image within us clear and strong to meet the conditions of life. Add divine meaning to each day and guard every soul; keep our hearts pure and our lips from speaking guile. In the Christian's faith may we rejoice in life, and by fidelity and watchfulness be prepared for every divinely offered opportunity. Help us to go on our way, and by honest work and faithful service find that life is good by doing something to make it good. Again we thank Thee for life that throbs and flushes and flashes in the color and beauty and fragrance of a June day. Amen.

The Journal of the proceedings of Saturday, June 21, 1930, was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARNER. Mr. Speaker, I want to ask unanimous consent that to-morrow, after clearing up the business on the Speaker's table, the gentleman from Alabama [Mr. OLIVER] may have 15 minutes in which to address the House.

The SPEAKER. The gentleman from Texas asks unanimous consent that on to-morrow, after the disposal of business on the Speaker's table, the gentleman from Alabama [Mr. OLIVER] may have 15 minutes to address the House. Is there objection?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, I do not see the gentleman from Connecticut [Mr. TILSON] and the gentleman from New York [Mr. SNELL] present in the Chamber at this moment. I never object, and I do not like to object now, but if the business for to-morrow has been arranged for, I think the calendar should be protected for business. I hope the gentleman will make his request at some other time.

Mr. GARNER. If the gentleman will permit, I imagine a number of matters will be taken up to-morrow. The gentleman from Alabama might get time in general debate. He telephoned to me this morning and asked me to get for him 15 minutes. We all know that he is not a gentleman who wants to take up the time unnecessarily. I hope the gentleman from Michigan will not object.

Mr. MICHENER. There are a number of other Members who intend to make similar requests.

Mr. GARNER. Does the gentleman anticipate that the majority leader will be back at an early hour?

Mr. MICHENER. I can confer with the gentleman from Connecticut later to-day.

Mr. HOWARD. Mr. Speaker, I asked unanimous consent to address the House for 15 minutes on to-morrow and there was objection. I would like to ask unanimous consent for five minutes right now.

Mr. BACON. Mr. Speaker, will the gentleman yield a moment to allow me to make a unanimous-consent request?

Mr. HOWARD. I will yield to the gentleman for anything.

Mr. BACON. Mr. Speaker, I ask unanimous consent to print in the RECORD the statements of President Hoover and Secretary Mellon and General Hines on the subject of World War veterans' legislation.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the RECORD the statements of President Hoover and Secretary Mellon and General Hines on the subject of World War veterans' legislation. Is there objection?

There was no objection.

WORLD WAR VETERANS' LEGISLATION

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letters of President Hoover, Secretary Mellon, and General Hines on the subject of pending World War veterans' legislation.

The entire file of correspondence of President Hoover; Senator JAMES E. WATSON, Republican leader of the Senate; Andrew W. Mellon, Secretary of the Treasury; and Maj. Gen. Frank T. Hines, Director of the Veterans' Bureau, concerning the veterans' bill was made public at the White House late this afternoon.

It was issued at the request of Senator WATSON.

PRESIDENT HOOVER'S LETTER

President Hoover's letter follows:

THE WHITE HOUSE,
Washington, June 21, 1930.

Hon. JAMES E. WATSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with our discussion I am sending herewith communications from Secretary Mellon and General Hines, Director of the Veterans' Bureau, on the subject of the World War veterans' legislation now before the Congress, showing the result of their investigation into the effect of the bill reported this week to the Senate. These memorandums confirm the views which I have expressed during the past few weeks, and I believe the Congress and the public should be informed thereon.

General Hines states that the bill which has been passed by the House of Representatives will add directly to our present expenditure for World War veterans (at present $511,000,000 per annum) by $181,000,000 for the first year, increasing annually until it reaches a possible additional sum of $400,000,000 a year. This bill, as amended by Senate committee, will add directly $102,000,000 the first year, ultimately rising to the addition of a sum of $225,000,000 per annum. Even these estimates are far from including the whole of the potential obligations created by the principles embraced in this legislation and the uncertain added expense by certain amendments to previous legislation.

Mr. Mellon states that the passage of this legislation implies positive increase of taxation at the next session of Congress.

CITES VIEWS OF VETERANS

It does not appear that these bills even represent the real views of the various veterans' organizations. The American Legion, after careful study as to what they considered the needs of their fellow veterans, proposed legislation which would require an additional annual expenditure of $35,000,000 per annum. Thus these measures which are before Congress represent an implied increase in expenditure of from three to ten times what these veterans themselves consider would be just. The Veterans of Foreign Wars and other organizations have contended for measures differing entirely from these now proposed.

General Hines has pointed out that this legislation goes far beyond immediate necessities and that of even more importance, it creates grave inequalities, injustices, and discriminations among veterans resulting from the methods adopted or extended in these bills, and creates future dangers to both the public and the veterans. The very fact that the committees of Congress and the various veterans' associations have themselves been, during the last six months, of many minds upon these questions indicates their extreme difficulty. There certainly comes from it all the conclusion that we should either have a sound plan now or should have more time for determination of national policy upon established principles in dealing with these questions for the future. We must arrive at such a basis as will discharge our manifest national obligation with equity among veterans and to the public.

WOULD SEE JUSTICE DONE

I do not wish to be misunderstood. There are cases of veterans who are in need of help to-day who are suffering and to whom I earnestly wish to see generous treatment given. But these situations do not reach anything like the dimensions of those measures.

We have stretched Government expenditures in the Budget beginning July 1 to the utmost limit of our possible receipts, and have even incurred a probable deficit principally for the relief of unemployment through expansion of public construction. Every additional dollar of expenditure means an additional dollar in taxes. This is no time to increase the tax burden of the country. I recognize that such consideration would carry but little weight with our people were the needs of our veterans the issue, and were we dealing with sound measures; but as General Hines presents, there are conclusive reasons for opposing an unsound measure which is against the best interests of the veterans themselves and places an unjustified load upon the taxpayers at a time when every effort should be made to lighten it.

I do not believe that just criticism or opposition should arise to such suggestions upon full understanding of the situation, for I know that the great body of patriotic men who served in the World War themselves realize that there are limits to expenditure and there are principles that should be adhered to if we are not to prejudice their interest both as veterans and citizens.

Yours faithfully,

HERBERT HOOVER.

SECRETARY MELLON'S LETTER

The letter from Secretary Mellon to President Hoover follows:

THE SECRETARY OF THE TREASURY,
Washington, June 21, 1930.

MY DEAR MR. PRESIDENT: I have your memorandum stating that the Director of the Veterans' Bureau estimates the cost in the fiscal year 1931 of H. R. 10381, as amended and reported by the Senate Finance Committee, to be $102,000,000, and the ultimate cost to be $225,000,000 annually. You ask me to give you my best judgment as to whether receipts for the fiscal year 1931 will be adequate to support this additional burden. I regret to say that they will not.

You appreciate, of course, the very great difficulty of estimating revenue 12 months in advance, particularly when, as under our system, the Government depends so largely on one form of tax, the income tax, which is directly susceptible to fluctuations in business conditions. An absolutely accurate estimate would presuppose our ability to forecast general business conditions over the period of the next 12 months, and this is obviously impossible.

Based on estimates of expenditures furnished by the Director of the Budget and on this department's estimates of receipts, which, I may add, are predicated on a not unhopeful attitude in respect of future business developments, the present indications are that the Government will close the fiscal year 1931 with a deficit of over $100,000,000. If the reduced income tax rate is to be retained and made applicable to 1930 incomes, present estimates forecast a deficit of approximately $180,000,000. These figures are, of course, exclusive of any additional burden to be imposed by new legislation.

DIRECTS ATTENTION TO PAYMENTS

I think I should call your attention to the fact that these figures are based on the assumption that interest payments to be made by foreign governments in accordance with existing debt settlements would be paid in United States Government securities, as they have almost universally been paid in the past, rather than in cash, thus constituting an automatic reduction of our national debt, but not making these payments available for current expenditures. Even when foreign interest payments have been made in cash the Treasury up to the present time has been in a position to apply them to the reduction of our national debt. This policy has been so well established over the course of years, and is manifestly so sound that foreign repayments, both principal and international, have come to be looked upon as definitely earmarked for the reduction of our war debt. Moreover, whether these interest payments are to be made in securities or cash is dependent on conditions wholly without our control. We are not justified, therefore, in budgeting upon the assumption that they will be made in cash. But assuming that they are, and assuming that our Government is willing to set aside its well considered and established program of debt reduction, even then I can not give you any assurance at the present time, and without taking into consideration new burdens, that we can retain the 1 per cent reduction and not incur the danger of a deficit.

But if $100,000,000 or more is to be added to the expenditures already in sight, it is perfectly apparent that the 1928 income-tax rates must be restored, and I should not be quite fair to the Members of both houses and to the taxpayers of the United States if I did not point out at this time that this increased burden may necessitate even higher rates than provided for in the 1928 revenue act.

ANXIOUS TO RETAIN LOW RATES

In the present state of business, accompanied as it must be by an inevitable reduction in the national income, the Treasury Department is vitally interested in not definitely closing the door to the possibility of retaining the reduced tax rates now in existence. In spite of the figures above quoted I am still hopeful that conditions may have shown such improvement by December as to justify my recommending to you and to the Congress for a renewal of the action taken last December. The present estimates do not indicate that this is possible, but this does not mean that we should put ourselves in such a position as to preclude the possibility should events take a favorable course.

In this connection I think it is appropriate to remind you of what this 1 per cent reduction means to the income taxpayers, and particularly to the income taxpayer with a moderate income.

If the 1 per cent reduction is not retained approximately 2,095,000 taxpayers with net incomes of $10,000 or less will pay during the calendar year 1931 approximately $28,000,000 more than they would otherwise pay, thus losing the benefit of a 56 per cent reduction. If we take taxpayers with net incomes of $7,000 or less they will lose the benefit of a 66 per cent reduction in taxes. It will be remembered that about two-thirds of the tax reduction benefit to individuals was accorded to taxpayers with net incomes of $25,000 or less.

POINTS OUT COSTS TO FIRMS

In so far as corporations are concerned, if the rate is restored to 12 per cent they will lose the benefit of approximately a $90,000,000 reduction in their income tax—at a time when the Government should endeavor to relieve rather than to increase the burden on industry.

In conclusion, I can answer your question by stating that legislation increasing the expenditures for 1931 by $100,000,000 and moreover the above expenditures as now estimated by the Budget Director, will necessitate the restoration of rates applicable to 1931 income to the rates provided for in the revenue act of 1928, and it is probable that such increased expenditures may call for even higher taxes in order to maintain a balanced budget.

In fairness to the country I feel that the Congress should be informed that if expenditures are further increased now, taxes must be in December.

Faithfully yours,

A. W. MELLON.

The PRESIDENT,
The White House.

GENERAL HINES'S LETTER

General Hines's letter to the President:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, June 21, 1930.

MY DEAR MR. PRESIDENT: I wish to call your attention to the very grave situation that has arisen in the matter of veterans' legislation, both as to the proposed principles being considered and their ultimate effect, if adopted, upon the veterans and upon the policy and expenditures of the Government and the very large immediate burden which this legislation calls for.

I recently advised the Senate Committee on Finance that the bill passed by the House of Representatives and then being considered by them would cost approximately $181,040,650 per annum and a possible final annual expenditure of over $400,000,000.

The Senate Finance Committee made various amendments to this bill, and I have now made a reexamination of the cost implied under the bill as reported to the Senate. This bill requires an estimated immediate annual expenditure of $102,553,250, with a growing maximum cost reaching a potential amount in five years of approximately $225,000,000 per annum.

CONCERNED AT PRINCIPLES INVOLVED

Of the deepest concern to the Nation should be the principles being incorporated into these forms of legislation. The principles in both of these bills depart absolutely from the original conception of assistance to World War veterans based upon disability to earn their living because of injury or disease arising out of the World War. No one questions the obligation of the Nation to its disabled veterans' and under the present law some 374,500 veterans or their dependents, out of the total of 4,500,000, are now being compensated at an annual expense approximating $206,000,000. These veterans also participate with all other veterans in the benefits of the war risk insurance legislation and the so-called bonus legislation, which bring up the total annual sum of expenditures of this bureau at the present time to approximately $511,000,000.

One of the results of this legislation would be that men suffering with those diseases now presumed to have been acquired in the service if developed prior to January 1, 1925, would have such diseases presumed to have been acquired in the service if they developed prior to January 1, 1930, and other men suffering with diseases which have not heretofore been afforded the benefit of any presumption by law would be presumed to have acquired their diseases in the service if the same arose prior to January 1, 1930. It is estimated that this provision alone would probably affect approximately 100,000 veterans not now in receipt of compensation benefits for these disabilities.

The medical council of the Veterans' Bureau, comprising some of the oldest physicians and surgeons of our country, has reported to me that the inclusion of the diseases contemplated by this provision is unsound medically and it can not be presumed that the diseases involved are the result of service during the World War. Therefore the theory upon which these benefits are extended is false.

If we are to depart from the sound principles of the payment of compensation for injury and disease resulting from war service, then it appears to me that the real problem before us is whether the Nation is going to assume responsibility for disabilities among the 4,500,000 veterans which originate as ordinary incidents of life. The policy of our Government almost from its inception has been to take care of our veterans when they have reached that period in life when they are overcome by permanent disabilities or age so that they are unable to earn a support.

CALLS ATTENTION TO POLICY

At this date, 13 years after the World War, the veterans of that war average about 38 years of age. If it is claimed that the time has been reached when it is necessary to give consideration to the matter of a pension for this group of veterans along the same lines that we have cared for veterans of other wars, then the policy should be based upon the fundamental principles of pension legislation adapted to what the Nation can afford to do for the entire group of veterans who will eventually have to be cared for. Most certainly we should distinguish clearly between those veterans whose injuries and disabilities were incurred in service and those whose disabilities have been brought about by other causes after service.

To approve a measure which will simply take care of 100,000 of these men under a presumption which we know is unsound, where their disabilities are not due to service, without extending to their comrades in the larger group the same measure of relief, is manifestly inequitable. In other words, we are opening the door to a general pension system at the same rates of compensation given to men who actually suffered in the war. Its potential cost to the Government may quite well run into hundreds of millions of dollars.

ANALYSES INTENT OF CONGRESS

I have no doubt that the Congress has in mind by suggesting the further broadening of the presumptive clause of the present World War veterans' act, taking care of a number of cases which they feel are meritorious and which at this time the law does not cover. If it was only the intention of the Congress to take in border-line cases it might well be accomplished by so amending the present act to permit the bureau to give due regard to lay and other evidence not of a medical nature in connection with the adjudication of claims. Such a provision would be interpreted by the Veterans' Bureau as sufficiently broad to permit liberal adjudication of border-line cases.

Another radical departure in the proposed legislation from the existing law is the provision to give a cash allowance to men in hospitals not suffering from a service-connected disability and while in hospital to also pay an allowance for their families and dependents. Under the present law when there are vacant beds available opportunity is afforded to a veteran for medical care in hospitals when he is in need of treatment without regard to the character or origin of his disability. The hospital facilities of the Government are at this time inadequate to provide care for all veterans of noncompensable disability who need medical attention, and consequently there is before the bureau at all times a waiting list of men seeking treatment.

We are faced with the proposed policy of paying the veteran fortunate enough to secure a hospital bed an allowance for himself and his dependents. For the veteran who is equally in need of treatment, but for whom a hospital bed is not available, it is not proposed that any payment be made either to himself or to his dependents. Inequity immediately arises, and to the extent the Government is not able to furnish hospital beds does this inequity increase. The Congress has not signified definitely its purpose to construct permanent hospital beds for all veterans who need hospital treatment.

SEES ADDITIONAL DEMANDS

Certainly with the passage of this proposed provision there would result a definite and increasing demand for additional hospital beds and in all equity such a demand can not but be recognized. It is conservatively estimated the total number of veterans who will need hospitalization is 69,000.

If the Government is to provide sufficient hospital facilities so that all men suffering with disabilities, irrespective of service origin, can be hospitalized it would necessitate providing within the next three years 13,000 new beds in addition to those existing or authorized. The cost of construction of such facilities would approximate $45,500,000, and the annual maintenance cost, after completion, would approximate $19,500,000. Further, if the Government is to eliminate all questions of inequality, even to the point where the bureau's peak of hospital load is expected, current estimates indicate an ultimate need of 39,400 additional beds, the cost of construction of which would approximate $137,900,000, with an annual maintenance cost of $59,100,000.

Even with all these provisions we would not have taken care of old age and many other fatalities that may happen to our World War veterans.

CALLS POLICY WRONG

My plea at the moment is that we are proceeding on wrong principles, that we are driving toward such a stupendous expenditure by the Government, the extent of which can not be estimated, as will eventually react against the interest of the disabled veterans themselves. We are creating a prospective burden for the taxpayers before we have adopted any sound national policy of dealing with the whole problem, which will have committed ourselves directly and inferentially to a total annual expenditure on account of World War veterans of upward of $1,000,000,000 per annum even before we have given consideration to the granting of pensions.

My plea is directed to the fact that this legislation should not be passed, and that there should be substituted an entire consideration of the principles upon which the Nation will discharge its obligations, not by creating injustices and inequalities, but by some method of general application to the entire group.

Pending such study, I earnestly urge that the bill which I submitted for the consideration of Congress, which will be beneficial to many veterans, be adopted.

Very sincerely yours,

FRANK T. HINES, *Director.*

Hon. HERBERT HOOVER,
The President of the United States,
The White House.

Mr. BACON. Mr. Speaker, I also ask unanimous consent to insert in the RECORD the statements of Secretary Mellon, Secretary Lamont, and Assistant Secretary Klein on the recent tariff act.

The SPEAKER. The gentleman from New York asks unanimous consent to insert in the RECORD a statement of the Secretary of the Treasury Mellon, Secretary Lamont, and Assistant Secretary Klein on the subject of the recent tariff act. Is there objection?

There was no objection.

SECRETARY MELLON'S STATEMENT ON THE TARIFF

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following statement of Secretary Mellon on the tariff act.

In answer to the question of whether the enactment of the Smoot-Hawley tariff law would in his opinion adversely affect the business interests of the United States and retard a business recovery, Secretary Mellon said:

I do not believe that it will. It seems to me that fears and criticisms have been greatly exaggerated. Whenever a new protective tariff law has been enacted gloomy prophecies have been made. They have failed to materialize as far back as I can remember, and my memory goes back many years. The rates in the bill as it passed the House a year ago were higher than in the bill recently signed by the President. Yet business at that time did not take alarm. There seems to be no reason why it should now. I know of no industry that is seriously hurt, while those industries which needed additional protection and received it are benefited.

I have canvassed the situation with the Secretary of Commerce, and the notion that this law is going to destroy our foreign trade expressed in some quarters is certainly without foundation. The United States will continue to buy a vast quantity of foreign products and to sell the products of its farms, mines, and factories all over the world. In so far as imports are concerned, foreign nations that do business with us would do well to remember that the all-important factor is the maintenance of the high purchasing power and standard of living of the American people.

The enactment of this measure brings to an end 15 months of uncertainty. American industries know now where they stand and will, I am confident, adjust themselves without difficulty to new conditions. There seems to be an impression that the new bill makes a sweeping revision upward of existing rates. While it is true that there is a sharp increase in rates applicable to the agricultural schedule, generally speaking, other rates can not be said to have been advanced sufficiently to alter substantially our existing economic position. In fact, only a comparatively few of the major items have been changed. I do not mean to imply that the bill is free from defects. No tariff bill is. But this measure at least by its own terms provides the means whereby inequalities and errors may be adjusted. I look upon the flexible provisions as highly important. I believe that they offer the opportunity not only to correct errors and to adjust rates to meet new and changing conditions, but that they lay a foundation for a businesslike method of tariff revision, free from the pull of sectional and political interests that seem to make a scientific and well-balanced revision by the legislative body almost impossible. If these provisions are intelligently and courageously applied, they should go a long way toward making another legislative revision of the tariff unnecessary for many years to come. This of itself is of inestimable benefit to business, for there is nothing more unfavorable to prosperity than uncertainty and frequent necessity to adjust economic conditions to legislative enactments. In short, it seems to me that the final enactment of the tariff law, far from placing a new obstacle in the way of business recovery, removes one by eliminating the uncertainty of the last 15 months, and by its promise of more businesslike revision in the future makes a definite contribution to business stability.

STATEMENT BY SECRETARY LAMONT ON THE TARIFF

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement by Secretary Lamont:

I have been asked, "What effect will the new tariff have on our foreign trade?"

Some light on this question may be gained from the experience after the passage of the tariff act of 1922; that act raised the level of duties, as compared with the Underwood Act, much more than has been done in the present revision. As many protests were received from foreign countries as have been received in the present year; and there were just as many predictions of disaster to our foreign commerce.

What actually happened: In the seven years under the 1922 tariff act our total imports increased 41 per cent. Imports of manufactured goods from Europe rose from $340,000,000 in 1922 to $581,000,000 in 1929, or by 45 per cent. These gains were not due to increased prices of commodities.

Our imports from Germany and Czechoslovakia more than doubled; from Italy they increased 83 per cent; from Belgium, 37½ per cent; from Spain and Switzerland, about 25 per cent each; and from France, 20 per cent. The United Kingdom is the only important European country from which we purchased less in 1929 than in 1922, and this falling off was not due to changes in our rates of duty.

During the same period our exports of finished manufactured goods, the class most affected by the tariff of foreign countries, increased practically 100 per cent. Every year following the enactment of the 1922 act showed a marked gain until the present year.

It is obvious, of course, that the reductions in imports and exports which began in the latter part of last year are not to be attributed either to the discussion of our tariff or its enactment. There has been a recession in business and a reduction in prices throughout the world. Other countries, as well as ours, have seen their trade in both directions decline during recent months.

Much has been made of the protests presented by various foreign nations during the course of the tariff discussion. There is nothing new in such protests. Every country, including our own, shows concern when other countries propose increasing their tariffs.

The United States is not alone among nations in making changes in its tariff levels. Forty or 50 other countries have made general upward revisions since 1925, including nearly all of those countries which have protested against the proposals to increase our rates.

The protests which have been made by foreign governments to us, in connection with the 1930 tariff, may seem to indicate a wide sense of grievance. However, they include protests made over the course of more than a year during the various stages of the tariff bill. In a considerable number of cases the proposed increases to which they related were not finally enacted, as for example in the case of laces, bananas, jute, and shingles. In other instances, the rates objected to were materially moderated during the progress of the bill so that as finally passed they are not much different from what they were before, as in the case of plate glass, rayon, Swiss cheese, soybean oil, oriental carpets, perfumery, and pharmaceutics. The rates on silk goods caused considerable anxiety at times, but the final average increase in duty is less than 5 per cent ad valorem.

Taking these points into consideration, we find that those protests which actually apply to the act as passed and which relate to changes of duties of possible real importance to the protesting countries amount to probably not more than 10 or 12 per cent of our total imports.

Perhaps the most important feature of this tariff bill is the new flexible clause. The old one did not work very well. The present clause is more effective in that the commissioners have greater latitude at arriving at differences in cost of production as a basis for adjusting rates. If a foreign country believes that any of our tariffs are unduly high and prevent competitive shipment into the United States, it can present its case to the reorganized Tariff Commission, which in collaboration with the President has the power, if the complaint is justified, to rectify the rates. This new proposal for dealing with such cases by a semijudicial body is unique in the world's tariff procedure. No other nation has offered to us a similar opportunity to present our case where, as often has happened, we have believed its duties were unduly high and discriminatory against us. This plan should enable us to meet in a fair manner outstanding cases involving foreign interests.

Considering then these things:

(1) The steady growth for many years of both exports and imports, in spite of increases in previous tariffs;

(2) The relatively small percentage of our imports to which the protests of our foreign friends apply; and

(3) The availability of a workable, flexible clause to adjust unfair situations.

We believe the new tariff law will not retard the amazing growth of our foreign trade. It should be remembered also that four-fifths in value of our imports consist of goods which are either free of duty or unchanged or reduced in duties under the new law.

The United States will continue to buy from and sell to the nations of the world vast quantities of products. Our great and growing buying power, partially no doubt a result of the protective system under which we have grown up, enables our people to steadily expand their purchases from foreign countries.

STATEMENT OF DR. JULIUS KLEIN ON THE FLEXIBLE TARIFF CLAUSE

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement on the tariff made by Assistant Secretary of Commerce Dr. Julius Klein:

At last the tariff bill has become a law after 18 months of tumult. Business, which has owed at least some of its recent troubles to uncertainty about the tariff, can now chart its course under fixed stars instead of by the gyrating uncertainties of partisan fireworks.

I am not going to discuss the rate changes. Merely to list them would fill up—several times over—the allotted period of this talk. To present the "pros and cons" on even the major rate changes would take much longer still.

Many of the rates in this act, like many in every previous tariff act, will doubtless be unwelcome to various groups of our citizens. Some will consider this or that rate too high—while others may regard it as too low. No tariff law has ever met universal commendation, even among the members of the party chiefly responsible for its passage.

The truth is that modern business has become so enormously complex that a legislative body, however capable and patriotic its members may

be, is bound to find the proper adjustment of the rates on the thousands, the tens of thousands, of commodities in contemporary commerce an inconceivably difficult and formidable task. Add to this the necessity for each Congressman to get recognition for the interests of his section or district by combining with others to promote their needs, and you have logrolling.

Moreover, when a tariff bill—or any bill—is under discussion for 18 months, the halls of Washington are filled with lobbyists fomenting drives and propaganda; inevitably, therefore, the admitted zeal and high purposes of the leaders on both sides have been largely obscured. All of which is bound to make one wonder whether such practices are really inevitable in the tariff-making procedure.

We Americans are strong for efficiency in our methods of doing things. We multiply labor-saving devices in our industries. Is it not possible for us to bring a new economy into the "tariff factory," where duties are made presumably in the interests of these very industries and of the public as a whole?

The President has felt that these excesses of logrolling, lobbying, and rate swapping must be replaced by a new era. As the medium for this he has developed with Congress one of the most vital provisions of the new tariff law. I believe that we have here a most helpful instrument to be wielded for the public good—one which, in the field of tariff building, is capable of substituting reason for rancor, precision for prejudice, and calm, well-planned decision for endless, confusing debate.

I mean, of course, the clauses that provide for a reorganized Tariff Commission and a new flexibility in this tariff of ours. "Just what is this flexible provision?" you may ask. In substance, it means simply that an expert tariff commission is given authority to determine the right rate and to recommend it to the President. If he approves, it goes into effect, replacing the rate named by Congress. The authority of the commission is, of course, by no means unlimited. No rate may be increased or decreased by more than 50 per cent. The change must be the result of thorough investigation and be based on the fundamental factors which I shall indicate in a few moments.

To be sure, Congress could not, under the Constitution of the United States, withdraw entirely from the responsibility for the levying of duties. It would not wish to do so even if it could. As the representatives of our people, the Members of Congress must lay down the policy. Congress can, however, authorize an expert body to apply the principles thus laid down—and it has done so in the act just passed.

In view of the extreme complexity of modern economic conditions and the speed of developments, in view also of the pressure of special interests and of sectional viewpoints upon the Members of the Congress during the framing of a tariff act, it would be truly surprising—it would indeed be almost beyond the bounds of human wisdom—if there issued from such a struggle a measure devoid of inequities, incongruities, and mistakes. Such unsatisfactory phases are admittedly present in the text of the new law. The primary purpose of the flexible provision is to permit the new Tariff Commission to correct them.

Moreover, the flexible provision conforms to the spirit of the modern business age. In any broad view of our present-day business life, we find ourselves confronted with a rather startling paradox—namely, the indisputable fact that about the only enduring element in contemporary commerce is its rapidity of change. We are witnessing positively kaleidoscopic shifts in industry and trade. New ideas emerge abruptly and gain astonishing force. Magical inventions bring marvelous industrial transformations almost overnight. New commercial channels are swiftly chiseled out under novel and compelling pressures. The tempo of business—as of our living in general—has never before been so volatile or so dynamic.

Under conditions such as these, no fiscal policy, no tariff policy, can prove widely, permanently satisfactory if it is afflicted with undue rigidity. In dealing with problems such as these, the factor of flexibility expresses the demands of modern business.

In such a structure as a bridge, a vehicle, or any sensitive and complex modern mechanism, we must have that invaluable element of pliancy. To be too unyielding is to invite impairment, damage, grave disaster. There must be springs and safety valves. And so, in that delicate and intricate economic device that we call the tariff, we must provide for speedy, easy readjustments, as new circumstances may require. That is the essential meaning of the new flexible tariff clause.

And, incidentally, we are about the only major commercial nation which has adhered most persistently to the idea of a rigid tariff. Over the past 50 years we have had only 8 new tariffs, or an average of 1 for about every 6 years. In contrast with that, every one of our trade rivals has been very sensibly shifting at frequent intervals this or that portion of its tariff structure to suit the new circumstances of consumers and of the interested trades. In these days of sudden economic change such elasticity of trade strategy is of paramount importance.

But here is an important innovation in our new flexible set-up. The President's interpretation of the new clause gives to it a generous and human aspect in our relations with other countries that has not elsewhere been attained. In fact, not another government on earth has invited other nations to avail themselves of a specially constituted body to pass upon their complaints regarding alleged tariff obstacles to trade, short-cutting the time-consuming diplomatic circumlocutions customary in dealings between governments. Let us hope that the benefit of this example will not go unnoticed beyond our borders, for we certainly have had on our part an abundance of just complaint against the inequities of foreign tariffs long antedating the retaliatory furore of recent months.

I wonder whether it would not be possible to draw a rather striking parallel between this mechanism of the tariff, and that most popular of American machines, the automobile. In the old days, when a "horseless carriage" did not percolate, the accepted procedure was to hitch on a team of horses and drag the stubborn vehicle to the nearest blacksmith, who would promptly take all the machinery apart and spread its "gizzards" all over the back yard of his shop. But what do we do now? We simply take it to an expert who puts in a new spark plug, or blows out the gas line, or cleans up the points—and we go on our way rejoicing. We do not dismantle the whole car with the object of remedying some minor fault or mechanical mischance. Even a new motor requires readjustment by a good mechanic after it has run a while—a few body bolts to be tightened, the spark gap adjusted, or some tinkering with the carburetor.

Now is not our way of putting an expert to work on the car much more "common sensical" than getting some handy man, who, however helpful and conscientious he may be, must, because of his many other jobs, in many cases give himself a complete prolonged course of elementary instruction in this complicated task? Obviously, I mean no disrespect to my good friends in Congress. They do their level best; in fact, the amazing thing to me is that they accomplish as much as they do, in this tariff matter as well as countless others, considering the terrific pressure under which they must work. Congress builds the car, let us say, but the trained adjustments of the expert mechanician, namely the Tariff Commission, will keep it running efficiently under the new flexible clause.

A permanent scientific body working continuously and exclusively on this subject, in somewhat the way the Interstate Commerce Commission works at our railway rate structure, can, in collaboration with the President, make adjustments on individual commodities, as conditions change or need is proven—without introducing uncertainty into the entire business fabric. A reasonable period of investigation and public hearings will constitute sufficient notice to all persons who are concerned—so that there need never be a sense of disturbance to business through sudden and unexpected changes. In any case, changes made under the flexible authority do not become effective until 30 days after proclamation by the President, allowing shipments en route to be cleared and pending transactions to be consummated under the old duties.

The new Tariff Commission which the President is directed by the new act to designate within 90 days, replacing any or all of the present incumbents, will be composed (we may be sure) of men of outstanding ability, fair-mindedness, and high repute before the American public—imbued with the sincere desire and purpose of the President (so vigorously expressed in his tariff statement of last Sunday) to revitalize the flexible provision and make it genuinely helpful to consumers as well as producers. The President has declared his intention to make it an effective means of removing any serious inequities or inadequacies that may be incorporated in the present bill—accomplishing that result through a prompt and scientific adjustment of the duties in the light of differences in production cost here and abroad, as well as other considerations in international competition which the new law authorizes the Tariff Commission to take into account.

Here is a chance, offered in the fairest, friendliest spirit, for our foreign friends to present their cases for consideration in a manner devoid of all partisan bitterness and of the exaggerations of political expediency which are more or less universal in tariff discussions.

Possibly at this point I hear some critic muttering to himself, "Haven't we already had a flexible tariff arrangement for nearly nine years, and what has it accomplished? It has raised a few rates and lowered one or two. The changes it has made have been so unimportant as to have no real effect on the national welfare one way or the other. Why expect more from the reorganized commission?"

There are a variety of reasons why, I believe, we may reasonably hope that the new Tariff Commission will accomplish a great deal more in changing rates in both directions under this clause than was done under the old plan. In the first place, there has been an entire revolution in powers. Instead of a very limited and circumscribed authority for the President, we now have a rate-making commission of large powers. Second, the American people are now, for the first time, fully ripe for real use of a Tariff Commission, in contrast with the conditions following the new tariff law of 1922, when, as the President has said, "by tradition and force of habit the old conception of legislative revision was so firmly fixed that the innovation was bound to be used with caution and in a restricted field, even had it not been largely inoperative for other reasons." Conditions are assuredly vastly different now.

Wise students of public affairs realize that the administration of a law is often more important in shaping its character and usefulness than the legal phraseology of the act. The flexible provision under the

tariff act of 1922 was the first experiment of the kind in our history. A first experiment is seldom an entire success, and we have learned much from the mistakes and shortcomings revealed in the operation of that provision.

I spoke a moment ago about the powers given to the Tariff Commission. Here is a point that should be stressed: The one big lesson learned from the experimental operation of the first flexible tariff was that it was extremely difficult to adjust duties simply on the basis of a direct comparison of domestic and foreign production costs. Production costs are difficult to ascertain even in this country, and investigations abroad by American representatives into the offices and factories of foreign producers have often been keenly resented.

In many cases no reports or decisions could be made under the old flexible provision because of the absence of reliable or representative data on production costs. Bear in mind, too, that one of the technical difficulties in fixing proper rates hitherto has been the question of transportation costs—whether they should be included in a comparison of production costs; and if so, transportation to what point. Should it be the point of entry into the country? Should it be the principal markets? Should it be the main consuming center? There was vagueness and uncertainty under the old law—but the new law gives definite instructions on that point. Here we see a vital element of superiority in the legislation now in force.

Now, if actual production costs are not readily ascertainable—or if the commission desires to act on data supplementary to such costs—it may take into account evidence of costs in the form of average invoice prices or values of both foreign and domestic goods for a representative period, as well as "other relevant factors that constitute an advantage or disadvantage in competition."

Thus the new flexible clause views the problems of international competition realistically—as a common sense, real business issue—in authorizing the commission to take account of all vital elements entering into the actual determination of the conditions of competition between foreign and domestic producers.

Critics may find fault with this or that provision in the flexible authority or point out its shortcomings. In this as in other scientific ventures we must proceed by the well-known rule of trial and error. President Hoover has made it clear in his tariff statement that "if by any chance the flexible provision made should prove insufficient for effective action I shall ask for further authority for the commission, for I believe that public opinion will give wholehearted support to the carrying out of such a program on a generous scale, to the end that we may develop a protective system free from the vices which have characterized every tariff provision in the past."

We have in the new flexible provision a forward-looking measure that has received the warm indorsement of representative business and agricultural bodies everywhere. We may well hope that out of this prolonged period of tariff agitation in Congress and elsewhere there may prove to have issued a new and efficient instrument for the public service.

PERMISSION TO ADDRESS THE HOUSE

Mr. KVALE. Mr. Speaker, I ask unanimous consent to proceed for four minutes following the address of the gentleman from Nebraska.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. LAGUARDIA. Reserving the right to object—and I shall not object—pending the disposition of the Consent Calendar I will ask gentlemen not to make similar requests this morning.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Nebraska is recognized for five minutes.

Mr. HOWARD. Mr. Speaker, my voice is in very bad condition this morning. I will ask the Clerk to be kind enough to read the statement that I have.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

Resolution by EDGAR HOWARD, of Nebraska

Whereas admittedly the plight of agriculture, the basic industry of the Republic, is sorrowful in degree to excite the sympathy of good men in every work and walk in life; and

Whereas on two occasions in recent days the President of the United States has officially proclaimed to the people that the goddess of prosperity was so near that the naked eye might discern the harbingers of her approach; and

Whereas quickly following those two glad prophecies by our beloved President came new and more vicious assaults upon the bleeding body of agriculture, driving to still lower levels the price of cotton, corn, wheat, and all other standard products of the farm; and

Whereas seeking to repair the damage done to agriculture by the well-meant prophetic utterances of the President of the United States, and with an eye single to the welfare of agriculture, the great Secretary of the Treasury of the United States donned the robe of prophecy discarded by the President and essayed to undo the vast damage done to agriculture unwittingly by the prophecies of the Chief Executive only to behold his own Joshuatic pronouncement immediately hurling the price of farm products to still lower levels: Therefore be it

Resolved, That the Speaker of the House of Representatives be, and is hereby, earnestly requested to forthwith appear before the President of the United States, and also before the Secretary of the Treasury, and there carry in his most pleading voice the united prayers of the Membership of this House from the farm States that the President and the Secretary of the Treasury may be pleased to refrain from uttering any more prophetic warnings that the bejeweled goddess of prosperity in her ship with silken sails is in the offing.

[Laughter and applause.]

Mr. HOWARD. Mr. Speaker, I yield back considerable time. [Laughter.]

RAILROAD MERGERS

Mr. KVALE. Mr. Speaker, I ask unanimous consent that the Clerk may read a brief telegram and an article from the Wall Street Journal in my time.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

MINNEAPOLIS, MINN., *June 21, 1930.*

Hon. PAUL K. KVALE,

Member of Congress from Minnesota, Washington, D. C.:

Substitute for Couzens resolution considered by House Interstate and Foreign Commerce Committee, which substitute leaders intend calling up under suspension rules Monday next, in our judgment gives employees much less than Couzens resolution, and is betrayal of public interests. Minnesota Legislative Board Brotherhood of Railroad Trainmen respectfully urges you protest substitute and requests you demand passage of Couzens Senate resolutions by House.

G. T. LINDSTEN.

[From the Wall Street Journal, June 17, 1930]

SUBSTITUTE RAIL BILL FAVORED—HOUSE INTERSTATE COMMERCE COMMITTEE REPORTS—SENATE'S POSITION VIEWED

WASHINGTON.—House Interstate Commerce Committee favorably reported a substitute for the Couzens resolution, which maintains the status quo in so far as railroad consolidations are concerned.

Resolution, however, would prohibit acquisition of control in any manner of two or more railroads by a holding company, unless approved by Interstate Commerce Commission.

The resolution would in no way prohibit the Northern's merger being consummated, as would the Couzens resolution, which sought to suspend authority of Interstate Commerce Commission over consolidations.

The House resolution lays down specific authority of Interstate Commerce Commission to protect rail employees in cases of mergers.

FAVORED BY FULL COMMITTEE

The full committee favorably reported the measure with minor changes almost immediately after it was submitted by the subcommittee which had been studying the measure with the assistance of Interstate Commerce Commissioners for the past several days.

The full committee added a clause which would exclude from the provisions of the resolution any street, suburban, or interurban line not operated as a part of a general steam-railroad system of transportation. Chairman PARKER (Republican, New York) anticipates early action by the House on the substitute measure so that Members can enter a conference with the Senate Members to compromise on the widely different views expressed in the resolutions of the two Houses. There is every indication that the Senate will stand by its own measure, making it more than likely that the entire matter will be left in conference when the present session closes.

The provision which extends the authority of the commission to holding company and investment trust acquisitions of control applies only to the future.

INTERSTATE COMMERCE COMMISSION MEMBERS' STAND STATED

The Interstate Commerce Commission members who have appeared before the committee in executive session during the past week or 10 days are said to have given their complete approval to the measure reported by the House committee.

Title of the House resolution reads:

"Joint resolution to define and extend the authority of the Interstate Commerce Commission in approving acquitions of control and consolidations of carriers by railroad subject to the interstate commerce act, as amended."

The Senate resolution title was "to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties."



The effect of the House measure is to leave Interstate Commerce Commission authority over consolidation as it exists and to extend it to authority over control by holding and investment trust companies.

Mr. KVALE. While these comments naturally do not take cognizance of the action which I understand has been taken by the committee this morning, they do describe the general situation and indicate why we are mobilizing against any action other than the acceptance by the House, before adjournment, of the original Couzens resolution as passed by the Senate.

Mr. Speaker, I yield back the balance of my time.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 10813) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BINGHAM, Mr. PHIPPS, Mr. CAPPER, Mr. GLASS, and Mr. KENDRICK to be the conferees on the part of the Senate.

ONE HUNDREDTH ANNIVERSARY OF FOUNDING OF MARSHALL, MICH.

Mr. HOOPER. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOOPER. Mr. Speaker, on July 3, 4, and 5 of this year the city of Marshall, Mich., the county seat of Calhoun County, will celebrate the one hundredth anniversary of the city. This city has played an important and influential part in the progress of Michigan, and I feel that the event is one of sufficient importance to justify me in mentioning it here to-day.

A pioneer of Michigan, Mr. E. Lakin Brown, says in his reminiscences of a journey from Vermont to the Territory of Michigan in 1830:

> At Marshall we stopped at a cabin and got our dinner. The workman and family had just dined, and were going out to start for the first time a new sawmill, so we saw the mill cut the first log. I do not remember any other building, big or little, at Marshall.

In the hundred years since, Marshall has become a beautiful city of over 5,000 inhabitants. In that time it gave to Michigan, through the efforts of one of its pioneers, the great public-school system which is our State's greatest pride. It has given to the Nation men eminent on the bench, at the bar, and in all walks of life. Its people are progressive; it is well governed and law-abiding; it is prosperous and happy. It is a typical midwestern, and therefore a typical American, city.

A hundred years is a long time in the annals of the Middle West. Marshall starts its second centenary old in comparison with the lives of men but young and ambitious for the duties and rewards of the century to come. May the new century surpass the old in its harvest of the better and finer things of life.

BUREAU OF NARCOTICS

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 367) to amend the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930, reported unanimously from the Committee on Ways and Means. This is an emergency matter.

The Clerk read the joint resolution, as follows:

Resolved, etc., That subsection (b) of section 2 of the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930, is amended by striking out the word "specific" and inserting in lieu thereof the word "specified."

SEC. 2. Section 9 of such act of June 14, 1930, is amended to read as follows:

"SEC. 9. This act shall take effect on July 1, 1930."

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE RELATION OF RURAL PROSPERITY TO URBAN PROSPERITY

Mr. MANLOVE. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a speech made by Dr. W. J. Spillman, principal agricultural economist for the United States Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MANLOVE. Mr. Speaker, under leave to extend my remarks by inserting in the RECORD an address recently delivered by Dr. W. J. Spillman, principal economist, United States Department of Agriculture, before the State Convention of Commercial Secretaries, in my home city of Joplin, Mo., I take pleasure in saying that Doctor Spillman is a native son of our Land of a Million Smiles in southwest Missouri, and that we are justly proud of him and the splendid record he has established.

Doctor Spillman spoke as follows:

One of the best illustrations of the dependence of the city on the country is found in the history of the Roman Empire. During the early part of the Empire the Government financed itself by exploiting conquered provinces, but this method of raising finances came to an end when the provinces were exhausted and there were no new regions worth exploiting. It then became necessary to raise the expenses of a large governmental organization by taxes. The major portion of the taxes fell on the land for that is the kind of property that can not be concealed.

For hundreds of years before this, Roman farmers had successfully maintained the fertility of their soil. They did this by letting the land rest every third year and by growing a legume crop once in every three years. The legumes were largely fed to livestock and the manure was carefully conserved. But when taxes became very heavy, Roman farmers were compelled to grow cash crops in order to meet their taxes. Immediately the fertility of the land began to disappear. Finally it got to the point where Roman farmers could no longer make a living. They flocked to Rome by the thousands, where they constituted a dangerous mob. The Roman Government imported grain from the Nile Valley to feed them. The government itself finally became financially embarrassed and was unable to meet the invasion of the northern barbarians, who finally wrecked the Roman Government.

We have seen another instance nearer home in recent years. New England was formerly a well-developed agricultural country. The factory system there grew up and took the boys away from the farm. When the older men could no longer carry on, thousands of farms were abandoned. It soon became necessary for New England to import a very considerable proportion of its food. As a result, the factories of New England have had to pay very high wages and many of them are moving to the South and West, merely because New England neglected her agriculture.

It needs no vivid imagination for you to picture what would happen to the cities, towns, and villages of Missouri if the farmers in the surrouding districts were to abandon their farms.

There is one important development in agriculture in recent years that has very materially affected particularly rural towns and villages. Let us stop and think a minute. What is a rural town for? It exists as a market place for local agricultural products and as a source of supply for machinery, clothing, and other requirements of the surrounding rural population. The development to which I refer is the introduction of large labor-saving machinery in agriculture. With the old 2-horse implements a farmer might till 40 to 60 acres of land. Now with a large tractor or with an 8 or 10 horse team he can till three or four times as large an area, and do it easily. This means that fewer people are required to operate the farm. Those who would under the old system now be engaged in farming have gone to the city and are working in urban industries. This decrease in rural population has greatly reduced the amount of business done by rural towns and villages. This movement is noticeable all over the country, but is especially striking in sections where the small grains are the principal crops because crops of this class lend themselves best to machine farming.

I do not need to tell you that since 1920 farmers in Missouri have not been very prosperous. The reason is not far to seek. The high prices that prevailed during the war, together with the patriotic impulses of our people led to a great extension of the acreage of wheat and cotton. Much of the increase was on former range land not adapted to other crops.

While the acreage of wheat has decreased considerably since the war, it is still enormously larger than it was before the war, and more wheat land as well as more cotton land is coming into cultivation in the plains region. For this reason we now have a very large acreage of both wheat and cotton and we have nothing else we can substitute for them.

In the case of the feed crops—corn, oats, and hay—we had the acreage of them fairly well adjusted before the war, but about 1918 mechanical power began to be substituted for horse power not only in the cities but also on the farm. It is assumed that about 9,000,000 horses in all have been replaced by gas engines. These gas engines do not consume corn, oats, or hay. For this reason we now have a surplus of these three crops.

The five crops mentioned above—wheat, cotton, corn, oats, and hay—together occupy 88 per cent of our total crop acreage. In more than half of the counties of the United States these crops are the basis of agriculture. We have a surplus of them and nothing that we can substitute for them; hence, farmers can not contract their acreage sufficiently to adjust their production to the market demand for them.

All other crops grown in this country occupy only 12 per cent of our acreage. Farmers do attempt to adjust the acreage of all these other crops to market demand. The reason why they can do this is seen in the following comparison. We grow about three and three-quarter million acres of potatoes. A 10 per cent reduction in this acreage may double or treble the price of potatoes. But if the land thus set free is planted in corn it makes an increase of only one-third of 1 per cent of the corn acreage, and this has a negligible effect on the price of corn.

The trouble has been in the past that farmers expanded or contracted the acreage of these minor crops at the wrong time. What has been needed is information in the hands of every grower that will enable him at planting time to know whether he is helping to overplant or underplant each of these minor crops. To meet this situation about six years ago the Department of Agriculture began to issue what is known as the Outlook Report. They obtained from a large number of correspondents the acreage they intend to plant of all the leading farm crops, also their intentions with regard to the production of animal products for the coming year. On the basis of this and other information the department issues a report indicating what the prospects are for each crop and each livestock product every year. These reports are issued the latter part of January. Any farmer by heeding the information contained in the Outlook Report is able to know when and how much to increase or decrease his production of any of these products other than the five major crops mentioned above.

In the main, farmers have been heeding the Outlook Report much to their advantage, but they have not yet all become convinced that it is to their interest to use the information these reports contain. We hope in time they will do so.

You, of course, are interested in the crops and livestock that are adapted to Missouri conditions. You grow corn in some sections, wheat, oats, hay, apples, and berries in some parts of the State; beef cattle and hogs are prominent in the farming. But there is a wide strip of country extending from the Flint Hills of Kansas eastward to the Atlantic coast lying north of the Cotton Belt and south of the central Corn Belt in which dairying is developing rapidly and where it bids fair to become the leading industry. I think this development is a wise one and hope that you will encourage your farmers in their efforts to develop dairying. In those sections that are adapted to beef cattle and hogs, and that means where there is an abundance of corn, I would not advise farmers to become dairymen. But in sections that are deficit corn-producing sections, dairying is a logical industry. The production of eggs and poultry is another good industry, particularly for the region that is not adapted to beef cattle and hogs.

All I can say about your fruit industry here is that you have a good country for fruits. Here in southwest Missouri is one of the most important strawberry-producing sections of the entire country, but fruit farming is more or less speculative. When everyone has a good crop prices are too low for profit. Big profits are made only in sections which happen to have a good crop of fruit when other sections do not. In the case of a fruit like strawberries, its proper place on the farm is a small acreage that can be tended by the farm family. Such an acreage does not produce bankruptcy when prices are low or when the crop is a failure but does produce considerable income when crops and prices are good, which they are occasionally.

WORLD WAR VETERANS' BILL

Mr. BROWNING. Mr. Speaker, I ask unanimous consent to extend my remarks on the pending veterans' legislation.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROWNING. Mr. Speaker, the World War veterans of the Nation resent the impasse now impending as to their relief bill, and I am not willing to adjourn this session until there is final disposition of it. The press to-day carries a statement from the President announcing in effect that a veto awaits its passage.

The principal ground he assigns for his contemplated action is a resulting deficit in the Treasury. This is the same argument used by Secretary Mellon when he tried to defeat the adjusted compensation measure in 1924, when the estimate of Treasury receipts given by him was short of collections far over a billion dollars. Based on this experience, the Congress will not take too seriously his alarm.

We were assured by the President early in the session that ample funds would be available to meet every governmental obligation if we would vote to refund $160,000,000 to the large taxpayers of the country, largely funds already charged to the consuming public and collected. He was then making a desperate effort to bolster up the stock market. Surely he had notice then of the many thousands of sick men needing and deserving aid.

There has been no trouble in getting his approval of lavish expenditures on parks and Government buildings, since it became apparent the Congress would materially increase these benefits at this session.

There seems to be perfect concord between the President and his Secretary of the Treasury over refunds to corporations of millions collected as excess profits during the World War. The slogan was, "Fight or pay." Since 1922 Mr. Mellon has given back $2,800,000,000 in this way, 83 per cent of it being excess profits made on war operations. Now the service men are being forced to help pay back to war profiteers these astounding refunds and rebates. The Secretary refused to settle these claims in accordance with precedents of the Court of Claims. If he had, or had submitted them to said court, the Government would have saved some $700,000,000.

No wonder the President is averse to extending benefits to sick men. He can better use the money in allowing Secretary Mellon a free hand to disburse huge sums in this manner. These gifts are still in the process of distribution, and claims for over a billion dollars are yet to be considered by the Secretary, without the intervention of a court or any fact-finding tribunal. Only the big claims are considered. Let no small claimant take courage. Unless the amount overpaid is many thousands of dollars it is out of date. I was forced to pay $4.50 income tax on my Army salary for 1917, which was exempt under the law. The Treasury holds the statute of limitations has long since run against its refund. Not so those who were called on to pay instead of fight. I am now asked to help pay them back their war excess profits. And I am further admonished by the President not to vote to increase benefits to my sick buddies because there may not be current funds in the Treasury to pay it, after the Secretary gets through distributing favors.

To be sure there is honest difference of opinion as to permanent policy, but this does not justify Congress in waiving its convictions and leaving Washington without taking adequate care of those for whom a delay will be final. I am not going to be terrorized by this old Mellon trick of crying deficit.

LASSEN VOLCANIC NATIONAL PARK

The SPEAKER. This is Consent Calendar day. The Clerk will call the Consent Calendar, beginning with the star.

The first business on the Consent Calendar was the bill (H. R. 10582) to provide for the addition of certain lands in the Lassen Volcanic National Park in the State of California.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the author of the bill make some explanation as to the purpose of this bill?

Mr. CRAMTON. Mr. Speaker, the author of the bill is not on the floor at the present moment. I am not thoroughly advised as to the bill but, as I understand, the principal purpose is to add certain lands necessary for the proper administration of the park, particularly with reference to road construction, so that a road may be included in the park area.

Mr. STAFFORD. I now recall the facts in the case. It has been some weeks since I examined the case, but the gentleman having mentioned the road, brings back to my mind the status of the situation.

In a bill later on the calendar I notice the present Secretary of the Interior recommended deferring action, awaiting a report of the committee on the conservation of public lands. In that case it provided for taking into the area of the public forests, privately owned land and exchanging those privately owned lands in lieu of publicly owned lands.

Mr. CRAMTON. Of course that is quite a different proposition from the one involved here.

Mr. LEAVITT. I recall this case in the committee, and it involves only a small area necessary to the proper construction of the road.

Mr. STAFFORD. Some 5,160 acres. The gentleman, used to dealing with millions of acres, regards 5,000 acres as a small acreage.

Mr. LEAVITT. As part of a national park; yes.

Mr. STAFFORD. The gentleman coming from one of the largest States of the Union, naturally views things with the broad vision of the westerner, whereas we, coming from the confines of municipalities, consider 5,000 acres rather large.

Mr. Speaker, in view of the special circumstances, that this is largely for road purposes, I think the position of the Secre-

tary of the Interior would not be contravening to this proposal, and therefore I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to the Lassen Volcanic National Park, in the State of California, by Executive proclamation, any or all of the lands within sections 3 and 4, township 29 north, range 6 east; and sections 29, 30, 31, 32, 33, 34, 35, and 36, township 30 north, range 6 east, Mount Diablo meridian, not now included within the boundaries of the park.

SEC. 2. That the provisions of the act of June 10, 1920, known as the Federal water power act, shall not apply to any lands added to the Lassen Volcanic National Park under the authority of this act.

With the following committee amendments:

Page 2, line 1, after the word "park," insert a colon and the following proviso: "*Provided*, That no privately owned lands shall be added to the park prior to the vesting in the United States of title thereto."

Page 2, after line 7, insert a new section, known as section 3, to read as follows:

"SEC. 3. That nothing herein contained shall affect any vested and accrued rights of ownership of lands or any valid existing claim, location, or entry existing under the land laws of the United States at the date of passage of this act, whether for homestead, mineral, rights of way, or any other purposes whatsoever, or any water rights and/or rights of way connected therewith, including reservoirs, conduits, and ditches, as may be recognized by local customs, laws, and decisions of courts, or shall affect the right of any such owner, claimant, locator, or entryman to the full use and enjoyment of his land."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

INDIAN COLONY NEAR ELY, NEV.

The next business on the Consent Calendar was the bill (S. 134) authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS. Reserving the right to object——

Mr. LAGUARDIA. Reserving the right to object.

Mr. JENKINS. I would like to ask of the distinguished chairman of the Committee on Indian Affairs a question. I notice that this bill only provides for the care of a very few Indian families. How far is it the policy of the Government to provide plots of land for Indians? Why do they not move them to an Indian reservation.

Mr. LEAVITT. Of course, these Indians constitute a very small group, but they have never had any allotment of lands or any assignment to any definite Indian reservation. They have become practically self-supporting through working in the vicinity of this community. If they should be removed to an Indian reservation, they will be taken away from that opportunity of their self-support. The Government considers it is better to give them this opportunity to establish homes in this locality than to move them away and put them among Indians entirely.

Mr. JENKINS. Is it possible that they have reached such a state that they are self-dependent and they could make their own way?

Mr. LEAVITT. They are self-dependent to the extent that they work and earn enough money, so the Government does not have to pay anything for their support, but not to the extent of being able to supply their own homes. They have been living practically on property through the sufferance of owners of such property adjoining this little town. This bill will make it possible to give them homes, water development, and sanitation, and things like that, and encourage them to be self-supporting.

Mr. JENKINS. Does the gentleman not think this would be establishing a precedent, or is this a precedent?

Mr. LEAVITT. Oh, this is not the first time this has been done. It has been done in several other instances of similar character.

Mr. STAFFORD. Only last week a similar bill was passed which involved a much larger appropriation, some $60,000, for the transfer of lands where Indians were living to another site.

Mr. LEAVITT. That is true.

Mr. LAGUARDIA. I understand this camp is to be connected with the waterworks of the city of Ely?

Mr. LEAVITT. Yes.

Mr. LAGUARDIA. Will the Government pay for the water, or will that be supplied to them free of charge by the city of Ely, Nev.?

Mr. LEAVITT. I presume the Indians will have to pay any water rental. There is no provision in the bill to do anything except connect it up, and in the past they have not been furnished with water.

Mr. LAGUARDIA. This land is not agricultural land at $10 an acre, is it?

Mr. LEAVITT. No. It is simply an area that is close to the town of Ely, Nev., to which the Indians can be moved. They can have gardens there, and in that way help to support themselves.

Mr. LAGUARDIA. Where will the children go to school?

Mr. LEAVITT. They will go to school in the town. They will have access to the public school. That is one reason why this will benefit this particular group of Indians.

Mr. JENKINS. Can the gentleman state what proportion of the Indians in the United States are self-supporting, in proportion to those on reservations?

Mr. LEAVITT. No; but it is a very small per cent.

Mr. JENKINS. Mr. Speaker, I withdraw the reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $1,000 for the purchase of 10 acres of land now occupied as a camp by the Indian colony near the city of Ely, Nev., and $600 to connect the camp with the city water service by the purchase and installation of pipe and hydrants and the erection of a standpipe, with necessary protective structure, the title to be held in the name of the United States Government, for the use of the Indians.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

YAKIMA INDIAN FOREST

The next business on the Consent Calendar was the bill (H. R. 8529) to provide for the establishment of the Yakima Indian Forest.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is this council of Indians, whose names appear on page 3 of the report, made up of Indians?

Mr. LEAVITT. Oh, yes.

Mr. LAGUARDIA. Spencer, McCluskey, Charley, and Abraham.

Mr. LEAVITT. It is very common for the Indians on many reservations to bear the names of white people. Some of them are partly white.

Mr. LAGUARDIA. But the council is composed of Indians?

Mr. LEAVITT. Oh, yes; they are regularly constituted as the council and they are of Indian blood.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the proviso in the committee amendment, section 3, does not seem to me to be a wise one. I think it is very desirable that the department consult with the Indians and with their council, but for us to legislate that no regulations can be effective until approved by them raises a question as to why we should be assuming to act as guardians for them anyway. I am wondering if the gentleman would be willing to accept an amendment to the committee amendment dropping out that power.

Mr. LEAVITT. Of course, I would accept it rather than lose the bill, but the purpose the committee had in mind was that such a provision would require that the Indians be continually informed, and that they have a part in the making of the rules and regulations pertaining to their own property. In that way we might help them develop toward the time when we hope they will be able to care for their own property.

Mr. CRAMTON. But it gives the veto power to them even after the forest is established, which does not seem desirable, although it is certainly desirable that they be consulted.

Mr. LEAVITT. Would it not be satisfactory to the gentleman to require that these rules and regulations be not put into effect until the Yakima Tribe in council had been consulted in regard thereto?

Mr. CRAMTON. Any language that would require them to be consulted, without giving them the final decision, I would not object to, and if the gentleman is agreeable, by the time we reach that stage we can probably have such an amendment in shape.

Mr. STAFFORD. Mr. Speaker, I wish to direct attention to an amendment in terminology, and to suggest that it is not customary to spread out the language as contained in lines 9 and 10, "two hundred and twenty-seventh United States, page 335," but rather to merely insert the figures "227 United States Reports, page 335."

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands of the Yakima Indian Reservation in the State of Washington classified as timberlands under authority of the act of December 21, 1904 (33 Stats. L., p. 595), and all unalienated and unallotted lands confirmed to the Yakima Indians by the decision of February 24, 1913, by the Supreme Court of the United States (227 U. S., p. 335) be, and are hereby, designated as constituting the Yakima Indian Forest, and the Secretary of the Interior is authorized and directed to administer such timberlands under conservative forest management.

The net proceeds derived from sales of timber and other income from the forest area shall be deposited in the Treasury of the United States to the credit of the Indians of the Yakima Reservation and draw interest at the rate of 4 per cent per annum.

With the following committee amendments:

On page 2, line 3, after the word "management," insert a colon and the following proviso:

"*Provided*, That in the use of forest and range and for employment in forest and grazing activities members of the Yakima Tribe shall be given preference."

The committee amendment was agreed to.

Page 2, after line 11, insert a new section, to be known as section 3, as follows:

"SEC. 3. The Secretary of the Interior is hereby authorized to make such rules and regulations as he may deem necessary to carry out the purposes of this act: *Provided*, That the rules and regulations with regard to leases and sales with respect to any resources within the forest hereby created shall not be put into effect until approved by the Yakima Tribe in council."

Mr. CRAMTON. Mr. Speaker, I offer an amendment as a substitute for the committee amendment, section 3.

The SPEAKER. The gentleman from Michigan offers an amendment as a substitute for the committee amendment, section 3, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, beginning in line 12, strike out the remainder of the bill and insert:

"SEC. 3. The Secretary of the Interior is hereby authorized to make such rules and regulations as he may deem necessary to carry out the purposes of this act: *Provided*, That before the rules and regulations with regard to leases and sales with respect to any resources within the forest hereby created are put into effect the Yakima Tribe in council shall be consulted."

The amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment. Page 1, lines 9 and 10, strike out the language in brackets "Two hundred and twenty-seventh United States, page 335" and insert "227 United States Reports, page 335."

Mr. LAGUARDIA. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LAGUARDIA. Has the gentleman looked up that citation?

Mr. STAFFORD. I am merely taking it as it appears in the bill.

Mr. LAGUARDIA. I could not even find it in the reports.

Mr. STAFFORD. I am assuming the citation is the correct citation.

Mr. LAGUARDIA. It is improperly cited and the gentleman is right.

Mr. STAFFORD. I am merely putting it in the customary form, "227 United States Reports, page 335." That is the customary form rather than stretching it out in words.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 1, lines 9 and 10, strike out "(Two hundred and twenty-seventh United States, page 335)" and insert "(227 United States Reports, page 335)."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such district, for the fiscal year ending June 30, 1931, and for other purposes, further insist on the House disagreement to the Senate amendments, and agree to the further conference asked by the Senate.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which, of course, I shall not do, there is a good deal of talk about a deadlock on this important measure. The House has had a roll call, after debate, upon the principal matter in dispute, and by a vote of nearly 20 to 1 has indorsed the position of the House conferees. As yet there has been no record vote upon this matter in the Senate. There has been no vote of any kind taken, after debate, in the Senate. Now, before it can fairly be said that the two Houses have deadlocked, or that the two Houses have firmly taken positions opposed to each other, there should be a record vote in the Senate, taken after debate, so that the House can know what is the attitude not only of the conferees but what is the attitude of the Senate and every Member of the Senate, and I express the hope, as one Member of the House, that the House conferees will not be in any hurry about any compromise under such conditions.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. SIMMONS, HOLADAY, THATCHER, CANNON, and COLLINS.

MONEY ORDERS

The next business on the Consent Calendar was the bill (H. R. 8568) to compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, if the gentleman desires to have this bill passed over without prejudice, I shall not object; otherwise I object.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. COLLINS. Mr. Speaker, if the gentleman will yield, there is a bill pending in the gentleman's committee introduced for the benefit of Members of the Congress. It provides for the sending through the mails under frank the Members' office files when the Members go to their homes. We have packing trunks provided for this purpose, but the Post Office Department has ruled that we can not use them for this purpose, that only public documents can be sent in these packing boxes.

Mr. LAGUARDIA. Has the gentleman had any trouble about sending his files home?

Mr. COLLINS. No; and I believed that I had the lawful right to use my frank for this purpose, but the Post Office Department advises that I have not. The bill referred to has received a favorable report from a subcommittee of the Post Office Committee, but the full committee has not met to consider it and probably will not. It must pass real soon, otherwise Members will be required to pay postage on office files sent to their respective homes, and those files are just as essential to a proper discharge of their duties when Members are at home as they are in Washington.

Mr. EATON of Colorado. If the gentleman will permit, what has that to do with the bill H. R. 8568?

Mr. COLLINS. Nothing at all. I make this statement in the hope that the Post Office Committee that reported out this bill will also report out the other bill so we can transport our office files home. There will be no added cost to the Government, for we can transport them free now if they are put in very small letter-size packages.

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, I objected to this bill before unless there was a limitation put upon the fee of 10 cents.

Mr. LAGUARDIA. We are going to object to it, I will say to the gentleman. The gentleman has just asked that it go over without prejudice.

Mr. GREENWOOD. Of course, if the gentleman asks that it go over, my remarks are not apropos.

Mr. LAGUARDIA. We will let it go over and kill it the next time.

Mr. FOSS. I ask unanimous consent that the bill may be passed over without prejudice, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ESTABLISHMENT OF PASSPORT BUREAUS AT PORTLAND, OREG., AND LOS ANGELES, CALIF.

The next business on the Consent Calendar was the joint resolution (H. J. Res. 235) authorizing an annual appropriation for the expense of establishing and maintaining a United States passport bureau at Portland, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA, Mr. STAFFORD, and Mr. GREENWOOD objected.

Mr. CRAIL. Mr. Speaker, if the gentlemen will kindly withhold their objections until I have had an opportunity to be heard I will appreciate it. If there is any one place in the United States where there should be a passport bureau it is Los Angeles, Calif. Los Angeles is the farthest from Washington of the cities that do not have a passport bureau now, and Los Angeles has grown to be one of the large cities of our country. In fact, it is the fifth largest city of the country, with a population of approximately a million and a quarter people according to the 1930 census. The appropriation that is asked for in this bill is inconsequential compared to the money collected for passports because the fees that were actually collected in Los Angeles for passports alone amounted to nearly $55,000 for the year 1929.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. CRAIL. Yes.

Mr. LaGUARDIA. Of course, the gentleman knows that applications for passports are simply received at a passport bureau and transmitted to Washington. These applications can be received by the clerk of a State court, in which case he retains the $1 for the application, or by a clerk of the Federal court. In the case of an emergency passport, the application is then sent by this clerk to the San Francisco office. So it is really not a matter of such great urgency.

Mr. CRAIL. In reply to the gentleman let me say, if what he contends were true there could be no objection whatever to establishing a passport bureau at Los Angeles because we already have now the service that the gentleman says we could obtain by a passport bureau. The facts are that a passport bureau has authority to actually execute and deliver passports in cases of emergency.

Mr. LaGUARDIA. In case of emergency?

Mr. CRAIL. The passport offices suggested by the gentleman from New York do not have that authority.

Take the east coast, I am informed that the cities of Boston, New York, Philadelphia, and Washington all have passport bureaus, and if they have no more authority than passport offices have, as suggested by the gentleman from New York, there would be no occasion for them. Instead of passport bureaus these cities would have passport offices, such as Los Angeles has now.

Mr. LaGUARDIA. How many passports are issued at San Francisco?

Mr. CRAIL. In 1929 there were 7,877 passport applications for all of California. Of these, 5,394 originated in Los Angeles County. San Francisco is 500 miles from Los Angeles. Los Angeles is now a large city in its own right and does a large shipping business. More than two-thirds of the passport business of the State of California originates in Los Angeles County. Why should we have to go to San Francisco to get passports under these circumstances?

Mr. LaGUARDIA. If it were the policy of the State Department to establish passport bureaus in every city, the gentleman from Texas is ready to put in an amendment for Galveston. No city seems to be complaining except Los Angeles.

Mr. CRAIL. Portland is also asking for a passport bureau.

Mr. STAFFORD. There is no bureau at Portland.

Mr. CRAIL. No; the gentleman from New York says that Portland is not complaining.

Mr. STAFFORD. Portland is within a short distance of Seattle, where they have a bureau. Originally passports were only issued from Washington. Then they were established in New York and one at San Francisco, for the convenience of people who took the steamers in a hurry.

Mr. CRAIL. What harm does it do to provide a passport bureau in a large center of population doing a large marine and export business?

Mr. LaGUARDIA. Except that it establishes more officers.

Mr. CRAIL. Last year $55,000 was collected in Los Angeles County for passports, and Los Angeles Harbor is one of the passenger ports of the world.

Mr. GREENWOOD. Let me say that my objection to the establishment of these two passport bureaus, one at Los Angeles and one at Portland, is that it would make the number of offices out of all proportion to the balance of the United States. Many States and cities do not have them. Here is the State of California with one in San Francisco and one for the northern section of the Pacific coast. That gives them two out of the six or seven in all the United States. To give them these two would make four—out of all proportion. Admitting that there is some reason for one at Los Angeles, there ought not to be one at Portland in connection with this bill. If the gentleman wants Los Angeles considered on its own merits, divorce it from Portland.

The SPEAKER. The Chair thinks it is his duty to limit debate after objection has been made. The gentleman can ask unanimous consent.

Mr. CRAIL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRAIL. Mr. Speaker, I hope my friends who have been threatening to object to this bill have been to the Pacific coast. California is a large State, with a coast line of about 1,200 miles. The way some of my colleagues talk to me it seems as if they thought it was only a good run and jump from Los Angeles to San Francisco or from Portland to Seattle. It is 500 miles from Los Angeles to San Francisco. It is as far from Portland to Seattle. To get a passport to sail westward it takes a lot of time, and it is very inconvenient to get them from Washington. In cases of emergency it is not only most inconvenient but it is costly, besides the great loss of time.

Mr. STAFFORD. How many steamers leave Portland?

Mr. CRAIL. I wish my colleague from Portland were here, but I know that Portland is one of the good harbors of our country.

Mr. STAFFORD. It is a river harbor.

Mr. CRAIL. Yes.

Mr. STAFFORD. There are no ocean-going passenger steamers sailing from there.

Mr. CRAIL. Oh, yes.

Mr. COLE. Yes; there are.

Mr. STAFFORD. Ocean steamers leave San Francisco and Seattle.

Mr. JOHNSON of Washington. And Portland and Grays Harbor.

Mr. STAFFORD. Portland also?

Mr. JOHNSON of Washington. Yes.

Mr. CRAIL. My friend from Wisconsin does not include Los Angeles among the ports of ocean-bound passenger steamers. There is no port in the United States that has the intercoastal tonnage that the city of Los Angeles now has; not even New York. Ocean-bound steamships with passengers aboard leave Los Angeles for almost every port in the world.

Mr. LaGUARDIA. Oh, you do not need passports for intercoastal travel.

Mr. CRAIL. Which proves that it is a world port, because 5,394 passports were issued to applicants from Los Angeles County last year. Passenger-carrying steamships enter Los Angeles Harbor from all over the world and take passengers with them.

Mr. STAFFORD. There is just as much argument for having a passport bureau in an interior place.

Mr. CRAIL. We are not deciding against any interior place. If they want to present their arguments to the committee, let them do it. This bill has been favorably reported by the unanimous vote of the Committee on Foreign Affairs.

The SPEAKER. The time of the gentleman from California has expired.

Mr. CRAIL. Mr Speaker, I would like to know if there are any objectors, and I would like to see who the three objectors are.

The SPEAKER. The Chair noted three objectors.

ADDITIONAL JUDGE, EASTERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 12059) to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York.

The SPEAKER. Is there objection?

Mr. BOYLAN. Mr. Speaker, I object.

TO CREATE ADDITIONAL JUDICIAL DISTRICT IN KENTUCKY

The next business on the Consent Calendar was the bill (H. R. 5624) to amend section 83 of the Judicial Code, as amended.

The SPEAKER. Is there objection?

Mr. THATCHER and Mr. GREGORY objected.

CHRISTOPHER COLUMBUS MEMORIAL LIGHTHOUSE

The next business on the Consent Calendar was a joint resolution (H. J. Res. 255) authorizing the appropriation of the sum of $871,655 as the contribution of the United States toward

the Christopher Columbus Memorial Lighthouse at Santo Domingo.

The SPEAKER. Is there objection?

Mr. JENKINS. Reserving the right to object, what other countries are included with the United States in making up this sum?

Mr. LAGUARDIA. All of the South American Republics.

Mr. TEMPLE. The movement originated at the Fifth International Pan American Conference, at which a resolution was passed providing for the construction of a memorial lighthouse at this place. On January 22, 1927, the Congress of the United States took cognizance of the action of the Pan American conference, and passed a resolution in the following words:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States approves the international project advocated at the Pan American conference, held at Santiago de Chile, April, 1924, to erect a memorial lighthouse at Santo Domingo, Dominican Republic, to Christopher Columbus, and that the several States participating in that conference be notified through the usual diplomatic channels of the desire of the people of the United States to participate in this movement to honor the memory of the great navigator and discoverer.

Following the action of Congress which requested the President to notify the other Republics of the Pan American conference that we desired to participate in that, notice was sent out through the ordinary diplomatic channel and we are to that extent committed to the project.

Mr. JENKINS. While we are not legally responsible, we are morally responsible to come forward with our share.

Mr. TEMPLE. Congress asked the President to notify the South and Central American countries that we wished to participate in it. He did so. The Secretary of State of the United States was the chairman of the joint committee that drew up the plan by which the money was to be raised, apportioning $1,500,000 among the various States, to be divided among them according to population, as the expenses of the Pan American conference are apportioned, and our proportion is the amount stated in the joint resolution.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, we hear much in these closing days of the need for economy. The question is going to arise very shortly whether we will be compelled to withhold perhaps deserved payments to World War veterans on account of the objection of the Treasury that if we do, we may be obliged to raise income taxes again. For my part, I would be willing to increase the income taxes in the higher brackets for that purpose. I do not think there is any exigent reason why we should commit ourselves to the expenditure of $870,000 for a memorial lighthouse in the Caribbean.

Mr. LAGUARDIA. Whether we do it to-day, we will have to do it some other day. We are committed to it.

Mr. STAFFORD. Will the gentleman agree to have this passed over without prejudice?

Mr. LAGUARDIA. No. It will take three objections the next time.

Mr. STAFFORD. I think it should be passed over, waiting the result of our action on the war veterans' proposition.

Mr. LAGUARDIA. This Congress did not hesitate to donate $50,000 for a memorial in Iceland for Ericsson.

Mr. STAFFORD. Oh, the gentleman is in error as to the amount. We did not hesitate the other day to vote $11,000,000 for a new Post Office Department building, which is not needed, of $3,000,000 for changing the façade of the State, War, and Navy Building. We are spending millions and millions of dollars, and where are we going to stop? Here is a good place to begin now until the finances of the Treasury are in better shape.

Mr. GREENWOOD. I would like to know whether there has been any commitment or negotiations on the part of the United States or any of the Governments of the Pan American Union whereby some action has been taken that would commit us to this expenditure. If there is, I think our Government should do its part, but if there are no commitment or negotiations then I would agree with the gentleman from Wisconsin.

Mr. TEMPLE. At the request of a concurrent resolution passed by both House of Congress the President notified the other members of the Pan American conference through the ordinary diplomatic channels that we wished to participate in this matter. The Santo Domingo Republic has appropriated $300,000. The site has been in part secured. This bill provides that nothing be paid until the whole park has been dedicated in perpetuity for this purpose by the Dominican Republic. This is an authorization and not an appropriation, and it seems to me that we are committed to it by our action of 1927.

Mr. STAFFORD. Mr. Speaker, for the time being I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. TEMPLE. I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

INTERSTATE TRANSPORTATION OF BLACK BASS, ETC.

The next business on the Consent Calendar was the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926.

The title of the bill was read.

The SPEAKER pro tempore (Mr. RAMSEYER). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, is there anyone here who is interested in angling for black bass?

Mr. STAFFORD. There are plenty of anglers about, angling for votes. [Laughter.]

Mr. NELSON of Maine. This measure is designed to render enforceable the Hawes Black Bass Act, passed in 1926. The original act was not broad enough to make enforcement practicable, and machinery of enforcement was entirely lacking. There is a very general public interest in this bill, especially among the 100,000 members of the Izaak Walton League and among all persons interested in the conservation of our wild life.

Mr. LAGUARDIA. I call the gentleman's attention and the attention of the gentleman from Wisconsin [Mr. STAFFORD] to page 6, section 6, of the amendment:

Any employee of the Department of Commerce authorized by the Secretary of Commerce to enforce the provisions of this act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this act or any regulation made in pursuance of this act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction.

That provision, to my mind, is too broad.

Mr. STAFFORD. That is another Volstead Act.

Mr. NELSON of Maine. The original Hawes bill was passed in 1926. It was enacted in response to a decided demand for such legislation. The trouble with it is that it supplies no machinery of enforcement such as is provided in this bill. From the time of the passage of the Hawes bill down to the present day there has been no prosecution under it, because there were no enforcement officers provided. Somebody has to be designated to carry out the terms of this bill. We have selected the officials of the department which is most interested in it, officials appointed by the Secretary of Commerce. We are giving to them no more power than the employees of the Immigration Service have where they see an act committed in violation of the law.

Mr. LAGUARDIA. Subdivision (b), on page 7, provides:

All fish delivered for transportation or which have been transported, purchased, received, or which are being transported, in violation of this act or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Commerce shall by regulations prescribe.

Mr. NELSON of Maine. What is the trouble with that?

Mr. LAGUARDIA. The trouble with that is that an employee of the department may seize fish at any time or place without a warrant and, perhaps, without probable cause.

Mr. NELSON of Maine. That will be done by duly constituted officers of the law.

Mr. LAGUARDIA. Are you to have fish wardens?

Mr. NELSON of Maine. If you want this work done, somebody has to do it, and duly authorized members of the department most interested in the work are to take charge of the enforcement.

Mr. LAGUARDIA. I want to call the attention of the House to the fact that it will soon be so that a citizen will be unable to go out to fish unless he has a lawyer on each side of him. We are passing laws every day providing for summary arrest and searches and seizures—it is time to let up a bit.

Mr. COLLINS. Mr. Speaker, will the gentleman from Maine yield for a question?

Mr. NELSON of Maine. Certainly.

Mr. COLLINS. I think a worse objection than the ones that the gentleman has pointed out is section 5, which gives the Secretary of Commerce the right to make rules and regulations to carry out the provisions of the act. It provides:

The Secretary of Commerce is authorized (1) to make such expenditures, including expenditures for personal services at the seat of government and elsewhere, and for cooperation with local, State, and

Federal authorities, including the issuance of publications, and necessary investigations, as may be necessary to execute the functions imposed upon him by this act and as may be provided for by Congress from time to time; and (2) to make such regulations as he deems necessary to carry out the purposes of this act. Any person violating any such regulation shall be deemed guilty of a violation of this act.

There is no way by which anyone can know what the rules and regulations will be.

Mr. NELSON of Maine. That is done in every State and by the National Government. A large part of our laws empower administrative bodies to make rules and regulations. I think the bill was very carefully drawn, and provisions were incorporated in it similar to those in the Lacey Act, which was enacted to prevent illegal transportation of birds, animals, and parts thereof. It has been in successful operation for 30 years.

Mr. LaGUARDIA. I am familiar with the enforcement of such laws, having served as a deputy attorney general of my State, and I am familiar with the procedure as well as the habits of game wardens.

Mr. NELSON of Maine. When the officer goes out and finds a man in the act of violating the law, he does not need to have a warrant. As a matter of actual practice you can not get a warrant, and then go back and find the violator.

Mr. WARREN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

AMENDMENT OF THE FEDERAL RESERVE ACT

The next business on the Consent Calendar was the bill (S. 4096) to amend section 4 of the Federal reserve act.

The title of the bill was read.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the Federal reserve act, as amended (U. S. C., title 12, sec. 304), be further amended by striking out that paragraph thereof which reads as follows:

"Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. If any candidate then have a majority of the electors voting, by adding together the first and section choices, he shall be declared elected. If no candidate have a majority of electors voting when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared."

And by inserting in lieu thereof the following:

"Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. The candidate then having a majority of the electors voting and the highest number of combined votes shall be declared elected. If no candidate have a majority of electors voting and the highest number of votes when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared."

The Senate bill was ordered to be read a third time, was read the third time, and passed.

GRATUITY TO DEPENDENT RELATIVES OF OFFICERS, ENLISTED MEN, OR NURSES

The next business on the Consent Calendar was the bill (H. R. 7639) to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, this bill will take away the right of review by the Comptroller General, and therefore I object.

Mr. STAFFORD. Mr. Speaker, this requires three objections. The Naval Affairs Committee has the call on Wednesday next, and it can be considered then, and therefore I object.

Mr. COLLINS. Mr. Speaker, I object.

ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF LOUISIANA

The next business on the Consent Calendar was the bill (H. R. 11622) to provide for the appointment of an additional district judge for the eastern district of Louisiana.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I notice in the report of the Attorney General for the past fiscal year the business of the western district of Louisiana is not in a backward condition.

Mr. BACHMANN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BACHMANN. This bill provides for an additional judge for the entire State of Louisiana. It is a misprint on the calendar. If the gentleman will look at the bill, I think it asks for a judge to serve in the State as a whole, in both districts, and not alone in the eastern district.

Mr. STAFFORD. Originally it was introduced for service in the eastern district alone. The committee reported an amendment providing it should apply both to the western and the eastern districts. In the western district of Louisiana I find there were 49 new cases begun in the last fiscal year and 78 were concluded, and at the close of business, in so far as private litigation is concerned, on June 30, 1928, there were 104 cases pending, whereas at the close of business in 1929 there were only 75 cases pending.

In the eastern district conditions are somewhat different. There were 122 cases begun during the year and 124 terminated, with 216 pending at the end of the year.

Mr. GREENWOOD. That makes them nearly two years behind.

Mr. STAFFORD. I would like to have some explanation as to whether the status of the business in the eastern district is such as to require additional services.

Mr. BACHMANN. Will the gentleman yield in that connection?

Mr. STAFFORD. I yield.

Mr. BACHMANN. The gentleman has referred to the report of the Attorney General ending with the fiscal year 1929. He only refers to the business for the fiscal year 1929.

To find out whether it is increasing or decreasing it would be well to consider what business has been transacted in the last four years. If the gentleman will permit, I will try to tell him what that business was in the last four years, which may clarify the situation.

Mr. STAFFORD. I am more concerned about the business in the eastern district, because I am quite certain the business in the western district does not require an additional judge. Every district would require an additional judge if we would take the status of the business in the western district as a basis.

Mr. BACHMANN. The percentage of business done in the western district for the last four years is 78 per cent of the business that has been completed in the State. The great bulk of the business is done in the western district, but if you will notice the eastern district you will find that most of the litigation there is of a criminal nature.

Mr. STAFFORD. I am basing my position on the private litigation rather than on criminal litigation. I do not think it is fair in the determination of the need of additional judges to consider the number of cases pending of a criminal character for this reason: There are many dead cases on the criminal calendar that are carried over from year to year. The defendants have flown and can not be located and the judges simply carry them on the docket. As far as private business is concerned, particularly cases instituted by private parties in admiralty or in general litigation, that should be the basis to follow in determining whether additional judges are required.

Mr. BACHMANN. May I ask the gentleman what he means by "private litigation"? Does the gentleman mean litigation in which private citizens are involved, or does the gentleman mean civil litigation in which both private parties and the Government are involved?

Mr. STAFFORD. I mean litigation begun by private parties.

Mr. BACHMANN. Private and civil litigation.

Mr. STAFFORD. As is included in the report of the Attorney General, known as private litigation, as distinguished from civil cases, including customs, internal-revenue regulations, banking and finances, which do not require much attention.

Mr. BACHMANN. For the year 1929 in the eastern district of Louisiana there were 124 cases in which private litigants were involved and in which the Government was not interested.

There were 383 cases in which the Government was interested of a civil nature, or a total of over 500 cases which would be called civil cases in the eastern district alone during the year 1929.

I may say for the 4-year period the civil and private cases of that district amounted to over 2,200.

Mr. STAFFORD. I assume litigation arising out of navigation pertaining to New Orleans is in the eastern district of Louisiana?

Mr. WILSON. Yes, it is. The city of New Orleans; but 36 of the 64 parishes of the State are in the western district. It is a larger territory.

This judge will have jurisdiction in the eastern and western districts as well.

Mr. STAFFORD. I do not think there is any need, from the showing made here, of any assistance in the western district. I have some doubt as to whether there is any need for an additional judge in the eastern district.

Mr. GREENWOOD. I would like to know whether the court is making any gain upon the docket or whether it is getting further behind?

Mr. BACHMANN. I understand that in the eastern district the court is getting further behind in civil cases, because in the year 1928 they had 188 civil cases and at the end of the fiscal year 1929 the number had increased to 383.

Mr. GREENWOOD. How far behind are they on the docket?

Mr. BACHMANN. They have pending 139 civil cases in the eastern district, and 216 private cases.

Mr. GREENWOOD. How many did they dispose of last year?

Mr. BACHMANN. They terminated in 1929 383 civil cases, 124 private cases, and 974 criminal cases, a total of 1,481 cases in the eastern district alone.

Mr. GREENWOOD. Does that make them more than a year behind on the docket?

Mr. BACHMANN. I would say they are pretty close to a year behind.

Mr. STAFFORD. Did Chief Justice Taft in his report, as found in the report of the Attorney General, recommend an additional district judge in Louisiana?

Mr. BACHMANN. The report of the judicial conference last October did not recommend an additional judge for Louisiana, but I might say to the gentleman for his information that I introduced about 17 bills for additional judges in this country, for this reason:

When the Judiciary Committee was considering the law enforcement program of enlarging the powers of United States commissioners, I went to discuss the matter with the Attorney General, and asked him what his position was with respect to increasing the powers of United States commissioners, and the appointment of additional judges. He told me that even though we passed the bill enlarging the powers of United States commissioners we would still need some additional judges. He sent telegrams to the senior circuit judges who are members of the judicial conference we are talking about, asking them their opinion as to the work in each judicial district of the United States. I have photostatic copies of the telegrams containing the answers received from these senior circuit judges, and every bill I introduced was upon the recommendation of the senior circuit judge of the particular circuit involved. The recommendation was that an additional judge was needed there, and that is true in Louisiana. Those telegrams were sent to the Attorney General and the Attorney General delivered them to me.

Mr. STAFFORD. Mr. Speaker, my general acquaintance with the condition of litigation arising in large cities, especially where there is admiralty jurisdiction, such as is the case in New Orleans, and in view of the fact that the senior circuit judge makes this recommendation, I am prompted to withdraw my objection. I would have interposed an objection very readily to the appointment of an additional district judge for the western district, though there may be a need for an additional judge in that eastern district, but as the bill is drawn making them interchangeable, I will withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of Louisiana.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern and western districts of Louisiana, who shall at the time of his appointment be a resident and a citizen of the State of Louisiana."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

TWO ADDITIONAL DISTRICT JUDGES FOR THE SOUTHERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 12032) to provide for the appointment of two additional district judges for the southern district of New York.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNOR of New York and Mr. BOYLAN objected.

ADDITIONAL JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 12307) to provide for the appointment of one additional judge of the District Court of the United States for the Western District of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, in this case I would like to have the opinion of the gentleman from West Virginia or some Member from Oklahoma, who has first-hand knowledge, as to the condition in the western district of Oklahoma. I notice from the report of the Attorney General for the fiscal year ending June 30, 1929, that there were 224 private cases begun and that there are 234 pending. Will some gentleman give the House some information as to the current condition of litigation and the need of an additional judge in the western district?

Mr. BACHMANN. I call the gentleman's attention to the fact that in reading the figures from the report of the Attorney General, where he used the figures 224, there should be 97 added to that number, making 331, for the reason that the civil and private cases are all civil cases, and I think that is what the gentleman is trying to reach.

Mr. STAFFORD. I am not materially concerned about these little civil cases arising from violations of the internal revenue, commerce, and public health laws. I am considering the litigation inaugurated by private parties.

Mr. BACHMANN. There were 224 of those commenced in the western district of Oklahoma for the fiscal year 1929, and they completed in the western district 189 private cases. The figures which the gentleman read were figures as to the cases that were commenced in that district by private litigants, but they completed 189, and they have pending on the docket 269 private cases alone which the court has been unable to dispose of in the western district.

I understand their work is about a year behind now. It will take them about a year to clean up the cases on the docket in that district.

Mr. HASTINGS. Will the gentleman from West Virginia allow me to state that one of the largest oil fields anywhere in the United States has been developed south of Oklahoma City in the western district, and this country has enormously developed within the last year, and this increases the necessity for this additional judge in the western district.

Mr. STAFFORD. Is the present incumbent a live judge, or is he rather ancient in his ways?

Mr. GARBER of Oklahoma. He is a newly appointed judge, and a very active and efficient one. I may say to the gentleman, supplementing the report of the Committee on the Judiciary, this legislation is requested by the senior circuit judge of the tenth circuit, also by each of the United States district judges in the State of Oklahoma and two of the United States district attorneys. During the 4-year period, according to the Bachmann tables, there were 13,604 cases commenced, and at the end of that period there were 2,466 cases pending, 1,016 of which were pending in the western district. It was at the suggestion of the senior circuit judge of the tenth circuit that the bill was framed to appoint this judge for the western district. Of course, the gentleman is familiar with the law that makes each judge in any of the districts subject to assignment in the various districts of the country.

Mr. STAFFORD. By direction of the senior circuit judge.

Mr. GARBER of Oklahoma. Yes.

Mr. STAFFORD. I see that in the eastern district considerable litigation has developed during the year.

Mr. GARBER of Oklahoma. That is correct. The gentleman is absolutely correct about that and we should actually have two district judges instead of one.

Mr. STAFFORD. This additional judge, as the gentleman has stated, can be utilized not only in the western but in the eastern district.

Mr. GARBER of Oklahoma. He will be subject to assignment to any of the districts.

Mr. BACHMANN. I may add for the gentleman's information that the increase in the oil business alone in this State has greatly increased private litigation.

Mr. STAFFORD. Why did not the committee make this judge available for both districts in Oklahoma?

Mr. BACHMANN. Because the senior circuit judge of that circuit thought it should be in this district.

Mr. GARBER of Oklahoma. On account of the increased number of cases pending and undetermined in that district.

It is admitted that population alone is not determinative of the number of Federal judges for a State, although the estimated figure of the last census for Oklahoma is 2,426,000. Neither is the area of a State the test, although Oklahoma has 69,414 square miles. The State's annual production, indicative of the volume of business, may not be satisfactory in such determination, although Oklahoma's production of new wealth for 1929 was $1,463,460,000.

Not one—nor all—of these factors may be sufficient evidence to show the need for an additional judge, but when we consider the enormous annual production of new wealth, indicative of the vast volume of business transacted, coupled with the requests of the Federal judges of the State, attempting to administer the ever-increasing volume of litigation, and the 13,604 cases commenced in the Federal courts of the State within the 4-year period, beginning with the fiscal year 1926 and ending with the fiscal year 1929, and the 2,466 cases pending at the close of the fiscal year 1929, we believe such evidence affords the highest degree of proof of which the case is susceptible.

The pending bill under consideration authorizes the appointment of an additional United States district judge for the western district of Oklahoma, subject, of course, to assignment in the other districts of the State. It has been favorably reported by the House Judiciary Committee. It has been recommended by the senior circuit judge of the tenth circuit, and each of the presiding United States district judges in the three Federal districts of the State.

Referring to the proposed legislation, Senior Circuit Judge Robert E. Lewis said:

> Its purpose, as I understand, is to afford additional assistance in disposing of congested dockets in each of the three districts. I think the appointment should be made for only one of the districts, and then by assignment to the different districts the four district judges can serve in each. I have named the western district as the one in which the appointment should be made because of statements in your former letter that business in that district promises to be larger than either of the other two. Of course, I have no wishes about that, but think the bill should specify one of the three districts for which the judge is to be appointed.

In commenting upon the above, the Hon. R. L. Williams, presiding United States district judge for the northern district said:

> I agree with the conclusions of Judge Lewis. This will equalize the matter geographically. That will provide two judges in old Oklahoma Territory and we will have two in old Indian Territory. You are authorized to state to Congressman GARBER that a bill in accordance with these suggestions meets with my approval.

I am also in receipt of telegrams as follows:

MUSKOGEE, OKLA., *May 27, 1930.*

M. C. GARBER,
House Office Building:

In my opinion an additional judge for western district to be available to assignment as aid in eastern and northern districts is needed.

H. L. WILLIAMS.

GUTHRIE, OKLA., *May 27, 1930.*

Hon. M. C. GARBER,
Member of Congress:

Judges for the northern, eastern, and western districts have had conference on this subject and we all agree that the appointment of additional judge for Oklahoma is not only necessary but is the most practical solution of the present situation for offering relief for present congested condition.

EDGAR S. VAUGHT,
Presiding Judge for Western District.

TULSA, OKLA., *May 26, 1930.*

Hon. M. C. GARBER,
Member of Congress:

The appointment of an additional United States district judge for the western district of Oklahoma subject to assignment would greatly relieve the congested dockets of the various judicial districts of Oklahoma. I sincerely trust you will be able to have this bill passed at the present session of Congress.

F. E. KENNAMER,
Presiding Judge of Eastern District.

TULSA, OKLA., *May 28, 1930.*

Hon. M. C. GARBER,
Member of Congress:

Grand jury this district on April 27 returned 186 true bills for felonies. Grand jury in session now will return approximately 75 indictments, making total of approximately 750 criminal cases pending. Business this district rapidly increasing. I believe an additional judge for each Oklahoma district is needed, and I am certainly sure that two additional judges are needed, together with additional forces for district attorneys and marshals. This district certainly needs another judge.

GOLDSBERRY,
United States District Attorney for Eastern District.

MUSKOGEE, OKLA., *May 28, 1930.*

M. C. GARBER,
House of Representatives:

Absolute need for additional judge, western district, subject assignment eastern and northern districts Oklahoma. Recommend legislation.

FRANK LEE,
United States District Attorney for Northern District.

Measured by the degree of proof of which the case is susceptible and by the precedents established by preceding Congresses, there can be no question as to the necessity for the proposed legislation.

Florida, with a population of 968,470, less than half that of Oklahoma, and an area of 14,553 square miles less, has four district judges, but there were 4,306 more cases commenced in Oklahoma than in Florida for the 4-year period.

Michigan has five district judges, yet in the 4-year period there were 356 more cases filed in the Federal courts of Oklahoma than in the Federal courts of that State.

With four district judges, Missouri had a total of cases commenced during the 4-year period of 11,677, or 1,927 less than in the State of Oklahoma.

New Jersey has four district judges, but there were 4,093 more cases commenced in Oklahoma in the 4-year period than in New Jersey.

North Carolina has four district judges, but in the 4-year period there were 3,188 more cases commenced in Oklahoma with her three judges.

OKLAHOMA'S MARVELOUS DEVELOPMENT

But few realize and appreciate the rapid growth and unparalleled development of Oklahoma's resources during the last decade. It is without precedent in our history. Oklahoma was of age on the 16th day of November, 1928. Forty-sixth in age among the States, she ranks twenty-first in population, and her amazing development since the turn of the century ranks her among the leading States of the Nation.

Oklahoma is one of the few States producing more than $1,500,000,000 worth of commodities annually, and whose annual output of mineral, agricultural, and manufacturing products are almost identical in value.

Of all the States in the Union, she ranks first in the diversity of natural resources; in acre income of soil products; in farm income on the investment; in percentage of return on more than three-fourths of the 56 leading crops in the United States; in value of petroleum and its allied products, natural gas and casing-head gasoline; in the value of annual production of zinc and lead; in estimated total value of unmined minerals; in the production of crude oil; in the area of oil-producing territory.

She ranks second in the production of grain sorghums; second in annual value of minerals produced; second in pipe-line capacity and extent of area served; third in the production of winter wheat; fourth in cotton; fourth in pecans; fifth in all wheat; sixth in peanuts; twelfth in corn; thirteenth in poultry; and according to the last census she outstripped 31 States in the value of livestock products.

They say "a new broom sweeps clean." Oklahoma is not only a new broom sweeping away all precedents in the rapidity and quantity of annual production of the Nation's needs, but she actually grows and furnishes the broom corn "to sweep the

Nation clean." Her annual production of that staple is greater than that of all the other States combined.

In agricultural wealth Oklahoma has advanced from a few million dollars a year to more than $500,000,000 annually. Year after year the State has hovered around tenth place among all the States in the United States in total value of all crops, exclusive of livestock and dairy products, poultry and poultry products. In 1928, with a total crop value of $303,382,000, she ranked ninth with an increase in valuation over the previous year of $23,210,000. She has become richer in actual dollars and cents in a shorter period of time than any domain in the history of mankind, not excepting any of the gold regions. In combined new wealth per year—that is, in money derived from the products of the soil, the ranch, the mines, and the oil wells—Oklahoma in 1927 ranked third among the States, being surpassed only by Texas and Pennsylvania, and followed in the order named by California, Illinois, Ohio, Iowa, West Virginia, North Carolina, and Minnesota, those being the high 10.

According to the 1925 census every dollar invested in farm land in Oklahoma brought in returns exceeding those in the greatest dairy State, the greatest corn State, and the greatest wheat State in the country.

Before her 21st birthday Oklahoma had won a forward place in the procession of States on cotton and cereals alone. Without a drop of petroleum the State would occupy an enviable position before the world. With petroleum adding its quick increment to the coffers of the community, Oklahoma presents an astonishing spectacle, more striking perhaps when it is viewed from a distance than close at hand. She has developed from Indian and public lands, innocent of population, by 7-league strides, to her place to-day as one of the most progressive, up-to-date States of the Nation.

1929 PRODUCTION OF OKLAHOMA

The estimated total production of new wealth in Oklahoma during the year 1929, compiled from official reports by the United States Department of Agriculture, Oklahoma State Board of Agriculture, Oklahoma Geological Survey, and the United States Department of Commerce:

Agriculture

Crops:	Value
Cotton, 1,142,000 bales	$89,647,000
Wheat, 44,478,000 bushels	44,033,000
Corn, 48,320,000 bushels	38,173,000
Cottonseed, 507,000 tons	15,717,000
Hay, 1,364,000 tons	15,654,000
Grain sorghums, 20,483,000 bushels	13,314,000
Oats, 20,592,000 bushels	9,884,000
Other crops	28,896,000
1929 plow-crop production	255,318,000
Livestock (total value of all livestock in the State as of Dec. 31, 1929)	125,142,000
Other farm products: Poultry and eggs, milk and butter, wool, honey, wax, etc	112,000,000
1929 value farm products	492,460,000
Manufactured products	465,000,000

Minerals

Petroleum, 253,000,000 barrels	354,000,000
Natural gasoline, 625,000,000 gallons	43,000,000
Natural gas, 325,000,000 M cubic feet	48,000,000
Zinc, 250,000 short tons	20,000,000
Coal, 5,000,000 short tons	15,000,000
Other minerals	21,000,000
1929 value of mineral products	501,000,000
Lumber and timber	5,000,000
1929 mineral and forest products	506,000,000
1929 total production	1,463,460,000

Note how nearly balanced are total values of farm products, mineral products, and manufactured products. What other State can make this showing?

In a recent signed statement the Hon. W. J. Holloway, Governor of the State of Oklahoma, referring to the State's financial condition, said:

As for State taxes, our constitutional limitation is fixed at 3½ mills upon the assessed value of property. During three out of the past five years it has been unnecessary to levy any State tax upon real property.

The business of the State is conducted upon the sound business principles of honesty and conservatism, with due regard to the changing and increasing needs of the times.

In only 22 years Oklahoma has erected adequate and generous educational, eleemosynary, and penal institutions of all kinds, in keeping with the best social practices of the Nation. It has equipped all of these institutions with buildings without a bond issue, and to-day the State building fund has $3,000,000 in the hands of the State treasurer to be used at the appropriate time for the construction of new State buildings.

The total outstanding State debt at present is approximately $2,000,000, but the actual money is now in the hands of the State treasurer to pay these bonds when due. If the holders of the bonds would present them for payment to-morrow, they could be retired without effort.

Oklahoma State warrants bring par at any bank in the State. There are ample funds in the hands of the State treasurer to meet every expense of legitimate government when due.

Furthermore, Oklahoma shows well-organized State, county, and city government, stable, reliable, and solvent throughout.

Thirteen millions of dollars are raised annually for the building of State highways without a cent of added tax burden upon the property of the State.

Oklahoma's estimated population is 2,246,000. In area it is 69,414 square miles. Measured by volume of the annual production of wealth, the annual amount of business transacted, by the area of the State, its ever-increasing population, and the number of cases pending in her Federal courts, Oklahoma is entitled to two additional judges of the United States District Court when she is simply asking for one. [Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, one additional judge of the District Court of the United States for the Western District of Oklahoma, who shall reside in said district and possess the same powers and jurisdiction and perform the same duties as are required to be performed by the present district judge of said district and receive the same compensation.

SEC. 2. In the event a vacancy occurs in the office of the United States district judge appointed under this act, the President is hereby authorized, by and with the advice and consent of the Senate, to fill such vacancy by appointment without further authorization by the Congress.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WEST POINT, GA., AND LANETT, ALA., POST-OFFICE BUILDINGS

The next business on the Consent Calendar was the bill (H. R. 11515) to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., for the acquisition in West Point, Ga., of a new site, and for the erection thereon of a Federal building.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to inquire if this bill constitutes an exception to the building program. If so, why does it come before us in this form? I suppose there is some good reason for it.

Mr. WRIGHT. There is a very unique situation at West Point, Ga., and Lanett, Ala., in reference to a post-office building.

Mr. LAGUARDIA. Is this where you had one building for two towns?

Mr. WRIGHT. Yes; and neither one wants it and the populations of the towns have grown away from the site. It would not serve either community properly now and legislation is required to transfer the fund to West Point, which is the only one of the two towns which can qualify for a building. The receipts of the Lanett office are only a little over $6,000 per annum, while those of the West Point office are over $19,000.

Mr. CRAMTON. The fact is, if the gentleman will permit, the receipts of West Point are less than the receipts of towns for which we have been making appropriations, but about enough to entitle them to consideration under the new legislation.

Mr. LAGUARDIA. About $19,000.

Mr. CRAMTON. Yes; but the appropriation was authorized a number of years ago under other conditions.

Mr. WRIGHT. In 1913, in the general omnibus bill.

Mr. CRAMTON. But as to Lanett, their receipts are about $6,000, and the authorization for a building at Lanett as provided in the amendment is a new authorization for a town with receipts of less than $7,000, although it does not become effective until they have receipts of $7,500. This is smaller than the receipts of any other town that is being considered, unless it is one of those where it is mandatory to provide two in a State.

Mr. LAGUARDIA. Are we not operating under a policy of a $20,000 income for post offices in allocation for new buildings?

Mr. CRAMTON. It is my understanding the new legislation would bring it down to approximately $20,000.

Mr. CRISP. If the gentleman will permit, while, of course, the policy is they will not put a building or purchase a site where the receipts are less than $20,000, there were a number of cases where the Government bought sites under the act of 1913, and the act says that in those particular places where they have had the sites if the receipts are $7,500 they will build them.

Mr. LAGUARDIA. Would it be prejudicial to Lanett if we struck out that part of the section put in by the committee, commencing with line 11 and simply transfer the appropriation to West Point?

Mr. CRISP. I will let the gentleman from Georgia [Mr. WRIGHT] answer that. It is in his district.

Mr. PATTERSON. Absolutely. It would do away with any equity Lanett might have. It is a joint project, and it would do away with Lanett's equity.

Mr. CRAMTON. Why should we build a public building for Lanett, with receipts of less than $7,000, when there are towns all over the country with larger receipts than that, from $7,000 up to $20,000, that will not be reached for a number of years?

Mr. PATTERSON. We are not asking for a building now. We are asking for the preservation of our equity in this site. If we have that destroyed and give it all to West Point, we will then have no equity with respect to getting a building in the future.

Mr. CRAMTON. You are not asking that your equity be preserved; you are asking that when your receipts reach $7,500 you get a building. No other town in the country has that possibility except where the two in a State provision is applicable.

Mr. PATTERSON. But the law itself permits that. I talked with Secretary Heath about it a few moments ago, I will say to my good friend from Michigan, and Secretary Heath said that where these sites were purchased under the 1913 act they come in under the $7,500 provision.

Mr. HOGG. Is not the gentleman opposed to the expenditure of money for the Post Office Department?

Mr. PATTERSON. Oh, no; the gentleman has gotten me mixed up with some other Member. I have done all I could to get the post office to extend the rural mail.

Mr. HOGG. Recently we had bills here to raise revenue for the Post Office Department. If I recollect rightly, the gentleman objected to them.

Mr. LAGUARDIA. My colleague refers to the various popgun efficiency bills which they doped out. They will soon want 2 cents for going into the post office or have a turnstile and drop a nickel in the slot. [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to dispose of the present Federal-building site located on the State line dividing West Point, Ga., and Lanett, Ala., acquired under the act of March 4, 1913 (37 Stat. 873), in such manner and upon such terms as he may deem for the best interests of the United States, and to convey such site to the purchaser thereof by the usual quit-claim deed; and to acquire in lieu thereby, by purchase, condemnation, or otherwise, a new site located in West Point, Ga., and to construct a Federal building thereon; the proceeds of the sale of the site now located on the State line dividing West Point, Ga., and Lanett, Ala., and the appropriations heretofore made thereof, be, and the same are hereby, reappropriated and made available for the acquisition of the site and commencement of the building to be located in West Point, Ga.

With the following committee amendment:

At the end of the bill, on page 2, add the following:

"The Secretary of the Treasury is authorized, when the postal receipts at the city of Lanett, Ala., have reached the sum of $7,500 annually, to acquire by purchase, condemnation, or otherwise a site in such city and to construct a United States post office thereon."

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Page 2, line 13, strike out the figures $7,500, and insert in lieu thereof $10,000.

Mr. PATTERSON. I hope the gentleman does not insist on this amendment.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill, as amended, was ordered to be engrossed, read a third time, was read the third time, and passed.

The motion to reconsider was laid on the table.

The title was amended.

Mr. PATTERSON. I regret that the amendment of the gentleman from New York prevailed, but I do appreciate the fine spirit of the Members here on the floor regarding this matter. I realize that it is an important question and, I believe that I can safely say that every person living in the splendid city of Lanett will be deeply grateful to the Members of this House for passing this bill. I want to say I especially appreciate the splendid spirit shown here by the Republican Members of this House regarding this project. I have often seen this fine spirit demonstrated here toward my section of the country, and I want to say further that I appreciate deeply the kind things said here of me and my services on this floor, and I shall do my best at all times to deserve this high commendation.

This is an important project to our people, and I feel that this will mean much to the growing and prosperous city of Lanett, Ala.

In closing may I say that the people I represent thank you and I thank you, and I also desire to say it is my wish to unselfishly serve our whole country more and more.

TRANSFER OF PROPERTY LOCATED AT HOBOKEN, N. J.

The next business on the Consent Calendar was the bill (H. R. 12383) to transfer from the United States Shipping Board to the Treasury Department certain property located at Hoboken, N. J.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

Mr. DAVIS. Will the gentleman withhold that for a moment?

Mr. SCHAFER of Wisconsin. I will.

Mr. DAVIS. I wish to say to the gentleman from Wisconsin that I have no personal interest whatever in this bill, but it was considered by a committee of which I am a member. It is simply to save the Government by transfer from one department to another of some land needed for post-office buildings. A bill has been enacted authorizing the sale of the property by the Shipping Board.

Mr. LAGUARDIA. I want to ask the gentleman a question, because I know the great Committee on Merchant Marine never goes wrong. Why did not the committee follow the same policy when it came to the Hoboken piers?

Mr. DAVIS. The committee would have been glad to have done that if the municipality was in a position to acquire the property, but they stated that they could not do it.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I do not object to the consideration of this bill and I will withdraw my request.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby transferred from the United States Shipping Board to the Treasury Department, as an addition to the present post-office site at Hoboken, N. J., a piece or parcel of land in said city, contiguous to the east line of the present post-office site as transferred under the second deficiency act, 1929, fronting 25 feet along the north line of Newark Street, and extending at that width in a northerly direction 175 feet; also a piece or parcel of land 25 feet wide on the northerly side of said post-office site and contiguous thereto, as extended herein, running westerly along the south side of First Street extended, 225 feet, more or less, to the easterly side of River Street.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TRANSFER OF THE RADIO DIVISION FROM THE DEPARTMENT OF COMMERCE TO THE FEDERAL RADIO COMMISSION

The next business on the Consent Calendar was the bill (S. J. Res. 176) transferring the functions of the radio division of the Department of Commerce to the Federal Radio Commission.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. DAVIS. Will the gentleman withhold his request?

Mr. SCHAFER of Wisconsin. Yes.

Mr. DAVIS. Mr. Speaker and gentlemen, I want to say that this is a very important bill with respect to both sections. The House committee amendment clarifies the appeal provision in the present law. The radio act of 1927 contains certain provisions providing for appeals from the Federal Radio Commission to the Court of Appeals of the District of Columbia, and provides the method by which that might be effected.

Mr. SCHAFER of Wisconsin. I understand that, and it is not the particular provision which I find objectionable. I would not have any objection if you had a separate bill providing for the appeal. However, I do not think the Unanimous Consent Calendar is the time or place to consider a question of the transfer of the entire functions of the radio division of the Department of Commerce which has been functioning with almost 100 per cent efficiency.

Mr. DAVIS. Mr. Speaker, will the gentleman yield further on that question?

Mr. SCHAFER of Wisconsin. Yes.

Mr. DAVIS. I was going to discuss that after discussing the appeal features. The radio act of 1927, together with amendments thereto, has already transferred to the Federal Radio Commission all functions and authority whatever that formerly vested in the Secretary of Commerce with respect to radio, with the sole exception of the present so-called radio division in the Department of Commerce, which is nothing more or less than the radio inspectors. There are 40 or 50 radio inspectors who have no functions and no power whatever except to make inspections of radio trouble. They have no authority to make or enforce any order. They are hanging in mid-air.

They could perform a very useful function under the jurisdiction of the Federal Radio Commission, because that commission could direct them into different sections to investigate reports and complaints of trouble, and then upon receipt of information could issue effective orders; but as it is now, they are not under the orders of the Federal Radio Commission, they are not required to make reports to them, because they have no jurisdiction whatever over them, so that their work is practically effecting nothing now. With respect to taking it away from the Secretary of Commerce, Secretary Lamont approved this bill.

Mr. LAGUARDIA. Mr. Speaker, the Department of Commerce has jurisdiction over the Steamboat Inspection Service?

Mr. DAVIS. That is correct.

Mr. LAGUARDIA. The Radio Bureau of the Department of Commerce was vested with the duty of inspecting the radio equipment on ships. Does not the gentleman believe that the Steamboat Inspection Service and the inspection of radio equipment on ships are so closely related that they should remain in the Department of Commerce? I am referring only to the inspection of radio equipment on ships.

Mr. DAVIS. The inspection of radio on ships is a very small feature of the inspection of radios.

Mr. LAGUARDIA. But it is an important duty, nevertheless.

Mr. DAVIS. That is true, but the Secretary of Commerce is not now undertaking to exercise any jurisdiction or any authority with respect to radio in any particular, with the sole exception, as I stated, that these inspectors are still resting in the department.

Mr. LAGUARDIA. And not doing anything?

Mr. DAVIS. Nothing, except making inspections and advising; these inspectors can not enforce an order. They are simply going around making inspections and reporting them to the chief of that division.

Mr. LAGUARDIA. When this bill was considered, I hoped that the committee would find some way to leave the inspection of the physical equipment of radios on ships to the Department of Commerce, along with the Steamboat Inspection Service.

Mr. DAVIS. The Committee on Commerce of the Senate unanimously reported this resolution and the Senate unanimously adopted it. The Committee on Merchant Marine and Fisheries of the House unanimously reported the bill after considering it. These are the two committees that have had exclusive jurisdiction over all radio matters since the very beginning, and we are unanimously of opinion that this is in the interest of the public service and in the interest of economy. I have no object or purpose whatever in the matter, no personal interest, but we were unanimously convinced that that is true, and for that reason I believe the gentleman ought to permit it to be called up, because to pass it over would probably mean the failure of the passage of the resolution this session; and there is a feature that I started to explain to the gentleman. The appeal feature will appeal to the gentleman from Wisconsin, I know.

Mr. OLIVER of Alabama. Mr. Speaker, I think the gentleman is in error in stating that the Secretary of Commerce favors the transfer of it at this time. My information is that he feels it should await general legislation that is now pending, and which is to be considered at the December session. There are many matters connected with the transfer that I think can be worked out better under the bill now pending in the Senate.

Mr. DAVIS. If that is the present position of the Secretary of Commerce, he has changed his position since our committee reported the bill, and we have received no advice to that effect. The transfer has been already absolutely effected with respect to all radio matters and all personnel, with the single exception of these inspectors, who are hanging in mid-air on salaries, practically effecting no good purpose. The gentleman I presume refers to the Couzens communication bill, and it is a foregone conclusion that that bill has no chance of passage during the present session of Congress. I again appeal to the gentleman with respect to the amendment that we affixed to this bill, because it may be the only chance to pass it. We passed a bill through the House unanimously some time ago in which we amended the radio act of 1927 in several particulars, and among others embraced in it the committee amendment to this bill. The reason for that was this: In actual practice the appeal provision of the radio law has resulted in a great deal of confusion, and among other things the Supreme Court of the United States has held that an appeal from the court of appeals does not lie to the Supreme Court of the United States in a radio case, and they have refused to entertain any petition for a writ of certiorari. That was never the intention of the committee or the Congress, and this amendment makes it clear that that an appeal may lie, and it clarifies the whole procedure. It has the unanimous indorsement of the Federal Radio Commission, and of the general counsel for the commission, and of every one else familiar with it, so far as I know. While we have passed a bill embodying the same appeal amendment, yet it is hanging fire at the other end of the Capitol with no prospect of passage at this session, and unless this passes now that will continue at least until next December, and appeals are being made frequently.

There are now about 56 appeals pending, and it is a very serious and a very important matter from the public standpoint and also from the standpoint of the litigants themselves, who ought to have the right of review by the highest court of the land.

Mr. SCHAFER of Wisconsin. I appreciate that; and I have no objection to section 2. I regret to object at the present time, in view of the gentleman's position, because I believe he is one of the best members of the committee to follow on a matter affecting radio legislation. The fact that this resolution passed the Senate does not carry much weight with me.

Mr. OLIVER of Alabama. I have no doubt of the correctness of my statement that the Secretary of Commerce is not in favor of the passage of this bill at this time. The objection of the Secretary, however, as I am informed, relates only to the first part of the bill. Another bill on the calendar applies to the appeal and to this there should be no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REFUND OF VISA FEES

The next business on the Consent Calendar was the bill (H. R. 9673) to authorize the refund of visa fees in certain cases.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object——

Mr. JOHNSON of Washington. Does the gentleman expect to object?

Mr. LAGUARDIA. Yes.

Mr. JOHNSON of Washington. Then why not object now?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to insert at this point the minority report on the bill presented by the gentleman from New York [Mr. DICKSTEIN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I wish to make a statement in regard to this bill and consume only about a minute.

Mr. O'CONNOR of New York. May I ask if it is the practice of the committee to put on the Consent Calendar bills with the hope to pass the bills on which minority reports are filed?

Mr. JOHNSON of Washington. No; it is not the practice, but it seems to be the only way to reach a bill from the Committee on Immigration and Naturalization.

Mr. O'CONNOR of New York. I think that is a reprehensible practice. If I knew that there was a minority report on a bill on this calendar I would object to it.

Mr. JOHNSON of Washington. I suppose the minority report was put on file after the bill was put on the Consent Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. LAGUARDIA]?

There was no objection.

Following is the minority report referred to:

Mr. DICKSTEIN, from the Committee on Immigration and Naturalization, submitted the following minority report (to accompany H. R. 9673):

I am opposed to the bill H. R. 9673 for the reasons which I have heretofore stated on the floor of the House in my speech of January 8, 1930.

I took the position that our Government owes some duty to those who relying on the law then in force saw fit to make application for visas for admission to the United States and complied with every requirement of the statute then in force.

The total number of those who are affected by this proposed legislation is only 2,008. I believe that the Government is in duty bound to enable these prospective immigrants who have given up their homes preparatory to coming to the United States and who are now stranded in European ports waiting for a chance to get across to enable them to proceed to the United States.

To refund their visa fees is not the proper way to solve this problem. In the first place, most of the prospective immigrants do not know that such a law was passed and no means exist by which they could be advised of this proposed legislation.

Just consider the terms of this bill. It enables a prospective immigrant who failed to take advantage of a visa issued to him to make application for refund of his visa fee. This application must be made at an American consulate's office and, of course, is hedged around with many restrictions and technical provisions which will make it almost impossible for any alien to take advantage of it. But, assuming that an alien will take advantage of it and will apply for the refund of his visa fee, will it be keeping faith with the prospective immigrant for this Government to deprive him of all the rights to which he thinks he is entitled to by reason of the legislation in force at the time that he made his application for a consular visa.

I shall quote briefly from my remarks on January 8, 1930 (CONGRESSIONAL RECORD, 71st Cong., 2d sess., p. 1281):

"Mr. DICKSTEIN. I have also introduced a bill which I have urged in prior years, being now known as H. R. 5645. Under this bill an immigrant who has obtained a proper American visa prior to July 1, 1924, and who has paid the regular fee therefor and shall have otherwise qualified be admissible into this country without the quota.

"The number of aliens involved under this bill is not large. In fact, it amounts to a very small number.

"No reason exists why these men who have paid a visa fee and who have done everything in their power to qualify themselves for admission to the United States, should be barred from this country only because we have seen fit to amend our immigration laws without taking care of the situation."

For the foregoing reasons, I can not concur in the report of the committee and ask the House that this report be voted down.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. This is a bill which I hope can pass. It is desired by the Department of State. I wish it could have been referred to the Committee on Foreign Affairs originally. It involves $150,000 collected as fees for visas in 1924 from immigrants who were not allowed to receive the visas under the new law. There were 15,000 or more of them at one time. The United States has got the money in the Treasury belonging to these people, and owes it to them, and wants to pay them. Many of the holders of these visas are now in the United States, but to come they had to pay for other immigration visas. We should not keep their money. Several foreign governments have appealed to our State Department for the return of this money, belonging to these different people, most of whom as I have said, are now in the United States. It is their money, not ours, and should be returned to them. Apparently gentlemen who want other immigration legislation would try to force the situation by objecting to this one.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object.

The SPEAKER pro tempore. Objection is heard.

EXPENSES OF BANK EXAMINATIONS

The next business on the Consent Calendar was the bill (S. 485) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Reserving the right to object, this is not the bill coming out of your committee relating to the Federal joint-stock land banks?

Mr. McFADDEN. No. This is to make it optional as to who shall pay for the examination of small banks.

Mr. LAGUARDIA. The bill provides that—

The expenses of all examinations, other than those made by State authorities, may, in the discretion of the Federal Reserve Board, be assessed against the banks examined, and when so assessed shall be paid by the banks examined. Copies of the reports of such examinations may, in the discretion of the Federal Reserve Board, be furnished to the State authorities having supervision of such banks, to officers, directors, or receivers of such banks, or to any other proper persons.

Mr. McFADDEN. The gentleman is reading the present law. This applies to present examinations, either of national banks or State banks belonging to the Federal reserve system, and permits those charges to be paid by the board instead of being assessed against the banks.

Mr. LAGUARDIA. What I have read is the new matter inserted in the bill. I was reading from page 3 of the report on the bill—matter printed in italics.

Mr. STAFFORD. That is on page 4.

Mr. McFADDEN. I think the gentleman has misconstrued the present provision. It simply modifies the present drastic law. It makes it optional with the board whether the charges shall be met by the banks themselves or leave it to the board to decide. In many cases where the board finds it necessary to make extra examinations of a national bank or a State member bank, if it is a State bank the charge is borne by the State banks, and if it is a national bank, extra examination is by the Comptroller of the Currency.

Mr. LAGUARDIA. When it is paid by the Federal board, from what fund is it taken?

Mr. McFADDEN. The regular fund in their hands provided for examination.

Mr. LAGUARDIA. From appropriations made by Congress, or contributions by the member banks?

Mr. McFADDEN. Appropriations by Congress.

Mr. LAGUARDIA. What does such an examination cost?

Mr. McFADDEN. It depends on the size of the bank.

Mr. LAGUARDIA. It is not a large amount?

Mr. McFADDEN. No; it is not, but it is certainly objected to by many of the small member banks.

Mr. LAGUARDIA. Why? A bank that can not stand the cost of an examination as to its solvency, as to its standing, surely requires an examination.

Mr. McFADDEN. I will say to the gentleman that it is objected to strongly, and this particular legislation is recommended by the administrative officers of the Federal reserve system.

Mr. CARTER of California. To banks of what size does this amendment apply?

Mr. McFADDEN. To the small-size banks particularly. The large banks do not object.

Mr. CARTER of California. Could it not be applied to a bank of any size?

Mr. McFADDEN. I can not imagine the Federal Reserve Board permitting it to apply.

Mr. LAGUARDIA. It provides that the expense of such examination may, in the discretion of the Federal Reserve Board, be assessed against the bank examined, and when so assessed shall be paid by the bank examined. So that is the exception.

Mr. McFADDEN. It can be assessed against a bank and the bank compelled to pay.

Mr. LAGUARDIA. In the absence of the board exercising the discretion provided, it is assessed against the fund of the Federal Reserve Board?

Mr. McFADDEN. Oh, no; the gentleman is wrong. It is assessed against the bank.

Mr. LAGUARDIA. No; the provision provides in the amendment the expense of such examination may, in the discretion of the Federal Reserve Board, be assessed against the bank examined, and when so assessed shall be paid by the bank examined. Therefore that is the exception. That is, when the board exercises its discretion. Otherwise it remains plain that it is paid from the fund of the Federal Reserve Board.

Mr. McFADDEN. It is entirely under the direction of the board in that respect. The present law provides it shall be assessed against the banks.

Mr. LAGUARDIA. I can not understand that. It seems to me that a bank that can not stand the expense of an examination which the law requires is not much of a bank.

Mr. McFADDEN. This refers to a special examination.

Mr. LAGUARDIA. I think special examinations are very necessary every now and then. Nobody knows it better than the gentleman from Pennsylvania.

Mr. McFADDEN. It will coordinate the examination of banks, both between State and national banks and the Federal reserve system, if this is passed. I will say to the gentleman that this has been sought by the board for several years.

Mr. LAGUARDIA. What did the gentleman from Arkansas [Mr. WINGO] say about this?

Mr. McFADDEN. He is in favor of the passage of the bill. It is a unanimous report of the committee.

Mr. STAFFORD. As I understand, the purpose to be attained by the proposed legislation is investigations of State banks which are members of the Federal reserve system?

Mr. McFADDEN. Yes.

Mr. STAFFORD. This legislation affects only State banks which are members of the Federal reserve system. As a State bank they are required to have a State examination, but at the same time that the State examiners may be examining the bank it might be necessary to have national examiners examine the bank as to those functions of a Federal character. It is left discretionary to charge that amount for Federal examiners doing that special work and not require the Federal examiners to make detailed examination and charge the entire cost to the State bank.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the seventh paragraph of section 9 of the Federal reserve act, as amended (U. S. C., title 12, sec. 326), is further amended by striking out the last sentence thereof and inserting the following:

"The expenses of all examinations, other than those made by State authorities, may, in the discretion of the Federal Reserve Board, be assessed against the banks examined and, when so assessed, shall be paid by the banks examined. Copies of the reports of such examinations may, in the discretion of the Federal Reserve Board, be furnished to the State authorities having supervision of such banks, to officers, directors, or receivers of such banks, and to any other proper persons."

SEC. 2. That section 5240, United States Revised Statutes, as amended by section 21 of the Federal reserve act, is further amended in the third paragraph thereof (U. S. C., title 12, sec. 483) by striking out the second sentence of such paragraph and inserting in lieu thereof the following:

"The expense of such examinations may, in the discretion of the Federal Reserve Board, be assessed against the banks examined, and, when so assessed, shall be paid by the banks examined."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PUBLIC MONEY DEPOSITED WITH STATE BANKS

The next business on the Consent Calendar was the bill (S. 486) to amend section 5153 of the Revised Statutes as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 5153 of the Revised Statutes, as amended (U. S. C., title 12, sec. 90), is amended by adding at the end thereof a new paragraph to read as follows:

"Any association may, upon the deposit with it of public money of a State or any political subdivision thereof, give security for the safekeeping and prompt payment of the money so deposited, of the same kind as is authorized by the law of the State in which such association is located in the case of other banking institutions in the State."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TRUST POWERS, NATIONAL BANKS

The next business on the Consent Calendar was the bill (S. 3627) to amend the Federal reserve act so as to enable national banks voluntarily to surrender the right to exercise trust powers and to relieve themselves of the necessity of complying with the law governing banks exercising such powers, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That subsection (k) of section 11 of the Federal reserve act (subsec. (k) of sec. 248, U. S. C., title 12), as amended, be further amended by adding at the end thereof a new paragraph reading as follows:

"Any national banking association desiring to surrender its right to exercise the powers granted under this subsection, in order to relieve itself from the necessity of complying with the requirements of this subsection, or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, or for any other purpose, may file with the Federal Reserve Board a certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such a resolution the Federal Reserve Board, after satisfying itself that such bank has been relieved in accordance with State law of all duties as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics or other fiduciary, under court, private, or other appointments previously accepted under authority of this subsection, may, in its discretion, issue to such bank a certificate certifying that such bank is no longer authorized to exercise the powers granted by this subsection. Upon the issuance of such a certificate by the Federal Reserve Board such bank (1) shall no longer be subject to the provisions of this subsection or the regulations of the Federal Reserve Board made pursuant thereto, (2) shall be entitled to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, and (3) shall not exercise thereafter any of the powers granted by this subsection without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this subsection. The Federal Reserve Board is authorized and empowered to promulgate such regulations as it may deem necessary to enforce compliance with the provisions of this subsection and the proper exercise of the powers granted therein."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I was never in favor of giving trust powers to national banks. The gentleman brought that about in one of the waves of amendment to the national banking law that have been made from time to time.

Mr. McFADDEN. I will say I was not responsible for this particular amendment to the present law that is referred to.

Mr. LAGUARDIA. Now, I see some of the banks want to surrender that right. Why not have them all surrender the right? The next thing you will have some of the national banks doing is to practice chiropody or something like that. You are trying to have them do everything else.

Mr. McFADDEN. Some of the banks are doing almost every line of business now. The gentleman is quite correct. I do not know that they have taken up chiropody, however.

Mr. LAGUARDIA. What is the purpose of this?

Mr. McFADDEN. The bill (S. 3627) proposes to amend section 11 (k) of the Federal reserve act so as to enable national banks to surrender voluntarily the right to exercise trust powers granted under the provisions of that subsection. This amendment would enable a national bank which had been granted authority to exercise trust powers but which is not exercising such powers to relieve itself of the necessity of complying with the provisions of section 11 (k) of the Federal reserve act and to obtain the return of securities which it may have deposited with State authorities for the protection of its private or court trusts.

Section 11 (k) of the Federal reserve act authorizes the Federal Reserve Board to permit national banks to exercise trust powers, and provides that banks exercising such powers shall maintain separate trust departments with separate records, and shall deposit securities with the State authorities for the protection of their trusts whenever the State law requires competing State institutions exercising trust powers to do so. It sometimes happens that a national bank which has received permission from the Federal Reserve Board to exercise trust powers decides not to exercise such powers and desires to be relieved of compliance with the provisions of section 11 (k) and to obtain the return of securities which may have been deposited with the State authorities. The law, however, provides no method by which a national bank may surrender its right to exercise trust powers, and in some instances the State authorities refuse to return to a national bank which is no longer exercising trust powers the securities deposited for the protection of its trusts. This results in inconvenience and in some cases in actual hardship on national banks and is a situation which should be remedied by an amendment to the law.

The sole object of the bill S. 3627 is to amend section 11(k) of the Federal reserve act so as to authorize a national bank which is not exercising trust powers to voluntarily surrender its right to exercise such powers. This bill provides that upon the surrender of its trust powers the national bank shall be relieved of the necessity of complying with the provisions of section 11(k) and shall be entitled to the return of any securities which may have been deposited with the State authorities for the protection of its trusts. The bill further provides that such national bank shall not thereafter exercise any trust powers under the provisions of section 11(k) without obtaining a new permit from the Federal Reserve Board. The procedure provided in the bill S. 3627 contemplates the issuance of a certificate by the Federal Reserve Board to the effect that the national bank is no longer authorized to exercise trust powers and the bill would require the board before issuing such

certificate to satisfy itself that the bank has been relieved in accordance with State law of any duties it may have assumed by accepting appointments as trustee, executor, or other fiduciary. This bill would make the issuance of such a certificate discretionary with the Federal Reserve Board so that the board in any case may require a national bank applying for surrender of its trust powers to take any other steps which the board may consider necessary for the protection of the public before issuing such a certificate.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. LAGUARDIA. I want to call the attention of every lawyer of the House to section (k) which the gentleman from Pennsylvania refers to. It seems almost impossible that any such provision should ever have been written into the law. It grants to a national bank power to act as trustee, executor, and administrator, registry of stocks and bonds, guardian of estates, assignee, receiver committee of lunatics, all to a national bank. The only thing you do not grant them is the right to practice medicine, as I said before. I can not understand how any such provision was ever written into the law.

Mr. STAFFORD. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. STAFFORD. A year or two ago the Supreme Court handed down a decision involving trust powers exercised by some bank in Massachusetts that had merged with another bank, in which, I believe, the court held the bank was not empowered to release itself of the fiduciary capacity that the other bank had assumed. What protection has the beneficiary in such case from the action of a bank in surrendering the trust powers? Assuming that a testator has named a bank as trustee of his will——

Mr. McFADDEN. But this only applies to banks that are not exercising this power. This is in accord with what the gentleman is arguing. It is to relieve those banks who do not want to do trust business, who have been exercising a trust power and their responsibilities have all been discharged, to permit them to get out of the business.

Mr. STAFFORD. Who have been. That is the very point—who now wish to be released of it. I ask the gentleman this question: Assuming that a testator has named a national bank as trustee, and the bank has entered upon the performance of its duty, where does the beneficiary of the trust come in as to the continuation of the discharge of those fiduciary duties?

Mr. LAGUARDIA. That is provided for in this language:

Upon receipt of such a resolution the Federal Reserve Board, after satisfying itself that such bank has been relieved in accordance with State law of all duties as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee—

And so on. It must first show that it has been relieved.

Mr. O'CONNOR of New York. It might be absolutely impossible to ascertain that fact. If a bank had been trustee for an estate, even a court order might not absolve it from some contingent liability.

Mr. McFADDEN. This is optional with the board, and the board certainly would not relieve a bank of its responsibility if there was any pending obligation.

Mr. O'CONNOR of New York. They may not be able to find it out. I wish the gentleman would answer this question: Why does a national bank which has never exercised this power or which, having exercised it, is not conducting any business under it, want to be relieved of it? What is the real practical purpose?

Mr. McFADDEN. There are certain requirements which they must continue to comply with in regard to reports, and so forth.

Mr. LAGUARDIA. I think what the gentleman from Pennsylvania means is this: If a bank has never exercised this right, it has nothing to withdraw; but if at one time it decided it would go into this business it had to make certain deposits; if it now decides it wants to get out of this business and attend to its legitimate banking business, then it must make a showing to the effect that it has been relieved of all obligations, and then it is permitted to withdraw the deposits.

Mr. STAFFORD. The purpose may be to permit a national bank to form a trust company and have the trust company act independently of the national bank.

Mr. O'CONNOR of New York. At any rate I hope the purpose is not to have them relieved of any possible liability, although it looks like that.

Mr. McFADDEN. No; that is not the purpose of this bill.

Mr. O'CONNOR of New York. Are there any banks asking for this?

Mr. McFADDEN. Yes. It is a problem of administration and operation of the Federal reserve system. I would like to say that 11 (k) of the Federal reserve act, which gives national banks the right to do a fiduciary business, is a permissive act. They have to get the permisison of the Federal Reserve Board before they can act. In the cases you gentlemen have been referring to, where a national bank has asked and received permission from the Federal Reserve Board, and for some reason or other it does not care to continue in that business, it merely by this act asks to be relieved of the responsibility of continuing in the trust business, but it is not intended that the Federal Reserve Board will release any bank from any obligation which any national bank may have had when it actually did go into the trust business.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. LAGUARDIA. The gentleman is the chairman of the committee which reported this bill. There is nothing in this bill which can be construed as relieving or is intended to relieve any corporate or individual liability which may exist by reason of any bank heretofore having acted in any of the capacities referred to in section 11 (k).

Mr. McFADDEN. The gentleman is quite correct.

Mr. O'CONNOR of New York. That is not necessarily so. You can assume many instances, but take this one: A testator names a national bank as his trustee; they accept the trust, we will say, for two generations, and then they want to relinquish it after he is dead. That has never been known in the banking law before. They can go out of that business and they can turn it back under this proposition.

Mr. McFADDEN. I will say that if there was an obligation there the bank would certainly not be relieved; that is, if it were relieved of the right to do a trust business the obligation would still lie against the bank.

Mr. LAGUARDIA. We can not relieve them of any liability or obligation.

Mr. PATTERSON. How many States are affected?

Mr. McFADDEN. All of the States are affected.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subsection (k) of section 11 of the Federal reserve act (subsec. (k) of sec. 248, U. S. C., title 12), as amended, be further amended by adding at the end thereof a new paragraph reading as follows:

"Any national banking association desiring to surrender its right to exercise the powers granted under this subsection, in order to relieve itself from the necessity of complying with the requirements of this subsection, or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, or for any other purpose, may file with the Federal Reserve Board a certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such a resolution, the Federal Reserve Board, after satisfying itself that such bank has been relieved in accordance with State law of all duties as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics or other fiduciary, under court, private, or other appointments previously accepted under authority of this subsection, may, in its discretion, issue to such bank a certificate certifying that such bank is no longer authorized to exercise the powers granted by this subsection. Upon the issuance of such a certificate by the Federal Reserve Board, such bank (1) shall no longer be subject to the provisions of this subsection or the regulations of the Federal Reserve Board made pursuant thereto, (2) shall be entitled to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, and (3) shall not exercise thereafter any of the powers granted by this subsection without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this subsection. The Federal Reserve Board is authorized and empowered to promulgate such regulations as it may deem necessary to enforce compliance with the provisions of this subsection and the proper exercise of the powers granted therein."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DIRECTORS OF FEDERAL RESERVE BANKS IN CLASS B

The next business on the Consent Calendar was the bill (S. 4079) to amend section 4 of the Federal reserve act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object, Mr. Speaker.

POLICING OF MILITARY ROADS NEAR THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 8140) to provide for the policing of military roads leading out of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA and Mr. SCHAFER of Wisconsin objected.

Mr. McSWAIN. Will the gentleman withhold his objection a moment?

Mr. LAGUARDIA. I would do almost anything for the gentleman, but this bill is so vicious that the more I look at it the more I want to object to it.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. MOORE of Virginia. Mr. Speaker, I would like to remind the gentleman from New York that this bill comes from the Committee on Military Affairs and I thought the gentleman was anxious that the bill should be considered in the regular way. I was informed, however, by the acting chairman of that committee that when the committee had its call it was the request of the gentleman from New York that it should not be brought up in that way.

Mr. LAGUARDIA. I want to fight it in every honorable, parliamentary way. Perhaps the gentleman can get the President to call an extra session for its consideration.

Mr. MOORE of Virginia. The gentleman is very facetious and sarcastic, according to custom.

Mr. LAGUARDIA. I am sorry.

Mr. QUIN. What bill is this?

Mr. MOORE of Virginia. It is a bill to police the roads in Arlington County that are in the exclusive jurisdiction of the Government and not under the jurisdiction of the State of Virginia. They run through Government land, and it was shown in the hearings that its policing can be done at an expense of $6,500.

Mr. QUIN. This was a unanimous report of the committee?

Mr. MOORE of Virginia. Yes; so far as I know.

OPERATION AND MAINTENANCE OF BATHING POOLS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 4224) to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object——

Mr. ZIHLMAN. I will be pleased to give the gentleman any information about the bill I can.

Mr. COLLINS. I do not like the idea of selecting one concern and giving it this concession without advertisement.

Mr. ZIHLMAN. That is the purpose. This organization, with which the gentleman is familiar, the Welfare and Recreational Association of Public Buildings and Grounds, has been conducting the concessions in connection with places of public recreation.

Mr. COLLINS. But this bill designates one concern to take over these privileges? No bidding is provided.

Mr. ZIHLMAN. I think that is done by the director.

Mr. COLLINS. The concession for the golf courses was let without competitive bidding. I do not want that practice repeated again. Unless the gentleman is willing to rewrite the bill and permit it to be let under competitive conditions, I shall have to object.

Mr. ZIHLMAN. I will say to the gentleman it is my understanding that unless some such legislation is passed it will be impossible for these pools to open during the present season.

Mr. COLLINS. I doubt if any of these pools have any value anyway. I know that they breed disease and many doctors condemn them, and urge their patients to stay out of them.

Mr. ZIHLMAN. Of course, that is the gentleman's own idea and when he refers to the chairman of the committee, I may say we have nothing to do with this. This is under the direction of the Superintendent of Public Buildings and Grounds.

Mr. COLLINS. If the gentleman will accept an amendment permitting these pools to be let out upon competitive bidding I shall not object.

Mr. ZIHLMAN. I have no objection.

Mr. LAGUARDIA. Do not do that.

Mr. STAFFORD. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. STAFFORD. By reason of the character of the facilities and the service to be given, I question whether it is not advisable to consider the personal equation as to who the concessionaire should be. We have certain bathing pools and the personal equation enters into the matter very directly. If the commissioners award this concession to a reputable person and provide that reasonable charges shall be made, I think that is sufficient so far as protecting the public welfare is concerned. The main thing is not the amount of money that can be obtained, but the service that can be given to those in the District who have not the advantages of bathing facilities.

Mr. COLLINS. The District can get proper service by requiring sufficient bond.

Mr. SIMMONS. Will the gentleman yield?

Mr. STAFFORD. The gentleman from Nebraska has much more acquaintance with conditions in the District of Columbia than I have.

Mr. COLLINS. I know something about them, too. I, along with the gentleman from Nebraska, have something to do with the District appropriations bill.

Mr. SIMMONS. Here is the difficulty with this whole set-up. They have set up a dummy corporation operating within the public buildings and parks made up, as I understand it, of officials under Colonel Grant, and that corporation, which is this so-called welfare corporation, contracts with the public buildings and parks officials. One official is a public buildings and parks official contracting with his own subordinates as officials of this welfare association to carry on these recreational activities. In turn, the profits, while spent for recreational activities supposedly, are not subject either to the check of the auditor or the check of the Budget Bureau or to the check of Congress in its expenditures, and, in turn, I am told that some very remarkable profits are being made by those to whom they grant concessions.

Mr. COLLINS. There is no doubt about that.

Mr. JOHNSON of Washington. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object.

ASHER CROSBY HINDS

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a ceremony that took place at Benton Falls, Me., the birthplace of Hon. Asher C. Hinds, for 16 years the parliamentarian of the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, on Thursday, May 29, 1930, a ceremony of more than passing interest to the Members of the House took place at Benton Falls, Me., the birthplace of Hon. Asher C. Hinds, for 16 years parliamentarian of the House, the author of Hinds' Precedents, and a distinguished Member of the Sixty-third, Sixty-fourth, and Sixty-fifth Congresses.

Recently in refurnishing the school in which Asher Hinds received his early education, the desk at which he studied as a boy was discovered and identified by his name in his own handwriting. As a tribute to the memory of this honored alumnus of the school it was decided to permanently preserve the desk to be designated by an appropriate marker.

I ask unanimous consent to place in the RECORD my remarks read as part of the ceremonies on the occasion of the unveiling of the memorial.

Mr. Chairman, it is most appropriate that the native city of Asher Crosby Hinds should place a tablet on the desk he used as a student in its public school and should permanently preserve this appealing relic of his boyhood as a memorial to his achievements and to the high place he occupied in the regard of his fellow citizens and the service of his country.

The richest heritage of a community lies not in the wealth of its material resources, the architecture and beauty of its buildings, or the extent of its boundaries and population but in the treasured memories of those who, reared within its homes and schools, the product of its moral and educational institutions, have risen to greatness and brought honor and renown to the city and its citizenship.

Any people which does not remember its great men and commemorate their virtues and their deeds does not deserve to produce men entitled to remembrance or deeds and virtues worthy of commemoration. And Benton, in honoring its distinguished citizen, Asher Crosby Hinds, honors itself and emphasizes those qualities of mind and heart to which the youth of to-morrow must aspire if they would emulate his illustrious example.

But, as fitting as this ceremony is, it can not limit the fame and citizenship of the boy who once sat at this desk preparing for his life's work to the geographical confines of this city. Asher Hinds belongs





not only to Benton but to Maine and to the country at large. He went from this desk to the service of a nation. How incomparably he discharged the duties of that service is written through a period of more than two decades in the records and enactments of the greatest legislative body of the world.

With unerring precision and inspired vision he codified, for the first time since Jefferson, the parliamentary practice and procedure of the national Congress. His great work on the parliamentary law of the House and Senate will remain for all time a monument in the field of parliamentary jurisprudence unapproached by contemporary authors and without a peer in parliamentary literature. His election to Congress from a district which has sent to the National House of Representatives many noted men would have been but the beginning of a still more notable career but for his untimely death while still at an age when he should have been in the prime of his extraordinary powers and at the zenith of his usefulness.

It is the glory of this city that it has produced a man of such attainments. His keenly analytical mind with its orderly and logical processes was trained in this school. His thoroughness and efficiency and the capacity for indefatigable labor, which contributed so materially to his success, were developed at this desk. And the nobility of character which distinguished his work, however trivial or however important, and won for him the friendship and regard of the great men of his country irrespective of party or section or creed, had its inception here under the environment and influence of the schools and churches and civic ideals of this community. His life and career constitute the highest encomium that could be written for any city.

What he accomplished any youth of this city may hope to accomplish. What he achieved any student of this school may aspire to achieve. And this marker placed here to-day by a loyal and appreciative constituency is a reminder not merely of momentous historical events. It is the visible token of a priceless heritage. It is a signpost to guide those who are to follow through all the years to come. There will never be another Asher Hinds. He can have no counterpart. But he will live again in the lives and deeds of those who, profiting by his example, emulate the ideals and service which this marker commemorates. [Applause.]

CONTRIBUTION OF THE UNITED STATES TO THE EXPENSE OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 11194) to determine the contribution of the United States to the expense of the District of Columbia, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SIMMONS. I object.

AMENDING SECTION 16 OF THE RADIO ACT OF 1927

The next business on the Consent Calendar was the bill (H. R. 12599) to amend section 16 of the radio act of 1927.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, I would like to ask some member of the committee if the bill does any more than to provide for the change in the procedure of appeal?

Mr. DAVIS. It does not; it is identical with a provision in the bill that we have unanimously passed through the House, but it is now pending in the other body.

Mr. LEHLBACH. We passed some weeks ago a bill amending in various particulars 11 sections of the radio act. That bill passed the House unanimously. It is now in the Senate, and it is impossible to reach it.

Now, with respect to regulating appeals, changing the procedure with respect to appeals, I have for that reason introduced this bill with the hope that if it can be reached and passed, as I hope it will be, the Senate can agree to it by unanimous consent.

Mr. LAGUARDIA. And there is no controversy about this provision?

Mr. LEHLBACH. No; except this: Some people who are interested in appeals that have been already filed felt that this might be construed as restricting their rights or interfering with their rights, and so I have agreed to introduce the following amendment. After the bill to strike out the period and insert a colon and the following:

Provided, however, That this section shall not relate to or affect bills which were filed in said court of appeals prior to the enactment of this amendment.

Which is perfectly fair, and would be the construction I think without the amendment.

Mr. SCHAFER of Wisconsin. There is nothing in this bill which, directly or indirectly, authorizes a transfer of the powers of the Department of Commerce?

Mr. LEHLBACH. No; it merely clarifies the procedure and defines the exact jurisdiction of the court with respect to the subject matter involved in the appeal.

Mr. LAGUARDIA. It is a part of the bill that has already passed the House?

Mr. LEHLBACH. Yes.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. CHINDBLOM. As I recall it the present law provides that the Court of Appeals for the District of Columbia, in hearing a case brought by appeal from the Radio Commission, may hear evidence de novo in addition to the record brought up from the Radio Commission.

Mr. LEHLBACH. That was not the intention of the act but that was the construction, and this bill eliminates it.

Mr. CHINDBLOM. I am glad the committee has seen fit to do that because the result of the present law has been that the court has substituted its finding of facts for the findings of the commission.

Mr. JOHNSON of Washington. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 16 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 96) is amended by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 16. (a) An appeal may be taken, in the manner hereinafter provided, from decisions of the commission to the Court of Appeals of the District of Columbia in any of the following cases:

"(1) By any applicant for a station license, or for renewal of an existing station license, or for modification of an existing station license, whose application is refused by the commission.

"(2) By any licensee whose license is revoked, modified, or suspended by the commission.

"(3) By any other person, firm, or corporation aggrieved or whose interests are adversely affected by any decision of the commission granting or refusing any such application or by any decision of the commission revoking, modifying, or suspending an existing station license.

"Such appeal shall be taken by filing with said court within 20 days after the decision complained of is effective, notice in writing of said appeal and a statement of the reasons therefor, together with proof of service of a true copy of said notice and statement upon the commission. Unless a later date is specified by the commission as part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the commission in the city of Washington.

"(b) The commission shall thereupon immediately, and in any event not later than five days from the date of such service upon it, mail or otherwise deliver a copy of said notice of appeal to each person, firm, or corporation shown by the records of the commission to be interested in such appeal and to have a right to intervene therein under the provisions of this section, and shall at all times thereafter permit any such person, firm, or corporation to inspect and make copies of the appellant's statement of reasons for said appeal at the office of the commission in the city of Washington. Within 30 days after the filing of said appeal the commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the application involved or upon its order revoking, modifying, or suspending a license, and also a like copy of its decision thereon, and shall within 30 days thereafter file a full statement in writing of the facts and grounds for its decision as found and given by it, and a list of all interested persons, firms, or corporations to whom it has mailed or otherwise delivered a copy of said notice of appeal.

"(c) Within 30 days after the filing of said appeal any interested person, firm, or corporation may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the commission. Any person, firm, or corporation who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the commission complained of shall be considered an interested party.

"(d) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the commission, and, in event the court shall render a decision and enter an order reversing the decision of the commission, it shall remand the case to the commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious.

The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal.

"(c) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, and/or other interested parties intervening in said appeal, but not against the commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof."

Mr. LEHLBACH. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

At the end of the bill strike out the period and insert a colon and the following language:

"*Provided, however*, That this section shall not relate to or affect appeals which were filed in said court of appeals prior to the enactment of this amendment."

Mr. LAGUARDIA. Mr. Speaker, I take the floor to suggest that on Consent Calendar day we must have some discussion, some interchange of views within a reasonable limit.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MOORE of Virginia. The gentleman a while ago declined to have any interchange of opinion on a bill in which I was interested.

Mr. LAGUARDIA. The gentleman is quite right.

Mr. MOORE of Virginia. I suggest that we at least limit the talk of the gentleman from New York, which occupies a great part of the time.

Mr. LAGUARDIA. If the gentleman is going to demand the regular order when we are trying to arrive at a conclusion on a bill, it is not right.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield to me?

Mr. LAGUARDIA. Yes; because I refer to the gentleman.

Mr. JOHNSON of Washington. When a proposition is completely stated once around, it seems to me to be entirely unnecessary to state it all the way around once more, and that is the reason, and the only reason, I ask for the regular order, and under similar circumstances shall continue to do so.

Mr. STAFFORD. The gentleman does not believe in having a merry-go-round.

Mr. JOHNSON of Washington. No.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Speaker and Members of the House, I am much gratified by the passage of this bill to amend—in fact, rewrite—the appeal section of the present radio act. It is not only in the interest of the public, but in the interest of orderly procedure. I never did like the language of section 16 of the radio act. When the bill culminating in that act was being considered, I criticized the appeal provision both in the committee and in the House. I insisted that the provision was ambiguous and would prove unsatisfactory and ineffective. In my minority views filed on said bill in the Sixty-ninth Congress, in discussing the appeal provision, which the bill we have just passed supplants, I declared that "the opportunity for a review is a shadowy one, indeed."

In suggesting a number of amendments to the pending bill in said minority views, I stated with respect to the appeal provision:

I further suggest that any person in interest feeling aggrieved should have the right of appeal from the action of the commission to the Court of Appeals of the District of Columbia or some other Federal court, and that such court have the right of review of the questions at law, but that the findings of fact of the commission shall be conclusive.

Under its interpretation of the appeal provision in the existing law the Court of Appeals of the District of Columbia assumed to perform the function of a superradio commission, substituting its judgment and discretion for that of the Federal Radio Commission. The Supreme Court upheld the court of appeals in this interpretation, and also held that the judgment of the court of appeals was final, as the appeal provision in the law had in effect made an administrative body of the court of appeals, instead of granting appeals from the Radio Commission to the court of appeals as an appellate court, so that the Supreme Court was not given jurisdiction of such appeals, and the Supreme Court would not grant a writ of certiorari to bring such a case before the Supreme Court.

The bill just passed is substantially in accord with my views and suggestions made over four years ago, when the matter was then under consideration. My position then has been fully vindicated. You know it is sometimes gratifying to be able to say, "I told you so."

ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF MISSOURI

The next business on the Consent Calendar was the bill (H. R. 12347) to provide for the appointment of an additional district judge for the eastern district of Missouri.

The SPEAKER pro tempore. Is there objection?

Mr. GREENWOOD. Mr. Speaker, I see there is no recommendation here in connection with this report from the Attorney General or from the conference of senior judges. I do not believe there is any necessity for an additional judge or there would be such reports from both.

Mr. PALMER. Mr. Speaker, the report is already on file, the report of the Attorney General for 1929, which shows that there were pending at the close of business on June 30, 1929, 120 civil cases, 278 criminal cases, and 396 bankruptcy cases, and that during the period from June 30, 1928, to June 30, 1929, 1,119 criminal cases were commenced, and 1,097 were terminated. There is evidently a great demand for relief of such a congested condition.

Mr. GREENWOOD. That does not leave any more unfinished criminal cases than in the average district court. If there were sufficient reason for an additional judge, at least the recommendation of the Attorney General and the conference of judges would be here to say so. I ask unanimous consent that the bill be passed over without prejudice.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. GREENWOOD. Yes.

Mr. PALMER. If there is any necessity for a new judge anywhere, it is in this district.

Mr. COCHRAN of Missouri. I call the attention of the House to this report. It gives us some information as to law enforcement in a large city. The report shows, and this district includes the city of St. Louis and about 50 counties in Missouri, that there were 1,119 criminal cases before that court in one year, and 1,097 were terminated. I state this to bring out the fact that that shows beyond any question of doubt that the violators of the laws of the country are being prosecuted in the large cities of the country.

Mr. GREENWOOD. I think that shows that there are no more criminal cases disposed of than in the average district court.

Mr. COCHRAN of Missouri. We have two wonderful judges in St. Louis—Judge Faris and Judge Davis—men who work hard, night and day.

My colleague, Mr. DYER, the author of the bill, no doubt can give you what information has been sent to him about the necessity for the additional judge. The report of the Attorney General clearly indicates how the work of the court is handled. I know Judge Faris and Judge Davis work mighty hard. No better judges can be found on the Federal bench.

The gentleman from West Virginia [Mr. BACHMANN], who as a member of the Judiciary Committee made the investigation as to the conditions of the docket in the various Federal courts, tells me the department communicated with the senior circuit judge of the eighth circuit, Judge Stone, and in response he reported that an additional judge to serve in both the eastern and western districts of Missouri was needed, or words to that effect. If Judge Stone, who is my personal friend, made such a recommendation, and I am sure he did from what Mr. BACHMANN says, I know the judge must be needed. I was in Judge Stone's company several times when he was here last fall for the meeting of the senior circuit judges, but this question was not discussed then because no bill had been introduced.

So far as I know, no one has been denied a trial in St. Louis due to the congestion of the docket, or at least I have heard no complaints; but this condition can be attributed to the hard work of the two judges now sitting in the eastern district. The gentleman from Indiana [Mr. GREENWOOD] says he would not object to the bill if it provided for one judge to alternate between the eastern and western districts of Missouri. I can not speak for my colleague, but no doubt he will discuss the matter with the gentleman.

Mr PALMER. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. Yes.

Mr. PALMER. This is recommended favorably by the committee pursuant to the recommendation of the Enforcement

Commission. There is evidently adequate demand for this measure.

Mr. GREENWOOD. The statement the gentleman himself read shows that almost as many criminal cases were disposed of as were filed. There are no more criminal cases pending there unfinished than in the average district court.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana that the bill be passed over without prejudice?

There was no objection.

ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF MICHIGAN

The next business on the Consent Calendar was the bill (H. R 12350) to provide for the appointment of an additional district judge for the eastern district of Michigan.

The Clerk read the title of the bill?

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I see the distinguished gentleman from Michigan [Mr MICHENER], who represents the district adjoining the city of Detroit, and I wish him to explain the need for this additional judge. I believe there are three district judges there at the present time.

Mr. MICHENER. That is true.

Mr. STAFFORD. In view of the industrial depression, particularly in the automobile industry, and the absolute cessation of business in some of the great motor industries, which naturally affects the court business of the eastern district of Michigan, particularly arising out of patents, what is the need for an additional judge? Perhaps when the committee recommended this bill with the prospect that business was on the upgrade and that the automobile industry would be as flourishing as years ago, they were justified in reporting this bill, in anticipation of the regular increment of work, but now, as the court work reflects business conditions, I would like to have the gentleman's opinion as to its present need.

Mr. MICHENER. Mr. Speaker, the gentleman is in error as to the work of the court reflecting prosperity. The rule generally is that there is more court business in hard times than in good times.

Mr. STAFFORD. That is true so far as losses from fire are concerned and bankruptcy, but as to business generally it is not so.

Mr. MICHENER. Litigation is usually heavier in United States district courts in hard times than in good times. The only explanation I can give the gentleman is included in the report. We have three judges there. The work is one year and a little better behind in criminal cases and in civil cases two years behind. No civil case can go to trial in the eastern district of Michigan which has not been on the calendar for two years. Not a single criminal case can be brought to trial which has not been on the calendar for at least one year. Now, if we are to relieve the congestion——

Mr. CRAMTON rose.

Mr. STAFFORD. I see the gentleman's colleague from Michigan rising. If there are cases requiring particularly early treatment from the Mount Clemens jurisdiction——

Mr. MICHENER. This bill provides for one additional judge for the eastern district of Michigan. The population of this district in 1920 was 2,456,743, and the pending census will undoubtedly show a population of well over 3,000,000 inhabitants. There are at present three judges in this district. No fault can be found in this district with the hours worked by the judges or with the length of vacations taken by the judges. The judges in few, if any, districts in the country devote more time and work harder to keep up the calendars than do the judges in the eastern district of Michigan.

The business of the Federal court in this district is constantly increasing. In this district is centered the great automobile industry of the country, which necessarily brings much work to this court. In addition, there is admiralty work because more tonnage passes through the Detroit River than through any one given point in the world. The proximity to the Canadian border brings many prohibition cases to this court, and a great city like Detroit, with its great industries, inherently is a source of much litigation which must be disposed of in the Federal court.

At the close of the fiscal year of June 30, 1928, there were pending in this district 468 United States civil cases; 1,241 cases were commenced during the year, and at the close of the year, June 30, 1929, 659 cases were pending. Criminal prosecutions pending on June 30, 1928, were 379, while criminal prosecutions pending at the close of June 30, 1929, were 410. In private litigation pending at the close of June 30, 1928, there were 529 cases, and at the close of June 30, 1929, there were 508 cases. At the close of the fiscal year 1928 there were pending 884 bankruptcy cases, and at the close of the fiscal year 1929 there were pending 761 bankruptcy cases.

Representative BACHMANN, of West Virginia, and a member of the Judiciary Committee, has within the last few weeks made a careful study of all of the judicial districts throughout the United States for the purpose of determining where real congestion in the courts exists, and where additional Federal judges are necessary to relieve this congestion. On April 22, 1930, Mr. BACHMANN presented to the House the result of his study, and his conclusions are found in the CONGRESSIONAL RECORD of that date. At the request of Mr. BACHMANN, the Department of Justice made inquiry from the presiding circuit judges of the several circuits, and photostatic copies of the replies of the presiding judges of the circuits were furnished to the Judiciary Committee. In answer to the inquiry asking for conditions in the eastern district of Michigan, the presiding circuit judge, Hon. Arthur C. Denison, wired the Department of Justice as follows:

> There is probably no escape from asking another judge at Detroit, where congestion is getting worse.

In the opinion of the committee, the congestion in the eastern district of Michigan requires one additional judge.

The senior judge in the eastern district has wired as follows:

> In my opinion, criminal calendar is in arrears for one year and civil calendar two years. Regular court hours are six hours a day; we often hold court for longer than these regular hours. We try to get 1 month vacation each year, but in 19 years I have been able to take only 3 real vacations—1 for 2 months and the other 2 for 1 month. Many patent cases are begun in other districts which could and should be brought here if we had more judges. I am confident that 2 judges could work hard with patent cases alone, 2 judges with criminal cases alone, and 1 judge with civil-law cases alone. We need more than one additional judge, and no one familiar with the situation would question the need of at least one in order to give litigants the service to which they are entitled.

Mr. STAFFORD. All the bills for additional New York judges were objected to.

Mr. MICHENER. This is not a personal matter with me.

Mr. STAFFORD. As I read the report, the judges there have kept up with the current business.

I notice there were 283 private suits begun and 317 terminated. However, there are 520 cases pending. I am a believer in not having litigation held up for years and years; and, although I think the three judges can take care of the current business, and more and more on account of the present business depression, yet I think there would be no injustice done in having another judge, and so I withdraw my objection.

Mr. SCHAFER of Wisconsin. The report shows there are a great many pending cases by reason of the Federal prohibition laws. The committee report says:

> The business of the Federal court in this district is constantly increasing. In this district is centered the great automobile industry of the country, which necessarily brings much work to this court. In addition, there is admiralty work because more tonnage passes through the Detroit River than through any one given point in the world. The proximity to the Canadian border brings many prohibition cases to this court, and a great city like Detroit with its great industries, inherently is a source of much litigation which must be disposed of in the Federal court.

Each day we have legislation creating and imposing new and extraordinary tax burdens on the American people by reason of the sumptuary Federal prohibition laws. I shall not object to the consideration of this bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

> *Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of Michigan.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ASSAY OFFICE AT DAHLONEGA, GA.

The next business on the Consent Calendar was the bill (H. R. 6998) to establish an assay office at Dahlonega, Lumpkin County, Ga.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. ARENTZ. Mr. Speaker, the gentleman from Georgia [Mr. BELL] would like to say a few words about the bill.

Mr. JENKINS. I will withdraw my objection in order to give the gentleman from Georgia an opportunity.

Mr. LAGUARDIA. Mr. Speaker, I reserve an objection.

Mr. ARENTZ. I hope gentlemen will withhold their objections and give the gentleman from Georgia an opportunity.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia be permitted to address the House for five minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BELL. Mr. Speaker and Members of the House, the bill introduced is for the purpose of establishing an assay office at Dahlonega, Ga.

In 1835 there was a mint established at Dahlonega, and it was one of the first in the United States. In 1861, just prior to the Civil War, this mint was burned. Just before the war there was about $17,000,000 worth of gold taken out of the properties in and around Dahlonega. The Civil War came on and activities, of course, ceased. Our section of the country, as a matter of course, was in devastation and ruin. The people had to resort to farming in order to make a livelihood. Gold mining, as a matter of course, ceased for a number of years after the Civil War. After that, activities began again, and a large amount of gold was taken out of the lands and properties in that section of the country. Later, the Spanish-American War broke out and that stopped activities in gold mining in and around Dahlonega, but recently there has been a great deal of gold taken out of the properties in this section. In one week in February there were 10 pounds of gold taken out of one mine in Lumpkin County. The following week a Canadian company took out 4½ pounds of gold. It is hoped that this bill will pass for the reason that it will encourage the individual miners in that country.

Mr. CABLE. Will the gentleman yield?

Mr. BELL. I yield.

Mr. CABLE. Could the gentleman tell us about how much it would cost per year to maintain this office?

Mr. BELL. I think it will cost less than $10,000 a year; that is, for the equipment.

Mr. CABLE. Is it not a fact that the so-called miners of Georgia could send their ore to New Orleans and have the samples assayed?

Mr. BELL. They have to do it.

Mr. CABLE. They can do that now?

Mr. BELL. They can by paying the transportation, which almost precludes the individual miners from sending ore to New Orleans.

Mr. ARENTZ. Will the gentleman yield?

Mr. BELL. I yield.

Mr. ARENTZ. We have assay offices in Carson City, Nev., Boise, Idaho, and Helena, Mont., and I think the gentleman on the Appropriations Committee, although I will not name him, is responsible for cutting the assay offices out of the appropriation bill, but they were inserted in the Senate. This assay office, contrary to what the gentleman from Georgia expects, will only take care of bullion and matt and things of that sort that are sent in. It will not take care of the individual assays. By that I mean, if a prospector picks up a rock and thinks it carries gold and sends it to the assay office, the Government assay officers will not analyze the individual samples and tell the prospector how much gold there is in the rock. The purpose of the assay office is not for that service. It simply analyzes bullion, the gold or silver that is in it; but as far as the assays which individuals send to the office are concerned, those must in turn be sent to a commercial chemist or assayer who, for a dollar, or a dollar and a half, or two dollars, up to five dollars, makes an analysis. But this Government assay office does not do that work. If the gentleman thinks by the establishment of that office in Georgia it will help the individual prospector who finds a sample on the ground and would like to find out whether it carries gold or silver, he is going to find himself without any help, because the assay office will not do that.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. BELL. Mr. Speaker, I ask unanimous consent to proceed for two additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ARENTZ. Of course, the gentleman can word his bill different from the bill establishing the assay offices at Helena, Salt Lake City, and the other points in the West, but according to the wording of this bill, the work which the gentleman expects to be done will not be done.

Mr. BELL. I got my information from the Director of the Mint, who told me that the assays could be made and would be made there for gold or any other kind of ore, but that as a matter of course they would have to charge the prospector about a dollar for each assay; but they have to pay that now, as well as for the transportation of the ore.

Mr. ARENTZ. The transportation amounts to sending less than a quarter of a pound. That can be sent by parcel post for 2 cents or 4 cents down to New Orleans. That is all the sample that is required. You do not need to send 500 pounds or 10 pounds or even 1 pound.

Mr. GREEN. Does the gentleman want the assay offices discontinued in his section of the country?

Mr. ARENTZ. I will say that if the gentleman can establish an assay office to do the work that they think will be done, I should be for it.

Mr. GREEN. Are your offices doing it?

Mr. ARENTZ. No.

Mr. GREEN. Why not discontinue them, then?

Mr. ARENTZ. As I understand it, they are cutting them all out. I would like to see them all retained.

The SPEAKER pro tempore. The time of the gentleman from Georgia has again expired.

Mr. BELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks as I desire to print in the RECORD some letters bearing upon the establishment of an assay office at Dahlonega, Ga. One letter from Dr. Craig Arnold, of Dahlonega, who is a practical miner and who has had 40 years' experience in gold mining in Mexico and in Georgia. Also a letter from Dr. Garland Peyton, director School of Mines at Dahlonega, to Hon. T. F. Christian, a prominent banker and business man in that section of Georgia, who also has had considerable experience in gold mining. I desire also to include a letter from Mr. Frank K. Gardner, of New York City. I shall include a letter from Mr. D. W. Thornton. This assay office should be established and, I believe, will be.

DAHLONEGA, GA., *April 14, 1930.*

Hon. THOS. M. BELL, M. C.,
Washington, D. C.

SIR: You have requested me to give you an estimate of the probable amount of ores contained in this Appalachian system, and the approximate value thereof.

Gold ores are found from Hog Mountain in eastern Alabama at the extreme southern limit of this Appalachian Range to the Kincon Mountains in Nova Scotia northern range where it dips under the St. Lawrence Bay and outcrops again in that portion of Canada known as Quebec, where recent discoveries have opened up some of the richest mines found in America.

The width varies up to 10 miles although in places it exceeds this both in Georgia and North Carolina.

If we assume it to be limited to only 500 miles in length and only 1 mile in width, and allowing for 15 cubic feet to represent 1 ton, we have the enormous amount of 100,000,000 tons for every foot depth.

It is well known that the many millions so far recovered from this area have been limited to placer gold with the surface barely scratched, the deepest vertical shaft to my personal knowledge being less than 100 feet. We are without information as to the extent of the real depth to which these ores will go.

From my personal study of these deposits, based on my engineering training and living in this field for the past 30 years, I can positively affirm that the depth of these ore bodies will never be reached with any means in control of man.

It is not a question of the enormous tonnage beneath us, it has now resolved into the average value per ton, and it is this question alone that confronts us.

While many of these richer veins permeating the large ore bodies will assay into the thousands of dollars per ton, we are more interested in those ore bodies that run into the dollars per ton, and I state without fear of contradiction that $5 per ton will be found to be a fair and conservative estimate of these sulphide ores.

In spite of the conservatism of these estimates we must have at least half a billion dollars for each foot in depth, and it is for this object that the world at large will welcome the establishment of an assay office under governmental regulations that accurate values may be obtained.

Yours truly,

CRAIG R. ARNOLD.

NEW YORK, *April 5, 1930.*

Hon. THOMAS M. BELL,
House of Representatives, Washington, D. C.

DEAR SIR: I understood from Dr. C. R. Arnold, of Dahlonega, Ga., that you might be interested in an expression of opinion from me as to the situation with reference to the development of the Dahlonega section of the Appalachian gold deposits.

I was in and around Dahlonega from 1922 until 1926, working all the time on these gold deposits, and I think, probably, I know as much of their character and of their possibilities as anyone in the United States.

Unquestionably Dahlonega is the center of the most extensive deposits of low-grade gold ore in this country and probably in the world.

Records, of course, show that a great deal of gold has been taken out of Lumpkin County, and whether the low estimate of something like $15,000,000 or the high estimate of $30,000,000 or $40,000,000 represents the true total, either amount is indicative of the immense total values yet remaining, for it is well known that only a small part of the surface of the district has been mined and there has been no deep mining whatsoever.

I made a failure of my efforts in Georgia, due to lack of capital and to the fact that I was not able to save the fine float gold that was carried away by the colloidal or "muddy" character of the surface deposits.

Since leaving Georgia in 1926, I have met with considerable success, and would be, I think, in a position to finance any undertaking that had a reasonable certainty of making money. Feeling that sooner or later this region would be an extensive gold-mining camp, I have, within the past year, spent time and a considerable amount of money in working out a metallurgical problem with reference to the gold recovery from the Dahlonega deposits.

I am now quite satisfied that I can save the gold that I formerly lost, and if this can be done there is no question as to the profits to be made from certain well-organized and well-managed mining operations in and around Dahlonega. It is my intention, therefore, to reenter this field as soon as possible.

I understand that you are interested in establishing a Government assay office at Dahlonega. This, I think, should be done. It perhaps does not mean a great deal to me personally, for I have my own laboratories, but at the same time it would, if and when I go to Georgia, be a decided help to me.

I do not expect, however, to develop the whole Dahlonega field, and if it is developed, as it deserves to be, then this assay office would be a most decided asset in opening up the territory.

The gold fields of Georgia are worth every consideration, and I think that this assay office could be used most advantageously and would be of great value to the work that must inevitably, sooner or later, be done.

Very truly yours,

FRANK K. GARDNER.

NEW YORK CITY, N. Y., *April 8, 1930.*

Hon. THOMAS M. BELL, M. C.,
Washington, D. C.

DEAR SIR: May I be permitted a brief expression in re bill H. R. 6998, to establish an assay office at Dahlonega, Ga.

I have been interested in the possibilities of the recovery of gold and other mineral products in this locality since 1921. I believe I am fairly familiar with local conditions, the economic resources of the citizens, and the difficulties under which they labor in order to properly develop their holdings, or to adequately present the facts to the capitalistic world outside, and the tremendous wealth of undeveloped minerals contained in the gold-bearing strips that run through the States of Georgia and the Carolinas.

I do not hesitate to say—and this is based on nine years of close connection with the above-named districts—that I know of no place where capital can be invested to better advantage in mining than in the above-named areas. Like the petroleum-bearing areas of the western Pennsylvania system, the southeastern mining fields have been passed by in the rush for western fields, and as in the case of the Pennsylvania oil fields, greater returns for capital invested are lying, figuratively speaking, under our noses.

The establishment of an assay office in Dahlonega will stimulate the local mining industry and enable the small producers of gold to realize to the full the results of their labor, and these people sorely need all they can earn. It will be the means of establishing values on properties that the owners have not the ability or the resources to do under existing conditions. I believe that Dahlonega is the logical place for this office to be established, and that the beneficial results obtained therefrom will later lead to the establishment of another in the Carolinas.

My experience dates from 1902, about 20 years of this being spent in the service of British oil companies, working under the personal supervision of and in connection with such men as Sir Boverton Redwood, E. H. C. Craig, G. W. Halse, B. F. N. Macrorie, A. C. Carmody, and others, supplemented by special courses at Edinburgh, my work being the prelocation of petroleum before drilling.

The passage of the above bill will not in any way benefit me personally in a pecuniary way, but should be of immense benefit to the Southeastern States and the country at large.

Congratulating you on the introduction of so useful a measure, and hoping for its passage, I am,

Respectfully yours,

D. W. THORNTON.

DAHLONEGA, GA., *April 5, 1928.*

Mr. T. F. CHRISTIAN,
Dahlonega, Ga.

DEAR SIR: I wish to avail myself of this opportunity to express to you my willingness to cooperate with you in urging the enactment of the legislation necessary to the establishment of a Federal assay office at Dahlonega.

Being a mining engineer, and having held the position of director of the only school of mines in the State for the past 10 years, I have been in a position to appreciate, probably better than anyone else, just how much an institution such as this would mean to this section of the country.

Although Georgia and other Southern States are known to possess great mineral wealth, very little has been done to exploit and develop these resources. This is due largely, no doubt, to the fact that the people who constituted the first white population in these States were agriculturists and knew nothing about minerals and mining.

A Federal assay office at Dahlonega would not only enable the landowners to determine, definitely, the existence and value of the economically important minerals on their lands, but it would also prove beneficial by helping to stimulate a greater interest among the young men of the South in the study of the development and marketing of these minerals.

I am, very truly yours,

GARLAND PEYTON,
Director School of Mines, Dahlonega, Ga.

Mr. BELL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. LAGUARDIA. I withdraw my reservation of objection for that purpose.

Mr. JENKINS. I withdraw my reservation of objection.

DIVISION OF JUDICIAL DISTRICTS, STATE OF WEST VIRGINIA

The next business on the Consent Calendar was the bill (H. R. 12095) to amend section 113 of the Judicial Code, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to be certain whether this bill involves the holding of court at any places where court is not now held?

Mr. BACHMANN. I will say to the gentleman from Michigan that under the bill as it is drawn now, all places of holding court at the present time will be included in the new arrangement, but there is an amendment which the gentleman from West Virginia [Mr. WOLVERTON] expects to offer, transferring one of the counties, which will permit the holding of court at Weston, where there is a county courthouse. Court can be held there without any additional expense to the Government, so I am informed.

Mr. CRAMTON. That is, there is a Federal court room.

Mr. BACHMANN. No; but provision has already been made for the erection of a building at Weston, and court can be held in the courthouse until that is completed.

Mr. CRAMTON. The deficiency bill which has just gone through carries an appropriation for a public building at that place without a court room included?

Mr. BACHMANN. I will have to yield to the gentleman from West Virginia [Mr. WOLVERTON] on that. All I know is that provision has been made to build a building at Weston.

Mr. CRAMTON. It would cost twice as much to build a building with a court room included as it would to build a post-office building. That is the reason I am interested.

Mr. WOLVERTON of West Virginia. I will say to the gentleman from Michigan that it was my intention to object to this bill. However, upon a rather thorough investigation, I am of the opinion that West Virginia needs this legislation at this time. My objection would have been lodged against the bill because of the allocation of the counties. My congressional district, I believe, is more affected than any other part of the State by this proposed legislation, but the gentleman from West Virginia [Mr. BACHMANN] has agreed to an amendment, and his agreement has removed my objection to this proposed legislation.

Mr. CRAMTON. If the gentleman will permit, here is what I am interested in: We have recently been considering appropriations for public buildings in the Committee on Appropriations. We have found that in many instances we have had to provide court-room space at a very high cost in towns where Federal court is only held two or three weeks in a year. It costs as much to provide a court room as it costs to erect a post-office building, and in cases where they only hold Federal court a few weeks in the year that does not seem wise. If we allow this legislation to pass and the law provides for the holding of court then there is nothing that our committee or the House can do but make the appropriation; hence, before

this bill passes I would like to know definitely what it is going to cost us in new court-room facilities.

Mr. WOLVERTON of West Virginia. I will say that in the county in which we seek to establish a court, where a court does not now exist under the old law, we have a very excellent county courthouse where the circuit court is held. This courthouse will accommodate the business of the proposed new Federal court. There is an appropriation provided in the second deficiency bill of $150,000 to build a post-office building in the town of Weston.

Mr. CRAMTON. Does that appropriation have any reference at all to the creation of a court room?

Mr. WOLVERTON of West Virginia. It has nothing to do with the construction of a courthouse or the creation of a court room.

Mr. BACHMANN. I want to say to the gentleman from Michigan that I was very careful when I introduced this bill. I would not have introduced this bill if we had not had sufficient places to hold court and in the same places where we are now holding them, because I would not come on the floor of this House and advocate the passage of this bill if it later meant the building of additional courthouses, because we do not need additional courthouses at this time in which to hold Federal court in West Virginia. I had that in mind when this bill was drawn.

Mr. CRAMTON. The appropriation which has gone through for a post-office building at Weston, according to the statement of the gentleman from West Virginia [Mr. WOLVERTON], says nothing about a courthouse, and if this legislation should go through with the amendment suggested then about next winter there will be a request to raise the limit from $150,000 to $250,000 in order to provide space for the holding of Federal court.

Mr. BACHMANN. I will say to the gentleman from Michigan that as one Member of this delegation I shall oppose any movement of that kind, because it is not needed at this particular time. It is not necessary to build a courthouse in West Virginia for the purpose of holding Federal court.

Mr. CRAMTON. But if a courthouse building is ordered to be built there, then our committee is up against it. If the law orders a courthouse building to be erected at a place where court is only held a week or 10 days in the year, what are you going to do about it? The time to stop that is before a bill passes ordering court to be held there. I feel that to-day I would have to object to a bill going through that provided a new place for holding court, until we can investigate it a little further.

Mr. BACHMANN. This bill as it is now drawn, and without any amendment, does not create any additional expense in the way the gentleman refers to.

Mr. CRAMTON. But if consent is given, then the amendment suggested would be offered. How large a place is Weston and how much court would ever be held there?

Mr. WOLVERTON of West Virginia. Weston is a city of about 7,000 people. It is developing very rapidly, and I think the increase in population in the last 10 years has been about 2,000.

Mr. CRAMTON. How far is it from the nearest place where Federal court is held?

Mr. WOLVERTON of West Virginia. It is about 25 miles.

Mr. CRAMTON. Well, with automobiles, there is no occasion——

Mr. WOLVERTON of West Virginia. But the place nearest Weston where Federal court is held is in the northern district of the State, and under this bill Weston will be in the western district.

Mr. CRAMTON. Then how far will it be in the western district from a place where court is held?

Mr. WOLVERTON of West Virginia. About 60 miles.

Mr. CRAMTON. Why should it not be left in the district where it would be only 25 miles away?

Mr. WOLVERTON of West Virginia. It would not be a proper allocation of the counties. We are taking out of the proposed western district Harrison County, which is the chief county in my congressional district, with a population of about 75,000 people. This county is to be put in the northern district, under the agreement.

Mr. CRAMTON. What does the gentleman's amendment provide with reference to a place for holding court in Weston?

Mr. WOLVERTON of West Virginia. It provides for the holding of two terms of court each year at Weston. I do not remember the date of the terms of court.

Mr. CRAMTON. Would it be agreeable to the gentleman to submit his amendment somewhat in the form that so long as court room is furnished without expense, court may be held there?

Mr. WOLVERTON of West Virginia. I do not like to commit myself in that way.

Mr. CRAMTON. Suppose, then, we let the bill go over at this time——

Mr. BACHMANN. I will offer that amendment.

Mr. WOLVERTON of West Virginia. I have in mind the very thought the gentleman has discussed here. I believe Weston would be entitled to a Federal building that would accommodate a Federal court.

Mr. CRAMTON. Yes; that is just what I expected.

Mr. WOLVERTON of West Virginia. And it is my intention in the future to ask for an additional appropriation for that purpose.

Mr. CRAMTON. Then, Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

Mr. BACHMANN. Will the gentleman withhold that a moment?

Mr. CRAMTON. I withhold it.

Mr. BACHMANN. I want to say to the gentleman from Michigan that I hope he will not do that in this instance. We are in a peculiar situation in West Virginia. We have 2 judges down in West Virginia who are doing one-fifth as much work as 17 judges are doing in the entire State of New York.

Mr. LAGUARDIA. What does the gentleman know about New York? The gentleman does not know anything about that.

Mr. BACHMANN. I am only making a comparison.

Mr. LAGUARDIA. Take some other State. I have trouble enough without having comparisons made with West Virginia.

Mr. BACHMANN. And I will say to the gentleman that this bill has the approval of the two judges of the circuit court of appeals of the fourth judicial circuit.

Mr. CRAMTON. The gentleman understands that I have no objection to the bill as a whole, but it is very apparent that the amendment proposed is leading up to a new Federal building to take care of the court, and that means $100,000 or $200,000, and there is no occasion for it.

Mr. WOLVERTON of West Virginia. If the gentleman will yield, I would like to make this statement: West Virginia has not asked for much in this Congress and is not getting very much. A Federal appropriation for a court room at Weston, in my opinion, is proper and necessary. This is a growing industrial community, and we need such legislation. Our courts are congested to the extent that business can not function properly, and, as I assert, West Virginia is not getting very much in the way of Federal building appropriations in this Congress.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. WOLVERTON of West Virginia. Yes.

Mr. SCHAFER of Wisconsin. Will some of that congestion be relieved when this court commissioner bill that the gentleman from West Virginia sponsored and backed up becomes law?

Mr. LAGUARDIA. That will increase the duties of the judges.

Mr. WOLVERTON of West Virginia. We hope it will, in a way, relieve congestion, but we do not believe it will relieve congestion to the extent of eliminating the necessity for another Federal judicial district in West Virginia.

Mr. LAGUARDIA. If the gentleman will yield, that bill provides for the judge to pass upon every recommendation of the commissioner.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to direct an inquiry to the author of the bill as to the status of litigation in these two districts. I have been making this inquiry with respect to all these bills with respect to the judiciary, having given some previous consideration to them in connection with the report of the Attorney General of last year. I ask this question in view of the report of the gentleman from West Virginia that there is much more business carried on in these districts than in the districts of New York.

I find that in the northern district of West Virginia that of private cases there were but 51 suits begun during the year 1929 and 51 ended, a very small number compared with the litigation in other districts throughout the country.

In the southern district I find 115 cases begun and 137 terminated. They made some headway there. There were only 130 cases pending in the southern district on June 30, 1928. The gentleman says that they are overcrowded with work in these districts, with 51 private cases begun and 51 private cases disposed of. I have been analyzing these increased judgeship cases by the increase in private litigation, and I would like to hear from the gentleman, especially in view of the showing in the report of the Attorney General with respect to the northern district and the southern district.

Mr. BACHMANN. I will be very glad to answer the gentleman from Wisconsin. It is true that at the end of the fiscal year 1929 there were 52 what he calls private cases commenced in the northern district of West Virginia.

During the same period in the northern district there were 54 cases completed.

In the southern district there were 115 cases commenced and 137 completed.

But the gentleman has not read the civil cases that are in addition to the private litigation, and the gentleman must appreciate that the litigation we have in our Federal courts is litigation in many instances growing out of the coal industry down there, and this involves cases that represent large sums of money and long and tedious litigation.

In addition to this, we have a large number of criminal cases that we have to dispose of, and the court in taking time to dispose of these criminal cases has had to neglect the disposition of the civil cases on the docket.

Mr. STAFFORD. Do these judges give their exclusive time to litigation arising in West Virginia?

Mr. BACHMANN. They give all of their time to it. I want to read a letter from the judge of the northern district. He says, "I have not been able to keep up with the work. I am holding court continually, and have not had an opportunity to rest for four years." I also have a letter from the other judge from the southern district.

Mr. STAFFORD. They are middle-aged virile men, giving all their attention to the work?

Mr. BACHMANN. They are very industrious judges and work hard. In a letter from the judge in the southern district he says that he is compelled to work Sundays and evenings in order to keep up with his work.

Mr. STAFFORD. Mr. Speaker, in view of the showing of the work these judges are doing I think they are in need of an additional judge, and I withdraw my reservation.

Mr. SCHAFER of Wisconsin. Reserving the right to object, I want to ask the gentleman if the increase in criminal cases which he has alluded to in this district does not result from the Federal prohibition laws? Is not the bill before us asking for an additional judge caused by the additional burden put upon the courts by the increase of violations of the prohibition law?

Mr. BACHMANN. I can only give to the gentleman the number of criminal cases we have to dispose of and the fact that I made a statement in the House some time ago that 90 per cent of the criminal cases were prohibition cases.

Mr. SCHAFER of Wisconsin. And you would not be here pleading for an extra judge, pleading with the dry Congressmen from Michigan to help furnish an extra judge, if it were not for the prohibition law.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Reserving the right to object——

Mr. STAFFORD. There is a request pending for the bill to be passed over without prejudice.

Mr. SCHAFER of Wisconsin. I shall object to that.

Mr. CRAMTON. Reserving the right to object, I want to make a short statement. I am in sympathy with the bill, but the gentleman from West Virginia says that he intends to offer an amendment for another place to hold court, manifestly looking to another appropriation for a public building for that purpose. As a matter of economy, and in accord with the policy I have followed in similar cases, I can not agree to that amendment. I suggest that he make his amendment to provide that court be held there so long as it can be held without expense to the Government for quarters.

Mr. WOLVERTON of West Virginia. I would not like to be put in the position of accepting that suggestion, for if in the future this community should develop to the extent that it was thought proper that there ought to be a Federal building there to accommodate the court we ought to have it.

Mr. CRAMTON. Congress could at any time authorize a building, but I infer that the gentleman has some idea of coming in at the next session and asking that the $150,000 be increased to $250,000 in order to get a court building.

Mr. WOLVERTON of West Virginia. Would there be anything unfair in that?

Mr. CRAMTON. I think it would in the present condition of the Treasury.

Mr. BACHMANN. We will accept the amendment.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 113 of the Judicial Code, as amended (U. S. C., title 28, sec. 194), is amended to read as follows:

"SEC. 113. (a) The State of West Virginia is divided into three districts, to be known as the northern, western, and southern districts of West Virginia.

"(b) The northern district shall include the territory embraced on the 14th day of April, 1930, in the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Preston, Marion, Taylor, Barbour, Tucker, Grant, Mineral, Morgan, Hampshire, Berkeley, Jefferson, Hardy, Randolph, Pendleton, and Upshur.

"(c) Terms of the district court for the northern district shall be held at Martinsburg on the first Tuesday in April and the second Tuesday in September in each year; at Wheeling on the fourth Tuesday in April and the fourth Tuesday in September in each year; at Elkins on the first Tuesday in June and the third Tuesday in November in each year.

"(d) The clerk of the court for the northern district of West Virginia shall maintain an office in charge of himself, a deputy, or a clerical assistant at each of the places of holding court within said district.

"(e) The western district shall include the territory embraced on the 14th day of April, 1930, in the counties of Tyler, Pleasants, Wood, Jackson, Mason, Roane, Wirt, Ritchie, Doddridge, Gilmer, Calhoun, Wayne, Lewis, Harrison, Lincoln, Cabell, Putnam, Mingo, and Logan.

"(f) Terms of the district court for the western district shall be held at Parkersburg on the first Tuesday in January and the first Tuesday in September in each year; at Williamson on the first Tuesday in March and the fourth Tuesday in September in each year; at Clarksburg on the second Tuesday in April and the third Tuesday in October in each year; at Huntington on the second Tuesday in May and the third Tuesday in November in each year.

"(g) The clerk of the court for the western district of West Virginia shall maintain an office in charge of himself, a deputy, or a clerical assistant at each of the places of holding court within said district.

"(h) The southern district shall include the territory embraced on the 14th day of April, 1930, in the counties of McDowell, Mercer, Wyoming, Raleigh, Boone, Fayette, Kanawha, Webster, Clay, Braxton, Nicholas, Pocahontas, Greenbrier, Summers, and Monroe.

"(i) Terms of the district court for the southern district shall be held at Bluefield on the third Tuesday in January and June in each year; at Lewisburg on the third Tuesday in March and September in each year; at Webster Springs on the fourth Tuesday in August in each year; at Charleston on the third Tuesday in April and November in each year.

"(j) The clerk of the court for the southern district shall maintain an office in charge of himself, a deputy, or a clerical assistant at each of the places of holding court within said district.

"(k) Each of the offices of the clerks in each of the districts aforesaid shall be kept open at all times for the transaction of the business of said courts in the respective districts and the clerks of the courts for the northern, the western, and southern districts upon issuing original process in a civil action, shall make it returnable to the court nearest to the county of the residence of the defendant or of that defendant whose county is nearest to a court, and shall, immediately upon payment by the plaintiff of his fees approved, send the papers filed to the clerk of the court to which the process is made returnable; and whenever the process is not thus made returnable any defendant may, upon motion on or before the calling of the cause, have it transferred to the court to which it should have been sent had the clerk known the residence of the defendant when the action was brought.

"(l) That the district judge of the northern district of West Virginia as heretofore constituted, and in office at the time this act takes effect, shall be the district judge for the northern judicial district of West Virginia as constituted by this act. That the clerk, the district attorney, and the marshal of the district court in said northern district of West Virginia as heretofore constituted, and in office at the time this act takes effect, shall be the clerk, the district attorney, and the marshal of the district court of the northern judicial district of West Virginia as hereby constituted until their successors shall be appointed and qualified as provided by law. The assistant district attorneys, deputy marshals, deputy clerks, and referees in bankruptcy, resident in said northern judicial district of West Virginia as constituted by this act shall, within their respective jurisdictions in said northern judicial district, continue in office and continue to be such officers in such northern district until the expiration of their respective terms of office as heretofore fixed by law or until their successors shall be duly appointed and qualified as provided by law.

"(m) That the district judge of the southern district of West Virginia as heretofore constituted, and in office at the time this act takes effect, shall be the district judge for the southern judicial district of West Virginia as constituted by this act. That the clerk, the district attorney, and the marshal of the district court in said southern district of West Virginia as heretofore constituted, and in office at the time this act takes effect, shall be the clerk, the district attorney, and the marshal of the district court of the southern judicial district of West Virginia as hereby constituted, until their successors shall be appointed and qualified as provided by law. The deputy marshals, deputy clerks, and referees in bankruptcy resident in said southern judicial district of West Virginia as constituted by this act, shall, within their respective jurisdictions in said southern judicial district, continue in office and continue to be such officers in such southern district until the expiration of their respective terms of office as heretofore fixed by law or until their successors shall be duly appointed and qualified as provided by law.

"(n) That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge who is a resident of the State of West Virginia for the western judicial district of West Virginia who, when appointed and qualified as provided by law, shall possess and exercise all the powers conferred by existing law upon judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said western judicial district as hereby constituted or transferred thereto, succeed to and possess the same power and perform the same duties within said western judicial district as are now possessed by and performed by the district judges for the northern district of West Virginia and the southern district of West Virginia, respectively.

"(o) That the district attorney now district attorney for the southern district of West Virginia and the assistant district attorneys now in the said southern district shall be and continue the district attorney and assistant district attorneys of the western judicial district of West Virginia as hereby constituted until their successors shall be appointed and qualified as provided by law.

"(p) That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal for the western judicial district and a district attorney for the southern judicial district who shall be residents of the State of West Virginia and who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively.

"(q) That all other officers of any of the district courts created or constituted by this act holding any office in a district other than that of their residence shall cease to be such officers when their successors are appointed and qualified: *Provided*, That the assistant district attorney, the deputy marshal, and the deputy clerks and referees in bankruptcy, and United States commissioners, resident of the western district as constituted by this act, shall continue in office and continue as such officers in such western district until the expiration of their respective terms of office, as heretofore fixed by law, or until their successors shall be duly appointed and qualified as provided by law.

"(r) That the office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the creation of said three districts and the provisions of this act, and all vacancies created thereby in any of said districts as constituted by this act, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial districts of West Virginia as heretofore constituted.

"(s) That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the northern judicial district of West Virginia and the southern judicial district of West Virginia, as heretofore constituted, respectively, whereof the courts of the western judicial district of West Virginia as hereby constituted would have had jurisdiction if said latter district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and the same shall be proceeded within the western judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the court of said western judicial district and the judge thereof, and the records and proceedings therein and relating to said proceedings and causes herein and hereby transferred shall be certified and transferred thereto: *Provided*, That all motions and causes submitted and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in said northern judicial district of West Virginia, and said southern judicial district of West Virginia, respectively, as heretofore constituted, in which the evidence has been taken in whole or in part before the present district judge of either of the judicial districts of West Virginia as heretofore constituted, or taken in whole or in part and submitted and passed upon by the judge of either of said districts, shall be proceeded with and disposed of in the district and by the judge of the court having jurisdiction of said cause or proceeding prior to the passage of this act.

"(t) That the terms of said courts shall not be limited to any particular number of days nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

"(u) That all prosecutions for crimes or offenses hereafter committed in any of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.

"(v) That all laws and parts of laws, so far as inconsistent with provisions of this act, are hereby repealed."

Amend the title so as to read: "A bill to amend section 113 of the Judicial Code, as amended (sec. 194, title 28, U. S. C.)."

With the following committee amendments:

On page 6, line 6, after the word "the" insert the following words: "western judicial district of the."

On page 7, line 3, strike out the word "western" and insert in lieu thereof the word "southern."

On page 7, line 5, after the word "the" insert the words "southern judicial district of the."

On page 7, line 13, after the word "That" insert the words "the district attorney" and a comma, and in the same line strike out the word "attorney" and insert in lieu thereof the word "attorneys."

On page 1, line 3, after the word "amended" insert the following in parenthesis: "Sec. 194, title 28, U. S. C."

The committee amendments were agreed to.

Mr. WOLVERTON of West Virginia. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 3, after word "and," strike out "Upshur" and insert "Harrison."

The amendment was agreed to.

Mr. WOLVERTON of West Virginia. I offer the following amendment.

The Clerk read as follows:

Page 2, line 18, after the word "Lewis," strike out "Harrison" and insert "Upshur."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. Wolverton: Page 2, line 24, after the word "at," strike out the word "Clarksburg" and insert the word "Weston."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. CRAMTON. Mr. Speaker, I offer the following as a substitute for the amendment offered by the gentleman from West Virginia.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON in the nature of a substitute: Page 2, line 24, after the word "year," strike out the words "at Clarksburg" and insert "so long as quarters for such purpose at Weston are furnished without expense to the United States, at Weston."

The SPEAKER pro tempore. The question is on the substitute offered by the gentleman from Michigan.

The substitute was agreed to.

The SPEAKER pro tempore. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 2, line 7, after the word "the," where it occurs the first time, strike out "fourth Tuesday in April" and insert "second Tuesday in May."

The amendment was agreed to.

Mr. BACHMANN. I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BACHMANN: Page 2, line 8, after the word "the," strike out the word "first" and insert the word "second."

Mr. LAGUARDIA. Mr. Speaker, I rise in opposition to the amendment. I know the gentleman from West Virginia [Mr. BACHMANN] has worked very hard on these bills, and he knows the great pains the Committee on the Judiciary takes with every one of these judges bills. It is a very dangerous precedent to seek to amend a bill of this kind on the floor of the House. I know the difficulties under which the gentleman is laboring, but bills of this kind, changing terms of court and places of holding court should not be amended on the floor of the House. The committee goes into these matters, together with the Department of Justice, and endeavors to perfect a bill of this kind in the committee and not on the floor.

Mr. BACHMANN. I agree with what the gentleman says, but this amendment was proposed after the bill had come out of committee, and I wrote to the Federal judges about the proper times of holding court, and these amendments are only perfecting amendments as to fixing the times of holding court

necessitated by the amendment offered by the gentleman from West Virginia [Mr. WOLVERTON].

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from West Virginia.

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 2, line 9, after the word "the," strike out "third" and insert "second."

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 2, line 10, after the word "year," strike out the period, insert a semicolon and the following: "at Clarksburg on the first Tuesday in April and the second Tuesday in January."

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 10, line 4, after the word "repealed" add a new paragraph, as follows:

"This act shall take effect on January 1, 1931."

Mr. LaGUARDIA. Mr. Speaker, what is the purpose of that amendment?

Mr. BACHMANN. This session of the Congress is about to adjourn, and no one can be appointed and be confirmed in time to take up this business, and the judges from the northern and southern districts of West Virginia suggest that they have some time so that they can better arrange the business which will have to be transferred to the new district.

Mr. LaGUARDIA. By reason of these changes?

Mr. BACHMANN. Yes.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHOTT of West Virginia. Mr. Speaker, I offer the following amendments which I send to the desk.

The Clerk read as follows:

Amendment by Mr. SHOTT of West Virginia: Page 2, line 3, after the comma add the word "Pendleton," insert "Harrison" and a comma.

Page 2, line 10, strike out the period after the word "year" and insert a semicolon and the following: "and at Clarksburg the first Tuesday in January and the first Tuesday in October in each year."

Page 2, strike out lines 15 to 19, inclusive, and insert in lieu thereof the following:

"(e) The western district shall include the territory embraced on the 14th day of April, 1930, in the counties of Mason, Wayne, Lincoln, Cabell, Putnam, Mingo, Logan, McDowell, Boone, Raleigh, Wyoming, Mercer, Summers, and Monroe."

Page 2, line 21, strike out the word "Parkersburg" and insert "Bluefield."

Page 2, line 22, strike out the word "September" and insert "June."

Page 2, line 24, beginning with the word "at," strike out down through the semicolon after the word "year" in line 1, page 3.

Page 3, strike out lines 7 to 11, inclusive, and insert in lieu thereof the following:

"(h) The southern district shall include the territory embraced on the 14th day of April, 1930, in the counties of Fayette, Kanawha, Webster, Clay, Braxton, Nicholas, Pocahontas, Greenbrier, Tyler, Pleasants, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Ritchie, Doddridge, and Lewis."

Page 3, line 13, strike out the word "Bluefield" and insert "Parkersburg."

Mr. CRAMTON. Mr. Speaker, I rise in opposition to that amendment.

Mr. CHINDBLOM. That has already been done.

Mr. BACHMANN. This amendment will reallocate a number of the counties.

Mr. SHOTT of West Virginia. This arrangement of the counties in West Virginia would make more compact districts for these three judges, and we do not have to build any new courthouses for them, and the places of holding court are more accessible to the people. The amendment I offer is to change the way in which the State is divided into three judicial districts.

Mr. CRAMTON. Does the gentleman from West Virginia propose any new places for holding court?

Mr. SHOTT of West Virginia. Not a single new place. My amendment changes the districts by taking out certain counties and putting in others in the three proposed districts of the pending bill.

Mr. STAFFORD. What advantage will there be by taking the litigation arising in Harrison County from the western and putting it in the northern district?

Mr. SHOTT of West Virginia. There is no use of separating West Virginia into three circuits unless you arrange the business of the courts so that it will relieve the southern and the northern districts. There is no use of cutting it into three equal divisions and undertaking in that way to relieve the congestion of the courts. You have to divide the State according to the business done and likely to arise.

Mr. STAFFORD. Do I understand that a great amount of litigation arises in Harrison County?

Mr. SHOTT of West Virginia. In the proposed southern district the county of Harrison would increase the congestion. We want to balance the northern district and, I think, Harrison ought to go into the northern district.

Mr. WOLVERTON of West Virginia. If the gentleman will yield, I believe I am as well acquainted with the situation in Harrison County as is the gentleman [Mr. SHOTT], who has offered this amendment. The principal place for holding court outside of Wheeling is at Clarksburg. The people residing in Harrison County desire to be in the northern district, as it is now situated. That is so because the court business comes mainly from the cities in the northern part of the district. The people of Harrison County would be very much aggrieved if they were left out of the northern district.

Mr. STAFFORD. I understand that, territorially, it would naturally be a part of the northern district.

Mr. JENKINS. What is the standing of Harrison County?

Mr. WOLVERTON of West Virginia. It is the fourth in population.

The gentleman from West Virginia [Mr. SHOTT] lives in the extreme southern end of the State.

Mr. MICHENER. May I ask who is asking for this change?

Mr. SHOTT of West Virginia. The county of Harrison asks for this one change, I understand.

Mr. MICHENER. The gentleman himself is from another district?

Mr. SHOTT of West Virginia. Yes.

Mr. MICHENER. The gentleman is asking that the change be made?

Mr. SHOTT of West Virginia. If all the amendments I offered were carefully read it would be seen that I have changed the proposed districts so as to properly distribute the business.

Mr. MICHENER. At whose suggestion? Is it your own suggestion?

Mr. SHOTT of West Virginia. Yes.

Mr. MICHENER. Have you conferred with the judges?

Mr. SHOTT of West Virginia. No, I have not; but I have conferred with many leading citizens of the southern end of the State regarding the arrangement of counties proposed in my amendment.

Mr. MICHENER. Does not the gentleman think it extraordinary for a man outside of the district, without consultation with the bar of the State, to recommend that the change be made?

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. I ask unanimous consent to proceed for five minutes. I wish to make a statement.

Mr. SCHAFER of Wisconsin. This discussion may be prolonged so that it will take an hour. I object.

The SPEAKER pro tempore. Objection is heard. The question is on agreeing to the amendment offered by the gentleman from West Virginia [Mr. SHOTT].

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. Does the gentleman from West Virginia wish to offer another amendment?

Mr. SHOTT. No, sir.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

INTERSTATE TRANSPORTATION OF BLACK BASS

Mr. NELSON of Maine. Mr. Speaker, I ask for recognition.

The SPEAKER pro tempore. The gentleman from Maine is recognized.

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to proceed for two minutes.

Mr. GARRETT. Mr. Speaker, I have listened to the request of the gentleman from New York, but I can not recall the Chair's recognition of the gentleman.

The SPEAKER pro tempore. The gentleman from Maine [Mr. NELSON] is recognized.

Mr. NELSON of Maine. Mr. Speaker, I ask unanimous consent to return to the consideration of a bill on the Consent Calendar which was objected to, but against which the objection has been withdrawn. I have explained that this bill is of considerable interest. I ask unanimous consent to return to Calendar No. 628, to the bill S. 941, and ask for its present consideration.

Mr. GREENWOOD. Is that the bill to which the gentleman from North Carolina [Mr. WARREN] objected?

Mr. NELSON of Maine. Yes. He has withdrawn his objection. It was made under a misapprehension.

Mr. MILLIGAN. The gentleman from North Carolina has withdrawn his objection.

Mr. LAGUARDIA. Mr. Speaker, the objection was made by me. My objection was not made under a misapprehension at all. But I withdraw it.

The SPEAKER pro tempore. The objection is withdrawn. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment to the Senate bill.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert: "That the act entitled 'An act to regulate the interstate transportation of black bass, and for other purposes,' approved May 20, 1926 (U. S. C., Sup. III, title 16, secs. 851–856), is amended to read as follows:

"That when used in this act the word 'person' includes company, partnership, corporation, association, and common carrier.

"SEC. 2. It shall be unlawful for any person to deliver or knowingly receive for transportation, or knowingly to transport, by any means, whatsoever, from any State, Territory, or the District of Columbia, to or through any other State, Territory, or the District of Columbia, or to or through any foreign country, any large-mouth black bass (Micropterus salmoides) or any small-mouth black bass (Micropterus dolomieu), if (1) such transportation is contrary to the law of the State, Territory, or the District of Columbia from which such black bass is or is to be transported, or (2) such black bass has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the State, Territory, or the District of Columbia in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported; and no person shall knowingly purchase or receive any such black bass which has been transported in violation of the provisions of this act; nor shall any person receiving any shipment of black bass transported in interstate commerce make any false record or render a false account of the contents of such shipment.

"SEC. 3. Any package or container containing such black bass transported or delivered for transportation in interstate commerce, except any shipment covered by section 9, shall be clearly and conspicuously marked on the outside thereof with the name 'Black Bass,' an accurate statement of the number of such fish contained therein, and the names and addresses of the shipper and consignee.

"SEC. 4. All such black bass transported into any State, Territory, or the District of Columbia for use, consumption, sale, or storage therein, shall upon arrival in such State, Territory, or the District of Columbia be subject to the operation and effect of the laws of such State, Territory, or the District of Columbia to the same extent and in the same manner as though such fish had been produced in such State, Territory, or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

"SEC. 5. The Secretary of Commerce is authorized (1) to make such expenditures, including expenditures for personal services at the seat of government and elsewhere, and for cooperation with local, State, and Federal authorities, including the issuance of publications, and necessary investigations, as may be necessary to execute the functions imposed upon him by this act and as may be provided for by Congress from time to time; and (2) to make such regulations as he deems necessary to carry out the purposes of this act. Any person violating any such regulation shall be deemed guilty of a violation of this act.

"SEC. 6. (a) Any employee of the Department of Commerce authorized by the Secretary of Commerce to enforce the provisions of this act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this act or any regulation made in pursuance of this act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this act or regulations made in pursuance thereof; and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction, to make search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

"(b) All fish delivered for transportation or which have been transported, purchased, received, or which are being transported, in violation of this act or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Commerce shall by regulations prescribe, and shall, as a part of the penalty and in addition to any fine or imprisonment imposed under section 7 of this act, be forfeited by such court to the United States upon conviction of the offender under this act, or upon judgment of the court that the same were transported, delivered, purchased, or received in violation of this act or regulations made pursuant thereto.

"SEC. 7. In addition to any forfeiture herein provided, any person who shall violate any of the provisions of this act shall, upon conviction thereof, be punished by a fine not exceeding $200, or imprisonment for a term of not more than three months, or by both such fine and imprisonment, in the discretion of the court.

"SEC. 8. Nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of this act, or from making or enforcing laws or regulations which shall give further protection to large-mouth and small-mouth black bass.

"SEC. 9. Nothing in this act shall be construed to prevent the shipment in interstate commerce of live fish and eggs for breeding or stocking purposes."

Mr. GREEN. Mr. Speaker, I move to strike out the last word.

I would like to ask the proponents of this bill if there is anything in the bill that prevents the shipment of black bass if they are procured according to the law of the State in which they originate?

Mr. NELSON of Maine. No; nothing of the kind.

Mr. DENISON. It is in aid of the State law, really.

Mr. GREEN. Then, the people of Florida if they catch black bass under the State law can ship them out of the State and not violate this law?

Mr. NELSON of Maine. If they are legally taken in your State, they will not violate this law.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PAIUTE INDIAN RESERVATION

The next business on the Consent Calendar was the bill (S. 135) to provide for the payment of benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,000, or so much thereof as may be necessary, for paying the Truckee-Carson irrigation district, Fallon, Nev., in 60 semiannual installments, as equally as may be, the proportionate share of the benefits received by 4,877.3 irrigable acres of Paiute Indian lands within the Newlands irrigation project, for necessary repairs to the Truckee Canal to restore said canal to its original capacity, said payments to be made at the same time and at the same rate per irrigable acre as that paid to the Reclamation Bureau by said district for other irrigable lands located therein.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HANDLING OF MAIL MATTER

The next business on the Consent Calendar was the bill (H. R. 10676) to restrict the expeditious handling, transportation, and delivery of certain mail matter where local or contractual conditions are inadequate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I make a point of order, and I reserve the right to object.

I make the point of order that the bill is not properly reported, in that it does not comply with the rule known as the Ramseyer rule, providing for complete comparative printing,

showing the law to be amended and the amendments suggested in the bill. I press the point of order.

Mr. KELLY. Mr. Speaker, I am certain the present occupant of the chair will be in agreement with the statement that this measure, as amended by the committee, is not an amendment of any law, and therefore it is impossible to show in further detail than is shown in the report the law at present and the law as it will be after the measure is passed. This is an entirely new proposition, with present law entirely rewritten. In the print of the bill itself it will be noticed there is published the original form of the bill. If that were the bill as reported I agree it would have been necessary in the report to outline the present law and strike through all the words that were changed and insert the line which is added. However, in the present form that is not necessary and, in fact, can not be done. In spite of that, however, Mr. Speaker, in the report will be found the entire text of sections 212 and 207 in full detail, showing what the law is at present and the difference as covered by this bill.

The SPEAKER pro tempore. Section 5 of the amendment does repeal the law.

Mr. KELLY. Yes. That refers to section 212, title 2, of the act of February 8, 1925.

The SPEAKER pro tempore. Is that set out in the report?

Mr. KELLY. Yes. In the report on page 2 the entire section 212 will be found, with A, B, C, and D, which complies with the Ramseyer rule, to set out in the report the details for the information of the House. I feel certain there is no justification for the statement that the bill is not reported as the rule provides.

The SPEAKER pro tempore. The House bill, as originally introduced, does undertake to amend and repeal.

Mr. KELLY. Yes. That is the point I made.

The SPEAKER pro tempore. But that is before the House as well as the committee amendment. The House may disagree to the committee amendment and may prefer the original bill.

Mr. KELLY. If the Speaker will permit, the committee in dealing with this question had before it a Senate bill, and to a large degree used the Senate bill in the amendment to the House measure which was before the committee. The committee thought that the report setting out the entire text of the laws referred to would meet the rule.

Mr. LAGUARDIA. Mr. Speaker, I simply desire to point out for the sake of protecting a very useful rule that what we have before us now is H. R. 10676, and the Speaker will observe that that bill provides in the very first section an amendment to existing law. That being so, the report does not comply with the rule.

Mr. KELLY. Mr. Speaker, of course, the Chair understands that the printing in this report of the entire text of the law referred to covers the meaning of the rule known as the Ramseyer rule, even though the original text which is stricken out be considered.

The SPEAKER pro tempore. What is before the House is the bill, H. R. 10676, as originally introduced and as amended. As originally introduced, the bill does undertake to change existing statutes, and in that respect it is a violation of rule 13, paragraph 2 (a). The Chair sustains the point of order. The bill is recommitted to the Committee on the Post Office and Post Roads.

DEPARTMENT OF AGRICULTURE

The next business on the Consent Calendar was the bill (H. R. 11400) to amend the act of March 4, 1911 (36 Stat. L., 1235, 1253-4; U. S. C., title 16, sec. 5), entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill has to do with the granting of authority to string electric lines or telephone lines across certain public lands, and it excepts national parks. Of course, I agree with what was the manifest purpose of the committee, namely, not to give authority for any unsightly wires where they would be a blot on the landscape, but there may be cases where it is essential and would not be objectionable to string wires across national parks. If this bill is passed as reported, would anyone have the authority to give permission for the stringing of such wires across national parks?

Mr. LEAVITT. Yes. The situation is that as the bill was drawn the national parks were included with these other reservations, but the letter which came to us from the Department of the Interior was to the effect that they were covered by other law and that they should not be included in this particular bill.

Mr. COLTON. If the gentleman will permit, as I understand it, under certain limitations the Park Service may now grant such permission.

Mr. CRAMTON. It was not clear from the report of the Commissioner of the Land Office, in which he says:

> Attention is called to the act of March 3, 1921, which excepts lands within the limits of national parks or monuments from the operation of the right of way acts generally.

That did not answer my question as to whether there was authority in the act of March 3, 1921, or elsewhere, to grant that authority when desired.

Mr. LEAVITT. There is.

Mr. CRAMTON. Mr. Speaker, I withdraw my reservation of objection.

Mr. COLLINS. Mr. Speaker, further reserving the right to object, I am in doubt about the advisability of this legislation, because the Commissioner of the General Land Office says:

> This office recalls no instance where wider right of way was sought or found necessary.

If there is no necessity for a wider right of way, then there is no necessity for the enactment of this legislation.

Mr. LEAVITT. What that means is that no lands which come under the jurisdiction of the Commissioner of the General Land Office have as yet developed such a requirement.

Mr. COLLINS. I think we ought to wait until there is that requirement.

Mr. LEAVITT. But this also covers lands which are not under that jurisdiction. The matter came to my attention in connection with the need of a wider right of way across public lands, where it was thought necessary to have the right of way wider than 20 feet in order that transmission lines might be of greater height and still be safe.

Mr. COLLINS. Does the Secretary of the Interior know anything about that particular case?

Mr. LEAVITT. I do not know whether he does or not.

Mr. COLLINS. It seems to me he would be the first one to know about it.

Mr. STAFFORD. As I understand the existing practice, these power companies have the right to-day to get this right of way for transmission lines without the payment of any license fee to the Government?

Mr. LEAVITT. Not to exceed 20 feet on each side of the center line.

Mr. STAFFORD. Forty feet in all. Those of us who know anything about the practice of utility companies in obtaining rights of way across private lands know that they must pay a considerable amount to the owners of the land for those rights of way. Why should the Government grant rights of way over the public domain, reservations, and national parks, without any return to the Government, when they are despoiling, perhaps, the national domain, especially if it is a forest reserve, by cutting down the timber?

Mr. LEAVITT. They have to pay for that.

Mr. STAFFORD. Where is there any provision of law which requires them to pay for it?

Mr. LEAVITT. As a matter of fact, they have to pay for any public property that is destroyed.

Mr. STAFFORD. I would like to have the gentleman cite the law, because I would be unwilling to allow any power company to have the right to go across public land with their electric power lines ad libitum, merely under the supervision and approval of an underling of the department, and without any compensation to the Government. I have an amendment to suggest:

> And upon the payment of a yearly fee, to be determined by him, for no longer than 10-year periods at a time.

These power companies are obtaining from the National Government valuable rights to string their power lines over the national domain by the shortest way. In doing so they despoil the forests and why should they not be required to pay the National Government for that easement?

Mr. COLTON. This would not change the existing law in that respect.

Mr. STAFFORD. I am unwilling to broaden the existing law whereby the right of way may be doubled, without exercising

my privilege of exacting a fee for a right which they obtain to-day without the payment of anything.

Mr. COLLINS. Will the gentleman yield to me?

Mr. STAFFORD. Yes.

Mr. COLLINS. Will not this easement be classed as a part of their assets and when rates are fixed the public will be charged with the value of the lands, and their value will be large, too. Such companies know how to make the public pay.

Mr. STAFFORD. It is a valuable right and they should pay for the right, just the same as they have to pay when they cross private land. When I was out of Congress I had some litigation with reference to the right of power companies to string these power lines. I want to know the existing law which exacts any payment for this privilege. I am unwilling to grant this power and permit them to use the public lands without the payment of a fee.

Mr. LEAVITT. If the gentleman will yield, I can give him an illustration of how that is now carried on. The head of each department under the law that is being sought to be amended is now authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way——

Mr. STAFFORD. Without the payment of any fee.

Mr. LEAVITT. They do pay, as a matter of fact.

Mr. STAFFORD. Then I want to find the authority of law under which they exact such a fee.

Mr. LEAVITT. This is the authority of law referred to here. I can state to the gentleman that when I was supervisor of a national forest a transmission line was constructed across it, and I know that every bit of timber that was cut down was paid for, that the brush was well disposed of, and that the compensation to the Government was such as to recompense the Federal Government for what was destroyed.

Mr. STAFFORD. Then the gentleman should have no objection to the amendment which I have suggested.

Mr. LEAVITT. Offhand it would appear to me the committee ought to consider that kind of an amendment instead of having it considered only on the floor here.

Mr. STAFFORD. I would be very glad to have the committee consider it between now and the next call of the calendar.

Mr. LEAVITT. There is nothing in the bill at all except to allow a wider right of way than is now allowed.

Mr. STAFFORD. As I indicated, I want some compensation made to the Federal Government for these valuable rights of way over the public domain.

Mr. COLTON. Really, under certain circumstances this is a benefit.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPRESENTATIVE HULL OF TENNESSEE AND THE SPANISH WAR PENSION BILL

Mr. GASQUE. Mr. Speaker, I ask unanimous consent to proceed for one minute out of order.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GASQUE. Mr. Speaker, the gentleman from Tennessee, Mr. HULL, left for home on important business before action by the Congress on the President's veto of the Spanish War pension bill, S. 476, but before leaving he requested me and several of his colleagues to have him paired in favor of the passage of said bill over the President's veto. As the RECORD shows, the gentleman from Tennessee [Mr. HULL] was given a live pair against the motion that action on the veto message of the President be deferred until Thursday, Mr. MARTIN being paired for said motion with Mr. HULL of Tennessee, against it. Judge HULL's colleagues endeavored to procure a pair for him in favor of passing the bill, the objections of the President to the contrary notwithstanding, but it was impossible to procure such a pair for the reason that no Member had requested to be paired against the bill. If the gentleman from Tennessee [Mr. HULL] had been present, he would have voted "yea" on the motion to pass said bill, the objections of the President to the contrary notwithstanding.

WARM SPRINGS TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (S. 2895) authorizing the bands or tribes of Indians known and designated as the Middle Oregon or Warm Springs Tribe of Indians, of Oregon, or either of them, to submit their claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

Mr. BUTLER. Mr. Speaker, I trust the gentleman will withhold that request.

Mr. CRAMTON. I will say that with the study I have now made of the bill I should have to object to-day. I will continue my study and possibly have some amendments to suggest when it is reached again.

Mr. BUTLER. There is a situation that exists with reference to this bill that makes it more or less of an emergency. There are a few old Indians residing on this reservation who were present at the time of the making of the treaty of 1865. In order to properly present their case to the court, it is necessary to have the testimony of these old Indians, and it seems to me that if there is any justice in their case, delay would tend to defeat the justness of their case, and I submit this matter has been before the Congress and the department had admitted there is a considerable sum of money due and has called upon the Congress in years gone by to make a payment or to attempt a settlement and compromise.

Mr. CRAMTON. Can the gentleman say that all of the bureau amendments suggested were incorporated in the Senate bill?

Mr. LEAVITT. I will state that for the committee. The bill as reported out incorporates the suggestions made by the commissioner.

Mr. CRAMTON. To what extent is the bill in the form that the committee has been following with reference to claims?

Mr. LEAVITT. It was very carefully considered by the subcommittee headed by the gentleman from South Dakota [Mr. WILLIAMSON], and was scrutinized in every respect.

Mr. CRAMTON. I felt sure of that, but I renew my question. Does it conform to the form followed by the committee with reference to these claims bills?

Mr. LEAVITT. It does.

Mr. CRAMTON. The language with reference to the pleading of offsets, on page 3, section 3, I wanted to check up and compare.

Mr. LEAVITT. The language there is the language adopted by the committee.

Mr. CRAMTON. Is that language broad enough so that all payments that have been made by the Government for the benefit of these Indians can be pleaded as offsets?

Mr. LEAVITT. I am sure so, yes. I will ask the gentleman from South Dakota, Mr. WILLIAMSON, who has studied the matter very carefully to answer that.

Mr. CRAMTON. There are two or three bills here and the committee is not now following a uniform course with reference to them. In this matter of offsets, the bills now on the calendar are of various styles.

Mr. WILLIAMSON. That is true.

Mr. CRAMTON. So I have forgotten just what was the usual form.

Mr. WILLIAMSON. This is the general provision which was drafted a number of years ago and which has been in general use. This is the general provision which makes any and all payments, including gratuities, offsets. There is one bill which may come up to-day that does not carry this provision——

Mr. CRAMTON. And which we will ask to go over.

Mr. WILLIAMSON. But this bill does carry the general provision.

Mr. CRAMTON. Well, I am not sure. The language is, "Any payment or payments which have been made by the United States upon any such claim." It does not say any payments made by the Government for the benefit of these Indians. It does not say anything about gratuities paid by the Government. This only says "any payments made on such claims," and I do not believe that is broad enough.

Mr. WILLIAMSON. The gentleman is correct about that. This refers only to claims which have arisen in connection with the land in controversy.

Mr. CRAMTON. I will have to ask that this bill go over.

Mr. BUTLER. Can the gentleman suggest any amendment that would cover that?

Mr. CRAMTON. I could not prepare them offhand. I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, the bill will be passed without prejudice.

There was no objection.

MODERNIZING THE CONGRESSIONAL RECORD

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to be permitted to extend my remarks in the RECORD by publishing a cartoon which appeared in the New York Times on June 22.

The SPEAKER pro tempore. That request is not in order.

Mr. BOYLAN. I would like to be heard on it. This cartoon pictures a small dog. Twenty years ago the picture was published in the RECORD of a cow.

The SPEAKER pro tempore. The Joint Committee on Printing has charge of that matter under the statute. The Chair can not entertain a request of that kind.

Mr. BOYLAN. I would like permission to describe the cartoon.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker, I requested unanimous consent to be permitted to extend my remarks by inserting in the RECORD a cartoon by Marcus that appeared in the New York Times on Sunday, June 22, 1930. I was denied this privilege on the ground that the Joint Committee on Printing has charge of that matter under the statute, and that they would have to be consulted relative to the matter of printing of pictures, and so forth.

For the past two years I have been endeavoring to modernize the daily RECORD kept of the proceedings of Congress.

In 1929 I introduced a resolution providing for a commission of three Members of the Senate and three Members of the House of Representatives to conduct an inquiry into the feasibility and advisability of permitting photographs, cartoons, half tones, rotogravures, portraits, and similar material, in so far as they contribute to a more accurate portrayal of the development of society and civilization in the United States, and to a more faithful recording of the activities of the Congress of the United States, to be printed in the RECORD. Up to this time I have been unable to get any action on this resolution.

This resolution is designed to fill a long-felt need. I see no reason why it should not be adopted, and I am informed there is a great deal of sentiment for it. It is important for many reasons. The CONGRESSIONAL RECORD is the great diary of the American people's elected Representatives, but it is more than that. It is our great national journal. As now made up, it does not discharge that responsibility in substance or in style.

It should reflect the manners—good or bad—the customs, the habits, the inventions, the art, the thought, the opinions, the ups and downs of American life and our civilization. To the historian of the future years it should furnish material by which he can reconstruct the great American scene and all the figures who play their parts thereon—the Presidents, Members of Congress, philosophers, poets, artists, prize fighters, and athletes. There should be room for a Babe Ruth as well as a Speaker LONGWORTH, for Lindbergh and Byrd, as well as for President Hoover. We do not know how history will judge us or where the hand of the historian will place us. Let us not have pride in ourselves and confine the CONGRESSIONAL RECORD to a mere museum of our oratorial achievements; let us have pride in our country and its men of achievement.

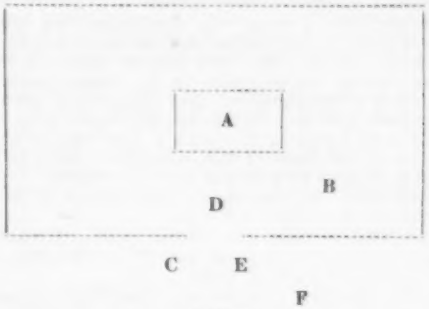
It is obvious that speeches alone do not count for much. Yet that is all the RECORD contains now. It is my belief that the rules governing the inclusion of material in the RECORD should be revised to sanction insertion of anything that helps to give a picture of American life of to-day. This may conceivably mean cartoons, pictures, rotogravures, comic strips, headlines, editorials, and even a sporting page—in fact, all the adornments of the modern, entertaining, and historical newspaper.

I admit the proposed change is revolutionary. But I also suggest that there is more wit and wisdom in many a cartoon without words, or even in a comic strip, than in some congressional orations I have read in the RECORD.

The cartoon that I was prevented from inserting in the RECORD was a drawing by Marcus, of the New York Times. This cartoon depicts the entrance to the home of the average American citizen.

At the gate is posted a sign "Beware of the dog." In the entrance is a small dog, about the size of a peanut, named "Flexible Clause." This small dog is endeavoring to prevent a burly masked burglar named "Excessive Tariff Rates," from entering the house of the average American citizen. The said burly burglar is laughing in derision at the efforts of little "Flexible Clause" trying to prevent his entrance.

No words of mine or anyone else, in my opinion, could really portray the thought that is carried by this cartoon. In order, however, to make it a little clearer, inasmuch as I am not permitted to print the cartoon in the RECORD, I am inserting the following diagram and legend:



LEGEND

A—The home of the average American citizen.
B—Grounds surrounding home.
C—Sign "Beware of the Dog."
D—Entrance to home.
E—Small dog named "Flexible Clause."
F—Burly masked burglar named "Excessive Tariff Rates."

Often a vivid cartoon or picture will enlighten, educate, and, perhaps, be the means of constructive legislation.

This, indeed, is an era of progress, and to keep abreast of the times we should modernize the daily RECORD of our work in Congress.

CLAIM OF THE CHOCTAW AND CHICKASAW INDIAN NATION

The next business on the Consent Calendar was the bill (S. 3165) conferring jurisdiction upon the Court of Claims to hear, consider, and report upon a claim of the Choctaw and Chickasaw Indian Nation or Tribes for fair and just compensation for the remainder of the leased district lands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

Mr. HASTINGS. Will the gentleman withhold that?

Mr. CRAMTON. Yes.

Mr. HASTINGS. As the gentleman from Michigan perhaps knows this claim is for the "leased district" by the Choctaw and Chickasaw Nations. It is a claim that has been pending before Congress for the last 40 or 50 years; it has been repeatedly presented to Congress ever since I have been a Member.

Congress sent, as the gentleman knows, the Dawes Commission to the Five Civilized Tribes to make an agreement for the allotment of their lands and the distribution of their money for the purpose of winding up their affairs. That has already been done. We passed June 7, 1924, an act authorizing them to go to the Court of Claims to adjudicate certain cases.

Now, so far as necessity for legislation is concerned the affairs of the Choctaws and Chickasaws are entirely closed, except for the settlement of this one claim; this is the only claim that is left that no provision is made for settlement.

The gentleman from Michigan is familiar with Indian matters and, I know, is sympathetic. This bill only refers the claim of the Choctaws and Chickasaws for the "leased district" to the Court of Claims for findings of fact and report back to Congress. It does not authorize the adjudication. That is all the bill does. It is like a court referring a matter to a master to hear the testimony and make succinct report to the court.

Mr. STAFFORD. But the amendment says here, "examine and adjudicate the claim."

Mr. HASTINGS. The gentleman has not the right print of the bill.

Mr. CRAMTON. I will say to the gentleman in the first place that the bill is not approved by the department and the Budget. That is not decisive, but it does put us on notice that we should carefully study the bill before we permit it to pass.

In the limited study I have been able to make of it I feel that the bill goes a long way in providing that they decide, irrespective of former adjudications, whether the consideration of former adjudications was fair reopens the number of closed issues. Possibly after a fuller study of it I might not be opposed to it, but if I had to decide to-day I would object.

Mr. HASTINGS. I am sorry; I hope the gentleman between now and the next time the calendar is called will examine it and give it his support.

Mr. CRAMTON. I hope my friend from Oklahoma will be here for many terms and be able to give us the benefit of his advice, which we nearly always follow.

Mr. HASTINGS. I thank the gentleman, but what I am afraid of is that it may not be reached again before adjournment. This is a Senate bill, with 22-page report, and has been given most careful consideration by the House committee. It was referred to a subcommittee, that examined it carefully and reported it back, and as I said to the gentleman from Michigan, it is simply a reference of the claim to the Court of Claims for investigation and findings of fact, and report back to Congress what, if any, amount may be due these two tribes.

Mr. CRAMTON. My fear lies in the nature of the instructions it gives to the Court of Claims.

Mr. HASTINGS. Just one minute more. I want to call attention of the gentleman to section 257 of the code, and that is section 151 of the Judicial Code.

This section provides that wherever any claim is pending in either House, other than a pension claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may for an investigation of the fact refer the claim to the Court of Claims. That is the section under which we are proceeding. There have been claims filed both in the House and the Senate for additional compensation similar to the one that the gentleman from South Dakota filed the other day, but instead of asking the committees of Congress to sit for weeks investigating this matter, hearing evidence and examining all of the treaties, and so forth, these tribes ask that the claim be referred to the Court of Claims for a full investigation and findings of facts, to be reported back to Congress as to what, if any, amount, taking all these things into consideration, may be due. This is a Senate bill. What I am afraid of is if it does not receive consideration to-day the Consent Calendar may not be reached again at this session, and that means the resolution goes over until December or perhaps for another year. It delays the final settlement of the affairs of these tribes, because they will not be satisfied until this claim is finally adjusted. I have never yet objected to referring any of these claims to our own courts for a full and fair investigation of all of the facts.

Mr. CRAMTON. We have sent so many of these to the Court of Claims that it would be four or five years before anything could be done with this, so that there is no real delay involved in making a proper study of the bill.

Mr. HASTINGS. All other claims must be filed by June 30, 1930. We expect all of their other affairs to be wound up and claims adjudicated within the next 12 or 18 months, and it is important to have this last claim sent to the court. In this bill there is a provision in the last section for the Attorney General to represent the Government, and procedure for assembling all of the facts and for findings of fact and a report to Congress by the court, just as a master reports to a court his findings and conclusions.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I have a request pending, that the bill go over without prejudice.

Mr. GARBER of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. GARBER of Oklahoma. This bill does not change the legal status of either the Government or the Indians. It does not ask for an authorization or an appropriation of a single dollar. It does not incur any obligation on the part of the Government or anyone else. It simply recognizes the Court of Claims as an agency to investigate.

Mr. CRAMTON. And it sets up the rule for the consideration of this case, and it says that irrespective of any former adjudication——

Mr. HASTINGS. That is the same language that is in every jurisdictional bill.

Mr. CRAMTON. I shall object unless the bill goes over.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD. These Indians are all in my district.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, inasmuch as I introduced this bill in the House I wish to make a brief explanation.

The land in question, or so-called "leased district," was made the property of the Choctaws by the treaty of 1820 with the Government, whereby these Indians exchanged their valuable possessions east of the Mississippi for this vast domain west of the Mississippi. The Choctaws later agreed with the Chickasaws to take that tribe in as one-fourth owners of all their holdings.

Several treaties were made with the Government, including the one in 1866 which was made under duress and threats whereby the Choctaws supposedly leased to the Government a large territory of some 7,700,000 acres covering mostly what was formerly Greer County in Oklahoma, and which now takes in five or six counties. In drafting the treaty the Government used the word "cede" instead of the word "lease," and the Indians not being fluent at that time with the English language did not comprehend the difference in the meaning.

This treaty of 1866 was made with the Government for the small sum of $300,000, and was for the specific purpose of using these lands for the settlement of the freed negro slaves who were living among the Choctaws and Chickasaws and who were considered by the Indians as undesirables. However, the Government failed to carry out that part of the treaty.

The former slaves were never removed, but instead each was given 40 acres of land in the Choctaw and Chickasaw Nations without the consent of the two nations or tribes, and about 1891 the Cheyenne and Arapahoe Indians were settled on approximately 1,400,000 acres of the leased land. Upon complaint, the Government recognized the title to the land as belonging to the Choctaws and Chickasaws, and in 1893 paid them the proceeds from that part of the leased land which had been settled by the Cheyennes and Arapahoes.

The Government further recognized the title as belonging to the Choctaws and Chickasaws by taking the proceeds of the settlement of the white settlers on other parts of this same land and placing that also to the credit of the Choctaws and Chickasaws.

The remainder of this land, including over 5,000,000 acres, was settled by white settlers, but the Choctaws and Chickasaws have never received payment therefrom, and the Government claims that the title does not belong to them, inasmuch as they "ceded" it to the United States in the treaty of 1866.

The claim for reimbursement for this so-called leased district is one which the Choctaw and Chickasaw Indians have been urging against the Government for many years. The Supreme Court admitted that the Indians had been treated unfairly, but said the court could not change the law, neither could it interpret the word "cede" to mean "lease," and that it was up to Congress.

My predecessor was interested in this claim and tried to get a direct appropriation in settlement during his 20 years in Congress, and I have been interested in it since I became a Member three years ago.

The bill under consideration, which I introduced in the House, authorizes the Court of Claims to act as a fact-finding body, inquire into and report to Congress whether or not the consideration paid for the lands involved was fair and just to the tribes, and, if not, whether the United States should pay additional compensation therefor; and if so, what amount should be paid.

In the name of humanity's sake, let this glorious Government of ours avoid the accusation of dealing unjustly with the red men who first inhabited this country. Let it be no longer said that the Government has confiscated this property of the Choctaws and Chickasaws without fair compensation. These Indian people resent being buncoed or fooled on this proposition any longer and have just about come to the conclusion that the Government does not now and never has intended to give them justice where justice is due. What a pity that such an opinion should reign among them!

As I have heretofore repeatedly stated on the floor of the House, in the committee and throughout my district, I am convinced the thing that Congress should do is pass a direct appropriation to pay these Indians in per capita payments the amount they are asking for confiscation of this land. Since, however, Congress seems determined not to do that, I plead with you to be fair enough to pass this bill without delay, which puts this whole question in the hands of the Court of Claims for investigation and recommendation.

Nothing is settled until it is settled right. All we are asking for in this bill is for the Court of Claims to fully and impartially investigate the facts as to the equities involved and make a report of its findings to Congress. Surely no fair-minded man can object to that. Surely these Indians are entitled to that much consideration. These people have been patient and long suffering. Let the facts be given fully and accurately to Congress. Then, and only then, will they have any reason to be satisfied.

Now, I hope this bill will be passed this afternoon instead of going over without prejudice, as has been suggested. Time is short and the Indians are waiting, as they have waited for many years. I plead with you not to postpone action any longer on this bill.

The SPEAKER pro tempore. The question is on the request of the gentleman from Michigan that this bill be passed over without prejudice. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. GARBER] be permitted to address the House for three minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARBER of Oklahoma. Two minutes of which I shall yield to the gentleman from Wisconsin. I call the attention of the gentleman from Michigan to the rule laid down in the bill which complies with the suggestion that he has made with reference to the evidence. It provides that the court shall also hear, examine, and report upon any claims which the United States may have as an offset against said Indians, but that any payment which may have been made by the United States upon such claim against the United States shall not operate as an estoppel but may be pleaded as an offset. This is a star copy of the bill from which I read, and the bill the gentleman has does not contain this provision.

Mr. CRAMTON. The bill I have is one which I obtained from the document room and it provides:

> Payment or payments which have been made by the United States upon any such term or terms shall not operate as an estoppel.

Just whether that limits the claims, I am not sure, but I would like to know.

Mr. GARBER of Oklahoma. The amendment incorporated in this bill is clear and definite. It covers the exact proposition the gentleman raises in the bill.

Mr. CRAMTON. The gentleman's bill reads differently from mine.

Mr. GARBER of Oklahoma. This is a star copy.

Mr. CRAMTON. I did not know there was a star copy. The one I have I obtained from the document room. I think it is best that the bill go over so that we will have a chance to read the bill if we are going to consider it.

Mr. GARBER of Oklahoma. Does the gentleman take into consideration that his objection here will prevent any further consideration of the bill?

Mr. CRAMTON. I do not think that is necessarily true. In view of the fact that evidently a different bill is to be considered from the one furnished me, I do not think the gentleman ought to urge me.

Mr GARBER of Oklahoma. But we are not responsible for the delinquencies of the document room. The investigation of this matter has been carried on and completed by the Senate committee and the Senate has passed the proposed measure with the exception of the provision I have referred to. The bill does not change the legal relations of the parties, but simply directs an authorized agency to investigate and report its findings to Congress; neither does it authorize the appropriations of any money.

Mr. CRAMTON. I have no desire just to delay, and when this is reached again, and I hope it may be at this session, I shall be prepared to express myself definitely.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

MAIL TRANSPORTATION BY MOTOR VEHICLE

The next business on the Consent Calendar was the bill (H. R. 12412) authorizing the Postmaster General to permit railroad and electric-car companies to provide mail transportation by motor vehicle in lieu of service by train.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. COLLINS. Reserving the right to object, Mr. Speaker, railroad and street-car companies under this bill are authorized to use motor vehicles over highways in the transportation of mail and charge therefor the same rate that the Government is now paying for transportation of the mail by rail. In other words, they will become similar in all respects to star routes, and therefore I think they should be required to secure these bids upon competitive conditions, just as star-route contracts are now let.

Mr. SPROUL of Illinois. If the gentleman will yield, I think I can explain that to his satisfaction.

Mr. COLLINS. Unless the gentleman is willing that these contracts shall be let under similar competitive conditions, I shall have to object.

Mr. SPROUL of Illinois. The contracts to be let are similar to those made with the railroads.

Mr. COLLINS. But they will be engaged in the same line of work as other persons and concerns operating motor vehicles in the transportation of mail, and the Post Office Department should treat them all alike.

Mr. SPROUL of Illinois. Some railroads have automobile service and trains have been taken off. I know some routes in the district I have the honor to represent where the mail trains are taken off, and the patrons do not get their mail until the afternoon.

Mr. LAGUARDIA. The contracts are made to the railroads, and then the bill would permit the railroads to transport the mail by motor vehicle.

Mr. COLLINS. Under the same contracts?

Mr. LAGUARDIA. Yes. Some provision ought to be made by which the Government shall get the benefit of the decreased cost of transportation.

Mr. KELLY. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. KELLY. We are, under this bill, simply carrying on the practice now in vogue and which will go on until 1931.

Mr. COLLINS. If I am the owner of a motor vehicle and wish to carry a star route, I secure that route by bid in open competition with everybody else. The railroads should be required to get a star-route contract under identical conditions.

Mr. KELLY. Of course the gentleman understands that some trains are still carrying mail. Suppose we do not put this mail on the motor busses. The railroad carries it on later trains and gets paid for it. They get no more compensation by bus than they get now by the mail train.

Mr. STAFFORD. We pay the railroad for one character of service by railroad. Then the railroad discontinues the train because it has not sufficient patronage and adopts another method. Why should we pay the star route for the same service when we can get the same service at a cheaper rate?

Mr. SPROUL of Illinois. You will here pay twice as much as the motor buses carry them for.

Mr. STAFFORD. The railroad rates are so indefinite that we do not know what the rates are. We do know when they ask for competitive conditions under the star-route service.

Mr. LAGUARDIA. The gentleman knows that the rates made by the railroad are made on the basis of the capitalization, but on the motor bus it will certainly be much cheaper.

Mr. O'CONNOR of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman.

Mr. O'CONNOR of Louisiana. It may be irrelevant to the subject of this bill, but can the gentleman tell us when the Capper-Kelly bill will be taken up in the House?

Mr. KELLY. I did not catch the question of the gentleman.

Mr. O'CONNOR of Louisiana. I think the question is somewhat irrelevant, but will the gentleman from Pennsylvania tell us when the Kelly-Capper bill will be taken up?

Mr. KELLY. I wish I could answer exactly as to when that bill will be taken up. A special rule for its consideration is pending, and I believe we will have an opportunity to consider it before the week is ended. I have every assurance as to that.

Now the gentleman from Mississippi understands that the rates fixed by the Interstate and Foreign Commerce Committee are less than the rates that could possibly be secured through bids for the carrying of the mail by a short-line motor bus?

Mr. COLLINS. I seriously doubt that. I have an amendment which I hope the gentleman will accept. On page 1, line 6, after the word "train," strike out the rest of the bill and insert the following: "*Provided*, The railroad or electric-car company is the lowest and best bidder after proper advertisement, and in no case at a rate not in excess of the rate that would be allowed for similar service by railroad or electric car, payment therefor to be made from the appropriate appropriation for railroad transportation and mail messenger service or electric and cable car service."

Mr. KELLY. I understand that by that amendment anyone would be able to bid?

Mr. COLLINS. Absolutely.

Mr. KELLY. And the railroad that makes the lowest bid will get the contract?

Mr. COLLINS. Yes.

Mr. KELLY. Why should there be a provision that they must pay lower than the rate now paid?

Mr. COLLINS. Because that provision was in this bill.

Mr. KELLY. That is quite a different thing.

Mr. COLLINS. I just left in what the committee had in it. In other words, I am amending it as little as possible.

Mr. KELLY. If you were to put a railroad company in the position of competing absolutely anew on every contract and let them bid against anybody and let the lowest bidder take the contract——

Mr. COLLINS. I have no objection to that.

Mr. LAGUARDIA. That is the very purpose we are seeking to achieve here.

Mr. COLLINS. Absolutely.

Mr. STAFFORD. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. STAFFORD. Does the department to-day not have the right to let the carriage of mail by motor busses when there is not any train for that service?

Mr. KELLY. Certainly.

Mr. STAFFORD. Then there is no necessity for the amendment offered by the gentleman from Mississippi.

Mr. KELLY. No. I will say to the gentleman that the situation is that the Post Office Department now is putting the mail on motor busses operated by the railroad companies where the trains are taken from the service, paying at the rate now paid.

Mr. LAGUARDIA. That is at the rate paid for rail transportation?

Mr. KELLY. Yes; which in most cases is much less.

Mr. STAFFORD. The gentleman is assuming much when he says it is less.

Mr. KELLY. For instance, the rate is 37 cents a mile for an entire car, and, it would be in proportion lower than by motor bus, through contract.

Mr. STAFFORD. I ask unanimous consent that the bill be passed over without prejudice for the time being.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

SALARIES OF OFFICERS AND MEMBERS OF METROPOLITAN POLICE FORCE AND FIRE DEPARTMENT, DISTRICT OF COLUMBIA

Mr. McLEOD. Mr. Speaker, I present a conference report on the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and fire department of the District of Columbia.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2370) entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with amendments as follows:

Page 4, line 8, of the engrossed House amendment, after the word "any," insert the word "of."

Page 4, lines 12 and 13, of the engrossed House amendment, change the word "deduction" to read "deductions."

Page 4, line 16, of the engrossed House amendment, after the numeral "6," strike out the language down to and including the word "and" on line 19.

Page 4, line 21, of the engrossed House amendment, after the word "allowance," insert the words, "heretofore and."

And the House agree to the same.

CLARENCE J. McLEOD,
E. M. BEERS,
JOSEPH WHITEHEAD,
Managers on the part of the House.

ARTHUR CAPPER,
W. L. JONES,
J. M. ROBSION,
CARTER GLASS,
ROYAL S. COPELAND,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate recedes from its disagreement to the amendment of the House, which struck out all after the enacting clause and inserted a substitute, with four amendments. The first two amendments correct clerical errors. The latter two amendments modify section 6 of the House amendment relating to pensions. As approved by the House, the section stipulated that no pension increase should be paid any person now retired as a result of the salary increases in the bill, and that the Commissioners of the District should have power to fix the amount of pension to be paid any hereafter retiring. The modification agreed upon by the conferees has the effect of empowering the Commissioners to fix the amount of pension for those now retired and those hereafter retiring.

CLARENCE J. McLEOD,
E. M. BEERS,
JOSEPH WHITEHEAD,
Managers on the part of the House.

Mr. McLEOD. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and fire department of the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. CRAMTON. Reserving the right to object, what bill is this?

Mr. McLEOD. It is the pay bill for the policemen and firemen.

Mr. STAFFORD. Will the gentleman give the House a brief statement of what has been agreed to in conference?

Mr. McLEOD. The House amendments have all been accepted.

Mr. STAFFORD. After this long contest between the two bodies, everything has been agreed to except one amendment. What is that amendment?

Mr. McLEOD. A small change in what was called the step-up arrangement of the privates' pay, the pay of the noncommissioned men of the police department, which is satisfactory to the police department.

Mr. STAFFORD. The pay of the men in the police and fire departments is substantially the same as passed in the House bill?

Mr. McLEOD. Substantially the same; yes.

The SPEAKER. Is there objection?

There was no objection.

The conference report was agreed to.

BRIDGE ACROSS ST. CLAIR RIVER NEAR PORT HURON, MICH.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that a respectful message be sent to the Senate for the return of the bill (S. 4722) creating the Great Lakes bridge commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich,

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of an order which the Clerk will report.

The Clerk read as follows:

Ordered, That the Senate is respectfully requested to return to the House of Representatives the engrossed bill of the Senate (S. 4722), entitled "An act creating the Great Lakes bridge commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.," together with the enrolled bill thereof.

Mr. STAFFORD. Reserving the right to object, the House the other day, at the instance of the gentleman from Michigan, passed a Senate bill.

Mr. CRAMTON. Yes.

Mr. STAFFORD. What is the deficiency or error in the Senate bill which the gentleman desires to have brought back to the House?

Mr. CRAMTON. It is desired to have it brought back to the House so that the House may consider an amendment to the bill because of circumstances which have developed since the bill was passed by the House.

Mr. STAFFORD. What character of amendment?

Mr. CRAMTON. The bill provides a limit as to the rate of interest, which, in view of certain committee amendments, I am told is likely to make it impossible to finance the proposition under those conditions.

Mr. STAFFORD. There is no objection on my part.

The SPEAKER. Is there objection?

There was no objection.

The order was agreed to.

POST-OFFICE BUILDING AT NAPOLEON, OHIO

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the second deficiency bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.



Mr. THOMPSON. Mr. Speaker, the second deficiency bill that has just passed the House of Representatives has a significance and satisfaction for me that no one of the other appropriation bills I have helped to pass in this Congress or preceding ones can approach. The source of this satisfaction is the knowledge that there is tucked away among the items of that bill an appropriation of $90,000 for the construction of a new post-office building at Napoleon, Ohio.

Napoleon does not give its post-office receipts comparable with the large towns and cities which up to this time have been the only ones provided for, and it may puzzle some of you to account for the fact that Napoleon has been granted a new post-office building. I shall be glad to explain the point.

When I first came to Congress, in 1919, I found that Napoleon's post-office accommodations were away short of the necessities of the situation, and that the town was struggling along as best it could with inadequate facilities. In an effort to hasten Federal action, the town had donated to the United States a tract of land to be used as a site for a new post-office building. The Government held this site when I came to Congress. However, at that time the Great War had just ended. Retrenchment and economy was the watchword, the slogan, and the policy of the United States. Naturally, a strict rule was adopted that no public buildings would be built for an indefinite period. Notwithstanding this fact, I introduced a bill to grant Napoleon a new building, which failed because of the above circumstances, and because I was a first-term Congressman.

Just when it appeared that I would be able to secure passage of such a bill at the next Congress, after a similar bill had failed during my second term, the Public Buildings and Grounds Committee brought out a bill to place all authority for the allocation of public buildings in a joint committee of the Post Office and Treasury Departments. I opposed this bill, knowing that if it became a law the smaller communities, such as Napoleon, would be ignored for years. However, it passed by a narrow margin.

This new setback was a great discouragement to me, but there was only one thing to do, and that was to keep on trying. Not knowing the situation, or caring to know it, possibly, my political enemies made a joke of my efforts and belittled me.

In the face of all this, I centered my efforts upon the members of the joint departmental committee. That committee adopted, as one of its first steps, the policy of allotting new buildings in accordance with size of postal receipts. It was necessary to break down this strict policy in some way, and I used the fact that the Government owned a site at Napoleon with good effect. I sometimes think also that Napoleon was included in this last appropriation by the authorities as a defense measure against my constant visits to them on this subject.

The appropriation should have been made several years ago, for the need in small towns is just as sore in proportion as it is in the centers of population. The act of placing authority in the two departments delayed this appropriation several years, as I foresaw.

Now that Napoleon is cared for, there is similar work to be done for several other towns in the fifth district, where the need for a new building is great. One of these, in the northern part of the district, is well under way, and I expect to accomplish results there in the near future.

ORDER OF BUSINESS

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. STAFFORD. I see the gentleman from New York [Mr. SNELL] on the floor. Will the gentleman kindly inform the House what legislation is to be considered to-morrow?

Mr. SNELL. I shall be glad to do so. To-morrow we are going to take up House Joint Resolution 258, which provides for a special investigating committee to take charge of the investigation of campaign expenditures of various candidates for the House of Representatives, and also Resolution 264, which provides for the consideration of the copyright bill.

Mr. GARNER. Will they be taken up in the order mentioned?

Mr. SNELL. Yes.

Mr. SCHAFER of Wisconsin. Will the investigating resolution be broad enough so that the committee can investigate the expenditures of Politician Cannon in the last presidential election?

Mr. LaGUARDIA. If he runs for the House of Representatives.

Mr. SNELL. If he runs for the House of Representatives, they can.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. COCHRAN of Missouri. Last week, I believe, the Committee on Rules reported a rule to consider what is known as the Kelly-Capper bill. Can the gentleman give us any information as to when that bill will be considered?

Mr. SNELL. I can not tell the gentleman now.

Mr. GREEN. Is it probable we will have another Private Calendar day?

Mr. SNELL. That is pretty hard to answer. However, I think we will clean it up before we get through, taking a part of a day or some night.

Mr. McDUFFIE. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. McDUFFIE. Can the gentleman give us any information as to when the House may have an opportunity to pass on the rivers and harbors bill?

Mr. SNELL. We have nothing before us as yet. When you get your conference report in we will take it up.

Mr. McDUFFIE. That is the very thing I am complaining about. The Committee on Rivers and Harbors directed the chairman last Saturday to call the bill up; that is, to ask unanimous consent to take it from the Speaker's table and agree to the Senate amendments and to use all other parliamentary means for quick action. He was directed to do it on Saturday, and it was not done. It was suggested it should lay over until Monday in order to give the Members of the House an opportunity to study the amendments. Now, Saturday, Sunday, and Monday have passed, and the chairman of the committee is not even on the floor, and I thought perhaps the gentleman, an outstanding member of the administration, could give us some information as to why this unnecessary delay?

Mr. SNELL. I can not give the gentleman any information as to that, but I will give the gentleman my view as to what I think should be done. I do not think the House should agree to amendments, without any consideration, which increased the appropriations from $27,000,000 to $30,000,000.

Mr. McDUFFIE. But we have had since Friday evening to do that—three days.

Mr. SNELL. The House is not to blame because the chairman has not brought this subject before the House. I think the thing to do is to follow the regular course as in any other legislation. Send the bill to conference and then let the conferees present their report in the usual way.

Mr. McDUFFIE. Why, then, can we not have the conference? What is the cause for the delay? The rivers and harbors bill is certainly one bill which the country wants and demands, and the President has said time and time again he favored such legislation.

Mr. SNELL. The gentleman from New York has no doubt that the rivers and harbors bill will be passed.

Mr. McDUFFIE. When, may I ask?

Mr. SNELL. I have not seen the chairman of the committee, and I do not know what his plans are.

Mr. McDUFFIE. I had hoped the chairman of the committee would be here to carry out the instructions of his committee.

Mr. SNELL. I have trouble enough in answering what I am supposed to know about.

Mr. GARNER. May I suggest to the gentleman from Alabama that in view of the fact that the chairman is not here to carry out the wishes of the committee that he ask unanimous consent that the bill be taken from the Speaker's table and at least sent to conference, so there may be an opportunity for the House conferees and the Senate conferees to consider the bill.

Mr. SNELL. I do not think that is a good suggestion, and I should object to such a request.

Mr. GARNER. I should imagine the gentleman would object, but I made that suggestion in view of the fact that the chairman of the committee is not here to make the request himself.

Mr. SNELL. I have no objection to the bill going to conference at the earliest possible moment, and as far as I know no one is going to object.

Mr. McDUFFIE. So far as the House committee is concerned, it is satisfied with the Senate amendments. It has unanimously voted to agree to them.

The Senate did add to the bill about $24,000,000, but this bill is not an appropriation bill; it only provides authorizations for money to be expended over a period of years.

Mr. SNELL. Does the gentleman think we ought to agree to that without even reading the amendments? The gentleman has been asking me questions, so I now ask him that question.

Mr. McDUFFIE. Very well. But does the gentleman think everybody in the House is going to read the amendments, even if we hold this bill two weeks?

Mr. SNELL. No; but I do think an opportunity should be given for their consideration.

Mr. McDUFFIE. The House committee has considered them. The House committee has read the amendments and, as I have said, we are satisfied with them. I think the House is ready to agree to them.

Mr. SNELL. As far as I am concerned I should not be willing to agree to these increases without having an opportunity to consider them, increases which run into the millions of dollars.

Mr. McDUFFIE. Can the gentleman give us any suggestion as to when the chairman of the committee will come on the floor?

Mr. SNELL. I told the gentleman I had not seen him, so I can not tell the gentleman about that.

Mr. GARRETT. Has the gentleman any information as to his whereabouts?

Mr. SNELL. I am responsible for almost everything, but I am not responsible for the whereabouts of the chairman of the Rivers and Harbors Committee at the present time.

Mr. McDUFFIE. If we are going to conference we ought to go at once, in order to save time. The Congress will doubtless adjourn in a few days, and I fear we will have no rivers and harbors bill during this session, and many Members are very anxious about this unnecessary delay.

Mr. SNELL. I am perfectly sure Congress will not adjourn until we have a rivers and harbors bill.

Mr. McDUFFIE. I am glad to hear the gentleman say that.

NATURALIZATION AND CITIZENSHIP OF MARRIED WOMEN

The next business on the Consent Calendar was the bill (S. 3691) to amend an act entitled "An act relative to naturalization and citizenship of married women," approved September 22, 1922.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, this bill is——

Mr. LEAVITT. Is the gentleman going to object?

Mr. JENKINS. I expect to object.

Mr. LEAVITT. Then I shall demand the regular order.

Mr. BOX. Will the gentleman yield a moment?

Mr. JENKINS. I yield.

Mr. BOX. Mr. Speaker, under a reservation of objection, I ask leave to extend my remarks by inserting the minority views on this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

MINORITY VIEWS

After all of the circumlocution employed in this bill is eliminated and its plain meaning is ascertained, its purpose it to admit an immigrant plainly excluded by the law, because of the power and influence of that immigrant's connections. The facts and record of the handling of this particular immigrant's efforts to procure admission and her rejection and the reasons for her rejection are fully and clearly stated in a statement made by the State Department to members of the House committee, who called upon that department for information, in the document copied in this report. Members should refer to it for the facts.

The bill should not be passed, first, because it sets the bad precedent of admitting by special act of Congress an individual alien in spite of the provisions of the immigration laws. Some 2,000,000 aliens are on the waiting list in foreign countries now, most of whom must be rejected, many of whom have relatives and friends here and have the same right to obtain admission by special act which is now accorded to this applicant. I am advised that this is not the only bill of this kind now pending in Congress. If this bill is passed, no Member will be in good position to refuse to introduce a bill providing for the admission of other inadmissible aliens whose friends and relatives ask that privilege. This will be especially true of all Members supporting this bill.

Second, this alien was first granted the special privilege of a special preliminary examination by the United States consul. It was found that she was not entitled to admission. The State Department appears to have properly and firmly enforced the law in her case in the face of powerful political pressure. Thereafter, an effort was made to procure her admission by an appeal to the courts, which, from the court of first instance to the Supreme Court of the United States, denied the extraordinary privilege she sought and upheld the officials in their proper enforcement of the law.

The statement of the State Department made to members of the House committee is as follows:

JANUARY 20, 1930.

Replying to your letter of January 11, 1930, I may give the following information concerning the case of Anna Minna Venzke Ulrich:

From the records of the department it appears that John Munsill Ulrich prior to his marriage to Anna Venzke endeavored to ascertain whether she would be able to obtain a visa after the marriage had taken place. In view of the unusual circumstances in the case, the consul general at Berlin permitted Miss Venzke to be given an informal advance examination with a view to determining whether it was likely that she would be able to establish her admissibility under the immigration laws.

Following the examination, Mr. Ulrich was informed that in all probability Miss Venzke would be unable to obtain an immigration visa in the event that she were later to apply for one.

Although Mr. Ulrich was warned in advance regarding the difficulty to be anticipated in bringing his wife to this country, he apparently did not alter his plans on this account, and on December 17, 1927, his marriage to Miss Venzke took place.

After the marriage, Mrs. Ulrich applied for a nonquota immigration visa, which was refused upon the ground that the record in her case showed that she had been convicted in four instances of offenses involving moral turpitude, to wit, larceny in three cases and abetting a forgery in another case, and was accordingly inadmissible to the United States under the provisions of section 3 of the act of February 5, 1917, which excludes from the United States "aliens who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude." In this connection it may be stated that section 2 (f) of the immigration act of 1924 requires a consular officer to refuse an immigration visa to an alien who he knows or has reason to believe is inadmissible to the United States under the immigration laws.

Subsequently, Mr. Ulrich brought mandamus proceedings to compel the issuance of a visa to Mrs. Ulrich. The Court of Appeals of the District of Columbia in United States ex rel. Ulrich v. Kellogg et al. (30 F. (2d) 984) determined that Mrs. Ulrich remained an "alien" notwithstanding her marriage to a citizen of the United States, and affirmed the decree of the Supreme Court of the District of Columbia overruling the application of Mr. Ulrich for a writ of mandamus. Chief Justice Martin, in rendering the opinion of the court, cited the case of Bartos v. United States District Court for District of Nebraska et al. (F. (2d) 722), in which it was held that "* * * Theft, whether it be grand or petit larceny, involves moral turpitude * * *." It may be of interest to note that the Supreme Court of the United States in United States ex rel. Ulrich v. Stimson (279 U. S. 868) denied the petition of Mr. Ulrich for a writ of certiorari to the Court of Appeals of the District of Columbia.

If the information given above does not serve the purposes which you have in mind, the department will be glad to furnish any further particulars you may desire regarding the case.

Sincerely yours,

J. P. COTTON, *Acting Secretary.*

After the consul, the State Department, and all of the courts to which her powerful friends could appeal have applied the law to her case, it is now proposed that Congress shall override the actions of all these and admit her. There is no justification for such action. The bill should not pass.

JOHN C. BOX.

Mr. GREEN. Further reserving the right to object, in those minority views, I am glad to say there were several that concurred, and I am among them.

Mr. LEAVITT. Mr. Speaker, in view of the fact there is no opportunity for a fair debate on this measure under the Consent Calendar rules, I ask for the regular order.

The SPEAKER. Is there objection?

Mr. BOX. I object.

PURCHASE OF MOTOR-TRUCK PARTS

The next business on the Consent Calendar was the bill (H. R. 12285) to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like some information. This is to permit the Postmaster General to buy truck parts from manufacturers without the customary advertisement. The idea of this seems to me to be all right, but I recall that in recent income-tax cases it has been held by the Federal courts, I believe, that parts would include a battery, for instance, and this would permit the department to buy batteries without advertising. As a matter of fact, one battery would serve perhaps as well as another. Is it the idea of the gentleman from Illinois that the authority here given should be as broad as that?

Mr. SPROUL of Illinois. No; it is simply for repair parts. They have a list price on all these repair parts.

Mr. CRAMTON. This revenue-tax decision seemed to me to go further than was justified, but inasmuch as we have these court decisions, would they not apply to this bill?

Mr. SPROUL of Illinois. I am not a lawyer and could not say.

Mr. CRAMTON. And permit them to buy a battery, for instance, without advertising.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. I think there is one saving feature in this bill and that is that the price must not exceed the truck manufacturer's list price.

Mr. SPROUL of Illinois. List price, less the discount.

Mr. CRAMTON. But sometimes when they advertise to buy a good many thousand batteries, for instance, they may get them at less than the list price.

Mr. SPROUL of Illinois. I do not think a battery is a part within the meaning of this proposed law.

Mr. CRAMTON. I thing the word was "accessories."

Mr. COLLINS. Yes; batteries are classed as accessories. I asked the General Supply Committee about this particular bill to-day and was advised that they advertised for accessories and carried accessories, but did not advertise for or carry parts. They make a distinction between accessories and parts.

Mr. KELLY. And this applies to parts.

Mr. CRAMTON. And a battery would be considered an accessory? Then I am willing to take a chance on it.

Mr. SPROUL of Illinois. I know that is right.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, from my personal knowledge I know the department has in its service many commercial automobile cars which are not trucks. Take, for instance, the old Ford model T commercial car, and the Ford car model AA, and the Chevrolet commercial car. Is it not as essential to have the department vested with authority to purchase parts for commercial cars as it is to purchase parts for the trucks? There is a distinction in the automobile trade between motor trucks and commercial automobile cars.

Mr. KELLY. If the gentleman will permit, I can explain that. The Post Office Department enters into contracts with letter carriers for the operation of the cars to which the gentleman refers. It does not operate them and, of course, does not buy parts for them.

Mr. STAFFORD. Oh, I know of my own knowledge that the department has purchased a great number of commercial cars and has them running around the streets in the screened-wagon service and in collecting the mail. They purchase those cars, or at least they did years back.

Mr. KELLY. Those screened wagons are trucks.

Mr. STAFFORD. I am speaking of the small commercial delivery car.

Mr. KELLY. Those are operated under contracts with individuals, employees and others.

Mr. SPROUL of Illinois. This bill only covers motor trucks.

Mr. STAFFORD. I was going to suggest extending the privilege to commercial automobiles.

Mr. SPROUL of Illinois. I do not think that is necessary. The department has not asked for that. We have covered here all the department has asked, and I think it is properly covered here.

Mr. STAFFORD. Then I will direct another inquiry to the gentleman. Why should the purchase of these motor-truck parts be limited to those motor trucks that have been purchased as a result of competitive bidding? Years back, or shortly after the close of the war, the department received many of the abandoned or nonused trucks of the War Department and they are still in use. It would seem essential that the department have authority to purchase parts for those trucks.

Mr. SPROUL of Illinois. They would have authority to purchase parts from the manufacturers for the trucks they have in service.

Mr. STAFFORD. You have a limiting clause here which says, "In the operation of motor trucks purchased as a result of competitive bidding." Those trucks were not purchased as a result of competitive bidding. Why the discrimination?

Mr. KELLY. If the gentleman will refer to page 2 of the report, he will find the reason for the amendment offered by the committee. The Postmaster General suggested the amendment which is included in this bill to cover the trucks bought from the War Department.

Mr. STAFFORD. Where is the language in the bill that covers that situation?

Mr. KELLY. The language is—

That whenever motor-truck parts are needed by the Post Office Department in the operation of motor trucks purchased as a result of competitive bidding, the Postmaster General—

And so forth.

Mr. STAFFORD. Yes; you are limiting the right of purchasing these parts of those trucks purchased under competitive bidding. The language of the bill limits it to those trucks purchased as the result of competitive bidding.

Mr. KELLY. I think the gentleman is right about his interpretation.

Mr. STAFFORD. I will withdraw the reservation and offer an amendment to strike out the words "result of competitive bidding."

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever motor-truck parts are needed in the operation of motor trucks purchased by the Post Office Department as the result of competitive bidding, the Postmaster General is hereby authorized to enter into agreements with truck manufacturers for the purchase of such truck parts at a price not exceeding the truck manufacturer's list price, less regular discounts, without advertising under such arrangements as in the opinion of the Postmaster General will be most advantageous to the Government.

With the following committee amendment:

Page 1, line 3, strike out the words "in the operation of motor trucks purchased."

Page 1, line 5, strike out the words "as the" and insert the words "in the operation of motor trucks purchased as a."

Mr. STAFFORD. Mr. Speaker, I offer the following amendment to the committee amendment:

Line 5, strike out the words "purchased as a."

The amendment to the committee amendment was agreed to.

Mr. STAFFORD. I offer the following amendment:

Strike out the words "result of competitive bidding."

The Clerk read as follows:

Page 1, line 6, strike out the words "result of competitive bidding."

The amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, since making the announcement a few moments ago as to what the program would be to-morrow, I find that we will not be able to take up the copyright bill. So I ask unanimous consent that, after disposing of the special investigation resolution, it shall be in order to continue the Consent Calendar, beginning where we leave off to-day.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. SPROUL of Illinois. Reserving the right to object, I would like to ask the gentleman, what is the objection to taking up the Capper-Kelly bill?

Mr. LAGUARDIA. We want to finish the Consent Calendar.

Mr. SNELL. I thing we better let that go over another day.

Mr. SPROUL of Illinois. You can let it go over one or two days; I do not object.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GARNER. I would like to ask the gentleman from New York a question: Does he anticipate that he will take a great deal of time to-morrow on this rule?

Mr. SNELL. That is up to the gentleman's side of the House. This side of the House will get through in less than three minutes.

Mr. GARNER. I simply asked the question so that Members might be here early to take up the Unanimous Consent Calendar.

ADDRESS OF HON. CARROLL L. BEEDY, OF MAINE

Mr. GARBER of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by the gentleman from Maine, Hon. CARROLL

L. BEEDY, at Bridgewater College, Bridgewater, Va., June 1, 1930.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The address is as follows:

COMMENCEMENT AND DEDICATORY ADDRESS

This is, indeed, a delightful and inspiring hour for us all. For the college it commemorates half the cycle of a century's existence. For the graduating class it marks the termination of prescribed academic study and entrance upon yet broader fields of endeavor. As for myself, it marks the first formal visit which it has been my privilege to make in Virginia, a State which is conceded to be one of the most renowned in our Union.

When my distinguished friend and your able, respected, and beloved Representative GARBER invited me to deliver the address at the dedication of this auditorium, both private and official duties argued my refusal. Yet the regard which I have for your Congressman and the hesitancy which was mine to deny him any request, inclined me to an acceptance. This inclination, coupled with the thought that my presence here would bring me into the closest of communion with the imperishable influences for national betterment and human service which have always emanated from Virginia soil, compelled my acceptance.

Thus it is that Maine now joins with Virginia in paying homage, not only to your immortal sons and daughters, but to this institution of learning which has furnished, and is furnishing, its rich contributions to the development of American manhood and womanhood.

It is indeed no mean heritage of character and achievement which has been left us by a Washington, a Jefferson, a Henry, a Madison, a Marshall, a Monroe, a Randolph, and a Lee. The mere utterance of these names stirs the pride and quickens the will to accomplishment of every good citizen. Nor is the source of our pride and desire to approximate the achievements of former generations limited to those great men whom I have mentioned. We should all remember, nor can any true Virginian forget, that the military genius of a Lee, the fervent eloquence of a Henry, and the giant intellect of a Marshall would have been lost to Virginia and the Nation had not each of these men been blessed with a rare ancestry culminating in that most precious possession, a self-sacrificing and loving mother. The names of Mary Ball, mother of Washington; Sarah Winston, mother of Patrick Henry; Mary Isham Keith, mother of Marshall; and Anne Carter, mother of Robert E. Lee, will never fail as an inspiration to American womanhood.

Surely, Virginia and the Nation have lost nothing of their power to reproduce a Dolly Madison and a Sarah Jay. Both embodied the broadest culture, the purest character, and the soundest sense of ideal American womanhood. Each renowned for her physical beauty, attained the highest social distinction. Each married a Virginian who gained an international reputation. No more striking tribute was ever received by an American woman than by that famed daughter of Virginia, Mrs. John Jay, who, with her husband upon his mission to France, having entered a French theater, was greeted by the audience, which rose en masse, mistaking the wife of the American diplomat for their beautiful queen, Marie Antoinette.

Reference to these distinguished men and women of a former day and generation may not be amiss upon this occasion. If they achieved distinction, why not you? None of them enjoyed the advantages which you enjoy to-day. By how much more then may the present generation eclipse the past? The future possibilities of individual development and personal attainment are practically without limit. The boy or the girl of to-day who is graduated from this seat of learning, if but a portion of daily opportunities has been improved, is far better equipped to solve the problems of the future, to serve himself and his fellow men, than was the youthful Washington, Marshall, or Lee.

In the early days of these great men there was not in all Virginia a college building which could compare in beauty and facility for common usefulness with this auditorium. Dr. Charles Knox Cole, in whose memory this building is given, is but one of many who in more recent days has demonstrated what the individual can accomplish for himself and others if he but possesses the will to do and the ambition to excel. He was not content to follow the example of the average. He not only availed himself of the best educational facilities in his own country, but his aim was so to perfect himself in professional skill and knowledge that he might tower above the ordinary. He, therefore, had recourse to the great colleges of medicine in Berlin, Paris, and Vienna. Honored at home and abroad, beloved by all who came to know him, he made smoother the rough ways of life for others. So beloved indeed was he by his own that his daughter, Virginia Garber Cole, responding to the urge of generosity, affection, and loyalty, has presented this institution, a memorial to her father, which shall serve not only the present but succeeding generations.

The generosity of Virginia Garber Cole is but a lone illustration of what is being done by the great and true of this Nation for their fellows. So long as we shall thus reinforce our institutions of learning and so long as we shall train the minds of youth for high achievement—not in the spirit of self-service but in the spirit of general betterment—so long shall our social order endure.

We face many dangers in the exigencies of the hour, but among the greatest is the possible failure of the present generation to perceive the necessity for diligence and the improvement of ever-present opportunity. There is so much which is available for the mere enjoyment as well as for the enrichment of the present, so much that has come down to us without any effort or sacrifice on our own part, that we are in danger of being surfeited with things and consumed with the desire for pleasure. The impelling forces of modern life threaten to bear along in their currents the great majority who perceive little of the real trend with its attendant consequences and who care less.

The genius of man has showered us with uncounted conveniences which yesterday were viewed as impossible but to-day are looked upon as a mere matter of course. The human voice is projected through the ether; oceans are spanned and continents bound together by the spoken word without any visible or tangible means of contact. What was viewed as the insane dream of an Edward Bellamy has become a commonplace reality, and even in the humblest home we press a button and listen to symphonic strains removed in distance by hundreds of miles. Man has mastered what were but yesterday unknown and hidden forces of the universe and now bends to his will the dynamic and compelling power of electrical energy. He defies the laws of gravity, mounts the heavens and eclipses the speed of the fleetest bird. Fulfilling the dreams of a Jules Verne, he traverses the depths and explores the teeming mysteries of the boundless seas. He has multiplied ad infinitum those mechanical contrivances which make life soft and easy of living and in another field he has contrived and perfected the powerful machines which by nicety of operation and control, accomplish at his will the almost momentary destruction of entire cities.

What is the end to be? Is not the great danger that unless the mind and purpose of coming generations be properly trained and their benevolent impulses sufficiently stimulated, I repeat, is not the great danger that the instruments of man's genius may in the end be turned upon him to work his own ruin? Surely, the continuing necessity of education is perceived by all.

Education, it is clear, is but a means to an end. Its aim is to fit the individual to find his rightful place in the social order and do to the best of his ability his chosen work. And it would seem important that our educational institutions should aim to impress our youth with the idea that the success of the individual is not to be measured by the money which he accumulates. All too frequently money is acquired through an utter disregard of the rights of others. Such acquisition finally destroys all that is really worth possessing. What do we mean by this?

There are two essential rights of which every educated man and woman in particular should never lose sight. They are the right to the broadest possible measure of individual freedom and the fullest measure of individual justice. When wealth in general is procured in disregard of the rights of others, individual freedom and justice are destroyed.

But let us consider the aim of education still further. To fit the individual for his place in society, a college education should equip him to meet his individual responsibilities under government. This must be clear because without government there can be no such thing as ordered society.

To-day we lead the world in a great experiment of self-government. We are attempting to deny in practice the theory of government which obtained for centuries and to which many still adhere. The old theory was that the many were incapable of governing themselves; that a few comprising an aristocracy, not an aristocracy even by fitness, but an aristocracy by birth, should govern the many.

We are attempting to prove that the many can govern themselves. If we are to succeed in our experiment, if the people are to govern wisely, it is clear that the average individual should not only be able to select fit persons for high places, but that there should be trained men and women able and ready to meet the responsibilities of leadership. To this end it would seem essential that our educational institutions should insist upon the duty of every educated person to give to society, to government, more than he takes. This is the only correct standard. If we hold to it we shall not have lived in vain. He who observes it fortifies himself in his own rights and strengthens the guaranties of freedom and justice—present and future.

Our Government is frequently referred to as a democracy. It is, however, only a modified form of democracy. Under a democracy the people not only possess but they directly exercise all power. Under our Government the people possess ultimate power, but they elect representatives to exercise it. If it be not an inconsistent use of terms, our Government, therefore, may be called a representative democracy. Surely the education of the coming generation to better insure the perfection of a representative democracy in this country is a work of the highest order.

Representative democracy embodies the essential features of the truest socialism. It regards the individual not as a mere means to an end; it

regards the individual as the end itself; it aims for his fullest development, for his highest advancement. It seeks to give power to those most deserving and best fitted to wield it. Thus our Government would protect each one of us not only in his own right to earn and enjoy the bread of life, but in his right to enjoy homes, friends, schools, and churches without hindrance by those who are blind with avarice for wealth and power.

Our institutions of learning exercise a most vital influence on the general mind or thought. And do not forget that it is the thought of men and women to-day which is to move the world to-morrow. The proper direction of thought by our schools and colleges is of supreme importance. It is within their power to mold and train American youth either for builders or for destroyers of society. Surely we have a right to expect of our colleges that they infuse their students with an understanding of the truth. That truth, among other things, embraces the tenet that however much of knowledge the individual may acquire, he is a failure if he seeks only to serve himself and loses the broad opportunity for service to others. For such service one finds ample opportunity in public life.

This community, this State, and this Nation have a right to look for upbuilding leadership in the ranks of those who have sojourned in the halls of learning. Of right your fellow men look to you of Virginia, who are privileged to graduate from this institution of learning. They have a right to expect, and they do expect, that you will not only understand how to perform the tasks which you shall undertake, but that you shall in the performance of your duties, labor not with the idea of enriching yourselves, but with the idea of making yourselves useful—yes, indispensable, to the well-being of others.

Had I a message for the coming generation, this I would give: Shun wealth as an objective; avoid invention and machination for financial returns. Seek to create only that which makes for general health, security, and contentment. Profit by the sad example of that self-seeking in the past which has destroyed the happiness of man, blotted the pages of history with futile warfare, and plunged nations to destruction.

This, if I had advice to give, would be the last and utmost of wise counsel. In the fourth chapter of Proverbs we are enjoined in the following terms:

"Take fast hold of instruction; let her not go: keep her; for she is thy life.

"Get wisdom, get understanding: * * * wisdom is the principal thing; * * * exalt her and she shall promote thee; she shall bring thee to honor, when thou dost embrace her."

No nobler words were ever penned. I cite them in order that in closing I may impress upon you a fundamental distinction between a common misunderstanding of the purpose of education and the real purpose of study and learning.

If a college course has resulted merely in storing the mind with a diversified accumulation of facts, then the course of instruction has failed. Knowledge is not the main objective of instruction. The author of the Book of Proverbs emphasizes this point. He tells us that "wisdom is the principal thing" and he enjoins us to get wisdom. And wisdom is but another word for understanding.

The instruction given by educational institutions, 'tis true, necessarily deals with an accumulation of facts. But those facts are presented first in one light and then in another. They are oftentimes rearranged. They are thrown upon the screen, as it were, for study—first in one combination and then in another; all to the end that the human mind may be able to pick up disjointed facts, estimate their correlated values, and build with them a harmonious whole. To this end understanding or wisdom is essential. It results not only from the processes of pure reason. It partakes also of the human emotions—sympathy, imagination, and foresight.

If the college graduate of the future is to meet and fill the great need of the hour, he must not only have knowledge of facts but he must have an understanding of men, of human needs, of human aspirations, of the universal kinship of men, and the ultimate purpose of the Creator. He must glimpse the divine plan which aims that from selfishness, misunderstanding, destructive contention, and error shall come unselfish concern, each for the welfare of the other, an unbroken bond of human fellowship, and that universal harmony born of an understanding of truth.

Let us have an understanding of that eternal truth that this world was created by an unseen power; that the various races which people it spring from the single and original source; that the hills, the valleys, and the seas of earth were designed equally for the life of all; and that contentment and understanding were designed as the universal heritage.

Let no narrow or provincial view turn us against any government or the establishment of any agency under government which will promote a better understanding—man of man and nation of nation. Let us strive with all the power of thought and example to the end that unbridled passion may no longer drench the world in blood, but that compassion and peace, the dream of the ages, may at length reign supreme.

As a powerful force in the attainment of our objectives, we look with the utmost assurance to the small college. As a helpful instrument in the realization of these purposes, we now dedicate this auditorium in the name of Dr. Charles Knox Cole, in the name of Bridgewater College and the State of Virginia, in the name of an all-embracing humanity.

RECOMMITMENT OF A BILL

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the bill H. R. 12549 to amend and consolidate the acts in respect to copyright be recommitted to the Committee on Patents.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the bill H. R. 12549 be recommitted to the Committee on Patents. Is there objection?

There was no objection.

LEAVE OF ABSENCE

Mr. CROWTHER (at the request of Mr. HANCOCK), by unanimous consent, was given leave of absence for three days on account of important business.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 304. An act for the relief of Cullen D. and Lettie A. O'Bryan;

S. 308. An act for the relief of August Mohr;

S. 670. An act for the relief of Charles E. Anderson;

S. 671. An act for the relief of E. M. Davis;

S. 857. An act for the relief of Gilbert Peterson;

S. 1183. An act to authorize the conveyance of certain land in Hot Springs National Park, Ark., to the P. F. Connelly Paving Co.;

S. 1254. An act for the relief of Kremer & Hog, a partnership;

S. 1255. An act for the relief of the Gulf Refining Co.;

S. 1257. An act for the relief of the Beaver Valley Milling Co.;

S. 1702. An act for the relief of George W. Burgess;

S. 1955. An act for the relief of the Maddux Air Lines (Inc.);

S. 1963. An act for the relief of members of the crew of the transport *Antilles;*

S. 1971. An act for the relief of Buford E. Ellis;

S. 2465. An act for the relief of C. A. Chitwood;

S. 2788. An act for the relief of A. R. Johnston;

S. 2864. An act for the relief of certain lessees of public lands in the State of Wyoming under the act of February 25, 1920, as amended;

S. 3284. An act for the relief of the Buck Creek Oil Co.;

S. 3577. An act for the relief of John Wilcox, jr.;

S. 3642. An act for the relief of Mary Elizabeth Council;

S. 3664. An act for the relief of T. B. Cowper;

S. 3665. An act for the relief of Vida T. Layman; and

S. 3666. An act for the relief of the Oregon Short Line Railroad Co., Salt Lake City, Utah.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 745. An act for the relief of B. Frank Shetter;

H. R. 3430. An act for the relief of Anthony Marcum;

H. R. 3764. An act for the relief of Ruban W. Riley;

H. R. 11050. An act to transfer Willacy County, in the State of Texas, from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district;

H. J. Res. 251. Joint resolution to promote peace and to equalize the burdens and to minimize the profits of war; and

H. J. Res. 311. Joint resolution for the participation of the United States in an exposition to be held at Paris, France, in 1931.

ADJOURNMENT

Mr. SNELL, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 24, 1930, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

567. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on Ausable River, N. Y., covering navigation, flood control, power development, and irrigation, was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers on the War Department (Rept. No. 2010). Ordered to be printed.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 12843. A bill granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough to Lady Island on the Columbia River in the State of Washington; with amendment (Rept. No. 2011). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 12919. A bill granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing or at or near the point known and designated as Wilder Ferry; with amendment (Rept. No. 2012). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. S. 4400. An act to legalize a pier constructed in Chasapeake Bay at Annapolis Roads, Md., and to legalize an intake pipe in Warren Cove, at Plymouth, Mass.; without amendment (Rept. No. 2013). Referred to the House Calendar.

Mr. COLTON: Committee on the Public Lands. H. R. 8534. A bill for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes; with amendment (Rept. No. 2014). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XXIII,

Mr. COCHRAN of Pennsylvania: Committee on Military Affairs. H. R. 5466. A bill for the relief of Thomas A. Ryland; with amendment (Rept. No. 2004). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 7780. A bill for the relief of June Harvie; with amendment (Rept. No. 2005). Referred to the Committee of the Whole House.

Mr. GRANFIELD: Committee on Military Affairs. H. R. 9247. A bill for the retirement of Arthur Maxwell O'Connor; with amendment (Rept. No. 2006). Referred to the Committee of the Whole House.

Mr. QUIN: Committee on Military Affairs. H. R. 9609. A bill for the relief of Llewellyn B. Griffith; with amendment (Rept. No. 2007). Referred to the Committee of the Whole House.

Mr. GARRETT: Committee on Military Affairs: H. R. 10402. A bill for the relief of Harry W. Boyd; without amendment (Rept. No. 2008). Referred to the Committee of the Whole House.

Mr. GARRETT: Committee on Military Affairs. H. R. 10403. A bill for the relief of John DuBois; without amendment (Rept. No. 2009). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 13110) to regulate the issuance of immigration visas during the fiscal year beginning July 1, 1930; to the Committee on Immigration and Naturalization.

By Mr. EATON of Colorado: A bill (H. R. 13111) authorizing the Secretary of the Interior to issue certain patents; to the Committee on the Public Lands.

By Mr. JOHNSON of South Dakota: Joint resolution (H. J. Res. 378) to permit the Dornier *Dox* flying boat to enter the United States free of customs duty under certain conditions; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 13112) granting an increase of pension to Eliza Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13113) granting a pension to Bettie Carr; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 13114) for the relief of Col. Richard M. Cutts, United States Marine Corps; to the Committee on Claims.

By Mr. DUNBAR: A bill (H. R. 13115) granting a pension to Cora D. McCart; to the Committee on Pensions.

Also, a bill (H. R. 13116) granting a pension to Henderson Howerton; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 13117) granting a pension to James McGuire; to the Committee on Invalid Pensions.

By Mr. GREGORY: A bill (H. R. 13118) granting a pension to Mattie Street; to the Committee on Invalid Pensions.

By Mr. LAMBERTSON: A bill (H. R. 13119) for the relief of Lyle O. Armel; to the Committee on Naval Affairs.

By Mr. LETTS: A bill (H. R. 13120) granting an increase of pension to Mary L. Baker; to the Committee on Invalid Pensions.

By Mr. MICHAELSON: A bill (H. R. 13121) for the relief of James W. Blair; to the Committee on Claims.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 13122) granting an increase of pension to Katie F. Finch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13123) granting a pension to Sarah Hammons; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 13124) granting an increase of pension to LewElla McCorkhill; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM; A bill (H. R. 13125) granting a pension to Amy E. Hemenway; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 13126) granting an increase of pension to Elizabeth J. Goldthwait; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 13127) granting an increase of pension to Malinda Husband; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7629. Petition of First Street Ladislau Roman Catholic Hungarian Society of Cleveland, Ohio, urging Congress to lend its good will to Hungary in her efforts to regain her territories; to the Committee on Foreign Affairs.

7630. By Mr. EATON of New Jersey: Resolution of the New Jersey Society Sons of the Revolution, adopted at the annual spring meeting, proposing that a street or avenue in Washington, D. C., be named after the Comte and Admiral de Grasse, and that a monument or memorial of gratitude be erected on such street or avenue; to the Committee on the District of Columbia.

7631. By Mr. BRIGGS: Night lettergram, dated June 21, 1930, from H. G. Hamrick, chairman legislative department, Brotherhood of Railroad Trainmen of Texas, urging passage of Couzens resolution, S. J. Res. 161, and opposing House committee substitute; to the Committee on Interstate and Foreign Commerce.

7632. Also, night lettergram, dated June 22, 1930, from Past President J. T. Mears, Oleander Lodge, No. 70, Switchmen's Union of North America, Galveston, Tex., urging the passage of Couzens resolution, S. J. Res. 161; to the Committee on Interstate and Foreign Commerce.

7633. Also, communication, dated June 19, 1930, from W. Hooks, mayor, and J. F. Hall, president of Lion Club, Groveton, Tex., urging more extended building program, especially to relieve existing unemployment; to the Committee on Public Buildings and Grounds.

7634. By Mr. YATES: Petition of Joseph Lyman, post adjutant, American Legion, White Hall, Ill., urging the immediate passage of the Johnson bill; to the Committee on World War Veterans' Legislation.

7635. Also, petition of Frank Schromech, commander Troy Post, American Legion, Troy, Ill., urging Congress to pass the Johnson bill without amendment; to the Committee on World War Veterans' Legislation.

7636. Also, petition of Helen J. Levy, Forest Park, Ill., urging the passage of veterans' legislation before the adjournment of Congress; to the Committee on World War Veterans' Legislation.

7637. Also, petition of J. H. Walker, commander Pope County Post, No. 719, American Legion, Golconda, Ill., urging the passage of the Johnson bill at the present session of Congress; to the Committee on World War Veterans' Legislation.

7638. Also, petition of J. H. Malone, treasurer May & Malone, 37 South Wabash Avenue, Chicago, urging the defeat of House bill 11096; to the Committee on the Post Office and Post Roads.

7639. Also, petition of E. W. Johnson, 180 North Michigan Avenue, Chicago, Ill., urging the defeat of House bill 11096, a bill relative to increased postal rates; to the Committee on the Post Office and Post Roads.

7640. Also, petition of T. S. Hammond, president Whiting Corporation, Harvey, Ill., protesting the passage of House bill 11096; to the Committee on the Post Office and Post Roads.

7641. Also, petition of Percy Brine, 330 Wells Street, Chicago, Ill., urging the defeat of House bill 11096; to the Committee on the Post Office and Post Roads.

SENATE

TUESDAY, *June 24, 1930*

Rev. James W. Morris, D. D., assistant rector of the Church of the Epiphany, city of Washington, offered the following prayer, it being the collect for the day (St. John Baptist):

Almighty God, by whose providence Thy servant John Baptist was wonderfully born and sent to prepare the way of Thy Son our Savior by preaching repentance, make us so to follow his doctrine and holy life that we may truly repent according to his preaching, and after his example constantly speak the truth, boldly rebuke vice, and patiently suffer for truth's sake. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday last, when, on request of Mr. MCNARY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. MCNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McNary	Steck
Ashurst	Glass	Metcalf	Steiwer
Barkley	Glenn	Moses	Stephens
Bingham	Goldsborough	Oddie	Sullivan
Black	Hale	Overman	Swanson
Blaine	Harris	Patterson	Thomas, Idaho
Borah	Harrison	Phipps	Thomas, Okla.
Brock	Hatfield	Pine	Townsend
Broussard	Hayden	Pittman	Trammell
Capper	Hebert	Ransdell	Tydings
Caraway	Howell	Reed	Vandenberg
Copeland	Johnson	Robinson, Ark.	Wagner
Couzens	Jones	Robinson, Ind.	Walcott
Cutting	Kendrick	Robsion, Ky.	Walsh, Mass.
Dale	La Follette	Sheppard	Walsh, Mont.
Deneen	McCulloch	Shipstead	Watson
Dill	McKellar	Shortridge	Wheeler
George	McMaster	Smoot	

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families.

The VICE PRESIDENT. Seventy-one Senators have answered to their names. A quorum is present.

MUSCLE SHOALS

Mr. MCKELLAR. Mr. President, I ask unanimous consent that the clerk may read from the desk a short editorial from the Arkansas Gazette in reference to the statement of the senior Senator from Arkansas [Mr. ROBINSON] about Muscle Shoals; also a short editorial from the St. Louis Post-Dispatch entitled "A National Disgrace," having reference to the same subject and the speech of the junior Senator from Alabama [Mr. BLACK] thereon.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From the Arkansas Gazette, June 18, 1930]

TIME TO DO SOMETHING ABOUT MUSCLE SHOALS

Senator JOSEPH T. ROBINSON has urged President Hoover to intervene in the deadlock between House and Senate conferees on the question of Muscle Shoals legislation. The appeal is a timely one. The development of this great source of hydroelectric power should not be delayed year after year by the inability of Congress to formulate policies for its use. The controversy has dragged on for more than a decade now, and with House and Senate taking into conference two bills diametrically opposed to each other and the House refusing to listen to any proposals for compromise there seems small prospect for action during the life of this Congress unless more decisive leadership is displayed in the matter by the administration.

The average man can not be expected to understand all the questions involved, complicated as they are not only by technical problems of power generation and river navigation but also by problems of industrial chemistry and by the dispute between those who advocate and those who oppose public ownership and operation of such utilities as the Muscle Shoals plant. But the average man is convinced that some permanent program should be adopted for use of a property in which the Government has made a heavy investment. The public will feel that if Mr. Hoover's leadership is needed to bring about action Mr. Hoover might well exercise that leadership at this time.

[From the St. Louis Post-Dispatch, June 17, 1930]

A NATIONAL DISGRACE

Senator BLACK'S powerful speech on Muscle Shoals should awaken the country to the disgraceful delay in putting this great plant to work. It was built during the war at a cost of $130,000,000, and has lain practically idle ever since, although the South is in desperate need of electric power. Loss in interest on the investment alone from 1918 to 1930 amounts approximately to $75,000,000.

The Alabama Senator blames Mr. Hoover for the failure of the present Congress to pass Muscle Shoals legislation. He says Mr. Hoover in his Elizabethton speech and in subsequent statements promised Government operation and control of the plant, but has not lifted a finger to put such a plan through Congress. At the present time a deadlock exists between the Senate and the House. The Senate favors Government operation of the power plant and also of the nitrate plant at the shoals. The House is obstinately opposed to this solution and favors leasing both plants to private interests. A compromise, suggested by Senator NORRIS, to lease the nitrate plant to fertilizer companies while permitting the Government to operate and control the power plant has been refused by the House.

Mr. Hoover's leadership would undoubtedly make it possible for House and Senate to agree. "It is a national disgrace and a national crime," says Senator BLACK, "that for 10 years the power and fertilizer interests have been able to prevent this great property from being put to work for the benefit of the public. The President could settle it with one word to the leaders of his party in the House and Senate."

Putting Muscle Shoals to work should appeal especially to the great engineer, whose mind is supposed to abhor waste and inefficiency. But, unfortunately, the great engineer seems to be overshadowed by the politician, frightened by the absurd bugaboo attaching to Government operation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 134. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes;

S. 135. An act to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nev., and for other purposes;

S. 485. An act to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes;

S. 486. An act to amend section 5153 of the Revised Statutes as amended;

S. 3627. An act to amend the Federal reserve act so as to enable national banks voluntarily to surrender the right to exercise trust powers and to relieve themselves of the necessity of complying with the laws governing banks exercising such powers, and for other purposes; and

S. 4096. An act to amend section 4 of the Federal reserve act.

The message also announced that the House had passed the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8529. An act to provide for the establishment of the Yakima Indian Forest;

H. R. 10582. An act to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California;

H. R. 11515. An act to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., and for the acquisition of new sites and construction of Government buildings thereon in such cities;

H. R. 11622. An act to provide for the appointment of an additional district judge for the eastern and western districts of Louisiana;

H. R. 12095. An act to amend section 113 of the Judicial Code, as amended (sec. 194, title 28, U. S. C.);

H. R. 12285. An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer;

H. R. 12307. An act to provide for the appointment of one additional judge of the District Court of the United States for the Western District of Oklahoma;

H. R. 12350. An act to provide for the appointment of an additional district judge for the eastern district of Michigan;

H. R. 12383. An act to transfer from the United States Shipping Board to the Treasury Department certain property located at Hoboken, N. J., and

H. R. 12590. An act to amend section 16 of the radio act of 1927.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 134. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes;

S. 135. An act to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes;

S. 363. An act for the relief of Charles W. Martin;

S. 485. An act to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes;

S. 486. An act to amend section 5153 of the Revised Statutes, as amended;

S. 2718. An act for the relief of Stephen W. Douglass, chief pharmacist, United States Navy, retired;

S. 3627. An act to amend the Federal reserve act so as to enable national banks voluntarily to surrender the right to exercise trust powers and to relieve themselves of the necessity of complying with the laws governing banks exercising such powers, and for other purposes;

S. 4096. An act to amend section 4 of the Federal reserve act; and

S. 4466. An act to make a correction in an act of Congress approved February 28, 1929.

PETITIONS

The VICE PRESIDENT laid before the Senate a petition numerously signed by World War veterans of Lehigh County, Pa., praying for the passage of legislation providing for the proper care and hospitalization of World War veterans of the State of Pennsylvania, which was referred to the Committee on Finance.

Mr. JONES presented a petition numerously signed by sundry citizens of the State of Washington, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia or in any of the territorial or insular possessions of the United States, which was referred to the Committee on the District of Columbia.

Mr. SHIPSTEAD presented resolutions adopted by the Zagloba Society, Local No. 1033, of the Polish National Alliance of America, of South St. Paul, Minn., favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which were referred to the Committee on the Library.

Mr. VANDENBERG presented resolutions of the Michigan Grand Council of the United Commercial Travelers of America, favoring the passage of legislation to establish a 6-hour workday with five working days per week at the present scale of wages in all manufacturing plants that utilize mass-production machinery, which were referred to the Committee on Education and Labor.

THE TOWNSEND-PURNELL PLANT BREEDING ACT

Mr. WALCOTT. Mr. President, I present an informal summary of a short address by Secretary Jewell Mayes, of the Missouri State Board of Agriculture, broadcast on the 20th instant, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the summary was ordered to lie on the table and to be printed in the RECORD, and it is as follows:

THE PLANT PATENT BILL

(An informal summary of a short address by Secretary Jewell Mayes, of the Missouri State Board of Agriculture, broadcast WOS, 8 p. m., June 20, 1930)

The plant patent bill, known in the United States Congress as the Townsend-Purnell bill, passed by both the House and the Senate without dissenting voice, signed by President Herbert Hoover on May 23, 1930, is an American revolution in agriculture and horticulture.

The purpose of the Townsend-Purnell Act, now a Federal law, is to afford agricultural and horticultural improvers the same opportunity to participate in and enjoy the benefits of the patent system as have always been given to industry.

It would be practically impossible to list by name in this connection each person contributing by influence or vote to this long-deferred recognition to discoverers and developers of new varieties in plant life, but great credit should be recorded in honor of the Senators, Congressmen, and other public officials supporting or voting for one of the most constructive pieces of agricultural legislation of this generation. Evidently, the choicest credit should go to the late Luther Burbank and his surviving widow, Mrs. Elizabeth Waters Burbank, both of whom had endeavored for years to secure public recognition and protection for plant breeders. Two Missourians, as private citizens, joined hands and interests in the common purpose of getting this bill through Congress—and they were so happily successful that they should receive recognition by name for faithful duty well performed—these two Missourians, the "Mutt and Jeff" of the Townsend-Purnell Act, are Mr. Paul C. Stark, of Louisiana, Mo., and Dr. E. B. Clements, of Macon, Mo.

Luther Burbank, the world's most celebrated plant genius, had no way and no law to protect his discoveries, the most notable plant betterments in the history of written speech. Ephraim Bull, of Massachusetts, who worked out and saved for civilization the Concord grape, never profited sufficiently for his pains. Because of the lack of patent protective laws very few of the explorers in plant pathology have ever been able to turn their wondrous works into bread and butter, the benefits quite generally going to those who reaped without sowing.

The plant patent bill had the advance indorsement and enthusiastic support of essentially all of the leading agricultural and horticultural organizations of America, including the National Grange, the American Farm Bureau Federation, the State commissioners and secretaries of agriculture, State experiment station officials, and many other public and private leaders of city and country life.

It will be of interest to everybody to know that Thomas A. Edison (the wizard of electricity) said on February 25, 1930, the following in a telegram to Senator JOHN G. TOWNSEND, Jr.:

"Nothing that Congress can do to help farming would be of greater value and permanence than to give to the plant breeder the same status as the mechanical and chemical inventors now have through the patent law. There are but few plant breeders. This will, I feel sure, give us many Burbanks."

Upon being notified of the unanimous approval by Congress, Mr. Edison wired the following:

"Am highly elated the farmers can now have what the manufacturers have long had—patent protection. It will surprise everyone by its results in the coming year."

The Townsend-Purnell patent bill had the hearty approval of Secretary of Agriculture Arthur M. Hyde, of Missouri; Commissioner of Patents Thomas E. Robertson; Ex-Secretary of Agriculture William M. Jardine, of Kansas; former Governor Harry F. Byrd, of Virginia, brother of Admiral Richard E. Byrd, and the largest individual fruit grower of North America; and a multitude of others in agriculture and horticulture.

Those who may think that plant improvement has already reached its zenith will change their minds when they consider the following words as spoken by Mr. Luther Burbank shortly before his death:

"The surface of plant experimentation has thus far been only scratched. Plant breeding is in its earliest infancy. Its possibilities and even its fundamental principles are understood but by few. This knowledge is (in a most priceless legacy) making clear the way for some of the greatest benefits which man has ever received. All of these things are as immediate in possibilities as transcontinental railroads were 50 years ago."

The plant patent act, in effect and in force since May 23, 1930, but of which the agricultural world has not as yet become fully awakened, is an amending of sections 4884, 4886, 4888, and 4892 of the Federal Revised Statutes, and adds certain entirely new matters thereto.

The plant patent act (as now in force) extends the protection of the Federal patent laws to any person "who has invented or discovered and asexually reproduced any distinct and new variety of plant other than a tuber-propagated plant, not known or used by others in this country, before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, etc."

In section 5 of the plant patent amendments appears the provision that "notwithstanding the foregoing provisions of this act, no variety of plant which has been introduced to the public prior to the approval of this act, shall be subject to patent."

This new plant patent act is, indeed, a most distinguishing and helpful recognition of the science and business of agriculture at the hands of Congress and the public, offering all the thrills of devoted adventure to youth and age in an endless effort to improve all asexual plant life (owing to certain unofficial objections not as yet including seeded and tuber plants), offering legal recognition through patent protection in

developing and perfecting plant life everywhere under the undefeated American flag.

REPORTS OF COMMITTEES

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4657) to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437), as amended, reported it with amendments and submitted a report (No. 1087) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4149) to add certain lands to the Ashley National Forest, in the State of Wyoming, reported it with amendments and submitted a report (No. 1088) thereon.

Mr. WALSH of Massachusetts, from the Committee on Finance, to which was referred the bill (S. 1214) granting compensation to Philip R. Roby, reported it without amendment and submitted a report (No. 1089) thereon.

NONTAXABLE INDIAN LANDS

Mr. STEIWER, from the Committee on Indian Affairs, to which was referred the resolution (S. Res. 282) relative to Federal aid to States wherein are located Indian lands not subject to State taxation, reported it with an amendment.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COUZENS:

A bill (S. 4749) to amend section 16a of the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. REED:

A bill (S. 4750) to authorize alterations and repairs to certain naval vessels; to the Committee on Naval Affairs.

By Mr. GLENN:

A bill (S. 4751) for the relief of Lester Swanberg; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 4752) granting an increase of pension to Clara V. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. GEORGE and Mr. HARRIS:

A joint resolution (S. J. Res. 198) to extend the provisions of the joint resolution for the relief of farmers in certain storm, flood, and/or drought stricken areas, approved March 3, 1930, as amended; to the Committee on Agriculture and Forestry.

By Mr. SHORTRIDGE:

A joint resolution (S. J. Res. 199) authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island, dated July 5, 1918; to the Committee on Commerce.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 8529. An act to provide for the establishment of the Yakima Indian Forest; to the Committee on Indian Affairs.

H. R. 10582. An act to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California; to the Committee on Public Lands and Surveys.

H. R. 11515. An act to provide for the sale of the Government-building site located on the State line dividing West Point, Ga., and Lanett, Ala., and for the acquisition of new sites and construction of Government buildings thereon in such cities; to the Committee on Public Buildings and Grounds.

H. R. 11622. An act to provide for the appointment of an additional district judge for the eastern and western districts of Louisiana;

H. R. 12095. An act to amend section 113 of the Judicial Code, as amended (sec. 194, title 28, U. S. C.);

H. R. 12307. An act to provide for the appointment of one additional judge of the District Court of the United States for the Western District of Oklahoma; and

H. R. 12350. An act to provide for the appointment of an additional district judge for the eastern district of Michigan; to the Committee on the Judiciary.

H. R. 12383. An act to transfer from the United States Shipping Board to the Treasury Department certain property located at Hoboken, N. J.; to the Committee on Commerce.

H. R. 12285. An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer; to the Committee on Post Offices and Post Roads.

H. R. 12599. An act to amend section 16 of the radio act of 1927; to the Committee on Interstate Commerce.

PAN AMERICAN RECIPROCAL TRADE CONFERENCE

Mr. SHORTRIDGE. Mr. President, I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 301) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Whereas there will be held in Sacramento, Calif., from August 25 to August 30, 1930, a Pan American Reciprocal Trade Conference to be participated in by many western and other States of the Union; and

Whereas the several nations on the American Continent have been cordially invited, and have chosen delegates, official and nonofficial, to attend and take part in said conference; and

Whereas one of the major objectives to be sought through said conference is the encouragement of friendly trade relations and the expansion of reciprocal commerce among the nations of North, Central, and South America: Now, therefore, be it

Resolved, That the Senate of the United States of America approves the holding of said conference, extends cordial greeting to the delegates from said nations, and expresses the hope and belief that their deliberation and action will be beneficial to all concerned and participating.

The preamble was agreed to.

AMENDMENT TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. HARRISON. I desire to give notice in writing of my intention to offer an amendment to the second deficiency appropriation bill.

The VICE PRESIDENT. The notice will be read.

The CHIEF CLERK. The Senator from Mississippi submits the following notice:

Pursuant to the provisions of rule 40, I hereby give notice of my intention to move to suspend paragraph 3 of Rule XVI for the purpose of proposing to House bill 12902, the second deficiency appropriation bill, the following amendment, namely:

On page 30, after line 16, insert the following:

"Market news service: For an additional amount to enable the Secretary of Agriculture to collect, publish, and distribute by telegraph, mail, or otherwise timely information on the current market prices of cottonseed and cottonseed products independently and in cooperation with State agencies, purchasing and consuming organizations and persons engaged in the production, transportation, marketing, and distribution of cottonseed and cottonseed products, $25,000."

VICTORY OF HARVARD UNIVERSITY'S SCRUBWOMEN

Mr. COUZENS. Mr. President, some time ago I had inserted in the CONGRESSIONAL RECORD an article criticizing Harvard University for its treatment of its scrubwomen. I desire to have read at the desk a very brief editorial from the Washington Post in connection with that matter, so as to do justice to Harvard University.

The VICE PRESIDENT. Is there objection to the reading of the article? The Chair hears none, and the Secretary will read, as requested.

The Chief Clerk read as follows:

[From the Washington Post of June 21, 1930]

CHARWOMEN WIN

Harvard University's scrubwomen have won their war. That institution, which prides itself in teaching civic virtue to its undergraduates, was charged with violating the Massachusetts minimum wage law in the employment of its charwomen. There are 20 of these hard-working women who had been underpaid for nine years, and when they were discharged last December, following a protest alike from the workers, the alumni, and the student body, the war started. Headed by Corliss Lamont, a Harvard alumnus, a group of the alumni undertook to secure from other grads a sum sufficient to pay the charwomen the difference between the wages they had received and the minimum prescribed by the Massachusetts Wage Commission.

But the governing board of the university has apparently seen a light and has surrendered, agreeing to pay "back wages" to the extent of $280 to each of the 20, or at the rate of 2 cents per hour for each hour she was employed during the nine years in which the board had evaded the law.

Whether or not the women who were discharged last December have been or will be reinstated is not disclosed.

SALARIES OF MEMBERS OF POLICE AND FIRE DEPARTMENTS OF THE DISTRICT

Mr. CAPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2370) entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia," having met, after full and free con-

ference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with amendments as follows:

Page 4, line 8, of the engrossed House amendment, after the word "any," insert the word "of."

Page 4, lines 12 and 13, of the engrossed House amendment, change the word "deduction" to read "deductions."

Page 4, line 16, of the engrossed House amendment, after the numeral "6," strike out the language down to and including the word "and" on line 19.

Page 4, line 21, of the engrossed House amendment, after the word "allowance," insert the words "heretofore and."

And the House agree to the same.

ARTHUR CAPPER,
W. L. JONES,
J. M. ROBSION,
CARTER GLASS,
ROYAL S. COPELAND,
Managers on the part of the Senate.

CLARENCE J. MCLEOD,
E. M. BEERS,
JOSEPH WHITEHEAD,
Managers on the part of the House.

The report was agreed to.

Mr. COPELAND. Mr. President, there has been much public interest, not only in the District but in every city having police and fire departments, in the recent act for the District of Columbia.

Requests have been made for copies of the police and fire bill. The following is the form of the act as agreed upon by the conferees and accepted by both Houses:

Be it enacted, etc., That the annual basic salaries of the officers and members of the Metropolitan police force shall be as follows: Major and superintendent, $8,000; assistant superintendents, $5,000 each; inspectors, $4,500 each; captains, $3,600 each; lieutenants, $3,050 each; sergeants, $2,750 each; privates, a basic salary of $1,900 per year, with an annual increase of $100 in salary for five years, or until a maximum salary of $2,400 is reached. All original appointments of privates shall be made at the basic salary of $1,900 per year, and the first year of service shall be probationary.

SEC. 2. That the annual basic salaries of the officers and members of the fire department of the District of Columbia shall be as follows: Chief egineer, $8,000; deputy chief engineers, $5,000 each; battalion chief engineers, $4,500 each; fire marshal, $5,000; deputy fire marshal, $3,000; inspectors, $2,460 each; captains, $3,000 each; lieutenants, $2,840 each; sergeants, $2,600 each; superintendent of machinery, $5,000; assistant superintendent of machinery, $3,000; pilots, $2,600 each; marine engineers, $2,600 each; assistant marine engineers, $2,460 each; marine firemen, $2,100 each; privates, a basic salary of $1,900 per year, with an annual increase of $100 in salary for five years, or until a maximum salary of $2,400 is reached. All original appointments of privates shall be made at the basic salary of $1,900 per year, and the first year of service shall be probationary.

SEC. 3. That privates of the Metropolitan police force and of the fire department shall be entitled to the following salaries: Privates who have served less than one year, at the rate of $1,900 per annum; privates who have served more than one year and less than two years, at the rate of $2,000 per annum; privates who have served more than two years and less than three years, at the rate of $2,100 per annum; privates who have served more than three years and less than four years, at the rate of $2,200 per annum; privates who have served more than four years and less than five years, at the rate of $2,300 per annum; privates who have served more than five years, at the rate of $2,400 per annum: *Provided,* That privates in class 3 on the effective date of this act who have served less than six years shall be entitled to an annual salary of $2,200; privates who have served six years and less than seven years shall be entitled to an annual salary of $2,300; and privates who have served seven years or more shall be entitled to an annual salary of $2,400.

SEC. 4. That no annual increase in salary shall be paid to any person who, in the judgment of the Commissioners of the District of Columbia, has not rendered satisfactory service, and any private who fails to receive such annual increase for two successive years shall be deemed inefficient and forthwith removed from the service by the commissioners: *Provided,* That under such rules and regulations as the commissioners shall promulgate, the major and superintendent of police and the chief engineer of the fire department shall select and report to the commissioners from time to time the names of privates and sergeants in each department who by reason of demonstrated ability may be considered as possessed of outstanding efficiency, and the commissioners are authorized and directed to grant to not exceeding 10 per cent of the authorized strength, respectively, of such privates and sergeants in each department additional compensation at the rate of $5 per month: *Provided further,* That the commissioners may withdraw such compensation at any time and remove any name or names from among such selections.

SEC. 5. That, commencing with the effective date of this act, there shall be deducted for the benefit of the policemen and firemen's relief fund 3½ per cent of the monthly pay of each member of the Metropolitan police force, the fire department, the United States park police, and the White House police force. That hereafter, upon the separation from the service of any such member, except for retirement as authorized by existing law, he shall be refunded the deductions made from his salary for said fund, and should any such member subsequently be reappointed to any of such police forces or the fire department he shall be required to redeposit to the credit of the policemen and firemen's fund the amount of deductions refunded to him. In the case of the death of any such member while in the service the amount of his deductions shall be paid to the legal representative of his estate, provided he leaves no widow or child or children entitled to and granted relief payable from said fund.

SEC. 6. The Commissioners of the District of Columbia are hereby empowered to determine and fix the amount of the pension relief allowance heretofore and hereafter granted to any person under and in accordance with the provisions of section 12 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes," approved September 1, 1916, and acts amendatory thereof.

SEC. 7. That this act shall be effective on and after July 1, 1930.

DIAL AND MANUAL TELEPHONES IN THE SENATE

Mr. SWANSON. Mr. President, the Sergeant at Arms reports that the dial telephones have been removed from the Senate wing of the Capitol in pursuance of the resolution of the Senate. I thought from the beginning that the right way to handle this question was to make the telephones here both dial and manual. The telephones in my office have always been both dial and manual; my secretary would use the dial, which he preferred, and I would use the manual, which I preferred.

I am going to offer a resolution requesting the Sergeant at Arms to direct the Chesapeake & Potomac Telephone Co. to install both dial and manual telephones in the Senate.

The resolution of the Senator from Maryland [Mr. TYDINGS] would divide the telephones so that we would have half of them manual and half of them dial. The resolution of the Senator from Virginia [Mr. GLASS] would make them all manual. I think it can be arranged very easily so that we can have a choice of telephones, and those who want the manual telephone will be able to have that kind and those who want the dial telephone will be able to have that kind. I offer the resolution and ask unanimous consent for its immediate consideration.

Mr. REED. Mr. President, may I make a suggestion to the Senator?

Mr. SWANSON. I yield.

Mr. REED. The resolution under which the dial telephones were taken out has been complied with. There is nothing in the resolution that prevents dial telephones being put back if any Senator wishes to have them put back. I do not believe we need such a resolution as the Senator is offering; I think a mere request would be sufficient.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. SWANSON. I should like first to have the resolution read so that Senators may see what it proposes.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 300), as follows:

Resolved, That the Sergeant at Arms of the Senate is hereby authorized and directed to order the Chesapeake & Potomac Telephone Co. to equip within 30 days all offices in the Senate wing of the United States Capitol and the Senate Office Building with telephones which may be operated either with dial or manually.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. SWANSON. I yield.

Mr. WALSH of Massachusetts. I will say to the Senator that complaint has come to me from employees in the branch office of the Veterans' Bureau in the Senate Office Building that they have had in their office a dial telephone for seven years, which assists them in getting immediate connection with the Veterans' Bureau. The dial telephone, however, has been removed from that office. I have sought at their request to have it reinstated, but have been unable to do so, the telephone company taking the position that the resolution adopted by the Senate was mandatory. So, I think that, perhaps, some resolution ought to be adopted so as to permit the restoration of dial telephones

where they may be necessary in order to secure immediate connection with governmental departments.

Mr. REED. I think the Senator is right about that, if the Senator from Virginia will yield to me.

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Pennsylvania?

Mr. SWANSON. I yield.

Mr. REED. The branch veterans' office in the Senate Office Building has no way of communicating with the offices of the Veterans' Bureau except by using the dial, and, by the march of reform, when the dial telephone was removed that office could not communicate at all with the Veterans' Bureau, as there was no central there to work a manual telephone. So if there is any hesitation about putting the dial telephones back, I think the resolution ought to be adopted.

Mr. SWANSON. Mr. President, I have made inquiry and have ascertained that there are telephones which can easily be used with both systems. In my office I prefer to have both. It seems to me that the resolution I have submitted will solve the difficulty, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

Mr. JOHNSON. I object.

The VICE PRESIDENT. Objection is made.

The Chair lays before the Senate a communication from the Sergeant at Arms, which will be read.

The Chief Clerk read as follows:

SENATE OF THE UNITED STATES,
SERGEANT AT ARMS,
June 23, 1930.

To the PRESIDENT OF THE SENATE,
United States Senate, Washington, D. C.

SIR: Enclosed herewith is a copy of a letter just received from the president of the Chesapeake & Potomac Telephone Co. informing me that the Senate resolution of May 22, providing for the removal of all dial phones from the Senate wing of the Capitol and the Senate Office Building has been carried out.

Respectfully,

DAVID S. BARRY.

JUNE 23, 1930.

Mr. DAVID S. BARRY,
Sergeant at Arms, United States Senate,
Washington, D. C.

MY DEAR SIR: This is to advise you that in accordance with your letter of May 22, 1930, we have replaced with manual telephones all dial telephones in the Senate wing of the United States Capitol and the Senate Office Building.

Very truly yours,

L. B. WILSON,
President Chesapeake & Potomac Telephone Co.

Mr. GLASS. Mr. President, reserving the right to object to the immediate consideration of the resolution offered by the Senator from Virginia——

The VICE PRESIDENT. Objection was made to the consideration of the resolution by the Senator from California [Mr. JOHNSON].

Mr. SWANSON. The resolution, then, will go over until to-morrow.

The VICE PRESIDENT. It will go over.

ANNA FACEINA

The VICE PRESIDENT laid before the Senate the amendments of the House to the bill (S. 968) for the relief of Anna Faceina, which were, on page 1, line 6, after the word "settlement," to insert "of all claims," and on page 1, line 7, after the word "Government," to insert "and."

Mr. COPELAND. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

NATIONAL SURETY CO.

The VICE PRESIDENT laid before the Senate the amendments of the House to the bill (S. 3038) for the relief of the National Surety Co., which were, on page 1, line 5, after the word "payment," to strike out "illegally," and on page 1, line 6, after the word "company," to insert "by mistake."

Mr. COPELAND. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

AMERICAN STEAM TUG "CHARLES RUNYON"

The VICE PRESIDENT laid before the Senate the amendments of the House to the bill (S. 3726) for the relief of the owner of the American steam tug *Charles Runyon*, which were, on page 2, line 5, after the word "costs," to insert "but without any allowance for interest thereon prior to the entry of such judgment," and on page 2, line 11, after the word "principles," to insert "other than as above limited."

Mr. COPELAND. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

CHRISTINA ARBUCKLE

The VICE PRESIDENT laid before the Senate the amendment of the House to the bill (S. 1252) for the relief of Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased, which was, on page 1, line 13, after the word "Massachusetts," to insert ": *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. HOWELL. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DEWITT & SHOBE

Mr. TYDINGS. Mr. President, there is on the Vice President's desk an amendment of the House of Representatives to Senate bill 2972. It is a bill in which the Senator from Missouri [Mr. HAWES] is interested, and he authorized me to say for him that he should like to have the Senate concur in the House amendment.

The VICE PRESIDENT laid before the Senate the amendment of the House to the bill (S. 2972) for the relief of DeWitt & Shobe, which was, on page 1, line 14, after the figures "750)," to insert ": *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. TYDINGS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. Mr. President, I ask that a resolution coming over from yesterday may be laid before the Senate.

The VICE PRESIDENT. The Chair is informed that there is no resolution coming over from a preceding day. The resolution which the Chair presumes the Senator from Connecticut has in mind is on the table. The Senator may call it from the table.

Mr. BINGHAM. I ask for the consideration of the resolution at this time.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 299) submitted yesterday by Mr. BINGHAM, which was read, as follows:

Resolved, That it is the sense of the Senate that $9,000,000 is not a sufficient contribution to be made by the Federal Government to the expenses of the District of Columbia.

Mr. BINGHAM. Mr. President, I regret to ask the Senate to turn aside from its other duties at this time and to adopt this resolution, but Senators will realize that the conferees on the District of Columbia appropriation bill have been in a deadlock with the conferees of the House for some time. The Senate fixed the amount of the Federal contribution to the District appropriation at $12,000,000; the House fixed it at $9,000,000. The Senate conferees have repeatedly offered to compromise somewhere between $9,000,000 and $12,000,000, either halfway or whatever seemed a reasonable compromise, in view of all the circumstances.

The House conferees have been unwilling to move at all from their contention that $9,000,000 was generous, and was entirely sufficient. Twice the Senate has voted, in effect, a vote of confidence in the action of its conferees. The action of its five conferees has been unanimous all along; but the House has two

or three times objected to the fact that we have taken no roll-call vote on this matter, and that there has been no vote after debate on it. In order to meet the objections of the House, and to do everything in a manner which would eventually enable us to arrive at a proper, logical, and reasonable conclusion, I have introduced this resolution; and I am going to ask that there be a roll call on it.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Kentucky?

Mr. BINGHAM. I yield to the Senator.

Mr. BARKLEY. As I listened to the reading of the resolution, it struck me that the language is rather unusual—

Resolved, That $9,000,000 is not enough for the Federal Government to contribute toward the District of Columbia.

I suppose the Senator considered the parliamentary situation in offering the resolution in that language; but it strikes me as rather an unusual resolution simply to resolve that $9,000,000 is not enough. Could not the Senator have been more specific than that in his resolution?

Mr. BINGHAM. Mr. President, had it not been for the unanimous-consent agreement whereby yesterday was devoted entirely to the consideration of the World War veterans' legislation, when I moved yesterday morning that the Senate still further insist on its amendments and ask for a conference I should have asked for a roll-call vote, which would have accomplished exactly what we sought. In view of the situation, however, and the desire of the Senate to devote yesterday entirely to the consideration of the veterans' bill, the limitation on debate, and so forth, I did not do so, but contented myself with merely securing unanimous consent so far to vitiate the original unanimous-consent agreement about the veterans' bill as to get the conferees appointed.

When the House acted on our request for a conference it was stated by Mr. CRAMTON, who has been interested in the lump sum from the beginning, that he hoped the House conferees would not agree to any compromise until the Senate had shown by a roll-call vote how they felt on the situation. Therefore I put the resolution in this form, in order that the Senate conferees might know how the Senate felt, in order that the House might know how the Senate felt, and in order that we might be able to reach a compromise.

It is true that it would have been more in order, perhaps, to have moved that the Senate still further insist upon its view that $12,000,000 is the proper amount; but I felt that putting the resolution in these terms would enable us to effect a compromise, and would at the same time show the House that we in the Senate believe that $9,000,000 is not an adequate contribution.

Mr. ROBINSON of Arkansas. Mr. President, I think this resolution sets a bad precedent. The machinery which our parliamentary procedure recognizes for bringing together the two bodies, where matters are in difference between them, is the agency of conference committees. If it were not for what happened in the body at the other end of the Capitol, and which was brought into the RECORD here by the Senator from Connecticut, I should very strenuously oppose the consideration of this resolution. It does seem to me that, with due regard for comity, the conferees representing either body should refrain from reflecting upon the motives or the conduct of the conferees representing the other body. It is of fundamental importance that this principle be recognized and acted upon.

One may frequently popularize himself for the time being by taking the floor in the Senate or in the House of Representatives and giving expression to sentiments that criticize or reflect on Members of the other body or on the proceedings of the other body; but it is bad practice, and it is that fact that prompts me to deviate from the principle that I laid down in the beginning of my remarks. To declare that one House is "bluffing," to declare that one House is not sincere in the position it has taken, tends to prevent the two bodies from getting together, which is essential in all cases of legislation where amendments are adopted by either of the two branches of Congress.

I do not like this proceeding; yet it is of very great importance that the District of Columbia bill be passed. To me it is such a reflection on the capacity of the two Houses to legislate that it is difficult to characterize it in language appropriate to be uttered on this floor, that a conference has broken up and a conclusion concerning a bill of the importance of the District of Columbia appropriation bill has failed, merely because the conferees are apparently unwilling to pursue the normal course, the course that must be followed in numerous cases where differences arise between the two bodies.

If the Senator from Connecticut finds that this is the only way to secure a further conference, and that the resolution is calculated to bring the District of Columbia appropriation bill out of its difficulties, I am not going to interpose an objection to the passage of the resolution.

Mr. GLASS. Mr. President, in my conception of the case we have reached a point where the Senate must determine whether it is or is not a part of the legislative branch of the Government of the United States. In the circumstances, I should not think any Member of the Senate, with a proper appreciation of his own self-respect or with one particle of spirit, would consent to serve as a conferee on the District appropriation bill.

For six years now, in utter disregard if not in contravention of the substantive law on the subject, which provides a proportion of 60 and 40 per cent for the District and for the United States Government, the conferees of the other branch of Congress have arbitrarily insisted upon a lump-sum appropriation for the District of Columbia; and they have arbitrarily named the amount in utter disregard of research and of facts and figures, and have persistently refused even to consider anything else.

I have hitherto pointed out that if $9,000,000 six years ago, when we were appropriating but $26,000,000 for the District government, was a fair proportion to be borne by the Federal Treasury, $9,000,000 now, when we are appropriating $43,000,000 for District purposes, is totally out of proportion. The Senate conferees have made every conceivable offer of compromise. We have proposed to change the substantive law so as to make the proportion 70 and 30. Some of us have indicated a willingness so to change it as to make it 75 and 25. If we were to readjust the percentage charge now to 75 and 25, it would take us a million and a half dollars above the arbitrary sum which the House has appropriated, and as to the readjustment of which it absolutely and offensively refuses to hear any argument or to conduct any negotiation.

Why, in the other branch of Congress the Senate has been openly and textually accused of bluffing, and treated in the most contemptuous way; so that I, for one, would refuse to serve as a Senate conferee on this appropriation bill if the Senate is not to sustain its conferees and maintain its own dignity in the matter.

Therefore I shall vote for this resolution, except that I would insist upon the $12,000,000.

Mr. BINGHAM. Mr. President, I realize that there has been very little opportunity to explain why we believe that the amount of Federal contribution should be $12,000,000; and we are asking practically for a vote of confidence in the conferees.

I appreciate greatly the position taken by the Senator from Arkansas [Mr. ROBINSON]. I realize that this is a most irregular procedure, but it has been made necessary by circumstances. It is very unfortunate that we are put in this position. It would have been better had we asked for a roll-call vote on the motion to insist on the amendment. The reasons, I may say to the Senate, why we believe $9,000,000 is not sufficient are as follows:

In the first place, $9,000,000 was adopted as a result of a compromise some five years ago, when the total bill amounted to about $33,000,000. The total bill as it came over from the House this year amounted to about $44,000,000. If $9,000,000 was fair for $33,000,000, it certainly is not a fair share of $44,000,000. That is perhaps the fundamental reason.

In the second place, the number of things which the Federal Government, through the Congress, is asking the District to do is increasing very rapidly. We are asking the District to build a very large municipal center. We are asking the District taxpayers to buy four squares in the heart of Washington, at a cost of something over $6,000,000, and on this to erect appropriate, monumental buildings, which will match the buildings erected by the Federal Government on the other side of Pennsylvania Avenue. No city of this size would think of condemning four city blocks in the center of the city and building a monumental project, to cost twenty-five or twenty-six million dollars, and ask the taxpayers to pay it out of the current revenue. That is one reason why we need additional contributions from the Federal Government—to help the District make the municipal center adequately beautiful and monumental.

Another reason is that recently we have asked the District to greatly extend its park system. There is no city in the United States that has anything like the park system, in proportion to its population, the District of Columbia has. In many cities the proportion is somewhere in the neighborhood of 1 acre to every 300 or 350. In Washington it is considerably less than 200. The taxpayers of the District, if they had their say in the matter, in view of the very large parks now in the city, larger than in any other city of the United States, would not burden them-

selves with a new project running up into something like $16,000,000, putting it on their own shoulders, to be paid for out of taxes at the rate of a million dollars a year. We are doing that for the purpose of beautifying the Nation's Capital.

Those are some of the reasons. I do not like to take the time of the Senate to give other reasons. There are many other reasons which might be given, such as that there is more taxable property here in proportion than in any other city. But I shall ask the Senate to vote.

Mr. BLACK. Mr. President, I would like to ask the Senator what is the tax rate in the District of Columbia.

Mr. BINGHAM. The tax rate at present is $1.70, which, as was pointed out in a study made by the Bureau of Efficiency last year, taking into consideration all the different elements which they took into consideration in their very exhaustive report, is about five one-hundredths less than the average tax rate for cities of comparable size.

Mr. BLACK. That is the total tax rate, $1.70?

Mr. BINGHAM. The total tax rate is $1.70, and in other cities, according to the careful study made by the Bureau of Efficiency, it is $1.75.

Mr. HOWELL. Mr. President, I am surprised at the statement which has been made here by the Senator from Connecticut. Take, for instance, the city of Pittsburgh, where the taxes are 100 per cent greater than they are in this city. Take the city of Boston, Mass., where the taxes are 65 per cent more than they are in Washington. However, I will have some remarks to make respecting the tax rate here and the burdens which are being carried by the people of the city of Washington in my own time.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. PHIPPS. Mr. President, it has been one of my duties to act as chairman of the subcommittee on the District appropriation bill for some years, two or three years when we were under the 50-50 plan—at least one year—then the House insisted on a change, and the Senate agreed to the proposal of 60-40.

After the appointment of a commission the 60-40 was made the substantive law. It was in operation only two years before the House proposed a lump-sum appropriation. The Senate amended the bill so as to fix the proportion at 60-40. The bill went to conference with none other than that one item in dispute. It was nearing the end of the session, as the District bill is always one of the latest to be taken up; the House insisted upon the lump sum, the Senate resisted, and as chairman of the committee I absolutely declined to yield. I was perfectly willing to consider a change in the relative proportions, but I was absolutely opposed to going from a proportionate basis to a lump-sum figure. I even indicated a willingness to take a proportionate basis which would mean less in amount for the Federal contribution than the lump-sum figure offered by the House. However, I was overruled by the Senate leaders, I may say, and the Senate yielded.

Mr. President, that was a fatal mistake on the part of the Senate. It has been argued that the following year the House would be willing to raise the amount, that they would probably make it $10,000,000, and the Senate committee wrote in that figure—$10,000,000—but the House rejected it and stood out and stood out, adamant, until the last minute, and again, for fear of losing the bill, the Senate yielded.

History repeated itself for a year or two, until the bill had grown in amount from some $26,000,000, as it was when we first started with the lump sum, to $37,000,000. Then the Senate again wrote into the bill a proportionate basis, the substantive law, 60-40, which has never been repealed.

In the meantime attempts to have provision made for a commission to study what the relative proportion should be has met with opposition in the other body, and we were unable to come to an agreement and to settle the matter in that way; and I have reason to believe that at least one Member of the House who has been on the subcommittee, and one of the conferees, asked to be relieved from service.

Mr. President, when we went to conference with that bill, with nothing in disagreement but the one item, I stood out to the last for a proportionate basis as against the lump-sum figure. When it came to the point where I had reason to believe that the House would accept some proportionate figure, and I requested that we be allowed to have another conference—we reported disagreement on that one item alone—instead of being allowed to make the motion for a further conference I was overruled. I refused to make the motion to agree to the House proposition, receding from our own basis, and another Member of the Senate made the motion to recede and the bill was passed, whereupon I declined to act further as chairman of the subcommittee on the District appropriation bill.

Mr. President, I will make only a short reference to the matter of relative taxation. There are so many elements which enter into that it was difficult to have, even with a report made by our Bureau of Efficiency, a clear understanding of what taxation in the District of Columbia meant as compared with taxation in the city of Pittsburgh, to which one of the Senators referred this morning.

I happen to have been a resident of Pittsburgh. That was my home city, where I grew up. I still happen to own a little property there, and, of course, I know that the millage rate there is very much higher than the millage rate in Washington. I further know that the basis of assessment is entirely different, and that residence property, at least, in the city of Washington, is assessed more nearly its true or selling value than is the case in the city of Pittsburgh. But there is no use taking time to argue this question, so many elements enter into it.

In the city of Pittsburgh, for instance, if you are required to report your intangibles for the purpose of taxation, you are not taxed at the full rate on them; but if one took into account what the resident of Washington must pay on his intangibles, as well as the low millage rate on the full valuation of his real estate, if those figures could be had, then we would get some idea of relative taxation.

I do not want to reflect upon the Members of the other House, but it is a fact that attempts looking to a survey, through the appointment of a commission, in an effort to get information so as to give Members of Congress an idea of what should be paid, is absolutely blocked by certain Members of the House.

I regret the necessity of having to call upon the Senate to pass upon a form of resolution which seems to have been made necessary here this morning. I believe it one, however, which should receive the unanimous approval of the Members of the Senate.

Mr. CAPPER. Mr. President, I shall not attempt to discuss the merits of the controversy between the Senate and the House over the District of Columbia appropriations. I have given the matter of the fiscal relations of the Federal Government to the District of Columbia a great deal of study. I am convinced that there is justice and merit in the position taken by the Senate that the contribution of $9,000,000 on the part of the Federal Government is unjust and inadequate.

There is involved in this particular controversy at this time, however, something which is more far-reaching—that is, whether the purpose and spirit of the conference procedure shall be willfully violated by the other body of the Congress. I think that question is of the highest importance to the Senate at this time.

It has been my privilege in recent years to take part in the deliberations of many conference committees. I will say to the Senate that I have never had any experience such as I have had in this controversy, where the committee representing the body at the other end of the Capitol has shown such a spirit of utter disregard of the fundamental idea back of conferences, where a committee has been so unyielding, so uncompromising, so stubborn in its attitude. I think such an attitude should not go unchallenged. I therefore hope that the resolution of the Senator from Connecticut will have the unanimous approval of this body.

Mr. HOWELL. Mr. President, this resolution opens up the entire question as to what the people of the city of Washington are doing toward contributing to the expenses of maintaining the government of this city. Are they contributing more or are they contributing less than the citizens of other cities in this country? It opens up this whole question, and I am a little surprised that the resolution has been offered on that account.

It is proposed to increase by 33⅓ per cent the amount the Government shall contribute toward the expenses of administering the affairs of Washington. Are we justified in doing it? Is it because the Government has been contributing too little and the people of Washington have been paying taxes which are too high? The people of this city enjoy remarkable advantages. The Federal Government supplies most of the income of the city. The Government has erected within Washington buildings that any city in the country would be proud to have. Wherever the Government has constructed such buildings throughout the country they are untaxed and the Government is urged to construct more buildings like them. The parks here, which have been donated by the Federal Government, are amazing in their beauty and their extent. Any city in the country would be delighted to have the Government come and do as much for them, nor would they find fault with the rate of taxation which is being paid to-day.

There has been constant complaint ever since I have been in Washington about the taxes here, and yet from my own experience, resulting from a lifelong interest in real estate, I have

found in nearly every case where real estate was quoted to me that when I ascertained the assessed valuation it was only about one-half of the price asked. I have no doubt but that if there is any Senator present who has followed the same course in investigating real estate his experience has been likewise. There may be exceptions. I know in connection with dwelling houses in every case quoted to me the assessed valuation was one-half of the price asked.

I remember hearing a citizen of Washington complain about the taxes upon his property. I had just been told that he had been offered $125,000 therefor, but would not sell for less than $150,000, and yet he complained that his taxes were $600 a year. Mr. President, in my home city of Omaha, the home which I occupy could not be valued at to exceed $30,000, and my taxes are more than $600 a year; and yet here is a piece of property in Washington, the value of which was fixed by its owner at $150,000, and he was complaining about paying $600 taxes.

We do not need to guess about the matter. It will take very little investigation to determine what the people of the city of Washington are doing in maintaining municipal facilities, what they are doing in the way of paying taxes as compared with other cities. The matter has been thoroughly investigated. I have on my desk a table covering some 235 cities, with tax rates for 1929, all reduced to the same basis. After determining the factors there was then determined the percentage at which the property was assessed and thereby the tax rate was determined approximately, all founded upon one basis. What do we find there? This was done by Mr. C. E. Rider, Detroit Bureau of Government Research, and is reprinted from the National Municipal Review, volume 18, No. 12, December, 1929.

We find that in the city of Washington, on the basis utilized, the people are paying about 15.30. We find that on that same basis the city of Milwaukee is paying 53 per cent more in taxes, and Milwaukee is one of the most efficiently managed cities of the United States. We find that Boston pays 65 per cent more in taxes than the people of the city of Washington. We find that the city of Minneapolis pays 65 per cent more taxes than the people of the city of Washington. We find that Pittsburgh pays 100 per cent more taxes than the people of the city of Washington. If I remember rightly, Detroit pays about 55 per cent more taxes.

Mr. COUZENS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. HOWELL. I yield.

Mr. COUZENS. I may state a concrete case with reference to $5,000 and $6,000 homes in the city of Detroit. In the case of a $5,000 home its owner would have to pay $150 taxes, but here in the city of Washington he would pay $85 taxes at the present District rate. The whole argument for an increased contribution on the part of the Federal Government is one of the most absurd and silly things I have ever heard take place, even in a board of aldermen.

Mr. PHIPPS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. HOWELL. I yield.

Mr. PHIPPS. I would like to ask the Senator who is Mr. Rider, of Detroit, who authorized him to make these figures, and why they should be accepted as an authority, instead of taking the results ascertained by our own Federal Bureau of Efficiency in their inquiries into the matter?

Mr. HOWELL. These figures were compiled by the Detroit Bureau of Governmental Research from data furnished by members of the Government Research Association, city officials, and chambers of commerce.

Mr. PHIPPS. Why should that be taken as an accurate showing and the showing made by our own Federal Bureau of Efficiency discarded? I do not want to enter into a lengthy argument on the matter this morning, but I do want to ask the Senator, if I may, who paid for the acreage acquired for park purposes in the lower Rock Creek Valley, extending down the valley from the million-dollar bridge to the Potomac River? Who paid for it? The Senator speaks of the Federal Government having contributed.

Mr. HOWELL. I am not informed as to who paid for it.

Mr. PHIPPS. I will inform the Senator. The $600,000 paid for that property about five years ago came entirely out of city funds. Also for the past six or seven years, ever since the adoption of the so-called Brandegee Act, as I believe it was termed, which authorized expenditures up to a million dollars a year for the acquisition of property for park purposes, the bill having been passed with the understanding that it represented 1 cent per year contributed by every citizen of the United States, appropriation bill after appropriation bill for the District has carried the figure of $600,000 for park purposes, property purchased and not administered alone, charged entirely to the District fund. All of the cost of the operation of those properties is included in the District appropriation bill. It is not paid by the Federal Government, and yet the parks, such as that containing the Federal zoo, are called Federal Government parks.

Every time a large improvement has to be made here it is paid for by the District Government. For instance, it is proposed to rebuild the Connecticut Avenue bridge over Klingle Road. That can not be a mere piece of steel work. It must be made a monumental structure. It will cost two or three times as much as the ordinary city would expend to replace such a bridge. The same is true of the bridges down in the southeastern section of the city on Pennsylvania Avenue. Those have to be paid for out of the District revenues. That is the fact.

However, it is not the point that $12,000,000 is the figure upon which the Senate conferees are insisting. The Senate conferees insist that the House should give some consideration to the views of the Senate, which suggested $12,000,000, instead of holding so firmly to the $9,000,000 that they will not yield a penny. That, we feel, is not having a full and free conference in endeavoring to compose the differences between the two Houses in a parliamentary matter.

Mr. HOWELL. Mr. President, the Senator from Colorado has pointed out the generous sums of money which have been taken from the funds of the District of Columbia and applied to such purposes as parks. He emphasizes the amounts that have been deducted from the revenues of the District of Columbia and used for the purpose of beautifying the city. Yet in spite of that fact, because of the tremendous contributions of the Government, the taxes here are only one-half as much as they are in Pittsburgh, Pa.

Mr. BLACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HOWELL. I yield.

Mr. BLACK. Does the Senator have the tax rates for Denver, Colo.?

Mr. HOWELL. I think I have.

Mr. BLACK. I make the inquiry because of the fact that Denver has perhaps one of the most beautiful systems of parks in the country.

Mr. HOWELL. Yes; I have the rate for Denver. The rate for Denver is between 65 and 70 per cent more than the tax rate in the city of Washington.

Mr. BLACK. What is the rate? I had understood it was more than that.

Mr. HOWELL. Using 15.30 as the basic rate in Washington, the rate in Denver is 25.76. On that basis it will be found that the taxes are 70 per cent more in Denver than they are here; but because of the generosity of the Federal Government in the contributions which it has heretofore made in the sum of $9,000,000 a year, the city of Washington can set aside enormous sums for park purposes, for beautification of its streets and boulevards; and yet its taxes, as I have stated, are only one-half as much as they are in the city of Pittsburgh.

Mr. PHIPPS. Mr. President, will the Senator yield again?

Mr. HOWELL. Certainly.

Mr. PHIPPS. In response to the question of the Senator from Alabama, I call attention to this fact: It is not fair to say that a tax rate is twice as high as some other rate merely because the millage rate is double, because the question of valuation must be taken into account.

Mr. HOWELL. In the figures that I am using the question of valuation is all taken into account.

Mr. PHIPPS. I know that can not be so, or the Senator would not quote the figures for Denver. I know of residence property purchased here in Washington within the past 10 years which is to-day assessed at more than double what it was assessed for in 1920.

Mr. HOWELL. Am I to understand the Senator from Colorado to say that the real estate is assessed now at double what it was in 1920?

Mr. PHIPPS. I said I knew of real estate that is taxed at considerably more than it cost.

Mr. HOWELL. There has been a great development in this city since 1920. When improvements are made upon property, then, of course, we must expect to increase the assessment. The rates of taxation about which I am talking have all been reduced to a common basis, and I can assert that in Denver the rate of taxation is in the neighborhood of from 60 to 70 per cent higher than it is here in Washington.

Mr. President, it is not necessary to confine ourselves to certain sections. In Newark, N. J., taxes are 142 per cent more

than they are in Washington. The people of Washington have been spoiled; they do not realize what they have been saved in the way of taxation because of the generosity of the Government; but it is very often the case that a beneficiary will not be satisfied but will constantly cry for more.

The contribution by the National Government to the city of Washington is a tremendous question, because it is going on year after year. The Government is being drawn upon, and it will be drawn upon in the future. Now, the question arises: Are we to condemn the House of Representatives because, after considering tax rates, the rates that the people of the remainder of the country have to pay, and those that the people of Washington have to pay, they have come to the conclusion that $9,000,000 is all that ought to be contributed? Is the Senate going to condemn the House because members of the Senate Appropriations Committee insist that the Government shall contribute more, in face of these facts?

If the Government had been niggardly, that would be another thing; but the facts are absolutely with the House of Representatives, and Senators should not take any action that will tend to condemn that body, because it is standing for what is right, proper, and just as between the cities of this country.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The question is on agreeing to the resolution offered by the Senator from Connecticut [Mr. BINGHAM].

Mr. PHIPPS. Mr. President, it is desired to have a yea-and-nay vote on the resolution, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	McMaster	Steck
Ashurst	Gillett	McNary	Steiwer
Barkley	Glass	Metcalf	Stephens
Bingham	Glenn	Moses	Sullivan
Black	Goldsborough	Oddie	Swanson
Blaine	Hale	Overman	Thomas, Idaho
Borah	Harris	Patterson	Thomas, Okla.
Brock	Harrison	Phipps	Townsend
Broussard	Hatfield	Pittman	Trammell
Capper	Hayden	Ransdell	Tydings
Caraway	Hebert	Reed	Vandenberg
Connally	Howell	Robinson, Ark.	Wagner
Copeland	Johnson	Robinson, Ind.	Walcott
Couzens	Jones	Robsion, Ky.	Walsh, Mass.
Cutting	Kendrick	Sheppard	Walsh, Mont.
Dale	La Follette	Shipstead	Watson
Deneen	McCulloch	Shortridge	Wheeler
Dill	McKellar	Smoot	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

The question is on the adoption of the resolution offered by the Senator from Connecticut.

Mr. BINGHAM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand for the yeas and nays supported?

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McNARY (when his name was called). On this question I have a pair with the Senator from Maine [Mr. HALE]. Not knowing how he would vote, I withhold my vote.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. I transfer that pair to the junior Senator from Pennsylvania [Mr. GRUNDY] and will vote. I vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Delaware [Mr. HASTINGS] and will vote. I vote "yea."

The roll call was concluded.

Mr. GILLETT (after having voted in the affirmative). I have a general pair with the Senator from North Carolina [Mr. SIMMONS], who has not voted. I do not know how he would vote if present. I transfer that pair to the senior Senator from New Jersey [Mr. KEAN] and will allow my vote to stand.

Mr. McCULLOCH. I desire to announce the unavoidable absence of my colleague [Mr. FESS].

Mr. STEPHENS (after having voted in the negative). I am paired with the senior Senator from Vermont [Mr. GREENE] and therefore withdraw my vote.

Mr. McNARY. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Ohio [Mr. FESS] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Arkansas [Mr. CARAWAY].

Mr. SHEPPARD. I desire to announce that the Senator from Texas [Mr. CONNALLY] and the Senator from Mississippi [Mr. HARRISON] are detained on official business.

The result was announced—yeas 54, nays 5, as follows:

YEAS—54

Allen	Glass	Oddie	Thomas, Idaho
Ashurst	Glenn	Overman	Thomas, Okla.
Barkley	Goldsborough	Patterson	Townsend
Bingham	Hatfield	Phipps	Trammell
Borah	Hayden	Pine	Tydings
Brock	Hebert	Pittman	Vandenberg
Broussard	Jones	Reed	Wagner
Capper	Kendrick	Robinson, Ark.	Walcott
Copeland	La Follette	Sheppard	Walsh, Mass.
Cutting	McCulloch	Shipstead	Walsh, Mont.
Dale	McKellar	Shortridge	Watson
Deneen	McMaster	Steiwer	Wheeler
Dill	Metcalf	Sullivan	
Gillett	Moses	Swanson	

NAYS—5

Black	George	Harris	Howell
Blaine			

NOT VOTING—37

Baird	Goff	Kean	Schall
Blease	Gould	Keyes	Simmons
Bratton	Greene	King	Smith
Brookhart	Grundy	McNary	Smoot
Caraway	Hale	Norbeck	Steck
Connally	Harrison	Norris	Stephens
Couzens	Hastings	Nye	Waterman
Fess	Hawes	Ransdell	
Fletcher	Heflin	Robinson, Ind.	
Frazier	Johnson	Robsion, Ky.	

So the resolution was agreed to.

INTERSTATE TRANSPORTATION OF BLACK BASS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926, which was to strike out all after the enacting clause and to insert a substitute.

Mr. COUZENS. I move that the Senate disagree to the amendment of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. COUZENS, Mr. WATSON, and Mr. PITTMAN conferees on the part of the Senate.

H. F. FRICK AND OTHERS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3472) for the relief of H. F. Frick and others, which were, on page 1, line 9, to strike out "$889.08" and insert "$725.08," and on page 1, line 12, after the word "Georgia," to insert: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. HARRIS. I move that the Senate concur in the House amendments.

The motion was agreed to.

NATIONAL HEALTH INSTITUTE AND HYDRAULIC RESEARCH LABORATORY

Mr. ASHURST. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Manufacturers Record of Baltimore, Md., a high-grade and widely read publication. The editorial is entitled "Two Splendid Legislative Measures."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Manufacturers Record, June 19, 1930]

TWO SPLENDID LEGISLATIVE MEASURES

Louisiana, through its representation in Washington, has played a leading part in two recent pieces of indisputably constructive legislation of national scope. The first is the bill for the National Institute of Health, conceived and persistently pushed by Senator RANSDELL. The second is the bill for the establishment in the Bureau of Standards of a National Hydraulic Research Laboratory,

fought for by Senator RANSDELL and Congressman JAMES O'CONNOR, also of Louisiana.

The first, the National Institute of Health, will be a great research institute, richly endowed, to make fundamental researches into the causes and cures or prevention of the most serious of human ailments. In this sort of research, Senator RANSDELL has pointed out, the Government spends lavishly for advancing the health of pigs, cattle, and plants, but almost nothing for humanity. Through the National Institute of Health the Government will do for humanity what it has done for the lower orders of life.

The National Hydraulic Research Laboratory has long been a dream of the engineering profession in the Nation, and it has been advocated by that great engineering fraternity, the National Engineering Council. Gen. Lytle Brown, Chief of Corps of the Army Engineers, at the hearings this session came out frankly and vigorously for it.

For both of these measures Senator RANSDELL has fought long and well, and in each he has had the whole-hearted support of the Manufacturers Record.

On the second measure, that providing for the National Hydraulic Research Laboratory, the current bulletin of the American Engineering Council says that for this "Senator JOSEPH E. RANSDELL, Congressman JAMES O'CONNOR, and Mr. John R. Freeman are chiefly responsible."

Thus Louisiana's representatives in Washington put themselves at the head of broad-gaged legislation designed to benefit all States alike.

EFFECT OF NEW TARIFF LAW

Mr. ODDIE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Washington Post of June 21, showing some of the effects on labor and industry from the operation of the new tariff law.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 21, 1930]

THE PRICE OF SHOES

A New York merchant is advertising men's shoes "at old tariff prices" until July 1, when they will be "priced under the new tariff." This may be "smart" merchandising, but it is deceptive. The shoes in question are British-made. The increased duty will add to their selling price; but the inference in the advertisement is that the tariff will boost the price of all shoes, even if made in the United States.

The tariff is designed to keep off the American market any foreign product which, because of low labor costs, makes competition by American manufacturers impossible. Every pair of foreign shoes sold in the American market deprives an American manufacturer of a sale. The aggregate of such sales has been large enough to affect seriously the prosperity of the American shoe-manufacturing industry. The American manufacturer is able to build as good a pair of shoes as his foreign competitor. The effect of the tariff will not be that Americans will have to accept inferior domestic articles at increased prices but that they can purchase identical articles, or superior, at similar or lower prices manufactured in American shops.

A New York newspaper man recently interviewed the expert economists of the Government and found them unanimously agreed that the cost of living would drop in the next few months, regardless of the tariff. They asserted that every government protesting against the new schedules is listed among the 55 countries that have increased their duties on American products within the last four years. Many of the protests are eight or nine months old, and they are fewer than the objections raised to the Fordney-McCumber Act when it became law eight years ago. Many of the protests, it was said, relate to duties that were eliminated from the bill before its enactment.

American importers who continue to harp on the mythical evils of the recently enacted tariff law play into the hands of foreign manufacturers. The man who declares in his advertising that the price of shoes is about to be boosted should make it clear that he refers to imported shoes. Of course, the price of British boots and other foreign-made merchandise will be increased as a result of the tariff. American manufacturers will have their business stimulated as a result, however, and their humming factories will provide work for Americans. If any customer wishes to purchase imported products, let him pay the higher price. Where did he get the money with which to buy, if it is not from the income he receives as a producer? How could he buy any shoes at all if he were unemployed?

RADIO ADDRESS BY SENATOR WATSON ON THE TARIFF

Mr. McNARY. Mr. President, on June 20 the distinguished Republican leader, Hon. JAMES E. WATSON, of Indiana, delivered over the radio through station WMAL an illuminating and eloquent address on the tariff and its benefits. I ask unanimous consent that it may be inserted in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The principal arguments of Democratic orators in both House and Senate during the consideration of the Smoot-Hawley tariff law so recently enacted consisted altogether of denunciation. For over a hundred years that has been the line of attack pursued by opponents of the protective tariff system. Every bill proposed has been "the most infamous," "the most outrageous," and "the most un-American" law ever enacted on the subject. A Niagara flood of such denunciation marked the passage of the Dingley law, and the Payne-Aldrich law, and the Fordney-McCumber law, and precisely the same sort of fusillade was indulged in to a limitless extent during the passage of the law just enacted.

The condition in the country now is quite similar to that which existed immediately after the passage of the Fordney-McCumber law. Then there were 4,000,000 men out of employment, then factories were closed and operatives idle and capital in hiding. Then, as now, there was uncertainty throughout the country and people were filled with fear because of it.

I want now to take up the Democratic Campaign Textbook of 1922, the one they used throughout the political contest that year, the one that all speakers took for their information and inspiration throughout that campaign, and to read from page 22 of that book to show you that the conditions that obtained then obtain now and that the Democrats were saying precisely the things then about that law that they are saying now about this law. The Fordney-McCumber Act had just been passed when these things were written, precisely as the present law has just been enacted and is receiving the same character of attack as the one that followed the passage of that law—a regular machine-gun attack of denunciation.

I read: "The Fordney-McCumber profiteers' tariff bill is the worst tariff bill ever passed by an American Congress." This is exactly what they have said about every other protective tariff bill ever passed in this country. "This is the opinion not only of Democrats but of the leading Republican newspapers, the commercial and trade papers, the most prominent Republican business men, and even of some Republican Senators and Representatives." And that was true then and the same is true now. Those who denounced it then either did not understand it or were filled with fear regarding it, just as those who are opposing it now are in the state of mind concerning it which is the result of a lack of understanding of its fundamental principles. It is true that many leading Republican newspapers and trade papers and many prominent Republican business men have been opposing this tariff, just as they have opposed many tariff acts in the past, but always their predictions have been swallowed up by the prosperity produced by the passage of these acts, just as will occur in this instance.

SOME OBJECTIONS

Some of the main objections urged against the Fordney-McCumber tariff bill are:

"It puts an additional tax upon the people of the United States of $3,000,000,000 to $4,000,000,000, according to how the special privilege class in whose interest it was passed takes advantage of its provisions." Although challenged time and again to say why they had arrived at the sum of $3,000,000,000 to $4,000,000,000 nobody ever answered. They had just as well said $10,000,000,000 or $15,000,000,000, because there was not the slightest foundation for the assertion. In fact, instead of levying tribute on the people to the extent of billions, it reduced the cost of living, it opened all the factories, it set all the idle men to work, it brought all the hidden capital into the open, and it resulted in a degree of prosperity never enjoyed by this or any other land until the crash in the stock market last October.

And again: "It will not yield the Government itself more than $250,000,000 in revenue under the most favorable circumstances." The answer to which is that last year it provided $604,000,000 of revenue. Nothing more need be said on that item. And every other prophecy carried in that book about that law was just as rational as this one."

And again I read:

"It gives to special privilege and profiteering classes an amount of protection estimated as high as $6,000,000,000."

Our friends have grown modest in the last eight years. Then, they proclaimed with unusual vehemence that we had fleeced the American people out of $6,000,000,000 by the passage of that law. The highest that any one of them put the fleecing this year was at $1,000,000,000 by the passage of this law. That assertion was utterly baseless before and it is utterly baseless now. It was a wild, unsupported blast based on no fact and utterly without a scintilla of truth on which to found it. Exactly the reverse was true because all the people, without regard to rank, or class, or section, or occupation, were greatly benefited by that act during its entire life.

And again: "It will greatly increase the high cost of living." During the entire consideration of that law the cry was daily raised that we hear now, namely, that an increased tariff would result in increased prices to the consumer. It will be recalled that then, as is being done right now, tables were put out showing how many billions of dollars in increased cost of living would be loaded on the backs of the consuming public by the tariff act of 1922.

Capper's Weekly recently published some Government figures which show the relationship between such claims and the facts. During the period 1918–1930 food, clothing, fuel, light, and house furnishings were at their high point for the period in 1920, miscellaneous items entering



into the cost of living in 1921, and rent only, upon which there is no tariff, in 1924. Basing the index number of 1913 at 100, clothing sank in wholesale price from 287.5 in 1920 two years after the close of the World War to 160.5 in 1929. House furnishings sank from 292.7 in 1920 to 197.7 in 1929.

Facts like these of course, will have no effect on the fervent imaginations of the foes of the protective policy. Now, as they did eight years ago, they are putting out mathematical tables trying to prove that increases in the tariff law result in heavy increases in the cost of living, despite the fact that over and over again it has been demonstrated that increased competitive activity within the United States under tariff encouragement, while resulting in more general employment, always has decreased and not increased the cost of living. Moreover, our tariff history has demonstrated beyond all peradventure that a protective tariff provides, rather than destroys, the means of earning that living.

And, again, the Democratic textbook of 1922, in summarizing all of the dire effects that were sure to follow the passage of the Fordney-McCumber bill, recited the following additional cause of woe to the American people:

"It will prevent the collection of $11,000,000,000 foreign indebtedness." It really is a source of mirth to contemplate a proposition of that kind. The truth is that settlements have been made with all of our foreign creditors except Russia, and the fact that we set up a tariff against imports into this country from those countries had not a thing in the world to do with the collection of those debts. This shows how far afield the opponents of the tariff always have gone in making wild assertions about the results of the enactment of a tariff law.

MORE MISTAKES

And the next is a favorite charge of the opponents of the protective tariff system, repeated so many times during the last discussion in Congress that it became almost a daily matter during the entire time: "It is practically an embargo upon foreign products, and will destroy what is left of our foreign trade, already reduced one-half under this administration." Such was the Democratic assertion. What were the uncontrovertible facts? We increased our imports under the Fordney-McCumber law, right in the teeth of these dismal assertions, from $3,112,000,000 in 1922, to $4,400,000,000 in 1929, or $1,287,000,000 of an increase in what we bought from other people, while our exports during the same period rose from $3,831,777,000 in 1922, to $5,241,262,000 in 1929, or an increase of $1,409,485,000 in what we sold to other people. In other words, despite all these doleful prophecies of woe, our total foreign commerce rose from $6,944,524,000 in 1922, to $9,641,389,000 in 1929, or a total increase of $2,696,865,000 in what we bought from and sold to the other people of the world.

And yet this remarkable Campaign Textbook of 1922, so replete with unfulfilled prophecies, solemnly recited on page 25 that: "In surrendering the American people to the selfishness and greed of some 4,000 representatives of privilege and monopoly, the bill automatically closes foreign markets not only as a source of supply for American consumers but as a selling place for our surplus products, agricultural and manufactured." How could such fantastical propositions ever originate in the brains of men as able as our fellow Senators and as wise as our colleagues who have daily repeated just such assertions for the last six months? Those prophecies were utterly groundless when uttered before and they are utterly groundless now. Not one of them was fulfilled by succeeding events and not one of them will be now. And yet these same Senators for months have stood upon the same floor to utter these same wild predictions as to the results of the passage of the Smoot-Hawley law. And this same Democratic Textbook solemnly asserted that the Fordney law was "practically an embargo upon foreign products" and that it "will destroy what is left of our foreign trade."

Is it not possible for them to learn anything from experience or to glean either knowledge or wisdom from demonstrated facts?

And again, we were told in that Democratic bible of 1922, from which every text was taken for campaign sermons that year, that "this tariff law will work irreparable injury to labor by reducing production and creating a surplus of labor with consequent wage reduction." And yet the simple truth is that exactly the reverse occurred in every phase of this prediction.

Labor instead of being injured was greatly benefited, evidenced by the fact that deposits in savings banks during the operation of that law increased from $10,000,000,000 to $16,000,000,000 in the United States, and the representatives of labor swarmed the corridors of the Capitol from the beginning to the end of the consideration of the present tariff law demanding that it be enacted in the interest of protection to the laboring classes of the country. There was no surplus of labor until the crash in the stock market, nor have there been wage reductions for, notwithstanding the present unfortunate situation in the country, President Hoover secured promises from the heads of the great labor organizations that they would not strike during the continuance of the present depressed condition of the country and also pledges from the employers of labor that they would not reduce wages even under extreme conditions.

And again this marvelous collection of prophecies recites: "It contains an unconstitutional clause delegating the legislative powers of Congress to the President," and yet that very clause was held constitutional by the Supreme Court of the United States and was reenacted in the present law giving to the President additional power.

And another dire prediction contained in that Campaign Textbook was to the effect that "This presidential clause will create endless confusion in the customhouses and great opportunity for graft and corruption in determining fluctuating valuations." Never was a more groundless assertion made in the history of any tariff legislation. Exactly the reverse has occurred in every instance and nowhere at any time have any charges of this kind been made by anybody since the passage of that law.

And the last prophecy to which I desire to call attention sums up all the sad conditions and sorrowful situations that will fall upon the American people because of the passage of that law.

"It will prevent any natural or normal revival of industry or business," it says, "and bring about intolerable conditions of living for the American people." That statement is so fantastical as to be grotesque, and one wonders how citizens of the United States at all familiar with the history of the tariff laws of the Nation and their results could possibly have been brought to write such a sentence, or make such a prediction, even under the stress of political battle. Not one single thing thus set forth happened in this country, or to our people, as the result of the passage of that act, and every single prophecy therein made turned out to be utterly false, refuted by indisputable facts and by the experience of every American citizen.

And yet precisely the same predictions are now being made with reference to the passage of this law and its results that were then made with reference to the passage of that law and its results. None of them proved true then, and none of them will prove true now. Two and two always make four, like causes always produce like results under like circumstances, and no tariff law ever enacted in American history produced any of the results set forth by these calamity howlers and these purveyors of woe.

And yet it is passing strange that after all of this terrible arraignment of the act of 1922 by the entire Democratic Party, by every Democratic stumper and orator throughout the country, by the Democratic press and Democratic literature of every kind and character, the rates imposed by that act became the standard by which these same Democrats measured tariff revision throughout the whole period Congress was discussing the Smoot-Hawley tariff law. Practically the sole question that guided them throughout was: "Is the proposed rate higher than the one carried in the present law?"—meaning the Fordney-McCumber law.

If it was higher they voted against it, if it was lower they were willing to raise it to that level. In but very few instances did they ask to change a single one of the rates carried in the Fordney-McCumber law, but struck at every proposal to increase those rates. Verily the stone rejected by the builders became the head of the corner, and the "infamous" Fordney-McCumber tariff law of 1922 that they deluged with their epithets and submerged beneath their curses became the standard by which they were willing to measure all rates in 1930. No more glaring inconsistency has ever been brought to light in the entire tariff-making history of the United States.

FOREIGN PROTESTS

Our Democratic friends have rolled under their tongues as sweet morsels for months the protests uttered by representatives of foreign nations against the passage of the law just enacted. This is an old practice by those nations. When the Dingley law was under consideration 31 nations protested vigorously and said that it would destroy our trade with them. When the Payne-Aldrich tariff bill was under consideration 40 nations voiced their protest.

During the months that the Fordney-McCumber bill was up for action, 37 nations vehemently expressed their resentment through their representatives. Consuls from those nations held a meeting in New York to protest against the passage of that act. They did not want to meet on American soil and be subject to that criticism, and so they hired a boat and went out beyond the harbor limits, where they held a banquet and spoke with the utmost freedom about what was going to happen under the then proposed tariff law. Two foreign ambassadors made open speeches in this country, one protesting that our commerce with his country would practically cease, and the other uttering dire threats to the effect that his country would no longer buy from this country if we passed that law. And for months newspapers and magazines teemed with articles written by writers from foreign countries inveighing in caustic terms against the protective tariff system in general and against the passage of the then pending law in particular. It is the same old story.

But let it be remembered that 68 per cent of all the imports coming into this country under the Fordney-McCumber law came in free of duty, and that practically the same per cent will come in free of any tariff exaction under the existing law. All this talk about isolation, therefore, becomes idle if not farcical in the light of that fact.

And, furthermore, let it be remembered that every nation protesting against the passage of this act has raised its own tariff rates within the last 12 years and in multiplied thousands of instances higher than the rates carried in our own law. And thus, while they protest vehemently against our people protecting themselves by a law of this character, they openly and boldly pass more drastic ones themselves. And yet these are the same people that have filled our papers with these threats of reprisals.

My fellow citizens, it is an old story, but let us remember that this law was enacted for the benefit of our people, our own country, our own laborers, our own manufacturers, our own farmers and not for the benefit of the citizens of any other country on earth. It is the American policy for which we stand and which has brought our country to its present high position among the nations of the world.

SOME PAST HISTORY

The Democrats filibustered the McKinley bill of 1890 until three weeks before the election and then permitted it to be passed. This enabled them to go out on the stump and make every conceivable kind of charge against that tariff act and no possible proof of the falsity of the charges could be made because of the shortness of the time in which to make them. The great flood of denunciation that was poured out upon the American people had its effect because the only possible way in which to demonstrate the falsity of charges of this kind is by the actual operations of the law itself, and three weeks was not sufficient for that demonstration to be made.

The Democrats filibustered the tariff bill of 1922, having it in the Senate five straight months, and until six weeks before the election that year. They then filled the newspapers with their clamors about the effects of the passage of that act. All their campaign speakers terrorized audiences by telling of the horrible things that were about to break before them because of the passage of that tariff act. They cast a gloom over the whole American people by their recital of the doleful conditions that were about to come upon our citizens because of the enactment of that "most infamous" of all tariff laws.

Six weeks is not a sufficient time for a tariff law to vindicate itself or to justify the wisdom of its sponsors, and so the Republican Party suffered at the polls because the people believed many of these dire prophecies and those vehement assertions.

The law just passed was held in the Senate almost nine months, and it is now but four months and a half until the election occurs this fall. During this time all the Democratic newspapers will be filled with those same dismal forebodings and these same gloomy prophecies and we shall have dinned into our ears over and over again from every stump in the country and from every Democratic orator throughout the land the sad predictions of the blighting and withering results of this "infamous" tariff law we have just fastened upon the helpless people of our country.

Whether or not four months will afford time and opportunity for this tariff law to vindicate the wisdom of its provisions and the soundness of its rates can not now be foretold, but that vindication is just as sure to come later on as day is to follow night. It always has been so in the past and it always will be so in the future while protective tariffs continue to be essential to protect American labor and American capital from Niagara floods of importations from abroad.

SALIENT FACTS

The rates in this bill are no higher than they were in any other tariff bill passed in 40 years and are lower than those imposed by the McKinley law, and the Dingley law, and no higher than those provided by the Wilson law.

The simple truth is that the total increase in duties under the pending bill amounts to but $6,736,551 for the different items designated as the nonagricultural group while all the other increases are those imposed upon agricultural products. That is, putting it differently, but 6.25 per cent of the total increase is upon nonagricultural products while 93.75 per cent represent increases in duties based upon agricultural raw materials.

This Congress literally has executed the wish of the President in calling the special session of Congress last year, namely, to aid agriculture as far as possible by the imposition of additional tariff duties on agricultural products, and at the same time to help those industries that were being injured by large imports of competitive products from abroad. These two objects have been accomplished and the immediate future will show conclusively the wisdom of this action.

This bill is a wholesome piece of legislation for three reasons particularly, first, it disposes of the whole matter after 18 months of consideration and thus gives business a clear view of where it stands and dispells the clouds of uncertainty that during all of this time have hovered over the industries of the country. Secondly, it provides higher rates for the protection of agriculture and thus will give to a third of the people of the country added prosperity and increased purchasing power. Third, it gives added authority to the President through the flexible provisions it provides to deal with the inequities and inequalities which inhere in every tariff bill because of the very character of the legislation, and which will enable him to meet changed conditions and shifting costs of conversion as they occur from time to time throughout the world. The country has operated under the protective tariff throughout 125 of the 150 years of its existence. Our business is adjusted to it and the policy must be continued if we are to hold our place among the nations of the world. A large number of the Democrats recognize this, witnessed by the fact that five of them voted for this bill directly and all of them voted to protect the particular products of their own State thus showing that they favor it for local reasons if not as a national policy. We doubtless shall travel a bumpy road for a few weeks, just as we always have after the enactment of any tariff measure but soon we shall be in the open with a clear way before us and normal prosperity will be resumed in the country largely because of the passage of the Smoot-Hawley tariff law.

REVISION OF THE TARIFF

Mr. RANSDELL. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the Traffic World for June 21, 1930, relative to the tariff.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TARIFF CHICKENS COME HOME TO ROOST

This week we got a new tariff law. Theodore Roosevelt would have so said. He loved that Saxon verb, "got." It applies to the result, if one has striven for the thing "got." It applies if one has fought against it. Whether one likes it or detests it, the new tariff law is on the statute books. Many think the price of uncertainty that has prevailed for more than a year is too high to pay for a tariff revision.

However, there is no profit in reviewing it. There may be a thrill or chill in recalling a fact or two in connection therewith. As usual in the case of many protective tariff bills in the last 40 years, the back-log of the fire the Republicans built in favor of the bill that is now a law was composed of the two Democratic Senators from Louisiana. But they were only some of the Democrats who testified to their belief in a protective tariff. The Florida Senators also voted that way—voted with the California Republicans to protect the citrus fruits and other things grown by the two States that vie with each other in so many things, even if they will not publicly admit that there is any real comparison between their climates and their fruits. But the two Louisiana Democrats, for years have been reliable protectionists. Donelson Caffery was the only exception to the rule that Louisiana Senators and Maine Senators are brothers under the skin in tariff matters. No other protective tariff bill in recent years has had such Democratic support as rallied around this one. It is well to qualify by saying "in recent years," because, before the War between the States, there were a good many Democratic protectionists at one time or another.

But the thing to make one's eyes blink is the fact that RUTH BRYAN OWEN, Representative from Florida, daughter of William Jennings Bryan, also helped in the passage of this bill. And yet, in 1894, her father was carried on the shoulders of his Democratic colleagues on account of the "tariff for revenue only" speech made by him in the tariff fight of that year.

THE CALENDAR

Mr. McNARY. Mr. President, is the morning business completed?

The PRESIDING OFFICER. The morning business is closed.

Mr. McNARY. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar.

Mr. REED. Mr. President, will not the Senator couple with that a request that we may continue on the calendar until 3 o'clock? It is a pretty long calendar.

Mr. McNARY. I intend to have a morning hour to-morrow.

Mr. REED. Very well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered. The clerk will state the first bill on the calendar.

The first business on the calendar was the bill (S. 168) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands.

Mr. LA FOLLETTE and Mr. GEORGE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 76) to amend Rule XXXIII of the Standing Rules of the Senate relating to the privilege of the floor was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 551) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 49) authorizing Committee on Manufactures, or any duly authorized subcommittee thereof, to investigate immediately the working conditions of employees in

the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

Mr. METCALF. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

Mr. BINGHAM. Mr. President, in view of the fact that we have such a short time this morning, I will ask the Senator from Oregon [Mr. MCNARY] if he will not alter his unanimous-consent agreement so that we may begin where we left off the last time with unobjected bills, so that we need not go through all the bills that have been objected to a great many times heretofore.

Mr. MCNARY. It was my intention to incorporate in the unanimous-consent agreement a proposal to begin with Order of Business 921, House bill 11978.

The PRESIDING OFFICER. If there is no objection, the order will be amended to commence with Order of Business No. 921.

Mr. HEBERT. Mr. President, I am interested in Order of Business No. 889, Senate bill 4425. I think I can explain it to the satisfaction of the Senate.

The PRESIDING OFFICER. The order of the Senate now is to begin with Order of Business No. 921, unless unanimous consent is given otherwise.

Mr. HEBERT. Then I ask unanimous consent to take up Order of Business 889.

The PRESIDING OFFICER. The Senator from Rhode Island asks unanimous consent to revert to Order of Business 889. Is there objection? The Chair hears none. The clerk will state the title of the bill.

The CHIEF CLERK. A bill (S. 4425) to amend section 284 of the Judicial Code of the United States.

Mr. TYDINGS. Mr. President, what part of the code does the bill amend?

Mr. HEBERT. I will state that to the Senator in just a moment.

Mr. ROBINSON of Arkansas. Mr. President, I think this is an important bill, and we can not discuss it under this limitation. I suggest that it go over.

The PRESIDING OFFICER. Objection is made. The clerk will state the next bill on the calendar.

APPOINTMENT OF EMPLOYEES IN EXECUTIVE BRANCH OF THE GOVERNMENT

The bill (H. R. 11978) to authorize the appointment of employees in the executive branch of the Government and the District of Columbia was considered by the Senate and was read, as follows:

Be it enacted, etc., That section 169 of the Revised Statutes, as amended (U. S. C., title 5, sec. 43), is amended to read as follows:

"There is authorized to be employed in each executive department, independent establishment, and the municipal government of the District of Columbia, for services in the District of Columbia or elsewhere, such number of employees of the various classes recognized by the classification act of 1923, as amended (U. S. C., title 5, ch. 13), as may be appropriated for by Congress from year to year: *Provided*, That the head of any department or independent establishment may delegate to subordinates, under such regulations as he may prescribe, the power to employ such persons for duty in the field services of his department or establishment."

The act of May 22, 1926 (44 Stat. 620), is hereby repealed.

Mr. JONES. Mr. President, are these employees under civil service?

Mr. DALE. Mr. President, the bill simply recites exactly what has been the custom here for over 100 years. After the passage of the civil service law the employees all went under that law; and the passage of this bill is rendered necessary merely because the Comptroller General has so interpreted the law that it can not be carried out by the subordinate employees. Under his interpretation all this employment has to be submitted to the head of the department, which makes the procedure very cumbersome and almost impossible.

Mr. JONES. It is the Senator's understanding, then, that these employees will be under civil service?

Mr. DALE. They are under the civil service, and will be appointed from the civil-service list.

The bill was ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 4561) for the relief of Sally S. Twilley was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3644) for compensation in behalf of John M. Flynn was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes, was announced as next in order.

Mr. COUZENS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RECEIVERSHIPS OF JOINT-STOCK LAND BANKS

The bill (S. 344) to amend the Federal farm loan act with respect to receiverships of joint-stock land banks, and for other purposes, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Federal farm loan act as amended (U. S. C., title 12, ch. 7, secs. 641–1021) be amended by inserting after section 29 thereof (U. S. C., title 12, ch. 7, secs. 961–966) the following new paragraphs:

"SEC. 967. The Federal Farm Loan Board and the receivers appointed by it, respectively, are and shall be vested, in connection with receiverships heretofore or hereafter instituted for banks or associations under this act, with all of the powers and authority which at the date of the enactment hereof are vested in the Comptroller of the Currency and the receivers appointed by him, respectively, under the national bank laws with respect to national-bank receiverships, as fully as if such powers and authority were specifically set forth in this act, but without thereby limiting any of the provisions of this act or the general powers of the Federal Farm Loan Board thereunder.

"SEC. 968. At any time before the expiration of three years after the date of any assessment made hereafter by the Federal Farm Loan Board to enforce the liability of shareholders of any association or land bank under this act a receiver appointed by the said board may institute suits for the enforcement of such assessment.

"SEC. 969. The procedure of the Federal Farm Loan Board and the steps taken pursuant thereto in connection with the administration of the receiverships heretofore instituted under this act are hereby ratified and confirmed as fully to all intents and purposes as if the powers and authority vested by this act in the Federal Farm Loan Board and its receivers had by prior act of Congress been specifically included in the Federal farm loan act. At any time before the expiration of two years after the enactment hereof receivers appointed by the said board may institute suits for the collection of the assessments heretofore ordered by the said board against shareholders of the banks in such receiverships."

SEC. 2. That the said Federal farm loan act, as amended, be amended further by changing to a comma the period at the end of the third paragraph of the said section 29 thereof (U. S. C., title 12, ch. 7, sec. 963) and adding the following clause: "including, in the case of a bank, the liquidation by such receiver through sale, collection, or otherwise of collateral deposited with any farm-loan registrar as security for farm-loan bonds of such bank."

SEC. 3. That the said Federal farm loan act, as amended, be amended further by inserting after section 17 (j) thereof (U. S. C., title 12, ch. 7, sec. 831) the following clause:

"(k) To prescribe all needful rules and regulations for the enforcement of the provisions of this act, including rules and regulations governing the mode and time of assessing and enforcing the liability of shareholders and the liquidation of banks and associations hereunder. The statement in this act of particular powers of the Federal Farm Loan Board shall not be deemed to exclude matters otherwise within the general powers conferred by this act upon the board."

NATURALIZATION OF CERTAIN ALIENS

The bill (H. R. 5627) relating to the naturalization of certain aliens was announced as next in order.

Mr. WALSH of Massachusetts. Let that go over.

Mr. REED. Mr. President, will not the Senator withhold his objection for a moment?

Mr. WALSH of Massachusetts. I will say to the Senator that I have no objection to the bill, but I intend to offer an amendment to it which I have not prepared.

Mr. REED. The bill seems to be a meritorious one. It applies to only one individual, a distinguished physician who served faithfully in our Army until after the armistice. Then he wanted to get back to his practice. He was entitled to an honorable discharge, but was mistakenly advised to withdraw his intention to become a citizen and get a discharge in that way. It was long after the armistice. Of course, no neutral slacker ought to get the benefit of such legislation as this; but this man served faithfully until after the armistice.

I hope the Senator will allow the bill to be considered and passed.

Mr. WALSH of Massachusetts. Do I understand the Senator to say that it applies to only one individual?

Mr. REED. Only one.

Mr. WALSH of Massachusetts. I should like to read the report on the bill and have the matter taken up later. I have no objection to the bill itself; I think it is meritorious; but I do want to offer an amendment to it.

Mr. REED. I suggest that there is a naturalization bill here to which the amendment could be offered.

Mr. WALSH of Massachusetts. Will the Senator point out the naturalization bill to which he refers?

Mr. REED. Yes; the naturalization bill is Order of Business 618, House bill 10960, which will be taken up in the morning hour to-morrow, I presume.

Mr. WALSH of Massachusetts. I think I must insist on my objection.

The PRESIDING OFFICER. Does the Senator withdraw his objection?

Mr. WALSH of Massachusetts. I do not.

The PRESIDING OFFICER. The bill will be passed over.

IMMIGRATION EMPLOYEES ABROAD

The Senate proceeded to consider the bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended, which had been reported from the Committee on Immigration with amendments.

Mr. ROBINSON of Arkansas. Mr. President, these amendments to the immigration laws ought to be understood by the Senate. I think this bill had better go over.

Mr. REED. Mr. President, will the Senator permit me to make an explanation?

Mr. ROBINSON of Arkansas. We have only 15 minutes for the consideration of unobjected bills.

Mr. REED. It will not take three minutes.

Mr. ROBINSON of Arkansas. Very well; we might perhaps dispose of this bill to the exclusion of all other bills following it, but I will not object.

Mr. REED. This merely allows the payment of traveling expenses and the baggage expenses of the immigration employees who are ordered to duty in foreign lands. The same privilege to-day is enjoyed by the Army, the Navy, the Coast Guard, the Public Health Service, and every other Government agency called to travel abroad.

Mr. ROBINSON of Arkansas. It has no relation, then, to the admission of aliens?

Mr. REED. None whatever.

Mr. ROBINSON of Arkansas. I have no objection.

The amendments were, on page 1, line 7, after the words "Immigration Service," to insert the following words "and officers and employees of the Naturalization Bureau and Naturalization Service"; on page 2, line 10, after the words "remains of," insert the words "such officers"; on page 2, line 11, after the words "other employees," strike out the words "of the Immigration Service," so as to make the bill read:

Be it enacted, etc., That the fourth proviso to section 24 of the immigration act of 1917, as amended, is hereby amended to read as follows:

"*Provided further*, That when inspectors or other employees of the Immigration Service and officers and employees of the Naturalization Bureau and Naturalization Service are ordered to perform duty in a foreign country, or transferred from one station to another, in the United States or in a foreign country, they shall be allowed their traveling expenses in accordance with such regulations as the Secretary of Labor may deem advisable, and they may also be allowed, within the discretion and under written orders of the Secretary of Labor, the expenses incurred for the transfer of their wives and dependent minor children; their household effects and other personal property, not exceeding in all 5,000 pounds, including the expenses for packing, crating, freight, and drayage thereof. The expense of transporting the remains of such officers, inspectors, or other employees, who die while in, or in transit to, a foreign country in the discharge of their official duties, to their former homes in this country for interment, and the ordinary and necessary expenses of such interment and preparation for shipment at their posts of duty or at home, are hereby authorized to be paid on the written order of the Secretary of Labor."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SALARY OF GOVERNOR OF ALASKA

The bill (S. 4142) to fix the salary of the Governor of the Territory of Alaska was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The Senate proceeded to consider the bill (H. R. 7926) to provide for terms of the United States District Court for the Eastern District Court of Pennsylvania to be held at Easton, Pa., which was read the third time and passed.

VIOLATION OF NARCOTIC LAWS

The Senate proceeded to consider the bill (H. R. 3395) authorizing the Commissioner of Prohibition to pay for information concerning violations of the narcotic laws of the United States, which had been reported from the Committee on the Judiciary with an amendment.

Mr. BORAH. Mr. President, I move to strike out the phrase "Commissioner of Prohibition" and insert in lieu thereof "Commissioner of Narcotics." This is purely a narcotic measure, not a prohibition measure.

Mr. TYDINGS. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will be passed over.

OFFENSES AGAINST PUBLIC POLICY IN THE DISTRICT OF COLUMBIA

The bill (S. 4555) to amend certain sections in the Code of Laws for the District of Columbia relating to offenses against public policy was announced as next in order.

SEVERAL SENATORS. Over!

The PRESIDING OFFICER. The bill will be passed over.

KETCHIKAN, ALASKA, BOND ISSUE

The Senate proceeded to consider the bill (H. R. 9707) to authorize the incorporated town of Ketchikan, Alaska, to issue bonds in any sum not to exceed $1,000,000 for the purpose of acquiring public utility properties, and for other purposes, which had been reported from the Committee on Territories and Insular Affairs with amendments, on page 2, line 6 (sec. 1), strike out the word "fifty" and insert in lieu thereof the word "thirty"; on page 2, line 22 (sec. 3), to strike out the words "a majority" and insert in lieu thereof the words "not less than 65 per cent"; and on page 3, line 7 (sec. 4), strike out the word "fifty" and insert in lieu thereof the word "thirty," so as to read:

Be it enacted, etc., That the incorporated town of Ketchikan, Alaska, is hereby authorized and empowered to issue its bonds in any sum not to exceed $1,000,000 for the purpose of acquiring for the said town of Ketchikan the public utility properties of the Citizens Light, Power & Water Co., and to finance and operate the same by the municipality of Ketchikan: *Provided, however*, That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than 5 years from the date of the issue of such series and the last installment not later than 30 years from the date of such issue.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Ketchikan, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of the said town of Ketchikan whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration of such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as near as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon condition that not less than 65 per cent of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest, at a rate to be fixed by the common council of Ketchikan, not to exceed 6 per cent per annum, payable semiannually and shall not be sold for less than their par value, with accrued interest, and shall be in denominations not exceeding $1,000 each, the principal to be due in 30 years from date thereof: *Provided, however*, That the common council of the said town of Ketchikan may reserve the right to pay off such bonds in their numerical order, at the rate of not less than $22,000 thereof per annum from and after the expiration of five years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer or such place as may be designated by the common council of the town of Ketchikan, the place of payment to be mentioned in the bonds: *And provided further*, That each and every such bond shall have the written signature of the mayor and clerk of said town of Ketchikan and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than that specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed for the purposes here-

inbefore mentioned and under the order and direction of said common council from time to time as the same may be required for said purposes.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GOVERNMENT OF HAWAII

The Senate proceeded to consider the bill (H. R. 10657) to amend section 26 of the act entitled "An act to provide a government of the Territory of Hawaii," approved April 30, 1900, as amended.

Mr. ROBINSON of Arkansas. Mr. President, is this a substantial amendment to the existing law relating to the government of the Territory of Hawaii?

Mr. BINGHAM. No, Mr. President; it increases the amount which we contribute to the legislative expenses to a sum sufficient to pay them. The addition is about $6,000. At the present time we pay and have for a number of years paid $30,000, but the governor has pointed out that that is not sufficient to pay the actual expenses of the legislature.

The bill was read the third time and passed.

FEMALE SUFFRAGE IN HAWAII

The Senate proceeded to consider the bill (H. R. 11051) to amend section 60 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

Mr. ROBINSON of Arkansas. Mr. President, what is the nature of this amendment of the act?

Mr. BINGHAM. It is a very curious amendment. The organic act provided that the voters must be adult males. Then we got the nineteenth amendment and a bill was passed which removed the word "male" and made it so that both males and females could vote. Then came the code of laws of the United States, which did away with certain acts which had been passed, and in the appendix to the code is the statement that it is doubtful whether suffrage for both males and females is legal in Hawaii now. This is merely to clarify the situation so that there will be no doubt about it, in view of the fact that the code says that possibly the repeal of all laws except those in the code may have had that effect.

The bill was read the third time and passed.

MINNESOTA RIVER BRIDGE, MINNESOTA

The Senate proceeded to consider the bill (H. R. 9989) granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn., which was read the third time and passed.

ELLA H. SMITH

The Senate proceeded to consider the bill (S. 397) for the relief of Ella H. Smith, which had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ella H. Smith, postmistress at Wynne, Ark., an office of the second class, the sum of $3,700, which amount was lost by burglary without fault of hers, and which she repaid to the Government.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATHERINE ANDERSON

The Senate proceeded to consider the bill (H. R. 2810) for the relief of Katherine Anderson, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$4,000" and insert in lieu thereof "$2,327.87," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Katherine Anderson, the sum of $2,327.87, in full settlement of her claim against the Government of the United States for injuries sustained and for reimbursement of expenses incurred as a result of being negligently shot and seriously injured on November 1, 1925, by a regularly enlisted soldier of the United States Army then and there on duty as a sentry at Fort Snelling, Minn.

SEC. 2. That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SAMUEL F. TAIT

The Senate proceeded to consider the bill (H. R. 2983) for the relief of Samuel F. Tait, which was read the third time and passed.

C. F. BEACH

The Senate proceeded to consider the bill (H. R. 1092) for the relief of C. F. Beach, which was read the third time and passed.

GEORGIA RAILWAY CO.

The Senate proceeded to consider the bill (H. R. 6117) for the relief of the Central of Georgia Railway Co., which was read the third time and passed.

MARIJUNE CRON

The Senate proceeded to consider the bill (H. R. 478) for the relief of Marijune Cron, which was read the third time and passed.

FRAUDULENT USE OF THE MAILS

The Senate proceeded to consider the bill (S. 1446) to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia, which had been reported from the Committee on Post Offices and Post Roads with amendments, on page 2, line 4, strike out the word "unfair"; on page 2, line 10, after the word "thing," insert the words "or component parts thereof"; on page 2, line 13, strike out the word "unfair"; on page 3, line 3, strike out the word "unfair," so as to read:

Be it enacted, etc., That section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), be amended so as to read as follows:

"SEC. 213. No letter, package, postal card, or circular concerning any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or concerning any article, device, or thing so constructed as to have for its principal and primary use the risk of money or property by lot or chance, or concerning any dishonest or cheating gambling article, device, or thing; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance; and no article, device, or thing or component parts thereof, so constructed as to have for its principal and primary use the risk of money or property by lot or chance, or matter relating thereto; and no dishonest or cheating gambling article, device, or thing; and no check, draft, bill, money, postal note, or money order for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, or containing any advertisement of any article, device, or thing so constructed as to have for its principal and primary use the risk of money or property by lot or chance, or containing any advertisement of any dishonest or cheating gambling article, device, or thing, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHEPPARD. Mr. President, I ask that the report on Senate bill 1446 be printed in connection with the action of the Senate.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[S. Rept. 950, 71st Cong., 2d sess.]

FIXING PENALTIES FOR USE OF MAILS IN CONNECTION WITH FRAUDULENT DEVICES, ETC.

(To accompany S. 1446)

The Committee on Post Offices and Post Roads, to whom was referred the bill (S. 1446) to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia, having considered the same, report favorably thereon with amendments and recommend that as amended the bill do pass.

On page 2, line 3, strike out the word "unfair."

On page 2, line 9, after the word "thing" insert the words "or component parts thereof."

On page 2, line 12, strike out the word "unfair."

On page 3, line 1, strike out the word "unfair."

As to these amendments, the committee thought best to strike out the word "unfair," believing the term so general that it might be oppressively interpreted.

This measure, which is similar to one which received the approval of the Senate during a previous Congress, would amend existing law so as to bar from the mails lottery paraphernalia and cheating gambling devices, along with the other lottery and fraud matter which now comes under the ban of the statute.

The changes sought to be made in section 213 of the act of March 4, 1909, are given in italics below. As amended by the present bill, that section would read as follows:

"SEC. 213. No letter, package, postal card, or circular concerning any lottery, gift enterprise, or [similar] scheme *of any kind* offering prizes dependent in whole or in part upon lot or chance, *or concerning any article, device, or thing so constructed as to have for its principal and primary use the risk of money or property by lot or chance, or concerning any dishonest, or cheating gambling article, device, or thing;* and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or [similar] scheme *of any kind* offering prizes dependent in whole or in part upon lot or chance; *and no article, device, or thing, or component parts thereof, so constructed as to have for its principal and primary use the risk of money or property by lot or chance, or matter relating thereto; and no dishonest, or cheating gambling article, device, or thing;* and no check, draft, bill money, postal note, or money order for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, *or containing any advertisement of any article, device, or thing so constructed as to have for its principal and primary use the risk of money or property by lot or chance, or containing any advertisement of any dishonest, or cheating gambling article, device, or thing,* shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

The Postmaster General has made a favorable report on the bill in a letter reading as follows:

POST OFFICE DEPARTMENT,
Washington, D. C., June 19, 1929.

Hon. LAWRENCE C. PHIPPS,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR PHIPPS: With your letter of the 13th instant you transmit a copy of the bill (S. 1446) to amend section 213 of the act of March 4, 1909 (18 U. S. C. 336), and request my views thereon.

This bill would amend the present statute, which declares unmailable all matter relating to lottery enterprises by also making unmailable any article, device, or thing designed for the conduct of a lottery, and any unfair, dishonest, or cheating gambling article, device, or thing, or matter relating thereto.

Proposed legislation similar to this has for a number of years past been submitted to this department for its views by committees of Congress, and favorable reports thereon have been made for the reason that the experience of the department shows that it would be to the interest of the public to have legislation barring lottery paraphernalia and cheating gambling devices from the mails, along with the other lottery and fraud matter that comes under the ban of existing law.

I therefore advise that the proposed legislation has the approval of this department.

The bill as drawn appears to be in proper form for accomplishing the purposes desired, except that the phrase reading "or matter relating thereto," appearing in line 11 of page 2, is surplusage and should be omitted.

Sincerely yours,

WALTER F. BROWN,
Postmaster General.

In deference to the changes made by the committee, Mr. Harold A. Davis, executive assistant to the Postmaster General, wrote Senator SHEPPARD, the author of the bill, by direction of the Postmaster General, as follows:

POST OFFICE DEPARTMENT,
Washington, D. C., May 27, 1930.

Hon. MORRIS SHEPPARD,
United States Senate.

MY DEAR SENATOR SHEPPARD: Referring to your request at the hearing yesterday on bill S. 1446, to amend section 213 of the act of March 4, 1909 (18 U. S. C. 336), I beg to advise you that on June 19, 1929, the Postmaster General advised the chairman of the Senate Post Offices and Post Roads Committee that this proposed legislation has the approval of this department. I am inclosing a copy of the Postmaster General's letter in which is set forth the reason for this proposed legislation.

The addition in line 9, page 2, of the bill, after the word "thing," of the words "or component parts thereof," and the elimination of the word "unfair" in line 1, page 3, are changes acceptable to this department.

By direction of the Postmaster General.

Yours very truly,

HAROLD A. DAVIS,
Executive Assistant to the Postmaster General.

At the hearing on this measure which was not taken down by a stenographer a representative of the Post Office Department was present, and gave expression to the concurrence of the department.

Mr. H. N. Pringle, assistant superintendent of the International Reform Federation, was also present at the hearing and spoke in behalf of the bill. He presented many interesting and informative facts in connection with the subject matter of the measure, and it is deemed helpful now to present a summary of Mr. Pringle's remarks prepared by him after giving his testimony.

Summary of Mr. Pringle's remarks follows:

"This bill, S. 1446, to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with gambling devices and lottery paraphernalia, will lift the standard of United States law toward the moral level of the statutes of the various States of the Union, all of which have outlawed gambling machines, implements, and devices. The bill does not apply to ordinary vending machines for stamps, confections, toilet articles, etc., which return an equal value for each play, and therefore do not involve the element of gambling.

"As assistant superintendent of the International Reform Federation, 206 Pennsylvania Avenue SE., Washington, D. C., and in charge of its law-enforcement activities during the past 18 years, I have observed throughout the United States that the greatest obstacle to the enforcement of State antigambling laws by the duly constituted officials is the ceaseless campaign of the great manufacturers of gambling implements in Chicago and other cities, whose letters and alluring catalogues induce shopkeepers, billiard-room owners, hotel men, and others to install various gambling implements as great money makers.

"Probably 95 per cent of the people operating gambling devices in our country have been induced to install these implements and violate the laws by the manufacturers' advertising and their traveling agents, or by local jobbers of confectionery and tobacco, whom these manufacturers have induced to combine crime and merchandising on a large scale. Agents or patrons of these great manufacturers of gambling implements often arrange with small groups of local gamblers to control the gambling of a city, through single ownership of scores or hundreds of slot gambling machines, leased to the operators on the basis of a 50–50 division of the 'take.' Almost invariably the controlling group try to corrupt some of the police for protection of the devices, and to exclude other racketeers by prompt seizure of their gambling devices.

"If local officials are deaf to such proposals, the controlling group petitions a judge to issue an injunction restraining the officials from interfering with their alleged vending machines. Of course, the judges hear only one side of the case, when they grant temporary injunctions, nearly all of which are dismissed a few weeks or months later.

"I submit a partial list of 22 police departments thus enjoined and you will notice that the slot gambling machine interests secured injunctions against six Connecticut police departments in 1930. Some of the greatest political scandals in the United States (Chicago, Detroit, Pittsburgh, Scranton, and Hazleton) have originated indirectly by the financial inducements of these agents and distributors of gambling devices.

City	Year	Petitioner
Atlantic City	1924	Albert C. Glass, distributor.
Baltimore	1928	Frank Cate, distributor.
Bayonne	1929	Bergen Point Gambling Concession.
Bridgeport	1930	Eastern Mint Vending Machine Co.
Brooklyn	1924	Triangle Novelty Co.
Chicago	1916	Aima Manufacturing Co.
Do	1927	United States Vending Co.
Cleveland	1928	Clarence McLean.
Do	1929	Do.
Manchester, Conn	1930	Distributor.
New Britain	1930	Royal Mint Vending Machine Co.
New Haven	1930	Eastern Mint Vending Machine Co.
New London	1930	Distributor.
New Orleans	1927	Mr. Asheraft.
New York	1923	Triangle Novelty Co.
Do	1925	Tepee Democratic Club.
Do	1925	Steamer Club.
Norfolk	1930	Baltimore Resident.
Norwalk	1930	Distributor.
St. Louis	1930	Central Vending Machine Co.
Stamford	1930	Eastern Mint Vending Machine Co.
Washington	1929	Skiffington Vending Machine Co.

"The British Premier, Ramsay MacDonald, in a pamphlet on gambling, says that the Government ought to place various checks on this growing evil of gambling and that an effective restraint is the exclusion of this business from the mails. Our Federal Government has gone only so far as to close the mails and interstate commerce to lotteries then in operation; but, every week, tons of lottery material for future lotteries, such as baseball pools, clearing-house pools, and other drawing schemes, use the mails and interstate commerce. I show the Post Office and Post Roads Committee a photograph of 10 tons of lottery materials, ready for the parcel post and express, and in packages varying from a pound to the size of a tea chest, which were seized at one establishment, with the confiscation of $50,000 worth of the most modern printing presses in the adjoining room.

"If it pleases the Congress to enact this measure, in harmony with all existing State legislation, it will greatly diminish the difficulties of enforcing State laws. No longer will mailed inducements and secret agents cause installations of gambling implements twice as fast as city and county officials can seize them and deal with the offenders. I also show the committee 15 photographs of huge seizures and destruction of gambling implements in as many different States and cities, where public officials in good faith are endeavoring to deal with this problem of gambling devices, which corrupt the young and partially thwart the purpose of the school, church, and home. After the Federal law against the Louisiana lottery, 18 States enacted constitutional amendments forbidding lotteries, and nearly all States passed statutory restrictions on the same, showing the profound influence of wholesome legislation by our Federal Government.

"I have here an interesting package of 11 catalogues marked 'Private,' 'Confidential,' 'For the trade only,' etc., which offer cheating devices such as marked cards, loaded dice, 10 kinds of hold-outs, shiners, secret retards to wheels, plugs, and knee springs. Swindling mechanisms are provided for nearly every gambling device. One catalogue reads: 'These special dice are filled in such a manner as to make the numbers 4, 6, 8, and 10 come up more often than they ordinarily would. The dice sound and roll natural and will give the shooter a small percentage when used on a hard, smooth surface.' Another catalogue says: 'This line work, placed in the upper right corner, reading ace to deuce, is a popular number easily visible to the initiated, but is mighty hard to be detected.' Gambling murders in great numbers are the direct and inevitable results of these gambling frauds. This proposed legislation was voted by the Senate of the Seventieth Congress and by the House of two previous Congresses. It has been repeatedly urged by the Post Office Department and printed with commendation in several annual reports of the Postmaster General. We have not sought the opinions of the police departments of the United States on this bill, but I subjoin a letter from a single department.

DEPARTMENT OF POLICE,
CITY OF LOS ANGELES, CALIF.,
February 26, 1930.

DEAR SIR: In reply to your letter of the 20th instant, regarding bill known as S. 1446, an act to prohibit the use of the United States mails in connection with any gambling paraphernalia, please be advised that this department is in favor of such an act being passed by our Representative in Congress, and we also wish to go on record as saying that if the source of supply of all gambling paraphernalia can be erased by the enactment of law, this is the natural and lawful thing for us to do to prohibit gambling within the various States throughout the Union. You are privileged to use this letter for whatever purpose it may serve in bringing about any reform to the best interests of our people.

Very respectfully,

R. E. STECKEL,
Chief of Police.
By J. FINLINSON,
Assistant Chief of Police.

"The financial magnitude of three items coming under this bill, punch boards, slot-gambling machines, and pool lotteries on baseball, stocks, and clearings, aggregate about $375,000,000 a year in our country. The manufacturers of gambling devices (four-fifths of this business in Chicago) will tell you how their gambling machines do not cheat the players, or that each one has a built-in or attached vender for gum or mints and therefore it is not a gambling machine. When a $15 vender is attached to a $100 slot-gambling machine, what does common sense say as to the real intent of the manufacturer, who claims that the machine is made for vending?

"In the case of Moberly *v.* Deskin (169 Mo. App. 627, at p. 678) the court, in speaking of a pretended legitimate slot-machine device, said: 'In no field of reprehensible endeavor has the ingenuity of man been more exerted than in the invention of devices to comply with the letter but to do violence to the spirit and thwart the beneficent objects and purposes of the law designed to suppress the vice of gambling. Be it said to the credit of the expounders of the law that such fruits of inventive genius have been allowed by the courts to accomplish no greater result than that of demonstrating the inaccuracy and insufficiency of some of the old definitions of gambling that were made before the advent of the era of greatly expanded, diversified, and cunning mechanical invention.' Other cases of the same class are the following:

"Alabama, Cagle *v.* State (1922) (18 Ala. App. 553, 93 So. 206).[1]

"Arkansas, Sheets *v.* State (1922) (156 Ark. 255, 245 S. W. 815).[1]

"Georgia, Brockett *v.* State (1924) (Ga. App., 125 S. E. 513).[1]

"Indiana, Ferguson *v.* State (1912) (178 Ind. 568, 42 L. R. A. (n. s.) 720, 99 N. E. 806, Ann. Cas. 1915C 172).[1]

"Kentucky, Welch *v.* Com. (1918) (179 Ky. 125 L. R. A. 1918C, 651, 200 S. W. 371).[1]

"Louisiana, Tonahill *v.* Molony (1924) (156 La. 753, 101 So. 130).[1]

"Maine, Lang *v.* Merwin (1905) (99 Me. 486).[1]

"Maine, State *v.* Googin (1918) (117 Me. 102, 102 Atl. 970).

"Maryland, Gaither *v.* Cate (1929) (Md. App., 144 Atlantic 238).[1]

"New Jersey, Pure Mint Co. *v.* Labarre (1924) (N. J. Eq., 126 Atl. 29).[1]

"New York, People ex rel. Verchereau *v.* Jenkins (1912) (163 App. Div. 512, 138 N. Y. Supp. 449).[1]

"North Carolina, State *v.* Lipkin (169 N. C. 265).[1]

"Rhode Island, State *v.* Certain Gambling Instruments of Samuel O. Paul (128 Atl. 12).[1]

"South Carolina, Griste *v.* Burch (1919) (112 S. C. 369, 99 S. E. 703).[1]

"Tennessee, State *v.* McTeer (1914) (129 Tenn. 535, 167 S. W. 121).[1]

"All these cases and the Missouri case, cited above, are State appellate court cases.

"At a recent court hearing in Washington, D. C., when a temporary injunction against city officials interfering with a distributor's slot gambling machines was dismissed, a representative of the Chesapeake & Potomac Telephone Co. testified that during eight months 1,318 slot-machine slugs were removed from a single pay telephone, representing a loss of $65.90. A larger item of loss by the gambling devices affected by this bill is juvenile gambling, with the following accompaniments: (1) Stealing money from home to play the machines; (2) diverting money for grocery purchases and pretending that it was lost; (3) going hungry at school and using the luncheon allowance to play the machines; (4) joining boy gangs of robbers to get money for gambling; (5) snatching purses for the same purpose."

[1] Indicates a "vending" machine case.

MECHANICS' HELPERS IN MOTOR-VEHICLE SERVICE

The Senate proceeded to consider the bill (H. R. 9227) to establish additional salary grades for mechanics' helpers in the motor-vehicle service, which was read the third time and passed.

JAMES M'CANN

The Senate proceeded to consider the bill (H. R. 609) authorizing the Secretary of the Treasury to pay certain moneys to James McCann, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$255" and to insert "$150"; on page 2, line 2, after the numerals "1920," to strike out the semicolon and the following:

Value of horse, $125; for injuries sustained by Thomas Gorman and paid for by James McCann, $25; for horse hire due to the death

of the aforesaid horse, $80; for legal expenses paid to Julius Applebaum, $25; total, $255.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $150 as full compensation to James McCann, of 1360 DeKalb Avenue, Brooklyn, N. Y., for the death of his horse, led by Thomas Gorman along Broadway, Brooklyn, N. Y., and struck by mail truck No. 384, driven by Paul V. Mundy, of the mail department, post office, Brooklyn, N. Y., on January 27, 1920.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

NARCOTIC LAW AMENDMENT

Mr. SMOOT. Mr. President, I report favorably from the Committee on Finance the joint resolution (H. J. Res. 367) which was objected to last evening by the Senator from Washington [Mr. JONES], and I ask unanimous consent that it be considered at this time. In copying the act the word "specific" was used instead of the word "specified." That is all there is to the measure.

Mr. DILL. Mr. President, I did not hear what the Senator said. What would be the effect of this joint resolution?

Mr. SMOOT. In copying the original act the word "specific" was put in, and it should have been "specified." This is simply to change the words.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which was read the third time and passed, as follows:

Resolved, etc., That subsection (b) of section 2 of the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930, is amended by striking out the word "specific" and inserting in lieu thereof the word "specified."

SEC. 2. Section 9 of such act of June 14, 1930, is amended to read as follows:

"SEC. 9. This act shall take effect on July 1, 1930."

I. B. KRINSKY ESTATE (INC.) AND OTHERS

The Senate proceeded to consider the bill (H. R. 524) for the relief of the I. B. Krinsky Estate (Inc.) and the Fidelity & Deposit Co. of Maryland, which was read the third time and passed.

R. L. WILSON

The bill (H. R. 845) for the relief of R. L. Wilson was announced as next in order.

Mr. REED. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM H. JOHNS

The Senate proceeded to consider the bill (H. R. 910) for the relief of William H. Johns, which was read the third time and passed.

S. A. JONES

The Senate proceeded to consider the bill (H. R. 1964) for the relief of S. A. Jones, which was read the third time and passed.

EARL D. BARKLY

The Senate proceeded to consider the bill (H. R. 2465) for the relief of Earl D. Barkly, which was read the third time and passed.

LOWELL OAKLAND CO.

The Senate proceeded to consider the bill (H. R. 2849) for the relief of the Lowell Oakland Co., which was read the third time and passed.

GUSTAV J. BRAUN

The Senate proceeded to consider the bill (H. R. 3422) for the relief of Gustav J. Braun, which was read the third time and passed.

MARGARET STEPP BOWN

The Senate proceeded to consider the bill (H. R. 7661) for the relief of Margaret Stepp Bown, which was read the third time and passed.

ADDIE BELLE SMITH

The Senate proceeded to consider the bill (H. R. 2075) for the relief of Addie Belle Smith, which was read the third time and passed.

B. C. GLOVER

The Senate proceeded to consider the bill (H. R. 6665) for the relief of B. C. Glover, which was read the third time and passed.

Mr. ROBINSON of Arkansas. Mr. President, in connection with the bill, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 952, 71st Cong., 2d sess.]

B. C. GLOVER

(To accompany H. R. 6665)

The Committee on Claims, to whom was referred the bill (H. R. 6665) for the relief of B. C. Glover, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1103, Seventy-first Congress, second session, which is appended hereto and made a part of this report.

[House Report No. 1103, Seventy-first Congress, second session]

The Committee on Claims, to whom was referred the bill (H. R. 6665) for the relief of B. C. Glover, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Amendment No. 1: In line 6 strike out "$5,000" and insert in lieu thereof "$2,500."

Amendment No. 2: Add a new section, as follows:

"SEC. 2. That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

STATEMENT OF FACTS

During the World War period B. C. Glover, who was then constable and deputy sheriff at Stuttgart, Ark., served a large number of papers for the Stuttgart local draft board. On the 23d day of May, 1917, while in pursuit of one James Livingston, Mr. Glover received permanent injuries, due to a runaway accident, while following said James Livingston near the intersection of First and Main Streets in the city of Stuttgart. He was knocked down and severely injured. Said James Livingston was one of the first persons to go to his rescue, and Mr. Glover, notwithstanding the injury, served his summons on said Livingston while lying on the street. These injuries resulted in extensive hospital and medical treatment, and the amputation of Mr. Glover's left leg, as shown in the affidavit of Dr. M. C. John, which is incorporated in this report. There is also incorporated in the report affidavit of William Wood, secretary of the draft board for Stuttgart; affidavit of J. R. Jeffries, city marshal of Stuttgart at the time of the accident; and affidavit of B. C. Glover. In addition to above-mentioned affidavits, the report from the War Department is made a part of this report, as follows:

WAR DEPARTMENT,
Washington, February 13, 1930.

The CHAIRMAN COMMITTEE ON CLAIMS,
House of Representatives.

DEAR MR. CHAIRMAN: Receipt is acknowledged of your request for all papers, or copies thereof, on file in the department relating to H. R. 6665, Seventy-first Congress, second session, for the relief of B. C. Glover, and for my opinion as to its merits.

Nothing has been found of record relative to the injuries claimed to have been sustained by B. C. Glover in 1917, while engaged in serving summonses for the local draft board for Stuttgart, Ark., nor has anything been found relative to any services performed by him for that local board.

There is inclosed herewith a photostatic copy of a carbon copy of a letter addressed to Mr. R. H. Elliott, sheriff, De Witt, Ark., from the chairman local board for Stuttgart, Ark., in which the name B. H. Glover was typed with those of three others at the bottom of the letter.

Inasmuch as this man was not a member of the military forces of the United States, nor at any time under the control of the military authorities, the War Department is constrained to withhold comment on the merits of the proposed legislation.

Sincerely yours,

PATRICK J. HURLEY,
Secretary of War.

Mr. R. H. ELLIOTT,
Sheriff, De Witt, Ark.

DEAR SIR: You are directed to furnish this office with a list of all registrants and their address, also the name and address of their local board, who are engaged in nonessential occupations in De Witt or any other part of the county that you may be in.

This list to be in our possession three days from receipt of this letter, and to be followed once each week with a report of any other registrant you may learn about.

You are directed to communicate this information to your deputies in order that this office may receive this information regularly each week.

Yours very truly,

——— ———, *Chairman.*

AFFIDAVIT

STATE OF ARKANSAS,
County of Arkansas, ss:

Personally appeared before the undersigned, notary public, duly commissioned and acting, for and within the county and State aforesaid, one J. R. Jeffries, who after being duly sworn states on oath as follows, to wit:

Affiant states that he is personally acquainted with B. C. Glover and has known him for a period of more than 13 years last past; that in May, 1917, affiant was city marshal of the city of Stuttgart; that on or about the 23d day of May, 1917, affiant was near the intersection of First and Main Streets in the city of Stuttgart about noon; that B. C. Glover came down Main Street and started across Main Street for the apparent purpose of going east on First Street; that at just this time a runaway horse and wagon came west on First Street and turned the corner at First Street into Main. As the runaway turned the corner a wheel came off the wagon and struck Mr. Glover on the left knee, knocking him down. I ran over to him and picked him up, and at this time a negro by the name of James Livingston came up and helped me pick Mr. Glover up. As the negro came up, Mr. Glover, before he was picked up, served the summons that he had on the negro, summoning him to appear before the draft board at once.

I have known Mr. Glover, as stated above, and know him to be a man of high moral character, splendid citizen in the community; know that he spent many months in the hospital as a result of the injury described above, with the ultimate loss of his left leg.

Further affiant saith not.

J. R. JEFFRIES.

Subscribed and sworn to before me this 24th day of May, 1929.
[SEAL.] MAUD WALTERS, *Notary Public.*
My commission expires January 14, 1933.

AFFIDAVIT

STATE OF ARKANSAS,
County of Arkansas, ss:

Personally appeared before the undersigned, notary public duly commissioned and acting, for and within the county and State aforesaid, one William Wood, who after being duly sworn states on oath as follows, to wit:

That during the war affiant was a member of the draft board in and for Stuttgart, Arkansas County, Ark., and was chief clerk of the board; that at this time B. C. Glover was personally known to this affiant; that affiant knew and knows that the said B. C. Glover was constable and deputy sheriff and knows of his own knowledge that B. C. Glover served a large proportion if not most of the papers that were served by the local draft board.

That on or about the 23d day of May, 1917, B. C. Glover was instructed by the local draft board to summons four negroes, and the summons for these negroes were delivered by the board to Mr. Glover and he was instructed to serve them and deliver the negroes immediately to the board.

Affiant did not see the accident which happened to Mr. Glover, but knows that Mr. Glover was injured on the day he was serving the papers above mentioned and that Mr. Glover was in the hospital for several months and lost his left limb as a result of the accident. Affiant further knows of his own knowledge that Mr. Glover is a man of high standing in the community, splendid moral character, and a good citizen; was such at the time the accident happened and has been such ever since.

Further affiant saith not.

WM. WOOD.

Subscribed and sworn to before me this 24th day of May, 1929.
[SEAL.] MAUD WALTERS,
Notary Public.
My commission expires January 14, 1933.

AFFIDAVIT

STATE OF ARKANSAS,
County of Arkansas, ss:

Personally appeared before the undersigned notary public, duly commissioned and acting for and within the county and State aforesaid, one Dr. M. C. John, who, after being duly sworn, states on oath as follows, to wit:

Affiant states that he is a regularly licensed and practicing physician and has been such for more than 26 years last past. That on or about the 23d day of May, 1917, he was called to wait on B. C. Glover at Glover's home; that Glover was suffering from an injury to his left knee, caused by his knee being struck by some instrument, which Glover stated was a wheel that had come off of a runaway wagon. I continued to treat Mr. Glover, and when it became necessary for his leg to be amputated as a result of his accident, affiant took Mr. Glover to Memphis, to the St. Joseph Hospital, and was present when the operation was performed removing Mr. Glover's limb, and the subsequent operations that were necessary before the stub was healed up.

Affiant further states of his own knowledge that he knows Mr. Glover was in the hospital for approximately two years; that while at short intervals Mr. Glover was out of the hospital it was necessary for him to return in a very short time; that the expense to Mr. Glover amounted to several thousand dollars, and the pain and suffering was beyond computation.

Further affiant saith not.

M. C. JOHN, M. D.

Subscribed and sworn to before me this 24th day of May, 1929.
[SEAL.] MAUD WALTERS, *Notary Public.*
My commission expires January 14, 1933.

AFFIDAVIT

STATE OF ARKANSAS,
County of Arkansas, ss:

Personally appeared before the undersigned, notary public, duly commissioned and acting for and within the county and State aforesaid, one B. C. Glover, who after being duly sworn states on oath as follows, to wit:

That he is a resident of Stuttgart, northern district, Arkansas County, Ark., and has been such for more than 21 years last past; that he has been constable of Gum Pond Township, northern district, Arkansas County, Ark., since January 1, 1914, up to and including the date of making of this affidavit.

That during the war, 1917 and 1918, he was called upon by the local board at Stuttgart to summons and other process for the said board on a very large percentage of all the work that the board required of peace officers.

That on or about the 23d day of May, 1917, the local draft board, of which William Wood was a member, instructed and ordered this affiant to summons four negroes immediately for the purpose of being drafted into the Army; that this affiant in carrying out those instructions took the papers delivered to him and immediately proceeded to serve them upon the negroes, and in doing so it was necessary for him to cross Main Street in the city of Stuttgart, near its intersection with Second Street, and while in the act of crossing the street a team ran away and turned the corner suddenly, causing a wheel to fly off the wagon, and the wheel struck affiant in the left knee, causing him to be knocked down; that it so happened that one of the negroes who this affiant was seeking was one who came to his help, lifting him up, it being impossible for affiant to arise, and while lying on the ground this affiant served the summons on the negro, and that this service completed service on the four negroes that the draft board had required.

That affiant was taken to his home and was placed under the care of the local physician, Dr. M. C. John; and the said physician, realizing the gravity of the injury of this affiant, advised affiant to go to Memphis and enter the clinic of Dr. Willis C. Campbell, so that nothing would be undone to save the left limb of affiant.

Affiant followed this advice, and placed himself under the care of Dr. Willis C. Campbell in his clinic, and for a period of almost two years was under treatment in the said clinic; that during this time two operations were performed in an attempt to save affiant's limb, which proved to be impossible, and the third operation, which removed the limb above the knee, was made.

That affiant at the time of the happening of the accident had about $7,000 in money and other property; that all of this money and most of his property was used in the necessary expenses of affiant's illness, with the result that when the limb was removed and the stump finally healed affiant was wholly without means or capital.

The four negroes summoned by this affiant are as follows: Isiah Smith, Elisha London, James Livingston, and Sol Fain.

Further affiant saith not.

B. C. GLOVER.

Subscribed and sworn to before me this 6th day of June, 1929.
[SEAL.] MAUD WALTERS,
Notary Public.
My commission expires January 14, 1933.

NATIONAL MUSEUM OF ENGINEERING AND INDUSTRY

The bill (S. 454) to establish a commission to be known as a commission on a national museum of engineering and industry was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND subsequently said: Mr. President, the Senator from North Carolina is willing to withdraw his objection to

the consideration of Senate bill 454, and I hope the bill may be passed. We had extensive hearings on the bill, it has been approved by the committee, and I hope it may be passed.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to return to the consideration of Senate bill 454. Is there objection?

Mr. JONES. Mr. President, what is the nature of this commission? What does the bill provide?

Mr. COPELAND. Mr. President, we had hearings, and it seemed proper for us to give consideration to the question of a national museum of engineering and industry in this country, but the committee felt that before that was done there should be an investigation made, and this provides for the appointment of a commission of experts in museum work, in order that this investigation may be had. The bill carries an authorization of an appropriation of $75,000, which, of course, will go before the Committee on Appropriations in due time for consideration.

Mr. JONES. How many members will compose the commission?

Mr. COPELAND. The commission as provided for will consist of an engineer, an industrial chemist, a manufacturer, three persons experienced in transportation, an educator, a representative of labor, and a museum expert.

Mr. JONES. I think this is a pretty important matter.

Mr. COPELAND. It is an important matter, but I hope the Senator will not object to it.

Mr. JONES. I think we had better let it go over until to-morrow.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

BITTER ROOT IRRIGATION PROJECT, MONTANA

The bill (S. 3826) for the rehabilitation of the Bitter Root irrigation project, Ravalli County, Mont., was announced as next in order.

The PRESIDING OFFICER. By unanimous consent, Order of Business 1068, House bill 9990, will be substituted for the Senate bill for the purposes of consideration.

Mr. JONES. Mr. President, I would like to know what the rehabilitation is and some facts in connection with the project. I do not see either one of the Senators from Montana here, and I think we had better have the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ST. FRANCIS BRIDGE, ARKANSAS

Mr. CARAWAY. Mr. President, House bill 9628 has just been reported from the Committee on Commerce. It authorizes the highway department of my State to construct a free bridge over the St. Francis River, and they are ready to commence construction. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate proceeded to consider the bill, which was read the third time and passed.

VOLLBEHR COLLECTION OF INCUNABULA

Mr. BINGHAM. Mr. President, in only a minute or two we must leave the consideration of the calendar, and I wonder if the Senate would object to my asking unanimous consent that the Senate proceed to the consideration of House bill 12696, authorizing an appropriation for the purchase of the Vollbehr collection of incunabula.

Mr. OVERMAN. Mr. President, if the Senator will yield, I would like to ask the Senator from Oregon why we can not continue with the consideration of the calendar and finish it? I hope there will be no objection to that.

Mr. McNARY. Mr. President, a suggestion of that kind was made earlier, and objection was interposed. We shall have consideration of the calendar again to-morrow at 12 o'clock.

Mr. ROBINSON of Arkansas. The request has been submitted, and I wish to make a statement myself.

Mr. BINGHAM. I hope the request will be granted.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

COMMEMORATION OF THE BATTLE OF HELENA, ARK.

Mr. ROBINSON of Arkansas. Mr. President, inasmuch as I do not expect to be in the Senate when the call of the calendar is completed to-morrow, under the order under which we have just been proceeding, I desire to ask unanimous consent, with the approval of the Senator in charge of the unfinished business [Mr. COUZENS], for the immediate consideration of Calendar No. 1077, the bill (S. 4515) to commemorate the Battle of Helena, Ark. I do not think the consideration of the measure will lead to any debate. I desire to have printed in the RECORD the report of the committee on the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

There being no objection, the Senate proceeded to consider the bill, and it was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purpose of commemorating the Battle of Helena, at Helena, Ark., the Secretary of War is authorized and directed to acquire not to exceed 1 acre of land, free of cost to the United States, at the above-named battle field, to fence the parcel of land so acquired, and to erect thereon a suitable monument.

SEC. 2. There is authorized to be appropriated the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this act, and there is authorized to be appropriated for the maintenance of the land, fence, and monument authorized by section 1 of this act a sum not to exceed $250 per annum.

The PRESIDING OFFICER. The report of the committee will be published in the RECORD, as requested by the Senator from Arkansas.

The report is as follows:

Mr. SHEPPARD, from the Committee on Military Affairs, submitted the following report (to accompany S. 4515):

The Committee on Military Affairs, to which was referred the bill (S. 4515) to commemorate the Battle of Helena, Ark., having considered the same, report favorably thereon with the recommendation that it do pass.

The bill conforms to the recommendation of the board of officers appointed by the Secretary of War to make a study of battle fields in the United States for commemorative purposes, as authorized by act of Congress approved June 11, 1926, which recommendation is contained in Senate Document No. 46, Seventy-first Congress, second session.

The historical statement of this battle, made by the historical section, War Department, is as follows:

"HELENA, ARK.

"In the spring of 1863 the principle effort of the Union forces in the West was centered on Vicksburg. Operations in Arkansas were suspended until after the important struggle for Vicksburg had been decided. The main body of troops in the Department of Missouri were sent to reenforce General Grant, then before Vicksburg. The Union force holding Helena, Ark., was reduced to send more troops to Grant, leaving a garrison of only about 5,000 men for the defense of the place.

"Taking advantage of this reduction of Union forces, the Confederate authorities in the Trans-Mississippi Department decided to move against Helena as a means of raising the siege of Vicksburg, and of keeping the Mississippi River closed in the event of the surrender of that city. Lieut. Gen. Thomas H. Holmes collected a force of about 7,646 near Clarendon, proceeded toward Helena by converging roads, and reached Allen Polk's house, about 5 miles from Helena on the morning of July 3, 1863. There he learned the fortifications of Helena were much stronger than he expected. Maj. Gen. Benjamin M. Prentiss, commanding the Union force then about 4,129 having rightly sized up the indications of a premeditated attack, had materially strengthened his position.

"Holmes's skirmishers opened up the attack on Prentiss's pickets at 3 a. m., July 4, 1863. The fight soon began in earnest and after several hours of desperate conflict the Confederates succeeded in penetrating a portion of the Union defenses, but the concentrated fire from the gunboat *Tyler*, from the forts, batteries, and infantry which had withstood the assaults, caused Holmes to withdraw his men from the field about 10.30 a. m.

"The Union losses were about 239, the Confederate amounting to about 1,590. Helena remained in the hands of the Union garrison, the Mississippi was not closed, and troops released from the siege of Vicksburg which fell on the same day, eventually operated from Helena to penetrate Arkansas."

PURCHASE OF VOLLBEHR COLLECTION OF INCUNABULA

Mr. COUZENS. Mr. President, I would like to yield to the Senator from Connecticut [Mr. BINGHAM] to call up a bill to which I objected the other day. It is necessary to have its consideration and passage in order to get an item of appropriation in the deficiency appropriation bill. I offer no objection.

The VICE PRESIDENT. The clerk will read the bill by title.

The CHIEF CLERK. A bill (H. R. 12696) authorizing an appropriation for the purchase of the Vollbehr collection of incunabula.

Mr. JONES. Mr. President, may I inquire how much of a fund is called for by the bill?

Mr. BINGHAM. The amount authorized is $1,500,000. It was testified by the Librarian of Congress that this collection is worth far more than that sum. If the bill does not go through at this time, the owner is under promise to sell it for

considerably more than that sum. The Librarian of Congress testified that this is the best investment Congress could make at the present time and would lead to gifts of many important collections to the Library of Congress.

The report was published in the RECORD the other day. The Senator from Ohio was opposed to it at that time, but has become convinced, from testimony by Doctor Putnam, the Librarian, that it is the part of wisdom to make the purchase for the Library in behalf of the Federal Government.

Mr. JONES. Is it intended to offer this item as an amendment to the deficiency bill before it is signed by the President?

Mr. BINGHAM. Yes; it will be in order as an item on the deficiency appropriation bill. In fact, I believe it is in order at the present time, but in order to be sure that the Senate actually wants to do this I thought it would be better to get this bill passed before we take up the deficiency appropriation bill. If the money is not available at this time, then the opportunity of securing the collection at far less than its commercial value will be lost.

Mr. JONES. That should be taken care of by another bill, if it is deemed of such importance. I do not want to see items like that go upon the deficiency bill.

Mr. BARKLEY. Mr. President, I hope the Senator from Washington will not object to this bill. It is simply a question of whether we can avail ourselves of this collection now or never. If we do not accept it now, the chance will never come again. The Librarian of Congress ought to have this priceless collection of some 3,000 books, one of which, I am informed, will be sold within 10 days after we adjourn, if it is not accepted by the Federal Government, at one-third the price we are asked to give for the entire collection.

Mr. JONES. That would justify the other body in passing a joint resolution covering the item. There are two or three such items that ought to be covered now.

Mr. McKELLAR. Mr. President, what the Senator from Connecticut wants is merely to have the authorization for the appropriation.

Mr. JONES. It should not be proposed as an amendment to the deficiency bill before it is signed by the President.

Mr. McKELLAR. I suggest to the Senator from Connecticut that he follow the course suggested a moment ago by the Senator from Washington.

Mr. JONES. With that suggestion I shall make no objection.

Mr. GILLETT. Mr. President, do I understand there is objection to the consideration of the bill?

The VICE PRESIDENT. There is not.

Mr. GILLETT. I do not want to object, but I wish to say a word on the subject. I shall occupy only a moment.

I opposed the bill in committee, and I simply wish to state my reasons, although I shall not object to the present consideration of the bill. It seems to me this is establishing a dangerous precedent for the United States, inasmuch as it pays $600,000 for a copy of the Gutenberg Bible. That unquestionably is one of the most curious and extraordinary books in the world, one which all of us would love to see in the Library of Congress, but I have always felt, and I still feel, that it is not wise for the United States or the Library of Congress to spend large sums for curios, or rare books such as the Gutenberg Bible. Therefore I felt in committee that I ought to oppose it. Of course other countries have done this for centuries. Great museums and libraries and collections of pictures and jewels have in the past been purchased by monarchs, who have thereby made their cities celebrated and have attracted the admiration of the world.

It seems to me, if we once commence that practice and pay large sums for curios and enter the market in competition with private collectors, we are establishing a rather dangerous precedent. In this country that has always been left to private individuals who have amassed wealth and enjoy this elevated method of spending it. And their collections always gravitate ultimately to public institutions by gift or bequest, and that habit is constantly growing. The Library of Congress is becoming a depository where rich men like to leave their collections.

When I first came to Congress the Library was housed in the Capitol and was a mere reference library for Congress and a mass of copyrighted books. But under the wise and farseeing administration of Mr. Putnam it has become a great center of education as well as an assemblage of books, and is of great value to the culture of the Nation. And more and more rich men will lavish on it their accumulations. This morning's papers told us of the recent bequest of $10,000,000 by my college friend, Mr. Folger, for the Shakespeare collection which is to be housed in the building now going up next to the Congressional Library. That is the way I think our Library will get curios without our buying them with national funds. We ought to continue to appropriate generously as we have in the past to provide the Library with books and intellectual tools for students and literary men, but I do not think we ought to spend great sums like this on rarities not connected with American history. But I have no doubt this expenditure will not only give us one of the rarest and most splendid books in the world but will also stimulate prospective donors to consider it the most distinguished and desirable depository for their treasures. And so although I think the precedent a bad one I will not object to the passage of the bill.

Mr. HOWELL. Mr. President, I would like to ask the Senator from Connecticut if the item of $1,500,000, which it is proposed to authorize, has been submitted to the Bureau of the Budget.

Mr. BINGHAM. No. The bill was passed by the House of Representatives without a single dissenting vote, a very unusual procedure. There has been a very great study of the whole situation by the committees of the House and Senate. It was testified before the committees that the collection is worth far more than Mr. Vollbehr is willing to sell it for, provided it is kept in the Library of Congress.

Mr. HOWELL. I have understood these facts, but what I want to know is whether the Bureau of the Budget considered the item? We are threatened with a deficit, I understand.

Mr. BINGHAM. Of course, this is not an appropriation.

Mr. HOWELL. But it authorizes an appropriation, and, as I understand it, the Senator wants to get the item in the deficiency appropriation bill which will shortly come before the Senate.

Mr. OVERMAN. Mr. President, may I inquire how much is asked to be authorized to be appropriated?

Mr. BINGHAM. The sum of $1,500,000. I stated to the Senator from Tennessee a little while ago that I should not press for its inclusion in the deficiency appropriation bill.

Mr. HOWELL. But it is very evident that there will be pressure for the appropriation of the amount before we adjourn. Therefore, inasmuch as we are threatened with a deficit, is it wise for us to proceed even though we should like to have the collection?

Mr. BINGHAM. We are advised that it is an extremely advantageous investment for us to make and that it will yield many times what it will cost.

Mr. HOWELL. But does the Senator regard this as an asset?

Mr. BINGHAM. Most decidedly. That is the opinion of Doctor Putnam, whom we all respect and admire.

Mr. HOWELL. Does the Senator think, under the circumstances, that we can afford to spend $1,500,000 for this collection?

Mr. BINGHAM. Yes; I do.

Mr. HOWELL. I was not greatly impressed with the threat of a deficit. However, I have listened to whatever is presented here by the various executive departments, and inasmuch as it now seems that this will not cause us any particular financial distress, I shall not offer any objection.

There being no objection, the Senate considered the bill, which was read the third time and passed, as follows:

Be it enacted, etc., That for the purpose of acquiring for the Library of Congress the collection of fifteenth century books known as the Vollbehr collection of incunabula and comprising 3,000 items, together with the copy on vellum of the Gutenberg 42-line Bible known as the St. Blasius-St. Paul copy, there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, the sum of $1,500,000, or so much thereof as may be recommended by the Librarian of Congress in an estimate submitted for the purpose.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DEMPSEY, Mr. STRONG of Pennsylvania, and Mr. MANSFIELD were appointed managers on the part of the House at the conference.

RIVER AND HARBOR BILL

The PRESIDING OFFICER (Mr. VANDENBERG in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSON, Mr. JONES, Mr. MCNARY, Mr. FLETCHER, and Mr. RANSDELL conferees on the part of the Senate.

MOTOR-BUS TRANSPORTATION

The Senate proceeded to consider the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, which had been reported from the Committee on Interstate Commerce with amendments.

Mr. JONES. Mr. President, I have the deficiency bill ready to take up. I want to get the appropriation bills through, so that any delay in our final adjournment may not be laid to that cause. I would not like to displace the unfinished business in charge of the Senator from Michigan [Mr. COUZENS]. Can the Senator give me any idea as to when I might be able to call up the deficiency appropriation bill without interfering with the measure which he has in charge?

Mr. COUZENS. I think we ought to debate the bus bill for a while and see what objections there are to the committee amendments. I am unable to state how long it may take. I am just as anxious that the bus bill should not delay adjournment as I am that the deficiency bill should not delay adjournment. I submit that it will not take any longer or create any more possibility of delay than will the deficiency bill, from what I understand the situation to be.

Mr. DILL. Mr. President, will my colleague yield?

Mr. JONES. In just a moment. The deficiency bill, like all appropriation bills, should be passed before we adjourn, so that it would probably prolong the session more than almost any other measure if it were necessary to delay final adjournment in order to get the bill passed. I have been anxious to get the appropriation bills passed as promptly as possible. I am willing to wait until probably 4 or half past 4 o'clock, and then I should like to call up the deficiency bill. I should like to call it up some time during the afternoon.

I yield now to my colleague.

Mr. DILL. Of course it is impossible to pass the bus bill this afternoon. The Senator from Michigan must know that. There are a great many amendments. The bill has never been before the Senate previously. It affects a great and growing business. It affects the use of the highways of the United States. It would seem to me that the wise thing to do would be to take up the deficiency appropriation bill now. In fact, yesterday when the bus bill was made the unfinished business that was the distinct understanding, as the RECORD will show. I hope we may take up the deficiency appropriation bill and dispose of it, and then discuss the bus bill in the regular manner.

Mr. JONES. I want to call up the deficiency appropriation bill sometime during the afternoon.

Mr. COUZENS. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE PRESIDENT. Is there objection?

Mr. DILL. I think the bill ought to be read in full and the committee amendments taken up in their order. That is the reason why I shall object to the request.

The VICE PRESIDENT. The Senator from Michigan has asked unanimous consent to dispense with the formal reading of the bill, that the bill be read for amendment, and that the committee amendments be first considered.

Mr. DILL. I object to dispensing with the formal reading of the bill.

Mr. COUZENS. Then I ask that the clerk proceed with the reading of the bill.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk proceeded to read the bill.

Mr. DILL. Mr. President, in order that the Senate may know what the fight on this bill is about, let me say that the minority of the committee believe that the objectionable feature of the bill primarily is that it requires a certificate of necessity to be granted to anybody who wants to go into the passenger-bus business in the future. We have been accustomed to having certificates of convenience and necessity for new railroads or for additions to existing railroads. Consequently, in writing this bill the majority of the committee have proceeded to provide for a certificate of necessity in the very beginning of the regulations of the motor-bus industry.

Mr. COUZENS. Mr. President, will the Senator from Washington yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. DILL. I yield.

Mr. COUZENS. Does the Senator think the statement he has just made is a correct one?

Mr. DILL. I think it is a correct statement.

Mr. COUZENS. I think the Senator will recall that the House provision was of the nature he stated, but the majority of the Senate committee propose to amend that provision so as to provide for limited competition; in other words, there have to be two competing lines in order to make a certificate necessary.

Mr. DILL. Yes; I think that is a correct statement. The Senator from Michigan and a majority of the committee propose to amend the bill by providing that if there be only one bus line running over a certain route the issuance of a certificate of necessity to another applicant who fulfills the requirements shall be mandatory. I do not care to go into a discussion of that question at this time other than to say that it involves as many objectionable features as it does good features, for the reason that there are many places where only one bus line exists, and to establish a second line would be destructive to the existing line as well as to the new line, because there is not business enough for both of them, while if the issuance of a certificate was not required the danger of competition being created by some company coming in and setting up a line would cause the existing line to render the public service of a far higher standard than otherwise.

The fact of the matter is that the majority of the committee could not meet the contention of other members of the committee that it was a dangerous and bad policy to grant a monopoly by law to existing bus lines and not give the power to fix rates to the commission. The fixing of rates by the Interstate Commerce Commission on railroads in the country was never a part of its power until the certificate of necessity provision was put into the law some 30 years after we began railroad regulation. So the majority of the committee found itself confronted by a dilemma which it could not solve; and in its attempt to get out of that situation it has placed an amendment in the bill which, in my judgment, will do more harm than good, because, undoubtedly, there are many places in the country where there is not sufficient business for two bus lines and there is no reason for two bus lines, but some ambitious bus owner or one who desires to run a bus line will make application for a certificate, and under the proposed law it will be necessary that he be given it. Thus there will be forced upon communities extra bus lines that are not needed.

Mr. COUZENS. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. DILL. I yield.

Mr. COUZENS. I wonder how the Senator's provision would remedy the evil of which he complains. The Senator does not provide for any certificate in his proposal.

Mr. DILL. No; it requires a permit.

Mr. COUZENS. A permit has to be granted in either case.

Mr. DILL. And the permit would be granted on condition that the applicant had fulfilled the requirements of providing protection to passengers and to others who might be damaged by his busses, continuity of service, and a safety provision such as the commission might provide and leave to the open field of competition the establishment or the abandonment of bus lines.

The trouble with the Senator's proposal and that of the majority of the committee is that they want to begin regulation of a new and growing business at a point which we did not reach in the railroad business for nearly 30 years after we began its regulation.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. DILL. I yield to the Senator.

Mr. BARKLEY. Does not the Senator from Washington recognize a very clear distinction even between the early stages of railroading and the early stages of interstate bus traffic in this that bus lines travel over public highways created primarily for the accommodation of the public who have their own vehicles? They do not use privately owned tracks, laid down as are railroad tracks, but busses are exercising the right of common carriers over public highways, dedicated primarily to all the people, who have a right to use them with their vehicles. With respect to the manner of requiring certificates of convenience and necessity, the Senator recognizes the difference between the situation as to bus lines and the original situation with reference to railroad lines?

Mr. DILL. There is this difference: The existing railroads have far more right to claim that a certificate of convenience and necessity be not granted to those who wish to be competitors than the existing bus lines have, because the railroads have constructed railroad lines on their rights of way; they have established their lines; they have built up their service; whereas all the bus owners have done is to acquire some busses and run them up and down the highways of the country. This

bill proposes to give the existing bus lines of railroads and other private companies a monopoly unless a potential competitor can convince the Interstate Commerce Commission that competition should be permitted.

Mr. BARKLEY. Mr. President, will the Senator yield further?

Mr. DILL. I yield.

Mr. BARKLEY. I appreciate what the Senator says about that, but it strikes me that Congress ought not to make it mandatory upon any commission to fill the public highways with unnecessary busses. In many sections of the country already it is dangerous and difficult for people with their own vehicles to proceed up and down the public highways because of what a very famous Kentucky judge once called the "numerosity" of busses on the highways. If we can protect the public from unreasonable charges, and guarantee to them adequate service, what difference does it make whether that service is guaranteed by one bus line, if only one bus line is justified, even though it may be in existence now under present arrangements, even though it may be covered into a sort of preferred status by this proposed law, based upon its previous existence?

Mr. DILL. Of course, the Senator's question is based upon the word "if"—if we can guarantee these things—but there is not anything in the bill that will guarantee them.

Mr. BARKLEY. Of course, the bill provides that rates shall be just and reasonable.

Mr. DILL. That is what the railroad lines promised before we created the Interstate Commerce Commission, but it was not until after that time that approximately such a result was obtained.

Mr. BARKLEY. Mr. President, even the power of the Interstate Commerce Commission to fix railroad rates—which is a power giving them the right to fix minimum and maximum rates but not to fix the rates on its own motion—was not granted to the commission solely on the basis of the requirement that a new railroad in order to be built must secure a certificate of convenience and necessary. When Congress undertook to say by law that the railroads should receive a certain percentage upon their valuation as compensation, which was designated in the law as a fair return, of course, Congress had to confer upon the commission the power to fix rates. So those two things go hand in hand.

Mr. DILL. Of course, the Senator knows that we did not give the commission that power until we wrote in the law the convenience and necessity clause.

Mr. BARKLEY. That is a mere coincidence.

Mr. DILL. That may be so.

Mr. BARKLEY. Because the power to fix rates applies to all the railroads in the United States, and the power to issue a certificate of convenience and necessity applies only where somebody wants to build a new railroad.

Mr. DILL. But the Senator recognizes that it would be indefensible to give the present existing railroads a monopoly and allow no new lines to be built and not have control of rates?

Mr. BARKLEY. I think that is true.

Mr. DILL. I should like to refer to the point the Senator made a moment ago as to the use of the highways. This bill applies only to interstate passenger busses. The interstate passenger business of the country to-day comprises about one-ninth of the bus business of the country. If I remember the figures aright, there are about 1,600,000,000 users of busses of whom 185,000,000 are interstate passengers. So the control provided by the bill of interstate busses is a control of about one-ninth of the passenger busses on the roads; and the bill has no effect at all upon the trucks on the highways, although the interference with traffic to-day is due more to the freight business conducted by trucks, and the destruction of highways is caused more by trucks, than it is by passenger busses.

Mr. BARKLEY. Mr. President, if the Senator will yield further, I agree with him about that, and when the bill was first taken up in the committee I brought up the question as to why we were not undertaking to regulate interstate truck business also; but the committee decided—and probably wisely—not to enter that field at this time. The only thing we are dealing with is the passenger bus.

Mr. DILL. I recognize that. However, the contention which some of us make in this matter is, since this is a growing business, since it is a new business, and since the bill affects only interstate passenger busses which constitute about one-ninth of the passenger busses of the country, that we ought first to try regulation without going to the extreme of saying that the people who now have succeeded in getting onto the highways shall be given a monopoly and be permitted to stay there unless some one else can convince the commission that he ought to be allowed to enter the business in addition to those now engaged in it.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Georgia?

Mr. DILL. I will yield in just a moment. What reason is there why the Congress should say by law that the highways built by the people's money—all of the people's money—shall be reserved for passenger interstate bus use, for railroad busses and busses of other great companies that are now using them? Why should they not take their chances with other people who make application, instead of having this "grandfather clause" in the bill which covers these companies and brings them under the wing of this proposed law and puts everybody else outside?

Mr. GEORGE and Mr. WALSH of Montana addressed the Chair.

The VICE PRESIDENT. Does the Senator from Washington yield; and if so, to whom?

Mr. DILL. I yield first to the Senator from Georgia.

Mr. GEORGE. Upon what theory is it that the use of the highways may be refused to one man for the identical purpose for which they are granted to another?

Mr. DILL. Does the Senator ask me my view as to that?

Mr. GEORGE. Yes; that is a fundamental question.

Mr. DILL. The only basis, in my judgment, upon which it can be refused is that the person proposing to use the busses in interstate business does not comply with the requirements of protection and safety to the passengers and those who are traveling in interstate commerce.

Mr. GEORGE. Exactly; but when the standard is once fixed, every citizen who is willing and wishes to comply with it has an equal right to use the public highways.

Mr. DILL. That is exactly true, and that is what we are asking for in this bill; but the proposal of the majority is by law to say that those who are now operating busses on the highways shall have a preferred right and shall continue to use the highways to the exclusion of everybody else unless others can convince the commission that if allowed to enter the business they will put on better busses.

Mr. WALSH of Montana and Mr. BARKLEY addressed the Chair.

The VICE PRESIDENT. Does the Senator from Washington yield; and if so, to whom?

Mr. DILL. I yield first to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, I understand this bill is being considered under the usual request that committee amendments be read first for consideration. I was wondering if some Senator would not undertake, before we go into the bill in detail, to outline its general character for us and to indicate to us what are the controversial questions involved?

Mr. DILL. That is the duty of the Senator in charge of the bill. I thought it was just as well to get this controversial question before the Senate. This is the dominant controversial question. There are certain other questions to be raised—one by the Senator from Nevada [Mr. PITTMAN] in relation to railroads conducting bus lines. This being the dominant controversial question on which six members of the committee signed a minority report, I wanted to get this matter before the Senate.

Mr. WALSH of Montana. I have no doubt that the matter to which the Senator from Washington is now addressing himself was threshed out before the committee; but the discussion is of very little aid to those of us who have not had the advantage of the hearings before the committee unless we first know something about the bill in general and just exactly what the controverted points are.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. DILL. I yield to the Senator.

Mr. BARKLEY. In connection with the Senator's statement referring to section 4 of the bill as a "grandfather clause" covering existing lines into the civil service, as we say, I should like to point out to him that that is true only in part. It gives them a preferred status for a period of 90 days. If they file an application for a certificate of convenience and necessity within the period of 90 days, they are then permitted to go ahead and operate until the commission shall order to the contrary. So they are only given a 90-day period because of the fact that their owners have invested their money in those bus lines, and they are given that three months' period in which to make application for the certificate which is required by the act; and, of course, the commission thereafter can make any order that it may see fit to make with reference to the existing bus lines, notwithstanding the fact that they have filed their applications.

Mr. DILL. In theory what the Senator says is true; but in practice the Senator knows, if he has read the bill, that its whole purpose is to permit the continuation of every bus line now in existence that comes up to the requirements laid down. In fact, I think the bill reads that way. I have not looked at the particular language to-day, but I am rather familiar with it. They are allowed 45 days in which to fill out a questionnaire.

A copy of all questionnaires and answers thereto shall be furnished by the commission to the board of every State in which any part of the operations of the carrier are conducted. If it appears from the answers to the questionnaire or from informaton otherwise furnished, (1) that the carrier or a predecessor in interest was in bona fide operation on April 1, 1930—

Of course, that will have to be brought down to date—

as a common carrier by motor vehicle in interstate or foreign commerce on any public highway and (except as to interruption of operations over which the applicant or its predecessors in interest had no control) continuously has so operated since that date, and (2) that such operations are bona fide for the purpose of furnishing reasonably continuous and adequate service at just and reasonable rates, and (3) that the applicant is fit, willing, and able properly to perform the service required, and to conform to the provisions of this act and the requirements, rules, and regulations of the commission thereunder, then a certificate shall be issued to the applicant by the commission without further proceedings—

And so forth. All an applicant needs to do is to come up to these requirements, and he is to be granted this certificate, while any new applicant must come in without having any service, without having anything, and be put up against those that are already in existence.

I am not going to take any more time at present; but I simply wanted to bring out this point of difference that exists between the members of the committee.

The VICE PRESIDENT. The clerk will continue the reading of the bill.

The reading of the bill was resumed.

The first amendment of the Committee on Interstate Commerce was, on page 5, line 10, after the word "hear," to strike out "and decide," so as to read:

SEC. 3. (a) Except in case of a matter required to be referred to a joint board as provided in subdivision (d), any particular matter or class of matters arising under the administration of this act may be heard and decided by the commission, or may, by order of the commission, be referred for hearing to any member or examiner of the commission. Such member or examiner shall hear the matter referred and recommend appropriate order thereon.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Interstate Commerce was on page 5, line 17, after the word "commission" to strike out "and shall, upon the expiration of 10 days after filing," and insert "and served upon the persons specified in subsection (f), and if no exceptions be taken within 20 days after service upon such persons, shall," so as to read:

With respect to such matter the member or examiner shall have all the rights, duties, powers, and jurisdiction conferred by this act upon the commission, except the power to make the final order thereon. Any order recommended by the member or examiner with respect to such matter shall be filed with the commission, and served upon the persons specified in subsection (f), and if no exceptions be taken within 20 days after service upon such persons, shall become the order of the commission and become effective, unless within such period the order is stayed or postponed by the commission.

The VICE PRESIDENT. The question is upon agreeing to the amendment of the committee.

Mr. DILL. Mr. President, of course this is simply a provision to allow the person against whom the order is issued 10 days more in which to file an objection or file a petition. I do not know that it is particularly important either way. Probably it is an improvement in the bill. I have not any particular interest in that particular amendment. I do want to call attention, however, to the fact that while this bill says "all motor vehicles," when we come to read the definition we find that it entirely disregards the most important motor vehicles engaged in interstate business, namely, those engaged in the truck business.

Mr. COUZENS. Mr. President, will the Senator yield at that point?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. DILL. I yield.

Mr. COUZENS. Most of these truck operators are not common carriers. That has been very clearly demonstrated—that most of them are contract carriers, and, therefore, they would not be common carriers in interstate commerce. That is one of the reasons why they are not included in the bill.

Mr. DILL. Of course the Senator knows that a large number of them are common carriers.

Mr. COUZENS. Very few.

Mr. DILL. The Senator knows that many of them get licenses on the basis of being common carriers; and the fact of the matter is, I think, that in the House they took out the truck business because they wanted to avoid the opposition of a lot of truck-operating people, and they wanted to avoid a lot of lawsuits that might grow out of including them.

Mr. COUZENS. Of course the Senator knows that the majority of these truck operators are not common carriers. Most of them are contract carriers from plant to plant, and do not hold themselves open to accept freight at any tariff rate, nor do they go from one fixed terminus to another. They may go from one warehouse to another warehouse, but it is done on a contract basis and not on a tariff basis.

Mr. DILL. Of course the Senator knows that a great many of them carry private freight, just the same as the railroads do, from one town to another, or as individuals carry freight from one community to another; and they are just as clearly common carriers as any railroad train can be.

Mr. COUZENS. But they have no published tariff, and they do not accept freight unless they have a contract for it.

Mr. DILL. No; because they have never been placed under the law; but they certainly can be placed under the law if it is so desired.

Mr. COUZENS. I am just wondering what that has to do with this bill, because it was understood at the beginning—the Senator himself made the statement—that this bill was only to regulate busses that carry passenger traffic.

Mr. DILL. If this bill is really to protect the highways, which the Senator said there is such need of, it ought to protect the highways as to the freight business as well as the passenger business. I am not advocating that it be done; but I am calling attention to the fact that this is a bill primarily in the interest of the railroads that own the bus lines that parallel them, and in the interest of the bus owners that now have established routes and do not want anyone else to be able to come in and interfere with them. That is what this bill is.

Mr. COUZENS. No one is particularly denying that, except to state the fact that this traffic has reached such a point that it seems necessary to establish some rules and regulations to govern it, even though the bus lines are operated by the railroads, or are already intrenched in the business.

Mr. DILL. And because it is desirable to have some rules and regulations this bill is proposed, which gives to the existing bus-line operators a monopoly of the situation. It is to that that I object; and that is the part of the bill that is against the interests of the American public.

Mr. COUZENS. The Senator is wrong again. The bill does not create a monopoly, for the very reason that the committee put in an amendment to prevent a monopoly; and it is on that point that the Senator from Kentucky [Mr. BARKLEY] disagreed with the committee. The House of Representatives, when the passed the bill, truly made a monopoly. The committee amended it so that there would not be a monopoly; and after the committee had done that the opposition arose from the railroads and the intrenched bus companies.

Mr. DILL. No; that particular amendment will apply only to a few cases. When I say "a monopoly," I mean a control by one or two sets of owners of these busses; and that is what exists all over this country and will exist all over this country.

What is the situation? I suppose other Senators, while not perhaps receiving as many as I have, have received large numbers of telegrams in the past few days, those in my State coming from railroad employees, saying that it is of extreme importance to the railroad employees that this bus bill pass. Now, why? Because the railroad officials have gone to them and said to them, "Wire your Senator. Tell him to support this bill. It means more employment for you." Why will it mean more employment for these employees? Because it will give the railroads that have bus lines an absolute protection against any real competition in the future, and they can control the passenger business in their particular States.

Mr. BARKLEY. Mr. President, I do not think it is quite fair to the railroad brotherhoods, that represent over 2,000,000 people in the United States, to say that they have importuned Senators because they have been asked to do it by the railroads.

Mr. DILL. Will the Senator let me interrupt right there?

Mr. BARKLEY. I doubt if the Senator can substantiate that statement.

Mr. DILL. That is just what I wanted to say to the Senator. I have a telegram from a railway men's organization of my State saying that they have been importuned, and wanting to know why the railroads wanted them to support the bus bill and why I opposed it. I did not bring the telegram over here, but I will bring it over if the Senator has any question about it.

Mr. BARKLEY. Independently of that, the railroad employees, of course, have an interest in the continuation of railroad traffic, just as railroad investors have; and very naturally, of course, the bus lines have made it necessary to take many passenger trains off the railroads, which has thrown hundreds of thousands of men out of employment; and from that standpoint alone, of course, the railroad employees are interested.

I think the Senator should not let the RECORD show that. They have come here and testified before our committee in the open, men here representing the railroad employees. They have their interest in it, and it is not quite fair to say that they are only interested because the railroad presidents and other officers have asked them to become interested.

Mr. DILL. I am not condemning the railroad employees, but I had this telegram this morning, and I felt justified in saying that they have done it in my State, and I think they have done it in others, because the railroad employees would not know anything about the bill if the railroad officers had not gone to them about it. Of course they want the railroad business maintained.

Mr. BARKLEY. The railroad brotherhoods have been urging legislation for a good many years; in fact, since 1925, when the Supreme Court held that the Interstate Commerce Commission had no power and that intrastate commissions had no power to regulate interstate bus business. There has been a demand on the part of the railroad employees generally to have legislation regulating the traffic between the States and bus lines. I am satisfied that of the hundreds and hundreds of letters and telegrams I have received from not only my State but from all over the United States in behalf of bus legislation, not one out of a hundred of those telegrams and letters has been instigated by any railroad importuning its employees to write or wire to me.

Mr. DILL. They probably were not all importuned directly, but I do know that the railroad officials have been importuning the employees on various occasions in connection with this and other legislation.

Let me say that I am not opposing regulative legislation. What I am opposing is the part of this bill which proposes to throttle future competition in the development of the bus business. It is as though when the railroads first were developed in this country we had given to the canal-boat owners the right to control the development of the railroads. It is the same kind of a thing.

The Senator from Nevada has an amendment which would prohibit the enlargement of the bus business by railroad company ownership. They ought to be absolutely prohibited and divorced. They ought not to be permitted to control this great developing passenger business over highways paid for by the people.

Mr. GLENN. Mr. President, I do not know why they should be prohibited.

Mr. DILL. I should have added, if this certificate of necessity provision is kept in. I left that out.

Mr. GEORGE. Mr. President, if the Senator will pardon me, what I am utterly unable to comprehend is why anybody should be given a privilege over a public highway which every other person who meets the same qualifications can not exercise. Upon what possible theory can that be justified?

Mr. DILL. The Senator has put his finger directly upon the indefensible part of the certificate-of-necessity provision.

Mr. GEORGE. It is not necessary to regulation. It is not necessary to the most rigid regulation. It can not be justified upon any such theory.

Mr. BARKLEY. Mr. President, will the Senator from Washington yield?

Mr. DILL. I yield.

Mr. BARKLEY. I will state to the Senator what I suppose he already knows, that practically all of the States of the Union have enacted legislation regulating intrastate busses. This legislation only comes here because it has been held that these commissions in the States have no power whatever to regulate interstate busses.

Mr. GEORGE. I understand that, but why should it be put in the discretion of any board or of the Interstate Commerce Commission to determine the question of public necessity and convenience? Why is that necessary at all?

Mr. BARKLEY. Because, as I contend—and some members of the committee do not agree with me—the public highways were not built and dedicated in the first place for common carriers. The public highways were constructed for all the people.

Mr. GEORGE. Exactly, but the Senator is proposing to give them to some people and deny them to others who have the same qualifications.

Mr. DILL. I must ask Senators to debate in their own time.

Mr. BARKLEY. Mr. President, may I get this one sentence out of my system?

Mr. DILL. I will let the Senator finish his sentence.

Mr. BARKLEY. My contention is that the public highways thus dedicated and thus constructed should not be used for hire except to the extent to which it is necessary that they be used for that purpose.

Mr. GEORGE. Mr. President, will the Senator yield to me once more?

Mr. DILL. I yield for one more statement.

Mr. GEORGE. The very moment we insert the phrase "to the extent necessary" we cut out one citizen and permit another citizen to use public highways for a purpose to which we deny them to other citizens. It is all right to say that they shall not be used except by individuals, if that is desired, who are able to provide a bus of a certain weight, if you wish; and who must agree to charge a certain fare, if you please, and comply with any needful or proper regulation; but it is all wrong to give to one man any rights on a public highway which are denied to another man, when they put themselves in identically the same situation.

Mr. DILL. Mr. President, I can not yield any further.

There are a number of these minor amendments, to which I am not going to object, because I have no particular interest in them; but I think the joint board question, which is taken care of on page 6, should be explained to the Senate when we reach that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will continue the reading of the bill.

The legislative clerk resumed the reading of the bill.

The next amendment of the committee was, on page 5, line 23, to strike out "An application in writing for the review of any such matter may be made to the commission, whereupon it shall be its duty" and to insert in lieu thereof the words "Where exceptions are filed as herein provided it shall be the duty of the commission."

The amendment was agreed to.

Mr. BARKLEY. Mr. President, in view of the confusion which seems to exist in the minds of some as to just what the questions in connection with this bill are, I should like to make a brief statement as to my understanding of what is really before us.

This legislation, as I intimated a while ago, has been long delayed. The motor-bus business has developed to such an extent that one may now go from one end of the country to the other, from New York to San Francisco, all the way over the country or any portion of it, by motor bus. This form of travel has become so prevalent that all the States, with one or two exceptions, have found it necessary to enact legislation to regulate the use of motor busses on the highways within those States.

My view of the use to which a public highway may be put is that primarily public highways were constructed and dedicated for the benefit of all the people—those who ride in wagons, who ride in busses, who ride horseback, who ride in automobiles, or who walk. That was the primary object of creating public highways and dedicating them to the public use.

It is my theory that if there are more busses on a highway than are really needed for the convenience of the public, to that extent those busses interfere with the primary object of the creation of the highway.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DILL. The Senator realizes that if proper restrictions are placed around the interstate bus business, no more busses will be used than will be economically profitable, and that the needs of the business itself will control the number of busses.

Mr. BARKLEY. Theoretically that might be accepted as a sound proposition, but as a matter of fact it does not work out that way, because there are always adventurous spirits who will enter a field for the purpose of driving somebody else out who is already in it, or in the hope that in the future business may increase to such an extent that there would be room for more than those now in the business.

Mr. DILL. Does the Senator think the time has come in this country when we should prevent these adventurous spirits, if the public be properly protected, from developing the business, as they have developed every great business in the United States?

Mr. BARKLEY. I think we have to apply a different rule to the ordinary business man who enters any private enterprise from the rule which we apply to the use of a public highway.

Mr. GEORGE. Mr. President, may I ask the Senator a question?

Mr. BARKLEY. I yield.

Mr. GEORGE. May it not be true also that there are just too many individual cars on some public highways in the United States?

Mr. BARKLEY. Yes; that may be true; but they have a right to use them.

Mr. GEORGE. Would the Senator advocate granting them certificates of necessity to travel and regulate them in that way?

Mr. BARKLEY. I do not care to enter into the ridiculous aspect of this situation.

Mr. GEORGE. That is not ridiculous; it is exactly the same proposition, I will say to the Senator.

Mr. BARKLEY. No; the Senator's proposition is, if I may take him seriously in his inquiry—and I do not like to take the Senator otherwise than seriously at any time—whether we are to require a certificate of convenience and necessity in order that a man owning his own conveyance may travel over a highway. I draw no analogy whatever between a man driving over a highway in his own conveyance and somebody using it for vehicles for hire.

Mr. GEORGE. The Senator is getting away from his proposition.

Mr. BARKLEY. I am not getting away from the Senator's.

Mr. GEORGE. Oh, yes, the Senator is. The Senator said that the time might come when because of the multiplicity of bus lines it would be necessary to regulate them through some such legislation as this. I asked the Senator if the time had not in fact come when through the multiplicity of privately owned cars there was some degree of inconvenience and perhaps very great inconvenience in the use of the highways.

Mr. BARKLEY. That is true, and that is the very reason why I do not want those highways cluttered up with unnecessary busses.

Mr. GEORGE. I understand that, but the Senator proposes to grant one the right to use them and deny another the right to use them, when both can meet precisely the same conditions.

Mr. BARKLEY. Yes; but they may not both be needed. If there is only enough traffic on a given highway to accommodate one bus line or one bus, why should we be required to allow somebody else to use the highway for vehicles for hire, not for his own conveyance but for vehicles for hire?

Mr. GEORGE. If the Senator were proposing to prevent anyone from using a highway for hire, I would say "All right; that is a mere matter of public policy," but when the Senator is proposing to permit one individual or one company to use a public highway for operating vehicles for hire, then I do not see how it can be advanced seriously that another individual or company which can comply with every condition imposed has not the same right to the public highway.

Mr. BARKLEY. If the Senator's theory were carried out, it might be possible to go to the extreme of saying that the public highways should be used exclusively for the use of busses, and every private conveyance would be driven off the highways.

Mr. COUZENS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Michigan?

Mr. BARKLEY. I yield.

Mr. COUZENS. To show the absurdity of the position taken, as it seems to me, by the Senator from Georgia, if we grant one gas company or one electric-light company or one telephone company or one street-railway company or one taxicab company the right to use the highways of a municipality, then, because we have done that, we have to grant every application.

Mr. BARKLEY. I was just coming to that.

Mr. GEORGE. Oh, however absurd the Senator thinks my position is, we do not grant the telephone company the right to use the public highway as a method of transportation. We do not grant the telephone company the right to use the public highway for the purpose to which the highway is dedicated. It is simply one of the incidental rights the municipality has over it.

Mr. COUZENS. We grant the right to a street-car company or taxicab company, and we grant exclusive rights to bus companies, too.

Mr. GEORGE. That is all very true.

Mr. COUZENS. So because we grant to one person, the Senator's contention that we have to grant to all is absurd, as I consider it.

Mr. GEORGE. I am sorry the Senator considers it absurd. A great many things in the judgment of the Senator are absurd, but they are not in point of fact absurd at all. This is a public highway.

Mr. BARKLEY. Mr. President, I should like to continue.

Mr. GEORGE. I beg the Senator's pardon.

Mr. BARKLEY. The Senator from Georgia, carrying out his own theory, would not advocate on the part of a municipality the granting of a franchise to establish a street-car line over the public streets of a city to anybody who came and made application for it, although there might already be a street-car line in the street and although that street-car line might be sufficient to accommodate the people of that municipality.

Mr. GEORGE. The Senator knows a street-car line is a public obstruction within the streets.

Mr. BARKLEY. So is a bus.

Mr. GEORGE. Oh, no; it is not.

Mr. BARKLEY. The Senator has never tried to pass one of them on the highway, then.

Mr. GEORGE. It is not primarily an obstruction. It is a vehicle that moves with the traffic. The Senator knows that the public highway——

Mr. BARKLEY. The Senator from Georgia must know——

The VICE PRESIDENT. Senators will please talk one at a time.

Mr. GEORGE. I beg the Senator's pardon. I shall not undertake to talk in the Senator's time.

Mr. BARKLEY. I apologize for interrupting the Senator.

Mr. GEORGE. I could not very well talk in the Senator's time if he undertakes to talk continuously himself.

Mr. BARKLEY. Proceed. I yield.

Mr. GEORGE. The Senator also knows that the public highway, which is owned by States, counties, municipalities, or the Federal Government, is not a different thing from the streets within a single municipality.

Mr. BARKLEY. No; I do not think so.

Mr. GEORGE. The street-car tracks are permanent obstructions. They occupy definitely a particular part of the street; whereas the bus, if it be no larger than the private car, does no more than the private car. Do not understand me to say that I do not think that a State within its jurisdiction or the Federal Government within its jurisdiction should have the right to deny any bus line the use of its highways as a public carrier; but I do not see how the Senator can justify the granting of the privilege to one company to use the public highway for transportation purposes and deny it to any other company when that other company can comply with all the rules and regulations we may see fit to impose.

Mr. BARKLEY. Mr. President, my theory is that there is in principle no difference between a street and a highway, except that one is within the municipality, maintained by taxing the people of that municipality, and the other is maintained by the people of the county or the State or the United States. But they are both highways. They are both public highways. In principle there is no difference. They are all dedicated to the use of the people. No man has a right to use that highway as a private means of profit.

Mr. GEORGE. The Senator is quite right.

Mr. BARKLEY. Nobody has the right, as a matter of right, to use either the street or the highway out through the country belonging to all the people as a method of making money. It is a privilege that may be granted by the governing authority, in the city by the municipal council, and in the State by either the legislature or by some commission constituted by the legislature.

Mr. GEORGE. I take no issue at all with the Senator on those propositions, because I accept them in general as being correct. Within the municipality I certainly would not, as a member of the legislative body, grant to one bus line a privilege to operate that another bus line, which came and offered to comply with the identical conditions, might not likewise have.

Mr. BARKLEY. Assuming that nobody has a right as a matter of right to occupy or use a public highway or a street for private profit, and assuming that it is a privilege granted not for the convenience of the operator or the street-car system or the bus line, but a privilege granted because it is necessary for the convenience of the people, certainly the Senator would not advocate a policy which would make it necessary for the public highway or the street to be used by more grantees of that privilege than the public necessity or convenience might require. Certainly there ought not to be more street-car lines on any given street of any municipality than are needed for the convenience and transportation of the people. The mere fact that a man has a right to apply for that privilege ought not to make it mandatory upon the public authorities to grant it unless it is necessary, not only for the convenience of the people themselves but as a matter of good faith between the public authorities and those who have been granted the privilege. In other words,





we can not induce capital to go into the establishment of transportation lines unless there is a fair chance of compensation adequate for the risk.

Mr. PITTMAN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Nevada?

Mr. BARKLEY. I yield.

Mr. PITTMAN. I want to know if the Senator sees any distinction in the fact that, on the one hand, street-car lines and railroads are treated as public-utility corporations and the proper regulating body has authority to fix the rates they may charge, while on the other hand, under the terms of the bill now before us, the attempt is made to maintain the monopoly without granting to the Interstate Commerce Commission the right to fix rates.

Mr. BARKLEY. In the first place, the bill makes public utilities out of the bus lines by making them common carriers and therefore subject to regulation.

Mr. PITTMAN. I know, but they do not fix the rates.

Mr. BARKLEY. No; they do not fix the rates; neither does the Interstate Commerce Commission as a matter of practice fix the rates on the railroads. They have the right to fix minimum and maximum rates, but the rates charged by the railroads are initiated by the railroads themselves, and they are approved or disapproved by the Interstate Commerce Commission. But when the Interstate Commerce Commission disapproves a rate which has been initiated by a railroad, the Interstate Commerce Commission does not itself fix another rate as a substitute. It waits for the railroad to initiate another rate. It may intimate what a fair rate would be, but it waits for the railroad company to initiate another rate upon which it may later pass.

The bill now here, while it does not give the Interstate Commerce Commission the power to fix rates definitely, does say it has the power to see that the rates are just and reasonable.

Mr. PITTMAN. I know the Senator wants to be accurate, and one of us is in error.

Mr. BARKLEY. At first blush I would be the first to suggest that probably I am.

Mr. PITTMAN. As a matter of fact, the Interstate Commerce Commission is authorized by the transportation act of 1920 to fix rates.

Mr. BARKLEY. It is authorized to see that the rates are sufficiently high to bring a fair return upon the investment.

Mr. PITTMAN. That is not all.

Mr. BARKLEY. The rates are initiated primarily by the railroads.

Mr. PITTMAN. But not always. That is another place where the Senator is incorrect. The testimony in the recent hearings before the Interstate Commerce Commission showed that application was made to put in a rate of 67 cents on steel over a certain railroad line between certain points. The rate was fixed at 80 cents.

Mr. BARKLEY. Of course, the Senator will realize that where we embark upon the policy of undertaking by legislation to guarantee a fair return to the railroads we automatically confer a great deal more power on the Interstate Commerce Commission to see that the rates are maintained that would bring that result. That does not apply here because we are making no sort of guaranty.

Mr. PITTMAN. I agree with the Senator that under the transportation act of 1920 we adopted a system for the purpose of eliminating competition. Why? There are only two ways by which to have reasonable rates. One of them is through competition and the other is through a board or commission having the power to fix reasonable rates. We decided in 1920 that railroads should have what we call a certificate of public convenience and necessity—that is, if one railroad was supplying adequate transportation we would not let another one come in, at the same time removing competition, but not granting to the commission the right to fix rates.

Mr. BARKLEY. That was not brought about solely in order to limit competition. The Senator knows that in the heyday of railroad construction in the country many unprofitable railroads were built. Many thousands of American citizens were induced to subscribe to stock for the construction of railroads that ought never to have been built that were failures from the very beginning. A part of the reason which actuated Congress in requiring a certificate of convenience and necessity was to protect the public against any more wildcat railroad building which, in the very nature of the location and the character of the traffic, could not hope to be profitable.

Mr. PITTMAN. That might have been one of the reasons, but at the same time we protected the public against monopolistic rates. However, in the bill now before us and which we are now considering I find this language:

> Nothing in this act shall be construed to authorize the commission to fix a rate, fare, or charge.

Mr. BARKLEY. Yes; that is true. That is the same provision which was in the act to regulate commerce. Congress never departed from that theory and that policy until Congress decided to write into the law a provision that should attempt at least to assure the owners of railroad stock a fair return upon their investment.

Mr. GLENN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BARKLEY. I am glad to yield to the Senator.

Mr. GLENN. It seems to me the only interest the public has in the question of fixing rates is to see that they are just and reasonable. I do not know why they care to have the Interstate Commerce Commission write the schedules so long as the rates are not excessive. The bill provides, on page 23, that—

> The rates, fares, and charges of such carriers for operations under any certificate of public convenience and necessity issued under this act shall be just and reasonable.

If the rates are kept just and reasonable who can complain when they can not under this provision be anything else than just and reasonable rates?

Mr. BARKLEY. That is the point I suggested, and to which I was coming a little later.

The controversy over the bill relates to the two propositions, whether the Interstate Commerce Commission shall be empowered or required to issue to any applicant a certificate of convenience and necessity before it may embark in the interstate bus business. I think that the requirement is reasonable. I think it is in the interest of the public. I think it is in the interest of those who are traveling over the highways in their own vehicles.

Believing as I do that the right to use a public highway which has been built by the people by taxation is a privilege to be conferred by the governing authority, I believe that the conferring of that privilege ought to be limited to those whose services are necessary in the interest of the people who have built the highways. In other words, if there is one bus line already in existence on an interstate highway which is serving the public, which is carrying all those who desire to travel by bus, and they are doing it with reasonable convenience and regularity, and the rates are just and reasonable, I do not believe any government, either national, State, or municipal, is under any moral or political obligation to grant somebody else the privilege to do that if their services are not needed in the interest of the public.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BARKLEY. In just a moment. I come back to my original proposition that the public highways are primarily dedicated to those who have their own methods of travel, and no use of them for hire is privileged to be granted by the State or the municipality.

I yield now to the Senator from Washington.

Mr. DILL. The Senator in taking that position also believes that the monopoly which he would grant to a single bus line should not have its rates fixed by the Interstate Commerce Commission?

Mr. BARKLEY. I think the provision in the bill which requires that the rates should be just and reasonable gives the commission all the power that is necessary to be given. I do not believe the commission ought to be given the power to initiate and fix rates. The rate schedules ought to be filed with the commission, and the commission ought to have the power of veto over those rates, and that power of veto gives the commission all the power that I think is necessary now in order to protect the public against undue charges.

Mr. GLENN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BARKLEY. I yield.

Mr. GLENN. Is not that almost the universal practice followed by every utility commission of the 48 States which have such commissions? They do not write rate schedules.

Mr. BARKLEY. That is my understanding. The State commissions which regulate, as the Senator from Washington says, probably nine-tenths of the bus traffic in the United States, do not fix rates; there may be one or two that do; but, as a general rule, the utilities commissions of the States have power of veto over rates initiated by the bus lines; and this bill was framed

very largely as a composite of the State laws on the subject of the regulation of intrastate busses.

Mr. GLENN. Mr. President——

Mr. BARKLEY. I yield to the Senator.

Mr. GLENN. In the matter of fixing rates the provisions of this bill are in line with the usual activities of State commissions in connection with gas, light, water, power, and other utilities. None of the public utility commissions with which I have had any experience write schedules of rates. They have just the authority which is supposed to be given by this bill, namely, if rate schedules are unreasonable, of course, they can disapprove those schedules.

Mr. BARKLEY. If the commission is given the power originally to fix rates, it must enter into a long procedure as to what a fair rate would be before any rate has even been charged by the utility.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Arkansas?

Mr. BARKLEY. I yield.

Mr. CARAWAY. There are two questions, which doubtless the Senator has already discussed, but I unfortunately was not present, about which I desire to ask him. Under the terms of the pending bill, anybody would be in violation of it who hauled a passenger over a highway from one State to another unless he complied with the provisions of the bill, and that fact were recognized, and a certificate given him?

Mr. BARKLEY. Anybody who has an established bus line between a point in one State and a point in another State would have to come under its provisions, but it exempts busses engaged in hauling school children or teachers, taxicabs, and vehicles which are not on any regular schedule. If an isolated bus should make a trip from Arkansas into Tennessee, and charge a fare, I do not think this bill would cover it, because those operating it would not be establishing a bus line; they might make but the one trip.

Mr. CARAWAY. I do not see, though, why they would not fall within the provisions of the bill and be subject to be penalized for disobedience of it.

There is another question I wish to ask. Ordinarily the regulation of bus lines has been in the interest of the railroads and not in the interest of the traveling public——

Mr. BARKLEY. The only regulation thus far has been by States, and if what the Senator says is true, it is the fault of the States and not the fault of the Federal Government.

Mr. CARAWAY. Possibly so, but bus lines which have wanted to lower rates in order to get the traffic, have been required to raise their rates. Under the provisions of this bill, that is exactly what would happen, would it not, namely, the bus line would be compelled to raise its rates so as not to compete with the railroad?

Mr. BARKLEY. No; there is nothing in this bill that would require a bus line to charge the same rate as that charged by a railroad; and there is nothing in this bill that would require the Interstate Commerce Commission to require them to charge the same fare.

Mr. CARAWAY. But is not that back of the framing of the bill? Is not that in contemplation, and is not that what will happen?

Mr. BARKLEY. No, sir; I do not think so.

Mr. CARAWAY. I should be very much surprised if that should not happen.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Michigan?

Mr. BARKLEY. I yield.

Mr. COUZENS. I think an examination of the bill will show that it specifically prohibits the commission, in connection with bus lines, from taking into consideration the conditions of operation on railroads.

Mr. BARKLEY. As one of the elements entering into a fair and just rate.

Mr. COUZENS. In other words, in considering the operation of bus lines, railroads may not be considered; the bill particularly exempts them, so as not to tie together the two methods of transportation.

Mr. BARKLEY. The bus line must show, upon its own standing, upon its own investment, on the character of its service, without regard to any other character of service rendered by anybody else, that its fares are just and reasonable, and if they are not based upon such premises the Interstate Commerce Commission is given the power to interpose its veto.

Mr. CARAWAY. It may be a necessity—I am not passing on that—but it is a regrettable fact that every means of transportation and every facility which the people may initiate to take care of their interests finally must be regulated from Washington.

Mr. BARKLEY. I will state to the Senator that that condition may be regrettable, but I take the position, however much we may be wedded to local authority in the regulation of local matters, the complexity of American life has become such that we can not escape the responsibility of recognizing our duty in matters that are national and in matters that are linked up between States and can not be regulated by any local authority.

Mr. CARAWAY. I can not conceive that the use of the highways is so tied up.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Montana?

Mr. BARKLEY. I yield.

Mr. WALSH of Montana. The discussion, particularly the remarks of the Senator from Illinois, have prompted me to say that it seems to me we ought to profit by our experience in the effort to regulate the railroads. The original interstate commerce act provided, as does this bill, that rates must be just and reasonable. Under that provision when a rate was attacked as unjust or unreasonable and the Interstate Commerce Commission found perchance that it was unjust or unreasonable, that is all it could do; it could not determine what rate was reasonable, but only that the particular rate was unreasonable. That provision was found practically ineffective, until we were obliged to give the Interstate Commerce Commission not only the power to determine that a particular rate was unreasonable and unjust but to determine what rate was reasonable and just.

Mr. BARKLEY. Of course, the Senator will recognize——

Mr. WALSH of Montana. Let me proceed for a moment.

Mr. BARKLEY. Very well.

Mr. WALSH of Montana. Under that power, Mr. President, the Interstate Commerce Commission does not undertake to write rate schedules at all. The railroad companies continue to write the schedules which they file with the commission. Then, if anyone complains that a particular rate is unjust or unreasonable, or on its own motion, the Interstate Commerce Commission may institute an inquiry as to whether the rate is unjust or unreasonable, and, in that connection, it will find what rate is reasonable and what rate is just and declare that rate.

Why should not the commission be given exactly the same authority with respect to bus transportation, and why should we impose upon the Interstate Commerce Commission the duty of determining whether a certain rate is reasonable or unreasonable, and, finding that it is unreasonable, allow the bus company to establish another rate, which would again be challenged as being unreasonable, and a second inquiry instituted, and so go on ad infinitum, instead of giving the commission the power under such circumstances to determine the proper rate?

Mr. WAGNER. Mr. President, will the Senator permit an interruption?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from New York?

Mr. BARKLEY. I yield.

Mr. WAGNER. I was going to suggest to the Senator from Montana that that is the situation with reference to the power conferred upon all the State public utilities commissions.

Mr. WALSH of Montana. I was going to make that remark.

Mr. WAGNER. They not only determine the reasonableness of rates, but actually fix a rate which they regard as reasonable.

Mr. WALSH of Montana. I was going to make that remark in connection with the argument advanced by the Senator from Illinois. He is quite right that utilities commissions do not ordinarily fix rates; the utility company itself fixes its rates, but when some one challenges those rates as being unreasonable or unjust, the commission then institutes an inquiry, not alone on the question as to whether the particular rate is unjust or unreasonable, but an inquiry to establish what rate is just and what rate is reasonable.

It seems to me, Mr. President, that to invest the Interstate Commerce Commission with the power to determine simply whether a rate is just or reasonable will accomplish very little.

Mr. BARKLEY. Mr. President, of course the Senator is correct in the statement that prior to the transportation act the language of the act to regulate commerce was very similar to the language of the pending bill. It gave the commission power to see to it that rates were just and reasonable. A schedule of rates would be filed by a railroad, and if anybody complained against it, the commission entered into an inquiry to determine whether that schedule of rates was unjust and unreasonable. If the commission determined that it was unjust and unreasonable,

of course the railroad company had to come back then with a rate which the Interstate Commerce Commission would hold was reasonable and just.

Mr. WALSH of Montana. No.

Mr. BARKLEY. Because they could declare a second rate——

Mr. WALSH of Montana. Undoubtedly.

Mr. BARKLEY. They could declare a second rate fixed by the railroad unjust and unreasonable.

Mr. WALSH of Montana. Necessitating a second inquiry.

Mr. BARKLEY. It might necessitate a second inquiry, but it would finally whittle them down to a rate that would be fair and just, according to the Interstate Commerce Commission.

When we passed the transportation act we adopted an entirely different policy with reference to the railroads of the country. It was argued before the committees of Congress and before the committee of conference, of which I happened to be a member at the time the transportation act was framed—and it was very largely framed in conference by the conferees and not by either the Senate or the House—it was contended that, inasmuch as the Government of the United States exercises the power to regulate the rates charged upon railroads, as a corollary to that the railroads have the right to ask the Government to see to it that those rates are sufficiently high to bring in a fair return upon the investment of the stockholders in railroad properties.

The Interstate Commerce Commission does not now initiate rates; it does not now fix schedules of rates; it still goes through the same procedure through which it went prior to the enactment of the transportation act, except that now it does have more power to indicate what a just and reasonable rate is as compared to a rate fixed in a schedule filed by a railroad company.

So far as I am individually concerned, I would not quarrel with a provision in this bill which would be somewhat along the same line with reference to the regulation of busses; but we must take into consideration this, which I think presents a different situation: There is more variation in the character of bus business, taking the United States as a whole, than there is in the railroad business. The railroad business has been stabilized; transportation customs of railroads have been stabilized, and it is much easier for the Interstate Commerce Commission to fix a blanket of rates covering the entire United States, or a given portion of the United States, than it would be to fix a blanket of rates covering any large aren of the country with respect to bus rates, because the traffic is different, the hauls are different, the density of population is different. So I think it would be much more difficult for the Interstate Commerce Commission to fix a schedule of rates with the power to initiate such rates or say specifically what they ought to be in each case than to do so with reference to the railroads.

I want to come now to another controversial matter.

Mr. DILL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Washington?

Mr. BARKLEY. I yield.

Mr. DILL. I want to call the Senator's attention to the operation of the requirement as to securing certificates of convenience and of necessity. In some States, at any rate, the commissions refuse to allow bus lines to be established because they think bus lines would interefere with the railroad business. They do not put it on that basis, but the fact that the railroads are always fighting the granting of such certificates results in the commissions not allowing bus lines to be established. I have particularly in mind a case in my State, where there for three years an effort has been made to establish a bus line from eastern Washington to western Washington, but we have never been able as yet to get a certificate of convenience and necessity because the railroad lines have always opposed it.

Mr. BARKLEY. The Senator will agree with me, I think, that that is not a matter with which we can deal; that is not a concern of the Federal Government. If the people of Washington have not sufficient power over their State authorities or their State public utilities commission to see to it that proper competition is guaranteed, I do not see how Congress can remedy that.

Mr. DILL. I simply point to that as an illustration of what happens when there is granted to a regulatory body the power to say whether or not a bus line shall exist. If the same situation prevails in other States—and I am sure it does, as well as in mine—it undoubtedly will occur in the case of the commission under this bill. The attitude of the commission in the matter of granting certificates of convenience and necessity to railroads amply proves what I say.

Mr. BARKLEY. I do not think the Senator can fairly impute to the Interstate Commerce Commission any laches with reference to the performance of its duty. Such a thing may be imputed to some State commissions, as the Senator seems to do with reference to his own State public utilities commission, but I myself know nothing about that.

Mr. DILL. It may not be laches on the part of the Interstate Commerce Commission, but I do know that it results in the refusal to allow new railroads to be built.

Mr. BARKLEY. Congress authorizes them to do that.

Mr. DILL. Exactly.

Mr. BARKLEY. If a new railroad is not needed, if a new railroad has no fair chance of being profitable and serving the public, there is no real reason why it ought to be built just to exercise the muscles of those who build the tracks or are willing to invest their money.

Mr. DILL. If we had had such a provision of law, we never would have had half of the railroads in the West that we have to-day.

Mr. BARKLEY. That may be; but having built all the railroads that are needed, by and large—because the day of railroad building in this country is over—the activities of railroads now must be confined to improving the facilities they already possess. They have already invaded the forests and the deserts. They have already bridged the rivers and tunneled the mountains. There is no longer any virgin territory for railroad building in this country, except in a very limited degree.

Mr. DILL. But that point has not yet been reached in the development of the bus business; and what the minority of the committee is objecting to is the application of a rule that came about because it was believed that most of the railroad building that was necessary had been finished to a bus business that has only really begun to develop in this country.

Mr. BARKLEY. I think the Senator and all of us must keep in mind the difference between going out across private land and building a railroad and using for profit the public highways that belong to all the people, which I regard as a privilege to be granted or withheld as the public may see fit.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Arkansas?

Mr. BARKLEY. I do.

Mr. CARAWAY. Under the provisions of this bill, if a bus line be granted a certificate of convenience and necessity, does the Senator think that the power then lies to compel it to continue to operate that line, or may it cease to operate when it gets ready?

Mr. BARKLEY. The bill undertakes, as far as we think we have the power to go, to authorize the commission to put into effect such regulations as may be necessary to assure permanence of operation. Of course, I do not suppose we can pass any law that would compel any corporation to continue business if it wanted to cease under certain circumstances; but I think we have gone as far as we could go to protect the public against these fly-by-night organizations that come in during the busy seasons of the year and get the cream of the traffic, and then go out of business when bad weather comes.

Mr. CARAWAY. Oh, I think without question you have ample authority under this bill to keep anybody out; but, on the other hand, I was asking how far you thought you had the power to keep them in—to require somebody to stay out while giving to a company that has a franchise the right to continue under it, and then let that company cut down its service or suspend it altogether.

Mr. BARKLEY. I think there is full authority in this bill for the commission to prevent that; but in the very nature of things the Senator knows and all of us know that even the most successful corporations sometimes go out of business. They cease to operate. They may transfer their property to somebody else. I know of no way by law to guarantee that any organization will be perpetual.

Mr. CARAWAY. Oh, well, Mr. President——

Mr. BARKLEY. I do not want to misinterpret the Senator.

Mr. CARAWAY. That is all right.

Mr. WAGNER. Mr. President, will the Senator yield for a moment before he leaves the question of the fixation of rates?

Mr. BARKLEY. I yield.

Mr. WAGNER. The Senator contrasted this situation with the power which the Interstate Commerce Commission now has to fix the rates of railroads, and says that this task being so much more difficult, perhaps it would be an unfair imposition to compel the Interstate Commerce Commission to fix the rates in the case of the operation of bus lines.

Must they not perform that task anyway? No matter where these busses may operate, upon the complaint of a citizen the commission would have to go into the question as to whether or not a particular bus line is charging a reasonable rate; and in order to determine that question, of course, they must ascer-

tain what is a reasonable rate. After having ascertained what a reasonable rate of charge would be, however, you leave them without the power to fix that as the rate to be charged. In other words, you confer upon them no legislative power at all. The legislative power is the power to fix rates. The judicial power is merely the power to determine whether or not the rate charged is reasonable. The latter is the only power you have conferred upon them, which is ineffective.

Mr. BARKLEY. I will say to the Senator that neither the House nor the committee of the Senate felt that at this time it was wise to go that far in conferring this power on the Interstate Commerce Commission.

In the first place, while it is true that probably a larger proportion of the railroad business of the country is interstate, it is on the contrary true that a very preponderant amount of the bus business is intrastate. I believe about nine-tenths of the bus business of this country is intrastate, and it is regulated by the States in accordance with their own laws. Many of the State commissions—in fact, most of them—have urged this legislation; and I think it was drawn very largely along lines that were in harmony with the laws of the various States on the subject.

This bill undertakes to inject the Federal Government into an interstate situation just as little as is possible. It provides that in any controversy between two States with reference to regulation of bus travel and rates and practices, where two rates are involved, the matter may be left to a board created by the two States involved, drawn from their own public utility commissions. We have gone as far as we could to leave the determination of these controversies that arise over State lines with reference to the transportation of passengers by bus to local authorities or joint boards set up by them, so as to remove the complaint that the United States is undertaking to regulate all these local controversies that arise over State lines.

Mr. WAGNER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from New York?

Mr. BARKLEY. Yes.

Mr. WAGNER. You do, however, confer upon them the power to ascertain whether or not a rate charged is reasonable?

Mr. BARKLEY. Yes.

Mr. WAGNER. Perhaps I did not make myself clear. The thought I was trying to convey was, having given them that power, would it not be more effective to give them the power also, after having ascertained what a reasonable rate is, to fix that particular rate?

The ordinary experience would be that nothing would happen unless somebody complained about the exorbitant charge made by one of the companies. Then the commission would inquire whether that particular charge is reasonable or unreasonable. Whenever they conclude that investigation, they are powerless to do any more except to say, "You must charge a reasonable rate." Instead of leaving them in that impasse, why not give them the additional power to say to this particular company, "This is the charge which you must make as a reasonable charge"?

Mr. BARKLEY. That is a very legitimate and pertinent inquiry. I think probably the investigation which they would make in the first instance to determine whether a rate was reasonable or unreasonable would furnish the information that might enable them to fix a rate that would be reasonable. It is a question of individual opinion whether or not Congress ought to go that far. If the Senate sees fit to go that far in conferring this power on the commission, I shall not complain about it; but I am not convinced that in the present juncture of the bus business, with all the complex regulations of the various States on the subject, it is wise now to go that far in this legislation.

Mr. WAGNER. Mr. President, will the Senator yield further?

The VICE PRESIDENT. Does the Senator from Kentucky further yield to the Senator from New York?

Mr. BARKLEY. I do.

Mr. WAGNER. If I may make one more suggestion, I think that presents a difficult legal question, because a legislature is attempting to confer upon one of its agents the exercise of a purely judicial function. In other words, the fixation of rates is, as the Senator knows better than I do, a legislative function. The determination of the question as to whether or not the rate charged is reasonable is purely a judicial function.

Mr. BARKLEY. Of course, the Senator will realize that in the transportation act we also adopted another policy legislatively which was in harmony with the Shreveport decision which was very prominent in our discussions recently with reference to a distinguished citizen of the United States, that where a State commission fixes a rate on a railroad for intrastate business that is so low as to place a burden on interstate business the Interstate Commerce Commission has the right to nullify that rate, and require that a rate shall be fixed that will be adequate for the service rendered within a State. In this bill we specifically seek to avoid that by saying in so many words that the Interstate Commerce Commission shall not have the power to nullify a State rate fixed for a State bus line, notwithstanding the fixing of that rate might in some way be construed to interfere with interstate commerce. We have not sought in this bill to go as far in superimposing the authority of the Nation over the bus business as we have gone in superimposing that authority in the regulation of railroad traffic.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky further yield to the Senator from New York?

Mr. BARKLEY. I yield again, but I have already occupied more time than I had intended to occupy.

Mr. WAGNER. I will not disturb the Senator further; but I did not intend to suggest that the power conferred upon the commission should be expanded. My suggestion was that in those cases in which they have a right to determine as to whether or not the rate is reasonable, they also should have the power to fix a reasonable rate to be charged.

Mr. BARKLEY. Yes; I understand the Senator's position.

Mr. WAGNER. I had no desire to interfere with the exercise of any State function.

Mr. BARKLEY. Now, I want to talk for just a moment about the other controversial matter.

Mr. PINE. Mr. President, will the Senator yield for just one question?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Oklahoma?

Mr. BARKLEY. Yes.

Mr. PINE. As I understand this bill, we have eliminated competition, and the fixing of rates by competition.

Mr. BARKLEY. No; I do not think so.

Mr. PINE. Does the Senator maintain that we shall still have the fixing of rates by competition after the passage of this bill?

Mr. BARKLEY. I think there is nothing in this bill that prevents competition if competition is required. This bill simply covers into a preferred status for a period of 90 days those bus lines that already exist; and if within that period they file an application for a certificate of convenience and necessity, they may go ahead and operate until the commission shall order otherwise. The commission may order otherwise the next day, for any reason that may be sufficient to it, and put that bus line on the same status as if it were a new applicant. It has this preferred status for a period of 90 days only. After that the commission must consider the needs and necessities of the community sought to be served; and if they decide that more than one bus line is needed for the service of the people, they have the power to authorize as many bus lines as they see fit, or as the needs of the people may require. So, in my judgment, there is nothing in this bill that stifles competition or prevents competition, of course, subject to the regulation of the Interstate Commerce Commission.

Mr. PINE. If convenience and necessity require them to issue the certificate, then they issue it?

Mr. BARKLEY. Yes; but why should a bus line be allowed to run up and down a highway unless there is some necessity for it? Why should it run off the highway everybody else that has his own convenience unless it is needed? That is the very thing we are talking about.

Mr. PINE. Why should it not run, if it wants to run, on the public highways?

Mr. BARKLEY. If a bus line wants to go out on some private highway of its own, and run up and down the road until it has worn its wheels off, that is nobody's business but its own; but so long as a bus line is using a highway built by the people it has no right to use it except as it is needed for the convenience of the people. A bus company certainly has no right to fill the highways with a lot of busses that are not needed simply because somebody wants to establish such a line.

Mr. GLENN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BARKLEY. I do.

Mr. GLENN. Does not this bill as drawn, instead of stifling competition, expressly provide for competition where there is only one bus line, and provide that, upon application, another bus line must be granted authority to operate?

Mr. BARKLEY. Yes; and I object to that amendment, myself, because it requires the commission to put a bus line into operation whether it is needed or not, and that is the very thing I want to come to.

As the bill passed the House, it contained no such provision. It provided, in effect, that the commission had the power to survey the situation and decide, where there is one bus line, or more than one bus line, whether another one is needed, always keeping in view, I think, the welfare and convenience of the rest of the people who want to travel on the highways. We can not escape our responsibilitity or our duty to them.

The Senate committee provided in its amendment that, where there is only one bus line in existence, that fact itself shall be a mandatory condition which requires the commission to authorize the operation of another bus line, although it may not be needed.

I happen to know the situation in my part of the United States. I live in the little city of Paducah, out in western Kentucky, and there is now a bus line between Paducah and Memphis, Tenn., which would come under this interstate bus bill. There is a bus line between the city of Paducah and the city of St. Louis. There is also a bus line between Paducah and the city of Evansville, Ind. There is one between Paducah and Nashville. All of those are interstate busses.

I happen to know that none of those bus lines is now paying any profit. They were entered into by one of these venturesome spirits referred to a while ago by the Senator from Washington and myself, hoping that eventually traffic would increase to such an extent that the enterprises would be profitable; but now they are not profitable, and they are not making any money on their investment, although they are serving a great need in that part of western Kentucky, southern Illinois and Missouri, and western Tennessee, and up as far as Indiana.

Under this amendment of the Senate committee, if anybody else applies for a certificate of convenience and necessity to run a competitive bus line over the same highway, although the one now in existence is not profitable, the Interstate Commerce Commission is required to issue that certificate of convenience and necessity, merely because there is no other bus line in existence.

It is not permitted to take into consideration the need of the community. It can not take into consideration whether the people want another bus line or not. All it is empowered to inquire into is whether there is only one bus line, and if there is only one bus line, it is required to give a certificate for another one to start up.

We know that that sort of competition is not healthy competition. We know that that sort of competition will drive men out of business rather than invite them into it. If running over a State line there is a bus line which is not now profitable, one bus line which can not make any money, why should the commission be compelled to authorize the establishment of another line, which will make it still more difficult for the one originally in business, as well as the second one, to operate at a profit?

Mr. GLENN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BARKLEY. I yield.

Mr. GLENN. Would it not also present a very strong inducement on the part of unscrupulous business men, where there was a profitable bus line with enough business to maintain one with some profit, to go into business there in competition for the purpose of being bought out by the one already in business?

Mr. BARKLEY. Yes; I think this provision lends itself to that sort of unscrupulous conduct. If some organization knows that there is only one bus line in existence over a highway, knows that the traffic on that highway is not sufficient to justify another, it may go into a conspiracy to make application deliberately for the purpose of bluffing somebody, or inducing some one to buy them out or buy them off; so that they would not pursue the application in good faith.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Montana?

Mr. BARKLEY. I yield.

Mr. WALSH of Montana. Does not this discussion really present, in a very concrete way, the two conflicting theories of monopoly with regulation and competition as a regulator of business?

Mr. BARKLEY. The Senator is right. This sort of legislation naturally brings to the front the question of policy whether it is better in some way to provide for monopoly with proper regulation, or take chances on wildcat competition producing the same conditions that would be brought about by competition.

Mr. WALSH of Montana. It will be remembered that when the railroads were originally projected, having in mind the canal system, it was contemplated that a line would be built and that anybody who wanted to run trains over the railroad would have an opportunity to do so. That was found to be an entirely impracticable system, and was abandoned. But the canal system was long run, and in Europe it is run to-day, upon that system. Canals are built, and anybody who wants to run a boat on the canal system may do so, and it is generally regarded that by allowing free and open competition with respect to the matter we escape altogether the question of regulating rates. So with respect to the bus lines. Of course, it is not expected that anybody is going to start a bus line in opposition to one already running unless the projectors believe that they can make some money out of the operation, and they believe they can make some money by offering competition to the line already existing. Thus rates are reduced automatically without any regulation.

What is the reason for insisting that that sound principle of regulation of rates by competition should not be given perfect freedom of action with reference to bus lines? Why leave it to some regulative body to say, "These rates are just and reasonable, the service is plenty good enough," when a competing company going into the business for the purpose of making money says, "We would like to establish a competing line here, and we will carry passengers for less than what you say is a reasonable rate, and we think we can make money out of the operation."

What harm will come to the public by allowing free operation of the principle of competition in the operation of these bus lines?

Mr. BARKLEY. Mr. President, I will answer the Senator as it occurs to me. We will take a bus line which is established in good faith.

Mr. WALSH of Montana. Mr. President, will the Senator pardon me just a moment further?

Mr. BARKLEY. Certainly.

Mr. WALSH of Montana. With respect to railroads, the situation to my mind is somewhat different. We have adopted the principle of certificates of convenience and necessity in the case of railroads because the railroads establish their own rights of way. They run through certain country, and they develop that particular country, communities and cities are built along the line, and if another line came along and took away all of the business of the road, it would operate to the destruction of the cities built along that line, and result in general disaster. But is not this question with reference to the bus lines altogether different? They do not go into virgin territory and carve it out and build cities and towns, and establish communities, and that kind of thing. They establish themselves only in regions already developed, and developed to such an extent that they have good, hard-surfaced roads already running through the country. That is the situation which prompted, and which practically impelled us, to prevent, if I may use the word, the construction of railroads which would be competing with those already in existence. Are not the conditions entirely different, and are not the conditions which made that policy necessary with respect to railroads entirely wanting in the case of the bus?

Mr. BARKLEY. The conditions are entirely different, and that difference in conditions actuates me in arriving at a conclusion somewhat different from that which the Senator has reached, apparently.

The railroad which went out into virgin territory built its own track; it had the exclusive right to use that track; nobody else could use it except the railroad which built it.

If we were proposing to build at public expense highways for the busses to run over exclusively, I would say that that would present a different situation. But here is a question of allowing these bus lines to operate for profit on highways built by the people for their own use, primarily for their own use, and if it ever comes to a question where the public or the busses must abandon the highways, I think the busses would have to abandon them, and allow the public to use them as they were constructed for that purpose.

We have this situation in many sections of the country. A group of men will go into the bus business in good faith as a permanent investment and to render a permanent service to the people. There is now no power to prevent anybody else from coming in and occupying the whole territory, or any portion of it.

We will assume that for a season of three or four months some other group desires to come in, during the summer months, we will say, and operate a bus line for three or four months and participate in the cream of the traffic, until the conditions are less favorable, and then they, like the Arab, fold their tents and slink away, leaving the permanent bus line with its permanent investment, to operate the year around under unfavorable conditions. Certainly that kind of competition is unhealthy. While it may bring a temporary benefit to the public for three or four months by a reduction of summer rates between given

points on a bus line, taking the year around, when the people want service, and dependable service, I do not conceive that to be a healthy character of competition.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. BARKLEY. In just a moment. It will not induce men to go into the bus business as a permanent investment, relying upon what I think they have a right to rely upon, namely, continuous traffic in so far as it may be needed in that section.

Mr. WALSH of Montana. Mr. President, it seems to me that situation could very easily be met by licensing the line upon condition that it give continuous service.

Mr. DILL. That is the proposal on the part of the men who oppose this measure.

Mr. GLENN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BARKLEY. I yield.

Mr. GLENN. I believe the Senator from Montana has not taken into consideration a very important matter, one which seems to me to be perhaps the most important matter of all. That is the great congestion caused on many of the highways of the country by the buses, where there are two buses or three buses where only one bus could do the business.

We meet them on the highways, especially in the great cities, where they drive the private person operating his own car off the road. It seems to me that it is in the public interest to relieve that congestion as much as possible.

Mr. WALSH of Montana. I fully agree with the Senator, but that is a matter for police regulation, obviously, not to allow so much traffic on a road as to endanger human life. There ought to be some arrangement so that there would not be such traffic as would bring about a condition of congestion.

Mr. BARKLEY. Mr. President, that whole thing is involved in the question of convenience and necessity, whether such a bus line is necessary, whether the convenience of the people demands it, and that is really the primary consideration in the use of the public highways by anybody for hire.

Mr. WALSH of Montana. I look upon the question of convenience and necessity as quite different from the question of congestion.

Mr. BARKLEY. Of course, the question of congestion in a city or in contiguous territory wholly within a State is not what we are dealing with. We are talking about bus lines over which Congress has jurisdiction, and that is not wholly a matter of police regulation.

Mr. President, I have already occupied much more time than I had intended, and I do not wish to keep the Senate longer. I did want to give my views on these controversial matters.

Mr. BLAINE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Wisconsin?

Mr. BARKLEY. I yield to the Senator.

Mr. BLAINE. I am quite in harmony with the suggestion of the Senator from Montana. The question of congestion upon the highways has nothing to do with the question of the certificate of convenience and necessity. The mere fact that there is congestion upon certain highways will not be justification for the commission denying a certificate of convenience and necessity.

Mr. BARKLEY. Just there, if the congestion is such on any interstate highway that the authorization of another bus line in addition to existing bus lines would add to that congestion, without serving the convenience and necessity of the people, I think it is involved in the whole question, as I suggested a moment ago.

Mere congestion on a highway by itself might not be involved in the question of convenience and necessity, but if it is unnecessary congestion, not to meet any reasonable need or requirement of the public, or to serve their convenience, then I think the commission would have the power and the right to deny a certificate to an applicant in a congested area unless the convenience and necessity of the public should require it.

Mr. BLAINE. In that case, of course, the certificate of convenience and necessity would not be granted because of the public demand for conveyances. The question of congestion might exist in conjunction with a very great demand for additional means of conveyance.

Mr. BARKLEY. I do not interpret the word "convenience" to apply simply to those who want to get on and off of busses. I think the word "convenience" applies to the whole public who travel the highway, and the commission would have the power to take that into consideration in determining whether another bus line was needed.

Mr. BLAINE. Mr. President, will the Senator permit another question?

Mr. BARKLEY. I yield.

Mr. BLAINE. It seems to me that the bill is the first step toward denying to the States the proper regulation of traffic upon the highways.

Mr. BARKLEY. I will say to the Senator that the bill is here because of the overwhelming, if not unanimous, request of all the States that Congress enact a law which will enable some regulation of interstate business to be brought about. They are now embarrassed because, while they have the power to regulate the bus business wholly within the States, they have no power to regulate any business that goes across State lines, and they have for five years been petitioning Congress to enact this sort of legislation.

Mr. BLAINE. That demand does not come from the people, and it does not come from the legislative arm of the State governments. It comes from certain commissions in the respective States who are subordinate to the legislatures.

Mr. BARKLEY. The commissions are the creatures of the legislature, and the legislature is the creature of the people, so, after all, they are supposed to speak for the people. The reason why they speak is because they say they are powerless to deal with the situation, that only Congress can deal with it, and that is why they ask us to deal with it.

Mr. BLAINE. The legislative tendency is to restrict the operation of busses. We had a recent illustration of that in the State of Ohio, where the State legislature restricted the length and size of busses, and the Federal court sustained that policy.

Mr. BARKLEY. Whenever such a situation arises, wherever the busses become too long or too wide so as to occupy the entire highway, so a man can not go up and down the highway in his automobile or on horseback or in a wagon or buggy, we will find the legislatures restricting the busses in their size. That is the very thing I have insisted on from the beginning—that the roads were built for the people for their own use and not to be filled up by busses.

Mr. BLAINE. But what is proposed by the bill now before us is to permit the Federal Government to occupy the field of regulation in interstate commerce. When we do that we are going to do it to the exclusion of our State legislative power and thereby we are destroying the police power of the States in the regulation of the use of the highways, which are built not by the Federal Government by any means, or in very small proportion, but largely out of the pocketbooks of the people of the States.

Mr. BARKLEY. Of course, Congress has the power, as the Senator knows, to regulate interstate commerce. The States can not do that. Everybody understands that, and that is why they ask us to do it. We have gone as far as possible in leaving the authority in the States, because we provide that in a controversy with reference to a bus line between two States it may be settled by a board composed of one member of each of the State public-utility commissions of the States involved. We have gone as far as possible to leave the control within the local authority.

Mr. PITTMAN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Nevada?

Mr. BARKLEY. I yield; but I still insist that I want to yield the floor.

Mr. PITTMAN. All right. If the Senator desires to yield the floor he may do so; but I think the Senator ought to be corrected in an error he just made when he said that all the State public-utility commissions have petitioned Congress.

Mr. BARKLEY. I said the overwhelming majority, if not all. I am certain that everyone did.

Mr. PITTMAN. I know that my own State opposed it very bitterly on the very ground stated by the Senator from Wisconsin [Mr. BLAINE].

I also wish to call attention to the fact that as I remember the act—the Senator is more familiar with it than I am—the State boards could only act as examiners and they can render no decision at all which is not subject to review and veto by the Interstate Commerce Commission.

Mr. BARKLEY. Of course the Senator understands that Congress can only make this board, composed of one member from each State, an agency of the Federal Government. It can not confer finally that jurisdiction upon the State, because only the Congress has the power.

Mr. PITTMAN. If we are going on with the debate I shall proceed; otherwise I will not do so.

Mr. COUZENS. Mr. President, I send to the desk three amendments to the pending bill which I ask to have printed and lie on the table.

The VICE PRESIDENT. The amendments will be printed and lie on the table.

Mr. BLAINE. I send to the desk a proposed amendment which I shall offer at the proper time. I ask that it may be printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

RELIEF OF FOREIGN SERVICE OFFICERS AND EMPLOYEES

Mr. PITTMAN. On behalf of the senior Senator from New Hampshire, Mr. MOSES, chairman of the conference committee, I present a conference report on House bill 10919, and ask for its present consideration. I will say that it is a complete agreement.

The report was read, considered, and agreed to, as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10919) entitled "An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, and 4, and agree to the same.

GEO. H. MOSES,
CLAUDE A. SWANSON,
KEY PITTMAN,
Managers on the part of the Senate.
H. W. TEMPLE,
JOSEPH W. MARTIN, Jr.,
J. CHAS. LINTHICUM,
Managers on the part of the House.

RIVER AND HARBOR BILL—CONFERENCE REPORT

Mr. JOHNSON. Mr. President, I ask leave to present the conference report on the river and harbor bill, with the statement that the bill is accepted by the House exactly as passed by the Senate. I ask that the conference report be read and agreed to.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, and 105, and agree to the same.

HIRAM W. JOHNSON,
W. L. JONES,
CHAS. L. MCNARY,
JOS. E. RANSDELL,
Managers on the part of the Senate.
S. WALLACE DEMPSEY,
NATHAN L. STRONG,
J. J. MANSFIELD,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

SUITS FOR INFRINGEMENT OF PATENTS

Mr. DILL. Mr. President, I desire to make a very brief statement in connection with the bill (S. 4442) relating to suits for infringement of patents where the patentees are violating the antitrust laws. I should like to say that at the proper time I shall move to strike out the first section of the bill.

The elimination of the first paragraph will meet many of the objections that have been made. In this form the bill will create no new illegalities. It will merely provide that a violator of the Clayton or Sherman antitrust laws shall not be in a position to enforce his patents so long as he is violating those laws. He must come into court with clean hands. If he stops his violation of the antimonopoly laws, his right to go into court is automatically restored to him.

There is here no confiscation of patents and no forfeiture. It is merely as if we were to padlock a bootlegger's automobile so long as he is trying to use it to violate the prohibition law. It does not even go so far as the prohibition law in confiscating the lawbreaker's property.

In its amended form the bill will read as follows:

Be it enacted, etc., That it shall be a complete defense to any suit for infringement of a patent to prove that the complainant in such suit is using or controlling the said patent in violation of any law of the United States relating to unlawful restraints and monopolies or relating to combinations, contracts, agreements, or understandings in restraint of trade, or in violation of the Clayton Act or the Federal Trade Commission act.

SEC. 2. Where the defendant in any patent-infringement proceedings pleads any of the defenses set forth in section 1 hereof such defense or defenses and the issue or issues raised thereby shall be tried separately and judgment entered thereon prior to the hearing on any other issues raised by any other defenses.

The bill is written solely to provide protection against lawbreakers. Its passage will end patent racketeering.

The bill is written to protect the independent inventors against the monopolies which are being built up under the pretense of an alleged patent situation. If those monopolies are perpetuated, the independent inventor will have only one market for his inventions. There is opposition to the bill among the members of the patent bar. These gentlemen are under a grave misapprehension. The bill is written to protect them, not to injure them. Unless the bill is passed and patent racketeering stopped, there will soon be little work for independent patent lawyers. The patent bar would then consist largely of the patent lawyers of the trusts, built around illegal combinations of patents in the various industries.

This legislation is the most important item of antimonopoly legislation now before the country. I ask permission to insert in the RECORD the text of the unanimous report of the Committee on Patents on the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

Mr. DILL, from the Committee on Patents, submitted the following report (to accompany S. 4442):

Your committee, to which was referred S. 4442, held full hearings on the bill and considered it carefully and desires to report it favorably without amendment. This bill is identical with S. 2783 of the Seventieth Congress, second session, reported favorably by the Senate Committee on Patents, with the exception that section 3 of this bill is new. This section provides that when any of the defenses set forth in sections 1 and 2 are pleaded by a defendant in a patent infringement suit, the issues thus raised shall be tried separately from and previous to the hearing of other issues raised by other defenses.

Your committee believes this is a valuable addition to the fomer bill, since it makes clear the procedure in cases of this kind.

This bill does not provide for forfeiture of patent rights because of violation of laws against restraint of trade and antitrust laws, but simply suspends the right of a patentee to enforce actions for infringement so long as the violation of the laws referred to continues. This suspension would continue just as long as the owner continued to violate the antitrust laws.

This bill places the burden of proof upon the person charged with the infringement of the patent. This means that if the combination is found to be guilty of violating the law by the use or control of its patents or the patents of others in a line of business closely connected, its patent is suspended until it has so reorganized its business that it is no longer guilty of that offense. That is to say, the bill simply compels the patentee who sues for infringement to come into court with clean hands and thus is a natural and proper use of the police powers of the Government.

This statute is intended to protect not only independent competitors of patent combinations that are illegal, but also those who are independent inventors in the arts. At the present time independent inventors often find it almost impossible to secure a market for their inventions. They must either sell their patents to an existing monopoly on whatever terms it decides to fix or they must find capital that will not be intimidated by the fear of having to fight a firmly entrenched monopoly and to carry on defensive litigation to prevent that monopoly from destroying the new invention.

The very fact that the Government has issued a patent to an inventor, an exclusive privilege, a monopoly, granting him the right, for 17 years, to exclude anyone else from manufacturing, using, or selling his invention should put upon such a patentee the burden of a scrupulous observance of the laws of the United States. It is particularly iniquitous if the holder of such a privilege should use it to violate the antitrust statutes or any other laws.

When the patent laws were written inventors exploited their own discoveries, usually alone. Now inventions are developed almost exclu-

sively by corporations, and we find that bankers and lawyers, instead of inventors, are the real beneficiaries of the patent laws. One of the results of this revolution in our industrial system has been a multiplicity of patents often covering trivial inventions—all with the purpose of blanketing an art and of making competition difficult, if not impossible.

Worse than this has been the effort to combine groups of patents, both important and trivial, to a point at which the very multiplicity of patents has made competition impossible. The very threat of patent-infringement suits has often been sufficient to prevent the entry of new capital in industry or even to keep out inventions which might contribute greatly to the progress of an art.

This bill is aimed to prevent such an abuse of the patent system. It has been charged that legislation of this character threatens to break down the patent system, upon which our industrial progress has been largely founded. This is not true. The destruction of the benefits of that patent system will be inevitable if those who abuse it to create illegal monopolies are permitted to continue to protect their infractions of the law under pretense of patent rights.

The Clayton law was written largely because the Supreme Court held that the prohibitions of the Sherman Act did not prohibit contracts containing tying or restrictive clauses based on manufacture, sale, or use of patented articles. It was to cure that defect that Congress wrote the Clayton Act and forbade such agreements, whether based on patented or unpatented devices.

Just as the Sherman law was at that time not sufficient to protect the freedom of competition from combinations in American business and industry, we now find that the Clayton law seems not to be broad enough to cover the newest forms of patent abuses.

RENEWAL OF PASSPORTS

Mr. WAGNER. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 10826) to provide for the renewal of passports. It simply provides a reduction in the charge for passports from $10 to $5.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to regulate the issue and validity of passports, and for other purposes," approved July 3, 1926 (U. S. C., Supp. III, title 22, sec. 217a), is amended to read as follows:

"SEC. 2. That the validity of a passport or visa shall be limited to a period of two years: *Provided*, That the Secretary of State may limit the validity of a passport or visa to a shorter period and that no immigration visa shall be issued for a longer period than that specified in the immigration act of 1924 or amendments thereto: *And provided further*, That a passport may be renewed, upon the payment of $2 under regulations prescribed by the Secretary of State, for periods of not to exceed two years each, but the final date of expiration shall not be more than six years from the original date of issue: *And provided further*, That the charge for the issue of an original passport shall be $5."

MARKER AT JASPER SPRING, GA.

Mr. GEORGE. Mr. President, I ask unanimous consent to take from the calendar Order of Business No. 999, the bill (H. R. 10209) authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the sum of $2,500, or so much thereof as may be necessary, is hereby authorized to be appropriated, to be expended under the direction of the Secretary of War, for erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell and to mark that battle field.

SEC. 2. The Secretary of War is authorized to do all things necessary to accomplish said purpose, by contract or otherwise, with or without advertising, under such conditions as he may prescribe, including the engagement, by contract, of services of such architects, sculptors, artists, or firms or partnerships thereof, and other technical and professional personnel as he may deem necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, and to spend in accordance with the provisions of this act such sum of money as may be placed in his hands as a contribution additional to the funds appropriated by Congress.

SEC. 3. The plan and design of such tablet or marker shall be subject to the approval of the National Commission of Fine Arts.

SEC. 4. The title to the land deemed appropriate for the site shall be vested in Chatham County, Ga., and care of the site and monument shall be without expense to the Federal Government.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved the following acts:

On June 23, 1930:

S. 3619. An act to reorganize the Federal Power Commission;

S. 4518. An act granting the consent of Congress to the Texarkana & Fort Smith Railway Co. to reconstruct, maintain, and operate a railroad bridge across Little River in the State of Arkansas at or near Morris Ferry; and

S. 4606. An act granting the consent of Congress to the State of Georgia and the counties of Wilkinson, Washington, and Johnson to construct, maintain, and operate a free highway bridge across the Oconee River at or near Balls Ferry, Ga.

SECOND DEFICIENCY APPROPRIATIONS

Mr. JONES. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the second deficiency appropriation bill.

There being no objection, the Senate proceeded to consider the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be disposed of first.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Legislative," on page 2, after line 3, to insert:

SENATE

To pay William A. Folger for extra and expert services rendered the Committee on Pensions as assistant clerk to said committee, by detail from the Bureau of Pensions, fiscal year 1930, $600.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to insert:

For payment to Henry M. Barry for clerical services rendered the Joint Committee on Aerial Coast Defense, and the Joint Commissions on Airports, and Insular Reorganization, fiscal year 1930, $1,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to insert:

Contingent expenses: For miscellaneous items, exclusive of labor, fiscal year 1930, $30,000.

The amendment was agreed to.

Mr. JONES. From the Committee on Appropriations, I desire to offer the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. On page 2, after line 14, insert:

Not to exceed $750 may be paid out of the contingent fund of the Senate, miscellaneous items, fiscal year 1931, for medical supplies, equipment, and contingencies for the emergency room and for the attending physician.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JONES. Also I offer another committee amendment on the same page.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 21, strike out "$5,035.15" and insert "$7,535.15," so as to read:

Contingent expenses: For stenographic reports of hearings of committees other than special and select committees, fiscal year 1930, $7,535.15.

The amendment was agreed to.

The next amendment was, under the heading "Architect of the Capitol," on page 5, after line 11, to insert:

The appropriation "Equipment, Capitol power plant, 1929–30" is made available to cover architectural services under contract with Pierson & Wilson, in an amount not to exceed $2,700.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to strike out:

Capitol power plant: For lighting, heating, and power for the Capitol, Senate and House Office Buildings, etc., including the same objects specified under this head in the legislative appropriation act for the fiscal year 1930, fiscal years 1930 and 1931, $22,054.63.

And in lieu thereof to insert:

Capitol power plant: For equipment of the Capitol power plant, including the same objects specified under this head in the act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, to continue available during the fiscal year 1931, $22,054.63.

The amendment was agreed to.

The next amendment was, under the heading "Botanic Garden," on page 6, line 10, to strike out "$341,378.68" and insert "$404,190.68," so as to read:

Enlargement and relocation: For carrying out the provisions of paragraphs 1 and 2 of section 1 of the act entitled "An act to provide for enlarging and relocating the United States Botanic Garden, and for other purposes," approved January 5, 1927 (44 Stat. 931), and for razing buildings upon the site selected, fiscal years 1930 and 1931, $404,190.68.

The amendment was agreed to.

The next amendment was, on page 6, after line 10, to insert:

LIBRARY OF CONGRESS

Index to the Federal Statutes: To enable the Librarian of Congress to revise and extend the index to the Federal Statutes, published in 1908 and known as the Scott and Beaman Index, to include the acts of Congress down to and including the acts of the Seventy-first Congress, and to have the revised index printed at the Government Printing Office, as authorized and directed by the act approved March 3, 1927, as amended June 14, 1930, fiscal year 1931, to remain available until expended, $50,000.

The amendment was agreed to.

The next amendment was, at the top of page 7 to insert:

EXECUTIVE

Investigation of enforcement of prohibition laws: For the exclusive purpose of continuing the inquiry into the problem of the enforcement of the prohibition laws of the United States, pursuant to that particular provision of the first deficiency act, fiscal year 1929, to be available for such inquiry only notwithstanding the provisions of any other act, and to be expended under the authority and by the direction of the President of the United States, who shall report the results of such investigation to Congress, together with his recommendations with respect thereto, fiscal year 1931, $50,000, together with the unexpended balance of the appropriation for this purpose as contained in the first deficiency act, fiscal year 1929, which shall remain available until June 30, 1931.

Mr. JONES. Mr. President, I will ask that the amendment be passed over. The Senator from Virginia [Mr. GLASS] is interested in it, and has to be away at this time.

I also desire to offer at this time and have printed an amendment in the nature of a motion to strike out and insert.

The VICE PRESIDENT. The amendment at the top of page 7 will be passed over temporarily. The amendment offered by the Senator from Washington will be printed and lie on the table.

The next amendment of the Committee on Appropriations was, on page 8, after line 19, to insert:

Individual records, civil-service retirement and disability fund: For the preparation and maintenance by the departments and independent establishments of the individual record of deductions made from the salary of each employee for credit to the civil-service retirement and disability fund required by section 12 (a) of the act approved May 29, 1930, fiscal year 1931, $150,000: *Provided*, That the President, in his discretion, is authorized to allocate such portions of this amount as he may deem to be necessary to any executive department or independent establishment for credit to appropriations available for personal services in the District of Columbia, printing and binding, and the procurement of mechanical equipment: *Provided further*, That a report of the amount so allocated shall be made in the Budget for the fiscal year 1932.

Mr. JONES. On behalf of the Committee on Appropriations I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 11, after line 18, insert:

FEDERAL POWER COMMISSION

For an additional amount for the Federal Power Commission, including the same objects specified under this head in the independent offices act, 1931, and including five commissioners at $10,000 each, and rent, not to exceed $20,000, in the District of Columbia, provided space in Government buildings is not available, $111,920, of which not to exceed $82,920 shall be available for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "General Accounting Office," on page 12, after line 7, to insert:

Investigation and audit of transactions of the Indians of the State of New York: For salaries and expenses including subsistence and transportation, printing and binding, to enable the Comptroller General of the United States to investigate and audit the transactions on account of the Indians of the State of New York, and to report thereon, as directed in S. Res. 248 of April 16, 1930, and pursuant to section 312 (b) of the Budget and accounting act, 1921, fiscal year 1930, to continue available during the fiscal year 1931, $25,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 21, to strike out:

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

For each and every purpose requisite for and incident to the work of the National Capital Park and Planning Commission necessary toward carrying into effect the provisions of the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930; personal services in the District of Columbia and elsewhere, including technical real estate services at rates of pay to be fixed by the commission and not exceeding those usual for similar services and without reference to civil-service rules and the classification act of 1923, as amended; travel expenses; purchase of two passenger-carrying automobiles at not to exceed $1,000 each and the operation and maintenance thereof; survey, searching of titles, and all other costs incident to the acquisition of land, reimbursements to be made as prescribed in such act, $1,000,000, to remain available until expended: *Provided*, That the reimbursement to be made to the United States by the District of Columbia for advances under section 4 of such act of May 29, 1930, shall commence on June 30, 1932, instead of on June 30, 1931, as provided in such section.

The amendment was agreed to.

The next amendment was, under the heading of "Porto Rican Relief," on page 15, line 24, after the word "commission," to strike out "with the approval of the Governor of Poro Rico," so as to read:

For the employment of labor and the purchase of supplies, materials, and equipment for repairing and constructing insular roads, $1,000,000, to remain available until expended and to be disbursed by the Porto Rican Hurricane Relief Commission.

The amendment was agreed to.

The next amendment was, on page 17, after line 8, to insert:

TARIFF COMMISSION

The unexpended balances, on June 30, 1930, of the appropriations "For salaries and expenses of the United States Tariff Commission, fiscal year 1930," and "For all printing and binding for the Tariff Commission, fiscal year 1930," shall remain available for the objects specified under these heads in the "Independent offices act, 1931," during the fiscal year 1931.

The amendment was agreed to.

The next amendment was, on page 18, after line 3, to insert:

UNITED STATES-YORKTOWN SESQUICENTENNIAL COMMISSION

For carrying out the provisions of Public Resolution No. 89 of the Seventy-first Congress, approved June 17, 1930, entitled "Providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes," as follows: For personal services in the District of Columbia and elsewhere, without reference to the classification act of 1923, as amended, and civil-service regulations, traveling expenses, furniture and equipment, supplies, printing and binding, rent of buildings in the District of Columbia, and all other expenditures authorized by the above act, fiscal year 1931, $8,000.

The amendment was agreed to.

The next amendment was, under the heading "District of Columbia," on page 19, after line 21, to insert:

PUBLIC SCHOOLS

School building and playground sites: Not exceeding $116,500 of the unexpended balances of appropriations for school buildings and playground sites contained in the District of Columbia appropriation acts

for the fiscal year 1929 and the fiscal year 1930 is continued available until June 30, 1931.

The amendment was agreed to.

The next amendment was, under the subhead "Health department," on page 20, after line 20, to insert:

Garfield Memorial Hospital: For isolating wards for minor contagious diseases at Garfield Memorial Hospital, maintenance, fiscal year 1928, $2,440.80.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

Providence Hospital: For isolating wards for minor contagious diseases at Providence Hospital, maintenance, for the fiscal years and in amounts as follows: Fiscal year 1928, $2,000; fiscal year 1929, $2,598.

The amendment was agreed to.

The next amendment was, under the subhead "Courts and prisons," on page 22, after line 6, to insert:

Salaries: For two additional associate justices at $10,000 each; two stenographers, one for each of the two additional associate justices, $5,200; in all, fiscal year 1931, $25,200.

The amendment was agreed to.

The next amendment was, on page 22, after line 10, to insert:

Pay of bailiffs: For an additional amount for pay of bailiffs, fiscal year 1931, $6,480.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to insert:

Repairs and improvements, courthouse: For an additional amount for repairs and improvements to the courthouse, including equipment and other objects of expenditure specified under this head in the District of Columbia appropriation act for the fiscal year 1930, fiscal year 1931, $22,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 3, to insert:

Court of appeals, salaries and expenses: For two additional justices at $12,500 each; for other personal services, $7,720; for repairs and improvements to the Court of Appeals Building, including equipment, $7,500; in all, fiscal year 1931, $40,220.

The amendment was agreed to.

The next amendment was, on page 24, after line 8, to insert:

Columbia Hospital and lying-in asylum: For repairs and improvements to the Columbia Hospital for Women and lying-in asylum, including repair of elevators, replacement of linoleum, and painting and plastering, to be expended in the discretion and under the direction of the Architect of the Capitol, fiscal year 1930, to continue available until June 30, 1931, $20,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture," on page 28, after line 8, to insert:

BUREAU OF PLANT INDUSTRY

Phony peach eradication: For additional amount for the investigation, eradication, and control of the phony peach disease, including the same objects specified under this head in the agricultural appropriation for the fiscal year 1931, $80,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 23, to insert:

BUREAU OF ENTOMOLOGY

Purchase of collection of moths and butterflies, etc.: To enable the Secretary of Agriculture to purchase the collection of moths and butterflies of the late Dr. William Barnes, of Decatur, Ill., including scientific notes, card catalogue, and other appurtenances thereto, fiscal year 1930, to remain available until June 30, 1931, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Biological Survey," on page 29, after line 11, to insert:

Cheyenne Bottoms Migratory Bird Refuge: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act authorizing the establishment of a migratory bird refuge in the Cheyenne Bottoms, Barton County, Kans.," approved June 12, 1930, including not to exceed $4,220 for personal services in the District of Columbia, fiscal year 1931, $50,000, which sum is a part of $250,000 authorized to be appropriated by section 3 of act: *Provided*, That the Secretary of Agriculture may incur obligations and enter into contracts for the acquisition of lands in connection with this project to an amount which, inclusive of amounts that may be expended hereunder, shall not exceed a total of $250,000, and such contracts shall be deemed contractual obligations of the Federal Government.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Agricultural Economics," on page 30, after line 8, to insert:

Perishable agricultural commodities act: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce," approved June 11, 1930, including personal services, printing and binding, and rent in the District of Columbia, fiscal year 1931, $50,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 18, page 34.

Mr. JONES. I offer the amendment which I send to the desk, to come in on page 34, after line 18.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The CHIEF CLERK. On page 34, after line 18, it is proposed to insert the following:

Additional land: To enable the Secretary of Commerce to acquire by purchase, condemnation, or otherwise, not to exceed 17 acres of land, including improvements thereon, adjacent to the present site of the Bureau of Standards to enlarge its present site, as authorized in the act entitled "An act authorizing the purchase by the Secretary of Commerce of additional land for the Bureau of Standards of the Department of Commerce," approved June 23, 1930, at a cost not to exceed $400,000, and to remain available until expended, $400,000.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 20 on page 25.

Mr. JONES. I offer the amendment which I send to the desk, to come in on page 35, after line 20.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The CHIEF CLERK. On page 35, after line 20, it is proposed to insert the following:

Public works: For an additional amount covering the same objects specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1931, to carry out that part of the act approved June 18, 1930 (Public Act No. 388, 71st Cong.), authorizing the acquisition of additional land contiguous to the present site of the lighthouse depot at Chelsea, Mass., to remain available until expended, $70,000.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Bureau of Fisheries," on page 35, after line 21, to insert:

Propagation of food fishes: For an additional amount covering the same objects specified under this head in the act making appropriations for the Department of Commerce for the fiscal year ending June 30, 1931, $25,000, of which amount not to exceed $17,740 may be expended for personal services in the District of Columbia and elsewhere.

The amendment was agreed to.

The next amendment was, on page 36, after line 2, to insert:

Inquiry respecting food fishes: For an additional amount covering the same objects specified under this head in the act making appropriations for the Department of Commerce for the fiscal year ending June 30, 1931, $42,000, of which amount not to exceed $16,800 may be expended for personal services in the District of Columbia and elsewhere.

The amendment was agreed to.

The next amendment was, on page 36, after line 8, to insert:

Fishery industries: For an additional amount covering the same objects specified under this head in the act making appropriations for the Department of Commerce for the fiscal year ending June 30, 1931, $24,000, of which amount not to exceed $9,600 may be expended for personal services in the District of Columbia and elsewhere and $1,250 is available for the purchase, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles.

The amendment was agreed to.

The next amendment was, on page 36, after line 16, to insert:

Construction of stations: To establish, or to commence the establishment, of Bureau of Fisheries stations as follows, authorized by the act entitled "An act to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries," approved May 21, 1930, at not to exceed the costs therein specified: A fish-cultural station in each of the States of New Mexico, Louisiana, and Idaho; a fish-cultural substation in each of the States of Wisconsin,

Montana, Colorado, and New Hampshire; a fish laboratory in the State of Washington, including architectural services, by contract or otherwise, at a fee not exceeding that usual for such service, without regard to civil service laws, rules, and regulations, or to the classification act of 1923, as amended, or to section 3709 of the Revised Statutes of the United States; and an experimental bass and trout station in the State of Maryland or West Virginia; including the acquisition of land, construction of buildings and ponds, water supply, improvements to grounds, purchase of equipment, power lines, and all necessary expenses connected with construction and installation of fixed equipment, $265,000, to remain available until June 30, 1932.

The amendment was agreed to.

The next amendment was, under the subhead "Patent Office," on page 37, line 20, after the figures "1930," to insert a comma and the words "and to continue available during the fiscal year 1931, $40,000," so as to read:

Photolithographing: For an additional amount for producing copies of weekly issue of drawings of patents and designs, etc., including the same objects specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1930, and to continue available during the fiscal year 1931, $40,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior, Contingent Expenses," on page 38, after line 4, to insert:

For an additional amount for contingent expenses of the Bureau of Pensions, including stationery, office supplies, furniture, and typewriters, fiscal year 1931, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Indian Affairs," on page 41, after line 9, to insert:

Construction of fish ladder, Wapato irrigation project, Yakima Reservation, Wash. (reimbursable): For construction, in cooperation with the Department of Commerce, of a fish ladder and power transmission line to conserve the fish life, Wapato irrigation project, Yakima Reservation, Wash., reimbursable under such rules and regulations as the Secretary of the Interior may prescribe, fiscal year 1931, $5,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 15, to insert:

For an additional amount for a central heating plant at the Tacoma hospital, Washington, fiscal year 1931, $38,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 6, to insert:

BUREAU OF PENSIONS

Salaries: For an additional amount for temporary employees in the District of Columbia, fiscal year 1931, $100,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 10, to insert:

Salaries and expenses, employees' retirement act: For an additional amount for salaries and expenses, including the same objects specified under this head in the Interior Department appropriation act for the fiscal year 1931, and including not to exceed $15,000 for temporary employees, fiscal year 1931, $28,000.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses, Department of Justice," on page 49, after line 8, to insert:

The amount of the appropriation for enforcement of narcotic and national prohibition acts contained in the act making appropriations for the Treasury Department for the fiscal year 1931, approved May 15, 1930, that is apportioned and transferred to the Bureau of Prohibition in the Department of Justice, pursuant to the prohibition reorganization act of 1930, approved May 27, 1930, shall be available also for rent in the District of Columbia if space can not be assigned by the Public Buildings Commission in buildings under the control of that commission.

The amendment was agreed to.

The next amendment was, under the heading "Judiciary," at the top of page 51, to insert:

COURT OF CUSTOMS AND PATENT APPEALS

Salaries: For an additional amount for salaries of officers and employees of the court, fiscal year 1931, $2,000.

Printing and binding: For printing and binding, fiscal year 1931, $3,500, and in addition to said sum there are hereby transferred to this appropriation and made available for the purposes specified therein, from the appropriations "printing and binding, Treasury Department, 1931," $1,600, and from "printing and binding, Department of Justice and courts, 1931," $1,500.

The amendment was agreed to.

The next amendment was, under the heading "Department of Labor," on page 57, after line 12, to insert:

BUREAU OF LABOR STATISTICS

Salaries and miscellaneous expenses: The unexpended balances of the appropriations of $32,000 for salaries, Bureau of Labor Statistics, 1930, and $5,000 for miscellaneous expenses, Bureau of Labor Statistics, 1930, provided in the first deficiency act, fiscal year 1930, approved March 26, 1930, are hereby continued and made available for similar purposes until June 30, 1931.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department," on page 58, line 10, before the words "House Document," to insert "Senate Document No. 168 and"; and at the end of line 11, to strike out "$8,395.39" and insert "$8,690.69," so as to read:

OFFICE OF THE SECRETARY

Claims for damages by naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels," approved December 28, 1922 (U. S. C., title 34, sec. 599), as fully set forth in Senate Document No. 168 and House Document No. 423, Seventy-first Congress, $8,690.69.

The amendment was agreed to.

The next amendment was, on page 58, after line 18, to insert:

Operation and conservation of the naval petroleum reserves: Not to exceed $15,000 of the amount of $175,000 for "Operation and conservation of the naval petroleum reserves, 1931," contained in the naval appropriation act for the fiscal year 1931, is hereby made available for the payment of clerical, technical, and custodial services of field employees.

The amendment was agreed to.

The reading of the bill was continued to the end of line 19, on page 59.

Mr. JONES. Mr. President, I offer an amendment to come in on page 59, after line 19.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The CHIEF CLERK. On page 59, line 19, it is proposed to strike out "fiscal years 1930 and 1931."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was under the heading "Department of State," at the top of page 63, to insert:

Contingent expenses, foreign missions: For an additional amount for contingent expenses, foreign missions, including the same objects specified under this head in the act making appropriations for the Department of State for the fiscal year 1931, $50,000.

The amendment was agreed to.

The next amendment was, on page 69, after line 2, to insert:

Joint investigation of the fisheries of Passamaquoddy and Cobscook Bays by United States and Canada: For the share of the United States of the expenses of an investigation to be made jointly by the United States and Canada of the probable effects of proposed international developments to generate electric power from the movement of the tides in Passamaquoddy and Cobscook Bays on the fisheries of that region, including travel and subsistence or per diem in lieu of subsistence, compensation of employees, stenographic and other services, by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), rent in the District of Columbia or elsewhere, printing and binding, purchase of supplies and materials and necessary equipment, charter of vessels, and such other expenses as may be authorized by the Secretary of State, to be disbursed under the direction of the Secretary of State, fiscal year 1931, $22,500.

The amendment was agreed to.

The next amendment was, on page 69, after line 19, to insert:

Sixth Pan American Child Congress, Lima, Peru: For the expenses of participation by the Government of the United States in the Sixth Pan American Child Congress, to be held in Lima, Peru, July, 1930, as provided by the public resolution approved June 13, 1930, including travel expenses, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), printing and binding, compensation of employees, stenographic and other services and purchase of materials for exhibit by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), rent, official cards, entertainment, preparation, transportation, installation and demonstration of an exhibit, and such other expenses as the President may deem proper, to be available for expenses incurred on and after May 13, 1930, and to remain available until June 30, 1931, $13,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public Health Service," on page 75, after line 2, to insert:

Studies in rural sanitation: For an additional amount for studies in rural sanitation, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1931, $130,500: *Provided*, That no part of this appropriation shall be available for demonstration work in rural sanitation in any community unless the State, county, or municipality in which the community is located agrees to pay one-half of the expenses of such demonstration work.

The amendment was agreed to.

The reading of the bill was continued to the end of line 22, on page 95.

Mr. JONES. I offer the amendment, which I send to the desk, to come in on page 95.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The CHIEF CLERK. On page 95, beginning in line 23, it is proposed to strike out the following clause:

Las Vegas (Nev.) post office, etc.: For construction of a building, under an estimated total cost of $200,000: *Provided*, That the building shall be so constructed that accommodation for the courts may be added later.

And in lieu thereof to insert:

Las Vegas (Nev.) post office, courthouse, etc.: For construction of a building under an estimated total cost of $300,000.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 17, on page 102.

Mr. JONES. On page 102 I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The CHIEF CLERK. On page 102, in line 11, it is proposed to strike out the words "said railroad company" and in lieu thereof to insert "Pennsylvania Tunnel & Terminal Railroad Co."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the heading "War Department—Military activities, Quartermaster Corps," on page 120, after line 3, to insert:

Acquisition of land, Fort Bliss, Tex.: For the acquisition of additional land in the vicinity of and for use in connection with the present military reservation at Fort Bliss, Tex., fiscal year 1931, to remain available until expended, $281,305.

The amendment was agreed to.

The next amendment was, on page 20, after line 12, to insert:

For the construction of a revetment wall at Fort Moultrie, S. C., in accordance with the act approved June 2, 1930, fiscal year 1931, $25,000.

The amendment was agreed to.

The next amendment was, under the heading "War Department—Nonmilitary activities, Quartermaster Corps," on page 124, after line 16, to insert:

For all expenses incident to the study, investigation, and survey of the battle field of Saratoga, N. Y., as authorized by the act approved June 2, 1930, fiscal year 1931, $4,400.

The amendment was agreed to.

The next amendment was, one page 125, after line 15, to insert:

Guilford Courthouse National Military Park, N. C.: for an additional amount for continuing the establishment of a national military park at the battle field of Guilford Courthouse, for repairs to roads in said park, fiscal year 1931, $13,500.

The amendment was agreed to.

The next amendment was, one page 125, after line 20, to insert:

Fredericksburg and Spotsylvania County Battle Fields Memorial: For continuing the establishment of a national military park to be known as the Fredericksburg and Spotsylvania County Battle Fields Memorial, in accordance with the provisions of the act approved February 14, 1927 (U. S. C., Supp. III, title 16, secs. 425–425J), including the maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle, fiscal year 1931, $15,000.

The amendment was agreed to.

The next amendment was, under the heading "Damage Claims," on page 129, line 14, after the word "in," to insert "Senate Documents Nos. 171, 182, and 188 and"; after line 16, to insert "Department of Agriculture, $361.07"; in line 19, after the name "Department of the Interior," to strike out "$74.74" and insert "$203.19"; in line 21, after the name "Navy Department," to strike out "$1,719.89" and insert "$2,031.98"; in line 22, after the name "Post Office Department," to strike out "$11,553.65" and insert "$15,318.38"; in line 24, after the name "Treasury Department," to strike out "$2,841.25" and insert "$2,934.42"; on page 130, line 1, after the name "War Department," to strike out "$2,369.25" and insert "$4,190.88"; and in line 4, after the words "In all," to strike out "$19,547.17" and insert "$26,028.31," so as to make the paragraph read:

For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and establishments under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., title 31, secs. 215–217), as fully set forth in Senate Documents Nos. 171, 182, and 188 and House Document No. 426 of the Seventy-first Congress, as follows:

Department of Agriculture, $361.07.
Department of Commerce, $969.34.
Department of the Interior, $203.19.
Department of Labor, $2.80.
Navy Department, $2,031.98.
Post Office Department, $15,318.38 (out of the postal revenues).
Treasury Department, $2,934.42.
War Department, $4,190.88.
Public Buildings and Public Parks of the National Capital, $16.25.
In all, $26,028.31.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, United States courts," on page 131, line 3, after the word "in," to insert "Senate Document No. 173 and"; in line 5, after the name "Navy Department," to strike out "$1,350" and insert "$42,342.83"; in line 6, after the name "Treasury Department," to strike out "$4,408" and insert "$9,243.23"; and in line 7, after the words "in all," to strike out "$11,731.73" and insert "$57,559.79," so as to make the paragraph read:

For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States district courts under the provisions of an act entitled "An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes," approved March 3, 1925 (U. S. C., title 46, secs. 781–789), certified to the Seventy-first Congress in Senate Document No. 173 and House Document No. 421, under the following departments, namely: Navy Department, $42,342.83; Treasury Department, $9,243.23; War Department, $5,973.73; in all, $57,559.79, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

Mr. JONES. Mr. President, on page 131, I offer the amendments to the committee amendments which I send to the desk.

The VICE PRESIDENT. The amendments proposed by the Senator from Washington to the committee amendments will be stated.

The CHIEF CLERK. On page 131, line 3, it is proposed to strike out "Senate Document No. 173 and" and to insert in lieu thereof "Senate Documents Nos. 173 and 189."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington to the committee amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Senator from Washington to the committee amendment will be stated.

The CHIEF CLERK. On page 131, line 6, it is proposed to strike out "$5,973.73" and in lieu thereof to insert "$73,778.46."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington to the committee amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Senator from Washington to the committee amendment will be stated.

The CHIEF CLERK. On page 131, line 7, it is proposed to strike out "$57,559.79" and in lieu thereof to insert "$125,364.52."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington to the committee amendment.

The amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 132, after line 2, to insert:

Interest on judgment in favor of the Henri Gutmann Silks Corporation: For the payment of interest from May 28, 1925, to November 25, 1929, at the rate of 6 per cent per annum on $1,903.15 being the amount of principal of a judgment rendered against the United States by the United States District Court for the Southern District of New York, and in favor of the Henri Gutmann Silks Corporation so much as may be necessary is hereby appropriated to pay such interest in conformity with the judgment certified in Senate Document No. 100, Seventy-first Congress; such interest having been inadvertently omitted from the paragraph in the "first deficiency act, fiscal year 1930," which appropriated for the payment of such principal.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, Court of Claims," on page 132, line 26, after the word "in," to insert "Senate Document No. 172 and"; on page 133, line 2, after the word "namely," to insert "United States Shipping Board, $14,505; United States Veterans' Bureau, $477.33; Department of the Interior, $625"; in line 4, after the name "Navy Department," to strike out "$28,663.83" and insert "$823,635.21"; in line 6, after the name "War Department" to strike out "$49,940.41" and insert "$166,129.97," and in the same line, after the words "in all," to strike out "$80,629.24" and insert "$1,007,397.51," so as to make the paragraph read:

For the payment of the judgments rendered by the Court of Claims and reported to the Seventy-first Congress in Senate Document No. 172 and House Document No. 420, under the following departments, namely: United States Shipping Board, $14,505; United States Veterans' Bureau, $477.33; Department of the Interior, $625; Navy Department, $823,635.21; Treasury Department, $2,025; War Department, $166,129.97; in all, $1,007,397.51.

The amendment was agreed to.

The next amendment was, on page 138, after line 8, to insert:

AUDITED CLAIMS

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1927 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C., title 5, sec. 266), as fully set forth in Senate Document No. 170, Seventy-first Congress, there is appropriated as follows:

LEGISLATIVE

For contingent expenses, Senate: Miscellaneous items, 65 cents.

INDEPENDENT OFFICES

For contingent expenses, Civil Service Commission, $1.47.
For Federal Trade Commission, $1.50.
For military and naval compensation, Veterans' Bureau, $71.
For salaries and expenses, Veterans' Bureau, $41.67.
For vocational rehabilitation, Veterans' Bureau, $98.55.

DEPARTMENT OF AGRICULTURE

For general expenses, Forest Service, $10.51.

DEPARTMENT OF COMMERCE

For export industries, Department of Commerce, $1.28.
For general expenses, Bureau of Standards, 21 cents.
For general expenses, Coast and Geodetic Survey, 50 cents.
For party expenses, Coast and Geodetic Survey, $11.47.

DEPARTMENT OF THE INTERIOR

For miscellaneous expenses, Pension Office, $25.52.
For expenses, sale of timber (reimbursable), $53.60.

DEPARTMENT OF JUSTICE

For enforcement of antitrust laws, $2.81.
For salaries, fees, and expenses of marshals, United States courts, $6,307.24.
For fees of commissioners, United States courts, $44.55.

NAVY DEPARTMENT

For increase of compensation, Naval Establishment, $596.75.
For pay, miscellaneous, $87.
For transportation, Bureau of Navigation, $274.13.
For organizing the Naval Reserve Force, $23.30.
For engineering, Bureau of Engineering, $21.12.
For construction and repair, Bureau of Construction and Repair, $23.50.
For pay of the Navy, $1,815.68.
For maintenance, Bureau of Supplies and Accounts, $41.74.
For freight, Bureau of Supplies and Accounts, $3.35.
For aviation, Navy, $13,703.25.
For pay, Marine Corps, $114.25.
For general expenses, Marine Corps, $190.76.

DEPARTMENT OF STATE

For contingent expenses, United States consulates, $225.

TREASURY DEPARTMENT

For increase of compensation, Treasury Department, $6.02.
For collecting the revenue from customs, $99.54.
For collecting the internal revenue, $220.75.
For refunding taxes illegally collected, $25.65.
For Coast Guard, $31.89.
For enforcement of narcotic and national prohibition acts, internal revenue, $2,391.90.
For pay of personnel and maintenance of hospitals, Public Health Service, $1.66.
For furniture and repairs of same for public buildings, $2.16.

WAR DEPARTMENT

For military post exchange, 13 cents.
For registration and selection for military service, $12.
For pay, etc., of the Army (longevity act of January 29, 1927), $3,966.05.
For pay, etc., of the Army, $9,801.11.
For pay of the Army, $3,298.75.
For pay, etc., of the Army, war with Spain, $22.08.
For arrears of pay, bounty, etc., $15.54.
For mileage of the Army, $402.01.
For increase of compensation, Military Establishment, $5,431.87.
For apprehension of deserters, etc., 60 cents.
For Army transportation, $2,370.88.
For barracks and quarters, $40.
For clothing and equipage, $96.21.
For general appropriations, Quartermaster Corps, $1,401.35.
For incidental expenses of the Army, $97.34.
For subsistence of the Army, $8.50.
For supplies, services, and transportation, Quartermaster Corps, $87.69.
For replacing medical supplies, $7,552.05.
For armament of fortifications, $1,835.14.
For armament of fortifications, insular possessions, $1,817.53.
For armament of fortifications, Panama Canal, $2,619.59.
For Chemical Warfare Service, Army, $80.66.
For field-artillery armament, $2,962.95.
For manufacture of arms, 37 cents.
For ordnance service, $210.81.
For ordnance stores, ammunition, $8,494.39.
For ordnance stores and supplies, $41.73.
For replacing ordnance and ordnance stores, $1,092.49.
For Signal Service of the Army, $48.83.
For Air Service, Army, $3,222.46.
For Organized Reserves, $489.52.
For pay of the National Guard for armory drills, $20.83.
For reserve officers' training corps, $66.62.
For maintenance, United States Military Academy, $16.15.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(Out of the postal revenues)

For city delivery carriers, $43.86.
For clerks, first and second class post offices, $52.42.
For compensation to postmasters, $132.13.
For freight, express, or motor transportation of equipment, etc., $50.53.
For indemnities, domestic mail, $91.36.
For rent, light, and fuel, $1,280.90.
For Rural Delivery Service, $29.78.
For vehicle service, $172.86.

Total, audited claims, section 3, $86,050, together with such additional sum due to increase in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

The amendment was agreed to.

The next amendment was, on page 143, line 13, to change the section number from 3 to 4; in line 15, after the word "in," to insert "Senate Document No. 169 and"; in line 17, after the name "Treasury Department," to strike out "$1,187.50" and insert "$11,657.76," and in line 18, after the words "in all," to strike out "$6,350.72" and insert "$16,820.98," so as to read:

SEC. 4. For the payment of sundry claims allowed by the General Accounting Office under various acts and certified to the Seventy-first Congress in Senate Document No. 169 and House Document No. 422, under the following departments: Treasury Department, $11,657.76; War Department, $5,163.22; in all, $16,820.98.

The amendment was agreed to.

The next amendment was, on page 143, line 20, to change the section number from 4 to 5.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE PRESIDENT. The bill is before the Senate and is open to amendment.

Mr. JONES proposed an amendment to House bill 12902, the second deficiency appropriation bill, which was ordered to be printed, as follows:

On page 7, strike out lines 2 to 15, inclusive, and insert in lieu thereof the following:

"Investigation of enforcement of prohibition and other laws: For continuing the inquiry into the problem of the enforcement of the prohibition laws of the United States, together with enforcement of other laws, pursuant to the provisions therefor contained in the first deficiency act, fiscal year 1929, to be available for each and every object of expenditure connected with such purposes notwithstanding the provisions of any other act, and to be expended under the authority and by the direction of the President of the United States, who shall report the results of such investigation to Congress, together with his recommendations with respect thereto, fiscal year 1931, $250,000, together with the unexpended balance of the appropriation for these purposes contained in the first deficiency act, fiscal year 1929, which shall remain available until June 30, 1931.

Mr. JONES. Mr. President, the committee amendments having been disposed of, with the exception of one, I desire to enter a motion.

The Senators from Arizona [Mr. ASHURST and Mr. HAYDEN] feel that they are compelled to make all the opposition they possibly can to the provision in the bill relating to Boulder Dam. I have advised them as to the action I feel we should take because of the nearness of the end of the session, and so, under the rule, I submit the motion which I send to the desk.

The VICE PRESIDENT. The Secretary will read.

The Chief Clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, move that debate be brought to a close upon the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

KEY PITTMAN.	ARTHUR CAPPER.
TASKER L. ODDIE.	PATRICK SULLIVAN.
CARTER GLASS.	FELIX HEBERT.
DAVID I. WALSH.	ROSCOE C. PATTERSON.
M. E. TYDINGS.	P. L. GOLDSBOROUGH.
KENNETH MCKELLAR.	J. G. TOWNSEND, JR.
LAWRENCE C. PHIPPS.	FREDERICK STEIWER.
CHARLES L. MCNARY.	W. L. JONES.
HENRY J. ALLEN.	

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Arizona will state his parliamentary inquiry.

Mr. ASHURST. I should like to have the rule read under which the motion has been filed.

The VICE PRESIDENT. The clerk will read the rule.

The Chief Clerk read as follows from Rule XXII:

If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the presiding officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH of Montana. I offer the following formal amendment to the bill, and ask that it may be acted upon now.

Mr. JONES. Mr. President, committee amendments have not as yet been disposed of.

Mr. WALSH of Montana. I understood that the committee amendment not disposed of will be open to very protracted debate.

Mr. JONES. There will be considerable debate.

Mr. WALSH of Montana. I was going to ask unanimous consent that the amendment offered by me be now considered. It is merely a formal matter.

Mr. JONES. I have no objection.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 92, line 15, after the word "Treasury," it is proposed to insert the following:

On the site of the existing post office and Federal office building or."

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. WALSH of Montana. Mr. President, let me explain the amendment briefly. The bill provides for the erection of a Federal building in the city of Helena, Mont.—my home—either upon the site of the present assay office or upon a site to be donated. It is desired that the Secretary of the Treasury be also permitted, in his discretion, to erect the building upon the site of the present building.

Mr. JONES. I understand that the amendment is in order under the organic act relating to public buildings.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. ASHURST. Mr. President, within the last 10 minutes an episode has taken place which is one of the most remarkable in the history of the Senate.

Mr. McKELLAR. Mr. President——

Mr. ASHURST. I can not yield now. I desire to make clear the situation.

The VICE PRESIDENT. The Senator from Arizona declines to yield.

Mr. ASHURST. The deficiency bill was taken up for consideration to-day after the lunch hour, and on this same day, before the sun has reached the western rim of the horizon, a motion is filed for cloture to bring the debate to a close, which motion would prevent an adequate debate on an important item.

Mr. DILL. Mr. President——

Mr. ASHURST. I can not yield.

Mr. DILL. I wanted to help the Senator make his statement more clear. He said "after the lunch hour." The bill was taken up at 4 o'clock, and it is now only 4.30.

Mr. ASHURST. Very well. The bill was taken up half an hour ago, as it is now 4.30 o'clock. There is in this world a law called the law of compensation, and I have discovered that sooner or later it does its deadly work. In March, 1917, when the world was filled with war's alarms, I, and all other Senators but three, voted to abolish unlimited debate in the Senate and provided for cloture.

When I voted to change the rules so as to permit cloture I believed that I was rendering my country a great service. The sword that we drew, or thought I was drawing in behalf of our country and our State when I voted for the cloture, is the sword that is now about to disembowel Arizona.

After I voted for that cloture motion, it soon came upon me that I had made a great mistake in so voting; and that conviction has remained with me ever since. I now perceive, I know, that I made a mistake in voting for cloture. Whenever, by the power of propaganda circulated with adequate artfulness, enough Senators can be induced, properly—I am not saying improperly, but can be propagandized sufficiently—almost anything can be driven through the Senate.

My colleague and I are not insulted by the filing of this motion. We do not take it as anything personal toward us. We realize that there is near a closing of this long session; and it may be that this motion, after a fashion, is a fitting conclusion to this session. It is, at least, an ironical conclusion of the session. It may interest you to know that neither my colleague nor I had intended or announced or threatened to deliver in the Senate one word of speech in debate other than legitimate debate on this bill.

A State, Arizona, richer potentially than that domain which Pizarro gave to Spain, a great empire one hundred and thirteen times the size of the State of Rhode Island and twelve times the size of the State of Massachusetts, has her resources appropriated and taken away under a cynical law for the benefit of another State, the State of California. A President who is from California, a Secretary of the Interior who is from California, a Commissioner of Reclamation who is from California, then prepare and submit what are alleged to be contracts look-

ing for the return of the moneys to be proposed to be spent in the development of the Boulder Canyon project; but lawyers who have examined the contracts perceive that they are only unilateral, voidable contracts. Under section 4 of the very Boulder Dam bill Congress passed in December, 1928, it is specifically stated that before one dollar could be expended or any work done on the Boulder Dam project contracts that would guarantee to the United States a return of all the moneys expended must be executed.

Such contracts have not been made, in my judgment. Contracts indeed have been made, as we shall point out later in the debate, but they are not such contracts as are contemplated by the Boulder Dam law.

After this cloture goes into effect my colleague will have one hour, and I shall have one hour to discuss this bill of such vast importance.

The proponents of the Boulder Dam have not lived up to their own requirements. They have—if you will pardon the nomenclature of the poker table—"welshed on their own hand."

Was Congress acting in Punic faith when it passed the Boulder Dam law? Scores of votes were obtained in another body of Congress, and not a few votes were obtained in this body of Congress when the proponents said, "This is not an appropriation from the Treasury. Before a dollar can be appropriated a contract must be executed that will guarantee the return of all of these moneys." I think we shall be able to show that the contracts do not provide for a sure return of the moneys to the Federal Government of the United States.

Arizona supplies 28 per cent of the waters of the Colorado River. I have a fountain pen in my pocket, and there is more moisture in that fountain pen than is supplied by California to the Colorado River. Yet you propose to take all these vast resources—water and power—from our young State and deliver them to the coastal cities of southern California! If you can do that, peace be with you!

Mr. GLENN. Mr. President, will the Senator yield?

Mr. ASHURST. I can not yield at this moment.

Now, permit me to say that you will all discover in due season, as I have discovered, that you make the Senate a refuge for cowards. Your cloture transforms the Senate from a forum of freedom to a place where we shut off a discussion of arguments we are unable to answer.

Several Senators addressed the Chair.

Mr. McNARY. Mr. President, I move——

Mr. ASHURST. I do not yield for a moment. I hope you are not going to be impatient.

Mr. McNARY. I thought the Senator had yielded the floor.

Mr. ASHURST. I have another thought, which is something that rarely occurs to those who are trying to drive this bill through.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. ASHURST. Let me finish.

The VICE PRESIDENT. The Senator declines to yield.

Mr. ASHURST. Mr. President, rarely in the annals of parliamentary government has a more redoubtable fight been made than has been made by Arizona in opposing the present Boulder plan. The Congressman from the State of Arizona [Mr. DOUGLAS] in the House recently delivered arguments that convinced the intellects of many. Here is my worthy colleague [Mr. HAYDEN], than whom there is no more superb intellect or more prodigiously industrious man in the Senate. For years, with unsurpassed skill in diplomacy, he has resorted to every expedient known to try to secure an agreement upon this Boulder Dam question. If an agreement has not been made, the blame is not his, and the blame is not Arizona's. We shall be content with the record of attempts to compromise, and we are glad to know that but a few feet from this Chamber there is a tribunal where there is no cloture, and where justice and equity and the Constitution are recognized.

My colleague, the junior Senator from Arizona, who is always prepared for every emergency in statecraft and in diplomacy, will be required to introduce his amendments now and have them read, or he could not even introduce amendments later on; and I am going to yield the floor to him in order that he may, under the rule, introduce his amendments and have them read from the desk, so that they will be in order.

Mr. GLENN. Mr. President, I should like to ask the Senator just one question.

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Illinois?

Mr. ASHURST. I yield for that purpose.

Mr. GLENN. Does the Senator from Arizona mean to say that the Senate, in this Boulder Dam legislation, actually authorized the diversion of water from one State to another and from one watershed to another?

Mr. ASHURST. I say that the Colorado River flows for 200 and more miles on the bosom of Arizona. Then for many miles it forms the boundary line between Arizona and Nevada. Then for 200 miles or more, in a meandered line, it forms the boundary line between Arizona and California. The Boulder Dam bill which was passed last December proposes to take from the Colorado River 1,500 second-feet, or as much water as is required by Chicago for potable purposes, and send the same to the coastal cities of southern California.

Mr. GLENN. That is the very point that surprised me.

Mr. ASHURST. And transport the water 250 miles away, to be used for potable purposes, industrial purposes, and irrigation purposes in the coastal cities of California, although that powerful State does not contribute any water to the Colorado River.

Mr. GLENN. That is the point I wanted to be sure about. I am shocked, of course, to learn that the Senators from California who sponsored that diversion were against the diversion at Chicago; and I think even the Senators from Michigan and Wisconsin who were so horrified at the idea of diverting water from one State to another and from one watershed to another at Chicago enthusiastically supported the proposal when it was a case between Arizona and California.

Mr. HAYDEN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HAYDEN. At what time, under cloture proceedings, must a Senator offer amendments to this bill, and are they required to be read?

The VICE PRESIDENT. At any time before day after to-morrow at 1 o'clock.

Mr. HAYDEN. I ask to have the amendments, which I send to the desk, read by the clerk, and printed, to lie upon the table.

The VICE PRESIDENT. The amendments will be read, printed, and lie on the table.

The legislative clerk read the amendments submitted by Mr. HAYDEN, as follows:

On page 44, strike out the section beginning in line 18 and ending on line 14, page 45.

On page 45, line 15, after the words "secondary projects" insert "for cooperative and general investigations, $1,000,000: *Provided*, That."

On page 45, after line 14, insert a new paragraph, as follows:

"For studies, surveys, investigations, and engineering to determine the lands in the State of Arizona that should be embraced within the Parker-Gila Valley reclamation project as authorized by section 11 of the Boulder Canyon project act, $250,000."

On page 45, line 14, insert the following after the word "act": "*And provided further*, That no part of the amount hereby appropriated shall be expended until the city of Los Angeles and the Metropolitan Water District at a duly authorized election shall have obtained the assent of their respective electors, as required by the constitution and statutes of California, to the sale of bonds in sufficient amount to enable them to construct the facilities with which the power and water may be utilized, and to the obligations and liabilities with respect to the purchase of water for all purposes, including that of generating electrical energy and rental of generating equipment."

Mr. HAYDEN. Mr. President, there is but little that I can add to the earnest protest just made by my colleague the senior Senator from Arizona with respect to the proposed cloture. I have addressed the Senate on various occasions in opposition to the Boulder Canyon Dam. At no time have I ever wandered away from the subject before the Senate. My remarks, however long I may have spoken in the past, were always to the point.

My understanding of what constitutes a filibuster is that a Senator occupies the time of this body discussing outside, extraneous matters and subjects not germane to the issue to be determined by the Senate. That is a filibuster. I have never engaged in anything of that kind. I had no intention of following such a course on this occasion. Any remarks that I may make on the subject of the appropriation to commence construction of the Boulder Canyon project will be directed to the question at issue before the Senate.

Mr. HARRIS. Mr. President, I send an amendment to the desk.

The VICE PRESIDENT. The clerk will report the amendment.

The LEGISLATIVE CLERK. The Senator from Georgia offers the following amendment, on page 58, between lines 11 and 12, to insert the following:

Survey in connection with the control of cancer: For a survey by the Surgeon General in connection with the control of cancer, $100,000. Such survey shall include (1) an investigation of the researches being carried on with respect to the control of cancer in the various institutions in the United States and abroad; (2) an investigation of the

existing methods of treatment of cancer with a view to determining and encouraging the use of the best methods of treatment to the exclusion of those that are worthless or fraudulent; (3) the ascertaining of the best methods of increasing the number of physicians skilled in the diagnosis and treatment of cancer; (4) the ascertaining of the best means of educating the public with respect to the signs and symptoms of cancer in its early stages in order to prevent neglect and delay in treatment; (5) the ascertaining of the extent to which provision now exists for furnishing optimum treatment for cancer for all sufferers, together with an estimate of what would be needed to make this adequate, and the cost thereof; and (6) the collection of any other pertinent data to enable the Congress to act advisedly in this matter. As soon as practicable after the completion of such survey the Surgeon General shall report the results thereof to Congress, together with his recommendations for necessary legislation.

Mr. HARRIS. Mr. President, this amendment was recommended by the Committee on Commerce of the Senate, after having had a special subcommittee confer with the leading cancer research men from all over the United States, who came here and urged the adoption of this amendment. It calls for the appropriation of $100,000 for the Public Health Service, to enable them to make a survey of cancer control in the United States and elsewhere.

We lose in the United States every year through death from cancer, more people than our country lost in battle in the World War. I do not know of any appropriation we can better make than this. I hope there will be no objection.

Mr. McNARY. Mr. President, does the Senator ask for the immediate consideration of the amendment?

Mr. HARRIS. I believe there will be no objection to it. I do not think there is any opposition. If it takes too much time I will not press it, but I do want to have immediate consideration.

Mr. COPELAND. Mr. President, may I ask the Senator from Washington whether this amendment now proposed by the Senator from Georgia was brought before the committee?

Mr. JONES. It was brought before the committee, and, as I understand, a resolution has passed the Senate embodying what is contained in the amendment.

Mr. HARRIS. It has passed the Senate.

Mr. JONES. While I do not like to put such matters on appropriation bills, and while I think technically this does not comply fully with the rule, yet, under our rule making it in order to put on a bill such an amendment in order to carry out a resolution which has already passed the Senate during this session, it is in order. So I will have to submit the matter to the Senate. I think it is a very important thing.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I desire to offer an amendment which the committee has authorized me to present.

Mr. JONES. I hope the Senator will not press that to-night.

Mr. McKELLAR. Why can we not act upon it now?

Mr. JONES. I had not thought the Senator would offer it to-day, and I want to look up the matter of a point of order a little.

Mr. McKELLAR. Very well.

INTERNATIONAL ROAD CONGRESS

Mr. VANDENBERG. Mr. President, there is a bill on the calendar, House bill 11145, to increase the authorization for an appropriation for the expenses of the sixth session of the Permanent International Association of Road Congresses to be held in the District of Columbia in October, 1930.

This bill must now pass as an authorization measure if subsequently there is to be an appropriation before the present session shall adjourn. It has passed the House, and is unanimously reported by the Committee on Foreign Relations. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which was read the third time and passed, as follows:

Be it enacted, etc., That section 2 of the joint resolution entitled "Joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof," approved March 28, 1928, is amended by striking out "$25,000" and inserting in lieu thereof "$55,000."

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 12696) authorizing an appropriation for the purchase of the Vollbehr collection of incunabula, and it was signed by the Vice President.

ENROLLED BILLS PRESENTED

Mr. GILLETT (for Mr. GREENE), from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 134. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes;

S. 135. An act to provide for the payment of benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes;

S. 304. An act for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan;

S. 308. An act for the relief of August Mohr;

S. 363. An act for the relief of Charles W. Martin;

S. 485. An act to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes;

S. 486. An act to amend section 5153 of the Revised Statutes, as amended;

S. 670. An act for the relief of Charles E. Anderson;

S. 671. An act for the relief of E. M. Davis;

S. 857. An act for the relief of Gilbert Peterson;

S. 1183. An act to authorize the conveyance of certain land in the Hot Springs National Park, Ark., to the P. F. Connelly Paving Co.;

S. 1254. An act for the relief of Kremer & Hog, a partnership;

S. 1255. An act for the relief of the Gulf Refining Co.;

S. 1257. An act for the relief of the Beaver Valley Milling Co.;

S. 1702. An act for the relief of George W. Burgess;

S. 1955. An act for the relief of the Maddux Air Lines (Inc.);

S. 1963. An act for the relief of members of the crew of the transport *Antilles;*

S. 1971. An act for the relief of Buford E. Ellis;

S. 2465. An act for the relief of C. A. Chitwood;

S. 2718. An act for the relief of Stephen W. Douglass, chief pharmacist, United States Navy, retired;

S. 2788. An act for the relief of A. R. Johnston;

S. 2864. An act for the relief of certain lessees of public lands in the State of Wyoming under the act of February 25, 1920, as amended;

S. 3284. An act for the relief of the Buck Creek Oil Co.;

S. 3577. An act for the relief of John Wilcox, jr.;

S. 3627. An act to amend the Federal reserve act so as to enable national banks voluntarily to surrender the right to exercise trust powers and to relieve themselves of the necessity of complying with the laws governing banks exercising such powers, and for other purposes;

S. 3642. An act for the relief of Mary Elizabeth Council;

S. 3664. An act for the relief of T. B. Cowper;

S. 3665. An act for the relief of Vida T. Layman;

S. 3666. An act for the relief of the Oregon Short Line Railroad Co., Salt Lake City, Utah;

S. 4096. An act to amend section 4 of the Federal reserve act;

S. 4466. An act to make a correction in an act of Congress approved February 28, 1929; and

S. 4722. An act creating the Great Lakes bridge commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.

EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The Chair refers to the appropriate committees certain messages from the President making nominations.

REPORT OF POSTAL NOMINATIONS

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

JOHN S. THOMPSON

Mr. PHIPPS. Mr. President, I report favorably from the Committee on Post Offices and Post Roads the nomination of John S. Thompson to be postmaster at Gravette, Ark., to which I call the attention of the senior Senator from Arkansas [Mr. ROBINSON].

Mr. ROBINSON of Arkansas. Mr. President, there has been delay in disposing of this nomination, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.



THE JUDICIARY

The legislative clerk read the nomination of Louis H. Crawford to be United States marshal, northern district of Georgia.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. PHIPPS. I ask that the nominations of postmasters be confirmed en bloc, and the President notified.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc, and the President will be notified.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations for promotions in the Navy.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc, and the President will be notified.

ADJOURNMENT

Mr. McNARY. As in legislative session, I move that the Senate adjourn until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 50 minutes p. m.) adjourned until to-morrow, Wednesday, June 25, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 24, 1930

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Dana G. Munro, of New Jersey, now a Foreign Service Officer of class 2, to be envoy extraordinary and minister plenipotentiary of the United States of America to Haiti.

COLLECTOR OF CUSTOMS

William H. Ellison, of San Diego, Calif., to be collector of customs for custom collection district No. 25, with headquarters at San Diego, Calif. (New office created by Executive order of May 22, 1930.)

PUBLIC HEALTH SERVICE

The following-named assistant surgeons to be passed assistant surgeons in the Public Health Service, to take effect from date of oath:

Kirby Knapp Bryant.
William Henry Sebrell, jr.
George Gordon Holdt.
Homer Lucas Skinner.
Clifford Lee Wilmoth.
Anthony Peter Rubino.
Frank Samuelson Fellows.
William Hendon Gordon.
Albert Taylor Morrison.
William Wesley Nesbit.
Leon Ocel Parker.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 24, 1930

UNITED STATES MARSHAL

Louis H. Crawford, northern district of Georgia.

PROMOTIONS IN THE NAVY

Walter R. Gherardi to be rear admiral.
Arthur St. C. Smith to be rear admiral.
Conant Taylor to be captain.
Melville S. Brown to be commander.

To be lieutenant commanders

Oscar H. Holtmann.
William McK. Reifel.
William W. Warlick.
Owen E. Grimm.
Earl E. Stone.
Edward F. McCartin.
Hayden H. Smith.

To be lieutenants

Malcolm M. Gossett.
Robert B. Rothwell.
Louis D. Libenow.
Arthur L. Pleasants, jr.
Delbert S. Cornwell.
Byron S. Anderson.
Thomas Aldred.
Malcolm W. Pemberton.
John L. Nestor.
William V. Saunders.
Kenneth M. McLaren.
Frederic S. Withington.

To be lieutenants (junior grade)

Walter H. Albach.
Richard Wagner.
Melvyn H. McCoy.
George W. Anderson, jr.
Warren F. Graf.
Shirley S. Miller.
Francis C. Manville.
Jacob C. Schwab.
Leonard S. Mewhinney.
Warner R. Edsall.
Earl B. Patterson.
Wallace B. Mechling.
Henry H. Caldwell.
Arthur E. Loeser.
William H. Leahy.
Bloomfield M. Cornell.
James F. Benson.
Thomas J. Hamilton.
Earl K. Swearingen.
Carl J. Pfingstag.
David B. Young.
Frederick Funke, jr.
Frederic F. Agens.
Miles H. Hubbard.
Robert C. Winters.
Charles D. Griffin.
Samuel G. Mitchell.
Edward M. Condra, jr.
John W. Malley.
Arthur S. Born.
Allen Smith, jr.
Timothy F. Donohue.
James M. Roberts.
Sylvius Gazze.
Seymour A. Johnson.
Wellington A. Hammond.
Hubert G. Wall.
Fritz Gleim, jr.
Andrew H. Bergeson.
Raymond J. Moore.
Robert C. Brixner.
Lannie Conn.
Paul W. Card.
Clifford L. Wickman.
Lee W. Parke.
Harry E. Day.
Argyll E. Buckley.
Joseph T. Hazen.
Leonard W. Bailey.
Myron T. Evans.
John F. Hines, jr.
Eugene E. Davis.
Robert H. Speck.
Henry R. Dozier.
William Y. C. Humes, jr.
John W. Schmidt.
Harold T. Deutermann.
Arnold W. McKechnie.
Paul S. Depew.
Robert I. F. Travel.
Randolph B. Boyer.
Richard C. Collins.
George G. Mead.
John C. Woelfel.
William H. Ashford, jr.
Clarence E. Coffin, jr.
Selden G. Hooper.
Monroe B. Duffill.
Dick R. Downer.
Cyrus T. Clendening.
Ernest Blake.
Frank M. Hammitt.
Howard A. Yeager.
James W. Hager.
Doyle G. Donaho.
Joshua W. Cooper.
Francis E. Cromwell.
Clinton S. Rounds.
Harry D. Hale.
Jack O. Wheat.
Francis C. B. McCune.
Sam Pickering.
Patrick Henry, jr.
William W. Outerbridge.
Joseph A. Flynn.
Clarence E. Cortner.
William O. Burch, jr.
George L. Jones, jr.
John T. Brown, jr.
Charles J. Starkus.
Richard P. Wilkinson, jr.
Robert S. Ford.
Joseph D. McKinney.

To be surgeon

Wendell H. Perry.

To be passed assistant surgeons

Clifford A. Swanson.
John N. C. Gordon.
Ocie B. Morrison, jr.
John P. Brady.
Bartholomew W. Hogan.
Clark T. Alexander.
Harold O. Cozby.

To be assistant naval constructor

Joseph L. Bird.

POSTMASTERS

ALABAMA

John C. Youngstrom, Girard.

ARKANSAS

John S. Thompson, Gravette.

CALIFORNIA

Axel P. Brown, Albion.
Thomas J. Durfee, Bieber.
Florence E. Mathews, Brea.
Edward D. Mahood, Corte Madera.
Edna F. Grant, Hopland.
Charles E. Wells, Maxwell.
Crowell D. Eddy, National City.
Irma L. Dal Porto, Oakley.
Harry B. Westgate, Pomona.
Myrtle E. Pollock, Portola.
Roscoe E. Watts, Rialto.
William H. Hitchcock, Shafter.

COLORADO

Alice M. Payne, Hudson.

IDAHO

Lillie R. Culbertson, Burke.

ILLINOIS

Frank Willey, jr., Alto Pass.
Walter B. Dunlap, Bath.
George E. Stauffer, jr., Bayliss.
R. Dunn Cook, Belle Rive.
Charles E. Seeber, Benton.
Sidney F. Coffman, Bluford.
Walter L. Barrow, Campbell Hill.
Edward G. Mochel, Clarendon Hills.
Menno Vandervliet, Danforth.

May S. Williams, Hanover.
Harker Miley, Harrisburg.
Hugo L. Schneider, Highland Park.
Samuel A. McCullough, Irvington.
Martin W. Mensching, Itasca.
Herman W. Behrens, Kampsville.
Martin J. Riedy, Lisle.
Sophie Benhart, Medinah.
Samuel J. Davis, Moosehart.
Edward H. Hannant, Mount Sterling.
Junius A. Beger, Nauvoo.
Chester A. Bailey, Okawville.
George H. Townsend, Onarga.
Louis J. Ganss, Peoria.
Raymond W. Peters, St. Joseph.
Willie E. Rudolph, Sibley.
John W. Vangilder, Sumner.
Charles E. Van Buren, Victoria.
Horace E. Collom, Western Springs.
Ulysses G. Dennison, Winnebago.

INDIANA

Jacob W. Mintzer, Ashley.
Otto A. Weilbrenner, Mount Vernon.

IOWA

Cora B. Peck, Colesburg.
Leonard E. Sims, Ladora.
Jay A. Bargar, Lakota.
Martha Slatter, Manson.
Elmer L. Langlie, Marquette.
Harley S. Rittenhouse, Monona.
Andrew C. Ries, Ringsted.
Luvern Leigh, Rockford.
Charles E. Lovett, Volga.

MARYLAND

August W. Clark, Lutherville.

MICHIGAN

Thomas N. Graham, Peck.

MISSOURI

Albert W. Mueller, Altenburg.
William O. Tout, Archie.
Frederick D. Williams, Fulton.
Vyra M. Brooke, Kingsville.

MONTANA

T. Lester Morris, Corvallis.
Ernest M. Goodell, Dutton.

NEW JERSEY

Walter A. Smith, Avalon.
Frank Hill, Dumont.
Milton A. Whyard, Englewood.
Mary E. Helmuth, Lavallette.
Charles B. Sprague, Manahawkin.
Fannie H. Clayton, Seaside Park.

PENNSYLVANIA

Fred Ungard, Allenwood.
Charles F. Rugaber, Galeton.
Harriett S. Earnest, Mifflinburg.

SOUTH CAROLINA

Ralph W. Adams, Abbeville.
Seabrook C. Carter, Chester.
Eli Parker, Elloree
John S. Meggs, Marion.
Floyd E. Kerr, McBee.
Loula B. O'Connor, Meggett.
Porter B. Kennedy, Sharon.

UTAH

Albert R. Lyman, Blanding.
C. Thomas Martin, Milford.

VERMONT

Clarence E. Badger, Hyde Park.

VIRGINIA

Robert Irby, Appomattox.
William C. Roberson, Galax.

WISCONSIN

Velma C. Grossman, Dale.
Elmer A. Disgarden, Ellison Bay.

HOUSE OF REPRESENTATIVES

TUESDAY, *June 24, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Father of Mercies, again Thou hast drawn the curtain of night and shown us the radiance and beauty of Thy handiwork; Thy infinite presence underlies all. We humble ourselves before Thee, yet we approach Thee with filial trust and confidence. Blessed Lord God, be with us, for the words we speak and the things we do may seem to be lost, but are not. Direct us and lead us to do something for others—to love the unloving, to extend the hand to the forbidding, to plan and win the cause that is just, to will that our light may shine, and, above all, to add strength of character and acceptable conduct to our daily living. In the name of Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10381. An act to amend the World War veterans' act, 1924, as amended.

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 12696. An act authorizing an appropriation for the purchase of the Vollbehr collection of incunabula.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 941) entitled "An act to amend the act entitled 'An act to regulate interstate transportation of black bass, and for other purposes,' approved May 20, 1926," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COUZENS, Mr. WATSON, and Mr. PITTMAN to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 968. An act for the relief of Anna Faceina;

S. 1252. An act for the relief of Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased;

S. 2972. An act for the relief of DeWitt & Shobe;

S. 3038. An act for the relief of the National Surety Co.;

S. 3472. An act for the relief of H. F. Frick and others; and

S. 3726. An act for the relief of the owner of the American steam tug *Charles Runyon*.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 2370, entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia."

PARK DEVELOPMENT PROGRAM, DISTRICT OF COLUMBIA

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, ladies and gentlemen of the House, we are getting very close to the end of the fiscal year, with the District of Columbia appropriation bill not yet enacted into law. The situation is sufficiently serious if we keep to the facts without letting any misunderstandings arise or permitting false issues to creep in.

The Washington Evening Star of yesterday carried this story with reference to the striking out of the million-dollar park item from the pending deficiency appropriation bill:

ONE MILLION DOLLAR ITEM TAKEN OUT

Another important development came this afternoon when the Senate Appropriations Committee struck from the second deficiency bill the $1,000,000 approved by the House to begin carrying out the Cramton park-development program.

It was learned that Members of the Senate took the view that Washington has all of the parks an ordinary city of this size would want, and that the additional parks contemplated by the Cramton bill are desirable because this is the National Capital. It was indicated that the Senators felt that if Congress is willing to bear a larger share in the cost of maintaining the Capital, then the purchase of more parks could be carried on, but if there is not to be an increase in the Federal share, then they take the view that the parks should not come ahead of school buildings and other similar local needs.

The action of the Senate committee in eliminating the park item, if approved by the Senate, would make this item subject to final settlement in conference.

The striking out of the park item from the deficiency bill, therefore, has a close bearing on the disagreement between the two Houses over the amount of the Federal contribution toward District expenses. The indications were that the final decision as to whether the $1,000,000 for parks is to be restored or left out of the deficiency bill will depend largely on whether the Federal contribution toward the National Capital is increased above the $9,000,000 now allowed.

I am bound to assume that able legislators would not act against the million-dollar item for parks simply because I happen to be the author of both the bill which has recently become a law for the acquisition for parks and also of the so-called lump-sum plan for Federal contribution to District expenses now in disagreement in the District bill. It is not to be believed that it is possible that such a personal element as that would cause such action.

But, with an understanding of the facts, that personal element being left out of consideration, the million-dollar item should not be left out of the deficiency appropriation because of any disagreement about the lump-sum plan. The new park bill does not add 1 penny to the financial obligations of the District of Columbia with reference to parks; but, on the contrary, relieves the District very materially. That million dollars which the House has authorized in the second deficiency bill for the beginning of the new park program is available for any of the purposes of H. R. 26, now Public, 284. It does not add a penny to the financial burdens of the District of Columbia. It is an appropriation of funds of the United States, not of funds of the District of Columbia. Hence, how can anyone fairly say, "the final decision as to whether the $1,000,000 for parks is to be restored or left out of the deficiency bill will depend largely on whether the Federal contribution toward the National Capital is increased above the $9,000,000 now allowed"? Neither this million-dollar appropriation nor H. R. 26, Public, 284, which authorizes it, has anything to do with the fiscal dispute. To drag it into the fiscal controversy indicates a remarkable lack of knowledge in very distinguished quarters, since I can not countenance any thought any effort is being made to coerce me.

The million-dollar appropriation proposed in the pending second deficiency bill is available for any of the purposes of H. R. 26, now Public 284. It may be used for the George Washington Memorial Parkway under section 1 (a) of the law, or for the Rock Creek (Anacostia) extensions in Maryland under section 1 (b) of the law, or for lands in the District of Columbia under section 4 of the law.

If spent under section 1 (a) or section 1 (b) for lands in Maryland or Virginia, it is never charged to the District, never reimbursed by the District, in no way at any time a financial burden upon the District.

If spent under section 4 for lands in the District, it is ultimately shared by the District of Columbia and the Federal Government as other expenses of the District of Columbia are shared.

As to lands in the District of Columbia, Public 284 authorizes an advance of $16,000,000 from the Federal Treasury to the District of Columbia, as the National Capital Park and Planning Commission requires it, for "the expeditious, economical, and efficient accomplishment of the purposes of the act." This money is to be repaid $1,000,000 a year for 16 years from the District of Columbia treasury, without interest. The item referred to in the pending deficiency appropriation bill states:

Provided, That the reimbursement to be made to the United States by the District of Columbia for advances under section 4 of such act of May 29, 1930, shall commence on June 30, 1932, instead of on June 30, 1931, as provided in such section.

By June 30, 1932, we anticipate the advances without interest from the Federal Treasury under Public, 284 for purchase of lands for parks, parkways, and playgrounds in the District of Columbia will have reached several million dollars, but only $1,000,000 will be reimbursed by the District of Columbia in the fiscal year ending June 30, 1932. If the new law—Public, 284—had not been enacted, $1,000,000 or more would have been appropriated in the District bill for purchase of such lands. That amount was appropriated in the District appropriation act for 1930, is approved by the Senate in the pending District bill for 1931, and would no doubt have been continued in 1932 without enactment of Public, 284.

As to the payment for such lands, the law now authorizes an annual appropriation in the District of Columbia appropriation act of a sum not exceeding 1 cent for each inhabitant for the continental United States, as determined by the last census, or about $1,200,000. It is further provided that—

The funds so appropriated shall be paid from the revenues of the District of Columbia and the general funds of the Treasury in the same proportion as other expenses of the District of Columbia.

As to lands in the District the law of 1924 authorized appropriations of $1,200,000 a year for an indefinite, unlimited number of years, payable as other expenses of the District of Columbia. Public 284 provides for advance of $16,000,000 from the Federal Treasury without interest, to be reimbursed $1,000,000 a year for 16 years. H. R. 26, Public 284, as to lands in the District, did not increase the usual burden, lessened the possible burden.

As to the lands in Virginia and Maryland H. R. 26, now Public 284, relieved the District from the financial responsibility placed on the District by the legislation of 1924. The legislation of 1924 gave this direction to the National Capital Park and Planning Commission then created—

It is authorized and directed to acquire such lands as, in its judgment, shall be necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia, within the limits of appropriations made for such purposes, for suitable development of the National Capital park, parkway, and playground systems.

It provided for payment for such lands by the District of Columbia on the same basis as to lands in Maryland and Virginia as the lands in the District of Columbia. Under H. R. 26, now Public 284, the District is freed from any financial responsibility for the park areas of the National Capital outside the District of Columbia.

No additional burden is therefore placed on the District, but, rather, its burdens are lessened by H. R. 26, now Public 284. The advantages to the District are very briefly these:

First. A large saving in ultimate cost, paying $1,000,000 a year for a definite period of 16 years instead of for an indefinite period that would probably run the cost up to $30,000,000 or more.

Second. Saves for use of people of the District areas of importance for recreational use that would otherwise be lost.

Third. Gives the people here the use of the park and playground areas a generation sooner than would otherwise be possible.

Fourth. It relieves the District from any share in the cost of lands to be acquired outside the District, although the present law places the same responsibility on the District for lands outside the District as it does for those within.

Enactment of H. R. 26, now Public 284, does not therefore give any reason for increasing the Federal contribution to District expenses above $9,000,000.

As a matter of fact, the District of Columbia has the same need for parks outside its borders as other cities have, and if it were not the National Capital, would have to pay for them as have other cities, but under the legislation that we have just enacted into law, the District will not have to contribute a penny for them. There will be parkways in the valleys of Rock Creek, Anacostia, Sligo Branch, Indian Creek, Northwest Branch, Cabin John Creek, aggregating probably 50 miles of beautiful drives, with numberless recreation spots and constant scenic beauty that will be used by people of the District, but with no expenditure by them for acquisition, development, or maintenance. In addition, the George Washington Parkway along the Potomac will be a great asset to the District, and will improve property values in the District of Columbia and afford recreational facilities for the people, but with no expenditure by them for acquisition, development, or maintenance. As to the lands in the District, not only do the people use the parks but there are $6,000,000 worth of playgrounds essentially of local benefit, and it is not unfair that the purchase of lands for parks and playgrounds in the District be shared ultimately as other expenses of the District of Columbia. But because this is the National Capital the new law provides not only that the Federal Government share ultimately in the cost of the purchases in the District of Columbia as in other expenses of the District but that it also advance the whole amount without interest to be repaid as stated, and shares in the cost of establishment and maintenance of parks in adjacent areas in Maryland and Virginia.

I reiterate that the new park legislation which the million dollars' item in the deficiency bill is to carry into effect adds not a penny to the financial obligations of the District, but, on the contrary, lessens the financial obligations outside of the Districts for parks, and hence, if the facts are understood, it

can not properly enter into the pending controversy over the lump-sum plan unless there is a disposition somewhere to punish the father of the lump-sum idea, and I can not think that any serious legislative body would legislate upon that principle.

REFUNDS TO TAXPAYERS

Mr. GARNER. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker and gentlemen of the House, I have asked for this time to again call attention to refunds out of the Treasury to various taxpayers. This morning's mail brought me a letter from Mr. Parker, chief of the staff of the joint committee, in which a refund for $871,264.96 is made to the Honolulu Consolidated Oil Co., of San Francisco, Calif. It involves the years 1913, 1916, and 1920, inclusive. Gentlemen will recall when we had the Steel Corporation refund up that I called attention to the fact that the Baldwin Locomotive people had a refund for the taxes of 1912, and I have never heard an explanation of that. I really do not know why this 1913 tax is being refunded at this time. If there is a member of the Ways and Means Committee or a Member of the House here who understands how you can make a refund for that time, I wish he would rise and tell the House.

Mr. CHINDBLOM. Could not a controversy of that kind have been kept alive by waivers?

Mr. GARNER. Since 1913?

Mr. CHINDBLOM. Yes.

Mr. GARNER. I doubt it; but I say to the gentleman that this is not a question of waiver.

Mr. CHINDBLOM. The thing that is waived is the statute of limitations. There is no waiver of any amount of tax by anybody, or of the rights of the Government. The gentleman knows that the waiver is for the purpose of securing consideration of all of the questions involved during a long term of years.

Mr. GARNER. Mr. Speaker, this is not a question of waiver at all. What other law does the gentleman know of?

Mr. CHINDBLOM. How does the gentleman know that it is not a question of waiver?

Mr. GARNER. Because I was told so by Mr. Parker, who has examined it.

Mr. CHINDBLOM. And the 1913 tax is not considered under a waiver?

Mr. GARNER. No; it is not now refunded under a waiver.

Now, Mr. Speaker, I want to call your attention to the fact that on June 21 there was a tax refund to the extent of five hundred and some odd thousand dollars. In other words, within the last four days there has been refunded to taxpayers $1,300,000, and yet we are standing on the floor of the House and the President is filling the press of the country discussing the advisability of legislation for the benefit of World War veterans, involving from $35,000,000 to $75,000,000, and the Treasury gives away more money each day than it would take to pay these veterans what Congress says they are justly entitled to.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. GARNER. Yes.

Mr. SNELL. The gentleman makes the statement that he is giving away money. As a matter of fact if we owe the money to the people should it not be returned?

Mr. GARNER. I agree with the gentleman from New York, but I call his attention to the fact that some of the refunds have been made and the courts have later decided that they had no right to refund that money, and that the Treasury was legally entitled to that money. Twenty-six million dollars was given to the United States Steel Corporation. I say that is giving it away in face of court decisions.

Mr. SNELL. Has the gentleman definite information so as to know that they are not entitled to the refund?

Mr. GARNER. Yes. I pointed it out the other day. We have a joint committee, with the gentleman from Oregon [Mr. HAWLEY] as the chairman, and with five ranking Members of the House Committee on Ways and Means and five ranking Members of the Senate Finance Committee. We have a staff of experts headed by Mr. Parker, who examined this refund that I called attention to the other day, and recommended that the committee disapprove it. What do we have? We have some Members not reading it or being asked what they were going to vote for. In other words, Mr. HAWLEY does not give any consideration to it. He simply carries out Mr. Mellon's wishes. His chief of staff condemned it; Senator REED voted against it, and said it could not be defended.

We have an organization composed of ranking members of the House Ways and Means Committee and ranking members of the Senate Finance Committee, who blindly, without any consideration, do the bidding of the Secretary of the Treasury and put Congress in the humiliating attitude of having indorsed through its organized committee a transaction that you can not defend, and which its own committee staff has condemned and said should not be paid.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. GARNER. Yes.

Mr. TREADWAY. Has Mr. Parker, chief of staff, passed upon the merits or demerits of the claim now pending before the gentlemen?

Mr. GARNER. No. It has just reached the committee, but it makes no difference. If Mr. Parker should point out, as he did in a case the other day when the gentleman was not there, that it was not authorized by law, I think the gentleman from Massachusetts, if we can judge the future by the past, would have voted for Secretary Mellon's statement, without knowing anything about it.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to proceed for three additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TREADWAY. Has not the joint committee taken up Mr. Parker's recommendations from time to time, and has not Mr. Parker himself, recognized even by the gentleman as an expert, passed favorably on all of these large cases, except the one to which the gentleman has just referred?

Mr. GARNER. Yes, Mr. Speaker and gentlemen of the House; that is correct. Mr. Parker has condemned three of them, and in spite of that criticism and his recommendation that the committee not agree with the Treasury Department, the gentleman from Massachusetts has voted for two of them and was absent on the last consideration.

Mr. TREADWAY. May I ask the gentleman another question? I do not want to take the gentleman's time, but I think the gentleman overstates the case very frequently in unintentional exaggeration. Let me ask if in the principal case which was considered by the committee, Mr. Parker did not say it was a very close decision, even in his mind, and he did not condemn it, except to that extent?

Mr. GARNER. Yes, Mr. Speaker.

Mr. TREADWAY. But he said it was a close decision.

Mr. GARNER. Yes, Mr. Speaker; but here is what happened in the United States Steel Corporation case. There was the Packard Motor Car case pending before the Court of Claims, involving questions contained in the United States Steel case. Ex-Members of this House are on that court, and a judge by the name of Williams wrote the decision. I think you will remember it. This case was pending there, and the Treasury was anxious to settle the Steel case before that suit was decided, and they did pay the claim, and within two weeks that court held, in effect, that the United States Steel Corporation was not entitled to that refund, but the Treasury Department, anxious to serve certain interests in this country, insisted upon making that refund, although it had been pending for 11 years, anticipating that that decision might be against them.

The result of that decision showed that they paid the United States Steel Corporation $26,000,000 that they were not entitled to. That is the reason I use the word "gift." It is a gift.

In this connection I desire to call attention to an article in the New York Times under date of June 19, as follows:

FEE OF $5,000,000 FROM UNITED STATES STEEL IS CLAIMED BY LAWYER FOR AID IN $33,000,000 TAX REFUND

Wayne Johnson, former Solicitor of Internal Revenue, and member of the law firm of Johnson & Shores, 50 Broadway, has claimed a fee of $5,000,000 for obtaining an income tax refund of $33,000,000 for the United States Steel Corporation, the claim being arbitrated by former Judge Samuel Seabury, it was learned yesterday.

Former Judge Seabury will resume hearings in the arbitration proceedings on Monday. According to counsel for the United States Steel Corporation yesterday, the corporation has consented that Mr. Johnson's fee was to have been determined by the late Elbert H. Gary, who was chairman of the corporation's board of directors, under the terms of a contract with Mr. Johnson.

The hearings have been arranged in the hope of an amicable settlement of differences of opinion regarding the extent of Mr. Johnson's participation in obtaining the refund. Former Governor Nathan L. Miller, head of the company's legal department, is representing United States Steel in the proceedings. Morgan J. O'Brien and Arthur Ballantine are counsel for Mr. Johnson.

The $33,000,000 refund to the United States Steel Corporation on income and profits taxes collected for 1918, 1919, and 1920 was announced on March 14 by Secretary of the Treasury Mellon. However, only $4,000,000 was actually returned to the company by the Government. The balance of $17,006,000, plus about $12,000,000 interest, has been credited to the corporation's 1930 taxes. For 1918

the refund and credit was $14,369,612; for 1919, $4,391,025, and for 1920, $2,336,240; these amounts with interest making the total of more than $33,000,000.

The refund was the result of the settlement of an action brought in the Court of Claims to protect the corporation under the statute of limitations. The steel company claimed a refund of approximately $77,000,000, and interest of $55,000,000. The settlement at $33,000,000 represented principal of $21,000,000 and interest of $12,000,000.

It was said at the Treasury that the Steel company's income tax for 1929, payable this year, would be about $17,000,000.

Secretary Mellon's announcement of the tax refund incensed Representative GARNER, Democratic leader, who asked Congress to investigate tax-refund methods. He accused Mr. Mellon of favoritism to big taxpayers and asserted that failure of the Treasury Department to "contest claims of the United States Steel Corporation has resulted in a direct loss to the Government of at least $9,000,000 and possibly $26,000,000." He declared that the $33,000,000 refund was passed on by the joint committee on internal-revenue taxation with only one member of the majority party present.

The gift the other day to the Hawaiian sugar company was a gift. I do not know about this case. Mr. Parker said this morning when I called him up that he had not examined it. It takes a long time to examine them. We have only 30 days from the time it is reported to the committee until the joint committee acts upon it, so Mr. Parker and his associates are doing the best they can to serve the Government.

Mr. Speaker, I ask unanimous consent in extending my remarks to include again, for the information of the House, the amount that has been refunded by Secretary Mellon since he has been in office.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

Fiscal year:	
1922	$182,371,597.88
1923	440,173,211.82
1924	452,582,691.87
1925	381,069,220.21
1926	424,072,181.86
1927	304,264,847.42
1928	208,398,978.14
1929	339,528,941.51
1930 to June 21 (approximate)	129,390,615.37
	2,861,852,286.08

A partial list of the larger refunds allowed by the Treasury under Secretary Mellon:

United States Steel Corporation	$96,384,865.93
Standard Oil Co. of Indiana (Illinois)	5,062,893.82
Harkness, William L., estate (New York)	1,113,692.03
Hillman & Sons Co. (Pennsylvania)	899,906.19
Swift & Co. (Chicago)	1,496,633.90
Brooks, Peter C., estate (Boston)	1,368,826.75
Sage, Margaret Olivia, estate (New York)	1,618,940.00
American Tobacco Co. and subsidiaries (New York)	4,271,290.62
Federal Shipbuilding Co. (Kearney, N. J.)	3,654,239.17
R. J. Reynolds Tobacco Co. (North Carolina)	6,213,808.00
The Texas Co. (Houston)	1,336,507.00
United Fuel Gas Co. (West Virginia)	1,235,962.00
Marine Securities Co. (Evanston, Ill.)	1,054,296.00
Standard Oil Co. of Kentucky	2,629,313.00
Hancock Mutual Life Insurance Co., Boston	1,117,350.00
Kales, Alice G., Mrs., Detroit	3,134,780.00
Hill, Mary T., estate, St. Paul, Minn	1,221,968.00
Botany Worsted Mills, Passaic, N. J	1,007,771.00
Mutual Benefit Life Insurance Co., Newark, N. J	1,075,361.00
Prudential Insurance Co. of America, Newark, N. J	3,788,139.00
Monell, Ambrose, estate (New York)	1,404,377.00
Central Leather Co. (New York)	1,104,850.00
Clyde, William P., estate, Brooklyn	1,404,931.00
W. R. Grace & Co., New York	3,510,449.00
P. Lorillard Co., New York	1,627,502.00
William Waldorf Astor	6,456,830.00
Ohio Oil Co. (Ohio)	1,789,341.00
Cannon, James W., estate, Concord, N. C	1,081,560.60
Youngstown Sheet & Tube Co., Youngstown, Ohio	1,234,155.00
American Window Glass Co., Pittsburgh	1,800,216.00
Westinghouse Air Brake Co. (Pennsylvania)	1,729,436.00
Westinghouse Electric & Mfg. Co., Pittsburgh	1,590,574.00
Northwestern Mutual Life Insurance Co., Milwaukee	2,461,796.00
Reed, Verner Z., estate, Denver	1,222,383.93
Moore Shipbuilding Co., San Francisco	537,338.51
Southern California Edison Co., Los Angeles	575,173.33
Colorado Fuel & Iron Co., Denver	669,130.04
Whitman, William, Co. (Inc.), Boston	696,274.34
Corning, Ephriam, estate (New York)	589,949.24
Czarnikow Rionda Co. (New York)	588,908.19
Macy, R. H., & Co. (New York)	508,065.35
United States Retail Stores Corporation (New York)	688,541.07
Texas Pacific Coal & Oil Co	957,374.29
A. E. Clegg, New York	1,828,438.95
H. F. Kerr, New York	1,818,813.52
John N. Willys, New York	1,211,035.02
New England Cotton Yarn Co., Boston	1,029,052.76
Bartlett-Hayward Corporation, Baltimore	2,641,019.39
American Brass Co., Waterbury, Conn	1,372,152.38
Amoskeag Manufacturing Co., Boston	2,247,588.98
International Harvester Co., Chicago	2,293,046.37
P. Lorillard & Co., New York	1,562,137.92
The Mackey Co., New York	$4,985,327.22
Arlington Mills, Lawrence, Mass	2,505,694.04
National Aniline & Chemical Co., New York	3,035,771.55
Armour & Co., Chicago	2,251,395.31
Cudahy Packing Co., Chicago	2,221,101.13
Libby, McNeil & Libby, Chicago	2,452,102.22
American Locomotive Co., New York	1,876,250.63
Burroughs Adding Machine Co	1,531,746.21
American Shipbuilding Co., Cleveland	2,085,732.40
Firestone Tire & Rubber Co., Akron	2,960,290.98
Amalgamated Leather Co., New York	1,858,540.66
Plymouth Cordage Co., Plymouth, Mass	2,468,798.17
William J. Haar, Savannah, Ga	1,681,526.97
Curtis, Cornelia, estate, Detroit	1,363,207.18
Commercial Pacific Cable Co., New York	2,357,492.89
New Jersey Zinc Co., New York	1,440,214.14
Aluminum Co. of America, Pittsburgh	1,501,277.88
Francis H. Cierque, Montreal, Canada	1,377,188.04
Singer Manufacturing Co., Elizabeth, N. J	1,623,473.92
Commercial Cable Co. of New York	1,537,945.61
Steward Farm Mortgage Co., Conrad H. Mann, receiver	3,048,546.20
Schoellkopf Aniline & Chemical Works, Buffalo	1,829,141.16
International Shell & Ordnance Co., New York	1,819,009.54
International Loading Co., New York	1,943,170.25
R. J. Reynolds Tobacco Co., North Carolina	1,698,265.47
American Car & Foundry Co	5,209,204.74
Youngstown Sheet & Tube Co., Youngstown, Ohio	3,482,610.51
Pittsburgh Steel Products Co	1,830,227.55
Standard Steel Car Co., Pittsburgh	1,955,050.95
Gulf Oil Corporation, Pittsburgh	3,996,080.18
Honolulu Consolidated Oil Co., San Francisco	871,264.96
Philadelphia Rapid Transit Co	1,721,134.40
Atlantic Refining Co., Philadelphia	1,016,567.36
Eastman Kodak Co	2,542,304.59
Wilson & Co., Chicago	678,173.57
Employees' Liability Assurance Corporation, Boston	684,205.89
Endicott, Henry B., Estate, Boston	546,599.94
John Hancock Mutual Life Insurance Co., Boston	738,696.21
Hollingsworth & Whitey Co., Boston	516,446.33
Bourne, Frederick G., Estate, New York	603,751.22
Payne, Oliver H., Estate, New York	557,246.00
United States Finishing Co., New York	558,459.00
Miami Copper Co., New York	875,000.00
City Service Co., New York	692,929.00
Berwind White Coal Mining Co., Philadelphia	545,962.00
Emery, John J., Estate, Philadelphia	927,767.00
The Philadelphia Electric Co	999,937.00
Aluminum Co. of America, Pittsburgh	555,926.75
Frick, Henry C., Estate, Pittsburgh	802,720.69
McClintic-Marshall Construction Co., Pittsburgh	874,255.38
Deering, Charles, Estate, Chicago	728,090.00
Standard Gas & Electric Co., Chicago	901,722.00
United Verde Extension Mining Co., New York	879,580.00
Crimmins & Pierce Co., Boston	783,107.00
New England Mutual Life Insurance Co., Boston	542,812.00
Postum Cereal Co., Battle Creek	580,942.00
Kelly-Springfield Tire Co., New York	949,507.00
United States Industrial Alcohol Co., New York	670,164.00
General Electric Co	922,445.00
Gans Steamship Line	578,247.00
Equitable Life Assurance Society of the United States, New York	574,611.00
Mutual Chemical Co. of America, New York	860,000.00
Mutual Life Insurance Co. of New York	813,059.00
New York Life Insurance Co	525,994.00
Mortimer L. Schiff	507,302.00
American Locomotive Co	925,698.00
Atlantic & Pacific Steamship Co	529,157.00
Atlantic Transport Co. of West Virginia, New York	786,374.00
Estate of Helen C. Bostwick, New York	675,218.00
Visayan Refining Co. (Inc.), New York	669,446.00
Estate of John J. Emery, Philadelphia	672,628.00
Penn Mutual Life Insurance Co., Philadelphia	804,907.00
Philadelphia Storage Battery Co	668,901.00
Aluminum Co. of America, Pittsburgh	620,539.00
John B. Semple & Co. (Pennsylvania)	633,388.00
National Life Insurance Co., Montpelier, Vt	960,579.00

Mr. WOODRUFF. The gentleman has called the attention of the House to some very serious things, and I refer particularly to this refund of $26,000,000 to the Steel Corporation, in view of the subsequent decision of the Court of Claims. Has the Treasury Department since that decision was rendered taken any steps, so far as he knows, to recover that $26,000,000?

Mr. GARNER. I do not know of it, but I understand not; none whatever that I know of, and will not. Let me tell the gentleman and others of this House, repeating again, that we were compelled to give the Treasury this discretion and authority, or else the income-tax system would break down, and we would have had to substitute a consumption tax, which I am opposed to. It would take 10 years to find out what the situation was and find out how much you owed the Government. An intolerable situation would result. Now, we gave them discretion, and in my opinion they are abusing that discretion against the Government in favor of certain specified taxpayers. [Applause.]

WILLIE LOUISE JOHNSON

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to file a supplemental report on the bill (H. R. 4101) to extend the benefits of the employees' compensation act of September 7, 1916, to Willie Louise Johnson.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE PRICE OF SHOES UNDER THE NEW TARIFF LAW

Mr. CLARKE of New York. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CLARKE of New York. Ladies and gentlemen of the House, a great deal of misleading propaganda has been disbursed through our newspapers about the effect of the tariff upon the cost of shoes. Mr. George F. Johnson, of the Endicott-Johnson Shoe Co., the pioneer of philanthropists, has prepared a statement which I want to read to you.

Tariff experts, according to high authority, have stated: "The shoe duty would cost consumers $78,000,000," presumably yearly.

THE FACTS

The provision for a protective tariff of 20 per cent will not cost the American shoe consumers *one penny* unless they insist upon buying foreign-made shoes; in which case they will pay 20 per cent more *than they have been paying*.

[Applause.]

The tariff duty of 10 per cent *placed on hides* will make shoes cost more (when the duty is *added* to the hide cost). This cost will vary according to the kind of shoes. Where more leather is used the cost will be more. Where little leather, *like women's shoes*, the tax will be small against each pair.

There is no article of public consumption more necessary than shoes. *There is no commodity or necessity where competition is keener.* The American shoe manufacturers (plus distributors) will see to it that no added cost shall be assessed against the "ultimate consumer" of *American-made shoes.*

In the case of hides—since the tariff of 10 per cent has been effective, *hides have sold for less money.* Hides are a by-product of beef *and must be sold. They can not be eaten nor buried.* Prices will depend on the "supply and demand." *With a tariff of 10 per cent, hides may sell for less money, and have already sold cheaper since the last tariff.*

The selling department informed me yesterday that *our* shoes were selling at *lower prices* on the average than maintained in the year 1914, *when wages were little more than half what they are to-day.* Our profits have suffered correspondingly, even after we credit any increased efficiency or economies of any kind which we have created since that time.

With double the capacity of manufacturing shoes that is required for the *natural markets*, the consumer need not feel seriously disturbed about a tariff duty on shoes, so far as it affects his or her pocketbook, unless (to repeat) *they very greatly desire to wear shoes manufactured in some foreign country.*

[Applause.]

Mr. Speaker, I yield back the balance of my time.

RIVERS AND HARBORS

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. McDUFFIE. Mr. Speaker, reserving the right to object, may I ask the chairman of the committee [Mr. DEMPSEY] what is the objection to carrying out the instructions of the committee by asking unanimous consent to concur in the Senate amendments before asking for a conference?

Mr. DEMPSEY. As I understand, the feeling is that the bill is quite a large bill, and that the more orderly way is to send it to the conference. There is no trouble at all about the conferees agreeing speedily, and the bill would come back and be passed to-day or to-morrow. I am assured on the Senate side there will be no trouble at all there. I have talked with those who will be the conferees. There will be no serious disputes. There will be no prolonged conference. I see no reason why the conferees can not get together immediately. In fact, I have agreed to call them this afternoon, and we expect to make and sign our report and have it back here this afternoon.

Mr. McDUFFIE. The chairman is favorable to the amendments added by the Senate, I assume?

Mr. DEMPSEY. At least I, as an individual, would be ready to concur in the Senate amendments for the purpose of the speedy enactment of the measure.

Mr. McDUFFIE. I have no desire to interfere with the regular processes of legislating, but it occurs to me that the chairman should at least have carried out the instructions of his committee and made the first request. There might have been objection. I do not know now that there will be objection. None has been made, of course, because the request has not been made. It is a much better way to deal quickly with the problem. The chairman knows that our committee has considered the amendments. Certainly those who will have to deal with them, namely, the ranking minority Member, Judge MANSFIELD, and the two majority Members, understand the amendments. They will readily agree to them. Why could we not save the time of a conference and agree to the Senate amendments to-day? The House, I think, is ready to agree to them, and a vast majority of the people of the country approve the bill.

Mr. DEMPSEY. I am not sure that the chairman of the committee would be recognized for that purpose, and I am quite sure that the feeling is that on account of the importance of the bill it should be sent to conference.

Mr. McDUFFIE. Will the chairman give us some idea as to when he will bring this bill back? These are the closing hours of the Congress.

Mr. DEMPSEY. I have already said, and I repeat, that I have conferred both with the chairman of the committee in the Senate, with the leader and assistant leader in the Senate, and that we have agreed to have the conference this afternoon. We expect to be able to report back this afternoon, and we hope to take the matter up to-morrow.

Mr. McDUFFIE. I am glad to have that statement from the chairman, but this thought occurred to me, in view of the fact that the House committee has unanimously requested the chairman to ask unanimous consent to agree to the Senate amendments, I thought the chairman should carry out the instruction of the committee and put such a request if he can be recognized for that purpose by the Speaker.

Mr. DEMPSEY. I am quite certain that the chairman has done all that he could do, and the chairman is doing all that can be done.

Mr. McDUFFIE. That begs the question.

Mr. DEMPSEY. No; it does not.

Mr. McDUFFIE. The question I raise is why the chairman does not carry out the instructions of his committee. That is the proposition.

Mr. CRAMTON. If that request had been made it would have been objected to, because there is no print of the bill showing the Members of the House what the amendments are, but if the bill is sent to conference there will be such a print.

Mr. McDUFFIE. I beg the gentleman's pardon. The Senate amendments are set out in the bill copies of which were available last Saturday.

Mr. CRAMTON. I have not been able to get a copy of them.

Mr. FREAR. So that the House may know something about the facts which are being discussed in this casual way, will the gentleman, chairman of the committee, tell the House what was the amount of the rivers and harbors bill when it passed the House?

Mr. DEMPSEY. The authorizations for expenditures were $110,000,000.

Mr. FREAR. What were they approximately when the bill passed the Senate?

Mr. DEMPSEY. One hundred and thirty-eight million dollars.

Mr. FREAR. The gentleman from Alabama, a member of the committee, criticizes the chairman because he will not ask to have the bill rushed through the House instead of sending it to conference. I would object to such a course in view of the chairman's statement I am frank to tell the gentleman.

Mr. TILSON. The gentleman will admit this is the orderly way to do it and that the bill should go to conference.

Mr. McDUFFIE. I am not objecting to its going to conference at all, but I thought the other way would be the quicker way to consider it.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if the bill was referred to the committee after it returned from the Senate.

Mr. DEMPSEY. I will say to the gentleman that the Senate bill was taken up by the Committee on Rivers and Harbors and a very careful abstract of the Senate amendments was made.

Mr. LAGUARDIA. But it was not referred by the House to the committee, was it?

Mr. DEMPSEY. It was considered by the committee and all of the Senate amendments were considered in detail.

Mr. LAGUARDIA. The committee did not have the bill officially before it, did it?

Mr. DEMPSEY. Well, I would not say it did have. I do not know.

Mr. LaGUARDIA. Therefore, the committee had no authority to pass upon these amendments at all and the bill is still under the control of the House.

Mr. McDUFFIE. But the committee had a copy of the bill before it and considered these amendments.

Mr. LaGUARDIA. But the House did not lose control of the bill by referring it to the committee.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, as a matter of fact, the bill was messaged to the House on Saturday after the committee had met, but that is immaterial.

Mr. DEMPSEY. On Friday.

Mr. CHINDBLOM. It was messaged on Saturday, as shown by the RECORD. However, I will say this: There are many amendments in the bill which some of us think ought to receive the consideration of the conferees. I have in mind, as everybody would know, the Illinois waterway proposition, in which some of us are very much interested. The House provision passed the House without any objection. It was stated openly that everything was satisfactory and agreeable, but in the other body a very material change has been made. An amendment has been placed upon the bill which subjects the Illinois waterway to a decree of the Supreme Court of the United States, which related entirely to the question of using water for sanitation and not at all to matters of waterway transportation, and I am hoping that the conferees will find some way in the consideration of that amendment and of that matter at least to provide for a little earlier survey than the action of the Senate is willing to give us, so that the survey can be begun as early as other surveys are begun and that the survey shall not have to wait until the whole waterway has been completed before the Secretary of War can proceed.

Mr. DEMPSEY. Let me say that it would not be necessary for the conferees or for the House to act upon that particular matter. Under the law the two committees have jurisdiction to pass on surveys, and we could pass a resolution for a survey at any time with regard to such a project.

Mr. CHINDBLOM. Does the gentleman think the general law will apply when this law, which is subsequent to it, makes special provision with reference to a study of the Illinois waterway?

Mr. DEMPSEY. Both laws will be in force, and as the action of the committee would be subsequent to the action of the Congress, the action of the committee would be the one which would prevail.

Mr. CHINDBLOM. But the Senate provision provides that as soon as practicable after the Illinois waterway shall have been completed, then the study shall be made. However, I am certain the conferees will give consideration to that question, and I withdraw my reservation of objection.

Mr. Speaker, under the leave to extend my remarks, I wish to call attention to the declaration of Special Master—now Chief Justice—Hughes to the Supreme Court of the United States, in his report in the consolidated cases, involving the question of diversion of water from Lake Michigan into Sanitary District Canal at Chicago, which reads as follows:

> Under the opinion of this court in the present suits the question of the allowance of the diversion of water from Lake Michigan in the interest of the waterway to the Mississippi is not deemed to be open to consideration.

When the States of Missouri, Kentucky, Arkansas, Mississippi, and Louisiana sought to be made defendants in the litigation on the ground of their rights and interests in the navigation of the Mississippi River, the Supreme Court, through Chief Justice Taft, said, on January 14, 1928:

> They [the foregoing States] really seek affirmatively to preserve the diversion from Lake Michigan in the interest of such navigation and interstate commerce, though they have made no express prayer therefor. In our view of the permit of March 3, 1925, and in the absence of direct authority from Congress for a waterway from Lake Michigan to the Mississippi they show no rightful interest in the maintenance of the diversion. Their motions to dismiss the bills are overruled, and so far as their answer may suggest affirmative relief it is denied.

And still, in the Senate amendment, the flow of water for navigation purposes is fixed and limited by the decree of the court as to the amount of water that may hereafter be diverted for sanitation purposes alone through the Chicago Sanitary District Canal; and the Secretary of War and the Chief of Engineers are deprived of their usual authority in the control of navigable waters within the United States. Our hope must rest in the fairness and wisdom of future Congresses to give the great Middle West equal opportunities with sections more favorably located, as on the seaboards, in gaining an outlet to the high seas for its wealth of agricultural and industrial production and its share of the commerce of the Nation.

Mr. CULLEN. Mr. Speaker, further reserving the right to object, New York is vitally interested in this bill and in some of the amendments put on in the Senate that will come up in the conference. I am not going to take the position of trying to retard the passage of this bill in any way. I am for the bill, but I do hope the conferees on the part of the House will insist and see that the amendment relative to the widening and deepening of Newton Creek in the harbor of New York City are kept in the rivers and harbors bill, and I am placing implicit confidence in the chairman of the Rivers and Harbors Committee to carry this out.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. DEMPSEY, STRONG of Pennsylvania, and MANSFIELD.

CAMPAIGN EXPENDITURES OF CANDIDATES FOR THE HOUSE OF REPRESENTATIVES

Mr. SNELL. Mr. Speaker, I call up a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from New York calls up a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 258

Resolved, That a special committee of five be appointed by the Speaker of the House of Representatives to investigate and report to the House not later than January 1, 1931, the campaign expenditures of the various candidates for the House of Representatives in both parties, the names of the persons, firms, associations, or corporations subscribing, the amount contributed, the method of expenditure of said sums, and all facts in relation thereto, not only as to the subscriptions of money and expenditures thereof but as to the use of any other means or influence, including the promise or use of patronage, and all other facts in relation thereto that would not only be of public interest but would aid the Congress in any necessary remedial legislation.

That said special committee, or any subcommittee thereof, is authorized to sit and act during the adjournment of Congress, and that said committee, or any subcommittee thereof, is hereby empowered to sit and act at such time and place as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses, the production of books, papers, and documents; to employ stenographers at a cost of not exceeding $1 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

Said committee is authorized to make such expenditures as it deems necessary and such expenses thereof shall be paid on vouchers ordered by said committee and approved by the chairman thereof.

Mr. SNELL. Mr. Speaker, the wording of this resolution sets forth as clearly and distinctly the intent and purpose of the Rules Committee as anything I could say at this time.

The only thing I may add is that it is not the intention to set up a smelling or snooping committee to annoy Members of Congress. The only idea is that if some abnormal situation develops during the campaign and it seems to be necessary to look into it, the machinery will be ready to operate without any delay. This is the only purpose I know of in connection with the establishment of this investigating committee.

Mr. TILSON. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. TILSON. Is the resolution substantially in the same form and language as the one adopted two years ago for the same purpose?

Mr. SNELL. It is almost absolutely the same.

Mr. HASTINGS. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Oklahoma.

Mr. HASTINGS. This is a House resolution?

Mr. SNELL. Yes.

Mr. HASTINGS. I have not had an opportunity to study the resolution. Does it come from the Committee on Rules?

Mr. SNELL. It does.

Mr. HASTINGS. As I heard it read from the desk, it authorizes this House committee to make an investigation of the expenditures of candidates for the Senate.

Mr. SNELL. Oh, no; the gentleman misunderstood it. It applies only to the House of Representatives.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. O'CONNOR of New York. Was there ever any report made of any investigation two years ago?

Mr. SNELL. I do not recall whether there was any formal report made, but they did some work at that time, and the effect of the work of that committee was brought to the attention of the House.

Mr. BLACK. A report was filed.

Mr. SNELL. Yes; I recall now that a report was filed.

Mr. LEHLBACH. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from New Jersey to answer that question.

Mr. LEHLBACH. I have here a copy of the report that was filed in accordance with that resolution.

Mr. O'CONNOR of New York. If the gentleman will permit another question, in his opinion is this resolution broad enough to prevent such a fiasco as happened in another body when a certain bishop of Brazil refused to give any information to a duly authorized committee of that body as to what use he had made, if any, of over $60,000 in the 1928 political campaign? Is this resolution broad enough to force a contemptuous Cannon to testify?

Mr. SNELL. This resolution is just as broad as we knew how to make it, and if there is anything that is not covered, it was not left out intentionally; and I think this resolution is broad enough to cover the expenditures of any man who is a candidate for the House of Representatives, or any emergency that may arise.

Mr. O'CONNOR of New York. And if any person contributes for or against the election of any Member of the Congress in one State or in more than one State, does the gentleman believe this resolution is broad enough to compel that person to answer before this House committee?

Mr. SNELL. We think so. That is the intent of the resolution.

Mr. O'CONNOR of New York. I hope the very recent disgraceful occurrence in another body was definitely in the minds of the drafters of this resolution.

Mr. SNELL. It was not, because that gentleman is not a candidate for the House of Representatives.

Mr. O'CONNOR of New York. But the people of this country are entitled to know in these investigations who the person is who contributes toward the election or toward the defeat of a candidate, and how the money is spent, whether the spender is a candidate or an ecclesiastic.

Mr. SNELL. The language is—

The names of the persons, firms, associations, or corporations subscribing the amount contributed—

And so forth. This is just about as broad as we could make it.

Mr. O'CONNOR of New York. Well, let us hope we will not go through that recent experience again. Does this resolution apply to primaries at all?

Mr. SNELL. No.

Mr. KVALE. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. KVALE. The resolution which the gentleman has reported contains the language "any other means or influence."

Mr. SNELL. Yes.

Mr. KVALE. Is that put in in order to take care of campaign assertions and statements on the part of various candidates?

Mr. SNELL. I guess we could not go quite as far as that.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Georgia.

Mr. BRAND of Georgia. Was there any special reason why you excluded primary elections?

Mr. SNELL. Why, no. There was not any special reason one way or the other, only as a usual thing we do not go into primaries.

So far as I know, Mr. Speaker, there is no desire to discuss the resolution further, and I move the previous question.

The previous question was ordered.

The resolution was agreed to.

WORLD WAR VETERANS' BILL

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Control of the veterans' bill in the House having passed to the minority and the bill having gone to the Senate and back, I would like to know if I would be recognized as the ranking minority member of the Veterans' Committee to ask unanimous consent to take the bill from the Speaker's table and agree to the Senate amendments.

The SPEAKER. It would be in order provided the Chair recognized the gentleman.

Mr. RANKIN. I asked if the Chair would recognize me for that purpose?

The SPEAKER. The Chair would not recognize the gentleman for that purpose.

Mr. RANKIN. I do not want to embarrass the Chair.

The SPEAKER. The gentleman is not embarrassing the Chair at all.

Mr. RANKIN. I would like to ask the gentleman from Connecticut a question. When will the veterans' bill come up in the House?

Mr. TILSON. To-morrow it may be, and certainly by Thursday, I should hope.

Mr. RANKIN. Many Members have asked me if the bill would be taken up to-day, and my answer was that I hoped so.

Mr. TILSON. I should not like to have it called up to-day; the membership ought to have time to study the bill as it came back from the Senate, and a day is not too long a time to make the study.

Mr. RANKIN. Then, as I understand the gentleman, it will not be called up to-day?

Mr. TILSON. As far as my understanding goes, the Speaker will not recognize anybody to call it up to-day. I know of no way to call it up unless the Speaker recognizes some one for this purpose.

Mr. RANKIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Will the veterans' bill be taken up to-day?

The SPEAKER. The Chair is not informed.

Mr. RANKIN. I am not trying to be facetious with the Chair, but a great many Members have asked me if it would come up to-day; but, of course, if the Chair will not recognize anyone to take it up I know that it will not come up.

The SPEAKER. The Chair does not think that is a parliamentary inquiry.

Mr. SNELL. I should object to its being taken up to-day, anyway.

Mr. TILSON. One Member can object and thus prevent its being taken up.

Mr. RANKIN. I am sorry the gentleman from New York [Mr. SNELL] objects. I had hoped that we might take the bill up to-day and agree to the Senate amendments.

BRIDGE ACROSS THE COLUMBIA RIVER BETWEEN LONGVIEW, WASH., AND RAINIER, OREG.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take the bill S. 4577, a bridge bill, from the Speaker's table and consider it, a similar House bill being on the calendar. It is a case of an emergency.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

An act (S. 4577) to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

Whereas in order to complete technically the bridge across the Columbia River at Longview, Wash., it is necessary to allow the macadam roadbed to settle for approximately two years before putting on the concrete surface: Therefore

Be it enacted, etc., That the time for completing the construction of the bridge across the Columbia River between Longview, Wash., and Rainier, Oreg., authorized to be built by W. D. Comer and Wesley Vandercook by act of Congress approved January 28, 1927, which time was extended to June 1, 1930, by act of Congress approved December 26, 1929, is hereby further extended to June 1, 1932.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

The preamble was stricken out.

A motion to reconsider was laid on the table.

THE FOREST SERVICE

The SPEAKER. The Clerk will call the Consent Calendar, beginning at the star.

The first business on the Consent Calendar was the bill (H. R. 10782) to facilitate and simplify the work of the Forest Service.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of the act approved March 4, 1913, as provides: "That hereafter the Secretary of Agriculture is authorized to reimburse owners of horses, vehicles, and other equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment is properly chargeable." (Sec. 502, title 16, U. S. C.) is hereby amended

to read as follows: "The Secretary of Agriculture is authorized, under such regulations as he may prescribe:

"(a) To hire or rent property from employees of the Forest Service for the use of officers of that service other than use by the employee from whom hired or rented, whenever the public interest will be promoted thereby.

"(b) To provide forage, care, and housing for animals, and storage for vehicles and other equipment obtained by the Forest Service for the use of that service from employees.

"(c) To reimburse owners for loss, damage, or destruction of horses, vehicles, and other equipment obtained by the Forest Service for the use of that service from employees or other private owners: *Provided*, That payments or reimbursements herein authorized may be made from the applicable appropriations for the Forest Service: *And provided further*, That except for fire-fighting emergencies no reimbursement herein authorized shall be made in an amount in excess of $50 in any case unless supported by a written contract of hire or lease."

With the following committee amendments:

Page 2, line 6, strike out "prompted" and insert "promoted."

Page 2, line 6, after the word "thereby," strike out the period and insert a semicolon and add the following language:

"*Provided*, That the aggregate amount to be paid permanent employees under authorization of this subsection, exclusive of obligations occasioned by fire emergencies, shall not exceed $3,000 in any one year."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE COTTON-OIL MILLS OF THE SOUTH

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert a short statement of the cottonseed hearing before the Federal Trade Commission.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FULMER. Mr. Speaker and gentlemen of the House, on February 14 I addressed the House making certain charges against the cotton-oil mill industry that were denied by the representatives of this industry. On June 11 I extended my remarks and included therewith concrete facts from independent and commission buyers of seed, as well as ginners and others to prove my contentions. I hope you will honor me by reading these remarks.

Under a resolution passed some time ago the Federal Trade Commission has been conducting hearings and investigating these charges, with Mr. W. W. Shepperd, son of ex-Governor Shepperd of South Carolina as examiner and Mr. Wooden as attorney, representing the commission. My charges were that this industry, especially since the Memphis Trade Practice Conference held in 1928, were enjoying a hog-tied monopoly, fixing prices both in buying cottonseed and selling their products. I further charged that they were making loans on gin plants and buying and building gin plants, as well as buying up and forcing out independent cotton oil mills so that they would be able to have a complete control in price fixing.

You should read what cottonseed dealers, both commission and independent buyers, ginners, and others, have to say about these charges which are inserted in my remarks in the RECORD, June 11. We find in the hearings before Mr. WATSON, the examiner, with Mr. Ashbury representing the Southern Cotton Oil Co., relative to the charge in connection with buying up and forcing out independent cotton oil mills, absolue proof of this charge but you do not see anything in the press about Mr. Asbury's testimony. The men sent out by the Federal Trade Commission to investigate the files of Cotton Oil Mills and Christie Benet, the attorney for this industry, found in Mr. Benet's files plans which were worked out by the Southern Cotton Oil Co., Buckeye Cotton Oil Co., and the Swift Cotton Oil Mill Co., which is absolute proof of this charge. All of this has been going on for some time, but especially during 1929.

We are going to have these hearings printed, and those of you who are interested should get copies and read them. These three companies had surveys made in several of the Southern States. Especially were surveys made in Alabama, South Carolina, North Carolina, and Georgia, as will be shown by the hearings. They listed all mills to be bought, and by so doing the number of tons of seed that would be available for these three mills per press per year, as well as the amount of money needed in each State, to carry through their high-handed scheme.

LISTEN TO MR. ASBURY'S TESTIMONY

Mr. Asbury was asked this question by Mr. Wooden:

With whom did you discuss these plans and surveys?

Mr. ASBURY. I discussed the matter with Mr. Geohagan. He is the man who is most interested in working out these plans from a financial point of view and otherwise in our company. I also discussed these plans with Mr. Phil Lamar, who runs an oil mill at Rome, Ga., and with Mr. Palmer Brown, of the National Cottonseed Products Co., in Memphis, Tenn.

Mr. WOODEN. Have you discussed it with the Buckeye and Procter & Gamble interests?

Mr. ASBURY. Yes; I have discussed it with them; yes, sir.

Mr. WOODEN. Have you discussed it with Swift & Co.?

Mr. ASBURY. Yes; I was in Chicago last year and talked with the Swift people.

SOUTHERN COTTON OIL CO. AS A LEADER

Mr. Asbury stated that these surveys and plans were drafted in the office of the Southern Cotton Oil Co. at New Orleans, and that Buckeye had made drafts and surveys also. The statements showed that in South Carolina they would have about 205,000 tons of seed to crush if they could get rid of the independent mills which would give these three companies 3,300 tons per press per year and the amount that would be needed to take over the independent mills in South Carolina would be $2,990,000.

In the case of Georgia, in taking over the independent mills it would give these three companies 2,600 tons per press per year and to purchase the mills in that State it would take $3,050,000.

It was understood in Alabama that the Kidd Cotton Oil Mill interests were to join with the Southern, Swift, and Buckeye Co., because, as stated by Mr. Asbury, they could not buy out this company. These four companies would have 3,500 tons per press per year and it would cost $1,660,000 to take over the Alabama independent mills.

LISTEN TO THIS QUESTION

Mr. WOODEN. Why did you plan to take over the Allen and Dothan Mills and not the Kidd Mill?

Mr. ASBURY. Well, I think it would have been easier to have bought them out than it would have been to get the Kidd one. Kidd has a hull plant; therefore, it would not have been easy to get his hull plant.

You will find Mr. Kidd was at the head of the Alabama division of the association at the time he was to be made a part and parcel of the price-fixing scheme.

THE TESTIMONY SHOWS THAT THEY HAD OPTIONS

Mr. WOODEN. Did you talk to Mr. Lamar about these plans?

Mr. ASBURY. I think Mr. Lamar got some options on mills in Georgia. (This was in 1929.)

Mr. WOODEN. Did you have options, obtain options on mills, besides the ones Mr. Lamar obtained?

Mr. ASBURY. Yes; there were options obtained on a number of mills.

Mr. WOODEN. In other States?

Mr. ASBURY. Yes.

Mr. WOODEN. By whom were they obtained?

Mr. ASBURY. I do not know. Mr. Geohagan handled that part of the matter.

Mr. WOODEN. Did they get options on mills in South Carolina?

Mr. ASBURY. I think; yes.

Mr. WOODEN. Do you know who obtained these?

Mr. ASBURY. My impression is that perhaps Mr. John Stephens did, but I am not sure.

Mr. WOODEN. How was this whole matter to be financed?

Mr. ASBURY. You are asking me a big question.

Mr. WOODEN. You had your plans made, did you not?

Mr. ASBURY. We were trying. We did not get that far. First we had to find out or wanted to get some light on the financial side; that is, how much it would take to finance it.

CORPORATIONS WERE PLANNED

Mr. Asbury further stated that plans were formulated to form a corporation in each State to take over the independent mills.

ADDITIONAL TESTIMONY FROM THE HEARINGS

Mr. WOODEN. The new corporations were to take over the mills that they would acquire?

Mr. ASBURY. I think it was discussed to take over the mills and to organize the industry in the States on a basis that would enable them (the Southern, Buckeye, and Swift) to crush the seed in an economic way at a reasonable cost and on a basis that we could make money.

MR. ASBURY LETS THE CAT OUT OF THE BAG

Mr. WOODEN. Are you familiar with anything relating to the taking over of the Marion Harper Cotton Oil Co.?

Mr. ASBURY. I think Mr. Lamar, who later bought the Rome (Ga.) mill, had the Marion Harper Mill. We were satisfied with Mr. Lamar. He used to belong to our company.

Mr. WOODEN. There were certain specific reasons for involving in the proposed plans the taking over of the Marion Harper Mill?

Mr. ASBURY. I hardly know how to say this if it is going in the record.

Mr. WOODEN. Can I help you out?

Mr. ASBURY. Well, one reason is that Mr. Harper is a leading intermittent type of seed operator. I am telling you what I know, or rather what I think about it. When Georgia adopted the "Code of trade practices," Mr. Harper attended the conference. He remained and indicated his willingness to operate under the code. Mr. Harper says, "I am for the code of trade practices." He did not oppose it, yet he did not work under it and proposed to operate as he saw fit and in whatever way he could, buying seed at whatever price he could.

THE HARPER MILL WAS AN INDEPENDENT MILL

My friends, that is the attitude of all independent mills like Mr. Harper's. These mills are the ones that make the three large groups or mills pay a fair price for seed on a competitive basis. You will note also that Mr. Harper did not do what was intended in the code; that is, follow a set or fixed price by the State associations operating under the National association. Mr. Asbury further states: "Because of this I personally would prefer to have some one else run Mr. Harper's mills." Yes, Mr. Asbury and the three large mill operators mentioned in this deal would prefer that they take over all of the independent mills so that they would know that they would not have Mr. Harper's type to interfere with their plan of price fixing and highway robbery.

MR. ASBURY FURTHER TESTIFIES

Mr. WOODEN. In other words, Mr. Harper was not disposed to cooperate with the remainder of the industry?

Mr. ASBURY. I do not think it was a question of cooperation but a question of discrimination. My view is that I wanted to be able to look a man in the face and tell him that I am giving him the best price I can; also, telling him that I am dealing with him on the same basis that I am dealing with others (a fixed price).

Mr. WOODEN. And you would also like to be able to say that he could not do any better at any other place?

Mr. ASBURY. No.

But that is the position Mr. Asbury would aspire to. In fact, under the code indorsed by the Federal Trade Commission at Memphis last summer, Mr. Asbury and his outfit is just about in that position. They wanted to complete the job by buying the independent mills.

THIS COMBINATION PREFERRED TO PUT HARPER OUT

Mr. WOODEN. But you would like to be sure of that?

Mr. ASBURY. It is extremely difficult to do business in cottonseed or cottonseed oil for what the seed are worth. If I am buying cottonseed for $30 per ton and somebody else is buying for $31, the producer will naturally sell his seed to the man who pays the $31. I may be able to get along for a while. I will either have to pay $31 in order to get seed to run my mills or get out of the business.

Therefore, to keep the independent mills and independent buyers from making a competitive market by bidding up seed, they proposed to buy them out.

THIS WILL APPLY TO ALL INDEPENDENT MILLS

Mr. WOODEN. Isn't it a fact that this Marion Harper Oil Co. consistently tops the price of other mills?

Mr. ASBURY. Yes.

Mr. WOODEN. Is that not one of the reasons that the leaders in your groups in the business wanted to put them out?

Mr. ASBURY. Yes. Personally, I would like to have somebody else running their mills.

SOUTH CAROLINA ALREADY REDUCED FROM 102 TO 40 MILLS

A number of us started this fight last fall, and especially this spring, otherwise it is my belief that to-day these three giant cottonseed-oil mill operators would have carried out their plans and would have taken over these independent mills. South Carolina mills have already been reduced, scrapped, and junked, or closed up during the past 20 years from 102 mills in 1909 to 40 mills to-day. These concerns practically own all of the mills now.

It may interest you to know that there are two kinds of mills that are interested in crushing cottonseed. The first group is the independent oil mill that is owned by local people usually, and is not engaged in the business of refining the crude oil that it crushes from the cottonseed, but sells the crude oil to refineries. These are the mills that are gradually being bought up and scrapped or forced out of business. These mills being locally owned are interested in a fair price for cottonseed as well as a fair price for oil and other cottonseed products. The farmers are their best customers.

The second group is the refinery group, owned by Procter & Gamble Co., at Cincinnati; Southern Cotton Oil Co., at New Orleans; and Swift & Co., of Chicago, and a few other concerns. They own a large number of cottonseed-oil mills in the South, and they crush the seed for the oil, not to sell to some one else but for the purpose of using it in their own refineries. Each one of these refineries buys a great deal more oil than it produces. So it is to their interest that cottonseed oil remain cheap. The cheaper cottonseed oil is the more profit they will make on the finished product.

The Southern Cotton Oil Co., Buckeye, and Swift Cotton Oil Mills will tell you to-day that they are losing money. Perhaps if you could check the books of the crushing mills located in the South owned by the Southern, Buckeye, and Swift you would find this true, but these mills in the last analysis are owned by the Wesson Oil & Snowdrift Co., New Orleans; Procter & Gamble Co., Cincinnati; and Swift & Co., Chicago. Two of these are also large meat packers and fertilizer people.

The place to find the profits of these birds is on the books in their main offices—New Orleans, Cincinnati, and Chicago. Mr. PATMAN, of Texas, who has given more time and hard work to this matter than any other Congressman, gives us the following figures: The common-stock holders of Proctor & Gamble Co. have invested $25,000,000 and their profits annually are averaging from $15,000,000 to $19,000,000. Another interesting phase in connection with this subject is the independent group of cotton-oil mill men want a tariff on foreign oils as they are deeply interested in a better price for cottonseed oil, which would mean a better price for cottonseed, to be helpful to the farmers. However, the refiners—Procter & Gamble Co., Wesson Oil & Snowdrift Co., and Swift & Co.—oppose a tariff because they do not care how cheap cottonseed oil sells for. The cheaper the price of cottonseed oil the more money they can make in the refining business and other lines.

I am assured that the examiners who are conducting these hearings will visit my State, South Carolina, later; at which time I propose to have some startling facts presented for the record by my people, who are being hog tied and robbed.

The hearings are now going on in Atlanta and will be conducted in other Southern States. I hope that you Members representing cotton States will inform your people and have them go before these examiners to present the facts that exist in your State, which is equally as bad as it is in South Carolina. I know of no better work you can do as a Representative in Congress than to help break up this giant octopus that is reaching out, taking over, and freezing out every vestige of competition in the marketing of this very important southern product.

AIR-MAIL FLYERS' MEDAL OF HONOR

The next business on the Consent Calendar was the bill (H. R. 101) for the award of the air-mail flyers' medal of honor.

The SPEAKER pro tempore. Is there objection?

Mr. GREENWOOD. Mr. Speaker, I reserve the right to object, to inquire whether this is to be a substitute for the regular medal given by Congress for distinguished service?

Mr. KELLY. Not in the slightest.

Mr. GREENWOOD. It does not conflict with the regular congressional medal?

Mr. KELLY. There is no conflict whatever. This applies to air mail flyers and is based, rather, on the bill passed in 1905, which provides for medals for those who save lives on railroads.

Mr. STAFFORD. Has the gentleman acquainted himself with the phraseology of the act under which the President awards congressional medals of honor to those who distinguish themselves on fields of battle?

Mr. KELLY. Yes; that was taken into consideration.

Mr. STAFFORD. I notice that the phraseology is slightly different from that of existing law. Under existing law the language is that the President is authorized to confer, and so forth. In the pending bill the language is:

That under such rules and regulations as he may prescribe, the President is hereby authorized to present—

In this bill you put in some qualifying clauses to the effect that under such regulations as he may prescribe he may do so and so. I think it is better form to use the language used in the present law.

Mr. KELLY. I have no objection to the gentleman offering such an amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That under such rules and regulations as he may prescribe, the President is hereby authorized to present, but not in the name of Congress, an air-mail flyer's medal of honor, of appropriate design, with accompanying ribbon, to any person who, while serving as a pilot in the air mail service since May 15, 1918, has distinguished, or who, after the approval of this act, distinguishes himself by heroism or extraordinary achievement while participating in such service: *Provided*, That no more than one distinguished flying cross shall be issued to any one person, but for each succeeding act or achievement sufficient to justify the award of an air-mail flyer's medal the President may award a suitable bar or other suitable device to be worn as he shall direct. In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the cross or the bar or other device presented to such representative of the deceased as the President may designate, but no cross, bar, or other device hereinbefore authorized shall be awarded or presented to any individual whose entire service subsequent to the time he distinguishes himself has not been honorable.

With the following committee amendments:

Page 2, line 1, strike out the words "distinguished-flying cross" and insert "air-mail flyer's medal of honor."

Page 2, line 9, strike out the word "cross" and insert the word "medal."

Page 2, line 11, strike out the word "cross" and insert the word "medal."

The committee amendments were agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 3, after the word "that," insert the words "the President is hereby authorized" and strike out on page 1, line 4, the words "the President is hereby authorized."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SURVEY OF CERTAIN PUBLIC LANDS

The next business on the Consent Calendar was the bill (H. R. 7254) to amend an act entitled "An act making an appropriation for the survey of public lands lying within the limits of land grants, to provide for the forfeiture to the United States of unsurveyed land grants to railroads, and for other purposes," approved June 25, 1910.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Mr. Speaker, I reserve the right to object, in order to ask some questions about this bill. It seems to be, from a casual reading, an attempt to give back some survey fees to the railroad companies.

Mr. ARENTZ. Mr. Speaker, if the gentleman will allow this to pass over until the gentleman from Utah [Mr. COLTON], chairman of the Public Lands Committee, comes back, I think he can get the information he wants. I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. STAFFORD. With the understanding that it may be returned to to-day.

Mr. COLLINS. I do not like to agree to that. I am not going to be on the floor after 3 o'clock.

Mr. GREENWOOD. I have some questions I desire to ask, too.

Mr. ARENTZ. I assure the gentleman that the gentleman from Utah will be here within a very few minutes.

COMPILATION OF LAWS RELATING TO COMMON CARRIERS

The next business on the Consent Calendar was Senate Concurrent Resolution 22, to print and bind additional copies of Senate Document No. 166, Seventieth Congress, entitled "Interstate Commerce Act, Annotated."

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object in order to inquire whether it is the intention that the copies for the use of the House shall be distributed through the folding room.

Mr. PARKER. I am not the author of the resolution. This is a Senate resolution.

Mr. STAFFORD. I think the resolution should be made explicit, because this publication will be of value to the Members of the House and I think each Member of the House would want to have his full quota of the publication. I shall offer an amendment to provide for that.

Mr. COCHRAN of Missouri. The trouble with the resolution is that you are not providing for a sufficient number of copies in view of the amount of money that has already been spent to compile these documents. As I understand from the Joint Committee on Printing, the plates are ready and the presses are ready to move just as soon as the Congress decides how many copies should be printed. It is a valuable document.

Mr. STAFFORD. This is a good starter, and the plates will be retained so that if additional copies are needed hereafter the plates will be in readiness for further copies.

Mr. COCHRAN of Missouri. I agree with the gentleman that the amendment he suggests should be added to the bill. What we do receive should come through the folding room.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound 4,700 additional copies of Senate Document No. 166, Seventieth Congress, entitled "Compilation of Federal Laws Relating to the Regulation of Carriers Subject to the Interstate Commerce Act, with Digest of Pertinent Decisions of the Federal Courts and the Interstate Commerce Commission and Text or References to General Rules and Regulations," of which 1,000 copies shall be for the use of the Senate; 2,500 copies for the use of the House of Representatives; 100 copies for the use of the Committee on Interstate Commerce of the Senate; 100 copies for the use of the Committee on Interstate and Foreign Commerce of the House of Representatives; and 500 copies for each of the Printing Committees of Congress.

With the following committee amendments:

Page 1, line 2, strike out "4,700" and insert "2,200."

Page 1, line 10, strike out "1,000" and insert "500."

Page 1, line 11, strike out "2,500" and insert "1,500."

Page 2, line 2, after the semicolon, following the word "Senate," insert the word "and."

Page 2, line 4, after the word "Representatives," strike out the comma and the words "and 500 copies for each of the Printing Committees of Congress."

The committee amendments were agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 1, line 12, after the word "Representatives," insert "to be distributed through the folding room."

The amendment was agreed to; and as amended the concurrent resolution was agreed to.

A motion by which the concurrent resolution was agreed to was laid on the table.

AMENDMENT OF SECTION 355 OF THE REVISED STATUTES

The next business on the Consent Calendar was the bill (S. 3068) to amend section 355 of the Revised Statutes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this seems to be rather an important bill, which will permit the Government to accept a certificate of title issued by a title company in lieu of an abstract of title, which has been the former practice in passing upon titles of property purchased by the Government.

Only on Sunday last I was reading in the Sunday issue of the New York Times, in the real-estate section, where a writer pointed out the many instances of defects in title arising after the transaction had been completed and the purchaser had made valuable improvements on the assumption he had a good title, but learned later that he had not.

The Attorney General sets out in his report that there is considerable delay occasioned by the present method of securing abstracts of title. Now, we are going to accept certificates in lieu thereof, only to find out later that the title was not as the title company had stated it to be in the certificate.

Mr. O'CONNOR of New York. Would not the gentleman, as a lawyer, prefer a certificate of title of a title company to an abstract of title by the Attorney General?

Mr. STAFFORD. I would prefer an abstract of title, which will be acceptable to the law officers of the Government.

Mr. O'CONNOR of New York. I am quite sure most lawyers would not advise their clients to accept title on a mere opinion of the Attorney General, whoever he might be. Furthermore, the title to the property ought to be insured by the title company as well as certified.

Mr. HICKEY. That was objected to by a distinguished Representative from the State of New York.

Mr. O'CONNOR of New York. Title companies are undoubtedly better equipped to pass upon titles than the Attorney General or any lawyer. The title companies have probably complained that they have not been getting any business from the Government, and therefore this bill. But if the Government is going to have a "certificate of title," it ought also to have the most valuable part of the title service, the insurance feature.

Mr. HICKEY. In many cities over the country there are no title-insurance companies. The only purpose of the bill is to expedite action in certain cases. The hearings show that in order to expedite action in acquiring titles this bill would be of service.

I wish also to say that it does not change the present law except in the proviso. The law is precisely as it is now except the proviso, and the essence of the proviso is in lines from 21 to 24. It will simply enable the Attorney General in certain cases to take a certificate of a title company and thus enable the Government to proceed with the construction of buildings.

My distinguished friend from Wisconsin [Mr. STAFFORD] has referred to opinions of the Attorney General. In fact, the Attorney General and the Attorney General's office are often unable to give an opinion on titles in far distant States, in California and other States. They must go to competent attorneys residing in those places in order to get an opinion, not being familiar with the laws of certain States as they affect titles to real estate.

Mr. O'CONNOR of New York. I do not object to that. I think that is the thing to do if there is no title company. If, however, the Attorney General is given the power to refer the question of a title, we will say to a piece of New York property, to a title company, and instead of that has a New York lawyer pass on it, he ought to be removed. Of course, in some places they do not have title companies. But the additional point I make is that the insurance feature is more important.

Mr. LAGUARDIA. The matter came up in committee. That would be the function of the title company, opening up a title for the claimant. It would not benefit anybody. The Government is in possession.

Mr. O'CONNOR of New York. You mean if the Government takes a defective title?

Mr. LAGUARDIA. He gets the perfect title.

Mr. O'CONNOR of New York. I am talking about the Government getting a defective title. If it had title insurance it would be protected.

Mr. MICHENER. The Government would not take the title unless it is perfect.

Mr. O'CONNOR of New York. I am talking about defects that show up later. The Government takes title from an individual, for instance, and later on—30 years after—we will say a defect turns up. The Government should have title insurance whereby the title company guarantees any losses up to the amount of the insurance paid for.

Mr. MICHENER. The point which the gentleman from New York [Mr. LAGUARDIA] is making is that the Government is in possession and suit can not be brought against the Government to put it out.

Mr. O'CONNOR of New York. The Government would be the one to bring suit in the supposed case I mentioned.

Mr. MICHENER. Why should they?

Mr. LAGUARDIA. They hold the property.

Mr. MICHENER. They are in possession.

Mr. O'CONNOR of New York. Suppose they have received something less than it was agreed they were to get.

Mr. LAGUARDIA. They are in possession. Nobody can attack them.

Mr. MICHENER. I agreed with the gentleman in the beginning, but I was satisfied before we had finished that it was not necessary.

Mr. O'CONNOR of New York. I am not satisfied.

Mr. WILLIAMSON. Do not the title companies guarantee title when they issue a certificate certifying that the title is in the grantor?

Mr. O'CONNOR of New York. I do not know what this "certificate of title" means. A title company does two things. It certifies the title or makes an abstract of title or gives an opinion on the title. Then they have the insurance feature. I do not know that this language "certificate of title" is known generally.

Mr. WILLIAMSON. Is not a certificate equivalent to an insurance policy?

Mr. O'CONNOR of New York. I do not know. There is no such language known in New York as "a certificate of title." The insurance feature is a "title policy."

Mr. WILLIAMSON. In most States such people are licensed and they give bond, and their title is equivalent to an insurance policy.

Mr. O'CONNOR of New York. That may be in some States, but I do not think it is true in New York.

Mr. LAGUARDIA. I will say that the insurance would run up to a very large item. The gentleman is familiar with the premiums in New York. Since the Government takes title, it would never have to be a plaintiff. Some one would have to attack its title, and the insurance company would simply hide behind the Government. As the gentleman knows, they resort to every defense, so that we would be paying the premiums for no insurance.

Mr. O'CONNOR of New York. I am not so sure of that.

Mr. STAFFORD. What have the members of the Committee on the Judiciary to say on the proposition of a certificate of title from one of these companies who did not have anything back of it? If there was a defective title, what is the recourse of the Government?

Mr. LAGUARDIA. The Government can go and take, as the gentleman knows. No one can take the title of the Government once it is in possession. The purpose of using the title company was to have the machinery there to search the title, and, as the gentleman knows, many times an assistant district attorney has no experience to make the proper search while these title companies have the machinery to make the search.

Mr. STAFFORD. I do not know specifically the practice of all the leading insurance companies of the country when placing loans on properties in distant States, but I am under the impression that the practice of that company which is known throughout the country and perhaps throughout the world, which has its home office in my city, the Northwestern Life Insurance Co., does not accept certificates of title, but examines the abstracts as furnished by the mortgagor.

Mr. WILLIAMSON. I know of no State in the Union where a company is permitted to issue either abstracts of title or title certificates without operating under the law and having certain liabilities fixed by law, which is usually a very heavy bond put up to guarantee that their certificate is good.

Mr. O'CONNOR of New York. There is no such system as that in New York.

Mr. STAFFORD. Our practice is to have abstracts of title, which individual lawyers examine and determine whether the title is a good marketable title.

Mr. WAINWRIGHT. As far as the city of New York is concerned, in the so-called metropolitan region, taking in all of New Jersey, the business is entirely in the hands of title companies. Nobody ever dreams to-day of having a title searched by a lawyer.

Mr. STAFFORD. I shall not interpose objections, although I question whether the Government should go ahead and erect expensive public buildings simply upon a certificate of title of some so-and-so company.

Mr. WAINWRIGHT. Is there any reason why the Government should not be put in exactly the same position as any prudent purchaser of real estate?

Mr. O'CONNOR of New York. Surely not. Suppose the title policy does cost something. Most prudent purchasers consider the small cost a good investment.

Mr. STAFFORD. I am receding because in the discussion I have learned that this is the practice in other States, different from that in my own State. I am trying to conform my views to that which prevails in other States.

Mr. MICHENER. This is simply modernizing the law. That is all it does.

Mr. STAFFORD. I withdraw the objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 355 of the Revised Statutes of the United States (U. S. C., title 33, sec. 733; title 34, sec. 520; title 40, sec. 255; and title 50, sec. 175) be, and the same is hereby, amended to read as follows:

"SEC. 355. No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be

in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments, respectively: *Provided, however*, That in all cases of the acquisition of land or any interest therein by the United States for the purposes herein specified or for other purposes, wherein the written opinion of the Attorney General in favor of the validity of the title of such land is or may be required or authorized by law, the Attorney General may, in his discretion, base such opinion upon a certificate of title and/or policy of title insurance, in such amount as the purchasing authority may require."

With the following committee amendment:

On page 2, beginning in line 22, after the word "title," strike out the remainder of the section and insert the words "of a title company."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE RAINY RIVER

The next business on the Consent Calendar was the bill (H. R. 12233) authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object, I notice this is an international toll bridge. Section 3 makes the laws of Minnesota in reference to the rate of tolls applicable, but strikes out Canada. Will the gentleman explain why the laws of Canada are not made applicable as well as the laws of Minnesota.

Mr. KNUTSON. I really could not give the gentleman that information, I am sorry to say.

Mr. COCHRAN of Missouri. What is the situation with reference to this bridge? Who is to build it? Is the bridge necessary?

Mr. KNUTSON. There is dire need for it, I may say to my good friend from Missouri. At the present time there is being operated a ferry which makes hourly trips. In the tourist season much inconvenience is caused by reason of the fact that the capacity of the ferry is very limited. As I recall, its capacity is about four cars, and there are times when there will be a long string of cars that can not be accommodated, and they are obliged to wait for another hour.

Mr. LAGUARDIA. My objection to the bill is that this is an international bridge and it provides for a private toll bridge, with no conditions at all imposed. I want to call the attention of the gentleman from Minnesota to an ideal international bridge bill, a bill which provides a satisfactory arrangement and is perfectly just to the traveling public. I refer to the bridge bill proposed by the gentleman from Michigan [Mr. CRAMTON], which protects both countries and the traveling public. Here you have a private toll bridge with no limitations at all.

Mr. PATTERSON. I will say to my good friend from Minnesota——

Mr. KNUTSON. I hope the gentleman will not object.

Mr. PATTERSON. As much as I think of my good friend from Minnesota, if this is a private toll bridge, I must object.

Mr. KNUTSON. Will the gentleman withhold his objection?

Mr. PATTERSON. I withhold it.

Mr. KNUTSON. The Dominion of Canada has already granted the necessary permission for this bridge to be constructed. There is need for it and there is not another bridge within 75 miles.

Mr. PATTERSON. Let us have it modeled on the plan of the gentleman from Michigan [Mr. CRAMTON], and I will not object, but if it is an ordinary private toll bridge from its inception, and with no limitation on the amount of tolls to be charged, I must object.

Mr. KNUTSON. Why should the gentleman object? There is no idea of issuing bonds. It is a wealthy Canadian concern that wants to put a bridge at this place.

Mr. LAGUARDIA. That is all the more reason why it is objectionable. There is a bill on the calendar providing for the construction of a bridge between Texas and Mexico, to which I am going to object, and this bill is in the same category.

Mr. PATTERSON. Mr. Speaker, I must object for the present.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that this bill be passed over wifhout prejudice.

Mr. PATTERSON. I will yield that much to the gentleman.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

PROHIBITION

Mr. SPARKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of prohibition.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD on the subject of prohibition. Is there objection?

There was no objection.

Mr. SPARKS. Mr. Speaker and Members of the House, one of the outstanding problems that has confronted the people of this country, from the time when the sturdy pioneers undertook to carve from the wilderness a home for themselves and loved ones down through the successive steps of our national development, has been the liquor problem which has engrafted its debauching and degrading influences into the social and economic life of our country.

The crystallized wisdom of American statesmen could not evolve a successful plan for the orderly distribution of intoxicating liquor whereby its debasing influences might not pollute the fabric of Government and leave a slimy trail of corruption, crime, and poverty along our national pathway. A justly indignant people arose in their might and declared that intoxicating liquor should no more receive, in its making and distribution, the sanction of the law, but from thenceforth it should be an outlaw.

After the adoption of the eighteenth amendment and its enforcing provisions many of its sympathizers and State enforcing agencies that were favorable thereto relaxed their efforts and thereby thrust upon the Federal Government the task of enforcement. A huge responsibility so suddenly thrown upon an already heavily burdened department of the Government became a task of great magnitude. Such department could rightfully expect, after the passage of said amendment and its enforcing provisions, that the States would fulfill their proportionate responsibility, and that Federal intervention constituted only an additional assistance to the States to make more effective their heretofore ineffectual attempts to prevent the making and distribution of intoxicating liquor, for adjoining wet States could materially affect a dry State to such an extent that absolute prohibition was impossible. A national prohibition law to unify the States so that intoxicating liquor might not find refuge and protection within the confines of our national domain was enacted.

The vendor of liquor can no longer find shelter under the folds of Old Glory.

Handicapped by inadequate facilities and in some localities by unsympathetic feeling toward it on the part of the people and the officers it has not during the period of its existence attained the perfection that some of its most ardent supporters predicted, which fact has occasioned a boisterous criticism by those favoring repeal of the eighteenth amendment and its enforcing provisions. They point to its ineffectiveness in States which have withdrawn their enforcing provisions and thrown entirely upon the Federal Government the responsibility of making prohibition effective.

Any subdivision of the Government, whether local or State, that refuses to assume its proportionate responsibility in sustaining any and all of the provisions of our National Constitution, is thereby dictating to the National Government what laws it will uphold and what it will disobey, thereby making less secure the very purpose and object of the union of States. If one State has the right to so elect, then another has the same right, and in the end we would have a confusion of beliefs, that would seriously threaten the stability of our national existence.

If the State has the right to exercise such a privilege, then why not the individual have the same right? If the State and the individuals are each to be privileged to exercise such a discretion then we will be in a state of anarchy where government does not control, but is subservient to the individual discretion.

"America can not go on a debauch in spots without injury to the whole Nation," said S. E. Nicholson before the Judiciary Committee in the recent hearings upon certain resolutions proposing to repeal the eighteenth amendment.

Disobedience to a constitutional command is nullification, and such attitude is not justified by the claimed superior judgment of a minority in determining that legislative restrictions imposed by a majority is a denial of individual rights, which the Government through its provided channels can not take away. If the majority feel that such authority should be exercised by the Federal Government for the proper protection of society,

Government, and the individual, and such feeling is embodied in the fundamental law of the land, then the wisdom of the majority has found expression therein.

Hon. J. Weston Allen said before the Judiciary Committee:

> Every nation has the right to maintain the efficient status of its man power, that upon which the nation and its life exists, up to the highest standard.

To protect our defenders from the physical deterioration resulting from the use of alcoholic liquors, we designate as unlawful that which is destructive of maintaining the physical fitness of our manhood to meet their country's obligations should a crisis ensue requiring their cooperation.

That the general distribution of liquor through saloons is a menace to society and government is acknowledged, for there was an unanimity of opinion by those advocating repeal before the Judiciary Committee that the saloon should not be reestablished. The advocates of repeal were not in accord as to the remedy for the claimed unsatisfactory conditions prevailing now. The plan most generally advocated was that the Government should dispense the same under strict regulations. The fact that it is conceded that liquor should not be sold without being under very strict regulations is a concession of its dangerous character.

Mrs. Henry M. Kendrick, in testifying before the committee, said:

> The thing needed more than the repeal of any law is an awakening of conscience applying equally to the lawmaker, the law enforcer, and the law observer. We can never be a really great Nation with a vitiated conscience; and with the revival of conscience will come a lessening of the problems confronting us to-day.

Various plans of regulation governing the distribution of liquor in the different States met with dismal failure. The people of the United States turned to the only alternative, that of prohibition. Since its adoption it has contributed to the social, economic, and civic life of the Nation in a very appreciable degree.

The saloon, the rendezvous for the social outcasts, the criminals, and the incubators of the vile and corrupt intrigues of the enemies of good government and law and order, have been eliminated.

Samuel Crowther, one of the foremost economists in the United States, testified before the Judiciary Committee as to the financial benefits obtained by prohibition since its enactment. He said:

> At the lowest estimate the country was paying nearly 4 per cent of the national income for drink in 1914 to 1916, and may have been paying as much as 8 per cent. At the very highest estimate, $1,000,000,000, the country is now paying 1 and a fraction per cent of its income for drink and may be paying less than one-half of 1 per cent. This means a net diversion of spending due to prohibition amounting to somewhere between two and six billions of dollars.

In the days before prohibition many homes were examples of the dreadful toll exacted by liquor, for that which should have supplied the comforts and necessities of the home was spent in the debauchery of a faithless husband, and innocent children, poorly clad and undernourished, were its unfortunate victims. These scenes have been transformed quite generally into contented homes, well-fed children, and saving accounts are rapidly growing.

The statistics for deaths by alcoholism from and including 1911 to and including 1917 shows an average death rate per 100,000 people of 5.2. For 1918, to and including 1928, an average of 2.8. A calculation upon the basis of 100,000,000 people, there has been a saving each year in the United States on account of prohibition of 2,400 lives, or a total during the 11 years of 26,400. The use of intoxicating liquor by those affected by cirrhosis of the liver and Bright's disease makes their ailment more fatal, and prohibition has saved approximately 166,500 lives from those affected with such a dreadful malady.

The tabulated mortality experience of 77 leading life-insurance companies in the United States shows that from 1914 to 1919, inclusive, before prohibition, the death rate was from 61 to 63 per cent, except during the "flu" year, when it ran up to 95 per cent. The averages after prohibition, from 1921 to 1927, inclusive, were 50, 51, 52, and 53 per cent

A summary of the experiences of Canada with its various plans for the regulation of liquor, including government dispensation, is vividly set forth in a statement sent to the Judiciary Committee by Sir George Foster, former Finance Minister of the Dominion. He said:

> You may take it, however, as my considerate opinion, based upon a long experience and wide observation, that the present government sale system in force in the Canadian Provinces is only a temporary phase in the long series of experiments dealing with acknowledged evils of the liquor traffic in Canada and is by no means a finality.
>
> It has not cured the abuses alleged to have existed under preceding prohibitory systems. It has increased rather than diminished the sale and consumption of alcoholic liquors. It has made easy and respectable to all classes the initiatory facilities for the formation of the drinking habit and has established an active partnership and participation in large and increasing profits between governments, and the traffic under which the latter is rapidly digging itself into a position which it shrewdly hopes to make permanent and unexpungeable. It is my firm conviction that only under complete prohibition can the liquor traffic be successfully combated and that Canada will, in due course, establish that system.

If our prohibition law is repealed, and a Government dispensation system is established, how will it be handled? Who will make it? Who will sell it? Shall our Government be the agency through which it is made? Will it sell to automobile drivers, to engineers on our railroads, to those who are handling dangerous machinery, to the aviators, to those who are dependent on their daily toil in the great industrial centers of the country? It is estimated that there are 40,000,000 drivers of automobiles. There are over 50,000,000 boys and girls in the United States. Shall liquor be easier for the boys and girls to secure? What person is anxious to ride on a train with a drunken engineer, in an automobile with a whisky-influenced driver, or to work with dangerous machinery, with a drinking stationary engineer?

The patriotic American does not retreat when facing great responsibilities, and will not compromise with crime and the enemies of law and order, but will sustain and uphold the eighteenth amendment, the greatest contribution to the moral uplift of the Nation during its existence.

BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (S. 3873) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

> *Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo., authorized to be built by the Dupo Bridge Co., a Missouri corporation, its successors and assigns, by an act of Congress approved May 14, 1928, heretofore extended by an act of Congress approved February 26, 1929, are hereby further extended one and three years, respectively, from May 14, 1930.
>
> SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAYMENTS FOR THE OPERATION OF MOTOR CYCLES AND AUTOMOBILES

The next business on the Consent Calendar was the bill (H. R. 12014) to permit payments for the operation of motor cycles and automobiles used for necessary travel on official business, on a mileage basis in lieu of actual operating expenses.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to ask the gentleman who reported this bill why he places this burden upon the President rather than upon the executive heads.

Mr. WILLIAMSON. The reason for that is that, under the present practice, the Appropriations Committee has been in the habit of putting legislative provisions similar to this bill in the annual appropriation bills. Such provisions are not uniform and, of course, not permanent law. Under this practice, in most instances, the department head effected has been allowed to make his own regulations, with the result that one department will prescribe certain regulations and another department will impose different regulations. This has resulted in confusion and much additional work for the comptroller in getting the accounts adjusted.

Now, by making the President responsible for the rules and regulations, the rules and regulations will be uniform throughout the different departments of the Government.

Mr. STAFFORD. If the gentleman will permit, are the conditions existing in the various services in the respective

departments variable so that different regulations should be prescribed according to the service of the department?

Mr. WILLIAMSON. In most cases, I think, it would be wholly unnecessary to prescribe different regulations, but if they are necessary, they will, of course, be made. In some cases now the President must approve the regulations before they go into effect, but the department heads do not follow any uniform practice as to the regulations. It would be better practice to require all employees to operate under like or similar regulations and requirements and to make uniform reports.

Mr. LAGUARDIA. What is troubling me is this: Should there not be a provision that this is applicable where the Government would pay the transportation otherwise? Does this in any way extend or broaden the present provisions with respect to the payment of transportation?

Mr. WILLIAMSON. No; it does not extend or broaden them in any way at all. It simply makes the practice uniform throughout all the departments, so that the same regulations will apply to all of them.

Mr. GREENWOOD. I would like to inquire whether, in addition to providing for uniformity, it is also anticipated that this will save the Government any money?

Mr. WILLIAMSON. Employees can only use their own vehicles under the law now where it does save money.

Mr. GREENWOOD. I mean, will this system save the Government money in comparison with the present system?

Mr. WILLIAMSON. I think there is no doubt about that. The reports submitted by the departments at my request indicate that it is cheaper to allow employees to use their own machines than it is for them to hire commercial vehicles.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, as I understand by placing this matter in the hands of the President it will probably be carried out by the Budget Office, who have contact with this very problem always in connection with the estimates, and that machinery will relieve the President of any burden.

Mr. WILLIAMSON. I do not think there is any doubt about that. In actual practice the Budget will undoubtedly prepare the necessary regulations in conjunction with department heads for submission to the President.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That whenever the executive head of any department, independent bureau, office, or other executive establishment shall find that the expenses of travel, including travel at official stations, can be reduced thereby, he may authorize, under such regulations as he may prescribe and the President approves, in lieu of actual operating expenses, the payment of not to exceed 3 cents per mile for motor cycles or 7 cents per mile for automobiles used for necessary travel on official business.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That a civilian officer or employee engaged in necessary travel on official business away from his designated post of duty may be paid, in lieu of actual expenses of transportation, under regulations to be prescribed by the President, not to exceed 3 cents per mile for the use of his own motor cycle or 7 cents per mile for the use of his own automobile for such transportation, whenever such mode of travel has been previously authorized and payment on such mileage basis is more economical and advantageous to the United States. This act shall take effect July, 1930, and all laws or parts of laws are hereby modified or repealed to the extent same may be in conflict herewith."

Mr. STAFFORD. Mr. Speaker, I offer an amendment to the committee amendment, inserting the figure "1" after July, so that it will read "July 1, 1930."

Mr. WILLIAMSON. Mr. Speaker, I think the language, "this act shall take effect July 1, 1930, and" should be stricken out because it is apparent that this bill is not likely to pass the Senate before that time.

Mr. STAFFORD. My amendment has not been reported and I will withdraw the amendment.

The SPEAKER pro tempore. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: On page 2, in line 12, amend the committee amendment by striking out "this act shall take effect July, 1930, and," and capitalize the word "all."

Mr. STAFFORD. Mr. Speaker, does not the gentleman believe there should be some definite time stated when this proposed law shall go into effect? It should not go into effect on the date of enactment, because that might result in confusion; but perhaps we should provide that it shall go into effect so many days after its enactment.

Mr. WILLIAMSON. It would be better, of course, if it went into effect at the beginning of a fiscal year, but that would throw it ahead to 1931.

Mr. STAFFORD. Why not make some provision with respect to a certain stated time after the enactment of the law?

Mr. WILLIAMSON. If we fix a stated time, I think it would be best to fix it July 1, 1931; and, Mr. Speaker, I ask unanimous consent to withdraw the amendment just offered. If permitted, I would offer in lieu thereof an amendment striking out "July, 1930," and inserting "July 1, 1931."

The SPEAKER pro tempore. The gentleman from North Dakota offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. WILLIAMSON: Page 2, line 12, strike out "July, 1930," and insert in lieu thereof "July 1, 1931."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

OFFENSES AGAINST THE CURRENCY OF FOREIGN COUNTRIES

The next business on the Consent Calendar was the bill (H. R. 12397) to amend certain sections of the act entiled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended, so as to modify the penalties for offenses against the currency of foreign countries to conform to the penalties provided for offenses against the currency of the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 156 of the Criminal Code (U. S. C., title 18, sec 270) is amended by striking out "five years" and inserting in lieu thereof "fifteen years."

SEC. 2. Section 157 of the Criminal Code (U. S. C., title 18, sec. 271) is amended by striking out "three years" and inserting in lieu thereof "fifteen years," and by striking out "$3,000" and inserting in lieu thereof "$5,000."

SEC. 3. Section 158 of the Criminal Code (U. S. C., title 18, sec, 272) is amended by striking out "two years" and inserting in lieu thereof "fifteen years," and by striking out "$2,000" and inserting in lieu thereof "$1,000."

SEC. 4. Section 159 of the Criminal Code (U. S. C., title 18, sec. 273) is amended by striking out "one year" and inserting in lieu thereof "fifteen years."

SEC. 5. Section 160 of the Criminal Code (U. S. C., title 18, sec. 274) is amended by striking out "one year" and inserting in lieu thereof "fifteen years," and by striking out "$1,000" and inserting in lieu thereof "$5,000."

SEC. 6. Section 161 of the Criminal Code (U. S. C., title 18, sec, 275) is amended by striking out "five years" and inserting in lieu thereof "fifteen years."

SEC. 7. Section 170 of the Criminal Code (U. S. C., title 18, sec. 284) is amended by striking out "shall be fined not more than $2,000, or imprisoned not more than five years, or both," and inserting in lieu thereof "shall be fined not more than $5,000 and imprisoned not more than ten years."

SEC. 8. As used in this act, the term "Criminal Code" means the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That sections 156, 157, 158, 159, 160, 161, and 170 of the Criminal Code, as amended (U. S. C., title 18, secs. 270, 271, 272, 273; 274, 275, and 284), respectively, be, and the same are hereby, amended to read as follows:

"SEC. 156 (U. S. C., title 18, sec. 270). Whoever, within the United States or any place subject to the jurisdiction thereof, with intent to defraud, shall falsely make, alter, forge, or counterfeit any bond, certificate, obligation, or other security in imitation of, or purporting to be an imitation of, any bond, certificate, obligation, or other security of any foreign government, issued or put forth under the authority of such foreign government, or any treasury note, bill, or promise to pay issued by such foreign government, and intended to circulate as money, either by law, order, or decree of such foreign government; or whoever shall cause or procure to be so falsely made, altered, forged, or counterfeited, or shall knowingly aid or assist in making, altering, forging, or counterfeiting, any such bond, certificate, obligation, or other security, or any such treasury note, bill, or promise to pay, intended as aforesaid to

circulate as money, shall be fined not more than $5,000 and imprisoned not more than 15 years.

"SEC. 157 (U. S. C., title 18, sec. 271). Whoever, within the United States or any place subject to the jurisdiction thereof, knowingly and with intent to defraud, shall utter, pass, or put off, in payment or negotiation, any false, forged, or counterfeited bond, certificate, obligation, security, Treasury note, bill, or promise to pay, mentioned in section 270 of this title, whether the same was made, altered, forged, or counterfeited within the United States or not, shall be fined not more than $5,000 and imprisoned not more than 15 years.

"SEC. 158 (U. S. C., title 18, sec. 272). Whoever, within the United States or any place subject to the jurisdiction thereof, with intent to defraud, shall falsely make, alter, forge, or counterfeit, or cause or procure to be so falsely made, altered, forged, or counterfeited, or shall knowingly aid and assist in the false making, altering, forging, or counterfeiting of any bank note or bill issued by a bank or corporation of any foreign country, and intended by the law or usage of such foreign country to circulate as money, such bank or corporation being authorized by the laws of such country, shall be fined not more than $1,000 and imprisoned not more than 15 years.

"SEC. 159 (U. S. C., title 18, sec. 273). Whoever, within the United States or any place subject to the jurisdiction thereof, shall utter, pass, put off, or tender in payment, with intent to defraud, any such false, forged, altered, or counterfeited bank note or bill, mentioned in section 272 of this title, knowing the same to be so false, forged, altered, and counterfeited, whether the same was made, forged, altered, or counterfeited within the United States or not, shall be fined not more than $1,000 and imprisoned not more than 15 years.

"SEC. 160 (U. S. C., title 18, sec. 274). Whoever, within the United States or any place subject to the jurisdiction thereof, shall have in his possession any false, forged, or counterfeit bond, certificate, obligation, security, Treasury note, bill, promise to pay, bank note, or bill issued by a bank or corporation of any foreign country, with intent to utter, pass, or put off the same, or to deliver the same to any other person with intent that the same may thereafter be uttered, passed, or put off as true, or shall knowingly deliver the same to any other person with such intent, shall be fined not more than $5,000 and imprisoned not more than 15 years.

"SEC. 161 (U. S. C., title 18, sec. 275). Whoever, within the United States or any place subject to the jurisdiction thereof, except by lawful authority, shall have control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed or may be printed any counterfeit note, bond, obligation, or other security, in whole or in part, of any foreign government, bank, or corporation, or shall use such plate, stone, or other thing, or knowingly permit or suffer the same to be used in counterfeiting such foreign obligations, or any part thereof; or whoever shall make or engrave, or cause or procure to be made or engraved, or shall assist in making or engraving, any plate, stone, or other thing in the likeness or similitude of any plate, stone, or other thing designated for the printing of the genuine issues of the obligations of any foreign government, bank, or corporation; or whoever shall print, photograph, or in any other manner make, execute, or sell, or cause to be printed, photographed, made, executed, or sold, or shall aid in printing, photographing, making, executing, or selling, any engraving, photograph, print, or impression in the likeness of any genuine note, bond, obligation, or other security, or any part thereof, of any foreign government, bank, or corporation; or whoever shall bring into the United States or any place subject to the jurisdiction thereof any counterfeit plate, stone, or other thing, or engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign government, bank, or corporation, shall be fined not more than $5,000, or imprisoned not more than 15 years, or both.

"SEC. 170 (U. S. C., title 18, sec. 284). Whoever, within the United States or any place subject to the jurisdiction thereof, without lawful authority, shall make, or cause or procure to be made, or shall willingly aid or assist in making, any die, hub, or mold, or any part thereof, either of steel or of plaster, or of any other substance whatsoever, in the likeness or similitude, as to the design or the inscription thereon, of any die, hub, or mold designated for the coining of the genuine coin of any foreign government; or whoever, without lawful authority, shall have in his possession any such die, hub, or mold, or any part thereof, or shall conceal, or knowingly suffer the same to be used for the counterfeiting of any foreign coin, shall be fined not more than $5,000 and imprisoned not more than 10 years.

"SEC. 2. As used in this act, the term 'Criminal Code' means the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, as amended."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to amend sections 156, 157, 158, 159, 160, 161, and 170 of the Criminal Code, as amended."

AMENDING THE ACT FOR THE SURVEY OF PUBLIC LANDS WITHIN THE LIMITS OF LAND GRANTS

Mr. ENGLEBRIGHT. Mr. Speaker, I ask unanimous consent to return to Calendar No. 649 (H. R. 7254), to amend an act entitled "An act making an appropriation for the survey of public lands lying within the limits of land grants, to provide for the forfeiture to the United States of unsurveyed land grants to railroads, and for other purposes," approved June 25, 1910.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. STAFFORD. Subject to objection for consideration.

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Reserving the right to object, after a cursory reading of the bill it seems to me that we are here giving back to the railroads something that they are not entitled to. In other words, it strikes me that the railroads making these surveys make them as much for themselves as for anyone else, and we ought not to be solicitous of making the refund.

Mr. ENGLEBRIGHT. The gentleman will recognize that there are two laws—one provides for land certificates and one does not. In case of the lands surveyed that were not within certain qualifications, the money has been deposited with the Treasurer and can only be used for the purpose of surveying certain lands. For various reasons some lands could not be surveyed, and the money is left in the Treasury. The Government can not use it and, of course, they can not return it. The money was deposited for a certain purpose.

Mr. JENKINS. And the money belongs to the railroad company?

Mr. ENGLEBRIGHT. Yes; it was put there for the survey of certain lands that can not be granted to the railroads.

Mr. JENKINS. Was not the money deposited in a lump sum for the survey of a vast territory, and that did not contain as much land as they thought and now they seek for a refund of what is left.

Mr. COLTON. No; the deposit was made for surveys of specific tracts and afterwards it was found that the land, for one cause or another does not come within the provisions of the grant. It might be discovered for instance that they were mineral lands, and if they have made a survey of mineral lands they are not entitled to them and the Government can not pass title to such lands to the railroad. In such cases, having put up the money and done the work they are entitled to receive the money back.

Mr. JENKINS. How much money is involved in this bill?

Mr. COLTON. I do not think that was disclosed before the committee.

Mr. JENKINS. Is it a large sum?

Mr. COLTON. No; I think it is only a few thousand dollars at the outside, perhaps not a hundred thousand. However, that is merely a guess; I do not know.

Mr. COLLINS. Will the gentleman yield? My thought about the bill is this, that the surveys were made exclusively for the benefit of the railroad companies, and the expense ought to be borne by the railroads.

Mr. COLTON. That would be true if they could receive the land.

Mr. COLLINS. But they received a part of the lands sought by them.

Mr. COLTON. No; unless they receive the lands.

Mr. COLLINS. The surveys were made for the benefit of the railroad companies because they believed they would get the lands and get them without cost, and therefore the railroads ought not to be whining now.

Mr. COLTON. That would be true if they could get the lands, but failing in that through no fault of theirs they are entitled to their money back.

Mr. COLLINS. They got their lands.

Mr. COLTON. They did not get these lands.

Mr. COLLINS. They got some of them.

Mr. COLTON. They did not get the lands for which this money was deposited to cover the expense of survey.

Mr. COLLINS. But they secured some of them.

Mr. GREENWOOD. At whose request were the surveys made? For the benefit of the railroad, was it not?

Mr. COLTON. The railroad, yes; but the Government might take the initiative.

Mr. GREENWOOD. If the railroad companies asked for these surveys in order to determine whether there was land there they could receive, and if expense was incurred in order to make that discovery and it was determined against them in the end, then they ought to bear the expense.





Mr. COLLINS. The situation is just the same as if railroads had filed a suit for land, and had lost the suit and then asked the court to require the United States to pay the costs.

Mr. JENKINS. How did they determine how much should be put up?

Mr. COLTON. It was, of course, an estimate.

Mr. JENKINS. The railroad companies and the Government were in contractual relations. Both parties assumed that there should be so much land, and the railroad company put up so much money, assuming there was that much land. It turned out that there was not much land, but they got some land. Is not that a fulfillment of the contract on the part of the parties?

Mr. COLTON. But that is not the fact. These grants are made by statutes. The law designates in a general way the land. The land can not be used, however, by the grantee, the railroad, until the lands are surveyed. The grantee puts up the money, that is, the railroad puts it up and surveys the land, and after the survey it is discovered that they are mineral lands, for instance, and the railroad is not entitled to take that class of lands at all. The result is, therefore, that they have been required to survey certain definite lands which they could not take, not because of their own fault, but because of the fault of the law, which would not permit the passing of mineral lands. Therefore, they have put up their money and have done the work for nothing.

Mr. COLLINS. It is just a case of the railroads betting their luck against the Government's money.

Mr. O'CONNOR of Louisiana. Will some one permit me to inquire why the alert and diligent gentleman in charge of that desk would return to a matter so controversial as this when there are so many other bills on the calendar?

Mr. LAGUARDIA. The gentleman from Louisiana can easily stop it.

Is not section 2 of the bill rather unusual under our financial arrangement? It is provided there that money shall be paid out of the Treasury on the simple certificate of the Secretary of the Interior.

Mr. COLTON. The first act passed, which authorized this deposit for a survey, expressly provided for that but the second act did not.

Mr. LAGUARDIA. The gentleman will concede that that is bad legislation.

Mr. COLTON. In numerous other cases we provide for the repayment of funds that can not be properly applied by the Government

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Mr. Speaker, I withdraw my reservation of objection.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AUTHORIZING COMMISSIONERS OF INTERNATIONAL TRIBUNALS TO ADMINISTER OATHS, ETC.

The next business on the Consent Calendar was the bill (S. 2828) authorizing commissioners or members of international tribunals to administer oaths, to subpœna witnesses and records, and to punish for contempt.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Mr. Speaker, I reserve the right to object in order to ask the gentleman in charge of the bill whether this is not a clear departure and innovation?

Mr. HICKEY. No; this is for the purpose of taking testimony before a foreign commission in cases like the case of Blackmer, who left the country and went to France. There is a tax case pending in the District here, where a law passed by Congress in 1926 was sustained that authorized imposing a fine upon him notwithstanding the fact that the man is in a foreign country, because he refused to appear and testify and submit to a summons from one of the consular officers.

Mr. JENKINS. What I object to primarily is this: The language of this bill provides, or would admit of the intepretation that any tribunal or commission engaged in an international conference would have the right any place to invoke contempt proceedings.

Mr. HICKEY. Oh, no.

Mr. JENKINS. The language admits of that interpretation, and it strikes me that that would be a great departure.

Mr. LAGUARDIA. Of course, it has to be a tribunal in which the United States is a party, and also a question in which a citizen of the United States has an interest.

Mr. JENKINS. The language is:

> And every person knowingly and willfully swearing or affirming falsely in any such proceeding, whether held within or without the United States, its Territories or possessions.

Anywhere in the world, and any party in any kind of an international controversy, could invoke contempt proceedings. This would give any such commission in session anywhere in the world authority to demand testimony and to punish as for contempt anyone who might refuse to testify, regardless of how far they were invading the rights of the party. And, again, suppose this contempt proceeding were commenced in a foreign country, what officers would be employed to make the arrest for contempt and carry out the punishment? It is going too far.

Mr. O'CONNOR of New York. Mr. Speaker, I think I can shorten this discussion very much, because I am going to object to the bill anyway.

Mr. STAFFORD. Does the objection of the gentleman go to the extraterritorial powers that would be vested in these clerks in administering oaths?

Mr. O'CONNOR of New York. No; my objection goes to the contempt proceedings. One of the most vicious things in the world is the power to punish for contempt. I object.

The SPEAKER pro tempore. Objection has been heard and the Clerk will call the next bill.

Mr. STAFFORD. I ask unanimous consent that the proceedings be vacated for two minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the proceedings by which the bill was objected to be vacated. Is there objection?

Mr. LAGUARDIA. I object.

BRIDGE ACROSS THE TENNESSEE RIVER, TENN.

The next business on the Consent Calendar was the bill (H. R. 12554) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.

The title of the bill was read.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Tennessee River at or near Henley Street, in Knoxville, Knox County, Tenn., authorized to be built by the city of Knoxville, Tenn., by an act of Congress approved February 13, 1929, are hereby extended one and three years, respectively, from February 13, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GRADE CROSSINGS, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 4223) to amend the act entitled "An act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes," approved March 3, 1927.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SIMMONS. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. ZIHLMAN. Mr. Speaker, will the gentleman withhold his objection?

Mr. SIMMONS. Yes; and reserve the right to object.

Mr. ZIHLMAN. Mr. Speaker, I wish to say in regard to this legislation, so that the record will show, that three years ago the Committee on the District of Columbia of the House and Senate, considering the danger of grade crossings in the District of Columbia, and appalled by the casualties which had occurred just prior to that time, passed authoritative legislation for the elimination of those crossings. Some of the most dangerous of the grade crossings have been eliminated, and at this crossing in question, four lives were lost in the last 18 months.

This bill, changing the original authorization from a viaduct bridge to an underpass, has been recommended by the engineering department of the District of Columbia, and the appropriation for the actual work has been approved by the Director of the Budget, and has been inserted in the District appropriation bill which is now pending in a deadlocked conference. So far as I know, every Member of the House and of the Senate who is interested in District legislation, as well as the municipal authorities, and the Director of the Budget are in favor of this improvement and the elimination of this dangerous crossing, with the possible exception of the gentleman from Nebraska [Mr. SIMMONS].

I contend that when a matter has been considered for three years and has been recommended by the recognized administrative authorities of the District, has been recommended by the Director of the Budget, and in accordance with that recom-

mendation has been inserted in the bill by the Senate that such legislation should pass. I am unable to understand the persistent opposition of the distinguished chairman of the subcommittee of the Committee on Appropriations on the District of Columbia to legislation of this kind.

Mr. SIMMONS. Mr. Speaker, further reserving the right to object, I want to make this statement: The highway department has stated that this grade crossing is third in importance in construction work of grade crossings at this time. The gentleman says the Budget recommended this bill. That is an error. The Budget recommended a different type of crossing at this point, and this is an attempt to change that plan.

The whole set-up of this present scheme is to tax the District of Columbia the entire cost of the project when it is in the interest of the people of Maryland instead of the people of the District of Columbia.

You had a plan here once before to put a part of this over into Maryland. It was changed so that Maryland did not have to pay a cent on it, and it is not for the benefit of the people of the District of Columbia, but for the benefit of the people of Maryland. It will be three years before they want to build this viaduct, and there is no need to authorize it now.

I have another objection.

Mr. ZIHLMAN. I would like to know what the real objection of the gentleman is.

Mr. SIMMONS. Immediately after these authorization bills go through the District Committee takes the position that Congress is absolutely bound to make the appropriation at once no matter what the facts are. I am going to object to such authorizations until there is an opportunity to carry them out.

Mr. ZIHLMAN. This was to change it from a viaduct to a subway, on the recommendation of the District authorities instead of the people of Maryland, who are willing to spend $150,000 for connecting roads leading up to this viaduct.

Mr. SIMMONS. Not one dollar of this project will be paid for by the people of Maryland.

Mr. ZIHLMAN. The gentleman knows that in that immediate vicinity Maryland has built two subways on Maryland soil, to which the District does not contribute a cent, and yet it is used by hundreds of thousands of people in the District of Columbia. The gentleman wants to set up an imaginary line when he sets up this line. He manifests a hallucination that it is going to confer some benefit on the people of Maryland.

I will say further that the gentleman, in taking this item, recommended by the District Commissioners and by the Director of the Budget, out of the District bill, advised me that he took it out to widen H street from Thirteenth Street to Seventh Street, and when I called the gentleman's attention to the fact that he was creating a bottle neck for traffic by not continuing that widening to Massachusetts Avenue, the gentleman said that this could be done later. So the situation is that here is a grade crossing on which four people have lost their lives during the last 18 months, and the gentleman takes it out of the bill for the benefit of the widening of H Street and casually says he thinks it is more important and necessary than this.

Mr. SIMMONS. What I said to the gentleman—and I will say it again—is that, in my judgment, the people of the District of Columbia are entitled to have their tax money spent for their own benefit, and that it was better for the people of the District of Columbia to spend this $200,000 in widening streets in the business section of Washington than it was to build a viaduct that is not needed on the border of the District. There is a subway in the District within 200 yards of this point, and still the gentleman wants this one. There is an overhead bridge within a half mile of it in Maryland. It is a little residential community in Maryland which is interested and nobody else.

Mr. ZIHLMAN. I will say to the gentleman that I hope every Member of the House will read the gentleman's remarks in the RECORD, that legislation passed by a legislative committee of the House is in no way binding up the members of the Committee on Appropriations.

Mr. SIMMONS. If the gentleman had wanted to raise that issue, he had an opportunity when the appropriation bill was before the House.

Mr. STAFFORD. Regular order, Mr. Speaker.

Mr. SIMMONS. I object.

ADDITIONAL DISTRICT JUDGE FOR EASTERN AND WESTERN DISTRICTS OF ARKANSAS

The next business on the Consent Calendar was the bill (H. R. 9590) to provide for the appointment of one additional district judge for the eastern and western districts of Arkansas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Reserving the right to object, I find a very meager committee report, and I ask that some Member from Arkansas or some member of the Committee on the Judiciary advise the House whether the Attorney General has recommended the creation of this new judgship?

Mr. McKEOWN. I will state to the gentleman that we investigated that matter very thoroughly and the gentleman from West Virginia [Mr. BACHMANN] can answer as to the condition down there. We found it was necessary on account of the fact that one of the judges at this time is not at all able to carry on his work.

Mr. SCHAFER of Wisconsin. How long has he been disabled?

Mr. PARKS. Will the gentleman permit me?

Mr. SCHAFER of Wisconsin. I yield to the gentleman.

Mr. PARKS. The judge who is now ill, I think, is one of the most efficient and able judges of the South. His illness is due to the fact that he has worked almost every single day on the bench and in his office at night on account of the enormous amount of business in his district. The oil fields of Arkansas are within his district. There is an enormous amount of civil and criminal business, because of the fact that all of the oil cases are carried into the Federal court. The State has almost 2,000,000 people and only has two judges. It is utterly impossible for those two judges, working every day, to discharge their duties and carry on the business of those courts.

Mr. SCHAFER of Wisconsin. The gentleman has given the House information with reference to the extraordinary number of oil cases which are clogging the court calendars in Arkansas. Does the gentleman also find that part of the clogging is due to an increase in prohibition cases?

Mr. PARKS. That is true; and I will say that this does not create a new district, but provides for a new judge, whose jurisdiction will be coextensive within the State, and I assume the present two judges will turn over the liquor cases to the new judge, and they can handle all the other cases.

Mr. SCHAFER of Wisconsin. This bill is another example of the added cost to the taxpayers of the country by reason of the sumptuary Federal prohibition laws. However, I shall not interpose an objection to its consideration.

Mr. PARKS. I thank the gentleman.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, one additional district judge for the United States District Court for the Eastern and Western Districts of Arkansas, who shall, at the time of his appointment be a resident and a citizen of the State of Arkansas.

With the following committee amendment:

Page 1, line 5, after the word "judge," strike out the words "for the United States District Court."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS RAINY RIVER AT BAUDETTE, MINN.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 12233) authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. STAFFORD. There is no objection to returning, subject to a reservation of objection to consideration.

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GREENWOOD. Reserving the right to object, Mr. Speaker, if I am assured that my colleague has withdrawn his objection, then I will allow the bill to pass; but if it is taken up in his absence, without his consent, I shall have to object.

Mr. KNUTSON. My purpose in taking it up is that I expect to leave the Chamber in a few minutes. Otherwise I would be glad to wait for the gentleman from Alabama [Mr. PATTERSON] to return. I told the gentleman what I had in mind, and he suggested that I take the matter up with the gentleman from New York [Mr. LAGUARDIA] and iron out whatever differences there were. I have taken the matter up with the gentleman from New York [Mr. LAGUARDIA].

Mr. GREENWOOD. Did the gentleman from New York [Mr. LAGUARDIA] interpose an objection at the time?

Mr. LAGUARDIA. I have stated personally I think it is a bad bill.

Mr. GREENWOOD. Is the gentleman willing to allow it to pass the objection stage and allow it to be taken up out of order?

Mr. LAGUARDIA. At the end of a session like this, I do not like to be the only one to object.

Mr. KNUTSON. There is not a bridge for 75 miles up and down the river.

Mr. GREENWOOD. I understand; but the gentleman is attempting to take it up out of order, and my colleague has objected to it.

Mr. KNUTSON. There is not a bridge for 75 miles up and down the river.

Mr. GREENWOOD. That does not make any difference. If the gentleman objected he has the right to have that objection honored and not to have it taken up out of order unless he withdraws his objection.

Mr. KNUTSON. Mr. Speaker, I will withdraw the request for the time being.

ADDITIONAL COPIES OF HEARINGS BEFORE THE JUDICIARY COMMITTEE ON RESOLUTIONS PROPOSING TO AMEND THE CONSTITUTION OF THE UNITED STATES

The next business on the Consent Calendar was House Concurrent Resolution 31, to print 10,000 additional copies of the hearings held before the House Committee on the Judiciary on joint resolutions proposing to amend the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on the Judiciary of the House of Representatives be, and is hereby, empowered to procure the printing of 10,000 additional copies of the hearings held before said committee during the Seventy-first Congress, second session, on joint resolutions proposing to amend the eighteenth article of the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States, and of this number the committee shall cause to be delivered to the folding rooms of Congress not to exceed 8,200 copies, of which 1,500 copies shall be for the use of the Senate and not more than 6,700 copies shall be for the use of the House of Representatives.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I wish to inquire of some member of the Committee on Printing as to the expense that will be occasioned by the printing of this large number of copies of the hearings on prohibition before the House Judiciary Committee.

Mr. LAGUARDIA. Seven thousand dollars according to the report.

Mr. STAFFORD. What is the estimated cost of the printing of the hearings that were held before the Committee on the Judiciary on the modification of the prohibition law?

Mr. BEERS. About $160,000.

Mr. STAFFORD. Mr. Speaker, the gentleman informs the House in a rather low tone, which is his natural tone, that 10,000 copies will cost $160,000. I think I made a mistake in not being on my feet to reserve the right to object to the consideration of this resolution and for more than one reason, not only because of the estimated cost, $160,000, but I question very much whether very many of the 15 copies assigned to the Members of the House will be utilized. Like many such voluminous documents they will smolder, smolder, and smolder in the catacombs of the Capitol without ever being called for by the Members of the House.

Mr. LAGUARDIA. There must be some mistake. The report shows the cost to be $7,311.18.

Mr. KIESS. That is correct.

Mr. BEERS. I had some other matter in mind.

Mr. STAFFORD. I will acquit the chairman of the Committee on Printing, who is burdened in the closing days of the session with so many requests for publications, diseases of cattle, diseases of the horse, and all kinds of proceedings, for the printing of proceedings of the G. A. R. and other veterans' associations. But even if it only cost $7,000, does the gentleman think that all the Members will utilize the copies assigned to them? I know that the alert Members who have been on the firing line from the beginning of the session, working not only days but nights in an effort to keep the liquid fumes burning, will utilize their 15 volumes; but will that be general of the membership of the House? Does the gentleman think that the dry Members will have occasion to distribute the 15 volumes that are accorded to them?

Mr. BEERS. There has been a great demand for the books.

Mr. BACHMANN. I can say to the gentleman from Wisconsin that there is a great demand for copies of these hearings. Being a member of the Judiciary Committee I have had a number of requests myself, but I do not know whether that is true of other Members of the House or not.

Mr. STAFFORD. I can understand that there might be a demand for copies of the hearings from those Representatives who come from dry districts. Up to the present time I have not received one request, but perhaps in my district, where there is a great deal of fluidity, I may have occasion to distribute the 15 at my disposal.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

The resolution was concurred in.

CONTROL OF THE DESTRUCTIVE FLOOD WATERS OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 12129) for the control of the destructive flood waters of the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is anyone here from the Flood Control Committee?

Mr. SHORT of Missouri. Yes.

Mr. LAGUARDIA. I would suggest that a law is no place in which to put a speech. The first nine lines mean nothing in law but are simply a speech. For instance, the bill reads:

That due to the widespread cause and effect of the destructive flood waters of the various streams of the United States, flood control has ceased to be exclusively a local problem, and on such streams as are subject to periodic destructive floods, a Federal interest is declared to exist; that wherever flood control is feasible and economically justifiable, as shown by surveys authorized by Congress, the United States will—

And so on. Gentlemen, that is not law.

Mr. BARBOUR. Would it not have been more enlightening if, instead of putting in that language, they had stated what this is going to cost?

Mr. LAGUARDIA. That would have been helpful. Then I want to call the gentleman's attention to page 3, from lines 9 to 15; also I would like to call his attention to page 3, lines 19 to 23. I really believe the bill is not well drawn and I think it ought to go over in order to receive more study.

Mr. JENKINS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JENKINS. Can the gentleman tell from a reading of the bill what it means or what it is expected to do?

Mr. LAGUARDIA. That is what I am trying to say in polite terms.

Mr. SHORT of Missouri. This is the only bill reported by the Flood Committee at this session and is only reported because it is an emergency measure.

Mr. CRAMTON. Where did the bill come from which we passed the other day for Tittabawassee and a few others?

Mr. SHORT of Missouri. That was from Rivers and Harbors.

Mr. CRAMTON. No; that was from the Committee on Flood Control and related to various creeks and streams in various States.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

MILITARY STATUS FOR CERTAIN AMERICAN CITIZENS

The next business on the Consent Calendar was the bill (H. R. 9893) to provide a military status for certain American citizens.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the military status of soldiers of the United States forces during the period of the World War, April 6, 1917, to November 11, 1918, shall be extended to American citizens who fulfill the requirements set forth in paragraph 1 of this act.

1. American citizens of American birth who volunteered in the French military forces without surrendering their American citizenship, and who, while serving in flying status in the Lafayette Escadrille or Lafayette Flying Corps, received injuries of a permanent nature of more than a 10 per cent degree in line of duty between the dates of April 6, 1917, and November 11, 1918, as shown by the official records of the French War Department.

2. The benefits extended under this act shall be limited to those persons who were disabled in the manner described in paragraph 1, after they had evidenced an intention of seeking transfer to the American forces in France, and whose transfer was subsequently prevented because of such injuries. Such evidence of the intention to seek transfer

shall be presumed, upon the affirmative oral or written statement of a commissioned officer or former commissioned officer of the Army of the United States.

3. Any such persons, who fulfill the requirements set forth in paragraphs 1 and 2 of this act, and who, in the opinion of the Director of the Veterans' Bureau are in need of hospitalization and compensation, shall, upon application, either in person or through their guardians, be entitled to the same benefits and privileges under this act as if the said injuries had been received while members of the American military forces.

4. The benefits provided under this act shall be limited to those persons who have been heretofore, or may hereafter be, rated by the Veterans' Bureau as permanently disabled to a degree of not less than 50 per cent.

5. The provisions of the World War veterans' act, 1924, as amended, are hereby waived under this act in so far as the limiting dates of proof of service connection of disability and time limit of application are concerned.

6. That in order to receive benefits under this act any French pension to which the beneficiaries hereunder may be entitled shall be surrendered.

7. That no payment of compensation awarded under this act shall be retroactive in effect.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the military status of a soldier of the United States forces during the period of the World War, April 6, 1917, to November 11, 1918, shall be extended to Herman Lincoln Chatkoff, an American citizen, who was permanently injured in line of duty on June 15, 1917, while serving with the Lafayette Escadrille or Lafayette Flying Corps in France, and from date of application to the Director of the United States Veterans' Bureau he shall be entitled to the same hospital treatment and compensation as are now or may hereafter be provided by law or regulations for soldiers of the United States who served with the American expeditionary forces who have become physically disabled in line of duty.

"SEC. 2. The provisions of the World War veterans' act, 1924, as amended, are hereby waived, under this act, in so far as the limiting dates of proof of service connection of disability and time limit of application are concerned.

"SEC. 3. That in order to receive benefits under this act any French pension to which the beneficiary hereunder may be entitled shall be surrendered following the approval of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

AMENDMENT OF LOCOMOTIVE BOILER INSPECTION ACT

The next business on the Consent Calendar was the bill (S. 3845) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I take occasion under reservation of objection to point out the successive increases of salary that the Congress has voted to the inspectors of boilers under the Federal inspection law. Originally, in the Mann-Elkins Act, or in whatever act they were originally provided for, their salary was $1,800 a year, or perhaps less. Then an amendment was brought to the House increasing the salary of the inspectors to $3,000. There are a great number of these inspectors throughout the country. I notice that since then the salary has been increased to $3,600, and now it is proposed to increase the salary of these inspectors to $4,000.

I would like to ask the gentleman, who has always been alert in matters pertaining to the locomotive inspection service, and particularly the personnel connected with that service, whether their duties are very onerous, and whether there has been a large turnover in the service by reason of the fact they now receive $3,600.

I see my colleague from the fourth Wisconsin district, with his eagle eye, as if he were ready to pounce upon me; and, if the gentleman from Ohio has not the information, I am sure my colleague has information as to whether their duties have increased and the occasion for this proposed increase of $400.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. SCHAFER of Wisconsin. The duties of these inspectors are highly technical. I personally know many experienced locomotive engineers who have taken the civil-service examinations, and although they appeared to be exceptionally well qualified they have not been able to qualify.

Furthermore, since the present salary scale has been enacted for the inspectors, the men in the railroad service from which the inspectors have been recruited have had their salaries or wages raised on various occasions. I have received many communications from the representatives of the railway labor organizations in favor of this legislation. They believe the caliber of men employed and the technical nature of their services warrant this increase. I may frankly state that from my own personal experience I believe this inspection law is one of the best laws ever enacted by the Congress to protect men employed on the railroads as well as to protect the interests of the railroads.

I sincerely hope the gentleman will let this bill come before the House and help in its enactment into law.

Mr. STAFFORD. I now yield to the gentleman from Ohio, who may have more informative facts in answer to my query.

Mr. COOPER of Ohio. I would like to state to the gentleman from Wisconsin that this is one of the most important Government services we have to-day. It is true the salaries of the chief inspector and his two assistants and the field men have been increased from time to time, but the increases they have received have not been any greater than the increases that have been given all along the line to other Government employees.

Mr. JENKINS. Will the gentleman yield for a question?

Mr. STAFFORD. Yes.

Mr. JENKINS. Does this bill include boiler inspectors and locomotive inspectors, or is there any difference between the two grades?

Mr. COOPER of Ohio. No; locomotive boiler inspection includes the inspection of the boiler, the locomotive, the tender, and all the appurtenances connected with the locomotive.

Mr. JENKINS. Then a person designated here as a boiler inspector is a locomotive inspector?

Mr. COOPER of Ohio. Yes.

Mr. JENKINS. In line with what the gentleman has said, is it not true that it has been the policy of the Department of Commerce and all the departments that have transportation facilities in charge to get the best men possible to fill these positions?

Mr. COOPER of Ohio. The very best men; and right on that point I will say that Mr. McManamy, the chairman of the Interstate Commerce Commission, appeared before our committee a few days ago and stated they are now holding examinations for new inspectors. This examination is country wide, and he stated that not 3 per cent of those who take the examination qualify under the specifications which the Interstate Commerce Commission lays down for this position.

Mr. STAFFORD. Will the gentleman inform the House when the Congress last increased the salary of these inspectors?

Mr. COOPER of Ohio. In 1924, I believe, and the reason we are asking for this increase now is that the boiler-inspection bureau of the Interstate Commerce Commission did not come under the classification of the Welch Act of 1923 or 1924, and the Reclassification Board therefore could not consider an increase in salary for the employees of this bureau. The Interstate Commerce Commission has recommended that those in charge of the locomotive boiler inspection bureau shall have their salaries increased for the reason that they do not come under the provisions of the Welch Act. The increases asked for, in a great many instances, do not provide as large a salary as has been granted under the Welch Act for the chiefs of some of the other bureaus in our Government service.

Mr. STAFFORD. What will be the total amount of these increases?

Mr. COOPER of Ohio. About $16,000 will be the total amount for all the increases provided in this bill.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924, is hereby amended to read as follows:

"SEC. 3. That section 3 of said act is hereby amended so as to provide that the salary of the chief inspector shall be $7,500 per year, and the salary of each assistant chief inspector shall be $6,000 per year.

"SEC. 4. That section 4 of said act is hereby amended so as to provide that the salary of each district inspector appointed under said act shall be $4,000 per year."

With the following committee amendments:

Page 2, line 2, strike out the words "to read as follows:

"'SEC. 3. That section 3 of said act is hereby amended."

Page 2, line 7, strike out "'Sec. 4" and insert in lieu thereof "Sec. 2," and after the word "act" insert "as amended."

Page 2, line 10, strike out "year"" and insert in lieu thereof "year."

Mr. O'CONNOR of Louisiana. Mr. Speaker, I move to strike out the last word of the committee amendment. I make this conventional motion for the purpose of having read, during probably two minutes, a paper which I think is most appropriate at this time for the information of Members of the House with reference to the Couzens bill. I ask the Clerk to read.

The SPEAKER pro tempore. Without objection, the Clerk will read.

The Clerk read as follows:

RAILROAD LABOR DEMANDS SQUARE DEAL FOR PUBLIC

E. J. Manion, of St. Louis, Mo., is president of the Order of Railroad Telegraphers, with 60,000 members in the United States and Canada. Members of this organization are to be found in every railroad station in this country, however small.

Mr. Manion is also secretary of the Association of Railroad Labor Executives, the organization which represents all the standard railroad labor organizations, with a membership of more than 1,000,000 in the United States and Canada. Mr. Manion is therefore in a position to speak for the railroad workers.

In a telegram to Congressman O'CONNOR of Louisiana, Mr. Manion has the following to say about the Couzens resolution:

"Thanks for your letter and interest displayed. May I point out that Couzens resolution adequately protects all involved—the public, labor, and real business—while the substitute does not, and is a crude attempt to make it appear that labor is entirely selfish and only desirous of securing unfair advantage?

"The cause of the whole people is the cause of labor, and we have no desire to be made a special class to be pampered and subsidized as is 'big business.' For that reason we are unalterably for the Couzens resolution and against the substitute.

"E. J. MANION,
"President Order of Railroad Telegraphers."

Mr. O'CONNOR of Louisiana. Mr. Speaker, I withdraw the pro forma amendment.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WHOSE PROBLEM IS UNEMPLOYMENT?

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two unemployment bills, and insert therein a short statement by the New York Federation of Labor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KENNEDY. Mr. Speaker and ladies and gentlemen of the House, on May 22 I introduced in this House three bills known as H. R. 12550, H. R. 12551, and H. R. 12552. These three bills have been referred to as the unemployment bills and are identical to those introduced in the Senate by Senator WAGNER, of New York. The reference is, indeed, significant of the intent and purpose of these bills because they suggest methods which, if adopted, will help solve the terrible unemployment conditions existing throughout the United States.

I was elected to represent the eighteenth congressional district of New York at a special election held on March 11 and I was sworn in as a Member of this House on April 16. While my membership in this House has been of short duration, it was my great privilege to have represented the eighteenth Senatorial district, in the State of New York, for seven years at the State Capitol in Albany. As a State Senator, I gave particular attention to labor and welfare legislation and I intend to continue that interest as a Member of this House. Therefore, as the youngest Member of the House, in the point of service, I respectfully ask your special attention and consideration of my remarks on the three unemployment bills.

The following is a brief description of the three bills that I have introduced:

H. R. 12550 provides for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

H. R. 12551 provides for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression.

H. R. 12552 provides for the establishment within the Department of Labor of the bureau of labor statistics. This bureau shall collect, collate, report, and publish at least once each month full and complete statistics of the volume of and changes in employment, as indicated by the number of persons employed, the total wages paid, and the total hours of employment, in the service of the Federal Government, the States, and political subdivisions thereof, and in the following industries and their principal branches: (1) Manufacturing; (2) mining, quarrying, and crude petroleum production; (3) building construction; (4) agricultural and lumbering; (5) transportation, communication, and other public utilities; (6) the retail and wholesale trades; and such other industries as the Secretary of Labor may deem it in the public interest to include.

I feel certain that these unemployment bills when enacted into law will be a valuable and substantial contribution to the happiness and welfare of the people of our country.

Entirely too much valuable time has been consumed by idle theorizing over the question, Whose problem is unemployment?

I have listened to all sorts of reasons and explanations regarding the best method of solving the unemployment problem. Regardless of the merit of the arguments on this subject, I respectfully insist that this is the proper forum in which constructive action should be initiated as an example for the entire country. The responsibility of the Federal Government must not be shirked, for the prevention of unemployment is a distinctly national obligation.

Unemployment to-day is not produced by local causes. The forces which make for the shutdown of factories, the curtailment of activity in the mines and on the railroads are forces which operate on a national and world-wide scale. The individual workman, the individual business, the State, are helpless when an economic storm breaks upon the country. Only the coordinated strength of the entire Nation is competent to deal with such powerful economic forces.

Unemployment has nation-wide effects. The shutdown of a factory in Boston directly affects the business of an orange grower in Florida. Purchasing power destroyed in one place is at once translated into unemployment in some other place. No scourge known to man spreads as quickly as unemployment. When it begins to spread there is no immunity which the individual workman, farmer, or business man can secure for himself. Quarantine can not stop it. State boundary lines can not stop it. Only the cooperatively organized effort of the entire Nation can prevent it. To me the evidence is overwhelmingly conclusive that the problem of unemployment is so big, so important and so complex that it will take the full and wholehearted cooperation of individuals, of business, of municipalities, of States, and the Federal Government to solve it.

The bills which have passed the Senate, due to the untiring efforts of Senator WAGNER, would have the Federal Government undertake so much of the job of preventing unemployment as it can most effectively accomplish. The sooner the Federal Government does its share, the sooner will States, municipalities, and private industries be in a position to contribute theirs. The prevention of unemployment is a national task to which the entire Nation must devote itself. Theories will not discharge the Government of the responsibility to do its part.

What portion of that task properly belongs to the Federal Government?

First. The Federal Government should collect accurate information of employment, unemployment, and part-time employment. Such information is fundamental. No intelligent effort to control unemployment can be exerted without it. To-day we have no such information. The Federal Government is the agency best equipped to secure it.

Second. The Federal Government is always engaged in constructing highways, developing rivers and harbors, erecting flood-control structures, and public buildings. It should plan these projects in advance and time them so as to make available opportunities for employment when private business slackens.

Third. The Federal Government should join with the States in the establishment of a nation-wide system of public employment offices, so as to assist workers to find jobs and to assist employers to find workers with the least amount of delay and with the least amount of friction. Such a system will establish cooperative channels for the free flow of labor between States and between markets.

This is but a bare outline of what the Federal Government can do toward the prevention of unemployment. It is such a plan which is written into the three bills which have been passed by the Senate.

If the Federal Government should begin to exercise these functions, certain definite results may be expected. We shall know where we stand from month to month. We shall no longer grope in the dark. The information will be useful to the Federal Government, to the States, and municipalities, and to each and every intelligent farmer and business man in the country, who will be enabled to guide production by prospective consumption.

Public construction will be concentrated in periods of depression. If the Federal Government will set the example the States and municipalities will do likewise. A public-works program which costs the Nation about $3,000,000,000 a year will be turned into a balance wheel to keep employment steady. We shall begin to know something about the unemployed. We shall learn what happens to the men displaced by machines and mergers; what is the fate of men who lost their employment after 40? If we know the facts, I believe we shall find solutions.

We can not help but think of the terrors of unemployment. Poverty, penury, hunger, want, disease, and misery are still the great worry of the average man and woman from the cradle to the grave.

If we should be mindful of the anxiety and the heart-breaking scenes which are being enacted daily in the homes of the unfortunate victims of our unemployment conditions, if we should visualize the long lines of men and women applying to the various charitable organizations for a mere crust of bread to feed their children, I am sure that not one Member of this House could conscientiously refuse to vote for the passage of these bills.

The long range plan bill authorizes an appropriation of $150,000,000; the employment exchange bill, $4,000,000. These are big sums of money even for a country as large as the United States. But when you stop to compare these figures with the costs of unemployment, then you become competent to judge which way lies true economy. In one single month last winter factory workers alone lost in wages $200,000,000. In the first three months of 1930 it has been estimated that wage earners alone lost no less than a billion dollars in wages. If by a little expenditure of money and a big expenditure of thought and plan we can build a dam to shut off this Niagara of money losses arising out of unemployment, is it not sound economy to do so? Consider what it would have meant to the farmer, to the manufacturer, and in turn to the worker if this vast amount of purchasing power had not been withdrawn from the markets.

If the only arguments that can be offered against the passage of these bills is the one relating to the cost to carry out the provisions of the bills, then I insist upon immediate favorable consideration, because no man with a drop of red blood in his veins can stand idly by and permit these measures to be pushed aside when he knows of the hardships and privations being suffered by so many of our best citizens for reasons beyond their control.

Are you going to permit the insistent and pathetic appeals for help to go unanswered?

If there were political advantage to be gained by championing the cause of the unemployed, this problem would have been tackled long ago. The unemployed never make campaign contributions. They do not control any portion of the press through which to bring their plight home to the American people. They maintain no lobby in Washington to tell their depressing story to their Representative in Congress. Their only spokesmen are those who have responded to the common call of humanity; the only advocates of their cause are those who pursue the welfare of our country irrespective of party advantage.

Ladies and gentlemen, I earnestly and sincerely urge you to help me have the Wagner bills, which are identical to mine and which have been passed by the Senate, reported by the Judiciary Committee of this House, so that we may have a vote before this week goes by. Please remember that no problem before this Congress is deserving of attention until we have settled this important question. Let me remind you that although the vast army of unemployed is not organized so as to conduct a vigorous campaign for the passage of these bills, that army of unemployed is anxiously watching your actions, hopeful of some relief and assistance.

There is a wide public interest in this subject, and if you will but do your duty you will have the great personal satisfaction of knowing that you have helped in a worthy cause. What greater reward could any statesman expect than the following tribute:

[New York State Federation of Labor Bulletin, June 14, 1930]

Congressman MARTIN J. KENNEDY, of New York City, who was elected to Congress while serving here as State senator this year, has introduced the Wagner employment relief bills in the House of Representatives. He is a sincere and effective supporter of genuine labor legislation, as his 7-year record in the legislature of this State amply proves.

I hope that my remarks have aroused your interest in the subject of unemployment, and that the question, Whose problem is unemployment? shall not remain unanswered. My answer is that it is our problem, and I shall do everything possible to bring about the passage of this indispensable legislation. Ladies and gentlemen, will you not please accept my answer to this problem and act promptly and favorably?

COLORADO REGIMENTS AT GLORIETA PASS, 1862

Mr. EATON of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, on Glorieta Pass, and to include therein certain historical citations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. EATON of Colorado. Mr. Speaker and Members of the House, I appear in support of H. R. 11049, which was recently introduced by me in order to have study made for the purpose of commemorating Glorieta Pass, Pigeon Ranch, and Apache Canyon, battle fields in the State of New Mexico, in which battles the First Regiment of Colorado Volunteers, sent to New Mexico by Governor Gilpin, the first Territorial governor of Colorado, played the most active part in settling the Confederate activities in the Rocky Mountain country.

The part that Colorado played in the Civil War was an exceedingly creditable one. Between four and five thousand men enlisted, and they were a superb body of citizen soldiers. The Colorado regiments were in more than a score of battles and skirmishes. They especially distinguished themselves in the hard-fought engagements in Glorieta Pass between Fort Union and Santa Fe. Eugene Parsons, in his History of Colorado, states: "This has been called the bloodiest battle of the war."

In Prince's History of New Mexico it is stated:

During the winter of 1861–62 the Confederate leaders arranged a comprehensive program of campaign for the far West, which was intended to have the very important result of separating the Pacific States from the rest of the country, and finally taking possession of them with their long line of sea coast and wealth of gold. The plan was to send an army northerly from Texas to conquer New Mexico and to take possession of the great stores of Government arms and munitions at Fort Union, and then to proceed into Colorado, thus cutting all the lines of communication between the East and the far West; and afterwards making a junction with the Mormons of Utah, whom they hoped to have as allies, and with them march to California. The importance of this campaign can hardly be overestimated, for it was intended not only to secure to the Confederacy the long unguarded coast line, which it so much needed, but by greatly extending its territory to give it vastly increased prestige in the eyes of the nations of Europe. * * *

During the fall of 1861 the Texan forces were gathered at El Paso, and by New Year included 2,300 men, commanded by Gen. H. H. Sibley. * * *

In February the southern army under General Sibley, about 2,500 strong, appeared in the valley of the Rio Grande. Sibley attempted to gain a position which commanded the fort and Canby endeavored to cut off the enemy from a water supply, the various skirmishes culminating in the Battle of Valverde on the east side of the Rio Grande on February 21, when Canby's army failed in its object, and he was forced to recross the river to Fort Craig. Sibley then marched up the valley and occupied Albuquerque, and there being no means of resistance at hand the United States officials evacuated Santa Fe on March 3 and retired to Fort Union, Sibley's army occupying the capital a week later.

Meanwhile Governor Gilpin had sent the First Regiment of Colorado Volunteers, under Col. John P. Slough, southward from Denver to the aid of the threatened territory, and after a hard march they arrived at Fort Union on March 11, where they were thoroughly armed and equipped, and whence they marched with very little delay along the old trail toward Santa Fe. They were joined by a few companies of Regular troops that had been in the north of the territory, and by a considerable number of volunteers, and on the 20th of March met the advancing Confederate Army at Apache Canon, or Glorieta. The battle fought here, though hardly known to history, was the decisive conflict which settled the result of the war in the Rocky Mountain country. On the first day only a part of each army was engaged, and the contest, though stubborn and long continued, was indecisive.

Early in the next morning Capt. Manuel Chavez led 400 men under Maj. J. M. Chivington by a circuitous and difficult path to the rear of the Confederate position. In the main battle, which was fiercely contested and which lasted for five hours, Sibley succeeded in driving the Union soldiers back some distance to Koslowsky's ranch; but at this moment Chivington fell upon the rear of the Confederate force and destroyed its wagons and supplies. The news of this loss demoralized

the Texan Army, the fate of the day was changed, and Sibley commenced a retreat southerly, evacuating Santa Fe on April 8 and proceeding down the valley. He was closely followed and was greatly embarrassed by want of supplies. On April 15, at Peralta, he was attacked by the Union forces and suffered considerable loss, and was forced to retreat as rapidly as possible to El Paso to avoid capture. * * *

This ended the campaign, and indeed was the end of the war in New Mexico so far as organized enemies were concerned. In July, the first detachments of the "California column," which had marched across the deserts of Arizona, reached Fort Thorne. * * * Its remarkable march across the desert from the Pacific to the Rio Grande is one of the most gallant achievements of the entire war.

The historian, Hubert Howe Bancroft, in the seventeenth volume of his works, states:

Colorado, under energetic Union management, not only was able to control the strong secession element within her borders but to send a regiment which struck the decisive blow in ridding her southern neighbor of invaders (p. 686).

The regiment was composed largely of "Pikes Peakers," the best of fighting material. * * * (p. 693).

The troops left Denver in February, 1862; the battle at Apache Canyon was fought March 26, when Major Chivington advanced with all of his forces to a mile beyond the rancho, at the mouth of the Apache Canyon proper, found a Texan battery posted, which opened fire. * * * After a sharp fight on the flanks the battery yielded. * * * Chivington before night fell back to Pigeon's rancho, to bury his dead, care for the wounded, and send back the prisoners (p. 694).

The Frenchman, Alex. Vallé, known as "Pigeon"—whence the name "Pigeon's rancho"—described Chivington's operations as follows: "'H poot 'is 'ead down and foight loike mahd bull" (p. 695).

On the 28th, 370 Colorado Volunteers and 120 Regulars had been guided by Lieut. Col. Manuel Chavez over the mountains to the rear of the enemy, where they arrived about noon. Descending the precipitous cliffs in single file, they drove off the Texan guard, capturing several of their number, spiked the cannon, killed the mules, burned 64 wagons, and destroyed all the enemy's supplies, thus rendering it impossible for the Confederates to continue their offensive operations. This virtually ended the campaign; the "Pikes Peakers" had proved more than a match for the "Texan Rangers," saving New Mexico for the Union; and Chivington had made himself the hero of the war (p. 697).

A letter from a Texan to his wife, found at Mesilla, gives a very vidid description of the fight and of their surprise when, "instead of Mexicans and regulars," they saw "they were regular demons that iron and lead had no effect upon, in the shape of 'Pikes Peakers' from the Denver gold mines." * * * "They had no sooner got within shooting distance than up came a company of Cavalry at full charge, with swords and revolvers drawn, looking like so many flying devils. On they came to what I supposed certain destruction, but nothing like lead or iron seemed to stop them, for we were pouring it into them from every side like hail. In a moment these devils had run the gantlet for half a mile and were fighting hand to hand with our men in the road." (P. 695.)

Bancroft closes his chapter with a reference to the act of the Legislature of the Territory of New Mexico at its 1862–63 session, which passed resolutions thanking the brave California and Colorado troops for their timely aid, with one paragraph especialy complimentary to the Californians, and concludes as follows:

This paragraph brought out a letter from Governor Evans, of Colorado, who, in view of the fact that the Californians had not arrived until the campaign was over, complained of injustice done to the Coloradans, who had really expelled the invader. Accordingly at the next session the legislature attempted to set the matter right, solemnly affirming, in a resolution respecting the Colorado troops, that "it is not the intention to place these brave soldiers second to none."

Some time ago I communicated with Maj. Gen. William D. Connor, commandant of the Army War College, in regard to a monument to commemorate this site, and received from him a letter under date of March 20, 1930, in which he stated:

With reference to the several questions contained in the last paragraph of your letter concerning the classification of these engagements, they all pertain to the Class II, b group mentioned in Report No. 1071 of the Sixty-ninth Congress, upon H. R. 11613.

It is noted that the skirmish at Apache Canon, in the State of New Mexico, occurred on the 26th of March, and the engagement at Glorieta, or Pigeon's Ranch, on the 28th of March, 1862; also that the commanding officers of the Federal forces were from Colorado.

No study has been made of the New Mexico campaign for the purpose of commemoration, as no request has been made for such study. Under authority of Public, No. 372, Sixty-ninth Congress, approved June 11, 1926, the Secretary of War is directed to have made studies and investigations of battle fields in the United States, but as there are several thousand of these places, only such are considered as have been brought to the attention of the Secretary of War by a Member of Congress.

Pursuant to the suggestion in General Connor's letter, I now take the liberty of directing your attention to this campaign in the West, so that the same may be studied for the purpose of commemoration.

MEMORIAL TABLET TO OFFICERS AND MEN LOST ON THE U. S. SUBMARINE "S–4."

The next business on the Consent Calendar was the bill (S. J. Res. 140), a joint resolution to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the U. S. submarine *S–4*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Resolved, etc., That the Secretary of the Navy is authorized and directed to provide for the placing of a memorial tablet in Memorial Hall at the United States Naval Academy in commemoration of the officers and men who lost their lives in the U. S. submarine *S–4* on December 17, 1927.

SEC. 2. There is hereby authorized to be appropriated the sum of $400, or so much thereof as may be necessary, to carry out the provisions of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LOAN OF SILVER SERVICE TO THE STATE MUSEUM, NEW ORLEANS

The next business on the Consent Calendar was the bill (S. 525), an act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STAFFORD. Reserving the right to object, I wish to call the attention of the gentleman from Louisiana to the fact that it is customary to provide for loaning these silver services. Would the gentleman have any objection to make an amendment?

Mr. O'CONNOR of Louisiana. I have not.

Mr. STAFFORD. I withdraw the reservation of objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., for preservation and exhibition the silver service which was in use on the cruiser *New Orleans: Provided*, That no expense shall be incurred by the United States for the delivery of such silver service.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Page 1, line 4, strike out the words "deliver to the custody of" and insert in lieu thereof the words "loaned to."

The amendment was agreed to.

The bill, as amended, was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

VACATING AN ORDER FOR THE RETURN OF A BILL

Mr. CRAMTON. Mr. Speaker, on yesterday, as reported on page 11544 of the RECORD, I asked for the adoption of a request to the Senate for the return of S. 4722 to the House. I now ask unanimous consent to have that order vacated.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to vacate the order requesting the Senate to return a certain bill. Is there objection?

Mr. MILLIGAN. I object.

Mr. CRAMTON. If the gentleman will withhold his objection, it is immaterial except to clean up the records of the House. The order has not gone through the Senate, and whether it does or not does not matter a great deal. Does the gentleman insist on his objection?

Mr. MILLIGAN. Yes.

SILVER SERVICE OF CRUISER SOUTH DAKOTA

The next business on the Consent Calendar was the bill (S. 3893) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the

silver service presented to the United States for the cruiser *South Dakota*.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to loan to the Department of History of the State of South Dakota, for preservation and exhibition, the silver service which was presented to the United States for the cruiser *South Dakota*, which vessel afterwards was renamed the *Huron*, by the citizens of that State: *Provided*, That no expense shall be incurred by the United States for the delivery of such silver service.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATION OF TOLLS OVER CERTAIN BRIDGES

The next business on the Consent Calendar was the bill (H. R. 12488) to provide for the regulation of tolls over certain bridges.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Mr. Speaker, I reserve the right to object in order to ask one or two questions. As I understand it this bill provides that the saving clauses of certain bridge bills passed before May 23, 1906, should be amended so that they might come within the purview of the bill passed at that time. Is there anything in this bill anywhere that would control or seek to control the rights of any of the bridges that were constructed from 1901 on down to the time when we commenced to put in the recapture clause five years ago?

Mr. DENISON. Mr. Speaker, no. The general bridge law of March 23, 1906, authorized the Chief of Engineers or the Secretary of War in proper cases to regulate tolls. Bridge bills passed prior to that time contain no such regulation. Therefore, there is no authority now to regulate tolls on such bridges. This bill is to give the Secretary the same right to regulate tolls on bridges built prior to that time that he has on bridges built since that time.

Mr. STAFFORD. Mr. Speaker, will the gentleman inform the House to what extent the Secretary of War exercises the privilege of regulating tolls under the act referred to?

Mr. DENISON. He exercises that authority whenever complaint is made to him showing excessive tolls are being charged.

Mr. STAFFORD. In how many instances has he exercised that authority?

Mr. DENISON. I am unable to tell that, but in quite a great many.

Mr. LAGUARDIA. When complaint is made upon whom is the burden of showing that the rate is excessive?

Mr. DENISON. When complaint is made that tolls are too high and unreasonable, the Secretary of War refers the matter to the district engineer of the district in which the bill is located. He advertises or announces the fact that he will have a public hearing and anyone who wishes to be heard can appear before him and be heard. The evidence is taken down and is transcribed, and the engineer renders his decision and forwards it to the Chief of Engineers who reexamines it and either approves or disapproves his findings.

Mr. STAFFORD. Has the War Department any prescribed rule that it follows as to the basis of valuations to be followed in determining the reasonable charges of toll?

Mr. DENISON. I do not know of any such prescribed rule.

Mr. STAFFORD. The Interstate Commerce Commission has a prescribed rule so far as the valuation of interstate carriers is concerned. I am wondering whether the War Department is as meticulous in such matters and whether they have a rule as to the valuation of bridges, because the valuation is the main, primary starting point in determining whether the tolls are reasonable or not.

Mr. DENISON. As to all bridges that were built before 1906 the Secretary of War would of course have to take into consideration any legitimate elements of value that may be shown, because we can not retroactively change the general rule as to valuation in condemnation proceedings.

Mr. STAFFORD. We could under the reserved power of the right to repeal, contained from time immemorial, in all these bridge acts. We could set down the basis on which valuation should be determined. Congress can determine the yardstick.

Mr. DENISON. Of course there is no question that we can do so with reference to all bridges built hereafter, but there is a very serious doubt in my mind as to whether Congress can retroactively change the recognized rule of valuation, and deny to the owners of a bridge every element of value to which he is entitled under the Constitution.

Mr. LAGUARDIA. We did with the railroads.

Mr. DENISON. I do not think we did. Some people claim that we did, but the Supreme Court took a different view.

Mr. LAGUARDIA. As the gentleman knows, in each separate bill, we reserve the right to alter, repeal, or amend.

Mr. DENISON. Yes.

Mr. LAGUARDIA. Does the gentleman think he can apply certain rules as to those bridges authorized by separate bills prior to 1906 in a general bill to-day?

Mr. DENISON. That is the view of our committee. We think that we can do that. It is not entirely free from doubt, but I think that Congress has the right under its general power under the commerce laws of the Constitution to regulate tolls charged on interstate commerce going over the bridges.

Mr. LAGUARDIA. I think so, too; but as the gentleman pointed out a moment ago, these bridges were built under authority contained in several specific acts, and whether we can now bring in a general law and apply it to them is not free from doubt.

Mr. DENISON. It is not entirely free from doubt, but my own judgment is we can do that.

Mr. COCHRAN of Missouri. A few days ago the gentleman from North Dakota [Mr. BURTNESS] told me that it had been definitely stated that hearings would be held on the question of amendments to the general bridge act at the December session of Congress. Will the gentleman confirm that?

Mr. DENISON. Yes. I submitted that matter to the Committee on Interstate and Foreign Commerce recently. I told the chairman and members of the committee that I had been working on this proposition for several years, and that unless the committee would assure me the bill would be taken up at the beginning of the next session of Congress I myself would drop the question; but that if they would grant a hearing I would perfect the bill this summer and have it ready for their consideration, and they have agreed to do that.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will read the bill S. 4517, a similar bill, on the Speaker's desk, and the bill H. R. 12488 will lie on the table.

There was no objection, and the Clerk read the Senate bill, as follows:

Be it enacted, etc., That any bridge authorized prior to March 23, 1906, by act of Congress specifically reserving to Congress the right to alter, amend, or repeal such act, shall, in respect of the regulation of all tolls, be subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Speaker, I simply desire to take this opportunity to call the attention of the House to the muddled and hopeless situation that exists concerning toll bridges. While this bill, in a measure, will bring a color of control, gentlemen should just stop to consider the antiquated system under which we are operating. Think of submitting the question of the reasonableness of tolls on public bridges to the Secretary of War!

Of course, in the old days of sailing ships and horses, before the day of automobiles, or even of railroads, the Secretary of War had jurisdiction over the navigable waters in order that those waters might not be encumbered and the use of them prevented for navigable purposes. But we have outlived that condition. Even by bringing in bridges heretofore authorized under the act of 1906 is not sufficient to remedy existing evils and will bring little or no relief. All that it will do, when complaint is made to the Secretary of War, will be that the Secretary of War will refer the matter to the district engineer, an Army officer, and he will have some sort of a hearing. There is nothing in the law limiting rates or furnishing the basis and factors for rate-making purposes.

Gentlemen, soon or or later—and I hope it will be very soon—we must give this whole question of bridges thought and study and revamp and rewrite all the law on toll bridges entirely and provide first for the permit, and then put the matter of tolls under the jurisdiction of a proper department having experience and facilities for rate-making purposes.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. PATTERSON. Why does not the gentleman offer an amendment to the bill to do that? I think the gentleman is entirely right.

Mr. LAGUARDIA. I think every Member of the House will agree with me that the matter should be carefully thought out and considered. The matter requires careful consideration. A bill of this kind can not be written on the spur of the moment or by amendments from the floor. I do hope that the House will soon give the subject serious consideration, write an entirely new law on bridges, and end the abuses and exploitation possible and existing under the present law and practice.

Mr. CRAMTON. Mr. Speaker, I rise in opposition to the pro forma amendment, simply to make this suggestion in the matter of toll bridges. Probably it is not an easy problem simply because the conditions in the different places where different bridges are to be constructed are so different. I have had some feeling that some different policy should be followed in some respects, but I want to suggest that that responsibility is up to the House and to the individual Members rather than just on the Committee on Interstate and Foreign Commerce or the subcommittee and its chairman, the gentleman from Illinois [Mr. DENISON].

Mr. LAGUARDIA. I am speaking of the general conditions, and am not criticizing the gentleman from Illinois or his committee.

Mr. CRAMTON. I am sure the House understands that. In the case of some bills affecting a proposed bridge in my district, I have tried to work out plans that seemed to me to more fully protect the public interest.

I want to say that the Committee on Interstate and Foreign Commerce, and especially the gentleman from Illinois [Mr. DENISON], have been very receptive as to any suggestions, even though they have been contrary to their ordinary practice. The committee can not work out individual problems as I have attempted to work out mine, but if the Members having these bills from their districts and better acquainted with conditions will take the lead to better protect the public interest, I am sure they will have a fair hearing from that committee, and meet with very sympathetic consideration.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DENISON. Mr. Speaker, I want to state, in response to what has been said, that this subject has been given careful consideration by the Committee on Interstate and Foreign Commerce for some two or three years. As stated by the gentleman from New York [Mr. LAGUARDIA], it does seem at first thought that this matter ought not to be left to the Secretary of War or to the Chief of Engineers. But Congress adopted that policy when it enacted the general bridge act of March 23, 1906. I have maintained for several years that the general bridge law ought to be revised and codified. It is a very serious problem as to where we are going to lodge the power of regulating tolls on bridges. These bridges are scattered all over the United States. It is a question whether it is wise to put that duty on the Interstate Commerce Commission, which has no facilities for making such investigations. The investigations must, of necessity, be local, because the bridges are local. We must hesitate before we delegate that power to the Interstate Commerce Commission. Congress in 1926 said that inasmuch as the Secretary of War had division engineers or other officials all over the United States looking after the interests of navigation, we could impose that duty on the Chief of Engineers. It may be that Congress ought to change that policy and delegate the duty of regulating tolls on bridges to the Interstate Commerce Commission or some other Government agency. We expect to give this whole question further consideration and prepare a general bridge bill for the approval of Congress during the next session.

Mr. STAFFORD. Mr. Speaker, in 1906 the question was not as important as it is to-day. The increased importance has arisen from the introduction of the automobile and the construction of bridges, many crossing interstate streams. That commission would naturally be the one to do it because it is work akin to its work. But the fact that the toll bridges are scattered all over the country is no more opposing than that short-line railroads are scattered all over the country and that the traffic over railroads pertains to the entire country.

Mr. GREENWOOD. When a local community is anxious for a bridge, they are willing to have a toll bridge, where, if it is interstate in its nature, the traveling public that will go over it would have consideration, and I think some tribunal should look into the interstate features of the situation.

Mr. DENISON. That is true, but the gentleman must understand that we are not a regulating body, except to investigate the question of the cost of the bridge.

Mr. COCHRAN of Missouri. Mr. Speaker, I move to strike out the last word.

I agree with what has been said with reference to the regulation of tolls and the necessity of the committee considering the question of general revision of the bridge act of 1906, but only a small part of this bridge controversy has been touched upon to-day. I am interested in tolls, but I am also interested in the inflation of securities in connection with these projects. Congress has provided for and there have been constructed on the Mississippi River about seven bridges. Four of the seven bridges have defaulted in the payment of the interest on the bonds. The bonds were sold at par, and the bonds can now be bought at $25 or $30. Many of the bonds were sold in St. Louis, my home. The bridge in the gentleman's city, Cairo, has not yet had a chance to default. It has not been there long enough.

Mr. DENISON. And I may say to the gentleman it is not going to default.

Mr. COCHRAN of Missouri. I hope it will not, because many of the bonds were also sold in my city. Many of the bonds for the construction of other bridges have been sold to my constituents. I want to protect their interests. I also want to say the time has arrived when the State should have some voice as to whether a bridge should be built within its boundaries. Under present conditions Congress can pass a law providing that a bridge, an intrastate bridge, can be constructed, and, despite the fact that the State does not want a private toll bridge constructed within its boundaries, it has no voice whatsoever under existing law. There are a great many questions that have arisen since the automobile has come into use. I have been trying to get a hearing upon this question before the committee for several years, as the gentleman from Illinois [Mr. DENISON] knows.

I have introduced a bill. It was prepared by the American Association of State Highway Officials. Is approved by the United States Bureau of Public Roads. Last year we were promised a hearing at this session of Congress. We did not get the hearing. Now, we are promised a hearing in December, and I sincerely hope the gentleman from Illinois [Mr. DENISON] will see to it that we get a hearing in December.

Something must be done to stop the building of toll bridges. We must prepare proper safeguards so as to prevent promoters from inflating toll-bridge projects as they have in the past. In some instances I realize that toll bridges must be constructed by private capital, but public convenience alone should not be sufficient to enable one to secure permission to construct a bridge. The promoters should be required to show that the project is a necessity and further that it is feasible from a financial standpoint. Not one-fourth of the bridges authorized by the Congress since I started to oppose the passage of these bills have been constructed or will be constructed. The papers and magazines throughout the country have had sufficient to say regarding toll-bridge projects and toll-bridge promoters that it is practically impossible to finance a new project to-day. Toll bridges when necessary should be constructed by the States and municipalities and not by private individuals.

The pro forma amendment was withdrawn.

The Clerk concluded the reading of the bill.

The Clerk read as follows:

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

PARRIS ISLAND, S. C.

The next business on the Consent Calendar was the bill (H. R. 11367) to provide for certain public works at Parris Island, S. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ADDITIONAL DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

The next business on the Consent Calendar was the bill (S. 1792) to provide for the appointment of an additional district judge for the southern district of California.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I would like to ask a member of the Judiciary Committee or the sponsor of the bill why it is necessary to provide for an additional judge for the southern district of California, when California now has two Federal judicial districts with three judges in each district?

Mr. BACHMANN. I may say to the gentleman from Wisconsin that California needs a judge as badly as any other district in this country, especially southern California. The judicial council, meeting last October, found that the southern district of California was greatly in need of some assistance.

Mr. SCHAFER of Wisconsin. Will this additional judge be needed if the court commissioners bill which was sponsored on the floor of the House by the gentleman a few weeks ago becomes law? The gentleman told us that if the commissioners bill was enacted there would be no need for these additional judges.

Mr. BACHMANN. The gentleman must take into consideration the fact that only prohibition and petty criminal cases will come before the commissioners, but the need of an extra judge in southern California is on account of the congestion caused by private and civil litigation.

Mr. SCHAFER of Wisconsin. Are we to infer that there is no congestion by reason of the sumptuary Federal prohibition law? Does the gentleman have the figures before him indicating how many prohibition cases are pending in the California Federal courts?

Mr. BACHMANN. There is no question but what the enforcement of the prohibition law has caused congestion in the Federal courts.

Mr. SCHAFER of Wisconsin. And many of the cases now pending are due to the Federal prohibition law?

Mr. BACHMANN. That is not true in the southern district of California.

Mr. SCHAFER of Wisconsin. But in California?

Mr. BACHMANN. In the northern district of California that is true, but in the southern district of California the congestion is because of civil and private cases.

Mr. SCHAFER of Wisconsin. These bills are coming before the House day after day, causing an added drain on the Treasury and expense to the taxpayers as a result of the sumptuary Federal prohibition laws.

Mr. STRONG of Kansas. No; by reason of violations of the law.

Mr. SCHAFER of Wisconsin. Because we have such laws on our statute books our court calendars are becoming congested, and we have to provide more judges and appropriate many additional thousands of dollars each year. However, I shall not object, sincerely hoping that the American people will realize the fallacy and cost of prohibition in the near future and force a repeal of the eighteenth amendment and the Federal laws enacted thereunder.

Mr. PATTERSON. Reserving the right to object, and I do not intend to object, I want to make this statement: We are getting near the end of these Federal judge recommendations.

Mr. LAGUARDIA. No; we are not.

Mr. PATTERSON. I mean on the Consent Calendar.

Mr. LAGUARDIA. New York has to be taken care of yet.

Mr. PATTERSON. I do not say that we are at the end, but we are nearing it. I want to say in commendation of the fairness of the gentleman from West Virginia who introduces these bills, that when he made this investigation wherever he found necessity for an additional Federal judge, in his judgment, he introduced a bill. There was no bill introduced where it was not shown, according to his best judgment, that a Federal judge was needed. I wish to commend him for that spirit. [Applause.]

The SPEAKER pro tempore. Is there objection?

Mr. BOYLAN. Mr. Speaker, reserving the right to object, I would like to call the attention of the House to the fact that the gentleman from West Virginia has been very industrious. He has introduced bills providing for not less than 17 additional judges throughout the United States.

In addition to that he helped to have judicial powers conferred upon one thousand three hundred and odd United States commissioners. Now, what I want to call to the attention of the House is this: If the district in California needs this judge, all right; but another condition exists, and that is this—if the efforts of the gentleman from West Virginia are crowned with success, I am fearful that half the population of the United States will be put in jail. That may be the result of the appointment of 17 new judges and the conferring of judicial powers upon one thousand three hundred and odd United States commissioners. We are away behind in our jail accommodations.

While the House has passed an appropriation in the deficiency bill amounting to over $7,000,000 for new penitentiaries and jails, it will take us at least five years to catch up; so I think we should hold in abeyance the further commitment of prisoners, if possible, until we catch up with our building program.

Mr. STAFFORD. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. STAFFORD. The gentleman is aware, from his experience in or observation of many cases in Greater New York, that many of these prisoners are committed and are awaiting trial, and that the crowded conditions existing in the jails are because there are not enough trial judges to give them an opportunity of a trial.

Mr. BOYLAN. I believe we can handle them as expeditiously as they are handled in Wisconsin. I do not think there is any special delay in New York.

Mr. STAFFORD. I say that generally throughout the country the difficulty has been that United States commissioners have committed them for trial and there are not enough trial courts to hear and dispose of the cases.

Mr. BOYLAN. You have given judicial powers to one thousand three hundred and odd commissioners.

Mr. STAFFORD. But the gentleman must remember that is dangling in the air.

Mr. BOYLAN. That is true. As I have stated, the industry of the gentleman from West Virginia [Mr. BACHMANN] will add 17 more judges and also give judicial powers to 1,300 commissioners, so I feel sure that if this program prevails, we who are out of jail can consider ourselves extremely fortunate.

Mr. LAGUARDIA. There is still hope.

Mr. STAFFORD. Especially if they have the immunity of Members of the House of Representatives.

Mr. BOYLAN. We are not going to hide behind our immunity.

Mr. LAGUARDIA. Of course, the gentleman knows the commissioners' bill is not a law as yet.

Mr. BOYLAN. I do. However, I do not want to impede the progress of the bill or to have the industry of the gentleman from West Virginia [Mr. BACHMANN] slowed up in his efforts to have more judges appointed. For that reason, and also for the reason that the people of California want this additional judge imposed upon them by the gentleman from West Virginia [Mr. BACHMANN], I will withdraw my reservation of objection.

Mr. BACHMANN. I thank the gentleman from New York.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint by and with the advice and consent of the Senate, an additional district judge for the District Court of the United States for the Southern District of California. The judge so appointed shall reside in said district and his compensation and powers shall be the same as now provided by law for the judges of said district. A vacancy occurring at any time in the office of the district judge herein provided for is authorized to be filled.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE RIO GRANDE RIVER

The next business on the Consent Calendar was the bill (H. R. 12232) authorizing P. D. Anderson and W. B. Johnson, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rio Grande River between Presidio, Tex., and Ojinaga, Mexico.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DENISON. Mr. Speaker, I ask unanimous consent that this bill may be stricken from the Calendar. I do that at the request of the gentleman from Texas [Mr. HUDSPETH] and the gentleman who introduced the bill, the gentleman from Texas [Mr. WURZBACH].

The SPEAKER pro tempore. Is there objection?

There was no objection.

BRIDGE ACROSS THE CHOCTAWHATCHEE RIVER

The next business on the Consent Calendar was the bill (H. R. 12617) granting the consent of Congress to the State of Florida, through its highway department, to construct a bridge across the Choctawhatchee River, east of Freeport, Fla.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Florida, through its highway department, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Choctawhatchee River, at a point suitable to the interests of navigation, east of Freeport, Fla., connecting the counties of Washington and Walton, Fla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 1, line 4, strike out the words "and its successors and assigns."

In line 5, after the word "a" insert the words "free highway."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

SPECIAL REPORT ON THE DISEASES OF CATTLE

The next business on the Consent Calendar was House Joint Resolution 323, to authorize the printing with illustrations and binding in cloth of 120,000 copies of the Special Report on the Diseases of Cattle.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, may I suggest that owing to the number of books available now the number be reduced from 120,000 to 80,000 and the appropriation reduced accordingly.

Mr. GREENWOOD. I think there will be no particular objection to the reduction, but I do want to make this observation. There is a great demand in my district and in other congressional districts for these books, and I think so far as the information that is dispensed by the Agricultural Department is concerned there is nothing more valuable or more eagerly sought than these publications.

Something has been said in the past, perhaps by the gentleman from New York, about there being undisposed of copies in the folding room, but I have not been able to get any of them. If there are any city Representatives who have any they would like to transfer to my account I would be pleased to use them.

Mr. LAGUARDIA. This is what I have in mind, and I am sure my colleague from New York City, who is sitting here, will bear me out in the statement that we have not any very great demand in Manhattan for books on the disease of cattle.

Mr. GREENWOOD. Certainly not.

Mr. LAGUARDIA. I thought if we provided for 80,000 copies that would cover the need, or I would suggest that we let this bill go through and kill the book on the horses. Is there any demand for the horse book?

Mr. GREENWOOD. Oh, yes; the demand is just as great for those books.

Mr. CRAMTON. Will the gentleman yield?

Mr. GREENWOOD. Yes.

Mr. CRAMTON. Did some legislation providing for prints of these books go through on Calendar Wednesday when the Committee on Agriculture had the call?

Mr. GREENWOOD. No; but it has been up before on the Consent Calendar.

Mr. ANDRESEN. I may answer the gentleman by stating that a resolution went through providing for the printing of 320,000 books, but I held the matter up so the chairman of the Committee on Printing could put through this resolution in lieu of the one that had already passed the House.

Mr. CRAMTON. What has become of that bill providing for 320,000?

Mr. ANDRESEN. It is lying dormant in the Senate, not being pressed, waiting for action upon this resolution.

Mr. CRAMTON. And that was for the horse books and the cattle books?

Mr. ANDRESEN. Just the cattle books.

Mr. CRAMTON. And if this resolution goes through, then we have the gentleman's assurance that the other one will be permitted to die in the Senate?

Mr. ANDRESEN. I will not press it.

Mr. CRAMTON. The gentleman will assure us it will not go through?

Mr. ANDRESEN. So far as I know it will not go through. I have no control over the Senate, but I have not pressed it since sometime in February, when it originally passed the House, and I do not intend to press it now.

Mr. LAGUARDIA. May I say that we are in this position: If we pass this bill to-day, the House already having passed, by default or otherwise, a bill providing for 300,000 books, there is quite a possibility of the Senate acting on both of the bills without any amendment, and we would then have 450,000 copies.

Mr. PATTERSON. My own personal feeling would be that we would not want anything like that to happen.

Mr. CRAMTON. It being the gentleman's own bill, I could hardly think that even the Senate would pass it in opposition to his wishes, although I admit it is hard to prophesy what they may do.

Mr. ANDRESEN. I have no intention of pressing it for action.

Mr. CRAMTON. That satisfies me.

Mr. GREENWOOD. In further reply to the gentleman from New York, 120,000 would give each district about 250 or 260 copies, and when we distribute that number over 8 or 10 agricultural counties, that means about 25 to the county, which is a very small allotment, and I hope the gentleman will not insist upon his proposed amendment.

Mr. BOYLAN. Will the gentleman yield?

Mr. LAGUARDIA. I yield to my colleague from Manhattan.

Mr. BOYLAN. The gentleman said the New York City Members would not require so many copies of these books.

Mr. LAGUARDIA. On diseases of the cow; yes.

Mr. BOYLAN. Let me say to the gentleman that it has been suggested by the distinguished chairman of the Committee on Banking and Currency that we may need it for the diseases of the bulls and bears. [Laughter.]

Mr. LAGUARDIA. Yes; we may need it badly before long.

I will say that the gentleman from Minnesota holds the whip hand here, having passed a resolution providing for 320,000 copies.

Mr. ANDRESEN. Five hundred for each Member.

Mr. LAGUARDIA. May we have the assurance of the gentleman from Minnesota, in whom we have the utmost confidence, if this bill passes the House to-day he will ask that no action be taken on his bill in the Senate?

Mr. ANDRESEN. I have already made that request in the Senate, pending action upon this bill.

Mr. GREENWOOD. I assume then the gentleman from New York will not ask for a reduction in the number.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of Agriculture be, and is hereby, authorized to have printed with illustrations and bound in cloth 120,000 copies of the Special Report on the Diseases of Cattle, the same to be revised and brought to date, of which 90,000 shall be for the use of the House of Representatives, 25,000 for the use of the Senate, and 5,000 for the use of the Department of Agriculture; and to carry out the provisions of this resolution there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $60,000, or so much thereof as may be necessary.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent that following the reading of the Journal and the disposition of matters on the Speaker's table to-morrow morning, I may be permitted to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISEASES OF THE HORSE

The next business on the Consent Calendar was the joint resolution (H. J. Res. 324) to authorize the printing with illustrations and binding in cloth of 62,000 copies of the Special Report on the Diseases of the Horse.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. LEHLBACH). Is there objection to the present consideration of the joint resolution?

Mr. STAFFORD. Mr. Speaker, I have just noticed in this joint resolution and also in the prior one that there is no provision that these publications, the Diseases of Cattle and Diseases of the Horse, shall be distributed through the folding room. I think some provision should be made so that these publications will be within the control of the membership of the House, and I would suggest an amendment that so far as those available to the House are concerned they be distributed through the

folding room. Has the gentleman from Minnesota [Mr. ANDRESEN] considered the propriety of such an amendment?

Mr. ANDRESEN. The understanding we have with the chairman of the Committee on Printing is that they will be distributed through the folding room and each Member will receive his quota.

Mr. GREENWOOD. There would be no objection then to an amendment that they be so distributed?

Mr. ANDRESEN. I have no objection to the amendment.

Mr. STAFFORD. Mr. Speaker, I shall offer the amendment in due course.

There being no objection, the Clerk read the joint resolution, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and is hereby, authorized to have printed with illustrations and bound in cloth 62,000 copies of the Special Report on the Diseases of the Horse, the same to be revised and brought to date, of which 45,000 shall be for the use of the House of Representatives, 12,000 for the use of the Senate, and 5,000 for the use of the Department of Agriculture, and to carry out the provisions of this resolution there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $30,000, or so much thereof as may be necessary.

Mr. STAFFORD. Mr. Speaker, I offer an amendment on page 1, line 7, after the word "date," insert "to be distributed through the folding rooms of the Senate and the House of Representatives, respectively."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 1, line 7, after the word "date," insert "to be distributed through the folding rooms of the Senate and the House of Representatives, respectively."

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PRINTING SPECIAL REPORT ON THE DISEASES OF CATTLE

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the proceedings whereby House Joint Resolution 323 for printing Special Report on the Diseases of Cattle be vacated.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was again reported.

Mr. STAFFORD. Mr. Speaker, on page 1, line 7, after the word "date," insert the words "to be distributed through the folding rooms of the Senate and House of Representatives, respectively."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ESTIMATES FOR MAINTENANCE OF FLOOD-CONTROL WORKS, LOWELL CREEK, SEWARD, ALASKA

The next business on the Consent Calendar was the bill (H. R. 5708) for estimates necessary for the proper maintenance of the flood-control works at Lowell Creek, Seward, Alaska.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized to submit for the consideration of Congress such estimates as are, in his judgment, necessary for the proper maintenance of the flood-control work at Lowell Creek, Seward, Alaska, constructed under authority contained in Public Resolution No. 52, Sixty-ninth Congress, approved February 9, 1927.

With the following committee amendments:

Line 3, after the word "submit," insert the words "from time to time."

Line 8, after the figures "1927," strike out the period, insert a comma, and the following words: "and appropriations are hereby authorized to be made for such estimates as may be found necessary."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GAME REFUGE WITHIN OCALA NATIONAL FOREST, FLA.

The next business on the Consent Calendar was the bill (S. 1959) to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I can not approve of a bill creating a bird sanctuary and then in a proviso destroying the very purpose of the sanctuary. Of course, if there is consent given to strike out the proviso on page 2, commencing at line 16 I will not object.

Mr. GREENWOOD. I want to concur in the gentleman's position. I do not believe in legislating for some department to fix regulations so that the sanctuary may be destroyed. I want to support the gentleman's amendment.

Mr. LAGUARDIA. Under the guise of destroying surplus animals and birds the whole purpose of the sanctuary is destroyed.

Mr. YON. This is not my bill, but the gentleman from Florida [Mr. GREEN] is unavoidably absent, and under the circumstances the bill better be passed over without prejudice.

Mr. LAGUARDIA. I spoke to the gentleman from Florida [Mr. GREEN], or he consulted me, and I told him my objections to it. I think he understands my objection and I think he would sooner have the bill passed with the proviso stricken out.

Mr. YON. If the gentleman does not mind, I would like to have the bill passed over without prejudice.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Without objection it is so ordered.

RELIEF OF CERTAIN TRIBES OF INDIANS IN MONTANA, IDAHO, AND WASHINGTON

The next business on the Consent Calendar was the bill (H. R. 11753) to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. I object.

Mr. STAFFORD and Mr. LAGUARDIA also objected.

The SPEAKER pro tempore. Three objections having been heard the bill is stricken from the calendar.

GRANTING OIL AND GAS PROSPECTING PERMITS

The next business on the Consent Calendar was the bill (S. 317) an act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I am waiting to learn the difference between what is granted in these bills and the relief desired.

Mr. CARTER of Wyoming. Let me say that the original claims were filed under the placer mining law, and when they applied for a patent the Commissioner of the General Land Office told them that they had had sufficient discovery and they paid their money. On review they said there was not sufficient discovery to grant a patent. In the meantime the leasing law went into effect and under section 19 of this law they were given six months to do assessment work, but while going for a patent the six months expired.

Mr. LAGUARDIA. See if I get this right. They filed claims under the placer law and if they had been given the patent they could mine without paying any royalty. But under the leasing law they had to pay a royalty? They failed in that?

Mr. CARTER of Wyoming. Yes.

Mr. LAGUARDIA. And in the meantime the time had expired?

Mr. CARTER of Wyoming. Yes.

Mr. EATON of Colorado. During this period of six months the Department of the Interior had determined that their application was good and valid, and the money had been paid, and as far as they knew it was simply a matter of doing the clerical work of writing the patent. At a later time the Department of the Interior changed its mind, but this preferential right had expired while the papers were held in the department.

Mr. LAGUARDIA. So that if this bill becomes a law they will be enabled to obtain oil?

Mr. EATON of Colorado. Yes.

Mr. LAGUARDIA. And pay royalty?

Mr. CARTER of Wyoming. Yes.

Mr. EATON of Colorado. Under the leasing bill they had in 1920.

Mr. LAGUARDIA. And if this bill fails, what is the condition of this company?

Mr. CARTER of Wyoming. They have a lawsuit on their hands. In a letter from the Secretary of the Interior ad-

dressed to me, dated May 24, 1930, he says among other things:

The danger of drainage mentioned in your letter is believed to be such as to make it a matter of concern to this department that early action be taken by Congress, to the end that the royalty interests of the Government may be fully protected, and the controversy be terminated fairly for both the Government and the company.

Mr. LAGUARDIA. And if this bill fails, how does this company stand in relation to all other applicants who desire to go on that land for oil?

Mr. EATON of Colorado. If this bill fails, then the Government must permit the leasing to go at a lower rate per barrel of oil under other provisions of the bill than it can obtain under this particular provision of the bill, under which they want to lease these lands.

Mr. LEAVITT. The situation as it has been presented to me by the Department of the Interior is that this bill must be passed in behalf of the Government or a long litigation will result while the land is being drained.

Mr. LAGUARDIA. Then is there danger that this land is being drained?

Mr. LEAVITT. At the time these claims were presumably being perfected drilling went on, and it was only a matter of 1,500 or 1,600 feet, but much deeper wells are now being drilled on three sides of these lands.

Mr. LAGUARDIA. And these other wells are on private property?

Mr. CARTER of Wyoming. The lands are all under royalty of about 5 per cent, and the minimum of this is 12½ per cent, and it may be 33 per cent.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to grant either prospecting permits or leases under the terms and conditions of section 19 of the act approved February 25, 1920 (41 Stat. L. p. 437, title 30, sec. 227, U. S. C.), to any claimant of title under the placer mining laws, to the southeast quarter of section 30, the east half of section 31, and the northwest quarter and southeast quarter of section 32, in township 51 north, range 100 west of the sixth principal meridian, in the State of Wyoming: *Provided*, That satisfactory evidence be submitted of entire good faith of such claimant under the mining laws, although without such evidence of discovery as to satisfy said Secretary of the claimant's right to a patent; also, that said lands were not reserved or withdrawn at date of initiation of mining claims thereto; also, that applications for such permits or leases be filed within six months from date of this enactment, and that at date of such filing the area covered thereby be free from any valid adverse claim of any third person.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

QUARANTINE AGAINST INTERSTATE SHIPMENT OF LIVESTOCK

The next business on the Consent Calendar was House Joint Resolution 326, for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto or therein of livestock, including poultry, from a State or Territory or portion thereof where a livestock or poultry disease is found to exist, which is not covered by regulatory action of the Department of Agriculture, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. JENKINS. I object.

Mr. JOHNSON of Texas. Mr. Speaker, I object.

BRIDGE ACROSS FOX RIVER, AURORA, ILL.

The next business on the Consent Calendar was the bill (H. R. 12614) granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island.

There being no objection to the consideration of the bill, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SATURDAY HALF HOLIDAY FOR CERTAIN GOVERNMENT EMPLOYEES

The next business on the Consent Calendar was the bill (S. 471) providing for a 44-hour week for certain Government employees.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. WOOD. Mr. Speaker, I object.

Mr. SNELL. Mr. Speaker, I object.

CLASSIFICATION OF CERTAIN CIVILIAN POSITIONS

The next business on the Consent Calendar was the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. As I understand this bill, it seeks to increase the salaries to be paid in the highest grade by a general average of $100. It is to create further promotion so that the salaries of all of the clerks shall be increased $100?

Mr. LEHLBACH. Not at all. Under the Welch Act, which was passed in 1928, it was intended to revise the schedules carried in the compensation schedules of the classification act so as to bring about an increase of $120 a year by dropping the two lower salary rates within a grade and adding two higher salary rates at the top of the range of the grade. As a matter of compromise in some instances there was only one salary rate added to the top and that resulted in having not the same number of rates within a grade as heretofore. The act provided that employees should retain the same respective rates in the grades as heretofore, but a construction by the Comptroller General brought about the result that about 60 per cent of the employees received an increase of $120, and about 40 per cent in the same offices throughout the services received only $60. This is to restore the original plan and have the same number of salary steps within a grade, so that uniformity may be carried to the employees. I have a letter before me from Col. J. Clawson Roop, the Director of the Budget, which I shall read:

JUNE 24, 1930.

DEAR MR. LEHLBACH: I have your inquiry of even date regarding the relation of S. 215, "An act to amend section 13 of the act of March 4, 1923, entitled 'An act to provide for the classification of civilian positions within the District of Columbia and in the field services,' as amended by the act of May 28, 1928," to the financial program of the President.

I beg to advise you that the expenditures contemplated by the bill S. 215, as reported in the House of Representatives, with amendments, would not be in conflict with the financial program of the President.

Yours very truly,

J. CLAWSON ROOP, *Director*.

Mr. STAFFORD. Did I understand that in the operation of the Welch Act the clerks receive automatic promotions to higher grades if their work is proficient and satisfactory?

Mr. LEHLBACH. It is not a promotion to a higher grade. It is a higher salary for the position in the grade in which it is allocated; and in some instances, as I say, that resulted in a salary carrying an additional $60 being provided, while employees in like circumstances and like grades received an increase of $120. This is to equalize that.

I have explained the full purport and the scope of the original bill. But the House committee reported it out with an amendment, which at the same time restores the authority of the Personnel Classification Board in reviewing and revising allocations that heretofore existed, but of which the board was stripped by a ruling of the Comptroller General. That destroys the uniformity of salaries throughout the service, because to insure it you must have one central agency that has the last say. This restores that part of the law as it was before the opinion of the Comptroller General changed it.

Mr. STAFFORD. Do the employees receive the same salaries while in the departments as in the field service?

Mr. LEHLBACH. So far as possible they do. A survey has been made, and a full report will be available at the next session of Congress, so that a revision and classification can be made, making the field and District services uniform. The present classification provides only for the District of Columbia; but in so far as it is administratively possible, it has been

extended by authority carried in appropriation bills to the field services.

Mr. PATTERSON. Does this add to the higher salaries?

Mr. LEHLBACH. Absolutely not. It only applies to the ordinary run of clerks.

Mr. PATTERSON. To the lower class?

Mr. LEHLBACH. Yes.

Mr. JENKINS. Is it not true that the clerks' organization opposes this?

Mr. LEHLBACH. Not at all. The bill has the most hearty approval of the general officers of the National Federation of Federal Employees. This is the only organization to which the ordinary run of clerks in the departments belong. There is no rival organization.

Mr. SCHAFER of Wisconsin. What is the attitude of the Comptroller General?

Mr. LEHLBACH. The Comptroller General and the Budget Bureau have no objection to the administrative provisions of this bill.

Mr. LANKFORD of Virginia. Does this apply to the clerks in the field service?

Mr. LEHLBACH. I have an amendment here which makes it specifically applicable.

Mr. PATTERSON. It does extend to the field service?

Mr. LEHLBACH. It does in so far as the rates carried in the District of Columbia are applicable. This bill to that extent will apply to the field service as well as to the District service.

Mr. JENKINS. Does it apply to the Immigration Service?

Mr. LEHLBACH. To the best of my information, it does.

Mr. JENKINS. The gentleman said a moment ago that a survey begun a couple of years ago will be able to report at the next session of Congress.

Mr. LEHLBACH. Yes.

Mr. JENKINS. Is it not true that the report made a few months ago was voluminous, but only a preliminary report?

Mr. LEHLBACH. That was a report of schedules without the schedules being finally approved by the departments. If it were not for the fact that this session of Congress is drawing to a close, inside of three or four weeks we would have that final report. It is almost ready.

Mr. JENKINS. We have a bill pending in our committee for an increase of salaries in the Immigration Service. I am informed that there is nothing anywhere that contemplates an increase of salary for those people.

Mr. LEHLBACH. Surely, because the survey is made for the express purpose of making a complete classification of the field services throughout the Government, including the Immigration Service.

Mr. JENKINS. It may be that it does not cover every activity. Does the gentleman contemplate that at the next session of Congress we shall have another report coming forward if this bill does not cover the entire service?

Mr. LEHLBACH. This bill only seeks to correct the inequalities of the Welsh bill. It is not intended to be a complete measure covering the entire situation in the governmental service.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, be amended to change the salary rates under certain grades therein to read as follows:

"PROFESSIONAL AND SCIENTIFIC SERVICE

"Grade 1: The annual rates of compensation for positions in this grade shall be $2,000, $2,100, $2,200, $2,300, $2,400, $2,500, and $2,600.

"Grade 2: The annual rates of compensation for positions in this grade shall be $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, and $3,200.

"Grade 3: The annual rates of compensation for positions in this grade shall be $3,200, $3,300, $3,400, $3,500, $3,600, $3,700, and $3,800.

"Grade 4: The annual rates of compensation for positions in this grade shall be $3,800, $4,000, $4,200, $4,400, and $4,600.

"Grade 5: The annual rates of compensation for positions in this grade shall be $4,600, $4,800, $5,000, $5,200, and $5,400, unless a higher rate is specifically authorized by law.

"SUBPROFESSIONAL SERVICE

"Grade 1: The annual rates of compensation for positions in this grade shall be $1,020, $1,080, $1,140, $1,200, $1,260, $1,320, and $1,380.

"Grade 2: The annual rates of compensation for positions in this grade shall be $1,260, $1,320, $1,380, $1,440, $1,500, $1,560, and $1,620.

"Grade 3: The annual rates of compensation for positions in this grade shall be $1,440, $1,500, $1,560, $1,620, $1,680, $1,740, and $1,800.

"Grade 4: The annual rates of compensation for positions in this grade shall be $1,620, $1,680, $1,740, $1,800, $1,860, $1,920, and $1,980.

"Grade 5: The annual rates of compensation for positions in this grade shall be $1,800, $1,860, $1,920, $1,980, $2,400, $2,500, and $2,600.

"Grade 6: The annual rates of compensation for positions in this grade shall be $2,000, $2,100, $2,200, $2,300, $2,400, $2,500, and $2,600.

"Grade 7: The annual rates of compensation for positions in this grade shall be $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, and $2,900.

"Grade 8: The annual rates of compensation for positions in this grade shall be $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, and $3,200.

"CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE

"Grade 1: The annual rates of compensation for positions in this grade shall be $1,260, $1,320, $1,380, $1,440, $1,500, $1,560, and $1,620.

"Grade 2: The annual rates of compensation for positions in this grade shall be $1,440, $1,500, $1,560, $1,620, $1,680, $1,740, and $1,800.

"Grade 3: The annual rates of compensation for positions in this grade shall be $1,620, $1,680, $1,740, $1,800, $1,860, $1,920, and $1,980.

"Grade 4: The annual rates of compensation for positions in this grade shall be $1,800, $1,860, $1,920, $1,980, $2,040, $2,100, and $2,160.

"Grade 5: The annual rates of compensation for positions in this grade shall be $2,000, $2,100, $2,200, $2,300, $2,400, $2,500, and $2,600.

"Grade 6: The annual rates of compensation for positions in this grade shall be $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, and $2,900.

"Grade 7: The annual rates of compensation for positions in this grade shall be $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, and $3,200.

"Grade 8: The annual rates of compensation for positions in this grade shall be $2,900, $3,000, $3,100, $3,200, $3,300, $3,400, and $3,500.

"Grade 9: The annual rates of compensation for positions in this grade shall be $3,200, $3,300, $3,400, $3,500, $3,600, $3,700, and $3,800.

"Grade 10: The annual rates of compensation for positions in this grade shall be $3,500, $3,600, $3,700, $3,800, $3,900, $4,000, and $4,100.

"Grade 11: The annual rates of compensation for positions in this grade shall be $3,800, $4,000, $4,200, $4,400, and $4,600.

"Grade 12: The annual rates of compensation for positions in this grade shall be $4,600, $4,800, $5,000, $5,200, and $5,400, unless a higher rate is specifically authorized by law.

"CUSTODIAL SERVICE

"Grade 2: The annual rates of compensation for positions in this grade shall be $1,080, $1,140, $1,200, $1,260, $1,320, and $1,380: *Provided*, That charwomen working part time be paid at the rate of 50 cents an hour and head charwomen at the rate of 55 cents an hour.

"Grade 4: The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680.

"Grade 5: The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800, and $1,860.

"Grade 6: The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

"Grade 7: The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $1,980, $2,040, $2,100, $2,200, and $2,300.

"Grade 8: The annual rates of compensation for positions in this grade shall be $2,000, $2,100, $2,200, $2,300, $2,400, $2,500, and $2,600.

"Grade 9: The annual rates of compensation for positions in this grade shall be $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, and $2,900.

"Grade 10: The annual rates of compensation for positions in this grade shall be $2,600, $2,700, $2,800, $2,900, $3,000, $3,100, and $3,200.

"CLERICAL-MECHANICAL SERVICE

"Grade 1: The rates of compensation for classes of positions in this grade shall be 55 to 60 cents an hour.

"Grade 2: The rates of compensation for classes of positions in this grade shall be 65 to 70 cents an hour.

"Grade 3: The rates of compensation for classes of positions in this grade shall be 75 to 80 cents an hour.

"The heads of the several executive departments and independent establishments of the Government whose duty it is to carry into effect the provisions of this act are hereby directed to so administer the same that employees whose positions are in the grades affected hereby, who were in said positions on June 30, 1928, and who, under the act of May 28, 1928, did not receive an increase in salary the equivalent of two steps or salary rates in their respective grades shall be given such additional step or steps or salary rates or rates, within the grade, effective from July 1, 1928, as may be necessary to equal such increase: *Provided*, That nothing herein shall prevent or operate to revoke the promotion or allocation for an employee to a higher salary rate or grade: *Provided further*, That nothing contained in this act shall operate to decrease the pay of any present employee, nor deprive any employee of any advancement authorized by law and for which funds are available."

SEC. 2. The heads of the several executive departments and independent establishments are authorized and directed to adjust, effective as of July 1, 1928, the compensation of certain civilian positions in the field services, the compensation of which was adjusted by the act of December 6, 1924, to correspond, so far as may be practicable, to the

rates established by the act of May 28, 1928, and by this act for positions in the departmental services in the District of Columbia.

SEC. 3. Except as amended by this act the provisions of the act of May 28, 1928, shall remain in full force and effect.

With the following committee amendments:

Page 7, line 1, after the word "grade," strike out the words "effective from July 1, 1928."

Page 7, line 12, after the word "adjust," strike out the words "effective as of July 1, 1928."

Page 7, line 23, add new sections, sections 4, 5, and 6, as follows:

"SEC. 4. The Personnel Classification Board shall have sole jurisdiction to determine finally the grade, or subdivision thereof, to which all positions which are subject to the compensation schedules of the classification act of 1923, and amendments thereto, shall be allocated, and it shall have authority to ascertain currently the facts as to the duties and responsibilities of any such position and to review and change the allocation thereof whenever, in its opinion, the facts warrant: *Provided*, That such review and change shall be made only after consultation with the heads of the departments concerned and after affording all incumbents of positions affected an opportunity to be heard, of which hearing a permanent written record shall be made and kept, including all testimony taken: *Provided further*, That in all cases where the board shall change the allocation of a position to a lower grade the rate of pay fixed for such position prior to such change may be continued so long as the position is held by the incumbent then occupying it.

"SEC. 5. There is hereby authorized to be appropriated annually for salaries and expenses of the Personnel Classification Board such sums as may be necessary to enable them to carry into effect the provisions of the classification act of 1923 and amendments thereto: *Provided*, That nothing contained herein shall be interpreted to preclude the temporary detail to the board of officers or employees of the several departments possessed of special knowledge, ability, or experience required in the classification of positions as now authorized by law.

"SEC. 6. There is hereby created a position of director of classification, who shall be appointed by the board, and who, under the general direction of the board, shall exercise and perform all powers and duties which the board is authorized to exercise and perform."

The committee amendments were agreed to.

Mr. LEHLBACH. I offer an amendment, Mr. Speaker.

The SPEAKER. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LEHLBACH: In section 2, page 7, line 19, strike out the period and insert a colon and the words "*Provided*, That the terms of this act shall apply to employees carried under Group 4–B in the schedule of wages for civil employees under the Naval Establishment, notwithstanding the fact that the compensation of such employees was not adjusted by the act of December 6, 1924 (43 Stat. 604), or the act of May 28, 1928 (U. S. C., Supp. 3, title 5, sec. 673).

Mr. STAFFORD. Mr. Speaker, I rise in opposition to the amendment for the purpose of inquiring whether the amendment has any retroactive character?

Mr. LEHLBACH. Not at all. I may say to the gentleman that the bill, as it passed the Senate, made the pay adjustment retroactive to May, 1928, but our committee struck out every retroactive feature before we reported it out.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS RAINY RIVER AT BAUDETTE, MINN.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to return to No. 654 on the calendar, H. R. 12233, authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Reserving the right to object, this is the bill which I objected to a few minutes ago. I do not like this bill, but since it is across an international boundary and it has been explained to me not only by the gentleman from Minnesota but by several other gentlemen who think it should pass, I will not object at this time; but I want to make the statement before withdrawing my objection that I am opposed to these private toll bridges. I serve notice now that unless there is some very specific reason shown why they should be passed I shall object to any private bridge bills in the future. It does not matter whether it is in my State, or where it is, I am opposed to these private toll bridges, where national highways are built and people cross on them.

I withdraw the reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the postal service, and provide for military and other purposes Robertson & Janin Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rainy River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at Baudette, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in Canada.

SEC. 2. There is hereby conferred upon Robertson & Janin Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Minnesota needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Minnesota upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Robertson & Janin Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Canada applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Robertson & Janin Co., its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 24, strike out the word "Canada" and insert the word "Minnesota."

Page 3, line 6, strike out the word "assigns" and the semicolon and insert the word "assigns" and a comma.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

OCALA NATIONAL FOREST, FLA.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 692, the bill (S. 1959) to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida, and I ask that it be considered at this time.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, I asked that this bill be passed over a little while ago in the absence of the gentleman from Florida, who was for the moment in the cloak room. My objection is to the proviso in the bill on page 2, commencing on line 16, which could destroy the very purpose of the sanctuary, by rules or regulations, permitting hunting under the guise of the surplus animal or birds' act. If the gentleman will accept an amendment which I shall later offer striking out the last proviso, I shall not object to the consideration of the bill.

Mr. GREEN. Of course, I do not believe the department would issue any regulation which would be detrimental to the purposes of the bill, and the Legislature of the State of Florida has, by special act, ceded the game in that preserve to the Federal Government. Of course, I would rather not have the gentleman's amendment, but if the gentleman insists on it, I would prefer to have the amendment rather than to have the bill not passed.

Mr. LEAVITT. Will the gentleman yield?

Mr. GREEN. I yield.

Mr. LEAVITT. What kind of game is on this sanctuary?

Mr. GREEN. Deer, turkey, and quail.

Mr. LEAVITT. If this provision is not left in the bill, such a situation might arise as existed on the Kaibab sanctuary, and there might be an excess of game without feed for them.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. CRAMTON. I never agreed with the department on the Kaibab situation.

Mr. LEAVITT. Of course; but I did. I am not presenting my views except for the consideration of the gentleman. I do not know anything about the merits of this bill.

Mr. SCHAFER of Wisconsin. If the gentleman is not going to accept the amendment suggested by the gentleman from New York [Mr. LAGUARDIA] I shall object to the bill.

Mr. GREEN. I said that while I did not like the amendment, I would acquiesce in it rather than not have the bill passed.

Mr. LAGUARDIA. With that understanding I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to designate as game refuges such lands of the United States within the Ocala National Forest, in the State of Florida, as in his judgment should be set aside for the protection of game animals and birds, but it is not intended that the lands so designated shall cease to be parts of the national forest within which they are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the lands under and in conformity with the laws and regulations applicable thereto so far as such uses may be consistent with the purposes for which such game sanctuaries or refuges are established.

SEC. 2. That when such game sanctuaries or refuges have been established as provided in section 1 hereof, the hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any game animals or birds upon the lands of the United States within the limits of such game sanctuaries or refuges, except as herein provided, shall be unlawful, and any person violating any of the provisions of this act, or any of the rules and regulations made thereunder, shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court, be fined in a sum not exceeding $500 or imprisoned not more than six months, or both; *Provided*, That the Secretary of Agriculture is hereby authorized to make all needful rules and regulations for the administration of such game sanctuaries or refuges in accordance with the purposes of this act, including regulations not in contravention of State laws, for disposing of any surplus animals or birds which he finds to be within the limits of said game sanctuaries or refuges.

Mr. LAGUARDIA. I offer an amendment, Mr. Speaker.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: On page 2, line 16, after the word "both," strike out the colon and insert a period and strike out the balance of the section.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SENECA NATION OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 11203) to ratify certain leases with the Seneca Nation of Indians.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BOYLAN. Mr. Speaker, reserving the right to object—and I shall not object—I would like an explanation of this bill. Is somebody stealing some land of the Indians, or what is it?

Mr. MEAD. Mr. Speaker, this bill ratifies certain leases negotiated by the town of Brant with the Seneca Nation of Indians. The Seneca Reservation is located adjacent to the town of Brant. The leases embrace 2 parcels of property, 1 comprising 32 acres of property on the shore of Lake Erie and the other a sufficient amount of land to permit a public highway to be constructed from the Lake Shore Road to the park. This is a public park. The park is for the use of the Indians and the residents of the township of Brant. The township has already expended $20,000 in improvements on this property. They provide life guards and other accommodations which the Indians could not provide for themselves. There is no profit made on this park; it is just as free for the Indians to use it as it is for the residents of the township.

Mr. CRAMTON. Do the Indians get the use of it?

Mr. MEAD. Yes; the Indians get the use of it as much as the residents of the township of Brant; they live closer to it and it is a part of their reservation.

Mr. CRAMTON. If the gentleman will yield, as far as appears I have no objection, but it does not seem to be an urgent matter because one of these leases was dated in 1917 and the other in 1923.

Mr. MEAD. Well, I will say to the gentleman that heretofore the Bureau of Indian Affairs has rather hesitated to take any part in activities concerning the Indians of New York. The officials of the town came here a few years ago and they were advised to take the matter up with the Attorney General of the State of New York, which was done. Later on, the officials of the town of Brant, desirous of having the matter definitely and properly settled, again renewed their activities and insisted on having the leases considered here in Washington.

Mr. CRAMTON. I am not criticizing the delay, but I am just stating there has been this delay and, I take it, nobody has suffered from the delay. My suggestion is this: Either the Federal Bureau of Indian Affairs has something to do with the lands of these Indians or it does not. This bill is on the theory that it has something to do with them, and yet the report of the Commissioner of Indian Affairs shows that—

No copy of either of the leases is in the file.

I feel that before the Bureau of Indian Affairs makes a report upon certain leases affecting Indian lands it ought to have at hand a copy of the leases in question.

Mr. LEAVITT. The committee required that the leases be shown, and the supervisor of the town of Brant appeared before the committee.

Mr. CRAMTON. The responsibility is in the hands of the Bureau of Indian Affairs, and before they make any report upon a matter affecting the lands of these Indians they should have before them the leases in question. I am going to be obliged to ask that the bill go over until the Bureau of Indian Affairs has in its files a copy of each of the leases in question and then makes a report. So far as I know now, I would not then object to the bill, but it seems to me extraordinary that the Bureau of Indian Affairs should make a report upon certain leases without having the leases before them.

Mr. MEAD. I will say that the representatives of the town called on the Commissioner of Indian Affairs and explained to him the exact nature of the leases.

Mr. CRAMTON. Why were they not filed? Why did they not leave copies of the leases with the Bureau of Indian Affairs?

Mr. MEAD. I really can not answer that question.

Mr. CRAMTON. I do not want to embarrass the situation, and it does not seem to me I do, because they are getting along very nicely without Government approval.

Mr. MEAD. The point is that the town of Brant has already invested $20,000 in this park and contemplates further improvements, but they have been advised they have no legal right to the property unless a lease is ratified by the Government of the United States.

Mr. CRAMTON. I have enough interest in Indian matters that I can not see the Bureau of Indian Affairs getting into the loose habit of sending a report on a lease they have never seen. They could say they have nothing to do with it, if that is the situation.

Mr. MEAD. They say they have very little to do with the Indians in New York.

Mr. CRAMTON. Suppose we let it go over, so that copies of the leases may be furnished to the bureau, and then, if they say it is all right, I presume there will be no difficulty.

Mr. MEAD. That is agreeable as far as I am concerned.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDMENT TO FEDERAL FARM LOAN ACT

The next business on the Consent Calendar was the bill (S. 4028) to amend the Federal farm loan act as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object——

Mr. McFADDEN. Will the gentleman permit an explanation?





Mr. LAGUARDIA. Yes; and it will have to be a good one to remove my objection to the bill.

Mr. McFADDEN. Mr. Speaker, in view of the importance of this measure I desire to make a statement about it.

This bill would amend the Federal farm loan act so that effective with the appropriation for expenditures of the Federal Farm Loan Bureau for the fiscal year beginning July 1, 1930, the assessments to be made against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks under section 3 of the Federal farm loan act would be limited to the salaries and expenses of the employees of the Federal Farm Loan Bureau engaged in the work of its division of examinations, such expenses and salaries, together with all other expenses and salaries of the board, to be disbursed on appropriations made by the Congress.

The subject is one of direct concern to the Federal land banks, the joint-stock land bank, and the Federal intermediate credit banks of the farm loan system, as well as the Treasury, because, under the Federal farm loan act as it now stands, section 3 provides that "the salaries and expenses of the Federal Farm Loan Board, its officers and employees, farm-loan registrars, deputy registrars, examiners, and reviewing appraisers, authorized under this act, or any subsequent amendments thereto, shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks" by assessments made on such equitable basis as the Federal Farm Loan Board shall determine, giving due consideration to time and expense necessarily incident to the supervision of the operation of each type of bank. The act as originally passed in 1916, however, provided in section 3 that "the salaries and expenses of the Federal Farm Loan Board, and of farm-loan registrars and examiners authorized under this section, shall be paid by the United States," and remained in this form until 1923. The law was amended on March 4, 1923, so as to require that after June 30, 1923, all salaries and expenses incurred by the board be assessed against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks, and the act of March 4, 1925, amended the law to read as it now stands.

The Federal Farm Loan Board was reorganized in May, 1927. Unsatisfactory conditions had appeared in some of the banks during the rapid growth of the system in recent years and the administration of the Federal Farm Loan Bureau had not been developed to cope with such conditions adequately. When the Federal Farm Loan Board was reorganized, one joint-stock land bank was in the hands of a receiver and receivers for two other joint-stock land banks, the failures of which were impending, were appointed on July 1 and September 1, 1927. These three receiverships were the first since the establishment of the system and included one of the largest joint-stock land banks. Some of the other banks, both Federal and joint stock, were faced with difficult problems. All of these conditions contributed to impair public confidence. It was the task of the reorganized board not only to prevent other receiverships, if possible, but also to correct unsatisfactory conditions wherever they existed. Necessarily, a very large increase in the expenses of the Federal Farm Loan Bureau has resulted from the endeavors of the Federal Farm Loan Board to bring about as rapidly as possible a restoration of proper conditions in the farm-loan system.

Mr. CRAMTON. Will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. CRAMTON. Is this a lengthy address on the finance system of the country, generally?

Mr. McFADDEN. No; it is information I felt the membership of the House were entitled to have in connection with this measure. If the gentleman wishes, I will extend my remarks in the RECORD. It is merely an explanation of what the bill provides. I am not particularly anxious to make a speech.

Mr. LAGUARDIA. I am listening very attentively to the gentleman's explanation, as I always do.

Mr. McFADDEN. If the gentleman from Michigan has any objection, I certainly do not want to continue; but I think it is well for the House to have this information.

Officers of many of the banks have expressed informally the feeling that the Congress should provide for the assumption by the United States of the expenses of the Farm Loan Bureau, or at least that only the expenses directly attributable to the examination work of the bureau should be assessed against the banks. An analysis of the expenses of the bureau indicates that the work of the division of examinations consumes nearly 42 per cent of the amounts assessed against the banks.

It has been pointed out that the Federal farm loan act, as stated in its caption, was designed "to provide capital for agricultural development, to create standard forms of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes," and that to a large extent the provisions of the farm loan act were drawn and detailed supervision by the Government was provided for in the interest not only of the prospective individual borrowers but of the welfare of agriculture generally, together with that of the investing public, as well as, incidentally, the protection of the Government itself to the extent that it might have financial relations with the banks.

Consequently it would seem to be reasonable in the public interest to limit the assessments made against the banks under section 3 of the Federal farm loan act to the salaries and expenses of the employees of the Federal Farm Loan Bureau engaged in the work of its division of examinations.

The act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes, approved May 15, 1930, includes an appropriation of $1,020,000 to cover salaries and expenses of the Federal Farm Loan Board for the fiscal year 1931 payable from assessments against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks in accordance with the present law.

It has been estimated by the Federal Farm Loan Bureau that if S. 4028 should be enacted the amount of the appropriation for 1931 to be assessed against the banks would be reduced to approximately $425,000, leaving about $595,000 to be assumed by the Government.

Mr. LAGUARDIA. In other words, if this bill is enacted into law, 58 per cent of the operating expenses will be borne by the Treasury and 42 per cent by the banks themselves.

Mr. McFADDEN. The gentleman is correct.

Mr. LAGUARDIA. Was that the original plan?

Mr. McFADDEN. Yes; that is practically the original law. This puts the law back where it was before the act was changed in 1923 and 1925.

Mr. COLLINS. This is in compliance with the original law.

Mr. McFADDEN. Yes.

Mr. STEVENSON. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. STEVENSON. As I understand, this merely puts the expense of all the field operations in the service of the land banks on the land banks and leaves the expense of the bureau and the board here in Washington on the Government, whereas at first all that was put on the Government and then all of it was put on the banks, and now we want to equitably apportion it.

Mr. CRAMTON. And there is nothing here with reference to the relation between the land banks and irrigation projects?

Mr. McFADDEN. No.

Mr. LAGUARDIA. And there is nothing here about Federal farm advisers?

Mr. McFADDEN. No; that is extraneous to the purpose of this bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

There was no objection.

The clerk read the bill, as follows:

Be it enacted, etc., That the Federal farm loan act, as amended (U. S. C., title 12), be, and it is hereby, amended so that effective as to appropriations for and expenditures of the Federal Farm Loan Board for the fiscal year beginning July 1, 1930, and thereafter, the assessments to be made under section 3 of said act (U. S. C., title 12, ch. 7, sec. 657) by said board against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks shall be the amount of the expenses and salaries of the employees engaged in the work of the division of examinations of the Federal Farm Loan Bureau as estimated by the said board, such expenses and salaries, together with all other expenses and salaries of the said board, to be disbursed on appropriations duly made by the Congress.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

INTERMEDIATE CREDIT BANKS

The next business on the Consent Calendar was the bill (S. 4287) to amend section 202 of Title II of the Federal farm loan act, by providing for loans by Federal intermediate credit banks to financing institutions on bills payable, and by eliminating the requirement that loans, advances, or discounts, shall have a minimum maturity of six months.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think some brief explanation should be made of this bill by some member of the committee before the objection stage is passed.

Mr. McFADDEN. I will say to the gentleman, in explanation of this bill, that when the intermediate credits part of the Federal farm loan act was passed, it was limited in the rediscount of paper to six months. In other words, these intermediate credit banks could not rediscount paper for member banks or for cooperative organizations that had less than six months' maturity. It is found in the operation of the system that this does not properly serve and hence this amendment is suggested.

Mr. STEVENSON. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. STEVENSON. In other words, if a cooperative wanted to borrow money to carry cotton or wheat for three months, it could not borrow it from an intermediate credit bank because the limitation was not less than six months, and we are proposing to strike that out.

Mr. STAFFORD. It is primarily to meet that condition, and also, as I see from the report, to make loans and advances direct to these cooperative organizations.

Mr. McFADDEN. Yes.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 202 (a) of Title II of the Federal farm loan act, as amended (U. S. C., title 12, ch. 8, sec. 1031), be amended by substituting a semicolon for the period at the end of paragraph (1) thereof and adding thereafter the following new matter: "and to make loans or advances direct to any such organization, secured by such obligations."

SEC. 2. That section 202 (c) of Title II of the Federal farm loan act, as amended (U. S. C., title 12, ch. 8, sec. 1033), be amended by striking out the words "less than six months nor," so that said section will read as follows:

"Loans, advances, or discounts made under this section shall have a maturity at the time they are made or discounted by the Federal intermediate credit bank of not more than three years. Any Federal intermediate credit bank may in its discretion sell loans or discounts made under this section, with or without its indorsement."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE PATUXENT RIVER, CALVERT COUNTY, MD.

The next business on the Consent Calendar was the bill (S. 3422) to authorize the Tidewater Toll Properties (Inc.), its legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. PATTERSON. I object.

The SPEAKER pro tempore. This requires three objections. Only one objection is heard, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Tidewater Toll Properties (Inc.), a corporation incorporated under the laws of Maryland, its legal representatives and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Patuxent River, at a point suitable to the interests of navigation, at or near Hallowing Point, approximately one-eighth mile south of Burch, Calvert County, Md., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Maryland, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Maryland, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Tidewater Toll Properties (Inc.), its legal representatives and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Maryland a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Maryland, shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation, the said Tidewater Toll Properties (Inc.), its legal representatives and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Tidewater Toll Properties (Inc.), its legal representatives and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COLLECTION OF ADDITIONAL COTTON STATISTICS

The next business on the Consent Calendar was the bill (S. 2323) authorizing the Director of the Census to collect and publish certain additional cotton statistics.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter in collecting and publishing statistics of cotton on hand in warehouses and other storage establishments, and of cotton known as the "carry-over" in the United States, the Director of the Census is hereby directed to ascertain and publish as a separate item in the report of cotton statistics the number of bales of linters as distinguished from the number of bales of cotton.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AMENDING THE FEDERAL FARM LOAN ACT

The next business on the Consent Calendar was the bill (H. R. 12063) to amend section 16 of the Federal farm loan act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, there is much more need for an explanation in this case than there was in the former bill. This increases the scope of authority under which these joint-stock land banks may operate.

Mr. McFADDEN. I will say in explanation that you all are aware that the Kansas City Joint Stock Land Bank has been in the hands of a receiver for three years. The stockholders and the Federal Farm Loan Board and the bondholders have been trying to bring about a settlement of this matter. The bill is the direct result of an agreement which has been arrived at between all the interested parties. It is my understanding that an agreement has been consented to by all parties and the bank is about to be reorganized. This bill comes as a direct result of the negotiations which are on. This is what is to happen:

The Joint Stock Land Bank of California is to take over the Kansas City Joint Stock Land Bank on a basis which apparently is agreeable to all the parties concerned. If they take the bank over they want the right to continue its operation in the territory where it has already operated. In addition to that I have been informed that if they succeed in reorganizing and taking over the Kansas City bank it will probably mean the taking over of the other two failed joint-stock land banks now in receivership.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. COCHRAN of Missouri. I have received a number of telegrams in reference to this matter when it was before the committee. Does the gentleman know whether this is satisfactory to Mr. CROSS?

Mr. McFADDEN. The gentleman refers, I think, to the Letts bill. This is not that bill.

Mr. CRAMTON. Mr. Speaker, will the gentleman state the situation about the Letts bill? If this bill goes through we forget the Letts bill?

Mr. McFADDEN. For the moment.

Mr. CRAMTON. I would like to have it a very long moment.

Mr. McFADDEN. I think the gentleman can have that assurance.

Mr. LAGUARDIA. Mr. Speaker, we have talked a great deal about these land banks. A great many people in the cities have bought the stock of these banks, perhaps from a high-pressure salesman—that I don't know; but they have purchased the stock under the impression that they were Government banks. I have offered amendments on one or two occasions, to which the gentleman from South Carolina [Mr. STEVENSON] objects, to have printed on the face of every stock certificate the fact that it is not a Government bank. There have been misrepresentations made, and I have quite a file from people in my city who purchased stock in these banks—land banks of the United States Government. The people were under the impression that the Government was back of the stock. Something ought to be said at all times to make it clear that buying this stock is just like buying the stock in any private bank, and that the Government does not guarantee the stock.

Mr. McFADDEN. I agree with what the gentleman has said, but this bill will do more for the Federal farm land banks, and particularly the joint-stock land banks, than anything that Congress could do.

Mr. LAGUARDIA. It should be made clear so that there will not be a campaign of stock selling, that all this bill is to seek to provide the machinery to rehabilitate these banks, but that it does not put a single cent into the banks.

Mr. McFADDEN. The gentleman is correct.

Mr. CRAMTON. As has been suggested it opens the way for the taking over of those banks and their rejuvenation, and in the event that this program is carried out, then no legislation such as the Letts bill is necessary, as I understand it?

Mr. McFADDEN. The thought to which the gentleman refers deals with the method of collecting the double liability of stockholders.

Mr. CRAMTON. Yes; and it would not have to be resorted to if the program is successful that this bill proposes?

Mr. McFADDEN. A modification of that bill, if it was finally passed could be made to meet the objections that the gentleman refers to. In other words, we could take away the retroactive features. Under this plan of reorganization contemplated here, and the gentleman from Ohio [Mr. FITZGERALD] is familiar with this, the double liability referred to here by stockholders, which has resulted in the introduction and consideration of the Letts bill, has been provided for. In other words, under the reorganization plan those stockholders of the Kansas City Joint Stock Land Bank who have put in their money covering the double liability will have their money returned to them, and the other stockholders who have not put up or paid any will be relieved of the obligation of having to pay.

Mr. CRAMTON. The retroactive feature of the Letts bill would not be necessary if this legislation is successful in accomplishing its object?

Mr. McFADDEN. Yes; that is correct.

Mr CRAMTON. In view of that, if this goes through I would not anticipate that the gentleman would press the Letts bill for passage at this session.

Mr. McFADDEN. The gentleman is correct.

Mr. OLIVER of Alabama. How will the Federal land banks, which are owned by farmers, be helped by giving authority for a Federal land bank, with the approval of the Farm Loan Board, to buy and take over the business of a joint-stock land bank?

Mr. McFADDEN. This applies particularly to the Kansas City Joint Stock Land Bank, which is now in the hands of a receiver. It has been in the hands of a receiver for three years, and this authority permits another joint-stock land bank to take over and operate this bank and to continue the business in the territory where they are authorized to do business.

Mr. OLIVER of Alabama. There is no reason why there should be any joint interest between the Federal land bank and a joint-stock land bank. They are organized entirely differently, and the stock is held in an entirely different way, and I felt at the time the act was passed that we should never have permitted a joint-stock land bank to be organized.

Mr. McFADDEN. A good many people feel that way, and our experience would seem to indicate that the gentleman is correct.

Mr. OLIVER of Alabama. What good purpose is to be served on the part of the banks owned by the farmers if you give what this bill undertakes to do—full authority for a Federal land bank to take over the business of a failing joint-stock land bank?

Mr. McFADDEN. The gentleman mentions a situation which in all probability never would occur. No one of the Federal land banks would take over bad assets of a joint-stock land bank. They are, however, given that right in the present law to do that for the purpose of liquidating.

Mr. OLIVER of Alabama. The real danger about it is that the real owners of the stock in the Federal land bank would never be consulted, and the language of the gentleman's bill is so broad it seems to me that it might invite some very bad business transactions on the part of those representing the Federal land banks.

Mr. McFADDEN. The language the gentleman refers to is a repetition of the present law. We are not changing that in this instance.

Mr. STEVENSON. The Federal land banks, by act passed years ago, have the right to take over and liquidate any joint-stock land bank.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. Why is it essential to have an existing joint-stock land bank take over for liquidation a defunct joint-stock land bank and increase the authority of the parent bank so that it can operate in more States than two, which was the original provision of the law?

Mr. McFADDEN. These are failed banks, and in order to rehabilitate an institution if another bank sees fit to take over its assets, it should be given the right to continue business in the territory where the failed bank did business. Without that authority it could not do it.

Mr. STAFFORD. Is the determination by the solvent joint-land bank that they take over the assets of the defunct bank passed on by the stockholders of the existing solvent bank?

Mr. McFADDEN. In this particular case the stockholders and the bondholders and the Federal Farm Loan Board have all agreed, and on any future acquisition it would have to be the same way.

Mr. STAFFORD. It is difficult for me to appreciate how a bank away out on the coast can find it advantageous to take over the assets of a defunct bank which was attempting to function in Missouri or Wisconsin.

Mr. McFADDEN. To my mind I think it is a very magnanimous thing for them to do.

Mr. STAFFORD. For that reason I become skeptical as to whether it is just to the stockholders of the solvent company to do so.

Mr. McFADDEN. The failure of the Kansas City and Milwaukee banks and others that have failed has seriously impaired the sale of joint-stock land bank bonds. This bill is intended to enable them to reorganize and function properly and improve the bond market. It is necessary that additional loans be made. Undoubtedly it will make a considerable saving in operation.

Mr. FITZGERALD. I would like to ask the chairman of the committee if he does not understand that in order to effect this rehabilitation and the salvage of the Kansas City bank, all stockholders must be wiped out, must surrender and lose their stock in the Kansas City bank, and in addition there must be at least $10,000,000 paid for at least $20,000,000 of the Kansas City bank bonds, to be canceled and destroyed, in the attempt to rehabilitate this Kansas City bank?

In reply to what my friend from New York [Mr. LAGUARDIA] said about the sale of these securities, is not the trouble in the fact that the law itself states that the "purpose of this act is to create standard forms of investment"? Does not the law itself refer to the securities of these joint-stock land banks as "instrumentalities of the Government"? Under the law itself they are now enabled to put in the bonds the statement that they are the instrumentalities of the United States Government, and the Supreme Court of the United States has said in a formal decision that the securities of these banks are "instrumentalities of the Government." That was the reason for much misunderstanding. When bonds and stocks are sold as "instrumentalities of the Government" as "standard forms of investment" created by law, there is apt to be an assumption by the investing public that in some measure the Government is behind the system and will support it, and that the securities are more than ordinarily safe forms of investment.

Mr. STRONG of Kansas. Is the gentleman arguing that the Government should make good on the bonds?

Mr. FITZGERALD. No. I am replying to the gentleman from New York and indicating the provisions of the law itself, which justified the impressions given out to purchasers of joint-stock land bank securities, that in some way the Government was interested and might be expected to support them.

Many innocent people have been deceived to their loss and among the victims seems to be national banks and brokers of integrity and ability.

Mr. LAGUARDIA. My fear now is that when the old stockholders are wiped out we shall give the new stockholders a chance to lose their money in the belief that they are investing in a Government security.

The SPEAKER pro tempore. Is there objection?

Mr. OLIVER of Alabama. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

CLOSING STREETS IN THE RENO SECTION, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 4243) to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LAGUARDIA. I ask unanimous consent, Mr. Speaker, that the first reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The bill will be printed in the RECORD.

The bill reads as follows:

Be it enacted, etc., That upon the acquisition by either the United States or the District of Columbia, or by both, of all the land in the subdivision of Reno lying within the territory bounded by Thirty-eighth Place, Fessenden Street, Howard Street, and the alley running east and west through squares 1762 and 1846 from the east line of Thirty-eighth Place extended to Howard Street, the Commissioners of the District of Columbia be, and they are hereby, authorized to close Emery Place, Vincent Street, Donaldson Place, McPherson Street, and the public alleys, lying within the above-described limits, or any portion or portions thereof: *Provided*, That upon the closing of said streets or alleys, or any part thereof, the title to the land lying within the portion of the streets or alleys so closed shall revert to the District of Columbia.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

STATUS OF RESERVE OFFICERS

The next business on the Consent Calendar was the bill (H. R. 3592) to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, can the gentleman give some reasons for the passage of this bill?

Mr. STAFFORD. From my acquaintance with the situation, hundreds or even thousands of reserve officers may withdraw from commission as reserve officers in case this legislation is not passed, so as to permit them, if they happen to be practicing attorneys, to practice before the departments.

I feel obliged to have this bill brought out at the earliest possible moment. I may say to my friend from Mississippi that this bill was introduced away back, a year ago, at the request of the War Department, when the former incumbent was Secretary of War. It was called up in the early part of the year, but no action was taken on it because of a certain minor objection.

Mr. COLLINS. I do not believe in the idea of making civil authorities subservient to the military.

Mr. LAGUARDIA. This only applies to officers in the reserve and removes the disqualification that now exists and prevents them from practicing before the departments.

Mr. COLLINS. It goes further than that.

Mr. LAGUARDIA. No. I do not think it does.

Mr. STAFFORD. Under the reserve officers' law the reserve officer is understood to be an officer of the Government. Then there is a law which forbids officers of the Government practicing before the departments. There are many reserve officers that are attorneys at law. Why should reserve officers in an active state be deprived of the privilege of practicing before the departments? It is their bread and butter. If you do not give them relief, it will result in the withdrawal of, perhaps, 111,000 reserve officers who are now in the Reserve Officers' Corps of the United States Army.

Mr. COLLINS. Some of them ought to be dropped. The War Department recognizes this fact and have divided them into active and nonactive officers instead of dropping them as they should do. They are placed in a nonactive status. A large number of these officers could not and would not be used in case of war, and certainly these are useless and there is no justification for keeping them on the rolls as reserve officers. About 40 per cent of the reserve officers are in the noncombat units. There are too many of this class.

Mr. CRAMTON. I do not think that is the way to get rid of them.

Mr. COLLINS. The departments are honeycombed with reserve officers. They are even in the Bureau of the Budget.

Mr. CRAMTON. This is a bill which was introduced by my colleague from Michigan [Mr. JAMES], who is ill and unable to be here. I have had some contact with him as it relates to the reserve officers of my State, who, at the present time, under a recent construction of the law, are prevented from handling cases before the departments. They are lawyers. This bill is to prevent doing that very thing.

Mr. COLLINS. No. This bill reads:

Reserve officers while not on active duty shall not, by reason solely of their appointments, oaths, commissions, or status as reserve officers, or any duties or functions performed or pay or allowances received as reserve officers, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States.

Which is far beyond what the gentleman contends.

Mr. LAGUARDIA. If the gentleman can cite any one instance other than the example given by the gentleman from Wisconsin and the gentleman from Michigan——

Mr. COLLINS. I want the bill to go over so that I can study it more carefully and find out if there is any good excuse for its enactment.

Mr. LAGUARDIA. Here is a letter from the Attorney General to Senator BROOKHART with reference to a lawyer in his State, and it refers to this qualification referred to by the gentleman from Wisconsin. It would bar those men who happened to be lawyers on the reserve list from practicing before the department. It was never intended to do that.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. WAINWRIGHT. The gentleman always tries to be fair. Does it seem fair to the gentleman that a proportion of the 100,000 officers who happen to be lawyers and who are rendering this patriotic service to the Government without compensation should be handicapped in this way? Is there any public reason why they should be?

Mr. COLLINS. I think there are many reasons why the bill should not be passed.

Mr. LAGUARDIA. But this bill has nothing to do with that.

Mr. STAFFORD. The phraseology of this bill could not be construed in the manner in which the gentleman from Mississippi has construed it.

Mr. SPEAKS. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. SPEAKS. Let us take the cases of thousands of men throughout the United States as they are affected by existing law. Being of military age and liable for service in time of emergency they accept commissions in the Reserve Corps, undergo training, and through a systematic course of study and practice prepare themselves to properly perform their duties when called upon for national defense purposes. They comprise business men, professional men, experts, and skilled workmen in various lines. But under the law as it now stands they are barred from transacting business with any governmental department and thus deprived of a right accorded all other citizens other than members of the regular service establishments. The law was never intended to operate in this manner, and the bill under consideration is intended to correct the discrimination against reserve officers. I hope the gentleman from Mississippi will withdraw his objection and permit the bill to be passed at this time.

Mr. LAGUARDIA. I hope the gentleman will not object. The gentleman knows I will go a long way with him in stopping some of these military bills.

Mr. COLLINS. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922 (42 Stat. 1033; sec. 356, title 10, U. S. C.), be, and the same is hereby, amended by adding thereto another sentence as follows: "Reserve officers while not on active duty, or while on active duty for instruction or training only, shall not, by reason solely of their appointments, oaths, commissions, or status as reserve officers, or any duties or functions performed or pay or allowances received as reserve officers, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States."

With the following committee amendments:

Page 1, line 5, strike out "Section 356" and insert "Sections 351, 352, 353, 356, and 360."

Page 2, line 2, after the word "duty," strike out the comma and the words "while on active duty for instruction or training only."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FEDERAL FARM LOAN ACT

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to return to Calendar 707 (H. R. 12063), to amend section 16 of the Federal farm loan act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 16 of the Federal farm loan act, as amended (U. S. C., title 12, ch. 7, secs. 811–823), be amended by substituting in the eighth paragraph thereof (U. S. C., title 12, ch. 7, sec. 818) a comma for the period at the end of the first sentence and adding the following new matter: "except as hereinafter provided."

SEC. 2. That section 16 of the Federal farm loan act, as amended, be further amended by inserting after the last paragraph thereof (U. S. C., title 12, ch. 7, sec. 823) the following new paragraph:

"Any joint-stock land bank which, in accordance with the preceding paragraph, acquires the assets and assumes the liabilities of another joint-stock land bank may, if authorized by the Federal Farm Loan Board, make loans secured by first mortgages on farm lands within the States in which the other joint-stock land bank was authorized to make loans at the time of its liquidation."

With the following committee amendment:

Page 2, strike out all of lines 1 to 7, inclusive, and insert the following:

"In any case where a joint-stock land bank has been, or may be, within a period of seven months after the date of the passage of this act, declared insolvent and placed in the hands of a receiver by the Federal Farm Loan Board, any Federal land bank or joint-stock land bank may, in the manner as may be prescribed by the Federal Farm Loan Board and with the approval of the Federal Farm Loan Board, acquire the assets and assume the liabilities of said joint-stock land bank in the hands of a receiver. Any joint-stock land bank which has acquired or may hereafter acquire the assets and which has assumed or may hereafter assume the liabilities of another joint-stock land bank may, if authorized by the Federal Farm Loan Board, make loans secured by first mortgages on farm lands within the States in which the other joint-stock land bank was authorized to make loans at the time of such acquisition, and the purchasing bank may, with the approval of the Federal Farm Loan Board, continue to make loans in the States where it was authorized to make loans at the time of such acquisition."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDRESS OF REPRESENTATIVE GREEN OF FLORIDA

Mr. LARSEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech of my colleague Mr. GREEN, of Florida, on the 4-H Club of America.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LARSEN. Mr. Speaker, under permission to extend my remarks I herewith include a speech made last night by my distinguished colleague from Florida, Congressman R. A. GREEN. It is a splendid tribute to the work which is being accomplished by the 4-H boys' and girls' clubs of America.

The speech is as follows:

TRIBUTE TO THE 4-H BOYS' AND GIRLS' CLUB OF AMERICA

Mr. Chairman, State directors, and members of the 4-H Clubs, it gives me much pleasure to meet with you this evening and give my approval to the great work which is being accomplished through your united and intelligent effort.

Your visit to the Nation's Capital and the special training and instruction received by you here by our Agricultural Department experts and officials will give you a better understanding and good information concerning the problems which face the agriculturalists of our Nation to-day. You young ladies and young gentlemen are representative of the highest attainment in the 4-H Club work of each of the 40 States of the Union here represented. Champions, as you are, of your respective States, you will best be able to attain the information and general knowledge which can and will be so well carried by you back to your respective States and clubs. Through your efforts the acre production of your respective localities has been in many cases doubled, trebled, and even in some instances multiplied by four or five. Great is your influence upon the future production, preparation, and marketing of American agricultural products.

I am glad that my State, Florida, has its representatives here in the persons of Miss Mary Effa Bradley, of Leon County, Miss Gilda Yates, of Orange County, Mr. Hugh Dukes, of Union County, and Mr. Wilson Roberts, of Holmes County. They are Florida's champions.

During the pioneer days in the development of American agriculture when diseases, insect pests, or depletion of the soil dwindled the production of crops, then the American farmers would move to new land and virgin soil. But to-day, we find a large percentage of America's best agricultural soils utilized to production, and instead of the farmers and growers moving away from their adversities, they are, through scientific methods and intelligent application, meeting and conquering the insect pests and other adversities.

We are living in a highly developed mechanical and industrial age. Machinery is in America rapidly supplanting the labor of man. This is true also in the agricultural life of our country. Improved methods of planting, cultivating, gathering, curing, and processing have in many cases almost supplanted the manual labor of the farmers. In the case of wheat, oats, and even other of our great American crops, the commodity is scarcely touched by the hand of man from the time the seeds go into the planter until the finished product is ready for use. Almost every step is accomplished by machinery, the result of the invention and skill of the age.

To-day we find America leading in the production of many of the great agricultural commodities. I am glad to see America eating from

her own wheat fields; eating the meat products of her own farms, prairies and plains; smoking from her own tobacco fields; wearing cotton and woolen clothing produced from the raw products within her own confines; and, in fact, producing here in America almost every necessity and luxury which is used by the American people. I do not share the view of many that the entire world is in danger of the overproduction of agricultural products. Why, even during the present year some 2,000,000 people have perished in China alone for the want of food. Throughout the world we find disseminated sections where agricultural products are not produced, and which are dependent upon the other parts of the world for their daily bread. Frankly, I believe that there will always be found in the world a hungry mouth for every grain of wheat; feet to wear shoes from all hides we are able to produce; and backs to wear the cotton and woolen goods which may be grown and manufactured in America.

The problem of to-day and of to-morrow is that of proper and economical distribution of our various agricultural products. America does not produce too many peaches, too many oranges, too many eggs, fresh vegetables, and other products for the use of even our own American people; but the problem is the distribution of these products to all of our people every day in the year at a price within the range of their purchasing power.

The technical instruction and skilled training which you 4-H Club members are receiving through our splendid Department of Agriculture will best enable you to meet the future problems of production, distribution, and utilization. I commend the great work which you are doing and the service which is rendered to the American people through the able leadership of your instructors and directors. Through your dominant leaders, vast fields of wheat, oats, and rye will continue to nod their heads to the morning sun; corn will grow luxuriantly and confine the August sun within its sheath; tobacco will grow on the hillsides and in the valleys for the contentment of world consumers; cotton fields throughout our southland will continue to grow as white as snow on the hillsides; nut trees of all kinds will continue to shake from their delicate branches brown fruits with the approaching of the autumnal season; the production of sugarcane and sugar beets will increase until Americans will eat from their own sugar bowl; the orchards and groves will continue to yield an abundance of luscious fruits and the production of vegetables will ever increase.

My friends, I wish you well in the shaping of America's future agricultural life.

WIDENING WISCONSIN AVENUE, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 3895) to authorize the Commissioners of the District of Columbia to widen Wisconsin Avenue abutting squares 1299, 1300, and 1935.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and joint resolution of the House of the following titles:

H. R. 478. An act for the relief of Marijune Cron;

H. R. 524. An act for the relief of the I. B. Krinsky Estate (Inc.) and the Fidelity & Deposit Co. of Maryland;

H. R. 910. An act for the relief of William H. Johns;

H. R. 1092. An act for the relief of C. F. Beach;

H. R. 1964. An act for the relief of S. A. Jones;

H. R. 2075. An act for the relief of Addie Belle Smith;

H. R. 2465. An act for the relief of Earl D. Barkly;

H. R. 2849. An act for the relief of the Lowell Oakland Co.;

H. R. 2983. An act for the relief of Samuel F. Tait;

H. R. 3422. An act for the relief of Gustav J. Braun;

H. R. 6117. An act for the relief of the Central of Georgia Railway Co.;

H. R. 6665. An act for the relief of B. C. Glover;

H. R. 7661. An act for the relief of Margaret Stepp Bown;

H. R. 7926. An act to provide for terms of the United States District Court for the Eastern District of Pennsylvania to be held at Easton, Pa.;

H. R. 9227. An act to establish additional salary grades for mechanics' helpers in the motor-vehicle service;

H. R. 9628. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark., on State Highway No. 18;

H. R. 9989. An act granting the consent of Congress to the State of Minnesota, Le Sueur County, and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.;

H. R. 10657. An act to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended;

H. R. 11051. An act to amend section 60 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900;

H. R. 11978. An act to authorize the appointment of employees in the executive branch of the Government and the District of Columbia; and

H. J. Res. 367. Joint resolution to amend the act entitled "An act to create in the Treasury Department a bureau of narcotics, and for other purposes," approved June 14, 1930.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 11781) entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. JONES, Mr. MCNARY, Mr. FLETCHER, and Mr. RANSDELL to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10919) entitled "An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes."

The message also announced that the Senate agrees to the report of the committee of conference in the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11781) entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

JULY 5, 1930, LEGAL HOLIDAY

The next business on the Consent Calendar was the resolution (S. J. Res. 184) to declare July 5, 1930, a legal holiday in the District of Columbia.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. COLLINS. Mr. Speaker, I object.

TRANSFERRING JURISDICTION OVER PROPERTY TO DIRECTOR OF PUBLIC BUILDINGS AND PUBLIC PARKS, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 4358) to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to transfer $20,729.90 from the general revenues of the District of Columbia to the credit of the revenues of the water department of said District, said amount being the sum paid from the revenues of the water department for the acquisition of parcel 72/1, containing 9.013 acres; and the said commissioners are further authorized and directed to transfer said parcel 72/1 to the jurisdiction of the Director of Public Buildings and Public Parks as a part of the park system of the District of Columbia.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GENERAL EXPENSES OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 9408) to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to ask who is going to pay the expense of making this connection? The report of the Budget was conditioned on

the expense being paid by the Washington Suburban Sanitary Commission, but the bill does not so state.

Mr. ZIHLMAN. I have no objection to the gentleman offering an amendment of that kind.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of March 3, 1917, making appropriations for the general expenses of the District of Columbia, and wherein appropriations are made for the water department, that paragraph 6 be amended to read as follows: "For the protection of the health of the residents of the District of Columbia and the employees of the United States Government residing in Maryland near the District of Columbia boundary the Commissioners of the District of Columbia, upon the request of the Washington Suburban Sanitary Commission, a body corporate, established by chapter 313 of the acts of 1916 of the State of Maryland, or upon the request of its legally appointed successor, are hereby authorized to deliver water from the water-supply system of the District of Columbia to said Washington Suburban Sanitary Commission or its successor, for distribution to territory in Maryland within the Washington suburban sanitary district as designated in the aforesaid act, and to connect District of Columbia water mains with water mains in the State of Maryland at the following points, namely, in the vicinity of Chevy Chase Circle, in the vicinity of the intersection of Georgia and Eastern Avenues, in the vicinity of the intersection of Rhode Island and Eastern Avenues, in the vicinity of the intersection of the Anacostia Road and Eastern Avenue, and in the vicinity of Forty-ninth and Chesapeake Streets NW., under the conditions hereinafter named."

With the following committee amendment:

Page 2, line 16, strike out the words "Forty-ninth and Chesapeake" and insert "Forty-seventh and Fessenden."

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: At the end of the bill insert:

"*Provided*, That all expense of making the connection shall be borne by the Washington Suburban Sanitary Commission."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, under the general rules of the House it is provided that suspensions shall be in order during the last six days of a session. Several times when it has been uncertain as to when the last six days would commence we have brought in a special order from the Committee on Rules making it in order to consider suspensions during the last six days or what we thought would be the last six days. It is not certain when we will adjourn, but we think adjournment must come some time during the next week, not later than Tuesday or Wednesday. I want to prefer a unanimous consent request that beginning with Friday of this week it will be in order for the Speaker to recognize for suspensions for the remainder of this session, under the general rules, as is provided in the rules during the last six days of a session.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, in private conversation with the gentleman from New York I understood him to say that in case he could not get this consent he would bring in a rule to make this in order?

Mr. SNELL. Yes. We think it rather necessary and we think this should be done in order to clean up our business and be ready to adjourn without delay when the time comes.

Mr. GARNER. I do not know that there could be any valid reason given for opposing a rule of that kind. I realize that if this side of the House gives consent for the suspension of the rules, it will do so with the knowledge that legislation will be considered, but I have the assurance of the Speaker, if I may say so, that no matters will be brought up unless they are matters which the Speaker believes to be in the interest of general legislation, rather than any political matters. With that understanding, I am not going to object to the request of the gentleman from New York.

Mr. SNELL. I can say to the gentleman from Texas that at the present time I do not know what matters will be brought up, and I do not have anything definite in mind, but I think suspensions should be in order so that the regular business of the House may be proceeded with in a logical and normal way. For that reason I think we should have this order made at this time.

Mr. GARNER. When does the gentleman anticipate adjournment?

Mr. SNELL. As quickly as possible.

Mr. GARNER. By next Tuesday or Wednesday?

Mr. SNELL. I am not going to make a definite statement, but I think surely by that time.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. CHINDBLOM. Personally, I hope adjournment will come no later than Monday. It is the last day of the month and the Fourth of July comes soon thereafter. I think the Members are very anxious to get away so they may be home by the Fourth of July.

Mr. SNELL. I will certainly cooperate to that end in every way I can.

Mr. CHINDBLOM. I want to suggest that the gentleman make his request for not to exceed six days.

Mr. SNELL. I do not believe we should change the request made at present.

Mr. GARNER. Let me ask the gentleman whether he expects to have an evening session, or something of that kind, for the purpose of considering the Private Calendar? There are about 300 or 400 bills on that calendar.

Mr. SNELL. We have talked about that right along and I think probably we can. The gentleman from Connecticut has spoken about it and I think he is going to make that arrangement.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT—RIVERS AND HARBORS BILL

Mr. DEMPSEY. Mr. Speaker, I present a conference report on the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H. R. 11781), having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, and 105; and agree to the same.

S. WALLACE DEMPSEY,
NATHAN L. STRONG,
J. J. MANSFIELD,
Managers on the part of the House.

HIRAM W. JOHNSON,
W. L. JONES,
CHAS. L. MCNARY,
JOS. E. RANSDELL,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, submit the following written statement explaining the effect of the action agreed upon:

The river and harbor bill as it passed the House authorized new work the total estimated cost of which was $116,285,027.75. The amount added by amendment in the Senate was $28,596,875, as follows:

SENATE AMENDMENTS TO H. R. 11781 INVOLVING NEW AUTHORIZATIONS FOR RIVER AND HARBOR WORK

New Bedford Harbor, Mass. (additional authorization)	$318,000
Taunton River, Mass. (new report)	780,000
Connecticut River, Conn.	1,000,000
Newtown Creek, N. Y. (new report)	269,500
Bay Ridge and Red Hook Channels, New York Harbor, N. Y. (new report)	1,150,000
East Chester Creek, N. Y. (new report)	283,000
Schuylkill River, Pa. (new report)	1,300,000
Inland waterway from Delaware River to Chesapeake Bay, Del. and Md. (two new reports)	35,500

Claiborne Harbor, Md. (new report)	$12,125
Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C. (additional authorization)	100,000
James River, Va. (additional authorization)	1,000,000
Cape Fear River, N. C., above and below Wilmington (new report)	796,750
Far Creek, N. C. (additional authorization)	10,000
Brunswick Harbor, Ga. (additional authorization)	816,000
Intracoastal waterway from Jacksonville, Fla., to Miami (modification of existing project; no added cost).	
Miami Harbor, Fla. (amends House provision so as to adopt complete recommendation in report; no added cost).	
Caloosahatchee and Lake Okeechobee drainage area, Florida (additional authorization)	2,546,000
Intracoastal waterway from Pensacola Bay to Mobile Bay, Ala. and Fla. (additional authorization)	500,000
Cedar Bayou, Tex. (new report)	25,000
Mississippi River from Illinois River to Minneapolis (additional authorization)	4,442,000
Missouri River, Kansas City to Sioux City (additional authorization)	10,200,000
Tennessee River (additional authorization)	1,500,000
San Diego Harbor, Calif. (additional authorization)	246,000
Oakland Harbor, Calif. (new report)	197,000
Noyo River, Calif. (new report)	180,000
Willamette River between Oregon City and Portland, Oreg. (new report)	160,000
Columbia and Lower Willamette Rivers, Oreg. and Wash. (additional authorization)	500,000
Everett Harbor, Wash. (new report)	142,000
Lake River, Wash. (new report)	3,000
Seward Harbor, Alaska (new report)	85,000
Total	28,596,875

The Senate made 44 amendments to section 1 of the bill, which authorizes new improvement work. These amendments covered additions to authorizations made by the House and the adoption of new reports received since the Committee on Rivers and Harbors closed its consideration of the bill. All of these additions were recommended by the War Department in official reports.

The remaining amendments relate to survey items and verbal amendments to House items, on all of which the House conferees receded.

S. WALLACE DEMPSEY,
NATHAN L. STRONG,
J. J. MANSFIELD,
Managers on the part of the House.

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

Mr. STAFFORD. Mr. Speaker, I am interested in two Senate amendments, Senate amendment No. 32, particularly, providing for the Chicago drainage canal. Was any change made in that amendment?

Mr. DEMPSEY. No change was made in that amendment.

Mr. STAFFORD. Also in amendment No. 9, the Erie & Oswego Canal; was any change made in that amendment?

Mr. DEMPSEY. That was left exactly as it was.

Mr. STAFFORD. As the Senate proposed it?

Mr. DEMPSEY. Yes.

Mr. LAGUARDIA. I would like to ask the gentleman a question. Is there in the bill any Senate amendment providing for the promotion or retirement of any Army officer?

Mr. DEMPSEY. None whatever.

Mr. ANDRESEN. Reserving the right to object, I would like to ask the gentleman a question. As the gentleman knows, the people of the Northwest are very much interested in the 9-foot channel in the upper Mississippi River. Did the House conferees agree to that?

Mr. DEMPSEY. They did.

Mr. DALLINGER. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. DALLINGER. Is there any provision in the bill or any Senate amendment in regard to diversion of water from the Connecticut River?

Mr. DEMPSEY. There is not.

Mr. STAFFORD. Can the gentleman state whether there has been any material change in the Senate amendments?

Mr. DEMPSEY. The Senate amendments were accepted as the Senate passed them.

Mr. STAFFORD. As I am acquainted with the Senate amendments, I have no further questions.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, the gentleman will recall the little colloquy we had this afternoon about the provisions of Senate amendment 32 with reference to the Illinois waterway, particularly in regard to the making of a survey of the amount of water that will be required as an annual average flow to meet the needs of a commercially useful waterway. At that time the gentleman suggested he thought perhaps the making of that survey could be handled under the general law which provides for the making of surveys by direction of the Committee on Rivers and Harbors of the House or the Commerce Committee of the Senate. Does not the gentleman think this survey is a special survey that may not come under that authority?

Mr. DEMPSEY. I think the engineers would recognize the fact they had two orders for surveys, one the order in this bill and the other the order which we would give them by resolution. I think they would recognize them both as being valid and would act under the second one as well as under the first one.

Mr. CHINDBLOM. I will say to the gentleman that under ordinary conditions, speaking for myself personally, I would be disposed to make some objection to this conference report. I think the Senate went far out of its way to throw obstacles in the way of securing the Illinois waterway because that project is hedged about with so many provisions that are dependent upon action in the future; and as I said this morning, the provision here making effective as to navigation the decree of the Supreme Court in a suit which was based entirely upon questions of sanitation was not only unnecessary but harmful. The people of the Middle West want this waterway and the Nation should want this waterway. [Applause].

Mr. DEMPSEY. The purpose of that provision, if the gentleman will permit me to say so, was one which was intended to be helpful to the waterway. There was some question in the minds of the representatives of Illinois whether they would have the right to use the water for navigation, and that provision was put in to clear up any possible doubt as to the right of the use of that water for navigation purposes. It was intended for the benefit of the waterway and not to hamper or shackle it.

Mr. CHINDBLOM. I am directing my remarks particularly to the time for making the survey, and I hope the construction of the state of the law, so clearly stated by the gentleman from New York, will have advocates in the future, so that it will not be necessary to wait for every sort of investigation of this question until the waterway has been entirely completed.

Mr. CRAMTON. Mr. Speaker, will the gentleman from New York yield?

Mr. DEMPSEY. I yield to the gentleman from Michigan.

Mr. CRAMTON. I heard something of what the gentleman said about the way that such a survey would be secured and the gentleman said something about "We can do so and so." Did the gentleman refer to the Committee on Rivers and Harbors or to the Congress?

Mr. DEMPSEY. I referred to the Committee on Rivers and Harbors. The Committee on Rivers and Harbors of the House and the Committee on Commerce of the Senate are given authority by law to order surveys where there has been any work done upon a waterway, particularly where the waterway has been adopted; and this project will have been adopted when this bill becomes law, and we would have the right the next day, by resolution, to ask for a further survey.

Mr. CRAMTON. My thought is this: This is a matter that has been highly controversial for a long time, and recently has been under thorough discussion in the Senate. As a result the Senate adopted the language that is found here. As I understand the conferees have reported recommending to the House the acceptance of that Senate amendment.

Now, to-day, we are asked to take the unusual procedure of accepting the conference report without its being printed and lying over. My thought that I am leading up to is that I am hoping the gentleman from Illinois [Mr. CHINDBLOM] and the gentleman from New York [Mr. DEMPSEY] will not attempt a construction of what this language means that might be held hereafter to have any binding force.

I think if we are going to give unanimous consent to the immediate acceptance of the report we ought not to be handicapped by any offhand construction by the gentleman from New York.

Mr. CHALMERS. May I say a word? I understand that this amendment of the Senate to this bill that is before us now does not require any diversion of water from Lake Michigan in order to put into operation the commercial waterway of the Illinois River. You will find if you read the hearings that the Acting Chief of Engineers was before our committee and said that there was water enough naturally furnished by the rivers in Illinois to operate this waterway with an appropriation of seven and a half million dollars, without taking any water from the Great Lakes.

Mr. CRAMTON. My suggestion is that this is not a time for the gentleman from New York to give forth any binding construction of that language, but, rather, let the language stand for itself.

Mr. DEMPSEY. I am not doing so. The gentleman misunderstands the colloquy between the gentleman from New

York and the gentleman from Illinois. My colloquy was simply this: The Senate amendment for the survey by the engineers is to determine what amount of water is necessary for navigation of the Illinois River with a 9-foot channel——

Mr. CRAMTON. It does not use the word "survey," but the word "study." The difference in words may be significant.

Mr. DEMPSEY. That is not involved in this question. The gentleman from Illinois' suggestion with reference to this condition of affairs was this: There are 6,500 feet of water going down the Illinois River—that was the decision of the Supreme Court—until 1935, and after that 5,000 feet until 1939. After the 1st of January, 1939, 1,500 plus the pumpage, making a total in 1939 as it is now estimated of 3,200 feet. However, the pumpage has increased 100 feet per year for the last five years, and at the same rate for eight years we would have an additional 800 feet, which would make 4,000 feet.

The Illinois waterway will be completed probably by 1935. What it is intended for these engineers to do, as I understand it—and this is my individual opinion—is in the operation of that waterway to ascertain how much water is needed for the navigation and commercial use with a 9-foot waterway, with the smallest flow which can make it useful.

Mr. CRAMTON. That is, after the waterway is completed?

Mr. DEMPSEY. Here is what the gentleman from Illinois [Mr. CHINDBLOM] suggests, and it is not a controversial question at all. He suggested that the engineers should report before the time fixed in this amendment, that is before the 31st of January, 1938, because otherwise there will be only one year before there is a drop from 5,000 feet to 1,500 feet. He says that that might not be time for the Congress to act. All I have said to him is this. I have not attempted to construe this act, I have not attempted to give any word or line or any part of it any particular meaning, but I have said to him that the Committee on Rivers and Harbors, under the law, have the right the instant this becomes a law to pass a resolution asking the Chief of Engineers to make that report at an earlier date, and I have said to him that I can see no harm in doing that, and I think that much good might come from its being done.

Mr. CRAMTON. And still the amendment the gentleman is just reporting to the House provides that the study shall not be made until after the waterway is completed.

Mr. DEMPSEY. Yes.

Mr. CRAMTON. Then the report may be made on or before January, 1938.

Mr. DEMPSEY. And all the gentleman from Illinois says is "We would like that hurried up a little bit, after the waterway is completed, if you could do it."

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. CHINDBLOM. In addition to the question of the time for the survey, it should be clear to any one stopping to contemplate the matter for a moment, that by the lack of water, and by the resulting lack of usefulness of this waterway, it can be shown that it is a perfect waste of energy and funds to do anything in regard to the waterway. The waterway can not demonstrate its usefulness and value unless there is water available in it to carry the commerce that is ready to float upon it.

Mr. CRAMTON. If the Committee on Rivers and Harbors unanimously accepts this language, as I am advised they do, I am unable to understand how it could be said that the first day after this becomes a law they might order a study which this law shall say shall not be ordered until after the waterway is completed.

Mr. DEMPSEY. I do not think the gentleman states quite accurately what the chairman of the committee said. I do not mean that the gentleman intentionally misstates it.

Mr. CRAMTON. I understood the gentleman to say the committee might on the next day after this becomes a law order such a study.

Mr. DEMPSEY. All the chairman said was this, that we have general authority to order surveys through committee resolution where there is an adopted project.

Mr. CRAMTON. The gentleman does not anticipate that will be done in this case?

Mr. DEMPSEY. The gentleman is not anticipating one way or the other.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. CHALMERS. As far as I am concerned, as a member of the committee, I want to register my protest against any understanding or agreement that may be referred to afterwards, as understood here to-day, about any amount of pumpage or any diversion of water beyond that allowed by the decree of the Supreme Court.

Mr. MANSFIELD. Mr. Speaker, will the gentleman yield to me?

Mr. DEMPSEY. Yes.

Mr. MANSFIELD. And I make the suggestion that the Committee on Rivers and Harbors can not pass any resolution that is in violation of law.

Mr. CRAMTON. Mr. Speaker, we are asked to accept an amendment that definitely provides that this study shall be ordered after the waterway is completed. It makes some difference, possibly, whether that study is made before or after the waterway is completed. This amendment that we are now approving—and it has already been unanimously approved by the Rivers and Harbors Committee—provides that the study shall be made after the waterway is completed. Still, the chairman of the committee of this conference report refuses to say whether the Committee on Rivers and Harbors will attempt to exercise a general authority to order this study before the waterway is completed.

Mr. DEMPSEY. Oh, no; if the gentleman will permit, he can readily see it would not be practicable.

Mr. CRAMTON. Will the gentleman answer this question?

Mr. DEMPSEY. Let me finish my sentence—it would not be practical to even begin the study until you have your waterway completed.

Mr. CRAMTON. Then it is the gentleman's expectation that this study will not be made until after the waterway is completed?

Mr. DEMPSEY. It is not only his expectation, but he sees no way in which it can be studied until after it is completed.

Mr. CRAMTON. I thank the gentleman.

Mr. DEMPSEY. Mr. Speaker, the Senate amendments, as adopted, will result in the addition of $28,596,875 in authorizations to the expenditures authorized by the House. The bill, as it left the House, authorized expenditures to the amount of $110,535,027.75. With the Senate amendments adopted the bill will call for an aggregate expenditure of $138,141,902.75.

I have had a list of these increased cash expenditure authorizations made and will annex it to the statement I am now making.

In a general way the additional amounts authorized consist of the adoption of projects reported favorably by the engineers in precisely the terms recommended by them, and at costs specified in the reports. The Committee on Rivers and Harbors, after a careful investigation into a considerable number of projects, approved by the engineers, concluded that, for the time being, something less than the work recommended would meet the needs of commerce, and this resulted in reductions of the expenditures recommended.

Another way in which the cash expenditure authorizations were increased by the Senate was by their dispensing with local contributions where they were required in the House bill.

A third way in which the Senate increased the cash authorizations was by their adding to sums recommended by the engineers and adopted by the House.

And last of all, 15 or 16 additional reports by the engineers were received by the Senate committee, after passage of the House bill.

The largest variations in amounts are for the upper Mississippi River, where the House bill authorized $3,058,000 and the Senate amendment will carry $7,500,000;

On the Missouri River, between Kansas City, Mo., and Sioux City, Iowa, where the House bill carried $4,800,000, and the Senate bill $15,000,000; and

On the Tennessee River, with an authorization of $3,500,000 in the House bill, and of $5,000,000 in the Senate bill.

Another large change is on the Caloosahatchee and Lake Okeechobee project in Florida, where the local contribution is cut from $4,546,000 to $2,000,000. Similarly, the local contribution required in the House bill of $100,000 for the construction of a guard lock in the Chesapeake and Albemarle Canal, was stricken out by the Senate.

In the following cases the House committee reduced the amount of the work recommended by the engineers, and correspondingly the amounts to be expended, and the Senate amendments adopted the full project as recommended by the engineers, namely:

New Bedford Harbor, Mass. (H. Doc. 348–71–2)	$318,000
James River, Va.	1,000,000
Brunswick Harbor, Ga. (S. Doc. 132–71–2)	816,000
Intracoastal waterway from Jacksonville, Fla., to Miami, (S. Doc. 71–71–2), no added cost.	
Tampa Harbor, Fla. (H. Doc. 100–70–1), change in phraseology.	
Intracoastal waterway from Pensacola Bay to Mobile Bay, Ala.	500,000
San Diego Harbor, Calif. (S. Doc. 81–71–2)	246,000
Columbia and lower Willamette Rivers, Oreg. and Wash. (H. Doc. 195–70–1)	500,000
Seward Harbor, Alaska (H. Doc. 109–70–1)	85,000

The following are the projects which came in after the House bill was passed, with the approval of the engineers, all of which are embodied in the Senate bill, viz:

Taunton River, Mass. (H. Doc. 403)	$780,000
Connecticut River, above Hartford, Conn.	1,000,000
East Chester Creek, N. Y. (Com. Doc. 37)	283,000
Claiborne Harbor, Md. (S. Doc. 157)	12,125
Cape Fear River, N. C., above and below Wilmington (Com. Doc. 39)	796,750
Cedar Bayou, Tex. (S. Doc. 107)	25,000
Willamette River between Oregon City and Portland, Oreg. (H. Doc. 372)	160,000
Everett Harbor, Wash. (H. Doc. 377)	142,000
Lake River, Wash. (Com. Doc. 2, and favorable report of May 10, 1930)	3,000
Newtown Creek, N. Y. (Com. Doc. 42)	269,500
Schuylkill River (Com. Doc. 40)	1,300,000
Inland waterway from Delaware River to Chesapeake Bay (S. Doc. 171 and Com. Doc. 41)	35,500
Oakland Harbor, Calif. (Com. Doc. 43)	197,000
Bay Ridge and Red Hook Channels, N. Y. (Com. Doc. 44)	1,150,000

In addition to authorizing additional expenditures the bill also adopts certain projects which, in the coures of 10 years, will, to the extent of their cost, be charges on the Treasury. The only two cases of any importance are the upper Mississippi, where the 6-foot project is modified to provide for a depth of 9 feet. This project will, in the course of the time it will take to complete it, cost in the aggregate $98,000,000. It is to be borne in mind, however, that an expenditure of only $7,500,000 is authorized, and that it will be many years before the project will be completed, and that the expenditure will be spread over this long period. It has been freely charged that there is no recommendation of the engineers for this project. This is not quite true. A very distinguished survey board, consisting of four engineers, made the survey of this project, and made a most painstaking and detailed report, covering 43 printed pages, reaching the conclusion that $50,000,000 of the work be authorized at once, but that the remaining work should be further studied, as it might result in a decrease in the estimated cost (H. Doc. 290, 71st Cong., 2d sess., p. 50). It is quite unusual to have more than one officer engaged in a survey. Here we had four. It is quite as unusual to have so elaborate and painstaking a report, obviously the result of prolonged investigation and study. So it is far from fair to say that this project is without recommendation. To be sure, the Board of Engineers and the Chief of Engineers differed with the survey board, but not in ultimate results, for the only conclusion to be drawn from the report of the Board of Engineers and of the Chief is that this project should be adopted and that just as soon as certain plans and studies can be made, in which they differ from the survey board, which has spent a very great length of time, and made a deep study of the subject.

There can be no question that a complete and favorable report would be made on this project within a few months, and that if not adopted now it would be adopted with practically no opposition as soon as a new report should be made by the Chief of Engineers. The opposition to the present adoption is on highly technical grounds; it means nothing more than deferring the adoption for a few months; and, what the project will ultimately cost can not justly be added to what the bill carries; only the expenditure authorized should be considered as a part of the expenditures involved in the present bill.

The second large authorization is that of the Tennessee River, involving $75,000,000. Here there was a favorable report all along the line by the district engineer, the division engineers, by the board, and by the chief. Under the procedure ordinarily followed, under the practice in both the Senate and the House, the usual way would have been for the House to adopt this project just as the engineers recommend. Here, again, it can not be said that the ultimate cost of the project, or anything more than the $5,000,000 of expenditures now authorized, should be considered as adding to the amount of the bill.

Again, it is claimed, rather recklessly, that the bill contains projects not recommended by the engineers. The fact is that the bill as it left the House contained a considerable number of projects in which the recommendations of the engineers have been considerably reduced. It contains practically no projects where an investigation had not been made and practically none where the project adopted was not in accord with the recommendations of the engineers. Nor can it be said that the Senate has added many projects which have not the approval of the engineers.

The salutary rule, and the one which is pursued, is not that Congress shall follow exactly or in all instances the recommendations of the engineers. The committees of both Houses have the highest respect for the engineers as such and as men. They regard the engineers as the finest experts in their line. There arise, however, not often but occasionally, cases which are to be determied as matters of policy or on economic grounds where the committee believes that general knowledge counts for as much, if not more, than engineering skill. In such, and indeed in all cases, while paying the highest respect and deference to the opinion of the engineers on engineering questions the ultimate decision is with Congress to be made after full and complete investigation and on all of the facts and circumstances, including the engineering data.

There are about 105 Senate amendments. The important amendments have already been considered. The rest, some 60 in number, consist of surveys, where, as it was developed when a rivers and harbors bill came before the House some years ago, the average cost will not be over $3 to $5 for each amendment.

The consolidation of our waterways has been viewed by transportation experts as equally important with that of our railroads. For many years students of waterway transportation have agreed that the end to be attained in water transportation in this country is to have a connected system of waterways, so that every city, town, and hamlet located on any one of our waterways could send a ship or barge fully loaded to any other place having the advantage of a waterway location. To accomplish this entailed a comprehensive plan, and that means a large plan, involving many projects in order to connect all these waterways and make them a unified whole. This is accomplished in the pending bill; we already had the two oceans connected by the Panama Canal, but our two great inland systems of waterways—the Great Lakes and the Mississippi system, with 9,000 miles of canalized rivers—have no connection, and the Great Lakes had no connection with the sea. These two, the only missing links, are supplied in this bill through the improvement of the Illinois River and the taking over of the New York Erie and Oswego Canals. Now it will be possible to ship a vessel load of lumber from the Pacific coast without unloading or reloading, or a cargo of sulphur from Texas, or a cargo of sugar from Louisiana, or of oil from California or Texas to any destination on the Great Lakes on a through bill of lading, and at greatly reduced freight charges. Both the consumer and the producer will benefit by this large reduction in transportation cost.

Although the commerce on the Great Lakes is greatest in volume and cheapest in cost of any in the world, the products transported are simply coal, grain, ore, and stone. The result of connecting the Atlantic with the Great Lakes by the New York canals, which will be given depth and bridge clearances sufficient to make them as thoroughly efficient and economical as barge canals, and through the connection by the Illinois River of the Mississippi system with the Great Lakes the commerce on these great inland seas will grow and multiply to an enormous extent, and that as soon as the New York and the Illinois waterways are completed.

Through the pending bill, too, the Atlantic deeper waterways are completed from Boston to Florida. A navigable channel is constructed across Florida, cutting down the transportation distance between Gulf ports and those on the Atlantic by 600 miles.

We will not be threatened with shallow water and the necessity of loading the large freighters on the Great Lakes to only partial capacity in the future, because, allowing for increase in the size of freighters, the 24 feet to which the Lake channels will be deepened as the result of this bill will give an adequate transportation depth for many, many years to come. Besides that, we provide for the construction of regulatory or compensation works.

Through these two means—the deepening of the channels and these regulatory works—we will add to the present depth of 20 feet altogether 5½ or 6 feet.

This bill is the greatest bill in all of the history of the country in the beneficial results which it is sure to accomplish. Necessarily, it involves the expenditure of a considerable sum of money. However, the one aim of uniting and combining all of our waterways is accomplished by it, and that once for all. No expenditures aside from those here authorized will be necessary in the future. Indeed, looking over the country and reviewing the projects involved in this bill, it is difficult to see how many large rivers and harbors authorization bills can come before Congress for many years to come.

It is to be borne in mind, too, that our expenditures for rivers and harbors are not great as compared with those for other public works; we are expending many hundreds of millions of dollars on public buildings; and we have adopted the policy of spending $125,000,000 a year, for three years to come, upon highways. Certainly the most enthusiastic advocates of good roads and of new and improved buildings will not claim that there is any greater demand for improved highways or new public buildings than there is for improvement of rivers and harbors, and thereby furnishing cheap transportation for our people.

I venture the assertion that there is many times the interest in and demand for the improvement of rivers and harbors than for any other public work or expenditure. Yet we are expending but $60,000,000 a year on rivers and harbors, in face of more than twice that amount for highways and of a vastly greater expenditure for public buildings.

The public rating or estimate of the relative importance of issues is easily seen by reviewing presidential campaigns. No great orator, no speaker who was listened to by any large audience, addressed an audience throughout the last presidential campaign in which he did not fail to emphasize the fact that his party and his candidate was pledged to the improvement of our rivers and harbors. Again and again, everywhere where meetings were held was the importance of river and harbors improvement emphasized, and in each instance it met with the most enthusiastic response and support. I challenge anyone to find any considerable number of speeches where highways or public buildings were mentioned or where in any way their importance or need was emphasized.

In conclusion, I prophesy that this bill will prove far and away of the greatest value to our farmers, our manufacturers, and our consumers of any rivers and harbors bill ever passed in the history of this country.

SENATE AMENDMENTS TO H. R. 11781, INVOLVING INCREASED AUTHORIZATIONS FOR RIVER AND HARBOR WORK

New Bedford Harbor, Mass. (additional authorization)	$318,000
Taunton River, Mass. (new report)	780,000
Newtown Creek, N. Y. (new report)	269,500
Bay Ridge and Red Hook Channels, New York Harbor, N. Y. (new report)	1,150,000
East Chester Creek, N. Y. (new report)	283,000
Schuylkill River, Pa. (new report)	1,300,000
Inland waterway from Delaware River to Chesapeake Bay, Del. and Md. (two new reports)	35,500
Claiborne Harbor, Md. (new report)	12,125
Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C. (additional authorization)	100,000
James River, Va. (additional authorization)	1,000,000
Cape Fear River, N. C., above and below Wilmington (new report)	796,750
Far Creek, N. C. (additional authorization)	10,000
Brunswick Harbor, Ga. (additional authorization)	816,000
Intracoastal waterway from Jacksonville, Fla., to Miami (modification of existing project; no added cost).	
Miami Harbor, Fla. (amends House provision so as to adopt complete recommendation in report; no added cost).	
Caloosahatchee and Lake Okeechobee drainage area, Florida (additional authorization)	2,546,000
Intracoastal waterway from Pensacola Bay to Mobile Bay, Ala. and Fla. (additional authorization)	500,000
Cedar Bayou, Tex. (new report)	25,000
Mississippi River, from Illinois River to Minneapolis (additional authorization)	4,442,000
Missouri River, Kansas City to Sioux City (additional authorization)	10,200,000
Tennessee River (additional authorization)	1,500,000
San Diego Harbor, Calif. (additional authorization)	246,000
Oakland Harbor, Calif. (new report)	197,000
Noyo River, Calif. (new report)	180,000
Willamette River, between Oregon City and Portland, Oreg. (new report)	160,000
Columbia and Lower Willamette Rivers, Oreg. and Wash. (additional authorization)	500,000
Everett Harbor, Wash. (new report)	142,000
Lake River, Wash. (new report)	3,000
Seward Harbor, Alaska (new report)	85,000
	27,596,875

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. WILLIAM E. HULL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the river and harbor bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker, a rivers and harbors bill, when completed, invariably pleases a great portion of the Members of the House and Senate. This bill in particular is one that cleans up all of the odds and ends of the waterway projects that should be adopted. Nearly every part of the United States is recognized in this bill, and justly so, because all of these projects have been thoroughly investigated by the Government engineers and passed after a complete hearing before the Rivers and Harbors Committee on each project. In my opinion, the bill adopted by the Senate is a good bill.

The only real controversial question before the Senate was the Illinois waterway, and in this, of course, I was greatly interested because the Illinois project is the most important link in the waterway between Lake Michigan and the Gulf of Mexico. Without the adoption of this waterway all the great interlocking river developments in the West and South would become almost useless because it would for all time prevent the interchange of commerce between these rivers and the Great Lakes, which is the crux of the inland waterway development. This connection also makes it possible for the manufacturing industries on the Great Lakes to ship their products by a direct water route to the Southern Hemisphere. It is highly important that this great Illinois-Mississippi project should be adopted in such a way as to give the most efficient waterway service.

While the bill concerning the Illinois waterway, as it is now written, does not carry a complete diversion, at the same time it gives all the water necessary for the operation of the waterway until 1939, and in addition it asks for a survey during this period by the Government engineers to determine the exact amount of water that will be necessary to operate it as a useful commercial waterway for all time to come.

I believe that the demand by the citizens of the United States for the successful operation of this waterway will be so great that at the proper time Congress will authorize a diversion for the necessary water. I also believe that we should accept the project, as adopted by the Senate, and go along and complete the project at as early a date as possible. I hope the bill will pass as written.

WHAT'S WRONG WITH FARMING?

Mr. MOREHEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a discussion of the farm problem by Mr. Fred D. Humphrey, of Nebraska.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOREHEAD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following discussion of the farm problem by Mr. Fred D. Humphrey, of Nebraska:

("Woe unto him that useth his neighbor's service without wages, and giveth him not for his work." (Jer. xxii, 13.) "He is no clown that drives a plow, but he that doth clownish things."—Ben. Franklin.)

WHAT'S WRONG WITH FARMING?

By Fred D. Humphrey, 1210 M Street, Lincoln, Nebr.

For the relief of the farmer a lot has been written. Some of it was good, some mere piffle. Most of it was based upon the viewpoint of the writer. For instance, the financier's way of helping the farmer is to loan him money. But that is simply adding fuel to the flames of debt that are now consuming the farmer.

The industrialist's method of helping the farmer is to work out some scheme whereby he can produce more grain at less cost. He is mainly interested in keeping down the price of food to the laboring man so that the cost of living will not be increased and wages advanced. So the manufacturer seeks to help the farmer reduce the cost of producing and handling grain. This article is an attempt to look at the farming situation from the farmer's standpoint, from an economic basis.

Three things must be accomplished before the farmer will be on the road to financial success.

First. An economic price for grain must be found.

Second. This economic price must be established.

Third. All artificial interferences with the establishment and maintenance of this economic price must be abolished as far as possible.

These three things will be taken up in their order.

What is a bushel of corn worth? How much should a bushel of wheat sell for? The first rule of profit is to sell something for more than it cost. So our first inquiry will naturally be to find out what it costs to produce a bushel of grain. This is called the cost of production price. When free and unrestrained by artificial barriers, two natural laws control the price of every article of commerce—the law of cost of production and the law of supply and demand. Over a hundred years ago Adam Smith in his Wealth of Nations called one the "natural" price and the other the "market" price, and went on to say that whenever the "market" price fell below the "natural" price that a hardship was worked upon the producer.

He explained further that the "natural" price was what it cost to produce the article; the cost of labor, wear and tear on machinery, depreciation of land and buildings, interest on the investment, and taxes. While few farmers could give the cost of producing grain, the agricultural colleges of the Middle West have for a number of years kept an accurate and exact account of the average cost of producing a bushel of grain. Having arrived at the cost of producing a bushel of grain, having found an economic cost of production price, the next step is to establish it. And this is a long story.

ECONOMIC EVOLUTION

To many this world is a "mighty maze," but to those who have made a study of it, the Creator has a plan and a purpose in its making. The plan of creation proceeds upon orderly paths of progressive growth, or evolution, and its purpose is the ultimate perfection of man. Two laws of growth are apparent: The law of the survival of the fittest, which is the law of growth for animals, and the law of service and sacrifice, which is the law of growth for men. Business is based, more or less, upon these laws. Under individualism, where the private ownership of property is the basis of civilization, the price of an article is

determined largely by the law of the cost of production and the law of supply and demand. The law of supply and demand is the foundation of the competitive system, where success consists in the destruction of the competitor through buccaneer cutthroat prices and the survival of the fittest. The law of cost of production is the foundation of the cooperative system, where success consists of better service, right prices, and in a good-will spirit of live and let live.

We have been gradually working out from under the gambling influence of the competitive system, where the law of supply and demand fixed the price of an article and the cost of manufacture had little to do with it, and getting onto the certain and business basis of the cooperative system where the price is based largely upon the cost of production plus a fair and reasonable profit. It was to aid this change that the tariff, the Esch-Cummins law, the Federal reserve law, the immigration law, and other helps to business and labor were passed. For instance, under the tariff law, by agreement, manufacturers could make prices upon a cost of production basis in this country without the competition of foreign-made goods that were the product of cheap labor. It was figured that the high standard of living for labor in this country was a benefit to the people as a whole and should be maintained by a tariff tax.

The aim, therefore, of every business is to operate upon a cost of production or budget basis, and to get out from under the competitive and destructive effects of the law of supply and demand. Nearly every other branch of industry and labor has been helped by the Government to make this change through such legislation as the tariff, the Esch-Cummins Act, the immigration law, and the Federal reserve law. These enactments have had to do with competition, either at home or abroad, and the handling of surpluses. The farmer is the last to attempt to make this change, and he is entitled to the same consideration and help from the Government that other business and labor have had.

COMBINATION NECESSARY

In order that farmers may get a cost of production plus a profit price for their grain it is necessary for them to combine. Crop pooling on a large scale is an efficient method of cooperative marketing. It is a sane and sensible way of organizing the farmers so that they can have something to say about the price of grain.

The way to sell at an advantage is to have few sellers and many buyers. This situation is just reversed when the farmer comes to market with his grain. At the elevator there is only one buyer, the grain dealer, and many sellers, the farmers. The success of the farmer depends upon the number of buyers; the success of the grain dealer depends upon the number of sellers. The more sellers, the cheaper he will buy.

Crop pooling is an attempt to reduce the number of sellers by getting the farmers to have one man sell their grain for them. The more farmers you can get to join the pool the harder you make it for the grain buyer. The ideal condition is when all the farmers sign up. Then the only place the grain buyer can fill his orders is from their agent. When this situation is brought about the farmer can name the price the grain buyer will have to pay as there is no one else from whom he can purchase.

To get out from under destructive effects of the competitive law of supply and demand, and base agriculture upon the beneficient cooperative law of cost of production, the farmer must do as the manufacturer has done—he must organize to control the surplus grain and must provide some way of taking care of the loss on grain sold for export. In my judgment, the best form of organization is the wheat pool. It has been tried in Canada with great success.

All relief legislation is based upon the tariff principle of a cost-of-production price in the home market and a world price in the foreign market. This situation is brought about by an equalization fee or a debenture, and control of the surplus behind a tariff wall. The crop is handled by pooling the grain so that it may be distributed in accordance with the law of supply and demand, obeying the three requirements of quantity, time, and place. Control of the surplus maintains the domestic-market price and permits the sale of export grain at the foreign price without affecting the home market. The fund necessary for carrying on these operations is raised either by a tariff debenture or an equalization fee. It is a physical impossibility for 20,000,000 farmers to organize without Government help. All that the farmer asks is that the Government provide the loans and organization necessary to put the thing on its feet.

THE WEST DEMANDS BENEFIT OF TARIFF

Now what the West insists upon is that the farmer be placed on the same high American standard of living, and this can be done only by making the tariff effective as to his produce so that he will not have to compete with cheap foreign labor and the low standard of living under which the peasant exists. By handling the crop surplus through an equalization fee or a debenture the Government can help the farmer get upon a cost-of-production basis and thereby put him in step with industry and labor. Unless this is done the injustice of the present arrangement is bound to be felt sooner or later because there is a natural law of business whereby such infractions of equity are punished. It was this natural law of justice that Thomas Jefferson was thinking of when he wrote a friend after the defeat of abolition in Virginia in 1791: "I tremble for my country when I think of the negro and remember that God is just."

The next step forward in our economic life is to put farming upon a cost of production business basis. We do not take a Government estimate of the number of shoes that are produced in the United States and then fix the price accordingly. We find out the cost of production and make our price from that. That is exactly what we must do for grain.

EQUALITY FOR AGRICULTURE

That the farmer is in dire financial straits is due to the economic inequality that exists in the United States to-day. The farmer is laboring under an economic disadvantage. He buys in a protected market at a home price, and sells in an unprotected market at a world price. This means that he buys at high prices and sells at low. This situation has arisen since the war, and has been made acute by deflation. To give some idea of the change that has taken place, a few prices will be quoted. The binder the farmer used to buy for $125 now costs him $250, and the wagon that he used to pay $65 for now sells for $150. Practically everything that the farmer buys has increased in price in the same proportion. On the other hand, pre-war prices prevail on what the farmer sells. Speaking of this great agricultural section, in a March issue of Collier's, Roger W. Babson says: "Here was a tremendous area with a population of over 12,000,000 of people, who had experienced hard times since the great smash of 1920. The reason was not poor crops but a low price for the things the farmer produced and a high price for the things he bought."

The difference in price between what the farmer pays for what he buys and what he gets for what he sells is so great that the 1928 World Almanac states that the farmer's dollar is worth only 60 cents, and Secretary Jardine in the 1926 Agriculture Yearbook says that when the farmer sells corn for 70 cents he is really only getting 45 cents on a pre-war price basis. Buying at high prices and selling at low has put the farmer so in debt that farm mortgages have more than doubled since 1910. This can not go on, and this unjust economic situation must be righted.

To right this wrong economic condition over which the farmer has had no control and which has been imposed upon him by the Government in special legislation for the benefit of the other groups of society, it is now proposed to give agriculture the same protection that labor and industry have enjoyed.

The prosperity of the farmer concerns all of us, because his condition affects us as a whole. W. J. Bryan said that if you destroyed the cities and left the farms, that the cities would spring up again as if by magic; but if you destroyed the farms, that grass would grow in the streets of the cities. That the farmer is the basis of civilization is the verdict of history. The fall of every empire began with the decay of the rural population. When the farmer fails, civilization fails. There must be a profitable return for the tiller of the soil as well as for the toiler in the town. A great nation can not be maintained on industry alone. It must raise its own food and must be renewed and sustained by a prosperous and growing farm population. Tenantry can not produce the great men necessary to carry on a great nation.

Business also reflects the condition of the farmer. The 5,000,000 idle men who walk the streets of the cities of this country to-day are there because of the distressed condition of the American farmer. Our individual and national prosperity depends upon his success. It vitally concerns us to help the farmer get upon a paying basis, and farm-relief legislation is the most efficient means to this end. It should be supported by everyone who loves fair play and a square deal and who wants to see economic justice enthroned in this great Republic. Its enactment is demanded by a hard-working and long-suffering people who are entitled to the same consideration and protection by the Government that industry and labor have had.

BARRIERS TO AN ECONOMIC PRICE

Before we can establish an economic, cost of production plus a profit price for the farmer's produce, it is necessary to tear down the existing artificial barriers to the free and untrammelled operation of the laws of cost of production and supply and demand. The present method of doing business on the Chicago Board of Trade is a constant source of irritation and hindrance to the operation of these laws. By allowing unlimited speculation and short selling, mere sentiment rules the price of grain. While it is constantly affirmed by the board that it operates under the law of supply and demand, we find that the price of grain rises and falls as the gamble goes, and anything that makes sentiment affects the price. If the law of supply and demand controlled the board, only the grain that goes to market would affect the price.

But under existing conditions, the prospect of a large crop, a rain in India, or the prediction of a failure through drought or frost, or even a drop in the stock market affects the price of grain. Ask any board of trade man if it is the grain on the farm or the grain that goes to market that makes the price. If he says it is the grain on the farm that controls the price, then it does no good for the farmer to hold

his grain; if he says it is the grain that goes to market, how is it that the prospect of a large crop three months before it can be harvested and taken to market affects the price?

PRICE FIXING

The problem of the farmer now is not so much the raising of the grain as the selling of it at a profitable price. The man who produces and owns the grain ought to have something to say about the price. Under present conditions he has nothing to say about it. Not only that, but the price as now fixed by the Chicago Board of Trade is not based upon any economic law but a mere matter of speculation. This must be changed if the farmer is ever to get upon a cost of production basis. The first step in putting agriculture upon a sound business basis is to pass a law that to sell on the board one must have the grain or a bona fide contract for it from one who has. Gambling in the property of the farmer must cease. No other business could succeed under such conditions, and no other business allows it.

The farmer is not only subject to the competition of his neighbors who have grain to sell but has to meet the competition of those who have no grain but are allowed to sell on the board something they do not have. It is gambling pure and simple, and gambling is a relic of barbarism. That is the difference between civilization and barbarism; in barbarism one takes without paying or giving any service; in civilization one refuses to take without giving compensation or service. Satisfaction guaranteed or money back is the modern merchant's way of expressing this fact.

WHO SELL WHAT THEY DO NOT OWN AND REAP WHERE THEY HAVE NOT SOWN

The big obstacle to any change in the present method of fixing the price of grain is the rule of the Chicago Board of Trade that permits of selling short or the selling of grain by those who have none. This rule makes unlimited speculation possible and destroys a stable market. When you consider that the whole grain crop is sold every month, or twelve times as much as exists is sold every year, you realize to what alarming extent speculation takes place in grain trading. Naturally where there is so much more bought and sold in a speculative way the speculative price controls, to the great loss of the farmer and the grain trade in general. To remedy this evil and prevent gambling it is necessary to pass a law that to sell on the board one must have the grain or a contract for it from one who has. This rule will take care of legitimate business and hedging and prevent the violent and destructive price fluctuations that accompanying gambling on the board.

GAMBLING

Gambling is wrong per se in itself, because it is taking something for nothing, and taking something for nothing is another form of stealing. Gambling is an attempt to get wealth without work, and, therefore, wrong. That is right which helps evolution; that is wrong which hinders the growth of the individual. Man grows by effort. It is not in getting the thing, but in the effort put forth in its attainment that gives advancement. We gain strength by putting brain and muscle to the strain.

The theory upon which the Chicago price is fixed is that of bargaining and belongs to the Dark Ages of trading. How long would any business last if it auctioned off its goods? Fifty years ago people used to bargain for everything they bought, but now business is built upon the solid foundation of fair prices. James Allen, in his book, says, "Justice is the giving and receiving of equal values. What is called striking a bargain is a kind of theft. It means that purchaser gives value for only a portion of his purchase, the remainder being appropriated as clear gain. The bargaining spirit of business is not the true spirit of commerce. It is the selfish, thieving spirit which wants to get something for nothing. The sound business man purges his business of all bargaining, and builds it on the more dignified basis of justice. He supplies a good article at its right price, and does not alter." He has but one price—that based upon cost of production plus a reasonable profit. To keep step with industry and labor, the farmer must go and do likewise.

ECONOMIC INJUSTICE THE GREAT WRONG

The West has endured the stress of unfair economic conditions imposed by the Government in a high protective tariff for the last 10 years. All other lines of industry and labor have been helped by legislation to build anew upon a cost-of-production basis, but agriculture has been left to shift for itself. It is the only business to-day not organized upon a cost-of-production basis. Unless farming is put in step with other lines of industry, the East may yet be made to realize how far their prosperity is based upon ours. It was because the industrialists of Rome refused to hear the cry of the home farmers of that day for a price that would enable them to prosper, and bought grain in Sicily and Egypt because it was cheap, that the Roman Empire became disorganized and Rome fell. Are we going to profit by their failure? The West is not in want, but it is in the slavery of debt. Is slavery less galling because self-imposed, or debt less tyrannical because an elected sovereign? Debt is the taskmaster of this age, and interest is the chain that binds. This is a war of abolition—the abolition of debt—and grain is the liberator, who, when prices are based upon the solid ground of cost of production plus a profit business basis, will free the debt slaves of the West.

UPPER MISSISSIPPI, ST. CROIX, AND MINNESOTA RIVERS

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my remarks on the rivers and harbors conference report.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANDRESEN. Mr. Speaker, the farmers and business men of Minnesota are vitally interested in the development of river transportation, and therefore I desire at this time to speak upon the 9-foot channel project in the Mississippi River and for the authorization for surveys on the St. Croix and Minnesota Rivers.

The present rivers and harbors bill contains a provision for a 9-foot channel in the upper Mississippi River and provides an authorization of $7,500,000 as the initial appropriation, in addition to other amounts authorized under existing projects. The importance of the adoption of the 9-foot project at this time can not be overestimated in its benefits for Minnesota and other States in the upper Mississippi Valley, and I most urgently request the House and the conferees on the rivers and harbors bill to concur in the Senate provision.

The total cost of the project is estimated to be less than $100,000,000. While this amount might seem large, it is estimated that the entire cost will be saved to the farmers and consumers within two or three years after completion, by reason of lower transportation rates on agricultural and other products.

The Secretary of War and the Board of Engineers of the War Department have given recognition to the establishment of a 9-foot channel in the upper Mississippi River. Under the recommendations made by the board it appears to me that the proper time is at hand for the adoption of this project in the present rivers and harbors bill.

I quote briefly from the report made by the Chief of Engineers:

The improvement of the main stem of the Mississippi River as far north as the cities of St. Paul and Minneapolis, goes logically in hand with the recently completed 9-foot project on the Ohio to Pittsburgh and the ultimate opening of the Missouri to the greatest feasible depth. It is an essential part of the Mississippi Valley system and part of the route from that system to the Great Lakes. Reliable and economical navigation is not practicable on a depth of less than 6 feet, but would be assured by a depth of 9 feet. It is recommended that all permanent structures on the upper Mississippi River to be built under the existing project between the mouth of the Mississippi and St. Paul-Minneapolis be executed with a view of being adapted without reconstruction or relocation to plans for an ultimate 9-foot depth, and that after completion of the survey now in progress complete and detailed plans for a 9-foot project from the mouth of the Missouri to St. Paul-Minneapolis be prepared and submitted to Congress.

The construction of the Panama Canal reduced the cost of transportation from coast to coast. The intercoast water rate now is less than the rate by rail from the central United States to any seaport. This virtual increase of the distance from the farm to seaports is further aggravated by the recent increase in rail rates. Should the Mississippi be developed to the proportions of a trunk stream throughout, it would tend to equalize the competition between our inland States and the agricultural regions of other countries more advantageously located near the oceans.

I desire to call the attention of the committee to a statement made by the Secretary of Agriculture for the year 1921, on the effect of increases in freight rates:

This transportation matter is one of vital importance to agriculture. The country has been developed on the low long haul. Land values, crops, and farming practices in general have been adjusted to this development. Large advances in freight rates, therefore, while bearable in a time of high prices, if continued, are bound to involve a remaking of our agricultural map. The simple process of marking up the transportation cost a few cents per hundred pounds has the same effect on a surplus-producing State as picking it up and setting it down 100 to 300 miles farther from market.

I also desire to call the attention of the House to statements made by the President while a member of the Cabinet as Secretary of Commerce:

It seems certain that the cost of transportation to these competitive markets must be deducted from the farm price, and that it not only affects the actual grain moved to these markets, but establishes a lower comparative price level for all grain produced.

In the mid-West, the territory tributary to any of these projects, the economic situation is considerably distorted; there is much agricultural distress and incessant demands for remedial legislation. This situation

to a large extent has been brought about by transportation changes. Increases in railway rates since the war force the mid-West farmer to pay from 6 to 12 cents more per bushel to reach world markets than before the war. Foreign farmers produce close to ocean ports and pay but little, if any, more than pre-war costs, because shipping rates are substantially at pre-war levels.

While it is true that these rate increases apply only on the exports of grain, nevertheless the price which the farmer receives in foreign markets is the principal factor in determining his return upon the whole crop, not alone the export balance. It is this transportation differential that is unquestionably one of the most important causes for our present agricultural depression.

Coincident with these increased rail rates the mid-West has also been affected adversely by the operation of the Panama Canal. Cheaper water transportation has brought the coasts relatively closer together at the same time that increased rail rates, figuratively speaking, have moved the mid-West farther from seaboard. This situation has been expressed graphically by setting up a new measuring unit in the shape of the number of cents that it takes to move a ton of freight. By using this measuring road, it can be stated, that for a certain manufacture these post-war influences have moved Chicago 336 cents away from the Pacific coast, while New York has been moved 224 cents closer to the Pacific coast. These factors operate reciprocally and not only place a handicap on the outbound products of the mid-West but also add to the costs of inbound supplies.

It appears to me that the necessity for the development of the upper Mississippi River can not be questioned by any reasonable minded individual, and the time is now at hand for the complete adoption of the project.

Hand in hand with the development of the upper Mississippi is included a survey for a 9-foot channel in the St. Croix River and a survey for a 6-foot channel in the Minnesota River at the present time. The development of these two rivers will make possible lower transportation rates and complete use of the important tributaries in the Mississippi River system.

These projects are necessities, the ultimate consummation of which will go a long ways toward solving the difficult economic problem with which we are confronted in the Middle West.

CONDITIONS IN VENEZUELA

Mr. GASQUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to a resolution introduced regarding conditions in Venezuela.

The SPEAKER. Is there objection?

There was no objection.

Mr. GASQUE. Mr. Speaker, under leave granted me extending my remarks, I want to refer to a resolution introduced by me in the House to-day relative to the conditions which it has been intimated exist in our neighbor Republic, Venezuela. The resolution is as follows:

Whereas it is charged in affidavits, letters, and writings set out in the CONGRESSIONAL RECORD of the United States of Tuesday, June 3, 1930, at pages 9939 to 9955, that the Government set up in Venezuela has been for many years, and now is, a despotism of the most obnoxious types; and

Whereas it is inconceivable that the Government of the United States of America should continue to maintain diplomatic relations with any so-called government that maintains itself in power by inflicting the most inhuman tortures upon men, women, and children, in order to present to the world an appearance of "peace and order"; and

Whereas it appears that the despotism that has been in effect for so long a time in Venezuela is in direct conflict with the republican form of government which is published to the world as being the form of government existing in that country, and upon which representation Venezuela has been able to secure entry into the family of civilized nations; and

Whereas it appears that this chaotic condition in Venezuela has resulted in the unlawful imprisonment of a citizen of the United States of America and the denial to him of the protection of the law published as being in force and effect in Venezuela; and

Whereas it appears that this despotism in Venezuela could not exist if it were not for the moral support and aid that the despot Juan Vincente Gomez receives from the United States of America: Now, therefore be it

Resolved, That the Foreign Affairs Committee of the House of Representatives of the said United States is hereby requested and urged to make a full investigation of conditions in Venezuela with the object of ascertaining the facts relative to the charges set forth in the affidavits, letter, and writings published in the CONGRESSIONAL RECORD of June 3, 1930, at pages aforesaid, in order that the Congress of the United States may be fully informed to what extent, if any, the Government of the United States is responsible for the horrible conditions that are alleged to exist in Venezuela, South America.

Resolved further, That said committee or a subcommittee thereof be, and it hereby is, given full power to subpoena witnesses and require their testimony before it or any subcommittee thereof.

Resolved further, That the said committee report the evidence and its findings thereon, together with recommendations as to it might seem appropriate, to the Congress with all convenient speed.

It has been brought to my attention that a citizen of the United States, Mr. James E. Welch, of the State of Louisiana, had been for a considerable period of time incarcerated by the Venezuelan Government in jail in that country without the authority of law; and from Mr. Welch's statement and other information which I have received there does not seem to have been the least semblance for grounds for his being incarcerated in this filthy prison.

After my attention had been called to this fact I was led to make a study of this particular case, and this made it necessary for me to look into the general political conditions existing in that country and I must say that I am appalled at the conditions that seem to exist in Venezuela. It is inconceivable to me that such conditions that appear to have existed for many years could continue and not result in protest from all civilized nations of the world. This particular citizen of the United States having been so grossly misused by this Government, the guaranteed protection by his country is what interested me more than any other phase of the conditions that exist there.

I have examined the evidence submitted on the part of those interested in obtaining justice for James E. Welch, citizen of the United States, and have been appalled to find that the Government of the United States would bring itself to recognize any so-called government, maintained by such practices as seem to be the rule under the Gomez régime in Venezuela. I frankly admit as a Member of the Congress of the United States that if one-hundredth part of the things charged against Gomez in a book which I have recently read, Gomez the Shame of America, by Jose Rafael Pocaterra, be true, then his countenance in power by the aid, directly or indirectly, in the United States is one of the foulest blots upon the record of this country; and I say further without hesitation that if any reasonable portion of the things charged in this book be true, then those who are responsible for the recognition and maintenance in Venezuela have betrayed the people of this country, and especially the things which this country was supposed to have fought for in the World War.

Some time ago Senator RANSDELL introduced a resolution in the Senate asking for the investigation of these conditions by the Senate Foreign Relations Committee in which I am very much interested, and I sincerely hope that the Senate and House will both make an investigation for the purpose of ascertaining if the statements placed in the RECORD by Senator RANSDELL are true or only alleged.

It seems to me that it is a poor public policy for the Government to be negotiating treaties having for their declared purpose the establishing of peace in the world based upon an "enlightened sense of justice" if we are to stand by, give aid and comfort to a despot who maintains himself in power, if reports be true, by resorting to practices that would put to shame the most barbaric chief that ever ruled over any uncivilized tribe in the darkest ages of the world's history.

Of course, these charges against this Government may not be well founded but in view of the fact that a citizen of the United States claims to have received the barbarous treatment that he has received and in view of other charges that are being made I am convinced it is the duty of this Congress to investigate same and I sincerely trust that the resolution that I have introduced will bring about action by the Foreign Affairs Committee.

THE BLACK BASS

Mr. WILLIAM E. HULL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the bill, H. R. 941, passed yesterday?

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker and Members of the House, I would like to say a few words in support of legislation now before the House—a bill to regulate the interstate transportation of black bass. This bill is offered for the protection of the greatest of all American game fish, the black bass, which will soon become extinct in the United States unless some nation-wide protection is offered for its salvation.

Experience has shown that the black bass can not be artificially propagated the same as trout and other fishes, but must be given protection and opportunity to reproduce under natural conditions. Hence, if this noble fish should eventually disappear from the waters of the United States, it will be gone forever and as completely as the buffalo and the passenger pigeon.

Some States already have laws on their statute books preventing the sale of black bass, but these laws are more or less

nullified by the fact that black bass is shipped out of the State in barrels with rough fish on the top and bottom and with black bass in between and offered for sale in States where there are no laws to prohibit the transaction. This bill, we believe, will put a stop to this evasion of the State laws and will do more for the protection of black bass than anything that has been offered in this connection up to this time.

As a boy, I experienced the thrill that comes from an encounter with this king of our game fish, and enjoyed the boyhood pleasures of hunting and fishing on our native streams in Illinois and I have always had a keen desire to make it possible for the boys of future generations to have some share in like pleasures and pastimes which have no equal and are, perhaps, the most healthful and wholesome of all the pleasures of boyhood.

I hope that no one in the House will raise an objection to this bill and that we may be able to take one sure step forward in our plan of conservation by enacting the bill into law.

LEAVE TO ADDRESS THE HOUSE

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes to-morrow after the remarks of the gentleman from Massachusetts [Mr. TREADWAY].

The SPEAKER. The Chair is informed that the gentleman from Massachusetts obtained consent to address the House for 10 minutes to-morrow. The gentleman from Ohio asks unanimous consent that following him he may be permitted to address the House for 10 minutes. Is there objection?

There was no objection.

RELIEF OF CERTAIN OFFICERS AND EMPLOYEES OF THE FOREIGN SERVICE—CONFERENCE REPORT

Mr. TEMPLE. Mr. Speaker, I present a conference report on the bill (H. R. 10919) for the relief of certain officers and employees of the Foreign Service of the United States, and so forth, for printing under the rule.

PROCEEDINGS OF THE THIRTY-FIRST NATIONAL ENCAMPMENT, VETERANS OF FOREIGN WARS

Mr. KIESS. Mr. Speaker, I present a privileged report from the Committee on Printing.

The SPEAKER. The gentleman offers a resolution from the Committee on Printing. The Clerk will report it.

The Clerk read as follows:

House Resolution 256

Resolved, That there shall be printed as a House document the proceedings of the Thirty-first National Encampment of the Veterans of Foreign Wars of the United States for the year 1930, with accompanying illustrations.

Mr. GARNER. Mr. Speaker, what is the nature of that?

Mr. KIESS. It is a resolution for printing the proceedings of the National Encampment of the Veterans of Foreign Wars of the United States. It is not a new thing at all, as we have been doing it for a number of years. It costs approximately $1,900. I am surprised that there should be any opposition to a resolution of this kind, when to-morrow or next day we may be called upon to appropriate millions of dollars for World War veterans. It merely confirms the statement I have often made that it is easier to pass a bill appropriating millions of dollars than to pass one involving only a few thousand dollars.

Mr. GARNER. This is a unanimous report?

Mr. KIESS. It is.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PROCEEDINGS OF THE TENTH NATIONAL CONVENTION OF DISABLED AMERICAN VETERANS OF THE WORLD WAR

Mr. KIESS. Mr. Speaker, I present another privileged resolution from the Committee on Printing.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 255

Resolved, That there shall be printed as a House document the proceedings of the Tenth National Convention of the Disabled American Veterans of the World War for the year 1930, with accompanying illustrations.

Mr. KIESS. This will cost $1,383.30.

The SPEAKER. Is there objection to its present consideration?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent, if agreeable to the leadership, to address the House on Thursday after the disposition of business on the Speaker's table, for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. SCHAFER of Wisconsin. Reserving the right to object, on what subject?

Mr. CRAMTON. I would like to discuss the subject of the duplication of effort and waste of public funds due to the War Department taking over the functions of the Geological Survey and the Reclamation Service and other activities of the Interior Department.

Mr. SCHAFER of Wisconsin. There is nothing about prohibition?

Mr. CRAMTON. Nothing of the kind; although I recognize the need of the gentleman from Wisconsin for light on that. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. OLIVER] may have 15 minutes on Thursday, following the address of the gentleman from Michigan [Mr. CRAMTON].

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Alabama [Mr. OLIVER] may have 15 minutes on Thursday, following the address of the gentleman from Michigan. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Speaker, I would like to ask the indulgence of the House immediately after the address of the gentleman from Alabama [Mr. OLIVER] to the extent of five minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to address the House for five minutes on Thursday, following the address of the gentleman from Alabama [Mr. OLIVER]. Is there objection?

There was no objection.

TREASURY DEPARTMENT RECORDS

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 260.

The SPEAKER. The gentleman from Kansas asks unanimous consent for the present consideration of House Resolution 260. The Clerk will report it.

The Clerk read as follows:

House Resolution 260

Resolved, That the Clerk of the House of Representatives be, and he is hereby, directed to return to the Treasury Department, taking receipt therefore, the original records, documents, books, and papers, inventoried, which were adduced as evidence before the select committee appointed under House Resolution 231, Sixty-eighth Congress, and by that committee turned over to the files of the House to accompany its report.

The SPEAKER. Is there objection?

Mr. GARNER. What is the object?

Mr. STRONG of Kansas. The purpose of it is to return to the Treasury Department the files that our committee used during the consideration of the duplication of funds a few years ago.

Mr. GARNER. Has the Treasury Department made a request that they be returned?

Mr. STRONG of Kansas. Yes.

Mr. SCHAFER of Wisconsin. Has the committee made a thorough investigation of the question?

Mr. STRONG of Kansas. Yes.

Mr. STEVENSON. These papers were impounded by us and have been kept in the committee room. They may be lost. If there is anything going to be done I object to their going back.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE RIVERS AND HARBORS BILL

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks on the rivers and harbors bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I am a member of the Committee on Rivers and Harbors. I have nothing to

speak of in this bill. I have no direct interest in it. The Mississippi River from Cape Girardeau to the Head of the Passes is under the jurisdiction and control of the Mississippi River Commission, and my interest in the great river is from the standpoint of flood control, which, when effectuated, will mean a navigable river the year around.

But I am as enthusiastic as any member on Rivers and Harbors for our waterways that are not under the dominion of the Mississippi River Commission. Why? Because the development of the upper Mississippi, the Missouri, the Illinois, and every other navigable tributary of the big river that moves through New Orleans to the Gulf means necessarily something in the way of commerce to the old city of which every American is proud, and that her native sons love as the last city on the river.

I sent down through our newspaper correspondents to-night expressions which I know will be gratifying to our people who can never forget the glories of the past and who sigh for their return for the renaissance which will again story the mighty stream with the romance immortalized by Mark Twain. Said DEMPSEY, in a brief message into which he compressed a book of information, "Tell them I think that the passage of this bill means more for the valley and the Great Lakes States than anything that has happened legislatively during 100 years"—and mark me, the Great Lakes States will in the future vie with the valley States in claiming the credit for the passage of this constructive measure.

And so said ED HULL, who has played the part of a hero in the strife. With characteristic courage he stated clearly with faith in the greatness that opulence can and will bring to his countrymen, if time and experience demonstrate that there are imperfections in the bill we shall make them perfections. Let us build upon this splendid foundation enduringly, so that even in this generation men will say, "Well done, good and faithful servant."

Mr. Speaker, some time since I had the pleasure of attending with other members of the Committee on Rivers and Harbors, a joint discussion with the Board of Engineers in regard to the Erie Canal. The gentleman from New York [Mr. DEMPSEY], one of the big men of this House, had been advocating for a long time the development of the Erie Canal upon the ground that the present equipment used in that canal can not economically transport the freight that would be transported profitably in larger barges.

During the course of his address Mr. DEMPSEY made what was to me an astounding statement, and I dare say astounding to a great many others, and yet very gratifying. Mr. DEMPSEY was very eloquent, because he felt his subject keenly. He is a man greatly interested in the development of the country from a waterways standpoint, and I say for him that he knows no North, no South, no East, no West. Mr. DEMPSEY is a real waterway man and urges his views with the zeal of a crusader following Peter the Hermit. We Democrats on the committee greatly admire Mr. DEMPSEY. Mr. DEMPSEY, in the course of his address to the Board of Engineers, made the statement that Mr. L. F. Loree, president of the Delaware & Hudson Railroad, one of the great captains of industry of this country before he became a transportation man, and who is educated to his finger tips upon traffic matters, declared recently that the traffic of this country is doubling every 12 years, and that if the waterway development of the country is not given the most serious thought and support by the National Government, within 25 years the transportation system of this country will be seriously embarrassed as a result of inability to carry on and perform the great function that the American people believe is the function of the transportation agencies of our country. That is very gratifying, because I believe that this big man in the transportation world has based his opinion on expert knowledge of the subject, and as I understand his viewpoint is supported by some leading traffic men of the country, and it is gratifying, I say again, because it holds out the magnificent prospect of a wonderful business development in our country when the transportation agencies will find difficulty in handling it during the next 12 years.

But, he says, notwithstanding all of this, embarrassment is likely to result unless we develop the waterways notwithstanding the fact that to-day freight cars move at the rate of 40 miles a day, where only six years ago they moved at the rate of only 13 miles a day. Locomotives have a greater capacity and power than a few years ago, and everything within the transportation potentialities of the country are receiving the attention that would make them adequate, but the National Government must do its duty and perform satisfactorily the service that the people require, and to do that we must develop the waterways.

Of course, Mr. Loree, a veritable giant in the transportation world, knows that every development of our waterways means a corresponding development and expansion of railroads to meet the increased demands of trade, promoted and stimulated by the economic movement of goods and commodities.

Of course, there is a school of thought that States ought to do something in that direction. We all know that States will do service in the direction of the development of waterways only sporadically, as it were. As a result of some great political campaign, something might be done by a State, and then the State and the people will relapse into a condition of inertia, almost, and the development will not receive the support that it ought to receive. Why? Because the people of the country have come to the conviction that the National Government is in that business, necessarily in that business because, after all, it is interstate in character to such an extent as to make it fundamentally one of the great purposes of the Federal Government. The attitude of Mr. Loree is highly instructive and constructive, for it is helpful to those real friends of the railroads who have insisted that the different modes of our transportation system are interdependent, and that the prosperity of any one of the modes is felt advantageously by the others.

I have prepared a few remarks upon the subject. I hope they will prove entertaining, if not informative.

For months past this country, as well as the balance of the world, has been, and still is, suffering from a business recession, which must be admitted, and we would simply be futilely and foolishly blinding ourselves to the fact if we refused to recognize the situation. That is the reason why, gentlemen, I said it was gratifying to have the picture thrown upon the House canvas for our edification, showing that business will increase to the remarkable extent Mr. Loree inferentially, according to Mr. DEMPSEY, predicted for the next 25 years. I am always glad to let the sunshine of hope filter through the fog of depression and pessimism.

Unemployment, particularly in certain lines, is unquestionably considerable, with resultant suffering and lessened purchasing power. But the industrial and financial structure of the country is fundamentally sound, and if mistakes are avoided and constructive action advanced, there need be no substantial fear of the future. In the minds of men of light and leading in all the great marts of trade, from the United States Chamber of Commerce to the little board of trade in the small town, as well as in the expressions from financial editors of our great dailies, there is the thought that both the severity and the duration of the trade recession will be directly in proportion to the sound constructive leadership and business sense shown by our bankers, merchants, and manufacturers in the immediate future and during the next three months. No one can predict the exact date on which the country may hope to return to normalcy, but every economist practically declares that the recession need not be of long duration and that we may expect an improvement in conditions reasonably soon, provided we collectively and individually use common sense and courage.

While it is true that we should not depend too greatly upon governmental authority as if it were a magician's wand to bring about prosperity, still the Federal, State, city, and town administrations may by wise and needed improvements, which really become desirable investments, take up considerable slack and thereby measurably lessen unemployment. Like all men who have lived long enough to have given the subject any thought, I know that there is no royal road to success and that prosperity does not come merely for the wishing for it. It does not come and will not come through proclamations, however gorgeous and resonant with polysyllabic spluttering that heat the imagination but do not burnish or brighten it; nor does prosperity come through consultation and conference alone, however exalted the notables and potentates that attend may be. If success is to be achieved, there must be community, city, State, and National effort intelligently applied and directed. In this great enterprise of leading and carrying the country back to prosperity, contentment, and the full dinner pail the Federal Government can do noble things. It can lead, inspire, and coordinate many suspended activities and press them to accomplishment, which in itself will be stimulating to the depressed manufacturer, worker, farmer and consumer, merchant and patron.

I am an optimist by nature and revel in the thought our country, great and magnificent as it is to-day, is but approaching the arch wherethrough gleams that brilliant and picturesque but untroubled world of opulence that lies beyond and on the margin of which we can glimpse the glories of the coming day. [Applause.] We have just momentarily halted in the great forward march and are about to resume the journey. The



morn will be all the brighter for the night having been so dark for a little while. Listen to this hopeful note from Julius H. Barnes, chairman of the National Business Survey Conference called at the direction of President Hoover:

Detailed reports on the business situation reaching the headquarters of the National Business Survey Conference continue encouraging. Business is on the upgrade, and we are rapidly approaching the time for the ordinary revival of outdoor work, which will further accelerate progress.

The shock of the deflation in security prices has largely been absorbed. The danger of a long depression appears fairly over; with every evidence of early renewal of the normal onward march of living standards and business progress.

LEADERS GAIN CONFIDENCE

We do not need to detail the reassuring factors that became manifest even two months ago, because to-day business reviews, economists, and business leaders are speaking with confidence and on a growing record of business recovery.

This improvement became possible because of the collective common sense, the courage, and enterprise of all kinds of Americans in business and out. We do, however, need to continue to apply these qualities, especially for the next few weeks. Careful planning and cooperation can improve buying power still further and can help to relieve individual hardship. Three months is a short period in the evolution of business but a long time to the worker out of a job, even if he has accumulated savings.

BIG BUSINESS DOES ITS PART

Large business units are doing their part daily to help. The railroads, the public utilities, the steel industry, and others have increased and speeded up their construction plans. Reports coming in from business establishments disclose also that they generally are following through the suggestion of the business-survey conference that until outdoor construction generally can get under way they can assist by advancing within prudent judgment all necessary repairs, improvements, betterments, etc., of both normal and emergency character. Home owners, too, can help by doing needed work now, so that men temporarily idle can be carried over until larger programs can be started.

American business is carrying out its pledge to make every effort to create and maintain employment until business momentum is fully regained and the emergency is over. Wage scales, too, are being maintained to sustain buying power.

MORE PERSONS EMPLOYED

One of the most encouraging factors at the present time is found in the fact that at least 44,000,000 persons are gainfully employed, which is 10,000,000 more than were at work in 1921. This in itself helps to explain the checking of this business recession in so short a time, because these 10,000,000 additional workers, earning higher income than is possible in earlier years, themselves furnish a buying power which keeps fellow workers employed and factories running to serve their needs.

Any wide unemployment immediately reacts on business, and the modern business man, knowing this, is as anxious as the worker himself to keep unemployment at a minimum.

President Hoover is anxious to do his share and will be an Aaron holding up the hands of the Moses impersonified by the combined courage and vision of the American people who will lead the country out of the wilderness of unemployment and doubt into the land flowing with the milk and honey of an even greater prosperity than any we have already enjoyed. And Congress will endeavor to be a hero in the strife, as it were, to do great things for the country it represents. Already it has almost unanimously increased the authorization for roads from seventy-five to one hundred and twenty-five million dollars. And now we have a bill the total authorization of which may approximate $150,000,000. And why not? It is three years since we have had a river and harbor bill, which means that we are authorizing about fifty million a year, a pitifully small sum when it is realized that these sums are not expenditures from which there is no return but a wise investment yielding a golden result in the way of direct and indirect savings and economies that are promoting the national welfare. So that even now political and economic seers can envision a fabulous future and unimaginable wealth flowing from a scientifically developed waterway system, coast, harbor, and inland.

The gleam which led President Hoover when he was Secretary of Commerce is still lighting his way, and has enlarged the view and brightened the vision of WALLACE DEMPSEY, for the years have but emphasized in him a conviction that America's destiny is inseparably associated with waterways that, rising in our mountains, ultimately find their way to the sea. These streams, great and small, are our best asset, for they are the routes easily and economically maintained over which much of our commerce must reach the seas. As a Member of Congress and one of the Committee on Rivers and Harbors, I have fought for waterway development with the zeal of a crusader following Peter the Hermit.

As an American fond of dreaming of my country's greatness in terms of "ocean to ocean and from the Lakes to the Gulf," I have fought the good fight, and not in vain, I hope. Born and reared in New Orleans, I knew from my earliest days that every drop of rain and snow that falls between the crest of the Alleghenies and ramparts of the Rockies had to roll on by New Orleans to the eternal sea. Why should we of the lower reaches of the Father of Waters not know what rivers can do in the way of harm when unrestrained, and what a blessing they may be when controlled and regulated? Let me recall to those who live in the valley a picture that presented itself to my mind here on the floor of the House about two years ago, inspired by the eloquent addresses I heard Mr. Hoover make on his then favorite subject, The Development and Use of Our Waterways.

The territory pictured by me of the Mississippi Valley comprises two-thirds of the total national area. It domiciles over half of the entire population. Its contributions to the national wealth are 68 per cent of exportable products, 52 per cent of manufactures, and 70 per cent of agricultural products of the Nation.

In this territory is contained the industrial center of the Nation, at the foot of Lake Michigan; the agricultural center, near the confluence of the Mississippi and Illinois Rivers, and the center of population in southwestern Indiana, close to the Illinois line.

For this chief wealth-producing section of the United States and of the world the natural arteries of transportation are the Great Lakes and the Mississippi-Illinois–Ohio River systems, flowing into the Gulf of Mexico.

The Federal Government has spent nearly $430,000,000 on waterways in the Mississippi Basin. Of this, over $100,000,000 were appropriated to the development of the Mississippi from its mouth to the Ohio, and about one hundred million more to the improvement of the Ohio and its immediate confluence. As a result of this national effort the Mississippi is navigable by barge of 9-foot draft from Cairo to the Gulf, and the Ohio from the industrial centers of western Pennsylvania to its confluence with the Mississippi.

At an expenditure of $60,000,000 the people of the Sanitary District of Chicago have dredged and improved the northern link of the Illinois-Mississippi waterway from Chicago to Joliet. The State of Illinois, at the cost of $20,000,000 more, has partly completed and has under construction the continuing link from Joliet to Utica.

In the heart of this system of waterways—a clot, blocking off the circulation of lake traffic from the rivers to the south and east—is the undredged section of the Illinois-Mississippi Rivers from Utica to Cairo. The opening of this artery involves the expenditure by the National Government of less than $5,000,000, plus an undetermined sum of perhaps $25,000,000 for compensating works to maintain and restore lake levels. The improvement itself consists of deepening to 9 feet the two rivers between Utica and Cairo, removing four locks and dams in the Illinois, and assuring a constant and adequate flow of water from Lake Michigan into the Mississippi.

Adequate navigation of the Mississippi from St. Louis and of the Ohio-Mississippi from Pittsburgh to the Gulf and the Great Lakes is dependent upon the construction of this link.

The Government has appropriated approximately $40,000,000 for deepening the Missouri from Kansas City to St. Louis and the Mississippi from Minneapolis to the latter metropolis. The project will change the present 3½-foot depth to one of 6 feet.

Total Federal appropriations for the improvement of coastwise harbors aggregate more than $500,000,000. The cost of the Panama Canal was nearly $400,000,000. These expenditures were borne by all of the people, yet because of the undeveloped link in the Lakes to Gulf waterway agriculture and industry in this great central empire are withheld from their full share in the benefits of these improvements, and the shippers of this section are forced to compete disadvantageously with those of the eastern centers.

An illustration of this inequality is in the fact that machinery can be shipped from points in the Middle West by rail to the eastern seaboard, thence by water through the Panama Canal to Pacific ports, more cheaply than it can be sent by rail direct from the point of manufacture to its western destination.

About 7,000,000 tons of cargo passed through the Panama Canal in 1919; in 1924 this tonnage had increased to between 27,000,000 and 30,000,000. The Ohio-Monongahela-Allegheny Rivers system carried about 38,000,000 tons in 1923. The Mississippi-Warrior Rivers service, under adverse conditions, in the first years of operation transported 4,000,000 tons of freight. In about this same period one railroad operating between Chicago and the Gulf increased its freight tonnage from 38,000,000 to over 55,000,000.

In the immediate territory traversed by the projected Illinois-Mississippi improvement 25,000,000 tons of freight a year are immediately

available for the waterway, which will have an annual capacity of 60,000,000 tons.

The city of Chicago alone uses annually about 38,000,000 tons of coal, with consumption increasing at the rate of 1,000,000 tons a year. Over half of this coal is mined in southern Illinois, within one day's motor-truck haul of the Illinois River. The construction of the Illinois-Mississippi deep waterway will lower the cost of this coal in the Chicago district by about $1 a ton, with a commensurate reduction in the cost of coal shipped by this 9-foot channel to such Lake cities as Milwaukee, Duluth, Superior, and Detroit. As another indicant of the tonnage available for shipment by this waterway, 200,000,000 bushels of grain are raised yearly in Illinois within hauling distance of the river.

Every congressional district in the States of South Dakota, Minnesota, Illinois, Wisconsin, Indiana, Michigan, Iowa, Nebraska, Ohio, and Missouri utilized the Mississippi barge line during its first five years of operation. The water rates being 20 per cent lower than corresponding rail rates, this barge line saved for shippers directly $3,392,000, and indirectly an indeterminate sum through reduction in the rates of competing railroads.

The industrial and agricultural centers of the Allegheny watershed and of the South can be linked by water routes with the Great Lakes only by the construction of the deep waterway between Utica and Cairo.

Over half of the Nation's population can secure the full benefits of the Panama Canal investment only through this construction.

The Federal Government, by the small expenditure involved, can enhance immeasurably the value of the $550,000,000 investment in Mississippi Basin waterways and can give to all of the people of the United States the most comprehensive system of water transportation in the world.

Mr. Speaker, only the one that has the faith in him can see the numberless towns and cities yet unborn that are to adorn the banks of our immense waterways—cities and towns that will promote the welfare of our country and bring happiness to millions who will find unending employment in the incalculable commerce that will move over an inland route only as one example from Boston to the Rio Grande. Not only will this make for the development of a commerce that will pale into insignificance all of the argosies dreamed of in the past but will make for a military defense that has been urged by Secretaries of War and Commerce for many years past in every succeeding administration since the Civil War.

Mr. Speaker, when the United States sprang into existence in 1789 as a result of the great Constitutional Convention that gave birth to that wonderful federation, no one believed that in the incredibly short period of 141 years the United States would be composed of 48 great Commonwealths and would reach from the Canadian line down to the Gulf of Mexico. It was then only 13 States or Colonies straggling along the Atlantic coast.

No dreamer was fantastic enough to look into the future and tell the world that he beheld a dream so dazzling as the imperial civilization that is our boast and our glory of to-day. Stand before a map of our country and look. See it as it rolls under your gaze from the Atlantic to the Pacific. Ponder over the trials and tribulations of the American pioneers as they marched westward, settling around the Great Lakes, and then over the Mississippi and across the Louisiana Purchase, which became their own in 1803, and across the Rockies to the shores of the Pacific Ocean, either through the Oregon Territory, the American title to which was established in 1846, or by way of the empire ceded to us by Mexico in 1848, and you will realize that performance has outgrown any promise that might have been made when the Constitution of our country was adopted.

Gaze at that map and see the Lone Star State, with a territory as great as that of the Republic of Germany. Look down and see Alaska at the bottom of the map, whose mountains and lakes defy the brush of the painter or the tongue of the poet to describe. Glance at the Philippines, queen of the eastern seas, fairest of all Edens, with Samoa, Hawaii, Porto Rico, the Virgin Islands, the Canal Zone, and drink in the thought that Old Glory, the flag of our country, waves under the icy gale and beneath the northern lights as proudly as it floats under the balmy breezes and the soft and glorious radiance of the southern cross.

Mr. Speaker, we who have fought the good fight for rivers and harbors and inland and coastal waterways are not mere dreamers. We have grown old witnessing many marvelous accomplishments by our country. One great conquest after another has been her proud achievement. We who are looking westward see a greater destiny ahead than the wonderful civilization that blesses us to-day. The sunset of life gives us mystical lore and coming events cast their shadows before. Boston to the Rio Grande, with New Orleans at the crossroads, means for the greater glory of our country in peace times and a means of national defense in times of war, which I hope will never come again to curse the world with its horrors, atrocities, and crucifixions.

WITHDRAWAL OF PAPERS

Mr. MOORE of Virginia, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Mrs. C. L. Scott, H. R. 4622, Seventieth Congress, first session, no adverse report having been made thereon.

ENROLLED BILL SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 12696. An act authorizing an appropriation for the purchase of the Vollbehr collection of incunabula.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 134. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes;

S. 135. An act to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes;

S. 363. An act for the relief of Charles W. Martin;

S. 485. An act to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes;

S. 486. An act to amend section 5153 of the Revised Statutes, as amended;

S. 2718. An act for the relief of Stephen W. Douglass, chief pharmacist, United States Navy, retired;

S. 3627. An act to amend the Federal reserve act so as to enable national banks voluntarily to surrender the right to exercise trust powers and to relieve themselves of the necessity of complying with the laws governing banks exercising such powers, and for other purposes;

S. 4096. An act to amend section 4 of the Federal reserve act; and

S. 4466. An act to make a correction in an act of Congress approved February 28, 1929.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On June 23, 1930:

H. R. 7643. An act to establish a term of the District Court of the United States for the District of Nevada at Las Vegas, Nev.

On June 24, 1930:

H. R. 12696. An act authorizing an appropriation for the purchase of the Vollbehr collection of incunabula.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 25, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, June 25, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

Prohibiting the purchase of German reparation bonds by national banks, Federal reserve banks, and member banks of the Federal reserve system (H. J. Res. 364).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. VESTAL: Committee on Patents. H. R. 12549. A bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union; with amendment (Rept. No. 2016). Referred to the House Calendar.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 9701. A bill authorizing the payment of an indemnity to the French Government on account of injuries received by Henry Borday, a French citizen, when he was assaulted at his place of business at Port au Prince, Haiti, by two United States Marines; with-

out amendment (Rept. No. 2019). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 13035. A bill to extend the times for commencing and completing the construction of a bridge across the Grand Calumet River at East Chicago, Ind.; without amendment (Rept. No. 2020). Referred to the House Calendar.

Mr. PARKER: Committee on Interstate and Foreign Commerce. S. J. Res. 161. A joint resolution to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties; with amendment (Rept. No. 2023). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 4940. A bill for the relief of Commander Charles E. Parsons, Supply Corps, United States Navy; without amendment (Rept. No. 2017). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 12534. A bill for the relief of Warren Burke; without amendment (Rept. No. 2018). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 13128) to amend the farm loan act; to the Committee on Banking and Currency.

By Mr. LEAVITT: A bill (H. R. 13129) granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as Wilder Ferry, in the State of Montana; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP: A bill (H. R. 13130) a bill granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Bogue Chitto River between Sun and Bush, St. Tammany Parish, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER of California: A bill (H. R. 13131) to amend section 72 of the Judicial Code (U. S. C., title 28, sec. 145) by providing two terms of court annually at Oakland, in the southern division of the northern district of the State of California; to the Committee on the Judiciary.

By Mr. LEAVITT (by departmental request): A bill (H. R. 13132) authorizing the use of Osage funds for attorneys' fees and expenses of litigation; to the Committee on Indian Affairs.

Also (by departmental request), a bill (H. R. 13133) to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. CRAMTON: A bill (H. R. 13134) to amend an act entitled "An act creating the Great Lakes Bridge Commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.," approved June —, 1930, being Public Act No. —, of the second session of the Seventy-first Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. ENGLEBRIGHT: A bill (H. R. 13135) to add certain lands to the Modoc National Forest, in the State of California; to the Committee on the Public Lands.

By Mr. SWANSON: A bill (H. R. 13136) granting pensions to certain widows and remarried widows of Civil War veterans after the expiration of 15 years from the date of marriage to such veteran; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 13137) to amend section 8 of the food and drugs act of June 30, 1906, as amended, so as to require the country of origin to be stated in the case of foreign-grown canned vegetables; to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Joint resolution (H. J. Res. 379) to change the name of B Street NW., in Washington, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LARSEN: Joint resolution (H. J. Res. 380) to extend the provisions of Public Resolution No. 47, Seventy-first Congress, approved March 3, 1930; to the Committee on Agriculture.

By Mr. BRAND of Georgia: Joint resolution (H. J. Res. 381) to extend the provisions of Public Resolution No. 47, Seventy-first Congress, approved March 3, 1930; to the Committee on Agriculture.

By Mr. BOYLAN: Joint resolution (H. J. Res. 382) authorizing the selection of a site and the erection of a pedestal for the statue or memorial to Thomas Jefferson, in the city of Washington, D. C.; to the Committee on the Library.

Also, joint resolution (H. J. Res. 383) to appoint a commission to make a study of proposed change in the printing of the CONGRESSIONAL RECORD; to the Committee on Rules.

By Mr. SIMMONS: Joint resolution (H. J. Res. 384) making appropriations available to carry into effect the provisions of the act of the Seventy-first Congress entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia"; to the Committee on Appropriations.

By Mr. CABLE: Joint resolution (H. J. Res. 385) to authorize the President to suspend for a specified period the immigration of aliens to the United States; to the Committee on Immigration and Naturalization.

By Mr. FREAR: Resolution (H. Res. 268) to appoint a committee to inquire into an income and estate tax law for the District of Columbia, and for other purposes; to the Committee on Rules.

By Mr. GASQUE: Resolution (H. Res. 269) to investigate conditions in Venezuela, South America; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 13138) granting a pension to John Divine; to the Committee on Pensions.

By Mr. BAIRD: A bill (H. R. 13139) granting an increase of pension to Luese Schneider; to the Committee on Invalid Pensions.

By Mr. BEEDY: A bill (H. R. 13140) granting a pension to Rhomena F. Woodbury; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 13141) granting an increase of pension to Emily F. Severs; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 13142) for the relief of Thomas E. Kelly; to the Committee on Military Affairs.

Also, a bill (H. R. 13143) granting an increase of pension to Mary C. Haley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13144) granting a pension to Elizabeth Ray; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 13145) granting a pension to Charles F. Barber; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 13146) granting an increase of pension to Earl S. Reeves; to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 13147) granting an increase of pension to Rebecca G. Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13148) granting an increase of pension to Nancy J. Bryant; to the Committee on Invalid Pensions.

By Mr. MAGRADY: A bill (H. R. 13149) granting an increase of pension to Maranda Fasold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13150) for the relief of Frank W. Trutt; to the Committee on Military Affairs:

By Mr. MOORE of Kentucky: A bill (H. R. 13151) granting a pension to Jennie Simmons; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 13152) granting a pension to Mary Olive Hankey; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 13153) granting an increase of pension to Mary E. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13154) granting an increase of pension to Laura L. McHaney; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7642. Petition of Fred A. Snyder Post, No. 353, American Legion, Northampton, Pa., urging hospital support of World War disabled veterans; to the Committee on World War Veterans' Legislation.

7643. By Mr. BOYLAN: Resolution adopted by the Eighteenth Conference of the National Federation of Settlements, assembled

in Rochester, N. Y., June 5, urging the appointment of Miss Grace Abbott to the Cabinet portfolio of labor; to the Committee on Labor.

7644. Also, resolution adopted at a meeting of the Women's Republican Club of New York City, petitioning all Members of Congress of Greater New York to support the Saturady half holiday bill for all Federal employees; to the Committee on the Civil Service.

7645. By Mr. CRAIL: Petition of 750 members of the Los Angeles Camp, No. 36, United Spanish War Veterans, Los Angeles, Calif., extending their heartfelt appreciation to the Senate and House of Representatives of the United States for the passage of the act of June 2, 1930, granting to the many disabled Spanish War comrades an increase of pension; to the Committee on Pensions.

7646. By Mr. YATES: Petition of Anthony Wayne Post, American Legion, Fairfield, Ill., urging the passage of the Johnson bill without amendment; to the Committee on World War Veterans' Legislation.

7647. Also, petition of the LaSalle Extension University, Michigan Avenue at Forty-fourth Street, Chicago, Ill., protesting the passage of House bill 11096; to the Committee on the Post Office and Post Roads.

7648. Also, petition of Straus & Schram, 1105–1113 Thirty-fifth Street, Chicago, Ill., urging the defeat of House bill 11096, stating in their opinion 5 cents is too great a charge for such service as the bill provides; to the Committee on the Post Office and Post Roads.

7649. Also petition of Margaret D. Dunn, 201 East Randolph Avenue, Alexandria, Va., urging the consideration and passage of the Saturday half-holiday bill; to the Committee on the Civil Service.

7650. By Mr. WATRES: Petition of Joseph E. Beck and the board of directors of the Family Welfare Association of Scranton, Pa., urging action on Senate bill 3060; to the Committee on the Judiciary.

SENATE

WEDNESDAY, *June 25, 1930*

Rev. James W. Morris, D. D., assistant rector, Church of the Epiphany, city of Washington, offered the following prayer:

O God, the Fountain of Wisdom and Father of Lights, it is in Thy light that we see light. Grant us, therefore, we beseech Thee, such illumination by Thy spirit of mind and heart that we may abound more and more in all wisdom and spiritual discernment. Make us to accept each duty as a divine command and each fine opportunity as a heavenly call, that thus walking in Thy light we may in all life's decisions and resolves prove ourselves true sons of light. We ask these things in the name of Jesus Christ, Thy Son, the true Light of the World. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. WATSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases;

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California;

S. 2323. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics;

S. 3422. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.;

S. 3873. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.;

S. 3893. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota;*

S. 4028. An act to amend the Federal farm loan act as amended;

S. 4243. An act to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia;

S. 4287. An act to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate credit banks to financing institutions on bills payable and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months;

S. 4358. An act to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks;

S. 4517. An act to provide for the regulation of tolls over certain bridges; and

S. J. Res. 140. Joint resolution to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the United States submarine *S–4*.

The message further announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1959. An act to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida; and

S. 4577. An act to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 215. An act to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928;

S. 525. An act authorizing the Secretary of the Navy, in his discretion, to loan to the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans;*

S. 3068. An act to amend section 355 of the Revised Statutes; and

S. 3845. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 22) to print and bind additional copies of Senate Document No. 166, Seventieth Congress, entitled "Interstate Commerce Act, Annotated," with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 101. An act for the award of the air-mail flyer's medal of honor;

H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only;

H. R. 5708. An act for estimates necessary for the proper maintenance of the flood-control works at Lowell Creek, Seward, Alaska;

H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia;

H. R. 9590. An act to provide for the appointment of one additional district judge for the eastern and western districts of Arkansas;

H. R. 9893. An act for the relief of Herman Lincoln Chatkoff;

H. R. 10782. An act to facilitate and simplify the work of the Forest Service;

H. R. 12014. An act to permit payments for the operation of motor cycles and automobiles used for necessary travel on official business, on a mileage basis in lieu of actual operating expenses;

H. R. 12063. An act to amend section 16 of the Federal farm loan act;

H. R. 12233. An act authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.;

H. R. 12397. An act to amend sections 156, 157, 158, 159, 160, 161, and 170 of the Criminal Code, as amended;

H. R. 12554. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;

H. R. 12614. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island;

H. R. 12617. An act granting the consent of Congress to the State of Florida, through its highway department, to construct, maintain, and operate a free highway bridge across the Choctawhatchee River east of Freeport, Fla.;

H. J. Res. 323. Joint resolution to authorize the printing with illustrations and binding in cloth of 120,000 copies of the Special Report on the Diseases of Cattle; and

H. J. Res. 324. Joint resolution to authorize the printing with illustrations and binding in cloth of 62,000 copies of the Special Report on the Diseases of the Horse.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 31) to print 10,000 additional copies of the hearings held before the House Committee on the Judiciary on joint resolutions proposing to amend the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 968. An act for the relief of Anna Faceina;

S. 1252. An act for the relief of Christina Arbuckle;

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California;

S. 2370. An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia;

S. 2972. An act for the relief of Dewitt & Shobe;

S. 3038. An act for the relief of National Surety Co.;

S. 3472. An act for the relief of H. F. Frick and others;

S. 3726. An act for the relief of the owner of the American steam tug *Charles Runyon*;

S. 3873. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.;

S. 3893. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota;*

S. 4517. An act to provide for the regulation of tolls over certain bridges;

H. R. 478. An act for the relief of Marijune Cron;

H. R. 524. An act for the relief of the I. B. Krinsky Estate (Inc.) and the Fidelity & Deposit Co. of Maryland;

H. R. 910. An act for the relief of William H. Johns;

H. R. 1092. An act for the relief of C. F. Beach;

H. R. 1964. An act for the relief of S. A. Jones;

H. R. 2075. An act for the relief of Addie Belle Smith;

H. R. 2465. An act for the relief of Earl D. Barkly;

H. R. 2849. An act for the relief of the Lowell Oakland Co.;

H. R. 2983. An act for the relief of Samuel F. Tait;

H. R. 3422. An act for the relief of Gustav J. Braun;

H. R. 6117. An act for the relief of the Central of Georgia Railway Co.;

H. R. 6665. An act for the relief of B. C. Glover;

H. R. 7661. An act for the relief of Margaret Stepp Bown;

H. R. 7926. An act to provide for terms of United States District Court for the Eastern District of Pennsylvania to be held at Easton, Pa.;

H. R. 9227. An act to establish additional salary grades for mechanics' helpers in the motor-vehicle service;

H. R. 9989. An act granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.;

H. R. 10657. An act to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended;

H. R. 11051. An act to amend section 60 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900;

H. R. 11781. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 11978. An act to authorize the appointment of employees in the executive branch of the government of the District of Columbia;

S. J. Res. 140. Joint resolution to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the United States submarine *S–4;* and

H. J. Res. 367. Joint resolution to amend the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930.

CALL OF THE ROLL

Mr. WATSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McMaster	Smoot
Ashurst	Glass	McNary	Steck
Barkley	Glenn	Metcalf	Steiwer
Bingham	Goldsborough	Moses	Stephens
Black	Hale	Norris	Sullivan
Blaine	Harris	Oddie	Swanson
Borah	Harrison	Overman	Thomas, Idaho
Brock	Hastings	Patterson	Thomas, Okla.
Broussard	Hatfield	Phipps	Townsend
Capper	Hayden	Pine	Trammell
Caraway	Hebert	Pittman	Tydings
Connally	Howell	Ransdell	Vandenberg
Copeland	Johnson	Reed	Wagner
Couzens	Jones	Robinson, Ind.	Walcott
Cutting	Kean	Robsion, Ky.	Walsh, Mass.
Dale	Kendrick	Sheppard	Walsh, Mont.
Deneen	La Follette	Shipstead	Watson
Dill	McCulloch	Shortridge	
George	McKellar	Simmons	

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families.

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum is present.

SENATOR SMOOT'S VACATION AND HIS FIRST PAIR

Mr. SMOOT. Mr. President, I have made arrangements to leave Washington this afternoon for home. In doing so, I desire to leave my vote with the Senator from Indiana [Mr. WATSON], and authorize him to pair me upon legislation as he knows I would vote.

I have never had a pair since I have been a Member of the Senate. This is the very first time. I do it now because I feel that I ought to have a change. I hope the Senate will at least not charge me with neglect of duty if I leave at this particular time.

I have been absent from the Chamber, Mr. President, for 9 days during my service of nearly 28 years. I feel a little exhausted now—more so than when I stood upon the floor of the Senate for 10 hours a day week in and week out. Not having had a pair before, and all Senators knowing that to be a fact, I felt that I ought to make the statement that I shall authorize the Senator from Indiana to pair me upon any question that may arise in my absence.

Mr. HARRISON. Mr. President, as one Member of the Senate, I desire to say that I am sure the Senator is entitled to a rest. I hope he will get a good rest and have a good summer. I do not know a Senator here who is entitled to it more than he is, after he has labored through the many months that he has.

So far as giving the Senator a pair is concerned, he need not worry. If the Senator and I are on opposite sides of any question, I will protect him with my pair.

Mr. SMOOT. I thank the Senator.

Mr. COPELAND. Mr. President, I wish to join in the conviction that the Senator from Utah is entitled to a vacation. To my mind, his attendance upon the sessions of the Senate during the long period of time since the beginning of the tariff discussion as well as before, his attendance upon the sessions of the committee, the many conferences he was required to have, and the patient manner in which he has answered the questions of individual Senators, constitute the most remarkable demonstration of physical prowess that I have ever seen.

More than that, all through the debates the Senator has maintained a placidity of manner and retort which to me has been amazing. I said once before, in speaking about the Sena-

tor, that it is only because he is a pious man that he has been able to go through what he has. I hope the Senator now will take a real rest; and he will at least have the advantage of missing the reading of hundreds of newspapers that will condemn the tariff bill and possibly condemn the Senator. By the time he comes back, however, we shall be in some other row, and this particular one will have been forgotten.

I hope the Senator will take a genuine rest and come back to us refreshed—he does not need to be restored—in mind and body. I trust he will have a happy time.

INTERNATIONAL EXPOSITION OF COLONIAL AND OVERSEAS COUNTRIES (S. DOC. NO 199)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1931, to remain available until expended, amounting to $250,000, for the expenses of participation by the United States in an International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL HYGIENE EXHIBITION AT DRESDEN, GERMANY (S. DOC. NO. 198)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1930, to remain available until June 30, 1931, amounting to $5,000, for the expenses of participation by the United States in the International Hygiene Exhibition at Dresden, Germany, May 6, 1930, to October 1, 1930, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

COLUMBIA RIVER BRIDGE, WASH.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4577) to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg., which was to strike out the preamble.

Mr. JONES. I move that the Senate concur in the House amendment.

The motion was agreed to.

GAME SANCTUARIES, OCALA NATIONAL FOREST, FLA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1959) to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida, which was, on page 2, line 15, to strike out all after the word "both" down to and including the word "refuges" in line 21.

Mr. TRAMMELL. My colleague [Mr. FLETCHER], who is necessarily absent, is the author of the bill, and at his request I move that the Senate concur in the House amendment.

The motion was agreed to.

PETITIONS

The VICE PRESIDENT laid before the Senate a communication with related papers from Caesar F. Simmons in support of legislation for his relief "to reimburse him for necessary expenditures of his own private money expended by him under anomalous and extraordinary conditions to maintain and operate the post office at Boley, Okla., while discharging his official duties as postmaster," which was referred to the Committee on Claims.

He also laid before the Senate a telegram in the nature of a petition from the national convention of Disabled Veterans of the World War at New Orleans, La., praying for the passage of the so-called veterans' relief bill as reported by the Senate Finance Committee, which was referred to the Committee on Finance.

Mr. JONES presented petitions numerously signed by sundry citizens of the State of Washington, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia or in any of the Territorial or insular possessions of the United States, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. McMASTER, from the Committee on Military Affairs, to which was referred the bill (H. R. 9638) to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the Northwest Pacific States, reported it without amendment and submitted a report (No. 1090) thereon.

Mr. GLENN, from the Committee on Claims, to which was referred the bill (H. R. 3553) for the relief of the heirs of I. L. Kleinman, reported it without amendment and submitted a report (No. 1091) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 636) for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River, reported it without amendment and submitted a report (No. 1093) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (H. R. 10490) for the relief of Flossie R. Blair, reported it without amendment and submitted a report (No. 1094) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 8242) for the relief of George W. McPherson, reported it with an amendment and submitted a report (No. 1095), thereon.

He also, from the same committee, to which was referred the bill (H. R. 4176) to extend the benefits of the employees' compensation act of September 7, 1916, to Dr. Charles W. Reed, a former employee of the United States Bureau of Animal Industry, Department of Agriculture, reported it with amendments and submitted a report (No. 1096) thereon.

He also, from the same committee, to which was referred the bill (H. R. 1110) for the relief of heirs of Warren C. Vesta, reported it without amendment and submitted a report (No. 1097) thereon.

Mr. COPELAND, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted a report thereon, as indicated:

H. R. 11729. An act to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y. (Rept. No. 1098); and

H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes.

Mr. BINGHAM, from the Committee on Territories and Insular Affairs, to which was referred the bill (H. R. 6127) to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands, reported it with an amendment and submitted a report (No. 1099) thereon.

WILLIAM H. ELLISON

Mr. SHORTRIDGE. On behalf of the Committee on Finance, I report as in executive session, the nomination of William H. Ellison, of San Diego, Calif., to be collector of customs for customs collection district No. 25, with headquarters at San Diego, Calif. I ask for the immediate consideration of the nomination.

Mr. DILL. Mr. President, I have invariably objected to nominations being taken up for consideration in the midst of a legislative session. Therefore I object.

The VICE PRESIDENT. The nomination will be placed on the Executive Calendar.

REPORT OF POSTAL NOMINATIONS

Mr. PHIPPS, as in executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PINE:

A bill (S. 4753) to validate patents granted on applications of joint applicants when one or more of said applicants have been misjoined through inadvertence, accident, or mistake; to the Committee on Patents.

By Mr. GLENN:

A bill (S. 4754) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River on One hundred and fifty-ninth Street in Cook County, State of Illinois; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 4755) to require the use of certain water condensation apparatus on seagoing vessels; to the Committee on Commerce.

A bill (S. 4756) to amend the act of March 4, 1911 (ch. 239, 36 Stat. L. 1267), as amended; to the Committee on Naval Affairs.

By Mr. BINGHAM:

A joint resolution (S. J. Res. 200) creating a commission on fiscal relations between the Federal Government and the government of the District of Columbia; to the Committee on the District of Columbia.

By Mr. STEPHENS:

A joint resolution (S. J. Res. 201) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United

States during the fiscal years ending June 30, 1866, 1867, and 1868, and vesting the right in each State to sue in its own name; to the Committee on Claims.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 101. An act for the award of the air-mail flyer's medal of honor; to the Committee on Post Offices and Post Roads.

H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only; and

H. R. 9893. An act for the relief of Herman Lincoln Chatkoff; to the Committee on Military Affairs.

H. R. 5708. An act for estimates necessary for the proper maintenance of the flood-control works at Lowell Creek, Seward, Alaska;

H. R. 12233. An act authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.;

H. R. 12554. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;

H. R. 12614. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island, in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island; and

H. R. 12617. An act granting the consent of Congress to the State of Florida, through its highway department, to construct, maintain, and operate a free highway bridge across the Choctawhatchee River east of Freeport, Fla.; to the Committee on Commerce.

H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia; to the Committee on the District of Columbia.

H. R. 9590. An act to provide for the appointment of one additional district judge for the eastern and western districts of Arkansas; and

H. R. 12397. An act to amend sections 156, 157, 158, 159, 160, 161, and 170 of the Criminal Code, as amended; to the Committee on the Judiciary.

H. R. 10782. An act to facilitate and simplify the work of the Forest Service; to the Committee on Agriculture and Forestry.

H. R. 12014. An act to permit payments for the operation of motor cycles and automobiles used for necessary travel on official business on a mileage basis in lieu of actual operating expenses; to the Committee on Appropriations.

H. R. 12063. An act to amend section 16 of the Federal farm loan act; to the Committee on Banking and Currency.

H. J. Res. 323. Joint resolution to authorize the printing with illustrations and binding in cloth of 120,000 copies of the Special Report on the Diseases of Cattle; and

H. J. Res. 324. Joint resolution to authorize the printing with illustrations and binding in cloth of 62,000 copies of the Special Report on the Diseases of the Horse; to the Committee on Printing.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 31) to print 10,000 additional copies of the hearings held before the House Committee on the Judiciary on joint resolutions proposing to amend the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States was referred to the Committee on Printing.

COMMERCE AND TRADE WITH CHINA

Mr. PITTMAN submitted the following resolution (S. Res. 302), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the Senate on May 29 (calendar day June 2), 1930, agreed to S. Res. 256, "authorizing an examination and study of stipulations relating to commerce in existing treaties of the United States and other governments with the Republic of China, and conditions that may affect our commerce and trade with China"; and

Whereas said resolution provides, "The expenses of the committee, which shall not exceed $20,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman": Therefore be it

Resolved, That said expenditures provided in said Senate Resolution 256 are hereby authorized and approved as provided in said resolution.

Mr. DENEEN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which the foregoing resolution was referred, reported it without amendment, and it was considered by unanimous consent and agreed to.

The preamble was agreed to.

TRAVEL EXPENSES OF CLERKS TO SENATORS AND THE VICE PRESIDENT

Mr. BINGHAM. Mr. President, a few days ago I submitted a resolution providing for the payment of the expenses of one secretary of each Senator to his home town and back again, and asked that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. It has been brought to my attention that I inadvertently left out the secretary of the Vice President. Therefore I offer the resolution in an amended form, and ask that it may be read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

There being no objection, the resolution (S. Res. 304) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate is authorized and directed to pay from the contingent fund of the Senate to the secretary, or to one assistant secretary of the Vice President, or of any Senator, who in the course of his official duties is required to travel from Washington, D. C., to the legal residence of the Senator and return, a sum to cover the cost of such travel, which shall be calculated on a basis of 8 cents a mile by the most direct and customary route: *Provided*, That such travel shall not exceed one round trip for any regular, extra, or special session of Congress: *Provided further*, That such payment shall be made only upon certification by the Vice President or by the Senator by whom the secretary or assistant secretary is employed, that the travel was requisite and necessary in the discharge of his official duties.

FLOTATION OF FOREIGN INVESTMENT LOANS IN THE UNITED STATES

Mr. GLASS. I submit a resolution, which I desire to have read, printed, and lie on the table.

The resolution (S. Res. 305) was read, ordered to be printed, and to lie on the table, as follows:

Whereas the Senate by Resolution 293, passed June 16, 1930, requested the Secretary of State to inform the Senate (1) "upon what authorization of law, constitutional or statutory, expressed or implied, does the State Department base its right either to approve or disapprove investment securities offered for sale in the money markets of the United States by foreign governments, corporations, or individuals," and (2) "by what sanction of law, constitutional or statutory, does the State Department assume the right to direct action of the Federal Reserve Board or banks with respect to their lawful powers concerning the business of banking in foreign countries or the investments of these banks in foreign securities offered in the money markets of the United States"; and

Whereas the Secretary of State, as of June 20, 1930, responded to clause 1 of said Senate resolution by referring the Senate to Article II of the Constitution of the United States and to section 202 of the Revised Statutes as authority for the exercise of the functions referred to in clause 1 of said Senate resolution; and

Whereas the Secretary of State, in response to clause 2 of said Senate resolution, asserts that "the Department of State has not assumed the right to direct the action of the Federal Reserve Board or banks with respect to their lawful powers," as mentioned in Senate Resolution 293, and in this connection refers the Senate to an official statement of the Secretary of State issued May 16, 1929; and

Whereas a careful inspection of Article II of the Constitution of the United States and of section 202 of the Revised Statutes discloses no single sentence which, explicitly or implicitly, authorizes the action taken by the Department of State with respect to the flotation of foreign investment loans on the money markets of the United States; and

Whereas a careful examination of the statement issued by the Secretary of State on May 16, 1929, reveals the exact declaration that the department "will not permit any officials of the Federal reserve system either to themselves serve or to select American representatives as members of the proposed international bank": Therefore be it

Resolved, That it is the sense of the Senate that the Department of State, having no legal sanction for the action mentioned in Senate Resolution 293 with respect to investment securities offered in the money markets of the United States by foreign governments, corporations, or individuals, should desist from the dangerous practice of involving the United States Government in any responsibility of whatever nature, either by approval or disapproval, for foreign investment loans floated in this country, and should refrain from assuming authority over the Federal Reserve Board and banks or officials thereof with respect to matters which, by express authority of law, are confided to them and not to the Department of State.

PRINTING OF ABSTRACT OF HEARINGS ON LONDON NAVAL TREATY (S. DOC. NO. 197)

Mr. HALE. Mr. President, at my request the Navy Department has prepared an abstract of the testimony on certain sali-

ent questions of the London naval treaty given before the Committee on Naval Affairs of the Senate. I ask that it be printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and leave is granted.

GOVERNMENT POWER PLANT AT WILSON DAM

Mr. BLACK. Mr. President, I send to the desk a resolution, which I ask may be read.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 303), as follows:

Resolved, That it is the sense of the Senate that pending the enactment of legislation providing for the disposition of power generated by the Government power plant at Wilson Dam, the Secretary of War should not discriminate against municipalities in the sale of said power, but should sell power to municipalities applying for same, upon as liberal terms and conditions as such power is sold to private power companies.

Mr. BLACK. I ask unanimous consent that the resolution may be considered at the present time in order that we may obtain a record vote of the Senate upon it. I feel sure there can be no objection raised, but I know that it will have more effect if we have a record vote.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, does the Senator mean to state that the Secretary of War has manifested a tendency toward a discrimination against municipalities in the sale of power?

Mr. BLACK. The situation is that the Secretary of War has declined over a period of three years to sell one kilowatt of power to municipalities, even though 80 per cent of it is going to waste every day.

Mr. McNARY. I ask that the clerk may again read the resolution.

The VICE PRESIDENT. The resolution will again be read.

The Chief Clerk again read the resolution.

Mr. TYDINGS. Mr. President, I should like to ask the Senator from Alabama if he means the resolution to apply only to those municipalities which own their own plants or whether it is to apply to those municipalities which are served by private power companies?

Mr. BLACK. I mean for the resolution simply to provide that in the sale of power which the Government owns any purchaser who asks to buy shall be treated like any other purchaser, whether that purchaser be a municipality or a private power company. Therefore it would make no difference who was serving the municipality; it would be none of our business.

Mr. TYDINGS. I was wondering whether in the case of a municipality that is now being served by a private company that municipality could secure its current in competition with the private company under the Senator's resolution and that the private company would not have an equal right with the municipality to acquire power?

Mr. BLACK. This resolution simply expresses the sense of the Senate, not that the Government should decline to sell to private power companies, but that it should sell to private power companies or municipalities, and should sell to municipalities upon as liberal terms as it sells to private power companies.

Mr. TYDINGS. And vice versa.

Mr. BLACK. Certainly. The Government is already selling to power companies, but it will not sell to municipalities.

Mr. TYDINGS. Under the Senator's explanation, I shall not object, but I should object if it were so construed that municipalities which are now being served by private concerns could buy the power and the private company would be denied an equal right to purchase power.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GILLETT. I object.

Mr. BLACK. I inquire who objected?

The VICE PRESIDENT. The Senator from Massachusetts [Mr. GILLETT] objected.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. On objection, does not the resolution go over under the rule, and come up automatically to-morrow?

The VICE PRESIDENT. The resolution goes over under the rule.

Mr. BLACK. And it will come up to-morrow morning?

The VICE PRESIDENT. It will come up to-morrow morning if there shall be an adjournment to-day.

CHANGE OF REFERENCE

Mr. BINGHAM. Mr. President, some time ago there was referred to the Committee on Territories and Insular Affairs the bill (S. 4605) granting rights of way for the construction of highways and making reservation therefor over public lands in the Territory of Alaska. It is the opinion of the committee that this bill should be referred to the Committee on Public Lands and Surveys, and therefore I ask unanimous consent that the Committee on Territories and Insular Affairs may be discharged from the further consideration of the bill and that it may be referred to the Committee on Public Lands and Surveys.

The VICE PRESIDENT. Without objection, it is so ordered.

EQUIPMENT OF LOCOMOTIVES WITH SUITABLE BOILERS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3845) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924, which were, on page 2, line 2, to strike out all after the word "amended" down to and including the word "amended" in line 3; on page 2, line 7, to strike out "Sec. 4" and insert "Sec. 2"; on page 2, line 7, after the word "act," to insert "as amended"; and on page 2, line 9, to strike out "year" and insert "YEAR."

Mr. COUZENS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

DIAL AND MANUAL TELEPHONES IN THE SENATE

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Chief Clerk read the resolution (S. Res. 300) submitted by Mr. SWANSON on June 24, 1930, as follows:

Resolved, That the Sergeant at Arms of the Senate is hereby authorized and directed to order the Chesapeake & Potomac Telephone Co. to equip within 30 days all offices in the Senate wing of the United States Capitol and the Senate Office Building with telephones which may be operated either with dial or manually.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. SWANSON obtained the floor.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. I yield.

Mr. COPELAND. Would the resolution cover telephones in the branch office of the Veterans' Bureau in the Senate Office Building?

Mr. SWANSON. Absolutely.

Mr. President, there has been a misconception about this resolution, as evidenced by publications in the newspapers. It is intimated that the resolution, if adopted, would undo what was done in connection with the installation of manual telephones. The fact is that under this resolution, if adopted, the manual telephones will be continued as desired by the junior Senator from Virginia.

Mr. GLASS. As desired by the Senate; not alone by me.

Mr. SWANSON. And as desired by the Senate. I showed the resolution to my colleague before I introduced it, and it was satisfactory to him. He now suggests, however, that it be modified by striking out the words "and directed," so as to read:

That the Sergeant at Arms of the Senate is hereby authorized to order—

And so forth.

I have no objection to that modification.

Mr. GLASS. I suggest this alteration in the resolution: Strike out the words "authorized and," in the second line, and substitute the word "authorize" for the word "order" in the same line.

The VICE PRESIDENT. Will the Senator kindly restate his amendment?

Mr. GLASS. I wish to strike out the words "authorized and," in the second line, and to strike out "order" and insert "authorize" in the same line, so that it may read:

The Sergeant at Arms of the Senate is hereby directed to authorize the Chesapeake & Potomac Telephone Co.—

And so forth.

The VICE PRESIDENT. Is that modification satisfactory to the senior Senator from Virginia?

Mr. SWANSON. I have no objection to it.

The VICE PRESIDENT. The resolution will be modified, as requested.

Mr. GLASS. In this connection, Mr. President, I wish to call attention to the fact that I have never objected to the tele-

phone company installing the dial system, provided it would continue the manual system. That it did not do, but, on the contrary, it expressly required the patrons of the telephone company in the Capitol and in both office buildings to use the dial. To that I objected; and not only did I object, but, in order that the Senate may not seem to be eccentric about the matter, I wish to say that I have here more than a hundred letters and telegrams from all over the United States denouncing the dial telephone system as a nuisance and as instituted purely for the benefit of the telephone company.

If the telephone company wants to establish a dual system here, I have no objection in the world to it, and never have had, except that I think the Senate should have authorized that instead of first ordering the dials out and now authorizing them to be put back.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Washington?

Mr. SWANSON. I yield.

Mr. DILL. I desire to speak on this subject in my own right and will wait until I can have the floor.

Mr. SWANSON. I yield the floor.

Mr. DILL. Mr. President, I want to say just a few words about the dial telephone system. It was suggested here on the floor of the Senate some days ago, when a vote was asked upon the resolution of the Senator from Maryland [Mr. TYDINGS], that those of us who were opposing the resolution were standing in the way of progress. Some Senators seem to have the idea that the dial system is something new and that we who oppose it are standing in the way of something new in this country. The truth of the matter is that the dial system is not new at all.

Several years ago the dial system was established in my home town. We got rid of it finally, but in the last two or three years it has been put back again. This system is a mechanical system which half of the time is unsatisfactory to a great many users and it results in throwing out of work large numbers of people. The argument which is made that the telephone companies simply retain the employees they have and do not have to turn anybody off is a specious argument. What they mean by that is that as employees quit work they do not employ new ones to take their places. They may keep the old ones on the job but as employees drop out the number is gradually reduced.

Of course, if the Senate wants to adopt the resolution so that Senators may have either system, that is the privilege of the Senate; I can not prevent that; but I do object to the idea that there is anything progressive or anything new about the dial system.

In the first place, if the telephone company wanted to have a dial system they should have employed inventors and devised a method that would make it easily workable. It could not be more awkward than it is. One has to use both hands to dial, in the first place; he must be in a position where there is a good light, day or night, in order to see the number, and if he happens to turn the dial not quite far enough, then he gets a wrong connection. If the telephone companies want to use the dial system, they ought to invent something simple and something that may be easily used; but they have not made any improvement in the method of the dial in a number of years. It is a continual nuisance to those who are accustomed to use the regular telephone.

But, as I have said, if Senators want to have it, that is their privilege, just as it is my privilege not to want it. I am not going to hold up the Senate about it.

Mr. GLASS. Mr. President, in substantiation of what the Senator from Washington [Mr. DILL] has just said about the dial system not being modern and not being an improvement, I wish to read one or two samples of letters which I have received from all over the country. I had a letter the other day from a manufacturing concern in Los Angeles demanding to know why United States Senators should be privileged characters and asking, if we were going to order the dial system out of the Capitol, why we should not send out to California and order it out of that State.

I hold in my hand a letter from a large manufacturing concern in Davenport, Iowa, in which the writer says:

> DEAR SENATOR GLASS: May an entire stranger to you express his satisfaction and enjoyment at your verbal broadside against that pest of pests, the dial telephone. It is amusing but maddening to hear some speak of it as a modern "improvement" and as "human progress." It seems all one has to do is to label a thing "modern" or "progressive" and a lot of people will swallow it, hook, line, and sinker. More power to you.

The letter is signed by Edward C. Roberts, president of an extensive manufacturing establishment at Davenport, Iowa.

Here is one from Fort Smith, Ark., from which I quote as follows:

> Everybody that I come in contact with is complimenting you upon the position you have taken and that you have "stood pat."
>
> Before the Bell Telephone put it in they contended it saved time for their employees and that it would give quicker results and promised there wouldn't be any additional charge.

Extra charge! They ought to reduce the charge if they are going to require patrons to do the switchboard work for the company.

> Now, since they are putting it in, and saving money by it, in some towns they are making a charge for the dial.

An extra charge for this nuisance!

I have, as I have said, over a hundred letters and telegrams on the same subject. I will read a telegram received from New York, as follows:

> Congratulations on your stand against the dial telephone. Of all the nuisances perpetrated on a suffering public this is the worst, not mentioning the annoyance and extra cost to the public, which can not be checked and must be paid for. Very unsatisfactory service.
>
> H. HAGGERTY,
> *41 Park Road, New York.*

I also quote the following from a letter from an official of the National Chemo Ice Corporation, dated Washington, May 23, 1930:

> I was indeed much pleased, and believe I voice the sentiments of the average business man in Washington, at your stand on the dial telephone.
>
> It may be of interest to you to know that the present system of dial phones in Washington is practically the dial phone of 30 years ago. This system was installed by an independent company, namely, the Automatic Telephone Co., in Chicago in 1900. At that time the Bell Co. had all of their experts criticizing the automatic system, and their principal objection was that you could not make a call in the dark, and that oftentimes the delay in making a light in case of an emergency call would be disastrous.

Mr. President, so long as I am not pestered with the dial and may have the manual telephone, while those who want to be pestered with it, as my colleague evidently does, may have it, all right.

The VICE PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

JACOB AMBERG

Mr. THOMAS of Oklahoma. Mr. President, some time ago I introduced a bill (S. 1676) proposing to grant a pension to Jacob Amberg. The bill was referred to the Committee on Pensions, and has received an adverse report. Certain data were submitted in support of the bill. I ask unanimous consent that the committee be authorized to return the data furnished by Mr. Amberg.

The VICE PRESIDENT. The rule provides, as the Senator knows, that if there is an adverse report the papers can not be returned. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

THE PRESENT PROHIBITION ENFORCEMENT SITUATION

Mr. SHEPPARD. Mr. President, I present and ask leave to have published in the RECORD an article entitled "The Present Prohibition Enforcement Situation," by Dr. F. Scott McBride, general superintendent of the Anti-Saloon League of America, published in the New York Herald Tribune of May 25, 1930.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> Public discussion of prohibition in recent weeks has been so widespread and so intense that much confusion has been created in the public mind relative to the real situation. Reports of investigations of wet and dry organizations, public hearings on wet and dry legislation, together with magazine and newspaper polls on prohibition, have no doubt caused many to wonder what it is all about. Is there a wet revolt? Has prohibition failed? Can the eighteenth amendment be repealed? Has enforcement broken down? Are liquor evils worse than ever? These are some of the questions that inevitably arise in the public mind. Accordingly, I welcome the opportunity to briefly discuss just what has happened or is happening in relation to prohibition enforcement.
>
> In the first place, nothing has been materially changed so far as the law is concerned. The eighteenth amendment still stands, the laws for its enforcement are still in the statute books, and there has been no variation from the almost unbroken line of court decisions upholding the validity of both the amendment and supporting legislation. Also,

there is no indication of weakening dry strength in the Senate and the House. Whatever legislation is passed in this session relative to prohibition will tend to strengthen prohibition enforcement. The storm of wet publicity occasioned by the introduction of wet bills in Congress was deliberately engineered as a part of the wet propaganda campaign and was not expected even by the wets to affect legislation. Furthermore, State enforcement laws still stand in 43 States, most of whose dry statutes are as effective in operation and as securely in the law as the Volstead Act itself. Any recent changes in the personnel of enforcement officials, Federal and State, have been in the general direction of improvement. Incompetent or indifferent officials are gradually being weeded out through the exercise of appointive power or by action of voters in elections. Better organization, better cooperation, and constant experience are improving the effectiveness of enforcement efforts all along the line. The enforcement machinery that supports the eighteenth amendment, viewed as a whole, is more reliable and more effective right now than ever before.

There is nothing to indicate that public opinion on prohibition has changed. Newspaper and magazine polls in the very nature of things represent little more than a roll call of the wets. There always have been a great many wets in America and will continue to be for some time. Accordingly it is not strange that extensive agitation through the press and by radio, at a time when organized wets are more active than ever before, should result in the casting of many more wet votes than dry in any straw ballot publicity enterprise. While modern journalism and the radio have made it possible to increase the extensiveness of a straw-ballot demonstration, there is nothing to indicate that the accuracy of this form of gaging public opinion has been improved. The wets have always won straw-ballot contests while the drys have won at real elections.

Another thing even more fundamental than the foregoing that has not been changed is the nature and effect of intoxicating liquor. Alcohol is still a narcotic, habit-forming poison. Intoxicating liquor still intoxicates despite all the bitter attacks against prohibition, and the almost frantic appeals for some form of legal permission to sanction what the eighteenth amendment forbids. Intoxicating liquor has not been idolized into harmlessness, but is just as bad as ever. In fact, when its dangers and destructiveness are considered in connection with the increased importance of sobriety, intoxicating liquor is now infinitely worse than when the eighteenth amendment was adopted.

So it will be seen that after many days and nights of booze, bombs bursting in the air, and rum rockets' red glare all the fundamentals in the prohibition situation are still there. The laws have not been changed. Enforcement has not broken down. And the people are still convinced that enforced prohibition is the best solution of the liquor problem. This leads us to an examination of the success of this method.

First, it is necessary to establish a fair definition of enforcement and a fair basis of comparison. "Enforcement," must not be confused with "prevention." Exceptions must not be permitted to pose as the rule. Of course, there are still liquor law violations, just as there are still deaths from preventable diseases, detours along the highways, accidents in industry, property loss by fire, and countless other evils and losses against which society is struggling. The test of enforcement, therefore, is not the extent of evils yet unconquered, but the progress that has been made in the right direction. It is unfair to judge the law by the results under its misuse, disuse, or abuse. The results of prohibition must be measured by its effect when it is given the chance to which it is entitled as the duly instituted policy of government for the suppression of the liquor evil.

It is also necessary to make fair comparisons if the effect of prohibition is to be accurately judged. Practically everyone admits that conditions now under prohibition are much better than conditions while the legalized saloon existed. And yet it is not fair to compare 1917 wet with 1930 dry without making due allowance for other changes that have taken place. Automobiles are faster and more numerous now. Mass production with mechanical power has multiplied the dangers and disadvantages of intoxication. The war greatly accelerated the movement toward social freedom and independence. The radio with synchronized programs and aeronautics with constant control imperative are but two of the more dramatic modern developments demanding human brains and human hands unaffected by alcohol. Therefore a fair comparison is not one contrasting present conditions with those existing in wet days. The true test is a reasonable appraisal of conditions as they would be now under the old system of liquor control or license compared with conditions as they are under prohibition. Another consideration that will be taken into account by all who regard the future general welfare, and not merely present personal desires, is the test of the trend of conditions under prohibition enforcement. In other words, is the prohibition enforcement method of liquor suppression a movement in the right direction? If the present trend toward power in production, speed in transportation, and freedom in social relationships is to continue, absolute sobriety will become increasingly important. The question, therefore, is partly one of whether prohibition enforcement is the right process to prepare America for the future. It must be judged not by the inevitable disarrangement surrounding new construction but by its eventual place in the American plan. With the exception of those at the top and bottom, respectively, too strong and weak to care, the answer of all must be that America's future demands the minimum use of intoxicants.

There may be those who sincerely believe that alcoholism will decrease if alcohol is made more conveniently available. But the drys openly profess and many of the wets must secretly confess that prohibition, aided by observance and backed by enforcement, is the most effective way to discourage the use of alcohol for beverage purposes. The fact remains that after years of experimentation this method was made the national policy of our Government through the adoption of the eighteenth amendment. Even now after 10 years of constant criticism the wets have failed to agree upon a plan that they dare to present as a substitute solution for the liquor problem. The present most hectic session of Congress with reference to wet opposition has brought forth no proposed legislation to take the place of enforced prohibition. The recent Washington convention of the various wet organizations adjourned without having offered a constructive plan to combat alcoholism. Therefore, with prohibition in the fundamental law, the enforcement machinery in operation, and nothing else in sight that would do the job of protecting high-speed, high-powered America against alcohol, there is just one really pertinent question. That is how to improve prohibition enforcement. In the past 10 years many handicaps have been overcome. Weak places in the law have been strengthened. Wholesale importations have been checked. Wholesale diversions have been greatly decreased. Enforcement personnel has been improved. But there are still other handicaps to overcome. The most serious at present is propaganda against the law. By this I mean the campaign of continual criticism which inevitably tends to discourage enforcement and encourage violation. Without doubt recent vicious attacks against the law have prompted many to drink who would otherwise have been content to abstain. It is equally certain that these attacks have given moral support to violators and have tended to weaken the morale of many charged with enforcement responsibilities. If the public press, particularly the popular magazines and the metropolitan newspapers, together with movies, should give whole-hearted, consistent, constructive support to prohibition observance and enforcement, the use of intoxicants would soon reach the lowest level ever achieved in the age-long struggle against alcoholism.

Another present enforcement handicap is the practice of playing politics with prohibition. Many men in public office endeavor to capitalize the wet sentiment that exists in their districts. Instead of giving sane and reasonable support to the Nation's program to suppress liquor they avail themselves of every occasion to inflame animosities against the dry law. They pose as patriots, but profiteer in prejudices.

Another handicap is the tendency of local officials to rely on the Federal Government for action against local violators. This situation was brought about largely by the intense publicity relative to Federal prohibition activities at Washington and partly by the perfectly human willingness of officials to shift unpleasant duties to more distant officials.

All of these and other prohibition difficulties can be remedied or overcome. Duty shifting local officials can be replaced. The influence of the wet press can be neutralized. Wet politicians will eventually become powerless when the public realizes more fully that they are merely blowing off a lot of steam without moving the machinery.

To those who want liquor when they want it and where they want it, cheap, convenient, and respectable, prohibition is, of course, increasingly unsatisfactory. But to those who want to solve the problem of protecting America from the narcotic habit-forming poison, beverage alcohol, prohibition offers the best hope for success.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, and it was signed by the Vice President.

THE CALENDAR

The VICE PRESIDENT. The morning business is closed.

Mr. McNARY. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar, beginning with Order of Business No. 993, House Joint Resolution 253.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

CONGRESS OF MILITARY MEDICINE AND PHARMACY

The Senate proceeded to consider the joint resolution (H. J. Res. 253) to provide for the expenses of a delegation of the United States to the sixth meeting of the Congress of Military Medicine and Pharmacy to be held at Budapest in 1931, which

had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 9, after the word "Budapest," to insert "or such other place as may be determined upon," so as to make the joint resolution read:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum, not exceeding $10,000, as may by the President be considered necessary for the expenses of participation by the United States through delegates appointed by the President in the Sixth International Congress of Military Medicine and Pharmacy to be held at Budapest or such other place as may be determined upon, including travel expenses, subsistence or per diem in lieu thereof (notwithstanding the provisions of any other act), compensation of employees, stenographic and other services by contract if deemed necessary (without regard to the provisions of sec. 3709 of the Revised Statutes), purchase of necessary books and documents, printing and binding in the District of Columbia or elsewhere, official cards, and such other expenses as the President may deem necessary.

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

BITTER ROOT IRRIGATION PROJECT, MONTANA

Mr. WALSH of Montana. Mr. President, when Order of Business 992, Senate bill 3826, was reached on yesterday, I was inadvertently absent from the Chamber. I ask unanimous consent to begin with Order of Business 992 instead of Order of Business 993.

Mr. PHIPPS. Mr. President, on account of the absence of the senior Senator from Washington [Mr. JONES] at the moment, I will ask if the Senator will not defer that request temporarily.

Mr. WALSH of Montana. Yes, Mr. President.

The VICE PRESIDENT. The clerk will state the next bill on the calendar.

CENTRAL BUREAU OF INTERNATIONAL MAP OF THE WORLD ON THE MILLIONTH SCALE

The joint resolution (H. J. Res. 14) to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale was read, considered, ordered to a third reading, read the third time, and passed.

LIVING QUARTERS, ETC., FOR CIVILIAN OFFICERS AND EMPLOYEES STATIONED ABROAD

The bill (H. R. 11371) to provide living quarters, including heat, fuel, and light, for civilian officers and employees of the Government stationed in foreign countries was read, considered, ordered to a third reading, read the third time, and passed.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

The bill (S. 2643) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

E. J. KERLEE

The Senate proceeded to consider the bill (H. R. 4564) for the relief of E. J. Kerlee, which had been reported from the Committee on Claims with an amendment, on page 1, line 8, after the word "Service," to strike out "and that the United States Employees' Compensation Commission be directed to pay the said E. J. Kerlee under the act regulating its administrative functions, such payments to begin as of February 14, 1928, being the date of the death of the deceased," so as to make the bill read:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to waive the limitation for filing claim for compensation in the case of E. J. Kerlee, who is declared to be a totally dependent father of Arthur LeRoy Kerlee, deceased, late a bacteriologist in the Public Health Service.

Mr. WALSH of Montana. Mr. President, I trust the amendment will not be agreed to.

The VICE PRESIDENT. The question is on the amendment of the committee.

The amendment was rejected.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HOWELL subsequently said: Mr. President, I desire to ask reconsideration of House bill 4564, for the relief of E. J. Kerlee. I understand that this bill was passed without the amendment recommended by the committee.

The VICE PRESIDENT. The question was put on the amendment proposed by the committee, and it was voted down, and the bill passed without the amendment.

Mr. HOWELL. I desire to serve notice now of a motion for reconsideration.

The VICE PRESIDENT. The Senator from Nebraska enters a motion to reconsider.

Mr. WALSH of Montana. Mr. President, I think the amendment actually makes no change whatever in the bill, and if it would operate to defeat its passage I should be quite willing that the amendment be adopted; but let me remark to the Senator that the bill, as will be observed, reads:

That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to waive the limitation for filing claim for compensation in the case of E. J. Kerlee, who is declared to be a totally dependent father of Arthur LeRoy Kerlee, deceased, late a bacteriologist in the Public Health Service.

So the bill as it now stands declares the father to be a dependent upon the son, who died in the service. That necessarily establishes his right under the law to the compensation which is provided for in that part of the bill which has been stricken out.

Mr. HOWELL. With the consent of the Senator from Montana, I ask for a reconsideration.

The VICE PRESIDENT. Without objection, the vote whereby the bill was ordered to a third reading and passed will be reconsidered, and the vote whereby the amendment of the committee was rejected will be reconsidered. The question now is upon agreeing to the amendment of the committee.

Mr. WALSH of Montana. Mr. President, as I have stated to the Senator from Nebraska, I do not think that the purport of the bill is materially affected, whether the portion of it stricken out by the amendment is retained or not. Accordingly, rather than have the bill go over, I make no objection to the amendment offered by the committee.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOSEPH A. M'EVOY

The bill (H. R. 329) for the relief of Joseph A. McEvoy was read, considered, ordered to a third reading, read the third time, and passed.

ANGELO CERRI

The bill (H. R. 414) for the relief of Angelo Cerri was read, considered, ordered to a third reading, read the third time, and passed.

LUTHER W. GUERIN

The bill (H. R. 471) for the relief of Luther W. Guerin was read, considered, ordered to a third reading, read the third time, and passed.

GUY E. TUTTLE

The bill (H. R. 655) for the relief of Guy E. Tuttle was read, considered, ordered to a third reading, read the third time, and passed.

ROSE LEA COMSTOCK

The bill (H. R. 1888) for the relief of Rose Lea Comstock was read, considered, ordered to a third reading, read the third time, and passed.

MRS. W. M. KITTLE

The bill (H. R. 2166) for the relief of Mrs. W. M. Kittle was read, considered, ordered to a third reading, read the third time, and passed.

SARAH E. EDGE

The bill (H. R. 2167) for the relief of Sarah E. Edge was read, considered, ordered to a third reading, read the third time, and passed.

A. C. ELMORE

The bill (H. R. 6627) for the relief of A. C. Elmore was read, considered, ordered to a third reading, read the third time, and passed.

HOWARD PERRY

The bill (H. R. 7013) for the relief of Howard Perry was read, considered, ordered to a third reading, read the third time, and passed.

CATHERINE WHITE

The Senate proceeded to consider the bill (H. R. 494) for the relief of Catherine White, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$1,000" and insert "$250," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Govment, the sum of $250 to Catherine White.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLARENCE C. CADELL

The Senate proceeded to consider the bill (H. R. 528) for the relief of Clarence C. Cadell, which had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence C. Cadell, as reimbursement for expenses and inconveniences suffered by him as the direct result of personal injuries received by him on October 25, 1921, at Baltimore, Md., when he was struck by an automobile operated by the United States Army, the sum of $480.12, in full settlement of his claim for damages and loss of earnings and incidental expenses resulting from said injury.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LAURA A. DEPODESTA

The bill (H. R. 1759) for the relief of Laura A. DePodesta was announced as next in order.

Mr. REED. Mr. President, this is a bill to give six months' pay to a lieutenant of the Reserve Corps who was killed in an airplane accident.

There have been a good many deaths of the same sort under similar circumstances. It has seemed to the Military Affairs Committee, to which some of these bills have been referred, that it is not fair to single out particular cases for compensation, and that the matter ought to be cared for by general legislation. It is for that reason that I am going to object; and I assure the Senate that we shall try to bring out a bill which will provide automatically for such compensation in these cases.

The VICE PRESIDENT. Objection is made, and the bill will be passed over.

KATHERINE FRANCES LAMB AND ELINOR FRANCES LAMB

The Senate proceeded to consider the bill (H. R. 495) for the relief of Katherine Frances Lamb and Elinor Frances Lamb, which had been reported from the Committee on Claims with amendments, on page 1, line 3, after the word "the," to strike out "Postmaster General" and insert "Secretary of the Treasury be, and he," and in line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise apptopriated, to Katherine Frances Lamb the sum of $1,500 in full settlement for injuries received by her and by her 7-year-old daughter, Elinor Frances Lamb, when, on July 10, 1926, while they were passing the building in the city of Yonkers, N. Y., owned by the United States Government and located on property purchased by it for post-office purposes, a plate-glass window, negligently insecure, was blown out by a windstorm and severely cut and injured both the mother and daughter: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PARKE, DAVIS & CO.

The bill (H. R. 328) for the relief of Parke, Davis & Co. was read, considered, ordered to a third reading, read the third time, and passed.

J. H. MUUS

The bill (H. R. 396) for the relief of J. H. Muus was read, considered, ordered to a third reading, read the third time, and passed.

BENJAMIN C. LEWIS AND BESSIE LEWIS

The bill (H. R. 523) for the relief of Benjamin C. Lewis and Bessie Lewis, his wife, was read, considered, ordered to a third reading, read the third time, and passed.

Mr. TYDINGS subsequently said: Mr. President, a moment ago we passed House bill 523, for the relief of Benjamin C. Lewis and Bessie Lewis, his wife.

That bill was introduced in the House by a Maryland Representative; and I understand that the amount which is carried is unsatisfactory to the people who brought it to his attention. I therefore ask unanimous consent to reconsider the action by which the bill was passed, and that it be recommitted to the committee for further hearing.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ARTHUR H. THIEL

The bill (H. R. 1485) for the relief of Arthur H. Thiel was read, considered, ordered to a third reading, read the third time, and passed.

THOMAS SELTZER

The bill (H. R. 1546) for the relief of Thomas Seltzer was read, considered, ordered to a third reading, read the third time, and passed.

WILLIAM MEYER

The bill (H. R. 1592) for the relief of William Meyer was read, considered, ordered to a third reading, read the third time, and passed.

HOMER ELMER COX

The bill (H. R. 2645) for the relief of Homer Elmer Cox was read, considered, ordered to a third reading, read the third time, and passed.

DR. CHARLES F. DEWITZ

The bill (H. R. 2776) for the relief of Dr. Charles F. Dewitz was read, considered, ordered to a third reading, read the third time, and passed.

PETERSON-COLWELL (INC.)

The bill (H. R. 3072) for the relief of Peterson-Colwell (Inc.) was read, considered, ordered to a third reading, read the third time, and passed.

CHARLES H. YOUNG

The bill (H. R. 3431) for the relief of Charles H. Young was read, considered, ordered to a third reading, read the third time, and passed.

META S. WILKINSON

The bill (H. R. 3441) for the relief of Meta S. Wilkinson was read, considered, ordered to a third reading, read the third time, and passed.

SYLVESTER J. EASLICK

The bill (H. R. 5113) for the relief of Sylvester J. Easlick was read, considered, ordered to a third reading, read the third time, and passed.

TOPA TOPA RANCH CO. AND OTHERS

The bill (H. R. 5459) for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koenigstein, and H. Fukasawa was read, considered, ordered to a third reading, read the third time, and passed.

FRED S. THOMPSON

The bill (H. R. 5526) for the relief of Fred S. Thompson was read, considered, ordered to a third reading, read the third time, and passed.

RAY WILSON

The bill (H. R. 5872) for the relief of Ray Wilson was read, considered, ordered to a third reading, read the third time, and passed.

R. E. MARSHALL

The bill (H. R. 5962) for the relief of R. E. Marshall was read, considered, ordered to a third reading, read the third time, and passed.

Mr. PHIPPS. Mr. President, may I suggest that we are going a little rapidly? It is almost impossible for anyone to scan these bills to see what they mean.

The VICE PRESIDENT. The clerk will read a little more slowly.

DALTON G. MILLER

The bill (H. R. 6209) for the relief of Dalton G. Miller was read, considered, ordered to a third reading, read the third time, and passed.

JOSEPH K. MUNHALL

The bill (H. R. 6210) to authorize an appropriation for the relief of Joseph K. Munhall was read, considered, ordered to a third reading, read the third time, and passed.

ELIZABETH LYNN

The Senate proceeded to consider the bill (H. R. 6227) for the relief of Elizabeth Lynn, which had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the words "sum of," to strike out "$5,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, which shall be paid by the Secretary of the Treasury to Elizabeth Lynn for all injuries and damages and money expended growing out of injuries and damages received by her on May 31, 1919, at Fourteenth and Oak Streets NW., Washington, D. C., and which were caused by the falling of a tree which was uprooted when struck by a United States Army automobile, United States No. 2055, driven by Ellis Vernon Lynch, colored, making necessary an operation and causing great mental and physical anguish: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ROBERT W. VAIL

The bill (H. R. 6825) to extend the measure of relief provided in the employees' compensation act of September 7, 1916, to Robert W. Vail was read, considered, ordered to a third reading, read the third time, and passed.

M. L. FLOW

The bill (H. R. 7664) to authorize payment of fees to M. L. Flow, United States commissioner, of Monroe, N. C., for services rendered after his commission expired and before a new commission was issued for reappointment was read, considered, ordered to a third reading, read the third time, and passed.

PALMER FISH CO.

The Senate proceeded to consider the bill (H. R. 8347) for the relief of the Palmer Fish Co., which was read the third time and passed.

CHARLES G. METTLER

The Senate proceeded to consider the bill (H. R. 8393) to authorize the Court of Claims to correct an error in claim of Charles G. Mettler, which was read the third time and passed.

STREET-RAILWAY CORPORATIONS MERGER

The joint resolution (S. J. Res. 105) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. BLAINE and Mr. PHIPPS asked that the joint resolution be passed over.

Mr. GLASS. Mr. President, I want to inquire what Senator it was who objected to this, and why?

The VICE PRESIDENT. Two Senators objected.

Mr. GLASS. I would like to know who they are.

Mr. PHIPPS. Mr. President, I objected, for one, simply because the joint resolution is a lengthy measure with which I am not familiar, and I did not think it could be properly considered under the 5-minute rule.

Mr. GLASS. It is a measure which was reported by the District Committee, authorizing the two public-railway companies in the District of Columbia to merge.

Mr. PHIPPS. It occurred to me that it could not be properly considered under the 5-minute rule; but if the Senator is of the other opinion, I will be pleased to withdraw my objection.

Mr. GLASS. The provisions of the joint resolution might be stated within five minutes, if it did not create any controversy. If it is going to create controversy, I do not want to insist on it.

Mr. McKELLAR. Mr. President, this is a very important measure. Does it provide for the reduction of fares after the companies are merged?

Mr. GLASS. That question is in the courts. This measure does not provide for a reduction of the fares.

Mr. LA FOLLETTE. Mr. President, in the interest of saving time, I object.

The VICE PRESIDENT. Objection is made by the Senator from Wisconsin, and the joint resolution will be passed over.

TERM OF COURT AT PONCA CITY, OKLA.

The Senate proceeded to consider the bill (H. R. 6347) to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182), which was read the third time and passed.

MISSOURI RIVER BRIDGE, KANSAS

The Senate proceeded to consider the bill (H. R. 10376) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans., which was read the third time and passed.

JOHN MAIKA

The Senate proceeded to consider the bill (H. R. 531) for the relief of John Maika, which had been reported from the Committee on Claims with amendments, on page 1, line 5, to strike out "$5,000" and insert in lieu thereof "$2,500"; and on line 9, to strike out "$5,000" and insert in lieu thereof "$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay John Maika the sum of $2,500 in full settlement of all claims against the Government of the United States resulting from the death of his son, Michael Maika, who was struck and killed by an Army truck of the United States of America on the 3d day of September, 1923, and the said sum of $2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

SEC. 2. That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

C. B. SMITH

The Senate proceeded to consider the bill (H. R. 794) for the relief of C. B. Smith, which had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. B. Smith, of Elizabethtown, Hardin County, Ky., the sum of $1,500 in full settlement of all claims against the United States for injuries arising out of a gunshot wound inflicted by the discharge of a machine gun in Elizabethtown on April 6, 1918.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BELLE CLOPTON

The Senate proceeded to consider the bill (H. R. 913) for the relief of Belle Clopton, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$1,000" and insert in lieu thereof "$500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $500 to Belle Clopton, of Covington, Ky., on account of injuries sustained when struck by a post-office mail truck in said city on December 24, 1927.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CATHARINE KEARNEY

The Senate proceeded to consider the bill (H. R. 919) for the relief of the father of Catharine Kearney, which had been reported from the Committee on Claims with amendments, on page 1, line 7, to strike out "$5,000" and insert in lieu thereof "$2,500," and on page 2, line 3, to strike out "$5,000" and insert in lieu thereof "$2,500," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the father of Catharine Kearney, of Manhattan Borough, New York City, the sum of $2,500 as damages sustained by reason of the killing of said Catharine Kearney, who died in Manhattan Borough, New York City, on March 24, 1919, as a result of injuries received at New York City on March 24, 1919, by being run down by a Government-owned automobile truck operated by an employee of the United States Mail Service under the jurisdiction of the New York post office; such sum of $2,500 to be distributed to said decedent's father and next of kin as damages in an action for causing death by a wrongful act under the laws of the State of New York: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLYDE CORNISH

The Senate proceeded to consider the bill (H. R. 2170) for the relief of Clyde Cornish, which had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to Clyde Cornish, of Frankfort, Ky., the sum of $2,500 because of physical injury and damages sustained by him when struck by a motor truck owned and operated by the War Department: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HASKINS & SELLS

The Senate proceeded to consider the bill (H. R. 320) for the relief of Haskins & Sells, which was read the third time and passed.

M. L. WILLIS

The Senate proceeded to consider the bill (H. R. 597) for the relief of M. L. Willis, which was read the third time and passed.

W. P. THOMPSON

The Senate proceeded to consider the bill (H. R. 864) for the relief of W. P. Thompson, which was read the third time and passed.

JESSE A. FROST

The Senate proceeded to consider the bill (H. R. 1058) for the relief of Jesse A. Frost, which was read the third time and passed.

EVELYN HARRIS

The Senate proceeded to consider the bill (H. R. 1066) for the relief of Evelyn Harris, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the numerals "$1,720," to insert the words "in full settlement of all claims against the Government," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Evelyn Harris, out of any money in the Treasury not otherwise appropriated, the sum of $1,720 in full settlement of all claims against the Government for damage to her pear orchard caused by fire, which originated through the negligence of a Government employee in the Aberdeen Proving Ground observation tower at Howells Point, Md., December 14, 1925.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

A. N. WORSTELL

The Senate proceeded to consider the bill (H. R. 1174) for the relief of A. N. Worstell, which was read the third time and passed.

JACOB GUSSIN

The Senate proceeded to consider the bill (H. R. 1712) for the relief of the heirs of Jacob Gussin, which was read the third time and passed.

F. G. BAUM

The Senate proceeded to consider the bill (H. R. 1717) for the relief of F. G. Baum, which was read the third time and passed.

A. E. BICKLEY

The Senate proceeded to consider the bill (H. R. 6243) for the relief of A. E. Bickley, which was read the third time and passed.

PRENTICE O'REAR

The Senate proceeded to consider the bill (H. R. 6537) for the relief of Prentice O'Rear, which was read the third time and passed.

MICHAEL J. BAUMAN

The Senate proceeded to consider the bill (H. R. 6718) for the relief of Michael J. Bauman, which was read the third time and passed.

FRED SCHWARZ, JR.

The Senate proceeded to consider the bill (H. R. 7068) for the relief of Fred Schwarz, jr., which was read the third time and passed.

LIEUT. COL. FRANK J. KILLILEA

The Senate proceeded to consider the bill (H. R. 9246) to reimburse Lieut. Col. Frank J. Killilea, which was read the third time and passed.

THOMAS GRIFFITH

The Senate proceeded to consider the bill (H. R. 11088) for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va., which was read the third time and passed.

SAMUEL GETTINGER AND HARRY POMERANTZ

The bill (H. R. 334) for the relief of Samuel Gettinger and Harry Pomerantz was announced as next in order.

Mr. REED. Mr. President, this is a bill to pay some $5,000 to two defendants in a criminal case who pleaded nolo contendere, and were fined $5,000. Subsequently, in other litigation between the Government and other people, the act in question was found to be unconstitutional. If we are going to start——

Mr. BLACK. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. BLACK. I happened to be on the committee which passed upon this matter, and I am familiar with it. When it was first presented I had exactly the views entertained by the Senator from Pennsylvania. However, we paid money back in two or three somewhat similar cases last year, and on looking into this record it will be found that when this plea was entered and the fine paid, it was with the understanding, so far as it could be made by the Government officials, that if the law were later held to be unconstitutional, every effort would be made on the part of the Government officials to refund the money. That was the way the plea was entered, and it was entered upon that inducement. Otherwise, the case would have been contested, as the hearing showed, and probably the same result would have occurred. I simply desired to give the Senator that information.

Mr. REED. Mr. President, I wish the Senator would explain to us why the committee has reported out so many bills refunding fines paid in criminal cases. I stopped a bill yesterday to refund a fine to a defendant who had pleaded guilty. The Committee on Claims reported out a bill to refund the fine because his codefendants got binding instructions in their favor, on the ground that there was not sufficient evidence of the commission of a crime. He pleaded guilty, a moderate fine was imposed,

he compromised his case, so to speak, by pleading guilty, and then his codefendants went on to trial, and now the Committee on Claims wants to give this man back the amount of his fine on the plea of guilty. I objected to the bill yesterday.

It seems to me this measure is all of a piece with the bill of which I have spoken. I think we ought to go very slow in remitting fines to defendants who plead nolo contendere in order to escape the trouble and expense of a lawsuit and to get off with a moderate fine.

Mr. BLACK. Mr. President, I will say to the Senator that, as far as the other case was concerned, I do not recall it. With reference to this one, I first objected in the Committee on Claims, on the theory that if we opened the door, the claims would be unlimited, but on looking further into the record I found that the inducement was made and that the claim was then asserted that the law was unconstitutional, and the fine was paid with that understanding. It occurred to me that it would not be fair not to take some such action as this.

Mr. REED. At the present moment, with the Government holding millions of dollars of taxes which have been collected under various wrong constructions and unconstitutional clauses from taxpayers, why we should make a criminal or an apparent criminal whole and not pay an innocent taxpayer, I can not see. It is a question of the wisdom of the policy. I think it deserves more consideration than we could give it now, so I ask that the bill go over.

The VICE PRESIDENT. On objection, the bill will be passed over.

MARGARET LEMLEY

The Senate proceeded to consider the bill (H. R. 1724) for the relief of Margaret Lemley, which was read the third time and passed.

FERNANDO MONTILLA

The Senate proceeded to consider the bill (H. R. 3732) for the relief of Fernando Montilla, which was read the third time and passed.

ALBERT A. INMAN

The bill (H. R. 3889) for the relief of Albert A. Inman was announced as next in order.

Mr. PHIPPS. Let that go over. That and the next one seem to be on the same basis with the one to which the Senator from Pennsylvania objected, and I think both those should go over.

The VICE PRESIDENT. The bill will be passed over.

HARRY MARTIN

The bill (H. R. 3891) for the relief of Harry Martin was announced as next in order.

The VICE PRESIDENT. The same order will be made as to that bill, and it will be passed over.

ISAAC FINK

The bill (H. R. 4161) for the relief of Isaac Fink was announced as next in order.

Mr. REED. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

PAUL FRANZ

The Senate proceeded to consider the bill (H. R. 7027) for the relief of Paul Franz, torpedo man, third class, United States Navy, which was read the third time and passed.

BRYAN SPARKS AND L. V. HAHN

The Senate proceeded to consider the bill (H. R. 8491) for the relief of Bryan Sparks and L. V. Hahn, which was read the third time and passed.

BITTER ROOT IRRIGATION PROJECT, MONTANA

The Senate proceeded to consider the bill (H. R. 9990) for the rehabilitation of the Bitter Root irrigation project, Montana, which was read the third time and passed.

Mr. WALSH of Montana. Mr. President, this bill is identical with Senate bill 3826, Order of Business 992, and I ask that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The Senate bill will be indefinitely postponed.

REIMBURSEMENT OF STATES

The Senate proceeded to consider the bill (H. R. 704) to grant relief to those States which brought State-owned property into the Federal service in 1917, which was read the third time and passed.

MARCH FIELD MILITARY RESERVATION, CALIF.

The Senate proceeded to consider the bill (H. R. 2021) to authorize the establishment of boundary lines for the March Field Military Reservation, Calif., which was read the third time and passed.

DONATION OF BRONZE CANNON TO AVON, MASS.

The Senate proceeded to consider the bill (H. R. 6264) to authorize the Secretary of War to donate a bronze cannon to the town of Avon, Mass., which was read the third time and passed.

SALE OF JACKSON BARRACKS MILITARY RESERVATION, LA.

The Senate proceeded to consider the bill (H. R. 6871) to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes, which was read the third time and passed.

RIGHT OF WAY IN HOLABIRD RESERVATION, MD.

The Senate proceeded to consider the bill (H. R. 9280) to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation, in the State of Maryland, which was read the third time and passed.

CONSTRUCTION OF MILITARY POSTS

The Senate proceeded to consider the bill (H. R. 11405) to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes," which was read the third time and passed.

ACQUISITION OF LAND AT KELLY FIELD, TEX.

The Senate proceeded to consider the bill (H. R. 12263) to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims, which was read the third time and passed.

VETERINARY CORPS OF REGULAR ARMY

The Senate proceeded to consider the bill (H. R. 2755) to increase the efficiency of the Veterinary Corps of the Regular Army, which was read the third time and passed.

ACQUISITION OF ADDITIONAL LAND AT MAXWELL FIELD, ALA.

The Senate proceeded to consider the bill (H. R. 7638) to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, which was read the third time and passed.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS, JOHNSON CITY, TENN.

The Senate proceeded to consider the bill (H. R. 6340) to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn., which was read the third time and passed.

STATE OF VERMONT

The Senate proceeded to consider the bill (H. R. 3222) for the relief of the State of Vermont, which was read the third time and passed.

FORT GRISWOLD TRACT, CONNECTICUT

The Senate proceeded to consider the bill (S. 4248) authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut, which was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the State of Connecticut, for the purposes of a public park and historic memorial, the tract of land owned by the United States known as the Fort Griswold tract, situated on the east shore of New London Harbor, in the State of Connecticut, and bounded northerly by the Fort Griswold monument reservation and by the land of various private parties, easterly and southerly by the land of various private parties, and westerly by New London Harbor and by the land of various private parties; reserving to the United States, however, the right to resume possession and occupy said tract or any portion thereof whenever in the judgment of the President an emergency exists that requires the use and appropriation of the same for the public defense.

BILL PASSED OVER

The bill (H. R. 8159) to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes, was announced as next in order.

Mr. STECK. Let the bill go over.

The PRESIDING OFFICER. On objection of the Senator from Iowa the bill will be passed over.

THREE HUNDREDTH ANNIVERSARY OF FOUNDING OF MASSACHUSETTS BAY COLONY

The Senate proceeded to consider the joint resolution (H. J. Res. 306) establishing a commission for the participation of the United States in the observance of three hundredth anniversary of the founding of the Massachusetts Bay Colony, authorizing

an appropriation to be utilized in connection with such observance, and for other purposes, which was read the third time and passed.

COOSA RIVER BRIDGE, GILBERTS FERRY, ALA.

The Senate proceeded to consider the bill (H. R. 10461) authorizing Royce Kershaw, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry, about 8 miles southwest of Gadsden, in Etowah County, Ala., which was read the third time and passed.

MAUDE L. DUBORG

The Senate proceeded to consider the bill (H. R. 1509) for the relief of Maude L. Duborg, which was read the third time and passed.

THOMAS T. GRIMSLEY

The Senate proceeded to consider the bill (H. R. 1510) for the relief of Thomas T. Grimsley, which was read the third time and passed.

LIEUT. TIMOTHY J. MULCAHY

The Senate proceeded to consider the bill (H. R. 1696) for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy, which was read the third time and passed.

THOMAS J. PARKER

The Senate proceeded to consider the bill (H. R. 6268) for the relief of Thomas J. Parker, which was read the third time and passed.

MYRTLE M. HITZING

The Senate proceeded to consider the bill (H. R. 6416) for the relief of Myrtle M. Hitzing, which was read the third time and passed.

EXCHANGE OF LANDS IN THE PHILIPPINE ISLANDS

The bill (S. 1603) to provide for the exchange of lands of the United States in the Philippine Islands for lands of the Philippine Government was considered. The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 4, to strike out the word "any" and insert the word "the"; on page 1, line 5, after the word "lands," to insert the words "and buildings known as Fort San Pedro and Warwick Barracks, Cebu"; in line 6, to strike out the words "or interest therein of the United States now held or hereafter acquired for military purposes," so as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized, when in his opinion the public good demands it, to exchange the lands and buildings known as Fort San Pedro and Warwick Barracks, Cebu, in the Philippine Islands for lands or any interest therein now under the control of or hereinafter acquired by the government of the Philippine Islands of equal or less value than the lands or interest therein of the United States. The lands to be exchanged by the government of the Philippine Islands hereunder shall not include any lands or interest therein which are subject to reservation by the President of the United States. The President is hereby authorized to set apart for military purposes the lands or interest therein so acquired in exchange: *Provided*, That section 355 of the Revised Statutes (U. S. C., p. 1302, sec. 255), shall not apply to exchanges to be made hereunder.

SEC. 2. That the value of the lands or interests therein to be so exchanged shall be determined by a board of three appraisers, one to be appointed by the Governor General of the Philippine Islands, one to be appointed by the commanding general Philippine Department, and the third to be selected by the other two. The expense necessary to effect the appraisements herein authorized, when approved by the department commander of the Philippine Department, may be paid out of the current appropriations for contingencies of the Army.

SEC. 3. That any excess found to be due to the United States by reason of said values thus fixed shall be considered as a standing credit in favor of the United States to be offset and discharged by future transfers of lands by the government of the Philippine Islands to the United States from time to time, at the discretion of the President, exclusive of lands subject to reservation by the President of the United States and subject to appraisal as provided in section 2 of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF LANDS IN MICHIGAN

The bill (S. 4683) to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan, was considered. The bill had been reported from the Committee on Military Affairs with amendments, in line 4, after the word "to," to insert the words "cause to be appraised and to"; in line 5, after the word "advisable," to insert the words "at not less than the appraised value"; in line 7, to strike out the words "to the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors and assigns"; on page 2, line 3, to strike out "such railroad company" and insert "the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co.," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to cause to be appraised and to sell upon such terms and conditions as he considers advisable, at not less than the appraised value, and to make proper deed of conveyance therefor all of the right, title, interest, and estate of the United States of America in and to the lands (or any part thereof, described in the instrument dated March 8, 1859, issued to the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co. under the provisions of the act entitled "An act granting the right of way over and depot grounds on the military reserve at Fort Gratiot, in the State of Michigan, for railroad purposes," approved February 8, 1859, as amended.

SEC. 2. That the proceeds of said sale shall be deposited in the Treasury to the credit of the fund known as the military post construction fund, after first paying the expenses of and incident to the sale.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DONATIONS OF SITES FOR PUBLIC BUILDINGS

The bill (H. R. 12343) to authorize the Secretary of the Treasury to accept donations of sites for public buildings was considered and was read.

Mr. BLAINE. Mr. President, the bill authorizes the Secretary of the Treasury to accept donations of sites for public buildings. I am curious to know what the language "and so forth" in line 5 embraces.

Mr. REED. Mr. President, the purpose of the introduction of the bill is to authorize the acceptance of a site for a post-office building where the offer will expire by its terms on the first of next month. I have no idea why the words "and so forth" were included or what they may mean. I have an idea, if we strike them out, that the House will not object. I therefore move to amend the bill in line 5 by striking out the words "and so forth."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 5, strike out the words "and so forth," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury may, in his discretion, accept on behalf of the United States the donation of sites for public buildings in cases when allocation of funds have been or may hereafter be reported to Congress under the provisions of the public buildings act, approved May 25, 1926, and acts amendatory thereof, notwithstanding that specific authorization for the acquisition of sites in such cases may not yet have been made by Congress.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

APPLICATION OF PENSION LAWS TO COAST GUARD

The bill (H. R. 12099) to apply the pension laws to the Coast Guard was read, considered, ordered to a third reading, read the third time, and passed.

JOSEFA T. PHILIPS

The bill (H. R. 12586) granting an increase of pension to Josefa T. Philips was read, considered, ordered to a third reading, read the third time, and passed.

SULPHUR RIVER BRIDGE NEAR FORT LYNN, ARK.

The bill (H. R. 12663) granting the consent of Congress to the Texas & Pacific Railway Co. to reconstruct, maintain, and operate a railroad bridge across Sulphur River in the State of Arkansas near Fort Lynn was read, considered, ordered to a third reading, read the third time, and passed.

ELIZABETH B. DAYTON

The bill (H. R. 2782) for the relief of Elizabeth B. Dayton was considered. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Elizabeth B. Dayton, who contracted scarlet fever while in the performance of her duties as an employee of the United States Shipping Board.

The amendment was agreed to.



The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOHN PANZA AND ROSE PANZA

The bill (H. R. 917) for the relief of John Panza and Rose Panza was considered. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$1,200" and insert "$1,055," so as to read:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,055, and that the said sum be paid to John Panza and Rose Panza, as just compensation and in full settlement and satisfaction of their damages and loss incurred and suffered by reason of the use and occupation of their building and land by the United States Government for hospital purposes.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RELIEF OF STATE OF NEW YORK

The bill (H. R. 47) for the relief of the State of New York was considered. The bill had been reported from the Committee on Claims with an amendment on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of New York the sum of $55,917.68, being the amount expended by the said State of New York for the construction of a delousing station on Hoffmans Island, New York Harbor, which was thereafter transferred to the Public Health Service.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 650) for the payment of damages to certain citizens of California and other owners of property damaged by the flood, caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States was announced as next in order.

Mr. WALSH of Montana. I ask that the bill go over.

The PRESIDING OFFICER. On objection of the Senator from Montana, the bill goes over.

LAURIN GOSNEY

The bill (H. R. 2222) for the relief of Laurin Gosney was considered. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$3,000" and insert "$1,000," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Laurin Gosney to reimburse him for physical injury sustained due to the careless operation of a United States Army truck, Ross Field, Arcadia, Calif.: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

J. A. MILLER

The Senate proceeded to consider the bill (H. R. 1739) for the relief of J. A. Miller, which was read the third time and passed.

J. N. LEWIS

The Senate proceeded to consider the bill (H. R. 6663) for the relief of J. N. Lewis, which was read the third time and passed.

JACOB S. STELOFF

The Senate proceeded to consider the bill (H. R. 1076) for the relief of Jacob S. Steloff, which was read the third time and passed.

PAUL A. HODAPP

The Senate proceeded to consider the bill (H. R. 2464) for the relief of Paul A. Hodapp, which was read the third time and passed.

MRS. FANOR FLORES AND PEDRO FLORES

The Senate proceeded to consider the bill (H. R. 7026) for the relief of Mrs. Fanor Flores and Pedro Flores, which was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 8723) for the relief of Rachel Levy was announced as next in order.

Mr. REED. I ask that the bill go over.

The PRESIDING OFFICER. Upon objection of the Senator from Pennsylvania, the bill will go over.

LIEUT. COL. CHARLES F. SARGENT

The Senate proceeded to consider the bill (H. R. 11493) to reimburse Lieut. Col. Charles F. Sargent, which was read the third time and passed.

COLUMBIA ARSENAL PROPERTY, TENNESSEE

The bill (H. R. 2156) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress, was considered. The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 4, to strike out "the" and to insert the word "The"; on page 2, line 3, to strike out the word "the" and insert the word "The"; and on page 3, line 14, to strike out the word "the" and insert the word "The," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell to and to make proper deed of conveyance to The Columbia Military Academy, a corporation organized under the laws of the State of Tennessee, all of the title, interest, limitations, conditions, restrictions, reservations, and rights owned and held by the United States of America as defined in Public Act No. 152 of the second session of the Fifty-eighth Congress and in the deed of the United States of America to the lands conveyed therein to The Columbia Military Academy, of record in book No. 105, volume 4, page 495, in the register's office of Maury County, Tenn. Said limitations, conditions, restrictions, reservations, and rights are defined in said public act and deed as follows:

"That the Secretary of War shall be a visitor to said school, and have and exercise full rights of visitation, and he shall have the right and authority, in his discretion, as the public interest requires, to prescribe the military curriculum of said school, and to enforce compliance therewith, and upon refusal or failure of the authorities of said school to comply with the rules and regulations so prescribed by the Secretary of War, or the terms of the act, he is authorized to declare that the estate of the grantee has terminated and the property shall revert to the United States, and the Secretary of War is authorized thereupon to take possession of said property in behalf of the United States, and shall further reserve to the United States the right to use such lands for military purposes at any time upon demand of the President of the United States."

Said lands to which said limitations, conditions, restrictions, reservations, and rights attach are described as situated in the ninth civil district of Maury County, Tenn., and were formerly used as an arsenal and known as the Columbia Arsenal property, the same comprising about 67 acres, more or less, and generally bounded by the Hampshire Pike, the Louisville & Nashville Railroad, the Mount Pleasant Pike, and a public road connecting the two pikes above named.

All of said limitations, conditions, restrictions, reservations, and rights of the United States of America, whether legal or equitable, vested or contingent, in and to said lands as specified and defined in said public law and deed and belonging to the United States of America will pass to the purchaser under the sale herein authorized.

SEC. 2. The Secretary of War shall accept the bid of The Columbia Military Academy, a body corporate, to purchase the rights of the United States of America in and to said property hereinabove defined, said bid being for the sum of $10,000, and to be paid in cash.

SEC. 3. That the said sum of $10,000 shall be deposited in the Treasury to the fund known as the military post construction fund.

SEC. 4. Public Law No. 542, Seventieth Congress (H. R. 12479), is hereby repealed.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLIFFORD J. TURNER

The Senate proceeded to consider the bill (H. R. 11477) for the relief of Clifford J. Turner, which was ordered to a third reading and passed.

GEORGE B. MARX

The bill (S. 191) for the relief of George B. Marx was considered. The bill had been reported from the Committee on Claims with amendments.

Mr. REED. Mr. President, I would like some one to tell me why this case does not go to the Court of Claims. How can we liquidate damages on a breach of contract?

Mr. HOWELL. Mr. President, the trouble is that this is a settlement in full which was made with Marx in 1919. If it went to the Court of Claims, he could recover nothing. It is a rather remarkable case.

It seems that Marx entered into a contract in 1919 to construct 200 wire carts for the Air Service at about $1,080 per cart. There was no cancellation clause in his contract, but subsequently he was ordered to suspend construction and an accountant was sent to Marx's establishment for the purpose of determining what was really due Marx. He reported the sum to be $139,000. Upon the basis of the report the Government settled with Marx and he was paid and gave a release in full.

There were two representatives of the Government who dealt with Marx. They were both attorneys. Those two attorneys come in now and say they gave Marx to understand that this was not a settlement in full. Marx insists that it was not a settlement in full, although he states that he offered to take 80 per cent of the $139,000 and allow a reaudit to determine what should be due him, but that the Government representatives said no and refused to do that. Then he was paid the $139,000 and the attorneys who dealt with him now make affidavit to the effect that they gave him to understand that it was a partial settlement.

However, Marx is in the manufacturing business and has been in it for years. The establishment began business in 1859, as a matter of fact, and he undoubtedly was a business man of sufficient ability to understand what a complete release meant to the Government of the United States and he signed the release.

The War Department in 1929 reaudited the account and found that there was due Marx this additional amount, but the audit was necessarily from tally sheets and not from the material which had been inspected by the auditors sent there in 1919 and then gone over carefully. As a consequence the War Department recommends that the claim should not be allowed. The best evidence, as they claim, was the evidence available to the auditors who were there for two months in the establishment when the material, raw, partly finished and finished, was all there, and that was the evidence upon which the settlement was made.

But here is another remarkable fact: That auditor now makes an affidavit to the effect that he was sent there by the Government and told by Government officials that he should not find more than $70,000 due this man, and that they were German sympathizers. He states in his affidavit that he was so affected by prejudice as a result of those statements that he did not make a fair audit for this man. Those affidavits were made just recently, and Senators will realize, taking all together, the affidavits of these two attorneys, representing the Government, who were then captains in the Air Service, and the affidavit of this auditor, instead of clarifying the equities in this case simply embarrass one in arriving at a proper conclusion.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired. Is there objection to the further consideration of the bill?

Mr. REED. Mr. President, I notice the Senator from Nebraska has filed views of the minority in this case. I desire to ask him to say, in my time, whether he thinks this bill ought to be passed or not?

Mr. HOWELL. As a matter of policy, it has seemed to me the bill should not be passed; and I must say that, in view of these amazing affidavits, I wonder what are the equities in this case.

Mr. GEORGE. I notice that the author of this bill is not present, and I, therefore, object to its further consideration. Let it go over.

The PRESIDING OFFICER. Objection is made, and the bill will go over. The clerk will state the next bill on the calendar.

JAMES WILLIAMSON

The bill (S. 4435) for the relief of James Williamson, and those claiming under or through him, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to James Williamson, in trust for those claiming under or through him, the patent of the United States for lots 5, 6, and 7, section 14; lots 7, 8, and 9, section 23; and lots 1, 2, and 3, section 24, all in township 30 south, range 38 east, Tallahassee meridian, Florida, without mineral reservation, the same to be in lieu of the patent which issued to James Williamson in trust for those claiming under or through him, on April 3, 1930, under the act of December 22, 1928, containing a reservation of coal and all other minerals.

PAYMENT OF CLAIM OF NORWEGIAN GOVERNMENT

The joint resolution (H. J. Res. 322) authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Government of Norway, as an act of grace and without reference to the question of legal liability, an amount equal to 6½ per cent interest upon 58,480 kroner from February 24, 1920, to December 8, 1920, and upon 65,162.97 kroner from December 8, 1920, to July 13, 1925, the sums advanced by the Government of Norway in connection with the care by its representatives of American interests in Moscow, Russia, during the years 1918 and 1919, together with 6½ per cent interest on the unpaid interest from July 13, 1925, to the date of payment pursuant to this joint resolution, not to exceed in all $8,500; and the appropriation for the "Relief, protection, and transportation of American citizens in Europe," made by the act approved April 17, 1917, is hereby made available for the payment of the claim aforesaid.

SECOND DEFICIENCY APPROPRIATION BILL

The bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

HIGHWAY BETWEEN UNITED STATES, BRITISH COLUMBIA, AND ALASKA

The bill (S. 4708) to amend the act entitled "An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada," approved May 15, 1930, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada," approved May 15, 1930, be, and the same is hereby, amended by adding at the end thereof the following paragraph:

"The commissioners, without undertaking actual survey, shall, as near as they can, report on the feasibility of a highway from Fairbanks to Point Barrow on the Arctic coast or some other point at which the midnight sun is visible."

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF FLORIDA

The bill (H. R. 12842) to create an additional judge for the southern district of Florida was read, considered, ordered to a third reading, read the third time, and passed.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, by and with the consent of the Senate, to appoint an additional judge of the District Court of the United States for the Southern District of Florida, who shall reside in said district, and whose compensation, duties, and powers shall be the same as now provided by law for judges of said district.

SEC. 2. That this act shall take effect immediately.

ALICE HIPKINS

The Senate proceeded to consider the bill (H. R. 1063) for the relief of Alice Hipkins, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Alice Hipkins, widow of S. Otho Hipkins, late filter engineer, United States Public Health Service, at Perry Point, Md., who died as a result of chlorine-gas poisoning while in the performance of his duties.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MARTIN E. RILEY

The bill (H. R. 3238) for the relief of Martin E. Riley, which had been reported adversely from the Committee on Claims, was announced as next in order.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

MISSOURI RIVER BRIDGE AT OR NEAR POPLAR, MONT.

The Senate proceeded to consider the bill (S. 4671) granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont., which had been reported from the Committee on Commerce with an amendment, on page 2, after line 2, to insert a new section, as follows:

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interest of navigation, at or near Poplar, Mont., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

FOX RIVER BRIDGE NORTH OF STOLPS ISLAND, ILL.

The bill (S. 4687) granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island, was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MISSOURI RIVER BRIDGE AT OR NEAR POPLAR, MONT.

The bill (S. 4690) granting the consent of Congress to the State of Montana or the county of Roosevelt, or both of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont., was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Montana or the county of Roosevelt, or both of them to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Poplar, Mont., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

OHIO RIVER BRIDGE AT SISTERSVILLE, W. VA.

Mr. DALE. Mr. President, the passage of one more bridge bill will dispose of all such bills before the committee. I ask permission to report that bill from the Committee on Commerce, and I shall ask for its immediate consideration.

The PRESIDING OFFICER. In the absence of objection, the report will be received.

Mr. DALE. From the Committee on Commerce I report favorably with amendments the bill (S. 4665) extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va., and I submit a report (No. 1092) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent for the immediate consideration of the bill just reported. Is there objection?

By unanimous consent, the Senate proceeded to consider the bill.

The amendments of the Committee on Commerce were, in line 8, before the word "are," to insert "heretofore extended by an act of Congress approved March 2, 1929," and in the same line, after the word "hereby," to insert "further," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by an act of Congress approved February 20, 1928, to be built by the Sistersville Ohio River Bridge Co., its successors and assigns, across the Ohio River at or near Sistersville, Tyler County, W. Va., heretofore extended by an act of Congress approved March 2, 1929, are hereby further extended one and three years, respectively, from February 20, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEASING OF DEPOSITS OF OIL OR GAS

The bill (S. 4657) to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437), as amended, was announced as next in order.

Mr. GEORGE. Mr. President, on behalf of the senior Senator from New Mexico [Mr. BRATTON], who is necessarily detained from the Senate, I object to the consideration of the bill.

The PRESIDING OFFICER. Objection is made.

Mr. WALSH of Montana. Mr. President, I do not object to the bill going over, but it is of such an important character that I feel justified in saying a word or two with respect of it. The bill is of particular interest to Senators from the Western States, and notwithstanding the objection of the Senator from New Mexico, I trust that the bill will have consideration before the Senate shall conclude its business.

The bill contemplates effecting of what are known as unit or cooperative plans for the operation of properties which are leased under the provisions of the general leasing act of 1920. Its passage is particularly necessary at this time by reason of conditions existing in what is known as the Kettleman Hills, in the State of California, where the Government has very valuable interests leased under the act of 1920. The essential part of the act, as reported by the Senate committee, is as follows:

That for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other or jointly or separately with others in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest, and the Secretary of the Interior is thereunto authorized in his discretion, with the consent of the holders of leases involved, to establish, alter, change, or revoke drilling, producing, and royalty requirements of such leases, and to make such regulations with reference to such leases with like consent on the part of the lessee or lessees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of such public interest.

That is to say, in a certain geological structure or oil-pool field the Government will have made certain leases, and it is desired to operate them all collectively. Under existing law the Secretary has no power to permit the Government of the United States to enter into any such joint plan of operation. The consequence is, Mr. President, that the Government in order to protect its rights is often required to put down what are called offset wells to meet the condition arising by reason of wells upon adjacent property. It is intended with the assent of the lessees to bring about an arrangement for joint operation of the field.

In the case of the Kettlemen field, production is now so great, there are so many wells now operating, that there is escaping into the air gas of incalculable value to the Government of the United States for which it gets no revenue whatever; it

is going off into the air simply because there is no market for it at all, this gas coming up with the oil that is produced from the wells in operation. The desire is to have some general agreement of all the owners within a certain field so as to preserve this natural resource for the benefit of all concerned.

The PRESIDING OFFICER. The bill has gone over under objection. The next bill on the calendar will be stated.

ASHLEY NATIONAL FOREST, WYO.

The Senate proceeded to consider the bill (S. 4149) to add certain lands to the Ashley National Forest in the State of Wyoming, which had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 9, after the word "township," to strike out "13" and insert "12," and in line 10, after the word "range," to strike out "114" and insert "116," so as to make the bill read:

Be it enacted etc., That subject to existing valid claims the following-described lands be, and the same are hereby, added to the Ashley National Forest in the State of Wyoming, and made subject to all laws applicable to the national forests:

West half east half, west half section 4; sections 5 and 6 and that part of sections 7 and 8 not within the Ashley National Forest; west half east half, west half and lots 6, 7, and 8, section 9; west half northeast quarter and west half section 16, all in township 12 north, range 114 west, sixth principal meridian.

Sections 1 to 10, inclusive; that part of sections 11 and 12 not within the existing Ashley National Forest; sections 15 to 21, inclusive; fractional sections 28, 29, and 30, all in township 12 north, range 115 west, sixth principal meridian.

Sections 1 to 29, inclusive, all in township 12 north, range 116 west, sixth principal meridian.

Sections 30, 31, and 32; west half, west half east half section 33, all in township 13 north, range 114 west, sixth principal meridian.

East half east half, west half southeast quarter, east half southwest quarter, southwest quarter southwest quarter section 25; south half southeast quarter section 26; sections 31, 35, and 36; west half, southwest quarter northeast quarter, southeast quarter section 32; south half section 33; southwest quarter, east half northwest quarter, east half section 34, all in township 13 north, range 115 west, sixth principal meridian.

South half south half section 30; sections 31 and 36; south half, south half north half, northwest quarter northeast quarter, north half northwest quarter section 32; east half, south half southwest quarter, northeast quarter southwest quarter, southeast quarter northwest quarter section 35, all in township 13 north, range 116 west, sixth principal meridian.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN RESERVATIONS AND UNALLOTTED INDIAN TRIBAL LANDS

The Senate proceeded to consider the resolution (S. Res. 282) relative to Federal aid to States wherein are located Indian lands not subject to State taxation, which had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 11, after the word "exceed," to insert "$5,000," so as to make the resolution read:

Resolved, That the Committee on Indian Affairs, or any duly authorized subcommittee thereof, is authorized to make an investigation of the relationship between the Federal Government and the governments of the several States and political subdivisions thereof in which there are located Indian reservations or unallotted Indian tribal lands, or any other Indian lands which are not subject to taxation by such States or political subdivisions, with a view to developing a plan by which the United States may make a fair and equitable contribution toward the expenses of carrying on governmental activities in said States and political subdivisions.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-first and succeeding Congresses until the final report is submitted, to employ such clerical and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, or, if any subcommittee is authorized to act in the premises, then by the chairman of such subcommittee.

The amendment was agreed to.

The resolution as amended was agreed to.

PHILIP R. ROBY

The Senate proceeded to consider the bill (S. 1214) granting compensation to Philip R. Roby, which was read, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 210 of the World War veterans' act, 1924, as amended, the Director of the United States Veterans' Bureau is authorized and directed to pay to Philip R. Roby, formerly a private, Sanitary Detachment, First Regiment New Hampshire Infantry, National Guard, compensation in the amount provided for by such act (1) for total and temporary disability from September 26, 1917, to April 2, 1925, inclusive, and (2) for partial and permanent disability in accordance with his disability rating from April 3, 1925, to July 12, 1927, inclusive. Payment of such amounts shall be made within two months from the date of approval of this act, and shall be in addition to any compensation said Philip R. Roby may be entitled to under the World War veterans' act, 1924, as amended.

Mr. REED. Mr. President, I should like to ask the Senator from Massachusetts [Mr. WALSH] to give us a word of explanation about the bill. As I understand, it corrects an error which was made by the mustering-out officers. Through no fault whatever of the soldier, they gave him a blue discharge when they should have given him a white one. That I understand; but will the Senator explain to us why at the conclusion of the bill, on page 2, it is stated that the compensation provided for on page 1—

Shall be in addition to any compensation said Philip R. Roby may be entitled to under the World War veterans' act, 1924, as amended.

Mr. WALSH of Massachusetts. The veteran is already drawing compensation; he has been drawing compensation since the change was made in his discharge certificate. The purpose of that clause is not to have any claim he may have prejudiced by the payments to him of the money he has received since he was discharged. I will say to the Senator the bill was drafted by the legal department of the Veterans' Bureau and met their approval.

Mr. REED. It seems to me, then, that there ought to be inserted on page 2, line 3, after the word "compensation," the words "for other periods of time." The bill provides for compensation for two stated periods that run in all from 1917 to 1927, and it fixes his compensation for those 10 years. There ought not to be any duplication of compensation for that period.

Mr. WALSH of Massachusetts. If the Senator thinks his amendment may clarify the bill, I will be glad to accept it.

Mr. REED. If the Senator is willing to accept it, I think it would make it clearer.

Mr. WALSH of Massachusetts. I will accept the amendment, but, as I have said, the bill was drafted by the Veterans' Bureau.

The VICE PRESIDENT. The amendment proposed by the Senator from Pennsylvania will be stated.

The CHIEF CLERK. On page 2, line 3, after the word "compensation," it is proposed to insert the words "or other periods of time."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

SALARY OF COMMISSIONER OF CUSTOMS

Mr. SMOOT. Mr. President, I understand that the consideration of bills on the calendar has been completed.

The VICE PRESIDENT. The consideration of the calendar has been completed.

Mr. SMOOT. From the Committee on Finance I report back favorably without amendment the bill (S. 4735) to increase the salary of the Commissioner of Customs and I ask unanimous consent for its immediate consideration. I have received a letter from the Treasury Department asking that the bill be passed.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Commissioner of Customs shall receive a salary at the rate of $10,000 per annum, effective on and after the date of the enactment of this act.

GOVERNMENT BUILDING SITE AT WEST POINT, GA., AND LANETT, ALA.

Mr. SWANSON. From the Committee on Public Buildings and Grounds, I report back favorably without amendment the bill (H. R. 11515) to provide for the sale of a Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., and for the acquisition of new sites and

construction of Government buildings thereon in such cities. I call the attention of the Senator from Georgia [Mr. HARRIS] to the bill.

Mr. HARRIS. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized in his discretion to dispose of the present Federal-building site located on the State line dividing West Point, Ga., and Lanett, Ala., acquired under the act of March 4, 1913 (37 Stat. 873), in such manner and upon such terms as he may deem for the best interests of the United States, and to convey such site to the purchaser thereof by the usual quit-claim deed; and to acquire in lieu thereof by purchase, condemnation, or otherwise, a new site located in West Point, Ga., and to construct a Federal building thereon; the proceeds of the sale of the site now located on the State line dividing West Point, Ga., and Lanett, Ala., and the appropriations heretofore made therefor, be, and the same are hereby, reappropriated and made available for the acquisition of the site and commencement of the building to be located in West Point, Ga. The Secretary of the Treasury is authorized, when the postal receipts at the city of Lanett, Ala., have reached the sum of $10,000 annually, to acquire by purchase, condemnation, or otherwise a site in such city and to construct a United States post office thereon.

NATURALIZATION OF CERTAIN ALIENS

Mr. WALSH of Massachusetts. Mr. President, I ask the attention of the Senator from Pennsylvania [Mr. REED]. On yesterday I objected to the consideration of Order of Business No. 949, House bill 5627. The bill is one relating to the naturalization of certain aliens. I asked that it go over for the purpose of having an opportunity to study the matter. I have no objection to the bill, and I ask unanimous consent for its immediate consideration.

Mr. REED. I thank the Senator.

The VICE PRESIDENT. Let the bill be read.

The Chief Clerk read the bill (H. R. 5627) relating to the naturalization of certain aliens; and, there being no objection, the Senate proceeded to its consideration.

The bill had been reported from the Committee on Immigration with an amendment, on page 1, line 7, after the word "such," to insert "withdrawal (and the application therefor) and," so as to make the bill read:

Be it enacted, etc., That notwithstanding any provision of law to the contrary, no alien shall be debarred from becoming a citizen of the United States on the ground that he withdrew his intention to become a citizen of the United States in order to secure discharge from the military service, if such withdrawal (and the application therefor) and discharge took place after November 11, 1918.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INVESTIGATION OF SHIPPING BOARD

Mr. McKELLAR. Mr. President, I move that the Senate proceed to the consideration of the motion to reconsider Senate Resolution No. 129, and I call the attention of the Senator from New York [Mr. COPELAND] to it. It is the resolution which the Senator from New York has moved to reconsider—a resolution that was passed by the Senate for an investigation of the Shipping Board.

Mr. McNARY. Mr. President, a parliamentary inquiry. Is a motion of that sort in order?

The VICE PRESIDENT. The motion is in order up to 2 o'clock.

Mr. McNARY. Will the Senator yield?

The VICE PRESIDENT. The motion is not debatable.

Mr. McKELLAR. I move that consideration.

Mr. COPELAND. Mr. President, will the Senator withhold his motion for a moment?

The VICE PRESIDENT. The question is not debatable.

Mr. McKELLAR. I can not do that. It has been done so often that I must ask for consideration at this time.

The VICE PRESIDENT. The question is on the motion of the Senator from Tennessee to proceed to the consideration of the motion to reconsider.

The motion was agreed to.

The VICE PRESIDENT. The question now is on the motion to reconsider.

Mr. COPELAND. Mr. President, the Senator from Tennessee wants an investigation of the Shipping Board. Has he read the volumes representing the investigation of the Shipping Board only five years ago? If not, if he will do me the honor to gaze upon this monument, he will see what he has in mind—the building of another monument of paper and leather.

That was an investigation of the Shipping Board made by a committee of the Congress and submitted to the Congress five years ago. It cost the Government of the United States $250,000 to make that investigation, and I venture to say there are not four Members of the Senate who ever looked inside the cover of a single one of those volumes.

The Senator from Tennessee might find, I think, a more delightful way to spend a summer than to spend it in Washington investigating a subject which has been investigated so much that it is worn to tatters.

If the Senator has in mind the destruction of the American merchant marine, if that is his ambition, I shall be in position to congratulate him if the various amendments he has offered to the pending merchant marine bill shall be adopted; and if this investigation is resorted to, no doubt the Senator from Tennessee will come back in the fall armed with enough material so that he can make a further attack upon the merchant marine, and, perhaps, entirely sweep from the seven seas the flag now floating over American ships.

May I say to my colleagues that I have to talk until 2 o'clock. If they have other errands, if they desire to go to lunch, if they want to take a little sunshine and fresh air, I advise them to go now and have a happy time for 20 minutes. At 2 o'clock—am I right, Mr. President?—another matter will come before the Senate?

The VICE PRESIDENT. At 2 o'clock the unfinished business will be laid before the Senate.

Mr. COPELAND. Under the rules the unfinished business will be laid before the Senate at that time, and this resolution will go back to the calendar. So it is not for 20 minutes but only for 19 minutes that I have to fill in the time; and I am sorry that I feel obliged to do it.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield for a question.

Mr. TYDINGS. I suggest that the time be filled in by starting with volume 1 of the former investigation and reading that.

Mr. COPELAND. No; I have something more important than that to read as soon as the package I have sent for comes from my office—something which, I think, will be more beneficial in throwing light upon the necessities of the American merchant marine than the perusal of those useless, dust-covered volumes which have come from the archives of the Government and which came to me so thick with dust that it took several days to clean them and make them usable.

Mr. President, here are 12 volumes. There is 1 missing. The number is 13. Oh, yes; here it is. I missed this thin volume. I knew it was an unlucky number—13. Here are 13 volumes filled with the testimony of a lot of harassed employees of the Shipping Board, distracted, taken from their ordinary duties, and forced to testify to a lot of stuff in order that there might be brought into existence 13 bound volumes of investigation of the Shipping Board.

I hope the Senator from Tennessee will honor me by his presence while I discuss this subject.

Mr. McKELLAR. Mr. President, while the Senator is filibustering I hope he will excuse me for a minute to see some newspaper men who want to talk to me.

Mr. COPELAND. Very well; I will excuse the Senator, because I am going to filibuster for 17 minutes more.

I am removing 12 volumes in order that I may get to volume 1. Subject: "To amend the American merchant marine act of 1920." These are the hearings before the Select Committee to inquire into the operation, policies, and affairs of the United States Shipping Board and the United States Emergency Fleet Corporation. This was an investigation by a committee of the House of Representatives. I assume that my genial friend from Tennessee, who is sometimes right, is angry because the Senate has not made an investigation at a cost of a quarter of a million dollars. All this agitation of the Senator is founded on a report made by the Comptroller General.

This is a letter from the Comptroller General of the United States transmitting a report of the Comptroller General of the United States of the financial transactions of the United States Shipping Board, Merchant Fleet Corporation, dealing with matters arising in the audit of the accounts of the Merchant Fleet Corporation, made pursuant to the act of March 20, 1922, 42 Statutes, 444, as amended. This was presented to the Senate on October 3, referred to the Committee on Expenditures in the Executive Departments, and ordered to be printed.

To my mind, this is the most amazing report I ever read, and, Mr. President, it will be seen from the annotations and refer-

ences which I have in this report that I have really studied it. It is the most amazing report I ever read, I repeat. I never had a word of conversation in my life, so far as I know, with the Comptroller General; I am not sure that I ever saw him, but I venture to say that he never read that report personally. The report was prepared by a committee of his department, I presume, and I can trace from that report to these volumes on my desk almost everything that is said in the report. The investigation of which that Washington Monument of books is the record is refutation of practically every criticism expressed by the Comptroller General in this amazing report.

Mr. President, this report of the Comptroller General covers 49 closely printed pages. It can be readily seen that if I were actually filibustering, it would be necessary only for me to read the report, but since I am trying in these minutes which I am forced to take to present something of material interest to the Senate, I intend, so far as the limited time will permit, to make a review of this report.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. As that report severely criticizes the Shipping Board, as that report calls particular attention to its violations of law, as everybody knows Mr. McCarl, the author of that report, is Comptroller General of the United States, and bears the reputation of being one of the best officials in the United States, one of the most conscientious men we have in the Government service, with the Shipping Board itself saying, as I understand each and every member of the Shipping Board has said, that they desire an investigation shall be made, why is it that the Senator is so much opposed to it?

Mr. COPELAND. Mr. President, the Senator labors under the disadvantage of having been away from the Chamber when I answered all the questions he has now asked. But before repeating what I said, I desire to state that I indorse the statement regarding Mr McCarl. Without having seen him, or without knowing him, I have been much impressed by his activities and public service. But I said, and I repeat, that I do not believe the Comptroller General ever read this report before it went into print, if he ever has since. The Comptroller General is too sensible a man and too well informed a man to indulge in a lot of ancient history in making up a report. He is not given to that sort of thing.

Mr. McKELLAR. Mr. President, will the Senator yield further?

Mr. COPELAND. I yield.

Mr. McKELLAR. If the Senator finds that he is mistaken about that, and if the Comptroller General should write a letter in which he said that he collaborated in the making of that report, and knows everything it contains, and stands by every charge it makes, would the Senator be willing to withdraw his opposition to the proposed investigation?

Mr. COPELAND. No; I would not, and frankly, if he should do what the Senator has suggested, I would think less of him than I do now. I realize that in a great office like that of the Comptroller General, he must trust to subordinates for the assembling of material, and subordinates have a way, just as Senators have—they are not any different from Senators in that respect—of taking up rusty volumes and gathering material which they could rewrite and put into new form.

Mr. McKELLAR rose.

Mr. COPELAND. Before the Senator interrupts me let me say that there is not a thing in this report which has not been considered and hashed over, and all the facts are to be found in this series of 13 volumes on my desk. All the material is there. It has all been paid for once by the Government. One committee has sweat blood over it, and now the Senator is willing to spend his entire summer away from the heat of Tennessee in the greater heat of Washington to have another investigation.

Mr. McKELLAR. Mr. President, that is not what hurts the Senator. What hurts the Senator is this, that this resolution, instead of requiring the committee to go back into all this matter, has nothing to do with what has already been reported upon, but most largely it is for an investigation of the mail contracts brought about by the Shipping Board since everyone of these reports was made. Does the Senator feel that these mail contracts, made as they have been made, as has been charged on the floor time and time again, should not be investigated?

Mr. WALSH of Massachusetts. Mr. President——

Mr. COPELAND. Mr. President, to answer categorically, I will say "yes," and then I am going to say why I say "yes."

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. WALSH of Massachusetts. Does the Senator from New York claim that the subject matter to be investigated under the resolution offered by the Senator from Tennessee has already been investigated into?

Mr. COPELAND. Everything in the world the Senator wants investigated has been investigated, and when he speaks of this more recent thing—this post-Volstead business—that is so fresh in the mind of every Senator here who participated in the enactment of the legislation that that sort of investigation is absurd beyond words.

Mr. WALSH of Massachusetts. I am surprised that the Senator from Tennessee would be asking for a reinvestigation.

Mr. McKELLAR. Mr. President, no wonder the Senator from Massachusetts does me the courtesy to say that he would be surprised if that were what I was after. I am not after that at all. If the Senator from New York will permit me to say so, I simply seek to investigate the charges of wrong and fraud which have been made in reference to these mail contracts, everyone of which has come up since these reports were made. I simply seek to investigate charges of fraud and wrong made by the Comptroller General of the United States since everyone of these investigations was made. Of course, I can not be misrepresented. I am sure the Senator from Massachusetts knows and the Senate knows that that is what I am asking for in this matter.

Mr. WALSH of Massachusetts. Why does not the Senator limit his resolution to that?

Mr. McKELLAR. It is limited to those things.

Mr. COPELAND. Mr. President, I wish to be included in the sweeping compliment of the Senator.

Mr. McKELLAR. I will include the Senator in any compliment I might make.

Mr. COPELAND. I am very much obliged to the Senator. There is no question at all that the Senator from Tennessee is seeking to break down and destroy our mail subvention law. I am interested in the American merchant marine. I had a good tutor, namely, the senior Senator from Washington [Mr. JONES]. When I first came to the Senate, eight years ago, I was assigned to the Committee on Commerce. I had crossed the ocean many times in my life, and lived in the great seaport, New York, but I had no occasion to know about shipping in the technical sense. I came into the Senate, and I recall a speech made years ago by the Senator from Washington, in which he pointed out that when the Great War came on we had 15 ships in transoceanic traffic, and that was all we had.

Mr. President, except for the kindly act of Providence in placing in our harbors the German ships which we seized, including the *Leviathan*, we would have had no way of taking our soldiers across the ocean to carry our flag in the Great War. The Senator from Washington will correct me if I am wrong in saying that the *Leviathan* carried 275,000 troops. Is that right?

Mr. JONES. That is correct.

Mr. COPELAND. Two hundred and seventy-five thousand troops of the A. E. F., the American Expeditionary Forces, were taken over there not by a ship built in American shipyards, a ship manned by American citizens, but a German ship. It was by the kindly act of Providence that we had that ship and those other German ships in order that we might carry on the war.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. Everything else aside, is not the Senator willing to submit his motion to the judgment of the Senate by a vote? I am perfectly willing to have a yea-and-nay vote on the matter. Is not the Senator willing to submit it to a vote of his colleagues?

Mr. COPELAND. Mr. President, of course the time is so short that we could not have a roll call and get Senators here by 2 o'clock; but even if we could, I would be unwilling to have the American merchant marine hamstrung until the Senate of the United States was informed regarding the effect of the Senator's proposal and what he has in mind. If, then, after the Senate is fully informed, it decides it does not want an American merchant marine, very well. The way to make sure that we shall have no American merchant marine is to pass all the amendments and proposals of the Senator from Tennessee. When that is accomplished the American merchant marine will be in Davy Jones's locker; it will be destroyed.

Mr. McKELLAR. Mr. President, if the Senator will yield, inasmuch as the amendment I have proposed applies solely to the United States not subsidizing foreign ships, not interfering in the slightest with the United States subsidizing American ships, how is it that the Senator can make any such argument?

Mr. COPELAND. Let me see if I can educate the Senator from Tennessee.

Mr. McKELLAR. If the Senator is going to try to educate me in favor of the United States subsidizing foreign ships, flying foreign flags, he will have a hard time. I am just as much for an American merchant marine as the Senator from New York is. I think I can assert that I am infinitely stronger for an Ameri-

can merchant marine than is the Senator from New York. But I want to say to him that as long as I am a Senator in this body I shall never vote to subsidize foreign ships, flying foreign flags, against American ships flying the American flag, as the Senator proposes to do.

Mr. COPELAND. Nobody in the world proposes anything of the kind.

Mr. McKELLAR. Then, why does the Senator object to the amendment I have offered?

Mr. COPELAND. If the Senator will sit down and not take my valuable time, which is now limited——

Mr. McKELLAR. The Senator was just filibustering, and so why not have the facts come out?

The VICE PRESIDENT. The Senator from New York has the right to yield only for a question.

Mr. COPELAND. I thank the Chair.

The reason why I want the mail subvention and the liberal loan is so that Americans who own lines of ships may be able to build American ships in American shipyards and get rid of the foreign-built bottoms which they are forced to use because there are not yet enough American-built ships to carry their merchandise.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. Only for a question.

Mr. McKELLAR. I think the Senator misstates the position I have taken about it, so I want to correct it.

Mr. COPELAND. I will ask the Senator to do that in his own time.

Mr. McKELLAR. Very well.

Mr. COPELAND. If we desire to build up an American merchant marine to open all the American shipyards, to keep those shipyards operating, to keep American labor in the shipyards at work, and to put the American flag on the seven seas to carry our mail and our merchandise to every part of the world, we must assist our American merchant marine as foreign governments have assisted theirs. It is not because of any greater genius on the part of the business men in England or France or Italy or Holland that they are succeeding with their merchant marine, but because their kindly governments, recognizing the necessity for an effective merchant marine, have been pleased to make the various helpful appropriations.

If the Senator from Tennessee is successful in his efforts to wipe out the mail subventions and wipe out the lines which now, in part, are operating foreign ships, he will send us back to the condition in which we were before the war; and when those ships wear out and another war comes, if it ever does come, which God forbid, we will then have only a dozen or 15 ships, because without this support we can not have an effective merchant marine.

Mr. President, I apologize for taking so much of the time of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10919) for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases;

S. 2323. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics;

S. 4028. An act to amend the Federal farm loan act as amended;

S. 4243. An act to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia;

S. 4287. An act to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate-credit banks to financing institutions on bills payable and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months;

S. 4358. An act to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks;

H. R. 9628. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark., on State Highway No. 18;

H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell;

H. R. 10826. An act to provide for the renewal of passports;

H. R. 11145. An act to increase the authorization for an appropriation for the expenses of the sixth session of the Permanent International Association of Road Congresses to be held in the District of Columbia in October, 1930; and

H. R. 11371. An act to provide living quarters, including heat, fuel, and light, for civilian officers and employees of the Government stationed in foreign countries.

AMENDMENT OF SECTION 355 OF THE REVISED STATUTES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3068) to amend section 355 of the Revised Statutes, which were, on page 2, line 21, to strike out all after the word "title," where it occurs the first time, down to and including the word "require" in line 22 and insert: "of a title company," and to amend the title so as to read: "An act to amend section 355 of the Revised Statutes to permit the Attorney General to accept certificates of title in the purchase of land by the United States in certain cases."

Mr. NORRIS. I move that the Senate agree to the amendments of the House.

The motion was agreed to.

JAMES R. SHEFFIELD

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3623) for reimbursement of James R. Sheffield, formerly American ambassador to Mexico City, which was on page 1, line 6, after the word "City," to strike out "for" and insert "and in full payment of all."

Mr. WALCOTT. I move that the Senate concur in the House amendment.

The motion was agreed to.

SILVER SERVICE OF CRUISER "NEW ORLEANS"

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 525) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans*, which were on page 1, line 4, to strike out "deliver to the custody of" and insert "loan to," and to amend the title so as to read: An act authorizing the Secretary of the Navy, in his discretion, to loan to the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans*."

Mr. BROUSSARD. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

MOTOR-BUS TRANSPORTATION—ORDER OF BUSINESS

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

Mr. JONES. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside in order that we may proceed to the consideration of the deficiency appropriation bill.

The VICE PRESIDENT. Is there objection?

Mr COUZENS. Mr. President, I can not answer that because I first want to know what the program is with respect to the deficiency appropriation bill.

Mr. JONES. I shall be glad to tell the Senator what the program is. As the Senator knows, a motion for cloture was filed on yesterday. I appreciate that under that motion if we were to proceed with other amendments to the deficiency bill the two Senators from Arizona probably would not have an opportunity to talk about the proposition in which they are interested until after 1 o'clock to-morrow. Then if the motion for cloture should be adopted they would have but one hour each to discuss the matter.

I have conferred with them. I know that they are very much interested in the Boulder Dam question, as they have a right to be. I myself think they should have more time than

the motion for cloture would allow them if adopted. I have conferred with them, and we have, so far as we are concerned, among ourselves agreed that if each of the Senators from Arizona had two hours for discussion they would think that was ample for them to make their position perfectly clear. Other Senators might want some time.

Therefore, Mr. President, if the unfinished business should be laid aside, if we were to go on this afternoon with the deficiency appropriation bill, we would probably start in with one of the two committee amendments that is still left for consideration, which would take considerable time. If the Senators from Arizona should decide to discuss their proposition, it would be in connection with a matter that is not pertinent at all. So I want to ask for an agreement something like this: That the Senate shall proceed to the consideration of the deficiency bill; that at not later than 3 o'clock to-morrow the Senate shall proceed to vote upon any amendment pending to the Boulder Canyon project item in the bill; that during the intervening time each of the Senators from Arizona shall have two hours for discussion, if they desire to use it; that any other Senator who may desire to address the Senate shall have not longer than 20 minutes; that we may vote at any time before 3 o'clock, if the Senators from Arizona should not desire to use their two hours, but that in any event we shall vote at not later than 3 o'clock to-morrow upon any amendment proposed or pending to the Boulder Dam project paragraph.

Mr. COUZENS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. I yield.

Mr. COUZENS. The discussion desired to be had by the Senators from Arizona can be had while the bus bill is still before the Senate as the unfinished business. In view of the threats of a filibuster and attempts to defeat the bus bill, and knowing the public importance of it, I feel justified in insisting that the bus bill remain before the Senate until it is disposed of. Obviously while the bill is before the Senate we can speak on any subject and talk about anything a Senator may choose to discuss; but in view of the attempt to filibuster against the bus bill, which is of great public importance and which has been agitated for five years past, I am going to insist that the bus bill remain the unfinished business of the Senate so long as I am able to insist upon it.

Mr. JONES. Let me say to the Senator that I do not desire that anything should take its place as the unfinished business. Of course, we all know the Senators from Arizona or any other Senator could talk upon any subject they might desire while the bus bill is before the Senate. But the Senators from Arizona are interested in a particular provision of the deficiency bill. They would like and would expect to confine their discussion to that provision. They would like to have the opportunity to talk on it while it is before the Senate. I do not know of any disposition to filibuster on the bus bill and I do not want to displace the bus bill as the unfinished business. I would like to have it temporarily laid aside for this purpose.

Mr. COUZENS. What object is gained by having it temporarily laid aside when the Senators from Arizona can go on and make their speeches no matter what is before the Senate? I do not see the purpose of having the bus bill laid aside for the purpose of enabling the Senators to make speeches.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nevada?

Mr. JONES. I yield.

Mr. PITTMAN. I can not agree with the Senator from Michigan at all. The Senators from Arizona have now on the table amendments to the deficiency bill. They are going to discuss their own amendments. It is almost an absurd proposition to discuss an amendment to a bill that is not before the Senate. The pending proposal is not an absurd proposition. It is a serious matter. The Senators from Arizona, having presented their amendments which are printed and which they desire to discuss and upon which they desire a vote, will not feel like going into an academic discussion of something that is not before the Senate. I think the Senator from Michigan ought to carry out the general policy to which this body has agreed and that is that when appropriation bills come in here they shall have the right of way.

Mr. COUZENS. The deficiency appropriation bill has no right of way and is of no more importance than the regulation of busses in interstate commerce. So far as I am concerned, I am going to stand firm until the Senate directs otherwise, and I am going to try to keep the bus bill before the Senate.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I yield.

Mr. JOHNSON. I recognize the importance of the bill in charge of the Senator from Michigan. I am deeply interested in it—quite deeply interested, I think, generally speaking, from his standpoint. I want to see it acted upon at this session by the Senate. But, if the Senator will pardon me, we will gain no time in respect to it by having it kept the unfinished business and precluding a vote upon an important amendment to the deficiency appropriation bill to-morrow at 3 o'clock. We will get out of the way of the Senator's bus bill at 3 o'clock to-morrow, practically, and thus enable him to go forward.

Mr. COUZENS. What is the objection to getting the bus bill out of the way by 3 o'clock to-morrow? I see no reason for putting this important national legislation aside for a piece of local legislation.

Mr. JOHNSON. Oh, no; it is the deficiency appropriation bill that takes precedence of any other bill.

Mr. COUZENS. I understand it does not take precedence after 2 o'clock.

Mr. JOHNSON. I think the generally accepted policy is that appropriation bills take precedence.

Mr. COUZENS. I would like to have a ruling on it. Of course, if I am overruled I will be overruled; but I am standing firm as to the disposition of the bus bill.

Mr. JOHNSON. It is not a question of overruling the Senator from Michigan. No one wants to overrule the Senator. We are simply endeavoring to convince him that his attitude in respect of the matter gains nothing either for the bus bill, in which I am equally interested with him, or for the deficiency appropriation bill, in which I am equally interested as well.

Mr. COUZENS. But the Senator must see that if the deficiency bill is permitted to be gotten out of the way before the bus bill is disposed of, and then there is final adjournment, the bus bill will be left hanging in the air. I do not propose to be placed in that position. If there is anything to be left hanging in the air, let the deficiency bill be left hanging there, or let the Senate remain in session until it is disposed of.

Mr. JOHNSON. Is there any disposition on the part of the Senator to leave either hanging in the air?

Mr. COUZENS. No.

Mr. JOHNSON. Nor is there with me. Here is the situation. There is a God-given instrument which has come down to us called the London treaty. Under all hazards that sanctified instrument must be passed upon in the summer heat, and under all circumstances this body is required to be here in order that it may pass upon that instrument. For the love of heaven, have we not manhood enough to pass upon our own legislation before we accept our orders to sweat here upon this sacrosanct document that comes from London? I hope the Senator from Michigan will join with me in an endeavor to have the Senate pass upon its legitimate legislation—his bill, the deficiency appropriation bill, the veterans' bill, any other measure that comes before us legitimately and upon which we ought to pass. When we have passed upon them then we will determine what else we shall do. Let us have the independence and the manhood for ourselves to determine then whether we are going forward in a special session with anything else or with anything with which we are ordered to go forward.

Mr. COUZENS. Mr. President, will the Senator from Washington yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. I yield.

Mr. COUZENS. I want to say that I will join with the Senator from California in forming any compact to remain here until we dispose of the bus bill, the veterans' bill, the Muscle Shoals bill, and the deficiency bill. What I am resenting is an effort to put aside the bus bill because some Senators have more interest in the deficiency appropriation bill than they have in the bus bill. I am not charging any individual Senator nor am I charging the Senator from California because I know he is willing to stay here until we dispose of all legislation. But I resent the movement on the part of some Senators who want to defeat the bus bill, aiding in putting the deficiency bill ahead of it so that it may be passed and then, if in some moment of snap judgment we shall adjourn, the bus bill would be left undisposed of.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nevada?

Mr. JONES. I yield.

Mr. PITTMAN. The bus bill was taken up by the Senate because the Senator from Michigan, chairman of the Interstate Commerce Committee, requested the majority committee on order of business to place it on its program. Is not that true?

Mr. COUZENS. I did not catch the question of the Senator.

Mr. PITTMAN. Mr. President, I say there is a majority committee of the Senate called the committee on order of business. The Senator from Michigan urged upon that committee on order of business to place House bill 10288, to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways on the order of business. Is not that so?

Mr. COUZENS. Undoubtedly.

Mr. PITTMAN. Yes. And the reason the Senate voted to take up that bill when it did so was because it was in conformity with the program of order of business that was arranged by the committee of the Senator's party.

Mr. COUZENS. I should like to ask the Senator to what date he is referring, because there was no order of business published after the measure referred to was placed on the program, and then taken off and sent back to the committee for further consideration?

Mr. PITTMAN. Yes; but what I have said is true.

Mr. COUZENS. But it is irrelevant.

Mr. PITTMAN. I will show how relevant it is.

The motor-bus bill was placed on the order of business by the committee on order of business at the request of the Senator from Michigan, who is chairman of the Committee on Commerce. He recognized the authority of that committee; he recognized the policy of having that committee fix an order of business. There were numerous other Senators who had other bills which they wanted placed on the program of order of business, but they did not succeed in getting them placed there. But recognizing the conditions, submitting to that policy, and acquiescing in the jurisdiction of the committee, the Senator had the bus bill placed upon the order of business, subject to this condition, which is a part of the order of that committee.

It should be understood that appropriation bills, executive sessions, and the unanimous-consent agreement whereby S. 3059 and S. 3061 relative to unemployment, were made special orders for April 15, 1930, shall have the right of way.

Not only has it been the policy ever since I have been here to give appropriation bills the right of way, because the Government can not run without the funds thus provided, but the Senator himself appealed to the committee on order of business, recognized its jurisdiction, secured its approval and consent, and now, since he has obtained that, he is opposing the very conditions upon which he obtained it, and on which the Senate took up his bill for consideration.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. The Senator from Washington [Mr. JONES] has the floor. Does he yield to the Senator from Oregon?

Mr. JONES. I yield.

Mr. McNARY. The statement of the Senator from Nevada is not quite correct.

Mr. COUZENS. Certainly it is not.

Mr. McNARY. The committee on the order of business, at the request of the Senator from Michigan, placed the bus bill on the program, but the Senator from Michigan had nothing to do with the condition as to giving way whenever appropriation bills came before the Senate. That condition was placed there by the committee on order of business itself, and is not a part of the agreement by which the bus bill was placed on the program.

Mr. PITTMAN. I understand, then, the Senator from Oregon does not approve of giving appropriation bills the right of way? Is that true?

Mr. McNARY. I am not discussing that feature.

Mr. PITTMAN. I should like to know whether the Senator does or does not approve of giving appropriation bills the right of way?

Mr. McNARY. The Senator charged, as I understood, that the Senator from Michigan, as a part of the consideration for getting his bill on the program, agreed to give way for appropriation bills. I said that the Senator from Michigan had nothing to do with that condition; he simply asked the committee and asked the Senator from Oregon if it would be all right for his bill to go on the program, and the committee said, yes. The words the Senator from Nevada has quoted are not those of the Senator from Michigan, but are the language of the committee on order of business.

Mr. PITTMAN. I am surprised at the subterfuge to which the Senator from Oregon resorts, as he is generally so frank.

Here is a committee of the Republican majority, which represents his party, and is generally followed, called the committee on order of business. Its program is followed because there is a majority back of it, and because it has been trusted to arrange the program. Now, whether the Senator from Michigan entered into a solemn agreement with the committee that he would follow the policy of the committee or not, is totally immaterial. There is not any doubt, even in the mind of the Senator from Oregon, that the Senator from Michigan knew it was the policy of the committee to place bills on the program subject to the priority of appropriation bills. Is there any doubt about that?

Mr. McNARY. It has been the policy and custom, of course, when ordinary conditions obtain, to lay aside the unfinished business in order that the consideration of appropriation bills may be proceeded with; that is true; we all understand that; and that is the reason the language was employed by the committee on order of business to which the Senator has called attention.

The Senator from Michigan now makes the statement that if he permits the unfinished business to be temporarily laid aside for the purpose of allowing a bill affecting the World War veterans to be passed, and appropriation bills to be passed, Congress will adjourn, and he will have no opportunity of getting a decision on his bus bill. He contends that if he keeps the bus bill before the Senate, ultimately he will get some decision on his bill; that it will either be voted up or voted down; and all he is asking for is a vote on his bill. That is, as I understand, the proposal he makes.

Mr. PITTMAN. Undoubtedly; and that is my view with regard to a bill in which I am particularly interested, and that is the view of all Senators here with regard to particular bills in which they are interested; but I naturally assumed, when the Republican Members of this body had constituted a committee on order of business, we would stand by it. I naturally supposed that when a Senator asked that committee to support him in getting up a bill that it would be in accordance with the policy of that committee, whether the bill was put on by the committee on order of business and taken off and came back again. There is no doubt that the first time it was put on the Senator was then aware of the program of the committee on order of business. As a matter of fact, the program of the order of business was read in this body by those who objected to it being the order of business, and the very order that guaranteed to the Senator from Michigan an opportunity to get this bill up provided it was with the understanding, however, that it should give way to appropriation bills.

The Senator from Washington, the chairman of the Committee on Appropriations, has a responsibility resting on him; he knows what his responsibility is. Is it to be assumed for a moment, when the appropriation bill was here ready for consideration, that he would have allowed to go uncontested a motion to take up any bill except the appropriation bill if he had not thought the policy of giving way temporarily to appropriation bills would be in force and effect? There is no doubt that is true; and if it were not true, it would be reprehensible in him to permit the passage of a Government supply bill to be delayed.

Mr. JONES. Mr. President, I want to say to the Senator from Nevada that I have taken the position he has indicated, and I have noticed generally when recommendations are made by the steering committee that they always put in provision with reference to appropriation bills which the Senator has mentioned.

There is another phase of the question to which I wish to advert and which I think should be considered, and that is that all the appropriation bills should be passed by the 1st of July, which is the beginning of the next fiscal year.

I want to see the bus bill of the Senator from Michigan disposed of; I think the Senate should take action upon it, but, as the Senator from Nevada has said, I do feel that there is a responsibility resting upon me as chairman of the Appropriations Committee in charge of the appropriation bills.

Furthermore, as I have said, this arrangement has been made out of consideration for the Senators from Arizona, who are entitled, I think, to that consideration. Of course, if the bus bill should be proceeded with until 1 o'clock to-morrow, and we should then have a vote on the motion for cloture and it should be carried, then the deficiency bill would be the unfinished business, exclusive of everything else until disposed of, and the Senators from Arizona would have but an hour each. I would much rather not have that condition prevail, and that is the reason I have made this proposal. I hope the Senator from Michigan will agree to laying aside his bill temporarily.

Mr. COUZENS. Mr. President, I still insist that the Senators from Arizona can make their speeches without displacing the bus bill. They will have the same number of hours in which to speak, and their remarks will have the same effect upon their colleagues as though they made them with any other bill before the Senate. Every Senator knows that there is no rule of relevancy here whereby a Senator is required to speak to the bill or subject before the Senate.

I wish to say further that this condition is not comparable with the kind of conditions about which the Senator from

Nevada has just spoken. Under ordinary circumstances the Senator from Nevada would be correct; ordinarily any bill would be laid aside in order to let an appropriation bill be acted upon; but we are now confronted by an unusual condition. Here is a highly controverted deficiency bill and here is a highly controverted bill of national importance, proposing to regulate motor-bus traffic in interstate commerce. There is no doubt in my mind that the motor bus bill is more important than the deficiency bill.

Senators will remember that on a previous occasion practically an all-night filibuster against a deficiency bill, because of the proposal to appoint a committee to investigate elections, resulted in the deficiency bill going over until the following session of Congress, but no damage was done; nobody suffered as a result of the deficiency bill going over to an entirely new session of Congress. So in this case the Nation will not be seriously affected if the deficiency bill shall not be passed.

My point is that the bus bill is before the Senate and is as equally important if not more important than the deficiency bill, and I insist, unless the Senate overrules me, that it remain before the Senate until it shall be disposed of, and then the deficiency bill may come up and be considered and acted upon.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Virginia?

Mr. COUZENS. I yield.

Mr. SWANSON. I am in favor of disposing of the bus bill; but if the suggestion made by the chairman of the Appropriations Committee shall be carried out and unanimous consent shall be given that the bus bill be temporarily laid aside the Senator from Michigan may bring it up again as the unfinished business at any time he desires, whereas if the deficiency bill shall be made the unfinished business the bus bill will lose the prestige of the position which it now occupies. If, as I have said, the bus bill shall be laid aside by unanimous consent, any one Senator can withdraw his consent at any time and thus bring before the Senate the bill in charge of the Senator from Michigan.

So it seems to me the Senator from Michigan should consent that the bus bill be temporarily laid aside—not necessarily that it be laid aside until the deficiency bill shall be disposed of—but after it has been temporarily laid aside, if the deficiency bill shall not make progress, if it shall be ascertained that the passage of the bus bill is thereby being delayed, the Senator from Michigan can withdraw his consent and at once the bus bill will become the unfinished business. That is correct, is it not, Mr. President?

The VICE PRESIDENT. It would be if the bill were temporarily laid aside without a further unanimous-consent agreement.

Mr. JONES. Mr. President, I think the Senator from Virginia overlooks the fact that I said if the bus bill were temporarily laid aside I proposed to ask for a unanimous-consent agreement under which the Boulder Dam item would continue under consideration until 3 o'clock to-morrow, and then we would vote on that, following which the unfinished business would again come before the Senate.

Mr. SWANSON. At 3 o'clock to-morrow, then, the Senator from Michigan could withdraw his consent to having the unfinished business being temporarily laid aside. That is the only extent to which the proposed unanimous consent agreement would interfere with his rights. As I understand, there is just one amendment in controversy on the deficiency bill, and if progress is not made with that, if there shall be delay, at 3 o'clock to-morrow it will be absolutely in control of the Senator from Michigan to bring before the Senate the bus bill, unless the Senate by a majority shall displace it. It does seem to me that the Senator will have absolute control of the situation at 3 o'clock, to-morrow, and it is a pretty good situation in which to be placed.

Mr. COUZENS. Of course, the Senator from Michigan is not as astute as is the Senator from Virginia, but if the deficiency bill shall be out of the way by 3 o'clock to-morrow, I want to predict right now that there will be no consideration of the bus bill for the remainder of the session. I propose to prevent, if I can, the passage of the deficiency bill until the bus bill shall be out of the way.

Mr. SWANSON. If the Senator will permit me, at 3 o'clock to-morrow it will be in the control of the Senator, to have the consideration of the bus bill resumed.

Mr. COUZENS. I understand.

Mr. SWANSON. And the only way it could then be displaced would be by a vote of the Senate.

Mr. JONES. Mr. President——

The VICE PRESIDENT. The Senator from Washington has the floor.

Mr. JONES. Mr. President, I want to see the bus bill of the Senator from Michigan disposed of, and I am perfectly willing to stay here as long as may be necessary to accomplish that end; yet I do feel that I would not be discharging my responsibility if I did not secure consideration of the deficiency bill. So, Mr. President, I move that the Senate proceed to the consideration of House bill 12902, being the second deficiency appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. COUZENS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McMaster	Smoot
Ashurst	Glass	McNary	Steck
Barkley	Glenn	Metcalf	Steiwer
Bingham	Goldsborough	Moses	Stephens
Black	Hale	Norris	Sullivan
Blaine	Harris	Oddie	Swanson
Borah	Harrison	Overman	Thomas, Idaho
Brock	Hastings	Patterson	Thomas, Okla.
Broussard	Hatfield	Phipps	Townsend
Capper	Hayden	Pine	Trammell
Caraway	Hebert	Pittman	Tydings
Connally	Howell	Ransdell	Vandenberg
Copeland	Johnson	Reed	Wagner
Couzens	Jones	Robinson, Ind.	Walcott
Cutting	Kean	Robsion, Ky.	Walsh, Mass.
Dale	Kendrick	Sheppard	Walsh, Mont.
Deneen	La Follette	Shipstead	Watson
Dill	McCulloch	Shortridge	
George	McKellar	Simmons	

The VICE PRESIDENT. Seventy-four Senators have answered to the roll call. The question is on the motion of the Senator from Washington [Mr. JONES].

Mr. HARRISON. I call for the yeas and nays.

Mr. COUZENS. Mr. President, the motion is debatable, is it not?

The VICE PRESIDENT. It is.

Mr. COUZENS. Mr. President, this proposed legislation has been a subject of controversy and consideration by the Congress for a considerable number of years—five or six, to my recollection. It is more important that the busses operating in interstate commerce be adequately regulated than it is that we pass a few appropriation bills.

Whenever an appropriation bill fails, as Members of the Senate know they do, the Government goes on just the same. For purely a political purpose the Senate filibustered against the passage of a deficiency appropriation bill so as to prevent the continuance of the so-called Reed committee, appointed to investigate elections. The Senate thought that was important. It was important to stop a political investigation, and in doing it to go to the extreme of stopping an entire deficiency bill; and yet at this time it is proposed to lay aside a piece of legislation of national importance to take up a deficiency bill.

The purpose of it is very apparent. There is no sincerity in the desire to have this done. It is done for the purpose of hastening an adjournment. It is also done for the purpose of killing this bill. There are certain groups in the Senate who want to prevent a vote upon the bus bill. They have boasted that they intend to prevent a vote upon it. I do not propose, if I can, to permit a deficiency bill or any other bill to be taken up when it is deliberately stated that these motions are for the purpose of preventing the passage of the bus bill at this session of Congress.

Many Senators are anxious to get away. Many Senators do not like to leave unless the deficiency and other appropriation bills have been passed. Some Senators say they will go to any extreme to defeat this bus legislation, not even knowing the sentiment of the Senate with respect to the several amendments proposed by the Committee on Interstate Commerce.

I do not know whether the Senators who propose to defeat this legislation know that they are in the minority or not. I do not know. So far as I am concerned, this legislation is of such importance that I am willing to state my case, and I am anxious to have every other Senator state his case, and take the judgment of the Senate. I am not willing to be a party to filibustering and defeating any legislation at this session of Congress by any tactics to supplant it by what appears to be a more popular deficiency bill.

Everyone knows that by the time we pass the deficiency bill the veterans' bill will be back here for consideration; and when that bill is out of the way no one will want to stay. Everybody will vote for adjournment, because they will think that the probabilities of passing the bus bill are slim.

Senators are here protesting against the provisions of the bill and stating that it creates monopolies in motor-bus transportation. The failure to pass this legislation is in the interest of the railroads. Those who are opposing this legislation are those

who are standing for the interest of the railroads. They are backing up the railroads in securing monopolies of motor transportation all over the United States. Because of their wealth and their power and their influence, they are able to buy up all of the bus lines if they choose, or to start their own bus lines, and, by their competition, drive out the weaker and the less competent bus lines that are now operating. The real purpose of the defeat of this bill is in the interest of the railroads.

Mr. DILL. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. DILL. Will the Senator tell me what railroads are opposing the bus bill, if it is against their interest? He says that this bill is against the interest of the railroads. I should like to have him name some of the railroads that are opposing his bill. Is it not a fact that this bill is being pressed and advocated by the railroads?

Mr. COUZENS. That is not true since it came from the Committee on Interstate Commerce. Nearly every railroad is opposing the bill, now that it comes here with the committee amendments.

Mr. PITTMAN. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Nevada?

Mr. COUZENS. Yes.

Mr. PITTMAN. I desire to say in the first place that, of course, I am not included in the number of those attempting to filibuster with regard to the bus bill.

Mr. COUZENS. I think that is correct.

Mr. PITTMAN. I will say to the Senator from Michigan that I am under the impression, and I gathered that impression from members of the House committee—I do not know whether the Senator got the same impression or not—that if this bus bill passes as reported out of the committee, with the clauses the Senator has in mind which protect against monopolization by railroads, it will not be accepted by the House, and that they will insist on its going to conference; and I was told that they would not attempt to appoint conferees if that should be the case. I do not know whether the Senator has the same information that I have or not.

Mr. COUZENS. I want to say to the Senator from Nevada that I am not responsible for any other person's conduct or actions. I do my duty as I see it, regardless of what the President says or thinks or what the other House says or thinks. I consider it my duty to do the best I can before the Senate to secure the passage of adequate and proper regulation for motor busses in interstate commerce; and I am not concerned about what the House is going to do.

Mr. PITTMAN. I am going to support the committee's amendments. That is why I had the matter in mind; and I was told almost authoritatively that the House would not accept the bill with those amendments in it.

Mr. COUZENS. The Senator knows that it is very easy to send out that sort of a bluff to help secure the kind of legislation that is desired in this body. If the Senate is to be controlled by threats sent out by Members of the House or by the President, I will not be a party to that sort of an agreement, and threats of that kind will not deter me from doing my duty as I see it. As I see my duty, it is to stand here as long as I am able to stand here and insist upon adequate legislation for the regulation of busses in interstate commerce.

Other Senators may have a different opinion; and I do not object to that. I should be the last to object, because I reserve the right to my opinion, as well as other Senators; but what I do resent is that at the close of a session, a this time, Senators should undertake to defeat desirable legislation because it does not meet with their views. I am willing to take the judgment of the Senate on the matter.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. COUZENS. I yield.

Mr. BARKLEY. Emphasizing what the Senator has said about the need for the regulation of interstate busses, I have in my hand here a folder issued by a bus line known as the Colonial Stages, which operates busses, it says, from the Atlantic to the Pacific. Down in one corner, under the heading "Information for Passengers," it states that—

> Passengers boarding busses in one State may not terminate their trip in the same State except in the State of Georgia.

That means that these interstate busses, controlled by this particular organization, will not allow a passenger who boards one of their busses to terminate his trip within the State, because there is State regulation, but they require the passenger to buy a ticket into some other State, and even though the passengers are going to a town within the State on the border, they will not allow them to alight until they have crossed the State line into the other State, so that they may escape regulation, because the State in which they are operating undertakes to regulate intrastate busses. That is only one example of the need which exists now for the passage of this measure to regulate interstate busses.

Mr. COUZENS. Mr. President, the Senator knows that every State commission in the United States, with two or three exceptions, is anxious that the Federal Government assume its responsibility to regulate these busses in interstate commerce.

Mr. BARKLEY. The truth is, as was stated yesterday, that this legislation is here largely on the initiative of the State commissions, which found themselves unable to regulate interstate traffic, and are asking Congress to exercise its rights.

Mr. COUZENS. That is true; and Senators who are from States which absolutely regulate their own intrastate business, who require a certificate of public convenience and necessity, are here fighting this legislation in the Senate.

Mr. BLAINE. Mr. President, will the Senator yield.

Mr. COUZENS. I yield.

Mr. BLAINE. My information is entirely different from that conveyed by the Senator from Kentucky and the Senator from Michigan. I hold in my hand a letter signed by the chairman of the National Association of Railroad and Utility Commissions, the chairman being a member of the Railroad Commission of Wisconsin, with which letter is sent and to which letter is attached a copy of a letter to the senior Senator from Michigan. In that letter this chairman——

Mr. COUZENS. Mr. President, will not the Senator make this statement in his own time?

Mr. BLAINE. I beg pardon; I was going to ask the Senator if he did not receive the letter.

Mr. COUZENS. If I did, I have forgotten the contents; I have received a lot of communications. But I know that since the committee first reported this measure out neither railroads nor commissions are so much interested because we have eliminated the establishment of monopolies by a limited degree of competition.

Mr. BLAINE. Mr. President, I will speak on this proposition in my own time.

Mr. COUZENS. Mr. President, when this legislation passed the House of Representatives it was generally accepted as satisfactory to the bus operators and the railroads. If I remember correctly, they were a unit in agreeing upon the bill, because it did the very thing which the Senator from Washington [Mr. DILL] objects to; that is, maintains monopoly.

The bill as it passed the House required a certificate of public convenience and necessity in every case, except in the cases where the people were operating on March 1, 1930, and they were given 90 days in which to apply for a certificate.

In the committee there were three viewpoints concerning that particular feature of the bill. The minority of the committee believed that no certificate of public convenience and necessity should be required under any circumstances; in other words, that any bus operator or any firm or corporation desiring to operate a bus could operate it by getting a permit instead of a license from the Interstate Commerce Commission after they had complied with the provisions of the law requiring a bond to guarantee the public against property or personal injury, and also guaranteeing to maintain specific routes during certain hours between certain termini.

The majority of the committee thought that it should not cover into a monopoly those bus operators who have already started bus operations and exclude all others.

An amendment was proposed providing that if there were two competing lines between the same termini, then a certificate of public convenience and necessity would be required; but if there were no competition between two given points, then a certificate of public convenience and necessity would not be required.

The majority of the committee took that view. The bill was so amended and reported out, and as soon as the railroads and the bus companies found out that the committee reported a bill requiring the maintenance of competition there was immediate objection to the passage of the bill.

Mr. DILL. Mr. President, do I understand the Senator seriously to state here that the bus companies and the railroads want this bill killed?

Mr. COUZENS. I say that the bus companies desire that this bill not pass without the provision for a certificate of public convenience and necessity.

Mr. DILL. Of course, but the point the Senator now is making is that when he put on his amendment the railroads and the bus companies turned against the bill. The fact is that they turned against that amendment——

Mr. COUZENS. Absolutely.

Mr. DILL. But they are urging and insisting upon the passage of the bill, knowing that if the provision is not taken out in the Senate it will be taken out in conference.

Mr. COUZENS. I am not able to say what may happen in conference. I am no mystic; I can not read the future about what some conference is going to do. I am insisting on our doing what we ought to do.

Mr. DILL. But the Senator does know that the railroads and bus companies are insisting that the bill be passed, just as the Senator is. They are insisting that we pass a bill, and pass it now.

Mr. COUZENS. I am insisting upon the passage of a bill which meets with the judgment of a majority of the Senate. I am not here trying to filibuster or kill a bill. I want some sort of a bill passed and allowed to go to conference, and when the conference report comes back the Senate can say whether it approves or disapproves.

Mr. DILL. I want to ask the Senator whether he considers that there was any filibustering yesterday afternoon?

Mr. COUZENS. No; I am not saying that.

Mr. DILL. Why does the Senator talk about a filibuster before there is a filibuster? Why does he not wait until a filibuster develops? When Senators are learning about this bill the Senator from Michigan rises and charges filibuster. Why does he not wait until one develops?

Mr. COUZENS. The Senator does not have to answer the Senator from Washington as to why he does certain things. I am saying that the question of filibustering was not raised until a motion was made to supplant the bill by some other legislation, and the proponents of that movement I am not charging with filibustering; I am charging only that they are desirous of pushing the legislation of which they have charge ahead of some other legislation which is of equal if it is not of more national importance.

Whether the bill passes the Senate in the form in which it came from the committee, or whether it passes the Senate in the form in which it passed the House, or whether it passes the Senate in the form desired by the Senator from Washington and his colleagues who signed the minority report is not to me the important thing. The important thing is that the Senate do its duty, that the Senate not filibuster and delay unnecessarily by supplanting this bill by less necessary legislation, and fail to do its duty before the Senate adjourns.

With that statement I hope that the Senate will remain and do its duty and see that this legislation is not supplanted by some other legislation.

The VICE PRESIDENT. The question is on agreeing to the motion made by the Senator from Washington.

AGRICULTURAL RELIEF AND THE TARIFF

Mr. CONNALLY. Mr. President, I send to the clerk's desk a telegram, which I desire to have read.

The PRESIDING OFFICER (Mr. PHIPPS in the chair). The clerk will read.

The legislative clerk read the telegram, as follows:

DIMMITT, TEX.

TOM CONNALLY,
United States Senate:
Wheat 70 cents. What chance get Farm Board to act?
CASTRO COUNTY GRAIN CO.

Mr. CONNALLY. Mr. President, what I have to submit will take only a few minutes. It can just as appropriately be discussed under the head of the deficiency bill as under the head of the omnibus bill. It could be very appropriately discussed under the deficiency bill on account of the deficiency of this Congress in not having done anything substantial in redemption of the promise with which we met last April a year ago to relieve agriculture. It could be appropriately discussed under the head of the omnibus bill because we have recently enacted legislation of an omnibus character to benefit every industry except that of the farmer, whose benefit we were supposed to subserve.

Mr. President, I do not want to make any partisan harangue. I want simply to discuss for about five minutes with Senators, regardless of their political affiliations, what, if anything, we are going to do about the present situation as it affects agriculture.

To show my lack of partisanship, I want to quote from the New York Herald Tribune, a Republican journal. I select its columns because I do not want my statement questioned. I ask the clerk to read the paragraph in this morning's Herald Tribune with reference to the farm situation.

The PRESIDING OFFICER. Without objection, the clerk will read.

The Chief Clerk read the article, as follows:

WHEAT AGAIN DECLINES

Handicapped not so much by heavy offerings as by a virtual drying up of demand, July wheat futures settled still further back into the 80s and closed at the day's low at 88¼c, a new low for 16 years. It was the fourth consecutive day in which wheat had closed off and brought to 19 cents a bushel the net loss since June 9. In cotton also July options fell off to a new year's low, selling at one time at 13.08. The close for that delivery was 13.13, with the general market winding up hardly steady at net declines of 9 to 27 points. Sugar, rye, hides, and zinc joined the long procession to new low ground for the year, and corn and oats only barely escaped reaching a new minimum.

There were, quite naturally, not a few persons prepared for the turn of events in the stock market yesterday.

Mr. CONNALLY. Mr. President, I realize that Senators are not seriously concerned with this situation. I realize that a great many Senators are more concerned about getting through with the session and repairing to their homes and the golf courses. But I want to challenge whatever powers exist in the Government to state what, if anything, is going to be done about the situation with which we are confronted.

I am speaking to Senators to-day not as Republicans or as Democrats but I am bold to speak to them as American citizens, as American Senators. What are you going to do about the situation when the press of the country carries the report that wheat, the great staple farm product, is to-day bringing a lower price than it has brought at any time for the past 16 years?

After a long, weary wait of 16 years the wheat market is lower now than it has been at any time, and yet this is the Congress and this is the Senate which was convened in April, 1929, with promises on the lips of majority Senators to do something to relieve the American farmer, to give him a broader market in foreign fields, to give him a better price in the domestic market. This is the Congress and this is the Senate under Republican administration which was called into session in April, 1929, and said to the cotton farmers and the other farmers of America that before this session ended, somewhere out of the magic of legislative action it was proposed to give the farmer a higher price for his products and a more sustained market in the foreign markets of the world. And yet the Congress, under the Republican administration, is preparing to wind up its session, preparing to go back home to those same farmers to whom those promises were made, with these facts indelibly stamped upon the records of the Congress, and nothing done up to this time to relieve that promise.

Mr. President, I visited the Farm Board this morning. I consulted the chairman and other members of the Farm Board with reference to wheat and cotton. The board seems to be doing all that it can within its power. The board can not make any less wheat. The board can not reduce the volume of wheat and the volume of cotton. The board can not make European nations pay us more for cotton. The board can not compel men in Europe to buy our wheat.

Mr. President, every cause has an effect and every effect has a cause. What is responsible for this decline in prices? Why is it that wheat to-day is lower than it was last week? Why is it that to-day cotton will bring in the markets of the world less than it would two weeks ago? The reason is that the foreign demand has vanished. The New York Herald Tribune, a Republican authority, has stated that the price decline is not so much because of heavy offerings, but because the foreign demand has dried up. Why has it dried up? I do not want to stand here and cry out as a partisan against the tariff act as the cause of that situation. That act is now the law. It is the solemn act of Congress. I want no partisan advantage out of the situation; but, Mr. President, the passage of that act has not redeemed agriculture; the passage of that act has not increased the prices of the farmer's products. The passage of that act has not raised the price of wheat 1 penny, not 1 farthing, not 1 mill. It has not raised the price of cotton to the great producers of the country 1 cent, not one-tenth of a cent. But instead the prices of these great export crops have declined to new low levels for the year, and in the case of wheat to a new low level for the past 16 years.

What are we going to do about it? Are we merely going to look out the window? Are we going to retire to the cloakrooms when unpleasant subjects are discussed? Senators, when you go back home you will not be ab... to evade this question. Your broken promises will be recalled by the farmers. They will not allow you to evade the question of what the Senate of the United States has done with reference to this important question. Oh, yes; we met in April, 1929, to relieve the farmer by a farm relief act and by a revision of the tariff. We spent about a week relieving the farmer through the consideration and pas-

sage of the farm relief bill, and then we spent the rest of 15 months making it impossible for the farmer to sell his exportable surpluses at a profit in the markets of the world. We spent the rest of the time increasing the cost of practically everything the farmer must buy and by the same token decreasing the price of everything he has to sell.

Mr. President, these are facts. They can not be doubted. They can not be evaded. No sort of sophistry can avoid them. No solemn pronouncement from the White House can wash them out. No platitudinous statements from leaders who are in control of the legislation of this Congress can detour around them. They stand here as undisputed facts. They stand here as facts which can not be denied.

I am greatly flattered by the audience of Republican Senators now present, consisting of seven Senators. That is just about the proportion of Senators on that side of the aisle who really are endeavoring to do anything substantial for the American farmer.

What are we going to do about it? Nothing? That is the easiest way out. We are soon going to adjourn. The wheat crop in the meantime will be marketed. The cotton crop in the meantime will be marketed and presumably marketed at the present low levels. Every agricultural statesman will go back to his constituents and put forth these "flannel-mouth" promises and predictions which he has been making now for the past eight years.

I, for one, believe that the time has at last arrived when we ought either to do something about the situation or quit talking about it forever. We ought to be honest with the American farmer and simply tell him that he must reduce his wheat crop to domestic needs. We ought to tell the cotton farmer that he can not expect to sell his surplus cotton abroad at a profit and must raise simply enough cotton to clothe the American people and no more. We either ought to do that or we ought to make good at least some of the promises which the Congress of the United States and the administration have been making to put the farmer on an equality with industry so far as his exportable surpluses are concerned.

Of course, no scheme has ever been advanced that will do that except the export-debenture plan. That plan does not enjoy access to the White House. That plan does not enjoy dinners with Republican leaders. That plan was adopted twice by the Senate, but because of edicts and ukases from the administration and edicts and ukases from a little coterie of leaders in another body in this Capitol, it was done to death. I call now upon the leader on the other side of the aisle, the distinguished Senator from Indiana [Mr. WATSON], who gave out in the closing days of the tariff discussion—the day after the bill passed, I believe—a glowing statement to the effect that the tariff bill was a great agricultural-relief measure. I call on him now to come back out of his party caucuses and rise in his place and tell us what he is going to do for these two great major crops whose prices have been declining steadily ever since that bill was passed and placed upon the statute books.

I call upon any champion of that measure. I call upon the Secretary of Commerce who rushed into the newspapers the other day undertaking politically to influence the affairs of the Government instead of attending to his business as Secretary of Commerce. I challenge that great Secretary, who said this was a great agricultural relief-measure, to send statistics here from his department to show us how and when and where that measure can relieve wheat and cotton and the great agricultural products which the Congress promised to aid.

I challenge Doctor Klein, of the Department of Commerce, who had the temerity to rush into print and over the radio to save the people of the United States in this campaign, to show that the tariff bill is a great agricultural-relief measure. I challenge him to send a report here to show where and how and when this mighty tariff bill is going to help the declining prices even 1 farthing, even 0.1 of 1 cent.

Mr. President and Senators, I do not want to consume further time of the Senators present, but I do want to enter my protest as to the treatment of agriculture in the RECORD, when we are facing the question of a vote as to whether we shall take up the bus bill to regulate transportation in interstate omnibuses already regulated by State authority or whether we shall take up the deficiency appropriation bill on the plea that the wheels of the Government are going to stop on the 1st day of July unless we pass it.

This session of the Congress was dedicated to the relief of the farmer. This session was solemnly called upon the great "flannel mouth" political plea that "we are going to call the Congress together to do something for suffering agriculture." I want it to be set down in the RECORD now that the longer Congress has been in session the worse off the farmer has become. His prices to-day are lower than they were when we first met to administer some relief to him. Should they continue to decline, it looks now as if instead of administering relief we will be forced to administer his estate.

In April, 1929, wheat at Kansas City was $1.10. To-day in Chicago it is 88 cents, a decline of 32 cents a bushel. When we met in April, 1929, to relieve the cotton farmer, to give him more money for his cotton, he was then getting in New York 20.33 cents. After talking for 15 months about relieving him his price for July cotton in New York is 13.07, a decline of something like 33⅓ per cent.

Mr. President, I know that this is an uninteresting subject. I know that Senators do not like to be disturbed by these unpleasant references to the condition of the farmer. I know that the agricultural situation has been the source of prolific demogogic talk and promises for the past 12 years. I know a great many have agitated themselves into public office on the strength of the agricultural-relief program. But I am wondering, Mr. President, how many of the Senators who have done that are now doing anything to really bring about a redemption of their promises? I wonder if they are bringing any influence to bear upon the administration to really relieve the situation? I wonder if any of them honestly believe that the recently enacted tariff law has either helped or ever will help the farmer?

Why, Mr. President, the answer is complete! There is no foreign demand because foreign governments can not buy our goods unless they can sell their goods to us. The American farmer can not even buy domestic goods unless he can get a higher price for his products.

Mr. President, I wanted to call these facts to the attention of the Congress and of the country. I want to call the attention of the country to the fact that the issue of the agricultural debenture is not dead. It can not be put to sleep by Executive ukase; its death can not be decreed by the temporary victory here on the floor of the Senate of those who would do it to death in the hope of receiving some benefit from the tariff bill. That issue will be with us until agriculture shall really, in some measure, be benefited by preferential legislation which Congress has given to all industrial classes of our population.

Let me say here and now that, so far as I am concerned, the Senate of the United States and the House of Representatives will have to meet the question of the agricultural-export debenture in the years to come. The little artificial measures which have been enacted which are labeled "farm relief" are simply a treatment of the skin when, as a matter of fact, the ailment is constitutional and goes to the very vitals of the agricultural situation. The little farm-relief ointment that is being placed upon the outside of the problem is simply superficial and can not reach down to the depths of the disease. All the buncombe and hocus-pocus of political agitation of the past about "helping the farmer" with cooperative marketing and with tracts from the Department of Agriculture and speeches from the book farmers over in that department are simply no more than hypocritical pretenses.

Mr. President, until Congress and the country come to recognize that the only way in which the American farmer can be given the benefit of the protective-tariff theory, the only way in which he can receive any profit whatever from the policy of building up false values in the United States by law is to bring him within the system through the operation of the debenture plan—then and then only will the promises made to American agriculture by the Republican Party even be appreciably redeemed.

PROPOSED INTERNATIONAL TRADE AND AGRICULTUAL CONFERENCE

Mr. THOMAS of Oklahoma. Mr. President, what I shall have to say will be supplemental to the remarks just made by the Senator from Texas [Mr. CONNALLY].

Mr. CONNALLY. Mr. President, will the Senator from Oklahoma yield to me?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Texas?

Mr. THOMAS of Oklahoma. I yield.

Mr. CONNALLY. I make the point of no quorum.

Mr. THOMAS of Oklahoma. I do not yield for that purpose.

The VICE PRESIDENT. The Senator from Oklahoma does not yield for that purpose.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Texas?

Mr. THOMAS of Oklahoma. For what purpose?

Mr. CONNALLY. For a question.

Mr. THOMAS of Oklahoma. I will yield for a question.

Mr. CONNALLY. I will say to the Senator from Oklahoma that of course I accede to his wish and will not demand the presence of a quorum if he does not want one; but I wish to embrace this opportunity of calling to the attention of the

country the very sparse attendance of Senators here this afternoon. When a Senator on this side undertakes to discuss matters of a great concern which are politically irritating to them, which they do not wish to hear discussed, Senators on the other side of the Chamber go to the cloakrooms or they go to the golf links or they go automobile riding. I simply want to set that down here and now. I shall, however, be very glad, if the Senator from Oklahoma will permit me, to demand a quorum, so that Senators who are now absent may hear his remarks.

Mr. THOMAS of Oklahoma. Mr. President, I do not desire to inflict undue punishment upon my colleagues, and for that reason I refuse to yield for a quorum call.

Coming to the Senate Chamber a few moments ago, I was handed a newspaper published within the last hour. Across the top of the front page I see this alarming headline:

Farmers face $1,125,000,000 loss in grain slump.

Mr. President, the State for which I presume to speak in part is one of the leading grain producing States of the Nation. The farmers of Oklahoma will suffer the loss of a very large percentage of that gigantic sum. However, the condition spoken of to-day by the Senator from Texas is not limited to losses to the grain farmer. I desire briefly to call attention to some of the headlines of to-day's newspapers. I notice in a Washington paper a headline, as follows:

Index of 90 stocks touch 1930 low. Yesterday's advances more than wiped out; 79 new minimums.

A little farther down, Mr. President—reiterating just briefly—I find that wheat on yesterday closed at 88¼ cents on the Chicago exchange. That means to the wheat farmers in the Central West a price to-day of something like 65 cents per bushel on the street and at the elevator. As stated by the Senator from Texas, this is the lowest price that wheat has reached in the past 16 years.

On yesterday cotton reached the low level of 13.8 cents per pound. That means that the farmers of the West and South, where cotton is produced, will receive this fall something like 10 cents per pound.

Mr. WALCOTT. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Connecticut?

Mr. THOMAS of Oklahoma. I yield.

Mr. WALCOTT. I desire to ask the Senator if he has any idea what the average cost of Oklahoma wheat is?

Mr. THOMAS of Oklahoma. I only have the price on the Chicago exchange of 88¼ cents. The differential on account of freight would make an average price of something like 65 cents per bushel.

Mr. President, I wish to call attention to one other fact before I leave this particular phase of the subject. I have here a publication called "Business Conditions Weekly," issued by the Alexander Hamilton Institute. The number to which I refer is dated June 21, 1930, being very recent. On page 2 of this publication, I find an article under the subhead "The Foreign Trade Situation," from which I read:

Due to the curtailment of general business activity, the United States continues to economize on purchases of foreign merchandise. Imports in May amounted to $285,000,000 as compared with $400,000,000 in the same month last year, a decrease of 28.8 per cent. For the first five months, imports of merchandise amounted to $1,486,000,000 this year as against $1,934,000,000 last year, a decrease of 23.2 per cent.

This decrease in the American demand for foreign merchandise is having a decidedly depressing effect on the export trade of the United States, especially so, since foreign countries are so dependent this year upon sales to the United States in financing purchases from the United States.

Exports of merchandise from the United States in May were valued at $322,000,000 as compared with $385,000,000 in the same month last year, a decrease of 16.4 per cent. Exports for the first five months amounted to $1,785,000,000 this year as against $2,232,000,000 last year, a decrease of 20 per cent.

Mr. President, if the figures are authentic—and I think they are—we find that in the month of May the United States suffered a decrease in imports of $115,000,000, amounting to 28 per cent plus, and for the first five months of the present year our imports have fallen off $448,000,000, a decrease of 23 per cent plus. For the same month, May, our exports fell off $63,000,000, or 16.4 per cent, and for the first five months of this year our exports decreased by $447,000,000 or 20 per cent.

It will be seen from these figures that the import decrease and the export decrease were practically the same, there being a decrease of $448,000,000 in imports and $447,000,000 in exports. I submit those facts for the consideration of the Senate. They show, Mr. President, that unless we can sell our goods abroad our foreign trading customers can not buy goods here. The figures for the first five months offset each other. It follows, I submit, that the less goods foreigners sell in the United States the less goods they will buy in the United States.

In connection with this article, I call attention to a few newspaper clippings which are of recent date. On the 19th of June, an official of the Canadian Government, who presumed to speak for that country, made an address. I refer to Mr. Percy Elwood Corbett. In that address he gave the reaction of the passage of the tariff bill in Canada, and said that the passage of the tariff bill in Canada caused a "wave of indignation from one end of the country to the other." Further he said:

Retaliation has become the cry of the day and this year's [Canadian] budget, with its increased British preference, is the result. Such actions are by no means confined to Canada.

A little farther on he says:

Only the impartial observer could say which of us is more ready to make neighborly concessions, but surely a lead in the direction of altruism might legitimately be expected from the larger country.

Mr. President, I interpret that speech made by this distinguished Canadian as a plea for a conference with the responsible authorities of the United States with a view and a hope that the tariff rates applying between these two neighborly countries may be satisfactorily adjusted.

In the same newspaper I find another story, to which I call attention briefly. The headline reads as follows:

French make threats of tariff reprisals.

It is an Associated Press dispatch, and the story is dated Paris, June 19. I read from it as follows:

Official France's first move of protest against the new American tariff and the first official threat of reprisals against its enforcement were made to-day by the committee on customs of the Chamber of Deputies.

After short deliberations the committee adopted the following "order of the day" to be submitted to Premier Tardieu:

"The committee on customs of the chamber, after examining attentively the consequences of the increase in customs duties decided upon by the United States, notes with regret:

"First. That the new American tariff * * * will sensibly decrease French exports to that great, friendly country.

"Second. That it will seriously increase the difficulties which generalized economic nationalism is bringing about in international exchanges.

"Third. That owing to the injury done to the equilibrium of their commercial balances, countries which have debts to settle with the United States risk severe tension in their monetary systems.

"The committee deems it necessary to adopt French customs duties, as applied to American products, to the régime to which will be submitted French exports to America, and requests the Government to intervene immediately with the President of the United States to obtain such decrease in American customs duties necessary to the maintenance of French exports.

"The committee on customs, in event that such intervention remains without results would insist upon suppression of the clause now granting most-favored-nation treatment to the United States, deeming it illogical that the United States should benefit by such treatment without the slightest reciprocity such as consented by other nations."

In the last issue of the Washington Star I find another story of interest upon the same subject matter. The title of this story is:

French favor going slow. Opposing united retaliation measures, will take direct action.

This is a signed article coming from Paris dated June 23. The story is as follows:

PARIS, FRANCE, June 23.—Although a few other European countries already have approached the French Government in order to study the possibility of common action vis-a-vis the American tariff, France will not favor concerted retaliation measures, but first will try to obtain through normal and direct negotiations with the American Government alleviation of the allegedly excessive duties on certain French goods.

The French Ministry of Commerce is now studying the intricate clauses of the Hawley-Smoot tariff and is trying to value possible effects on French exports to the United States, but being fully aware of the vital importance of her imports of American raw materials like cotton, oil, gasoline, and copper for French industry the French Government will handle the whole matter with the greatest care and in a spirit of friendly collaboration with the United States.

As soon as the necessary survey is completed the French Government will transmit to the American Government a general memorandum fully explaining the French point of view and asking for modification of some items on the new tariff. There is so far no suggestion in responsible

circles of denouncing the most-favored-nation clause granted by France to the United States in 1920.

Mr. President, I submit these articles; and I interpret them as being a plea on behalf of the nations of the world to enter into some kind of accord with the responsible authorities of the United States in order that these barriers may be lessened, if not entirely annulled and repealed.

Let me call attention to another news item:

Europe launches United States tariff fight.

The story comes from Brussels. It is an Associated Press dispatch. The first statement is:

An "anonymous high official" to-day was quoted by Le Peuple with the statement that joint negotiations already are under way among European countries interested in the effects of the new United States tariff.

In this story I find a paragraph that shows the effect of the reduction of American tariff rates. This paragraph relates to the reduction of the tariff on diamonds, and for the benefit of the Senate and the RECORD and to show the effect on foreign trade of a reduced rate I read the item:

Louis van Berckelaer, secretary general of the International Diamond Workers Syndicate, to-day expressed the opinion that the tariff would result in an immediate improvement in the European diamond industry.

It must be remembered that the tariff bill recently passed reduced the rate on diamonds; and here is the effect of that reduced rate as stated in a dispatch coming from Brussels:

He explained that during the tariff discussions in Washington American diamond dealers refrained from accumulating new stocks.

Reduced tariff on uncut diamonds of 10 per cent instead of the previous 20 per cent will result, he said, in New York becoming an important market for rough stones and bring to a standstill the well-organized smuggling of gems that has been going on.

He predicted that while the large stones would be cut in the United States the branch of European industry would hardly be affected by the new situation.

Similar optimism to-day prevailed among other diamond dealers, who expressed belief that America by August or September would be a more important buyer in the diamond market than ever before.

Mr. President, this is one case where a rate upon an import to the United States was decreased. Within one week's time such reduction has been reflected in the diamond industry, and we maintain that other reductions would have similar effects upon the commerce of the United States and the world.

I quote next from the same paper, the Washington Star, a story under the heading "Fascist Leader Hits Tariff. Other Peoples Have Become Italy's Exigent Creditors, Turati Says." This is from Bologna, Italy, June 23, and is an Associated Press dispatch:

Speaking on the present economic situation in Italy, Augusto Turati, secretary of the Fascist Party, yesterday made the first public reference by any responsible Italian official to the new Hawley-Smoot tariff.

"If we are suffering something to-day," he said, "it is because other peoples, forgetful of what we gave open-handedly during the sad, laborious hours of the war, have become exigent creditors for us.

"Not content with having made us pay our debt to the last centesimo, they would now pretend to take us by the throat economically, in order to make us slaves."

Previously, Turati had said:

"Though our lot be hard, people abroad are not smiling. They are not smiling in America, where the richest banking market is crumbling. They are not smiling in the streets of London, where innumerable columns of unemployed pass by.

"They are not smiling in rich France, where they are tormented with trying to rescue the small savings of French rural economy."

On the 20th of this month I find a story appearing in practically all the papers under an Associated Press headline, as follows:

Tariff foes press Paris for protest. French Government hoping revision of rates by Hoover will end agitation.

I quote one or two paragraphs of this story, under a subhead as follows:

HOPE PLACED IN HOOVER

Strong hope was expressed, however, that President Hoover could be induced to make generous use of his discretionary powers to reduce duties which turn out to be too high, without going through the process of technical investigations which might take a year or more before they could possibly yield benefits to French industry.

The estimate of the American embassy that the new rates would add an average of only 3.35 per cent to French export duties to America was accepted by neither manufacturers nor officials.

Mr. President, I might say in passing that the President gave out a statement outlining his reasons for signing the new tariff bill. Replying to criticisms of the measure, he is reported to have said that if the act contained errors, injustices, and inequalities that under the flexible provision he could correct such errors, injustices, and inequalities. Our American ambassador to France made a similar representation to the French people—that even if the bill contained some inequalities and did some injustices to France, the President had the power, under the flexible clause, to correct such errors; but here we have a statement from France stating that neither the manufacturers nor the people of France are willing to accept such statements. They are hopeful, but they are not satisfied.

I shall not refer to any more of these protests now. They are world wide. As I had occasion to say on a previous day, they come from practically every country on the globe where American trade goes. It occurs to me that the American Government is not justified in remaining quiet while these protests are being made. No explanations are offered; but little hope is held out; and yet the nations of the world are listening, they are waiting, they are hoping that something may be done to save their trade with the United States.

Mr. President, as I stated on a former occasion, we have due this Government something like ten and a half billion dollars of foreign loans. Our foreign investors have loaned and invested abroad something like $17,000,000,000. Our foreign trade amounts to $10,000,000,000 annually. These three figures when added make the gigantic sum of thirty-seven and one-half billion dollars. We expect interest on this money. We expect interest and dividends to be paid upon our investments abroad. We expect our foreign trade to be continued and even extended. If it is not continued and extended, we shall be the sufferers. So that this enormous sum of $37,000,000,000 and more, at 5 per cent interest—only a fair return—makes our income from abroad each year almost $2,000,000,000.

Mr. President, we can not afford to jeopardize the security of our Government's foreign loans. We can not afford to place barriers and obstacles in the way of a continuation and expansion of our foreign trade. We can not afford to take chances with either principal or income. If the income is jeopardized, the principal becomes unsafe. If foreign nations can not pay the interest on the debts they owe, the next thing will be a repudiation of those debts. If foreign borrowers can not pay the interest upon their private loans, then repudiation of the loans may follow. We can not suffer this foreign trade to be placed in jeopardy, because for every dollar's worth of goods we keep out of the United States a dollar's worth of our surplus goods will not leave the United States. Mr. President, as a matter of policy the United States should not remain silent and idle with the conditions in the world developing as they are. World sentiment is too much against the United States for us to remain silent and inactive.

Mr. President, in one of the leading cafés of this city there is posted conspicuously upon the wall a motto. That motto reads, "Our guests are always right." I think almost everyone in this Chamber has seen that motto. When one goes to that particular restaurant and looks around the wall he sees the smiling countenances of many of the leaders of this body looking down upon them. At this particular café one has to stand in line to get a table. The patronage is good. The business has been developed because of the policy pursued, I take it, that their guests are always right. Yet in the matter of foreign trade—and the same principle should be involved—the Government of the United States reverses that motto and says, "Our trade customers are never right."

I protest against that policy; and I suggest for the consideration of this Government that the policy be changed so as to imitate the motto upon the walls of this cafe. I would not say that our foreign trading customers are always right, but I maintain that they are sometimes right, and their protests should at all times be heeded.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Florida?

Mr. THOMAS of Oklahoma. I yield.

Mr. TRAMMELL. I desire to ask the Senator if he believed in heeding the protests of these foreign countries when they desired the entire forgiveness of the obligations which they owed America on account of money advanced them to carry on the war. They protested most vehemently against paying those obligations. Was he in favor of heeding that protest?

Mr. THOMAS of Oklahoma. As a Member of the House of Representatives and a Member of this body, I voted to exact from our allies the amount of money the commission found to be due. That is my position still. I am in favor of exacting the interest they owe, and I favor the collection of the principal

when due. At the same time, I am in favor of making conditions such that they can pay the interest, and eventually the principal.

Mr. President, I am interested in our foreign trade. Coming from a western, interior State, some might wonder at my interest. Oklahoma is one of the leading wheat-producing States of this Nation. The United States produces some 200,000,000 bushels of wheat each year for export sale. Unless this surplus wheat is sold abroad, it remains here at home to depress the price; and this is the reason why to-day the price of wheat on the markets of my State is around 65 cents per bushel. The Washington Daily News, printed since noon today, contains the following statement:

> The cause generally was ascribed to the glut of grain in all markets of the world, with bigger crops in the Southwest promising to augment the oversupply. Harvest is well under way in the Southwest, and despite the fact that many farmers have indicated they will store their grain, commission men feared a flood of new grain to descend.

Mr. President, that is the reason why the price of wheat is only some 65 cents to-day. We have too much wheat on hand, too much wheat has been carried over, too much wheat is now ready to be cut, too much wheat is now ready to be threshed, and when the present crop is cut and threshed, the supply will be augmented and increased, and the price for this commodity may thereby be further depressed.

Mr. President, in addition to Oklahoma being one of the leading wheat-producing States of the Nation, it ranks second as a cotton-producing State. Nine million bales of cotton are produced annually in the United States for export. Oklahoma produces a large percentage of that 9,000,000 bales. Unless foreigners can buy this surplus cotton, it must remain here at home, and that is the reason why the price of cotton to-day is between 12 and 13 cents a pound. This is 12 to 13 cents a pound upon the exchanges, and such exchange prices mean that the cotton growers of the South and West receive something like 10 cents a pound for the cotton they produce. This is the outlook which faces the cotton planters to-day.

Mr. President, in addition to being a wheat and flour-producing State for export purposes, and a cotton-producing State for export purposes, Oklahoma produces minerals. We have almost unlimited coal. If there should be a foreign market found for coal, Oklahoma mines could supply any reasonable demand. There is no demand for coal now. The countries wanting coal can not get it from Oklahoma.

My State produces oil. We export oil-refined products, gasoline, and the other 300 products made from oil. Unless the nations abroad can sell their surplus goods to us they can not continue to buy our surplus oil-refined products. So my State is interested in having our foreign friends prosperous so that they can buy the things we produce and have for sale, and unless we can sell our surplus wheat, unless we can sell our surplus cotton, unless we can sell our surplus oil and oil products, unless we can sell our surplus coal, and unless we can sell our surplus lead and zinc, the main industries of my State will suffer, languish, and eventually die.

Mr. President, there should be a remedy for every ill. For years we have sought the remedy for the ills of agriculture, but the problem is not yet solved. We are officially advised that the cause of the low price of wheat is the large surplus now in existence, and that in order to remedy this condition the wheat farmers should stop raising wheat, and instead raise something else. If the United States supplied all the wheat consumed in the world, that remedy might be sound, but the remedy is not sound under present circumstances. If the United States should initiate a program of limitation of the production of wheat, what would the other wheat-producing countries probably do? What would Argentina do, what would Australia do, what would Canada do? Each country would probably produce more wheat. It would do no good whatever to curtail the production of wheat in the United States unless Canada would curtail, unless Argentina would curtail, unless Australia would curtail, unless France would curtail, and unless Russia would curtail. This problem is not one local to the United States; it is a world problem, and when solved it must be by the wheat-producing nations cooperating to bring about world-wide curtailment of wheat production.

Mr. President, if my premises are sound, if it is desirable to limit the production of wheat to the end that the surplus may be controlled, it can not be done by the United States alone, it can only be done by effective cooperation by the wheat-producing countries of the world. The same thing is true relative to cotton.

In order that our farmers in the United States may be advised of the amount of the carry-over of agricultural crops, such as wheat, corn, and cotton, and in order that they may know of the status of growing crops, it will be necessary for the Federal Farm Board to organize and maintain a world-wide crop-reporting bureau. In order for the farmers of the United States to know how much wheat is being carried over in the other nations, in order for them to know whether or not they should produce wheat, or oats, or plant corn, or cotton, they must know how much wheat and cotton and oats and corn are being carried over in the other nations of the world, and such information can be secured only through the organization of a world-wide crop-reporting system. We should—we must—have such a system.

Mr. President, if we are to limit the production of wheat and the production of cotton, it will be necessary for us to cooperate with the other wheat and cotton producing countries. We can not do it ourselves. We must have some kind of an arrangement and some kind of an understanding with the other nations producing these commodities whereby they will cooperate with us in bringing about these results.

Mr. President, I submit that our best interests demand that international trade barriers should be lowered rather than raised; that international trade cooperation should be stimulated rather than repressed; and in order to bring about the ends suggested I desire at this time to introduce a joint resolution. I ask unanimous consent that the same may be read from the desk for the benefit of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The joint resolution (S. J. Res. 202) providing for the calling of an international trade and agricultural conference was read the first time by its title, the second time at length, as follows:

> *Resolved, etc.*, That the President is hereby authorized and requested to invite the governments of the countries with which we maintain commercial relations to send representatives to a conference which shall be charged with the duty (1) of making a survey of economic barriers between and among the countries represented; (2) of investigating, considering, and developing a system of international agricultural crop reporting; and, (3) of investigating, considering, and reporting plans for the control of the production of exportable agricultural crops; and that the report or reports of such conference, whether jointly or individually made, shall be filed with the appropriate respective governments for consideration and approval.
>
> SEC. 2. For the purpose of meeting the expenses incident to such conference, funds are hereby authorized to be appropriated.

Mr. THOMAS of Oklahoma. I ask that the resolution be referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Agriculture and Forestry.

MUSCLE SHOALS

Mr. BLACK. Mr. President, I desire to call the attention of the Senate to a news item appearing in this afternoon's Washington News, as follows:

> Claudius Huston's Tennessee River Improvement Association began receiving contributions from the power industry as far back as 1925, it was revealed to-day by the Federal Trade Commission.
>
> The commission, examining accounts of the East Tennessee Development Co., a somewhat mysterious subsidiary of National Power & Light, holding company in the Electric Bond & Share group, found a contribution of $3,750 made in October, 1925. National Power & Light actually contributed the money and charged it to the development company.

I desire to call the attention of the Senate in connection with that item to the fact that the Muscle Shoals problem is still unsettled. I desire to call attention further to the fact that two Republican Congressmen from the South—we rarely ever send any, but it happens that from two districts Republican Congressmen have been sent to Washington—are on the conference committee. One of them is from Tennessee and one is from Texas. Mr. Huston is from Tennessee. The Muscle Shoals difficulty could be settled, as I said a few days ago, by one word from the White House. It is being held up and the fault lies with the administration. The fault lies with the Republican Party leaders. It lies with the Republican Party "bosses." Mr. Huston is chairman of the Republican National Committee.

According to my information, Mr. REECE has left Washington and gone to Tennessee. Of course, there is no chance for the conference committee to agree while Mr. REECE is in Tennessee.

The item continues:

> The commission was unable to learn why the payments were made to Leighton, or why the development company was organized. The Norris Muscle Shoals bill was pending before Congress at the time the payments and the contribution to the Tennessee River Improvement Association were made.

NEW EVIDENCE OF "BOOSTING"

New evidence is disclosed in the record of National Power & Light Co. affairs of "boosting" the value of securities and of wide divergence between company profits and company expenses.

In the six years ended with 1928 National Power & Light had a gross income of $25,582,751 and expenses of only $2,113,605. In other words, 8 per cent of the gross income was devoted to expense, leaving 92 per cent for bond interest and dividends.

These stupendous profits are being received by the company which the Republican administration and the Republican House conferees are protecting from competition from the little bit of power at Muscle Shoals. They will not let anything be done at this session of Congress about Muscle Shoals if they can prevent it.

No vote has been taken by the Members of the House on the Norris bill. Why is Muscle Shoals legislation held up? In order that 2,000 to 3,000 per cent profits may continue to go into the pockets of the Power Trust and so that out of every dollar's income 92 cents can go to dividends and profits.

ADULTERATED OR MISBRANDED FOODS, DRUGS, ETC.

Mr. McNARY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein and for other purposes," approved June 30, 1906, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

CHAS L. McNARY,
JOHN G. TOWNSEND, JR.,
Managers on the part of the Senate.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House having considered the bill (S. 1721) directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years, ordered that the enacting clause thereof be stricken out.

The message also announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 4164. An act authorizing the repayment of rents and royalties in excess of requirements made under leases executed in accordance with the general leasing act of February 25, 1920; and

S. J. Res. 24. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for March 4, 1929.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 609. An act authorizing the Secretary of the Treasury to pay certain moneys to James McCann; and

H. R. 2810. An act for the relief of Katherine Anderson.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 887) for the relief of Mary R. Long; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 936) for the relief of Glen D. Tolman; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 3845. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924;

S. 4577. An act to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.;

H. R. 320. An act for the relief of Haskins & Sells;

H. R. 328. An act for the relief of Parke, Davis & Co.;

H. R. 329. An act for the relief of Joseph A. McEvoy;

H. R. 471. An act for the relief of Luther W. Guerin;

H. R. 655. An act for the relief of Guy E. Tuttle;

H. R. 704. An act to grant relief to those States which brought State-owned property into the Federal service in 1917;

H. R. 1058. An act for the relief of Jesse A. Frost;

H. R. 1076. An act for the relief of Jacob S. Steloff;

H. R. 1546. An act for the relief of Thomas Seltzer;

H. R. 1592. An act for the relief of William Meyer;

H. R. 1696. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 1712. An act for the relief of the heirs of Jacob Gussin;

H. R. 1717. An act for the relief of F. G. Baum;

H. R. 1724. An act for the relief of Margaret Lemley;

H. R. 1888. An act for the relief of Rose Lea Comstock;

H. R. 2464. An act for the relief of Paul A. Hodapp;

H. R. 2645. An act for the relief of Homer Elmer Cox;

H. R. 2755. An act to increase the efficiency of the Veterinary Corps of the Regular Army;

H. R. 2776. An act for the relief of Dr. Charles F. Dewitz;

H. R. 3072. An act for the relief of Peterson-Colwell (Inc.);

H. R. 3222. An act for the relief of the State of Vermont;

H. R. 3441. An act for the relief of Meta S. Wilkinson;

H. R. 3732. An act for the relief of Fernando Montilla;

H. R. 5113. An act for the relief of Sylvester J. Easlick;

H. R. 5459. An act for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koeningstein, and H. Fukasawa;

H. R. 5526. An act for the relief of Fred S. Thompson;

H. R. 5872. An act for the relief of Ray Wilson;

H. R. 5962. An act for the relief of R. E. Marshall;

H. R. 6209. An act for the relief of Dalton G. Miller;

H. R. 6210. An act to authorize an appropriation for the relief of Joseph K. Munhall;

H. R. 6243. An act for the relief of A. E. Bickley;

H. R. 6264. An act to authorize the Secretary of War to donate a bronze cannon to the town of Avon, Mass.;

H. R. 6268. An act for the relief of Thomas J. Parker;

H. R. 6340. An act to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn.;

H. R. 6416. An act for the relief of Myrtle M. Hitzing;

H. R. 6537. An act for the relief of Prentice O'Rear;

H. R. 6627. An act for the relief of A. C. Elmore;

H. R. 6663. An act for the relief of J. N. Lewis;

H. R. 6825. An act to extend the measure of relief provided in the employees' compensation act of September 7, 1916, to Robert W. Vail;

H. R. 6871. An act to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes;

H. R. 7013. An act for the relief of Howard Perry;

H. R. 7026. An act for the relief of Mrs. Fanor Flores and Pedro Flores;

H. R. 7027. An act for the relief of Paul Franz, torpedoman, third class, United States Navy;

H. R. 7068. An act for the relief of Fred Schwarz, jr.;

H. R. 7638. An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field;

H. R. 7664. An act to authorize payment of fees to M. L. Flow, United States commissioner, of Monroe, N. C., for services rendered after his commission expired and before a new commission was issued for reappointment;

H. R. 8347. An act for the relief of the Palmer Fish Co.;

H. R. 8393. An act to authorize the Court of Claims to correct an error in claim of Charles G. Mettler;

H. R. 8491. An act for the relief of Bryan Sparks and L. V. Hahn;

H. R. 9246. An act to reimburse Lieut. Col. Frank J. Killilea;

H. R. 9280. An act to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation in the State of Maryland;

H. R. 9990. An act for the rehabilitation of the Bitter Root irrigation project, Montana;

H. R. 10376. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 10919. An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes;

H. R. 11088. An act for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va.;

H. R. 11405. An act to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes";

H. R. 11477. An act for the relief of Clifford J. Turner;

H. R. 11493. An act to reimburse Lieut. Col. Charles F. Sargent;

H. R. 12099. An act to apply the pensions laws to the Coast Guard;

H. R. 12263. An act to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims;

H. R. 12586. An act granting an increase of pension to Josefa T. Philips;

H. R. 12663. An act granting the consent of Congress to the Texas & Pacific Railway Co. to reconstruct, maintain, and operate a railroad bridge across Sulphur River in the State of Arkansas, near Fort Lynn;

H. R. 12842. An act to create an additional judge for the southern district of Florida;

H. J. Res. 306. Joint resolution establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Massachusetts Bay colony, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; and

H. J. Res. 322. Joint resolution authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia.

ENROLLED BILLS PRESENTED

Mr. GILLETT (for Mr. GREENE), from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 968. An act for the relief of Anna Faceina;

S. 1252. An act for the relief of Christina Arbuckle;

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California;

S. 2370. An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia;

S. 2972. An act for the relief of Dewitt & Shobe;

S. 3038. An act for the relief of the National Surety Co.;

S. 3472. An act for the relief of H. F. Frick and others;

S. 3726. An act for the relief of the owner of the American steam tug *Charles Runyon;*

S. 3873. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.;

S. 3893. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota;*

S. 4517. An act to provide for the regulation of tolls over certain bridges; and

S. J. Res. 140. Joint resolution to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the U. S. submarine *S–4.*

SECOND DEFICIENCY APPROPRIATIONS

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Broussard	Deneen	Harris
Ashurst	Capper	Dill	Harrison
Barkley	Caraway	George	Hastings
Bingham	Connally	Gillett	Hatfield
Black	Copeland	Glass	Hayden
Blaine	Couzens	Glenn	Hebert
Borah	Cutting	Goldsborough	Howell
Brock	Dale	Hale	Johnson
Jones	Oddie	Shipstead	Townsend
Kean	Overman	Shortridge	Trammell
Kendrick	Patterson	Simmons	Tydings
La Follette	Phipps	Smoot	Vandenberg
McCulloch	Pine	Steck	Wagner
McKellar	Pittman	Steiwer	Walcott
McMaster	Ransdell	Stephens	Walsh, Mass.
McNary	Reed	Sullivan	Walsh, Mont.
Metcalf	Robinson, Ind.	Swanson	Watson
Moses	Robsion, Ky.	Thomas, Idaho	
Norris	Sheppard	Thomas, Okla.	

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Washington that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. COUZENS. Mr. President, I should like to submit a unanimous-consent agreement to perhaps expedite matters if we can get an agreement to vote upon the bus bill. I would like to ask unanimous consent to vote on the final disposition of the bus bill at 3 o'clock on next Monday afternoon.

Mr. DILL. I object.

The VICE PRESIDENT. The junior Senator from Washington objects. The question is on the motion of the senior Senator from Washington that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. JONES. I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. He being absent, I transfer that pair to the junior Senator from Minnesota [Mr. SCHALL] and vote "nay."

Mr. REED (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Pennsylvania [Mr. GRUNDY] and vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. In his absence I transfer that pair to the senior Senator from Ohio [Mr. FESS] and vote "nay."

The roll call was concluded.

Mr. OVERMAN (after having voted in the affirmative). Has the Senator from Illinois [Mr. DENEEN] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. OVERMAN. I have a general pair with that Senator. I transfer it to the Senator from Missouri [Mr. HAWES] and let my vote stand.

Mr. METCALF. Has the Senator from Maryland [Mr. TYDINGS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. METCALF. I have a general pair with that Senator. Not knowing how he would vote, I withhold my vote.

Mr. CARAWAY. I have a general pair with the Senator from New Hampshire [Mr. KEYES], I transfer to the Senator from Florida [Mr. FLETCHER] and vote "nay."

Mr. MCKELLAR (after having voted in the affirmative). I have a pair with the junior Senator from Delaware [Mr. TOWNSEND], which I transfer to the senior Senator from Iowa [Mr. STECK], and let my vote stand.

Mr. SHEPPARD. The Senator from Georgia [Mr. GEORGE], the Senator from Mississippi [Mr. STEPHENS], and the Senator from Iowa [Mr. STECK] are detained on official business.

Mr. MCNARY. I desire to announce that on this question the Senator from Nevada [Mr. ODDIE] is paired with the Senator from North Dakota [Mr. MCMASTER]. If present, the Senator from Nevada [Mr. ODDIE], would vote "yea," and the Senator from South Dakota [Mr. MCMASTER] would vote "nay."

I wish to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Vermont [Mr. GREENE] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER];

The Senator from Utah [Mr. SMOOT] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS].

I am not advised how any of these Senators would vote on this question.

The result was announced—yeas 30, nays 27, as follows:

YEAS—30

Ashurst	Dill	Kendrick	Shortridge
Bingham	Glass	McKellar	Steiwer
Blaine	Hale	Overman	Sullivan
Brock	Harris	Phipps	Swanson
Broussard	Hayden	Pittman	Thomas, Idaho
Connally	Howell	Ransdell	Walsh, Mont.
Cope'and	Johnson	Reed	
Cutting	Jones	Sheppard	

NAYS—27

Allen	Glenn	McNary	Trammell
Barkley	Goldsborough	Moses	Vandenberg
Black	Hastings	Norris	Wagner
Capper	Hatfield	Patterson	Walcott
Caraway	Hebert	Robinson, Ind.	Walsh, Mass.
Couzens	Kean	Shipstead	Watson
Dale	McCulloch	Thomas, Okla.	

NOT VOTING—39

Baird	Gillett	La Follette	Simmons
Blease	Goff	McMaster	Smith
Borah	Gould	Metcalf	Smoot
Bratton	Greene	Norbeck	Steck
Brookhart	Grundy	Nye	Stephens
Deneen	Harrison	Oddie	Townsend
Fess	Hawes	Pine	Tydings
Fletcher	Heflin	Robinson, Ark.	Waterman
Frazier	Keyes	Robsion, Ky.	Wheeler
George	King	Schall	

So the motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

Mr. BINGHAM. For fear lest the cloture may be put upon this bill to-morrow, although I shall vote against the cloture, and in order to conform to the rule, I send to the desk an amendment which I ask to have read.

The VICE PRESIDENT. The Senator from Connecticut submits an amendment, which will be read.

The amendment was read, ordered to lie on the table, and to be printed, as follows:

At the proper place to insert the following:

"For carrying out the provisions of the act entitled 'An act authorizing an appropriation for the purchase of the Vollbehr collection of incunabula,' approved June 25, 1930, $1,500,000."

Mr. VANDENBERG. I offer an amendment to the pending bill and ask to have it read, printed, and lie on the table.

The amendment was read, ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 67, between lines 23 and 24, insert the following new paragraph:

"Sixth session of the Permanent International Association of Road Congresses: For the expenses of the sixth session of the Permanent International Association of Road Congresses, to be held in the District of Columbia in October, 1930, as authorized by the joint resolution entitled 'Joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof,' approved March 28, 1928, as amended, including salaries in the District of Columbia or elsewhere, rent in the District of Columbia, printing and binding, exhibits, transportation, and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract, if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), official cards, entertainment, and such expenses as may be actually and necessarily incurred by the Government of the United States in the observance of proper courtesies, fiscal years 1930 and 1931, $30,000."

Mr. JONES obtained the floor.

Mr. WATSON. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Indiana?

Mr. JONES. I yield for a question.

Mr. WATSON. Has the Senator any kind of understanding about when a vote will be taken on this measure?

Mr. JONES. I am going to submit a proposed unanimous-consent agreement.

Mr. WATSON. Very well.

Mr. JONES. I gave the substance of the request I am going to submit earlier in the day, but in view of the time that has been consumed I think that the time proposed to be fixed to-morrow for taking a vote on the Boulder Dam item should be extended; so instead of asking that the vote be taken at 3 o'clock I wish to extend it to 4 o'clock. I think that will be fair to the Senators from Arizona. I suggested to the assistant leader, the Senator from Oregon, that the Senate ought to meet at 11 o'clock to-morrow, which would make up for the time which has been used to-day.

Mr. McNARY. That is true, and, so far as I can speak, I am in accord with the suggestion, but if we meet at 11 o'clock there is no need of extending the hour of the vote from 3 o'clock until 4 o'clock in the afternoon.

Mr. JONES. Except that we have already taken two hours this afternoon which it was expected we would have for discussion of the Boulder Dam item.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Arizona?

Mr. JONES. I yield.

Mr. ASHURST. I think the Senator from Washington is eminently fair. Two hours have been consumed this afternoon, and I think it is only fair that the time for discussion should therefore be extended two hours. Speaking for myself, and I think for my colleague—although, of course, my colleague will speak for himself—so far as we are concerned if we may have between now and 4 o'clock to-morrow, not to exceed, say, two hours each on the item, that will be satisfactory to us.

Mr. GLASS. Two hours each—four hours all together?

Mr. ASHURST. Yes; and I will say that, if the cloture motion is withdrawn, we think that is a fair arrangement, that between now and 4 o'clock to-morrow we may each have two hours if we wish it. It may be that after I have proceeded 10 minutes the effect of my speech will be so obvious that I will not need to proceed further.

Mr. GLASS. I could listen to the Senator alone for two hours, but I am wondering when we are going to get to the other disputed items of the bill?

Mr. ASHURST. They will be reached at 4 o'clock under the agreement.

Mr. JONES. I was going to state that, so far as I could, I would insist upon a disposition of the bill to-morrow.

Mr. GLASS. The Senator from Washington knows that I wanted to address the Senate on an important item in the appropriation bill.

Mr. JONES. I understand that.

Mr. GLASS. And at his suggestion I deferred speaking to-day and postponed my remarks until to-morrow.

Mr. JONES. I know that.

Mr. GLASS. I do not want to wait until to-morrow night.

Mr. JONES. I think if we dispose of the Boulder Dam item at 4 o'clock, we may probably be able to dispose of the remainder of the bill by half past 5 or so.

Mr. ASHURST. So far as I am concerned, I am willing to proceed this afternoon and occupy such time as I may; so the agreement could fix the hour at 3 o'clock to-morrow, provided the Senate should meet at 11 o'clock a. m. to-morrow.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. I yield.

Mr. NORRIS. In view of the statement of the Senator from Washington that he expected a final vote on all the items of the bill before adjournment to-morrow, I do not think we ought to meet at 11 o'clock. Suppose that we do not get through with the bill to-morrow; there will be another day following it.

Mr. JONES. Of course, it will rest with the Senate. I simply said I was going to do all I could to dispose of the bill to-morrow.

Mr. NORRIS. I do not want to interfere with the Senator's program. I would not object if the session should run late to-morrow, but the proposal to meet at 11 o'clock, in view of all the other work we have on hand, seems to me to be uncalled for and unnecessary.

Mr. JONES. Very well, I will provide in the request that the vote shall be taken at 4 o'clock. I send the request to the desk and ask that it may be read.

The VICE PRESIDENT. Let the Secretary read the request for unanimous consent submitted by the Senator from Washington.

The Chief Clerk read as follows:

It is hereby agreed by unanimous consent that not later than 4 o'clock p. m., on Thursday, June 26, the Senate shall proceed to vote on any amendments that may be offered or pending to the paragraph in House bill 12902, the second deficiency act, 1930, relating to the Boulder Canyon project, and that prior to that hour each of the Senators from Arizona shall have not more than two hours for debate on the paragraph and amendments that may be proposed, and all other discussion shall be limited to not more than 20 minutes to any one Senator.

Mr. BLACK. Mr. President, I understood from the Senator from Oregon that the Senate would adjourn this afternoon and there would be a morning hour to-morrow.

Mr. JONES. The agreement will not interfere with that.

Mr. BLACK. It will not interfere with it?

Mr. JONES. No.

Mr. BLACK. Then we will have the regular morning hour to-morrow?

Mr. JONES. So far as the proposed unanimous-consent agreement is concerned, we may have a morning hour.

Mr. JOHNSON. Mr. President, if the Senator from Washington will pardon me——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I yield.

Mr. JOHNSON. Being somewhat interested in the item under discussion, I am very glad indeed to accept the suggestion of the Senator from Washington. I want possibly 10 minutes during the period of the discussion. I know the Senator from Nevada wants a very brief period—I do not speak for him or as to the amount of time he may require—but personally I shall require very, very little. However, if we have a morning hour to-morrow, may I suggest that it will be quite impossible, will it not, for us to keep the agreement with the Senators from Arizona and give each of them two hours?

Mr. JONES. I thought they would take some time this afternoon in discussing the item.

Mr. JOHNSON. Very well, if they are going to occupy two hours this afternoon, that is a different proposition.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nevada?

Mr. JONES. I yield.

Mr. PITTMAN. Of course, we have got to carry out the spirit of the agreement, if entered into, and it is possible for debate to prevent the carrying out of the proposed agreement. I do not think that there is any Senator who has any intention of violating the agreement, and yet I can see, as suggested by the Senator from California, that if we have a morning hour, which may run up until 2 o'clock, it will be very difficult for the two Senators from Arizona to speak for two hours and possibly two or three other Senators to take 10 or 15 minutes each.

Mr. JONES. I may say to the Senator that that is really the reason why I suggested that the Senate meet at 11 o'clock to-morrow.

Mr. PITTMAN. I think we should meet at 11 o'clock.

Mr. COUZENS. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. I yield.

Mr. COUZENS. I believe that the matter will be expedited by invoking cloture, and therefore I object.

The VICE PRESIDENT. Objection is made.

Mr. ASHURST addressed the Senate in opposition to the appropriation of $10,660,000 for the commencement of construction on the Boulder Canyon Dam and hydroelectric power plant. After having spoken for some time he yielded to the Senator from Oregon [Mr. MCNARY].

Mr. MCNARY. I ask unanimous consent that when the Senate concludes its work to-day it adjourn until 11 o'clock to-morrow and that at the conclusion of the routine morning business the unfinished business be laid before the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. ASHURST resumed and concluded his speech, which is as follows:

Mr. President, it is obvious that it is impossible now to reach a modus vivendi respecting an allotment of or distribution of time on this item.

I now tender an expression of gratitude to the Senator from Washington [Mr. JONES], to the Senators from California, and to the Senators from Nevada for the fair manner in which they have approached an attempt to reach an agreement with respect to the distribution of the time to be consumed in debate.

No matter how fiercely the contest over Boulder Dam has raged—and it has indeed raged with intensity for over seven years—I am pleased at this hour that I may say without any attempt to blow the incense of flattery upon any person that the Senators from Nevada and the Senators from California, able men all, and against whom I have been in oppugnancy respecting the Boulder Dam legislation, have been uniformly fair and have never dealt me a blow below the belt in this long and distressing contest. An objection to a request to distribute the time has been entered by an esteemed Senator, which objection will have the effect of requiring a vote on the cloture motion; but the cloture motion, if carried, can not now justly be laid at the door of the Senator from Washington [Mr. JONES] or at the door of the Senators from California or Nevada.

Mr. President, Arizona will take care of herself. I shall occupy my share of the time which we had expected to have allotted to Arizona under the proposed agreement to which objection has been made.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. ASHURST. I yield always to the able Senator from Nevada.

Mr. PITTMAN. Mr. President, of course, I am surprised that there should be an objection on the part of any Senator to an agreement in regard to a contested item in a bill when both sides to the contest have agreed. That form of filibuster is rather new in this body, and I think that anyone who would resort to such a filibuster should have no complaint against filibusters in the ordinary form.

My name was read out as the first signer of the petition asking for cloture. I did not sign that petition with any idea of discourtesy toward the two Senators from Arizona, nor with the purpose or desire of limiting them in their debate in any matter that they desired to discuss. I am satisfied that the debate on this particular item has very largely, if not entirely, reduced itself to a legal argument.

For nine years the facts in this matter have been debated in this body and before conference committees of the seven Colorado River States. There was a wide difference of opinion. I say to you that the first bill that was introduced here—not the bill to create the commission and authorizing the treaty, because that was introduced by me in April, 1921—but the first bill looking to the building of this project was introduced in this body by the Senator from California [Mr. JOHNSON], and in the other body by Congressman SWING. That bill primarily, as the Senator will remember, had for its beneficial end the protection of the Imperial Valley, furnish power for use in California, and for irrigation. It was a very laudable purpose, and we were all for it.

I wish to say that the fight made by the Senators from California from the time that Arizona refused to ratify the compact until the present time has been fair and courteous and constructive. We have in the Boulder Canyon act, which is to-day law, a reservation in favor of each of the States of Arizona and Nevada of a certain amount of power—not as much as we asked for, but a certain amount. We have reservations of revenue in lieu of taxation; and I say to you that those demands, in my opinion, never would have come to fruition except for the constructive fight made by the Senators from Arizona on behalf of their State; and in that fight I am proud to say that Nevada has constantly participated.

Mr. ASHURST. That is quite true.

Mr. PITTMAN. When I signed this motion for cloture it was because I realized that there can be but one question in this matter and that is a legal question. We can not go back into the facts involved in the Boulder Canyon act, because that has been tried out and that act is law. The question now is, Shall the law be carried out by an appropriation? There can be only one answer to it, and that is that the legal requirements of the Boulder Canyon act have not been complied with. That could not require long argument. I felt that perhaps an hour on each side would be sufficient; but it seems that two hours to each Senator is required. I have no doubt there are opinions to be read; there are other matters to be stated; but if it should transpire by 1 o'clock to-morrow that our agreement with these Senators could not be carried out by giving them two hours, while they would have received only one hour under the rule, I certainly should not vote for the petition that I myself was the first to sign.

I realize that a filibuster is impossible on a bill of this kind at a session that does not terminate at a fixed hour by the Constitution. I have filibustered alone and killed a bill of this type; but I was fortunate in the fact that by virtue of the Constitution we adjourned in a few hours after my fight started. If the constituency of the Senators from Arizona think it would be possible to defeat this bill at an unlimited session, they do not know our parliamentary procedure.

I think the Senators are entitled to two hours each. I am glad that we can arrange it, and I believe that it is the duty of every man here, even including the Senator from Michigan [Mr. COUZENS], to try to carry out that agreement.

Mr. ASHURST. I thank the Senator.

Mr. SWANSON. Mr. President, I understood the Senator from Arizona to state that as those in charge of this bill, and especially the chairman of the Committee on Appropriations,

had been so generous in awarding time, the Senator had no purpose of taking more than two hours each on this bill.

Mr. ASHURST. I have no idea of consuming any longer time than that; I could not do so legitimately.

Mr. SWANSON. It seems to me, therefore, that there is no occasion to push the petition for cloture. After this generosity accorded the Senator from Arizona, even in the closing hours of the session, he stated that he felt so grateful to these gentlemen that he would not speak over two hours anyway.

Mr. ASHURST. Mr. President, in my judgment the Senator from Nevada [Mr. PITTMAN] has correctly horoscoped the parliamentary situation. No conceivable amount of energy that the 2 Senators from Arizona or that any 20 Senators together could employ could defeat a bill by a filibuster when no time is set by the Constitution or by any resolution for adjournment of Congress. The only way by which the deficiency bill containing this contested item could be killed by a filibuster would be for my colleague and myself to speak until March 4, 1931. Hence all the rumor and the wild talk about the Senators from Arizona indulging in a senseless filibuster must have proceeded from those persons who did not realize that no conceivable amount of industry or energy can kill a bill by a filibuster when there has been no time set for adjournment, or where the 4th of March of an odd year is far away. The Senators from Arizona and the Representative from Arizona, in opposing this so-called Boulder Dam appropriation are not moved to do so by any spirit of revenge or resentment over the fact that we were defeated in the parliamentary forum by the enactment of the Boulder Dam legislation in December, 1928. Vigorous blows were struck and received on both sides during that contest. I bear on my breast, and my colleague bears on his breast, scars, reminders of the wounds we received in that contest. No scars appear upon our backs, as the Senators from California and from Nevada never struck a blow either below the belt or on the back. Be that as it may, I personally have no time and no inclination to indulge in any self-introspection; I am too busy to spend any time examining scars I received in the parliamentary battle. I do not believe in revenge; I do not practice revenge, and am truly sorry for those who believe in and who seek revenge. We from Arizona do, however, conceive it to be our duty to discuss this proposed appropriation and the so-called contracts, and I shall not in this speech discuss original equities, as I wish to examine these contracts.

The State of Arizona, in which I have resided for 55 years, has honored me beyond my desert and merit; very few men in the West have received more honors at the hands of their State than have I. Gratitude and an overwhelming obligation of duty toward Arizona require me to lift my voice to-day. On this occasion Senators who do me the honor to listen will perceive that I shall cling closely to my text after I shall have finished these preliminary observations.

I presume that many persons—many excellent persons—when they see a bill passed which they believe violates the Constitution, and takes from one State a great resource and grants that resource to another State, would become cynical and sour, and would allow the milk of their human kindness to turn to buttermilk, or otherwise to corrode them; but I assure you that in this long and furious contest I have remained sweet and reasonable. This Boulder Dam contest was the fiercest and the most bloody parliamentary contest of my entire career, and it was also one of the most protracted contests whichever engaged our attention.

Mr. President, I propound a parliamentary inquiry. Is it proper for me to refer to and to read to the Senate from any speech or debate that took place in the House, another body of Congress?

The VICE PRESIDENT. The present occupant of the chair thinks it is proper, because Jefferson's Manual has not been adopted as a part of the rules of the Senate. Jefferson's Manual has been adopted as a part of the rules of the House of Representatives.

The present occupant of the chair would hold, therefore, in view of the fact that the Senate has not adopted Jefferson's Manual as a part of the rules of the Senate, that a Senator has a right to refer to what occurred in the other body, provided it is done in parliamentary language.

Mr. ASHURST. I believe the Chair is correct; and I wanted to be certain.

I now call attention to the minority views submitted by my worthy colleague the junior Senator from Arizona [Mr. HAYDEN] respecting this proposed appropriation. I am supposed to have some familiarity with the opulent resources of the English language, but I do not believe that I could compress into more concise form the argument respecting this item in the appropriation bill as well as he has. I ask the clerk to read the same.

The legislative clerk read the report referred to, as follows:

[S. Rept. 1078, pt. 2, 71st Cong., 2d sess.]

SECOND DEFICIENCY APPROPRIATION BILL, 1930

Mr. HAYDEN, from the Committee on Appropriations, submitted the following minority views (to accompany H. R. 12902, the deficiency appropriation bill):

On behalf of the State of Arizona I recommend that the appropriation of $10,660,000 for the commencement of construction on the Boulder Canyon Dam and hydroelectric power plant be stricken from the bill for the following reasons:

First. A solemn promise made in order to secure the passage of the Boulder Canyon project act has not been kept. Congress was repeatedly assured that the city of Los Angeles would be the principal guarantor for the return of the money advanced by the Federal Government for the construction of the Boulder Canyon project. That city has guaranteed nothing.

Something alleged to be "just as good" has been substituted. Its bureau of power and water has made a contract for lease of power privilege which it is freely confessed can not be enforced against the city of Los Angeles. There is also good reason to justify the opinion that this contract can not be enforced against the bureau. Congress should beware of substitutes and insist that no appropriation of money will be made until the original pledge is redeemed in every detail.

Second. The contract for lease of power privilege is made subject to the condition that it shall not go into effect until after Congress makes an appropriation of money to commence construction of Boulder Canyon Dam. There is testimony in the committee hearings to prove that this contract is so drawn that the private power companies in California will gain control of over one-half of the firm energy produced at Boulder Dam and the major portion of the secondary energy.

This requires an immediate decision as to whether it is advisable for Congress to appropriate public money collected from taxpayers throughout the United States to produce cheap electric power which will be distributed at retail to consumers in one section of the country by private agencies for profit. Congress should not make the first appropriation to commence construction of Boulder Dam until this question has been thoroughly considered. Haste should be avoided because Congress has no power to abrogate a contract once made.

Third. Section 4 (a) of the Boulder Canyon project act authorizes an agreement or compact among the States of Arizona, California, and Nevada for an equitable division of the waters of the lower basin of the Colorado River. Arizona has in good faith diligently and earnestly endeavored to enter into such a compact. The commissioners representing that State have at no time sought to depart from the expressed intent of Congress with respect to the division of water which the act proposed.

California has consistently and persistently refused to divide the waters of the Colorado River Basin with Arizona. It is the intention of that State to avoid any agreement whatsoever with Arizona respecting an apportionment of water. Through the use of the money and the power of the Federal Government that State hopes to gain control of all the waters of the Colorado River which can possibly be used in California and hold the same by right of prior appropriation.

If the Federal Government will only keep out of this controversy, Arizona has no fear that California can gain any advantage over her. There is not water enough in the Colorado River to completely serve the needs of both States. Water is the chief factor which limits the growth of population and wealth in both Arizona and southern California. Arizona asks to be assured of a fair share of the water in the manner proposed by Congress in the Boulder Canyon project act. Until California is willing to do what Congress has thus indicated should be done, no appropriation should be made to commence construction of the Boulder Canyon Dam. Federal funds and Federal influence should not be used to confer benefits on one State to the detriment of another.

Respectfully submitted.

CARL HAYDEN.

Mr. ASHURST. Mr. President, for the aid and assistance of the official reporters of the Senate, if, indeed, they need any aid or assistance, let me state that I have no "prepared" speech. My argument will be legalistic and I shall read from many documents. Moreover, after some considerable parliamentary experience and experience on the stump I am not in favor of the so-called prepared speech when read from manuscript. The prepared speech delivered from manuscript sets up sentinels of orthodoxy, of caution, and reserve. The prepared speech read from manuscript whittles away and refines the points so that they do not come hot from the heart and hot from the brain, and I know that the efficiency, skill, and fidelity of the official reporters of the Senate will enable them to gather what I say.

The Boulder Dam law, which was approved in December, 1928, contained in it a subdivision of section 4, as follows:

(b) Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said works, of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act.

Mr. President, regarding the genesis of that subdivision (b) of section 4 of the Boulder Dam act; I shall not resort to statements made ora tenus in the committee rooms, or to arguments made of which there was no stenographic report, but I confine myself to the written reports of the chairmen, respectively, of the Senate and House Committees on Irrigation and Reclamation.

Reading first from the report submitted by Representative SMITH, the chairman of the House Committee on Irrigation and Reclamation, at page 12 of that report, the following headline appears:

GOVERNMENT FULLY ASSURED A RETURN OF ITS ADVANCES

Not only does the bill specifically require the complete prefinancing—

In many of the arguments that word has been printed as "refinancing," but the word is "prefinancing." I read:

Not only does the bill specifically require the complete prefinancing of the project but the nature of the agencies which will underwrite the cost are such that there will never be any question of the prompt and businesslike meeting of all financial obligations. These agencies will be of established solvency.

Referring now to the report from the Senate Committee on Irrigation and Reclamation which was submitted on the Boulder Dam bill by the senior Senator from California [Mr. JOHNSON], who at that time was the chairman of the Senate Committee on Irrigation and Reclamation, and to whom I now make due acknowledgment for many courtesies received at his hands whilst he was the chairman of that committee, I find that on page 28 of his report this headline, "Return of Advances Fully Assured," followed by this language:

The provisions of the bill and the character and solvency of the organizations with which the Secretary will contract assures to the Government full return of the money advanced with interest. It will be no experiment. The Secretary will not be contracting with organizations of doubtful solvency.

Further, on page 29, he stated in his report:

These contracts will be binding and enforceable, and the Secretary is not permitted to make any expenditures on the project until such acts are secured.

Mr. President, not a few votes for the Boulder Dam bill were secured in the House of Representatives upon the very statements I have just read from the committee's report, to wit, that no money should be expended and no work should be begun on the project unless and until the Secretary of the Interior had made and entered into firm contracts concerning which there could be no doubt as to their solvency and sufficiency, but would safely and surely secure a repayment to the Government of the moneys advanced to finance the Boulder Canyon project.

What has happened? Purported contracts, indeed, have been entered into, and availing myself now of the ruling of the Chair respecting my privilege to read from the proceedings of another body of Congress, I read an excerpt from a speech delivered by Representative OLIVER, of Alabama. And I wish it distinctly understood that in reading this I do not intend any reflection upon the President of the United States, the Secretary of the Interior, the Commissioner of Reclamation, the Assistant Secretary of the Interior, or upon any other person.

Reading from Mr. OLIVER'S speech, at page 11359 of the CONGRESSIONAL RECORD, proceedings of June 20:

Without in any way intending to reflect upon the Secretary, since it is but a human element I call attention to and such as one might refer to before a jury, permit me to say the Secretary was in an embarrassing position. Here was a matter that California was deeply interested in, and you had conferred on him very plenary powers, involving judgment and discretion. He is a Californian. The President is a Californian. The head of the Reclamation Service, who was also to be consulted, is a Californian. The assistant to the head of the Reclamation Service is a Californian. The gentleman selected to solicit the necessary contracts is a Californian. The Assistant Secretary of the Interior is a Californian.

I submit, then, that when we come to determine for the Nation the efficiency of a contract or contracts drawn by friends, who may perchance unconsciously lend too great faith, too great force to promises of Californians, it behooves Congress to be careful; and I submit that while to some of you the proposed limitation may seem to be stronger than you now wish to impose, you will find, I venture to predict, before you have finished making appropriations for Boulder Dam that you will require exactly what this limitation seeks now to do. You may postpone it; you will not omit it. Why? Because if you will read the opinion of the Attorney General you will find that this contract, on which the Secretary of the Interior bases his estimate of returns sufficient to compensate the Government for all moneys appropriated, is largely dependent on the contract of an agency of the city of Los Angeles, namely, its water and power bureau, whose only assets are receipts from the sale of water and power, and which agency now has a bonded indebtedness, I am informed, of about $78,000,000, and whose properties in the way of tangible effects are vested in the city and not subject to its debts.

I have only a passing acquaintance with Representative OLIVER, but his speech is an evidence of his depth and profundity of thought, and it occurs to me that it should be read here to-day. Mr. President, Representative OLIVER is not the only person who had the same view with respect to these contracts that many of the Arizona citizens hold.

I am about to resort to a somewhat unusual procedure. I am going to ask that the hearings, excluding illustrations, held before the House Committee on Appropriations regarding Boulder Dam be printed in the RECORD.

Mr. WALSH of Massachusetts. Are they very voluminous, may I ask the Senator?

Mr. ASHURST. There are over 300 pages.

Mr. WALSH of Massachusetts Could not the Senator abbreviate them?

Mr. ASHURST. That would not be practicable. The hearings before the House committee on this item are voluminous and comprehensive.

Mr. WALSH of Massachusetts. Would not the Senator be satisfied with having them printed in the RECORD in connection with his remarks?

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona?

Mr. McNARY. Mr. President, may I ask the Senator if the hearings which he holds in his hands were printed as a Government document?

Mr. ASHURST. Yes.

Mr. McNARY. Available now to everyone?

Mr. ASHURST. They are available in a limited number.

Mr. McNARY. Would not the Senator be just as willing to have the matter made a Senate document rather than have it printed in the RECORD?

Mr. WALSH of Massachusetts. I am sure the Senator will agree that there is altogether too much extraneous matter printed in the RECORD. The RECORD has fallen into disrepute because of that practice.

Mr. McNARY. I suggest to the Senator that he ask permission to have the matter printed as a Senate document.

Mr. SHORTRIDGE. Are there not now a sufficient number of copies available?

Mr. ASHURST. There is a wide demand for these hearings. I have, by courtesy of the clerk, been able to obtain seven copies. However, I appreciate the force of the suggestion of the Senator from Massachusetts that we should not encumber the RECORD with committee hearings already printed. Therefore I shall withdraw my request to print these 300 pages in the CONGRESSIONAL RECORD.

Mr. WALSH of Massachusetts. That is a commendable attitude the Senator is taking. It is a good example he is setting.

Mr. ASHURST. Although I should have been glad to have these hearings printed in the RECORD, I do not want to establish a bad precedent.

Mr. President, Arizona does not regard the people of California as enemies. Many of Arizona's citizens came from California into Arizona. We are not enemies. We are friends and neighbors. The only harsh thing we have to say about our neighbor, California, is that she is reckless and careless in the distribution of water and hydroelectric possibilities belonging to other people.

I now read from the hearings:

SITUATION IN CASE OF BREACH OF CONTRACT BETWEEN LOS ANGELES AND GOVERNMENT

(See pp. 994, 1000)

Mr. BUCHANAN. Just suppose that the city should breach its contract and the Government should file a suit and get a judgment against the city, as it looks as though they would have a right to do under this

contract, what is the law, can anyone here tell me, in California, as to whether or not you can compel a city by mandamus to issue a tax to pay the judgment against it?

Mr. ELY. We have made a search of the authorities on that point; and that is true, as I understand it, in California.

Mr. BUCHANAN. Then, if you recover a judgment against the city for a breach of its contract, you can compel it to levy a tax upon its property to pay the judgment?

Mr. ELY. That is our conclusion, provided deficiency in power reserves requires it. That is your understanding also, Mr. Matthews, is it?

Mr. William B. Matthews is the general counsel of the Metropolitan Water District of Southern California.

Mr. MATTHEWS. I would not agree to that. As I say, this contract by the city is based on the power business. It is authorized to buy and sell and generate power and collect. Judgments can be obtained against it.

The CHAIRMAN. Assuming that some misfortune overtakes Los Angeles and wipes it out, in consequence the contract is breached and the United States Government proceeds to enforce the contract by a suit and gets a judgment for damages. How would it collect it?

Mr. MATTHEWS. You mean if the power business became nonexistent?

The CHAIRMAN. Yes.

Mr. MATTHEWS. And it did not revive? I suppose the same situation would exist as it would with any power company. If you destroy the company and its business and its plant, the same situation would exist.

Mr. BUCHANAN. Then, this judgment would be against the power company and not against the city; is that it?

Mr. MATTHEWS. Against the city with reference to its power business. This contract reads in the name of the city of Los Angeles.

Mr. AYRES. It would be limited to that?

Mr. MATTHEWS. Yes.

Mr. BUCHANAN. You think the collection of a judgment would be limited to the assets of the power business?

Mr. MATTHEWS. To the assets of the bureau, which are indicated by the files here.

Mr. President, I have known Mr. Matthews for, I presume, 25 years; he is an able lawyer. He made no attempt to evade the plain effect and force of that question, but manfully replied to the same. In the last analysis, if the Government were required to seek a return of the moneys advanced on this project, according to Mr. Matthews, the able lawyer from Los Angeles, the Government would be limited to the assets of the Bureau of Power and Light of the city of Los Angeles.

These contracts or agreements entered into by the Secretary of the Interior have been assailed upon the ground, amongst others, that they are unilateral; they are voidable; they are one-sided; and that the authorities assuming to act and contract with the Secretary of the Interior did not have warrant of law, did not have authority, or power to make such contracts. Among other reasons assigned for that contention is that the constitution of the State of California requires that before such expenditures may legally be authorized there must be a plebiscite or a vote of the qualified electors thereon. I shall read, omitting irrelevant portions, from the constitution of that State. Section 18 of article 11 of the constitution of California provides:

No * * * city * * * shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed 40 years from the time of contracting the same—

Omitting further irrelevant matter—

any indebtedness or liability incurred contrary to this provision * * * shall be void.

Mr. President, these alleged contracts or agreements between the United States and the city of Los Angeles and the Southern California Edison Co. regarding leases of generating equipment, and the sale of water for the generation of electrical energy contracts between the United States and the Metropolitan Water District regarding the purchase of power, and contracts between the United States and the Metropolitan Water District regarding the purchase of water are intended and expected to be in force and effect when the youngest of the page boys who serve us here shall have retired from the active pursuits of life and shall be concerned and interested only in discussing the events of bygone days or dandling his grandchildren upon his lap. How dare we of to-day speculate as to the future with any degree of certainty as to values unless we have more assurances than are furnished by these contracts? How do we know what in a score of years from to-day the courts may say as to authority of the Bureau of Power and Light of the city of Los Angeles or those attempting to contract?

The people everywhere are demanding public improvements, and for their security, their safety, and their repose they have placed into the constitutions of the various States provisions which will not permit the legislature, nor the executive officers, willy-nilly, nolens volens, without the vote of the people, to pile up vast indebtedness.

The approval by Congress of this appropriation, and the approval by Congress of these contracts, in disregard of that provision of the California constitution requiring a plebescite or a vote of the qualified voters, will be sowing dragons' teeth which will bring a crop of lawsuits that will be the delight of lawyers, and will be the pest, the annoyance, and the distress of the people.

Now is the time to comply with the provisions of the Boulder Dam law and to comply with the assurances of the House committee report and the Senate committee report, and to see to it that these contracts shall comply with the Boulder Dam act, and that as to their solvency there shall be no doubt.

I do not desire to be dogmatic, but to my mind the alleged contracts are more similar to options than to contracts. There is no mutuality of obligation as was contemplated by the Boulder Canyon Dam act.

To this generation has been given the key to the kingdom of the phenomena of the world.

The atom until recently was considered the final indivisible particle of matter; in fact that is what the word atom means, indivisible. Each atom was considered, and still is, to consist of a single element; that is, a free particle of carbon, hydrogen, nitrogen, or of any other of the 90 or so elements that have been segregated and identified.

The atom is probably really a compound itself, or, at any rate, we know that the difference in atoms which make the elements is due to the difference in the number of electrons contained in the various atoms. We also know that the atom breaks up; that is, comes apart and goes back together just as the molecule does. But there is this difference: Science knows how to break up molecules and put them back together again, or make entirely different molecules out of the raw materials we obtain in this way, but we do not know how to break up the atom.

As soon as the chemical engineer discovers a way for breaking up all atoms and making elements out of them he will be able to make almost anything he wants to make.

Probably within a score of years inventive genius and the further advance of science into the mysteries of the universe may release the atom and thus the price of hydroelectric energy, and indeed the need of hydroelectric energy may become changed; therefore the contracts must be viewed in this light.

We of this day must look at this matter just as if we were directors of a bank, and were called upon to approve a loan of an enormous sum of money.

Mr. President, during the hearings before the House Committee on Appropriations regarding this Boulder Dam appropriation the question was asked of the advocates of the appropriation, "Have you secured the opinion of the Attorney General?" The honorable Secretary of the Interior or those responding for him said, "We have secured the opinion of the solicitor of our department." I have a high regard for the solicitor, Mr. Finney; he is an able lawyer, a high-minded gentleman, who has rendered great public service. His opinion is entitled to respect; but lawyers differ. Many decisions of our United States Supreme Court are not unanimous. So when the committee ascertained that the opinion of the Attorney General of the United States respecting these contracts had not been obtained surprise was manifested, and the Attorney General's opinion was requested and was furnished. Time does not permit me now to read the entire opinion, but I ask—it will not encumber the RECORD unduly—to have printed in the RECORD the opinion of the Attorney General.

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Without objection, it is so ordered.

The opinion referred to is as follows:

OPINION OF ATTORNEY GENERAL

SIR: I have the honor to acknowledge receipt of your communication of June 6, 1930, transmitting a letter dated June 6, 1930, from the Secretary of the Interior advising that, as required by section 4 (b) of the Boulder Canyon project act (45 Stat. 1057) a contract has been secured with the city of Los Angeles, its department of water and power, and the Southern California Edison Co. (Ltd.), which will provide revenue adequate in his judgment to pay operation and maintenance costs and insure repayment to the United States within 50 years from the completion of the dam, power plant, and related works of all amounts to be advanced for the construction of such works, together

with the interest thereon made reimbursable by the act, and that in addition two contracts have been secured with the Metropolitan Water District of Southern California which will provide additional revenues for such purpose, and requesting that the opinion of the Attorney General be obtained as to whether or not these contracts comply with all the requirements of section 4 (b) of the Boulder Canyon project act which are by that section made conditions precedent to the appropriation of money, the making of contracts, and the commencement of work for the construction of a dam and power plant in Boulder Canyon.

Responsive to your request for my opinion upon these questions, I have the honor to advise you as follows:

Section 4 (b) of the Boulder Canyon project act provides:

"(b) Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said works of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act."

The contracts in question are:

(1) A contract dated April 26, 1930, between the United States of America and the city of Los Angeles and the Southern California Edison Co. (Ltd.), entitled "Contract for Lease of Power Privilege, as Amended by Supplemental Contract dated May 28, 1930."

(2) A contract dated April 26, 1930, between the United States of America and the Metropolitan Water District of Southern California, entitled "Contract for Electrical Energy, as Amended by a Supplemental Contract dated May 31, 1930."

(3) A contract dated April 24, 1930, between the United States of America and the Metropolitan Water District of Southern California, entitled "Contract for Delivery of Water."

The Contract for Lease of Power Privilege, as amended, recites—

"(1) This contract, made this 26th day of April, 1930, pursuant to the act of Congress approved June 17, 1902 (31 Stat. 388), and acts amendatory thereof and supplementary thereto, all of which acts are commonly known and referred to as the reclamation law, and particularly pursuant to the act of Congress approved June 21, 1928 (45 Stat. 1057), designated the Boulder Canyon project act, between the United States of America, hereinafter referred to as the United States, acting for this purpose by Ray Lyman Wilbur, Secretary of the Interior, hereinafter styled the Secretary, and severally the city of Los Angeles, a municipal corporation and its department of water and power (said department acting herein in the name of the city but as principal in its own behalf as well as in behalf of the city; the term "city" as used in this contract being deemed to mean both the city of Los Angeles and its department of water and power) and the Southern California Edison Co. (Ltd.), a private corporation, hereinafter styled the company, both of said corporations being organized and existing under the laws of the State of California and hereinafter styled the lessees."

The original and supplemental contracts for lease of power privilege were executed in the name of the city of Los Angeles, acting by and through its board of water and power commissioners, by the president of the board. The supplemental contract contains a recital that it was the intention that the department of water and power of the city of Los Angeles, as well as the city of Los Angeles, should be firmly bound as principals by the original contract of April 26, 1930, and the parties adopt and reaffirm the original contract as amended. The department of water and power commissioners, by the president of the board, executed the supplemental contract.

There have been submitted to me certified copies of resolutions adopted by the board of water and power commissioners, and of resolutions and ordinances adopted by the council of the city of Los Angeles authorizing the execution of these contracts. Section 386 of the charter of the city of Los Angeles provides that contracts shall not be made without advertising for bids; but this section does not apply to contracts such as those here in question relating to a matter about which there is no competition and where advertising for bids would have been futile. (Los Angeles Gas & Electric Corp. *v.* City of Los Angeles, 188 Cal. 307, 319.) In my opinion, the ordinances and resolutions were sufficient to authorize the president of the board of water and power commissioners to execute the contracts.

In substance the contract, as amended, imposes upon the city acting by and through its department of water and power, and therefore upon the department itself: First, the obligation, when the dam is completed and the generating equipment has been installed by the Government, to take over as lessee the generating plant and operate it, paying as rental in 10 annual installments the cost to the United States of the generating equipment, with interest at 4 per cent; second, the obligation to pay for electrical energy, as furnished, at stated rates; third, an obligation to operate and maintain at cost the transmission lines required for transmitting power to the pumping plants of the Metropolitan Water District, and to transmit over its main transmission line the power allocated to others for compensation based on a reasonable share of the cost of construction, operation, and maintenance. As none of the transmission lines have been built, performance of these obligations will require their construction.

Under the provisions of the charter of the city of Los Angeles, the department of water and power is specifically authorized to construct, operate, maintain, extend, manage, and control works and property for the purpose of supplying the city and its inhabitants with water and electric energy. To this department of the city government is intrusted full responsibility and control in entering into such contracts as those here involved. Quite in conformity with the charter provisions the city, in its execution of the original and supplemental contracts for lease of power privilege, is described as acting by and through its board of water and power commissioners. The contract as amended is, therefore, to be regarded as made in the name of the city, but subject to all of the provisions of the charter of the city of Los Angeles relating to contracts executed by the department of water and power, and the question of the validity of this contract and the character of the resources available to secure its performance must be determined from a consideration of the power of the board of water and power commissioners of the department of water and power to make such a contract, and the sufficiency of the resources of the city which are specifically allocated under the terms of the charter to its control and expenditure in the performance of the obligations of such contracts.

Under the charter of the city of Los Angeles revenues for such purposes as those contemplated by these contracts are provided through the operations of the department of water and power, which, although an entity separate from the city for some purposes (Shelton *v.* City of Los Angeles, 275 Pac. 421), is a department of the city government. Its revenues are revenues of the city, but are allocated to the control and disposition of the department.

The charter provisions which are pertinent in this connection are as follows:

"SEC. 220. The department of water and power shall have the power and duty—

"(1) To construct, operate, maintain, extend, manage, and control works and property for the purpose of supplying the city and its inhabitants with water and electric energy, or either, and to acquire and take, by purchase, lease, condemnation, or otherwise, and to hold, in the name of the city, any and all property situated within or without the city, and within or without the State, that may be necessary or convenient for such purpose.

"(2) To regulate and control the use, sale, and distribution of water and electric energy owned or controlled by the city; the collection of water and electric rates and the granting of permits for connections with said water or electric works; and to fix the rates to be charged for such connections; and, subject to the approval of the council by ordinance, to fix the rates to be charged for water or electric energy for use within or without the city, and to prescribe the time and the manner of payment of the same. * * *

* * * * * * *

"(7) To control and order, except as otherwise in this charter provided, the expenditure of all money received from the sale or use of water, or from any other source in connection with the operation of said waterworks, and all money received from the sale or use of electric energy, or from any other source in connection with the operation of said electric works: *Provided*, That all such money pertaining to said waterworks shall be deposited in the city treasury to the credit of a fund to be known as the water-revenue fund, and all such money pertaining to said electric works shall be deposited in the city treasury to the credit of a fund to be known as the power-revenue fund; and the money so deposited in each such fund shall be kept separate and apart from other money of the city, and shall be drawn only from said fund upon demands authenticated by the signature of the chief accounting employee of the board.

"SEC. 221. None of the money in or belonging to the water-revenue fund or the power-revenue fund shall be appropriated or used for any purpose except the following purposes pertaining to the municipal works from or on account of which such money was received, to wit:

"First. For the necessary expenses of operating and maintaining such works.

"Second. For the payment of the principal and interest, or either, due or coming due upon outstanding notes, certificates, or other evidences of indebtedness issued against revenues from such works, in pursuance of section 224, or bonds or other evidences of indebtedness, general or district, heretofore or hereafter issued for the purpose of such works, or parts thereof.

"Third. For the necessary expenses of constructing, extending, and improving such works, including the purchase of lands, water rights, and other property; also the necessary expenses of conducting and extending the business of the department pertaining to such works; also for reimbursement to another bureau on account of services rendered or material, supplies, or equipment furnished; also for expenditures for purposes for which bonds or evidences of indebtedness provided for in section 224 shall have been authorized, subject to reimbursement as soon as practicable from moneys derived from the sale or issuance of such bonds or evidences of indebtedness.

"Fourth. To return and pay into the general fund of the city, from time to time, upon resolution of the board, from any surplus money in either such revenue fund, any sums paid by the city from funds raised by taxation for the payment of the principal or interest of any municipal bonds issued by the city for or on account of the municipal works to which such revenue fund pertains, or of liability arising in connection with the construction, operation, or maintenance of the municipal works to which said fund pertains.

"Fifth. For defraying the expenses of any pension system applicable to the employees of the department that shall be established by the city.

"Fifth (a). For establishing and maintaining a reserve fund to insure the payment at maturity of the principal and interest on all bonds now outstanding or hereafter issued for the purpose of the municipal works, and such other reserve funds pertaining to such works as the board may provide for by resolution subject to the approval of the council by ordinance. The money set aside and placed in such fund or funds so created shall remain in said fund or funds until expended for the purposes thereof and shall not be transferred to the 'reserve fund' of the city.

"Sixth. To be transferred as provided in section 382 of this charter.

"SEC. 222. The board shall provide for the cost of extensions and betterments of said water works and electric works from the funds derived from the sale of bonds, general or district, so far as such funds shall be made available for the use of the board for said purposes, and so far as such funds shall not be made available for the use of the board therefor, from revenues received from the works to which such extensions and betterments pertain, and from the proceeds of loans contracted as provided by section 224."

* * * * * * *

"SEC. 382. At the close of each fiscal year the controller and treasurer shall transfer all surplus money remaining in each fund over and above the amount of outstanding demands and liabilities payable out of such fund to the 'reserve fund,' except such surplus money as is in the several bond funds, interest, and sinking funds, trust funds, the fire and police pension fund, the harbor revenue fund, the library fund, the park fund, the permanent improvement fund, the playground and recreation fund, the power revenue fund, and the water revenue fund, but the council may by ordinance direct that any or all said surplus money in either the harbor revenue fund, the power revenue fund, or the water revenue fund be transferred to such reserve fund with the consent of the board in charge of such fund, but not otherwise."

Leaving entirely out of consideration the proceeds from the sale of bonds, which would no doubt require, under section 18 of article 11 of the State constitution, the approval of two-thirds of the electors, and leaving entirely out of consideration the proceeds of loans contracted as provided by section 224 of the city charter, which are authorized only for emergency purposes, and bearing in mind that the department of water and power is not authorized to levy taxes, it is apparent that its resources are limited to its earnings from the sale or use of water and of electric energy, and that over these revenues it has complete control of expenditure for the construction, operation, and maintenance of all works and property for the purpose of supplying the city and its inhabitants with water and electric energy.

I am advised by the Secretary of the Interior that yearly revenues of his department are more than ample to meet all of its liabilities under the original and amended contracts, and, therefore, to relieve the city of any necessity of financing the obligations which will arise under these contracts; that these revenues under the department of water and power are not only amply sufficient for this purpose, but its yearly earnings will in his judgment be amply sufficient to provide for the construction of the transmission lines as well.

The only limitation upon the expenditure of such funds by this department is found in section 369 of the charter of the city of Los Angeles, which reads:

"No department, bureau, division, or office of the city government shall make expenditures or incur liabilities in excess of the amount appropriated therefor."

The method of appropriation is, however, provided in section 83 as follows:

"The board of each department * * * the finances of which are not included in the general budget, but which department itself has control of definite revenues or funds, as elsewhere in this charter set forth, shall, prior to the beginning of each fiscal year, adopt an annual departmental budget and make an annual departmental budget appropriation, covering the anticipated revenues and expenditures of said department. Such departmental budget shall conform, as far as practicable, to the forms and times provided in this charter for the general city budget. Each such budget shall contain a sum to be known as the unappropriated balance, which sum shall be available for appropriation by the board later in the ensuing fiscal year to meet contingencies as they may arise. A copy of such budget, when adopted, and of every resolution subsequently adopted making appropriation from said unappropriated balance, shall promptly be filed with the mayor and controller each. No expenditure shall be made or financial obligations incurred by any such department except as authorized by the annual departmental appropriation, or appropriations made subsequent to said annual budget."

Question arises under section 369 of the charter as to whether by the execution of the original and amended contracts a present liability was incurred for the payments to be made thereunder in the future. No authorities have been found construing this charter provision, but similar questions have often arisen under section 18 of article 11 of the constitution of the State of California, and although this constitutional limitation has no application to contracts made by the department of water and power these authorities must be considered in determining the effect of section 369 of the charter upon the validity of the contracts here in question.

Section 18 of article 11 of the constitution of California, provides:

"No county, city, town, township, board of education, or school district shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed 40 years from the time of contracting the same; * * *. Any indebtedness incurred contrary to any provision of this section shall be void; * * *."

The obvious purpose of this limitation is to prevent the city from incurring indebtedness in excess of its yearly revenue, and the question has often arisen in the courts of California as to when an indebtedness or liability is incurred, within the meaning of this provision, when a contract is executed requiring payments to be made from time to time in the future.

There is authority for the proposition that when a municipality receives the entire consideration for its promise to make payments or incur expenditures in the future, a liability is immediately incurred under the provisions of the State constitution. (See Chester v. Carmichael, 187 Calif. 287; In re City and County of San Francisco, 195 Calif. 426; Mahoney v. City and County of San Francisco, 201 Calif. 248.) But a municipality does not incur an "indebtedness" or "liability" invalid under the constitutional provision when it enters into a contract to pay for services as and when rendered from time to time in the future. The obligations here involved to pay rental and power rates can not be said to be incurred until the rental accrues and the power is received. Such liabilities are held, for the purpose of this constitutional provision, to be incurred when the services have been rendered and the obligation to pay for them arises. (See McBean v. Fresno, 112 Calif. 195; Smilie v. Fresno County, 112 Calif. 311; Doland v. Clark, 143 Calif. 176; In re City and County of San Francisco, 191 Calif. 172; Compare Walla Walla v. Walla Walla Water Co., 172 U. S. 1.)

It may, however, be said that if a contract imposes upon the municipality liabilities to arise in the future which in any year will necessarily exceed the income and revenue provided for such year, it will be invalid. The courts have held that the aggregate of all payments which will be required under such a contract is not to be regarded as a liability presently incurred upon the execution of the contract, and thus incurred within the year of its execution; but they have not held that a municipality may, in the face of the constitutional limitation incur future liabilities which will exceed the income and revenue for the year in which payment thereof will be required and so to hold would appear to be in direct contradiction of the express provision of the constitution.

The city acting though its department of water and power will be under the necessity to construct transmission lines over which the power for which it has agreed to pay may be transmitted, but in so far as the parties to this contract are concerned it is under no express obligation to do so. Under no circumstances will it be necessary for the city to construct transmission lines in advance of the completion of the dam and generating equipment, and if, therefore, it appears that during this period it will be able to finance such construction out of current revenues of its department of water and power, I am of the opinion that no legal objection can be made to the contract as amended because of the necessity or liability which may arise to defray these construction costs.

Consideration of these authorities leads to the conclusion that the department of water and power has not incurred a present liability upon the execution of these contracts, and therefore the only effect of section 369 is to require the appropriation in each annual budget of sufficient funds from the water and power revenues to meet the obligations which will arise under and in connection with the performance of these contracts. Inasmuch as the Secretary of the Interior is clearly of the opinion that such funds will be available and ample for all such purposes, I see no reason for doubting the validity of the contract or for questioning its effect in securing payment to the United States of the amounts of money which will become payable under its terms.

With reference to the validity of the obligation assumed by the Southern California Edison Co. (Ltd.), its execution of the original contract has been formally approved by its board of directors, and I am informed that the supplemental contract has been duly ratified by the board.

There can be no question, therefore, as to the binding effect of this contract upon this corporation.

By the supplemental agreement amending the original "contract for lease of power privilege" all objections which might have been raised to the validity of this contract upon the ground that the city, the department of water and power, and the company were not bound to take or pay for any electrical energy except as they might wish, have been removed. Mutuality of obligation is not lacking, and the city and its department are firmly bound to take and/or pay for certain percentages of firm energy as stated and defined in the supplemental contract and the company is similarly bound to take or pay for certain percentages of such energy which are also defined and stated in the supplemental contract.

The "contract for lease of power privilege" between the United States, the city of Los Angeles, its department of water and power, and the Southern California Edison Co. (Ltd.) is in my opinion a valid agreement binding upon the city and its department to the extent to which funds are available under the provisions of the charter to the department, and is in full compliance with section 4 (b) of the Boulder Canyon project act, since the revenues which it will provide out of such funds are, in the judgment of the Secretary of the Interior adequate to meet the requirements of that section.

Objection has been made to the Metropolitan Water District Power contract on the ground that the district has not yet voted bonds to provide funds to build the aqueduct on which this power would be used. It is unnecessary to consider which step must precede the other—provision for the aqueduct or provision for power and water—in view of the sufficiency of the city and company contracts to meet all requirements of the act. Even if the aqueduct financing were construed as being a prerequisite, the Secretary's reservation of energy for the district is within his authority under the second paragraph of section 5 (c) of the act.

Giving consideration only to the city and company contract, I am of the opinion that all the requirements of section 4 (b) of the Boulder Dam project act which are made conditions precedent to the appropriation of money, the making of contracts, and the commencement of work for the construction of a dam and power plant in Boulder Canyon have been fully met and performed by the Secretary of the Interior in securing the contracts referred to in his letter.

Respectfully,

WILLIAM D. MITCHELL,
Attorney General.

The PRESIDENT,
The White House.

Mr. ASHURST. Mr. President, let me say that one of the best appointments President Hoover has made is that of the present Attorney General. Mr. Mitchell is a man of character, of ability, and sincerity, and he approaches legal problems with a real desire to solve them. I violently and tumultuously disagreed with his recommendation of a certain nominee to be a justice of the Supreme Court of the United States, but with enormous appreciation and eagerness, I supported and I voted for another gentleman whom he recommended to the President for Chief Justice of the United States. So while at times I agree with the Attorney General and at times I do not, I say he is a man worthy to hold that great office.

In his opinion he says:

Question arises under section 369 of the charter as to whether by the execution of the original act and amended contracts a present liability was incurred for the payments to be made thereunder in the future. No authorities have been found construing this charter provision, but similar questions have often arisen under section 18 of article 11 of the constitution of the State of California, and although this constitutional limitation has no application to contracts made by the department of water and power these authorities must be considered in determining the effect of section 369 of the charter upon the validity of the contracts here in question.

Then he quotes in extenso section 18, article 11, of the constitution of California. After quoting he says:

The obvious purpose of this limitation is to prevent the city from incurring indebtedness in excess of the yearly revenue, and the question has often arisen in the courts of California as to when an indebtedness or liability is incurred, within the meaning of this provision, when a contract is executed requiring payments to be made from time to time in the future.

There is authority for the proposition that when a municipality receives the entire consideration for its promise to make payments or incur expenditures in the future, a liability is immediately incurred under the provisions of the State constitution.

But a municipality does not incur an "indebtedness" or "liability" invalid under the constitutional provision when it enters into a contract to pay for services as and when rendered from time to time in the future. The obligations here involved to pay rental and power rates can not be said to be incurred until the rental accrues and the power is received.

Mr. President, with all due deference to the Department of Justice, lawyers everywhere may be found who do not agree with this opinion. It seems to be a strained opinion.

Mr. President, it, of course, is to be presumed that the State of Arizona has not been without legal advice upon these various questions. The attorney general of Arizona and the Colorado River commissioners are able, learned lawyers, upon whose opinions we may rely. I have no doubt—indeed, I here assert—that the bar in Arizona is as able, as experienced, and as learned as the bar of any other State in the Union. Disproportionate as is the population of Arizona to or with the population of California, New York, Texas, Missouri, or Pennsylvania, there is no disproportion as to the legal ability respecting Arizona lawyers when compared to the other States. In order to be fair and impartial, Hon. LEWIS W. DOUGLAS secured an opinion respecting these alleged contracts from a firm of lawyers in this city, Messrs. Covington, Burling & Rublee.

They are lawyers in whose judgment and capacity people everywhere place reliance. They are men whose opinions among lawyers are respected. I ask to print along with the opinion of the Attorney General of the United States the opinion of Messrs. Covington, Burling & Rublee, dated Washington, June 3, 1930, on these contracts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

OPINION IN REGARD TO BOULDER DAM CONTRACTS

Hon. LEWIS W. DOUGLAS,
House of Representatives, Washington, D. C.

DEAR SIR: You have asked our opinion in regard to the following situation:

Under date of May 1, 1930, the President of the United States transmitted to the Speaker of the House of Representatives a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1930 to remain available until expended, amounting to $10,660,000. The estimate transmitted was prepared by the Director of the Bureau of the Budget and states the following:

"The purpose of this estimate is to provide funds for the commencement of construction work on the Boulder Canyon project, authorized by the act of December 21, 1928. The Secretary of the Interior advises that, as required by the act, contracts have been secured which will provide revenues adequate in his judgment to pay operation and maintenance costs, and insure repayment to the United States within 50 years from the completion of the dam, power plant, and related works of all amounts to be advanced for the construction of such works, together with the interest thereon made reimbursable by the act."

The contracts referred to by the Secretary of the Interior consist of three documents, as follows:

1. "Boulder Canyon Project Contract for Lease of Power Privilege," dated April 26, 1930, executed on behalf of the United States by Ray Lyman Wilbur, Secretary of the Interior, on behalf of the city of Los Angeles, acting by and through the board of water and power commissioners, by John R. Haynes, president, and on behalf of Southern California Edison Co. (Ltd.), by John B. Miller, president.

2. "Boulder Canyon Project Contract for Delivery of Water," dated April 24, 1930, executed on behalf of the United States by Ray Lyman Wilbur, Secretary of the Interior, and on behalf of the Metropolitan Water District of Southern California, by W. P. Whitzett, chairman of the board of directors.

3. "Boulder Canyon Project Contract for Electrical Energy," dated April 26, 1930, executed on behalf of the United States by Ray Lyman Wilbur, Secretary of the Interior, and for the Metropolitan Water District of Southern California by W. P. Whitzett, chairman of the board of directors.

The act of December 21, 1928, known as the Boulder Canyon project act (45 Stat. L. 1057), in section 4 (b) provides as follows:

"Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenue by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said work, of all amounts advanced to the funds under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act."

You asked for our opinion as to whether the documents referred to above and designated as contracts by the Secretary of the Interior constitute a compliance with the provisions of section 4 (b) of the Boulder Canyon project act referred to above.

PART I

Opinion

Section 4 (b) of the Boulder Canyon project act requires that the provisions for revenues by contract, which must be made before any money is appropriated for construction of the dam, power plant, or any

construction work done or contracted for, shall be by valid, enforceable contracts binding upon the parties thereto.

As stated above, the Boulder Canyon project act in section 4 (b) provides that before any money is appropriated for the construction of the dam or power plant or any construction work done or contracted for "the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance" and the repayment within 50 years of all amounts advanced to the Colorado River Dam fund.

In our opinion there can be no question that the provision for revenues by contract contemplated and required by the act is a provision by legally valid and enforceable contracts. The word "contract" was used in its ordinary meaning to denote binding obligations to pay revenues to the United States, dependent only upon the performance by the United States of the work authorized in section 1 of the act.

As introduced into the House of Representatives and as reported by the Committee on Irrigation and Reclamation, the bill (H. R. 5773) in this section provided that the Secretary should "make provision for revenue, by contract or otherwise * * *." A similar bill (S. 728) introduced simultaneously in the Senate contained the same provision.

On March 20, 1928, the Senate Committee on Irrigation and Reclamation reported S. 728 with an amendment, among others, striking out the words "or otherwise." In its report, made by Senator JOHNSON, the committee said:

"While the Government will in the first instance advance funds for the construction of the works, all advancements will be repaid to the Government within 50 years, and those for purposes other than reclamation with interest at 4 per cent per annum. Moreover, the bill specifies that no money is to be advanced until the Secretary of the Interior has *secured contracts for the delivery of water and for power assuring the Government* full repayment of its outlays, with interest." (Italics ours.) (70th Cong., 1st sess., S. Rept. No. 592, pp. 7–8.)

On May 23, 1928, in the House of Representatives, Mr. SWING, of California, the author of the House bill, said, after having previously expressed his willingness to strike out the words "or otherwise":

"The pending bill contains a provision which has never been inserted in any legislation heretofore, and provides that before a dollar can be appropriated or before any contracts can be made or any money expended there must be in the hands of the Secretary of the Interior *solvent and binding contracts from agencies, public and private, agreeing to take the benefits of the project* on terms dictated by the Secretary of the Interior *which will guarantee the return to the United States Government* of not only every dollar expended but 4 per cent interest as well." (Italics ours.) (CONGRESSIONAL RECORD, vol. 69, No. 137, p. 9878.)

On May 24, 1928, Mr. SWING accepted and the House adopted an amendment striking out the words "or otherwise." (CONGRESSIONAL RECORD, vol. 69, No. 138, p. 10023.)

Thus the legislative history of the act shows both Houses of Congress considered and rejected language which would have permitted the Secretary of the Interior to have made provisions for revenue otherwise than "by contract." It is plain then that Congress had this question presented to its attention in a most precise form and that its action was considered and deliberate. Compare United States *v.* Pütsch (258 U. S. 547, 551–552).

Before any money is appropriated, therefore, the Secretary must make provision for revenues by contract—in the language of Mr. SWING, "solvent and binding contracts from agencies, public and private, agreeing to take the benefits of the project on terms * * * which will guarantee the return to the United States * * *"; in the language of Mr. JOHNSON, "contracts for the delivery of water and for power * * * assuring the Government full repayment * * *." These statements are in full accord with the language of Congress and with all the provisions of the act, the whole tenor of which is that all the expenditures of the United States for the dam and power plant are advances to the Colorado River Dam fund which are to be repaid by the revenues from the contract.

In our opinion, the act, therefore, requires that the contracts to be entered into impose enforceable obligations upon the contractees to pay the revenues specified to the United States. An option agreement, even if given for consideration, would not constitute a provision for revenues by contract within the meaning of the act. It, of course, follows from the foregoing that the party contracting with the United States must have full legal capacity to incur the obligations which it purports to incur. As was stated by the Supreme Court of the United States in Davis *v.* Police Jury of Concordia (9 How. 280, 287):

"The contract must be tested, as all others are, whether they are national or private, by the competency of the parties to make it. If that does not exist, nothing can be claimed under it except such equities as may have arisen to either from the conduct of one or the other of them in the transaction."

Congress clearly understood that certain possible contracting parties—municipal corporations—might be under necessity of obtaining special authority before having the legal capacity to enter into contracts with the United States. In section 5 (c) Congress provided for the preservation of their preferential rights pending their reasonable efforts to obtain the necessary authority to contract. The situation is clearly put in an opinion by the Solicitor of the Department of the Interior in response to questions by Senator JOHNSON (CONGRESSIONAL RECORD, February 4, 1930, p. 2989, at p. 2993):

"(15) If Los Angeles and other municipalities, including the Metropolitan Water District, can not now execute enforceable contracts meeting reasonable financial requirements of the Secretary, what would be the duty of the Secretary under the provisions of the act that an application is not to be denied because of necessity for a bond issue, and providing for reasonable time for passage of such bond issue? Would he be authorized to make contracts with other bidders preserving to the preference claimants the right to contract for part of the power if enforceable contracts are tendered within a designated time?

"Section 5 (c) contains the following proviso:

"'*Provided, however,* That no application of a State or a political subdivision for an allocation of water for power purposes or of electrical energy shall be denied or another application in conflict therewith be granted on the ground that the bond issue of such State or political subdivision, necessary to enable the applicant to utilize such water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy or the electrical energy applied for, has not been authorized or marketed, until after a reasonable time, to be determined by the said Secretary, has been given to such applicant to have such bond issue authorized and marketed.'

"This proviso does not relieve either the State or a political subdivision from the necessity for compliance of its application with the public interest nor from adaptability of its plans to the conservation and utilization of the water resources of the region. If these conditions have been met and the State or political subdivision has proved its right to an allocation, whether for power purposes or electrical energy, this proviso protects the State or political subdivision from foreclosure of such right on the ground of nonauthorization of a bond issue or failure to market a bond issue until the expiration of a reasonable time therefor is determined by the Secretary. As to what a reasonable time may be, probably the minimum time now provided by the laws of the State may be looked to. This proviso, however, is not designed to tie the hands of the Secretary pending the authorization and marketing of the bond issue, so long as the right of the preference claimants to contract for the power allocated to them is preserved. He can not grant 'any other application in conflict therewith.' As an 'application' is an application for a contract, the prohibition against granting another application is a prohibition against execution of another contract 'in conflict therewith.' But if another applicant offers a contract which preserves in full the right of the preference claimant to contract within a reasonable time, when, as and if the necessary bond issue is authorized or marketed, the two applications are not 'in conflict.' The necessity for flood control makes it to the interest of all parties that the project be initiated and completed at the earliest possible date. To the furtherance of this end the Secretary is plainly empowered to make the necessary contracts required by section 4 (b) at the earliest possible date. Contracts to that end which specifically reserve to the Secretary the power to make further contracts with the preference claimants for the power which he has allocated to them, since they are not 'in conflict therewith,' are within his authority."

The solicitor is entirely clear—and rightly so—that the contracts to provide revenues must be legally binding and enforceable. Such contracts can not be made with a corporation which lacks the legal capacity to make the contract or to provide the funds for carrying out its proposed obligations. The law provides that pending a reasonable time within which these defects may be remedied the application—which the solicitor correctly says "is an application for a contract"—shall be held open and not adversely affected. The contract obviously can not be made while the lack of capacity exists, but the party's preferential position shall not for a reasonable time be prejudiced.

We shall proceed, therefore, to an examination of the instruments to determine what obligations, if any, they purport to impose and the capacity of the contracting parties to assume such obligations.

PART II

The instruments executed on behalf of the Metropolitan Water District of Southern California are not valid contracts.

1. General statement of facts: The district is a municipal corporation organized under the Metropolitan Water District act of the State of California, May 10, 1927, Statutes, 1927, page 694, amended, Statutes, 1929, page 1613. It is composed of the cities of Anaheim, Beverly Hills, Burbank, Colton, Glendale, Los Angeles, Pasadena, San Bernardino, San Marino, Santa Ana, and Santa Monica. There is at present no aqueduct from the district to the Colorado River. Such an aqueduct would, depending on the route selected, be from 242 miles to 372 miles in length. The shorter routes would reach the Colorado River farther from the proposed dam site than the longer routes, one of which would go to the dam site. There is no power-transmission line from the proposed dam site to any point on any of the routes—or to any other place.

We are informed and assume that an aqueduct from the Colorado River to the water district would cost from $200,000,000 to $500,000,000, depending on whether the shortest or the longest route is taken. A power-transmission line from the proposed dam to an aqueduct would cost approximately $2,000,000.

No vote has been had, nor so far as we know have any steps been taken to take a vote, of the qualified voters of the water district upon the proposition of incurring bonded indebtedness for the purpose of constructing either the aqueduct or the transmission line.

2. The instrument of April 26, 1930, "Contract for Electrical Energy," is not a valid contract: In the "explanatory recitals" contained in the instrument, being sections 2 to 5, inclusive, it is stated, among other things, that—"Whereas the United States proposes to enter into an agreement with the city of Los Angeles and Southern California Edison Co. (Ltd.), severally * * * for the lease, and operation and maintenance of a Government-built power plant to be constructed at Boulder Canyon Dam, together with the right to generate electrical energy, a copy of which said proposed lease is attached hereto marked 'Exhibit A' * * * wherein the Secretary has reserved the authority to, and in consideration of the execution thereof is authorized by each of the aforesaid lessees, severally, to contract with the other allottees named in the allocation set forth therein for the furnishing of energy to such allottee at transmission voltage in accordance with the allocation to each allottee, * * * ; and

"5. Whereas the district is desirous of entering into a contract with the United States providing for the delivery to the district each year from the Boulder Canyon Reservoir up to but not to exceed 1,050,000 acre-feet of water, and, in connection therewith and incident thereto, the district is desirous also of entering into a contract for the purchase of electrical energy to be generated at the power plant to be leased, as aforesaid, to the city of Los Angeles (hereinafter referred to as the city) and Southern California Edison Co. (Ltd.) (hereinafter referred as to the company) to aid in the transportation of such water supply;

"6. Now, therefore, in consideration of the mutual covenants herein contained the parties hereto agree as follows, to wit:"

If the instrument contains any binding obligation on the part of the United States or its lessee to generate and deliver and on the part of the district to receive and pay for any amount of electrical energy those obligations will be found in article 7 entitled "Allocation of Electrical Energy," and in articles 11, 12, 13, and 14, entitled, respectively, "Delivery of Electrical Energy," "Charges to be Paid the United States," "Monthly Payments and Penalties," and "Minimum Annual Payment."

Article 7, Allocation of Electrical Energy, provides so far as here relevant, as follows:

"7. The United States will cause to be delivered to the district under and in pursuance of and subject to the provisions of the aforesaid proposed lease, attached hereto as Exhibit A, for a period of 50 years from the date at which energy is ready for delivery to the city, as announced by the Secretary, in accordance with the following allocation, to wit:

Of firm energy

"A. To the State of Nevada, for use in Nevada, not exceeding 18 per cent of said total firm energy.

"B. To the State of Arizona, for use in Arizona, not exceeding 18 per cent of said total firm energy. * * *

"C. To the Metropolitan Water District of Southern California so much energy as may be needed and used for pumping Colorado River water into and in its aqueduct for the use of such district within the following limits:

"1. Not exceeding 36 per cent of said total firm energy; plus."

NOTE.—The remaining limitations upon the allocation to the district will not be set forth because here irrelevant. It is plain beyond possibility of argument that the remaining provisions in article 7 (c) limit and do not extend the allocation set forth above. In article 7 on page 7 it is provided:

"The district shall have the right to purchase and use all secondary energy as provided in article 9 and article 14 hereof for the purposes stated in the first paragraph of subdivision (C) of this article. * * *"

And further on on the same page the following appears:

"In the event the district shall fail for any reason to use all or any of the firm energy herein allotted to it for the only purpose for which said firm energy is allotted to it—that is, for pumping water into and in its aqueduct—then no disposition shall be made of such firm energy by the Secretary without first giving to a successor to the district which may undertake to build or maintain a Colorado River aqueduct the opportunity to take said firm energy for the same purpose and under the same terms as those to which the district was obligated."

The remaining allocations of article 7 are not here set forth because not relevant to the question at issue; that is, whether the instrument creates any valid obligations on the part of the United States or of the district.

Article 11, "Delivery of electrical energy," provides for determination of the time at which energy shall be ready for delivery to the district. Subsection (d) provides:

"Upon written notification from the Secretary that generation equipment is ready for operation by it and water is available for generating energy therefrom, each lessee will be required to assume the operation and maintenance of its respective portion of the power plant, and thereafter the district will look to such lessee, severally, and not to the United States for compensation for injury and/or damages of any kind which may in any manner arise out of the operation and maintenance of the portion of such plant leased to it."

Article 12 provides for the rate at which the district shall pay the United States for the use of falling water for generation of energy for the district and for the generation thereof.

Article 13 provides for the monthly payments and the computation thereof, but is based upon the minimum annual payments provided for in article 14.

Article 14, "Minimum annual payment," provides so far as here relevant:

"The total payments made by the district for firm energy available in any year (June 1 to May 31, inclusive), whether any energy is taken by it or not, exclusive of its payments for credit to the generating agency, shall be not less than the number of kilowatt-hours of firm energy which the district is obliged to take and/or pay for during said year, multiplied by 1.63 mills, or multiplied by the adjusted rate of payment for firm energy in case the said rate is adjusted as provided in article 12 hereof. * * *"

One further provision of the contract should be mentioned at this time. It is as follows:

"(19) (a) The city having, in article 25 of Exhibit A hereof undertaken that it shall operate and maintain at cost, including allowance for necessary overhead expense, the lines required for transmitting all Boulder Canyon power from the power plant to the pumping plants of the district, allocated to and used by the district for pumping water into and in its aqueduct: *Provided*, That in the event it should prove materially to the advantage of the district, at any time during the 50-year period of this lease, the district may operate and maintain such transmission lines itself; *And provided further*, That in the event of disagreement or dispute between the district and the city as to such matter, such disagreement shall be determined as provided in article 22 (a) (22A) hereof; the Secretary will, if by such determination energy allocated to and used by the district is to be transmitted by the district instead of the city, cause delivery of energy at transmission voltage to be made accordingly."

(a) The district is not obligated to take and pay for any electrical energy: As pointed out above, the instrument under consideration in article 7 purports to obligate the United States to cause to be delivered only "so much energy as may be needed and used for pumping Colorado River water into and in its aqueduct for the use of such district." Other provisions of article 7 may reduce the amount of energy to be delivered below the above-mentioned amount, but in no event can the energy exceed that amount. On page 7 of the contract it is specifically stated that the only purpose for which either firm energy or secondary energy is allocated under the agreement is for the purpose of pumping water into and in its aqueduct.

Article 14, "Minimum annual payment," adds nothing to article 7. Article 14 provides merely that the total payments made by the district "shall not be less than the number of kilowatt-hours of firm energy which the district is obligated to take and/or pay for during said year, multiplied" by rates set forth in the article.

Under the terms of the contract the district does not purport to be obligated to pay for any more energy than "may be needed and used for pumping Colorado River water into and in its aqueduct for the use of such district."

The aqueduct is not built. The pumping station is not built. The transmission line necessary to carry energy from any generating plant to any pumping station is not built. Certainly until the aqueduct is built no energy can be needed or used for pumping Colorado River water into it. Until the transmission line is built no energy can be used, whether needed or not, for pumping water into the aqueduct.

The instrument of April 26, 1930, does not purport to obligate the district to build an aqueduct, a pumping station, or a transmission line. No other instrument obligates the district to build them. The district can not procure the funds to build, acquire, or in any way furnish these facilities without the holding of an election at which the proposition is voted for by at least a majority of the qualified voters voting at such election. (See sec. 4 below.)

It is, therefore, our opinion, for reasons which we shall set forth in greater detail below, that under the instrument the promise of the district, if any, is entirely illusory; the district is free to take no energy whatever. The district may decide not to build an aqueduct and its supplementary facilities. Even if it does build the facilities, after acquiring the necessary authority from the voters, it is not required to pump any water into or in its aqueduct and hence is not required to use any electrical energy for that purpose.

(b) An agreement in which the performance of the party thereto is entirely within the will of such party lacks consideration and is not a valid contract.

A bilateral contract must have consideration, or, as it is sometimes expressed, mutuality of obligation. One party can not be bound while

the other remains entirely free. An agreement by one party to sell power at a specified rate and by another to take the power or not as such party might subsequently decide does not constitute a contract. Similarly the obligations sought to be created must be subject to some reasonably definite ascertainment; they can not be left wholly to the will of a party or there will be no contract. An agreement to sell as much power as the buyer desires to take is not a contract.

The law has been well stated by Judge Sanborn, of the Circuit Court of Appeals for the Eighth Circuit, in Cold Blast Transportation Co. v. Kansas City Bolt & Nut Co. (114 Fed. 77):

"This supposed contract consisted of a written offer to deliver manufactured articles in unnamed quantities at certain specific prices at any time between October 27, 1898, and June 1, 1899, and the acceptance of that offer, without more. * * * Neither the letter nor the acceptance names any quantity or amount of the articles specified that is to be delivered or received under it. The plaintiff does not agree to deliver, nor does the defendant contract to receive or pay for, any quantity or amount whatever of the articles named in the writings. A promise is a good consideration for a promise. But no promise constitutes such a consideration which is not obligatory upon the party promising. It must bind the promisor, so that the promisee may maintain an action for its breach, or it is without legal effect and void. A promise to furnish, deliver, or receive specified articles at certain prices, without any agreement to order or to accept any amounts or quantities of the articles is without binding force or effect, because neither party is thereby bound to deliver or to accept any quantity or amount whatever. Such promises are void, because they lack one of the essential elements of an agreement—certainty in the thing to be done. Contracts for the future supply during a limited time of articles which shall be required or needed or consumed by an established business or used in the operation of certain steamships or other machinery are no exceptions to this principle, because they fall under the rule. Id certum est quod certum reddi potest. But an accepted promise to furnish goods, merchandise, or other property at certain prices, during a limited time, in such quantities as the acceptor shall require or want in his business, is without consideration and void, because the acceptor is not bound thereby to require or take any articles whatever under the supposed agreement. The line of demarcation between valid and invalid contracts here runs between the requirements of machinery, or of an established business, and the wants, desires, or requirements of the tentative vendee; and that because the former are either reasonably certain, or may be made so by evidence, while the latter are conditioned by the will of the tentative vendee alone, and are both uncertain and capable of infinite variation."

In Willard Co. v. United States (262 U. S. 489) the Navy Department contracted for "any quantity of coal specified which may be needed * * * the Government not being obligated to order any specific quantity." The court held that the contract was invalid, saying:

"There is nothing in the writing which required the Government to take or limit its demand to any ascertainable quantity. It must be held that, for lack of consideration or mutuality, the contract was unenforceable."

A contract very similar to the one in question was under consideration in Northern Iowa Gas & Electric Co. v. Luverne (257 Fed. 818). An electric company contracted to supply a town with "all electricity and current that shall be desired by the town or its patrons along its transmission line * * * for lighting purposes or for power purposes or for other lawful use." The court, quoting the Cold Blast Transportation Co. case, supra, held that the contract was void for lack of mutuality, saying:

"As the defendant under the contract in question never assumed any obligation on its part nor agreed to purchase any definite amount of electricity for lighting or other purposes, the contract between the plaintiff and defendant is lacking in mutuality, and therefore void."

Later decisions in this case are reported in Two hundred and sixty-second Federal Statutes, pages 711, 712; Two hundred and eighty-second Federal Statutes, page 432.

In Schimmel v. Martin (190 Cal. 429, 431) the parties contracted—"to let O. K. Uzzell have this water continuously at 1½ cents per inch, to be applied on the 20 acres of land owned by O. K. Uzzell, and which adjoins the ranch of A. J. Martin; and O. K. Uzzell is to pay monthly for the water he uses. In case O. K. Uzzell fails to pay for the use of water, the party of the first part has the privilege of cutting off the supply, but in case party of the second part fails to pay but does pay later, he shall then have the water supplied to him as in the beginning on the same terms, by paying up all bills for the use of water. * * *"

The court held:

"The contract is lacking in mutuality. Considered as a contract for the sale of personal property, as the parties to the action treated and considered it, and as the trial court in effect found it to be, there is clearly no mutuality in the absence of an agreement by the plaintiffs to buy the water offered for sale by the contract."

See also Long Syrup Refining Co. v. Corn Products Refining Co. (193 Fed. 929).

It has been observed that no aqueduct has been built, that no power plant has been built, and that there are no assurances from any contract that either will be built. The rule that a contract to supply all the needs of an established business for a limited period of time does not lack mutuality is not applicable in such a situation. This was well stated in American Trading Co. v. National Fiber & Insulation Co. (1 W. W. Harr. (Del.) 65; 111 Atl. 290), in which a contract to supply the buyer's needs was in question. The court said:

"From an examination of cases bearing upon the point, it may be stated that when the engagement of the buyer is merely to receive the goods he may want or order, or when his business is not established, and there is no reasonable probability that the business will continue, or will require any substantial quantity of the goods covered by the agreement, the law holds that the engagement of the buyer is not an obligation but an option to take or not take any goods only as he may desire, and the contract is void for want of mutuality or certainty. * * *

"As the validity of the agreement, such as in this case, depends on the probable permanence or nature of purchaser's business, and the ability and opportunity of the seller to make a reasonably correct estimate of the quantity of goods bargained for, the declaration in the present case can not stand, for there is nothing in the present declaration to even indicate the existence of such necessary facts."

See also the later appeal of this case in 1 W. W. Harr. 258; 114 Atl. 67.

The law is similarly stated in T. W. Jenkins & Co. v. Anaheim Sugar Co. (237 Fed. 278), a case in the District Court of the Southern District of California:

"After very careful consideration of the particular circumstances of the case, upon reason as well as upon authority, I am constrained to accept defendant's contention. The books are full of cases, and the most important of them have been cited herein by plaintiff, to the effect that contract binding one party to sell, and the other party to buy, all of the 'requirements' of the latter's established business as to a given commodity, will be enforced, and this because of the fact that the ascertainment of such requirements is possible with sufficient definiteness and certainty; the subject matter of the contract being thus rendered certain, in the face of the positive reciprocal obligations complete mutuality is secured, and a breach by either party can be the basis of relief to him who tenders or has given full performance. As a necessary element of this wholesome conclusion, however, the courts have been forced to indulge in the presumption that the parties intended that the established business of the purchaser was to be carried on, substantially as of the time of contract, and that the purchase and use therein of the commodity forming the subject matter of the contract would be but an incidental feature of the carrying on of such established business."

See also Nassau Supply Co. v. Ice Service Co. (252 N. Y. 277; 169 N. E. 383).

The instrument under consideration does not provide for the taking of the power requirements of established facilities. It provides for the payment by the district for power "needed and used" in a purely speculative pumping station on a purely speculative aqueduct. It needs no further statement to indicate that such an agreement does not constitute a contract, because, to use Judge Sanborn's language, "It is conditioned by the will of the vendee alone and both uncertain and capable of infinite variation."

3. The instrument dated April 24, 1930, "Contract for delivery of water," is not a valid contract: This document is entitled "Contract for delivery of water." It is plainly not even that, much less is it a contract for the purchase of water.

The document is executed by the United States and the water district. It recites that in consideration of mutual promises it is agreed:

"6. The United States shall deliver to the district each year from the Boulder Canyon Reservoir at a point in the Colorado River immediately below Boulder Canyon Dam, or as provided in article 10 hereof, up to but not to exceed 1,050,000 acre-feet of water which shall be delivered continuously as far as reasonable diligence will permit * * *."

(The qualifications upon this undertaking of the United States which follow the quoted provision will be discussed later.)

"This contract is for permanent service, but is made subject to the express covenant and condition that in the event water for the district is not taken or diverted by the district hereunder for district purposes within a period of 10 years from and after completion of Boulder Canyon Dam, as announced by the Secretary, it may in such event, upon the written order of the Secretary, and after hearing become null and void and of no effect.

"The district shall receive the water to be delivered to it by the United States under the terms hereof at the point of delivery above stated, and shall at its own expense convey such water to its proposed aqueduct * * *.

"8. The water to be delivered hereunder shall be measured at the intake of the district's proposed aqueduct * * *.

"9. The district shall make full and complete written monthly reports * * * of all water diverted from the Colorado River * * *.

"10. A charge of 25 cents per acre-foot shall be made for water delivered to the district hereunder during the Boulder Dam cost-repayment period * * *.

"11. The district shall pay monthly for all water delivered to it hereunder, or diverted by it from the Colorado River, in accordance with the rate herein in article 10 established * * *."

The instrument contains no provisions stating when the deliveries shall begin.

(a) The district has assumed no obligation to receive and pay for water: Article 6 (except as will be hereafter qualified) provides for the delivery of "up to but not to exceed" a stated quantity. By article 7 the water "to be delivered * * * under the terms hereof" is to be received by the district at the point of delivery and conveyed to a proposed aqueduct, which is not built and may never be built. The only provisions for payment are for water actually delivered. There is no provision fixing the beginning of deliveries. There is a provision providing for cancellation of the contract if no water has been taken within 10 years after the completion of Boulder Canyon Dam.

This is obviously not a contract. The district is not bound to receive or pay for any quantity of water at all. The document contains a mere unenforceable promise by the United States that if the district builds an aqueduct it may have the privilege of diverting (subject to drastic qualifications) up to but not to exceed a stated quantity of water. It is free to take no water or only so much as it wills to take. The district promises to do nothing except pay for the water which it takes if and when it takes any.

Even if an aqueduct should be built, the document still lacks any promise to take any quantity of water which is capable of ascertainment. The law will not supply provisions which the parties have omitted.

In the Cold Blast Transportation Co. case, supra, the court said:

"It is said that the intention of the parties was to make an agreement that the plaintiff should sell and deliver, and the defendant should buy, all the articles of the character specified in the offer which should be needed or required by its business between October 27, 1898, and June 1, 1899; that the purpose of the construction and interpretation of contracts is to ascertain the intention of the parties; and that this contract should be interpreted to effect this intent. The answer is that, while ambiguous terms and doubtful stipulations may be interpreted to carry out the intention of the parties when they fairly evidence it, their secret intention can not be imported into contracts whose terms and meaning are plain and unambiguous, and do not express it. It is only the intention of the parties which the contract itself expresses that the courts may enforce. In the case at bar the offer of the plaintiff is nothing but a price list. The acceptance of the defendant contains no agreement to buy any of the articles specified in the list, and there is no ambiguity in the terms, or doubt in the meaning, of the writings in issue. To give effect to the intention of the parties which the defendant now alleges would be to ascribe to them a purpose, and to make and enforce for them a contract, which their writings neither express nor suggest; and this is beyond the province of the courts. * * *."

In Hoffman v. Maffieli (104 Wis. 630; 47 R. A. 427), the parties contracted for stone to be "delivered on street in the city of Waukesha in such quantities as may be desired." The buyer had a contract for paving the streets of Waukesha, and it was contended that the effect of the contract for stone was to supply all the buyer's needs in filling his contract for paving. The court held the contract to be lacking in mutuality and void, saying:

"The contract leaves the amount of stone to be delivered unfixed and unascertainable. There is nothing in the contract which implies that it was measured with or limited to the defendant's contract with the city."

We have, in connection with the instrument dated April 26, 1930, "Contract for electrical energy," set forth the law applicable to purported agreements of the sort here under discussion. Like the preceding agreement, this one is conditioned solely by the will of the tentative vendee alone, and is both uncertain and capable of infinite variation. Upon the authorities above referred to, it is plain that this is not a contract.

(b) The United States has assumed no obligation to deliver water: We have referred several times above to the drastic qualifications attached in article 6 of the contract to any obligation of the United States to deliver water to the district. These qualifications are as follows:

"The United States shall not be obligated to deliver water to the district when for any reason such delivery would interfere with the use of Boulder Canyon Dam and Reservoir for river regulation, improvement of navigation, flood control, and/or satisfaction of present perfected rights in or to the waters of the Colorado River or its tributaries in pursuance of Article VIII of the Colorado River compact; and this contract is made upon the express condition and with the express covenant that the right of the district to waters of the Colorado River or its tributaries is subject to and controlled by the Colorado River compact. The United States reserves the right to discontinue or temporarily reduce the amount of water to be delivered for the purpose of investigation, inspection, maintenance, repairs, replacement or installation of equipment and/or machinery at Boulder Canyon Dam, but so far as feasible the United States will give the district reasonable notice in advance of such temporary discontinuance or reduction. The United States, its officers, agents, and employees shall not be liable for damages when, for any reason whatsoever, suspensions or reductions in delivery of water occur."

Under the qualifications set forth above the United States, its officers, agents, and employees are not liable for damages when "for any reason whatsoever" suspensions or reductions in delivery of water occur. In other words, even if with all the qualifications preceding the provision just quoted there remains any remote obligation upon the United States to deliver water, nevertheless the United States is not to be liable for damages when for any reason whatsoever it suspends or reduces the deliveries of water.

It is a well recognized principle of the law that an agreement which by its terms exempts one party thereto from any liability thereunder can not be a contract. We are aware that the United States can enter into a valid contract even though Congress should not have provided any tribunal in which redress could be obtained for a violation of the contract by the United States. This principle, however, is not involved in the present case. Under the present contract the difficulty is not that a tribunal capable of giving redress does not exist but that the very document which undertakes to create an obligation by its own terms expressly exempts the United States from any liability growing out of the failure to perform that obligation.

This principle was recognized in Howester King Co. v. Mitchell, Lewis & Stover Co. (89 Fed. 173), where the court said:

"I am of the opinion that there is no mutuality in the contract sued on. The stipulation against liability on plaintiff's part for damages for its failure from any cause to comply with the contract in effect released the plaintiff from any obligation to perform its agreements. Where there is no liability there is no obligation, and without an obligation to perform on the part of one of the parties neither is bound."

For this reason also the instrument of April 24, 1930, entitled "Contract for delivery of water," is void and does not create any binding obligations upon either the United States or the district.

4. The district can not provide an aqueduct and transmission line without the sanction of a majority of the voters: As already stated, the cost of the aqueduct and transmission line thereto have been estimated at from $200,000,000 to over $250,000,000. Estimates by the district's engineers have run as high as $300,000,000.

No one has suggested, or could suggest, that these facilities could be furnished by the district out of any current revenues which it could raise. The maximum taxes which it can levy "exclusive of any tax levied to meet the bonded indebtedness of such district and the interest thereon shall not exceed 5 cents on each such $100 of assessed valuation." (Statutes of Calif., 1927, ch. 429, sec. 5 (8).) We are informed that the total assessed valuation of property within the district is $2,311,001,115. The maximum revenue other than to meet bonded indebtedness and interest would not exceed $1,155,500 per annum.

The facilities, then, would have to be financed by a bond issue.

The law creating the district provides that whenever the directors of the district determine that the public interest requires the creation of public works "the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, said board of directors may order the submission of the proposition of incurring bonded indebtedness for the purposes set forth in the said ordinance to the qualified voters." If "a majority of the electors voting * * * voted in favor of such proposition, the district shall thereupon be authorized to issue and sell bonds of the district in the amount and for the purposes * * * provided * * * in such ordinance." (Stats. 1927, ch 429, sec. 7 (a) and (d).)

This statute is plain that the district can not incur any bonded indebtedness for such public works as the aqueduct and its power-transmission line without the sanction of a majority of the voters voting upon that proposition at an election called for that purpose. It is highly probable that under the statute any attempt on the part of the directors of the district to commit the district without an election to the creation of works which could only be financed by bonded indebtedness authorized by an election would be wholly void. But this opinion need not be extended by a discussion of that proposition. From what has gone before, it is clear that the directors have not done anything so foolish. It is also clear from the Boulder Canyon project act (see pp. 7 to 9, supra) that even if they had done so their purported contract would not be that adequate provision for revenues by contract which must be made before money may be appropriated for the project. For Congress, by expressly providing that applications for contracts shall not be denied or prejudiced until a reasonable time for providing for bond issues has been given, has shown its appreciation that an agreement made without such provision would have no binding and enforceable effect whatever.

To require that a party proposing to contract shall obtain the necessary capacity and authority to incur the indebtedness necessary to perform any contract is merely to require the first essential of making a valid contract which will provide revenue. It is as important to the

representatives of the applicant as it is to the United States. It imposes no hardship on anyone. It may prevent disastrous consequences to both.

It is our opinion that no contract can be made with the district by which it is obligated to take and pay for water and for energy which will meet the requirements of the Boulder Canyon project act until the district has obtained from the voters the authority to incur bonded indebtedness in the amount necessary to provide the works and facilities without which it can take neither water nor energy.

PART III

The instrument "Contract for lease of power privilege," dated April 26, 1930, is not a "provision for revenue by contract" within the meaning of section 4 (b) of the Boulder Canyon project act.

We shall approach the consideration of the instrument dated April 26, 1930, from the following points of view:

First. We shall consider whether the city of Los Angeles without the assent of two-thirds of the voters has the legal capacity to incur certain obligations sought to be imposed upon it by the instrument.

Second. We shall consider whether the United States can force the city of Los Angeles by mandamus or otherwise to pay amounts alleged to be due under the instrument, as stated by the Solicitor of the Department of the Interior in his opinion.

Third. We shall consider whether the instrument purports to impose upon the city and the Southern California Edison Co. any unqualified obligation to take and pay for electrical energy.

1. The city of Los Angeles without the assent of two-thirds of the voters has not the legal capacity to incur obligations sought to be imposed upon it by the instrument nor has it the legal capacity to procure revenues with which to furnish those obligations without the assent of two-thirds of the voters.

(a) Statement of facts relevant to the legal capacity of the city to contract.

By Ordinance No. 66446, adopted by the council of the city of Los Angeles on April 25, 1930, the council resolved to give the board of water and power commissioners authority to execute the instrument under consideration for and on behalf of and in the name of the city of Los Angeles. In our opinion this resolution was effective under the charter of the city, article 6, section 78, and article 28, section 385, to give to the board whatever authority the council possessed to execute this document on behalf of and in the name of the city.

The instrument of April 26, 1930, deals with three principal matters:

1. The making of a lease in the future by the United States to the city and the company, severally, of power-generating machinery.

2. The operation of that machinery by the city for the purpose of generating power for other municipalities and the transmission of that power by the city to those municipalities over its own transmission line not yet constructed.

3. The generation of power by the city and the company for their own uses, respectively.

Article 6 of the instrument provides that the United States will furnish and install generating equipment. At the present time the machinery has not been installed nor has any work been undertaken upon any of the project. Section 10 provides for a lease of machinery to the city and to the company. This is, of course, an agreement for a lease to be made in the future and can not be the present lease. Article 9 provides that the lessees shall pay the cost of the machinery installed for them, with interest at 4 per cent, in 10 equal installments. The first installment is to be payable on June 1 next following the date when the machinery is ready for operation and water is available therefor, as announced by the secretary. The subsequent nine installments are payable on each June 1 thereafter, following. The amount of machinery to be installed is left vague by article 8 of the instrument, and this matter will be herein below referred to. The secretary, however, has stated that the machinery which he proposes to install under this instrument for the city and for which the city must pay will cost approximately $17,000,000.

By article 10 (d) the city is made the generating agency for, among others, certain other municipalities.

By article 14 the city covenants generally to furnish energy needed to meet allocations of energy to, among others, the municipalities.

By article 25 (b) the city agrees to transmit over its main transmission line, constructed for carrying Boulder Canyon power, all such power allocated to and used by each of the municipalities severally. The cost of this transmission line has been estimated by the secretary to be $30,000,000.

By article 20 it is provided that in case of the breach by a lessee of the terms and conditions of this agreement to the extent that another allottee is deprived of all or any part of the electrical energy to which it is entitled under the allocation set forth in article 14, the generation of which is to be effected by the lessee, the secretary reserves the right to enter and operate the machinery at the cost of the lessee and thereafter, upon two years' written notice, to terminate the contract.

(b) The constitution and statutes of California prevent the city from incurring the liability set forth above without the assent of two-thirds of the qualified voters voting at an election to be held for that purpose.

Section 18 of article 11 of the constitution of California provides that:

"No * * * city * * * shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year without the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed 40 years from the time of contracting the same * * * and indebtedness or liability incurred contrary to this provision * * * shall be void."

By article 1, section 3, clause 4, of the charter of the city of Los Angeles, the provisions of the bond act of 1901 (Stat. 1901, p. 27; Stat. 1927, p. 527) are made applicable to the city. Willmon v. Powell (91 Calif. App. 1; 266 Pac. 1029).

The bond act of 1901 provides, in section 2, that whenever the legislative branch of any city shall determine that the public interest requires the carrying out of any project the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality it may call a special election and submit to the qualified voters of the city the proposition of incurring a debt for the purpose set forth in the resolution. In section 3, it is provided that it shall require the votes of two-thirds of all the voters voting on any such proposition to authorize the issuance of bonds provided by the act.

California Jurisprudence, volume 18, page 880, referring to the constitutional provision set forth above, says:

"The provision means, not only that an indebtedness incurred contrary to its express inhibition is absolutely void but that each year's income and revenue must pay each year's indebtedness and liability, and that no indebtedness or liability incurred in any one year shall be paid out of the income and revenue of any future year."

See also San Francisco Gas Co. v. Brickwedel (62 Calif. 641); Chester v. Carmichael (187 Calif. 287); San Joaquin Light & Power Co. v. Maderia (175 Calif. 229); Arthur v. City of Petaluma (175 Calif. 216). For other cases so holding see 18 California Jurisprudence, section 177, note 20.

The question of when and the extent to which a liability is incurred under the constitutional provision has been frequently before the Supreme Court of California in connection with cases involving payments to be made in installments. The earlier decisions in which this question arose were cases involving the furnishing of services or materials in yearly installments and the payments therefor in yearly installments. In these cases the court held that a liability for an installment was not incurred until the consideration for that installment had been furnished and that therefore the liability could be incurred provided there were adequate revenues to meet each installment as it fell due. McBean v. City of Fresno (112 Calif. 159; 44 Pac. 359); Smilie v. Fresno (112 Calif. 311; 44 Pac. 556); Deland v. Clark (143 Calif. 176; 76 Pac. 958).

In the more recent cases decided by the Supreme Court of California, however, the consideration to be furnished by the contracting party was not to be furnished in installments but was furnished at one time. The payments, however, were by the purported contract spread over a period of years. In these cases the Supreme Court of California held that the liability was incurred when the consideration was furnished and that the liability could not under the constitution be incurred unless the revenues of the city were adequate in the year when the consideration was furnished to meet the entire installments no matter over what future period the payment of those installments was spread. In re City and County of San Francisco (195 Calif. 426; 223 Pac. 965); Mahoney v. San Francisco (201 Calif. 248; 257 Pac. 47); Chester v. Carmichael (187 Calif. 287; 201 Pac. 925).

In the cases of Chester v. Carmichael and Mahoney v. San Francisco, supra, the Supreme Court of California reviewed the earlier cases and limited them strictly to the type of contract involved in these cases.

In the Mahoney case the court said:

"We do not understand that the force and effect of the constitutional restrictions may be avoided—however beneficial such an avoidance may appear to be to the municipality by permitting it to carry forward its plans—that expenditures may be incurred for improvements and for other public uses for which the municipality is liable and which, though not definitely fixed or even estimated, will inevitably exceed the income and revenue provided for the fiscal year in which the contract is entered into, or any future year, because, perchance, the question of the ability of the municipality to meet its obligations is left in a state of doubt or uncertainty occasioned by the phraseology of the contract, or upon the theory that the possible occurrence of an event which in all probability will not happen may happen, or the possible failure of a condition which must from the logic of the situation be performed will not be performed. If this be the rule of construction, the restriction provisions of the constitution and charter would become practically

nullities and there would be no opportunity for the taxpayers to be heard as to the incurring of indebtedness or liability that would become a charge upon the future income or revenue of municipal and public corporations. It would practically put an end to bond issues as provided by the constitution with respect to the incurring of future indebtedness or liability. If a vast indebtedness or liability may be incurred by contract whereby the payment is postponed to a future year, and which would beyond question exceed the income that could or would reasonably be expected to be provided for, a condition would be brought about similar to that stated in Arthur v. City of Petaluma (175 Calif. 216; 165 Pac. 698), which affords a striking example of the hardship that follows a failure to observe the organic law and which should be avoided in the interests of a sound public policy.

Under the foregoing decisions of the Supreme Court of California it is clear that the obligation of the city to pay the cost of the generating facilities to be furnished by the United States in the present case would become a liability when the consideration moving from the United States is furnished; that is, when the dam and power facilities are built and the water to operate the latter made available. It would be immaterial that this liability could be paid over a period of years. That affects merely the method of payment. As to that liability there would be no further consideration to be furnished by the United States.

Payments for the use of falling water would perhaps fall in a different category. These payments are for services to be furnished by the United States from year to year, and presumably no liability to be incurred until the consideration had been given therefor. We shall, however, discuss in the following subdivision of this part the effect of the constitutional provision upon the ability of the United States to enforce payments for these services.

The decisions of the Supreme Court of California are also clear that under the present instrument the obligation of the city to furnish a power transmission line would be a liability incurred in a single year within the meaning of the constitutional provision, and this would be true irrespective of any future contracts which the city might enter into to spread the payments for this power line over a period of years. Furthermore, it is immaterial whether or not there is in the contract a direct promise from the city to the United States to furnish the power line. It is enough if either there is an implied promise (18 Calif. Jur. p. 880–881) or if the furnishing of the line by the city is necessary for it to preserve rights acquired by it by the contract and if the failure to furnish the line enables the United States to terminate the contract and forfeit the lease. Chester v. Carmichael (187 Calif. 287 at 293) and In re City and County of San Francisco (195 Calif. 426, 439, 442).

We make no attempt to estimate for the present or any future year the revenue and income of the city of Los Angeles which is or may be free for expenditure upon this project, because it will be apparent and conceded that there can be no reasonable expectation that in any year there will be revenues unappropriated sufficient to permit under the constitution the incurring of a liability of $17,000,000, the estimated cost of the facilities, and $30,000,000, the estimated cost of the transmission line, or of either liability. If any support for this statement is needed it may be found in the fact that in two recent instances in which the city wished to incur liabilities for approximately $11,000,000 and $38,800,000, respectively, for public works the propositions were submitted to the voters.

The bald fact, therefore, is that the city without the assent of the voters is purporting to commit the city to two future liabilities of $17,000,000 and $30,000,000, respectively. These amounts, as the court said in the Mahoney case, "will inevitably exceed the income and revenue provided for the fiscal year in which the contract is entered into, or any future year." As the court said further, the constitutional limitation which makes such an attempt a nullity can not be avoided "because, perchance, the question of the ability of the municipality to meet its obligations is left in a state of doubt or uncertainty occasioned by the phraseology of the contract." If such a contract as this could be validly made "it would practically put an end to bond issues as provided by the constitution with respect to the incurring of future indebtedness or liability."

The purpose of the constitutional provision is to give an opportunity to the voters to pass upon the incurring of indebtedness or liabilities which may become charges upon the future income or revenues of municipal corporations. If a liability incurred, no matter when payable, can be discharged from the income or revenues of the year in which it is incurred, that liability may, under the constitution, be incurred by the city without reference to the voters. If, however, the liability is too great to be paid out of the income and revenue of the year in which it is incurred and, therefore, must become a charge upon future revenues, the constitution provides that the proposition of incurring the liability must be submitted to the voters and assented to by two-thirds of those voting upon it.

That this is the acknowledged law of California is strongly indicated by the purchase agreement dated May 26, 1919, entered into between the Southern California Edison Co. and the city of Los Angeles and set forth in hearings before the House Committee on Irrigation and Reclamation, Sixty-eighth Congress, first session, in H. R. 2903, Part I, 442. That contract provided for the purchase by the city from the company of the company's electric distributing system situated within the corporate limits of the city for a price of $11,000,000, together with such sum as shall be equivalent to the amount of money necessarily expended by the company on extensions and betterments after June 30, 1919. Article 4 of that contract provides as follows:

"The sums mentioned in paragraph 1 hereof to be paid by the city to the company or any part thereof shall be payable and said properties shall be transferred and conveyed as aforesaid only in the event that on or before June 30, 1920, an issue of bonds of said city of Los Angeles, authorized by the voters of said city for the purpose of acquiring the above-described properties, or for that and other purposes, shall be issued and sold and said sum shall be paid only out of the proceeds of the sale of said bonds."

On Tuesday, May 20, 1930, the voters of Los Angeles had submitted to them the following proposition:

"Shall the city of Los Angeles incur a bonded debt in the sum of $38,800,000 for the acquisition, construction, and completion by the city of Los Angeles of a certain revenue-producing municipal improvement, to wit, the acquisition, construction, and completion of waterworks, including lands, water, water rights, reservoir dams, distributing mains, and other necessary works and property for supplying the city of Los Angeles and its inhabitants with water, the estimated cost of which is $38,800,000."

In our opinion, the city of Los Angeles has no power to incur liability to pay the United States a total consideration of $17,000,000 in 10 installments, on account of the cost of furnishing facilities that shall be leased to the city by the United States or to incur a liability to furnish a transmission line, the cost of which may equal or exceed $30,000,000, without submitting such proposition to the qualified voters of the city and obtaining the assent of two-thirds of said voters voting thereon to incur such liability, and to issue bonded indebtedness in the amount thereof. The instrument under consideration which purports to commit the city to the incurring of such liabilities is, in our opinion, null and void.

c. The opinion of the Solicitor of the Department of the Interior that the city of Los Angeles has authority to enter into the instrument under discussion and that payment of amounts which may be due the United States under that instrument can be enforced by mandamus is, with due deference, in our opinion, incorrect.

We have had the opportunity of examining an opinion given by the Solicitor of the Department of the Interior under date of May 6, 1930. The solicitor apparently concludes on the first page of that opinion that the city of Los Angeles has authority, under its charter, to incur the obligations provided for in this instrument. The solicitor, however, fails to consider the limitations imposed by the constitution of California on the capacity of a municipality to incur obligations. These limitations have been discussed fully. They are, in our opinion, conclusive against the capacity of the city to incur the obligations referred to above, sought to be imposed by the instrument. The case of Gillette Herzog Manufacturing Co. v. Canyon County (85 Fed. 396), cited with approval by the solicitor on page 7 of his opinion, is conclusive authority in favor of the views expressed by us above and states that a municipality limited by a constitution almost identical with the constitution of California, had no authority to enter into the contract in question and that even though the other contracting party had furnished the entire consideration required of it, in that case the building of a bridge, the party was entirely without redress of any sort against the city.

But for another reason the opinion of the solicitor that the United States might by mandamus force the city to make payments to it is in our opinion incorrect, and this reason is applicable not only to prevent enforcement of any payments to the United States on account of the cost of installing generating equipment but is also applicable to payments which the United States may seek to recover on account of the use of falling water for generating purposes.

It is the law of California that except where two-thirds of the voters of a municipality have assented thereto no liability or indebtedness of the municipality can be paid either voluntarily or as the result of judicial process except from the revenue of the year in which the liability was incurred. This is clearly stated in the case of Arthur v. City of Petaluma (175 Calif. 216). In that case the facts were as follows:

Arthur did some printing for the city in the fiscal year 1910–11. When the liability was incurred there was sufficient money in the city treasury of the revenue of that fiscal year to pay it. He filed a claim for payment on March 28, 1911, but at that time the revenues provided for the fiscal year had been entirely exhausted and his claim was, therefore, disallowed. He then sued the city and obtained a judgment. The county clerk certified the judgment to the auditor in accordance with the law providing for the payment of judgments. The city council included in the tax levy for 1916–17 a sum expressly devoted to payment of the judgment and sufficient to pay the same. The tax was collected and in the treasury, but the city refused to pay the claim on the ground that section 18 of article 11 of the constitution of California precluded payment of a liability incurred in any year from revenue received in another year.



Arthur then brought a proceeding in mandate to compel allowance and payment of his claim. The defense of the city was sustained by the court. The court said:

"The fact that petitioner has obtained judgment against the city for the amount of his claim in an action brought for that purpose does not avoid the application of this constitutional provision. The judgment, of course, conclusively determines the question of the validity of his claim, but it still remains that, by reason of that provision, it can not be paid out of the revenues of a fiscal year other than the one in which the liability or indebtedness was created."

This case is the unquestioned law of the State of California. (See 18 Cal. Jur. p. 887, sec. 182; see also Dillon on Municipal Corporations, 5th ed. vol. 1, 412.)

Thus the limitation imposed upon the municipalities by the constitution of California is twofold. In the absence of the assent of two-thirds of the voters—

(a) The city can not create an obligation in excess of revenues provided and not appropriated for the year in which the liability is or is to be incurred. Any liability sought to be incurred in excess of such revenues is void; and

(b) Even if adequate revenues exist at the time the liability is incurred, if those revenues are subsequently used for other purposes the creditor is entirely without legal remedy, since under the constitution of the State the courts of California have held that an indebtedness can only be discharged out of the revenues provided in the years in which it was incurred and that it can not be discharged either voluntarily or to pay a judgment out of the revenues of any other year. This has been held in a case in which it was sought to direct the payment by mandamus, the remedy relied upon by the solicitor in his opinion.

2. The instrument "Contract for lease of power privilege," does not impose any absolute obligation upon the city or company to take or pay for energy. Any obligations imposed are purely conditions of preserving their allocations. Furthermore, even such conditional obligations are not for any fixed amount of energy.

Article 16 of the instrument provides:

"In consideration of this lease the lessees severally agree—

"1. To pay the United States for the use of falling water for the generation of energy for their own use, respectively, by equipment leased hereunder (except as otherwise provided in article 17 hereof) as follows:

"(a) $0.00163 per kilowatt-hour for firm energy;

"(b) $0.0005 per kilowatt-hour for secondary energy."

Article 17 provides:

"The total payments made by each lessee for firm energy available in any year (June 1 to May 31, inclusive), whether any energy is generated or not, exclusive of its payments for use of machinery, shall be not less than the number of kilowatt-hours of firm energy available to said lessee and which said lessee is obligated to take and/or pay for during said year multiplied by $0.00163.

"*Provided, however*, That in order to afford a reasonable time for the respective lessees to absorb the energy contracted for, the minimum annual payments by each for the first three years after energy is ready for delivery to such lessees, respectively, as announced by the Secretary, shall be as follows, in percentages of ultimate annual obligation, to take and/or pay for firm energy:

"First year, 55 per cent; second year, 70 per cent; third year, 85 per cent; fourth year and all subsequent years, 100 per cent."

Thus to determine the payments, if any, which the lessees agree to make we must find in the contract provisions showing:

1. The number of kilowatt-hours which are to be available, and also

2. The number of kilowatt-hours available to each lessee which said lessee is obligated to take or pay for.

The kilowatt-hours available will depend upon the generating machinery installed (art. 8) and the falling water made available (art. 21). Article 8 provides that the lessee shall notify the Secretary of "their respective generating requirements in order that the United States may be able to determine the type and initial and maximum and ultimate generating capacity of the generating equipment to be installed in the power plant. Generating units and other equipment to be installed by the United States shall be in sufficient number and of sufficient capacity to generate the energy allocated to and taken by the lessees and the various allottees, served by each lessee as stated in article 14 hereof, upon the load factors stated by the respective allottees with proper allowance for the combined load factors of all allottees served by each lessee. Each lessee shall give notice to the Secretary of the date at which it requires its generating equipment to be ready for operation, such notice to be given at least three years before said date. If a lesser number of generating units is initially installed, the United States will furnish and install, at a later date or from time to time on like terms, such additional units as with the original installation will generate the energy allocated. * * *

Article 9(b) provides that no charge shall be made against either lessee on account of cost of machinery required to be installed in consequence of execution of a contract for electrical energy by a State unless such machinery is to be used partially for the benefit of such lessee. From the foregoing provisions it is clear that the capacity of the generating units initially installed will be determined by the generating requirements of the two lessees in accordance with the notification which the lessees are required to make to the Secretary. Thereafter additional units may be installed if necessary to meet the requirements of the lessees or if and when contracts are made with other allottees, including the States. Plainly the additional units are not to be installed except in pursuance of the execution of contracts with the allottees for the energy allocated or some part thereof. Thus the energy available will be at the outset the capacity of the units installed to meet the requirements of which the lessees have notified the Secretary. Subsequently the energy available may be increased as additional units are installed in consequence of the execution of contracts with other allottees. This must be so because energy can not be available in excess of the capacity of the generating units installed.

So far as falling water available is concerned, article 21 provides that in the event of discontinuance of falling water the minimum payments shall be reduced by the ratio that the total number of hours of such discontinuance bears to 8,760. However, falling water is of no value unless generating units capable of using it have been installed. It is, therefore, our opinion that the total energy available within the meaning of article 17 is determined by the capacity of the units installed as set forth above reduced by the proportionate time during which such units are rendered unavailable for generating purposes through the discontinuance of falling water.

Article 17, however, does not make the lessees severally liable for any fixed amount of energy available. The minimum payments are to be determined not only with relation to the amount of energy available but also with respect to the amount of such available energy which the lessees severally are obligated to take and pay for. We turn therefore to the instrument once again to determine what, if anything, it provides in respect of the amount of energy which each lessee is obligated to take. The only articles which throw any light upon this inquiry are articles 14 and 15. Article 15 merely defines the term "firm energy" as being for the first year of operation 4,240,000,000 kilowatt-hours. For each subsequent year the amount defined is to be decreased by 8,760,000 kilowatt-hours per year. This article obviously imposes no obligations.

Article 14 so far as relevant to any supposed obligation assumed by the lessees is as follows:

Allocation of energy

"14. The Secretary reserves and as against the lessees may exercise the power in accordance with the provisions of this contract to contract with the other allottees named in this article for the furnishing of energy to such allottees at transmission voltage in accordance with the allocation to each such allottee, and the Secretary is authorized by each lessee to enforce as against it the rights acquired by such other allottees under such contracts. Each lessee severally in accordance with the agency designations made in paragraph (d) of article 10 covenants to generate and furnish energy, at transmission voltage, needed to meet the following requirements of the allottees (other than lessees) named below the allocation of firm energy being made in percentages of the total firm energy as defined in article 15 hereof, to be delivered to such allottees at said Boulder Dam power plant.

Of firm energy

"A. To the State of Nevada * * * 18 per cent * * *."

"B. To the State of Arizona * * * 18 per cent."

* * * * * * *

"C. To the metropolitan water district of southern California so much energy as may be needed and used for pumping Colorado River water into and in its aqueduct for the use of such district within the following limits:

"1. Not exceeding 36 per cent of said total firm energy plus * * *.

* * * * * * *

"D. To the municipalities (stating them) * * *.

"E. To the city of Los Angeles, 13 per cent.

"F. To Southern California Edison Co. (Ltd.) (and other named private corporations), 9 per cent.

"The foregoing allocations are subject to the following conditions:

"(i) So much of the energy allocated to the States (36 per cent of the firm energy) and not in use by them, or failing their use, by the district for the above purposes, shall be taken and paid for one-half by the city and one-half by the company.

"(ii) All of the energy allocated to the municipalities * * * as is not so contracted for, or if contracted for, not used by them directly or under contract for municipal purposes and/or distribution to their inhabitants shall be taken and paid for by the city.

"(iii) So much of the energy allocated to the Southern Sierras Power Co., the San Diego Consolidated Gas & Electric Co., and the Los Angeles Gas & Electric Corporation as is not firmly contracted for by them, severally, in compliance with regulations of the Secretary on or before April 15, 1931, shall be taken and paid for by the company."

There can be no doubt that down to the words "the foregoing allocations are subject to the following conditions" article 14 contains no words which directly or by any possible construction can be said to impose any obligation upon either of the lessees to take and pay for any energy. In fact, the covenant which the lessees make in the second sentence of article 14 to generate and furnish energy expressly excepts from the covenant energy required to meet the allocations to the lessees stated below. Reading articles 14 and 15 together, it is apparent that an allocation is merely a reservation for, a setting aside for, a division among the allottees of certain defined ultimate potential generating capacity. Such an allocation obviously is not intended to and can not pass title to anything not in being so as to commit the allottee to pay the purchase price thereof. If it had been intended to commit the lessees to generate, take and/or pay for the full amount of energy reserved for them, it would have been a very simple thing to have so provided in the contract. However, there is not only no such provision in the article, but the only covenant which the article contains is in the portion under discussion, which expressly excepts from its provisions an obligation to generate energy allotted to the lessees, respectively.

We turn, then, to the remaining portion of the article imposing the conditions to determine the purpose and meaning of that portion. After making the allocations discussed above the article states that the allocations are "subject to the following conditions," the conditions being to take and pay for energy allocated to certain other allottees and not taken by them. As stated above, an allottee of an allocation has merely an equitable right to certain future potential generating capacity. Such a right subject to a condition is common in the law. An illustration of an equitable right subject to a condition is the right of a purchaser of property subject to a mortgage. There is no obligation upon the purchaser to pay the mortgage, but if he does not pay the mortgage he will lose his right. That is obviously the purpose and meaning of the conditions in the present case. The right of the lessees to have power reserved for them is subject to the conditions set forth in article 14. Their rights to the allocation can be preserved only so long as they perform the conditions. If they fail to perform the conditions, the allocations subject to the conditions are lost to them.

This, however, does not mean that in order to preserve their respective rights in their allocations the lessees, respectively, must necessarily pay for the full amount of energy allotted to the other allottees mentioned in the conditions. This is so for two reasons, both found in the express language of the instrument. First, the conditions are to "take and pay for." Energy can not be taken unless and until the generating capacity necessary to generate has been installed; and, second, this language in the conditions is clearly consistent with and designed to be consistent with the language of article 17, defining the minimum annual payments, which provides that such minimum annual payments shall be determined with relation to "the number of kilowatt-hours of firm energy available to each lessee and which said lessee is obligated to take and/or pay for."

Thus, although the instrument in this respect is drawn with singular confusion, the meaning of the provisions is clear enough when the various articles are analyzed and the complementary provisions stated together. Stated in terms of its practical application, our conclusions in regard to the obligations imposed upon the lessees to take and pay for energy are as follows:

(1) There is no obligation upon either lessee to take and/or pay for any energy except as a condition to preserve their respective rights in their respective allocations. If a lessee takes and/or pays for no energy whatever, such lessee loses its allocation. In such a case, however, there is no provision of the instrument under which the United States could bring suit against such lessee and require it to take and/or pay for any energy.

(2) If, however, a lessee desires to maintain its right to its allocation, it can do so by making the minimum payments required in article 17, which are determined by ascertaining the amount of energy available and which such lessee is required by conditions (i), (ii), or (iii) to take. In other words, a lessee is required in order to preserve its allocation to pay for the energy actually taken by it or the energy referred to in the various conditions applicable to such lessee and available, whichever is greater.

(3) Thus if in consequence of contracts made with the States and the other allottees, the total generating capacity contemplated by article 15 is installed the total minimum payments which the city must make in order to preserve its allocation can not exceed 24 per cent of 4,240,000,000 kilowatt-hours and the total minimum payments which the company must make in order to preserve its allocation can not exceed 27 per cent of 4,240,000,000 kilowatt-hours, or a total of 51 per cent. If the energy available is less than the foregoing, the obligations to take and pay for in order to preserve allocations are correspondingly less in absolute sums. There is no obligation upon either lessee to pay a greater amount unless the energy actually taken by such lessee exceeds such amount, and neither lessee need take any energy whatever if it is prepared by reason thereof to lose its right to its allocation.

3. The instrument is not a compliance with the requirements of the Boulder Canyon project act, section 4 (b): The act, in our opinion, does not confide to the judgment of the Secretary the determination of the validity or enforceability of a contract made by him. His judgment is confined to the adequacy of the amounts provided to be paid in the instrument. Upon that his judgment may be conclusive. But if, as a matter of law, the instrument is not a valid contract, then it is a nullity and no provision whatever has been made for the payments set forth therein. Furthermore, if, as a matter of law, the instrument does not provide for the payments which the Secretary states are necessary, in his judgment, then, also, he has not made provision by contract for revenues adequate, in his judgment, to repay the United States.

For the reasons set forth above the instrument fails to meet both of these tests. In our opinion, it is, as a matter of law, a nullity because the city has not the legal capacity to assume the obligations sought to be assumed. Also, in our opinion, it wholly fails, as a matter of law, to obligate the city or the company to pay the revenues (adequate in the judgment of the Secretary) out of which the cost of the dam is to be amortized.

Conclusion

It is therefore our opinion that:

(1) Contracts made in pursuance of section 4 (b) of the Boulder Canyon project act must be, as a matter of law, valid, enforceable contracts, and must, as a matter of law, obligate the contractors to pay revenues determined by the Secretary to be necessary and adequate to reimburse the United States. The amount of revenues necessary and adequate is left to the judgment of the Secretary. But the validity, enforceability, and legal effect of the contracts are matters of law and not for the judgment of the Secretary.

(2) The instrument "Contract for delivery of water" executed by the Metropolitan Water District of Southern California and dated April 24, 1930, is void for want of mutuality and is not a contract.

(3) The instrument "Contract for electrical energy" executed by the Metropolitan Water District of Southern California and dated April 26, 1930, is void for want of mutuality and is not a contract.

(4) The attempted contract between the city of Los Angeles and the United States contained within the instrument dated April 26, 1930, is void and the city's alleged obligations under it unenforceable because entered into without the assent of two-thirds of the voters in violation of the California constitution.

(5) The condition required to be performed by the Secretary by section 4 (b) of the Boulder Canyon project act before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for has not been performed by the execution of the instruments submitted to us.

Respectfully,

COVINGTON, BURLING & RUBLEE,
By DEAN ACHESON.

WASHINGTON, D. C., *May 23, 1930.*

SUPPLEMENTARY OPINION, BOULDER DAM CONTRACTS

Hon. LEWIS W. DOUGLAS,
House of Representatives, Washington, D. C.

DEAR SIR: You have asked us to supplement our opinion dated May 23, 1930, given to you in regard to the Boulder Dam contracts by giving you our opinion as to the effect, if any, upon the validity of the instrument entitled "Contract for lease of power privilege" dated April 26, 1930, were article 1 thereof to be amended as follows:

"This contract, made this 26th day of April, 1930, pursuant to the act of Congress approved June 17, 1902 (31 Stat. 388) and acts amendatory thereof and supplementary thereto all of which acts are commonly known and referred to as the reclamation law and, particularly, pursuant to the act of Congress approved June 21, 1928 (45 Stat. 1057) designated the Boulder Canyon project act, between the United States of America, hereinafter referred to as the United States, acting for this purpose by Ray Lyman Wilbur, Secretary of the Interior, hereinafter styled the Secretary, and severally, the city of Los Angeles, a municipal corporation and its department of water and power (said department acting herein in the name of the city but as principal in its own behalf as well as in behalf of the city; the term 'city' as used in this contract being deemed to mean both the city of Los Angeles and its department of water and power) and the Southern California Edison Co. (Ltd.), a private corporation hereinafter styled the company, both of said corporations being organized and existing under the laws of California and hereinafter styled the lessees."

OPINION

1. The amendments proposed to the instrument "contract for lease of power privilege" will not in our opinion make it a valid contract

1. The proposed amendments do not affect our opinion in regard to the lack of legal capacity on the part of the city of Los Angeles without the assent of two-thirds of the qualified voters voting thereon to incur obligations sought to be imposed upon it by the instrument.

Nothing contained in this amendment increases or can increase the authority of the department of water and power or its board of commissioners to commit the city of Los Angeles to the incurring of liabilities which under the constitution of California can not be incurred by that municipality acting through any officer, board, or agent whatever without the prior assent of two-thirds of the qualified voters voting thereon in an election called for the purpose of submitting such proposition to the voters. As stated in our prior opinion in so far as this instrument purports to commit the city of Los Angeles, it is null and void.

The amendment to article 1 requires us to consider whether the department of water and power of the city of Los Angeles has at the present time the legal capacity to incur the obligations which the city itself can not incur.

2. In our opinion the department of water and power has not the legal capacity to incur obligations sought to be imposed upon it by the amended instrument in the absence of amounts being appropriated for such liabilities.

The department of water and power of the city of Los Angeles is a somewhat anomalous creature of the law of California. It is not a separate municipal corporation. On the other hand it has to some extent a separate legal existence apart from that of the municipal corporation of which it is a department. It has the power to sue and to be sued in its own name and it has the power to incur obligations which are not the obligations of the city of Los Angeles and which the city of Los Angeles is not and can not be required to meet. The department of water and power is created by Article XXII of the charter of Los Angeles. (See Stats. 1925, p. 1094, amended by Stats. 1927, p. 2026, and Stats. 1929, pp. 1991, 1992.) In general, it has the power to construct, operate, maintain, and extend works for the purpose of supplying the city with water and electric energy "and to acquire and take by purchase, lease, condemnation, or otherwise, and to hold, in the name of the city, any and all property situated within or without the city and within or without the State that may be necessary or convenient for such purpose." It has the power to sue and be sued. It has the power to control the expenditure of all money received from the sale or use of water or of electric energy except as otherwise provided in the charter. These moneys are to be deposited in the city treasury in two separate funds, a water-revenue fund and a power-revenue fund. Money in the water fund can be expended only for water purposes and money in the power fund only for power purposes. These funds may also be expended only for operating and maintenance purposes; for the payment of principal and interest of indebtedness of the department referred to below; to return funds advanced to the department by the city either from the proceeds of the bonds or from its general funds; or for the necessary expenses of constructing, extending, or improving the works managed by the department or the business of the department. At the end of each fiscal year surplus moneys in these funds may, with the consent of the board, be covered into the general reserve fund of the city.

With the possible exception of the water and power revenue funds—the status of which is not clear—the department does not have the legal or beneficial title to any property. By section 423 of the charter it is provided that the title of all property shall be in the city of Los Angeles and all officers, boards, commissions, and departments are required to convey all their property to the city of Los Angeles. Section 220, subsection 6, of the charter gives the department limited power to dispose of certain items of personal property but under articles 219 and 220 the department has no right to dispose of real property of the city or rights in or to electrical energy without the consent of the city and in most cases the consent of two-thirds of the voters.

Section 420 of the charter provides as follows:

"Whenever the people of the city have authorized the issuance of bonds for any public work, improvement, or purpose the board which by this charter is given superintendence and control of such public work, improvement, or purpose may at any time thereafter adopt a resolution requiring the immediate sale of said bonds and file the same with the clerk of the council: * * *

"Whenever any of the bonds above referred to have been sold and the proceeds deposited in the city treasury the said board which by this charter is given superintendence and control of such public work, improvement, or purpose shall have control of the expenditure thereof and shall cause the same to be expended for the purposes or objects for which the said bonds were voted, in the same manner as provided in this charter for the payment of other funds from the city treasury."

Section 222 of the charter provides:

"The board shall provide for the cost of extensions and betterments of said water works and electric works from the funds derived from the sale of bonds, general or district, so far as such funds may be made available for the use of the board for said purposes, and so far as such funds shall not be made available for the use of the board therefor, from revenues received from the works to which such extensions and betterments pertain, and from the proceeds of loans contracted as provided by section 224."

Section 224, as amended, provides as follows:

"The board shall also have power upon determining that an emergency exists which justifies it in so doing, to borrow money under such procedure as may be prescribed by ordinance, and upon terms and conditions approved by the council and by the mayor, for the purpose of acquiring, constructing, reconstructing, repairing, extending, improving, or operating works for supplying the city and its inhabitants with water or electric energy, and to issue notes, certificates, or other evidences of indebtedness therefor, subject to the following provisions:

"(1) The principal and interest of any indebtedness so created shall be payable only out of the revenue fund pertaining to the municipal works for or on account of which such indebtedness was created; excepting, however, that provision may be made for the payment of any such water or power indebtedness, or any part thereof, by the authorization and sale of general municipal or district bonds in the manner elsewhere prescribed in this charter.

"(2) The whole amount of any such indebtedness shall be payable in not to exceed five years from the time of contracting the same: *Provided*, That any such indebtedness, or part thereof, made payable after one year from the time of contracting the same shall be subject to the right of the board to pay the same with accrued interest thereon on any interest due date after said 1-year period.

"(3) The total outstanding indebtedness incurred under the provisions of this section for the purpose of either of such municipal works must not exceed 33⅓ per cent of the gross operating revenue from such works during the preceding fiscal year.

"(4) The rates for service from the municipal works for or on account of which any such indebtedness is created shall be so fixed as to provide for payment at maturity of the principal and interest of such indebtedness in addition to all other obligations and liabilities payable from the revenue fund pertaining to such works."

Section 369 of the charter provides:

"No department, bureau, division, or office of the city government shall make expenditures or incur liabilities in excess of the amount appropriated therefor."

Under the city's charter three sources of resources are possible to the water and power department for purposes here relevant:

(a) Proceeds of bonds authorized by two-thirds of the voters for specific power purposes;

(b) Proceeds of notes or bonds issued by the board in accordance with section 224, limited to emergencies and limited in amount;

(c) The power revenue fund.

The board may appropriate from these funds if and when available.

However, the board may not incur any liability in excess of the amount appropriated. An attempt to incur any liability in excess of the amount appropriated therefor is null and void. It makes no difference whether the liability is sought to be presently incurred or whether it is to be incurred in the future, the attempt is void.

At the present time we are advised that there are no funds in existence derived from sources (a) or (b) above from which appropriation could be made. It is extremely doubtful whether section 224 of the charter is applicable to the present situation, since it can not be honestly said that an emergency justifying the board in borrowing money now exists. However, that may be, the money has not been borrowed nor appropriated.

If it be contended that future revenues of the department will be sufficient to provide the necessary funds, it is wholly immaterial. The statute requires an appropriation before capacity exists to create a liability. Similar statutes of the United States (Rev. Stat., secs. 3722, 3733, 3679) have been held to prohibit the making of contracts incurring future liabilities when no appropriation therefor existed. (Pan American Co. *v.* United States, 273 U. S. 456, 501–502; Mammoth Oil Co. *v.* United States, 275 U. S. 13, 34; Leiter *v.* United States, 271 U. S. 204; Sutton *v.* United States, 256 U. S. 575, 578–579.)

The meaning of section 369 of the charter is plain and its purpose is plain. Read with section 222 it is doubly plain. The latter section points out the sources of funds from which the department of water and power shall provide for the cost of improvements and extensions. The former section states unequivocally that no liability shall be incurred by any department in excess of the amount appropriated to meet the liability.

In our opinion, therefore, the department of water and power of the city of Los Angeles does not have the legal capacity to bind itself to make payments to the United States in excess of amounts appropriated therefor for furnishing and leasing power-generating facilities, nor to bind itself in excess of amounts appropriated therefor to furnish a power transmission line. As stated above, no moneys have been made available to the department for this purpose from the sale of bonds. We are also informed that no moneys have been appropriated for this purpose by the board from the power-revenue fund. In our opinion, therefore, the instrument, as amended, is void on account of lack of legal capacity on the part of the board of commissioners of water and power to incur the liabilities stated above.

II. The obligations of the Metropolitan Water District are wholly dependent upon the performance of the lease agreement by the city

By article 10(d) of the lease agreement with the city, the city is made the generating agency for the district. The agreement with the district in article 10 thereof provides that "generation of energy allocated to the district shall be effected by the city."

By article 11 (d) of the agreement with the district, the district after the generating equipment is ready for operation must look to the city and not to the United States for compensation for injury and/or damages of any kind which may in any manner arise out of the operation and maintenance of the portion of such plant leased to it.

Article 14 of the agreement with the district, including the proposed amendment thereof, provides:

"The minimum quantity of firm energy which the district shall take and/or pay for each year (June 1 to May 31, inclusive) under the terms of this contract, and after the same is ready for delivery to the district, as provided in subdivision (b) of article 11 hereof, shall be 36 per cent of all firm energy, as defined in article 9 available in said year."

It is plain, therefore, that since the lease agreement purported to be made with the city is void for the reasons given in this and in our prior opinion relating to the lack of legal capacity on the part of the city and the board to make it, the agreement with the district is subject to a vital infirmity. The district purports to be bound to take and pay for energy made available to it by the city as the generating agency. There is no valid agreement with the city or its department of water and power obligating either to lease the power plant or to generate energy.

The district is not bound to make any payments to the United States unless and until its duly designated generating agency makes energy available to it. At most, therefore, the agreement with the district is an agreement subject to a condition precedent the performance of which has not been assured by any valid contract. Such an agreement is not, in our opinion, a contract assuring any payments whatever to the United States within the meaning of section 4 (b) of the Boulder Canyon project act.

Respectfully,

COVINGTON, BURLING & RUBLEE,
By DEAN ACHESON.

WASHINGTON, D. C., *June 8, 1930.*

Mr. ASHURST. Mr. President, I am grateful to the Senators who have remained to this late hour to hear me, and I shall be much gratified—if the gratification of myself means anything to the Senate—if this cloture petition could be withdrawn. I do not want cloture applied to Arizona.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. ASHURST. I do.

Mr. PITTMAN. In view of the statements made by the two Senators from Arizona with regard to their intentions in this matter, I have not any doubt but that the chairman of the committee will show his confidence in them, which is shared by all of us, and that at the proper time, with the consent of the Senate, an effort will be made to withdraw the cloture petition. I know, as one of the signers of it, that I should like to have that done; and I have not the slightest doubt but that the other signers of it will feel the same way, in view of the statements made by these two Senators that they have not had any intention to filibuster at any time, and that they are going to present their whole case in two hours each. Therefore it seems to me that cloture will be totally unnecessary; and I should like to see an expression of confidence in that way.

Mr. JONES. Mr. President, my attention was diverted to another matter, and I did not hear what the Senator said.

Mr. ASHURST. I am about to conclude, and shall ask five minutes to-morrow morning, and I want this cloture motion withdrawn.

The VICE PRESIDENT. The Chair could not agree to do that until after the routine morning business is concluded, under the unanimous-consent order.

Mr. ASHURST. After speaking five minutes to-morrow morning I then shall have said all that legitimate debate would permit me to say on this item of this bill.

Mr. JONES. Mr. President, I desire to say that I feel very much disposed to comply with the suggestions made by the Senator from Nevada.

Mr. ASHURST. I thank the Senator.

Mr. JONES. I desire, however, if the Senator will permit me, to submit a parliamentary inquiry to the Chair, and that is whether or not I can at any time, if I desire to do so, withdraw the petition?

The VICE PRESIDENT. The Chair is of the opinion that the Senator proposing the cloture petition may withdraw it.

Mr. ASHURST. Trusting to the generosity and the fairness of the Senator, I conclude by reading from a letter addressed to me by one of the leading lawyers of Arizona. I will ask the Senate to excuse me from giving his name, as I have not the authority from him to do so. I do not know that he expects or desires me to read his letter in the Senate, but if any Senator wishes to see the signature attached to the letter, he may do so.

I omit to read certain parts of this letter, because they are complimentary to myself, and I do not wish to be in the attitude of reciting to the Senate some highly eulogistic sentences regarding myself. I have been praised by newspapers and by friends, no doubt far beyond my desert, so I may well afford to be modest enough to pretermit them.

This gentleman from whose letter I now read is himself a sound lawyer. He is a graduate of Stanford University and is one of the leading lawyers of Arizona. He is worthy to sit upon the United States Supreme Court bench.

* * * * * * *

1. As to the contracts, the opinions of Judge Covington's firm will completely serve your purpose. In view of the specific language of the project act, it will be nothing short of amazing if the Federal Government embarks upon that tremendous project on the basis of the amended contracts. Mr. Cragin's statement before the House committee in connection with the Covington opinion leaves no doubt whatever that the Government has merely optional contracts with the Metropolitan District, a contract with the Bureau of Power and Light of the city of Los Angeles on which the city is not responsible, and a contract with the Southern California Edison. In spite of the strained and surprising opinion by the Attorney General, it is perfectly plain that these contracts afford no firm protection to the United States.

You will recall that the Secretary of the Interior placed all three contracts before the House committee with the assertion that other than the water contract of the Metropolitan District, the contracts imposed firm obligations on the district, the State, and the company to take and/or pay for 100 per cent of the firm energy.

Everyone has now receded from that position. The Attorney General does not even discuss the contracts with the metropolitan water district.

Also, the Secretary at the outset made very specific statements as to the substantial revenues which would accrue to Nevada and Arizona from these contracts. Now, however, when we ignore the district contracts, as we must, it is admitted that the city and company contracts will barely take care of amortization, operation, and maintenance, at best, leaving nothing for Arizona or Nevada. The hopes of Arizona and Nevada, in other words, rest upon the optional contracts executed by the district.

* * * * * * * *

3. It is striking indeed to note the way the Secretary proceeds to execute the intent of the project act. Although the district has no rights whatever in the river, no perfected appropriation of any character, he proceeds to offer to sell 1,050,000 acre-feet of water, which water does not belong to the United States at all. He proposes to make a nominal charge of 25 cents per acre-foot applicable only to water actually taken, no charge being made for the storage service. That was in spite of the fact that his engineers figured out a necessary minimum charge exceeding 60 cents per acre-foot notwithstanding the fact that in our negotiations the California commission indicated a willingness to pay $1 per acre-foot and notwithstanding the fact that the Sibert commission considered $1.50 per acre-foot too low. We were demanding $2 per acre-foot, about two-thirds of a cent per thousand gallons, and although it is repeatedly stated by southern California that the project will create taxable property in southern California to the amount of $20,000,000,000, and although the Los Angeles water rate is vastly lower than that of San Francisco, they absolutely balked at paying $2 per acre-foot for water which they say is vitally necessary to them, and to which they probably can get no right except by agreement with Arizona.

4. The Swing-Johnson bill required California to limit herself to 4,400,000 acre-feet of III-a water plus one-half of the surplus. We offered them as much water as they asked for at Denver in 1927, believing that our proposal would be instantly accepted. At the Denver conference there was no discussion of dividing anything but mainstream water, nor had there ever been up to the time of our conference at Santa Fe early last year. It then developed that California under her definition of surplus waters, possibly correct under the Colorado River compact, which Arizona has not signed, they would expect to be permitted to take from the main stream the equivalent of one-half of the reconstructed flow of the Gila. The Gila waters, of course, are covered by appropriations prior to any in California. The Gila has never been used in the Imperial Valley except in rare periods of flush floods during the dry summer season. California diversions are intended to be made at points above the mouth of the Gila and yet they have insisted always upon the amount of water which would give them the equivalent of one-half of the Gila flow in addition to their proper share of unapportioned main-stream waters.

At Denver the upper basin governors offered them 4,200,000 acre-feet of apportioned water. They said they must have 4,600,000 and refused the settlement offered by the upper basin governors. The bill suggested that they take 4,400,000, but they have never been willing to make any agreement which would tie them to 4,400,000 acre-feet of III-a water plus one-half of the unapportioned water in the main stream, which is what the project act means.

5. They say they must have 5,800,000 acre-feet from the main stream; 1,000,000 acre-feet for the coastal plain and 4,800,000 acre-feet for the agricultural areas which now do not have rights for as much as 2,500,000 acre-feet.

The Colorado River offers the only available water for any substantial increase of the irrigated area in Arizona. The Parker-Gila project embracing 700,000 acres, requiring, say, 3,000,000 acre-feet of water, can never be developed if California gets what she asks for.

The project act authorizes an appropriation to investigate the Parker-Gila project, but no such appropriation is asked for by the Secretary, nor will it be, with his present hostile attitude toward Arizona.

California asserts that Arizona can not economically use any water from the river. California plans to spend $250,000,000 for the diversion of 1,000,000 acre-feet to the coastal plain, not for domestic uses, but for irrigation purposes. * * * If Arizona were permitted to bring in all acreage that could be brought in within an acreage cost equivalent to that proposed by the district aqueduct, she could take all of the waters of the river and much more.

6. The project act as a piece of coercive and discriminatory legislation specifically directed at a sovereign State, has no parallel in our legislative history unless it be found in the infamous reconstruction following the Civil War.

Except for the evidence afforded by the act itself, it would seem incredible that Congress would pass an act specifying that the project waters should be delivered to Imperial and Coachella Valleys free of charge, whereas Arizona must pay for any of the waters she gets. It would be incredible that Congress would say to Arizona, as has been said in the project act, that any water she may take from the project must be under the terms and conditions of the compact, which she has never ratified, thus attempting to force the compact upon Arizona without her consent.

Mr. President, with a sincere purpose to compare differences and with much ability and with commendable zeal, the responsible authorities of Arizona, and particularly the junior Senator from Arizona [Mr. HAYDEN] and Representative DOUGLAS, of Arizona, have extended the hand of friendship, of amity, and of compromise to California, but we have not been able to reach a composition of differences, and a resort to the highest judicial tribunal of our land is now apparent.

Mr. President, I would like, if I could, to be recognized for five minutes in the morning, and if I may get such assurance, I will surrender the floor.

The VICE PRESIDENT. Let the Chair suggest that the Senator yield the floor with the understanding that he is to be recognized immediately upon the taking up of the pending bill after the routine morning business to-morrow. There is an agreement to proceed with the routine morning business before this measure is laid again before the Senate. Does the Senator yield the floor with that understanding?

Mr. ASHURST. Yes; I yield the floor with that understanding.

Mr. JONES. Mr. President, in view of the assurances of the Senators from Arizona—and I know that absolute reliance can be placed on those assurances—I feel that resort to cloture is not necessary to the early disposition of this bill. So I ask that the motion for cloture may be withdrawn.

The VICE PRESIDENT. The Senator from Washington asks unanimous consent to withdraw the cloture motion. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES. Mr. President, I rather feel that under the circumstances—and I invite the attention of the Senator from Arizona to this—the understanding with reference to the disposition of the Boulder Dam item should be continued and it should be disposed of before we pass upon the two remaining committee amendments. I ask unanimous consent that that may be done.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES. Again I want to assure the Senate that I shall do everything I possibly can to have the pending bill disposed of to-morrow just as soon as possible, and at any rate before we conclude our session to-morrow.

ADJOURNMENT

Mr. McNARY. I move that the Senate carry out the unanimous-consent agreement heretofore made and adjourn until 11 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 45 minutes p. m.), under the order previously entered, adjourned until to-morrow, Thursday, June 26, 1930, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *June 25, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our Father, we rejoice that our God is love and that we are His children. Help us to know ourselves as temples of Thine, and that the essential principle in us is God! Therefore the possibilities of good are greater than the possibilities of evil. Clothe us with Thy spirit, and may we realize that there is nothing so kingly as truth and nothing so royal as love. Make use of us, our Father, wherever we are. Impress us that a little more silent sympathy, a little more restraint of temper, and a few more tender words dim the shadows of discouragement and help the soul to meet its challenge. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell;

H. R. 10826. An act to provide for the renewal of passports; and

H. R. 11145. An act to increase the authorization for an appropriation for the expenses of the sixth session of the Permanent International Association of Road Congresses to be held in the District of Columbia in October, 1930.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 609. An act authorizing the Secretary of the Treasury to pay certain moneys to James McCann;

H. R. 2810. An act for the relief of Katherine Anderson;

H. R. 9707. An act to authorize the incorporated town of Ketchikan, Alaska, to issue bonds in any sum not to exceed $1,000,000 for the purpose of acquiring public-utility properties, and for other purposes; and

H. R. 9803. An act to amend the fourth proviso to section 24 of the immigration act of 1917, as amended.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 397. An act for the relief of Ella H. Smith;

S. 1446. An act to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia;

S. 3444. An act to amend the Federal farm loan act with respect to receiverships of joint-stock land banks, and for other purposes; and

S. 4515. An act to commemorate the Battle of Helena, Ark.

WORLD WAR VETERANS' LEGISLATION

Mr. JOHNSON of South Dakota. Mr. Speaker, both the House and Senate have passed bills with reference to World War veterans' legislation. The contents of those bills are such and the entire situation is such that I do not deem anything would be gained by sending the bills to conference. I therefore ask unanimous consent to take from the Speaker's table the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments are as follows:

Page 1, line 11, strike out all after "purposes" down to and including "director," in line 5, page 2, and insert "and."

Page 4, strike out lines 3 to 14, inclusive.

Page 4, line 20, strike out "renewal" and insert "renewable."

Page 4, line 24, strike out "renewal" and insert "renewable."

Page 5, line 5, strike out "renewal" and insert "renewable."

Page 7, strike out lines 3 to 12, inclusive, and down through and including "director," in line 13, and insert:

"No suit shall be allowed under this section unless the same shall have been brought within six years from the date of the denial of the claim by the director, or within one year from the date of the approval of this amendatory act, whichever is the later date."

Page 9, line 14, strike out all after "amended," down to and including "deceased," in line 18.

Page 12, after line 2, insert:

"SEC. 7. That section 30 of the World War veterans' act, 1924, as amended (sec. 456, title 38, U. S. C.), be hereby amended by adding thereto a new subdivision to be known as subdivision (e), and to read as follows:

"'(e) The director may authorize an inspection of bureau records by duly authorized representatives of the American veterans of all wars, and of the organizations designated in or approved by him under section 500 of the World War veterans' act, 1924, as amended, under such rules and regulations as he may prescribe.'"

Page 12, line 3, strike out "7" and insert "8."

Page 12, line 4, strike out all after "amended" down to and including "Code)" in line 5.

Page 12, strike out lines 12 to 19, inclusive.

Page 12, line 21, strike out all after "amended" down to and including "Code)" in line 22.

Page 12, line 23, strike out "39" and insert "38."

Page 12, line 24, strike out "39" and insert "38."

Page 14, line 3, strike ont all after "provided" down to and including "applicant" in line 8 and insert: "; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided*, That no person suffering from paralysis, paresis, or blindness, or from a venereal disease contracted not later than the date of his discharge or resignation from the service during the World War (including any disability or disease resulting at any time therefrom), or who is helpless or bedridden as a result of any disability, shall be denied compensation by reason of willful misconduct."

Page 14, line 8, strike out "Act" and insert "section and section 304 of this act."

Page 14, line 22, strike out all after "record" down to and including "claim:" in line 15, page 15.

Page 15, line 15, strike out "further."

Page 15, line 18, strike out "an active."

Page 15, line 18, strike out "disease."

Page 15, line 19, after "lethargica" insert "leprosy."

Page 16, line 3, strike out "and" and insert a comma.

Page 16, line 5, after "lethargica," insert "leprosy."

Page 16, line 7, strike out "or" and insert "of."

Page 16, line 9, after "conclusive" insert "in cases of tuberculosis and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence."

Page 17, line 1, strike out "(1)" and insert "(1)."

Page 17, lines 2 and 3, strike out "sections" and insert "section."

Page 17, line 3, strike out "475."

Page 17, line 9, after "$75" insert "*Provided*, That in case there is both a dependent mother and a dependent father, the amount payable to them shall not be less than $20."

Page 24, line 7, strike out all after "disease" down to and including "otherwise" in line 8 and insert "of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease."

Page 24, line 9, after "month," insert "*Provided*, That the rating of any person once awarded compensation under this provision shall not hereafter be so modified as to discontinue such compensation or to reduce it to less than $50 per month, and payments to any such person whose rating has heretofore been so modified shall be resumed at the rate of not less than $50 per month from the date of such modification."

Page 24, line 15, strike out "amendatory."

Page 24, strike out lines 21 to 24, inclusive, and insert:

"SEC. 14. (1) That so much of the second sentence of subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), as precedes the first proviso thereof, be hereby amended to read as follows: 'The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, and including persons who served overseas as contract surgeons of the Army at any time during the Spanish-American War, not dishonorably discharged, without regard to the nature or origin of their disabilities.'"

"(2) That the following new paragraphs be added to subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), to read as follows."

Page 25, line 1, strike out "Where" and insert "Hereafter where."

Page 25, strike out lines 24 and 25, and lines 1 to 6, inclusive, page 26, and insert:

"Hereafter any veteran hospitalized under the provisions of this act, as amended, for a period of more than 30 days, shall be paid an allowance, in addition to any other benefits to which he may be entitled, at the rate of $8 a month (commencing with the expiration of such 30-day period) during the period of hospitalization, in the event that such veteran certifies that he is financially in need, unless he is entitled to compensation or pension equal to or in excess of the amount of such allowance."

Page 28, line 14, strike out all after "amended" down to and including "Code)" in line 15.

Page 34, line 11, strike out "This" and insert "Except as provided by section 18 of this act, this."

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Should not the gentleman's request be to take bill from the Speaker's table and consider the Senate amendments? Will we not have to vote on the amendments?

The SPEAKER. The gentleman from South Dakota has asked to concur in the Senate amendments. The request requires unanimous consent.

Mr. JOHNSON of South Dakota. Regular order, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, may I ask the majority leader if this procedure was agreed upon last night in the caucus in which they entered into a covenant of death on veterans' legislation?

Mr. TILSON. A conference was held last night by a group of Republicans. I was not authorized to make any statement concerning it on the floor of the House. [Applause.]

Mr. JOHNSON of South Dakota. Regular order, Mr. Speaker.

Mr. RANKIN. Since they are getting nervous on the Republican side, I will not object. We on the Democratic side are for the bill as it came from the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The Senate amendments were concurred in.

RELIEF OF CERTAIN OFFICERS AND EMPLOYEES OF THE FOREIGN SERVICE

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to call up a conference report on the bill (H. R. 10919) for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to call up a conference report on the bill H. R. 10919. Consent is necessary, this being Calendar Wednesday. The Clerk will report the bill.

The Clerk read the title of the bill.

The Clerk read the conference report.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10919) entitled "An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steininger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, and 4, and agree to the same.

H. W. TEMPLE,
JOSEPH W. MARTIN, JR.,
J. CHAS. LINTHICUM,
Managers on the part of the House.

GEO. H. MOSES,
CLAUDE A. SWANSON,
KEY PITTMAN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10919) entitled "An act for the relief of certain officers and employees of the Foreign Service of

the United States, Elise Steininger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes," submit the following detailed statement in explanation of the effect of the actions agreed upon and recommended in the conference report, namely:

The Senate recedes from its amendment numbered 1 which provided for the payment to Alice D. Hollis, widow of William Stanley Hollis, the sum of $7,000, being one year's salary of her deceased husband who died while in the Foreign Service.

The House recedes from its disagreement on amendment numbered 2 which authorizes payment to Elwood G. Babbitt and to various officers and employees then attached to the office of the commercial attaché at Tokyo, Japan, various sums representing losses sustained in the Japanese earthquake, and further authorizes payment to various persons sums representing value of personal property lost by shipwreck on June 7, 1919.

The House recedes from its disagreement to amendment numbered 3, which authorizes and directs the General Accounting Office to credit the account of Fayette W. Allfort, commercial attaché Berlin, Germany, the sum of $200, such sum representing the amount stolen from his safe in the office of the American commercial attaché at Berlin, Germany, on the night of March 29, 1924.

The House recedes from its disagreement to amendment numbered 4, which provides for the payment to U. R. Webb, commander, Medical Corps, United States Navy, the sum of $6,534 in reimbursement for the loss by earthquake and fire of personal property in Yokohama, Japan, while he was serving as commanding officer of the United States Naval Hospital in that place.

H. W. TEMPLE,
JOSEPH W. MARTIN, Jr.,
J. CHARLES LINTHICUM.
Managers on the part of the House.

The SPEAKER. Is there objection?

There was no objection.

The conference report was agreed to.

COPYRIGHT AND RADIO

Mr. BUSBY. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD an opinion rendered by the Federal Court of the Western District of Missouri relating to the right of a copyright holder to proceed against radio receiving sets on his claim of copyright.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BUSBY. Mr. Speaker, under leave to extend my remarks, I desire to call attention of the Members of the House to the decision of the Federal court for the Western District of Missouri. The court decided the question as to the right of the holder of a copyright on music to collect for an infringement of his copyright where that music is received on a master radio receiving set in a hotel, and through that set furnished to guests in the public rooms. The infringement claim was denied. The full opinion of the court follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF MISSOURI, WESTERN DIVISION

Gene Buck, as president of the American Society of Composers, Authors, and Publishers, and De Sylva, Brown & Henderson (Inc.), a corporation, plaintiffs, v. Wilson Duncan, operating radio station KWKC, and Jewell-La Salle Realty Co., a corporation, defendants. In equity No. 1204.

Gene Buck, as president of the American Society of Composers, Authors, and Publishers, and Leo Feist (Inc.), a corporation, plaintiffs, v. Jewell-La Salle Realty Co., a corporation, defendant. In equity No. 1207.

E. S. Hartman, of Chicago, Ill.; Maurice J. O'Sullivan, of Kansas City, Mo., attorneys for plaintiffs.

Nathan Burkan, Louis D. Frohlich, both of New York City; Karl P. Spencer, of St. Louis, Mo.; Philip Cohen, of Los Angeles, Calif., of counsel.

Charles M. Blackmar, Kenneth E. Midgley, of Kansas City, Mo., attorneys for defendant, Jewell-La Salle Realty Co.; Meservey, Michaels, Blackmar, Newkirk & Enger, of counsel.

MEMORANDUM OPINION

In these two cases plaintiffs seek injunctions against and damages from the defendant Jewell-La Salle Realty Co. on account of alleged copyright infringements. In case No. 1204 it is alleged that the defendant infringed and threatens to continue to infringe the copyright to a musical composition entitled "Just Imagine," and in case No. 1207 it is alleged that the defendant infringed and is threatening to continue to infringe the copyright to a musical composition entitled "I'm Winging Home (Like a Bird That Is on the Wing)."

The facts are that the Jewell-La Salle Realty Co. owns and operates in Kansas City, Mo., a hotel known as the La Salle Hotel. In that hotel it has a master radio receiving set, by means of which it furnishes musical entertainment to its guests in its public rooms and also to the 200 private rooms by means of wires leading from this master radio-receiving set. Any musical composition picked up by the receiver can be and is simultaneously heard throughout the hotel.

On October 4, 1928, and at other times, the musical compositions "Just Imagine" and "I'm Winging Home (Like a Bird That Is on the Wing)" were thus heard in the hotel.

These musical compositions were copyrighted. The American Society of Composers, Authors and Publishers had the exclusive nondramatic performing rights in and to these musical compositions, and these suits are brought by Gene Buck, one of the plaintiffs, as president of that society, and by the owners of the copyrights.

The question in the cases, so far as count 1 in each case is concerned, is whether the defendant upon the facts stated infringed the copyrights.

1. Section 1 of the copyright act provides:

"That any person entitled thereto, upon complying with the provisions of this act, shall have the exclusive right:

* * * * * * *

"(e) To perform the copyrighted work publicly for profit if it be a musical composition; * * *."

Did the defendant "perform" the copyrighted works here involved "publicly for profit"? If it did, the injunctions sought should issue and damages should be awarded.

I think the defendant did not perform these musical compositions in the sense in which the word "perform" is used in the act.

One who plays a musical composition on a piano, thereby producing in the air sound waves which are heard as music, certainly performs that musical composition and if the instrument he plays on is a piano plus a broadcasting apparatus, so that waves are thrown out, not only upon the air but upon the ether, then also he is performing the musical composition. He who only hears the performance is not performing. If the sound waves from the piano fall on the unaided ears of a listener, that listener has no part in the performance, and if he is deaf so that he can not hear without the aid of an amplifier electrically operated, which magnifies the sound waves so that they become perceptible to him, he still has no part in the performance. It is true in the latter case he has been enabled to hear the music only by means of a machine operated by himself. By that means he has made that which was inaudible audible to himself. But he has not performed because he has not created. He has heard only what the performer at the piano created and sent out to be heard.

Would it be said that one who listens over a telephone to a performance on a piano at some point removed from him is himself performing the composition that he hears? It seems to me that that can not be said. If not, why not? The listener has not heard the sound waves produced by the piano in that case. The original sound waves have been translated into electrical impulses which have been carried by a wire to the place where the listener is. There, by a machine electrically operated, those electrical impulses have been changed again into sound waves which fall upon the listener's ears. The listener over the telephone has not performed because he has not created the music which he has heard.

The right to perform a musical composition is the right to translate that musical composition into waves of sound or waves of ether for the enjoyment of those who are enabled either by natural or artificial means to receive the auditory sensations those waves are calculated to produce. The right to perform a musical composition does not carry with it a proprietary interest in the waves that go out upon the air or upon the ether. They are as much the common property of all as the sunshine and the zephyr.

If I throw open a window so that I can hear the music of a band passing by, am I producing that music? Am I then the performer or participating in the performance? If I lift a telephone receiver and hear the voice of a friend, am I producing that voice? Is it my speech or his? If in perfect analogy to these illustrations, by mechanical means, I receive as music what has been produced elsewhere in such a way that it penetrates my house, I am not the performer who has produced that music.

It is true that if one plays on his phonograph a record of a piece of music, he is performing. If it is a copyrighted musical composition and if the performance is public and for profit, then his act is an infringement of the copyright. Plaintiffs say that there is no difference in principle between playing by phonograph a record impressed on bakelite and playing by radio receiver a record impressed on the ether. Obviously there is a difference. The record on bakelite is a separate and distinct thing from the original performance in the studio where the record was made. Playing that record is performing anew the musical composition imprinted on it. The waves thrown out upon the ether are

not a record of the original performance. They are the original performance. Their reception is not a reproduction, but a hearing of the original performance.

The reception of a musical composition on a radio receiver is not a performance at all. Of course, then, the defendant did not perform these copyrighted musical compositions.

Moreover, infringement must be an intentional act. I do not mean by that that one who performs a copyrighted musical composition publicly for profit is not guilty of infringement merely because he does not know the piece is copyrighted. The law is otherwise. But certainly there must have been an intentional performance of the musical composition. There is an intentional performance when, for example, one plays on an instrument from a sheet of music a piece of music. There is an intentional performance when one plays on a phonograph a record. In either of these cases if the performance is public and for profit there is infringement if the musical composition is copyrighted, and that whether the performer is or is not cognizant of the copyright.

Suppose, however, the proprietor of a hotel has a phonograph playing in his dining room for the entertainment of his guests and suppose that without any request from him or participation on his part a stranger surreptitiously places in the machine a record of a copyrighted musical composition. Would it not be unthinkable that that hotel proprietor should be held guilty of infringement and subjected to damages? His intent in no wise entered into that performance. If it was a performance, in no sense was it his performance. It is not possible that mere ownership of a musical instrument carries with it liability for any use to which another may put that instrument.

So, in this case the defendant did not intentionally perform the copyrighted musical composition, even if it be granted that radio reception is performance. The defendant had a right to have a radio in its hotel for the entertainment of its guests and to operate that radio. If, while it was operating, some other than the defendant, wholly without defendant's participation, put upon the ether and so threw into defendant's radio electric impulses which came out of the radio as an audible rendition of a copyrighted musical composition, that was not in any sense the act of the defendant. The intent of the defendant did not enter into that act. If it was a performance of a musical composition it was a performance not by the defendant, but by the broadcaster on the defendant's instrument.

If radio reception of a musical composition is not performance of that composition, and if, though it be, it is not performance by the owner of the radio-receiving instrument, it is not necessary to consider whether the defendant operated its radio for profit. The plaintiffs are not entitled to either the injunctions prayed or damages sought.

I have cited no authorities because there are none. The case is one of first impression. Certain cases have been cited by the plaintiffs by reason of dicta thought by plaintiffs to be pertinent to the issue here and those cases I have carefully considered, but I think they do not justify any other conclusion than that which I have reached.

2. In count 7 of case No. 1207 it is charged that the defendant infringed the copyright of a musical composition entitled "He's the Last Word." The infringement is admitted by the defendant. The sole question is as to the proper measure of damages. Plaintiffs insist that the minimum damages which may be allowed are $250, and the defendant insists that the damages which may be allowed are $10. The weight of authority is with the plaintiffs. Waterson, Berlin & Snyder Co. *v.* Tollefson, 253 Fed. 859; Witmark & Sons *v.* Pastime Amusement Co., 298 Fed. 470; Remick & Co. *v.* General Electric Co., 16 Fed. (2d) 829; Buck et al. *v.* Heretis, 24 Fed. (2d) 876. In only one decided case (Berlin (Inc.) *v.* Daigle, 26 Fed. (2d) 149) was a contrary conclusion reached and that case on appeal was reversed by the circuit court of appeals for the fifth circuit. Berlin (Inc.) *v.* Daigle, — Fed. (2d) —, decided April 2, 1929.

I resolve the issue in favor of the plaintiffs and on this count award plaintiffs damages against the defendant in the amount of $250 and an attorney's fee in the amount of $100.

A decree embodying the foregoing conclusions may be submitted for approval and entry.

MERRILL E. OTIS,
District Judge.

APRIL 18, 1929.

TAX REFUNDS

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Massachusetts [Mr. TREADWAY] for 10 minutes.

Mr. TREADWAY. Mr. Speaker, sometimes it is very difficult to move fast enough to keep up with inaccuracies and misstatements made on this floor. That applies to references made to taxation and revenue matters and also tariff matters by the gentleman from Texas [Mr. GARNER]. The gentleman from Texas ran true to form yesterday in furnishing this House with misinformation, inaccuracies, that he very readily could have corrected if he had desired, or if he had consulted some authorities.

I understand that occasionally Republican members of the Committee on Ways and Means, and particularly the Joint Committee on Taxation, are criticized that they do not answer misrepresentations as fast as they are made. I do not think that is a good way to go about this proposition. In the first place, how are the chairman and other members of the joint commission going to know of the inaccuracies which the gentleman from Texas nearly every day wants to present to this House? I think it is better to take a little time and look into his statements, and then come back in reply. That is my task this morning for the next 10 minutes.

I want to take up two or three of the misstatements and inaccuracies in the gentleman's remarks yesterday. First, the gentleman brings up as a reason for his remarks yesterday a report that has been made in connection with a refund to the Honolulu Consolidated Oil Co. of San Francisco.

He states:

It involves the years 1913, 1916, and 1920, inclusive. Gentlemen will recall when we had the Steel Corporation refund up that I called attention to the fact that the Baldwin Locomotive people had a refund for the taxes of 1912, and I have never heard an explanation of that. I really do not know why this 1913 tax is being refunded at this time.

Quite unfortunately the gentleman from Texas utterly fails to inform the House that the chairman of the Committee on Ways and Means, on March 20, 1930, on page 6088 of the CONGRESSIONAL RECORD, within a day or two of Mr. GARNER's inquiry, fully explains the refund to the Baldwin Locomotive Works. Or, if he had but asked our expert, Mr. Parker, he would have obtained the obvious answer. And, if the gentleman from Texas had made even a casual inquiry, he would have discovered that the refund to the Honolulu Consolidated Oil Co. for the year 1913 (in an amount of $1,993.35—a most insignificant amount, while the gentleman from Texas contented himself with giving the refund for all years involved) is made upon exactly the same principles as the 1912 refund (again a very insignificant amount) to the Baldwin Locomotive people. The actual situation is that the refund in each of these cases was exactly in accordance with a specific provision of the revenue laws. But permit me to quote from Chairman HAWLEY's reply to Mr. GARNER on March 20:

Another comment of the gentleman from Texas is in connection with the refund to the Baldwin Locomotive Works for the years 1912 to 1922. He seems to think the statute of limitations has run on the early years at least. If he will look at section 252 of the revenue act of 1921, he will find that Congress has specifically made this statute of limitations ineffective under certain circumstances. This section provides as follows:

"*Provided further*, That if upon examination of any return of income made pursuant to the revenue act of 1917, the revenue act of 1918, or this act, the invested capital of a taxpayer is decreased by the commissioner, and such decrease is due to the fact that the taxpayer failed to take adequate deductions in previous years, with the result that an amount of income tax in excess of that properly due was paid in any previous year or years, then, notwithstanding any other provision of law and regardless of the expiration of such 5-year period, the mount of such excess shall, without the filing of any claim therefor, be credited or refunded as provided in this section."

How can the action taken by the commissioner in conformity with this law laid down by Congress be criticized? The statute of limitations is expressly waived in this type of case by the revenue acts. A provision similar to the one quoted above appears in both the 1924 and 1926 revenue acts.

In other words, the gentleman from Texas complains about the Secretary of the Treasury giving a refund in a case where, if there is any complaint to be made, which I doubt, it should be directed at the Congress which provided for refunds in such cases by law.

That is the explanation, as I see it, of the situation which the gentleman from Texas bore down so hard on yesterday. Further than that, these cases, about which the gentleman from Texas makes so many incorrect statements, are directly the result of the excess-profits tax legislation of 1917 to 1920, when the gentleman's own party was in power and authority. Therefore, let him take the blame back where it belongs.

Now, again, Mr. GARNER states that $73,000,000 was "given" to the United States Steel Corporation and that the court later decided they had no right to that refund. What an absurd statement! The gentleman from Texas must have known it was absurd when he stood on this floor and said we had made a "gift" of $73,000,000 to the United States Steel Corporation. I wish he would be a little more careful and punctilious in the statements he makes, and it is only in the hope that we may show him the error of his ways that we are going to bring these

things up from time to time. I suppose, however, it will do no good and that maybe to-morrow the gentleman from Texas will make a similar misstatement to those he made yesterday.

The two steel refunds have been discussed at length on this floor, every point of importance has been explained, and the entire record is available to anyone wishing to examine it. I shall not, therefore, go at length into the point raised by the gentleman from Texas. It involves the treatment of intercompany profits. The joint committee was advised of the point, and the proposed settlement discussed at length before the committee during its consideration of the proposed refund for 1918, 1919, and 1920. We were fully advised that a case involving the particular point was pending in the Court of Claims awaiting decision; that the point was decided by the bureau in accordance with its ruling which had existed since 1924; that if the bureau ruling was sustained by the court the refund based upon this point, of course, would be proper; that if the court ruled more favorably to the Government than the bureau position the principal amount of tax involved was about $6,000,000; and, on the other hand, if the court decided in favor of the taxpayer, the Government stood to lose approximately $36,000,000 in principal amount of tax. The joint committee approved the proposed settlement, and I am inclined to think that it would again approve the refund of a like amount, even after the Court of Claims decision in the Packard Motor Co. case. For there were concessions on the part of the taxpayer which amounted to much more than the $6,000,000 involved in the point in question, and the decision of the Court of Claims is not final. A petition for certiorari has been filed with the Supreme Court, which I am advised will not be acted upon until next fall.

The next and final point raised by the gentleman from Texas relates to a recent refund to the California & Hawaiian Sugar Refining Corporation for the year 1927 in the amount of $166,-324.68. I need do no more than point out the statement in the letter from Mr. L. H. Parker, the joint committee's expert, inviting the attention of the committee to this particular case. Mr. Parker wrote:

> Inasmuch as there is still a difference of opinion on this issue it is believed that it would be advisable for the committee itself to consider this refund prior to its payment, for two reasons:
>
> (1) Because it is doubtful whether or not this corporation is exempt under the law; and
>
> (2) If it is exempt, then the committee might properly consider the necessity for revision of this subdivision of the law, because the 1928 act is identical with the 1926 act.

Now, as far as I can see from the above, Mr. Parker was doubtful as to the decision of the commissioner in this case, and in any event wished the committee to understand the practical working of the law so as to see if legislative revision was desirable. The committee, although it did not disturb the refund, agreed with Mr. Parker's recommendation that a report on tax-exempt corporations should be made.

And why should there not be a difference of opinion in regard to the interpretation of this section of the law covering "farmers, fruit growers, and like associations organized and operated on a cooperative basis"?

Who is willing to say just what the term "like associations" means? Does it mean associations of only farmers and fruit growers? Plainly not. We must give it some broader meaning than that. Does it mean agricultural associations only? Could it take in lumber men? Possibly it might take in tanners. My view is that it is the duty of Congress to remedy the indefiniteness of its own laws, and not to lay the blame on the Treasury Department.

In another part of this section it states that exemption shall not be disallowed if the association maintains reserves for "any reasonable purpose." What does "any reasonable purpose" mean? It is certainly a very indefinite limitation for a taxing statute.

It is my belief that the Joint Committee on Internal Revenue Taxation has conducted its work on an absolutely fair and nonpartisan basis. The minority members of the committee are furnished all the facts which they desire in connection with refunds or other subjects. But the gentleman from Texas, after being afforded fair treatment and all the facts, proceeds to use such information for political purposes.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. TREADWAY. My time is limited, but I will yield to my friend.

Mr. OLIVER of Alabama. The gentleman has called attention to the steel company case, involving many millions refunded, and his justification seems to be that if a committee charged with the duty of considering proposed settlements is advised that a suit is pending relative to tax refunds which may be decided within a few weeks that might save money to the Government or might mean losses to the Government that this committee, appointed by the Congress to look into matters of that kind, would be justified in its action on a case under those circumstances to assume that the decision will be adverse. I had never felt that any committee of Congress, clothed with an important duty like that, would ever assume to itself the right to make a guess of that kind and make for the Government a gambler's settlement of a large claim.

Mr. TREADWAY. We did not. We did not have any such authority. The Treasury people came to us with this statement, "If you do not interfere with our settlement of this case, which we have agreed upon and which the taxpayers have agreed upon, then we will make the settlement and take the responsibility. If you do not allow us to do that, you must take the responsibility." Now, if we took the responsibility, what did it mean? It meant that our committee or our staff would have had to search volumes and pages of records, filling rooms in the Treasury Department. We were not called upon to do that. The Treasury had done that. They were satisfied with the situation as they found it, and the Treasury people came before us and they told us that the settlement was very favorable to the Government.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. OLIVER of Alabama. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. OLIVER of Alabama. The point I make is this: If it appears to a committee, charged with duties such as your committee is charged with, that a case pending in court will soon be decided and determine legal questions involved in the proposed settlement, since the Government is interested only in following the law in its settlements, even where it involves losses to the Government. The Government, through your committee, is not supposed to play a gambler's game, and the very fact your committee was notified of the pendency of a suit, in which were involved important questions before you, it seems to me should have suggested the wisdom of waiting until that decision was rendered before permitting a case involving millions to be hastily compromised.

Mr. TREADWAY. Well, we were given the word of the Treasury officials who had gone carefully over this case for a period of years that the Government stood to gain, as the Government did, $36,000,000 against perhaps a chance of losing only $6,000,000 and the decision, as I understand it, was rendered on the basis of a change in the decisions of the court making it.

I want to touch now on the cases where the gentleman from Texas says we have not followed the advice of our tax experts.

Since this committee came into existence on March 1, 1927, the staff has examined 900 refund cases involving a total of $289,500,000, and the experts and the staff have only found three cases in which they thought there was a discrepancy in the report of the Government. I submit to the House this is a very, very small percentage of the total cases involved in these tax refunds, and if an independent group of expert men can not find more than three cases to criticize in three years' time, out of a total of 900 cases considered, I say the Secretary of the Treasury and his assistants are doing good work in the handling of these refund cases.

The gentleman from Texas printed a list purporting to be refunds amounting to $2,861,852,286.08. These refunds include other things besides refunds, such as abatements, that have never been in the Treasury at all, and I would say to the gentleman that the accurate figures of the actual refunds for the period he named are $1,191,000,000, plus, rather than the $2,800,000,000-plus figure that he gave us.

Further than this, as an offset to these refunds, there was collected in additional assessments upon the taxpayers $4,628,-000,000. So instead of the Government paying out $2,800,-000,000, as the gentleman represented, it has actually taken in $1,800,000,000 more from the taxpayers in the way of additional assessments than the gentleman represented had been refunded.

Which is the better side of the ledger, the side that shows the increases paid by the taxpayers or the gentleman's statement of these excessive refunds and "gifts," as he calls them?

During the period mentioned by the gentleman from Texas, there was paid by taxpayers approximately $29,000,000,000. Even if the entire amount mentioned by the gentleman had actually been refunded, it would not have amounted to more than 10 per cent of the taxes collected during the same period.

The gentleman from Texas knows that the Treasury Department does not make "gifts" to taxpayers, and further than

that, the Secretary of the Treasury is only to-day living up to the law that the gentleman's own party put on the statute books and which has since been repealed.

I appeal to the gentleman from Texas that when he wants to talk about tax matters or tariff matters or similar questions involving, as they do, intricate matters of figures, that he get his facts in a little better shape in his own brilliant mind before he places them before the House in an exaggerated way like he did yesterday. [Applause.]

I append an accurate table of items referred to.

Statement showing internal-revenue receipts, total amount of additional assessments and collections resulting from office audits and field investigations, and total amount of refunds of taxes illegally collected for the fiscal years 1917 to 1929 and first nine months of fiscal year 1930

Fiscal year	Total internal revenue receipts	Amount of additional assessments and collections resulting from office audits and field investigations	Amount of refunds of taxes illegally collected
1917	$809,393,640.44	$16,597,255.00	$887,127.94
1918	3,698,955,820.93	29,984,655.00	2,088,565.46
1919	3,850,150,078.56	123,275,768.00	8,654,171.21
1920	5,407,580,251.81	466,889,359.00	15,639,952.65
1921	4,595,357,061.95	416,483,708.00	28,656,357.95
1922	3,197,451,083.00	266,978,873.00	48,134,127.83
1923	2,621,745,227.57	[1] 735,216,858.00	123,992,820.94
1924	2,796,179,257.06	[1] 739,225,261.00	137,006,225.65
1925	2,584,140,268.24	[1] 457,314,407.00	[2] 151,885,415.60
1926	2,835,999,892.19	[1] 553,404,633.00	[2] 174,120,177.74
1927	2,865,683,129.91	[1] 416,669,507.00	103,858,687.78
1928	2,790,535,537.68	[1] 414,251,490.00	142,393,567.17
1929	2,939,054,375.43	[1] 405,855,476.00	190,164,359.48
First 9 months, 1930	2,277,453,096.15	[1] 222,831,964.00	90,713,042.43
Total, 13 years and 9 months	43,269,678,720.92	5,264,979,214.00	1,218,194,599.83
1921 to 1930, inclusive	29,503,598,929.18	4,628,232,177.00	1,190,924,782.57

[1] Includes jeopardy assessments as follows:

1923	$132,525,380.55
1924	161,515,217.33
1925	144,646,530.53
1926	148,867,165.26
1927	32,704,156.33
1928	45,685,725.80
1929	50,865,425.58
1930 (first 9 months)	26,401,949.05

[2] Includes $17,777,642.45 refunded taxes under provisions of section 1200 of the revenue act of 1924 (25 per cent refunds of 1923 individual income taxes).
[3] Includes $206,115.29 refunded taxes under provisions of above section of law.

It is interesting to note that the total amount of refunds of taxes illegally collected which were made during the past 13 years and 9 months, namely, $1,218,194,599.83, is approximately 23 per cent of the total amount of additional assessments and collections resulting from office audits and field investigations ($5,264,979,214) which have been made during the same period. The percentage of the total refunds ($1,218,194,599.83) to the total internal-revenue receipts during the period in question ($43,269,678,720.92) is approximately 2.8 per cent.

MERGERS OF RAILROADS

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Ohio [Mr. CHALMERS] for 10 minutes.

Mr. CHALMERS. Mr. Speaker and Members of the House, this seems to be an open session. I am just now standing in the well of the House of Representatives, the greatest legislative body in the world. [Applause.] I am proud to be a Member of this body. I enjoy my job; in fact, I think it is the best job I ever held, at least since I was foreman on the river punching logs from the woods down to the booms in Grand Rapids, Mich.

But I want to say to you this morning that I am troubled and worried.

Mr. CHINDBLOM. Is the gentleman a logroller?

Mr. CHALMERS. No; I learned that profession of political logrolling from my genial friend from North Chicago. I could at one time stand on a log with my peavey in my hands and ride it across the river without being dipped, although I belonged at that time to the Baptist Church. [Laughter.]

I want to say that I am worried because some of my friends are worried. I have many railroad men in my home city, one of the greatest railroad centers in the United States, and they are worried about their jobs. This consolidation of railroads will throw a lot of them out of work. It is a serious matter. You, my colleagues, worry night and day about your jobs, and you send out a lot of mail to try to hold them. I wish we could do something to solve this railroad proposition and postpone consolidation until at least next March.

You have all had the same letter signed by many organizations saying that they are asking for a postponement of the consolidation proposition. The letter I received reads as follows:

WASHINGTON, D. C., *June 23, 1930.*

Hon. W. W. CHALMERS,
Washington, D. C.

DEAR CONGRESSMAN: It is most essential in the public interest that Congress enact proper legislation before further general railway consolidations are made and it is quite evident that this session of Congress will not have time to formulate new legislation. Therefore, acting on behalf of not only the railway employees but as well in the interest of the very many communities throughout the country which would be seriously affected if Congress does not act in a proper manner on railway consolidations, we are addressing you, urgently requesting your support of the so-called Couzens resolution (S. J. Res. 161), in the form it passed the Senate on May 21, 1930.

This resolution has as its object the suspension of action by the Interstate Commerce Commission in passing upon certain kinds of railway mergers or consolidations until March, 1931, thereby giving Congress time to take action on the general question of railway consolidations.

On account of the shortness of time until the adjournment of this session of Congress, it will mean the defeat of any effort to estop undesirable consolidations or mergers unless the resolution, as passed by the United States Senate, is approved by the House of Representatives. Therefore, any amendment or change in this resolution as it has passed the Senate means defeat of the entire question and undoubtedly irreparable injury will ensue before Congress reconvenes.

The request for your support of the Couzens resolution is made irrespective of any report which may be made by the Committee on Interstate and Foreign Commerce of the House of Representatives and notwithstanding any substitute or amendment which may be proposed on the floor of the House to the resolution as it was passed by the Senate.

Executive sessions, only, were held by the House committee, and no interested parties, so far as we know, were heard or consulted by this committee. Most certainly the representatives of the railway employees were excluded from such hearings and were in no wise requested to give their views on the resolution. On the other hand, extensive hearings were held before the Senate Committee on Interstate Commerce, the committee having this measure under consideration, before it was passed by the Senate.

Your earnest consideration and assistance in the passage of this resolution before this session of Congress adjourns is requested by us on behalf of the 22 associated railway labor organizations, as follows:

Brotherhood of Locomotive Firemen and Enginemen; Brotherhood of Locomotive Engineers; Order of Railway Conductors; Brotherhood of Railroad Trainmen; Order of Railroad Telegraphers; National Organization Masters, Mates, and Pilots of America; International Longshoremen's Association; National Marine Engineers' Beneficial Association; American Train Dispatchers' Association; Railway Employees' Department, American Federation of Labor; International Brotherhood Blacksmiths, Drop Forgers, and Helpers; International Brotherhood of Electrical Workers; International Brotherhood Firemen and Oilers; Brotherhood of Maintenance of Way Employees; Brotherhood Railway Carmen of America; International Association of Machinists; International Association of Sheet Metal Workers; International Brotherhood of Boilermakers, Iron Ship Builders, and Helpers; Brotherhood Railway and Steamship Clerks; Brotherhood Railroad Signalmen of America; Switchmen's Union of North America; Order of Sleeping Car Conductors.

With assurance of our high esteem, we are,

Most sincerely yours,

G. W. LAUGHLIN,
Assistant Grand Chief Engineer and National Legislative Representative, Brotherhood of Locomotive Engineers.
ARTHUR J. LOVELL,
Vice President and National Legislative Representative, Brotherhood of Locomotive Firemen and Enginemen.
W. M. CLARK,
Vice President and National Legislative Representative, Order of Railway Conductors.
W. N. DOAK,
National Legislative Representative, Brotherhood of Railroad Trainmen.
A. F. STOUT,
National Legislative Representative, Brotherhood of Maintenance of Way Employees.

This is a list of patriotic labor organizations that can not be laughed out of court. These men are asking that this matter be deferred for a few months, so that we may see whether we can adjust the situation. I am worried about unemployment in this country, and I am afraid this is going to add to the troubles of that situation.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. O'CONNOR of New York. The gentleman is a member of the majority party in this House. That party controls the situation. If they want to bring in the Couzens resolution, they can do so, and the Democrats are waiting for them to do it, in order to give them some support. If the gentleman will prevail upon the leaders of his own party, he will not have to worry so much.

Mr. CHALMERS. I have great faith in my leaders, and I have great faith in the House of Representatives, and I never was so proud of the House of Representatives in the 10 years that I have been here as I am to-day.

Mr. PARKS. Mr. Speaker, will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. PARKS. The gentleman knows that the committee that has reported the bill through its chairman intends to bring it up under suspension of the rules, where there will be no opportunity to debate the Couzens resolution or to have a vote on the Couzens resolution, and we will be compelled to vote up or down a substitute that nobody but a few leaders on the Republican side want.

Mr. CHALMERS. This is the situation that I am worried about, because my friends are worried about it, and I think justly so.

Mr. KNUTSON. Does the gentleman think that March 4, 1931, is sufficient time?

Mr. CHALMERS. I do not know, but postponement to March 1 would do no harm and would help.

Mr. KNUTSON. But here is the situation: We will adjourn, to meet again in December, and then we have the holidays, and then we have eight or nine big supply bills to put through before March 4. Will that leave us very much time for the consideration of this important question?

Mr. CHALMERS. I do not know; but it will put off the day of settlement for three months.

Mr. KNUTSON. Understand, I am for the Couzens resolution, but is the date sufficiently far ahead to enable Congress to make a study of it?

Mr. CHALMERS. We will cross that bridge when we get there.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. SLOAN. I am in harmony with the gentleman's suggestion, but is there any serious apprehension that any formal action will be demanded to be made in the Congress at this session on the subject that the gentleman is so ably discussing?

Mr. CHALMERS. I can not answer that question. I do not know.

Mr. KNUTSON. We can get action if we agree not to adjourn until we pass the Couzens resolution, can we not?

Mr. CHALMERS. I hope so.

Mr. KNUTSON. If the Democrats are solidly for it, I am sure that there are enough Members on this side to prevent adjournment until we get some action.

Mr. CHALMERS. Mr. Speaker, it does not seem to me that the associated railway labor organizations, representing the railway employees, have made an unreasonable request on Congress, and it is quite apparent that no damage can be done if consolidations are temporarily held up, giving Congress an opportunity to act by passing suitable and proper legislation.

I further wish to direct your attention to the fact that the Senate Committee on Interstate Commerce has been authorized by resolution recently passed by the Senate to conduct hearings during the recess of Congress on the general consolidation question. In addition to this the Interstate and Foreign Commerce Committee of the House of Representatives have had employed experts, who are making an investigation of the holding-company feature of railroad consolidation, which report, as I understand, has not as yet been completed.

There has been a great deal of contention with regard to the question of mergers or consolidations, and one of the most currently discussed cases is that where the Northern Pacific and Great Northern had a plan before the Interstate Commerce Commission, which plan was approved in substance by the commission. An analysis of this proposed merger, I am advised, would show that it undoubtedly will impose hardships upon certain communities and upon railway employees. It has also been alleged that the savings or economies made possible under this proposed consolidation of these two lines would in no manner add to the public interest, and undoubtedly there would be little, if any, savings accrue to the public as a result of this particular consolidation.

On the other hand, through the removal of terminals and other changes made, either directly or indirectly a large number of communities would be seriously affected and a great number of the railroad employees placed in a most embarrassing position. Consequently it does seem to me that the logical thing to do in the circumstances would be to have Congress take some definite and positive affirmative action as a guide by which future consolidations would be made.

I do not understand that under the Couzens resolution, as it passed the Senate, it would interfere with consolidations, but would give Congress an opportunity to pass suitable legislation dealing with this problem. Therefore I sincerely hope that this House will take action approving the Couzens resolution as it passed the Senate, and that each Member of Congress will have an opportunity to vote on the acceptance or rejection of the Couzens resolution as it is now before us. To not let this question come to a vote seems to me would be most unfortunate and unfair to the railroad employees, who have requested this action. I, for one, believe that a vote should be had on the acceptance or rejection of the Couzens resolution as it passed the Senate, and I believe every other Member of this House should have the same privilege.

TAXATION IN THE DISTRICT OF COLUMBIA

Mr. FREAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of taxation in the District of Columbia.

The SPEAKER. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, I do not believe the average Congressman or private citizen is startled over elaborate arguments with which the District presents demands for a $9,000,000 gift or a $12,000,000 gift from the Federal Government. Until the District discloses it is entitled to $1,000,000 contribution or more by some definite measure of ascertainment it is hard to understand on what theory the Senate insists on any increase over the present $9,000,000 lump sum or even why that figure has sacredness in the present controversy.

No justification has been offered by the House committee for making the $9,000,000 gift to the District. It would seem as idle to figure the value of the Capitol Building with the Congressional Library added in the offset as to figure the value of the Washington Monument with the Congressional Cemetery in determining the Federal Government's just share of District tax or why these public buildings should be set off against District properties.

Nevada has 85 per cent of its area owned by the Federal Government and Utah has 75 per cent of its total area paying no tax to support these separate State governments.

Accepting as reliable some interesting statistics in the Evening Star of last night it appears that Utah pays only about $3,500,000 to the Federal Government and Nevada just tops $1,140,000 while the District of Columbia pays $17,094,719.09, or over fifteen times the Federal tax paid by Nevada and five times the tax paid by Utah. With 85 per cent of Nevada's area belonging to the United States just what tax should Congress pay Nevada or require Nevada to pay it to equalize matters with that State on the basis of the Congressional Cemetery, Washington Monument, and Capitol Building argument? Estimates might even include the cathedral and various churches and private schools that are not taxable any more than State capitols but no argument is based on that new theory of relative taxation.

The problem might be referred to Professor Einstein to determine approximate relativity of these interests, but in the excellent tabulation submitted in last night's Star it would seem that statement may carry its own argument.

The District of Columbia reports $17,000,000 in round numbers and Delaware, of less population, $30,000,000, or more than double the Federal Government per capita payment. That is offered as a basis for argument. But what relation has that to the $9,000,000 or $12,000,000 gift annually made to the District for District expenses?

New York City's contribution to the Federal Government is probably thirty times or possibly far more than that of Washington with a few of the other States in the Star statement thrown in for good measurement. That indicates that many wealthy people and wealth of other kinds are located in New York and also in Washington.

Whether they go there for Government or private business purposes or to escape taxation elsewhere is not so important as the fact that they have found a haven in New York and Washington.

On the basis of Federal taxes paid the Government it is likely that New York if given any direct return from Government appropriations would demand more than all the States of the South now receive with many Western States included, yet with flood control, rivers and harbors, and other Federal activities, New York has little to offer for its tremendous contribution to the Government tax and that received by the average State. Nor is that method of comparison any more en-

lightening than efforts to adjust the financial difficulties of the Fresh Air Taxi Co. by discussing the relative merits of the Black and White and 35-cent Yellow cabs in Washington.

Federal taxes returned by Washington and the District compared with the average State indicate that without large factories or industries of moment, such income taxes indicate the presence of many wealthy people, because where a $3,500 exemption exists with Federal income taxes presumably not one person in a dozen residing at Washington pays any Federal income tax, which may indicate that people of wealth come to Washington to live because it is a city of low taxes as well as great advantages.

From a glance at comparative personal income-tax returns it appears the District reported in 1925, an average year I assume, a personal income on which Federal tax returns were based, of $229,091,000. It is significant that this figure is over 10 per cent larger than the taxable income of the entire State of Virginia that reports $201,878,000. Nebraska with $116,495,000, Kansas $163,701,000, Tennessee $201,447,000, and many other States report less than the District of Columbia, while the great State of Nevada, with $22,062,000, reports less than 10 per cent of personal income subject to taxation reported in the District of Columbia.

Apart from all corporate income-tax returns that go to make up the $17,000,000 paid by the District toward support of the Federal Government, it is significant that if the District could report nearly a quarter of a billion dollars in personal income for the collections of personal Federal taxes, apart from corporate income taxes, it should give a proportionate return for State or District income taxes compared with the States that have such taxes.

In other words, if the average State income tax approximated one-half the Federal tax, that additional income might enable the District to raise $8,500,000 with which to help meet local expenses. Possibly a like District inheritance law would bring the average consolidated increase to more than $10,000,000 annually with which to supply District needs. This only points out one source of taxation open to the District that appears to have been overlooked.

New Yorkers pay a large Federal income tax and they also pay a State income tax. They pay a State and also a Federal estate or inheritance tax. So do the people of Wisconsin and people of many other States. Only five States and Territories pay no local inheritance tax and the District of Columbia, one of these, pays neither a local income or inheritance tax.

It is charged with many illustrations that real estate and other taxes paid in the District are far below those paid by the average State, and that neither local inheritance or income taxes are required from Washington residents or corporations. If true, what explanation can be offered for a rejection of any attempt to ascertain comparative tax returns of the District and the several States as a basis for determining whether $12,000,000 or $9,000,000 or even $3,000,000 is a just contribution by the Government for fire and police protection for the Washington Monument, Congressional Library, Congressional Cemetery, and other Government structures that are used as an offset by District tax experts.

No other State is charged by its capital city for having helped build up the city. The Government, State or Federal, is generally considered a benefactor, but in Washington it is decidedly different. Striking and constant opposition is ever at odds with the Federal Government on practically every point that affords grounds for controversy. It does no service to the District to say that the Members of one House or the other of Congress hold property in the District that may influence their vote, nor that the District is favored or unfairly treated without offering facts to sustain the statement.

A proposal that "realtors" from Washington on a commission may reach a correct solution has been suggested, but after the Federal Government frequently pays double the assessed value of property condemned or taken over for parks or other purposes, it does not seem that local experts who testify as to values are needed so much as experts who have no prejudices or preferences to influence their judgment.

The District may have a good case to offer for some contribution. Possibly it may reach $5,000,000 or double that amount. If so, it would be for such experts to show Congress, but the present hit-and-miss method is as unstable as Amos 'n' Andy's taxicab venture.

Again, it is hard to understand why anyone should disagree with the right of the District to run its own affairs, the same as every other capital city now does with a restriction that certain activities may be supervised or controlled by the Federal Government.

If the District would agree on its desire for suffrage and other mooted questions by a referendum vote and then come to Congress with a constructive plan for management of the city's affairs not to involve Congress in local troubles, it would promote civic spirit and remove much of the irritation that now exists.

This is only offered to point out one existing difficulty to a proper adjustment and is the statement of a layman who does not attempt to set up his judgment for the guidance of anyone. A present system of giving a lump sum as the just proportionate part of the District's expense is farcical until it is known what part the District should properly pay for its own support based on the experience of like municipalities, or of the 48 States.

Once fairly ascertained, the Government should pay the balance of District support after proper audit whether it be $1,000,000 or $10,000,000. A criticism as to that course may arise in Congress because of the fact that residents of Washington have many unusual advantages due to the fact that it is the center of the Federal Government and that it is worth more to live here than in other cities.

That is a natural element with home surroundings, but apart from such arguments I suggest that if the Milwaukee Journal, a paper comparable to like papers in Washington, both as to circulation and properties, with its publisher pays both State and Federal income taxes and lives under a State inheritance tax, that it is an example worth emulating by every other industry in that city and in other cities, including Washington, before asking for contributions as such from the Federal Government.

If, as contended, the real-estate and other taxes of localities with like advantages are higher in other States and pay more taxes than in Washington, the equalizers should determine what that difference is before making demands on the Federal Government.

Then, and only then, can just comparisons be drawn between the respective duties of the District and Federal Government in meeting costs of District maintenance.

The unusual action at the other end of the Capitol that declares the District must have more than $9,000,000 or nothing is unprecedented and probably arises from possession of facts unknown to Congress or to the general public, although based on my knowledge of this fiscal controversy since boyhood days when a resident of the Capital, the insistence may arise from inexperience of those sponsoring the demand.

I have offered a method of getting at the facts by the following resolution. It ought to be adopted in some form rather than maintain the present unbusinesslike method of dealing with District finances:

Resolution

Whereas the people of every State are proud of their Capital City and desire to have its administration, including school, fire, police, and other municipal activities maintained at the highest efficiency; and

Whereas the Federal Government, on behalf of such States, has annually contributed in recent years $9,000,000 to the support of the District of Columbia, or nearly $20 per capita; and

Whereas the people of the several States are alleged to be taxed far in excess of the assessment and tax rates paid by the residents of the District of Columbia for like property; and

Whereas people of more than 40 States now pay State estate taxes in case of death in addition to similar taxes paid to the Federal Government; and

Whereas the people in a large number of States pay State income tax in addition to the Federal income tax; and

Whereas the residents of the District of Columbia pay no estate taxes or income taxes, but, on the contrary, are alleged to pay less than their just proportion of costs for the support of the District; and

Whereas such charges and countercharges have disturbed the relations between the Federal Government and District government during recent years; and

Whereas every resident taxpayer of the District of Columbia, subject to reasonable exemptions, should be taxed on a fair basis compared with all other residents in ability to pay and compared with taxpayers of the several States which contribute to the maintenance of the Capital City; and

Whereas the House is chargeable under the Constitution with the duty of raising needed revenues for support of the Federal Government: Therefore be it

Resolved, That a committee of seven Members of the House be appointed by the Speaker for the purpose of recommending to the Congress a just income tax and a just estate tax law for the District of Columbia; be it further

Resolved, That such committee make a general survey of the relations of the Federal Government and the District of Columbia in order that any just proportion of payments be required from the Federal Government may be determined and recommended to Congress for enactment into law, and that the committee further examine and report any needed changes in existing law for the administration of the District of Columbia and for its relations with the Federal Government.

Said committee is authorized to send for persons and papers, to administer oaths, to employ such clerical assistance as is necessary, to sit during any recess of the House, and at such places as it may deem advisable. Any subcommittee, duly authorized thereto, shall have the powers conferred upon the committee by this resolution.

CONTESTED-ELECTION CASE—UPDIKE v. LUDLOW

Mr. BEEDY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

House Resolution 270

Resolved, That the Committee on Elections No. 1 shall have until January 20, 1931, in which to file a report on the contested-election case of Updike v. Ludlow, notwithstanding the provisions of clause 47 of Rule XI.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PHILIPPINE INDEPENDENCE

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Philippine question.

The SPEAKER. Is there objection?

There was no objection.

Mr. LOZIER. Mr. Speaker, On May 6 and June 12, 1930, I addressed the House advocating the immediate and complete independence of the Philippine Islands. In my remarks to-day I wish to briefly refer to the geography, history, and people of these islands, and discuss their racial origin, physical and mental characteristics, religion, literacy, and school system, reserving for subsequent addresses a more detailed and comprehensive treatment of the subject. Many Americans lack accurate information in reference to the inhabitants of the Philippine Islands.

And what is more regrettable, some who vigorously oppose our withdrawal from these islands have deliberately and widely circulated gross misrepresentations concerning the Filipinos, thereby seeking to discredit the natives and create in the minds of our people a belief that the Filipinos are but slightly removed from savagery and wholly incapable of self-government. By creating this wrongful impression they hope to delay indefinitely and ultimately defeat the proposal to grant complete independence to the Philippines. It, therefore, is important for us to understand the inhabitants of these islands, learn their accomplishments and limitations, so we may be able to determine the merit and justice of their demand for self-government.

THE PHILIPPINES

These islands are approximately 12,000 nautical or 13,000 statute miles from New York City and about 7,000 miles from San Francisco. They lie within the Tropics, in Asiatic waters, and are on the opposite side of the world from the United States. Discovered by Maghallanes, or Magellan, in 1521, in the first voyage that circumnavigated the globe, the first permanent Spanish settlement was at Cebu in 1565, under the leadership of Miguel Lopez de Legazpi, followed in 1571 by a settlement at Manila by Salcedo, a grandson of Legazpi. With but slight interruption, Spanish authority over these islands continued until the fortunes of war, in 1898, placed them under the sovereignty of the United States.

The Philippine Archipelago consists of 7,083 separate and distinct islands, 2,441 named and 4,642 unnamed. They nestle in an ocean region 682 miles east and west by 1,152 miles north and south. They have an area of 115,000 square miles, the major portion of which is suitable for cultivation, much of it exceedingly fertile. The Philippines have a coast line of 11,444 statute miles, which exceeds that of the United States, with 21 fine harbors and 8 landlocked straits.

NATIVE AND FOREIGN POPULATION

According to the 1918 census, these islands then had a population of 10,314,310, but which is now probably in excess of 12,000,000. According to the Forbes-Wood report, in 1919 the foreign population was as follows:

Chinese	55,212
Japanese	12,636
Americans	6,931
British	1,202
Spaniards	4,271
Other nationals (Swiss, German, French, etc.)	2,893
Total foreign population	83,145

It will be observed that less than 1 per cent of the total population was foreign. Of the foreign population, 67,848 were Asiatic—Chinese and Japanese—and only 15,297 were American and European. These statistics show the overwhelming preponderance of Asiatics in the population of these sea-girt isles.

COMPARED WITH NEAR-BY NATIONS

In this connection I desire to call your attention to the following significant facts:

The Japanese Empire—excluding Korea and Formosa—has an area of 149,000 square miles, or only 25,000 square miles larger than of the Philippines. Only 17 per cent of the land in Japan is cultivable. The Philippines, with 115,000 square miles of territory, have about 100,000 square miles of cultivable lands and a population of 12,000,000, while Japan, with approximately 25,000 square miles of cultivable land, has a population of about 60,000,000. Three-fifths of the arable lands in Japan are owned by peasants, the farms not averaging over one or two acres. Acre for acre, the productivity of the Philippines is much greater than that of Japan, while the population of the Philippines is only one-fifth that of Japan. It follows, therefore, that the natural resources of the Philippines are incomparably greater than those of Japan.

I have not overlooked the fact that Japan controls Korea, Formosa, Pescadores, and Japanese Sakhalin, which increases the area of Japan and her dependencies to 260,000 square miles and her population to 84,000,000. The potential natural resources of the Philippines are greater than the present or potential resources of the Japanese Empire. Man for man, the Filipino has back of him much more natural wealth than the Jap. In producing foodstuffs for the sustenance of the people, the Philippines have nothing to worry them, while the production of an adequate food supply will always be a live question in Japan. Moreover, the Philippines are richer in natural resources than their other neighbors.

DENSITY OF POPULATION

Dutch East Indies, with an area of 700,000 square miles, has a population of 51,000,000. Java, the principal island of this group, is the most densely populated land mass in the world, 689 to the square mile. The per capita resources of the Philippines are much greater than those of Dutch East Indies.

The six coastal provinces of China nearest to the Philippines, Kwantung, Fukien, Kiangsu, Anwei, Chekiang, and Shantung, have an aggregate area of 360,000 square miles, with a population of 170,000,000. The population of the Philippines is only 100 to the square mile, while Japan (exclusive of her dependencies) has a population of 400, the five coastal Provinces of China 472, and Java 689 to the square mile. Or, to state the matter in another way, every square mile in Japan must support 400 people; every square mile in these five Chinese Provinces must support 472 people; every square mile in Java must support 689 people; while every square mile in the Philippines has only to support 100 people.

I mention these statistics to illustrate the advantage the Philippines have over their near-by neighbors. Undeniably in natural resources, the Philippines have been more favored by Providence than China, Japan, Java, and other oriental nations. In the struggle for existence the Filipino has an advantage over the Javan, Jap, and Chinaman, because the Philippine population is not nearly so dense, their soil is more fertile, and in many other ways the natural riches of the Philippines exceed those of the neighboring races.

POPULATION LARGELY MALAYAN

The original inhabitants of the Philippines were probably Negritos, a small black people of doubtful ethnology, of whom only about 30,000 remain. Some scholars think the Negritos were pushed back into the mountains by the first Indonesian invasion. The Indonesians were probably the ancestors of the Igorots and possibly the Ifugaos. With the exception of the little band of Negritos, and possibly one or two smaller tribes, the Filipino people belong, racially, to the Malay family, being closely related to the racial groups that inhabit the Straits Settlements, Java, Borneo, the Federated Malay States, and Celebes, and other islands lying off the southeast coast of Asia.

SUBMALAYAN GROUPS

The Malayan group in the Philippines, which embrace practically the entire population, are classified as follows:

(1) Mountain people (which classification sometimes incorrectly includes Igorots and Ifugaos).

(2) Moros (Mohammedans).

(3) Christian Filipinos.

(a) Cacique (or moneyed class), largely mestizos, or mixed (Spanish and Chinese) blood.

(b) Tao (or peasant class).

ORIGIN OF MALAYAN STOCK

The Malayan, or brown race, of which the Filipino is an offshoot, is one of the five great families of humanity, according to the classification made by Jean Frederic Blumenbach in 1775, and comprises the dominant and non-Nigritic inhabitants of the

constal regions of the Malay Peninsula and Oceania, or the East Indian Archipelago, extending from the Malay Peninsula to Timor, and from Timor north to Luzon, which, of course, includes Sumatra, Java, Celebes, the Philippines, and numerous smaller islands.

The extent and status of the Malay race is a matter of dispute, many ethnologists considering it an offshoot of the Mongolian, or yellow race. It is customary to distinguish the Malay from the linguistically allied Polynesians, and also from the Indonesians, who may be a cross between the two, although the Polynesians by some authorities are thought to be the product of an early Asiatic union of Malayan and Caucasian blood strains.

Among religious groups and in scientific circles it is generally believed that the cradle of the human race was in central Asia. From this region the ancestors of the Malay race probably migrated before the beginning of human history, overflowing south China, Siam, the Malay Peninsula, and the East Indian Archipelago. Some one has said that the Filipino is a first cousin to the inhabitants of Java and Sumatra and a second cousin to the Siamese and Cambodians.

MALAYAN INVASION OF THE PHILIPPINES

We can only speculate when the Malay race first reached the Philippines. They doubtless came in successive waves just as western Europe was inundated by great tidal waves of nomadic peoples in different periods of history, and just as the British Isles were overrun by waves of Angles, Saxons, Danes, Normans, and other restless races from the European mainland. The Malays probably reached the Philippines from adjacent islands, which served as stepping stones over which the swarming adventurous brown men passed to the Philippines. It is believed that the last invasion was by the Mohammedan Moros who now people the great island of Mindanao, the Zulu Archipelago and islands in adjacent seas. While distinctively Malayan, the Moros are believed to have a strain of Arab blood.

EARLY VISITS BY THE CHINESE

References may be found in Chinese and Arabic chronicles of settlements that existed as early as the fourth century on some of the islands constituting the Philippine group, since which time there have been frequent infusions of Hindu, Chinese, and Japanese blood. There are authentic references in Chineses history to trading expeditions to the Philippine Islands as early as the tenth and thirteenth centuries.

THE JAVANESE, MALAYAN, OR MAJAPAHIT EMPIRE

Java was at one time the center of Malay power. In 1292, in a struggle for power in Java, Raden Widjaya sought and obtained the aid of Kubla Khan, Emperor of China, who sent a fleet and large army, with the assistance of which Widjaya established himself as King of Java, after which, feeling himself sufficiently powerful to reign without the aid of his Chinese allies, he expelled the Chinese. From his contact with the Chinese Widjaya learned the use of fire arms, which enabled him and his successors to subjugate surrounding islands and establish the Malayan Empire of Madjapahit.

In the fourteenth century, during the 50-year reign of Hayam Wuruk, this empire attained its greatest proportions, controlling Java, Sumatra, the Malay Archipelago, Borneo, Celebes, and Philippines, while the rulers of kindred races inhabiting continental Asia paid tribute to this Javanese empire.

THE TAGALA OR TAGALOG GROUP OF MALAYAN RACE

The inhabitants of the Philippines belong to the Tagala or Tagalog group of the Tagala branch of the Malay subfamily of the Malayan-Polynesian linguistic stock. I use the term Tagala, not as applied exclusively to the Tagal race of central Luzon, but as embracing all Tagala groups of the Malay family, including the Tagalog, Batan, Bicol, Ibanag, Ilocano, Panpango, Pangasian, Tino, Visayan, Moro, Sula, Manobo, Montes, and other subgroups whose language or dialect, though radically different, are nevertheless off-shoots of the great Tagala branch of the Malayan tongue. The Tagala linguistic group, in addition to the Philippine families, includes the inhabitants of Formosa, Madagascar, Cambodia, Malay Peninsula, and Mergui Archipelago.

PRE-SPANISH CULTURE IN THE PHILIPPINES

The Tagala or Tagalog is one of the best developed of the Malayan-Polynesian agglutinative languages. Numerous tribes in the Philippines had a native culture and alphabet before the coming of the Spaniards.

Our distinguished colleague, Commissioner CAMILO OSIAS, in a volume entitled, "Our Education and Dynamic Filipinism," in discussing the pre-Spanish culture of the Philippines, said:

> It is now known that long before Magellan reached Philippine waters our ancestors had alphabets. They were writing upon leaves, using sticks, or upon bamboo, using knives.

There are many Sanskrit words in the Philippine language, and the forms of their letters in use at the time of the discovery of the islands by the Spaniards, indicate a Sanskrit origin. The Hindu influence probably reached the Philippines via Java, the Malay Peninsula, and near-by islands.

Spanish history attests the fact that literacy was widespread in the Philippines before the advent of the Spaniards, who in the Philippines, as in Mexico and Peru, destroyed all existing records, writings, and works of art, on the theory that they were the product of a pagan civilization, fallaciously reasoning "that whatever was not Christian must be anti-Christian." Some authorities assert that the civilization and culture of the Filipinos prior to the coming of the Spaniards were superior to that of the Incas of Peru or the Aztecs of Mexico, which were ruthlessly destroyed by the Spanish conquistadores, Francisco Pizarro and Hernando Cortez.

PHILIPPINE LANGUAGES AND DIALECTS

According to H. Otley Beyer, professor of anthropology in the University of the Philippines, the inhabitants of these islands are divided into 43 ethnographic groups, speaking 87 dialects. His definition of an "ethnographic group" is "any group of people living in a more or less contiguous geographic area, who have sufficiently unique economic and social life, language, or physical type to mark them off clearly and distinctly from any other similar group in the Philippine Islands."

Some writers recognize only eight main languages among the Philippine people, the most widely spoken of which are the Visayan, Tagalog, and Ilocano. Numerous dialects spoken largely by the less advanced tribes are believed to be mere departures from the primitive tongue, and in no way tend to disprove the homogeneity or racial unity of the Philippine people.

Dean C. Worcester, in his volume, The Philippine Islands, in discussing the consanguinity of the different tribes in the Philippines, said:

> Some differences will be found between the inhabitants of different islands, or even of different parts of the same island, yet I think the civilized natives show sufficient homogeniety to be treated as a class.

IS THERE A FILIPINO RACE?

I know the claim is advanced that there is no Filipino race. I can not at this time discuss this proposition further from an ethnological or anthropological viewpoint. I will say in passing that Doctor OSIAS, in chapter 10 of the volume to which I have referred, has made a valuable contribution on the subject of the essential homogeneity and national solidarity of the Philippine population. In this and subsequent addresses I shall for convenience and brevity refer to the inhabitants as Filipinos, using that term in a generic sense to include the entire native population, irrespective of tribal alignments, unless I indicate at the time a more limited application.

SPANISH AND CHINESE MESTIZOS

Some writers who speak contemptuously of the capacity of the Filipinos for self-government and who oppose our withdrawal from the Philippines never tire of calling attention to the fact that there is a considerable mestizo population in these islands. In many countries of the Orient the cross between European and natives is known as "Eurasians." In the Philippines the products of these unions are called "mestizos." The two principal groups of mestizos are Spanish and Chinese. Originally mestizo was a term applied to the offspring of a Spanish or Chinese father and a native mother. This blending of blood lines has, in a majority of instances, improved the stock. Many wealthy families, educators, business and professional men, and government officials belong to the mestizo class. A large proportion of the mestizo population sprung from intermarriages decades or generations ago, and the Philippine mestizos are 100 per cent Filipinized, patriotic, and devoted to the interests and welfare of the native islands.

Inasmuch as Spain controlled the Philippines for over three centuries, it is not strange that there should be a mingling of Spanish and native stocks, but the 200,000 Spanish and other European mestizos constitute only 2 per cent of the total population. The Chinese, the outstanding merchants of the Orient, began trading in the Philippines centuries ago, intermarrying with the natives, and in many localities controlling the domestic and foreign trade. Though frequently expelled, the ban against them was always sooner or later lifted, as the Filipinos needed the Chinese as much as the Chinese needed the Filipino trade. Of the total population, only 500,000, or 5 per cent, are classified as Chinese mestizos. Of the foreign population, only one-half of 1 per cent are Chinese, although they constitute the largest single bloc of alien population.

RELIGIOUS BELIEFS

In the 1918 Philippine census the Christian population was estimated at 9,463,731; Mohammedans, 394,964; pagan, 437,622; other religions, 54,413.

CHRISTIANITY THE DOMINANT RELIGION

On the visit of Magellan, a few of the natives, including the King of Cebu, members of the royal family, and influential chiefs were converted to the Christian faith, and after permanent Spanish settlements were established at Cebu in 1565 and at Manila in 1571, Christianity spread rapidly throughout the islands, displacing paganism, and to a great extent Mohammedanism, as the dominant religion.

It is a significant fact, and one too frequently overlooked, that the Filipinos are more universally Christian than any other so-called backward or subject race. Largely of Malayan blood, they have developed the spiritual side of their natures to a remarkable degree, and in religion, ethics, morals, culture, and right living they have outstripped and left all other Malayan groups far behind. Of this numerous and far-flung ethnological stock, the Filipinos have demonstrated the greatest genius and capacity for efficient self-government. They are highly imitative and readily accept and skillfully utilize that which is best in western civilization. They are forward looking and progressive, eager for education, ambitious to move forward and take a worth-while place among self-governing states, and make their contribution to the culture, progress, civilization, and betterment of the world.

INFLUENCE WROUGHT BY CHRISTIANITY

The benign influence of the Christian religion wrought a marvelous transformation in the inhabitants of the Philippines, and gave them a culture and civilization far superior to that of other Malayan groups. With the exception of conquests made by Islam, which were generally by the sword, there is no instance in history where a race as numerically strong as the Filipinos was so quickly and so completely converted to a new faith. The average Filipino is a better and a much more progressive citizen than the average man in other Malayan tribes. It is only reasonable to attribute this superiority to the influence of the Christian religion.

Davis R. Williams, who spent many years in the Philippines and who vigorously opposes Philippine independence, in speaking of the beneficent influence of Christianity in these islands, said:

While in actual practice they hardly measure up to orthodox specifications, there is little question but that the humanizing influence of the new (Christian) belief represents the greatest contribution made by Spain to the islands. Through its teachings Filipino women were largely emancipated from their former chattel state, and now occupy a far better position than do their sisters in other oriental countries. They are to-day equal partners in the household, and in most cases are better executives and more closely in touch with practical realities than are the men.

MOST IMPORTANT OUTPOST OF CHRISTIANITY

The Philippines are the seat of Christian influence and culture in the Orient. Other religions dominate Asia, Africa, and Oceania. Eleven million Filipino Christians are holding aloft the banner of the Galilean in a wilderness of pagan and non-Christian religions. Let us call the roll of the benighted myriad millions by whom the Filipino Christians are surrounded: 375,000,000 stolid, ancestor-worshipping Confucians, Taoists, and Shintoists; 209,000,000 polygamist Mohammedans; 150,000,000 zealotical Buddhists, with their doctrines of Nirvana, transmigration of souls, and beatific enfranchisement; 135,000,000 superstitious Animists, who ascribe conscious life to all natural objects, or to nature in general without assuming the existence of separable souls, with a multitude of superstitions, of which fetishism is typical; 150,000,000 fanatical devotees of Hinduism, which in essence is Animism modified and improved by philosophy, as matter is tempered and transformed by metaphysics, but nevertheless fundamentally ignoble and degrading.

In the center of this picture of polyglottish, polygamous, and heathenish abominations and unsatisfying religions nestle the Christian Philippines. Surrounded on every hand by more than a billion Confucianists, Taoists, Shintoists, Mohammedans, Buddhists, Animists, and Hindus, 11,000,000 Christian Filipinos constitute the advance guard of Christianity in the far-flung, benighted regions hitherto dedicated to the worship of false and impotent gods. The little brown-skinned Filipino Christian is holding the outposts and battle line in the all-important struggle of Christianity for world-wide supremacy. The Philippines are probably the most important strategic position now held by Christianity in its triumphant and ever-onward march for mastery over the minds and consciences of mankind.

CHRISTIANITY ON TRIAL

And the United States as a Christian Nation should do nothing that will discredit the religion which we profess. If Jesus of Nazareth were walking the ways of men, he would gently but firmly admonish us to keep faith with the Philippine people. If the moral and ethical philosophy Christ gave to a bewildered and self-centered world means anything, we have no right to longer hold these islands as dependencies or further thwart the aspirations of their people for self-determination. The influence of the church and of all organized forces of righteousness should be marshaled in favor of the immediate or very early independence of the Philippines. Our professions of faith in the religion of the Son of Man mean little to the world unless our creed is coined into actions that reflect the spirit and philosophy of the Christian system.

THE FILIPINO PUBLIC SCHOOL SYSTEM

The Filipinos are rapidly becoming an educated and progressive people. They are temperamentally fitted for participation in public affairs. According to the report of the Governor General, in 1921, the percentage of illiteracy in the Philippines was 63 per cent. At the present time it is probably as low as 40 per cent. This compares favorably with many nations that enjoy self-government. China is from 60 to 70 per cent illiterate; Mexico, 62 per cent; Portugal, 68 per cent; Siam, 90 per cent; Spain, 46 per cent; Uruguay, 39 per cent; Nicaragua, 72 per cent; Costa Rica, 53 per cent; Cuba, 39 per cent; Greece, 57 per cent; Chile, 50 per cent; Brazil, 75 per cent; Venezuela, 72 per cent; Bolivia, 84 per cent; and Argentina, 38 per cent. As compared with other Malayan races, the Philippines make an excellent showing, the percentage of illiteracy being, Siam, 90 per cent; Dutch East Indies, 94 per cent; Federated Malay States, 56 per cent; unfederated Malay States, 68 per cent; Straits Settlements, 63 per cent; the Philippines, 40 per cent.

An excellent public-school system has been established in the Philippines. In 1927 they had 7,348 public schools with over a million pupils, 25,206 native teachers, and only 294 American teachers. These public schools are supplemented by 655 private schools with 86,685 students and 2,823 teachers. The expenditures for public schools jumped from $2,000,000 in 1903 to $14,000,000 in 1927. That year there were over 8,000 students in the State-supported University of the Philippines.

UNIVERSITY OF SANTA TOMAS

In 1927 there were over 800 students in the Dominican University of Santa Tomas, which was established in 1611, 25 years before Harvard was founded, 82 years before William and Mary College, 90 years before Yale, 155 years before Princeton, 3 years after the founding of Jamestown, 9 years before the Pilgrims landed at Plymouth, and 46 years after the founding of St. Augustine, the first permanent European settlement in what is now continental United States. Among the other State-supported educational institutions in the Philippines are the normal schools, school of arts and trade, and many provincial trade schools.

LEARNING TO SPEAK OUR LANGUAGE

The Filipino child has a keen, attentive, and retentive mind, and in a very few years only a small portion of the population will be classified as illiterates. Under their flourishing and efficient school system the great mass of the native population will rapidly develop into progressive and educated citizens. According to the 1918 census, 879,811 of the natives could read Spanish, over 4,000,000 could read or understand the English language, and at least half of the entire population could read and write either English, Spanish, or one of the native dialects.

PHYSICAL, MENTAL, AND SPIRITUAL CHARACTERISTICS

Now, a word in reference to the physical and mental characteristics, habits, and disposition of the Philippine people. Francis Burton Harrison, who was for seven years Governor General of the Philippines, in his book entitled "The Corner Stone of Philippine Independence," describes them as follows:

They are of medium stature, with brown complexion and straight black hair and virtually no beard or mustache; their eyes are black or dark brown, set rather slanting under an intelligent brow; their muscular development is excellent, with broad shoulders, slender waists, and small hands and feet. They are brave, active, graceful, and inured to a hardy outdoor life, and still devoted to the chase and fond of living on or near the water. An indication that the race, before entering the Tropics, was originally much lighter in color may be found in the fact that the new-born infants are generally paler of complexion than their parents.

A prolific but exceedingly unfriendly writer, Dean C. Worcester, in the volume from which I quoted a few minutes ago, said, in 1898:

The civilized Filipino certainly has many good qualities to offset his bad traits. The traveler can not fail to be impressed by his open-handed and cheerful hospitality. He will go to any amount of trouble, and often to no little expense, in order to accommodate some perfect stranger, who has not the slightest claim on him; and he never turns one of his own race from his door.

If cleanliness be next to Godliness, he certainly has much to recommend him. Every village has its bath, if there is any chance for one, and men, women, and children patronize it liberally. Should the situation of a town be unfortunate in this particular, its people will carry water from a great distance if necessary, and in any event will keep clean.

Hardly less noticeable than the almost universal hospitality are the well-regulated homes and the happy family life which one soon finds to be the rule. Children are orderly, respectful, and obedient to their parents. Wives are allowed an amount of liberty hardly equaled in any other eastern country, and they seldom abuse it. More often than not they are the financiers of their families, and I have frequently been referred, by the head of a house, to "mi mujer" when I wished to make a bargain. Women have their share of the work to do, but it is a just share, and they perform it without question and without grumbling.

The religious life of the Filipinos is thus described by Mr. Worcester:

At vespers in the evening there is always a pretty scene. An instant hush comes over the busy village. In each house father, mother, and children fall on their knees before the image or picture of some saint and repeat their prayers. The devotions over, each child kisses the hand of his father and his mother, at the same time wishing them good evening. He then makes an obeisance to each of his brothers and sisters, as well as to each guest who happens to be present, repeating his pleasant salutation with each funny bow. Host and hostess also greet one in the same way, and in remote places, where white men are a rarity the little tots often kneel to kiss one's hand.

Friends, their religion may not be your religion or my religion, but how beautifully they exemplify the faith they profess, and how tender and profound is the love they bear to the members of their own family. This devotion and these amenities, exceedingly rare in this busy and turbulent age, are worthy of imitation. Other characteristics of the Filipino are enumerated by Mr. Worcester, as follows:

The civilized native is self-respecting and self-restrained to a remarkable degree. He is patient under misfortune, and forbearing under provocation. While it is stretching the truth to say that he never reveals anger, he certainly succeeds much better in controlling himself than does the average European. When he does give way to passion, however, he is as likely as not to become for the moment a maniac, and to do some one a fatal injury.

He is a kind father and a dutiful son. His aged relatives are never left in want, but are brought to his home, and are welcome to share the best it affords to the end of their days.

Among his fellows, he is genial and sociable. He loves to sing, dance, and make merry. He is a born musician, and considering the sort of instruments at his disposal, and especially the limited advantages which he has for perfecting himself in their use, his performances on them are often very remarkable.

He is naturally fearless, and admires nothing so much as bravery in others. Under good officers he makes an excellent soldier, and he is ready to fight to the death for his honor or his home.

Writing in 1898 when we were first taking possession of the Philippines, Mr. Worcester considered the Filipinos unfit for self-government, because at the time there was a universal lack of education throughout the islands. Continuing, he said:

Not having the gift of prophecy, I can not say how far or how fast they might advance, under more favorable circumstances than those which have thus far surrounded them. They are naturally law-abiding and peace-loving, and would, I believe, appreciate and profit by just treatment. Whatever may be the immediate outcome, it is safe to say that having learned something of his power, the civilized native will now be likely to take a hand in shaping his own future. I trust that opportunities which he has never enjoyed may be given to him. If not, may he win them himself.

Foreman, a critic of the Filipino, described him as refractory toward mental improvement. Dean Worcester, writing in 1898 and before his vision was impaired by his big business activities and environment, criticized Foreman's statement and said:

It is difficult to see on what ground a general statement of this sort can be based, for, as a rule, he has no opportunity to improve his mind. The great mass of the people have been deliberately kept in ignorance from the time of the Spanish discovery until now. Some of them are doubtless very stupid. On the whole I believe that they are naturally fairly intelligent, and they are often most anxious for an opportunity to get some education. On a number of occasions we secured good servants who asked for nothing but food and an opportunity to pick up a little English or Spanish.

Speaking of the mountain or uncivilized tribes, Worcester, as far back as 1898, said:

There is a not unnatural tendency to make them out worse than they really are, while the casual reader does not, perhaps, realize that many of them are numerically insignificant peoples, quite content to practice their peculiarly objectionable customs on their immediate neighbors, without molesting the inhabitants of the civilized districts.

The opponents of Philippine independence in discussing the qualifications of the natives for self-government pick out the comparatively few uncivilized and undeveloped tribes and try to make us believe that these backward groups are typical of the entire population. This practice is on a par with the European who, in describing the American people, draws a picture of the Comanche Indian or ignorant negro cotton picker on an Alabama plantation and leaves the impression that they are typical of the average citizen of the United States. The inhabitants of the Philippines must not be judged by their lowest types but by the general average or level of citizenship. In every nation there are great groups of people who, standing alone, are undeniably incapable of self-government, but they count for little as an inconsequential part of the many millions of educated, progressive, and forward-looking men and women who constitute the backbone of a self-governing nation.

I have already shown that the percentage of men and women in the Philippines who can read and write and who belong to the educated groups is larger than in the Latin-American Republics, China, Siam, and many other independent states. And the Filipino people are becoming educated more rapidly than any other so-called backward or subject race.

What I have said has a bearing on the question as to capacity of the Filipinos for self-government. Undeniably the inhabitants of the Philippines have already established a stable government. They are managing their domestic affairs in an efficient and statesmanlike manner, and manifestly it is the duty of the United States to withdraw its sovereignty from the Philippines without further delay.

ORDER OF BUSINESS—SUSPENSIONS

Mr. SNELL. Mr. Speaker, yesterday I obtained unanimous consent to make suspensions in order beginning on Friday. I ask unanimous consent to change that and make them in order beginning to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent that it may be in order to move to suspend the rules beginning to-morrow for the remainder of the session. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I rise to ask the gentleman from New York [Mr. SNELL] and the gentleman from Connecticut [Mr. TILSON] a question. I understand that at this caucus last night wherein this agreement with respect to veterans' relief was entered into——

Mr. GARNER. Mr. Speaker, I object to the request of the gentleman from New York.

Mr. SNELL. Mr. Speaker, I announce that there will be a meeting of the Committee on Rules at 2 o'clock to-day. We can take care of the matter in another way.

Mr. GARNER. The gentleman may do that, and he will have to do it.

LEAVE TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

Mr. SNELL. I object.

TRANSPORTATION OF ADULTERATED FOODS—CONFERENCE REPORT

Mr. HAUGEN. Mr. Speaker I present a conference report upon the bill H. R. 730, to amend section 8 of the act entitled "An act for preventing the manufacture, sale, and transportation of adulterated and misbranded or poisonous or deleterious foods, drugs," and so forth, for printing under the rule.

COMMISSIONED LINE OFFICERS OF THE NAVY

Mr. BRITTEN. Mr. Speaker, I call up the bill (H. R. 1190) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 1190) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.



Mr. COLLINS. Mr. Speaker, I make the point of order that the alleged report was not authorized by the Committee on Naval Affairs, acting together as a committee. Section 401 of the House Rules and Manual covers the parliamentary law on the subject.

The SPEAKER. The gentleman from Mississippi makes the point of order that the report does not comply with section 401 of the House Rules and Manual.

Mr. COLLINS. The committee was not called together for the purpose of considering this bill and the making of a report.

The SPEAKER. Of course, the Chair has no knowledge of the facts.

Mr. BRITTEN. The Committee on Naval Affairs has notified practically every member of the Committee on Naval Affairs that it would recommend a new report on this bill—H. R. 1190. That has been done in compliance with the instructions, or at least upon the advice of the parliamentarian.

Mr. COLLINS. That does not comply with the former rulings of the Chair.

The SPEAKER. The question with the Chair is whether the committee at one of its regular meetings authorized the report on the bill H. R. 1190.

Mr. BRITTEN. Yes; it did.

Mr. COLLINS. I am informed that that is not the case. I am so informed by a member of the committee.

Mr. McCLINTIC of Oklahoma. The committee never met to consider this report.

Mr. BRITTEN. Mr. Speaker, whether this bill is discussed to-day or not is not important, as far as being absolutely fair with the House is concerned. I understood from the Speaker's question that he asked, "Did the chairman of the committee say that his committee was present when this bill was reported?" As to that question I said it was. The gentleman from Oklahoma is referring in his statement to the supplemental report, and not to the bill.

The SPEAKER. Even though the committee was regularly and properly called, or met on one of the regular meeting days, the question would then arise as to whether the committee, a quorum being present, by a majority vote authorized the report on the bill. That is the question.

Mr. BRITTEN. There is no question about that. The committee did authorize—I think, unanimously—the report on the bill.

Mr. VINSON of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VINSON of Georgia. The bill was reported in December last year. It was called up on the calendar last Wednesday. It was held to be out of order for the reason that it did not comply with the Ramseyer rule. The chairman of the committee made a new report, but it was not necessary for the bill to go back to the committee. All that was needed for the chairman to do was to write a new report complying with the Ramseyer rule.

Mr. COLLINS. The bill was referred back to the committee, and the committee should act in the making of a report.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, in order that the facts may be known, the chairman of the committee has not brought this bill to the attention of the members of the committee with a quorum present for the purpose of authorizing a new report.

The SPEAKER. In the opinion of the Chair, the bill having been recommitted to the committee, the same formalities are required on a new report as on the first report; and if the formalities are not complied with in this case, the rule has not been complied with. Of course, the Chair has no knowledge as to what happened.

Mr. VINSON of Georgia. The bill itself was reported and acted upon last December. The report filed with the bill did not comply with the Ramseyer rule. I hold that all that is necessary is for the report to comply with the Ramseyer rule.

The SPEAKER. The new report must be authorized by the committee in the same manner as the original report. The bill was recommitted, and the committee must conform to the same formality as in the case of the first report.

Mr. BRITTEN. I admit that no formal action was taken on the recommitted bill. The bill itself did not go to the committee, but the report did.

The SPEAKER. Under those circumstances, the bill is again recommitted to the committee.

Mr. DENISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DENISON. In cases of this kind, after the House found that the report of the committee is not in the proper form, for instance, in that it does not comply with the Ramseyer rule, is it the ruling of the Speaker or the custom established to refer the bill to the committee, as well as the report, or can the report itself be rereported?

The SPEAKER. The bill itself must be rereported in order that when the committee authorizes the second report it shall be final.

GRATUITY TO DEPENDENT RELATIVES IN THE NAVY

Mr. BRITTEN. Mr. Speaker, I call up the bill H. R. 7639.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 7639) to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928.

The SPEAKER. The Clerk will read the bill. It is on the House Calendar.

The Clerk read as follows:

Be it enacted, etc., That the provision contained in the act approved June 4, 1920 (41 Stat. L. 824; U. S. C., title 34, sec. 943), as amended by the act approved May 22, 1928 (45 Stat. L. 710; U. S. C., Supp. III, title 34, sec. 943), is hereby amended to read as follows:

"SEC. 943. Allowance on death of officer or enlisted man or nurse, to widow, child, or dependent relative: Immediately upon official notification of the death from wounds or disease not the result of his or her own misconduct, of any officer, enlisted man, or nurse on the active list of the regular Navy or regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child, to any other dependent relative of such officer, enlisted man, or nurse previously designated by him or her, an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man or nurse having no wife or child to designate the proper defendent relative to whom this amount shall be paid in case of his or her death. Said amount shall be paid from funds appropriated for the pay of the Navy and pay of the Marine Corps, respectively: *Provided*, That if there be no widow, child, or previously designated dependent relative, the Secretary of the Navy shall cause the amount herein provided to be paid to any grandparent, parent, sister, or brother shown to have been actually dependent upon such officer, enlisted man, or nurse prior to his or her death: *Provided*, That the determination of the fact of dependency in all cases of dependent relatives, of personnel of the Navy or Marine Corps, whether previously designated or not, by the Secretary of the Navy, shall be final and conclusive upon the accounting officers of the Government: *Provided*, That nothing in this section or in other existing legislation shall be construed as making the provisions of this section applicable to officers, enlisted men, or nurses of any forces of the Navy of the United States other than those of the regular Navy and Marine Corps, and nothing in this section shall be construed to apply in commissioned grades to any officers except those holding permanent or probationary appointments in the regular Navy or Marine Corps: *Provided*, That the provisions of this section shall apply to the officers and enlisted men of the Coast Guard, and the Secretary of the Treasury will cause payment to be made accordingly."

With the following committee amendment:

Page 2, line 6, strike out the word "nurse" and insert in lieu thereof the word "nurse" and a comma.

The SPEAKER pro tempore (Mr. RAMSEYER). The question is on agreeing to the committee amendment.

Mr. LaGUARDIA. Mr. Speaker, is there going to be no discussion on the bill?

The SPEAKER pro tempore. The committee amendment is before the House. The question is on the committee amendment. This is a House bill. The gentleman from Illinois [Mr. BRITTEN] is in charge of one hour, if he chooses to use it, during which he can move the previous question at any time.

Mr. LaGUARDIA. Then I rise in opposition to the committee amendment.

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. BRITTEN. How much time does the gentleman from New York desire?

Mr. LaGUARDIA. Mr. Speaker, I do not understand I am at the mercy of the committee to discuss the amendment.

The SPEAKER pro tempore. The chairman of the committee has one hour on this amendment. The Chair recognizes the gentleman from Illinois [Mr. BRITTEN] on the amendment. If the gentleman from Illinois chooses to yield time, that is within his power.

Mr. LaGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAGUARDIA. Even though the bill is before the House and it is a House bill, the opposition to the bill is entitled to time in its own right.

The SPEAKER pro tempore. The situation is that the gentleman from Illinois is in control of the time. That is clear. The gentleman can move the previous question at any time. If the previous question is voted down, then, of course, somebody else would be recognized.

Mr. LAGUARDIA. Is that applicable also in the discussion of amendments?

The SPEAKER pro tempore. That is correct.

Mr. LAGUARDIA. Then I ask the gentleman from Illinois to yield me five minutes.

Mr. BRITTEN. I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I want to call the attention of the House to this bill, which on its face seems innocent and perhaps unimportant except to the Navy Department. But, Members of the House, you are either going to stand by yourselves and stand by an agency created by Congress, or else you might as well abolish the General Accounting Office. There seems to be a great deal of misunderstanding and misapprehension as to the duties and functions of the General Accounting Office. That office is the creation of Congress. The Comptroller is responsible only to Congress. He acts as our agent, and not as the agent of any executive department or even the President of the United States. In order to carry out the independence of that office, it was intentionally written into the law that the Comptroller General could not be reappointed, so as to make his conduct free from any pressure whatsoever. If it is proposed to take from him the powers vested in him by passing legislation such as this, then you will repudiate your own action and you are not standing back of your own agent, and we might as well abolish the General Accounting Office.

This bill is of great importance in deliberate efforts made by departments to break down our entire auditing system. The mere fact that we established an independent accounting office has resulted in great economies and savings to the people of the United States. Before that office was established there were comptrollers for various departments, and, although they were the auditing officers for the departments, they were under the control of the heads of the respective departments. It was therefore impossible to get a right and proper construction of law passed by Congress. Congress abolished that antiquated, unbusinesslike system, and established this independent office, which acts as the audit agency of Congress and for no other purpose.

Mr. O'CONNELL. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. O'CONNELL. In other words, the gentleman is rightfully contending that there is no necessity for this legislation at all?

Mr. LAGUARDIA. It will take away the power already given to the comptroller.

Mr. O'CONNELL. I know it will; and it is functioning perfectly now.

Mr. LAGUARDIA. Yes; I think it is functioning well, and the gentleman must see that after all there must be a review some place. You can not have an executive reviewing his own acts.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. VINSON of Georgia. I will say to the gentleman the reason for this legislation and the reason why the Navy Department and the Committee on Naval Affairs look with favor on it is this: Whenever an enlisted man designates some one as his beneficiary and that enlisted man dies the Navy Department, following the general law, gives to the person designated as his dependent six months' gratuity. Then six months later, when the comptroller is beginning to check up the paymaster's records, he reaches a different conclusion and says that, as a matter of fact, the person so designated is not a dependent, and, therefore, the comptroller's office denies the account. It is for that reason this legislation is before the committee. It enables the Secretary of the Navy to reach a conclusion as to who is the dependent and that is reached in accordance with the law as it stands to-day, and that is final and conclusive.

We are forced to come in here every year and pass special bills to relieve paymasters because paymasters have made payments in accordance with the designation made by the Navy Department but the Comptroller General has held that those designations are incorrect.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BRITTEN. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. LAGUARDIA. I will say to the gentleman from Georgia that it makes no difference what the case is. Of course, the mere fact that this happens to be for the payment of a benefit to the family or relatives of a deceased sailor makes it possible to inject sob stuff into the debate. There is no doubt about that. But it makes no difference whether the payment is for such humane purposes or in payment of a $40,000,000 battleship. We have created an accounting officer, in whom we have vested the power of review. It is his duty to say whether the payments are made in accordance with law. We should not break it down, no matter what the circumstances may be.

Mr. VINSON of Georgia. I agree with the gentleman that it is the duty of Congress to maintain the accounting office.

Mr. LAGUARDIA. Then let it function.

Mr. VINSON of Georgia. But we have already sought to confer discretionary power upon various departments in reaching a conclusion in reference to contracts. For instance, heretofore it was the law that whenever the Secretary of the Navy made a contract for the purchase of airplanes it was reviewed by the comptroller's office, and he could set it aside, but we no longer give that discretionary power to the comptroller's office. We are now seeking in certain matters, where the judgment of the Navy Department should be final, to absolutely make it final and not subject to review by the comptroller's office, because under that system you do not know where you stand.

Mr. LAGUARDIA. I say that it is contrary to our whole theory of government to give absolute powers without review to any department. No department ought to be absolute and have such autocratic powers. Under our form of government money can be expended only in accordance with law, and it is the duty of the General Accounting Office, under our system of audit, to see that public funds are so expended.

Mr. PATTERSON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. PATTERSON. Is it not just as reasonable to set it aside in any other case or in any other department as it is in the case of the Navy Department?

Mr. LAGUARDIA. The gentleman is correct, and under this bill they are proposing to give the Navy Department full power and authority. I have had my say, and this bill ought to be voted down.

Mr. BRITTEN. Mr. Speaker, the law which this legislation aims to amend was passed in the House on May 7, 1928, and the language in the law was inserted through an amendment offered by the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Which language?

Mr. BRITTEN. The language in the existing law, to which I will now call attention. The gentleman is laying great stress upon the importance of taking away from the Comptroller General his power to determine a dependency in the case of death in line of duty. That is his principal argument. His entire argument is that we should not take away from the Comptroller General the right to determine dependency in the Navy Department. Let us see what his amendment of May 7, 1928, offered on the floor of the House, actually did. On the question of establishing dependency the gentleman's language is this:

> And the determination of such fact by the Secretary of the Navy shall be final and conclusive upon the accounting officers of the Government.

That is the gentleman's amendment.

Mr. LAGUARDIA. The gentleman is in error.

Mr. BRITTEN. Well, it appears on page 8006 of the RECORD. Let me reread the language to the gentleman, because he is laying so much stress upon taking away certain authority from the Comptroller General. The gentleman's language is this:

> And the determination of such fact by the Secretary of the Navy shall be final and conclusive upon the accounting officers of the Government.

Mr. COLLINS. Will the gentleman yield to me?

Mr. BRITTEN. Yes.

Mr. COLLINS. In other words, you think the gentleman from New York was wrong at that time but right to-day?

Mr. BRITTEN. He was wrong at that time, and I am going to correct him by an amendment in the bill. However, the language which the gentleman inserted was not quite strong enough, was not quite effective enough, and it did not give the Navy Department the right to determine dependency when some poor fellow died in line of duty.

Mr. VINSON of Georgia. Was the gentleman's amendment offered to a private bill?

Mr. BRITTEN. I do not remember.

Mr. VINSON of Georgia. I think it was offered to a private bill, and for that reason we have brought in this general legislation to deal with that case.

Mr. LAGUARDIA. There was a particular reason for that.

Mr. BRITTEN. I will say it was general legislation at that time, just as it is to-day. This bill aims to do one very simple thing, and yet it might be most important at a particular time. It gives the Secretary of the Navy the right to give to some poor family six months' pay of some poor fellow who has died in line of duty. It is not worth quibbling about. We aimed to do this very thing in 1928, and the gentleman's amendment was the thing which apparently accomplished it, but it has not worked out.

Mr. STAFFORD. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. STAFFORD. Wherein does the construction given by the Comptroller General as to dependency differ from the construction that might be given by the Secretary of the Navy?

Mr. BRITTEN. Well, in a number of cases where some poor fellow has been killed in line of duty it has been very hard to determine just who his dependent is. The Navy Department might say that his dependent is a sister or a daughter or a wife from whom he may have been estranged or divorced. The comptroller might hold that this wife, under the circumstances, was not entitled to the money. The department might be very desirous of making this payment to the widow, which would be very unimportant to the Treasury, but very important to the poor widow at the time.

Mr. STAFFORD. So it is only a question of the arbiter who is to determine dependency?

Mr. BRITTEN. That is all.

Mr. VINSON of Georgia. And oftentimes the paymaster makes the awards on the recommendation of the Secretary of the Navy, and then his accounts are checked up by the comptroller and he has to reimburse the Treasury.

Mr. BRITTEN. True, because in many instances——

Mr. STAFFORD. Is that the fact, that payment will be made before a final determination as to dependency?

Mr. VINSON of Georgia. Yes; by the Navy Department. The Navy Department makes the determination and the paymaster makes the payment, and when the comptroller's office checks up the paymaster's accounts he will conclude he had no right to reach the decision that so-and-so was a dependent, and calls upon the paymaster for reimbursement to the Government.

Mr. STAFFORD. Even if it is an erroneous determination the Secretary of the Navy would visa it regardless of the opinion of the Comptroller General as to dependency in order to save the accounts of the paymaster.

Mr. VINSON of Georgia. No; the paymaster would have to pay it.

Mr. SPEAKS. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. SPEAKS. As a matter of fact, the purpose of this bill is in direct opposition to the principle involved when we established the comptroller's office.

Mr. BRITTEN. Oh, no.

Mr. SPEAKS. Yes; absolutely.

Mr. BRITTEN. Not at all.

Mr. SPEAKS. There must be a final authority in determining matters of this nature and after long years of expensive and unsatisfactory experience resulting from departmental heads exercising this right, the office of comptroller was created with full power to decide questions in dispute. This system should be respected and preserved.

Mr. BRITTEN. If the principle of this bill is opposed to the desire we had in establishing the office of the Comptroller General, then the one of 1928, which is existing law, is equally so.

Mr. SPEAKS. Carrying this idea to its logical conclusion, why not make exemptions in the case of the heads of all departments and do away with the comptroller entirely?

Mr. BRITTEN. I will tell the gentleman why.

Mr. SPEAKS. Why? That is what we want to know.

Mr. BRITTEN. In some cases we may find a chief petty officer has been married and becomes estranged from his family and he puts somebody else on his dependency list, or he aims to take his wife, from whom he is perhaps not divorced but estranged, off of his dependency list, by simply declaring she is not a dependent any longer. If he is then killed in line of duty, the Navy Department might hold that the wife was still entitled to this six months' gratuity pay. He may have a child by this wife, but the comptroller may say, "No; this sailorman, or whatever he was, had determined he had no dependents." Now, in cases of that kind, some of which are very, very sad, the Navy Department desires, in substance, the very legislation that the gentleman from New York himself inserted in the act two years ago, that the finding of the Secretary of the Navy shall be final. There have been arguments between the Secretary of the Navy and the Comptroller General about this question and the Navy Department desires this perfecting language. It is not serious, gentlemen, and there is not a large amount of money involved.

Mr. PATTERSON. May I ask my good friend from Illinois a question?

Mr. BRITTEN. Yes.

Mr. PATTERSON. The gentleman says this is not serious, but if we should apply the same principle to all the departments, then we would have no use for the Comptroller General.

Mr. BRITTEN. There is no other comparable case. You can not apply the same thing to civilian employees, because the conditions are entirely different. Here we are discussing legislation affecting men who are killed or who die in line of duty.

Mr. PATTERSON. Anyone who dies while in the service of the Navy dies in line of duty.

Mr. BRITTEN. Yes.

Mr. GREENWOOD. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. GREENWOOD. Does this bill merely cover a gratuity, after death, of one-half year's wages, or does it also cover the subsistence charge?

Mr. BRITTEN. No; it merely covers the gratuity. It is a provision which was inserted in the old act, and we are simply making this change in existing law.

Mr. GREENWOOD. There is a law, as the gentleman knows, for paying subsistence to dependents under certain circumstances.

Mr. BRITTEN. Yes; under certain circumstances.

Mr. SPEAKS. Will the gentleman yield at that point?

Mr. BRITTEN. I would like first to read the proviso. We take out of the bill the language I have read which makes the finding of the Secretary conclusive, and we substitute this language:

Provided, That the determination of the fact of dependency in all cases of dependent relatives, of personnel of the Navy or Marine Corps, whether previously designated or not, by the Secretary of the Navy, shall be final and conclusive upon the accounting officers of the Government.

We add a few words to existing law.

Mr. ABERNETHY. Will the gentleman yield for a question?

Mr. BRITTEN. Yes.

Mr. ABERNETHY. Sometime ago I had the case of a young boy who was on one of the Navy ships and was blown up. I introduced a bill for a claim and the Committee on Claims turned it down on account of the recommendation of the Secretary of the Navy that there should be allowed only six months' gratuity pay for this young man's dependents. I finally had to go to the Committee on Pensions and finally secured a pension of $12 a month for the boy's mother. This boy was burned or scalded to death, and yet our great Navy Department absolutely recommended against any claim, and the Claims Committee would not recommend it. What does the gentleman think of that situation?

Mr. BRITTEN. Well, that is in accordance with existing law.

Mr. ABERNETHY. I am talking to the great chairman of a great committee, and a nice fellow withal, and I want to ask him is he thinks that is a proper law.

Mr. BRITTEN. I thank the gentleman; but that matter is entirely up to Congress. If Congress desires to enact a law giving a larger gratuity it may do so.

Mr. ABERNETHY. I am talking of the situation where our boys lose their lives through no fault of their own, and yet their dependents are shut off by the Claims Committee. You can not get a claim allowed before the Claims Committee; they send it to the department for report and the department recommends against it. Yet if the people of the deceased were allowed to go into a court they could recover thousands of dollars; yet here is a case I had where the boy was absolutely scalded to death and all his people could get was a measly six months' gratuity, and his mother a pension of $12 per month.

Mr. BRITTEN. I agree with the gentleman; but that is existing law.

Mr. ABERNETHY. Why does not the gentleman change it?

Mr. BRITTEN. Why does not the gentleman from North Carolina change it?

Mr. ABERNETHY. If I were chairman of the committee, I would attempt it.

Mr. BRITTEN. There are very many sad cases, I know.

Mr. ABERNETHY. Then, the gentleman ought to get at these very sad cases.

Mr. LAGUARDIA. Mr. Speaker, I know the gentleman from Illinois wants to be fair; and, even in these days of the foul, he does not want to hit too low. [Laughter.] I find on page 8006 of the RECORD it was a Consent Calendar day. The bill before the House was improperly drawn in that it referred to lines and did not recite the whole bill. What I said was this:

Mr. Speaker, reserving the right to object, I have no objection to the bill, but it is improperly drawn. It is inartistic to amend the law by referring to certain lines in the original bill. That is the proper way to amend the bill on the floor of the House, but not to amend existing law. I have prepared an amendment which recites the entire paragraph as it would read when amended.

All I did was to recite the entire paragraph. My feeling and attitude toward the General Accounting Office is not changed.

Mr. BRITTEN. However, the gentleman will agree with me that as far as the RECORD is concerned, on page 8006, the gentleman's proposed amendment includes the language I have taken out of the bill. It includes the entire bill.

Mr. LAGUARDIA. It includes the entire bill. All I did was to redraft the bill in proper form.

Mr. BRITTEN. Submitting it as an amendment.

Mr. LAGUARDIA. The gentleman does not charge me with putting in the clause?

Mr. BRITTEN. I can charge the gentleman with having put in the entire bill.

Mr. STAFFORD. The gentleman from New York, as I understand, refers to a private bill where he charges it was improperly drawn. I wish to direct the attention of the chairman of the committee to the present bill and ask whether this is properly drawn, particularly in the proviso the gentleman has just read. I would like the attention of all the grammarians of the committee. I direct the gentleman's attention to the query whether the clause in line 8, page 3, "by the Secretary of the Navy" is properly placed. That relates to "whether previously designated by the Secretary of the Navy." I have a notation here that the proper place for that clause should be after the word "dependency" in line 6 rather than in line 8, where it qualifies "whether previously designated or not."

Mr. BRITTEN. I will say that the gentleman's contention might be all right in Milwaukee, but he will notice that there is a comma after the word "not."

Mr. STAFFORD. I appreciate the high compliment paid to "the gentleman from Milwaukee," as we speak good English in Milwaukee. [Laughter.]

Mr. BRITTEN. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The committee amendment was agreed to.

The previous question was ordered.

The bill, as amended, was ordered to be read a third time, was read the third time, and passed.

A motion by Mr. BRITTEN to reconsider the vote whereby the bill was passed was laid on the table.

CALL OF THE HOUSE

Mr. TABER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is not.

Mr. SLOAN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 74]

Aldrich	Doyle	Ketcham	Spearing
Bankhead	Englebright	Kiefner	Sproul, Ill.
Beck	Finley	Kunz	Sproul, Kans.
Blanton	Frear	Langley	Stalker
Bohn	Free	McCormick, Ill.	Steagall
Brigham	Fuller	McReynolds	Stedman
Brumm	Gambrill	Michaelson	Stobbs
Buchanan	Golder	Murphy	Sullivan, N. Y.
Buckbee	Graham	Nelson, Wis.	Taylor, Colo.
Burtness	Hoffman	Oliver, N. Y.	Underhill
Byrns	Hudspeth	Peavey	Walker
Collier	Hull, William E.	Porter	Welsh, Pa.
Cooke	Igoe	Pratt, Ruth	White
Cooper, Wis.	James	Romjue	Williams
Crail	Johnson, Ill.	Seger	Wingo
Crowther	Johnston, Mo.	Selvig	Zihlman
Curry	Kading	Simms	
Douglas, Ariz.	Kemp	Sinclair	

The SPEAKER pro tempore. Three hundred and fifty-seven Members have answered to their names, a quorum.

Mr. BRITTEN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

RETIREMENT OF ACTING ASSISTANT SURGEONS, UNITED STATES NAVY

Mr. BRITTEN. Mr. Speaker, I call up the bill (S. 1721) directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years.

The SPEAKER pro tempore. The gentleman from Illinois calls up the bill S. 1721, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1721, and the gentleman from Illinois [Mr. CHINDBLOM] will kindly take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1721, with Mr. CHINDBLOM in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That acting assistant surgeons of the United States Navy who, on the date of the passage of this act, have reached the age of 64 years shall be placed on the retired list of the Navy with pay at the rate of three-fourths of their active-duty pay.

With the following committee amendment:

Line 7, after the word "pay," insert "*Provided*, That section 21, title 34, of the United States Code, authorizing the appointment of acting assistant surgeons, is hereby repealed."

Mr. STAFFORD. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. The gentleman from Illinois is recognized for one hour.

Mr. BRITTEN. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, ladies and gentlemen of the committee, this is a bill directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years. Under an act passed on May 4, 1898, the position of assistant surgeon was created. It is the desire of the Navy Department to repeal that law and to do away with assistant surgeons. The Navy Department wants to draw these men from the Medical Corps of the Navy, and thereby not only have their own men but at the same time save the Government a very considerable sum of money. There happen to be two men who have been serving the Government for a good many years as assistant acting surgeons, and the Navy Department realizes, after these men have served for many years, that to keep them there at the ages of 64 and 66 would be a hardship, and at the same time in a few years they could not give the service desired. The Navy Department does not want to drop these men. If it drops them, it drops two men who have served diligently for many years, and it will drop them without pay, with their medical practice all gone. These men entered the service and have been attending to their duty not only during the years of peace but they passed through the war and performed arduous service at that time. One of them is a personal friend of mine, whom I have known for a great many years, Dr. William Guy Townsend. Doctor Townsend has the recruiting station within about a block of where my office is in the city of Baltimore. Therefore I have had many occasions to see the work that he is doing. I have sent many boys there to have them examined to see whether they could enter the Naval Academy, and I have found him there not on part time but all of the time. He is giving his entire time to the work and has not been able to attend to any practice of his own. I think his position in that matter is very much like that of a lawyer who goes into Congress. For the first few years he endeavors to keep up a little of his practice, but eventually he finds that the work of Congress takes up so much of his time that he either gives up his practice or his practice gives him up. So it is with Doctor Townsend. Doctor Townsend went on with his work, and after awhile the war came on, and he found so much of his time taken up that his medical practice absolutely left him because he had no time to attend to it.

The Navy Department says this bill is humanitarian. It does not want to drop these two elderly men, and there is no law by which it can retire them. It is the purpose of this bill to give the Navy Department the right to retire these two men on three-quarters pay.

Mr. DICKSTEIN. Is this a special act for retirement? What is the age of retirement at the present time?

Mr. LINTHICUM. There is no age for retirement for these men. The regular retirement age is 64. One of these men was 64 last September; the other is much older.

Mr. DICKSTEIN. Why could they not be retired under the present law?

Mr. LINTHICUM. There is no provision for retirement of acting assistant surgeons. There are only two men who are

affected by this bill at the present time. The others have died off. If we pass this bill, then Doctor Payne, who is now nearly 67 years of age, will receive $2,700 a year, and Doctor Townsend, who is now nearly 65 years of age, will receive $2,250 a year, making a total of $4,950. I have not calculated, but taking off one of them, Doctor Michels, it would save the Government somewhere around $7,000 a year and the Government would be better off by that much. The Government would then be able to take young men from the service and let them do this work, whereas now they must depend on these elderly men to do the work. Then, besides getting the young men to do the work, they would also save the Government about $7,000 a year. It seems to me this is a meritorious bill, and it certainly is humanitarian. I see no reason why there should be any objection to it, and whether there is or not, I do not know.

I want to say to you gentlemen, in conclusion, this is a matter that has been under my personal observation for the last 18 years. I know that these men have done good work. I know that they have given up their medical practice to devote their attention to this work, and in the case of Doctor Townsend, he has given up all his time, not only in the examination of men in the Navy, but he has been at the disposal of Members of Congress to examine young men to see whether they can enter the Naval Academy. Often, you know, when you have designated a young man for appointment to the Naval Academy and after you have appointed him, he goes up for examination, and when he takes the physical examination in many cases he falls down. Doctor Townsend has done this physical examination of these young men to see if they are eligible for admission to the Naval Academy.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MEAD. How long have these two doctors been in the service of the country?

Mr. LINTHICUM. Doctor Townsend has been in the service 18 years next September, and Doctor Payne 31 years next November.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. TABER. Are we not getting into the practice of too great liberality in regard to the retired list of the Army and Navy?

Mr. LINTHICUM. Here are two men who have done valiant service and have reached the age when they should be retired. The law further repeals the act creating such office so that there will never be any more acting surgeons in the Navy. This covers the ones in the Navy at this time and goes no further.

Mr. TABER. But is it not true that during the time these men served there was no law permitting retirement, and are we now attempting to do something that they never had the right to expect?

Mr. LINTHICUM. I remember the time when there was not any retirement except in the Army and Navy. At that time no one in civil employment was retired. Now, they all have it and they did not expect it when they entered any more than these men.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BRITTEN. Is it not true that all men in the Army and Navy and Marine Corps can retire at the age of 64?

Mr. LINTHICUM. Yes; that is a fact.

Mr. BRITTEN. And we are simply trying to do for these two men what has been done to all others?

Mr. TABER. Mr. Chairman, I challenge that statement. If these men had served for a long time, the case would be different. But these men have served but a little time, and their employment was in the nature of private surgeons under contract instead of on a regular salary. I understood the gentleman from Maryland [Mr. LINTHICUM] said one had served 20 years and the other 15 years.

Mr. HALE. No. Doctor Payne was appointed in 1898. That is 32 years ago.

Mr. LINTHICUM. Mr. Chairman, I just want to say in conclusion, to summarize this matter, that this act repeals the act of May, 1898, and these are the two men in that service. They served for many years during the war and during peace time. After they are retired then that is the end of it, as this law of 1898 will be repealed under this bill, and there will be no more acting surgeons in the Navy. While there has been no retirement for these people, there are many people in the Government service now who are provided with retirement, and they did not have it and many of them did not expect to have it when they entered the service. I trust this bill will pass and these doctors receive their retirement. [Applause.]

Mr. STAFFORD. Mr. Chairman, I rise in opposition to this bill.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. KNUTSON], and ask unanimous consent that he may be permitted to proceed for five minutes, out of order.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Minnesota [Mr. KNUTSON] may be permitted to proceed for five minutes, out of order. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Chairman and members of the committee, in commenting on the rivers and harbors bill, which was under consideration in the House yesterday, the Washington Times says in part:

WARNS ON "PORK BARREL"

While the bill was considered in the House President Hoover consulted leaders and warned them against bringing out a "pork-barrel" measure. He also served notice he would use his executive powers to limit rivers and harbors expenditures.

House rivers and harbors leaders were confident the President would approve the bill as it passed the House, even though they exceeded suggestions.

It was rumored to-day the upper Mississippi River 9-foot channel proposal may be used to checkmate a movement launched by northwestern Members of the House to prevent adjournment until the Couzens resolution, temporarily prohibiting railroad mergers, is passed.

The 9-foot-channel authorization, it was pointed out, might be given to the northwestern Members in return for an abandonment of their fight for the Couzens resolution.

Let me read this telegram, just received:

MINNEAPOLIS, MINN., *June 24, 1930.*

Hon. HAROLD KNUTSON,

Member of Congress from Minnesota, Washington, D. C.:

Minnesota legislative board, Brotherhood of Railroad Trainmen, sincerely urges you to continue support Couzens resolution as passed by Senate. Your assistance is greatly appreciated.

G. T. LINDSTEN.

In fairness to my colleagues from the Northwest, Mr. Chairman, I wish to say that at no time has there been any connection between the proponents of the Couzens resolution and the proponents of the river and harbor bill.

I may say that there is a very strong feeling in the Northwest against railroad mergers, and particularly the merger of the Great Northern and Northern Pacific Railroad. I find that there is a feeling among many of the northwestern Members that we should not adjourn until we have had some action by the House on the Couzens resolution. [Applause.] The proposed consolidation of the Great Northern and Northern Pacific Railroads is a very serious problem with us. I understand that similar situations exist in other parts of the country. The Couzens resolution, as originally introduced by the senior Senator from Michigan, simply sought to suspend the power of the Interstate Commerce Commission to grant approval to railroad consolidations until March 4 next year. Surely the House should be willing to enact legislation of that character so that the Members may have an opportunity to study the entire question of consolidations between now and March 4 next. [Applause.]

While I am not speaking for anyone else, I may say that I shall vote against the adjournment of Congress until we have had an opportunity to vote on the Couzens resolution. [Applause.]

Mr. HASTINGS. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. HASTINGS. Has the gentleman had an opportunity to study the Couzens resolution as amended by the House Committee and as reported by the House Committee on Interstate and Foreign Commerce?

Mr. KNUTSON. I am for the original Couzens resolution.

Mr. HASTINGS. And not for the substitute?

Mr. KNUTSON. I prefer the original, for it has better chance of passage.

Mr. MEAD. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. MEAD. Is it not a fact that while the pending merger seriously affects the Northwest section of the country other mergers which will be entered into in the near future will affect other sections of the country as adversely as the Great Northern-Northern Pacific merger affects the gentleman's section?

Mr. KNUTSON. I have no doubt of that at all.

Mr. MEAD. Therefore, we should all be interested in this question.

Mr. KNUTSON. I have in mind several communities which will be absolutely wiped out if the merger is consummated.

It will render property investments valueless. It will throw hundreds and thousands of men out of work at the very time when we should endeavor to increase the demand for labor.

Mr. HASTINGS. What assurance has the gentleman that Congress will have an opportunity to consider this matter before the adjournment of Congress?

Mr. KNUTSON. I have no assurance at all, except I think if the Democrats will join with the Republican proponents of the Couzens resolution we can stay here for a considerable period of time.

Mr. HASTINGS. How will the gentleman get it up unless the leaders agree to it?

Mr. KNUTSON. How will Congress adjourn if there are not sufficient votes to adjourn?

Mr. HASTINGS. I am with the gentleman. I will help in every way I can to get consideration of the Couzens resolution.

Mr. KNUTSON. I want to say to the gentleman from Oklahoma that I can stand heat as well as the next one.

Mr. HASTINGS. Why does the gentleman not take it up with his floor leader and ascertain if consideration of the resolution can be had?

Mr. CHALMERS. Will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. CHALMERS. I may say that I think it is not in the public interest to permit these consolidations, in addition to the fact that it is a detriment to the railroad employees. It is a very serious matter to throw out of employment men in mid life who have learned a trade or profession, men who are buying their homes and educating their children. I do not think this consolidation is in the public interest. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STAFFORD. Mr. Chairman, I yield five additional minutes to the gentleman, and I ask unanimous consent that he may proceed out of order for the five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. CULLEN. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. CULLEN. The gentleman is a very influential Member on the Republican side of the House.

Mr. KNUTSON. I thank the gentleman.

Mr. CULLEN. This Couzens resolution is still in the committee. Why does the gentleman not exercise his influence with the powers that be, on the other side, to have that bill brought before the House for consideration by this Congress?

Mr. KNUTSON. I shall be glad to do so, and, in fact, I have already exerted my influence in that direction, and I am doing so now. I am sincerely in favor of the Couzens resolution, and I am doing everything I possibly can to bring it before the House so that the House may vote on it.

Mr. CULLEN. I quite agree with the gentleman, as I have always found him friendly to labor.

Mr. KNUTSON. I appreciate the gentleman's statement.

Mr. CULLEN. But this is a very important measure. I consider it one of the most important pieces of legislation before the Congress to-day. I will infer this much, that the gentleman, as one of the leaders, should continue to cooperate with other leaders to bring the matter before the House so that we may vote on it before adjournment.

Mr. KNUTSON. The gentleman has seen horses pull in different directions before. This is not a new situation by any means. I have asked members of the Committee on Interstate and Foreign Commerce to bring out the Couzens resolution, and the membership will bear me out in that statement. It is a matter of conviction with me that we should stop these huge, enormous consolidations, whether they be in the transportation, financial, or other fields. [Applause.]

Mr. CULLEN. The gentleman will find me with him in that regard, and I will go further. The Committee of the Judiciary has reported the Wagner unemployment bills, which would help to remedy the situation of unemployment. I am going to ask the floor leader of the House why we can not have the Couzens resolution and the unemployment bills brought out for consideration before adjournment.

Mr. KNUTSON. I can not yield to the gentleman for the purpose of asking the floor leader a question, as I have only about two minutes left.

Mr. HASTINGS. We are trying to assist the gentleman in getting information.

Mr. BRIGGS. Ask the gentleman from Connecticut whether he has any information regarding those bills.

Mr. KNUTSON. I am not going to be diverted from what I started to say, because if we allow ourselves——

Mr. CULLEN. In conjunction with the Couzens resolution, is the gentleman ready to support the Wagner unemployment bills?

Mr. KNUTSON. I am ready to support any legislation that will help the unemployment situation in this country. [Applause.]

Mr. SABATH. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. SABATH. I agree with the gentleman that he is sincerely and honestly for the Couzens resolution and that he would also support the Wagner bills, but I recognize the fact that the gentleman's side of the House would not cooperate with him in having these bills considered, so what good will it do to vote against adjournment when the country is looking forward to that adjournment, because conditions are getting worse from day to day.

Mr. KNUTSON. I can not yield for a speech. I thought the gentleman wanted to ask a question.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STAFFORD. Mr. Chairman, for a few minutes I wish to direct the attention of the committee to the private claims bill before the committee for consideration. It is for the relief of two acting assistant surgeons in the United States Navy. The bill is put in the form of a public bill so that it may be considered on Calendar Wednesday.

The gentleman from Maryland has made a very plaintive appeal in behalf of a neighbor of his for retirement pay, a man by the name of Dr. William Guy Townsend. The gentleman from Maryland claims he should be retired after having performed 18 years of service. He entered the Navy in 1912, and has been performing very minor duties in connection with the Navy. We find he was appointed acting assistant surgeon in 1912; transferred to the reserve force during the war, and reappointed as acting assistant surgeon after the war, and has been on recruiting duty continuously.

The chairman of the Committee on Naval Affairs stated that it is the policy of the War Department to retire men occupying similar positions. I challenge that statement.

Mr. BRITTEN. If the gentleman will pardon me, I know he desires to be correct. I said that for years officers in the Army, Navy, and Marine Corps have been retired at the age of 64 years. I said nothing about corresponding rank at all.

Mr. STAFFORD. I misunderstood the gentleman, and therefore apologize, because I find that companion officers in the Army are not retired. We find in the letter of the Acting Secretary of the Navy recommending against this bill, the following:

> In its effect the proposed legislation is individual in character. It would appear that acting assistant surgeons are carried on the naval rolls in a status somewhat similar to contract surgeons of the Army, for whom no retirement privileges are accorded by law. An acting assistant surgeon contracts for shore duty only.

Now, get this, gentlemen. He contracts for shore duty only—

> And he is usually assigned to duty in the city of his residence, where he may follow a gainful pursuit outside his naval duties. He remains in that locality indefinitely, and is thereby exempt from the hazards and hardships peculiar to military service, which furnish the grounds for enacting pension and retirement legislation.

In the face of that statement, for a man who has not been in the service 19 years, the great Committee on Naval Affairs brings in a relief bill to retire him at a salary of $2,250. He has been privileged all these years to practice his profession, and because he has not the decency to retire when he becomes too old he appeals to his Representative to introduce a private claims bill to retire him.

The gentleman from Maryland made an attempt to make a comparison by referring to Members of Congress who have been attorneys, who enter Congress and then have to give up their profession, but was it ever known—and I am qualified to speak—in the annals of Congress of a Member of Congress on being retired—it is usually against his will—for Congress to compensate him, as is purposed in this case, with an honorarium of $2,250 a year? It is nice for the gentleman from Maryland to attempt to stick his hands into the pockets of the Treasury and pull out $2,250 for this doctor, who has only been performing civilian duty, and nothing else. That is the question before the House—whether we should compensate a man who has never been obliged to perform war duty, but only shore duty in connection with enlistments and the like, and give him a gratuity of $2,250 a year. It is soft, it is easy, it is velvet.

Mr. CLAGUE. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. CLAGUE. I notice on page 2 of the report it is stated that one of these men, Mr. Henry, has only been in the service since 1911.

Mr. STAFFORD. The friend of the gentleman from Maryland, Doctor Townsend, has only been in the service since 1912.

Mr. CLAGUE. Both of these men have been in the service less than 18 years.

Mr. STAFFORD. Yes; it is simply giving away favors of the Government without any justification at all. It is giving these men a nice retirement pay.

I do not wish to say anything further. It is a bill that will haunt us if we pass it, and it is merely throwing money away.

Mr. PATTERSON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. PATTERSON. If we continue enacting legislation like this and keep going a little further and further along, where are we going to end?

Mr. STAFFORD. Why, there will be a political revolution in the country. If we are going to keep on paying everybody who wants a little honorarium from the hands of the Government, it will inevitably lead to general protest.

I reserve the balance of my time, Mr. Chairman.

Mr. BRITTEN. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. CLARK].

Mr. CLARK of Maryland. Mr. Chairman and members of the committee, this bill presents a situation which probably has not been presented to the House before in connection with any bill.

In 1898, there was enacted a bill providing, I think, for the appointment of 25 assistant surgeons of the Navy. These men had a specific duty to perform. In Baltimore the work required the entire time of the assistant surgeon of the Navy attached to that place.

At the present time there are only two of these assistant surgeons serving the Government, one in Baltimore and the other in Boston. The others have died or long since gone out of service and are otherwise employed.

The Government wants to discontinue this office. These two men are in the service in this capacity, and they are both old men. They are not applying for this legislation. They are willing to go on in the service, but the Government wants to discontinue the office, and if discontinued it will cost the Government, under this retirement legislation, $4,950 a year. At the present time this service is costing the Government, I believe, about $12,000.

Mr. LINTHICUM. About $11,000 a year.

Mr. CLARK of Maryland. If you want to vote down this bill it simply means one of two things. The Government will have to force these men out of their positions at their age and say, "Go on and make your living any way you please; you are dismissed, and we have no further use for your services"; or the Government can retire them, as it has retired other officers of the Army, Navy, and Marine Corps.

Mr. TABER. Will the gentleman yield?

Mr. CLARK of Maryland. Yes.

Mr. TABER. If these men are taken out of the service, they will have to have other physicians to take their places and do this work?

Mr. CLARK of Maryland. No; the work is to be done by others in the service, but not as assistant surgeons.

Mr. TABER. Not as assistant surgeons, but as surgeons.

Mr. CLARK of Maryland. Well, they are already in the service of the Government, and the Government is paying them now.

Mr. TABER. That will mean giving them an excuse for asking for more surgeons.

Mr. CLARK of Maryland. It will not mean any additional cost.

Mr. TABER. Oh, yes; absolutely.

Mr. CLARK of Maryland. I understand not.

Mr. SLOAN. Will the gentleman yield for a question?

Mr. CLARK of Maryland. Yes.

Mr. SLOAN. How old are these surgeons?

Mr. CLARK of Maryland. One of them is 65 and the other is 67. One has been in the service for 18 years and the other for 30 years.

Mr. SLOAN. One further question: When did the gentleman get the notion that a man 65 or 67 is old? I think that is young.

Mr. CLARK of Maryland. The limit for retirement fixed by law is 64, as I understand it. Some of us are young at that age and some of us are very old.

But this is the peculiarity of this situation: Here are two men in this particular service, and the Government wants to discontinue the office; and the Government has to do one of two things—put them out at this age without anything to live on, because they have given all their time to this service and have no private practice, or give them the benefit of retirement.

The case stands on its own facts. There has not been any other case just like it, perhaps, ever presented to the Congress. This legislation will not cost the Government anything. If this meant a charge on the Government of seven or eight or ten or fifteen thousand dollars, it would be different; but the Government would save money by adopting this legislation.

These two men will continue in the service if the Congress wants them to. So the situation is that if you support this bill, the office is discontinued, the work they are doing will be done by those already in the service in other capacities, and the Government will save money. If you defeat the bill, the probable effect will be that these two men will continue in their present service probably until they die.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Chairman, I thought I might have elicited by one or two questions all the necessary information to make conclusive to the committee that this kind of legislation is prejudicial and harmful. I submit that if this bill passes it will establish a dangerous and unjustifiable precedent that will come home to plague Congress in countless instances hereafter. [Applause.]

Here are gentlemen who are civilians in a very large degree, serving the United States Navy it is true, for a compensation that they were glad to get, and I warrant you that if these gentlemen were either to die or resign to-day, if the places were vacant, there would be at least 50 doctors in the city of Baltimore applying for the job. They would apply for it because it is a particularly attractive proposition. They are permitted not only to draw this compensation for their quasi governmental service, but they have the privilege that no ordinary Army or naval surgeon has—to practice medicine on the side. I submit that this is a dangerous suggestion to give men who serve the Government in any of its functions, whether Army, Navy, Marine Corps, State Department, Post Office Department, or anything else—unless his relation to that was fixed whereby the Government had the right to demand and require that he give it his sole and exclusive time and energy—unless that be the case, the proposition to retire men and put them on the pay roll for the rest of their days is dangerous. It establishes a precedent which, as I say, will plague us for all time to come.

Mr. CLAGUE. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. CLAGUE. If you allow this bill to pass would not the same rule apply to all contractual physicians throughout the United States? In the West there are many physicians where part time only is required, the same as these men, with the Indians. They are in exactly the same situation as these men. They carry on a general practice, but receive a certain amount from the Government. They are just as much entitled to retirement as these men.

Mr. McSWAIN. There is no doubt about that, and every Member can think of instances just like it, where they will be coming up and asking a stipend from the Government indefinitely.

Now, gentlemen, I happen to be an inconspicuous member of the Committee on Military Affairs. I do not care what the House does with regard to this bill, but, so far as I am concerned, never with my consent and approval, will that committee bring in any such bill to put a civilian on the pay roll of the Government.

We have got to draw a straight line, and we have got to stand on one side of the line or the other. If we start wiggling and wobbling, merely because it is a pathetic case, one that appeals to our sympathy, because it is our neighbor or friend, there is no telling where we will land. There is danger along that line.

Oh, they say it is nothing, and ask, What is a few thousand dollars to the Government? It is the straw which indicates which way the wind blows. It is the tendency that is manifest here, of taking up favorites and legislating in their behalf.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. LaGUARDIA. The gentleman says the straw indicates which way the wind blows; the gentleman will recall that the other day in a bill coming from another department we prevented an officer being placed on the pay roll. We must be on the alert all of the time to prevent favoritism. The gentlemen will recall the instance where the House voted it out of the bill.

Mr. McSWAIN. I think the instance that the gentleman refers to was the rivers and harbors bill. My objection to that

bill was a matter of jurisdiction of the committee. I did not oppose the provision referred to in that bill on its merits. I said to the chairman of that great committee and to other members of the committee who interviewed me with regard to it that if they would introduce a bill and come before the appropriate committee that has jurisdiction of the Army personnel, they would have a very fair and full consideration of the merits of the bill. Of course, I assume that this Naval Affairs Committee has undoubted jurisdiction of this matter.

Mr. BRITTEN. Of course, there is nothing comparable between the two cases. In the one case to which the gentleman from New York [Mr. LAGUARDIA] refers it was retiring a colonel with the rank of general.

Mr. McSWAIN. It was retiring a brigadier general with the rank of a major general. The principle is the same.

Mr. BRITTEN. It permitted an officer to retire in the next higher grade.

Mr. McSWAIN. That is true.

Mr. BRITTEN. There is nothing comparable between the two cases.

Mr. McSWAIN. I do not see very much in the suggestion, I must say, but the principle involved in the proposition here to take a man merely because he has been working some time for the Government and put him on the pay roll for the rest of his life when no such inducement was made to him—there was no outstanding offer made by the Government by general law that he should have this—is a pure gratuity and unlimited in its nature.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. LINTHICUM. The gentleman is mistaken in saying they served only part time. They served all of the time. Then, the Navy Department says:

> Should the bill S. 1721 be enacted the inclusion of the above proviso is considered desirable by the Navy Department, as medical officers for the purpose for which acting assistant surgeons are now employed may be obtained from the Medical Corps branch of the Naval Reserve, and the services of such acting assistant surgeons as are now provided for by section 21, title 34 of the United States Code, can now be dispensed with.

The Navy Department wants it. They want to get rid of these two gentlemen, and they want to use their own Medical Corps.

Mr. McSWAIN. Where does the gentleman get the opinion that the Navy Department wants to eliminate these two part-time surgeons?

Mr. CLARK of Maryland. From the bill itself.

Mr. McSWAIN. But the Navy Department reports against the bill. The Navy Department says in its report that it considers this legislation inadvisable as I read the report.

Mr. STAFFORD. There is no question about that.

Mr. McSWAIN. The last paragraph in the report of the Navy Department reads as follows:

> In view of the above, the Navy Department recommends against the enactment of the bill S. 1721.

Mr. LINTHICUM. That is what it says there, but by reading the whole report, the gentleman will find they want to get rid of these men so as to use men from the Naval Medical Corps, and the gentleman knows, as I know, that the Navy Department and the War Department do not recommend things, but leave the matter to our discretion.

Mr. McSWAIN. If the Navy Department does not mean what it says, when in that last sentence it is supposed to sum up the whole matter and boil it down to one concrete proposition, then, of course, I will have to admit that we will have to set up a legislative court to construe and interpret for us the language of that department when it reports upon proposed legislation.

Mr. CLARK of Maryland. I think since the department made that statement the bill has been amended by the Senate by abolishing the office. The gentleman will notice that the bill concludes with the proviso that section 41 of title 34 of the United States Code, authorizing the employment of acting assistant surgeons, is hereby repealed. I understand it to be the opinion of the department that if Congress will abolish this office, they have no objection to the retirement of these two men rather than to have them arbitrarily dismissed.

Mr. McSWAIN. Also the gentleman knows that if this bill does not pass, and I think it should not pass, these gentlemen will stay on the pay roll. They want to stay on the pay roll. The mere fact that they are 66 and 67 years of age does not mean that they can not render service. One of the justices of the Supreme Court of the United States is 89 years of age, now going on 90, and he is doing his full share of work, and everything that comes from his pen and brain is of the finest quality and character.

Mr. LAGUARDIA. He is the youngest man on the bench.

Mr. McSWAIN. He is young in spirit and energy, and I understand that not a single petition for a writ of error is considered by the court that does not get his individual attention and receive a longhand memorandum from him as to the merits of the petition. The fact that a man is 66 or 67 years of age means nothing particularly. We have many people in my part of the country who are plowing and doing other manual labor and supporting their children and grandchildren at that age. The idea that these gentlemen must be turned out of office and be supported from the public Treasury the rest of their lives is ridiculous and impracticable.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BRITTEN. I yield to the gentleman from Colorado [Mr. EATON].

Mr. EATON of Colorado. Mr. Chairman, after the meeting of the subcommittee of the Public Lands Committee of the House upon June 12, 1930, the chairman of the subcommittee met with Hon. Edward C. Finney, Solicitor of the Department of the Interior; Hon. Ebert K. Burlew, administrative assistant of the Secretary of the Interior; and Hon. Charles A. Obenchain, supervisor of the General Land Office, to discuss H. R. 12802 and the suggestions which had been made at the meeting.

Mr. Obenchain, in his report of May 27, 1930, to Secretary Wilbur, had recommended reconsideration of the decision of the department of February 28, 1930, and that an opportunity be given the oil-shale claimants to present whatever arguments, either orally or by briefs, they desired.

The representatives of the Department of the Interior announced that with the information disclosed by the hearings upon H. R. 12802, and the additional study given the question, it would be unnecessary to require oil-shale claimants to submit any further arguments or briefs, and that the said decision of February 28, 1930, ought to be immediately reconsidered.

The following paragraph was submitted by them for consideration in lieu of the language in H. R. 12802:

> *Provided*, That as to lands valuable for oil shale the default in making the annual expenditure of $100 in labor or improvements, as required by section 28, title 30, United States Code (R. S. 2324), shall not be subject to challenge by the United States after patent application has been filed and publication of notice thereof completed: *Provided*, That the mining laws in all other respects have been complied with.

Thereafter, the following letter was received from Hon. E. K. Burlew, administrative assistant to the Secretary of the Interior, inclosing a new decision of Secretary of the Interior Ray Lyman Wilbur:

> UNITED STATES DEPARTMENT OF THE INTERIOR,
> ADMINISTRATIVE ASSISTANT TO THE SECRETARY,
> *Washington, June 17, 1930.*
>
> Hon. WILLIAM R. EATON,
> *House of Representatives.*
>
> MY DEAR MR. EATON: By direction of the Secretary, I am inclosing herewith copy of a decision which he has signed reversing the instructions of February 28, 1930, affecting the granting of applications for patent in oil-shale claims.
>
> Very truly yours,
>
> E. K. BURLEW,
> *Administrative Assistant.*
>
> Inclosure.
>
> ---
>
> THE SECRETARY OF THE INTERIOR,
> *Washington, June 17, 1930.*
>
> M. 25761.
>
> The COMMISSIONER OF THE GENERAL LAND OFFICE.
>
> MY DEAR MR. COMMISSIONER: In the instructions to you of February 28, 1930, in the case of mineral entry Denver 041649, it was held that default in performance of assessment work on an oil-shale placer, for the period immediately preceding the date application for patent was filed, rendered the claim subject to challenge by the United States, because of such default, at any time prior to the issuance of patent. This conclusion was reached from a consideration of the decision of the Supreme Court of the United States in the case of Wilbur *v.* Krushnic (280 U. S. 506).
>
> This decision was the subject of a conference with the Public Lands Committee of the House recently, and it was subsequently agreed that the decision would be reconsidered by the department.
>
> The court in its decision, supra, stated that a claim initiated under section 2324, Revised Statutes, could be maintained by the performance of annual assessment work of the value of $100; that after failure to do assessment work the owner equally maintained his claim within the meaning of the leasing act by a resumption of work, unless at least

some form of challenge on behalf of the United States to the valid existence of the claim has intervened.

The court clearly indicated that the challenge must be made at a time when the claim was not being maintained. In the case under consideration application for patent was filed April 22, 1929, and publication of notice of the patent proceedings was completed June 26, 1929. Patent expenditures to the value of $500 on each claim are shown to have been made. Final certificate was issued June 28, 1929. No charges were filed against this claim as to default in assessment work until January 21, 1930, when it was alleged that the assessment work for the year ending July 1, 1928, had not been done and that the work had not been since resumed.

The court clearly indicated in its decision that the Government was in the same position as an adverse claimant under section 2325, Revised Statutes, in so far as challenging a default in assessment work is concerned. Said section provides:

"If no adverse claim shall have been filed with the register and the receiver of the proper land office at the expiration of the 60 days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of $5 per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter."

If no third party could challenge such a claim after the period of publication, the Government may not do so, because it stands in no better position under the law and the decision than do third parties mentioned in such section, and therefore can not challenge the claim for default in assessment work after publication has been completed. In other words, where, as in this case, patent proceedings have been instituted and the requisite expenditure has been made, the applicant has shown compliance with the law in maintaining the claim, no challenge can at this late date be made against the claimants because of failure to perform annual labor. Such challenge must be at a time when under the law adverse claimants could assert their rights.

It is clear to my mind that the United States, in order to make a lawful challenge to the validity of an oil-shale claim for failure to do the annual assessment work in any patent proceedings, must do so at a time when there is an actual default and no resumption of work, and prior to the time the patent proceedings, including the publication of notice, have been completed.

In view of these findings, the instructions of February 28, 1930, to you in this case are hereby vacated, and adjudication of these claims will follow the views herein expressed.

Very truly yours,

RAY LYMAN WILBUR.

You will notice that while this new rule covers in part the subject matter of H. R. 12802, it does not go as far as H. R. 3754 or your chairman's suggestion at the hearings upon April 4, 1930, that a bill authorizing the Secretary of the Interior to give patents to those to whom final certificates had been issued would meet the situation, stop a part of the litigation, and stop most of the tremendous expenses.

Thus, instead of the Secretary promulgating a rule as such, the Secretary rendered a new decision stating that the subject matter was considered at a conference with the Public Lands Committee of the House, and now expressly recognizes that upon all applications for patent for oil-shale claims in which the period of publication has been completed, the Government was and is in no better position to challenge claims on account of default in assessment work than any other third parties recognized under section 2324 of the Revised Statutes, and stated:

> No challenge can, at this late date, be made against the claimants because of failure to perform annual labor. Such challenge must be at the time when under the law adverse claimants can assert their rights.

This committee will remember that some of its members have questioned the right of the Government to at any time challenge oil-shale claims which were lawfully in existence on the 1st day of February, 1920, on account of any failure to do assessment work.

Please notice that the Secretary's new decision is limited to claims upon which applications for patent are pending, and the period of publication completed.

It is recognized that no relief whatever is given by the decision of June 17, 1930, to any of the other claims upon which the Government is now posting notices by crews of men called from other land offices to work out of the Denver and Salt Lake City land offices.

May I direct your attention, also, to the fact that the conclusion of the Secretary of the Interior is based upon a position that is declared to be unsound by recent witnesses before this committee who contend that the Government can not be interested in assessment work as an adverse claimant; that this position is contrary to the mining act of 1872, as construed for over 50 years by the courts and the Interior Department, and is also expressly contrary to general mining regulations 55 of the Interior Department, and the Krushnic decision.

It is understood that the Utah and Colorado oil-shale claimants, and their attorneys, consider that the emergency caused by this posting of notices has in no wise been met; but on the contrary, the decision clearly shows the intention of the department to continue in its "claim jumping" in disregard of all established law and precedence, under which a number of claimants have expended large sums of money in good faith; and that the decision is a reaffirmation of all that the shale claimants have been protesting against, except as to a very limited number of claims.

The information disclosed at the various meetings and confirmed by the Secretary of the Interior and the Obenchain report, discloses an almost unbelievable congestion in the pending oil-shale patent cases in the land office.

The Obenchain report shows that instead of attending to applications for patent, abstracts covering approximately 3,500 oil-shale claims have been made from the county records, leaving 500 out of the possible 4,000 in Utah to be completed. Apparently no abstracts have been made in Colorado; 1,000 cases require investigation and the total number in Colorado will probably exceed 4,000.

The clerical work involved is left to the imagination, but the question asked why the departmental officials who have made these reports have not been used in investigating and determining some phase of a pending patent case, so as to permit that case to reach a final conclusion, is a question which, when asked, is answered by statements of policies of administration.

It needs no stretch of the imagination to understand what interference has been made in the department's own work in States other than Colorado and Utah when it is noted that mineral examiners have been transferred from the field divisions at Santa Fe, San Francisco, and Portland, and surveyors and transitmen have been drawn from the surveying service, composing 15 parties of men, to participate in the posting campaign and work of examinations. The Obenchain report does not indicate that this work is intended in any manner to expedite the hearing and determining of any pending application for patent.

It is noted that while there are now only seven applications for patent pending in the Salt Lake district, the committee's information is that there must be almost 100 applications for patent still pending and undecided in Colorado, of which the Obenchain report states there are 30 ready for hearing and 39 in which interlocutory motions are undisposed of. The Obenchain report admits that the delays "have not been entirely unavoidable," but states that action has not been delayed by field work on locations in Colorado, for all such cases have been investigated in the field and report submitted. In other words, they are ready for determination.

The text of the report indicates that it will take a number of years to try the cases because the Government has only one regular hearings officer, and a suggestion is made for an additional hearings officer to expedite the work.

It is significant that the Secretary of the Interior finds that there are no charges of fraud pending. If the Secretary's discussion of bona fides of locators indicates a possible charge of fraud, the analysis furnished us shows that in only 22 cases has this question been raised; it is, therefore, proper to assume that the suspicious circumstances have been investigated, and if there had been any chance whatsoever to file a charge of fraud against anyone, it would have been filed long ere this.

It is also proper to remind the committee that if, in fact, fraud has been practiced upon the Government in the obtaining of title to any oil-shale lands, the Government does not, by issuing patent, lose its right to recover the land and cancel the patent in a proper court action.

Mr. Obenchain says:

> Outside of the question as to the validity of the locations, I believe that, as far as possible, any doubt as to the other features of the case should be resolved in their favor.

I therefore suggest that a bill be drafted and introduced directing the Secretary of the Interior to forthwith issue patents to every applicant for patents upon oil-shale lands upon which no fraud has been charged, upon whose application for patent the period of publication has been completed, the patent work sufficient or made sufficient, and upon payment to the United States of all moneys due thereon. This will clear up the congestion in the Land Office which has become practically insurmountable. The Secretary having advised this committee that there are no charges of fraud against any of these applications, and the supervisor having recommended that other features of these cases should be resolved in favor of the applicants, it

therefore conclusively follows that all controversies in the pending cases have been caused by the application of a technical construction of the mining law and departmental rules made since the passage of the mining act of February 25, 1920, which may properly be the subject of a remedial statute.

The doing of the patent work and the paying of all costs and expenses incident to patent proceedings indicate the best of faith on the part of the applicants for patent. The purchase money has already been paid to the Government in practically every case.

Such a disposition of the pending oil-shale applications for patent will result in the transfer to private ownership of a very small percentage of the classified oil lands of the United States (6⅔ per cent, including lands already patented), and the congestion of the Land Office being removed and all those cases disposed of, there will then be an opportunity to give new applicants for patent, and other claimants for departmental attention, more prompt consideration in Washington and attention to work in the field.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen of the committee, it seems to me that the conclusion of the argument given by the Acting Secretary of the Navy is conclusive. The proposed legislation is individual in character. It would appear that the beneficiaries are acting assistant surgeons.

Mr. CLARK of Maryland. Mr. Chairman, will the gentleman yield right there?

Mr. SUMMERS of Washington. In a moment. The Acting Secretary of the Navy says:

> In its effect the proposed legislation is individual in character. It would appear that acting assistant surgeons are carried on the naval rolls in a status somewhat similar to contract surgeons of the Army, for whom no retirement privileges are accorded by law. An acting assistant surgeon contracts for shore duty only, and he is usually assigned to duty in the city of his residence, where he may follow a gainful pursuit outside his naval duties. He remains in that locality indefinitely, and is thereby exempt from the hazards and hardships peculiar to military service, which furnish the grounds for enacting pension and retirement legislation. The Navy Department of course, however, recognizes the humanitarian reasons behind the purpose of this proposed legislation.
>
> The bill S. 1721, if enacted, would involve a cost to the Government for each year of $2,700 for Doctor Payne; $2,250 for Doctor Townsend; and, if included, $2,520 for Doctor Michels; a total of $7,470 a year.
>
> In view of the above, the Navy Department recommends against the enactment of the bill S. 1721.

I do not see how anything could be plainer or more conclusive as to the attitude of the Navy than this. These men have not incurred the hazards of war or the inconvenience of being taken away from their practice or their families, or anything of that kind, upon which pensions or gratuities are granted. They remain at home and continue their business. They do not come in the same class as others who are given retirement pay.

Mr. CLARK of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. CLARK of Maryland. Does the gentleman observe the language used by the department here? The duty of these men is somewhat similar to that of contract surgeons in the Army.

Mr. SUMMERS of Washington. Yes.

Mr. CLARK of Maryland. Now, an assistant surgeon of the Navy is never designated as a contract surgeon. These men, remaining in the service, one in Baltimore and one in Boston, have given all their time to this work.

Mr. STAFFORD. They have not given all their time to it.

Mr. CLARK of Maryland. All their time has been required.

Mr. STAFFORD. The report says they have carried on their vocation.

Mr. CLARK of Maryland. There is not anything in this report to indicate that these men are part-time men, or contract surgeons. There was apparently nothing in the law on that question. It appears that the contract surgeons are carried on the roll similar to contract surgeons in the Army——

Mr. STAFFORD. Showing that they are only part-time men.

Mr. SUMMERS of Washington. In the next sentence it is stated:

> An acting assistant surgeon contracts for shore duty only, and he is usually assigned to duty in the city of his residence, where he may follow a gainful pursuit outside his naval duties. He remains in that locality indefinitely and is thereby exempt from the hazards and hardships peculiar to military service.

They are not deprived of their home and they have no hazards, and the Secretary of the Navy sees no reason why they should be placed on retirement.

I think we are going very far afield when we take up cases of this kind and go over the recommendation of the Secretary and place them on the retired list. [Applause.]

The CHAIRMAN. If no further time is desired, the Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

> *Be it enacted, etc.,* That acting assistant surgeons of the United States Navy who, on the date of the passage of this act, have reached the age of 64 years shall be placed on the retired list of the Navy with pay at the rate of three-fourths of their active-duty pay.

With a committee amendment as follows:

> "*Provided,* That section 21, title 34, of the United States Code, authorizing the appointment of acting assistant surgeons, is hereby repealed."

Mr. TABER. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise and report the bill back to the House with a recommendation that the enacting words be stricken out. There is five minutes' debate on either side on that motion.

Mr. TABER. Mr. Chairman, I am not going to take five minutes. I am just going to call the attention of the committee to this situation: Here are two men who have been employed on part time, in positions analogous to contract surgeons, for several years by the Navy Department, with no understanding in the law that they were eligible for retirement and no provision of law that they are eligible for retirement.

There has been brought in here a private bill practically providing for the retirement of these men. There is absolutely nothing to show that these men can not continue to perform their duties. It is nonsense to say that they would be carried along in these duties unless there are duties to be performed that would require some one else to do the work if they are taken away. Therefore, it will require a substitute. It will require the assignment of another surgeon or the detail of another man for service in the Navy. Would it not be ridiculous under the circumstances to pass a bill to place them on the retired list of the Navy? I think the proper thing to do is to strike out the enacting clause and put an end to it. [Applause.]

Mr. LINTHICUM. Mr. Chairman, I ask for recognition in opposition to the motion.

Ladies and gentlemen of the committee, the motion of the gentleman from New York is manifestly unfair in this case. One of these men has served the Government for more than 18 years. During the war he was transferred to the reserve force of the United States Navy. The other man has served for 30 years. They have now reached the ages of 65 and 67 years, and are in the service of the Government. They have given up all of their private practice to attend to this work. They have attended to the work diligently. They have performed their duties well, and now comes a time when the Navy Department desires to name men from the Naval Medical Corps to fill these positions. This will save the Government $7,170 per year, and the matter will be entirely within the hands of the Navy Department, and young men of the Naval Medical Corps can be placed in the work now performed by these acting assistant surgeons.

It has been intimated the Navy does not want this bill passed. Members of the various committees know that the departments do not always say they want a bill passed, but they will give sufficient information in the report to show that the bill should be passed.

Mr. TABER. Will the gentleman yield?

Mr. LINTHICUM. I will not yield at this time, as much as I would like to. I may yield later, but my time is limited.

When this bill was sent to the Navy Department they made a report and at the same time they prepared a bill. In that bill they provided for the repeal of this law. Then they said, "Provided that section 21, title 34, of the United States Code, authorizing the appointment of acting assistant surgeons, is hereby repealed," and they say that the retirement of the officers named can be effected by changing the wording in this way. That is what the Navy Department has reported.

Then further they say, "This would be a humanitarian bill." In other words, these men should not be dropped from the service without some provision. We should not put younger men in their places without making some provision for them. Any Member who reads the letter of the Navy Department will understand distinctly that while the Navy can not commit itself

to this bill, yet it says between the lines that they desire the bill passed. They want to do away with acting surgeons and they want to put men in there who are now in the Medical Corps. They can not say this in definite language, but that is shown in every line of this letter from the Navy Department.

Mr. TABER. It is evident——

Mr. LINTHICUM. I do not yield to the gentleman. I must say I think the gentleman is unfair in moving to strike out the enacting clause. The matter should come squarely before the House.

Mr. TABER. My motion brings it squarely before the committee.

Mr. McSWAIN. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. McSWAIN. The question I wish to ask my distinguished friend is why is it the Navy Department, being free, can not say what it means?

Mr. LINTHICUM. That is what I do not know; but I do know that in many cases they report that, while a case appears to be meritorious, they can not recommend it. If you ask for a report on paying six months' pay in the interim between the passage of the law and its repeal, they will say, "We can not recommend it, but it seems meritorious." Here they say, "We can not recommend it, but it seems humanitarian; and, if you pass it, then we will appoint young men from the Naval Medical Corps and will save ourselves $7,000."

The CHAIRMAN. The time of the gentleman from Maryland has expired.

The question is on agreeing to the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LINTHICUM and Mr. WOODRUFF) there were—ayes 62, noes 42.

So the motion was agreed to.

Mr. LaGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LaGUARDIA. The motion of the gentleman from New York was to strike out the enacting clause and the bill goes back to the Committee on Naval Affairs?

The CHAIRMAN. The action of the Committee of the Whole House must be reported to the House. The motion involved the matter of the committee rising.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 1721) directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years, had directed him to report the same back to the House with the recommendation that the enacting words be stricken out.

Mr. TABER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the recommendation of the Committee of the Whole House on the state of the Union that the enacting words be stricken out.

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 83, noes 45.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 223, nays 89, not voting 116, as follows:

[Roll No. 75]

YEAS—223

Ackerman	Canfield	Doughton	Green
Adkins	Cannon	Dowell	Greenwood
Allen	Carter, Calif.	Doxey	Gregory
Allgood	Cartwright	Driver	Griffin
Almon	Chindblom	Dunbar	Guyer
Andresen	Christgau	Eaton, Colo.	Hadley
Arentz	Christopherson	Elliott	Hall, Ill.
Arnold	Clague	Ellis	Hall, Ind.
Ayres	Clark, N. C.	Englebright	Hall, Miss.
Bacharach	Clarke, N. Y.	Eslick	Halsey
Bachmann	Cochran, Pa.	Estep	Hammer
Bacon	Cole	Esterly	Hare
Barbour	Collins	Evans, Calif.	Hartley
Beers	Colton	Fenn	Hastings
Bell	Connolly	Fitzgerald	Haugen
Blackburn	Cooper, Tenn.	Fort	Hickey
Bolton	Cox	Foss	Hill, Wash.
Bowman	Craddock	French	Hoch
Box	Crail	Fulmer	Hogg
Brand, Ga.	Cramton	Garber, Okla.	Holaday
Briggs	Cross	Garber, Va.	Hope
Browning	Crosser	Garner	Hopkins
Buckbee	Culkin	Garrett	Howard
Butler	Dallinger	Gasque	Huddleston
Cable	Denison	Glover	Hudson
Campbell, Iowa	Dominick	Goodwin	Irwin
Jeffers	Manlove	Reed, N. Y.	Summers, Wash.
Jenkins	Martin	Reid, Ill.	Sumners, Tex.
Johnson, Okla.	Michener	Robinson	Swanson
Johnson, Tex.	Miller	Rogers	Swick
Johnson, Wash.	Milligan	Rowbottom	Swing
Jones, Tex.	Mooney	Rutherford	Taber
Kahn	Moore, Ky.	Sanders, N. Y.	Tarver
Kendall, Ky.	Moore, Ohio	Sanders, Tex.	Taylor, Tenn.
Kerr	Morehead	Sandlin	Thatcher
Kincheloe	Nelson, Me.	Schafer, Wis.	Thompson
Kinzer	Nelson, Mo.	Schneider	Thurston
Knutson	Newhall	Sears	Tilson
Kopp	Niedringhaus	Shaffer, Va.	Tinkham
Kurtz	Nolan	Short, Mo.	Underwood
Kvale	O'Connor, Okla.	Shott, W. Va.	Wainwright
LaGuardia	Oldfield	Shreve	Warren
Lambertson	Oliver, Ala.	Simmons	Wason
Lanham	Palmer	Sloan	Watres
Lankford, Ga.	Parker	Smith, Idaho	Welch, Calif.
Lea	Patman	Snell	Whitley
Leavitt	Patterson	Snow	Whittington
Lehlbach	Pittenger	Sparks	Wigglesworth
Letts	Pratt, Harcourt J.	Speaks	Williamson
Lozier	Pritchard	Sproul, Ill	Wilson
McCormick, Ill.	Quin	Stafford	Wolfenden
McKeown	Ramey, Frank M.	Stevenson	Wolverton, W. Va.
McLeod	Ramseyer	Stone	Woodrum
McMillan	Ramspeck	Stroug, Kans.	Wright
McSwain	Rankin	Strong, Pa.	Yon
Magrady	Ransley	Sullivan, Pa.	

NAYS—89

Abernethy	Cullen	Hooper	O'Connor, La.
Andrew	Darrow	Houston, Del.	Oliver, N. Y.
Aswell	Davis	Hull, Wis.	Palmisano
Auf der Heide	DeRouen	Kennedy	Perkins
Beedy	Dickstein	Kiess	Prall
Black	Douglass, Mass.	Lampert	Quayle
Bland	Drane	Lankford, Va.	Rainey, Henry T.
Bloom	Drewry	Larsen	Sabath
Boylan	Dyer	Leech	Sirovich
Britten	Edwards	Lindsay	Smith, W. Va.
Browne	Evans, Mont.	Linthicum	Somers, N. Y.
Brunner	Fisher	McClintock, Ohio	Temple
Burdick	Fitzpatrick	McCormack, Mass.	Turpin
Carley	Freeman	McFadden	Vincent, Mich.
Carter, Wyo.	Gambrill	McLaughlin	Vinson, Ga.
Celler	Gavagan	Mansfield	Watson
Chalmers	Gibson	Mapes	Whitehead
Clancy	Goldsborough	Mead	Woodruff
Clark, Md.	Granfield	Montague	Wurzbach
Cochran, Mo.	Hale	Moore, Va.	Wyant
Connery	Hancock	Morgan	
Coyle	Hess	Norton	
Crisp	Hill, Ala.	O'Connell	

NOT VOTING—116

Aldrich	Eaton, N. J.	Kendall, Pa.	Reece
Baird	Finley	Ketcham	Romjue
Bankhead	Fish	Kiefner	Seger
Beck	Frear	Korell	Seiberling
Blanton	Free	Kunz	Selvig
Bohn	Fuller	Langley	Simms
Brand, Ohio	Gifford	Luce	Sinclair
Brigham	Golder	Ludlow	Spearing
Brumm	Graham	McClintick, Okla.	Sproul, Kans.
Buchanan	Hall, N. Dak.	McDuffie	Stalker
Burtness	Hardy	McReynolds	Steagall
Busby	Hawley	Maas	Stedman
Byrns	Hoffman	Menges	Stobbs
Campbell, Pa.	Hudspeth	Merritt	Sullivan, N. Y.
Chase	Hull, Morton D.	Michaelson	Taylor, Colo.
Collier	Hull, William E.	Montet	Timberlake
Cooke	Hull, Tenn.	Mouser	Treadway
Cooper, Ohio	Igoe	Murphy	Tucker
Cooper, Wis.	James	Nelson, Wis.	Underhill
Corning	Johnson, Ill.	O'Connor, N. Y.	Vestal
Crowther	Johnson, Ind.	Owen	Walker
Curry	Johnson, Nebr.	Parks	Welsh, Pa.
Davenport	Johnson, S. Dak.	Peavey	White
Dempsey	Johnston, Mo.	Porter	Williams
De Priest	Jonas, N. C.	Pou	Wingo
Dickinson	Kading	Pratt, Ruth	Wolverton, N. J.
Douglas, Ariz.	Kearns	Purnell	Wood
Doutrich	Kelly	Ragon	Yates
Doyle	Kemp	Rayburn	Zihlman

So the recommendation of the committee was agreed to.

The Clerk announced the following pairs until further notice:

Mr. Purnell with Mr. Bankhead.
Mr. Free with Mr. Tucker.
Mr. Kendall of Pennsylvania with Mr. Byrns.
Mr. Brigham with Mr. Corning.
Mr. Luce with Mr. Blanton.
Mr. Murphy with Mr. Wingo.
Mr. Crowther with Mr. Pou.
Mr. Graham with Mr. Buchanan.
Mr. Treadway with Mr. Collier.
Mr. Hawley with Mr. Hull of Tennessee.
Mr. Vestal with Mr. Rayburn.
Mr. Johnson of Indiana with Mr. Sullivan of New York.
Mr. Wood with Mr. Busby.
Mr. Golder with Mr. Steagall.
Mr. Sinclair with Mr. Taylor of Colorado.
Mr. Welsh of Pennsylvania with Mr. McDuffie.
Mr. Cooper of Ohio with Mrs. Owen.
Mr. Michaelson with Mr. Romjou.
Mr. Brumm with Mr. Ludlow.
Mr. Kiefner with Mr. Douglas of Arizona.
Mr. Beck with Mr. Williams.
Mr. Ketcham with Mr. Fuller.
Mr. Menges with Mr. Kemp.
Mr. Aldrich with Mr. Montet.
Mrs. Langley with Mr. Ragon.

Mr. Davenport with Mr. O'Connor of New York.
Mr. Seger with Mr. Spearing.
Mr. Johnson of South Dakota with Mr. Hudspeth.
Mr. Johnston of Missouri with Mr. Parks.
Mr. Merritt with Mr. McClintic of Oklahoma.
Mr. Baird with Mr. Igoe.
Mr. Chase with Mr. Stedman.
Mr. Frear with Mr. Kunz.
Mr. Gifford with Mr. Doyle.
Mr. Seiberling with Mr. McReynolds.

The result of the vote was announced as above recorded.

The SPEAKER. Without objection, the Clerk will inform the Senate of the action of the House.

There was no objection.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules for printing under the rule.

The Clerk read as follows:

House Resolution 271

Resolved, That it shall be in order, beginning on Thursday, June 26, 1930, until the end of the present session of Congress, for the Speaker to recognize Members for motions to suspend the rules.

The SPEAKER. Referred to the House Calendar and ordered printed.

Mr. HOLADAY. Will the gentleman from New York yield?

Mr. SNELL. I shall be glad to yield.

Mr. HOLADAY. Could the gentleman give us some information as to what the program for to-morrow is?

Mr. SNELL. I will say in reply to the question that it is expected to take up this resolution immediately after the disposition of business on the Speaker's table. Then it is expected that the veto message will be here very shortly after 12 o'clock, and as soon as that has been passed upon we want to be in a position to have the Speaker recognize the gentleman from South Dakota [Mr. JOHNSON] to suspend the rules and pass some veterans' legislation.

The SPEAKER. The Chair will state that he is informed the President's veto message will arrive shortly after noon to-morrow. It will be taken up immediately after the passage of the rule just brought in by the gentleman from New York and at the conclusion of the vote, which will sustain the President's veto [applause], the Chair will immediately recognize the gentleman from South Dakota [Mr. JOHNSON] to suspend the rules and pass a veterans' relief measure. [Applause.]

CONSENT CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that it may be in order for the remainder of to-day's session to consider bills on the Consent Calendar, beginning where the call last left off.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it may be in order to consider bills on the Consent Calendar for the remainder of to-day, beginning where the call last left off. Is there objection?

Mr. GREEN. Mr. Speaker, reserving the right to object, is it the purpose to bring up any suspensions this afternoon?

Mr. TILSON. No; there will be no authority to bring them up.

Mr. BRIGGS. Reserving the right to object, is it the purpose of the leaders to give the House an opportunity to vote on the Couzens resolution before adjournment.

Mr. TILSON. I can not tell the gentleman. There are many things to consider, and there is certainly no disposition to prevent the consideration of any bill.

Mr. BRIGGS. But the Couzens resolution was what I was inquiring about.

Mr. TILSON. I do not know the parliamentary situation with reference to that resolution.

Mr. O'CONNOR of Louisiana. That is a very illuminating reply.

Mr. McMILLAN. Mr. Speaker, reserving the right to object, I would like to say to the gentleman from Connecticut that I would like to have about 10 minutes, and I wish that could be arranged while gentlemen who watch the Consent Calendar are preparing their bills.

Mr. TILSON. I certainly shall not object, and I hope that no one else will.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Kelly-Capper bill, and to include therein certain remarks by Major Namm and Milton Dammann on the same subject.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the Kelly-Capper bill and to include certain remarks by Major Namm and Milton Dammann. Is there objection?

Mr. SNELL. I have no objection to the gentleman's own remarks but I will not give unanimous consent to the extension of remarks made by gentlemen outside of the House.

Mr. CELLER. Mr. Speaker, I withdraw my request.

INLAND WATERWAYS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on inland waterways.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, a transportation system is the foundation, if not the mud sills, on which rests the civilization of every country on the face of the globe. This is not only true of to-day but has been the fact through all the centuries that have flown into eternity since man first opened his eyes on this earth. Rome's glory and grandeur was as much due to her highways and triremes as to her conquering legions. The Appian Way was a greater factor in her world dominance than the orations of Cicero or the exploits of Cæsar.

The strength, the economic strength of the Netherlands, France, Germany, and Belgium are due to their wonderfully developed waterways. If you will find why Belgium can deliver cement to our north Atlantic coast so cheaply go to the hearings on that subject before the Ways and Means Committee and find that it is due to the canals of that magnificently operated hive of industry. In the rapidity of the march of the American people from the Atlantic to the Pacific and from the far North to the Gulf of Mexico razing forests, trampling the wilderness under foot, building homes, farms, villages, hamlets, towns, and cities that now dot the landscape they had not the time to think out, plan, and construct a comprehensive waterway system, which ought to be the greatest asset the United States ever possessed. But we are now beginning to concentrate on the subject, and from that concentration will undoubtedly spring, develop, and expand an inland waterway system that will keep us in the vanguard of power and industrial greatness for centuries to come. Up to this time our rivers and harbors and inland navigable streams have been improved in such an unscientific manner that they were an almost negligible factor in our transportation need.

Vast sums were spent in such an illogical manner upon our waterways as to bring about the most savage criticism which in itself for a time prevented any sincere effort to utilize for beneficial purposes the great streams of the United States. Happily that day is past, and we are again looking to the rising sun of hope. We are beginning to develop our great rivers and their tributaries along engineering and waterway lines that will make for the glory that was of Greece and the grandeur that was of Rome. There must come within the next decade a renaissance, a revival of commerce upon our rivers that will pale into insignificance the argosies carried by the barges on the Nile in the day of its opulence and when it held spellbound the admiration of the commercial thought of the time. The development of the Mississippi Valley through the use of the great waterways that penetrate every part of the great hollow that lies between the Alleghenies and the Rockies means numberless cities lighted by power from the "white coal" that will flow by their doors—power that will develop farms and illuminate homes, power that will operate factories and set in motion a million wheels that will produce unimaginable wealth from that which to-day, uncontrolled and unused, is a liability. Madly to the Gulf the unharnessed waters run, inundating the land in flood time, the worst liability and the most hideous curse from which any country could suffer.

Unimaginable wealth will flow from the mighty streams when harnessed and made to produce from the power generated by them products that will not only serve the millions that reside in the valley, but which will be exported over the seven seas by the ships that will diverge from New Orleans to all parts of the earth after their precious cargoes have been brought to the great metropolis by the rivers and the great railroads which will converge there. Nothing can happen until the appropriate time comes for it to happen. Engineering science, busy in other directions, slumbered in so far as hydraulics were concerned. The world that was rushing by has awakened to the necessities of the hour and its magic hands of invention and discovery are now clearing the way for the wonders that are to come. From the Hydraulic Laboratory much will come in the way of information that will make for the success of flood control, the

development of inland waterways, the use for power purposes of the streams that are now a liability and the creation and expansion of new canals that may run from St. Louis to the Gulf and be fed by the mighty Mississippi and its tributaries. The wonderful inventions of to-day may be to the discoveries that will come from the advancement of engineering science and hydraulics what the tallow dip is to the blazing searchlight.

I have been singularly fortunate all my life in making the acquaintance from time to time of men who might be justly regarded as the music makers of their times and the dreamers of those dreams that have come true. Particularly has this been so since I became a Member of Congress more than 10 years ago. Men of light and leading have been my friends, and their conversations I have enjoyed on many occasions, because those conversations opened my eyes to the glories that are to come. The United States, the land that we love, is yet at the sunrise of its power. To hold the masterful position which it has achieved we must coordinate our railroads, waterways, highways, and airways.

We must encourage our neighbors in Mexico and Central and South Americas to construct the great Pan American highway along the sides of which will spring up unimaginable wealth. It has been frequently said that if there were in existence prior to 1861 railroads running north and south there would have been no Civil War. The Pan American highway will not only be a great artery of commerce but will do more to cement the friendly relations of the peoples of the western continent than all the orations about good will that could be made from now to doomsday.

Let me take you into the banquet hall so that you may secure some of the information I have been able to pick up in a large and opulent way from the many Plato feasts to which I have been invited by illustrious friends who in the night of darkness in the valley saw through the thick gloom the glittering and star-studded sky that lies beyond and with the inner eye of prophets the dazzling glory of the morn that was to come.

INLAND WATERWAY TRANSPORTATION IN MISSISSIPPI VALLEY

The development of our Mississippi River transportation system is one of the most beneficial economic moves sponsored by Congress. Due to the many changes in transportation and in the general rate situation that have occurred since the opening of the Panama Canal and since the conclusion of the World War, our mid-West has been faced with a peculiar set of circumstances. This great productive valley of the Mississippi River, from Chicago and Minneapolis to New Orleans and our Gulf territory—the tributary aren to this Mississippi River project—has been faced with a considerably distorted economic situation.

Much of the agricultural distress and insistent demands for remedial legislation have sprung from the economic situation which gradually came upon us. To a very large extent transportation changes have caused the distortion in ability to compete in world markets that is found when we compare the Atlantic coast with the interior of our country.

Increases in railway rates, we find from the Department of Commerce bulletin, Great Lakes to Ocean Waterways, forced the mid-West farmer to pay from 6 to 12 cents more per bushel to reach the world markets than before the war. On the other hand, the foreign farmers, producing at a lower cost, are located close to the seaboard and do not have to pay high transportation charges. Ocean shipping rates, as we all know, are substantially at the pre-war levels, or lower, at the present time. This transportation differential, operating against our manufacturers and especially against our producers and users of agricultural and raw commodities, is unquestionably one of the most important causes of the hardships our Middle West territory has had to bear during the past few years. While the east coast and the west coast of the United States have been moved closer together by 224 cents per ton on a staple commodity, the central western part of our country, using Chicago as an example, has been placed about 336 cents farther away from Pacific regions. These facts show us that a handicap has been placed upon the outbound products of the Middle West, as well as upon the inbound products of this great productive territory, adding greatly to the cost of inbound supplies and detracting to a great extent from the ability of our Middle West producers and agriculturalists to supply their goods in competitive world markets.

This great Mississippi River system, for which we are now passing additional legislation, offers a fair measure of relief for these conditions. Transportation has tended to bring about our present economic distortion in this territory, and the proposed waterway development which we are now undertaking will have a most beneficial economic effect and tend largely to restore the former satisfactory economic balance. Our railway rates can not be reduced without impairing disastrously the usefulness of our railway carriers, which will always remain the burden carriers of our commerce. On the other hand, we would never think of closing the Panama Canal.

The good it has brought far overshadows what economic distortion has come along with it. The development of our interior streams and rivers, which permits a wider area for the marketing of our products through cheaper transportation, and which gives us an opportunity to bring in the necessary supplies which we buy at lower costs, affords a large measure of relief and will greatly benefit in a most practical economic way our mid-western and Gulf territory.

We may well expect, then, to see, as the Great Lakes to Gulf waterway is completed, a large increase of agricultural and industrial commodities moving from the agricultural and manufacturing districts to New Orleans or other Gulf ports, destined for world trade as well as an enormous increase along the banks of the rivers and streams themselves. We may well anticipate with economic certainty that the cost of the raw products which we use in our industries will be greatly lessened and increased manufacture by American labor will be a result.

We may expect, further, that not only will our ability to compete in the present markets of the world and our present domestic markets be given a wider opportunity but also, as a result of these transportation changes that will undoubtedly come about with these waterway improvements, wider fields for the marketing of our products will be made available.

Therefore not only should the farmers expect to reap benefits from our waterway improvements, and not only should the opportunity for trade in our foreign as well as in our domestic markets be stimulated and produced, but also our industrial and manufacturing possibilities will be greatly increased and further opportunity for American labor to participate in the production of the supplies needed in world as well as domestic commerce will be greatly enhanced. We may expect further developments along the lines of port and terminal improvements, not only in the major cities along the banks of the Mississippi River system but also of the smaller places which will take their part in this great picture of coordinated transport.

President Hoover, when Secretary of Commerce, expressed the following opinion regarding the possibilities of the Mississippi system of waterways:

If we examine our possibilities in this vision of an enlarged inland waterway system, we find that the rivers of the Mississippi drainage between the Alleghanies and the Great Plains are disposed topographically in such a fashion that by deepening these stream channels we could project a 9,000-mile consolidated system traversing 20 States. There lies within these 9,000 miles two of the great trade routes of our Nation. One of them is an east and west waterway across half the continent from Pittsburgh to Kansas City, along the Allegheny, the Ohio, the Mississippi, and Missouri Rivers.

The other, a great north-and-south waterway across the whole Nation, reaches up the Mississippi from the Gulf dividing into two great branches, one to Chicago and extending thence by the Lakes to Duluth, the other through the upper Mississippi to the Twin Cities. And other great arms of this system can be created up the Missouri, the Tennessee, the Cumberland, and the Arkansas.

Such a system brings within its reach not only 20 States but the great cities of New Orleans, Minneapolis, St. Paul, St. Louis, Chicago, Kansas City, Omaha, Cincinnati, Pittsburgh, Memphis, Chattanooga, Wheeling, Little Rock, and many towns of less size as well as their great agricultural hinterlands.

We have been engaged for many years at work on parts of this system, gradually improving it, deepening it, so as to permit of modern craft. But, unfortunately, we have conceived it as a series of local improvements and to-day it lies in many disconnected segments. Our engineers advise me that given the appropriations, we can within five years complete a depth of 9 feet connecting Chicago and Pittsburgh with New Orleans, that we could coincidentally complete a depth of 6 feet over the rest of the system—much of it to be some day deepened to 9 feet. They advise me that about 2,200 miles have now been improved to 9 feet in depth, and about 1,400 miles have been improved to at least 6 feet in depth. Two-thirds of the job has been done; but in disconnected segments. And segments do not make a transportation system. No railroad ever survived that was built in such fashion. These disconnected projects have perhaps served a purpose in political life, and we may well be grateful for the useful work which has been accomplished. But as transportation systems they might be compared with a great railway which has occasional stretches of narrow-gage tracks. In such a case the volume of goods that could be handled would diminish to the capacity of the weakest link, and the cost of transportation would be enormously increased.

The present administration will insist upon building these waterways as any other transportation system would be built—that is, by extending its ramifications solidly outward from the main trunk lines. Substantial traffic can not be developed upon

a patchwork of disconnected local improvements and intermediate segments. Such patchwork has in past years been responsible for the unwise expenditure of millions of public money.

We must design our policies so as to establish private enterprise in substitution for Government operation of craft upon these waterways. We must continue Government barge lines through the pioneering stages, but we must look forward to private initiative not only as the cheapest method of operation but as the only way to assured and adequate public service.

With the deepening of channels there has been an improvement in craft. Great barges specialized to different types of traffic convey many times the goods of their shallow predecessors. Diesel engines, improved steam appliances, and better loading and discharging devices have all advanced us a long way from the old canal and the packet boat. But the fundamental requirement for use of this equipment is that we shall have sufficient and reliable depths of water to make it possible. Without such depths our rivers are not transportation systems; they are drainage channels.

And all of these forces and inventions have restored our water carriage to the cheapest of all forms of transportation for many types of goods. Nor do we have to rely upon theory and assertion. We have concrete experience upon which we can rely. Those segments of our waterways which have been completed are actually operating at rates no greater than railway rates before the war.

Broadly, if we have back loading, 1,000 bushels of wheat can be transported 1,000 miles on the Great Lakes or on the sea for $20 to $30; it can be done on a modern-equipped Mississippi barge for $60 to $70, and it costs by rail from $150 to $200. These estimates are not based upon hypothetical calculations, but on the actual going freight rates.

Although inland waterway traffic figures are not yet available for 1929, estimates indicate that the year will show a substantial increase over 1928. The latest complete statistics are for 1928. According to the annual report of the Chief of Engineers, United States Army, the year 1928 showed an increase over 1927 in the commerce carried on our rivers, canals, and connecting channels. The figure for 1928 was 227,300,000 tons, as compared with 219,000,000 tons for 1927. (These figures include traffic through St. Marys Falls Canal and the Detroit River.)

The following table shows the steady growth which has been made in inland waterway traffic since 1922:

Commerce on the river, canals, and connecting channels of the United States, calendar years 1922–1928

Year:	Tonnage
1922	111,800,000
1923	153,700,000
1924	173,200,000
1925	204,569,000
1926	217,000,000
1927	219,000,000
1928	227,300,000

An event of considerable importance in the development of inland water transportation during 1929 was the decision of the Interstate Commerce Commission in ex parte 96 (Apr. 20, 1929) providing for the establishment of through routes and joint rates between the Inland Waterways Corporation, operating the Federal Barge Lines, and all connecting common carriers by rail subject to restrictions to prevent unduly circuitous routes. This decision was made on application filed by the Inland Waterways Corporation pursuant to the Denison Act passed by the Congress on May 29, 1928. This decision is hailed as an important step forward in the solution of the joint rail-and-water-rate problem.

Research conducted by the transportation division of the Department of Commerce reveals the fact that the total investment in floating equipment in use on our rivers and canals (excluding the Great Lakes) in the transportation of freight amounts to slightly in excess of $150,000,000. This investment represents approximately 4,500 barges, and 1,300 units of propelling equipment. During 1929 the shipyards of the country constructed 410 barges and 49 units of propelling equipment. During 1928 there were constructed 321 barges and 22 units of propelling equipment. These figures show a steady growth in the building of river equipment.

It is interesting to note in any study of inland waterway transportation the use Germany is making of her inland waterways. We should bear in mind in relating facts pertaining to these waterways that the German people have had generations of experience with this medium of transportation, and according to their own testimony, have been quite successful in their operations. There are many German cities which have become great manufacturing centers because of waterways development. As examples, Duisburg, Mannheim, and Ruhrort may be mentioned. Germany's industrial ascendance has been closely linked by many authorities with the extension of its waterways and the low freight charges thus afforded. The German Government, although then owner of the railroads, spent hundreds of millions of dollars on the development of its waterways.

The mileage of waterways in Germany, including canals, amounts to approximately 7,635 miles. Including barges and towboats, the German inland fleet numbers around 25,000 vessels of a total tonnage exceeding 7,000,000. Inland ports have been built which rival the proudest of the seashore, Duisburg-Ruhrort ranking first with an outgoing and incoming traffic by water in 1928 of 22,777,000 tons. In 1928, 107,600,000 tons of freight were carried by German inland waterways. All of which would indicate that the German business men are making good use of this cheaper means of transportation.

Experience both at home and abroad has taught us one important lesson. Inland waterway transportation should be fostered not for the purpose of carriage of highly expensive commodities but principally for the transportation of those commodities of great bulk and low value, which would probably not otherwise enter into the distant market and not be moved at all were it not that the cheaper agency of transportation placed them in a competitive trade channel. These bulky, less costly goods may be given a wider or more inclusive territory of sales. And goods which move via a cheaper water agency, where it is cheaper, may in semi or fully manufactured status, be freight originating for rail, road, motor truck, or airplane. Yes; there is a definite place for proper functioning of river agencies of transport.

FEDERAL LAND BANKS

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. McMILLAN. Mr. Speaker, and gentlemen of the House, I am moved to make some observations on the conditions of Federal and joint-stock land banks, and the policies of the Federal Farm Loan Board, by reason of certain resolutions passed by a mass meeting of some 200 farmers and business men, all citizens of South Carolina, on the 15th day of April, 1930, and later indorsed by the South Carolina State Democratic Convention. These resolutions were published in the CONGRESSIONAL RECORD April 21, 1930, pages 7303 and 7304.

If the resolutions are justified by the facts, the condition of Federal and joint-stock land banks and the policies of supervision of the Farm Loan Board call for serious and candid consideration by every Member of Congress. It is impossible to thoroughly discuss the subject to-day because the time allotted me will not permit.

Before undertaking or fixing responsibility, or to suggest a definite remedy, there should be a thorough and fair investigation made to determine just what the actual conditions are. I doubt if any Member of Congress has sufficient authentic information on which to base a conclusion as to remedial legislation. But we do have sufficient information to convince the most skeptical that something of a constructive nature must be worked out if this system of banks is to survive. The resolutions adopted by the mass meeting of citizens of South Carolina, already referred to, states:

> Farmers and owners of farm lands in every part of the United States are being forced into bankruptcy by the thousands.
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> * * * * * * *
>
> The present farm land banks are pursuing a policy of ruthless foreclosures of mortgaged farms—a senseless and merciless exercise of discretionary power.
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> * * * * * * *
>
> Reconstruction of the intermediate credit bank under a separate board composed of a membership the majority of which shall be actively engaged in farming and representing the several sections of the Nation and making it accessible to the farmer as a means of production credit.
>
> * * * * * * *
>
> Putting the land banks in the hands of their former stockholders to the extent of giving them an important share of its management. Inauguration of a policy by the Federal Farm Board which shall include a reduction of the rate of interest to the farmer and a return of the system to the purposes for which it was intended.
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> * * * * * * *
>
> Refraining from foreclosing mortgages held by the Federal land banks, the joint-stock land banks, and the intermediate credit banks until such time as relief measures shall restore the farmer's ability to pay, and protection of the bonds of these banks by the Federal Government.

It requires no stretch of the imagination to see that unless something is done this system of banks, created by Congress to

aid agriculture, is in imminent danger of being completely destroyed. Ordinarily I would not feel it wise to make this statement because of the injury which might be caused in destroying public confidence in the integrity of the land banks. I am persuaded, however, that this confidence has already been considerably shaken, and the one thing necessary to restore it is a frank statement to the country of actual conditions and the inauguration of a sound remedy. There has been no period since the banks were organized in 1917 when the farmers were in as great need of financial assistance as they are to-day. Notwithstanding this, the thirteenth annual report of the Farm Loan Board, page 33, shows that the net increase in mortgage loans by the 12 Federal loan banks for the year 1929 was only $3,693,000. The record of the 48 joint-stock land banks is even worse. It shows a decline in net mortgage loans during the year 1929 of $30,000,000, giving as a whole a decline for the year of $27,000,000. I am not unmindful of the fact that the decrease of net mortgage loans is accounted for partly by increasing payments on account of principal. But by far the greater part of this decrease, the net mortgage loan, is due to mortgage foreclosures.

We are advised from the report that during the year 1929 the Federal land bank sold 2,401 farms for $8,933,000; that during the same year they acquired, either outright or subject to redemption, 3,072 farms, and that their total investment in these farms was $12,679,480, and there were foreclosures pending on December 31, 1929, on 1,921 loans, which represented $6,311,000. The Federal land banks owned outright on December 31, 1929, real estate of the value of $23,287,462. I call special attention to the fact that farms are being acquired faster than they are being sold, and the board does not see fit to advise Congress as to the losses, if any, which the banks ever sustain on farms sold. But from a general knowledge of the present demand for farm lands, it is fair to assume that these sales are either paper transactions, or that the banks have taken a very great loss.

The joint-stock land banks during the year 1929 sold 824 farms for $7,967,000, and during the same period acquired 1,530 farms, representing an investment of $15,900,000. The total number of foreclosures pending on December 31 by stock land banks were 691, representing an unpaid principal of $5,391,000.

Mr. GREEN. Will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. GREEN. It is apparent from a conference I held with members of the Federal land bank at Columbia last fall that the number of farms being absorbed by the banks, as is so well pointed out by the gentleman, is appalling, and in view of the number that are being sold and the losses sustained in such sales, the Congress will either have to appropriate money to make up these deficits or else these land banks will collapse.

Mr. McMILLAN. That is exactly in line with my remarks, and I am going to propose a remedy to take care of this condition by reason of the economic conditions now existing throughout the country generally.

Mr. GREEN. Those conditions exist throughout the country, affecting all the farming sections.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. STRONG of Kansas. I just want to ask what remedy the gentleman has to suggest.

Mr. McMILLAN. I shall suggest that in the course of my remarks.

Mr. SLOAN. Will the gentleman yield there?

Mr. McMILLAN. Yes.

Mr. SLOAN. Where is all this foreclosure and all this farm trouble?

Mr. McMILLAN. Throughout the entire country, as shown in the thirteenth annual report of the Federal Farm Board.

We are further advised by the board that when a bank has kept a farm for more than six months it is reappraised and the bank required to charge off the excess of carrying value from the reappraised value. This is virtually a notice to the banks to dispose of the acquired farms within the 6-month period.

The board in its report states that during the year Federal land banks closed loans amounting to $64,250,600; that joint-stock land banks closed loans amounting to $18,000,922. Federal land banks during the year issued bonds in the total amount of $18,850,000, joint-stock land banks in the sum of $5,185,000; but we find on December 31, 1928, Federal land bank bonds in the hands of investors total $1,174,410,040, and on December 31, 1929, $1,183,371,380, showing a net increase of bonds actually sold of about $9,000,000.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, some of us have come on the floor because we understood the Consent Calendar would be called. I shall object to any speeches following the speech of the gentleman from South Carolina.

Mr. McMILLAN. I thank the gentleman very much.

The SPEAKER. Is there objection?

There was no objection.

Mr. McMILLAN. In the case of the joint-stock land banks it appears that there was a net decrease in bonds of $13,273,700, or a net decrease for the system as a whole of approximately $4,000,000. We have, therefore, a showing of a net decline in the amount of mortgage loans and a net decline in outstanding farm-loan bonds. If this decline in mortgage loans could be attributed to the fact that farmers have been able to pay their loans, it would be encouraging; but the fact is, as already stated, that the decline in loans is due to foreclosure of farm mortgages.

And this leads us to a discussion of the policy of the board and the banks in reference to mortgage foreclosures. No one will insist for a moment that these banks ought to make bad loans or that there should be no foreclosures. But it should be the policy of the banks to assist the borrower in every legitimate way in working out his difficulties and to avoid foreclosures where possible. Every informed person knows that during the past few years agriculture has been unprofitable. We need not here discuss the causes. The fact is that for a period of years farm lands have declined in market value and farm income has not been sufficient to enable the farmer to meet his amortization installments. Banks in agricultural territory have failed by the hundreds, due to the agricultural depression. Farm mortgages have been foreclosed and lands offered for sale at a time when there is no market. If this condition should continue, then agriculture is hopelessly ruined. But it will not continue. It can not continue. Farmers can not produce indefinitely at a loss. Some plan will be worked out by which there will be a market for farm lands and a profit from farm operation. As soon as farm operation becomes profitable there will be a satisfactory market for farm land.

What I insist on is that during this period of depression it should be the policy of these banks to withhold foreclosures and assist their borrowers to work out some plan. These banks were created to be of assistance to agriculture when it is in distress. When we are sick, we need a physician; but if the physician is going to give a prescription which will aggravate the malady, the patient had better trust to nature and dispose with the services of the physician.

I do not overlook the fact that it is necessary that these banks, in order to maintain their credit, shall meet promptly the interest on their outstanding bonds; but surely this can not be accomplished by a senseless liquidation through foreclosure of mortgages and a sale of farm lands when it is known in advance that there are no buyers. These foreclosed farms should ultimately be owned and operated by bona fide farmers, and whoever may become the owner, he will expect to derive from the farm operation a sufficient profit to ultimately pay the price of the farm. If the banks must take a staggering loss in order to take a farm from one farmer and sell it to another, would it not be wise to consider taking some loss in order to keep the present owner on the farm? My chief criticism is that, in the face of these distressing economic conditions, we have no definite recommendation or request from the Farm Loan Board as to remedial measures.

The Farm Loan Board, if it were sympathetic and had an intelligent grasp of the situation, would surely recommend to the Congress some plan which would make it unnecessary for thousands of farmers to sacrifice earnings of a lifetime and compel them to abandon their farms and homes. When the Federal land banks were organized the Government of the United States supplied practically all of their initial capital, all of which has been repaid with the exception of a small amount due by one bank. The banks to-day need the assistance of the Government if they are to be of real service to agriculture—as much as they did when originally organized.

The present Congress has appropriated $500,000,000 from the Treasury for the avowed purpose of aiding agriculture. Can there be any legitimate objection to the Government at this time going to the assistance of the farmer by providing temporary capital for the organization of a corporation to take over farms already acquired, as well as those hereafter to be acquired, and hold them off the market until a satisfactory sale can be had, and allow the banks over a period of say 20 years to repay the Government for moneys thus advanced? It is estimated that this might require $50,000,000. I do not suggest that the Government should make this as a donation, but in the nature of a loan or advance.

There is another angle to this situation which deserves the serious consideration of the Congress. Thousands of investors in the United States have in good faith purchased land-bank bonds and stocks in joint-stock land banks, and they had every right to expect that the Government which created these banks would, at least, spare no effort to protect them against loss of principal. Bonds of these banks to-day are selling in the market below par, some less than 50 cents on the dollar. I do not say that an investor in either of the stock or bonds of these banks should be absolutely guaranteed against loss on his investment, but it is the duty of the Government and of the Congress to take every step necessary to save these banks from liquidation, and if this is done the banks will be able ultimately to meet their legitimate obligations and continue to serve the farmer.

For more than two years we have been advised by the Federal Farm Loan Board that it had reorganized the Farm Loan Bureau, that the delinquencies of the former board and the mismanagement of some of the banks had been corrected, that public confidence in the financial integrity of the banks had been restored, and that the banks were in a sound financial condition, but notwithstanding these repeated assurances through the press as well as in the reports submitted to the Congress by the Farm Loan Board the fact remains that there is no improvement in the condition of the banks, and certainly no plan is proposed which will avoid the impending crash.

If I have succeeded in impressing the Congress with the seriousness of this situation, my purpose will have been accomplished, because I know when the Representatives of the American people realize the danger which threatens the land-bank system a remedy will be found. We can not afford to allow this great agency of the Government to become impotent and financially destroyed because of a lack of sympathy or understanding on the part of those who determine its policies. [Applause.]

THE DOCTOR AND THE VOLSTEAD LAW

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks on The Doctor and the Volstead Law and to include therein a statement made by the president of the American Medical Association.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD and to include therein a statement by the president of the American Medical Association. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, I have always contended that the physicians of this country should be permitted to use their judgment in prescribing whisky for medicinal purposes; that because a handful of men had violated the law the medical profession as a whole should not be looked upon as being bootleggers. I maintain that the Congress goes far afield of the eighteenth amendment when it tells the physicians of this country the amount of whisky they should prescribe for a sick patient.

Mr. Speaker, I have just read with interest in the Washington Star of June 24, an address by Dr. William Gerry Morgan, of Washington, incoming president of the American Medical Association, on this subject, which I include as part of my remarks. The article follows:

DOCTOR MORGAN SCORES LIMITS IN DRY LAW—TELLS MEDICAL ASSOCIATION CURB ON PRESCRIPTIONS IS INSULTING TO DOCTORS

DETROIT, June 24.—Declaring that the restriction placed by the Volstead Act on the prescription of alcohol by physicians is "a reproach to our profession," Dr. William Gerry Morgan, of Washington, incoming president of the American Medical Association, in his presidential address to-day, asked to have "these humiliating provisions wholly done away with" and the matter left entirely to the judgment of the individual practitioner.

Activities of the "bootlegger doctor," he said, can be guarded against by appropriate provisions without casting a stigma on the entire profession.

He said that a recent questionnaire showed that a majority of the members of the American Medical Association who answered it believe whisky is "necessary" in the treatment of disease. Congress, he declared, broke faith with the medical profession in enacting the Volstead Act.

"The American Medical Association can take no part in the prohibition controversy so strenuously and, perhaps, acrimoniously under discussion by the American people," Doctor Morgan declared, "for physicians, as well as laymen, have varying opinions on the subject, and there are some physicians who even doubt the therapeutic value of whisky.

"As your president, I do not propose to take sides in this acute controversy, but I have something to say which represents my conviction that it is our bounden duty to urge strenuously upon Congress that there be a radical change in those parts of the Volstead Act which forbid the practitioner from following his trained judgment in his ministry to the patient. Such a prohibition, in my judgment, is a reproach to our profession.

"To be able to say this with emphasis I am not obliged to give my personal views as to the therapeutic value of alcohol.

"We have in our keeping the honor of our profession and when a substantial number of that profession does believe in the use of alcohol and their right to its use is denied by Congress, we are summoned to decisive action.

"A recent book of quickening significance by the distinguished Dr. Harvey Cushing is Consecratio Medici. One of the articles in the book was a graduation address at the Jefferson Medical College, Philadelphia, in 1926, and had this title. It was a noble address, and Doctor Cushing selected that phrase as the title for the whole volume. There is a devotional thought in every paragraph of that inspiring address. That address was directed particularly to the professional devotion of the doctor to the patient, but Consecratio Medici is capable of still wider application—a professional devotion by the physician to the interests of his profession and to the community in need of the untrammeled ministry of the physician.

"Let me accordingly adopt Consecratio Medici as my credo in dealing with that part of the Volstead Act which forbids the physician from prescribing more than a pint of spirituous liquor in any 10 days, or with the supplementary act, which forbids the physician from prescribing in any like period any vinous liquor containing more than 24 per cent alcohol—no matter how desperate be the ailment of the patient. And I wish further to say that I am unalterably opposed to the requirement of the Volstead Act that upon the stub of the prescription shall be written the disease of the patient, with the accompanying right of inspection of it by some roving Federal agent.

"Let us remember, too, that when the eighteenth amendment was proposed for adoption by the State, it was accompanied by a solemn declaration on the part of Congress that the amendment would not authorize any interference with the use of alcohol in the practice of medicine. That undertaking was wholly departed from in the framing of the Volstead Act.

WANTS RESTRAINTS ENDED

"And now, in the spirit of 'consecratio medici,' we may well entertain the high resolve to have these humiliating provisions against our profession wholly done away with.

"There is nothing new in this suggestion for our action, or is it in any sense an academic question; for we are honorably committed to it by our own previous and oft-asserted action.

"Let me briefly summarize the situation so that we may all see how imperative is the duty of this association to do what lies in our power to have these fetters stricken from our profession by Congress.

"Some time ago a questionnaire was addressed to the members of our profession in the following terms:

"Q. Do you regard whisky as a necessary therapeutic agent in the practice of medicine?

"A. The total vote in all States on whether or not whisky was necessary in the treatment of disease was 30,843; 15,625, or 51 per cent, answered yes; and 15,218, or 49 per cent, answered no.

"It was not, you will observe, a questionnaire as to whether the use of alcohol was desirable, but whether it was necessary, and in response to this questionnaire a majority voted that it was necessary. That alone is enough to make me, as president, impress upon you our duty to seek a modification of the restrictions put upon us. If there be prescribed to beverage purposes, then, as this association has urged, it can be provided against by appropriate regulations aimed at the activities of the bootlegger doctor.

"Yet even this by no means is the whole story of our commitment to this case of justice to our profession.

"In 1917 a resolution was passed by the American Medical Association which read as follows:

"'Whereas we believe that the use of alcohol as a beverage is detrimental to human economy; and

"'Whereas its use in therapeutics as a tonic or as a stimulant or as a food has no scientific basis: Therefore be it

"'*Resolved*, That the American Medical Association opposes the use of alcohol as a beverage; and be it further

"'*Resolved*, That the use of alcohol as a therapeutic agent should be discouraged.'

BELIEVES VIEW WAS MISTAKEN

"To that resolution the court below, as did the Supreme Court in the noted Lambert case, attach a significance never intended by this association, for in 1921 the house of delegates repudiated the interpretation given to this resolution and declined to accept it by refusing to reaffirm the judgment of that resolution.

"Again in 1922 the council on scientific assembly, to which the matter of reaffirming the judgment had been reposed, reported as follows:

"'The council deems it unwise to attempt to determine moot, scientific questions by resolution or by vote and recommends that the house of delegates shall take no action at this time on the question of the therapeutic value of alcohol.'

"In 1924 the following resolution was passed by the house of delegates:

"'*Resolved*, That the house of delegates of the American Medical Association expresses its disapproval of those portions of the national prohibition acts which interfere with the proper relations between the physician and his patient in prescribing alcohol medicinally; be it further

"'*Resolved*, That the house of delegates of the American Medical Association instruct the board of trustees to use its best endeavor to have repealed such sections of the national prohibition acts as are in conflict with the above resolution and also use their best endeavor to have the Commissioner of Internal Revenue and the prohibition commissioner issue revised instructions on the use of the prescribing of alcoholic liquors for medicinal purposes by physicians.'"

"Again in 1924 the following resolution was passed by the house of delegates:

"'*Resolved*, In view of the fact that such portions of the Volstead Act and the amendatory acts may be declared unconstitutional, that, as a substitute therefor, regulations should be forthwith drafted by the Prohibition Department to the end that the present abuses may be abated and existing prohibitions as to the practice of medicine removed, and that this association use all means within its power looking to the preliminary approval of such regulations by the Prohibition Department and the Commissioner of Internal Revenue; and be it further

"'*Resolved*, That the board of trustees be directed to appoint a committee to cooperate with the Commissioner of Internal Revenue and the Secretary of the Treasury in the formulation of such regulations as under the national prohibition act, as amended, as may be necessary to carry said act into effect, so far as the medicinal use of liquor is concerned.'

"Yet this is not the whole story. Our counsel, William C. Woodward, was instructed to file a brief as amicus curiæ on behalf of the American Medical Association in the well-known Lambert case in order to give to the court a proper interpretation of these several resolutions by the association and in all other ways to protest against congressional limitation of the physician's prescription.

"It was a brief worthy of the most judicial advocate. We should be very proud to have such a counsel.

"What we have done toward correcting the situation has not yet been effective, but we are as much committed to it as if we had made no such unavailing effort. We must continue to act temperately but firmly and demand of Congress the rights which are ours.

"Let our watchword be 'consecratio medici.'"

CLERICAL ASSISTANCE TO CLERKS OF STATE COURTS EXERCISING NATURALIZATION JURISDICTION

The SPEAKER. The Clerk will call the Consent Calendar, beginning at the star.

The first business on the Consent Calendar was the bill (H. R. 12740) relating to clerical assistance to clerks of State courts exercising naturalization jurisdiction.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I have grave objection to the provision contained in section 1 that the commissioner is authorized to withhold from deposit in the Treasury an amount of the naturalization fees received from such clerk equal to the allowance made to such clerk. This is a bad system.

Mr. CRAMTON. Will the gentleman from New York yield?

Mr. LAGUARDIA. Certainly.

Mr. CRAMTON. I agree with the gentleman, and I have prepared an amendment to correct that, as follows:

Strike out the sentence the gentleman from New York has read and insert in lieu thereof the following:

Payment of such allowances may be made from the appropriation for general expenses of the Bureau of Naturalization under such regulations as the commissioner, with the approval of the Secretary of Labor, may prescribe.

Mr. LAGUARDIA. That would meet my objection. Then all the fees would be covered into the Treasury.

Mr. CRAMTON. That would be necessary, certainly.

Mr. JENKINS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JENKINS. I would like for the gentleman from Michigan to read his proposed amendment again for the benefit of the gentleman from New York [Mr. WAINWRIGHT].

Mr. CRAMTON. Page 2, lines 12 to 15, strike out the last sentence in that paragraph, to which exception has been taken by the gentleman from New York [Mr. LAGUARDIA], and in lieu thereof insert a provision for payment of such allowances from the regular appropriation. The language as it stands allows them to hold these fees and pay them out without the authorities in Washington getting much of a look at it. That is not good administration.

Mr. WAINWRIGHT. Of course, the difficulty with that would be that the Commissioner of Naturalization would be very loath to make the allowance.

Mr. CRAMTON. If the department does not want to approve the allowance, that is up to the department. I should be obliged to object to setting up any scheme that would allow these Government officials to take these fees, and then on their own say-so pay them out as they like.

Mr. LAGUARDIA. The gentleman may add that in no department of the Government do we have such a system.

Mr. JENKINS. I would suggest to the gentleman that he accept the amendment.

Mr. DICKSTEIN. Mr. Speaker, I object.

APPOINTMENT OF TWO ADDITIONAL DISTRICT JUDGES FOR THE NORTHERN DISTRICT OF ILLINOIS

The next business on the Consent Calendar was the bill (S. 3614) to provide for the appointment of two additional district judges for the northern district of Illinois.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BUCKBEE. Mr. Speaker, reserving the right to object, I have an amendment to offer, and I shall insist that the amendment be accepted.

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object. I do not know what the amendment is.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the proposed amendment may be read for information.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read as follows:

Amendments by Mr. BUCKBEE: Page 1, line 4, after the word "Senate," strike out the word "two" and insert the word "one."

Page 1, line 4, after the word "district," strike out the word "judges," in line 5, and insert the word "judge."

Page 1, line 6, after the word "Illinois," strike out the period and insert the words "and a district judge for the United States District Court for the Western District of Illinois hereinafter referred to."

Page 1, line 7, strike out the words "said district" and insert in lieu thereof the following: "their respective districts."

Page 1, lines 8 and 9, strike out the words "said district" and insert the words "United States district courts."

Page 1, line 10, after the word "filed," insert a new section to read as follows:

"That section 79 of the Judicial Code (U. S. C., title 28, sec. 152) be, and the same is hereby, amended to read as follows:

"'The State of Illinois is divided into four districts, to be known as the northern, western, southern, and eastern districts of Illinois. The northern district shall include the territory embraced on the 1st day of July, 1910, in the county of Cook.'"

Mr. LAGUARDIA (interrupting reading). Mr. Speaker, the gentleman seeks to create a new district, which certainly is not germane to this bill. Before it gets by the objecting stage, I want to say to the gentleman that I shall raise the point of order. I want to be perfectly fair to the gentleman.

Mr. STAFFORD. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STAFFORD. The amendment proposes to divide the State of Illinois in four districts instead of three—has that been given consideration by the Judiciary Committee?

Mr. McKEOWN. The subcommittee to which the bill was referred was considering the matter, and while considering it action was delayed by the gentleman from Illinois [Mr. REID] being called away, and then this bill came over from the Senate and was taken up without an opportunity to get a report from the subcommittee.

Mr. STAFFORD. Consideration has only been given by the subcommittee. Has the committee recommended favorable action on redistricting the State?

Mr. McKEOWN. I was telling the gentleman that while we were hearing the matter the Senate bill was taken up by the Judiciary Committee in executive session in which these gentlemen were not permitted to be heard.

Mr. LAGUARDIA. Without going into the merits of the case, gentlemen will understand that an amendment creating a new district, which requires a new United States attorney and new United States marshal, and all of the machinery of a

judicial district, certainly is not germane to a bill creating an additional judge in an existing district.

Mr. McKEOWN. I will agree with the gentleman as to the parliamentary situation, but we can agree to it by unanimous consent.

Mr. LAGUARDIA. Does the gentleman believe the we ought to create a new district on the floor of the House?

Mr. McKEOWN. There would have been no trouble at all if these gentlemen had been given a chance to be heard. We insist that Members of the House ought to be given consideration in their bills.

Mr. LAGUARDIA. Why not let us put the bill over and let the Illinois delegation get together and see what they want.

Mr. SABATH. I would like to know more about the bill.

Mr. McKEOWN. That is a good deal like what King George said to the Irish—if you gentlemen will agree we will give you the kind of government that you want.

Mr. STAFFORD. As I understand, the gentleman from Illinois is willing to concede one additional judge to the present judges, for the northern district of Illinois. Would the gentleman be willing to have the bill passed and await subsequent action for the new judicial district, and providing a judge for the new district?

Mr. REID of Illinois. What is the gentleman's question?

Mr. LAGUARDIA. Do you want two judges in the northern district?

Mr. REID of Illinois. Yes; we want two judges in the northern district, and we want a new western district so that the country people will not have to go to Chicago and get run over by the street cars.

Mr. CRAMTON. Is that the only danger in going to Chicago?

Mr. STAFFORD. The danger is in being held up by gunmen and not being run over by street cars.

Mr. BACHMANN. Mr. Speaker, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. BACHMANN. There is a great need for some assistance in the northern district of Illinois.

Mr. REID of Illinois. The gentleman is quite right.

Mr. BACHMANN. And the gentlemen who want to create a new district want to make a new district partially out of the northern district of Illinois.

Mr. REID of Illinois. Yes.

Mr. BACHMANN. So that there can be relief had in that section.

Mr. REID of Illinois. Yes.

Mr. BACHMANN. And the way you want to reach that is by amending this bill and creating a new district?

Mr. REID of Illinois. Yes.

Mr. BACHMANN. You have a very congested condition in the city of Chicago at the present time. There were over 2,470 cases pending at the end of the fiscal year 1929 in the northern district. That is in Chicago.

Mr. REID of Illinois. That is our district also.

Mr. BACHMANN. And they have increased over 600 since 1926 on that docket, and the judges in that district can not take care of the cases in the northern district.

Mr. LAGUARDIA. Does the gentleman want to carve out a new district on the floor of the House?

Mr. REID of Illinois. I saw the gentleman carve out two bills from one here the other day.

Mr. BACHMANN. If you are going to enforce the law out there and give those people any relief, you have to do something in the way of an additional judge or additional district, or both.

Mr. CRAMTON. And this congestion does not take into account the large number that ought to be arrested and have not been arrested.

Mr. BACHMANN. Absolutely not. I do not know how many ought to be arrested, but they can not take care of those that are already arrested.

Mr. JENKINS. The gentleman from West Virginia is an authority on this proposition. Does the gentleman think such an action on the part of the House here would comport with the proper dignity that ought to be shown to the gentleman's committee, if we should carve out a new district to-day?

Mr. BACHMANN. I am inclined to this belief: That they are in need of relief in Chicago, and I believe that there ought to be another district created in Illinois. I am not talking about this particular procedure now.

Mr. LAGUARDIA. Let us put it through then.

Mr. REID of Illinois. This is a matter for unanimous consent. If we can not do it by unanimous consent to-day, well and good. I saw the gentleman carve two independent bills out of one one day on the floor. Was that a strange thing? You passed the veterans' bill and you are going to do it to-morrow on the floor. This happens, however, to be a matter for northern Illinois and it is subjected to a different rule. You can do it if you want to, but if you do not want to, then object.

Mr. LAGUARDIA. The gentleman ought to know that every time we have a proposition for a new district in the Committee on the Judiciary we have delegations coming from the territory involved. It concerns the bar, it concerns the Department of Justice, it concerns the bench, it concerns the people there, and it is not an easy matter to decide. I speak from actual experience on that committee. That being so, surely you can not expect the members of the committee who understand the responsibility of the matter to permit an amendment of this kind.

Mr. REID of Illinois. Is the gentleman the only Member of this House who has any responsibility? He seems to take the entire responsibility of the House every time.

Mr. LAGUARDIA. I refer to every member of the Committee on the Judiciary.

Mr. REID of Illinois. If the gentleman wants to object to it, let him object to it.

Mr. BACHMANN. Mr. Speaker, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. BACHMANN. I can agree with what the gentleman from New York [Mr. LAGUARDIA] has just said pertaining to the trouble about creating a new district, but I do not think this present amendment, as suggested, and I read it over, is an amendment that the gentlemen who are advocating it ought to insist on being agreed to at this time, because there are some divisions there, the allocation of those counties, the holding of terms of court, that ought to be a little more thoroughly considered before the amendment is adopted. I think if the House should amend the bill to-day and give them one judge over there, I for one, as a member of the Committee on the Judiciary, would assist in helping them do so.

Mr. LAGUARDIA. Surely.

Mr. BACHMANN. And will help all that I can to get them a district after they have the counties properly allocated.

Mr. REID of Illinois. We have them allocated now just right. There is our amendment. If you do not want it, then object to it.

Mr. BACHMANN. I am sure you will run into this difficulty about that district. The matter will have to go to the Attorney General and he has got to consult with the Federal judges and the senior circuit judge with respect to the allocation of those counties. Unless the gentleman is absolutely sure that it is going to be approved beforehand, if he gets it through it will be of no avail to him.

Mr. McKEOWN. Mr. Speaker, I was on the subcommittee that was to hear this bill. We came over and started the hearing and the gentleman from Illinois, Mr. REID was called over to the Senate. We had some ideas about it. We went back before the full committee and this is the way they treated them. When they came back to the full committee they brought the Senate bill over and they would not give either Mr. REID or Mr. BUCKBEE an opportunity to go before the committee and explain what they wanted, and they reported this bill out over my objection, because they would not take care of this district. The fair thing to do about it is to give one judge to the northern district, and give these gentlemen their district. It is a matter local to Illinois.

Mr. SABATH. Does the gentleman not think the Members from Illinois should know something about those districts?

Mr. CHINDBLOM. Mr. Speaker, will the gentleman from New York yield?

Mr. LAGUARDIA. Yes; I have the floor.

Mr. CHINDBLOM. I want to say, as a Member from the city of Chicago, that these two judges are badly needed there for the transaction of the business of the Federal courts in the city of Chicago.

I shall not inject myself at all into the matter of the creation of a new district in northern Illinois, irrespective of Cook and Lake Counties. Both gentlemen [Messrs. BUCKBEE and REID of Illinois] have agreed with me that, so far as Lake County is concerned, it should remain a part of the district which includes Cook County.

I want to emphasize the necessity of these judges for the transaction of business in Chicago. We have been subject again to the usual jibes against the city of Chicago. I want to say that the laws are administered in Chicago just as well as they are administered in any other large city. Gentlemen need express no fear of what will happen in that great metropolitan city of the West. I am a native and lifelong resident of Chicago, and I am proud of the achievements and present greatness of that marvelous metropolis. Of course, we have many social and political as well as economic problems. Not the least of them is the proper and adequate administration of justice. The Federal courts in Chicago need the increase of the two judges provided in the pending bill, and that bill should

pass this House as speedily as possible. So far as my colleagues here from northern Illinois are concerned, they have explained their particular situation, and I have nothing further to say about that.

Mr. LaGUARDIA. If the gentleman from Illinois [Mr. BUCKBEE] insists on his amendment, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. SCHAFER of Wisconsin. I object. They need these judges to take care of these prohibition cases, and I object to having the bill go over.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. I do not object to the bill but to the amendment.

Mr. BACHMANN. Let us thresh out the amendment on the floor.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SABATH. Mr. Speaker, I will have to object. I want to know something about the bill.

Mr. CRAMTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is demanded. The regular order is, Is there objection?

Mr. SABATH. I object. I want to know something about it.

The SPEAKER. Objection is heard.

JAMES M'CANN

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 609, with Senate amendments, and agree to the same.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill by title and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 609) authorizing the Secretary of the Treasury to pay certain moneys to James McCann.

Senate amendments:

Page 1, line 6, strike out "$255" and insert "$150."

Page 2, line 1, strike out all after "1920" down to and including "$255," in line 5.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

KATHERINE ANDERSON

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 2810, with a Senate amendment, and agree to the same.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table H. R. 2810, with a Senate amendment, and agree to the same. The Clerk will report the bill and the Senate amendment.

The Clerk read as follows:

A bill (H. R. 2810) for the relief of Katherine Anderson.

Senate amendment: Page 1, line 6, strike out "$4,000" and insert "$2,327.87."

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

MARY R. LONG

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 887, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 887, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 887) for the relief of Mary R. Long.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read as follows:

Senate amendments: Page 1, line 4, after the word "pay," insert the words "out of any money in the Treasury not otherwise appropriated."

Page 1, line 6, strike out "$5,000" and insert "$3,500."

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX.

GLEN D. TOLMAN

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 936, with a Senate amendment, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The Clerk will report the bill and Senate amendment.

The Clerk read as follows:

A bill (H. R. 936) for the relief of Glen D. Tolman.

Senate amendment: Page 1, line 6, strike out "$5,000" and insert "$2,000."

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX.

AMENDMENT OF IMMIGRATION ACT OF 1917

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9803, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bill H. R. 9803, with Senate amendments, and agree to the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended.

Senate amendments:

Page 1, line 7, after "Service," insert "and officers and employees of the Naturalization Bureau and Naturalization Service."

Page 2, line 8, after "of," where it appears the first time, insert "such officers."

Page 2, lines 8 and 9, strike out "of the Immigration Service."

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, this bill as it passed the House has to do only with the expenses of inspectors and other employees of the Immigration Service on duty in a foreign country. The Senate have enlarged it to make it apply as well to officers of the Naturalization Bureau and the Naturalization Service when ordered to duty in a foreign country. That may be perfectly logical, but it is a matter that ought to have consideration by the House committee and by the House itself.

The amendment put on in the Senate is not germane. It is another rider, an attempt to legislate through riders, and I shall be obliged to object, unless the gentleman can assure the House that the House conferees will insist on the House language.

Mr. JENKINS. If the gentleman will permit, I may say that these amendments were put on by the Senate, and provide, just as the gentleman from Michigan says, that the naturalization authorities be included.

Mr. CRAMTON. I do not know whether it is logical that foreign travel should be provided for the naturalization authorities, as was provided for the immigration authorities. Certainly it is not logical to have such provision in the immigration act, if it is done.

I must object to the Senate placing riders on these bills that are not germane. It avoids consideration by the House of the matters involved in the amendments.

Mr. JENKINS. I am making this request with the authority of the chairman of the committee and the gentleman from Texas [Mr. BOX], the ranking Member on the minority side, both of whom have been consulted, and both of whom agree with the proviso.

Mr. CRAMTON. I have great confidence in those gentlemen as well as in the gentleman from Ohio, but I feel the House should have a chance to pass on this question. We should know what it is going to cost. We should know what is the necessity for it. Hence, I am obliged to object to the request of the gentleman.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 320. An act for the relief of Haskins & Sells;

H. R. 328. An act for the relief of Parke, Davis & Co.;

H. R. 329. An act for the relief of Joseph A. McEvoy;

H. R. 396. An act for the relief of J. H. Muus;

H. R. 414. An act for the relief of Angelo Cerri;

H. R. 471. An act for the relief of Luther W. Guerin;

H. R. 597. An act for the relief of M. L. Willis;
H. R. 655. An act for the relief of Guy E. Tuttle;
H. R. 704. An act to grant relief to those States which brought State-owned property into the Federal service in 1917;
H. R. 864. An act for the relief of W. P. Thompson;
H. R. 1058. An act for the relief of Jesse A. Frost;
H. R. 1076. An act for the relief of Jacob S. Steloff;
H. R. 1174. An act for the relief of A. N. Worstell;
H. R. 1485. An act for the relief of Arthur H. Thiel;
H. R. 1509. An act for the relief of Maude L. Duborg;
H. R. 1510. An act for the relief of Thomas T. Grimsley;
H. R. 1546. An act for the relief of Thomas Seltzer;
H. R. 1592. An act for the relief of William Meyer;
H. R. 1696. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;
H. R. 1712. An act for the relief of the heirs of Jacob Gussin;
H. R. 1717. An act for the relief of F. G. Baum;
H. R. 1724. An act for the relief of Margaret Lemley;
H. R. 1739. An act for the relief of J. A. Miller;
H. R. 1888. An act for the relief of Rose Lea Comstock;
H. R. 2021. An act to authorize the establishment of boundary lines for the March Field Military Reservation, Calif.;
H. R. 2166. An act for the relief of Mrs. W. M. Kittle;
H. R. 2167. An act for the relief of Sarah E. Edge;
H. R. 2464. An act for the relief of Paul A. Hodapp;
H. R. 2645. An act for the relief of Homer Elmer Cox;
H. R. 2755. An act to increase the efficiency of the Veterinary Corps of the Regular Army;
H. R. 2776. An act for the relief of Dr. Charles F. Dewitz;
H. R. 3072. An act for the relief of Peterson-Colwell (Inc.);
H. R. 3222. An act for the relief of the State of Vermont;
H. R. 3431. An act for the relief of Charles H. Young;
H. R. 3441. An act for the relief of Meta S. Wilkinson;
H. R. 3732. An act for the relief of Fernando Montilla;
H. R. 5113. An act for the relief of Sylvester J. Easlick;
H. R. 5459. An act for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koenigstein, and H. Fukasawa;
H. R. 5526. An act for the relief of Fred S. Thompson;
H. R. 5872. An act for the relief of Ray Wilson;
H. R. 5962. An act for the relief of R. E. Marshall;
H. R. 6209. An act for the relief of Dalton G. Miller;
H. R. 6210. An act to authorize an appropriation for the relief of Joseph K. Munhall;
H. R. 6243. An act for the relief of A. E. Bickley;
H. R. 6264. An act to authorize the Secretary of War to donate a bronze cannon to the town of Avon, Mass.;
H. R. 6268. An act for the relief of Thomas J. Parker;
H. R. 6340. An act to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn.;
H. R. 6347. An act to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182);
H. R. 6416. An act for the relief of Myrtle M. Hitzing;
H. R. 6537. An act for the relief of Prentice O'Rear;
H. R. 6627. An act for the relief of A. C. Elmore;
H. R. 6663. An act for the relief of J. N. Lewis;
H. R. 6718. An act for the relief of Michael J. Bauman;
H. R. 6825. An act to extend the measure of relief provided in the employees' compensation act of September 7, 1916, to Robert W. Vail;
H. R. 6871. An act to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes;
H. R. 7013. An act for the relief of Howard Perry;
H. R. 7026. An act for the relief of Mrs. Fanor Flores and Pedro Flores;
H. R. 7027. An act for the relief of Paul Franz, torpedoman, third class, United States Navy;
H. R. 7068. An act for the relief of Fred Schwarz, jr.;
H. R. 7638. An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field;
H. R. 7664. An act to authorize payment of fees to M. L. Flow, United States commissioner, of Monroe, N. C., for services rendered after his commission expired and before a new commission was issued for reappointment;
H. R. 8347. An act for the relief of the Palmer Fish Co.;
H. R. 8393. An act to authorize the Court of Claims to correct an error in the claim of Charles G. Mettler;
H. R. 8491. An act for the relief of Bryan Sparks and L. V. Hahn;
H. R. 9246. An act to reimburse Lieut. Col. Frank J. Killilea;
H. R. 9280. An act to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation, in the State of Maryland;
H. R. 9990. An act for the rehabilitation of the Bitter Root Irrigation Project, Montana;
H. R. 10376. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;
H. R. 10461. An act authorizing Royce Kershaw, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry, about 8 miles southwest of Gadsden, in Etowah County, Ala.;
H. R. 11088. An act for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va.;
H. R. 11371. An act to provide living quarters, including heat, fuel, and light, for civilian officers and employees of the Government stationed in foreign countries;
H. R. 11405. An act to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes";
H. R. 11477. An act for the relief of Clifford J. Turner;
H. R. 11493. An act to reimburse Lieut. Col. Charles F. Sargent;
H. R. 11515. An act to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., and for the acquisition of new sites and construction of Government buildings thereon in such cities;
H. R. 12099. An act to apply the pension laws to the Coast Guard;
H. R. 12263. An act to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims;
H. R. 12586. An act granting an increase of pension to Josefa T. Philips;
H. R. 12663. An act granting the consent of Congress to the Texas & Pacific Railway Co. to reconstruct, maintain, and operate a railroad bridge across Sulphur River in the State of Arkansas near Fort Lynn;
H. R. 12842. An act to create an additional judge for the southern district of Florida;
H. J. Res. 14. Joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale;
H. J. Res. 306. Joint resolution establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Massachusetts Bay Colony, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; and
H. J. Res. 322. Joint resolution authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia.

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 525. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans;*
S. 1959. An act to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida;
S. 3068. An act to amend section 355 of the Revised Statutes;
S. 3623. An act for reimbursement of James R. Sheffield, formerly American ambassador to Mexico City;
S. 3845. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924; and
S. 4577. An act to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 730) entitled "An act to amend section 8 of the act entitled 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes,' approved June 30, 1906, as amended."

LEASE OF OIL AND GAS DEPOSITS

The next business on the Consent Calendar was the bill (H. R. 12811) to amend sections 17 and 27 of the general leasing act of February 25, 1920, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, I do not think this bill should be on the Consent Calendar. I am wondering if the gentleman would consent to the bill going over without prejudice?

Mr. COLTON. Of course, if the gentleman insists, I will.

Mr. COLLINS. This permits consolidation and cooperation among oil companies and changes our entire policy, and certainly should not be considered in this manner.

Mr. CRAMTON. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. CRAMTON. I am not disposed to argue with the gentleman, and am frank to say that I know very little about the bill except that I have discussed it with Dr. George Otis Smith, head of the Geological Survey. He is a man of long experience, in whom I have great confidence. Doctor Smith says it is important that this legislation be passed, and that it is very desirable legislation.

Mr. COLLINS. I am grateful to the gentleman for this information; however, I shall have to have further time to consider the bill, so wish it to go over without prejudice.

Mr. SCHAFER of Wisconsin. Regular order, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

CLERICAL ASSISTANCE TO CLERKS OF STATE COURTS EXERCISING NATURALIZATION JURISDICTION

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to return to Calendar No. 715, the first bill considered to-day. The gentleman from New York [Mr. DICKSTEIN] has consented to withdraw his objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the bill, H. R. 12740, relating to clerical assistance to clerks of State courts exercising naturalization jurisdiction was objected to, and ask that the bill may go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

FINAL ENROLLMENT OF INDIANS OF KLAMATH INDIAN RESERVATION, OREG.

The next business on the Consent Calendar was the bill (S. 3156) providing for the final enrollment of the Indians of the Klamath Indian Reservation in the State of Oregon.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that that bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATURALIZATION LAWS IN RESPECT OF RESIDENCE REQUIREMENTS

The next business on the Consent Calendar was the bill (H. R. 12487) to amend the naturalization laws in respect of residence requirements, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this bill is too broad. I believe it would permit the naturalization of an alien who has spent little or no time in the United States. If such person returned to the United States and could show he was in the employ of the Government—for instance, as a messenger in one of our embassies—he could be naturalized. The second section is too broad. Section 1, which provides that if a resident leaves the United States and goes abroad on a scientific expedition he may return, but must establish that fact before he leaves the country. There is no serious objection to that.

Mr. CABLE. I am inclined to agree with the gentleman from New York that the second section is too broad, and should be restricted to the particular case which the committee had in mind.

Mr. LAGUARDIA. What was that particular case?

Mr. CABLE. That was the case of Bernt Balchen, who was a pilot on the Byrd expedition.

Mr. LAGUARDIA. I will say to the gentleman that Bernt Balchen is without doubt one of the outstanding aviators of the world, and I am not taking in too much territory. Bernt Balchen was with the Byrd expedition; and if the gentleman will so amend section 2 as to make it apply to Bernt Balchen alone, I certainly shall not object.

Mr. DICKSTEIN. I do not see why we should pick out a single case and not make it apply to others.

Mr. LAGUARDIA. It would be a distinct acquisition to have Bernt Balchen a citizen of this country.

Mr. DICKSTEIN. That is true; but there are a number of others who may have that distinction and ought to have the same consideration. I think the best policy would be to have this bill passed over without prejudice.

Mr. CABLE. The gentleman from New York [Mr. BLOOM] requested me to call up the bill, and he had in mind the particular case of Bernt Balchen, who was with the Byrd Antarctic expedition.

Mr. DICKSTEIN. If the gentleman has that authority from the gentleman from New York [Mr. BLOOM], I have no objection.

Mr. CABLE. I have no authority to amend the section, but the gentleman from New York requested me to call up the bill.

Mr. CRAMTON. Mr. Speaker, in the interest of other bills on the calendar, I ask unanimous consent that this bill go over without prejudice. We have been working a little over an hour and have not passed a bill as yet. I think it is desirable to know what the amendment is to be.

Mr. LAGUARDIA. It will not take long to prepare such an amendment.

Mr. CABLE. I would like to read the amendment.

Mr. JENKINS. If the gentleman's amendment means the passage of legislation for one man, I shall object.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

INTERNATIONAL CONFERENCE ON THE UNIFICATION OF BUOYAGE AND LIGHTING OF COASTS

The next business on the Consent Calendar was House Joint Resolution 321, to authorize an appropriation of $4,500 for the expenses of participation by the United States in an International Conference on the Unification of Buoyage and Lighting of Coasts, Lisbon, 1930.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That for the purpose of defraying the expenses of participation of the Government of the United States by means of delegates to be appointed by the President in the International Conference on the Unification of Buoyage and Lighting of Coasts to be held in Lisbon, beginning October 6, 1930, an appropriation in the sum of $4,500, or so much thereof as may be necessary, is hereby authorized for travel expenses, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), printing and binding, compensation of employees, rent, official cards, entertainment, and such other expenses as the President shall deem proper.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

PAPAGO INDIANS

The next business on the Consent Calendar was the bill (S. 2231) to reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I am in sympathy with the purposes of the bill but want to suggest an amendment.

Mr. STAFFORD. Before we come to that stage may I make an inquiry?

Mr. CRAMTON. I think I might as well complete my statement. It will be very brief.

Mr. STAFFORD. The bill may not reach the amendment stage.

Mr. CRAMTON. Let the amendment be considered. On page 2, line 25, after the word "hereof," insert the words—

No part of said amount to be available unless all the privately owned lands within said addition shall be acquired for not more than said amount.

So we will not be in the position of spending $165,000 and then finding we have only acquired half the lands and must spend another $165,000.

Mr. LEAVITT. There is no objection to that amendment on the part of the committee.

Mr. CRAMTON. With that amendment I think it is a good bill and ought to pass.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I notice that in the phrasing of the bill the lands to be acquired are to be subject to disposal under the mining laws. Are we going to purchase some lands from private parties, lands included within an Indian reservation, and then allow them to be subject to exploration under the mining laws?

Mr. LEAVITT. An agreement was reached that nothing ought to be done that would put an end to the development of those areas which are now under legitimate mining operations. Of course, this does not apply to the oil leasing law. It has to do merely with mining.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

PILLAGER BANDS OF CHIPPEWA INDIANS

The next business on the Consent Calendar was the bill (S. 4051) authorizing the Pillager Bands of Chippewa Indians, residing in the State of Minnesota, to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

PAYMENT OF CERTAIN CLAIMS OF GRAIN ELEVATORS AND GRAIN FIRMS

The next business on the Consent Calendar was House Joint Resolution 303, to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That Public Resolution No. 80 (70th Cong.), authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, approved February 4, 1929, be, and the same is hereby, amended by adding thereto the following:

": *Provided*, That the settlement and adjustment of such claims shall be based solely upon the weekly reports made and filed with the Grain Corporation by such claimants in accordance with their contracts, and in such connection it shall be taken as the fact that all conditions to authorize payments of interest and insurance were duly met by claimants other than in cases where proofs filed by claimants with the Grain Corporation disclose the facts to be otherwise."

With the following committee amendments:

Page 1, line 3, after the figures "80" insert "approved February 4, 1929."

On page 2, line 8, after the word "filed" insert the words "during the year 1919–20."

The committee amendments were agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed,

A motion to reconsider the vote by which the resolution was passed was laid on the table.

BRIDGE ACROSS THE LITTLE CALUMET RIVER ON ONE HUNDRED AND FIFTY-NINTH STREET IN COOK COUNTY, ILL.

Mr. SPROUL of Illinois. Mr. Speaker, I ask unanimous consent to turn to calendar No. 740, the bill (H. R. 12993) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River on One hundred and fifty-ninth Street in Cook County, State of Illinois.

This bridge is to be in my district, and it is very necessary we get prompt action.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted the State of Illinois to construct, maintain, and operate a free highway bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, on One hundred and fifty-ninth Street, between sections 13 and 24, township 36 north, range 14 east, third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 7, strike out the word "on," and insert in lieu thereof the word "at."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider was laid on the table.

The title was amended.

REPAYMENT OF RENTS AND ROYALTIES UNDER THE GENERAL LEASING ACT

The next business on the Consent Calendar was the bill (S. 4164) authorizing the repayment of rents and royalties in excess of requirements made under leases executed in accordance with the general leasing act of February 25, 1920.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ARENTZ. Will the gentleman withhold his request?

Mr. SCHAFER of Wisconsin. I withhold it.

Mr. ARENTZ. If you should happen to pay a certain number of fees into the Land Office as a homesteader you could get that refunded if your homestead were not given you. If you paid excess fees because you happened to have an oil lease or a mineral lease the Treasury would not pay that money back. It seems to me inconsistent. This bill merely provides for the repayment of excess payments.

Mr. SCHAFER of Wisconsin. Why did they make these excess payments?

Mr. ARENTZ. Because they could not help it, any more than if you were a homesteader and under certain conditions you paid more than you should have paid. Under the ruling of the Comptroller General it is stated he has nothing to do with it because the Attorney General has specified certain conditions that must be met. The letter of the Secretary of the Interior states:

Under the comptroller's decision the department is obliged to deny applications for repayment of excess rents and royalties which would otherwise be granted.

Then it is also stated in the report:

The repayment laws are in such broad terms that they cover all cases of excess payments under the public land laws, including homestead laws, preemption laws, town site laws, timber and stone laws, desert land laws, and even mineral land laws under which there is authorized an alienation of the land by patent or its equivalent.

But in these cases when title is not given the excess payments are not returned and it seems to me this is not right.

Mr. SCHAFER of Wisconsin. Then it is necessary to enact this bill to meet a technical objection of the Comptroller General?

Mr. ARENTZ. To meet a technical objection of the Comptroller General and nothing more.

Mr. SCHAFER of Wisconsin. In view of the statement made by the gentleman, I withdraw my request.

The SPEAKER pro tempore (Mr. LUCE). Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of Congress approved December 11, 1919 (41 Stat. L. 366), entitled "An act to amend an act approved March 26, 1908, entitled 'An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws,'" is hereby made applicable to all payments in excess of lawful requirements made under the act of Congress approved February 25, 1920 (41 Stat. L. 437), and under any statute relating to the sale, entry, lease, or other disposition of the public lands.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PAYMENT OF CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA FOR MARCH 4, 1929

The next business on the Consent Calendar was the joint resolution (S. J. Res. 24) for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for March 4, 1929.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the employees of the United States Government in the District of Columbia and the employees of the District of Columbia who come within the provisions of the act approved June 18, 1888, and who, under the provisions of said act, were excused from work on Monday, March 4, 1929, a holiday, shall be entitled to pay for said holiday.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PROCEEDINGS OF THE NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC, UNITED SPANISH WAR VETERANS, ETC.

The next business on the Consent Calendar was the joint resolution (H. J. Res. 250) to print annually as separate House documents the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, did we not pass two separate resolutions yesterday covering this matter?

Mr. KVALE. I think we did.

Mr. STAFFORD. As I recall, that only related to the publication of one organization. I am not certain whether it was the Disabled American Veterans of the World War or not.

Mr. JENKINS. I think that is what it was.

Mr. LaGUARDIA. I understand the others are provided for by permanent law.

Mr. STAFFORD. I think it would be better, as a matter of safety, to have this joint resolution passed over without prejudice.

Mr. COLLINS. I ask unanimous consent that the joint resolution may go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

WALKER RIVER INDIAN RESERVATION

Mr. ARENTZ. Mr. Speaker, I have had a discussion with the gentleman from Michigan with regard to the bill H. R. 5057, No. 457 on the calendar, and because I have received assurance of allocation of some funds from a supplemental fund for the construction of roads of $12,500 I ask unanimous consent that the bill H. R. 5057 may be stricken from the calendar and laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

COPYRIGHT REGISTRATION OF DESIGNS

The next business on the Consent Calendar was the bill (H. R. 11852) amending the statutes of the United States to provide for copyright registration of designs.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD, Mr. RAMSPECK, and Mr. CHALMERS objected.

PAYMENT FOR CERTAIN LANDS TO THE UINTAH AND UNCOMPAHGRE BANDS OF UTE INDIANS

The next business on the Consent Calendar was the bill (S. 615) authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

It was so ordered.

GOVERNMENT ISLAND, CALIF.

The next business on the Consent Calendar was H. J. Res. 372, authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island dated July 5, 1918.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Resolved, etc., That the President is hereby authorized to accept on behalf of the United States, free and clear of all encumbrances and without cost to the United States but subject otherwise to the provisions of section 355 of the Revised Statutes, title in fee simple to 15 or more acres of land above the low-water mark forming a part of what is known as Government Island offered by the city of Alameda, Calif. In consideration thereof the United States shall relinquish all its rights and interests in said Government Island now held by it under a lease for a term of 25 years from said city dated July 5, 1918. Such lease shall be automatically terminated upon the acceptance of a conveyance of such lands by the President.

SEC. 2. The President is authorized to permit the lands conveyed to the United States pursuant to this resolution to be used for such Government purposes as he may deem advisable.

With the following committee amendment:

On page 2, line 7, after the word "President," insert the following proviso:

"*Provided*, That a setback line of 200 feet be observed along the southern water front, parallel with the channel to allow widening of the channel at this or some future time, by the Government or other parties, and that the Government have access and free use between that portion deeded and the deep water front: *Provided further*, That the establishment by legislation of this setback area is not intended to in any wise restrict the officers in control of navigation in the exercise of all discretion or other authority granted by Congress under the commerce clause of the Constitution that is deemed necessary to improve this harbor or the navigable capacity of the estuary."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ACQUISITION OF CERTAIN TIMBERLANDS IN THE STATE OF OREGON

The next business on the Consent Calendar was the bill (S. 3557) to provide for the acquisition of certain timberlands and the sale thereof to the State of Oregon for recreational and scenic purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Reserving the right to object——

Mr. BUTLER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. CRAMTON. Reserving the right to object, which I shall not do, this includes action by the Interior Department. There is no report from that department, and I suggest to the gentleman that before the bill comes up again he secure a report from the Interior Department.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

EXTENDING THE PROVISIONS OF THE FOREST EXCHANGE ACT

The next business on the Consent Calendar was the bill (H. R. 12801) to extend the provisions of the forest exchange act to public lands within 10 miles of the boundaries of the Whitman National Forest in the State of Oregon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. I object.

Mr. STAFFORD. Mr. Speaker, I notice that the letter from the Secretary of the Interior says that consideration of this bill should be deferred to await the determination of the policy of the President's committee to study and report to Congress on the conservation and administration of the public domain.

Mr. CRAMTON. Mr. Speaker, in the interest of the conservation of time, as I intend to object to this bill eventually, I might as well do it now and give the other bills a chance.

Mr. BUTLER. I sincerely hope the gentleman will not make the objection. This is desired very much by the Department of Agriculture.

Mr. CRAMTON. The Department of Agriculture is for any bill which will transfer land to its jurisdiction, but when you want to take a few lands from its jurisdiction and transfer them to another department, you can never get a definite committal. Several bills have been on the calendar as to lands to be added to national parks, and a report from the department comes in and tells you nothing that binds them. We are passing them, and we hope they are going to consent, because the lands are needed for parks. I am obliged to object to this bill.

MENOMINEE TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 8812) authorizing the Menominee Tribe of Indians to employ general attorneys.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

The SPEAKER pro tempore. This requires three objections. The Chair hears only one.

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. COLLINS. Mr. Speaker, I object.

Mr. BROWNE. Mr. Speaker, I will ask the gentlemen to withhold their objections for a couple of minutes.

Mr. CRAMTON. Mr. Speaker, I am willing to withhold my objection for two minutes, but I do not think we ought to have a long discussion.

Mr. BROWNE. I think the gentlemen ought to hold their judgment in abeyance and give me two or three minutes uninterrupted to explain the bill. The other day I was interrupted, and I did not have an opportunity to explain it. Mr. Speaker, I ask unanimous consent to proceed for three minutes on this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BROWNE. Mr. Speaker, all this bill provides is that the Menominee Indians located in my district, whom I have known and with whom I have been familiar for 25 years, have the privilege of hiring attorneys to represent them and to pay those attorneys out of their own money in the Treasury of the United States. There have been delegates down here, three of them, this winter and they have explained their case to the Secretary of the Interior. They have valuable claims against the United States that they want to present. They can not prove a prima facie case so that they will be allowed to go to the Court of Claims without getting lawyers to prepare their claims. All they ask is that they shall have the right under the direction of the Commissioner of Indian Affairs and the Interior Department to employ lawyers for not to exceed two years, and the bill fixes the pay at not to exceed $6,000 the first year, and the same amount if the attorneys are employed the second year, and all the time they are working these attorneys will be under the direction of the Secretary of the Interior.

Mr. HASTINGS. How long is the contract for?

Mr. BROWNE. Two years, not to exceed two years, and only then upon the direction of the Secretary of the Interior. They have consulted the law firm of Hughes & Dwight, of New York. They have valuable rights that may be lost by delay. I can not conceive of a corporation having property worth thirty or forty million dollars, as these Indians have, who would not think it very important to consult and employ an attorney. All of the attorneys that they can consult are the Goverment attorneys in the Indian Department, and they think they are against them because their claims are against the Government. The Indians want to consult the best lawyers in the country. It would not amount to over $10 apiece to those 2,000 Indians if they employed these attorneys for two years and paid for preparing their cases for trial.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. BROWNE. Yes.

Mr. PATTERSON. I notice here that this is only $6,000 a year, and it is to be paid out of their own funds.

Mr. BROWNE. Yes.

Mr. PATTERSON. And they do not have an attorney to represent them now?

Mr. BROWNE. They do not have a single attorney. They have valuable water-power rights. People desire to negotiate with them concerning the same. Notices have been filed before the Power Commission by certain corporations asking the right to develop this water power. These Indians can not come down to Washington to look after their affairs without getting permission of the Indian Department, and being allowed to spend their own money for expenses. They can not even send a delegate here, and yet the Menonomie Tribe of Indians is worth a sufficient amount of money at a fair valuation of their property to give every man, woman, and child from ten to fifteen thousand dollars.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this would be merely a waste of $20,000 of Indian funds. The bureau says:

> It has also been suggested that in lieu of incorporation it might be advisable to consider turning over to a reputable trust company the undisposed of tribal assets belonging to the Indian tribe for the purpose of enabling such trust company to administer these tribal assets for the benefit of the Indians.

I do not want Congress committed in any way to turning over its job as guardian of the Indians to any trust company for the administration of their affairs. In view of that report, I am obliged to object.

Mr. BROWNE. They have a large sawmill there, and they want to know how to conduct that business in an efficient way.

Mr. CRAMTON. It is being well administered now.

Mr. BROWNE. The gentleman probably knows more about it than I do, who have lived within 40 miles of them all my lifetime.

Mr. CRAMTON. I know some uplifters have been trying to get hold of this industry for a long time.

Mr. BROWNE. I give the gentleman credit for having great knowledge of the District of Columbia, and I follow him, and I think I am rather modest in saying that I know about as much about these Indians as the gentleman. I am acquainted with their reservation and have been for more than 25 years.

The SPEAKER pro tempore. This bill requires three objections. Are there three objections to the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. JENKINS. Mr. Speaker, I object.

The SPEAKER pro tempore. The Chair hears only two objections. The Chair understood that all three objections had been withdrawn at the request of the gentleman from Wisconsin.

Mr. CRAMTON. No; not at all. We gave the gentleman an opportunity to make his statement. There were three objections made.

The SPEAKER pro tempore. Three objections were made, and the gentleman from Wisconsin asked unanimous consent to make a statement. The Chair understood that the objections had been temporarily withdrawn. He now asks if they are to be renewed. Are there now three objections to the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. JENKINS. Mr. Speaker, I object.

The SPEAKER pro tempore. Three objections are heard, and the Clerk will report the next bill.

H. W. BENNETT, A BRITISH SUBJECT

The next business on the Consent Calendar was the bill (H. R. 9702) authorizing the payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject, in connection with the rescue of the survivors of the U. S. S. *Cherokee*.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, how is this bill on the Consent Calendar? Is it not a private bill. I do not believe this bill belongs on this calendar. I think it is a private bill. I make the point of order that this bill is not in order on the Consent Calendar. It should be on the Private Calendar.

The SPEAKER pro tempore (Mr. LUCE). The gentleman from New York makes the point of order that this bill is not in order on the Consent Calendar. This bill authorizes the payment of an indemnity to the British Government. The Chair overrules the point of order.

Mr. LAGUARDIA. Will the Speaker please examine the bill? As I read it, the bill pays H. W. Bennett, a British subject, in connection with the rescue of the survivors of the U. S. S. *Cherokee*. I shall not object to the bill, but if we are going to put private bills on this calendar I am going to object.

Mr. PATTERSON. The bill provides that the money is to be paid to the British Government.

The SPEAKER pro tempore. The Chair will call the attention of the gentleman from New York to the fact that the title of the bill is "A bill for the payment of an indemnity to the British Government." The Chair overrules the point of order. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. I object to the consideration of the bill.

The SPEAKER pro tempore. Objection is heard.

COMPENSATION OF CERTAIN EMPLOYEES IN THE CUSTOMS SERVICE

The next business on the Consent Calendar was the bill (H. R. 12742) to amend the act entitled "An act to adjust the compensation of certain employees in the Customs Service," approved May 29, 1928.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I would like to have some one acquainted with the facts make some explanation of the bill. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS THE MISSOURI RIVER, AT FLORENCE, NEBR.

The next business on the Consent Calendar was the bill (H. R. 11136) authorizing the Florence Bridge Co., its successors and assigns, to construct, maintain, and operate a toll bridge across the Missouri River at Florence, Nebr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I reserve the right to object, Mr. Speaker.

Mr. STAFFORD. The bill provides for a toll bridge at Florence, Nebr. Whether it connects with Council Bluffs I do not know.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. SEARS. That bill is like the other bridge bills.

Mr. LAGUARDIA. Have you an amortization provision in here as to recapture? Yes; I see you have, Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk began the reading of the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Florence Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Florence, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The remainder of the bill reads as follows:

SEC. 2. There is hereby conferred upon the Florence Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Florence Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Florence Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of Nebraska and Iowa a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Florence Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Florence Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT POPLAR, MONT.

The next business on the Consent Calendar was the bill (H. R. 12844) granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.

The title of the bill was read.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Poplar, Mont., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

With a committee amendment as follows:

Page 2, line 3, add a new section, as follows:

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE MISSOURI RIVER, CULBERTSON, MONT.

The next business on the Consent Calendar was the bill (H. R. 12920) granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain and operate a free highway bridge across the Missouri River at or near Culbertson, Mont.

The title of the bill was read.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain, and operate a free highway

bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Culbertson, Mont., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

COAST GUARD STATION ON COAST OF FLORIDA, LAKE WORTH INLET

The next business on the Consent Calendar was the bill (H. R. 7119) to authorize the establishment of a Coast Guard station on the coast of Florida at or in the vicinity of Lake Worth Inlet.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Reserving the right to object, I notice that this bill carries an adverse report.

Mr. CRAMTON. If the gentleman will yield, I have noted that. I know something of the situation as to construction in the Coast Guard, and hence I have an amendment to suggest.

The Coast Guard would like this station, but the Budget is against the program, and I know the program of construction in the Coast Guard is obligated for some little time in advance. I suggest an amendment at the end of the bill, to insert the following language:

And at such time as the construction program of the Coast Guard may permit.

That will authorize the project, but leaves it definitely to the future to determine when construction shall be undertaken, to determine the priority.

Mr. LAGUARDIA. Is it not a departure to provide in a bill that the station shall be constructed at such place as the commandant of the Coast Guard or some subordinate official of the department shall designate?

Mr. CRAMTON. I think not as to the Coast Guard. I know the commandant of the Coast Guard has a right to move one of the stations, because that order has been made in my district. This would give the commandant of the Coast Guard no more authority than he has generally.

Mr. HOCH. I think there is no one who would know so well the precise location that should be selected as the commandant of the Coast Guard.

Mr. LAGUARDIA. That is true; but does he not make his recommendations to Congress, and does not a committee of Congress take up the matter and decide it?

Mr. CRAMTON. Not at all. I have had an experience along this line, and that is why I am familiar with the construction program. The station near Port Huron, Mich., is upon the lake at a point where they can not, in time of storm, launch their boats. It has been desired for several years to locate the station down on the St. Clair River on land owned by the Government, but because their construction program did not permit, it has not been moved. It will be done next year. There was no action taken by Congress as to the removal.

Mr. LAGUARDIA. But the discretion of the commandant is limited to a certain locality?

Mr. CRAMTON. Of course.

Mr. JENKINS. Why would it not be proper to let this go over until the gentleman is convinced the time is right to construct the station?

Mr. CRAMTON. We have adopted a definite program in the Bureau of Fisheries and elsewhere for several years in advance. If this station is authorized by Congress, and it is apparent that it is desirable, then it will go on their construction program and they will give it the priority they feel it is entitled to. It may be reached next year, or it may be reached in four or five years, according to the importance which is attached to it and the money available.

Mr. JENKINS. What has the gentleman to say about the report made by the distinguished Secretary of the Treasury, than whom no greater has lived since Alexander Hamilton?

Mr. LAGUARDIA. I am not so sure about that.

Mr. CRAMTON. That report is based on the Budget, which objection, I am sure, would be overcome by the suggested amendment which I have proposed.

Mr. HOCH. I see no objection to the amendment proposed by the gentleman from Michigan. In fact, I think that is precisely what will happen without the amendment. This is simply an authorization, and there are authorizations for a number of Coast Guard stations. They are only reached as they can be reached under the building program, and then, of course, the matter will have to be presented to the Committee on Appropriations to demonstrate the need.

Mr. CRAMTON. I rather felt that as drawn, if it were authorized, knowing who represents that district in Congress, the lady from Florida [Mrs. OWEN], we would be compelled to appropriate for it about next session, but by the amendment I suggested I remove that probability and leave it to the Coast Guard to determine when it shall be built.

Mr. JENKINS. I had made up my mind fully to object to this bill, and the remarks of the gentleman from Michigan and the gentleman from Kansas have not convinced me, but I notice who the author of the bill is, and that has overwhelmed me, so I will not object.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, if the gentleman from Ohio has withdrawn his reservation——

Mr. CRAMTON. If the gentleman will yield, I understand the amendment I suggested is agreeable to the Congresswoman from Florida?

Mrs. OWEN. It is.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, I am quite surprised to find a recommendation for the building of another Coast Guard station, in view of the fact that there are many bills pending before the committee, many of them very meritorious, and the Coast Guard commandant has uniformly taken the position that the building program is so large that no more can be taken on. I also have been advised that the financial policy of the Government does not permit the incurring of any obligations for the building of any further stations at this time.

Mr. CRAMTON. The amendment I suggested takes care of that situation.

Mr. CHINDBLOM. I shall be happy if the committee will be good enough to report a bill which I have introduced, and I will accept the same amendment to that bill, which relates to a station at Waukegan, Ill., where it is badly needed.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object—and I believe I shall object—did I understand correctly that the Secretary of the Treasury opposes the passage of this bill?

Mr. CRAMTON. In a form which might have obligated the construction next year, but with my amendment construction is postponed until the construction program and the funds available will make it possible to go ahead with the work.

Mr. SCHAFER of Wisconsin. Why should this particular station be singled out at this time under a special act before they formulate a definite and complete construction program?

Mr. CRAMTON. This does not give it any priority. It simply adds it to their construction program, and it would seem to me that any other station which is approved by the service and meets with the approval of the committee might very well have consideration by the House.

Mr. LAGUARDIA. Will the gentleman from Michigan permit the gentlewoman from Florida to invoke her legislative appeal on the gentleman from Wisconsin?

Mr. CRAMTON. I hope she will.

Mrs. OWEN. Will the gentleman from Wisconsin permit me to make an explanation?

Mr. SCHAFER of Wisconsin. I am reserving the right to object because I have not up to this moment been able to ascertain why we should single out this specific proposed Coast Guard station and pass this bill on the Consent Calendar. I desire to obtain some definite facts indicating why this bill should be passed, notwithstanding the fact that the Secretary of the Treasury has adversely reported on it.

Mrs. OWEN. Will the gentleman from Wisconsin permit me to point out why I feel this bill to be meritorious?

Mr. SCHAFER of Wisconsin. Yes.

Mrs. OWEN. In the report of the Secretary of the Treasury it is plainly set out that he approves and finds a real necessity for the establishment of this Coast Guard station. It is pointed out in the report that 300 fishing boats use this inlet; that more than 1,000 men are employed in the fisheries; that 75 lives were lost by drowning between February, 1921, and February, 1930, within 10 miles of this inlet; that the sum of a million and a quarter dollars is represented annually in the income derived from the fisheries at this point; that the Secretary of the Treasury feels it to be advisable and desirable to establish this Coast Guard station but that funds are not now available.

May I point out that the amendment to be offered by the gentleman from Michigan merely places this station on the calendar for construction at such time as the funds are available?

Mr. SCHAFER of Wisconsin. Would the passage of the pending bill give this particular Coast Guard station a preference

over all others which have had the consideration of the department for some months?

Mr. CRAMTON. Not at all.

Mr. HOCH. If the gentleman will yield to me, the gentleman, I think, is entirely mistaken. This does not give any preference at all, and this is the usual procedure. We have from time to time authorized the establishment of Coast Guard stations, and I might say that in this particular case my judgment is that the showing as to the necessity for this station was as strong as the showing made for any station since I have been upon the committee. I might say to the gentleman that there is another bill pending for the establishment of a station in Florida waters which the committee did not favorably report because the committee did not believe it made a sufficient showing to warrant a favorable report at this time.

Mr. SCHAFER of Wisconsin. How far is the proposed station from an existing station?

Mr. HOCH. If the gentleman will read the report, he will see the great need for this station.

Mr. SCHAFER of Wisconsin. I imagine that if we would look into all of the facts, in addition to the necessity for this Coast Guard station to assist in the saving of lives, we would find there is an urgent necessity from the department's standpoint in order to enforce the prohibition laws, and it is another example of the excessive expenditure of the people's money by reason of the sumptuary Federal prohibition laws. I shall not object, merely hoping that in the near future the American people will realize the expense and viciousness of these dry laws and demand and compel their repeal. [Applause.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Florida at or in the vicinity of Lake Worth Inlet, in such locality as the captain commandant of the Coast Guard may recommend.

With the following committee amendment:

In line 6, strike out the word "captain."

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: In line 7, after the word "recommend," strike out the comma and insert: "and at such time as the construction program of the Coast Guard may permit."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ERECTION OF STRUCTURES ON POTOMAC RIVER ADJACENT TO PROPOSED GEORGE WASHINGTON MEMORIAL PARKWAY IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the joint resolution (S. J. Res. 182) prohibiting location or erection of any wharf or dock or artificial fill or bulkhead or other structure on the shores or in the waters of the Potomac River within the District of Columbia without the approval of the Commissioners of the District of Columbia and the Director of Public Buildings and Public Parks of the National Capital.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent that the joint resolution may be passed over without prejudice.

Mr. CRAMTON. Mr. Speaker, I regret that I am obliged to object to that.

Mr. MOORE of Virginia. Then I object to the joint resolution.

APPOINTMENT OF ADDITIONAL JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS

The next business on the Consent Calendar was the bill (H. R. 11623) to provide for the appointment of an additional district judge for the southern district of Texas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as has been customary in respect of these judgeship bills, I have sought information from the author of the bill and particularly the gentleman from West Virginia [Mr. BACHMANN], who has been instrumental in a survey of conditions in the respective districts. As to the exigency of the demand for an additional judge in the southern district of Texas, I note from the report of the Attorney General for last year that there were 108 private cases begun.

Mr. BACHMANN. One hundred and thirty-six, if I may correct the gentleman.

Mr. STAFFORD. One hundred and eight cases, other than admiralty cases, and 26 admiralty cases. There were disposed of 110 private suits, other than admiralty, and 31 admiralty cases. At the close of business there were but 88 cases pending, other than admiralty, and 25 admiralty cases.

The report of business in this case is about the weakest of any that has been brought up for consideration with respect to an additional judge.

Mr. CRAMTON. If the gentleman will yield, I think the gentleman from Wisconsin has overlooked the very persuasive telegram from Circuit Judge Walker, in which he says, "Think additional judge needed." This is so emphatic a telegram I do not know what stronger evidence my friend would want, if I have the right bill before me.

Mr. BACHMANN. That is the right bill.

Mr. CRAMTON. The report carries a telegram from Circuit Judge Walker, of the circuit court of appeals. He was asked by the Attorney General about the need of an additional judge and said, "Think additional judge needed in southern district of Texas." The circuit judge is not sure one is needed, but he "thinks" so.

Mr. STAFFORD. Perhaps that is very convincing language from this judge. Is the gentleman acquainted with this judge?

Mr. CRAMTON. He may be a conservative.

Mr. GARNER. Let me say to the gentleman, if I may, that there have been so many people coming from Michigan and Wisconsin and Minnesota and other States down into that country that they have increased our business down there both in civil and criminal cases.

Mr. CRAMTON. Is there a chance of a Hoover Democrat from Texas becoming the judge?

Mr. GARNER. Just a moment. For instance, the district I happen to represent at the moment only had a population of about 220,000 in 1920.

Mr. CRAMTON. Is there a good Hoover Democrat who could be appointed?

Mr. GARNER (continuing). It has over 450,000 at the present time. These people have come from Michigan, Minnesota, Wisconsin, and other States, and they now need this additional judge.

Mr. STAFFORD. I wish to ask the gentleman from Texas a question, because he has first-hand information about conditions here. I have no acquaintance with the district comprising the southern district of Texas. Are there any large cities within the boundaries of the southern district?

Mr. GARNER. Not very large; about 300,000 at Houston and some 60,000 or 70,000 at Galveston.

Mr. STAFFORD. This is the district comprising the territory along the coast.

Mr. GARNER. Yes.

Mr. STAFFORD. Where private business is developing more rapidly than in the agricultural districts; and I notice that they have admiralty jurisdiction in addition. I have not interposed any objection to additional judges where there are large, growing cities which develop considerable litigation.

Mr. BRIGGS. I may say to the gentleman from Wisconsin that the business is extremely heavy in this district.

Mr. BACHMANN. I want to add to what the gentleman from Texas [Mr. GARNER] has said about the increase in business. The business of the southern district has increased from 1,007 cases in 1926 to 1,688 cases in 1929.

Mr. STAFFORD. As I stated on yesterday, the yardstick which which I measure the need of additional judges is the private business and not the little departmental business or the bankruptcy cases, which are of minor importance.

Mr. BACHMANN. The private business has also very largely increased.

Mr. STAFFORD. I have no objection, and I withdraw the reservation of objection.

Mr. CRAMTON. Reserving the right to object, and I am hoping I shall not have to object, I am hoping a good Hoover Democrat may get this position.

Mr. GARNER. Let me say to the gentleman that my suspicions are that in case this bill passes, for which I think there is some necessity, one of the best lawyers in Texas or anywhere else in the United States will be appointed judge.

Mr. CRAMTON. Now, if the gentleman will give me one more consolation and withdraw any suggestion that the people from Michigan who have gone to Texas to make the State more glorious, contribute to the disorder, and increase legal business——

Mr. STAFFORD. Oh, the conditions in Texas near the Mexican border are the same as those on the border near the Detroit River.

Mr. CRAMTON. But we do not blame that on people coming from Texas. [Laughter.]

Mr. SCHAFER of Wisconsin. Reserving the right to object, I want to ask the gentleman from Texas whether he believes that if we pass this bill for an additional judge it may have a good effect with reference to creating a respect for law in the State of Texas? There does not seem to be much respect for the law there now. They burn citizens in courthouses and lynch them without a trial in Texas. Does the gentleman believe that if we help to clean up the court calendars by providing an additional judge it may create respect for law in the State of Texas?

Mr. GARNER. I think it would help to maintain law and order.

Mr. COLLINS. The regular order!

Mr. SCHAFER of Wisconsin. Further reserving the right to object——

The SPEAKER. The regular order is called for.

Mr. SCHAFER of Wisconsin. If the regular order is called for, I shall be forced to object.

Mr. COLLINS. I withdraw the demand for the regular order. [Laughter.]

Mr. SCHAFER of Wisconsin. I will advise the gentleman that I believe this bill is another sample of the cost of prohibition. I have obtained the police statistics from 25 of the largest cities in the State of Texas, and they show that drunks and drunken vehicle drivers have increased in leaps and bounds under the eighteenth amendment—a product of that State. The eighteenth amendment and laws enacted thereunder have caused most of the present congestion in the Federal courts in the State of Texas.

I shall withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Southern District of Texas.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FLOOD CONTROL ON THE WABASH AND WHITE RIVERS

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on flood control on the Wabash and White Rivers in Indiana, and to include a letter from the chief engineer on the progress that has been made in the survey and engineering work, and include some remarks that I made previously on the question.

The SPEAKER. Without objection, leave is granted.

Mr. GREENWOOD. Mr. Speaker, in these closing days of Congress I take this opportunity to again call the attention of my colleagues to the urgent necessity for Federal aid in controlling the extreme floods along the Wabash and White Rivers. Indiana and Illinois bear the brunt of these constantly reoccurring overflows. However, they are such a contributing factor to the floods on the lower Ohio and Mississippi Rivers that the problem is interstate and eventually must be accepted as national projects.

When the Mississippi flood control bill was before the House I gave it my most enthusiastic support. The assistance that I rendered, with my colleagues from territory along the tributaries of the Mississippi, in obtaining appropriations for surveys of the tributaries, was a distinct service to the country. This great river system of our Central and Southern States will have to be treated by the Federal Government as one great system. It is now so considered and being improved for inland navigation. National conservation by flood control is even more important.

Under this Mississippi flood control bill, which is now the law, funds have been allotted to the various tributaries for complete surveys. Under the War Department, through the offices of the chief and district engineers, already much surveying and engineering work has been accomplished. For the purpose of knowing and conveying this information to those interested, I recently called upon the office of the Chief of Engineers for a report. In reply I received a letter, which I now extend in these remarks:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, June 16, 1930.

Hon. ARTHUR H. GREENWOOD,
House of Representatives, Washington, D. C.

MY DEAR MR. GREENWOOD: 1. In response to your telephonic request of June 14, 1930, for information in regard to the status of the survey of the Wabash River and its tributaries, with a view to improvement for navigation in combination with power development, flood control, and irrigation, I have to advise you as follows:

2. A preliminary report on the investigation was submitted in January, 1929, and was favorably acted upon and a project study authorized. The work is being done by the district engineer at Louisville, Ky. The sum of $305,000 has been allotted to date for this study, and the expenditures and obligations to April 30, 1930, were $103,932.68. In addition to the contractors' forces, the district engineer has 14 engineers and assistants engaged.

3. Sixteen gaging stations have been established, of which six are located on the Wabash River. A contract has been awarded for an aerial topographic survey of the Wabash River from Terre Haute to Logansport, Ind., and the West Fork of the White River from Shoals to Sparksville, Ind., approximately 350 square miles. On April 30 the contract was 98 per cent complete, the photography and ground-control work having been completed.

4. On June 18 bids are to be opened for an aerial survey of approximately 970 square miles of the Wabash, White, and Eel Rivers, Ind. The allotment of $200,000 recently made will be applied to this aerial survey, mapping, hydraulic investigations, and continued office studies.

5. It is expected that the final report on this survey will be submitted in January, 1931.

Very truly yours,

LYTLE BROWN,
Major General, Chief of Engineers.

It is my hope that the full and complete report may be filed by next January, as stated in the letter. Upon this report legislation will be proposed for the next session of Congress.

Those interested will also note in paragraph 4 of the letter from the Chief Engineer that $200,000 was recently allotted for the purpose of aerial surveys, mapping, hydraulic investigations, and office studies. This was a very liberal allotment and much larger than was received by other tributaries. It is believed from this study a system of dams and reservoirs may be found feasible that will not only impound and hold the flood waters in the upper reaches of the tributaries but will also develop power, water for utility purposes, and, perhaps, lakes for recreational comfort and enjoyment. It can certainly be claimed that the Federal Government is now in earnest about this flood-relief problem and is studying the details to develop a comprehensive plan. This plan will certainly include the straightening of the streams.

On January 30, 1930, I addressed the House of Representatives on the conditions of the recent flood upon these streams, and I am here inserting a portion of that speech:

The Wabash and White River Valleys have experienced many floods, but none more devastating and few, if any, accompanied by such widespread suffering and hardship. At many points this phenomenal overflow has risen above all former high-water marks. Levees that have withstood ordinary floods for years have been swept away. So widespread in expanse and unprecedented in volume, this inundation removes all hope of State and local government to control the flood waters of these rivers. To provide adequate and permanent relief the Federal Government must intervene.

* * * * * * *

Federal money spent to control floods in the Valley of the Wabash will be a great contribution toward relief from overflows on the main stem of the lower Mississippi.

The Wabash and White Rivers carry the rainfall of approximately 35,000 square miles of territory. Almost all of Indiana, a large section of eastern Illinois, and a small portion of western Ohio is drained by this system. The Wabash is 550 miles in length and each of the White Rivers almost one-half that length. Formerly the Wabash was navigable for 300 miles from its mouth and was connected by a canal with Lake Erie. To-day, with many, including the President, advocating a system of inland waterways, I can conceive the time, not far distant, when navigation from the great valley to the Lakes will again be established along this route of the Wabash, which engineers of that former day believed to be feasible.

Navigation, however, is not my theme here to-day. The emergency now compels us to press for Federal aid to control the extreme floods along the tributaries of the Mississippi. We feel that these tributary

projects must first be understood and controlled. Their solution will contribute to the solution of the flood problems on the main river.

Every river has its eccentricities. Floods arise from various contributing causes. Geographic location has much to do with overflows. The Middle West, as to climatic conditions, appears to be the battle ground of the elements. Heavy periodic rainfalls occur with sudden changes of the weather. The storms and blizzards from the Northwest and lake regions are merged in the Wabash and Ohio Valley with the warmer currents from the Atlantic and Gulf sections. The storms and changes of weather are often accompanied by snow and heavy rainfall. We are subject at certain seasons to heavy, sudden, and widespread precipitation. In 1913 we had a gigantic flood with Dayton, Ohio, as the storm center. Every year we have smaller ordinary overflows. This year, with increased volume, the center of devastation is around Vincennes. At other times it has been at other places in the Middle West.

Originally Indiana was heavily timbered. There were lagoons, shaded by vegetation, where surface water remained throughout the year. Nature had her own system of impounding and conserving her rainfall. This water was released slowly through sinuous streams. Because of its great fertility this black swamp land was reclaimed by dredging and drainage. Streams were straightened and the water, no longer retarded by timber and marshes, is now mobilized with speed and uncontrollable volume in the lower stretches of the main rivers.

Man can learn much from nature. Without claiming any special knowledge of engineering, nor having any desire to anticipate the survey now being made, I think there is merit in the system of flood control that will impound the water on the smaller streams. It would prove expensive, but has contributing factors which would compensate. Among these are electricity, water power, public utility in water and irrigation, navigation, timber, and recreational resources. Such treatment would be largely self-sustaining.

The straightening of the larger streams, building revetments, and constructing a levée system will in the present emergency bring great relief. We are therefore especially anxious that these surveys be completed with all possible speed. The emergency on the tributaries is great. The people in the flooded districts are deeply discouraged and are looking to the Congress for solution of the flood problems.

The Federal Government, through the War Department, has been sympathetic and active in the present emergency. Funds provided in the recent flood control bill have been used for relief work. Army airplanes have searched for refugees and have carried food, clothing, medicine, and physicians to those surrounded by water. There have been many heroic struggles to save every life. The Red Cross, that angel of mercy to humanity wherever distress is found, has been on the field administering to the flood victims. For all this assistance the people of flood districts are deeply grateful.

In the expenditure of Government funds I hope that too close a distinction is not drawn between "rescue" and "relief."

The people driven from their homes are not fully rescued from starvation and disease until the floods recede and they are restored to their homes. There will also be need for the expenditure for funds under the emergency clause of the recent act to repair broken levees. Many of these communities have lost so heavily that Federal aid will be needed for these repairs.

There are many narratives of individual heroism, hardship, and courage connected with the rescue work of this catastrophe. The city of Vincennes, although itself partly under water, has been the base of operations. Being somewhat familiar with floods, the citizens of this city and surrounding communities have made a valiant fight.

* * * * * * *

Mr. ARNOLD. Will the gentleman yield?

Mr. GREENWOOD. Yes.

Mr. ARNOLD. Has the gentleman received any estimate or does the gentleman know anything about the extent of the loss of life in this section of the valley?

Mr. GREENWOOD. I will say to the gentleman that they will be unable to check up the loss of life until the waters recede and they are able to make an examination of the homes that were occupied in these flooded areas. They only know about those they have rescued.

Mr. HASTINGS. Of course, a great many contract disease and die from exposure.

Mr. ARNOLD. I have noticed from press reports that these Army airplanes have been going about the flooded area viewing these marooned people, and they state that where there was formerly evidence of life, recently they can not discern any existing life, and it now looks as though there might be very serious loss of life.

Mr. GREENWOOD. That is true; but they can not tell whether the people have survived or have been rescued until they are able to land their planes and go to their former homes and ascertain the exact situation.

As the gentleman from Oklahoma says, of course, many die from disease or from exposure.

These newspaper accounts give us specific information as to the widespread calamity of this record-breaking overflow in my congressional district and surrounding territory. Because of several ice jams the water has been held to great depths in lakes and reservoirs that are still a menace. There are many places where the overflow is 20 feet in depth over farm lands. The Wabash River is reported to be 10 miles in width in several places. Many highways paved by contributions of Federal funds are submerged by the high waters.

The Congress will understand and visualize a valley, rich and fertile, dotted with farms under full cultivation, in the very heart of the Corn Belt, where fine cattle and hogs are fed for market. Dairying and poultry farming are successfully pursued. Around Decker, in Knox County, Ind., are the farms made famous by their cantaloupes. This flooded section of diversified farming is well improved and intensely cultivated. Floods cause immense damage to highly improved farms of this character.

Standing as a constant menace to this happy valley are the ever-recurring floods, which no local community can control. The same as upon other tributaries of the great Father of Waters, the floods of the Wabash and White Rivers are interstate in their magnitude. The distress, in proportion to the territory covered, is just as great, the destruction just as complete, the demand for Federal aid just as appealing as upon the larger streams.

There need be no speculation here as to the resources to be conserved. These lands are fertile and are now producing food, clothing, and other necessary commodities for the life of the Nation. There may be mountain regions that do not need this kind of relief. There are seaboard sections where Federal money has been expended upon ports and harbors. We have assisted arid parts with needed irrigation. The problem in this valley is too much water. It has potential value where it falls but becomes a menace when uncontrolled. To properly control these overflows is a task too great for a State. We must have the aid of the Federal Government.

We know that flood control on these tributaries will call for the expenditure of perhaps a billion dollars. But when figured in the lifetime of our Nation and the conservation of her resources, this will not be extravagant. With the conservation of these rich natural resources we are preparing for the future feeding, clothing, and housing of a nation which will likely have a population of from three to four hundred million souls. We want a happy, self-sustaining people. We can not, like the great empire of China, allow our great resources to be wasted by erosion and the very life and sustaining quality of our lands to be carried down into the sea. We will need our farm lands to produce food. We will want inland waterways for cheap exchange of commodities. These will be needed to serve a thickly populated and highly developed civilization of the coming era.

Out in the fertile valleys of the Middle West is the garden spot to produce our food. It has been termed the "bread basket of America." These alluvial valleys are far removed from seaboard attack. Here, in spite of war or turmoil, the fields, richly endowed by the Creator, will, if protected from floods, continuously and complacently respond to produce the food of the Nation. Here likewise is the market place for our ever-increasing output of manufacturing industries. Federal money spent for conservation in these valleys will yield a high return.

The soil, after all, is the foundation upon which a nation stands. A people can not endure that will not conserve her agricultural resources. I therefore come to you with this appeal, knowing that you appreciate its merit. The Congress of the United States is composed of men with a vision and a sympathy for great projects of human welfare. The challenge is to the whole Nation. I have confidence that Congress, after deliberation, will formulate a constructive policy that will provide flood control on the tributaries as well as on the main trunk of the Mississippi. It is a duty and should be a rare privilege to us to make our contribution to this end. [Applause.]

I have a few minutes remaining, and if anyone wishes to ask any questions, I will be pleased to answer them.

Mr. RAGON. The gentleman stated in his address that they had been utilizing airplanes to get supplies to the people who are marooned. Is that due to an ice condition that prevents the boats from going in there, as they would in normal times?

Mr. GREENWOOD. Yes. This is a very phenomenal flood, in that it is not only more extensive than the ordinary flood but when it was at its height the extreme zero weather came on and the whole surface of the water was frozen and the motor boats and skiffs and other small craft that ordinarily could reach these isolated homes could no longer be utilized.

Government airplanes had to be used in order to locate the homes where the people had not been rescued or relieved; and not only this, but they also carried food, clothing, and bed clothing and dropped them from the airplanes in bags in order to relieve the people in this isolated section—something that had never before happened in the valley.

Mr. RAGON. The same conditions, I will say to the gentleman from Indiana, existed in my State and in southeastern Missouri on the St. Francis River. They had a flood there this year that was 6 feet higher than the flood of 1927, and at the height of the flood the backwaters were frozen and the boats were unable to go in there. They had to use airplanes to drop food to the people who were marooned on the housetops and in the high places in order that they might live through the extreme cold weather.

Mr. GREENWOOD. Where there was the least bit of land above water that offered any opportunity at all for these Government pilots to land, they landed their planes and very often they were obliged to take off from a very perilous situation from some of these small islands, which was quite phenomenal.

Mr. DUNBAR. Will any of the editorials or news items which the gentleman will submit with his remarks give an account of the fact that scores and scores of miles of roads and highways, a number of miles away from the Ohio River and the White River, have been overflowed to the extent that the State highways commission was required to get out a list of more than 50 highways over which travel had been suspended?

Mr. GREENWOOD. I mentioned that in my address, but I am very glad to have that contribution from the gentleman from Indiana.

Mr. ELLIOTT. Will the gentleman yield?

Mr. GREENWOOD. Yes; I yield.

Mr. ELLIOTT. What is the condition of the flood on the Wabash River at this time; is it receding or not?

Mr. GREENWOOD. It is receding now, and the water would be within banks in most places were it not for these gigantic ice jams that are holding it back in pools and reservoirs in many places; and even after the water recedes there is a blanket of ice over this entire area of farm lands that only warmer weather can remove.

Mr. ELLIOTT. Are the people who are marooned among these hills and islands receiving food now?

Mr. GREENWOOD. They are receiving food from the Red Cross from different bases, especially one at Vincennes and one at Evansville, as well as at other places. The Red Cross and the local authorities are taking care of the relief work. Food, clothing, and medical relief has been furnished.

Mr. CANFIELD. Will my colleague give some idea as to how much of the levees have been swept away, and what repairs will be necessary?

Mr. DUNBAR. And also include how many roads are rendered impassable.

Mr. GREENWOOD. Many of the roads built by Federal contribution have been covered and had to be closed because they are impassible. We do not know what the damage will be to the highways until the water recedes. Almost all of the levees have crevasses. Much damage to levees has been reported; the aggregate damage is not known.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. WHITTINGTON. Is the Wabash an intrastate river or an interstate river?

Mr. GREENWOOD. It is an interstate river, the boundary line between Illinois and Indiana.

Mr. WHITTINGTON. Is it used for navigation purposes?

Mr. GREENWOOD. Not a great deal; the lower stretch is used some. Formerly about 300 miles up to Logansport was navigable in high-water time.

Mr. WHITTINGTON. Is there any water power developed on it?

Mr. GREENWOOD. There are some power plants.

Mr. WHITTINGTON. Are there a good many miles of levees up there?

Mr. GREENWOOD. I could only give the gentleman an estimate. In many counties there are 50 or 60 miles on each side of the river. The individual levees run from 5 to 6 miles to 12 or 15 miles in length.

Mr. WHITTINGTON. And those have been constructed by bond issues?

Mr. GREENWOOD. Entirely by contribution of the local property owners.

Mr. SHORT of Missouri. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Missouri.

Mr. SHORT of Missouri. Mr. Chairman, I have been tremendously interested in the remarks of the gentleman from Indiana, not merely because I am a member of the Flood Control Committee of the House but because my district is directly affected by flood waters. The indescribable misery, the awful suffering, the terrible loss of property, and the jeopardy to human life has been great in Indiana, and can likewise be said of the people of Missouri.

The St. Francis River has been on a rampage. Farm buildings have been destroyed, livestock has likewise been destroyed, and these people have been forced to move to higher ground; and unless the Government takes some positive action there can be no relief.

Mr. ARNOLD. Will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. ARNOLD. As to the release of these ice gorges, is it not a fact that the War Department has said that if it blew out the ice gorges or jams and released the water it might sweep down the river and cause great destruction to some of the lower towns?

Mr. GREENWOOD. That statement is correct. The War Department says that the ice jams should be allowed to go out in the natural way rather than to blow them out.

Mr. ARNOLD. The ice jams, if they remain as they are, cause the water to back up and flood the land farther up the river, and have caused great loss and destruction of property on the lowlands.

Mr. GREENWOOD. That is true. Lands are covered by the ice jams, with a wide expanse of water, that never were covered before.

Mr. ARNOLD. The War Department informs me that if they should blow out the ice jams the probability is that the water would come down with such a sweeping force that it might cause vast damage to the city of Vincennes and other towns on the river.

Mr. DUNBAR. Will the gentleman yield again?

Mr. GREENWOOD. I yield.

Mr. DUNBAR. I presume the purpose of the gentleman's address is to call attention to the fact that in Indiana we have floods which devastate and destroy property, which shuts down industry and causes thousands of acres of farm land to be inundated, and yet very little attention has been given to it by the Federal Government; and it is your intention that the Federal Government should take cognizance of the situation and provide some relief, as it has done in the Mississippi Valley?

The SPEAKER pro tempore (Mr. BACON). The time of the gentleman from Indiana has expired.

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to proceed for two minutes in order to answer the question of the gentleman from Indiana.

Mr. DUNBAR. Mr. Speaker, I ask that the gentleman's time be extended 10 minutes.

Mr. CRAMTON. Mr. Speaker, I do not want to interfere with the gentleman, but I think the time ought to be limited because of the legislation scheduled for to-day.

Mr. GREENWOOD. Mr. Speaker, I ask for only two minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, in answer to the gentleman from Indiana [Mr. DUNBAR], my purpose is to join with others in the valley who represent districts upon the tributaries to show the Members of the House that the relief is just as much needed and that the appeal for relief is just as great as any other, and that the task is one that can not be handled by local authorities. Also, that in solving the flood-relief problems on the tributaries we are thereby contributing to the solution of the flood control on the main stem, on the Mississippi, and on the larger rivers.

It is my hope that there will be a bill, constructive legislation, come out of the Flood Control Committee of the House of Representatives, which will carry several of these important tributary projects in one combined bill, and I believe that under that constructive policy we will be helping to settle the entire flood-control problem of the Mississippi Valley. [Applause.]

When the engineer's report is completed and filed a bill will be proposed to carry the same into effect. We have the assurance that the Flood Control Committee of the House of Representatives will have complete hearings upon the proposed bill. Already Chairman FRANK REID, of the House committee, has made a brief visit and survey of the flooded sections and reports that he found the people anxious for Federal aid. Also Mr. REID stated he was willing to take a subcommittee and have hearings in which evidence can be offered and recorded. The various communities will want these hearings in order that lay evidence can be added to that of the engineers.

A resolution is now pending before the Rules Committee of the House providing the necessary appropriation to pay the expenses of this subcommittee from the House Committee on Flood Control. I urge speedy and favorable action for this rule. It is important and will be within very modest limitations. If the subcommittee can be sent to these flooded areas, it will permit the people to present evidence without making a trip to the Capital, which would be expensive and in most instances prohibitive to those who are interested.

We are hopeful that the engineer's report will direct us in this much-needed flood relief project, and that the Congress will act sympathetically and speedily to accomplish in these flooded districts what no local community or State can bring to a successful execution.

CHOCTAWS AND CHICKASAWS INDORSE CARTWRIGHT BILL

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, consent having been granted me to extend my remarks in the RECORD, I desire again to call the attention of the Members of Congress to H. R. 2901, which I have twice introduced and which provides for the purchase by the Government of the segregated coal and asphalt deposits in Oklahoma from the Choctaw and Chickasaw Tribes of Indians. I am taking the liberty of inserting excerpts from the minutes of a recent Indian meeting and a petition with the names of those who have signed it.

This is an appeal which Congress can not afford to ignore and I therefore commend it to every Member of the House.

MINUTES OF CHOCTAW-CHICKASAW MEETING HELD IN DURANT, OKLA., APRIL 23, 1930

A telegram from the Hon. WILBURN CARTWRIGHT, Congressman from this district, was received and read to the convention and it was very enthusiastically received.

A motion to adopt and indorse the Cartwright bill now pending in Congress to sell our coal and asphalt to the United States Government for $12,000,000 and thereby secure a final settlement of all our affairs was unanimously adopted by resolution.

FRANK ANDERSON, *Bokchito, Okla., Chairman.*
J. W. EDWARDS, *Bromide, Okla., Secretary.*

PETITION

HOUSE OF REPRESENTATIVES,
Washington, D. C.:

We, the undersigned enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, hereby respectfully request and urgently insist that you take up for consideration as early as possible and report favorably thereon H. R. 2901, introduced by the Hon. WILBURN CARTWRIGHT.

Many of our people are in dire need of their interest in this estate, and under treaty stipulations between our tribes and the United States should have received their equity in the same many years ago. Therefore, in justice to a people who are loyal and true citizens of our Nation, we ask at your hands a prompt settlement of this estate with each individual.

John Daniel, Rufe, Okla.; Mary Daniel, Rufe, Okla.; Eastman Jacob, Rufe, Okla.; Antlin Noatabbe (Mrs. Jacob), Rufe, Okla.; Billy B. Frazier, Rufe, Okla.; Silas Columbus, Rufe, Okla.; Eleat Myer, Rufe, Okla.; Eben Wesley, Rufe, Okla.; Salina Peter, Rufe, Okla.; Silway Dennis, Rufe, Okla.; Kennedy Myer, Rufe, Okla.; L. N. Ishcomen, Rufe, Okla.; Agnes Jones, Rufe, Okla.; Jiney Hoyopatubbi, Rufe, Okla.; Johnson Taylor, Rufe, Okla.; Sallie Wallace, Rufe, Okla.; Moicy Caldwell, Rufe, Okla.; Mary Ann Caldwell, Rufe, Okla.; Willie Caldwell, Rufe, Okla.; Mycie Caldwell, Rufe, Okla.; Wilson Caldwell, Rufe, Okla.; Ina Winship, Rufe, Okla.; Jackson Wesley, Rufe, Okla.; Clarissa Caldwell, Rufe Okla.; Eliza A. Holman, Rufe, Okla.; Nelus Payne, Rufe, Okla.; Wilton Jefferson, Hochatown, Okla.; Judy Jefferson, Hochatown, Okla.; Levi Tikobbi, Broken Bow, Okla.; Maggie Tammie Beavers, Hochatown, Okla.; Aaron Ebakotubbi, Hochatown, Okla.; Nancy Ebalotubbi, Hochatown, Okla.; Lena Watson, now Ebakotubbi, Broken Bow, Okla.; Tom Stephen, Hochatown, Okla.; Lesina McClure, Hochatown, Okla.; Levisa Steven, Hochatown, Okla.; Evalina Johnson, Hochatown, Okla.; Ruth Jaunita Harrison, now Beaver, Hochatown, Okla.; Mary Watson, now Beavers, Hochatown, Okla.; Tom Wilson, Broken Bow, Okla.; Richmond Tonibka, Broken Bow, Okla.; Philip Wilson, Hochatown, Okla.; Britany Wake, now Wilson, Hochatown, Okla.; Lena Thomas, Wright City, Okla.; Osborne Nakishi, Wright City, Okla.; James Jacobs, Wright City, Okla.; Nattie Nakishi, Wright City, Okla.; Mary Nakishi, Wright City, Okla.; Anderson Winships, Wright City, Okla.; James Jacobs, Wright City, Okla.; Emerson D. Willis, Rufe, Okla.; Sophie Jacob, Rufe, Okla.; E. B. Henry, Quinton, Okla.; A. Lewis Bullard, Quinton, Okla.; Samuel Quinton, Quinton, Okla.; Martin Billy, Quinton, Okla.; Sampson Folsom, Brooken, Okla.; R. M. Hancock, Quinton, Okla.; Wallace Carney, Quinton, Okla.; James Quinton, Quinton, Okla.; Gertrude Trower, Quinton, Okla.; Scrugg Collier, Quinton, Okla.; Lula Swaim, Welectka, Okla.; Lona Attizer, Quinton, Okla.; Scott Bickle, Quinton, Okla.; Jonas Carney, Quinton, Okla.; C. C. Hughart, Quinton, Okla.; William Freeman, Quinton, Okla.; Joanna Freeman, Quinton, Okla.; James Freeman, Quinton, Okla.; Lata Bell Brown (nee Freeman), Quinton, Okla.; Hill T. Smith, Quinton, Okla.; Charles Bascom, Quinton, Okla.; Mary Elizabeth Bookout (nee Smith), Quinton, Okla.; Levi B. Hughart, Quinton, Okla.; Delara Mills, Quinton, Okla.; George Carney, Quinton, Okla.; Noah Watson, Quinton, Okla.; Edmund Massey, Quinton, Okla.; Emry H. Farriel, Quinton, Okla.; Martha Collier, Quinton, Okla.; Emanuel P. Gruss, Russellville, Okla.; Grayson Noley, Quinton, Okla.; Raymond W. Fitzer, Brooken, Okla.; Jesse Byington, Quinton, Okla.; Davis L. Folsom, Russellville, Okla.; J. H. Fitzer, Brooken, Okla.; Alvin C. Mathiews, Quinton, Okla.; Cyril Gibson, Quinton, Okla.; G. W. Taylor, Quinton, Okla.; Avery Quinton, Quinton, Okla.; Grover Beck, Quinton, Okla.; Maude Taylor, Quinton, Okla.; Wilson Carney, Featherston, Okla.; J. T. Count, Quinton, Okla.; Edward Walls, Enterprise, Okla.; Coleman Riddle, Quinton, Okla.; C. R. Hancock, Quinton, Okla.; Silas W. Bohanan, Brooken, Okla.; Ella Carney, Featherston, Okla.; Wallace Beck, Russellville, Okla.; Flora Hancock (now Thompson), Quinton, Okla.; William Quinton; Josiah Billy, Talihina, Okla.; Winnie Billy, Talihina, Okla.; Allie May Billy, Talihina, Okla.; Thomas H. Frazier, Whitesboro, Okla.; Sarah Anderson, Talihina, Okla.; Josie L. Bacon, Talihina, Okla.; Ellis Bacon, Whitesboro, Okla.; Mary Potts, Whitesboro, Okla.; Rosa Bacon, Talihina, Okla.; Lou W. Boloman, Talihina, Okla.; Alice Billy, Talihina, Okla.; Abner James, Talihina, Okla.; Crawford J. Anderson, Talihina, Okla.; Charles E. Bacon, Talihina, Okla.; Joseph A. Dukes, Talihina, Okla.; Alfred Johnson, Talihina, Okla.; Sol Dancy, Talihina, Okla.; Cornelius McIntosh, Talihina, Okla.; Enoch Alexander, Talihina, Okla.; Thelma Holman, Talihina, Okla.; Alfred Pike, Talihina, Okla.; Nancy Roebuck, Talihina, Okla.; Aline Johnico, Talihina, Okla.; Annie Benton, Talihina, Okla.; Jolunor Tupper, Talihina, Okla.; Auda Johnico, Talihina, Okla.; Lillie Benton, Talihina, Okla.; Aaron Johnico, Talihina, Okla.; Sallie James, Whitesboro, Okla.; Minnie Thomas, Whitesboro, Okla.; Willie Henry McCoy, Muse, Okla.; Cinsy Williams, Whitesboro, Okla.; Sarah Armstrong, Muse, Okla.; Joe Willy, Whitesboro, Okla.; Clara Willy, Whitesboro, Okla.; Lilain McCoy, Whitesboro, Okla.; Sarah Graham, Whitesboro, Okla.; Thomas Graham, Whitesboro, Okla.; Leon Beams, Whitesboro, Okla.; Susan Jones, Whitesboro, Okla.; Bertha C. Thomas, Whitesboro, Okla.; Dave Bohanan, Talihina, Okla.; Grant Johnico, Talihina, Okla., R. F. D. 1; Isabelle Johnico, Talihina, Okla., R. F. D. 1.; Rhoda J. Willis, Whitesboro, Okla.; Vira Willis, Whitesboro, Okla.; Emiziah Bohanan, Albion, Okla.; Jackson Anderson, Albion, Okla.; Emma Bohanan, Talihina, Okla.; Lizzie Benton, Talihina, Okla.; Mary Beams, Talihina, Okla.; Davis James, Whitesboro, Okla.; Nancy Alexander, Talihina, Okla.; Maggie Billy, Talihina, Okla.; J. F. Mulew, Caney, Okla.; Loring Robinson, Caney, Okla.; Sophina Moore (now Robinson), Caney, Okla.; Emma Turnbull, Caddo, Okla.; Mary Jane Lewis, minor of Josiah Lewis, Caddo, Okla.; Dave Hardwick, 301 South Rob Street, Oklahoma City, Okla.; Agnes Hardwick, Rush Springs, Okla.; George G. James, Oklahoma City, Okla.; Darnes Lilburn Hardwick, Oklahoma City, Okla.; David McFulsome, Oklahoma City, Okla.; George Hoklatubbe, Oklahoma City, Okla.; Alex Thompson, sr., Oklahoma City, Okla.; Jasper Colbert, Oklahoma City, Okla.; Clinton J. York, 224 South Walker Street, Oklahoma City, Okla.; Albert T. Perkins, Oklahoma City; Maude Fillmore, Oklahoma City; Henry Pelwath, 108 South Broadway; S. M. James, Oklahoma City; Mack McDonald, Oklahoma City; James E. Bolen, Oklahoma City; Edmond Williamson, Sulphur, Okla.; Charles Burny, Oklahoma City, Okla.; Hattie A. Grigsby (nee Perkins), 415 West Reno Street; W. E. Hughes, Oklahoma City, Okla.; Bedford Anderson, 108 West Capital, Oklahoma City; Solomon Spring, Oklahoma City; Jim Colbert, Oklahoma City, Okla.; Shorty Brown, Stigler, Okla.; Hamp Benson, Fort Lawson, Okla.; William Hawkins, Oklahoma City, Okla.; Sallie Fillmore Hawkins, Oklahoma City, Okla.; Fatie Spring, Oklahoma City; Edgar McGee, Talihina, Okla.; Linnie Male Jordan, Oklahoma City, Okla.; Joseph Thompson McMillan, Oklahoma City, Okla.; Thomas J. Perry, Oklahoma City, Okla.; Martha Leatrice Patterson, Oklahoma City, Okla.; Kittie Peddycourt Perry, Oklahoma City, Okla.; Zeldia Marie Perry, Shawnee, Okla.; Benjamin Franklin Perry, Oklahoma City, Okla; Essie May Perry (nee Marshall), Oklahoma City, Okla.; Rena Ellen Perry, Duncan, Okla.; George Isaac, Oklahoma City, Okla.; Libbie Smith, Oklahoma City, Okla.; Lauda McDonald, Oklahoma City, Okla.; Homer S. Curtis, Heavener, Okla.; Charles Reid, Oklahoma City, Okla.; Benjamin Franklin Fillmore, Oklahoma City, Okla.; Charles H. Lanham, Oklahoma City, Okla.; Bessie Lanham, Oklahoma City, Okla.; Jimmie Lanham, Wynnewood, Okla.; Linno Filmore, Oklahoma City, Okla.; Abbie Williams, 24 West Washington Street, Oklahoma City, Okla.; Benjamin F. Price, 310½ North Broadway, Oklahoma City, Okla.; Elick Hallmark, 214 East Fifth Street; Dave Pickens, 516 East Seventh Street; Coleman Williams, Wewoka, Okla.; Isaac E. Nelson, Oklahoma City, Okla.; F. S. Anderson, Oklahoma City, Okla.; William C. Adams, Oklahoma City, Okla.; Levi Wilson, Oklahoma City, Okla.; Bob Horton, Oklahoma City, Okla.; Ed Newton, Ardmore; Samuel L. Wallace, Ardmore, Okla.; Charles Henderson, Berwyn, Okla.; Martin E. Brown, Ardmore, Okla.; Ervin Lavers, Ardmore, Okla.; Rafe Sockey, Ardmore, Okla.; Archie Morris, Overbrook, Okla.; Noland Thomas, Ardmore, Okla.; Isaac Lavers, Ardmore, Okla.; John T. Henderson, Berwyn, Okla.; C. W. Thomas, Ardmore; Dave Pickens, Ardmore, Okla.; Wm. F. Warren, Ardmore, Okla.; M. F. Lock, Ardmore, Okla.; J. F. Doke, Ardmore, Okla.; C. W. Morris, Ardmore, Okla.; J. F. Faral, Ardmore, Okla.; Hoyt Parnell, Ardmore, Okla.;

Perry Crowder, Ardmore, Okla.; J. C. Kemp, sheriff, Ardmore, Okla.; Charley Kernel, Provence, Okla.; Alex Brown, Ardmore, Okla.; Cal Stewart; Joe Brown, Ardmore, Okla.; Mrs. Cecil Propy, Ardmore, Okla.; J. O. James, Ardmore, Okla.; Rolina Brown, Ardmore; Guy Brown, Ardmore; Ruth F. McMillan, Ardmore; Joe Theokeld, Ardmore, Okla.; Alice Keel, Ardmore, Okla.; James Nolotubbie, Ardmore, Okla.; Willie Colbert, Mannsville, Okla.; Maud Colbert, Mannsville, Okla.; Johnnie John, Ardmore, Okla.; George John, Ardmore, Okla.; Jack Williams, Ardmore, Okla.; Frank Stilling, Ardmore, Okla.; Rachel Yates, Ardmore, Okla.; Bob Short, Ardmore, Okla.; F. S. Hyden, Ardmore, Okla.; Iwan Cumley, Troy, Okla.; Willie Cumley, Troy, Okla.; Jumia Crin, Ardmore, Okla.; M. T. Brown, Ardmore, Okla.; James T. Coyel, Ardmore, Okla.; Bessie Bell Hensley, Ardmore, Okla.; J. P. Nolotubbie, Ardmore, Okla.; Jessey Vaughn, Ardmore, Okla.; Rebecca Keel, Ardmore, Okla.; William C. Keirsey, Ardmore, Okla.; T. B. McLish, Ardmore, Okla.; Sam Billey, Achille, Okla.; T. P. Hatleny, Ardmore, Okla.; Jackson Carnes, Ardmore, Okla.; Joel Ervin, Woodford, Okla.; J. B. Taylor, Durant, Okla.; H. A. Trendall, Ardmore, Okla.; Mary Elizabeth Trindall, Ardmore, Okla.; Oliver Carroll, Brock; Willie Cotton, Ardmore, Okla.; Raybon Wilke, Ardmore, Okla.; John Thomas, Ardmore, Okla.; King Isaac, Ardmore, Okla.; Eliza Isaac, Ardmore, Okla.; Sallie Phillips, Ardmore, Okla.; Nannie Johnson, Ardmore, Okla.; Jesse Johnson, Ardmore, Okla.; Mary Collins, Ardmore, Okla.; Rena Crowder, Ardmore, Okla.; Walter Nichols, Ardmore, Okla.; Lina Autrey, Alma, Okla.; Mark H. Ervin, Ardmore, Okla.; Theodore Collins, Cheek, Okla.; Audrey B. Hanaway, Cheek, Okla.; J. P. Collins, Overbrook, Okla.; George H. Collins, Cheek, Okla.; Mary Brower, Ardmore, Okla.; Brown Wita, Ardmore, Okla.; I. B. Criner, Ardmore, Okla.; Etta Criner, Ardmore, Okla.; Joe W. Criner, Ardmore, Okla.; C. C. Criner, Ardmore, Okla.; L. H. Criner, Ardmore, Okla.; Boyd Jenkins, Ardmore, Okla.; F. P. Brown, Ardmore, Okla.; Etta Hall, Ardmore, Okla.; G. J. Hall, Ardmore, Okla.; G. L. Lowery, Ardmore, Okla.; T. G. Price, 1032 McLish Street, Ardmore, Okla.; Wm. Franklin Bourland, 703 G Street SE., Ardmore, Okla.; Lula Bynum Bourland, 703 G Street SE., Ardmore, Okla.; James P. Bourland, jr., 703 G Street SE., Ardmore, Okla.; Wm. F. Bourland, jr., 703 G Street SE., Ardmore, Okla.; Joe Kelley, Ardmore, Okla.; Joseph B. Bourland, Ardmore, Okla.; Melton Burris, Ardmore, Okla.; Douglas H. Burris, Ardmore, Okla.; Alice Whitfield, Waurika, Okla.; Dawes H. Lavers, Newkirk, Okla.; John B. McLaughlin, Ardmore, Okla.; J. D. McLaughlan, Madill, Okla.; Jenkins Porter, Ardmore, Okla.; Harris Dany, Durwood, Okla.; Cruce Thomas, Ardmore, Okla.; J. W. Johnson, Milo; Ernest Johnson, Milo; Mary Bell Hill, Milo; Walter Chone, Milo; Wesley Johnson, Milo; Manette Armose, Milo; James Leftone, Garvin, Okla.; Houston Holt, Idabel, Okla., route 2; Quintus Maytobe, Idabel, Okla.; Edwin Billy, Eagletown, Okla.; Thomas H. Byceigton, Goodwater, Okla.; Sophia Byceigton, Goodwater, Okla.; Fannie Olt, Goodwater, Okla.; Ida Mae Butler, Idabel, Okla.; Benson W. Washington, Garvin, Okla.; Arthur Peters, Idabel, Okla.; Emerson Parker, Golden, Okla.; Eva Parker, Golden, Okla.; Alphrus Johnson, Garvin, Okla.; Carrie Johnson, Garvin, Okla.; Peter Jones, Garvin, Okla.; Emma Jones, Garvin, Okla.; Liley Austin, Garvin, Okla.; N. C. Robinson, Idabel, Okla.; Jerry Samuel, Idabel, Okla.; Wilson Homer, Garvin, Okla.; Colberson Isicomer, Garvin, Okla.; Oscar Loman, Garvin, Okla.; Lester Washington, Garvin, Okla.; Edline Washington, Garvin, Okla.; Francis Homer, Garvin, Okla.; Lawrence Washington, Garvin, Okla.; Gibson Cobb, Garvin, Okla.; Esias Washington, Garvin, Okla.; H. F. Burns; William Isaac; Sam Marris; Simon Atoko; Malvine Atoka; Silas McCurtain; Joseph Letiove; Polina Marris; Selina Carney; Israel Jones; Ellis Atoka; Sephen Atoka; George Jack; Lena Jack; Laura Sackey; Adu Gaines; Viney Thompson; Bency Sam; Julia Jack; Stanford Sam; Allen Jack; James Adams; Thomas Adams; Louranda Adams; Emar Harris; Selena Ryles; Sophia Sam; Snouda Thompson; Paul Thompson; Alfred Jefferson; Edward Coley; Wilburn Coly; Joseph Jefferson; Cephis Jefferson; Culberson Thompson; James Stallaby; Sam Jefferson; Morris Sam; Biney Coley; Amanda Coley; Cyrus Lewis; Ceas Lewis; Johnson Coley; Groma Hicker; J. C. Wilkinson; Henry Wesley; George C. Williams; Nannie Williams; Osborne McCurtain; Martha McCurtain; Sallie Ward, née LeFlore; Nora Adams, now Peden; Mary Adams; Nellie Harris Dutton; Lou Maddux, née LeFlore; Ben Price; A. E. Smith; Minnie Smith; Irene McCann, now Raleigh; Watson Wireght; Jesse H. Luttrell, Ida Luttrell, Dexter Luttrell Ays, Eddie Luttrell, Daniel B. Askew, Clemmie Hendrix, Osker Askew, Luther Askew, Lula Askew Key, Cleave Askew, Claud Key, Eddy Askew, Harry Askew, Arkus Askew; Levi Orphan, Arpelar, Okla.; Mulbert Lewis, Arpelar, Okla.; Nicey Lewis, Arpelar, Okla.; Gilbert H. Arpelar, Arpelar, Okla.; J. A. Arpelar, Arpelar, Okla.; Lucy Arpelar, Arpelar, Okla.; E. F. Orphan, Arpelar, Okla.; Heney Sealey, Arpelar, Okla.; Annie Ensharly, Blocker, Okla.; W. W. Wells, Mrs. L. C. Wells, Miss Ruby Wells, Claude W. Wells, Norman D. Wells, B. A. Wells, Henry E. Truett, C. M. Wells, J. F. Wells, R. L. Wells, B. M. Wells, W. A. Beal, Mrs. S. C. Beal, T. Beal, W. D. Beal, Dug Phelps, Elnerie Kiefer.

MY REPORT TO THE PEOPLE OF THE ELEVENTH CONGRESSIONAL DISTRICT OF OHIO

Mr. UNDERWOOD. Mr. SPEAKER, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, ladies and gentlemen of the House, as a Representative of the American people in the Congress of the United States, I desire to present to the citizens of my district a condensed report of my attitude on important legislative matters that have been passed upon or considered during my service. My aim and desire as a Representative in Congress has been to serve faithfully all the people of my country and district. I have tried to vote and to speak for the best interests of my constituents at all times. I have many times felt that the individual citizen should have a keener interest in the business of Congress and of our Government.

In order to stimulate this interest and better acquaint myself directly with the needs of my district and the welfare of our country I have asked for and appreciated receiving the views of the farmer, business, laboring, and professional men and women of my district. Measures of great importance to the people have been and are now before Congress. I have asked for and received valuable advice and suggestions upon many questions in which my constituents were interested. This has enabled me to become better acquainted with the direct needs of the good people of the eleventh district. I am glad that I have had the splendid cooperation of individuals, clubs, farmers, labor, civic, and veterans' organizations in my district. The advice, help, and teamwork of my constituents in solving and helping to solve the many perplexing problems have been both beneficial and helpful. I am gratefully appreciative and thankful to all for this help.

Service in this great legislative body is an interesting and important work. Our Government is the greatest business institution in the world, spending approximately $4,000,000,000 annually. It is a privilege and an honor to represent a cross-section of the American people in what I consider to be the greatest lawmaking body in the world. I am pleased to say that most of our legislation has been enacted in either a nonpartisan or a bipartisan manner. The absence of narrow partisanship on many great business questions has been evident. I do not believe that blind partisanship should be the guide in voting on important questions that vitally affect the happiness and welfare of all our people. I can truthfully say that during my service as a Representative I have tried to adhere to this principle and to consider and cast my vote on every measure on the basis of its merits. A congressional honor and mantle becomes one of dishonor and shame when purchased at the price of the sacrifice and surrender of independent political thought and manly self-respect. I have tried to square my vote with my conscience and my best judgment. I have earnestly tried to perform my duty to the people whom I represent.

It has been truthfully said by a distinguished statesman who served approximately 25 years in the House of Representatives "it is a high honor to be a Representative in Congress." I have learned by experience that a Member's usefulness to his country and district increases with his term of service. As Champ Clark once said:

> A man has to learn to be a Representative just as he must learn to be a blacksmith, a carpenter, a farmer, an engineer, a lawyer, or a doctor—that is, useful and influential Congressmen are made largely by experience and practice.

Many sections of the country have considered it an unwise performance to change Representatives at short intervals. As has been aptly said, "A new Congressman must begin at the foot of the class and spell up." Abraham Lincoln's favorite argument was that it is unwise to swap horses in the middle of the river, which applies to Congressmen as well as Presidents. In perhaps no other business does seniority or length of service amount to so much as in the Congress of the United States. Length of service in the House with the advantage of knowledge

and acquaintance with the work of the various governmental departments, gained by years of experience on the job helps a Member to be of more useful service to his constituents back home. A Member of Congress who has fair capacity, industry, honesty, sobriety, and courage, who is willing and strives to perform his duties faithfully and well is bound to gain position and influence with the seniority or length of his service in the House of Representatives. Due to this factor many Members of the lower branch of Congress have been serving the same district continuously for periods ranging from 10 to 25 years.

PERSONAL SERVICE TO CONSTITUENTS

In addition to my official duties here in Washington, I have tried to render every personal service possible to my constituents. It has been one of my special duties to assist disabled war veterans of all wars, their widows, orphans, and dependents in presenting their claims before the Veterans' Bureau and the Pension Department. Thousands of letters asking help and assistance in the transaction of official business have been given prompt attention and answered immediately. Equal and careful consideration and attention have been given to all. The average Member of Congress has a large office business. In addition to studying legislation, attending the meetings of his committees and the sessions of the House, he must answer a vast amount of mail. Personal service must be given constituents in the departments. Ex-service men bring their problems to their Congressman. It is a pleasure to help the soldiers and their widows, although a Congressman can not always accomplish as much as he would really desire.

CITIZENS' INTEREST IN CONGRESS

During the past several years there has been a marked increase in the tendency on the part of those entitled to vote to remain away from the polls. For this reason and in the hope that it will stimulate thought and a deeper sense of responsibility and, in order to help my constituents to determine to what degree and in what manner they and their interests have been represented, I want to speak briefly of a few major legislative questions including among others, farm legislation, veterans' legislation, settlement of our foreign debts, immigration, tax reduction, tariff, and miscellaneous questions that are of vital interest to the good people whom I have the honor to represent. I believe these problems deserve the serious consideration of every citizen. These remarks, principally for the benefit and information of the people of my congressional district, must necessarily be brief. During my service in Congress I have made speeches on certain public questions at the time they were before the House for action.

I am going to quote in part from them, as follows:

OUR FOREIGN-DEBT SETTLEMENTS

My attitude toward the settlement of our foreign debts is well known throughout my district. As a representative of the American people I consider my first duty to them. I would not utter an unfriendly word toward or intentionally do an injustice to a friendly nation. I could not convince myself that the taxpayers of my country or district desired that I vote for debt settlements releasing foreign governments from a large part of their obligations. I tried not to be swept from my feet by sentimental arguments but endeavored to solve these questions with a cool and deliberate judgment, free from prejudice or sentiment. These great problems concern not only the people of the debtor nations but all the people of the United States.

During and after the late World War our Government loaned several billion dollars to foreign nations. We should not forget that our Government borrowed from our people the money which we loaned these European nations and that we must repay this money, principal and interest. We must redeem our Liberty bonds, which were issued for the money we borrowed to make these loans. In the last analysis every dollar of our foreign debts that we remit or cancel must be paid by the Government of the United States, which means that the people of the United States will be taxed to make up the amounts lost by these gigantic gifts to our foreign debtors. In making the loans a contract of payment was made, and I believe that contract should be kept with the same faith that the law of this country demands of individuals. Contracts between nations ought to be as strictly kept as among individuals.

Under the settlements negotiated with 11 European nations we have canceled or remitted more than $3,025,000,000, which means an average additional tax burden of $28.33 on each man, woman, and child in the United States, or about $141.65 on the average American family. If we are going to cancel these inter-allied war debts in whole or in part, why not say so openly and candidly?

Our taxes have been increased approximately three times since the war, as compared with those of other nations. In voting against the debt settlements, I did not vote against any nation or her citizens, but voted for America and her citizens, including every naturalized citizen. I voted against adding to the tax burden of our own people. Our debt to Europe has been paid. We sent 2,000,000 of our boys over there. We raised 4,500,000 men for the Army and Navy for the purpose of prosecuting the war. We furnished and financed virtually $9,500,000,000 worth of supplies, not only for the allied governments, but helped feed their civilian population. We took their "demand notes," bearing interest at 5 per cent, for the money we loaned them as per agreement. We entered the great World War to vindicate America's honor; we saved the Allies from defeat—we went to their rescue in the hour of need. After the war ended and peace came, we did not ask for or claim any of the spoils of war. We received no reparations or territory. The war had cost us $24,000,000,000, omitting these allied loans, amounting to $9,500,000,000. At the close of the war those who were victorious took their share of the spoils. France took her $5,000,000,000 of war reparations. Many of the European nations extended their domains and made rich territorial gains and wealth. America neither asked for nor received anything. These settlements are only the first step in the scheme by international bankers for the ultimate cancellation of our foreign debts.

With the dire distress in my country and district, especially in the farming and mining communities, I do not believe that one-third of my people are any more able to pay their taxes than are the people of other nations to pay their taxes. It seems that this term "capacity to pay" is applied to our foreign debtors only—if we do not pay our taxes in America they grab our property and sell it without asking any questions or how much "capacity" we have. Our people have as much trouble in meeting their taxes, which are now coming due all over the country, as the people of some of our foreign debtors. I believe this is the wrong policy. We are reducing the burdens of the people of other nations, but adding to the burdens of our own people. It is not fair that the American taxpayer should shoulder this additional burden while European nations spend their money on large armies and navies that endanger the peace of the world.

Why should we put over settlements which are in effect cancellations without telling the American people what we are doing? Why camouflage and conceal the real truth from the American taxpayers? Our action will encourage the militaristic policy of European nations. Nations should be just before they are generous.

I am perfectly willing to leave the result of my vote with every fair-minded voter and taxpayer of my congressional district, and I honestly believe they will approve my action. I protested, with my voice and vote, against this additional tax burden on the American people.

IMMIGRATION

I believe that one of the most important questions confronting the American people to-day is the question of immigration. The preservation and strengthening of our immigration laws should have the careful and sober thought of all our citizens. Strong and well-organized forces are actively at work attempting to weaken, modify, or repeal the law. I voted for the immigration law because I have always been in favor of restricting immigration to the lowest possible limit. In fairness to the good people who sent me here, I feel that I should state some of the reasons for my vote upon this important legislation.

We have a perfect right to say whom we shall admit or refuse admittance to our shores. There is no Member of this Congress who has a greater respect and esteem than I have for the naturalized citizens of this country. I do not care from what country he comes if he is a true and loyal American. I have an equal contempt for any citizen of this country who is not patriotic and loyal, whether he is native or foreign born. I am not unmindful or forgetful of the part that immigrants have played in the progress and development of this Republic. I do not claim to be more patriotic than others; neither do I bear malice or ill will toward anyone. I have a charitable feeling for all.

I believe that all fair-minded Americans will agree with me when I say that we have an inalienable right to say that no person should be admitted to this country, regardless of percentages, unless he shows a clean bill of health, mentally, morally, physically, socially, and politically. Upon the exercise of this right is dependent the preservation of American rights, institutions, and ideals. It is for the best interests and common welfare of our country. If we are to maintain an American

standard of living, properly safeguard American rights, institutions, and interests, then we should have no hesitancy in throttling down this inflow of persons from other lands. Selective and restrictive immigration is the best protection for our country that was ever provided by any land. We want to be fair and just in our relationships with other nations and other peoples, but first we want to be fair and just to our own citizens.

We should strengthen and not weaken existing immigration laws. All true and patriotic Americans desire that this be done. We must be fair and just to all, but our first consideration should be for our own country. We do not need any additional immigrants to-day. Unemployment exists in this country. Many wage earners are unable to find employment or support for their families. To let down the immigration laws would mean a flood of immigrants to this country who would come in competition with American wage earners. There is no demand upon the part of the farmer, business, laboring, or professional man for a weakening of existing immigration laws. The contrary is true. The American Federation of Labor, the American Legion, and many other organizations and patriotic societies have urged upon Congress the necessity of limiting immigration to the lowest possible point. With that attitude I am in hearty accord.

It is our duty to Americanize those we have here; to urge upon them the importance of taking immediate steps to become American citizens; to teach them that ours is the greatest and most prosperous country in the world—a country where people have freedom, equality, and liberty, with abundant opportunities to accumulate property and enjoy our great natural resources; to teach them obedience to our laws, love for our common country, and respect for our flag. If those who come to our shores find it impossible to maintain, uphold, and protect American institutions and ideals, then I would deport them and send them back to the land from whence they came. I have always considered it my duty as a Representative in the American Congress to help preserve and strengthen our immigration laws.

VETERANS' LEGISLATION

The cause of the disabled veteran is one in which I have always been deeply interested. I have actively supported all worthy legislation in behalf of the veterans, their widows, and dependents, of all our wars. In addition to supporting all legislation in their behalf, I have given much of my time in looking after the individual claims of the disabled ex-service men in my district, and have appeared in person and orally argued their cases before the Pension and the Veterans' Bureau. I was glad to support the Spanish-American War pension bill, which was an act of justice and equity. I supported the disabled World War veterans' legislation.

However, the bill finally passed by Congress is not a bill that suits the veterans or the people of this country. This bill only helps a few; it discriminates against many. I wanted to vote for the best possible legislation for the benefit of the veterans of the World War. I supported the so-called Rankin bill, as an amendment to the Johnson bill, believing it to be more fair and just. When this bill was considered by the House 324 Members of Congress voted for it and said that it was good legislation, and only 49 Members voted against it and said that it was bad legislation. In the Senate the same bill was passed by a vote of 10 to 1, and they said that this legislation was not bad. After the House had again passed the measure by unanimous vote, it was sent to President Hoover for his approval. He said it was bad legislation. Almost 500 Members of Congress by their votes had said that the bill which the President vetoed was a just measure. After the President's veto we were compelled to accept a compromise bill to meet President Hoover's objections. I repeat that this bill, passed in the closing days of the session, is a mere makeshift, and will not and can not be accepted as final. Those worthy and deserving veterans of our World War and all the good people of this country who favor fair and equitable relief will not approve this legislation. In fairness, in justice, and in honesty, we should tell them the truth. We should pass a just law that is fair to all, that will help all alike.

I honestly and candidly believe that the bill which Congress passed to meet President Hoover's objections does not express the true sentiment or feeling of the Members toward our World War veterans, their widows, and dependents. I was not surprised when President Hoover vetoed the legislation for the disabled World War veterans. He vetoed the Spanish-American War pension bill. When it comes to pass legislation to take a few dollars out of the Treasury for the benefit of those who have borne the brunt of battle in the time of the Nation's wars and for their widows and dependents, economy is the cry. But when the multimillionaires and those seeking special privileges—including those who have amassed the big fortunes during the wars, and especially during our late World War—want taxes reduced to an enormous degree, or a special tariff bill passed, the administration immediately approves the legislation.

Several years' experience in assisting World War veterans, their widows and dependents, in presenting their claims before the Veterans' Bureau has brought me to the belief that our compensation laws should be liberalized. Members of this Congress have freely and repeatedly expressed their views on the floor and through the press to the effect that they favored an adequate and substantial liberalization of the compensation laws for those disabled, heroic men whose services and sacrifices made forever secure and perpetuated our Republic. The Rankin bill, which President Hoover vetoed, among many other good provisions extended the date of presumption as to certain disabilities being of military origin from the date fixed in the original law down to January 1, 1930. The present law places the burden of proof upon the soldier. Disabilities in many cases did not develop or reach a compensable degree until after January 1, 1925. The Rankin bill would have cured many of these difficulties and given compensation to sick and disabled veterans who have been denied their rights by arbitrary and technical rulings of the Veterans' Bureau. Many ex-service men suffering from tuberculosis and other constitutional diseases would have been liberally compensated under the bill that the President vetoed.

It is my opinion that the Veterans' Bureau is not functioning as Congress intended. My experience in assisting disabled veterans with their claims has led me to the opinion that there is entirely too much "red tape"; that the whole structure of the Veterans' Bureau is not operating satisfactorily to the veterans or the people of the country. Congress has liberally appropriated several hundred millions of dollars to compensate the sick and disabled ex-service men. Many of those occupying high-salaried positions in the various branches of the bureau, including, among others, many ex-Army officers, have become too "hard-boiled" toward the soldier and his dependents. They seem to think that their mission is not to do justice or compensate the boys for what they contributed to our country in time of war but to deny them compensation if possible. This is done by many unwarranted, technical, and arbitrary rulings. They demand a degree of proof from the disabled ex-service man that is in many cases unobtainable. Affidavits and statements of reputable family physicians, who have known the disabled soldier personally since childhood, and who have treated him in many cases since his discharge, are disregarded and wholly ignored in the consideration of many a worthy claim. The Government hospital records during the soldier's service are in many instances brief and incomplete, thereby working another hardship on the disabled veteran. Those suffering from disabilities are kept in a state of uncertainty. They are compelled to make too many trips to and from the Veterans' Bureau offices, hospitals, and other centers, which means a large expense and overhead to the Government, delay, uncertainty, and dissatisfaction to the disabled soldier. They do not know how long their compensation is to be continued. They may receive compensation this month and be arbitrarily denied compensation by the Veterans' Bureau next month. Too many of the millions of dollars appropriated by Congress to care for our disabled soldiers, their widows, and orphans are wasted in overhead expenses, useless red tape, and the enforcement of needless, arbitrary regulations by the Veterans' Bureau. Many ex-Army officers drawing fat compensation, amounting to a pension under the emergency officers' retirement act, in many cases "pull down" another handsome salary to sit in swivel chairs and deny worthy disabled veterans a meager compensation.

I have carefully studied this question during my service in Congress. I have many sick and disabled veterans in my district, with worthy claims, without means of a livelihood, who are unable to secure compensation for their disabilities. In many cases I have had a sad and unsatisfactory experience in helping these boys collect and present their evidence. I am led to believe that the whole structure of handling World War veterans' claims should be changed. The Veterans' Bureau has too many boards and superboards, too much red tape, too many medical men who believe that their word should be final, who wholly disregard the evidence of reputable physicians, who perhaps have treated the disabled veterans for months and many times for years. I have found the Pension Bureau much more satisfactory in adjusting claims. Sooner or later Congress must adjust the inequalities by a service pension, which, I believe, would be more satisfactory, more just and equal to all who have disabilities, and less expensive to the taxpayers. I believe our legislation handling Civil and Spanish-American War claims under the pension system, by examination under local physicians or boards, has been much more satisfactory. The sick and dis-

abled soldier is given a more sympathetic examination, and is not compelled to travel miles to undergo examination by a Veterans' Bureau examiner, who seems to be, in many cases, more anxious to deny compensation than to do justice to the disabled. We relied upon the local doctor to pass upon the physical qualifications of these boys when they answered the call of their country. Why should they now be denied an examination by a local physician to determine their disabilities? The evidence of lay witnesses has been almost wholly disregarded. It has been difficult for disabled veterans to locate their comrades who served with them and in many cases know something about their ailments and condition while in the military service. Many of these boys with disabilities are rapidly passing to their final reward. The bill which we just passed is a mere gesture. It is a makeshift. It will not extend relief to the disabled veteran, his widow, or orphan to the extent warranted by the emergency. I am frank to say that, in my opinion, this legislation is discriminatory, for it leaves out in the cold thousands of deserving soldiers, their widows, and dependents, who are in urgent need of relief. The death angel has beckoned to many of them during the past few months. They have been cast from the tide of this world's aspirations, its hopes and ambitions, into the great beyond.

However disappointing this bill was, it was this or nothing. It does provide a measure of relief for a few; but I submit to my friends and to the country that this bill does not fully reflect the true sentiment of this body. I desire at this time, as one Member of Congress, to express my regret that we are not passing a better bill. Our soldiers are the defenders of our Nation. Whatever we enjoy to-day of life, liberty, and happiness we owe to these heroic men and women. Compensation paid them for their disabilities is not charity. Our Government can not restore the life given in the service of our country, but it has a duty to help comfort the mother, the widow, and the orphan. Our Government can not restore health to the body broken in defense of our flag. It can in a measure lessen the suffering, the hardship, the sickness of our disabled by providing liberally and cheerfully to those who have given the best that they had to their country in the hour of need. Congress must inaugurate a more just system of dealing with our sick and disabled men and women. By doing so we will save millions of dollars now wasted in overhead and useless expenditures. We should pass a just bill that is fair to all, that will help all alike.

PAYMENT OF ADJUSTED-SERVICE CERTIFICATES

Congress in 1924 passed what is commonly known as the adjusted compensation or bonus act. After the war Congress adjusted the pay of the railroads to the amount of $1,600,000,000. The pay of the war contractors was adjusted by Congress to the extent of some $2,000,000,000. The railroads and war contractors were paid in cash. They were not asked to take adjusted-service certificates, such as were given to our ex-service men.

I favor paying the soldiers' adjusted-service certificates in cash. These certificates were not a bonus. They were a debt that our Government has confessed to be due the ex-soldier for adjusted pay, based upon service rendered. The adjusted-service certificate is not, and was not, intended as a reward for patriotism. Our Government admitted that we owed a debt to each ex-soldier equal to $1 additional per day for each day of home service and $1.25 additional per day for each day of overseas service. The issuance of these certificates was an attempt on the part of Congress to equalize the amount the soldier received with what others received who were not in the military service.

At least 90 per cent of our ex-service men are borrowing on their certificates, paying 6 per cent interest, or at the rate of $2 for every dollar that they receive from the Government. Soldiers who need money and borrow on their policies will continue to do so. Under the terms of the certificates, the needy soldier can not at any time borrow a sufficient amount in a lump sum to be of any real assistance to himself or his family. Many of them are now 100 per cent disabled, with a wife and children to support, and unable to secure compensation for their disabilities from the Government. Many of them are unemployed. Others are making a bare existence. To approximately 500,000 ex-soldiers, who are suffering disabilities and can not show service connection, payment in cash of adjusted-service certificates would be a real help and benefit. It would also assist at least 100,000 other disabled veterans who have been able to show service connection of their disabilities. This money rightfully belongs to the ex-service men. I believe the majority of them are in urgent need of the money and would make good use of it. Those who do not want their certificates paid in cash could keep them in the present form.

It is claimed that the Government is not financially able to pay these certificates. I contend that the Government could borrow the money to pay them now at a very low rate of interest, and by doing so, would ultimately save millions of dollars to the taxpayers of the country. This would render a real service to the ex-service men, many of whom are poverty-stricken; others, with wives and children, are hungry and distressed. They are unable to borrow a sufficient sum on their certificates to be of real assistance.

We adjusted the pay of the railroads to the amount of $1,600,000,000; we adjusted the pay of the war contractors to the amount of $2,000,000,000. We did not ask them to take adjusted-service certificates. Under the foreign debt settlements we canceled approximately $11,000,000,000 of our foreign debts. I believe the ex-service men have the same right to the payment of their adjusted-service certificates in cash, as the railroads and war contractors, who made enormous profits out of the war. These men hold the Government's due bill; they need the money. A small tax upon the multimillionaires and war profiteers, who made millions out of the war, would easily take care of the payment of these adjusted certificates and would help bring prosperity back to the country. I sincerely hope that Congress will pass legislation to pay the adjusted certificates in cash. I favor it and will vote for such a bill.

TAXATION

How time old and historical the tax problem is. It has always been burdensome. It bore down upon the parents of the Savior when they had to make the annual journey by the motive power of a mule to pay their taxes; it bore heavily in the days of the Revolution; and, gentlemen, it bears heavily to-day.

Society and government can not stand without taxation. We have greater privileges to-day, therefore greater taxes; but, gentlemen, I say that it is the grave duty of Congress to equalize taxes as far as possible. Atlas, with the world on his shoulders, had a burden light as air in comparison with some of the unjust taxes the taxpayers shoulder to-day.

Taxes are paid by all of us alike, both Democrats and Republicans. We must all bear our share of the expense and burden of our Government.

The question is not whether we are in favor of tax reduction. I believe everyone is willing to reduce taxes as much as possible. The question is, Which class of taxpayers shall receive the greatest reduction?

I believe that Congress should relieve the small taxpayer—the farmer, merchant, and laboring man—who is now overburdened not only with Federal taxes but with State, county, and municipal taxes. My plea is for fair relief to all, and it can be done. It must be done. I do not believe it was the purpose of those who drafted our tax laws to place the hand of the tax gatherer into the pockets of the small home owner and wage earners of this country. Why hamper the man "whose brow is wet with honest sweat, who earns whate'er he can"? He needs all of his small income to clothe, educate, and support his family.

The huge fortunes which have been made and are being created in this country were made possible by our tremendous natural resources with which God Almighty endowed the land. Those resources have been exploited and have piled up many great fortunes that to a large extent do not represent so much creative genius as the ability to translate natural wealth into money. Wealth is necessary to conduct and maintain our business structure, but I believe that the big fortunes, which were made possible by the exploitation of the natural resources of the American people, ought to pay a generous share for the conduct of the Government, which makes them possible and which keeps them in existence.

The big business interests and the war-made millionaires want more than a reduction of their taxes. They know that the World War placed a tax burden on this country that it will take a generation to pay. In time of war we conscript the youth of our land. I do not believe that property is more sacred than blood. If necessary, we should conscript wealth to help pay our country's debts. Wealth paid smaller taxes in this country during the war than it did in any other country under the sun. The rich are now endeavoring to shift the burden of our war debt almost entirely to the backs of the people. Unless we stop it, big business will not rest until the common people are forced to pay every penny of the cost of the war. The people want relief from the high cost of living. A revision of the high and unfair freight rates by this Congress would help the people of my district and the entire country more than a reduction of their Federal taxes. The consumers of the country want relief and a lower cost of the necessities of life.

The people are earnestly demanding and appealing for lower taxes and for further efforts toward a more simple, honest, and economical administration of our Government. I do not oppose the wealth of our country. It is necessary to conduct and maintain our business structure. I would not destroy the

incentive to accumulate, but wealth must bear its share of the cost and expense of our Government. It should not ask special privilege at our hands. I do hope that Congress may say to the country that substantial relief has been given to all classes of taxpayers and that our acts will stand the test of analysis, the test of honesty, and the test of equality that will do justice to all taxpayers.

TARIFF

We have had eight years of the Fordney-McCumber and the emergency tariff acts, two of the highest protective measures ever enacted in the history of our country, which, with all their objections, are more reasonable than the Hawley-Smoot bill. Yet we are in the midst of one of the greatest business depressions we have ever known; and to-day the stock market of the United States has taken another tumble and is in another slump. If an extremely high tariff is a guaranty of prosperity, it would seem to every fair-minded person that the country should be prosperous. Instead, there are millions of unemployed, and we are passing through a panic, with falling commodity prices and serious trade reactions. The great rank and file of the American people believe in equal rights to all and special privileges to none. I fear that the passage of the Hawley-Smoot tariff bill will increase the great army of the unemployed and weaken our economic position among the other nations of the world. It will make the rich richer and the poor poorer, and do further injury to business, which is already badly depressed and panicky. It was passed for the benefit of predatory wealth, the large captains of industry, the large corporations, and other special interests which are to-day dominating legislation in Congress through lobbyists or otherwise.

I will gladly vote for any tariff bill that will safeguard American industries at home and abroad and at the same time safeguard the American people. I could not vote for a bill that increases the tariff on shoes, harness, and hundreds of other necessities which the farmer and the consumer use; that increases the rate on practically all the necessities used in the American home; that will cost the American consumer an additional billion dollars, when he is now already oppressed by the high cost of living and a burden of other taxes that rest heavily upon his shoulders.

I have always believed that the tariff question should be taken out of politics. We should have a commission of tariff experts to ascertain and determine the facts as to cost of production here and abroad, and upon these findings the Congress should legislate and pass our tariff laws. Such tariff commission should at all times be free from executive, legislative, or selfish influences.

This bill, better known as the Grundy Billion Dollar Tariff Act, will increase the cost of living for virtually the whole population of my congressional district. My better judgment could not approve a bill which spurns the great masses of consumers and meets the demands and wishes of greedy interests that are selfishly seeking special privileges and favors at the expense of the American people. I have always tried to vote and speak for what I believed to be the best interests of my country and the people whom I represent. Both the Republican and Democratic Parties stand for the protective theory in our Government, and in their party platforms of 1928 declared for a protective tariff, as opposed to free trade or to a tariff for revenue only. I have always opposed free trade. I have always opposed a tariff for revenue only. I have always believed in a reasonable competitive tariff that will be effective; a tariff that will promote agriculture and industry at home and encourage our trade and commerce abroad. The object of any tariff should be to improve and encourage, not to destroy trade and commerce, whether it be a Republican or a Democratic tariff. The true measure of tariff duties of both political parties should be the difference between domestic and foreign costs of production. I believe there is no great difference between the Republican and Democratic Parties on tariff principles. They disagree only in the application of these principles. I have always believed in a reasonable tariff. I have always favored protecting American industries and labor by tariff rates, levied to an extent that will honestly measure the difference in the cost of production at home and abroad. A tariff bill written on that basis will protect American industry. I believe American industries should be granted tariff duties equalizing this difference in cost of production in order to maintain their standard of wages in this country—and I favor maintaining the American standard of living and wages at all times. Labor should receive protection in an amount equal to the difference in the cost of production at home and abroad. I favor a tariff bill that protects American industry, protects labor, protects agriculture, and protects the American consumer by giving a competitive market that will prevent monopoly from extracting the last cent on the necessities of life. I am, and always have been, ready and willing to vote for a tariff which gives impartial benefits to industry, labor, and agriculture alike. I believe that to be the true American policy, and have always been willing to support such a measure.

Economists, business men, and farm organizations all over the country have protested the passage of the billion-dollar tariff law. They advance 12 reasons why this bill should not have been passed. They are as follows:

First. It will increase the general cost of living.

Second. It will subsidize industrial waste and inefficiency.

Third. It will inflate profits of the few at the expense of the many.

Fourth. It will hit wage earners hardest.

Fifth. It will rob the farmers it is supposed to help.

Sixth. It will cripple manufacturers through raw-material rates.

Seventh. It will lower the buying power of our foreign customers.

Eighth. It will provoke foreign retaliation against our exports.

Ninth. It will violate the resolution of the world economic conference.

Tenth. It will jeopardize payments from our foreign investments and debts.

Eleventh. It will increase unemployment.

Twelfth. It will poison world peace.

Let us examine for a moment what this tariff law will really cost us. Here are a few of the items in the bill and what the increase really means. Cement tariff, which is placed at 6 cents per hundred pounds, will affect every taxpayer in the country and greatly increase the construction of our highways.

The woolen schedule alone is expected to increase the cost $300,000,000 on clothes and wearing apparel.

Hides, leather, boots, and shoes, approximately, $250,000,000; lumber, $50,000,000; brick, $15,000,000; tiling, $25,000,000; sugar, $32,000,000; in addition to the $216,000,000 that was paid under the Fordney-McCumber tariff law.

Here is the cost to us as individuals. I will give you the increase on a few articles: Dress goods, woolen, worsted, and so forth, now costing $4, will cost about $6.25. Silk, now costing $5, will cost about $5.75; cotton, now costing $3, will cost from $3.30 to $3.50; woolen underwear, selling for $2 a suit, will cost from $2.40 to $2.50 and a $4 suit from $4.80 to $5.

Ladies' hats, an untrimmed hat, now costing $1, will cost $1.95; a $3 hat will cost $4.60 and a $3 felt hat, lightweight, will cost about $5.45. Shoes bear a specific duty of 20 per cent, which makes a $5 pair of shoes cost $6 and a $10 pair of shoes cost $12. The shoe tariff is estimated to cost $7.50 per family. Men's wear; assuming that a standard suit or overcoat now sells for $35, the cost under the new tariff will be approximately $40.

The heaviest percentage of increase in men's clothing is in the cheaper priced suits, made in large part of wool rags. The Fordney-McCumber duty was 7½ cents a pound, which has been increased to 18 cents a pound—an increase of 140 per cent. It is estimated that this will add several dollars to the price of every suit of clothes, by the time it reaches the consumer.

Shirts: Men's shirts, now selling for $1.50, will cost $2.20, and a shirt selling for $3 about $4.50. A workman's shirt, now costing 50 cents, will cost about 75 cents. A $5 silk shirt will cost $6. Blankets: A pair of wool blankets costing $10, will cost $11.50; a pair of wool blankets costing $5, will cost $5.75; a pair of cotton blankets costing $2.50, will cost approximately $3.50. A cotton quilt now costing $2, will cost $3. Lumber: The duty of $1 per thousand feet on soft lumber is estimated to add from $56 to $105 on the humble home of the workman.

The Hawley-Smoot tariff bill, in my judgment, is dangerous to the happiness and prosperity of our country and the people of my congressional district. I honestly believe it is likely to cause serious economic and agricultural distress. I believe that not 10 per cent of the Members of the House of Representatives were convinced in their hearts that this bill was fair or just to the American people. We can not build a Chinese wall around our country, or make our tariff laws so high that other countries can not sell us their commodities. If such is the case, they will not buy from us that which they can buy elsewhere. It is impossible to have foreign markets—which we need—if foreign nations will not trade with us.

The Hawley-Smoot bill, based on the imports of 1928, carried an ad valorem equivalent to 42.6 per cent on dutiable items, as compared with an ad valorem of 38.8 per cent under the Fordney-McCumber bill of 1922, which was the highest protective tariff bill ever passed until the present bill. The rates are so high that they create a virtual embargo, which will bring retaliation and reprisals from other countries. In-

dividuals do business with their friends, not their enemies. Nations are but aggregations of individuals, and they are influenced by the same principle. A tariff amounting to a virtual embargo creates bitter and hard feelings among our foreign customers. It is certain to invite retaliation and to operate to the disadvantage of American industry, agriculture, and labor.

Agriculture and American industry can not survive on the home market alone. America must sell abroad its surplus agricultural products and manufactured goods. American industries, with their high speed and mass production, create a surplus for which we must have a foreign market. If we can not sell this surplus abroad, it will add thousands and thousands of American workmen to the now great army of the unemployed. The United States has enjoyed a favorable balance of trade which we must hold if our country is to remain prosperous.

Our State Department has been swamped with protests from foreign countries. Thirty-six nations of the world have protested against the passage of this tariff bill, and are threatening and putting into effect reprisal tariffs that will do untold harm to American industry and agriculture.

Export business is necessary if our Nation is to prosper. I feel that industry as a whole will suffer by the retaliation of other nations. Congress has written into this bill the highest tariff rates ever written in the history of the country. It was designed to stop importations. When that is done we need not be alarmed to find that foreign nations will not buy our goods. The Department of Commerce in a report dated April 16, 1930, stated that our exports decreased $285,000,000 in the first three months of this year, as compared with the first three months of last year. Imports decreased $229,000,000 in the first three months of this year, as compared with the first three months of last year. This is a total decrease in value of foreign trade in the last three months of $515,310,000. At that rate the decrease of our foreign trade in 12 months would be $2,000,000,000. This, no doubt, is due in part to the indefensible, outrageous, and unjustifiable high rates fixed in the Hawley-Smoot tariff bill.

President Hoover called the extra session of Congress for two purposes—first, to pass farm-relief legislation; and, second, for limited revision of the tariff, so as to equalize tariff benefits to agriculture with those of industry. We passed the farm relief bill and to-day farm products are selling lower than they have been for 10 years. Every reasonable person knows that a tariff is ineffective on any commodity where we have a large exportable surplus, which is true with nearly all our agricultural products. Although agriculture is given higher rates in the Hawley-Smoot bill, these rates are ineffective and were given to agriculture simply to boost industrial rates that are effective.

Wheat, with a tariff of 42 cents per bushel under the present law, is selling lower than ever before. No increase was made in the tariff on wheat. In view of the low and depressed market price of wheat and, if a tariff is effective on agricultural surplus, Congress should have raised the tariff on wheat to at least $1 per bushel. For every dollar of benefit that the farmer will receive from this increased rate on his products, he will pay from ten to fifteen dollars more to industry for the things he has to buy. It is my opinion that the Hawley-Smoot tariff bill will be of very little help to the farmer. A number of paper rates and schedules are given agriculture, which are largely ineffective. The increase in other rates upon things he must buy will be highly effective. It is true that some of the schedules might be of some advantage to the farmer, but this fact remains: In the schedules related to industry, the rates of tariff taxation are so increased that they take away any benefit the farmer might have gained under the agricultural schedules. The American farmer has been facing bankruptcy for eight years. The Hawley-Smoot bill, from the standpoint of the farmer, is the worst piece of legislation that has ever been written. In order to benefit agriculture, the tariff should be reduced so as to equalize the difference in the price the farmer has to pay for the things he buys, and the price he receives for what he produces. For instance, we will take the tariff on hides. It is a ridiculous proposition. Does the average farmer ever sell a hide? As a general rule, the hide goes with the carcass when the steer is sold, and the farmer receives exactly the same price for the hide that he gets for the remainder of the steer. The packer will reap the benefit of the tariff on hides, while the farmer and the consumer will pay the added increase in the cost of shoes made from hides which he will continue to sell at the same old price. With a tariff on hides for shoes which are now free, we are bound to get an increase in price which is already unnecessary and indefensible. It is estimated that the tariff on hides for shoes will cost the American people $250,000,000.

The tariff on sugar is increased from $1.76 to $2 per hundred pounds, an additional tax on the breakfast table of every home. The sugar industry is prosperous and has made large profits. A rate of $1 per thousand under the new tariff bill is placed on lumber; and every one who builds a barn, house, or a chicken coop will pay this new tariff. It is passing strange that the lumber used by ordinary citizens is to be tariff taxed under the new bill, while ties and poles used in great quantities by public-utility corporations come in free. Again I repeat that this bill was passed for the benefit of the special interests which are to-day dominating legislation.

The Hawley-Smoot bill is not the kind of a tariff bill that President Hoover or the country had in mind when he called the special session of Congress to consider limited revision of the tariff. It is a general upward revision of the tariff. It is a general upward revision, amounting to an embargo. President Hoover does not like the bill. He virtually apologized for it at the time he affixed his signature. It is not the kind of tariff bill for which Thomas Jefferson stood. It is not the kind of tariff that was declared for in the platforms of the two great political parties in 1928.

I believe that the American people and the voters of my congressional district will approve my attitude in opposing this most unfair, inequitable, and unjustifiable tariff measure, which can only cripple and destroy industry and agriculture and increase the cost of living to the American people.

AGRICULTURE

I spent my early life on the farm. At the present time I own and operate a farm. I have carefully studied the agricultural situation and believe that I understand some of the difficulties confronting the farmer. During my service in Congress farm relief has been one of the most important questions for solution. Careful study, attention, and consideration have been given to agriculture by both branches of Congress, farm organizations, economists, leaders of industry, business, and commerce. Every fair-minded person admits the serious condition of agriculture.

The farmers of the country have been facing bankruptcy. Numerous bills and measures for relief have been presented for the solution of the farm problem. Congress has enacted some of these suggestions into legislation. Others have been rejected as being unsound, uneconomic, and unworkable. The outstanding measure passed by Congress at the special session was the farm relief act. This is essentially a marketing bill. Its chief purpose is to stabilize the production, marketing, and distribution of farm products, whether at home or abroad. It is intended to put agriculture on the same commercial basis as other industries of the country. The Farm Board is given broad and extensive powers to deal with the marketing situation. The board is supplied with a revolving fund of $500,000,000 to be used in its operations. Some of its powers are to make loans to cooperative marketing associations, to make loans to stabilizing corporations, to assist in farm-production control, to effect the economic distribution of agricultural commodities, to lessen waste and loss in marketing operations.

I do not have the time to give all the various provisions of this legislation. I doubt very much whether or not the individual farmer will be directly benefited by this costly and noble experiment. I sincerely hope that it will accomplish all that its ardent friends claim for it. Many claim that the bill will accomplish little for agriculture. It makes no provision for control of our surplus farm commodities. Nothing in the bill will prevent the surplus from being dumped on the domestic market. No provision is made to replenish the revolving fund. The legislation is based on a Government subsidy. Agriculture to-day struggles under economic disadvantages and injustices. The tariff on farm products is ineffective. The debenture plan would have made the tariff effective on farm commodities. The price the farmer pays for everything he uses is fixed for him. The price he receives for his products is also fixed. He is not only told what to pay but the price paid to him is dictated. The farmer does not need additional loans; he needs an income that will insure him an honest living and a fair return for his labor. Many farmers to-day would be improving their farms, repainting their buildings, replacing their farm machinery, building fences, and generally improving the farm if they had the money with which to do these things. It seems to me that it is time that the industrial interests of the country realize that the farmer's dollar moves in a never-ending cycle. It is evident to all that the business depression and the hard times existing in industrial centers to-day can be traced largely to the distressed condition that has existed in agriculture since the war. Agriculture is our basic industry. If agriculture is not prosperous, the other

industries of the country will sooner or later feel the effects, and that is the case to-day.

I fear that Congress, by the enactment of the Grundy billion dollar tariff bill, by increasing the tariff on manufactured products, upon which there is already a practically prohibitive tariff, has taken away most of the benefits gained or to be gained by the farm relief bill. Congress has raised the price that the farmer has to pay for manufactured products for his family, his home, and his farm. I discussed this proposition in my remarks on the tariff bill. Agricultural tariffs are generally ineffective. Tariffs related to industry are very effective. The tariff has been raised on numerous articles that the farmer must purchase, thereby increasing his cost of living. Within my congressional district are many diversified industries. We have as fine farm land as exists anywhere in the country. Traveling over my district I find many of the farmers are bankrupt and farms being sold at the courthouse. Something is wrong. I see fields grown up with weeds, houses deserted where once prosperous farmers resided but now gone. The farmers have been paying war-time prices for many of the necessities they use in the home and on the farm. They are receiving deflated prices for their farm products. At the present time the farmer's dollar measured in other than farm products is worth very little. Beef, pork, grain, and other products of the farm are selling at low prices. Farmers have been toiling from early morning until late at night to find that they are making only a bare living. In many instances they are faced with a mortgage.

We have a serious situation, brought about by the economic inequality of agriculture and by the steadily lessening buying power of the American farmers.

It seems to me that if the American farmers can be helped out of their present economic distress that it will do more to bring prosperity back to this country than all the artificial and abnormal stimulants will be able to accomplish. It is admitted that at least half of our population is in economic and financial distress to-day. It ought to be self-evident that a prosperous agriculture is necessary to continuous industrial prosperity. The future success of every business enterprise in America depends directly or indirectly upon the buying power of the agricultural part of our population.

When we pause and consider the vast number of farms that are being abandoned; when we think of the millions of American farmers who have been struggling against adversity for the past several years with insufficient income to meet their taxes and pay their obligations; when we think of the disastrous decrease in the buying power of American agriculture, we must all recognize that it is a serious situation, demanding the attention of all who are interested in the future of this country.

If we permit the farmers of this country to be driven from the farms, undoubtedly, we will pay more for our food and raw materials. It will result in the destruction of agriculture, which is our basic industry.

I have always found the farmers of America to represent an honest, courageous, and hard-working body of our citizenship, law abiding, home owning, and country loving people, and they have a right to demand and should receive the sympathetic and constructive consideration of our national law-making body. Their problem is a national problem. It is a State problem. It is an individual problem. A satisfactory solution of it would result in greater happiness and prosperity to all the people in our fair Republic.

COAL SITUATION IN OHIO—UNFAIR FREIGHT RATES

Unfair, discriminatory, and preferential freight rates have permitted the coal producing districts of West Virginia, eastern Kentucky, and other States to ship coal into and through Ohio over long hauls at a favored freight rate. This rate is much lower in comparison with the existing rates over shorter hauls from the coal fields of Ohio, much nearer the markets and industrial centers. This has resulted in placing Ohio coal at a disadvantage, and the evil effect to operators and miners is self-evident.

Ohio has a just right to be proud of her diversified industries. The good people of my State have an excellent history of achievement in agriculture, mining, manufacturing, and other industrial activities, but the existing and prevailing system of coal freight rates is literally killing one of the greatest industries of my State. The Ohio coal situation is extremely bad, and the great mines of the State and my district are in many instances idle. Millions of dollars have been invested in the mining industry and thousands of miners and their families are dependent upon this industry for their livelihood. To-day a large part of this capital is idle and thousands of miners are unemployed, while competing coal fields in neighboring States, developed by discriminatory and unfair freight rates, have progressed and grown by leaps and bounds.

I believe the existing freight rate schedule as it pertains to Ohio coal fields should have been given attention long ago by the Interstate Commerce Commission and this Congress. Existing conditions have been permitted to run on until the operators and miners are to-day in a critical and desperate condition. With millions of dollars invested in coal-mining properties the operators and miners believe that a maladjustment of coal freight rates exists and that it is responsible in a great measure for many of their vexing problems of to-day. They realize, as I do, that as a result natural resources are wasted and that labor in great numbers is idle.

The public is vitally interested in this question. They realize that where rates are not compensatory for services rendered the burden of making up the deficiency is borne by the consumer. They realize that the difference resulting from freight rates that are not equitable must be borne by other commodities. They are beginning to understand that rates made to favor the long haul in the coal traffic are not at the present time to the public interest.

No better coal is mined anywhere than in the hills of Ohio and the beautiful Hocking Valley. There are no better mines, and nowhere on earth are there better classes of men than comprise the mine workers of southern Ohio. I know these miners in the Hocking Valley and Crooksville districts. You can search the entire country over and you will not find a group of men, taken individually or collectively, who have a finer sense of true American spirit than the miners of my State and district. They are with few exceptions all American citizens, and the vast majority of them are American born. Many of them own their own homes and have been attempting out of their meager incomes to educate, feed, and clothe their children. As a group they want to do what is best for themselves, their families, and their communities.

The miners of Ohio who have been honest, fearless, and true to their families, their country, and their God, believe that partial relief can be granted by a removal of the existing discriminatory and unjust freight rates which give advantage to the neighboring coal States of West Virginia and Kentucky.

I am interested in their welfare. It is my duty to represent them, as well as all my people, in this Congress. I have always been their friend and will continue to help them by my vote and influence whenever possible. The Ohio miner only seeks for himself and family what every true American wants, an honest living and a square chance to work in unrestricted and unhampered competition with his fellow workers in other fields. I want all sections and all the people of this great country to prosper and be happy. I regret that any of our people must suffer where it is possible to grant them a measure of relief.

LABOR AND UNEMPLOYMENT

I have always loyally supported all legislation for the betterment of the living and working conditions and adequate compensation for the laboring men and women of my congressional district.

One of the most serious problems confronting our Government to-day is the unemployment situation. Several million people are jobless. At least, a part of the unemployment existing to-day is directly due to radical economic changes that have taken place during the last few years.

I believe, as a result of the labor-saving devices and this machine age in which we are living, that the hours of employment of our workers must be reduced.

Many bills dealing with the unemployment situation have been introduced in Congress. Some of them have much merit, and I have gladly supported them. One in particular provides for the establishment of a national employment system in cooperation with the States.

A nation-wide free-employment system would be of much assistance and help to all. Legislation providing for the advanced planning and regulation of the construction of public works so as to stabilize industry and prevent unemployment during periods of business depression has had my unqualified support. Another bill provides for the establishment of a Bureau of Labor Statistics in the Department of Labor. The object of this bureau would be to collect and publish monthly information and statistics concerning unemployment, wages paid, and hours worked. This information would concern not only Government service but would include the following industries and their branches: First, manufacturing; second, mining and oil production; third, building and construction; fourth, agriculture and lumber; fifth, transportation, navigation, and public utilities; sixth, retail and wholesale trade, with any other industries which the Secretary of Labor in his judgment and discretion might include.

This legislation, if enacted into law, might help in part to relieve the distress and deplorable conditions existing in many

sections of our country, as a result of the wide-spread unemployment.

I have supported the resolution introduced by Senator COUZENS, preventing further consolidation and mergers of our railroads until such a time as the Congress can fully investigate and determine a specific policy for the protection of the public welfare and the employees. Fifty thousand miles have been merged. Approximately 200,000 employees have been made jobless. Cities and towns have been virtually destroyed by the removal of shops and terminals. This has affected not only the employees but the happiness and prosperity of the entire country.

No general objection can be made to the absorption of the weaker railroads by the stronger ones. This will prove beneficial not only to the country in general but, no doubt, it will result in better service to all. However, I object to the merging of strong competitive railroads or systems which will increase unemployment, injure business, curtail service, and be of no value except to those who are interested in railroad stocks and bonds.

Unemployment exists in many of our industries. Many hard-working and deserving people are sadly in need of employment. They are ready and willing to work, but are unable to find employment. In my congressional district to-day many of them can be found in their modest and simple homes, sitting with their families, brooding over the unkindness of fate. They can not continue to endure and encounter the hardships which have been facing them. It is our duty to find a solution for the unemployment situation, if possible, as this question is of vital importance to the happiness and welfare of thousands of men and women and children of our country, my State and district.

I want all of our people to prosper and be happy. I regret that any of our people must suffer and trust that we may find a satisfactory solution of this troublesome proposition.

SUMMARY

I have dealt very briefly with a few major legislative matters only and given a brief résumé of my work in Congress. In addition to the foregoing I have taken a definite stand on legislation providing for the settlement of railroad-labor disputes, railroad consolidation, banking, public buildings, reduction of armaments, aircraft, retirement pension for Federal employees, rivers and harbors, Muscle Shoals, reapportionment, postal legislation, good roads, radio, Army, Navy, and numerous other questions of vital importance to the people of the country. In addition to these, all the various appropriation bills providing for the fiscal operations of the Government must be passed by Congress.

Many bills are introduced. In the Sixty-eighth Congress 17,415 bills and joint resolutions were introduced in the House of Representatives and 6,007 in the Senate. In the Seventieth Congress 17,769 were introduced in the House and 6,127 in the Senate. Almost an equal number of bills and resolutions have been introduced in the Seventy-first Congress to date.

Service in Congress is an interesting and important work. Again, I repeat, it is a great honor and privilege to represent the people of the eleventh congressional district of Ohio in the greatest legislative body in the world. For this privilege and the splendid cooperation of my constituents I am thankful.

LEAVE TO ADDRESS THE HOUSE

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. ALMON], after business is disposed of on the Speaker's table, may have 10 minutes to-morrow to address the House.

Mr. LAGUARDIA. Are there many other orders for to-morrow?

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] has 30 minutes, the gentleman from Alabama [Mr. OLIVER] has 15 minutes, and the gentleman from South Carolina [Mr. STEVENSON] 5 minutes.

Is there objection to the request of the gentleman from Texas?

Mr. SNELL. Reserving the right to object, I wish there was some way to get rid of these special orders to-morrow.

Mr. CRAMTON. I have no desire, so far as I am concerned, to get in the way of anything more important than my speech.

Mr. GARNER. May the gentleman from Alabama [Mr. ALMON] have 10 minutes on Friday?

Mr. CRAMTON. Let me make this request. I ask unanimous consent that in lieu of to-morrow I may have 30 minutes on Friday after reading of the journal.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GARNER. May I ask that the gentleman from Alabama [Mr. ALMON] have 10 minutes immediately following the address of the gentleman from Michigan?

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SNELL. Mr. Speaker, would it be in order to ask unanimous consent that the other orders be put over until Friday?

Mr. GARNER. Mr. Speaker, the gentleman from Alabama [Mr. OLIVER] is not here, but I imagine that to-morrow the gentleman could make an agreement with him to make the change.

The SPEAKER. As the Chair understands the situation now, the gentleman from Alabama, Mr. OLIVER, is entitled to 15 minutes to-morrow, and the gentleman from South Carolina, Mr. STEVENSON, to 5 minutes. The other orders have gone over until Friday.

Mr. GARNER. And my request that the gentleman from Alabama [Mr. ALMON] be permitted to address the House for 10 minutes following the gentleman from Michigan on Friday has been granted?

The SPEAKER. It has.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. If there should be a veto message on the table to-morrow, would not that take precedence over these special orders?

The SPEAKER. It would, unquestionably.

ORDER OF BUSINESS—THE PRIVATE CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Friday it may be in order to consider in the House as in Committee of the Whole bills on the Private Calendar unobjected to, beginning where the call last left off.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Friday it may be in order to consider bills unobjected to on the Private Calendar, beginning where the House left off. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, and I do not intend to object, I hope, out of courtesy to those who are following this calendar, that this will be the last time when a request is made to consider bills on that calendar, unless we go over into next week.

Mr. GREENWOOD. And, Mr. Speaker, I hope there will be no attempt to carry the Private Calendar over until Saturday, taking the two days at once.

Mr. TILSON. Let us have one day.

Mr. O'CONNOR of Louisiana. Does the request include the consideration of bills reported out of committee after June 1?

Mr. TILSON. We have not reached those yet. Let us wait until we reach that bridge before we cross it.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

COUZENS RESOLUTION, S. J. RES. 161, AND UNEMPLOYMENT

Mr. GLOVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. GLOVER. Mr. Speaker, ladies and gentlemen of the House, there is no more important legislation now pending in the House than Senate Joint Resolution 161 which has passed the Senate, known as the Couzens resolution, and should be passed by the House at once without any amendment.

This resolution has for its purpose the suspension of the action by the Interstate Commerce Commission in passing upon certain kinds of railway mergers or consolidation until March, 1931, thereby giving Congress time to take action on the general question of railway consolidation. This resolution could be taken up and passed in 30 minutes with but little opposition if the leaders of the majority party would permit it to be considered on the floor of this House. Will you do it?

If not, then the blame for it must rest upon you and not upon the minority party, who in my opinion, would vote almost solidly for it if given a chance to do so. There is no vote I could cast that would give me more pleasure than to vote for this resolution, Senate Joint Resolution 161, without any amendment to it. In the first place, this authority should never have been given to the Interstate Commerce Commission.

I am sick and tired of Congress delegating such great powers to commissions and bureaus. We are fast drifting into a bureaucratic and commission form of government. These powers and duties under the Constitution properly rest upon Con-

gress for solution, and we should be men and discharge this duty and not delegate it to some commission or bureau to be done by them. They are not responsible to the people, as we are, as they are not elected by the people at all.

INTERESTED PARTIES

Interested parties in consolidations could well be divided into at least four classes: First, the public; second, the owner; third, the governmental agencies; and, fourth, the effects of consolidation on trained labor.

The public is one great factor with respect to consolidation, and we shall consider its interest first. Its interests are paramount, and its primary interest is that of service and a reasonable charge. Its interest demands that the routes shall be plentiful in number, and always open and operated for the benefit of the public. Public interest should not be jeopardized through consolidations. The public is entitled to efficient management on the part of railroad officials. The public should receive the closest and fullest cooperation, for it is the public that must pay the taxes. The public gives the railroads its money so that it can operate, pay dividends, and pay taxes on its investment. When the personnel of the carrier is reduced, the public suffers. If not in rates, it suffers in lack of efficient service. The public furnishes the pay roll for the carrier.

OWNERS OF RAILROADS

The interest of the owner should be considered by reason of the investment that he or it has in the railroad, and they are entitled to protection under the law in their investment.

THE GOVERNMENT

Congress constitutes the people's representative in the matter of regulation and control of railroads. A power which should not be abused or delegated to someone else who might abuse it. The people have a right to expect that Congress will discharge this duty so as to protect the public's interest and to deal fairly with the railroads that are now or may be hereafter operated.

The Sherman antitrust law was especially enacted to eliminate monopoly, to preserve actual competition and to keep alive the principle often referred to in the old saying, "Competition is the life of trade."

Consolidations have been going on for the past 10 years and the people have received no benefit through freight rates, passenger fares, or any benefit as a result of a consolidation.

The consolidation of railroads if carried out as now started and proposed, it will ultimately lead into Government ownership of railroads, which in our judgment should never be. Consolidation will eliminate competition, and when competition is destroyed the public is then left at the mercy of the carrier.

Prior to the creation of the Interstate Commerce Commission we had competition in freight and express rates, and the express, freight, and passenger fares were then much less than what they are now. Before the creation and orders of the Interstate Commerce Commission, roads paralleling each other could make whatever rate they felt was just and right and in competition with any other road. After the creation of the Interstate Commerce Commission, giving them the great power that is given them, they have fixed the rate to be charged on all interstate shipments of freight and express which penalizes any railroad or express company who might charge a higher or a lower rate than that fixed by the commission between two given points.

In many instances one road is required to haul its freight on a much longer haul than another, yet if it is interstate it can charge no more nor no less, regardless of the length of haul, than that fixed by the Interstate Commerce Commission.

This commission, now costing about $9,000,000 per year to maintain, is a fair sample of commission and bureaucratic government. I ask you the fair question: Is it worth the price?

No one could argue that there is any immediate necessity for any merger; then no reasonable or sane argument can be made against the Couzens resolution now before the House, which could be disposed of in a very few minutes if the House were permitted by the majority leaders to consider it.

HOW IT AFFECTS LABOR

The inevitable effect and result of consolidation and mergers of railroads will fall hardest upon the trained laborers who have for many years rendered hard and faithful service to these great railroads, many of them on very small pay, and through their efficient and faithful labor have built up these great corporations and the great line of roads, and they have an interest in this question that should not be overlooked by anyone who has a sense of fairness and justice about them.

When these consolidations are brought about, then at least one-third of these trained laborers will be left out in the cold with no employment. Many of these men have been in the service for a number of years and are now over the middle age of life and trained only for that class of work, and to turn them out of employment at that age with no training for any other vocation or avocation of life is absolutely unthinkable.

There are no two greater powers known to the intelligence of man in the business world than capital and labor, and each should treat the other fairly.

Capital invested in railroads as well as almost anything else, is soon lost and gone without efficient and skilled labor, and the consolidations and mergers of railroads might soon destroy their own efficiency and might in the end result in the loss of capital to the one having the investment in the railroads.

We have about 5,000,000 people in the United States who are unemployed and who want to labor to make an honest living for themselves and their families. They are not beggers, many of them are skilled men in their profession and want to work. A bill should be passed before the close of this session of Congress to take care of the unemployment situation in the United States, and this bill could be passed and would be passed in this session if we were permitted to consider it by the leaders of the Republican Party.

We plead with you to give us a chance to vote on these two measures and I think I can safely assure you that the Democratic Party in Congress will give you its almost solid support on these two measures if given a chance to do so before the adjournment of this Congress.

Will you do it?

BRIDGE ACROSS MISSOURI RIVER, MONT.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12919) granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing.

The SPEAKER. The gentleman states that this is a matter of emergency?

Mr. LEAVITT. It is.

The SPEAKER. The Clerk will report the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation and southerly from the Fort Belknap Indiana Reservation, at or near the point known and designated as the Power-site Crossing, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 2, strike out the word "Indiana" and insert the word "Indian."

Page 2, line 4, after the word "Crossing," insert "in the State of Montana."

The committee amendments were agreed to.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 4, after the word "Crossing," insert the words "at or near the point known and designated as Wilder Ferry."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. OWEN for a few days on account of business.

ADDITIONAL JUDGES, NORTHERN DISTRICT OF ILLINOIS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 3614) to provide for the appointment of two additional district judges for the northern district of Illinois. I objected to this and I withdraw my objection.

Mr. LAGUARDIA. Reserving the right to object, is this going to bring out the matter of the proposed amendments?

Mr. SABATH. No; they will not be offered.

Mr. BUCKBEE. Mr. Speaker, I shall have to offer the amendments.

Mr. STAFFORD. Mr. Speaker, the gentleman from Illinois [Mr. BUCKBEE] states that he will have to insist on his amendments.

Mr. BACHMANN. Let the gentleman offer his amendment.

Mr. STAFFORD. I ask unanimous consent that the proceedings by which objection was made be vacated and the bill reinstated and passed over without prejudice. We spent 20 minutes on this bill before.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 397. An act for the relief of Ella H. Smith; to the Committee on Claims.

S. 1446. An act to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia; to the Committee on the Judiciary.

S. 4515. An act to commemorate the Battle of Helena, Ark.; to the Committee on Military Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 320. An act for the relief of Haskins & Sells;
H. R. 328. An act for the relief of Parke, Davis & Co.;
H. R. 329. An act for the relief of Joseph A. McEvoy;
H. R. 471. An act for the relief of Luther W. Guerin;
H. R. 478. An act for the relief of Marijune Crou;
H. R. 524. An act for the relief of the I. B. Krinsky Estate (Inc.) and the Fidelity & Deposit Co. of Maryland;
H. R. 655. An act for the relief of Guy E. Tuttle;
H. R. 704. An act to grant relief to those States which brought State-owned property into the Federal service in 1917;
H. R. 910. An act for the relief of William H. Johns;
H. R. 1058. An act for the relief of Jesse A. Frost;
H. R. 1076. An act for the relief of Jacob S. Steloff;
H. R. 1092. An act for the relief of C. F. Beach;
H. R. 1546. An act for the relief of Thomas Seltzer;
H. R. 1592. An act for the relief of William Meyer;
H. R. 1696. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;
H. R. 1712. An act for the relief of the heirs of Jacob Gussin;
H. R. 1717. An act for the relief of F. G. Baum;
H. R. 1724. An act for the relief of Margaret Lemley;
H. R. 1888. An act for the relief of Rose Lea Comstock;
H. R. 1964. An act for the relief of S. A. Jones;
H. R. 2075. An act for the relief of Addie Belle Smith;
H. R. 2164. An act for the relief of Paul A. Hodapp;
H. R. 2465. An act for the relief of Earl D. Barkly;
H. R. 2645. An act for the relief of Homer Elmer Cox;
H. R. 2755. An act to increase the efficiency of the Veterinary Corps of the Regular Army;
H. R. 2776. An act for the relief of Dr. Charles F. Dewitz;
H. R. 2849. An act for the relief of the Lowell Oakland Co.;
H. R. 2983. An act for the relief of Samuel F. Tait;
H. R. 3072. An act for the relief of Peterson-Colwell (Inc.);
H. R. 3222. An act for the relief of the State of Vermont;
H. R. 3422. An act for the relief of Gustav J. Braun;
H. R. 3441. An act for the relief of Meta S. Wilkinson;
H. R. 3732. An act for the relief of Fernando Montilla;
H. R. 5113. An act for the relief of Sylvester J. Easlick;
H. R. 5459. An act for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koenigstein, and H. Fukasawa;
H. R. 5526. An act for the relief of Fred S. Thompson;
H. R. 5872. An act for the relief of Ray Wilson;
H. R. 5902. An act for the relief of R. E. Marshall;
H. R. 6117. An act for the relief of the Central of Georgia Railway Co.;
H. R. 6209. An act for the relief of Dalton G. Miller;
H. R. 6210. An act to authorize an appropriation for the relief of Joseph K. Munhall;
H. R. 6243. An act for the relief of A. E. Bickley;
H. R. 6264. An act to authorize the Secretary of War to donate a bronze cannon to the town of Avon, Mass.;
H. R. 6268. An act for the relief of Thomas J. Parker;
H. R. 6340. An act to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn.;
H. R. 6416. An act for the relief of Myrtle M. Hitzing;
H. R. 6537. An act for the relief of Prentice O'Rear;
H. R. 6627. An act for the relief of A. C. Elmore;
H. R. 6663. An act for the relief of J. N. Lewis;
H. R. 6665. An act for the relief of B. C. Glover;
H. R. 6825. An act to extend the measure of relief provided in the employees' compensation act of September 7, 1916, to Robert W. Vail;
H. R. 6871. An act to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes;
H. R. 7013. An act for the relief of Howard Perry;
H. R. 7026. An act for the relief of Mrs. Fanor Flores and Pedro Flores;
H. R. 7027. An act for the relief of Paul Franz, torpedoman, third class, United States Navy;
H. R. 7068. An act for the relief of Fred Schwarz, jr.;
H. R. 7638. An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field;
H. R. 7661. An act for the relief of Margaret Stepp Bown;
H. R. 7664. An act to authorize payment of fees to M. L. Flow, United States commissioner, of Monroe, N. C., for services rendered after his commission expired and before a new commission was issued for reappointment;
H. R. 7926. An act to provide for terms of the United States District Court for the Eastern District of Pennsylvania to be held at Easton, Pa.;
H. R. 8347. An act for the relief of the Palmer Fish Co.;
H. R. 8393. An act to authorize the Court of Claims to correct an error in claim of Charles G. Mettler;
H. R. 8491. An act for the relief of Bryan Sparks and L. V. Hahn;
H. R. 9227. An act to establish additional salary grades for mechanics' helpers in the motor-vehicle service;
H. R. 9246. An act to reimburse Lieut. Col. Frank J. Killilea;
H. R. 9280. An act to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation, in the State of Maryland;
H. R. 9628. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark, on State Highway No. 18;
H. R. 9989. An act granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.;
H. R. 9990. An act for the rehabilitation of the Bitter Root Irrigation Project, Montana;
H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a revolutionary hero, fell;
H. R. 10376. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;
H. R. 10381. An act to amend the World War veterans' act, 1924, as amended;
H. R. 10657. An act to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended;
H. R. 10826. An act to provide for the renewal of passports;
H. R. 10919. An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes;
H. R. 11051. An act to amend section 60 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900;
H. R. 11088. An act for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va.;
H. R. 11145. An act to increase the authorization for an appropriation for the expenses of the sixth session of the Permanent International Association of Road Congresses to be held in the District of Columbia in October, 1930;
H. R. 11371. An act to provide living quarters, including heat, fuel, and light, for civilian officers and employees of the Government stationed in foreign countries;
H. R. 11406. An act to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes";
H. R. 11477. An act for the relief of Clifford J. Turner;
H. R. 11493. An act to reimburse Lieut. Col. Charles F. Sargent;

H. R. 11781. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 11978. An act to authorize the appointment of employees in the executive branch of the Government and the District of Columbia;

H. R. 12099. An act to apply the pension laws to the Coast Guard;

H. R. 12263. An act to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims;

H. R. 12586. An act granting an increase of pension to Josefa T. Philips;

H. R. 12663. An act granting the consent of Congress to the Texas & Pacific Railway Co. to reconstruct, maintain, and operate a railroad bridge across Sulphur River, in the State of Arkansas, near Fort Lynn;

H. R. 12842. An act to create an additional judge for the southern district of Florida;

H. J. Res. 322. An act authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia;

H. J. Res. 306. Joint resolution establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Massachusetts Bay Colony, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; and

H. J. Res. 367. Joint resolution to amend the act entitled "An act to create in the Treasury Department a bureau of narcotics, and for other purposes," approved June 14, 1930.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases;

S. 968. An act for the relief of Anna Faceina;

S. 1252. An act for the relief of Christina Arbuckle;

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California.

S. 2323. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics;

S. 2370. An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia;

S. 2972. An act for the relief of Dewitt & Shobe;

S. 3038. An act for the relief of National Surety Co.;

S. 3472. An act for the relief of H. F. Frick and others;

S. 3726. An act for the relief of the owner of the American steam tug *Charles Runyon;*

S. 3845. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924;

S. 3873. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.;

S. 3893. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota;*

S. 4028. An act to amend the Federal farm loan act as amended;

S. 4243. An act to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia;

S. 4287. An act to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate credit banks to financing institutions on bills payable and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months;

S. 4358. An act to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks;

S. 4517. An act to provide for the regulation of tolls over certain bridges;

S. 4577. An act to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; and

S. J. Res. 140. Joint resolution to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the U. S. submarine *S-4.*

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 478. An act for the relief of Marijune Cron;

H. R. 524. An act for the relief of I. B. Krinsky Estate (Inc.) and the Fidelity & Deposit Co. of Maryland;

H. R. 910. An act for the relief of William H. Johns;

H. R. 1092. An act for the relief of C. F. Beach;

H. R. 1964. An act for the relief of S. A. Jones;

H. R. 2075. An act for the relief of Addie Belle Smith;

H. R. 2465. An act for the relief of Earl D. Barkly;

H. R. 2849. An act for the relief of Lowell Oakland Co.;

H. R. 2983. An act for the relief of Samuel F. Tait;

H. R. 3422. An act for the relief of Gustav J. Braun;

H. R. 6117. An act for the relief of Central of Georgia Railway Co.;

H. R. 6665. An act for the relief of B. C. Glover;

H. R. 7661. An act for the relief of Margaret Stepp Bown;

H. R. 7926. An act to provide for terms of the United States District Court for the Eastern District of Pennsylvania to be held at Easton, Pa.;

H. R. 9227. An act to establish additional salary grades for mechanics' he[lp]er in the motor-vehicle service;

H. R. 9989. An act granting the consent of Congress to the State of Minn[esota], Le Sueur County and Sibley County, in the State of Minn[esota], to construct, maintain, and operate a bridge across the M[inne]sota River at or near Henderson, Minn.;

H. R. 10381. An act to amend the World War veterans' act, 1924, as amended;

H. R. 10657. An act to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended;

H. R. 11056. An act to amend section 60 of the act entitled "An act to provide a government for the Territory of Hawaii," as approved April 30, 1900;

H. R. 11781. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 11978. An act to authorize the appointment of employees in the executive branch of the Government and the District of Columbia;

H. J. Res. 367. Joint resolution to amend the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned to meet to-morrow, Thursday, June 26, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, June 26, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON NAVAL AFFAIRS

(10 a. m.)

To authorize alterations and repairs to certain naval vessels (H. R. 13964 and 13965).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

Prohibiting the purchase of German reparation bonds by national banks, Federal reserve banks, and member banks of the Federal reserve system (H. J. Res. 364).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

568. A letter from the Secretary of War, transmitting report from the Chief of Engineers on Oconto River, Wis., covering navigation, flood control, power development, and irrigation; to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

569. A letter from the Secretary of War, transmitting report from the Chief of Engineers on Big Chazy River, N. Y., covering navigation, flood control, power development, and irrigation; to the Committee on Rivers and Harbors and ordered to be printed.

570. A letter from the Secretary of War, transmitting report from the Chief of Engineers on Peshtigo River, Wis., covering navigation, flood control, power development, and irrigation; to

the Committee on Rivers and Harbors and ordered to be printed with illustrations.

571. A letter from the Secretary of War, transmitting report from the Chief of Engineers on Saranac River, N. Y., covering navigation, flood control, power development, and irrigation; to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 10676. A bill to restrict the expeditious handling, transportation, and delivery of certain mail matter where local or contractual conditions are inadequate; with amendment (Rept. No. 2024). Referred to the Committee of the Whole House on the state of the Union.

Mr. SIMMONS: Committee on Appropriations. H. J. Res. 373. A joint resolution making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes; without amendment (Rept. No. 2025). Referred to the Committee of the Whole House on the state of the Union.

Mr. SIMMONS: Committee on Appropriations. H. J. Res. 384. A joint resolution making appropriations available to carry into effect the provisions of the act of the Seventy-first Congress entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia"; without amendment (Rept. No. 2026). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 271. A resolution to make in order motions to suspend the rules; without amendment (Rept. No. 2028). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13062) granting a pension to Ella I. Dewire; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1534) granting a pension to Rebecca H. Cook; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 13155) to enact a uniform pension law for disabilities incurred in war service and granting pensions and increase of pensions to certain soldiers, sailors, and marines who served the United States in time of war; to the Committee on Pensions.

By Mr. LEAVITT: A bill (H. R. 13156) granting pensions to certain widows, minor children, and helpless children of certain soldiers, sailors, and marines of the World War; to the Committee on Pensions.

By Mr. DAVIS: A bill (H. R. 13157) relating to suits for infringement of patents where the patentee is violating the antitrust laws; to the Committee on Patents.

By Mr. HALE: A bill (H. R. 13158) for the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves, and for other purposes; to the Committee on Naval Affairs.

By Mr. DICKINSON: Resolution (H. Res. 272) authorizing the appointment of a select committee to investigate stock-exchange manipulations, and for other purposes; to the Committee on Rules.

By Mr. SIROVICH: Joint resolution (H. J. Res. 386) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 13159) granting an increase of pension to Eliza A. Goodwin; to the Committee on Invalid Pensions.

By Mr. BRIGGS: A bill (H. R. 13160) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Rosenberg Library, in the city of Galveston, Tex., the silver service presented to the United States for the cruiser *Galveston;* to the Committee on Naval Affairs.

By Mr. CRADDOCK: A bill (H. R. 13161) granting a pension to E. V. Ferrell; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 13162) granting a pension to Margaret A. Mishler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13163) granting a pension to Austin Denham; to the Committee on Pensions.

By Mr. HOFFMAN: A bill (H. R. 13164) granting an increase of pension to Adella E. Fackler; to the Committee on Invalid Pensions.

By Mr. HOLADAY: A bill (H. R. 13165) granting a pension to Amelia Best; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 13166) granting an increase of pension to Rosa A. Burnam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13167) granting a pension to Clarissa J. Whitmer; to the Committee on Invalid Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 13168) for the relief of Samuel Le Roy Layton; to the Committee on Claims.

By Mr. LETTS: A bill (H. R. 13169) for the relief of Sarah J. Rosa; to the Committee on Military Affairs.

By Mr. PITTENGER: A bill (H. R. 13170) for the relief of Pete Jelovac; to the Committee on Claims.

By Mr. STRONG of Kansas: A bill (H. R. 13171) granting a pension to Clementine Layton; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 13172) for the relief of Harry E. Craven; to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R. 13173) granting an increase of pension to Josephine Holloway; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7651. By Mr. CRAIL: Petition of International Narcotic Education Association of New York City, favoring an appropriation for American representation at the International Conference on Limitation of Manufacture of Narcotic Drugs at Geneva, December 1, the preliminary conference of manufacturing nations at London July 20, and at the preliminary conference of victim nations not yet called in the interests of America and mankind; to the Committee on Foreign Affairs.

7652. By Mr. O'CONNOR of New York: Resolution of the New York State Bankers' Association, in support of House bill 12490; to the Committee on Banking and Currency.

7653. By Mr. CAMPBELL of Iowa: Petition of the Woman's Christian Temperance Union, of Spencer, Iowa, urging Congress to enact a law for the Federal supervision of motion pictures establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

SENATE

THURSDAY, *June 26, 1930*

The Senate met at 11 o'clock a. m.

Rev. James W. Morris, D. D., assistant rector, Church of the Epiphany, city of Washington, offered the following prayer:

Almighty, Ever-Living God, blessed and only Potentate, King of kings and Lord of lords, to whom all things in heaven and on earth do bow, we praise Thy great name for the abundant blessings, temporal and spiritual, that Thou hast graciously vouchsafed to this people and Nation. And we beseech Thee, of Thy goodness, so to direct and dispose the minds and hearts of all in authority over us that by their enactment of righteous laws and by their true and impartial administration of the same, wickedness and vice may be swiftly punished and virtue and true religion fully maintained. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCNARY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. MCNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Dill	La Follette	Sheppard
Ashurst	Fess	McCulloch	Shipstead
Barkley	George	McKellar	Shortridge
Bingham	Gillett	McMaster	Steck
Black	Glass	McNary	Steiwer
Blaine	Glenn	Metcalf	Stephens
Borah	Goldsborough	Moses	Sullivan
Brock	Hale	Norris	Swanson
Broussard	Harris	Oddie	Thomas, Idaho
Capper	Harrison	Overman	Thomas, Okla.
Caraway	Hastings	Patterson	Trammell
Connally	Hayden	Phipps	Tydings
Copeland	Howell	Pittman	Vandenberg
Couzens	Johnson	Ransdell	Wagner
Cutting	Jones	Reed	Walsh, Mass.
Dale	Kean	Robinson, Ind.	Walsh, Mont.
Deneen	Kendrick	Robsion, Ky.	Watson

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families.

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 7119. An act to authorize the establishment of a Coast Guard station on the coast of Florida at or in the vicinity of Lake Worth Inlet;

H. R. 7639. An act to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relative of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928;

H. R. 11136. An act authorizing the Florence Bridge Co., its successors and assigns, to construct, maintain, and operate a toll bridge across the Missouri River at Florence, Nebr.;

H. R. 11623. An act to provide for the appointment of an additional district judge for the southern district of Texas;

H. R. 12844. An act granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.;

H. R. 12919. An act granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing or at or near the point known and designated as Wilder Ferry;

H. R. 12920. An act granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Culbertson, Mont.;

H. R. 12993. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River at One hundred and fifty-ninth Street in Cook County, State of Illinois;

H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms;

H. J. Res. 321. Joint resolution to authorize an appropriation of $4,500 for the expenses of participation by the United States in an International Conference on the Unification of Buoyage and Lighting of Coasts, Lisbon, 1930; and

H. J. Res. 372. Joint resolution authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island dated July 5, 1918.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President;

S. 3068. An act to amend section 355 of the Revised Statutes;

S. 3422. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.;

S. 3623. An act for reimbursement of James R. Sheffield, formerly American ambassador to Mexico City;

H. R. 396. An act for the relief of J. H. Muns;

H. R. 414. An act for the relief of Angelo Cerri;

H. R. 597. An act for the relief of M. L. Willis;

H. R. 609. An act authorizing the Secretary of the Treasury to pay certain moneys to James McCann;

H. R. 864. An act for the relief of W. P. Thompson;

H. R. 1174. An act for the relief of A. N. Worstell;

H. R. 1485. An act for the relief of Arthur H. Thiel;

H. R. 1509. An act for the relief of Maude L. Duborg;

H. R. 1510. An act for the relief of Thomas T. Grimsley;

H. R. 1739. An act for the relief of J. A. Miller;

H. R. 2021. An act to authorize the establishment of boundary lines for the March Field Military Reservation, Calif.;

H. R. 2166. An act for the relief of Mrs. W. M. Kittle;

H. R. 2167. An act for the relief of Sarah E. Edge;

H. R. 2810. An act for the relief of Katherine Anderson;

H. R. 3431. An act for the relief of Charles H. Young;

H. R. 6347. An act to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182);

H. R. 6718. An act for the relief of Michael J. Bauman;

H. R. 10461. An act authorizing Royce Kershaw, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry, about 8 miles southwest of Gadsden, in Etowah County, Ala.;

H. R. 11515. An act to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., and for the acquisition of new sites and construction of Government buildings thereon in such cities; and

H. J. Res. 14. Joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale.

GLEN D. TOLMAN

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 936) for the relief of Glen D. Tolman, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HOWELL. I move that the Senate insist on its amendment, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK conferees on the part of the Senate.

MARY R. LONG

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 887) for the relief of Mary R. Long, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HOWELL. I move that the Senate insist on its amendments, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

Th motion was agreed to; and the Vice President appointed Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK conferees on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions of the Municipal Government of Guagua, Pampanga, P. I., expressing gratitude to the members of the Committee on Territories and Insular Affairs of the Senate who voted in favor of the so-called Hawes-Cutting resolution relative to the independence of the Philippine Islands, which were ordered to lie on the table.

Mr. BLAINE presented resolutions adopted by five lodges of the Slovene National Benefit Society of Milwaukee and West Allis, in the State of Wisconsin, opposing the passage of legislation requiring the voluntary or compulsory registration of any or all aliens or citizens of the United States, which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES

Mr. MCNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4586) to authorize additional appropriations for the national arboretum, reported it without amendment and submitted a report (No. 1100) thereon.

Mr. REED, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 2980. A bill to authorize and direct the Comptroller General to allow certain expenditures in the War Department (Rept. No. 1101);

H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only (Rept. No. 1102); and

H. R. 11409. An act to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861 (Rept. No. 1103).

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 12285) to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer, reported it without amendment.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 9408) to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia, reported it without amendment and submitted a report (No. 1104) thereon.

Mr. COUZENS, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 12599) to amend section 16 of the radio act of 1927, reported it without amendment and submitted a report (No. 1105) thereon.

CONSTRUCTION AT MILITARY POSTS

Mr. McMASTER, from the Committee on Military Affairs, reported an amendment to the bill (H. R. 8159) to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes, heretofore reported from that committee without amendment, which was ordered to be printed, and to be printed in the RECORD, as follows:

On page 3, at the end of the bill, insert a new section, as follows:

"SEC. 5. (a) For the purpose of enabling the Secretary of War to obtain possession and legal title to the certain hotel building, appurtenances, and equipment, now located and situated on the grounds of the West Point Military Academy, and known as the Thayer-West Point Hotel, from any and all persons, corporations, or associations holding any title or interest in said hotel building, appurtenances, and equipment, as provided by the act of March 20, 1920 (41 Stat. L. 548), and the lease pursuant thereto entered into October 17, 1924, between the Secretary of War and Herbert Williams, which said lease is hereby terminated, the Secretary of War is authorized and directed to appoint three competent persons to act as a board of appraisers for the purpose of determining the present market value of the hotel building, appurtenances, and equipment, and a report thereof made to the Secretary of War. The Secretary of War shall submit to Congress at the earliest practicable date the report of the board of appraisers.

"(b) The amount so fixed by the board of appraisers is hereby authorized to be appropriated and shall become available when proper title, free of liens and encumbrances, to the said hotel building, appurtenances, and equipment is delivered to and accepted by the Secretary of War and shall be used by the War Department for such lawful purpose as the War Department may hereafter determine.

"(c) That the sum of money hereby authorized to be appropriated shall be paid into the United States District Court for the Southern District of New York and be distributed by the said court as the interests of the parties there appear in the now pending Thayer-West Point Hotel Corporation bankruptcy proceedings."

REPORTS OF NOMINATIONS

As in executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. REED, from the Committee on Military Affairs, reported the nominations of sundry officers in the Army, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 4757) granting a pension to Josephine Johnson;

A bill (S. 4758) granting a pension to Edward Emil Laetsch; and

A bill (S. 4759) granting a pension to Caroline Richards; to the Committee on Pensions.

A bill (S. 4760) for the relief of Col. Richard M. Cutts, United States Marine Corps; to the Committee on Claims.

OPERATION OF DEBENTURE PLAN IN EMERGENCY CASES

Mr. CONNALLY. Mr. President, in view of the great depression existing at the present time in cotton and wheat, I introduce and send to the clerk's desk a joint resolution authorizing the Farm Board to put into effect the export debenture on farm products in cases of emergency.

The joint resolution (S. J. Res. 203) to provide for the issuance of agricultural-export debentures was read twice by its title and referred to the Committee on Agriculture and Forestry.

PREVENTION OF FRAUD IN PATENT OFFICE PRACTICE

Mr. KING submitted three amendments intended to be proposed by him to the bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, which were ordered to lie on the table and to be printed.

MILITARY AND NAVAL OPERATIONS OF THE COMTE DE GRASSE (S. DOC. NO. 211)

Mr. SWANSON. Mr. President, next year the Yorktown celebration will be held, and the second centennial of George Washington's birth.

There is in the Library of Congress a list of unpublished letters between George Washington and Comte de Grasse and others and some other documents which have not been published. I ask unanimous consent that the documents included in this list, which has been prepared by Miss Elizabeth S. Kite, a specialist in historical events, may be printed as a Senate document. They are almost invaluable historical data in connection with these two celebrations.

There being no objection, the order was agreed to, and it was reduced to writing, as follows:

Ordered, That the documents in the Library of Congress, as listed, relating to the military and naval operations of the Comte de Grasse, especially his correspondence with General Washington, September 2 to November 4, 1781, be printed as a Senate document.

MARTIN E. RILEY

Mr. GEORGE. Mr. President, on yesterday, in the absence of the Senator from New Mexico [Mr. BRATTON] Order of Business 1118, being the bill (H. R. 3238) for the relief of Martin E. Riley, and in which that Senator is interested, was reached on the calendar. The bill had been reported adversely from the Committee on Claims, and without objection was indefinitely postponed. I ask unanimous consent that the bill may be restored to the calendar.

The VICE PRESIDENT. Without objection, that order will be made.

ABUSE OF THE PATENT PRIVILEGE

Mr. DILL. Mr. President, I ask unanimous consent to have inserted in the Appendix of the RECORD a statement by Representative DAVIS, of Tullahoma, Tenn., concerning a bill introduced by him to make patents unenforceable while they are being used to violate the antitrust laws, which is the counterpart of Senate bill 4442, and also an editorial appearing in the Washington Post of this morning entitled, "Patent Abuse by Trusts."

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

HOUSE MEASURE SEEKS TO END MISUSING OF PATENT SYSTEM—REPRESENTATIVE DAVIS SAYS PROPOSAL IS DESIGNED TO MAKE PATENTS UNENFORCEABLE WHEN USED IN VIOLATION OF ANTITRUST LAWS

Representative DAVIS (Democrat), of Tullahoma, Tenn., ranking minority member of the House Committee on Merchant Marine and Fisheries, introduced a bill (H. R. 13157) on June 25 to make patents unenforceable while they are being used to violate the antitrust laws. The bill follows in full text:

"A bill relating to suits for infringement of patents where the patentee is violating the antitrust laws.

"Be it enacted * * * That it shall be a complete defense to any suit for infringement of a patent to prove that the complainant in such suit is using or controlling the said patent in violation of any law of the United States relating to unlawful restraints and monopolies or relating to combinations, contracts, agreements, or understandings in restraint of trade, or in violation of the Clayton Act or the Federal trade commission act.

"SEC. 2. Where the defendant in any patent-infringement proceedings pleads any of the defenses set forth in section 1 hereof such defense or defenses and the issue or issues raised thereby shall be tried separately and judgment entered thereon prior to the hearing on any other issues raised by any other defenses."

The statement issued by Mr. DAVIS follows in full text:

This bill is designed to prevent abuses and cure evils which have been disclosed at various hearings before the Committee on the Merchant Marine and Fisheries of the House during the past eight years, and

which said committee brought to the attention of the Congress as early as February, 1923, in a House resolution, and report thereon, unanimously reported by said committee, requesting the Federal Trade Commission to investigate such practices with respect to the pooling of patents and all other features of the alleged Radio Trust, which resolution was unanimously adopted by the House, and under which resolution the Federal Trade Commission made the investigation and submitted to the House a comprehensive report making startling disclosures with respect to such matters. In subsequent reports the Committee on the Merchant Marine and Fisheries pointed out these evils, and reported bills embracing provisions designed to cure such evils.

Some of the antimonopoly provisions of the radio law were written to meet that situation. During the past several years I have several times pointed out and condemned these abuses and evils. So have other Members of the House and Senate.

ABUSE IS CLAIMED

The bill which I have just introduced is similar to one which Senator DILL introduced sometime ago, and upon which the Senate Committee on Interstate Commerce held comprehensive hearings which revealed a startling abuse of patents by various monopolies, particularly by the Radio Trust. These revelations were such that the Senate Committee on Interstate Commerce unanimously reported Senator DILL'S bill, and the Senate recently passed same unanimously, although the bill was recalled and is now lying on the table of the President of the Senate.

The revelations disclosed by the different House and Senate committee hearings and by the investigation made by the Federal Trade Commission resulted in a suit having been recently commenced by the Department of Justice for the dissolution of the Radio Trust, said suit being largely predicated upon an unlawful pooling of patents and the unlawful monopolization thereby of the radio industry.

This bill is not revolutionary in character but is in conformity with numerous court decisions. It creates no new illegalities. It merely provides that a patent owner who is violating the existing antitrust laws can not enforce its patents in the courts so long as it continues such violation. A patent owner must be required to "come into court with clean hands." That is no new principle of either law or morals. It is older than the patent law itself.

This bill will stop patent racketeering. It will put an end to the so-called patent trusts. It will stop the pernicious and unlawful practice employed by some monopolies to cover their illegal operations under the pretense of patent ownership.

It will not interfere with the legal monopoly possessed by the owner of a patent. This bill is not directed against and will not affect lawful cross licensing of patents, which is legitimately employed in some of the industries. This bill should have the enthusiastic support of every Member of Congress who believes in the enforcement of the antitrust laws. I shall ask for its immediate consideration by the House Committee on Patents when Congress reconvenes in December.

[From the Washington Post, June 26, 1930]

PATENT ABUSE BY TRUSTS

When the United States Government issues a patent to an inventor, there should go with that special privilege an equal obligation not to use that patent to violate the laws of the Nation. Surely such a concession deserves at the hands of the recipient a decent respect for the Government which grants it.

To enforce this obligation, Senator DILL, of Washington, has introduced a bill which would make patents unenforceable so long as their owners are using them to violate the antitrust laws. As a result of the testimony concerning the operations of various so-called "patent trusts" the Senate Committee on Patents, headed by Chairman WATERMAN, of Colorado, made a unanimous report to the Senate, favoring the passage of the Dill bill. In that report the committee says:

"This statute is intended to protect not only independent competitors of patent combinations that are illegal, but also those who are independent inventors in the arts. At the present time independent inventors often find it almost impossible to secure a market for their inventions. They must either sell their patents to an existing monopoly on whatever terms it decides to fix, or they must find capital that will not be intimidated by the fear of having to fight a firmly entrenched monopoly, and to carry on defensive litigation to prevent that monopoly from destroying the new invention.

"The very fact that the Government has issued a patent to an inventor, an exclusive privilege, a monopoly, granting him the right, for 17 years, to exclude anyone else from manufacturing, using, or selling his invention should put upon such a patentee the burden of a scrupulous observance of the laws of the United States. It is particularly iniquitous if the holder of such a privilege should use it to violate the antitrust statutes or any other laws.

"It has been charged that legislation of this character threatens to break down the patent system upon which our industrial progress has been largely founded. This is not true. The destruction of the benefits of that patent system will be inevitable if those who abuse it to create illegal monopolies are permitted to continue to protect their infractions of the law under pretense of patent rights."

As Chairman WATERMAN of the committee puts it, the bill requires patent owners "to come into court with clean hands." No patent owner should object to such a requirement. According to its proponents, the bill does not propose to confiscate patents. It merely provides that a patent owner can not enforce his rights while he is violating the antitrust laws. All he needs to do to restore his full patent privileges, is to stop violating the law.

LONDON NAVAL TREATY—ADDRESS BY SENATOR M'KELLAR

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD a very strong and convincing argument against the ratification of the London naval treaty, being an address delivered over the radio last night by our colleague, the Senator from Tennessee [Mr. MCKELLAR]. I am sure no one can read the address without being convinced of the righteousness of the cause presented by the Senator from Tennessee.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REPLY TO SENATOR REED, OF PENNSYLVANIA, ON THE LONDON NAVAL TREATY

On last Thursday night my distinguished friend and associate in the Senate, Senator DAVID A. REED, of Pennsylvania, made a radio address in favor of ratifying the London treaty. It is my purpose to-night to reply to that address.

If it were not for the fact that Senator REED, of Pennsylvania, and Senator ROBINSON of Arkansas helped to negotiate this treaty there would not be a corporal's guard in the Senate in favor of it. It would not have a chance but for the personalities of these two distinguished Senators. Senator REED, of Pennsylvania, is one of the ablest and strongest men on the Republican side and Senator ROBINSON is one of the ablest and strongest men on the Democratic side. They have the confidence, esteem, and admiration of their fellow Senators. There are no finer men, and but for their strong and engaging personalities the proposed treaty would be overwhelmingly rejected, in my opinion.

Senator ROBINSON of Arkansas is my desk mate. He is my friend and I am his. I am proud of his wonderful record in the Senate. Arkansas and the South are proud of him. There is no abler or more skillful or more valuable man in the Senate. He is our Democratic leader, and I follow him in substantially all matters, because he is able, because he is sincere, because his judgment is good, and because his democracy is unquestioned. But no two men can agree in everything. In this matter there is an honest difference of opinion between us. He believes this treaty is to the best interests of the United States. I do not. I believe if it is signed it will be to the great injury of the United States.

The principal purpose of Great Britain in the Washington conference of 1922 was to sink our battleship fleet and secure for herself a supremacy in battleships while at the same time retaining her great supremacy in cruisers. And this she accomplished in full measure and running over.

In like manner, the principal purpose of Great Britain in the 1930 conference was to stop us from building what our naval experts declared necessary for us, namely, 10,000-ton, 8-inch-gun cruisers, and this purpose she has accomplished in full measure and running over in the proposed treaty.

I am going to take up the treaty along the same lines adopted by Senator REED, of Pennsylvania. He is a great lawyer, a great statesman, and a great student of this treaty. If he can not state a case in favor of this treaty, it can not be stated, and in his speech the other night, he just failed to state a case for this treaty. I have examined his contentions, and I find that he gives the following reasons for ratifying the treaty. He claims:

That this treaty brings about immediate parity in battleships.

That it accelerates parity between the United States and Great Britain by 11 years.

That it requires Great Britain to scrap five battleships, when only three are required to be scrapped by the United States.

That it saves the United States $400,000,000 by doing away with the replacement program.

That Great Britain is to reduce her cruiser strength from 70 to 50, which is to the interest of the United States.

That 6-inch guns are just as effective weapons of naval defense as 8-inch guns.

That the treaty provides for the humanizing of submarine warfare.

That the treaty must be good for America because there are some British statesmen and some Japanese statesmen who are opposing it on the ground that it sacrifices British and Japanese rights.

That this treaty provides for the United States catching up in cruiser construction, while Great Britain and Japan are required to reduce their cruiser construction.

Senator REED inferentially suggests that this treaty will do away with competition in naval armaments.

And he finally claims that parity was brought about in destroyers and submarines.

Not one single one of the foregoing contentions can be maintained.

In the foregoing statement I have give every material contention advanced by Senator REED for the ratification of this treaty.

I now want to take up these several propositions and show how baseless they are.

Senator REED, of Pennsylvania, first says that the treaty brings about immediate parity in battleships. In order that you may understand this contention, I must consider with you for a few moments the naval arms treaty of Washington of 1922. Great propaganda was then carried on for that treaty, just as it is now being carried on for this treaty. That treaty was the greatest surrender of American rights that ever took place. At that time America had the greatest battleship fleet in the world. In tonnage it was more than double what our battleship fleet is to-day. America had 2 new battleships just launched, 7 more battleships partially completed, some of them nearing completion, and 6 battle cruisers substantially completed. These had cost over $332,000,000, and the total tonnage was 618,000 tons. America destroyed 11 of these ships along with 15 other battleships having a total tonnage of 227,000 tons, making the enormous total of 845,000 tons of battleships that she voluntarily eliminated or sank. While America was destroying this great array of battleships—the greatest ever constructed—what did Great Britain do? Why, some time before she had ordered destroyed 14 old battleships. After the treaty she sank or destroyed six others. And she sank the blue prints of four new *Hoods*. In other words, Great Britain only destroyed as a result of that treaty six battleships of about 150,000 tons, while America destroyed 845,000 tons. In other words, America had built up the greatest battleship and battle cruiser fleet in the world, and at the very outset Mr. Hughes, the president of the conference, without a word, without any real consideration, sank the greatest battleship navy ever built. I have said before that it was the greatest naval victory that Great Britain ever won—greater than the sinking of the Spanish Armada, greater than the victory of Nelson at Trafalgar, and greater than any other victory that she ever won. It cost the United States over half a billion dollars to destroy or sink its ships, and it gave to Great Britain the absolute supremacy of the seas.

I now come to the actual terms of the 1922 conference. It must be remembered that the propaganda claimed that our battleship fleet should be on the ratio of 5, 5, and 3. When the contract was actually signed, however, it was provided that Great Britain was to have 22 battleships, America 18, and Japan 10. Even now, after replacements have been made, Great Britain has 20 battleships and America 18. Six months after the treaty of 1922 it was found that 13 of the American battleships could not shoot as far as all of Great Britain's battleships by from 3 to 5 miles, so that the treaty of 1922 put America nearer to a 22-to-5 basis rather than a 22-to-18 basis, and the treaty made the 5–5–3 propaganda absolutely ridiculous. Thereupon President Coolidge sent a secret message to the Congress asking for proper appropriations to elevate the guns on these 13 ships so that they could shoot farther. Congress immediately granted the appropriation, but Great Britain protested against the elevation of the guns, claiming that it was in violation of the treaty, and the matter was abandoned for several years. I understand that the guns have since been elevated on three of the ships and are now being elevated on two more, but it will cost the United States $85,000,000 additional to put these ships and guns in good condition, and even then we are not sure that they will shoot as far as the British guns on all of the British ships.

But this is not the true reason why there can not be parity between America and Great Britain. The fact is that Great Britain has three ships—the *Hood*, of 42,100 tons; the *Rodney*, of 33,500, and the *Nelson* of 33,900 tons—while our largest battleships have a maximum of 32,600 tons. We have no ships in our battle fleet that are the equal of these three great dreadnaughts of the British Navy, and as long as there is that disparity, of course, there is no way in the world to bring about a parity in our battleship fleets. So that, when Senator REED says that this treaty brings about immediate parity in battleships, he is wholly and entirely mistaken.

I next come to his proposition that the treaty accelerates parity by 11 years. I have just shown, in answer to his first contention, that we do not have parity under the 1922 agreement; that we have not parity under the proposed agreement; and that it is impossible, in the very nature of the situation, for us to have parity at all during the life of this treaty. And I say, without fear of successful contradiction, that we will never have parity as long as we continue to negotiate treaties with Great Britain about navies.

Senator REED then claims that the treaty ought to be adopted because Great Britain is required to scrap five battleships, while only three are required to be scrapped by the United States. In reply to that I want to say that under the 1922 treaty Great Britain during the life of that treaty was to reduce the number of her battleships. So that all that is accomplished by the sinking of these five battleships to America's three is that it gives the two countries an equal number of battleships without appreciably interfering with Great Britain's superiority. As a matter of fact, if these ships are scrapped by the two nations, Great Britain, by reason of having the *Rodney* and the *Nelson* and the *Hood*, and by reason of the fact that at least 8 of our 15 ships can not shoot as far as Great Britain's ships, still has a distinct advantage over our battleships. The nearer the two fleets are scrapped down to the *Hood*, the *Nelson*, and *Rodney*, the greater is Great Britain's superiority.

No doubt all of you who are interested in this matter will recall that when our delegates at the London conference tried to get the right to build one of these 34,000-ton ships like the *Rodney* or the *Nelson*, it was instantly refused by the British delegates. The reason is perfectly plain. It would have brought America a little nearer to parity, and the British never intended that the American battleship fleet should be on a parity with the British battleship fleet. In this connection it must be remembered also that one of the great advantages that Great Britain gets out of this treaty is that under the 1922 treaty America had the right to replace three old ships with ships like the *Rodney* and the *Nelson*. But America is deprived of that right under the present treaty. The British delegates must have been shrewd, indeed, when they so manipulated the battleship agreement whereby, under the guise of having a naval holiday, they absolutely deprived America of the right to rebuild her old ships with new ships like the *Rodney* and the *Nelson* and thus deprived America of even remotely obtaining parity in battleships.

Under these circumstances it is perfectly patent that America has a battleship fleet greatly inferior to Great Britain's, and it is probably not much stronger than the Japanese Fleet. Of course, everybody knows that, instead of having parity in battleships, our battleship fleet, even when it is put on a basis of 15 to 15 in 1933, will be pitifully inferior to the British battleship fleet, and will not come up to real parity even after we spend $85,000,000 on remodeling the American battleships.

In this connection Senator REED says that nothing has been said about Great Britain reducing her battleship fleet by 123,000 tons, while America reduces hers by 69,650. Yet he does not state that probably the three great battleships of Great Britain, the *Hood* with 41,200, the *Rodney* and the *Nelson* with nearly 35,000 tons each, are far superior to any battleship in the American Navy. Of course, it can not be argued, and nobody, so far as I know, has attempted to argue that our battleship fleet is as strong as Great Britain's.

The next point of Senator REED is that there is a $400,000,000 saving to America, in that there are to be no battleship replacements until 1936. This is not true because no one of the three nations expected to make these replacements in battleships anyway. They have made no preparations for it, but it will be seen that Great Britain gets a tremendous advantage by this clause of the treaty, in that she deprives America of the right to build two vessels of the *Rodney* class, and these could be built probably at a less cost than it would take to modernize the old battleships that we now have. Senator REED's saving of $400,000,000 by the so-called naval holiday until 1936 reminds me of Mutt's trip to the races and saving a thousand dollars. He came back and told Jeff that he had made $1,000 on the races, and when Jeff asked him how he made it, he said that he had intended to place a bet of a thousand dollars on Silver King and he had not done it, and Silver King had lost, and therefore he made the money.

Further than that, it means that we have got to spend at least $85,000,000 upon modernizing and repairing our old battleships during this period, and at the end of the period in 1936, if we are to be in the 1–2–3 class with Great Britain we will have to build probably in excess of $400,000,000 and throw away $85,000,000 that has been spent in the modernization of the old ships.

Senator REED's next point is that the treaty is advantageous to us because of England's agreement to reduce her cruisers from 70 to 50. If any other man in the world than Senator REED had made this statement it would be laughable, and it is even laughable as it comes from him. Not only is there no agreement in this treaty providing for such reduction but I have been unable to find whereby Great Britain covenants to reduce her cruiser fleet from 70 to 50. She could not do it if she wanted to, for the reason that she has not 70 cruisers! She never has had 70 cruisers! Senator REED himself says that she has only 54, and the records have been searched and it has been found that she has only 54. Now, it is perfectly plain that if she has not 70 she can not reduce them as Senator REED stated. She is simply following her 1922 example and is reducing blue prints. Of course, what he means is that in the 1927 Geneva conference Great Britain wanted a limit of 70 fixed for her and she simply reduced that limit to what she practically has now. So that that contention falls to the ground. Besides this, there is no limitation upon her cruisers, as is shown by the escalator clause, which allows her to build as many as she wishes.

I next come to Senator REED's point that 6-inch guns are as good as 8-inch guns. How such an argument can be put forward it is difficult to understand. This position is against the opinion of practically the entire American Navy and naval experts, as well as the British Admiralty, and contrary to common sense. Our naval officers, with but four exceptions in the entire Navy, and three of those are holding office under Mr. Hoover, say that 8-inch guns are vastly superior, and that 10,000-ton cruisers are vastly superior to those of a smaller tonnage. And the truth of it is that if our naval officers should ever have to fight for their country again, they have got to fight with the 6-inch guns that Admiral Hoover and Admiral Stimson and Admiral

REED, who know nothing about the subject practically, have prepared for them. And the Navy is not permitted the kind of guns and the kind of ships that they think they should have. Should America get into war, such a war must be fought by officers of the American Navy. Admiral Hoover and Admiral Stimson and Admiral REED will not be a part of that Navy. The superiority of these guns is also attested by the British Admiralty and by the British Government, because the transcendent purpose of this treaty proposal is to stop America from building these superior guns and superior ships.

I stop here long enough to say that when it comes to making war I indorse a statement that was made to me by President Wilson during the World War. He was being asked to give charge to this man, and to that man, and he uttered these memorable words:

"I am not a military man. I am not a naval man. When this war came on I selected the best Army officer in the United States Army, as I thought—General Pershing—to take charge of the American forces, and I selected the best Admiral of the Navy to take charge of our naval forces. I am going to the mat with them. I am going to stand by them to the very end."

And the war was won that way. And so I say that it is the duty of the Congress and of the President to follow the advice of our naval officers in this matter and go to the mat with them on the kind of guns and the kind of ships that they think best for America's defense. President Coolidge took the same position about the Geneva conference.

The next argument by Senator REED of Pennsylvania is that this treaty provides for the humanizing of submarine warfare. In effect the treaty merely recites the existing law of nations on this subject. So, it is seen that this is a valueless statement in the treaty.

Senator REED'S next argument is that the treaty ought to be good for America because certain politicians in Great Britain are opposed to it, notably Mr. Winston Churchill, and certain politicians in Japan are opposed to it. The truth is that these differences in opinion are purely political, and the further truth is that Mr. Churchill is really in favor of this treaty, because if he is not, they would upset Mr. MacDonald's government in less than 24 hours and turn him out. The only reason the MacDonald government has not been turned out before this is that all parties are holding it in hoping to get this wonderful treaty for Great Britain ratified before any change is made.

Senator REED then points out that the United States is catching up in cruiser construction. The facts are that Great Britain actually speeds up her cruiser construction, and Japan also, through a special provision in the treaty, which applies to only two ships in America, but which applies to 172,000 tons of shipping of Great Britain and 32,000 of Japan.

It is then argued that this treaty will do away with competition in naval armament. In the first place, it will do no such thing, and I do not believe that competition in naval armaments can ever be done away with unless we do away with competition in world trade. Naval armaments and world trade go hand in hand together. No nation has ever permanently built up a great world trade without building up a great naval armament to protect that trade wherever it goes. There is only one way to protect our foreign trade, and that is by building a navy sufficient to protect it. Why has Great Britain built up and retained her foreign trade? It is because she has had a navy to protect it throughout the world. So, if America is to hold her present great foreign trade, she must have a navy able to protect that foreign trade. It is primarily an economic proposition. If we are to maintain our trade and commerce on the seas and with foreign nations, which is now quite as large as Great Britain's foreign trade, it follows as a necessary result that we must have a navy to protect it.

Now, what is the economic result of this agreement? At most, our Navy will be able to protect our trade along the east coast of North America to a line running north and south from Newfoundland to Venezuela. In other words, if the agreement goes through we can protect our trade in the north Atlantic and in the Gulf of Mexico and in the Caribbean Sea and the Pacific coast of America, and that is all we can do. We can not protect our trade in the Far East or in the Atlantic other than the small portion of it above referred to, and we can not protect it in the Indian Ocean. In other words, we are put at a tremendous disadvantage in protecting our world trade. Ladies and gentlemen, this is an economic question. As long as we have competition in commerce with Great Britain and Japan, as long as we are a great exporting Nation—and we can not be a great Nation without foreign commerce and trade—we must have a navy to protect that commerce and trade.

Senator REED claims, by inference, that America had been benefited by agreements as to destroyers and submarines. This is not borne out by the facts. Indeed, quite the reverse is true. The reason we got parity in destroyers and submarines is perfectly plain. America now has 75,000 tons of submarines and Great Britain has only 45,000 tons, and naturally America has to sink 35,000 tons of submarines so as to be put on a parity with Great Britain's small number. As to destroyers, America now has 290,000 tons of destroyers. Great Britain has 191,000. Some of Great Britain's are no doubt old. So that Great Britain very readily agreed that she would sink 40,000 tons of old destroyers and America just as cheerfully agreed to sink 140,000 tons.

It is quite remarkable that in the 1922 agreement when America had the advantage in battleships she did all the sinking, and now when America has all the advantage in destroyers and submarines, again America does all the sinking without any return. And in that class of vessels where Great Britain had a great advantage, namely, cruisers—54 to 13—Great Britain does not scrap a single ship. So, my friends, you see what a one-sided agreement this is. It reminds me of the old doggerel that I, as a boy, heard stated by negroes in the South:

"A naught's a naught,
And a figger's a figger,
All fer the white man
And none fer the nigger."

And in these two agreements Great Britain has got all, and the United States plays the part of the negro. Thus, it appears that, taking these two conferences together, the United States has sunk an overwhelming preponderance in three classes of ships, namely, battleships, destroyers, and submarines, while Great Britain has not budged an inch when it came to her great superiority over America in cruisers.

Now, having answered, as I believe, every contention made by Senator REED, I propose now to give a few reasons why this treaty ought not to be ratified.

The conference was called to bring about naval disarmament. Instead of bringing about disarmament, on the whole it brought about greatly increased naval armaments, America's part in the increase being estimated to cost over a billion dollars.

It was called for the purpose of bringing about parity "in each of the several categories" as between Great Britain and America. It does no such thing, but establishes a wider disparity than has existed heretofore. The only reduction of armaments in this treaty is a reduction in submarines and destroyers which America must make, and a slight reduction in battleships, and under the terms of that reduction America is prohibited from building battleships of the *Rodney* and *Nelson* class, and thereby Great Britain is given the absolute superiority in battleships.

Instead of providing for parity "brimful and running over," as Mr. MacDonald declared, it provided for a great inequality in naval fleets.

It provides for enormous naval building by America, by Great Britain, and by Japan.

It will impose tax burdens on the American people of more than a billion dollars.

It prohibits America from building before 1936 more than fifteen 10,000 ton 8-inch cruisers, when her responsible naval experts, with one or two exceptions appointed by Mr. Hoover, all declare that these ships and guns are for the best defense of America.

It requires us to build ships of a kind and size that Great Britain is willing for us to build. It prohibits America from building the kind and size of ships and guns that America thinks is best for her own defense.

There is no way in the world for America without naval bases to obtain parity with Great Britain in cruiser strength except to have the larger ships and guns, and it is doubtful if it can be gotten that way.

It deprives America of the right and power to build a navy that will defend American possessions in the Far East, notably the Philippine Islands. All of our experts agree that we can not defend the Philippine Islands on the basis of this treaty.

It prevents America from defending the greater part of our foreign trade on the high seas.

Yet it leaves Great Britain the power to protect her commerce practically everywhere.

It also gives to Great Britain the power to put economic pressure on America equivalent to business ruin.

Again, our sea-borne commerce is nearly $15,000,000,000 in value every year, and yet we deprive ourselves by this treaty of the right and power to defend that enormous commerce wherever it may go.

Because the kind of ships that Great Britain will permit us to build under this treaty are not large enough and do not have guns large enough to protect our commerce.

It does not provide that America shall have any additional naval stations anywhere in the world for the protection of her outlying possessions or the protection of her world-wide trade.

It does not refer to Great Britain's great superiority in naval stations, having them not only in every part of the world but even surrounding the coasts of America itself.

It does not provide for the freedom of the seas and it denies to us the power to maintain that freedom for ourselves.

And yet it leaves to Great Britain the power to assure that freedom of the seas for herself.

It will be remembered that even during the World War, when we were fighting side by side with Great Britain, she not only claimed but exercised the right to overhaul American ships when she believed their cargoes were going even indirectly to her enemies, and to take those cargoes into port and use them.

Again, the Constitution of the United States specifically grants to the two Houses of Congress the duty "to provide and maintain a navy." That authority is plenary in the Congress. Nowhere in that great instrument does it give the right to the Executive and the Senate





to limit that power. And yet if this treaty goes through, the Congress will be deprived of its right to build and maintain the kind of navy that would be to America's defense, and will be required to build the kind of navy that Great Britain and Japan want.

This treaty ought to be rejected, because the treaty was negotiated in secret. It will be remembered that I protested publicly against secret sessions of this conference. It is said that agreements of this kind can not be made unless there is secrecy. I deny this. I believe in the doctrine of open covenants openly arrived at. It is the only way to do it. What right have our representatives to go into a secret conference and determine American rights? If that conference had been held in the open and under the glare of pitiless publicity, no such one-sided agreement as this would ever have been brought back for the confirmation of the Senate.

Again, this treaty ought not to be ratified, because the facts upon which it was negotiated have never been transmitted to the Senate of the United States, although, under our Constitutiton, it is coequal with the Executive negotiating and approving treaties. Yet in this case the President of the United States refuses to give to the Senate the facts upon which this treaty was negotiated. The Senate owes it to itself, it owes it to the American people, to maintain its rights and have all the facts before it before it ratifies this treaty.

Again, the President has no right under the Constitution to select two Senators of the United States and give them the right to know what is going on and withhold the facts from the other 94 Members of the Senate.

Again, this treaty should not be ratified because it gives Japan the absolute control of the East, and let me say right here that what this means to the American people is shown by the fact that our trade with the East amounts to more than $2,000,000,000 a year.

I am one of those who believe that the Philippine Islands ought to be free, but as long as we hold them I believe we ought to retain the right to defend them. And yet, under this treaty, we are deprived of the right of defending these possessions.

This treaty ought not to be ratified because the promises that are now being put forth, the propaganda in behalf of this treaty, are the same old promises that were put forth in 1922, when the greatest navy in the world was sunk. I quote from Mr. Hughes:

"The world looks to this conference to relieve humanity of the crushing burden created by competition in armament, and it is the view of the American Government that we should meet that expectation without any unnecessary delay."

And thereupon he offered to sink 875,000 tons of American battleships without any substantial consideration. Were we relieved of the tax burdens as then promised by Mr. Hughes? Not at all. I want to show you the actual facts. Instead of relieving the American people of taxation, under that treaty taxation has consistently increased ever since. I give you the figures of our annual naval appropriations: 1923, $322,000,000; 1924, $324,000,000; 1925, $326,000,000; 1926, $311,000,000; 1927, $322,000,000; 1928, $338,000,000; 1929, $362,000,000; 1930, $364,000,000; and 1931, $382,000,000. With but one single exception, in 1926, naval appropriations have grown every year since 1922, and yet we are told that by making this agreement with Great Britain we are removing tax burdens. It is not true. There is not a word of truth in it. When we were building up the great Navy—the great competitive Navy—before the war, we did not spend one-half these sums. In 1911 we spent $119,000,000; 1912, $135,000,000; 1913, $133,000,000; 1914, $139,000,000; 1915, $141,000,000; 1916, with the war on, only $155,000,000; and in 1917, only $257,000,000, and we built with these appropriations one of the greatest navies in the world, only to be sunk by those apostles of a new day who want America to become subservient to Great Britain and Japan in navies.

Ladies and gentlemen, there never was a greater crime committed against the American people and American trade and commerce than when, under the agreement of 1922, 835,000 tons of battleships went to the bottom of the ocean.

Mr. Hughes again said:

"It would also seem to be a vital part of a plan for the limitation of naval armament that there should be a naval holiday."

God save the mark! I have just shown you the vast increase in naval appropriations. What did Great Britain do? Did she indulge in a naval holiday? Why, instead of doing that she went back home and began the building of the greatest cruiser fleet that she ever owned in all of her history. And so the propaganda for the naval treaty of 1922 was just so much poppycock. It did not reduce navies and it did not reduce appropriations.

And little Japan at all times has been building in the unrestricted class so that her cruiser fleet to-day is stronger than that of America.

The American people are a strange people about some things. In the naval conference in 1922 we were so outtraded by the British that it was pitiful, and all Americans now agree to that view. Yet eight years after we serenely come along and allow the British to outtrade us again and euchre us again in exactly the same way. To euchre us once is not enough. We must be euchered twice.

Ladies and gentlemen, the great underlying question in the ratification of this treaty is the economic question. I recall that in 1914 Great Britain had a larger and stronger navy than any other in the world. Our Navy was in no sense able to contest with her. The day after war was declared Great Britain issued an order in council declaring cotton contraband. American cotton was thereafter swept from the seas, and the result was that this great cash-producing crop of America was rendered almost valueless. It went down from 14 cents to 4 cents in the twinkling of an eye and could not be sold even for 4 cents a pound. And I saw the cotton producers of the South reduced almost to penury because of that British order in council. The strength of that order was the British Navy. If America had then had a Navy equal to Great Britain's she would never have issued such an order, and American cotton would have found a market and the growers of cotton and those dependent upon cotton would not have been reduced to penury and want.

I remember also that during the first years of the Great War the British Government asserted and exercised the right to overhaul American vessels—searching them—and if they found cargoes that they believed were going directly or indirectly to their enemies, they took those cargoes and carried them to Great Britain. In other words, Great Britain was thought by many during the war to be as absolutely ruthless or more ruthless than Germany was. This ruthlessness was only made possible by superior naval strength, which strength I am not willing to perpetuate by agreement.

I made up my mind then that when the opportunity arose I was going to give America a navy in keeping with American rights and responsibilities, in keeping with the duty to defend the greatest commerce in all the world; and I want to say here and now that so long as I am a Representative in Congress I shall never vote for any measure or for the ratification of any treaty that will make the American Navy inferior to any other navy in the world.

THE REPARATION PLAN—ADDRESS BY OWEN D. YOUNG

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Mr. Owen D. Young in San Francisco, Calif., March 24, 1930, on international affairs, with especial reference to the reparation plan.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the New York Times, Tuesday, March 25, 1930]

YOUNG SAYS AMERICA CAN NOT STAND ALOOF—DECLARES EITHER ECONOMIC OR POLITICAL ISOLATION FROM OTHER NATIONS IMPOSSIBLE—"TOO RICH TO BE LOVED"—HE EMPHASIZES NEED OF KEEPING ECONOMIC MACHINERY FREE FROM POLITICAL DOMINATION—EXPECTS GERMANY TO PAY—AUTHOR OF REPARATION PLAN DELIVERS CHARTER DAY ADDRESS AT THE UNIVERSITY OF CALIFORNIA

SAN FRANCISCO, March 24.—Owen D. Young, speaking on international affairs in describing the reparation plan which bears his name at the celebration of the sixty-second anniversary of the University of California, declared that the isolation of America from the rest of the world, either economic or political, was impossible.

From an economic point of view, he maintained, it is inevitable that the United States take an interest in and be concerned in the material problems and affairs of every country on the globe.

"Let no man think," he exclaimed, "that the living standards of America can be permanently maintained at a measurably higher level than those of the other civilized countries. Either we shall lift theirs to ours or they will drag ours down to theirs. Tariffs and other petty political barriers, temporarily justifiable, will in the long run only accentuate the trouble."

Referring to politics, Mr. Young said nothing was clearer from the experience of the last 10 years than the necessity of keeping our economic machinery, and especially our finance, free from the domination and control of politics.

Speaking of the reparations plan, he said it was the best settlement that could be made. It was neither an economic settlement nor a political settlement but a compromise between the two.

Whether the burden placed on Germany by the plan is too great only time will tell, he stated. Personally, he had great confidence in Germany's ability to pay. Germany's honor, not her freedom, were now at stake.

TEXT OF THE ADDRESS

Mr. Young's address was as follows:

"Mr. President, ladies and gentlemen of the University of California: If one were to speak on international affairs, it would be fitting to do so at one or the other of those great ports which are our most sensitive contacts with the outside world. Through New York and San Francisco, inward and outward, flow in substantial part the great movement of men and things which constitute international transportation; of voices and records which make up international communication; of finance, that essential mechanism through which all these interchanges are made possible.

"It is true that Washington, as the political focus of the Nation, makes our political contacts abroad, but they are relatively superficial and inconsequential compared with these sensitive forces of quick and constant action which represent our participation in the economic activities of the world. So, after the completion of the Dawes plan, I spoke of my experiences abroad first in New York. Now, after the completion of the new plan, I consider it a privilege to say my first word at the great port of entry of the West. It is perhaps not inappropriate that it be said as a part of the celebration of this significant anniversary in the life of the University of California.

"On the 11th day of November, 1918, the military forces engaged in the Great War suspended operations. For more than four years they had been our masters. They commanded our thoughts and our ambitions; they held as hostages our property and our lives; Politics had retired to second place; Economics had temporarily been forgotten.

POLITICS COMES TO THE FORE

"After the military had suspended its act in the tragic drama, Politics and Economics again came on the stage. Politics, as she advanced to the footlights, had never seemed so charming. She received the applause of all the world. How delightful it was to get rid of that old witch of war who destroyed our wealth and our peace of mind, who murdered our sons, and who disarranged all the notions of our daughters! Is it any wonder that Politics commanded our admiration?

"What high hopes we had of her! True, there was on the stage also a very modest being, ragged in clothing, bewildered in her senses, known as Economics. No one paid much attention to her in comparison with their lovely idol. Truly, Politics was mistress of the world. And with that setting the play went on.

"Politics, conscious of her power and with impatient hand, wrote a treaty while all the world was lost in admiration of her daring. In those days a part of her charm lay in her many moods. One day she spoke through Woodrow Wilson, and the audience sat breathless, moved by the high idealism of a great man and the rich expression of a master. Another day, by contrast, she was hard and cynical, and what the world calls practical, as she spoke through Clemenceau. And still another time she had the delightful abandon and irresponsibility of a mischievous mistress as she was impersonated by Lloyd George. And she had courage, too, because she swept away age-old boundaries and made new ones.

"True, occasionally was heard the weak voice of Economics, modestly protesting here and there, occasionally even offering advice, only to be silenced by the imperious gesture of the leading lady. And one day she decided what Germany was to pay by way of reparations, the sum of 132,000,000,000 marks, or one-quarter as many dollars. Then it was indeed time for Economics to speak, and she did, in protest. But she was quickly silenced by the great party in the Palace of Versailles, the scene of so many grand affairs. Had not Politics always been mistress of Versailles? Had not Economics always been a scullery maid? Why break the precedent now? Why listen to her in these great councils—and they didn't. And then—

"'The tumult and the shouting dies
The captains and the kings depart.'

TAKES ECONOMICS ON TOUR

"Permit me to carry the figure one step farther. Politics now goes on tour, always taking her bedraggled associate with her, because even Politics knows that Economics must do the work. Politics in France says, and properly and sympathetically so:

"'Your houses and lands have been destroyed, rebuild them, and do it handsomely—others will pay the costs.' That was the program which Politics could start, but which Politics could not stop. So the building went extravagantly on, and a few years later, when Germany failed to pay the cost, and consequently there overhung France this addition to her vast interior debt, Politics said:

"'We will make Germany pay. We will move our armies into the Ruhr and compel by force the production of coal and manufactured goods for reparation account.'

"But it turned out that the sword was a poor instrument with which to get economic results. Politics could put a French army in the Ruhr, but Politics could not take it out.

"Politics in England said: 'If there be people out of work, or even people who do not want to work, give them a dole from the public treasury.'

"How generous she was! But there was a program which Politics could start, but which Politics could not stop.

"Politics in Germany said to Economics: 'You seem depressed this morning with the great work you have to do. Let me give you a cocktail. I do not intend to get you intoxicated. Take a little stimulant, and after you are started, we will cut it out.'

"So Politics gave to Economics inflation. That was something which Politics could start, but which Politics could not stop. As a result, the currency of Germany was destroyed and her people were plunged into the depths of want and despair. Yes; it is easy for Politics, with her appeal to the emotions and her ingratiating manner, to start things in the field of Economics which she can not stop.

ECONOMICS GETS A HEARING

"And so it happened in the autumn of 1923. Then, for the first time Economics got a hearing. The world began to doubt whether Politics, with all her charm, was safe and sound. Losing the applause of her audience, and with that something of her confidence, wringing her hands in despair, Politics finally called to Economics and said: 'If I give you the opportunity will you try to save the show?'

"The Dawes committee convened in Paris on the 14th day of January, 1924. Its task was to provide a plan for the balancing of the German budget and for the stabilization of the German currency. It was not permitted to revise the amount of 132,000,000,000 marks which Politics had fixed for Germany to pay. So the Dawes committee did the very simple thing of fixing the annual installments which Germany should pay on account of reparations. These being fixed, the budget could be balanced and the currency stabilized. The Dawes committee did not specify the number of years which the installments were to run. No one ever computed the years, because it was apparent to the world from the size of the installments that the earlier reparation figures had been in fact, if not in law, abandoned.

"The Dawes committee brought out its plan on the 9th day of April, 1924. It was made effective on August 16, 1924, at the conference of London by a treaty signed by the nations which were the beneficiaries of German reparations. By it a new central bank was established for Germany, and a new currency was created with an adequate gold supply.

"And to give you an idea of the results of the inflationary intoxication let me say that one mark of the new currency was exchangeable for one billion marks of the old currency, and I mean the continental billion, not ours; that is to say, a million million old marks for one new mark.

WORLD LEARNS FIRST BIG LESSON

"And so Economics took the stage in Germany on the 1st day of September, 1924. A few days later the French armies began to move out of the Ruhr back home. The Germans began to work their mines and factories. The world learned its first great lesson—that Economics does not function under political threats or military coercion. It performs obligations which are reasonably fair. It recognizes in the long run only self-interest and honor.

"In a word, the world learned that coal and steel for reparations would come at the point of a pen on a checkbook and would not come at the point of the bayonet in the hands of the soldier. Certainly, it was demonstrated that in this field the pen is mightier than the sword.

"You all know the story of Germany's economic recovery under the Dawes plan. She paid to her creditors during those five years the full amount set out in the plan, namely, 7,600,000,000 marks, which is the equivalent of $1,917,000,000. Nevertheless, the Dawes plan was a receivership plan for Germany. It was not a plan of permanent reorganization. Under it S. Parker Gilbert, a brilliant young American, was the receiver, and let me take this opportunity of saying that the success of the Dawes plan was largely made possible by his wise and efficient administration of the receivership. May I step aside long enough to call the attention of the students of California to the fact that Parker Gilbert was made agent general for reparations payments at the age of 32? He was graduated from Rutgers College in the class of 1912 and from the Harvard Law School in the class of 1915. I speak of it here only because I want you to know that great opportunities and great responsibilities lie before you not somewhere in the distant future but almost here and now.

"As I have said, the Dawes plan was an interval receivership plan—it did not even fix the total amount of the debt, although all the world knew that the original sum fixed by Politics was quite impossible. Then, too, one could not expect a great nation of 60,000,000 people to function permanently in the hands of a receiver, and so at Geneva on October 20, 1928, Economics was again called by Politics, in the form of an expert's committee, to make proposals for a complete and final settlement of the reparation problem. That committee met on February 11, 1929, in Paris, and on June 7 signed and transmitted its report of final settlement. That report is popularly known as the Young plan.

SPIRIT IN WHICH PLAN WAS MADE

"May I say in passing that this habit of adopting the name of the chairman as the name of the committee began when the first expert's committee was christened the Dawes committee. General Dawes was not keen about that change of name, but he said, you will remember, that somebody had to take the garbage and the garlands. It was in that same spirit that the Young committee and the Young plan were so named—and you may be sure that the chairman will receive more than his fair share of social prestige at the front door and a proportionate amount from the can at the back door, depending wholly on whether the affair is an afternoon tea or the 'morning after' clean-up.

"By the Young plan the annual installment of the Dawes plan of 2,500,000,000 reichsmarks, plus a variable resulting from an index of prosperity, was reduced to an average for the first 37 years of 2,050,-600,000 gold marks; that is to say, a reduction of 20 per cent or more. The annuities begin at 1,707,900,000 marks and advance slowly toward a maximum of 2,428,800,000 marks. After the first 37 years the Ger-

man installments gradually diminish from approximately 1,600,000,000 gold marks in 1966 to 897,800,000 in 1988.

"Under the plan the receivership of Germany is withdrawn. The mortgage of $2,500,000,000 on the German railway system, created by the Dawes plan, is discharged. The general mortgage on German industry of over $1,000,000,000 is also lifted. Germany is given a specific task to perform. Foreign armies provided by the political treaty are withdrawn. The reparation commission is wound up.

GERMAN HONOR ALONE AT STAKE

"Care was taken in the plan to avoid the term 'reparations.' And so at last, 10 years after the armistice, under the new plan as drawn in Paris Germany is free. She has a debt to pay, but that is all. Her honor, not her freedom, is at stake.

"May I say a word about the problems and difficulties in Paris? I have told you that the Dawes payments were reduced something like 20 per cent and the total number of years which Germany should pay was also fixed. These installments, computed at their present value, represented a charge on Germany of something like $9,000,000,000, or 36,000,000,000 marks. Politics, you will remember, fixed Germany's obligations at 132,000,000,000 marks, or $33,000,000,000. In a word, our kitchen-maid, Economics, was compelled to cut the menu of her leading lady by more than 70 per cent to make it fit the prospects of the larder.

POLITICS REAPPEARS AT HAGUE

"At The Hague Politics again appeared, and while protesting that she did not wish to put larger burdens on Germany did increase somewhat—sufficiently for political purposes, I dare say—the burdens of the Paris plan; and most of those burdens do, in fact, ultimately fall on Germany. Then, too, at the second Hague conference Politics again made an effort to substitute military sanctions for Germany's nonperformance and in a most attenuated form such sanctions were provided.

"Economics does not like military sanctions. Doctor Schacht protested, and has recently resigned the presidency of the Reichsbank because he was unwilling to assume responsibility for the execution of a plan which carried burdens additional to those imposed at Paris, and which had any color of military sanctions. Doctor Schacht has been accused in taking this action of having domestic political ambitions. It is fair to him to say that his protest arose, not because there was politics in Doctor Schacht, but because politics had again crept into the plan.

"However, I have no fear of the slight political tinge which the plan took on at The Hague. Certainly this settlement was better than none. It would have been a great catastrophe for Germany and all the world had the plan agreed upon at Paris by the representatives of all the countries, including Germany, failed in the hands of Politics at The Hague. We are all to be congratulated that it did not do so, and perhaps most of all the Government of the United States.

AMERICA TO GET MORE THAN 60 PER CENT

"I speak of my own country, because more than 60 per cent of the total sum to be paid by Germany must find its way to the United States in payment to us of the so-called international debts. You see that was one of our serious problems at Paris. Roughly, one-half of the Dawes payments were needed by the creditors of Germany to pay their debts to the United States. That obligation was fixed. So the entire reduction by the creditor countries in the Dawes payments, so far as their respective budgets were concerned, had to be made out of one-half of the payments; that is, every 5 per cent reduction to Germany in the Dawes plan payments meant a 10 per cent reduction in the net budget benefits of the creditor countries.

"Now a 20 per cent reduction in the Dawes plan payments looked small to Germany, but a resulting 40 per cent reduction in net budget benefits to the creditor countries looked very large to them. That was one serious problem at Paris.

"Another was that the Dawes plan payments were distributed under what was known as the Spa percentages. Now, as the reduction in the German payments took place, some of the countries, notably Italy, under those percentages, would not have received enough to pay their indebtedness to the United States, while others would have a considerable surplus. Therefore, in order to secure a settlement at all, it was necessary at Paris to remake these percentages.

"We not only had to set the total amount which Germany should pay, but we had to redistribute that diminished amount among the creditor countries so that all would be satisfied. The problem of fixing Germany's total amount was not as difficult as the redistribution among the creditors. The German problem was largely an economic one. The redistribution problem was largely a political one.

"So, unfortunately, from my point of view, the Young committee in Paris had to deal with these combined problems of Economics and Politics. If I show some dislike for Politics to-day, it results largely from my experience with her in Paris. Charming as she may be at times on the stage, she is often petulent and petty, and always selfish, in the dressing rooms, and, habitually, she puts a low estimate on the intelligence of her audience.

BEST THAT COULD BE DONE

"However, as I say, a settlement was made in Paris. It was the best settlement that could be made. Strictly speaking, it was neither an economic settlement nor a political one. It was a compromise between the two.

"The compromise was difficult. Both Politics and Economics in all countries had been waiting for this day of final settlement to even up some of their old scores. Things which had been said and actions which had been taken, things which had been left unsaid and actions which had been withheld, were now to be brought on the stage for the last time.

"So, in a sense, our committee at Paris was compelled to review and reargue, and so far as possible adjust, all of the conflicts involving reparations and their redistribution, and everything collateral thereto which had arisen during the preceding 10-year period. Questions of parity and ratios which are so important to guns and ships, were not by any means absent in dealing with a limitation program expressed in currency.

"Perhaps you will pardon me if I stop here long enough to pay a slight tribute to my associates in Paris. They were men of competence and independence in thought and action. Economic theorists could not dominate them. They had the highest regard for the specialized expert, but they also had experience in making practical application of expert theories. Financial or business interests could not coerce them. They had the greatest respect for men of business, but they were not blind to the large social and political factors also involved. Politics could not control them because they held no public offices and were not responsible to political constituencies.

FRIENDSHIP A FACTOR OF SUCCESS

"From such a group only could a settlement come. That does not mean that it could come from these individuals only, but it does mean that individuals to be successful must have the qualifications which I have indicated. Then, too, the members of this committee had the good fortune of intimate personal acquaintance. Most of them had been friends for many years. This was a contributing factor to success.

"I wish I might take the time to speak of each member of the committee individually and give you some idea of the value of his contribution, particularly as to my American associates. It must suffice here for me to say that no man ever had more competent and loyal associates than I had in J. Pierpont Morgan, Thomas W. Lamont, and Thomas Nelson Perkins. The respect in which they held each other and in which they were held by their European associates had a very great influence on our work.

"Whether the burden placed on Germany is too great only time will tell. It is true that the countries participating in the Paris plan have added all of their indebtedness to the United States together and added approximately 50 per cent to it in fixing the sum which Germany is to pay. Each of those countries, you will remember, had protested against the burden of their indebtedness to the United States, even under the favorable debt settlements made.

"Yet they have paid Germany the compliment of assuming that she can bear the burden of them all together with a substantial premium.

"But I have great confidence in Germany's capacity to pay. True, she has not a large supply of what the world calls basic raw material. She has in large measure, however, a supply of that kind of raw material too little taken into account in the world's affairs, namely, a capacity for scientific research and the ability to apply it and organize it in production. It is not unlikely that in the years to come this particular kind of raw material with which Germany is well endowed may be the reservoir out of which these vast sums will be produced and paid.

"If Germany does make the payments out of such a reservoir, the rest of the world must be careful to avoid the enervating effects resulting from the receipt of such payments. We should all remember that the discipline of hard work and of heavy responsibility is likely to do much for a people as well as for an individual. Let no man be sure, let no nation be sure, merely because he is a creditor of some one else's labor that, therefore, he is strong and will always remain so.

THE INTERNATIONAL BANK

"The most striking feature of the new plan is the Bank for International Settlements. That institution is unlike anything which has existed in the world before. It was not created merely for the sport of inflaming the imagination of men, or even for the laudable purpose of providing a new subject for the debaters of the world. Like all inventions and new creations, it arose out of the mind of man to meet a new need.

"Obligations, as I have said are to be delivered by Germany of approximately $9,000,000,000, payable over a period of nearly 60 years, in fixed annual installments. As these obligations mature, vast sums must be paid over frontiers and translated into the currencies of other countries. Who should hold these obligations and control these transfers?

"Should they be put in the hands of political treasuries of more than a dozen nations, where, in case of slight difficulties, they might become the football of domestic or international politics? Even more dangerous would it be to have them become the trading medium in all kinds of international negotiations.

"Should they be left where Germany, if she chose, might default in the payments to one power and continue those to another?

"Should they be left where these transfers in political hands might become a menace to the normal economic exchanges of the world?

"No; it was quite apparent, in the interest of all, creditor and debtor alike, that these obligations of Germany should be held and the payments managed by a single organization for the account and benefit of all. Any default by Germany must be a common default for all creditors. Any moratorium must be a common moratorium. Therefore, it seemed to our committee necessary to mobilize the German obligations in single hands.

THE STATUS OF THE INSTITUTION

"For that purpose the Bank for International Settlements was created. Any difficulties in German payments must be between Germany and the bank. The bank should be, as far as possible, insulated from politics, both domestic and international, and be free from government domination and control. To accomplish this, the charter and by-laws of the bank were established by international treaty and evidenced by a protocol signed at The Hague, on January 20 of this year. Corporate entity is to come into existence by an act of the Legislature of Switzerland, where the bank is to be located, Switzerland being a party to the treaty.

"The capital of the bank is to be $100,000,000, and its stock is to be sold to private persons in the principal countries of the world. Its directorate is to consist principally of the governors of the central banks of Europe, or their nominees, America having declined to participate.

"The earning power of the bank is to come from small commissions on reparation payments and certain deposits from governmental treasuries provided in the plan. The bank has power to accept deposits from or to make deposits in central banks of countries on a gold-exchange basis. Thus the endeavor has been made in the interest of the world to eliminate politics from the control of reparation payments and from the machinery which will handle them. The bank is to be truly the insulator between the political treasuries of the creditor powers and their debtor, Germany.

THINGS THE BANK CAN NOT DO

"The bank is in no sense a superbank. It can not operate in any country in which the central bank of that country objects. It can not issue demand notes in any form, and therefore there is no danger of an international currency.

"It may be used as a clearing house by central banks to the extent which they may elect to do so. This lies in the future. But there is no question in my mind that some such developments will come about if the diminishing supply of gold in the world threatens a general deflation in the price level. The proper handling of price stability is one of the most important matters facing the capitalistic system to-day. In it will be found the roots of those maladjustments which result in the unequal and unfair distribution of wealth, in unemployment, and other serious problems.

"The international bank may turn out to be an essential and useful piece of machinery for an economic world which of necessity is becoming more and more closely integrated. Politics becomes dangerous on a stage so small unless economics functions well. Fortunately the bank has the power of growth, but it will grow only as our needs compel it. It will grow only as the central banks of the world wish to use it. In a word, it is the servant of all and the master of none.

WILL STAY INDEPENDENT OF LEAGUE

"The question has been raised whether the League of Nations and the Bank for International Settlements might not unite their forces. The league represents international political cooperation, and the bank international financial cooperation. Well, if that means that the bank will come under the domination of the league, and so there will be added to the political forces of the league the financial resources of the bank, I think we may dismiss once and for all our fears if we are opposed to the league, or our hopes if we are its proponents.

"Nothing is clearer, from the experience of the last 10 years, than the necessity of keeping our economic machinery, and especially our finance, free from the domination and control of politics. That seems to me one great lesson which we have learned. I do not mean that the struggle of politics to control economics is ended. It is going on in every country, and will continue to do so.

"But what about the relationship of economics to politics in international cooperation? Well, my answer is this: Economic integration of the world is a necessary prerequisite to effective political cooperation in the world. America, as the greatest creditor nation, is more interested than any other in economic integration. It is inevitable that from an economic point of view she take an interest in and be concerned in the material problems and affairs of every country on the globe.

OUR ISOLATION SEEN AS IMPOSSIBLE

"Isolation to America, either economic or political, is impossible. The material development of countries will necessarily be to us a matter of great concern, both from an idealistsic and practical point of view. If all peoples everywhere could be lifted in productive capacity and consuming power to a point equal to our own, envy and hatred would be alleviated; capital would be better employed; markets would be enlarged; unemployment would diminish, and a much more peaceful world would be insured.

"Let no man think that the living standards of America can be permanently maintained at a measurably higher level than those of the other civilized countries. Either we shall lift theirs to ours or they will drag ours down to theirs. Tariffs and other petty political barriers, temporarily justifiable, will, in the long run, only accentuate the trouble.

"Our experience at home during the last generation should teach us that segregation into different groups for the selfish purpose of benefiting one at the expense of the other is a failure. It was not so many years ago that our industrial leaders in the United States thought that a low wage scale was necessary to enable capital to earn a profit. Now we have learned that a high wage scale may be consistent not only with low production costs but also with the greatest security to and return on capital investment.

"In a word, we are learning in America that the highest welfare of all rather than of any class is a wise objective even for the group previously privileged. How long will it take us to learn that fact in a world so small that Commander Byrd talks from New Zealand on Wednesday at noon in the fall of the year, with Ado'ph S. Ochs in Schenectady, on Tuesday at 7.30 a. m. in the spring of the year—and that conversation can be heard by practically everybody in the world at varying times and seasons?

MUST PASS POLITICAL FRONTIERS

"It is too late in our own interest, to think in terms of selfish isolation. To secure the advantages of economic equilibrium we must go beyond political frontiers. We may sign great declarations of peace, but we shall concurrently find, if we follow a narrow economic policy, an increasing resistance in countries less well off than ourselves to that disarmament which is the insurance of the peace we seek. Politics in America may start a program which Politics can not stop.

"After all, we must remember that Politics and Economics are not the masters of men; they are their servants. The managers of both too often think and sometimes act as if human beings were merely the fodder of political and economic mills. Merely because I have spoken of Economics and Politics I would not wish you to think that I consider them in any sense ends in themselves. Back of them stand myriads of human faces, some young, some old, some prosperous, some needy, some charitable, some selfish, some generous, some envious, but all vitally affected not only in their material but in their cultural and spiritual development by these organizations, political and economic, which they have imposed upon themselves.

"So long as such organizations render an uplifting service just so long can we go forward in reaping the advantages which civilization has brought. But those faces in these days of a closely compact world can no longer be segregated into compartments, one of which shall be prosperous and the others not; one of which shall go forward and the others back. Those faces must all move together for good or ill. So Politics and Economics, their servants, must move together too, not in one country alone but everywhere. That way only can the benefits of civilization be enlarged; that way only can peace come.

AMERICA TOO RICH TO BE LOVED

"And one word more. America is too rich to be loved. She is well enough off to be envied. The attitude of the world toward her will be largely influenced by her spirit.

"If it be one of selfishness in isolation, she will have failed in her great responsibilities. If it be one of boastfulness in her success, she will have misused the things which God has given her.

"I pray for sober and sensible responsibility, a spirit of gratitude for the things we have, a spirit of friendliness and helpfulness and cooperation for all, a spirit of restraint in the use of any power which has been entrusted to us and, most of all, restraint in speech.

"'If drunk with sight of power we loose
Wild tongues that have not Thee in awe,
* * * * *
For frantic boast and foolish word
Thy mercy on Thy people, Lord.'"

BASIC ECONOMIC PROBLEMS OF AMERICA—ADDRESS BY OWEN D. YOUNG

Mr. TYDINGS. Mr. President, I ask unanimous consent to have published in the RECORD an address delivered by Mr. Owen D. Young at the fifty-third annual convention of the National Electric Light Association, held in San Francisco, Calif., on June 19, 1930, relative to some of the basic economic problems of America.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. President, ladies and gentlemen of the National Electric Light Association: The absence of the Secretary of Commerce of the United States has created a vacancy on this program which no one in the industry can fill. Your president, Mr. Sloan, with that persuasive coercion which has made him so successful, has summoned me from the ranks to occupy the time but not to fill the place.

Contrary to the usual custom, it is necessary for me, first, to say what I shall not talk about. That provides ample material for a speech in itself. I do not intend to speak on the specific controversies which are now raging in the public-utility field. It is not because I have no views on such controversial questions, or because I am unwilling to express them at the proper time, either to the members of this industry or to the people as a whole. I refuse to state them now for two reasons. First of all, most of these controversies are in process of investigation by public bodies especially authorized to deal with them. The evidence is not in, and findings have not been made. Under such circumstances, it would be an unwarranted presumption on my part to volunteer testimony, opinion, or advice. Then, too, there is another reason. It is because a wide radio chain has been set up for the purpose of broadcasting the speech of the Secretary of Commerce. Because of my intimate relationship to the radio art and industry, and particularly to broadcasting, I do not feel that I should discuss controversial problems of the utilities on the air.

And so I shall speak to-night about some of the basic economic problems of America. I can not claim that they are free from controversy—nothing but axioms and platitudes are.

The problem of our American surplus is my subject. How are we to deal with it most effectively in the economic interest of all the people of the United States? It is our most vital and immediate economic question. I shall speak of the principles involved, rather than of specific measures, and so endeavor to keep myself in the field of economic discussion and out of the area of immediate political controversy.

What surpluses have we to deal with?

First, and most conspicuous of all, is our agricultural surplus. The proper handling of that problem has a direct bearing on, and one may say is the key to, farm relief.

Second. We have our raw-material surplus outside the field of agriculture, such as our minerals.

Third. We have our industrial surplus, which means more manufactured goods than our people can consume. This surplus is not so large or so uncontrollable as our agricultural surplus. It is more readily financed and lends itself to more orderly marketing. Nevertheless, it is a factor of growing importance in American industry and has a substantial relationship to unemployment.

Fourth. We have an exportable surplus of services, such as technical information, managerial and manufacturing experience, banking, insurance, and other services, which can be rendered to other nations without diminishing our usable supply at home.

Fifth. We have our surplus of earnings over expenditures. They are our savings, which have been constantly increasing, and which we wish to enlarge. Now, I am not prepared to say that this surplus of savings is more than we can use at home. The question which we have to ask ourselves with reference to savings is whether some part of them at least can be more usefully employed in the general interest of America outside of the United States than they can be at home.

All of the above questions are not unrelated to the tariff. Again, I mean a tariff policy as distinguished from a tariff bill.

You may well ask why speak about such questions here. Because no industry so quickly reflects the general prosperity of the country as the power and light industry of the United States. You sell not a commodity but a service. It is used by industry only when plants are busy and men are at work. Idle men and idle plants take none. It is used at home largely in the proportion of men's capacity to pay, and when earning power is reduced consuming capacity for electricity is diminished. You are interested in unemployment if for no other reason than because its paralyzing blight compels curtailment in your service.

And while I speak of growth, let me say that it is one of the inspiring things about the electrical industry that its prosperity is seldom measured in terms of curtailment—it is only reflected in lack of growth. Want of growth to you is more painful than declining volume to other industries. You exemplify the zest of youth, always to grow and develop, while many other industries have become accustomed to the ups and downs of age. When they are enervated by decline, their ambition is not so much to grow as to restore the health of youth. In the enthusiasm of your youth and growth you have scorned the doctors to which older people must resort; but one day you, too, will have to take account of the economic diseases which affect the Nation as a whole or face the problem, not of diminished growth but of retrogression. So, perhaps, it is not inappropriate to speak of some of the basic economic problems of America, even to this convention of the electric light and power industry.

Now, returning to the problem of the American surplus and what to do with it. Let me first say that it is one problem and not a series of problems, whether the surplus is in wheat, cotton, copper, oil, automobiles, or unemployed plants and men. It is one problem from the standpoint of large principle and general policy. We must first of all decide what our national policy is to be with regard to our surplus, and not until that is done can we hope to establish measures of effective relief for our surpluses in any particular field. One reason why our thinking has been confused and our efforts have not been fruitful in dealing with a particular problem, such as farm relief, is because we have not established a consistent national policy. We attempt to develop a specific measure for farm relief and then we find that our efforts are neutralized by other national policies or activities entirely inconsistent with it. Let us take this problem of farm relief. There is no longer any mystery in anyone's mind as to what the problem is. There is confusion only as to how to deal with it.

Our agricultural problem arises from the fact that in many of our important lines we produce more than we can consume. Consumption can not be materially increased. Thin figures require not more wheat but less. Short skirts require not more textiles but less. Diets require not more meat but less—and what are we to do with the surplus? The production of that surplus can not be closely controlled. It lies not only in the hands of the farmer who plants but in the hands of that Providence which brings the rain and the sun and the wind at proper or improper intervals. No intelligence of human beings is large enough to adjust our agricultural production to consumption in our domestic markets. Well, what shall we do with our surplus of wheat or cotton, or what you please? We must get rid of it. There are only two ways. Either we must burn it at home or sell it abroad. If America starts to burn surplus wheat when people are hungry elsewhere in the world, that fire will start a conflagration which we can not stop. If America burns surplus cotton when men are underclothed elsewhere in the world, that fire will start a conflagration which we can not stop. There is no way out except to market this surplus where men are hungry and where men are underclothed.

Now, take the surplus of our mines and factories. We can not overlook the fact that in 1927 we produced 51 per cent of the world's copper, 72 per cent of its oil, and 43 per cent of its pig iron. The output per man in our factories has been rapidly increasing since 1919. Using that year as 100, the increase for all industries combined in the United States shows 1926 at 138, 1927 at 140, 1928 at 147, 1929 at 152, and the end is not by any means reached. In many industries, and especially those in which surpluses exist for export, the increase has been much more rapid in percentage. In the electric manufacturing industry it is in excess of 164, and in the automotive industry it is approximately 200. It is therefore clear that as our production per man increases in our factories, and goes beyond the power of our consumption, we must export that surplus or have corresponding unemployment in those industries.

As I have said before, that surplus is more easily controlled in so far as it is stated in terms of goods. We may reduce that surplus to nothing, and if it can not be marketed outside of the United States it will be reduced. The method, however, of reducing the surplus of our mines and factories is to let some part of them lie idle, and worst of all to let the men who have been employed in that production remain idle. In a word, we have merely translated this surplus into other terms, a surplus of mining and manufacturing facilities which are idle on our hands, and a surplus of labor which is likewise idle. The idleness of men who wish to work is the most dangerous surplus which can exist in any country. Its paralyzing blight reaches not into our economics alone, but goes much further. We must learn how to deal with this kind of surplus. It is the same problem as our agricultural surplus, but it should be easier to deal with. It is ridiculous to speak of unemployment as a necessary condition of human society. It is nothing more than a maladjustment of its machinery. It is a blot on our intelligence. It is a drain on our sympathy. It is a promoter of charity which affects disadvantageously both those who give and those who receive. Some day we shall learn to do better, but we must learn it soon. It is easier to deal with, as I have said, than an agricultural surplus, because that is represented by specific articles, whereas unemployed labor may be turned to new channels and new kinds of production. It has not yet been crystallized into goods. Technological unemployment must be taken up by the creation of new industries. Seasonal unemployment may be remedied by setting up complementary seasonal jobs or by larger inventories in the period of smaller sales. Cyclical unemployment may be alleviated by the methods in which the President has so courageously shown the way. But some part of this surplus of labor should be used for the purpose of creating an exportable surplus of goods and services.

If we can make automobiles advantageously for other people, if we can make radio sets, if we can make typewriters, if we can make electrical equipment, then we have direct avenues through which we can market a certain amount of our labor surplus and our plant capacity outside of the United States. This will be of advantage to us and to those who buy our goods. Just as we must market our wheat and

cotton and meat where people are hungry and are underclothed, so we must learn to market this surplus of our mines and factories, this surplus of labor and plant capacity, where men elsewhere need the goods which we can profitably make for them.

How can we market these surpluses, both agricultural and industrial? The method is well known. Those who need our goods are the potential buyers. One cultivates his potential buyers. He does not rebuff them. He seeks their friendship and their good will. If they need credit he extends it. If they have goods which he can take in exchange without curtailing the business of his own country, he makes it a point to take them. Is that the attitude of America to-day toward her potential customers? Are we creating good will or bad will in the countries where they live? Are we interesting ourselves in their welfare? Are we concerned about their living standards? Are we extending them credits through our financial machinery? Are we cooperating with them politically in order that they may improve their condition? Are we making friends, and so creating an attitude of mind, a spirit of relationship which will convert potential customers into actual ones? I venture the prediction that we must do so if we are to conserve our own economic structure, not as a matter of charity but of self-interest. The people of America, and particularly the farmers with their agricultural surplus and the wage earners with unemployment, must learn that the solution of their problem lies, not in a narrow isolation of America from the rest of the world, not in an insulation of our economic structure but in the broadening of our interests, the extension of our aid, the development of our credit machinery, the improvement of the economic conditions of other folks in order that they may buy what we so badly need to sell.

The enemies of the rapid realization of that desired end in America are suspicion, a narrowness of sympathy and point of view, both political and economic; a tendency to treat other peoples as our economic enemies rather than our friends, a threatening nationalism which in its extremes is dangerous to peace and good will. All of these things are too often played upon for selfish ends by racketeers both in economics and in politics. This country and the world has no use for them. Racketeers in finance are not one whit better—in some cases they are worse—than the gunmen who likewise take their toll from society. At least it may be said of the latter that they show physical courage. And the political racketeer is certainly no better than the rest. He gambles recklessly for his own advantage with destructive policies, both at home and abroad, which ultimately ends in the very economic depression which we seek to avoid. There is no success for the American people through destructive policies based on suspicion of another's motives, or on envy of his success. I have great hope, Mr. President, that the good sense and fine spirit of America will overcome promptly these poisonous infections, and that we will destroy those would-be leaders, both in public and in private life, whose chief stock in trade is the public or private assassination of American good will, on which our prosperity must be based.

How can we market either our agricultural or industrial surplus to the world so long as we act on the principle that we are not interested in the welfare of anyone but ourselves? I had hoped that that old doctrine of narrow and self-destroying selfishness was being supplanted in this new day by a consciousness that men helped themselves the most by helping others, too. Isolation in our politics, exclusion in our tariff, means that we will retain as a just penalty to our own littleness the surpluses which we might otherwise market to the peoples of the world, and which so long as they stay with us, destroy our own prosperity.

And now, Mr. President, let me speak of the use of our savings, that is to say our fund for investment. Shall we use it exclusively at home, as many so strongly urge, or is it wise in the national interest and in the interest of the individual investor to use some part of it abroad? It has become a habit in certain quarters to malign the so-called international bankers. They are charged with selling the financial resources of America abroad to make a profit for themselves. A moment's reflection will prove that the attacks made on them are either ignorant or malicious. The first I can forgive; the second I can ignore, because intentional malice in America will soon make a victim of the man who uses it.

Let us see what the international bankers do. One thing they do is to offer in the American market bonds or other securities of foreign governments or businesses. What is taken out of America in payment for these obligations? One would think, to hear many of the charges, that the international bankers loaded ships with American currency and sent it abroad in payment of the securities sold here. They forget that American currency would be of no service to the borrowers. One would think that the international bankers loaded ships with our gold to pay for the obligations sold here. And yet, in the last 10 years, something in excess of $10,000,000,000 of foreign obligations have been sold in America, and during that period our net stock of gold has increased. Well, if we do not send out in payment of foreign securities our currency or our gold, what do we send? The answer is simple. We send American goods. I venture the statement that these much maligned international bankers have done more in the last 10 years, and will do more in the next 10, for the relief of our farmer and our industry than all the Government agencies which have been or can be employed. The further development of our international finance, the better development of the world's credit facilities, will more than anything else create actual buyers for our surplus of wheat, cotton, and the products of our mines and factories. Just as our own banking facilities have promoted the purchase by our own people of larger quantities and more diversified kinds of goods, irrespective of where they may be made in the United States, so an improvement in international credit machinery will be of the greatest benefit to the United States as a creditor nation having surpluses to sell.

In fact, either international finance and credit must be developed to a much greater degree than now, or our tariff will have to go if we wish to sell our agricultural and industrial surplus abroad. Something must come in if wheat and cotton and meat are to go out. In the long run the only things to come in are either commodities, including gold, or foreign obligations. We have restricted the import of foreign goods, and we do not wish the unsettlement that might come from a further large flow of gold this way. It is natural, therefore, that the volume of our merchandise exports during the past 10 years should have followed broadly and strikingly the volume of foreign security issues in our markets. During the past 10 years the foreign obligations sold in this market were about 15 per cent of our exports for the period, but that 15 per cent was a most material contribution to our prosperity. The dividing line between prosperity and the want of it is so sensitive that all our surpluses vitally affect it. They may represent only a small percentage of our total volume, as in fact they do, but unless they are wisely and intelligently handled they are bound to create disaster. In fact, our surpluses are a kind of governor of our economic engine. Either they blow off at the appropriate time or the engine blows up. That is the reason why I think it worth while to pay so much attention to them to-night. Any use of our credit which will move these surpluses at the right time and in the right volume is one of the most effective services which our surplus savings can render to the prosperity of this country.

But some one says we can not go on always taking foreign obligations for our exports. There will be an end in time. Yes; but if our credits are wisely extended, the ratio of our foreign obligations to the capacity of the world to pay will be a diminishing one.

In this connection, Mr. President, I am prompted to mention the great service to the economic development of the world which is now being made by men in your own industry. Electrical-power plants are now being engineered and financed and managed by you in many parts of the world, and the result will be that you will duplicate there what you have done here. You will multiply the capacity not only of the worker through the substitution of electric power for his own, but relieve the drudgery of housewives by substituting electric power for their own. You will develop the productive and consuming capacity of every community which you serve. This industry is showing the way. America can do a helpful job in the economic development of countries less advanced in technical fields than our own. When you think you are sending hundreds of millions of dollars to develop electrical plants in other countries, you are not sending dollars at all; you are in the last analysis sending American goods, and every wage earner, every farmer, and every citizen of the United States is being benefited by the work you do. The goods may not go to that particular country in which you build a plant, but they go out of America.

My friend, Sir Josiah Stamp, has helpfully called our attention to the fact that the pieces of paper which serve as bonds, notes, bills of exchange, and certificates of stock, are not things of consequence in themselves. They are merely the symbols of something which is taking place. Their use reflects in some form human effort and the distribution of its produce. This great movement of pieces of paper, which we reckon as international finance, amounts to nothing except as it evidences a great interchange of goods and services throughout the world. Therefore—and this is a point which I wish to drive home—when foreign obligations are coming to America, American surpluses are being moved out. Farmers and industries are being benefited. Instead of diminishing such movements, America needs right now to have them increased. It will be the salvation of any farm-relief program. It will aid our industries and our mines. It will help with our unemployment. This means that we should use some part of our surplus savings wisely to increase the consuming power of other peoples.

And so, Mr. President, my final word on this subject is this: When our political policy in international affairs becomes cooperative in spirit (which need not involve us in entanglements or alliances), when our economic policy looks to the economic development of the world as a whole and the improvement of living standards everywhere, when our tariffs and our treaties are made to evidence this spirit (because we are under suspicion now), then we may hope for effective plans for farm relief, for reduction of our surplus of raw materials and manufactured goods, for relief of unemployment, and for—what is most important of all—a better spirit of all nations toward us and toward each other. That means peace, and peace thrives in a world of contentment and mutual welfare. It can not live in a world or in a nation where there are great inequalities and injustices caused by man-made barriers.

What shall our policy be? Whatever it is, it must be a large and all-embracing one. We can not have a world-wide economic program if it is to be defeated by a narrow political policy. It does no good for

businesses to send their representatives to foreign countries to sell our surplus goods if, politically, we ruthlessly offend the very customers they are trying to create. We may tax ourselves in huge amounts to buy a farm surplus, but we will have to move it out of America or that program will fail. After all, the consuming power of the world has to be raised but little to take care of the surpluses which cause so much disaster to ourselves.

We more than anyone in the world need an era of good feeling, not only in our own country but elsewhere. I beg the leaders both in politics and economics to cultivate it. He who makes bad feeling at home or abroad is not only a destroyer of our prosperity to-day but he will be the cause of far worse things to-morrow. America has no use, nor has the world, for professional manufacturers of bad will.

Your industry, Mr. President, has been the beneficiary of great scientific achievement. It has functioned in this greatest of domestic markets of the world in a period of prosperity. Your future growth is bound to be very great, but as your industry enlarges its applications to all others and more and more as you furnish power for all other industries, you will feel directly and you will reflect quickly the basic economic conditions of the people whom you serve. So I have felt at liberty in this interval to-night, which was intended to be occupied by another, to express to you my views on these basic matters. If they have interested you, I am gratified. If they have not interested you, I am appreciative of your courtesy.

HOMELESS AND INDIGENT INDIANS (S. DOC. NO. 203)

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, which will be read, ordered to be printed as a document, and referred to the Committee on Indian Affairs.

The Chief Clerk read as follows:

THE SECRETARY OF THE INTERIOR,
Washington, June 25, 1930.

The PRESIDENT OF THE SENATE:

SIR: I have received Senate Resolution 287 of June 17, 1930, which calls upon the Commission on the Conservation and Administration of the Public Domain and the Secretary of the Interior for certain data.

A study of the resolution discloses that it has mainly to do with an investigation into the questions of what public lands and national reserves might be utilized for Indians where needed. The policy in connection with the disposal of our public lands is now being studied by the Committee on the Conservation and Administration of the Public Domain, of which Hon. James R. Garfield is chairman, and I note that the Senate resolution requires the commission to give consideration to Indian uses.

An intensive study and thorough investigation in the field would be necessary to make the appraisal called for in the resolution and to determine Indian needs for more land. There are no funds available for this investigation and our present force of field officers is not sufficient to enable us to do the work. It is estimated that it would cost about $75,000 to make the survey promptly. If the work is to be done without additional funds being provided, considerable time will be required to comply with the requirements of the Senate resolution. While this work must necessarily be coordinated with the study of the committee on conservation, it would be desirable for us to be advised of the policy of the committee before undertaking the survey.

Very truly yours,

RAY LYMAN WILBUR.

GOVERNMENT POWER PLANT AT WILSON DAM

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution (S. Res. 303) submitted by Mr. BLACK on Wednesday, June 25, 1930, as follows:

Resolved, That it is the sense of the Senate that pending the enactment of legislation providing for the disposition of power generated by the Government power plant at Wilson Dam, the Secretary of War should not discriminate against municipalities in the sale of said power, but should sell power to municipalities applying for same, upon as liberal terms and conditions as such power is sold to private power companies.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. BLACK. Mr. President, I send to the desk an article from the Washington News, which I desire to have read in connection with the resolution.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The Chief Clerk read as follows:

[From the Washington Daily News, Monday, June 23, 1930]

INACTION OF CONGRESS EMBITTERS AMBITIOUS MUSCLE SHOALS CITY

By Ruth Finney

MUSCLE SHOALS CITY, ALA.—Listless and hopeless, this little town and the three adjoining it await news that Congress has adjourned once more without saying the word that would start the dynamos humming at Muscle Shoals.

There are many thousand bitter men and women in this neighborhood. They are bitter about the Federal Government and its joint and several departments, about "the interests," about the Alabama Power Co., and about Claudius Huston.

One of them said to-day: "Starving isn't pleasant. I guess I'll have to move out."

Another said: "How could we have guessed the Government would let these millions of dollars lie idle year after year? I have wasted 12 years now and lived on hope."

These little cities, arrested and motionless, as if under evil enchantment, have dreamed magnificent dreams and know all the anguish of the dreamer disillusioned.

Their people have invested money in the dreams, and the money is gone.

TELLS ONLY HALF STORY

Muscle Shoals City is the most pitiful. When Judge Fred Johnson, jr., wired Senator BLACK that the city fathers were writing by the light of kerosene lamps he didn't tell half the story.

The modern little stucco city hall from which he sent his message stands on a 2-mile boulevard, green fields on both sides, where business buildings were to have been, but lined its whole length with handsome and useless electroliers.

Overhead the air is full of high-tension power wires. On the edge of Muscle Shoals City and on the edge of Florence, across the river, stand the two tallest power towers in the world.

Hanging from them is a network of cables and wires. They are the property of the Tennessee Power Co., subsidiary of Alabama Power, which built them and bought the power for them from the Government after the city of Muscle Shoals had asked for power again and again and failed to get it. A mile away a torrent of water, potential, unused power, dashes through the spillways of Wilson Dam.

POWER, BUT NOT FOR THEM

Power everywhere, but none for Muscle Shoals City, and everywhere reminders of that bitter fact.

The little town tried to buy the Government's idle waterworks once, too. It offered to pay a good price and supply the Government with water for all its officers and workers free of charge. The Government would not sell the plant to the town. It stands idle to-day.

Sheffield, adjoining Muscle Shoals, buys domestic power now from the Alabama Power Co. It, too, has asked to buy surplus Government power, since the power company's franchise expires soon. So far it has failed. But it has refused so far to renew the company's franchise.

* * * * * * *

They would prefer Government operation of nitrate and power plants, because it would mean cheap fertilizer and cheap power for sale to attract many different industries to the region.

Coal is here in abundance; iron; asphalt; bauxite, from which aluminum is made; and the raw materials for a dozen chemical and other industries, as well as timber and cotton.

The people visualize a city of 100,000 inhabitants built around the skeleton they have prepared. And their dream is not unreasonable. The big $51,000,000 power plant is ready to operate at full instead of part capacity.

The $80,000,000 nitrate plants are in perfect, polished condition. Natural resources abound. Fortunes wait to be made. But 12 years have passed, and Congress is ready again to adjourn.

PROPOSED LEGISLATION FOR RELIEF OF WORLD WAR VETERANS

Mr. CUTTING. Mr. President, I wish to say a few words regarding President Hoover's statement to the press with respect to the World War veterans' bill. I refrained from doing so yesterday because I thought that some voice of more authority than mine would be raised in defense of legislation which was passed in this Chamber by a vote of 66 to 6.

It is evident that the silence which has reigned here has made the press and the people of the country misunderstand the issues which were raised by that proposed legislation and by the President's statement. So far as I have seen, the newspapers of this country have taken the words of the President, backed by the statement of the Director of the Veterans' Bureau, as 100 per cent correct.

I am sincerely loath to take any issue with a statement from the President of the United States. I have known Mr. Hoover for a great many years; I have admired him; I have worked with him; I have been a part of his relief organization. He was my candidate for the Republican nomination two years ago. I think no one supported his election more loyally and whole-heartedly than myself. I do not criticize him now. I think he has been misled; but his great personal reputation, as well as his high office, would seem to require that, even though misled, he do not mislead the people of the United States.

For at least 11 years I have been spending most of my time in fighting the battles of the disabled veterans of the late war.

I believe that I owe them a duty more sacred than that concerned with any personal affection or political loyalty.

The President has made no conscious misstatements, and I do not accuse him of having done so; but, none the less, the statement which he gave to the press is full of error, is misleading, and inaccurate. I should like to deal with it briefly for a moment.

The statement begins as follows:

In this problem we are dealing with sick and disabled veterans. Except for some marginal cases the Government has long since generously provided for the men whose disabilities arise from the war itself.

This statement, as any one knows who has been engaged in work for the disabled, is entirely incorrect.

We have had the statement made on the floor, and no one has attempted to controvert it, that to-day the uncompensated veterans are dying off at the rate of over 70 a day. Those who know the details of veterans' cases know that a very large percentage of the men who are dying off to-day have service-connected cases. Through some technicality their evidence has been refused by the bureau.

The presumptive clause and much of the other legislation which we have passed in Congress would have been totally unnecessary if the bureau had performed the duty which Congress originally laid down for it, namely, that in doubtful cases it should give the veteran the benefit of the doubt. That has not been done. These men who are dying in the hospitals all over this country are dying not as the result of the negligence of Congress, not as the result of the remissness of the taxpayers, but as a result of the bureaucratic mismanagement which has been going on in the Veterans' Bureau. Of course, the director of the bureau will defend the action of his own organization, and that is all the evidence on which the President issues his statement.

I quote further:

These cases before us, except for a comparatively small number of marginal ones, are in reality men disabled from incidents of civil life since the war.

Another statement which can not possibly be substantiated.

The whole matter is one that must be approached in a high sense of justice and utmost sympathy. But this veterans' bill is just bad legislation. It is no more in the interest of veterans than in the interest of the taxpayer. The financial burdens, the amount of which has again been reaffirmed by General Hines (and they were even increased by Senate amendments yesterday) do constitute a serious embarrassment to the Government and to the country, but there are other objections even more serious.

This bill selects a particular group of 75,000 to 100,000 men, makes provision for them in the most wasteful and discriminatory way conceivable, and entirely neglects the equal rights to help of over 200,000 more veterans who are likewise suffering from disabilities incurred in civil life since the war. Furthermore, the very basis of the bill sets up an untruthful and, according to our physicians, a physically impossible "presumption" and predicates its action upon this.

Mr. President, what is here termed "a physically impossible presumption" is the presumption included in our bill that diseases of certain character contracted before January 1, 1930, should be considered as having a service origin. The statement of the President that that presumption is untruthful and physically impossible is entirely controverted by the statements made the other day by the two distinguished medical Members of this body, the senior Senator from New York [Mr. COPELAND] and the junior Senator from West Virginia [Mr. HATFIELD].

I should like to quote a little of the testimony given by the Senator from West Virginia before the Senate Finance Committee on this subject.

Mr. Chairman—

Said the Senator from West Virginia—

how any expert in the medical profession can testify as to the time when a tubercular infection actually started and how long it remained dormant in the human system before developing into active tuberculosis is beyond my comprehension as a physician.

And he quotes from a textbook of medicine edited by Dr. Russell L. Cecil, as follows:

Tuberculosis is almost unique among infections in that it has, properly speaking, no period of incubation. Infection of the body is accomplished, and the anatomic marks of infection come into being and many remain indefinitely long (for months, years, or a natural lifetime) and the body meanwhile never exhibits symptoms of disease.

The Senator from West Virginia continued—and I wish I had time to read his whole statement—

There is no doubt in my mind that a majority of the veterans who have developed active tuberculosis since the World War really contracted this disease during their service. In a large number of these cases there were no outward manifestations during and immediately following their service, such as temperature, cough, lung irritation, etc., because the body resistance was capable of overcoming and controlling the growth of this tubercular infection, isolating it in the body for the time being by surrounding the involvement with a wall of tissue and organic material built up by nature. In these cases the infection has remained dormant until that period in the veteran's life was reached when his resistance was not as great as it had formerly been, due to the lack of proper surroundings and food or because he was subjected to long and arduous labor for the support of his family, bringing about a lowering of his resistance when the break comes and the active process of this latent tubercular condition develops and becomes an outspoken tubercular manifestation.

Later on, the Senator says:

There can be no justifiable contention made from medical history that the presumptive period of tuberculosis if extended to January 1, 1930, would be more than conservative in time as to the period of incubation between the initial invasion and the time of its outward manifestation.

Then the Senator goes on to explain that the same thing applies to neuropsychiatric cases and concludes by saying:

Considering the presumptive period in the beginning of the administration of the World War veterans' act of 1924, and the suggested amendments in H. R. 10381 extending this period, it is inconceivable to conclude, as a matter of justice and equity to the veteran, that neuropsychiatric diseases, the seeds of which were planted while the veteran was in the service of the Government, should be limited to 1925 as the outside presumption during which disease could develop from an exposure that the soldier was subjected to during his service in the war, as it is not in harmony with the conclusions of authors in dealing with this subject of paralysis agitans and kindred diseases.

I ask at this point that the entire statement of the Senator from West Virginia be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

STATEMENT OF SENATOR H. D. HATFIELD, OF WEST VIRGINIA

Senator HATFIELD. Mr. Chairman, how any expert in the medical profession can testify as to the time when a tubercular infection actually started and how long it remained dormant in the human system before developing into active tuberculosis is beyond my comprehension as a physician, in view of the history of this disease as described by nearly every author dealing with this subject.

I quote from a Textbook of Medicine by American Authors, edited by Dr. Russell L. Cecil (associate editor, Dr. Foster Kennedy), which incorporates in its text the views of some of the most outstanding specialists on the subject of tuberculosis:

"Tuberculosis is almost unique among infections, in that it has, properly speaking, no period of incubation. Infection of the body is accomplished, and the anatomic marks of infection come into being and many remain indefinitely long (for months, years, or a natural lifetime) and the body meanwhile never exhibits symptoms of disease. On the other hand, it is certain that, when active tuberculosis does make its appearance, in the vast majority of instances it is an expression of an infection that originated a comparatively long time previously (weeks, months, or even years before), and during all this time has resided in the body in a state of clinical quiescence; that is, without noticeable effect on the body economy."

It is largely a matter of resistance of the body, from a standpoint of health, that continuously prevents death from a latent infection of tuberculosis. Wholesome food, healthful surroundings, and mental contentment play an important part in maintaining the resistance of the human body of any individual so infected and these elements are also the surest guaranty against such infection. There is no doubt in my mind that a majority of the veterans who have developed active tuberculosis since the World War really contracted this disease during their service. In a large number of these cases there were no outward manifestations during and immediately following their service, such as temperature, cough, lung irritation, etc., because the body resistance was capable of overcoming and controlling the growth of this tubercular infection, isolating it in the body for the time being by surrounding the involvement with a wall of tissue and organic material built up by nature. In these cases the infection has remained dormant until that period in the veteran's life was reached when his resistance was not as great as it had formerly been due to the lack of proper surroundings and food, or because he was subjected to long and arduous labor for the support of his family, bringing about a lowering of his resistance when the break comes and the active process of this latent tubercular condition develops and becomes an outspoken tubercular manifestation.

I quote from a Textbook of Medicine by American Authors, published in 1927, again:

"Environment factors comprise all postnatal personal experiences that can be shown to have an influence on the manner in which the

body receives the tubercle bacilli and on the course of whatever tubercules may be established.

"There is no other infection that reacts so definitely and yet so delicately to outside or environmental influences. It can be stated almost as an axiom that both morbidity and mortality curves of tuberculosis for a community will run parallel with the curves for disease and death in general; which means that where the general standards of public health and hygiene are low there is much tuberculosis and many deaths from it, and vice versa.

"Active tuberculosis is a disease of every age, with its death rate highest in the fifth decade among city-dwelling males, and lowest in the second half of the first decade. But it is probable that more first outbreaks of the disease occur in the third and fourth decade of life than at any other period; that is, the breakdown from active tuberculosis is most likely to come not at the age of diminished vigor, but at the time of the greatest stress of environment."

I desire to mention particularly at this point that more first outbreaks of the disease occur in the third and fourth decade. It was in exactly this period of life from which the military forces were collected. In other words, it would be between 20 and 40 years. The average age of the drafted man was 23 years and a point that should not be overlooked in the discussion of this matter is that a comparison of diseases among civilians is opposite of the soldiers due to the fact that the soldier was a picked man in the service and was compelled to undergo strict examinations and was rejected if his health was not good. It follows that these young men at the height of their physical manhood were probably better able to temporarily resist these infections, even though they were subject to the rigors of military life, exposure, separation from family, changed food, and a routine to which they were entirely unfamiliar.

There can be no justifiable contention made from medical history that the presumptive period of tuberculosis if extended to January 1, 1930, would be more than conservative in time as to the period of incubation between the initial invasion and the time of its outward manifestation.

In many cases veterans with infections hitherto inactive will suffer the ravages of the dreaded white plague known as tuberculosis long after 1930 if the limitation is extended to this period.

The same can be said of many of the diseases known and designated as neuropsychiatric, as well as other pathologies of the body due to lack of proper metabolism, resulting in chronic forms of diseases, which possibly never take unto themselves or at least seldom, acute manifestations. The neuropsychiatric and other mental conditions differ widely as to cause. Many of the neuropsychiatric conditions are due to ordinary infection, such as the bacteria of influenza and many other bacteria responsible for acute diseases, such as pneumonia, bronchitis, and so forth. Following up its primary infection as a secondary condition involving membranes of the brain which more or less extends into the superficial brain structures causing encephalitis which may be mild in its local manifestation, resulting only in annoying headache. The infection, however, continues to exist, ultimately involving the normal nerve and brain substances, resulting first in an infiltration or swelling of these tissues, and the displacement of these normal substances capable of producing reaction to motion, sensation, and thinking, displacing them by way of new growths, destroying or wiping out their normal substance and reducing to a minimum these sensory and motor impulses that were in the normal state an integral part of the thinking and acting of the individual. The primary infection, finally resulting in tremor of the extremities, ultimately interferring with locomotion, such as is witnessed in paralysis agitans, a disease brought about in many instances by depression, emotion, physical exhaustion, and injuries. Also acute infections may precede the onset of the disease and result in its cause.

In part, I again quote from the Textbook of Medicine by American Authors, taken from the section on nervous diseases edited by Dr. Foster Kennedy, professor of neurology at Cornell University and head of the neurological department of Bellevue Hospital, New York City, his description of the symptoms indicating how this disease manifests itself:

"The onset of the disease is insidious, and, as a rule, progress is slow and gradual. The first symptom may be a fine rythmatical tremor of the hands or fingers, which is at first slight and inconstant, but soon becomes permanent and continues during rest."

This proves conclusively that paralysis agitans and other kindred morbidities which are frequent terminal manifestations found in the World War veteran are due to infectious processes which in all probability can be reasonably presumed to be traceable to one of the infections heretofore referred to as being primarily the cause of these maladies and many others of the central nervous system found in the soldier.

I quote again from the same authority:

"The syndrome is a frequent sequel of encephalitis lethargia, referable to a localization of the inflammatory processes in the corpus striatum and subjacent structures."

Considering the presumptive period in the beginning of the administration of the World War veterans' act of 1924, and the suggested amendments in H. R. 10381 extending this period, it is inconceivable to conclude as a matter of justice and equity to the veteran, that neuropsychiatric diseases, the seeds of which were planted while the veteran was in the service of the Government, should be limited to 1925 as the outside presumption during which disease could develop from an exposure that the soldier was subjected to during his service in the war, as it is not in harmony with the conclusions of authors in dealing with this subject of paralysis agitans and kindred diseases.

The same conclusion will be controlling in a great majority of nervous and mental maladies to which the World War veteran is heir.

As supportive of this statement, I quote again from that section of the Textbook on Medicine, by American authors, dealing with diseases of the nervous system in which it states:

"The course of the disease is slowly progressive, but the patient may live for many years; when the infection appears in young adults it may persist for two or even three decades, but the condition is incurable."

With these facts submitted to your honorable committee, attested by authorities in the profession of medicine, whose reputations are beyond question, and taking into consideration again that these unfortunate men who fall by the wayside, stricken by disease contracted primarily in the service of their country, I feel certain you will give this matter the favorable consideration it merits. Whether the Congress of the United States is willing to be liberal in extending the presumptive period to the first of this year or not, in the final analysis these veterans will necessarily have to be supported by some branch of this Government. It may be in many instances city, county, or State, but whatever division of government takes care of them, this responsibility rests upon society in the final analysis. The cost will necessarily have to be borne by the public, and why should it not be by the largest unit of government, for the reason that these veterans gave their services unflinchingly when their country needed them. These men were not members of military establishments in any city, county, or State, but were soldiers of the United States and should be taken care of by the Federal Government. They are entitled, therefore, Mr. Chairman, to the benefit of every doubt, and surely there should be no question so far as extending the presumptive period from 1925 to January 1, 1930. You have a preponderance of evidence, conclusive in its proof, that even if the presumptive period is extended to January 1, 1930, it will leave many of those who contracted these ills while in the service of the Government to be provided for in the future.

I am firmly convinced that as a matter of equity there is justification for a presumptive extension to the first of this year for all chronic disabilities. It is most imperative, however, as a matter of justice, that this Congress should at least extend the presumptive period of tuberculosis and neuropsychiatric diseases to January 1, 1930, because of their more rapid progress to the end than the ordinary chronic maladies from a medical viewpoint.

The time has arrived that a solution should be worked out looking to the relief of all veteran problems as near as is humanly possible. We should not be unmindful of the condition of our noncompensable veterans. They are now dying according to Veterans' Bureau statistics at the rate of 73 per day or 25,000 a year, which to me and no doubt to your honorable committee is a most urgent problem and should have the most serious consideration by Congress at this session.

In West Virginia we have a hospital waiting list numbering approximately a hundred, and many of these unfortunate men have died waiting for admission to and treatment in hospitals. Some of them have been on the waiting list for more than a year and only recently I came in contact with a veteran who was suffering from an exophthalmic goiter and had been sent to a neuropsychiatric hospital located at Chillicothe, Ohio, where, in my judgment, he should have gone to a surgical institution and there prepared for an operation with the hope of eradicating the disease, which is the only method known to the profession that relieves this condition.

I wish to thank the committee for permitting me to add my testimony, with the hope that it might shed some light upon this subject because of my training in the profession, which extends over a period of more than 35 years.

Mr. CUTTING. To my mind the statement of the Senator from West Virginia, backed up as it was the other day by the Senator from New York [Mr. COPELAND], is of more importance than the decision made by a council of doctors in the Veterans' Bureau. I have known the Veterans' Bureau a long time, and I know how these doctors act, and I know that they are expected to decide a case against the veteran whenever there is any excuse for doing so; and I know, furthermore, that if they do not carry out that line of policy the doctors in question eventually are dropped from the rolls of the organization.

I quoted the other day, however, a case which has been passed on by at least 30 doctors of the Veterans' Bureau, where they all traced a case of paralysis of the insane to syphilis alleged to have been contracted in 1904, and which did not actually develop any symptoms until 1925. So it seems to me that the doctors of the Veterans' Bureau themselves have decided that a neuropsychiatric disease can be traced back at least 21 years; and therefore I think we made a mistake in the bill which we passed the other day in making the presumptive period last only

until 1930 instead of to 1940, which would be the logical date in view of that decision of the Veterans' Bureau.

Mr. STEIWER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. CUTTING. I do.

Mr. STEIWER. Before the Senator leaves the matter which he is now discussing, I wish to refer further to the statement which he has read to the effect that the enactment made by Congress is discriminatory.

The Senator is very familiar with the trend of this legislation, and I should like his statement as to the nature of the discrimination. Is it not true that this bill, like all other veterans' relief legislation passed by the Congress of the United States since the Great War, is discriminatory merely in that it provides relief for those whose disabilities were service connected, and the discrimination is between service-connected disability and disability which is not service connected and which may have been incurred in industry or in some other way subsequent to the time of the World War?

Mr. CUTTING. The Senator has stated the matter with complete clarity.

Mr. STEIWER. That being true, does the Senator feel that the word "discriminatory" ought to be used in characterizing the line of demarkation laid down in this legislation? Is it not true that this bill merely makes more liberal the policy heretofore adopted by the Congress and that any relief which leads to disability pensions would be a deviation or departure from that policy?

Mr. CUTTING. Answering the Senator's question, I do not think the word "discriminatory" should have been used, and there are many other words in this statement, if I may say so, which I also think should not have been used.

Mr. STEIWER. I concur with the Senator that the word "discriminatory," as applied to this particular question, implies a meaning which the President probably did not intend, or which I think should not have been intended. The supposed discrimination in the pending legislation as well as in existing law is not arbitrary or unjust. It is merely the classification through which Congress has recognized the superior claims of those whose disability was caused in military service as distinguished from disabilities for which the United States has no responsibility, either legal or moral.

Mr. CUTTING. I agree with the Senafor.

May I quote further from the President's statement?—

> For instance, a man who has served a few days in the Army in his home town or in camps and afterward enjoyed 7 to 12 years of good health, then after all that time incurs any affliction, is thereby declared to have a disability due to the war and is to be compensated or pensioned on the same basis as the man who suffered in the trenches and from actual battle.

Mr. President, all that one can gather from that sentence in the statement is that the President can not possibly have read the bill which we passed the other day, because it is not the veteran who incurs "any affliction" who comes within this presumptive clause, but merely the veteran who contracts certain specified afflictions in the case of which it is difficult to trace the origin or incubation of the disease.

Furthermore, even in those cases the evidence is rebuttable. It is merely a presumption, which is valid unless some superior evidence can be brought forward.

The President continued, referring to the bill:

> These things violate not only the fact but the very integrity of Government. It is a sad thing for our Government to set standards of subterfuge to our people. It is unfair to all other veterans who have become disabled in civil life. It is unfair to the whole spirit of the World War veterans.
>
> There are emergency and marginal cases which I have insisted should be cared for and which will be cared for, and there is the additional necessity for us to study the broader subject exhaustively before we plunge.

Mr. President, the World War has been over nearly 12 years. If the subject could be studied exhaustively, it should have been studied exhaustively before this time. The very legislation which we passed the other day has been the subject of considerable thought by a good many Members of both Houses and by the veterans' organizations all over the country. The particular clause extending the presumptive period, which the President so bitterly criticizes, was suggested in a bill which I introduced more than two years ago. The bill was never acted on, but it represented the fruits of some 10 years or so of experience in the line of work for the disabled.

I think this study has been made fairly exhaustively. I do not think we can be considered to be "plunging" when we merely act on the lessons which we have learned since the World War ended.

If anyone can be criticized for plunging, Mr. President, surely that criticism could be extended to those who wish to overturn the entire basis of veterans' legislation up to date, to introduce a pension system, not based on disability due to service origin, but based merely on disability from any cause.

I am not criticizing the pension system; it may well be that it is a system superior to the one under which we are acting, and that in time we shall adopt it as our permanent system; but apparently that is the system which is now being advocated, that is the system which the Republican Members of the House in caucus assembled decided to adopt as a substitute for the present, and then they criticize us for "plunging." Is not the "plunging" on the part of those who would adopt something entirely new in the last days of the session?

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. BARKLEY. Has there been up to date any such exhaustive study of a permanent pension system as would justify this substitution, when it is compared with the study which has been given to the system which we adopted the other day, and which we have applied as our policy since the World War?

Mr. CUTTING. I know of none.

Mr. BARKLEY. How can there be any condemnation of the alleged haste with which Congress passed the bill which we sent to the President the other day when we reflect upon the fact that the bill, which is to be offered now in another body as a substitute, without previous consideration by any committee, is to be adopted after 40 minutes' debate?

Mr. CUTTING. I quite agree with the point of view of the Senator.

I shall finish reading the President's statement:

> The American Legion presented a bill designed for emergencies which has had the earnest support of many administration members, but their views have been overriden. The sensible thing is either to take care of these emergencies or marginal cases and then soberly determine future action, or alternatively—

And mark these two alternatives—

> to make the beginnings of sound action now on such foundations as will contribute to the ultimate settlement of the problem with real justice to veterans and with generosity in solution for the future. Such action can be taken within our present financial resources, and I believe the Nation would support that.

Mr. President, that is the end of the statement, and to my mind the last paragraph of the statement means either that we should drop all legislation, sit back, and let the veterans die off, and have a commission appointed to come to some conclusion within the next two or three years, or else that we should pass the legislation which is to be presented in the House, which no one has had time to study, but which is alleged to be sound.

Mr. President, I know very little about the decision which was made by Members of the other House. I had hoped, when I read about it, that it might have been founded on principles of decency and justice and that the 154 Members who met in caucus might really have felt that the President's arguments were overwhelming, that the bill we passed was discriminatory and unfair, and that they would prefer to pass a better one. But from all the information I can get, the considerations which were brought up before that caucus were entirely different from these.

Mr. Frank R. Kent, a very authoritative newspaper man, says in the Baltimore Sun that when the caucus met the Speaker of the House started out "with the trenchant suggestion that 'there are more taxpayers than soldiers.'"

Mr. President, that is a very interesting point of view. Of course there are more taxpayers than soldiers. There are more men who in 1917 were slackers, or evaders of their duty, or too old or too young or physically too unfit to go into the service, who are alive to-day, than there are men who went into the service. That is undoubtedly true. Therefore, the argument is, let the candidate for reelection to Congress go before his people and say, "I do not care for the votes of the soldiers. I should like the votes of the rest of the community. I do not care for the votes of those who were drafted, compelled to go into the service, taken away from their homes, sent to fight the battles of this Nation, who have come back broken, unable to carry on and earn their livelihood, dying at the rate of 70 a day. Their votes are not worth very much to me. By the time election day comes around there will be a good many thousand of them out of the way."

Yet they charge those of us who support this bill with playing politics—playing politics, mind you, for the benefit of men who, for the most part, are almost unable to take care of themselves

in any way; playing politics against the great interests which were fighting soldier legislation and have been fighting it ever since the war ended.

Is it the taxpayers, after all, who object to soldier legislation? I do not think so. I have never heard any objection from a representative body of taxpayers against the kind of legislation which Congress has enacted in favor of the disabled. There was a fight made by certain bodies of taxpayers against the adjusted compensation bill, the so-called bonus, but the very men who made that fight adopted the slogan "For the disabled, everything; for the able-bodied, nothing." The minute the bonus bill was passed, those organizations vanished into the soil, and nothing was done by them for the disabled or for anyone else except for their own pocketbooks.

The people of the United States want the maximum of benefit given to the disabled veterans, and their wishes have been carried out substantially by Congress. What has blocked us in those endeavors?

I have followed the activities of the Veterans' Bureau since it was founded. I was one of the members of the American Legion gathered here when the first idea of the Veterans' Bureau was suggested to Congress. It was an admirable idea, and, of course, the institution has done a good deal of good. The trouble with it is not a trouble peculiar to the Veterans' Bureau. It is a trouble common to all bureaucracies. I do not suppose that in the history of the world there has ever been a bureau quite so large and quite so autocratic as the Veterans' Bureau. One does not need to enlarge on that. The regulations of a bureau soon take authority; they become more potent than the legislation passed by Congress. The petty clerk who rules on a particular case makes a precedent, and that precedent has to be carried out by all his fellows and by the bureau as an organization.

We leave the final decision, in a case of a veteran demanding compensation, to "the judgment of the director of the bureau." His judgment is final, and his judgment means, of course, the judgment of whatever petty clerk may have handled the particular case.

The Government, as is quite right, follows a policy of economy. All down the line in the Veterans' Bureau the word goes out that for every dollar or every penny which can be saved to the taxpayers, there will be a good mark in favor of the man who did the saving.

We all believe in economy, but I do not think that the taxpayers of the country believe in economy at the expense of the disabled veterans. If there were economy in cutting down the clerical force of the bureau, most of us probably would be in favor of it.

Our legislation from the start has decreed that the bureau in any doubtful case shall give a veteran the benefit of the doubt. In how many cases has that happened? I doubt whether it happens in 5 per cent. I think that would be a conservative estimate.

Take the case of tuberculosis, and it is the situation respecting those suffering from tuberculosis that has been particularly pressed against the merits of the bill which we passed the other day. I happen to come from a State into which tubercular victims are sent from all parts of the United States, some of them hopeless cases, some of them hopeful, many of them curable, many of them which could readily be cured if the Government adopted a policy which would help them. What the tubercular patient mainly needs is a sense of certainty. He wants to know that the compensation he is receiving will not be suddenly cut off.

The policy with regard to the tubercular veteran has been that he is summoned to the local office of the Veterans' Bureau every few months and reexamined. His compensation may be raised, but three times out of four it is cut down. He never has any moments of peace, in which he can simply lie quiet and get well. That practice has been fostered by the word "active" applied to tuberculosis, which the bureau has constantly misinterpreted, and which we were successful in cutting out of the bill the other day.

Take the case of a man whose tuberculosis has become arrested. If he has really had tuberculosis seriously, he can never do a full day's work in the future. Congress, taking that into consideration, gave such a veteran a permanent award of $50 a month, meaning that that should be permanent. Yet, as I said the other day, veterans in my State who had been granted that statutory award later had it rescinded because the bureau was not satisfied that they had ever had active tuberculosis. The tuberculosis might have been chronic, or minimal, or describable by any of half a dozen other technical terms which the bureau uses when they want to knock a case out.

I am glad to say that at the demand of my colleague it was determined the other day that all such awards should be permanent.

I am not going into the neuropsychiatric cases, which are equally pitiful or perhaps more so. I know particularly what the tubercular veterans are suffering. I have seen them at the veterans' hospitals time and time again, speechless, motionless, always cheerful, resigned to their inevitable doom. Many of them, a large majority of them, now are unable to obtain compensation, although no fair-minded man doubts for a moment that their disease was due to their service. I have never seen anything in war or elsewhere which gives one so high an opinion of human nature as the courage with which these men to-day are facing their fate.

The Director of the Veterans' Bureau has the final say as to whether they get enough to keep themselves satisfied, enough to enable them to send their wives and children something to keep them alive. He has the final say as to whether they themselves shall or shall not remain alive.

It is the power of life and death. We have given it to one man without appeal. It is just as if we enacted a law that anyone accused of crime should be considered guilty unless in the judgment of the prosecuting attorney he is innocent, because the Director of the Bureau and all of his subordinates have been acting as attorneys against the interests of the disabled men from the start. I do not say that in criticism of General Hines or of anyone else. It is the inevitable result of this huge bureaucratic system with precedents piling up on each other from day to day, each one binding the next one until the actual Director of the Veterans' Bureau has as little authority as any man in the bureau.

The system can be changed only by congressional legislation and that is what we attempted to do the other day in the bill, to cut down the discretion of the bureau as much as we could, to force them to do the right thing by the veterans. It is the only way in the world the veterans will ever get justice.

Mr. President, I have resented the way in which the press and the public of the country have been misled as to the actual conditions which exists, by being informed that the disabled veterans on the whole have been generously provided for. Some of them have and many of them have not.

Do we owe any duty to these men who are dying off? There are men still in the Senate who voted to send them into war. Is it not the responsibility of Congress to see that those glowing promises which were made to our men when they went into service shall be kept now? Did anyone at that time go before the people and say, "If you as a result of your service get active tuberculosis, we will take good care of you, but if you get chronic tuberculosis or moderately impaired tissues," or any of the other expressions which are now used, "We can not take care of you, for such a thing would be unsound"? That was not the way we talked then. So far as I am concerned it is not the way I intend to talk now.

Mr. President, this is a message in which the evasion of facts and the sophistry of bureau employees have been given, unfortunately, the powerful sounding board of the White House. When we are asked not to take a "plunge," I think we might leave that question to Mr. Hoover's own past history. When Belgium was being overrun by German troops, when the population was starving and thrown out of house and home, did Mr. Hoover "study the broader subject exhaustively" before plunging? He did not. He went straight to the office of Walter Page and said, "If you can use me, do so. I am ready to organize the relief." The day he did that he made himself, for the time, the greatest citizen of the world. When, after the war, the children of our allies and the children of our enemies alike were suffering, Mr. Hoover did not wait to make a broad, exhaustive study of the subject before acting, because such a study would have taken two or three years. He proceeded to organize and relieve distress.

Our duty to the men who served us in time of war is surely as great as the duty which we owed either to Belgium or to foreign relief. It is our responsibility. Mr. Hoover, in good faith, I am sure, is unaware of the facts in this matter, but he should not ask us to refrain from action until we have discussed the subject more exhaustively.

If this session goes by, Mr. President, without action, before we meet in December, 10,000 of these men whom we could save by immediate action will be dead. I can only say that upon the President and upon any Members of the House who vote to sustain his veto will rest the responsibility for the lives of these innocent men who gave all that they had in order that the Nation might be preserved.

GOVERNMENT POWER PLANT AT WILSON DAM

The VICE PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Alabama [Mr. BLACK].

Mr. BLACK. Mr. President, I ask that the resolution be read.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 303), as follows:

Resolved, That it is the sense of the Senate that pending the enactment of legislation providing for the disposition of power generated by the Government power plant at Wilson Dam, the Secretary of War should not discriminate against municipalities, in the sale of said power, but should sell power to municipalities applying for same, upon as liberal terms and conditions as such power is sold to private power companies.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. NORRIS. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. In his absence I withhold my vote.

Mr. REED (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. In his absence I withhold my vote.

Mr. STEPHENS (when his name was called). I am paired with the senior Senator from Vermont [Mr. GREENE]. I transfer that pair to the Senator from Missouri [Mr. HAWES] and vote "yea."

The roll call was concluded.

Mr. LA FOLLETTE. I desire to announce the unavoidable absence of the Senators from North Dakota [Mr. FRAZIER and Mr. NYE]. If present, both would vote "yea."

Mr. GILLETT. Has the senior Senator from North Carolina [Mr. SIMMONS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. GILLETT. Having a pair with that Senator, in his absence I withhold my vote.

Mr. CARAWAY. I have a general pair with the junior Senator from New Hampshire [Mr. KEYES]. I transfer that pair to the senior Senator from Florida [Mr. FLETCHER] and vote "yea."

Mr. NORRIS. I desire to announce the absence of the junior Senator from Iowa [Mr. BROOKHART] and to state that if he were present he would vote "yea."

Mr. McKELLAR (after having voted in the affirmative). May I inquire if the junior Senator from Delaware [Mr. TOWNSEND] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. McKELLAR. I have already voted in the affirmative. I transfer the pair which I have with the junior Senator from Delaware to the senior Senator from New York [Mr. COPELAND] and let my vote stand.

Mr. GEORGE. I desire to announce that the senior Senator from New Mexico [Mr. BRATTON] has a pair with the junior Senator from New Jersey [Mr. BAIRD]. If the senior Senator from New Mexico were present on this occasion, he would vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Colorado [Mr. WATERMAN] with the Senato from Montana [Mr. WHEELER]; and

The Senator from Utah [Mr. SMOOT] with the Senator from Mississippi [Mr. HARRISON].

I am not advised how any of these Senators would vote if present.

Mr. BLACK. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] is necessarily out of the city to-day. If present, he would vote "yea."

Mr. SHEPPARD. The senior Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the junior Senator from Utah [Mr. KING], and the senior Senator from Missouri [Mr. HAWES] are detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are detained by illness in their families.

I also wish to announce that the Senator from Mississippi [Mr. HARRISON], the Senator from North Carolina [Mr. SIMMONS], the Senator from Nevada [Mr. PITTMAN], and the Senator from Louisiana [Mr. BROUSSARD] are necessarily detained on official business.

The result was announced—yeas 53, nays 0, as follows:

YEAS—53

Ashurst	Glass	McNary	Steiwer
Barkley	Goldsborough	Metcalf	Stephens
Bingham	Hale	Norris	Sullivan
Black	Harris	Oddie	Swanson
Blaine	Hastings	Overman	Thomas, Idaho
Borah	Hayden	Patterson	Thomas, Okla.
Brock	Howell	Phipps	Trammell
Caraway	Johnson	Ransdell	Tydings
Connally	Jones	Robinson, Ind.	Wagner
Couzens	Kendrick	Robsion, Ky.	Walsh, Mass.
Cutting	La Follette	Sheppard	Walsh, Mont.
Dill	McCulloch	Shipstead	
Fess	McKellar	Shortridge	
George	McMaster	Steck	

NOT VOTING—43

Allen	Frazier	Heflin	Schall
Baird	Gillett	Kean	Simmons
Blease	Glenn	Keyes	Smith
Bratton	Goff	King	Smoot
Brookhart	Gould	Moses	Townsend
Broussard	Greene	Norbeck	Vandenberg
Capper	Grundy	Nye	Walcott
Copeland	Harrison	Pine	Waterman
Dale	Hatfield	Pittman	Watson
Deneen	Hawes	Reed	Wheeler
Fletcher	Hebert	Robinson, Ark.	

So Mr. BLACK's resolution was agreed to.

ISSUANCE OF INJUNCTIONS IN LABOR DISPUTES

Mr. NORRIS. Mr. President, the so-called anti-injunction bill, S. 2497, Order of Business 884, which was reported adversely on June 9, with a minority report as well, probably will not be taken up, on account of the rush of business, during this session. I have talked over the matter with the Senator from Oregon [Mr. STEIWER], who represents the majority of the committee, and he has agreed with me that it will be agreeable to him if I can get a unanimous-consent agreement to set that bill down for early in December.

I therefore ask unanimous consent that at 2 o'clock p. m. on December 3, 1930—we meet on December 1—the Senate shall proceed to consider that bill, and that it shall remain the unfinished business until otherwise disposed of.

Mr. COUZENS. Mr. President, I should not like to consent to that until we know what the unfinished business will be when we get through the present session of Congress.

Mr. NORRIS. We shall not find that out until it is too late to make this request.

Mr. COUZENS. I do not want to interfere with the Senator's bill, but if the bus bill should go over, I should want it to be the unfinished business.

Mr. NORRIS. I had not anticipated that the bus bill would go over. I supposed we should dispose of it at this session.

Mr. COUZENS. If the Senator will wait a while to submit his unanimous-consent request, I think perhaps we can agree.

Mr. NORRIS. Very well, Mr. President.

THE LONDON NAVAL TREATY

Mr. McKELLAR. Mr. President, since the Foreign Relations Committee just a day or two ago reported favorably the London naval pact, I desire to call the attention of the Senate to an article printed in the New York World of to-day headed:

BRITAIN TO BUILD 21 NAVAL VESSELS—$45,000,000 PROGRAM OVER 3-YEAR PERIOD ANNOUNCED—COMMONS GETS FIGURES—SOME MEMBERS OPPOSE ACTION BEFORE TREATY RATIFICATION

LONDON, June 25.—First Lord of the Admiralty Albert Victor Alexander told the House of Commons this afternoon that the British naval construction program for 1930 will be three 6-inch-gun cruisers, one destroyer flotilla, comprising a destroyer leader and 8 destroyers, 3 submarines, 4 sloops, 1 net layer, and 1 target-towing vessel—a total of 21 ships to cost about $45,000,000 over a period of three years.

I ask unanimous consent that the remainder of the article may be printed without reading.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The remainder of the article is as follows:

A supplementary estimate for the small sum necessary to begin construction will be introduced in the House before the summer adjournment in July, but construction will not begin until the last quarter of the present financial year.

Alexander said he wanted to emphasize that these ships are required for replacing others which have passed the age limit "to enable the royal navy to carry out its current duties in time of peace, and the program had no relation to those of other powers."

One of the three submarines, it is understood, is to be of the big-fleet type. When debate on the supplementary estimates takes place, the World is informed, the Government will be criticized by certain Labor members for undertaking any new building in advance of ratification of

the London naval treaty by the powers concerned and before it is seen whether the American Congress is going to appropriate enough money to build the United States fleet up to treaty strength during the life of the treaty.

One Labor critic of this afternoon's announcement told the World he believed the British Admiralty has forced this program on the Government at this time for fear that later it might become evident that the United States did not intend to build up the treaty strength, in which event the admiralty would have greater difficulty in persuading the Government to agree to this building.

Alexander, in an authorized interview to be published to-morrow, defends the British program as nonprovocative, declaring that no additional units will go into the British fleet as a result of the construction announced to-day. The program, he said, is purely one of replacement.

Mr. McKELLAR. I merely desire to add that it will be remembered that Great Britain now has 54 cruisers to the United States' 13. By this bill Great Britain adds 3 more. It does not look as though there is very much limitation or reduction in the proposed London pact.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 525. An act authorizing the Secretary of the Navy, in his discretion, to loan to the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans;*

S. 1959. An act to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida;

S. 4164. An act authorizing the repayment of rents and royalties in excess of requirements made under leases executed in accordance with the general leasing act of February 25, 1920; and

S. J. Res. 24. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for March 4, 1929.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On June 24, 1930:

S. 2465. An act for the relief of C. A. Chitwood;

S. 2834. An act to establish a hydrographic office at Honolulu, Territory of Hawaii;

S. 3258. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; and

S. 3341. An act providing for the acquirement of additional lands for the naval air station at Seattle, Wash.

On June 25, 1930:

S. 486. An act to amend section 5153 of the Revised Statutes, as amended;

S. 1183. An act to authorize the conveyance of certain land in the Hot Springs National Park, Ark., to the P. F. Connelly Paving Co.;

S. 2718. An act for the relief of Stephen W. Douglass, chief pharmacist, United States Navy, retired;

S. 2788. An act for the relief of A. R. Johnston;

S. 4466. An act to make a correction in an act of Congress approved February 28, 1929; and

S. 4722. An act creating the Great Lakes Bridge Commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.

UNIT OPERATION OF OIL AND GAS LEASES

Mr. WALSH of Montana. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 4657) to amend sections 17 and 27 of the general leasing act of February 25, 1929 (41 Stat. 437), as amended.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. WALSH of Montana. Mr. President, I desire to state that this bill was introduced and comes before the Senate at the very earnest insistence of the Secretary of the Interior and the Director of the Geological Survey, who have advised the Committee on Public Lands and Surveys that the Government of the United States is suffering a loss of $500 a day because of the lack of legislation of the character proposed in the bill. When the measure was reached yesterday on the calendar it was objected to by the Senator from Georgia [Mr. GEORGE], at the request of the Senator from New Mexico [Mr. BRATTON], who expressed some opposition to the bill in the committee.

If it is in order, should there be objection I desire to move that the Senate proceed to the consideration of the measure.

Mr. GEORGE. Inasmuch as the Senator from New Mexico asked me to lodge the objection in his name, I should prefer that the Senator from Montana make a motion to consider the bill, because otherwise I should feel disposed to object. Of course, the Senator from Montana will understand that I know nothing of the proposed legislation and personally am not opposing it at all.

Mr. WALSH of Montana. I understand the position of the Senator from Georgia, and I move that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana to proceed to the consideration of the bill.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys with amendments.

The first amendment was, on page 1, line 6, in the parentheses, to insert "U. S. C., title 30, sec. 226," so as to read:

That sections 17 and 27 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437; U. S. C., title 30, sec. 226), as amended, are amended to read as follows:

The amendment was agreed to.

The next amendment was, on page 5, line 6, after the word "further," to strike out:

That if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings: *And provided further,* That, for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other or jointly or separately with others in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest. For the purpose of assuring the continuous protection of the interests of the public and of the United States the terms and operation of any such plan shall at all times be subject to the approval of the Secretary of the Interior, who is thereunto authorized in his absolute and uncontrolled discretion to establish, alter, change, or revoke drilling, producing, and royalty requirements, and otherwise to make such regulations in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of such interests; and if the Secretary of the Interior at any time shall have reason to believe that the continued operation of any such cooperative or unit plan is for any reason prejudicial to the interests of the public or of the United States he is hereby authorized to revoke such plan in whole or in part, or to permit its continued operation upon such altered terms and conditions as he may in his absolute and uncontrolled discretion deem advisable.

And in lieu thereof to insert:

That for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest; and the Secretary of the Interior is thereunto authorized, in his discretion, with the consent of the holders of leases involved, to establish, alter, change, or revoke drilling, producing, and royalty requirements of such leases, and to make such regulations with reference to such leases with like consent on the part of the lessee or lessees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of such public interest: *And provided further,* That except as herein provided,

if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the minimum or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise, to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 8, after line 6, to insert a new section, as follows:

SEC. 2. The amendments herein adopted to sections 17 and 27 of the general leasing act of February 25, 1920, as amended, shall expire at midnight on the 31st day of January, 1931.

Mr. WALSH of Montana. Mr. President, the last amendment read was made because it was realized that this proposed legislation involves an important matter, and that the necessities of the case require expedition. The amendments proposed by the bill to the leasing act will expire on the 31st day of January, 1931. In the meantime it is hoped that the matter will have received serious consideration at the hands of Congress.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. SHORTRIDGE. If he can do so, will the Senator from Montana, merely in a few words, explain the purposes of the bill. I think I understand it, but there are other Senators who do not.

Mr. GEORGE. Before the Senator begins, I ask him also to state to the Senate the ground of the objection urged by the Senator from New Mexico [Mr. BRATTON].

Mr. WALSH of Montana. I shall be glad to do so.

Mr. President, the bill contemplates that parties having interests in a particular oil field may unite all of their interests and operate them as a unit, cooperatively, instead of each one operating his own individual property. The present method of operation is this: Here is a field within which there are private owners, oftentimes some of them being great and powerful corporations. The Government owns property within that oil field which it has leased. The lessee, then, is obliged to come into competition with the powerful interests that have the other properties. The way they operate is to proceed to drill wells right close to the line, and the owner of the lease is obliged to meet this action by drilling offset wells. He usually is unable to do that, and the large interests buy him out at a trifling figure. The plan now proposed is to allow them all to combine their leases and operate jointly.

It has particular application to the immediate necessities of and to meet the situation that exists in what is known as the Kettleman Hill fields in the State of California. That is a marvelously productive field. The Government of the United States is now earning royalties from two leases in that field to the amount of about $3,000 a day. The oil comes out, and with it there is enormous gas pressure. The gas, as it comes out, is captured and the gasoline is extracted; but after the gasoline is extracted, for the remainder of the gas, which is very valuable for many purposes, there is no market and it simply goes off into the air, a total loss to the Government of the United States.

There are six wells now that are producing enormous quantities of gas and oil in the Kettleman Hill fields. It is proposed to reduce the number of productive wells, if the joint arrangement can be made, to two instead of six, and thus the oil will be produced in less quantities and the gas as well only in such quantity as can be consumed by the local market.

I had some doubt as to how the legislation would be received by operators in my State, and so I sent a telegram to the governor asking him to confer with operators concerning the matter. I have a telegram from him to the effect that they favor the legislation, and from one of the leading operators in my State I have a telegram which I send to the desk and ask to have read. I may say, however, that the proposed legislation has no special application to conditions in Montana.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Chief Clerk read as follows:

DENVER, COLO., *June 25, 1930.*

Senator THOMAS J. WALSH,
Senate Office Building, Washington, D. C.:

Legislation permitting Secretary of Interior and lessees to enter into contracts for unit operations for life of single pools desirable, especially so for purpose of preventing waste of valuable natural resource like that being lost at Kettleman Hills. Nothing can justify such operations as those now being carried on there. An occasional small producer may need oil production to satisfy clamorous stockholders or to finance indebtedness, but no doubt sensible business arrangements can be made to assist small operators, providing legislation will give the Secretary reasonable powers.

W. M. FULTON.

Mr. WALSH of Montana. It should be explained that no one will be obliged to come in; there will be no coercion; the bill merely authorizes agreements among the operators and gives to the Secretary of the Interior the power to enter into such agreements on the part of the United States. I submit a telegram from the Governor of Montana, and ask that it may be read from the desk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

HELENA, MONT., *June 23, 1930.*

Hon. T. J. WALSH,
United States Senate, Washington, D. C.:

The measure about which you wired seems to have the approval of Fulton and others. I believe Fulton has wired you.

J. E. ERICKSON.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. If the Senator will pardon me for a moment, I should like now to say a word in answer to the inquiry of the Senator from Georgia [Mr. GEORGE] concerning the nature of the objection to the measure offered by the Senator from New Mexico [Mr. BRATTON].

The objection raised by him, of course, is in entire good faith, and relates to a very important question in this connection. Of course, the effect of the operation of the plan will be to reduce the production in any one field; that is to say, competition will not be going on to the limit. That is the purpose of it, namely, to get an orderly production in the interest of the conservation of the resources of the particular field.

The Senator from New Mexico has some apprehension that if the great, powerful interests, which ordinarily own some properties in the field, and the Government were desirous of entering into this arrangement, a small holder would in a way be overpowered by the combination of the Government and the large interests and would not be in a situation to resist a proposal to enter into the agreement. Of course, if the unit arrangement is made, the proportion which each owner or each interest gets out of the total production of the field must be agreed upon, and the Senator from New Mexico was afraid that the pressure upon the small owner would be so great that he would be obliged to take whatever they were willing to give him. There is something in that contention, but, of course, he has an opportunity to go in or to stay out just as he sees fit. If he is not satisfied with the division they will give to him, he simply does not enter into the agreement.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. SHORTRIDGE. I understood the Senator to state, but I want it understood if it be so—and I think it is—that the Secretary of the Interior is heartily in favor of this proposed legislation.

Mr. WALSH of Montana. Yes; he is urging it.

Mr. SHORTRIDGE. So I have been advised, and I certainly am in favor of it.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, sec. 226), as amended."

Mr. WALSH of Montana. I ask that the report accompanying the bill may be printed in the RECORD.

There being no objection, the report (No. 1087) was ordered to be printed in the RECORD, as follows:

The Committee on Public Lands and Surveys, to whom was referred the bill (S. 4657) to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437), as amended, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

On page 1, line 6, after "437," insert a semicolon and "U. S. C., title 30, sec. 226."

On page 5, line 6, after the words "*And provided further*" and the comma, strike out the word "That" and all down to and including the word "advisable" before the period in line 22, page 6, and insert in lieu thereof the following:

"That for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other or jointly or separately with others in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest, and the Secretary of the Interior is thereunto authorized in his discretion, with the consent of the holders of leases involved, to establish, alter, change, or revoke drilling, producing, and royalty requirements of such leases, and to make such regulations with reference to such leases with like consent on the part of the lessee or lessees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of such public interest: *And provided further*, That, except as herein provided, if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings."

Add at the end of the bill a new section, as follows:

"SEC. 2. The amendments herein adopted to sections 17 and 27 of the general leasing act of February 25, 1920, as amended, shall expire at midnight of the 31st day of January, 1931."

Amend the title so as to read:

"A bill to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, sec. 226), as amended."

This legislation was requested by the Secretary of the Interior and is essential for meeting an emergency. The Government is a large owner in the Kettleman Hills oil and gas field in California, where the present waste of natural gas reaches the daily total of 400,000,000 feet, even under a temporary agreement which limits the number of active wells. A cooperative plan for meeting this waste problem more effectively is now being formulated by a representative committee of operators, but the lessees of the Government land can not enter such a plan without amendment of the general leasing law. Without participation by these Government lessees, occupying 30 per cent of the area of this very rich field, no cooperative plan can be operative.

The proposed amendments would permit such participation but in nowise compel it. No change would be made in any Government leases, past or future, from the terms of the general leasing law, except as lessees in a single pool may wish to come under a cooperative plan, duly approved by the Secretary of the Interior as in the public interest. Flexibility in the law is provided in order to meet new conditions, but no new provision or condition is mandatory upon Government lessees.

The need of economic regulation of oil and gas field activity is now well recognized as imperative and the Federal Oil Conservation Board has recently, in its report to the President, indorsed the unit-operation plan as the most promising method of effectively promoting conservation and economy for the benefit of all parties in interest, private owners and lessees, Government owner and lessees, and the general public now so dependent upon products of the oil and gas fields of the country.

The unit-operation plan is cooperative and not competitive and the drilling and operating program disregards all property lines within the pool, seeking economy in expenditures and large recovery of resource rather than the usual haste and consequent waste. Necessarily, a longer life of the field being thus promoted, it is essential that the Government lessees have the assurance of a tenure beyond 20 years; hence the amendment to section 17 is absolutely necessary.

Discretionary power is also needed by the Secretary of the Interior in adjusting certain operating requirements of existing law to meet the new conditions of substituting an engineering program of rational well distribution for the present competitive offsetting, which is unduly expensive, but worse than that, almost criminally wasteful. The net result of this more rational plan is expected to be larger profits to the Government lessees and larger royalty returns to the Government as lessor.

The first and second provisos under section 27 of the act already establish a precedent for combination of interests for cooperative action in constructing and operating refineries and transportation facilities, so that the insertion immediately thereafter of the proposed amendment to this section would seem more logical and especially advantageous in making it plain that the new plan is similarly subject to the restraint-of-trade prohibition contained in the final proviso of this section of the existing law.

While the unit plan is in force in several States on privately owned land and there has proved eminently successful, in no field is it more urgently needed or are greater benefits reasonably to be expected than at Kettleman Hills, which is regarded as one of the world's greatest oil and gas fields. The Government's interest here is already measured by the present royalties exceeding $1,000 a day, from the two wells on Government land, six wells only being allowed to produce under existing conditions. Last year, the Government royalties from this field were $237,909. If all the gas from these Government wells could be sold, instead of by far the greater part wasted into the air, the daily revenue to the Government would be $500 more than at present. This committee is informed that the ultimate returns to the Government from these Kettleman Hills leases under rational development and operation without waste are conservatively estimated at hundreds of millions of dollars. Even more deserving of national concern is the enormous waste of natural gas which must hasten the day of shortage, however large the reserve.

Plainly, the wise administration of this Government property is a major item in the conservation policy, and it is to meet the existing situation in the Kettleman Hills field that the Public Lands Committee regards immediate action on these two amendments as warranted.

It is believed that ample provision has been made to protect the public interest, but to permit further consideration of this innovation in public-land legislation it is provided that the act expires two months after the convening of the next session of Congress, thus giving time for reconsideration of the measure. In the meantime, however, prompt action by the Secretary of the Interior may be required to meet the needs of the Kettleman Hills situation, and these amendments would give him the necessary discretionary power.

The letter in which the Secretary of the Interior inclosed a draft of the bill for introduction, under date of June 5, 1930, which letter also sets forth facts concerning the proposed legislation, is appended hereto and made a part of this report, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 5, 1930.

Hon. GERALD P. NYE,
Chairman Committee on Public Lands and Surveys,
United States Senate.

MY DEAR SENATOR NYE: The present importance of preventing the physical and economic waste resulting from competitive, unregulated activity in oil and gas fields is generally recognized, and it has been suggested to me in connection with several unit and cooperative plans submitted that the policy of orderly development can be substantially served and the interests of the United States fully protected by the enactment of appropriate legislation authorizing the Secretary of the Interior, with suitable safeguards, formally to approve such plans and make essential modifications of customary lease terms.

Aside from the general good to be obtained, development and operation of oil fields under such plans will result in lower costs to the producer, greater ultimate recovery of oil and gas, larger royalty returns to the Government through the increased recovery of oil and gas, and most important, will tend to the avoidance of waste in times of overproduction now constantly occurring from so-called checker-board, town-lot, or property-line drilling.

In order to clothe the Secretary of the Interior with the necessary legislative authority, it is suggested that section 17 of the act of February 25, 1920 (41 Stat. 437), be amended to read as follows, the matter in italics being the proposed addition to the section in its present form:

"SEC. 17. That all unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding 640 acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per cent in amount or value of the

production, and the payment in advance of a rental of not less than $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of 20 years, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods: *Provided, That any lease heretofore or hereafter issued under this act that has become the subject of a cooperative or unit plan of development or operation of a single oil or gas pool, which plan has the approval of the Secretary of the Interior as necessary or convenient in the public interest, shall continue in force beyond said period of 20 years until the termination of such plan: And provided further, That the Secretary of the Interior shall report all leases so continued to Congress at the beginning of its next regular session after the date of such continuance.* Whenever the average daily production of any oil well shall not exceed 10 barrels per day, the Secretary of the Interior is authorized to reduce the royalty on future production when in his judgment the wells can not be successfully operated upon the royalty fixed in the lease. The provisions of this paragraph shall apply to all oil and gas leases made under this act."

And in pursuance of the stated purpose it is further suggested that section 27, as amended April 30, 1926 (44 Stat. 373), of the same law be amended to read as follows, the matter in italics being the proposed addition to the section in its present form:

"That no person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage 2,560 acres for each of said minerals; no person, association, or corporation shall take or hold at one time oil or gas leases or permits exceeding in the aggregate 7,680 acres granted hereunder in any one State, and not more than 2,560 acres within the geologic structure of the same producing oil or gas field; and no person, association, or corporation shall take or hold at one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof, which, together with the area embraced in any direct holding of a lease or leases, permit or permits, under this act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided,* That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal or to increase the acreage which may be acquired or held under section 17 of this act: *Provided further,* That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further,* That if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise, to which such lessee shall be a party, of which his or its output is to be or become the subject to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings: *And provided further, That for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other or jointly or separately with others in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest. For the purpose of assuring the continuous protection of the interests of the public and of the United States the terms and operation of any such plan shall at all times be subject to the approval of the Secretary of the Interior, who is thereunto authorized in his absolute and uncontrolled discretion to establish, alter, change, or revoke drilling, producing, and royalty requirements, and otherwise, to make such regulations in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to assure the proper protection of such interests; and if the Secretary of the Interior at any time shall have reason to believe that the continued operation of any such cooperative or unit plan is for any reason prejudicial to the interests of the public or of the United States he is hereby authorized to revoke such plan in whole or in part, or to permit its continued operation upon such altered terms and conditions as he may in his absolute and uncontrolled discretion deem advisable."*

The suggested modification for section 17 is purely ministerial in character, and the proposed addition to section 27 has received informal favorable consideration by the Department of Justice.

The authority reposed in the Secretary of the Interior and to be exercised in his sound discretion if these suggested provisos are enacted will be a most influential step for the common good.

Very truly yours,

RAY LYMAN WILBUR.

SECOND DEFICIENCY APPROPRIATIONS

Several Senators addressed the Chair.

The VICE PRESIDENT. The Chair feels that it is his duty to call attention to the unanimous-consent agreement that was substantially entered into last night. The Senator from Arizona [Mr. ASHURST] yielded the floor with the understanding that immediately upon the conclusion of the morning business, which is now closed and was closed before the last bill was presented, he should be recognized for 5 or 10 minutes. Of course, under the rule, any Senator can move to take up a measure until 1 o'clock. But the Chair thought it was only fair to the Senator from Arizona to make that statement.

Mr. ASHURST. I thank the Chair.

Mr. HOWELL. Mr. President, I move that the Senate take up Order of Business 747, Senate 3344, a bill supplementing the national prohibition act for the District of Columbia.

The VICE PRESIDENT. The attention of the Chair has just been called to another agreement to which the Chair had not previously had his attention called, and that is that under the unanimous-consent agreement the unfinished business is to be laid before the Senate; and therefore the motion of the Senator from Nebraska would not be in order at this time.

The Chair lays before the Senate the unfinished business, H. R. 12902, the second deficiency bill.

Mr. HOWELL. Mr. President, was the motion of the Senator from Montana [Mr. WALSH] in order?

The VICE PRESIDENT. The motion was not in order; but the Chair was advised that the matter would take but a minute and that the chairman of the committee and the Senator from Arizona had consented; and the Chair at that time did not know of this unanimous-consent agreement which had been entered into or the Chair would have called the attention of the Senate to it.

Mr. HOWELL. Mr. President, the bill which I have moved to take up is a very important measure. It is a bill that practically has the administration's support. It is legislation that ought to be adopted for the District of Columbia. No time has been given for its consideration; and it seems to me that it is as important at this time as the Boulder Dam item, because it affects the population here within the District of Columbia.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be proceeded with.

The Senate resumed the consideration of the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

Mr. TYDINGS. Mr. President, I should like to inquire, under the present agreement, when it would be in order, if at all, for the Senator from Nebraska to move to consider his bill.

The VICE PRESIDENT. The Senator can make such a motion now; but, if agreed to, it would displace the unfinished business, which is the deficiency bill.

Mr. HOWELL. Mr. President, I have no desire to displace the deficiency bill; but I do want to call the attention of the Senate to the fact that here is an important bill that ought to have an opportunity for consideration. We have a bus bill pending before the Senate. The bus business in this country has developed in a wonderful manner. Nothing is preventing its development, but there are those in this country who want to monopolize the bus business; and it seems to me that this prohibition bill, which has been pending here for some weeks, ought to have some consideration, also.

Mr. TYDINGS. Mr. President, I appreciate the interest and time that the Senator has put upon this District bill. May I call to his attention the fact that some of us who are opposed to it feel just as keenly that it should not be passed, and I certainly should want to be heard on it if it is to be considered; and I am sure the debate would last for three or four hours, at the very least. So the Senator in making the motion, and the Senate in voting upon the motion, should have that situation in mind, because it will not be possible to dispose of the bill in less than a day, in my opinion, and perhaps not then.

Mr. HOWELL. I realize that there is opposition to the bill; but are we not to consider it because there is opposition to it?

The VICE PRESIDENT. The Chair will state that when the Senate meets after the next adjournment the Senator would have a right to move to take up the bill, unless some unanimous-consent agreement should be entered into which would interfere with it.

Mr. HOWELL. Mr. President, I am not going to move at this time to take up the bill, but I give notice that I do propose to ask to have the bill considered before Congress adjourns.

Mr. TYDINGS. Mr. President, I should like to ask the Senator from Nebraska if he will be so kind as to notify me when he intends to make that motion, if convenient. I should like to be here at the time the motion is made, and I hope he will not take advantage of my temporary absence at any time to bring it up.

Mr. HOWELL. Mr. President, I want to be fair to the Senator from Maryland and say that I am going to make the motion at the first opportunity; and I am not going to make it because the Senator is away.

Mr. TYDINGS. I am sure the Senator from Nebraska will be fair, and I had no intention of saying by indirection that he would not be; but it is pretty difficult to remain on the floor all the time. Such a course would really require a Senator to be present every minute. He could not eat his lunch or do anything else. If the Senator will simply indicate a little in advance when he intends to make the motion, I shall make it a point to be here at his convenience.

Mr. ASHURST. Mr. President, when the Senate concluded its business yesterday I had finished my argument respecting the item in the deficiency bill regarding the so-called Boulder Dam. During the course of my argument I asked unanimous consent to have printed in the RECORD and as a Senate document the entire hearings before the subcommittee of the House Committee on Appropriations respecting the Boulder Dam project. Several Senators indicated that inasmuch as the matter consisted of more than 300 pages it would make the RECORD too voluminous, and they objected.

After thinking the matter over, I am of opinion that I should not further pursue that request, inasmuch as there are, I discover, copies of the hearings available. Therefore, I withdraw my request to print in the RECORD and also withdraw my request to print as a Senate document the 300 pages of the House hearings on this item.

The VICE PRESIDENT. The Senator's request is withdrawn.

Mr. ASHURST. I now yield the floor to my colleague.

Mr. HAYDEN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. FESS in the chair). The Chair will call the attention of the Senator from Washington [Mr. JONES] to the fact that there is an amendment passed over on page 7.

Mr. JONES. We made an agreement yesterday afternoon that the Boulder Dam matter, with the amendments to it, should be disposed of first. The Senate entered into that agreement.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Arizona [Mr. HAYDEN].

The LEGISLATIVE CLERK. On page 44, strike out the section beginning in line 18 and ending on line 14, page 45.

On page 45, line 15, after the words "secondary projects," insert "for cooperative and general investigations, $1,000,000: *Provided*, That."

Mr. HAYDEN. Mr. President, the amendment I have offered contains two substantive propositions: First, to strike out of the bill the appropriation of $10,660,000 to commence construction of the Boulder Canyon project; second, to appropriate up to $1,000,000 to be used under the heading of secondary projects for all preliminary work connected with the Boulder Canyon Dam.

The hearings show that the design of that structure has not been completed. No plans and specifications are as yet in existence. Engineers are laboring upon that problem, and there is yet much work to do. The State of Arizona has no objection whatever to the ascertainment of facts in connection with the development of the Colorado River. At no time have the Congressman or the Senators from that State opposed the appropriation of money for that purpose. The estimates submitted to Congress in connection with this item of $10,660,000 show that $385,000 of it is to be used to reimburse the United States reclamation fund for moneys heretofore expended in connection with the Boulder Canyon project.

We agree that it would be unfair to strike out the entire appropriation and leave nothing for preliminary work.

The chief concern of the State of Arizona is that no appropriation shall be made to commence construction until there is an agreement between the States of Arizona, California, and Nevada with respect to an apportionment of the waters of the lower Colorado River Basin as authorized in the Boulder Canyon project act.

Such an apportionment of waters, if made in accordance with the clear intent of that act, would be satisfactory to Arizona. I shall insert in the RECORD the provisions of the act authorizing such an agreement or compact among the States. Briefly, it provides for a division of the seven and a half million acre-feet of water apportioned to the lower basin by the Colorado River compact, 4,400,000 to California, 2,800,000 to Arizona, and 300,000 to Nevada; for an equal division of the surplus waters; that the State of Arizona shall have the exclusive beneficial use of the waters of the Gila River and its tributaries, free from any burden to supply water to Mexico, and that California and Arizona shall equally divide the burden of supplying any water to Mexico.

[Extract from section 4 (a), Boulder Canyon project act]

And further, until the State of California, by act of its legislature, shall agree irrevocably and unconditionally with the United States and for the benefit of the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, as an express covenant and in consideration of the passage of this act, that the aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado River for use in the State of California (including all uses under contracts made under the provisions of this act and all water necessary for the supply of any rights which may now exist) shall not exceed 4,400,000 acre-feet of the waters apportioned to the lower basin States by paragraph (a) of article 3 of the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, such uses always to be subject to the terms of said compact.

The States of Arizona, California, and Nevada are authorized to enter into an agreement which shall provide (1) that of the 7,500,000 acre-feet annually apportioned to the lower basin by paragraph (a) of article 3 of the Colorado River compact, there shall be apportioned to the State of Nevada 300,000 acre-feet and to the State of Arizona 2,800,000 acre-feet for exclusive beneficial consumptive use in perpetuity, and (2) that the State of Arizona may annually use one-half of the excess or surplus waters unapportioned by the Colorado River compact, and (3) that the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State, and (4) that the waters of the Gila River and its tributaries, except return flow after the same enters the Colorado River, shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico but if, as provided in paragraph (c) of article 3 of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters over and above the quantities which are surplus as defined by said compact, then the State of California shall and will mutually agree with the State of Arizona to supply, out of the main stream of the Colorado River, one-half of any deficiency which must be supplied to Mexico by the lower basin, and (5) that the State of California shall and will further mutually agree with the States of Arizona and Nevada that none of said three States shall withhold water and none shall require the delivery of water, which can not reasonably be applied to domestic and agricultural uses, and (6) that all of the provisions of said tri-State agreement shall be subject in all particulars to the provisions of the Colorado River compact, and (7) said agreement to take effect upon the ratification of the Colorado River compact by Arizona, California, and Nevada.

This language, found in the Boulder Canyon project act, has an historic background. It was not adopted by the Senate until after long debate. The terms of the act are, as most Senators know, a compromise.

To give the background of this provision, I want to say to the Senate that a conference was held in the city of Denver in August, 1927, upon the invitation of the governors of the four States of the upper basin—Colorado, New Mexico, Wyoming, and Utah. They were aware of the controversy between Arizona and California with respect to a division of the waters of the Colorado River in the lower basin. They tendered their good

offices, as mediators, or friends, in order that a settlement might be brought about.

Arizona and California appeared there through their duly appointed commissioners. Arizona was asked what she wanted in the way of a division of the waters of the Colorado River in the lower basin. The reply of her commissioners was that Arizona desired to retain all the waters of the tributaries of the Colorado within the State of Arizona and to divide equally with California the waters of the main stream.

Upon inquiry being made of the Californians, their governor replied to the effect that Arizona should have all the waters of the tributaries of the Colorado within that State; that Nevada should have some 300,000 acre-feet of water, being all that that State had asked for, and both Arizona and California were readily willing to concede that amount.

Then the Governor of California submitted figures to show that the present perfected rights to the use of water in Arizona amounted to 233,000 acre-feet, whereas he claimed that California was then using 2,159,000 acre-feet. He suggested that those amounts of water be allotted to each State, and that the remainder of the water in the main stream be divided equally between the two States; that there should also be an equal division of the surplus waters flowing in the main stream.

The governors of the upper basin States took these proposals from the two States under consideration and made a finding which in part sustained the California contention. They said that it would be entirely improper to seek to divide water which had been placed to beneficial use under the doctrine of appropriation and to which title had thereby been acquired. Therefore they made inquiry as to what water was at that time being used in Arizona and in California. The four governors did not accept the California figures, made some changes in the claim of California; but made a finding, first, that Arizona should have all of the waters of her tributaries; that Nevada should have 300,000 acre-feet of water; that the remainder of the 7,500,000 acre-feet apportioned to the lower basin by the Colorado River compact should be divided—3,000,000 to Arizona and 4,200,000 to California.

The extra million acre-feet apportioned to the lower basin by the Colorado River compact were given to Arizona, to be supplied from the tributaries, the surplus water in the main stream to be divided equally between the two States.

That was the finding of the governors of the four upper-basin States at Denver. Arizona was represented at Denver by a commission consisting of four members of the legislature, the governor of the State, and three other gentlemen appointed by him. The majority of that commission accepted the agreement as proposed by the governors of the upper basin States. Arizona went on record at that time as being willing to accept the finding of these neighborly mediators. California refused to accept that division of water. The commissioners from that State stated that 4,200,000 acre-feet of water was not sufficient for her needs, that she must have 4,600,000 acre-feet of water. Therefore there was no agreement at Denver in 1927.

In December, 1928, the Senate took up for final consideration the Boulder Canyon project measure known as the Swing-Johnson bill. These facts which I have recited were presented to the Senate. It will be remembered that the senior Senator from New Mexico [Mr. BRATTON] suggested, inasmuch as there was a difference of only 400,000 acre-feet between Arizona and California, according to the record made at Denver, that the Senate split the difference and allow California 4,400,000 acre-feet of water and reduce Arizona from 3,000,000 to 2,800,000 acre-feet of water. The Senate adopted that suggestion.

The senior Senator from Arizona and myself discussed the Swing-Johnson bill at great length. We finally convinced the Senate that, so far as the principal tributary in Arizona, the Gila River, was concerned, Arizona should have the exclusive beneficial consumptive use of that stream for all time to come. The Senate adopted an amendment to that effect.

We were approached with reference to an agreement to limit debate, and we were asked whether, if the Senate could work out a fair and equitable division of the waters of the lower basin, we would cease our opposition to the bill. We stated that we would; that that was our principal objection to the enactment of the measure. A serious effort was made to work out a settlement along that line.

It was reported to us that the constitutional lawyers in this body said that it was impossible for the Congress of the United States to divide the waters of rivers. In their opinion, that was a function which could only be performed by the States through compact, or by the Supreme Court of the United States in the event of an interstate suit for an equitable apportionment of the waters, and therefore it was impossible for the Senate to insert a provision in the bill which would assure to Arizona her fair share of the waters of the Colorado River. We were advised that the Senate would do the next best thing, would do all that it could do; first, place a limitation upon the State of California with respect to the primary water mentioned in the Colorado River compact; that out of the seven and a half million acre-feet, California should not use more than 4,400,000 acre-feet. Second, that the bill would be so amended as to clearly indicate the kind of a division of the waters the Congress would approve in any compact between Arizona, California, and Nevada. That was done, and that is the provision to which I refer as found in the last paragraph of section 4 (a) of the Boulder Canyon project act.

The Swing-Johnson bill was passed and became a law. Many Californians, particularly those from the Imperial Valley, left here very much disappointed that Congress had suggested any such division of water. They said that the water allotted to California was not sufficient to meet the needs of that State. The California Legislature subsequently accepted the limitation placed by Congress upon the amount of water which California could use out of the seven and a half million acre-feet. There was in existence a commission, consisting of three very able Californians, to represent that State in the negotiations with Arizona and Nevada.

The Arizona Legislature which met in January, 1929, the Swing-Johnson bill having become a law in December, and authorized the appointment of a new commission by the governor of the State, to be confirmed by the State senate. That commission was appointed, consisting of three very able citizens of my State, Mr. John Mason Ross, Mr. Charles B. Ward, and Mr. A. H. Favour. That commission carefully examined the Boulder Canyon project act and endeavored, good lawyers as they are, to determine what was the intent of Congress in the passage of the act. The Arizona commissioners decided that in any negotiations which they might have with the commissioners representing the State of California they would not go outside of the intent and the meaning and the terms of the act. From the very beginning of their service to this day the Arizona commission has followed that course. I might add that these three gentlemen have no private, personal interest whatsoever in the outcome of the Colorado River controversy. They have therefore been in position to represent the State of Arizona fairly, freely, without any personal or individual interest in the outcome.

In March, 1929, a little over three months after the passage of the act, this new Arizona Colorado River commission met with the commissioners from California and Nevada at Santa Fe, N. Mex. Negotiations were opened. Apparently but very little progress could be made. It soon became evident that the California commission would take no action because they hoped that the State of Utah, the sixth State needed to ratify the Colorado River compact, would, through its legislature, agree to a 6-State ratification of that instrument, and thereby avoid the necessity for having Arizona within the compact. That is exactly what happened at Santa Fe. Nothing was done, negotiations were stalled along, until finally Utah ratified the compact, and then the proceedings were quickly brought to an end.

Mr. President, I ask leave to insert in the RECORD a copy of the proposals and counterproposals made by Arizona and California at the Santa Fe conference. I shall not read them in detail, but merely desire to point out that nothing that Arizona offered was satisfactory to California on that occasion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matters referred to are as follows:

PROPOSALS AND COUNTERPROPOSALS OF ARIZONA AND CALIFORNIA AS BASES FOR A LOWER BASIN COMPACT—SUBMITTED TO TRI-STATE CONFERENCE IN NEW MEXICO, MARCH, 1929

PROPOSALS AS TO A BASIS FOR A LOWER BASIN COMPACT—SUBMITTED AT SANTA FE CONFERENCE BY THE COLORADO RIVER COMMISSION OF ARIZONA, MARCH 3, 1929

(Charles B. Ward, John Mason Ross, A. H. Favour, members)

Proposals on water

Conditioned upon (1) a satisfactory arrangement affording Arizona proper revenue from the Boulder Dam project, and

(2) A lower-basin compact, otherwise satisfactory in terms, and binding on all lower basin States.

Arizona offers to divide the consumptive use in perpetuity of the waters of the lower basin as follows, adopting for the purpose hereof certain definitions, viz:

Definitions: (1) Apportioned water shall mean 8,500,000 acre-feet apportioned to the lower basin by paragraphs "a" and "b" of Article III, Colorado River compact, and shall only include water physically present in the main stream.

(2) Surplus water shall mean unapportioned water physically present and available for division in the main stream.

(3) Tributaries shall mean all streams, including the Gila, entering the main stream below Lees Ferry.

Water division (1) all tributaries, excepting waters thereof reaching main stream, shall belong to the States where situated, subject to division of interstate tributaries by compact or compacts between States respectively interested therein.

(2) Apportioned water shall be divided, without preference or priority:

	Acre-feet
To Arizona	3,500,000
To California	4,700,000
To Nevada	300,000

(3) Surplus water shall be divided equally between Arizona and California, without preference or priority.

(4) Tributaries, excepting water thereof reaching main stream, shall be exempt from Mexican burden resting on lower basin, which burden shall be borne and shared equally by Arizona and California from waters of main stream.

(5) All-American canals shall not, directly or indirectly, carry any water to or for the use of any lands in Mexico.

Proposals on revenue

Conditioned upon: (1) A satisfactory division of the waters of the lower basin among the interested States; and

(2) A lower-basin compact, otherwise satisfactory in terms, binding on all lower-basin States—

Arizona offers to adjust her claim for adequate revenue from the project upon the following general basis, the necessary protective and supporting details to be embodied in the final compact:

(1) The project shall be constructed, maintained, and operated by the United States with the purpose not only of repaying Federal advances within 50 years, but also of providing the greatest reasonable return meanwhile to Arizona and Nevada.

(2) Contracts for electrical power shall provide greatest practicable returns consistent with competitive conditions in available markets, with periodic readjustments as provided in the act to effectuate such intent.

(3) Power transmission costs from dam to available market shall be under the control of the Secretary and kept within reasonable limits as a condition to granting power contracts.

(4) Any dam or dams, other than the project, in the lower basin shall be constructed, maintained, and operated with like purpose and under like conditions as herein provided for the project, the benefits accruing from any such dam or dams to be controlled by compact between interested States of the lower basin.

(5) Power from any such other dam or dams shall not be deemed or handled as competitive with power produced by the project in determining charges for power from the project.

(6) Charges for the storage and delivery of domestic water shall be on an acre-foot basis, not less than $2 per acre-foot, subject to periodical readjustment, as above stated, for the purpose of keeping such charges on a basis commensurate with the value of the storage and delivery facilities afforded by the project.

(7) All water taken from the project for use outside of the river basin, except water diverted for Imperial and Coachella Valleys, shall be deemed to be for domestic use.

(8) Ample opportunity shall be afforded by the Secretary to interested States to participate, in an advisory way, and to be heard upon all matters of construction, maintenance, and operation of the project, and in the making of contracts for power and domestic water, to the end that the financial returns from the project to Arizona and Nevada shall be as great as reasonably practicable.

(9) After repayment of Government advances, charges for storage and delivery of water shall cease, and the revenue of the project shall be divided equally between Arizona, Nevada, and the Colorado River Basin fund mentioned in the act.

(10) The period for Arizona and Nevada to make contracts for electrical energy up to 75,000 horsepower shall be enlarged in five years, provided the party contracting shall assume all obligations to the United States therefor and release all parties previously obligated.

(11) The proposed lower-basin compact shall express the sense of the signatory States that the act imposes no interest charge upon the project on account of flood control, and, subject to the consent of Congress, that the project should be relieved of any burden of principal or interest on account of flood control.

(12) The accomplishment of the foregoing intents and purposes shall be effectuated and safeguarded by reasonable interpretations of the act, or necessary changes therein, to be incorporated in the compact and accepted by Congress.

CALIFORNIA'S REPLY TO ARIZONA'S PROPOSALS AS TO A BASIS FOR A LOWER BASIN COMPACT SUBMITTED AT TRI-STATE CONFERENCE BY THE COLORADO RIVER COMMISSION OF CALIFORNIA MARCH 7, 1929

(John L. Bacon, W. B. Mathews, Earl C. Pound, members)

In re proposed compact between Arizona, California, and Nevada on the Colorado River

CALIFORNIA'S REPLY TO PROPOSAL OF ARIZONA

Arizona has submitted a proposal in relation to such proposed tri-State compact covering, among other things, certain major points, to wit:

Division of water.

Revenue and other benefits from water and power.

I. Division of waters

California does not accept Arizona's proposal as to the division of water. As a counter proposal on that point, California offers to enter into a compact with the States of Arizona and Nevada providing for a division of the waters of the Colorado River among said three States upon the basis set forth in the Boulder Canyon project act, such offer being made upon and subject to the following interpretations affecting said act, to wit:

(a) Such proposed division of waters shall be subject to the Colorado River compact.

(b) Of the 7,500,000 acre-feet annually apportioned to the lower basin by paragraph (a) of article 3 of the Colorado River compact, there is hereby apportioned in perpetuity the exclusive, beneficial, consumptive use of 4,400,000 acre-feet to California, 2,800,000 acre-feet to Arizona, and 300,000 acre-feet to Nevada.

(c) The 1,000,000 acre-feet of water covered by paragraph (b) of article 3 of said compact shall be deemed subject to appropriation and beneficial use by any of said three States and the right thereby acquired by such appropriation to be governed by the law of prior appropriation on said stream.

(d) The State of California may annually use on-half of the excess or surplus waters unapportioned by the Colorado River compact, and the State of Arizona the remaining one-half.

"Excess or surplus waters" so unapportioned shall be deemed to be all waters of the Colorado River system not covered by paragraphs (a) and (b) of article 3 of said compact.

(e) The State of Arizona shall have the exclusive, beneficial, consumptive use of the Gila River and its tributaries within the boundaries of said State.

(f) The waters of the Gila River and its tributaries, except return flow after the same enters the Colorado River, shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico, but if, as provided in paragraph (c) of article 3 of the Colorado River compact, it shall be necessary to supply water to the United States of Mexico from waters over and above the quantities which are surplus as defined by said compact, then the State of California will supply out of the main stream of the Colorado River one half of any deficiency which must be supplied to Mexico by the lower basin and Arizona the other half.

(g) None of the signatory States shall withhold water and none shall require the delivery of water which can not reasonably be applied to domestic and agricultural uses.

(h) As to the proposal that the all-American canal be not used for delivery of water for Mexican use, that is not a proper subject of concern in framing the proposed pact and should be omitted therefrom.

II. Revenue and other benefits from water and power

In reply to Arizona's offer to adjust her claim for adequate revenue from the project upon a certain general basis described in such offer, California states that the Boulder Canyon project act makes full, adequate, and reasonable provision for such revenue, and no attempt should be made by interpretation or change of terms to alter said act on that subject. Replying specifically and seriatim to the items contained in Arizona's proposal, California submits the following:

(1) To make "providing the greatest reasonable returns" to Arizona and Nevada during the amortization period a main or primary purpose of the construction, operation, and maintenance of the project would render the legislation of questionable validity, and no doubt would antagonize Congress and cause rejection of the compact.

(2) The policy of requiring contracts for power to "provide greatest practicable return" regardless of other considerations would be calculated to give monopolistic control of the power of the project and of the power from other development on the river. The Secretary should have sufficient discretion to protect the general consuming public.

(3) As to the control by the Secretary of power transmission costs, a slight rewording of the provision would probably render it acceptable. However, the costs of steam stand-by should be included.

(4) Provisions for "any dam or dams, other than the project," would be foreign and practically impossible to formulate in connection with said act. Besides, the meaning or effect of this item is not sufficiently definite or clear.

(5) The same objections are made as in the case of item (4).

(6) As to the proposed minimum charge of $2 on domestic water, any guaranteed minimum or other charge for storage and delivery of domestic water to produce revenue in excess of amount to be provided under section 5 of the act, to wit, for operation, maintenance, depreciation, interest, and amortization, would be contrary to the act, and, besides, would be unjust and unreasonable.

There is no objection to the compact providing that under the terms of the act said charges should be such as in the judgment of the Secretary of the Interior will yield a sum equal to a full, fair, proportional part of the total revenues from all sources which will cover, in respect to the storage and delivery of water, all expenses of operation and maintenance incurred by the United States and the payments to the United States under subdivision (b) of section 4.

However, if the policy of a minimum charge on domestic water is to be established it should not exceed $1 per acre-foot.

(7) As to the proposal to make charges for storage and delivery of water for irrigation use outside the basin on the same basis as water for domestic use, as California is to have her share of the river waters set apart to her for use solely in that State, the question of charges for different uses of such water concerns only that State and the Government in providing storage and delivery service.

(8) Provision for advisors from interested States would be obnoxious to the Secretary of the Interior and probably not be approved by the Congress. The limited extent to which Congress might sanction such a policy is indicated in section 16 of the act.

(9) As to the proposed division of revenue from project after amortization, Congress has plainly indicated in section 5 of the act that it is unwilling to make further declaration on this subject at this time.

(10) As to the proposal that Arizona and Nevada be given a 5-year right or option on a large portion of the power of the project, this would involve an attempt by interstate pact to amend the act and is, therefore, objectionable. Besides, such a provision would seriously interfere with the disposal of the power by the Government under the most advantageous conditions.

(11) As to the proposed elimination of repayment to the Government of the item of $25,000,000 for flood control and expressing the view that the act imposes no interest on that item, these are matters resting solely within the legislative powers of Congress and no attempt to cover them by interstate agreement should be made. The proper method of making the attempt, if made at all, would be by direct amendment of the act.

(12) As to the proposal to effectuate certain intents and purposes of the act by interpretations or changes, this is also outside of the proper scope of the proposed tri-State agreement.

Mr. HAYDEN. The next meeting of the Colorado River commissioners from Arizona, California, and Nevada was in the city of Washington in June, 1929. Shortly after the sessions began the Arizona commission was reliably informed that the California commissioners, at a meeting in Los Angeles with representatives of the Metropolitan Water District, the Imperial Irrigation District, and other interested parties in that State, had agreed before their departure that they would make no compact with Arizona at the Washington conference. When later in the conference that subject was brought up it was freely confessed to be a fact by one of the members of the California commission.

The Californians were not at all anxious to come to Washington to confer with Arizona. They were fearful that the national administration, Mr. Hoover having by that time taken office as President, would put some sort of pressure upon them to induce them to come to an agreement with Arizona with respect to water and power. The Californians were not at all anxious to be at the seat of government, where any such pressure might be applied. It was for that reason that they held the meeting in California and agreed among themselves that no understanding whatever would be concluded with Arizona in Washington.

The Arizona commission was quite hopeful that Mr. Hoover or his Secretary of the Interior would do something to bring about an agreement between the two States. They relied upon statements which were freely and publicly made after a meeting held about a year previously at Grand Canyon, Ariz., where Mr. Hoover, then a candidate for President, met with a number of the leading citizens from various parts of our State. Nothing was given out at Grand Canyon directly quoting what Mr. Hoover said, but all who came away from the meeting reported to the people of Arizona that Mr. Hoover had given positive assurance that he would see that Arizona had a fair deal when it came to a division of water and other benefits from the development of the Boulder Canyon project.

Statements to that effect were published in the newspapers throughout the State of Arizona. Many people relied very strongly upon such assurances, as did the Arizona-Colorado River Commission when it came to Washington in 1929. It is true that at the time of the Washington conference the administration had the Californians, so to speak, in the hollow of its hands. All it was necessary for the administration to say was, "We are convinced that the State of Arizona has advanced some proposals which are fair and which are reasonable, and we will not ask the Congress for any money to commence construction of the Boulder Canyon project until you agree with Arizona with respect to these matters."

But what happened? Neither the President nor any member of his administration did so much as lift a finger to bring about an agreement. The commissioners from the three States, it is true, went to the White House, and the President expressed a pious wish that the Colorado River problem might be solved, but at no time and at no place have I seen any evidence that the administration has done anything to bring about a settlement of the controversy by compelling California to do anything. That is why Arizona is now forced to appeal to Congress. The people of Arizona feel that Congress having clearly indicated in the act authorizing the construction of the Boulder Canyon project how the waters should be divided, Congress should not appropriate money to commence the construction of Boulder Dam until that division of water is made.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Washington?

Mr. HAYDEN. Certainly.

Mr. DILL. I am interested in the suggestion of the Senator that the act indicates how the water should be divided. Did the Senator explain that before I came into the Chamber a few moments ago?

Mr. HAYDEN. I did. I quoted the act, and shall be glad to repeat the substance of what I said for the benefit of the Senator. If the Senator will look at the second paragraph of section 4a of the Boulder Canyon project act, he will find that the States of Arizona, California, and Nevada are authorized to enter into an agreement for a division of water, and the allocations to each State are set forth in detail. The surplus waters, as the Senator will remember, was to be divided equally between the two States, and the Mexican burden to be supplied equally by the two States. That is a provision which was adopted by the Senate after long debate, and represents, among other things, the compromise suggested by the Senator from New Mexico [Mr. BRATTON] which in effect took 200,000 acre-feet in water away from Arizona.

Mr. DILL. I was familiar with that provision, but I thought the law was controlling.

Mr. HAYDEN. No; that could not be done, because everyone among the lawyers in the Senate agreed that it was impossible for Congress to divide the waters of any stream. Such a division can only be made by agreement among the States or by the Supreme Court in the absence of agreement. But Congress did indicate what kind of a water agreement between Arizona and California ought to have been made, and our contention is that in carrying out the law it was incumbent upon the President and his Secretary of the Interior to use every effort to see that such an agreement was brought about before any appropriation of money was sought. The administration having failed to do that, Arizona contends that Congress should not now make the first appropriation until the requirements of the act are substantially carried out.

The negotiations at Washington, as I said, were futile. The Californians came here committed to the idea that they would do nothing. At the close of negotiations it was understood there were to be further meetings. The Arizona commission still insists that there was a gentleman's agreement arrived at before the conference ended that the Californians would not ask for an appropriation of money for Boulder Dam and that the Secretary of the Interior would not make contracts for the sale of power until a further conference between the Oregon and California commissions had been held.

Therefore they were greatly surprised when, within a comparatively short time thereafter, the Secretary of the Interior announced through the public press that he intended to proceed to make contracts for the sale of Boulder Dam power. Upon receiving that information the Arizona Colorado River Commission gave out a statement, early in November, 1929, stating that if such were the case any further negotiations were absolutely useless; that the only recourse the State of Arizona would have would be to the courts. I ask to have included in the RECORD at this point a copy of that statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

STATEMENT BREAKING OFF NEGOTIATIONS, NOVEMBER, 1929

Under the terms of the Swing-Johnson bill Arizona was intended to be a beneficiary of the project to the extent of 18¾ per cent of the "excess revenues." That is to say, revenues received in excess of the amounts required for operation, maintenance, and repayment of the Government advances, but, notwithstanding her direct and important interest in the negotiations now proceeding before the Secretary of the Interior concerning the sale of water and power from the project, the act does not permit Arizona to advise or cooperate with the Secretary in the matter of proposed contracts because she has not ratified the Colorado River compact. Only those States which have ratified the compact are accorded that privilege.

The act authorizes Arizona, California, and Nevada to make a compact concerning power and other benefits to be derived from the project, but specifies that if such compact should not be approved by Congress on or before January 1, 1929, it would be subject to any contracts made by the Secretary of the Interior covering power or water prior to the date of congressional approval of such compact. As the act was approved by the President on December 21, 1928, a period of 10 days and

no more was thus set apart for the formulation and congressional approval of any such compact, if it were certainly to controltheSecretary'scontracts, an impossible period of time to accomplish the purpose stated.

However, the Arizona commission, in February, March, May, and June of this year, held various meetings with the California and Nevada commissions in an endeavor to compact with them concerning power rates and contracts, charges for domestic water, water division, and other related matters, but without any success.

When the Washington conference of the interested States adjourned in June, 1929, it was on the understanding with California that, pending further negotiations between the States, the Secretary of the Interior should be requested, so far as possible, to maintain the existing state of affairs and avoid any definite commitments as to water, power, or other matters in which the States were interested. That was done, as we are advised.

It was then contemplated that Arizona and California would immediately resume their negotiations with the aim of arriving at a compact on all matters at issue without delay. Upon our return to Arizona from the Washington conference we endeavored to resume negotiations with the California commission but found it impossible to arrange an early meeting. Some months passed until, in September, the two commissions met for further conference. Several days were consumed and the meeting adjourned without definite progress. The only thing then discussed was water division, and on that subject we found California's position substantially unchanged. Southern California wants practically all of the available water in the river for irrigation purposes in the Imperial, Coachella, and other interior valleys and for use on the coastal plain, and the California commission seems unable or unwilling to make any modification of those demands. For Arizona to concede those demands would mean that whatever new irrigation developments might be made possible by the project would take place in California and none in Arizona.

Lately representatives of the Secretary of the Interior have been, and now are, pressing for action in the matter of power and water sales under the act. Naturally and properly the Secretary desires to move in those matters as expeditiously as possible to the end that the entire project may be put in such shape that at the coming regular session of Congress proper requests may be made for the necessary appropriations to carry the act into effect.

For some time it has been evident to our commission that California wanted to get the matter of power and water contracts completed with the Secretary before seeking a compact with Arizona, thus narrowing the scope of any such compact and removing power and water revenues as subjects of negotiation.

The Swing-Johnson bill as passed by Congress is highly objectionable to Arizona for many sound reasons. The proposed project is obviously designed for the exclusive benefit of southern California. Under the terms of the bill the Imperial and Coachella Valleys are to receive their water for irrigation and other purposes without paying anything whatever to the project therefor. No such gratuity is extended to Arizona. Whatever water Arizona may use from the project she must pay for. While the bill was being pressed for passage in Congress it became generally understood that California would be expected to pay approximately $1.50 per acre-foot storage and delivery charges for waters diverted to the coastal plain. The Sibert commission, made up of eminent engineers who experted the project at the request of Congress, reported that such charge should be substantially increased. In our negotiations with California, influenced by the Sibert report and supported by engineering advice, we requested a minimum charge of $2 per acre-foot, which would mean an annual revenue to the project from that source of upward of $2,000,000. California's reply asserted that if any minimum charge was to be fixed it could not be more than $1 per acre-foot. It is now proposed by the Secretary of the Interior to impose a charge of only 25 cents per acre-foot on that water.

The suggestion of that nominal charge necessarily runs counter to the apparent intent of Congress that the project, if possible, should be so operated as to produce substantial revenues for Arizona and Nevada. With such nominal charge for that water, any hope that Arizona might actually receive substantial revenues from the project is completely wiped out.

So far as the power possibilities of the project are concerned, the project was intentionally placed at the nearest available point to the California power market and the most remote from the Arizona power market. Power experts from nearly all of the large users of power in Arizona, outside of Mohave County, have closely studied the matter and reached the conclusion that by reason of prohibitive transmission costs and the relatively small demand Boulder Dam power can not, under present conditions at least, be used by any of the large power consumers in Phoenix or the large mining camps of eastern and southern Arizona.

However, Arizona must choose whether to accept the act and ask for benefits thereunder, or reject it. She can not do both. Viewing the act as a whole and considering the rights and interests of the State as a whole, rather than the special interests of any particular section or county, it is plain that Arizona can not accept the act as now written and administered.

In our negotiations with California we have sought by compact to clarify and fix the interpretation of the act, subject to congressional approval, so as to get it in shape which might be acceptable to Arizona, as an alternative to litigation. In its present form and purpose our commission is advised and is firmly of the opinion that the Swing-Johnson bill is unconstitutional, but our commission would have recommended that Arizona forego that objection if the bill could have been put in satisfactory form and its satisfactory administration properly safeguarded.

Our particular purpose was to assure Arizona a proper revenue from the project, through the sale of power at a competitive price and the storage and delivery of water on proper charges therefor. By its terms, the act intended that that should be done, but its provisions are vague and conflicting and we merely sought to have that intent carried into effect. It now appears, however, from the program announced by the Secretary of the Interior, that there will be no substantial "excess revenue" from the project and that Arizona's right to receive 18¾ per cent thereof will be of no value to her.

Thus the southern California cities, and the coastal plain of southern California are to be afforded a vast water storage in Arizona, without cost to them and in connection therewith are to enjoy the great output of electrical power, to be produced by the project, free from Arizona taxation, if possible, at a price too low to provide any substantial revenue for Arizona.

The Imperial, Coachella, and other interior valleys of southern California, which plan to use practically all of the available water in the main stream not transported to the coastal plain, are expressly exempt from any payment for their water. Arizona can not use any water from the project except by contract with the Secretary of the Interior, subject to the terms of the Colorado River compact, which she has refused to ratify.

The United States is to advance upwards of $40,000,000, without interest, to enable Imperial and Coachella Valleys to vastly increase their appropriation and use of the waters of the river. No provision is made for any such aid to Arizona.

When the project is fully paid for, Arizona's right to share in the revenues thereof ceases. Prior to that time, as we have pointed out, that right is without substantial value. Thereafer those revenues, from what are termed lower-basin waters, will go into a fund to be expended by the Government anywhere in the seven States of the river basin for the development of the river. In our proposals, presented at Santa Fe, we sought to have that provision changed so that when the Government advances should have been repaid, Arizona, Nevada, and the fund above mentioned should come into full beneficial ownership of the project, but there now appears to be no prospect of that reasonable and just amendment.

We have reached a point where it is evident that Arizona is to be foreclosed of her right, given by the act, to compact with California and Nevada concerning power and other benefits to be derived from the project. From our experience in negotiating with California for a division of water we are satisfied that further negotiations on that issue would be futile even if that subject were separable from the remaining issues, which it is not.

Therefore our commission feels that we have reached the end of the road so far as negotiations for a tristate compact are concerned. Such a conclusion is deeply disappointing to every member of our commission. Such interstate controversies should be settled by compact, but with that avenue closed Arizona's only recourse is to the courts. It now appears necessary that she adopt that alternative. Thus Arizona will hope to ascertain whether in sovereign right, power, and dignity she stands on a plane of equality with the other States; whether the Federal Government, under a pretense of regulating navigation in the Colorado River, may take charge and control of all of its waters for all purposes and engage in a purely commercial undertaking of selling those waters and the power produced thereby; whether in such a transparent disguise a purely southern California enterprise may masquerade in Arizona as a Federal project and appropriate to itself powers, privileges, and immunities which as a California enterprise it could neither demand nor enjoy; whether Arizona may be subjected to the Colorado River compact by act of Congress and without her consent. Also Arizona will thus hope to secure a reasonable share of the waters of the river, notwithstanding the Colorado River compact, which seeks to reserve in perpetuity to the upper basin an enormous quantity of water which it can never use, and notwithstanding the Swing-Johnson bill, which seeks to federalize the water and power development of the river for the particular benefit of southern California.

Our commission has given notice of our decision as above stated to Hon. W. J. Donovan and to the California and Nevada commissions, and has authorized and directed the attorney general of Arizona to take such legal action as may be proper and necessary.

Mr. HAYDEN. Whether the announcement that the State of Arizona intended to appeal to the courts had any effect or not I do not know, but, in any event, shortly afterwards Col. William J. Donovan, who had been originally appointed by President Coolidge as the Federal representative to be present at the negotiations between the States to care for the interests

of the United States, was requested by the Secretary of the Interior to call another conference. The Arizona commission suggested that the meeting be held in Phoenix. All of the prior negotiations had been conducted outside of Arizona. The meeting was called, but unfortunately, owing to a serious accident which occurred to one member of the Nevada commission, Mr. Malone, it was necessary to hold the meetings in Reno, Nev.

In January of this year the conference began in Reno. Colonel Donovan at that meeting suggested that a different procedure be followed. He said that at the former conferences the delegations met, talked, and apparently accomplished nothing; that he would like to have each side separately say to him just what it wanted, and that he would make a memorandum of the desires of each State and then see how far they were apart. He first called in the California commissioners and asked them for their views of the situation.

The Californians said to Colonel Donovan that they understood that what Arizona wanted was money. They understood that Arizona was primarily concerned in the amount of revenue the State could derive from the development of the hydroelectric power at Boulder Dam. Therefore they asked Colonel Donovan to inquire of the Arizona commission as to how much money it would take to pay Arizona each year in order that California might have all the water she wanted out of the Colorado River. When Colonel Donovan brought that message to the Arizona commission they replied that water is the lifeblood of an arid State in the West, and that they did not come to Reno to obtain blood money. Consequently, to show their earnest desire in that respect, they would not discuss the question of revenues in any manner whatsoever until the water controversy was first disposed of.

Colonel Donovan reported Arizona's position back to the California commission and suggested that they submit a proposal for a division of the water. The proposal was made, the same old proposal that has been presented time after time. It represented a clear departure from the terms of the Boulder Canyon project act and in addition to that an entire misconception and misconstruction of what that act really meant. In effect they asked to have all of the Arizona tributaries added together with the main-stream water and then divide that total so that California would get a larger amount out of the main stream of the Colorado River. Arizona could never agree to any such arrangement. Such a plan was never suggested until after the passage of the Boulder Canyon project act. The Governor of California in Denver conceded to Arizona her tributaries, the governors of the four upper basin States in Denver conceded to Arizona her tributaries, and an offer of that kind could not have been made for any other purpose than to becloud the issue and make sure that Arizona would not accept it.

Colonel Donovan then asked the Arizona commissioners to state what they would do with respect to water. The Arizona commission replied, "We will abide by the Boulder Canyon project act, and where there is any vagueness in that act, where there is any doubt about what that act means, we will go back to the recommendations made at the conference of the four governors in Denver who made the finding upon which the Boulder Canyon project act is based." In other words, there was a complete historic background for everything the State of Arizona asked at Reno with respect to water.

In making this offer they said to Colonel Donovan, "Do you want absolute bedrock or is this a horse-trading offer? Is this something to be cut down later?" He said, "No; I want to know just exactly what the State of Arizona will do." That was the proposition which was submitted to him. Arizona simply said to the Californians, "The discussion with respect to water has gone on far enough. You can either take this proposition or leave it. There will be no further concessions or changes because the Boulder Canyon project act and the findings of the four governors in Denver will not permit of it."

The Californians waited in Reno, as the senior Senator from Nevada [Mr. PITTMAN] will well remember, for more than a week and could not give Arizona an answer either one way or another. At one time we were told that two of their commissioners might accept the proposal. The Arizona commission said, "If that is so and the Governor of California will agree to it and recommend its approval to the California Legislature, we will not ask for the approval of the third commissioner providing that will bring about a complete agreement." But finally nothing was done. The Arizona commissioners then suggested that the meeting be adjourned, and cordially invited the California commissioners to come to Phoenix and see if the problem could be settled there. In Reno there was a very able gentleman representing the Metropolitan Water District of Southern California, one of its directors, Mr. Harry Heffner, who did do everything possible to bring about a water settlement between the two States. I have here in my hand the exact copy of a memorandum which he and the chairman of the Arizona-Colorado River Commission, Mr. Ward, made with respect to an apportionment of the waters. I ask that that memorandum, known as the "yellow slip," may be printed in the CONGRESSIONAL RECORD, together with a tabulation in parallel columns setting forth the proposal made by the Governor of California at Denver in 1927, the findings of the governors of the upper basin States that year, the provisions of the Boulder Canyon project act of December 21, 1928, and Arizona's final proposal with respect to a division of the waters of the lower Colorado River Basin.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

Based on 10,500,000 acre-feet of water of main stream after eliminating Gila and all other tributaries

	A-3	B-3—Next 1,000,000, divide 50-50	Surplus—Next 2,000,000, divide 50-50	Total
California	4,400,000	500,000	1,000,000	5,900,000
Arizona	2,800,000	500,000	1,000,000	4,300,000
Nevada	300,000			300,000
Total				10,500,000

Dividing Mexican burden 800,000 acre-feet between Arizona and California out of main stream

Leaves—	
California	5,500,000
Arizona	3,900,000
Nevada	300,000
Out of main stream—	
Mexico	800,000
Total	10,500,000
Imperial Valley	4,000,000
Blythe, etc	400,000
Metropolitan district	1,100,000
Total	5,500,000
Imperial Valley now	2,600,000
New water	1,400,000
Total	4,000,000

1/26/30. J. M. R.—C. B. W.

(The above is a true copy of the "yellow slip" made at Reno, Nev., by Ward & Heffner.)

Proposal and findings of governors

Governor Young's proposals to Denver conference (August, 1927)	Findings of the upper basin governors (August, 1927)	The Boulder Canyon project act (December, 1928)	Arizona's present position
1. To Arizona her tributaries except such waters reaching the main stream.	Same	1. To Arizona the Gila River except such waters reaching the main stream.	To Arizona her tributaries, including the Gila, except such waters reaching the main stream.
2. To Nevada 300,000 acre-feet of 3a water.	Same	Same	Same.
3. The balance of 3a water; to Arizona 233,800 acre-feet perfected rights; to California 2,159,000 acre-feet perfected rights; balance divided equally between States, or Arizona, 2,637,400; California, 4,562,600.	Arizona, 3,000,000; California, 4,200,000.	Arizona, 2,800,000; California, 4,400,000.	Arizona, 2,800,000; California, 4,400,000.
4. 3b water in main stream divided equally between California and Arizona.	Given to Arizona to be supplied from tributaries.	Not mentioned	Divided equally between California and Arizona.
5. Surplus water in main stream divided equally between California and Arizona.	Same	Same	Same.
6. Mexican burden not mentioned.	Same	One-half burden of lower basin to be borne by Arizona and one-half by California.	Same.
7. Limitation on Arizona's time to use water, 20 years.	No limitation	No limitation	No limitation.

NOTE.—The documents referred to are part of the record of the Denver proceedings, the Boulder Canyon project act, and the minimum Arizona requirements.

Mr. HAYDEN. The only advance made at the Phoenix conference, which was the final meeting of the commissioners, beyond what was done at the other meetings was that the California commissioners at that time did finally concede what their governor had freely granted at Denver away back in 1927, that Arizona should have all of her tributary waters. The meeting broke up with no understanding.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Washington?

Mr. HAYDEN. I yield.

Mr. DILL. Can the Senator state briefly just how far apart California and Arizona are on the question of the division of water? Just what is the difference?

Mr. HAYDEN. The difference is explained very thoroughly in the statements I have asked to have printed in the RECORD.

Mr. DILL. The facts will no doubt appear in the RECORD, but I thought the Senator could briefly state them.

Mr. HAYDEN. Briefly stated, the difference is this: California finally conceded to Arizona all of her tributary waters, but would not agree that the waters of the main stream of the Colorado River should be divided as provided in the Boulder Canyon project act, according to the specific quantities mentioned in that act. California left the division vague and indefinite in that California was to have her present rights to the use of water and Arizona was to have her present rights to the use of water, and the remainder of the water was to be divided equally. The Arizona commission very promptly pointed out that such an arrangement would lead to nothing but a further dispute as to what are the present vested water rights of each State.

Mr. DILL. But how much difference does that make? How many feet of water more would California get under that arrangement than she would get under the provisions of the bill?

Mr. HAYDEN. It is impossible to ascertain that fact from the California proposal.

Mr. DILL. Has the Senator a rough idea?

Mr. HAYDEN. No. The only answer that can be made is the answer made by the Arizona Colorado River Commission at that time. They properly observed in their reply that every time California has been called upon to define what her present rights to water are her commissioners have increased the amount of water claimed, so that to agree with California that she might have her present perfected rights would mean that it would depend upon what California might say her rights are, and that is something nobody knows.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. HAYDEN. I yield.

Mr. PITTMAN. I will interject a statement if I may which may to some extent help the Senator from Washington. If I am in error the Senator from Arizona of course will correct me.

There are 7,500,000 acre-feet of water allocated to the lower basin States and which may be used by Arizona, California, and Nevada. There are 1,000,000 acre-feet which also may be appropriated by the lower basin States. The provision of the seven States compact is a very queer one. In drawing the provision permitting a treaty between Arizona and Nevada and California we treated that 1,000,000 acre-feet, as I recollect, as unappropriated water. Then, we limited California by requiring as a condition precedent to ratification, that California through legislative action should surrender sovereignty over all of the 7,500,000 acre-feet in excess of 4,400,000 acre-feet and should not allow any water in excess of that to be taken out of the river for California. It was probably the intention at the time to include the 1,000,000 acre-feet in the restriction, but it was not done.

As I understand, Arizona would have been perfectly satisfied at one time with the limitation of 4,400,000 acre-feet to California out of the allocated waters and an equal division of the 1,000,000 acre-feet.

Mr. HAYDEN. Exactly so.

Mr. PITTMAN. So that would cut down the difference to 500,000 acre-feet. That is one answer.

Mr. DILL. That is what I am trying to get at. I have been told that there were only a few hundred thousand feet of difference between them. I was trying to find out whether the last conference reduced that margin of difference, whether they had gotten more nearly together than 500,000 acre-feet.

Mr. PITTMAN. What I have said may be one way of getting at the difference, although, perhaps, it is not entirely exact. Arizona, however, was willing to settle on that basis.

Mr. HAYDEN. I can say that Mr. Heffner, not a member of the California commission, it will be understood, but representing the Metropolitan Water District, in his investigations arrived at the conclusion that there was really less than a hundred thousand acre-feet of water difference between the two States. He narrowed it down to that small margin, but Arizona never could get an agreement with the California commissioners and it is perfectly obvious that they did not ever intend to make an agreement. If the dam shall be built at Boulder Canyon and if Congress shall appropriate the money to build the all-American canal, and the cities of southern California do divert the water, as they contemplate doing, out of the Colorado River over on to the coastal plain—if those things shall be done first without an agreement between Arizona and California, California will acquire a prior vested right to the greater and an unfair proportion of the waters of the Colorado River. So it is to the interest of that State not to make any agreement, and that is the reason why no agreement has been made. California would not agree with Arizona if there were only 1,000 acre-feet of difference, because they do not desire an agreement at all. They want the matter left wide open to operate under the law of prior appropriation. That is what they expect to do, in my judgment, and that is the reason why Arizona could not get an agreement with them at any time. That is why, on the other hand, I insist, if Congress refuses to make this appropriation to commence construction at Boulder Dam, it is understood that the reason why it is not made is because they have failed to agree, that California will agree with Arizona within a week.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. HAYDEN. I yield to the Senator from Nevada.

Mr. PITTMAN. As the Senator knows, I was anxious in all the conferences to bring about an agreement that would divide the 1,000,000 acre-feet; but in fact in our negotiations we all neglected to consider the 1,000,000 acre-feet for a long time. However, the thing that impressed me in all the negotiations was that, as I remember, it was unanimously agreed among the hydraulic engineers that with California taking 4,400,000 acre-feet, which she may take under the restrictions of the act, and also taking the entire million acre-feet to which I referred and which may be put to beneficial use, in addition, and Arizona and Nevada taking all the water that they could put to beneficial use, a shortage of water would not occur within 50 years anyway. After that time development might cause Arizona and Nevada to be short of water to which they could claim they were legally entitled. That was the point that impressed me.

Mr. HAYDEN. That matter was argued at great length at the Reno conference. Arizona felt the same argument bore with equal force upon California. There was not an engineer present at Reno, which the senior Senator from Nevada [Mr. PITTMAN] and I both attended, but agreed that upon the set-up as proposed by the State of Arizona there would be no shortage of water in the State of California, if the California commissioner accepted the proposal, for the next 50 years. As was very well said by Colonel Donovan toward the close of the meeting, California now has to balance upon one side her future fears of a shortage of water some 50 years or more from now against the immediate benefit which would come from prompt development, practically all of which is to accrue to that State.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield further to the Senator from Washington?

Mr. HAYDEN. I yield.

Mr. DILL. I am interested in the Senator's statement that he does not think California wants to make an agreement at all. Yet California did make an offer.

Mr. HAYDEN. Yes; but in such vague and indefinite terms and so far away from the Boulder Canyon project act itself that it, of course, could not possibly be accepted by Arizona. In other words, to say to Arizona, "California will divide the water with you provided Arizona concedes to California all her present perfected rights," and fail to define what those present perfected rights are, is no division of water at all. There has never been a time when California would put down upon paper a division of water in acre-feet as contemplated by the Boulder Canyon project act.

Mr. DILL. Does the Senator think that California is prepared to use all of the 4,400,000 acre-feet at once?

Mr. HAYDEN. I do not think there is any doubt about that. The Imperial Valley alone claims it can use over 4,000,000 acre-feet on its great irrigation schemes. That is the point where the controversy arises within the State of California. When it came down to the point where that State was to be limited, where it was not to be wide open, so that every project in the State could get all the water it wanted and get it first and get it with money appropriated out of the Federal Treasury to

bring about the development, then when there had to be a shortage either for the cities on the Pacific coast which want a large part of the water, a shortage that might possibly result in cutting down the area of land under the great all-American canal scheme, to which the people under both projects violently objected. So, the Californians had much trouble among themselves. If the total amount of water was fixed then the next question within the State of California was, Who shall take the cut? Must the reduction be made against Los Angeles and the other municipalities, or must the reduction be made against the irrigated areas in Imperial and Coachella Valleys?

Mr. DILL. Mr. President, I want to say to the Senator that I do not wish to vote for any appropriation that will foreclose Arizona's rights or prevent her securing her rights; but, as I understand the Senator, until the all-American canal is built there is no possibility, I think it is fair to say, of California taking more than 4,400,000 acre-feet for beneficial use.

Mr. HAYDEN. Of course, it will require the construction of great irrigation works to use that much water.

Mr. DILL. I say until that is done there is not any danger of that right applying, even though they went ahead and built the dam.

Mr. HAYDEN. The claim of California is that her right to use practically all of the water in the Colorado River dates back to the time at which the notice of intention to take the water was given, and that such notice had been given years ago. The Californians will assert that this appropriation of money by Congress will keep that right alive.

Mr. DILL. As to the latter statement, these appropriations of money have nothing to do with California's original rights.

Mr. HAYDEN. If the Congress of the United States would appropriate a like sum of money for use on the Arizona side of the river, and the two developments went right along side by side, they might be considered as upon a parity; but what the Californians are asking is not only that this water be impounded at the expense of the Federal Government and saved for them but that the great works necessary to make the appropriation finally valid shall be constructed with funds provided from the Treasury of the United States.

Mr. DILL. I understand that; but until the all-American canal is built California is not going to get any 4,000,000 feet of water. She can not use 4,000,000 feet of water, as I understand, excepting by the all-American canal.

Mr. HAYDEN. That will be the principal use.

Mr. DILL. She can not pump any such amount of water over the mountains.

Mr. HAYDEN. The plan is to pump a little over a million acre-feet over the mountains to the vicinity of Los Angeles.

Mr. DILL. Yes.

Mr. PITTMAN. Mr. President, I think that is a very interesting point. While I have attempted to be neutral between Arizona and California in this matter, I think possibly I have been with Arizona more than with California in this debate.

The question raised by the Senator from Washington [Mr. DILL] is quite pertinent. The present canal supplying Imperial Valley is limited in the amount of water it will carry. In fact, it will carry just enough water now for the irrigation of the present irrigable land in Imperial Valley and the land in Mexico which must be irrigated from the same water.

It is perfectly evident that the amount of water that may be consumed in California from the Colorado River can not be greatly increased without the building of the all-American canal, because the very plan of building an all-American canal takes in a higher canal and laterals, so as to place under cultivation a lot of mesa or bench lands which could not be cultivated from the present canal.

If it appears to Congress that California is acting unjustly with regard to entering into an agreement with Arizona and Nevada, the time to raise that question is when an appropriation is asked that will appropriate the water.

As far as this appropriation goes, it is solely for the purpose of instituting the building of Boulder Dam. The building of Boulder Dam and the creation of a reservoir would not make available any particular amount of water for California without the all-American canal.

Therefore, I say that as this dam serves the purpose of impounding waters that threaten the destruction not only of Imperial Valley but a large part of the estern portion of Arizona, we ought to be glad to have that dam built because the building of the dam itself can not threaten the use of any great quantity of water by California without the building of the canal, which is a separate project, and for which no appropriation has been asked at the present time. Therefore, we have to have some dam there.

As to the appropriation that we are going to make, whether it be for a 585-foot dam or whether it be for a 100-foot dam, and whether it be purely a flood-control dam or whether it be incidentally a power and irrigation dam, the fact remains that a dam is going to be built there. A dam could be built there by the Government without the consent of any State, and it is its duty to build it; and the appropriation now provided for merely provides the preliminaries to the building of some dam.

Mr. HAYDEN. Then I am to understand from the Senator from Washington [Mr. DILL] and the Senator from Nevada [Mr. PITTMAN] that when the first appropriation is submitted to Congress, through the Budget, to commence the construction of the all-American canal, that will be the time to again tell the Senate the story about a proper division of water between Arizona and California; that I am then to make this fight over again?

Mr. PITTMAN. I think the Senator will have a whole lot more support then than he could possibly have now, when it is not material.

Mr. DILL. I want to say to the Senator that I think the argument that California rights would attach would be far more pertinent then, and far more effective then, than it is at this time.

Mr. HAYDEN. Permit me to point out that the Californians do not agree with that theory at all. Their position is that by cooperating with the Federal Government in the expenditure of money for surveys, investigations, and so forth, the actual appropriation of this water when the all-American canal is finally constructed will date back to the very first time that they posted a notice on the river bank; so, if there is any force in that, we should resist in this bill, and in every other bill, the appropriation of one cent of money for that purpose.

As I said, the Californians could not agree among themselves as to how their fair share of the Colorado River water should be divided. I ask to have included in the RECORD an editorial from the Los Angeles Times of February 4, 1930, which very clearly shows the differences between the Imperial irrigation district and the city of Los Angeles and the Metropolitan Water District on this subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

WHERE THE TROUBLE IS

Where the trouble has been in the California delegation to the Colorado River conference of lower-basin States is made plain by the result of the meeting at El Centro, where a demand was framed that Imperial, Coachella, and Palo Verde Valleys be guaranteed 4,400,000 acre-feet of the waters of the Colorado River, or practically the whole of California's share. This demand, dictated by Mark Rose and his political satellites, would be enough to wreck any conference, and if it is persisted in means serious danger, if not destruction, to the whole Colorado River project.

It is highly unlikely that this absurd demand is backed by the genuine sentiment of the majority of the sensible people of the Imperial Valley. Mark Rose, a director of the Imperial irrigation district, is quoted as saying characteristically that he would rather see the construction of Boulder Dam postponed indefinitely than yield an acre-foot of this water to any other portion of the State.

What Rose and his like are likely to see in that event is a good deal more than 4,400,000 acre-feet of water in Imperial Valley remaining there permanently and covering the whole area. This is a practical certainty if the construction of Boulder Dam or some other flood-control work is "postponed indefinitely," since the control of the Colorado by levees has its limits, and these are being approached rapidly.

Los Angeles and her sister cities of the Metropolitan Water District are asking only for a comparatively modest allocation of domestic water. To speak plainly, however, since the great bulk of the money to build Boulder Dam will have to come from Los Angeles if it comes from anywhere, this city is in a better position to issue ultimatums than are Mark Rose and the small part of Imperial Valley which he represents.

The Metropolitan Water District can not come before the people of the coastal plain of Southern California asking for the bond issue necessary to finance an aqueduct, or the city can not ask for public financing of a power plant and transmission line—on which two issues the dam project is contingent—if all the water it can possibly get is the 800,000 acre-feet from a theoretical surplus which would remain after the Imperial Valley's demanded 4,400,000 acre-feet is taken care of. The Metropolitan Water District will eventually require something over 1,000,000 acre-feet annually, and it might well take a chance on getting part of it from surplus. It is obvious that it would not be justified, however, in financing the project unless most of this requirement is guaranteed.

The ridiculous unreasonableness of the stand of Rose and Pound can be seen by a glance at the requirements of the present irrigated area. This amounts to 430,000 acres in Imperial Valley, 15,000 in Coachella Valley and 32,000 in Palo Verde Valley, or 477,000 acres in all. During 1928, the last year for which the district's irrigation

figures are available, there actually was applied to this land 4.05 feet of water per acre, or a total of 1,931,850 acre-feet. Assuming 2,000,000 acre-feet as the present demand, Rose and Pound are asking for a guarantee of 220 per cent of this as an absolute minimum! Irrigation engineers declare that 4.05 acre-feet per year is a high figure and that 3.5 is about what Imperial Valley land should have, allowing for wastage.

When the All-American Canal scheme was first broached in 1919 the very liberal estimate was made that it was possible to irrigate 895,000 acres, under full development of the Imperial, Palo Verde, and Coachella Valleys and including the East Mesa lands, development of which by most people is regarded as chimerical. These 895,000 acres would require at the 1928 rate of consumption 3,624,750 acre-feet of water and leave a surplus of 875,250 acre-feet if the district had 4,400,000 available. Rose and his cohorts, to justify their demand for this amount, now declare it may be possible to irrigate 1,175,000 acres, which undoubtedly is an absurd overstatement. This would require 4,758,750 acre-feet at the 1928 rate.

In their gross exaggeration of their probable future needs—a common error of irrigation districts—the Rose-Pound obstructionists ignore that fact that, in the past few years more than 40,000 Imperial Valley and 12,000 Palo Verde Valley acres have gone back to desert after being cleared, leveled, and put under ditch. This tremendous economic waste—it costs an average of about $60 to put an acre under irrigation—has been due to improper drainage facilities, high cost of cultivation due to district mismanagement and a variety of other factors. At present, therefore, it appears that, so far from having vast areas of arable but arid land whose owners are ready and eager to put it under cultivation, the Imperial irrigation district is not even irrigating all the land which has been prepared for the purpose.

The Rose demand is further absurd because in all water-supply projects domestic use has priority over irrigation use. The California coastal plain, therefore, has two perfectly valid reasons for insisting upon a fair share of water; first, because it will put the water to its highest use, and second, because it will have to pay practically all the bill for the dam.

It is useless to attempt to provide in detail for circumstances more than 50 years in the future, since no one can possibly tell what conditions will be then. What is needed is to settle to-day's problem to-day. The fact is, that in all human probability, there will be plenty of water for everybody for the next 50 years and the quarrel about allocations is about the possible pinching of a shoe some time in the 1980's—in other words, a quarrel about nothing of present interest.

Rose and his followers also pretend to believe that the prime interest of the Los Angeles district is in power, just as they ignore that their own prime interest is in protection from floods. The fact is that Boulder Dam power at 1.65 mills per kilowatt-hour is about 25 per cent higher than the cost of power produced on the seaboard and that Los Angeles would be money in pocket by letting the Boulder power go to other buyers if any can be found.

The primary concern of the seaboard is in getting water for domestic use; the primary concern of Imperial Valley is flood control. To get water, Los Angeles is willing to pay more for power than it is worth and let Imperial Valley get flood control as a by-product, for which, incidentally, Imperial Valley will not only pay nothing, but will be relieved of its present burden of levee maintenance besides.

Los Angeles might possibly get water elsewhere, but Imperial Valley can not get flood control elsewhere. It is Imperial Valley and not the seaboard that will benefit most in the bargain that has been proposed and to which Rose and Pound object.

The Times is aware that its enemies in the valley and elsewhere will endeavor to construe this statement as one unfriendly to Imperial Valley and its irrigation needs. As a matter of fact, every possible interest of the valley, even to its very existence, depends on an attitude which will help make possible quick and united action for river control and conservation. The Times and everyone else wants Imperial Valley and all other parties at interest to get everything to which they are legitimately entitled. The history of years of river conferences has sufficiently shown that when any party to the negotiations tried to hog more than its share a deadlock follows, nothing at all is accomplished, and everybody suffers.

Mr. HAYDEN. I also ask leave to have printed in the RECORD the California proposal at the meeting in Phoenix and the Arizona reply to that proposal.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

CALIFORNIA PROPOSAL MEETING AT PHOENIX

PHOENIX, ARIZ., *February 8, 1930.*

California, anxious to make one more effort to bring about an agreement, makes the following proposal for the division of the waters of the lower Colorado River system:

To Nevada, 300,000 acre-feet of water.

Utah and New Mexico to have all water necessary for use on areas of those States lying within the lower basin.

Arizona to have all waters of the Gila System and her other tributaries, excepting such water as reaches the main stream, also her present uses from the main stream.

California to have water now diverted in California, within the State, for agricultural and domestic use in California.

Balance of water in main stream to be divided one-half to Arizona and one-half to California.

Mexican obligations to be met one-half by Arizona and one-half by California, from main-stream water.

All other points to be left to determination of the Secretary of the Interior, under the act.

CALIFORNIA COLORADO RIVER COMMISSION,
JOHN L. BARNS.
W. B. MATHEWS.
EARL C. POUND.

To Col. W. J. DONOVAN,
Chairman Lower Basin Conference.

ARIZONA'S ANSWER TO THE CALIFORNIA PROPOSAL AT PHOENIX

California's proposal for water division, presented yesterday, considered apart from the reference to revenue and power, in one important respect represents a distinct advance over any authoritative proposal heretofore presented to us by the California commission; namely, it approaches the problem with a suggestion that Arizona have her tributaries and the Gila, and that water division be confined to main-stream waters.

But the proposal is immediately clouded and rendered impossible by California's insistence that any compact dividing the water must not deal specifically with quantities or classes of water; in other words, must not indicate what water is to be received by each of the two States.

The Colorado River compact and the project act deal with specific quantities of water, which was true also of the findings of the upper-basin governors at the Denver conference in 1927. From Arizona's standpoint, it is essential that any compact making a division of water shall deal specifically with classes and quantities of water so that no uncertainty may be left as to the actual meaning and effect of any division agreed upon.

The phrase "California to have water now diverted in California for agricultural and domestic use in California" obviously is open to many interpretations. California's Colorado River Commission suggested that the actual public records of diversions from the Colorado River for the past two years be taken as the proper interpretation. The conference was advised that these diversions were approximately 3,000,000 acre-feet. Upon further discussion they suggested 2,850,000 acre-feet as a figure in interpreting the foregoing phrase. Applying this figure to a flow of the river available for the lower basin States of 7,500,000 acre-feet, the water would be divided as follows:

California, 4,900,000; Arizona, 2,300,000; Nevada, 300,000.

With 8,500,000 acre-feet available, the division would be as follows:

California, 5,400,000; Arizona, 2,800,000; Nevada, 300,000.

With the above minimum flows of the main stream available for division in the lower basin, California would receive, under her proposal, vastly more water than is allocated to them under the Boulder Canyon project act.

At the Denver conference in 1927, California claimed her uses to be 2,159,000 acre-feet. Applying that figure to California's present proposal, the water would be divided as follows:

California, 4,555,000; Arizona, 2,645,000; Nevada, 300,000 for a flow of 7,500,000 acre-feet, and California, 5,055,000; Arizona, 3,145,000; Nevada, 300,000 for a flow of 8,500,000 acre-feet.

In Los Angeles last fall, California claimed her uses to be 2,335,000 acre-feet. Applying that figure to the present water proposal, the division would be as follows:

California, 4,640,000; Arizona, 2,560,000; Nevada, 300,000, and California, 5,140,000; Arizona, 3,060,000; Nevada, 300,000 for flows of 7,500,000 and 8,500,000 acre-feet, respectively.

Coupled with this last water proposal is the provision "all other points to be left to determination of the Secretary of the Interior under the act." This, California states, is not related to water, but covers the revenue provisions and allocation of power. California refuses to separate this from their water proposal. The allocation of power and the revenue features to be discussed between the States should be taken up after the water agreement; the two can not be discussed together. We would not be willing to trade one against the other. Moreover, the revenue provision and the allocation of power involves the interests of States other than California and Arizona, and the water division, it is conceded by all of the basin States, is a matter solely between Arizona and California.

Mr. HAYDEN. The chief advance made at the Phoenix conference was that the California commission at last agreed to what their governor had conceded three years before—that Arizona should have the water of her tributaries. They wound up their proposal, however, by asking that all matters aside

from water be left to decision by the Secretary of the Interior; and upon that particular rock the conference broke up.

At all of these conferences the lower basin States have been favored by having present a very able lawyer, a very distinguished man, as the representative of the Federal Government. I refer to the former Assistant Attorney General of the United States, Col. William J. Donovan. He has attended these conferences and devoted weeks and months of his time to the subject, wholly without compensation. Even his expenses have not been paid. Out of a sincere desire to render a public service Colonel Donovan has attended these meetings, and has done everything that it was humanly possible for any one to do to bring the three States together.

I asked the colonel to appear before the Senate Committee on Appropriations a few days ago, and to state the present status of this controversy. I commend to any one, who desires to know just what the facts are, the statement made at that time by Colonel Donovan, which appears in the printed hearings, now available to the Senate.

Colonel Donovan, as the Federal representative, made a report to the Secretary of the Interior. I have here a copy of that report, and I ask that that be included in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

FEBRUARY 14, 1930.

Hon. RAY LYMAN WILBUR,

The Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: I am inclosing a memorandum of events of the recent conferences held at Reno and at Phoenix. It is devoid of rhetoric or of characterization. It is simply a bare summary of what transpired, although I think you were fully advised of events from day to day.

Sunday, February 9, I wired you as follows:

"The new California water proposal, which really offered basis for settlement, ruined by being conditioned on all other matters being submitted to Secretary of Interior. When all States objected, then California could not agree whether it should be eliminated. She had terrific fight in own ranks last night and this morning looked hopeless. At once called meeting of all States and situation saved. Finally I suggested that further action be deferred until I talked with you. This agreed to. Am on way east, and will call you in Washington Thursday. This conference has resulted in certain definite gains.

"The gains that I mentioned are these:

"(1) That there now exists an entirely different attitude toward the administration and toward the Department of Interior. This is evidenced by the willingness of all the States to come to Washington and sit down during the process of negotiations to discuss with the Interior Department questions that may need interpretation or explanation.

"(2) That it has been clearly developed that the real difficulty lies in the internal differences in California, and that before California can negotiate as a State she must solve those internal differences.

"(3) That on the division of water a very definite advance has been made, in that for the first time there is full recognition by California that the Gila and other tributaries of Arizona must be excluded. Arizona stated that upon this basis there is real hope for a determination of this question.

"(4) That while there will be differences of opinion as to power allocation and certain other features pertaining to charges for domestic water, it is evident that the spirit in approaching those problems could be greatly improved as soon as the water question is settled; that there should not be any restraint on a full discussion of these problems, even though ultimately many of the questions involved should not be embodied in a compact. Arizona has indicated her willingness to deal with the question of power in what she describes as a perfectly reasonable and businesslike method."

The question has been raised about the intervention of Utah and New Mexico. It must be borne in mind that those States for certain purposes are lower basin States. In point of fact from a legal standpoint to avoid any question, once the matter of water is decided upon by Arizona and California and Nevada, it is considered necessary by all parties that sanction must be given to this by Colorado, Utah, and New Mexico, because of the possible effect the Mexican burden might have upon the upper States. This could be done either by approval at the foot of the document or by an actual joining in the compact.

Therefore, while at first glance three weeks' negotiation would seem a waste of time, and although the conference was saved from disruption on several occasions only by a hair, in truth it was agreed by all present that there was a better mutual understanding and a closer drawing together of the States. This, in my opinion, warrants a further attempt at settlement, and I believe that the point has now arrived when that could be best accomplished at Washington.

Respectfully,

WILLIAM J. DONOVAN.

On the opening day of the conference at Reno it was asked by California if Arizona desired to proceed upon the principle of exchange of water for revenue. This suggestion was made because of the belief that Arizona was more concerned with revenue from the project than she was in the division of water. Arizona, however, stated that she considered the vital question to be that of the division of water, and that so far as revenue was concerned she was prepared to take her chances with the other States. Arizona further stated that since the very threshhold of the problem was the division of water and if there could be no agreement upon that there could be no agreement at all, she deemed it essential that the water question be first determined. While California contended that in her view it was important to consider all questions together, she acquiesced in the suggestion of Arizona and the conference proceeded accordingly.

The following proposal was first submitted for discussion. While not a definite proposal it may fairly be said to have expressed the California viewpoint:

1. Water physically present in lower basin system to be divided as follows:

(a) Nevada, 300,000 acre-feet.

(b) Deduct for present irrigated acreage in both States.

(c) Balance of water to be divided equally between Arizona and California.

(d) Mexican demand to be satisfied first from water flowing across international boundary line. Remainder of lower basin obligation to be supplied 50-50 by Arizona and California.

2. Gila and its tributaries to be Arizona's. To be fully protected. To be subject neither to Imperial burden nor to Mexican allocation. However, to be a charge against Arizona on Arizona's share of the water in the lower-basin system.

Arizona at once objected to this suggestion, pointing out that it was based upon the principle of dividing the waters present in the system of the lower basin including a charge upon Arizona of the waters of the Gila and its other tributaries. Arizona asserted that the true principle should be the division of the waters of the main stream; that any other method was vague and indefinite and that unless her tributaries were excluded Arizona could never accept a compact.

Then there was submitted the following proposal:

1. Gila and all Arizona tributaries out, except return flow.

2. From the main stream water following divisions to be made:

3A:	
A. California	4,400,000
B. Arizona	2,800,000
C. Nevada	300,000
3B: 1,000,000	50-50

Fifty-fifty main stream surplus.

Fifty-fifty Mexican burden—main stream.

Any shortage in main stream without preference or priority.

Reduction from Santa Fe and Washington, 200,000.

Arizona urged the adoption of this suggestion. It was pointed out that it followed the theory of compromise indicated in the Swing-Johnson bill that all discussions brought us back to such a compromise, and that its embodiment in the bill was the result of many weeks of discussion by the congressional representatives of the States concerned.

In order to reduce this proposal to figures a table was prepared and submitted to Arizona and California. This table was based on the assumption of engineers that 10,500,000 acre-feet of water would pass through Boulder Canyon Dam per annum. If that assumption were correct, then, it was said that there would be below the dam 9,400,000 acre-feet of water for diversion by all other interests except the Metropolitan Water District, which it was estimated would need 1,100,000 acre-feet at the dam.

The following schedule of diversions for the 10,500,000 acre-feet was suggested:

	3-A	3-B	Surplus	Total
California	4,400,000	500,000	1,000,000	5,900,000
Arizona	2,800,000	500,000	1,000,000	4,300,000
Nevada	300,000			300,000
	7,500,000	1,000,000	2,000,000	10,500,000

Assumed Mexican burden of 800,000 acre-feet divided 50-50 between Arizona and California.

On this set-up, this would leave diversions out of physical water present in the main stream, as follows:

	Acre-feet
California	5,500,000
Arizona	3,900,000
Nevada	300,000
Mexico	800,000
	10,500,000

Objection to this proposal was made by California upon the ground that it would not give California sufficient firm or title water for estimated future needs, and that Arizona was getting a much larger diversion than she could use profitably, consumptively, and beneficially in the next 50 years.

In answer Arizona replied that she, as well as other upstream States, had to protect her people against appropriation by a lower State; that the water unused would be available for California; and that even if used there would be for all time a return flow to the main stream.

All engineers who discussed the problem agreed that for the next 50 years there would be available 10,500,000 acre-feet of water or more, and that the only question would arise at the expiration of that period. It was said that if there is not available for 50 years or more 10,500,000 acre-feet for use in the above diversion, then it is of no use talking about building the dam, because power could not be generated to pay for building the dam and California could not take up the deficiency by a charge for storage of water to the Metropolitan Water District because the added price of storage and the cost of creating additional power at the dam site to pump the water over the hill to the Metropolitan area would make a prohibitive cost per acre-foot for water delivered in the Metropolitan area.

In order to bring these questions to a focus, a joint meeting was held by Arizona and California. At this meeting Senator PITTMAN was present. He stated to the conference that in his opinion unless agreement was reached there would be no appropriation for the dam and that the States concerned will be back where they were before the bill was passed. In this view Senator HAYDEN concurred.

During the course of this conference a telegram was received from Governor Young, which was read to the meeting. In this telegram Governor Young urged that no local interest be emphasized to the point of endangering agreement, but that the matter be considered from a broad, state-wide viewpoint.

A reply was made to this telegram, fully and frankly setting forth the situation. This telegram was submitted to each of the State commissions.

It was then felt necessary in order to avoid a break in the conference to take a recess. Upon the invitation of Arizona the conference was adjourned to Phoenix on Wednesday, February 5, at the request of California, who desired the opportunity of having meet together those of her people particularly interested in the division of water.

The conference was resumed on Thursday, February 6, at Phoenix. California at once submitted the following proposal:

"California, after mature consideration of the proposal submitted by Arizona for division of the waters of the Colorado River, feels constrained to reject the same, on the following grounds:

"(a) Such proposed division allows to California far too little water for its well-established requirements, and at the same time allots to Arizona much more water than is needed or can be put to beneficial use in that State.

"(b) Sound reclamation principles forbid an allocation of water in perpetuity to any State in excess of its requirements. Such excess can be of no benefit to the State to which it is given and is unavailable with title to another State needing it for proper development.

"California, however, is prepared to enter into a compact on the following basis:

"The use of the waters of the Colorado River system in the lower basin for agricultural and domestic purposes shall be divided, 300,000 acre-feet per annum to Nevada, the balance of the water physically present at any time equally between Arizona and California; any water necessary to make up a physical shortage of water to those parts of Utah and New Mexico in the lower basin and the Republic of Mexico to which they or it have actual need or legal right shall be furnished equally by Arizona and California."

To this Arizona formally replied:

"The proposition now made by California means that California would get one-half of the waters of the main stream plus one-half of the waters of the Gila and the other Arizona tributaries. That is to say, in addition to 50 per cent of the main-stream water she would get out of the main stream enough more to represent one-half of the waters of the Gila and of the tributaries.

"Arizona from the first has tried to make it clear that we can not and will not discuss a division of our tributary waters or the water of the Gila. We have insisted and still insist that if any division of water is to be made it must be confined to water actually reaching and flowing in the main stream.

"Arizona has always conceded that any water from the Gila or her other tributaries reaching the main stream become main-stream water and subject to division, and has always based her proposals on that assumption."

Following this there was a discussion which disclosed that Arizona would not recede from her insistence upon the exemption of the Gila and her other tributaries. It developed also in the discussion that unless there was a definite division of water the engineers in the particular State concerned would make their own computations of the water in the stream under the California proposal, with resultant confusion and possible litigation; that in addition there was danger that the people themselves would ultimately feel that such a division was lacking in a frank disclosure of the true situation. It was then asked if the net result of the various proposals and their rejection was to be a deadlock. The reply was made that such was not the case and an endeavor would be had to present a new set-up of the water division.

On the following day, Friday, February 7, the States of Utah and New Mexico, through their representatives, W. W. Ray and Francis C. Wilson, respectively, presented their views and suggested the following allocation of the power to be generated at Boulder Dam.

On the basis of 650,000 firm horsepower—

	Horsepower
To California	200,000
To Arizona	175,000
To Nevada	175,000
To Utah	50,000
To New Mexico	50,000

All at 1.75 mills per kilowatt-hour. The power allocated to be used, sold, or otherwise disposed of by the State or its agency either within or without the State of allocation, each State or its agency to be given not less than 90 days from the date when a State is notified by the Secretary of the Interior to present applications with guarantees satisfactory to him for the fulfillment of any contract which shall be entered into by the Secretary of the Interior with the applicant, and in default of any such application with sufficient guarantees within the time limited, then the Secretary of the Interior shall offer the allocation at a price of not less than the 1.75 mills per kilowatt-hour; and in the event of the sale of such unappropriated allocations the successful applicant shall purchase the power subject to the right of the State or its agent to which the original allocation has been made to recapture the same after 15 years succeeding the date of the completion of the project, upon notice to the contractee of such intention, giving to the latter one year from the date of such notice to surrender the power. As to the contractee for capital investment, the recapturing State shall pay to the contractee such reasonable compensation as may be agreed upon, or in default thereof, then the recapture provisions of the Federal water power act as now in effect shall control.

Mr. Ray, for Utah, and Mr. Wilson, for New Mexico, presented detailed data as regards the economic application of the power within the State of Utah, and in the future when transmission methods are perfected more than at present, within New Mexico, arguing that those States are entitled to their share of the power for the upbuilding of their own industries.

Mr. Wilson went at length into advantages which would accrue to agricultural interests throughout the United States from the use of firm and excess power at Boulder Dam in the production of nitrates for fertilizer at prices considerably below those at which these products are now available anywhere in this country, bringing a reduction in present costs of from one-third to two-thirds, depending on firm horsepower or excess horsepower, of the cost of electricity elsewhere in the United States for the production of fixed nitrogen.

He also went into the possibilities of the electrochemical industry, supporting his statement by detailed figures indicating lower prices than those prevailing in Niagara Falls area to-day. Ray, of Utah, presented forceful argument for the development of Utah resources with cheap power within an area for transmission less than the distance to power centers in California, and made a plea for the development of his State by the use of power from Boulder Dam.

In the afternoon a conference was held between Arizona and California, at which time Arizona presented the following statement:

"Arizona is not at this time making any statement in regard to the allocations of power and the revenue-producing features of the act, for the reason that we deem it necessary for the ultimate success of this conference that water division be disposed of first. We have been much interested in the able addresses made this forenoon by Messrs. Wilson and Ray, and in the main we concur in the substance of these addresses.

"It might, however, be helpful if we again restate Arizona's position with reference to the power allocations and revenue features. We believe that the purpose and intent of the Boulder Canyon project act contemplates a compact between Arizona, Nevada, and California with reference to the benefits to be derived from the project by Arizona and other States.

"We believe also that it is within the contemplation of the act that an agreement between the States shall be binding upon the Secretary, when approved by Congress, and shall control him in the administration of the act. We want at this time to state that when we come to the discussion of these questions in their due order, Arizona's plan of solution will be fair, reasonable, and we hope will appeal to the business judgment of those to be financially interested in the project, to the end that it may be a financial success."

Thereupon it developed that there was some divergence of views between California and Arizona as to the power of the conference to enter into an agreement with regard to the power allocations and revenue features of the act which would be binding upon the Secretary of the Interior and, when approved by Congress, would control him in the administration of the act.

Arizona then declared that she was prepared to continue the negotiations if there were any hope or expectation of an agreement being reached. She stated, however, that in her opinion it was useless to continue negotiations if California felt at this time that she was not in a position to enter into a compact. Arizona said further that if

California would frankly state that she was not prepared to go forward, Arizona was ready to terminate the entire proceedings.

It was then suggested that California should face the situation frankly and determine whether there could be a reconciliation of the divergent views in her State—whether as to power or as to water—and then to appear the following day and state exactly what she purposed doing. California said she would have a meeting of her own delegation and be able to report at a full meeting the next morning.

On Saturday, February 8, at California's suggestion, a conference was held between the States of Arizona and California. At this conference California submitted the following proposal:

"California, anxious to make one more effort to bring about an agreement, makes the following proposal for the division of the waters of the lower Colorado River system:

"To Nevada, 300,000 acre-feet of water.

"Utah and New Mexico to have all water necessary for use on areas of those States lying within the lower basin.

"Arizona to have all waters of the Gila system and her other tributaries, excepting such water as reaches the main stream, also her present uses from the main stream, within the State.

"California to have water now diverted in California for agricultural and domestic use in California.

"Balance of water in main stream to be divided one-half to Arizona and one-half to California.

"Mexican obligations to be met one-half by Arizona and one-half by California from main-stream water.

"All other points to be left to determination of the Secretary of the Interior, under the act."

There was discussion as to its meaning. California said that she had endeavored to avoid figures in the belief that there was sufficient water in the river and that by avoiding figures each State would be able to get sufficient water for its needs. To this Arizona replied that while it was desirable to avoid figures, it would not seem possible to escape their consideration; that in order to see the effect of this proposal upon both States it was necessary to start with the actual use of water from the main stream by the respective States. After considering the problem it was felt that upon that basis she would be getting much less water than the Swing-Johnson bill contemplated or that she would have under the former proposals of California.

There then arose the question as to the concluding sentence of the proposal, which was: "All other points to be left to the determination of the Secretary of the Interior, under the act."

California was asked if she would eliminate that clause so that water would be considered alone. California felt that she could not do so. Arizona then suggested that in view of the fact that it involved considerations other than water she would have to talk with the other States concerned. California withdrew and the other States appeared, and after some consideration by them, California returned and then each State in turn—Nevada, Utah, and New Mexico—stated that they would not accede to such a condition, and Nevada and Arizona stated that they would not sign a compact which did not deal with power as well as with water. Recess was then taken.

On Sunday, February 9, an open meeting was held of all the States. The chairman then announced that it would appear we had all reached the moment when there could be no further discussion; that this being so, he had prepared a chonological summary of events; that this was bare of rhetoric and of characterization; that it did not undertake to blame anyone for failure, that perhaps failure lay in the inherent nature of the problem; that in the event one State had its internal problems it was not so much a matter of criticism as of sympathy; that all States had experienced such difficulties and could understand their existence; that this was a serious moment for the destiny of the Boulder Dam project act and for the entire Southwest; that it might be that it was insoluble; that, of course, it was absurd to say that it should have been disposed of quickly.

After so many years of controversy it was impossible to drain out the poison of disagreement, distrust, and suspicion in a few months. But that it was hoped that time and patience were fighting on the side of common sense and of common interest and that they indicated a speedy determination; that, however, if both time and patience had been exhausted it was better to stop now while the relationship among the commissioners was friendly and pleasant. The chairman then asked California if she had any statement to make, to which she replied she had not, and then he asked for her reply to questions from other members of the conference as to whether she intended making any statement to the press. California replied that she had not decided, but if she did so she would, of course, give copies to the other members of the conference.

Thereupon the chairman asked Arizona if she had any statement to make. She replied by submitting the following, which I read to the conference:

"California's proposal for water division, presented yesterday, considered apart from the reference to revenue and power, in one important respect represents a distinct advance over any authoritative proposal heretofore presented to us by the California commission, namely, it approaches the problem with a suggestion that Arizona have her tributaries and the Gila, and that water division be confined to main-stream waters.

"But the proposal is immediately clouded and rendered impossible by California's insistence that any compact dividing the water must not deal specifically with quantities or classes of water; in other words, must not indicate what water is to be received by each of the two States.

"The Colorado River compact and the project act deal with specific quantities of water, which was true also of the findings of the upper basin governors at the Denver conference in 1927. From Arizona's standpoint, it is essential that any compact making a division of water shall deal specifically with classes and quantities of water so that no uncertainty may be left as to the actual meaning and effect of any division agreed upon.

"The phrase 'California to have water now diverted in California for agricultural and domestic use in California' obviously is open to many interpretations. California's Colorado River Commission suggested that the actual public records of diversions from the Colorado River for the past two years be taken as the proper interpretation. The conference was advised that these diversions were approximately 3,000,000 acre-feet. Upon further discussion they suggested 2,850,000 acre-feet as a figure in interpreting the foregoing phrase. Applying this figure to a flow of the river available for the lower basin States of 7,500,000 acre-feet, the water would be divided as follows:

"California, 4,900,000; Arizona, 2,300,000; Nevada, 300,000.

"With 8,500,000 acre-feet available, the division would be as follows:

"California, 5,400,000; Arizona, 2,800,000; Nevada, 300,000.

"With the above minimum flows of the main stream available for division in the lower basin, California would receive under her proposal vastly more water than is allocated to them under the Boulder Canyon project act.

"At the Denver conference in 1927 California claimed her uses to be 2,159,000 acre-feet. Applying that figure to California's present proposal, the water would be divided as follows:

"California, 4,555,000; Arizona, 2,645,000; Nevada, 300,000, for a flow of 7,500,000 acre-feet; and California, 5,055,000; Arizona, 3,145,000; Nevada, 300,000, for a flow of 8,500,000 acre-feet.

"In Los Angeles last fall California claimed her uses to be 2,335,000 acre-feet. Applying that figure to the present water proposal, the division would be as follows:

"California, 4,640,000; Arizona, 2,560,000; Nevada, 300,000; and California, 5,140,000; Arizona, 3,060,000; Nevada, 300,000 for flows of 7,500,000 and 8,500,000 acre-feet, respectively.

"Coupled with this last water proposal is the provision 'all other points to be left to determination of the Secretary of the Interior under the act.' This, California states, is not related to water, but covers the revenue provisions and allocation of power. California refuses to separate this from their water proposal. The allocation of power and the revenue features to be discussed between the States should be taken up after the water agreement; the two can not be discussed together. We would not be willing to trade one against the other. Moreover, the revenue provision and the allocation of power involves the interests of States other than California and Arizona, and the water division, it is conceded by all of the basin States, is a matter solely between Arizona and California."

At the conclusion of its reading Commissioner Ward, of Arizona, stated that he desired to supplement that by an oral statement. In effect this was a return to the so-called "yellow sheet," which was identified as the result of a conference between Mr. Heffner (an interested but unofficial member of the California delegation), and Mr. Ward, of Arizona, and which it was understood was acceptable to both California and Arizona, which so-called "yellow sheet" was an extension in figures of the principle set forth in a proposal made at Reno, in which there had been a division of the waters in the main stream on the basis of 4,400,000 acre-feet to California, and 2,800,000 acre-feet to Arizona.

Nevada made a statement through Mr. Thomas Cole, in the following language:

"Without commenting one way or the other upon the merits of the compromise proposals exchanged between Arizona and California, we are of course regretful at the inability thus far of these two States to develop the attitude of flexibility so necessary to settle their differences over the division of water and thereby to make it possible for Arizona to feel that she may with safety enter the Colorado River compact which all of the seven States save her alone have now signed.

"We regret the failure of the Imperial Valley and adjacent territory on the one hand and the Metropolitan Water District and the city of Los Angeles on the other to agree on how to divide the water between themselves. That in the end California will succeed in reconciling her internal differences scarcely admits of doubt. She has too much at stake to do otherwise—silt and flood control, the all-American canal on money advanced by the Government and reimbursable without interest, water for the extension of irrigated areas and for the cities of her costal plain, and power for pumping and other purposes. Indeed, it would be incredible, the period for reflection and internal adjustment past, that regional rivalries could be permitted to so dominate the com-

mon interest as to render the State itself impotent in the advancement of its welfare.

"The continued failure on the part of Arizona and California to agree may delay construction of the project, either through opposition to appropriations by Congress, or through litigation, or both. We refuse to believe that California, the original sponsor and chief direct beneficiary under the Boulder Canyon project act, because of dissensions within, will cause either frustration or delay. We believe that at a resumption of the sessions of the conference both States will be in a position to carry the present negotiations to a satisfactory conclusion."

In this statement Mr. W. W. Ray, for Utah, Mr. Francis C. Wilson, for New Mexico, concurred. The chairman then asked the wishes of the meeting. There was no willingness indicated by anyone to definitely break up the conference. The meeting was then recessed for 10 minutes and the chairman held conferences with the individual States, and as a result when the meeting resumed the following suggestion was made by Mr. Cole: That the meeting should recess subject to the call of the chairman; that the chairman should get in touch with the Secretary of the Interior with a view of determining a course of action. In this view all present concurred and the meeting recessed with that understanding.

Mr. HAYDEN. Any reasonable person who will read the report made by Colonel Donovan, as Federal representative, can not fail to come to the conclusion that the State of Arizona has in fairness and in all good faith, endeavored in every possible way to come to a satisfactory solution of the controversy with the State of California, and has at no time sought to depart from the intent and purpose of the Boulder Canyon project act. It is for that reason, Mr. President, that I have offered this amendment. I offer it in a sincere desire to see the Congress insist that California shall carry out the intent of the act of Congress known as the Boulder Canyon project act, which was in respect to a division of water drafted upon the floor of the Senate according to an agreement which finally resulted in the passage of that act.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arizona [Mr. HAYDEN].

Mr. HAYDEN. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	La Follette	Shipstead
Ashurst	George	McCulloch	Shortridge
Barkley	Gillett	McKellar	Steck
Bingham	Glass	McMaster	Steiwer
Black	Glenn	McNary	Stephens
Blaine	Goldsborough	Metcalf	Sullivan
Borah	Hale	Moses	Swanson
Brock	Harris	Norris	Thomas, Idaho
Broussard	Harrison	Oddie	Thomas, Okla.
Capper	Hastings	Overman	Trammell
Caraway	Hatfield	Patterson	Tydings
Connally	Hayden	Phipps	Vandenberg
Copeland	Hebert	Pittman	Wagner
Couzens	Howell	Ransdell	Walsh, Mass.
Cutting	Johnson	Reed	Walsh, Mont.
Dale	Jones	Robinson, Ind.	Watson
Deneen	Kean	Robsion, Ky.	
Dill	Kendrick	Sheppard	

The VICE PRESIDENT. Seventy Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment, which the Secretary will state.

The LEGISLATIVE CLERK. On page 44 to strike out the section beginning in line 18 and ending on line 14, page 45, and on page 45, line 15, after the words "secondary projects," insert "for cooperative and general investigations $1,000,000: *Provided*, That."

Mr. HAYDEN. Mr. President, it has been suggested to me during the progress of the roll call that in order to preserve the continuity of my remarks I should continue to discuss the subject until I have completed my statement. After that we may have a vote upon the pending and another amendment, which I shall offer later.

The VICE PRESIDENT. The Senator from Arizona is recognized.

Mr. HAYDEN. Mr. President, as I stated to the Senate, the situation as it exists to-day is just as California desired it to be—that is, there has been no agreement with respect to a division of the water of the lower Colorado River Basin as contemplated by the Boulder Canyon project act.

That act also contemplated an agreement among these States with respect to power. Such a compact is authorized in section 8 (b) of the act, which I shall not read in full but merely point out that it provides for an agreement among the lower-basin States for an equitable division of the benefits, including power.

I ask that the entire subsection be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

SEC. 8. (b) Also the United States, in constructing, managing, and operating the dam, reservoir, canals, and other works herein authorized, including the appropriation, delivery, and use of water for the generation of power, irrigation, or other uses, and all users of water thus delivered and all users and appropriators of waters stored by said reservoir and/or carried by said canal, including all permittees and licensees of the United States or any of its agencies, shall observe and be subject to and controlled, anything to the contrary herein notwithstanding, by the terms of such compact, if any, between the States of Arizona, California, and Nevada, or any two thereof, for the equitable division of the benefits, including power, arising from the use of water accruing to said States, subsidiary to and consistent with said Colorado River compact, which may be negotiated and approved by said States and to which Congress shall give its consent and approval on or before January 1, 1929; and the terms of any such compact concluded between said States and approved and consented to by Congress after said date: *Provided*, That in the latter case such compact shall be subject to all contracts, if any, made by the Secretary of the Interior under section 5 hereof prior to the date of such approval and consent by Congress.

Mr. HAYDEN. Mr. President, it is reasonable to suppose that the States of Arizona and Nevada should seek to take advantage of this provision of the law. The power site at Boulder Dam is not in California; it is located in Arizona and in Nevada. It is a natural resource of the two States, just as much as oil or gas are a natural resource of California when found within that State.

In any negotiations with respect to power—and I must be frank with the Senate and say that there has been practically nothing accomplished on that point—the Arizona Colorado River Commission has accepted the conditions of the Boulder Canyon project act. It has never sought at any time to go outside of the terms or intent of the act. That commission has never sought to burden the project by any unreasonable charges. It has never made any demand for excessive revenue.

Arizona has always agreed that the United States should be fully reimbursed during each and every year in which repayments are to be made—first, for the annual amortization payments on the construction charge; second, for interest on the money invested in the project; third, for all operation and maintenance charges, and has agreed to reasonable payments into a reserve fund to meet emergencies. All legitimate and proper amounts annually due the United States should and must be first paid; but the State of Arizona, as provided in the act, in common with the State of Nevada, is entitled to an income from the excess earnings of the project. Arizona has asked that the power be sold at a competitive price so as to give to Arizona and Nevada the revenue which the act provides.

If any Senator will examine the statements I have inserted in the RECORD, he will find that the Arizona Colorado River Commission has sought to assure the operation of the Boulder Canyon project on the basis of reasonable charges for power. Arizona fully realizes that in recent years steam competition has reduced the opportunity for profit from the sale of the hydroelectric power to be produced at Boulder Dam. They have no exalted nor unreasonable ideas as to what the profits out of this development might be. They only ask that it be operated upon a businesslike basis, to produce for Arizona and Nevada the excess revenue as provided in the act, of which they are entitled to 37½ per cent.

In every instance when the commissioners representing the State of Arizona have sought to come to some fair understanding with California with respect to revenue or with respect to power, they have been met with the answer from the California Colorado River Commission, "Leave that to the Secretary of the Interior. Leave it to him. It is not a matter which we can discuss." They are willing to accept every other provision of the Boulder Canyon project act beneficial to them, but they utterly ignore the clear intent of the act that there should be some compact or agreement among the States with respect to power and other benefits.

It is perfectly obvious why California is willing to leave the entire subject of power to the Secretary of the Interior. He is a California Secretary of the Interior, appointed by a California President, supported by a California commissioner of reclamation. They know of what clay he is. California packed the mud to make him Secretary of the Interior, and, of course, they are willing to leave it all to him.

The California game with respect to any agreement about power has always been delay, delay, delay. California has always hoped and believed that during the delay the Secretary would finally make power contracts, and, when they were once

made, then they could say to Arizona, "There is nothing left to discuss with reference to that subject."

That is exactly what has happened because of the California refusal to negotiate with respect to power. The Secretary of the Interior has finally made a series of contracts, which are now the basis for this appropriation.

What kind of contracts are they? They have been very carefully analyzed and criticized in another body. A committee of the House of Representatives has found it necessary to see that they were amended before any appropriation could be made.

Let us not forget, Mr. President, that during all the discussion of the Boulder Canyon project act before the Senate those who advocated the adoption of that legislation held out to the country that Boulder Dam was to be a great demonstration of public ownership; that it was to be a Government dam, a Government power plant; that there were to be municipal transmission lines and the municipalities were to obtain the power and sell it to consumers direct. There was no private interest anywhere in the scheme as presented to Congress.

But what do we find in the contracts? They were examined very carefully by an eminent engineer, Mr. C. C. Cragin. Mr. Cragin is the general manager of the Salt River Water Users' Association in Arizona. He is the head of an organization of some 10,000 farmers on a United States reclamation project and is paid a salary of $20,000 a year, which is an indication of the kind of service he can render. He has supervised the expenditure of over $25,000,000 in the past 10 years in the construction of dams and hydroelectric power plants on Salt River in Arizona. He has made many power contracts and is thoroughly familiar with the details of such agreements. A statement from him appears in the hearings before the House of Representatives. I wish to read very briefly from it:

This contract purports to divide the firm energy generated at Boulder Canyon Dam between:

	Per cent
1. The States of Arizona and Nevada	36
2. The city of Los Angeles	13
3. Certain municipalities of southern California	6
4. The Metropolitan Water District of Southern California	36
5. The power companies of southern California	9

Due to certain practical considerations, resulting from conditions existing and to be expected, in reality this contract gives the southern California power companies an option on—

(A) A minimum of 27 per cent of the firm energy; (B) a maximum of 81 per cent of the firm energy; and (C) a probable option of 50–70 per cent of the firm energy.

And these power companies will be in a position to stifle competition in Arizona and Nevada, at least in so far as Boulder Dam power is concerned, and will have a material advantage as against any real competition in southern California, unless the city of Los Angeles has already protected itself by a separate contract or so protects itself in the future by agreement with the said power company in return for some additional benefit to the company.

Mr. Cragin then proceeds to show that a large part of the secondary energy generated under the project will go to the private power companies in addition to the firm energy.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Washington?

Mr. HAYDEN. Certainly.

Mr. DILL. The Senator is touching upon a point which I think extremely important, namely, that if the States, as I understand it, fail to take their allotted part of the power, the price at which the power companies will then be able to buy it will be lower than it would be if the States had taken it.

Mr. HAYDEN. No. I was under that impression myself at one time, but after reading over carefully what Mr. Cragin said I arrived at a different conclusion. The power companies in Southern California are allotted 9 per cent of the power produced at Boulder Dam and if the States do not take their allotment of power, 36 per cent—being 18 per cent to Arizona and 18 per cent to Nevada—then the power allotted to the States shall go to the private power companies and to the city of Los Angeles, but at the price for firm power. That part of the contract is perfectly clear. But once the power company has paid for its 9 per cent and the 18 per cent which comes from the States, or 27 per cent of the power, it is then eligible to purchase secondary power.

Mr. DILL. In addition to the 27 per cent?

Mr. HAYDEN. In addition to the 27 per cent, and so long as it pays for its 27 per cent of the power it can purchase other power, either firm or secondary, but is eligible to purchase secondary power only if it has purchased 27 per cent of firm power.

Mr. DILL. I had been told that the power became secondary power if it were not used by the States.

Mr. HAYDEN. It is not a question of whether or not it is used by the States. I think that what the Senator has heard about is another matter. There is also allocated 36 per cent of firm power to the municipal water district. They have a perpetual right under the contract to purchase from the United States 36 per cent of the firm power produced at Boulder Dam, but if they do not exercise that right it is the opinion of Mr. Cragin that the power allocated to the district then becomes available as secondary power. That is the 36 per cent of power which has been originally contracted for by municipal water district, but if not taken by the district becomes secondary power, which will permit the power companies to have very cheap power.

Mr. DILL. There seems to be a dispute, some claiming that it does not become secondary power except in cases where the power has been taken by the State or the municipality and then turned back to the Government, and that such power would then become secondary power because it might again be taken out by the original users. Am I to understand from the Senator that that becomes secondary power even though it was never really taken and used by the district contracting for it?

Mr. HAYDEN. Yes. The fact that it was contracted for by the district and not used by the district leaves it in the situation that it can be sold elsewhere. If the Secretary could find a market for it, he could sell that power to somebody else as primary power. But the only groups who we can logically expect to buy it are the city of Los Angeles and the private power companies. There are two provisions in the contract which authorize them to purchase the additional amount of power over their allotment at the secondary rate. In article 15, on page 19 of the power contract in the form as I have it here, I find this language:

The right of the district and/or lessee to take and pay for energy at the rate for secondary energy after discharge of such party's obligation to the United States to pay for energy at the rate for firm energy shall not be impaired by reason of the fact that another allottee has not discharged its obligation to pay for energy at the rate for firm energy.

There is in article 18, on page 23 of the mimeographed contract form as I have it, another provision which reads:

All energy used during the month in excess of one-twelfth of the minimum annual obligation shall be paid for at the rate for secondary energy in effect when such energy was taken.

In other words, if the city or the private power company completely fulfill their obligations to the United States for the purchase of primary energy, then the excess amount that they may buy above that may be taken as secondary energy.

Mr. DILL. There is a difference in the viewpoint of the Senator from Arizona and the Senator from Nevada on that point, is there not?

Mr. HAYDEN. I think the junior Senator from Nevada [Mr. ODDIE] is quite well convinced that the provisions of this contract relating to secondary power seriously menaces any probable income that may be realized by the States of Arizona and Colorado out of their share of excess revenues.

Mr. DILL. But the senior Senator from Nevada [Mr. PITTMAN] takes the other view, as I recall.

Mr. HAYDEN. I have not argued the matter out with that Senator. I am not conversant with his views on that point.

Mr. President, I ask leave to insert in the RECORD at this point a copy of the analysis of the secondary power made by Mr. Cragin and also a brief which is somewhat more intelligible to a layman, prepared by Mr. Charles B. Ward, chairman of the Arizona-Colorado River Commission.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The analysis of secondary power by Mr. Craigin is as follows:)

To the Congressional Representatives of the State of Arizona:

The following memoranda outline certain effects of the contract entered into April 26, 1930, between the United States and the Southern California Edison Co. and the city of Los Angeles. These memoranda indicate the uncertain revenues from this contract although they dwell more on those aspects of the contract which have to do with future competition for the southern California power market and the discrimination resulting from the provisions of said contract. The facts that show the contract to be only an option which binds the Government but not the lessees were covered in the hearing before the House subcommittee on appropriations May 19 and 20, 1930.

This contract purports to divide the firm energy generated at Boulder Canyon Dam between—

	Per cent
1. The States of Arizona and Nevada	36
2. The city of Los Angeles	13
3. Certain municipalities of southern California	6
4. The Metropolitan Water District of Southern California	36
5. The power companies of southern California	9

Due to certain practical considerations, resulting from conditions existing and to be expected, in reality this contract gives the southern California power companies an option on:

A. A minimum of 27 per cent of the firm energy.

B. A maximum of 81 per cent of the firm energy.

C. A probable option of 50 to 70 per cent of the firm energy.

And, these power companies will be in a position to stifle competition in Arizona and Nevada at least in so far as Boulder Dam power is concerned and will have a material advantage as against any real competition in southern California, unless the city of Los Angeles has already protected itself by a separate contract or so protects itself in the future by agreement with the said power company in return for some additional benefit to the company.

Furthermore, it will be shown that under the terms of this contract and on account of the large capacity in steam and coast hydroelectric plants, that the city and company will pay an average cost for all power far below 1.63 mills. In fact, in wet years when the district will obviously pump small quantities of water to the coast the average cost of all power from Boulder Dam to the company will be less than 1 mill, eliminating competition in the use of Boulder power in Arizona and Nevada.

In support of the above the following is offered:

A. Minimum option is 27 per cent.

(1) Nine per cent is allocated to the power companies. (See F, art. 14.)

(2) Eighteen per cent, or one-half the amount allocated to Arizona and Nevada, from a practical standpoint can not be used by these States because the companies can undersell them with Boulder Dam power on account of the companies receiving secondary power at one-half mill while the States will not be able to get this advantage.

(a) The States, from a practical operating standpoint, can not sell power on the assumption they can ever get any secondary power because it is subject to first call by the companies and the city, and their relatively large market will absorb it all when it is sold at such a low figure as one-half mill even if the United States desires to give the States a share of this secondary power.

(1) Page 17 under the heading "Of secondary energy," the district is allocated all secondary energy and "the city and the company shall each have the right to purchase one-half of all secondary energy not used by the district" and the company has the right to secondary energy not used by the city. The United States may dispose of it only if it is not taken by the company or the city. With fixed charges, unaffected by whether this secondary energy is taken or not, at one-half mill this can be delivered at Pacific coast points cheaper than fuel costs at present low rates for fuel. Thus with only a normal installation of generating capacity at Boulder Dam enough of this secondary could be taken to prevent the disposition of any practical amount by the United States. By "over installation" (explained later) of generating machinery at Boulder Dam none would be available for Arizona and Nevada.

(i) Page 11, last of article 12 provides for generation of secondary energy "not taken by the district or the lessees" (the company)—"Such secondary energy will be disposed of by the United States, subject only to the prior right thereto of the district or the lessees" (the company and the city).

This prior call on the secondary energy at one-half mill puts the company in a position to be able to undersell any agency which does not have this call. This is particularly true when the following is considered:

(1) In consideration of the condition that the company will pay for one-half energy not taken by States 18 per cent (i of art. 14); the company will pay for energy allocated to Southern Sierras Power Co., the San Diego Consolidated Gas & Electric Co., and the Los Angeles Gas & Electric Corporation.

(a) The amount of this allocation can not be considered, as it lies entirely between them and the company (under F of art. 14). Why should they contract firmly for this power with the United States when the company must guarantee the payment as a condition of having its allocation preserved? (iii of art. 14.) All of these companies' interests would be better preserved if the three companies above made a separate contract for energy with the lessee (the other power company).

Under the terms of this contract, in order to hold their allocation of 9 and 13 per cent, the company and city would only have to pay for the 36 per cent allocation of the States of Arizona and Nevada and 6 per cent allocated to the municipalities, or 42 per cent. On account of the size of the companies' and city's markets, they would arrive at this point long before the States could absorb 36 per cent of the firm energy and even be eligible to the secondary energy rate.

The United States can not dispose of the 36 per cent of firm energy allocated to the district if the district constructs its aqueduct and requires power for pumping water. There is a perpetual right to this allocation if they need it at any time in the future. If not used by the district on account of wet years on the coast or because of the use of off-peak power (i of art. 10) "after generating energy for the district to the full extent of the generating capacity which has been installed at the request of the district," it still remains as an allocation of the firm energy when needed by the district. In the meantime, it is available to the companies as secondary energy.

Upon completion, or shortly thereafter, there will be installed capacity, in steam and Pacific coast hydroelectric plants of the companies and city, in excess of the normal capacity at Boulder Dam. These plants, with the investment already made, can produce energy at a cheaper increment cost (increment cost is the cost per kilowatt-hour of producing additional kilowatt-hours in a plant already producing a portion of its capacity or available for the production of energy) than the Boulder Dam power at 1.63 mills can be delivered to Pacific coast points. It would, therefore, be business and economic folly to let any portion of these plants stay idle and purchase Boulder Dam energy beyond the minimum permitted under the contract except as follows:

(a) Emergency stand-by.

(b) Purchase of amount beyond minimum in order to receive secondary rate of one-half mill to the extent and in such years as to result in the lowest average cost of power from all sources.

To illustrate: When the companies' and city's load reaches 1,500,000 kilowatts, with a load factor of 62 per cent (approximately as at present), they will require eight and two-tenths billion kilowatt-hours per year. The companies and city are required to take 42 per cent of the firm plus 90,000,000 kilowatt-hours to preserve their allocation. They do not have to take their allocation. The only prohibition or penalty for not taking their allocation is that they may not receive power at the secondary energy rate of one-half mill until they have paid for as firm energy their allocation of 13 and 9 per cent, respectively, in addition to the above 42 per cent plus 90,000,000 kilowatt-hours in any one year (art. 18), coupled with the definition of firm energy in article 15 which defines it as a certain number of kilowatt-hours in a particular year, June to May, inclusive.

Then in a succeeding year under these two articles (18 and 15) whenever they have used 42 per cent of the firm plus 90,000,000 kilowatt-hours and also their 13 and 9 per cent of the firm, then they may receive all additional energy in that year at one-half mill. Obviously a bonus made exclusive to them for use of large quantities of energy in any one year. Then they could operate as follows:

(June 1 to May 1, inclusive.)

Purchase 42 per cent of average firm energy plus 90,000,000 kilowatt-hours equals 1,780,000,000 kilowatt-hours.

1,780,000,000, at 1.63	$2,900,000
Next year purchase:	
2,660,000,000, at 1.63 (being 64 per cent of firm, permitting balance at one-half mill for secondary)	4,336,000
Balance 3,500,000,000, at one-half mill	1,750,000
Total 7,940,000,000 kilowatt-hours	8,986,000

This is an average rate for the two years of 1.13 mills.

This is with the respective loads of the company and city well developed, but is a condition already in sight, so far as installed capacity of equipment is concerned.

If the estimates of the Siebert commission are correct (i. e., firm power not to be taken at over 60 per cent of 3,600,000,000 kilowatt-hours). Under that commission's recommendation the additional height of dam would be used to its maximum limit for additional flood control, and would if so used add less than 1 per cent to the firm power. The revenues would be reduced proportionately, but under the contract the firm power would also be reduced proportionately, or the average rate would still obtain, unless reduced by an increased proportion of secondary power. Under the contract the proportions of secondary energy could not be decreased. (Art. 21, relative to reduction amount of water delivered by United States.

Another aspect:

Testimony introduced before the House Subcommittee on Appropriations on May 19 and 20, 1930, by the Interior Department stated that it was estimated that there would be an average of 1,331,000,000 kilowatt-hours of secondary energy.

Even if all allottees took their full allocation of firm we would have the following cost to the company and city:

64 per cent of 4,021,000,000 (average)	2,570,000,000
Plus 90,000,000	2,660,000,000
2,660,000,000, at 1.63	$4,336,000
1,331,000,000 at 0.5	$665,000
3,991,000,000	$5,001,000

Average cost under these conditions, 1.25 mills per kilowatt-hour.

How could any new development in Arizona or Nevada pay 1.63 in view of this? They could get it cheaper from the companies. This is significant in view of the fact that Arizona and Nevada can get Boulder

power only for use within their boundaries while the companies can keep the two States from contracting for Boulder power by being able to undersell them within the States of Arizona and Nevada.

The equity of this is not under consideration herein, only the practical result which will keep the two States from economically contracting for this power, thus releasing it to the companies and the city. As shown, the company can have 18 per cent, one-half the States allocation if the district does not take it (1 of F of art. 14).

But why should the district even consider paying 1.63 for this power when it could be delivered to them through the city or company as secondary energy or offpeak power at less (i of art. 10 and (b) of subsection 3 of sec. C of art. 14)?

The cost of falling water for secondary energy to the district as set forth in (i of art. 10) would be at one-half mill whenever the company and/or the city had become eligible for secondary power. It is obvious the district would not take the firm power when it could purchase it at one-third the cost from the company or city and with a charge for generating machinery at less than what it would cost them to have their own if they installed it for firm power. The district can receive offpeak power and have same made firm by paying fixed charges of generation for such investment as is required to make offpeak and secondary into firm energy, only when using it.

This latter is true because contract provides that interest maintenance and depreciation shall be paid by the district only "until such time as such plant capacity (i. e., capacity needed to make offpeak energy into firm energy) would otherwise have been installed by the lessees (the company) for their own requirements" ((b) (3) C of art. 14).

The use of the stand-by plants required by the company and the city coupled with terminal water storage of the district would make it unnecessary for the district to pay for fixed generating charges except when in use.

This would release part or all of 36 per cent allocated to the district, which the district did not take. This would remain as secondary power for the companies' and city's use to reduce their average rate, thus giving further advantage in competition, in fact making economically sound competition impossible.

There is such a wide margin of benefit in this arrangement between the city, the district, and the companies, made possible by this contract, that it seems inconceivable that the district would call on the 36 per cent allocated to it as firm when it would be so materially to its advantage to leave it to become secondary power available to the company and city, particularly as there is no limit on their right to call for this power as firm whenever they need it. This call is in perpetuity.

This last is supported by article 15 (last paragraph) and article 18, i. e., if company has paid for its obligations of firm it can take excess at secondary rate regardless of other allottees' failure to take firm energy. In other words it is like a snowball running down hill. The use of secondary power (prohibited to Arizona and Nevada on account of companies' and city's call on same) creates a condition unfavorable to competition with the companies and city which increases the amount of secondary energy available to the companies and city which creates a still more unfavorable competitive condition, etc.

CONCLUSIONS AS TO A

In addition to the 9 per cent allocated to the companies there will be available to them a minimum of 18 per cent or one-half of the Arizona and Nevada allocation which will not be taken by the States because they can not compete with the power companies on account of the minimum amount of secondary power available to them and this will be augmented by the additional secondary power available from release of part or all of the district's firm power which then becomes secondary for the companies or city. This is a minimum call on 27 per cent of the firm.

B. The maximum possible call on the firm energy if the various markets would warrant it would be:

	Per cent
Allocated to companies	9
One-half allocation to Arizona and Nevada as above	18
One-half allocation to Arizona and Nevada, if not taken by city	18
One-half allocation to district and not taken by them for reasons given above	18
One-half allocation to district and not taken by either district or city	18
Total possible maximum call	81

C. The probable amount of firm energy available to the companies is from 50 to 70 per cent.

(1) No normal power market can be developed on secondary energy alone. This is axiomatic and obvious.

(2) The number of kilowatt-hours of secondary energy which will be absorbed by any power system (at rate below increment cost of production of such system) is in proportion to the size of the load on that system. Whenever the minimum load of such system is greater than the maximum capacity of the plant producing secondary power, then 100 per cent of such secondary power can be absorbed. One-half mill plus generating machinery and transmission costs are far below the increment cost of the company even with the present low cost of fuel. Again the larger the minimum load on a power system the more kilowatt-hours of this secondary energy can be absorbed.

The companies' present load and growth of same is several times larger than any of the cities loads and therefore they will be able to absorb more kilowatt-hours of secondary energy at one-half mill until the city's minimum is greater than Boulder maximum.

Furthermore, in addition to this competitive advantage, the contract provides that the company may receive secondary energy after paying for 27 per cent as firm (art. 14) while the city can not receive secondary energy until 37 per cent plus 90,000,000 kilowatt-hours is paid for as firm, yet the secondary is allocated to them equally. This means in addition to the physical advantage accruing to the companies due to their much larger systems, the contract gives them the added advantage that the city must pay for over 45 per cent more power at the firm rate than the company before the city can receive power at one-half mill as secondary. In other words this is a material competitive advantage attached to the company over all possible allottees.

With these competitive advantages, i. e., physical and by contract, the company will be able to still further reduce its average cost for Boulder power as follows:

It is obvious that a long period of time will elapse between the time when the companies' system absorb 27 per cent of the firm power and the time the much smaller systems of the cities absorb 45 per cent additional (i. e., 37 per cent of the firm plus 90,000,000 kilowatt-hours). We then have this possible condition or approaching it with a smaller load, with 1,000,000 kilowatts peak at 62 per cent load factor (approximately present-load factor) the companies' requirements would be 5,400,000,000 kilowatt-hours per year.

The company would be required to take 18 per cent (one-half States) of the Boulder Dam firm power or approximately 723,000,000 kilowatt-hours in order to hold its allocation.

During 1 year (June to May, inclusive) 723,000,000 at $0.00163	$1,180,000
Balance of requirements on companies' plants at high-load factor and consequent further saving in operating costs. Succeeding year (arts. 15 and 18 analyzed heretofore).	
27 per cent of firm (amount to make eligible for secondary equals 1,080,000,000 kilowatt-hours at $0.00163)	1,760,000
Secondary energy, 3,500,000,000, at $0.0005	1,750,000
Total for 2 years from Boulder Dam, 5,303,000,000 kilowatt-hours	4,690,000

This is an average cost for Boulder energy to the companies—less than nine-tenths mill.

This advantage, possible for years, would be a very great burden for the cities to overcome from the standpoint of competition even without the continued advantage stated heretofore of a larger percentage of secondary energy to the company during this contract.

The possibility of the United States selling firm power to any agency other than the company or the city is further reduced by the following:

Most of this allocation of 36 per cent of firm energy held in perpetuity for the district is further certain to be available to the companies and the city as secondary energy regardless of the above. This is due to the very nature of a water development in the Southwest. The water development of the coastal plains of southern California are predicated on the controlling or drought periods. All other times there is a surplus of water. During these times use of Colorado waters will be curtailed, releasing the power allocations or most of it as secondary power for use by the companies and city.

With a first call on this secondary power and the holding of the company's and city's allocations at their call (with only the requirement to take the minimum of approximately 45 per cent (42 per cent of firm, plus 90,000,000 kilowatt-hours) in order for them to have this call) the production of steam power by the company and city will be made possible at a much cheaper cost. Under these provisions of the contract the steam plants when run can carry a base load, and the peaks and growth can be carried on the Boulder plant, raising the load factor on the steam plants far above normal. The production of steam under these base-load conditions would be probably at least 25 per cent less than costs per kilowatt-hour if operated under the system load factor of 62 per cent.

Furthermore, the normal costs of steam power would be further reduced by the following: A city of the size of Los Angeles, even though fast growing, has an annual kilowatt-hour increase small as compared with New York City. This results in added plant capacities as the load grows, being limited to (to-day) approximately 75,000 horsepower. New York, even though growing at a slower rate than Los Angeles, can make additions of 215,000 horsepower (largest unit now made) reducing the investment per kilowatt-hour of new installations by as much as 20 per cent over a 75,000 installation. The above is obvious as the size of the new units for needed additional capacity are limited by the number of years it takes the market to absorb the new plant's output. New York can obviously absorb 215,000 horsepower in a given time where it would not be economical for Los Angeles to install over 75,000 horsepower on account of the time it would take for the load to grow to it.

By the overinstallation of generating equipment at Boulder Dam made possible by the contract (art. 8 provides the United States will



install generating equipment sufficient to generate the energy allocated to various allottees "upon the load factors stated by the respective allottees." Testimony of May 19 and 20, 1930, from Interior Department states the contemplated installation is 1,500,000 horsepower to deliver 663,000 firm horsepower. This is overinstallation with a vengeance) the load factor can be varied on the Boulder Dam installation to put base power on a new steam unit of 215,000 horsepower. This is possible by decreasing the load factor on Boulder Dam machinery in order to put base load on the new unit; then gradually increasing the Boulder Dam plant load factor as the market load grew until a new unit was warranted, etc. The larger the market the more it would be possible to take full advantage of this feature. Again, competitive advantage is given the companies and to a lesser degree to the city.

During the development period and for at least long periods of years thereafter, if not permanently, the United States ability to sell unused firm power is stifled by the favorable discrimination made available to the company (and to a lesser degree to the city, for reasons given). This would make the major portion, if not all, of the unused firm power allocated to the district and one-half of the allocated firm power of Arizona and Nevada not used by the city available to the company as secondary energy at one-half mill.

CONCLUSIONS AS TO C

We therefore conclude that the companies will ultimately absorb the majority of the power between the 27 per cent minimum and the 81 per cent maximum, or, as stated, this contract probably makes available between 50 and 70 per cent of the Boulder Dam power to the companies under conditions which would make competition impossible from any existing or known method of producing power and the city would have the same advantage to a lesser degree.

It is to be noted that the rates for power after 15 years are fixed in article 16 as the "price of electrical energy" justified by competitive conditions at distributing points or competitive centers less deductions for power-plant machinery and transmission. In the light of the determination by the Secretary of the Interior of these conditions under present fuel prices this seems a vague thing to base any hope of a correction of this contract at the end of 15 years or thereafter. The greatly reduced steam costs due to operating methods made possible in the contract and set forth herein would undoubtedly have to be taken into account as they would represent the "price of electrical energy" and no mention is made in the contract of any claim of the United States on these reductions to justify an increase in rates—they simply become the price of energy. Article 16 states that the new rates, if any, shall be the same for both the company and the city or they will be based on the cheapest steam or similar power produced by either party. This would continue a competitive advantage for the future.

The prior right to the use of secondary power for the duration of this contract would lead to the conclusion that the effects on competition will continue.

C. C. CRAGIN,
Member of American Society of Civil Engineers,
Consulting Engineer.

The brief by Mr. Charles B. Ward is as follows:

SECONDARY ENERGY

About the only way that I could see that a layman could discuss this feature of secondary energy and who might benefit from it, would be about as follows, and I will illustrate in an endeavor to make the argument plain.

(a) The company must take 27 per cent of the firm energy, that is, the 9 per cent allocated to it and other companies and one-half of Nevada's and Arizona's 36 per cent. Whenever it does this it becomes eligible to have secondary energy if the same is available for distribution to it.

(b) The only right of the district to have energy of any kind is for pumping water into its aqueduct. It has no right to buy energy to sell or for any other purpose. For this purpose it is allocated (on p. 13):

1. Thirty-six per cent firm energy; plus.
2. All secondary energy developed at the dam.

(c) If the district does not take this firm energy or if it does not take it all, the Secretary has the right to dispose of it first, to a successor of the district. If there is no successor, then the company is entitled to take one-half and the city one-half. If the city does not take its one-half, then the company can take all of such unused energy. (See p. 17, under heading Firm Energy Allocated to But Not Used by the District.)

D. The district is allocated all secondary energy (see p. 16, title "Secondary Energy") but as stated before, this secondary energy is only to be used for pumping water. If the district does not take this secondary energy, then the company and the city have a right each to take one-half.

E. Now, in the event that the district does not build its aqueduct it will have no right to either firm or secondary power and all that power will be open for disposition by the Secretary. If it does build the aqueduct and they have wet periods on the coastal plain, then the district would not likely have to use the amount of its firm power to pump water into its district. In case of wet seasons it would likely not use any secondary energy and, therefore, such firm power not used and all secondary power would be open to be taken by the company and the city.

F. In the event the district did not take its firm allocation nor its secondary power, which it could not take in any event unless it first used its firm power, the company would secure one-half thereof and if the city was only able to use its allocation of firm energy, the company would get all the secondary power. (See p. 16, title "Secondary Energy.")

G. The price the company would pay for such secondary power would be one-half mill. (See art. 16 (b) under (1), p. 19.)

H. By the last paragraph of article 15, on page 19, the right is given to the company to take and pay for energy at the secondary rate whenever it has taken its 9 per cent allocated, plus 18 per cent (one-half of Arizona and Nevada's allocation) or a total of 27 per cent. This right is given it even if another "allottee" (i. e., the district) has not paid for its allocation of firm energy.

Therefore, if the district does not use its firm allocation to pump water, that is, as I have said, at the disposal of the Secretary. If it does not pump water, then all of the secondary power is at the prior call of the city and company and if the city does not take its one-half, then the company in that event would take all of the secondary energy (see pp. 16 and 17) at the secondary rate of one-half mill (art. 16 (b), p. 19).

I. On page 17, under the title "Firm Energy Allocated to but Not Used by the District," it is provided that if the district fails for any reason to use the firm energy allocated to it for the only purpose for which said energy is allotted, then the Secretary shall dispose of such energy until required by the district. There is nothing in this clause which requires him to dispose of such unused firm energy at 1.63 mills except, as it might be argued, that as the price of firm energy is fixed at 1.63 mills, it must be sold at that price. Yet the agreement of the different lessees is that they will pay for the firm energy allocated to them at 1.63 mills, and we apprehend that no purchaser of energy would wish to pay that price except for the firm energy it has contracted to take.

To illustrate: The district does not take its 36 per cent of firm energy. What is to become of it? The company is taking and paying for 27 per cent of the firm energy, all that it is bound to take. The city is taking and paying for all the firm energy that it has contracted to pay for, and we will say, for instance, the city needs no more energy except the amount covered by its firm allocation. There is no other purchaser for this district's unused 36 per cent of firm. Will the Secretary allow it to go to waste or will he sell it to the only people that can take it? If he does, he is compelled, then, to sell it as secondary energy, and if he does he only receives one-half mill for it, and in the above event the company would receive 27 per cent of the firm energy at 1.63; it would receive 36 per cent of district firm energy as secondary energy at one-half mill; and it would receive all of the secondary energy developed at the power plant at one-half mill.

If this is true, let us see where it leads. Does it now not have its transmission lines into Nevada, and does it not now, in conjunction with Southern Sierras Co., have use of transmission lines into Arizona. Remember that no secondary energy is allocated to Arizona or to Nevada? How could Nevada, paying 1.63 for 18 per cent of firm energy, compete against the company, who has a greater lot of secondary energy at one-half mill?

The same restriction would be upon Arizona as would be upon Nevada. In other words, they would be smothered by competition of the company, made possible by this act itself.

J. To illustrate further: The company would pay for its allocation of 27 per cent as firm energy. It would be possible for it to receive the district's firm allocation of 36 per cent as secondary energy at one-half mill, and then it would be possible for the company to receive all of the secondary energy produced at the dam at one-half mill.

C. B. WARD.

Mr. HAYDEN. Mr. President, I do not believe that the municipal water district which has contracted for 36 per cent of the power to be produced at Boulder Dam will use any of the power for many, many years. Los Angeles on the 20th of last May voted bonds in the sum of $38,000,000 to enlarge the Owens River aqueduct and to extend that aqueduct to the Mono Basin in order to obtain an enlarged water supply. That water will be taken from a high elevation in the Sierras. The total drop is some 4,000 feet, so that a large quantity of hydroelectric power will be extracted from it. When that operation is complete there will be about 450 second-feet of water available to the city of Los Angeles which will increase by much more than one-third the available quantity of water there now. The present population is being supplied with the Owen River water. It is also planned to enlarge the Owens River supply by condemn-

ing a number of irrigated farms, let them go back to desert, and use the water for domestic purposes. That plan has been long delayed, as a matter of fact. The ruthless and selfish spirit that the city of Los Angeles has exhibited toward the farmers in the Owens River Valley is unparalleled. It is only at a very recent time that the city has made a settlement which adequately compensated those farmers for their water rights.

With the Owens River and Mono Basin development Los Angeles will have a water supply for practically double the number of people now living in and around that city. They are obtaining it by the expenditure of funds derived from a bond issue already voted of $38,000,000. To go to the Colorado River will cost a quarter of a billion dollars. It will necessitate the expenditure, as is estimated, of $250,000,000 in order to obtain water from the Colorado River. Why should the city be in any hurry to go to the Colorado River to get water so long as the needs of its population are supplied from this other and cheaper source? For that reason it will be a good many years, in my judgment, before it is necessary for the city to go to the Colorado River to obtain water, and therefore during all those years there will be no market for the 36 per cent of the power allocated to the Metropolitan water district except for the Federal Government to sell it as secondary power. The principal purchasers for that secondary power will be the private power companies of California.

Mr. DILL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield further to the Senator from Washington?

Mr. HAYDEN. Certainly.

Mr. DILL. Am I to understand that the city of Los Angeles has already begun work on a new system to bring water from the Owens River?

Mr. HAYDEN. Yes. A bond issue was voted on the 20th of last May. It is a matter that has been very carefully studied by very able engineers, and there is no question but what the Mono Basin water supply will be promptly developed. Los Angeles is right at the limit of its present water supply; that is, they can not serve every need from the existing Owens River source. The city must go somewhere else for water and must go quickly. They can not afford to wait for the Colorado River development, and therefore have adopted the Mono Basin plan.

Mr. DILL. Will those connections bring water enough from the Colorado River to supply only Los Angeles or to supply that whole country?

Mr. HAYDEN. Owens River and Mono Basin will supply water for about 2,500,000 people, or for a million more than now live in Los Angeles.

Mr. DILL. Much of it would be used for irrigation, would it not?

Mr. HAYDEN. That is a very interesting question the Senator from Washington has raised. I have here a copy of the Boulder Dam edition or the Metropolitan District section of the Los Angeles Examiner published on Thursday, May 29. It is very frankly stated on the front page that while the Boulder Dam water was allocated to this section solely for domestic use, yet in the early stages a large replenishment of underground storage will occur and much of it will find its way upon the land.

As a matter of fact, we are told confidentially that there has been pumped out of the underground waters of the Metropolitan District in and around Los Angeles enormous quantities of water, and that, as compared to the original condition, the wells have grown deeper and deeper until there is now an actual shortage of about 5,000,000 acre-feet of water underground. That is the real reason given as to why they must ultimately go to the Colorado River to get water.

There will be found in this newspaper [exhibiting] an interesting picture. For instance, it says:

When we have the Colorado River water this type of development will benefit——

Showing a picture of orchards and farms—

as well as this—

Showing a picture of cities and towns.

Mr. DILL. Mr. President, I remember some years ago when the Committee on Reclamation of the Senate held hearings on this matter in southern California that the point to which the Senator refers was brought before us, namely, that the water level underlying the surface is being lowered year by year. Is it claimed that the level is still being lowered each year?

Mr. HAYDEN. Yes. We are privately told that in some instances they are now pumping water from a hundred feet below sea level, and there is danger that the salt water might percolate in from the ocean.

I find this statement in the newspaper to which I have referred:

E. F. Scattergood—

One of the engineers of the city of Los Angeles—

calculates that the surplus will maintain 45,000 families in agricultural pursuits, their combined product mounting to $250,000,000 a year.

So it is quite evident that, while this water is to be taken out of the Colorado River ostensibly for domestic use, in reality, the first use will be for irrigation purposes, and not until many years have passed will the bulk of the water be used for domestic purposes.

Mr. DILL. How can they ever hope to pay for water brought over the mountains from the Colorado River for other than domestic purposes? The cost will be so tremendous when used for irrigation purposes that it seems to me an unthinkable proposition.

Mr. HAYDEN. If it were solely for irrigation purposes, that would be true. But when the expense is to be divided, and particularly when taxation pays the interest on bonds, the cost is not an insurmountable obstacle.

The entire basis of the contract between the Municipal Water District and the United States is that it shall use power solely to pump water out of the Colorado River; it is a contract for that single purpose, and it is our contention that if the power is not so used there will be no other market for it, because the district for all time has a claim upon it. In the meantime the 36 per cent of power allocated to the district will be sold as secondary power to cities and to private power companies.

The city of Los Angeles entered into a deal recently, for which bonds were voted, I believe, in the amount of $11,000,000, to purchase all the Southern California Edison interests within the city limits. Now the city is the sole source of electric power within its corporate limits. In making that deal the city agreed with the private power company not to sell any power outside its limits. The growth of the city and its demands for power within its limits can not possibly increase as fast as the growth of all southern California, which is open to the private power companies. Taking all factors into consideration, I think it is perfectly safe to predict that, once the Boulder Canyon Dam is built, over half the power produced there will be purchased by private power companies, to be retailed to the general public. So this great project which was held up before the American people as being a great public-ownership development, involving a Government dam and a Government power plant, a municipal transmission line and municipal distribution, will not, as a matter of fact, come into being as a pure public-ownership development.

Mr. DILL. Mr. President, the Senator again calls attention to the right to purchase the power. He says that more than half of it will be purchased by private power companies to be sold in the market in that section of the country.

Mr. HAYDEN. Let me say that whether it is purchased as primary or secondary power, the private power companies will get the major part of it from one source or the other.

Mr. DILL. But is it very important, from the standpoint of the price to be paid, whether it is purchased at primary or secondary rates?

Mr. HAYDEN. Undoubtedly, that makes a great difference.

Mr. DILL. If it can be purchased at rates for secondary power, the private company can undersell the municipal company, or the State user, who would have to pay the price of primary rates. That is where I think there arises an extremely important distinction.

Mr. HAYDEN. That distinction is brought out very clearly by Mr. Cragin. He says that the private power companies qualify themselves to purchase secondary power by fulfilling an agreement to take 27 per cent of the firm power, whereas the city of Los Angeles and the other municipalities are not qualified to obtain any secondary power until they have bought 45 per cent of the firm power. So there is a positive advantage to the private power companies in that respect.

It is his opinion that neither the State of Arizona nor the State of Nevada would ever purchase any power under the allocations made to them, because anyone desiring to engage in business, such as mining or agriculture, who would require a large quantity of power, either in Arizona or in Nevada, could buy it from the private power companies cheaper than he could buy it from the States.

Mr. DILL. But only because the private power company, through the form of these contracts, would be able to get the power at the price of secondary power.

Mr. HAYDEN. Exactly.

Mr. DILL. So that it would seem that that part of the contract is indefensible.

Mr. HAYDEN. Well, it certainly is a matter that ought to have been looked into very carefully, but which, in our opinion, was neglected.

These contracts were written in California, by California, and for California. The Senators from Nevada asked to see copies of the contracts before they were signed by the Secretary of the Interior, but the request was denied. Nobody in Nevada can say that either the senior Senator from Nevada [Mr. PITTMAN] or the junior Senator from Nevada [Mr. ODDIE] are in any manner responsible for the terms of these contracts; their hands are absolutely clean.

I asked that, after the contracts were negotiated in Los Angeles, but before they were signed by the Secretary of the Interior, that the representative of the department who was in Los Angeles stop for just one day in Phoenix on his way to Washington in order to allow the Governor of Arizona and the Arizona Colorado River Commission to see these contracts before they were finally approved. My request was ignored. What happened? They were brought back from Los Angeles to Washington by airplane and signed immediately; taken from the Department of the Interior over to the Budget Bureau as fast as possible; transmitted from the Budget Bureau to the White House, and sent by the President to the House Committee on Appropriations. There seemed to be a great fear that if the contents of these power contracts were made known and disclosed to the public something would happen.

The House Committee on Appropriations, however, took its time about passing upon them. I obtained copies of the contracts as soon as possible and forwarded them to Arizona for the information of the Arizona Colorado River Commission. Such members of the commission as could come to Washington were invited here to see what could be done to meet the situation. The members of the commission are all good lawyers; they examined the contracts, and informed us by wire that they were not contracts but mere options, binding on the United States but not binding upon the city of Los Angeles or on the private power companies or the Municipal Water District.

The Arizona Colorado River Commission telegraphed to Representative DOUGLAS of Arizona, and asked him to employ attorneys here in the city of Washington to examine into the contracts and ascertain if they were valid and binding agreements as contemplated by the Boulder Canyon project act. He was asked to have such an examination made while the members of the commission were on the train coming to Washington. A very distinguished firm of lawyers was employed in this city, headed by a former Representative in Congress, Judge Covington.

The lawyers submitted an opinion which found, just as was suspected by the Arizona Colorado River Commission, that these were not contracts. With that information conveyed to the House Committee on Appropriations by Representative DOUGLAS, the committee questioned the Secretary of the Interior and the representatives of his department when they brought the contracts formally before it. The committee asked to be shown where the United States was protected, where the cities, the municipal water districts, and the private power companies were bound. The contracts were thumbed through, back and forth, without success. It was finally confessed that the contract with the municipal water district was a mere option. The Secretary and his advisers, however, insisted that the contracts with the private power companies and with the city of Los Angeles were good contracts. The committee decided they were not, and that they would not recommend the Boulder Dam appropriation until the contracts were amended. So amendments to the contracts were made in California before the House committee recommended any appropriation of money.

We still contend—and I am not going into that in any very great detail because it was so thoroughly covered by the speech made by my colleague, the senior Senator from Arizona [Mr. ASHURST]—that the defects in these contracts have not been cured and that the city of Los Angles is not bound to pay the United States in the manner contemplated by the Boulder Canyon project act.

Forcing the city of Los Angeles, the private power companies, and the Municipal Water District to amend their contracts with the Secretary of the Interior, is just another example of the genuine service that Arizona has rendered to the Nation in connection with Boulder Dam. The Secretary of the Interior was perfectly willing to proceed with the expenditure of nearly $100,000,000, based upon a set of contracts which the House Committee on Appropriations decided were not valid, binding agreements, as provided for in the Boulder Canyon project act.

In the British Parliament they have what is known as His Majesty's Honorable Opposition. In this instance, Arizona has occupied a position of being honorably opposed to the enactment of legislation; and we have corrected many glaring faults in the Swing-Johnson bill itself, and now, in the proceedings necessary to carry the bill into effect. As yet we have received no testimonials of gratitude from the gentleman in the White House, or the honorable the Secretary of the Interior, but we hope that in due time there will be some appreciation expressed in recognition of the service Arizona rendered in this instance. Those who speak for the State of Nevada have been kind enough to freely admit that Arizona has rendered a service to their State which the State itself apparently could not perform.

I remember that back in 1924, when Boulder Dam was first under discussion, there appeared before the House Committee on Irrigation and Reclamation, a governor of our neighboring State. I read from the testimony of Hon. Emmett D. Boyle, given on Friday, March 14, 1924:

> Mr. HAYDEN. Have the people of Nevada given consideration to the question of whether, inasmuch as the power is to be generated within, or partly within, their State, any royalty should be collected on it, if used in another State?
>
> Mr. BOYLE. No, sir; we do not figure on that—we would be very well pleased to have the development there and to have our chance at the utilization of the power without imposing any imposts on anybody else for using it.
>
> That has been given full and thorough consideration; and there is no desire on the part of Nevada to increase the cost of that power to anybody by placing any sort of a royalty proposition on it.

That was then the attitude of the people of Nevada. The governor spoke truthfully as to the state of public opinion in his State at that time. Arizona, however, claimed that the Boulder Canyon power site was half within each State, that the water flowing in the Colorado River was within the jurisdiction of the States of Arizona and Nevada, and that the two States were entitled to an income or royalty, at least equivalent to the taxes that would be paid by a private power company if Government development took place. Arizona made the fight, and it was only by reason of the fight made by my State that Congress finally adopted the amendment offered by the senior Senator from Nevada [Mr. PITTMAN] providing that 37½ per cent of the excess revenue should be set aside for the benefit of our two States.

We have been glad to render this service to Nevada, happy to render this service to the Nation, and we ask the Senate to consider now whether in this instance Arizona is not rendering another valuable service when we insist that the letter and the spirit of the Boulder Canyon project act shall be observed before the first appropriation under it is made. It is important that every precaution be taken, because, as I stated in my minority report, Congress has no power to abrogate a contract after it has once been made.

In this connection, it will be remembered that when the Boulder Canyon project act was under consideration in the Senate, the able senior Senator from Utah [Mr. SMOOT] delivered an address in which he very severely criticized the plan as then proposed. The Senator from Utah had intended to speak on this item in the appropriation bill, but was compelled to leave for Utah. He has left with me a copy of the speech that he intended to make, in which, after saying that he would support this appropriation, he points out that the criticism which he made of the plans and the engineering designs of the original Boulder Canyon project, as presented to Congress at the time the act was passed has been fully justified. He demonstrates in these remarks how his criticisms were subsequently found to be fair and just, and that they have been met by changes in the present plans. The Senator from Utah concludes his remarks by saying that he is still convinced that the Government of the United States will not get its money back for the expenditures made at Boulder Dam.

I ask leave to have printed at this point in the RECORD the speech intended to be delivered by the senior Senator from Utah [Mr. SMOOT.]

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Without objection, it is so ordered.

The speech is as follows:

SPEECH INTENDED TO BE DELIVERED BY SENATOR SMOOT

Mr. SMOOT. Mr. President, I propose to vote for this preliminary appropriation for the Boulder Canyon project. I propose to do this not because I think the Boulder Dam project is a wise undertaking or one which should be undertaken by the Federal Government, but because Congress has authorized it, and since it is to be undertaken at some time, I see no reason for withholding the appropriation at this time.

It will be remembered that a little over two years ago I dealt with the subject of the Boulder Dam project on the floor of the

Senate at considerable length. In particular, I reviewed the Weymouth plan for the construction of the proposed Boulder Dam and pointed out what appeared to be grave defects in that plan. It will be remembered that partly as a result of my criticism of the Weymouth plan the board of engineers appointed by President Coolidge, under the chairmanship of Maj. Gen. William L. Sibert, made an investigation during the summer and fall of 1928 and reported on the Boulder Dam project under date of November 24, 1928. I desire to point out the particulars in which the Sibert Engineering Board confirmed the criticisms which I made in April and May of 1928. My criticism of the Weymouth plan largely revolved around the proposed plan for diverting the Colorado River from its stream bed during the process of construction. I pointed out that the Weymouth plan did not contemplate the diversion of the river from the river bed during the flood flow, which comes once each year, but that under the Weymouth plan only 100,000 second-feet of diversion capacity was provided for in the three 35-foot diversion tunnels which it was proposed to construct under that plan. I pointed out that the risks assumed in an attempt to construct the temporary cofferdams of the size and height proposed under the Weymouth plan were very dangerous. I criticized the methods proposed for those cofferdams.

I also criticized the proposal of the Weymouth plan to increase the foundation stresses from the standard stress of 30 tons per square foot to 40 tons per square foot and pointed out that it was highly undesirable to take the risk involved in any such increase in pressure. I pointed out the grave and irreparable damage which would be created by the unthinkable catastrophe of the failure of any such dam as that proposed.

I said that the estimate of cost for the construction of the dam was far too low and that the cost would at least be approximately twice as much as that of the estimates.

Now, as I have said, my remarks upon this subject were delivered on the floor of the Senate April 30 and May 1, 1928. The Sibert Engineering Commission was appointed in June, 1928, and reported on November 24, 1928. I quote from the report of that commission as follows:

> The proposed dam would be by far the highest yet constructed and would impound 26,000,000 acre-feet of water. If it should fail, the flood created would probably destroy Needles, Topock, Parker, Blythe, Yuma, and permanently destroy the levees of the Imperial district, creating a channel into Salton Sea which would probably be so deep that it would be impracticable to reestablish the Colorado River in its normal course. To avoid such possibilities the proposed dam should be constructed on conservative if not ultraconservative lines.
>
> Maximum foundation and structural stresses have until late years been limited, in the best practice, to about 20 tons per square foot. Until perhaps 20 years ago this practice was regarded as standard. The demand for high dams at reasonable expense has, however, induced more economical designs, and such stresses have been increased to 30 tons per square foot in numerous structures which have been in use a sufficient period to cause this practice to be considered conservative. Stresses in excess of 30 tons can not be considered conservative in a structure of this unprecedented magnitude and importance, failure of which would result in such an overwhelming disaster.
>
> In consideration of these facts and possibilities it is the judgment of the board that the dam should be designed for maximum calculated stresses, not exceeding 30 tons per square foot. This will add materially to the cost of the dam, which increase will be included in the estimates.
>
> Cofferdam construction and river diversion: To control the flow of the river during construction, the proposed plans contemplate the diversion of 100,000 second-feet of water around the dam site by means of tunnels through the canyon walls. The upper cofferdam height was planned to be such that water could rise against it until sufficient head was created to force this amount of water through three tunnels 35 feet in diameter.
>
> The proposed work in this connection comprised:
>
> The building of two rock-fill cofferdams, one upstream 79 feet high, the other downstream 29 feet high, above low-water level, involving the placing of 164,000 cubic yards of earth, the quarrying and placing of 757,000 cubic yards of rock; the making and unwatering of open excavations in the river bed about 125 feet below low water, involving 531,000 cubic yards of material (sand, gravel, and boulders), with an uncertain amount of water; the preparing of foundations and placing of 235,000 cubic yards of concrete in the heel and toe of the dam in such a way as to form permanent cofferdams to protect the remainder of the work, all of the foregoing operations to be accomplished in one low-water season of less than nine months.
>
> The board is of the opinion that it is not feasible, without undue risk to the men working in the excavations and on the dam, and to the inhabitants of the valley below, to carry out the plan as proposed. It is further of the opinion that the proposed diversion is inadequate and that provision should be made for diverting round the dam site, through tunnels, a flow of at least 200,000 second-feet. It is also the opinion of the board that the height of the water against the upper cofferdam should be ordinarily limited so as not to impound a volume which, if added to the flood waters, would, in the event of failure of the cofferdam, endanger life and property down the valley. This would limit the elevation of the water surface against the upper cofferdam to about 55 feet above low water or 700 feet above sea level.
>
> These modifications would not only add essential elements of safety but also would enable operations to proceed continuously through a normal flood season.

It will be noted in the foregoing that the board sustained each and every one of my objections, namely, it lowered the maximum stress per square foot from 40 tons to 30 tons; it entirely changed the plans for the diversion of the river by doubling the proposed diversion capacity of the tunnels. It recommended instead of three tunnels, 35 feet each in diameter, the construction of four tunnels, each of 50-foot diameter. It recommended the lowering of the water pressure against the cofferdams. It changed the entire plan for the construction of the permanent cofferdam at the upper face of the main dam in the nine months' period during which the Weymouth plan called for its construction.

In short, the Sibert Board changed, in each of the fundamental particulars, the entire plan for the construction of Boulder Dam. As a result of those changes, Boulder Dam, if and when constructed, will be a much safer and more reliable structure and the possibility of disaster during construction will have been greatly reduced. I feel that my remarks had some part in the appointment of the Sibert Commission and consequently contributed to the change in plans recommended by that commission. I therefore look with gratification at the result of my effort to point out the grave engineering defects in the original plan for the construction of Boulder Dam, which was the only plan before us at the time my remarks were made.

Of course, the changes in the plans for the dam necessitated change in the estimates of cost, and we find that the new estimates of cost are approximately in accordance with the estimates of cost which I made the first of May, 1928. The original estimate as to the cost of the dam was $41,500,000. The Sibert Board raised this estimate to $70,600,000. I understand that, including interest during construction, present estimate of cost approximates $100,000,000.

I do not wish to give more than casual attention to the fantasy of repayment of the Government's investment. I dealt somewhat at length with this matter in my former speech. The price for electricity named in the contract doubtless is a price that, if collected for 50 years, would repay to the Government that sum of money which the present estimates call for. The grave risk and uncertainty here is as to the will and ability of the political agencies to pay and as to the actual cost of the project.

The more important point, however, is that no one now knows what price the Government will receive. In my speech in May, 1928, I directed attention to the following provisions of the Boulder Canyon act:

> Contracts made pursuant to subdivision (a) of this section shall contain provisions whereby at the end of 15 years from the date of their execution and every 10 years thereafter there shall be readjustment of the contract upon the demand of either party thereto, either upward or downward, as to price, as the Secretary of the Interior may find to be justified by competitive conditions at distributing points or competitive centers, and with provision under which disputes or disagreements as to interpretation or performance of such contract shall be determined either by arbitration or court proceedings, the Secretary of the Interior being authorized to act for the United States in such readjustments or proceedings.

I further said at that time:

> Obviously also the plain intention of the bill is to seem to require contracts but actually to require nothing at all, except that some contractor agrees to take Government power, for which the Government will provide all of the investment, at exactly what the same power would have cost him had he secured all of the capital and taken all of the hazards of construction incident to the generation of power on his own account.

It is now worthy of notice that the contracts before us carrying out this section of the law specifically provide that the "readjusted rates shall under no circumstances exceed the value of said energy based on competitive condition at distributing points or competitive centers." (Sec. 16.)

The price named in the contract continues for only 15 years from the date of the signing of the contract. Ten of those years, according to the most optimistic estimate, will be used up by the construction period. That leaves the price named in the contract applicable for a maximum of only the first five years of a load-building period, during which the full amount

of the power contracted for need not be taken. After 1945 some other and unknown price must be charged for the electricity. What will that price probably be? It must be a price based upon the cost then of providing a similar quantity of electricity in the same load centers by alternate means.

When the manufacturing cost and the transmission cost are added to the price of falling water at Boulder Dam, the delivered cost at the load centers near Los Angeles will be between 4 and 4.25 mills per kilowatt-hour. The present cost of making electricity in southern California from the most modern steam plants is now about 3.5 mills per kilowatt-hour. If the researches of the next 15 years cut 1 mill off this present steam-power price, then the price that the Government must, under the contracts, charge for falling water at Boulder Dam 15 years hence will be approximately zero. How long it will take receipts of zero to accumulate enough money to pay back the Government's investment I shall leave to the mathematicians.

As I stated at the outset, the time for controversy over the wisdom of the Boulder Dam enterprise is over. Congress has decided; and I intend to vote for the appropriation. For the benefit of the historians 60 and 70 years hence I merely wish the record to show that at this time it was pointed out to the Senate that even the Government of the United States can not defy the operation of economic laws to the extent of selling a commodity over a long-term contract for more than its value; that even political necessity will not excuse economic blunders.

It has been intimated that in my former speech I told the Senate that the Boulder Dam region was peculiarly susceptible to earthquakes. I did not say this. What I did was to quote from the testimony of a witness presented by the advocates of the project. I assumed that those advocates would not present a witness who was unqualified or who did not state the facts. If the witness was qualified, his statements should have been checked. They were checked by the Sibert commission and I am content to accept their report. I accept no responsibility for his statements.

Mr. HAYDEN. These contracts which I have mentioned, so hastily prepared and so hurriedly forwarded to Washington, transmitted with such speed through the Budget and the White House to Congress, were not submitted to the State of Arizona, were not submitted to the State of Nevada, and were not submitted to any other State in the Colorado River Basin. A formal request was made at a meeting held in Salt Lake City in August, 1929, by representatives from all of the States of the Colorado River Basin, that their governors be advised by the Secretary of the Interior of the nature of the negotiations that were pending with respect to power, the seven States to be advised before a final determination of the matter was made by the Secretary.

I have in my hand a copy of the minutes of the Colorado River meeting held in Salt Lake City on August 28, 1929, which I ask to have inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

MINUTES OF COLORADO RIVER MEETING, SALT LAKE CITY, AUGUST 28, 1929

A meeting of Colorado River governors, commissioners, and representatives was held in Salt Lake City on Wednesday, August 28, 1929.

There were present: Gov. John C. Phillips, Arizona; Charles B. Ward, Arizona commissioner; John M. Ross, Arizona commissioner; A. H. Favour, Arizona commissioner; John L. Bacon, chairman California commission; W. B. Mathews, California commissioner; Earl C. Pound, California commissioner; F. A. McIver, secretary California commission; Delph E. Carpenter, Colorado commissioner; Robert E. Winbourn, attorney general, Colorado; George W. Malone, State engineer, Nevada; Ed. W. Clarke, Nevada commissioner; Austin D. Crile, representing Governor Dillon of New Mexico; Herbert W. Yeo, State engineer, New Mexico; Gov. George H. Dern, Utah; W. R. Wallace, chairman Utah commission; W. W. Ray, Utah commissioner; R. R. Lyman, Utah commissioner; Gov. Frank C. Emerson, Wyoming; W. O. Blair, California; T. A. Panter, California; J. Rupert Mason, California; George M. Bacon, State engineer Utah; R. R. Woolley, Utah; J. P. Martin, Utah.

Gov. George H. Dern of Utah called the meeting to order and was duly elected chairman of the meeting. George M. Bacon, State engineer of Utah, was elected secretary.

At request of Governor Dern, Secretary Bacon read call of the meeting, as follows:

AUGUST 12, 1929.

MY DEAR GOVERNOR: You have been invited to attend a conference of the 11 Western States at Salt Lake City on August 26 and 27, and I hope to have the pleasure of seeing you in Utah at that time.

At the Colorado River conference, which was held at Santa Fe last winter, it was agreed that a conference of the seven Colorado River States should be held at Salt Lake City some time this summer. Inasmuch as the governors of the Colorado River States are all expected here for the Western States conference this month, it occurred to me that it would be more convenient for them if the proposed Colorado River conference were held at that time instead of being called later and thereby necessitating another trip.

Acting upon the authority given at Santa Fe, I therefore now invite you and your Colorado River commission to meet at Salt Lake City on August 28 for the following purposes:

(1) To discuss the question of price at which Boulder Dam power shall be sold.

(2) To discuss the granting of permits or licenses for power projects along the Colorado River by the Federal Power Commission.

I took up with the President the question of having the United States represented at this conference and have been informed that Hon. Joseph M. Dixon, Acting Secretary of the Interior, has been delegated by Secretary Wilbur to attend the conference and to cooperate with our meeting in any way that he can properly do so.

With personal regards, I am,

Very sincerely yours,

GEORGE H. DERN, *Governor.*

Mr. Ward said that two delegates from Arizona had missed the train and would be here for the afternoon session.

Mr. Wallace suggested that the order of business be reversed so that the gentlemen from Arizona might take part this afternoon.

Mr. Winbourn said he was not familiar with the matter of power permits by the Federal Power Commission.

Mr. Wallace suggested that letter from Mr. Carpenter to Mr. Winbourn be read as it went into the matter in detail.

Mr. Winbourn read letter from Mr. Carpenter of July 22, 1929, in re Federal power permits and licenses on the Colorado River (copy furnished to each delegate).

Mr. Winbourn said that when Doctor Mead was in Denver a conference was had in Governor Adams's office, and the main idea he got from listening to Doctor Mead was that he was concerned as representative of the United States in having consummated in the first instance contracts for power to assure the repayment of the cost of the Boulder Canyon Dam; that Doctor Mead was concerned with a creation of a system for use of power so the Government would know in advance that the money expended for a dam would be returned to the Government.

Mr. Winbourn said that these basin States were vitally interested in the subject covered by Mr. Carpenter and suggested that perhaps a resolution by this meeting directed to the President was in order; the resolution incorporating this letter which so fully goes into the situation, with the request that the necessary order be issued by the power commission.

Mr. Yeo said that New Mexico agreed with the letter with reference to the San Juan River but doubted whether he agreed as to the Gila River. He said that recently the United States Bureau of Reclamation, Arizona and New Mexico entered into a contract whereby funds amounting to $25,000 had been appropriated, $12,500 from the Bureau of Reclamation, $6,250 from Arizona, and $6,250 from the State of New Mexico, these funds to be expended by the United States Bureau of Reclamation in an investigation of conditions and use of the waters of the Gila River and its tributaries. He said they hoped to have the data in the next six months and know definitely as to the best place for a reservoir site for storage on the Gila River for use of irrigation in New Mexico and supplemental supply in Arizona.

Mr. Winbourn asked if the resolution was to request that the Federal Power Commission issue no permits with the exception of the Gila River.

Mr. Ward said there were 300 miles of Colorado River in Arizona, with 2,300-foot fall, and if Arizona did not go into the 7-State compact they naturally did not wish their development to be held up by any action of Federal Power Commission.

Mr. Ward asked Mr. Ralf R. Woolley as to the situation on the Gila River, and Mr. Woolley answered that there had been a number of applications for permits both on the Gila and Salt Rivers.

Mr. Malone said he did not have much to say, but that he was under the impression that in the Boulder Dam act it provided for the holding up of these permits until this act became effective, except on the Gila River. Mr. Malone read from section 6 of the Boulder Dam bill. He asked if it would not be wise for the embargo on permits to ride while they are attempting to agree; that if it did not affect the Boulder Dam act, Nevada would certainly be of any assistance as long as it did not affect Nevada.

Mr. Wallace suggested that representatives of the other States be heard.

Governor Emerson, of Wyoming, said he had studied the Colorado problem for years, also the question of whether or not Federal Power Commission should allow any licenses upon the Colorado River or its tributaries. He named several reservoir sites of the various States and said that development could not proceed except through cooperation by the States. He said the upper States were about to enter into negotiations looking to a compact between the four upper basin States. The big question was whether or not the interests of the two divisions

would enter into an agreement and later Arizona come into the 7-State compact; it was his opinion that they would. He said that if the Federal Power Commission should go ahead and issue permits, it would further complicate the situation; that extension of the embargo for a year or so more would allow reasonable additional time in which to reach agreement without injecting into the situation a further complication.

On motion of Mr. Ward, duly seconded, the meeting adjourned until 2 o'clock p. m.

AFTERNOON SESSION, 2 P. M.

Mr. W. W. Ray thought the discussion of the morning as to Federal power permits should end; that those States who were desirous of joining in a representation to the President do so; those not wishing to take part in it need not do so.

Governor Dern explained that Mr. Carpenter in his letter had not mentioned Arizona because he had forgotten Arizona was an upper basin State.

Mr. Winbourn was in favor of hearing an expression from the different States as to who were willing to join in request for power permit embargo at this time.

Mr. Winbourn said Colorado was willing to join.

New Mexico was agreeable in that they believed the Gila River to be adequately provided for under the Boulder Dam act.

Mr. Crile said he and State Engineer Yeo had been asked by Governor Dillon to represent New Mexico at this conference; that he felt certain what Mr. Yeo had said would meet with the approval of the governor but that they could not commit Governor Dillon; that a wire would be forthcoming from Governor Dillon within a few days confirming their opinion in the matter.

Mr. Bacon, of California, said they did not wish to take any particular stand at the present time; that their relations with the present Arizona commission had been most cordial and they were in hopes of reaching an agreement between the three lower States in the near future.

Mr. Ross explained that they had just arrived and had not had time to familiarize themselves with what was before the meeting; that Arizona was now engaged in negotiations with California and he hoped that they would arrive at a compact but up to this time no discussion of this sort had arisen in all negotiations or with any of their commission. He said that the United States Congress had passed one act and he thought two, the first being that the Gila River had been released from the existing embargo on power development. Mr. Ross said that Arizona would not join in the resolution to the President.

Governor Dern said he thought Governor Emerson was willing to join according to his talk of the morning session. (Later confirmed by Governor Emerson.)

Mr. Malone said he did not want Nevada to be misunderstood but that it would not be advisable at this time to take any action that was not concurred in by the other two States as favoring anything that will prevent the ultimate fullest development of this river. He said they would do nothing to interfere with existing act but would like to be excused from expressing an opinion on this particular matter for that reason.

It seemed to be the general sentiment of the meeting that the representatives of the four upper basin States were free to take any steps in relation to an embargo on Federal power licenses which they felt met the situation.

Governor Dern said the next subject was the price basis of the Boulder Canyon power.

Mr. Wallace said that State Engineer Malone had spent much time and study on the question of power costs and prices and that they were fortunate in having him present and asked that he be heard.

Mr. Malone said there had been a meeting at Denver recently on the matter of fixing a price for this power as, in the Boulder Dam bill, it had never been clear, simply stating that it was to be sold for what it was worth. He said the conference at Denver was around what the power was worth in the power markets, but that they had not gotten far enough along to find out what would be the price from any of the bidders. If competitive conditions justify there should be a contract made for the power that would repay the Government all of its money together with interest and give Arizona and Nevada a small return. He said in the bill it was contemplated that power should be sold at its worth as power in power markets and that Nevada was working on that proposition at this time.

Mr. Wallace said that the Boulder Canyon act provided that contracts for power shall be made with a view to obtaining reasonable returns and it was his opinion that the power should be sold at a price fixed by competition.

Mr. Bacon of California said he did not agree nor did he disagree. He said that the California Railroad Commission had gone carefully into the matter of power costs and that they had figures for comparison; that the data were available on application.

Mr. Wallace read section 16 of the Boulder Dam act with reference to right to access to all records before the power is sold, and the right to advise the Secretary as to how the States feel about it; that means must be provided so that all may be satisfied with the sale of the power; that purchasers must pay exactly what it is worth.

Mr. Bacon of California said they proposed to determine the price of the power, then effort would be made to advise with Secretary of the Interior.

Governor Dern said that they could not hope to do anything here in the direction of fixing price for power, but that they could make a declaration of policy that the power should be sold on a competitive basis, set up the advisory machinery and make certain of the facts.

Mr. Ray said that the data should be assembled and that the cooperation of the States in the matter of advice and assisting the Secretary of the Interior should be had.

Mr. Bacon, of California, said that the Government was now making careful survey to determine some of those particular questions but that additional complications had arisen. At the last session of the California Legislature a law had passed regulating oil production and no one knew what effect it would have on the Colorado River matter. He said that the State railroad commission had accumulated some information and that it was available to this commission at all times.

Mr. Ray moved "that it be the sense of this body that the power generated in connection with the building of the Boulder Dam shall be sold in the open market on a competitive basis, competitive basis being the equivalent cost of power generated in the territory to be served."

Mr. Mathews said he had no doubt but that the Secretary would fix the price along the basis suggested by Mr. Wallace and Mr. Ray if they had any power to sell; that the Government could sell falling water, or just equip the dam. He said that California would not object at the right time to having the advisory machinery; that California's thought at the present time was simply purchase of the power, that project will not be started unless that is assured.

Mr. Ward said, assuming now that there is going to be a tri-State compact with California and Nevada, Arizona will second the motion made so that all can discuss any questions properly.

Mr. Malone said that Mr. Mathews did not make himself entirely clear and that all information would be gathered within the next 30 days in order to be presented before the Congress to secure an appropriation.

Mr. Mathews said he doubted if the basis on which power is to be disposed of can be defined according to terms of the act.

Mr. Ward said that he had never been at a conference where the price of power had been discussed.

Mr. Malone said there were three ways to provide for payment of cost of the project. Power could be sold at the switchboard, a price could be set on the falling water, or the Government might equip the dam with machinery and then lease same.

Mr. Ray said that the motion was made because it had been the feeling of the Utah delegates that the purpose of the bill is clearly that power generated by the Boulder Dam shall be sold in the market at such price as power is worth at that market.

Mr. Favour spoke on behalf of the resolution and read from the formal statement of Arizona's position in her negotiations with California to indicate that Arizona expected the price to be fixed be such as would bring a return in addition to the payment of cost of the project.

Mr. Malone said that before they could go before Congress and ask for an appropriation the price of power must be determined.

Mr. Wallace said that he did not wish to see California subsidized with a cheaper source of power than competitive conditions warranted.

Mr. Bacon, of California, said that when it came to a question of subsidy it was quite possible that the subsidy would be the other way and California have to subsidize the dam; that the highest figures submitted at the Denver meeting for purchase of power came from the city of Los Angeles water and power department. He said that the upper States are looking for a surplus revenue from the dam above that required to pay its costs, and that California was heartily in accord with having excess revenue go to the development of the entire river.

After some further discussion Governor Emerson said that he considered now the most opportune time to determine the basis on which prices of power should be fixed, and moved the adoption of the following substitute resolution:

"That it be the sense of this meeting that the price of power to be generated at Boulder Dam should be a fair price after all factors properly entering into the proposition of basis for fixing price are given due consideration, but that special consideration should be given to costs of and changes for power in the competitive field and also to the provisions in the congressional act authorizing the Boulder Dam project which refer to disposition of revenues accruing in amount beyond the actual costs of the project to the Federal Government."

Mr. Ray, with the consent of Mr. Ward, withdrew his motion and seconded the substitute by Governor Emerson.

Mr. Ross said that he understood the conference was called for the specific purpose, among others, of considering the price to be paid for power developed at Boulder Dam; that, while Arizona was not yet a party to the Santa Fe compact, negotiations were proceeding in a favorable manner, and he thought that it might be in order to give some expression in regard to this subject. He said that this question had been raised in the tri-State negotiations with California and

Nevada, and that it was the understanding of the Arizona commission that power was to be sold on a competitive basis.

After considerable further discussion Mr. Malone presented the following resolution, which was seconded by a number of the representatives:

"Whereas the proper administration and ultimate success of the development under the Boulder Dam project act is of vital interest to the respective States of the Colorado River Basin, and reposing confidence in the ability and integrity of the Secretary of the Interior and his commissioners of reclamation: Be it

"*Resolved*, That States here assembled stand ready to assist the Secretary of the Interior in an advisory capacity and in cooperation with him in the determination of ways and means of best carrying out the intentions of the Boulder Dam project act in the sale and allocation of the power and the disposal of the water developed by the project as contemplated by section 16 of the act."

Governor Emerson was of the opinion that the resolution by Mr. Malone did not cover the situation and that this was the right time for an expression of views on the sale of Boulder Dam power, and asked the adoption of his resolution.

Mr. Crile spoke in favor of power being sold at a competitive market price, and, there being a call for the question, vote was taken on the resolution of Governor Emerson and it was carried unanimously.

It was then suggested that a vote be also taken on Mr. Malone's resolution, which was done, and his resolution carried unanimously.

Mr. Ray said that it had been intimated that the Secretary of the Interior had been gathering data and information relative to power cost and sale price, and that the governors of the Colorado River States and their representatives should have access to this information.

Mr. Bacon, of California, said that he understood the gathering of the data was in the hands of a special board of consulting engineers consisting of Mr. Durand and Messrs. Wiley and Hill, but that he understood the data were not yet in shape for distribution.

Mr. Ray thought that representatives of the States were entitled to ask the Secretary for any information, and believed that the Secretary would be glad of advice as called for in the Boulder Dam act.

Mr. Yeo was of the opinion that no information would be ready until just before Congress assembled.

Mr. Ward said that while Arizona was not yet a party to the Santa Fe compact, it seemed to him that the governors of the States that had ratified the Santa Fe compact should request the Secretary of the Interior for such information as was available in regard to what price would be a proper one to charge under the resolution by Governor Emerson, adopted by this body.

It was moved by Mr. Wallace, and seconded by Governor Emerson, and carried unanimously that it was the sense of the meeting that the Secretary of the Interior be asked to make available to the representatives of the Colorado River Basin States such information as he was obtaining with reference to cost of power in markets competitive with the proposed Boulder Dam power.

There being no further business, the meeting adjourned.

GEO. M. BACON, *Secretary*.

Mr. HAYDEN. Mr. President, I believe that concludes the general remarks which I desire to make with respect to the pending item in the bill. Therefore I ask for a vote upon my amendment.

Mr. DILL. Mr. President, I desire to ask the Senator from Arizona one question.

I read in the discussion of this matter in the House that the city of Los Angeles could not legally hold a vote on this question. As I recall, the Congressman who made the argument said that the city council must find certain facts as to this contract—that is, that there were certain conditions existing that made it necessary—and that those facts could not be found, and therefore that it could not legally hold a referendum that would be binding? I wonder if the Senator is familiar with that argument?

Mr. HAYDEN. It seemed to me that, whatever it was, it fell to the ground from the fact that everybody knows that the city of Los Angeles must build a transmission line at the cost of some $30,000,000. That is a permanent improvement. If the city were to hold an election to vote bonds to build that transmission line, and at the time of holding the election took cognizance of these contracts, and the people voted the bonds with the understanding that it was necessary to carry out this contract, then, in my judgment, the city of Los Angeles would be bound.

Mr. DILL. But the Senator does not contend that the carrying out of the law requires the city to vote on the question of constructing its transmission lines?

Mr. HAYDEN. I do not see how they are going to raise the money in any other way than through a bond issue.

Mr. DILL. But, I say, there is nothing in the law that makes it necessary that the contracts shall include a requirement that the city of Los Angeles shall vote bonds to build transmission lines when the power is ready.

Mr. HAYDEN. No; but what we want is that the city of Los Angeles shall in some manner bind itself to stand behind these contracts. The situation, as I understand it, is that instead of the city entering into a contract, its bureau of power and light entered into a contract—a corporation within the larger corporation; that that bureau of power and light functions on annual appropriations made by the city council; that if the city council in any one year failed to appropriate money to the bureau of power and light, that bureau would have no money to pay the United States; and that if the United States then sought to enforce this contract, they would find that the title of all the property managed by the bureau of power and light is in the city of Los Angeles, and that its property could not be seized; that no mandate could be obtained from the court to compel an election to levy taxes, or anything of the kind.

Mr. DILL. But it is contended that there are revenues to the bureau of power and light greater than are needed to meet the demands of this contract.

Mr. HAYDEN. Yes; but any revenues received by the bureau of power and light are deposited in the city treasury, and they can not get out of the city treasury except by an appropriation of the common council to the bureau each year. If the common council of the city of Los Angeles fails to make the appropriation, the United States is helpless.

Mr. DILL. Mr. President, I have been very deeply interested in this legislation regarding Boulder Dam. I look upon it as one of the great developments of the Nation, a development that should be carried forward. I have always been anxious to protect the rights of Arizona, but I have not been willing always to vote in the way Arizona felt that legislators should vote on this measure.

I think that the danger of floods, the menace of floods in southern California, is such that unless Arizona's rights are being seriously injured, unless irreparable injury is being done to Arizona, I want to vote for this appropriation; and it seems to me that so far as Arizona's rights as to water are concerned, they will not be seriously affected until the building of the all-American canal.

As to these contracts, I am not sufficiently familiar with them to know whether or not——

Mr. FESS. Mr. President, will the Senator yield to me? I should like to ask a question. Like the Senator, I am interested in the rights of every State; but I wonder whether this legislation forecloses the rights of Arizona, in case she has rights. Is not the way open?

Mr. DILL. That is what I said about the rights to the water depending upon the building of the all-American canal. Until that canal is built, it seems beyond the realm of possibility that California can appropriate waters in sufficient amount to in any way endanger the rights of Arizona to the waters she claims she is entitled to receive, and that, as I said to the junior Senator from Arizona when he was making his argument, the argument on that subject would be much more pertinent and far more effective with me when we come to consider the appropriation of money for the all-American canal, because it is at that time that California's rights to water would actually be exercised, and Arizona would lose her rights to water.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. DILL. I yield to the Senator.

Mr. McKELLAR. As I stated to the Senator from Arizona before the committee, the courts are open. It is specifically provided that a suit of this kind can be brought in the Supreme Court of the United States.

Mr. FESS. That was the query I wish to propound.

Mr. McKELLAR. And that avenue, of course, is open to the State of Arizona.

Mr. DILL. I was just about to say, when the Senator from Ohio interrupted, that as to the legality of these contracts, I am not sufficiently familiar with them to determine fully in my own mind about them.

Mr. ASHURST. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Arizona?

Mr. DILL. I do.

Mr. ASHURST. Although it is unnecessary for me to say a word, since my colleague has covered this matter so fully, the Senator seems honestly seeking for information. The Senator is an able lawyer. Let us assume, now, that he is sitting in his law office in Spokane, where he is so highly honored. A client walks in and says, "DILL, I want to buy some bonds issued by one of the counties of your State." The board of supervisors called a meeting of the board, the clerk was present, the meeting was duly advertised, the vote was unanimous among

the board of supervisors, the bonds were issued and properly printed, in due and legal form, signed by the clerk, with the seal of the county affixed, and countersigned by the chairman of the board. The Senator, of course, great lawyer that he is, would say, "That is not sufficient. I want to see the constitution. Did the supervisors have the authority to issue these bonds?" He sees the constitution, and finds that it provides that no city or municipality shall incur any indebtedness except upon a plebiscite, or a vote of the people authorizing the bonds. The Senator would say to his clients, "I can not recommend the purchase of these bonds." That is all there is to it, as I see it.

Mr. DILL. Mr. President, let me say to the Senator that I read a part—not all, but a part—of the report of the eminent attorneys who made this investigation. I also read the opinion of the Attorney General on these contracts, and certainly it is a matter of grave doubt in the mind of any fair-minded man as to whether the contracts made with the bureau of power and light do fulfill the requirements of the law. But when that doubt exists, and Arizona declares—as she always has declared since I have known anything about the Boulder Dam proposal—that she will go into court to protect her rights, that she will go into court to prevent the building of this dam, and, in fact, I think a suit has already been begun, at least the papers say that a suit has been decided upon, on behalf of certain citizens of Arizona, to have an injunction issued because these contracts are not good—in the light of those facts, it seems to me we are not entirely overlooking the protection of the Government if we do go ahead and appropriate $10,000,000 and allow this matter to go to the courts.

The fact is that Arizona should go into court if her people feel, as I know they do feel, or did feel when I was in the State with the committee studying this question, and as her Senators and Representatives so ably have presented her case. The only basis on which they can go into court is to have an appropriation made, and an attempt to carry out the contract made by Government officials. Until that is done, Arizona has no way of getting into court. So paradoxical as it may seem, I believe that in voting for this appropriation I am really voting in behalf of Arizona, because it will permit her to go into the Supreme Court of the United States, and cause the Supreme Court to determine her rights under the Constitution and under this legislation.

For these reasons I think I shall vote against the amendment of the Senators from Arizona, much as I admire the fight they have made, and much as I admire the spirit in which they are making it.

I do not live in the southwestern part of the country, but I do live in the northwestern part of the country, and I recognize that in the action of Congress in connection with this great development precedents are being set up which will be pointed to in years to come. I am greatly interested in the development of the northwestern part of the United States, and I do not want to be a participant in action which may be pointed to in the future as justification for opposing me, or those with whom I work, when we try to secure things for the section of the country I represent.

Mr. PITTMAN. Mr. President, I would like to have reported the amendment offered by the junior Senator from Arizona.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. The Senator from Arizona offers the following amendment, on page 44, to strike out the section beginning in line 18 and ending on line 14, page 45, and on page 45, line 15, after the words "secondary projects," to insert the words "for cooperative and general investigations $1,000,000: *Provided*, That."

Mr. PITTMAN. Mr. President, the latter part of that amendment I suppose is really the second amendment. The first amendment is to strike out an appropriation carried in the bill of $10,660,000 for the institution of the work under the Boulder Canyon project act.

It would seem that there is only one question involved.

Mr. DILL. Mr. President, one Senator asked me to have a quorum called if any further speeches were to be made. Will the Senator yield for that purpose?

Mr. PITTMAN. I prefer not to.

Mr. DILL. I was only going to make the point because the Senator to whom I have referred asked it.

Mr. PITTMAN. I do not desire to discommode the Senators. I realize that this is largely a matter of record.

It seems that there is nothing involved now except the legal question. This is a deficiency appropriation bill. It carries numerous items of appropriations for the purpose of carrying out existing law. This $10,660,000 is to carry out the Boulder Dam project act, which is the existing law.

It is not necessary to discuss the facts and reasons which led to the passage of the Boulder Canyon project act; at least, it is immaterial in discussing whether this appropriation shall be granted or not. For nine years we discussed the provisions of the Boulder Canyon project act and finally passed it.

This $10,660,000 is essential to the building of the Boulder Dam. It has not anything on earth to do with the building of the all-American canal or any diversion works which would be used for the purpose of appropriating water of the Colorado River. That question may come before the Senate at some future time. At that time the question as to the division of water may or may not become pertinent.

At the present time there is just one question: Has the Boulder Canyon project act been complied with so as to justify Congress in making this appropriation? It is the duty of Congress, through its appropriation bills, to supply money to carry out existing law if the existing law is constitutional or if it requires means to carry it out.

How about this particular case? It is provided by section 4, subdivision (b), of the Boulder Canyon act as follows:

(b) Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said works of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act.

The Secretary of the Interior has reported that he has entered into those contracts in accordance with that section. He has stated that the contracts will return to the Government of the United States the money it invests, with 4 per cent interest, in 50 years.

Under the Boulder Canyon act the determination of those facts is left entirely to the discretion of the Secretary of the Interior. The Congress of the United States had to trust some one, so it trusted the Secretary of the Interior to protect the United States Government. I call attention to this language:

Adequate in his judgment to insure payment of all expenses.

The Secretary has reported that he has entered into contracts which are adequate, in his judgment, for the return of this money with interest. So that the act is complied with.

The State of Arizona, through its representative, raised a legal question with regard to those contracts, which was entirely proper, because if those contracts are not legal, then, of course, they would not be adequate, even though the Secretary thought they were adequate as far as their terms were concerned.

Able lawyers from Arizona, representing that State, appeared before the committee of the House opposing this very item. They raised the same questions which have been raised here to-day by the distinguished Senators from Arizona, that the contracts, in the first place, were only options, and that there was nothing binding the contractees to pay the full amount with interest. That question was contested, but to avoid that legal question, the Secretary of the Interior entered into supplemental contracts with the three contractees, in which they expressly admitted and contracted the obligation to pay the full amount.

Then, the other question arose as to whether or not the Los Angeles Water and Power Bureau had the authority to enter into this contract. That is the only question which could be raised, because the Secretary of the Interior, in the exercise of his discretion and judgment, granted in the act, had stated that the Los Angeles Power and Water Bureau had the money, that they were financially liable, and therefore the only question was whether that bureau had the legal authority to enter into the contract.

As that matter was contested, the Secretary of the Interior referred the questions to the Attorney General of the United States, who is the legal adviser of the Federal Government, the legal adviser of every department. On June 9 he filed an exhaustive opinion in answer to all of these questions. I will read just part of that opinion, to show that this question is entirely covered. This is addressed to the President, the White House, and reads:

SIR: I have the honor to acknowledge receipt of your communication of June 6, 1930, transmitting a letter dated June 6, 1930, from the Secretary of the Interior advising that, as required by section 4 (b) of the Boulder Canyon project act (45 Stat. 1057), a contract has been secured with the city of Los Angeles, its department of water and power, and the Southern California Edison Co. (Ltd.), which will provide revenue adequate in his judgment to pay operation and maintenance

costs and insure repayment to the United States within 50 years from the completion of the dam, power plant, and related works of all amounts to be advanced for the construction of such works, together with the interest thereon made reimbursable by the act, and that in addition two contracts have been secured with the Metropolitan Water District of Southern California which will provide additional revenues for such purpose, and requesting that the opinion of the Attorney General be obtained as to whether or not these contracts comply with all the requirements of section 4 (b) of the Boulder Canyon project act which are by that section made conditions precedent to the appropriation of money, the making of contracts, and the commencement of work for the construction of a dam and power plant in Boulder Canyon.

He then quotes the section which I have just read, granting authority to the Secretary of the Interior to enter into contracts and stating what must be contained in the contracts. After discussing all of the opinions and objections to the legality of the contracts, he concludes as follows:

The city acting through its department of water and power will be under the necessity to construct transmission lines over which the power for which it has agreed to pay may be transmitted, but in so far as the parties to this contract are concerned it is under no express obligation to do so. Under no circumstances will it be necessary for the city to construct transmission lines in advance of the completion of the dam and generating equipment; and if, therefore, it appears that during this period it will be able to finance such construction out of current revenues of its department of water and power, I am of the opinion that no legal objection can be made to the contract as amended because of the necessity or liability which may arise to defray these construction costs.

Consideration of these authorities leads to the conclusion that the department of water and power has not incurred a present liability upon the execution of these contracts, and therefore the only effect of section 369 is to require the appropriation in each annual budget of sufficient funds from the water and power revenues to meet the obligations which will arise under and in connection with the performance of these contracts. Inasmuch as the Secretary of the Interior is clearly of the opinion that such funds will be available and ample for all such purposes, I see no reason for doubting the validity of the contract or for questioning its effect in securing payment to the United States of the amounts of money which will become payable under its terms.

With reference to the validity of the obligation assumed by the Southern California Edison Co. (Ltd.), its execution of the original contract has been formally approved by its board of directors, and I am informed that the supplemental contract has been duly ratified by the board. There can be no question, therefore, as to the binding effect of this contract upon this corporation.

By the supplemental agreement amending the original "contract for lease of power privilege" all objections which might have been raised to the validity of this contract upon the ground that the city, the department of water and power, and the company were not bound to take or pay for any electrical energy except as they might wish, have been removed. Mutuality of obligation is not lacking, and the city and its department are firmly bound to take and/or pay for certain percentages of firm energy as stated and defined in the supplemental contract, and the company is similarly bound to take or pay for certain percentages of such energy which are also defined and stated in the supplemental contract.

The "contract for lease of power privilege" between the United States, the city of Los Angeles, its department of water and power, and the Southern California Edison Co. (Ltd.) is, in my opinion, a valid agreement binding upon the city and its department to the extent to which funds are available under the provisions of the charter to the department, and is in full compliance with section 4 (b) of the Boulder Canyon project act, since the revenues which it will provide out of such funds are, in the judgment of the Secretary of the Interior, adequate to meet the requirements of that section.

Objection has been made to the Metropolitan Water District power contract on the ground that the district has not yet voted bonds to provide funds to build the aqueduct on which this power would be used. It is unnecessary to consider which step must precede the other—provision for the aqueduct or provision for power and water—in view of the sufficiency of the city and company contracts to meet all requirements of the act. Even if the aqueduct financing were construed as being a prerequisite, the Secretary's reservation of energy for the district is within his authority under the second paragraph of section 5 (c) of the act.

Giving consideration only to the city and company contract, I am of the opinion that all the requirements of section 4 (b) of the Boulder Dam project act which are made conditions precedent to the appropriation of money, the making of contracts, and the commencement of work for the construction of a dam and power plant in Boulder Canyon have been fully met and performed by the Secretary of the Interior in securing the contracts referred to in his letter.

Respectfully,

WILLIAM D. MITCHELL,
Attorney General.

Mr. President, the Attorney General has passed upon a provision intended to protect the United States in the return of this money. The United States Government is primarily interested in that matter. The States of Arizona, California, and Nevada are primarily interested in the benefits to be derived from the building of the dam and power plant. Whether the Government of the United States in building public works shall require the return of the money or not is a policy that is to be determined by Congress. It does not always make such a requirement. In this case it has required the return of the money with interest.

There may be a difference of opinion as to the legality of a contract, but in this case the Attorney General of the United States is the officer selected by the President to advise finally with regard to these matters. The Attorney General of the United States has unequivocally advised that the contracts are legal, that the Secretary of the Interior has done everything required of him under the Boulder Canyon project act to entitle him to begin work. Therefore there seems to be no remedy. Certainly we can not go back to the question of whether this clause or that clause of the Boulder Canyon project act is good or bad, because that fight lasted too many years.

As I have said, Congress is obligated to furnish money to carry out existing law, and this is existing law. The matter was thoroughly studied by the House Committee on Appropriations. It was quite freely debated in the House of Representatives. They refused all of the amendments which the Senators from Arizona are now offering. They sent the bill to us with the appropriation in it. That is where we stand now. I am sympathetic with Arizona in some of its contentions, as I have been for years. I do not think, however, that Arizona has suffered to the extent that some of her citizens seems to feel she has suffered. It is true that Arizona at the time she refused to ratify the 7-State compact started the fight for some compensation in lieu of taxation, but I do not want her to think that Nevada was forced into supporting her in that contention.

In 1925 I offered an amendment to the Swing-Johnson bill reserving 100,000 horsepower to the State of Nevada subject to call in amount and at times required and at Government price. The Senators from California and the commissioners from California agreed to accept that amendment. We have at last received more than that amount of reserved horsepower. We have received 18 per cent of all of the firm horsepower. That is held and reserved for us by the contracts until we need it, to be called for in amount and when and as we need it, and only then to be paid for.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Washington?

Mr. PITTMAN. I yield.

Mr. DILL. I questioned the Senator from Arizona [Mr. HAYDEN] about the sales price of the power under these contracts. I would like to have the interpretation of the Senator from Nevada as to the selling price of the power when it is not taken by the municipalities or the States, and whether, if it is not taken by either of them, it is then to be delivered to the private purchaser and at what price?

Mr. PITTMAN. The contract naturally deals only with firm horsepower. That is power that can always be counted on; that is power which, if it is contracted to be purchased, the purchaser can freely contract to sell. The amount of firm horsepower has been estimated at something like 4,200,000,000 kilowatt-hours. There will be a great deal more power than that generated which is known as secondary power. That horsepower will not be regular, it will not be certain, and therefore it is not as valuable as firm horsepower. One may not contract to deliver power to a manufacturing concern unless he can deliver it, and if he has a part of the time to make up his secondary horsepower by steam power, it is not so valuable.

There was an impression that if the 36 per cent of power allocated to Arizona and Nevada was not taken it instantly became secondary power. That is not true. Why? Because in the contract they have contracted to take all of the firm horsepower at the price of firm horsepower, and as and when Nevada and Arizona call for any of that Nevada and Arizona are charged for it as firm horsepower, and that amount is deducted from the Los Angeles contract.

The result is that the only power available is a surplus over and above the 4,200,000,000 kilowatts that is called secondary

horsepower. I am in hopes that Arizona and California will have use in their States for most of that secondary horsepower; in fact, I think there is going to be the principal market for it, because I can not see how anyone can prepare to carry an uncertain amount of horsepower 300 miles to market.

Nevada did not get all that she asked for under the contracts. I have argued before the Secretary of the Interior that he was not properly using the discretion Congress gave him in the Boulder Canyon project act. I felt that the development of Arizona and Nevada should be protected to the full extent, not of 18 per cent, but 33⅓ per cent, and if those requirements for development never exceeded this amount Los Angeles would always have it, but if the requirements did arise, then Nevada and Arizona should have it. However, Mr. President, the discretion did and does now rest in the Secretary of the Interior. He had the right to decide under the act for which I voted as to whether or not our requirements were 33⅓ per cent or 18 per cent, and he decided that question. I think he has decided it wrong, but it is a past incident; it has gone; and he had the discretion to do it.

He estimates that the States of California and Nevada will receive from three hundred and fifty to four hundred thousand dollars annually from the surplus in this transaction. There may be some doubt about that; it is, of course, but an estimate, though I wish to say that our engineers do not disagree with him materially in the estimate.

I feel, as I wrote to the Senator from Wyoming [Mr. KENDRICK] as a member of the committee, that while we have not received what we consider full justice, we realize that that is a very difficult thing to obtain in such a conflict as has existed for seven or eight years.

We do know that the primary purpose of the construction of the dam at Boulder Canyon is to prevent the destruction of Imperial Valley and also to prevent parts of Arizona from actual ruin, probably with the loss of many human lives. It is known that the only way on earth that such destruction can be prevented is by the impounding of these waters. We have always admitted that it was the duty of the Government to build the dam for that purpose. Whether it be built only high enough to impound the waters or high enough incidentally to generate hydroelectric energy and to irrigate land is a question of policy for Congress to decide. Congress has decided it, but, in any event, it was the duty of the Government to build this protective dam, and it had every constitutional right to do so without the consent or approval of any State whatsoever.

Congress would not let the States do the work, but Congress passed an act proposing at the same time to protect the development of those States. I think, inasmuch as this appropriation deals only with the construction of a dam, which is essential, and does not deal at all with the all-American canal project or the diversion of the water to California, there should be no hesitation about it.

Most of the arguments which have been made here might have applied to the Government appropriating $55,000,000 to divert water to California, but they do not apply to the building of this dam. I hope that this long fight may now be ended. If Arizona does not agree with the opinion of the Attorney General and with the vote of the House of Representatives and what, I think, will be the vote of the Senate in a few moments, as has been stated, the Supreme Court of the United States is open to the State of Arizona. Whether that court shall decide that the contracts are constitutional or not, a dam must be built there. A dam of any kind or character can not be built there, whether under this proposed act or another, until the necessary roads shall have been constructed, until the necessary quarters for workers shall have been erected. That is the purpose of the appropriation of this money, and I think the provision in the bill should be adopted without any further delay.

Mr. ODDIE. Mr. President, on the question of Boulder Dam I have spoken a number of times on the floor of the Senate during the last few years. We are about to vote on the motion of the Senator from Arizona to strike from the pending second deficiency appropriation bill the appropriation necessary for the commencement of the Boulder Dam. I hope that motion will not prevail. I have argued time and again for the building of this dam, and I hope that its construction will soon be begun. I feel sure it will be commenced in a very short time, as soon as we can pass this bill.

A few days ago I made a statement before the Senate Committee on Appropriations, which was then considering the pending deficiency appropriation bill. That statement, from page 52 to page 54 of the hearings, covers my position in the matter quite fully, and I ask that it may be printed in the RECORD. I included in my statement the correspondence I have had with the Secretary of the Interior, copies of the power contracts, and so forth. I will not ask that these data be placed in the RECORD, because they have already been printed in the second deficiency appropriation bill hearings for 1930, pages 52 to 120.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

STATEMENT OF HON. TASKER L. ODDIE, A SENATOR FROM THE STATE OF NEVADA

BOULDER DAM

Senator ODDIE. Mr. Chairman, with the permission of the committee, I should like to make a statement in regard to the Boulder Dam appropriation in the deficiency appropriation bill.

The Boulder Canyon project act was passed principally to provide for adequate flood control of the waters of the Colorado River, thereby removing the menace of floods from the Imperial Valley.

Contending and conflicting interests resulted in delaying the enactment of this legislation for many years, and during this entire period the Imperial Valley was continuously subjected to the risks of devastating floods.

The Secretary of the Interior has made contracts for the sale of power which the Attorney General reports are legal, and that the revenues provided for under these contracts will, under the terms of the act, fully return the cost of the dam to the Government.

Hon. Fred B. Balzar, Governor of Nevada, and chairman of the Nevada Colorado River Development Commission, has notified me that the power contracts carry provisions beneficial to the State, and that the next most important step in the development is the enactment of the initial appropriation of $10,660,000 now before this committee for consideration so that construction work on the project may begin without delay.

The Nevada press is uniformly in favor of proceeding at once, and desire that this appropriation be made available at the present session of Congress. As I have said, the act was passed mainly to provide for flood control, and the Imperial Valley is still without protection. The development of electric power was a secondary consideration, and consequently the question of a division of the power between all parties at interest is not of the same magnitude as the question of expediting the construction of Boulder Dam. The question of providing flood control involves the protection of life as well as property, and therefore transcends the question of power division, which is largely of material concern. However, the division of power should be as equitable as conditions will permit.

I have contended, and it is generally held in the State, that Nevada should have had at least 18 per cent of the secondary power to be sold at 0.5 mill per kilowatt-hour. The contracts allocate all of the secondary power to California interests and none to Nevada. Later Nevada may ultimately be in the position of having to bid higher prices for the secondary power, thus paying tribute and profit to the California interests to whom it is allocated.

However, in view of the benefits to Nevada under the contracts as negotiated, the indorsement of the governor and the Nevada press, and because of the paramount importance of providing flood control in the Colorado River at the earliest possible date, I am willing to subordinate the question of power division and unhesitatingly urge upon the committee a favorable report on the appropriation of $10,660,000, as estimated by the Secretary of the Interior as necessary to commence the work.

During the protracted negotiations with the Secretary of the Interior I have had occasion to write him from time to time urging the importance of including in the power contracts provisions which would adequately and equitably safeguard the interests of Nevada under the provisions of the Boulder Canyon project act. Under the Secretary's first and tentative allocation of October 14, 1929, Nevada received scant consideration in the allocation of power. At the public hearing of November 12, 1929, I made a detailed analysis of the Secretary's first tentative allocation and offered some suggestions, some of which, together with provisions requested in subsequent letters, were adopted and incorporated in the final contracts.

Under the contracts as negotiated, Nevada has—

1. The option of assuming one-third of the financial burden of the entire Government investment and cost of power plant and equipment by making a firm contract for one-third of all of the power (primary and secondary) to be developed at the dam; or

2. Without assuming any financial burden in advance, to withdraw 18 per cent of the primary power and in the event Arizona does not consume her 18 per cent within 20 years, an additional 4 per cent, making a total of 22 per cent of the primary power. Under this option Nevada may withdraw or relinquish power on reasonable periods of notice to the Secretary of the Interior. Nevada is to receive the power at 1.63 mills per kilowatt-hour for falling-water energy and an additional cost to cover the investment in the power machinery and its cost of operation and maintenance.

3. Also under the contracts and under the provisions of the Boulder Canyon project act, Nevada is to receive a share in the revenues above

the amount necessary to reimburse the cost of the project to the Government, and it is estimated that Nevada will receive from $20,000,000 to $30,000,000 during the 50-year amortization period, depending upon the extent to which power and water are sold.

I herewith submit my correspondence with the Secretary of the Interior for publication in the record, as it will show more in detail my position in the matter and the status of Nevada with respect to the entire development, and I sincerely hope that the committee will report favorably the appropriation requested by the Secretary of the Interior and indorsed by the Director of the Budget.

Mr. ODDIE. Mr. President. The primary purpose of building the Boulder Dam is for flood control. The question of power, no matter how important, is but secondary. The Imperial Valley is imperiled. It is necessary that this appropriation be made by Congress and that this dam shall be built without delay. I, therefore, earnestly hope that the provision carried in the deficiency bill for the commencement of construction of the Boulder Canyon Dam may be agreed to as therein written.

Mr. JOHNSON. Mr. President, it is far from my purpose to discuss in detail any of the matters which have been so eloquently dwelt upon by the Senators from Arizona. To-day, sir, is the culmination of eight years of contest by which finally the amount of money that is required for the initial purpose shall be voted by the Congress of the United States for an undertaking that in its character is the greatest in all the world. It has been a part of my legislative career, Mr. President, so I thought it fitting in the closing moments of the debate to express myself concerning this enterprise, and to say to the Senate and to the Congress, aye, to those of the administration who have acted in accord with us something of the appreciation and the gratitude that fills the hearts of those in the Imperial Valley and the territory adjacent thereto who look for rescue under this measure and by virtue of this appropriation.

I take it, of course, Mr. President, that a Congress that has authorized an appropriation and authorized a project such as the Boulder Dam project will not deny, unless for the most cogent reasons, the appropriation that is essential for the initial purposes of that project. No cogent reason, sir, in my opinion, has been advanced why the initial appropriation should not be accorded.

I call to your attention, Mr. President, that we passed the bill after six years of contest, a contest, indeed, that is memorable in the history of this body, where there have been many memorable contests. We passed it with this authorization and we surrounded it with safeguards such as no other project on which this Government has embarked has ever been surrounded. So careful were we of the expense which might be entailed upon the United States Government that we made it obligatory that the Secretary of the Interior should have upon hand the contracts which would enable him fully to meet all expenses, and we left with him, of course, the discretion, which had to be in some place reposed, of making the contracts which would be essential finally to pay all the money that might be expended upon this great project.

The facts are—and they are admitted—that the Secretary of the Interior has made those contracts. Under the particular appropriation contained in this bill those contracts are assailed by our friends from Arizona; they are assailed upon various grounds. I do not intend to consume the time of the Senate discussing those grounds. Sufficient unto the particular proposition is it to say, first, that the Secretary of the Interior, upon whom the discretion rested to enter into the contracts, has made the contracts and has said that they afford full and ample protection to the Government of the United States. Beyond that, the chief law officer of the United States Government, the Attorney General, has approved the contracts and said they are valid and outstanding obligations against those with whom the contracts have been made. Therefore, sir, every provision of the act has been complied with. Contracts have been made which will pay for every penny that the United States Government may expend upon this great undertaking, and to-day the initial amount is asked in order that the project shall proceed.

The Senator from Arizona introduced for printing in the RECORD remarks prepared by the Senator from Utah [Mr. SMOOT], an implacable foe of this project all the time it was pending in this body, and yet, in the first paragraph of the remarks of the Senator from Utah, he says:

> I propose to vote for this preliminary appropriation for the Boulder Canyon project.

In a way that is quite in keeping with the temperament of the Senator from Utah, he adds:

> I propose to do this, not because I think the Boulder Dam project is a wise undertaking or one which should be undertaken by the Federal Government but because Congress has authorized it, and since it is to be undertaken at some time, I see no reason for withholding the appropriation at this time.

So the most implacable foe the project has had—outside, of course, of our friends from Arizona—is for this appropriation.

Beyond that it is an undertaking that fires the imagination of man. Here is a project greater than ever before has been contemplated by engineers or by government; here is something that protects not only property but life too; here, indeed, is an undertaking by the United States Government that beggars description in its possibilities in the future, and which, in comparison with every undertaking of like character all over this earth, has nothing of its sort in all the world. To deny the appropriation when the Attorney General of the United States has insisted that it be accorded because of objections to the contracts, when the Secretary of the Interior is satisfied that the United States Government is wholly protected and will not be out a single penny because of this construction, would be a wrong, sir, that I do not for one instant believe the Senate would contemplate.

As a part of my remarks, and in conclusion, I ask permission to have printed in the RECORD the letter of the Secretary of the Interior of June 16 to the Committee on Appropriations, his letter of June 17 to the Committee on Appropriations, and the letter that was written by the Department of the Interior on May 14 last to the Governor of Arizona.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

THE SECRETARY OF THE INTERIOR,
Washington, June 16, 1930.

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,
United States Senate.

MY DEAR MR. CHAIRMAN: Estimates for construction work on the dam and incidental works authorized by the Boulder Canyon project act (45 Stat. 1057) for the fiscal year commencing July 1, 1930, have been submitted to Congress and referred to your committee. The amount asked is $10,660,000. I recommend the appropriation of that amount and will, if it is appropriated, direct the early commencement of construction.

All conditions required by the Boulder Canyon project act to be performed prior to appropriation for such construction have been fulfilled. There are four such conditions, as follows:

(1) As required by section 4 (a) of the Boulder Canyon project act, six of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, including the State of California, ratified the Colorado River compact, mentioned in section 13 of the act, and consented to waive the provisions of the first paragraph of Article XI of the compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and approved the compact without conditions, save that of such 6-State approval.

Copies of the statutes of the six States of California, Colorado, Nevada, New Mexico, Utah, and Wyoming effecting such ratification are handed to this committee herewith.

(2) As provided by section 4 (a) of the act, the President, by public proclamation dated June 25, 1929, has declared the approval of the compact by six States, including California.

True copy of the proclamation is handed the committee herewith.

(3) As required by section 4 (a) of the act, the State of California, in the statute copy of which has been handed you, has agreed irrevocably and unconditionally with the United States and for the benefit of the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming that the aggregate annual consumptive use of water of and from the Colorado River shall not exceed 4,400,000 acre-feet of the waters apportioned to the lower basin States by paragraph A of Article III of the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by the compact, such uses always to be subject to the terms of the compact.

(4) As required by section 4 (b of the Boulder Canyon project act I have made provision for revenues by contract in accordance with the provisions of the act, adequate, in my judgment, to insure payment of all expenses of operation and maintenance of the dam and power plant incurred by the United States, and the repayment within 50 years from the date of the completion of said works of all amounts advanced to the Colorado River Dam fund under subdivision (b) of section 2 of the project act for such works, together with interest thereon made reimbursable under that act.

These contracts are two in number: (1) A contract for lease of power privilege executed severally by the city of Los Angeles and the Southern California Edison Co. (Ltd.), and (2) a contract for electrical energy executed by the Metropolitan Water District of Southern California. In addition, under authority of section 5 of the act, I have executed with the Metropolitan Water District of Southern California a contract for the delivery of water to be stored in the Boulder Canyon Reservoir.

True copies of the two power contracts required by section 4 (b) of the act, and of the contract for delivery of water, are submitted to the committee herewith.

With particular reference to the power contracts I wish to advise you that:

(a) The power contracts between the United States and the Metropolitan Water District of Southern California, the city of Los Angeles, and the Southern California Edison Co. (Ltd.) are adequate in my judgment to insure payment of all expenses of operation and maintenance of the dam and power plant incurred by the United States and the repayment within 50 years from the date of the completion of said works of all amounts advanced to the Colorado River dam fund under subdivision (b) of section 2 of the project act for such works, together with interest thereon reimbursable under that act. This finding applies to the contracts both as originally drawn and amended as suggested before the House Committee on Appropriations.

(b) The finding stated above is reported to you regardless of whether the city of Los Angeles, or only its department of water and power, or both the city and the department as separate entities are thereby obligated.

(c) The finding stated in paragraph (a) would be reported to you regardless of whether or not the Metropolitan Water District of Southern California were thereby obligated.

As required by Senate Joint Resolution 164, Seventieth Congress, approved May 29, 1928 (45 Stat. 1011), the Secretary of the Interior, with the sanction and approval of the President, appointed a board of five eminent engineers and geologists, one of whom is an engineer officer of the Army on the retired list, who examined the proposed site of the dam to be constructed under the Boulder Canyon project act, reviewed the plans and estimates made therefor, advised the Secretary as to matters affecting the safety, the economic and engineering feasibility, and adequacy of the proposed structure and incidental works, and approved the plans for construction to date. Plans are proceeding satisfactorily, and construction can start as soon as this appropriation is available.

Report of this board (commonly known as the Sibert Board) was submitted to the Secretary November 24, 1928, and transmitted by him to the Speaker of the House on December 3, 1928. The Boulder Canyon project act thereafter became law. A supplemental report of the board was submitted to the Secretary on April 16, 1930.

True copies of both reports are handed to this committee herewith.

Annexed to this report, as a part of it, are two memoranda on the following subjects:

I. Financial operation of the project.

II. Analysis of the power contracts.

Submitted separately are the following memoranda:

ENGINEERING

1. Present status of Boulder Dam designs.
2. Hydrology of Boulder Canyon Reservoir.
3. Basis of the rates for power.
4. Charts on financial operation.

LEGAL

1. Opinion of the Attorney General on authority of the contractors and minimum obligations of the contracts.
2. Opinion of the Attorney General on funds required by the act to be repaid.
3. Opinion by the Solicitor of the Interior Department on 16 questions involving construction of the act.

ECONOMIC

1. Audit of the Los Angeles Bureau of Power and Light, 1929.
2. Annual Report of the Southern California Edison Co., 1929.

Very truly yours,

FINANCIAL OPERATION OF BOULDER CANYON PROJECT

(Statement accompanying report of the Secretary of the Interior to the Committee on Appropriations)

(1) Revenue from 64 per cent of firm energy alone will more than repay the entire estimated cost of the project in 50 years, exclusive of the $25,000,000 allocated to flood control.

The financial situation in case only 64 per cent of firm energy were paid for, and no secondary energy and no water sold, would be as follows:

FINANCIAL OPERATION—BOULDER CANYON PROJECT

(Table No. 4, Plate No. 12)

Revenue from 64 per cent of firm energy only.

No revenue from sale of water.

No revenue from sale of secondary energy.

Machinery investment repaid separately by lessees of power plant within 10 years.

Repayment of $25,000,000 allocated to flood control, including interest charges thereon deferred.

Repayment period, 50 years.

Revenue from sale of 64 per cent of firm energy at 1.63 mills per kilowatt-hour		$209,406,100
Operation and maintenance	$7,132,902	
Depreciation	8,641,293	
Interest charges on all except the $25,000,000 allocated to flood control	106,289,395	
Interest on accumulated deficit	2,714,542	
Repayment (exclusive of flood control)	81,273,674	
Payments to Arizona and Nevada	1,257,558	
		207,309,464
Surplus		2,096,636

The income, above stated, for 64 per cent of the firm energy accords with the minimum obligations of the city (37 per cent) and company (27 per cent), and would be derived as follows:

Table No. 4, Plate No. 12

City of Los Angeles	$121,057,666
Southern California Edison Co	88,348,434
Total	209,406,100

(2) There is, however, under these contracts a firm obligation to pay for 100 per cent of all firm energy, which would result as follows:

FINANCIAL OPERATION, BOULDER CANYON PROJECT

Table No. 1, Plate No. 9

Revenue from 100 per cent of firm energy only.

No revenue from sale of water.

No revenue from sale of secondary energy.

Machinery investment repaid separately by lessees of power plant within 10 years.

Repayment period, 50 years.

Gross revenue from sale of energy, at 1.63 mills per kilowatt-hour		$327,866,350
Operation and maintenance	$7,262,857	
Depreciation	8,875,553	
Interest charges on all except the $25,000,000 allocated to flood control	108,107,007	
Repayment (exclusive of flood control)	82,674,907	
Interest charges on flood control	20,981,303	
Interest charges on accumulated deficit	63,973	
Repayment of flood control	25,000,000	
Payments to Arizona and Nevada	45,330,881	
		298,296,181
Surplus		29,570,169

NOTE.—If surplus is applied to repayment, the entire cost of the project would be repaid in about 43 years.

In this case the revenue would be derived as follows:

Table No. 1, Plate No. 9

City of Los Angeles	$121,310,549
Metropolitan Water District	118,031,886
Southern California Edison Co	88,523,915
Total	327,866,350

The revenue from all firm energy alone will repay the entire estimated cost of the project and give Arizona and Nevada an average of $450,000 per year each, in addition to amortizing the flood-control allocation.

In the 50-year period following completion of the dam in excess of $29,000,000 would be paid into the Colorado River Dam fund from these power revenues, excluding revenue from water.

The income stated above, from power only, would appear as follows if an average of 1,550,000,000 kilowatt-hours of secondary energy were taken in addition:

Table No. 3, Plate No. 11

City of Los Angeles	$133,625,075
Metropolitan Water District	130,013,586
Southern California Edison Co	97,510,189
Total	361,148,850

In the 50-year period in excess of $50,000,000 would be paid into the Colorado River Dam fund from these power revenues, excluding revenue from water, and the average annual payment to Arizona and to Nevada would be in excess of $550,000 each.

(3) The estimates of cost included in the above data are as follows:

Estimated cost of Boulder Canyon project exclusive of interest during construction	$109,446,000
Interest during construction	11,554,000
Total estimated cost	121,000,000
Amount added to cover cost of raising dam 25 feet (Sibert Board said higher dam can be built within original estimate)	4,392,000
	125,392,000
Less $25,000,000 allocated to flood control	25,000,000
	100,392,000
Less cost of machinery which is to be repaid separately in 10 years	17,717,000
Net investment, exclusive of $25,000,000 allocated to flood control and investment in machinery	82,675,000

These estimates of cost are made sufficiently high to include the following safety factors:

	Per cent
15 per cent allowed for contingencies in original estimates becomes 17.5 per cent due to fact that machinery is to be repaid separately	17.5
$4,392,000 added to cover cost of 25-foot raise in height of dam Sibert Board says higher dam can be built within estimates for low dam)	4.2
Placing power plant on both sides of river will shorten tunnels and save $3,600,000	3.5
Additional head due to scour of river channel 20 feet	3.8
	29.0

(4) It has been stated that income from firm energy allocated to the city and company would, alone, be adequate. The average annual payments for firm energy by each will be approximately:

City	$2,427,070
Company	1,770,180

With reference to the amount of the city payment, please see audit which has been submitted of the accounts of the city's bureau of power and light for the year ending June 30, 1929, from which it appears that:

A surplus of $3,626,972.23 was available after payment to the Edison Co. for energy which Boulder Dam purchases will supplant in the amount of $3,422,642.37, or a total which would have been available for purchase of Boulder Dam energy of $7,049,614.60, as compared with an actual average bill due the United States for firm energy of $2,427,070, and without, of course, depleting the bureau's surplus built entirely out of power revenues of $24,024,249.75. And see the certified Edison Co. statement that the Edison Co. carried to surplus, $15,701,283.06, had total assets of $361,266,756.34.

(5) "Firm energy" as used above represents 4,330,000,000 kilowatt-hours per year, upon completion of the dam, which will raise the water surface 582 feet, as authorized by the Sibert Board. This amount of firm energy will decrease at the rate of 8,760,000 kilowatt-hours per year due to upstream consumptive use of water. This estimate of available firm energy is based upon exhaustive hydrographic studies of the river, and will not encroach on flood control. The annual decrease just stated is taken into consideration in the revenue estimates.

(6) The quoted estimates of the financial operation of the Boulder Canyon project are based upon a rate for firm energy of 1.63 mills and 0.5 mill for secondary energy. The act provides for readjustment of these rates 15 years from execution of the contracts and every 10 years thereafter "upon the demand of either party thereto." As the readjustment so provided for is to be "either upward or downward as to price, as the Secretary of the Interior may find to be justified by competitive conditions at distributing points or competitive centers," the future maintenance of the rates now set is a matter which can not be determined in advance.

ANALYSIS OF THE BOULDER DAM POWER CONTRACTS

A lease with the city of Los Angeles and the Southern California Edison Co. and a contract for electrical energy with the Metropolitan Water District.

(Statement accompanying report of the Secretary of the Interior to the Committ on Appropriations:)

GENERAL

One hundred per cent of the firm energy generated at Boulder Dam is guaranteed to be paid for under these contracts, although 36 per cent for Nevada and Arizona, and 6 per cent for smaller cities must be yielded if demanded. The city's obligation is 37 per cent (13 per cent for itself, 6 per cent for other municipalities, and one-half of the 36 per cent allocated to the States until they use it). The company's obligation is 27 per cent (9 per cent for itself and other utilities, plus payment for one-half the unused State power until the States require it). The district's is 36 per cent. The total amounts received by the United States under the 2-power contracts (if the power rates of 1.63 mills per kilowatt-hour for falling water for generation of firm energy and 0.5 mill for water for secondary energy, fixed under the contracts, continue to be justified by competitive conditions when the rates are readjusted as required by the act) will vary between $327,000,000 and $361,000,000, depending upon the quantity of secondary energy and stored water sold.

The Metropolitan Water District is a municipal corporation now comprising 12 cities in southern California, with an assessed valuation in excess of $2,300,000,000.

The city of Los Angeles is now in the power business and its total payments for purchase of power from other sources which Boulder Dam energy will supplant are in excess of the amounts which will be annually due the United States. In the operation of this power department it is adding over $3,000,000 each year to its present surplus of over $20,000,000.

The Southern California Edison Co. has assets in excess of $300,000,000, is owned by 123,000 stockholders, and serves 450,000 consumers.

If these rates continue, performance by the two lessees will amortize the estimated cost within the required 50 years from completion of the dam, regardless of performance of any other allottee of power and regardless of whether any secondary energy or stored water is sold. Similarly performance by the Metropolitan Water District and the city of Los Angeles, even if all other allottees fail, will accomplish this result. Similarly performance by the company and by the district under its power and water contracts will suffice even if all other contractors fail. These statements are based on maintenance of the rates established in the power contracts; these rates are, however, under the terms of section 5 of the act, subject to adjustment 15 years from the date of execution and each 10 years thereafter, either upward or downward, as may be justified by competitive conditions at distributing points or competitive centers.

As the price, as readjusted, can not exceed the standard fixed by competitive conditions at distributing points for competitive centers, these estimates are necessarily conditioned on maintenance of the present prices of competitive energy.

In the event that only two of these three primary contractors perform, postponement of amortization of some part of the flood-control allocation will be required, but such postponement is permissible under the opinion of the Attorney General.

The rate fixed for storage of water for the Metropolitan Water District is 25 cents per acre-foot.

On the basis of the rates now set and the estimated costs there will have been paid into the Colorado River Dam fund out of excess revenues during the 50 years following completion of the dam, as provided in section 2 (b) of the act, between $29,000,000 and $66,000,000, depending on the quantity of secondary energy and stored water sold.

During the same period there will have been paid to each of the States of Arizona and Nevada under section 4 (b) of the act between $22,000,000 and $31,000,000, depending on the same factors.

The amount which would be paid by the Metropolitan Water District for power and water under present rates, if they should continue to be justified by competitive conditions, during the 50-year period would vary between $118,000,000 and $130,000,000. The amount similarly paid by the city of Los Angeles and the smaller municipalities would vary between $121,000,000 and $133,000,000, and the amount similarly paid by the utilities for their smaller allocation would vary between $88,000,000 and $97,000,000.

None of these contracts become effective until the first act of Congress making an appropriation for construction of the dam has become law.

Particular provisions (references are to articles of the lease).

Machinery: Installation, repayment of cost, title, and recapture.—As required by section 6 of the act, title to the dam and power plant will forever remain in the United States.

Machinery will be installed and owned by the United States (art. 8). As compensation for its use, the two lessees will pay an amount equivalent to the cost thereof, in 10 equal annual installments at the beginning of the lease period, amounting to a prepayment or rent for the whole lease period. This is in addition to the charge for falling water.

Under this arrangement no equitable interest in the machinery ever vests in the lessees and in the event of recapture no payment will be owing to them on account of the original installation.

Operation of the power plant: The lease is a several, not joint, lease on separate units of a Government-built plant to the city and to the company (art. 10), operated separately by the two lessees under the general supervision of a director appointed by the Secretary (arts. 10–c, 12).

The two lessees will generate at cost for all other allottees (arts. 10, 12). The cost will be determined by the Secretary (arts 10 (iii), 12).

Repairs and replacements: In articles 12 and 13 the lessees assume the obligation to operate and maintain the plant, including repairs and replacements, at their own expense, except that replacements made after the last readjustment of rates will be considered at the end of the lease period and compensation made to the lessees for the unused life of such replacements.

Provisions in favor of States: Under the allocation of energy made in article 14 Arizona and Nevada are each allocated 18 per cent, without the obligation to now contract for it. Each State may withdraw and relinquish energy in any amount until its full allocation is in use, on six months' notice if the amount required is 1,000 horsepower or less, until it has withdrawn 5,000 horsepower in any one year, and on two years' notice if larger quantities. Whatever right may be available to either State to execute a firm contract instead of accepting this drawback arrangement is left unimpaired. But under such a firm contract, if, say, made for 33⅓ per cent of the energy, the minimum obligation of the States over the 50-year period may be compared with minimum payments expected from the Metropolitan Water District for 36 per cent of the firm energy, which amounts to $118,000,000, a firm obligation whether the energy is wanted or not. All the contracts of the States for electrical energy, like the contracts of all other contractors, will be made directly by the Secretary and enforced by the Government director at the plant. Generation for all allottees must be effected at actual cost, determined by the Secretary.

Either State may increase its allocation up to 22 per cent after 20 years if the other State does not take its full 18 per cent by that time.

Generation for other contractors: Under article 14 the lessees undertake to generate, at cost, energy which the Secretary may contract to furnish to the other allottees, as follows: Metropolitan Water District, 36 per cent of the firm energy plus all the secondary energy, plus first call on unused State allocations, all limited to use for pumping; 11 smaller municipalities, 6 per cent of the firm energy; the States, 36 per cent of the firm energy. The city of Los Angeles generates, in addition to these allocations, 13 per cent for itself. The company generates 9 per cent for itself and other public utilities. The division

of the 64 per cent allocated California is in accord with agreements submitted to the Secretary by all these California interests on March 20 and April 7.

Quantity and rates for energy: Firm energy is defined as 4,240,000,000 kilowatt-hours (art. 15), based on a 575-foot dam and the best available studies of the river flow over the past 35-year period, decreasing annually not more than 8,760,000 kilowatt-hours, in anticipation of increasing upper-basin use. Additional energy is considered as secondary energy. Nevertheless, if the United States builds a higher dam and thus provides a greater quantity of firm energy it reserves the right to dispose of the excess to any municipality independently of the above allocations. The rate for falling water for firm energy is 1.63 mills; for secondary energy 0.5 mill (art. 16). These rates, as required by the act, will be readjusted at the end of 15 years and every 10 years thereafter, either upward or downward, as justified by competitive conditions at competitive centers, but not to exceed the standard so fixed.

Minimum annual payments, load-building provisions: A minimum annual payment is required of each contractor for the firm energy allocated equivalent to the number of kilowatt-hours allocated to it multiplied by 1.63 mills. Nevertheless, to provide an absorption period at the beginning of each lease period, the requirement for the first year is fixed at 55 per cent of the ultimate obligation; for the second year, 70 per cent; for the third year, 85 per cent; and for the fourth year and subsequent years, 100 per cent. Energy taken in excess of these quantities will be paid for at the rate of secondary energy.

Duration of the leases: Under article 9 the first energy available (expected sometime in advance of completion of the dam) shall go to the city, with the district commencing to take one year thereafter, and the company three years thereafter. Under article 26 all contracts terminate when the city contract ends, which means that the company is given a 47-year lease and the district a 49-year contract. Nevertheless, the rental paid by the company for its 47-year term is the same as that paid by the city for its 50-year term, per kilowatt of capacity; that is, an amount equal to the cost of the machinery used (art. 9).

Remedies of the United States: Under articles 19 and 20, generation of energy for any allottee in arrears must be stopped on demand by the Secretary. If the lessees themselves are in arrears more than 12 months or fail to furnish energy in accordance with the allocations to other contractors, the United States can enter and operate the plant, and on 2 years' notice, terminate the lease and make other disposition of the power, subject to a 10-year right of redemption under the lease. The lessees' prepayment of rent for the whole 50-year period in the first 10 years (art. 9) leaves the United States in possession of the machinery as a substantial guaranty of performance.

A provision for posting of security bond when and if required by the United States is inserted in the district contract, as it provides no machinery.

Monthly payments and penalties: Under article 18, power bills must be paid monthly subject to a 1 per cent penalty per month in arrears.

Interruptions in the delivery of water: Under article 21, the United States is not liable for interruptions in the delivery of water caused by drought, act of God, etc., but the power bills are reduced to the extent of such interruption. All contracts are made subject to the Colorado River compact, subordinating the use of water for power to use for irrigation, flood control, navigation, etc.

Measurement and record of energy: Records of energy generated and its distribution to the various allottees are to be kept by the lessees and reported monthly. (Arts. 22, 23.) Meters will be Government tested and inspected.

Inspection by the United States: Full right of entry and inspection of all machinery and books is reserved by the United States. (Art. 24.)

Transmission: The city agrees to transmit for the district and the smaller municipalities. The company agrees to transmit for the other utilities. Transmission for the States will be a separate problem as the lines will run in different directions from those of the city, company, and the district. (Art. 25.)

Title to remain in the United States: Under article 27, title to the dam, power plant, and incidental works, as required by section 6 of the act, remains in the United States forever.

Power reserved for United States: Five thousand kilowatts from each lessee is reserved for the United States for construction purposes on this or other dams. (Art. 28.)

Use of public lands for transmission lines, as provided in the act (sec. 5) is permitted. (Art. 29.)

Claims of the United States have priority over all others, as required by section 17 of the act. (Art. 30.)

Contracts between the city and the company now in force are modified so as to remove any restrictions on either of them from entering into this contract with the United States. (Art. 31.)

Transfers of interests under these contracts are forbidden without the Secretary's consent. (Art. 32.)

The contracts are subject to the Secretary's rules and regulations with a right of hearing to the contractors before modifications are made. (Art. 33.)

Agreement is subject to the Colorado River compact. (Art. 34.)

Arbitration of disputes between contractors is provided; and also the procedure for arbitration between the United States and contractors, if both the United States and the disputant agree to arbitrate. (Art. 35.)

Performance by the United States and contractors is made contingent on appropriations. (Art. 36.)

Modifications in favor of one contractor shall not be denied to another. (Art. 37.)

Members of Congress are excluded from benefits in the contracts, except as shareholders of corporations, in accordance with specific statutory requirement.

THE SECRETARY OF THE INTERIOR,
Washington, June 17, 1930.

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,
United States Senate.

MY DEAR MR. CHAIRMAN: Supplementing my formal report to your committee, and with reference to the Boulder Dam power contracts, I would suggest that analysis of these contracts will be assisted by keeping certain points in mind which were made objectives in drafting these instruments:

1. A wide regional benefit from this power was desired and obtained. Eighteen per cent is allocated to Arizona; 18 per cent to Nevada; 36 per cent to the Metropolitan Water District of Southern California for pumping a domestic water supply from the Colorado; 13 per cent to Los Angeles; 6 per cent to 11 smaller cities—in all, 91 per cent of the firm energy to 15 public agencies, to be generated by machinery leased and operated by the city of Los Angeles. The remaining 9 per cent was allocated to four public utilities who alone can serve the great agricultural back country.

2. This wide distribution was not possible, however, if the States of Arizona and Nevada were required to firmly obligate themselves now for power which they can not yet use. The same was true to a lesser extent of the 11 smaller cities. Yet the act requires firm contracts in advance of appropriations, adequate to return the Government's investment. It was found that sale of 64 per cent of the firm energy would accomplish this. Two applicants had sufficient resources and market to be able to guarantee to take that amount of power, which is in excess of two-thirds of the entire present southern California consumption. These were the city of Los Angeles and the Southern California Edison Co. But to allot 64 per cent to these two agencies would have meant a restriction of the regional spread of this power. The problem was solved by requiring the city to underwrite purchase of 37 per cent and the company 27 per cent of the firm power, of which these two only acquired title respectively to 13 per cent and 9 per cent—the balance of the 64 per cent being available to them only until the States of Arizona and Nevada, and the smaller municipalities, might need it. The smaller municipalities were allowed one year within which to contract for their 6 per cent, and the two States the entire 50-year period of amortization within which to contract for their 36 per cent. And this State power may be taken and relinquished, taken again and relinquished again, on notice, as the cycles of mining or other development in these two growing States may require; their energy will thus be available for them for the entire 50 years, without any firm obligation to take it. This arrangement was only made possible by the earnest desire of the city and the company to facilitate the building of the dam as a solution of the water problem of the coastal plain.

Solution of the water problem is undertaken with the balance of the power, 36 per cent, which is allocated to the Metropolitan Water District, a municipal corporation comprising 11 cities with an assessed valuation of $2,300,000,000, which has firmly contracted for this 36 per cent and will use it to pump Colorado River water through an aqueduct. It is also allotted all the secondary power (surplus power fluctuating with wet and dry season cycles). But as this district, although capable of making this firm contract, has not yet undertaken to finance its aqueduct, and, indeed, could not be expected to do so until it was assured of a power and water supply by contract with the United States, this 36 per cent was not considered in our estimates of the minimum assured return to the Government of the United States. As previously stated, it was found that without this 36 per cent and without any revenues from the sale of secondary power or the sale of stored water, we were still assured of all the revenues required by the act. Nevertheless, revenues under the district's power contract and from secondary energy and stored water will provide a large surplus available for payment to the States of Arizona and Nevada and to the Colorado River Dam fund.

Allocation of the California power among the city of Los Angeles, the 11 smaller cities, the Metropolitan Water District, and the 4 utilities follows exactly two agreements among them which they submitted to the Secretary of the Interior. Faced by a common water problem whose solution required the marketing over an oil and gas field of power generated 250 miles away in sufficient quantity to make the building of Boulder Dam possible, these various elements—large cities, small cities, public utilities, municipal power systems, water-supply organizations—have resolved their power problem in a way which appeared to them to best afford a basis for solution of the dominant water question.

Copies of these two agreements are inclosed, and, in addition, a letter to me from the chairman of the board of the Southern California Edison Co., all of which will indicate the background of cooperation on which the financial structure of these contracts is based.

Very truly yours, ——— ———.

MEMORANDUM OF ALLOCATION OF BOULDER DAM POWER

The allocation among the California agencies of the firm energy allocated by the Secretary to that State (64 per cent of the total firm energy), as incorporated in the power contract, was based upon the following two resolutions:

I

An agreement by the Metropolitan Water District of Southern California, the Board of Water and Power Commissioners of the City of Los Angeles, and the Southern California Edison Co., on March 20, 1930

Resolved, That we recommend to the Secretary of the Interior that the 64 per cent of total firm power from the Boulder Canyon project available to California interests under his allocation be divided, upon terms hereinafter set forth, as follows:

	Per cent of the total firm power
To the Metropolitan Water District	36
To the city of Los Angeles and other municipalities which have filed application	19
To the Southern California Edison Co	9
Total (exclusive of unused firm power)	64

And—

Further resolved, That we recommend to the Secretary that the Metropolitan Water District be given the first call upon all unused firm power and all unused secondary power up to their total requirements for pumping into and in the aqueduct, and that any unused power of the municipalities be allocated to the city of Los Angeles, and that any remaining unused firm power or unused secondary power be divided one-half to the city of Los Angeles and one-half to the Southern California Edison Co.; and

Further resolved, That all parties hereto agree to cooperate to the fullest extent to make the Boulder Canyon project a success in all its phases; and

Further resolved, That this agreement is based upon the resolution already passed by the Metropolitan Water District of Southern California and accepted by the Board of Water and Power Commissioners of the city of Los Angeles whereby that district requests the city of Los Angeles at cost to generate its power requirements and to operate its transmission lines, which lines are to be paid for and owned by the Metropolitan Water District.

The above resolution was approved March 20, 1930, by representatives of the Metropolitan Water District of Southern California, the Board of Water and Power Commissioners of the city of Los Angeles, and the Southern California Edison Co.

(An agreement of April 7, 1930, between the municipalities of Anaheim, Beverly Hills, Burbank, Colton, Fullerton, Glendale, Newport, Pasadena, Riverside, San Bernardino, and Santa Ana)

At a meeting of representatives of the municipalities of Anaheim, Beverly Hills, Burbank, Colton, Fullerton, Glendale, Newport, Pasadena, Riverside, San Bernardino, and Santa Ana, with Northcutt Ely, Executive Assistant to the Secretary of the Interior, on April 7, 1930, at 10 a. m., in the offices of the Metropolitan Water District, the following action was taken:

1. Pursuant to resolution unanimously adopted March 31, 1930, which allocated Boulder Dam primary energy available to the above municipalities (6 per cent of the total generated) among them in proportion to their 1929 consumption, and which directed a committee consisting of representatives of Pasadena, Beverly Hills, and San Bernardino to determine the respective figures for the 11 municipalities' 1929 consumption, this committee, under the chairmanship of Mr. B. F. DeLanty, of Pasadena, reported as follows:

Boulder Dam power, smaller cities

City	1929 consumption kilowatt-hours (substation data)	Percentage of total	Switchboard power available, millions of kilowatt-hours	Firm	Recommended horsepower at switchboard peak at 45 per cent load factor	Estimated proportional cost of the two transmission lines at $20,000,000
Burbank	13,143,901	6.12	15.55	2,386	5,304	$367,200
San Bernardino	25,275,440	11.76	29.87	4,586	10,192	705,600
Pasadena	57,616,480	26.82	68.12	10,459	23,245	1,609,200
Glendale	34,567,200	16.09	40.87	6,276	13,945	965,400
Riverside	21,300,341	9.91	25.18	3,865	8,588	594,600
Santa Ana	14,280,355	6.65	16.89	2,594	5,763	399,000
Newport	1,570,127	.73	1.85	285	633	43,800
Beverly Hills	21,519,303	10.01	25.42	3,904	8,675	600,600
Colton	11,801,850	5.50	13.97	2,145	4,767	330,000
Anaheim	6,684,268	3.11	7.90	1,213	2,695	186,600
Fullerton	7,083,744	3.30	8.38	1,287	2,860	198,000
	214,843,009	100.00	254.00	39,000	86,667	6,000,000

The committee explained that the last column, referring to pro rata of cost of the city of Los Angeles transmission line, was a rough estimate.

It was moved, seconded, and unanimously carried that the proposed allocation as presented by this committee be approved.

2. The following resolution was unanimously adopted:

"*Resolved*, That the allocation reported (full text attached hereto) be adopted; that is, of the power allocated to the 11 municipalities each receive as follows:

City:	Percentage of total
Burbank	6.12
San Bernardino	11.76
Pasadena	26.82
Glendale	16.09
Riverside	9.91
Santa Ana	6.65
Newport	.73
Beverly Hills	10.01
Colton	5.50
Anaheim	3.11
Fullerton	3.30
	100.00

"*Further resolved*, That generation of Boulder Canyon power for the municipalities be performed by the city of Los Angeles, and that the municipalities designate the city of Los Angeles as the agent for transmitting any Boulder Canyon power for which they contract over the main transmission lines constructed by the city for carrying Boulder Canyon power, subject to the understanding that if on further investigation before April 15, 1932, it shall prove to be materially more economical for any municipality to make a different arrangement it may do so; and

"*Further resolved*, That in case of any disagreement over the question of cost of transmission of Boulder Canyon power such disagreement will be adjusted by the Secretary of the Interior; and

"*Further resolved*, That any municipality desiring to reserve the right to contract with the United States for power, in accordance with the allocation approved April 7, shall take formal action indicating such desire on or before May 15, 1930, and shall transmit advice of such action to the Secretary and to a committee consisting of the general manager of the light department of the city of Pasadena, who shall transmit such advice to the other municipalities. Thereafter, on or before April 15, 1931, such municipality shall enter into a final contract with the Government. Any power allocated to a municipality, but not reserved or contracted for under the two foregoing time limitations, shall be included in the allocations to those municipalities who do make such reservation and contract in the ratio that their present allocations bear to each other; and

"*Further resolved*, That these municipalities pledge their cooperation to make the Boulder Canyon project a success in all its phases."

———

SOUTHERN CALIFORNIA EDISON CO.,
Los Angeles, Calif., April 22, 1930.

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.
(Care of Northcutt Ely, executive assistant.)

MY DEAR MR. SECRETARY: In submitting our final proposal upon the contested point regarding the recovery and load-building period to be provided in the Boulder Dam contracts as affecting this company I desire to make the following preliminary observations:

The Southern California Edison Co. (Ltd.) is now supplying the major portion of the market of southern California, in which the power from Boulder Dam must be sold. Specifically, with the exception of the power which will be sold to the city of Pasadena and to the Metropolitan Water District, every kilowatt-hour of electrical energy from Boulder Dam which is sold in southern California must be taken by

present customers of this company (or by two or three smaller municipality customers of other private companies). Since this company is a public utility, it is required to continue to supply these municipalities with their requirements for electrical energy until such times as they voluntarily withdraw from our system, which means, in all probability, that we must continue to supply them until the Boulder Dam supply is available. In short, the market for the major portion of Boulder Dam power is apparently to be built up and maintained by this company until Boulder Dam is ready to take it over.

When the market is taken over by Boulder Dam power, there at once results the displacement of the power which this company will be supplying at that time. This means that a large part of the generating equipment of this company will be rendered idle and the investment therein will not only not earn anything but will not carry itself until it is again usefully employed.

The market in which the company can sell this surplus supply of power which it will have on its hands as a result of the displacement by Boulder Dam power will be restricted as compared with the market until that time.

Contrasted with the situation of the city of Los Angeles and other municipalities which are to be your other customers for Boulder Dam power, you will note that this company will have a large amount of idle equipment on its hands, or, stated otherwise, a large supply of surplus power which it must first take care of before it can begin to absorb Boulder Dam power; the cities, on the other hand, by the simple device of discontinuing taking from this company, will have created a vacuum in their supply which can be immediately filled by Boulder Dam power. The cities can, in other words, take not only without loss but profitably to themselves so much of Boulder Dam power as is represented by the amount of demand which they transfer from the system of this company to the Boulder Dam source of supply; and they will be enabled to do this only because we will have built up their demand for them and kept it supplied until that time.

This very great discrepancy in the situations of your principal customers for the falling water from Boulder Dam, of course, requires that an allowance must be made for the difference in the capacity to absorb the new supply of power from that source.

As has been repeatedly pointed out, the Boulder Dam project is chiefly a water project and our interest in that project is simply in securing for the community in which we serve the assurance as to an additional supply of water which the community believes it will require. So far as the power is concerned, it is more costly now under the contract price proposed than the power which we are securing from the alternate source of steam plants. It holds out no promise of being cheaper in the future, because the price must be kept commensurate with the competitive prices in the distributing territory. We are impelled, therefore, to take Boulder Dam power only as an investment in good will in the community in which we serve; that is, to help out in the development of that community and to show our willingness to carry a part of the burden in that development.

It has been—and is—our position that all of the parties participating in the Boulder project should cooperate in the same spirit in which we are cooperating, and to the extent that a sacrifice is necessary, that that sacrifice should be equally made by all. We are asked, however, to make a sacrifice by accepting the same load-building period as the city of Los Angeles and other municipalities, regardless of the above discrepancies in the two situations. After the company has recovered from its idle equipment it will still not be in as favorable a position to take on the additional load from Boulder Dam as will these municipalities for the reason that even at that time, it will have no vacuum in which to put the power supply from Boulder Dam, but must take care of it entirely out of growth of load in a restricted market. Hence for us to accept, even after a period has been allowed to us for the reemployment of our idle equipment, the same terms as to load building is to make a sacrifice which we can not justify except as an investment in good will and in the interests of harmony.

You have represented to us, through Mr. Ely, that the conclusion of these contracts is very urgent, and that they can only be concluded upon a basis of giving us the same load-building period as others, regardless of the discrepancies in the two situations. Because of our very great desire to be of assistance in the situation, we have come to the conclusion that we will accept this unfair treatment on the condition that we are given a sufficient period in which to recover from the shock of the severance of our former customers from us. We estimate this period at a minimum of three years, but are willing to provide that if we do recover within a less period we shall begin to take Boulder Dam power as soon as the recovery has been effected. We make this concession only upon the condition that it be distinctly understood that it is an investment in good will and that you shall frankly explain that the company has acceded on that basis and on that basis alone. In short, that you shall explain that we are contracting on a less favorable basis than are the municipalities because of this difference in our situations. Since it is an investment in good will, we think we are entitled to have the public know that we have made a distinct sacrifice in order to join in this contract.

With the foregoing facts in mind, and upon the foregoing condition, we will agree to accept the same load-building period as the other contractees, subject to the condition that we shall not be required to take any power from Boulder Dam until three years have elapsed after the city of Los Angeles has first begun to take that power.

Yours very truly,

JOHN B. MILLER, *Chairman.*

DEPARTMENT OF THE INTERIOR,
May 14, 1930.

Ray Lyman Wilbur, Secretary of the Interior, to-day made public the following letter which he wrote Gov. John C. Phillips, of Arizona, on May 9, with relation to Boulder Dam:

"I have read the statement by your Colorado River commission of May 2, and a supplemental statement published May 3, which has just reached me.

"The burden of these statements seems to be an objection that the Boulder Dam contracts, which carry out the outline forwarded you on October 23, modified as the result of the hearing here November 12, which Arizona declined to attend, have been concluded by the Secretary prior to the conclusion of negotiations between California and Arizona, which negotiations your commission thinks might have resulted in a compact covering power questions, as well as water. At any rate, I assume that that is why section 8 (b) of the project act is quoted.

"But your commission has neglected to quote the full language of section 8 (b), which includes the important phrase quoted below but omitted from your commission's statement. It provides as follows, in case the 3-State compact is not made before January 1, 1929:

"'*Provided*, That in the latter case such compact shall be subject to all contracts, if any, made by the Secretary of the Interior under section 5 hereof prior to the date of such approval and consent by Congress.'

"And the complaint of 'haste' can not be meant seriously. The construction of this great work, authorized by an act approved in December of 1928, is necessarily at a standstill until the Secretary signs the required power contracts, for, under the act, no appropriations could be made before that time. I have now signed such contracts and made it possible for this work to proceed. But before doing so, not only did this department wait until the States had had an opportunity under section 8 (b) to compact on or before January 1, 1929, as the law allows, but I delayed my action until April 28, 1930, or 13 months after taking office, in the earnest hope that the States would be able to work out their problems.

"Last June, as in the preceding March, under the auspices of this department, a conference between the States was called for that purpose and every assistance given them by the department and its bureaus to that end. It was fruitless. Nevertheless, I did not accept that failure of the States to come together as being final, nor did I, by proceeding immediately with the power contracts, as I might have done, foreclose them from agreeing on the power question. Instead, four months later, I, on October 19, 1929, announced a tentative allocation of power and a price for power and a price for the storage of water, and set November 12 as a hearing date for any protest. Every attempt was made to bring Arizona to the conference table and give her an opportunity to be heard on the points mentioned above. Not only was a formal notification extended to your State on October 23, which you acknowledged on October 30, but, in addition, I telegraphed you on November 4, and wrote you on that date, and wrote you again on November 7. In the latter letter I said, 'As I wish to make no final allocation until after this hearing (November 12) and desire to give all parties an opportunity to be heard at that time, I wish to again formally advise you of the date and of the invitation to Arizona to be heard.' Nevertheless, no one was present to represent Arizona. Nor was any application for power presented by your State. Yet, on November 14, after the hearing, I telegraphed you, saying that 'there will be a period of some days before final determination will be made. Personally I can not help but hope that the great significance of this project to the whole Southwest will bring everyone in the territory together.' Arizona's refusal to assist in working out these problems, when asked three times, is difficult to reconcile with the present complaint that they have been worked out without her. In the meantime, I had sent you the engineering study upon which the power price was based and I had the pleasure of receiving your very courteous letter of November 16, stating that inasmuch as Arizona denies the validity of the Boulder Canyon project act, she 'can not consistently take any action which might assume the validity of it,' and stating further, 'that since matters are now apparently progressing toward the early consummation of definite contracts covering these matters, Arizona's right to compact in relation thereto would be made valueless, and in that situation her only available recourse is to the courts.' That was nearly six months ago.

In addition, an amount ranging between $29,000,000 and $66,000,000, depending on the same factors, will have been paid into the Colorado River Dam fund for other developments on the river, in which your State will have a share. In other words, your State, without guaranteeing a penny toward the success of this project, is handed a





sum ranging from $350,000 to upward of $600,000 per year and given a free option on over 100,000 horsepower. The share of the firm power given Arizona and Nevada together is 36 per cent. Compare your position, as stated above, with that of the metropolitan water district, which pays for an exactly equivalent amount (36 per cent) about $118,000,000 over the period of its contract, under a firm obligation which must be fulfilled whether the power is needed or not. These privileges in favor of your State mean a corresponding assumption of burdens by the California purchasers of power; and it would have been impossible to finance this project as a power project, pure and simple, under such burdens. It is a water problem in its various phases—flood control, the necessity of domestic water on the southern California plain, and the necessity for irrigation—that has made it possible for these purchasers to assume this burden. Remember that we are transmitting power 250 miles and selling it over an oil and gas field; remember, also, that the quantity of fuel required per kilowatt-hour has gone down from the equivalent of 3.2 pounds of coal in 1919 to 1.76 pounds in 1928, and that even to-day the over-all efficiency of steam-electrical units is only about 27 per cent. Recollection of these facts may help your people to recall that this is a water project and not a power project. Power is being sold to build the dam; the dam is not being built to sell power.

"I have spoken before of the fact that Arizona, although invited, has never come to the conference table to help me in working out these power problems, and has never made an application for power. Yet a large part of the time consumed at Los Angeles was required by the insistence of this department on inclusion in the contracts of clauses protecting the future of Arizona and Nevada. Although your State has never asked for any power, you were allocated 18 per cent of the firm energy, or in excess of 100,000 horsepower, and, unlike all the other contractors, Arizona and Nevada are each given an allocation which does not require their firm obligation for 50 years, but gives them a 50-year option in the form of a right to contract on certain notice for blocks of power, as power is needed, and to relinquish it on like notice when the need ceases, without prejudice to the right to again take the power when wanted; and this process can be repeated indefinitely. But this is not the only contract provision in your favor. You will recall that section 5 (c) of this act permits the States of Arizona, California, and Nevada to contract for energy for use within the State on a preferential status within six months after notice from the Secretary. I might have started that period of limitation running against your State by promulgating notice at any time. Instead I did not do so until the contracts were actually signed, after I had required incorporation in them of a specific recognition of this 6-month privilege.

"Before closing, I think it is desirable that you have a clear picture of the revenue situation as it affects your State. There is no mandate in the act that I exact any sums from the power purchasers for the benefit of Arizona and Nevada. I refer you to the opinion of the Attorney General of the United States, rendered December 26, 1929, stating as follows:

"'Manifestly, it was not the intention of Congress that section 4 (b) should require the Secretary of the Interior to make provision by his contracts to insure any payments to those States during the 50-year period. This was recognized in the debates on the bill.'

"Nevertheless, I have succeeded in negotiating contracts under which firm energy is sold at a price in excess of that for which the power can now be generated by the contracting parties by steam, and succeeded in selling secondary energy at a favorable price. In consequence, the revenues accruing to your State, if these prices are maintained when the readjustment periods required by the act are reached (and, of course, I can make no guaranty that such prices will be maintained, as the act requires that they must be readjusted upward or downward at that time, to accord with competitive prices at distributing points or competitive centers), during the 50-year period of amortization, will range from $22,000,000 to $31,000,000, depending on the amount of secondary energy utilized.

"But to make plain to you that I had no intention of foreclosing Arizona, I forwarded to you on December 2 a transcript of the record of the November 12 hearing, which closed with my following statement to the representatives present: "I propose not to complete these contracts before the second week in December, in the hope that we can bring Arizona into the picture, and I assign each of you and all of those who represent you as agents to make this, if possible, a 7-State compact." I carried out that pledge. I waited not only until the second week in December but until the last week in February before initiating the contract negotiations, and even that step was not taken until the department had taken the initiative in attempting to give the States an opportunity to settle this question by compact, by arranging an interstate conference in January and February (my suggestions of earlier dates having proved inconvenient for the States), which convened at Reno and adjourned to Phoenix. I specifically advised you that the field for agreement on power as well as water was wide open. That conference, like its predecessors, was fruitless. I do not wish you to feel that I attach any blame to Arizona for the outcome of this conference, nor of any others which have been held; I only want you to quite clearly understand that I have been patient and have borne the responsibility for delay for many months in order to give your State a chance to work out its problems.

"Negotiations of the power contracts in Los Angeles consumed two months, a minimum time for contracts of this magnitude, as I think you will agree. Nevertheless, because of the delay in initiating these negotiations, occasioned by the keeping of my promise to the States at the November hearing that I would give them a chance to meet, the closing of the Los Angeles negotiations could not be effected until dangerously near the end of the present session of Congress. The contracts were concluded, as you were notified on October 23 that they would be; I signed them on April 28; and Congress has been requested for an appropriation. I have acted; but not until 16 months after the last date upon which the States, under section 8 (b) could have foreclosed the Secretary from acting. The success of this whole project means too much to the whole Southwest, including very particularly your own State, to justify postponing this flood-control and irrigation measure another year to give opportunity for more interstate conferences.

"Finally, one word about the price being charged to the Metropolitan Water District for storage of water. That price is 25 cents per acre-foot, plus the value of power lost if the water is taken out above the dam. From past communications from your commission, I gather that you want the price fixed at a higher rate so that the excess revenues coming to Arizona will be increased. I doubt whether your people have a proper vision of what they are doing when they make that request. The act provides that no charge shall be made for water furnished to Imperial and Coachella Valleys. But the act gives your State no such protection. It is in exactly the same status as the metropolitan water district. It is left to the discretion of the Secretary to determine the charge against you, as also against that district. As I understand it, you are asking upward of 3,000,000 acre-feet of main-stream water. Your State will some day come to the Secretary of the Interior for a contract for delivery of your water, just as the metropolitan water district has done. If you receive 3,000,000 acre-feet and are charged what we are charging the district for water delivered below the dam, 25 cents per acre-foot, the charge will be $750,000 per year. If we charge you what you have asked us to charge the district, that is, from $1 up, the charge against you will be upwards of $3,000,000 per year. Which of these two precedents do you wish established? Which shall pay the way, power, which you do not want, or water, which you do? I think that consideration of these questions may help you in coming to the conclusion that I have given some thought to the future of your State.

"In closing this somewhat direct statement to you I wish to reiterate my appreciation of your personal grasp of the entire situation and of the capacity shown by the members of your commission. There are, however, a number of facts which it is about time that the people of your State should know, in view of your commission's closing statement that it hopes that 'when the facts of the controversy are brought to the attention of Congress, the request for this appropriation will be denied.'"

Very truly yours,

RAY LYMAN WILBUR, *Secretary.*

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arizona [Mr. HAYDEN] which will be stated.

The CHIEF CLERK. On page 44, it is proposed to strike out beginning in line 18 and ending on line 14, page 45, and on page 45, line 15, after the words "Secondary projects" to insert "for cooperative and general investigations, $1,000,000; *Provided*, That."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN.]

The amendment was rejected.

Mr. HAYDEN. I offer another amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 45, line 14, insert the following after the word "act":

And provided further, That no part of the amount hereby appropriated shall be expended until the city of Los Angeles and the Metropolitan Water District at a duly authorized election shall have obtained the assent of their respective electors, as required by the constitution and statutes of California, to the sale of bonds in sufficient amount to enable them to construct the facilities with which the power and water may be utilized, and to the obligations and liabilities with respect to the purchase of water for all purposes, including that of generating electrical energy and rental of generating equipment.

Mr. HAYDEN. Mr. President, it is unnecessary for me to repeat the argument I have made in the course of my remarks. I can only add that the able and extended statement made to the Senate by my colleague the senior Senator from Arizona [Mr. ASHURST] fully justifies the adoption of this amendment.

I do ask leave, however, in view of the request made by the Senator from California, to place in the RECORD the reply of the governor of Arizona to the letter written by the Secretary of the Interior and certain other documents relating to this subject.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

LETTER FROM GOVERNOR PHILLIPS TO SECRETARY WILBUR

PHOENIX, ARIZ., *May 15, 1930.*

MY DEAR MR. SECRETARY: I have received your letter of May 9 in reference to the statements issued by the Colorado River Commission of Arizona on May 2 and 3. You are correct in supposing that the Arizona commission believes and charges that you acted with undue haste in awarding Boulder Dam power and water contracts prior to the making of a 3-State compact between Arizona, California, and Nevada for the equitable division of the benefits, including power, arising from the use of water accruing to said States as provided in section 8 (b) of the Boulder Canyon project act, and in the face of California's persistent refusal to discuss or consider any such compact. Your assumption that the complaint of "haste" can not be meant seriously is wholly unwarranted and is contrary to the fact. A review of the facts, some of which are misstated and others inaccurately stated in your letter, will show that our complaint is well founded.

The Arizona commission is thoroughly familiar with the proviso of section 8 (b), which you quote in your letter to the effect that the 3-State compact, if not made and approved by Congress prior to January 1, 1929, shall be subject to all contracts made by the Secretary of the Interior under section 5 of the act prior to the date of such approval. In fact, it was the Arizona commission that called this proviso to your attention last October and pointed out to you that by making power and domestic water contracts as you had then indicated you were about to do, you would foreclose certain vitally important matters which Arizona desired to have covered by compact, and which section 8 (b) of the act contemplated should be so covered. It was pointed out to you then, and apparently recognized by you, that so far from being a reason for hastening the making of contracts, this proviso constituted the strongest possible reason for deferring such action until there had been a bona fide effort on the part of the three States to make the compact provided for in the act.

It was doubtless your recognition of this fact that led you to suggest a resumption of negotiations between Arizona, California, and Nevada, which suggestion Arizona accepted upon your express assurance that all matters, including power and domestic water, would be left open and subject to such negotiations, and would not be foreclosed by any action on your part. Upon the faith of this assurance, negotiations were resumed at Reno, Nev., and later at Phoenix, Ariz.

Arizona and Nevada sought earnestly and in good faith to reach an agreement with California on all these matters, but California, as you know, refused then, as it had previously refused, to compact on the questions of power and domestic water and insisted, notwithstanding the plain provisions of the act, that all these matters should be left for your determination. In other words, there was not then and never has been any willingness or any bona fide attempt on the part of California to make such a 3-State compact as the act contemplates. Hence, the existence of the proviso quoted by you constitutes now, as it did last October, a most excellent reason why you should not have proceeded to make contracts to which any future compact would be subject.

You say in your letter that the negotiations between Arizona, California, and Nevada were fruitless, but you did not say why they were fruitless, although you are well aware of the reason. The negotiations were fruitless because California persisted in her refusal to compact with Arizona and Nevada on the subject of power and domestic water as contemplated in section 8 (b) of the act. This stubborn and indefensible attitude on the part of California was obviously predicated upon the belief that you would do just what you have done—ignore the provisions of section 8 (b) and award contracts to the California interests desiring power and domestic water, thus determining and foreclosing matters which the act contemplated would be settled by a 3-State compact.

California was encouraged in this belief by your announcement on January 3, 1930, that you would make contracts for the sale of Boulder Canyon power as soon after February 1 as possible, regardless of the outcome of the negotiations then pending between Arizona, California, and Nevada. This announcement was wholly inconsistent with the assurances which you had previously given us and had constituted an assurance to California that she need not recede from her stubborn and defiant attitude. Therefore, Mr. Secretary, I am forced to conclude that you yourself are in a large measure responsible for the failure of the three States to reach an agreement.

Your letter sounds as if you thought that you or your predecessor in office might properly and lawfully have made these power and water contracts at any time after January 1, 1929. This, of course, is not the case. As pointed out to you last October, it would have been physically impossible to negotiate and conclude a 3-State agreement and have it approved by three State legislatures and by Congress in the 10 days intervening between December 21, 1928 (the date on which the act was approved), and January 1, 1929. Even if you or your predecessor had had the power to proceed with the making of contracts on or immediately after January 1, 1929, no fair-minded officer could have thought it proper to do so until there had been a reasonable time and a bona fide effort to effect a 3-State compact.

But you did not, nor did your predecessor, have any such power on January 1, 1929. The Boulder Canyon project act did not take effect until June 25, 1929, the date of the President's proclamation that the necessary conditions had been complied with. Until then you and your predecessor were expressly forbidden to exercise any authority under the act. Hence your statement that you "delayed" action for 13 months after taking office is inaccurate and misleading. You took office in March, 1929. Between that date and June 25 you did not "delay" taking action. You were simply powerless to act. The failure to exercise a power not possessed can not properly be termed "delay."

Accurately stated, the facts are that the earliest date on which you could possibly have taken any action whatever under the Boulder Canyon project act was June 25, 1929; that less than 10 months thereafter (April 24, 1930) you executed a contract with the Metropolitan Water District of California; and that 2 days later you executed the 2-power contracts referred to in your letter, the last-mentioned contracts being dated April 26, 1930, not April 28, as stated in your letter.

But the making of contracts was not the first duty delegated to you by the Boulder Canyon project act. Section 5 of the act authorizes, or purports to authorize, you to make contracts; but it says you shall do so under such general regulations as you may prescribe, and that general and uniform regulations shall be prescribed for the awarding of such contracts. This clearly contemplates that the regulations shall be prescribed first and the contracts made afterwards. Otherwise there would be no point in prescribing regulations. Now, the fact seems to be that you, in your haste to award these contracts, have awarded them before prescribing any general and uniform regulations or any other regulations on the subject. Indeed, so far as I am aware, you have never yet prescribed any general or other regulations concerning water contracts. Your so-called general regulations for lease of power bear date of April 25, 1930, the date preceding the date of the power contracts made by you, but it is common knowledge that all these contracts were actually negotiated, completed, agreed upon, and signed by the contractees prior to the issuance of your so-called general regulations. In thus getting the cart before the horse you have acted not only in haste but in apparent violation of the act itself. Under the terms of the act, assuming its validity, you could not lawfully award any contract until after you prescribed general regulations on the subject. Even assuming that your so-called general regulations were actually issued and the contracts actually executed on the dates which they respectively bear, the fact would still remain that you awarded these contracts on the very first day that you could legally award them. How, then, can you deny the statement that you acted hastily?

Your letter states, or at least implies, that Arizona was three times invited to attend and participate in hearings or conferences with you on the subject of power contracts. Such a statement is inaccurate and misleading. You did not write me on October 23 as now stated by you, but did write me on October 24. You inclosed a release of your statement or outline dated October 21. Your letter of October 24 did not, nor did your release statement of October 21, indicate that the power allocations therein referred to were tentative only. Both the letter and the statement announced that a power allocation had been made by you, but neither the letter nor the statement spoke of the allocation being tentative. Your letter of October 24 did not, nor did your statement of October 21, indicate what price, if any, you had fixed for power, but did indicate that you had fixed the ridiculous price of 25 cents per acre-foot for the storage of domestic water for the Metropolitan Water District of California.

Your letter of October 24 did not, as you seem to imply, invite Arizona to attend a hearing before you on November 12. In that letter you merely advised me "that any formal protest that may be lodged by the applicants regarding allocation of this power and related matters" would be heard by you on November 12. Arizona was not then, or at any time, an applicant for power and, therefore, according to the terms of your letter, had no standing to lodge a protest or to attend the proposed hearing. The reason why Arizona was not an applicant for power was indicated in my letter of October 30. As then explained to you, Arizona has never conceded but has always denied, the validity of the Boulder Canyon project act and believes that it can not be made effective without her consent. She has, nevertheless, endeavored in all earnestness and good faith to arrive at a 3-State agreement with California and Nevada which would make it safe and proper for her to accept the 7-State Colorado River compact, thus making the act effective, but her endeavors in this direction have been thwarted by California's refusal to cooperate and by your own hasty action in awarding contracts to California interests.

In your letter of November 7 you referred to the allocation made by you on October 24 as being tentative and advised me that you would make no final allocation until after the hearing on November 12, and that you wished again to formally advise me of the date and "of the invitation to Arizona to be heard." There was still nothing to indicate that Arizona was invited to be heard or that she could or would be heard except as an applicant for power, and you knew when you extended this "invitation" that Arizona was not and would not be an applicant. Your "invitation" was, therefore, meaningless. In your telegram of November 14 you did not invite Arizona to attend any hearing but simply expressed the pious hope "that the great significance of this project to the whole Southwest will bring everyone in the territory together." The realization of that hope has been prevented by your own hasty action in attempting to settle by contracts with California interests matters which should have been settled by interstate compact.

Even though Arizona was not an applicant for power, still, because of the revenue provisions of the act, she was and is vitally interested in the prices to be charged for power and domestic water. Your letter implies that Arizona was invited and given opportunity to be heard on these matters, but such is not the fact. No such invitation or opportunity has ever been accorded us. In fixing these prices in which Arizona was and is vitally interested you consulted only with those whose interests were opposed to ours. I have noted what you say about the care with which you claim to have safeguarded the rights of Arizona in making the contracts in question and the great benefits and advantages which you claim Arizona will enjoy under these contracts. As to those matters, we are frankly skeptical. We do not believe that our interests have been properly considered or adequately protected. Having the constitutional right to settle certain questions by interstate compact, we prefer to settle them that way, even though you or some other Secretary may deem himself better qualified to settle them for us.

Strange as it may seem to you, Mr. Secretary, Arizona is a sovereign State, equal in sovereignty and dignity to your own State of California or to any other State in the Union. Your State of California may indulge, and has freely indulged, its privilege of criticizing and berating the State of Arizona because of the latter's insistence on its rights, but it ill becomes a high officer of the Government to take upon himself the function of lecturing, admonishing, and reprimanding a sovereign State and its people as you have attempted to do in your letter to me. Such conduct is resented by the people of this State.

The Arizona commission is not, nor am I, at all impressed or alarmed by your solemn reminder of the discriminatory and coercive features of the Boulder Canyon project act. We are quite aware of the provision which purports to require us to pay for our own water when used for irrigation in our State, while at the same time, requiring this Arizona water to be delivered free for irrigation in your State. This provision in which you seem to take such pride and satisfaction is so outrageously unjust and so obviously unconstitutional that we have not the slightest fear that it will ever be inforced in your administration or any other. Moreover, your assumption that the rights of the Metropolitan Water District of California are similar or comparable to those of the State of Arizona is manifestly wrong, as even you must see. It is on a par with the notion that the owner of a house and a stranger passing along the highway have the same rights in the house.

In conclusion, I must resent as unfounded your insinuation that there are facts in this controversy which the people of Arizona should know and which are being withheld from them. The people of this State are the equals in intelligence of those of any State in the Union. They are more vitally interested in the Colorado River than are the people of any other State. By reason of this greater interest they are more fully informed as to the facts of the controversy than are the people elsewhere. If the Members of Congress knew the facts as intelligent citizens of Arizona know them, the denial of the appropriation which you have requested would be a foregone conclusion.

Very truly yours,

JOHN C. PHILLIPS, *Governor.*

LETTER TO COLONEL DONOVAN FROM CHAIRMAN WARD

PHOENIX, ARIZ., *November 27, 1929.*

Hon. WILLIAM J. DONOVAN,
41 Broad Street, New York, N. Y.

DEAR COLONEL DONOVAN: Your favor of November 20, together with a copy of the Secretary of the Interior's letter to you, came duly to hand and the same is appreciated.

The Secretary, as he states, has been in communication with our governor as to proposed power allocations and price to be charged therefor. Our commission has read his communications to our governor and the replies thereto. Our State has been invited several times, by the Department of the Interior, or, rather, officials connected therewith, to indicate the amount of power Arizona wished and to make application therefor. This we were never in a position to do, and while we stated our reason for refusing, it never seemed to register.

Let me state it to you:

The validity of the Boulder Canyon project act has never been conceded by Arizona.

We might have waived the invalidity, so far as we were concerned, if a satisfactory compact could have been made. If not, then we reserved to ourselves the right to attack the bill; but

If benefits are sought or derived from the act by one who claims it is unconstitutional, then he may, by such act, preclude himself from questioning its validity.

There is the reason why we took no part.

One might, in answer, say you have been trying to compact under one provision of the bill. Our answer is: That the right of compacting by the three lower basin States is given by the Constitution itself, subject alone to the consent of Congress given either before or after the compact is made, and this right to compact could not be swept away by anything in the act. Yet we were willing to act under the provisions of section 8, subdivision B, and make a compact which, if accomplished, would perhaps have waived any legal objections we might have to the act. This we were and are unable to do, as we contend, through no fault of our State.

While I am referring to this subdivision B of section 8, let me refresh your memory in a general way as to some of its provisions. It provides that in constructing, managing, and operating the dam reservoir * * * and other works * * * authorized, including the * * * delivery of water for the generation of power, etc., and all users and appropriators of water stored by the reservoir, including all permittees, licensees of the United States, or any of its agencies, shall be subject to and controlled, "anything to the contrary herein notwithstanding," by the terms of such compact, if any, between the three lower-basin States for the equitable division of "the benefits, including power, arising from the use of waters accruing to such States." The subdivision then provides that it will be subsidiary to and consistent with the Colorado River compact, and to which Congress shall give its consent and approval on or before January 1, 1929. If not by that date, then, by the consent of Congress, after such date. There is then a proviso as follows: "That in the latter case (a compact ratified after January 1, 1929) such compact shall be subject to all contracts, if any, made by the Secretary of the Interior under section 5 hereof prior to the date of such approval and consent by Congress."

The project act was approved December 21, 1928, giving commissioners 10 days in which to agree and make a compact which would not be controlled by the Secretary's contracts. To compact in such a short period of time, of course, was impossible (the present commission had not yet been appointed). So, being unable to act under the first clause, we necessarily came under the second clause covered by the proviso. That being so, let us see where it leads. Either one of the three compacting States could, by refusing to agree for a period of time, reduce the matters upon which an agreement was desired to one—i. e., a division of water only—leaving the other matters to be controlled by the Secretary's contracts, and this is just what did happen in our conferences. Take, for instance, the Santa Fe conference, Arizona desiring that the compact should cover certain matters vital to our State, made certain written proposals covering, among other things, division of water and revenue requirements. California replied, denying the right of the three States to do anything as to power, revenue, or as to the charges for delivery and storage of water, even going so far as to say in their paragraph 8 of reply to our recommendation as to the interested States having advisors to confer with the Secretary that "provision for advisors from interested States would be obnoxious to the Secretary of the Interior, and probably not be approved by Congress." We thought at the time such an answer was trifling, did not think California was invested with the right to say what would or would not be obnoxious to the Secretary, and I see by the Secretary's communications with our governor and in his letter to you that, instead of advisors being obnoxious, they would have been welcomed. Of course they would.

The Secretary is too big and broad a man to refuse advice on such an important matter coming from an official representative of an interested State appointed for that purpose. Other objections which they made were just as trivial, and rendered the making of a compact with them impossible. Our commission, after studying their replies before we adjourned, at your request, at Santa Fe, had come to the conclusion that California was determined to ignore the provisions of subdivision B of section 8 and were not going to agree to anything that would result in a compact at that time; that instead the conferences would be, or could be, dragged out until such time as the Secretary had made contracts covering everything but a division of water and then they would agree for the first time that we must consider subdivision B of section 8, at least that part contained in the proviso, whereby we were bound by contracts made by the Secretary in the meantime.

So again, when we came to the Washington conference, no agreement on a division of water even could be considered except the Gila was counted in although it all was appropriated before there was any irrigation in Imperial Valley and any reflow into the main river could never be used by any of the three States after the American canals headgate was moved to Laguna Dam. They knew our people would never ratify any compact whereby the Gila was in, yet the argu-

ment continued and a lot of time was wasted. Arizona knew why, knew California would not agree to any compact until the other matters were settled by the Secretary or until some one in authority gave them to understand the project would wait until "jockeying for position" ceased. Our commission was ready to quit then, but out of our great respect for you, knowing your fairness, we did agree that we would try to agree at an adjourned meeting to be convened at Santa Fe in October, providing all matters that we were trying to compact on would remain in status quo and we understood that would be so. When we left Washington it was also understood by us that the Secretary would proceed with perliminary matters necessary to be attended to and we might go on with the preparation of our legal matters, but we would file no action and the Secretary would make no commitments which would bind or embarrass us in further negotiations. We also agreed with you that we, in the meantime, before the October meeting, would try and hold further informal conferences with California, so when I read your letter the latter part of June to get in touch with Mr. Bacon as to our commission's meeting and recommend as to what water allocations should go into a treaty with Mexico, I immediately wrote Mr. Bacon about your recommendation. I thought we would then again be in touch where we could again informally discuss our differences, but under date of July 10 he informed me that it would be extremely difficult to get the commission together during July or August as everyone was planning some sort of vacation. There the matter rested.

I now come back to the Secretary's statements in his letter to you. After our Washington adjournment the President declared the act in effect, and immediately thereafter by interviews by Interior Department officials (not the Secretary) anyone not familiar with the requirements of the act would have thought the construction of the project would commence in two weeks. Of course, as to construction of the dam we knew better, but we surely thought, and we were justified in thinking, that step by step allotment of power, price of power, and storage and delivery charges of water for domestic use on the coastal plain was going to be fixed and contracts let in accordance therewith, for in the Secretary's letter to Governor Phillips, under date of October 24, 1929, he says:

"Pursuant to section 5 (c) * * * an allocation has been made of the power to be developed at Boulder Canyon Dam on the Colorado River. This allocation and terms and conditions on which power is to be disposed of are shown on attached statement."

He then says any formal protest that may be lodged by the applicants regarding allocation will be heard by him on November 12, 1929, at 10 a. m., and in the attached statement the allocation of power was shown and storage and delivery charges for water for the coastal plains was fixed at 25 cents per acre-foot. No protests were to be heard as to these water charges, and protest as to power was limited to allocation, and only to those who were applicants, which Arizona was not, so you can see, Colonel, I think we were justified in believing that the door was gradually being closed on all matters about which we were trying to effect an agreement on except a division of water, which item the Secretary has nothing to say about.

The price of power, the storage and delivery charges for water we were tremendously interested in for upon those charges would depend whether Arizona would receive a revenue as provided in the act. Taking the item of storage and delivery charges for water, when we made our written proposals at Santa Fe, you will remember we were being guided by the Siebert report made by a disinterested board of engineers, whom we, by reports, were led to believe that each one was eminent in his profession. I am yet inclined to believe they were as Congress had no hesitancy in following their recommendations as to the added cost. They assumed, in their report, that the storage and delivery charge for water would be $1,500,000. Our commission assumed that what they were referring to mostly was the charge for domestic water for Los Angeles. If so, this amounted on 1,090,000 acre-feet to practically $1.50 per acre-foot, but the Siebert commission took issue with the amount of that charge, for in the last paragraph of their report they say, "If the income from storage can be reasonably increased and the capital investment reduced by the cost of the all-American canal, together with a reduction for all or a part of the cost properly chargeable to flood protection, it would be possible to amortize the remaining cost with the income from power." You will note there was nothing about any excess profits to Arizona and Nevada, just the cost of the project. Anyway, Congress raised the costs and removed the charge for the American canal to conform to their recommendations and it strikes us, if the committee was right as to cost of project, they were likely right as to the necessity of raising the charge for water, anyway, we proposed that charge be $2 per acre-foot. California said, "If the policy of a minimum charge on domestic water is to be established, it should not exceed $1 per acre-foot, as I remember. The set-up (and I don't have it before me) sent our governor showed the reclamation engineers figured the necessary charge at about 60 cents per acre-foot, while the Secretary fixed the charge at 25 cents. The only theory that I could figure such a charge was that it was for irrigation purposes and not for domestic use. I remember a governors' meeting at Denver in August of this year, where Doctor Mead, Mr. Walters, chief engineer of the Reclamation Service, and myself were present. One of the governors was inquiring into the charge for power. Mr. Banister said there was another item of revenue—domestic water. I was astounded to hear Mr. Walters say it would be used for irrigation to fill the basin and 50 cents per acre-foot was enough. I knew when the bill was before Congress that California in articles, speeches, and testimony before committees had always claimed this water was for domestic use. In fact, the very future of Los Angeles and nearby cities depended on having this water for such use, so last night I looked through some committee hearings and reports I had in my office. Let me quote from one or two of these pamphlets. Mr. Swing: "The Pacific coast cities * * * are now at work to build an aqueduct to this river to bring to those cities additional domestic water which is vitally needed * * * they are doing it because they have exhausted all local resources * * * and have found that it is impossible for them to get an adequate supply of domestic water from any other source."

Hearing on H. R. 9826, part 3, page 105.

Mr. Mathews, one of California's commissioners, testifying before the House committee, stated that at an election held in Los Angeles there was a proposal submitted to the voters for their acceptance or rejection one of the proposals being, Shall the city contract with the Government for power at the dam for pumping water from the Colorado River for use within the city, which proposal was accepted by the voters.

Hearing on H. R. 2903, May 8 to 17, 1924, part 8, page 1845.

Again the proponents made a closing statement in writing shown in the last citation on page 1847, which I quote from:

"First an initial development by the Government comprising the construction of a large dam at Boulder Canyon adequate to fully control and desilt the river's floods * * * and make possible a domestic water supply for southern California communities."

The above is enough to show what representations were made to Congress on this subject to secure the passage of the bill, those benefited by revenue measures feel that if "domestic water" arguments were good enough to influence Congress, it is that kind of water that charges should be made for.

I have taken much of your time on questions of water and power because, regardless of figures, if proper charges are not made, Arizona can never receive that benefit which Congress intended she should have. It was on account of those features that caused Arizona to support the resolution at the seven river States meeting held last August at Salt Lake, which requested the Secretary to file with the governors of the seven river States all data upon which price fixing was to be based so that each State might have its engineers check the data and advise with the Secretary before charges were determined. I think it was unfortunate this was not done, as you are perhaps aware.

Arizona has been opposed to the 7-State compact. It is more than fair to the four upper basin States. They wanted it because they wanted to be protected against prior appropriations by California. They knew in Nevada use was very limited and also knew that large amounts of money were needed if Colorado River water was placed on Arizona's lands.

We knew that if a tri-State compact was not made with California, that California would have the right of prior appropriation against our State as to the waters allocated to the lower basin, and with her wealth, power, and influence Arizona would soon find that the Colorado River water would be of no benefit to her. In other words, on her shoulders rested the danger that theretofore had rested not only on Arizona but also on the other basin States, except California. Yet we were willing to even forego our objections to the 7-State compact if a compact could have been made along the lines suggested in our proposal. Our proposals were fair and, in my judgment, I know that it was the purpose of the commission to not bluff but to try and make proposals that would be fair to both States. We were unable to do it, and with the set-up that has now been fixed by the Secretary—that is, I mean the price that has been fixed for power, the price that has been fixed for water for the coastal plains, and the allocation—seems to render hopeless any compact.

Yours very sincerely,

CHARLES B. WARD.

EXTRACTS FROM ARTICLES PRINTED IN THE PRESCOTT (ARIZ.) EVENING COURIER, MAY, 1930

Press reports last week carried the intelligence that the members of the California delegation, headed by W. B. Matthews, of the California-Colorado River Commission, had established themselves in Washington for the purpose of seeing to it that Congress makes the desired appropriation of $10,660,000 with which to begin construction of the Boulder Canyon Dam.

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Senator ODDIE, of Nevada, already has placed in print in the CONGRESSIONAL RECORD copies of his correspondence with the Secretary of the Interior (Wilbur, of California), this being in relation to the so-called contracts which were under negotiation with the California interests. The Secretary was unable to give Senator ODDIE a copy of these contracts for the stated reason that there were no copies in

Washington, but he admitted that the contracts were being written in California. An inspection of the contracts very plainly indicates that they not only were written in California but also were written by California, and for the benefit of California alone; it takes neither a sage nor a scholar to discern that this is true.

When the contracts were completed in Los Angeles to the satisfaction of the California dictators of them they immediately were transmitted by airplane to Washington. * * * On arrival in Washington the contracts instantly were sent to the Budget secretary, who, with equal alacrity, hurried them to the President, who, for once in his official career, exhibited a burst of speed, and rushed to Congress his appeal for an appropriation to begin work on the dam. It is quite apparent from the manner in which haste was employed that no one in Washington could or did take time to find out what these contracts were, whether gold bricks or bona fide agreements, before they were shoved into the hopper of Congress as the foundation for the raid on the United States Treasury for more than $10,000,000.

President Hoover once was a mining engineer in charge of large properties. If he had recommended and set in motion the expenditure of as big a sum for a mine corporation, with as little knowledge of it as he had of the Los Angeles conracts, he soon would have been dismissed from his responsibilities. Secretary Wilbur formerly was president of Stanford University. Had he authorized the spending of a vast sum for that institution and permitted some contractor to make the terms to suit himself, he soon would have been released from his duties. In their positions as servants of the American people they should exercise the same interest in appropriations they would have if a director or regent were scrutinizing their actions. Love for their native State doesn't whitewash laxity in extending favors, anxiety to push a program through doesn't excuse failure properly to guard public funds.

After everybody in California and in Washington got through with the contracts, copies of them were sent to Arizona. The Arizona-Colorado River commissioners recently have been favored with an opportunity to study the "California contracts." It is certain that many questions naturally will arise in regard to them in the forthcoming debates in Congress.

Primarily, Congress will endeavor to ascertain just where the Government of the United States "gets off," if the proposed appropriation is granted and expended. The Swing-Johnson Act (the Boulder Dam measure) clearly says that no appropriation shall be made until the Secretary of the Interior has in his hands contracts which will guarantee that the Federal Government will get its money back. The study of these contracts does not reveal that a "safe and sane" Congress will be satisfied on that point.

Inasmuch as the Secretary of the Interior apparently has decided in his own mind to jam the Colorado River compact down the throat of Arizona, and since it seems he will ignore the plain language of the Swing-Johnson bill in his evident determination to deliver all the benefits of the Boulder Dam project, lock, stock, and barrel, to California, and has made these hasty and uncertain contracts, the Evening Courier, for the enlightenment of its own readers, if nothing more, will ask the eminent Secretary of the Interior and the other active individuals from California some embarrassing questions. In propounding them, this newspaper will give comment and make some observations, which it is hoped will strengthen the faith of Arizonans in the river commission and win approval for what has been done and for what the commissioners propose to do.

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Before Congress passed the Boulder Dam act it accepted the proposal of Representative LEWIS W. DOUGLAS to appoint the Seibert commission, which investigated costs and charges of the project and made a report. Congress quickly adopted this report, and, based upon it, passed the Boulder Dam measure, known as the Swing-Johnson bill. The Seibert report estimated a yearly income of $1,500,000 for the storage and delivery of water to the Metropolitan District of California, but the report also said "if the income from storage can be reasonably increased" the project might be feasible. Now, the representatives of the metropolitan district have written their own contracts, in their own way, and the authorities at Washington have cooperated and accepted them; contracts not for an income of $1,500,000 a year, or more, and not even $250,000 annually based on a 25-cent charge, but 25 cents an acre-foot for water delivered! What about it, Mr. Secretary of the Interior? Is such a one-sided and incongruous agreement worthy of officials who are supposed to look after the interests of the people of all the States without bias?

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Why is 25 cents an acre-foot determined upon as a charge for this water? The California-Colorado River commission, in its negotiations with the Arizona commissioners, indicated that $1 an acre-foot would be acceptable. The Interior Secretary's own engineering experts calculated that 60 cents an acre-foot largely would compensate the United States Government for its outlay, leaving nothing whatever for Arizona or Nevada from this particular item. The Secretary, however, in his excessive benevolence, permitted the Californians to fix the rate at 25 cents because he thought that "domestic water" should not be unduly burdened. But Californians long since have abandoned all pretense of seeking the water for domestic purposes. They now frankly confess that it is wanted for irrigation of crops, for agricultural uses up and down the coastal plain wherever lands may be susceptible of subdivision and sale.

* * * * * * *

What has the Metropolitan Water District of Southern California agreed to do in its alleged contract? The purported contract for water is not a contract at all; it simply gives the metropolitan district a 10-year gratuitous option on 1,050,000 acre-feet of Colorado River water, but imposes no obligation whatever upon the district to take or pay for any of the water. The contract says: "This contract is for permanent service, but is made subject to the express covenant and condition that in the event water for the district is not taken or diverted by the district hereunder for district purposes within a period of 10 years from and after completion of the Boulder Canyon Dam, as announced by the Secretary of the Interior, it may, in such events, upon the written order of the Secretary and after hearing become null and void and of no effect."

Why should the United States furnish free storage facilities to the metropolitan district? The so-called contract does not suggest any charge for the storage of water, but merely agrees on the part of the Federal Government that it will store the water for nothing within the States of Arizona and Nevada and deliver to this California district, whenever it might want delivery, up to 1,050,000 acre-feet of water at 25 cents an acre-foot. The officials of the city of Prescott recently have been discussing the problem of obtaining an additional water supply, and they now are considering a proposal along those lines. In this proposal the charge is to be 33 cents a thousand gallons for the storage and delivery of water. Twenty-five cents an acre-foot is about one-twelfth of a cent per thousand gallons. Isn't it about time for the people of Arizona to wake up and realize what the people of southern California, aided by the Department of the Interior, are trying to do to this State?

Why should the metropolitan district be given electric power for pumping purposes, to be delivered and used near the Boulder Dam, at the price of electricity in Long Beach, Calif., without making any allowance for transmission costs from Long Beach to the place of delivery? In other words, the Boulder power is contracted at the same price of Long Beach power at the latter point of origin.

Under the terms of the so-called contract with the Metropolitan District, the district is given an option on approximately one-third of the power that the Boulder Dam can produce at 1.63 mills a kilowatt-hour. The Swing-Johnson Act, as stated by the legal advisor of the Secretary of the Interior, requires the sale of power on a competitive basis. The Secretary in his contract with the Californians fixed a single price for the power, which, it is claimed, would be the cost of generating electrical energy at the Long Beach steam plants. What would it cost to transmit the power from Long Beach to the projected pumps (which are to be used in pumping water out of the Colorado River Basin over the San Bernardino Mountains) of the Metropolitan District at or near the dam? Whatever that cost might be, it is proposed to donate it to the Metropolitan District by the so-called contracts.

Why should the United States Government supply Los Angeles and the Metropolitan District with the cheapest water and the cheapest electric power in the Southwest, accomplishing that by the use of storage and delivery facilities lying within the States of Arizona and Nevada?

The important issue involved here is State rights against Federal rights. President Hoover has expressed himself as strongly opposed to the threadbare idea that the Western States should be treated as wards of the United States Government. Secretary Wilbur, however, repeatedly has expressed the view that it was extremely unfortunate that here in the Southwest unimportant political units (meaning the States of Arizona and Nevada and some others) appear to be impediments to the proper development of the economic possibilities of the Colorado River. The Secretary clearly has indicated that, for the purpose of working out this tremendous problem, it is necessary to ignore these artificial political lines and trample the rights of the weaker States. The alleged contracts carry out the Secretary's theory. What essentially are assets of Arizona and Nevada he proposes to donate to the State of California. Imperial and Coachella Valleys are to receive their storage and delivery facilities for nothing. The Metropolitan District merely is required to pay a nominal charge of 25 cents an acre-foot for such water as it may want.

The Swing-Johnson Act seems to contemplate that Arizona and Nevada should derive revenue from the Boulder Dam project. The contracts ruthlessly reveal that such a notion completely has been subordinated for the purpose of according California a degree of benevolence and charity never bestowed upon another State, at the expense of others, since the Federal Union was formed. In this fashion the United States Government uses the assets of Arizona and Nevada for the purpose of playing Santa Claus to California.

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Why was so much haste exercised in endeavoring to shove the $10,660,000 appropriation through during the closing days of this turbulent session of Congress? Common sense and caution should dictate that in

a matter of this importance the Interior Secretary's acts should be gone over as with a fine-tooth comb, scrutinized by the Attorney General's office of the United States, and submitted to the other States in the Colorado River Basin for investigation, and not be a rush case in which flying machines and other methods of speed were invoked.

According to the contracts, Californians are to get domestic water for their coastal cities, and, by hurrying the work on the dam, will bring large acreages of agricultural lands under cultivation. With the country already gravely burdened with overproduction, it would appear to the average man that no good could come to the Nation generally by bringing in more crop production just now. Congress already has appropriated $500,000,000 to be used in an effort to maintain prices of staples because of a surplus farm yield.

In regard to the domestic water supply of the Pacific coast, there is no less an authority than W. P. Whitsett, chairman of the board of directors of the Metropolitan Water District, who is now in Washington lobbying for the $10,660,000 Boulder Dam appropriation, that, unless the dam is constructed right away, the people of southern California would be bewildered and not know what to do, and there would be vacant store buildings, deserted homes, unemployment, and unsold subdivisions. He made this statement at the Reno, Nev., meeting of the Colorado River commissions of the various States. The tendency to keep on extending city limits and selling lots is not new in Los Angeles and vicinity. In 1868 a man by the name of Stephen Powers walked across the country from Raleigh, N. C., to Los Angeles and on to San Francisco. He wrote his impressions in a book entitled "Afoot and Alone from Sea to Sea." In his written narrative one thing stood out as a cardinal experience of the long tramp, and it was the fact that in Los Angeles almost everyone with whom he came in contact tried to sell him town lots. They still are in that occupation, but now are enlisting the aid of the United States Government through the Boulder Dam project.

What benefits will Arizona get from the Swing-Johnson Act or the contracts with southern California made by the Secretary of the Interior?

The Interior Secretary recently gave out a long statement, pointing to what he considered extensive benefits to Arizona under the provisions of the Swing-Johnson Act.

This great enterprise is to be built by the United States Government, which will pay the costs, and with no other purpose than to enrich southern California. Although the Swing-Johnson measure authorizes an appropriation to investigate the Parker-Gila project on the Arizona side of the river, the Secretary of the Interior made no request for such an appropriation. The measure says Imperial and Coachella Valleys shall obtain water for nothing, the water to be taken entirely outside of the Colorado River watershed. The United States is to advance something like $30,000,000, without interest, with which to construct the all-American canal. Whatever water Arizona might be able to take from the dam's reservoir must be paid for at whatever rates the Secretary of the Interior wants to charge. But Arizona can not get any water from either the reservoir or the lower reaches of the river under the terms of the Swing-Johnson Act, unless this State accepts the terms of the Colorado River compact.

The Secretary's contracts purport to allot to Arizona 18 per cent of the power that may be developed at the dam. Just what authority the Secretary of the Interior had to make such an allocation has not yet been discovered. It certainly is not embodied in the Swing-Johnson Act. But, regardless of the mythical authority, whatever power Arizona sometime might care to take and use under these contracts must be obtained through the city of Los Angeles, which will have charge of the generating plant at the dam. Arizona must go to Los Angeles to arrange for whatever electrical power the State may want. Also, if Arizona desires to procure any of this power, the State must accept the terms of the Colorado River compact.

In the reconstruction period following the Civil War a few similar coercive pieces of legislation were passed by Congress for the purpose of further throttling the Southern States. But, aside from these unwise and unfortunate examples, the legislative history of Congress will not show anything comparable to the attempt made through the Swing-Johnson Act, and with the assistance of the Secretary of the Interior, to force Arizona to agree to the terms of the Colorado River compact, whether the people of the State like those terms or not.

If anyone in California or anywhere else is beguiled into the belief that Arizona meekly will submit to such coercion, whether in large or small details, he eventually will find his assumption based upon pillars of air.

Except by agreement between Arizona and California, Arizona emphatically denies that California can take a drop of water out of the drainage basin of the Colorado River, and any such attempt will be opposed by this State with all the might that can be summoned in the cause of right.

* * * * * * *

Why was no water compact made between Arizona and California?

For a number of years, and almost since the Colorado River compact was prepared in Santa Fe, N. Mex., in 1921, attempts have been made by the representatives of this State, through conferences and negotiations, to arrive at an understanding wherein Arizona definitely might know what water she was going to get out of the main stream of the Colorado. At no time during the progression of these conferences has there ever been in evidence an honest and earnest endeavor on the part of California to reach any kind of just conclusion or a fair determination of that question. Whenever an approach to a settlement was made, the matter always was referred back to Washington, to find out what those in authority might do or advise, California assuming from the outset that the Colorado River, with all its tributaries, was a Federal asset and a Federal property, and that Congress was in a position, and in a frame of mind, to give, or take away, the benefits of the river to or from any State.

Arizona from the beginning of the controversy has contended that the waters of the Colorado River, in so far as they flowed through Arizona, were the property of this State and could not be taken away without the consent of Arizona. Statistics show that there are approximately 8,500,000 acre-feet of water in the main stream, out of which the demands of Mexico probably will have to be satisfied, and the remainder to be divided between Arizona and California.

In 1927 the Governors of Colorado, New Mexico, Utah, and Wyoming, at a conference of the representatives of all the river-basin States, decided that California was entitled to 4,200,000 acre-feet of the total of 8,500,000. California at once refused to accept that quantity, her agents asserting that she needed 4,600,000 acre-feet. Other subsequent conferences were held, and steadily the demands of California have increased from the 4,600,000 acre-feet, demanded at Denver in 1927, to 5,800,000 acre-feet asked at the conference in Washington in June, 1929. It necessarily is evident that every time the demands of California are raised, it means that Arizona would be allotted that much less.

California, in all the negotiations with Arizona, openly has coveted even the waters in the streams wholly within this State, and more recently, at the Reno and Phoenix conferences, the Californians have come out unblushingly and claimed one-half of the waters in the streams that flow into the Colorado River through Arizona. "But," the Californians said, "if Arizona wanted to keep all of the waters in the tributaries, then California would take the equivalent out of the main stream of the Colorado River."

Arizona always has been willing to settle the long-drawn-out river dispute, but rather than give up any hope of ever getting anything out of the river, for the sake of peace she will submit her claims and rights to such tribunals as will accord her a hearing with the utmost confidence that in dealing justice between two sovereign States this State will be allowed to retain that which is hers and to which she justly is entitled.

Why didn't Arizona agree to the power contracts?

The Swing-Johnson Act, in section 8B, empowers the States to enter into a compact respecting advantages to be derived from the benefits of the appropriation, delivery, and use of water for power purposes. However, there was a joker in the act, to the effect that if the Secretary of the Interior made contracts before such a compact was reached, then the compact would be subject to the contracts prepared and accepted by the Secretary.

From the very inception of this controversy California has maintained that the Secretary of the Interior was the one to determine any question at issue, and that the States had nothing to do with it. Arizona, on the other hand, stoutly maintained that it was a matter which should be decided by the States themselves, and when such compact was signed and approved by Congress then the Secretary would be guided and governed by its terms.

The foregoing in a certain measure explains the undue haste of California and the Secretary of the Interior in dealing with the contracts. It also explains why at the various futile conferences that have been held Californians refused to concede that the States could make such contracts.

The foregoing summary of the situation can not help but make Arizonians wonder if there was anything but the interests of California in the minds of those who occupy "the seats of the mighty," and also to wonder if they had not been certain of favoritism would the Los Angelans have been willing to have excluded the States from the decisions.

Californians have opposed any suggestion to have faith in an agreement between the States as to a division of the waters and power, and because they must feel in their own hearts that if such an agreement were made then Arizona would receive substantial benefits for relinquishing for all time the great natural resources that are included in the building and operation of this vast water and power project.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arizona.

The amendment was rejected.

Mr. HAYDEN. I have a third amendment which I desire to offer.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Arizona offers the following amendment:

On page 45, after line 14, insert a new paragraph, as follows:

"For studies, surveys, investigations, and engineering to determine the lands in the State of Arizona that should be embraced within the

Parker-Gila Valley reclamation project as authorized by section 11 of the Boulder Canyon project act, $250,000."

Mr. JONES. Mr. President, I desire to say that that is authorized by law. What we may do with it in conference I do not know. I am willing to accept it on the bill and take it to conference.

Mr. HAYDEN. I ask to include in the RECORD section 11 of the Boulder Canyon project act authorizing this appropriation and a letter from the Commissioner of Reclamation.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

SEC. 11. That the Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineering as may be necessary to determine the lands in the State of Arizona that should be embraced within the boundaries of a reclamation project, heretofore commonly known and hereafter to be known as the Parker-Gila Valley reclamation project, and to recommend the most practicable and feasible method of irrigating lands within said project, or units thereof, and the cost of the same; and the appropriation of such sums of money as may be necessary for the aforesaid purposes from time to time is hereby authorized. The Secretary shall report to Congress as soon as practicable, and not later than December 10, 1931, his findings, conclusions, and recommendations regarding such project.

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, May 29, 1930.

Hon. CARL HAYDEN,
United States Senate.

MY DEAR SENATOR HAYDEN: In response to your letter of May 21, 1930, there is attached hereto itemized statement of expenditures to June 30, 1930, for surveys and other investigations in the Colorado River Basin. These expeditures have been made from the reclamation fund and from funds contributed by interested parties.

In addition to the expenditures shown on the statement there is available during the fiscal year 1931, an additional appropriation of $175,000 made available from the reclamation fund by the first deficiency act, fiscal year 1930. Of this amount, $50,000 was to be used for continued investigations of the all-American canal. However, if an appropriation is made from the General Treasury for the Boulder Canyon Dam, approximately $170,000 will be available from the reclamation fund during fiscal year 1931 for investigations in the Imperial Valley and all-American canal. In this connection see House Document No. 383.

The appropriation item now before Congress for the Boulder Canyon Dam contemplates reimbursement at this time of only the expenditures made from the reclamation fund for the Boulder Dam and Reservoir. The item of $385,000 does not include any expenditure made for the Imperial Valley and all-American canal. The Imperial Irrigation District and the Coachella County Water District have agreed to cooperate with the United States in this work.

Very truly yours,

ELWOOD MEAD, *Commissioner.*

Colorado River Basin

Description of investigation	United States	Contributed funds	Total cost
Cost to June 30, 1929:			
Boulder Dam and Reservoir—			
Cooperative investigations, 1921-1927	$191,447.03	$141,000.00	$332,447.03
Colorado River Basin advisers, fiscal year 1928	9,167.83	----------	9,167.83
Colorado River Basin Board, fiscal year 1929	46,752.44	----------	46,752.44
Boulder Dam, preliminary work, 1929	21,561.90	----------	21,561.90
Subtotal	268,929.20	141,000.00	409,929.20
Imperial Valley, all-American canal	16,744.31	27,553.47	44,297.78
Subtotal	285,673.51	168,553.47	454,226.98
Estimated cost, fiscal year 1930:			
Boulder Dam	115,000.00	----------	115,000.00
All-American Canal	33,000.00	25,000.00	58,000.00
Subtotal	148,000.00	25,000.00	173,000.00
Grand total to June 30, 1930 (estimated)	433,673.51	193,553.47	627,226.98

The VICE PRESIDENT. The question now is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 12343) to authorize the Secretary of the Treasury to accept donations of sites for public buildings.

The message also announced that the House had passed a bill (H. R. 13174) to amend the World War veterans act, 1924, as amended, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 12343) to authorize the Secretary of the Treasury to accept donations of sites for public buildings, and it was signed by the Vice President.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 7119. An act to authorize the establishment of a Coast Guard station on the coast of Florida at or in the vicinity of Lake Worth Inlet;

H. R. 11136. An act authorizing the Florence Bridge Co., its successors and assigns, to construct, maintain, and operate a toll bridge across the Missouri River, at Florence, Nebr.;

H. R. 12844. An act granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.;

H. R. 12919. An act granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing or at or near the point known and designated as Wilder Ferry;

H. R. 12920. An act granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Culbertson, Mont.;

H. R. 12993. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River at One hundred and fifty-ninth Street in Cook County, State of Illinois; and

H. J. Res. 372. Joint resolution authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island dated July 5, 1918; to the Committee on Commerce.

H. R. 7639. An act to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relative of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928; to the Committee on Naval Affairs.

H. R. 11623. An act to provide for the appointment of an additional district judge for the southern district of Texas; to the Committee on the Judiciary.

H. R. 13174. An act to amend the World War veterans' act, 1924, as amended; to the Committee on Finance.

H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms; to the Committee on Claims.

H. J. Res. 321. Joint resolution to authorize an appropriation of $4,500 for the expenses of participation by the United States in an International Conference on the Unification of Buoyage and Lighting of Coasts, Lisbon, 1930; to the Committee on Foreign Relations.

PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES
(S. DOC. NO. 200)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1931, amounting to $30,000, for an additional amount for the Sixth Session of the Permanent International Association of Road Congresses, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS OF SISSETON AND WAHPETON BANDS OF SIOUX INDIANS
(S. DOC. NO. 201)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior, Bureau of Indian Affairs, fiscal year 1931, amounting to $300,000, for payment of claims of the Sisseton and

Wahpeton Bands of Sioux Indians, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CONTINGENT EXPENSES, UNITED STATES CONSULATES
(S. DOC. NO. 202)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation pertaining to existing appropriations for the Department of State for contingent expenses, foreign missions, and contingent expenses, United States consulates, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SECOND DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

Mr. McKELLAR. Mr. President, I should like to offer the committee amendment which I send to the desk.

The VICE PRESIDENT. It was agreed that committee amendments were first to be disposed of. The amendment will be stated.

The CHIEF CLERK. The Senator from Tennessee offers the following as a committee amendment:

On page 120, after line 20, insert:

"Toward rebuilding and resurfacing with concrete the road situated in Shiloh National Military Park in Tennessee from the original boundaries of the park to the Corinth National Cemetery at Corinth, Miss., at a total limit of cost of $306,000, there is hereby reappropriated the sum of $100,000 already appropriated in the military affairs appropriation act approved May 28, 1930, to be expended under the direction of the Secretary of War under the terms of this act instead of under the terms of said act of May 28, 1930: *Provided*, That the State of Tennessee will build a like concrete road from the boundaries of Shiloh National Park northward to connect with Tennessee State Highway No. 15, a distance of about 5 miles, such road to be built prior to the completion of the road provided for herein."

Mr. JONES. Mr. President, I desire to make a point of order against that amendment. It changes a law that we have already passed, and in that respect it is new legislation on an appropriation bill. It also changes the character of the road that the previous act provides to be built, and in that respect it is also new legislation on an appropriation bill.

Mr. McKELLAR. Mr. President, all I need to say about it is that the original act creating the national parks specifically authorized the building of roads, and, of course, this amendment is authorized under that act. The act does not provide what kind of roads shall be built. The act of May 28, 1930, simply provided that this road should be made out of gravel and oil, and this amendment provides that it shall be made out of concrete.

The committee authorized me to report the amendment. I think the vote was unanimous with the exception of the chairman. I ask that the committee be sustained, and that the amendment be adopted.

The VICE PRESIDENT. The Chair is ready to rule.

The original act of 1894 provides:

That to enable the Secretary of War to begin to carry out the purpose of this act, including the condemnation or purchase of the necessary land, marking the boundaries of the park, opening or repairing necessary roads—

And so forth. The Chair thinks under that law the amendment is in order.

The question is on agreeing to the amendment offered by the Senator from Tennessee on behalf of the committee.

The amendment was agreed to.

Mr. HARRISON. Mr. President, I offer the amendment which I send to the desk.

Mr. JONES. Mr. President, we have a committee amendment to dispose of before other amendments come in.

The VICE PRESIDENT. The Chair was advised that all the committee amendments were disposed of.

Mr. JONES. No; there is one remaining. Will the Senator from Mississippi withhold his amendment until this one is disposed of?

Mr. HARRISON. Certainly.

The VICE PRESIDENT. The amendment of the committee will be stated.

The CHIEF CLERK. On page 7, the committee offers the following amendment:

EXECUTIVE

Investigation of enforcement of prohibition laws: For the exclusive purpose of continuing the inquiry into the problem of the enforcement of the prohibition laws of the United States, pursuant to that particular provision of the first deficiency act, fiscal year 1929, to be available for such inquiry only notwithstanding the provisions of any other act, and to be expended under the authority and by the direction of the President of the United States, who shall report the results of such investigation to Congress, together with his recommendations with respect thereto, fiscal year 1931, $50,000, together with the unexpended balance of the appropriation for this purpose as contained in the first deficiency act, fiscal year 1929, which shall remain available until June 30, 1931.

Mr. JONES. Mr. President, I desire to offer a substitute for the committee amendment. I send it to the desk and ask to have it stated.

The VICE PRESIDENT. The amendment offered by the Senator from Washington, in the nature of a substitute, will be stated.

The CHIEF CLERK. The Senator from Washington offers the following:

On page 7, strike out lines 2 to 15, inclusive, and insert in lieu thereof the following:

"Investigation of enforcement of prohibition and other laws: For continuing the inquiry into the problem of the enforcement of the prohibition laws of the United States, together with enforcement of other laws, pursuant to the provisions therefor contained in the first deficiency act, fiscal year 1929, to be available for each and every object of expenditure connected with such purposes notwithstanding the provisions of any other act, and to be expended under the authority and by the direction of the President of the United States, who shall report the results of such investigation to Congress, together with his recommendations with respect thereto, fiscal year 1931, $250,000, together with the unexpended balance of the appropriation for these purposes contained in the first deficiency act, fiscal year 1929, which shall remain available until June 30, 1931."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Washington, in the nature of a substitute for the committee amendment.

Mr. TYDINGS. Mr. President, will the Senator yield? I think we ought to have a couple of Senators here.

Mr. JONES. I should like to have as many present as we can get here.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator.

Mr. HARRISON. The prohibition question generally precipitates a good deal of discussion. Is it asking too much of the chairman of the committee to permit me, before we get into that discussion, to offer this other amendment and get it out of the way? It will conduce greatly to my peace of mind. I have a very important engagement of an official nature that I should like to keep.

Mr. JONES. If it will not lead to the offering of several other amendments that I know Senators are anxious about, I shall have no objection.

Mr. HARRISON. I do not think this amendment will lead to very much discussion, because I am sure that upon an explanation of it the Senator from Washington will accept it.

Mr. JONES. If no other Senator objects, I shall not object to the Senator's offering it at this time. It is apt, however, to lead to the offering of other amendments.

Mr. TYDINGS. I think there are probably two or three amendments that some Senators have, about which I do not believe there will be any debate. In case there is no debate, I wonder whether the Senator would extend us that privilege. In my case I shall have to leave to-morrow, and I should like very much to have considered an amendment which I have to offer.

Mr. JONES. Mr. President, I do not know that it will save any time to insist upon this committee amendment being disposed of first; and if no other Senator objects I shall make no objection to the presentation of these individual amendments.

The VICE PRESIDENT. Without objection, the committee amendment is temporarily withdrawn.

Mr. HARRISON. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Mississippi offers the following amendment:

On page 20, under the heading "Bureau of Agricultural Economics," insert the following:

"Market news service: For an additional amount to enable the Secretary of Agriculture to collect, publish, and distribute by telegraph, mail, or otherwise timely information on the current market prices of cottonseed and cottonseed products independently and in cooperation

with State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of cottonseed and cottonseed products, $25,000."

Mr. JONES. Mr. President, I shall have to make a point of order against that amendment.

Mr. HARRISON. Will not the Senator withhold the point for a moment?

Mr. JONES. I withhold it for the moment.

Mr. HARRISON. Before the Senator makes the point of order I desire to say to him that in distributing this information touching prices of farm products, and so forth, practically everything is included except cottonseed and cottonseed products. Reports which I have here, but with which I do not want to burden the Senate, made by the Tariff Commission following an investigation by the Federal Trade Commission of cotton products, show that there are greater fluctuations in the values of cottonseed products than in the value of any other farm products of the United States. There is no market quotation for them. They are not quoted on any exchange; so a farmer just goes to one town, and he might get $20 a ton there while in another town they would be paying $30 a ton.

It is estimated that if, over our wire service, we could have distributed this information on prices of cottonseed and cottonseed products, the farmers would save $75,000 annually on this one item. I am asking only $25,00[illegible] to carry on the service. As I say, the Government is doing this with everything else, so far as I know, except cottonseed and cottonseed products; and of all the grain farm products, cottonseed ranks fourth. I think corn, wheat, and oats outrank it, and cottonseed comes next.

I hope the Senator will not make a point of order, so that this amendment can be adopted, and the farmers at least can get this mite of relief during this Congress.

I ask to have printed in the RECORD at this point a memorandum on this subject.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON COTTONSEED

The most astounding single fact in the whole agricultural situation in the United States to-day is the fact that cottonseed, the leading seed crop of the South, has been permitted to remain the football of speculators with no constructive attention paid to it by Congress. Let us look at the facts.

Only three other grain seeds produced in the United States—corn, wheat, and oats—exceed in volume the annual production of cottonseed. Last year 6,435,000 tons, or 386,100,000 bushels, of cottonseed were produced. This is almost equal to the country's total production of barley, rye, and flax.

In the South, among seed crops, cottonseed, of course, ranks first. Its cash value last season, according to Bureau of Census figures, was $233,526,000.

But under what adverse conditions must the southern farmer market this important crop?

While the quality and value of corn, wheat, oats, and several other seed crops less important than cottonseed are determined by adequate and elaborate systems of sampling and grading and extensive current market news reporting—wheat, for example, being adequately graded, and being sold on 41 different exchanges and its current daily value otherwise widely broadcast—cottonseed is sold without a system of standard grades and without current information as to its market value. Both quality and value are undetermined generally, and, therefore, subjected to the caprices of the trade.

Furthermore—and here is an outstanding economic evil—these conditions have encouraged speculation on a big scale. That the numerous dealers handling the seed between the farmers and the mills have taken full advantage of this ungraded and unappraised farm commodity is apparent everywhere. Farm products sold without quality standards and without information about their competitive market value are subject to speculative manipulation always.

Such conditions would result, naturally, in unfair and unstable markets—disturbing and unsatisfactory alike to both producers and crushers.

In its 1928 report on the cottonseed industry, the Federal Trade Commission said, "The uncertainty of the value of the seed has always been a cause of dissatisfaction, first, because of the lack of a system of grading the grower realizes no more for seed of a good quality than for seed of an inferior quality; and, second, because of the unavailability of reliable information as to the current market value of cottonseed, he is not aware as to whether the ginner is paying him a fair price." Again, the commission stressed this condition it found in the cottonseed markets: "There are no published prices on either cottonseed or its products, and for this reason the industry has been described as highly speculative."

To those who know the facts it is not surprising that the noted agricultural economist from New York's Cornell University, Doctor Boyle, should return after a survey of farm marketing conditions in the South and publish an article about the "southern farmers' economic Cinderella"—cottonseed.

The United States Department of Agriculture in response to enactments of Congress has promulgated nearly a hundred grading systems, either mandatory or permissive, for that many different agricultural products.

After several years of intense research and study, based on direct contacts with the problem, the Department of Agriculture's committee on methods of sampling and analyzing cottonseed under the direction of Mr. G. S. Meloy, of the Bureau of Agricultural Economics, has recently completed its preliminary study necessary to the establishment of a scientific system for the grading and analyzing of cottonseed.

The grading plan that has been suggested by the department was recently adopted by the cottonseed-oil mills, and for the coming season they will base their quotations on the department's standard grade, and will pay a premium for the better quality of seed. This is a great forward step, and some day this grading system will be extended to cover the wagonload lots of seeds, and in this way the actual value of the seed, determined by chemical analysis, will in all cases be reflected back to the grower.

However, no provision has been made and there is no comprehensive public or private system for reporting or broadcasting competitive market values of cottonseed.

In the case of cottonseed, unlike cotton, corn, wheat, and livestock, there are no exchanges, no large central markets where competitive values can be determined. The cottonseed markets are decentralized—widely scattered over the Cotton Belt. This fact makes a Government price-reporting service more essential than in the case of many other farm commodities where big centralized markets facilitate the dissemination of market information.

Twenty-five thousand dollars will enable the Department of Agriculture to utilize its existing market-reporting agencies in the cotton States to collect and publish or broadcast the daily cottonseed markets, so that farmers, and all interested parties, will know what the market is.

Students of marketing have estimated that the income of the growers of cottonseed will be increased at least $25,000,000 annually by the establishment of a grading and market-reporting system.

I want to call your attention now to some of the appropriations Congress has given the Department of Agriculture to aid in the marketing of farm products other than cottonseed—many of which are much less important than cottonseed. The agricultural appropriation bill for next year provides:

"For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm products, $816,800."

"For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy, and poultry products, fruits, and vegetables, peanuts and their products, grain, hay, feeds, and seeds, and other agricultural products, $1,385,000."

"For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the class, quality, and/or condition of cotton, tobacco, and fruits and vegetables, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, $525,000."

"To enable the Secretary of Agriculture to carry into effect the provisions of the United States grain standards act, $825,000."

"To enable the Secretary of Agriculture to carry into effect the provisions of the United States cotton futures act, $234,500."

"To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled 'An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture, $25,000."

Here are $3,811,300 which next year will be spent by the Bureau of Agricultural Economics for market services on farm products other than cottonseed. No provision has been made to help the cottonseed growers. Surely, with a crop valued at over $225,000,000 and potentially much greater, they are entitled to the $25,000 for which we ask.

Mr. McKELLAR. Mr. President, may I say that I have had many telegrams and letters about this amendment from those engaged in the cottonseed-products business in Memphis, and from other places. I offered such an amendment down in the committee, but the Senator from Washington said that he would make a point of order against it. I am very happy that the Senator from Mississippi has brought it before the Senate. As I understand, the Senator has given the proper notice of a motion to suspend the rules and offer it anyway.

Mr. HARRISON. Yes; but I did not want to insist on having that done.

Mr. McKELLAR. I hope very much the chairman of the committee will not make the point of order, but will let the

Senate pass upon the amendment, and at least take it to conference. I made that request of him, as he recalls, in the committee, and I want to make it again publicly. I hope very much, in the interest of those who are engaged in the cottonseed-products business, that the Senator will let the Senate vote on the amendment.

Mr. HARRISON. May I say to the Senator from Washington that this matter was presented to me just the latter part of the week. I wanted to appear before the committee in regard to it with my friend here, but I was tied up in the Foreign Relations Committee. If the Senator will allow the Senate to adopt the amendment, and have an explanation in conference from the Agricultural Department, they will raise no objection to it; and upon investigation I am sure the Senator will see that very great value attaches to getting these market quotations over our wire service.

I hope, therefore, that the Senator will allow this amendment to be offered and adopted.

Mr. JONES. Mr. President, the committee has instructed me to make points of order on propositions that are subject to them. This matter can well go to the Agricultural Committee and be submitted to it, and be taken care of in the next agricultural appropriation bill if it be necessary; so I shall make the point of order.

Mr. HARRISON. Mr. President, may I say to the Senator, before he puts down the door on this matter, that the Senator knows that that is quite a long time. I know of no class of farmers that has been harder hit than the cotton farmers. The price of cotton has declined within the last six months from about 20 cents to about 13 cents a pound now, and cottonseed has gone down worse than that. This is really a place where we could be of some benefit to the cotton farmers now.

I sincerely hope the Senator will at least let this matter go to conference, notwithstanding the fact that a point of order probably would lie against it.

Mr. JONES. Mr. President, of course I sympathize with the cottonseed producers. This matter, if it had been pressing for some little time, could have been taken up some time ago. I do not think we have had a satisfactory showing that the situation will be taken care of by this appropriation; but, at any rate, I shall have to make the point of order.

Mr. HARRISON. Mr. President, I desire to make the motion mentioned in the notice, and ask for a vote upon it.

The VICE PRESIDENT. The Secretary will read the notice.

The CHIEF CLERK. On June 24, 1930, the Senator from Mississippi offered the following notice:

Pursuant to the provisions of rule 40, I hereby give notice of my intention to move to suspend paragraph 3 of Rule XVI for the purpose of proposing to House bill 12902, the second deficiency appropriation bill, the following amendment, namely:

On page 30, after line 16, insert the following:

"Market news service: For an additional amount to enable the Secretary of Agriculture to collect, publish, and distribute by telegraph, mail, or otherwise timely information on the current market prices of cottonseed and cottonseed products independently and in cooperation with State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of cottonseed and cottonseed products, $25,000."

The VICE PRESIDENT. The question is on the motion to suspend the rules.

Mr. JONES. Mr. President, I did not know any such notice as that had been given. Of course, it is up to the Senate to decide whether they will start suspending the rules to allow different amendments to be agreed to. If the rules are to be suspended to allow action on one amendment, the Senate will be asked to suspend the rules to act on other amendments. But, of course, that is a matter for the Senate to decide. I do not think we ought to do it. I do not think we ought to enter upon that program.

Mr. HARRISON. Mr. President, the Senator knows that I do not offer a lot of frivolous amendments to appropriation bills, and if I did not think this was a very vital matter I would not even present the amendment. I certainly would not ask that the rules be suspended in order to make it in order. But this amendment is to take care of an emergency of very great importance at this time, and I hope it will be agreed to.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi to suspend the rules.

On a division, the motion was agreed to, two-thirds of the Senators present voting in the affirmative.

The VICE PRESIDENT. The question now is on agreeing to the amendment offered by the Senator from Mississippi.

The amendment was agreed to.

Mr. TYDINGS. Mr. President, I have an amendment, which I ask to have read.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. The Senator from Maryland offers the following amendment, to be inserted at the proper place:

Two hundred and fifty thousand dollars for elimination of grade crossing of Baltimore & Ohio Railroad Co.'s tracks in the District of Columbia at or near Fern Street in accordance with the provisions of S. 4223, as passed by the United States Senate at this session.

Mr. JONES. Of course, Mr. President, under our rules that is not subject to a point of order, so I will not make any point against it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VANDENBERG. Mr. President, I offer an amendment, which is on the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 70, after line 11, insert the following:

Permanent International Association of Road Congresses: For an additional amount for the expenses of the sixth session of the Permanent International Association of Road Congresses to be held in the United States as authorized by Public Resolution No. 18, approved March 28, 1928, as amended, including compensation of employees in the District of Columbia and elsewhere, rent in the District of Columbia, printing and binding, transportation, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), contract stenographic reporting services without regard to section 3709 of the Revised Statutes, official cards, hire of motor-propelled passenger-carrying vehicles, and such expenses as may be actually and necessarily incurred by the Government of the United States in the observance of appropriate courtesies, fiscal year 1931, $30,000.

Mr. JONES. Mr. President, that is also pursuant to an act which has passed both the House and the Senate and has been signed by the President.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH of Montana. Mr. President, I propose the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Montana offers the following amendment, which will be inserted at the proper place:

Bronze bust of late Lieut. James Melville Gillis, United States Navy: For carrying out the provisions of the act entitled "An act to provide for the purchase of a bronze bust of the late Lieut. James Melville Gillis, United States Navy, to be presented to the Chilian National Observatory" approved June 9, 1930, to remain available during the fiscal year 1931, $1,200.

Mr. JONES. Mr. President, I understand that has been provided for by law, and is not subject to a point of order.

The amendment was agreed to.

Mr. TRAMMELL. Mr. President, I desire to propose an amendment on behalf of my colleague [Mr. FLETCHER] and myself.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 127, after line 8, to insert the following:

Caloosahatchee River and Lake Okeechobee drainage areas, Florida: For improvement of the Caloosahatchee River and Lake Okeechobee drainage areas, Florida, on account of emergency flood conditions, to be expended under the direction of the Secretary of War and supervision of the Chief of Engineers in accordance with the report submitted in Senate Document No. 115, Seventy-first Congress, second session, $2,000,000, to remain available until expended.

Mr. JONES. Mr. President, I will have to make a point of order against that, because it has not been estimated for and has not been reported by a standing committee of the Senate.

Mr. TRAMMELL. I would like to make a brief statement with regard to the amendment.

Mr. JONES. I will withhold the point of order.

Mr. TRAMMELL. The rivers and harbors bill, which has passed both Houses, but has not yet been approved by the President, contains an authorization for this particular project in a sum far in excess of the amount mentioned in the amendment. On account of flood conditions which exist at the present time, there seems to be a great demand for some immediate relief, approaching an emergency situation. I have proposed this amendment on the part of my colleague and myself in the hope that we might have made immediately available $2,000,000, so that the work may proceed without further delay. That is the reason why we have offered the amendment. Of course, at the time I sent it to the desk a day or two ago to be proposed, we hoped that by this time we would have the

approval of the board of Army engineers, and also that the rivers and harbors bill would have been approved.

I desire to have this statement appear in the RECORD.

Mr. JONES. Mr. President, I know that both the Senator and his colleague are very much interested in this matter; but the rivers and harbors matters are taken care of in other ways, so I will have to make the point of order.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. BLACK. Mr. President, I send an amendment to the desk which I desire to offer.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 123, after line 14, to insert:

Acquisition of land, Maxwell Field, Ala.: For the acquisition of additional land in the vicinity of and for use in connection with the present military reservation at Maxwell Field, Ala., fiscal year 1931, to remain available until expended, $200,000.

Mr. BLACK. Mr. President, I desire to state that this expenditure has been authorized. It was passed in the House several weeks ago and passed in the Senate some days ago. The authorization bill was sent to the Senate Committee on Military Affairs with a request from the War Department that it be acted on at this session of Congress. It was one of the emergency measures which we took up some days ago in the meeting of the committee. It is for the purpose of acquiring land to be used in connection with a new tactical school. It will be used for the construction of officers' quarters. If it is not available for use at the time the school begins operations, according to figures furnished me, it will cost the Government a considerable amount of money for commutation of quarters. It is authorized, and will have to be spent some time.

Mr. JONES. Has the legislation passed both Houses and been signed by the President?

Mr. BLACK. I have not investigated to see whether or not the President has signed the bill. It has passed both the House and the Senate.

Mr. JONES. Of course, it is not a law if the President has not signed it.

Mr. BLACK. I have not investigated to see whether the bill has been signed or not. I assumed there was no possibility that the President would not sign it.

Mr. JONES. There is no official estimate for it. I make the point of order that it is not in pursuance of law.

Mr. BLACK. I contend it is not out of order, since it has passed the Senate and the House.

The VICE PRESIDENT. If the bill has passed the Senate, the Chair is of the opinion that it is in order.

Mr. BLACK. It passed the Senate some time ago. I was sitting here when it passed.

The VICE PRESIDENT. The Chair overrules the point of order, and the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLAINE. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. The Secretary will report the amendment.

The CHIEF CLERK. On page 35, after line 25, insert:

Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis.: For the construction and equipment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis., at such point as the Commandant of the Coast Guard may recommend, as authorized by the act entitled "An act to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis.," approved September 21, 1922, $35,000, to be available until expended.

Mr. JONES. I make a point of order against that on the ground that there is no estimate for it, and no report from a committee, and, as I understand, legislation has not been passed authorizing it.

Mr. BLAINE. Mr. President, the legislation authorizing this was passed, and approved September 21, 1922. I have a citation to volume 42, part 1, United States Statutes at Large, page 991. The appropriation has been recommended by Admiral Billard for the last several years.

Mr. JONES. But no official estimate has come to the Congress.

Mr. BLAINE. The matter has been submitted to the Budget Bureau; but the law authorizes this appropriation.

Mr. JONES. Was it a law dealing with this particular matter?

Mr. BLAINE. Exactly. It reads:

That the Secretary of the Treasury be and is hereby authorized to establish a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, Door County, Wis.

That is exactly the language used in the proposed amendment.

Mr. JONES. Is there any specific authorization of any sum of money?

Mr. BLAINE. It continues "in such locality as the Captain Commandant of the Coast Guard may recommend, at a limit of cost for station buildings," and so forth, of $35,000. The amendment uses the language of the authorization.

The VICE PRESIDENT. If the amendment is within the language of the existing law, the Chair will hold that the point of order is not well taken.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. Mr. President, there is one committee amendment which has gone over.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. The Senator from Washington offers the following substitute for the committee amendment, on page 7, to strike out lines 2 to 15, inclusive, and to insert in lieu thereof the following:

Investigation of enforcement of prohibition and other laws: For continuing the inquiry into the problem of the enforcement of the prohibition laws of the United States, together with enforcement of other laws, pursuant to the provisions therefor contained in the first deficiency act, fiscal year 1929, to be available for each and every object of expenditure connected with such purposes notwithstanding the provisions of any other act, and to be expended under the authority and by the direction of the President of the United States, who shall report the results of such investigation to Congress, together with his recommendations with respect thereto, fiscal year 1931, $250,000, together with the unexpended balance of the appropriation for these purposes contained in the first deficiency act, fiscal year 1929, which shall remain available until June 30, 1931.

The VICE PRESIDENT. The question is on agreeing to the substitute offered by the Senator from Washington for the committee amendment.

Mr. JONES obtained the floor.

Mr. NORRIS. Mr. President——

Mr. JONES. Does the Senator from Nebraska desire to speak to the amendment?

Mr. NORRIS. I do not want to take the Senator from Washington off his feet, but I take it that this motion is debatable, and I am entitled to recognition to speak on it.

Mr. JONES. I would like to have this amendment considered and voted on before any other discussion.

Mr. NORRIS. I will submit to the Senator's wishes in that respect.

Mr. JONES. That is very kind of the Senator.

I would like to ask the attention of Senators for just a moment. This, I think, is a very important matter. It may seem rather strange to Senators that the chairman of the committee, who has charge of the bill, should offer a substitute in place of a committee amendment. I know that is rather unusual, but I feel justified in doing so in this case, and I advised the committee that I expected to offer a substitute for the committee amendment.

Briefly, I just want to call attention to what is before us. Senators will remember that in the deficiency bill last year we had an item commonly referred to as the Enforcement Commission item, under which the President appointed an Enforcement Commission to devise ways and means for the enforcement of our laws, and I think, in order to refresh the memory of Senators, I will read the provisions:

For the purposes of a thorough inquiry into the problem of the enforcement of prohibition under the provisions of the eighteenth amendment of the Constitution and laws enacted in pursuance thereof, together with the enforcement of other laws, $250,000, or so much thereof as may be required, to be expended under authority and by direction of the President of the United States, who shall report the result of such investigation to the Congress together with his recommendations with respect thereto. Said sum to be available for the fiscal years 1929 and 1930 for each and every object of expenditure connected with such purposes notwithstanding the provisions of any other act.

I want to call attention to the proposition specially involved in the substitute which I have offered and in the committee amendment which has been read. Let me say that the issue of prohibition and prohibition enforcement is not, in my judgment, involved in the amendment of the committee nor in the substitute proposed by me. What is proposed by the committee substitute is to strike out every provision relating to the enforcement of any laws except the prohibition law; in other words, the amendment proposed by the committee restricts the activities of the commission to an investigation of prohibition and

prohibition laws and eliminates the provision in the existing law relating to other laws.

The amendment which I propose not only relates to the enforcement of prohibition laws, but also includes other laws. My substitute is exactly word for word the provision contained in the existing law by which the national commission was created and under which it has been acting during the last year. If the committee amendment is adopted all the work of the commission thus far with reference to laws other than prohibition laws will really go for naught. That work will stop. I think that is very unwise. I am very glad, of course, to have the prohibition laws and situation investigated and studied carefully and to get the report of the commission; but I think we ought to go further and allow the commission to carry out the work during the coming year, which it has been doing during the last year, and not really practically waste what it has done during this period.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER (Mr. PATTERSON in the chair). Does the Senator from Washington yield to the Senator from New York?

Mr. JONES. I yield.

Mr. WAGNER. I want to ask the Senator whether during the campaign of 1928 President Hoover, in discussing the question of investigating the abuses under the prohibition law, referred to the investigation of any other laws except the prohibition law and the abuses that occur under it?

Mr. JONES. I have not refreshed my recollection with reference to any matter of that kind, but I have here a quotation from the President's inaugural address, which is official and under which and pursuant to which we provided the appropriation as it is in the law.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES. I yield.

Mr. McKELLAR. As I understand it, the committee amendment provides an appropriation of $50,000?

Mr. JONES. Yes; and in addition to that the unexpended balance, but exclusively for the investigation of prohibition.

Mr. McKELLAR. The Senator's amendment provides $250,000?

Mr. JONES. Yes.

Mr. McKELLAR. Can the Senator tell us how much money was spent out of the current year's appropriation for prohibition investigation? I think the statement was made by witnesses that only $7,000 had been actually spent for prohibition investigation. If that is so, it does seem to me it is not necessary to appropriate a very large sum for that purpose.

Mr. JONES. The commission, in answer to a letter of mine, stated that something like $7,000 had been expended directly in connection with prohibition, but in his testimony before the House committee the chairman of the commission stated that a substantial part also of the amount that the commission has expended has been in fact expended in connection with prohibition; that is, there are many office activities, general preparations, and so on, that would properly be chargeable to prohibition. But he does say in his letter that the actual and direct expenditures for investigation and study of prohibition thus far were $7,000. The $250,000 is the estimate by the commission, and in Mr. Wickersham's testimony before the House committee he said that they contemplated and have allotted $65,000 out of the $250,000 for expenditure for prohibition purposes, which he expects to complete that work.

Coming back in line with the question of the Senator from New York [Mr. WAGNER], as I said, I have not refreshed my mind with reference to the campaign. That does not especially interest me.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. JONES. Of course, if it is to enable the Senator to show that he is right with reference to the campaign, I am willing to admit it.

Mr. WAGNER. Very well.

Mr. JONES. What I am resting upon is the official statement of the President of the United States in his inaugural address. That I think is more authoritative with Congress than any campaign utterance of anybody. In his inaugural address the President said:

> I propose to appoint a national commission for a searching investigation of the whole structure of our Federal system of jurisprudence, to include the method of enforcement of the eighteenth amendment and the causes of abuse under it. Its purpose will be to make such recommendations for reorganization of the administration of Federal laws and court procedure as may be found desirable. In the meantime it is essential that a large part of the enforcement activities be transferred from the Treasury Department to the Department of Justice as a beginning of more effective organization.

I think everybody will concede that it is the general feeling throughout the country that our laws of every character, so far as criminal actions are concerned, are not enforced as they should be. It was pursuant to that widespread sentiment throughout the country that the President made that statement in his inaugural address. In a statement to the Associated Press a few days after that he said:

> With a view to enlisting public understanding, public support, accurate determination of the facts, and constructive conclusions, I have proposed to establish a national commission to study and report upon the whole of our problems involved in criminal-law enforcement.

That shows very clearly what the President had in mind and what he called to the attention of the people of the country.

> That proposal has met with gratifying support, and I am sure it will have the cooperation of the bar associations and crime commissions in our various States in the widespread effort being made by them.

As I said, the amendment reported by the committee proposes to cut off all study and investigation of anything except prohibition and the prohibition laws.

The provision in the existing law was not adopted hurriedly. It was not adopted without study and consideration. Here are the facts in regard to it. In the first deficiency bill in the last Congress this provision was put in and I think that it was put in at the instance of the learned junior Senator from Virginia [Mr. GLASS]:

> For the purposes of a thorough inquiry into the problem of prohibition under the provisions of the eighteenth amendment of the Constitution and laws enacted in pursuance thereof, $250,000, or as much thereof as may be required, to be expended under authority and by direction of the President of the United States, who shall make prompt report of the result of such investigation to the Congress, together with his recommendations with respect thereto, said sum to be available until June 30, 1930.

That provision referred only to prohibition and the prohibition law. That was the intention evidently of the Senator from Virginia. But that is not the form in which it was enacted into law. In the second deficiency bill was this provision:

> For such inquiry into the problem of enforcement of law—
>
> Of law—
>
> including national prohibition, as the President may direct, fiscal years 1929 and 1930, $250,000. This sum shall be subject to the authority and direction of the President of the United States and shall be available for each and every object of expenditure connected with such purposes, notwithstanding the provisions of any other act.

But that particular provision was not enacted into law. The provision I first read was amended and incorporated in the first deficiency bill and became the law, and that reads as follows, as I read it just a moment ago:

> For the purposes of a thorough inquiry into the problem of the enforcement of prohibition under the provisions of the eighteenth amendment of the Constitution and laws enacted in pursuance thereof, together with the enforcement of other laws, $250,000.

That finally became the law, and that is the provision under which the commission are now acting.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I yield.

Mr. SHORTRIDGE. How much of that appropriation has been expended?

Mr. JONES. It is estimated that there will be from $75,000 to $80,000 unexpended on the 1st of July.

Mr. SHORTRIDGE. That is to be made available?

Mr. JONES. Yes; to be made available under the proposal of the Senator from Virginia as well as under the substitute I am offering. The Senator from Virginia, however, confines it to prohibition laws, while I make it available for the general purposes of the investigation.

Mr. SHORTRIDGE. The commission have been carrying on investigations in respect to the enforcement or nonenforcement of other than prohibition laws.

Mr. JONES. The prohibition laws and other laws.

Mr. SHORTRIDGE. They desire to carry on those investigations?

Mr. JONES. They do.

Mr. SHORTRIDGE. The Senator's proposal is to appropriate what amount?

Mr. JONES. I propose to appropriate $250,000. That is the amount of the estimate.

I am not going to discuss the matter at any great length, as I think what I have already presented really discloses the matter squarely to the Senate; but let me briefly call attention to the fact that the question is whether or not we are going to stop the investigation which has been under way for a year by confining the commission solely to prohibition and prohibition laws or whether we are going to allow the commission not only to study the enforcement of prohibition, but also to study the enforcement of other criminal laws, which is the idea expressed by the President in his inaugural address and in his message to the Congress.

The commission estimates $250,000 additional for the coming year, making in all about $330,000 which would be available, as they estimate there will be $75,000 to $80,000 unexpended on the 1st of July. Here is the way they have allotted it. This is a statement by Chairman Wickersham before the House committee. First is his estimate of the expenses of the commission which they may have to incur during the year. Then the actual work of the commission is stated in this way:

Then, for the work of prohibition, the estimate is $65,000. For the cost of crime the estimate is $20,000; for the causes of crime, the economic factors, $6,000; for police, the cost is estimated at $5,000; for criminal justice and the foreign born, the estimated cost is $15,000.

For prosecution—

That is, for investigation of the methods of prosecution—

the estimated cost is $11,000; for statistics, the estimated cost is $6,000; for lawlessness of Government officials, the estimated cost is $20,000; for courts—

That is, the study and investigation of the practices and procedure of courts—

for courts, the estimated cost is $50,000; and for probation, prison, and parole, the estimated cost is $10,000; making an aggregate—

With the amount that it is estimated will be on hand the 1st of July—

of $330,000.

Mr. President, the question that confronts the Senate, to my notion, is simply this: Shall we stop the work of the commission and waste the money that has been expended except in connection with prohibition and prohibition enforcement? Shall we limit the work of the commission during the next fiscal year solely to prohibition and the enforcement of the prohibition law? That is the question that confronts us.

If we desire to limit the work of the commission, to restrict it solely to prohibition and prohibition enforcement, then the Senate will vote for the committee amendment appropriating $50,000. If the Senate, however, wants the commission to continue the work in which it has been engaged, and is now engaged, then it will vote to appropriate the $250,000.

The President, I am sure, from his expressions in his inaugural address and from his attitude, is very earnestly in favor of the work of the commission in its broad sense. I am satisfied that the people of the country are anxious to have the commission continue its study and investigation into all phases of law enforcement, and not alone as to prohibition and its enforcement. As indicating the attitude of the mind of the common people, a few days ago a citizen asked me, "Are you going to extend the life of this commission for another year? Are you going to give it the money with which to investigate all phases of the criminal laws of the country and criminal procedure? Are you going to carry out the idea of the President, or is the Senate of the United States, possibly because of some animus against the President, going to try again to thwart what he earnestly seeks to do?"

The Senate may do that; but, in my judgment, if it does its action will not meet with the approval of the people of the country. In my opinion, they believe in the honesty, in the sincerity, and in the integrity of the President, and with his desire to solve the problems connected with criminal law enforcement the people of the country are impressed.

In my judgment, they will not approve the action of the Senate in voting to deprive the commission of the means to carry on the inquiry which it has been conducting during the last year. Mr. President, that is the reason why I ask the Senate to vote to appropriate $250,000.

It may be claimed that this commission is too expensive. I am not prepared to express an opinion with reference to that; but, I will frankly say that almost all the commissions we have are rather expensive. Possibly they do things in a little bit more extravagant way than we would have them do. Grant that; but, is the Senate of the United States, by reason of the fact that it believes that this commission has not accomplished all that it should have accomplished with the money it has spent, going to say, "You have got to stop the work you have been doing, throw away what you have accomplished, and confine your activities solely and only to prohibition and prohibition enforcement"?

Mr. GLASS addressed the Senate. After having spoken for a few minutes, he was interrupted by—

Mr. BROUSSARD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Virginia yield for that purpose?

Mr. GLASS. I yield, although I am getting along very well.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	La Follette	Sheppard
Ashurst	George	McCulloch	Shipstead
Barkley	Gillett	McKellar	Shortridge
Bingham	Glass	McMaster	Steck
Black	Glenn	McNary	Stelwer
Blaine	Goldsborough	Metcalf	Stephens
Borah	Hale	Moses	Sullivan
Brock	Harris	Norris	Swanson
Broussard	Harrison	Oddie	Thomas, Idaho
Capper	Hastings	Overman	Thomas, Okla.
Caraway	Hatfield	Patterson	Trammell
Connally	Hayden	Phipps	Tydings
Copeland	Hebert	Pine	Vandenberg
Couzens	Howell	Pittman	Wagner
Cutting	Johnson	Ransdell	Walsh, Mass.
Dale	Jones	Reed	Walsh, Mont.
Deneen	Kean	Robinson, Ind.	Watson
Dill	Kendrick	Robsion, Ky.	

The VICE PRESIDENT. Seventy-one Senators having answered to their names, a quorum is present.

Mr. GLASS resumed and concluded his speech, which is as follows:

Mr. President, the senior Senator from Washington, the chairman of the Committee on Appropriations, standing alone in his committee, has made a very plausible and ingenious plea to the Senate; but I think it may be very clearly shown, in a very short time, how completely this so-called Wickersham commission has diverted the fund of $250,000, appropriated 18 months ago by the Congress, from its real, obvious purpose.

Mr. President, in the last national campaign the outstanding question was law enforcement. That was recognized by the whole country. It was emphasized by the fact that the Republican National Convention at Kansas City adopted a law-enforcement plank in its platform. What did it say? It confined itself absolutely to the question of prohibition enforcement. That was its exclusive declaration on the subject of law enforcement:

The people, through the method provided by the Constitution, have written the eighteenth amendment into the Constitution. The Republican Party pledges itself and its nominees to the observance and vigorous enforcement of this provision of the Constitution.

There was no other word written into the Republican Party platform on the subject of law enforcement.

In turn, when the Democratic Party met in national convention at Houston, it made a platform declaration of a like kind. It specifically mentioned enforcement of the eighteenth amendment, as the Republican convention had done a few weeks previously at Kansas City. After reproaching the Republican Party for its failure to enforce the prohibition laws, it said:

Speaking for the National Democracy this convention pledges the party and its nominees to an honest effort to enforce the eighteenth amendment and all other provisions of the Federal Constitution and all laws enacted pursuant thereto.

True, at Houston there was an attempt somewhat to minimize the significance of the platform declaration with respect to the eighteenth amendment by including the incidental reference to the enforcement of "all provisions of the Constitution"; but nobody was misled by that. It was merely a renewal of the threat to enforce the provisions of the fourteenth and fifteenth amendments relating to suffrage in the South unless the southern people should renounce their advocacy of prohibition, and was suggested in expectation that it might frighten some of us from our position.

(At this point Mr. GLASS yielded to Mr. BROUSSARD, who suggested the absence of a quorum, and the roll was called.)

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Washington?

Mr. GLASS. I yield.

Mr. JONES. My attention was attracted by the last statement made by the Senator from Virginia. I want to say to him it never entered my mind and I have no recollection of ever hearing it suggested that the words "and other laws," were put in with reference to conditions in the South or the fourteenth

and fifteenth amendments. I myself would certainly approve nothing of that kind.

Mr. GLASS. The Senator from Washington has misapprehended what I said. I stated that the Republican national platform confined itself exclusively to the question of enforcing laws enacted in pursuance of the eighteenth amendment, literally mentioning only the eighteenth amendment. I said the National Democratic Convention did practically the same thing, except that incidental reference was made to other provisions of the Constitution; and it was very well understood that that was just to frighten those southern delegates who had been threatened with an investigation of the laws enacted in pursuance of the fourteenth and fifteenth amendments.

Mr. JONES. Mr. President, I beg the Senator's pardon for not giving closer attention than I did to what he was saying. My attention was attracted to some proposed amendments, so I did not catch that phase of it.

Mr. GLASS. Mr. President, I think there is no intelligent school child in the United States who does not recall that the exclusive discussion of the question of law enforcement preceding and during the presidential campaign of 1928 related to the enforcement of the laws enacted under the eighteenth amendment to the Federal Constitution.

Mr. Hoover, then the nominee of the Republican Party, perfectly understood that these platform declarations related solely to the eighteenth amendment and the laws enacted in pursuance thereof. Hence, in his letter of acceptance he said:

> I do not favor the repeal of the eighteenth amendment. I stand for the efficient enforcement of the laws enacted thereunder. * * * Common sense compels us to realize that grave abuses have occurred—abuses which must be remedied. An organized searching investigation of facts and causes can alone determine the wise method of correcting them. Crime and disobedience of law can not be permitted to break down the Constitution and laws of the United States.

Thus it will be plainly noted that the only question of law enforcement before the country was enforcement of the eighteenth amendment and the statutes enacted in accordance with it. The two political parties recognized this fact and the now President of the United States, as I have indicated, literally understood the issue.

The question then, in its last analysis, is what Congress subsequently understood and what was the intent of Congress in writing into the first deficiency bill, in February, 1929, that provision, prepared by me and moved on the floor of the Senate, appropriating $250,000 for the "organized searching investigation of facts and causes" referred to by Mr. Hoover as the nominee of the Republican Party for the presidency.

The distinguished Senator from Washington has quoted from the President's inaugural address as indicative of what was intended by this appropriation originally. I call the Senator's attention to the fact that the appropriation was made before the President was inaugurated and before he delivered any inaugural address.

The sentence quoted from the inaugural address of the President was the first note of evasion, eventuating later in complete retreat, and, as I shall show, in utter diversion of nearly the whole of the $250,000 appropriated by Congress.

Mr. President, I was the author of the provision of the deficiency appropriation bill relating to this subject. I drew it and presented it. It is certain that I have some knowledge of its intent. By reference to the CONGRESSIONAL RECORD of January 18, 1929, page 1911, it will be found that I made this statement:

> So far as my observation goes, the Appropriations Committee of this body has never failed to report to the fullest extent appropriations recommended by the department for the *enforcement of prohibition;* and I am certain that I have never failed to vote to the fullest extent for appropriations recommended.

Therefore I voted for the appropriation of $25,000,000 proposed by the Senator from Georgia [Mr. HARRIS], but with the reservation that should the Secretary of the Treasury find that he could not use the $25,000,000 the amount should be reduced.

The amount, as I apprehended, was cut out of the bill altogether, as the Senator from Washington knows; and it was because of that fact that I offered this provision to appropriate $250,000 for the sole purpose of instituting a searching investigation of the problem of enforcing prohibition. The whole discussion in the Senate related itself exclusively to the question of enforcing the prohibition laws. Not one word was uttered on any other subject. No Senator suggested any other topic. Not one of the other things to which this Wickersham commission has given attention and on which it has wasted large sums of money received any mention whatsoever.

When the deficiency bill was sent to conference the conferees on the part of the House insisted upon striking out the whole appropriation. The Senator from Washington will recall that.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Washington?

Mr. GLASS. I do.

Mr. JONES. I do not know that fact, because I was not on that conference.

Mr. GLASS. I had forgotten that. The late Senator Warren was then the ranking Senate conferee. The House conferees insisted upon striking out the entire appropriation of $250,000 for a searching inquiry into the problem of enforcing the prohibition laws.

Mr. BLAINE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. GLASS. I yield.

Mr. BLAINE. It is argued with a great deal of force and the presentation of a great many facts that there are many crimes due to prohibition. I understand, according to the amendment offered by the Senator from Virginia, that the investigation of such crimes would be precluded if his amendment is adopted; that the commission would not have authority to investigate them.

Mr. GLASS. The whole question was the enforcement of the prohibition laws, whether or not they were being enforced or could be enforced. If they could not be, Congress was to be told why they could not be, and the President of the United States was to suggest such modifications of the laws as would bring about efficient enforcement.

Mr. BLAINE. But if the Senator will yield for another question, for instance, the gun wars are alleged to be due to prohibition. If the Senator's amendment is adopted, the commission would have no power to investigate that type of offense.

Mr. GLASS. The Senator can conjecture as to that. If he will just permit me to go on with the history of the matter, it will very clearly be shown what was the intent of Congress; and, after all, that is what we want to reach.

Mr. TYDINGS. Mr. President, will the Senator yield for a moment?

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Maryland?

Mr. GLASS. I do.

Mr. TYDINGS. A great many of us here are with the Senator in his general premise; but we feel that there are certain crimes connected with the prohibition-enforcement situation which the Senator does not want to leave out, but which, perhaps, might be left out. I am wondering if these words would meet with the objection of the Senator——

Mr. GLASS. Mr. President, if the Senator will pardon me, I should like to give the history of this transaction consecutively without these interruptions.

Mr. TYDINGS. I beg the Senator's pardon. Before he finishes, will he give us an opportunity to ask him about the matter?

Mr. GLASS. I shall be glad to do that.

Mr. President, as I have indicated, the House conferees were so persistent in their opposition to appropriating one dollar for this purpose as that they left the conference room and arbitrarily declined to resume the conference on the deficiency bill. They resorted to the unprecedented expedient of attempting to enforce their own will by taking the first deficiency bill of that session of Congress back to the House and attaching it as a provision of the second deficiency appropriation bill, with such matters as the House conferees objected to eliminated, and sent the bill in that form back to this body. Meanwhile the House had ventured so to readjust the provision that I had offered in the Senate as to make the enforcement of prohibition a secondary, even a parenthetical, matter. In short, it so altered the amendment as to make law enforcement generally the primary purpose of the provision, and, as the Senator from Washington has read, parenthetically "including prohibition." In that form the bill came back to the Senate for action.

The Senate was so indignant that the House conferees should undertake in this oblique way to accomplish their purpose that, on the motion of the senior Senator from Arkansas [Mr. ROBINSON], that entire article of the then pending second deficiency bill was stricken out, and the House conferees were compelled to ask for a further conference with the Senate on the first deficiency appropriation bill.

When that conference was called there was still on the part of the House conferees the intensest opposition to this appropriation. They tried in every conceivable way to delete its provisions and to minimize its significance. They first attempted to make enforcement of "other laws" the primary purpose of the appropriation. Failing at that, they sought to make general law enforcement conjunctive with the enforcement of prohibition, which was the sole purpose of the provision as adopted

by the Senate. They wanted to say, "prohibition and other laws." To this Senate conferees objected, because it would have put "other laws" on the same level of importance as the prohibition law, which was not the purpose of the provision.

Finally, the suggestion that had been made at Houston in order to frighten southern Senators into the belief that there might be some movement to enforce the fourteenth and fifteenth amendments to the Federal Constitution, relating to suffrage, was insinuated into the discussion by one of the conferees. It was instantly sensed by me as a repetition of the threat vainly made at the Democratic National Convention. It appeared to have been made for the obvious purpose of having me abandon entirely the provision of the bill which I had drafted to bring about "a searching inquiry into the problem of enforcing the prohibition laws." I permitted myself then to be prodded into this parenthetical addition to the provision, "together with other laws." I did it because I wanted the House Member to understand that no southern Senator of intelligence or self-respect dreaded any inquiry into the enforcement of the fourteenth and fifteenth amendments. I did not do it for the purpose, as seems to have been apprehended by the Wickersham commission, of practically nullifying the primary object of this appropriation.

There was not the remotest thought that a commission not yet established would seize on this parenthetical phrase to disregard the real purpose of Congress.

Mr. President, the White House did not even know that there had been an appropriation to defray the expenses of this Wickersham Commission, and gave out to the Associated Press a statement that the President would have to ask Congress for an appropriation, although $250,000 had weeks theretofore been appropriated, and appropriated for the purpose of a searching investigation into the problem of enforcing the prohibition laws.

As pointed out by me in the Senate more than 11 months ago, the President, through his commission, started out with apparent purpose to side-step the inquiry into the problem of enforcing the prohibition laws, as literally promised by both political parties, as promised by the President himself in his letter accepting the Republican nomination and as required by the provision of the deficiency bill appropriating $250,000 for the purpose. One only has to examine the text of the speech made by the President at the White House to this alleged enforcement commission to discover that a start was made by absolutely ignoring the question of prohibition. The word "prohibition" was not mentioned in the President's address to his commission, nor was it mentioned in the response of Mr. Wickersham, chairman of the commission. None but a very simple person would conjecture that this was a singular coincidence. It plainly was not a coincidence. It was stage play. It was done by concert. It evidently was the intention of the President and of his commission at the very beginning to put aside as far as possible any investigation into the problem of enforcing prohibition.

The President himself, in a public address before the Associated Press in New York soon thereafter, stated that the question of enforcing prohibition was a mere "segment" of the problem of law enforcement. That did not alter the fact that the Congress thought it was *the* problem.

Mr. Wickersham, chairman of the commission, in a public address up in Connecticut actually affected astonishment that people should imagine that his commission was charged with the duty of a searching investigation of the prohibition problem. Said he:

> Most people seem to believe that the commission will devote itself almost entirely to a consideration of prohibition. It is characteristic of the overemphasis on this question that the people should think so. *The prohibition adherents have gone too far. They have become so obsessed with the one idea of enforcing the prohibition law that they have exaggerated its importance in their own minds out of all proportion to actual significance.*

That indicated what Mr. Wickersham thought his commission should do. However it in no wise or degree indicated what the Congress thought the commission should do, and what this appropriation of $250,000 was made for.

A little later Mr. Wickersham, in a letter to the Governor of New York, indicated that he believed the Federal Government should rid itself of the larger responsibility for enforcing the prohibition laws by relegating the matter again to the States. But the Anti-Saloon League so quickly frightened him out of his wits that he instantly back-stepped from that attitude.

Mr. President, I think it is perfectly clear to Senators for what purpose that $250,000 was appropriated. It was to make a searching inquiry into the problem of "enforcing prohibition under the eighteenth amendment and the laws enacted in pursuance thereof."

What has been done with the $250,000? It has been diverted. It has been wasted. Congress has been treated contemptuously with respect to the whole transaction; and, according to the official report of Mr. Wickersham to the chairman of the Committee on Appropriations, this commission has expended the munificent sum of $8,025.69 in pursuit of the purpose for which the commission was set up. It has expended this trifling sum to make "a searching inquiry into the problem of enforcing the prohibition laws" and wasted the balance by inquiring into matters over which Congress has no jurisdiction and for which it appropriated no dollar of the $250,000.

For one I felt that the President of the United States meant what he said when he proclaimed, during the last national campaign, that prohibition was "a noble experiment," and when he added that abuses had grown up under the law, and that it was his purpose to inquire into those abuses, and correct them, I really thought he meant that. It was for that reason that I drafted this provision of the deficiency bill proposing to give him a sufficient sum of money to institute that inquiry, and to tell Congress how to correct the abuses to which he made reference. Of the $250,000 thus appropriated, the commission has spent $8,025.69 on "the noble experiment"!

It spent more money—$10,908.27—in railroad and Pullman fares than it devoted to the purpose of investigating prohibition.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. GLASS. I yield.

Mr. WATSON. I am much interested in the Senator's statement. How much have they expended, in the aggregate, of the original appropriation?

Mr. GLASS. They have $88,000 left.

Mr. WATSON. What did they do with the other part of the appropriation?

Mr. GLASS. I am going to tell the Senator in a few minutes.

Mr. WATSON. The Senator says that they spent $8,000 only in the investigation of prohibition enforcement.

Mr. GLASS. That is all. Here is their report, printed in the RECORD. They spent $22,333.37 for supplies and equipment. They spent almost three times as much for furniture as they applied to the investigation of prohibition, and the abuses under prohibition.

Mr. JONES. Mr. President, will the Senator yield for a question?

Mr. GLASS. Yes; I yield.

Mr. JONES. I think part of those expenditures, of course, should be charged up to prohibition, because the things for which the money was spent were available for the activities of the commission.

Mr. GLASS. The Senator may be able to indicate to the Senate what part of the furniture was devoted to juvenile delinquency. And let me inquire what Congress has to do with juvenile delinquency, no matter what this commission may find out about it. That is exclusively a matter for the police jurisdiction of the respective States. What has Congress to do with it, no matter what the commission may find out about it?

Mr. WATSON. Mr. President, I want to ask the Senator another question. I am much interested in his remarks.

Mr. GLASS. I yield.

Mr. WATSON. Did they actually segregate and set aside one item of $8,000 to investigate the enforcement of prohibition?

Mr. GLASS. That is what they spent. The report here says:

> Prohibition, $8,025.69.

Mr. GEORGE. Can the Senator throw any light on the item of 69 cents included in that account?

Mr. WATSON. Mr. President, I want to ask this, whether or not the investigation by the commission of the general subject of crime and criminality in the United States could include prohibition, or was that intended to be included, or was a separate fund set aside for the exclusive investigation of prohibition to the exclusion of everything else?

Mr. GLASS. The plain purpose of Congress, in my view of the matter, was to spend the $250,000 to inquire into the problem of enforcing prohibition and to tell Congress how it should be done. The Senator, perhaps, was not here when I recited consecutively the history of this particular provision of the law.

Mr. President, this commission is engaged in the monumental task of considering the problem of a reorganization of the judiciary system of the United States and of all the States. It has been said that 90 per cent of the violations of the prohibition laws come within the jurisdiction of the State courts. What, regardless of anything ascertained by this Wickersham commission, has the Federal Government to do with the administration of justice in the State courts? Such inquiry is

sheer duplication anyhow. It is futile, because Congress has no power over State courts.

There have been committees of the American Bar Association over and over again appointed to consider the question of a readjustment of the judiciary systems of the States and the Nation, and nothing has ever come of it.

I have called the attention of the Senate, and did so during the debate over this provision of the law, to the fact that there has been before the Senate for a period of six years a suggestion by the late Chief Justice Taft for a modification of the rules of procedure before the Federal courts, in order to expedite the business of those courts, and we have never been able to get action on that here in the Senate. Yet here is a commission, sitting in Washington, appointed to investigate the problem of enforcing prohibition, busying itself with the impossible, the almost inconceivable, task of reorganizing the entire judiciary systems of the United States and of the respective States. I say of the respective States advisedly, because it over and over again has been asserted that 90 per cent of the cases under the prohibition statutes come within the jurisdiction of the State courts.

This commission has spent more for subsistence of its members—$18,868.78—twice as much for the subsistence of its members as it has applied to the task of investigating prohibition. For subsistence at hotels, $15,253.78; for subsistence on trains, $893.62; for railroad fare, $10,017.65; and $8,000 for "a searching inquiry into the problem of enforcing the prohibition laws."

I sometimes suspect that there are those in authority who are not so much concerned with "a searching inquiry into the enforcement of the prohibition laws" as they are concerned about not assuming any responsibility whatsoever for suggesting to the Congress of the United States what modification, if any, might be required in existing laws in order to get us effective prohibition. They are intent on evasion. They are sidestepping.

I note an expenditure here in this report that would seem to be unlawful. I do not assert that it is, because, not being a lawyer, I do not know; but I note here that the commission paid $560.63 for some sort of service to Amos W. W. Woodcock, United States district attorney in Maryland, and recently appointed Director of Prohibition. I do not want to be misunderstood. My own impression from reading the newspapers is that Mr. Woodcock is a fine man in every way, an able lawyer, loyal to his Government, and courageous in the pursuit of his duty. But I have understood that it is contrary to the United States statutes, page 32, sections 70 and 71, for any United States district attorney to receive any other compensation than his salary from the Treasury of the United States; so that would seem to be an actual violation of the law by a commission charged with the duty of devising ways to enforce law. The items are here detailed and any Senator may satisfy his own interest and curiosity by an inspection of the statement.

In the last analysis the Congress of the United States plainly appropriated $250,000 for the avowed purpose of attempting to cure this national evil in some way, to ascertain the facts, the reasons why the law is not being enforced, if it be true that it is not being enforced. If it is being as effectively enforced as any other law, it would be a simple matter for the commission so to report, and the President in turn, as required by law, to report to the Congress of the United States. If it is not being enforced, if it is being, as is frequently charged, wickedly and flagrantly violated from one end of the country to the other in almost every community, then it is the business of this commission to ascertain those facts and report accordingly to the President of the United States, and the obligation of the President of the United States, under the appropriation provision of the deficiency bill, to recommend to Congress such modifications of the statutes as may be made within the limitations of the eighteenth amendment for the better enforcement of the law.

The commission has $88,000 left unexpended. With the $50,000 which the Committee on Appropriations, with one dissenting voice, recommends shall be given to the commission, it would have $138,000 at its disposal, with Congress meeting in December, not far away, to supply any rational deficiency that may ensue. The commission would have $138,000 for the primary purpose of the law of Congress, which the commission up to this time has totally disregarded.

The commission has made a mere parenthetical phrase, inserted in the law as I have here cited, the very base of its inquiry. It has disregarded the real purpose of the appropriation. Notwithstanding such flagrant diversion of a public fund the Committee on Appropriations has been liberal enough to propose to continue the unexpended balance of $88,000 and to give the commission, in addition, $50,000 for the purpose of finding out what is the matter with the prohibition laws. That is the question which the people of the country want settled in a satisfactory fashion. That was the duty imposed upon this commission.

The proposed substitute of the Senator from Washington would give the commission $338,000 to be wasted, I imagine, just as the other has been wasted. As may readily be seen, many of the things the commission has considered are beyond the jurisdiction of the Federal Legislature, no matter what the commission may find out concerning them. What have we to do with the police powers of the respective States? What have we to do with penal institutions of the respective States upon which this commission has expended large sums of money in investigating? Other items of expenditure have been literally wasted because, regardless of what may be ascertained concerning them, they are beyond the reach of Federal legislation.

Mr. President, my sole motive in offering the provision in the deficiency bill appropriating $250,000 was to take prohibition out of the turbulence of political strife and commit it to the determination of a detached scientific investigation by men of prescience and courage, who would not hesitate to find the facts and submit them to the President of the United States. My belief at that time was that the President, then just elected, would have the courage to submit his suggestions in turn to the Congress and thereby put the responsibility upon this body for either continuing the present situation or remedying it in some wise.

Had the commission done what it was charged with doing there would have been, for the time at least, a cessation of agitation. There would have been no necessity nor even plausible plea for fretful congressional investigations such as we had uselessly for weeks on the other side of the Capitol.

Had the commission taken its obligation seriously we would now have a different situation. But these gentlemen have investigated juvenile delinquents, thefts of automobiles, embezzlements of various kinds, and a multitude of other offenses already dealt with effectively by criminal statutes.

Had the commission taken its obligation seriously and not treated the Congress contemptuously; had it not diverted nearly the whole fund from its real purposes, we might be well on the road to a solution of the difficult prohibition problem.

That is all I want. I am a sane prohibitionist, in theory and in practice. I have always voted to exterminate the liquor traffic, if it may be done. I have always voted for every dollar of appropriation recommended by the Government itself in pursuit of that purpose. But I am not willing to waste $250,000 more, plus the $88,000 now on hand. The Subcommittee on Appropriations was not willing to do it. The Committee on Appropriations was not willing to do it. The chairman alone is being persistent in his view that it should be done. For him I have the very utmost respect and, I might say, affection. He is no better prohibitionist than I am, not a bit. The difference seems to be that I am not a zealot. In his excess zeal the chairman seems willing to commit to this miserable commission, which has so far utterly neglected its plain duty, $338,000 from the Federal Treasury. Against this indefensible waste of public funds I protest. It is not an appropriation to tell Congress how to enforce the prohibition laws. It is a discreditable and an expensive maneuver to keep from telling either Congress or the country how to settle a vexed problem.

Mr. JONES. Mr. President, there are two or three Senators who have expressed a desire to speak with reference to this matter, who have also suggested that inasmuch as we met at 11 o'clock this morning, we ought now to suspend for the day. I am willing to go ahead, but I appreciate the situation. If there is no objection, I should like to ask that the amendment now pending may be temporarily laid aside and that some routine amendments, to which I think there will be no objection, may be considered and adopted.

Mr. GLASS. Mr. President, I may say to the Senator from Washington that he knows very well that I did not feel prepared to go on to-day. I felt utterly exhausted, and so represented to the chairman of the committee. I much preferred to go on to-morrow after I might have had some rest. I only went ahead to-day upon his assurance that the matter was going to be determined this evening. I think it ought to be.

Mr. JONES. I will say to the Senator that I do not remember that he told me he was exhausted or anything like that. I certainly did not so understand him.

Mr. GLASS. Perhaps I did not use the exact term, but I told the Senator I was worn out; that from observation I was willing to conjecture that other Senators were worn out; and that I would like to wait until to-morrow before I discussed the matter.

Mr. JONES. I do not think the Senator put it that strong to me. I certainly did not understand that.

Mr. GLASS. Of course I will not put my recollection against that of the Senator.



Mr. JONES. I am satisfied the Senator thought that, anyway.

Mr. GLASS. I was certainly told by the Senator that he intended to seek to pass this bill this afternoon, and for that reason only I proceeded with the discussion.

Mr. JONES. I did tell the Senator that I hoped to pass the bill to-day, and I myself should like to see that done.

Mr. BROUSSARD. Then, why not pass it?

Mr. JONES. I should be glad to have the bill passed, but there are several Senators who want to speak.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent temporarily to lay aside the pending amendment and proceed to the consideration of routine amendments. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. JONES. Mr. President, on behalf of the committee I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 40, after line 23, it is proposed to insert the following:

Payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians: For payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians as authorized by, and in accordance with, the terms and conditions of the act of June 21, 1930, fiscal year 1931, $300,000.

Mr. JONES. The amendment is in accordance with the budget estimate and is to carry out existing law.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. JONES. I offer a further amendment on behalf of the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 63, after line 5, it is proposed to insert the following:

Contingent expenses, United States consulates: The appropriations for contingent expenses, foreign missions, and contingent expenses, United States consulates, contained in the act making appropriations for the Department of State for the fiscal year 1931, approved April 18, 1930, shall be available also for expenditure for the purposes of and in conformity with the act entitled "An act to provide living quarters, including heat, fuel, and light, for civilian officers and employees of the Government stationed in foreign countries," approved June 26, 1930.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. The Senator from Washington has the floor. Does he yield to the Senator from Nebraska?

Mr. NORRIS. Mr. President, the Senator from Washington can not retain the floor and insist on a vote on a debatable motion.

The PRESIDENT pro tempore. That is quite true, but the Senator from Washington can retain the floor and speak.

Mr. NORRIS. Very well; I will wait until he concludes; but the Chair was about to put the question, and let the Senator from Washington hold the floor, which would prevent any other Senator from saying anything.

The PRESIDENT pro tempore. No; not at all.

Mr. JONES. I do not desire to hold the floor. The Senator from Nebraska has a perfect right to speak on any amendment.

Mr. NORRIS. That is what I thought.

The PRESIDENT pro tempore. The Senator from Washington yields the floor, and the Senator from Nebraska is recognized.

Mr. NORRIS. Mr. President, I was wondering if we could not reach an understanding at this time about the time of meeting to-morrow. I objected yesterday to meeting at 11 o'clock, but after I left the Chamber it was agreed by unanimous consent to meet at 11 o'clock to-day.

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. NORRIS. I will yield in just a moment. As I understand, the Senator from Washington does not intend to proceed with the pending contested amendment to-day. Some of us who have been here all day would like to leave the Chamber now, if we may have an understanding that the Senate will not meet at 11 o'clock to-morrow and that this amendment will not be disposed of to-night.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. NORRIS. I yield the floor.

The PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. McNARY. An agreement has already been entered into not to consider the amendment discussed by the Senator from Virginia until to-morrow. I had intended in a few moments to move that the Senate proceed to the consideratiton of executive business, after which I shall move that the Senate adjourn until 12 o'clock to-morrow.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. JONES].

The amendment was agreed to.

Mr. BINGHAM. Mr. President, I offer an amendment to the pending bill and ask that it may be considered.

The PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

For carrying out the provisions of the act entitled "An act authorizing an appropriation for the purchase of the Vollbehr collection of incunabula," to remain available during the fiscal year 1931, $1,500,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

Mr. JONES. Mr. President, I have several amendments I wanted to offer, but I thought the bill had been laid aside.

The PRESIDENT pro tempore. The amendment offered by the Senator from Connecticut is one to carry out the provisions of a bill already passed by the Senate.

Mr. JONES. There is no question about the amendment, but I understood the bill had been laid aside. I have four or five other amendments which I desire to offer.

The PRESIDENT pro tempore. The Chair understood that the amendment discussed by the Senator from Virginia had been laid aside.

Mr. JONES. I also understood that the bill had been laid aside.

The PRESIDENT pro tempore. That is not the understanding of the Chair.

Mr. JONES. Of course I have no objection to the amendment offered by the Senator from Connecticut, but there were four or five other amendments that I wished to offer, and I would have done so but for what I thought was the understanding that the bill had been laid aside.

Mr. GLASS. I understood that the bill was laid aside.

Mr. JONES. I so understood. I ask that the amendment offered by the Senator from Connecticut lie on the table. There will be no trouble about it to-morrow.

The PRESIDENT pro tempore. Objection being made, the amendment will lie on the table.

Mr. KEAN submitted an amendment in the item for the Bloomfield, N. J., post office, proposing to strike out lines 2 and 3, and to insert in lieu thereof "For acquisition of site and construction of a building under an estimated cost of $410,000," intended to be proposed by him to House bill 12902, the second deficiency appropriation bill, which was ordered to lie on the table, and to be printed.

Mr. ODDIE submitted an amendment in the item for the Las Vegas, Nev., post office, on page 95, line 25, to increase the estimated total cost from $200,000 to $300,000, intended to be proposed by him to House bill 12902, the second deficiency appropriation bill, which was ordered to lie on the table and to be printed.

Mr. WAGNER submitted an amendment intended to be proposed by him to House bill 12902, the second deficiency appropriation bill, which was ordered to lie on the table and to be printed:

On page 102, after line 20, to insert:

"New York (N. Y.) post office and other Government offices, and United States court house: In lieu of the alternate provisions contained in the act approved March 4, 1929, for the acquisition of a site to accommodate either the post office, Federal courts, etc., or a site for a building to accommodate the Federal courts, the Secretary of the Treasury is hereby authorized, after the receipt by him of an acceptable offer by the city of New York for the purchase of the court house and post-office property at Park Row and Broadway, to acquire by purchase, condemnation, or otherwise, the block bounded by Barclay, Vesey, and Church Streets and West Broadway, for a site for a building for post office and other Government offices, at a total estimated limit of cost for said site of not to exceed $5,000,000, and a site for a building for the accommodation of the Federal courts at a total estimated limit of

cost for said site of not to exceed $2,450,000, and to procure by contract preliminary sketches of said court-house building developed sufficiently for use as a basis for estimates; the cost of said sketches to be paid from appropriations available for the purpose."

ORDER OF BUSINESS TO-MORROW

Mr. McNARY obtained the floor.

Mr. FESS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. McNARY. I yield.

Mr. FESS. On yesterday while I was absent from the Chamber there was a very important bill reached on the calendar and passed over. If it could be considered to-morrow, I would be very glad not to call it up now.

Mr. McNARY. I shall ask unanimous consent in the morning at the conclusion of the routine morning business that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

Mr. FESS. Beginning with the first one.

Mr. McNARY. Yes.

Mr. McKELLAR. Mr. President, the Senator said that unobjected bills would be considered. I think the bill referred to by the Senator from Ohio was objected to; it is a very important measure.

Mr. FESS. I think the objection will be withdrawn.

Mr. McKELLAR. Very well.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2156) authorizing the sale of all of the interest and rights of the United States of America in the Columbia arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542, H. R. 12479, Seventieth Congress.

The message also announced that the House insisted on its amendment to the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NELSON of Maine, Mr. WOLVERTON of New Jersey, and Mr. MILLIGAN were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 531) for the relief of John Maika, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JOHNSON of Washington, Mr. JENKINS, and Mr. RUTHERFORD were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2222) for the relief of Laurin Gosney, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 6227) for the relief of Elizabeth Lynn, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX were appointed managers on the part of the House at the conference.

ENROLLED BILLS PRESENTED

Mr. GILLETT (for Mr. GREENE), from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bils:

S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases;

S. 2323. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics;

S. 3068. An act to amend section 355 of the Revised Statutes to permit the Attorney General to accept certificates of title in the purchase of land by the United States in certain cases;

S. 3422. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.;

S. 3623. An act for reimbursement of James R. Sheffield, formerly American ambassador to Mexico City;

S. 3845. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924;

S. 4028. An act to amend the Federal farm loan act as amended;

S. 4243. An act to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia;

S. 4287. An act to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate-credit banks to financing institutions on bills payable and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months;

S. 4358. An act to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks; and

S. 4577. An act to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

COLONIAL NATIONAL MONUMENT, VIRGINIA

Mr. ODDIE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) entitled "An act to provide for the creation of the Colonial National Monument, in the State of Virginia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 5, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the words "two thousand" in said engrossed amendment and insert in lieu thereof the words "two thousand five hundred"; and the Senate agree to the same.

TASKER L. ODDIE,
PORTER H. DALE,
T. J. WALSH,
Managers on the part of the Senate.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.

The report was agreed to.

ADDITION OF LANDS TO BOISE NATIONAL FOREST

Mr. CUTTING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4189) entitled "An act to add certain lands to the Boise National Forest," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

BRONSON CUTTING,
JOHN B. KENDRICK,
T. J. WALSH,
Managers on the part of the Senate.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.

The report was agreed to.

AMENDMENT OF RADIO ACT

Mr. COUZENS. Mr. President, from the Committee on Interstate Commerce, to which was referred the bill (H. R.

12599) to amend section 16 of the radio act of 1927, I report it back favorably without amendment and I submit a report (No. 1105) thereon. I report the bill at this time so it may be taken up before final adjournment.

The PRESIDENT pro tempore. Without objection, the report will be received and the bill will be placed on the calendar.

THE RIVERS AND HARBORS BILL—STATEMENT BY REPRESENTATIVE WILSON, OF LOUISIANA

Mr. RANSDELL. Mr. President, I ask unanimous consent to have printed in the RECORD a very important statement relative to the rivers and harbors bill, by Representative WILSON, of Louisiana, who is president of the National Rivers and Harbors Congress.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The closing days of the second session of the Seventy-first Congress are being signalized by several important and constructive pieces of legislation, but perhaps the most significant of all which is being enacted is that which is commonly referred to as the river and harbor bill. This bill is comprehensive in its provisions. The spirit of sectionalism is conspicuously absent. It covers the whole country and recognizes and adopts important projects in every section. Again, party alignments have been ignored, and there are no evidences of favor to or disparagement of any section arising out of party differences.

The importance of the bill is further emphasized by the obvious fact that the waterways and harbors selected for improvement are such as will attract traffic and serve as useful units among the instrumentalities of transportation. Altogether the bill is creditable to the intelligence, the civic spirit, and the vision of the Members of the Seventy-first Congress.

It therefore seems a fitting occasion to make some comment regarding the improvement of our rivers and harbors and the promotion of water transportation. It appears superfluous in this day to emphasize the necessity of increasing the facilities of water transportation. Production in the United States is increasing year by year. Domestic consumption grows with the population and with the recognized maintenance of the American standard of living. Exports have also shown a healthful growth in recent years, which it is hoped will be augmented under the inspiration and genius of American manufacturers in the production of standard commodities. All this means a continuing increase in the volume of distribution. Distribution means transportation, and transportation, by an accepted axiom, is the lifeblood of commerce. Expedition and cheapness of movement of products within the United States and overseas are an essential adjunct of enlarged commerce.

How shall this increased distribution of products be made? In answering, one's mind reverts to the railroads. It is a foolish person who would disparage the importance of the railroads in our scheme of transportation. They have occupied a vital place in our industrial and commercial history and undoubtedly will continue to do so. In trackage, in rolling stock, in equipment, and service we have the most distinctive and efficient railroads in the world.

Having made this acknowledgment, the next thought which occurs is whether our railroads are sufficient to meet this growing demand of transportation. It is doubtful if the future will evolve another great trunk-line railway. The cost would be so excessive and other obstacles so difficult as to preclude such a prospect. All that the country may reasonably expect of the railroads in the immediate future is the building of more tracks, the providing of locomotive engines with greater tractive power, and other improved equipment. With all these improvements, the railroads will not be sufficient in themselves to respond to the growing demands of distribution.

How shall we augment our facilities of transportation other than by the utilization of our waterways? From every standpoint of wisdom and economics they constitute our best resort. In this connection, it must be remembered that many important waterways traverse areas which are lacking in other facilities of transport, and that the progress of such sections depends immediately upon the provision of water carriers.

Some citizens and newspapers here and there make occasional expression about the competition which waterways offer with the railroads. Competition in itself is not an unmixed evil, in so far as it creates better and cheaper service, but competition in the proper sense is not, and can not be characterized as, disadvantageous either to the railroads or the public. Different lines of railroad may be said to be competitive, and yet no one would think of discontinuance of any such road.

On the other hand, wise public opinion has ordained that all the railroads shall be more completely coordinated. To this end there have been established among different lines of railroads joint and proportional rates for the purpose of serving the whole country and for the promotion of economy and expedition in service. It would be perfectly safe to challenge any intelligent citizen to furnish any good reason why water carriers should not be likewise coordinated with the railroads. This coordination should be made complete, with the obvious result that movement of commodities would be both expedited and cheapened. It is a distinct gratification to know that such coordination between the waterways and the railways is making progress.

Of course, we have the public highways. The automobile and the truck have expedited the building of modern highways in almost every State in the Union. For a few years we heard much of the competition between the self-propelled vehicles and the railroads, but this problem is now adjusting itself. We are entering a period where wise railroad managers are recognizing the permanence of the automobile and the truck and are utilizing these facilities in coordination with their own service.

There is one phase in the improvement of waterways and harbors and in the promotion of water transportation which occasionally is in evidence. There yet remains a disposition in some quarters to impugn the motives of waterway advocates, to criticize the Congress, and to disparage transportation by water. Some of these expressions are sinister, unfair, and evidently intended to create prejudice and to impede the progress of waterway development. It becomes necessary to meet this insidious propaganda. It must be recalled that, under the interstate-commerce clause of the Federal Constitution, all navigable waterways are under the jurisdiction of the Federal Congress.

Members of both the Senate and the House are constantly confronted with both local and public demands upon their time and naturally lead busy lives. Under our form of Government, where public opinion is the final arbiter of legislation, it is necessary that the public and their legislators be both reminded and informed both as to policies and the details of legislation upon this important subject of water transportation. Based on this condition, groups of citizens in various sections of the country have formed waterway organizations by various names for the purpose of studying the merits of various local projects, giving publicity to their importance and advocating their improvement. A partial list of such organizations may be enumerated, such as the Allegheny River Improvement Association, Arkansas River Association, Atlantic Deeper Waterways Association, Beaver, Mahoning, and Shenango Waterway Association, Carolinas Inland Waterway Association, Chattahoochee Valley and Gulf Association, Columbia Valley Association, Cumberland River Improvement Association, Florida Inland and Coastal Waterways Association, Great Kanawah Valley Improvement Association, Great Lakes-St. Lawrence Tidewater Association, Great Lakes Harbors Association, Illinois State Waterways Association, Intracoastal Canal Association of Louisiana and Texas, Kiskiminetas and Conemaugh Rivers Improvement Association, Mississippi Valley Association, Missouri River Navigation Association, New Jersey Rivers and Harbors Congress, New York State Waterways Association, Ohio Valley Improvement Association, Open River Association of The Dalles, Oregon; Red River Flood Control and Navigation Association, Red River Valley Improvement Association, Tennessee River Improvement Association, Trenton-Philadelphia Deeper Waterway Association.

Unstinted credit must be accorded to the civic spirit and the fine work being done by all these organized groups of citizens, and it must be recognized that they are actuated by a spirit of unselfish service. They are making a distinct contribution to the public weal and without thought of selfish advantage.

However, every intelligent citizen will recognize the obvious fact that these organizations as units can not alone achieve their objective. The United States is distinctive in its variations of climate, of soil, and of industries, and each has peculiar problems of transportation. No one of these organizations, regardless of the area which it covers, can make sufficient impress upon public opinion or the Federal Congress, to secure, unaided, its particular objective in the way of waterway improvement. The problem involves the application of the old axiom of unity. Divided, each of these organizations will fail; united, they become invincible. There should be no difficulty in properly evaluating this principle.

The above proposition carries with it the necessity of considering how these local units scattered throughout our broad area may, in a practical way, give illustration to the value of an united purpose. The National Rivers and Harbors Congress, of which I have the honor to be president, was organized about 25 years ago to meet this obvious need. Its purpose has been to act as a sort of clearing house for all the local waterway organizations of the country, for the purpose of collating information and presenting same to the Congress and the administrative departments of the Government. Even more, it has been a medium in stating and restating the fundamental principles which lie at the basis of legislation and appropriations for waterway improvement. It has combated the tendency existent in all public problems, to deviate from the essentials and go afield in the nonessentials.

The National Rivers and Harbors Congress has performed even a more difficult rôle. It has evolved from time to time constructive legislative proposals and submitted these to the Federal Congress. Among these achievements may be mentioned section 500 of the transportation act of 1920, which succinctly sets forth the relationship of water transportation to the whole fabric of our transportation system and in plain terms designates transportation by water as an essential arm in the public service. Other pieces of legislation might be cited.

During the progress of agitation of various waterway projects, differences frequently arise among citizens of the same locality or among the engineers who are considering such projects. The National Rivers and Harbors Congress stands aloof in these controversies and awaits the time until local differences shall be assimilated into a common purpose and until the engineers have reached a final conclusion as to the engineering details. When that time arrives, such a project becomes entitled to the active aid of the National Rivers and Harbors Congress. However, there occasionally comes to the front some great enterprise upon which the country or different sections of the country may be divided. Under such a condition the National Rivers and Harbors Congress has sponsored the proposition that the giving of publicity to all sides of the question would not only be in the public interest but would best subserve the cause of eventual unity. Publicity not only conserves the merits of a public problem but, in a more important sense, it tends to remove the causes of friction by eliminating existing prejudices and concentrating the public mind upon the real merits of the problem under discussion.

I represent in part a State whose people are vitally interested in water transportation. The lower Mississippi flows by its border. The city of New Orleans is gradually establishing itself as the natural gateway to the sea for that group of dominant States located in the Mississippi Valley. I speak with some knowledge of the subject of water transportation. I have had occasion for many years to observe and to acknowledge the intrinsic value and the notable part which the National Rivers and Harbors Congress has performed in the improvement of waterways and the promotion of transportation. It is a pleasure to bespeak from the various local organizations of the country, and from those unselfish groups of citizens committed to the cause, their whole-hearted support of the National Rivers and Harbors Congress.

EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore laid before the Senate sundry messages from the President of the United States, transmitting nominations, which were referred to the appropriate committee.

The PRESIDENT pro tempore. Reports of committees are in order.

REPORT OF A MILITARY NOMINATION

Mr. REED, from the Committee on Military Affairs, reported the nomination of Brig. Gen. Frank Thomas Hines, Reserve Corps of the Army, to be a brigadier general, reserve, from September 7, 1930, which was placed on the Executive Calendar.

The PRESIDENT pro tempore. The calendar is now in order.

LONDON NAVAL TREATY

The Chief Clerk announced as first in order on the calendar Treaty Executive XI (71st Cong., 2d sess.), for the limitation and reduction of naval armaments signed April 22, 1930.

The PRESIDENT pro tempore. Under a unanimous-consent agreement, the treaty will go over.

CUSTOMS SERVICE

The Chief Clerk read the nomination of William H. Ellison to be collector of customs, district No. 25, headquarters at San Diego, Calif.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk proceeded to read the nominations of sundry postmasters.

Mr. PHIPPS. I ask that the nominations be confirmed en bloc, and that the President be notified.

The PRESIDENT pro tempore. Without objection, it is so ordered. The consideration of the calendar is completed; and, without objection, the President will be notified of all nominations this day made.

ADJOURNMENT

Mr. McNARY. As in legislative session, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 27, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 26, 1930

SECRETARY IN THE DIPLOMATIC SERVICE

Julius Wadsworth, of Connecticut, now a Foreign Service officer, unclassified, and a vice consul of career, to be also a secretary in the Diplomatic Service of the United States of America.

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, reserve

Brig. Gen. Frank Thomas Hines, reserve, from September 7, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 26, 1930

COLLECTOR OF CUSTOMS

William H. Ellison, district No. 25, headquarters at San Diego, Calif.

POSTMASTERS

CALIFORNIA

Lucy B. Hopkins, Calistoga.
Mary C. Rathyen, Encinitas.

IOWA

Leeta Knapp, Aurora.
Russell I. Polly, Whiting.

LOUISIANA

Clement Bourgeois, Erath.
George M. Tannehill, Urania.
Irma L. Batey, Wisner.

MISSOURI

Lewis B. McKean, Blairstown.
Aaron D. Peterson, Browning.
Fred F. Hall, Hallsville.

NORTH CAROLINA

James E. Green, Mount Gilead.
John D. Massey, Selma.

NORTH DAKOTA

Ruth C. Borman, Alamo.

OHIO

Lewis C. Crawford, Shreve.
Clarence M. Jennings, Sterling.

PENNSYLVANIA

Harry W. Thatcher, Bethlehem.

SOUTH DAKOTA

Melvin P. Juel, Canton.
Harry M. Bardon, Rockham.
Elsie M. Romereim, Roslyn.
Mary V. Breene, Seneca.
William O. Brennan, Sherman.
Mary J. Carr, Stratford.

TENNESSEE

Robert D. Lindsay, Coal Creek.
Carrie S. Waters, Goodlettsville.

VIRGINIA

Clementine M. Wright, Sharps.

WISCONSIN

Cornelia F. Whitcomb, Bloomington.
Nels O. Neprud, Coon Valley.

HOUSE OF REPRESENTATIVES

THURSDAY, *June 26, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Incline our hearts to keep Thy law, O Lord, and work in us the spirit of sincere repentance. Turn our faces upward and ever keep them in the light. Because of our tendencies we ask Thee for faith and courage to meet life's uncertainties and to perform its duties with determination. May Thy will be done in all things. With Thy blessing upon us we pray that this day may be filled with peace and with those deeds which our minds and hearts have cherished. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H. R. 47. An act for the relief of the State of New York;

H. R. 494. An act for the relief of Catherine White;

H. R. 495. An act for the relief of Katherine Frances Lamb and Elinor Frances Lamb;

H. R. 528. An act for the relief of Clarence C. Cadell;

H. R. 531. An act for the relief of John Maika;

H. R. 794. An act for the relief of C. B. Smith;

H. R. 913. An act for the relief of Belle Clopton;

H. R. 917. An act for the relief of John Panza and Rose Panza;

H. R. 919. An act for the relief of the father of Catharine Kearney;

H. R. 1063. An act for the relief of Alice Hipkins;

H. R. 1066. An act for the relief of Evelyn Harris;

H. R. 2156. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress;

H. R. 2170. An act for the relief of Clyde Cornish;

H. R. 2222. An act for the relief of Laurin Gosney;

H. R. 2782. An act for the relief of Elizabeth B. Dayton;

H. R. 4564. An act for the relief of E. J. Kerlee;

H. R. 5627. An act relating to the naturalization of certain aliens;

H. R. 6227. An act for the relief of Elizabeth Lynn;

H. R. 12343. An act to authorize the Secretary of the Treasury to accept donations of sites for public buildings; and

H. J. Res. 253. Joint resolution to provide for the expenses of a delegation of the United States to the sixth meeting of the Congress of Military Medicine and Pharmacy to be held at Budapest in 1931.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1214. An act granting compensation to Philip R. Roby;

S. 1603. An act to provide for the exchange of lands of the United States in the Philippine Islands for lands of the Philippine government;

S. 4149. An act to add certain lands to the Ashley National Forest in the State of Wyoming;

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut;

S. 4435. An act for the relief of James Williamson and those claiming under or through him;

S. 4665. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

S. 4671. An act granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.;

S. 4683. An act to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan;

S. 4687. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island;

S. 4690. An act granting the consent of Congress to the State of Montana or the county of Roosevelt, or both of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.;

S. 4708. An act to amend the act entitled "An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada," approved May 15, 1930; and

S. 4735. An act to increase the salary of the Commissioner of Customs.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 887) entitled "An act for the relief of Mary R. Long," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 936) entitled "An act for the relief of Glen D. Tolman," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK to be the conferees on the part of the Senate.

SUSPENSION OF THE RULES

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules I call up privileged Resolution 271.

The SPEAKER. The gentleman from New York calls up a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 271

Resolved, That it shall be in order beginning on Thursday, June 26, 1930, until the end of the present session of Congress, for the Speaker to recognize Members for motions to suspend the rules.

Mr. POU rose.

Mr. SNELL. I yield to the gentleman. What time does he desire?

Mr. POU. Thirty minutes.

Mr. SNELL. I will yield to him whatever time he may need.

Mr. Speaker, all the debate necessary for the passage of this bill has been going on on the floor of the House and in the corridors for the last 48 hours. There is nothing new in the procedure to present a resolution of this character at this time in the session. Very often when we know that we are practically at the end of a session when the date is not definitely decided upon, and in order to facilitate the business of the House, a resolution of this character is passed.

I want to say in all frankness that the purpose of reporting this resolution to-day is to clear the decks as soon as possible for the passage of World War veterans' legislation and adjourn the House and go home.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. RANKIN. Will the gentleman kindly give the House some information as to what the new veterans' legislation is to be, and where we can get a copy of it?

Mr. CELLER. Can the gentleman tell when will be brought up the Wagner unemployment bill?

Mr. SNELL. I can not answer.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. BLANTON. I understand the proposed new veterans' legislation will be brought up in such shape that you can not change it by dotting an "i" or crossing a "t." Is that the plan?

Mr. SNELL. That is the plan.

Mr. BLANTON. Very well. The responsibility is on the administration.

The SPEAKER. What arrangement has been made between the gentleman from New York and the gentleman from North Carolina?

Mr. SNELL. I yield to the gentleman from North Carolina 30 minutes.

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, owing to circumstances over which I have no control, I would decline to take the floor at this time were it not for the fact that this is the last opportunity any of us will have to make an appeal to you for the uncompensated disabled veterans of the World War before the time comes to vote on the veto, which you will vote on without permitting us any time for debate.

Do not be deceived. You are being made the goats to-day, you men before me. You voted for the veterans' bill when it carried at least $50,000,000 a year more than it carries to-day.

Mr. SPEAKS. Not all of us.

Mr. RANKIN. All but a few; only 47 of you.

Mr. MORGAN. Forty-nine.

Mr. RANKIN. No; 47 Republicans and 2 misguided Democrats. You voted for it when it carried $50,000,000 a year more than it does to-day.

You are asked to-day to vote to kill veterans' relief and you will not escape responsibility. I want to tell you that the few men who claim to be the higher-ups in a certain institution—who are betraying the American Legion and who are betraying the disabled ex-service men—are not going to get by with it in this year of our Lord 1930.

What do you propose to do? You are asked to kill veterans' relief when you pass this innocuous bill, by which you would give a veteran with anything under a 50 per cent disability from tuberculosis, cancer, paralysis, or any other disease, $18 a month.

Mr. KVALE. Will the gentleman yield?

Mr. RANKIN. For a question.

Mr. KVALE. Will the gentleman include in his statement the word "permanent"?

Mr. RANKIN. Yes; it must be permanent to get even $18.

Why, the gentleman from Nebraska, for whom I have great admiration, because he is one Republican who would rather be wrong than regular on veterans' relief, is always against anything we try to pass.

Mr. SIMMONS. Will the gentleman yield there?

Mr. RANKIN. I do not mean that seriously, of course.

Mr. SIMMONS. Then the gentleman ought to retract the statement.

Mr. RANKIN. I will correct the statement. I do not mean the gentleman would always rather be wrong than regular, but the gentleman will be regular at the expense of being wrong on veterans' relief.

Mr. SIMMONS. I do not object to what the gentleman said about my being regular, but the gentleman said I was against veterans' relief, and that statement I challenge.

Mr. RANKIN. I do not say that the gentleman is always against veterans' relief, but he voted against the passage of this bill in the beginning, he voted against the Spanish War pension, and he voted to sustain the veto of the President, and he is going to vote to sustain this veto, and 10 days after to-day, when they come back with a veto to this bill, after the Senate has pumped some life into it, the chances are 6 to 1 the gentleman will be against that.

Mr. SIMMONS. Will the gentleman yield? That is not a fair statement. I did not vote against the Spanish War veterans' bill and I did not vote to sustain the veto, and the gentleman's statement about that is about as accurate as a number of other statements the gentleman is making. [Applause on Republican side.]

Mr. RANKIN. I think the gentleman is wrong. I think the gentleman showed up in the list, but if he did not, I will certainly correct my statement.

Mr. SIMMONS. I would suggest the gentleman get his facts straight before he tells anything to the House.

Mr. RANKIN. I do not want to misrepresent the gentleman from Nebraska, and if he did not vote to sustain the veto on the Spanish War veterans' bill, of course, I will correct that statement, because I do not want to misrepresent him.

Mr. SIMMONS. Then I suggest to the gentleman that he go over on his side and sit down until he knows what he is talking about with regard to this bill. [Applause.]

Mr. RANKIN. I know the gentleman from Nebraska is opposed to this bill. He knows that when he votes for the innocuous bill that is going to follow this one, he is voting for something that will not bring relief to the disabled veterans.

The gentleman from Nebraska goes on to say that these Spanish War veterans are old men. I want you to know that these World War men are invariably helpless and many of them are dying for lack of relief. Are you going to wait until they become disabled by reason of old age before you come to their relief?

You propose to sustain the President's veto in order that you may pass this innocuous bill, and when you do that, the Senate is going to raise the rates to where it will cost $50,000,000 more than the bill before you. A vote to sustain this veto is a vote against veterans' relief at this session of the Congress, and your leaders know it. [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker and Members of the House, the reason for the passage of this rule is to make it possible to introduce and pass a fair, equitable piece of veterans' legislation immediately after the President's veto is sustained.

I believe the House will sustain the President's veto just as firmly as I believe that that veto will be before us, and the President will state the truth in that veto if he says that the bill that has come to him is the most unfair, inequitable, unjust, and vicious piece of legislation that has ever been passed in any parliamentary body for the alleged relief of service men. [Applause.]

It will not do what some of you have thought it would do. It will take 40 per cent of the men suffering from diseases, certain selected diseases, and give them, with their hospitalization, what is a pension of $225 a month.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. JOHNSON of South Dakota. No; I want to finish this statement, and I have only five minutes.

The other 60 per cent will get nothing.

These service men in the United States are just as smart as anyone on the floor of this House. By the time that bill is analyzed in each American Legion post, in each post of the Veterans of Foreign Wars, in each Disabled American Veterans' post—and it will be analyzed—they will know that that bill "gold-bricked" them and they will know that it was unfair. You can search your files of your own cases to verify this statement, and I want to say that the Members of this House, both Republicans and Democrats, are doing a good job in trying to get things done for service men. I do not know of a man who is not working for them whether he is a Republican or a Democrat. There is no politics in that work, but when you analyze that measure, as it passed the House and the Senate, you will see that it would not take care of 40 per cent of your cases, while the bill which I will at once present to the House will take care of 200,000 men and will cost $50,000,000 a year.

This vote will defeat more Members of Congress than any piece of legislation that has been here in my time, because when some smart service man who analyzes these unfair laws becomes a candidate against some one who voted against the President's veto and calls attention to the fact that that bill would take care of men with acidosis and gout and hemophilia and obesity and a variety of diseases of that kind, but would not help a man who lost both arms in a coal mine and is needy, and does not help the man who has heart trouble and is needy, or does not help a man who has any of the other 60 per cent of diseases, and he names this Member of Congress as "Acidosis John Smith" or "Obesity John Smith," or whatever his name be, that man will be defeated, because the service men of this country want legislation that will treat every man alike. These service men are just as good citizens to-day as they were when they were in the service.

It is time for action, not talk, and upon this veto this will be my final word. I hope to pass a bill that the Congress can be proud of and not one that is discriminatory.

Mr. McCORMACK of Massachusetts rose.

Mr. JOHNSON of South Dakota. I do not want any remarks of others in my time, and for that reason I close my statement at this time. [Applause.]

Mr. POU. Mr. Speaker, I yield five minutes to the lady from New Jersey [Mrs. NORTON].

Mrs. NORTON. Mr. Speaker and Members of the House, I have listened with a great deal of attention to the gentleman from South Dakota [Mr. JOHNSON]. I hope every Member who voted for the veterans' bill realizes exactly what he has been saying. Certainly it is an indictment against every man who voted for the veterans' bill, and I think we have a considerable majority. [Applause.]

During the past five years I have voted on many bills, some very good bills, others not because they were good but because they were the best to be had from a controlled majority, and were always so written that it was difficult to separate the good from the bad—one such example is the rivers and harbors bill. I have observed during my five years that wherever the bill had to do with large financial interests it had an assured easy passage, but whenever the human equation was uppermost it encountered rough seas.

In the case of the Rankin bill that would benefit so many deserving helpless men—helpless because they answered the call to make America a safe place in which to live; helpless because of their great love of country and of their fellow Americans, you and I and the millions who shouted and cheered them on their way to slaughter and death. We told them they would never be forgotten because they were brave men; yes, they were brave men, or, should I say, brave boys, for many of them had come from the schoolrooms and were looking at life for the first time, and to-day are wrecks lying in hospitals waiting for their day of release to come and wondering why they never had a chance to live. Our President was supposed to be a great humanitarian in those days. He was much advertised everywhere as feeding the hungry children of Europe. Of course the fact of his having been sent by a real humanitarian—a President who furnished all the necessary men, women, and money to work with was lost sight of—but to-day we know why the man who was charged with the task was successful. It was because he was following a great leader, taking orders from a man with a human heart—President Wilson. [Applause.]

To-day the man who profited by that human leadership is in the place of authority.

We had hoped and expected great things from his leadership, and we are amazed that the first real leadership displayed by him is to whip into line men who were disposed a few weeks ago to keep their promise to the boys they sent to filth and misery and death—living death—just a few short years ago. And if this were not bad enough, the excuse offered—for it is the real excuse—is even worse—a deficit in the Treasury—the same old cry that always arises when the machinery of state is interfered with by the humanitarians in Congress. For, thank God, we still have a few humanitarians in Congress, but their number is dwindling.

Who thought of the deficit in the Treasury when war was declared? When we were asked to give until it hurt? And

we did. And to-day many of the profiteers of those days are fearful that their ill-gotten wealth may be taxed a few extra dollars if this bill to help the men responsible for that wealth should become a law. And a President with his ear to the ground only hears the threat of the taxpayer when it is raised in opposition to a human cry. The richest country in the world is unable to pay its war debt to the men who contributed all they had to contribute to a cause they believed sacred, but to-day is not sacred because it may react upon the purse strings of a Treasury that must be considered above and beyond all human sentiment. [Applause.]

We are told the President's veto is to be sustained on this bill. Men who only a few days ago voted in favor of the bill are now arrayed against it. The President will win his first victory at the expense of the disabled veteran.

It is reported that the Johnson bill, H. R. 13174, said to be sponsored by the American Legion, is to be substituted for the Rankin bill. I have not read the provisions contained in this bill, but it is safe to assume that the heart of the Rankin bill—the presumptive clause—is stricken out and a small pension provided. My inclination is to vote against the bill, for it does not permit amendments—being considered under suspension. If I decide to vote in favor of the bill it will be simply because it is the best we can get from a powerfully controlled majority.

It is my hope that the Senate will use its independent thought to correct the inequalities of this bill, should it pass the House.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker and Members of the House, I represent a congressional district in which is located a National Home for Disabled Volunteer Soldiers. Since I have been a Member of Congress I have devoted my personal attention to many thousand claims to see that the veterans received every benefit to which they were entitled under the law, nothing more and nothing less.

I shall be very pleased to vote to sustain the veto of the President of the United States to-day [applause] and cast my vote for the bill, which will come before the House under suspension of the rules on a motion by the gentleman from South Dakota [Mr. JOHNSON]. [Applause.]

This is not the time and place to discuss this legislation from the point of what was promised the veterans when they were overseas. The question which is squarely before us is whether we are going to pass legislation granting additional benefits to our World War veterans which does not discriminate in favor of a few and against the many. [Applause.]

Ladies and gentlemen of the House, I can not put my stamp of approval on the bill as it passed the other body, which will single out a few diseases and hold them service connected when they show up before January 1, 1930, and absolutely ignore many hundreds of other diseases.

Why, under the bill which will be vetoed a man who gains in avoirdupois over nine years after the war will be able to receive service connection and compensation. Several of my colleagues and myself would no doubt receive service connection and compensation because of being overweight, which we gained a number of years after our discharge from active military service.

I feel confident that a great majority of the World War veterans—particularly those who are discriminated against—will approve and stand by the President's veto and favor the new bill which will be offered by the chairman of the World War Veterans' Committee [Mr. JOHNSON]. [Applause.]

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker and ladies and gentlemen of the House, I do not propose to discuss this rule in reference to its effect on veterans' legislation. That has been ably brought to your attention by the gentleman from Texas, our Democratic leader. I have opposed this resolution from the Committee on Rules in that committee and now on the floor for more reasons than that it is directed at jamming through a veterans' bill.

Ordinarily, motions to suspend the rules are not made in order until we have passed a resolution to adjourn, and then during the last six days of the session motions to suspend the rules are in order under the general rules of the House. This special rule to make such motions in order beginning to-day before we have voted to adjourn is directed at much more than the veterans' legislation. Let me call the attention of you friends of labor, you friends of the small merchant, you friends of the farmer, you friends of people generally on both sides of the House to this legislative situation, and if you realize the full purport of it you will vote down this resolution.

On the 11th day of June a rule was reported from the Committee on Rules for the consideration of the Kelly-Capper bill. What is going to be done with that important measure? Will it be brought up at all or will it be jammed through in some form under suspension of the rules?

On June 14 there was reported out of the Committee on Rules a resolution to consider the border patrol act. What are you going to do with that controversial bill, rivaling in its harshness and its fanatical injustices the Jones law? Will you move to suspend the rules and rush that bill through, vicious as it is, with no opportunity for fair amendment?

On June 20 a resolution was reported out of the Committee on Rules making in order the agricultural bill relating to the branding of jellies and jams. What are you going to do with that bill? Will that be jammed through under a motion to suspend the rules?

On June 20 a rule was reported out to complete consideration of the copyright bill. Will that bill be rushed through under suspension with no opportunity to offer certain necessary amendments?

What are you going to do with the other important legislation still pending before this House, you friends of labor, you friends of the farmer, you friends of your constituents? What are you going to do with the Couzens resolution, S. J. Res. 161? Yesterday or the day before the House Committee on Interstate and Foreign Commerce reported that resolution so emasculated by amendments that it is an offense to fairness and to the railroad employees. What are you going to do with that resolution? Jam through that worthless substitute resolution, with no chance to amend it and restore it to its original form? Why, you friends of labor will be compelled to vote down that amended resolution, with no chance to vote for the original Couzens resolution!

What are you going to do with the three unemployment bills, S. 3059, S. 3060, and S. 3061? They have all been reported, perhaps one of them only to-day—but amended out of all recognition as compared with the Senate bills. Are you going to jam those through under a motion to suspend the rules, and make merely a gesture in the matter of unemployment, the most distressing problem of our Nation to-day?

What are you going to do with the other important legislation still pending here?

What are you going to do, for instance, with the 44-hour bill, S. 471, which passed the Senate on April 1, and was reported to this House on May 16, and still not acted on? What are you going to do with the half-holiday bill, H. R. 6003, which was reported to this House on April 7? What are you going to do with the prevailing rate of wage bill, H. R. 9232, which was reported to this House on April 15? What are you going to do with the customs employees' salary bill, H. R. 12742? What are you going to do with the Dickstein immigration bill, H. R. 5646, reported on March 25, which deservedly unites mothers and fathers? Are you gentlemen going to be restricted in the consideration of all those bills and many others just to meet this one situation in reference to the veterans' bill, a scheme planned and agreed on in the hog-tied Republican caucus the other night—to meet a situation at the dictation of the President, who should not interfere with a coordinate branch of the Government? Are you going to deny to the House of Representatives the right to consider all these and much other important legislation affecting labor and the farmers and the people generally of the United States? If you are really satisfied to go back to your people after being a party to that un-American method of legislation—if you are, perhaps some people may consider you unfit to serve in the greatest deliberative legislative body in the world. [Applause on the Democratic side.]

Mr. POU. Mr. Speaker, I think I have used most of my time. I ask the gentleman from New York to yield me five minutes.

Mr. SNELL. Mr. Speaker, I yield the gentleman from North Carolina five minutes.

The SPEAKER. The gentleman from North Carolina is recognized for six minutes.

Mr. POU. Mr. Speaker, I am obliged to my friend, the chairman of the Committee on Rules, who is always fair. Mr. Speaker, the stage has been set for the veto message which probably has already left the White House. I read very carefully what the President of the United States had to say with respect to the World War veterans' legislation. He summed it up in the statement that the legislation is bad legislation. I wondered if that could be true. I looked at the RECORD and I found that when the veterans' bill was considered by the House, 324 men said that it was good legislation and only 49 men said that it was bad legislation. I read of the action in another body and by 10 to 1 they said that this legislation was not bad legislation, and yesterday this House by unanimous vote put its seal of approval upon the legislation which the President said is bad. After all, that is merely an opinion. In the face of the record that has been made here, it is hard to see how gentlemen can find sufficient cause to turn about face and vote exactly opposite to the way they voted when the legislation was under

consideration. You would better get your one-third vote in this Congress because in all human probability you will not have it in the next. [Applause on the Democratic side.]

On Memorial or Armistice Day many of those present have in glowing terms acknowledged the debt this Nation owes to the men who won the war. To-day you will have opportunity to partly discharge that debt.

Mr. Speaker, I am for this legislation, heart and soul. I say it is righteous legislation. Almost 500 Members of this Congress have by their votes said that the bill which the President will veto is a righteous measure.

If I had a drop of blood in my body that was opposed to it, I would ask some surgeon to make an incision and take that drop of blood out. [Applause on the Democratic side.]

In almost every community in America there is to-day some ex-service man who did his duty but who is excluded by existing law, who will be cared for by the bill the President will veto. Some of these men have become charges on charity. When I remember that before the war the wealth of the United States was $189,000,000,000 and that after the war it was more than twice that, I say it is as little as we can do to deal liberally with the men who went across the sea and won the war fully a year before anybody thought it was possible. [Applause on the Democratic side.] The President vetoed the Spanish War veterans' bill, but you passed that measure over his veto, and to-day it is the law of the land. How will you who voted to pass that bill over a presidential veto explain a vote to-day to sustain a veto of this bill? It may be that you will defeat this legislation by securing a minority vote here. But for the great power of the President, there would probably be less than 100 votes to uphold his veto.

It may be that under gag rule you will put through some substitute; but there will be an accounting day, and that day will be in the coming November. [Applause on the Democratic side.]

Mr. SNELL. Mr. Speaker, I rise to say just one word in reply to my colleague from New York [Mr. O'CONNOR]. If the gentleman is as familiar with all of the actions of the House in the last few years as I think he must be, he would not have made the statement he made on the floor. In the first place, we have brought in a similar rule a great many times making suspensions in order the last few days of a session. Furthermore, we had suspensions beginning to-morrow by unanimous consent. Probably the only suspension that will come up to-day will be the one in connection with veterans' legislation. So that there is nothing hidden or concealed. I told the House frankly in my first statement the reason that we have brought this in to-day.

Mr. O'CONNOR of New York. When unanimous consent was obtained for suspension of the rules beginning to-morrow, the situation in reference to putting through the veterans' legislation was not before the House.

Mr. SNELL. Yes; but it is before the House now, and we have a rule to make it in order, and the only purpose of bringing in that rule is to put it through. That is what I told the House when I first took the floor. The gentleman said there was something hidden about it and there is not, and every one knows it.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

Mr. POU. Mr. Speaker, on that I demand the yeas and nays.

Mr. SNELL. Yes; let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 228, nays 139, not voting 61, as follows:

[Roll No. 76]

YEAS—228

Ackerman	Campbell, Iowa	Culkin	Freeman
Adkins	Campbell, Pa.	Dallinger	French
Allen	Carter, Calif.	Darrow	Garber, Okla.
Andresen	Carter, Wyo.	Davenport	Garber, Va.
Andrew	Chalmers	Dempsey	Gibson
Arents	Chase	Denison	Gifford
Ayres	Chindblom	Dickinson	Goodwin
Bacharach	Christgau	Doutrich	Graham
Bachmann	Christopherson	Dowell	Guyer
Bacon	Clague	Dunbar	Hadley
Barbour	Clancy	Dyer	Hale
Beedy	Clark, Md.	Eaton, Colo.	Hall, Ill.
Beers	Clarke, N. Y.	Eaton, N. J.	Hall, Ind.
Blackburn	Cochran, Pa.	Elliott	Hall, N. Dak.
Bolton	Cole	Ellis	Halsey
Bowman	Collins	Englebright	Hancock
Brand, Ohio	Colton	Estep	Hardy
Brigham	Connolly	Esterly	Hartley
Britten	Cooper, Ohio	Evans, Calif.	Haugen
Brumm	Coyle	Fenn	Hawley
Buckbee	Craddock	Fitzgerald	Hess
Burdick	Crail	Fort	Hickey
Butler	Cramton	Foss	Hoch
Cable	Crowther	Frear	Hoffman
Hogg	Leavitt	Purnell	Summers, Wash.
Holaday	Leech	Ramey, Frank M.	Swanson
Hooper	Lehlbach	Ramseyer	Swick
Hope	Letts	Ransley	Swing
Hopkins	Luce	Reed, N. Y.	Taber
Houston, Del.	McClintock, Ohio	Reid, Ill.	Taylor, Tenn.
Hudson	McCormick, Ill.	Robinson	Temple
Hull, Morton D.	McFadden	Rogers	Thatcher
Hull, William E.	McLaughlin	Rowbottom	Thompson
Hull, Wis.	McLeod	Sanders, N. Y.	Thurston
Irwin	Maas	Schafer, Wis.	Tilson
Jenkins	Magrady	Schneider	Timberlake
Johnson, Ind.	Manlove	Sears	Tinkham
Johnson, Nebr.	Mapes	Seiberling	Treadway
Johnson, S. Dak.	Martin	Selvig	Turpin
Johnson, Wash.	Menges	Shaffer, Va.	Vestal
Jonas, N. C.	Merritt	Short, Mo.	Vincent, Mich.
Kahn	Michener	Shott, W. Va.	Wainwright
Kearns	Miller	Shreve	Wason
Kelly	Moore, Ohio	Simmons	Watres
Kendall, Ky.	Morgan	Simms	Watson
Kendall, Pa.	Mouser	Sloan	Welch, Calif.
Ketcham	Nelson, Me.	Smith, Idaho	White
Kiess	Newhall	Snell	Whitley
Kinzer	Niedringhaus	Snow	Wiggleswortb
Knutson	Nolan	Sparks	Williamson
Kopp	O'Connor, Okla.	Speaks	Wolfenden
Kurtz	Palmer	Sproul, Ill.	Wolverton, N. J.
LaGuardia	Parker	Stafford	Wolverton, W.Va.
Lambertson	Perkins	Stobbs	Woodruff
Lampert	Pittenger	Strong, Kans.	Wurzbach
Lankford, Va.	Pratt, Harcourt J.	Strong, Pa.	Wyant
Lea	Pratt, Ruth	Sullivan, Pa.	Yates

NAYS—139

Abernethy	Dickstein	Johnson, Okla.	Palmisano
Allgood	Dominick	Johnson, Tex.	Parks
Almon	Doughton	Jones, Tex.	Patman
Arnold	Douglass, Mass.	Kennedy	Patterson
Aswell	Doxey	Kerr	Pou
Auf der Heide	Drane	Kincheloe	Prall
Bankhead	Drewry	Kvale	Quayle
Bell	Driver	Lanham	Quin
Black	Edwards	Lankford, Ga.	Ragon
Bland	Eslick	Larsen	Rainey, Henry T.
Blanton	Evans, Mont.	Lindsay	Ramspeck
Box	Fisher	Linthicum	Rankin
Boylan	Fitzpatrick	Lozier	Rayburn
Brand, Ga.	Fulmer	Ludlow	Rutherford
Briggs	Gambrill	McClintic, Okla.	Sabath
Browne	Garner	McCormack, Mass.	Sanders, Tex.
Browning	Garrett	McDuffie	Sandlin
Brunner	Gasque	McKeown	Sirovich
Busby	Gavagan	McMillan	Smith, W. Va.
Canfield	Glover	McSwain	Somers, N. Y.
Cannon	Goldsborough	Mead	Stevenson
Carley	Granfield	Milligan	Stone
Cartwright	Green	Montague	Sumners, Tex.
Celler	Greenwood	Mooney	Tarver
Clark, N. C.	Gregory	Moore, Ky.	Tucker
Cochran, Mo.	Griffin	Moore, Va.	Underwood
Connery	Hall, Miss.	Morehead	Vinson, Ga.
Cooper, Tenn.	Hammer	Nelson, Mo.	Warren
Cox	Hare	Norton	Whitehead
Crisp	Hastings	O'Connell	Whittington
Cross	Hill, Ala.	O'Connor, La.	Wilson
Crosser	Hill, Wash.	O'Connor, N. Y.	Woodrum
Cullen	Howard	Oldfield	Wright
Davis	Huddleston	Oliver, Ala.	Yon
DeRouen	Jeffers	Oliver, N. Y.	

NOT VOTING—61

Aldrich	Finley	Langley	Sproul, Kans.
Baird	Fish	McReynolds	Stalker
Beck	Free	Mansfield	Stengall
Bloom	Fuller	Michaelson	Stedman
Bohn	Golder	Montet	Sullivan, N. Y.
Buchanan	Hudspeth	Murphy	Taylor, Colo.
Burtness	Hull, Tenn.	Nelson, Wis.	Underhill
Byrns	Igoe	Owen	Walker
Collier	James	Peavey	Welsh, Pa.
Cooke	Johnson, Ill.	Porter	Williams
Cooper, Wis.	Johnston, Mo.	Pritchard	Wingo
Corning	Kading	Reece	Wood
Curry	Kemp	Romjue	Zihlman
De Priest	Kiefner	Seger	
Douglas, Ariz.	Korell	Sinclair	
Doyle	Kunz	Spearing	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Wood with Mr. Byrns.
Mr. Welsh of Pennsylvania with Mr. Hull of Tennessee.
Mr. Sinclair with Mrs. Owen.
Mr. Aldrich with Mr. Stegall.
Mr. Fish with Mr. Taylor of Colorado.
Mr. Golder with Mr. Douglas of Arizona.
Mr. Zihlman with Mr. Mansfield.
Mr. Beck with Mr. Bloom.
Mr. Kiefner with Mr. Fuller.
Mrs. Langley with Mr. Kemp.
Mr. Bohn with Mr. Stedman.
Mr. Murphy with Mr. Wingo.
Mr. Seger with Mr. Collier.
Mr. Michaelson with Mr. Hudspeth.
Mr. Reece with Mr. Romjue.
Mr. Johnston of Missouri with Mr. Williams.
Mr. Free with Mr. Spearing.
Mr. Wolverton of New Jersey with Mr. Sullivan of New York.
Mr. Sproul of Kansas with Mr. Montet.
Mr. Cooper of Wisconsin with Mr. Corning.
Mr. Baird with Mr. Buchanan.

Mr. Nelson of Wisconsin with Mr. Doyle.
Mr. Finley with Mr. McReynolds.
Mr. Cooke with Mr. Kunz.
Mr. James with Mr. Igoe.

The result of the vote was announced as above recorded.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNELL. Mr. Speaker, may I submit a unanimous-consent request? The gentleman from Alabama [Mr. OLIVER] generously gave way for to-day the time heretofore granted to him in order that we might proceed with the program. I ask unanimous consent that he may proceed on Friday for 15 minutes. I also ask unanimous consent that the gentleman from South Carolina [Mr. STEVENSON] may proceed for five minutes following him.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 9, 1930:

H. R. 851. An act for the relief of Richard Kirchhoff;

H. R. 1160. An act for the relief of Henry P. Biehl;

H. R. 3175. An act to authorize Lieut. Commander James C. Monfort, of the United States Navy, to accept a decoration conferred upon him by the Government of Italy;

H. R. 3610. An act for the relief of William Geravis Hill;

H. R. 3801. An act waiving the limiting period of two years in Executive Order No. 4576 to enable the Board of Awards of the Navy Department to consider recommendation of the award of the distinguished-flying cross to members of the Alaskan Aerial Survey Expedition; and

H. R. 5213. An act for the relief of Grant R. Kelsey, alias Vincent J. Moran.

On June 10, 1930:

H. R. 1053. An act for the relief of Jacob Scott;

H. R. 1155. An act for the relief of Eugene A. Dubrule;

H. R. 3118. An Act for the relief of the Marshall State Bank;

H. R. 3144. An act to amend section 601 of subchapter 3 of the Code of Laws for the District of Columbia;

H. R. 3200. An act for the relief of Bessie Blaker;

H. R. 3257. An act for the relief of Ellen B. Monahan;

H. R. 5524. An act for the relief of T. J. Hillman;

H. R. 6071. An act for the relief of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States;

H. R. 9557. An act to create a body corporate by the name of the "Textile Alliance Foundation";

H. R. 9806. An act to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United Staes;

H. R. 11228. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Rock River south of Moline, Ill.;

H. R. 11240. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at Pittsburgh, Allegheny County, Pa.;

H. R. 11282. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa;

H. R. 11435. An act granting the consent of Congress to the city of Rockford, Ill., to construct a bridge across the Rock River at Broadway in the city of Rockford, Winnebago County, State of Illinois; and

H. R. 12131. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Kittanning, Armstrong County, Pa.

On June 11, 1930:

H. R. 977. An act establishing under the jurisdiction of the Department of Justice a division of the bureau of investigation to be known as the division of identification and information;

H. R. 1194. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks;

H. R. 1601. An act to authorize the Department of Agriculture to issue two duplicate checks in favor of Utah State treasurer, where the originals have been lost;

H. R. 2587. An act for the relief of James P. Sloan;

H. R. 2626. An act for the relief of George Joseph Boydell;

H. R. 2951. An act granting six months' pay to Frank J. Hale;

H. R. 5611. An act for the relief of William H. Behling;

H. R. 6348. An act donating trophy guns to Varina Davis Chapter, No. 1980, United Daughters of the Confederacy, Macclenny, Fla.;

H. R. 6591. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet;

H. R. 9109. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Jefferson Memorial Association of St. Louis, Mo., the ship's bell, builder's label plate, a record of war services, letters forming ship's name, and silver service of the cruiser *St. Louis* that is now or may be in his custody;

H. R. 9370. An act to provide for the modernization of the United States Naval Observatory at Washington, D. C., and for other purposes;

H. R. 9975. An act for the relief of John C. Warren, alias John Stevens;

H. R. 10662. An act providing for hospitalization and medical treatment of transferred members of the Fleet Naval Reserve and the Fleet Marine Corps Reserve in Government hospitals without expense to the reservist;

H. R. 12236. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes;

On June 12, 1930:

H. J. Res. 181. Joint resolution to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestend entry," approved February 14, 1920, as amended January 21, 1922, and as extended December 28, 1922;

H. R. 976. An act providing that subscription charges for newspapers, magazines, and other periodicals for official use may be paid for in advance;

H. R. 1840. An act for the relief of Gertrude Lustig;

H. R. 2011. An act to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M.* 4 and *P. L. M.* 7 for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and U. S. S. *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M.* 7 for damages sustained by the U. S. S. *Pennsylvania* in a collision with the *P. L. M.* 7; and

H. R. 8589. An act for the relief of Charles J. Ferris, major, United States Army, retired.

On June 13, 1930:

H. J. Res. 270. A joint resolution authorizing an appropriation to defray the expenses of the participation of the Government in the Sixth Pan American Child Congress, to be held at Lima, Peru, July, 1930;

H. R. 1086. An act for the relief of George W. Posey;

H. R. 6130. An act to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes;

H. R. 8372. An act to provide for the construction and equipment of an annex to the Library of Congress; and

H. R. 12205. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

On June 14, 1930:

H. R. 972. An act to amend an act entitled "An act providing for the revision and printing of the index to the Federal Statutes," approved March 3, 1927;

H. R. 4020. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Upper Mississippi National Park in the States of Iowa, Illinois, Wisconsin, and Minnesota;

H. R. 5190. An act to enable the Postmaster General to authorize the establishment of temporary or emergency star-route service from a date earlier than the date of the order requiring such service;

H. R. 6651. An act for the relief of John Golombiewski;

H. R. 11082. An act granting a franking privilege to Helen H. Taft; and

H. R. 11143. An act to create in the Treasury Department a bureau of narcotics, and for other purposes.

On June 16, 1930:

H. R. 6186. An act for the relief of Frank Storms;

H. R. 11274. An act to amend section 305, chapter 8, title 28, of the United States Code relative to the compilation and print-

ing of the opinions of the Court of Customs and Patent Appeals; and

H. J. Res. 340. Joint resolution extending the time for the assessment, refund, and credit of income taxes for 1927 and 1928 in the case of married individuals having community income.

On June 17, 1930:

H. J. Res. 289. Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes;

H. R. 827. An act for the relief of Homer C. Rayhill;

H. R. 885. An act for the relief of George F. Newhart, Clyde Hahn, and David McCormick;

H. R. 969. An act to amend section 118 of the Judicial Code to provide for the appointment of law clerks to United States circuit judges;

H. R. 2030. An act to authorize an appropriation for the purchase of land adjoining Fort Bliss, Tex.;

H. R. 2667. An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes;

H. R. 8591. An act for the relief of Henry Spight;

H. R. 8855. An act for the relief of John W. Bates;

H. R. 9425. An act to authorize the Secretary of War to donate a bronze cannon to the city of Martins Ferry, Ohio;

H. R. 11903. An act granting the consent of Congress to the Niagara Frontier Bridge Commission, its successors and assigns, to construct, maintain, and operate a toll bridge across the east branch of the Niagara River at or near the city of Niagara Falls, N. Y.;

H. R. 11933. An act granting the consent of Congress to the Niagara Frontier Bridge Commission, its successors and assigns, to construct, maintain, and operate a toll bridge across the east branch of the Niagara River at or near the city of Tonawanda, N. Y.;

H. R. 12348. An act to provide for the partial payment of the expenses of foreign delegates to the Eleventh Annual Convention of the Federation Interalliee Des Anciens Combattants, to be held in the District of Columbia in September, 1930; and

H. R. 12440. An act providing certain exemptions from taxation for Treasury bills.

On June 18, 1930:

H. R. 692. An act for the relief of Ella E. Horner;

H. R. 1499. An act for the relief of C. O. Crosby;

H. R. 4469. An act for the relief of Second Lieut. Burgo D. Gill;

H. R. 6124. An act to provide for the reconstruction of the Army and Navy Hospital at Hot Springs, Ark.;

H. R. 7464. An act for the relief of Robert R. Strehlow;

H. R. 7484. An act for the relief of Edward R. Egan;

H. R. 9300. An act to authorize the Postmaster General to hire vehicles from village delivery carriers;

H. R. 11007. An act to amend the act of August 24, 1912 (ch. 389, par. 7, 37 Stat. 556; U. S. C., title 39, sec. 631), making appropriations for the Post Office Department for the fiscal year ending June 30, 1913;

H. R. 11273. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa; and

H. R. 11679. An act to provide for acquiring and disposition of certain properties for use or formerly used by the Lighthouse Service.

On June 19, 1930:

H. R. 3203. An act to authorize the city of Salina and the town of Redmond, State of Utah, to secure adequate supplies of water for municipal and domestic purposes through the development of subterranean water on certain public lands within said State;

H. R. 7299. An act for the relief of Hannah Odekirk;

H. R. 8479. An act to amend section 7 of Public Act No. 391, Seventieth Congress, approved May 15, 1928;

H. R. 9169. An act for the relief of the successors of Luther Burbank; and

H. R. 11134. An act to amend section 91 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended.

On June 20, 1930:

H. R. 515. An act for the relief of Jackson D. Wissman;

H. R. 2876. An act for the relief of J. C. Peixotto;

H. R. 10375. An act to provide for the retirement of disabled nurses of the Army and Navy;

H. J. Res. 280. Joint resolution to authorize participation by the United States in the Interparliamentary Union; and

H. J. Res. 353. Joint resolution providing for an investigation and report, by a committee to be appointed by the President, with reference to the representation at and participation in the Chicago World's Fair Centennial Celebration, known as the Century of Progress Exposition, on the part of the Government of the United States and its various departments and activities.

On June 21, 1930:

H. R. 8836. An act for the relief of the French Co. of Marine and Commerce;

H. R. 8881. An act to carry out the recommendation of the President in connection with the late-claims agreement entered into pursuant to the settlement of war claims act of 1928;

H. R. 10668. An act to authorize issuance of certificates of repatriation to certain veterans of the World War;

H. R. 10780. An act to transfer certain lands to the Ouachita National Forest, Ark.;

H. R. 11784. An act to provide for the addition of certain lands to the Rocky Mountain National Park, in the State of Colorado; and

H. J. Res. 300. Joint resolution to permit the Pennsylvania Gift Fountain Association to erect a fountain in the District of Columbia.

On June 23, 1930:

H. R. 593. An act for the relief of First Lieut. John R. Bailey;

H. R. 1029. An act for the relief of Arthur D. Story, assignee of Jacob Story, and Harris H. Gilman, receiver for the Murray & Thregurtha plant of the National Motors Corporation;

H. R. 1481. An act for the relief of James C. Fritzen;

H. R. 1494. An act for the relief of Maj. O. S. McCleary, United States Army, retired;

H. R. 7205. An act for the relief of Lamirah F. Thomas;

H. R. 7822. An act amending section 2 and repealing section 3 of the act approved February 24, 1925 (43 Stat. 964, ch. 301), entitled "An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation," and for other purposes;

H. R. 7924. An act for the erection of tablets or markers and the commemoration of Camp Blount and the Old Stone Bridge, Lincoln County, Tenn.;

H. R. 7997. An act authorizing the purchase by the Secretary of Commerce of additional land for the Bureau of Standards of the Department of Commerce;

H. R. 8127. An act for the relief of J. W. Nelson;

H. R. 8958. An act for the relief of certain employees of the Alaska Railroad;

H. R. 9198. An act to remove cloud as to title of lands at Fort Lyttleton, S. C.;

H. R. 11432. An act to amend the act entitled "An act to provide for the enlarging of the Capitol Grounds," approved March 4, 1929, relating to the condemnation of land;

H. R. 11700. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Cedar Street, Youngstown, Ohio;

H. R. 11786. An act to legalize a bridge across the Arkansas River at the town of Ozark, Franklin County, Ark.;

H. R. 11934. An act authorizing the Monongahela Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near the town of Star City, W. Va.;

H. R. 11966. An act to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.; and

H. R. 11974. An act granting the consent of Congress to the Beaufort County Lumber Co. to construct, maintain, and operate a railroad bridge across the Lumber River at or near Fair Bluff, Columbus County, N. C.

On June 24, 1930:

H. J. Res. 311. Joint resolution for the participation of the United States in an exposition to be held at Paris, France, in 1931;

H. R. 669. An act for the relief of Seth J. Harris;

H. R. 745. An act for the relief of B. Frank Shetter;

H. R. 1312. An act for the relief of J. W. Zornes;

H. R. 3764. An act for the relief of Ruban W. Riley;

H. R. 7643. An act to establish a term of the District Court of the United States for the District of Nevada at Las Vegas, Nev.;

H. R. 11050. An act to transfer Willacy County in the State of Texas from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district; and

H. R. 12447. An act to extend hospital facilities to certain retired officers and employees of the Lighthouse Service and to improve the efficiency of the Lighthouse Service.

On June 25, 1930:

H. R. 1306. An act for the relief of Charles W. Byers.

VETO MESSAGE OF THE PRESIDENT—WORLD WAR VETERANS' LEGISLATION (H. DOC. NO. 495)

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I am returning herewith House bill 10381 without approval.

One of the most repugnant tasks which can fall to this office is to disapprove of measures intended to benefit our sick or disabled men who have served our country in war. Perhaps as much as any other person, I have full realization of the task, the hardships, and the dangers to which the Nation ordered its sons. In sentiment and in sympathy I should desire no greater satisfaction than to support just measures which are proposed for their benefit. But I want a square deal between veterans—not unjust discriminations between special groups, and I do not want wasteful or unnecessary expenditures.

The country already generously provides for the 280,000 men whose health or earning power is shown to have been impaired by their service in the war and for 91,000 dependents of the men who suffered or died. That is and should be a first charge upon the Nation.

This measure, except for a small part, adds nothing to aid of veterans wounded or disabled in the war. It is a radical departure from our full commitment to provide compensation to men for war disability into the field of pension to men who have incurred disabilities as the incident of civil life since the war and having no valid relation to their miltary service. It provides that in respect to veterans who between the years 1925 and 1930 shall have become afflicted with any one of an extensive category of diseases and thus disabled, there is established a "presumption" that these diseases originated from their service and that they should be "compensated" or pensioned upon the basis of men who suffered as the result of actual military service. This provision would give war-disability benefits to from 75,000 to 100,000 men who were not disabled as the result of war. In other words, the bill purports to establish that men who have enjoyed good health for a minimum of 7 years (from 1918 to 1925) since the war, or a maximum of 12 years (to 1930), and who have then become afflicted, have received such affliction from their war service.

I am informed by the Director of the Veterans' Bureau that the medical council of the bureau, consisting of most eminent physicians and surgeons, supported by the whole experience of the bureau, agree conclusively that this legal "presumption" that affliction from diseases mentioned in the bill between 1925 and 1930 is not a physical possibility and that the presumption constitutes a wholly false and fictitious basis for legislation in veterans' aid. This is confirmed by a recent resolution of so eminent a body as the American Medical Association.

The spectacle of the Government practicing subterfuge in order to say that what did not happen in the war did happen in war impairs the integrity of government, reduces the respect for government, and undermines the morale of all the people.

The practical effects of this enactment of a fictitious "presumption" into law are widespread. It creates a long train of injustices and inequalities. The first is to place men of this class who have in fact been disabled in civil life since the war upon the same basis as the men who were wounded in battle and suffered the exposures of the trenches. But a second injustice immediately arises. The Veterans' Bureau estimates that there are somewhere in the neighborhood of 380,000 possible cases of disability incurred in civil life since the war amongst the 4,300,000 living veterans. By this legislation all except somewhere between 75,000 and 100,000 of these men are excluded from this aid by the Government except for benefits which they already receive by hospitalization, the bonus, and insurance. This bill would, therefore, create a preferred group of one-third among the men who are suffering from disabilities incurred in civil life since the war.

The further injustice of this bill may become more apparent when it is realized that men who were enrolled in the Army who remained but comparatively a few days or weeks in service, without ever leaving their home States, will receive aid upon the same basis as those men who passed through the Battle of the Argonne. They may come upon the Government pay roll for life in case of total disability at rates from $80 to $200 per month. Beyond this again, under the provisions of this bill as it affects the existing law, many thousands of men who have in fact incurred their disabilities in civil life may receive larger allowances from the Government than the men actually wounded at the front.

It has been contended that the Government has the right to disprove the "presumption" that any of the long list of diseases enumerated in this bill are not of war origin. But the burden of such proof is placed upon the Government, and all the experience of the Veterans' Bureau shows that such rebuttal is ineffective, as the evidence surrounding such questions as a rule can not be secured or made clear and conclusive.

Additional inequalities and injustices arise from certain other provisions At the present time any veteran who may become ill or disabled as the incident of civil life is received in Government hospitals if there is a vacant bed, and given free treatment. This bill provides that such cases received in the hospitals shall in addition to free treatment also receive cash allowances, and that a dependency allowance under certain restrictions shall be made to their families. The number of men of this type who are taken into Federal hospitals depends upon the number of beds unoccupied by men actually disabled from illness or injury incurred during the war, that being the major purpose of the hospitals. It is, therefore, a matter of accident or luck as to whether a given veteran, ill from sickness arising in civil life, is able to secure these facilities. An ill and destitute veteran may not have the luck to find a bed, in which case he neither receives treatment nor does his family receive an allowance. Yet a veteran of independent means may be fortunate enough to secure both. This is neither equitable nor just.

This bill departs from the traditional basis upon which we have given support to the veterans of the Civil and Spanish Wars. We have always recognized the principle in that legislation that the veterans of less than 90 days' service, unless they have a disability incurred in line of duty, should be excluded from benefits because such men have not been called to actual war service. Recently in the Spanish War veterans' bill, against my protest, this was reduced to 70 days, but in the bill we are here considering there is no requirement whatever of service, and a man with one day's service after enrollment is entitled to all of the benefits. Here we create at once an injustice between veterans of different wars and between men whose lives were endangered and those who incurred no risks.

There is no provision in this bill against men of independent means claiming benefits from the Government for these disabilities arising in civil life. Surely it is of vital importance to the taxpayers, who directly or indirectly include all veterans themselves, that they shall not be called upon to contribute to such men of independent means. Moreover, it is equally important that the amount the Nation can find for this burden should not be dissipated over those without need but should be devoted to those who are in actual need. A declaration of destitution and pauperism from veterans is not necessary. I have never advocated such a declaration. It can, however, easily be provided in any legislation that the Secretary of the Treasury should return to the Veterans' Bureau a statement of the men who are exempt from income taxes at some level to be determined by Congress.

I have already protested to Congress in other connections against the inclusion of compensation for disablement due to vicious habits. This bill contemplates compensation for some misconduct disabilities the whole conception of which must be repugnant to decent family life.

No government can proceed with intelligence that does not take into account the fiscal effects of its actions. The bill in a wasteful and extravagant manner goes far beyond the financial necessities of the situation. General Hines, after renewed examination, reports that this bill as finally passed will cost $110,000,000 the first year; that this will increase to an annual burden of $235,000,000 and continue during the life of these veterans. The provision in the bill for review after three years, in my view, will never relieve us from commitments once entered upon. And this is but a portion of the costs, because the bill as enacted contains indirect liabilities to the Government of uncertain but very large possibilities. The amendments to section 19 of the World War veterans' act will increase the liabilities of the Government by a total of over $40,000,000, and the amendments to section 206 or 209 of the act will increase liabilities to a substantial but uncertain amount.

These costs are beyond the capacity of the Government at the present time without increased taxation. They are larger than the veterans have themselves proposed.

Beyond this, and of vital importance, are the potential obligations which are created and must finally be met. For instance, if we attempt to set up a system of relief to veterans suffering from disabilities incurred in civil life by establishing the "presumptions" of this bill, then we can not with fairness stop with a preferred group of 75,000 to 100,000 men. We shall have to extend these "presumptions" step by step over the entire group of 380,000. The additional cost upon the basis of the first 100,000 could readily add another $150,000,000 or $200,000,000 a year. If we are going to make cash allowances to men disabled from sickness or accident arising in civil life now in

Government hospitals, together with cash allowances to their families, we must consider the fate of others in the same class who are so unfortunate as not to be able to find an empty bed. There are approximately 13,000 such cases of illness arising from civil life in the Federal hospitals at the present time. The medical council of the Veterans' Bureau states that there are at least 89,000 such cases that will eventually have a right to hospitalization if beds are available. In addition to hospitals now building, we should need to expend another $140,000,000 in construction to take care of such further cases, and then be faced with an annual maintenance cost of about 60,000,000, all in addition to what we are providing now. To this again must be added the cash allowance to the further number of men for whom we make additional beds available in hospitals, and the allowance to their families, which will in itself aggregate a further great annual sum.

It is disagreeable to point out these potentialities lest it be thought that the Government begrudges its veterans. I am not presenting these reasons in any such sense but in order that Congress and the country may be apprised of the real magnitude of the burden imposed and of the injustices arising from this legislation.

Even if I were able to overlook these burdens, for monetary considerations are indeed secondary, I can not overlook the discriminations and injustices which this legislation creates, together with its failure to meet the real need that exists to-day among our veterans in a fundamental and sound manner.

HERBERT HOOVER.

THE WHITE HOUSE, *June 26, 1930.*

The SPEAKER. The objections of the President will be spread upon the Journal. The question is, Will the House on reconsideration pass the bill, the veto of the President to the contrary notwithstanding?

Mr. JOHNSON of South Dakota. In my judgment, Mr. Speaker, the House is ready to act on the message of the President, which correctly characterizes this unjust, unfair, and discriminatory bill, and for that reason without further discussion, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House on reconsideration, pass the bill, the veto of the President to the contrary notwithstanding?

Under the Constitution, the vote on the President's veto must be by yeas and nays. As many as are in favor of overruling the veto will, as their names are called, answer "aye"; as many as are in favor of supporting the President will, as their names are called, answer "no."

The Clerk will call the roll.

The Clerk proceeded to call the roll.

Mr. GARNER (interrupting the roll call). Mr. Speaker, that is not, under the Constitution, the motion before the House, and can not be the motion. The vote is to pass this bill, the President's veto to the contrary notwithstanding.

The SPEAKER. That is what the Chair said.

Mr. GARNER. Well, the Chair did not say so at all.

The SPEAKER. The Chair did say so twice.

Mr. TILSON. Mr. Speaker, I make the point of order that the gentleman is not in order in interrupting during a roll call.

The question was taken; and there were—yeas 182, nays 188, not voting 58, as follows:

[Roll No. 77]

YEAS—182

Abernethy	Christgau	Esterly	Huddleston
Adkins	Clark, N. C.	Evans, Mont.	Hull, William E.
Allgood	Connery	Fisher	Hull, Wis.
Almon	Connolly	Fitzpatrick	Irwin
Arnold	Cooper, Tenn.	Frear	Jeffers
Aswell	Cox	Fulmer	Johnson, Okla.
Auf der Heide	Craddock	Gambrill	Johnson, Tex.
Bankhead	Crail	Garber, Okla.	Jones, Tex.
Bell	Crisp	Garner	Kendall, Pa.
Black	Cross	Garret	Kennedy
Bland	Crosser	Gasque	Kerr
Blanton	Cullen	Gavagan	Kincheloe
Box	Davis	Glover	Kinzer
Boylan	DeRouen	Goldsborough	Kopp
Brand, Ga.	Dickstein	Granfield	Kurtz
Briggs	Dominick	Green	Kvale
Browne	Doughton	Greenwood	Lampert
Browning	Douglas, Ariz.	Gregory	Lanham
Brumm	Douglass, Mass.	Griffin	Lankford, Ga.
Brunner	Doutrich	Hall, Ill.	Larsen
Busby	Dowell	Hall, Miss.	Lea
Butler	Doxey	Hammer	Leech
Campbell, Iowa	Drane	Hare	Lindsay
Canfield	Drewry	Hartley	Linthicum
Cannon	Driver	Hastings	Lozier
Carley	Dunbar	Haugen	Ludlow
Cartwright	Edwards	Hill, Ala.	McClintic, Okla.
Ceiler	Englebright	Hill, Wash.	McCormack, Mass.
Chase	Eslick	Howard	McDuffie
McKeown	Oliver, N. Y.	Rutherford	Thurston
McMillan	Palmisano	Sabath	Tucker
McSwain	Parks	Sanders, Tex.	Turpin
Mead	Patman	Sandlin	Underwood
Milligan	Patterson	Schneider	Vinson, Ga.
Montague	Pou	Shreve	Warren
Mooney	Prall	Sirovich	Welch, Calif.
Moore, Ky.	Pritchard	Smith, W. Va.	Whitehead
Moore, Va.	Quayle	Somers, N. Y.	Wilson
Morehead	Quin	Stevenson	Wolfenden
Nelson, Mo.	Ragon	Stone	Wolverton, N. J.
Norton	Rainey, Henry T.	Strong, Pa.	Woodrum
O'Connell	Ramspeck	Sumners, Tex.	Wright
O'Connor, La.	Rankin	Swanson	Wyant
O'Connor, N. Y.	Rayburn	Swing	Yon
Oldfield	Reid, Ill.	Tarver	
Oliver, Ala.	Robinson	Taylor, Tenn.	

NAYS—188

Ackerman	Dyer	Kendall, Ky.	Sanders, N. Y.
Allen	Eaton, Colo.	Ketcham	Schafer, Wis.
Andresen	Eaton, N. J.	Kiess	Sears
Andrew	Elliott	Knutson	Selberling
Arentz	Ellis	Korell	Selvig
Ayres	Estep	LaGuardia	Shaffer, Va.
Bacharach	Evans, Calif.	Lambertson	Short, Mo.
Bachmann	Fenn	Lankford, Va.	Shott, W. Va.
Bacon	Fort	Leavitt	Simmons
Baird	Foss	Lehlbach	Simms
Barbour	Freeman	Letts	Sloan
Beedy	French	Luce	Smith, Idaho
Beers	Garber, Va.	McClintock, Ohio	Snell
Blackburn	Gibson	McCormick, Ill.	Snow
Bolton	Gifford	McFadden	Sparks
Bowman	Goodwin	McLaughlin	Speaks
Brand, Ohio	Graham	McLeod	Sproul, Ill.
Brigham	Guyer	Maas	Stafford
Britten	Hadley	Magrady	Stobbs
Buckbee	Hale	Manlove	Strong, Kans.
Burdick	Hall, Ind.	Mapes	Sullivan, Pa.
Cable	Hall, N. Dak.	Martin	Summers, Wash.
Campbell, Pa.	Halsey	Menges	Swick
Carter, Calif.	Hancock	Merritt	Taber
Carter, Wyo.	Hardy	Michener	Temple
Chalmers	Hawley	Miller	Thatcher
Chindblom	Hess	Moore, Ohio	Thompson
Christopherson	Hickey	Morgan	Tilson
Clague	Hoch	Mouser	Timberlake
Clancy	Hoffman	Nelson, Me.	Tinkham
Clark, Md.	Hogg	Newhall	Treadway
Clarke, N. Y.	Holaday	Niedringhaus	Vestal
Cochran, Mo.	Hooper	Nolan	Vincent, Mich.
Cochran, Pa.	Hope	O'Connor, Okla.	Wainwright
Cole	Hopkins	Palmer	Wason
Colton	Houston, Del.	Parker	Watres
Cooper, Ohio	Hudson	Perkins	Watson
Coyle	Hull, Morton D.	Pittenger	White
Cramton	Jenkins	Pratt, Harcourt J.	Whitley
Crowther	Johnson, Ind.	Pratt, Ruth	Whittington
Culkin	Johnson, Nebr.	Purnell	Wigglesworth
Dallinger	Johnson, S. Dak.	Ramey, Frank M.	Williamson
Darrow	Johnson, Wash.	Ramseyer	Wolverton, W. Va.
Davenport	Jonas, N. C.	Ransley	Wood
Dempsey	Kahn	Reed, N. Y.	Woodruff
Denison	Kearns	Rogers	Wurzbach
Dickinson	Kelly	Rowbottom	Yates

NOT VOTING—58

Aldrich	Finley	Kunz	Spearing
Beck	Fish	Langley	Sproul, Kans.
Bloom	Fitzgerald	McReynolds	Stalker
Bohn	Free	Mansfield	Steagall
Buchanan	Fuller	Michaelson	Stedman
Burtness	Golder	Montet	Sullivan, N. Y.
Byrns	Hudspeth	Murphy	Taylor, Colo.
Collier	Hull, Tenn.	Nelson, Wis.	Underhill
Collins	Igoe	Owen	Walker
Cooke	James	Peavey	Welsh, Pa.
Cooper, Wis.	Johnson, Ill.	Porter	Williams
Corning	Johnston, Mo.	Reece	Wingo
Curry	Kading	Romjue	Zihlman
De Priest	Kemp	Seger	
Doyle	Kiefner	Sinclair	

The Clerk announced the following pairs:

On this veto:

Mrs. Langley and Mr. Bloom (override) with Mr. Free (sustain).

Mr. Sinclair and Mr. Johnson of Illinois (override) with Mr. Golder (sustain).

Mr. Welsh of Pennsylvania and Mr. Zihlman (override) with Mr. Beck (sustain).

Mr. Sullivan of New York and Mr. Kemp (override) with Mr. Fish (sustain).

Mr. Curry and Mrs. Owen (override) with Mr. Kiefner (sustain).

Mr. Wingo and Mr. Steagall (override) with Mr. Cooke (sustain).

Mr. Romjue and Mr. Corning (override) with Mr. Aldrich (sustain).

Mr. Sproul of Kansas and Mr. DePriest (override) with Mr. Johnston of Missouri (sustain).

Mr. Byrns and Mr. Hull of Tennessee (override) with Mr. Bohn (sustain).

Mr. BROWNING. Mr. Speaker, I desire to state that three of my colleagues from Tennessee, Mr. BYRNS, Mr. HULL, and Mr. MCREYNOLDS are unavoidably absent. I am directed by each one of them to state that if they were present they would vote "aye" on this roll call.

Mr. SANDERS of Texas. Mr. Speaker, my colleague, Mr. WILLIAMS, is unavoidably absent. On this roll call he would vote "aye." The same also applies to the gentleman from Missouri, Mr. ROMJUE.

Mr. JOHNSON of Texas. Mr. Speaker, the gentlemen from Texas, Mr. MANSFIELD and Mr. BUCHANAN, are unavoidably absent. If present, they would vote "aye."

Mr. FREAR. Mr. Speaker, the gentleman from Wisconsin, Mr. NELSON is absent. If he were present, he would vote "no."

Mr. KENDALL of Kentucky. Mr. Speaker, the gentleman from Kentucky, Mr. WALKER, is unable to be present. If present, he would have voted "aye."

The result of the vote was announced as above recorded.

The SPEAKER. Two-thirds not having voted in the affirmative, the bill is rejected, and the message is referred to the Committee on World War Veterans' Legislation and ordered printed, together with the bill.

Mr. JOHNSON of South Dakota. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended.

The SPEAKER. The gentleman from South Dakota moves to suspend the rules and pass the bill H. R. 13174. The Clerk will report the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That section 5 of the World War Veterans' Act, 1924, as amended (sec. 426, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 5. The director, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this act, and for that purpose shall have full power and authority to make rules and regulations, not inconsistent with the provisions of this act, which are necessary or appropriate to carry out its purposes, and shall decide all questions arising under this act; and all decisions of questions of fact affecting any claimant to the benefits of Titles II, III, or IV of this act shall be conclusive except as otherwise provided herein. All officers and employees of the bureau shall perform such duties as may be assigned them by the director. All official acts performed by such officers or employees specially designated therefor by the director shall have the same force and effect as though performed by the director in person. Wherever under any provision or provisions of the act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director. The director shall adopt reasonable and proper rules to govern the procedure of the divisions and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of compensation, insurance, vocational training, or maintenance and support allowance provided for in this act, the forms of application of those claiming to be entitled to such benefits, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards: *Provided*, That regulations relating to the nature and extent of the proofs and evidence shall provide that due regard shall be given to lay and other evidence not of a medical nature."

SEC. 2. That section 10 of the World War veterans' act, 1924, as amended (sec. 434, title 38, U. S. C.), be hereby amended by adding thereto the following paragraphs:

"The director is further authorized to secure such recreational facilities, supplies, and equipment for the use of patients in hospitals, and for employees at isolated stations as he, in his discretion, may deem necessary, and the appropriations made available for the carrying out of the provisions of this section may be expended for that purpose."

SEC. 3. That section 16 of the World War veterans' act, 1924, as amended (sec. 442, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 16. All sums heretofore appropriated for the military and naval insurance appropriation and all premiums collected for the yearly renewable term insurance provided by the provisions of Title III deposited and covered into the Treasury to the credit of this appropriation, shall, where unexpended, be made available for the bureau. All premiums that may hereafter be collected for the yearly renewable term insurance provided by the provisions of Title III hereof shall be deposited and covered into the Treasury for the credit of this appropriation. Such sum, including all premium payments, is made available for the payment of the liabilities of the United States incurred under contracts of yearly renewable term insurance made under the provisions of Title III, including the refund of premiums and such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia. Payments from this appropriation shall be made upon and in accordance with the awards by the director."

SEC. 4. That section 19 of the World War veterans' act, 1924, as amended (sec. 445, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 19. In the event of disagreement as to claim, including claim for refund of premiums, under a contract of insurance between the bureau and any person or persons claiming thereunder an action on the claim may be brought against the United States either in the Supreme Court of the District of Columbia or in the district court of the United States in and for the district in which such persons or any one of them resides, and jurisdiction is hereby conferred upon such courts to hear and determine all such controversies. The procedure in such suits shall be the same as that provided in sections 5 and 6 of the Act entitled 'An act to provide for the bringing of suits against the Government of the United States,' approved March 3, 1887, and section 10 thereof so far as applicable. All persons having or claiming to have an interest in such insurance may be made parties to such suit, and such as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct. In all cases where the bureau acknowledges the indebtedness of the United States upon any such contract of insurance and there is a dispute as to the person or persons entitled to payment, a suit in the nature of a bill of interpleader may be brought by the bureau in the name of the United States against all persons having or claiming to have any interest in such insurance in the Supreme Court of the District of Columbia or in the district court in and for the district in which any of such claimants reside: *Provided*, That no less than 30 days prior to instituting such suit the bureau shall mail a notice of such intention to each of the persons to be made parties to the suit. The circuit courts of appeal and the Court of Appeals of the District of Columbia shall respectively exercise appellate jurisdiction and, except as provided in sections 346 and 347, title 28, United States Code, the decrees of the circuit courts of appeal and the Court of Appeals of the District of Columbia shall be final.

"No suit shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made prior to May 29, 1929, whichever is the later date: *Provided*, That for the purposes of this section it shall be deemed that the right accrued on the happening of the contingency on which the claim is founded: *Provided further*, That this limitation is suspended for the period elapsing between the filing in the bureau of the claim sued upon and the denial of said claim by the director. Infants, insane persons, or persons under other legal disability, or persons rated as incompetent or insane by the bureau shall have three years in which to bring suit after the removal of their disabilities. If suit is seasonably begun and fails for defect in process, or for other reasons not affecting the merits, a new action, if one lies, may be brought within a year though the period of limitations has elapsed. Judgments heretofore rendered against the person or persons claiming under the contract of war-risk insurance on the ground that the claim was barred by the statute of limitations shall not be a bar to the institution of another suit on the same claim. No State or other statute of limitations shall be applicable to suits filed under this section.

"In any suit, action, or proceeding brought under the provisions of this act subpœnas for witnesses who are required to attend a court of the United States in any district may run into any other district; *Provided*, That no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than 100 miles from the place of holding the same without the permission of the court being first had upon proper application and cause shown. The word 'district' and the words 'district court' as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia.

"Attorneys of the bureau when assigned to assist in the trial of cases, and employees of the bureau when ordered in writing by the director to appear as witnesses shall be paid the regular travel and subsistence allowance paid to other employees when on official travel status.

"Part time and fee basis employees of the bureau, in addition to their regular travel and subsistence allowance, when ordered in writing by the director to appear as witnesses in suits under this section, may be allowed, within the discretion and under written orders of the director, a fee in an amount not to exceed $20 per day.

"Employees of the United States Veterans' Bureau who are subpœnaed to attend the trial of any suit, under the provisions of this act, as witnesses for plaintiffs shall be granted official leave for the period they are required to be away from the bureau in answer to such subpœnas.

"The term 'claim' as used in this section, means any writing which alleges permanent and total disability at a time when the contract of insurance was in force, or which uses words showing an intention to claim insurance benefits; and the term 'disagreement' means a denial of the claim by the director or some one acting in his name on an appeal to the director. This section, as amended, with the exception of this paragraph, shall apply to all suits now pending against the United States under the provisions of the war risk insurance act, as amended, or the World War veterans' act, 1924, as amended."

SEC. 5. That a new subdivision be added to section 21 of the World War veterans' act, 1924, as amended (sec. 450, title 38, U. S. C.), to be known as subdivision (3), and to read as follows:

"(3) All or any part of the compensation or insurance the payment of which is suspended or withheld under this section may, in the discretion of the director, be paid temporarily to the person having custody and control of the incompetent or minor beneficiary to be used solely for the benefit of such beneficiary, or, in the case of an incom-

petent veteran, may be apportioned to the dependent or dependents, if any, of such veteran. Any part not so paid and any funds of a mentally incompetent or insane veteran not paid to the chief officer of the institution in which such veteran is an inmate or apportioned to his dependent or dependents under the provisions of section 202 (7) of this act may be ordered held in the Treasury to the credit of such beneficiary. All funds so held shall be disbursed under the order and in the discretion of the director for the benefit of such veteran or his dependents. Any balance remaining in such fund to the credit of any veteran may be paid to him if he recovers and is found competent, or otherwise to his guardian, curator, or conservator, or, in the event of his death, to his personal representative, except as provided in section 26 of this act: *Provided*, That payment will not be made to his personal representative if, under the law of the State of his last legal residence, his estate would escheat to the State: *Provided further*, That any funds in the hands of a guardian, curator, conservator, or person legally vested with the care of the veteran or his estate, derived from compensation, automatic or term insurance payable under said acts, which under the law of the State wherein the veteran had his last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such guardian, curator, conservator, or person legally vested with the care of the veteran or his estate, less legal expenses of any administration necessary to determine that an escheat is in order, to the bureau, and shall be deposited to the credit of the current appropriations provided for payment of compensation and insurance."

SEC. 6. That section 28 of the World War veterans' act, 1924, as amended (sec. 453, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 28. There shall be no recovery of payments from any person who, in the judgment of the director, is without fault on his part and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section.

"When under the provisions of this section the recovery of a payment made from the United States Government life insurance fund is waived, the United States Government life insurance fund shall be reimbursed for the amount involved from the current appropriation for military and naval insurance.

"This section, as amended, shall be deemed to be in effect as of June 7, 1924."

SEC. 7. That section 30 of the World War veterans' act, 1924, as amended (sec. 456, title 38, U. S. C.), be hereby amended by adding thereto a new subdivision to be known as subdivision (e), and to read as follows:

"(e) The director may authorize an inspection of bureau records by duly authorized representatives of the organizations designated in or approved by him under section 500 of the World War veterans' act, 1924, as amended, under such rules and regulations as he may prescribe."

SEC. 8. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 37, and to read as follows:

"SEC. 37. Checks properly issued to beneficiaries and undelivered for any reason shall be retained in the files of the bureau until such time as delivery may be accomplished, or until three full fiscal years have elapsed after the end of the fiscal year in which issued."

SEC. 9. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 38, and to read as follows:

"SEC. 38. The director is hereby authorized to purchase uniforms for all personnel employed as watchmen, elevator operators, and elevator starters in the Arlington Building, city of Washington, D. C."

SEC. 10. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 39, and to read as follows:

"SEC. 39. The Secretary of War is hereby authorized and directed to transfer to and accumulate in the War Department in the city of Washington, D. C., all records and files containing information regarding medical and services records of veterans of the World War: *Provided*, That the necessary appropriation to accomplish the transfer of such records and files is hereby authorized."

SEC. 11. That section 200 of the World War veterans act, 1924, as amended (sec. 471, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 200. For death or disability, resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered or contracted in, or such recurrence was caused by, the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), or women citizens of the United States who were taken from the United States by the United States Government and who served in base hospitals overseas, or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided*, That no person suffering from paralysis, paresis, or blindness shall be denied compensation by reason of willful misconduct, nor shall any person who is helpless or bedridden as a result of any disability be denied compensation by reason of willful misconduct. That for the purposes of this section and section 304 every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record: *Provided*, That an ex-service man who is shown to have or, if deceased, to have had, prior to January 1, 1925, neuropsychiatric disease, spinal meningitis, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, or amœbic dysentery developing a 10 per cent degree of disability or more in accordance with the provisions of subdivision (4) of section 202 of this act, shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease, spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, or amœbic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculosis disease and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per cent degree (in accordance with the provisions of subdivision (4) of section 202 of this act) on or subsequent to January 1, 1925, if the facts in the case substantiate his claim: *Provided further*, That the provisions of this act shall apply only to ex-service men who entered the service, were inducted or who applied for enlistment, prior to November 12, 1918, and their dependents, but payment to any persons now receiving benefits under the act shall not be discontinued by reason of this proviso for a period of one year following approval of this amendatory act.

On and after the date of the approval of this amendatory act any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War, and who is or may hereafter be suffering from a 25 per cent or more permanent disability, as defined by the director, not the result of his own willful misconduct, which was not acquired in the service during the World War, or for which compensation is not payable, shall be entitled to receive a disability allowance at the following rates: 25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month. No disability allowance payable under this paragraph shall commence prior to the date of the passage of this amendatory act or the date of application therefor, and such application shall be in such form as the director may prescribe: *Provided*, That no disability allowance under this paragraph shall be payable to any person not entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for such disability allowance under this paragraph. In any case in which the amount of compensation hereafter payable to any person for permanent disability under the provisions of this act is less than the maximum amount of the disability allowance payable for a corresponding degree of disability under the provisions of this paragraph, then such person may receive such disability allowance in lieu of compensation. Nothing in this paragraph shall be construed to allow the payment to any person of both a disability allowance and compensation during th. same period; and all payments made to any person for a period covered by a new or increased award of disability allowance or compensation shall be deducted from the amount payable under such new or increased award. As used in Titles I and V of the World War veterans' act, 1924, as amended, the term "compensation" shall be deemed to include the term "disability allowance" as used in this paragraph.

The Secretary of the Treasury is hereby directed, upon the request of the director to transmit to the director a certificate stating whether the veteran who is applying for a disability allowance under this paragraph was entitled to exemption from the payment of a Federal in-

come tax for the year preceding the filing of application for the disability allowance, and such certificate shall be conclusive evidence of the facts stated therein.

SEC. 12. That section 201, subdivisions (f) and (1), of the World War Veterans' Act, 1924, as amended (section 472, title 38, United States Code), be hereby amended to read as follows:

"(f) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75: *Provided*, That in case there is both a dependent mother and a dependent father, the amount payable to them shall not be less than $20. Such compensation shall be payable, whether the dependency of the father or mother or both arises before or after the death of the person: *Provided*, That the status of dependency shall be determined as of the first day of each year, and the director is authorized to require a submission of such proof dependency as he, in his discretion, may deem necessary: *Provided further*, That upon refusal or neglect of the claimant or claimants to supply such proof of dependency in a reasonable time the payment of compensation shall be suspended or discontinued.

"(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service, the director, in his discretion and with due regard to the circumstances of each case, shall pay, for burial and funeral expenses and the transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $107 to cover such items and to be paid to such person or persons as may be fixed by regulations: *Provided*, That when such person dies while receiving from the bureau compensation or vocational training, or in a national military home, the above benefits shall be payable in all cases: *Provided further*, That where such person, while receiving from the bureau medical, surgical, or hospital treatment, or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, or in a national military home, the above benefits shall be payable in all cases and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories, or possessions, and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *Provided further*, That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed: *Provided further*, That the director may, in his discretion, make contracts for burial and funeral services within the limits of the amounts allowed herein without regard to the laws prescribing advertisement for proposals for supplies and services for the United States Veterans' Bureau: *Provided further*, That section 5, title 41, of the United States Code, shall not be applied to contracts for burial and funeral expenses heretofore entered into by the director so as to deny payment for services rendered thereunder, and all suspensions of payment heretofore made in connection with such contracts are hereby removed, and any and all payments which are now or may hereafter become due on such contracts are hereby expressly authorized: *Provided further*, That no deduction shall be made from the sum allowed because of any contribution toward the burial which shall be made by any State, county, or municipality, but the aggregate of the sum allowed plus such contribution or contributions shall not exceed the actual cost of the burial.

"Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service, the director shall furnish a flag to drape the casket of such veteran and afterwards to be given to his next of kin regardless of the cause of death of such veteran."

SEC. 13. That subdivisions (3) and (5) of section 202 of the World War veterans' act, 1924, as amended (secs. 473, 478, 479, title 38, U. S. C.), be hereby amended to read as follows:

"(3) If and while the disability is rated as total and permanent, the rate of compensation shall be $100 per month: *Provided, however*, That the permanent loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total permanent disability: *Provided further*, That the compensation for the loss of the use of both eyes shall be $150 per month, and that compensation for the loss of the use of both eyes and one or more limbs shall be $200 per month: *Provided further*, That for double total permanent disability the rate of compensation shall be $200 per month.

"That any ex-service man shown to have a tuberculous disease of compensable degree, and who has been hospitalized for a period of one year, and who in the judgment of the director will not reach a condition of arrest by further hospitalization, and whose discharge from hospitalization will not be prejudicial to the beneficiary or his family, and who is not, in the judgment of the director, feasible for training, shall, upon his request, be discharged from hospitalization and rated as temporarily totally disabled, said rating to continue for the period of three years: *Provided, however*, That nothing in this subdivision shall deny the beneficiary the right, upon presentation of satisfactory evidence, to be adjudged to be permanently and totally disabled: *Provided further*, That in addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental, medical, surgical, and hospital services, including payment of court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for care and treatment of the insane, and shall be furnished with such supplies, including wheel chairs, artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary, which wheel chairs, artificial limbs, trusses, and similar appliances may be procured by the bureau in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary: *Provided*, That nothing in this act shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service: *Provided further*, That where any person entitled to the benefits of this paragraph has heretofore been hospitalized in a State institution, the United States Veterans' Bureau is hereby authorized to reimburse such person, or his estate, where payment has been made to the State out of the funds of such person, or to reimburse the State or any subdivision thereof where no payment has been made for the reasonable cost of such services from the date of admission.

"There shall be paid to any person who suffered the loss of the use of a creative organ or one or more feet or hands in the active service in line of duty between April 6, 1917, and November 11, 1918, compensation of $25 per month, independent of any other compensation which may be payable under this act: *Provided, however*, That if such disability was incurred while the veteran was serving with the United States military forces in Russia, the dates herein stated shall extend from April 6, 1917, to April 1, 1920.

"(5) If the disabled person is so helpless as to be in need of a nurse or attendant, such additional sum shall be paid, but not exceeding $50 per month, as the director may deem reasonable."

SEC. 14. That subdivision (7) of section 202 of the World War Veterans' act, 1924, as amended (secs. 480, 481, title 38, U. S. C.), be hereby amended to read as follows:

"(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $20 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however*, That in any case where the estate of such veteran derived from funds paid under the War Risk Insurance Act, as amended, and/or the World War Veterans' Act, 1924, as amended, equals or exceeds $3,000, payment of the $20 per month shall be discontinued until the estate is reduced to $3,000: *Provided further*, That if such person shall recover his reason and shall be discharged from such institution as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced or discontinued through the provisions of this subdivision.

"All or any part of the compensation of any mentally incompetent inmate of an institution may, in the discretion of the director, be paid to the chief officer of said institution to be properly accounted for and to be used for the benefit of such inmate, or may, in the discretion of the director, be apportioned to wife, child or children, or dependent parents in accordance with regulations.

"That any ex-service person shown to have had a tuberculous disease of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however*, That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further*, That no payments under this provision shall be retroactive, and the payments hereunder shall commence from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever be the later date.

"The director is hereby authorized and directed to insert in the rating schedule a minimum rating of permanent partial 25 per cent for arrested or apparently cured tuberculosis."

SEC. 15. (1) That so much of the second sentence of subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), as precedes the first proviso thereof, be hereby amended to read as follows:

"The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, and including persons who served overseas as contract surgeons of the Army at any time during the Spanish-American War, not disbonorably discharged, without regard to the nature or origin of their disabilities:"

(2) That the following new paragraph be added to subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), to read as follows:

"For the purposes of this section the Spanish-American War shall be construed to mean service between April 21, 1898, and July 4, 1902, and the term 'veteran' shall be deemed to include those persons retired or otherwise not dishonorably separated from the active list of the Army or Navy."

SEC. 16. That subdivision (15) of section 202 of the World War veterans' act, 1924, as amended (sec. 489, title 38, U. S. C.), be hereby amended to read as follows:

"(15) That any person who is now receiving a gratuity or pension from the United States under existing law shall not receive compensation under this section unless he shall first surrender all claim to further payments of such gratuity or pension, except as hereafter provided and in subdivision (7) of section 201: *Provided*, That in the event of surrender of pension as hereinbefore set forth, any disability incurred in the military service of the United States, by reason of which said pension would be payable, shall be evaluated in accordance with the provisions of subdivision (4), section 202, and shall be payable as compensation under this act: *Provided further*, That such compensation rating shall be combined with any other compensation rating awarded by reason of active service in the World War."

SEC. 17. That section 206 of the World War veterans' act, 1924, as amended (sec. 495, title 38, U. S. C.), be hereby repealed.

SEC. 18. That section 209 of the World War veterans' act, 1924, as amended (sec. 498, title 38, U. S. C.), be hereby repealed.

SEC. 19. That section 210 of the World War veterans' act, 1924, as amended (sec. 499, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 210. That no compensation shall be payable for any period more than one year prior to the date of claim therefor, nor shall increased compensation be awarded to revert back more than six months prior to the date of claim therefor: *Provided*, That nothing herein shall be construed to permit the payment of compensation under the World War veterans' act, as amended, for any period prior to June 7, 1924. Except in case of fraud participated in by the beneficiary, no reduction in compensation shall be made retroactive." This section as amended to be effective June 7, 1924.

SEC. 20. That section 212 of the World War veterans' act, 1924, as amended (sec. 422, title 38, U. S. C.), be hereby amended by adding thereto the following proviso:

"*Provided further*, That an application for compensation under the war risk insurance act, as amended, shall be deemed to be a claim for compensation under this act, and an application for compensation under the provisions of this act shall be deemed to be a claim for compensation under all subsequent amendments to said act, this proviso to be effective as of June 7, 1924."

SEC. 21. That a new section be added to Title II of the World War veterans' act, 1924, as amended, to be known as section 214, and to read as follows:

"SEC. 214. Where an incompetent receiving disability compensation under the provisions of this act disappears, the director, in his discretion, may pay to the dependents of such veteran the amount of compensation provided in section 201 of the World War veterans' act, 1924, as amended, for dependents of veterans."

SEC. 22. That section 301, paragraphs 3 and 4, of the World War veterans' act, 1924, as amended (sec. 512, title 38, U. S. C.), be hereby amended to read as follows:

"In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to reinstate or convert said term insurance as hereinbefore provided: *Provided*, That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

"The insurance, except as provided herein, shall be payable in 240 equal monthly installments: *Provided*, That when the amount of an individual monthly payment is less than $5, such amount may in the discretion of the director be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for refund of premiums, cash, loan, paid-up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per cent per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than 240 months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided."

SEC. 23. That the last proviso of section 304 of the World War veterans' act, 1924, as amended (sec. 515, title 38, U. S. C.), be hereby amended to read as follows: "*And provided further*, That, except as provided in section 301 of the World War veterans' act, as amended, no yearly renewable term insurance shall be reinstated after July 2, 1927."

SEC. 24. That section 307 of the World War veterans' act, 1924, as amended (sec. 518, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 307. All contracts or policies of insurance heretofore or hereafter issued, reinstated, or converted shall be incontestable from the date of issuance, reinstatement, or conversion, except for fraud, nonpayment of premiums, or on the ground that the applicant was not a member of the military or naval forces of the United States, and subject to the provisions of section 23: *Provided*, That the insured under such contract or policy may, without prejudicing his rights, elect to make claim to the bureau or to bring suit under section 19 of this act on any prior contract or policy, and if found entitled thereto, shall, upon surrender of any subsequent contract or policy, be entitled to payments under the prior contract or policy: *Provided further*, That this section shall be deemed to be effective as of April 6, 1917, and applicable from that date to all contracts or policies of insurance.

SEC. 25. That section 311 of the World War veterans' act, 1924, as amended (sec. 512b, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 311. The director is hereby authorized and directed to include in United States Government life (converted) insurance policies provision whereby an insured, who is totally disabled as a result of disease or injury for a period of four consecutive months or more before attaining the age of 65 years and before default in payment of any premium, shall be paid disability benefits at the rate of $5.75 monthly for each $1,000 of converted insurance in force when total disability benefits become payable. The amount of such monthly payment under the provisions of this section shall not be reduced because of payment of permanent and total disability benefits under the United States Government life (converted) insurance policy. Such payments shall be effective as of the first day of the fifth consecutive month, and shall be made monthly during the continuance of such total disability. Such payments shall be concurrent with or independent of permanent total disability benefits under the United States Government life (converted) insurance policy. In addition to the monthly disability benefits the payment of premiums on the United States Government life (converted) insurance policy and for the total disability benefits authorized by this section shall be waived during the continuance of such total disability. Regulations shall provide for reexaminations of beneficiaries under this section; and, in the event that it is found that an insured is no longer totally disabled, the waiver of premiums and payment of benefits shall cease and the United States Government life (converted) insurance policy, including the total disability provision authorized by this section, may be continued by payment of premiums as provided in said policy and the total disability provision authorized by this section. Neither the dividends nor the amount payable in any settlement under any United States Government life (converted) insurance policy shall be decreased because of disability benefits granted under the provisions of this section. The payment of total disability benefits shall not prejudice the right of any insured, who is totally and permanently disabled, to total permanent disability benefits under his United States Government life (converted) insurance policy: *Provided*, That the provision authorized by this section shall not be included in any United States Government life (converted) insurance policy heretofore or hereafter issued, except upon application, payment of premium by the insured, and proof of good health satisfactory to the director. The benefit granted under this section shall be on the basis of multiples of $500, and not less than $1,000 or more than the amount of United States Government life (converted) insurance in force at time of application. The director shall determine the amount of the monthly premium to cover the benefits of this section, and in order to continue such benefits in force



the monthly premiums shall be payable until the insured attains the age of 65 years or until the prior maturity of the policy. In all other respects such monthly premium shall be payable under the same terms and conditions as the regular monthly premium on the United States Government life (converted) insurance policy."

During the reading of the bill the following occurred:

Mr. ARNOLD. Mr. Speaker, this bill is new to all of us. I think the Clerk should read the bill so that we can follow it along and get the information it contains.

The SPEAKER. The Clerk is reading the bill.

Mr. ARNOLD. The Clerk has not been reading all the bill.

The SPEAKER. The Clerk will continue the reading of the bill.

The Clerk concluded the reading of the bill as above recorded.

The SPEAKER. Is a second demanded?

Mr. RANKIN. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. RANKIN. Yes; certainly.

The SPEAKER. The gentleman from Mississippi is opposed to the bill and demands a second.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. RANKIN. Mr. Speaker, I wonder if we could agree on an extension of time.

Mr. JOHNSON of South Dakota. I think it is entirely unnecessary, Mr. Speaker. I may state that the Finance Committee of the Senate is meeting at 3 o'clock to consider this bill. The gentleman from Mississippi has always been saying "Take care of these boys."

Mr. RANKIN. We would like to have a little time to find out what is in the bill.

Mr. JOHNSON of South Dakota. I can not educate the gentleman on the bill. The report is before the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

A second was ordered.

The SPEAKER. The gentleman from South Dakota is entitled to 20 minutes and the gentleman from Mississippi 20 minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. SWICK].

Mr. SWICK. Mr. Speaker, ladies and gentlemen of the House, I asked for these three minutes that I might insert in the RECORD a telegram from the national commander of the Veterans of Foreign Wars of the United States, Hezekiah N. Duff, and also one from the commander of District of Columbia Department, No. 1, Veterans of Foreign Wars, in Washington, D. C., William L. Thomas. The telegram from Mr. Thomas is as follows:

In accordance with the action of our national commander in his telegram of yesterday, District of Columbia Department, No. 1, Veterans of Foreign Wars of the United States, heartily indorses your action on the pending veterans' relief act. It also indorses the proposed action of the Republican caucus as announced in the local press to pass the pension act at this session of Congress.

The telegram from Mr. Duff reads:

In anticipation of caucus to consider pending veterans' legislation tonight, permit me as commander in chief to emphasize once again that the Veterans of Foreign Wars of the United States is primarily in favor of legislation that will achieve the greatest amount of good for the greatest number.

That is exactly what we have been anxious about during this entire session of Congress. We have been interested in granting some relief to the greatest number of ex-service men. I was very much interested to hear the majority leader [Mr. GARNER], for whom I have the highest regard, make this statement only a few moments ago:

I have never been any fool about soldier legislation. I did not vote for the original compensation. I do not think we owe any such great duty to those men, especially those who remained in the United States, and I am no fool about it.

Reading further from this telegram:

We believe this can only be achieved through adoption of a World War service pension for all disabled veterans not entitled to compensation under present law and regulations as embodied in your proposed measure known as H. R. 9687. Any other legislative measure this Congress may adopt will only constitute piecemeal legislation. A comparatively small number of veterans will be benefited by the measure passed by the Senate Monday, which also constitutes a discrimination against a vast number of overseas veterans who make up our membership. Legislation not based on the pension theory is piecemeal in effect, exorbitant in cost for the comparative good accomplished, and offers no definite policy for the future. A World War service pension for disabled veterans is the only logical solution of existing difficulties, and this organization has unanimously expressed its stand in this regard during its past three national encampments.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. LUCE], who will open the discussion of the bill. [Applause.]

Mr. LUCE. Mr. Speaker, as a member of the majority of the Committee on World War Veterans' Legislation, I am gratified by the vindication of its judgment that has just been given to it by four-fifths of the Republican Members of this House. [Applause.]

I am also gratified that the desires of the American Legion, as officially expressed to us, are going to be met by the legislation that will be enacted. The Legion, through its national commander and its spokesmen here, has from the start told us of its desire for certain legislation. In reviewing the various forms the measure has taken, the commander has repeated that wish. The granting of it was within the four corners of the bill as reported by the committee, as it passed the House, as it was reported from the Finance Committee of the Senate, as it passed the Senate, and it is within the four corners of this new bill. The commander says that anything beyond this would be the responsibility of Congress. We have taken that responsibility, going beyond the Legion program; but, remember, we are giving the Legion what it officially asked.

State organizations of the Legion and local organizations, misinformed, misunderstanding the situation, have requested Members of the House to do certain things, and in some cases, I think, have in response received committals that have now proved embarrassing. Were it not for them I am sure that all the Republican Members of this House would stand behind the unanswerable arguments of the President of this country. [Applause.]

It was not through choice that any Republican member of the Committee on World War Veterans' Legislation invoked partisanship. Through the early years of its existence Republicans and Democrats on the committee forgot their party differences, worked in harmony, reconciled honest differences of judgment as best they could. With this Congress the atmosphere changed. The minority Members began acting and voting as a unit. There soon appeared ground for the belief that they were deliberately seeking to put their party in the position of being the friend of the soldier. The partisan appeal was spread through one side of the House itself. When the committee bill came on the floor, and had by preposterous amendments been swollen to ridiculous proportions, every Democrat but one voted against making its enactment finally possible through a motion to recommit, and all Democrats but two voted for its passage. To-day 136 Democrats have just voted to overthrow the President's veto, and only 3 have given him approval.

Sir, ours is a government of parties. Through very much of our work no partisan controversy arises, but once in a while there comes a great question of policy, or a great question of principle, which brings back to us the recollection that we Republicans were intrusted with the Government of this country during the time of our service and that to us the country looks for responsibility. The leader of the Democratic Party here has thrown down the gage of battle. I take it up. [Applause.] The Republicans will go before the country this fall and tell them that we refused to deceive them; we refused to give them a falsehood; we refused to be led away to false gods but stood for truth and honor and fair play. If we are then not vindicated at the polls, we shall at least have the consolation of our consciences in that we have made it the Republican policy to deal fairly with all the soldiers, to make no discrimination, to give no unjust preferences, but to treat all of each class alike, extending equitably the bounty of the Government, the generosity of the Government, the pledge of faith of the Government to all those who made the sacrifice of service in the war. [Applause.]

Mr. RANKIN. Mr. Speaker, in the beginning I wish to say that I have looked up the RECORD with reference to the colloquy between myself and the gentleman from Nebraska [Mr. SIMMONS] and I find I was in error. He was right. He voted to override the veto of the Spanish-American War pension bill, and in justice to him I make this correction.

Mr. SIMMONS. Will the gentleman yield?

Mr. RANKIN. I ask the gentleman not to take up my time.

Mr. SIMMONS. The stenographic report shows the gentleman as stating that I have been against veterans' relief.

Mr. RANKIN. I told the gentleman I would correct that error.

Mr. Speaker, I ask unanimous consent to insert in the RECORD a telegram just received from the Disabled American Veterans of the World War in session in New Orleans.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his remarks by inserting a telegram. Is there objection?

There was no objection.

The telegram referred to follows:

NEW ORLEANS, *June 26, 1930.*

Hon. JOHN E. RANKIN,
House of Representatives, Washington, D. C.

Resolutions

"Whereas it is true veterans' relief legislation as sponsored by the President will actually include more men for service connection for service disability than the Rankin bill, but

"Whereas there are not less than 50,000 totally disabled men suffering with disabilities comprehended in the Rankin bill, and

"Whereas these totally disabled men are objects of charity and they and their families are dependent on the communities in which they reside, and

"Whereas a large percentage of the cases comprehended in the legislation indorsed by the President are able to earn a livelihood, and

"Whereas the same legislation would not actually care for the more severely disabled men: Therefore be it

"*Resolved*, That the delegates of Tenth National Convention of the Disabled American Veterans of the World War assembled in New Orleans, La., go on record as indorsing the Rankin bill and that telegraphic communications be addressed to the Hon. NICHOLAS LONGWORTH, Speaker of the House of Representatives; Hon. JACK GARNER, House minority leader; and Hon. JOHN E. RANKIN urging them to exert every possible effort to secure final passage of the Rankin bill."

Unanimously adopted by the Tenth Annual Convention, Disabled American Veterans of the World War.

WILLIAM J. MURPHY, *National Commander.*

Mr. RANKIN. Mr. Speaker, you asked me if I was opposed to this bill. My answer was that I am opposed to it, but I am going to ask my colleagues to vote that it may go through the House and go to the Senate, in order that it may be there amended to give relief to our uncompensated disabled veterans of the World War, which this bill does not do.

I wish, Mr. Speaker, to address my remarks to section 200, and especially to that pauper provision in the bill, which applies to tubercular and neuropsychiatric cases, those unfortunate men who have broken down since the war closed as a result of their strenuous services in the World War. I call your attention to the fact that under this denatured Johnson bill you not only deny to them the full provisions of compensation, but you require them to plead their poverty and then, in order that there may be no doubt about it, make just enough allowance for them to keep them paupers and cause them to live a pauper's life.

To those tubercular men who came out of the service with affected lungs or with a slight cough, those patriotic American soldiers who fought the battles on and on and tried to keep from asking for relief until after 1925—by your votes to-day you have shut the door of hope in their faces and said to them, "You can either die or take the pauper provisions of this bill," which would allow those, with a 50 per cent disability, the small compensation of $18 a month.

To the man who enlisted and went through the stress and strain of the training camp, who went through the mud and mire and hell of the battle front, who went over the top in the face of withering gunfire, inhaling poison gas—you said to him by your vote a while ago, "We will turn you out with a small pittance of $18 a month, and make you prove your poverty in order to get that." This was on the roll call that you had to sustain the veto in order that you might bring this monstrosity before the House.

You say by your vote, to the man who has paralysis, the man who has rheumatism, the man with cancer, "You are not only going to have to prove your poverty before you can get a nickel, but we are going to see that you are kept in poverty by allowing you the small pittance of not more than $18 a month, and then only so long as you can prove such disability."

Listen. I want to see the names of the men who cast such votes a while ago and who voted for the emergency officers' retirement bill a few years ago, to give a colonel with a 30 per cent disability $281 a month; to give those men $3,000 or $4,000 a year, some of whom, as I showed in the RECORD of April 10, are drawing salaries up to $10,000, some of whom, I showed, have as large law practices or as large medical practices as members of their professions in the United States—I want to see the names of the men who voted a while ago to condemn these tubercular men, these men with cancer, these poor, unfortunate men with nervous trouble, to living deaths on the small pittance provided by the pauper provision of this Johnson bill, that none of you has ever read and none of you has one idea what is in it—I want to see your names in the RECORD along with your votes on these two measures.

We are going to send this bill to the Senate, and when it comes back here it is going to be amended, and these iniquitous provisions are going to be stricken out. We are going to take care of these tubercular men and men suffering from other chronic diseases if we have to keep you here all summer. [Applause.]

The telegram to which I have referred is from the Disabled Veterans of the World War, which represents the men who are really disabled, coming from every nook and corner of the United States. They appeal to you for relief. Yet to-day, by a vote of 188 to 182, you turn these men down under a promise that you would bring in some kind of an innocuous, denatured veterans' relief bill, which you have now done, and which you now propose to pass under suspension of the rules. Under section 200 of the bill just vetoed we would have taken care of these men who are now suffering from tuberculosis, and whose children are invariably dependent upon charity; by your vote you have denied them enough to live decently, when the American people in every State in this Union have appealed to you to lay aside your politics, to lay aside your prejudice, to lay aside your reverence for the "big stick," and vote to give these unfortunate men a reasonable measure of compensation in order that they may live decently and in order that their wives and children may be properly cared for.

I regret I have not time to analyze this bill, but we have not even had time to read it. It is a different bill from the one you handed to us when you started this debate a few moments ago.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. McCORMACK of Massachusetts. I notice this bill does not include any pension for widows and children of deceased World War veterans.

Mr. RANKIN. Oh, no. This bill goes back and takes up the provisions of the old Johnson bill, which you repudiated by your vote here, 324 to 49, before the Secretary of the Treasury told you "where to head in." [Applause.]

Mr. BANKHEAD. Will the gentleman yield?

Mr. RANKIN. I will certainly yield to the gentleman from Alabama.

Mr. BANKHEAD. As the gentleman has stated, we have had no opportunity to analyze the provisions of this bill, but we have been furnished with what purports to be an analysis of the bill. It is not signed, and I assume it has not been acted upon or considered by the committee. Does the gentleman know who prepared this analysis of the bill?

Mr. RANKIN. I never heard of it before. I will say to the gentleman from Alabama [Mr. BANKHEAD]. I am the ranking Democrat on this committee and I did not know there was such a document.

If it had not been for the fight we Democrats have made, you would not have had any veterans' relief legislation at all. One Member told me just before I took the floor that if it had not been for my efforts in this fight and the efforts of those associated with me these unfortunate men would not have received any measure of relief for possibly 15 years.

It is true they will get very little relief under this bill which you are now forcing through under suspension of the rules. You deny us any opportunity to change or amend it. You are afraid that we will inject a little humanity into it and give these poor, unfortunate veterans some measure of assistance.

Your action in bringing this bill in here and forcing it through in this manner, without giving us any opportunity to amend it, is one of the most outrageous abuses of legislative prerogatives ever indulged in by the party in power in the history of the American Congress.

We shall not oppose it. We expect to let it go through in order that when it gets over to the Senate, where the gag rules do not apply, they will amend it by inserting provisions which will take care of these unfortunate men who served their country in times of war and are now unable to defend themselves in times of peace. [Applause.]

I reserve the balance of my time.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that all Members of the House may have five legislative days in which to extend their own remarks on this legislation.

Mr. RANKIN. Mr. Speaker, reserving the right to object——

Mr. JOHNSON of South Dakota. The gentleman has just secured that permission for himself, without any objection.

Mr. RANKIN. Oh, no; I just reserved the remainder of my time and asked for permission to extend the remarks I made on the bill. I have no objection to those who speak on the bill extending their remarks, but they are going to have to do so much "remarking" on this bill when they go home, Mr. Speaker, that I do not think we ought to grant this request. Besides, the votes speak for themselves, and that is all the boys will want to see. Therefore I object.

Mr. BANKHEAD. Will the gentleman from South Dakota yield for a question? I assume this statement, which I hold in my hand, and which is called an analysis of the bill, was prepared by some one in authority?

M. JOHNSON of South Dakota. I think it is accurate.

Mr. BANKHEAD. Will the gentleman inform us who prepared this analysis?

Mr. JOHNSON of South Dakota. Several people contributed to its preparation. Parts of it were prepared by the committee on the original bill at the time the bill passed the House on April 24.

Mr. BANKHEAD. In effect, then, this was prepared by the Veterans' Committee?

Mr. JOHNSON of South Dakota. It was prepared by the Veterans' Committee, by the chairman of the Veterans' Committee, with the assistance of the bureau and with assistance from many sources, and it is accurate.

I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, the opportunity presents itself to-day to every Member of the House to do one of two things—either play practical politics and do something for himself, or else to lay politics aside and do something constructive for the benefit of the disabled veterans of his district. Again, the opportunity presents itself to either send to the veterans of your districts a political speech in a franked envelope, or else to send the veterans of your district a Government check in a Veterans Bureau envelope. [Applause.]

There seems to be confusion not only as to what is in the bill but as to existing law and what has been done for the veteran, as well as what it is intended to do for the veteran. For the purposes of compensation, compensatory and pension laws, veterans must necessarily be divided into two classes: First, the veteran who has been disabled by reason of his military service, and, second, the veterans who having rendered military service have become disabled subsequent to such service but not as a result of their military service. This classification is necessary in order that the Government may properly meet its obligations. It is not made or even referred to in any sense of belittling or disparaging the veterans who fall under the second classification. A veteran might not have been overseas or in actual combat, and yet his disability may be the direct result of his military service—what is known in the language of the veteran and the Veterans' Bureau as service connection. He is entitled to full compensation now provided in the law. A veteran might have been overseas and in actual combat, yet not injured and discharged with no disabilities and may have become disabled by disease or accident since his discharge from military service. He would fall into the second classification, and inasmuch as he could not establish service connection would be cared for in accordance with the bill now before the House under a pension system.

The Government owes a binding obligation to compensate the veteran who has become disabled by reason of his military service, and is doing so at this very moment. Our Government has established a custom of expressing gratitude to the veteran who was willing to incur the risk of war but was not disabled and who has become disabled since his discharge from the service, though not as a result of his military service. The bill before you now provides for this class of veterans who are disabled, but not through service connection. To the one the Government is under binding obligation; to the other the Government willingly and cheerfully expresses in a material way its appreciation.

We are concerned to-day with the veterans who have become disabled since their discharge from the military service but not disabled by reason of their service. This must be kept constantly in mind. The veteran who through service connection has been disabled may receive to-day, if he is permanently disabled, $100 a month, hospitalization, allowance for dependents, and, in cases where an attendant is required, an allowance for such attendant. Every case cited by the distinguished gentleman from Mississippi [Mr. RANKIN], for whom I have a great deal of affection, is a case of service-connection disability. Such cases are amply provided for under existing law. For instance, he describes the boy who was discharged from the Army coughing from tuberculosis. Clearly that is a service-connected case, and such a veteran would receive full compensation of $100 a month and allowance for dependents. Mr. RANKIN refers to the boy who went over the top and who subsequently had become shell shocked. That is a clear case of service connection, and he would receive full compensation under the law. I know that there are many border-line cases, and in all cases where there is a doubt it is the duty of Congress that the doubt should be decided in favor of the veteran. [Applause.]

We do more than that in this bill. Let me read something which seemingly has been overlooked by the critics of the bill, a provision which will take care of every border-line case where there is a doubt as to service connection. The gentlemen will find the proviso at the bottom of page 2:

Provided, That regulations relating to the nature and extent of the proofs and evidence shall provide that due regard shall be given to lay and other evidence not of a medical nature.

Every Member on the floor to-day who has had experience with veterans' cases—and everyone has—will readily see that this will give the veterans the opportunity of submitting evidence outside of medical evidence, the only evidence admitted to-day, to prove his service connection, and everyone knows that that will greatly and materially facilitate the veterans in establishing service connection and coming under the provisions of existing law.

I have heard a great deal of talk among Members as to tubercular veterans. Tubercular veterans are fully provided for under existing law and in the bill now before the House. I will read the section:

That any ex-service man shown to have a tuberculous disease of compensable degree, and who has been hospitalized for a period of one year, and who, in the judgment of the director, will not reach a condition of arrest by further hospitalization, and whose discharge from hospitalization will not be prejudicial to the beneficiary or his family, and who is not, in the judgment of the director, feasible for training, shall, upon his request, be discharged from hospitalization and rated as temporarily totally disabled, said rating to continue for the period of three years: *Provided, however*, That nothing in this subdivision shall deny the beneficiary the right, upon presentation of satisfactory evidence, to be adjudged to be permanently and totally disabled.

With the opportunity of submitting lay and other evidence, many of the veterans who had influenza in the service, who had a cold in the service, who were submitted to constant exposure, and who are now afflicted with tuberculosis, will be able to establish a service connection and obtain full compensation. If a tubercular veteran is a case where clearly the disease was contracted since his discharge he would be totally permanently disabled and would come under the provisions of the bill now before us and be retired with full pension.

Let me also point out that disposing of all of these cases as provided in the bill, once the veteran is on the pension roll and is not subjected to any further examinations, the bureau will then be free to devote more time and give better attention to all the new cases applying for compensation.

Comparison has been made by critics of the bill as to the rate of pension allowed in this bill with the rates recently allowed the veterans of the Spanish War. But bear in mind, gentlemen, that there is an average difference of 25 years of age between the veterans of the World War and the veterans of the war with Spain. The 25 per cent disability is a far greater handicap to a man of 55 years or 60 years of age than it is to a man of 25 or 30 years of age. [Applause.] Besides, also bear in mind that the Spanish War veteran waited a great many more years before obtaining his first pension bill. It was far less than the provisions and the rates contained in the present bill. If, after 12 years, the World War veterans will have obtained a pension law with the rates contained in the present bill, 25 years from now they will be far ahead in the way of rates of pension than their brothers of the Spanish War are to-day.

For every veteran who has been disabled by reason of his military service full and complete compensation under the existing law will continue; for every veteran who now does not receive one cent of compensation by reason that his disability is not of service connection will, if this bill is passed, be permanently placed on the pension roll. Considering the parliamentary situation—honestly considering all of the facts—I am convinced that the veterans of the World War, when they understand this bill, will be satisfied. All disabilities of nonservice connection should be considered if we consider one of them. That is exactly what this bill does.

I believe that I understand the attitude of the ex-service man; my knowledge of his hardship has not been obtained from a book. I have stood by the ex-service man on every proposition that came before the House. No one can charge me with being influenced by the demand of regularity. I vote according to my convictions. That being so, I call upon every ex-service man

of the House, the entire membership of the House, to vote for this bill.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker and ladies and gentlemen, in two minutes I can not go into this subject at any great length. I intend to vote for this bill with the expectation, almost knowledge, that when it goes over to another body the amendment of Senator WALSH of Massachusetts to bring the present rates in this bill up to the Spanish War veterans' law rates undoubtedly will pass the Senate; also, a provision will be put in the bill which will take care of the dependent widows and children.

Then I admit it will be a good bill, and if my vote and voice can help, I shall do everything in my power to keep Congress in session, if necessary, not only all this summer but all next winter until we pass veterans' legislation that is fair and just to the disabled men of the United States. We have had the usual prophecy from the Secretary of the Treasury of a deficit in the Treasury, which prophecy is always imparted to us every time that veterans' legislation comes before the House. These dire prophecies never are put out except when there is a possibility that the veterans are to obtain something, but in spite of the prognostications of Mr. Mellon, I have no doubt that whatever bill the House and Senate pass, whether it provides for $100,000,000 or $400,000,000, we will find that after July 1 we will have a surplus in the Treasury of perhaps two or three hundred million dollars, as we have had in the past eight years. I always take with a grain of salt these deficit predictions, especially since Mr. Mellon made his billion-dollar mistake in reference to the service men's adjusted compensation bill.

Therefore, in the hope and expectation that that great deliberative body at the other end of the Capitol will add proper amendments to this bill, which we under suspension of the rules are not permitted to add to-day, and will thereby make this a good bill for the service men and their dependents, it is my intention to vote for the bill. [Applause.]

Mr. RANKIN. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, I intend to vote for this bill, not because I think it is good legislation, for I regard it as bad legislation, but because it is this or nothing. If we are going to turn to pensioning the World War veterans, I am in favor of giving them the same amount of pension for the same degree of disability that we give to the Spanish-American War veterans. [Applause.] I would offer an amendment to make them the same—if I could—but no amendment can be offered. I have just about come to the conclusion since this veterans' bill has been vetoed and the veto upheld that we ought to abolish the Veterans' Bureau and place them all in the hands of the Pension Office. I believe the Bureau of Pensions would more nearly do justice to all the World War veterans than the United States Veterans' Bureau. On yesterday the House passed the best World War veterans' bill—that is, the Rankin bill—that Congress has ever passed. To-day it was vetoed by President Hoover. Immediately afterwards the veto was sustained by votes of Republican Members who on yesterday voted for it. A bill of this importance should not be considered under suspension of the rules, but should be considered in the regular way, so amendments could be offered. I sincerely hope that the Senate will improve this bill with amendments so that it will do justice to the World War veterans who have been so neglected and mistreated by the Veterans' Bureau. [Applause.]

Mr. CONNERY. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker and gentlemen, due to technicalities, thousands upon thousands of deserving veterans have been for 10 long years deprived of compensation which Congress originally intended they should have. Notwithstanding the severe criticism by the President of the bill that he has vetoed, I am of the opinion that it was not as vicious a bill as he charges. Otherwise it never could have obtained the unanimous vote of this House. But even if the House did make a mistake in voting for that bill we have accomplished one thing. We have brought about a condition whereby we are assured of some positive legislation in the pending bill, which very few Members know anything about. I was fortunate in securing a copy a short time ago, examined it hastily, and I shall vote for it, because I believe that when it reaches the other body that body will succeed in amending it in a way so that it will contain provisions that will give fair compensation not only to the deserving veterans but also to their widows and children.

Mr. Speaker and gentlemen, I have confidence in the Senate and feel when the bill is returned to us it will be a much better bill and therefore ask and advise that we vote for it.

The veterans in whom we are interested are entitled to relief. I am glad that finally we have forced the hand of those who opposed any and all legislation and that we will be able to vote for a bill that will bring a deserved relief to the 10-year-neglected men, their widows and children.

Mr. Speaker and gentlemen, I do not look with alarm on the often-repeated statement on the part of the Secretary of the Treasury, Mr. Mellon, about the shortage in the Treasury.

If only one-half of the Wall Street gamblers will pay the income tax from the tremendous gains they have made in selling short, we will have a surplus going into millions. It is unfortunate that Mr. Mellon is always so alarmed about the conditions of the Treasury when we aim or try to vote a pension and compensation to our veterans; such is not the case when he orders or grants refunds going into hundreds of millions to the steel and other trusts, or when he advocates the reduction of taxes of the excessively rich corporations and the multimillionaires that own and control them.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK of Massachusetts. Mr. Speaker, my views on the question of a pension bill for veterans of the World War, their widows and dependents, were stated by me when the original Johnson bill was under consideration in the House. At that time I came out flatly and absolutely in favor of a pension plan. At that time the House leaders could not see their way clear to support such a proposition. In view of the fact that they were unable to support such a bill at that time, I supported the bill which passed the House and which was sent over to the Senate for consideration.

The debates in the Senate show that when the bill as it passed the House was in the Senate Committee on Finance for consideration a pension plan was proposed by Senator DAVID I. WALSH, of Massachusetts, an outstanding friend of the veteran, and that it was considered favorably by the members of the Senate committee. The debates strongly indicate that a pension plan as proposed by Senator WALSH was tentatively reported out of committee. The debates further show that some influences were exerted to prevent the reporting of a pension plan at that time, which influences were sufficient to prevent a pension bill being reported out of the Finance Committee. After the bill which was reported out of the committee was passed by the Senate and came back into the House, and apparently as a result of statements made by the President, General Hines, Director of the Veterans' Bureau, and Secretary Mellon, of the Treasury, the administration changed their minds and decided to support a pension bill. It is a well-known fact that when the World War Veterans' Legislation Committee of the House first reported the Johnson bill into the House, and a suggestion of a pension bill in lieu thereof was made by me, it was stated that a pension bill would not pass for many years to come. I could not agree with that position at that time, and I am glad to see that the principle of a pension plan that I then suggested is incorporated into the pending bill.

When the original Johnson bill was pending before the House I urged its passage because under the rules of the House an amendment proposing a pension scheme could not be made. I stated, however, that I felt that a fair and equitable bill, providing pensions for veterans of the World War and a widow and minor children of a deceased veteran, would be the best and fairest plan, establishing a definite policy which would not require any change except that in later years the benefits thereunder would be increased as veterans grew older.

During my remarks on that occasion I also stated that the present rights of the disabled service-connected veteran should not be disturbed, and that he, if he so desired, should be able to elect whether he would continue to receive compensation for service-connected injuries, or the pension that his disabilities would entitle him to under a pension law. This right of election would have enabled a veteran who is service-connected for certain disabilities, but who is not service-connected for other disabilities, the total of which disabilities would entitle him to a larger pension than he is receiving as compensation, to elect to take the larger amount. In other words, a man might be 15 per cent service-connected for disability, and he might have other disabilities which are not service-connected that would make him permanently disabled within the meaning of a pension law. Unless he had the right of election, he would be compelled to take $15 or $18 per month as compensation, whereas under this bill he would be entitled to at least $40 per month, and more if his condition is such as to require constant care and attention.

While I favor the principle contained in this bill, I am not in agreement with some of its provisions. Unfortunately, under the rules under which we are considering this bill, amendments

can not be offered. We have got to either accept or reject the bill in its entirety. Believing in the principle incorporated in this bill, and feeling that it is the best that can be obtained, so far as the House is concerned, I am constrained to vote for its passage, with the hope that the Senate will make amendments that the World War veteran, his widow, and minor children are entitled to. If the rules under which we are considering the bill would permit of my offering an amendment. I would move that the minimum pension allowed for a 10 per cent disability be $20 per month, and that the maximum amount be $60 per month, with a provision for higher pensions in the case of men who require care and attention. I am in hopes that such an amendment will be offered in the Senate. Such a proposal was suggested by Senator WALSH in the Senate Committee on Finance, and I sincerely trust that the able and distinguished Senator, who is the leader of my party in my Commonwealth, and whom I unreservedly recognize as the leader of my party, will offer the same amendment and that it will be adopted in the other branch.

I also exceedingly regret that the present bill does not give consideration to the widow and minor children of a deceased veteran, whose death is not connected with the service. Under the existing law, a veteran who receives the great call, and who leaves behind him a widow and minor children, or other dependents, and whose death is the result of wounds, injuries, or disease which are service-connected, the widow is entitled to receive a certain sum each month, which is called "death compensation."

My experience, and I am sure the experience of other Members of this body, has been that only in a small percentage of cases of veterans who die are the deaths connected up with the service. This means the widows and minor children of all other deceased World War veterans receive no consideration from the Federal Government.

I am absolutely in accord with the principle of the pension legislation relating to the veterans of the Civil and Spanish-American wars, that upon their death their widows and minor children should receive pension consideration. If the principle is correct in its application to the widows and children of deceased veterans of all other wars, it is equally correct to apply it to the widows and minor children of deceased veterans of the World War Already thousands of World War veterans have died, and during the last three years such deaths have averaged 43,000 yearly. Of those who have died, leaving a widow and minor children, or other dependents, the deaths of only a small percentage are connected with service. Assuredly, a widow and minor children of a deceased veteran of the World War is or are just as much entitled to a pension now as similar dependents of deceased veterans of other wars. I am in hopes that the Senate will, in its wisdom, see fit to adopt an amendment providing a pension for such a worthy and deserving class.

I also note under the terms of the present bill that a disabled service-connected veteran will not lose his present legal rights and that if, under the pension bill as pending, if it becomes law, his pension will be greater than the amount he now receives as compensation, he can elect to take the greater amount.

Mr. GRANFIELD. Will the gentleman yield?

Mr. McCORMACK of Massachusetts. I certainly will yield to my distinguished colleague from Massachusetts.

Mr. GRANFIELD. I have listened to the remarks of my distinguished friend and colleague, and I want to say that I am absolutely in accord with the views expressed by him, and also by my distinguished colleague from Massachusetts [Mr. CONNERY], who spoke along the same lines a few moments ago. It is my intention to vote for this bill, in the hope that the Senate will adopt an amendment which will increase the pensions that veterans will receive to the amount which Spanish War veterans now receive, and particularly that the Senate will adopt an amendment providing for a pension for a widow and minor children of a deceased World War veteran, a class that so richly deserves and needs it.

Mr. McCORMACK of Massachusetts. I want to thank my friend, Mr. GRANFIELD, for the able contribution which he has just made. I also want to state to him that his district ought to be proud of its representation. This is the first opportunity I have had on the floor of Congress to congratulate his district on the excellent judgment they exercised in selecting such an outstanding character and a man of such keen intellect and unlimited courage to represent them.

To conclude, Mr. Speaker, I have in mind the action of the Congress in passing the recent Spanish War pension bill increasing the amount that they received prior to June 2, 1930. I consider it very unfortunate that the Spanish War veterans did not receive years ago the consideration which the recent bill gives them. The fact that they did not receive at a time when they should have the consideration of a grateful country, and as outlined in a recent bill which was passed over the President's veto, is no reason why the World War veterans should start in at the rates of pension prescribed in the pending bill.

If I had an opportunity to offer an amendment, not only would I attempt to have one adopted that would take care of a widow and minor children of a deceased veteran, but I would offer an amendment which would give to the disabled veteran of the World War the same rights that veterans of the Spanish-American War enjoy under the recent law. Such a plan, with the reservation as provided for the disabled service-connected veteran to elect whether he will continue to accept compensation under existing law, or to come under whatever pension bill we may pass, if it becomes law, would be a piece of legislation that would be more satisfactory than the present one and, in my opinion, would meet with the approval of the American people.

I shall vote for the passage of this bill with the hope and expectation that the Senate will amend it so that greater benefits will be given to the veterans who will come within the purview of such a law, and give to the widow and minor children of a deceased veteran pension consideration. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield now to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker, when the bill vetoed by the President is thoroughly understood by the veterans there will be no dissatisfaction. Since the bill passed the Senate I have carefully examined my files, cases where the bureau has denied compensation, and find that about 1 in every 5 would have been taken care of under the bill as sent to the President. Although all five might be suffering and be equally disabled still one suffering from a disease covered by the presumptive clause would be recognized while the other four whose disease was not covered would receive no compensation.

I was opposed to the original bill as reported to the House and also to the Rankin bill because both took care of a class of veterans leaving the great majority uncared for. Therefore when the measure was before the House I offered an amendment which placed all disabled veterans on a parity. My amendment carried and was in the bill when it reached the Senate but was deleted with other important amendments by the Finance Committee.

I stated when the bill was pending in the House, the bill would never solve the question, and that in my opinion a liberal pension bill, something along the line of the law governing Spanish War cases, would ultimately be, and should be enacted. I introduced the first World War pension bill in this Congress, June 29, 1929. February 8, 1930, the so-called Swick bill was introduced, and I have since supported that bill, it being more liberal than mine.

I might say I have talked with the Washington representatives of the Veterans of Foreign Wars, and they are in favor of the pension system. I also talked with representatives of the American Legion, and they too stated my view was right, that a pension would be far more satisfactory as it would mean equal treatment for all, but they were bound by their national convention and would support the amendments to the veterans' law.

I do not think any Member of Congress handles more veterans' cases than I do. I average no less than 20 a day, handle them personally and have been doing this for years. Naturally, I should know something about the law as well as administration of the law.

As soon as the bill passed the Senate I spent hours looking into its features and examining cases of my constituents not now compensated, who seek relief. The bill extends the presumptive class of the act of 1924 to January 1, 1930, in place of January 1, 1925. Only certain diseases are included in the presumptive class. My amendment to the bill placed all in the presumptive class, my viewpoint being to treat all veterans alike. That amendment being eliminated, I find only one out of every five veterans whose case I have, would be recognized.

The bill contained so many equalities without my amendment I could not conscientiously favor it when there is an opportunity to get a law that will extend equal treatment to every veteran who is disabled.

As an example of what would have happened under the bill vetoed, take five veterans living in the same neighborhood in my district. One gets compensation, the other four would be denied compensation. One veteran would be satisfied, four would be dissatisfied.

Below will be found a list of diseases from which veterans whose cases I have handled are suffering who would not be

recognized under the bill vetoed by the President: Bronchitis, asthma, bronchical asthma, in nearly every instance the men claiming to have been gassed in the service, but the bureau has not recognized their claim; diseases of the eye, even to total blindness, unless the total blindness was due to a misconduct disease contracted during the period of the man's service; defective hearing, even though the veteran be totally deaf; pleurisy, kidney disorders other than nephritis, various diseases of the stomach, fistula, hemorrhoids, hernia, varicocele, hydrocele, varicose veins, sinusitis and all sinus disturbances, defects of speech other than congenital; gastritis, pancreatitis; cystitis, a very common disease of the bladder; prostatitis, unless the disability is due to willful misconduct; diseases of the tonsils; phlebitis, a common disease of the leg; colitis, diarrhea, ordinary dysentery; enteritis, a very common disease of the stomach; only three of many heart disabilities are recognized; spondylitis and diseases of the spine; no dental disabilities are recognized, nor could any veteran receive dental treatment under the provisions of the bill who have no positive proof they were treated for the disability while in the service. Due to loss of dental records, thousands of men have been denied dental treatment by the Veterans' Bureau. There was no relief in this bill for them. Men diagnosed as constitutional psychopathic inferiority are denied recognition. In this class will be found tens of thousands of veterans, all of whom have never received compensation. Another outstanding injustice is where the veteran met with an accident and lost an arm or leg or both arms or both legs since his discharge. He is denied compensation, but under the presumptive clause his comrade who contracted rheumatism 10 years after his discharge would be entitled to compensation. Hundreds of other diseases could be listed as not being recognized, and in all it can not be assumed that as many as 25 per cent of the veterans now disabled and uncompensated would have been taken care of by the bill as it was sent to the President. They all would have been cared for under my amendment which was deleted from the bill in the Senate.

The bill failed miserably to take into consideration as previous legislation has failed to give presumption of service connection when a presumption might properly be accorded. Take the man who developed bronchial asthma shortly after his discharge, and I have one such case. He is almost totally disabled by reason of such condition. Because presumption was not accorded to this disease he will continue as he has for 10 years to be refused compensation. The bill recognized dietary disturbances, and if the man died from such a disease his widow would receive compensation even though death occurred 10 years after discharge, while the veteran leaving a widow and orphans who died a year after his discharge of an acute condition such as pneumonia remained uncared for. Yet the same judgment which would accord service connection for a certain heart disability which developed in 1929 could with the same force and wisdom say that pneumonia, which terminated fatally, was contributed to by the weakened resistance of active service during the World War. There are many cases of men who are gunshot casualties maimed on the field of battle who have died of pneumonia or some acute condition, and the Veterans' Bureau has been unable to say under the present law and would be unable to say under the bill sent to the President that their service-incurred wounds or diseases were contributing factors to the cause of death, and as a result their widows and orphans are uncared for.

This is particularly true of the shell-shocked cases where the veteran died of some acute condition. Who can say a veteran whose mind was weakened by service in the war and compensated therefor did not occasion the loss of physical resistance to throw off acute diseases? The bill, if it had become a law in the form it was sent to the President, would have occasioned a spirit of unrest and dissatisfaction among a large majority of veterans who were not recognized. This unrest would be reflected in future years after its passage, because all constitutional diseases arising after January 1, 1930, would have remained uncompensated.

I firmly believe, as I have always believed, that recognizing all disabilities not now compensable under the veterans' act on a disability pension basis and caring for widows and orphans not now compensable will produce in the minds of veterans that extreme satisfaction that the Government has not given preference to a few and has been mindful of its pledge to care for all in need as a reward for services when the Government was in need.

The pension bill which passed the House immediately following the veto is not as liberal as I would like to see it, but I am mindful of the established policy in cases of this kind, namely, that the authors have left room for improvement by the Senate, and I am sure that when it returns from the Senate it will be much more acceptable. Its cost to the Government will be over $50,000,000 the first year. It is a step in the right direction and can be liberalized from time to time. Every veteran who would have been taken care of under the bill vetoed will be cared for under the substitute. The compensation will not be as high but they will be cared for.

Mr. CONNERY. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, the Rankin bill for the relief of disabled veterans of the World War, which the President has vetoed, and which by prearranged agreement the Republicans of this House have just killed by sustaining said veto with a vote of 188 to 182, is the only relief bill that this House has ever had an opportunity to help frame. All other relief measures coming before this House since the Committee on World War Veterans' Legislation was created, have been called up under a suspension of the rules, where only 20 minutes to the side was allowed for debate, and where none of the voluminous and important provisions could be changed in the slightest particular. These former bills thus passed have been machine made. They have been mostly prepared by hard-boiled bureau chiefs. Not even ranking members of the committee, much less any of the other 434 Members of the House, could change one word of the bills. This is the reason that technicalities have deprived thousands of totally disabled veterans of relief urgently needed and left them helpless with wives and children starving.

When this Rankin bill was passed by the House there were only 49 votes against it. If it had been a vicious, bad bill, would the Republican leaders of this House have allowed it to pass with only 49 votes against it, when the Republicans have a majority of over 100 Members in this House? If it were wasteful and extravagant, was it not the duty of the Republican leaders in this House, who now speak of their responsibility to the Nation, to have stopped its passage, and not given their approval to it, with only 49 votes against it, out of the total membership of 435 Representatives?

This Rankin bill thus went to another body. It was there carefully considered, first by a committee, and then by another body itself. Another body amended it, making its provisions even more favorable to disabled veterans. It was debated by it at length. Although Republican leaders of the House and administration spokesmen had had weeks to consider and ponder over the bill they had passed, none dared to take the floor and condemn it as vicious, or as extravagant, or as bad. They casually allowed adjournment to approach without a word of warning. They did not hold a Republican caucus. They did not hold a Republican conference. They did not swing their party lariat around the necks, or bulldog, or hog tie the rank and file, and place upon them the Hoover brand of subjection and obedience.

On last Monday, June 23, 1930, another body amended and passed this Rankin bill by a vote of 66 to 6, or 11 to 1. Out of 96 who had the privilege of being present and voting, only 6 personally voted against this bill. Does Mr. Hoover expect the country to believe that a vicious, bad, extravagant, ruinous bill could thus pass any body of the United States Congress, after being carefully considered for weeks and debated at length, with only six personally voting against it?

Then, on yesterday, June 25, 1930, this House, by unanimous vote, concurred in all of the Senate amendments, and this Rankin bill, thus finally passed, went to the White House for slaughter. But it went there well recommended. Only 49 Members had voted against it when it was passed by the House. Only six Members of another body had voted against it when it was amended and passed. And not a Member of the House had voted against concurring in the Senate amendments, but the bill was finally approved yesterday by the unanimous vote of the House.

And now it is dead. A Republican President vetoed it. And the Republicans of this House, under the command of their President, have slaughtered it.

There are three separate, distinct branches of government, Mr. Speaker. One is the Congress. It has upon it the burden and responsibility of passing our laws. The second is our courts. They have the burden and responsibility of interpreting the laws passed by Congress. The third is the Executive. The burden and responsibility is upon the President to execute and enforce the laws. None of the three has the right to invade or interfere with the functions of the others. They are separate and distinct. We can not shift our responsibility to the people by the attempted excuse that the President insisted on us doing so-and-so. Obeying the mandate of the President does not warrant our laying aside our own judgment and convictions.

The President is afraid that this Rankin bill will cost over a hundred million. He asserts that it is not in accord with his financial program. What if it should cost a hundred million. Had the World War been prolonged one month it would have

cost many times this sum. It was these brave men, the disabled whom we are now seeking to succor and rehabilitate, who forced the armistice months before the most sanguine hoped for it to occur. They thus saved hundreds of millions of dollars. And they thus saved thousands of precious lives, possibly prevented hundreds of thousands from being maimed.

This Republican President, Mr. Hoover, and his Republican followers in this House, without the quiver of an eyelash recently granted to special-interest-recipients of the tariff one thousand million of dollars in gratuities. That was within the President's financial program. That was within the financial program of the Republican Party. That comes out of the pockets of the common people in what they eat, wear, and use in their homes and on their farms. This Republican Party, through its Republican President and administration, has since the war granted to large taxpayers refunds of taxes admittedly amounting to $1,191,000,000, of which $96,000,000 went to the United States Steel Corporation. That was within the financial program of the Republican President. None of his party followers have objected or criticized, or condemned him for it. If the projects authorized by the rivers and harbors bill are appropriated for, that bill will eventually cost the taxpayers of the United States approximately $250,000,000, yet we are told that it is within the financial program of the President, and that this Republican Executive will promptly sign it. No Republican caucus was held against it. No Republican conference consigned it to slaughter and death. Only when we send to the President a bill first passed by the House with only 49 votes against it, passed by another body with only 6 votes against it, and finally approved by the House with a unanimous vote, and which seeks to succor and rehabilitate helpless disabled ex-service men, does the President get scared, and becomes afraid that it might cost over a hundred million, and caucuses are called, and conferences are held, and Republicans do his bidding, killing the bill.

Now, by this rule just passed, we are again asked to pass a relief bill under suspensions of the rules, with only 20 minutes of debate to the side, and with the membership knowing nothing of its contents, and without their having time to analyze it and find out what it all means, and with no Member having the privilege of offering a single amendment to it.

I brought forth from the chairman of the Rules Committee [Mr. SNELL] that it can not be changed in any way, that we can not even dot an "i" or cross a "t" in it, but must vote for it just as it is, machine-made as usual, and assume that it helps the disabled. Of course, all of us will vote for it. We have no other alternative. It is the only promise of any relief this session for the disabled.

Another body will, of course, properly amend it. It does not function under such gag rules. But what is this House going to do with it after it is properly amended? If the President is consistent, he will veto it again. I am one who is willing to stay here until a proper measure is passed over his veto. We passed the Spanish-American pension bill over his veto when only 14 Members voted to sustain him. And a proper bill should be passed over his veto by just such an overwhelming majority.

When these men went to France I was one of those who promised them we would care for the ones who came back. I am going to keep my promise to them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONNERY. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. GAVAGAN].

Mr. GAVAGAN. Mr. Speaker and ladies and gentlemen of the House, as one of the youngest Members of the House, and a World War veteran, I feel I would be recreant of my trust and unfaithful to my oath were I to permit this occasion to pass without comment on the scenes enacted here to-day. I, as well as many other veterans, have utmost trust and belief in the conscientiousness of Mr. JOHNSON, the chairman of the World War Veterans' Legislation Committee of this House.

However, one grows very morose when he beholds the spectacle as beheld here to-day, of Members offering apologies for their vote in favor of the passage of the veterans' relief bill and their contradictory vote to sustain the President's veto. Then, too, the spectacle of the majority Members rising and applauding the result of that vote reminds one very forcefully of the scene enacted in war days, as regiments marched away—there on the street curbs, could be seen the corpulent and opulent cheering on the braver youth, with boisterous promises to hold for them their places of employment until the return. When the day of return came, alas, the jobs were filled.

Here, yesterday, this House passed the veterans' relief bill with great gusto, but when the veto vote was taken many of these same gentlemen assumed contrary positions. When I hear the glib-tongued gentleman from Massachusetts [Mr. LUCE] attempt to explain the provisions of this new bill, H. R. 13176, I am reminded of the admonition of old "to beware of Greeks bearing gifts."

The pending bill is offered not from a sincere desire to aid and assist the World War veterans, but rather is an attempt to assuage his anger and ward off the day of reckoning at the polls. The proffered bill will not aid those veterans who are now suffering the results of war service and for whom Congress has failed to provide. The President in his veto message accompanying the World War veterans' relief bill, based his argument in the main on the basis of tremendous cost in carrying out the provisions of the bill. It is my contention that the bill now under discussion will prove a greater cost and burden in the final analysis than could the veterans' relief bill. The present bill is the basis for and is an out and out direct pension. Instead of the former bill, which took care of marginal cases, this new bill provides aid for every ex-service man whose disabilities were incurred in civil life and lays the foundation of a general pension system, which in time will prove a tremendous burden to the American people. In a very few years the experiences gained from the Civil and Spanish-American Wars pension systems will be realized through the pension provisions of this bill. I regret sincerely the failure of final passage in this House of the real disabled veterans' relief bill. While I intend to vote for the passage of this bill, I do so reluctantly and solely in apprehension lest this Congress pass no veterans' relief bill whatever.

At the outset of our entrance into the World War and ever since, the executive and legislative policy of our Government has been that soldiers of the World War would be protected; first, by insurance in case of death; and second, by compensation in case of injuries or disabilities incurred by reason of service. This policy of our Government is the antithesis of the policy proposed to be inaugurated by the provisions of this bill. No veteran or veterans' organization I have heard of has ever advocated the pension system for veterans of the World War. In fact, the New York department of the American Legion has advocated the beneficent provisions of the vetoed bill and opposed the contemplated pension provisions of the proposed one.

Under the parliamentary rule adopted this morning, no amendment of this proposed bill is possible from the floor of the House. Since one is unable to do aught but accept or reject the provisions of the bill I shall by my vote accept its provisions with a fervent hope that in the Senate the same may be suitably amended. In order, therefore, to give the Senate adequate time to consider and properly amend this bill, I shall by my vote, attempt to prevent the adjournment of the Congress until the passage of suitable World War veterans' legislation has been realized.

Ladies and gentlemen, responsibility for the passage or nonpassage of legislation must be placed squarely on the shoulders of the party in domination of the legislative branch of this Government. Therefore, every World War veteran in dire need of aid may thank the Republican Party of this House for its failure to properly heed this plea for such aid and assistance.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. RANKIN] has three minutes, and the gentleman from South Dakota seven minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. MOUSER].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for one minute.

Mr. MOUSER. Mr. Speaker, for the first time since the World War we have an opportunity this afternoon of establishing a pension system that will secure to every World War veteran suffering 25 per cent disability compensation at the hands of his Government, unhampered by red tape and technicalities.

These boys are now on an average 34 years of age. Eleven years after the World War we are getting a pension policy established such as took the Spanish-American War veterans 22 years to have established.

When the ex-service men throughout the country realize that every single disabled comrade of theirs can draw a pension, this legislation will be the most popular legislation that has been enacted into law. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that each Member may be allowed five legislative days in which to extend his remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

Mr. CONNERY. Reserving the right to object, Mr. Speaker, I dislike to object ordinarily, but the gentleman from Mississippi [Mr. RANKIN] objected, and therefore I will have to object.

The SPEAKER pro tempore. Objection is heard.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield one minute to the gentleman from Virginia [Mr. LANKFORD].

Mr. LANKFORD of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial on the President's veto, by Mr. Louis Jaffee, the man who several years ago won the Pulitzer prize for the best editorial published in the United States that year, and editor of the Virginian-Pilot, one of the leading newspapers in Virginia.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to extend his remarks by printing an editorial on the President's veto. Is there objection?

Mr. CONNERY. Reserving the right to object, Mr. Speaker, if it is remarks on the President's veto, I am forced to object.

The SPEAKER pro tempore. Objection is heard.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, there are 61 Members of Congress who are veterans of the World War. Forty-five of these are Republicans, 15 are Democrats, and 1 is a Farmer-Laborite.

It is very interesting to note how these Members voted to-day. Fifty-eight Members who are veterans were present. Thirty-six voted to sustain the President, and 22 voted to override the veto. Furthermore, I believe I can safely predict that 95 per cent of the veterans present to-day will vote for the passage of the bill now under consideration.

It has been a source of great satisfaction to me to note the very evident intent of the membership of the House to deal fairly with the disabled veterans of the World War. During all of this debate this afternoon no Member has objected to the "costs" of legislation. This is as it should be. The thing for us to decide here is what is the right thing to do—the fair and equitable thing to do—and not "how much does it cost."

The bill that we shall pass this afternoon will extend aid to more than 200,000 veterans, while the bill that has just been vetoed would have aided only 70,000.

I have spent more than 15 hours this week going over cases of uncompensated disabled veterans of my district. I have taken 50 typical cases that I have worked on to see how many would be benefited under each bill. These veterans whose cases I examined come from St. Joseph, Mo., Dearborn, Mo., Weston, Mo., Savannah, Mo., Tarkio, Mo., Rockport, Mo., Platte City, Mo., Corning, Mo., Maryville, Mo., Elmo, Mo., Skidmore, Mo., and several other towns of northwestern Missouri. Under the bill that the President vetoed less than 25 per cent were taken care of. Under the bill we are now discussing more than 90 per cent were taken care of.

This bill is the most liberal and most equitable one every passed by any government in the world for the benefit of disabled veterans.

Members should keep in mind that after this bill becomes a law any ex-service man who is disabled due to his service will receive compensation at the rate of $100 per month for total disability. Furthermore, any ex-service man who is disabled not because of his service will receive $40 per month for total disability.

Personally I think this latter rate should be higher, and I hope the Senate will see fit to amend this bill by increasing the rates and by providing a widow's pension for this latter class.

The bill that has just been vetoed would not have given compensation for the most serious and fatal heart diseases, stomach trouble, and so forth. The following diseases would not be considered as compensable:

Pericarditis, auricular fibrillation, cardiac enlargement, systolic murmur, thrombosis, embolism, phlebitis, varicosites, gastritis, colitis, enteroptosis, sprue, cirrhosis of liver, peritonitis, bronchitis, bronchiectasis, bronchial asthma, emphysema, pleurisy, pneumoconiosis, pyogenic infection of kidneys, diseases of the bladder, diseases of the testes, skin diseases, acute rheumatic fever, syphilis, bacillary dysentery, myalgia (muscular rheumatism), hookworm infestation, distomiasis, filariasis, trichiniasis, malaria, and many surgical conditions.

Think of the absurdity of paying a man $225 a month pension for gout or rickets and giving nothing to a man with cardiac enlargement, systolic murmur, emphysema, a dangerous disabling chest condition, or pneumoconiosis, a hardening in spots of the lungs, which entirely incapacitates the individual who suffers from it.

Think of the absurdity of paying a man a pension for obesity and giving a man nothing for muscular rheumatism, which prevents him from moving from his bed.

The Rankin bill is a bill based upon a false premise and a falsehood. The bill under consideration is based upon the premise that every man who is disabled will be treated exactly like every other man similarly disabled. Do not forget that when this bill passes, your service men will secure equal treatment and just treatment. Do not forget that the gentleman from New York [Mr. LAGUARDIA], who is one man who left the floor of this House and entered a combat unit and who has done more in war and knows more about war than most people here, called attention to the fact that in the future the Director of the Veterans' Bureau can consider lay testimony. He is not bound by what some doctor who is now dead has said about it. It will service connect many cases of tuberculosis, where there is a shadow of proof that it is service connected.

Mr. Speaker, when I addressed the House earlier this afternoon I predicted that this bill would receive 95 per cent of the veterans' votes. I want to call attention to the fact that of the 70 veterans present, 98 per cent voted for the bill.

Mr. CONNERY. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. SIROVICH].

The SPEAKER pro tempore. The gentleman from New York is recognized for two minutes.

Mr. SIROVICH. Mr. Speaker, ladies and gentlemen of the House, a great philosopher, scholar, and sage once remarked that all the world loves a lover. If all the world loves a lover, I would like to paraphrase that sentiment by saying that all the world loves a fighter, particularly if he is fighting for an ideal, for a principle, for justice, or for liberty.

To-day I have seen an exemplification of the finest type of political patriotism that I have ever witnessed in this historic structure. JOHN RANKIN, from Mississippi, the senior member of the Veterans' Committee on our side of the House, battling for the cause of the American soldier, while down home in Tupelo, Miss., his distinguished father, Thomas Rankin, died last night. Broken-hearted and overwhelmed with emotion at the loss of his sainted father, we, nevertheless, find this JOHN RANKIN, militant Member from Mississippi, standing here battling courageously, fearlessly, and uncompromisingly, trying to bring justice to the American soldier. [Applause.]

Gentlemen on the Republican side of the House, let me remind you, when war was declared we never told our volunteers and conscripted soldiers that there would be two kinds of soldiers, those who fought in the trenches and ditches and those who were accidentally in the cantonments waiting to be sent to the field of action. To my mind, the soldier in the cantonment awaiting transportation for overseas duty is just as great a patriot as the soldier in the trenches. [Applause.] Any man wearing the uniform of an American soldier, marching away under our American flag, ready to do or die for our cause and our country, is entitled, when disabled, to all the protection that a grateful Republic can bestow on its valorous sons. [Applause.]

Mr. Speaker, ladies, and gentlemen of the House, the time has now come where actions speak louder than words. The American soldier is not looking for sympathy; he demands justice in his great hour of need. Let me read you two telegrams I have just received:

NEW YORK, N. Y.

Hon. WILLIAM I. SIROVICH,
Washington, D. C.:

American Legion of New York State and its auxiliary most strongly urge passage of Johnson-Rankin bill as passed by Senate without amendments and without conference. One hundred thousand disabled veterans asking help, which they sorely need. Surely you will not fail them now by changing Senate bill so as to increase cost, and thus jeopardize signature by President. Request also your influence keep Congress in session to pass bill over President's veto, if necessary. Would appreciate wire assuring your support of above requests.

JOHN J. BENNETT, JR.,
Commander New York Department, American Legion,
305 Hall of Records, New York City.

SUNMOUNT, N. Y.

The Hon. WILLIAM SIROVICH,
House of Representatives, Washington, D. C.:

Tubercular World War veterans resent implication their disability not service origin. Please refute on floor House statement bureau medical council impossibility our disability service origin. Such arbitrary rulings prove impossible for us to surmount under present law.

Urge your continued support extension presumptive clause despite presidential objection. Your attention invited editorial New York American June 25 supporting Rankin bill.

JAMES J. FOLEY,
Commander D. A. V.

Mr. Speaker, I am battling for 18,000 tubercular veterans, who I believe would not be taken care of under this bill unless they proved themselves permanently disabled.

In the name of those who have died for our Republic and have made the supreme sacrifice upon the altar of national patriotism and love of country, I appeal in the name of these hallowed dead for justice for their disabled and crippled brethren, to live in happiness, in concord, and contentment as peaceful citizens of a grateful Republic. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield two minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS. I am extremely glad that the veterans are going to be on a permanent and fixed basis of allowance. Those men will now know they will have a certain amount of money regularly instead of wondering whether their compensation may be reduced every few months. I am thankful that playing politics with human suffering is now about to end. [Applause.]

Mr. CONNERY. Mr. Speaker, I yield one minute to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Speaker, if any Member of the House will turn to page 15 of this bill and will examine carefully the provision that is the heart of the measure, he will find this new provision applies to those who are permanently disabled and not to those who are temporarily disabled. It only applies to those who have a permanent disability as defined by the director.

If that Member will then return to his office and look at his files and find the proportion of claims in which disabilities are rated permanent, he will quickly see that he will have to go back to his district and tell his veterans suffering from many mental disorders, pleural disorders, nervous disorders, rheumatic disorders, that they are temporarily disabled within the meaning of the act as interpreted by the director and as such do not even rate the $12 or $18 they would get if this bill becomes law.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. KVALE. Mr. Speaker, under leave to extend my remarks, I add the following: I had only one minute of time. I could only indicate, in a fragmentary way, my objections to this bill. Had debate not been so rigidly restricted, and had there been ample opportunity for expression of objections, I am convinced results would have been different. Here are some of the things I had wanted to say.

I want the RECORD to show that had Members been aware of the scope and provisions of this measure they might indeed have voted differently. And certainly they are not to blame, when even members of the Committee on World War Veterans' Legislation told me, after the chairman had made the motion to suspend the rules, that they knew nothing of committee action or of the contents of this measure. Those who did know would answer no questions from their colleagues. The spectacle of Members frantically scurrying to secure copies of this measure, after it was already under consideration, was one that was not at all pleasant to behold in this legislative body.

Members who have claimed during the debate that this measure will take care of all non-service-connected disabled might well scrutinize the bill more closely. The bill provides that no veteran who has less than a 25 per cent disability can receive any allowance. It provides further that no man who has less than a 50 per cent disability can receive more than $12 per month. The bill provides further that no man who has less than a 75 per cent disability can receive more than $18 per month. And so forth. Far less, in dollars, than we recently gave the Spanish War veterans by an overwhelming vote.

That is not the worst. The bill specifically states that no man who is not considered permanently disabled—as opposed to temporarily disabled—can be considered in this connection at all. In determining whether a disability is permanent or temporary in connection, the Director of the United States Veterans' Bureau is the judge.

Any Member of Congress—and there is not one that has not done valiant work in endeavoring to secure satisfactory and favorable adjudication of these veterans' claims—can testify to the fact that is further shown in the hearings held before the Veterans' Committee this winter, namely, that of the million claims, in round numbers, which have been disallowed in the Veterans' Bureau, we find the greater number are designated in the bureau's diagnoses as temporary disabilities. They know further that of the quarter-million claims, in round numbers, that has been allowed, only a small portion are called permanent.

Members know further that the director, and those who are with him responsible for determining upon policies of the Veterans' Bureau, have been unnecessarily harsh in designating disabilities to be temporary in nature, when, as a matter of fact, every consideration would seem to warrant their rating as permanent.

The Pension Office has been more generous in these matters. This bill calls for the regulations under which the Veterans' Bureau operates, and not the Pension Office practices. For that reason I oppose it.

This legislation was brought in under suspension of rules, in violation of every decent form of legislative procedure, without adequate consideration, under unwarranted and improper Executive pressure. It has been supported reluctantly by the membership of this House in the hope that another legislative body might so amend it that it would be less distasteful to the Members who have voted "yea" this afternoon.

I can not interpret my oath of office to mean that I should support a measure in which I have no faith, which I know to be of illegitimate origin, in the vain hope that I may evade responsibility by supposing that another body of Congress will correct the evils in the bill which has been before us.

One thing more. And I add it with full knowledge that it will be considered distasteful by the gentleman from Mississippi [Mr. RANKIN], to whom it refers.

But I want to express my personal gratitude, as a Member of Congress, as a veteran, as an American Legionnaire, as a Veteran of Foreign Wars, as a personal representative of a great number of veterans, and as his friend, to JOHN RANKIN.

To-day his father lies dead. He was so notified yesterday. To-day he had the choice of remaining here to try to convince this Membership of its responsibility, or of leaving to reach his home in time to be present at his father's burial. He deliberately chose the former. I shall not forget that fact; nor will the veterans of the Nation forget it.

Nor will we forget that, but for his alert and active interest, all this veterans' legislation would not have been considered at this session. Which inescapably leads to the observation that the first consideration in his bill and in legislation heretofore considered, that of proper attention to those veterans suffering from the chronic or constitutional diseases, not now compensated for, is in this measure entirely ignored. I hope the Senate will change it most drastically; but I know that in the meantime the responsibility rests on the administration leaders in this House; it must be faced; and I shall not help them evade it.

Mr. JOHNSON of South Dakota. Mr. Speaker and Members of the House, the gentleman from Minnesota who just addressed you is honest, but he has entirely misrepresented the status of section 200. There has never been a time in the history of the United States, in the Spanish-American pension bill or any other, when veterans were not required to be rated as permanently disabled. Otherwise a man suffering from scarlet fever or pneumonia or tonsilitis would receive a pension. The rules and regulations adopted by the Pension Bureau will be the rules and regulations adopted under the provisions of this act.

Mr. KNUTSON. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield.

Mr. KNUTSON. And is it not a fact that after he has recovered from scarlet fever or pneumonia he would still continue to draw a pension?

Mr. JOHNSON of South Dakota. He would if he once went on the roll.

Now, I have listened to as much demagoguery on veterans' legislation as any living human being. I have heard it before the committee and I have listened to it on the floor of the House for 12 years. There are more people who saw less fighting who can wade in more blood on the floor of this House than any soldier who was ever at the front. [Applause.] Personally I am getting tired of the politics of it. It is absurd and ridiculous that honest Democrats should disagree with honest Republicans on what ought to be done. There never was any politics in the Committee on World War Veterans' Legislation when the membership of that committee was composed of soldiers like Bulwinkle, of North Carolina; MILLIGAN, of Missouri; BROWNING, of Tennessee; JEFFERS, of Alabama—men who served and fought and who were wounded [applause]—and CONNERY, of Massachusetts, color sergeant of the One hundred and first Infantry. [Applause.] Sometimes we disagreed, but we did not play politics. Right now is the time in the history of our country when we should stop playing politics and get back to the basis on which we originally started this legislation. [Applause.] The Rankin bill would not have done what the gentleman thought it would do. It would take care of men who had some of the following diseases: Acidosis, pellagra, scurvey, gout, hemophilia, that could only be inherited from the

mother; rickets, obesity, and a lot of diseases of that kind. It would not have affected some of the other diseases.

I am going to ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD to show exactly what both of these bills would have done.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of South Dakota. The Rankin bill would not have taken care of men suffering from the most serious and fatal heart diseases, stomach trouble, and other diseases.

The following diseases, pericarditis, auricular fibrillation, cardiac enlargement, systolic murmur, thrombosis, embolism, phlebitis, varicosites, gastritis, colitis, enteroptosis, sprue, cirrhosis of liver, peritonitis, bronchitis, bronchiectasis, bronchial asthma, emphysema, pleurisy, pneumoconiosis, pyogenic infection of kidneys, diseases of the bladder, diseases of the testes, skin diseases, acute rheumatic fever, syphilis, bacillary dysentery, myalgia (muscular rheumatism), hookworm infestation, distomiasis, filariasis, trichiniasis, malaria, and many surgical conditions, are general medical conditions which would not be included in a group confined to constitutional diseases and diseases analogous to constitutional diseases.

Think of the absurdity of paying a man $225 a month pension for gout or rickets, and giving nothing to a man with cardiac enlargement, systolic murmur, emphysema, a dangerous disabling chest condition, or pneumoconiosis, a hardening in spots of the lungs which entirely incapacitates the individual who suffers from it.

Think of the absurdity of paying a man a pension for obesity and giving a man nothing for muscular rheumatism which prevents him from moving from his bed.

The Rankin bill is a bill based upon a false premise and a falsehood. The bill under consideration is based upon the premise that every man who is disabled will be treated exactly like every other man similarly disabled. Do not forget that when this bill passes, your service men will secure equal treatment and just treatment. Do not forget that the gentleman from New York [Mr. LAGUARDIA], who is one man who left the floor of this House and entered a combat unit and who has done more in war and knows more about war than most people here, called attention to the fact that in the future the Director of the Veterans' Bureau can consider lay testimony. He is not bound by what some doctor who is now dead has said about it. It will service-connect many cases of tuberculosis, where there is a shadow of proof that it is service connected. Those that never should be service connected will get their $40 a month and their hospitalization, which is a total pension of $160 as long as they live.

The SPEAKER. The time of the gentleman from South Dakota has expired. All time has expired.

The question is on the motion of the gentleman from South Dakota to suspend the rules and pass the bill.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 365, nays 4, not voting 59, as follows:

[Roll No. 78]

YEAS—365

Abernethy	Browne	Cooper, Ohio	Edwards
Ackerman	Browning	Cooper, Tenn.	Elliott
Adkins	Brumm	Cox	Ellis
Allen	Brunner	Coyle	Englebright
Allgood	Buckbee	Craddock	Eslick
Almon	Burdick	Cramton	Estep
Andresen	Busby	Crisp	Esterly
Andrew	Butler	Cross	Evans, Calif.
Arentz	Cable	Crosser	Evans, Mont.
Arnold	Campbell, Iowa	Crowther	Fenn
Aswell	Campbell, Pa.	Culkin	Fisher
Auf der Heide	Canfield	Cullen	Fitzgerald
Ayres	Cannon	Dallinger	Fitzpatrick
Bacharach	Carley	Darrow	Fort
Bachmann	Carter, Calif.	Davenport	Foss
Bacon	Carter, Wyo.	Davis	Frear
Baird	Cartwright	Dempsey	Freeman
Bankhead	Celler	Denison	French
Barbour	Chalmers	DeRouen	Fulmer
Beedy	Chase	Dickinson	Gambrill
Beers	Chindblom	Dickstein	Garber, Okla.
Bell	Christgau	Dominick	Garber, Va.
Black	Christopherson	Doughton	Garrett
Blackburn	Clague	Douglas, Ariz.	Gasque
Bland	Clancy	Douglass, Mass.	Gavagan
Blanton	Clark, Md.	Doutrich	Gibson
Bolton	Clark, N. C.	Dowell	Gifford
Bowman	Clarke, N. Y.	Doxey	Glover
Box	Cochran, Mo.	Drane	Goldsborough
Boylan	Cochran, Pa.	Drewry	Goodwin
Brand, Ga.	Cole	Driver	Graham
Brand, Ohio	Collins	Dunbar	Granfield
Briggs	Colton	Dyer	Green
Brigham	Connery	Eaton, Colo.	Greenwood
Britten	Connolly	Eaton, N. J.	Gregory
Griffin	Korell	Oldfield	Sproul, Ill.
Guyer	Kurtz	Oliver, Ala.	Stafford
Hadley	LaGuardia	Oliver, N. Y.	Stevenson
Hale	Lambertson	Palmer	Stobbs
Hall, Ill.	Lampert	Palmisano	Stone
Hall, Ind.	Lankford, Ga.	Parker	Strong, Kans.
Hall, Miss.	Lankford, Va.	Parks	Strong, Pa.
Hall, N. Dak.	Larsen	Patman	Sullivan, Pa.
Halsey	Lea	Patterson	Summers, Wash.
Hammer	Leavitt	Perkins	Swanson
Hancock	Leech	Pittenger	Swick
Hardy	Lehlbach	Pou	Swing
Hare	Letts	Prall	Taber
Hartley	Lindsay	Pratt, Harcourt J.	Tarver
Hastings	Linthicum	Pratt, Ruth	Taylor, Tenn.
Haugen	Lozier	Pritchard	Temple
Hawley	Luce	Purnell	Thatcher
Hess	Ludlow	Quayle	Thompson
Hickey	McClintic, Okla.	Quin	Thurston
Hill, Ala.	McClintock, Ohio	Ragon	Tilson
Hill, Wash.	McCormack, Mass.	Rainey, Henry T.	Timberlake
Hoch	McCormick, Ill.	Ramey, Frank M.	Tinkham
Hoffman	McDuffie	Ramseyer	Treadway
Hogg	McFadden	Ramspeck	Tucker
Holaday	McKeown	Rankin	Turpin
Hooper	McLaughlin	Ransley	Underwood
Hope	McLeod	Rayburn	Vestal
Hopkins	McMillan	Reed, N. Y.	Vincent, Mich.
Houston, Del.	McSwain	Reid, Ill.	Vinson, Ga.
Howard	Maas	Robinson	Wainwright
Huddleston	Magrady	Rogers	Warren
Hudson	Manlove	Rowbottom	Wason
Hull, Morton D.	Mapes	Rutherford	Watres
Hull, William E.	Martin	Sabath	Watson
Hull, Wis.	Mead	Sanders, N. Y.	Welch, Calif.
Irwin	Menges	Sanders, Tex.	White
Jeffers	Merritt	Sandlin	Whitehead
Jenkins	Michener	Schafer, Wis.	Whitley
Johnson, Ind.	Miller	Schneider	Whittington
Johnson, Nebr.	Montague	Sears	Wigglesworth
Johnson, Okla.	Mooney	Seiberling	Williamson
Johnson, S. Dak.	Moore, Ky.	Selvig	Wilson
Johnson, Wash.	Moore, Ohio	Shaffer, Va.	Wolfenden
Jonas, N. C.	Moore, Va.	Short, Mo.	Wolverton, N. J.
Jones, Tex.	Morehead	Shott, W. Va.	Wolverton, W. Va.
Kahn	Morgan	Shreve	Wood
Kearns	Mouser	Simmons	Woodruff
Kelly	Nelson, Me.	Simms	Woodrum
Kendall, Ky.	Nelson, Mo.	Sirovich	Wright
Kennedy	Newhall	Sloan	Wurzbach
Kerr	Niedringhaus	Smith, Idaho	Wyant
Ketcham	Nolan	Smith, W. Va.	Yates
Kiess	Norton	Snell	Yon
Kincheloe	O'Connell	Snow	Zihlman
Kinzer	O'Connor, La.	Somers, N. Y.	
Knutson	O'Connor, Okla.	Sparks	
Kopp	O'Connor, N. Y.	Speaks	

NAYS—4

Johnson, Tex.	Kvale	Lanham	Milligan

NOT VOTING—59

Aldrich	Finley	Kiefner	Sinclair
Beck	Fish	Kunz	Spearing
Bloom	Free	Langley	Sproul, Kans.
Bohn	Fuller	McReynolds	Stalker
Buchanan	Garner	Mansfield	Steagall
Burtness	Golder	Michaelson	Stedman
Byrns	Hudspeth	Montet	Sullivan, N. Y.
Collier	Hull, Tenn.	Murphy	Sumners, Tex.
Cooke	Igoe	Nelson, Wis.	Taylor, Colo.
Cooper, Wis.	James	Owen	Underhill
Corning	Johnson, Ill.	Peavey	Walker
Crail	Johnston, Mo.	Porter	Welsh, Pa.
Curry	Kading	Reece	Williams
De Priest	Kemp	Romjue	Wingo
Doyle	Kendall, Pa.	Seger	

So two-thirds having voted in favor thereof the rules were suspended, and the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Golder with Mr. Byrns.
Mr. Fish with Mr. Taylor of Colorado.
Mrs. Langley with Mr. Kemp.
Mr. Sinclair with Mrs. Owen.
Mr. Bohn with Mr. Stedman.
Mr. Welsh of Pennsylvania with Mr. Hull of Tennessee.
Mr. Seger with Mr. Collier.
Mr. Free with Mr. Spearing.
Mr. Aldrich with Mr. Steagall.
Mr. Crail with Mr. Sullivan of New York.
Mr. Underhill with Mr. Mansfield.
Mr. Reece with Mr. Romjue.
Mr. Beck with Mr. Bloom.
Mr. Cooper of Wisconsin with Mr. Corning.
Mr. Michaelson with Mr. Hudspeth.
Mr. Kiefner with Mr. Fuller.
Mr. Sproul of Kansas with Mr. Montet.
Mr. Kendall of Pennsylvania with Mr. Buchanan.
Mr. Murphy with Mr. Wingo.
Mr. Nelson of Wisconsin with Mr. Doyle.
Mr. Johnston of Missouri with Mr. Williams.
Mr. Finley with Mr. McReynolds.
Mr. Cooke with Mr. Kunz.
Mr. James with Mr. Igoe.
Mr. Curry with Mr. Garner.
Mr. Johnson of Illinois with Mr. Sumners of Texas.

Mr. MOUSER. Mr. Speaker, I have been requested to announce that the gentleman from Tennessee, Mr. REECE, is unable to be present, being unavoidably detained at his home in Tennessee, but if he were present he would have voted "yea."

Mr. CRAIL. Mr. Speaker, I would like to have the RECORD show that if I had gotten here in time I would have voted "yea."

Mr. SCHNEIDER. Mr. Speaker, my colleagues, Mr. KADING and Mr. PEAVEY, are unavoidably absent. Were they here they would vote "yea."

Mr. COOPER of Tennessee. Mr. Speaker, my colleagues from Tennessee, Representatives BYRNS, HULL, and MCREYNOLDS, are unavoidably absent. I am authorized to state that if they were present they would vote "yea."

Mr. FREAR. Mr. Speaker, the gentleman from Wisconsin, Mr. COOPER, wishes me to have him recorded as being in favor of this bill, although he is not here.

Mr. PARKER. Mr. Speaker, I have a telegram from my colleague from New York, Mr. FISH, stating that had he been able to be present he would have voted "yea."

Mr. KENDALL of Kentucky. Mr. Speaker, my colleague, Mr. WALKER, is unavoidably absent. If he were here, he would vote "yea."

Mr. HOPKINS. Mr. Speaker, the gentleman from Missouri, Mr. KIEFNER, is unable to be present. If he were present, he would vote "yea."

Mr. SUMNERS of Texas. Mr. Speaker, I desire to vote, but can not qualify. If permitted to do so, I would vote "yea."

The result of the vote was announced as above recorded.

EXTENSION OF REMARKS—WORLD WAR VETERANS' LEGISLATION

Mr. TILSON. Mr. Speaker, a short time ago a request was made that all Members be allowed to extend their remarks in the RECORD on the bill that has just passed, but objection was made to that request. It is evident that a great number of Members will wish to extend their remarks in the RECORD and will be asking for that privilege from time to time. In order to save time and the confusion which usually follows when a number of Members are asking to extend their remarks, I again make the request that all Members of the House may have until the end of the session leave to extend their own remarks in the RECORD on the subject of veterans' legislation.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that all Members may have until the close of the session to extend their own remarks on this bill. Is there objection?

Mr. CONNERY. I object, Mr. Speaker.

Mr. JOHNSON of South Dakota. Will the gentleman reserve his objection a moment?

Mr. CONNERY. I will reserve it.

Mr. JOHNSON of South Dakota. I would like to call the gentleman's attention to the fact that when the gentleman from Connecticut made this request the gentleman from Mississippi [Mr. RANKIN] was in the room, and if he had desired to make an objection he could have done so. I do not think the gentleman from Massachusetts has any obligation now to make this objection.

Mr. CONNERY. Mr. Speaker, I will reserve the right to object, and if the gentleman from Mississippi [Mr. RANKIN] is present——

Mr. JOHNSON of South Dakota. The gentleman just stepped out of the door. I saw him.

Mr. CONNERY. If the gentleman is outside the door, I will be forced to object.

Mr. TILSON. When I rose to speak the gentleman from Mississippi was standing over here.

Mr. JOHNSON of South Dakota. And was standing right there when I rose.

Mr. AYRES. The gentleman from Mississippi is in the Speaker's lobby now.

Mr. CONNERY. I understand that if the gentleman from Mississippi were present he would object. I object for the present.

Mr. TILSON. I think that I could appeal to the reason of the gentleman from Mississippi if he were present. We are not saving any time by refusing, and we should prevent confusion in the transaction of business from now until the end of the session by granting leave for all to extend their remarks, and for that reason I renew the request.

Mr. CONNERY. I object.

Mr. MICHENER subsequently said: Mr. Speaker, I ask that all Members be given until the end of the session to extend their own remarks on veteran legislation that passed the House yesterday.

The SPEAKER. The gentleman from Michigan asks unanimous consent that all Members may have until the end of the session to extend their remarks on veteran legislation. Is there objection?

Mr. GARNER. Reserving the right to object, and I shall not object, I think the request ought to be put in this form: That all Members of the House be permitted until the end of the session to make explanation of their votes on the veterans' bill. [Laughter.]

Mr. MICHENER. I have no objection if the gentleman from Texas wants to explain. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Texas. Mr. Speaker, I voted against H. R. 13174, amending the World War veterans' act, which passed the House yesterday, because of the rash, inconsiderate, and revolutionary method by which the bill was considered, and also because of its inadequate relief provisions and gross discrimination against World War veterans.

The most flagrant violation of all rules safeguarding and insuring intelligent consideration of legislation was committed in the passage of this bill. Never was a more wanton and reckless disregard of orderly procedure or such undue and precipitate haste manifested by any legislative body in considering legislation of major importance.

The bill was introduced less than an hour before it was voted upon in the House. It was referred to no committee, as required by the rules. It was considered by no committee, and the membership of the House, including the members of the Committee on World War Legislation were not permitted to see it until its consideration was begun in the House.

Immediately after its introduction it was called up to be voted upon under suspension of the rules, whereby entire debate was limited to only 40 minutes, and no amendment of any kind could be considered or even offered.

It was a voluminous bill, covering 35 printed pages, changing in many particulars existing law governing the relief of World War veterans. It was impossible, during the brief debate of 40 minutes, which was divided between a number of speakers whose time limit ranged from one to five minutes—mostly one to two minutes—to learn from the speakers very much concerning the bill. In fact, a majority of them had never read it. It was likewise impossible, in this brief time, to read, much less analyze and comprehend, this lengthy and involved bill and to know its consequences and effect upon disabled veterans.

The cause of the disabled veterans of the World War is one in which I am deeply interested. I have supported all legislation in their behalf, and have given much of my time in looking after the individual claims of those in my district, and have appeared and orally argued many of them in the Veterans' Bureau here in Washington and also in the regional office.

I could not give my consent to vote for a bill the effect of which was unknown to me, especially when, from a superficial examination, I discovered that it was inadequate in the relief afforded; that it meant that many of those veterans now suffering from disabilities incurred in the World War would receive no relief, and that some of those now receiving compensation would, by the terms of the bill, receive less if the bill passed.

Specifically pointing out some of its objectionable features, if I correctly interpret the last paragraph in section 14, it means that those veterans having arrested tuberculosis disability who, under the present law, receive $50 per month will be reduced to $25 per month.

The executive branch of the Government has for some time been threatening to secure a repeal of the statute allowing $50 per month for this disability, and while Congress would not consent thereto, it appears that a joker in this bill has accomplished that result.

Realizing that this bill deprives disabled veterans of the benefits conferred upon them in H. R. 10831, passed at this session of Congress and vetoed by the President just a few minutes before the passage of the bill under consideration, and in an attempt to atone therefor this bill inaugurates a pension system. The veterans of the World War and especially the American Legion have at all times manifested their opposition to pensions and insisted that they prefer adequate compensation for those whose disabilities were incurred in service.

However, if the time has arrived, and in order to do justice to the veterans of the World War it is necessary to grant pensions to those whose disabilities are not service connected, then I insist that there should be some measure of adequacy in the pensions granted, and the law should not so limit and restrict the right to receive same that it would be almost impossible to secure favorable action; and, furthermore, the veterans receiving such pensions should not be discriminated against.

In the provisions of the bill granting pensions to World War veterans whose disability is not service connected there is a gross discrimination against World War veterans as compared with the veterans of other wars in three particulars: (a) As to rates of pensions so granted; (b) as to degree of disability entitling to such pensions; and (c) financial condition of veterans entitled thereto.

First. As to the rates of pensions granted therein to World War veterans, I quote from the bill:

Twenty-five per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month.

Contrasting these rates with those granted to the veterans of the Civil War and the Spanish-American War are as follows:

All Civil War veterans who served in the Union Army for 90 days or more, regardless of the question of disability or financial condition of the veterans, receive $75 per month, or $100 per month where the condition of the Civil War veteran, by reason of disabilities, is such as to require the aid and regular attendance of another person.

The widows of Civil War veterans, under existing law, receive $40 per month.

Comparing the pensions granted Spanish-American War veterans under existing law and World War veterans under this bill, I quote below the comparative rates:

Spanish-American War veterans	Per month
One-tenth disability	$20
One-fourth disability	25
One-half disability	35
Three fourths disability	50
Total disability	60
World War veterans	
One-tenth disability	Nothing.
One-fourth disability	per month $12
One-half disability	do 18
Three-fourths disability	do 24
Total disability	do 40

Regardless of disability, Spanish-American War veterans also receive pensions based upon attained age, as follows: 62 years, $30 per month; 68 years, $40 per month; 72 years, $50 per month; 75 years, $60 per month.

The widows of Spanish-American War veterans receive $30 per month. The widows of World War veterans under the bill receive nothing.

DEGREE OF DISABILITY

Second. The discrimination against World War veterans under the bill is not confined to the rates, but also to the degree of disability necessary to be shown to entitle them to a pension.

Under the law Civil War veterans are required to show no disability of any character to entitle them to a pension, and Spanish-American War veterans are only required to show an existing disability, while under this bill World War veterans will be required to show the existence of a "permanent disability."

No pension legislation heretofore has been so onerous as this. Those of us who have had experience with the Veterans' Bureau in their interpretation of the term "permanent disability" know that it is almost impossible, unless the veteran has lost an arm, a limb, or an eye, to convince them that the disability from which he is suffering is permanent in its nature. If the Veterans' Bureau continues to interpret "permanent disability" under this law as they have under World War relief legislation, it will mean a denial of a pension in practically all cases with the exceptions above mentioned.

POVERTY OF VETERANS

Third. Before a World War veteran is entitled to receive a pension under this bill he is required to show that he was exempt from the payment of a Federal income tax for the year preceding the filing of application for pension, and the bill further requires that there must be obtained from the Secretary of the Treasury a certificate to the effect that the veteran so applying for a pension was entitled to exemption from the payment of a Federal income tax for the year preceding the filing of his application.

Civil War veterans and Spanish-American War veterans under the law receive pensions regardless of their financial condition. A veteran of these two wars may be a millionaire, and yet under the law he is entitled to a pension, while a World War veteran must show his poverty before he is entitled thereto. And this proof must be submitted not only by himself but corroborated by a certificate from the Secretary of the Treasury.

The foregoing are some of the defects I detected in a necessarily hasty examination of the bill.

In striking contrast with the scant consideration given this bill was that devoted to H. R. 10831, which passed the House and Senate at this session, full consideration thereof having been given by the committees of both Houses, and unlimited debate being allowed when it was considered in both bodies.

But the President disapproved of it, among other reasons because he said its cost would be $110,000,000 the first year, although the hearings on the bill before the Senate disclosed that the amount would be only $74,000,000.

Secretary of the Treasury Mellon also gave out an interview that it might cause a deficit in the Treasury, but he made this same prediction when, in 1924, we passed the World War adjusted compensation act, and instead of a deficit there was a very large balance.

It is strikingly strange that this administration always preaches economy when veterans' relief legislation is considered. Refunds to large corporations, aggregating nearly a billion dollars, shipping contracts that cost the Government millions of dollars for carrying an infinitesimally small amount of mail, huge frauds in post-office rental contracts in Milwaukee and other cities do not excite the attention of the administration, but let the subject of veterans' relief legislation be considered, and the cry of economy is always raised.

The President also gave out a statement to the effect that H. R. 10831 was not desired by the American Legion.

I know not what the American Legion in other places may have desired, but in Texas H. R. 10831 as it passed the Senate was indorsed by the Legion. On June 13, 1930, I had a telegram from Hon. Ernest C. Cox, department commander of the American Legion of the State of Texas, urging that the bill as amended by the Senate be accepted by the House without amendment. To the same effect was a telegram to me of June 23, 1930, from Mr. Robert O. Whiteaker, department adjutant, American Legion of the State of Texas, and also a letter of June 17, 1930, from Mrs. Helen Beale Dean, chairman legislative committee, American Legion Auxiliary of Texas.

I voted to pass H. R. 10831 over the President's veto, as I did his veto of the Spanish-American bill, but the House refused to do so by a vote of 182 to 188.

The Republican leaders in the House manipulated the immediate consideration of this bill, following the President's veto, not so much for the relief of the veterans but for the relief of the President and those who voted to sustain his veto.

It is my judgment that a majority of those in the House voting for H. R. 13174 did so with the hope that the Senate would properly consider the bill, amend it, liberalize its provisions, and remove its discriminations. This I hope they will do.

I shall vote against adjournment of the Congress for this session until after just and adequate relief legislation is passed in behalf of the disabled veterans of the World War.

Mr. PATMAN. Mr. Speaker, the new veterans' bill which passed the House Thursday after the President had vetoed a veterans' bill which had passed the House unanimously and the Senate by a vote of 11 to 1, is a subterfuge and will mislead the veterans of the World War. They are led to believe by proponents of this measure that they are being treated fairly. In the language of Mr. LUCE, of Massachusetts, as it appears on page 11833, CONGRESSIONAL RECORD, June 26, 1930:

If we are then not vindicated at the polls, we shall at least have the consolation of our consciences in that we have made it the Republican policy to deal fairly with all the soldiers to make no discrimination, to give no unjust preferences, but to treat all of each class alike extending equitably the bounty of the Government—

And so forth.

MELLON'S IDEA OF JUSTICE

After reading these remarks I am willing to leave it to you to say whether or not the Republican policy is to deal fairly with all the soldiers. I believe you will be convinced that the policy adopted is for the purpose of establishing war-time rank as a basis of compensation for disability in time of peace, and to deal niggardly with enlisted men and generously with a few commissioned officers.

The President was persuaded to veto the bill because it was claimed a deficit would be caused by its enactment.

In the American Magazine for July, 1930, there is an article entitled "Andrew Mellon Stripped of His Mystery," by Will Irwin. Doubtless this article was written by Mr. Irwin after obtaining the information for it either from Mr. Mellon personally, as many of the instances recited in the article indicate, or from one of his close associates and with the knowledge and approval of Mr. Mellon. This article discloses the following facts:

When Andrew Mellon entered the Treasury he was active director in 300 companies—coal, steel and iron, oil, aluminum, paint, shipbuilding, real estate—these are the major items.

MELLON THE SHIPBUILDER

About shipbuilding and the organization of a big company to make ships the following is quoted:

He had named it the New York Ship Building Corporation. What that company did between 1914 and 1917 is a part of war history. At the peak, Mellon sold it out to one of the companies, whose brokers had descended on him in 1914. When he became Secretary of the Treasury the newspapers announced, perhaps with truth, that he was the third richest man in the United States. He had come to the

mature age of 66, immensely rich, tremendously respected by his associates, a quiet unadvertised power in Pennsylvania Republican politics.

Only two other men in the whole United States richer than he was in 1920. I wonder if anyone is richer than he is to-day?

MELLON NOMINATES HOOVER

Speaking about the candidates for President in 1928, it is said—

He arrived at Kansas City two days before the nomination. The Hoover landslide was on. Supporters of the other candidates met him at the station, hurried him to a conference in a hotel room. If Mr. Mellon would name any candidate but Hoover and throw the Pennsylvania vote his way, they would unite to support him. "But, gentlemen, I have already said that I favored Hoover," replied Mellon mildly. "Wasn't my language plain?" From that moment only death could have stopped Herbert Hoover from the nomination.

From the foregoing it will be seen that Mr. Mellon was doubtless responsible for the nomination of Herbert Hoover. Therefore Mr. Hoover is under obligation to Mr. Mellon to keep him in the Cabinet as long as he cares to stay, as suggested in the magazine article.

NO VETERAN RELIEF FROM MELLON

The World War veterans will never get a square deal as long as Andrew Mellon is Secretary of the Treasury. Every time a bill comes before Congress for the purpose of aiding veterans, Mr. Mellon immediately commences to show that the enactment of the bill will cause a deficit in the United States Treasury.

This bill that passed the House Thursday should be labeled "The Mellon bill."

A FALSE PROMISE HELPED TO CARRY TEXAS FOR HOOVER

During the presidential campaign of 1928 in Texas the Hoover forces of that State and the anti-Smith forces of that State advised the voters of Texas that if Herbert Hoover should be elected President, Andrew W. Mellon would not be Secretary of the Treasury, neither would he hold any other position in Herbert Hoover's Cabinet. Evidently these statements were made for the purpose of getting votes. The people of Texas knew that Mr. Mellon was not a prohibitionist, that he has been an enemy to the cause, and that he is an enemy to the cause of the poor, plain man or woman who depends upon his daily labor for the support of himself and family. And in order to carry that great State this false statement was made.

THE MELLON PRIVATE FORTUNE

Mr. Mellon's private fortune, which was enhanced so greatly during the war and by reason of the country's misery and misfortune, has become so large that a request for an appropriation from the United States Treasury is a personal matter with him. He looks upon it as an attempt to cause him to pay more money in taxes. Mr. Mellon's salary as an official of the United States Government is $15,000 a year. His income from his large estate, enhanced by war profits, doubtless exceeds $30,000,000 a year. Therefore this official who stands in the way of all soldiers' relief is making $50 a day to serve his country and $100,000 a day to serve the special interests of the Nation. Who is he going to serve? A man can not have two masters.

ADJUSTED-SERVICE CERTIFICATE COULD BE PAID

If he is such a great financier as some people would have you believe, why does he not propose to borrow money for 2 or 2½ per cent at this time and pay the soldiers the amount of their adjusted-compensation certificates or the amount that has accrued on the debt acknowledged by the Government to be due in 1918, with interest from that date at the rate of 6 per cent? Instead of that he opposes paying the adjusted-service certificates. The Government is making lots of money loaning the soldiers their own money at 6 per cent compounded annually when the Government can get all the money it wants for 2 or 2½ per cent interest. The payment of these certificates at this time would bring immediate prosperity.

DEFICIT TALK TO KILL VETERANS' RELIEF

When there was a proposal to give foreign nations billions of dollars there was no talk of a deficit. The railroads were financially sick after the war, it is claimed. Mr. Mellon did not ask them to wait, but was favorable to giving them billions of dollars out of the Treasury of the United States and the pockets of the people to relieve their financial distress.

April 30, 1930, Mr. Ogden Mills, the chief assistant to Mr. Mellon, told the United States Chamber of Commerce that another tax revision is coming, indicating a great reduction in taxes. It is well known that Mr. Mellon has in his vest pocket at this time a proposal to exempt foreign capital from taxation. This proposal will doubtless be presented at the December session of Congress, after the November election, and passed. It will reduce taxes, but never will Mellon say it will contribute to the cause of a deficit.

The rivers and harbors bill, which recently passed Congress, authorizes an appropriation of $144,000,000. Neither the President nor Mr. Mellon screamed "deficit" when it was mentioned. Billions of dollars have been appropriated during this session of Congress without the mention of a deficit until soldiers' relief was suggested.

HUNDREDS OF MILLIONS FOR BEAUTIFICATION OF WASHINGTON

As a part of the magazine article mentioned above, there is a picture of a group of large Government buildings, under which is the following:

A part of official Washington as it will look when one of Andrew Mellon's finest dreams takes material form.

Please note one of Mellon's finest dreams. He is not thinking of disabled soldiers or people in distress. He is thinking of spending hundreds of millions of dollars for fine buildings. He is endeavoring to make his name immortal by spending millions of dollars to beautify Washington, when there are millions of people walking the streets of the United States to-day begging for the privilege of working in order that they may support themselves and families, and can not find a job of any kind. Very few jobs will be available to men outside of Washington on account of this program. Many of these men hold the Government's I. O. U. in the form of an adjusted-service certificate. They served their country in time of war and now the Government does not pay them the money that it has confessed is due. No mention of a deficit by Mr. Mellon when this great building program was being discussed and agreed upon.

SCANDAL OF HOOVER ADMINISTRATION

One of the scandals of the Hoover administration is ship-subsidy contracts. Hundreds of millions of dollars are being authorized to give shipping lines a subsidy. Many of these lines are making 25 per cent and 50 per cent on their investments. Notwithstanding this, the Government, through the Post Office Department, is giving these concerns mail contracts which will aggregate hundreds of millions of dollars. They give ocean-mail contractors several hundred thousand dollars a year to carry $3 worth of mail. In other instances the Government is paying $7,000 for one dollar's worth of service. A direct gift from the United States Treasury to the favored few and pampered pets of the administration. No talk of a deficit when all this was going on.

PLENTY TO BUY WINE AND SONG

The day before the first soldiers' bill, which was vetoed by the President, passed the House of Representatives, tens of thousands of dollars appropriation was authorized for social entertainment for our representatives in foreign countries. These representatives under this authorization will be permitted to use the taxpayers' money to buy wine and song and for any other purpose that they see fit, and charge it up to the social entertainment fund. No mention of a deficit when items like this were discussed.

BILLIONS FOR TAX REFUNDS

When the United States Steel Corporation, Aluminum Co. of America, Gulf Refining Co., and many other large trusts and monopolies of the Nation were paying large income taxes in 1917 and 1918, the people thought this money was paid in good faith and received in good faith. They were correct. But after Mr. Mellon became Secretary of the Treasury he has remitted to these concerns and others two or three billion dollars in what he claimed were excess collections. He is giving back to these concerns taxes they paid as far back as 1912 and 1913. United States Steel Corporation has gotten a refund of nearly $100,000,000 through Mr. Mellon. One of the latest refunds, amounting to about $30,000,000, was obtained by a former official of the Treasury Department, and he felt like his services were so useful to this large concern in persuading Mr. Mellon to treat it right that his fee for the work he did was set at $5,000,000. In other words, as stated by Mr. GARNER, our minority leader, a few days ago, this concern had to pay this influential man $5,000,000 to persuade Uncle Andy to give them a square deal.

TWO HUNDRED DOLLARS A MONTH FOR OFFICER, BUT $12 A MONTH FOR PRIVATE

Congress has already passed a law which will give to officers who served during the World War and only during the World War for a 30 per cent permanent disability two or three hundred dollars a month, depending upon rank. Many of these officers are drawing this enormous compensation for diseases and injuries that were not in fact connected with the service. Yet Mr. LUCE says that the Republican Party is dealing fairly with the soldiers when he votes for a bill that will give an enlisted man who has a 49 per cent permanent disability the niggardly sum of $12 a month. This is the Mellon idea of justice. Mr. Mellon is controlling the Republican Party, and as long as he occupies that position the Republicans will be compelled to sing

his praises and put their stamp of approval upon everything he suggests.

ASKED FOR BREAD BUT GIVEN A STONE

Hundreds of thousands of the veterans of the World War, men who at the beginning of the war walked up to Uncle Sam, signed on the dotted line, and offered to give their lives to the cause of their country, are now helpless, dying of injuries and diseases received during the war and contracted by reason of their military service. They are only asking for an annual expenditure of what will amount to the annual income of Mr. Mellon and one other man. This is denied them. They are asking for bread, but Mr. Mellon is handing them a stone. They served our country in time of need. Now the war profiteers are preventing them from getting justice. Not only are the veterans suffering but their wives and children are in distress.

BILLIONS FOR EVERYTHING EXCEPT VETERANS' RELIEF

Billions for railroads, billions for foreign countries, hundreds of millions for buildings, hundreds of millions for rivers and harbors, billions for war profiteers on tax refunds, hundreds of millions for ocean-mail contracts, tens of thousands for social entertainment, but a niggardly sum for veterans of the World War.

WHAT 1925 INCOME-TAX RATE WOULD DO

If Congress would restore the same income-tax rate that is now being paid by the income-tax payers of other leading countries of the world the increase that would be paid by the individuals whose annual incomes are in excess of a million dollars a year would be sufficient to amply take care of the soldiers and pay their adjusted-service certificates. I would not be in favor of taxing this class by itself, but I would spread it over all income-tax payments. These figures are given for the purpose of showing how easily the money could be raised by those who profited most by reason of the country's misery and misfortune during the recent World War. There are 24 people in the United States whose annual incomes are more than $5,000,000 each. These individuals—most of them, at least—accumulated a greater portion of their fortunes from war contracts and settlements by the Government after the war.

WAR PROFITEERS SHOULD PAY

Justice should be done. The profits of war profiteers should be utilized to adequately compensate World War veterans. We can now equalize the burdens of the last war.

If Mr. Mellon could be persuaded to be just as anxious to do justice to veterans as he has always been to give refunds on taxes of large corporations, the veterans of the World War would have no cause to worry.

Mr. GLOVER. Mr. Speaker, ladies and gentlemen of the House, in the early part of this Congress, which is soon to adjourn, a careful study was begun and bills introduced to amend the World War veterans' act of 1924 so as to do absolute justice to every soldier who participated in that great conflict and who received injury or whose health was lost or impaired by reason of his service.

When we look back to the time before the beginning of this great World War and see these splendid young men in the bloom of young manhood facing the future with bright prospects and in perfect health and following the various vocations and avocations of life open to them, and then this great World War being thrust upon us, and the call of the Nation coming to these splendid men to lay down their business and if need be to sacrifice their lives in defense of their country, we see them willingly obeying this call and going to the training camps there to be trained and carried into the battle lines where many of them sacrificed their lives, others losing an arm or leg or suffering other great injuries and many of them losing their health on account of the service that they were required to render. Many of them are now in dire distress who have never received a penny's compensation for their injury and suffering.

This Congress should not adjourn until absolute justice is done them.

A bill was introduced, was given careful study by the committee and reported to this House, where it was amended and made into a bill which if enacted into law would have been doing absolute justice to every man who rendered honorable and faithful service.

This bill passed the House with only a few votes against it, and then went to the Senate and was there amended and returned to this House and without a dissenting vote the Senate's amendments were concurred in by the House, and this bill went to the President of the United States with practically the unanimous indorsement of both the Houses of Congress and should have, we think, received the indorsement of the President and made a law.

This bill was vetoed by the President and the responsibility for its failure must fall upon him and his party, which could have enacted it into law regardless of his veto, if they would have done so by casting their vote to override the President's veto.

We are informed that a caucus was held by the Republican Party behind closed doors on the night before this veto was received by the House, and in said caucus they bound themselves not to override the veto of the President. If this caucus had not been held and it had been left open for every man to vote as he saw fit and as his conscience dictated, the result might have been different.

The holding of this caucus and agreeing not to override the President's veto before it had ever been made was certainly an encouragement to the President to veto the measure. By this act the Republican Members of Congress assumed the responsibility for the defeat of this legislation in the form that it was presented in the bill that every Member of Congress had carefully studied for months, and had been supported by a large majority of them.

On the day before this veto was returned to the House a unanimous vote of both Democrats and Republicans in the House was to concur in the Senate amendments and let the bill become a law as amended.

On the day following we saw a large percentage of the membership on the Republican side, when the President's veto was not overridden, standing on their feet and cheering lustily the President in vetoing a measure as a bad piece of legislation they had unanimously voted for the day before.

Now, let us see what is the next picture in this scene. You had a rule reported by the Rules Committee making it possible for the taking up for immediate consideration a new bill just introduced that the membership as a whole had never seen and had been given no opportunity to study, and which was to be passed in 40 minutes without allowing any amendments whatever to it. To refuse to pass it would be to deny any relief whatever to these suffering veterans, and this bill was passed with only 4 votes against it in the House and sent to the Senate, where they would have an opportunity of amending it and putting it in shape so it would do justice to these suffering men.

Under the provisions of this last bill passed a soldier suffering with as much as 49 per cent total disability is given the pitiable sum of $12 per month. That is not my idea of justice, and it is not right to the man who made this great sacrifice for the peace and happiness and security of our Nation.

The responsibility for this class of legislation must fall upon the Republican Party, and is not the Democratic idea of justice and fairness to this great number of suffering humanity who has made the great sacrifice for the security of us all.

Many millionaires were made by excessive profits in the war, and they are rolling in wealth while the soldier languishes in misery and poverty.

When these boys were away and while they were fighting our battles we said in our hearts that if they were permitted to return nothing would be too good for them. Let us hope that the Senate will so amend this bill as to do absolute justice to this number of great men.

Mr. SANDERS of Texas. Mr. Speaker, it is interesting to note something about the history of the legislation in the behalf of the World War veterans. The House passed the Johnson bill by a very large vote, and when it reached the Senate certain amendments were placed on the bill by the Senate. When it came back to the House, the House, by a unanimous vote, accepted the Senate amendments. The bill then went to the President who vetoed it. Notwithstanding the fact that the bill containing the Senate amendments was unanimously passed by the House, according to newspaper reports, the Republicans went into caucus and pledged themselves to sustain a threatened veto by the President, which of course encouraged the President to veto the bill. The next day after this caucus the President sent in his veto message which was sustained by a vote of 182 to 188.

This was a just bill and should have become a law. The sentiment of this country is that ample provision should be made for the care of those who made the supreme sacrifice. Many of these ex-service men have died while the Congress has been haranguing about this legislation. Concerning the President's veto of this just measure in their behalf, it might be interesting to recall here an article written by Old Timer in the Chicago Tribune some years ago when the soldiers' bonus bill was vetoed:

I remember the dawn of that cold, rainy day,
Our first time over the top;
How for hours we crouched in the mud of the trench
With our hearts going flippity flop.
And at last came the word—and over we went
Where the bullets whistled and spat;
And shrapnel screamed 'round like devils from hell
But—nobody vetoed that.

I remember a night in a thick, marshy wood,
When the boche gave a chlorine-gas ball;
We couldn't fight back, we were held in reserve—
Had to stay there and take it—that's all.
And thicker and thicker the stinking fumes grew
While we lay there sprawling out flat,
Choking and cursing—but holding our ground;
And nobody vetoed that.

I remember the nights when with pick and spade
We scooped shallow graves for our dead;
No songs could be sung—there were snipers around—
Not even a prayer could be said.
We had to work fast, for with coming of day
The guns would start in to chat;
Without coffins or blankets we laid them away—
And nobody vetoed that.

The President in his veto message complained about the cost. This seems strange in view of the fact that the Government is now spending money like drunken sailors. The second deficiency bill carries an appropriation of $68,000,000, some of the items in it being $10,300,000 for a new Post Office Building in Washington; $10,000,000 for a Department of Justice Building; $4,750,000 for a Labor Building; and a like amount for an Interior Building; and $2,000,000 for a wing to connect the last two buildings mentioned. It is all right, it seems, to spend $2,000,000 for a "wing," but nothing for the soldiers. Other items included in that deficiency bill were $3,000,000 for refacing the State, War, and Navy Building, and $2,000,000 for landscaping the block bounded by Pennsylvania Avenue east and Fourteenth and Fifteenth Streets NW., and for additional land in a triangle; $865,000 for a Public Health service building. One would have to write a book to give an account of all the expenditures of the Government which are not urgent at this time. In fact, the Government is tearing down perfectly good buildings in the city of Washington and erecting new buildings at an enormous cost simply to make Washington beautiful. As an American citizen, I would like to see Washington beautiful, but I do not want to see it beautiful by an enormous waste and expenditure such as the Government is now conducting. To tear down perfectly good buildings in order to make the city more beautiful is a crime, and when we think of wanton expenditures of the Government along various lines, the canceling of over $11,000,000,000 of war debts, and remembering the fact that the Secretary of the Treasury, Andrew Mellon, has refunded since he has been in office to the large corporations of this country $2,861,852,286.08, we are made to wonder why the President complains about cost of adequately caring for the World War veterans. The refunds which I have just mentioned are contained in the CONGRESSIONAL RECORD of June 24, page 11597, in the speech of Congressman GARNER, of Texas.

Let me say in conclusion that when the President's veto of the veterans' legislation reached the House and was sustained, the Republicans stood up and applauded; they applauded the veto of a bill that every one of them had voted for on the day before. In my mind this is an act of demagogy and inconsistency which doubtless has no parallel in the history of any legislative body of the world.

Mr. MILLIGAN. Mr. Speaker, I voted against H. R. 13174, a bill to amend the World War veterans' act, which passed the House on Wednesday last. This bill was a hodgepodge thrown together in a few minutes.

No Member was given an opportunity to know what the provisions of this bill contained. It was introduced only a few minutes before it was passed by the House. It was not referred to a committee for consideration. The bill was immediately called up to be voted upon under suspension of the rules, under which the debate was limited to 20 minutes to a side, with no opportunity to offer or consider amendments of any kind.

This, of course, was done to pull President Hoover out of a political hole. I condemn playing politics with the welfare of the disabled ex-service men, who are suffering and dying as a result of their services to their country in its hour of need.

These men did not play politics during their service. I have seen the Republican fight by the side of the Democrat, and one was just as patriotic as the other; I have seen the Republican die by the side of the Democrat and one was just as brave as the other. When one of them fell mortally wounded we did not ask what ticket he voted. When we laid him at rest and raised above him a little white cross that marked a hero's grave we did not write thereon his political faith, we did not know and we did not care; all we knew was that he was a true American and had given his all for his country. So when you legislate for these disabled men you should do it with the same spirit that they fought for you.

I served on the World War Veterans' Committee for several years and helped to write much of the law that is now upon the statute books. I know that the majority of ex-service men are as conservative about legislation as any other class of our citizens. The service men of yesterday are the taxpayers of to-day. They feel the burden of high taxes as keenly as any other taxpayer. They are not asking that you throw open the doors of the Federal Treasury to them because of their service. They are willing to carry on as long as they are physically and mentally able to do so. But they do demand that their disabled comrades who are bedridden and dying in need, be cared for in a proper manner without further delay and red tape.

This bill not only discriminates between World War veterans but discriminates between the World War veterans and the veterans of other wars. No pension bill ever passed by any Congress required that the veteran must have a 25 per cent permanent disability in order to receive the minimum rate. I wish to compare for you the rates carried in the Spanish War veterans' pension bill which was passed over the veto of the President at this session and this bill:

Spanish-American War veterans

	Per month
One-tenth disability	$20
One-fourth disability	25
One-half disability	35
Three-fourths disability	50
Total disability	60

World War veterans

One-tenth permanent disability	Nothing.
One-fourth permanent disability	$12
One-half permanent disability	18
Three-fourths permanent disability	24
Total permanent disability	40

You will notice there is a discrimination (1) as to the rates of pension granted; (2) as to the degree and nature of disability.

Under this bill the conscientious objector, who refused to wear the uniform or perform any military service, is given a pension and put upon the same plane as the man who bared his breast to the enemy.

This bill also provides that before a veteran is entitled to come within its provisions he must prove that he has not paid a Federal income tax for the year preceding the filing of his application. In other words, show that he is a pauper. Such a provision was never enacted in any other pension law.

Another injustice in this bill is in section 14. Under the present law veterans having arrested tuberculosis receive $50 per month; the last paragraph of this section reduces this to $25 per month.

President Hoover stated in his veto message on the Rankin bill:

> But I want a square deal between veterans—not unjust discriminations between special groups—and I do not want wasteful or unnecessary expenditures.

Does this bill give a square deal between veterans? Are there not unjust discriminations? I do not think it is a wasteful or unnecessary expenditure to properly care for a sick and disabled veteran and feed his starving babies.

Our Government appropriated money to feed the starving children of Belgium, Russia, and even Germany, yet it would be wasteful and an unnecessary expenditure to compensate the disabled veterans so that they could feed their own starving children.

Under the present law the veteran can not even file proof to show that his disability was due to his service.

I do not think it a great injustice to the Government to put the burden of proof on it in these cases. The Veterans' Bureau has high salaried experts for this work, lawyers, doctors, and other specialists. And merely to put upon the Government the burden of disproving service connection, after the veteran has established a prima facie case is what the Rankin bill did. It was presumed that the disability was due to service if it developed prior to January 1, 1930. The Veterans' Bureau could rebut this presumption by clear and convincing evidence. It seems to me that this is not only fair to the veteran but to the Government.

When the Rankin bill was pending executive action, Secretary Andrew Mellon was brought forward by the administration to make his usual statement on veteran legislation, that there would be a deficit in the Treasury if this bill became a law.

There is nothing unusual about this. I remember in 1924, when the World War compensation bill was up for consideration, Mr. Mellon made a convenient error of $900,000,000 in his estimates to show there would be a deficit. But I do not

remember of hearing any protest from Mr. Mellon when his department refunded income taxes in the amount of $2,861,852,286.08 to certain corporations of the country. Twelve million in round numbers going to Mr. Mellon's own corporations, without going to court for a decision, even though the court has since held the recipient was not entitled to such refunds in some of these cases. I do not remember of Mr. Mellon shouting "deficit" when his foreign debt commission, with the approval of the administration canceled $10,705,618,006.90 of the debt the nations of Europe owed to us as an honest and honorable obligation.

Neither did he cry "deficit" when he recommended giving back to the corporations of the United States $160,000,000 in taxes due and payable this year.

This cry of "deficit" is only raised by Mr. Mellon when the veterans' interest is at stake. The men that saved and protected Mr. Mellon's millions and the millions of the 300 corporations of which he was director when he became Secretary of the Treasury in 1921.

These people who had grown fat upon the services and life's blood of these disabled men during the war. These service men are now merely asking for justice.

Mr. ESLICK. Mr. Speaker, ladies and gentlemen of the House, I supported (H. R. 10381), an act to amend the World War veterans' act, as amended, and commonly known as the Rankin bill. This bill was vetoed by the President on June 26, 1930. It failed of passage in the House—the veto of the President to the contrary, notwithstanding. When this measure failed to pass over the President's veto, immediately H. R. 13174 was introduced, and consideration was at once given to it. The rules were suspended; and after 40 minutes' debate, it was passed by the House with only four votes against it.

It is safe to say that if the Rankin bill had not been pressed, there would have been no veteran legislation at this session of Congress. Not only the veterans and their organizations, but the public was demanding fair and just legislation. The administration was forced to pass relief legislation for our ex-service men. The President and his last two predecessors have wielded the veto power against relief legislation for our soldiers. President Harding vetoed the adjusted compensation bill, known as the bonus bill. President Coolidge vetoed practically the same measure, and would have denied relief to our boys had Congress not passed it over his veto. At the present session, President Hoover vetoed the Spanish-American War pension bill. It was passed over his veto, by a vote of 299 for, and only 14 votes in the House sustaining the President; and the vote in the Senate for the passage of the bill over his veto was 66 to 6.

To keep the record straight, President Hoover vetoed the Rankin bill. This veto was sustained. Then came the present bill, which in effect is a service pension bill.

The President sat by until the Rankin bill was ready for passage before he assumed leadership in destroying it. He first denounced it in the name of economy, as a deficit in the Treasury would be threatened. Of course, there was nothing to this claim. It was only an excuse to destroy the measure. The Treasury balance at the end of the fiscal year is around $200,000,000; but when the veto came through other reasons were set out as controlling.

The bill under consideration contains 34 pages. Scarcely a Member of the House saw this bill until the road roller put it on for passage in the House. The rules were suspended and only 40 minutes were given for debate in the House. There was no time for study and consideration, yet it inaugurated a new policy that will ultimately mean the expenditure of billions of dollars.

This measure, while a step in the right direction, is not fair to the World War veterans and their dependents. Every man who has served his country in the hour of its need who is without means and has become incapacitated to earn a living should be treated alike, regardless of the war in which he served or his age. They are equally deserving.

Under the act of June 9, 1930, Union veterans, totally disabled, may receive $75 per month, and if an attendant is needed, an additional $25 may be received, making a total of $100. The youngest of these veterans is past 80 years of age. His family has been reared and is no longer a charge on him. The Government is quite generous to the Civil War veterans. I do not complain—only it should be fair and just.

The Spanish-American War veteran, totally incapacitated, can have but $60 per month. No attendant is provided for him, although he served his country just as well as the Civil War veteran. The President, by his veto, tried to limit the totally disabled Spanish-American War veteran to $50 per month, or one-half of the whole amount provided for the Civil War veteran under like conditions.

Then comes the World War veteran without service connection. Forty dollars per month is the limit he can receive. It is true he is a younger man than either the Civil or the Spanish War veteran; but this makes no difference—a man incapacitated by disease, either physically or mentally, is just as deserving as the man who is bowed with the weight of years. When the soldier's earning capacity is destroyed, he should have the generous consideration of his Government, and no class of its soldiers should be discriminated against. In fact, if a favor is shown, the World War veteran should have it because many of them have wives and young children utterly dependent upon them. It would take more to care for their absolute necessities.

The administration bill under consideration does not measure up to the real American standard. The widows and the dependents of the Civil War and the Spanish-American War veterans are taken care of through pension legislation. Not so in the case of the widows and children of the World War veterans who are without service connection. This bill is inequitable, unfair, and unjust to a very large number of World War veterans—especially to a great number of widows and dependent children.

I do not complain of what the Government has done for the Civil War and the Spanish-American War veterans. I have supported legislation helping these veterans and their dependents at this session of Congress. Additional provision was made for Union veterans and their widows, and for the Spanish-American War veterans.

I supported these measures. I voted for the Spanish-American War pension bill, and I voted to pass it over the President's veto. I supported the bill now under consideratiton, but it was only a step in the right direction. What I want to see is fair treatment to the World War boys. The rate for permanent disability, both partial and complete, as fixed for the Spanish veteran at least should have been written in this bill in behalf of the World War veteran. The same provision should have been made for their widows and dependent children as was made for the widows and dependents of other wars.

H. R. 13174, the administration bill, provides that—

> Any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War, and who is or may hereafter be suffering from a 25 per cent or more permanent disability, as defined by the director, not the result of his own willful misconduct, which was not acquired in the service during the World War, or for which compensation is not payable, shall be entitled to receive a disability allowance at the following rates: 25 per cent permanent disability, $12 per month; 50 per cent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month.

The issue will arise on what is "permanent disability," and after the ex-service man gets it defined by the director—and those who have had experience know how hard it is to establish permanent disability—if he is rated 25 per cent permanently disabled, he will receive the pittance of $12 per month; one-half disabled, $18 per month; three-fourths disabled, $24 per month; and totally disabled he receives the maximum provided by the act, $40 per month. A totally disabled World War veteran receives two-thirds of the amount provided for the totally disabled Spanish War veteran, and 40 per cent of the amount provided as a maximum for the Civil War veteran. This is not right.

Some day the Congress will do justice to these boys. The time will come when they will receive the same treatment as the soldiers of the other wars, and a President will willingly approve the measure. He will not undertake to dictate what shall be provided for them. I shall welcome the opportunity to support this legislation. I believe the Nation should be generous in providing for our unfortunate soldiers. Under like conditions the same treatment should be accorded the disabled soldier, regardless of his age or the war in which he served.

Let us fully discharge our obligation to the ex-service man. A large number of disabled men though young in years need governmental aid, and their comrades justly demand that this be given to them.

The other body now has this bill, and a faithful effort is being made to write the higher rate of the Spanish War act into this law. The newspapers say the President will veto the bill if this is done. If we judge the future by the past, the President will by his veto destroy relief legislation to the ex-service man of the World War for this session of Congress, unless both





Houses pass the measure over his veto, which I trust may be done. The passage of this legislation is the duty of Congress. The approval, or the disapproval, of relief legislation to the ex-service men is the responsibility of the President.

Mr. SLOAN. Mr. Speaker, the swift-moving pension and relief legislation prompted the House to grant leave to all Members to comment upon the courses followed by Congress and its Members in their zeal to extend that measure of justice and relief which the present and future status of our Treasury may fairly warrant.

Few, indeed, Representatives or Senators, would refuse to act liberally with the veterans by way of compensation for that which they lost by wounds or disease. Nor would many of them be hypercritical as to the time following the war when such disease became manifest.

The cumbersome system called compensation originated with mingled best of purpose and prejudice of a large section of our people against the pension system which we maintained for the survivors of all our wars prior to the World War. The compensation system in theory is just, but is exceedingly difficult to administer. It is hard for veterans to learn their rights. It requires a legal education and practice to know how to obtain those rights.

One of the serious obstacles to establish a veteran's rights growing out of his war contacts is the difficulty either from war records or professional medical testimony to establish service origin for present disabilities or diseases. The authorization of lay evidence in this bill is a distinct factor in the veteran's favor.

Then the next serious defect in the law heretofore existing was the failure to provide for those veterans who having their usual vocation broken into by the war, returning to private life, under differing circumstances have suffered injuries, wounds, or disease which reduced their earning capacities, but which causes had no service origin.

It was never my thought, nor do I believe was it governmental contemplation, that our interest in the soldier ceased when he was granted an honorable discharge, containing a certificate of health. Our interest in him began when he entered the service by volunteer or draft. Our interest in him will continue while he is with us. Thereafter his widow and orphans will be our proper concern.

I voted for what was known as the Johnson bill, with Rankin amendment, recognizing at the time that it was ill-considered, and doubtful as to the number of veterans it might aid and how much it would now or later cost the Treasury.

The absence of relief provided for all those whose claim arose from post bellum causes was its greatest weakness. The expected wholesome amendment by the Senate did not materalize. The President's timely analysis and criticism of the Senate bill which would also apply to the original bill was made with a knowledge that the pension system, time honored and effective, will be the major form of relief, hereafter to be increased and extended.

To clear the record that both Houses of Congress could see their way, the direct process was to vote for the Senate amendment and then, after sustaining the President's veto, pass the new Johnson bill, which, amended by the Senate, is now the law of the land. It is generally conceded that the veterans receiving relief under this bill will be two to three times as many as under the vetoed measure. Measured by that yardstick and forecasting progressive liberalization along pension lines, with no veteran deprived of any right he now has, I voted to sustain the President's veto with the same readiness I had but a short time ago voted to override it on another pension bill.

Legislation is based upon agreement, compromise, and sometimes disagreement. Teamwork between Congress and the President should be sought rather than strenuously avoided. Disagreement should be avoided and not zealously sought.

Within these lines I believe the pension legislation of this session has been prudent and will be by the country approved.

Mr. BLACKBURN. Mr. Speaker, when I marched off to war in 1898 with my friends and comrades, as my father did before me in the stirring days of 1861, there was then no thought in my mind or in the mind of my father that we might some day have to appeal for aid to the Government for which we were so eager to fight and, if need be, lay down our lives. In 1917 thousands upon thousands of America's finest youth, the pick and flower of the country, marched off as we had done, resplendent in the glory of their courage and imbued with the finest patriotic fervor. Like us, they had no thought of pensions or disability compensation—they were animated with that mighty spirit which has made the United States the magnificent country that it is; it was their country, it was endangered by the hosts of lust and greed, and they were flying to its defense.

Twenty-five years after the Civil War had come to an end the needs of my father's comrades—those men who fought so nobly and so long to defend and preserve the Union—were recognized. Many of them were maimed and disabled and could not earn their living unaided. Homes had been rendered destitute by the loss of father and husband—widows and children had been left without the sustaining love and support of their dear ones. The maimed and disabled were pensioned; the mothers and widows were cared for by the Government in whose defense they had given up their lives and their health. It took their Government, however, 25 years to see and fulfill its obligation.

The Spanish-American War, which ended officially in 1902, saw a duplicate of the conditions which prevailed after the Civil War. Almost two decades intervened before their Government saw and performed its duty to the Spanish War veterans. In those intervening years, as in the 25 years immediately following the Civil War, the American soldiers who marched off so bravely and sturdily to defend their country had to undergo untold hardships of misery and suffering because the United States Government was not as unselfish to them as they had been to it and hesitated long before extending pension aid to them.

The World War ended officially on July 2, 1921, and now is nine years in the past. Despite the object lessons of 1861 and 1898, and the lurid pictures of suffering which have been engraved upon the minds and hearts of every thinking American citizen, the country is only now recognizing its duty to the thousands of brave American boys who so quickly saw and performed their duty to their country. Who would attempt to measure by the yardstick of dollars and cents the suffering and misery which these young patriots so unhesitatingly took upon themselves in fighting for their country? Who would dare to say that in pensioning these World War veterans we are discharging in full our debt to them? Debts like these can be weighed only in the balance with gratitude; and never are outweighed, not even by the most liberal pensions. We can not show our gratitude by performing our duty. In passing this pension bill we are discharging our duty to those soldiers; our great indebtedness still remains. We told them when they marched off to the war with Germany that nothing was too good for them. Now we haggle amongst ourselves for fear we are giving them too much, for fear we may strain the Public Treasury. Had it not been for these soldiers we might not have a Public Treasury to be so exceedingly solicitous about.

It is true that the pension rolls of the country will probably be swelled larger than ever before; but when we talk of this and compare conditions with those of the days shortly after the Civil War and the Spanish-American War, and when we think of the enormously larger sums which will have to be spent on pensions, we must not forget that this is a much larger country and a much richer country also than in those days, that many thousands more of soldiers were mustered into the Army, willing to give up their lives. Despite the fact, which is unquestioned, that many thousands more will be on the pension rolls than ever were before, we can not allow this fact to deter us for one moment from acknowledging and meeting our obligations to these veterans.

The great fact with which we are confronted now is that there are thousands of World War veterans disabled and incapacitated, some from injuries received since leaving the Army, some with injuries and sickness which probably did arise from Army service but are not provable as such. All these boys will be aided by the Government which owes them so much. In considering these pension bills we must disregard passionate political controversy and deal with it with common justice.

Our new disability law is a progressive step forward. It takes care of those who have been neglected heretofore, and yet does not disturb the rights of those who were actually disabled while in the Army. I hope in time to see all soldiers rated alike, in so far as their pensions and compensations are concerned. I hope to see a more equitable system of caring for the sick and maimed and disabled. We owe it to these boys and we owe it to ourselves. I hope in time to see the day when every soldier with an honest grievance or an honest claim to aid may secure that aid and air that grievance without having to hire an attorney, without having to travel so many miles from his home. I hope in time to see our Government more ready to recognize its duty to the soldiers who so instantly discharge their duty to the country. This country has been through the fires and horrors of war enough to learn the kind of aftermath to look for, and it is high time that it look immediately for that aftermath and make proper provisions therefor. The soldiers for whom nothing is too good

in time of war, the boys who are so glorified in time of need, should receive everything that is good in time of peace, and should be equally honored in the days of calm and happiness as they were in time of war.

Mr. YON. Mr. Speaker, ladies, and gentlemen, I had not intended to say anything more on any subject the balance of this session of Congress, but after I have observed the tactics and the results achieved thereby, by the majority during the consideration of World War veterans' legislation, the steam roller tactics, the scheming of the leadership in preventing a roll call directly on the question of Senate amendments, as was done in the House on Wednesday, I say I can not restrain myself from making some observations.

Of course, with the over 100 majority the opposition controls in this House, it would be presumed that you can control, but in the meantime it seems that your leaders would be willing and fair enough to have at least permitted a roll call on the question of Senate amendments, the most important of course, the one advancing the monthly rates of compensation to disabled veterans from rates of $12 to $40 per month for one-fourth to total disability, to rates of from $10 to $60 per month for from one-tenth to total disability.

What can be your explanation to the four million and more of the boys of 1917 and 1918, who answered the call of country, braved the perils of a submarine-infested sea, and millions of these joining with their allies on a foreign soil to fight a common enemy—and these boys, their fathers, mothers, sisters, brothers, wives, and sweethearts, depending on the Government that these dear ones were backing up during these trying times to do justice to those that lost health, or in any way became disabled to do the just and fair thing by these boys.

The start was good. Under the Democratic administration the first disability-compensation bill was passed. War-risk insurance at the very lowest cost possible was made available. The war was over, the boys came back, a presidential election, and a change in administration, and a fight on all beneficial veteran legislation ever since, with a culmination in what has taken place in this House during the past two weeks, and especially yesterday.

Of course, I know your excuse—the condition of the Treasury—but why should a recommendation be made by administrative heads, that a reduction of income taxes be made that estimated a reduction of from $160,000,000 to $175,000,000 would be saved to those most able to pay taxes, mostly the ultrarich and well-to-do. And right on top of that dictate to the Congress that these boys—hundreds of thousands of them—should not have any consideration for the illness and suffering that has come upon them. I want to ask you if this is fair and just. Has the Congress come to the point that it intends to legislate in the interest of the special-privileged class, help to make the rich richer and the poor poorer? The disabled and sick veterans are given no consideration, only a measly sop.

I will admit though, if the Veterans' Bureau would permit a liberal construction of the present laws that there would not be such great need for any additional legislation, but with the administration of the law as it is now being administered, looking to the conservation of the balances in the Treasury, to the extent that thousands that can not produce written and sworn testimony as to their service connection of disability. I will say they are technically barred from the benefits of a law that was passed for their benefit.

Now, in closing, I will say that even with the passage of the bill that meets the approval of the President, as it is to be administered through the Veterans' Bureau it will be very expensive in its administration on account of the necessary expenses incurred on the part of the bureau in sending these veterans to headquarters or regional offices for examination, and will in no way satisfy the veterans who feel that they are entitled to more consideration than this proposed law will permit. Nevertheless, those who are responsible for this monstrosity I hope will be held to strict accountability, for there will be more expressions of dissatisfaction heaped upon the Members of Congress than they have had to contend with in many a day.

Mr. STONE. Mr. Speaker, this session of Congress has made the most liberal contribution to the veterans of all wars of any Congress since the establishment of the Government.

A great many veterans have been remembered, and while it has not been possible to get everything that has been asked for, the Members of Congress who have made a fight for the veterans and who have voted and worked for the passage of each and every law for the benefit of the veterans feel that a great amount of good has been accomplished. I am glad to state that I have voted and worked for the passage of each and every law and for every liberal amendment that would in any way take care of those who were deserving. I wish to state at this time that as long as I am a Member of Congress I will continue to work for, and to vote for legislation of every kind and character that will be beneficial to the veterans of all wars, and their widows and orphans.

It has been estimated than over 1,000,000 Americans, including the veterans of all wars and their dependents, will receive direct or indirect benefits from the veterans legislation passed by this Congress.

We should not forget that there has never been a time since the establishment of this Government, whenever it has been threatened and the President of the United States has issued a proclamation calling into service the sturdy manhood of our country, that they have not willingly responded to the call. They have offered their services in defense of their country without any thought of their personal interest, and have been plunged into both civil and foreign wars. We should remember that thousands sacrificed their lives, others were maimed, shell shocked and gassed, and broken in health were unable to return to their former avocation and support themselves and their dependents.

We are the wealthiest Nation in the world and we could ill afford to treat these veterans and their dependents otherwise than with the greatest of liberality.

It has been intimated that some of the veterans who are receiving pensions, compensation, and other benefits from the Government are ungrateful and do not appreciate what is being done to in some way repay them for their sacrifices. I wish to state that I find this is not true, but on the other hand they are not only thankful for the assistance rendered them by the Government but freely express their gratitude. My experience after 16 months of service in Congress has convinced me that the veterans of all wars are at all times anxious and willing to show their appreciation, and I have received hundreds of letters testifying to their gratefulness for the assistance rendered them by the Government.

I have never had a request that would be considered unreasonable, and my dealings with these veterans in all cases has been very pleasant and entirely satisfactory. I trust that I will be able to be of service to many thousands of veterans under the new legislation that has been passed by this Congress. The veterans of all wars are invited to make any inquiry, or submit any matter that requires attention, and I will see that it receives prompt attention by the various departments of the Government.

In this connection I wish to call particular attention to a matter that should be of vital interest to every citizen, and especially to the veterans who have business of any kind to be attended to in Washington before the departments. I think the public is entitled to know that a Congressman is allowed the sum of $5,000 per year by the Government to pay the salary of a secretary and other office employees. I wish to further state that in some cases the Congressman has seen fit to take this allowance which is made by the Government, and which is in no way a part of his salary, to hire inefficient office assistants, and by placing his wife or other relatives on the pay roll, appropriate by this means the greater part of the allowance for clerk hire to his own personal use. This act on the part of the Congressman causes neglect of the work in the office, and the veterans' affairs, and other matters that should receive prompt attention are neglected, and not properly taken care of, thus working an injury directly on the veterans, and in many cases denying him the pension or compensation to which he is justly entitled. I wish to state that I use the entire amount allotted to me by the Government for clerk hire, and have in my employ the most efficient secretary, and other office employees, that this money furnished by the Government will permit.

I have always had the highest admiration for that great statesman and advocate of personal liberty, Thomas Jefferson, and I now wish to quote his own words, with reference to the placing of relatives on Government pay rolls.

THE WORDS OF THOMAS JEFFERSON

The public will never be made to believe that an appointment of a relative is made on the ground of merit alone, uninfluenced by family views; nor can they ever see, with approbation offices, the disposal of which they intrust to their President (Congressman) for public purposes, divided out as family property.

THOMAS JEFFERSON,
President of the United States, year 1803.

Do you think Jefferson was right, or do you think a Congressman is right when he places his wife on the Government pay rolls, when she performs absolutely no labor for the money which she receives? It is a cheap form of graft and no real statesman should stoop to that practice, especially when by so doing the official business of his constituents has to be neglected.

Specifically referring to the matter of secretary I will state that I have employed in my office at this time as secretary, Sydney Corner, of Oklahoma City, Okla., a member of the auxiliary of the American Legion, with years of experience in handling veterans' affairs. She has the deepest feeling of sympathy for the veterans and their cause. Personal interest is shown in each and every claim handled by my office, and in many cases it is neccessary to appear before the Veterans' Bureau in person. My secretary has the highest standing before the Veterans' Bureau, and has demonstrated her efficient handling of all veterans' matters.

I have as assistant secretary, Mr. Ben H. Colbert, of Oklahoma City, Okla., a Rough Rider in the Spanish-American War, a World-War veteran, a member of the American Legion, a member of the United Spanish War Veterans, and other military organizations. He served in the Cuban campaign, and as orderly to Col. Theodore Roosevelt saw active service, riding by the side of this great American, who was his personal friend. He is vitally interested in seeing that the requests of all veterans and their dependents receive just and prompt attention and that their wants are taken care of.

I am very thankful that I can obtain such efficient assistance in the handling of veterans' affairs, and as long as I remain a Member of Congress I will use the funds furnished me by the Government for clerk hire, and I will not place my wife or other relatives on the pay roll for my own private gain, and to the direct neglect of my constituents, and especially the veterans whose claims demand special attention before the department.

To the soldiers of America; to those who have passed on, to those now living, we owe everything. In their behalf there is no sacrifice, however great, which we should not willingly make, to in a small way show our gratitude for the suffering and sacrifice they made for our country. The Government can never fully repay them for their unselfish devotion to the defense of their country, given at the critical moment when they were called to duty. Many of these veterans have found it difficult to support their families, on account of loss of earning capacity caused by service, and I am glad that Congress has seen fit to compensate them in a small way for this loss.

I hope that another war will never come, but if it does I favor a law that will draft all property and money for the common defense, and I will never favor a draft of men unless the fortunes of the rich are pledged for the defense of the country, as well as the manhood which has always stood all the brunt of war.

Profiteering must cease, and a law should be enacted to punish those who make a profit by the instigation of war. I am in favor of sensible preparedness but do not approve of a great standing Army, or a Navy that is a burden to the people. America is a peaceful Nation but if necessary will defend its border to the last, and will never be invaded by an enemy.

In justice to the veterans of all wars, and as proof that they are grateful for the benefits they are receiving from the Government, I am going to read to you a few of the many letters which I have received from these veterans and their friends during the past few months. I will also name a number of others who have written similar letters of appreciation but time will not permit the reading of their letters in full, but I will in justice to them insert their names as a permanent testimonial to show that they are appreciative of the services that have been rendered them.

Copy of letter received from the West Side Woman's Christian Temperance Union, Guthrie, Okla., dated May 3, 1920.

NOTE.—With reference to this claim for back pay for approximately $900 and $30 per month.

Hon. U. S. STONE,
Washington, D. C.

DEAR SIR: Each individual member of the West Side Woman's Christian Temperance Union of Guthrie wish to individually and collectively thank you for your interest in obtaining the pension for Mrs. Mattie Mundorf.

We do not believe any widow on the pension rolls needed or deserved a pension more than Mrs. Mundorf. She was simply overwhelmed by the good news, and every member of the Woman's Christian Temperance Union were pleased and heartily thank you for your interest.

Yours truly,
WEST SIDE WOMAN'S CHRISTIAN TEMPERANCE UNION.
Per MRS. MAE BRAKEBILL, *President*,
MRS. ANNIE M. ALLING, *Corresponding Secretary*.

Copy of letter from Luther E. Chaudoin, Davis, Okla., April 5, 1930:

Hon. U. S. STONE,
House of Representatives, Washington, D. C.

DEAR MR. STONE: I am pleased to write and tell you that favorable action has been taken on my case. The Veterans' Bureau has awarded me an allowance based on a rating of from 10 per cent to 21 per cent to 45 per cent to total and back to 21 per cent over a period of six years; with a 21 per cent continuing.

I want to express my thanks and appreciation to you for helping me with my claim to a successful conclusion. I would have not gotten it if you had not assisted me, and you may rest assured that I am grateful to you, and you can depend on me.

The Veterans' Bureau has already mailed me a check for $891.39, and the remainder of back allowance will be made as soon as I establish my dependency status. I have already sent in the necessary documents for this. With best wishes, I am

Sincerely your friend,
LUTHER E. CHAUDOIN.

Copy of letter from Mr. David J. Wenner, 923 West Tenth Street, Sulphur, Okla., dated June 3, 1930.

NOTE.—This claim has been allowed for approximately $5,000, insurance benefits which had been pending for a long time.

Hon. U. S. STONE,
House of Representatives, Washington, D. C.

DEAR MR. STONE: I received your very much appreciated telegram this afternoon. It is certain that, if I had not been already in bed, that I certainly would have had to go. That news, welcome as it was, and awaited so long as it has been, was decidedly a shock, albeit a happy one. Really it is very difficult to find the proper words to express what your kind assistance and persistent efforts have meant to me and my family. Perhaps when I tell you that the settlement of that claim means the final ownership of our home here, the establishment of a fund for the education of our 10-year-old son, and the providing of some little comforts and convenience for the girl who has stuck so faithfully through the times that have been anything but easy, then you will understand something of what I mean when I say that I thank you.

If ever I, in my small way, can repay in part your favors, please call upon me to the extent of my ability. Whenever you happen to be in Sulphur we would be honored if you would call and afford us an opportunity to express personally our gratitude for your efforts in our behalf.

Wishing you the best for the future, and sincerely hoping for your success in your present campaign, and a return to the House, where you have ably demonstrated your fitness and ability, I am,

Most sincerely yours,
DAVID J. WENNER.

Copy of letter from Mr. Deselms, Guthrie, Okla., dated March 26, 1929.

NOTE.—With reference to this case, $808.32 back pay was received and pension for $50 per month.

U. S. STONE,
Member of Congress, Washington, D. C.

MY DEAR MR. STONE: Yours regarding R. C. Lane's pension received and I am forwarding same to Mr. Lane, who has moved to a farm. I am confident this will be very welcome news to Mr. Lane and his dependents, and I wish to thank you personally for the interest you have taken in this matter.

Very sincerely yours,
F. M. DESELMS.

Copy of letter from Mr. Fred E. Hysell, Sulphur, Okla., dated October 12, 1929.

NOTE.—Claim allowed with back pay for approximately $60 and $20 per month.

Hon. U. S. STONE,
Member of Congress, Washington, D. C.

MY DEAR MR. STONE: I have your telegram of October 4, 1929, informing me that my pension had been allowed at the rate of $20 per month beginning on July 16, 1929.

This is mighty fine work, and I thank you for putting this through for me so quickly.

I was for you in your former race, and I hope to be able to do you some good if you are a candidate again.

Your friend,
FRED E. HYSELL.

Notice of allowance from the United States Department of the Interior, Bureau of Pensions, dated May 10, 1929.

NOTE.—After this widow waited 20 years, I secured this claim which allowed for approximately $5,372.63.

Hon. U. S. STONE,
House of Representatives, Washington, D. C.

MY DEAR MR. STONE: The claim for Rest. Pension under act of April 19, 1908, of Sarah M. Pollard, widow of Benjamin F. Pollard, Company G, United States Volunteer Infantry, has been allowed under

certificate No. 578162 at the rate of $12 per month from February 4, 1909; $25 from October 6, 1917; $30 from May 1, 1920; and $40 from June 4, 1928, and the certificate will be forwarded at an early date.

ED. D. MORGAN, *Commissioner.*

This claim was called up by you.

Copy of lettter from Mr. Herman I. Neal, first lieutenant, United States Army:

OKLAHOMA CITY, OKLA., *October 17, 1929.*

Hon. U. S. STONE, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. STONE: I want to thank you for the interest you have taken in my claim with the Federal Government by securing me retirement with pay as a disabled officer of the World War.

There are not words to express to you as much as I appreciate what you have done for me. I feel that you have brought about justice, and I am very, very thankful to you. I am convinced without your aid I never would have received the award.

I wish there was something I could do to repay you for your goodness. I hope that some time in the future I will be privileged to serve you with equally so much interest and sincerity as you have shown in my behalf in adjusting my claim with the Veterans' Bureau officials.

There are thousands of deserving disabled boys who are not being treated right by the rating boards and a few doctors of the regional offices of the bureau, so anything that you can do for the fellows the boys and the good people of Oklahoma will appreciate.

I am, respectfully,

HERMAN I. NEAL.

Copy of letter from Mrs. J. O. Wright, Davis, Okla., dated December 3, 1929:

U. S. STONE,
Member of Congress, Washington, D. C.

MY DEAR MR. STONE: I have just received a letter from the Navy Department telling me that my son is to be transferred to the United States and will be discharged soon.

I certainly thank you for your time and attention in the matter.

Mrs. J. O. WRIGHT.

Copy of letter from Mr. Clyde Curlee, 2330 South Harvey Street, Oklahoma City, Okla., dated April 27, 1930.

NOTE.—This is for an increase of pension and this veteran is now drawing $90 per month.

Hon. U. S. STONE,
Member of Congress, Washington, D. C.

DEAR FRIEND: Thank you for your aid in receiving the increase in pension of William V. Smith, 1814 Linden Avenue, Oklahoma City, Okla. In the rush of spring work I overlooked writing you on receipt of your telegram, stating the increase had been allowed. I worked on this case simply because I felt the increase was deserved.

Very truly yours,

CLYDE CURLEE.

Copy of letter received from Mr. C. L. Hales, the Local Building and Loan Association, Oklahoma City, Okla., dated May 22, 1930.

NOTE.—Transfer to the Veterans' Bureau hospital, Muskogee, Okla., from the hospital in Outwood, Ky.

Hon. U. S. STONE,
House of Representatives, Washington, D. C.

DEAR SIR: In answer to your wire of the 19th, I wish to thank you for getting Mr. Jesse F. White transferred from the Veterans' Bureau hospital of Outwood, Ky., to the Veterans' Bureau hospital of Muskogee, Okla.

I wish to state that all concerned are very happy and very grateful to you for what you have done.

Assuring you that I wish you well in the coming campaign and that I will do all I can to help make it a successful one, I remain,

Yours very truly,

C. L. HALES.

Copy of letter received from Mr. Jesse F. White, United States Veterans' Hospital, Outwood, Ky., dated May 29, 1930:

Hon. U. S. STONE,
Washington, D. C.

HONORABLE SIR: Your wire of May 19 received shortly after noon of same day and closely following it came a letter from the commission inclosing transportation, letter of admission, and notice of transfer effective when the Muskogee hospital informed me of a vacant bed.

I wish to take this measure of trying to thank you and express my appreciation for your efforts in securing this transfer for me, and it is my wish that some time in the near future that I might be able to thank you personally for the many favors extended me.

In expressing my thanks and appreciation I speak for my wife and family as well, and it is our desire that in the future we will be able to demonstrate by actions more than words our gratitude.

Wishing for you and yours success and prosperity, and the realization of your ambitions, and again thanking you and assuring you of our support, I am

Sincerely yours,

J. F. WHITE.

Copy of letter from Mr. William Hutchinson, department commander United Spanish War Veterans, Ardmore, Okla., dated June 10, 1930:

Hon. U. S. STONE,
House of Representatives, Washington, D. C.

DEAR SIR: Permit me to express to you, both personally and for the Department of Oklahoma, our sincere thanks for your splendid efforts in behalf of the soldiers and sailors of the Spanish War and Philippine insurrection and their dependents.

In grateful appreciation, I am

Very respectfully,

WILLIAM HUTCHINSON,
Department Commander.

Copy of letter received from the United States Veterans' Bureau, Washington, D. C., dated June 12, 1930:

Brown, Artie E. XC 92 175.

Hon. U. S. STONE,
House of Representatives, Washington, D. C.

MY DEAR MR. STONE: Referring to your letter of June 3, 1930, you are informed that the insurance in this case in the amount of $5,178 was awarded to Mrs. Ruth Lanham, 509 West Seventh Street, Oklahoma City, Okla., as administratrix of the estate of the above-named veteran.

Check in full settlement was mailed to her on June 11, 1930. A copy of this letter is inclosed for your use.

For the director:

GEORGE E. IJAMS, *Assistant.*

A copy of letter from Messrs. Priest & Belisle, attorneys at law, 404 Fidelity National Building, Oklahoma City, Okla., dated June 14, 1930:

Hon. U. S. STONE,
Congressman from Oklahoma,
Washington, D. C.

DEAR SIR: Your telegram advising that check had been mailed Mrs. Ruth Lanham received.

We sincerely appreciate what you have done for us in this matter and if, at any time, our firm or our client can serve you, please be sure to call on us.

Yours respectfully,

HARRY W. PRIEST.

Copy of letter from United Spanish War Veterans, Roosevelt Camp, No. 1, Oklahoma City, Okla., June 25, 1930:

Hon. U. S. STONE, M. C.,
Washington, D. C.

DEAR SIR: On behalf of Roosevelt Camp No. 1, of Oklahoma City, I want to express to you our appreciation for the fine support you have given us in passing our pension bill over the President's veto. The unanimous vote was very gratifying.

Sincerely yours,

HENRY C. ROBERTSON, *Commander.*

Copy of letter from Thos. A. Higgins, Stillwater, Okla., dated April 12, 1930.

NOTE.—This claim allowed for increase of pension which would total pension to the amount of $90 per month.

Hon. U. S. STONE,
House of Representatives,
Washington, D. C.

MY DEAR MR. STONE: Mr. David Blanch, for whom you recently procured increase of pension, and his son, John Blanch and family, desire me to express to you their sincere appreciation of your efforts, and the result of them, in the above matter. They also asked me to assure you that if they could be of any service to you in any matter you might rely upon them to render it most cheerfully.

I want to personally thank you, too, for the very effective manner in which you take care of business of your constituents there, and to say that if I can be of any service in my small way I shall be glad to do so.

With personal regards, I am

Respectfully,

THOS. A. HIGGINS.

I am also making notations of a few other claims which I have handled out of the several hundred that have been presented through my office to the Bureau of Pensions and the Veterans' Bureau. Under the new law affecting the Spanish-War veterans, and the World-War veterans' legislation a great many deserving veterans whose claims are now pending, and who were unable to get their pensions and compensations on account of defect of the old law will be taken care of. The

following are a few of the many claims which have been handled satisfactorily by me and upon which settlement has been made.

George Bilyeu, 712½ West Main Street, Stillwater, Okla.; Floyd Barefoot, Route 2, Purcell, Okla.; Eldridge Burton, Elmore City, Okla.; Gordon Brewster, general delivery, Oklahoma City, Okla.; Orvill Cunningham, Harrah, Okla.; Edward George Denton, 222 West Fourth Street, Oklahoma City, Okla.; Charles K. Frazier, Soldiers Tubercular Sanatorium, Sulphur, Okla.; A. F. Goode, 3060 West Twenty-first Street, Oklahoma City, Okla.; John H. Hughs, Paoli, Okla.; Edgar D. Hemby, 113 Harrison Avenue, Oklahoma City, Okla.; Walter B. Lewis, 218 West Ninth Street, Oklahoma City, Okla.; John Morphew, Soldiers Hospital, Sulphur, Okla.; Barney Morris McCurry, Route 6, Stillwater, Okla.; Walter Neblett, 909 Second Street, Veterans' Bureau Hospital, Muskogee, Okla.; Harry Nimms, Cushing, Okla.; Lucille Perea, general delivery, Oklahoma City, Okla.; Nathaniel Patillo, Wynnewood, Okla.; Charles Tippit, Box 124, Purcell, Okla.; Mrs. J. A. Wright, Box 401, Davis, Okla.; Thomas L. Pierce, Route 1, Norman, Okla.; James Brucker, general delivery, Oklahoma City, Okla.; Louis Brussells, 811 North Brauer Street, Oklahoma City, Okla.; William Cook, 1249 Grand Avenue, Oklahoma City, Okla.; Mary E. Dawson, 304 East Eleventh Street, Oklahoma City, Okla.; John Gragg, general delivery, Oklahoma City, Okla.; Mrs. W. R. Jones, Norman, Okla.; John M. Kelly, Ripley, Okla.; William S. Kiespert, Route 7, Guthrie, Okla.; Martin Myers, Sulphur, Okla.; Calvin L. Pyles, Pauls Valley, Okla.; Thomas C. Parker, 1909 North Prospect Avenue, Oklahoma City, Okla.; Hamilton Rutledge, 1001 Cotton Grain Exchange, Oklahoma City, Okla.; Henry C. Robertson, 1401 East Fifteenth Street, Oklahoma City, Okla.; William V. Smith, 1814 Linden Avenue, Oklahoma City, Okla.; William Glenn, Wynnewood, Okla.; C. M. Kinney, 1911 West Eighteenth Street, Oklahoma City, Okla.

PRINTING THE BILL H. R. 13174 AS A PUBLIC DOCUMENT

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that there be printed 10,000 copies of the bill which just passed the House, or as many copies as will comply with the rule with respect to cost, and that these copies be sent to the document room and made available to the Members of the House.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that 10,000 copies of this bill be printed as a public document, or so many as may come within the legal requirement. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, may I ask the gentleman if he would not order 10,000 copies showing not only this bill but all the laws relating to benefits for veterans in accordance with present law?

Mr. JOHNSON of South Dakota. I may say to the gentleman that that could not be done by unanimous consent, because it would violate the rules on account of the cost being too high.

Mr. GARNER. Mr. Speaker, in order to cut the matter short I will object, for the reason that this bill is not going to become law, so why print it. I object.

SUPPLEMENTAL REPORT ON THE BILL H. R. 10658

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to file a supplemental report on the bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26), and to include the provisions required by the Ramseyer rule.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

DONATIONS OF SITES FOR PUBLIC BUILDINGS

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12343) to authorize the Secretary of the Treasury to accept donations of sites for public buildings, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Cleark read the Senate amendment, as follows:

Page 1, line 5, strike out "and so forth."

Mr. RAMSEYER. Mr. Speaker, reserving the right to object, and my reservation to object goes to the practice of Members crowding into the well of the House to present requests to call up bills, I shall object hereafter unless the gentlemen who present unanimous-consent requests present them while standing outside of the well of the House. A gentleman seeking recognition, should rise in his place and address himself to the Speaker, so all the Members can hear him. If each Member will observe this rule, all Members will know what is going on, and we will have better order.

Members are getting in the habit, when they want to submit a unanimous-consent request, to get down into the well, crowding up to the clerks there, and addressing the Speaker in a low tone of voice. Of course, the Speaker must know what is going on, but every Member of the House is as much entitled to know what the request is and what is going on as is the Speaker himself. The responsibility for legislation is upon every Member.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. O'CONNOR of Oklahoma. When every Member of the House is talking to the right or left of the gentleman and causing a lot of confusion, how can the gentleman expect to hear what is going on?

Mr. RAMSEYER. We can start more orderly procedure by having those who prefer requests to present them not farther forward than the committee table here, and if the gentleman from Indiana will step back to the committee table I shall withdraw my reservation to object.

Mr. GARNER. Mr. Speaker, it is my understanding this is a bill introduced by the gentleman from Tennessee [Mr. BYRNS.]

Mr. ELLIOTT. Yes.

Mr. GARNER. And the Senate amendment simply strikes out the words "and so forth."

Mr. ELLIOTT. Yes.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

INTERSTATE TRANSPORTATION OF BLACK BASS

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926, with House amendments, insist on the House amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. NELSON of Maine, WOLVERTON of New Jersey, and MILLIGAN.

AMENDING SECTION 24 OF THE IMMIGRATION ACT

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table the bill H. R. 9803, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. CRAMTON. Reserving the right to object, is that the same bill that was called up yesterday that has to do with foreign travel of officials in the Naturalization Service?

Mr. JOHNSON of Washington. Yes.

Mr. CRAMTON. Is the gentleman prepared to assert that if the bill goes to conference the House conferees will not agree to the Senate amendment adding Naturalization Service officials?

Mr. JOHNSON of Washington. The conferees would like an opportunity to look into the cost of any movement toward naturalization officials.

Mr. CRAMTON. My objection is so that the gentleman's own committee may know, and the House may have that very opportunity. This is a bill that authorizes the payment for foreign travel of officials of the Immigration Service. It is an amendment of the immigration law which passed the House and the Senate has added this amendment that is not germane.

Mr. JOHNSON of Washington. At the same time I will agree that as far as possible we will oppose it; but I feel that we ought to have a free conference. I do not think we ought to be bound.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. JOHNSON of Washington, Mr. JENKINS, and Mr. RUTHERFORD.

AMENDING NATURALIZATION LAW

Mr. CABLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12487) to amend the

naturalization laws in respect of residence requirements, and for other purposes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bill H. R. 12487.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I would like to ask the gentleman from Ohio if he will offer the amendment, which we have discussed, which will make it very clear that the provisions of the bill are applicable only to such persons who leave the country on scientific expeditions of which the Secretary of Labor has approved.

Mr. CABLE. I have sent such an amendment to the Clerk's desk.

Mr. STAFFORD. Reserving the right to object, this bill was under consideration yesterday. Can the gentleman state any good reason why it should be considered to-day instead of next Monday?

Mr. LAGUARDIA. This bill applies to only one man, a young man who is one of the greatest aviators of the world, who accompanied Admiral Byrd on his Arctic expedition. I understand that he is eligible to be naturalized as a citizen within a few months, if the time that he was abroad with Admiral Byrd is credited to him.

Mr. CRAMTON. I would like to know if the language is broad enough so that while we are taking care of one man it will take care of a few hundred others that we do not mean to take care of?

Mr. PATTERSON. In view of that fact why not bring in a special bill?

Mr. LAGUARDIA. There was some doubt about the phraseology of the bill, and it is now proposed to limit it so that the person must be absent on a scientific expedition.

Mr. PATTERSON. It can wait over until Monday.

Mr. STAFFORD. Mr. Speaker, for the time being I object.

JOHN MAIKA

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 531) for the relief of John Maika, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 531, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments are as follows:

Page 1, line 5, strike out "$5,000" and insert "$2,500."

Page 1, line 9, strike out "$5,000" and insert "$2,500."

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. IRWIN, Mr. FITZGERALD, Mr. BOX.

LAURIN GOSNEY

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2222) for the relief of Laurin Gosney, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 2222, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 5, strike out "$3,000" and insert "$1,000."

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. IRWIN, Mr. FITZGERALD, Mr. BOX.

ELIZABETH LYNN

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6227) for the relief of Elizabeth Lynn, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 6227, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 4, strike out "$5,000" and insert "$1,000."

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX.

MUSCLE SHOALS

Mr. ALMON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein copies of letters to the President written by J. H. Bowser, commander of the American Legion, Tuscumbia, Ala., Post No. 31 and H. N. Norris, commander of the James R. Crowe Post, Sheffield, Ala., favoring the pending Muscle Shoals legislation.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

JUNE 19, 1930.

Hon. HERBERT HOOVER,
President of the United States,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: As a member of the American Legion, I desire to now join with the many thousands of others in making this protest for action. When your country and my country were face to face with the great world conflict, I, like thousands of others, gave my services to the defense of our country. The United States was at war, no man or resource was spared to the end that victory was achieved. That emergency has passed into history, the effects of that great conflict, however, are still sorely felt by thousands of those who, as common soldiers, fought in that conflict. All these facts are well known to you.

You know the dire need of thousands of legionnaires, soldiers of the World War; how unemployment has reduced their families to a point of severe want. As Chief Executive of this great country you are in a position to have absolute information on all phases of American life. I know, and you should know, that as Chief Executive of this great country, your duty is to relieve when humanely possible the pain and suffering of your people. However, I note from the press that you say that you would not sign the original straight Norris bill for Government operation of Muscle Shoals. Your predecessor had a chance to sign such a bill. Like the great leader, which he was not, he saved the whole project for the power monopoly who have been the sole beneficiaries of this great project since its completion.

Is it not a fact that you recently signed the Boulder Dam bill, which in fact provides more stringent Government supervision than the new Norris Muscle Shoals compromise proposal? It will be easily understood by the public, your refusal to effect acceptance of the Norris Muscle Shoals compromise, for Muscle Shoals is not adjacent to your home State of California, as is Boulder Dam Government project.

You are also quoted as saying that "it is the duty of Congress to pass a Muscle Shoals bill, and bring it to my desk to sign or veto. I will not interfere or take any hand until it is laid on my desk." How can you as President refuse to interfere or take a hand in getting action? It would be the same as the president of a bank looking on while Jessie James robbed the bank, and the president standing silently by, saying; "I will not interfere." You have allowed the public to accept the belief generally that you are a great engineer and master of economic experts. As such, you, of course, know that the American public have been robbed and is continually being robbed by unemployment, unreasonable rates, and watered stocks and bonds of the electric-power interests.

This legislation means the saving of millions of dollars annually to American farmers in the buying of fertilizer. The operation of these nitrate plants at Muscle Shoals, which are the only idle nitrate plants in the world, will help to relieve the unemployed. It is a matter of record that our farmers pay Chile around $12,000,000 annually as an export tax on Chile nitrate brought to our American farmers. The operation of these plants will save that also. But you won't interfere. Our farmers would save $16 per ton on their fertilizer bill, but you refuse to interfere.

The completed Muscle Shoals project would employ thousands of men, many of whom would be legionnaires, men whose children are crying in want, but you say, "It is the duty of Congress," when one word from you would save this gigantic project for the people, who paid for it. Thousands of those payments were the loss of life, while other thousands of those payments were the loss of health, and the pursuit of happiness. And yet when you look around you and see the power magnates making as much as 3,000 per cent profit in most cases, you can not sign a bill that would stop the highway robbery rates of these power monopolies nor utter a word that would benefit the whole United States, while your silence benefits directly the Power Trust.

I would like to see what kind of appearance an army would make that was made up of the power magnates of those holders of the common stock of the private power corporations. I would like to review that little handful of power army soldiering for $1 per day, with possibly King George as the head, and with Mr. Morgan as commander in chief, and with Samuel Insull as field marshal, and the smaller boys, Tom Martin and Harvey Couch and such others, as the lieutenants in command, of the power company attorneys, who would be acting as their privates in the ranks. Could that little army hold the Hindenburg line and "keep our country safe for democracy"?

The American boys who by the thousands died to save the gigantic holdings of the Power Trust are now seeing the power interests scheme and manipulate against the consumers like myself and keep us out of a job and to make times hard throughout the country that their selfish motives may be easier attained. These power boys sat in their offices during the war-yelling patriotism, while they were extracting from two to three thousand per cent on their investment, and the soldiers were in the trenches at $1 per, risking their lives, health, and everything in defense of our country and the power boys. Who deserves recognition? Mr. President, think.

Mr. President, you would not hesitate to call on thousands and thousands of our best men in this country to again defend it. These men, being patriotic, would accept a call, they would leave home and families with little hope of ever returning, but in times of peace they are forced to abide by the dictates of power monopolies, whose influence has kept the Muscle Shoals plants idle. Mr. President, these facts are well known to you. The Federal Trade Commission reports show the unethical practices of these power trusts; how can you side-step the issue in refusing to interfere, when your refusing to act benefits the Power Trust, and at the same time denying thousands of men, many of them legionnaires, an opportunity to provide for their suffering families.

As President of the United States you are the Commander in Chief of its Armies, and, as such, we legionnaires try to have the highest respect in the world for you, and in return everyone naturally expects you to merit the same. In this connection I would call your attention to the statement of one of your own Republican lieutenants, Congressman BERTRAM H. SNELL, who, according to the New York Times in January this year, SNELL asserted at a State conference of Republicans in New York that "his Republican friends should abandon their electric-power policy favoring private power corporations and should support whatever electric-power policy that was suggested by Gov. Franklin Roosevelt, of New York." Mr. SNELL further stating that the Republican policy had merely led to defeat in State elections. Can't you easily see that it will also lead to sure defeat of your administration, from the Executive on down? No Republican leader can claim that he is not thoroughly aware of these things, but with the prompt and proper passage of Muscle Shoals at this present session of Congress would, in a way, help greatly to redeem your administration.

Yours very respectfully,

J. H. BOWSER,
Commander American Legion, Tuscumbia Post, No. 31.

JUNE 19, 1930.

Hon. HERBERT HOOVER,
President of the United States,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: I am writing you as an ex-service man, and as president of the American Legion in this city. You are quoted in press reports throughout the country as stating that you will not sign the straight Norris bill providing for the disposition of the Muscle Shoals project. From the same press sources you are quoted as opposed to the Government going into business. Do you mean by that to accept the viewpoint of the power monopolies who say that Government operation would be a failure?

If that be true, then it would follow that all our State and city governments, and all our big universities, the Post Office Department, the Panama Railway and power, and the Panama Canal, and the other public-operated businesses of the Nation, of which you are the Chief Executive, should be accepted as a failure. You notice that we do not even mention the highly successful operation of the public owned and operated power plants of your own home district, Los Angeles, Calif., as well as Tacoma, Wash., and many other instances we might recite that are highly successful, as well as the public owned and operated railway systems, telegraph systems, and hydroelectric power systems of Canada, which are now so successfully publicly operated.

In your Elizabethton, Tenn., campaign speech you stated your opposition to the Government engaging in private business, but you grant that the Government is already in business at Muscle Shoals. Senator NORRIS has offered a compromise proposal that would permit the Government's nitrate plants at Muscle Shoals to be leased to private operators, and provides that the Government retain control of the switchboard of the power units here, which new Norris compromise proposal, our chambers of commerce, the Federation of Labor, and most all other people accept the same as being fair and right.

The recent Norris Muscle Shoals compromise is not a straight-out "Government-operation" bill, the Norris-proposed compromise is "semi-Government-private operation," and allows the Government to only "keep control of the electric switch of its own Wilson Dam property," which is absolutely right. Senator NORRIS only asks that the Government hold the "measuring rod" the electric "yardstick," which is correct, but therein is the thing that the Power Trust objects to, and has blocked the disposition so far, but for not much longer.

In this connection, my attention is directed to a quotation from your speech at Elizabethton, Tenn., on October 6, 1928, in which you said: "In this presidential contest there is no place for personal bitterness, and I make an especial appeal to the public for fair play and sportsmanship." In this connection do you think that either President Roosevelt, or President Wilson, who made it possible for you to be President to-day, would sit silently by as you are doing and let Republican Congressman REECE get by with the statement "That he will not cast the deciding vote accepting the Norris Muscle Shoals compromise for the reason that you would not sign such a bill?" Either REECE, RANSLEY, or WURZBACH could end the Muscle Shoals deadlock now, and all three of them have clearly indicated they were acting under your influence. If this is true, the public can see no semblance of "fair play or sportsmanship" in your blocking of Muscle Shoals legislation, when there are 5,000,000 men now without jobs in America to-day, and the passing of this legislation providing for operation of the huge Muscle Shoals plants, including the construction of the $30,000,000 Cove Creek Dam near Elizabethton, Tenn., would give some relief to said unemployment situation as well as contribute to genuine farm relief.

Congressman W. FRANK JAMES, Chairman of the House Military Affairs Committee, inspected the Government's Wilson Dam and nitrate plant properties on November 2, 1929, and while here made a written report to Maj. Gen. C. C. Williams, Chief of Ordnance, United States Army, Washington, D. C., in which report he stated: "The Government's nitrate plant here could be placed in operation within a period of 60 days or less, at a cost of $100,000, and would furnish nitrate necessary for the manufacture of ammunition to supply an army of 1,500,000 men." Chairman JAMES stated while here that "If Ford's offer for the nitrate plants here had been accepted that at least 100,000 men would be assured of steady employment in the Muscle Shoals district to-day."

The recent Norris-proposed Muscle Shoals compromise bill would immediately put the entire project to work, and notwithstanding your apparent attitude on said bill, you have previously signed a similar bill for Government operation of Boulder Dam. I can not reconcile your apparent silent attitude toward Muscle Shoals compared with your attitude in taking a hand in other legislative settlements.

When you made your only southern campaign speech, at Elizabethton, Tenn., on October 6, 1928, you made this speech in the shadow of the Wautauga tablet or monument, which monument commemorated the formation of the Wautauga Association, which in past history has been termed the first independent government established in defiance of British authority in the Western hemisphere. The Electric Power Trust, as you well know, is English controlled by a handful of big beneficiaries. Their unscrupulous methods have been exposed by the recent investigation of the Federal Trade Commission. It is gratifying to know that we still have some honest men in Washington who are working in the interest of justice to all and favoritism to none. The Federal Trade Commission has shown that the power crowd have stopped at nothing that would accomplish their selfish purpose, which facts you are familiar with.

It is also a generally known fact that the delay in settling Muscle Shoals is playing directly into the private power company's hands. How can you remain silent at this time when there is so much unemployment? Thousands of children of legionnaires are hungry for bread. One word from you would start the operation of these nitrate plants and the construction of Cove Creek Dam, and will put thousands of legionnaires to work and enable them to provide for their families.

Mr. President, let us think back a few short years; I am sure we have not forgotten the great World War, when the English in agony and despair called out "Our backs are against the wall; send munitions, send guns, send men." Who went over there and saved the English from destruction? Was it the present American Legion boys who were serving for $1 per day in the trenches? Where were the Power Trust men in those days while the boys were in the trenches, and where are those Power Trust boys now, and where are many of the legionnaires?

Why should not the American Legion, who saved the very lives and property of the people, have as much consideration as the power interests, who have been extracting from the public as much as two or three thousand per cent on the capital invested? Let right and justice prevail. Brisbane has said, "Are we more British than American?"

It has been shown that the English-controlled power outfit, which got themselves Americanized all of a sudden, are now extracting from the American people from 2,000 to 3,000 per cent profit on their investment, while American legionnaires who saved the English from destruction are

in dire need, and in thousands of cases their families are in want, which conditions were brought about principally by the power interests. As a true American, Mr. President, how can one remain silent regarding this project? The public will hold you responsible.

Yours very truly,

H. N. MORRIS,
Commander James R. Crowe Post No. 27,
American Legion, Sheffield, Ala.

METHODS FOLLOWED BY THE FEDERAL FARM BOARD IN STABILIZING THE PRICE OF COTTON

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the activities of the Farm Board in stabilizing the price of cotton.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Speaker, under the leave granted to extend my remarks on the above subject, I will say that there are many farmers who have stood loyally by the cooperative marketing associations from the start. One of them, in my district, is a good example. He has been largely instrumental in keeping the organization in South Carolina on its feet; has sold all of his cotton through that, and was a good enough business man to keep books and see whether the net result was profit or loss. I insert here a condensed statement of his operations in 1929 along that line.

He deposited 144 bales of cotton with the cooperatives, which he could have sold when he made the deposit for	$12,529.74
He has received the 16 cents advance, amounting to	10,946.49
	1,583.25

The proposition now of the Federal Farm Board is to take over that cotton and all cotton held by the cooperatives at the 16 cents already advanced. This gentleman will thereby have lost $1,583.25, unless the depositors have a share of such profit as may be made by the holding of this cotton by the stabilization committee. In other words, cotton at 16 cents, and at 13 cents as it is now, is away below the cost of production, so found by the governmental agencies. The history of cotton has been that it will not stay very long below the cost of production, which the Government agents have figured is around 20 cents per pound.

The stabilization corporation now undertakes to take over that cotton, practically foreclosing its mortgage in midsummer when the price is far below the cost of production, and then hold it off the market probably until it will react to the amount of the cost of production, and then sell it in the markets of the world. While it shows an apparent loss in taking it over at 16 cents, nevertheless it will probably make a profit of from fifteen to twenty dollars a bale before they turn it loose.

Now, my farmer who has his cotton in there has not a share in that profit, as the appended correspondence will show, though the law provides that the cooperatives shall have one-fourth of the profits which these corporations make in any such deal. See section 9, subdivision c of the farm relief act. Having had my attention directed to this, I addressed a letter to the Farm Board asking if the customers of the cooperatives would have any equity in any profit made by the stabilization corporation on this cotton taken over. Mr. Carl Williams, of the Federal Reserve Board, replied that they would not. This is his language:

> This means, of course, that the farmers who put their cotton into the cooperatives and received their proportionate part of the 16 cent advance which was due them will not expect to get any more money from the cooperatives in final settlement. The Stabilization Corporation must buy the cotton direct from the cotton cooperatives and the deal must be closed at the specified price. I am sure that pending such time as this cotton may be taken over by the Stabilization Corporation, the cotton association or the Stabilization Corporation itself will be glad to release back to the member all of the cotton which he delivered to the association on the payment by that member to the Stabilization Corporation of the amount advanced to him by the cotton cooperatives plus carrying charges from the date of advance until the date of payment. If any of your clients desire to do this, I will be glad to see if it can be arranged.

It will be noted that Mr. Williams, speaking for the board, says that no matter what profit is made by the Stabilization Corporation the farmer will not share in it. He also makes the very munificent proposition that the farmer come up and pay his discount and get back his cotton. In the first place, the cotton farmer is flat. He has been ruined by poor crops and poor prices, perpetrated in so far as the prices are concerned with the cooperation of the speculators, and he is not in a position to come up and pay and get back his cotton. He committed it to the cooperative association to be held until such time as it could be properly and profitably marketed. Now, instead of doing that, the cooperative association is allowing the Stabilization Corporation to sell it, practically under mortgage, when cotton is 6 cents under the cost of production, selling at the lowest price in many years, and expecting the farmer, instead of having his cotton held by the cooperatives until at least the cost of production can be gotten for it, to come up and pay the advance which has been made and take back his cotton.

Now, the farmer may be a fool in some respects, but I do not think any of them will be so foolish as to pay 16 cents for this cotton when they can buy it on the market for 13 to 13½ cents.

I will say further that if the Farm Board wants to retire cotton and relieve the market, they are pursuing a most foolish policy. They are taking over at 3½ cents above the market price the cotton in the hands of the cooperatives, which is already in a position to be held until a proper market develops, and thereby making a loss on this very purchase of $15 a bale; whereas they should go on the market and buy 1,000,000 bales of cotton at 13 cents and on that million bales save $15 a bale; to wit, $15,000,000, leaving the cooperatives with all their cotton to get the benefit of the bulge in price which that operation would probably bring about.

I am not familiar with their stabilization of the price of wheat, but I am informed that wheat has this week been at the lowest price in a long, long time, and surely cotton has gone down the toboggan and landed in the swamp at the foot, and my friends from the wheat country say that it has the company of wheat also.

I think we provided a workable plan for these propositions when we passed the farm act, but I think there was a cog slipped somewhere when they selected Mr. Williams to represent cotton on the Farm Board. I do not know where the wheels are in the head of the wheat fellow, but I surely do not want any more stabilizing of cotton which brings it down to 13 cents.

SPEECH BY HON. HARRY C. CANFIELD, OF INDIANA

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a speech made by my colleague, Mr. CANFIELD, on the night of June 24, at New Haven, Conn.

The SPEAKER. Is there objection?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, under permission to extend my remarks, I herewith insert a speech made the evening of June 24 by my colleague Congressman HARRY C. CANFIELD, of Indiana, at the Democratic State banquet at New Haven, Conn., given under the auspices of the Democratic Town Committee of New Haven, Conn.

The speech is as follows:

Mr. Toastmaster and fellow Democrats of the great State of Connecticut, it is a pleasure to be privileged to come here this evening and meet with so many men and women in your great State, who by your presence here and the expression on your faces, show that you still believe in the principles of government laid down by the father of the Democratic Party, Thomas Jefferson, a government of the people, by the people, and for the people, and not a government principally for the few as we have had for the last nine years. It was upon these principles this Government was founded, and it is upon these principles it must stand if it is to be a government with equal opportunity to all, as it was intended it should be.

In the early history of our country we find that some of the leaders in political parties that opposed the Democrat leaders on other issues believed in these great principles of government. President Lincoln was strong for a government that gave equal opportunity to all, but from that time until 1912 when Theodore Roosevelt broke away from the stand-pat element of the Republican Party, the leaders of that great party seem to have forgotten that this was a government for all the people, and the affairs of government under their leaders were conducted, not in the interest of all the people but in the interest of the privileged class.

In 1912 the people of this country, tired of a government for the privileged class, conducted as it had been under Republican rule, whose leaders seemed to have forgotten that this was a government of, by, and for all of its people, elected as their President that great statesman, scholar, and leader, Woodrow Wilson.

As has been so ably said, "George Washington was instrumental in the foundation of this Republic; Abraham Lincoln preserved the Union and molded the several States into a single sovereignty, but it remained for Woodrow Wilson to formulate a plan by which the whole world might be saved from self-destruction, military autocracy, and in which permanent peace, international justice, and the brotherhood of mankind should reign supreme."

In six short years, with a Democratic President, a Democratic House, and a Democratic Senate, more helpful, constructive legislation that was in the interest of all the people was enacted than had been placed

on the statute books in 40 years under Republican rule previous to that time.

It was when the Democrats were in full power that the Federal reserve banking act, the farm loan act, the Federal good roads act, corrupt practice act, Clayton Antitrust Act, child labor act, agricultural extension act, workman's compensation act, vocational training act, seamen's act (freeing labor on the high seas), the graduated income tax law, and the 8-hour law for Federal employees was enacted. And during this administration the Department of Labor, the Shipping Board, the Federal Trade Commission, the Tariff Commission, and the Bureau of Farm Markets were established.

It was during the Democratic administration that the constitutional amendment, granting woman suffrage, was passed. The tariff act (known as the Simmons-Underwood tariff law), which was fair to manufacturers, fair to labor, and fair to our farmers was also passed during this administration.

During Democratic rule, 101 bills in the interest of labor were enacted, a record that we can justly be proud of.

These are only a few of the many helpful and constructive acts that were put in the statute books during the Democratic administration.

After eight years of Democratic rule, six years of which we had a President and both the House and Senate, and two years with a Democratic President and Senate, with a Republican House, came the never-to-be-forgotten Harding administration, an administration of graft, greed, and debauchery, an administration administered by its Daughertys, Falls, and Forbeses, that robbed the United States not only of money and its oil reserve, but also of the world-wide respect we enjoyed during the Democratic administration.

Then came the Coolidge administration, which was consistently subservient to big business and against the interest of depressed agriculture, the laboring man, and the average business man.

During this administration no effort whatever was made to bring those who had robbed the Government to justice until they were forced to do so. In fact, it seemed that the leaders were not prone to criticize them for the acts committed, but seemed sorry that they were caught. In passing, I might say it seems to be an unwritten law under Republican rule that it is perfectly all right to take all you can get just so you keep from getting caught.

The presidential campaigns of 1920 and 1924, as well as the congressional campaigns of 1922 and 1926, were full of promises to the farmers, laboring men, and average business men, promises that were never fulfilled, promises that were soon forgotten by those who were placed in power, and, in my opinion, never will be fulfilled as long as the Republican Party is left in power.

The campaign of 1928 is still fresh in our memories. Well do we remember the promises that were made; yes, well do we remember the things that were resorted to, to win in that campaign even the religious question was injected into the campaign.

Mr. Hoover was held up to the American people as a great superman, and they were led to believe that he could perform miracles. A little over one year of Hoover rule has proven conclusively, to the sorrow of many, that this was not true.

The Republican Party has always posed as the party of prosperity and has attributed all panics and hard times to the Democratic Party, and during the last campaign President Hoover went probably farther than anyone in the past in claiming credit for his party for whatever prosperity the country has enjoyed. In his speech of acceptance at Palo Alto, Calif., August 11, 1928, he said:

"The poorhouse is vanishing from among us. We have not yet reached the goal, but given a chance to go forward with the policies of the last eight years, we shall soon, with the help of God, be in sight of the day when poverty will be banished from this Nation. There is no guaranty against poverty equal to a job for every man. This is the primary purpose of the economic policies we advocate."

In his speech at Newark, N. J., on September 17, 1928, he said:

"The problem of insuring full-time work all the time is a problem of national concern. It is one to which government must give its attention. It is one to which government may contribute to solve." Also, in the same speech he said: "Full employment depends not only upon a strong and progressive economic system but upon the sound policies and vigorous cooperation by the Government to promote economic welfare." Also, he said:

"The Republican Party has performed unparalleled service to the employees in our commerce and industry throughout its history and notably during the last seven and a half years. Continuous employment and prosperity of labor depend upon the continuance of these policies."

By these statements Mr. Hoover substantially wrote a guarantee of continued prosperity and full-time employment for every wage earner in America. Not only were the wage earners assured that there would be continuous prosperity, but the owners of manufacturing plants, the merchants, and farmers were led to believe that they could depend upon his guaranty.

Mr. Hoover was elected by an overwhelming majority. He took office on March 4, 1929, still the great superman, and enjoying the confidence of the people of this country, and what has happened?

Within eight months after Mr. Hoover took the oath of office the worst stock-market panic to occur since before the World War took place—$18,000,000,000 losses were recorded in one week, and that is not all. This stock-market crash caused more bankruptcies, more assignments, more business failures, and more suicides than has ever been known in American history in so short a time.

During the first five months of this year our exports have decreased $446,746,000. Our imports have decreased $447,013,000, which makes a decrease of $893,759,000 in the total of our foreign commerce in the first five months of this year.

While Mr. Hoover was Secretary of Commerce he claimed that he built up a billion-dollar annual increase in our export trade. He may have been able to do this as Secretary of Commerce; but if he did, it took him eight years to build it up, and the records show that it only took a little over five months under his rule as President of the United States to have 50 per cent of this increase lost to our American manufacturers, American shippers, and American labor.

To-day we have over 5,000,000 men out of employment, and some of them starving, and between six and seven million men working only part time. If they are among those that voted for Mr. Hoover in 1928, assured as they were by him that a Hoover victory meant continuous employment, I am wondering what they will have to say about it when they are privileged to vote again next November.

Ladies and gentlemen, the labor question is a serious one. In this country at the present time we should have 46,000,000 of our people engaged in gainful occupations that are classed as wage earners. In 1928 labor earned about $90,000,000,000, and in the campaign of 1928 Mr. Hoover said: "If it was not for wise leadership, labor would be in trouble." If labor is now unemployed, according to the statement of Mr. Hoover it has not had wise leadership. Mr. Hoover as President is now the leader, and I am wondering what has happened in so short a space of time to cause this great economic change in the country and this tremendous amount of unemployment if continuous employment and prosperity of labor depends entirely upon the continuance of Republican policies in Government as was stated by Mr. Hoover in his speech at Newark, N. J., on September 17, 1928.

My friends, the guaranty made by Mr. Hoover when he was a candidate for President has come far from being fulfilled to the laboring men of the country, for the facts are that in almost every city in the country it has been necessary to establish bread lines and soup houses, and I am told that in New York City, at times this year, lines of hungry and destitute have lined up that were two and three blocks long, and that the famous Little Church Around the Corner in New York has established a bread line for the third time in approximately 80 years.

During the 1928 campaign Mr. Hoover stated that if he was elected he would call a special session of Congress to enact farm relief and make some limited changes in the tariff that would be helpful to agriculture.

True to these promises, the special session was called and on April 16, 1929, his message was read in both the House and Senate, in which he said: "I have called this special session of Congress to redeem two pledges given in the last election—farm relief and limited changes in the tariff." (Notice he said "limited changes in the tariff.")

A so-called farm relief bill was passed, and if farm prices continue to go down as they have been since the bill was passed it begins to look like it was properly named, for if something is not done to make it possible for the farmer to get a fair price for his products he will be relieved of everything he has, for the average prices of farm products to-day are lower than they have been any time since before the World War. When farm relief was being considered it seemed that every constructive suggestion that was made was objected to by the Republican leaders, as they said it was contrary to the views of the President.

A bill establishing a farm board with a revolving fund of $500,000,000 at their disposal was passed. Mr. Hoover said through methods established by this board, with this amount of money, the price of farm products could be stabilized, and our farmers could be put on a parity with industry, but the guaranty made to our farmers by Mr. Hoover when he was a candidate for President, like the guaranty made to our laboring men, has not been fulfilled, for, as I said before, the prices of farm products have gone down and our farmers are worse off than they have been since before the World War. When we stop to consider that farm-land values that were approximately $65,000,000,000 in 1920 are now less than $45,000,000,000 and when the products he has to sell are selling at less than cost of production the conditions of our agricultural sections are appalling.

I realize that Connecticut is not what is known as an agricultural State, and there may be many of you here to-night that may think you are not interested in the success of agriculture, and in this connection I must take time to say that if you feel this way, it is time that you disillusion your minds for the facts are that one-third of the population of our country is depending on agriculture, and when agriculture is not prosperous, or in other words when they do not get a fair price for their products, the buying power of one-third of our population is cut off and with one-third of the buying power of the country cut off, there is no chance for continued prosperity in industry, and in passing I want

to say that, in my personal opinion, this is one of the big causes of the economic depression at the present time.

For 10 years agriculture has been depressed. This condition has continued to get worse and the time was bound to come when industry could not continue with one-third of the buying power of the country cut off. To dispose of merchandise the manufacturer must have a market. With the farmers unable to get a fair price for their products, they were not able to buy things they needed or would have bought had they been able to dispose of their products at a fair price. So the wheel of prosperity could not continue to run, and, as a consequence, our factories are shut down and there is unemployment and distress everywhere.

In the President's message to Congress, you will remember that he also stated that he was in favor of an effective tariff on agricultural products, and that he was in favor of some limited changes in other tariff schedules where economic changes have taken place and where new industries have come into being in the last seven years; and now, after almost a year and a half of hearings and debate, a tariff bill has been passed. What a different law it is from what the American people had a right to expect after listening to the promises made by Mr. Hoover and other Republican leaders during the campaign or even after the President sent his message to Congress on April 16, 1929.

The limited changes the President favored it seems, as he has now signed the bill, were something over 1,200, of which 887 of them were advances, as the tariff bill, as it was signed by the President, increased the tariff rates over the rates in the "Fordney-McCumber tariff law passed in 1922 on 887 schedules, many of them containing over 100 commodities.

Economists, business men, and farm organizations from all over the country have protested against the passage of the Hawley-Smoot tariff law," or as it has been called, and I think properly so, "the Grundy monstrosity."

The leading economists of the country, 1,028 of them in number, coming as they do from 179 of our leading colleges, also from some of our largest banks and most important industries, set out 12 points as to why this bill should have never become a law.

They are as follows:

First. It will increase the general cost of living.

Second. It will subsidize industrial waste and inefficiency.

Third. It will inflate profits of the few at the expense of many.

Fourth. It will hit city workers hardest.

Fifth. It will rob the farmers it is supposed to help.

Sixth. It will cripple manufacturers through raw-material rates.

Seventh. It will lower the buying power of our foreign customers.

Eighth. It will provoke foreign retaliation against our exports.

Ninth. It will violate the resolution of the world economic conference.

Tenth. It will jeopardize payments from our foreign investments and debts.

Eleventh. It will increase unemployment.

Twelfth. It will poison world peace.

The economists have been heard from. They realize in advance what the passage of this bill means to the American people. The people themselves will be heard from later on, and, in my opinion, when they realize what has been done to them by the passage of this bill the protests of the economists will fade into insignificance when we hear the protests made by the people themselves at the polls next November.

The farm organizations protested against the passage of this bill because it did not carry out the pledge that was made to them in the last campaign. They were promised that agriculture would be placed on a basis of equality with industry, but the rates in this bill fall far short of placing agriculture on a basis of equality with industry.

A large number of our leading business men were against the tariff bill because it will advance their raw-material rates, lower the buying power of their foreign customers, and cause foreign countries to retaliate against importing American-made goods.

Some of our leading business men made strong protest against this tariff bill because they realize it is not in the interest of a number of our large employers of labor and that it is bound to increase unemployment.

Australia has already ordered that the importation of 76 commodities be prohibited altogether, and that the tariff rate on 81 other commodities be increased 50 per cent.

It is estimated that we have 2,000,000 families in this country depending on the production of goods for export and another million earning their living in the manufacture of raw materials which we import in exchange for our exports. Our population has increased 10 per cent in the last eight years, and our production has increased approximately 30 per cent. Our higher standards of living have absorbed some of this increased production, but most of it must find an export market. Cut off this market and we will have more unemployment, a lower standard of wages, and not only the manufacturers and labor will be affected but likewise every business man and farmer in the country.

Much has been said about this being a "billion dollar tariff law." When we speak about a billion dollars there are very few of us that can even realize what it means, so in order that we may more thoroughly understand what this tariff law will actually cost us, let us take up a few of the items in the bill and see just what the increases in tariff really are.

First, we will take the cement tariff, which is placed at 6 cents per hundred pounds, and affects every taxpayer in the United States.

We find the imports, 1927, 1.18 per cent; 1928, 1.30 per cent; 1929, 1.01 per cent. So the imports do not affect us to any degree and are not on the increase.

The State-highway systems built 5,908 miles; the county-highway systems built 1,145 miles of concrete road in 1928, and if the same amount of road is built as was built in 1928, average 20 feet wide, 7 inches thick, under the new tariff schedules, which is 6 cents per hundred pounds, the cost per mile will be $769.95 extra, and the total cost to the taxpayers of the country will be approximately $60,000,000.

In checking over the records I find that the State of Connecticut built 73 miles of concrete road in 1928, which if built under the new tariff law would cost the taxpayers of your State $56,206.35 more than it did at that time.

A few of the other increases in tariff under this law are as follows:

The woolen schedule alone is expected to increase cost $300,000,000 on clothes and wearing apparel.

Hides, leather, boots, and shoes, approximately $250,000,000.

Lumber, $50,000,000; brick, $15,000,000; tiling, $25,000,000; sugar, $32,000,000; in addition to the $216,000,000 that was paid under the Fordney-McCumber tariff law.

But you may say, we would like to know what it is going to cost us as individuals.

I will give you the advance on just a few articles.

Dress goods: Woolen, worsted, etc., now costing $4 will cost about $6.25.

Dress goods: Silk, now costing $5, will cost about $5.75.

Dress goods: Cotton, now costing $3, will cost from $3.30 to $3.50.

Woolen underwear: Selling for $2 a suit, will cost $2.40 to $2.50, and a $4 suit from $4.80 to $5.

Ladies' hats: An untrimmed hat, now costing $1, will cost $1.95; a $3 hat will cost $4.66, and a $3 felt hat, light weight, will cost about $5.45.

Shoes: Bear a specific duty of 20 per cent, which makes a $5 pair of shoes cost $6, and a $10 pair of shoes cost $12. The shoe tariff is estimated to cost $7.50 per family.

Men's wear: Assuming that a standard suit or overcoat now sells for $35, the cost under the new tariff will be approximately $40.

The heaviest percentage of increase in men's clothing is in the cheaper-priced suits, made in large part of wool rags, on which the Fordney-McCumber duty was 7½ cents a pound, which has been increased to 18 cents a pound, an increase of 140 per cent. It is estimated that this will add several dollars to the price of every suit of clothes by the time it reaches the consumer.

Shirts: Men's shirts, now selling for $1.50, will cost $2.20, and a shirt selling for $3 about $4.50. A workman's shirt, now costing 50 cents, will cost about 75 cents. A $5 silk shirt will cost $6.

Blankets: A pair of wool blankets, costing $10, will cost $11.50; a pair of wool blankets, costing $5, will cost $5.75. A pair of cotton blankets, costing $2.50, will cost approximately $3.50. A cotton quilt, now costing $2, will cost $3.

Lumber: The duty of $1 per thousand feet on soft lumber is estimated to add from $56 to $105 on the humble home of the workman.

This tariff law means an average increase cost of from fifty to one hundred dollars to every average householder in the United States.

The new tariff shows approximately a 20 per cent increase over the Fordney-McCumber tariff of 1922, so that it can be said that the increased cost to consumers will be at least 20 per cent in the aggregate on the tariffs that were effective. Under the Fordney-McCumber tariff the level of prices on many highly protected articles has risen far above the general level and far above any justification for the excessive rates of that law. The same may therefore be expected of the new tariff when the present business depression shall have passed.

As has been said, this tariff law has already been called "the Grundy monstrosity," and in my opinion, it will be called many names that can not be put in print when the people themselves really understand how it will affect their living expenses.

The day the Senate passed the tariff bill there was a break in the stock market. The day the House passed it stocks went still lower, and the day the bill was signed by the President there was a crash in the stock market, which shows conclusively that the business men of the country feel that the passage of this law was against the interest of business, and that instead of improving business conditions, they will get worse, causing more unemployment and distress throughout the entire country.

You have heard much about the "Flexible Clause," in the tariff bill, and I find a great many people do not understand what it means. Under the flexible clause, the President has the right to raise or lower the tariff rates 50 per cent, as it suits his whim or interest. Under this clause he can injure one section of the country for the advantage of another section, or he can destroy one kind of business for the advantage of another.

Under the flexible clause the President is clothed with the power to declare prosperity for his friends or those who have furnished his party with large campaign contributions. When this is understood, I do not believe the people of this country will stand for the placing of this power in the hands of any one man, regardless of which party he may belong to. The power to tax and regulate tariff was delegated to the peoples' representatives in the House of Representatives, and in the Senate, selected as they are from every section of the Nation by the people themselves, and I feel they will repudiate this act when they understand what it really means.

Ladies and gentlemen, there are many other very important questions that I would like to discuss this evening, but I must stop as you have other speakers that I know you will want to hear, but I can not stop without calling your attention to two other questions which I will only refer to briefly.

From 1922 to 1929, the Government, under Secretary Mellon, refunded in taxes, credits, and interests, the staggering sum of $860,405,898.58; and this year, so far, the refunds approved amount to over $47,300,000, and, if other claims pending are settled on the same basis as the above, as they likely will be, they will add another billion and make the total of refunds approximately $4,000,000,000.

Of these large refunds, the United States Steel Corporation alone has received over $97,000,000. It is the Democrats' contention that such sums of money, affecting the pocket of every taxpayer, should not be paid out on the recommendation or authority of only the Internal Revenue Bureau and Secretary Mellon, but that at least one case should be tested in the courts to see if these payments are just, for every dollar refunded must be paid from the pockets of the other taxpayers.

Much is said in every campaign about income-tax reduction, and I have no doubt it will be one of the things they will talk about in this campaign, for the Lord knows, with the Republican Party in power and economic conditions as they are, they will have to go out of their way to find something to talk about.

The first revenue bill following the war was passed in 1921, with the Republicans in power in all branches of the Government. It was signed by President Harding on November 23, 1921. As the bill was originally framed, it granted no relief whatever to the small income-tax payers except an exemption of $500 to heads of families. It was proposed to reduce the higher surtaxes from 65 to 32 per cent and to abolish the excess-profits tax.

When the bill was finally passed the higher surtax rate was fixed at 50 per cent instead of 32 per cent, but, at that, the large corporations and large individual taxpayers profited to the extent of $511,500,000 by abolishing excess-profits tax and the reduction in higher surtaxes, with but very little relief to the small income-tax payers.

The so-called Mellon plan tax reduction bill was introduced in 1924, and as introduced its chief feature was to reduce higher surtax rates on the largest incomes from 50 to 25 per cent.

Under the leadership of Congressman GARNER, of Texas, that able and spirited leader who is always fighting for the interest of the common people, together with the Democratic leaders in the Senate, the bill that was finally passed was known as the Garner bill, and the surtax on large incomes was reduced to 40 per cent, and the tax on small incomes and earned incomes was reduced to a considerable extent.

The Garner plan gave greater benefits to 6,656,067 taxpayers than the Mellon plan, while if the Mellon plan as it was originally introduced had passed, it would have given greater benefits to 6,109 taxpayers of the ultrawealthy class.

The Democrats are entitled to all the credit for this tax reduction.

In 1926, the Republicans, realizing that they could not put through a plan that would be helpful only to the large income-tax payers, took the matter up with the Democratic members on the Ways and Means Committee and granted large concessions for the small taxpayer in order that the maximum tariff rate on large incomes might be reduced from 40 per cent to 20 per cent, and the facts are, when the bill was finally agreed to in conference, with the exception of the drastic reduction in the maximum surtax rates, it was more of a Democratic than a Republican bill.

Through the efforts of the Democrats on this tax bill upward of 2,000,000 small-income taxpayers were relieved from the payment of income taxes altogether, and men with moderate incomes, such as professional men, small merchants, small bankers, and others in this class were given substantial reductions.

The 1929 income-tax reduction was one that was particularly dictated by our minority leader after Mr. Mellon was given to understand that he could not put through the kind of income-tax reduction he favored which would have reduced the income taxes of those in the higher brackets and pay no attention whatever to the average income-tax payer.

So, when our Republican friends take credit for income-tax reduction, just tell them that all of our income-tax reductions since 1921, that have been in the interest of the small and medium income taxpayers, have been gotten through the efforts of the Democrats, aided, as they were, by a few progressive Republicans and not due to any effort made by a Republican President, Mr. Mellon, or the Republican leaders.

Mr. Toastmaster, ladies and gentlemen, before I close I must take time to give you a short summary of the Hoover administration.

His farm legislation is a failure.

His first year brought greater bank failures and liabilities than any year of our history.

Bankruptcies have increased in every line of our business. There were 1,340 more business failures the first five months of this year than there was the first five months of 1929.

One hundred and twelve thousand foreclosure sales of our farm lands.

Farm products are cheaper than since 1921.

Seventy per cent of the richest farm lands are under mortgage, and there are no purchasers for farm lands.

The textile industry is harder hit than any time since 1893.

Individual bank deposits were reduced 25 per cent the first year of the Hoover administration.

The sawmill business is paralyzed.

The coal miners are naked and hungry.

Railroad shipments have declined heavily.

Railway freights are 30 per cent off.

Railway passenger income cut nearly half.

Exports have declined almost $500,000,000.

Our export balance is declining faster than it was built up.

The stock-exchange panic swept $18,000,000,000 away in one week in Wall Street and over $40,000,000,000 altogether.

Practically every line of industry is at a standstill except a few mammoth corporations.

Wealth is centered in a very few hands at the expense of the masses.

Labor is asking work; and the answer, "there is no work."

Labor was promised the full dinner pail. It has received an empty pocket.

The executive branch of the Government has been converted into a commission form of government.

Mr. Hoover, in his campaign speeches of 1928, as I stated before, substantially wrote a guaranty of continued prosperity and full-time employment for every wage earner in America if he was elected. What has become of these guaranties?

Why is it the administration under Mr. Hoover, the man that was held out to the American people as "the great superman," "the man that could perform miracles," has been an absolute failure? The answer is lack of leadership, lack of a constructive policy, and the failure to even try to fulfill the solemn promises made during his campaign.

My friends, from the days of Lincoln the letters "G. O. P." have meant "Grand Old Party," and really stood for something up until 1921, but from the Harding administration up to 1930 it meant "greasy oil party," but now that the "Grundy monstrosity" has been passed to Congress and signed by the President it stands for "Grundy-owned party."

Mr. Toastmaster, ladies and gentlemen, again I want to say that it has been a great pleasure to be with you here to-night, and when I go back to Indiana, as I expect to do in a few days, I will carry with me pleasant memories of this evening, and when we go into the campaign this fall, fighting for the principles of government that mean equal opportunity to all and with special privileges to none, I shall think of you and know that the Democracy of this great State is fighting for the same principles of government, and may success be yours.

ORDER OF BUSINESS

Mr. BACHMANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BACHMANN. Yesterday the gentleman from Connecticut [Mr. TILSON] obtained unanimous consent that the bills on the Private Calendar would be in order to-morrow. To-day a rule was agreed to providing for suspensions. What will be the procedure to-morrow? Will the Private Calendar be interrupted at any time any Member moves to suspend the rules?

The SPEAKER. The Chair does not intend, so far as he knows now, to recognize for suspensions either to-day or to-morrow.

Mr. BACHMANN. Then the Private Calendar will proceed uninterrupted?

The SPEAKER. Just the same as any other privileged business.

PROMOTING PEACE AND PREVENTING WAR PROFITS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article prepared by myself and published in the American Advocate of Peace in 1927.

The SPEAKER. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, under leave to extend remarks I am reprinting an address which I delivered to the Women's Conference of Defense in the Memorial Continental Hall in March, 1927, which was later published in the RECORD, and also published in the Advocate of Peace, the official organ of the American Peace Society, for April, 1927.

As the attention of the Congress and many of their fellow citizens has recently been attracted to the general subject in connection with House Joint Resolution 251, which the President will sign on to-morrow, June 27, 1930, it occurs to me that this material may be of some service in clarifying thought upon the subject. I submit that there has been much hazy thinking and some rather loose talking concerning the subject. It is a very profound and far-reaching question—one that affects nearly all phases of our life—and it is natural that there should be great diversity of opinion as to the manner by which to accomplish the result. I think that 95 per cent of the people agree that the object is very desirable, but more than 95 per cent dispute and disagree about the procedure and the method of obtaining the desired end. It is for the purpose of analyzing the subject and offering some suggestions as to the limitations that must be placed upon whatever plan may be adopted that I am now offering again this material to the House.

ONE PART OF THE PEACE PROGRAM

By Hon. JOHN J. MCSWAIN, Member of Congress from South Carolina

The problem of peace, like all questions where the factors are human, is many-sided. There is no single specific to cure the social ill called war. I am offering the following thoughts on one aspect of the case, especially as it relates to the "will to peace":

The Constitution of the United States has been universally appraised as the highest perfection of wisdom yet attained among the fundamental documents of government. Many particular parts have been singled out from time to time for special consideration and commendation. I do not remember ever to have seen any particular discussion of the wisdom and significance of having lodged the power to declare war in the Congress. Among all the older nations of the world the power to declare and commence war had been lodged exclusively with the executive power, so that kings and emperors had made war, from time immemorial, to suit their own interests, ambitions, or whims, and consulted the representatives of the people, if any there were, only after the commencement of war, in order to procure the financial resources wherewith to carry on such war.

But the erection of the American Republic of Republics, the commencement of a great Federal State in this Western Hemisphere, had as a background the fundamental conception of the Declaration of Independence, that "governments rest upon the consent of the governed," and exist to secure the life, liberty, and property of the people. Therefore it was but a logical application of this fundamental premise that the Constitution makers should propose, and that the people in their several State conventions should accept, a Constitution that lodged the war-making power in all the Representatives of all the States.

THE PEOPLE, THROUGH CONGRESS, DECLARE WAR

The President alone conducts diplomatic relations with other nations, but the President can make treaties only by and with the consent of two-thirds of all the Senators. This was a hitherto unthought-of limitation upon Executive power. It had therefore been conceived as preposterous that the people's representatives should have a veto power in the making of treaties between the royal rulers. But this limitation of power is constantly in the minds of Presidents and their executive advisers in the negotiation of treaties and, doubtless, has ever been a wholesome and restraining influence. Though the President is unrestrained in conducting international affairs, yet he must and does feel constantly the restraining check that his international policies can not be enforced with physical power in war without the approval of both Houses of Congress. But the principle runs further still back.

The President must calculate upon receiving the approval of an overwhelming majority of the individual citizens of the Republic. It is constantly in his thinking that Members of Congress must respect and heed the wishes and feelings of their constituents. The President remembers that Members of the House of Representatives are all elected every two years, and that one-third of all the Senators are elected every two years. Therefore, the President must be so cautious and prudent in handling international situations as to feel sure that the same will be approved by a clear majority of the people. If the President fails to takes these fundamental conceptions into consideration and rushes headlong and unadvised into complications with foreign countries that can be settled only by use of physical force, he may find himself greatly embarrassed by failing to receive the support of the Congress and be, therefore, compelled to retreat from his diplomatic predicament.

NO AGGRESSIVE WAR BY AMERICA

This particular lodgment of the war-making power in the hands of the Representatives of the people insures our Nation against a policy of aggression. The Constitution makers all knew, from either personal experience or close observation, the horrors and demoralizing and destructive attributes of war. But they were wise men and realized the forces that had been operating upon mankind and among nations since long before the beginning of recorded history. Our forefathers, who laid the foundation of this Government of the people, by the people, and for the people, well knew the ambitions and covetousness that from time to time seize the rulers and ruling classes of nations. Wisely, therefore, did they lodge in the central Federal Government the sole and exclusive power of declaring, conducting, and concluding war.

Many powers of sovereignty were left, and some still remain with the several States. But in the interest of the general welfare and common defense the war-making power was placed with the one government that represents all the people of all the sections. This Constitution conferred upon the Federal Government not only the power to declare and carry on war but the power to "raise armies" and the power to "support armies." The Constitution likewise conferred on this Central Government the power to "provide a navy" and to "maintain a navy." There is far-reaching significance in these words, to "support an army" and to "maintain a navy." They imply more than enlisting men and building ships. They imply the power to acquire by the exercise of the supreme and absolute sovereignty that must rest in any nation to take whatever physical resources and materials may, in the judgment of the Federal Government, be necessary for the proper "support" of that army and for the proper "maintenance" of that navy.

NO "VETO" BY THE PEOPLE AFTER WAR IS DECLARED

Some have argued that while the Constitution says that Congress may "raise armies," it means that it may only open recruiting stations and offer compensation and by a beating of drums and waving of flags try to induce men to volunteer to enter the Federal Army. It has been argued that to confine the raising of armies to the volunteer system would be a wise and salutary restraint upon Congress in declaring war, so that the people by refusing to volunteer could virtually "veto" a declaration of war by Congress. But the Supreme Court of the United States has in several cases solemnly and unequivocally sustained the power of Congress to reach with supreme and sovereign hand and "take" by selective-service draft such human instrumentalities, either men or women, as the Congress may in the exercise of its power declare to be essential to the raising of armies in order to provide for the common defense.

By the same reasoning, by the same inescapable logic, it must follow that the power to "support" the armies thus raised is unlimited and unrestrained and may be exercised at the uncontrollable discretion of Congress. It therefore remains only for the Congress, with the approval of the President, to say how these armies, raised to defend the Nation's life, shall be supported.

POWER TO "TAKE" WAR SUPPLIES

Heretofore the usual policy of the Government in the supporting of armies has been the "volunteer system." People have been begged and cajoled into buying bonds essential to finance armies in the field. By the same reasoning it has been argued that to leave the supporting of armies upon this volunteer basis would amount to leaving with the people the "final veto power on war." Congress may declare the war and may by a selective-service draft so formulated as to produce the least dislocation in the industrial and social life of the Nation take those persons that may be best spared from the homes and the farms and the factories and the professions of the Nation; yet after the armies have been "raised" and are in the field and are at the front and are facing the foe they may be totally paralyzed by the failure of the people back home to "volunteer" sufficient funds to continue the fight. Such contemplation sickens the heart of the genuine patriot. The same power that gives Congress the right to "take" the man from his family and from his farm and from his factory gives Congress the right to "take" such of the produce of the farm and such of the product of the factory as may be necessary to "support and maintain" the soldier in camp and in field and in trench.

PRUDENCE AND CAUTION IN DECLARING WAR

As Americans we believe in and insist upon freedom of opinion and freedom of expression of opinion, either by mouth or by the press. There should ever be the amplest discussion in Congress and in the country before war is commenced. All groups of opinion should be tolerantly heard. The President and the Members of Congress should solemnly contemplate all the possible consequences of an entry into war. They should patiently and prayerfully seek to avert war. Only actual defense of our physical integrity or of our national principles and honor, which are more than life itself, should ever provoke us to war. God has been good in gathering some of the choice pioneer spirits from many nations and planting them upon this new continent, free from the traditions and customs of the feudal nations, and in permitting them to develop here a civilization unrivaled in power and in variety in all the annals of time. The President and the Congress should and do contemplate the fact that the nations of the whole world are becoming so interrelated by commerce and communication as to make it practically impossible to localize war. The war from 1914 to 1918 is universally described as the World War, and yet it may be fairly concluded that its vast proportions will be far exceeded by the next clash among the nations. Like a prairie or forest fire, when once the fury of war commences no limits can be set, no bounds prescribed, no time fixed, and no measure set.

WAR, ONCE DECLARED, BINDS EACH AND ALL

But after all voices have been heard in the Nation, after the President, with full realization of the responsibility, has pronounced the situation

such that war alone is the answer, after the Congress, conscious of direct responsibility to the people shall have declared war, then, in my humble opinion, the case is foreclosed, judgment has been rendered, the matter has had its day in court, and henceforth no man dare deny his individual obligation to contribute to the utmost limit of his power, either by direct participation as a soldier or by direct contribution to the material and financial support of the Army and Navy. From the very moment that Congress, representing all, declares war, it binds every citizen, whatever may be his private and individual judgment of the merits. It becomes the law of the land, and henceforth the only course for every person is to help to fight it through. There must be no "vetoing" of this war-making power in Congress. If adequate volunteers do not rush to the colors, the country may "command" her sons and daughters and "compel" them to go. If adequate resources are not voluntarily contributed, then by the same power, for the same purpose, the Congress can "take" whatever the Army and Navy may need in order that the full force of the military power may be exerted.

JUST COMPENSATION FOR ALL PROPERTY TAKEN

But we are reminded that one part of this very same Constitution, to wit, the fifth amendment, declares that private property shall not be taken for public use without just compensation therefor. When properly understood, the fifth amendment offers no obstacle to the war-making power of our Government.

It does not provide that private property shall never be taken for a public purpose, but merely prescribes that payment shall be made therefor. Such provision is wise and just. It would be manifestly unfair to take one man's factory or one man's railroad or one man's coal mine or one man's farm or one man's steamboat and use the same in carrying on war and make no adequate compensation for the use thereof, while other citizens, under equal obligation to help carry on war, have their factories or their railroads or their coal mines or their farms or their steamboats untouched and unharmed. But the fifth amendment does not say that the property shall be paid for "before" its use, and merely provides that at some time "just" compensation shall be made. Therefore, in the emergency, whatever property is needed may be taken, and taken instantly, and thereafter just compensation made, and that compensation must be "just" not only to the owner, but also "just" to the public that pays. "Justice" means fairness and reasonableness under the circumstances. Therefore, justice requires that no fabulous, fictitious, and inflated war-time prices shall be paid for property taken and used. The same principle was applied in making just compensation for "man power" during the recent World War. Congress had prescribed the monthly pay for soldiers to range from $30 a month upward. But after the war good conscience and justice, not legal obligation, declared that such compensation was inadequate and, after much discussion, Congress passed legislation to adjust and pay additional compensation for the services of the soldiers. There was no constitutional obligation to do this.

Congress may draft the soldiers without providing one single cent of compensation, even during the period of service. But would Congress do such an unjust thing? Members of Congress know that they are answerable to the soldiers, and under our system of government the voice of the people is finally supreme. Therefore, the provisions of the fifth amendment merely conform to the ideals of republican institutions and demand a just exercise of the war-making power.

EQUALIZE BURDENS OF WAR THROUGH "POWER TO TAX"

But Congress has another power, unrestrained, unlimited, both in war and in peace, and this power may be exercised to insure justice in distribution of the burdens of war. It is the power to levy and collect taxes. It is a fact that many do not realize that about 40 per cent of the revenue raised and expended by our Government during the period of the recent war was raised by taxation. Many conservative and experienced and well-informed men who had intimate contact with the administration during the war have expressed the opinion that if there had been no inflation of prices, if a peace-time average of prices had been maintained by force of law during the war, the money cost of the war would have been reduced by at least one-half. The average price level of all commodities during the World War was nearly two and a half times the average peace-time price. Bringing these two facts together, we find that if prices had not become so much inflated we could have financed the war merely upon the taxes that were collected and without the issue of a single bond; and if we had done so, we would have been to-day debt free and would not have a mortgage in the form of bonds upon the earning power of the people of this country aggregating more than $20,000,000,000 that will require the labors of two or three generations to discharge.

NO DRAFTING OF LABORERS

There has been much confusion of thought and much loose and ill-considered utterance in connection with the subject of what is commonly described as "universal draft," and "universal mobilization," and "drafting of wealth to make war," and other phrases of like import. Some, with sweeping and irresponsible generalization, have declared that the whole Nation, with all her resources, must be instantly militarized, that martial law must prevail everywhere, and that men and women, old and young, even children, with all that they have, must be considered as in one mighty camp, subject to military discipline, to do and to give whatever those in authority may direct. Some have leveled their anathemas at men who labor with their hands and have heretofore received wages of eight and ten and fifteen dollars a day for work as civilians, while soldiers were suffering and dying in the trenches at a dollar a day. Others have directed their maledictions at the wholesalers and forestallers and engrossers and speculators and manipulators who cornered the market for essential commodities and demanded and received fabulous prices and profits, became millionaires in a day, and thus capitalized and commercialized the calamity of war and grew rich out of the necessities and sacrifices and sufferings of the Nation.

I feel compelled to say that progress in the direction of legislation, looking to a fairer and more just and more equal distribution of the hardships and inconveniences and sufferings of war, has been delayed by reason of the excessive claims and demands of some of the advocates of such legislation. Personally, I believe it would be unwise and imprudent and impracticable to undertake the conscription and militarization of manual laborers, whether for use upon shipbuilding or house-building or road building or factory working or farm working or elsewhere. It is my belief that only the fighting forces and those agencies directly contributory thereto, such as medical, quartermaster, etc., should be taken from the civilian population by selective-service draft. To do otherwise would greatly dislocate, and might paralyze industry, mining, and agriculture. The military authorities would not and could not know how to distribute the workers among the factories and farms. The psychological factor must not be ignored. Human beings are not machines. They have feelings and thoughts. There are limits beyond which they will not endure. The overwhelming majority of the people must first be convinced that a war is just and worthy of any sacrifice, even death, and then, when it is declared, public opinion, as well as force of law, will compel the acquiescence of any small dissenting minority into conformity with the plans and efforts of the Nation to raise and support and maintain the armies and navies.

NO MILITARIZATION OF INDUSTRIES

In like manner, enthusiasts and idealists have maintained that all the material property and all the financial resources of the Nation must be instantly poured into a mighty national war hopper, there to be employed as military experts may determine necessary in the conduct of war. Such a proposition is preposterous to practical minds. The men who in peace time have built and operated industries can operate them more efficiently in war than Army officers can. They know how to manage labor in order to get the most satisfactory results. If all property were appropriated and commandeered and dumped into the war machine, of course, there would be no incomes to be taxed, and consequently no source of revenue wherewith to pay that just compensation required by the fifth amendment to the Constitution.

A SANE PROGRAM OF JUSTICE

Then, what is a fair and reasonable program for the conduct of war so as to bring about a more just and equal distribution of the burdens of war? We believe that the war is the whole Nation's business. It is not the affair merely of those in the Army or the Navy. The soldiers and sailors have no more at stake than the civilians back home. The war is everybody's business. If the cause of the war is not such as to justify a contribution to the limit of his qualifications and capacities and resources by every citizen, then we ought not to be in the war, and Congress should carefully consider this aspect of the problem before declaring war. But this equalization can not be theoretically and mathematically exact and ideal.

It is a practical world we live in, and war is an abnormal condition and fortunately very occasional and temporary, and should be so conducted as to result in the minimum of dislocation and demoralization of the existing order of things. Therefore, in addition to the exercise of the power of drafting soldiers and sailors by selective service, and in addition to the power to commandeer and take necessary physical property without delay, subject to consequent compensation, there are two outstanding measures that should be taken at the outbreak of another war. We should have our minds made up in advance on these matters and, if possible, the outlines of general legislation should be placed upon the statute books now and we should not wait until the heat and excitement and the tumult of war in order to legislate. The first of these is the stabilization of all prices. This can and must be done by the fiat of law. Only the emergency of war could justify such an artificial and unnatural mandate.

STOP PROFITEERING BY STABILIZING PRICES

The stabilization of prices as contemplated by those familiar with the details essential to carry out this program of seeking to equalize the burdens and inconveniences of war is not price fixing as ordinarily understood. It does not mean picking out different commodities and prescribing by statute the prices for which the same may be sold. But it does mean taking the prices of all commodities as they are found and ascertained to prevail in a free market at a fixed date, say, 90 days before the declaration of war, and prescribing that the prices so prevailing shall be observed in transactions between citizens and in transactions of citizens with the Government.

This is fair and just. The price of any commodity is a relative matter, economically considered. The real price is the quantity of commodity or service that must be given for a given commodity or the quantity of service or commodity that may be received for a given commodity. The excuse made during the war for the pyramiding of prices was that the raw material and labor, rent and interest, and other factors going into other commodities had risen and were continuing to rise, and, in order to meet these rises, the prices of manufactured articles must be raised. In turn, labor contended that what it had to buy and the rents it had to pay had gone up, and it must have more wages. The merchants claimed that not only had commodities advanced but store rents advanced, clerk hire advanced, and taxes advanced, so that they must increase prices. These retail prices again, in their turn, affected the wages of the laborers and the prices of raw materials. So this vicious circle swung rapidly around, rising constantly higher and higher, to the terrific peak of more than 250 per cent of normal prices. The stabilization of prices will eliminate such excuses for price boosting, and the result will be equality and fairness to all parties concerned.

"PAY-AS-YOU-FIGHT" PROGRAM

The next step that practical men, bent upon seeking, so far as possible, the ideal of justice among all citizens in the duty to make and carry on war, is to understand in advance that taxes, heavy taxes, burdensome taxes, will be imposed to meet the current expenses of the war. The slogan should be, as far as possible, to "pay as you fight," so that as the soldier sacrifices time and blood and life in carrying on at the front, the taxpayer back home, conducting his business, living with his family, shall contribute from his substance the material things necessary to satisfy the current demands of the fighting forces.

The issue of bonds to finance the war should be reduced to a minimum, if not entirely eliminated. Undoubtedly, the tremendous inflation of credit and currency and prices during the World War was due in part to the stupendous issue of bonds. These bonds were largely carried by being floated at the banks and the credit and currency of the people were almost doubled. But some may protest that to stabilize prices would eliminate war profiteering, and to eliminate bond issues would prevent inflation, so that there would be no unusual stimulus to business and, in fact, there might be an apparent stagnation, thus resulting in a diminution of incomes which, in turn, would result in a diminution of income taxes and, if the war should be financed as fought, taxes might be so heavy as to amount in fact to a capital levy. That chain of argument is considered by its makers as reducing the pay-as-you-fight proposition to an ad absurdum. But I refuse to be frightened by the thought of even a capital levy in order to carry on war. At most, it can but mean that a very small percentage of the existing capital reserves of the people shall be taken for the extraordinary and urgent needs of the Government in time of war.

HUMAN LIFE HIGHER THAN MATERIAL PROPERTY

Does not the man at the front, and all those under arms cooperating with him to make his fight effective, submit to a capital levy to a very real and even terrific degree? The best part of the assets and capital of the young man is his body, his health, his time—yea, his life. In order to defend the Nation, in order to make it secure to every man and woman within its bounds, in order that all may equally enjoy the blessings of this Nation, the strongest and best of our young men are called out to give, in unstinted measure, the riches and vested rights of health and strength and life.

Is it fair, is it just, is it in conformity with that fundamental American conception of equality of rights and equality of obligations, that some of our citizens should be called upon to give their all to defend the Nation's rights and life, and others, at the same time, be not called upon to make a sacrifice of a small proportion of accumulated capital? I recall these words from the inaugural address of President Warren G. Harding, March 4, 1921: "There is something inherently wrong, something out of accord with the ideals of representative democracy, when one portion of our citizenship turns its activities to private gain amid defensive war, while another portion is fighting, sacrificing, or dying for the national defense."

JUSTICE A FACTOR IN NATIONAL DEFENSE

To make effective such a program tending toward a just and fair distribution of the burdens of war is the greatest step in the scheme of national defense. It will mean that all the resources of the Nation will be directed instantly upon the outbreak of war to the making and gathering of such a combination of human, material, and financial resources as must be well-nigh irresistible. Further, it will mean that among the men who are fighting and directing, among those sacrificing and suffering, there will not rankle that sense of injustice and of unfairness at the thought that others are not only escaping from the obligations of such a service but are actually commercializing the Nation's needs and profiteering upon the Nation's peril. There is an inherent and indefinable consciousness in every human breast of what is just and fair and right. Education may clarify its definition but can neither create nor destroy its existence.

"PAY AS YOU FIGHT" AND NO PROFITEERING INSURES PRUDENCE

While this program of invoking all the resources of the Nation to cooperate in one combined effort of war when war is inevitable insures military efficiency, yet it is at the same time one of the surest guaranties that our Nation will never embark upon an aggressive and unjust war. We are a peace-loving people. We know that we may best accomplish our mission to build up a great Christian civilization for the blessing of our own people and to serve as a shining example to all others only while peace prevails. But we are vividly conscious of our obligation to the ideals of the Republic. We feel that these ideals can only be achieved under conditions of undisputed national security. Much as we love peace, and will insist to the limits of patience upon its preservation, yet, as a practical people knowing the plain lessons of history and the teachings of bitter experience, we refuse to live in a fool's paradise and to bury our heads in the sands of a false sense of security. But the program here outlined, of no war profits and of heavy war taxes, will prove an efficacious deterrent to the rash and ill-considered agitation of chauvinists and militarists. It will compel certain great financial interests that control the mighty metropolitan dailies to think carefully and to speak mildly in crucial times. If the capital that controls newspapers knows that it can not profit and may suffer some of the burdens of war, it will be cautious and prudent in editorial utterances. The man on the street who knows that he is unfit by age or physical infirmity to bear a soldier's part in war will restrain his tongue and no longer agitate for war if he realizes that he must contribute of his substance, even to the point of sacrifice, in order to carry on the war.

RIGHTEOUS WAR OF DEFENSE

With all selfish motives of pride and profit by war eliminated, with the hysteria and delirium of war excitement checked and restrained by the thought of heavy financial burdens, we may feel sure that one motive, and one motive only, may ever impel the good people of this great Republic to take up arms against another nation. That motive will be the defense of either the physical integrity or of the international rights of the Nation. With a war caused by and based upon such a condition, with a situation confronting all the people, that means either supine submission to a foreign will or fighting in defense of the Nation's rights and life, there can be no question but that any war declared by Congress will be a just war. Being just, being righteous, being backed by the heart and conscience of the overwhelming majority of the people, the law of selective service for human beings and a law to prevent profiteering by the stabilization of prices and to require the equitable contribution of the sinews of war by those having capital will not be a heartless mandate to compel the sullen obedience of the people to a harsh war program, but will be merely the legal measure of what all the people will cheerfully do to defend the Nation's cause.

A NEW AMERICAN SLOGAN

Therefore are we not justified in advancing one step further in the crystallisation of national ideals into well-remembered phrases that express the heart and soul of Americanism? For more than 125 years American citizens of all sections and of all parties have acknowledged that the essence of American institutions finds a voice in the phrase "Equal rights to all and special privileges to none." To that incomparable expression of the peace-time policies of our Nation, let us now, while the lessons of the late war are still fresh in every mind and heart, write upon the statute books of this Republic laws looking toward the equalization of the obligations and hardships of war, and phrase this other epitome of the American war-time policy thus: "Equal burdens and equal sacrifices for all and special privileges and special profits to none."

SALE OF COLUMBIA ARSENAL, TENN.

Mr. ESLICK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2156) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress, with Senate amendments thereto, and agree to the Senate amendments.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the bill H. R. 2156, with Senate amendments thereto, and agree to the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments are as follows:

Page 1, line 4, strike out "the" and insert "The."
Page 2, line 2, strike out "the" and insert "The."
Page 3, line 14, strike out "the" and insert "The."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Without objection, the Senate amendments will be considered as having been agreed to.

There was no objection.

COTTONSEED TRUST INVESTIGATION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the Cottonseed Trust investigation, and to insert, in connection with that, certain extracts and testimony.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, permission having been granted to me to extend my remarks and to include certain excerpts from the testimony on Cottonseed Trust investigation, the following is submitted:

COTTONSEED TRUST INVESTIGATED

The investigation of charges that the cottonseed-oil mills of the South have conspired together for the purpose of setting the price of cottonseed are being investigated by the Federal Trade Commission. The investigation is being conducted by Mr. W. W. Sheppard, examiner, and prosecuted by Mr. Walter Wooden, assisted by other attorneys of the commission. The hearings have not been printed, but under the terms of a resolution passed by the Senate, the hearings will be printed in the near future and can be obtained through the Government Printing Office.

The testimony already introduced clearly sustains most of the charges made against the conspiracy. Although the witnesses heard would be considered defense witnesses, it was necessary, however, for the commission to use these witnesses at the time they did in order to get the proper background of the industry.

DEPARTMENT OF JUSTICE REFUSES TO HELP FARMERS

It will be remembered by those who have been keeping up with the charges I made that from the early part of September, 1929, until the cotton season was over I was in communication frequently with the Department of Justice of the United States. The Hon. John Lord O'Brian, the assistant to the Attorney General, has charge of antitrust prosecutions. I conferred with him frequently by correspondence, by telephone, and personal interviews during the months of September and October. I was insisting that the Department of Justice declare illegal certain resolutions that the representatives of the cottonseed-oil industry had agreed to at Memphis, Tenn., July 24, 1928. I furnished the department with a copy of these resolutions, which showed on their face to contain agreements in violation of the law. If the Department of Justice had acted promptly in declaring these resolutions illegal, the farmers of the South would have saved at least twenty-five or fifty million dollars on their cottonseed. The department refused to advise me, and in a letter from the Hon. John Lord O'Brian to me of date February 24, 1930, he stated:

> Please be advised that the acts of Congress provide that the Attorney General shall give opinions only to the President and the heads of executive departments and certain independent government bureaus and that it has been the practice of Attorneys General not to give opinions on inquiries from other sources.

CAN NOT ADVISE FARMERS' REPRESENTATIVES, BUT ADVISES WITH TRUST REPRESENTATIVES

The testimony introduced before the Federal Trade Commission June 12, 1930, discloses that Christie Benet, general counsel for the National Cottonseed Products' Association, which is in fact the Cottonseed Trust, was in communication with the Department of Justice. In a letter from Christie Benet, the lawyer for the trust, who had more to do with the organization than any other one man, to the members of the executive committee of the National Cottonseed Products' Association dated November 12, 1929, Mr. Benet stated:

> Department of Justice: By appointment President Hodgson; Mr. Asbury, of the executive committee; Mr. Crow, chairman of the refiners' division; Mr. Deupree; Mr. Haines; and I met with Mr. O'Brian at 2 o'clock on Friday. Mr. O'Brian stated that the department was bound by the decision of the Supreme Court of the United States in the Maple Flooring and Cement cases, which authorized and approved the interchange of information through a trade association on past and closed transactions, but that the department felt that it was illegal and beyond the law, as interpreted to date, to interchange current market information, as that tended, in their opinion, to create either a price fixation and/or maintenance. In other words, that the bid and offered information could not be legally interchanged through an association. We discussed fully with Mr. O'Brian the position of the industry, both the crude mills under the Memphis resolutions, and the refiners' division under the refiners' code, which had been approved by Colonel Donovan; but he stuck to his position that as the department saw the law to-day, and until a test case was brought and decided, they could not approve the interchange of current market information.
>
> Before going to Washington I had received telegrams and letters from Mr. O'Brian, in which he stated that the complaints which had been made to the department from various sections of the belt confirmed the opinion which the department had that the price-reporting plan and the way it had worked out was illegal and that he felt that the department should bring a test case to test the principle of reporting current price information, and pending the decision ask for an injunction to prevent the practice.

ILLEGAL COMBINATION KEPT ADVISED BY DEPARTMENT OF JUSTICE

It will be noticed from the above that Christie Benet before going to Washington "had received telegrams and letters from Mr. O'Brian." It will be noticed, too, the date of this letter indicates that Mr. O'Brian was conferring with Christie Benet during the time I was conferring with him.

Mr. O'Brian not only refused to help the farmers by breaking up this illegal conspiracy in compliance with my request at a time cottonseed was being marketed but he was advising with the farmers' enemies, the ones who are guilty of violating the antitrust laws.

ADVANCE NOTICE GIVEN IF PROSECUTION CONTEMPLATED

December 3, 1929, R. F. Crow, of Houston, Tex., one of the high-ups in the Cottonseed Trust and cottonseed-oil combination, wrote Mr. Christie Benet, P. O. box 188, Columbia, S. C., a letter in which the following is the closing paragraph:

> In the opinion Asbury expressed with reference to what Mr. O'Brian is thinking, he has completely changed his views since leaving Washington. Even after reading Asbury's letter I can't get excited. Our course is perfectly clear, namely, submit the code as amended to Mr. O'Brian, tell him briefly the practical developments. If he doesn't like what happens, he will tell us so in plenty of time. No use crossing bridges until you get to them.

It will be noticed that the illegal combination is not afraid of the Department of Justice. In speaking of Mr. O'Brian, who has charge of antitrust matters, in reference to the illegal conduct of the combination, Mr. Crow stated:

> If he does not like what happens, he will tell us so in plenty of time.

What I would like to know is, What right has the Department of Justice of the United States to commit itself to advise illegal trusts and combinations in plenty of time when they are violating the laws of the United States?

The letters above referred to are a part of the testimony in the cottonseed investigation.

DEPARTMENT OF JUSTICE SHOULD BE INVESTIGATED

An investigation of the Department of Justice with reference to antitrust matters would disclose some startling conduct on the part of one or more officials of our Government.

CONDUCT OF FORMER ATTORNEY GENERAL

I have read the book, The Strange Death of President Harding. It contains a confession of Gaston B. Means, who was an employee of the Department of Justice during the administration of Harry M. Daugherty and a special investigator for Mrs. Harding, the wife of the President of the United States. This man's confession should not go unchallenged. If it does, the American people will demand appropriate action. He states that Jess Smith was murdered at the instigation of the Attorney General of the United States in order to prevent the said Jess Smith from disclosing evidence in his possession which would cause the impeachment and conviction of Harry M. Daugherty.

PRESENT ATTORNEY GENERAL—DUTY PLAIN

The present Attorney General of the United States is not making any effort, so far as I know, to break up monopolies, trusts, combinations in restraint of trade, and conspiracies which are costing the American people millions of dollars a day. I wonder if the department is going to let go unchallenged or without a thorough investigation and report to the American people the statement that a Cabinet member of the United States Government has caused human life to be taken for the purpose of destroying evidence against this Cabinet official. There is no limitation on a prosecution for murder.

MURDER WILL OUT

Gaston B. Means contends that he is in possession of facts to back up every statement that he makes. He discloses a state of facts that show that Jess Smith was murdered in the apartment of Harry Daugherty in the Wardman Park Hotel in the city of Washington, D. C. Therefore witnesses are living who can relate facts and circumstances of a murder. The party who is charged with the murder and the cause of the murder, if Means's statements are true, is now living. The

confession of Means has been widely read by the people of the United States. His disclosures are startling and are calculated to weaken the confidence of the people in the Government of the United States if they go unchallenged and without a satisfactory answer.

DAUGHERTY RÉGIME

Means discloses that he was working with Jess Smith in the Department of Justice of the United States during the Daugherty régime. Jess Smith is alleged to have been the bribe taker for the administration. It was also his duty to distribute the money to those who were in on the conspiracy. It is alleged that he collected tens of millions of dollars by using the Department of Justice as an agency for exacting and receiving bribes for Harry M. Daugherty on the sales of paroles, pardons, Federal judgeships, United States district attorney offices, privileges to remove whisky from bonded warehouses, privileges to sell whisky under Federal protection, the exhibition of Dempsey-Carpentier fight-film pictures, disposition of seized property in connection with the violation of Federal laws, and numerous other matters.

THE GANG'S HEADQUARTERS

Means claims to have occupied a fashionable home, luxuriously furnished, at 903 Sixteenth Street NW., Washington, D. C., during the time of his activities, which was considered the undercover executive headquarters for the gang. This building is in close proximity to the White House, the Treasury Department, Department of Justice, and other public buildings. In fact, a person standing on the roof of this building could throw a stone on the top of either the White House, Treasury Department, or Department of Justice without a great deal of effort. There was even a secret passageway which was used from the Department of Justice into the rear of this building. Means claims that they had the rear end of the lot adjacent to this building so arranged that two iron cages had to be gone through, which were securely locked before entrance could be gained into the building; that there was a hole dug in this yard 20 feet deep by Means and his gang, which was used for the purpose of keeping their bribe money until it could be carried to a bank in Ohio under the control of Mal Daugherty, a brother of the Attorney General. It is claimed that they had as much as $500,000 in this hole at a time and never less than $50,000. Means, as an agent of the gang, was drawing a salary from the Department of Justice of $89.33 a week. Jess Smith was paying for him house rent at the rate of $1,000 a month and providing him with five excellent servants, a five or six thousand dollar Cadillac car with chauffeur, which was always at his disposal day or night.

JESS SMITH READY TO SQUEAL

It is said that Jess Smith, being a former department-store clerk and feeling like an accurate account should be kept of all transactions at all times, kept an accurate and detailed account of all the bribe money taken in by him for the benefit of the gang. He made accurate account to all the members of the gang, but kept this detailed statement in writing on his person in a secret belt which fit under his clothing. The gang was being investigated and it is said that Jess Smith was ready to "squeal." For some reason, not exactly known, Harry M. Daugherty, Attorney General of the United States, left his apartment, where he resided with Jess Smith at the Wardman Park Hotel, and remained at the White House a few nights. One of these nights Jess Smith's life was taken in this apartment and Means admits that he was called to that apartment several hours before the death was disclosed, and was by Harry M. Daugherty's agent directed to search the body and take from it these secret papers, which he did and delivered them to Harry M. Daugherty's agent.

LIVING WITNESSES

This confession discloses facts, which if true, can be substantiated by living witnesses and corroborated by other testimony.

HIGH OFFICIALS BRIBED

It is shocking to read in this confession how money was collected as bribes by high officials of our Government. It is said that the bribe takers would go to hotels and arrange for a place for the bootleggers to come and throw into a glass bowl that was arranged for that purpose bills in denominations of $500 to $1,000, never less than $500. An average of $250,000 would be collected on each trip to New York and other places in Massachusetts, Connecticut, Rhode Island, New Jersey, and Pennsylvania.

NO ANTITRUST PROSECUTIONS NOW

A short time ago I made the statement that the present Attorney General of the United States is now following in the footsteps of Harry M. Daugherty in so far as his policy toward prosecuting those who are guilty of violating our antitrust laws is concerned. Daugherty soon after he came into office said that there would be no wholesale indictments obtained, but a test case would be instituted against a typical organization that was charged with operating in restraint of trade. Soon after Mitchell came into office practically the same announcement was made, at least his actions against violation of the antitrust laws are the same. No enforcement from either of them. I do not charge crookedness or corruption on the part of the present Attorney General of the United States.

ANTITRUST SUITS DISMISSED

This confession of Means charges that Daugherty dismissed more antitrust cases against large concerns than any other Attorney General of the United States. Daugherty succeeded in satisfying a large group of people who were interested in the enforcement of the prohibition law by pretending to be rigidly enforcing this law. He also claimed that it was necessary to dismiss these antitrust suits in order to make way on the dockets of the courts for Volstead violations.

POLICY OF PRESENT ATTORNEY GENERAL

The present Attorney General of the United States seems to be trying to use the old prohibition smoke screen to hide his failure of duty from the American people. He is permitting illegal combinations to thrive by collecting from the people unreasonable and unheard-of profits. Monopoly always exacts the highest price that the people can pay. Monopolies are being permitted to be organized by the Attorney General and set prices. The Attorney General doubtless knows that there is no power on earth to prevent these concerns from charging several times a reasonable price after having any agreement whatever as to prices.

Prohibition has been used as a smoke screen for the last 10 years. The law will never be enforced so long as it is used for that purpose. It looks like now the present Attorney General of the United States, following in the footsteps of Harry Daugherty in this regard, is preparing to use it to hide his failure to enforce the antitrust laws. I believe in the enforcement of the prohibition law, and it is not to the interest of effective prohibition enforcement for prohibition to be used as it is being used—as a smoke screen to hide indefensible acts of an official of our Government.

The antitrust laws and all other laws should be strictly and rigidly enforced.

The policy adopted by the Department of Justice toward monopolies and trusts is wrong. It is destroying independent business. It is making the rich richer and the poor poorer. It is destroying that great middle class—the foundation stone of our Government.

MODIFICATION OF THE EIGHTEENTH AMENDMENT

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BACON. Mr. Speaker, I have to-day introduced a joint resolution proposing the modification of the eighteenth amendment by an amendment to the eighteenth amendment itself.

I gladly admit that the eighteenth amendment has resulted in much good. It has for example eliminated the saloon which none wishes to see restored. But it has provoked many new evils. The speakeasy and bootlegger now infest the land. The present situation is deplorable. The criminal element has become a well-financed industry due to the swollen profits from the illicit liquor traffic. The problem involved in prohibition has not been solved. With Chairman Wickersham, of the President's Law Enforcement Commission, I do not believe it can be solved by armies of Federal police and more jails. The fine common sense of the American people must and will find a solution that will retain the benefits of present prohibition and at the same time eliminate the brood of evils that the present system has created. It is obvious that the majority of Americans are not satisfied with the present intolerable conditions.

What I said in a public statement in September, 1922, has been fully confirmed by the developments of the past eight years. I quote in part:

> The very officers of enforcement unable to withstand the temptations, are in many cases the leaders in the violation of law and corruption. There is everywhere a dangerously increasing contempt for all law. A just common-sense solution of this problem will never be found until the people are willing to face the facts. Prohibition under the Volstead Act is a failure.
>
> The American people do not want the saloon and it should never come back. I am convinced, however, that a great majority of the



American people resent the present Volstead law. Without law and order the Government can not endure. Contempt for the law leads to anarchy. I believe in liberty limited by law, but I am opposed to laws which beget a spirit of lawlessness.

What the eventual solution will be I do not venture to predict. I am confident one will be found. The tolerant majority with clear thinking and common sense will prevail in the end as it always has. As a suggested solution I have introduced a modification of the eighteenth amendment.

My resolution first of all provides for its ratification by specially called conventions rather than by the legislatures of three-fourths of the several States. This is in accord with the fifth article of the Constitution. Ratification by conventions will place the issue squarely before the people themselves. It will avoid the possibility of confusing this issue of ratification with other local and State issues.

The resolution modifying the eighteenth amendment then proposes to give to each State by affirmative action the sole right to control and regulate the liquor problem in any way that each State might see fit. It is accomplished by adding two sections to the eighteenth amendment. The present eighteenth amendment would remain in effect for those States that do not take affirmative action. In other words, those States that are satisfied with present conditions would continue to be fully protected by the Federal Government. The States that are not satisfied with present conditions could assume the sole power to regulate the manufacture, sale, or transportation wholly within such State of liquors for beverage purposes. A State would be given the right to remove itself from the provisions of section 1 of the eighteenth amendment. This will restore to those States which wish it the power to determine their own policy toward the liquor traffic. At the same time the Federal Government will continue to have the power to give all possible protection and assistance to those States that desire to continue the attempt for complete prohibition. It is in accord with the American principle of States rights and home rule.

This suggested solution would never result in the return of the saloon as no State taking affirmative action would ever adopt regulations permitting it. No political party would dare to sponsor regulations that would mean the return of the saloon, nor would any single individual. I believe, therefore, that this suggested modification of the eighteenth amendment would result in real temperance, would prevent the return of the saloon, and would eliminate the bootlegger and speakeasy in those States that might decide to take advantage of this provision by affirmative action.

This proposal should not meet opposition in those States which are satisfied with present conditions because they will be protected. On the other hand they should be willing to give States where different conditions prevail the power to work out this most difficult problem in a way that meets with the approval of the peoples in each State.

I do not pretend that this suggested plan is the best solution of the problem. It is offered to stimulate discussion in the hope that it may bring home to all that this question is fundamentally a great constitutional question rather than a moral question. Prohibition is a question of polity; temperance is a question of individual morality.

Of course, it can not be denied that it is contrary to the spirit, traditions, and fundamental purpose of our Constitution to write into it what amounts to a police statute. The repeal of the eighteenth amendment alone will cure this error.

However, to meet the opinion of millions of earnest Americans who seek a solution that will safeguard those States which still wish to aim at complete prohibition, I have suggested this modification of the eighteenth amendment which I have been working on since last January. It will at least give the people of a State the sovereign right to regulate their own problems and it will permit them to resume the police powers originally reserved to them in our Constitution.

Those who do not believe in State rights and home rule and have no faith in the people of each State and their ability to regulate their own social problems and welfare will, of course, be opposed to the suggested plan.

The text of the resolution follows:

[H. J. Res. 387, 71st Cong., 2d sess.]

Joint resolution proposing an amendment to the Constitution to amend the eighteenth amendment.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by conventions in three-fourths of the several States:

That Article XVIII is amended by adding at the end thereof the following new sections:

"SEC. 4. Any State or Territory may, by law thereof enacted after the ratification of this section, provide that the prohibition contained in section 1 of this article shall not apply to the manufacture, sale, or transportation wholly within such State or Territory of intoxicating liquors for beverage purposes, and thereafter such State or Territory shall have the sole power to regulate the manufacture, sale, or transportation of such liquors wholly within such State or Territory.

"SEC. 5. Congress may, by law enacted after the ratification of this section, provide that the prohibition contained in section 1 of this article shall not apply to the manufacture, sale, or transportation wholly within a place subject to the jurisdiction of the United States (other than a State or Territory) of intoxicating liquors for beverage purposes.

"SEC. 6. Congress shall have power, by law enacted after the ratification of this section, to regulate the importation of intoxicating liquors for beverage purposes from any foreign country, or from a State or Territory, into any State or Territory which, under the provisions of section 4 of this article, provides that the prohibition contained in section 1 of this article shall not apply in such State or Territory."

UNITED STATES BORDER PATROL

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 254.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 254

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11204, a bill to regulate the entry of persons into the United States, to establish a border patrol in the Coast Guard, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'CONNOR of New York. Mr. Speaker, can the gentleman make some agreement as to the time under the rule?

Mr. MICHENER. I was going to ask the gentleman in regard to that.

Mr. O'CONNOR of New York. We shall need at least half an hour.

Mr. MICHENER. Mr. Speaker, this is the usual rule, to make in order the bill H. R. 11204, which is commonly known as the border patrol bill.

The purpose of this measure is to establish a unified patrol service along the land borders of the United States, to make more effective the laws against unlawful entry of persons and property, and at the same time to serve the convenience of those lawfully crossing the borders.

The establishment of this unified patrol service was recommended by the President in his message to Congress at the opening of the present session, and is earnestly favored by all the departments involved. The bill has been carefully considered by the Committee on Interstate and Foreign Commerce.

When the House considers it in detail the bill will be thoroughly explained, and I shall take up no more time now in explaining the bill, inasmuch as we are at this time considering the rule making the bill in order.

Mr. HASTINGS. Do you hope to get the bill into the Committee of the Whole to-morrow?

Mr. MICHENER. Yes. We do hope to get it in Committee of the Whole to-day.

Mr. HASTINGS. To-morrow is Private Calendar day.

Mr. MICHENER. To-morrow is the Private Calendar day, and this bill will be privileged. It will be up to the Speaker to determine which course he will pursue in regard to it, whether we continue with this bill or take up the Private Calendar.

Mr. PATTERSON. We would like to know what the program is going to be.

Mr. HASTINGS. That is why I made the inquiry, whether this bill would be taken up to-morrow.

Mr. MICHENER. I believe we will be able to take it up to-morrow.

Mr. TILSON. It will be considered the unfinished business to-morrow.

Mr. STAFFORD. Is it the intention to go into Committee of the Whole on that bill this evening?

Mr. MICHENER. Yes; under general debate.

Mr. STAFFORD. How far is it proposed to go with the general debate?

Mr. MICHENER. As long as the committee will permit. It is the purpose to go into Committee of the Whole but perhaps we can not finish the general debate to-night.

Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. I will ask the Speaker to advise me when I have used 15 minutes.

Mr. Speaker, in the few remarks which I made this morning in connection with the veterans' bill I mentioned the fact that this bill for the establishment of a border patrol was one of the important bills still pending in this House. I am glad it has not been brought out under suspension of the rules but is now brought out under a rule from the Committee on Rules so that it can be properly considered and amended.

This bill is a distinct departure in dealing with our boundaries, on the north, of 2,839 miles, excluding the Great Lakes and St. Lawrence River of over 665 miles, and our Mexican border on the south of 1,677 miles.

For over a century we have boasted of our neutrality along those borders. We have told the world that we had no forts nor fortifications between us and our two neighbors, that we have had no armed force patroling those borders that might possibly disrupt international amity. That was a proud boast and a laudible relationship between neighboring nations.

Now, for the first time in 116 years, it is proposed that we place an armed and uniformed force along those borders under the guise of controlling immigration, prohibition, and customs. Let us in calmness consider the need for such an extraordinary departure from our traditions.

This bill was introduced by the gentleman from Michigan [Mr. HUDSON], one of the "dry" leaders of this House and an admitted sympathizer of the Anti-Saloon League. It was referred to the Committee on Interstate and Foreign Commerce. Why, you may ask? Because the original bill proposed to make this border patrol a part of the Coast Guard, which is part of our Army and over which that committee has jurisdiction.

One might well wonder why it was not sent to the Committee on Immigration, if its chief purpose was to apprehend smuggled aliens. That committee was working on the problem as far as immigration was concerned, nor was it referred to the Ways and Means Committee which has jurisdiction of customs. The chief objection to this bill is that it creates a new crime under our Federal law, the principal and most objectionable feature of the bill being its criminal section, section 4, which provides it shall be be unlawful for any person to enter the United States from a foreign country at any place other than a point of entry which shall be designated by the President, except, and so forth. I particularly call the attention of the lawyers of this House to that provision. I do not object to protecting our borders against the unlawful entry of persons or merchandise. I am not opposed to the consolidation of the different forces who watch for customs smugglers or prohibition smugglers or aliens trying to enter our country in violation of our immigration laws. I am not opposed to reasonable provisions to meet these conditions, but I am opposed to the vicious features of the bill which make a new crime, a crime which any American citizen or any child might commit, innocently, unknowingly, not willfully, and yet be branded as a criminal for life without any possibility of removing the strain of that criminal record.

I wonder what the Committee on the Judiciary would think of such a proposal if the bill had been referred to that committee. This language of the bill which I have quoted to you, specifically and unequivocably makes a criminal of any person who enters the United States across its northern or its southern border without first going to a point of entry, to be designated by the President. The bill does not say he must do it willfully or knowingly, but it provides that if he puts one foot over the border except at a point of entry, he is guilty of a crime, whether he knows where the border is or does it accidentally with no intent to evade our laws. If an American boy swims out in a boundary river across this imaginary boundary, and then swims back without reporting, possibly a hundred miles away at a point of entry, he is guilty of a crime and always will have that crime on his record. If an American boy or girl skates or paddles across the middle of the Detroit River and then comes back into the United States without first reporting at a point of entry, possibly a hundred miles away, he or she is forever branded as a criminal. If an American citizen is hunting in Canada and unknowingly puts his foot across the border at a spot other than a point of entry, not knowing even that he is back in the United States, he is proven guilty of a crime. He has no defense to the charge. The mere unconscious false step has made him guilty of a crime, and he is branded a criminal for the rest of his life. There is no mitigation of the offense—lack of intent or knowledge can not be pleaded. What would our great Judiciary Committee do with a bill like that if it were before them?

Now, what prompts the bill? It is an attempt to meet the prohibition situation, and that situation alone, on our northern and southern borders. It does not pertain to our ocean borders at all. But, to meet the prohibition situation alone, a new crime, with no intent involved, with no knowledge of wrongdoing involved, there may be placed upon our statute books such a law as this, unheard of in our criminal jurisprudence. It will affect thousands and hundreds of thousands of American citizens. It is true that within the last few days some amendments have been made with reference to the passage of small boats across our boundary waters, so great was the protest from boat associations and owners that when this bill first was reported, it repealed the navigation laws of 1912, which protected small boats from having to report at a port of entry. It repealed two sections of the tariff law which had just become a law, by rescinding the exemptions granted to small pleasure boats. In the past few days the proponents of the bill have been trying to work out some change in these harsh provisions to meet the thousands of protests against the bill. Has the Anti-Saloon League sat in their conferences? It is commonly reported that all changes have had to meet the wishes of that supergovernment of Washington.

New York State has 665 miles of a water boundary with Canada through the St. Lawrence and the Great Lakes. Lake Erie is about 115 miles long, Lake Ontario about 303 miles, and the St. Lawrence River about 247 miles. It has about 74 miles of land boundary.

Now, gentlemen, let us be fair. Whenever the prohibition question is raised, some people see red. All their judgment as lawyers, as legislators, as sportsmen, seems to leave them, and they become unduly harsh and vindictive. Let us be fair about it.

This law would create a crime where there is absolutely no criminal intent. The immigration authorities admit they do not need this consolidation to meet the situation. At the hearings the immigration authorities stated—page 60—that they were controlling the situation very well. Last year they apprehended, with a force of about 847 men, 29,568 aliens attempting to cross the border illegally and 291 smugglers of aliens. They confiscated 741 automobiles and 222 other vehicles with a small force of inspectors admittedly adequate for their purposes. And, mark you, gentlemen, this same immigration force confiscated 352,869 gallons of liquor. The combined forces of immigration, prohibition, and customs, consisting of about 1,500 men, seized last year, and, of course, destroyed, 1,043,366 gallons of liquor, 3,902 autos, and 1,223 boats.

The Assistant Secretary of the Treasury, Mr. Ogden L. Mills, testified before the committee, as follows:

> If you want to consider this—and I am not suggesting that you should—but if you want us to consider this as a prohibition problem or primarily a prohibition problem, remember that we are spending about $15,000,000 on prohibition proper in the United States. I think Governor Lowman and Admiral Billard will tell you certainly not more than 3 or 4 per cent—you will correct me if I am wrong—of the liquor consumed in the United States is probably imported liquor.
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> Mr. LOWMAN. That is the estimate, 3 or 4 per cent.
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> Mr. MILLS. Say that it is 5 per cent. Is it logical to spend $15,000,000 trying to prevent the sale of 95 per cent of the liquor consumed and $15,000,000 on the land borders and $22,000,000 on the ocean to prevent the importation of the 2½ or 3 per cent or 4 or 5 per cent, as a business proposition?

The balance of 97 per cent is, of course, manufactured in this country. Since Canada has placed an embargo on exportation of liquors, it is estimated that not more than one-half of 1 per cent is imported. The 1,000,000 gallons of liquor which was confiscated last year represents 3 per cent of the entire consumption of liquor in this country. Now it is proposed to spend upward of $4,000,000 under the guise of consolidation of the border patrols to seize what little more there is being smuggled into this country.

Time and again during this session of Congress we have, at the behest of the President, the Director of the Budget, and the leaders, refused to enact necessary legislation affecting our citizens because it would entail the expenditure of one or two millions of dollars. Now we propose to throw away another $5,000,000 in attempting to enforce an unenforceable law.

Under this bill it is proposed to have the President establish what are known as "points of entry." At the utmost there will

not be over 250 on the northern border of 3,500 miles and not over 100 on our southern boundary of nearly 1,700 miles. In some instances these points of entry will be 100 miles apart, yet every person, American citizen or not, coming into this country must come in through a point of entry or be guilty of a crime. The President will establish the points of entry as he chooses, and anybody coming into this country except at those points of entry will be arrested, confined, and branded a criminal, even though there was no intent to evade any law of the United States.

When the bill shall be read for amendment I propose to offer an amendment to section 4 of the bill by inserting, in line 14, of page 7, after the word "person," the words "knowingly and willfully," and in line 17, on page 7, after the word "President," the words "with intent to evade or violate the laws of the United States." Those amendments should be acceptable to any lawyer or to any fair-minded person.

The Members of Congress from New York are particularly shocked that the responsibility for this bill rests chiefly on the shoulders of four Republicans from New York. It might well be known as the Mills-Lowman-Parker-Snell bill. Mr. Ogden L. Mills, undersecretary of the Treasury, advocated it; Mr. Lowman, of the Treasury Department, formerly lieutenant governor of New York, advocated it; it went through and was reported from the committee headed by the gentleman from New York, Mr. PARKER, and the Rules Committee, headed by the gentleman from New York, Mr. SNELL, whose district is affected more than any other portion of the country, brought it on the floor. Four sons of New York, Mills, Lowman, PARKER, and SNELL, forgetting the interests of their own State, are more responsible for this legislation, which affects the northern boundary of the State of New York, than any other four men. The Anti-Saloon League may have originated the idea but they are responsible for its being before us.

It is not so long ago that the Rev. Dr. "True" Wilson, that unprejudiced, that unbigoted exponent of tolerance and truth, proposed that we stand the marines on the Canadian border shoulder to shoulder, with cocked rifles in hand. Mr. Lowman, as usual, subservient to Wilson and his buddies, Cannon and McBride, wanted to submit to the suggestion but only went so far as to arm the border patrol with machine guns and sawed-off shotguns. The result was outrageous assault and death to many innocent citizens. President Hoover, a man of some discernment as to the patience of our people, called in Mr. Lowman and said, "Stop that; just give those guerrillas pistols and clubs." Mr. Lowman replied, "Why Mr. President, I would build a barbed-wire fence 20 feet high along that Canadian border." That was about the limit, for Mr. Hoover then said to Mr. Lowman, "If you ever make another suggestion like that just look for another job—we have been too friendly with Canada for 116 years to build any fence along that border." And Mr. Lowman had to call in the best Republican minds in New York to hold his job.

Failing in that fanatical attempt to get at the enforcement of this one law—the prohibition law—the fanatics now present this bill. It builds a fence more repugnant than any barbed-wire structure, because it interferes with the rights of our own citizens.

Let me read to you what the American Federation of Labor thinks of the bill. That organization is for immigration restriction. There is nobody in this United States more favorable to the restriction of immigration than the American Federation of Labor. Were they deceived into believing that this was an immigration bill? They were not. Here is what Mr. Roberts, their representative, said in the hearing:

> We are opposed to this unified border patrol because we fear it has only one purpose, to enforce one law. We have fought for years to get a border patrol to protect us from an influx of immigration, without avail, but now we consider that the whole purpose of this bill is just merely to have another border patrol to enforce the prohibition act, and I think the immigration act is just as important, if not more so.

The immigration officials said they had the situation well in hand. I believe the Customs Department expressed no desire for this legislation. The gentleman from Oklahoma [Mr. GARBER] asked Mr. Frank Dow, Assistant Commissioner, Bureau of Customs of the Treasury Department, this question (p. 58 of the hearings):

> Has your force been sufficient to efficiently patrol for customs requirement?

Mr. Dow replied:

> I think we have done a pretty good job.

The Customs Bureau testified it did not need any more help. The Immigration Service testified it did not need any more help, but the pressure behind this bill, the same old pressure that was behind the Jones law, which proved to be such a fiasco, even in this House, was too great to prevent its presentation.

There is the same pressure behind this bill, and the desire is to pass it just for the one purpose, namely, that of getting a few more gallons of the 3 per cent of liquor that comes into this country. I do not object to that so much, but in doing it you are going to make criminals of hundreds of thousands of American citizens.

The immigration authorities testified they were controlling the situation. They testified they are already moving to the border; that they are putting their buildings on the border and only needed a few more men. But what does the bill do? It does not state how many men will be used. It does not limit the number of men that may be used to arrest American citizens. The proponents guess that they are going to increase the number from about 1,500 to 2,500; but you know what is going to happen. It always does happen. The 2,500 men may be increased to 25,000, and the hope and the dream of the Reverend Doctor Wilson may come true, and we may really have uniformed men standing shoulder to shoulder along the Canadian and the Mexican borders engaged not only in keeping out the foreigner but keeping out an American citizen from returning to his own country.

Let me read to you what a member of the Interstate and Foreign Commerce Committee said about this bill, the gentleman from Missouri [Mr. MILLIGAN], and he was astounded to find that this bill makes a man a criminal who has no willful intent and who is not trying to evade our laws. Mr. Alvord, counsel to the Treasury Department, was testifying:

> Mr. MILLIGAN. Is not that very unusual, section b on page 2? You arrest a man for a misdemeanor, and then you try him for an entirely different crime?
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> Mr. ALVORD. That probably is not unusual. Persons are frequently arrested for one offense and by the time they are ready for trial or for commitment they decide to change the offense.
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> Mr. MILLIGAN. You arrest him not with the intention of trying him for that offense. You arrest him merely to take him into custody so that you can try him for some other offense?
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> Mr. ALVORD. That I think is right.
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> Mr. MILLIGAN. Is not that rather unusual?
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> Mr. ALVORD. It may be somewhat unusual.
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> Mr. MILLIGAN. Suppose you arrest a man and then he would sue out a writ of habeas corpus?
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> Mr. ALVORD. I doubt if the writ of habeas corpus would lie, because he was lawfully arrested.
>
> Mr. MILLIGAN. He can sue out a writ of habeas corpus in any case, whether he is guilty or innocent?
>
> Mr ALVORD. That is true.
>
> Mr. MILLIGAN. He sues out his writ, and then you contend that he has violated this section because he did not go to a certain point. Then you take him back and try him for an entirely different crime?
>
> Mr. ALVORD. Of course, you can try him for this.
>
> Mr. MILLIGAN. But that is not the intention.
>
> Mr. ALVORD. And that would be the issue on the petition for the writ.
>
> Mr. MILLIGAN. Certainly it would be the issue that he has violated this provision, but the real intention is to try him on an entirely different offense. Is that true?
>
> Mr. ALVORD. That is true. As I see this thing, the real purpose of it is to try him for some other offense. If he has really committed a serious offense against the customs or the immigration, he should be tried for that, and if he has not he ought not to be tried for this, I would say.
>
> Mr. MILLIGAN. The real intention in arresting him is to investigate.
>
> Mr. ALVORD. That is it.
>
> Mr. MILLIGAN. Is there any other law with a similar section in it?
>
> Mr. ALVORD. I do not know of any; no, sir. We had to scratch our head to concoct a means of getting ample power there. I think this does it.

The disorder now in this Chamber represents the difficulty a Member has when he attempts to discuss any question even remotely involving prohibition. It is difficult for Members otherwise fair to be courteous in their attention if they espouse the prohibition cause. I regret it; but in this instance I am talking to you about the legal rights of citizens, American citizens. Under this bill an American citizen who steps one foot into his own country other than at a point of entry is forever branded as a criminal. He may have no goods or merchandise on him, not even a suitcase, yet because he did not enter his own country at a point of entry, probably 100 miles distant, he is arrested, locked up, and becomes a criminal. The patrolman has no discretion in the matter. The act itself, however innocent, constitutes the crime, with no defense. Is that American law?

No one would suggest such a provision in connection with any law other than the sanctified prohibition law.

It is the method that was used for years in Russia and other countries. The ability to arrest on some pretext and then determine if some crime had been committed—Soviet Russia does it to-day. By this bill we go Soviet Russia one better. They may amend the original bill in reference to small boats and as to people who live near the border or own property there. The President is going to issue permits to them to pass and repass at will. But millions do not live near the border or own property there who occasionally cross the border and will be subject to arrest. The permit—the registration system—is with us at last, the registration of American citizens. That is the old Russian system. Anyone who has not a card can be locked up overnight, and even if he later proves his innocent intentions he is still just as much a criminal as ever. He is made a criminal the moment he steps over the border, innocently or otherwise.

I can not see how anybody, even those favoring prohibition, can go that far. I believe it is the most outrageous step in violation of American jurisprudence that has ever been taken in our history. [Applause.]

Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Speaker, it has always been my strict rule throughout life never to make a misstatement intentionally, and to correct immediately one made by me when I detect it. I particularly regret a misstatement when it does not correctly report the statements or record of an individual.

I hasten to correct an error made by me in the CONGRESSIONAL RECORD of June 25, 1930. I said that it was Dr. Clarence True Wilson who advocated "calling out the Marines" to patrol the border on prohibition and establish martial law. I referred to his article in Collier's Weekly of July 13, 1929.

I tried hard to get this article before I prepared my manuscript for the CONGRESSIONAL RECORD, but the Congressional Library informed me the copy in question of Collier's Weekly had been sent to the bindery. I asked them to get it, and later they did, after my statement was in the RECORD.

I find that Dr. Clarence True Wilson declared for martial law and the "calling out of the marines," but he wanted them to punish the States of New York and Maryland, which he declared were "in rebellion" because they had voted against a State prohibition law. I did him no injustice in advocating thus the abrogation of the "bill of rights" of the United States Constitution in those States, and the abrogation of the writ of habeas corpus and installing trials by court-martial instead of the courts of land.

He also advocated that first offenders be given a very severe sentence and the buyer of liquor be savagely punished. So I did no damage in setting him forth as a fanatic; but it is true that he just did not happen to think of the Detroit border in his outbreak or he undoubtedly would have thrown the Detroit border in with New York and Maryland. I recall that some Anti-Saloon League advocate urged martial law on the Detroit border, but I can not remember his name nor the occasion.

Mr. Speaker, ladies, and gentlemen, I do not like to trespass upon the time and attention of the House unless I am quite informed on the question at issue. For four years I enforced, as secretary to the Assistant Secretary of Commerce, the navigation laws of the United States in the Department of Commerce, and a normal day's business was about 100 violations of the Federal navigation laws; and for five and a half years I was the United States customs appraiser of Michigan on the border, handling the customs laws; and for two years during the Great War I was manager of the United States War Trade Board for that portion of the border and for several States.

So I do know navigation and customs laws as an expert. I do know about these barriers, wise and unwise, that are placed upon the border for the regulation of persons and merchandise in border traffic. I say to you that this bill that is now before you is one of the most sensational and vicious bills that has been placed before you during this Congress, and one of the most important.

This bill does the unheard-of thing of breaking the relations with our northern neighbor, Canada, that have existed for 116 years, or since 1814. It closes the border against Canada, and it does the same thing for our great neighbor on the south, Mexico; the relations existing since 1847 or 1848.

The gentleman from New York [Mr. O'CONNOR] has discussed the question on the St. Lawrence River, Niagara River, and Lakes Erie and Ontario, and on the northern land border of about 75 miles in New York; and I may say to you that there are the makings of a red-hot political situation in New York if you put this bill on New York with that State so close in elections. Many New Yorkers will bitterly resent this measure if enacted into law.

The same serious restrictions will exist on the entire 1,500 miles of the Texas border, which is on the Rio Grande. The leader on the other side, the very estimable gentleman from Texas [Mr. GARNER], whom I admire, has about 560 miles of that border in his district.

They have whispered around that I am satisfied with the amendment that will be offered to protect small boats, which are now protected under present law by the navigation law of 1912, R. S. 4218, and two sections of the recent tariff law. The two Committees of the House and Senate, Ways and Means and Finance, carefully considered these two sections. So did the House and Senate for 18 months. The President signed this tariff bill the other day, and we all found these two small boat sections to be wise laws. I do not think there was anybody on the House Interstate and Foreign Commerce or on the Rules Committee who understood that this Hudson bill endangered these three aforesaid laws.

The gentleman from New York [Mr. O'CONNOR] demonstrated, in part, there is no necessity for this legislation. Undersecretary of the Treasury Ogden Mills was liberal enough to say before the House Interstate and Foreign Commerce Committee that we are spending $37,000,000 per year to catch the 3 or 4 per cent of the liquor coming in over the Pacific, Atlantic, Canadian, and Mexican borders and $15,000,000 per year to catch the 95 per cent of liquor manufactured in the United States; but since that testimony Canada has placed a strict embargo on the exportation of liquor to the United States, and the Canadian border agents and their Northwest Mounted Police are far more honest and efficient than our border agents. The Canadian Minister of Marine said formerly Canada was exporting 2 per cent of the American supply. I say now it is less than one-half of 1 per cent.

So at this time, when we are talking about the desperate condition of the Budget and an increase of Federal taxes, and when we can not afford appropriating any more money, you are asking for $4,241,799 more per year for greedy prohibition. You ask at the first crack an increase of $5,697,679 for the first two years of this new border bill. You are already spending $52,000,000 per year for prohibition enforcement. Here you are pouring $4,000,000 more annually after two years into this sewer to catch one-half of 1 per cent of the liquor imported into the United States!

This is a prohibition bill. It is an Anti-Saloon League bill. That is the driving force behind it. This bill is mean. It even makes the innocent passage of children across any part of this land border a crime unless they go a long distance, in most cases, and report the innocent transaction to a border or customs agent. Formerly they never had to do this. That is the vicious bill you have before you now. Mr. Wickersham admitted the other day that the trouble is we are making too many new crimes and too many excessive punishments.

When we opened the international bridge in Detroit several months ago and the bridge at Buffalo some time before that, all the orators, Canadian and American statesmen, felicitated the two nations that we have lived in peace and amity for 116 years and that we passed back and forth practically the same as American people between two American States.

Now, here in this measure you have outraged this good neighbor. You have already made them angry by the tariff bill, and they are threatening to cut down our exports, which have been $900,000,000 a year, by one-third, or $300,000,000 a year. Now you rub them the wrong way by this bill. You give them a slap in the face.

Fortunately some wise Senators say that this bill will get a full and fair hearing in the Senate, and they will learn just what the bill means. That will be a godsend.

What are these all-important regulations proposed by the Treasury Department to take the place of the "good old days"?

LAWS AND REGULATIONS

I have no doubt that the Anti-Saloon League has enough power to put it through the House. But there is a great chain of newspapers which is going to show up this vicious measure before the Senate acts next December. The people will be advised quite fully.

I am now going into the question of the land border. Later I will take up the water-border discussion.

Jackman, Me., town is on the border, partly in Canada and partly in United States, as is Derby Line, Vt., Nogales, Ariz., and also three towns in Minnesota, so that if children cross the street, automatically by this bill they become criminals. If a child crosses the border chasing a dog or going after the cattle he automatically becomes a criminal. That has never been a crime in the past.

There is a house up in New England where the wife's bedroom is in Canada and the husband's bedroom is in the United States.

There are many houses and farms that lie on the border line. There are stores lying in both countries. There are houses where the kitchen is in one country and the other part of the house in the other country. The man who pursues his ordinary vocation about such farm would violate this law. The only remedy is for them to register, to undergo a police quiz and get permits or passports.

Now, the sponsors of this bill say that it does not mean compulsory or voluntary registration. They know that is odious to the American people, who immediately think of Russian terrorism. We have seen how it works in Russia, where secret police swarm, and everybody is checked and double checked. The American Federation of Labor, in its convention in 1925, through that great leader, Sam Gompers, said in resolutions that it opposed alien registration because it would eventually mean American registration. You never could force alien registration through Congress, but now you force far worse.

Now you are providing for compulsory registration, for all citizens on the line or border. These fellows up in the Treasury Department know that it will be utterly impossible to enforce this measure to any degree. But they are merely being forced to recommend another bad prohibition law. Why, up at Jackman Me., father will have to take the little kiddies in his wagon or auto and travel way back a hundred miles and say to the new Federal force: "We are not criminals, we want to register; give us a permit or a passport," for that is what it is. The distance between Jackman, Me., and the next point of entry is 195 miles. Think of it.

The SPEAKER. The time of the gentleman has expired.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. CLANCY. Yes.

Mr. O'CONNOR of New York. Under the bill only people residing near the border can get a permit.

Mr. CLANCY. Yes; I am glad the gentleman made that point. The person living away from the border is out in the cold. This law operates very harshly on him.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. O'CONNOR of New York. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker and gentlemen, the rule before us is fair. It will give the House a chance to consider the bill that it makes in order under the 5-minute rule. Therefore I am not opposed to its being adopted, but the bill that it makes in order is vicious.

For the purpose of efficiency and economy I have advocated for years the unification of many of our bureaus. The prohibition gentlemen who are advocating this bill did not appeal to the Immigration Committee, which is familiar with the conditions of immigration, nor did they appeal to the Committee on the Judiciary, which is familiar with the laws relating to prohibition. They ignored both of these committees that are familiar with conditions and turned to the Committee on Interstate and Foreign Commerce, which to my mind has had very little experience with or knowledge of conditions on our borders.

I think it is unfair and unjustified that a committee should assume jurisdiction in this matter when the subject is being considered by committees having jurisdiction and knowledge of the subject matter. Surely no one will question the fact that the Immigration Committee is a working committee, or that it is efficient, or that it does try to prevent smuggling over the borders.

The Immigration Committee is so restrictive in its efforts and actions that surely the House does not need to fear that it will not do its full duty to protect the country from any bootlegging over the Canadian or Mexican borders. I believe that that committee, if it had been given time, would have brought in a bill that would be fair and just; a bill which would not be as vicious as this bill.

Let me call your attention to section 4 of the bill. It provides that it shall be unlawful for any person to enter the United States from a foreign country at any place other than a point of entry which shall be designated by the President. There are thousands of miles of our border. The President is going to designate the points of entry, and if, by any chance, an automobile or a traveler or an airplane should come into the United States across the border outside of the designated spot they will be guilty, under the bill, of a misdemeanor and subject to fine and imprisonment. It is manifestly unfair and unjustifiable.

Let us read section 5 and see the intent of the gentlemen who are behind this legislation. Section 5 provides that there are authorized to be appropriated such amounts as may be necessary to carry out the provisions of the act and for the establishment and maintenance of points of entry designated under the act. Under that provision millions of dollars will be appropriated trying to enforce the prohibition law, which can not be enforced.

I feel that people are sick and tired of being forced to pay these tremendous expenditures and the ever-increasing taxes due to prohibition. Let us repeal that law and reduce the burden.

The SPEAKER. The time of the gentleman has expired.

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker, I am one of those Members of the House who believe in nondiscriminating restrictive immigration laws and the protective tariff in order to protect industry and labor of America from unfair competition with cheaply produced foreign products, be they liquor or any other product. I believe this bill is a step in the right direction to assist in the relief of the unemployment situation. This bill when enacted will materially assist in keeping out aliens who each day are being bootlegged into the country. Just last week I received a letter from an alien who asked me to go to the Commissioner of Immigration to stay his deportation warrant until such time as he and his family had an opportunity to earn sufficient wages to pay the transportation charges to his native land. He admitted that his family, consisting of himself, wife, and 18-year-old daughter, had recently entered this country in violation of the immigration laws, and stated in his letter that a few months more in this country would enable him to pay the transportation, as he was employed in these days of unemployment, as well as his wife and 18-year-old child. The border patrol as provided in the pending bill will greatly assist in effectively enforcing the immigration laws, prevent the bootlegging of aliens, and thereby prevent our American citizens and aliens legally in our country from walking the streets unemployed while aliens who enter in violation of law are employed.

Mr. SCHNEIDER. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. SCHNEIDER. It appears that this bill transfers the present border patrol that has for its purpose the exclusion of aliens to the exclusion of the importation of liquor. Therefore, the efficiency of keeping the immigrants out at the present time will be diverted to another purpose, which will permit the alien to come in.

Mr. SCHAFER of Wisconsin. I do not agree with my colleague. He is clearly laboring under a misapprehension. You could, under the same premises, reach a conclusion that the passage of this bill will transfer some of the activities in enforcing the prohibition and customs laws to enforcing the immigration laws. When you have three independent agencies having jurisdiction over three different laws—the customs laws, the immigration laws, and the prohibition laws—with a certain number of personnel, you are going to be able to more efficiently enforce all of the laws if the agencies are consolidated and the personnel enforces the three laws and not one particular law, be it prohibition, immigration, or customs. As far as prohibition is concerned I yield to no man, from Wisconsin or any other State, in my opposition thereto. However, if it comes to the question of consuming liquor illegally in this country, I want to state that as between the liquor manufactured from the American farmers' grain by Americans and that manufactured from the grain of foreign farmers by aliens without the United States, I will gladly take my position in favor of the American farmer and producer.

The pending bill is in the interest of labor, is in the interest of the farmer, and in the interest of economy, and I sincerely hope that some of my good friends who are opposed to the sumptuary prohibition laws will discontinue their attempt to misrepresent it. If you honestly approach the bill from the prohibition standpoint alone, I ask you to stand by the American industry as against the Canadian and other foreign bootleggers handling wet goods produced from grain grown by farmers in foreign lands. [Applause.]

Mr. DICKSTEIN. In other words, to protect your district from foreign competition.

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. HOCH].

The SPEAKER. The gentleman from Kansas is recognized.

Mr. HOCH. Mr. Speaker, I do not intend to discuss all these matters at this time. They will be fully discussed and considered in the general debate on the bill.

I simply want to make reference to one or two things that have just been mentioned in the debate. The gentleman from New York [Mr. O'CONNOR] seemed to be disturbed at the idea of putting a uniformed and armed force on the Canadian border. Evidently the gentleman does not already know it, but I can

assure him that we have had just such a patrol ever since 1924. The immigration patrol men are uniformed and armed, and those in the Customs Service are uniformed and armed, and this bill proposes no change whatever in that situation.

Mr. O'CONNOR of New York. The first objection that was set up against the organization of the Coast Guard was that it should be kept out of the Army.

Mr. HOCH. The gentleman, if he is discussing the Coast Guard proposition, is discussing something that is not in the bill. The gentleman indicated plainly that we were establishing for the first time a uniformed and armed service along the two borders. These services will be no more armed and no more uniformed than are the present services. Both of them are now uniformed and armed. They are under civil service. It is true that we shall have a few more men in uniform, but they will be no different in character, and more are needed to enforce the laws of this country.

Mr. O'CONNOR of New York. Is it not true that for the first time you have what is called patrolmen?

Mr. HOCH. No; that is not true.

Mr. O'CONNOR of New York. The purpose of this bill, according to the hearings, is to put them all in uniform.

Mr. HOCH. We have patrolmen now in uniformed service. They are patrolmen, so named in the law and in the administration of the law.

Mr. O'CONNOR of New York. The customs patrol is an armed patrol, is it?

Mr. HOCH. It is. If the gentleman is alarmed by calling them patrolmen, he can get all the satisfaction out of that that he wants, but it will be in no particular different from the service at the present time.

Mr. SNELL. Mr. Speaker, will the gentleman yield there?

Mr. HOCH. Yes.

Mr. SNELL. I understand that the Customs Service and the Immigration Service are now exactly as they will be under this bill?

Mr. HOCH. Yes. As far as the administrative officers are concerned. They will be in the same service as they are now. The patrolmen now in the Customs Service and in the Immigration Service will simply be transferred to this one unified patrol, and the patrolmen will not be concerned under this bill primarily with customs and immigration matters, or any other laws, but they will patrol the border and if they find a person coming unlawfully over the border they will intercept him.

Mr. SNELL. Is it going to make it more difficult for people to go between the United States and Canada?

Mr. HOCH. No.

The gentleman from Chicago [Mr. SABATH] also was alarmed about something. What was the cause of his alarm? He said that if a man came across the border under this bill in an automobile at other than a point of entry he would be subject to arrest.

Mr. SNELL. If a man comes across the border, he must come through a customs port of entry?

Mr. HOCH. At a point of entry, with certain exceptions, as will be explained during the debate.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. MICHENER. Mr. Speaker, I yield to the gentleman five additional minutes.

The SPEAKER. The gentleman from Kansas is recognized for five minutes more.

Mr. HOCH. If he comes across in an automobile, even though an American citizen, he must, under the present law, report at a customs port. In many cases the customs port is several miles back of the border. In one case, in Montana, it is many miles back of the border. Instead of adding to the inconvenience of the people coming across the border under these circumstances it will add to their convenience, because the present tentative proposals contemplate having 325 points of entry instead of 150, or 175 more, along the Canadian border. Under the new law the person who comes across the border will not be subject to the inconvenience of going many miles to report at a customs port.

Mr. O'CONNOR of New York. A man can come over on foot without baggage now, but under this law he can not come over on foot without baggage?

Mr. HOCH. The gentleman has now abandoned the automobile proposition?

Mr. O'CONNOR of New York. Oh, I never claimed that.

Mr. HOCH. Now, under the present law, the only American citizen who is not required to report at the customs port is the man on foot who brings no merchandise of any sort with him. The Customs Service inform me that, technically, if a man brings two soiled handkerchiefs in his pocket he is a violator of the law unless he reports at the customs port of entry.

Mr. O'CONNOR of New York. Well, under the new law——

Mr. HOCH. The gentleman from Michigan [Mr. CLANCY] spoke with reference to the boats——

Mr. O'CONNOR of New York. Why does the gentleman not keep to the man on foot before he goes to the boats?

Mr. HOCH. In order that there may be no uncertainty, we intend to offer an amendment to make perfectly clear what was all the time the purpose of the language so that the status of one who comes across in a small boat, defined in the tariff act as a boat of 5 net tons and less, will not be changed in any particular by this bill.

Mr. O'CONNOR of New York. Why does the gentleman not say that the man who comes across on foot, even without two soiled handkerchiefs, under this bill is guilty of a crime? Isn't that the fact?

Mr. HOCH. No; except with qualifications, it is not the fact.

Mr. O'CONNOR of New York. Will the gentleman answer that question? I have asked the gentleman three times. In the Committee on Rules the gentleman said it was, and everybody understood it. Everybody understood that under this bill if a man walked across the border with nothing, he commits a crime.

Mr. HOCH. If the gentleman will give me a chance, I will answer his question. If the gentleman will refer to the provision on page 7, paragraph 4, subsection 1, he will find there is an intention there to provide, under the regulations, that those who live near the border or who own property do not have to report.

Mr. O'CONNOR of New York. I do not live near the border. I do not own property. Suppose I am up in Canada hunting and I step across the boundry with nothing, am I not guilty of a crime, ipso facto?

Mr. HOCH. Yes; technically, but only under circumstances which will be fully explained.

Mr. O'CONNOR of New York. Now, the gentleman has answered the question.

Mr. HOCH. Under the present law the gentleman is guilty of a crime if he comes across with a couple of soiled handkerchiefs, unless he reports to customs.

Mr. O'CONNOR of New York. But suppose I have not got them?

Mr. STAFFORD. Suppose he has only a soiled shirt?

Mr. CLANCY. Will the gentleman yield?

Mr. HOCH. I yield.

Mr. CLANCY. I agree with the gentleman that the law now is that automobiles and aircraft must report. But men, women, and children, millions and millions, using the border need not report. The pedestrian and small-boat owner need not report if not getting merchandise abroad. The gentleman does not need to mention any technicalities about soiled handkerchiefs.

Mr. HOCH. Is it not true that if they bring in merchandise of any sort they must report?

Mr. CLANCY. If they purchase merchandise abroad; yes.

Mr. HOCH. No. The law does not provide that they shall purchase the merchandise abroad.

Mr. CLANCY. Purchase or obtain it. If they catch fish abroad they should report it, but nobody enforces that technicality.

Mr. HOCH. No matter how far away the customs port is, they must go there and report.

Mr. CLANCY. Now the gentleman brings up the question of small boats. The gentleman says the letter he has received from Secretary Mellon answers my objection. I fear that is not true.

Mr. HOCH. The gentleman does not mean to question my statement about it?

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. MICHENER. I yield to the gentleman from Kansas five additional minutes.

Mr. CLANCY. There is some apparently slippery language in the letter possibly not placed there intentionally, but I will tell the gentleman what the crux of that is. I fear "weasel words" and I will ask for a full interpretation.

Mr. HOCH. I think I know what the crux of the proposition is.

Mr. CLANCY. If the gentleman does, then the gentleman is not telling me the full truth when he says that motor boats are fully exempted under that language. I fear a joker in that language. I think a technicality is being made. The navigation law of 1912 that I am referring to and the two tariff laws of 1922 and of 1930, which now protect hundreds of thousands of boys and girls who use canoes along that border and the Rio Grande, are possibly not repealed by the border patrol act, using severe language, but I fear they will be evaded.

Mr. HOCH. Does the gentleman say they are or are not?

Mr. CLANCY. Possibly are not. This border patrol act sidesteps and knocks over the aforesaid laws somewhat. I am most anxious to get your views and that of the Treasury Department on that.

Mr. HOCH. I say positively it does not repeal those laws.

Mr. CLANCY. Well, I know what the intention is. I state my fears. The small-boat fellow will not be required to make a report to the customs, but they report to the new border patrol. The letter from Secretary Mellon, to which the gentleman has referred, mentions new docks and the new points of entry that are to be established on the water. The other report you have says there will be none in the Great Lakes district. Now, speaking accurately, possibly the new bill does not repeal the navigation and customs laws. They will not have to report to the customs, but they will report to a new body of police. It is easy to see what they are attempting to do. The letter speaks of refusing rights to cross the border to boats violating the laws. They are attempting to catch the one-tenth of 1 per cent, 50 out of 50,000 small boats which are rum runners, and I still fear a system of permits and registration. I will ask you to clear that up.

Mr. HOCH. I hope the gentleman will conclude his statement. I do not wish to take more time of the House to-night.

Mr. SHREVE. I have been home for a week and have been up on the Lakes on what we call a booster's trip. Every year for 10 years the Erie Chamber of Commerce has been going to some Canadian port. This year we went to Midlands on one of the largest ships on the lake. We landed and spent the whole day there. The people entertained us royally and I met the next Premier of Canada. Before we get through with this discussion I may tell you what he said to me. But I want to know this: Is there anything in this bill which will prevent us from having another excursion next year to some Canadian port?

Mr. HOCH. Nothing in the least.

Mr. O'CONNOR of New York. It will depend on the size of your boat.

Mr. HOCH. Not at all. The bill does not provide anything of the sort.

Mr. SHREVE. We landed without any examination on the part of anybody. We went back to the boat at night and again we were not examined nor disturbed in any way whatever. When we got to Mackinac the next day, customs officers went through to see if everything was legal on the boat, but it is very important to me to know before I favor this legislation whether our very joyful excursions up the Lakes are going to be interfered with.

Mr. HOCH. Not at all. I will read to the gentleman a statement made in a recent letter from the Treasury Department on that proposition:

> There is nothing in the bill which affects in the slightest the duty under existing law, or the exemption from the duty, to make formal entry or to make a formal report of a vessel arriving from a foreign country.

Mr. O'CONNOR of New York. That does not answer the question. All the gentleman is saying now is that if he was not liable before there is no change, but under this bill the law will be tightened up so that the strict letter of the navigation laws will be carried out.

Mr. HOCH. Under the present law any boat of 15 tons or over must make both a formal entry and report on arrival. We do not interfere with that in the slightest. A boat of 15 tons or less which under the law is not permitted to carry merchandise or passengers for hire is not, under the present law, compelled to make a formal entry, but is required under the present law within 24 hours to make a report of arrival. We do not change that in the slightest degree. Under the present law a boat of 5 net tons or under must report if it brings in merchandise, but if a boat of 5 tons and less does not bring in any merchandise it does not have to make a report or formal entry. We do not intend to change that in any degree.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. MICHENER. Mr. Speaker, it is clear there is some argument with reference to this bill. The rule provides ample time for discussion, and the bill will then be read under the 5-minute rule for amendment. I therefore move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. STEVENSON, for one week, on account of illness in family.

To Mr. REECE, on account of important business.

To Mr. VINSON of Georgia, indefinitely, on account of important business.

CONFERENCE REPORT—BOISE NATIONAL FOREST

Mr. COLTON. Mr. Speaker, I present a conference report on the bill (H. R. 4189) to add certain lands to the Boise National Forest.

The SPEAKER. Ordered printed.

CONFERENCE REPORT—COLONIAL NATIONAL MONUMENT IN THE STATE OF VIRGINIA

Mr. COLTON. Mr. Speaker, I present a conference report on the bill (H. R. 12235) to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes.

The SPEAKER. Ordered printed.

FEDERAL AID TO OTHER GROUPS BESIDES FARMERS

Mr. SELVIG. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SELVIG. Mr. Speaker and Members of the House, much has been said about the aid the Federal Government has given and is giving to agriculture through the use of Federal funds or Federal resources. There is less known about what the Federal Government has done and is doing for other groups besides farmers.

Particularly since the recent attack on the Federal Farm Board made by the United States Chamber of Commerce has governmental assistance to agriculture been given widespread publicity.

The attack on the Federal Farm Board made by the chamber of commerce crystallized in a resolution on agricultural marketing which was adopted on May 1, 1930, at its eighteenth annual meeting held here in Washington.

I shall not digress to picture the dramatic scene when Chairman Legge of the Federal Farm Board, Secretary of Agriculture Arthur M. Hyde, the president of the Land O'Lakes Cooperative, John Brandt, of Minnesota, and others spoke in behalf of the organized farmers of the United States.

I was present at this epochal meeting. The scene will not soon be forgotten. I was proud of the spokesmen for agriculture. They rendered the producers on our farms a great service on that occasion.

Mr. Alexander Legge, chairman of the Federal Farm Board, who was the first speaker, pointed out that the marketing act committed the country to the principle of cooperative marketing. Mr. Legge added that—

> There has been considerable evidence the past several months that entirely too many of your members (referring to the United States Chamber of Commerce) were for the principle of cooperation so long as it did not work.
>
> I do not recall in years gone by of hearing you men making any such complaint against Government aid that was extended to the manufacturing industry, to transportation, and to finance. All these played their part in adding to the disadvantages of the farmer.

The opponents of the Federal Farm Board, however, had their way when the resolutions were adopted. In order that the exact language of the considered judgment of the United States Chamber of Commerce may be known, I will quote two paragraphs of the section dealing with cooperative marketing. You will note that the criticism is directed against the use of Federal funds for the benefit of agriculture.

> The legislation which was enacted in June, 1929, was in contravention of the chamber's proposals in its provision of new credit facilities in the form of large sums of money from the Public Treasury to be used under the act as the Farm Board might decide. During the business crisis of some magnitude which has occurred during the last six months these funds have been brought into use in various ways.
>
> We accordingly express our continued opposition to the use of Government funds in providing capital for the operation of agricultural cooperatives, and for the buying and selling of commodities for the purpose of attempted stabilization. We condemn as a permanent policy of government the employment of public funds for the purpose of participation in business in competition with established agencies and support the proposal for an amendment of the agricultural marketing act to repeal the authority of the Federal Farm Board to use Federal funds for such a purpose.

The attack made by the United States Chamber of Commerce was in direct conflict with its previously recorded referendum vote on the solution of the farm problem.

The referendum and result of this vote is as follows:

Resolution favoring cooperative marketing—for, 2,808; against, 111.

Resolution urging creation of the Federal Farm Board—for, 2,538; against, 563.

Many members of the chamber, high in official standing, who were parties to framing and supporting the agricultural marketing act, are to-day the leaders and the driving force behind the campaign to repeal or to emasculate it.

They oppose the use of Federal funds to assist agriculture. If the whole $500,000,000 were lost in promoting greater production and cooperative gathering of farm products with marketing excluded, no one would ever say a word.

Billions have been given to railroad companies in the form of land grants and hundreds of millions have been loaned to them to operate their business without the slightest opposition. It was considered to be for the common welfare. Can it be that efforts to assist agriculture are to be placed in a different category?

One is led to believe that the United States Chamber of Commerce is not sincere in its advocacy of measures for the relief of our farmers. They rejected as heretical and unsound every idea that promised to go to the roots of the farm problem. The framers of the resolution condemning the Federal farm marketing act therefore had an impossible task to find a constructive substitute.

They have been able to think of nothing better than to call another farm conference.

The comments on this resolution made by the St. Paul Pioneer Press on May 2, 1930, are strictly to the point:

> At this stage of the game it is hardly in order to begin from the beginning with farm relief. Between 1921 and 1929 there were nothing but farm conferences of every stripe and form. The chamber itself had an excellent one. It came to the conclusion that cooperative marketing was the thing. But now the chamber discovers that the only kind of cooperative marketing it is willing to permit the farmers to do would be the brand which leaves all the previous agencies of marketing unaffected. How the chamber expects the farmers to do their own marketing and the private dealers also to do the same marketing is too much for comprehension.
>
> But the chamber can hardly expect to be taken seriously in its assault on the farm board when it has nothing better to offer in its place than another farm conference. The first positive farm relief that has materialized into action is based on the principle of cooperation among the farmers. They alone of all classes of producers have had nothing to say about disposing of their own products. Farm marketing is not done by farmers, but by specialized middlemen who exercise the real and crucial control. Now an attempt is being made to organize the farm-marketing system on a producer basis. That attempt is not going to be abandoned until Congress is ready to put something more direct, more thoroughgoing, more fundamental in its place, for example, the McNary-Haugen bill.

It is not my intention to-day to enter into a detailed discussion of the plans and performance of the Federal Farm Board. The board has been in existence less than a year. It is yet too early to know definitely what the board may be able to accomplish. In passing, I may state that nothing has transpired to change my opinion regarding the Federal farm marketing act which I fully set forth on the floor of the House of Representatives April 20, 1929, when the bill was under consideration.

What I desire to do is to call to the attention of the country facts regarding governmental aid that has been given to other groups. The subject will be divided as follows:

First. Federal aid for the railroads.
Second. Federal aid for waterways transportation.
Third. Federal aid for mail subsidies to American ships.
Fourth. Federal aid for the banking interests.

FEDERAL AID FOR THE RAILROADS

Approximately 280,000,000 acres of public lands were donated to the railroads by Congress in 83 legislative acts passed in the period, September 20, 1850 to March 3, 1871. Some of this land was donated by the Federal Government to the States that in turn gave it to the railroads, but the majority of it was given to the railroads directly. These grants of land were given for the purpose of helping private railroad companies to construct and maintain railroad lines.

Bonds were issued by the Federal Government to various specified railroad systems in amounts which were virtually sufficient to underwrite and finance the construction of these railroads. The railroads were obligated, of course, to repay the money to the Government. The distribution of these bonds to the railroads was on the basis of $16,000 worth of bonds per mile of railroad constructed between the Missouri River and the eastern base of the Rocky Mountains and between the Pacific Ocean and the western base of the Sierra Nevada Mountains and from $32,000 to $48,000 worth of bonds per mile between the western base of the Sierra Nevada Mountains and the eastern base of the Rocky Mountains.

RECENT LEGISLATION

In the transportation act of 1920 Congress authorized an equalization-fee plan for the railroad industry. An equalization fund was authorized to be built up by exacting equalization charges from railroads receiving excess returns and this equalization fund was to be used for loans at less than market interest to railroads suffering losses through earning less than the fair return prescribed by the Interstate Commerce Commission.

Federal control of the railroads cost the Federal Government approximately $2,000,000,000.

Those who now criticize the policies laid down by Congress for the guidance of the Farm Board have short memories when they fail to recall what Uncle Sam has done for the railroads. I have barely scratched the surface in making these observations. Volumes have been written recounting in detail the specific grants of land and moneys to build up our transportation systems and, incidentally, to build up a great many millionaires' fortunes. Those who oppose Federal aid for agriculture are reminded that agriculture is our Nation's greatest industry and that our self-interest demands that it be encouraged and strengthened in every way possible.

Another group has benefited greatly by Federal aid. I refer to the vast sums expended for waterways transportation.

FEDERAL AID FOR WATERWAY TRANSPORTATION

The Federal Government donated 4,597,668 acres of land to the States of Indiana, Ohio, Illinois, Wisconsin, Michigan between March 2, 1827, and July 3, 1866, for the purpose of encouraging the building of canals.

A total of 2,245,252 acres of land was granted by the Federal Government to the States of Alabama, Wisconsin, and Iowa between May 23, 1828, and July 12, 1862, for the improvement of rivers.

The Federal Government has expended a total of approximately $1,290,000,000 for the development and improvement of rivers and harbors in the United States up to and including the fiscal year ending June 30, 1929. This work, done at the expense of the Federal Treasury, has been of enormous benefit to the private shipping interests.

The Federal Government has also expended a total of $210,000,000 for flood control up to and including the fiscal year ending June 30, 1929. This work, paid for by the Federal Treasury, has also been a distinct benefit to American business interests in the localities affected.

A total of approximately 400,000 acres of public land was given to the State of Alabama by the act of May 23, 1828, for the development of the Tennessee River at Muscle Shoals and other localities.

The Federal Government up to December 31, 1829, had subscribed to canal stock in various companies in amounts which totaled $1,263,315.65. The Government took stock in the Chesapeake & Delaware Canal Co. in 1825, the Louisville & Portland Canal Co. in 1826, the Dismal Swamp Co. in 1826, and the Chesapeake & Ohio Canal Co. in 1828.

Up to the present time the Federal Government has purchased with Federal funds a total of $15,000,000 worth of stock in the Inland Waterway Corporation for the development of barge lines on the Mississippi River and the Warrior River.

There has been a feeble outcry against the Federal Government's participation in this development. I am not criticizing the policy of the Federal Government in this regard. Far from it. I am merely pointing out that it has become almost a habit on the part of Uncle Sam to make huge financial grants for these purposes.

If this is beneficial to the country at large, which no one will deny, then, by all that is right and fair and just, agriculture's claims ought to be given sympathetic consideration. The vast and powerful group of the organized business and wealth of the Nation should get behind a program to give agriculture a place in the sun.

Perhaps no group has received more handsome treatment from the Federal Government than has the American merchant marine. Let us look into this phase next.

FEDERAL AID FOR AN AMERICAN MERCHANT MARINE

The private shipping interests interested in coastwise shipping and oceanic shipping have been aided by the Federal Government through numerous legislative acts. Among those providing financial assistance the following are cited:

Ever since the act of Congress of March 1, 1817 (R. S. 4347) ships flying the American flag have been given an exclusive monopoly of the coastwise trade. For many years prior to that date they had enjoyed a virtual monopoly by reason of the taxes exacted on ships flying foreign flags. This single legislative enactment has been of enormous financial advantage to American shipyards and to American shipping. The coastwise

trade of the United States includes not only the trade along the coasts of continental United States but also between these regions and Alaska, Hawaii, and Porto Rico and it is estimated that the freight tonnage carried in this trade exceeds the total freight carried by all the ships combined of any other single country excepting possibly Great Britain.

BILLIONS FOR SHIPS

During the 6-year period from September 7, 1916 to June 30, 1923, the Federal Government spent $3,491,928,650 in the construction and acquiring of merchant ships and otherwise developing an American merchant marine. This expenditure of Federal funds, it is estimated, exceeds all of the subsidies, subventions, and bounties combined of all the countries of the world during the 80-year period following the granting of the first subsidy to the Cunard Steamship Line.

It is significant to note that out of the 2,311 ships totaling 13,627,311 dead-weight tons which were completed up to May, 1922 with Federal funds, only 583 ships totaling 3,331,021 tons were completed prior to 1919. In other words most of the ships which were constructed with Federal funds were not completed until after the close of the war, the program of building continuing for several years following the war. After the close of the war, the cancellations of contracts for construction represented only a small percentage of the total amount of tonnage finally completed.

GOVERNMENT LOSSES RUN INTO MILLIONS

Since the construction of this fleet by the Government, a large number of ships have been disposed of for amounts which represent only a small proportion of the original cost. The 285 ships in the fleet of wooden vessels was disposed of at a price less than 3 per cent of their first cost, thereby entailing a loss to the Government of approximately $300,000,000. In the fiscal years ending June 30, 1922 and 1923, steel vessels were being disposed of at prices aggregating $35,250,000. It has been estimated that if the Shipping Board had sold all of the remaining steel fleet upon this scale of values, it would have brought only $270,000,000, excluding the ex-German steamers.

The Federal Government incurred a total loss of $14,434,000 during 1929 by Government operation of the merchant marine.

The development of the American merchant marine from a comparatively small tonnage to a large tonnage, the establishment of trade routes and shipping lines has been done under the announced intention of developing an American merchant marine which ultimately will be turned over to private ownership and operation. This purpose is now in the process of being fulfilled. With the exception of the emergency requirements of the war period these expenditures of Federal funds have been made primarily for the ultimate purpose of aiding in the development of an American merchant marine to be composed of private shipping owned and operated by private interests.

EMERGENCY FLEET CORPORATION

In 1916 Congress passed a shipping act which, among other things, authorized the Shipping Board to organize a corporation—the Emergency Fleet Corporation—to purchase, construct, charter, and maintain merchant vessels. The corporation was to have a capital stock of not to exceed $50,000,000, of which the Shipping Board was required to subscribe at least a majority of the stock out of Federal funds, and the sale of $50,000,000 in Panama Canal bonds was authorized to be sold to provide funds for this purpose. As a matter of fact, the Government has owned practically all of the stock of this corporation except a few shares to qualify directors.

LOANS TO PRIVATE SHIPPING INTERESTS

The merchant marine act of 1920 provided for a construction loan fund to be raised by an annual contribution of $25,000,000 for five years from the proceeds of sales and operations. This money was to be loaned to private shipping interests for the construction of ships and loans could be made up to two-thirds of the cost of construction.

Tax exemptions for a 10-year period was given to American shipowners under the transportation act of 1920, provided they invested in the construction of new ships not less than the amount of the exemption received.

Congress has granted free entry on all materials necessary for the construction, equipment, and repair of ships in American shipyards, in all tariff acts since 1894. Prior to that time free entry had been provided for the materials used in wooden ships in the act of June 6, 1872, and this was further extended to include certain steel materials in the act of February 8, 1875, and still further extended by the acts of 1890 and 1894.

MAIL SUBSIDIES

By an act of Congress, May 3, 1845, mail subsidies to ships of American construction were authorized in the form of liberal payments per letter and package rather than a mileage or route payment.

During the period 1847–1858, the Federal Government, it is estimated, paid a total of $14,400,000 in mail subsidies to American shipping interests, according to Meeker, History of Shipping Subsidies, on page 156. Among these payments was a 5-year contract between the Government and the Ocean Steam Navigation Co. for mail service between New York and Bremen and between New York and Havre, whereby the Government agreed to pay $100,000 per year for each ship making a round trip voyage every two months between New York and Bremen, and $75,000 per year for every ship making a round-trip voyage between New York and Havre. The steamship company in order to obtain these benefits agreed to build, within one year, four first-class steamships having a tonnage of at least 1,400 tons and with engines of at least 1,000 horsepower and capable of a greater speed than boats of the Cunard Line. Some modifications in this contract were made later.

THE E. K. COLLINS LINE CONTRACT

The E. K. Collins Line was given a contract by the Government for service between New York and Liverpool whereby this firm received from the Government a compensation of $19,250 for 20 round-trip voyages or a total of $385,000 per year. The company was required to put into service five steamers of not less than 2,000 tons each with engines of not less than 1,000 horsepower. Service started in 1850. In 1852, Great Britain increased the Cunard subvention to approximately $843,559 for 52 round trips per year, whereupon the United States increased its subsidy to the Collins Line to $853,000 for 26 voyages. In 1856 Congress reduced the subsidy to the Collins Line and in 1858 withdrew it entirely, paying only for the actual mail carried.

PACIFIC MAIL STEAMSHIP CO.

During the 10-year period, 1865 to 1874, the Pacific Mail Steamship Co. received a total of $4,583,333 in subsidies from the Federal Government for the maintenance of mail steamship service. By an act of Congress, February 17, 1865, it received an annual subvention of $500,000 in a 10-year contract for service between San Francisco and ports in China and Japan. It began operations in 1867. In 1872 it proposed another mail steamship line to China and Japan and received an additional subvention from the Government of $500,000 per year.

By an act of Congress, May 3, 1875, however, this subvention was repealed when it was discovered that it had been approved as a result of corruption and that the company had not carried out its agreement. By the act of May 28, 1864, Congress authorized an annual subsidy of $250,000 for the establishment of a monthly mail steamship service between Philadelphia and Rio de Janeiro for which the United States was to pay $150,000 and Brazil $100,000. This line was continued from 1865 to 1876.

The Government also negotiated a contract with the California, Oregon & Mexico Line for the operation of a Hawaiian service for which the Government was to pay $75,000 annually.

MORE MAIL CONTRACTS IN 1891

By the act of Congress, March 3, 1891, aid to the American Merchant Marine was authorized in the form of mail contracts whereby the compensation to the carriers was to be based on the type of construction, tonnage, and speed of the vessel on a basis ranging from 66⅔ cents per mile on Class IV vessels to $4 per mile on Class I vessels, provided the vessels (except Class IV) were built in American shipyards under the supervision of naval authorities and subject to requisition in time of war.

Under this act the Government has paid out a considerable amount of money to private shipping interests for carrying the mails, in excess of the cost of carrying the same amount of mail if it had been paid for on the basis of weight rather than the contract basis provided for under this act. According to the annual report of the Second Assistant Postmaster General in 1915, on page 25:

> The fiscal year of 1914 was the first year in the more than 20 years of service under the act of 1891 that the cost of the contract service was less than the conveying steamers would have received on the weight basis for conveying the same amount of mail.

By 1914, therefore, the subventions under the act of 1891 were practically eliminated by following the policy of restricting the carrying of the mails more and more to contract ships rather than to noncontract ships.

CONSTRUCTION LOAN FUND IN ACT OF 1928

The merchant marine act of 1928 authorized the increase by Federal appropriations of the construction loan fund of the Shipping Board from $125,000,000 to $250,000,000. Loans from this fund can be made to American citizens for the construction in American shipyards of vessels for American shipping lines. These loans can be made on a 20-year basis at a minimum rate

of interest of 5¼ per cent when such a vessel is operated exclusively in coastwise trade or is inactive and at the lowest Government rate of Government obligations when the vessel is operated in foreign trade. Such loans can be made up to three-fourths of the cost of the vessel.

MAIL CONTRACTS INCLUDED

This act also authorized the Postmaster General to certify to the Shipping Board what mail routes should be established and to enter into mail contracts not to exceed 10 years in length under specified compensation based on the speed and tonnage of the vessels and ranging from $1.50 per nautical mile for class 7 vessels to $12 per nautical mile for class 1 vessels or even higher compensation in the discretion of the Postmaster General for vessels of class 1 with a speed of more than 24 knots.

The approximate cost of carrying the mails for one year under the contracts awarded by the Government under the merchant marine act of 1928 is $13,018,220 as compared to a cost of $2,319,351 if the mails were carried on noncontract vessels on a weight basis. In other words, the Federal Government is subsidizing 25 steamship companies to the amount of $10,698,869 annually by means of mail contracts with these companies.

This extended summary clearly indicates what the policy of the Federal Government has been for more than 100 years. The specific laws and grants mentioned speak for themselves. It ill becomes those who have supported these measures to raise their voice against cooperation by the Federal Government in attempting to assist agriculture. The precedents for financial aid by the Federal Government to the groups financially interested in the shipping business are conclusive as to the Government's policy.

FEDERAL AID FOR THE BANKING INTERESTS

The Government has aided the banking interests of the country through its deposits of Federal funds in banking institutions. For the period 1837–1846 Federal funds were deposited chiefly in State and private banks. For the next 20 years a system of subtreasuries was maintained for the deposit of Federal funds. During the period 1864–1913, Federal funds were deposited principally in national banks which were private institutions recognized by law as Government agents.

Deposits of Federal funds in national banks are in reality loans of Federal funds, on which the banks pay interest and for which they furnish security. When the Federal reserve act was passed in 1913 there were 850 regular depositaries and 685 depositaries holding $76,000,000 of Federal funds. Upon the passage of the Federal reserve act most of the Government funds deposited in the 12 States in which the Federal reserve banks were located were transferred to the Federal reserve banks. During the war, however, the use of national banks and other banking institutions as depositaries by the Government greatly increased, so that by the middle of November, 1917, 1,903 national banks and 1,343 State banks and trust companies served as Federal depositaries. At the end of the fiscal year 1917 Federal funds were deposited as follows:

In Treasury offices	$107,662,956
In Federal reserve banks	300,671,632
In special depositaries	783,922,959
In regular depositaries	49,681,738
In Philippine treasury	2,081,409

With the final abolishment of the subtreasury system in 1920 the Federal deposits in Federal reserve banks were augmented.

FEDERAL RESERVE ACT

In 1913 Congress passed the Federal reserve act, which authorized an organization committee composed of the Secretary of the Treasury, the Secretary of Agriculture, and the Comptroller of the Currency to organize a Federal reserve system comprised of 12 Federal reserve banks regionally constituted. The law required all national banks either to join the system or to relinquish their status as Federal fiscal agents and forfeit all rights given to national banks. If the subscription from national banks was not sufficient to organize the 12 Federal reserve banks, the organization committee was empowered to solicit public subscriptions, and if this did not bring sufficient funds the Government was authorized to buy as much stock as the organization committee determined was necessary. The national banks were required to subscribe for capital stock in the Federal reserve banks equal to 6 per cent of the paid-up capital stock and surplus of such national banks.

These Federal reserve banks, although organized by the Government, are really private institutions owned and operated by the member banks holding their capital stock. The Federal Government, after establishing the reserve banks, has exercised a regulatory function over their operations by means of a Federal Reserve Board, which is appointed by the President. The Government also maintains a voice in the management of the reserve banks by means of the provision in the law which requires that three of the nine directors of each reserve bank must be appointed by the Federal Reserve Board. The Federal Reserve Board also participates in the management of the system through its power to regulate the rediscount rate.

Thus the Federal Government has organized and helped to maintain by means of the deposit of Federal funds and the regulatory system of the Federal Reserve Board and the directors appointed by it a national banking system to stabilize and promote the banking industry in the United States.

When the cry is raised against the use of Federal funds for the benefit of our farmers, let the opponents explain away this record of Federal financial aid to railways, in behalf of waterways transportation, for mail subsidies to American ships, and for the vast banking interests.

AGRICULTURE DESERVES SQUARE DEAL

I believe the American people are willing to give a square deal to the farmers. It was the intent of Congress to give the American producer the benefit of the world price plus the tariff duty; otherwise why pass a Federal farm marketing act at all?

Instead of criticizing the Federal Farm Board, which has become the habit of many, all should join hands in giving it additional authority to accomplish what the farm organizations and the producers of the country demand. I believe such authority is necessary before there can be definite improvement in the prices received for surplus farm products.

The millions of our producers rejoice in having the issue placed squarely before the American people. Only in this way can a true solution be attained. Spokesmen for agriculture realize that the fight for farm equality must go on. No problem is settled until it is settled right.

The 5-minute speech made by National Master Louis J. Taber, of the National Grange, at the May 1, 1930, meeting of the United States Chamber of Commerce is so definite and expresses the issue so clearly that I wish to include it in my remarks:

I will not use the brief time allotted me to defend Chairman Legge, the Farm Board, or the Secretary of Agriculture, as they need no defense. However, as master of the National Grange, speaking for its almost 1,000,000 members, I must insist that business men on the farms shall be treated the same as business men in town. Prosperity can come only because of the teamwork and understanding, and not because some special class may enjoy legislative or unfair governmental assistance.

With all of the earnestness at my command I want to urge this great body not to pass the proposed resolution criticizing the Federal Farm Board and cooperative marketing. The National Grange has been on record for more than 60 years demanding equality for agriculture. During recent years we have sought to secure this equality by advocating the export-debenture program. I must remind you that your organization has given us no assistance in securing this type of legislation. On the other hand, your members have sought to defeat all farm-relief legislation advocated by organized agriculture. At the same time, you and your members favored the Federal marketing act, you would not allow us to have our kind of farm relief, so now don't desert your own child!

The National Grange tried to secure a better farm marketing bill. We wanted to strengthen it by including the export debenture; you helped defeat us. I want to say to Chairman Legge and to this group, the Grange does not sulk, but we do work and continue the good fight. We will support to the limit the marketing act. We ask others to do likewise, yet we serve notice we will never cease to fight for a square deal for the men and women who grow the food and fiber of mankind.

I was interested in the statement just made, that business asks no favors of Congress, and wants no special legislation in its behalf. "By their fruits ye shall know them," said a great prophet. I want to look this crowd in the face and say that for 15 months some of us have been compelled to leave our homes and our work and to stay in Washington, to help secure a square deal in the tariff. The representatives of agriculture have done their best but they have been overwhelmed by business interests. The business leaders before me have secured 2,000 amendments and increases in the pending tariff act, while the farmer received but 200. Yet the President called Congress not to enact a tariff in your interest but to pass an agricultural tariff. You secured 10 increases to our 1. If this is not asking Government favor and Government assistance, what is it?

There has been criticism of the Federal Farm Board loaning money to the farmer. It is stated this is unfair to business. Apparently some of you have not read the Jones-White shipping bill, advocated by the commercial interests of the Nation, which provides loans for shipbuilders of millions of dollars at 4 per cent or less. If this is fair for business, is it not fair for agriculture?

In the name of our basic producers, we demand that if business is to enjoy its Cummins-Esch law, the Federal reserve act, and its high-tariff rates; if labor is to have restricted immigration, then common justice demands equal opportunities for agriculture. Do not indicate by your

vote to-day as business men that the laws of our land and the protection of government shall be given to business, commerce, and labor, but that agriculture shall be left out in the cold. Do not indicate that the protecting folds of our flag do not reach the tillers of the soil.

PERMISSION TO ADDRESS THE HOUSE

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that to-morrow, following the other special orders, I may be permitted to address the House for five minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent that to-morrow, following the other special orders, he may be permitted to address the House for five minutes. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on veterans' legislation.

The SPEAKER. Is there objection?

Mr. CONNERY. I object.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 396. An act for the relief of J. H. Muus;

H. R. 414. An act for the relief of Angelo Cerri;

H. R. 597. An act for the relief of M. L. Willis;

H. R. 609. An act authorizing the Secretary of the Treasury to pay certain moneys to James McCann;

H. R. 864. An act for the relief of W. P. Thompson;

H. R. 1174. An act for the relief of A. N. Worstell;

H. R. 1485. An act for the relief of Arthur H. Thiel;

H. R. 1509. An act for the relief of Maude L. Duborg;

H. R. 1510. An act for the relief of Thomas T. Grimsley;

H. R. 1739. An act for the relief of J. A. Miller;

H. R. 2021. An act to authorize the establishment of boundary lines for the March Field Military Reservation, Calif.;

H. R. 2166. An act for the relief of Mrs. W. M. Kittle;

H. R. 2167. An act for the relief of Sarah E. Edge;

H. R. 2810. An act for the relief of Katherine Anderson;

H. R. 3431. An act for the relief of Charles H. Young;

H. R. 6347. An act to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182);

H. R. 6718. An act for the relief of Michael J. Bauman;

H. R. 10461. An act authorizing Royce Kershaw, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry, about 8 miles southwest of Gadsden, in Etowah County, Ala.;

H. R. 11515. An act to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., and for the acquisition of new sites and construction of Government buildings thereon in such cities;

H. R. 12343. An act to authorize the Secretary of the Treasury to accept donations of sites for public buildings; and

H. J. Res. 14. Joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 525. An act authorizing the Secretary of the Navy, in his discretion, to loan to the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans;*

S. 1959. An act to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida;

S. 3068. An act to amend section 355 of the Revised Statutes to permit the Attorney General to accept certificates of title in the purchase of land by the United States in certain cases;

S. 3422. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.;

S. 3623. An act for reimbursement of James R. Sheffield, formerly American ambassador to Mexico City;

S. 4164. An act authorizing the repayment of rents and royalties in excess of requirements made under leases executed in accordance with the general leasing act of February 25, 1920; and

S. J. Res. 24. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for March 4, 1929.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 320. An act for the relief of Haskins & Sells;

H. R. 328. An act for the relief of Parke, Davis & Co;

H. R. 329. An act for the relief of Joseph A. McEvoy;

H. R. 396. An act for the relief of J. H. Muus;

H. R. 414. An act for the relief of Angelo Cerri;

H. R. 471. An act for the relief of Luther W. Guerin;

H. R. 597. An act for the relief of M. L. Willis;

H. R. 609. An act authorizing the Secretary of the Treasury to pay certain moneys to James McCann;

H. R. 655. An act for the relief of Guy E. Tuttle;

H. R. 704. An act to grant relief to those States which brought state-owned property into the Federal service in 1917;

H. R. 864. An act for the relief of W. P. Thompson;

H. R. 1058. An act for the relief of Jesse A. Frost;

H. R. 1076. An act for the relief of Jacob S. Steloff;

H. R. 1174. An act for the relief of A. N. Worstell;

H. R. 1485. An act for the relief of Arthur H. Thiel;

H. R. 1509. An act for the relief of Maude L. Duborg;

H. R. 1510. An act for the relief of Thomas T. Grimsley;

H. R. 1546. An act for the relief of Thomas Seltzer;

H. R. 1592. An act for the relief of William Meyer;

H. R. 1696. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 1712. An act for the relief of the heirs of Jacob Gussin;

H. R. 1717. An act for the relief of F. G. Baum;

H. R. 1724. An act for the relief of Margaret Lemley;

H. R. 1739. An act for the relief of J. A. Miller;

H. R. 1888. An act for the relief of Rose Lea Comstock;

H. R. 2021. An act to authorize the establishment of boundary lines for the March Field Military Reservation, Calif.;

H. R. 2166. An act for the relief of Mrs. W. M. Kittle;

H. R. 2167. An act for the relief of Sarah E. Edge;

H. R. 2464. An act for the relief of Paul A. Hodapp;

H. R. 2645. An act for the relief of Homer Elmer Cox;

H. R. 2755. An act to increase the efficiency of the Veterinary Corps of the Regular Army;

H. R. 2776. An act for the relief of Dr. Charles F. Dewitz;

H. R. 2810. An act for the relief of Katherine Anderson;

H. R. 3072. An act for the relief of Peterson-Colwell (Inc.);

H. R. 3222. An act for the relief of the State of Vermont;

H. R. 3431. An act for the relief of Charles H. Young;

H. R. 3441. An act for the relief of Meta S. Wilkinson;

H. R. 3732. An act for the relief of Fernando Montilla;

H. R. 5113. An act for the relief of Sylvester J. Easlick;

H. R. 5459. An act for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koenigstein, and H. Fukasawa;

H. R. 5526. An act for the relief of Fred S. Thompson;

H. R. 5872. An act for the relief of Ray Wilson;

H. R. 5962. An act for the relief of R. E. Marshall;

H. R. 6209. An act for the relief of Dalton G. Miller;

H. R. 6210. An act to authorize an appropriation for the relief of Joseph K. Munhall;

H. R. 6243. An act for the relief of A. E. Bickley;

H. R. 6264. An act to authorize the Secretary of War to donate a bronze cannon to the town of Avon, Mass.;

H. R. 6268. An act for the relief of Thomas J. Parker;

H. R. 6340. An act to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn.;

H. R. 6347. An act to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182);

H. R. 6416. An act for the relief of Myrtle M. Hitzing;

H. R. 6537. An act for the relief of Prentice O'Rear;

H. R. 6627. An act for the relief of A. C. Elmore;

H. R. 6663. An act for the relief of J. N. Lewis;

H. R. 6718. An act for the relief of Michael J. Bauman;

H. R. 6825. An act to extend the measure of relief provided in the employees' compensation act of September 7, 1916, to Robert W. Vail;

H. R. 6871. An act to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes;

H. R. 7013. An act for the relief of Howard Perry;

H. R. 7026. An act for the relief of Mrs. Fanor Flores and Pedro Flores;

H. R. 7027. An act for the relief of Paul Franz, torpedoman, third class, United States Navy;

H. R. 7068. An act for the relief of Fred Schwarz, jr.;

H. R. 7638. An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field;

H. R. 7064. An act to authorize payment of fees to M. L. Flow, United States commissioner, of Monroe, N. C., for services rendered after his commission expired and before a new commission was issued for reappointment;

H. R. 8347. An act for the relief of the Palmer Fish Co.;

H. R. 8393. An act to authorize the Court of Claims to correct an error in claim of Charles G. Mettler;

H. R. 8491. An act for the relief of Bryan Sparks and L. V. Hahn;

H. R. 9246. An act to reimburse Lieut. Col. Frank J. Killilea;

H. R. 9280. An act to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation, in the State of Maryland;

H. R. 9628. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark., on State Highway No. 18;

H. R. 9990. An act for the rehabilitation of the Bitter Root irrigation project, Montana;

H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell;

H. R. 10376. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 10461. An act authorizing Royce Kershaw, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry, about eight miles southwest of Gadsden, in Etowah County, Ala.;

H. R. 10826. An act to provide for the renewal of passports;

H. R. 10919. An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes;

H. R. 11088. An act for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va.;

H. R. 11145. An act to increase the authorization for an appropriation for the expenses of the sixth session of the Permanent International Association of Road Congresses to be held in the District of Columbia in October, 1930;

H. R. 11371. An act to provide living quarters, including heat, fuel, and light, for civilian officers and employees of the Government stationed in foreign countries;

H. R. 11405. An act to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes";

H. R. 11477. An act for the relief of Clifford J. Turner;

H. R. 11493. An act to reimburse Lt. Col. Charles F. Sargent;

H. R. 11515. An act to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., and for the acquisition of new sites and construction of Government buildings thereon in such cities;

H. R. 12099. An act to apply the pension laws to the Coast Guard;

H. R. 12263. An act to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims;

H. R. 12586. An act granting an increase of pension to Josefa T. Philips;

H. R. 12663. An act granting the consent of Congress to the Texas & Pacific Railway Co. to reconstruct, maintain, and operate a railroad bridge across Sulphur River in the State of Arkansas near Fort Lynn;

H. R. 12842. An act to create an additional judge for the southern district of Florida;

H. J. Res. 14. Joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale;

H. J. Res. 306. Joint resolution establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Massachusetts Bay Colony, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; and

H. J. Res. 322. Joint resolution authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Friday, June 27, 1930, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BRITTEN: Committee on Naval Affairs. H. R. 1190. A bill to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes; without amendment (Rept. No. 2029). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 11967. A bill to provide for the appointment of an additional district judge for the southern district of Illinois; without amendment (Rept. No. 2030). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 3064. An act to make permanent the additional office of district judge created for the eastern district of Illinois by the act of September 14, 1922; without amendment (Rept. No. 2031). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. S. 3060. An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes; with amendment (Rept. No. 2033). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COCHRAN of Pennsylvania: Committee on Military Affairs. H. R. 10545. A bill for the relief of John S. Abbott; without amendment (Rept. No. 2032). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of South Dakota: A bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. MAPES (by request): A bill (H. R. 13175) to amend section 16a of the interstate commerce act by inserting (1) at the beginning thereof and by adding thereto a new paragraph numbered (2); to the Committee on Interstate and Foreign Commerce.

By Mr. BACON: Joint resolution (H. J. Res. 387) proposing an amendment to the Constitution to amend the eighteenth amendment; to the Committee on the Judiciary.

By Mr. WOOD: Joint resolution (H. J. Res. 388) making provision for continuation of construction of the United States Supreme Court Building; to the Committee on Appropriations.

By Mr. HILL of Alabama: Resolution (H. Res. 273) relative to the sale of power generated by the Government power plant at Wilson Dam; to the Committee on Military Affairs.

By Mr. PERKINS: Resolution (H. Res. 274) that there shall be paid out of the contingent fund of the House an additional sum not to exceed $25,000 in carrying out the provisions of House Resolution 114; to the Committee on Accounts.

Also, resolution (H. Res. 275) that there shall be paid out of the contingent fund of the House not to exceed $10,000 for the expenses of the select committee appointed under House Resolution 258 to investigate campaign expenditures of the various candidates for the House of Representatives; to the Committee on Accounts.

By Mr. ALMON: Resolution (H. Res. 276) relating to the disposition of power generated by the Government power plant at Wilson Dam; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 13176) for the relief of Edward J. Webster; to the Committee on Military Affairs.

By Mr. ARNOLD: A bill (H. R. 13177) granting an increase of pension to Matilda Brown; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 13178) granting an increase of pension to Mary Ellen Powell; to the Committee on Invalid Pensions.

By Mr. CABLE: A bill (H. R. 13179) granting a pension to Jennie Sands; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 13180) for the relief of Paul G. Lorenz; to the Committee on Military Affairs.

By Mr. COYLE: A bill (H. R. 13181) granting an increase of pension to Howard L. Rader; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 13182) granting an increase of pension to Emma Welch; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 13183) granting an increase of pension to Rhoda Button; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13184) granting a pension to Emma Stark Derr; to the Committee on Invalid Pensions.

By Mr. JOHNSTON of Missouri: A bill (H. R. 13185) granting a pension to Sarah K. Copeland; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 13186) granting a pension to Andrew Stoner; to the Committee on Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 13187) granting an increase of pension to Sarah Ellen Cohn; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 13188) granting a pension to Alice Loughner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7654. Petition of Sons of Confederate Veterans, at its thirty-fifth annual convention, which was held at Biloxi, Miss., expressing their appreciation to the President of the United States of America in his signing of the bill and making it possible for this great addition to our reunion; to the Committee on Naval Affairs.

7655. By Mr. BARBOUR: Telegram in behalf of twenty-first district, California, Congress of Parents and Teachers, urging passage of the Hudson bill (H. R. 9986) for the regulation of the moving-picture industry; to the Committee on Interstate and Foreign Commerce.

7656. By Mr. BLACKBURN: Petition of Railway Labor Executive's Association, signed by D. B. Robertson, chairman, urging the passage of the Couzens-Knutson resolution to stop further consolidation of railroads until Congress has enacted legislation to protect the public interest; to the Committee on Interstate and Foreign Commerce.

7657. By Mr. CULLEN: Resolution of the New York State Bankers' Association, indorsing House bill 12490, introduced by Mr. GOODWIN, of Minnesota; to the Committee on Banking and Currency.

7658. By Mr. YATES: Petition of Steel Sales Corporation, 129 South Jefferson Street, Chicago, Ill., urging the defeat of House bill 11096, relative to increase of postal rates; to the Committee on the Post Office and Post Roads.

7659. Also, petition of Bear & Brodie, Madison Street and Western Avenue, Chicago, Ill., protesting against the passage of House bill 11096, as in their opinion this legislation will not benefit anyone; to the Committee on the Post Office and Post Roads.

7660. Also, petition of John E. Baumrucker Co., 31 North State Street, Chicago, Ill., requesting the defeat of House bill 11096, as this is, in their opinion, unfair and unjust; to the Committee on the Post Office and Post Roads.

7661. Also, petition of Thomas Chorow, jr., president Old Glory Manufacturing & Decorating Co., 504–506 South Wells Street, Chicago, Ill., strongly opposing House bill 11096 and urging its defeat; to the Committee on the Post Office and Post Roads.

7662. Also, petition of L. M. Cobler, M. D., 190 North State Street, Chicago, Ill., urging the defeat of House bill 11096, as in his opinion it will not better the Postal Service; to the Committee on the Post Office and Post Roads.

7663. Also, petition of the N. Sure Co., wholesale general merchandise, Adams and Wells Streets, Chicago, Ill., unalterably opposed to House bill 11096 and urging the defeat of the above bill; to the Committee on the Post Office and Post Roads.

7664. Also, petition of Plibrico Jointless Firebrick Co., 1800 Kingsbury Street, Chicago, Ill., protesting against the passage of House bill 11096; to the Committee on the Post Office and Post Roads.

7665. Also, petition of the Reinauer Manufacturing Co. (Inc.), 1001–1016 West Washington Boulevard, Chicago, Ill., urging the defeat of House bill 11096, as in their opinion it is not good legislation; to the Committee on the Post Office and Post Roads.

7666. Also, petition of Victor A. Olander, secretary-treasurer Illinois State Federation of Labor, Chicago, Ill., earnestly requesting the immediate passage of the Saturday half holiday bill; to the Committee on the Civil Service.

SENATE

FRIDAY, *June 27, 1930*

Rev. James W. Morris, D. D., assistant rector, Church of the Epiphany, city of Washington, offered the following prayer:

Lord God of hope and peace, fill us, we pray Thee, with all joy and peace in believing, making us to abound in hope by the power of the Holy Spirit.

Let not any selfish disloyalty or menacing lawlessness that may disturb our land lead us to faithless fear or unfilial distrust. Endue with humility of spirit, calmness of judgment, and stanchness of will all those in authority over us that so by their endeavors our mighty Government, both at home and abroad, may be "first pure, then peaceable, forbearing, full of mercy and good fruits, that thus the fruit of righteousness may be sown in peace of them that make peace."

We ask these things in the name of Thy Son, who is our hope and our peace. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. FESS. Mr. Presiden, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Simmons
Ashurst	George	McKellar	Steck
Barkley	Gillett	McNary	Steiwer
Bingham	Glass	Metcalf	Stephens
Black	Glenn	Moses	Sullivan
Blaine	Goldsborough	Norris	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Brock	Harris	Overman	Thomas, Okla.
Brookhart	Harrison	Patterson	Townsend
Broussard	Hastings	Phipps	Trammell
Capper	Hatfield	Pine	Tydings
Caraway	Hayden	Pittman	Vandenberg
Connally	Hebert	Ransdell	Wagner
Copeland	Howell	Reed	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Cutting	Jones	Robsion, Ky.	Watson
Dale	Kean	Sheppard	
Deneen	Kendrick	Shipstead	
Dill	La Follette	Shortridge	

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families.

Mr. SHIPSTEAD. I desire to announce the unavoidable absence of my colleague, the junior Senator from Minnesota [Mr. SCHALL]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-three Senators have answered to their names. A quorum is present.

CONSIDERATION OF THE CALENDAR

Mr. McNARY. Mr. President, I ask unanimous consent that when we conclude the routine morning business we proceed to the calendar for the consideration of unobjected bills.

Mr. BINGHAM. Mr. President, may I ask if it is the intention of the Senator to begin where we left off on the last call?

Mr. McNARY. I should have asked that we begin at order 1126, where we left off on the last call of the calendar.

Mr. FESS. Mr. President, may I ask the Senator whether in his judgment we shall be able to reach those bills which were passed over on yesterday?

Mr. McNARY. Order of Business 1126 is on the next to the last page of the calendar, and then we will commence at the beginning of the calendar.

Mr. FESS. Very well.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

POST-OFFICE AND OTHER PUBLIC BUILDINGS IN NEW YORK CITY
(S. DOC. NO. 205)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation pertaining to an existing authorization of the Treasury Department relative to the construction of a post office and other Government offices and United States courthouse at New York City, N. Y., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL MAP OF THE WORLD ON THE MILLIONTH SCALE
(S. DOC. NO. 204)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1931, amounting to $20, for an additional amount for the Central Bureau of the International Map of the World on the Millionth Scale, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PACKERS' CONSENT DECREE

The VICE PRESIDENT laid before the Senate the following communication from the Assistant to the Attorney General, which was read and ordered to lie on the table:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ASSISTANT TO THE ATTORNEY GENERAL,
Washington, June 25, 1930.

Re: United States *v.* Swift et al., packers' consent decree.
Hon. EDWIN P. THAYER,
Secretary of the Senate, Washington, D. C.

DEAR COLONEL THAYER: Some one from your office called up yesterday to ask whether any response would be sent to the resolution recently adopted by the Senate asking for certain information regarding the present status of the above case and the attitude of this department with respect to it.

It is the intention of the Attorney General to make a full report in response to this resolution as soon as the motion has been decided which is now pending before Mr. Justice Bailey. This is a motion made by the Wholesale Grocers to dismiss the petitions, upon which argument was had on June 2, and upon which a decision is expected very shortly. The Attorney General feels that he can not with propriety express any view on this phase of the case while this question is pending undetermined. He expects to reply to the resolution immediately upon the decision being made by the court.

Yours very truly,

JOHN LORD O'BRIAN,
The Assistant to the Attorney General.

PRINTING OF INTERSTATE COMMERCE ACT, ANNOTATED

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 22) to print and bind additional copies of Senate Document No. 166, Seventieth Congress, entitled "Interstate Commerce Act, Annotated," which were, on page 1, lines 2 and 3, to strike out "four thousand seven hundred" and insert "two thousand two hundred"; on page 1, line 9, to strike out "one thousand" and insert "five hundred"; on page 1, line 10, to strike out "two thousand five hundred" and insert "one thousand five hundred"; on page 1, line 11, after the word "Representatives," to insert "to be distributed through the folding room"; on page 1, line 13, after the word "Senate," to insert "and"; and on page 1, line 15, to strike out all after the word "Representatives" down to and including the word "Congress" in line 16.

Mr. MOSES. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

PROPOSED GENERAL PULASKI'S MEMORIAL DAY

Mr. HEBERT presented a resolution of the town council of the town of Tiverton, R. I., relative to General Pulaski's memorial day, which was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
Newport, Sc.

At a meeting of the town council of the town of Tiverton, county and State aforesaid, held at the town hall on Saturday, May 3, A. D. 1930.

Members present: George P. W. Hart, Howard B. Norris, Arthur W. Whitehead, John Simpson, jr., and Louis Perrault.

A resolution memorializing Congress of the United States to enact House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day" for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

Whereas the 11th day of October, 1779, is the date in American history of the heroic death of Brig. Gen. Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Ga.; and

Whereas the States of Indiana, Wisconsin, Michigan, Ohio, South Carolina, Pennsylvania, New York, Minnesota, Maryland, New Jersey, Illinois, Rhode Island, New Hampshire, Nebraska, Massachusetts, Georgia, Missouri, and other States of the Union, and the United States Congress have by legislative enactment designated October 11, 1929, to be General Pulaski's memorial day; and

Whereas it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the death of this great American hero of the Revolutionary War: Therefore, be it

Resolved by the town council of the town of Tiverton and State of Rhode Island, That the town council of the town of Tiverton and State of Rhode Island respectfully memorialize the United States Congress to enact legislation which provides for the effective carrying out of the provisions of the said bill whereby the President of the United States would be authorized and directed to issue a proclamation calling upon the officials of the Government to display the flag of the United States on all governmental buildings on October 11 of each year and inviting the people of the United States to observe the day in schools and churches or other suitable places with appropriate ceremonies in commemoration of the death of Gen. Casimir Pulaski.

SEC. 2. The clerk of the town of Tiverton and State of Rhode Island is hereby directed to transmit a copy of this resolution to Hon. GEORGE S. GRAHAM, Member of Congress and chairman of the Judiciary Committee, Washington, D. C., and to each of the United States Senators and Representatives in Congress from the State of Rhode Island.

A true record.

Attest:

[SEAL.] A. LINCOLN HAMBLY, *Town Clerk.*

REPORTS OF COMMITTEES

Mr. GLENN, from the Committee on Claims, to which was referred the bill (H. R. 1159) for the relief of the Delaware & Hudson Co., of New York City, reported it without amendment and submitted a report (No. 1106) thereon.

Mr. STEIWER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 6113. An act for the relief of Gilbert Grocery Co., Lynchburg, Va. (Rept. No. 1107);

H. R. 6642. An act for the relief of John Magee (Rept. No. 1108); and

H. R. 6694. An act for the relief of P. M. Nigro (Rept. No. 1109).

Mr. BROCK, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 576. An act for the relief of Matthew Edward Murphy (Rept. No. 1110);

H. R. 3960. An act for the relief of Louis Nebel & Son (Rept. No. 1111);

H. R. 8438. An act for the relief of J. T. Bonner (Rept. No. 1112); and

H. R. 10317. An act for the relief of Samuel S. Michaelson (Rept. No. 1113).

Mr. BROCK also, from the Committee on Commerce, to which was referred the bill (H. R. 12554) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn., reported it without amendment and submitted a report (No. 1125) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (H. R. 10532) for the relief of Frank M. Grover, reported it without amendment and submitted a report (No. 1114) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 11608) for the relief of Jerry Esposito, reported it without amendment and submitted a report (No. 1115) thereon.

Mr. BINGHAM, from the Committee on Territories and Insular Affairs, to which was referred the joint resolution (S. J. Res. 193) to change the name of the island of Porto Rico to "Puerto Rico," reported it without amendment and submitted a report (No. 1116) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 182) for the relief of Daisy O. Davis, reported it with an amendment and submitted a report (No. 1117) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

H. R. 1825. An act for the relief of David McD. Shearer (Rept. No. 1118); and

H. R. 3159. An act for the relief of W. F. Nash (Rept. No. 1119).

Mr. HOWELL also, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 573. An act for the relief of Barzilla William Bramble (Rept. No. 1120);

H. R. 4110. An act to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army (Rept. No. 1121);

H. R. 7445. An act for the relief of J. W. Nix (Rept. No. 1122);

H. R. 8612. An act for the relief of Ralph Rhees (Rept. No. 1123); and

H. R. 9279. An act for the relief of Henry A. Knott & Co. (Rept. No. 1124).

Mr. McNARY, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 5292. An act to authorize the city of Napa, Calif., to purchase certain public lands for the protection of its water supply (Rept. No. 1126); and

H. R. 10582. An act to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California (Rept. No. 1127).

PRINTING ADDITIONAL COPIES OF LOBBY HEARINGS

Mr. WALSH of Massachusetts, from the Committee on Printing, to which Senate Resolution 297 (submitted by Mr. NORRIS on the 22d instant) was referred, reported it without amendment and it was considered by unanimous consent and agreed to, as follows:

Resolved, That in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on the Judiciary of the Senate be, and is hereby, empowered to have printed for its use 700 additional copies of part 2 of the hearings held before its subcommittee on lobby investigation.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GILLETT (for Mr. GREENE), from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 525. An act authorizing the Secretary of the Navy, in his discretion, to loan to the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans;*

S. 1959. An act to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida;

S. 4164. An act authorizing the repayment of rents and royalties in excess of requirements made under leases executed in accordance with the general leasing act of February 25, 1920; and

S. J. Res. 24. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for March 4, 1929.

EXECUTIVE REPORTS

As in executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. WATSON, from the Committee on Finance, reported the nomination of Frederick G. Davies, of Charleston, S. C., to be collector of customs for customs collection district No. 16, with headquarters at Charleston, S. C., which was placed on the Executive Calendar.

He also, from the same committee, reported the nominations of sundry officers in the Public Health Service, which were placed on the Executive Calendar.

Mr. JOHNSON, from the Committee on Commerce, reported the nominations of sundry officers in the Coast Guard, which were placed on the Executive Calendar.

Mr. BORAH, from the Committee on Foreign Relations, reported the nomination of Dana G. Munro, of New Jersey, now a Foreign Service officer of class 2, to be envoy extraordinary and minister plenipotentiary of the United States of America to Haiti, which was placed on the Executive Calendar.

He also, from the same committee, reported without amendment the following treaties, which were placed on the Executive Calendar:

Executive L, Seventy-first Congress, second session, convention with Chile to aid in prevention of smuggling of alcoholic beverages into the United States;

Executive N, Seventy-first Congress, second session, treaty of conciliation between the United States and the Republic of Greece;

Executive O, Seventy-first Congress, second session, treaty of arbitration between the United States and the Republic of Greece; and

Executive P, Seventy-first Congress, second session, convention between the United States and the Republic of Poland to aid in the prevention of smuggling of alcoholic beverages.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Montana:

A bill (S. 4761) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Historical Society of Montana for preservation and exhibition the silver service which was in use on the gunboat *No. 9, Helena;* to the Committee on Naval Affairs.

By Mr. COPELAND:

A bill (S. 4762) referring the claim of the International Arms & Fuze Co. (Inc.) to the Court of Claims; and

A bill (S. 4763) referring the claim of the International Arms & Fuze Co. (Inc.) to the Court of Claims; to the Committee on Claims.

By Mr. PINE:

A joint resolution (S. J. Res. 204) creating a national monetary commission to make an investigation and report to Congress with respect to the monetary system of the United States; to the Committee on Banking and Currency.

THE CALENDAR

The VICE PRESIDENT Morning business is closed. The calendar under the unanimous-consent agreement is in order. The clerk will state the first order of business on the calendar under the unanimous-consent agreement.

HEIRS OF I. L. KLEINMAN

The Senate proceeded to consider the bill (H. R. 3553) for the relief of the heirs of I. L. Kleinman, which was read the third time and passed.

BRANCH OF NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The Senate proceeded to consider the bill (H. R. 9638) to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the Northwest Pacific States, which was read the third time and passed.

GEORGE W. M'PHERSON

The Senate proceeded to consider the bill (H. R. 8242) for the relief of George W. McPherson. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$5,000" and insert "$3,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $3,000 to George W. McPherson, of Noblesville, Hamilton County, Ind., on account of the death of his wife, Anna W. McPherson, caused by a collision with an Army truck at Fortville, Ind., on July 10, 1927.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DR. CHARLES W. REED

The bill (H. R. 4176) to extend the benefits of the employees' compensation act of September 7, 1916, to Dr. Charles W. Reed, a former employee of the United States Bureau of Animal Industry, Department of Agriculture, was considered. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Dr. Charles W. Reed, a former employee of the United States Bureau of Animal Industry, Department of Agriculture.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Dr. Charles W. Reed."

HEIRS OF WARREN C. VESTA

The Senate proceeded to consider the bill (H. R. 1110) for the relief of heirs of Warren C. Vesta, which was read the third time and passed.

FLOSSIE R. BLAIR

The Senate proceeded to consider the bill (H. R. 10490) for the relief of Flossie R. Blair, which was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 636) for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River was announced as next in order.

Mr. WALSH of Montana. Mr. President, I find in my file no report on the bill just stated, and the bill itself offers no explanation. I ask that it may go over.

The VICE PRESIDENT. On the objection of the Senator from Montana, the bill will be passed over.

PIER AND WHARF AT PORT JEFFERSON HARBOR, N. Y.

The Senate proceeded to consider the bill (H. R. 11729) to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y., which was read the third time and passed.

GRANT OF LAND TO DUNKIRK, CHAUTAUQUA COUNTY, N. Y.

The bill (H. R. 12967) granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes, was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Commerce is authorized and directed to convey a quitclaim deed to the city of Dunkirk, Chautauqua County, N. Y., the following-described land for the purpose of opening a street in such city: A piece of land extending from water line to water line across Point Gratiot, Dunkirk, N. Y., said piece of land being a strip 33 feet wide along the southerly boundary line of the United States lighthouse property which was acquired by the United States by deed of purchase from Elisha Jenkins, dated October 9, 1826, and shown on a "Map of Lighthouse Reservation, Point Gratiot, Dunkirk, N. Y., dated April 22, 1930, signed by W. H. Shelton, city engineer, Dunkirk, N. Y.," said strip of land being bounded as follows:

Beginning at the intersection of the westerly line of Light Street with the southerly boundary line of the United States lighthouse property, said intersection being marked by a concrete monument with a brass pin, and distant approximately 1,700.5 feet northerly along the westerly line of Light Street from a like concrete monument at the intersection therewith of the northerly side of Oak Street; thence westerly at an angle of 90 degrees 37 minutes with the westerly line of Light Street along the present southerly boundary line of the United States lighthouse property, now marked by a fence and shrubs, a distance of 706.6 feet to a concrete monument with a brass pin; thence in the same direction to the water line on the west side of Point Gratiot; thence northerly following the water line to the intersection therewith of a line parallel to and 33 feet northerly from the present southerly boundary of the United States lighthouse property; thence easterly along said parallel line and passing through two similar concrete monuments, 706.6 feet apart, to the water line on the east side of Point Gratiot; thence southerly along said water line to the intersection therewith of the easterly extension of the present southerly boundary line of the United States lighthouse property; thence westerly along said southerly boundary to the concrete monument at the point or place of beginning; the area or content inclosed by the foregoing metes and bounds being sixty-three hundredths of 1 acre.

SEC. 2. In the event that the land herein granted, or any part thereof, shall cease to be used exclusively for street purposes or shall be sold by the grantee herein, title thereto shall thereupon revert to the United States.

CHARGES ON GOODS SHIPPED TO THE PHILIPPINES

The Senate proceeded to consider the bill (H. R. 6127) to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands, which had been reported from the Committee on Military Affairs with an amendment on page 2, line 12, after the word "services," to insert "shall not include any charges for ship-side deliveries that may hereafter be made except when services in connection therewith may be requested by the department or bureau concerned," so as to make the bill read:

Be it enacted, etc., That the checking charges and arrastre charges which have been, or may hereafter be, imposed by authority of the government of the Philippine Islands upon merchandise, supplies, equipment, and other material imported into the Philippine Islands on commercial vessels, and duly consigned to official agencies of any executive department or bureau of the United States Government, are hereby legalized and ratified, as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed.

The payment of such charges heretofore or hereafter incurred shall be made by the United States Government from appropriations, heretofore or hereafter made for the particular departments or bureaus of the United States Government concerned, which are or may hereafter be made available for the payment of transportation charges on shipments of the character hereinbefore referred to: *Provided*, That the charges shall in no case exceed those charged commercial concerns for like services, shall not include any charges for ship-side deliveries that may hereafter be made except when services in connection therewith may be requested by the department or bureau concerned, and shall not be imposed in case of any deliveries made on piers owned or operated by the United States Government.

Mr. BINGHAM. Mr. President, I ask that there may be printed in the RECORD a letter from the Acting Secretary of the Navy which explains the nature of the amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, June 5, 1930.

The CHAIRMAN COMMITTEE ON TERRITORIES AND INSULAR AFFAIRS,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Reference is had to letter addressed to you by the Navy Department under date of May 27, 1930, relative to H. R. 6127, "To authorize the payment of checking and arrastre charges on consignments of goods shipped to the Philippine Islands."

The above-mentioned letter requested the restoration in the proviso in paragraph 2 of H. R. 6127 of certain words deleted by the House Committee on Expenditures in the Executive Departments. A subsequent conference between a representative of the Navy Department and the Chief of the Bureau of Insular Affairs, War Department, leads to the belief that the restoration of the deleted words would tend to prevent the payment of accumulated checking charges. It is not the purpose of the Navy Department to defeat payment of checking charges that have accumulated, but it is believed that the payment of future checking charges should be limited to those cases where the services are requested by the department or bureau concerned. To this end it is recommended that the proviso in paragraph 2 of H. R. 6127 be amended to read as follows:

"*Provided*, That the charges shall in no case exceed those charged commercial concerns for like services, shall not include any charges for ship-side deliveries that may hereafter be made except when services in connection therewith may be requested by the department or bureau concerned, and shall not be imposed in case of any deliveries made on piers owned or operated by the United States Government."

Sincerely yours,

ERNEST LEE JAHNCKE,
Acting Secretary of the Navy.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NATIONAL ARBORETUM

The bill (S. 4586) to authorize additional appropriations for the National Arboretum, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, in addition to the sum authorized by section 2 of the act entitled "An act authorizing the Secretary of Agriculture to establish a National Arboretum, and for other purposes," approved March 4, 1927, the sum of $200,000, for the purposes and subject to the conditions specified in such act.

SETTLEMENT OF ACCOUNTS FOR BAGGAGE SHIPMENTS IN THE ARMY

The bill (S. 2980) to authorize and direct the Comptroller General to allow certain expenditures in the War Department, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the settlement of all accounts involving shipment of baggage of officers, warrant officers, nurses, enlisted men, or civilian employees of the Army where such shipments have been turned over to the Quartermaster Corps or other agency of the War Department subsequent to October 12, 1927, and prior to October 10, 1929, both dates inclusive, the Comptroller General is hereby authorized and directed in the settlements made or to be made to accept as binding upon him the definition of authorized baggage as approved by the Secretary of War and promulgated in Army Regulations, Series No. 30–960, dated September 20, 1927: *Provided*, That where any amounts





have been collected by reason of nonacceptance of such definition the return of amounts thus collected to those from whom collected is authorized and directed.

STATUS OF RESERVE OFFICERS NOT ON ACTIVE DUTY

The bill (H. R. 3592) to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I should like to have an explanation of that bill by some member of the Military Affairs Committee.

Mr. COUZENS. Mr. President, I am not on the Military Affairs Committee, but——

Mr. LA FOLLETTE. I should like to have the Senator explain the bill, if he has the information regarding it.

Mr. COUZENS. Mr. President, the bill involves quite an intricate question, affecting reserve officers who may hold office in the Government in addition to the office which they hold in the military service. There is a constitutional inhibition against an officer in the military service holding two offices. There are officers in the Reserve Corps who are Members of the Senate and who are also Members of the House of Representatives, as there are reserve officers holding other governmental positions.

In consultation with the chairman of the Committee on Military Affairs the other day—and I am sorry he is not now present—he went into the matter very thoroughly with me, because of inquiries I was receiving from the reserve officers. I do not believe that I misquote the Senator from Pennsylvania when I say that he doubts whether this proposed legislation will remedy the situation. However, it is an attempt to do so by amending the law so as to provide that reserve officers shall not be considered as officers referred to in the Constitution. In order to relieve the officers who are in the Reserve Corps and who are holding other governmental offices, from possible liability under the Constitution, it was thought that the passage of this bill was necessary.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Montana?

Mr. COUZENS. I yield.

Mr. WALSH of Montana. I think it is eminently advisable that some legislation may be enacted so that the reserve officers will not fall under the inhibitions to which officers in the Regular Army in active service are subjected, but I suggest to the Senator from Michigan, to make a sweeping change in the bill to the effect that all laws applicable to officers in the military service of the United States shall not be deemed applicable to reserve officers would be of questionable propriety. It seems to me we ought to have some information as to the particular legislation that would be affected by the passage of this bill.

Mr. COUZENS. The bill has passed the House of Representatives, of course, and the Committees on Military Affairs of both Houses report it with a view to remedying present conditions. The reserve officers, of course, are volunteers; they are only to be called in case of emergency; and it does not seem to me to be just that officers holding positions in the Reserve Corps for military purposes should be excluded from holding any Federal office.

Mr. WALSH of Montana. That is quite true, and I fully agree with the Senator with respect to that; yet I am afraid that the language as contained in the bill, if agreed to, would be too sweeping.

Mr. COUZENS. If the Senator objects to the consideration of the bill, of course, it can not be considered.

Mr. WALSH of Montana. I think the bill had better go over until we can obtain further information in regard to it.

The VICE PRESIDENT. Being objected to, the bill will go over.

ERECTION OF TABLET IN FORT SUMTER MILITARY RESERVATION

The bill (H. R. 11409) to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861 was read, considered, ordered to a third reading, read the third time, and passed.

SUPPLY OF DISTRICT WATER TO MARYLAND RESIDENTS

The bill (H. R. 9408) to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia, was announced as next in order.

Mr. PHIPPS. Mr. President, I should like to have an explanation of that bill. Having read the bill and the report thereon, I do not find any provision for payment to the District of Columbia for water to be furnished the residents outside the District.

Mr. CAPPER. Mr. President, all I can say as to the bill is that it has the approval of the Commissioners of the District of Columbia, who went into the question involved very thoroughly. The Senator from Michigan will find in the report on the bill a letter addressed to the chairman of the District Committee of the House of Representatives, in which the question is discussed at length. I also desire to say that the bill has the approval, as the Senator from Colorado will find, of the Budget Bureau. I suggest, however, that the bill be passed over for a few minutes until the Senator from Colorado may have time to examine the report.

Mr. PHIPPS. I have read the report, but there is nothing in the bill providing for payment to the District for the water itself. There is a provision that those who will have the benefit of this water supply shall pay for the connections and there is an estimate that a hundred thousand gallons per day may be furnished. I ask that the bill go over for the present.

The VICE PRESIDENT. On objection, the bill will be passed over.

Mr. PHIPPS subsequently said: Mr. President, on my objection Order of Business 1140, H. R. 9408, went over. I now find that the bill is in proper form, and that under the initial law the District of Columbia will be compensated for water supplied to residents outside of the District. Therefore I ask that the bill be taken up and passed.

The Senate proceeded to consider the bill (H. R. 9408) to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia, and it was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of March 3, 1917, making appropriations for the general expenses of the District of Columbia, and wherein appropriations are made for the water department, that paragraph 6 be amended to read as follows: "For the protection of the health of the residents of the District of Columbia and the employees of the United States Government residing in Maryland near the District of Columbia boundary the Commissioners of the District of Columbia, upon the request of the Washington Suburban Sanitary Commission, a body corporate, established by chapter 313 of the acts of 1916 of the State of Maryland, or upon the request of its legally appointed successor, are hereby authorized to deliver water from the water-supply system of the District of Columbia to said Washington Suburban Sanitary Commission or its successor, for distribution to territory in Maryland within the Washington suburban sanitary district as designated in the aforesaid act, and to connect District of Columbia water mains with water mains in the State of Maryland at the following points, namely, in the vicinity of Chevy Chase Circle, in the vicinity of the intersection of Georgia and Eastern Avenues, in the vicinity of the intersection of Rhode Island and Eastern Avenues, in the vicinity of the intersection of the Anacostia Road and Eastern Avenue, and in the vicinity of Forty-seventh and Fessenden Streets NW., under the conditions hereinafter named: *Provided*, That all expense of making the connection shall be borne by the Washington Suburban Sanitary Commission.

APPEALS TO THE SUPREME COURT IN RADIO CASES

The Senate proceeded to consider the bill (H. R. 12599) to amend section 16 of the radio act of 1927, which was read, as follows:

Be it enacted, etc., That section 16 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 96) is amended by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 16. (a) An appeal may be taken, in the manner hereinafter provided, from decisions of the commission to the Court of Appeals of the District of Columbia in any of the following cases:

"(1) By any applicant for a station license, or for renewal of an existing station license, or for modification of an existing station license, whose application is refused by the commission.

"(2) By any licensee whose license is revoked, modified, or suspended by the commission.

"(3) By any other person, firm, or corporation aggrieved or whose interests are adversely affected by any decision of the commission granting or refusing any such application or by any decision of the commission revoking, modifying, or suspending an existing station license.

"Such appeal shall be taken by filing with said court within 20 days after the decision complained of is effective, notice in writing of said appeal and a statement of the reasons therefor, together with proof of service of a true copy of said notice and statement upon the commission. Unless a later date is specified by the commission as part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the commission in the city of Washington.

"(b) The commission shall thereupon immediately, and in any event not later than five days from the date of such service upon it, mail or otherwise deliver a copy of said notice of appeal to each person, firm, or corporation shown by the records of the commission to be interested in such appeal and to have a right to intervene therein under the provisions of this section, and shall at all times thereafter permit any such person, firm, or corporation to inspect and make copies of the appellant's statement of reasons for said appeal at the office of the commission in the city of Washington. Within 30 days after the filing of said appeal the commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the application involved or upon its order revoking, modifying, or suspending a license, and also a like copy of its decision thereon, and shall within 30 days thereafter file a full statement in writing of the facts and grounds for its decision as found and given by it, and a list of all interested persons, firms, or corporations to whom it has mailed or otherwise delivered a copy of said notice of appeal.

"(c) Within 30 days after the filing of said appeal any interested person, firm, or corporation may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the commission. Any person, firm, or corporation who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the commission complained of shall be considered an interested party.

"(d) At the earliest convenient time the court shall hear and determine the apeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the commission, and, in event the court shall render a decision and enter an order reversing the decision of the commission, it shall remand the case to the commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal.

"(e) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, and/or other interested parties intervening in said appeal, but not against the commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof: *Provided, however,* That this section shall not relate to or affect appeals which were filed in said court of appeals prior to the enactment of this amendment."

Mr. LA FOLLETTE. Mr. President, will the Senator from Michigan please explain the bill?

Mr. COUZENS. Mr. President, under existing law the Court of Appeals of the District of Columbia hears cases that are appealed from the Federal Radio Commission. Whenever the Federal Radio Commission denies a license, cancels a license, or revises the conditions of a license and the licensee or applicant objects to the action taken he may appeal to the Court of Appeals of the District of Columbia. When such appeal is filed the existing law permits the taking of new evidence by the District Court of Appeals in addition to the evidence certified to the court by the Federal Radio Commission. Under that procedure the Supreme Court of the United States has decided, because of the court of appeals taking new evidence and not only dealing with questions of law and of fact before the Radio Commission but considering new matter, that the Supreme Court will not entertain appeals from the Court of Appeals of the District.

This bill provides that when a case is appealed from a decision of the Federal Radio Commission the District Court of Appeals shall be confined to the evidence and the facts which were submitted to the Federal Radio Commission, but shall not be empowered to take new evidence. In that event the Supreme Court will entertain appeals from the decision of the District Court of Appeals. It is very desirable that it should do so in many cases, because the question of vested rights and other questions pertinent to the radio have not as yet been passed upon by the Supreme Court. This proposed legislation is for the purpose of permitting cases to go to the Supreme Court of the United States on appeal from the Court of Appeals of the District of Columbia.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Montana?

Mr. COUZENS. I yield.

Mr. WALSH of Montana. I inquire of the Senator from Michigan whether the committee had the advice of counsel that this proposed change in the law would permit a review by the Supreme Court of the United States?

Mr. COUZENS. The committee did have such advice.

Mr. WALSH of Montana. Who gave the committee that advice?

Mr. COUZENS. I can not give the names, but they were attorneys and officials of the Federal Radio Commission.

Mr. WALSH of Montana. I make the inquiry of the Senator for the reason that the Judiciary Committee has considered at length that subject in connection with the transfer of the review of decisions of the Commissioner of Patents from the Court of Appeals of the District of Columbia to the Court of Commerce. My recollection about the matter is that the Supreme Court of the United States decided that it had no power to review such cases which are administrative in character rather than judicial in character, and I derive the impression from that that the change which the Senator suggests will not reach the situation or improve it at all.

Mr. COUZENS. That, however, is what we aim to do and believe will be accomplished by the enactment of this bill. A New York station—I think it was WGY—or the Radio Commission itself appealed from a decision of the District Court of Appeals and the Supreme Court said in denying a hearing that the District Court of Appeals was an administrative as well as a law court and therefore the Supreme Court of the United States would not grant a hearing, because, under the radio act which it is now desired to have amended, it is provided that the District Court of Appeals may take new evidence and therefore that court is an administrative body or, so to speak, a superradio commission.

The counsel for the Interstate Commerce Committee, Mr. Green, who is on the staff of the committee for the purpose of assisting in radio and telephone legislation, stated that this bill, if passed, would remedy the situation, that under it the evidence submitted to the Federal Radio Commission would be conclusive and that no new evidence could be taken by the Court of Appeals, and, that power being taken away from the District Court of Appeals, then, under the decision of the Supreme Court in the case to which I have just referred, that court would hear appeals of such cases.

Mr. WALSH of Montana. Mr. President, my recollection is that the Supreme Court of the United States held that while causes, controversies between litigants that are entirely judicial in character, could be passed by proper legislation from the Court of Appeals of the District to the Supreme Court of the United States, such functions as devolve upon the Court of Appeals of the District of an administrative character can not be reviewed by the Supreme Court of the United States. If that be correct, it would seem to me to be quite immaterial whether new evidence was or was not taken by the District Court of Appeals.

Mr. COUZENS. If the Senator has read the proposed act he will see what changes are proposed. It is believed that those changes, if made, will remedy the objection of the Supreme Court.

Mr. WALSH of Montana. The point I am making is that the question originally is whether the matter to be reviewed is an administrative function or whether it is the exercise of judicial power.

Mr. COUZENS. Under this proposed act it will be the exercise of judicial power; in other words, it will relate to the interpretation of the law by the Federal Radio Commission after hearing evidence and after a protest has been made against such decision.

Mr. WALSH of Montana. I do not undertake to say that the legislation will not reach the end aimed at by its promoters, but I seriously question it.

Mr. COPELAND. Mr. President, may I ask the Senator from Michigan whether hearings were held on this bill by the committee?

Mr. COUZENS. No; there were no hearings held, except the committee heard officials and lawyers of the Radio Commission and also the lawyer for the committee.

Mr. COPELAND. Did the committee receive any objections from the Radio Commission?

Mr. COUZENS. No; the Radio Commission is anxious to have the bill passed.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLASSIFICATION OF CIVILIAN POSITIONS

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification

of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928.

Mr. BROOKHART. I move that the Senate disagree to the amendments of the House of Representatives, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

APPROPRIATION FOR LAW ENFORCEMENT COMMISSION

Mr. JONES. Mr. President, I wish to speak on that motion for just a moment, in order to make a statement.

Several Senators have spoken to me as to what the issue is over the pending proposition in the deficiency bill which we discussed yesterday. The issue is simply this: Under the committee amendment the $50,000 provided for can be used only, and must be used exclusively, for the investigation of the enforcement of prohibition, and also the amount of money which will be available from the existing appropriation on the 1st of July must also be confined exclusively to an investigation of prohibition and problems incident to it.

I want Senators to understand that that is the issue. What I propose is an additional appropriation of $250 000 to carry on the work of the commission as it has been carried on during the present year.

Mr. GLASS. Do I understand that the deficiency bill is now being considered?

Mr. JONES. No. As I said, several Senators spoke to me about the issue that is raised by the amendment proposed, and I simply wanted to make that statement—I think the Senator will not controvert it at all—that if the committee proposal is agreed to it will confine the commission to the use of the $50,000 provided, and also the amount of money that will be available of the existing appropriation, exclusively for the study of prohibition and the problems relating to it.

Mr. GLASS. Yes; that is a fair statement of the case, with the further statement that the original appropriation of $250,000 was intended exclusively for an inquiry into prohibition enforcement, and that all of the fund except $8,000 has been diverted to some other purpose.

Mr. JONES. Of course, that is the construction that the Senator puts upon the language.

Mr. GLASS. That is what the record shows.

Mr. JONES. I think the language of the law speaks for itself.

Mr. GLASS. The record speaks for itself, too; and I have always understood, though I am not a lawyer, that when a court or a commission constituted by law has any doubt about the meaning of the law under which it is operating, it undertakes to seek the source of it and determine from the record what the meaning was. I challenge anybody to take the record here and show that this appropriation was intended for any other purpose than that of a searching inquiry into the enforcement of prohibition.

Mr. JONES. I contend that the language of the law is perfectly plain in itself and that we do not have to go outside to construe it; but I merely wanted the issue understood by everybody. Under the proposal of the committee the money that is available and also the money that is left over of the existing appropriation must be used exclusively for prohibition, while the other amendment follows the language of the existing law, under which the commission has been acting during the present year.

Mr. GLASS. I should like the Senate to understand that if we adopt the amendment proposed by the Senator from Washington it means a further waste of $328,000, whereas if we adopt the proposal of the subcommittee and the general Committee on Appropriations of the Senate, as suggested by me, it means to bring this commission back to the work for which it was appointed.

CLASSIFICATION OF CIVILIAN POSITIONS

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa [Mr. BROOKHART] that the Senate disagree to the amendments of the House of Representatives to Senate bill 215, request a conference with the House on the disagreeing votes of the two Houses thereon, and that conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. DALE, Mr. BROOKHART, and Mr. MCKELLAR conferees on the part of the Senate.

TRUCK PARTS FOR POSTAL MOTOR VEHICLE SERVICE

The bill (H. R. 12285) to authorize the Postmastter General to purchase motor-truck parts from the truck manufacturer was considered, read, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER

The PRESIDING OFFICER. The clerk will state the first bill on the calendar.

The first business on the calendar was the bill (S. 168) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HOWELL. Mr. President, it was my understanding that when we closed the calendar we would not begin at the beginning of the calendar.

The PRESIDING OFFICER. That was included in the request of the Senator from Oregon, that after the calendar was concluded we should begin at the beginning and finish it.

Mr. HOWELL. It was my understanding that we would begin where we left off, and that that would be the end of the calendar to-day.

Mr. MCNARY. Mr. President, the request was made, at the suggestion of several Senators, that we start at No. 1126 and then complete the calendar. That means the whole of the calendar.

Mr. HOWELL. Was that stated at the time?

Mr. MCNARY. That was stated at the time; yes. This is only for the consideration of unobjected bills, so the calendar can be gone through very rapidly.

The resolution (S. Res. 76) to amend Rule XXXIII of the Standing Rules of the Senate relating to the privilege of the floor was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 551) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 49) authorizing the Committee on Manufactures, or any duly authorized subcommittee thereof, to investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 153) granting consent to the city and county of San Francisco to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. JOHNSON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 119) authorizing and directing the Committee on Interstate Commerce to investigate the wreck of the airplane *City of San Francisco* and certain matters pertaining to interstate air commerce was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, was announced as next in order.

Mr. MCKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1278) to authorize the issuance of certificates of admission to aliens, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 149) for the relief of unemployed persons in the United States was announced as next in order.

Mr. MCNARY. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 23) to regulate the procurement of motor transportation in the Army was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of

the House of Representatives to take some action on Senate Joint Resolution 3, relative to the commencement of the terms of President, Vice President, and Members of Congress, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 120) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin American republics in highway matters was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7998) to amend subsection (d) of section 11 of the merchant marine act of June 5, 1920, as amended by section 301 of the merchant marine act of May 22, 1928, was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co., and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3229) to provide for the appointment of an additional district judge for the southern district of New York was announced as next in order.

Mr. COPELAND. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CITIZENSHIP AND NATURALIZATION OF MARRIED WOMEN

The bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, I do not suppose there is a Senator here who has not been approached by several good women who are very much interested in the passage of this bill.

Mr. McNARY. Mr. President, I inquire whether we are on Order of Business 618.

The PRESIDING OFFICER. Yes.

Mr. COPELAND. Let me finish my statement, please.

Mr. McNARY. Very well.

Mr. COPELAND. The Senate Committee on Immigration recommended the adoption of a number of amendments. It is deemed wise to ask that the Senate reject all the amendments offered to this bill and to pass merely the part which came from the House, the Cable Act, which seeks to restore their citizenship to women who lost it by reason of marriage to a foreigner. There is no possible objection to that measure, but there has been serious objection to many of the amendments offered by the committee.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. As one of those who objected to some of the amendments recommended by the Immigration Committee, I sincerely hope that the suggestion made by the Senator from New York will be complied with, namely, that the amendments suggested by the committee be rejected and the bill passed by the Senate as it passed the House. That is the only opportunity for the enactment of this legislation; and, so far as I have been able to ascertain, there is no objection to the so-called Cable bill, to which the amendments suggested by the committee were attached.

Mr. McNARY. Mr. President, I am advised that the Senator from Pennsylvania [Mr. REED] does not desire the bill to come up in his absence.

Mr. COPELAND. May I reply to that? If the Senator from Pennsylvania were here, he would state exactly what I have stated. The Senator from Pennsylvania and I have conferred regarding it. We are much in favor of several of the amendments which were tacked on; but it was agreed between the Senator from Pennsylvania and myself that the wise thing to do was to disagree to all the amendments and pass the bill simply on the merits of the measure as it came to us. If there is any question on the part of the Senator from Pennsylvania when he returns, I shall be very glad to see that the bill is returned to the calendar.

Mr. DILL. Mr. President, if the bill is going to be considered, the amendments recommended by the committee should be considered. I object.

Mr. TYDINGS. Mr. President, may I ask the Senator from New York if any objection has been made from any source to the amendment which permits women who have married American diplomats, and who are living in the consulate or the embassy, to count that residence as residence in the United States?

Mr. COPELAND. No such objection was raised. That amendment and several others have not been objected to; but there has been so much objection raised to various ones of these amendments that we thought it wise to disregard all the amendments. We intend in the committee to bring in, at the beginning of the next session, a bill which will cover these many important matters.

Mr. TYDINGS. Why not let the amendments stay in to which there is no objection? They are very deserving. Here are ladies who have married members of the Diplomatic Corps or Consular Service, who are living in the American embassy, and the only way in which they can become American citizens is to leave the abode of their husbands and come to the United States to live.

Mr. COPELAND. May I say to my friend that if we pass only the Cable Act, this does not relate to that particular question. The Cable Act as it came from the House relates only to the return of citizenship to women who have lost it by reason of marriage abroad. The matter the Senator has in mind——

Mr. McNARY. I insist on the regular order.

The PRESIDING OFFICER. The regular order is called for. Is there objection to the consideration of the bill?

Mr. DILL. I object.

Mr. McNARY. I have no objection. I withdraw my objection.

The PRESIDING OFFICER. The Senator from Washington has objected. The clerk will state the next bill on the calendar.

BILLS PASSED OVER

The bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1916) to amend section 1025 of the Revised Statutes of the United States was announced as next in order.

Mr. McNARY. Let that go over.

Mr. WALSH of Montana. Mr. President, I trust there will be no objection to Senate bill 1916. It is a very simple matter, to which I am sure everybody must agree.

Mr. TOWNSEND. I ask that it go over.

Mr. McNARY. I made the request at the request of the Senator from Delaware [Mr. TOWNSEND].

The PRESIDING OFFICER. The Senator from Delaware objects.

Mr. WALSH of Montana. Mr. President, is there an objection now to the bill? It simply provides that an indictment shall not be held invalid because the stenographer to the district attorney was allowed to appear before the grand jury to take notes of the proceedings. I can not see that there can be any objection to that from any source.

The PRESIDING OFFICER. Is there objection?

Mr. HEBERT. Mr. President, when that bill was reached some time ago there was an objection on the part of the Senator from New Mexico [Mr. BRATTON]. I was disposed to make the explanation which the Senator from Montana has just made in regard to the provisions of the bill, but I refrained from doing so because of the absence from the floor of the Senator from New Mexico.

Mr. WALSH of Montana. I may say that the rule was established long before we employed stenographers at all. It is exceedingly desirable that the testimony of witnesses before grand juries shall be taken down for the use of the district attorney; and he has no opportunity now to call in his stenographer to aid him in preserving what there transpires.

Mr. HEBERT. I fully agree with the views expressed by the Senator from Montana. In fact, this bill would provide for the procedure which obtains in practically all State jurisdictions now, and I see no objection to it, though I repeat that the Senator from New Mexico objected to the bill when it was reached before, and I was not disposed to press for its consideration at this time in his absence.

Mr. GEORGE. Mr. President, on behalf of the Senator from New Mexico, and until his return, I will interpose an objection to the consideration of this particular bill.

The PRESIDING OFFICER. The bill goes over, under objection.

JURISDICTION OF UNITED STATES DISTRICT COURTS

The bill (S. 4357) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. COPELAND. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MOTOR-BUS TRANSPORTATION

The bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, was announced as next in order.

Mr. COUZENS. Mr. President, that is the motor bus bill, and we will have to take some time on it.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 3344) supplementing the national prohibition act for the District of Columbia was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3558) to amend section 8 of the act making appropriations to provide fo the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

AIR COMMERCE ACT

The bill (S. 3399) to amend section 2 (e) of the air commerce act of 1926 was announced as next in order.

Mr. McKELLAR. Let that bill go over.

Mr. BINGHAM. Mr. President, I did not hear who objected to the consideration of the bill.

Mr. McKELLAR. I objected. This is a bill in which the Senator from New Mexico [Mr. BRATTON] is interested.

Mr. BINGHAM. I stated that I was perfectly willing to withdraw my objection to the amendments, and I understood the Senator from New Mexico would not object to the bill being passed with the amendments recommended by the committee.

Mr. McKELLAR. Mr. President, this is an important bill, and I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 4377) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death was announced as next in order.

Mr. GEORGE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3822) to provide for the withdrawal of the sovereignty of the United States over the Philippine Islands and for the recognition of their independence, etc., was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CHANGE OF NAME OF IOWA CIRCLE

The bill (H. R. 7996) to change the name of Iowa Circle in the city of Washington to Logan Circle.

Mr. STECK. Let that go over.

Mr. GLENN. Mr. President, a Senate bill identical in form with this one passed the Senate about a month ago, providing for exactly what this bill provides for. This is simply a bill to apply the name "Logan Circle" to a circle out in the northern part of the city of Washington, where a statue of Gen. John A. Logan stands. The same practice is followed as to every other circle where a large statue is erected in this city; for instance, Sheridan Circle, Thomas Circle, and all the other circles.

I have been asked to have this action taken by the daughter of General Logan, who resides in this city, and I would like to have this mark of honor paid to her father during her lifetime. I thought she had talked with the senior Senator from Iowa [Mr. STECK], but it seems she has not. I know she has talked with the junior Senator from Iowa [Mr. BROOKHART], who is agreeable to the bill. I very much hope the bill may be passed.

Mr. STECK. Mr. President, when a similar bill passed the Senate I had no objection to it, but since it passed I have had numerous objections from residents of Iowa to permitting the bill to become a law, and that is why I am holding it up. I will have to insist upon the objection.

The PRESIDING OFFICER. The bill will be passed over.

CRUISER "OLYMPIA" SILVER SERVICE

The Senate proceeded to consider the bill (H. R. 4206) authorizing the Secretary of the Navy, in his discretion, to loan to the city of Olympia, State of Washington, the silver service set formerly in use on the U. S. cruiser *Olympia*, which was read the third time and passed.

MOTOR-VEHICLE OPERATORS' LICENSES

The bill (H. R. 4015) to provide for the revocation and suspension of operators' and chauffeurs' licenses and registration certificates; to require proof of ability to respond in damages for injuries caused by the operation of motor vehicles; to prescribe the form of and conditions in insurance policies covering the liability of motor-vehicle operators; to subject such policies to the approval of the commissioner of insurance; to constitute the director of traffic the agent of nonresident owners and operators of motor vehicles operated in the District of Columbia for the purpose of service of process; to provide for the report of accidents; to authorize the director of traffic to make rules for the administration of this statute; and to prescribe penalties for the violation of the provisions of this act; and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

Mr. CAPPER. Mr. President, I did not hear who objected to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. BLAINE] objected.

Mr. BLAINE. This is a very complicated bill. It comes here with the indorsement of the Commissioners of the District of Columbia, as I understand, without very much consideration having been given to it. I do not know whether it appiles to nonresident operators or local operators, or to what operators it does apply. I know that the bill ought to be amended, and I have not had time to work out the amendment.

Mr. CAPPER. It is an important matter.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

CLAIMS UNDER TRANSPORTATION ACT

The bill (S. 4254) to provide for the compromise and settlement of claims held by the United States of America arising under the provisions of section 210 of the transportation act, 1920, as amended, was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

JURISDICTION OF COURTS OF EQUITY

The bill (S. 2497) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes, was announced as next in order, having been reported by the Committee on the Judiciary adversely.

The PRESIDING OFFICER. The bill will be passed over.

GRAND JURY, SOUTHERN DISTRICT OF NEW YORK

The Senate proceeded to consider the bill (S. 4425) to amend section 284 of the Judicial Code of the United States, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 17, to strike out the words "to continue business unfinished" and insert in lieu thereof the words "to finish investigations begun but not finished," so as to make the bill read:

Be it enacted, etc., That section 284 of the Judicial Code (U. S. C., title 28, sec. 421) be, and the same is hereby, amended so as to read as follows:

"SEC. 284. No grand jury shall be summoned to attend any district court unless the judge thereof, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. If the United States attorney for any district which has a city or borough containing at least 300,000 inhabitants shall certify in writing to the district judge or the senior district judge of the district that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury: *Provided, however*, That if the United States attorney for the southern district of New York shall certify in writing to the senior district judge of said district that the exigencies of the public service require it, said judge may, in his discretion, also order a venire to issue for a third grand jury. And said court may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever in its judgment it may be proper to do so. And the district judge or the senior district judge, as the case may be, may, upon request of the district attorney or of the grand jury or on his own motion, by order authorize any grand jury to continue to sit during the term succeeding the term at which such request is made, solely to finish investigations begun but not finished by such grand jury: *Provided, however*, That no grand jury shall be permitted to sit in all during more than three terms. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found."

Mr. HEBERT. Mr. President, this bill merely changes the law as it affects the calling of grand juries in the southern district of New York. At present a venire issues for a grand jury in every district court jurisdiction. The law now provides for a second grand jury in the southern district of New York, as well as in other districts having a population in excess of 300,000. This bill would provide for an additional or third grand jury in the southern district of New York to be sum-

moned when the presiding justice in that district feels the need of the services of such a grand jury.

The PRESIDING OFFICER (Mr. JONES in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 4561) for the relief of Sally S. Twilley was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3644) for compensation in behalf of John M. Flynn was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

WASHINGTON CITY POST OFFICE

The Senate proceeded to consider the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 10, to strike out "$4,000,000" and to insert in lieu thereof "$3,000,000," so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized to enter into contracts for the extension, remodeling, and enlargement of the post-office building, Washington, D. C., on land already owned by the Government in square 678, including the extension of existing mechanical equipment, mail handling, conveying, and other apparatus, where necessary, in an amount not exceeding $3,000,000: *Provided*, That the plans and specifications for such buildings shall be approved by the Fine Arts Commission and by the Postmaster General.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SALARY OF GOVERNOR OF TERRITORY OF ALASKA

The Senate proceeded to consider the bill (S. 4142) to fix the salary of the Governor of the Territory of Alaska.

Mr. LA FOLLETTE. Let the bill be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the Governor of the Territory of Alaska shall receive an annual compensation of $10,000.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VIOLATIONS OF THE NARCOTIC LAWS

The Senate proceeded to consider the bill (H. R. 3395) authorizing the Commissioner of Prohibition to pay for information concerning violations of the narcotic laws of the United States, which had been reported from the Committee on the Judiciary with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Commissioner of Prohibition is authorized and empowered to pay to any person, from funds now or hereafter appropriated for the enforcement of the narcotic laws of the United States, for information concerning a violation of any narcotic law of the United States, resulting in a seizure of contraband narcotics, such sum or sums of money as he may deem appropriate, without reference to any moieties or rewards to which such person may otherwise be entitled by law: *Provided*, That all payments under authority of this act to any informer in any foreign country shall be made only through an accredited consul or vice consul of the United States stationed in such country, and every such payment must be supported by a voucher with an accompanying certificate of the said consul or vice consul that the payment of the amount stated on the voucher has been made to the informer named, and at the place and time specified on said voucher.

The amendment was agreed to.

Mr. BORAH. Mr. President, the bill is sailing under false colors, which would cause some to be prejudiced against it. As it reads it would apply to the "Commissioner of Prohibition." I move to strike out the word "Prohibition" and to have the word "Narcotics" inserted.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 3, to strike out the word "Prohibition" and insert in lieu thereof the word "Narcotics."

The amendment was agreed to.

Mr. TYDINGS. Mr. President, as I understand, the bill now applies solely to narcotics.

Mr. BORAH. Exactly.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act authorizing the Commissioner of Narcotics to pay for information concerning violations of the narcotic laws of the United States."

OFFENSES AGAINST PUBLIC POLICY IN THE DISTRICT OF COLUMBIA

The bill (S. 4555) to amend certain sections in the Code of Law for the District of Columbia relating to offenses against public policy was announced as next in order.

Mr. COUZENS. Let the bill be read.

The Chief Clerk read the bill.

Mr. McNARY. Mr. President, at the request of a Senator not now in the Chamber, I object to the consideration of this bill.

The PRESIDING OFFICER. The bill will be passed over.

R. L. WILSON

The Senate proceeded to consider the bill (H. R. 845) for the relief of R. L. Wilson, which was read the third time and passed.

NATIONAL MUSEUM OF ENGINEERING AND INDUSTRY

The bill (S. 454) to establish a commission to be known as a commission on a national museum of engineering and industry was announced as next in order.

Mr. COPELAND. Mr. President, the senior Senator from Utah [Mr. SMOOT] asked me to let this bill go over until he could get time to give it consideration.

The PRESIDING OFFICER. The bill will be passed over.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

The bill (S. 2643) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, was announced as next in order.

Mr. METCALF. Let that bill go over. I understand the senior Senator from Massachusetts [Mr. GILLETT] has objection to its consideration.

The PRESIDING OFFICER. The bill will be passed over.

LAURA A. DEPODESTA

The bill (H. R. 1759) for the relief of Laura A. DePodesta was announced as next in order.

Mr. VANDENBERG. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

STREET-RAILWAY MERGER, DISTRICT OF COLUMBIA

The joint resolution (S. J. Res. 105) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. GLASS. Mr. President, I did not hear who objected.

Mr. LA FOLLETTE. I objected. This measure can not be considered under the 5-minute rule.

The PRESIDING OFFICER. The joint resolution will be passed over.

SAMUEL GETTINGER AND HARRY POMERANTZ

The bill (H. R. 334) for the relief of Samuel Gettinger and Harry Pomerantz was announced as next in order.

Mr. VANDENBERG. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ALBERT A. INMAN

The bill (H. R. 3889) for the relief of Albert A. Inman was announced as next in order.

Mr. VANDENBERG. Let that go over.

Mr. COPELAND. Mr. President, does the Senator from Michigan insist on his objection?

Mr. VANDENBERG. The Senator from Pennsylvania [Mr. REED] raised a fundamental question the other day against three or four of these bills. I do not think they should be passed in his absence.

Mr. COPELAND. I have discussed the matter with the Senator from Georgia [Mr. GEORGE], an eminent lawyer, and with others, and it is very clear to them—although I may say I have no right to discuss the matter, because it is a legal question—that the bill should be passed. I wish the Senator would withhold his objection until the Senator from Georgia may say a word about the bill.

Mr. VANDENBERG. Mr. President, I see the Senator from Pennsylvania now in the Chamber, and he can speak in his own right.

Mr. COPELAND. Mr. President, if I may have the attention of the Senator from Pennsylvania, a day or two ago he objected to orders of business 1063, 1064, and 1065. Needless to say, I am not competent to argue the legal aspects of these measures, but I discussed the matter with the Senator from Georgia, who has gone into the matter very carefully. The former Attorney General, Mr. Sargent, and the present Attorney General, Mr. Mitchell, have interposed no objection to the passage of these

bills. The only way by which relief can be had is through the enactment of the bills, and I hope the Senator from Pennsylvania will not press his objection.

Mr. REED. Mr. President, reserving the right to object—I do not want to enter an objection now—I do not think these bills ought to pass without the consciousness on the part of the Senate of what they provide. Then, if it is the judgment of the Senate that the bills should pass, I shall not make any endeavor to delay or prevent their enactment.

There are four bills here which provide for the remission and repayment to four defendants sentenced in criminal cases of the fines which were imposed upon them when they pleaded guilty, or nolo contendere, in four prosecutions under the Lever Act. They were charged with profiteering in commodities. At the time those prosecutions were being proceeded with, the Lever Act had been declared unconstitutional by some courts of inferior jurisdiction. It had not been passed upon by the United States Supreme Court.

These defendants, rather than stand trial, with the possibility of a long-term penitentiary sentence, pleaded guilty, or nolo contendere, and were let off with substantial money fines—$2,500, or $5,000, or whatever the amount may have been. At the time they pleaded guilty at least one of them filed a waiver of any right to recover back the amount of the fine which he was sentenced to pay excepting if the Lever Act should be held to be unconstitutional.

I do not think there is any evidence that the court or the United States attorney joined in making any such bargain with the defendants. I have looked at the records of the cases, and I can not find any evidence that the court or the district attorney undertook to make any such bargain. I doubt if it would have been valid if they had.

Mr. GLASS. Mr. President, may I ask the Senator what was the decision of the Supreme Court as to the constitutionality of the Lever Act?

Mr. REED. The decision of the Supreme Court was that the Lever Act was unconstitutional.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED. Certainly.

Mr. CARAWAY. I might suggest that it should not be done; but if men are to have their fines returned to them, then others who were convicted and imprisoned and served a prison sentence ought to have some kind of remuneration.

Mr. REED. It would seem so.

Mr. CARAWAY. Of course.

Mr. REED. I do not know what the Senate has done in the consideration of bills in the earlier part of the calendar, but there was a somewhat analogous case to which I objected the other day where the fine was to be remitted to a defendant who pleaded nolo contendere while his fellow defendants went on and stood trial and got binding instructions on the ground of insufficiency of evidence. The bill would permit repayment of the fine of the man who compromised and put in his nolo contendere plea and did not stand trial. If we are going to start that sort of thing, we will have claims bills in very large number in behalf of people who take like sentences with a plea of nolo contendere and then, seeking to profit by some more venturesome fellow defendants trying out the case, will come and ask for a return of their fines.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. REED. Certainly.

Mr. ASHURST. I listened with interest, and I always do, to the remarks of the Senator from Pennsylvania in his brief discussion of this question yesterday. Whilst I know nothing of the merits of the bills under consideration, there seems to be some strength in the Senator's suggestion. I believe the laws should be administered with a sensible approach to mercy and tenderness, but it has come to my notice that some defendants are trying to play fast and loose. During the trial of a case of importance in a Federal court—I shall not mention the State—one of the jury men died. Of course, in all our Federal and State courts, a defendant charged with crime is entitled to be tried by a common-law jury of 12 men, but in this particular case the defendant himself and his attorney agreed to proceed with the trial and to try the case with 11 jurors. They agreed that they would not, if convicted, take advantage of the fact that there was an 11-man jury sitting on the case. The defendant was convicted, whereupon the attorney and the defendant prosecuted an appeal upon the ground that the defendant had not been convicted by a jury of 12 men.

I think that is an attempt to play fast and loose with the courts.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. GEORGE. In these cases the plea of nolo contendere was entered on the promise that if the Supreme Court held the act unconstitutional the fine should be returned. That is the clear intent and purpose of it. It is immoral now not to keep that promise.

Mr. ASHURST. Was that promise incorporated in and made a part of the minutes of the court?

Mr. GEORGE. Oh, yes.

The Senator from Pennsylvania states that there is no evidence that the district attorney entered into it. The district attorney alone could not have accepted a plea of nolo contendere. The district attorney and the court had to approve it; that is, the district attorney has to approve it, but the court alone can accept it. The district attorney might have objected, but did not object for the very good reason that the lower court had held the section of the act unconstitutional.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LA FOLLETTE. Has objection been entered to the consideration of the bill?

The PRESIDING OFFICER. It has not.

Mr. REED. Objection can be made at any time.

Mr. GEORGE. I understood the Senator from Pennsylvania was not making an objection. All four of the cases about which we are talking stand upon the same basis. It seems to me it is a very clear case. The defendant entered a plea of guilty and was fined, and the statute under which he was fined was afterwards held to be unconstitutional.

Mr. REED. I looked at the record to find if the plea was subject to that condition, and I could not see that it was. There was filed an instrument called a waiver in which the defendant waived all claims to getting his money back excepting on that condition.

Mr. GEORGE. I am going by the report of the committee.

Mr. REED. I looked up copies of the original papers. I never heard of this case until day before yesterday.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Montana?

Mr. REED. I yield.

Mr. WALSH of Montana. I have examined the report and I find nothing in it that sustains the contention that the district attorney accepted the plea or that anybody accepted the plea upon the condition that the money would be returned if the act was finally held to be unconstitutional.

Mr. GEORGE. Does the Senator find anything that disputes that?

Mr. WALSH of Montana. No; I do not.

Mr. GEORGE. The committee of the Senate has recited that that is the fact.

Mr. WALSH of Montana. I did not find that the Senate committee or the House committee so recites. There is nothing in the record to show upon what basis any such finding is made.

Mr. GEORGE. Let me call the Senator's attention to the facts. I am satisfied that is the truth in this case for the reason that the defendants subsequently brought action in the same court where the fines were imposed. In several cases they recovered judgment against the United States for the amount of the fines. Of course, in a test case it was held the court was without jurisdiction in that case. It is not conceivable to my mind that the defendants, having entered a plea of nolo contendere, could have gone into the District Court for the Northern District of New York and recovered a judgment against the United States for these fines which had been paid into the Treasury of the United States. It bears out the statement made by the committee.

Mr. WALSH of Montana. If any court in New York held that was a proper basis upon which to obtain judgment against the United States under the Tucker Act, and that is the only act under which the proceeding could be had, why did not these claimants resort to the same procedure and sue likewise?

Mr. GEORGE. Some of them did so, and they obtained a judgment. The district attorney was instructed to apply for a writ of error, but failed to do so within time. However, the Attorney General advised, upon the authority of a decision handed down by the Supreme Court in another but analogous case, that the court was without jurisdiction and, of course, they refused to pay the judgment. That is the status of the case.

Mr. WALSH of Montana. Then, it seems to me, the action would be to sue for payment of the judgment rather than upon the claim.

Mr. GEORGE. The Attorney General said the court was without jurisdiction. Two Attorneys General have said so. Attorney General Sargent said in his report that it was not conceivable to him that the Government in good conscience and equity would desire to retain this money. Attorney General Mitchell says it is a matter of policy for Congress to determine, but that the Government has no moral right to the money.

Let me call the attention of Senators to the fact that if the defendants had been sentenced to a term of imprisonment under a straight plea without any reservation whatsoever and the Supreme Court of the United States had subsequently held the act unconstitutional, they could have been liberated under habeas corpus by any court in the land having jurisdiction. The judgment would have been at an end.

Mr. WALSH of Montana. The Senator might likewise say if the defendant had been fined $5,000 and the act was subsequently, and before they paid the fine, declared unconstitutional, they would not have been obliged to pay it; but they did pay it.

Mr. GEORGE. They paid it, but paid it upon these conditions.

Mr. WALSH of Montana. Of course, if the conditions actually existed there would have been a strong equitable case here, but the proof before us is evidently lacking in anything of that kind.

Mr. GEORGE. I take issue with the Senator. The positive statement of the committees of Congress is that the condition was incorporated in the plea. That is the positive statement and there is nothing to the contrary in the record. The fact that these particular parties entered suit in the same court where the sentence was imposed and their suit withstood a general demurrer filed by the Government and that they actually recovered judgment, which the Attorney General upon the authority of the subsequent decision of the Supreme Court held not to be binding, clearly convinces me that the recital of facts is in point of fact true.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Oregon?

Mr. REED. Certainly.

Mr. McNARY. In the interest of expedition I remind Senators that a Senator may speak not longer than five minutes and only once. There seems to be a controversy over this matter, and therefore I must object.

Mr. COPELAND. Mr. President, I hope the Senator will not do that. The Senator from Pennsylvania has not objected and is not going to object.

Mr. McNARY. I thought the Senator from Pennsylvania would probably finally enter his objection.

Mr. REED. No; but I should like to say a word about it.

Mr. McNARY. I withdraw my objection, then.

Mr. REED. I think there is an element of good faith involved in the case. It is a little bit uncomfortable to have the United States Government retaining money where these proceedings went on at the time the fine was imposed. For that reason I am not going to object to Calendars Nos. 1060, 1063, 1064, or 1065; but I do ask unanimous consent to return to Calendar No. 982, which was passed a few minutes ago, before I entered the Chamber. Any Senator who will read the terms of the act itself will see the force of my point, I think.

Mr. McNARY. What disposition has been made of the four orders which have been the subject of discussion?

The VICE PRESIDENT. No disposition has yet been made of them. The question is whether there is objection to the present consideration of Calendar No. 1060.

Mr. REED. Then, I will withhold my request until those measures are disposed of.

SAMUEL GETTINGER AND HARRY POMERANTZ

The VICE PRESIDENT. Is there objection to the consideration of Calendar No. 1060, the bill (H. R. 334) for the relief of Samuel Gettinger and Harry Pomerantz?

There being no objection, the Senate proceeded to consider the bill, which was read the third time and passed.

ALBERT A. INMAN

The Senate proceeded to consider the bill (H. R. 3889) for the relief of Albert A. Inman, which was read the third time and passed.

HARRY MARTIN

The Senate proceeded to consider the bill (H. R. 3891) for the relief of Harry Martin, which was read the third time and passed.

ISAAC FINK

The Senate proceeded to consider the bill (H. R. 4161) for the relief of Isaac Fink, which was read the third time and passed.

R. L. WILSON

Mr. McNARY. Mr. President, I have no objection now to the request of the Senator from Pennsylvania to return to the consideration of Calendar 982.

Mr. REED. Mr. President, I ask that we return to Calendar No. 982, the bill (H. R. 845) for the relief of R. L. Wilson.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. In this case the defendant pleaded guilty and was fined $500. His codefendants went to trial and took their chances and managed to get a directed verdict on the ground that there was no evidence to make out the crime for which they were indicted. Consequently, when a verdict was rendered, they got a judgment of acquittal.

Mr. CARAWAY. Mr. President, the remarkable thing about the report in that case is that it says that afterwards the evidence entirely disappeared. It does not appear that they were tried at the same term of court.

Mr. REED. No; it does not say there was no evidence that there was a crime; simply that no evidence was adduced at the subsequent time when they stood trial.

Mr. CARAWAY. The evidence that confronted the man who pleaded guilty may have disappeared.

Mr. REED. The principle of the thing takes away the whole value of the plea of nolo contendere if we are going to remit the sentences. I ask unanimous consent for the reconsideration of the votes by which the bill was ordered to be read a third time and was passed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED. I now move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. WALSH of Montana. Mr. President, it ought to be clearly stated that the difference between this bill and the ones just passed is that in this case the other defendants were acquitted upon the ground that the evidence was not sufficient to convict them. In other words, as was suggested by the Senator from Arkansas [Mr. CARAWAY], the man may have been guilty of the crime to which he pleaded guilty, and no doubt was guilty, but the Government did not have enough evidence at its command to convict the others and was unable to establish guilt as to them.

CONSTRUCTION AT WEST POINT, FORT LEWIS, AND FORT BENNING

The bill (H. R. 8159) to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes, was considered.

Mr. COPELAND. Mr. President, the Senator from South Dakota [Mr. MCMASTER] has a pending amendment, which I ask may be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3, at the end of the bill, insert a new section, as follows:

SEC. 5. (a) For the purpose of enabling the Secretary of War to obtain possession and legal title to the certain hotel building, appurtenances, and equipment, now located and situated on the grounds of the West Point Military Academy, and known as the Thayer-West Point Hotel, from any and all persons, corporations, or associations holding any title or interest in said hotel building, appurtenances, and equipment, as provided by the act of March 20, 1920 (41 Stat. L. 548), and the lease pursuant thereto entered into October 17, 1924, between the Secretary of War and Herbert Williams, which said lease is hereby terminated, the Secretary of War is authorized and directed to appoint three competent persons to act as a board of appraisers for the purpose of determining the present market value of the hotel building, appurtenances, and equipment, and a report thereof made to the Secretary of War. The Secretary of War shall submit to Congress at the earliest practicable date the report of the board of appraisers.

(b) The amount so fixed by the board of appraisers is hereby authorized to be appropriated and shall become available when proper title, free of liens and encumbrances, to the said hotel building, appurtenances, and equipment is delivered to and accepted by the Secretary of War and shall be used by the War Department for such lawful purpose as the War Department may hereafter determine.

(c) That the sum of money hereby authorized to be appropriated shall be paid into the United States District Court for the Southern District of New York and be distributed by the said court as the interests of the parties there appear in the now pending Thayer-West Point Hotel Corporation bankruptcy proceedings.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FLOOD DAMAGES IN CALIFORNIA

The bill (H. R. 650) for the payment of damages to certain citizens of California and other owners of property damaged by the flood, caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States, was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed (1) to cause a survey to be made in such manner and under such regulations as he deems necessary for the purposes of this act to determine the property loss by flood by reason of the failure on August 2, 1926, of the embankments of the detention reservoir built by the United States Reclamation Service in the Picacho and No-name Washes on the Bard unit of the Yuma reclamation project, sustained by T. E. White, Mrs. A. M. Rouse, J. H. Hamblen, J. F. Goodwin, and other owners of property damaged by reason of said flood; and (2) to pay such losses in full if the amount appropriated in section 2 of this act is sufficient, or, if such amount is insufficient, to pay each person such percentage of the amount of his property loss as the amount appropriated bears to the amount determined by the Secretary as the property loss sustained in full settlement of each of their individual claims.

SEC. 2. There is hereby appropriated, out of any money in the reclamation fund, the sum of $40,000, or so much thereof as may be necessary for the purposes of this act. The funds disbursed under this act shall be chargeable to or repaid by the water users of the Yuma project.

RACHEL LEVY

The bill (H. R. 8723) for the relief of Rachel Levy was read, considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 191) for the relief of George B. Marx was announced as next in order.

Mr. HOWELL. I ask that that bill go over.

The VICE PRESIDENT. On objection, the bill will be passed over.

The bill H. R. 12902, the general deficiency appropriation bill, was announced as next in order.

The VICE PRESIDENT. The bill will be passed over.

MARTIN E. RILEY

The bill (H. R. 3238) for the relief of Martin E. Riley, which had been reported from the Committee on Claims adversely, was announced as next in order.

The VICE PRESIDENT. This is the bill which the Senator from Georgia [Mr. GEORGE] had restored to the calendar on yesterday.

Mr. GEORGE. I ask that the bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

RELIEF OF CERTAIN PERSONS IN SCHENLEY, PA.

Mr. REED. Mr. President, while I was absent from the Chamber, Order of Business 1132, being House bill 636, was passed over at the request of the Senator from Montana [Mr. WALSH], who desired an explanation. I ask that the Senate may return to that bill, and that it be considered.

The VICE PRESIDENT. The Chair is informed that is the next bill on the calendar. Is there objection to its immediate consideration?

There being no objection, the Senate proceeded to consider the bill (H. R. 636) for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to (1) the estate of William F. Casey the sum of $50, (2) Ermildo Romano the sum of $2,700, (3) Domenico Cordera the sum of $3,000, (4) the heirs of Anna M. Keesy the sum of $6,500, (5) Emma Cunningham the sum of $350, and (6) Clarence C. Keesy the sum of $190. The payment of such sums shall be in full settlement of all claims against the United States for damage to their land and property as a result of the erosion of Dam No. 5 on the Allegheny River on November 18 and 19, 1927.

SEC. 2. The Secretary of War is authorized and directed to (1) restore that portion of land belonging to (a) the estate of William F. Casey, (b) Ermildo Romano, and (c) the heirs of Anna M. Keesy, lying landward of a line parallel with the riverward face of the abutment of such Dam No. 5, and 48 feet landward thereof, to an elevation level with the top of the landward paving of said abutment (elevation 776), by filling in with slag or other relatively nonerodible materials; and (2) fill in the land belonging to Domenico Cordera and Emma Cunningham to an elevation level with the top of the landward paving of the abutment of such Dam No. 5 (elevation 776), such filling to be composed of slag or other relatively nonerodible materials.

Mr. REED. Mr. President, about three years ago the United States Government built a dam across the Allegheny River, which is below the town of Schenley, Pa. There was a freshet shortly afterwards, and the erosion caused by the building of the dam undermined a number of buildings which had been erected well within the harbor line on private property abutting on the river. Recognizing the responsibility of the United States, the district engineer went to the property owners and secured agreements with them as to the amount they would accept if it could be obtained from the United States. It was thought at first that by the purchase of what are called "flowage rights" from these people for settled sums the whole thing could be adjusted, but it was felt unwise by the War Department to settle a claim by pretending to buy a flowage right, which is actually what would have been done. Consequently the War Department has submitted the case to Congress and recommends the pasage of the bill.

Mr. LA FOLLETTE. Mr. President, was the dam built by the Government?

Mr. REED. The dam was built by the Government.

Mr. WALSH of Montana. Mr. President, I want to inquire of the Senator for what purpose was the dam built?

Mr. REED. It was built for navigation purposes. The channel of the Ohio River is continued up the Monongahela River and up the Allegheny River.

Mr. WALSH of Montana. Is it a part of the improvement of the Ohio River?

Mr. REED. It is a part of the improvement to make the Allegheny River navigable.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Kentucky?

Mr. REED. I yield.

Mr. BARKLEY. The Senator is familiar with the fact that for many years the Government has been seeking to provide an all-the-year 9-foot stage in the Ohio River for navigation purposes. That work has been completed by the construction of numerous locks and dams in the Ohio River from Pittsburgh to Cairo. The construction of those locks and dams has raised the level of water in certain places so that farm lands along the Ohio River in western Kentucky which were never previously overflowed are now frequently overflowed to such an extent as to ruin crops and make the land untillable. According to the same principle, which I approve, in this bill, we may have some hope that in the future any damage that may be shown to have been done by reason of the construction of those dams will be favorably considered at the hands of the Government and at the hands of Congress when it comes to deal with the question.

Mr. REED. I think unquestionably it should be.

The bill was ordered to a third reading, read the third time, and passed.

STATUS OF RESERVE OFFICERS NOT ON ACTIVE DUTY

The bill (H. R. 3592) to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, have we not previously been over this portion of the calendar?

The VICE PRESIDENT. The bill, the title of which has just been stated, was objected to and went over.

Mr. REED. Mr. President, that bill was reported by me from the Committee on Military Affairs. I understand it was objected to by the Senator from Montana.

The VICE PRESIDENT. It was objected to and went over on objection.

Mr. REED. The Senator from Montana desired an explanation of the necessity for the bill.

Mr. WALSH of Montana. I withdraw the objection, Mr. President.

Mr. LA FOLLETTE. Mr. President, a number of Senators who were here at the time——

Mr. REED. The Senator from Montana has withdrawn his objection.

Mr. LA FOLLETTE. I understand that, but there are a number of Senators who were present on the first call of the calendar who have now left the Chamber. I have no way of knowing whether those Senators went away with the understanding that, the Senator from Montana having interposed an objection, this bill would not come up again this morning. I do not think we ought to go on with a second call of the calendar and take up bills which have already been objected to

within the last hour and twenty minutes, because, as I have said, Senators may have left the Chamber under the impression that the calendar had been called and the bills objected to had gone over. I do not think that we ought to go on with the calendar. We are going to have other calendar days, I am informed by the Senator from Oregon, and therefore I feel constrained to object to any further call of the calendar this morning.

The VICE PRESIDENT. Objection having been made, the bill will go over.

DEMOCRATIC VIEW OF THE TARIFF—ADDRESS BY SENATOR HARRISON

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed in the RECORD a radio address delivered by Senator PAT HARRISON over the Columbia Broadcasting system on Tuesday evening, June 24, 1930, on the subject The Tariff From a Democratic Viewpoint.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

It is quite easy for those who defend the Hoover-Grundy tariff act to content themselves with the mere statement that similar arguments were employed and like foreign protests filed in the consideration of prior Republican tariff proposals.

The enactment of this law presents a situation unlike that presented in the passage of any other tariff measure. When has the President of the United States been called upon before to broadcast a lengthy statement before approving the bill? When have the Secretary of the Treasury, the Secretary of Commerce, the Assistant Secretary of Commerce, and the head of the Tariff Commission heretofore felt it necessary to praise the measure in order to restore the confidence of the public? The public response to these broadcasts presents one of the most pitiable pictures in American history.

The "big berthas" of the Republican Party, in order to popularize this measure and restore in some degree a measure of confidence, have employed and utilized through complete cooperation and common understanding every avenue of approach. The response of the people, evidenced by increasing lines of unemployment, the continued slowing down of industry, the collapse of credit, the unchecked decline of stocks, universal confusion in general business conditions, has made sufficient answer to their narrow policy and unwise action.

When the President, nine days ago, thought it necessary to publish his praise of the measure—and that before he had signed it—every stock traded in on the New York Stock Exchange went down the next day. When the President had failed in his effort at artificial stimulation, then the Secretary of the Treasury applied his hand, issued a most optimistic statement, and immediately there followed a still greater decline in stock values. Then Senator WATSON, who had worked with GRUNDY in framing it, sought to defend the act, not by an analysis of the measure but through the employment of his fine oratorical powers in generalities, and the stock market further declined. Then the successor to Mr. Hoover, Secretary Lamont, tried his hand, as did his assistant, Doctor Klein, and the stock market further declined. In no other administration has there been manifested such a lack of confidence in the statements or actions of those who direct the affairs of this Nation.

And why?

For 15 months the American people have observed an administration in control at Washington, dominating every branch of the Government service. They have noted that party in the Senate, during all that time, flounder around without advice or counsel from the President of the United States. In 1922, when the Fordney-McCumber law was enacted, such enormous increases were imposed that the highly protected interests alone were satisfied. It was generally agreed that through the increased rates written into that law we had gone the limit in tariff protection. It was the exception when complaints were made that the rates were not high enough. The demand for a revision came from the consumers and the great agricultural interests of the country. When, therefore, President Hoover asked the Congress to consider limited revision of the tariff no one dreamed that he had in mind general revision. All agreed that agriculture was at a disadvantage with other industries and such a revision should be adopted through tariff legislation as to place that industry on a basis with other industries.

Republican leadership immediately took advantage of the situation and seized upon the recommendations of the President, and without protest from him, proceeded to enact a general revision of the former high tariff act, increasing duties on 887 items. On hundreds of these items the increases were made without reason or justification. Except for revenue purposes or to meet lower foreign costs on competitive products, there can be no excuse for levying tariff duties at the customhouse. It can be seen, therefore, how inexcusable is a policy which forces a duty on pineapples, for instance, when we produce in the United States only 8,000 crates and import from abroad annually one and one-half million crates.

Throughout the measure high rates were imposed to protect domestic industries ill adapted to American conditions and inefficiently operated. It is an unwise policy to attempt to stimulate inefficiently operated and uneconomically located industries in this country through the imposition of tariff duties when by doing so we affect the sale of surplus products produced here from industries well adapted to American conditions, economically and efficiently operated. If we can not supply a product to meet the consumptive needs of our people, as in the case of pineapples, why should we impose a duty that will naturally cause Cuba to buy less of those surplus products that we produce and which they need? If, for instance, Cuba can not sell to us, she will not buy from us, and other countries that produce in competition with us will supplant our trade in the Cuban market.

Sugar is another illustration. We have raised the rates on sugar until the American people are taxed on that item alone one-quarter of a billion dollars annually. Yet we know that after generations of high protection sugar production in continental United States has not increased and the production per acre is lower than in any other country, and we now produce in continental United States only one-fifth of our consumptive needs.

I shall not in this discussion elaborate upon the inordinately high rates written in the Hoover-Grundy law. Suffice it to say, that nothing escaped in the general revision process. Increased burdens were piled upon the American consumer. On sugar alone there was added an additional $30,000,000 annually. Practically everything related to the happiness and necessity of life and the well-being of the American people is increased in cost to them because of the high tariff rates written in the law. Clothing, shoes, hats, food, lumber, cement, steel, medicine, agricultural implements, carpenters' tools, electrical appliances, household furnishings and utensils are but a few examples of those included. It is not surprising, therefore, with general business conditions at the lowest ebb and enormous taxes now being exacted from the average citizen by the various units of government, that these increased burdens upon him should be universally condemned and should have given rise throughout the country to a flood of protests unparalleled in the history of the Nation.

Can anyone imagine a more inopportune time to lay heavier burdens upon the backs of the American people?

Before I direct your attention to the reasons why this tariff act has caused more economic confusion and business anxiety than preceding tariff measures, I want to answer two propositions advanced over this network a few nights ago by my friend, Senator WATSON, of Indiana, who is as adept at speaking joy as spreading gloom. He made the assertion that under the Fordney-McCumber law the country had experienced prosperity and our foreign balance of trade increased. If that were true, what was the necessity for increasing the high rates carried in that law on 887 items and why did he refrain from telling you that since the consideration of this tariff proposal began, 15 months ago, there has been a constant falling off in our exportations and a shinkage in our balance of trade? His assertions are answered in the one fact that during the first four months of this year our balance of trade has declined more than $357,000,000 from the corresponding four months of last year. It would be an insult to your intelligence for me to discuss the prosperity suggestion, with the baneful effects of a nation-wide depression now being felt in every home throughout this land.

In this same remarkable speech broadcast by Senator WATSON, as well as in the statement of the President, a defense of the act is made on the ground that approximately 66 per cent of our importations come in free. Being a great manufacturing Nation, we must import from abroad large quantities of raw material. It is a tribute to the ingenuity of the American manufacturer that we do. But how weak is the argument that increased rates upon manufactured products are justified on the theory that no duty is imposed on 66 per cent of our raw materials. These manufacturing plants could not operate if we did not have the raw materials. For instance, rubber is not produced here, but it is necessary in the production of automobiles and in many other American industries. In some years five items alone constitute a third of the total value of our imports. In 1926 $505,818,000 worth of rubber was imported; $104,793,000 worth of tin; $332,746,000 worth of coffee; and $392,760,000 worth of raw silk.

It is such items as these that are not produced here and which are necessary to the industrial life of our Nation that are included in the 66 per cent of our imports alluded to by this distinguished gentleman as coming in free.

Why, to-day they have jacked up the rates so high that of our total consumption in the United States only 4 per cent is supplied by imported articles which are competitive with articles produced here.

And why are conditions to-day different from those surrounding the enactment of prior tariff acts? For the first time during the enactment of tariff legislation the average American business man has realized that while the tariff is an American question and we have the right to impose just such duties as we desire, yet in imposing those duties we must consider our relations to our whole economic structure and the effect upon our international trade. No influence is more potent to bring about cordial relationship between nations than reciprocal trade and commerce. It makes for the common understanding and mutual welfare of both. Is it surprising, therefore, when nations who have bought of us hundreds of millions of dollars more than they have sold to us are denied, through unjustified tariff restrictions, from selling to us in the

future those products that in the main we do not produce and which our people desire, should feel angered at our action and protest our policy?

Especially is that true when to-day we are exacting payment of billions of dollars loaned to foreign governments through the necessities of war. These debtor nations have not only found it difficult to buy from us the goods necessary for their well-being and the operation of their industries but they have found it much more difficult to fulfill these obligations to our Government. We have recognized their plight and compromised those debts by discounting them in some instances to less than 25 cents on a dollar and extending payments over 62 years. How can they make these payments if they are not made in part in the purchase by us of their wares? How can we purchase of their wares if we impose such duties as to prohibit all importations to us?

We sell to Canada annually over $900,000,000 worth of products. We purchase from them annually less than $500,000,000. The balance of trade with Canada has been in our favor more than $400,000,000. When we, through legislative enactments, attempt to build a wall so high between this country and Canada as will close importations from that country to us, how can we expect Canada to let her walls down so that more of our exports can find a way into that country?

Canada has already answered the question. It is not a mere protest. It is a reality. Because of the enactment of this Hoover-Grundy Tariff Act she has already imposed countervailing duties against us and has either removed or lowered her tariff duties on importations from England and other British possessions. Thirty-five other foreign countries have threatened to do likewise. Whether they will carry it to that point we do not know, but France, who buys from us annually a quarter of a billion dollars' worth of products and with whom we have a favorable trade balance of nearly $100,000,000, only last week began to set in motion the governmental policy of actual reprisals and retaliation. South American countries, such as Argentina and Uruguay, that buy of us far more than we buy from them, have not only begun an agitation of reprisals but are actually boycotting the purchase of American goods.

Time will not permit me to cite what other countries are doing, but commercial anger against us is being voiced in all of them, and methods or policies are being adopted to restrict their purchases of our surplus products. We have taxed the American people hundreds of millions of dollars in the establishment of agencies abroad to study foreign markets and to create in foreign countries an atmosphere of good will and understanding, which might promote the expansion of our international trade and commerce. We have encouraged the American business man to send his agents into foreign countries that they might study the tastes and styles and peculiar wants of the people of those nations, thus enabling our manufacturers to compete in the markets of the world. The high and dominating position that we have attained in the trade and commerce of the world has been achieved only through patient diplomacy, hard work, and expenditure of huge sums. We have encouraged the enlargement of fields and factories, the installation of new and modern machinery in order to promote mass production, not only to take care of the needs of our own people but to supply the markets of the world. It is because of the adoption of these policies and the genius of our people that we have forged to the front as the dominating financial country of the world.

Now, having attained that position, it is a penny-wise and pound-foolish policy to adopt a new one that sets the whole world against us and drains the streams from which our prosperity has flowed. We must know that no American industry can be as prosperous by running half time as by running full time; no wage earner can support his family by working a few hours and loafing many hours; no American farmer can make ends meet unless he is able to cultivate his lands and utilize his resources and sell his surplus products. And yet the policy adopted in the enactment of this new tariff law means the curtailment in operation of every industrial plant in America, a part of whose output is exported, and a loss to every farmer whose surplus products are sold abroad.

How can anyone possibly argue that it is to the interest of our country to adopt such a policy as will force other countries to retaliate by imposing like duties against us and thereby compel well-adapted American industries to go abroad, invest their money, and supply that market. Such a policy has already influenced the estimated investments of $960,000,000 of American money in the establishment of industrial plants abroad.

As an illustration, let us take the automobile industry. It is reflected in the industrial life of so many other related industries, such as glass, iron, rubber, wood, and leather. In 1919 we sold $185,000,000 of automobiles and accessories abroad. Last year we sold $577,000,000 worth abroad. Is it well for the life of our Nation that these industries should be forced, in order to combat the retaliatory measures of other countries against us, to curtail their production here, locate their plants abroad, and give employment to foreign labor in place of American labor? And yet that industry is being forced to do just that in order to meet the narrow, provincial, and selfish policy written in every line of this Hoover-Grundy tariff monstrosity.

The economic life of this Nation is so interlocked with international trade and commerce that we must give consideration to the effect of our policies upon other peoples, lest we cut off our nose to spite our face. The tariff question should be taken out of politics, but it will not be until a commission of tariff experts, free from executive, congressional, or selfish influence, ascertain facts as to difference in cost of production here and abroad, and upon those ascertainments, the Congress transmit them into law.

If the selfish interests of the country had not prostituted those who direct the policies of the administration and permitted them to confine this measure to a limited revision, instead of a general revision of the tariff, we would not now be experiencing such a confusion in business and observing such universal indignation upon the part of the American people.

Unable to check the conflagration they have started and alarmed at the trail of evil consequences that has already followed in the wake of their blind and selfish action, which threatens to drive them from power, spokesmen for the administration are desperately engaged in a concerted, unfair attempt to shift the responsibility for the present deplorable business situation by charging that the continued unsettled condition of the stock market is the result of a plot to bring discredit upon the party in power. They charge that part of the alleged scheme was the long-drawn-out consideration of the tariff bill by the United States Senate. Was there ever anything more ridiculous? Every person familiar with the facts knows that the reason the tariff bill was so long before the Senate was because of the brazen disregard by the Republican leaders of their campaign promises and the purposes for which the Congress was called into extra session. Instead of confining the work to a limited revision, they immediately applied their hands to a general revision.

You must know where the blame lies, and the terror-stricken efforts of those in power to place the responsibility elsewhere and their pleas for mercy will assuredly fall on deaf ears.

GEORGE ROGERS CLARK MEMORIAL

Mr. FESS. I move that the Senate proceed to the consideration of the bill (S. 2643) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. For what purpose does the Senator rise? The motion is not debatable.

Mr. BINGHAM. I rise to ask a question in regard to this bill.

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. FESS. I yield.

Mr. BINGHAM. Is this the bill to which the Senator from Massachusetts objected the other day?

Mr. FESS. I am not aware that the Senator from Massachusetts objected. The RECORD does not so show. The bill has to do with the George Rogers Clark Memorial at Vincennes.

The VICE PRESIDENT. The motion is not debatable.

Mr. LA FOLLETTE. Regular order!

Mr. BINGHAM. That is the bill to which the Senator from Massachusetts objected.

The VICE PRESIDENT. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 2643) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, which was read, as follows:

Be it enacted, etc., That section 2 of the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, is hereby amended by striking out "$1,000,000" and inserting in lieu thereof "$1,750,000."

SEC. 2. Section 4 of such joint resolution approved May 23, 1928, is amended to read as follows:

"SEC. 4. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission, but no expenditure shall be made except by the approval of the commission."

SEC. 3. Section 8 of such joint resolution approved May 23, 1928, is hereby amended to read as follows:

"SEC. 8. The commission shall cease and terminate June 30, 1935."

Mr. FESS. Mr. President, when the George Rogers Clark Commission was created an appropriation of $1,750,000 was authorized by this body without a single dissenting vote. I do not recall at any time a more unanimous reaction upon any proposal. Under the joint resolution passed by Congress the commission created was made up of Members of this body and Members of the other body and a number of citizens appointed by the President, to work in conjunction with the commission of Indiana.

The commission has proceeded with the work, and has employed, so far as I know, the best architect in the country, an architect who has served in an advisory capacity here in the Capital in connection with the construction of new buildings

which are being erected by the Government. The advisory architect made his report to the commission. The commission advertised for bids, and when the bids were received it was ascertained that they called for larger amounts than were originally appropriated by the joint resolution as passed by Congress.

It will be recalled that as the Senate passed the original joint resolution it provided for an appropriation of $1,750,000. That amount was cut down to $1,000,000 before the joint resolution was finally passed, and upon the basis of an appropriation of $1,000,000 the work was proceeded with.

Various plans were submitted by architects, which plans the commission proceeded to consider. It adopted one of those plans unanimously, after having consulted with Mr. Parsons, the architect, and proceeded to employ a regular architectural force. The architect for the work is of the firm of Hyrons & Mellor, of New York. They state that it is not possible to go on with the plan adopted with the million dollars available. After considering the matter the commission decided that it would not ask the architects to modify the plan, but rather to go on with the work and ask for an additional appropriation in the amount originally provided in the joint resolution as passed by the Senate.

The Senator from Indiana [Mr. WATSON] has introduced a bill amending the original joint resolution so as to add the additional amount in order that the work may be prosecuted. That is the bill now before us.

I have seen the plans for the memorial. They provide for the most magnificent, and in some respects the most ambitious, memorial of any I have seen outside of the Lincoln Memorial. The structure is to be a thing of great beauty.

Mr. SWANSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. FESS. I yield.

Mr. SWANSON. As I understand, without the increased amount, it will be impossible to erect a suitable memorial to celebrate the achievements of George Rogers Clark?

Mr. FESS. It is so stated by the architect.

Mr. SWANSON. And the commission is satisfied that that can not be done without an increased appropriation?

Mr. FESS. That is the unanimous decision of the commission.

Mr. SWANSON. Mr. President, I think the results achieved by George Rogers Clark second only in importance to those of the Battle of Yorktown and those of Washington. Next to the Revolutionary leaders, such as Washington, Jefferson, John Adams, Patrick Henry, and other men of that class and character, George Rogers Clark did more to make this Nation great and extend it to the Pacific Ocean than any other man.

It does seem to me that if there is any gratitude, if there is any appreciation of the services of a man who bankrupted himself in health and otherwise and spent his entire life in carrying out his ideal, it is time for this Nation to pay a just tribute to this wonderful man, wonderful in every respect, known as the Hannibal of the West. If he had accompanied Washington as one of his commanders he would have had more distinction at the time; but he devoted himself to conquering the West, knowing full well that if it was not conquered at the time peace was made in the Revolutionary War we would be simply 13 colonies scattered along the Atlantic Ocean.

There has been published recently a book that I read with a great deal of interest, entitled "George Rogers Clark." When I read that book I was amazed to learn of his achievements, his accomplishments, his sacrifices. He died poor. He lost everything in the service of his Government. It does seem to me that we should now pay this tribute by erecting a monument to him as handsome as the monument to any patriot that America has ever produced.

I do hope there will be no parsimony in erecting a suitable monument to this great man.

Mr. FESS. Mr. President, it will be recalled, first, that there was not a dissenting vote in this body to the original appropriation of $1,750,000. Secondly, the decision to go on with the plans was unanimous in the commission appointed by this body and the other body and the President and the Indiana commission. Third, when the bill that is now before us was reported from my Committee on the Library the report was a unanimous one, with no objection filed against it.

Mr. BINGHAM. Mr. President, I desire to say that I was there and I voted in favor of the bill. I merely call the Senator's attention to the fact that the Senator from Massachusetts [Mr. GILLETT], who the other day asked that the bill go over, was not present at that meeting and did not know that the matter was coming up; and he expressed surprise to me when he saw the bill on the calendar and said to me that he had felt that $1,000,000 was sufficient for this purpose, and that he was opposed to the additional amount.

I merely wanted to make it clear that although the members present at the meeting voted unanimously for a favorable report of the bill, the Senator from Massachusetts, who is opposed to it and who is out of town to-day, was not present at the meeting.

Mr. FESS. Mr. President, I do not desire to take advantage of the Senator from Massachusetts because I do not know whether or not he would want me to carry out his instructions to me some time ago. The Senator from Massachusetts authorized the chairman of the committee to vote him for a quorum and on any measure before the committee on the side on which I voted. I will not take advantage of that authorization in this particular case because I am rather of the opinion that he would not wish me to do so; but it would seem to me that the Senator, as I know him, would not object if all of these matters were gone over before him.

As the Senator from Virginia says, George Rogers Clark was one of the great characters in our pioneer history, next to Washington. We are building one of the most magnificent memorials to him that was ever built to any individual, and I hope there will be no opposition.

Mr. HARRISON. Mr. President, I sincerely hope there will be no opposition to this bill. I recall, when the matter was first started, that delegations of Indianians came here, and there seemed to be wonderful cooperation and unity between gentlemen of opposing political faiths. One of the last times I saw our mutual friend, ex-Senator Thomas Taggart, than whom there never was a better man, was when he came here in behalf of this proposition. He made several visits to this city in its behalf, as did other gentlemen of high standing there. I should very much dislike to see this bill objected to, and I hope it will be passed.

The VICE PRESIDENT. The bill is before the Senate and open to amendment. If there be no amendment, the question is upon the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL DEFENSE ACT

Mr. REED. I move that the Senate proceed to the consideration of Order of Business 1138, House bill 3592.

The VICE PRESIDENT. The Senator from Pennsylvania moves that the Senate proceed to the consideration of a bill, the title of which will be stated by the Secretary.

The CHIEF CLERK. A bill (H. R. 3592) to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania.

Mr. McNARY. Mr. President, just a moment.

The VICE PRESIDENT. The motion is not debatable.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Military Affairs without amendment.

Mr. McNARY. Mr. President, of course I have no objection to taking up the bill. It is quite proper to do so. Does the RECORD show the name of the Senator who objected upon the reading of the calendar?

Mr. REED. Yes, Mr. President.

Mr. McNARY. Who was it?

Mr. REED. The objection was made by the Senator from Montana [Mr. WALSH], who has subsequently withdrawn his objection.

Mr. McNARY. I asked simply because I thought I would send for that Senator if he is not on the floor.

Mr. REED. The Senator from Montana objected when the bill was first reached on the calendar, asking for an explanation. I was necessarily absent and was not here to make the explanation. Since then he and I have gone over the report on the bill, and the Senator stated in open Senate just before he left the Chamber that he had no further objection.

In a word, this bill meets a decision of the Attorney General to the effect that a reserve officer not on active duty is nevertheless a person holding an office of trust or profit under the United States, and therefore is ineligible, if he is a lawyer, to appear in an argument before the Treasury Department or to argue a tax case. Of course, nobody ever dreamed that a reserve officer should be crippled from pursuing his ordinary peace-time vocation when he was not on active duty; and if the decision were insisted on and applied in parallel cases, it would force the retirement from the Reserve Corps of a large

number of valuable, useful officers. Therefore the committee was unanimous in reporting the bill.

The VICE PRESIDENT. The bill is before the Senate and open to amendment.

The bill was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922 (42 Stat., 1033; secs. 351, 352, 353, 336, and 360, title 10, U. S. C.), be, and the same is hereby, amended by adding thereto another sentence as follows: "Reserve officers while not on active duty shall not, by reason solely of their appointments, oaths, commissions, or status as reserve officers, or any duties or functions performed or pay or allowances received as reserve officers, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States."

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On June 26, 1930:

S. 308. An act for the relief of August Mohr;

S. 485. An act to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes;

S. 670. An act for the relief of Charles E. Anderson;

S. 857. An act for the relief of Gilbert Peterson;

S. 1702. An act for the relief of George W. Burgess;

S. 1971. An act for the relief of Buford E. Ellis;

S. 3627. An act to amend the Federal reserve act so as to enable national banks voluntarily to surrender the right to exercise trust powers and to relieve themselves of the necessity of complying with the laws governing banks exercising such powers, and for other purposes;

S. 3642. An act for the relief of Mary Elizabeth Council;

S. 3665. An act for the relief of Vida T. Layman;

S. 3893. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota*;

S. 4028. An act to amend the Federal farm loan act as amended;

S. 4096. An act to amend section 4 of the Federal reserve act;

S. 4243. An act to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia; and

S. 4287. An act to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate credit banks to financing institutions on bills payable and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months.

On June 27, 1930:

S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases.

JOHN MAIKA

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 531) for the relief of John Maika and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HOWELL. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK conferees on the part of the Senate.

LAURIN GOSNEY

The VICE PRESIDENT laid before the Senate the action of the House of Representative disagreeing to the amendment of the Senate to the bill (H. R. 2222) for the relief of Laurin Gosney and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HOWELL. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK conferees on the part of the Senate.

ELIZABETH LYNN

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 6227) for the relief of Elizabeth Lynn and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HOWELL. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 495. An act for the relief of Katherine Frances Lamb and Elinor Frances Lamb; and

H. R. 919. An act for the relief of the father of Catharine Kearney.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 47. An act for the relief of the State of New York;

H. R. 494. An act for the relief of Catherine White;

H. R. 528. An act for the relief of Clarence C. Cadell;

H. R. 794. An act for the relief of C. B. Smith;

H. R. 913. An act for the relief of Belle Clopton;

H. R. 917. An act for the relief of John Panza and Rose Panza;

H. R. 1063. An act for the relief of Alice Hipkins;

H. R. 1066. An act for the relief of Evelyn Harris;

H. R. 2170. An act for the relief of Clyde Cornish;

H. R. 2782. An act for the relief of Elizabeth B. Dayton; and

H. R. 4564. An act for the relief of E. J. Kerlee.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 2156) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress, and it was signed by the Vice President.

AMENDMENT OF IMMIGRATION ACT OF 1917

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON, Mr. REED, and Mr. HARRIS conferees on the part of the Senate.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate executive messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

SECOND DEFICIENCY APPROPRIATIONS

Mr. JONES. I move that the Senate proceed to the consideration of H. R. 12902, the general deficiency appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Washington [Mr. JONES] to the amendment of the committee.

Mr. BINGHAM. Mr. President, will the Senator yield to me for a moment?

Mr. JONES. I yield.

Mr. BINGHAM. Last evening I introduced an amendment in regard to the Vollbehr collection of incunabula, which I have had redrafted in order to express better the action which has been recommended by the Budget.

The VICE PRESIDENT. Will the Senator from Washington withhold the consideration of his amendment in order to permit the consideration of the amendment offered by the Senator from Connecticut?

Mr. JONES. Of course, the pending amendment is the one we discussed yesterday; but I take it there is no objection to this amendment. It is covered by a Budget estimate, and, if there is not any objection from any other source, I do not object to its being acted on now.

Mr. BINGHAM. If it leads to debate, I shall withdraw it.

The VICE PRESIDENT. The Senator from Connecticut offers an amendment, which will be stated.

The CHIEF CLERK. On page 6, after line 20, it is proposed to insert:

Vollbehr collection of incunabula: For the purpose of acquiring for the Library of Congress the collection of fifteenth century books known as the Vollbehr collection of incunabula, and comprising 3,000 items, together with the copy on vellum of the Gutenberg 42-line Bible known as the St. Blasius-St. Paul copy, as authorized and directed by the act approved June 25, 1930, fiscal year 1931, to remain available until expended, $1,500,000.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Simmons
Ashurst	George	McKellar	Steck
Barkley	Gillett	McNary	Steiwer
Bingham	Glass	Metcalf	Stephens
Black	Glenn	Moses	Sullivan
Blaine	Goldsborough	Norris	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Brock	Harris	Overman	Thomas, Okla.
Brookhart	Harrison	Patterson	Townsend
Broussard	Hastings	Phipps	Trammell
Capper	Hatfield	Pine	Tydings
Caraway	Hayden	Pittman	Vandenberg
Connally	Hebert	Ransdell	Wagner
Copeland	Howell	Reed	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Cutting	Jones	Robsion, Ky.	Watson
Dale	Kean	Sheppard	
Deneen	Kendrick	Shipstead	
Dill	La Follette	Shortridge	

The VICE PRESIDENT. Seventy-three Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the senior Senator from Washington [Mr. JONES] in the nature of a substitute.

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Would a vote "nay" support the committee amendment?

The VICE PRESIDENT. It would.

Mr. BINGHAM. I vote "nay."

Mr. METCALF (when his name was called). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. Not knowing how he would vote, I withhold my vote.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. That Senator being absent, I withhold my vote.

Mr. REED (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the junior Senator from Pennsylvania [Mr. GRUNDY], and vote "yea."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Vermont [Mr. GREENE] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from Connecticut [Mr. WALCOTT] with the Senator from Arizona [Mr. HAYDEN].

I am not advised as to how any of these Senators would vote on this question.

Mr. DENEEN (after having voted in the affirmative). I have a pair with the Senator from North Carolina [Mr. OVERMAN]. Not knowing how he would vote on this question, I transfer that pair to the Senator from Nevada [Mr. ODDIE] and allow my vote to stand.

Mr. LA FOLLETTE. I desire to announce the unavoidable absence of the senior Senator from North Dakota [Mr. FRAZIER] and the junior Senator from North Dakota [Mr. NYE].

Mr. CARAWAY. I have a pair with the junior Senator from New Hampshire [Mr. KEYES], which I transfer to the senior Senator from Missouri [Mr. HAWES], and vote "nay."

Mr. HARRISON. I have a pair with the senior Senator from Utah [Mr. SMOOT].

Mr. SHEPPARD. I desire to announce that the senior Senator from Florida [Mr. FLETCHER] is necessarily absent on account of illness.

The result was announced—yeas 30, nays 29, as follows:

YEAS—30

Allen	Fess	Jones	Sheppard
Barkley	Glenn	Kean	Shortridge
Borah	Goldsborough	McCulloch	Steiwer
Capper	Hale	Norris	Thomas, Idaho
Connally	Hastings	Patterson	Townsend
Couzens	Hatfield	Reed	Vandenberg
Deneen	Hebert	Robinson, Ind.	
Dill	Howell	Robsion, Ky.	

NAYS—29

Ashurst	Copeland	La Follette	Thomas, Okla.
Bingham	Cutting	McKellar	Trammell
Black	Dale	McNary	Wagner
Blaine	George	Pittman	Walsh, Mass.
Brock	Glass	Ransdell	Walsh, Mont.
Brookhart	Harris	Shipstead	
Broussard	Johnson	Sullivan	
Caraway	Kendrick	Swanson	

NOT VOTING—37

Baird	Harrison	Nye	Steck
Blease	Hawes	Oddie	Stephens
Bratton	Hayden	Overman	Tydings
Fletcher	Heflin	Phipps	Walcott
Frazier	Keyes	Pine	Waterman
Gillett	King	Robinson, Ark.	Watson
Goff	McMaster	Schall	Wheeler
Gould	Metcalf	Simmons	
Greene	Moses	Smith	
Grundy	Norbeck	Smoot	

So Mr. JONES's amendment to the amendment of the committee was agreed to.

The amendment as amended was agreed to.

Mr. GLASS. Mr. President, I give notice of a motion to reconsider the vote just taken.

Mr. JONES. Mr. President, I offer a committee amendment, which I send to the desk.

The VICE PRESIDENT. The Senator from Washington offers the following amendment, which will be read.

The CHIEF CLERK. On page 131, after line 16, to insert the following:

For payment of judgment rendered against the United States by the United States District Court for the Eastern District of New York under the provisions of the act of May 1, 1926 (44 Stat., pt. 3, p. 1465), certified to the Seventy-first Congress in Senate Document No. — as follows: Under the War Department, $43,652.13.

The amendment was agreed to.

Mr. JONES. I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 70, after line 11, to insert the following:

International Exposition of Colonial and Overseas Countries, Paris, France: For the expenses of participation by the United States, as authorized by the public resolution approved June 24, 1930, in an International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931, and for all purposes of the said resolution, fiscal year 1931, to remainn available until expended, $250,000.

The amendment was agreed to.

Mr. JONES. I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 59, after line 19, to insert the following:

Naval air station, Seattle, Wash.: For the acquisition of additional land for the naval air station at Seattle, Wash., fiscal year 1931, $50,000.

The amendment was agreed to.

Mr. PITTMAN. I offer, with the consent of the Senator from Washington, an amendment to carry out existing law. It has been estimated for by the Budget.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 64, after line 7, to insert the following:

Relief of certain officers and employees of the Foreign Service of the United States: For payment of the sums of money authorized by and in accordance with the act entitled "An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes," approved June 26, 1930, $130,631.80.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I offer an amendment which has been authorized by the Congress and approved by the President.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 70, after line 11, to insert the following:

International Hygiene Exhibition, Dresden, Germany: For expenses of participation by the United States in the International Hygiene Exhibition at Dresden, Germany, May 6, 1930, to October 1, 1930, inclusive, including compensation of employees, travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic or other services by contract if deemed necessary without regard to provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), rent, purchase of necessary books and documents, printing and binding, official cards, and such other expenses as the Secretary of State may deem proper, fiscal year 1930, to remain available until June 30, 1931, $5,000.

The amendment was agreed to.

Mr. BLACK. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. The Senator from Alabama offers the following amendment, to be inserted in the proper place in the bill:

For the further study and investigation of the salt-marsh areas of the South Atlantic and Gulf States, to determine the exact character of the breeding places of the salt-marsh mosquitoes, in order that a definite idea may be formed as to the best methods of controlling the breeding of such mosquitoes, $25,000, to be expended by the Public Health Service in cooperation with the Bureau of Entomology of the Agricultural Department.

Mr. JONES. Mr. President, I will have to make a point of order against that amendment as not being estimated for, and not having been reported by a standing committee of the Senate.

Mr. BLACK. I would like to make a statement about the amendment.

The VICE PRESIDENT. Does the Senator withhold his point of order?

Mr. JONES. I withhold the point of order.

Mr. BLACK. Mr. President, this work was begun with an appropriation made in a preceding Congress, and was not completed. This appropriation is needed in order to fully take advantage of the work which has already been instituted, and which has been left in a state of incompletion.

I gave notice several days ago that I would move to suspend the rules in order that we might pass upon this amendment. I trust the Senator from Washington will withhold his point of order so that we can vote upon the matter.

Mr. JONES. Under instructions of the committee I would have to make the point of order against it.

Mr. BLACK. I ask that the clerk may read the notice, which I gave several days ago.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

[From the CONGRESSIONAL RECORD, June 23, 1930]

Mr. BLACK. I desire to give notice of a motion which I shall make to-morrow to suspend the rules so that I may offer to the second deficiency appropriation bill the amendment which I send to the desk. I inquire if it is necessary that the notice should be read?

Mr. JONES. I think it should be read.

The VICE PRESIDENT. It should be read.

Mr. BLACK. I ask that it may be read.

The VICE PRESIDENT. The Secretary will read, as requested.

The Chief Clerk read as follows:

"Pursuant to the provisions of Rule XL, I hereby give notice of my intention hereafter to move to suspend paragraph 1 of Rule XVI of the Standing Rules of the Senate for the purpose of proposing to House bill 12902, the second deficiency appropriation bill, the following amendment, namely:

"Add at the appropriate place the following:

"'For the further study and investigation of the salt-marsh areas of the South Atlantic and Gulf States, to determine the exact character of the breeding places of the salt-marsh mosquitoes, in order that a definite idea may be formed as to the best methods of controlling the breeding of such mosquitoes, $25,000, to be expended by the Public Health Service in cooperation with the Bureau of Entomology of the Agricultural Department.'"

Mr. BLACK. Mr. President, I wish to invite the attention of the Senate to the fact that some time ago this same proposition came up with reference to another appropriation bill. At that time the Senator from Colorado [Mr. PHIPPS] was in charge of the appropriation bill and at that time he made this statement:

I really regret that I can not accommodate the Senator, but under the rule of the committee the Senator in charge of a bill is really obliged to make the point of order when necessary. I would be very glad to help the Senator on the deficiency appropriation bill.

When the deficiency appropriation bill came over from the House the Senator from Mississippi [Mr. HARRISON] and myself had intended to present the matter to the Committee on Appropriations. The bill was taken up by the committee immediately after it came from the House. The Senator from Mississippi and myself were attending at the time a meeting of the Committee on Foreign Relations. For that reason when we reached the room of the Committee on Appropriations the bill had already been reported out and we did not have an opportunity to present the matter to the committee.

It seems a little strange that we should vote a large amount of money for the suppression of mosquitoes here in the city of Washington and not be willing to complete the study that has already been begun in other parts of the country. That is the situation which we have at the present time. I do not recall the exact amount originally appropriated. The Senator from Mississippi is more familiar with that than I am.

Mr. OVERMAN. Mr. President, will the Senator from Alabama yield to me a moment?

Mr. BLACK. Certainly.

Mr. OVERMAN. I move to reconsider the vote by which the Jones amendment, providing $250,000 for the crime commission, was agreed to. I was called out of the Chamber on an important matter and was not here when the vote was taken. Therefore, I move to reconsider the vote by which the amendment to the amendment of the committee was agreed to.

Mr. JONES. Mr. President, I make the point of order that the Senator's motion comes too late.

Mr. OVERMAN. I was absent from the Chamber at the moment. I was called away on official business and I did not know the vote was being taken. Therefore, I think I am within my rights.

The VICE PRESIDENT. There is no question of the Senator's right to enter the motion.

Mr. JONES. I understood that only one voting with the prevailing side might move a reconsideration.

Mr. OVERMAN. The rule has been changed in that respect.

The VICE PRESIDENT. Yes; the rule has been changed in that respect.

Mr. JONES. I did not know the rule had been changed. I want to have the pending matter disposed of, however.

Mr. BLACK. Mr. President, my remarks will be very brief. I simply call the attention of the Senate to the fact that we appropriated money a short time ago——

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Alabama yield to me a moment?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BLACK. Certainly.

Mr. WALSH of Massachusetts. May I ask the Senator from Washington if he will not permit us to act immediately on the motion of the Senator from North Carolina to reconsider? There are several Senators who are waiting to attend important committee meetings, but who would like to have the matter disposed of before they leave the Chamber. It is only a matter of having consent given.

Mr. JONES. I am perfectly willing to do that, but I want a quorum called first. When we get a quorum, if it is desired to vote on the motion, I am perfectly willing to do it.

The VICE PRESIDENT. Does the Senator from Alabama yield for that purpose?

Mr. BLACK. I yield.

Mr. JONES. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Simmons
Ashurst	George	McKellar	Steck
Barkley	Gillett	McNary	Steiwer
Bingham	Glass	Metcalf	Stephens
Black	Glenn	Moses	Sullivan
Blaine	Goldsborough	Norris	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Brock	Harris	Overman	Thomas, Okla.
Brookhart	Harrison	Patterson	Townsend
Broussard	Hastings	Phipps	Trammell
Capper	Hatfield	Pine	Tydings
Caraway	Hayden	Pittman	Vandenberg
Connally	Hebert	Ransdell	Wagner
Copeland	Howell	Reed	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Cutting	Jones	Robsion, Ky.	Watson
Dale	Kean	Sheppard	
Deneen	Kendrick	Shipstead	
Dill	La Follette	Shortridge.	

The VICE PRESIDENT. Seventy-three Senators have answered to their names. A quorum is present. Without objection, the vote whereby the committee amendment as amended was declared agreed to will be reconsidered.

Mr. JONES. Oh, no, Mr. President. There is a motion to reconsider that vote, and on that motion I ask for the yeas and nays.

The VICE PRESIDENT. The motion to reconsider was with reference to the vote by which the amendment of the Senator from Washington to the amendment of the committee was agreed to.

Mr. JONES. So I understood.

The VICE PRESIDENT. The Chair announced that without objection, the amendment as amended was agreed to. The Chair announces that without objection, that vote will be reconsidered, and the question now is upon reconsidering the vote whereby the amendment of the Senator from Washington to the amendment of the committee was agreed to.

Mr. JONES. Upon that question I ask for the yeas and nays.

Mr. GLASS. Mr. President, let the Senate understand what it is doing, because it did not understand before. To my personal knowledge many Senators voted just opposite from the way in which they intended to vote. Let it be understood now that a vote for a reconsideration is a vote to sustain the Appropriations Committee and a vote "nay" is to adopt the amendment of the Senator from Washington to the amendment of the committee.

Mr. JONES. Then I want a word, too.

Mr. SWANSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SWANSON. I understood from the statement made by the Vice President that the motion to reconsider had already been agreed to.

The VICE PRESIDENT. The Chair announced previously that the vote by which the committee amendment as amended was agreed to was reconsidered. That was in order that the motion of the Senator from North Carolina would be properly before the Senate. The motion to reconsider the vote whereby the amendment of the Senator from Washington to the committee amendment was agreed to is now before the Senate.

Mr. SWANSON. To reconsider the vote by which the amendment of the Senator from Washington to the committee amendment was adopted?

The VICE PRESIDENT. That is the question before the Senate.

Mr. JONES. Mr. President, technically this is a committee amendment. It is all true, as the Senator said, but the proposition is whether or not the Senate is going to sustain the commission which has been carrying on the work that Congress authorized a year ago or whether it is going to abandon the work that has been done and confine the work of the commission exclusively to prohibition and prohibition enforcement.

Mr. GLASS. Mr. President, the question, as I view it, is whether the Senate will vote to waste $338,000 on investigations of matters over which the Federal Legislature has no jurisdiction or whether it will require the commission to do what it was directed to do in the first instance, and that is to make a searching inquiry into the problem of enforcing prohibition.

Mr. JONES. Mr. President, if the matter is to be argued again, very well, we will argue it. The Senator construes the law as it is now in that way, and yet the provision providing for the commission is clear and unambiguous in its statement with reference to prohibition and prohibition enforcement, together with other laws.

Mr. GLASS. I challenge the Senator to show one sentence in the discussion here in the Senate, covering the pages of the CONGRESSIONAL RECORD, which indicates that anything was to be investigated except prohibition.

Mr. JONES. We do not need to study the pages of the CONGRESSIONAL RECORD. The language of the provision of the law is perfectly plain and is simply the result of conference action. The amendment as the Senator himself proposed it in the first instance, and as incorporated in the bill, was perfectly plain, and confined the investigation solely to prohibition; I admit that; but when the item came out of conference the language I have just quoted was used which can bear no other construction, no matter how many pages one may study of the CONGRESSIONAL RECORD, but that the investigation of the commission was not to be confined solely to prohibition and prohibition enforcement but to prohibition together with the enforcement of other laws.

Mr. GLASS. Mr. President, and I have explained clearly to the Senate how these parenthetical words got into the conference report; and the Senator can not deny that the major and primary, if not the exclusive, purpose of the appropriation made at my suggestion was to investigate the problem of the enforcement of the prohibition laws.

Mr. JONES. I do deny that it was exclusively for that purpose when it finally became a law—not as the Senator proposed it and as it passed the Senate in the first instance, but as it became a law—and nobody can construe the language in any other way than as including the enforcement of prohibition together with the enforcement of other laws.

Mr. GLASS. Mr. President, that is all an evasion of the proposition.

Mr. JONES. No; it is not.

Mr. GLASS. I assert here that no sane Member of this body will say that we would have appropriated $250,000 for the investigation of the enforcement of prohibition had it been known that only $8,025 of that $250,000 would be applied to that purpose, while $25,000 would be spent for hotel bills here, and $22,000 would be spent for railroad and Pullman fare, and $560 would be given to a Federal official whose duty it was to give his service without anything, and $1,000 for desks for members of the commission.

Mr. ASHURST. Mr. President, will the Senator from Virginia let me add a word?

Mr. GLASS. Yes.

Mr. ASHURST. And that $5,000 would be paid to an auditor to index their own reports.

Mr. GLASS. And it was not worth a 2-cent stamp, much less $5,000.

Mr. JONES. Mr. President, I think Senators understand the situation.

Mr. GLASS. I think they do now.

Mr. JONES. I am not going to take any more time, but the Senator from Virginia is simply putting his construction upon language in a statute that needs no construction whatever.

Mr. GLASS. My construction is a sensible construction, and I want the Senate to vote against the Senator's construction. I want the Senate to understand this time that in voting for a reconsideration it is voting to sustain the Committee on Appropriations, the only member of which in opposition was the Senator from Washington.

Mr. JONES. Mr. President, the Senator from Virginia has referred time and again to the action taken in the Appropriations Committee. It is not proper to refer to the action in the committee, but I want to say now that in the subcommittee the decision was made by those whom the Senator from Virginia controlled, but when the question came before the full committee I knew the attitude there and the committee was not asked to vote on it, and the committee did not vote on it. So this is not, in matter of fact, a committee amendment in the strict and proper sense. The question is whether or not the administration is going to be sustained.

The VICE PRESIDENT. If the debate on this question has been exhausted between the two Senators, the Chair will put the question.

Several Senators called for the yeas and nays.

Mr. DILL. Mr. President——

The VICE PRESIDENT. The Senator from Washington is recognized.

Mr. DILL. Mr. President, it seems to me that our friends, the wets, have got the drys where they wanted them; they have got them fighting among themselves. Personally, I do not see the necessity of this fight. I voted for the larger appropriation because the commission was appointed to conduct a broad investigation; but I do not think prohibition would be wrecked or helped very much if $50,000 were appropriated instead of $250,000.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the junior Senator from Washington yield to his colleague?

Mr. DILL. I yield.

Mr. JONES. There is no controversy whatever between the prohibitionists in this case over prohibition. The question involved is simply whether or not we shall extend this investigation further.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. OVERMAN] to reconsider the vote by which the amendment of the Senator from Washington [Mr. JONES] to the committee amendment was agreed to. On that question the yeas and nays have been demanded. Is there a second?

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a pair with the junior Senator from New Hampshire [Mr. KEYES]. I transfer that pair to the senior Senator from Missouri [Mr. HAWES] and will vote. I vote "yea."

Mr. HARRISON (when his name was called). I transfer my pair with the senior Senator from Utah [Mr. SMOOT] to the senior Senator from Florida [Mr. FLETCHER] and vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. I transfer that pair to the junior Senator from Connecticut [Mr. WALCOTT] and vote "yea."

Mr. REED (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Pennsylvania [Mr. GRUNDY] and vote "nay."

Mr. STEPHENS (when his name was called). I am paired with the senior Senator from Vermont [Mr. GREENE] and therefore withhold my vote.

Mr. WATSON (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Delaware [Mr. HASTINGS] and vote "nay."

The roll call was concluded.

Mr. FESS. I wish to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS].

I am not advised how any of these Senators would vote on this question.

The result was announced—yeas 33, nays 32, as follows:

YEAS—33

Ashurst	George	Metcalf	Thomas, Okla.
Bingham	Glass	Moses	Trammell
Black	Harris	Overman	Tydings
Blaine	Harrison	Phipps	Wagner
Brock	Hayden	Pittman	Walsh, Mass.
Brookhart	Johnson	Ransdell	Walsh, Mont.
Broussard	Kendrick	Steck	
Caraway	La Follette	Sullivan	
Copeland	McKellar	Swanson	

NAYS—32

Allen	Fess	Kean	Robsion, Ky.
Barkley	Glenn	McCulloch	Sheppard
Borah	Goldsborough	McNary	Shortridge
Capper	Hale	Norris	Steiwer
Couzens	Hatfield	Patterson	Thomas, Idaho
Cutting	Hebert	Pine	Townsend
Deneen	Howell	Reed	Vandenberg
Dill	Jones	Robinson, Ind.	Watson

NOT VOTING—31

Baird	Goff	King	Simmons
Blease	Gould	McMaster	Smith
Bratton	Greene	Norbeck	Smoot
Connally	Grundy	Nye	Stephens
Dale	Hastings	Oddie	Walcott
Fletcher	Hawes	Robinson, Ark.	Waterman
Frazier	Heflin	Schall	Wheeler
Gillett	Keyes	Shipstead	

So the motion to reconsider the vote by which the amendment of Mr. JONES to the amendment of the committee was agreed to was reconsidered.

The VICE PRESIDENT. The question now is on agreeing to the amendment offered by the Senator from Washington [Mr. JONES] to the amendment reported by the committee.

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). Making the same announcement as on the previous vote with regard to the transfer of my pair, I vote "nay."

Mr. HARRISON (when his name was called). Making the same announcement as before, I vote "nay."

Mr. MOSES (when his name was called). Making the same announcement as on the previous vote regarding my pair and its transfer, I vote "nay."

Mr. REED (when his name was called). Making the same announcement as before, I vote "yea."

Mr. STEPHENS (when his name was called). I am paired with the senior Senator from Vermont [Mr. GREENE] and therefore withhold my vote.

Mr. WATSON (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. SHEPPARD. I desire to announce that the Senator from Texas [Mr. CONNALLY] is necessarily detained on official business.

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS].

I am not advised how any of these Senators would vote on this question.

Mr. TRAMMELL. I desire to announce that my colleague the senior Senator from Florida [Mr. FLETCHER] is detained from the Senate by illness.

The result was announced—yeas 31, nays 35, as follows:

YEAS—31

Allen	Glenn	McCulloch	Sheppard
Barkley	Goldsborough	McNary	Shortridge
Borah	Hale	Norris	Steiwer
Capper	Hatfield	Patterson	Thomas, Idaho
Couzens	Hebert	Pine	Townsend
Deneen	Howell	Reed	Vandenberg
Dill	Jones	Robinson, Ind.	Watson
Fess	Kean	Robsion, Ky.	

NAYS—35

Ashurst	Cutting	La Follette	Sullivan
Bingham	Dale	McKellar	Swanson
Black	George	Metcalf	Thomas, Okla.
Blaine	Glass	Moses	Trammell
Brock	Harris	Overman	Tydings
Brookhart	Harrison	Phipps	Wagner
Broussard	Hayden	Pittman	Walsh, Mass.
Caraway	Johnson	Ransdell	Walsh, Mont.
Copeland	Kendrick	Steck	

NOT VOTING—30

Baird	Gould	McMaster	Smith
Blease	Greene	Norbeck	Smoot
Bratton	Grundy	Nye	Stephens
Connally	Hastings	Oddie	Walcott
Fletcher	Hawes	Robinson, Ark.	Waterman
Frazier	Heflin	Schall	Wheeler
Gillett	Keyes	Shipstead	
Goff	King	Simmons	

So Mr. JONES's amendment to the amendment of the committee was rejected.

The VICE PRESIDENT. The question now is upon agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The amendment of the Senator from Alabama [Mr. BLACK] is still pending.

Mr. BLACK. I am willing to go ahead with something else.

Mr. JONES. Mr. President, I merely wish to express the hope that the Senate will not vote to suspend the rules on an amendment of that character. It seems to me the Senate ought to go rather slowly in suspending the rules to put on amendments which have not been estimated for. Furthermore, the last provision that was made for this work was made with the understanding that it would complete the work, and it was so worded; but, at any rate, I do not think it is of sufficient importance to justify the Senate in suspending its rules.

Mr. HARRISON. Mr. President, of course this is an exceptional case, in that the deficiency bill is generally considered by the Senate committee even before the House passes it. I was going to go before the committee with the Senator from Alabama, because I was interested in this matter also; but the hearings on this item were closed before we knew it. The

only recourse that the Senator from Alabama has is to ask that the rules be changed so as to make this amendment in order.

It is quite true that some three or four years ago there was an appropriation—I think an initial appropriation of about $35,000—to study the salt-marsh mosquito; then an additional $15,000, or about that amount, was appropriated to carry on the work; and the Government authorities, through the Public Health Service, did make a study along the Louisiana and Mississippi coasts, and the report that they made thereon was quite valuable. There are, however, many other sections of the country that are clamoring for a study of the salt-marsh mosquito in the territories along the Atlantic seacoast and the south Atlantic seacoast and the Gulf coast; and it does seem to me that this appropriation should be made so that this work can be carried on. They have found that there are several methods of eradicating the salt-marsh mosquito. Methods have been discovered that have not been used before. It would seem to me that the benefits that will accrue from it far outweigh any expenditure we might make; and I hope the notice that the Senator from Alabama has given will prevail and that the amendment will be agreed to.

Mr. BLACK. Mr. President, I can not add anything to what has been said, except to call the attention of the Senate to the fact that this is merely an appropriation to complete work which has already been started. It seems to me that if we can vote fifty or sixty or seventy thousand dollars to exterminate mosquitos here in the vicinity of the White House, certainly we can vote to continue the appropriation and to complete the work in other sections of the country.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama [Mr BLACK] to suspend the rules.

On a division, the motion to suspend the rules was rejected.

Mr. JONES. Mr. President, on behalf of the committee, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 70, after line 11, it is proposed to insert:

Central Bureau of the International Map of the World on the Millionth Scale: The appropriation of $30 for the share of the United States of the expenses of the Central Bureau of the International Map of the World contained in the act making appropriations for the Department of State for the fiscal year 1931, approved April 18, 1930, is hereby reappropriated and made available, and an additional sum of $20 is hereby appropriated, for the annual contribution on the part of the United States toward the expenses incurred by the Central Bureau of the International Map of the World on the Millionth Scale, for the calendar year 1930, as authorized by the public resolution approved June 27, 1930.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GOLDSBOROUGH. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 29, after line 25, it is proposed to insert the following paragraph:

For the study of quail diseases, $15,000.

Mr. JONES. Mr. President, I shall have to make the point of order against that amendment that it is not estimated for, nor recommended by a standing committee, nor is it proposed to carry out a bill or resolution passed at this session of Congress.

The VICE PRESIDENT. The point of order is sustained.

Mr. WAGNER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 102, after line 20, it is proposed to insert the following:

New York, N. Y., post office and other Government offices, and United States courthouse: In lieu of the alternate provisions contained in the act approved March 4, 1929, for the acquisition of a site to accommodate either the post office, Federal courts, etc., or a site for a building to accommodate the Federal courts, the Secretary of the Treasury is hereby authorized, after the receipt by him of an acceptable offer by the city of New York for the purchase of the courthouse and post office property at Park Row and Broadway, to acquire by purchase, condemnation, or otherwise the block bounded by Barclay, Vesey, and Church Streets and West Broadway, for a site for a building for post office and other Government offices, at a total estimated limit of cost for said site of not to exceed $5,000,000, and a site for a building for the accommodation of the Federal courts at a total estimated limit of cost for said site of not to exceed $2,450,000, and to procure by contract preliminary sketches of said courthouse building developed sufficiently for use as a basis for estimates, the cost of said sketches to be paid from appropriation available for the purpose.

Mr. JONES. I desire to say that that amendment is in accordance with statute law, and it is also estimated for.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, on page 37 the bill carries an item for repair and reconstruction of a fish hatchery in Oklahoma. The item reads:

Auxiliary fish cultural station, Oklahoma: For replacing the dam destroyed by flood and repairing other flood damage, fiscal years 1930 and 1931, $17,500.

I am advised that since this estimate was made and the bill was prepared the department have come to the conclusion that $17,500 will not complete the work they have started. If this amount is not increased, an estimate will come in here probably at the next session for at least twice the amount of money for which the same work could be done now. That is for the reason that the machinery is on the ground, the contractor is there, and if additional money is made available the work can be done at this time for one-half what it could be done for if it is delayed until the next Congress.

Because of this condition I move that line 14 on page 37 be amended as follows: After the word "damage" insert the words "and completing ponds." Then I move—it is all the same amendment—to strike out "$17,500" and insert "$25,000."

I ask that the amendment be considered as one and voted on as one.

Mr. JONES. Mr. President, of course the Senator from Oklahoma has made quite a strong statement; but it seems to me that under these facts the department should have sent down an estimate. Under the rule this amendment is subject to a point of order, in that it increases the amount of the bill. By instruction of the committee, I have to make the point of order.

The VICE PRESIDENT. The point of order is sustained.

The bill is still before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MOTOR-BUS TRANSPORTATION

Mr. COUZENS. I move that the Senate proceed to the consideration of Order of Business No. 726, House bill 10288.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The VICE PRESIDENT. The pending amendment is on page 6, line 8.

DEFINITION OF OLEOMARGARINE—CONFERENCE REPORT

Mr. McNARY. Mr. President, is it the desire of the Senator to proceed immediately to the discussion of the bill, or will he yield to me in order that we may consider a conference report?

Mr. COUZENS. I yield for that purpose.

Mr. McNARY. I ask to take up the conference report on House bill 6, which has been on the table for some little time.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

CHAS. L. McNARY,
PETER NORBECK,
JOHN B. KENDRICK
Managers on the part of the Senate.

G. N. HAUGEN,
FRED S. PURNELL,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. HEBERT. Mr. President, at the time the oleomargarine bill was before the Senate for consideration I opposed it, along with many other Senators, because it seemed to me to be unfair legislation. However, the bill passed, with some modifications, three amendments having been adopted.

The conference report now comes back to the Senate with one of those amendments deleted from the bill. It is, to my mind, an amendment which should remain as a part of the measure. However, since the conference report came back to the Senate, my attention has been called to one effect this bill would have if enacted into law, which I am sure even the proponents of the bill never had in mind.

The bill, if enacted, will provide that cooking compounds shall hereafter be known in law as "oleomargarine." Under existing law oleomargarine may not be packed in any containers except of cardboard or in wooden firkins. It will follow, then, that cooking compounds must be packed in the same way if they are to be made oleomargarine in accordance with the provisions of this measure.

I am told that for export purposes and for the use of ship's stores these cooking compounds may best be packed in tins, the packers removing all the air from out of the tin, thus rendering the contents less liable to deterioration.

I understand that a very considerable quantity of these cooking compounds are now used for ship's stores and for export purposes, and if this bill is to be enacted into law it not only will deprive the producers of these compounds from much of their business in this country but will drive them out of the export field, and will also drive them out of that field wherein they produce these things for ship's stores. I am sure the proponents of this measure never intended to work an injustice upon manufacturers of these cooking compounds.

Mr. President, it is enough that they should be legislated out of existence to a large extent by the enactment of this measure, which is purely sumptuary legislation. It is just like legislating against manufacturers of synthetic rubber in favor of manufacturers of pure rubber goods. There is no difference in principle between the two. It is essentially designed to drive the manufacturers of cooking compounds out of business. It will interfere very materially with their business locally and in various parts of the country, and surely it should not go to the extent which I have outlined and destroy their export business, against which no one should object, and which in no way interferes with the dairy interests of this country, in whose behalf I understand this legislation was proposed.

Therefore in justice to the manufacturers of these cooking compounds I believe I am justified in asking that the report of the conference be not accepted by the Senate.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Dill	La Follette	Shipstead
Barkley	Fess	McCulloch	Shortridge
Bingham	George	McKellar	Steiwer
Black	Glass	McNary	Sullivan
Blaine	Glenn	Metcalf	Swanson
Borah	Goldsborough	Moses	Thomas, Idaho
Brock	Hale	Norris	Thomas, Okla.
Brookhart	Harris	Overman	Townsend
Broussard	Harrison	Patterson	Trammell
Capper	Hatfield	Phipps	Vandenberg
Caraway	Hayden	Pine	Wagner
Connally	Hebert	Ransdell	Walsh, Mass.
Couzens	Howell	Reed	Watson
Cutting	Johnson	Robinson, Ind.	
Dale	Jones	Robsion, Ky.	
Deneen	Kean	Sheppard	

The VICE PRESIDENT. Sixty-one Senators have answered to their names. A quorum is present.

The question is on agreeing to the conference report. [Putting the question.] The Chair is in doubt.

Mr. McNARY. I ask for the yeas and nays.

Mr. WALSH of Massachusetts. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH of Massachusetts. What is the pending question?

The VICE PRESIDENT. The question is on agreeing to the conference report on House bill 6, the oleomargarine bill.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. LA FOLLETTE (when Mr. NYE's name was called). I desire to announce the unavoidable absence of the Senators from North Dakota [Mr. FRAZIER and Mr. NYE]. If present, they would both vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. Making the same announcement with reference to the transfer of that pair as on the previous vote, I vote "nay."

Mr. REED (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the junior Senator from Pennsylvania [Mr. GRUNDY], and vote "nay."

Mr. SHEPPARD (when Mr. TRAMMELL's name was called). I desire to announce that the junior Senator from Florida [Mr. TRAMMELL] is necessarily detained on official business.

The roll call was concluded.

Mr. SHIPSTEAD. I wish to announce that my colleague the junior Senator from Minnesota [Mr. SCHALL] is unavoidably absent. If present, he would vote "yea."

Mr. HARRISON. I have a general pair with the senior Senator from Utah [Mr. SMOOT]. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Vermont [Mr. GREENE] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Nevada [Mr. ODDIE] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH].

I am not advised how any of these Senators would vote on this question.

The result was announced—yeas 29, nays 24, as follows:

YEAS—29

Allen	Cutting	La Follette	Shipstead
Barkley	Dale	McCulloch	Shortridge
Blaine	Deneen	McKellar	Sullivan
Borah	Dill	McNary	Swanson
Brock	Glass	Norris	Thomas, Idaho
Brookhart	Glenn	Patterson	
Capper	Johnson	Pine	
Couzens	Jones	Robinson, Ind.	

NAYS—24

Bingham	Goldsborough	Hebert	Ransdell
Black	Hale	Kean	Reed
Broussard	Harris	Metcalf	Sheppard
Caraway	Harrison	Moses	Thomas, Okla.
Connally	Hatfield	Overman	Townsend
George	Hayden	Phipps	Walsh, Mass.

NOT VOTING—43

Ashurst	Greene	Nye	Stephens
Baird	Grundy	Oddie	Trammell
Blease	Hastings	Pittman	Tydings
Bratton	Hawes	Robinson, Ark.	Vandenberg
Copeland	Heflin	Robsion, Ky.	Wagner
Fess	Howell	Schall	Walcott
Fletcher	Kendrick	Simmons	Walsh, Mont.
Frazier	Keyes	Smith	Waterman
Gillett	King	Smoot	Watson
Goff	McMaster	Steck	Wheeler
Gould	Norbeck	Steiwer	

So the report was agreed to.

CUBAN INDEPENDENCE—LETTER FROM COL. ROBERT EWING

Mr. BROUSSARD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Col. Robert Ewing, publisher of the New Orleans States and other newspapers in the State of Louisiana, contending that the United States Government when granting independence to Cuba had reserved the right to approve or disapprove of treaties to be entered into between Cuba and foreign countries, which contention Colonel Ewing is urging against a treaty said to be in process of negotiation between Cuba and Japan whereby Japan will be permitted to colonize Cuba to the detriment and danger of the United States.

Attached to Colonel Ewing's letter is a telegram and letters bearing on the same subject. The telegram is copy of a tele-

gram from Secretary of State Stimson to Col. Robert Ewing, dated June 7, 1930. One of the letters is from V. S. McClatchy, secretary of the California Joint Immigration Committee, to Col. Robert Ewing, dated June 16, 1930, and the other is from James K. Fisk, chairman California Joint Immigration Committee, and refers to the proposed quota for Japan. I ask that these, too, may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

NEW ORLEANS, LA., *June 21, 1930.*

HON. EDWIN S. BROUSSARD,
United States Senate, Washington, D. C.

DEAR SENATOR BROUSSARD: Colonel Ewing, who is recuperating at Pass Christian, instructed me to send you, for your information, inclosed copy of letter from Mr. V. S. McClatchy, who was for years one of the most active Pacific coast publishers. His health broke down, and the paper was turned over to his brother.

The colonel was greatly surprised to learn from Congressman JAMES O'CONNOR that Secretary of State Stimson ruled that the power reserved by the United States Government to approve or disapprove of Cuba's entering into treaties with foreign countries, when that island was freed by this country, did not apply in this case. Colonel Ewing thinks if there ever was a case that this vital reservation applies to, it is this proposed Cuban-Japanese treaty.

The colonel instructed me to ask you what the beet-sugar Northwest States think of this Cuban-Japan proposition, and whether you ever discussed it with Senator JOHNSON or other Pacific coast Senators or Congressmen? If so, did they not appreciate the gravity to them?

Yours respectfully,

ELLA RYAN,
Secretary to Colonel Ewing.

P. S.—Inclosed herewith is also copy of Secretary Stimson's telegram to Colonel Ewing under date of June 7 on this matter.—E. R.

WASHINGTON, D. C., *June 7, 1930.*

Col. ROBERT EWING,
Publisher New Orleans States, New Orleans, La.:

I have just received the following letter from the State Department:

"JAMES O'CONNOR,
"*Member of Congress.*

"MY DEAR MR. O'CONNOR: I have just received your letter of May 27 with reference to a communication and two newspaper clippings sent you by Col. Robert Ewing concerning what is termed a 'negotiation looking to Japanese colonization of Cuba.' It is presumed that Colonel Ewing has reference to Executive Decree No. 458, of April 11, 1930, promulgated by the Cuban Government, whereby effect is given to an exchange of notes between the Cuban and Japanese ambassadors at Washington on December 21, 1929. The aforesaid notes provide for the reciprocal extension of most-favored-nation treatment for the period of one year, after which the agreement may be abrogated upon three months' notification by either party with respect to commerce, customs, and navigation, navigation questions (with the exception of the special privileges granted to the United States) and the entry into and residence in the territory of either country of nationals of the other country. It is noted that the editorial transmitted Colonel Ewing's letter advocates that the United States 'exercise' the 'right to veto' the foregoing agreement under the Platt amendment. It appears appropriate to point out in this connection that the provisions of the aforesaid amendment have not been held to apply to treaties or agreements of the nature of the present one.

"H. L. STIMSON."

SAN FRANCISCO, CALIF., *June 16, 1930.*

Col. ROBERT EWING,
Care New Orleans States, New Orleans, La.:

MY DEAR COLONEL EWING: I noticed with interest in the May 29 copy of the CONGRESSIONAL RECORD, publication at Senator BROUSSARD'S request, of your protest on behalf of Louisiana and the Southern States as to the proposed plan of Cuba to permit free colonization of Japanese in that island.

You have doubtless noticed the recent concerted movement to secure quota for Japan in which prominent parts were taken by our State Department, Ambassador Castle, Senator REED, Ambassador Matsudaira, some Pacific coast business men visiting Japan, the Los Angeles convention of the National Foreign Trade Council, Chairman ALBERT JOHNSON, of the House Immigration Committee, and others, showing excellent teamwork.

The story has been told in a number of newspapers with much circumstantial evidence that the demand for quota is the result of a trade in which such quota is to be the consideration for Japan's consent to our plan outlined at London for naval parity. The publications referred to are corroborated by translation, just received, of an article by Katsuji Inabara, published in the April 15, 1930, number of Gaiko Jiho, the Revue Diplomatique, of Tokyo. Therein appears the following sentence: "We know that there has come from certain quarters in America to certain quarters in our country a proposition for mutual promise involving a relaxation of the immigration law in exchange for the abandonment of our country's naval ratio and approval of the American plan."

In connection with the subject, please note the inclosed copy of statement issued by this committee on behalf of its supporting organizations, Legion, Labor, and Native Sons, in answer to the announcement of Congressman ALBERT JOHNSON that he would propose an amendment to the existing law granting such quota.

If we can be of service in furnishing other information in connection with the subject, please call upon us. You may remember the writer as publisher for many years of the Sacramento Bee and a director of the Associated Press.

Sincerely yours,

V. S. MCCLATCHY,
Secretary California Joint Immigration Committee.

CALIFORNIA JOINT IMMIGRATION COMMITTEE,
San Francisco, Calif.

PROPOSED QUOTA FOR JAPAN

The announced intention of Chairman ALBERT JOHNSON, of the House Immigration Committee of Congress, to offer in the near future an amendment to the immigration restriction act placing Japan under quota comes as a surprise to the California Joint Immigration Committee, which calls attention to the fact that such plan was carefully considered by Congress in 1924 in hearing before the Senate Immigration Committee and finally rejected. The California Joint Committee is also not advised as to whether Chairman JOHNSON intends to have the amendment apply only to Japanese or to all the Asiatic races now excluded as immigrants because they are ineligible to American citizenship.

It should be remembered that during consideration of this legislation in 1924, and after enactment of the immigration restriction act, Japanese leaders declared that quota alone would not satisfy Japan and that she would ultimately expect the same treatment for her nationals as accorded to Europeans, including the right of citizenship. What Japanese most resent in present conditions, as indicated by frequent statements in the vernacular press, is that the United States, while refusing admission to them on the ground of ineligibility to citizenship, permits practically unrestricted immigration of Mexican Indian peons and Filipinos, both ineligible to our citizenship, and certainly not superior to Japanese mentally, morally, or physically.

The attitude of the State organizations represented by the California Joint Committee—the American Legion, State Federation of Labor, and Native Sons of the Golden West—has been consistently opposed to quota for any of the races ineligible to citizenship, the reason being that such quota would destroy the natural and consistent barrier erected in the 1924 act against entrance of the unassimilable colored races. If the present plan is unjust, the responsibility lies with the naturalization law and not with the immigration act, since by making Japanese eligible for citizenship they would be admitted as immigrants automatically under the present immigration act.

The national organizations of the American Legion, American Federation of Labor, and National Grange, which appeared before Congress in 1924 with the California State organizations named to urge exclusion of all aliens ineligible to citizenship, have since consistently opposed any attempt to change the law in the regard referred to.

Until the present policy is changed by those national State organizations, the California Joint Immigration Committee will act in accordance with the established policy.

CALIFORNIA JOINT IMMIGRATION COMMITTEE,
JAMES K. FISK, *Chairman.*
V. S. MCCLATCHY, *Secretary.*

STATUS OF SUITS BY INDIAN TRIBES IN COURT OF CLAIMS

Mr. THOMAS of Oklahoma. Mr. President, in recent years the Congress has adopted a policy of permitting the Indian tribes to go into the Court of Claims to present their claims against the Government. During these years numerous jurisdictional bills have been passed. Under those laws a great number of suits have been filed. The suits probably number a total of 100. The combined claims would probably amount to $1,000,000,000.

The Department of Justice is handling the litigation. Until recently but one attorney has been assigned in the Department of Justice to handle this vast amount of litigation. The work has been getting behind. The cases could not be prepared for trial. The matter was taken up with the Attorney General, and the Attorney General has announced to-day that on the 1st of July he will appoint and assign two additional attorneys to help prepare and try these cases.

In order that those who are interested may be advised, I ask unanimous consent to have printed in the RECORD a letter prepared by myself and sent to the Attorney General, and likewise his reply thereto.

The VICE PRESIDENT. Without objection, it is so ordered. The letters are as follows:

MAY 27, 1930.

Hon. WILLIAM D. MITCHELL,
The Attorney General, the Department of Justice,
Washington, D. C.

MY DEAR GENERAL MITCHELL: Supplementing the statements made in our conference of this morning relating to the status of Indian claims pending before your department and the Court of Claims, beg to submit the following data for your consideration:

Oklahoma has approximately one-half of the Indians of the entire United States, and therefore approximately one-half of the Indian claims come from my State. Recently I addressed a letter to Mr. George T. Stormant requesting information as to the status of the several claims, and on April 17 he advised me that he had had charge of this particular class of business since 1919, and that to date some 16 cases have been disposed of by trial and dismissal. Further, he advised that there were pending at that time in the Court of Claims 65 cases, and I have information that since April 17, 6 additional cases have been filed, which makes the total now 71.

I am advised that when a petition is filed in the Court of Claims a copy of such petition is immediately forwarded to your department and is referred to Mr. Stormant for attention. I am further advised that the procedure is for the petition to be referred to the Indian Bureau and to the General Accounting Office for a full and complete report. The Indian Bureau and the General Accounting Office, not knowing just what information is required, proceed to search their files and make copies of every document, instrument, and letter which in any way refers even remotely to the petition referred. As a result of this practice I am advised that some of these petitions require the Indian Office and the General Accounting Office to make exhaustive investigations and to prepare a vast amount of data, which finally is returned to your department for the consideration of Mr. Stormant in preparing his answer to such petition.

I have information to the effect that there are now some 18 cases fully reported by both the Indian Office and the Accounting Office and returned to your department. This information is taken largely from the annual report of the Comptroller General, 1929, where, on page 120, under the title Indian Tribal Claims and Accounts, it is stated that the comparatively few cases reported upon show total claims against the Government in the sum of over $500,000,000. I think it not unreasonable to state that the total claims embraced in the 71 cases pending before the Court of Claims would probably total in excess of $1,000,000,000. No doubt there are many jurisdictional laws under which petitions have not as yet been filed and, if this is correct, and I am sure it is, the total claims or cases filed and to be filed under existing law, greatly exceed the number of 71 before mentioned.

In addition to the foregoing I have made a tabulation of similar bills now pending before Congress and find, in the House and Senate, 49 additional measures seeking jurisdictional authority to file claims in the Court of Claims. My investigation to date, while not at all thorough, convinces me that the total mass of litigation of this class authorized by Congress will be very large and it was because of such conviction that I sought an interview with you to-day. My investigation prompts me to submit to you for your consideration, the following suggestions:

First, the force in your department assigned to this particular class of business should be materially increased.

Second, that, instead of the several petitions being referred to the Accounting Office and to the Indian Office for a general report without instructions as to what information is desired, a study should be made of the several petitions and the Accounting Office and the Indian Office advised and instructed as to what data to procure and submit.

It is my opinion that, if such a procedure can be followed the time consumed in making a report upon any given petition can be materially decreased and the consequent expense materially reduced. It occurs to me that this particular class of business has developed into such proportions that a real department could be created with perhaps as many as five or six attorneys with the necessary clerical help to prepare and try these claims against the Government.

After you have made an investigation into this matter, if you agree that something should be done and will indicate just what you think should be advisable in the way of additional personnel and the incident expenses thereto, I will gladly undertake to procure the funds before this Congress adjourns. In all probability you do not have available funds to extend this work and if you agree that something should be done and will indicate the amount of funds needed for the coming fiscal year, I shall be glad to present the matter to the Congress in the hope of affording relief along the lines indicated.

Respectfully submitted.

ELMER THOMAS.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 24, 1930.

Hon. ELMER THOMAS,
United States Senate, Washington, D. C.

MY DEAR SENATOR THOMAS: I have your letter of the 27th ultimo with reference to the status of the suits by Indian tribes in the Court of Claims. I have inquired into the matter.

The delay in the trial of these cases, all of which by no means can be attributed solely to the Government, has been due principally to the inability of the Accounting Office, without any fault on its part, to report promptly upon the petitions which were submitted to it. Prior to 1925 the Accounting Office had but one man who was available for this work. Naturally, very little was accomplished. In that year the Congress provided funds which enabled the Comptroller General to assemble a force of competent accountants and clerks. Much time was necessarily consumed in putting this force upon an efficient working basis and in collecting and arranging the scattered records. The first report from the Comptroller General after the assembly of this force was received in May, 1927, and to date 16 cases (not 18 as stated in your letter) have been reported upon; and the comptroller estimates that all reports upon the cases now before him (approximately 50) will be completed by the middle of 1933. Everything considered, this is as rapid progress as is consistent with efficient work and the interests of the Government.

The task put upon the Accounting Office by reason of this litigation is enormous. Literally millions of separate documents (claims settlements, disbursing officers' statements, and the supporting vouchers) will have been examined, tabulated, and audited by the time the work is completed. In the Sioux case alone more than one-half million such documents have been examined and audited. Many of these documents are in such dilapidated condition that they have to be repaired with transparent tape and then handled with extreme caution; and on many the writing is so faded from age or exposure as hardly to be discernible even with the aid of a strong glass.

As you know, a suit of this character can only be instituted in the Court of Claims where the Congress has specially authorized it and given jurisdiction to the court to adjudicate it. Prior to 1920 cases of this character were comparatively infrequent. Since that date a total of 29 jurisdictional acts have been passed. Under 26 of them a total of 80 petitions have been filed. Ten of these cases have been disposed of, leaving 70 pending at this time. In addition to these 10 cases, 7 other cases, which were filed under acts passed prior to 1920, were also disposed of. Under three of the total number of jurisdictional acts passed to date (to wit, with reference to the Winnebagoes, Pottawatomies, and Northwestern Shoshones), no petitions have as yet been filed.

The preparation of one of these cases for trial is a very laborious, tedious, and lengthy matter for both sides. The transactions out of which the claims arise occurred anywhere from 50 to 100, or more, years ago. The records connected therewith are often scattered, misplaced, mutilated, difficult to locate, or lost entirely. Sometimes months are consumed in the search for essential records. Apparently it even takes years, after suit is authorized, for the plaintiff's attorney to secure the information upon which to base a petition. For instance, all of the acts authorizing suits by the Five Civilized Tribes were passed in the first part of 1924, yet the first petition thereunder was not filed until more than two years had elapsed, and the Creeks apparently are not through filing their petitions yet. The Seminoles did not file their first petition until February of this year, nearly six years after the passage of the jurisdictional act. In the three cases of the Klamaths, where the jurisdictional act was passed in 1920 and the petitions filed in 1925, and in other cases where the lapse of time is almost as great, the tribes have not yet concluded their testimony. In very few instances have petitions been filed within less than a year after the passage of the act.

The filing of the petition is the first intimation that this department has that there is such a controversy as is set forth therein. This department has no knowledge or records concerning it. All that is known about it is what is stated in the petition. The petition is promptly forwarded to the Interior Department, which has all the records and information about the claim, with a request for a statement of the facts and copies of the pertinent records. Having no knowledge of the facts of the claim, and not knowing what records are in the Interior Department concerning it, it is obvious that this department can not advise the Interior Department what records to look for or what facts to report upon. It has been the experience of this department that the Interior Department, instead of reporting a vast amount of irrelevant facts and transmitting a vast amount of irrelevant documents (such being the intimation in your letter), very often does not transmit enough information, records, and data, necessitating further calls from this department for additional and material information. As to the Accounting Office, their reports are usually very complete, but I have no knowledge of any case where the report contained more information than was actually necessary in the particular case.

The grant of jurisdiction is usually "to consider and determine all legal and equitable claims," or "to hear and adjudge all claims arising under or growing out of" certain treaties, agreements, or acts of Congress, or to adjudicate "all claims of whatsoever nature" which the tribe may have. Under this broad authorization, nearly all of the tribes in the pending suits have filed demands for an accounting either with reference to one or more specific funds or transactions or with reference to all financial transactions between them and the Government. About 30 of the petitions now pending involve an accounting with reference to specific funds or transactions, and more than 20 include claims for a general accounting. All of the Five Civilized Tribes have filed petitions demanding an accounting with reference to specific funds and transactions and also for a general accounting. This latter demand neces-

sitates an examination and audit of accounts running as far back as 1789.

Necessarily such petitions as these have to be referred to the Comptroller General for a statement of the facts and an audit of the account. It hardly seems probable that a lawyer could furnish advice or instruction of any value to an accountant as to how to state an account. However, when difficulties or doubts arise in the Accounting Office over matters concerning which this department could not possibly know anything unless it had the records, it is the practice of the official in charge of the work to confer with the attorney in this department having the case in charge, and the difficulties are ironed out in this way without any loss of time.

In addition to the grant of jurisdiction to adjudicate the claims of the Indians, the court is usally given jurisdiction of "any legal or equitable set-offs or counterclaims, including gratuities," or is directed to allow the United States "credit for any sums expended for the benefit of said Indians." Under provisions such as these, it is necessary to refer practically every petition to the Comptroller General for a statement of all money expended for or on behalf of the particular Indian tribe and the source of such money, in order that the court may determine how much money has been expended gratuitously for their benefit or whether any legal or equitable counterclaims arise because of such expenditures. Such requests as these involve a tremendous amount of work on the part of the accounting office; and in some cases the result may show that the United States has nothing to offset. But no one can say in advance of an audit that the United States has or has not any such offsets, and in compliance with the congressional direction the work has to be done.

With reference to your statement that you have information, that there are now 18 cases fully reported upon by the accounting office and your evident impression that these reports are being withheld in this department, I beg to say that to date, 16 cases have been reported upon by the Comptroller General. The first report, in the Iowa case, was received in May, 1927; the last, in the Yankton Sioux case, in February, 1930. Eleven of these reports have been filed in the Court of Claims. The other five have not yet been filed. The report in the Yankton Sioux case has not been filed for the reason that that case, by order of the court, is to be heard with the Sioux case, and the Comptroller General has not yet finished his report thereon. The reports in the Assiniboine case, the Crow case, the Wichita and Caddo case, and the Klamath case, received, respectively, in May, 1928; October, 1929; October, 1929; and June, 1928, have not been filed for the reason that the tribes have not yet completed their cases. In each of these cases, however, the attorneys for the Indians have had free access to the reports practically from the date of their receipt in this department, so that if there is any delay in these cases it can not be attributed to the defense.

My general review of the situation has led me to the conclusion that until the present time there has been no great need of enlarging the force of lawyers in this department to deal with these cases. I am heartily in accord with your view that everything possible should be done to expedite these cases. Effective July 1, two additional attorneys have been assigned to this work. I have not believed, however, that I would be justified in asking for emergency deficiency appropriations at this time.

Sincerely yours,

WILLIAM D. MITCHELL,
Attorney General.

WOODROW WILSON'S FOREIGN POLICY AND ITS EFFECT ON WORLD PEACE

Mr. SWANSON. Mr. President, I present and ask leave to have published in the RECORD an address by Hon. Norman H. Davis, former Undersecretary of State, before the Democratic Women's Luncheon Club of Philadelphia, March 17, 1930, entitled "Woodrow Wilson's Foreign Policy and Its Effect on World Peace."

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The political career of Woodrow Wilson came to an end 10 years ago, but his influence has never ceased, for the ideas he planted continue to gain ground and the work he began proceeds with great satisfaction and promise. Ten years is a short time, but it has been sufficient to expose fallacies and criticisms that had much effect a decade ago and to give a clearer perspective of his policies and services, the soundness and value of which may now be judged by results rather than abstract theory.

Woodrow Wilson was a philosophical statesman who thought on high themes and dealt in problems that affect all phases of life. He was also a highly practical statesman with a profound knowledge of political science and governmental problems. Believing man to be the greatest handiwork of God, he placed a supreme value on human beings. Having faith in human progress, he deemed it important that man should seek truth and be animated by exalted aims. The result was an unusual breadth of view, a clarity of judgment in political affairs, and strong convictions to which he adhered with an unswerving sincerity of purpose.

During his first two and a half years in the White House, his thoughts and efforts were mostly devoted to domestic affairs, but in that short period his administration made an unsurpassed record in constructive legislation and reform. While his domestic policies have stood the test of time, the importance of his services in this field were somewhat lost sight of in the turmoil caused by the World War which soon brought many difficult problems and weighty responsibilities which claimed most of his thought and attention during the balance of his administration.

However, early in his administration, he took occasion to state certain principles that would guide him in the conduct of foreign relations, and in so doing he manifested a new spirit and sounded a new and refreshing note in world politics. The Monroe doctrine, the sole purpose of which was to prevent the extension of the European system or control to this hemisphere, had been stretched under a previous administration from its meaning and original intent in order to justify a policy known as that of the big stick. President Wilson, in repudiating such a policy, pointed out that this country, as the defender of Latin-American countries against European exploitation, had never acquired for itself the right to exploit them or violate their constitutional liberty. Latin America having become resentful and restive under the waving of the big stick, he outlined in a speech at Mobile in the fall of 1913 a new Latin-American policy and made important pronouncements that had most beneficial effects.

One was that "the United States will never again seek one additional foot of territory by conquest."

Another was that the true relationship of this country with the rest of America is that of a family of mankind devoted to constitutional liberty in support of which the nations should cooperate as sovereign equals. "We must," he said, "prove ourselves their friends and champions, upon terms of equality and honor"—because we can not be friends on any other terms. "We must show ourselves their friends by comprehending their interest, whether it squares with our own interest or not. It is a very perilous thing to determine the foreign policy of a nation in the terms of material interest. It not only is unfair to those with whom you are dealing, but it is degrading as regards your own action." His refusal to recognize as President of Mexico one who had come into power by violating constitutional liberty was in keeping with these views.

In the Mobile speech he showed not only the breadth of his vision and his feeling of brotherhood for mankind, but he gave a key to the approach he would later take to scale more difficult heights when he said, "Do not think that the questions of the day are mere questions of policy and diplomacy. They are shot through with the principles of life."

Shortly afterwards, in March, 1914, he did a novel and significant thing in asking Congress to repeal an act exempting from the payment of tolls coastwise vessels passing through the Panama Canal, because he deemed it to be unsound economically and in violation of a treaty with England. In his message to Congress, he said:

"Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States" and "We are too big, too powerful, too self-respecting a Nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please."

The World War, which convinced him of the necessity of establishing new rules of international conduct and a different and better method for dealing with international problems, led to the formulation of his so-called foreign policy which, in effect, was a world policy.

At the time of the World War, the activities and interests of the leading nations had become so world-wide in their scope and effect as to create many political and economic problems which seriously affected international relations, and yet there was no organized system for getting the nations together periodically in conference to deal with these vital questions which could only be solved by united effort. Contacts and traffic between nations had increased enormously, but no rules had been established to regulate that traffic and prevent collisions. As a rule the only nations that worked together for any common purpose were those which joined in some military alliance as a defensive or offensive measure against some other group composing another alliance. Those, such as the United States, that refused to enter into such alliances had taken an independent course shaping their foreign policies accordingly.

The American foreign policy had for a century and a quarter kept mainly to the course that was charted by Washington, with a view of keeping at peace with all nations and avoiding outside interference in the political life and with the legitimate trade of this Nation. Washington, who initiated this policy at that critical period in the life of the country, when, under his guidance, it was being molded into a nation, was faced with the difficult task of keeping the country at peace until it could at least recover from the eight long years of warfare that it had waged under his matchless leadership to gain its independence. Facing an old world engaged in war, a world from whence this new country had sprung and with which strong ties of

association and sentiment still existed, pulling it in that direction, he saw that it would be fatal to the growth and freedom of a nation just born to be drawn into a European war fought over questions that did not concern it. He therefore decided—contrary to a strong sentiment in the country—on a policy of neutrality in the war that was then waging between France and England. Seeing the evils of alliances, a system then in vogue, and which he felt this country so young was powerless to uproot, he most wisely adopted the policy of keeping out of any alliance and of fostering friendly relations with all nations. As a natural consequence of this policy, he sought the settlement of disputes by arbitration as a means to avoid war; and Congress, at his instigation, passed a law defining the rights and obligations of neutrals, which was the first comprehensive law on neutrality ever adopted by any nation and which had much effect on international law up until the end of the World War.

When the time came to retire from office, Washington explained in a farewell address the reasons why he had adopted certain policies, and urged the people to turn their attention from European affairs and devote themselves to the development of their own country. That portion of the address in which he advised against the making of alliances is the most quoted and yet often the most misunderstood and misconstrued. In another part of the same address he gave even more important advice, which is not so often referred to, and that was to:

"Observe good faith and justice towards all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence."

After the first quarter of a century of its history and up until the administration of Woodrow Wilson, the Government has with few exceptions been occupied mainly with problems incident to the rapid internal development of the country, and there was little change in the forign policy after the time of Washington, except to add to it the Monroe doctrine and the open door in China.

When Wilson became President the United States had grown to be the most powerful of nations, and changes had taken place since its birth which had so revolutionized the conditions of life and the activities of men as to create an entirely new world. He found himself facing this new world in which the nations were still following the same policies that were adopted in an old and very different world, and which they hoped would suffice for the new one.

Although war had been a constant menace to the governments of Europe, which had been the chief battleground of the world for centuries, no constructive steps had been taken to curb or prevent it. The leading nations were still depending upon alliances to further their national aims, or to defend themselves against nations aggressively inclined, and many had come to believe that the most effective way to prevent war was to maintain by a system of alliances, such a balance of power as would make warlike nations refrain from starting a fight.

The United States, following the course taken by Washington, was proceeding on the theory that by keeping out of European alliances, it could keep out of their wars, and by upholding the principle of neutral rights it could protect its trade in case of war. The World War disclosed with a terrible shock that Europe had been living in a fool's paradise, believing it possible to prevent war by keeping an equilibrium between opposing groups of nations armed to the hilt; and it soon proved how badly we were fooled in assuming that by holding aloof we could, in this modern era, escape involvement once the European nations had taken to the warpath.

The internations system which had been built up on policies adopted to conform to ideas and conditions of the eighteenth and nineteenth centuries, not only proved to be utterly inadequate to serve the needs and to cope with the problems of this modern world, but actually brought disaster to the twentieth century. The situation thus created became a world problem that required for its solution statesmanship of the very highest order. Fortunately for mankind there was one who measured up to the task, and that was Woodrow Wilson.

While Woodrow Wilson was an idealist, he had a rare capacity for facing realities squarely and for taking practical steps to attain ideal ends. Confronted with the chaotic situation brought on by a war which the European system had caused or failed to prevent, and seeing that the course which the United States had taken to avoid such a war had not enabled it to escape, he realized that civilization had reached a stage of development where it could not go forward without better methods for dealing with international problems and machinery for removing obstacles to world peace and progress. He saw that the only way to escape the evils of alliances was to do away with alliances; that the only way to avoid involvement in war was to prevent war; and that the only way to prevent war was to induce the nations to establish and adopt as a substitute for war another and better way to settle their disputes. For this he proposed that a system of cooperation be established as the means for dealing more effectively with all international problems and for settling and disposing of disputes in an orderly, sensible way before they develop a warlike state of mind that insists upon settling them by violence.

Instead of pursuing policies that pull them in different directions leading ultimately to disastrous ends, he proposed that nations should henceforth pull together for common beneficial ends and undertook to persuade them that by thus promoting the general welfare they would best serve their own interests. The success of such proposals not only required a change in point of view but quite a change in the principles and practices followed by most nations, and this was a considerable undertaking because man, who adjusts himself quickly to new things, accepts new ideas slowly.

It was necessary not only to eradicate the old system in order to make place for a new one, but actually to build a new one. Nevertheless, Woodrow Wilson was equal to it for he thought and worked and spoke as few if any men have ever done, and the liberal forces working throughout the world gathered under his banner.

Fearing that the war might develop into a struggle for a new balance of power rather than a new order which would set nations free, President Wilson expressed his views and sought to clarify the issues in a message delivered to the United States Senate on the 22d of January, 1917. He then stated:

"There must be, not a balance of power, but a community of power; not organized rivalries, but an organized, common peace * * *. The right state of mind, the right feeling between nations, is as necessary for a lasting peace as is the just settlement of vexed questions of territory or of racial and national allegiance.

"The equality of nations upon which peace must be founded if it is to last, must be an equality of rights; the guaranties exchanged must neither recognize nor imply a difference between big nations and small, between those that are powerful and those that are weak. Right must be based upon the common strength, not upon the individual strength, of the nations upon whose concert peace will depend. Equality of territory or of resources there, of course, can not be; nor any other sort of equality not gained in the ordinary peaceful and legitimate development of the peoples themselves. But not one asks or expects anything more than an equality of rights. Mankind is looking now for freedom of life, not for equipoise of power."

These were strange thoughts to the statesmen of Europe, but somehow they were understood and appreciated by the people.

It was not a visionary ideal that caused him to propose a new order, but a recognition of the fact that the old one had broken down and that a new one must be devised. While he believed that the policy of Washington was sound in principle, he found that it would no longer work unless other nations would adopt policies based on similar principles. He therefore proposed that all nations should enter into a solemn covenant to do away with alliances and to foster among themselves the kind of relations and friendship that Washington had advocated as the policy for this country, and that the foreign policy of all nations should be made to conform to certain principles and practices to be defined by a universal treaty. In explanation of his proposal, President Wilson said:

"I am proposing that all nations henceforth avoid entangling alliances which would draw them into competitions of power, catch them in a net of intrigue and selfish rivalry. There is no entangling alliance in a concert of power. When all unite to act with the same purpose—all act in the common interest."

Finally, as the war drew to an end, it fell to his lot to define the terms upon which hostilities should cease. In an interchange of notes with the German and allied governments relative to an armistice, he defined, and they accepted, certain terms and conditions upon which peace should be based. Among these were included a summary of some of the principles he had previously expounded, specifically including the address he had delivered to Congress on January 8, 1918. In that address he said:

"We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against its recurrence. What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others, it will not be done to us. The program of the world's peace therefore is our program; and that program, the only possible program, is this:" Then followed his famous Fourteen Points, the last one of which was:

"A general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small states alike."

The hopes and aspirations of mankind had never before reached such heights. With the approach of peace, there was a deep sense

of relief that the terrible sacrifices of war were to cease and that steps were to be taken to prevent such a recurrence.

What followed immediately is a sad story, which we would like to forget.

The task of making peace—a difficult one under any circumstances—was greatly complicated by a postwar reaction that swept over all countries, crystallizing into a blind and selfish nationalism which did not easily accommodate itself to settlements and measures which would give a just and lasting peace. For a time the lessons and aims of the war were forgotten. In Europe, there was a tendency to return to the old policies and habits that had caused such havoc; and in America, a group of Senators headed by Senator Lodge, the Republican leader, took advantage of the reaction to further political ambitions at the expense of future peace and the principles for which we had entered and fought the war. After misrepresentations and appeals to prejudice had poisoned sufficient minds, this senatorial group succeeded in rejecting the treaty of peace, thus forcing this Nation to abandon the high position it had taken and to fall back into a policy of isolation which the war had proven to be both unwise and untenable. The state of mind here became such that it was actually possible to persuade many that this country should not attend international conferences held to prevent war or help to build up machinery for preserving peace because of the danger of thus getting drawn into war; and that group of Senators who were in favor of forgetting all the lessons and aims of the war and of returning to the policy that was being followed when the country was drawn into war, were the real saviors of the Nation and the true friends of world peace.

The treaty of Versailles was not perfect because in order to get any treaty it was necessary to make some concessions to the forces of reaction that had temporarily displaced the ideals and aspirations which had been uppermost when the war ended. However, the covenant of the League of Nations, and other provisions for self-correction and improvement which were incorporated in that treaty, have already largely overcome the defects which may have thus crept in.

As we now look back upon that period of reaction, comparing the state of mind and the conditions that then existed with those of to-day, and take account of the fruitful harvests that are being gathered from the seeds that were then planted, with their promise of continued increase, the treaty of Versailles, in spite of whatever defects it may have contained, begins to stand out as a remarkable achievement, marking the greatest advance ever made by governments toward world peace and progress.

When Woodrow Wilson went out of office at the end of eight strenuous and eventful years, it was thought by many that he had been too idealistic and that he had failed in his last great effort to establish a system of international cooperation because the Senate of his own country failed to give its approval. And yet it is becoming more evident day by day that the idea back of the League of Nations was more powerful than the United States Senate and that what may have seemed to many a tragic failure a decade ago is becoming one of the greatest achievements and victories in the history of the human race.

As yet it is difficult for the human mind to grasp what a far-reaching change in political ideas and policies was involved in the proposals of Woodrow Wilson which have been adopted by most of the governments of the world. For over 2,000 years so-called Christian nations had been claiming in the name of sovereignty the right to attack and kill their neighbors, which was contrary to the basic principles of the religion professed. The proposals of Woodrow Wilson, reduced to a few words, were that in their intercourse with one another, nations should be guided by principles more in keeping with those of the Christian religion and that the rights which are recognized and the rules of conduct which obtain among individuals in all civilized communities should be applied as between the members of the community of nations. This seems most simple and sensible, and yet it was a revolutionary proposal. He not only proposed for his own country a policy that would accommodate itself more to world conditions and progress, but he had the genius to formulate principles, ideas, and policies which were so universal in their appeal and application, so idealistic and yet so practical, as to be accepted by most peoples and nations of the world as their political charter. Nothing quite like it has ever happened before in all history.

The League of Nations is not only the embodiment of a great ideal but a most potent influence in the prevention of war. It has not only proven itself to be a practical and effective means of bringing united effort to bear upon the solution of all problems that affect world peace and progress, but this up-to-date method of composing international differences by conference and conciliation has become indispensable to the maintenance of a stable world. While a few nations have held more or less aloof and some have been slow to support whole-heartedly the system of international cooperation established at Geneva, they are all drawing closer and closer, and there is reason to hope that in the not distant future they will feel the need to share in the spiritual as well as material benefits that would come from contributing to its success.

Prior to the covenant of the League of Nations, war was not only recognized as an inherent right of sovereignty but as a necessary and valuable instrument of national policy, with which nonbelligerents could not interfere, no matter how harmful it might be. For the first time in history this unsound doctrine was discarded and war was recognized as an evil which should be stamped out. The nations which signed the covenant of the league not only accepted the principle that war between any of the members is a matter of concern to them all but agreed to limit their right to wage war and to work together to prevent it. The system of cooperation that was created in compliance with the pledge to seek the settlement of all disputes by pacific means has been growing in prestige and rendering great service to the entire world. While the league has evolved and developed in some respects differently from what some of its advocates anticipated, it has so far succeeded as well and achieved as much as its founders and supporters expected. On the other hand, it has not become a superstate or infringed on any nation's sovereignty, and it has not become what its opponents predicted or done any of the unwise and harmful things of which they were so afraid.

This country is not only finding it advisable and even necessary as a matter of self-interest to cooperate more and more with the league, but in the Kellogg-Briand peace pact we have now joined with other nations in renouncing war as an instrument of national policy and have also bound ourselves to seek only by pacific means the settlement of all disputes. If this treaty means anything, it is that we will refrain from all aggressive war and earnestly endeavor to find and use the most effective pacific means possible for settling disputes and preventing any kind of war. If we are to keep faith and live up to the word and spirit of that treaty, we must either find a way to make use of the peace machinery that already exists and functions as satisfactorily as can be expected, or we must undertake the difficult task of setting up other machinery with which to effect pacific settlements.

Whatever may be one's views to-day with regard to the theories of Woodrow Wilson or the methods by which he sought to apply them, it must be admitted by every fair-minded person that no other statesman ever converted so many people and nations to his theories, as evidenced by the fact that 54 of the 60 nations in the world entered into a covenant to adhere to certain principles and policies advocated by him, and also that it is not possible to-day to get far in the discussion or solution of international problems without the use of Wilsonian terms or methods—for whatever substantial progress has been made in the past decade toward world peace and justice has been on foundations laid by him or along the path hewed out by him.

While the United States has not seen fit to join the league, or as yet even to adhere to the protocol of the court, the misrepresentations which caused us to turn our back upon it are dying of exposure; and as our fears and prejudices disappear our understanding and appreciation of the league increase—and I can not believe that the conscience of the American people will be satisfied until their own country gives its full support to the greatest movement and effort for peace and justice ever undertaken by the human race and which was started on its way under the leadership and guiding genius of Woodrow Wilson.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 2189) for the relief of certain homestead entrymen in the State of Wyoming.

The message also announced that the House insisted upon its amendments to the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, disagreed to by the Senate, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEHLBACH, Mr. SMITH of Idaho, and Mr. JEFFERS were appointed managers on the part of the House at the conference.

MOTOR-BUS TRANSPORTATION

The Senate resumed the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce and by motor carriers operating on the public highways.

The VICE PRESIDENT. The clerk will report the pending amendment.

The CHIEF CLERK. On page 6, line 8, the committee proposes to strike out "application therefor had been made" and insert "exceptions thereto had been taken," so as to read:

Or the commission may, on its own motion, review any such matter and take action thereon as if exceptions thereto had been taken by an interested party.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. JONES. Mr. President, what I am going to say is not said as chairman of the Appropriations Committee but as an individual Senator and as a member of that committee.

As everybody knows, there is a controversy between the House and the Senate with reference to legislation to take care of the

business operations of the District of Columbia. The House has sent to us the District of Columbia appropriation bill fixing $9,000,000 as the share of the National Government. The Senate amended that to provide $12,000,000. The difference between the House and the Senate has been in conference for several weeks.

I do not know how far I am at liberty to go with reference to conference matters, but it is known to both Houses that no agreement has been made between the two Houses. One House is strongly for its position and the other body is strongly for its position. The Senate conferees, however, have made various compromise proposals. While the Senate conferees believe that $12,000,000 is a very reasonable contribution on the part of the National Government, yet in the interest of adjusting the differences between the two Houses they have been willing to make concessions.

Concessions are absolutely necessary in adjusting differences between the two Houses upon matters of legislation. I do not believe that either House is justified in taking a position that it will make no concession whatever to a coordinate branch of the Government, or in taking the position that it is absolutely and wholly right and the other body is entirely wrong.

We are nearing the close of the session of Congress; at least it is hoped that this is the case. It has been suggested in some quarters that to meet the situation a joint resolution be passed providing for the operating expenses of the District. It seems to be proposed that the joint resolution shall carry, as the contribution of the National Government, exactly the amount that is in controversy between the two Houses. As I see it that would not be a step at all in the direction of adjusting the differences between the two Houses. In addition to that, the passage of the joint resolution would be very detrimental to the affairs of the District, especially in relation to schools, hospitals, and some other activities which need assistance to carry them along as they should be conducted. Great injury would really result to the affairs of the District by accepting such a joint resolution.

In view of the attitude which has been taken apparently by the conferees on the part of the House, I frankly say that I can see no justification for the Senate accepting such a joint resolution if it should be sent to us. There is every reason why our differences should be adjusted upon the bill which has been passed by both Houses to take care of the needs of the District of Columbia.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. In just a moment. Of course, if we are to accept $9,000,000, if the Senate is to humiliate itself in that way under the peculiar circumstances, then we ought to do it in connection with the District of Columbia appropriation bill. The Senate, judged by the vote taken just a few days ago, does not approve of any such course. So it occurs to me and I make the suggestion that there is no reason for the passage of any such joint resolution. In my judgment, with a reasonable stand by the conference committees of both Houses, a satisfactory adjustment can be made and it ought to be made. There should be a mutual yielding by the two bodies in the interest of the District.

I yield now to the Senator from Ohio.

Mr. FESS. I understood the Senator to say that there is no justification for the passage of the joint resolution. I sympathize with what the Senator is saying; but I am wondering what will become of the finances of the District if we do not pass some joint resolution or bill.

Mr. JONES. If we pass no joint resolution and no appropriation bill, the activities of the District will stop; but why depend upon a joint resolution when a legislative act taking care of all the activities of the District is now pending before a conference committee, and depending for its enactment only upon slight mutual concessions?

Mr. FESS. I entirely agree with the Senator, provided there should be some yielding on the part of the other body; but suppose there should not be?

Mr. JONES. Well, if there should be no yielding on the part of the other body, why should the Senate yield?

Mr. FESS. If we do not yield—and I do not think we should——

Mr. JONES. Neither do I.

Mr. FESS. And the other House shall not yield, what is going to happen to the District of Columbia?

Mr. JONES. The District's activities will stop; but I say frankly that if the Senate is going to yield on the $9,000,000, it ought to do so in connection with the regular appropriation bill which provides for all the other activities of the District.

Mr. FESS. I agree with the Senator.

Mr. JONES. And so the question has reached a point where we must determine whether or not the Senate of the United States has any right in a legislative matter of this kind. I have been told by our conferees what I think is really, to say the least, a disrespectful attitude toward them by the House conferees. Possibly, however, I ought not to go that far, though I could go further, I think, with entire justification.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. I yield.

Mr. FESS. My concern is what is to result if what the Senator from Washington suggests is going to be carried out? First, suppose there shall be no yielding; secondly, suppose there shall be no joint resolution passed. It seems to me that one or the other must come. We can not leave the District without any provision for its maintenance.

Mr. JONES. In my judgment whatever may grow out of the situation, the entire responsibility will rest upon another body. Our conferees are willing to make great concessions from the Senate's position.

Mr. FESS. I agree entirely with the Senator——

Mr. BORAH. I do not agree with the Senator.

Mr. FESS. But that does not help the people of the District of Columbia.

Mr. JONES. I appreciate that.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Virginia?

Mr. JONES. I yield to the Senator from Virginia.

Mr. GLASS. Let me suggest to the Senator from Ohio that we have got to stay here anyway. There is no trouble about making some others give us the pleasure of their company. The Senate has got to stay here to consider the London naval treaty, so we are told. Let others stay here, too.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES. I will yield in just a moment. I wish to say that I am very anxious to see an adjustment between the two Houses with reference to the appropriation bill for the District of Columbia. I know the District of Columbia is the one that is really going to suffer by a continuance of the disagreement; yet it seems to me that there is a principle, a policy, or whatever one may have a mind to call it, at stake between the two Houses in regard to this matter that ought to be settled.

The Senate really has been yielding from year to year its convictions as to what ought to be done. It has reached a point where it seems there is responsibility resting upon it as well as upon another body to take care of the situation in the District of Columbia. It ought to be a very easy matter to adjust. The Senate conferees are ready to go practically to extreme lengths in order to adjust the differences, but they do not feel, under all the circumstances—and I will say frankly that I do not feel—that they should go further than they have proposed to go.

Mr. McKELLAR and Mr. BINGHAM addressed the Chair.

The VICE PRESIDENT. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. I yield first to the Senator from Tennessee.

Mr. McKELLAR. If we just give notice to the other body that we are not going to adjourn until this very necessary bill shall be passed, there will soon be an agreement.

Mr. JONES. Of course, we certainly shall not adjourn until something shall be done to settle the matter with reference to the District. That settlement should be a just one.

Mr. McKELLAR. If the Senator will stand by that, we shall soon have an agreement.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES. I yield.

Mr. BINGHAM. The Senator from Washington, in the course of his remarks, made a statement which later he corrected; but I do not like to see it stand in the form in which he originally made it. He said the House will not yield and the Senate will not yield. As a matter of fact, the Senator stated later that the Senate conferees had been willing to go more than half way in yielding. This is not a question of principle; this is a question of judgment as to the amount which the Federal Government should pay toward the expenses of the District. The Senate committee, having given the matter full and careful study, came to the conclusion, not agreed in by all, but came to a unanimous conclusion in the committee that $12,000,000 was the proper amount. That was their judgment. The House came to the conclusion that

$9,000,000 was the proper amount. The House, by a large vote, decided that they would instruct their conferees not to agree to the Senate amendment providing a Federal contribution of $12,000,000. The Senate, by a large vote, stood by its conferees in their opinion that $9,000,000 was not a sufficient amount.

Now, Mr. President, in conference between the two Houses the Senate conferees have repeatedly shown their stand to be as follows: "This is a question of judgment between two amounts; we have made a careful study of it; we think one amount is right; you have made a careful study and you think another amount is right; the only way to confer and to reach a decision between the two bodies that differ"—as the conferees do differ—"in regard to the amount is somewhere in between the two."

Normally, as everybody knows, on bills of this kind conferees meet about halfway. The amount in that case would be $10,500,000; but in order that the Senate conferees might not be accused of standing in the way of securing a proper bill for the District, at the last meeting of the conferees they unanimously suggested their willingness to meet the House two-thirds of the way and to come down to $10,000,000. The House conferees, however, indicated their unwillingness to come up one cent above the $9,000,000.

That is the situation. There is a question of judgment between two amounts. The Senate conferees are willing, and have been willing all along, to effect a reasonable compromise. The House conferees have not felt that the request of the Senate for a reasonable compromise was worth listening to.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I will yield in just a moment. I thank the Senator from Connecticut for really correcting the statement I made and which I thought I had corrected subsequently, but probably not as plainly as I should.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to his colleague?

Mr. JONES. I shall yield the floor in just a moment. I agree heartily with the suggestion of the Senator from Virginia that it is not necessary to act upon a joint resolution. The Senate and the House ought to stay here until matters like this shall have been adjusted in a satisfactory way and for the benefit of the District of Columbia. Now I yield to my colleague.

Mr. DILL. I have been interested in the theory upon which the amount of money that is contributed to the District of Columbia by the Congress is based. It is generally understood in the States and cities that the amount of money the Government spends is raised by taxation of property and of what might be called privileges, or it may be excise taxes. Of course, the Government does not pay any taxes in the District of Columbia, and, as I understand, the position of the other body is that the amount which the Government should contribute is a fixed amount and should not be increased, regardless of increased costs and increased activities of the District government. I wonder if that is the theory or whether there is some other theory with which I am not familiar.

Mr. JONES. Mr. President, I am not a member of the conference committee, and so I am not prepared to say what the reasoning of the House conferees is. I will say that a commission, composed of Members of the House and the Senate, was created a few years ago to study this very proposition. That commission held hearings, gave the subject long consideration, and finally submitted to Congress the recommendation that the District of Columbia should bear 60 per cent of the expenses of the District and that the National Government should contribute 40 per cent. That recommendation was enacted into law and is the legislative act of Congress to-day on the statute books, unchanged. It is true that this provision was put in an appropriation act, but it was inserted and passed as permanent legislation, and was as permanent as if passed as a separate act, but within a year or two after that was adopted and agreed to the other body fixed the amount to be contributed by the National Government at an arbitrary sum, and has stood by that sum ever since. Of course, Congress, if it sees fit to do so, can disregard such legislation from year to year without repealing it.

Mr. DILL. And disregarded the law entirely?

Mr. JONES. Absolutely; the law is disregarded.

Mr. GLASS. They have disregarded the law and disregarded the Senate conferees. They just take the arbitrary position that they will not even consider anything except what they undertake to dictate.

Mr. JONES. I can see no good reason why the differences over our regular bill should not be settled at least for the coming year. They should be. Steps should also be taken to see to it that these annual controversies should be largely avoided or lessened.

TAXATION OF MINING INDUSTRY

Mr. DILL. Mr. President, I want to take just a moment on another subject.

A few days ago the Senator from Nevada [Mr. ODDIE] called attention to the inequitable development of our system of taxation of the mining industry. I think he was entirely too lenient in his remarks. If we are to have any semblance of right and justice in the taxation of the mining industry, it seems to me the present mode of taxation of this great industry must be changed, if not scrapped altogether.

Under the existing methods of taxation the income tax paid by one engaged in mining is principally dependent upon the amount of depletion allowed by the Treasury Department. This deduction, in turn, is based upon factors which are largely the result of personal opinion or individual judgment of the employees of the income-tax bureau.

This practice has brought about a discriminatory and indefensible condition. This unsatisfactory system was abandoned in the oil and gas industry some years ago. So far as I know, there never has been any complaint about the abandonment of the old method of depletion. Similar consideration was asked for the mining industry when the Ways and Means Committee was engaged on the 1928 revenue measure. Nothing was done about it.

I understand that a joint committee is studying the improvement of methods of collecting internal revenue. I want respectfully to urge that committee to give consideration to some other method of determining the income-tax burdens of the mining industry; and I want to suggest, in that connection, what is known as the percentage depletion. It is being practiced across the line in Canada, and has worked quite satisfactorily. It may be that the committee will not want to follow that method; but certainly the present method of taxation is inequitable and burdensome and discriminatory, and demands attention, which I hope will be given by the members of the joint committee when they take up the subject.

PRICE MAINTENANCE

Mr. WAGNER. Mr. President, I ask unanimous consent that there be printed in the RECORD a debate the subject of which was Price Maintenance. The debate had relation to one of the bills pending in the House.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PRICE-MAINTENANCE DEBATE BETWEEN MAJ. B. H. NAMM AND MILTON DAMMANN, TUESDAY, JUNE 17, 1930, OVER STATION WOR

ANNOUNCER. For the next 45 minutes, ladies and gentlemen, we have the pleasure of listening to a very interesting debate, and we should like to introduce to you at this time the Hon. Philip J. McCook, justice of the Supreme Court of New York, who acts as chairman in this debate and who will introduce both the subject and the speakers. Judge McCook!

Judge PHILIP J. MCCOOK. Ladies and gentlemen of the radio audience, the subject of this debate is "Price Maintenance versus Price Freedom." Retail price maintenance legislation has been considered by Congress for almost 20 years. The present Kelly retail price bill, sponsored by Congressman CLYDE KELLY, of Pennsylvania, has been reported out favorably by the Committee on Interstate and Foreign Commerce and is now before the House of Representatives for consideration. Its proponents are manufacturers and other producers of branded and nationally advertised products, while its opponents consist of consumers and retailers.

The purpose of the bill is to give manufacturers and other producers of a trade-marked or branded article the right to control by contract its ultimate retail price.

SUBJECT LONG DISCUSSED

The entire subject has long been discussed pro and con by representatives of manufacturers on the one side and retailers on the other. At the present time the Federal Trade Commission is engaged in conducting an exhaustive survey of the subject, but its findings have not yet been made public.

The retailer feels that it is his privilege to sell merchandise to the consumer at prices consistent with the quality of goods and character of service which his customers expect, all at a fair profit to himself and without interference from manufacturers unfamiliar with his operating costs and merchandising problems.

I mention this side first because he supports the existing situation which he desires to see continued.

The manufacturer, on the other hand, believes that the retailer should maintain the price which he, the manufacturer, places on his product, and that only under the condition set forth in the bill should

the price be reduced to any retail customer. He has accepted the burden of convincing you that we ought to have a change.

The merits of the two sides of this question will be presented to the radio audience by Mr. Milton Dammann, president of the American Safety Razor Co., who as a manufacturer is both by conviction and in consequence of experience in favor of the principle of price maintenance, and by Maj. Benjamin H. Namm, president of the Namm Store, Brooklyn, who as a retailer is a stanch and vigorous advocate of price freedom.

It is the function of the chairman, as I conceive it, to subordinate his own individual view, if he has one, of the merits of a debate like this. To do otherwise would not be fair. Moreover, he can be sure that the audience has come to hear the distinguished and thoroughly equipped debaters and not himself. However, a few cautionary comments will not be out of place.

As I have stated the controversy, the manufacturer appears at first glance to have the unpopular side, because confronted with the task of persuading his adult male auditors, all of them actual or potential consumers of his product, that they ought to favor a measure which will in certain cases add to the amount they must pay for that product. To succeed, he will have to convince them and the rest of you, including the ladies who buy trade-marked and branded articles of equal interest to them, that there are other considerations of greater importance. He will rely, among other things, upon the argument that we all stand together in this world, so that what on the surface may appear to be a hardship or detriment will nevertheless ultimately redound to the general benefit, and therefore to the individual advantage of every citizen, consumer though he be. Moreover, Mr. Namm will at once be met by evidence that whatever may be our general rule in respect to freedom of competition, there are many existing exceptions to that rule. It is only necessary to mention one, the protective tariff, a principle to which our country now seems firmly committed.

Examining another aspect of the discussion, you may hear Mr. Dammann say, among other things, that one of the consumer's best safeguards against abuse and injury is derived from the manufacturer's interest in maintaining the standard and quality of his goods. It is for you, the public, to say whether he is right and whether this motive is sufficient to protect you. In that connection I would remind the audience of Lincoln's well-known saying. Mr. Dammann's point is, in effect, that the manufacturer can not and therefore will not fool all the people all the time. Granted; but the inquiry still seems pertinent whether it will pay him to fool all the people some of the time or some of the people all of the time, or both, with the idea that he can make enough money in the process to retire in affluence from business when finally exposed.

Though supposed to be holding in some measure the scales of justice evenly balanced, I am not to interrupt the speakers nor award a decision when they have finished. Permit me, therefore, another bit of warning advice: Generalizations and characterizations are legitimate, but they do not as a rule constitute or supply facts and are of value only when supported by figures or other facts. For example, are the growers said to support the bill or are there among the producers referred to farmers only? Another example: Are its opponents, as they claim, the true supporters of freedom of trade or are there the producers who say they seek to restore liberty of contract as it existed before the Sherman Act in 1890?

I see clearly and, I think, without bias the point of view of both manufacturer and retailer. If as consumer I like to get razors and other items in common use as cheap as I can, I trust I am intelligent enough to know there are other considerations besides cheapness, and to give them due weight. I am sure you will do the same.

INTRODUCTION OF SPEAKERS

Finally a word about the two speakers. Mr. Dammann has the affirmative and so will open. He is a fine type of successful and highly regarded business man and stands at the head of a leading industry. He has enjoyed the mental training of a member of the bar, at which he practiced many years. You have an intellectual treat in prospect from him, and his opponent will have no easy task in answering him, as he must, or lose your support.

Major Namm is very young to be what and where he is. He came out of the overseas Army after the armistice to carry on the life work of a beloved father and lift it to even a greater height of success. He was gas officer of my division. I have known some of his associates who are very gassy, indeed, but such is neither his habit nor his character. You will find him informed, alert, entertaining.

Many thanks for your patience in listening to my outline and introduction.

I now have the great pleasure of introducing Mr. Dammann, whom I have already described.

Mr. MILTON DAMMANN. Mr. Chairman, ladies, and gentlemen, the question to be discussed involves the enactment of a law which would give the producer of a trade-marked or branded article the right to stipulate by contract its retail price. In this discussion, the rights of all the interested parties must be considered, the producer or manufacturer, the retail distributor, and the great body of consumers constituting the public. In the brief time allotted, it will be impossible to state with fullness and clarity my reasoning in support of my belief that such a law is sound and highly beneficial to all concerned.

Is it a sound and economic policy and one that makes for the good of the general public to permit the producer of a conspicuously identified and trade-marked article to fix in the first instance and to stipulate by contract the retail price at which his product is to be sold to the individual for whom it is intended and who buys it for use or consumption? My answer is yes. No one, I am sure, will quarrel with the proposition that the producer of a trade-marked product who offers his wares directly to the consumer, can fix a uniform sales price and so conduct his business that such uniform price will be paid by each and every individual who buys his product. If, instead of offering his wares directly to the consumer, he chooses the ordinary channels of distribution through retail stores, why should he be denied this right? My adversary will tell you, because it is detrimental to the interests of the public. I challenge that view vehemently.

The producer of a trade-marked article has confidence in his skill as a manufacturer, and in the quality of that which he produces. He risks success or failure of his enterprise by identifying his article. Success follows if the product is meritorious, and failure results if it does not measure up to the quality claimed or the standard of competitive products.

Every clear-thinking business man recognizes the principle that products, be they branded or otherwise, selling in a competitive field, will not find a receptive market among the buying public unless the price at which the article is sold fairly represents its value. It is the consumer to whom the producer caters; the consumer is his ultimate goal. It is he who must use up, consume.

In an area as large as the United States, it is impracticable and certainly not good business for a producer of a branded product who seeks nation-wide distribution to sell direct to the consumer. He must depend upon the normal channels of retail distribution which ordinarily handle the type of product he offers the public. In business as it is conducted to-day on extensively advertised trade-marked products the retailer is the agency of distribution. It therefore must be assumed that the producers of trade-marked articles in establishing the consumers' price fix one that is fair to the consumer and allows a reasonable margin to the retailer, his distributing outlet. Having set in motion the sale of his product and provided the necessary profit incentive to induce the retail distributor to handle his product, the producer proceeds to create what has been so aptly called consumer demands. He tells his story through one form or other to his public which he expects will buy his product.

In whatever form told, this story is commonly called advertising. He spends time, energy, and capital in an effort to arouse the public's interest in his product, to create the sale and consumption, to move his goods from the retailer's shelves. Thus he builds good will.

TRADE-MARKED GOODS

The man who puts on the market an article branded with his name and backed by his guaranty has a continuous responsibility to the public. Likewise, he has a continuous interest in the trade-mark that goes hand in hand with his article. He is bound to keep faith. He dare not disown it without drawing down disaster. The trade-mark is out in the sunshine. It invites inspection and is the foe of misrepresentation. It forces the producer to make his performance constantly square with his promise. It is these rights that should be protected, that should give the producer the right to price maintenance, the right to prevent a wholesale cutting of prices and a slaughter of the good will of his business.

MUTUAL INTERESTS

The old idea that there is an irrepressible conflict between the interests of a producer and a consumer has been exploded by modern development. There is no real conflict between them, but only mutual interest. Men no longer bargain with each other on every transaction. In modern business one price is the slogan. It is impossible to estimate the value to the consumer of the integrity in business, the fair and square dealing and forward movement which has come through identified goods. They bring the producer and consumer in direct contact. They have restored the old relationship between buyer and seller when the artisan sold his own products to his friends and neighbors and stood behind every unit sold.

All retail merchants are in business for profit. Their sales price must represent a sum above the cost and expense of doing business. When prices on saleable branded products which command a ready market are cut to a point which does not realize a profit, the purpose is obvious. The dealer holds out a bait to the buying public to enter his shop and utilizes the article on which the price is cut in the hope that once in the shop the customer will buy other products on which a real profit may be realized, for surely unless the dealer makes a normal profit on the total of what he sells he soon will be out of business. He selects the producer's trade-mark on which he builds his reputation as a bargain giver. The public, the buying public, knowing the real value of the product, and made familiar with its sales price, makes a hasty visit and

promptly buys all that is offered for sale. Thus is the public snared by price cutters and bargain givers.

What happens to the goods of other dealers and neighboring tradesmen? They must meet the cut price or do without sales. If they meet the price, they too do without profit. If they decline to do so, they do not sell the product, but the trade goes to the price cutter. In either event, they become sour on the article and either handle it reluctantly or decline to stock it at all. And here is the rub—directly they proceed to put in some inferior substitute article of the same character, but unnamed and unbranded, which they can buy at a lesser price and which can be sold at a price equivalent to the cut price on the branded product.

When the guileless consumer comes into the shop and asks for the branded article he is told, "We do not have it in stock but have one equally as good." Does he buy? Ask yourselves, my consumer friends. I make so bold as to say that if continuous price cutting on a branded article were carried to a point below cost simultaneously throughout the area of a producer's market, within a short time, the producer's business would be completely destroyed and the public deprived of the opportunity to buy a meritorious article, for the greater demand for the article, the greater its attraction as bait and the greater the incentive to cut the price.

Rarely is the cutting of a price on a popular and successful trademarked article done with a wholesome purpose, for there is no occasion to do so. Products of this class command a fine market and are readily sold and retailers do not often find themselves overstocked. The price is usually cut in order to create in the minds of the buying public the idea that the particular store that offers retail products at less than the commonly accepted price is a shop where bargains can be had. I do not charge that retail establishments hoodwink the public. Many do. I should not be understood as here contending that there should be price maintenance on every commodity. By and large, most of the goods produced in the United States are unnamed. Here I plead the cause of branded products which the producer stands behind and on which he stakes his reputation and his success, products the source of which is known to the consumer, products the quality of which he has an interest in maintaining, ever striving to make it better and better. Products on which he will lower the consumer price if able to do so, all in order that his consumer may be better and better inclined toward his article. Thus he builds up his brand which becomes his most valuable asset and one most jealously guarded. That price maintenance results in lower prices is a proven fact.

AUTOMOTIVE INDUSTRY

In all the realm of industry there is no greater example of continuously lower prices and higher quality than the automobile business. It has been built entirely on price control and the producers have named a uniform price to the consumer. Year by year the prices have been reduced and values increased. Prices may to-day appear ridiculously low, judged by the charge necessary only a short time ago, and no automobile maker can establish an unduly high price no matter how much he desires to do so.

Exceptionally high prices would mean more business for a competitor. The consumer has profited from every advance in standardization of production and increased efficiency in distribution. Happiness and satisfaction for all—the producer, the retail distributor, the consumer. The toilers who fabricate and build good quality, good service, better and better as the years go on, increased demand, mass production, lower prices. What a glorious end. Could this have been accomplished if price cutting ran riot? Let the public answer. What is true of automobiles is true in every line.

The producer of an identified product dare not make the price too high or the public will not buy. He is more concerned about a low price than anyone else, for the lower the price the wider the market. The producer of such goods is bound to make the price no higher than necessary to cover the cost of production, with a fair profit to himself and to his distributor. Every wheel is turned in an effort to increase output and lower cost, so that a lower cost may be offered the consumer. Only where unbridled price cutting dominates and the incentive for others to handle becomes diminished will this formula fail.

It is claimed that to restrict price cutting is to restrict competition. Just the opposite is true. Unrestricted price cutting on standard goods eliminates competition by destroying competitors. Price maintenance increases competition among producers striving to win the approval of the public. No one monopolist ever undertook to build sinister power by standardized prices. His method has been to cut prices and destroy independent competitors. The laws against monopolies have always forbidden discrimination in prices as a weapon for destroying competition. The graveyard of business failures is filled with slabs that mark the places of intrepid merchants brought to an untimely end by the withering onslaught of the ruthless price cutter. Adulteration and substitution are synonymous with predatory price cutting, for even the price cutter does not desire to sell the goods if there is no profit in them. He will do everything possible to substitute some private brand or unmarked product on which there is a profit. Price maintenance is bound to improve quality, not lower it.

CONSUMER GOOD WILL

Good will is not built on shoddy materials. The producer of the goods knows his fate rests with the consumer. Is it reasonable to suppose that he will deliberately endanger the good will of the consumer by cheating him in quality?

It will be argued that price maintenance contracts will be uneconomical and contrary to our fixed policy of leaving the channels of commerce open, that the right to barter at any price should be left free and untrammeled, that local conditions of each dealer should dictate his prices and his policies. All of us are interested in seeing that business in this country is conducted on sound business principles. Vicious trade practices and unbridled and destructive competition do not make for economic advancement. The individual must and frequently has been made to subordinate his vaunted rights and privileges for the good of the many.

Innumerable laws have been passed safeguarding the conduct of business, but business itself has been permitted to shift alone. In this respect, we lag far behind other nations. In England and other continental countries what I am now contending for is permitted. It is a constructive measure, a move forward, and if made a law, let us hope the first step on the road to that Elysium that all of us so ardently desire will soon return stabilization in business. Thanks.

Judge McCOOK. Ladies and gentlemen, you have just listened to Mr. Milton Dammann, president of the American Safety Razor Co., who as a manufacturer has been supporting the affirmative of a debate on price maintenance against price freedom.

You are about to listen to the negative, which is being supported by Maj. Benjamin H. Namm, president of the Namm Store, Brooklyn. Permit me to introduce Mr. Namm.

Maj. BENJAMIN H. NAMM. I thank you, Judge McCook.

Ladies and gentlemen, along with the great majority of retailers, I am opposed to price fixing, because it will tend to destroy competition and we still believe in the old doctrine that competition is the life of trade. Ever since this country began there has been price freedom. Goods have been bought and sold at prices that varied with the natural law of supply and demand. Now it is proposed to give to manufacturers the legal right to fix the price at which branded articles are to be sold by the retailer to the public. I have told you that retailers are opposed to this principle and my worthy opponent has told you that manufacturers are in favor of it.

Neither of these attitudes is very important, however, as far as this discussion is concerned. This legislation can be justified only if it be in the interests of the consuming public. A bill to abolish competition among retailers is certainly not in the interest of the consuming public. On the contrary, it is unsound, it is uneconomical, it is unfair, and it is un-American. Outside of that it is probably all right.

WILL RAISE COST OF LIVING

Price fixing is against the interest of the consuming public because it will raise the cost of living. Practically everything that we use, we wear, we eat or drink could be brought within the terms of this bill, all to be retailed at uniform prices regardless of whether one merchant gave costly service or not, regardless of whether one's overhead was 10 per cent or 30 per cent.

Just picture two typical stores in the same city or town. One caters to the classes and the other to the masses. The class store pays a high rental. It gives credit and delivers its merchandise in motor cars deluxe. The mass store pays a low rental, gives no credit, may even make no deliveries. Yet both stores operating under price fixing would have to sell at the same price fixed by the manufacturer, and fixed high enough, you may be sure, to enable those stores with high operating costs to make a profit.

This bill is unsound because it fosters monopolies by removing competition from retailing and it represents an insidious effort to nullify the Sherman Anti-Trust Act by legalizing price agreements in restraint of trade. The bill is unsound because it will rob the consumer of the protection he now receives from retailers, and it will put manufacturers in virtual control of retail distribution, since, as I said before, practically anything and everything may be branded.

Under our present system of price freedom, the retailer has always served as a sort of buyer for the public. He has acted as check and balance between the manufacturer and consumer. Why, this bill would change the very essence of that service. It will put the manufacturer in the saddle riding high, wide, and handsome, and with no agency whatsoever to protect the interest of the consuming public, no agency to keep him from making excessive profits, and lowering the size and quality of his product without correspondingly lowering the price.

Price fixing is uneconomical because, as everyone knows, price is not a constant factor in our economic life. It is instead a very variable factor. Why, just see how commodity prices have dropped in the past six months. What assurance has the public that fixed prices would be lowered by manufacturers when the cost of labor and raw materials go off? Very little, I am afraid, but there is abundant reason to believe that fixed prices would go up with any increase in the cost of manufacture. This bill, however, would rob the retailer of any power to reflect in his prices the lowered rate on commodities in the wholesale market.

Price fixing is uneconomical because it runs counter to a basic law of economics—the old law of supply and demand. Just let us picture a retailer who in mid season is heavily stocked with branded merchandise, all at fixed prices. Along comes unseasonable weather or an epidemic of influenza or a market crash. The demand drops off, and his goods don't sell. His expenses pile up, and his notes fall due. If he acts quickly, a 20 per cent reduction of his entire stock may liquidate his assets and keep him going, but under this bill he won't be able to liquidate. He must maintain his prices—or what? There is only one course. He must go into the hands of a receiver. Then, and only then, may there be price reduction.

PRICE FIXING UNFAIR

Price fixing is unfair because it discriminates. It makes possible one set of fixed prices for one community and another set for a near-by community. It is entirely possible under this bill that Manhattan would be selling branded articles at one fixed price and Newark, for instance, at a different price, according to a whim of the manufacturer.

Price-fixing legislation is un-American because it is just class legislation. It is solely in the interest of manufacturers and against the interest of the consumer. It is also against the interest of labor and the farmer, as evidenced by their expressed opposition.

Mr. William Green, president of the American Federation of Labor, has said in reference to the principle of price fixing that it is contrary to sound public policy. It is un-American also because it is paternalistic. This great country of ours has not been built up by legislative restrictions. It has been built by the ability, initiative, energy, and free competition of all of our people. Neither wholesalers nor retailers need legislative coddling.

I wonder if you recall the sayings of two famous colored comedians. One was playing a clarinet, and the other listened for a while and said, "Even if that was good, I wouldn't like it." Well, that is just how I feel about this bill. I think it is a bad bill; but even if it were a good bill I wouldn't like it, because it is diametrically opposed to a platform that I believe in, a platform that was heralded by the United States Chamber of Commerce a few years ago and won universal approval, a platform that called for more business in government and less government in business.

I am for that, ladies and gentlemen, and if you are, too, you can't be for price fixing, and if you are not for price fixing, won't you please do something about it? Please do not think that I have any quarrel with the sale of merchandise that is branded or with that national advertising which places branded articles before the public. My only quarrel is with this proposed recourse to radical legislation to fix prices for branded articles, and then to use national advertising for the purpose of keeping prices at excessive levels. No reputable retailer approves of predatory price cutting. This bill may aid in reducing that occasional evil, but it will do greater harm to the consumer in eliminating price cutting arising from differences in cost of retailing. Such a price cutter is a help to the consumer.

Merely because an article bears an advertised name is no reason why it should sell at the same price in all stores in all cities, regardless of operating costs.

SUMMARY OF ARGUMENT

In summary may I repeat, I am opposed to price fixing for the following reasons: It is against the interest of the general public and it will raise the cost of living. It will foster monopolies among manufacturers. It will change the retailer from a buyer for the public to a selling agent for the manufacturer. It will prevent the prompt reduction of retail prices to keep pace with corresponding declines in manufacturing costs. It runs counter to the basic law of supply and demand. It will abolish free and open competition among retailers. It will discriminate between close and neighboring communities. It is class legislation solely in the interest of the manufacturer and against the interest of the consuming public. It is opposed to the interest of the laborer and the farmer as evidenced by their expressed opposition, and last but not least, ladies and gentlemen, price fixing will tend to break down and destroy the initiative of American business. I thank you.

Judge McCook. You have just listened to Major Benjamin H. Namm, president of the Namm Store, Brooklyn, answering Mr. Milton Dammann, president of the American Safety Razor Co., in a debate on the subject of Price Maintenance versus Price Freedom. You will now listen for a few minutes to rebuttal by Mr. Dammann.

REBUTTAL—MANUFACTURERS' VIEWPOINT

Mr. Dakmann. You have been told by Mr. Namm that if price maintenance is made effective the retailer would be merely a distributing agent of the producer and that the retailer in fact is the purchasing agent for the community. That argument turns back the hand of time centuries. In the olden days, and before the introduction of our modern systems of communication and contacts, the shopkeeper sought the marts of the world to satisfy his customers, but conditions have changed. He need not now move from his doorstep. The producer seeks him, seeks him as a means of delivering to the public the branded products that he has taught the public to buy.

The retailer is a necessary link in the chain between producer and consumer made necessary by the broad expanse of a producer who seeks nation-wide distribution.

Mr. Namm tells you that the retailer is engaged in a hazardous enterprise, that he may be overstocked or the victim of unfavorable weather conditions, of industrial depression, and of every other influence which might compel him to have mark-down sales. A perfect answer to this objection immediately presents itself. Producers are not unreasonable men, and in their own interests under such circumstances would always be prepared to relieve a retailer in distress. Indeed the very law that we are discussing makes specific provision for relief and permits sales at reduced prices in the very emergencies that Mr. Namm has suggested.

You have been told that low rents, lower expenses, and other advantages which one retailer has over another places one dealer in a position to sell cheaper than his competitor. My answer to this is that the ordinary economic laws in due season place all dealers on an approximately even keel. One may have the temporary advantage of lower rent or less expense ratio or a more favorable location, but you may be sure he appropriates to himself all of these advantages and Mr. Consumer receives no part of the benefit.

If the books of the notorious price cutters and bargain givers were opened to public inspection, the fallacy of such a contention would be quickly exploded. The so-called superior advantages of the cost of doing business of one over another is just a smoke screen to cover the price cutting.

He tells you that price maintenance would close the door to bargains and that cheap merchandise would no longer be available. Mock competition is what I say it is, a cutting of prices on branded products as a lure to drive the public into the shops. A complete answer to all the arguments and objections urged by Mr. Namm is involved in the simple proposition, that no retailer, be he large or small, need handle the product of any producer. He is not compelled to buy. If he wants to buy to satisfy his trade, let him be willing to do all that his competitors are willing to do.

May I quote in conclusion from an article written by Mr. Justice Brandeis, of the Supreme Court of the United States, several years before he was made a member of that honorable court: "America should be under no illusions as to the value or effect of price cutting. It has been the most potent weapon of monopoly, a means of killing the small rival to which the great trusts have resorted most frequently. It is so simple, so effective. Far-seeing organized capital secures by this means the cooperation of the short-sighted, unorganized consumer to his own undoing.

"Thoughtless or weak, he yields to the temptation of trifling immediate gains and selling his birthright for a mess of pottage becomes himself an instrument of monopoly." [Applause.]

Judge McCook. And now finally, as the last address of the evening in this debate upon the subject of Price Maintenance versus Price Freedom, we have a few minutes in surrebuttal by Major Namm.

SURREBUTTAL—RETAILER'S VIEWPOINT

Major Namm. May I first attempt to answer the final argument of Mr. Dammann about Judge Brandeis. Price cutting is often a weapon of monopoly as alleged, but dynamite, too, is used by miners and by farmers as well as by safe crackers. Price cutting of a predatory nature is bad, but economically justified cutting of price is a different thing.

About this automobile business, the fixed price has not made the automobile business. It has built distribution by perfecting installment selling and by mass production methods. The fixed price in the auto field is a delusion and a snare. Did you ever dicker with a dealer over the price you should get for your old car? There is always important price cutting in the automobile business. When a manufacturer establishes his own retail stores, it is true, as Mr. Dammann says, that he may charge any price he sees fit. But when he proposes to dictate the selling prices of a retail establishment in which his capital is not risked, he proposes to confiscate property.

Why should I turn over my business of 56 years standing to a group of outside manufacturers? The retailer is a manufacturer's outlet, that is true, but it is not a slot machine for the manufacturer to use as he sees fit. The true retailer, as I said before, is a community purchasing agent. He must be the judge of value for the consumer, and he must pick from thousands of competing brands. He is the best judge of fair market trade at retail.

Mr. Dammann says that manufacturers have been hurt by price cutting. Well, some manufacturers don't think so. They welcome the sale of their branded articles at cut prices on the basis of the bigger the cut the greater the demand. The most popular cut-price article in retailing is Listerine, and yet the profits of this company for the last year were in excess of $7,000,000. Does that profit need legislative coddling? It doesn't seem so.

My opponent charges that merchants sell branded articles at bait prices and that they then profiteer on other articles. Well, there can't be very much profiteering in retailing according to the Harvard figures. Last year large department stores made less than 1 per cent on total sales. If that is the result of bait fishing, then the merchants haven't

caught anything to speak of. The only successful catches were made by the manufacturers of the bait.

My opponent has referred to price fixing in other countries. However, he need not look to other countries for examples of bad legislation. Already on our own statute books are laws which forbid writing out checks for less than a dollar, forbid the opening of a package of cigarettes without first destroying the revenue stamp. As we have all found to our cost it is easier to make laws than to unmake them.

My opponent said that price fixing was all right because the public would refuse to buy at prices that were fixed too high by the manufacturer; and then later he said, as I recall, that price freedom was wrong because the public was unable to protect itself against certain high prices set by the retailer. There is something queer about Mr. Dammann's public. It seems able to see out of only one eye.

Price fixing, if you please, applies to any article that may be easily identified, to milk, meat, cheese, to cigarettes, candy, and gasoline. My opponent says, if you please, that so-called loss leaders are used by retailers to attract other business. Granted that this is done, but is that practice harmful to the consumer? I think not. It is harmful even to the manufacturer? Well, most manufacturers that I know use plenty of leaders to attract other business, and never until this very minute did I ever think of asking Congress to pass a law against it. I thank you. [Applause.]

Announcer: Ladies and gentlemen, we have had the pleasure during the past 45 minutes of presenting a very interesting debate, the subject Price Maintenance versus Price Freedom. The affirmative was upheld by Mr. Milton Dammann, president of the American Safety Razor Co., and the negative by Maj. Benjamin H. Namm, president of Namm's Store, in Brooklyn, N. Y.

If you have listened to this debate, you must have some opinion as to which side has won, and both of these gentleman would be very much interested in your opinion, so that if you will just address your letters to the chairman, Judge Philip J. McCook, in care of this station, I am sure that both of these gentlemen will be delighted.

This is station WOR, in Newark, N. J., Arthur Q. Bryan speaking.

MOTOR-BUS TRANSPORTATION

The Senate resumed the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee on page 6, line 8.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment.

The CHIEF CLERK. On page 6, line 20, after the word "*Provided*," it is proposed to insert:

And if no joint board eligible to consider said matter is in existence, then

The amendment was agreed to.

Mr. DILL. Mr. President, these amendments go to a new feature of interstate-commerce regulation. They refer to joint State boards. The Senator from Michigan [Mr. COUZENS] has not said anything about this part of the bill. All he has talked about is the people who are opposing certain parts of it, and accusing them of filibustering, and claiming that they are "on the side of the railroads" because they disagree with him. He has that privilege; but, I want to say now that that kind of talk does not have any effect so far as my own attitude is concerned. I think I know just as well as anybody else who wants this bill passed, and who is responsible for its being here, and who is insisting from all over the country that action be taken immediately, before anybody really understands what its meaning is.

I desire to give notice now that so far as I am concerned this suggestion that somebody is going to filibuster or that "You are on the side of the railroads because you want to do this," is not going to have any effect.

There is one feature of this bill that is, I think, quite commendable. It is a new feature. That is the provision that the questions that come up concerning matters of interstate bus regulation shall be submitted to joint boards consisting of members chosen by the Interstate Commerce Commission from the States which are affected. I do not know how it will work, but it appears in theory at least to offer a solution of many of the problems that have vexed us in the railroad industry; and, for my part, I am glad to see it in the bill. I think it is a very helpful provision, and if the bill becomes a law I hope it may be operated in such a way that we can determine its real value in the regulation of interstate commerce of different kinds.

This whole section, section 3, provides that these matters shall be taken up and considered and acted upon by these joint boards, and if the action of the board is not objected to or protested against, it shall become the order of the commission. To that part of the bill I give my most hearty support.

Now, I want to discuss for a little while how this bill comes to be here, what brings it here. I want to take the record—not some theoretical idea I may have but the record as shown by the hearings on this legislation—and find out who is in favor of this legislation, find out who it is that is insisting that it shall be put through Congress with such great speed, and find out whether or not the railroads are going to oppose the passage of this legislation.

Three sets of hearings have been held on this legislation at different times. The first hearings came in 1926, after the Supreme Court of the United States had declared that the States could not regulate interstate bus operation; and immediately there was a great outcry that we must have Federal regulation. The Senate committee, of which I was then a member, held hearings in the early part of 1926. I want to call attention to who it was that came here insisting so strongly upon this legislation.

I notice that Mr. T. W. Wilson, the vice president and general manager of the Wilmington & Philadelphia Traction Co., the Delaware Bus Co., and the Southern Penn Bus Co., said:

Gentlemen of the committee, I appear before you in reference to Senate bill 1734, which you now have under consideration. I am vice president and general manager of a company doing a very extensive transportation business both in Delaware and Pennsylvania by bus lines as well as trolley lines.

Mr. Wilson is not merely a bus operator but he has trolley lines; and he wants this legislation passed because he knows that if it is passed in the way it is written, these certificates of necessity will keep out future competition. Consequently he thinks it will be a great thing if he can get the Government by law to put up the wall and shut out the competition which he has to meet on the merits of the service he gives to people.

He says:

May I preface my remarks by saying that I am heartily in favor of the theory of the bill, as I believe everyone is who is in the transportation business and trying to run it on decent lines.

I wish, however, to call attention to the situation which exists in the State of Delaware; it is one of the few States in the Union which has no State public utility commission or regulatory body over public utilities.

A number of bus lines have started to operate or are threatening to operate under the ruling made by the Supreme Court in the case of Buck *v.* Kuydendall.

It is a very interesting fact that these people who are in the bus business, who are well established, and who are in the trolley business or in the railroad business, want to have this legislation to protect them. There is not any demand here from the people of the country generally for this legislation. This legislation does not grow out of any great trouble that the people are having in the matter of rates or charges that are made to them. The only real complaint representing the interests of the people is to the effect that these busses use the State highways and tear them up and destroy them and that the States can not regulate them. There is some complaint that there are fly-by-night companies, as they may be called—companies that spring up and run for a little while and then drop out of existence and clutter up the highways—and with those complaints I am in the fullest sympathy. To meet those evils, to meet those conditions, I am ready to vote for legislation at any time; but the thing that it is proposed to do in this instance is what is always proposed when there is a demand for legislation to protect the people's interests. In getting legislation ostensibly to protect the people's interests we get legislation that does far more to protect the interests of those engaged in the business than to protect the interests of the people; and if this monopolistic organization can be built up under this legislation, the rates on busses will be kept up with trolley and railroad rates to such an extent that there will not be any advantage to the people. They will pay so much more in the additional cost of rates, over and above what they would pay if competition had free play, that they could just as well continue to fix up the roads that would be destroyed thereby.

It is not necessary, it is not even good legislation, in protecting the roads of the country and in protecting the citizens of the country, to pass legislation that gives a monopolistic control to those that are now operating.

I have in my possession a letter which came to me this morning—I knew it was being circulated, but I did not have the letter until this morning—from the general superintendent of the Great Northern Railway in my State. It is a letter he sent to every organization of railroad employees in the State, asking them to write to Senator DILL because Senator DILL is opposing certain monopolistic provisions of this bill; and some of these railroad organizations proceeded to send me telegrams and

letters, but some of them sent me the letter, and some of them sent me telegrams and wanted to understand about it.

This letter specifically urges these men to induce Senator DILL to withdraw his opposition because he is a friend of the laboring men on the railways and points out to them what it will mean to the employees of the railroads to have this legislation that will shut other busses off the roads in competition with those now existing.

I do not know anything about other States, so I can not make the comparison; but this general superintendent knows what the certificate of convenience and necessity has meant to him in the State of Washington. He knows that with one of the finest highways in America crossing the Cascade Mountains of my State it has been impossible for five years to get a bus line across the mountains of the State, although an ordinary 10-year-old boy can drive an automobile across there because of the magnificent highway we have. Only within the last few weeks have they been able to connect up the bus lines so that they could actually have bus transportation.

The practice of granting certificates of convenience and necessity was not inaugurated in connection with the railroads until the railroad business had developed to the point where there was little, if any, need for a new railroad. The period of railroad development was well completed. But in the very beginning of the regulation of the bus business we are told that it will be destructive to the interests of the people if we allow the bus business to develop.

Within the last two years on the paved highways up and down the Pacific coast the bus sleeper has been developed. Why did the bus lines take that step? For the simple reason that the competition of a new line which came in compelled the old bus lines to put on the sleeping busses in order to hold the trade. If this law had been in existence, we could not have gotten a new bus line, because a certificate of convenience and necessity would have been required.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. COUZENS. Does the Senator contend that under the bill as reported by the committee that is so?

Mr. DILL. That will be the working out; it will be the result of it.

Mr. COUZENS. The bill requires competition before the certificate is issued.

Mr. DILL. There were two lines; but those lines were in agreement that they would not put on the sleeping-quarter busses. However, when the new line came in, in order to meet the competition, they had to do it.

That is the whole trouble with this bill. The Senator seems to think that because there are two lines in existence, those two lines are going to destroy one another in order to get business, when the fact of the matter is that they have an agreement that neither will make improvements and neither will make new developments.

If there were any necessity for a certificate of convenience and necessity in order to give real regulation, I should not hesitate to permit such a provision to be adopted; but there is no necessity for it. There may be a requirement that interstate busses shall carry insurance to protect passengers, to protect the public against damages of any kind. There may be a requirement that they give bond for continuity of service and regular service. They may be made to fulfill any requirements as to safety, as to drivers, as to hours of service which may be desired by the commission. There is no reason under the shining sky at this time for the so-called certificate-of-necessity provision, except the demand of the existing bus lines, and the railroads which have bus lines, and do not want new ones to come in. Nobody on this floor has yet given a reason, and in my judgment nobody can. Senators can read these three sets of hearings—and I have gone through all of them—and when we trace the cases down we find every time that they want the certificate of necessity because they do not want competition.

Yet because some of us are opposed to it and because some of us think the legislation would better be postponed than to include this provision, we are charged with being filibusterers. Because we do not let the Senator from Michigan have a vote the day he brings in the bill he gets angry, he grows red in the face, he holds up the deficiency bill, and it is a personal matter with him. The trouble with the Senator from Michigan is that he does not realize, evidently, that this is a bill which affects 120,000,000 people; that it is a bill which affects all the highways of the United States and that there may be two sides to the question, and that men are essentially honest. He does not seem to realize also that of the 96 Senators in this body not over 10 or 15 have given any real attention to this legislation. About the only attention they have given has been the attention they have devoted to it because of the telegrams and letters which have been sent to them to pass the Parker bus bill. They have not given it serious consideration.

I am not complaining of that, but I am insisting that in the face of those facts we take a little time to consider what this legislation means, and whether we are ready to-day, when we are just beginning the bus business in the United States, to give to a coterie of men down in Washington, D. C., far removed from the centers of the country where the bus business is being developed, the right to say whether a proposed bus line shall operate in competition with existing bus lines.

There are certain communities, I know, in New Jersey, and New England, and around New York City, where the busses clutter up the roads, but I am convinced that investigation will show that most of that congestion is due, not to the presence of busses, or the excess number of them, but is due to the enormous freight-transportation machines, which run through those States. This bill does not attempt to touch the freight-motor business.

The Senator from Michigan defends the leaving out of any reference to the freight motor business, on the theory that a lot of that is carried by private motor busses. Of course, if they are private motor busses, that is one thing—and I am talking about those engaged in interstate business—but whether they are private or whether they are public, if they are engaged in carrying interstate commerce from one part of the country to another, then they are subject to regulation if Congress sees fit to regulate them. The truth of the matter is that the freight business was taken out of this legislation in the House of Representatives to avoid the opposition of the truck owners, for they are the only bus people involved in all these hearings who have been against this legislation.

Now I want to call attention to another witness, one of the witnesses who is a railroad man, to see whether all railroad men are against this bus bill or not. This is the statement of John M. Lennon, traffic manager for E. P. Winthrop & Son, 76 Broadway, Boston, Mass. He says:

> I am traffic manager of E. P. Winthrop & Son. And I might add that they are the largest motor-bus transportation company in New England, and are engaged in both local and interstate trucking business in Rhode Island, Massachusetts, and Connecticut.

They are here advocating the certificate-of-necessity provision also, because they have the business now. They want the great Government of the United States, through the Interstate Commerce Commission, to throw its arm around them and say, "We will protect you. Nobody can get a license unless he can get the certificate of convenience and necessity. You do not need to worry if we give you this legislation."

That is not necessary for the protection of the public. That is not necessary for the protection of the roads. That is not necessary even for a decent protection to them. They are entitled to be protected against motor busses which spring up for a few weeks when the business is good and then go out of existence, and I want to see legislation which will give them that protection.

They are entitled to legislation which will demand that their competitors shall protect the public, and shall protect the passengers they haul, and I am in favor of their having that legislation. They are entitled to legislation which will make them use the highways on the same terms on which other people do. But they are not entitled to have the Government set up a system whereby they are covered in under this law, and nobody else can get a chance even to have himself considered as a competitor until he is reached in the investigation.

I have taken a little pains to find out about the certificate of convenience and necessity. I took up the question with the finance bureau of the Interstate Commerce Commission. I asked them how many applications for certificates of necessity in the railroad business they had had in 10 years. It has been 10 years since the law went into effect on the railroads.

I have a letter here under date of June 25, 1930, which states:

> From the effective date of the transportation act to June 24, 1930, 1,359 applications under paragraph (18) of section 1 of the act were filed.

In 10 years there were 1,300 applications. Pass this legislation and there will be 1,300 applications in one month.

I asked why it was that we do not give to the commission the power to control rates in this bill, because if we must come to a certificate of necessity in the bus business we ought to come at the same time to a grant of power to fix the rates and protect the public against any agreement which may be made between bus operators or between busses and the railroads, to protect them in the sense of fixing the rates according to the actual cost of giving service. What do the proponents of this bill say?

They say that there would be such a tremendous number of bus rates involved, the sections of the country are so widely different, the conditions surrounding the different bus lines are so varied, that it would be almost an impossibility for the commission to do that effectively, and I think there is much to be said for that contention. I think there is much to be said as to the impracticability of fixing rates in the interstate bus business. But there is even more to be said as to the impracticability of requiring a certificate of necessity before one can run a bus down the road.

This attempt to regulate busses as we regulate railroads would be amusing if it were not so serious in its results. Mr. McDonald, of the Good Roads Service, has placed in the hearings a statement on this subject—I do not know whether I can lay my hands on it immediately or not—which in many ways is quite impressive and quite clear as to the use of the highways. I recall this part of it particularly, that he tried to impress upon the committee the fact that the highways of this country are the property of all the people, that they have been built and paid for out of the taxes paid by the people, and that they should be used in the interest of all the people.

The only justification, in my judgment, for the use of the highways of this country for the operation of paid motor busses for carrying passengers is to give the people the opportunity to ride by that method of transportation at a lower rate of transportation than the railroads afford, because in most cases the people take the interstate busses to ride because the rate is less. For short trips they may take them because they do not make so many stops, or there may not be quite as much dirt or quite as much heat as will be found on a railroad train in summer; but when it comes to long trips across the country most of the people who take the interstate busses take them because the cost is less and they want to save money.

That, I say, is a legitimate reason. Yet in the very beginning of this business it is proposed that we take away the possibility of lowering rates and giving the public the benefit to which they are entitled if they give up the use of the highways to these busses which make money.

On June 24 there were 59 contested cases of these applications for the certificate of convenience and necessity. Some of the cases have taken a considerable time to decide; a great many of them have not taken very much time. The average time for the ordinary contested case seems to be about a year. There are some which run a little less, there are some which run a year and a half, but generally they run about a year.

I note the writer of this letter goes on to say that of the 59 contested cases pending on June 24, 1930—

The application filed earliest is Finance Docket No. 4713, application of the Salt Lake & Denver Railroad Co., which was filed March 23, 1925, and in which an examiner's proposed report was issued January 27, 1926, since which time further action has been deferred at the request of the applicant.

I shall not take the time to read the rest of this letter, but I ask unanimous consent to have it printed in the RECORD, together with the list of the pending cases furnished me.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION,
BUREAU OF FINANCE,
Washington, June 25, 1930.

Hon. CLARENCE C. DILL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This refers to your conversation with this bureau relative to the length of time it takes the commission to decide cases involving applications for certificates of public convenience and necessity. You stated that you understood that in contested cases about two years elapsed between the filing of an application and the final decision. You asked to be advised of the number of applications filed and the number pending and also for a statement as to the correctness of the two years said to be necessary for the final disposition of such cases.

From the effective date of the transportation act to June 24, 1930, 1,359 applications under paragraph (18) of section 1 of the act were filed. On the latter date there were 59 contested cases pending. Of these 59, the application filed earliest is Finance Docket No. 4713, application of the Salt Lake & Denver Railroad Co., which was filed March 23, 1925, and in which an examiner's proposed report was issued January 27, 1926, since which time further action has been deferred at the request of the applicant. Proceedings in 14 other cases have been deferred at requests of the applicants.

As explained to you, the elapsed time between the filing of an application in a case which is contested and the final report is due to the various procedural steps necessary in the handling of the case. An applicant is allowed six weeks within which to file its return to questionnaire. If protests are filed the question of setting a date for hearing is taken up after the filing of the return. Then hearing is set and held, time for filing briefs set, briefs filed, and examiner's proposed report issued in most such cases. Parties then have time within which to file exceptions to the proposed report, and opposing parties time for reply to those exceptions. Oral argument is usually held in such cases, if request therefor is made, and it is usually made. Upon completion of argument, the case is then submitted and ready for final decision.

Perhaps the most satisfactory way in which to show the length of time elapsed between the filing of applications and the rendition of decisions is to list the contested cases decided since January 1, 1929. Such a list is attached.

Very truly yours.

CHARLES D. MAHAFFIE, *Director.*

Statement of contested convenience and necessity cases decided by the Interstate Commerce Commission since January 1, 1929, under section 1 (18) of the interstate commerce act

Title	Citation to report	Date application filed	Date submitted	Date decided
Proposed construction of line by Imperial R. Co	150 I. C. C. 274	July 10, 1928	Nov. 8, 1928	Jan. 22, 1929
Proposed construction of line by Pecos & N. T. Ry. Co	150 I. C. C. 457	Mar. 9, 1928	Jan. 25, 1929	Feb. 18, 1929
Abandonment of line by Chicago & N. W. Ry. Co	150 I. C. C. 544	Sept. 26, 1928	Jan. 11, 1929	Mar. 11, 1929
Proposed abandonment by Chicago, R. I. & P. Ry. Co	150 I. C. C. 567	May 26, 1928	Feb. 28, 1929	Mar. 9, 1929
Abandonment of line by El Paso S. W. R. Co	150 I. C. C. 577	July 2, 1928	Mar. 5, 1929	Mar. 11, 1929
Unified operations at Los Angeles Harbor	150 I. C. C. 649	May 7, 1928	Jan. 24, 1929	Mar. 16, 1929
Construction of lines by St. L. S. W. Ry. Co	150 I. C. C. 685	July 30, 1928	Feb. 23, 1929	Mar. 14, 1929
Abandonment of line by Detroit & M. Ry. Co	150 I. C. C. 735	Sept. 27, 1928	Mar. 21, 1929	Apr. 5, 1929
Construction by San Francisco-Sacramento R. Co	150 I. C. C. 771	Sept. 10, 1928	Mar. 28, 1929	Apr. 6, 1929
Proposed construction by Western P. R. Co	154 I. C. C. 17	Sept. 3, 1927	Feb. 27, 1929	Apr. 15, 1929
Proposed construction by Denver & S. L. W. R. Co	154 I. C. C. 51	Dec. 24, 1924	Mar. 11, 1929	Do.
Construction of line by Sacramento Northern Ry	154 I. C. C. 65	Dec. 13, 1927	Mar. 27, 1929	Apr. 22, 1929
Abandonment of line by Denison, B. & N. O. R. Co	154 I. C. C. 135	Dec. 26, 1928	Apr. 5, 1929	May 3, 1929
Operation by Detroit T. & I. R. Co	154 I. C. C. 239	May 24, 1928	May 10, 1929	May 25, 1929
Operation of line by Mississippi River W. Ry. Co	154 I. C. C. 263	July 5, 1928	Apr. 24, 1929	Do.
Proposed construction by Western Pac. R. Co	154 I. C. C. 330	July 16, 1928	May 25, 1929	June 14, 1929
Proposed construction by Northern Calif. R. Co	154 I. C. C. 388	Oct. 5, 1927	May 24, 1929	June 19, 1929
Proposed construction by Sacramento Northern Ry	154 I. C. C. 447	July 16, 1928	May 25, 1929	June 1, 1929
Operation of facilities by Wheeling & L. E. Ry. Co	154 I. C. C. 516	Dec. 8, 1928	June 17, 1929	July 9, 1929
Abandonment of lines by Sligo & E. R. Co	154 I. C. C. 725	Apr. 13, 1929	Sept. 18, 1929	Sept. 27, 1929
Abandonment of branch line by Detroit T. & I. R. Co	154 I. C. C. 753	Jan. 28, 1929	Sept. 20, 1929	Sept. 28, 1929
Abandonment of Fairchild & N. E. Ry. Co	158 I. C. C. 144	Mar. 11, 1929	Sept. 26, 1929	Oct. 25, 1929
Extension of Miami Municipal R	158 I. C. C. 169	July 5, 1928 July 14, 1928	Oct. 23, 1929	Nov. 15, 1929
Rerouting of Grand Trunk car ferries	158 I. C. C. 239	Dec. 21, 1928	Oct. 17, 1929	Nov. 14, 1929
Construction of line by Texas-N. Mex. Ry. Co	158 I. C. C. 277	Dec. 3, 1928	Nov. 9, 1929	Dec. 2, 1929
Abandonment of Fonda J. & G. R. Co	158 I. C. C. 379	July 9, 1929	Dec. 2, 1929	Dec. 10, 1929
Construction by San Antonio & A. P. Ry. Co	158 I. C. C. 425	Aug. 12, 1929 Sept. 7, 1929	Nov 18, 1929	Dec. 14, 1929
Abandonment by Southern Pac. Co	158 I. C. C. 430	Mar. 23, 1929	Oct. 11, 1929	Dec. 17, 1929
Extension by Missouri Pac. R. Co	158 I. C. C. 449	Jan. 23, 1929	Nov. 26, 1929	Do.
Abandonment by Hines Yellow Pine Trustees	158 I. C. C. 476	Aug. 19, 1929	Dec. 5, 1929	Dec. 20, 1929
Yates & W. T. Ry. Co. proposed construction	158 I. C. C. 535	Jan. 12, 1929	Nov. 27, 1929	Jan. 9, 1930
Quanah A & P. Ry. Co. construction	158 I. C. C. 563	May 27, 1929	Dec. 27, 1929	Jan. 7, 1930
Gulf & West Texas Ry. Co. construction	158 I. C. C. 546	Feb. 23, 1929	Oct. 16, 1929	Oct. 28, 1929
Mineral Point & Northern Ry. Co. abandonment	158 I. C. C. 591	Sept. 7, 1929	Dec. 31, 1929	Jan. 11, 1930
St. Louis-S. F. Ry. Co. abandonment	158 I. C. C. 602	Jan. 24, 1929	Jan. 12, 1930	Jan. 16, 1930
Broward County Port Authority construction	158 I. C. C. 721	July 5, 1929	Jan. 24, 1930	Jan. 30, 1930
Pittsburgh & W. Va. Ry. Co. construction	158 I. C. C. 749	July 20, 1929	Jan. 29, 1930	Feb. 7, 1930
Western Pac. Calif. R. Co. proposed construction	162 I. C. C. 5	July 16, 1928	Sept. 27, 1929	Feb. 8, 1930
Great Northern Pac. Ry. Co. acquisition	162 I. C. C. 37	July 8, 1927	Oct. 5, 1928	Feb. 11, 1930



Statement of contested convenience and necessity cases decided by the Interstate Commerce Commission since January 1, 1929, under section 1 (18) of the interstate commerce act—Con.

Title	Citation to report	Date application filed	Date submitted	Date decided
Chicago, M., St. P. & P. R. Co. proposed abandonment	162 I. C. C. 89	Mar. 16, 1929	Jan. 27, 1930	Feb. 20, 1930
Toledo P. & W. R. operation and construction	162 I. C. C. 100	June 30, 1928 Aug. 31, 1928	Nov. 27, 1929	Feb. 25, 1930
Jacksonville G. & G. Ry. abandonment	162 I. C. C. 125	Oct. 14, 1929	Jan. 18, 1930	Feb. 27, 1930
New Orleans G. N. R. Co. abandonment	162 I. C. C. 135	Oct. 24, 1929	Feb. 5, 1930	Mar. 1, 1930
Chicago, M., St. P. & P. R. Co. abandonment	162 I. C. C. 141	July 5, 1929	Feb. 21, 1930	Mar. 5, 1930
Minneapolis, St. P. & S. S. M. Ry. Co. abandonment	162 I. C. C. 175	July 13, 1929	Feb. 25, 1930	Mar. 12, 1930
Detroit & Mackinac Ry. Co. abandonment	162 I. C. C. 205	Mar. 18, 1929	Mar. 8, 1930	Mar. 17, 1930
Long Island R. Co. trackage	162 I. C. C. 218	Dec. 13, 1928 May 21, 1929	Jan. 28, 1930	Mar. 18, 1930
Chicago, M., St. P. & P. R. Co. abandonment	162 I. C. C. 275	Mar. 15, 1929	Jan. 27, 1930	Apr. 1, 1930
Louisiana Ry. & Nav. Co. abandonment	162 I. C. C. 285	Nov. 19, 1929	Apr. 1, 1930	Apr. 2, 1930
Chicago, M., St. P. & P. R. Co. abandonment	162 I. C. C. 295	Dec. 3, 1929	Mar. 5, 1930	Mar. 31, 1930
Reading, M. & H. R. Co. abandonment	162 I. C. C. 301	Jan. 6, 1930	....do....	Mar. 28, 1930
Chesapeake & O. Ry. Co. construction (hearing deferred on request of applicant)	162 I. C. C. 309	Feb. 10, 1926	Feb. 20, 1930	Mar. 31, 1930
Chesapeake & O. Ry. Co. acquisition	162 I. C. C. 323	Nov. 20, 1929 Dec. 14, 1929	Jan. 30, 1930	Apr. 2, 1930
Long Island R. Co. abandonment	162 I. C. C. 363	Jan. 10, 1929	Jan. 28, 1930	Apr. 10, 1930
Southern Pac. Co. abandonment	162 I. C. C. 391	Nov. 11, 1929	Mar. 11, 1930	Apr. 11, 1930
Meridian & B. R. Ry. Co. proposed operation	162 I. C. C. 438	Nov. 4, 1929	Mar. 24, 1930	Apr. 16, 1930
Chicago, M., St. P. & P. R. Co. abandonment	162 I. C. C. 449	July 5, 1929	Apr. 7, 1930	Apr. 17, 1930
Chicago, St. P., M. & O. Ry. Co. abandonment	162 I. C. C. 469	Sept. 13, 1929	Mar. 24, 1930	Apr. 25, 1930
Panhandle & S. F. Ry. Co. construction	162 I. C. C. 477	Oct. 12, 1929	Mar. 28, 1930	Apr. 28, 1930
Atlantic Coast Line R. Co. abandonment	162 I. C. C. 497	July 10, 1929	Apr. 10, 1930	Do.
Construction of railroad lines in Northern Texas (7 cases)	162 I. C. C. 398	Jan. 15, 1929 May 27, 1929	Mar. 13, 1930	Apr. 14, 1930
Virginian Ry. Co. construction	(1)	Apr. 10, 1929	Mar. 12, 1930	May 5, 1930
Kaydeross R. Corp. abandonment	(1)	Oct. 4, 1929	May 5, 1930	May 14, 1930
St. Louis-S. F. Ry. Co. construction and/or acquisition	(1)	July 1, 1929	May 2, 1930	May 15, 1930
Great Nor. Ry. Co. construction	(1)	Feb. 14, 1929	Apr. 17, 1930	June 9, 1930
Western Pac. R. Co. construction	(1)	....do....	....do....	Do.
Great Nor. Ry. Co. et al. construction and acquisition	(1)	Aug. 17, 1929	....do....	Do.
City and County of Denver abandonment	(1)	Aug. 17, 1928	Jan. 16, 1930	June 2, 1930
Colorado & So. Ry. Co. abandonment	(1)	Sept. 22, 1928	....do....	Do.
Penn., O. & Det. R. Co. abandonment	(1)	Oct. 19, 1929	May 26, 1930	June 10, 1930

[1] Reports not yet in print.

Mr. DILL. Now, I want to call attention to some more of the railroad people who are opposed to this legislation, about whom the Senator from Michigan talks. The fact is they are not opposed to the legislation. The fact is that the railroad people and the bus owners are the only ones who are really demanding it.

A while ago I referred to a statement by Mr. McDonald which I could not find at that moment. I now have it and want to read just a paragraph from it:

From the early days of the Republic to the dawn of the present century the principal roads of the United States were toll roads, or turnpikes. All persons using them paid for the privilege at the time of use. There were, of course, many roads of local importance only which were repaired with public funds or with tax labor, but these, in the main, were unsurfaced earth roads. Practically all roads improved by surfacing were financed by tolls collected either by companies or by units of government. So universal was this method that the verb "to turnpike," coined from the noun which originally signified only the gate to stop travelers on the toll roads, was used practically as a synonym for "to improve."

Our people will never again submit to a method of collecting revenue for highway improvement which requires the traveler to halt on his journey and pay a toll as the price of proceeding. But because we do not pay for the use of the roads at the moment of use, as we did in the turnpike days, is no reason for assuming that we no longer pay for the roads.

No one who has followed the development of the gasoline tax as it has been adopted by one State after another until now when it is collected in 44 States—

The number is greater than that now. I think it is collected in 46 States now.

No one who has followed the development of the gasoline tax as it has been adopted by one State after another until now when it is collected in 44 States and the District of Columbia, no one who has observed the tendency to increase the rate of this tax once it has been adopted, and certainly no one who has paid the tax at the rate of 2, 3, or 4 cents for every gallon of gasoline consumed by an automobile or motor truck can be deluded into the belief that the use of the highways is free. The gasoline tax differs no wise in principle from the turnpike toll; and the motor-vehicle license fee as it is collected and applied is scarcely distinguishable from it.

I read that because it calls attention so vividly to the fact that although the people have built the highways to-day that are better than any turnpike that was ever built, and the people are using them freely and they are open to everybody, it is proposed by the bill now before us to set aside those who have been ambitious and active enough to start these interstate bus lines and to give them a monopoly of the business under the law.

I started awhile ago to give the names of some more railroad employees. I refer now to Mr. Lucius S. Storrs, managing director of the American Electric Railway Association. He is here in the interest of bus regulation. He is one of the railroad men whom the Senator from Michigan evidently overlooked. He said:

We are vitally interested in this whole question, and we are vitally interested in this proposed legislation. * * * The membership of this organization—the American Electric Railway Association—embraces substantially all of the electric railway lines, both urban and interurban, in the United States.

Then he stated:

The industry operates about 44,000 miles of rail lines and 12,000 miles of bus routes.

When we get into the hearings we always find that the railroad men who want the busses regulated are those who own the railroad lines and the bus lines, because the bill will cover them under the "grandfather clause" and give them a monopoly, while others must come in and secure a certificate of convenience and necessity, a thing practically impossible so long as the present operators continue to give any service. Thus we destroy the competition which has built up the present business to where it now is, and which has made the bus travel of the United States the best to be found anywhere in the world.

The bill proposes to place upon them the burden of securing a certificate of convenience and necessity, so that having built it that far they need not fear the competition of others who want to come in, because they will have to get a certificate first to show that there is more need for additional transportation than can be supplied by the busses already in existence.

Then I find the statement of Dudley Farrand, vice president of the Public Service Railway Co. and Public Service Transportation Co., of Newark, N. J. He is another one of the railway men with busses who want to have this protection of the Government in the form of a certificate of convenience and necessity for others, while he gets a certificate merely because of the fact that he is already operating.

Then I find the statement of Alonzo R. Williams, representing the United Electric Railways Co. of Providence, R. I.

He says that they have an investment of over $40,000,000 and that investment pays to the State of Rhode Island a tax of 1 per cent on the gross earnings, amounting to $7,560, there being 51 busses all told. The busses are all bonded and the total tax and cost of operation of these busses to the company and paid to the State is $12,264. He talks about the extreme importance of having a bus regulation law which will protect him and his industry.

Then I find the statement of Chauncey B. Hammond, general agent of the Elmira, Corning & Waverly Railway, of Elmira, N. Y., who tells also of the great benefits to be found which will result in this kind of legislation.

I have not the time to comment on all of this list of men who appeared before the committee, but the hearings are full of their statements because they were the men who started the sentiment for the legislation. They are the ones who have been keeping it going ever since. The primary reason, I think, why the insistence is so great that we shall go on with the bill immediately, that we shall act upon it now, that we shall not take any time to discuss it or consider it, is that the demand has been made by the owners of the railroads upon Senators and Congressmen for action. The common people do not know what is going on and have no way of realizing what is being done. I fear we will get this law on the statute books, and when it is once there it will be practically impossible to change it.

Mr. President, I understand the Senator from Oregon [Mr. McNARY] desires to adjourn a little earlier than usual this afternoon, so I shall not take more time at present.

Mr. KEAN. Mr. President, I have listened with a great deal of interest to the remarks of the Senator from the opposite end of the United States, the Senator from Washington [Mr. DILL].

Because of its location between the great centers of population of New York, on the one hand, and Philadelphia, on the other, New Jersey's problem in this regard is a very acute one. There are a great many unregulated interstate motor-bus lines operating throughout the State. Taking a typical week day, such as March 27, 1930, the number of busses passing through the Holland Tunnel between Jersey City and New York number 1,047 vehicles.

The Delaware Bridge, connecting Camden, N. J., with Philadelphia, was opened to traffic in July, 1926. Considering another typical day, on March 5, 1930, the number of busses operated over the bridge between Philadelphia and Camden was 4,071.

During the rush hours of morning and afternoon, when thousands of people are going to and from work, it has been found that irresponsible busses have been operated at these times. The bus lines that are running on regular schedule throughout the day endeavor to maintain uninterrupted service. They aim to be of service to the traveling public, and are run on regular schedules whether there be a sufficiency of passengers or not. They are the pioneers in this industry. So-called "wildcat" busses have started operating all over the country, operating at the free will of their owners or of the men who have borrowed enough money on them to get started. They can operate at a profit for a short time, and thus interfere greatly with the legitimate or regular bus lines. They interfere with the regular trips to and fro; they are insanitary; they put up no bonds for the protection of the public in case of injury; they refuse, as the Senator from Kentucky said the other day, to stop more than once in a State, because should they stop twice they would be subject to regulation by the State commission. The public are very badly served and, in my opinion, are very anxious for the enactment of legislation of this character.

In order to show the character of service rendered by the "wildcat" busses, which could not operate if this bill were passed, I send to the desk and ask to have read certain testimony in reference to that subject.

The PRESIDENT pro tempore. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

DOCKET NO. 18300—MOTOR BUS AND MOTOR TRUCK OPERATION—INTERSTATE COMMERCE COMMISSION

(Hearing before Leo J. Flynn, attorney-examiner at Los Angeles, Calif., August 17, 1926, pp. 1805–1810)

Q. (By Examiner Flynn.) State your name, residence, and occupation.—A. My name is Esther McCulloch, social worker and station supervisor for the Travelers' Aid Society, Los Angeles.

Q. I understand that you have some statement to make which you think is pertinent to this inquiry.—A. Yes. Our office received a letter in April from the Travelers' Aid, Omaha, asking our assistance in securing redress for Mr. and Mrs. Balthes. They had bought transportation between here and Chicago on a motor bus for $45 apiece. They were taken as far as Omaha and there they were dropped at a hotel at 6 o'clock in the evening. The driver said he would return at 9. He didn't come back at all. So they were stranded financially, they had to pay so much more for their hotel bill than was represented to them. The Travelers' Aid Society assisted them in securing transportation on East to their destination, and while they were doing that they were obliged to stay in Omaha for several days at the expense of the public there. Omaha asked us to investigate at this end of the line where they bought their transportation, and we consulted the city commissioner here and found they had no jurisdiction. They referred us to the city district prosecuting attorney's office. They had already had complaint against this same man, and upon investigation found he had sold out all of his machines and had disappeared overnight. They had an idea where he was, but it was in another State, and because they had no funds to carry on an investigation outside of the State they were obliged to drop it.

At the suggestion of the city prosecuting attorney we then wrote to the Interstate Commerce Commission, but we have received no reply.

This is typical of any number of cases that come to our office, and because we apparently can find no one who has jurisdiction in such matters we are obliged to let them drop. We have secured no redress whatever for this man and his wife.

Q. When was this?—A. This happened in April, this year. We have had several cases since that we did not pursue because we knew there was really no use. I can cite those, but they are not as detailed as this one.

Q. Do you have the same thing now?—A. In one case a young girl was sold transportation to St. Louis——

Q. From where?—A. From Los Angeles. She was told hotel expenses would be a certain amount. When she got as far as Needles she had exhausted considerable of the money that she had, and seeing she could never make it through she took what money she had left and bought a return-trip ticket on the railroad back to Los Angeles. We have got nothing for her. The motor people in this case said they would take her on to St. Louis and they would not charge her more, but she had no money to meet her expenses that it would cost to pay her hotel expenses and her meals.

We have one case of a woman who was going from here to Denver. At Las Vegas she became ill and had to leave the bus. They refused to take her on and refused to refund anything whatever on the remainder of her ticket, and then she became a public charge in Las Vegas.

Q. You say they refused to take her on?—A. Yes; they refused to take her on and refused to make refund on her ticket.

We had another case of a woman who made a $5 deposit. She was going to New Orleans from Los Angeles, and when she appeared for the purpose of leaving next morning there was no bus to take her.

Q. Did she get her money back?—A. In that case; yes; I think she did; but she didn't get her transportation, and she wanted to get there in a hurry; her son was dying.

In the first case I cited here I have the man's name who operated the service, and the driver, also the license number.

Q. License number what?—A. 33–799, 1926, Los Angeles.

Q. What State?—A. California—I beg pardon, Colorado license.

Q. In investigating these cases did you find any official in charge or anybody that was able to give any redress or take any action in that direction?—A. No; they said they couldn't do anything on busses operating across the line. I was referred to Mr. Barth, of the prosecuting attorney's office. It seems he was interested in this question; that he had already investigated previous complaints against this man; and while he thought he knew where the man was, he had dropped out of the State.

As I say, I wrote to the Interstate Commerce Commission but I have had no reply. I didn't send that until June—June 18.

Q. Is there anything further you wish to state?—A. That is all.

Examiner FLYNN. Any questions of Miss McCulloch?

Cross-examination:

Question (by Mr. EDDY). One question. Has it been your experience that these experiences have been encountered by people who can ill afford to meet the excess cost of transportation, and that it is persons of limited means who seek the present facilities for interstate transportation by bus line?—A. Yes; that is true.

Mr. EDDY. That is all.

A. They usually go on a very narrow margin.

Question (by Examiner FLYNN). I understand the bus fares which were held out to these people were less than the rail fares?—A. Yes; considerably less; and they misrepresent the charges at the hotels and for meals; that is where the people get stuck so often.

Mr. KEAN. Mr. President, during the rush hours busses operated by those who do not maintain regular schedules endeavor to take advantage of travel by bus, which has been developed by the major lines, and operate during such hours busses which are not adequate to protect the riding public. There is no regulation to prevent the operation of these busses in interstate business. In other words, a trip originating in one State and ending in another is not regulated by law. The responsible bus owners desire this regulation and desire that all busses should come under similar law; otherwise chaos will result from the absence of proper regulation.

A chaotic condition has been the result of the absence of a law to regulate interstate busses. The public welfare has not been kept in mind; the fares charged by the unregulated lines have varied, and in a great many instances to the extent that a rate fixed one day would be changed again the next day. Unsafe and insanitary busses have been utilized; ab-

sence of financial responsibility in case of injury or death, the fixing of routes for the convenience of patrons, the using of highways without any return, and the necessity arising for additional police regulation, all tend to make for confusion and loss to the municipalities through which the busses pass. New Jersey, because of its location, is traversed by nearly one-fifth of all the busses engaged in interstate traffic and contains more than one-tenth of all the companies so engaged. The necessity of control of interstate busses is not alone confined to New Jersey but is a problem which every State in the Union is daily facing in greater or less degree. It is a method of travel that is constantly on the increase, and it is a fact that interstate regulation must eventually be provided and ample provision made for this mode of travel.

The Interstate Commerce Commission realizes that the traveling public must be protected. At the present time the public has no protection whatsoever, except as may be provided by reliable carriers—those carriers which have ample assets to pay damages resulting from an accident and incurred while being carried by interstate busses. The Interstate Commerce Commission made a report in which is found the following language:

With no law regulating interstate commerce carried over the public highways such commerce can now be, and is, carried on by as many as desire, regardless of financial responsibility, and free from the slightest control or regulation as to routes, fares, schedules, public convenience and necessity, and comfort or safety of passengers. Operators engaged in such business are not required to report to any authority and, save for the public regulations of States and municipalities, are subject to none. They may operate at their pleasure and may cease operation temporarily or permanently as they choose. There is nothing to prevent them from discriminating unduly and competing unfairly. The public using such lines have no governmental agency of any description to which they may appeal in the matter of rates, routes, schedules, or safety in the use of public highways.

A bus line may take out insurance, but such insurance covers only an injury that may be done to a person not a passenger on the bus; in other words, an injury done to a person on the highway. The bus industry is a growing one. It is a popular mode of travel. It touches points that are not accessible to railroads. It is a comfortable means of transportation. Business is solicited by the bus companies, and people use this mode of transportation without any thought of regulation by proper authority. Under present conditions an interstate bus is not governed by any law, and it is due to the traveling public that their interests should be protected to as great a degree as their interests are protected by any other mode of interstate travel. The Interstate Commerce Commission made an investigation of the motor-bus industry of the entire country and heard hundreds of witnesses, upon which a voluminous report was made. On page 702 of that report will be found the following:

Bus service on regularly certified routes is generally satisfactory throughout the country. Any serious complaint against bus operations appears to be directed against those conducted by noncertificated, unregulated interstate operators commencing operations after the State regulatory bodies were deprived by decisions of the Supreme Court of such control as they had exercised over interstate motor carriers. These noncertificate bus operators, frequently referred to as "wildcatters," have worked considerable injury to regular and responsible bus lines, not only by cutting rates below what is claimed to be an economic basis but also because the financial irresponsibility and reprehensible practices of some tend to discredit reputable and responsible bus operations with the public.

The equipment of "wildcat" operators is sometimes represented by a single second-hand touring car purchased with a small down payment. Some sell round-trip tickets and fail to make the return trip. Misleading advertisements are placed in newspapers. Sometimes their cars break down en route and passengers are forced to seek other transportation, without reimbursement. Accidents have occurred, with the operator having no liability insurance and being financially irresponsible. Passengers' property has been lost, with no method of recovery for the loss. On some occasions where a breakdown has occurred passengers have been required to furnish the operator with sufficient funds for the repair of the car in order that the journey might be continued. In other instances cars have broken down, and the operator, with little equity in the car, has abandoned it and left the passengers stranded.

In the present state of the law there is no regulatory tribunal to which interstate passengers traveling in a motor vehicle can appeal for protection or reimbursement in case of accident or damage.

On page 737 of this report is the following:

The vital factor in regulatory control over motor carriers is the certificate or permit issued by the regulatory body for a specified motor operation after finding that it is in the interest of "public convenience and necessity."

On the same page (737) the report says:

Certificates of public convenience and necessity are required not so much with a view to safety or to the conservation of the highways but primarily for the purpose of protecting the public interest by excluding unnecessary and wasteful competition and by determining what persons or companies are best able to serve the public. The requirement that a certificate of public convenience and necessity shall be a prerequisite to motor-vehicle operation prevents duplication and unnecessary service where existing facilities are sufficient to meet the transportation needs of the public; it protects the public by preventing irresponsible operations, and gives to certificated carriers some protection against unnecessary competition.

And on page 741 of this report will be found the following:

It does not seem consistent with sound public policy that the public, primarily entitled to use the highways, should be protected against undue and unnecessary use of such highways by common-carrier motor vehicles engaged in intrastate commerce, while unlimited and unrestricted use of them may be made by common-carrier motor vehicles operated in interstate commerce. Wear and damage to the highways and the hazards of transportation are the same whether a motor vehicle of a certain type is moving in interstate or in intrastate commerce.

With no law regulating interstate commerce carried over the public highways, such commerce can now be and is carried on by as many as desire, regardless of financial responsibility and free from the slightest control or regulation as to routes, fares, schedules, public convenience and necessity, and comfort or safety of passengers. Operators engaged in such business are not required to report to any authority, and, save for the police regulations of States and municipalities, are subject to none. They may operate at their pleasure and may cease operation temporarily or permanently, as they choose. There is nothing to prevent them from discriminating unduly and competing unfairly. The public using such lines have no governmental agency of any description to which they may appeal in the matter of rates, routes, schedules, or safety in the use of the public highways.

Legislation by Federal authority is the only remedy for this situation, as the States do not have the power to control it.

The Interstate Commerce Commission further stated:

The regulation of interstate commerce by motor vehicles operating as common carriers of passengers on the public highways over regular routes or between fixed termini should be provided for by law.

Since the Supreme Court has decided that the several States do not have the right to restrain or regulate interstate motor carriers, every State board of utility commissioners has expressed the same views.

The growth of this industry in the last five years has justified the recommendations of public officials who urged regulation. For instance, in 1925 there were 53,200 motor busses in operation. In 1929 this number had increased to 92,400.

In 1925 the number of miles covered by motor busses was in the neighborhood of 345,500 miles.

In 1929 this mileage had increased to 719,500.

In 1925 the number of bus miles, all common carriers, amounted to 971,000,000 miles.

In 1929 it had reached 1,760,000,000.

In 1925 the passengers carried numbered 870,000,000, and in 1929 the number had increased to 1,793,000,000. The gross revenue increased from $186,000,000 in 1925 to $366,000,000 in 1929, and the total investment had increased from $236,000,000 in 1926 to $531,000,000 in 1929.

The bus as a mode of transportation is a very popular one, and there is no doubt that it has become a permanent mode of travel and has reached such proportions that regulation by the Federal Government, supplementing State regulation, is imperative.

Section 5 of the bill provides:

No certificate of public convenience and necessity issued under this act shall be construed as conferring any proprietary or exclusive rights in the public highways.

And further:

In the administration of this act the commission shall, so far as is consistent with the public interest, preserve competition in service.

Section 2 of the bill provides that the commission shall—

Supervise and regulate common carriers by motor vehicles as provided in this act, and to that end the commission may establish reasonable requirements with respect to continuous and adequate service at just and reasonable rates, a uniform system of accounts and reports, qualifications and maximum hours of service of employees, safety of operation and equipment, comfort of passengers, and pick-up and delivery points whether on regular routes or within defined localities or districts.

In order to assure the regulation of rates, fares, and so forth, the commission is given power to set aside any such rate, fare,

or charge, if after complaint has been made in writing such rate or fare is found to be unjust or unreasonable. No tariff of rates, fares, or charges will be effective until filed and posted with the commission, and no change can be made therein except upon 30 days' notice, unless the commission for good cause shall otherwise order.

Section 9 of the bill prohibits the consolidation, merger, or acquisition of control of carriers operating under certificates granted by the commission, unless such consolidation, merger, or acquisition of control is approved by the commission as being in the public interest.

In section 2 of the bill there is a provision that any person, corporation, or State board may make complaint in writing to the commission alleging a failure by any motor carrier to comply with the requirements established under that section, and if, after any such complaint, it is decided, in accordance with the procedure provided in section 3, that the motor carrier has failed to comply with such requirements an appropriate order shall be issued. Still having the public in mind, section 3 of the bill provides that the public may have the right to intervene in any proceeding that is pending before the commission. A penalty for violation of any requirement by the carrier is provided in section 13 of the bill, and that section also provides:

> If any motor carrier operates in violation of any provision of this act, or of any final order thereunder, or of any term or condition of any certificate of public convenience and necessity or charter carrier permit, the commission or any party injured may apply to the district court of the United States for any district where such motor carrier operates for the enforcement of such provisions of this act or of such order, term, or condition, and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or by other process, mandatory or otherwise, restraining such carrier, its officers, agents, employees, and representatives from further violation of such provision of this act or of such order, term, or condition, and enjoining upon it or them obedience thereto.

The bill grants power to local boards, where the carrier operates in but two States, to administer the act, and the most important feature in this regard arises from the fact that such a board will have first-hand, direct, and personal knowledge of local conditions affecting motor-bus transportation.

Present conditions are intolerable. Busses run from one State to another; they refuse to stop to take on or let off any passengers in the State except at one point so as not to bring themselves under State regulations, as they claim they are not under State control. The purpose of the bill is to correct this condition.

Mr. President, as I have said, many million people travel by bus from one part of the country to the other. I know of no way of protecting them except by requiring the issuance through the Interstate Commerce Commission of certificates of convenience and necessity.

It may be that the street railroads, which, in my opinion, in a few years will have to go out of business, are behind this bill; it may be that some of the railroads are interested in it; I do not know as to that; but I do know that nearly every State railroad commission that has looked into this question is in favor of this bill, and I very much hope that it will pass.

SATURDAY SESSION

Mr. McNARY. Mr. President, I am advised by the able leader of the Republican majority of the Senate that on to-morrow the Finance Committee of the Senate will be in a position to report to the Senate the veterans' bill. For that reason I want to advise the Members of the Senate that there will be a session to-morrow, Saturday, for the purpose of receiving the report of the Finance Committee on the measure.

DEATH OF REPRESENTATIVE STEPHEN G. PORTER, OF PENNSYLVANIA

Mr. REED. Mr. President, Representative STEPHEN G. PORTER, of Pennsylvania, chairman of the Foreign Affairs Committee of the House of Representatives, died in his home city of Pittsburgh last evening. I send to the desk resolutions, and ask unanimous consent for their immediate consideration.

The PRESIDENT pro tempore. The resolutions will be read.

The resolution (S. Res. 306) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. STEPHEN G. PORTER, late a Representative from the State of Pennsylvania.

Resolved, That a committee of 10 Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Under the second resolution the President pro tempore appointed as the committee on the part of the Senate the senior Senator from Pennsylvania [Mr. REED], the junior Senator from Pennsylvania [Mr. GRUNDY], the senior Senator from Idaho [Mr. BORAH], the senior Senator from Virginia [Mr. SWANSON], the senior Senator from Ohio [Mr. FESS], the senior Senator from New York [Mr. COPELAND], the senior Senator from West Virginia [Mr. GOFF], the junior Senator from New York [Mr. WAGNER], the junior Senator from West Virginia [Mr. HATFIELD], and the junior Senator from Ohio [Mr. MCCULLOCH].

Mr. REED. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn until 12 o'clock to-morrow.

The motion was unanimously agreed to; and (at 4 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 28, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 27, 1930

SECRETARIES IN THE DIPLOMATIC SERVICE

R. Horton Henry, of Arizona, to be a secretary in the Diplomatic Service of the United States of America.

Garret G. Ackerson, jr., of New Jersey, now a Foreign Service officer, unclassified, and a vice consul of career, to be also a secretary in the Diplomatic Service of the United States of America.

VICE CONSUL OF CAREER

R. Horton Henry, of Arizona, to be a vice consul of career of the United States of America.

FOREIGN SERVICE OFFICER

UNCLASSIFIED

R. Horton Henry, of Arizona, to be a Foreign Service officer, unclassified, of the United States of America.

PROMOTIONS IN THE ARMY

To be captains

First Lieut. Bernice Musgrove McFadyen, Infantry, from June 19, 1930.

First Lieut. Louis North Eller, Air Corps, from June 21, 1930.

To be first lieutenants

Second Lieut. Harry William Miller, Infantry, from June 19, 1930.

Second Lieut. Sheldon Brightwell Edwards, Air Corps, from June 21, 1930.

POSTMASTERS

ALABAMA

Emmett G. Sellers to be postmaster at McKenzie, Ala., in place of B. F. Beesley. Incumbent's commission expired February 23, 1930.

ARIZONA

Henry W. Zipf to be postmaster at Tucson, Ariz., in place of A. A. Dickerman, removed.

COLORADO

Otto M. Lotson to be postmaster at Grand Valley, Colo., in place of S. B. Wasson. Incumbent's commission expired February 27, 1930.

Robert L. Vinyard to be postmaster at Eureka, Colo., in place of R. L. Vinyard. Incumbent's commission expires July 2, 1930.

CONNECTICUT

Charles W. Birely to be postmaster at New Haven, Conn., in place of C. W. Birely. Incumbent's commission expires July 3, 1930.

FLORIDA

Silas E. Yon to be postmaster at Blountstown, Fla., in place of S. E. Yon. Incumbent's commission expired March 22, 1930.

HAWAII

Elizabeth H. Travis to be postmaster at Waipahu, Hawaii, in place of E. H. Travis. Incumbent's commission expired April 16, 1930.

ILLINOIS

Lucian D. Lyons to be postmaster at St. David, Ill., in place of L. D. Lyons. Incumbent's commission expired May 18, 1930.

INDIANA

Maude E. Mitchell to be postmaster at Ellettsville, Ind., in place of M. E. Mitchell. Incumbent's commission expired February 23, 1930.

IOWA

George M. Fry to be postmaster at Rippey, Iowa, in place of W. C. Ellis, resigned.

Henry E. Evers to be postmaster at Westside, Iowa, in place of R. O. Kelley, resigned.

John H. Lewis to be postmaster at Terril, Iowa, in place of R. S. Van Hooser, resigned.

KANSAS

James F. Butler to be postmaster at Melvern, Kans., in place of G. W. Tompkins, deceased.

Irma L. Barham to be postmaster at Prairie View, Kans., in place of Ellen Farrell. Incumbent's commission expired January 18, 1930.

KENTUCKY

Harvey A. Riley to be postmaster at Benton, Ky., in place of W. L. Prince, resigned.

Arthur T. Beard to be postmaster at Hardinsburg, Ky., in place of H. C. Hall, resigned.

Ella Ferguson to be postmaster at Prestonsburg, Ky., in place of Anna Harris. Incumbent's commission expired April 28, 1930.

LOUISIANA

Mamie C. Phillips to be postmaster at Greensburg, La., in place of W. E. Phillips, resigned.

MAINE

Everard J. Gove to be postmaster at Biddeford, Me., in place of E. J. Gove. Incumbent's commission expired May 4, 1930.

MARYLAND

Floyd L. Kurtz to be postmaster at Freeland, Md., in place of J. E. Shaver, resigned.

MASSACHUSETTS

William H. Whitham to be postmaster at Clinton, Mass., in place of P. H. McIntyre. Incumbent's commission expired December 13, 1928.

MICHIGAN

Mark A. Norris to be postmaster at De Witt, Mich., in place of F. E. Hazle, deceased.

Stephen Fairbanks to be postmaster at Luther, Mich., in place of W. C. Truman, removed.

MINNESOTA

Hugo H. Knuti to be postmaster at Aurora, Minn., in place of E. H. Yarick, resigned.

Louis E. Davis to be postmaster at Cleveland, Minn., in place of L. E. Davis. Incumbent's commission expired June 16, 1930.

Arthur P. Olson to be postmaster at Excelsior, Minn., in place of A. P. Olson. Incumbent's commission expired January 15, 1928.

Elizabeth Doyle to be postmaster at Maple Lake, Minn., in place of Elizabeth Doyle. Incumbent's commission expired December 9, 1928.

Lawrence B. Setzler to be postmaster at Maple Plain, Minn., in place of L. B. Setzler. Incumbent's commission expired December 18, 1929.

Ernest S. Mariette to be postmaster at Oak Terrace, Minn., in place of E. S. Mariette. Incumbent's commission expired February 21, 1929.

Michael Borck to be postmaster at Rogers, Minn. Office became presidential July 1, 1928.

Winifred L. Lundberg to be postmaster at South Haven, Minn., in place of F. S. Holmes, resigned.

MISSISSIPPI

William R. Anderson to be postmaster at Baldwyn, Miss., in place of T. J. Davis. Incumbent's commission expired February 21, 1929.

Daniel F. Smith to be postmaster at Carriere, Miss., in place of D. F. Smith. Incumbent's commission expired June 7, 1930.

Lee D. Fulmer to be postmaster at Lumberton, Miss., in place of H. H. Hinton, removed.

John N. Truitt to be postmaster at Minter City, Miss., in place of J. N. Truitt. Incumbent's commission expired January 28, 1930.

James D. Glisson to be postmaster at Mize, Miss., in place of E. E. Royals. Incumbent's commission expired June 7, 1930.

James G. Daly to be postmaster at Purvis, Miss., in place of T. W. Cooper. Incumbent's commission expired February 16, 1929.

Fletcher Thetford to be postmaster at Robinsonville, Miss. Office became presidential July 1, 1929.

Hubbard E. McClurg to be postmaster at Ruleville, Miss., in place of H. E. McClurg. Incumbent's commission expired March 22, 1930.

Jesse C. Rhodes to be postmaster at Sallis, Miss., in place of J. C. Rhodes. Incumbent's commission expired May 20, 1930.

Archer C. Campbell to be postmaster at Tutwiler, Miss., in place of J. L. Donald. Incumbent's commission expired February 14, 1927.

MISSOURI

Kossuth W. Blomeyer to be postmaster at Bloomfield, Mo., in place of K. W. Blomeyer. Incumbent's commission expires July 2, 1930.

Charles E. Vandaveer to be postmaster at Montgomery City, Mo., in place of J. J. Sleight. Incumbent's commission expired April 19, 1930.

Lucy L. Jackson to be postmaster at Winfield, Mo., in place of W. H. Jackson, deceased.

Asbury L. Williams to be postmaster at Seymour, Mo., in place of A. L. Williams. Incumbent's commission expired December 18, 1929.

NEBRASKA

Charles R. Luce to be postmaster at Broken Bow, Nebr., in place of I. A. Reneau. Incumbent's commission expired February 23, 1930.

NEW JERSEY

John R. Allaire to be postmaster at Farmingdale, N. J., in place of J. R. Allaire. Incumbent's commission expired June 16, 1930.

Alfred C. Powell to be postmaster at Gloucester City, N. J., in place of Marcus Cramer, deceased.

Howard Hunter to be postmaster at Runnemede, N. J. Office became presidential July 1, 1929.

NEW YORK

Edward B. Stead to be postmaster at Bedford, N. Y., in place of M. J. O'Brien, resigned.

William H. Secord to be postmaster at Hartsdale, N. Y., in place of J. C. Sweeny, resigned.

Herbert Torns to be postmaster at Lindenhurst, N. Y., in place of C. E. Hirsch, removed.

James H. Underwood to be postmaster at Middlesex, N. Y., in place of Orian Mertz, resigned.

NORTH CAROLINA

Sadie M. Mullen to be postmaster at Huntersville, N. C., in place of S. M. Mullen. Incumbent's commission expires June 30, 1930.

William J. Hardage to be postmaster at Wachaw, N. C., in place of W. J. Hardage. Incumbent's commission expired April 20, 1930.

OHIO

William W. Reed to be postmaster at Kent, Ohio, in place of W. W. Reed. Incumbent's commission expired June 14, 1930.

Cade F. Schulenberg to be postmaster at New Bremen, Ohio, in place of R. W. Kuck. Incumbent's commission expired April 28, 1930.

PENNSYLVANIA

Arthur S. Miller to be postmaster at Annville, Pa., in place of H. M. Bowman, removed.

William C. Vought to be postmaster at Berwick, Pa., in place of R. S. Bowman, deceased.

Benard Peters to be postmaster at Brackenridge, Pa., in place of Benard Peters. Incumbent's commission expires July 2, 1930.

Charles F. Armstrong to be postmaster at Leechburg, Pa., in place C. F. Armstrong, resigned.

William F. Hartzell to be postmaster at Mount Holly Springs, Pa., in place of J. R. Snyder. Incumbent's commission expired December 21, 1929.

Edwin W. James to be postmaster at Newville, Pa., in place of E. W. James. Incumbent's commission expired December 21, 1929.

William T. Levis to be postmaster at Beaver Falls, Pa., in place of R. S. Hood. Incumbent's commission expired December 21, 1929.

Jesse H. Fisher to be postmaster at Guys Mills, Pa., in place of Delma Byham. Incumbent's commission expired April 1, 1930.

George F. Grill to be postmaster at Pen Mar, Pa., in place of G. F. Grill. Incumbent's commission expired April 14, 1930.

David R. Hoover to be postmaster at Pleasant Hall, Pa., in place of D. R. Hoover. Incumbent's commission expires July 2, 1930.

SOUTH CAROLINA

Ralph R. Blakely to be postmaster at Clinton, S. C., in place of A. J. Milling, removed.

Conway Dial to be postmaster at Cross Hill, S. C., in place of J. W. Hanna. Incumbent's commission expired March 30, 1930.

TENNESSEE

Fred H. Smith to be postmaster at Concord, Tenn., in place of S. S. Proffitt. Incumbent's commission expired February 26, 1930.

Aileen S. Campbell to be postmaster at Decatur, Tenn., in place of W. F. Campbell, resigned.

Alexander H. Hill to be postmaster at Harrogate, Tenn., in place of John Herd. Incumbent's commission expired January 29, 1930.

TEXAS

Cloy B. Friday to be postmaster at Tivoli, Tex., in place of L. B. Friday, deceased.

Bert J. McDowell to be postmaster at Del Rio, Tex., in place of B. J. McDowell. Incumbent's commission expired June 7, 1930.

VIRGINIA

Theron W. Hamilton to be postmaster at Cheriton, Va., in place of J. C. Huff. Incumbent's commission expired April 1, 1930.

WISCONSIN

James W. Squire to be postmaster at Soperton, Wis., in place of J. W. Squire. Incumbent's commission expires July 2, 1930.

Harold F. Strutt to be postmaster at Ridgeway, Wis., in place of James Kelly. Incumbent's commission expired June 23, 1930.

HOUSE OF REPRESENTATIVES

FRIDAY, *June 27, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God of the morning and father of the night, alas for this moment. We hear the drumbeat of that dullest march which is taking us on. Another Member of this Chamber will answer to the roll call no more. With his wealth of thought and with his richer wealth of love, he has taken his homeward flight. His sublime task is completed. The great and loving God who pours forth his full tides of treasure has made the grave iron on one side but beaten gold on the other. We loved him, Father, for his was the measure of full manhood; his was the real grace of character, for he forgot the things that disturb the harmonies of the Christian life. Soften the sorrow that surges about the hearts of the fireside and point them above to the eternal empire of a loving Father. O let our lives be deluged with goodness until God shall make all things new. Fill our hearts to-day with hope and resignation. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4657. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, sec. 226), as amended.

The message also announced that the Senate had passed, without amendment, bills of the House of the following titles:

H. R. 1110. An act for the relief of heirs of Warren C. Vesta;

H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;

H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only;

H. R. 4206. An act authorizing the Secretary of the Navy, in his discretion, to loan to the city of Olympia, State of Washington, the silver service set formerly in use on the U. S. cruiser *Olympia*;

H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia;

H. R. 9638. An act to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the northwest Pacific States;

H. R. 10490. An act for the relief of Flossie R. Blair;

H. R. 11409. An act to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861;

H. R. 11729. An act to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y.;

H. R. 12285. An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer;

H. R. 12599. An act to amend section 16 of the radio act of 1927; and

H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 4189. An act to add certain lands to the Boise National Forest; and

H. R. 12235. An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 215) entitled "An act to amend section 13 of the act of March 4, 1923, entitled 'An act to provide for the classification of civilian positions within the District of Columbia and in the field services,' as amended by the act of May 28, 1928," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DALE, Mr. BROOKHART, and Mr. MCKELLAR to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the concurrent resolution (S. Con. Res. 22) entitled "Concurrent resolution to print and bind additional copies of Senate Document No. 166, Seventieth Congress, entitled 'Interstate Commerce Act, Annotated.'"

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9803) entitled "An act to amend the fourth proviso to section 24 of the immigration act of 1917, as amended," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. REED, and Mr. HARRIS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6227) entitled "An act for the relief of Elizabeth Lynn," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 2222) entitled "An act for the relief of Laurin Gosney," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 531) entitled "An act for the relief of John Maika," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6) entitled "An act to amend the definition of oleomargarine contained in the act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, as amended."

JAMES KIMBLE VARDAMAN

Mr. RANKIN. Mr. Speaker, it becomes my sad duty to announce to the House the death of the Hon. James Kimble Vardaman, formerly a Senator from the State of Mississippi, who passed away in Birmingham, Ala., on June the 25th.

Senator Vardaman was born near Edna, Jackson County, Tex., on July 26, 1861. His parents were from Mississippi, to which State the family returned in 1868.

Young Vardaman grew up in the shadows of the Civil War, his father having been a soldier in the Confederate Army. He was educated in the school of hard experience during the dark and trying times of reconstruction. He studied law at odd times and was early admitted to the bar, but later turned to journalism and for many years was one of the leading editors of the State.

He served as a member of the legislature for several terms. In 1894 he was elected Speaker of the House, which position he filled with honor and distinction.

When the Spanish-American War broke out he left a wife and four small children to respond to the call of his country. He was commissioned captain by President McKinley and was promoted to the rank of major before the war closed.

In 1903 he was elected governor of his State, in which capacity he served for four years. His administration stands out conspicuously as one of the cleanest and most economical in all the history of Mississippi.

He was elected to the Senate in 1911 by a majority of more than 26,000 over two of the strongest men in the State. He entered the Senate in 1913 and served with distinction in that august body until March 4, 1919.

He was one of the most picturesque figures this country has yet produced, and was undoubtedly the most popular individual who has lived in Mississippi within the last half a century.

He was one of the most loyal friends I have ever known. As was once said of Robert E. Lee, "He was a friend without treachery and a public officer without vices." He spurned with contempt any overtures that were even tainted with the appearance of evil. His honesty was indeed above reproach. So much so that during the stormy years of his political career even his enemies vouched for his integrity.

He was one of the most courageous men, both morally and physically, it has ever been my privilege to know.

He loved the people of Mississippi and they loved him. He loved the traditions of his State and gloried in her great record and in the achievements of her distinguished men. He loved his country and fought for what he thought was the best interest of the American people and American institutions, regardless of the consequences.

He was one of the most devoted patriots who ever stood beneath the folds of the American flag.

I have seen him in the pride and strength of his manhood battling for what he thought was right, challenging the admiration of both friends and foes.

I have seen him in the days of his adversity, when the clouds were low, the night was dark, when the storm was fierce and "the stars were dead," but I never saw him falter or refuse to walk the beaten path of duty as God gave him the wisdom to see it.

He was a man, take him for all in all,
I shall not look upon his like again.

PERSONAL EXPLANATION

Mr. FREAR. Mr. Speaker, I omitted to state yesterday that the gentleman from Wisconsin [Mr. NELSON] was unavoidably absent, but wished to be recorded in favor of the Johnson bill.

PRODUCTION OF FOREST PRODUCTS IN NORTHERN MINNESOTA

Mr. PURNELL, by direction of the Committee on Rules, presented the following privileged resolution (H. Res. 277), which was referred to the House Calendar and ordered printed:

House Resolution 277

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2498, an act to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Public Lands, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit.

PROCEDURE IN IMPEACHMENT CASES

Mr. PURNELL, by direction of the Committee on Rules, presented the following privileged report (H. Con. Res. 41), which was referred to the House Calendar and ordered printed:

House Concurrent Resolution 41

Resolved by the House of Representatives (the Senate concurring), That there is hereby created a joint committee to be composed of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The committee is authorized and directed to make a study of the procedure followed by the House of Representatives, and by the Senate, in the exercise of their respective functions in impeachment cases, with a view to determining whether such procedure may be improved. The committee may sit at such times and places as it deems advisable, and shall report its findings to the Congress, including in such report such recommendations as it may deem advisable. Upon the filing of such report the committee shall cease to exist.

Mr. GARNER. Mr. Speaker, may I ask the gentleman when he expects to call up this last resolution?

Mr. PURNELL. I can not answer that question now. It is not expected it will be called up within the next few days.

Mr. GARNER. The gentleman probably will not call it up this week?

Mr. PURNELL. Probably not.

CONFERENCE REPORT—COLONIAL NATIONAL MONUMENT IN THE STATE OF VIRGINIA

Mr. COLTON. Mr. Speaker, I call up the conference report on the bill (H. R. 12235) to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes, and ask unanimous consent that the statement of the managers may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Utah asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. GARNER. Mr. Speaker, I do not intend to object, but I want to inquire about procedure. I understood the gentleman from West Virginia to make the suggestion yesterday that as much of to-day as possible be devoted to the Private Calendar. I do not know how long this statement is or how long it will take to consider the conference report, which is a privileged matter, but I am wondering if there are many more conference reports or matters that must be attended to this morning.

The SPEAKER. The Chair is not aware of any others.

Mr. COLTON. The statement is very brief.

Mr. CHINDBLOM. Mr. Speaker, along the line of the suggestion of the gentleman from Texas, would it not be sufficient in this case if the chairman would make a brief statement, and dispense with the reading of the statement accompanying the conference report?

Mr. COLTON. The statement is very brief, less than half a page.

The SPEAKER. The Chair is informed the statement is very short. The Clerk will read the statement.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 5, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the words "two thousand" in said engrossed amendment and insert in lieu thereof the words "two thousand five hundred"; and the Senate agree to the same.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.
TASKER L. ODDIE,
PORTER H. DALE,
T. J. WALSH
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia" submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On amendment No. 1: Strike out the word "suitable." It is believed to be unnecessary.

On amendment No. 2: Inserts the words "for highways," thereby limiting the purpose for which the lands shall be ac-

quired. This refers, of course, to lands to be acquired for the purpose of connecting the various parts of the monument.

On amendment No. 3: Increases the acreage to be acquired at the site of the Battle of Yorktown and necessary near-by areas to 2,500 acres, instead of 2,000 acres inserted by the Senate.

On amendment No. 4: On this amendment the Senate receded and allows the original language inserted by the House to remain in the bill. This will permit the acquiring of a right of way through the city of Williamsburg not exceeding 200 feet in width to connect with other highways or parkways leading from Williamsburg to Jamestown and Yorktown.

On amendment No. 5: Limits the amount to be appropriated to sums not exceeding $500,000. On this amendment the House recedes.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.

Mr. STAFFORD. Mr. Speaker, in view of the importance of an amendment that has been agreed to by the conferees, I think a brief explanation should be made by the gentleman from Utah [Mr. COLTON].

Mr. COLTON. Mr. Speaker, there were three amendments put on the bill by the Senate. The Senate limited the acreage to be acquired at Yorktown to 2,000 acres. The conferees increased this acreage to 2,500. The Senate limited the amount to be expended to $500,000. The conferees on the part of the House agreed to that limitation because the Senate conferees would not agree to the bill without a limitation.

Mr. STAFFORD. If the gentleman will yield, as I recall, there was no limit of appropriation in the original bill.

Mr. COLTON. That is correct.

Mr. STAFFORD. There was nothing in the report in the House bill to indicate that there would be any such amount expended as $500,000.

Mr. CRAMTON. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. CRAMTON. The Senate amendment is unfortunate in limiting not only the cost of the establishment but the cost of maintenance. It was not possible in conference to reach that side of the situation. The situation is created, however, and some time that will have to be remedied, because after the monument is established there will have to be maintenance. Whether the amount of money is sufficient for acquisition alone is not at all certain. It seems to some of us that since the Senate has fixed the limit on the area a further limit on the funds is undesirable. This statement of the amount of money in the bill can only operate to increase the price that will be asked for the land, and hence while I am doubtful about the amount named being sufficient it does not seem wise at this time to attempt to have the amount increased.

Mr. STAFFORD. It was my impression that much of this land was to be donated.

Mr. CRAMTON. I think it is unfortunate that any sum of money was mentioned.

Mr. STAFFORD. I agree with the gentleman that it is unfortunate and it will only serve to increase the price demanded by the present owners of the land.

Mr. CRAMTON. Absolutely.

Mr. LAGUARDIA. That is the position I have taken all along, that these promises of gifts should not be taken into consideration.

Mr. CRAMTON. I do not want the gentleman to misunderstand. The assurances of gifts are not being changed. There have been no assurances of gifts except as to Jamestown Island. There the State of Virginia promises cooperation. The money limit has nothing to do with the area in the city of Williamsburg, other than for highway purposes.

Mr. LAGUARDIA. The point I am making is not on this particular case.

Mr. CRAMTON. Well, I do not see that that has anything to do with this.

Mr. STAFFORD. It is unfortunate that the conferees agreed to these amendments.

Mr. CRAMTON. They were forced to do so.

Mr. COLTON. There was no other way; it would have defeated the bill if we had not agreed.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MICHENER. I object.

Mr. NELSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MICHENER. Mr. Speaker, I object.

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MICHENER. Mr. Speaker, I object.

SPECIAL COMMITTEE TO INVESTIGATE EXPENDITURES OF CANDIDATES OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. Under House Resolution 258, providing for a special committee to be appointed by the Speaker to investigate expenditures of candidates for the House of Representatives, the Chair appoints the following committee: Mr. LEHLBACH, Mr. CHINDBLOM, Mr. MICHENER, Mr. BLACK, and Mr. HOWARD.

RELIEF OF THE STATE OF NEW YORK

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table (H. R. 47) an act for the relief of the State of New York, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, after "pay," insert "out of any money in the Treasury not otherwise appropriated."

The Senate amendment was agreed to.

CATHERINE WHITE

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 494) for the relief of Catherine White, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill (H. R. 494) for the relief of Catharine White, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 6, strike out "$1,000" and insert "$250."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

KATHERINE FRANCES LAMB AND ELINOR FRANCES LAMB

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 495) for the relief of Katherine Frances Lamb and Elinor Frances Lamb, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments are as follows:

Page 1, line 3, strike out "Postmaster General" and insert "Secretary of the Treasury be, and he."

Page 1, line 3, after "hereby" insert ",".

Page 1, line 4, after "pay," insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were concurred in.

CLARENCE C. CADELL

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 528) for the relief of Clarence C. Cadell, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 4, after "pay," insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

C. B. SMITH

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 794) for the relief of C. B. Smith, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 4, after "pay," insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

BELLE CLOPTON

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 913) for the relief of Belle Clopton, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 6, strike out "$1,000" and insert "$500."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

JOHN PANZA

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 917) for the relief of John Panza and Rose Panza, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 5, strike out "$1,200" and insert "$1,055."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

CATHARINE KEARNEY

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 919) for the relief of the father of Catharine Kearney.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments are as follows:

Page 1, line 7, strike out "$5,000" and insert "$2,500."

Page 2, line 3, strike out "$5,000" and insert "$2,500."

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. This makes the sixth consecutive bill the gentleman has called up where the figures agreed to by the House have been reduced by another body. Is not that a novel proceeding that has no precedent in the history of Congress?

Mr. IRWIN. I consulted with the gentlemen who introduced the bills and they are satisfied.

Mr. BLANTON. I think it is a favorable sign to the people of the United States when such a body takes that action.

Mr. STAFFORD. Mr. Speaker, in that connection, under the reservation of the right to object, permit me to inquire the basis on which the Senate committee reduces the amount agreed upon in the House and reported by the Committee on Claims. In the pending amendment we have an instance where the House passes the bill awarding the claimant $5,000 under the impression that that is the sum determined upon that a claimant should receive for that class of injury. The Senate has reduced it to $2,500. Has the Senate a different yardstick to determine the amount that should be paid to these claimants from that used by the House?

Mr. IRWIN. I do not know what the policy of the Senate is. These are bills where the amendments are of minor importance, and the ranking Member on the minority side and myself, together with the Member who introduced the bill, have agreed that this is the best thing to do.

Mr. BLANTON. It just shows that another body has begun to function, and to function properly.

Mr. STAFFORD. Another body. Why not just say the Senate?

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

ALICE HIPKINS

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1063) for the relief of Alice Hipkins, with a Senate amendment thereto and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Strike out all after the enacting clause, and in lieu thereof insert the following:

"That sections 17 and 20 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, are hereby waived in favor of Alice Hipkins, widow of S. Otho Hipkins, late filter engineer, United States Public Health Service, at Perry Point, Md., who died as a result of chlorine-gas poisoning while in the performance of his duties."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

EVELYN HARRIS

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1066) for the relief of Evelyn Harris, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, after line 5, insert "in full settlement of claims against the Government."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

CLYDE CORNISH

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2170) for the relief of Clyde Cornish, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 4, after "pay," insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

ELIZABETH B. DAYTON

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2782) for the relief of Elizabeth B. Dayton, with a Senate amendment thereto and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Strike out all after the enacting clause and in lieu thereof insert the following:

"That sections 17 and 20 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, are hereby waived in favor of Elizabeth B. Dayton, who contracted scarlet fever while in the performance of her duties as an employee of the United States Shipping Board."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

E. J. KERLEE

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4564) for the relief of E. J. Kerlee, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 8, strike out all after "Service" down to and including "deceased" in line 13.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

DUPLICATION OF ACTIVITIES IN THE WAR AND INTERIOR DEPARTMENTS

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Michigan [Mr. CRAMTON] for 30 minutes.

Mr. CRAMTON. Mr. Speaker and ladies and gentlemen of the House, I desire to speak for a little time on the matter of duplication of activities by two departments of the Government, the War Department and the Interior Department, or rather a growing habit on the part of the War Department to take on and perform activities that more properly belong to the Interior Department, with the result that much more money is being spent and is spent under conditions that involve no reimbursement to the Government, whereas if spent by the Interior Department agencies more or less of it would be either contributed in time or reimbursed later from other sources, and the results accomplished not as desirable.

Furthermore, owing to the fact that the money being spent now for certain investigations that have been under other conditions in the Interior Department reimbursable, and will not now be reimbursable, the thought is being urged in the West, very logically, that if the investigations are to be solely at the expense of the Federal Treasury, the engineering works that are led up to should also be at the sole expense of the Federal Government.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and in doing so to include a letter from the Commissioner of Reclamation, and possibly one or two others that are not my own remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, will the gentleman yield there for a question?

Mr. CRAMTON. Yes; but I would prefer not to yield further after that.

Mr. BLANTON. The gentleman is on the Committee on Appropriations. This extending out by the War Department is done only because the Committee on Appropriations permits it in many instances.

Mr. CRAMTON. I must decline to yield further. I want to economize my time. This is not a matter that the Committee on Appropriations or any other committee or the War Department or the Interior Department is responsible for, but a matter that Congress is responsible for; and I want to get this to the attention of Congress with the hope that the several committees that are sharing the responsibility will give it some consideration. It is a matter that in these days of reorganization could be greatly improved by the cooperation of the various Cabinet officers.

The last Congress appropriated $5,000,000 for the investigation of flood control and related matters to be disbursed by the War Department. With the exceptionally large sum thus provided, the Engineer Corps of the Army has extended its influence into fields hitherto removed from the accepted activities of the military branch of the Government. It is now duplicating work which for many years has been intrusted by Congress to the bureaus of the Department of the Interior.

As stated by the Commissioner of Reclamation in his letter of June 26, 1930—

> This interference is serious. In one year the War Department has been given more money for irrigation investigations than has been appropriated for such investigations by the Reclamation Bureau in the last quarter of a century.

Then he says further:

> As no repayment of the cost of these investigations by the War Department is required, the belief is growing throughout the West that if the construction of reservoirs and canals should be transferred to the War Department the cost would be paid for out of appropriations from the Federal Treasury, as river and harbor improvements now are, and that, so far as irrigators are concerned, the heavy construction costs which are now required on existing projects would be at an end. This is an alluring prospect, far more attractive than that of development by the Reclamation Bureau, where costs have to be repaid and where irrigators have to sign valid contracts to make such payments.

I proceed: That the results of this invasion of Interior Department functions do not promise a more economical administration, better performance, or simplified procedure is apparent from knowledge already gained of the activities and plans of the Engineer Corps under the recent authorization. On the contrary, it is submitted that the Interior Department's cooperative relationship with State governments and portions of the civilian population is being threatened; records acquired as a result of years of investigation by the Interior Department are being obtained by Army engineers from Interior field officers without the prior knowledge and consent of the responsible heads of Interior bureaus; large sums of money are being expended on projects which could be more economically executed by the technical staff in the Interior Department, and the success of engineering and economic developments, for which the Interior Department is responsible and for which the Government is in the position of a creditor seeking repayment for millions of dollars invested, is being undermined.

The seriousness of this unexpected departure from accustomed channels and methods of Government administration is the justification of this statement which is presented in the hope that a more satisfactory basis of cooperation may be established. The absence of coordination between the engineering activities of the Army engineers and the highly specialized work of different groups of engineers in the Government civil service does not make for efficiency. One outstanding need of government is the coordination of the activities of different departments and bureaus. The present plans of the Army promise to multiply still further the confusion now existing which the present administration desires to abolish.

The functions of the Interior Department which are being duplicated will be discussed under three general heads—topographic mapping, water-resource investigations, and reclamation.

TOPOGRAPHIC MAPPING

The Geological Survey for many years has been the recognized agency of the Government in the making of topographic base maps. Manifestly, the War Department should not attempt to assume this function without consultation to determine which Government unit is best equipped to undertake the work in the most economical and effective manner and in accordance with accepted standards of accuracy. If the work is not done in accordance with such standards, it will of necessity have to be done over in the future.

This desirable cooperation is not apparent in the present plans of the Engineer Corps. The flood control act of May 15, 1928, permits the Chief of Engineers to call on the Geological Survey for assistance in the preparation of maps. Communications from Army district engineers indicate that the Chief of Engineers plans to map approximately 30,000 square miles of the Mississippi Valley. This subject was discussed at length by the Director of the Geological Survey in a letter to the Chief of Engineers of the Army on September 29, 1928, and cooperation was invited. Yet no requests have thus far been made of the Director of the Geological Survey to execute any topographic mapping within this area.

It is reported that there is lack of coordination between the various engineering districts of the Army. Modern methods apparently have not been adopted for the execution of topographic maps in the different districts so that uniformity and high quality of work may be attained. The Chief of Engineers has not informed the Geological Survey of the points where his district engineers plan to take up topographic mapping along the Mississippi River and its tributaries. Consequently, it is possible that plans for mapping by the Geological Survey in cooperation with States may include areas which have been or are to be mapped by the Army in the near future.

It is evident from inquiries received from district Army officers that they are endeavoring to use such civilian engineers as are now under their orders for the execution of these topographic surveys. It is understood that these engineers have had little or no experience in topographic mapping, and the Army engineer officers have had no opportunity to gain experience or knowledge which would enable them to execute, through their subordinates, a map which would be of sufficient accuracy to be comparable with the standard maps made by the trained experts of the Geological Survey. It is not believed, therefore, that the mapping which is now being planned by the various district Army engineers will be complete or of as high a degree of accuracy as would be secured by the engineers of the Geological Survey, and it would be of little value in the future for incorporation in the standard topographic map of the United States.

WATER-RESOURCE INVESTIGATIONS

Investigations of the water resources of the United States were begun by the Geological Survey with its creation in 1879. For more than 30 years successive appropriation bills have carried items for stream gaging and determining the water supply of the United States, for the investigation of underground currents and artesian wells, and for the preparation of reports upon the best methods of utilizing the water resources.

This work has been well organized. It is a fact-finding service, with the objective that reliable information for the development, utilization, and administration of the water resources of the country may be available when needs arise.

Federal appropriations for water-resource investigations have amounted at most to a few hundred thousand dollars annually.

They have never been adequate to meet the demands for data. As a result States and those interested in the development of water resources under governmental regulation have cooperated with the Geological Survey, so that the work might be extended to meet more nearly the needs of rapid development. A large amount of work is also being done in studying water resources for the Department of State and for several Federal bureaus, including the office of the Chief of Engineers, the Indian and Reclamation Services, the Federal Power Commission, and the National Park Service. Such work has been, of course, in connection with specific problems coming under the administration of these agencies.

For the economic handling of this work the country has been divided into districts, the work in each being directed by an engineer, who has a corps of trained assistants. The district engineer, through a long term of residence, acquires thorough familiarity with the needs of water users and is able to supply their demand with greatest economy and efficiency. By means of a flexible organization, capable of wide expansion, the Geological Survey has been able in large measure to anticipate the needs of the country. It is prepared to the extent of available funds and under its congressional authorization to collect the basic data needed by those concerned with the waters of the country.

The rivers and harbors act, approved March 3, 1925, marked the beginning of vigorous encroachment by the War Department on the stream-gaging activities of the Geological Survey, all of which are, of course, civilian in character. Section 3 of the act provided:

> The Secretary of War, through the Corps of Engineers of the United States Army, and the Federal Power Commission are jointly hereby authorized and directed to prepare and submit to Congress an estimate of the cost of making such examinations, surveys, or other investigations as, in their opinion, may be required of those navigable streams of the United States and their tributaries whereon power development appears feasible and practicable, with a view to the formulation of general plans for the most effective improvement of such streams for the purposes of navigation and the prosecution of such improvement in combination with the most efficient development of the potential water power, the control of floods, and the needs of irrigation: *Provided*, That no consideration of the Colorado River and its problems shall be included in the consideration or estimate provided herein.

Few streams of the country are not tributaries of navigable waters so that the scope of the authorization appears to be countrywide with the single exception noted.

With the exception of outlining navigation projects and making detailed plans and estimates of costs which have never been included in the work of the Geological Survey, the Geological Survey is authorized and equipped to make the investigations provided for in House Document No. 308, which is the report prepared under the authority of the act quoted above, and has for years been making such investigations to the extent that funds were available. Information is not available to show to what extent the expansion and duplication of Geological Survey functions have progressed. The amount of overlapping activities, however, is known to vary considerably with the personal views of the decentralized Army officers, many of whom are inexperienced in this kind of work, and also with the rapidly shifting commissioned personnel in any one district.

RECLAMATION

The lack of cooperation and the tendency toward wasteful and injurious duplication are even more marked in the irrigation investigations now being carried out by the Engineer Corps.

For more than a quarter of a century the Reclamation Bureau of the Interior Department has been the recognized governmental agency for investigating, constructing, and operating irrigation works. Its activities are under the direction of specialists of long and varied experience in the engineering, economic, and agricultural aspects of the subject. Now, without consultation with the head of the Bureau of Reclamation, subordinate officers of the bureau are being called upon by Army engineers to furnish complete files of reports, maps, plans, and data heretofore assembled by the bureau. The information asked for is not restricted to engineering as it relates to navigation and power development, or to matters related to flood control, but includes requests for reports and explanations of an economic and financial nature on projects which have been built and operated for many years.

In the report which forms the basis of the appropriations under which the Engineer Corps is operating the following appears:

> These surveys should evidently be made by the agencies which are to be intrusted with the construction work; in the case of navigation and flood control, the War Department; and in the case of irrigation projects, the Department of the Interior.

Subsequently irrigation was included, but there is abundant reason to believe that Congress did not expect a report dealing with matters entirely outside of flood control, navigation, or power development.

Since the adoption of Federal reclamation the bureau has been given each year small appropriations with which to make studies of projects which might be taken up for construction in the future, and conditions have been attached to these appropriations that the State in which the investigations are made, or other local interested parties, should furnish one-half of the money to be expended. Total expenditures made are to be repaid by the water users if and when the works are built. This tends to restrict these investigations and development to projects that are needed and which can be paid for by the beneficiaries.

Under this system the entire expenditure is ultimately repaid by those benefited and no demand is made on the Federal Treasury. It is a continuing influence for careful, conservative action and forms the basis of the present reclamation policy.

This experienced agency is now confronted by competition of the Engineer Corps, with an authorization for expenditure for investigations greater than the Reclamation Bureau has had in 25 years and which is carrying on investigations without any obligation for repayment. This is leading directly to duplication of surveys of the same project, and manifestly if one agency will do work without repayment requirements and another must require repayment, this work must inevitably become a burden on the Treasury of the United States. The result has been that State authorities have asked the bureau if it would not accept the reports made by the Engineer Corps, which would cost neither the bureau nor the State anything but which will place a heavy burden on the taxpayers of the whole country. The reply has been that the agency authorized to build the works and which is to be responsible for their management should make the investigations and that so far as irrigation is concerned, the Reclamation Bureau itself is best equipped, because of experience, to pass judgment, not alone on the engineering but on the financial and economic conditions that determine the feasibility of the project.

It is understood that these investigations are not being carried out as a rule by members of the Engineer Corps of the Army but by an additional engineering staff which is being created for this specific purpose.

The department is engaged on a program of collecting payments due from water users on Federal projects. When Army engineers visit these projects and inquire into their economic features, water users may well be encouraged to believe that the demands of the Interior Department for payments long due can be ignored with impunity. It has taken several years of intensive effort to bring the collections up to their present satisfactory condition and the Interior Department can not see them jeopardized without vigorous protest.

In this connection attention is directed to a bill (S. 871) introduced in April, 1929, by Senator WHEELER, of Montana, authorizing and directing the Secretary of War to construct, maintain, and operate a dam and other necessary incidental works for the irrigation of certain public land, and authorizing such annual appropriations for operation and maintenance as may be necessary. The apparent intent of the bill is to provide irrigation works and to operate and maintain them at the expense of the Government, and without provision being made for the repayment by the water users of the cost to the Government. The enactment of this bill would inaugurate a policy wholly at variance with the established reclamation policy of repayment by the beneficiaries of the cost of construction and of operation and maintenance of irrigation works.

In the interests of coordination and the saving of public funds, the following is submitted:

That unnecessary duplication of work would be avoided and economy and efficiency promoted by arranging for the experienced engineers of the Geological Survey to make the topographic maps of the accuracy adopted for the standard map of the United States, and to collect the records of river discharge needed by the War Department, by methods acceptable to the hydraulic engineers of the country. This is desirable not only in connection with the authorization contained in House Document No. 308, but also in connection with the problems of flood control of the Mississippi. It could best be accomplished under present appropriations by transferring to the survey the funds required to do the necessary work.

And that can be done under the present authority of law if the executive branch of the Government desires to do so.

That studies relating to operations of the Reclamation Bureau are wholly outside of the legitimate scope of the investigations

of the Army; that where Congress has authorized investigations to be made by the Bureau of Reclamation the Engineer Corps should refrain from entering that field and should accept the data furnished by the Reclamation Bureau; that the same conditions of repayment of costs should attach to surveys and preparation of plans for actual projects that control similar investigations by the Reclamation Bureau; and that there should be definite limitation in the activities of the two bureaus, so that the present costly duplication may be terminated.

I will read in my time the letter from the Commissioner of Reclamation which I referred to in the beginning:

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, June 26, 1930.

Hon. LOUIS C. CRAMTON,
House of Representatives, United States.

MY DEAR MR. CRAMTON: Replying to your inquiry as to the extent of interference with the operations of the Reclamation Bureau by the irrigation investigations of the War Department:

This interference is serious. In one year the War Department has been given more money for irrigation investigations than has been appropriated for such investigations by the Reclamation Bureau in the last quarter of a century. Because of these large appropriations and the belief of the War Department that it is required to report on the present irrigation situation, these investigations are being carried on in every part of the arid region, except in the Colorado Basin, where there is a definite exclusion.

As no repayment of the cost of these investigations by the War Department is required, the belief is growing throughout the West that if the construction of reservoirs and canals could be transferred to the War Department the cost would be paid for out of appropriations from the Federal Treasury as river and harbor improvements now are, and that, so far as irrigators are concerned, the heavy construction costs which are now required on existing projects would be at an end. This is an alluring prospect, far more attractive than that of development by the Reclamation Bureau, where costs have to be repaid and where irrigators have to sign valid contracts to make such payments.

This possibility of repayment not being required on future irrigation projects, is having an unsettling influence on the minds of irrigators on existing projects. It is stimulating agitation for moratoriums or relief from payments required under existing contracts. I believe that the West needs Federal reclamation, that it is only through this that the idle lands and wasted waters of western rivers can be made creators of wealth and of opportunities for settlers, but I also believe that reclamation should be continued as a business policy, as it has been in the past. But this can not continue if another agency of the Government is to carry out investigations and construct works to be paid for wholly out of the Federal Treasury.

Another serious objection to the present uncertainty and duplication of effort is the large waste of money. On a score of streams in the West, where the activities of the Reclamation Bureau require a continuation of investigations of water supply, character of the soil, crops, and markets to determine the future possibilities of irrigation and what payments can be properly required from irrigators, these activities are being paid for in part by the State, usually on a 50–50 basis, and under existing arrangements the total expense is ultimately paid for by the irrigators. The new activity of the War Department changes all this. Its investigations are free. It has larger funds than the Reclamation Bureau has ever had or could command through the joint expenditures of the State and the Federal Government. The Reclamation Bureau would be entirely out of business if it were not recognized that in a quarter of a century it has accumulated a fund of experience and judgment which makes its work worth paying for by the States.

What is going on generally is illustrated by what has recently taken place in California. That State is carrying on a comprehensive study of how to increase the water supply of irrigators in the San Joaquin Valley, and how to utilize to the best advantage the surplus waters of the Sacramento Valley. The cooperation of the bureau in this investigation was asked for by the State and approved by the department. The bureau is carrying on similar investigations in southern California to determine the location and cost of works to irrigate Palo Verde, Imperial, and Coachella Valleys, the expense of this to be ultimately repaid by the projects; and one-half of the expense now being incurred is paid by the people living in the areas affected. In taking up the work in northern California it was found that the War Department had a very large appropriation for irrigation investigations. It generously offered to make available to the Bureau of Reclamation all the money reasonably required for these investigations, on condition that the report would be printed as an appendix to the report of the War Department. This proposal was attractive to the State, because it would relieve it of any part of the expenditure made by the Bureau of Reclamation; while if it were carried on as the work in southern California was being carried on, the State would be required to contribute one-half of the cost. The bureau did not feel that it could accept the money so proffered because it would tend to intensify the existing confusion, and it expressed its view in the following telegram:

"Interior Department is keenly interested in the water problems of California and in the conservation of the State's water resources. It regards the Federal-State investigations as worthy of all the cooperation and aid it can give. It is desirable, however, that the plan adopted should be in agreement with cooperative arrangements made heretofore with California and other States. These have recognized the Interior Department as the governmental authority entrusted with carrying out the Federal reclamation policy and the investigation of problems in reclamation by irrigation. The reclamation law provides for cooperation with States, and cooperative studies have been carried out in the past with California as with other States. The plan outlined in your telegram is a departure from past practices and it is feared it would tend to confusion. A more satisfactory arrangement is to have a cooperative agreement with the State define what the Department of the Interior is to do with funds required up to July 1 to be provided by the State and funds required from July to September to be provided by the Interior Department. If there is difficulty in the State providing the money required it is hoped that the War Department can advance it to the State rather than to the Interior Department. The above is approved by Secretary Wilbur."

The outcome has been that the State and the Federal Government has each appropriated $25,000 and the investigation by the bureau is going on, but it has not disposed of the situation created. The War Department feels that it is required to make an investigation of irrigation, and that it must report on irrigation, independently of any report made by the Bureau of Reclamation.

That is to say, an authorized agency of the Government is going to make an investigation and report, one-half at the expense of the Federal Treasury, and one-half at the expense of the State, but the War Department, in face of that highly technical investigation by one branch of the Government, is going to proceed at 100 per cent cost to the Federal Treasury, to make a second investigation of the same subject. Still, we are told the War Department authorities desire to relieve that department of nonmilitary activities, because of the wrong impression which it gives the country as to the cost of the military branch of the Government. Still, they insist on duplicating in this case purely civilian activities that are under way.

Continuing with the letter:

There is no friction between the officials of the War Department and of this bureau. Both recognize that a very difficult situation has been created by Congress in making appropriations for carrying out the same work by two different departments of the Government, but to which widely different conditions are attached. In the case of the bureau, those benefited must repay the cost, while in the case of the War Department the cost is paid by the whole country and those benefited pay only a small part.

Confusion as to how far the activities of the War Department are to extend has been greatly increased by the character of its investigations carried on during the past year.

I want to commend that statement to the attention of the Bureau of the Budget, which is working all the year around in an effort to save money that even has been appropriated by Congress. Just because money has been appropriated by Congress does not mean that it must be spent, and it is the business of the Bureau of the Budget to locate such duplications and see that they are prevented.

Reading further from the letter:

Extensive and searching inquiries are being made into the operation of the older Federal irrigation developments, where the relations of the development to questions of flood control are remote or nonexistent. Letters indicate that information is being obtained which would enable the Engineer Corps of the Army to make a report on all the financial and economic activities of the Reclamation Bureau, to reopen and pass new judgment on conditions which were investigated and reported on by the special advisers on reclamation in 1924.

Such a report from this inexperienced and uncertain agency, if it has any effect except to cost money in the investigation, can only result in costing us millions of dollars in further wiping off of charges on existing projects.

The balance of the letter reads as follows:

From one letter received by the chief engineer in Denver the following is quoted:

"We are preparing our preliminary report on the Yellowstone River Basin. In this connection it would be of great importance to us to obtain an accurate understanding of the history and financial status of the lower Yellowstone, Huntley, Shoshone, and Riverton projects. We would like to obtain from your office the following information for each project:

"1. Details of financial reorganization, if any, with the essential features of existing contracts with the United States Government.

"2. Estimated annual construction charge and annual operation and maintenance charge per acre for each land classification."

On another project, which has been in operation for more than 15 years, and which is located on a minor tributary of the Missouri River, inquiries indicate that the desire is to have a complete history of the activities and financial condition of this project. From a letter of inquiry the following is quoted:

"We are preparing our preliminary report on the Cheyenne River Basin. In this connection it would be of great importance to us to obtain an accurate understanding of the history and financial status of the Belle Fourche project.

"According to information at hand, the project passed through a period of financial reorganization under which the payments on water rights were suspended until 1929. Other details of this reorganization are not clear; consequently we would greatly appreciate the salient facts regarding the original repayment plan, the reorganization, and the financial status under the present plan.

"Along the same line, there are certain specific items that we would like to obtain, computed to some convenient recent date:

"Construction cost.
"Construction cost repaid.
"Construction cost covered by existing contracts.
"Terms of existing repayment arrangements.
"Construction cost written off at times of reorganization.
"Maintenance cost.
"Maintenance cost repaid.
"Maintenance cost covered by existing contracts.
"Terms of existing maintenance payment arrangements."

In another letter relating to the North Platte project there is the following statement:

"Another matter of great importance and interest to us is the history and financial status of the North Platte Government project. I have heard and we have received various claims and expressions from interested parties which give varying views as to the history of the Government project and also as to the economic feasibility of the various irrigation projects now being agitated on the North Platte River."

Sincerely yours,

ELWOOD MEAD, *Commissioner.*

MUSCLE SHOALS BILL

The SPEAKER pro tempore. Under the special order of the House the gentleman from Alabama [Mr. ALMON] is recognized.

Mr. ALMON. Mr. Speaker, this session of Congress is nearing the close and the Muscle Shoals bill is still hung up in conference. Why is this? Let us see; the Senate passed the Government operation bill and the House substituted for it and passed a bill providing for the leasing of the Muscle Shoals development. Conferees of both Houses were appointed without any instructions. The Senate conferees proposed as a compromise that the fertilizer plants be leased and that the Government keep its hands on the switch of the Wilson Dam power development and let the board appointed by the President, under the provisions of each of the bills, operate the power plant and sell it all, or as much as was needed by the lessee for the operation of the fertilizer plant for the manufacture of fertilizer and by-products. The two Democratic members of the House conferees—Mr. QUIN, of Mississippi, and Mr. FISHER, of Tennessee—agreed to this and the three Republican members—Mr. RANSLEY, of Pennsylvania, Mr. WURZBACH, of Texas, and Mr. REECE, of Tennessee—refused. They have had only two meetings and the indications are that they will not have another meeting before next December, as Mr. REECE has gone home to look after his campaign for reelection. He should be removed as a conferee and another appointed in his place. [Applause.] Mr. REECE gave as his reason for not agreeing to the compromise that the President would veto such a measure. I then called on President Hoover and asked him if Mr. REECE or anyone else was authorized to say that he would veto this compromise measure. He replied that he was not, and that he would not say what his action would be until after it was presented to him by the Congress. He said that he would like to see the Muscle Shoals question settled. I then told him that he could settle it if he would; that if he would call the Republican members of the conference committee of the House before him and tell them that he would approve the compromise measure that they would agree to the proposition of the Senate conferees.

I urged him to do this, but he declined, saying that it was the business of the Congress to enact legislation and send it to the President for his approval or veto. I told him that I knew it was his custom and that of all other Presidents to call in their leaders and conferees in order to help settle legislation in which the President felt an interest. Since my visit to him, President Hoover has sent for the Republican leaders and conferees both from the Senate and House to come to the White House and discuss with him pending legislation with the view of securing final agreement and passage of bills in which he was interested and wanted to see enacted into law, but Muscle Shoals was not included in such conferences. The whole trouble is, as is well known to every one conversant with Muscle Shoals legislation, that President Hoover and his administration is opposed to the Government operation of the hydroelectric power plant at Muscle Shoals. At the same time the Government has operated this power plant continuously since its completion for the sole benefit of the Alabama Power Co. That company only takes about 10 per cent of the available power at about 2 mills per kilowatt-hour and sells it for domestic purposes at from 4 to 10 cents per kilowatt-hour and the balance runs to waste. The Secretary of War has refused to sell any part of the power to the municipality known as Muscle Shoals City, which is adjacent to the power house. This city has offered to pay even more than is being paid by the Alabama Power Co., and still the power company is favored by this and the former administration.

The Tennessee Power Co. has recently constructed a transmission line from Nashville to Muscle Shoals and has, or will, buy the power at the same rate, and still the administration is opposed to the Government operation of this power plant. However, the Government continues to operate the power plant for the benefit of the two power companies instead of furnishing power to the fertilizer plant for the manufacture of fertilizer for the benefit of the American farmer. This same administration claims to be interested in the farmers and in farm-relief legislation. The operation of Muscle Shoals, as provided in the compromise measure, would give more relief to agriculture than all the farm-relief legislation which has been enacted at this session of Congress. [Applause.]

I also appealed to Col. JOHN TILSON, of Connecticut, the majority floor leader of the House, to aid in securing a settlement along the lines proposed by the Senate conferees, and this he declined to do.

The Republican Party has been in power since the World War ended and they have had every opportunity to put Muscle Shoals into operation for the benefit of the farmers, one of the purposes for which it was constructed, and still nothing has been done. Senator BLACK introduced the following resolution in the Senate on yesterday, which was passed by a unanimous vote:

Resolved, That it is the sense of the Senate that, pending the enactment of legislation providing for the disposition of power generated by the Government power plant at Wilson Dam, the Secretary of War should not discriminate against municipalities in the sale of said power but should sell power to municipalities applying for same upon as liberal terms and conditions as such power is sold to private power companies.

I introduced the same resolution in the House, and it was referred to the Committee on Military Affairs. I will insist that the committee report this resolution favorably and that it be passed by the House. How is it that this administration can spend many millions of dollars in building Boulder Dam in the West and have it operated by the Government and sell the power to Los Angeles, Calif., a municipality, but is not willing to operate the power plant at Muscle Shoals and sell any part of the power to a municipality. About nine-tenths of the available power at Muscle Shoals is running to waste. The Government is losing $3,000,000 annually and the farmers in their distressed condition continue to pay about twice as much for their fertilizer as it would cost to produce it at Muscle Shoals, all because this administration would rather this would continue than to give municipalities the preferential right to purchase any of the surplus power that would not be needed for the operation of the fertilizer plants. Why is this? The reason is well known. It is the influence of the power interest. The water-power monopoly does not want any municipality within transmission distance of Muscle Shoals to get any of the power because the rate the municipality would furnish it to its citizens would expose the enormous prices that the power companies are exacting of the people.

All of the Representatives from each of the Southern States, except Mr. WURZBACH, of Texas, and Mr. REECE, of Tennessee, who are conferees on this bill are heartily in favor of the compromise Muscle Shoals bill. Each of the Senators from all of the Southern States is in favor of the same, and each of the Representatives from the State of Tennessee, except Mr. REECE, is heartily in favor of this measure, as well as both of the Senators from Tennessee. And still Mr. REECE holds out against it, when it is well known that the State of Tennessee would be one of the chief beneficiaries from this measure, as Cove Creek Dam is in that State, and the Tennessee River running entirely across the State of Tennessee would be greatly improved; and still Mr. REECE is unmovable. There is time yet in which to settle this legislation before adjournment, and I urge that the conferees have a meeting to-day or to-morrow and agree upon a report which can be adopted and the bill

sent to the President before Congress adjourns. [Applause.] The country is expecting and demanding that this be done. If not, it will have to go over until December. This would be a great disappointment to all the people who are awaiting the action of Congress with much interest and anxiety. The passage of this compromise measure would give employment to a large number of men who are out of employment. It would relieve distressed agriculture and bring joy to the hearts of millions of people. [Applause.]

I have before me a letter written by the commander of the American Legion at Tuscumbia, Ala., to the President of the United States, which I will read:

AMERICAN LEGION,
TUSCUMBIA POST, NO. 31,
Tuscumbia, Ala., June 19, 1930.

HON. HERBERT HOOVER,
President of the United States,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: As a member of the American Legion, I desire to now join with the many thousands of others in making this request for action. When your country and my country were face to face with the great world conflict I, like thousands of others, gave my services to the defense of our country. United States was at war; no man or resource was spared to the end that victory was achieved. That emergency has passed into history; the effects of that great conflict, however, are still sorely felt by thousands of those who as common soldiers fought in that conflict. All these facts are well known to you.

You know the dire need of thousands of legionnaires, soldiers of the World War; how unemployment has reduced their families to a point of severe want. As Chief Executive of this great country you are in a position to have absolute information on all phases of American life. I know that as Chief Executive of this great country your duty is to relieve, when humanly possible, the pain and suffering of your people. However, I note from the press that you say that you would not sign the original straight Norris bill for Government operation of Muscle Shoals. Your predecessor had a chance to sign such a bill. Like the great leader which he was not, he saved the whole project for the power monopoly, who have been the sole beneficiaries of this great project since its completion.

Is it not a fact that you recently signed the Boulder Dam bill, which in fact provides more stringent Government supervision than the new Norris Muscle Shoals compromise proposal? It will be easily understood by the public your refusal to effect acceptance of the Norris Muscle Shoals compromise, for Muscle Shoals is not adjacent to your home State of California, as is Boulder Dam Government project.

You are also quoted as saying that "It is the duty of Congress to pass a Muscle Shoals bill and bring it to my desk to sign or veto. I will not interfere or take any hand until it is laid on my desk." How can you as President refuse to interfere or take a hand in getting action? It would be the same as the president of a bank looking on while Jesse James robbed the bank, and the president standing silently by saying "I will not interfere." You have allowed the public to accept the belief generally that you are a great engineer and master of economic experts. As such you, of course, know that the American public has been robbed and is continually being robbed by unemployment, unreasonable rates, and watered stocks and bonds of the electric power interests.

This legislation means the saving of millions of dollars annually to American farmers in the buying of fertilizer. The operation of these nitrate plants at Muscle Shoals, which are the only idle nitrate plants in the world, will help to relieve the unemployed. It is a matter of record that our farmers pay Chile around $12,000,000 annually as an export tax on Chile nitrate brought to our American farmers. The operation of these plants will save that also. But you won't interfere. Our farmers would save $16 per ton on their fertilizer bill, but you refuse to interfere.

The completed Muscle Shoals project would employ thousands of men, many of whom would be legionnaires, men whose children are crying in want, but you say "It is the duty of Congress," when one word from you would save this gigantic project for the people, who paid for it. Thousands of those payments were the loss of life, while other thousands of those payments were the loss of health and the pursuit of happiness. And yet when you look around you and see the power monopolies making as much as 3,000 per cent profit in most cases you can not sign a bill that will stop the highway robbery rates of these power monopolies nor utter a word that would benefit the whole United States, while your silence benefits directly the Power Trust.

I would like to see what kind of appearance an army would make that was made up of the power magnates of those holders of the common stock of the private power corporations. I would like to review that little handful of power army soldiering for $1 per day, with possibly King George as the head, and with Mr. Morgan as commander in chief, and with Samuel Insull as field marshal, and the smaller boys, Tom Martin and Harvey Couch, and such others, as the lieutenants in command, of the power company attorneys who would be acting as their privates in the ranks. Could that little army hold the Hindenburg line and "keep our country safe for democracy"?

The American boys, who by the thousands died to save the gigantic holdings of the Power Trust, are now seeing the power interests scheme and manipulate against the consumers like myself and keep us out of a job, and to make times hard throughout the country that their selfish motives may be easier attained. These power boys sat in their offices during the war, yelling patriotism, while they were extracting from two to three thousand per cent on their investment, and the soldiers were in the trenches at $1 per, risking their lives, health, and everything in defense of our country and the power boys. Who deserves recognition? Mr. President, think.

Mr. President, you would not hesitate to call on thousands and thousands of our best men in this country to again defend it. These men, being patriotic, would accept a call, they would leave home and families with little hope of ever returning, but in times of peace they are forced to abide by the dictates of power monopolies, whose influence has kept the Muscle Shoals plants idle. Mr. President, these facts are well known to you. The Federal Trade Commission reports show the unethical practices of these Power Trusts, how can you sidestep the issue in refusing to interfere, when your refusing to act benefits the Power Trust, and at the same time denying thousands of men, many of them legionnaires, an opportunity to provide for their suffering families.

As President of the United States you are the Commander in Chief of its Armies, and as such, we legionnaires try to have the highest respect in the world for you, and in return everyone naturally expects you to merit the same. In this connection, I would call your attention to the statement of one of your own Republican lieutenants, Congressman BERTRAM H. SNELL, who, according to the New York Times in January this year—SNELL asserted at a State conference of Republicans in New York that, "His Republican friends should abandon their electric-power policy favoring private power corporations, and should support whatever electric-power policy that was suggested by Governor Franklin Roosevelt, of New York." Mr. SNELL further stating that the Republican policy had merely led to defeat in State elections. Can't you easily see that it will also lead to sure defeat of your administration, from the Executive down? No Republican leader can claim that he is not thoroughly aware of these things, but with the prompt and proper passage of Muscle Shoals at this present session of Congress would in a way help greatly to redeem your administration.

Yours very respectfully,

J. H. BOWSER,
Commander, American Legion, Tuscumbia Post, No. 31.

Mr. Speaker, I also have a copy of a very strong letter from H. N. Morris, commander of James R. Crowe Post, Sheffield, Ala., to President Hoover urging him to assist in bringing about a settlement of the Muscle Shoals legislation. However, it is along the same lines as the one which I have just read from J. H. Bowser, commander of the American Legion, Tuscumbia, Ala., Post No. 31, so I will not undertake to secure time in which to read it, as there is so much business to be transacted in the House to-day. I also have many other communications from various business men along the same line. [Applause.]

COUNT DE GRASSE

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to proceed out of order for one and a half minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, as a member of the United States Yorktown Sesquicentennial Commission I have been interested in the history, unpublished, and almost unknown, of Francis-Joseph-Paul Count de Grasse, the great and almost forgotten admiral, whose victory with the French fleet over the British fleet under Admiral Thomas Graves at the mouth of Chesapeake Bay on the 5th of September, 1781, made possible the ending of the Revolutionary War, the surrender of the British Army under Cornwallis, and the triumphant establishment of the United States.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include some remarks of Ambassador Herrick made at the home of Count de Grasse on the 25th of April, 1928.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection?

Mr. FITZGERALD. Admiral de Grasse brought from the West Indies the French Fleet that made reenforcement and rescue of the British Army under Lord Cornwallis impossible. The victory of the French fleet over that of Great Britain has come more and more in late years to be recognized as of stupendous importance and to have had more effect upon world history than Trafalgar or Waterloo.

But De Grasse brought more than the indispensable fleet, with its 1,700 guns and 19,000 seamen, from the West Indies, he brought 3,000 veteran troops under Marquis St. Simon to aid the land forces and he brought money and he brought artillery. Without De Grasse Cornwallis would have escaped, and the American Revolutionary War would have gone on indefinitely or ended in failure.

Every patriotic American will enjoy reading the pamphlets A Great Forgotten Man and Sea Power and the Yorktown Campaign by Commander Alfred H. Miles who has done much to rescue from oblivion the name of De Grasse and repair the ingratitude of the many years of neglect by the American people.

There are in the Library of Congress scores of letters exchanged by General Washington and Admiral de Grasse and a wealth of other documents which have never been published. A list has been prepared by Miss Elizabeth S. Kite, of the Institute Français de Washington, and I note with satisfaction that yesterday at the suggestion of the Hon. CLAUDE A. SWANSON, a Senator from Virginia, the United States Senate has ordered these elements of history to be published as a Senate document.

In accordance with permission granted by the House, I here add the address on De Grasse delivered by the late Ambassador Myron T. Herrick at Tilly, France, the ancient home of the De Grasse family on April 25, 1928.

Before taking up the profoundly interesting subject of Admiral de Grasse, I wish to congratulate Monsieur l'Abbé Blain upon the institution which he and his collaborators are conducting in this chateau, which was the old home of the admiral's ancestors and where he died.

Children whose families are without resources, and especially the orphans of the Great War, are enabled here to learn the business of gardening and farming, making them self-supporting and productive. I know of no nobler task than that which these men have set themselves, and I am happy to be associated with Marshal Foch as one of the vice presidents of their institute. I hope the public in France and America will give it an increasing and generous support.

This is the first time during my long service in France that I have ever been invited to any ceremony which commemorated even incidentally the memory of Admiral de Grasse, and I do not recollect any occasion when our people at home have united to honor him. It is therefore with the greatest pleasure that I have accepted the kind invitation of the Abbé Blain to be present to-day at Count de Grasse's old home, to which he was exiled and where he died a broken man, and to assist at the pious ceremony of removing his heart from its former resting place to a spot more in keeping with what is due to a man whose work so deeply modified the history of a continent.

It is a pleasure for me to come here not only because as American ambassador it is my duty to offer Admiral de Grasse such honor as I can but because I have something to say about him which I hope will reach a large number of my countrymen. For here is an officer upon whose skill, courage, and devotion depended the whole fate of our Revolutionary War. This is not merely my personal opinion, but it is the verdict of history, and the first man to bear witness to it is Washington himself. The day after the capitulation of Cornwallis he wrote the admiral: "The surrender of York, from which so much glory and advantage are derived to the allies, and the honor of which belongs to your excellency, has greatly exceeded our most sanguine expectations."

Now, what was the situation of the rebellious Colonies in the summer of 1781 after five long years of war? As much as I hesitate, in the presence of Marshal Foch to touch upon technical military matters, it is necessary for clearness that I briefly do so.

The American resistance, in spite of the aid brought over by Rochambeau's army, was on the verge of collapse. Listen to what Rochambeau wrote to De Grasse in the West Indies: "I will not deceive you, sir. These people are at the ends of their resources. * * * General Washington has but a handful of men. * * * The army of Cornwallis is in the heart of Virginia. * * * This country is at bay; all its resources are failing at the same time. * * * Come! America is in distress."

The British were in New York and Admiral Graves blockaded our coast. Our commerce was dead, munitions from France cut off, and Cornwallis, after ravishing the Carolinas, was marching north to combine with Clinton in crushing Washington. People were tired, business was at a standstill, Congress torn with faction, and it seemed but a matter of months before the end of our resistance must come. What changed all this and ended the war victoriously at Yorktown the following October? De Grasse.

Yielding to the representations made by Washington and the entreaties of La Luzerne and Rochambeau, without instructions from home, he took upon himself the enormous responsibility of leaving in the West Indies vast convoys of French merchantmen without protection, and thus unencumbered to sail with his whole fleet in execution of the great combination which his sailor's genius saw would end the war, if only it were successful.

To La Luzerne, French diplomatic envoy to the colonists, belongs the honor of proposing the Virginia operations; Washington and Rochambeau in perfect accord drew up the daring plans for executing the maneuver; but to De Grasse falls undivided the immense credit of carrying out his part of it with an energy and skill which elicited from his enemies the appellation of the "intrepid Frenchman." Alas! that the French King should have loved his admiral less than the British admired him.

Not content with merely coming, De Grasse induced the Marquis de Saint Simon, commanding in San Domingo, and Monsieur de Lillancourt, in Haiti, to loan him 3,200 troops with over 100 cannon; and to make sure of the million livres he managed to borrow in Habana he offered in pledge the very chateau in which we stand this moment. Morally, militarily, politically, his action was without a flaw.

And the result? Arriving off Norfolk—and please note that his flagship was called *La Ville de Paris*—he decoyed the British squadrons away from the entrance of the capes, fought them, fooled them, and finally sent them back to their base in New York damaged and unable to keep the seas. Meantime with masterly skill Washington had marched his army and that of Rochambeau to the head of Chesapeake Bay, and here again De Grasse did not hesitate to send him ships for their rapid transfer to the Yorktown Peninsula, at the same time landing his own 3,000 soldiers in front of the city. The rest is an old story. Cornwallis, blockaded by sea and menaced by land, surrendered, and our war was won.

Why has De Grasse never been given his place in that galaxy of brave Frenchmen whom Americans have for a century delighted to honor? For one thing, there is the briefness of his apparition. He came when called, did the work required of him, and sailed away to attend to other urgent business. It is doubtful if he so much as spent a night upon American soil. He had promised Monsieur de Lillancourt that if he would lend him those 3,000 troops he would bring them back in October, and he kept his word. Whether France's loyal allies in Habana got back the million they scraped together, whether the Spanish ladies recovered the jewels they pledged to aid in raising the money, I have at the moment no means of telling you.

The plans made by De Grasse and his precision in executing them bear the stamp of high genius. The middle of August he starts with his fleet on a most dangerous errand 1,500 miles away. No detail is omitted to insure success. Slow transports are not taken, the troops being loaded on the warships. A fast frigate is dispatched to Rochambeau conveying advance news of his movements. He refuses to weaken his force by assigning men-of-war to convoy the large merchant fleet standing ready to sail for France. Even in the battle of September 5, the "intrepid Frenchman" allows no love of glory or his well-known passion for the fight to deter him from his object of decoying the British fleet away from the capes in order to let De Barras in. Fight he does and gallantly, but always with one thing in view, get De Barras's squadron safely into Yorktown. On October 19, Cornwallis surrenders and the admiral sails back to San Domingo. A good piece of work done in most businesslike fashion.

De Grasse's subsequent misfortunes, in no way reflecting upon his ability and courage—quite the contrary—should make him all the more dear to us whom he served so splendidly, should lead us to revive his memory and insure for him the place in world history which has, through a strange negligence, been denied him.

In a course of lectures at the University of London, Professor Reich said: "This naval Waterloo of the British is one of the least noticed events of modern times. Not one Englishman or American in 10,000 has ever heard the name of this battle, the full details of that clinching victory have never been published, and the battle is as a rule neither given its precise name nor placed in the right historic perspective. * * * The battle off Cape Henry had ultimate effects infinitely more important than those of Waterloo."

These words of an impartial English historian written 25 years ago have taken on an added meaning now. A great war has been fought and world history further modified. France and America have once more combined on land and sea to defeat a common opponent and advance the cause of human liberty.

A few years ago another Frenchman whose name had been forgotten was rescued by a grateful Congress from undeserved oblivion and given a place in our hearts and history. But without De Grasse, Major l'Enfant would have had no city of Washington plan, and it may well be that the memory of the great admiral will only gain in the long run by having had to wait for an ever grateful people to realize how much they owe him.

When De Grasse's statue stands beside that of Lafayette and Rochambeau in the beautiful park which faces the White House in Washington we will have begun a work of piety which will only end when every American schoolboy knows the deeds of this splendid Frenchman as well as he now knows those of his gallant comrades in arms, Lafayette and Rochambeau.

WORLD WAR VETERANS' LEGISLATION

Mr. OLIVER of Alabama. Mr. Speaker, ladies and gentlemen of the House, I requested time for the purpose of making some comments on the very fervid commendation of the President's veto of the veterans' bill by the gentleman from South Dakota

[Mr. JOHNSON], and to briefly call attention to the genesis of this legislation, so that the uninformed public may know who first sponsored those basic principles of legislation which the gentleman from South Dakota now so warmly praises the President's condemnation of.

You will pardon me, however, for a short digression while I express to my colleague, the gentleman from Alabama [Mr. ALMON] my appreciation for the very strong, forceful address which he has just made urging definite legislation for Muscle Shoals at this session. [Applause.] Many of us had hoped that he might realize before this session adjourns the dreams which he has so long cherished that this great Government plant should be dedicated for all time to the helpful service of agriculture in peace and to the defense of country, if emergency should ever require it.

With unwavering loyalty, he has steadfastly insisted that the Government's large investment in his home county should never be diverted from the wise purposes to which it was dedicated by Congress in the national defense act of 1916.

Another colleague from Alabama, serving with distinction on the Military Affairs Committee of the House, has shown like devotion and loyalty to this same cause. I refer, of course, to the gentleman who represents the Montgomery district [Mr. HILL].

These two colleagues, with many other Members of the House, have strenuously insisted and are now urging on the majority leaders of the House, who are clothed with plenary authority in the premises, to permit a vote at this session on the compromise measure proposed by all five of the Senate conferees, and which is acceptable to two of the five House conferees. No one will deny that a substantial majority of the House would vote for the compromise measure, and it seems incredible that the majority leaders should refuse this right. To delay legislation on this subject until December will be a serious blow to agriculture generally and especially in the South.

Adverting again to the President's veto of the veterans' bill, let me read the following excerpts taken from the remarks on yesterday of the gentleman from South Dakota [Mr. JOHNSON]:

> I believe the House will sustain the President's veto just as firmly as I believe that that veto will be before us, and the President will state the truth in that veto if he says that the bill that has come to him is the most unfair, inequitable, unjust, and vicious piece of legislation that has ever been passed in any parliamentary body for the alleged relief of service men.

Mr. BLANTON. Will the gentleman yield?

Mr. OLIVER of Alabama. I prefer not to just now, since I only have a limited time. Then, again reading from Mr. JOHNSON's remarks, we find the following:

> In my judgment, Mr. Speaker, the House is ready to act on the message of the President which correctly characterizes this unjust, unfair, and discriminatory bill, and for that reason, without further discussion, I move the previous question.

So far as the observations which I wish to submit at this time on the declarations just quoted from the remarks of the gentleman from South Dakota are concerned, we can well waive for the present all questions as to the accuracy of fact and conclusion recitals or the potency of the arguments advanced by the President in his veto message. I confidently assert, however, that all who are acquainted with the genesis and history of this legislation must have felt a distinct shock and surprise as they listened to the fulsome, enthusiastic approval of the veto message as voiced on yesterday by the gentleman from South Dakota. Certainly, the uninformed public, after reading the quoted excerpts, which I have just read, would never surmise that the gentleman from South Dakota, as chairman of the Veterans' Committee of the House, only recently reported and urged the passage of that very bill in the House when it contained provisions subject to every basic, fundamental criticism and objection offered by the President to the bill as it passed the Senate—some of the most objectionable provisions complained of by the President being in the exact language as originally reported by the gentleman from South Dakota and adopted by the House on his recommendation.

Will the gentleman from South Dakota claim that the President's veto was not directed at legislation proposed and recommended to the House by the Veterans' Committee of which he is chairman?

Did not the bill so reported and recommended for passage by the gentleman from South Dakota amend section 200 of the veterans' act, so as to give presumptive service connection to every character of disability suffered by World War veterans up to January 1, 1925, and fix the same compensation ratings for all such presumptive connected disabilities as are provided for disabilities shown by positive proof to have been actually contracted in the service?

Did not the committee, speaking through the gentleman from South Dakota as its chairman, offer as a justification for this presumptive service connection for all disabilities to January 1, 1925, the fact that this same committee, with the approval of Congress, had previously extended presumptive service connection for a limited number of disabilities up to that same date?

Did not the gentleman from South Dakota, as chairman of the committee, include and indorse in his original bill all of the provisions in the bill vetoed by the President, which carried hospital pay for veterans and their dependents, when hospitalized for nonservice disabilities, and as to which the President directed his most bitter complaint?

Did not the gentleman from South Dakota, as chairman of the committee in charge of the bill on the floor of the House, accept the amendment offered by the gentleman from Texas [Mr. BUCHANAN], which gave compensation for disabilities resulting from social diseases contracted while in the service?

Did not the gentleman from South Dakota oppose and help defeat an amendment offered by the gentleman from Ohio [Mr. FITZGERALD] which sought to give to all disabilities presumptively service connected, under the bill reported by the committee, a lower basis of pay than that allowed for direct service-connected disabilities?

Did not the gentleman from Indiana [Mr. WOOD], chairman of the House Committee on Appropriations, during the consideration of the bill, reported by the gentleman from South Dakota, bitterly attack such bill in the House on the very same grounds and for the very same reasons set out in the President's veto message, and without a word of approval from the gentleman from South Dakota of the objections which Mr. WOOD then offered?

Was not Mr. WOOD simply voicing the objections set out in an elaborate paper prepared by the Veterans' Bureau and known to the gentleman from South Dakota, at the time that he was urging the passage of the bill, which contained the provisions objected to by the President?

Did not the gentleman from South Dakota and the gentleman from Massachusetts [Mr. LUCE] urge the House to pass the committee bill, with all of the provisions objected to by the President, and in support of their appeal for votes declare unreservedly that the bill had the warm support and approval of the head of the American Legion and other high officials of the Legion?

To all of the above questions, I respectfully submit, an affirmative answer will be found in statements made by the gentleman from South Dakota appearing in the CONGRESSIONAL RECORD on the following dates: April 15, 17, 23, and 24, while what is known as the Johnson bill was under discussion in the House.

I have not referred to these matters in any spirit of unkindness to the gentleman from South Dakota, because our relations have always been cordial and friendly and will continue so; but my only purpose in recalling these facts in connection with the gentleman's recent fervid and enthusiastic indorsement of the veto message is to let the RECORD show that every criticism, every objection, and every denunciation found in the President's veto message applies to the bill sponsored and recommended in the House by none other than the gentleman from South Dakota himself.

It is neither fair nor just for the uninformed to infer from the very laudatory commendation of the veto message by the gentleman from South Dakota that what he terms "unfair, unjust, and discriminatory legislation" applies only to what was done or offered by others.

The gentleman from South Dakota [Mr. JOHNSON] and the gentleman from Massachusetts [Mr. LUCE] have made some reference to politics in connection with the original bill as it passed the House. I respectfully submit that this charge is unwarranted, and that a careful reading of what occurred during the consideration of the bill, as reported by the committee, will show that it was not justified.

The amendment which the gentleman from South Dakota [Mr. JOHNSON] and the gentleman from Massachusetts [Mr. LUCE] vigorously objected to was an amendment offered by the gentleman from Mississippi [Mr. RANKIN]. The Rankin amendment was adopted, however, by a very substantial majority, Members on both sides of the aisle voting for and against it. Certainly there was no politics entering into the adoption of the Rankin amendment. The bill was finally passed by the House in its amended form, with less than 50 votes against it, and constituting this small number opposing the bill were Members from both sides of the aisle. The bill was favorably reported to the Senate by a nonpartisan committee vote and passed the Senate with only six votes against it.



What facts, then, can the gentleman from South Dakota point to as justifying any charge that politics entered into the passage of this legislation either in the House or Senate?

Permit me in conclusion to say that the pension disability bill passed by the House on yesterday, and which the House was then informed would have the approval of the President, was not only not recommended by the Veterans' Committee of the House when this legislation was recently before the House for consideration, but members of the Veterans' Committee on the majority side gave assurance to the House that it was an inopportune time to consider pension disability legislation and that the American Legion did not favor such legislation. It was my own thought that had the Veterans' Committee of the House given more careful study to some constructive suggestions submitted by General Hines, Director of the Veterans' Bureau, and which sought congressional direction and authority for the bureau to deal more liberally with border-line cases, that the urgently needed relief for a large number of disabled veterans could have been provided for on a fair and just compensation basis.

There are many veterans now suffering from tuberculosis and other disabilities who are clearly entitled to service connection for such disabilities, and it is earnestly hoped that since Congress has now provided that the Director of the Veterans' Bureau shall determine both the law and the facts in connection with such cases, and that rating boards shall hereafter give due consideration to lay facts, that such veterans will now be able to establish service connection for their disabilities. I know that the director of the bureau is sympathetic to such cases and will no doubt provide rules and regulations at once to insure a fair and liberal consideration of the same by all rating boards. No one familiar with the history of general pension legislation entertains any doubt that demands will be made at the next session of Congress for increase in rates, and that very soon a pensionable status will and should be given to the dependents of deceased veterans. It is impossible to maintain different standards of pension pay for disabled veterans, and now that Congress has passed general pension legislation the cost of same will unquestionably rapidly increase during the next four years.

Under leave already granted I will insert some provisions contained in the original Johnson bill as reported by the Veterans' Committee and omitted from the bill which the gentleman from South Dakota offered yesterday to meet the objections of the President's veto message. The omitted provisions were embodied, let it be remembered, in a bill sponsored and supported by the gentleman from South Dakota only a few weeks ago, which the House was then informed had strong Legion support, and those provisions then urged but now dropped were subject to every criticism and every fault which the President found with the bill as it passed the Senate. [Applause.]

TARIFF ON TOMATOES

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. REED of New York. Mr. Speaker, ladies and gentlemen of the House, I have before me the RECORD of June 21, 1930, and I call attention to the remarks of the Hon. CLAUDE FULLER, of Arkansas. He makes the following statement, on the top of page 10799:

> In keeping with the policy of my party and to protect the infant industries of this country, I collected the facts and made the only speech before the committee and the House on canned tomatoes. Under the Democratic tariff law the tariff rate was 25 per cent, but in 1922 the Republicans, evidently through oversight, cut the tariff rate down to 15 per cent and placed a 10 per cent tariff on tin, which caused the tomato-canning industry to become almost insolvent.
>
> This bill originally carried 25 per cent, but after my argument the House and Senate increased the rate to 50 per cent, which is now the law. This was required to protect the canners on account of Italy being able to employ labor at 8 cents a day and flood the American market with cheap canned tomatoes. In my congressional district there are approximately 100 canneries, and the Ozark region cans 30 per cent of all the tomatoes of the United States. This tariff will benefit the tomato growers and the canning industry and enable them to prosper.

Mr. Speaker, each of us comes from our several congressional districts, acting as the Representative of our people. The CONGRESSIONAL RECORD is supposed to be the official record which tells the people at home the truth about what we do here. I am not raising this point for myself alone, but I ask any fair-minded Representative in Congress, on either side of the aisle, to examine the hearings before the Ways and Means Committee and to study the CONGRESSIONAL RECORD, to see whether or not the statement of the Hon. CLAUDE FULLER is correct. I happen to know that men on the Democratic side of the House and on the Republican side of the House were interested in this proposition of an increase in the tariff on tomatoes; that these men were earnest and sincere in an effort to increase the tariff, except those who voted against the tariff bill.

Mr. LAGUARDIA. The gentleman knows that I opposed it consistently.

Mr. REED of New York. I know that. I shall extend my remarks, as I have obtained the privilege to do, and show what I had to say before the Committee on Ways and Means. I want no more credit than others who fought to get the increase. The only difference is this, that many of those who fought for this increase, when the tariff bill came in for a vote, voted for it. The gentleman from Arkansas, Hon. CLAUDE FULLER, when he had a chance to vote, voted against the increase so that if his vote had prevailed, his people at home would have received no benefits whatever.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. GARNER. In view of the fact that the gentleman from Arkansas [Mr. FULLER] is not present and can not speak for himself, I think it is nothing but just to call attention to the fact that he does not claim that the gentleman from New York or anyone else did not appear before the Committee on Ways and Means.

Mr. REED of New York. He said that he "made the only speech before the committee and the House on canned tomatoes."

Mr. GARNER. The only one that made a speech, and the RECORD may be correct in that.

Mr. REED of New York. I have examined it particularly, and that is not correct.

Mr. GARNER. Does the gentleman know what others made a speech?

Mr. REED of New York. I have examined the RECORD and know that others did. One on the gentleman's own side of the House and others made speeches for canned tomatoes.

Mr. KNUTSON. The gentleman from California [Mr. FREE] made such a speech.

Mr. REED of New York. Yes; and the gentleman from Florida, Hon. HERBERT DRANE, Hon. CLARENCE LEA, of California, and various others. The Indiana delegation individually and collectively worked for an increased tariff on canned tomatoes.

Mr. SHORT of Missouri. The gentleman should also realize that several Members went personally to see members of the Committee on Ways and Means about the matter.

Mr. REED of New York. Yes; the gentleman from Missouri, Hon. DEWEY SHORT, and his colleagues, Hon. DAVID HOPKINS and Hon. JOE MANLOVE, and others, labored incessently and effectively for the increase. It is manifestly unfair for the gentleman from Arkansas to put into the official RECORD the claim that he is the only one who made this fight. I call attention to the fact that the Hon. CLAUDE FULLER voted against the tariff bill that carried these benefits to his people. I made the following statement before the Ways and Means Committee:

> Mr. REED. Mr. Chairman, the tomato is now recognized as one of the most important vegetables produced in the United States. It is grown on a commercial scale in more than half the States. The manufactured products are chiefly canned tomatoes, tomato soup, tomato paste, tomato pulp, tomato catsup, chili sauce, and pickles.
>
> It has been found that the tomato, either fresh or canned, contains a vitamine which prevents certain diseases of malnutrition common to children.
>
> The total production of tomatoes in the United States has reached dimensions that makes it one of the outstanding agricultural activities of the Nation. In 1927 the total acreage in the United States devoted to tomatoes was 246,030, with a total production of 1,109,000 short tons, valued at $15,885,000.
>
> It is interesting to note that the price paid by canners in 1918 was $21.73 per ton, and the total value of the crop that year was $34,030,000. In 1927 the average price paid throughout the country by canners per ton was $14.32 and the total value of the tomato crop was $15,885,000.
>
> The United States census of 1920 shows that tomatoes for commercial purposes were produced on 170,693 farms, with a total acreage of 316,399, or an average of 1.85 acres to the farm. The Tariff Commission in its report, Table 2, gives the acreage, yield per acre, price per ton paid by canners, total production, and value by States for the years 1925, 1926, and 1927. I insert it as a part of this statement:

TABLE 2.—*Tomatoes for manufacture: Acreage, yield per acre, price per ton paid by canners, total production, and value by States for the years 1925, 1926, and 1927* [1]

State	Acreage			Yield per acre (short tons)			Production (short tons)			Price per ton paid by canners			Total value		
	1925	1926	1927	1925	1926	1927	1925	1926	1927	1925	1926	1927	1925	1926	1927
Arkansas	20,340	11,630	11,510	3.0	2.5	3.0	61,000	29,100	34,500	$13.65	$11.86	$12.76	$833,000	$345,000	$440,000
California	30,000	32,250	28,760	6.0	6.4	6.2	180,000	206,400	178,300	16.29	15.61	15.00	2,932,000	3,222,000	2,674,000
Colorado	3,040	2,350	2,250	8.5	7.5	5.0	25,800	17,000	11,200	11.50	12.00	12.00	297,000	211,000	134,000
Delaware	20,000	11,700	15,000	5.3	2.0	5.1	106,000	23,400	76,500	16.27	20.00	14.00	1,725,000	468,000	1,071,000
Illinois	7,650	5,270	5,110	3.8	4.0	4.4	29,100	21,100	22,500	12.33	13.44	13.98	359,000	284,000	315,000
Indiana	67,340	49,990	42,900	4.5	3.5	3.8	303,000	175,000	163,400	12.79	12.60	13.06	3,875,000	2,205,000	2,134,000
Iowa	3,660	3,850	4,080	3.7	3.3	4.5	13,500	12,700	18,400	14.55	12.88	14.29	196,000	164,000	263,000
Kentucky	9,550	6,950	6,530	4.0	3.0	3.2	38,200	20,800	20,900	13.46	12.25	13.08	514,000	255,000	273,000
Maryland	49,800	37,000	34,410	5.0	2.4	4.4	249,000	88,800	151,400	15.97	13.90	14.28	3,976,000	1,234,000	2,162,000
Michigan	2,000	1,800	1,800	6.8	5.0	5.5	13,600	9,000	9,900	11.91	11.80	12.13	162,000	106,000	120,000
Missouri	39,150	25,620	17,930	3.5	2.5	2.0	137,000	64,000	35,900	13.52	11.85	12.87	1,852,000	758,000	462,000
New Jersey	32,000	32,000	28,000	7.0	4.8	5.2	224,000	153,600	145,600	17.00	20.40	18.00	3,808,000	3,133,000	2,621,000
New York	13,550	9,850	10,540	6.8	5.0	6.7	92,100	49,200	70,600	16.31	15.30	14.92	1,502,000	753,000	1,053,000
Ohio	8,560	8,000	10,000	6.0	4.8	4.5	51,400	38,400	45,000	13.09	11.20	12.45	673,000	430,000	560,000
Pennsylvania	4,780	3,370	3,740	5.4	3.0	5.0	25,800	10,100	18,700	16.00	13.40	14.24	413,000	135,000	266,000
Tennessee	11,820	8,200	8,450	2.0	3.0	2.9	23,600	24,600	24,500	15.39	13.42	13.95	363,000	330,000	342,000
Utah	6,850	2,630	5,200	18.0	7.0	9.3	123,500	18,400	48,400	11.98	10.00	11.00	1,480,000	184,000	532,000
Virginia	15,730	6,000	6,420	3.5	3.5	4.0	55,100	21,000	25,700	16.19	12.73	13.75	892,000	267,000	353,000
Other States	4,100	3,040	3,310	5.0	3.0	2.3	20,500	9,100	7,600	15.24	13.60	14.43	312,000	124,000	110,000
Total or average	349,930	261,500	246,030	5.1	3.8	4.5	1,772,200	992,300	1,109,000	14.77	14.72	14.32	26,164,000	14,608,000	15,885,000

[1] Source: Vol. 4, No. 12, Crops and Markets—U. S. Department of Agriculture.

This table visualizes clearly the magnitude of the tomato industry in each of the States.

New York State in 1927 had a total acreage of 10,540, a total production for that year of 70,600 tons, valued at $1,053,000. The price paid by the canners to the farmers of our State in 1927 was $14.92 a ton. The average price for the past five years paid per ton for tomatoes in Chautauqua County, Cattaraugus County, and Erie County, N. Y., has been $15. About 500 acres in these three counties are devoted to growing tomatoes. The average yield for the past five years has been 6¼ tons per acre. This makes the average total receipts per acre $93.75, but how about the cost of producing an acre of tomatoes?

3,500 plants, at $7 per thousand	$24.50
750 pounds fertilizer, at $40 per ton	15.00
Rent of land	15.00
Plowing, man and team, at 75 cents per hour	3.75
Fitting land, at 75 cents per hour	3.00
Setting plants, at 30 to 40 cents per hour	4.00
Cultivating (an average of six times)	15.00
Picking, at $2.25 per ton	14.06
Hauling, at $1.25 per ton	7.81
Total cost per acre	102.12

These cost items do not include interest on the investment, wear and tear on equipment, nor does it take into account the law of diminishing returns, which is a very important factor in this particular farm activity.

At this point I wish to call the committee's attention to a statement taken from Bulletin 412, published by the Cornell University Agricultural Experiment Station, Ithaca, N. Y.:

"The return per hour of labor spent on the crop is shown in Table 57. These figures are for a year when the yield per acre was better than the average. With a yield per acre of 7 tons, the cost per ton on these farms in 1920 would have been about $21.85 and the return per hour of labor would have been about 39 cents. This was 3 cents less than the average cost per hour of labor and was practically the cost per hour of all hired labor."

TABLE 57.—*Return per hour of labor on tomatoes on 133 farms in 1920*

	Orleans	Niagara	Chautauqua	All farms
Return per hour	$0.74	$0.54	$0.39	$0.55
Cost per hour	.45	.44	.38	.42
Profit per hour	.29	.10	.01	.13

On page 56 of the Cornell Bulletin, referred to, is this statement:

"Between 75 and 80 per cent of the total tonnage was produced at or below a cost of from $21 to $22 a ton. This tonnage was grown by 61 per cent of the producers on 64 per cent of the acreage."

This statement has reference to a survey of 138 farms to determine variations in the cost of producing tomatoes. The survey was not made for the purpose of procuring a tariff on tomatoes; therefore it is an impartial study of the subject.

The fact that over 40 canners, purchasing tomatoes at the price mentioned—that is, $15 per ton—have failed or gone out of business during 1927 because they could not make money indicates that something is radically wrong. The cost of producing tomatoes shows that the farmers are no longer able to make a profit, which may in part account for the reduction in acreage devoted to tomotoes, from 261,500 in 1926 to 246,030 in 1927.

The greatest competitor the United States has in tomato production is Italy. In 1926 Italy had an acreage of 94,172 and a production of 583,447 tons. There were in 1926 approximately 600 factories engaged in canning and preserving in Italy, with a capital investment of over $44,000,000 in this industry. The products of the canning industry rank sixth in the list of Italian exports. The best official information I have been able to find on the subject is to the effect that the canned tomato industry in Italy is organized principally for export trade rather than domestic consumption. In 1926 there was shipped into the United States from Italy 128,037,000 pounds of canned tomatoes and 93,872,000 pounds of tomato paste, making a total of 221,909,000 pounds.

The following table indicates clearly the rapid increase in the imports of tomato paste from 1922 to 1927:

Tomato paste, United States imports for consumption, September 22, 1922, to December 31, 1927, inclusive [1]

	Pounds	Value	Value per pound
Sept. 22 to Dec. 31, 1922	1,867,555	$204,447	$0.109
1923	7,139,441	753,779	.106
1924	10,125,583	962,393	.095
1925	18,484,464	1,661,101	.090
1926	15,912,247	1,502,831	.094
1927	13,857,335	1,423,729	.103

[1] More than 99 per cent of the imports came from Italy.

Official figures show that 12.36 per cent of the consumption of canned tomatoes in the United States in 1927 was supplied by imports. We have serious competition from Mexico, Cuba, and the British West Indies. The amount of fresh tomatoes imported into the United States from these countries in 1926–27 was 124,439,000 pounds. It is apparent that the amount of fresh tomatoes, canned tomatoes, tomato paste now entering this country from Italy, Cuba, Mexico, and the British West Indies supplant our domestic product to that amount.

When we consider Italy we find 600 canning factories, a capital investment of $44,000,000, approximately 60,000 people employed in the canning industry, 200,000 people raising fruits and vegetables used by the canneries; the value of the output annually is $115,800,000—and this vast competition with our products fostered by a royal decree under date of February 8, 1923.

I respectfully submit that this large domestic industry, built up in over half the States of this country, not only as a farm industry but as a canning industry with a large investment in both, should not be subjected to a competition so serious as to destroy it. The only protection which can be given to this industry is an adequate tariff, one that will offset any governmental aid which the tomato industry in Italy is receiving under royal decree and insure our farmers a profitable return for their labor and investment, after taking into consideration the items which I have set forth in the earlier part of this statement.

EXTENSION OF REMARKS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks in the RECORD on the veterans' legislation just passed, this permission to extend to the close of the session.

The SPEAKER. The gentleman from Michigan asks unanimous consent that all Members may have the privilege of ex-

tending their remarks on veterans' legislation from now until the close of the session. Is there objection?

Mr. GARNER. Mr. Speaker, I ask that that request go over until later in the afternoon.

Mr. MICHENER. I withdraw the request.

BOBBY JONES

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Georgia [Mr. RAMSPECK] for five minutes.

Mr. RAMSPECK. Mr. Speaker, the State of Georgia has produced many notable men in its history as a State, and I rise to address this House to-day on the accomplishments of one of those men. We have in our State a man who has achieved fame unequaled by any other.

On the second day of next month, on Wednesday, July 2, the great city of New York, recognizing the fame which has come to this gentleman from Georgia, has through its mayor, the Hon. James Walker, appointed an official welcoming committee, headed by the Hon. Joseph Johnson, himself a former resident of the State of Georgia, to go down the bay and meet the steamer *Europa* when it arrives in the harbor of New York to welcome back to America the Hon. Robert Tyre Jones, jr., better known as Bobby Jones, the king of all the golfers of the universe. [Applause.]

Mr. Speaker, the citizens of Atlanta acclaim this champion golfer to such an extent that they are preparing a special train which will leave Atlanta next Monday, and that train will contain a representative delegation of the leading citizens of that city, headed by the Hon. John S. Cohen, Democratic national committeeman from Georgia. They will go to New York and welcome this distinguished son of Georgia.

Mr. Speaker, Bobby Jones has achieved in golf something that nobody has ever before achieved. He holds to-day three of the four major championships of the United States and Great Britain. He is the open champion of America, and he is the open champion of Great Britain. He also holds the British amateur championship. The last two honors he has acquired within the last 30 days, and in addition thereto he has won many other honors in golf competitions in Great Britain and America. In 10 years he has won 11 major championships in golf competitions.

Beyond all that, Bobby Jones is admired and loved by the people who know him best on account of his modesty and the manner in which he has worn his honors and fame. He has played with the Prince of Wales and other dignitaries. But all of this notoriety has had no effect on his modesty or saneness. I am sure that no man will contradict me when I say that the achievements which this man has attained have brought to the United States a great measure of good will, not only on this side of the waters but in Europe. The people admire Bobby Jones for what he is. [Applause.]

I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, in this day when manufacturers recognize good will as an asset worth millions of dollars, it seems to me not out of place to call the attention of the House to the international good will created for the United States by a distinguished citizen of Atlanta.

His accomplishments and his fame achieved in international sports competition has done more, in my opinion, to create a friendly feeling for our country in foreign lands than the combined efforts of all of our diplomats.

Mr. Speaker, I refer to Robert Tyre Jones, jr., of Atlanta, master golfer, affectionately known to millions of devotees of the game as Bobby Jones.

His accomplishments in winning the admiration and friendship of millions in other lands have been surpassed by no American citizen. He is admired and acclaimed in every nook and corner of our own United States, being recognized by all as typical of the best example of American character and sportsmanship.

In this respect he is similar in many respects to our great American eagle, Lindbergh. They have many traits of character that are similar.

In spite of the world-wide honors he has received, including entertainment and association with royalty and other high officials of many lands, Bobby Jones has maintained his poise and common sense. He has kept his feet on the ground, has accepted his fame with wonderful modesty, and has absolutely refused to use his honors for the purpose of making money.

In this respect the master golfer and the American eagle have reflected great glory upon the United States and have set an example in America worthy of our best traditions. They are an inspiration to all of us who deplore the tendency, all too common in this age, of putting money above all things else.

On Saturday, May 31, 1930, Bobby Jones won the British amateur championship, thus completing his record. In less than 10 years this man, now only 28 years of age, has attained a record in golf never before achieved by any other player.

In speaking of this accomplishment, Grantland Rice, the well-known sports authority, says:

> But Bobby Jones to-day is the only golfer who ever won the open and amateur championships of both Great Britain and the United States—the four national titles which happen to be the last words in match and medal play golf. There now are no more golfing worlds for him to conquer.
>
> At the age of 28 he has won 10 national titles against the best amateurs and the best professionals in his game, and he still has three more national titles to shoot at this year—the British open at Hoylake later on in June, the United States open at Interlachen in July, and the United States amateur at Merion in September.
>
> Bobby already has broken one record by winning all four major titles. Now he has a chance to break another by winning three of the four major titles in one year, something no one ever has done.

The wonderful record made by Bobby Jones over a period beginning at the age of 14 years is as follows:

RECORD OF BOBBY JONES IN OUTSTANDING BRITISH AND AMERICAN GOLFING COMPETITIONS SINCE 1916

1916

United States amateur: Jones qualified with a sensational 74 for the first round and an 89 on the second at the Merion Cricket Club, Haverford, Pa. He defeated E. M. Byers and F. W. Dyer, veteran stars, in the first two rounds and lost to Bob Gardner, 4 and 3, in the third round. Gardner eventually was runner-up to Chick Evans. It was here that Bobby Jones became known as the "Kid Wonder."

1919

United States amateur: Jones, after two years of exciting experiences in Red Cross matches throughout the country, returned to competition at Oakmont. Qualifying with 159, he defeated J. H. Manion, Bob Gardner, Rudy Knepper, and W. C. Fownes, jr., to reach the final. Here he lost to S. D. Herron, 5 and 4. Thus, in his second attempt at a national title, the Atlanta youngster went as far as the final round.

1920

United States amateur: At Engineers, Jones tied for the medal with F. J. Wright, jr., with 154. In the first round he defeated J. Simpson Dean, following with victories over Wright and F. W. Dyer. He lost in the semifinals to Francis Ouimet, 6 and 5, Ouimet bowing in the final to Chick Evans.

United States open: This was Bobby's first venture in open competition against the giants of the professional ranks, the scene being Inverness, at Toledo, Ohio. With rounds of 78 and 70, a final round of 73 would have carried him to a tie. He wound up, however, with 77, for a total of 229, four strokes behind the winner, Ted Ray, of England.

1921

British amateur: Upon his first invasion in quest of British golf crowns, of which in subsequent years he was to win four—three open and one amateur—Jones met with indifferent success. In the fourth round at Hoylake, scene of yesterday's great triumph, he lost to Allan Graham in the fourth round.

British open: At St. Andrews the Atlantan withdrew after scoring 78 and 74, dissatisfied with his playing.

United States open: In the tournament at Columbia Country Club, Chevy Chase, Md., a final round of 77 spelled Bobby's doom, for he was in the running with 78, 71, 77 for the first three rounds. His total of 303 tied him for fifth place, four strokes behind the winner, Jim Barnes.

United States amateur: Qualifying with 151 at the St. Louis Country Club, Jones triumphed over Clarence Wolff and Dr. O. F. Willing, but lost to Willie Hunter, 2 and 1, in the third round. Hunter bowed in the next round to Bob Gardner, who lost to Jesse Guilford in the title round.

1922

United States open: A youthful ex-caddie named Gene Sarazen flashed a 68 on the final 18 at Skokie, leaving Jones 1 stroke behind at the finish in a tie with John Black, the winning score being 288. Bobby shot a superb 73 on the last stretch, but it was not sufficient to match Sarazen's inspired flash. This was his closest bid for the open crown to date.

United States amateur: Once again the quarter finals proved Bobby's nemesis in the amateur at Brookline, the Atlantan bowing to Jess Sweetser, 4 and 3. It was Sweetser's year, Big Jess, of Siwanoy, going on to defeat Chick Evans for the title.

Walker Cup: This was the first year of the international matches between the United States and England, the play being over the National

Golf Links at Southampton. Jones won in the singles from Roger Wethered, 3 and 2, and paired with Sweetser in the foursomes to defeat Hooman and Torrance, 3 and 2. The United States won, 8 to 4.

1923

United States amateur: At Flossmoor Bobby qualified with 149, tying for the medal with Chick Evans. He defeated T. B. Cochran and then encountered an inspired Max Marston in the second round. In this match Marston played only one hole all day above par. On the thirty-fifth green he had at 12-foot putt to halve the hole and win the match. The putt was true all the way and Bobby succumbed by 2 and 1. Marston won the title, defeating Sweetser in the final.

United States open: The "7-year drouth" for Robert Tyre Jones, jr., ended at Inwood Country Club, Inwood, Long Island, on July 15. Since 1916 he had been shooting at golf's chief prizes, only to miss. At Inwood he turned in scores of 71, 73, and 76 and began the fourth round 3 strokes ahead of Bobby Cruickshank. His 76 on the last 18 while Cruickshank was taking 72 resulted in a tie at 296. In the play-off Jones won with 76 to 78. Bobby's finish was an epic in golf, his spectacular midiron shot to the green from the rough landing 7 feet from the cup and giving him a 4, while Cruickshank took 6. Thus Bobby, at 21, won his first national title.

1924

United States open: At Oakland Hills Jones ran second with 300, 3 strokes behind Cyril Walker.

United States amateur: The first amateur title for Jones came to him at the Merion Cricket Club. After turning back in succession W. J. Thompson, D. Clarke Corkran, Rudy Knepper, and Francis Ouimet, he overwhelmed George von Elm in the final, 9 and 8.

Walker cup: Jones won his singles match in the international amateur series at Garden City, defeating Maj. C. O. Hezlet, 4 and 3, but in the foursomes he and W. C. Fownes, jr., met defeat at the hands of Michael Harris and Robert Scott, 1 up. The United States won, 9 to 3.

1925

United States open: Once again play-off was necessary to decide this event, with Bobby and Willie Macfarlane, of Oak Ridge, the actors in the drama at Worcester, Mass. Each had finished the regulation 4 rounds with 291. Jones had overcome a 4-stroke deficit on the last round to catch Macfarlane. In the play-off Macfarlane turned in a 72 to Bobby's 73 to win the championship.

United States amateur: Thwarted in the open Bobby did better two months later in the amateur at Oakmont. He swept aside William Reekie, Clarence Wolff, and George von Elm in order, then crushed Watts Gunn in the final, 8 and 7.

1926

British amateur: At Muirfield Jones defeated C. B. Ormerod, Colin C. Aylmer, H. M. Dickson, J. Birnie, jr., and Robert Harris, but lost to Andrew Jamieson in the sixth round, 4 and 3. Here it was that Jess Sweetser rose to heroic heights, defeating Alex Simpson for the title, the first native-born American to capture the British amateur.

British open: Qualifying with the astounding scores of 66, 68 at Sunningdale—still a target for all who place that course—Bobby went on to St. Anne's and became the first American amateur to win the open title, with a 72-hole aggregate of 291. It was also his first championship won on British soil. Jones had come from behind to slip in ahead of Al Watrous by two strokes.

Walker cup: In the international matches at St. Andrews, won by the United States, 6½ to 5½, Bobby triumphed in the singles over Cyril Tolley, 12 and 11, and won in the foursomes with Watts Gunn, defeating Tolley and Jamieson, 4 and 3.

United States open: Following upon his triumphs abroad, the Atlantan set a hot pace at Scioto, finishing one stroke ahead of Joe Turnesa to capture the honors with 293.

United States amateur: At Baltusrol Jones found himself once again in the final, with George Von Elm his opponent. Bobby had beaten R. A. Jones, jr., William Reekie, Chick Evans, and Francis Ouimet before facing Von Elm, who won by 2 to 1.

1927

British open: St. Andrews was the setting for Bobby's second victory in the British open. Twelve thousand persons were thronged around the last hole when he rapped in a 3-inch putt to capture the title with 285, a record score for that classic. Aubrey Boomer and Fred Robson tied for second with 291.

United States open: Jones was off his stride at Oakmont and finished with 309, eight strokes behind the leaders, Tommy Armour and Harry Cooper, Armour winning the play-off for the title.

United States amateur: A third national amateur title was annexed by the southern wizard at Minikahda. He put out Maurice McCarthy, jr., Eugene Homans, Harrison R. Johnston, and Francis Ouimet, then defeated Chick Evans in the final, 8 and 7.

1928

United States open: Finishing in a tie at the end of the regulation 72 holes with Johnny Farrel at Olympia Fields, each with 294, Bobby ran second to the Quaker Ridge pro in the play-off for the title, 143 to 144.

United States amateur: Brae Burn brought Jones his fourth amateur title and his eighth national crown when he defeated T. Philip Perkins, then British amateur champion, in the final, 11 and 9. His victims before the final round were J. W. Brown, R. R. Gorton, John B. Beck, and Phillips Finlay.

Walker cup: At the Wheaton international matches Bobby defeated T. Philip Perkins in the singles, 13 and 12, and, paired with Chick Evans, won from Hezlet and Hope, 5 and 3.

1929

United States open: Sinking his famous 12-foot putt on the eighteenth green at Winged Foot for a final round of 79, which enabled him to tie Al Espinosa with an aggregate of 294, Bobby proceeded to crush the Chicago pro in the play-off with a typical display of par-wrecking golf, scoring 141 for the 36 holes against Espinosa's 164. This marked Bobby's third national open title.

United States amateur: Jones's defeat at the hands of Johnny Goodman, unheralded Omaha youngster, in the first round at Pebble Beach is still fresh in the memories of golf fans. Bobby had tied with Gene Homans for the medal. Goodman took a 3-hole lead at the start and never relinquished his hold, winning by 1 up on the eighteenth. The Omaha boy was eliminated in the next round by J. Lawson Little, 2 and 1.

1930

Walker cup: In the international matches at Sandwich, won by the United States, 11 to 1, Jones paired with Doctor Willing to defeat Torrence and Hartley in the foursomes, 8 and 7, and defeated Roger Wethered in the singles, 9 and 8.

British amateur: This tournament was Bobby's main objective. It was the only major championship he had never held. He had a stiff fight in the first round at St. Andrews when Sidney Roper shot 15 4s and a 5 at him, but Bobby played supergolf to get a 3-and-2 victory. Bobby had it easier against Cowan Shankland, but Cyril Tolley carried him to the nineteenth hole before he was able to put the British champion out. G. O. Watt gave Bobby a breathing spell in the fifth round, but Harrison R. Johnston, United States amateur champion, pressed him hard before he was able to win, 1 up. Eric Fiddian was next to fall before the Atlanta genius, and then George Voigt, who also carried Bobby to the last green. Jones's ambition was realized when he overwhelmed Roger Wethered in the final, 7 and 6, while 20,000 frenzied fans cheered madly.

British open: Jones became both British amateur and open champion yesterday when he led the field at Hoylake with a score of 291. It was his eleventh national title.

In making this record, Bobby Jones has not faced an easy task. He first had to conquer himself. That this was true and that he has succeeded only adds to the glory that is his. A tribute to him in this respect is contained in an editorial appearing in the New York Times of June 3, which is, in part, as follows:

MORE THAN A GOLFER

Mr. Robert T. Jones, as the formal British score boards have it, must be sighing now for more golf worlds to conquer. The last one, so long his objective, so long eluding him, has now fallen to his prowess. But in finally winning the British amateur championship he has conquered something more than the best players that Great Britain could oppose to him. He has set the final seal upon the conquest of himself. There is almost scriptural warrant for saying that he that ruleth his own spirit is greater than he that taketh a city—even when that city is St. Andrews. For it is well known that in his early golfing career, as boy and youth, Bobby Jones was petulant, irascible, passionate, explosive. It was all very well for him to learn how to handle a club, but he also had to learn how to handle himself. This he has achieved, by a splendid example of self-mastery, until to-day he is not only a model of sportsmanship in his bearing but a man whose poise and self-control are never shaken by the slings and arrows of outrageous fortune on the golf links.

This helps explain why Jones has become an international figure. It is not only that he is acclaimed the finest golfer who ever lived, being now unrivaled in his record of championships won at home and abroad. The evidence is strong that he is as much loved as a man as he is admired and wondered at as a golfer. The Scotch are not a demonstrative race, but they are fond of golf and still fonder of Bobby Jones. Whether in victory or defeat, he bears himself with smiling modesty, and is regarded on every links of Great Britain which he visits as not only a competitor but a gentleman and a friend. With the most scrupulous care, be it added, Mr. Jones has kept his amateur status without taint or suspicion. No one has ever accused him, as some others have been accused, of capitalizing skill at golf. Double congratulations are in order when such a man attains the full measure of fame which has now, pressed down and running over, come to Bobby Jones.

That the good will created for the United States is being recognized throughout the Nation is evidenced by the following

editorial appearing in the Charlotte News, Charlotte, N. C., as reprinted in the Atlanta Constitution:

BOBBY JONES IS HERO TO ENGLAND'S PEOPLE

(The following is reprinted from an editorial appearing in the Charlotte News, Charlotte, N. C., on May 27)

From golf to diplomacy is a step which may seem at first glance too incongruous for inclusion in one and the same article. Indeed, it is very much like calling on the sports writer to do a column on the treaty, or like asking the society editor to cover a ball game, but, nevertheless, your attention is called, unless it is already engaged in the same direction, to the activities of Mr. Bobby Jones, now engaged in the British amateur play.

Of course Bobby is a golfer rather than a diplomat. His costume is the plus fours of the links rather than the cutaway of the conference table; his implements the mashie and the putter rather than pen and ink. His specialty is making shots, rather than an attempt to curtail such actions; yet do not limit his effectiveness to an extent evidenced only by a perennial grasp on the Walker cup.

To the British, you know, Bobby is almost as much a hero as he is to his native countrymen. They stampede after his matches, they write columns on his play, describing each shot in detail and marveling at his execution. The Prince of Wales plays golf with him, and the privilege is as much Wales's as it is Jones's.

How fortunate that this exponent of American golf and, consequently, America is a fine, upstanding, admirable person such as we know the champion to be. It is only reasonable to suppose that wherever he goes he heightens the prestige with which Americans are regarded and does much by his sustained nonprofessionalism to dissipate the impression that we are a nation of money grabbers lacking in ideals. For our part we consider his worth commensurate with that of our leading ambassadors.

Mr. Speaker, I deem it a great privilege to number among my constituents this outstanding citizen of our country. This admirable, modest, worth-while character should be an inspiration to every boy in the United States, and his victory is made all the greater because of his saneness in the face of such a glorious record.

On June 20, 1930, Bobby Jones won the British open tournament, thus becoming the holder of three major golf titles, a record never before achieved in the history of the game.

In referring to this latest victory, an Associated Press dispatch from London says:

JONES CALLED GREATEST GOLF GENIUS IN HISTORY

LONDON, June 21.—There were no reservations in the admiration bestowed to-day by the British press upon Bobby Jones, victor in yesterday's British open golf tournament finals. Nor was there any expression of sour grapes in the golfing vineyard over his success at the expense of British players.

"The greatest of all living golfers," "The greatest golfing genius of all time," were among the encomiums showered upon the victor to-day, while one writer suggested humorously that he be conceded both amateur and open championships for life and automatically presented two cups yearly.

"This would restore the competitive spirit to golf," he said.

In his column, The Sportlight, Grantland Rice comments upon Bobby's latest victory as follows:

THE SPORTLIGHT

By Grantland Rice

THE TRIPLE KING

Within the next 10 days Bobby Jones will return to this country wearing three of the four major crowns of golf, a record beyond the dream of any mere mortal before his advent in the ancient game. It is an incredible achievement, when one considers the mental, physical, and nerve combinations that controls this game, which is entirely different from any other sport.

This triple record, the United States open, the British open, and the British amateur, means not only an almost complete mastery of form and style, but almost a mastery of self—of unbroken concentration and determination against the wear and tear of nerve exhaustion.

Winning the British amateur over such a rough road must have sapped a large supply of his nervous energy.

Even as fine and as easy going a golfer as George Voigt paid the price of semifinal success in Great Britain by slipping badly in the Metropolitan amateur this week.

Yet, after this heavy drain upon his nerve reserve at St. Andrews, Bobby Jones had enough left to return and win the open at Hoylake from a brilliant field, feeding dust to such great golfers as Horton Smith, Leo Diegel, Mac Smith, Archie Compston, Henry Cotton, Fred Robson, Jim Barnes, and others who have been through no such ordeal before the test.

Every golf stroke played in an open championship is not only dependent on form but also upon an unbroken concentration and an unending struggle against discouragement and mental weariness as the battle moves along.

Bobby Jones has now won two of the four major tournaments of golf and he has won them both over foreign turf. He now returns to battle for the two main prizes left—the United States open at Interlachen in July and the United States amateur at Merion in September. He has a good chance now to win the four premier crowns of the game in one year against the best professionals and the greatest amateurs of the world.

His appearance at Interlachen Country Club, Minneapolis, in July will make this championship one of the most notable competitions in the history of sport. Whether or not he can survive the triple wave remains to be seen, but he has at least fought his way into a position to smash every golf record entered on the books of time.

Atlanta is justly proud of Bobby Jones. In the homes of its 350,000 citizens he is loved and admired, not only for the glory that is his, not only for the fame he has brought to his native city, but most of all for the manner in which he wears the crown of victory and the title, "Master golfer of history."

That the Nation joins Atlanta in its pride in Bobby Jones's wonderful achievements is evidenced by the following press comments compiled and published by the Washington Star:

PRIDE IN BOBBY JONES'S CROWN EXPRESSED BY WHOLE NATION

Bobby Jones, as the unrivaled monarch of the golfing world, is made the subject of universally friendly comments on his recent brilliant success in adding the British amateur championship to his other trophies in this country and abroad.

Happy phrases in complimentary vein are found in papers throughout the country. "The climax to the career of Jones will be greeted with enthusiasm wherever golf is played," says the Pittsburgh Post-Gazette. The new title "makes his golf diadem complete," asserts the Cleveland Plain Dealer. "Certainly the young man from Atlanta is a marvel, and he has made sure of a most distinguished niche in the golfers' hall of fame," exclaims the Manchester Union, while Little Rock (Ark.) Democrat sums up its opinion in the words, "Undeniably the king of them all."

His is not the fate to be a prophet without honor in his own country, for the Atlanta Journal waxes eloquent in his praise, saying, "Cœur de Lion of the links, king of the sport of princes, golf emperor of the world, starry son of Atlanta, we salute you," and the Atlanta Constitution proudly avers that his "unprecedented performances have fixed his fame in the popular international sport and set a mark for all aftercomers on the links to shoot at, with faint hopes of becoming his peer."

The Indianapolis Star concedes that "other stars will flash across the firmament," but asserts that "Bobby Jones undoubtedly will go down in the records as one of the greatest players the popular game has ever produced." Confessing that "Bobby is our hero," the St. Joseph Gazette declares, "We like to see him win." The Jersey City Journal calls him "the pride of America and the paragon of amateurism," while the Springfield Union places him as "one of the greatest golf champions of all time." The Salt Lake Deseret News sees him as having "brilliantly fulfilled every expectation," and the Flint Daily Journal cries, "He is the Lindbergh of golf, or the flying colonel is the Jones of aviation, depending on the viewpoint."

That to reach the position he occupies to-day Bobby Jones has had to conquer not only the game but himself is referred to by a number of editors in their reviews of his career. Says the Milwaukee Journal of the recent event on the links of St. Andrews: "Jones, standing there, probably remembered the day, nine years before, when in a fit of temper he tore up his card on St. Andrews because the ball had not fallen as he wished. It was only when he became the cool, imperturbed player that he succeeded." And "this transformation has been the result of arduous self-discipline and a continuous quest of self-control," says the Kalamazoo Gazette, which states further that "it is only by mastering himself that Bobby has succeeded in mastering the royal and ancient game."

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The Kansas City Times recalls that years ago Chick Evans predicted of Bobby Jones that "here was a boy who might go far if he could only subdue his temper," and the Times notes that Jones "recognized his fault and conquered it, as he had conquered the delicate health that first sent him to golf for outdoor exercise." The New York Sun says of the champion's career, "Perseverance is all that copybook maxims have said it to be." And the Dayton Daily News declares his latest achievement was "another evidence of his complete self-control, or rather the power over self," adding, "It has taken a long time to produce this Jones, and it may take longer to bring another."

The New York Times speaks of him as "a splendid example of self-mastery," and describes him as "not only a model of sportsmanship in his bearing but a man whose poise and self-control are never shaken by the slings and arrows of outrageous fortune on the golf links."

As to his newly won championship, the Lynchburg Daily Advance calls it "no pyrrhic victory," but the reward "that comes from a grueling,

nerve-racking week of hard play," and affirms that "the crown rightly rests upon the brow of Georgia's favorite son." The Roanoke Times quotes and approves the statement of Roger Wethered, who was defeated in the final round by Bobby Jones, "There goes a real champion of golf." The Chattanooga News, placing him "at the pinnacle of golfing fame," says, "Perfect coordination of body and brain alone could have carried him there." As the New York Herald Tribune puts it, "Knowing what was expected of him at St. Andrews, Jones faced the worst of hazards—the mental one—without flinching."

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"The Jones record, unequaled in the annals of golf, is the more remarkable because of the nature of the sport in which it obtains. For golf is not a sport in which a reasonable margin of superiority guarantees victory," the Cleveland News explains, and asserts, "Greater the glory of Jones." The completeness of the Jones victories is stressed by the St. Paul Pioneer Press with the statement: "In winning the British amateur golf championship Jones has won the only major golf trophy he had left to win, and becomes the first golfer to have held all the major titles the game affords—the British and American open and the British and American amateur championships." And the Appleton Post-Crescent notes that now Jones has "won every national and international championship worth going after," and is "in a class by himself."

The popularity of the victory on both sides of the water is most pleasing to the American press. The Baltimore Sun rates Jones as "a great favorite" both in this country and in England, as does also the Springfield Republican, which notes that "True art knows no national bounds, and the British particularly admire perfection in style." Of the Scots the Columbia State remarks: "All of us joke about the 'nearness' of the Scots. But who more generous in tribute to excellence? Golf is their game, but they are as appreciative of its great master from Atlanta as they would be were he native of their own country." In fact, the Chicago Daily Tribune asserts that the Scots are said "to regard him with a sort of awe, a wholly generous admiration of a player who always has enough golf for the situation which requires it."

The Duluth Herald sums up American sentiment in the words: "It is great to have an American win this splendid victory. It is greater still that it has been won by this quiet, modest, unspoiled young man who, before he is a golfer, is a true sportsman and a true gentleman—which are, after all, much the same thing."

Bobby Jones learned to play golf on the East Lake course of the Atlanta Athletic Club, a fine 18-hole layout. This course has now been extended to 36 holes under the direction of Mr. Scott Hudson, the able president of the club.

Atlanta has numerous other fine golf courses, including both country clubs and municipal links. The weather in Atlanta is ideal for devotees of this game, there being very few days in the entire year when it is not possible to enjoy the sport.

Tourists will find a hearty welcome at the golf courses of the largest city in the Southeast, Atlanta, where hotels unsurpassed will serve them, in the land of southern hospitality.

CLASSIFICATION OF CIVILIAN POSITIONS

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 215), insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928.

The SPEAKER. Is there objection?

Mr. O'CONNOR of Louisiana. Mr. Speaker, I wanted to ask the chairman of the Civil Service Committee whether that bill covers the people who entered the service since the Welch bill, and if it does not cover them, why it does not cover them?

Mr. LEHLBACH. Because the situation it seeks to correct is not applicable to those who came in the service since the Welch Act. Under the Welch Act, effective July 1, 1928, a new series of pay rates within the grades in the classification is set up.

It was provided that the employees within the grades should be at the same relative rate in the new pay schedules as they were under the old schedules. As the number of pay rates in some of the grades in the Welch Act did not coincide with the number in the old law this could not mathematically be made possible, and the result was that in certain cases the employees in a grade received $120 annual increase and others in the same grade and in the same office received only $60. This makes the increase a uniform $120, and is applicable only to those who were cut off under the act of May 28, 1928. Those who entered the service subsequently are not affected.

Mr. O'CONNOR of Louisiana. I thank the gentleman for his answer to my inquiry.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House, Mr. LEHLBACH, Mr. SMITH of Idaho, and Mr. JEFFERS.

Mr. PERKINS. Mr. Speaker, I submit a privileged resolution from the Committee on Accounts of which I ask immediate adoption.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 275

Resolved, That there shall be paid, out of the contingent fund of the House, not to exceed $10,000 for the expenses of the select committee appointed under authority of House Resolution 258 to investigate the campaign expenditures of the various candidates for the House of Representatives in both parties.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. PERKINS. Yes.

Mr. BLANTON. Why does not the gentleman get his colleague [Mr. CABLE] to get permission from the Speaker to move to dispense with the rules and pass his Cable bill applying it to primary campaigns as well as regular elections? This proposed investigation is a mere gesture. It spends money and will accomplish nothing.

Mr. PERKINS. My experience is that it is usually well to get others to help us to do something. I would like my colleague to assist.

Mr. PATTERSON. This resolution has nothing to do with the fundamental resolution which passed the House. This is merely from the Committee on Accounts.

Mr. BLANTON. If you pass the Cable bill and apply it to the primaries then you will accomplish something. And the Speaker has authority to recognize Mr. CABLE to call up and pass his bill under suspension of the rules.

Mr. PATTERSON. It is all right with me, but this has nothing to do with it.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

DEATH OF A FORMER MEMBER

Mr. McCORMACK of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK of Massachusetts. Mr. Speaker, it is with deep regret that I announce to the Members of the House the death yesterday of Hon. William Sarsfield McNary, a former Member of this body, who served in the Fifty-eighth and Fifty-ninth Congresses, representing the same district that I now have the honor to represent in this body. It was with deep personal regret that I received word of his death. His entire life was devoted to his country, State, and city, and he loved the district that he so ably represented in this body, particularly South Boston, the section of Boston that he was closely identified with during his life. He was an outstanding, constructive figure in the political and business life of Boston.

The late Congressman was a constructive thinker and a brilliant orator. His service to the public through the holding of elective offices dates back to 1887, when he was elected a member of the Boston City Council, being reelected in 1888; in 1889 and 1890 he served in the Massachusetts House of Representatives; he was a member of the Massachusetts State Senate in 1891 and 1892, water commissioner of the city of Boston in 1893 and 1894; again a member of the Massachusetts House of Representatives, 1900 to 1902; delegate to various Democratic national conventions up to and including 1928; and elected to the Fifty-eighth and Fifty-ninth Congresses, and was not a candidate for renomination in 1906.

I note some of the Members present who served in the Congresses that the late Congressman served in and who remembered his brilliant service and achievements, and I know that they receive this announcement with great regret and join with me in extending to his family our heartfelt sympathy in the great loss that they have sustained.

Speaking for myself, personally, and as the Representative in Congress of the district that the late Congressman so ably represented at one time, it is with deep regret that I have received the news of his death.

PATENT FOR CERTAIN LANDS TO J. R. MURPHY

The SPEAKER. The Clerk will call the Private Calendar beginning with the star.

The first business on the Private Calendar was the bill (H. R. 11820) to authorize issuance of a patent for certain lands to J. R. Murphy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Montana whether all five of the amendments which were submitted and suggested by the department have been incorporated?

Mr. LEAVITT. They have been incorporated.

Mr. BLANTON. They have been incorporated in the present bill?

Mr. LEAVITT. Yes. I also have the original deed which was mentioned in the request.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to J. R. Murphy for lands described as the south half, section 33, township 28 north, range 43 east, Montana principal meridian.

With the following committee amendment:

Page 1, strike out all of lines 3 to 6, inclusive, and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed, in his discretion, to issue a patent to J. R. Murphy, of Nashua, Mont., for the south half of southeast quarter, and southeast quarter of the southwest quarter of section 33, township 28 north, range 43 east, principal meridian, Montana, containing 120 acres, which land is embraced in the reinstated homestead entry, Great Falls 054658, the oil and gas in the land to be reserved in accordance with the provisions, conditions, and limitations of the act of March 3, 1927 (44 Stat. 1401)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAJ. MARTIN F. SCANLON, LIEUT. COURTNEY WHITNEY, AND LIEUT. ALFRED B. BAKER

The next business on the Private Calendar was the bill (H. R. 481) for the relief of Maj. Martin F. Scanlon, Lieut. Courtney Whitney, and Lieut. Alfred B. Baker.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LEHLBACH). Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill is disapproved by the War Department, and the War Department claims that these officers, one of whom is a major, should have been familiar with the regulations which require consolidated messes.

Mr. PATTERSON. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. PATTERSON. In order to save time, I will say that I am going to ask that this bill be passed over.

Mr. BLANTON. If it is bad, it ought not to be passed.

Mr. FITZGERALD. Will the gentlemen withhold their objection until I make a short statement?

Mr. BLANTON. Certainly.

Mr. FITZGERALD. I am greatly concerned in this matter, not because of any personal relationship to these men, nor because of any acquaintance with them, but because the situation in which these officers found themselves reminds me of Army experiences, and I appreciate that to hold men to the irrefutable presumption that they must know all the laws and regulations works great injustices. These men had been placed on duty at intervals, and there was an inspector who should have called at Bolling Field to guide them and straighten the matter out. The inspector never came until long after, and then claimed two messes had not been consolidated, as required by a regulation unknown to these young men. These young men were inadequately paid. All of them except the major to whom my colleague alludes have been compelled to give up the Army as a career, as many of our best flyers have, because there was no chance for them there. They were punished so severely in this matter that I felt this Congress in its wisdom ought to recognize facts and treat them with reasonable consideration. Of course, they are presumed to know the law, just as we all are, but such knowledge is equally, of course, impossible.

Mr. BLANTON. I want to suggest to my colleague that this very major, if he had been sitting as a member of a court-martial in the trial of one of his privates who had disobeyed regulations, would have probably put him in durance vile for a year or so.

Mr. FITZGERALD. I quite agree with my colleague.

Mr. BLANTON. But in view of the fact that my colleague is deeply concerned about it personally and it amounts to so little, I shall not object.

Mr. FITZGERALD. I was down at Bolling Field and knew about it.

Mr. BLANTON. I shall withdraw my objection.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I understand this is a matter that is of peculiar concern to the Committee on Military Affairs. On another occasion I have suggested to the distinguished chairman of the Committee on Claims that when claims are filed which involve the technique of the War Department, the Committee on Claims should decline to give consideration to such claims, but should have them referred to the Committee on Military Affairs. I do not like to interpose objection on the ground of jurisdiction of the committees. The Committee on Claims has jurisdiction of this matter, but I think it would be much better if matters arising out of a technical violation of military regulations were referred to the Committee on Military Affairs.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. LAGUARDIA. I may say that I had a personal experience similar to that which this officer had in the Air Service. I was hundreds and hundreds of miles from the nearest quartermaster. I had 700 American boys to feed, and we had to feed them. We could not draw food from the quartermaster, so we just went out and bought it. I was called from the aviation instruction center up to Tours, France, to explain why I was not feeding these men according to regulations, when it was not physically possible to feed them according to regulations. So I want to tell the gentleman that these rules with regard to messing sometimes are simply impractical, and you have got to feed your men. If this officer failed to consolidate two messes, there might have been a condition that he simply could not meet. It is a small amount, and I have sympathy with them, because I know what it means. You have to feed your men.

Mr. GREENWOOD. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. GREENWOOD. Would there be any opportunity for an officer under such circumstances to graft, or to sell the food, or anything like that?

Mr. LAGUARDIA. I am glad to say I think that very rarely happens in our Army.

Mr. GREENWOOD. It would simply amount to the fact that they were getting double rations and that those people might temporarily fare a little better?

Mr. LAGUARDIA. Of course, I do not know the particular conditions in this case.

Mr. BLANTON. It was just a question of extravagance in not consolidating the messes. There was no question of graft involved. It was simply a question of consolidation to save expense.

Mr. LAGUARDIA. Perhaps they did not have the facilities.

Mr. PATTERSON. The gentleman from New York has been an officer in the Army.

Mr. LAGUARDIA. I sympathize with these officers because I have been through the same experience.

Mr. PATTERSON. The gentleman feels that this claim should be paid?

Mr. LAGUARDIA. I do.

Mr. ROWBOTTOM. Mr. Speaker, regular order.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States, the accounting officers of the Treasury, and the accounting officers of the War Department be, and they are hereby, authorized and directed to credit the account of Maj. Martin F. Scanlon with the sum of $286.90, the account of Lieut. Courtney Whitney with the sum of $192.51, and the account of Lieut. Alfred B. Baker with the sum of $94.39, said amounts having been ordered deducted from their pay by reason of failure to have consolidated two messes of the Air Service of the United States Army at Bolling Field.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JULIAN E. GILLESPIE

The next business on the Private Calendar was the bill (H. R. 9205) for the relief of Julian E. Gillespie.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Julian E. Gillespie, former special disbursing agent, Department of Commerce, the sum of $688, out of money in the Treasury not otherwise appropriated, on account of expenditures made by him in good faith upon Government business, which were disallowed by the General Accounting Office, and repaid to the Treasury out of the private funds of said Julian E. Gillespie by direction of the Comptroller of the United States.

With the following committee amendment:

In line 11, after the word "comptroller," insert the word "general."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RELIEF OF CERTAIN HOMESTEAD ENTRYMEN IN WYOMING

The next business on the Private Calendar was the bill (S. 2189) for the relief of certain homestead entrymen in the State of Wyoming.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, I would like to ask whether it is the usual custom to credit improvements made on one claim on another claim, as is asked in this instance.

Mr. CARTER of Wyoming. This was unusual, as the gentleman understands. There is a lot of merit in this bill. This was a group of ex-service men who, after the war, made a homestead entry. They applied to the register-receiver of the land office and they accepted their money and allowed their entry. They went on this land and made residence and improvements and found it was a mineral withdrawal. It was erroneously allowed, and what they are asking in this bill is to allow the time that they spent on this land to count in their favor if they take out another homestead, and they are allowed two years in which to take this out.

Mr. GREENWOOD. I was seeking information. If I caught the gentleman correctly, after making the improvements, it was found this land was such that it should not have been thrown open to entry.

Mr. CARTER of Wyoming. Not to homestead entry. It was a mineral withdrawal.

Mr. GREENWOOD. And the improvements were made under that mistake, and this is to correct the mistake by giving them credit on another claim or on another entry for the improvements they made under this mistaken idea of the law in the first instance.

Mr. CARTER of Wyoming. That is it exactly.

Mr. O'CONNELL. This bill was written, as I understand, by the Commissioner of the General Land Office.

Mr. CARTER of Wyoming. It has been recommended by the Commissioner of the General Land Office.

Mr. O'CONNELL. And approved by the Secretary of the Interior?

Mr. CARTER of Wyoming. It is approved by the Department of the Interior.

Mr. BLANTON. I want to ask the gentleman a question under reservation of objection. There are certain amendments that were suggested by Mr. Commissioner Moore, which were approved by the Secretary of the Interior. Have those amendments been agreed to?

Mr. CARTER of Wyoming. They are in the Senate bill.

Mr. BLANTON. All of them have been put in the bill?

Mr. COLTON. Yes.

Mr. BLANTON. With that understanding, I shall not object.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to permit the persons named in section 2 of this act, whose homestead entries for lands in the Salt Creek oil field, Natrona County, Wyo., were canceled after residence had been established and improvements made and who had complied with the provisions of the applicable law as to residence and improvements upon said entries, to exercise their homestead rights on any public lands in the State of Wyoming subject to entry under the homestead laws, and in connection with final proofs upon the lands so entered, to credit the entrymen with residence performed and improvements made upon their said original canceled entries: *Provided, however*, That all selections or entries authorized herein shall be made within two years from the date of the approval of this act.

SEC. 2. The following persons shall be entitled to the benefit of this act: Lewis M. Brown (former application No. 024868, Douglas, Wyo., series); Robert Wheeler (former application No. 024886, Douglas, Wyo., series); Armin H. Ziehlsdorff (former application No. 024888, Douglas, Wyo., series); James L. Brown (former application No. 025254, Douglas, Wyo., series); Rex Snyder (former application No. 027064, Douglas, Wyo., series); Tom Bales (former application No. 025137, Douglas, Wyo., series); David Roy Shidler (former application No. 026919 and 026920, Douglas, Wyo., series); and Claude Collett (former application No. 024870, Douglas, Wyo., series).

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HARRIET C. HOLADAY

The next business on the Private Calendar was the bill (S. 3231) to compensate Harriet C. Holaday.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I object.

WILLIAM BEFUHS, ALIAS CHARLES CAMERON

The next business on the Private Calendar was the bill (H. R. 6197) for the relief of William Befuhs, alias Charles Cameron.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws William Befuhs, alias Charles Cameron, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company B, Twenty-eighth Regiment Massachusetts Volunteer Infantry, on the 31st day of May, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Befuhs (deceased), otherwise known as Charles Cameron, who was a member of Company B, Twenty-eighth Regiment Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 31st day of March, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

CONCRETE STEEL COMPANY

The next business on the Private Calendar was the bill (H. R. 8461) for the relief of the Concrete Steel Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker.

Mr. SOMERS of New York. Will the gentleman reserve his objection?

Mr. BLANTON. Certainly; I will be pleased to do that.

Mr. SOMERS of New York. I will be pleased to answer the gentleman's objection if he will present it.

Mr. BLANTON. My objection follows the recommendation of our Government official, James C. Davis, Director General of the United States Railroad Administration, who states:

I believe these creditors have been very fairly and justly treated by the Government and are not entitled to any further relief.

I think he probably knew more about it than any Member of the Congress whose attention is diverted here on the floor by other matters.

Mr. SOMERS of New York. That is perfectly true, and I agree with the gentleman to that extent, and I will say that at first blush I was very much inclined to feel as the gentleman does about this matter. However, when the details of the case were brought to me I found the position the Government officials were taking was purely a position based on technical law and not on the justness of the case.

Mr. BLANTON. If my colleague were in the court room representing a client who was seeking to recover a judgment of $10,000 or more from some defendant, he would expect an orderly trial, going into the merits of both sides of the controversy, and then would expect to have a jury go out and deliberate upon the facts in the case and then bring in a verdict that would be consistent with justice.

But you are asking, without careful consideration, in face of an adverse report by the War Department, to give this claimant $10,000.

Mr. O'CONNELL. As a matter of fact this case has gone before a jury—the Committee on Claims has given it very careful consideration and unanimously reported it.

Mr. BLANTON. In the face of an adverse report by the department.

Mr. O'CONNELL. The gentleman from Texas has done that many a time.

Mr. BLANTON. Members of the committee have other duties to perform—they have to send out year books and bulletins and answer letters, all those things—they do not have time to consider all these matters.

Mr. SOMERS of New York. The whole thing comes down to this——

Mr. BLANTON. Does the gentleman mind letting the bill go over?

Mr. SOMERS of New York. I feel very keenly about the bill.

Mr. O'CONNELL. The gentleman knows that if it goes over it will not be reached again this session.

Mr. BLANTON. Has the gentleman from New York carefully considered the facts in this case?

Mr. SOMERS of New York. I have considered them most carefully.

Mr. STAFFORD. Further reserving the right to object, I have read very carefully the report. Here we have a claim of the defunct Caldwell-Marshall Co., who contracted to build concrete barges for the use of the Erie Canal, also defunct, for $66,000, and it was settled for $30,000. At the time of the settlement an attorney, Mr. Hendry, of Washington, was present, who now claims that there were some material men who were not taken care of. I read from a letter of the Director General Davis:

> At the time the adjustment with the contractor was made, Mr. Hendry, representing the creditors of the contractor, agreed upon a certain adjustment of the claims which he represented, and, when the settlement was consummated, a separate check was issued for the amount Mr. Hendry had agreed to accept in settlement of the claims represented by him, and payment was made direct to Mr. Hendry on account of the creditors he represented, and whom this bill is now proposed to relieve.
>
> It appears to me, in this situation, that these creditors of Caldwell-Marshall Co. should receive no further consideration from the Government. The whole matter was in dispute, and the railroad administration went to the pains of attempting, as far as it was able, to see that the creditors of the contractor were notified of this adjustment, and that they were paid the amount they agreed to accept in settlement.
>
> So far as either legal or equitable rights are concerned, I do not believe these claimants have any right to compensation from the Government. The act of February 24, 1895, refers to bonds taken where formal contract is entered into:
>
> "For the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work."
>
> I do not believe, under the conditions of the original contract entered into with the Caldwell-Marshall Co., for the construction of four concrete barges, this contract had for its purpose the construction of a public building or the prosecution and completion of any public work, in the sense in which these terms are used in the statute, and the contract with the Caldwell-Marshall Co. did contain a general provision for an indemnifying bond for the protection of claims of laborers or material men. The bond that was furnished was not broad enough in its terms to cover claims of this character, but this failure on the part of the officers who had immediate charge of this matter would not create any legal liability against the Government for the claims of labor and material men, and it was certainly their duty, if they did not rely upon the good faith and credit of the Caldwell-Marshall Co., to see that a proper bond was furnished.
>
> Aside from this it will set a very dangerous precedent, in my judgment, to start relief bills of this character, as growing out of the tremendous number of business transactions had with the Railroad Administration during the 26 months of Federal control there will undoubtedly be a great flood of claims of this character, many of them without merit, that will be urged upon Congress.
>
> I believe these creditors have been very fairly and justly treated by the Government and are not entitled to any further relief.
>
> Yours truly,
>
> JAMES C. DAVIS, *Director General.*

That letter is dated May 12, 1922. This attorney who was the claim agent or claims attorney of certain of these material men was present at the time the settlement was made when the Government paid over $30,000.

Mr. SOMERS of New York. And he protested against it.

Mr. STAFFORD. Now he comes in and wants this settlement vacated, in effect, and this Government held liable to pay the material men whose claims were included in that settlement.

Mr. SOMERS of New York. That settlement was made over his protest. This company supplied the materials in good faith and in good faith they ought to receive payment.

Mr. STAFFORD. I will examine the report further, and for the time being I will ask to have this go over without prejudice.

The SPEAKER pro tempore. Objection is heard and the Clerk will report the next bill.

MICHAEL CARTER

The next business on the Private Calendar was the bill (H. R. 7917) for the relief of Michael Carter, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Michael Carter, who was a member of Company A, Thirty-seventh Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 27th day of November, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CARLTON OLIN, ALIAS STEPHEN CEBRA

The next business on the Private Calendar was the bill (H. R. 5787) for the relief of Carlton Olin, alias Stephen Cebra.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Carlton Olin, who was a member of Battery B, Fourth Regiment United States Artillery, having enlisted under the name of Stephen Cebra, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 2d day of November, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 5, before "who," insert the name "Carlton Olin."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

WILLIAM MARKS

The next business on the Private Calendar was the bill (H. R. 10136) for the relief of William Marks.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Marks, who was a member of Company A, Eighteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 26th day of November, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 5, after the word "Marks," insert "also known as William Marsh."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill for the relief of William Marks, also known as William Marsh."

CONTRACTORS AND SUBCONTRACTORS FOR POST-OFFICE BUILDINGS

The next business on the Private Calendar was the bill (H. R. 11850) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Depart-

ment, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I notice in this report that it is no different from other reports from the Committee on Public Buildings and Grounds, in that it does not contain any report from the Secretary of the Treasury. I think that is sufficient cause to have the matter go over. We should certainly have the viewpoint of the department which the bill affects, and we usually do have, so that we may consider the matter from their viewpoint to determine whether there is merit in the bill.

Mr. ARENTZ. Mr. Speaker, I rose to reserve the right to object for the same reason.

Mr. WHITEHEAD. Mr. Speaker, there were reports in other cases exactly like this, and I assume that the committee took it for granted that the Members would be familiar with those reports. I have one of them here.

Mr. LANKFORD of Virginia. The report in this case would be exactly like that in others. It is to this effect:

> In view of the facts above set forth, this department refrains from making any recommendation relative to the proposed legislation, as it would seem to involve a question of policy which Congress alone should determine.

Mr. PATTERSON. If these people are entitled to this, let us bring in a general bill and establish the policy and give it to all of them.

Mr. ARENTZ. This legislation will not provide directly for reimbursement. It gives the contractors a chance to prove their claims.

Mr. PATTERSON. We have passed two or three of these bills heretofore, and if these people are entitled to compensation, as I think they are, why not bring in a bill and shape a policy and give it to all of them?

Mr. WHITEHEAD. There are only a very few cases left like this. Mr. ELLIOTT, the chairman of the committee, will tell you, as he told me, that there are very few cases left undisposed of, and the Secretary of the Treasury in one of these reports, in the Stillwell case, I think, and in the Mahoney Construction case, a bill introduced by the gentleman from Maine [Mr. BEEDY], said that very few cases were left open, and I do not think it would be necessary to have a general bill.

Mr. O'CONNELL. This simply gives the right to go before the department and prove the case.

Mr. STAFFORD. Mr. Speaker, until we have the Secretary's letter incorporated in the report, I think the bill should go over. I object.

ADA T. FINLEY

The next business on the Private Calendar was the bill (H. R. 675) for the relief of Ada T. Finley.

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I am disposed to object to this bill because I do not think there is any claim here against the Government or that the Government is in any way responsible to reimburse this claimant. As I read the report and understand the matter, this woman was accepted as a nurse in 1920. At that time she had a valvular heart trouble. She stayed in the service as a nurse until 1926, when she was separated from the service. She now asks to be reimbursed by having the United States Employees' Compensation Commission reconsider her case so that she can be paid so much a month, claiming that during her service her heart condition was aggravated by walking in the performance of her duty. I can not reconcile myself to the belief that the Government is in any way responsible to this claimant.

Mr. TARVER. Mr. Speaker, if the gentleman will carefully read the report of the committee, he will ascertain that at the time of the induction of this good woman into the service under the Veterans' Bureau as a follow-up nurse she had a minor heart trouble, but that at that time it was not sufficient to in any way interfere with the performance of her duties. He will further observe that from the report of the physician under whose direction she performed her labors the character of duties performed by her was such as to tend to aggravate a disability of the character from which she suffered, and he states as his professional opinion, from his observation of her performance of her duties, and from her breakdown while working under his direction, that her disability was aggravated by the performance of her duties and that her retirement from the service was occasioned because of the disability so aggravated. Will the gentleman permit me to read from the statement of Dr. J. D. L. McPheeters?

Mr. BACHMANN. I am familiar with the statement that he made, and I refer the gentleman to the statement wherein the employees' compensation committee referred the matter to a board of medical examiners to review the case, and they found there that her condition was not aggravated by her service as a nurse.

Mr. TARVER. In that connection let me suggest this: The report of the Employees' Compensation Commission states in the following words the finding of the medical board:

> That there was nothing to indicate that Miss Finley's disability was caused by the conditions of her employment.

That statement is made in the face of the statement of the only physician who came in contact with her during the course of her employment, to the effect that it was aggravated by reason of the duties performed by her.

I recall that on June 13 you passed a bill without objection, H. R. 4176, for the relief of Charles W. Reed, an employee of the Department of Agriculture, who contracted tuberculosis, not while in the service, but two or three years after his discharge from the service; and the same employees' compensation commissioner reported that in his opinion the disability was brought about because of the service of this employee.

In this particular case you have a disability arising in the actual course of the employment, and you have the attending physician testifying that it was brought about by the employment, and in the other case you have the beneficiary, three years after his discharge, making a claim, and you pass a bill to pay that claim.

Mr. BACHMANN. I do not know anything about the bill the gentleman refers to. I had nothing to do with it.

Mr. TARVER. I think if the gentleman has any objection to urge now, he should have made an objection when the Reed bill was before the House. This is only a bill of the same character as that and other bills that were passed without objection. That has been done at this session.

Mr. BACHMANN. I have not allowed such bills to pass. Why should we have the Federal employees' commission down there decide upon a case and after that commission has turned it down why should Congress overrule the commission on the merits of the case? Why should we give the claimant the right to submit a claim after that process has been gone through?

Mr. TARVER. This Congress, by unanimous consent, permitted the passage of several measures of the same character, including the one I referred to a while ago. I ask, gentlemen, why their vigilance awakens at this particular moment, after lying dormant for months that have passed during which similar legislation has been enacted?

Mr. BACHMANN. I do not think the Government should reimburse these claimants.

Mr. TARVER. Has the gentleman evidence contradicting the evidence of Doctor McPheeters to the effect that her disability arose during her service and was occasioned thereby? I refer to the record. General Hines, the director of the bureau, also reports that she was separated from the service because of her becoming physically disabled and unable to perform the duties of her employment.

Mr. BACHMANN. She already was in that condition when she went into the service. She admits it in her own statement.

Mr. TARVER. The record shows that at that time she was physically able to perform her duties; but, then, the report shows that later on she was unable to perform her duties.

Mr. BACHMANN. If you will look at the matter from the standpoint of the Federal Employees' Commission you will see that the commission had the medical board consider this case, and they held that Miss Finley's trouble was not materially aggravated by her occupation.

Mr. TARVER. The board of medical officers to whom you refer examined the evidence only of Doctor McPheeters and the report of the director of the bureau. That is all they had before them, and it contains nothing to show that the disability did not arise in the service.

Mr. SCHAFER of Wisconsin. If the gentleman from West Virginia is not going to object, I will object. If we are going to establish the precedent of reviewing cases that have been acted upon by the Employees' Compensation Commission we should have it definitely understood. I object.

The SPEAKER pro tempore. Objection is heard.

KATE CANNIFF

The next business on the Private Calendar was the bill (H. R. 2059) for the relief of Kate Canniff.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I would like to ask the gentleman whether the five amendments the department recommended have been inserted in the bill? I see the department has recom-

mended that five amendments should be carried in the bill. Are they incorporated in the bill?

Mr. IRWIN. Yes.

Mr. STAFFORD. Reserving the right to object, I understand that after the claimant's husband received this injury he was continued for a long time in the employ of the Government. After long years and years, after he has passed away, the good widow thinks she should get some honorarium for the same accident for which the Government has compensated him by reason of carrying him on the pay roll of the Government.

He did not die as a result of the injury. He died as a result of Bright's disease. In the State of Montana I understand many people are subject to Bright's disease by reason of local conditions prevailing in that State.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. For the time being I ask that this matter be passed over without prejudice.

The SPEAKER pro tempore. Objection is heard.

Mr. EVANS of Montana. Will the gentleman withhold his objection for a moment?

Mr. STAFFORD. I will withhold it.

Mr. EVANS of Montana. Mr. Speaker, this bill has passed the Senate no less than seven times, once in each Congress for the last seven Congresses. There is upon the Speaker's desk now a similar bill. It seems not to have been acted upon because nobody gave it any attention. It is not a case arising in my district. I do not have any interest in it particularly. The bill was introduced by the gentleman from Illinois [Mr. BRITTEN], and the committee of which the gentleman from Ohio [Mr. FITZGERALD] is chairman reported the bill. One of the Senators informed me the bill was on the calendar to-day and asked me to give it some attention.

I think the bill is meritorious, judging from the reports in both the House and the Senate. I think the bill should not be objected to.

Mr. STAFFORD. This man received a slight injury in the service. The Government recognized there was some obligation owing him by reason of this injury, and they continued to give him employment for more than five years. Then the man died of Bright's disease.

Mr. FITZGERALD. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. FITZGERALD. I may state that the favorable report on this bill was not due entirely to the fact that the Senate had passed it in many Congresses and that it had been neglected for years in the House. If my colleague will examine the RECORD he will find that this was a serious injury which occurred at Maumee Bay on Lake Erie. This man was seriously injured. One of his legs was crushed and broken, and a joint was dislocated, and the leg had to be amputated. The amount of this bill is largely for two artificial legs that were bought. It is true the Government gave him a small job afterwards, but the gentleman will notice the man only received $50 a month, barely enough to maintain life for himself and wife. He suffered extreme exposure in his work after the loss of his leg. He was wet through, and exposure brought upon him this disease, in connection with the shock which occurred in connection with the crushing and amputation of the leg. His leg was crushed by a chain attached to a buoy, by which he was dragged overboard from the boat when the accident occurred.

The Government tried to do something for him by giving him employment at $50 per month, but he died before anything had been paid to him which would be equivalent to adequate compensation for the injury. He only received $50 a month. It is a pitiful case.

Mr. STAFFORD. I am indebted to the gentleman, and I think the gentleman from Montana is indebted to the gentleman from Ohio for presenting facts that really show this is a severe case, and that perhaps the injury which he suffered was not sufficiently compensated for by the fact of his employment for five years.

Mr. EVANS of Montana. I am very grateful to the gentleman from Ohio.

Mr. IRWIN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. IRWIN. I may say to the gentleman that in this particular instance the doctors' bills and hospital bills were not taken care of. The committee, of which the gentleman from Ohio [Mr. FITZGERALD] is chairman, went into the matter thoroughly and the committee felt there was something more owing to this lady than what was given her while the man was sick and for that reason the committee advised that the hospital and doctors' bills should be paid.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection on the statement made by the gentleman from Ohio, who especially investigated the case.

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent that the bill (S. 39) now on the Speaker's table be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

Mr. FITZGERALD. Reserving the right to object, is it understood that the House amendment may be appended to the Senate bill?

Mr. EVANS of Montana. There is no objection to that.

There was no objection.

The Clerk read the Senate bill (S. 39), as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Canniff the sum of $1,345, out of any money in the Treasury not otherwise appropriated, in full compensation for the death of her husband, James Canniff, who received injuries April 15, 1901, while in the service of the United States on the lighthouse tender *Haze*, and as a result of which he died on October 20, 1909.

Mr. FITZGERALD. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FITZGERALD: Page 1, line 10, after the figures "1909," insert the following:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STEVE FEKETE

The next business on the Private Calendar was the bill (H. R. 4166) for the relief of Steve Fekete.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I object.

Mr. O'CONNELL. Will the gentleman reserve his objection for a moment?

Mr. PATTERSON. I will.

Mr. O'CONNELL. I do not know anything about this case, but the man has been apprehended, and it seems to me that since the man has been apprehended the money should be returned.

Mr. ARENTZ. Especially in view of the fact that the bondsman traveled all over the Lake States trying to find this man. He was responsible for him, and he put up the bond. He was responsible for finding the man and having him arrested by the Federal agents. Consequently, he did all he could.

Mr. PATTERSON. Do I understand he found the man himself?

Mr. ARENTZ. Yes.

Mr. PATTERSON. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I do not intend to object, but I want to direct attention to the fact that the Department of Labor recommends against this bill. They state: "In view of the facts as above set forth, this department is of the opinion that the claim is without merit." In view, however, of the statement of the gentleman from Nevada [Mr. ARENTZ], I shall not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Steve Fekete, of Detroit, Mich., the sum of $500, which was the amount of a bond given to the United States to insure the departure of an alien, which bond was subsequently declared breached by the Department of Labor and the money covered into the Treasury.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

D. B. TRAXLER

The next business on the Private Calendar was the bill (H. R. 4167) for the relief of D. B. Traxler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, I have an amendment to offer at the proper time.

Mr. BLANTON. Mr. Speaker, I want to ask the gentleman whether or not the amendment he is going to offer is in conformity with what is proposed by the Acting Secretary of War?

Mr. ROWBOTTOM. No; I am going to offer an amendment after the words "South Carolina," in line 7, "in full settlement of all claims," and then I shall offer the usual attorneys' fees provision at the end of the bill.

Mr. BLANTON. Has the gentleman met the amendment that has been suggested by the Acting Secretary of War? That should be met in the bill, should it not? The Acting Secretary of War says:

This proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that if it is amended as recommended in the preceding paragraph, it will not be in conflict with the financial program of the President.

Has that been taken care of?

Mr. STRONG of Kansas. Yes; that has been taken care of.

Mr. ROWBOTTOM. I understand the gentleman has no objection to the other two amendments?

Mr. McSWAIN. I have no objection, but I want to ask the gentleman if he will not agree to substituting the Senate bill for consideration?

Mr. ROWBOTTOM. Are they identical?

Mr. McSWAIN. They are identical.

Mr. ROWBOTTOM. Then we will add these amendments to the Senate bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Is there objection to substituting the Senate bill (S. 2790)?

Mr. BLANTON. Before we pass the objection stage, is the amount in the Senate bill in accordance with this suggestion?

Mr. McSWAIN. To the copper cent; yes, sir.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $982.70 to D. B. Traxler, president of the Realty Corporation of Greenville, Greenville, S. C., for damages sustained by reason of the failure of the War Department to remove certain obstructions on land leased the War Department near Greenville, S. C., for war purposes by the said D. B. Traxler, president of the Realty Corporation of Greenville.

Mr. ROWBOTTOM. Mr. Speaker, I offer the following amendment: After the word "South Carolina," in line 7, add the words "in full settlement of all claims."

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROWBOTTOM: In line 7, after the words "South Carolina," insert "in full settlement of all claims."

The amendment was agreed to.

Mr. ROWBOTTOM. Mr. Speaker, I offer another amendment.

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ROWBOTTOM: At the end of the bill strike out the period, insert a comma, and add the following:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

H. H. LEE

The next business on the Private Calendar was the bill (H. R. 7339) for the relief of H. H. Lee.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I expect to object to this bill and every other bill on the Private Calendar to-day, which seeks to reimburse some claimant who was in the service and lost some of his personal effects through fire, while he was rendering service to the Government.

I expect to object to every one of the bills of this character, not because I think they should be objected to, I think every one of them should be passed, but I do not think it is fair to object to one of these bills of the same caliber and let the others go through.

I want to call the attention of the gentleman from Wisconsin to No. 472 on the calendar, where a doctor, who was in the Navy, was ordered to stand by and attend the injured because of a fire at Coco Solo, a bill introduced by my good friend and colleague, the gentleman from Virginia [Mr. MONTAGUE], and because he was ready to stand by and attend to the injured, he lost his personal effects. The gentleman from Wisconsin objected to that bill being passed.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. BACHMANN. Not now. I will yield in a moment.

Mr. STAFFORD. The gentleman says I objected to the bill. Is the gentleman certain I objected to it?

Mr. BACHMANN. I am positive; because I talked to the gentleman about it afterwards.

I see no reason to single out one bill of this kind, where all these men are rendering service, and because they rendered this service they lost their personal effects by reason of fires, either forest fires or fires of some other kind, and then allow other bills of the same character to go through.

Mr. GREENWOOD. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. GREENWOOD. I objected to two or three of those cases, but I have laid down a rule to guide myself, which I think is proper. If the claimant is engaged in Government service so that he is not permitted to leave that service in order to save his own property—either saving property of the United States while the fire is in progress, or rendering medical service such as the gentleman speaks of, growing out of the fire, then I believe such claims should be allowed.

Mr. BACHMANN. I do too.

Mr. GREENWOOD. But if it is simply a default of insurance and his service has no connection whatever with it, then I think the Government has neither legal nor equitable liability.

Mr. BACHMANN. I agree with the gentleman from Indiana.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. SCHAFER of Wisconsin. I hope the gentleman will not object to this bill because my colleague from Wisconsin objected to a similar bill. We realize that our colleague from Wisconsin [Mr. STAFFORD] devotes a great deal of time to the study of the merits of bills on the Private and Consent Calendars. He may have desired to make a further study of the legislation in question, and after such study may decide not to object to the bill about which the gentleman complains. I think it would be manifestly unfair, both to the gentleman from Wisconsin [Mr. STAFFORD] and to the Members who have had their bills reported out of committee after very careful consideration, to object to the consideration of one or two or three bills just because a similar bill has been objected to.

Mr. BACHMANN. I want to say to the gentleman that the gentleman from Wisconsin [Mr. STAFFORD] does as much work on these bills and on the bills on the Consent Calendar as any other Member of this House, and he deserves to be congratulated for his industry and his efforts in that direction. I am not criticizing the gentleman from Wisconsin [Mr. STAFFORD], but in order to get these facts before the House I am simply calling attention to this situation, and unless I am permitted by unanimous consent to return to Calendar No. 472, I shall object to all bills of the same character.

Mr. BOX. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. BOX. Mr. Speaker and gentleman, I do not believe that in acting on these bills, as we are doing here, we should reflect on objecting Members when it is presumed, and in nearly every case is true, the objecting Member is trying to do his duty here when he makes objection.

But in the case to which the gentleman refers—H. R. 596, for the relief of James Floyd Terrell, Calendar No. 472—the gentleman from Texas investigated that case and examined the bill, the supporting evidence, and the itemized statement of items lost, and reached the conclusion that the claimant ought to receive that compensation if the policy of paying this class of claims is followed at all. Of course, this ought to be made uniform. I do not want what I say to be taken in the nature of a criticism of the gentleman objecting.

Mr. BACHMANN. I do not see why anybody can object to the bill offered by the gentleman from Montana [Mr. LEAVITT]. I also think the bill introduced by our colleague, the gentleman from Virginia [Mr. MONTAGUE] is meritorious.

Mr. BOX. I was talking about the Montague bill.

Mr. IRWIN. Mr. Speaker, I am very glad that this discussion has been made in regard to these bills. The policy of the committee in bills of this kind where the man did any meritorious service, was not in the military service nor in the naval service, but a citizen, and was commanded to look after the property of the Government and had to neglect any property that he might have, was entitled to a compensation.

Mr. BACHMANN. The cases are alike unless you make a distinction between personal injury and personal property, because if a doctor is ordered to take care and stand by people who are injured and loses his property his case is just as meritorious as the man who is ordered to go ahead and put out forest fires and thereby loses his own property.

Mr. IRWIN. I agree entirely with the gentleman's statement, but I want to say further that I think the colloquy has brought out the fact that we hear compliments given to Members for objecting to bills. I do not find any fault with that, but I do feel that Members who object ought to go into the merits carefully, and ought to consider each bill on its merit.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. IRWIN. Yes.

Mr. SCHAFER of Wisconsin. Does the gentleman desire Members not to object to bills, and leave the bills pass the House without an opportunity for them to be studied by Members? I do not agree with the chairman in that regard. I believe that my colleague, the gentleman from Wisconsin [Mr. STAFFORD], is fair in his objections. He studies the legislation, he is protecting the Treasury from unwarranted raids, and that is one reason why the people of his district send him to Congress, and one reason why they are going to vote to send him back again at the next election this fall. [Applause.]

Mr. IRWIN. I am not criticizing the gentleman from Wisconsin. The gentleman from Wisconsin [Mr. STAFFORD] has rendered valuable service. I do reiterate that these bills ought to be passed on their merits. I am not criticizing anybody, and I know that Members are giving bills serious consideration.

Mr. BACHMANN. Mr. Speaker, I shall object to the consideration of this bill at this time. I expect to ask unanimous consent to return to another bill, and immediately after we can return to this bill. I ask unanimous consent to return to No. 472 on the calendar.

The SPEAKER pro tempore. The Chair will inform the gentleman that he is not authorized to entertain requests to take up any bills out of order.

Mr. BACHMANN. I ask unanimous consent in order to expedite the passage of these bills. It will take but a few minutes.

The SPEAKER pro tempore. The Chair reiterates that he is not authorized to recognize unanimous-consent requests to take up bills out of order.

Mr. BACHMANN. Then, Mr. Speaker, I must object to this bill.

Mr. O'CONNELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'CONNELL. Has not the House the right to go back to a bill on the calendar by unanimous consent?

The SPEAKER pro tempore. The Chair has stated that he will not recognize unanimous-consent requests to take up bills out of order on the calendar.

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to return to No. 472 on the calendar.

The SPEAKER pro tempore. The Chair declines to entertain such a unanimous-consent request.

Mr. LEAVITT. Mr. Speaker, this was my bill, and gentlemen discussing it gave me no opportunity to say anything at all.

Mr. BACHMANN. Mr. Speaker, if it is not too late, I shall reserve the objection. I do not want to prevent the gentleman from discussing the merits of the bill. I made it very plain as to what my view is.

Mr. LEAVITT. I can not believe that the gentleman from West Virginia is going to put himself in the position before this House, of objecting to a bill which he himself says is meritorious, merely to force the gentleman from Wisconsin [Mr. STAFFORD] to permit him to return to a bill the gentleman from Wisconsin has objected to.

Mr. BACHMANN. I do not want to force the gentleman from Wisconsin to do anything. I merely made the unanimous-consent request, and before the afternoon is over I hope the Speaker will permit that request to be submitted.

Mr. STAFFORD. Mr. Speaker, as I seem to have been drawn into this matter, I think it is only just for me to state that the facts in the two cases are entirely different, from my viewpoint.

The SPEAKER pro tempore. The present occupant of the chair is acting under instructions from the Speaker of the House.

Gentlemen will not be recognized by the present occupant of the chair to take any bill up out of its regular order, but he suggests to gentlemen that if an accord is informally reached between them, when the Speaker returns to the chair he would undoubtedly recognize gentlemen for that purpose.

Mr. BACHMANN. For the time being I object, and I shall ask later on in the day to call the bill up out of its order.

ANNIE M. EOPOLUCCI

The next business on the Private Calendar was the bill (H. R. 9946) for the relief of Annie M. Eopolucci.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I reserve the right to object.

Mr. HOPKINS. Mr. Speaker, this is a bill for the relief of Annie Eopolucci. This bill seems to me to be one of the most meritorious bills that has ever been considered on the Private Calendar. This man was the first man killed by the act of the enemy in the World War. He was serving in the United States Navy as a boatswain and was assigned to the armed guard of the steamship *Aztec*, which was torpedoed by a German submarine off the coast of France and sunk. The last seen of the man was after he had safely gotten his guard off the ship and into one of the boats. He went back to help some of the merchant seamen get into their boats. He was last seen by the commander in a boat going away from the ship. In the report the gentleman will find the statement from the Shipping Board showing that at that time the regulations required all lifeboats to carry emergency water and food supplies. That boat had water and food supplies enough to last at least for six or seven days. The Navy Department ruled that the man died on the last day that he was seen—April 1, 1917. If the department had not so ruled, he would have come under the automatic retroactive war risk insurance act passed in October, 1917. War was declared on April 6, 1917. This man was last seen on April 1, 1917.

Mr. STAFFORD. Will the gentleman kindly repeat that statement where he says that he would have been entitled to compensation under certain circumstances?

Mr. HOPKINS. If he had died on April 6 or any time thereafter, he would have come under the provisions of the war risk insurance act, passed in October, 1917, providing that any man who died between April 6 and October, 1917, should be considered to have applied for $5,000 life insurance, and the mother or the beneficiary he would have named would have been entitled to $25 a month.

Mr. STAFFORD. How does it happen that no statement of that fact is incorporated in the report?

Mr. HOPKINS. I believe it is.

Mr. STAFFORD. Not in the letter of the Acting Secretary of the Navy.

Mr. GREENWOOD. I read the report very carefully.

Mr. STAFFORD. I read the letter from the Acting Secretary of the Navy, which points out that the mother of this sailor received six months' gratuity and was entitled to a pension, but that she had not claimed one because she is a pensioner by virtue of the death of her husband.

Mr. HOPKINS. This woman does not live in my district. She had a husband and two sons. One son was killed in France and she is drawing $20 a month by virtue of that. She is drawing $30 a month as a result of her husband having been a Spanish War veteran. She is drawing $50 a month for having given her entire family to the service of the United States.

Mr. STAFFORD. Where is the statement that if this sailor had died on April 6 he would have been entitled to this compensation?

Mr. HOPKINS. That is the law, and everyone, I thought, was acquainted with that.

Mr. STAFFORD. Where is the reference?

Mr. HOPKINS. We provided in the law that any man who enlisted in the service or who was drafted was considered to have made an automatic application for 120 days after enlistment.

Mr. STAFFORD. I ask unanimous consent that this may be passed over, so that I may have opportunity to examine the law.

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BOX. A question arises in connection with this class of cases with which the Committee on Pensions has had to deal. I call the gentleman's attention to the fact that this man appears to have been in the naval service. If the Committee on War Claims and the Committee on Claims are going to compensate men in any branch of the naval or military service for injury, or their dependents for loss of life, how is the work of those two committees going to avoid duplicating the work under the compensation or pension acts? Here is a man who gets injured and he has to accept the provisions of the pension law or the disability compensation law. Here is another in exactly the same class and he goes before the Committee on Claims or the Committee on War Claims and gets a liberal allowance on a claim, leaving his claim for a pension or other benefits unimpaired. By that handling we would treat men on entirely different bases, although they may have rendered the same class of service, and been injured in exactly the same way. Our committee has thus far refused to deal with any of those cases accruing to men in the military or naval service or their dependents. There are Members here who have bills for the relief of men in the air or regular military or naval service or their dependents, who have felt aggrieved because their claim bills could not be considered. We have felt we ought not to deal with compensation to men in these services or their dependents.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman from Wisconsin yield?

Mr. STAFFORD. I will yield first to the gentleman from Texas. He is making an informing statement.

Mr. BOX. The rule in the two different committees may be somewhat different, but I think candidly—and I speak of it as a matter of serious import—that the two Committees on Claims, the Committee on War Claims and the Committee on Claims, will have a great deal of difficulty in these matters when these committees go into the refuting of claims dealing with people who are entitled to pensions or other kindred benefits. I find that this particular bill deals with war-risk insurance, which may present a different question. But I want the House and the membership of these two committees to see the danger of complication at this point.

Mr. SCHAFER of Wisconsin. This appears to be a very vicious bill. If this man was killed after the war insurance law went into effect, he would not have received insurance until he had made the premium payments required.

Mr. HOPKINS. The law applied automatically. All men who died or were killed were assumed to have taken out insurance. A man died who became sick in February. He became diseased before that.

Mr. SCHAFER of Wisconsin. If you are going to pass special acts to take care of this case and other similar cases, the bill should provide for a direct appropriation from the Treasury and not have the Director of the Veterans' Bureau make payments from the insurance fund.

Mr. HOPKINS. The law provided for two kinds of insurance; that which was deducted from the soldier's or sailor's pay and the other where the soldier contributed nothing. Any man who died between April 6, 1917, and October, 1917, later was considered automatically to have the insurance. The report on this bill says:

> Your committee feels that due to the fact that this sailor died as the result of enemy activities, his dependent mother whom he would have named as beneficiary in insurance policy should be given the same rights and privileges as were accorded all other mothers who lost sons between April 6, 1917, and the passage of the war risk insurance act of October, 1917.

Mr. GREENWOOD. Mr. Speaker, will the gentleman yield there?

Mr. HOPKINS. Yes.

Mr. GREENWOOD. As I understand this case, this vessel was torpedoed about the 1st of April. All those sailors went down in lifeboats after the torpedoing. We do not know how they died. Six days after that we declared war, and we passed this law and took in all those people to whom we pay this war-risk insurance.

The only point in issue here is whether this man lost his life on April 7 or lived until later. But on the merits and in equity he ought to be considered on the same basis because he lost his life as the result of a torpedo from the enemy.

Mr. STAFFORD. If we recognize this claim, shall we also go back and recognize similar claims of soldiers and sailors who were on ships torpedoed previously?

Mr. COCHRAN of Missouri. I would like to call the gentleman's attention to the fact that Congress passed a law providing that the relatives of every man on board the *Cyclops* should receive $5,000. That vessel was lost at sea. Nobody knows when it was lost.

Mr. GREENWOOD. Was it lost after the declaration of war?

Mr. COCHRAN of Missouri. Yes; after the declaration of war; but it was assumed that all on board did apply or would have applied for insurance. Five thousand dollars was allowed in each case. Congressman IGOE, of Missouri, introduced that bill, I think, in 1919. It provided for $10,000, but was reduced by the Congress to $5,000.

Mr. GREENWOOD. The gentleman from Texas was not talking about the war-risk insurance. This vessel was lost five days before the declaration of war.

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

ROBINS DRY DOCK & REPAIR CO.

The next business on the Private Calendar was the bill (H. R. 10635) for the relief of the Robins Dry Dock & Repair Co.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Is there any Member here who is familiar with this bill? Does any gentleman know why this claim was turned down by the Comptroller General?

Mr. O'CONNELL. I did not know that it was turned down by the Comptroller General. It is recommended by the Secretary of War.

Mr. BACHMANN. The bill was not approved by the Comptroller General. The sum of $7,200 was deducted.

Mr. IRWIN. The view which the committee took of that was this: This company entered into an agreement or contract to do some work for the Government. In this particular case it was a boat. It was utterly impossible to determine the amount of injury to the gear or machinery until after it was torn down. Then after it was torn down they found it was absolutely necessary in order to put the boat in proper condition to do a lot of work upon it.

Mr. BACHMANN. That is the point. Could we know what the situation was before that machinery was taken down by a study of the specifications?

Mr. IRWIN. No. It was utterly impossible to determine that, because they could not determine the condition of the machinery on the boat until such time as it was torn down. No person could possibly determine that, but they simply took a chance. After they found out the true conditions of the gears, in order to put the boat in good condition, it was necessary to do this extra work. The War Department recognizes that fact.

Mr. STAFFORD. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. STAFFORD. I gave some special consideration to the report and to the facts in this case. These contractors contracted to do this work when the vessel was at sea. They had no acquaintance whatsoever with the character of the work, except they thought that the condition of the gears would be such as would generally get out of order during a voyage. When the ship came to the yard it was found that the gears were damaged entirely out of the ordinary, something very exceptional. The War Department admitted that the condition was entirely exceptional, and that the claim for liquidated damages for doing this extra work was not well merited. They did the work expeditiously. There was no delay whatsoever. The only delay was occasioned by the exceptional condition of the gears. I think we would be penalizing the ship people for making arrangements to expedite the repair of a ship at sea, which no one knew anything about, if we should hold these contractors to account for something of which they had no knowledge and could not possibly comprehend the condition.

Mr. BACHMANN. Is the gentleman satisfied that this is a proper and just claim?

Mr. STAFFORD. I think it is a just claim.

Mr. PATTERSON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. PATTERSON. How is it possible for them to claim that they should have extra compensation for something they could not know about and then object to penalizing them in the contract? It looks to me as though they were going both ways.

Mr. STAFFORD. If the gentleman will permit, here is a private shipbuilding corporation called upon by the War Department, by reason of injury to a ship at sea, to make arrangements for the hurried repair of the ship.

Mr. O'CONNELL. An emergency job.

Mr. STAFFORD. An emergency job, to put the gears in condition. They assumed that the gears are out of condition, such as would result from an ordinary passage. But, when the vessel docked, they found the condition of the machinery was something very exceptional, and because of the exceptional character of the work required it was absolutely necessary to take a longer time. There is no charge that there was any unnecessary delay. The delay was necessitated by the extra work required because of the exceptional damaged condition of the gears.

Mr. PATTERSON. The diligence of my colleague from Wisconsin is such that his recommending a bill is very helpful and weighs heavily with me, but I want to say that many of these men who had work to do for the Government along about this time found numerous ways to do extra work and charge more money.

Mr. IRWIN. I think the gentleman will agree that this was an extraordinary case and these contractors wanted to honestly do the work. I think this claim should be paid.

Mr. BACHMANN. The gentleman from New York is also of the opinion that this is an absolutely just claim?

Mr. O'CONNELL. I do. I have studied the matter quite thoroughly.

Mr. GREENWOOD. Is the chairman of the committee satisfied that, not only the extra work, but also the liquidated damages are included in this item? Under the circumstances, the amount should include both items.

Mr. IRWIN. I think it should; yes.

Mr. BACHMANN. If it includes one it should include both, because the delay was caused by the extra work.

Mr. Speaker, in view of the statement of the gentleman from Wisconsin, who carefully studies and examines all bills on the Private Calendar, that this is a proper bill to pass; and, further, in view of the statement of the gentleman from New York [Mr. O'CONNELL] that he has gone into the matter, I shall not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow Robins Dry Dock & Repair Co. the sum of $15,060 in full settlement for extra work performed on U. S. Army transport *St. Mihiel*, and demurrage deducted, in connection with contract No. W–629–qm–6320, dated May 10, 1929, of the repair of said vessel. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,060 for payment of this claim.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JUAN ANORBE AND OTHERS

The next business on the Private Calendar was the bill (S. 1378) for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson, all former employees of the Isthmian Canal Commission, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, such compensation hereunder to commence from and after the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM TELL OPPENHIMER

The next business on the Private Calendar was the bill (S. 1638) for the relief of William Tell Oppenhimer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I want to congratulate my colleague, Governor MONTAGUE, of Virginia, for the diligence manifested in the handling of this very meritorious bill. Upon a careful and extensive investigation I find that this is one of the most meritorious bills I have ever found on the Private Calendar, and I congratulate the gentleman for having taken care of this worthy veteran. I sincerely hope that no Member of Congress will object, so that we can speed this bill to the White House to-day and extend justice to this veteran, who has given his health and almost his life in the service of our common country. [Applause.]

Mr. O'CONNELL. Everyone knows that Governor MONTAGUE is the kind of a man who would make that kind of a report.

Mr. GREENWOOD. Reserving the right to object, if the gentleman from Wisconsin [Mr. SCHAFER] will make a speech like that in favor of the bill, why should any Member object?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint William Tell Oppenhimer, jr., formerly assistant surgeon with rank of lieutenant (T), an assistant surgeon, United States Navy, with rank of lieutenant (T), and place him on the retired list of the Navy with the retired pay and allowance of that grade with credit for any purposes for all service to which he was entitled on May 2, 1920: *Provided*, That a duly constituted naval retiring board finds that the said William Tell Oppenhimer, jr., incurred physical disability incident to the service while on the active list of the Navy: *Provided*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LIEUT. CHRISTOPHER S. LONG

The next business on the Private Calendar was the bill (S. 3566) authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Reserving the right to object, I do not see why this should be done. Unless there is some special reason for it I am compelled to object.

Mr. HOUSTON of Hawaii. Will the gentleman reserve his objection for a moment?

Mr. PATTERSON. Yes.

Mr. HOUSTON of Hawaii. This is a case where a clergyman in civil life was appointed to the Chaplain Corps. The law of 1914 provides that all chaplains upon original appointment shall be given a provisional appointment as acting chaplains. Thereafter they serve during a probationary period until such time as their running mate in the line has gone to his next promotion. Then they are automatically promoted, provided they passed the examination, and are regularly commissioned.

This particular chaplain who was appointed from the State of Florida, in line of duty contracted a disease—tuberculosis—and is at the present time, or was until recently, under treatment at the hospital at Mare Island. Since that time he has been on sick leave, in an effort to recuperate.

The Chief of the Chaplains' Bureau in Washington came to see me, because it happened that this young man was originally ordained in Honolulu and was married there, and the family of his wife is living there. Knowing of my previous connection with the Navy he came to see me and asked me to introduce a bill for his relief. I then communicated with the Navy Department, and this bill is the Navy Department draft of what they thought should be done. So that it is practically a department measure, and they approve it, as will be seen from the report.

Mr. PATTERSON. Is this man retired at any pay at this time?

Mr. HOUSTON of Hawaii. He is not now.

Mr. PATTERSON. Is he drawing any compensation from the Government?

Mr. HOUSTON of Hawaii. Yes; he is under full pay at the present time.

Mr. PATTERSON. Full pay of what?

Mr. HOUSTON of Hawaii. Of a chaplain of the rank of lieutenant (junior grade). If he is ordered before the retiring

board in accordance with this bill he will draw only three-quarters of his full pay.

Mr. PATTERSON. And he is drawing full pay now?

Mr. HOUSTON of Hawaii. Yes.

Mr. PATTERSON. Can he not be retired regularly without this bill?

Mr. HOUSTON of Hawaii. No; he can not; because the law does not provide for the retirement of acting officers.

Mr. PATTERSON. This is not an attempt to raise him above the rank that he now holds?

Mr. HOUSTON of Hawaii. No. There is no attempt to raise him above the rank he now holds.

Mr. PATTERSON. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy with the retired pay and allowances of that rank: *Provided*, That a duly constituted naval retiring board finds that the said Christopher S. Long has incurred physical disability incident to the service while on the active list of the Navy.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE D. JOHNSON

The next business on the Private Calendar was the bill (H. R. 2336) for the relief of George D. Johnson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, the Secretary of the Navy has stated he would have no objection to a general law, but is opposed to such special legislation, and I ask that this bill may go over.

The SPEAKER pro tempore. Objection is heard.

SIDNEY MORRIS HOPKINS

The next business on the Private Calendar was the bill (H. R. 6193) for the relief of Sidney Morris Hopkins.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Sidney Morris Hopkins, who was a member of the naval forces of the United States, at the time of his discharge being attached to the U. S. S. *New Hampshire*, shall hereafter be held and considered to have received a full honorable discharge from the naval service of the United States on March 14, 1921: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STUART L. JOHNSON

The next business on the Private Calendar was the bill (H. R. 8936) authorizing the promotion on the retired list of the Navy of Stuart L. Johnson, ensign.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I am going to have to object to this bill, for the reason that the other day there was a bill similar to this, and I was informed at that time that was the only case in existence and that there would be no other person asking to be promoted to a different rank while outside of the Navy.

Mr. EATON of Colorado. Will the gentleman withhold his objection?

Mr. PATTERSON. I will yield for a statement from my good colleague from Colorado [Mr. EATON].

Mr. EATON of Colorado. The unusual feature of this bill is caused by an error in the Navy itself.

Mr. PATTERSON. That was also true in the other case.

Mr. EATON of Colorado. Stuart L. Johnson had served six years in the Navy and had risen to the rank of gunner. During the war, on account of his education and other things, he was promoted with temporary rank of ensign and then promoted to the temporary rank of lieutenant (junior grade). Afterwards, on November 30, 1921, he was put in the regular Navy as an ensign. He became eligible for promotion to lieutenant (junior grade) on June 5, 1922. When his time came for this promotion he had contracted tuberculosis, which originated in line of duty, and had been sent to Fitzsimons Hospital at Denver. Instead of giving him the examination to officially declare him ill with tuberculosis he was retired.

The gentleman will notice in reading the report that there are three requirements of the law concerning promotions, and when a man is retired on account of disability incurred in the service he is retired at the next higher rank, and the three things required are pointed out in the report; the first requirement is failure on physical examination.

Had the physical examination been given to him at Fitzsimons Hospital the fact would have appeared that he was there on account of tuberculosis. The Retiring Board found him sick and incapacitated for active service by reason of physical disability incurred in line of duty, but did not give him an official examination, and because an examination was not given to him the Navy Department felt that this technicality precluded their retiring him in the higher grade.

The Secretary of the Navy recognizes this and suggests this bill and approves the bill, and under such circumstances I am quite sure the gentleman would not interpose an objection to this man being retired by Congress in the regular order in which he would have been retired had the Navy not omitted to give him this examination.

Mr. PATTERSON. What is he getting as a retired ensign? I suppose that is what he is now?

Mr. EATON of Colorado. He is a retired ensign. This bill is made applicable to no time prior to the passage of this bill. I do not know just what the amount is.

Mr. PATTERSON. What is his condition and what is he doing at the present time?

Mr. EATON of Colorado. He is what is called an arrested-tuberculosis case.

Mr. BLANTON. And this will cost only $345 a year more.

Mr. PATTERSON. We must have vacated the other order, I will say to my good colleague, because this case, as well as the argument, is identical with the one that was made the other day.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to promote as of September 5, 1923, to the rank of lieutenant, junior grade (retired), Stuart L. Johnson, now ensign (retired). That hereafter the pay of this officer while on the retired list shall be computed as if he had been retired in the rank of lieutenant, junior grade, September 5, 1923: *Provided*, That no back pay or allowances shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

W. H. ALLEN

The next business on the Private Calendar was the bill (H. R. 9698) to authorize Capt. W. H. Allen, United States Navy, to accept the decoration of the Order of the Bust of Bolivar from the Government of Venezuela.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, is there any gentleman on the floor who can tell us what this Order of the Bust of Bolivar is?

Mr. GREENWOOD. The gentleman from South Carolina [Mr. McMILLAN] is here and can probably tell the gentleman.

Mr. McMILLAN. As the author of the bill I have just heard about the Bust of Bolivar. This is a decoration, I may say to my friend from Texas, that was bestowed on Captain Allen while he was in the naval service.

Mr. BLANTON. Will he be able to survive?

Mr. McMILLAN. I hope so.

Mr. GREENWOOD. If the gentleman will yield, there is nothing in the report to show what act he rendered the government or what was his accomplishment that entitled him to this decoration.

Mr. McMILLAN. At the time this visit was made, some 18 or 20 years ago, Captain Allen was chief of staff of one of the admirals who visited that country, and there was an uprising or revolt, and in appreciation of services rendered by the American Government this decoration was bestowed.

Mr. GREENWOOD. The gentleman understands I have no objection to any of his constituents receiving anything from any foreign government they can get, but I was just wondering about it.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Capt. W. H. Allen, United States Navy, be, and he is hereby, authorized to accept from the Government of Venezuela the decoration of the Order of the Bust of Bolivar, which

decoration has been tendered to him, through the Department of State, in appreciation of service rendered the said Government of Venezuela.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES GOLDEN

The next business on the Private Calendar was the bill (H. R. 11160) for the relief of James Golden.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter James Golden, who was transferred to the retired list of the United States Navy on April 27, 1916, while holding the rating of chief master at arms, acting appointment, shall be held and considered to have been retired on said date while holding a permanent appointment in said rating: *Provided*, That the same James Golden shall not be entitled to any back pay or allowance by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. S. PHIPPS

The next business on the Private Calendar was the bill (H. R. 5063) for the relief of A. S. Phipps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to A. S. Phipps, of Yerington, Nev., the sum of $60.45 for services rendered the United States Government as a de facto commissioner of the United States district court at Carson City, Nev., representing at Yerington, Nev., after September 5, 1927.

With the following committee amendment:

In line 7, strike out the figures "$60.45" and insert in lieu thereof the figures "$164.90."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

STERLING S. BALL

The next business on the Private Calendar was the bill (H. R. 8253) for the relief of Sterling S. Ball.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to credit the accounts of Sterling S. Ball, former postmaster at Kahoka, Mo., with the sum of $177.98, representing the value of war-savings stamps and other property lost from the post office at Kahoka, Mo., on December 19, 1918.

SEC. 2. The sureties on the bond of Sterling S. Ball as such postmaster are relieved from any liability on account of such loss.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SHADRACH FRANK FOSTER

The next business on the Private Calendar was the bill (H. R. 836) to correct the military record of Shadrach Frank Foster.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Shadrach Frank Foster, who was a private in Company B, Fifth Regiment United States Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said organization on December 31, 1865: *Provided*, That no bounty, pension, pay, or allowance shall accrue prior to passage of this act.

With the following committee amendment:

Line 9, strike out the proviso, and insert in lieu thereof "That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS J. HAYDEN

The next business on the Private Calendar was the bill (H. R. 1526) to change the military record of Thomas J. Hayden.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas J. Hayden, who was a member of the Astor Battery, United States Army, Spanish War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 29th day of March, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

In line 9, strike out "29th" and insert in lieu thereof "31st."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

MARTIN V. DAY

The next business on the Private Calendar was the bill (H. R. 5519) for the relief of Martin V. Day.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Martin V. Day, who was a member of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 9th day of March, 1863: *Provided*, That no bounty back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES M. RAY

The next business on the Private Calendar was the bill (H. R. 7229) for the relief of James M. Ray.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James M. Ray, who was a member of Company C, Twelfth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 28th day of July, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ARTHUR G. CASWELL

The next business on the Private Calendar was the bill (H. R. 6194) granting six months' pay to Arthur G. Caswell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation "Pay, of the Navy, 1930," to Arthur G. Caswell, father of James L. Caswell, late engineman (first class), United States Navy, an amount equal to

six months' pay at the rate said James L. Caswell was receiving at the date of his death.

With the following committee amendments:

Line 5, strike out the words "of the" and insert "subsistence and transportation."

Line 9, strike out the period, insert a colon and the following:

"*Provided*, That the said Arthur G. Caswell establish to the satisfaction of the Secretary of the Navy that he was actually dependent upon his son, James L. Caswell, at the time of the latter's death."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT BENNETT

The next business on the Private Calendar was the bill (H. R. 6817) for the relief of Robert Bennett.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, the Acting Secretary of the Navy makes this recommendation:

The records of the Navy Department show that the above-named man was born on May 18, 1882, and on April 26, 1898, he enlisted in the Navy to serve during minority until May 17, 1903. During his period of service he committed a number of offenses, such as deliberately disobeying orders, being insolent to chief master-at-arms, swearing and lying and using obscene language. On June 9, 1899, Bennett was declared a deserter from the U. S. S. *Vermont* and the naval service. After a period of approximately 29 years he reported his case to the Navy Department in writing, and, at his request, was discharged as undesirable for the naval service because of desertion without trial. His discharge was actually effected on October 24, 1928.

The Navy Department is unaware of any good reason for considering Bennett as having been honorably discharged from the naval service, and without such reason does not believe that any special action toward his case should be taken.

The bill H. R. 6817, if enacted into law, will result in no additional cost to the Navy; however, it is probable that a pension charge will be involved now or in the future.

In view of the foregoing, the Navy Department recommends against the enactment of the bill H. R. 6817.

Who has charge of the bill?

Mr. O'CONNELL. I know the author of the bill. This boy went in at the age of 16 years. From that time on he served for 29 years in the Army. We may have all committed offenses in that time.

Mr. BLANTON. No; he did not serve in the Army. He served a short time in the Navy. He went in the first time and deserted, and during that short time he committed most of these offenses I have quoted from the report of the Navy Department.

Mr. O'CONNELL. We have condoned these things many times in other bills.

Mr. BLANTON. This is not a question just of setting him right with the world and starting him over again, but it is a question of giving him a pensionable status. Mr. Speaker, I object.

CHARLES L. CHAFFEE

The next business on the Private Calendar was the bill (H. R. 7322) for the relief of Charles L. Chaffee.

The SPEAKER pro tempore. Is there objection?

Mr. GREENWOOD. Mr. Speaker, I reserve the right to object. Has the gentleman from Ohio made a study of the facts in this case?

Mr. FITZGERALD. Mr. Speaker, I have studied the facts very thoroughly. I know of no case in which I have been concerned that has had more attention. Originally the bill was one to retire Captain Chaffee, now totally helpless, but because he had been an officer in the Regular Army, the Military Affairs Committee thought best that the matter be rereferred to an Army board.

Mr. PATTERSON. Mr. Speaker, I am going to object to the present consideration of the bill.

Mr. FITZGERALD. I hope the gentleman will permit me to continue with my statement.

Mr. PATTERSON. Surely.

Mr. FITZGERALD. The bill was introduced at the request of members of the American Legion, and others including disabled veterans who knew this fine officer and how much he is deserving. This bill does not retire the man, although I introduced the bill in the hope that the committee might see fit to recommend that he be retired at once. This young man graduated with honors, taking more than a year and a half of work in his last year at the university. He studied specially for his commission. He suffered a nervous breakdown in taking a special military course at Leavenworth. He was a man of unusual talent and the Government apparently was anxious to have him in the service. It accepted him as a provisional second lieutenant, and then promoted him to a first lieutenancy, and then afterwards to be a captain, all provisional. Then, on account of his especially great ability, although only 21 years of age, when he entered the Army, he was made a full captain of the Regular Army, and he was sent over to France in charge of a company and served in the front lines in France, and was under shell fire. All of the time there was a constant increase of this nervous tension which had been diagnosed as neurasthenia. He was constantly getting worse until conditions on the front lines caused him to break and he was ordered for observation, and because of nervous disease and consequent delusions and the lack of coordination with other officers on the front lines, he was ordered back to the United States. Afterwards he was ordered before an Army board and found to be physically sound but unfitted for the military service and he was given an honorable discharge, or in common language, class "B'd" out of the service and deprived of his livelihood and occupation, when had his mental condition been known and its cause, he would rightfully and legally have been retired. His mental condition was fatally impaired and he could not and did not have a proper presentation of his case before the Army board. It is to give an Army board a chance to correct this apparent error that this bill is before us to-day. He is now totally helpless and a wreck. Had this been known in time he would have been retired.

Mr. STAFFORD. Why, the record shows that the Army was acquainted with his complaints all of the time. He was complaining all of the time, from the time he entered the service until the very end.

Mr. FITZGERALD. The gentleman is correct about the complaints, but the board by which he was retired never knew about his mental condition.

Mr. STAFFORD. He was afraid to go to the front and fight.

Mr. FITZGERALD. Oh, no. He was not. He was under fire in the front lines in France.

Mr. STAFFORD. He asked to be retired and said that he did not have the nerve to fight on the front lines.

Mr. FITZGERALD. This is a pitiful case, the breaking down mentally of a man of great brilliance. All this bill does is to ask the board to review the situation and find out if what my friend from Wisconsin says is correct.

Mr. STAFFORD. There are hundreds of class B cases, and I do not know of anyone that warranted a discharge more than this.

Mr. FITZGERALD. If the gentleman is correct about it then there will be no harm.

Mr. STAFFORD. He would still be complaining.

Mr. HILL of Alabama. The Veterans' Bureau has held him to be 90 per cent disabled, has it not?

Mr. FITZGERALD. Yes.

Mr. HILL of Alabama. And this simply gives him his day in court?

Mr. FITZGERALD. Yes. This gives a chance to the Army to see whether a mistake has been made and, if so, to correct it. They class B'd him out. He would have been retired had they known about his mental condition. The man went before the board, but naturally he did not tell them that he was mentally broken. He was found to be unfit for duty, and he was honorably discharged as class B without his case being properly presented or understood. All this does is to give this board a chance to reconvene and reconsider the case in the light of all the facts now generally known.

The SPEAKER pro tempore (Mr. MAPES). Is there objection?

Mr. PATTERSON. Mr. Speaker, I object.

JOSEPH PULITZER

The next business on the Private Calendar was the bill (H. R 2550) for the relief of Joseph Pulitzer.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Joseph Pulitzer, out of any money in the Treasury not otherwise appropriated, the sum of $1,750, the amount of a fine paid by Joseph Pulitzer in pursuance of a judgment entered upon a plea of nolo contendere under certain provisions of the so-called Lever Act previous to the time that the Supreme Court of the United States held such provisions void, the said plea and said payment being made under a stipulation as follows: "In consideration that the Attorney General

and this court shall accept the plea nolo contendere which I hereby tender to the above-entitled indictment, I do hereby waive any and all fines which the court may see fit to impose upon me upon such plea, except in the event that the so-called Lever Act under which said indictment is found shall be declared unconstitutional by the Supreme Court of the United States and that no prosecution could be sustained upon the facts stated in said indictment."

Mr. ROWBOTTOM. Mr. Speaker, I offer an amendment at the end of line 7, on page 2: the usual amendment concerning attorneys' fees.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ROWBOTTOM: Page 2, after line 7, insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WALLACE E. ORDWAY

The next business on the Private Calendar was the bill (H. R. 3727) for the relief of Wallace E. Ordway.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, this father, after the death of his son, first brought suit against the city and lost it, and then he made this claim. The Interior Department reports adversely against it, and says this man has no claim against the Government. Under the circumstances I shall feel constrained to object.

Mr. BUTLER. Will the gentleman withhold his objection for a moment?

Mr. BLANTON. Yes. If the gentleman desires to make a statement.

Mr. BUTLER. Mr. Speaker, the canal runs partly through the city of Klamath Falls. The canal was built by the Government, and the portion of the canal where this accident happened, and the child fell in, was in the city limits. Evidently the attorney representing the claimant thought that the city had no jurisdiction over the passageway where this accident occurred. But when the issues were made up the city answered and pleaded that the city had no control whatever over it, and that the Government had entire control over it, as shown in the report.

Mr. BLANTON. But there was another question involved, was there not, of contributory negligence on the part of the parents to permit a child under 6 years old to go through a wire fence along a deep canal?

Mr. BUTLER. There was no question of negligence as to the parents; and, furthermore, I will say to the gentleman that under the law of that State as laid down by the Supreme Court contributory negligence was not attributable to a child of tender years, nor is it imputed to the parent. There was no question of contributory negligence involved in the case or of the negligence of the parents.

Mr. BLANTON. If you were to permit parents to bring a child here to Washington on a visit and those parents permitted the child to crawl into this Tidal Basin down here in the Nation's Capital, do you think the Government would be called upon to pay for the accident to that child which came about through the negligence of its parents?

Mr. BUTLER. In cases where it was the duty of the Government to take care of danger spots I would say the Government was liable.

Mr. BLANTON. Does the gentleman claim that whenever the Government builds an irrigation dam or ditch in the West it must put a guard around it to keep parents from letting their 5-year-old children fall into it?

Mr. BUTLER. Its duty is to prevent things like this from occurring.

Mr. BLANTON. The Department of the Interior reported here that it investigated this case, and that if it were a private irrigation project it would not be liable for this claim.

Mr. BUTLER. It is true that the statement is made that if it were a private project there would be no liability, but that is not a statement of the law as it is laid down and written in the State of Oregon.

Mr. BLANTON. There is no law that holds the Government legally responsible at all in any of these bills. It is a gratuity.

Mr. BUTLER. The Government did build a wire fence there, but failed to protect the public, and particularly children, by failing to cover up the hole.

Mr. BLANTON. I sympathize with my colleague, and I regret to have to oppose the bill; but this is a new policy that sets a bad precedent.

Mr. BUTLER. My predecessor was in the city of Klamath Falls when the accident happened. He went to the place where the child was drowned, and he made a complaint and protested to the engineer in charge there, and they put some planks over it. There has never been any question about negligence, and in this report the acting commissioner does not maintain that they have ever protected the public from that death trap there.

Mr. BLANTON. I regret I must object.

Mr. BACHMANN. If the child had fallen into a canal where there was no fence along that canal, would the gentleman contend that the Government was responsible?

Mr. BUTLER. I think in cases of that kind the Government would be responsible.

Mr. BACHMANN. Then the Government would have to build a fence along every canal in this country.

Mr. STAFFORD. One night last week as I was walking through Franklin Square on the way to my hotel I saw a little child about 5 years of age walking on the granite curb of the fountain, being held by the hand of an elder child. I said, "Be careful, that child might fall." There was no water playing in the basin. If the child had fallen over and broken its leg, does the gentleman think the District of Columbia would have been responsible in damages?

Mr. BUTLER. That would depend upon the circumstances, of course.

Mr. BLANTON. Ever since the days of George Washington there has been a deep canal all the way up and down the Potomac River, into which the children of Maryland and the District of Columbia could have fallen had their parents been negligent. Does the gentleman think that we should establish the precedent of making the Government responsible in damages for accidents of that kind?

Mr. BUTLER. I do not think this will establish a precedent.

Mr. BLANTON. I think it does, and that compels me to object.

Mr. Speaker, I object.

JAMES B. CONNER

The next business on the Private Calendar was the bill (H. R. 6758) for the relief of James B. Conner.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MAPES). Is there objection to the present consideration of the bill?

Mr. ARENTZ. I will have no objection, Mr. Speaker, if the usual amendment with regard to attorney's fees is permitted at the proper time.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the United States Government, the sum of $2,500 to James B. Conner for the loss of his eye, sustained while performing his duties assigned to him in the mechanical shop of the Department of Agriculture.

With the following committee amendment:

Page 1, line 6, insert the words "of all claims."

The committee amendment was agreed to.

Mr. ARENTZ. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Nevada offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ARENTZ: Page 1, line 9, at the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of service rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misde-

meanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ANDREW MARKHUS

The next business on the Private Calendar was the bill (H. R. 7555) for the relief of Andrew Markhus.

The Clerk read the title of the bill.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Andrew Markhus, examiner, field service, General Land Office, the sum of $101.51 for salary, per diem, and traveling expenses in going from Washington, D. C., to Denver, Colo., in connection with his appointment as inspector, General Land Office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GENEVIEVE M. HEBERLE

The next business on the Private Calendar was the bill (H. R. 7794) for the relief of Genevieve M. Heberle.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. I want to ask the chairman of the committee, who would be one of the conferees if there should be a disagreement, whether or not he can assure the House that when this bill goes to the Senate the gentleman will not permit the amount to be raised from $2,000 to $10,000 as was originally proposed.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. STAFFORD. The gentleman is aware that the Senate has adopted a new policy of cutting down the amounts, and there is not much prospect, with that record, of going higher than the amount carried in the House bill.

Mr. BLANTON. But that is the first time in the history of the Congress. That might be the new policy to-day, but it may change to-morrow.

Mr. IRWIN. This was considered in committee, and the committee agreed to reduce the amount from $10,000 to $2,000, and we always stand by our opinion.

Mr. BLANTON. In the closing hours of the Congress, the gentleman will not permit the amount to be raised above $2,000?

Mr. IRWIN. I will agree to that.

Mr. BLANTON. With that understanding I shall not object.

Mr. STAFFORD. I think the gentleman will agree to an amendment cutting it down to $1,000.

Mr. BLANTON. Yes; but if the gentleman agrees to permit it not to be raised above $2,000, I will not object.

Mr. IRWIN. I agree to that.

Mr. O'CONNELL. Will the gentleman make the same request, that the Senate neither raise nor lower it?

Mr. BLANTON. Oh, no; I am willing for the amount to be reduced.

Mr. STAFFORD. The Senate has a record of cutting down these amounts.

Mr. BLANTON. Since when?

Mr. STAFFORD. Why, since this morning.

Mr. BLANTON. For the first time that I can remember.

Mr. BACHMANN. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. BACHMANN. I notice there was a settlement previously made in this case by the department, but there is nothing mentioned in the report as to what the merits of the settlement were.

Mr. MAAS. When the injury occurred it was not realized it was so serious, and the claimant was paid immediately for the doctors' bills and for the loss of a few days' time. Some time later it developed it was a very serious injury and she has been unable to resume her career, which was nursing, and she can not work for more than a few days at a time. She is permanently crippled.

Mr. STAFFORD. Is the gentleman personally acquainted with the case?

Mr. MAAS. Yes; I am.

Mr. BACHMANN. The total expense connected with the injury only amounted to $110.

Mr. MAAS. That was largely because of the fact she was a nurse in training in a hospital, and she was taken care of in the hospital so that the expense was largely for medicines.

Mr. BACHMANN. This $2,000 is asked as compensation for suffering?

Mr. MAAS. Yes; entirely.

Mr. SMITH of Idaho. And for loss of time?

Mr. MAAS. Yes. She is permanently disabled.

Mr. BACHMANN. I shall not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Genevieve M. Heberle the sum of $10,000 for personal injuries sustained when she was struck and seriously injured by an automobile truck of the United States Postal Service in the city of St. Paul, Minn., on July 3, 1923.

With the following committee amendments:

Page 1, line 6, strike out "$10,000" and insert "$2,000."

Page 1, line 9, after the figures "1923," insert the following language:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

Mr. BACHMANN. Mr. Speaker, I offer an amendment, on page 1, line 6, after the figures "$2,000" insert "in full settlement of all claims against the Government."

The SPEAKER pro tempore. The gentleman from West Virginia offers an amendment which the Clerk will report.

The Clerk read, as follows:

Amendment by Mr. BACHMANN: Page 1, line 6, after the figures "$2,000," insert the words "in full settlement of all claims against the Government."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JENS H. LARSEN

The next business on the Private Calendar was the bill (H. R. 7797) for the relief of Jens H. Larsen.

The Clerk read the title of the bill.

The SPEAKER pro tempore [Mr. LEHLBACH]. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I reserve the right to object, to have a statement, and find out why the Government should be held responsible in any way to this man who parked his automobile in this particular place.

Mr. MAAS. This man is a post-office employee and he parked his car beside the post-office building, which was the custom.

Mr. PATTERSON. Was this a zone which they had marked off for the parking of cars by the postal employees?

Mr. MAAS. Yes; that is correct.

Mr. PATTERSON. And there was not a suitable parking place at some other point?

Mr. MAAS. No; at this particular location, which is in the heart of the town, there was no other place these employees could park, and it was through the negligence of the Government that the drain pipe had been permitted to fill up during a melting period, and then later the ice formed. It has been customary to reimburse these men under similar circumstances. The postmaster had a similar experience, and I think he was paid $50.

Mr. PATTERSON. If the postmaster has been paid, and this man was under him, I certainly shall withdraw any objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jens H. Larsen the sum of $30.50, being the amount of damages incurred to his automobile from snow and ice falling from the roof of the post-office building in St. Paul, Minn.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BREWSTER AGEE

The next business on the Private Calendar was the bill (H. R. 8271) for the relief of Brewster Agee.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, I object.

Mr. TARVER. Mr. Speaker, will the gentleman reserve his objection?

Mr. ROWBOTTOM. I will be pleased to withhold it.

Mr. TARVER. I would be glad if the gentleman would indicate upon what his objection is based?

Mr. ROWBOTTOM. There is not any evidence to prove that this man was killed by these soldiers. These soldiers had been discharged from the Army, and there is no evidence to show that the soldiers on this particular train killed this man.

Mr. TARVER. The gentleman will pardon me, but I am very familiar with the circumstances surrounding the case, and I am sure the gentleman has an erroneous impression.

Mr. ROWBOTTOM. Will the gentleman yield?

Mr. TARVER. Yes.

Mr. ROWBOTTOM. What responsibility is it of the Government, after these soldiers were discharged, if this man was killed by them?

Mr. TARVER. Let me state the facts as they come to my knowledge.

Mr. ROWBOTTOM. We do not care about what comes to the gentleman's knowledge, but what are the facts?

Mr. TARVER. That is what I am going to state, if the gentleman will permit. These soldiers were discharged in March, 1899, at Macon——

Mr. ROWBOTTOM. The very day this man was killed.

Mr. TARVER. And were being transported by the Government to their places of enlistment, and this man who was shot was a flagman employed on the train which was engaged in doing the transporting. The soldiers at various points along the road prior to reaching Griffin, Ga., fired upon citizens at towns through which the train passed, and the citizens of Griffin, having received information in advance of these occurrences, met the train armed in order to preserve order, and while the train was standing at the station the soldiers on the train fired from the train upon the citizens. Their fire was returned and either by fire of the soldiers or by the fire of the citizens provoked by the soldiers, this man was shot, and afterwards died as a result of his wounds. There can be no question about this being the fact. The gentleman from Georgia [Mr. RUTHERFORD], who represents the district where the occurrence took place, knows these are the facts and I respectfully submit that under these conditions there can be no question as to the responsibility of the Government.

Mr. ROWBOTTOM. Let me call the gentleman's attention to a statement of an eye witness, on page 2 of the report, "This riot was caused by preceding trainloads of soldiers shooting out the car windows," and so forth. It does not say that it was this trainload of soldiers.

Mr. TARVER. Will the gentleman listen to a statement by the gentleman from Georgia [Mr. RUTHERFORD] who is familiar with the facts?

Mr. ROWBOTTOM. Surely; I will be pleased to.

Mr. RUTHERFORD. I remember this occurrence as well as if it happened yesterday. The gentleman can not appreciate the situation unless he had been there. These soldiers were mustered out at Macon, Ga., in my district, about 30 miles from Griffin, and this was altogether a troop train. It was not a mixed passenger train. These soldiers were discharged with their side arms, and they had liquor, and began to fire on the people all along the way. Some one called up Griffin, Ga., 30 miles distant, and told them they had better call out the militia down there to protect the citizens of the town against these colored soldiers. This man was shot there. The citizens did not fire until after these negro soldiers began to fire promiscuously into the town.

Mr. ROWBOTTOM. There is not any evidence to show that these soldiers on the train began the firing, and let me call the gentleman's attention to the statement in the report by an eye witness, to which I just called the attention of the gentleman from Georgia [Mr. TARVER]. He does not say that they telephoned ahead, but states that the citizens of Griffin found there was another train coming, and they went down themselves armed and ready to start a fight.

It looks as if he was as much at fault as others.

Mr. RUTHERFORD. It was common knowledge to everybody down there. The papers carried the information. The citizens of Griffin did not want any fight with the soldiers, but they called out the militia to protect the citizens of the town. Here was this poor man, in the discharge of his duty, standing on the rear platform of the train, where his duty called him. The result was that he received a wound from which he later died.

Mr. ROWBOTTOM. In what way was the Government responsible?

Mr. TARVER. Because the Government was transporting these soldiers and the soldiers fired on the citizens. These soldiers were being transported by the Government and under the control of the Government. It seems to me that an objection to the passage of this bill can not be based on any just reason.

Mr. ROWBOTTOM. What just reason is there for the Government paying for this claim? It is not shown that the soldiers shot this man; it may have come from the other side.

Mr. TARVER. Suppose it did; if the soldiers fired first on the citizens and provoked the shooting?

Mr. ROWBOTTOM. There is nothing to show that the soldiers shot him.

Mr. TARVER. Let me read to the gentleman:

> When the train started moving away from the station one of the soldiers shot out the car window; then the armed citizens returned the fire on the moving train. Mr. Agee, being on the rear of the train, where his duties required him to be, was the only person hurt.

The first shot came from the train from those drunken negro soldiers. If the gentleman thinks that is not a provocation for return fire, then I have nothing further to say.

Mr. SCHAFER of Wisconsin. Will the gentleman yield? I do not believe that the evidence produced before the Claims Committee indicated that these colored soldiers were drunk. I think that is a far-fetched statement. I do, however, believe that if the gentleman from Indiana will refer to the presentation of this bill to the full Claims Committee by the subcommittee he will realize that the report does not contain all of the details that were presented before the subcommittee. Those details were such as would warrant the favorable passage of the bill. I remember the case well. The full Claims Committee spent half an hour in considering the report of the subcommittee.

Mr. BLANTON. Does not the gentleman think it a charitable way to look at it, in saying that the soldiers were drunk? Does he think that soldiers would shoot out of a car window if they were sober?

Mr. SCHAFER of Wisconsin. Oh, yes; I have seen them shoot out of a car window when sober. I believe the bill ought to be passed and relieve this worthy individual who was shot through no negligence of his but through the fault of the Government soldiers. Whether the shooting was done by the Government soldiers or not, the whole fracas started by a shot from the soldiers. I hope my colleague, who probably had to attend another committee meeting when this bill was presented to the full committee, will withdraw his objection and let this meritorious bill pass.

Mr. ROWBOTTOM. Mr. Speaker, in view of the explanation made by the two gentlemen from Georgia, I withdraw the objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Brewster Agee the sum of $2,500 as compensation for loss by death of her husband, George L. Agee, killed while transporting United States soldiers during a riot at Griffin, Ga., on or about March 8, 1899.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EMMETT BROOKS

The next business on the Private Calendar was the bill (H. R. 10093) for the relief of Emmett Brooks.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $425 to Emmett Brooks in payment for fees as United States commissioner for services rendered for the period beginning with the January quarter, 1925, and ending with the March quarter, 1929.

With the following committee amendment:

In line 6, strike out the figures "$425" and insert in lieu thereof the figures "$351.05."

The committee amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

In line 5, after the word "settlement," insert the words "of all claims."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HARRY W. WARD

The next business on the Private Calendar was the bill (H. R. 10938), for the relief of Harry W. Ward.

The SPEAKER pro tempore. Is there objection?

Mr. PATTERSON. Mr. Speaker, I reserve the right to object. I am opposed to these bills, but we passed one the other day similar to this, and I shall not object to this. If a man is handling money of the Government without any special direction of where to put it, he ought to be responsible for the money.

Mr. IRWIN. The Post Office Department in some of these post offices advises placing the money in banks. That is the only thing that can be done.

Mr. ARENTZ. There are not enough banks in these localities so that a man could pick out one of a half dozen. There was only one in this place to pick, and that bank failed.

Mr. PATTERSON. I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection and the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $75.41 to compensate Harry W. Ward, of Redwood Falls, Minn., for actual financial loss sustained by him, without negligence on his part, through refund already made to the Post Office Department, wherein postal funds for which he was responsible as postmaster at Redwood Falls, Minn., were on deposit in the First National Bank of Redwood Falls, Minn., which said bank failed under date of July 21, 1925, and was liquidated, none of said sum being repaid from the assets of said bank.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMPENSATION TO PERSONS INJURED AT LAKE DENMARK, N. J.

The next business on the Private Calendar was the bill (H. R. 11015) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval and munitions depot, Lake Denmark, N. J., July 10, 1926.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I reserve the right to object. The compensation provided in this bill is out of all proportion to personal injury claim bills we have heretofore passed. I notice on page 3 of the report, in the first instance, there is to be paid to Mrs. Matilda Koch $12,570.50 for the loss of a left eye and an injury to the right eye. For absolute total disability, where there is absolutely clear negligence on the part of the Government, this House has adopted a maximum sum of $5,000. A few weeks ago we passed a bill to reimburse the father of a little boy who was killed by a drunken Army-truck driver and provided an amount of $5,000 in that bill. The other body cut that down to $2,500. On page 5 of the report we find that we are taking care of members of the regular Military and Naval Establishments, although they are entitled to pensions under the general pension law. Why should we single out one chief gunner in the Army or Navy and, in addition to the benefits under the pension law, grant an award of $10,612 to his widow. That is entirely unfair. Furthermore, this bill carries an appropriation of some $3,706.16 to casualty companies for losses sustained. These casualty companies obtained premiums, and those premiums are based upon potential losses. The bill is manifestly unfair all the way through. It should go over until it can be amended.

Mr. ACKERMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. ACKERMAN. The gentleman will notice that all amounts claimed by the casualty companies have been eliminated, and I have a letter here from the Comptroller General stating that any amounts for insurance companies have been deducted and any amounts paid to any of these claimants by the Red Cross have been deducted. This bill has the full approval of the Navy Department as well as the Comptroller General and is in line with the bill that we passed several years ago to reimburse others. These are the remainder of the claims not adjudicated at that time.

Mr. SCHAFER of Wisconsin. How can the Navy Department recommend $10,612 for Mrs. Gertrude Gately, the widow of Chief Gunner Gately, who was killed? If we are going to adopt that policy and give over $10,000 in addition to the benefits under the pension law, we might as well say to the widows and mothers of every marine killed in Nicaragua that we will also give them $10,612.

Mr. ACKERMAN. Will the gentleman offer an amendment to reduce that amount?

Mr. SCHAFER of Wisconsin. The bill is so drawn that it would take a little time to consider and prepare such an amendment, because the bill does not name the special beneficiary. Furthermore, why should this Congress allow Mrs. Matilda Koch $12,570.50?

Mr. PATTERSON. Mr. Speaker, I ask that this bill go over for further study.

Mr. SCHAFER of Wisconsin. Before I object to the bill, I suggest that the gentleman prepare an amendment to conform to the usual amounts granted by the House so that when the bill is reached again that amendment can be offered.

Mr. REED of New York. I have an amendment I am prepared to offer to the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, the gentleman from Alabama asked that the bill be passed over.

The SPEAKER pro tempore. Does the gentleman object?

Mr. PATTERSON. I ask that the bill be passed over.

The SPEAKER pro tempore. That is all that happens to it. This is not the Consent Calendar.

Mr. REED of New York. Mr. Speaker, I have an amendment which I would like to offer.

Mr. PATTERSON. Mr. Speaker, reserving the right to object, what is the amendment the gentleman has to propose?

Mr. REED of New York. This I offer for the information of the House.

Add a new section on page 2, as follows:

"SEC. 2. That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 each to the following relatives, in the following order of preference, of any officer or enlisted man of the United States military and naval forces who was killed in the explosions at the naval ammunition depot, Lake Denmark, N. J., on July 10, 1926: To the widow; if no widow, then to the children, share and share alike; if no widow or children, then to the mother; if no widow, children, or mother, then to the father; or if no widow, children, mother, or father, then to the brothers and sisters, share and share alike."

Mr. SCHAFER of Wisconsin. That would not correct it. Why should we provide $5,000 for the relatives of these members of the regular establishments, when we do not provide $5,000 for the widows in cases where they have four or five minor children?

Mr. REED of New York. Will the gentleman reserve his objection to give me an opportunity to be heard?

Mr. SCHAFER of Wisconsin. Yes.

Mr. REED of New York. Mr. Speaker, I really wish to apologize for taking the time of the House at this time, but I do it in order to bring before this Congress if I may some of the flagrant injustices that it seems to me are being done as the law now stands.

The case I am going to give is typical of a great many cases that are coming from the Claims Committee. I am not criticizing the Claims Committee or the people who occasionally file objections to some of these bills. But here was a case at Lake Denmark where I think the Government was more or less negligent.

Naturally this boy enlisted as the result of seeing glowing signs and posters inviting enlistments, and he went down to Lake Denmark. There are some 14 cases involved. I have written to the department and the claim has been rejected.

In a little home, in a retired section of the country, live Mr. and Mrs. Little, splendid country people. The boy insisted on going into this service, having seen attractive posters "Join the Navy and See the World." His parents needed his help, and yet they let him go. There was a little girl in the family suffering from infantile paralysis. These people were in a sense dependent on the boy, although not recognized by the Government, because the boy did not so state at the time or during his enlistment.

What happened? When the lightning struck this ammunition depot at Lake Denmark, N. J., this boy, after the accident, was cited for bravery. Here is what is said by the commandant of the third naval district:

COMMANDANT THIRD NAVAL DISTRICT,
New York, N. Y., August 4, 1926.

Mrs. M. J. LITTLE,
Leon, N. Y.

MY DEAR MRS. LITTLE: I am sorry to seem so late in answering your letter of July 23, but have only just learned that the letter I dictated to you on July 28 was lost.

I find on inquiry that your son, John A. Little, was on fire-patrol duty on the afternoon of the disaster at Lake Denmark. He was last seen by his comrades hastening to the scene of the fire, and he unquestionably perished in the explosion that followed.

It is to be regretted that to date no trace of his body has been found, at least, no body that could be identified as his.

Well knowing the danger he faced in attempting to extinguish a fire in a burning magazine, he nevertheless steadfastly and courageously continued with his duty until relieved by death at the call of the Great Commander.

I wish to extend my heartfelt sympathy to you in your bereavement, and if I can be of service to you, please command me.

Yours truly,

O. C. DOWLING,
Captain United States Navy, Inspector of Ordnance in Charge, Naval Ammunition Depot, Lake Denmark, Dover, N. J.

Then I have before me the service certificate of the United States Marine Corps, wherein the boy is cited for bravery. Here it is:

SERVICE CERTIFICATE, UNITED STATES MARINE CORPS

This certifies that Pvt. John A. Little died on July 10, 1926, at Dover, N. J., while in the service of his country, and that he performed duty in the United States Marine Corps as follows: Parris Island, S. C.; Norfolk, Va.: U. S. S. *New York.*

Service: Honest and faithful.

Given under my hand at Washington, D. C., this 19th day of August, 1926.

JOHN A. LEJEUNE,
Major General Commandant.

Then here is a letter from the Secretary of the Navy, acting for the President:

THE SECRETARY OF THE NAVY,
Washington, October 21, 1926.

MADAM: The President of the United States takes pleasure in presenting you the Navy cross awarded posthumously to your son, the late Pvt. John A. Little, United States Marine Corps, for services on the occasion of the explosions from lightning at the naval ammunition depot, Lake Denmark, N. J., on July 10, 1926, as set forth in the following:

Citation: "For extraordinary heroism and fearless devotion to duty. Although he fully realized the imminence of great peril he continued at his post of duty in an endeavor to check the spread of the disaster, thereby losing his life."

For the President.

SECRETARY OF THE NAVY.

Mrs. CARRIE E. LITTLE,
Leon, N. Y.

Here is another one, from Maj. Gen. John A. Lejeune——

Mr. BLANTON. Mr. Speaker, will the gentleman yield there?

Mr. REED of New York. Yes.

Mr. BLANTON. Why was it that the department itself did not settle these claims?

Mr. REED of New York. I want to bring this to your attention later on. Here is what John A. Lejeune, Major General Commandant, had to say to the bereaved mother of this boy;

HEADQUARTERS UNITED STATES MARINE CORPS,
Washington, October 29, 1926.

Mrs. CARRIE E. LITTLE,
Leon, N. Y.

MY DEAR MRS. LITTLE: I take great pleasure in forwarding to you the inclosed citation and Navy cross, which have been awarded to your son, Pvt. John A. Little, United States Marine Corps, for heroism at Lake Denmark, N. J.

I wish to express my own appreciation of the fine qualities of your son and of his devotion to his duty, which led him to face danger and death without hesitation. His conduct merits the highest praise.

Sincerely yours,

JOHN A. LEJEUNE,
Major General Commandant.

Here is another statement, quoted from a daily newspaper:

LEJEUNE COMMENDS MARINES

Maj. Gen. John A. Lejeune, commander of the Marine Corps, who also inspected the spot where nearly two dozen of his men lost their lives, said:

"The names of the men who lost their lives here will go down on the roll of honor of the Marine Corps. All of them made the supreme sacrifice, and it is just as if they had lost their lives on the battle field."

Here is another statement by Maj. Gen. John A. Lejeune in a letter I have here of March 8, 1927, which answers the question of the gentleman from Texas [Mr. BLANTON]:

HEADQUARTERS UNITED STATES MARINE CORPS,
Washington, March 8, 1927.

Hon. DANIEL A. REED,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN REED: I am in receipt of your letter of the 5th instant regarding your desire to introduce a special bill for the parents of Alfred Little, who enlisted in the Marine Corps under the name of John Alfred Little, and was killed last July in the disaster at the naval ammunition depot, Lake Denmark, N. J.

The records show that John Alfred Little enlisted in the Marine Corps November 1, 1924, and was killed on July 10, 1926. He was awarded the Navy cross posthumously for his services on the occasion of the explosion from lightning at the naval ammunition depot, Lake Denmark, on July 10, 1926, as set forth in the following citation:

"For extraordinary heroism and fearless devotion to duty. Although he fully realized the imminence of great peril, he continued at his post of duty in an endeavor to check the spread of the disaster, thereby losing his life."

This Navy cross, with a copy of the citation, was forwarded to his mother, Mrs. Carrie E. Little, Leon, N. Y., on October 21, 1926.

No compensation has been awarded the beneficiaries of marines killed in the disaster at Lake Denmark, except the six months' pay, which was paid under the act of June 4, 1920, to the wife, children, or previously designated dependent relative. Private Little was not married and did not designate a dependent relative, so no payment under the act of June 4, 1920, could be made in his case.

Two bills were introduced in the Sixty-ninth Congress to provide a method for compensating persons who suffered property damage, death, or personal injury due to the explosions at Lake Denmark, H. R. 13457 and S. 4558, but neither of these bills was enacted.

With best wishes, I am, very sincerely yours,

JOHN A. LEJEUNE,
Major General Commandant.

Mr. BLANTON. But there could be extraneous proof of dependency.

Mr. REED of New York. The point I make is this: Here was a young man who was virtually the chief support, potentially at least, of an old couple up there in the country. This boy had seen and read these posters, and enlisted. He suffered death in the effort to save human life in the service of his country.

We do not hesitate to appropriate thousands and thousands of dollars for property destroyed, but here the mere fact that this boy did not formally designate his parents as dependents stands as a bar against the doing of equity and justice. It is manifestly unfair. That is the function of a claims committee, to judge the equities of a case.

The people back home, your constituents and mine, do not understand some things that are going on in the Government. Here is a clipping, under date of November 16, 1927, concerning a man incarcerated in one of our prisons. He gets $10,000 for an arm lost in prison. I read:

GETS $10,000 FOR ARM LOST IN PRISON—MAN WINS LONG FIGHT AS RESULT OF ACCIDENT WITH POTATO GRINDER

SALAMANCA, November 15.—Harry L. Shearer, of Center Street, has been awarded $10,000 for the loss of an arm while he was an inmate of Auburn Prison, in a decision by the New York Court of Claims, his attorney, Jesse Seymour, Salamanca, was advised in a notice received Monday.

Shearer, sentenced for his part in the robbery of two freight cars here, was putting potatoes into a grinder when, he claimed, he slipped on the wet floor and his arm was drawn into the grinder and taken off at the elbow. The State was charged with negligence in permitting the floor to be slippery and not having guards on the machine nor a capable operator for it, and having it so connected that the room had to be crossed to shut off the machine.

An unusual feature of the case was that an act was passed by the State legislature to give the court of claims jurisdiction over the case.

Shearer had but two or three days of his term to serve when the accident occurred.

He is awarded $10,000. But here was a fine, clean young man who goes out at the invitation of his Government; he serves it faithfully and is cited and given every honorable citation in the gift of the Government for heroism, yet his people are turned down by the representatives of the people because he d'd not go through the technical formality of designating his father and mother as dependents.

In conclusion, ladies and gentlemen of the House, I want to quote the language of Hon. James B. Wilson, a distinguished member of the Constitutional Convention, who was later appointed by President Washington to the Supreme Court of the United States. This distinguished jurist points out clearly the obligation of the Government toward its citizens and fixes the responsibility of the legislator in acting impartially and generously in discharging any just claim that a citizen may have against his government.

I quote:

The citizen has rights as well as duties; the latter he is obliged to perform, the former he is entitled to enjoy or recover. To that original contract of association to which * * * an appeal must so often be made, he is a party, nay, in point of rights, a party, voluntary, independent, equal. On one side, indeed, there stands a single individual; on the other side, perhaps, there stand millions. But right is weighed by principle. From the necessity of the case, if a controversy arises between the parties to the social agreement, the numbers, or a selection from the numbers, must be the judges as well as one of the parties. But because those of one party must from the necessity of the peculiar case be the judges likewise, does it follow that they are absolved from that strict obligation by which every judge is sacredly bound to administer impartial justice?

Does it follow that they may, with avidity, listen to all the interested suggestions, the advice of which a party would pursue? When the same person is and must be both judge and party the character of the judge ought not to be sunk in that of the party; but the character of the party should be exalted to that of the judge.

When questions—especially pecuniary questions—arise between a State and a citizen, more especially still, when those questions are, as they generally must be, submitted to the decision of those who are not only parties and judges but legislators also; the sacred impartiality of the second character, it must be owned, is too frequently lost in the sordid interestedness of the first, and in the arrogant power of the third. This, I repeat it, is tyranny; and tyranny, though it may be more formidable and more oppressive, is neither less odious, nor less unjust—neither less dishonorable to the character of one party, nor less hostile to the rights of the other, because it is proudly prefaced by the epithet—legislative. He who refuses the payment of an honest demand upon the public, because it is in his power to refuse it, would refuse the payment of his private debt, if he was equally protected in the refusal. He who robs as a legislator, because he dares, would rob as a highwayman—if he dared. And are the public gainers by this? Even if they were, it would be no consideration. The paltry gain would be but as dust in the balance when weighed against the loss of character; for as the world becomes more enlightened, and as the principles of justice become better understood, States as well as individuals have a character to lose.

The paltry gain, I say, would be but as dust in the balance when weighed against the loss of character, and against the many other pernicious effects which must flow from the example of public injustice. But the truth is, that the public must be losers instead of being gainers by a conduct of this kind. The mouth which would not utter the sentiments of truth in favor of an honest demand, may be easily taught to repeat the lessons of falsehood in favor of an unjust one. To refuse fair claims is to encourage fraudulent ones upon the commonwealth. Little logic is required to show that the same vicious principles and dispositions which oppose the former, will exert their selfish or their worse than selfish influence to support the latter.

The regular order was demanded.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent that this bill go over.

The SPEAKER. Objection is heard.

H. H. LEE

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 718 (H. R. 7339), a bill for the relief of H. H. Lee.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to return to Calendar 718 (H. R. 7339). Is there objection?

There was no objection.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $233.75 to H. H. Lee as reimbursement for loss by fire to his own property while assigned to protection of Government holdings during the Half Moon forest fire in Glacier National Park.

Mr. BACHMANN. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BACHMANN: Page 1, line 5, after the word "settlement," insert "of all claims."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MINNEAPOLIS STEEL & MACHINERY CO. AND OTHERS

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 587 (H. R. 7874), to provide for carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. STAFFORD. Mr. Speaker, I object.

HANDICAPPED CHILDREN IN THE SCHOOLS

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the care of handicapped children in schools.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McLEOD. Mr. Speaker, the Department of the Interior maintains a division of special problems in the Bureau of Education which makes a continuous study of new developments in the education of handicapped children. Katherine M. Cook, chief of the above-mentioned division, has just issued a report on the schools of Detroit, in which she states that special facilities for children of whatever handicap are provided by the schools of Detroit. Her report describes the methods and equipment used in the education of crippled children in the Detroit schools, and her conclusion is that many of the provisions she describes might well be offered as valuable suggestions to other communities. Therefore I ask unanimous consent that a portion of this report be printed in the CONGRESSIONAL RECORD.

The report is as follows:

Among the most interesting of the provisions for special education in Detroit is that for crippled children. There are two separate schools for the education of the crippled, each with an enrollment of above 250, special centers in six elementary schools, in the convalescent home and hospitals, and itinerant teachers for those who are unable to leave home. Seven hundred and thirteen children are enrolled in the classes and schools for crippled children, 35 teachers and principals are engaged in the work, and a supervising principal is in charge. One of the special schools, a 2-story building provided with a large roof playground, rest room, inclined planes, and an elevator facilitating ease of moving from one floor to another, was built in 1919. The other, a commodious and attractive 1-story building, was completed in the fall of 1929. This building represents the most recent research relative to the care and training of crippled children. It is of the hollow-square type and contains in addition to the usual classrooms, auditorium, dining room, etc., a clinical unit, including hello and physiotherapy rooms, a plaster and X-ray room, rooms for doctors and nurses, a dental clinic, and an infirmary.

On three sides of the building classrooms open upon wide terraces, providing open-air, play, and recreation places for children who use wheel chairs particularly. Windows are so placed and constructed as to furnish facilities similar to those in most open-air rooms. Corridors are particularly wide to permit free passage of wheel chairs and of children using crutches and other appliances, and there are full-length mirrors at either end of each corridor. These are provided in the hope of improving the posture and locomotion of the children. All children arrive and depart in busses, and attendants are provided to assist the badly crippled as necessity demands.

Children are admitted to the schools for crippled following examination and recommendation by an orthopedic surgeon appointed by the board of health. Any crippled child who needs the facilities of a special school is eligible. Children not under the care of a private physician receive the necessary physical treatment at the school under the direc-

tion of school physicians. Not only special apparatus, but personnel for physical training, corrective gymnasium work, and various forms of physiotherapy, are provided in addition to the academic and industrial training. The school follows the courses of study followed in the regular elementary schools. The children may, therefore, if physically able, return to these schools at any time without loss so far as progress in academic work is concerned. Children who finish the grades and wish to attend high school may do so. At least one technical high school is provided with elevators large enough to accommodate wheel chairs. Transportation is provided in the same way—sometimes in the same vehicles—as to the special elementary schools.

The Detroit system maintains, also, a separate school for the deaf and for those with seriously defective hearing. It is said to be the second largest school of its kind in the United States, its enrollment being exceeded only by a similar school in New York City. Two hundred and eighty-four children were enrolled during the school year 1928–29. The school is provided with a clinic in which an ear specialist examines the ears and tests the hearing to determine the degree of the handicap. A dental clinic is also maintained in the school.

Classrooms for academic work are well lighted by both artificial light and daylight. This is believed particularly essential. They are planned to accommodate classes of 10 pupils each. Classes in lip reading for the hard of hearing are slightly larger, running as high as 12 to 18 pupils.

Among the interesting special features of the school is an acoustic unit supplied with a grand piano, where considerable attention is given to development of the rhythmic sense. Pupils develop a keen sense of touch and rhythm which is helpful in the production and control of the voice in speech. There is also an audition room. Here the speaker or teacher talks into a microphone. Through individual head-phones his amplified voice reaches the children who are partially deaf. Many children formerly believed to be totally deaf are able to hear through this type of equipment.

Pupils are taught to speak, and by watching the speaker's lips to understand the speech of others. It is important that children enter the school for the deaf at an early age, since the voice is best trained and speech habits best formed while children are still young. Besides the special features necessary for training of the deaf and hard of hearing, pupils are taught the regular studies of the elementary school. After completing work of the eighth grade they are admitted to high school and later to college.

Of unusual interest, also, are the Braille and sight-saving classes. The work began in 1912 with the establishment of one class for the blind, having a membership of six children. Braille classes are now maintained in three elementary schools. The class membership is 33. The general plan is to divide the children into two groups—the younger children who have not yet learned to read and write, and the older ones who are enrolled in a study or home room where their lessons are prepared. As soon as young children have achieved necessary skill in fundamentals of the tool subjects, they enter regular classes to recite with the normally sighted children. The teacher in charge of the Braille room provides special help to blind children in the preparation of their lessons for the regular classroom work. The work is almost wholly individual and classes necessarily small. There is a class of high-school students in the Northern High School where both Braille and sight-saving pupils are accommodated.

VETERANS' LEGISLATION

Mr. LUCE. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House, out of order, for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LUCE. In the matter of veterans' legislation, it may be useful at this juncture for Members to have at command the essential dates when pensions were granted after the wars in which the United States was engaged prior to the World War.

WAR OF THE REVOLUTION (OFFICIALLY ENDED 1783)

1789: Invalid pensions as provided theretofore by the States continued.

1806: Invalid pensions for known wounds; rate as "found just and proper by testimony adduced," full pension to be one-half monthly pay of commissioned officers, others $5 a month.

1818: Dependency pensions (reduced circumstances)—commissioned officers, $20 a month; noncommissioned and privates, $8.

1832: Service pensions. Same rates.

1836: Widows, at rate husband received.

WAR OF 1812 (OFFICIALLY ENDED 1815)

1871: Service pensions and widows, $8 a month.

INDIAN WARS, 1832–1842

1892: Service pensions and widows, $8 a month.

WAR WITH MEXICO, 1846

1887: Service pensions and widows, $8 a month, disability or dependency presumed on reaching age 62.

WAR BETWEEN THE STATES, 1861–1865

1862: Invalid pensions, for disability due to service. Rate according to rank, $8 to $30, total disability. Same rate to widows and children.

1864: Beginning of change of rate basis to nature and extent of disability.

1890: Service pensions for survivors suffering from a permanent disability incapacitating for manual labor. Rate, $6 to $12 a month, according to degree of inability to earn support. Pension to widows and minors, cause of death not material; to widow, $8 a month, with $2 for each child under 16.

1907: Age pensions to survivors 62 years old or more, from $12 to $20 a month, according to age.

WAR WITH SPAIN, PHILIPPINE INSURRECTION, BOXER REBELLION CAMPAIGN, 1898–1902

1918: Widows of limited income and without means of support, $12 a month, and $2 for each child under 16 years of age.

1920: Survivors, permanently disabled to extent of incapacity to earn support by manual labor. Rates, $12 to $30 a month, according to degree of such incapacity. Age pensions, 62 years or more, $18 to $30 a month, according to age.

Also it is to be noted the general law of 1836 providing pensions for widows and children of officers or privates of the militia or volunteer service who might die as a result of wounds.

It is to be observed that pensions for widows were not provided until more than half a century after the Revolutionary War, and that a still longer period elapsed after the War of 1812 before provision for widows of its veterans. In the case of the Indian wars and the Mexican War the period was about half a century. The widows' pensions in the Civil War period went to what we now speak of as service-connected cases. Those in what we call nonservice-connected cases came 25 years after the Civil War.

After the war with Spain, the Philippine insurrection, and the Boxer rebellion, 16 years passed before the general provision for widows that included non-service-connected cases, and this was restricted to those of limited income and without means of support.

These lapses of time may be explained by the supposition that advancing age was deemed a factor to be taken into account in all pension legislation, as distinguished from what we have come to speak of as "compensation." The passing years lessen capacity for self-support. If pensions are properly neither compensation nor reward but contribution toward support, then it may be argued that any general law should pay regard to this.

HENRY A. RICHMOND

Mr. O'CONNELL. Mr. Speaker, I ask unanimous consent to return to Calendar No. 548 (H. R. 5801) a bill for the relief of Henry A. Richmond.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. ANDRESEN. Reserving the right to object.

Mr. BACHMANN. Reserving the right to object, what is this bill?

Mr. O'CONNELL. This is a bill with reference to a bond similar to a bill that was passed a short time ago. The man has been apprehended, and everything is all right.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Henry A. Richmond the sum of $500 in compensation for bond forfeited for John A. Golding, now within the jurisdiction of the Federal authorities.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ORANGE CAR & STEEL CO.

Mr. BOX. Mr. Speaker, I ask unanimous consent to return to Calendar No. 474, which is behind the star (H. R. 8169),

for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.

The SPEAKER. Is there any objection to the request of the gentleman from Texas?

Mr. BACHMANN. Reserving the right to object, what is this bill?

Mr. BOX. This is a bill which was passed over some weeks ago, and the gentleman from Wisconsin [Mr. STAFFORD] asked that the bill go over at that time.

Mr. BACHMANN. What is the nature of the bill?

Mr. BOX. It is a bill to permit suit in the Court of Claims on the claim set out in the bill.

Mr. BACHMANN. I have no objection.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, it was my objection which caused this bill to be passed over recently. In the press of my heavy work I have not had time to study it as I wish to do, and for the time being I shall have to object.

Mr. BOX. Will the gentleman withhold his objection for a moment?

Mr. STAFFORD. I will be glad to.

Mr. BOX. I want to call attention to the nature of this bill. The gentleman from Wisconsin understood that in this case the original contract had been canceled at the instance of the claimant, but it was canceled at the instance of the Government, as shown by the report. The gentleman will find that on page 27 of the report, as follows:

Whereas it was desirable in the public interest to suspend operations under said contract No. 456 and to that end said party, at the request and direction of said Fleet Corporation, suspended operations.

And then when the matter was being readjusted later, the gentleman will find that very element that at the instance and request of the Government the contract had been superseded, this stipulation was inserted. I read from the report on page 28, stating the matters covered:

Except only the right, if any it has—

That is the claimant—

to prosecute its alleged claim for amortization, dredging, and removal of outboard ways,

And so on, describing the claim covered by this bill, naming the amount and nature of it, this very claim. In other words, the first contract was canceled at the request of the Government, in the public interest, and the claimant was instructed to desist. If that contract had not been surrendered by the claimant and its rights under it had been respected, it would not have suffered this loss—certainly nothing like all of it. Then when the adjustment was made, it was specially stipulated that this claimant should have the right to press this very claim. The claimant has since been seeking diligently for that privilege, and is here for that purpose, only asking that the Court of Claims pass on that demand, thus created and preserved, on its merits. That is all this bill provides.

Mr. STAFFORD. Mr. Speaker, this is a claim involving many points. Prior to its last consideration I had given thoughtful study and consideration to it, but since that time I have not found an opportunity to go into it at length which the claim deserves. I hope to do so in the near future, and certainly sometime during the next session.

I object for the time being.

PATRICK J. MULKAREN

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill (S. 4070) for the relief of Patrick J. Mulkaren, as amended by the House committee, Private Calendar No. 959.

Mr. STAFFORD. Mr. Speaker, I will have to object, because I have not the bill before me; and though I have examined the bill, there are certain provisions in it about which I wish to make some suggestions. For the time being, I object.

WILLIAM R. NOLAN

The next business on the Private Calendar was the bill (H. R. 11112) for the relief of William R. Nolan.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman who introduced the bill if he has any objection to an amendment striking out the last line of the bill and also inserting, in line 6, an amendment making the bill include all claims against the Government?

Mr. CHRISTGAU. I have no objection to that.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $613.75 to William R. Nolan for pay and allowance for the period from January 29, 1926, to April 14, 1926, the same being the pay and allowance of his rank during the period that he was receiving treatment from a specialist as a result of an accident in line of duty and denied him because of technical construction of the law.

Mr. BACHMANN. Mr. Speaker, I offer an amendment, in line 5, after the word "settlement" insert "of all claims."

The SPEAKER. The gentleman from West Virginia offers an amendment which the clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Line 5, after the word "settlement" insert the words "of all claims."

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer another amendment, in line 11, after the word "duty" strike out the rest of the paragraph.

The SPEAKER. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Beginning in line 11 with the comma, after the word "duty" strike out the remainder of the paragraph.

Mr. BACHMANN. Mr. Speaker, I move to strike out the last word and I would like to ask the gentleman from Connecticut [Mr. TILSON] about the agreement with respect to the Private Calendar. It was agreed that all bills on the Private Calendar reported out before June 2 would be considered before adjournment. We have now reached Calendar No. 749 and if we are to go according to the agreement, that will take us up to 871 on the Private Calendar. I wanted to inquire of the gentleman from Connecticut whether it is his intention to go through the rest of the bills.

Mr. TILSON. Not to-night, of course, but it was the intention to give an opportunity for the consideration of all bills to be called that were reported up to June 2.

Mr. GARNER. Both on the Consent Calendar and the Private Calendar?

Mr. TILSON. We have already reached that stage on the Consent Calendar.

Mr. STAFFORD. We have completed the call of every bill on the Consent Calendar.

Mr. BACHMANN. And before adjournment it is the expectation to call the bills referred to on the Private Calendar?

Mr. TILSON. That is what we hope to do.

Mr. GARNER. Let me ask the gentleman a question. Suppose the House adjourns next Tuesday, when is the gentleman going through with these bills?

Mr. TILSON. If we knew that we were going to adjourn next Tuesday, we should have a session Monday night for that purpose, because I intend to make good on my statement, if possible.

Mr. GARNER. I am asking that question because there is a disposition among certain gentlemen who are supposed to be in authority that adjournment next Tuesday may not be impossible.

Mr. TILSON. If so, we shall certainly go forward with this calendar, if I am able to accomplish it.

Mr. MOORE of Virginia. May I inquire whether the gentleman expects to proceed with the Consent Calendar Monday?

Mr. TILSON. Every day is Consent Calendar day now under the rule adopted.

Mr. MOORE of Virginia. I only had in mind whether Monday is a special day.

Mr. TILSON. No; next Monday is not a special day.

Mr. BRIGGS. If the gentleman will permit, on the Private Calendar, does the gentleman expect to go back of the star and start reading the calendar again this session?

Mr. TILSON. We have not yet called all the bills reported prior to June 1. I should like to first fulfill one promise before making another.

Mr. BRIGGS. I think they should go together myself.

Mr. HASTINGS. Will the gentleman from Connecticut permit me to say with reference to the Consent Calendar that there are some bills behind the star that were not objected to, but gentlemen asked permission to have them go over without prejudice in order that they might give them some further study. We think we ought to have an opportunity to have those bills called.

Mr. TILSON. I agree with the gentleman.

Mr. GREENWOOD. If the gentleman will yield, if we carry out the program as laid down by the leader, it will take all the spare time we have this week and next week to get through with the regular numbers ahead of us. Is there anything else proposed for Monday?

Mr. TILSON. Nothing; only rules and suspensions.

Mr. BLANTON. And the unfinished business of yesterday.

Mr. TILSON. Yes; that rule was passed yesterday, and there are two hours of general debate on the bill.

Mr. GARNER. Is the gentleman going to adjourn over until Monday?

Mr. TILSON. Oh, no, indeed.

Mr. GARNER. What is going to be done to-morrow?

Mr. TILSON. To-morrow there is a rule for one of the copyright bills, also a suspension for another copyright bill, and possibly other suspensions There are two copyright bills to be considered.

Mr. STAFFORD. What about the border patrol bill that seems to be dangling in the air?

Mr. TILSON. It goes over until Monday to suit the convenience of certain Members.

Mr. BRIGGS. I would like to ask the gentleman why it is they do not publish the index to the calendar now. It is nearing the end of the session and when we look for certain bills we can not find them on the calendar. There is no index published except on Monday.

Mr. TILSON. It will be published on next Monday.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SHELDON R. PURDY

The next business on the Private Calendar was the bill (S. 1045) for the relief of Sheldon R. Purdy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. EATON of Colorado. Will the gentleman withhold his objection? This bill has been passed by the Senate.

Mr. STAFFORD. I will reserve the objection.

Mr. BLANTON. Let me ask the gentleman from Colorado one question. Does the gentleman think it a wise policy for this Government to pay a reward to any Government employee for doing his duty? This man merely did his duty, and he now wants the Government to reward him.

Mr. EATON of Colorado. In the first place the policy of the Post Office Department, since 1920, has been to pay rewards to men in its department for doing things much less than this man did. This man is the king of all the employees in this respect. He has made more than a million dollars for the Government. Since 1920 up to 1927 the figures shows that he saved the Government over $600,000; or to say it another way, as a result of his persistent effort the returns to the Government, for the years 1921 and 1927, inclusive, were $636,447. In 1929 the amount was $80,034.06. I have not the figures for 1928.

For more than 35 years Mr. Purdy was a faithful employee of the Denver post office, working most of the time as a letter carrier. Notwithstanding his subordinate position he took a great interest in the improvement of service to the public, and has been the means of bringing about important changes which have produced revenue to the Government and have saved much valuable time spent in Government work.

The most important of these reforms was in the handling of dead letters returned to senders. Year after year he continued presenting his subject; for a long time the department failed to approve his suggestions, but ultimately, as a result of his efforts, in the act of April 24, 1920, a fee was provided by law to be collected when letters are returned from the dead letter office to writers.

About the same time, and following the same tactics, he interested Members of Congress and department officials in the directory service to 200,000,000 letters annually which cost the Government $1,740,000 and necessary work and carrier hire. Finally, his suggestion was approved that the return of such letters would require the sender to correct his own mistake, furnish another envelope and 2-cent stamp, and make proper changes in his mailing list. Through the persistence of Mr. Purdy, the department finally issued general orders dated March 21, 1923, to carry out this suggestion. The beneficial results are well known.

He also formulated a plan in 1921, which resulted in the adoption of an order found in Postal Bulletin dated September 1, 1923, concerning furnishing of information to business and civic organizations.

Notwithstanding the attitude of these gentlemen who indicate their wish to object, Mr. Purdy is the postal employee who is responsible for those ideals, and is entitled to credit accordingly.

I am informed that for the last six or seven years the Post Office Department has recognized the advisability of encouraging men in subordinate positions making suggestions for the betterment of the Post Office service by paying rewards. Inquiry elicits the information that from $1,500 to $5,000 has been paid annually for this purpose. The last Post Office Department appropriation bill carried an amount, which I think was $3,500 to be thus used. Considering the money this man has made for the department, it seems to me that the Government ought to pay him this reward—not for doing his duty but for those things he did in addition to his duty, and for which the Post Office Department for several years has now considered it a wise policy to pay such rewards. I sincerely trust that the gentlemen will withhold their objection.

Mr. STAFFORD. Oh, there have been hundreds of post office employees suggesting improvements, the result of which has made millions of dollars to the Government, and yet they have not received anything. I object.

A. N. ROSS

The next business on the Private Calendar was the bill (H. R. 2083) for the relief of A. N. Ross.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BACHMANN. Reserving the right to object, this is a rather complicated matter and I do not see in the report any statement by the Comptroller General as to why this claim was disallowed. I would like to know why the Government should reimburse this man.

Mr. GOODWIN. I have not the report of the Comptroller General, and I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

HALVOR H. GROVEN

The next business on the Private Calendar was the bill (H. R. 3426) for the relief of Halvor H. Groven.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of Halvor H. Groven, late postmaster at Norheim, Mont., in the sum of $829, such sum representing the deficit in the account of the said Halvor H. Groven, caused by fire to the post office on January 2, 1928, and for which casualty the said Halvor H. Groven was in no way responsible.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ANDREW J. BROWN

The next business on the Private Calendar was the bill (H. R. 9872) to extend the benefits of the employees' compensation act of September 7, 1916, to Andrew J. Brown, a former rural mail carrier at Erwin, Tenn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Andrew J. Brown, a former rural mail carrier at Erwin, Tenn., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. GIBSON, for Saturday, June 28, on account of business.

Mr. EDWARDS, at the request of Mr. CRISP, indefinitely, on account of personal illness.

Mr. WAINWRIGHT, indefinitely, on account of serious illness in his family.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 1214. An act granting compensation to Philip R. Roby; to the Committee on War Claims.

S. 1603. An act to provide for the exchange of lands of the United States in the Philippine Islands for lands of the Philippine government; to the Committee on Military Affairs.

S. 4149. An act to add certain lands to the Ashley National Forest in the State of Wyoming; to the Committee on the Public Lands.

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut; to the Committee on Military Affairs.

S. 4435. An act for the relief of James Williamson and those claiming under or through him; to the Committee on the Public Lands.

S. 4665. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.; to the Committee on Interstate and Foreign Commerce.

S. 4683. An act to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan; to the Committee on Military Affairs.

S. 4708. An act to amend the act entitled "An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada," approved May 15, 1930; to the Committee on Roads.

S. 4735. An act to increase the salary of the Commissioner of Customs; to the Committee on Ways and Means.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2156. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress;

H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only;

H. R. 4206. An act authorizing the Secretary of the Navy, in his discretion, to loan to the city of Olympia, State of Washington, the silver service set formerly in use on the United States cruiser *Olympia*;

H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia;

H. R. 9638. An act to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the Northwest Pacific States;

H. R. 10490. An act for the relief of Flossie R. Blair;

H. R. 11409. An act to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861;

H. R. 11729. An act to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y.;

H. R. 12285. An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer;

H. R. 12599. An act to amend section 16 of the radio act of 1927; and

H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2189. An act for the relief of certain homestead entrymen in the State of Wyoming.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 2156. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479) Seventieth Congress; and

H. R. 12343. An act to authorize the Secretary of the Treasury to accept donations of sites for public buildings.

THE LATE REPRESENTATIVE PORTER

Mr. DARROW. Mr. Speaker, it is a sad and painful duty for me to announce to the House the death of our colleague, Hon. STEPHEN G. PORTER, late a Representative from the thirty-second district of Pennsylvania, dean of the Pennsylvania delegation and chairman of the Committee on Foreign Affairs, which occurred early to-day in the Allegheny General Hospital at Pittsburgh. Further than to say that Mr. PORTER had a long and most distinguished career in public service, I shall not at this time attempt to eulogize his good and outstanding qualities of which all of us are aware, inasmuch as a more fitting and appropriate tribute will be paid to him at a memorial service to be held later.

At this time I offer the following resolutions, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 278

Resolved, That the House has heard with profound sorrow of the death of Hon. STEPHEN GEYER PORTER, a Representative from the State of Pennsylvania.

Resolved, That a committee of 20 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER appointed the following committee: Messrs. GEORGE S. GRAHAM, of Pennsylvania; EDGAR R. KIESS, of Pennsylvania; HENRY W. TEMPLE, of Pennsylvania; CLYDE KELLY, of Pennsylvania; GUY E. CAMPBELL, of Pennsylvania; NATHAN L. STRONG, of Pennsylvania; MILTON W. SHREVE, of Pennsylvania; HAMILTON FISH, Jr., of New York; SAMUEL A. KENDALL, of Pennsylvania; CYRENUS COLE, of Iowa; ADAM M. WYANT, of Pennsylvania; EDWARD M. BEERS, of Pennsylvania; THOMAS C. COCHRAN, of Pennsylvania; HARRY A. ESTEP, of Pennsylvania; J. RUSSELL LEECH, of Pennsylvania; J. HOWARD SWICK, of Pennsylvania; PATRICK J. SULLIVAN, of Pennsylvania; J. CHARLES LINTHICUM, of Maryland; R. WALTON MOORE, of Virginia; and DAVID J. O'CONNELL, of New York.

The SPEAKER. The Clerk will resume the reading of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect, this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 4 o'clock and 46 minutes p. m.), pursuant to the resolution just adopted, the House adjourned until to-morrow, Saturday, June 28, 1930, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 12870. A bill to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan; with amendment (Rept. No. 2039). Referred to the Committee of the Whole House.

Mr. HANCOCK: Committee on Naval Affairs. H. R. 6145. A bill to regulate the minimum age limit for enlistments in the Naval Reserve or Marine Corps Reserve; without amendment (Rept. No. 2040). Referred to the House Calendar.

Mr. PURNELL: Committee on Rules. H. Con. Res. 41. Concurrent resolution providing for the creation of a joint committee to study procedure in impeachment cases; without amendment (Rept. No. 2037). Referred to the House Calendar.

Mr. PERKINS: Committee on Accounts. H. Res. 275. Resolution that there shall be paid, out of the contingent fund of the House, not to exceed $10,000 for the expenses of the select committee appointed under House Resolution 258 to investigate campaign expenditures of the various candidates for the House of Representatives (Rept. No. 2038).

Mr. PURNELL: Committee on Rules. H. Res. 277. Resolution providing for the consideration of S. 2498, an act to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes; without amendment (Rept. No. 2036). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McMILLAN: A bill (H. R. 13189) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.

By Mr. GARBER of Oklahoma: A bill (H. R. 13190) to establish the Wichita Mountains National Park of Oklahoma, in the State of Oklahoma; to the Committee on the Public Lands.

By Mr. EATON of Colorado: A bill (H. R. 13191) authorizing the Secretary of the Interior to issue certain patents; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 13192) to provide for the use of the United States ship *Olympia* as a memorial to the men and women who served the United States in the war with Spain; to the Committee on Naval Affairs.

Also, a bill (H. R. 13193) providing for the purchase of a site and erection of a public building at Aberdeen, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13194) providing for the purchase of a site and erection of a public building at Vancouver, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. WOOD: Joint resolution (H. J. Res. 389) making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress; to the Committee on Appropriations.

By Mr. BEERS: Concurrent resolution (H. Con. Res. 42) to print, with accompanying illustrations, the proceedings upon the unveiling in Meridian Hill Park, Washington, D. C., on June 26, 1930, upon the acceptance of the statue of James Buchanan, fifteenth President of the United States; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 13195) granting an increase of pension to Mary A. Henriques; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13196) granting an increase of pension to Angeline Staples; to the Committee on Invalid Pensions.

By Mr. ARENTZ: A bill (H. R. 13197) granting a pension to John M. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 13198) granting a pension to Sarah Perkins; to the Committee on Pensions.

Also, a bill (H. R. 13199) granting a pension to William A. Perkins; to the Committee on Pensions.

By Mr. BURDICK: A bill (H. R. 13200) granting an increase of pension to Phebe E. Pray; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 13201) granting a pension to Christian F. Burke; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 13202) granting an increase of pension to William M. Hopper; to the Committee on Invalid Pensions.

By Mr. GOLDER: A bill (H. R. 13203) granting a pension to Josephine Shaw Cribb; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 13204) granting an increase of pension to Sarah A. Dunlap; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13205) granting an increase of pension to Ruth Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13206) granting an increase of pension to Sallie Marple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13207) granting a pension to Mary J. Davis; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 13208) granting an increase of pension to Jennie V. Myers; to the Committee on Invalid Pensions.

By Mr. HESS: A bill (H. R. 13209) granting an increase of pension to Mary C. Harbrecht; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 13210) granting an increase of pension to Laura Harnois; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13211) granting a pension to Reuben B. F. Arnold; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 13212) to reimburse the commissioners on uniform State laws; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 13213) granting a pension to Mary Miller; to the Committee on Invalid Pensions.

By Mr. JONAS of North Carolina: A bill (H. R. 13214) granting a pension to Alzana Isaacs; to the Committee on Invalid Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 13215) granting an increase of pension to Mary A. Harvey; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 13216) granting a pension to Jasper Y. Willoughby; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 13217) granting a pension to Arminta A. Schaub; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 13218) granting an increase of pension to Rachel J. Atkinson; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 13219) granting a pension to Martha J. Blanchard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13220) granting an increase of pension to Harry W. Weston; to the Committee on Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 13221) for the relief of Zinsser & Co.; to the Committee on Military Affairs.

SENATE

SATURDAY, *June 28, 1930*

Rev. James W. Morris, D. D., assistant rector, Church of the Epiphany, city of Washington, offered the following prayer:

Almighty and Most High God, in whose hand our breath is and whose are all our ways, make us, we pray Thee, to perceive and know that our good gifts come from Thee and that their continuance to us is of Thy gracious providence.

Keep our Nation from all things hurtful to the high calling wherewith Thou hast called it or to the sacred trust for the world by Thee committed to it.

Grant that as wealth and power and greatness increase, humility of mind may likewise increase among us and a deeper knowledge vouchsafed to us that all our gifts must be held for the good of Thy kingdom in the world.

We ask these things in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

VOLLBEHR COLLECTION OF INCUNABULA—CORRECTION

Mr. JONES. Mr. President, on yesterday an amendment was submitted to the deficiency appropriation bill by the Senator from Connecticut [Mr. BINGHAM] with reference to the Vollbehr collection of incunabula. When it was introduced, I think I made the statement that it had been estimated for by the Budget. I made a mistake in that. It had not been sent down by the Budget as a matter of fact. The bill is pending in both Houses and has not yet been signed by the President. I think I ought to make that correction, because in the rush of business yesterday I made the statement that it had been sent down by the Budget.

JUDGMENT AGAINST THE GOVERNMENT BY DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK (S. DOC. NO. 206)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, record of a judgment rendered against the Government by the United States District Court for the Eastern District of New York, as submitted by the Attorney General through the Secretary of the Treasury under the War Department, $43,652.13, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PAYMENT OF LOSSES OF GOVERNMENT FUNDS AND PERSONAL PROPERTY SUFFERED BY PERSONS IN THE FOREIGN SERVICES (S. DOC. NO. 207)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Department of State, amounting to $130,631.80, for the payment of losses of Government funds and/or personal property suffered by persons in the Foreign Services of the Department of State and the Department of Commerce, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, transmitted the resolutions of the House on the death of Hon. STEPHEN GEYER PORTER, late a Representative from the State of Pennsylvania.

The message also announced that the House had passed the bill (S. 39) for the relief of Kate Canniff, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 2790) for the relief of D. B. Traxler, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 1378. An act for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson;

S. 1638. An act for the relief of William Tell Oppenhimer, jr.; and

S. 3566. An act authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 836. An act to correct the military record of Shadrach Frank Foster;

H. R. 1526. An act for the relief of Thomas J. Hayden;

H. R. 2550. An act for the relief of Joseph Pulitzer;

H. R. 3426. An act for the relief of Halvor H. Groven;

H. R. 4166. An act for the relief of Steve Fekete;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 5519. An act for the relief of Martin V. Day;

H. R. 5787. An act for the relief of Carlton Olin, otherwise known as Stephen Cebra;

H. R. 5801. An act for the relief of Henry A. Richmond;

H. R. 6193. An act for the relief of Sidney Morris Hopkins;

H. R. 6194. An act granting six months' pay to Arthur G. Caswell;

H. R. 6197. An act for the relief of William Befuhs (deceased), otherwise known as Charles Cameron;

H. R. 6758. An act for the relief of James B. Conner;

H. R. 7229. An act for the relief of James M. Ray;

H. R. 7339. An act for the relief of H. H. Lee;

H. R. 7555. An act for the relief of Andrew Markhus;

H. R. 7794. An act for the relief of Genevieve M. Heberle;

H. R. 7797. An act for the relief of Jens H. Larsen;

H. R. 7917. An act for the relief of Michael Carter, deceased;

H. R. 8253. An act for the relief of Sterling S. Ball;

H. R. 8271. An act for the relief of Brewster Agee;

H. R. 8936. An act authorizing the promotion on the retired list of the Navy of Stuart L. Johnson, ensign;

H. R. 9205. An act for the relief of Julian E. Gillespie;

H. R. 9698. An act to authorize Capt. W. H. Allen, United States Navy, to accept the decoration of the Order of the Bust of Bolivar from the Government of Venezuela;

H. R. 9872. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Andrew J. Brown, a former rural mail carrier at Erwin, Tenn.;

H. R. 10093. An act for the relief of Emmett Brooks;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh;

H. R. 10635. An act for the relief of the Robins Dry Dock & Repair Co.;

H. R. 10938. An act for the relief of Harry W. Ward;

H. R. 11112. An act for the relief of William R. Nolan; and

H. R. 11820. An act to authorize issuance of a patent for certain lands to J. R. Murphy.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1378. An act for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson;

S. 1638. An act for the relief of William Tell Oppenhimer;

S. 2189. An act for the relief of certain homestead entrymen in the State of Wyoming;

S. 3566. An act authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy;

H. R. 47. An act for the relief of the State of New York;

H. R. 494. An act for the relief of Catherine White;

H. R. 913. An act for the relief of Belle Clopton;

H. R. 1063. An act for the relief of Alice Hipkins;

H. R. 1066. An act for the relief of Evelyn Harris;

H. R. 1110. An act for the relief of heirs of Warren C. Vesta;

H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;

H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only;

H. R. 4206. An act authorizing the Secretary of the Navy, in his discretion, to loan to the city of Olympia, State of Washington, the silver service set formerly in use on the U. S. cruiser *Olympia;*

H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia;

H. R. 9638. An act to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the northwest Pacific States;

H. R. 10490. An act for the relief of Flossie R. Blair;

H. R. 11409. An act to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861;

H. R. 11729. An act to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y.;

H. R. 12285. An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer;

H. R. 12599. An act to amend section 16 of the radio act of 1927; and

H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes.

REPORTS OF COMMITTEES

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 5212) for the relief of George Charles Walthers, reported it without amendment and submitted a report (No. 1130) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 12233. An act authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain and operate a bridge across the Rainy River at Baudette, Minn. (Rept. No. 1131);

H. R. 12614. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island, in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island (Rept. No. 1132);

H. R. 12844. An act granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont. (Rept. No. 1133);

H. R. 12919. An act granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing or at or near the point known and designated as Wilder Ferry (Rept. No. 1134);

H. R. 12920. An act granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Culbertson, Mont. (Rept. No. 1135); and

H. R. 12993. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River at One hundred and fifty-ninth Street, in Cook County, State of Illinois (Rept. No. 1136).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 4764) authorizing the erection of a memorial to the Lewis and Clark expedition at Seaside, Oreg.; to the Committee on the Library.

By Mr. ROBINSON of Indiana:

A bill (S. 4765) granting an increase of pension to Sarah J. Garten (with accompanying papers); to the Committee on Pensions.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 836. An act to correct the military record of Shadrach Frank Foster;

H. R. 1526. An act for the relief of Thomas J. Hayden;

H. R. 5519. An act for the relief of Martin V. Day;

H. R. 5787. An act for the relief of Carlton Olin, otherwise known as Stephen Cebra;

H. R. 6197. An act for the relief of William Befuhs (deceased), otherwise known as Charles Cameron;

H. R. 7229. An act for the relief of James M. Ray;

H. R. 7917. An act for the relief of Michael Carter, deceased;

H. R. 10156. An act for the relief of William Marks, also known as William Marsh; and

H. R. 11112. An act for the relief of William R. Nolan; to the Committee on Military Affairs.

H. R. 2550. An act for the relief of Joseph Pulitzer;

H. R. 3426. An act for the relief of Halvor H. Groven;

H. R. 4166. An act for the relief of Steve Fekete;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 5801. An act for the relief of Henry A. Richmond;

H. R. 6758. An act for the relief of James B. Conner;

H. R. 7339. An act for the relief of H. H. Lee;

H. R. 7555. An act for the relief of Andrew Markhus;

H. R. 7794. An act for the relief of Genevieve M. Heberle;

H. R. 7797. An act for the relief of Jens H. Larsen;

H. R. 8253. An act for the relief of Sterling S. Ball;

H. R. 8271. An act for the relief of Brewster Agee;

H. R. 9205. An act for the relief of Julian E. Gillespie;

H. R. 9872. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Andrew J. Brown, a former rural mail carrier at Erwin, Tenn.;

H. R. 10093. An act for the relief of Emmett Brooks;

H. R. 10655. An act for the relief of the Robins Dry Dock & Repair Co.; and

H. R. 10938. An act for the relief of Harry W. Ward; to the Committee on Claims.

H. R. 6193. An act for the relief of Sidney Morris Hopkins;

H. R. 6194. An act granting six months' pay to Arthur G. Caswell;

H. R. 8936. An act authorizing the promotion on the retired list of the Navy of Stuart L. Johnson, ensign; and

H. R. 9698. An act to authorize Capt. W. H. Allen, United States Navy, to accept the decoration of the Order of the Bust of Bolivar from the Government of Venezuela; to the Committee on Naval Affairs.

H. R. 11820. An act to authorize issuance of a patent for certain lands to J. R. Murphy; to the Committee on Public Lands and Surveys.

KATE CANNIFF

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 39) for the relief of Kate Canniff, which was, on page 1, line 1, after "1909," to insert a colon and the following proviso:

Provided, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. WALSH of Montana. I move that the Senate concur in the House amendment.

The motion was agreed to.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolutions:

On June 27, 1930:

S. 134. An act authorizing an appropriation for the purchase of land for the Indian colony nearly Ely, Nev., and for other purposes;

S. 135. An act to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes;

S. 304. An act for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan;

S. 525. An act authorizing the Secretary of the Navy, in his discretion, to loan to the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans;*

S. 671. An act for the relief of E. M. Davis;

S. 968. An act for the relief of Anna Faceina;

S. 1255. An act for the relief of the Gulf Refining Co.;

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California;

S. 1955. An act for the relief of the Maddux Air Lines (Inc.);

S. 1963. An act for the relief of members of the crew of the transport *Antilles;*

S. 2323. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics;

S. 2864. An act for the relief of certain lessees of public lands in the State of Wyoming under the act of February 25, 1920, as amended;

S. 2972. An act for the relief of DeWitt & Shobe;

S. 3038. An act for the relief of the National Surety Co.;

S. 3284. An act for the relief of the Buck Creek Oil Co.;

S. 3472. An act for the relief of H. F. Frick and others;

S. 3577. An act for the relief of John Wilcox, jr.;

S. 3623. An act for reimbursement of James R. Sheffield, formerly American ambassador to Mexico City;

S. 3664. An act for the relief of T. B. Cowper;

S. 3726. An act for the relief of the owner of the American steam tug *Charles Runyon;*

S. 3845. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924;

S. 3873. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondolet, Mo.;

S. 4164. An act authorizing the repayment of rents and royalties in excess of requirements made under leases executed in accordance with the general leasing act of February 25, 1920;

S. 4358. An act to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks;

S. 4517. An act to provide for the regulation of tolls over certain bridges;

S. J. Res. 24. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for March 4, 1929; and

S. J. Res. 140. Joint resolution to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the U. S. submarine *S–4.*

On June 28, 1930:

S. 3068. An act to amend section 355 of the Revised Statutes to permit the Attorney General to accept certificates of title in the purchase of land by the United States in certain cases.

HOME ADDRESSES OF SENATORS AND REPRESENTATIVES

Mr. HOWELL. Mr. President, I ask unanimous consent to insert in the RECORD a list of Senators and Representatives in Congress of this date, with their home appresses.

The VICE PRESIDENT. Without objection, it is so ordered.

The list is as follows:

OFFICIAL LIST OF MEMBERS OF THE UNITED STATES SENATE AND HOME ADDRESSES, SEVENTY-FIRST CONGRESS, JUNE, 1930

ALABAMA

James Thomas Heflin, Lafayette.
Hugo L. Black, Birmingham.

ARIZONA

Henry F. Ashurst, Prescott.
Carl Hayden, Phoenix.

ARKANSAS

Joseph T. Robinson, Little Rock.
T. H. Caraway, Jonesboro.

CALIFORNIA

Hiram W. Johnson, San Francisco.
Samuel M. Shortridge, Menlo Park.

COLORADO

Lawrence C. Phipps, Denver.
Charles W. Waterman, Denver.

CONNECTICUT

Hiram Bingham, New Haven.
Frederic C. Walcott, Norfolk.

DELAWARE

Daniel O. Hastings, Wilmington.
John G. Townsend, jr., Shelbyville.

FLORIDA

Duncan U. Fletcher, Jacksonville.
Park Trammell, Lakeland.

GEORGIA

William J. Harris, Cedartown.
Walter F. George, Vienna.

IDAHO

William E. Borah, Boise.
John Thomas, Gooding.

ILLINOIS

Charles S. Deneen, Chicago.
Otis F. Glenn, Murphysboro.

INDIANA

James E. Watson, Rushville.
Arthur R. Robinson, Indianapolis.

IOWA

Daniel F. Steck, Ottumwa.
Smith W. Brookhart, Washington.

KANSAS

Arthur Capper, Topeka.
Henry J. Allen, Wichita.

KENTUCKY

Alben W. Barkley, Paducah.
John M. Robsion, Barbourville.

LOUISIANA

Joseph E. Ransdell, Lake Providence.
Edwin S. Broussard, New Iberia.

MAINE

Frederick Hale, Portland.
Arthur R. Gould, Presque Isle.

MARYLAND

Millard E. Tydings, Havre de Grace.
Phillips Lee Goldsborough, Baltimore.

MASSACHUSETTS

Frederick H. Gillett, Springfield.
David I. Walsh, Clinton.

MICHIGAN

James Couzens, Detroit.
Arthur H. Vandenberg, Grand Rapids.

MINNESOTA

Henrik Shipstead, Minneapolis.
Thomas D. Schall, Minneapolis.

MISSISSIPPI

Pat Harrison, Gulfport.
Hubert D. Stephens, New Albany.

MISSOURI

Harry B. Hawes, St. Louis.
Roscoe C. Patterson, Kansas City.

MONTANA

Thomas J. Walsh, Helena.
Burton K. Wheeler, Butte.

NEBRASKA

George W. Norris, McCook.
Robert B. Howell, Omaha.

NEVADA

Key Pittman, Tonopah.
Tasker L. Oddie, Reno.

NEW HAMPSHIRE

George H. Moses, Concord.
Henry W. Keyes, North Haverhill.

NEW JERSEY

Hamilton F. Kean, Elizabeth.
David Baird, jr., Camden.

NEW MEXICO

Sam G. Bratton, Albuquerque.
Bronson Cutting, Santa Fe.

NEW YORK

Royal S. Copeland, New York City.
Robert F. Wagner, New York City.

NORTH CAROLINA

Furnifold McL. Simmons, New Bern.
Lee S. Overman, Salisbury.

NORTH DAKOTA

Lynn J. Frazier, Hoople.
Gerald P. Nye, Cooperstown.

OHIO

Simeon D. Fess, Yellow Springs.
Roscoe C. McCulloch, Canton.

OKLAHOMA

W. B. Pine, Okmulgee.
Elmer Thomas, Medicine Park.

OREGON

Charles L. McNary, Salem.
Frederick Steiwer, Portland.

PENNSYLVANIA

David A. Reed, Pittsburgh.
Joseph R. Grundy, Bristol.

RHODE ISLAND

Jesse H. Metcalf, Providence.
Felix Hebert, West Warwick.

SOUTH CAROLINA

Ellison D. Smith, Lynchburg.
Cole. L. Blease, Columbia.

SOUTH DAKOTA

Peter Norbeck, Redfield.
William H. McMaster, Yankton.

TENNESSEE

Kenneth McKellar, Memphis.
William E. Brock, Chattanooga.

TEXAS

Morris Sheppard, Texarkana.
Tom Connally, Marlin.

UTAH

Reed Smoot, Provo.
William H. King, Salt Lake City.

VERMONT

Frank L. Greene, St. Albans.
Porter H. Dale, Island Pond.

VIRGINIA

Claude A. Swanson, Chatham.
Carter Glass, Lynchburg.

WASHINGTON

Wesley L. Jones, Seattle.
Clarence C. Dill, Spokane.

WEST VIRGINIA

Guy D. Goff, Clarksburg.
Henry D. Hatfield, Huntington.

WISCONSIN

Robert M. La Follette, jr., Madison.
John J. Blaine, Boscobel.

WYOMING

John B. Kendrick, Sheridan.
Patrick J. Sullivan, Casper.

OFFICIAL LIST OF MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES AND THEIR PLACES OF RESIDENCE, SEVENTY-FIRST CONGRESS, JUNE, 1930

ALABAMA

John McDuffie, Monroeville.
Lister Hill, Montgomery.
Henry B. Steagall, Ozark.
Lamar Jeffers, Anniston.
La Fayette L. Patterson, Dadeville.
William B. Oliver, Tuscaloosa.
Miles C. Allgood, Allgood.
Edward B. Almon, Tuscumbia.
George Huddleston, Birmingham.
William B. Bankhead, Jasper.

ARIZONA

At large

Lewis W. Douglas, Phoenix.

ARKANSAS

William J. Driver, Osceola.
Pearl Peden Oldfield, Batesville.
Claude A. Fuller, Eureka Springs.
Otis Wingo, De Queen.
Heartsill Ragon, Clarksville.
D. D. Glover, Malvern.
Tilman B. Parks, Camden.

CALIFORNIA

Clarence F. Lea, Santa Rosa.
Harry L. Englebright, Nevada City.
Charles Forrest Curry, Sacramento.





Florence P. Kahn, San Francisco.
Richard J. Welch, San Francisco.
Albert E. Carter, Oakland.
Henry E. Barbour, Fresno.
Arthur M. Free, San Jose.
W. E. Evans, Glendale.
Joe Crail, Los Angeles.
Phil D. Swing, El Centro.

COLORADO

William R. Eaton, Denver.
Charles B. Timberlake, Sterling.
Guy U. Hardy, Canon City.
Edward T. Taylor, Glenwood Springs.

CONNECTICUT

E. Hart Fenn, Wethersfield.
Richard P. Freeman, New London.
John Q. Tilson, New Haven.
Schuyler Merritt, Stamford.

DELAWARE

At large

Robert G. Houston, Georgetown.

FLORIDA

Herbert J. Drane, Lakeland.
R. A. Green, Starke.
Tom A. Yon, Tallahassee.
Ruth Bryan Owen, Miami.

GEORGIA

Charles G. Edwards, Savannah.
E. E. Cox, Camilla.
Charles R. Crisp, Americus.
William C. Wright, Newnan.
Robert Ramspeck, Decatur.
Samuel Rutherford, Forsyth.
Malcolm C. Tarver, Dalton.
Charles H. Brand, Athens.
Thomas M. Bell, Gainesville.
Carl Vinson, Milledgeville.
William C. Lankford, Douglas.
William W. Larsen, Dublin.

IDAHO

Burton L. French, Moscow.
Addison T. Smith, Twin Falls.

ILLINOIS

Oscar De Priest, Chicago.
Morton D. Hull, Chicago.
Elliott W. Sproul, Chicago.
Thomas A. Doyle, Chicago.
Adolph J. Sabath, Chicago.
James T. Igoe, Chicago.
M. A. Michaelson, Chicago.
Stanley Henry Kunz, Chicago.
Fred A. Britten, Chicago.
Carl R. Chindblom, Chicago.
Frank R. Reid, Aurora.
John T. Buckbee, Rockford.
William R. Johnson, Freeport.
John C. Allen, Monmouth.
William E. Hull, Peoria.
Homer W. Hall, Bloomington.
William P. Holaday, Georgetown.
Charles Adkins, Decatur.
Henry T. Rainey, Carrollton.
Frank M. Ramey, Hillsboro.
Ed. M. Irwin, Belleville.
William W. Arnold, Robinson.
Edward E. Denison, Marion.

At large

Richard Yates, Springfield.
Ruth Hanna McCormick, Byron.

INDIANA

Harry E. Rowbottom, Evansville.
Arthur H. Greenwood, Washington.
James W. Dunbar, New Albany.
Harry C. Canfield, Batesville.
Noble J. Johnson, Terre Haute.
Richard N. Elliott, Connersville.
Louis Ludlow, Indianapolis.
Albert H. Vestal, Anderson.
Fred S. Purnell, Attica.
William R. Wood, La Fayette.
Albert R. Hall, Marion.
David Hogg, Fort Wayne.
Andrew J. Hickey, La Porte.

IOWA

W. F. Kopp, Mount Pleasant.
F. D. Letts, Davenport.
T. J. B. Robinson, Hampton.
Gilbert N. Haugen, Northwood.
Cyrenus Cole, Cedar Rapids.
C. William Ramseyer, Bloomfield.
Cassius C. Dowell, Des Moines.
Lloyd Thurston, Osceola.
Charles E. Swanson, Council Bluffs.
L. J. Dickinson, Algona.
Ed H. Campbell, Battle Creek.

KANSAS

W. P. Lambertson, Fairview.
U. S. Guyer, Kansas City.
W. H. Sproul, Sedan.
Homer Hoch, Marion.
James G. Strong, Blue Rapids.
Charles I. Sparks, Goodland.
Clifford R. Hope, Garden City.
William A. Ayres, Wichita.

KENTUCKY

W. V. Gregory, Mayfield.
David H. Kincheloe, Madisonville.
John W. Moore, Morgantown.
J. D. Craddock, Munfordville.
Maurice H. Thatcher, Louisville.
J. Lincoln Newhall, Covington.
Robert Blackburn, Lexington.
Lewis L. Walker, Lancaster.
Elva R. Kendall, Carlisle.
Katherine Langley, Pikeville.
Charles Finley, Williamsburg.

LOUISIANA

James O'Connor, New Orleans.
J. Zach Spearing, New Orleans.
Numa F. Montet, Thibodaux.
John N. Sandlin, Minden.
Riley J. Wilson, Ruston.
Bolivar E. Kemp, Amite.
René L. DeRouen, Ville Platte.
James B. Aswell, Natchitoches.

MAINE

Carroll L. Beedy, Portland.
Wallace H. White, jr., Lewiston.
John E. Nelson, Augusta.
Donald F. Snow, Bangor.

MARYLAND

T. Alan Goldsborough, Denton.
Linwood L. Clark, Baltimore.
Vincent L. Palmisano, Baltimore.
J. Charles Linthicum, Baltimore.
Stephen W. Gambrill, Laurel.
Frederick N. Zihlman, Cumberland.

MASSACHUSETTS

Allen T. Treadway, Stockbridge.
William J. Granfield, Springfield.
Frank H. Foss, Fitchburg.
George R. Stobbs, Worcester.
Edith Nourse Rogers, Lowell.
A. Piatt Andrew, Gloucester.
William P. Connery, jr., Lynn.
Frederick W. Dallinger, Cambridge.
Charles L. Underhill, Somerville.
John J. Douglass, Boston.
George Holden Tinkham, Boston.
John W. McCormack, Boston.
Robert Luce, Waltham.
Richard B. Wigglesworth, Milton.
Joseph W. Martin, jr., North Attleboro.
Charles L. Gifford, Cotuit.

MICHIGAN

Robert H. Clancy, Detroit.
Earl C. Michener, Adrian.
Joseph L. Hooper, Battle Creek.
John C. Ketcham, Hastings.
Carl E. Mapes, Grand Rapids.
Grant M. Hudson, East Lansing.
Louis C. Cramton, Lapeer.

Bird J. Vincent, Saginaw.
James C. McLaughlin, Muskegon.
Roy O. Woodruff, Bay City.
Frank P. Bohn, Newberry.
W. Frank James, Hancock.
Clarence J. McLeod, Detroit.

MINNESOTA

Victor Christgau, Austin.
Frank Clague, Redwood Falls.
August H. Andresen, Red Wing.
Melvin J. Maas, St. Paul.
W. I. Nolan, Minneapolis.
Harold Knutson, St. Cloud.
Paul J. Kvale, Benson.
William A. Pittenger, Duluth.
Conrad G. Selvig, Crookston.
Godfrey G. Goodwin, Cambridge.

MISSISSIPPI

John E. Rankin, Tupelo.
Wall Doxey, Holly Springs.
W. M. Whittington, Greenwood.
Jeff Busby, Houston.
Ross A. Collins, Meridian.
Robert S. Hall, Hattiesburg.
Percy E. Quin, McComb.
James W. Collier, Vicksburg.

MISSOURI

M. A. Romjue, Macon.
Ralph F. Lozier, Carrollton.
Jacob L. Milligan, Richmond.
David Hopkins, St. Joseph.
Edgar C. Ellis, Kansas City.
Thomas J. Halsey, Holden.
John W. Palmer, Sedalia.
William L. Nelson, Columbia.
Clarence Cannon, Elsberry.
Henry F. Niedringhaus, St. Louis.
John J. Cochran, St. Louis.
Leonidas C. Dyer, St. Louis.
Charles E. Kiefner, Perryville.
Dewey Short, Galena.
Joe J. Manlove, Joplin.
Rowland L. Johnston, Rolla.

MONTANA

John M. Evans, Missoula.
Scott Leavitt, Great Falls.

NEBRASKA

John H. Morehead, Falls City.
Willis G. Sears, Omaha.
Edgar Howard, Columbus.
Charles H. Sloan, Geneva.
Fred G. Johnson, Hastings.
Robert G. Simmons, Scottsbluff.

NEVADA

At large

Samuel S. Arentz, Simpson.

NEW HAMPSHIRE

Fletcher Hale, Laconia.
Edward H. Wason, Nashua.

NEW JERSEY

Charles A. Wolverton, Camden.
Isaac Bacharach, Atlantic City.
Harold G. Hoffman, South Amboy.
Charles A. Eaton, North Plainfield.
Ernest R. Ackerman, Plainfield.
Randolph Perkins, Woodcliff Lake.
George N. Seger, Passaic.
Fred A. Hartley, jr., Newark.
Franklin W. Fort, East Orange.
Frederick R. Lehlbach, Newark.
Oscar L. Auf der Heide, West New York.
Mary T. Norton, Jersey City.

NEW MEXICO

At large

Albert Gallatin Simms, Albuquerque.

NEW YORK

Robert L. Bacon, Westbury.
William F. Brunner, Rockaway Park.
George W. Lindsay, Brooklyn.
Thomas H. Cullen, Brooklyn.
Loring M. Black, jr., Brooklyn.
Andrew L. Somers, Brooklyn.
John F. Quayle, Brooklyn.
Patrick J. Carley, Brooklyn.
David J. O'Connell, Brooklyn.
Emanuel Celler, Brooklyn.
Anning S. Prall, West New Brighton.
Samuel Dickstein, New York City.
Christopher D. Sullivan, New York City.
William I. Sirovich, New York City.
John J. Boylan, New York City.
John J. O'Connor, New York City.
Ruth Pratt, New York City.
Martin J. Kennedy, New York City.
Sol Bloom, New York City.
Fiorello H. LaGuardia, New York City.
Joseph A. Gavagan, New York City.
Anthony J. Griffin, New York City.
Frank Oliver, Bronx.
James M. Fitzpatrick, Bronx.
J. Meyhew Wainwright, Rye.
Hamilton Fish, jr., Garrison.
Harcourt J. Pratt, Highland.
Parker Corning, Albany.
James S. Parker, Salem.
Frank Crowther, Schenectady.
Bertrand H. Snell, Potsdam.
Francis D. Culkin, Oswego.
Frederick M. Davenport, Clinton.
John D. Clarke, Fraser.
Clarence E. Hancock, Syracuse.
John Taber, Auburn.
Gale H. Stalker, Elmira.
James L. Whitley, Rochester.
Archie D. Sanders, Stafford.
S. Wallace Dempsey, Lockport.
Edmund F. Cooke, Alden.
James M. Mead, Buffalo.
Daniel A. Reed, Dunkirk.

NORTH CAROLINA

Lindsay Warren, Washington.
John H. Kerr, Warrenton.
Charles L. Abernethy, New Bern.
Edward W. Pou, Smithfield.
Charles M. Stedman, Greensboro.
J. Bayard Clark, Fayetteville.
William C. Hammer, Asheboro.
Robert L. Doughton, Laurelsprings.
Charles A. Jonas, Lincolnton.
George M. Pritchard, Asheville.

NORTH DAKOTA

Olger B. Burtness, Grand Forks.
Thomas Hall, Bismarck.
James H. Sinclair, Kenmare.

OHIO

Nicholas Longworth, Cincinnati.
William E. Hess, Cincinnati.
Roy G. Fitzgerald, Dayton.
John L. Cable, Lima.
Charles J. Thompson, Defiance.
Charles C. Kearns, Amelia.
Charles Brand, Urbana.
Grant E. Mouser, jr., Marion.
W. W. Chalmers, Toledo.
Thomas A. Jenkins, Ironton.
Mell G. Underwood, New Lexington.
John C. Speaks, Columbus.
Joe E. Baird, Bowling Green.
Francis Seiberling, Akron.
C. Ellis Moore, Cambridge.
C. B. McClintock, Canton.
William M. Morgan, Newark.
Frank Murphy, Steubenville.
John G. Cooper, Youngstown.
Charles A. Mooney, Cleveland.
Robert Crosser, Cleveland.
Chester C. Bolton, Cleveland.

OKLAHOMA

Charles O'Connor, Tulsa.
William W. Hastings, Tahlequah.
Wilburn Cartwright, McAlester.
Tom D. McKeown, Ada.
U. S. Stone, Norman.
Jed Johnson, Anadarko.
James V. McClintic, Snyder.
M. C. Garber, Enid.

OREGON

Willis C. Hawley, Salem.
Robert R. Butler, The Dalles.
Franklin F. Korell, Portland.

PENNSYLVANIA

James M. Beck, Philadelphia.
George S. Graham, Philadelphia.
Harry C. Ransley, Philadelphia.
Benjamin M. Golder, Philadelphia.
James J. Connolly, Philadelphia.
George A. Welsh, Philadelphia.
George P. Darrow, Philadelphia.
James Wolfenden, Upper Darby.
Henry W. Watson, Langhorne.
J. Roland Kinzer, Lancaster.
Laurence H. Watres, Scranton.
C. Murray Turpin, Kingston.
George F. Brumm, Minersville.
Charles J. Esterly, Sally Ann Furnace.
Louis T. McFadden, Canton.
Edgar R. Kiess, Williamsport.
Frederick W. Magrady, Mount Carmel.
Edward M. Beers, Mount Union.
I. H. Doutrich, Harrisburg.
J. Russell Leech, Ebensburg.
J. Banks Kurtz, Altoona.
Franklin Menges, York.
J. Mitchell Chase, Clearfield.
Samuel A. Kendall, Meyersdale.
Henry W. Temple, Washington.
J. Howard Swick, Beaver Falls.
Nathan L. Strong, Brookville.
Thomas C. Cochran, Mercer.
Milton W. Shreve, Erie.
William R. Coyle, Bethlehem.
Adam M. Wyant, Greensburg.
Clyde Kelly, Edgewood.
Patrick J. Sullivan, Pittsburgh.
Harry A. Estep, Pittsburgh.
Guy E. Campbell, Crafton.

RHODE ISLAND

Clark Burdick, Newport.
Richard S. Aldrich, Warwick.

SOUTH CAROLINA

Thomas S. McMillan, Charleston.
Butler B. Hare, Saluda.
Fred H. Dominick, Newberry.
John J. McSwain, Greenville.
William F. Stevenson, Cheraw.
Allard H. Gasque, Florence.
Hampton P. Fulmer, Orangeburg.

SOUTH DAKOTA

Charles A. Christopherson, Sioux Falls.
Royal C. Johnson, Aberdeen.
William Williamson, Rapid City.

TENNESSEE

B. Carroll Reece, Butler.
J. Will Taylor, La Follette.
S. D. McReynolds, Chattanooga.
Cordell Hull, Carthage.
Ewin L. Davis, Tullahoma.
Joseph W. Byrns, Nashville.
Edward E. Eslick, Pulaski.
Gordon Browning, Huntingdon.
Jere Cooper, Dyersburg.
Hubert F. Fisher, Memphis.

TEXAS

Wright Patman, Texarkana.
John C. Box, Jacksonville.
Morgan G. Sanders, Canton.
Sam Rayburn, Bonham.
Hatton W. Sumners, Dallas.
Luther A. Johnson, Corsicana.
Clay Stone Briggs, Galveston.
Daniel E. Garrett, Houston.
Joseph J. Mansfield, Columbus.
James P. Buchanan, Brenham.
O. H. Cross, Waco.
Fritz G. Lanham, Fort Worth.
Guinn Williams, Decatur.
Harry M. Wurzbach, San Antonio.
John N. Garner, Uvalde.
C. B. Hudspeth, El Paso.
Thomas L. Blanton, Abilene.
Marvin Jones, Amarillo.

UTAH

Don B. Colton, Vernal.

VERMONT

Elbert S. Brigham, St. Albans.
Ernest W. Gibson, Brattleboro.

VIRGINIA

Schuyler Otis Bland, Newport News.
Menalcus Lankford, Norfolk.
Andrew J. Montague, Richmond.
Patrick Henry Drewry, Petersburg.
Joseph Whitehead, Chatham.
Clifton A. Woodrum, Roanoke.
J. A. Garber, Harrisonburg.
R. Walton Moore, Fairfax.
Joseph C. Shaffer, Wytheville.
Henry St. George Tucker, Lexington.

WASHINGTON

John F. Miller, Seattle.
Lindley H. Hadley, Bellingham.
Albert Johnson, Hoquiam.
John W. Summers, Walla Walla.
Sam B. Hill, Waterville.

WEST VIRGINIA

Carl G. Bachmann, Wheeling.
Frank L. Bowman, Morgantown.
John M. Wolverton, Richwood.
Hugh Ike Shott, Bluefield.
Joe L. Smith, Beckley.

WISCONSIN

Henry Allen Cooper, Racine.
Charles A. Kading, Watertown.
John M. Nelson, Madison.
John C. Schafer, Milwaukee.
William H. Stafford, Milwaukee.
Florian Lampert, Oshkosh.
Merlin Hull, Black River Falls.
Edward E. Browne, Waupaca.
George J. Schneider, Appleton.
James A. Frear, Hudson.
Hubert H. Peavey, Washburn.

WYOMING

At large

Vincent Carter, Kemmerer.

ALASKA

Delegate

Dan A. Sutherland, Juneau.

HAWAII

Delegate

Victor S. K. Houston, Honolulu.

PHILIPPINE ISLANDS

Resident Commissioners

Camilo Osias, Balaoal.
Pedro Guevara, Santa Cruz.

PORTO RICO

Resident Commissioner

Felix Cordova Davila, San Juan.

ORDER OF BUSINESS

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. McNARY. Mr. President, I ask unanimous consent to proceed to the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon?

RELIEF OF WORLD WAR VETERANS

Mr. WATSON. Mr. President, from the Committee on Finance I desire to report back favorably with amendments the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, and I submit a report (No. 1128) thereon. The bill was approved by the Committee on Finance this morning.

The VICE PRESIDENT. The report will be received.

Mr. ASHURST. Mr. President, I wish to make some inquiries concerning the bill, if I am in order.

The VICE PRESIDENT. The Senator from Arizona is in order.

Mr. LA FOLLETTE. Mr. President, before the Senator from Arizona proceeds, the Senator from Indiana, of course, intends to have the bill printed?

Mr. WATSON. Yes; I ask that it may be printed and lie on the table.

Mr. LA FOLLETTE. It might be well to have the report printed, too.

Mr. WATSON. I ask that that may be done.

The VICE PRESIDENT. The bill and report will be printed, as requested.

Mr. WALSH of Massachusetts. Mr. President, in connection with the report made by the Senator from Indiana, I desire to offer at this time an amendment to the principal section of the bill. The principal section of the bill is one dealing with disability allowances. There is a sharp difference of opinion among members of the committee as to what the rates should be in reference to disability allowances based upon degrees of disability.

In behalf of the Senator from Texas [Mr. CONNALLY] and myself, I desire to offer an amendment and ask that the same be printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. WALSH of Massachusetts. I also ask that the amendment may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment is as follows:

On page 15, beginning with line 6, strike out through line 25, on page 16, and insert in lieu thereof the following:

"On and after the date of approval of this amendatory act any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War and who is or may hereafter be suffering from a permanent disability, as defined by the director, which was not acquired in the service during the World War or for which compensation is not payable, shall be entitled to receive a disability allowance at the following rates:

"Ten dollars per month for one-tenth disability;

"Twenty dollars per month for one-fourth disability;

"Thirty-five dollars per month for one-half disability;

"Fifty dollars per month for three-fourths disability; and

"Sixty dollars per month for total disability.

"Any disability allowance granted under this section shall commence from the date of filing application therefor in the United States Veterans' Bureau, and such application shall be in such form as the director may prescribe. In any case in which the amount of compensation hereafter payable to any person for permanent disability under the provisions of this act is less than the maximum amount of the disability allowance payable for a corresponding degree of disability under the provisions of this section, then such person may elect to receive such disability allowance in lieu of compensation. Nothing in this section shall be construed to allow the payment to any person of both a disability allowance and compensation during the same period, and all payments made to any person for the period covered by a new or increased award of disability allowance or compensation shall be deducted from the amount payable under such new or increased award. As used in Titles I and V of this act, the term 'compensation' shall be deemed to include the term 'disability allowance' as used in this section."

Mr. BINGHAM. Mr. President, I suggest to the Senator from Indiana that he ask that the bill be taken up promptly on Monday.

Mr. WATSON. I desire to make a statement with reference to the bill as soon as I may.

Mr. ASHURST. Mr. President, will the Senator indulge me to ask some questions with reference to the bill?

Mr. WATSON. Certainly; with pleasure.

Mr. ASHURST. In the veterans' bill, vetoed by the President, the Senator from Indiana will recall that an amendment thereto was offered by the Senator from Montana [Mr. WALSH], which amendment was to the effect that an action or suit brought by an ex-service man could not be barred until the veteran had a fair opportunity to bring a suit. Has the committee included such a provision in this bill?

Mr. WATSON. I do not think it is included in express terms, as offered by the Senator from Montana, but a similar provision is included.

Mr. GEORGE. Mr. President, if the Senator from Indiana will permit me——

Mr. WATSON. Certainly.

Mr. GEORGE. The amendment extends the time for bringing suit to within one year after the approval of the act and one year after final disapproval by the director.

Mr. ASHURST. I am grateful for the information. The Walsh amendment was as follows:

No suit shall be allowed under this section unless the same shall have been brought within six years from the date of the denial of the claim by the director, or within one year from the date of the approval of this amendatory act, whichever is the later date.

The Senate will also recall that when we had that bill under consideration on June 23, the Senator from New Mexico [Mr. BRATTON] proposed, and the Senate adopted, an amendment, which will be found on page 11897 of the RECORD, reading as follows:

Provided, That the rating of any person once awarded compensation under this provision shall not hereafter be so modified as to discontinue such compensation or to reduce it to less than $50 per month, and payments to any such person whose rating has heretofore been so modified shall be resumed at the rate of not less than $50 per month from the date of such modification.

Has the committee included such a provision in this bill just reported? Do I make myself clear?

Mr. WATSON. That provision was not in the bill as it came to us from the House and we did not insert it.

Mr. ASHURST. It will be remembered that in 1926 after some debate the Senate, upon a yea-and-nay vote and by a large majority, adopted my amendment providing for the statutory award of $50 per month to an ex-service person with an arrested case of tuberculosis. In adopting my amendment it was the intention of Congress, and it was likewise the intention of the Executive who signed the bill, to provide that once a veteran was declared by the bureau to have an arrested case of tuberculosis, it would be beyond the power of the bureau to reduce such veteran's compensation.

I find no fault, and neither did the Senator from New Mexico find fault, with the Director of the Veterans' Bureau respecting the carrying out of the provisions of my amendment. He has been fair and diligent in carrying out that provision of the law. But the Comptroller General has held that a veteran, although he be declared by the Veterans' Bureau to be an arrested case, might have his compensation reduced at any time. A veteran with an arrested case of tuberculosis may do some sorts of work, but there are other sorts of work which he can not do, and inasmuch as Congress wisely, in my judgment, desired to encourage every veteran to engage in a gainful occupation where possible, Congress adopted my amendment providing for the statutory award in order that the $50 per month might piece out the veteran's income.

Prime factor to be considered in restoring health to a person afflicted with pulmonary tuberculosis or in arresting the progress of the disease, are digestion and alimentation and in order that there may be adequate digestion and alimentation and the building up of sufficient blood and tissue, a serene mind in the patient is necessary.

When the Senator from New Mexico [Mr. BRATTON] introduced his amendment on June 23 he spoke, in part, as follows:

Mr. BRATTON. Mr. President, * * * in 1926 the senior Senator from Arizona [Mr. ASHURST] proposed an amendment to the World War veterans' act of 1924, to provide that any veteran having tuberculosis who had reached the arrested stage should be compensated at the rate of $50 per month; that is to say, after the bureau had diagnosed the veterans' condition as being arrested tuberculosis, he should be compensated at a flat figure of $50 per month.

It was stated upon the floor of the Senate then by the Senator from Arizona and myself that the object of the provision was to give veterans, particularly those who went to the West and the Southwest and regained their health there to the extent of their tuberculosis being arrested, the assurance that their compensation would never be reduced below $50 per month. It was to relieve them of the mental disturbance occasioned by the fact that they might be called before the bureau from time to time, reexamined, and their compensation reduced or increased.

It was understood then that those veterans were to have a fixed status. But following that, and yielding to a decision rendered by the Comptroller General, the Veterans' Bureau has been compelled to reduce the compensation of large numbers of arrested tuberculars and to discontinue it in many other cases. My colleague said a few moments ago that in New Mexico alone more than 800 ex-service men who have been diagnosed as arrested tuberculars, compensated for a while at $50 a month, have thereafter either had their compensation reduced below that figure or had it discontinued entirely.

The Senator from New Mexico has been called away. I request Senators to incorporate the amendment in the bill.

Mr. WATSON. Mr. President, the Senator will have an opportunity to offer the amendment.

The VICE PRESIDENT. Does the Senator offer the amendment?

Mr. ASHURST. I do so at this time.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table.

Mr. ASHURST. I thank the Senator from Indiana for yielding.

Mr. REED. Mr. President, just to clarify the situation with reference to that matter, the bill as it comes from the House makes these provisions for arrested and cured tuberculosis. First:

That any ex-service man shown to have had a tuberculous disease of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month.

Then later:

The director is hereby authorized and directed to insert in the rating schedule a minimum record of permanent partial 25 per cent for arrested or apparently cured tuberculosis.

The cases which the Senator has in mind have been in the minds of the draftsmen of the bill. I know the Senator may desire to offer an amendment increasing those rates.

Mr. WATSON. Mr. President, I now ask unanimous consent that the Senate agree to proceed to the consideration of the veterans' relief bill immediately after the conclusion of routine morning business on Monday.

Mr. NORRIS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. WATSON. I yield.

Mr. NORRIS. I do not see any advantage that can be gained by granting that unanimous consent now. Why does not the Senator wait until the report and bill are printed?

Mr. WATSON. They will be printed.

Mr. NORRIS. I know that, but the Senator is asking us to make an agreement about the bill before we know what it is. I do not think there will be any objection to taking it up Monday, but I am not willing to agree at this time to unanimous consent to that effect, because I have had no opportunity to examine the bill, and neither has anybody else. I object.

The VICE PRESIDENT. Objection is heard.

Mr. WATSON. Then I shall move to take it up at the earliest opportunity on Monday.

From the Committee on Finance, I also report back favorably, with amendments, the bill (H. R. 10630) to authorize the President to consolidate and coordinate governmental activities affecting war veterans, and I submit a report (No. 1129) thereon. This bill provides for a consolidation under one head of all agencies for veterans' relief and pensions.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, which was ordered to lie on the table and to be printed.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, which was ordered to lie on the table and to be printed.

MUSCLE SHOALS

Mr. BLACK. Mr. President, in view of the resolution which was unanimously passed by the Senate on yesterday, I desire to read to the Senate a telegram which was sent by the Secretary of War and received at Florence, Ala., yesterday. The telegram was sent by the Secretary of War to the mayor and aldermen of the town of Muscle Shoals, and reads as follows:

Reference telegram June 17 regarding your application for power from Wilson Dam. Pending congressional action, this department considers it the best interest of the Government to continue present agreement with Alabama Power Co. and not to establish policy of retailing small amounts of power, both on account of operating difficulties and conflict with existing agreement. Tennessee Power Co. is purchasing power from Alabama Co. and not from the Government direct.

HURLEY, *Secretary of War.*

In connection with that I call the attention of the Senate to a photostatic copy of the agreement between the Government and the Alabama Power Co. I have read this agreement carefully. It contains no stipulation, no inference of any kind, so far as I can find, that the Alabama Power Co., and the Alabama Power Co. alone, can buy this power. This copy was sent to me by the Secretary of War as the complete agreement, but in this telegram to the people of Muscle Shoals he gives as an excuse for not being able to sell power to the municipality that to do so would be in conflict with the existing agreement with the Alabama Power Co. So we are forced to the conclusion that, outside of the written agreement with the Alabama Power Co., the Secretary of War and the administration must have some kind of agreement that, even though the Alabama Power Co. is only using from one-eighth to one-fifth of the power capable of generation, no power from the Wilson Dam will be sold to any municipality.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. BLACK. I yield to the Senator.

Mr. McKELLAR. The Senator will recall that under the original act of 1916, providing for the construction of the Wilson Dam, there is an express provision which prohibits the President of the United States and the Secretary of War from making any such agreement as the Senator has indicated has been made with the Alabama Power Co. It directly and specifically prohibits any such agreement as now exists.

Mr. BLACK. I thank the Senator.

Mr. President, in a letter of January 8 from the Secretary of War to me, when I had protested against building an expensive power line by the power companies from Nashville to Muscle Shoals, the Secretary of War said:

Pending further congressional action it is to the interest of the Government to sell as much power as possible under the existing agreement.

So the Secretary of War sees no objection whatever to selling power and desires to sell additional power for use of the power companies, but now, after I offered my resolution on day before yesterday, although the answer to the telegram of the mayor of Muscle Shoals had been hanging fire, he gives as an excuse for not selling power to the municipality the statement that it would be in conflict with his agreement with the Alabama Power Co.

So we now find this to be the situation: The administration by one word could settle the Muscle Shoals problem; but the administration will not speak. As a result, power is being sold to the Alabama Power Co., and in the telegram which I have read, the Secretary of War makes the plain statement that there is some kind of agreement with the Alabama Power Co. that power will not be sold to anyone else. In truth, in a letter sent to me on January 31, the Secretary of War said:

It is believed that this duty has been performed by making annual agreements with the Alabama Power Co. for the exclusive right to purchase power from Wilson Dam.

But, in spite of that fact, the photostatic copy of the agreement with the Alabama Power Co. contains no such exclusive privilege. Now we see why it is desirable to prevent any Muscle Shoals legislation from passing; there is no question about it now.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. BLACK. I yield.

Mr. CARAWAY. How much of the power does the Alabama Power Co. take?

Mr. BLACK. From about one-eighth to one-fifth.

Mr. CARAWAY. And the remainder of it goes to waste?

Mr. BLACK. The remainder of it goes to waste.

Mr. CARAWAY. Under what theory is the Alabama Power Co. objecting? I presume it does object, or else the Secretary of War, if he had its permission, would make a contract with some one else.

Mr. BLACK. I think the Senator is correct. The Secretary of War, if he had its permission and the permission of the administration, would do so. The Alabama Power Co. evidently objects, because it does not want any power sold to municipalities, for in that event they compete with the Alabama Power Co.

Mr. CARAWAY. Does the Alabama Power Co. supply power to municipalities that seek to get it?

Mr. BLACK. It supplies one municipality that seeks to get it.

Mr. CARAWAY. And what is the difference between what the company pays for the power and what it charges that municipality?

Mr. BLACK. The company pays from 2 mills per kilowatt-hour to 4 mills per kilowatt-hour, and it charges the municipality according to whether it is for industrial or domestic use, and according to the amount used. The municipality is charged somewhere, as I recall, from about 1 cent to 10 cents per kilowatt-hour.

Mr. CARAWAY. The industrial rate is 1 cent and the domestic rate is 10 cents?

Mr. BLACK. I have in my office the exact differences in the rates as fixed by the public service commission.

Mr. CARAWAY. Anyway, the charge to the municipality runs up to twenty times more than the company itself pays?

Mr. BLACK. Oh, yes; it does.

Mr. CARAWAY. With power going to waste, and with the knowledge that people are being charged 2,000 per cent above

the rate paid by the Alabama Power Co., the administration refuses to act?

Mr. BLACK. The administration not only refuses to act, but the administration, in my judgment, is absolutely a block to any action of the two bodies of Congress unless the power shall be continued to be given to the monopoly that has it now.

Mr. CARAWAY. The resolution under which the Alabama Power Co. purchases power does not give to the Secretary of War any right exclusively to dole out the power. Under what theory does he assume to do so?

Mr. BLACK. As I understand, the Secretary of War has charge of this project because it was built for military purposes.

Mr. CARAWAY. I understand that.

Mr. BLACK. Therefore, there is no limitation, of which I am aware, as to how it shall be sold.

Mr. CARAWAY. At least, there is not any authorization under which he may give to one particular person or corporation the exclusive right?

Mr. BLACK. From no source is there any such authorization.

Mr. CARAWAY. And yet, while other people are willing to pay as much or more, they are unable to get any power?

Mr. BLACK. Yes; that is correct.

Mr. CARAWAY. What was the offer of the municipality? Did it offer to pay the highest rate that the Alabama Power Co. pays?

Mr. BLACK. It offered to pay the highest rate paid by the Alabama Power Co., and when it could not then get it, it offered to pay more.

Mr. CARAWAY. And when an offer is made to pay more than is now received, the Secretary of War refuses to let the municipality have it?

Mr. BLACK. He does, and in this telegram he bases his refusal on two reasons, namely, on account of operating difficulties and conflict with the existing agreement.

Mr. CARAWAY. What are the "operating difficulties"?

Mr. BLACK. I can not imagine. He makes no proposition, but they have agreed to pay whatever the expense may be; they agree to make the necessary connections. As a matter of fact, the operating difficulties are that the Alabama Power Co. does not want the power sold to municipalities. That is the plain truth.

Mr. CARAWAY. Would the Secretary sell it to individuals? In other words, if somebody residing in the municipality would organize a company and offer to buy the power, and retail it to the municipality, would the Secretary sell to that company or would he insist that no one else might enjoy the right to purchase power from Muscle Shoals except the Alabama Power Co.?

Mr. BLACK. Since he says the Alabama Power Co. has the exclusive right, he can not sell it to anyone else.

Mr. CARAWAY. Was there any notice to the public that an exclusive right was to be given, although the company to whom the right was given did not take one-fourth of the power that was generated?

Mr. BLACK. I have a photostatic copy of the contract, and I have looked in vain for any provision which authorizes it to be construed as an exclusive contract with the Alabama Power Co.; the copy I have is the contract which was given out to the public.

Mr. CARAWAY. Will the Senator incorporate that in the RECORD?

Mr. BLACK. I shall be delighted to do so; and I ask permission to do so.

The VICE PRESIDENT. Without objection, it is so ordered.

(The contract referred to will be found at the conclusion of Mr. BLACK's remarks.)

Mr. CARAWAY. Mr. President, I should like to ask the Senator another question. The contract was let, I presume, after public notice?

Mr. BLACK. I do not understand that it was; it was let by private correspondence, according to the contract which I have here.

Mr. CARAWAY. Then, so far the contract reveals no one else had an opportunity to bid?

Mr. BLACK. No one has ever heard of it if opportunity was afforded anyone else to bid.

Mr. CARAWAY. And now it is contended that is an exclusive contract?

Mr. BLACK. It is. It is contended that the people down there can not buy any of this power, because to let them have it would be in conflict with an existing agreement with the Alabama Power Co.

Mr. CARAWAY. I personally know Mr. Hurley, Secretary of War; I think he is a most excellent gentleman, and I feel perfectly sure that he is not only an excellent gentleman but a very fine business man.

Mr. BLACK. In other words, the Senator is of the opinion that the action taken reflects the viewpoint of the administration rather than the individual viewpoint of Mr. Hurley?

Mr. CARAWAY. The contract itself was made prior to Mr. Hurley's coming into office, was it not?

Mr. BLACK. The original contract was made in 1925.

Mr. CARAWAY. Of course, Mr. Hurley was not Secretary of War at that time.

Mr. BLACK. And it was amended on April 20, 1929, so that the Tennessee Power Co. could buy. Now they claim——

Mr. CARAWAY. Are the two companies affiliated? Have they some kind of a working understanding?

Mr. BLACK. They are all affiliated under some general scheme and plan of the Electric Bond & Share Co.

Mr. CARAWAY. The profits go into the same pocket, it makes no difference which company buys the power?

Mr. BLACK. The profits go to the same people.

Mr. President, just a few moments more, and I will finish. We find this strange situation: Legislation is held up in the Congress; and yesterday several of the Senators on the other side, including the Senator from Ohio [Mr. FESS], as I recall, and the Senator from Connecticut [Mr. BINGHAM] advanced the proposition, or at least acceded to the idea, as I understood, that the Senate should not permit the Congress to adjourn so long as the other House stood on an obstinate platform with reference to yielding on legislation under which the Government was to pay out money. In this case the House conferees take an obstinate position and decline to accede to a compromise by which millions of dollars would come into the Government Treasury. I am wondering——

Mr. CARAWAY. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Alabama yield further to the Senator from Arkansas?

Mr. BLACK. I yield.

Mr. CARAWAY. Does anybody, so far as the record discloses, profit by this refusal upon the part of the House to legislate except the Alabama and Tennessee power companies?

Mr. BLACK. No other companies and no other individuals in America profit except their associated companies.

Mr. CARAWAY. And under the interpretation of the contracts nobody else may participate?

Mr. BLACK. That would be impossible, because, so long as legislation is held up, according to this statement, the Alabama Power Co. continues to have the exclusive privilege of buying the power, even though it uses only one-eighth; and the remainder has to go to waste.

Mr. CARAWAY. Then, as I understand, whoever takes the responsibility of holding up the legislation does so with the knowledge that no one except the Alabama Power Co. profits by it?

Mr. BLACK. That is correct.

Mr. CARAWAY. And that four-fifths of the potential power runs to waste, in order that that company may make a profit?

Mr. BLACK. That is correct, and, in addition to that, whoever takes the responsibility for holding up this legislation does it also with the knowledge that the Government, under a proper law, could sell all this power and make about $4,000,000 a year for the benefit of the people of the United States.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield further to the Senator from Arkansas?

Mr. BLACK. I yield.

Mr. CARAWAY. And we would have additional revenue which could be used in some way, to help compensate the disabled veterans, for instance?

Mr. BLACK. There is no question about that. With vetoes coming thick and fast on the ground of economy and on the ground that some poor disabled soldier may get a few dollars for himself and his hungry wife and babies, the administration remains silent and permits $4,000,000 per year to go to waste in the form of power, for the benefit of the power companies, when the evidence shows that their associates made a profit of 3,012 per cent in the year 1927 on their investment in that company.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. BLACK. I yield.

Mr. McKELLAR. And, Mr. President, not only that, but I want to call attention, as I have done previously, to the present law which the President is disregarding in his management and control of the present plant. If the Senator will permit me under the original act it is provided:

And he [the President] is further authorized to construct, maintain, and operate at or on any site or sites so designated, dams, locks, im-

provements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary, or convenient to the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products—

Omitting a portion, the act proceeds:

The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

In other words, Mr. President, by the plain terms of this act the President is specifically directed to operate the electrical power plants that have been built down there, and he is specifically prohibited from operating those plants in conjunction with the Alabama Power Co.; and yet the President of the United States to-day is violating that law passed by the Congress and approved by the President, and is not only operating the plants in conjunction with the Alabama Power Co., but has turned them over to the Alabama Power Co. in the manner described by the Senator from Alabama and under the conditions he has stated!

Mr. BLACK. May I suggest to the Senator that that might be a proper matter for investigation by the law-enforcement commission.

Mr. McKELLAR. I should think it would be perfectly proper.

Mr. BLACK. Perhaps the Senator will offer a resolution to that effect.

Mr. McKELLAR. If the President is going to have law enforcement and law observance, why is he violating this law of Congress? Why is his Secretary of War violating this order of Congress?

I want to say that I know the Secretary of War, and he is a splendid man, and I doubt if this law has ever been called to his attention; but it ought to be, and I hope he will look into it more thoroughly and will take back the telegram that he has sent to the city of Muscle Shoals.

Mr. SWANSON. Mr. President——

Mr. BLACK. I yield to the Senator from Virginia.

Mr. SWANSON. It seems to me it has been disclosed by the statements made by the Senator from Alabama and the Senator from Tennessee that there is a gross violation of the law here; that they were directed to operate this plant themselves, and not in conjunction with anybody, and not to give anybody a monopoly.

From the statement made by the Senator from Alabama, it seems that this law is being grossly violated. It seems to me that these papers and letters and the whole matter should be referred to the Judiciary Committee to make an investigation and ascertain whether or not the will of Congress, as expressed in these statutes, has been grossly violated; whether secret agreements have been entered into contrary to the spirit of the law.

I suggest to the Senator to have the papers sent to the Judiciary Committee to ascertain these facts and report to Congress.

Mr. BLACK. I thank the Senator for his suggestion, and desire to say that I think it is an excellent one, and I shall seek to do that in just a moment.

I think I have made it fairly plain what the situation is. The plant is being operated, but it is being operated for the benefit of the power company. The people are being fleeced. The people are being robbed.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. BLACK. I yield.

Mr. CARAWAY. Is it contended that the rate which the Alabama Power Co. pays for power covers the cost?

Mr. BLACK. They make no statement whatever about that.

Mr. CARAWAY. It would be interesting to find out what the facts are in that regard.

Mr. BLACK. It might be interesting, because of the fact that we find in the contract this statement:

Power substituted for Gorgas steam power, 2 mills per kilowatt-hour.
Power substituted for Gadsden steam power, 3 mills per kilowatt-hour.
Power substituted for nitrate plant No. 2 power, 4 mills per kilowatt-hour.

Mr. CARAWAY. Under what theory is that?

Mr. BLACK. I can not imagine what difference there would be in the cost of production of this power, whether it went to one purpose or another.

Mr. CARAWAY. From what I remember, as to at least one of those steam plants, the Alabama Power Co. insisted that it had an option to buy it, which it finally exercised——

Mr. BLACK. That is correct.

Mr. CARAWAY. Although no one who had ever spent two hours in looking into the subject believed that it had any valid option. It would be interesting, if the matter is sent to the committee for investigation, to have it ascertained whether or not this covers the cost of production, because it will be enlightening if it is found that it does.

Mr. BLACK. That is very interesting; and, since this has been referred to, it will be interesting for some committee to find out why power generated by the Government can be sold at a lower rate if it is substituted for power from one plant than if it is substituted for power from another plant.

The facts are these; they are plain; the man who runs can read them, and he who seeks to understand knows what the issue is. It is merely this: For some reason—I can not say why—the administration wants this power to be used for the benefit of the power companies, and the power companies alone. If Muscle Shoals legislation can be delayed in the future as it has been in the past, and the Alabama Power Co. continues to get about one-fifth to one-eighth of the power, it is hoped that the people will become disgusted with the long-continued discussion of a threadbare subject and will say, "Let them have it all."

Mr. CARAWAY. Mr. President, may I ask the Senator another question?

The VICE PRESIDENT. Does the Senator from Alabama further yield to the Senator from Arkansas?

Mr. BLACK. I yield to the Senator.

Mr. CARAWAY. A contract was entered into by the people who were to be the beneficiaries of the Wright bill, if they should acquire this property, under which the Union Carbide Co. was to have 50,000 horsepower. The price it was to pay has been revealed. Does the Senator now recall what it was to pay for 50,000 horsepower?

Mr. BLACK. I do not recall how much it was per kilowatt-hour. As I recall, it was $17 per horsepower year. I am not sure about that.

Mr. CARAWAY. Can the Senator translate that?

Mr. BLACK. I can not translate that into the other terms while I am on my feet. I should have to compute it.

Mr. CARAWAY. Will the Senator get that information and put it in the RECORD?

Mr. BLACK. I shall be glad to do so.

Mr. CARAWAY. It would be interesing to know how much more the Union Carbide Co. was willing to pay, if the Wright bill could be lobbied through Congress, than the Government is willing to accept from the Alabama Power Co. I should like to see the two rates compared.

Mr. BLACK. I think that is a good idea.

As to this other matter, it would be very interesting and very helpful if some of the Republican leaders like my good friend the Senator from Ohio [Mr. FESS] or the Senator from Connecticut [Mr. BINGHAM], who desire to keep both Houses in session until we vote whether we shall give the District of Columbia nine or ten million dollars, would also unite with us in attempting to keep both Houses in session until we stop this gross and flagrant waste, until we bring about legislation which is being blocked by the present administration. Is it more important to determine whether we shall contribute nine or nine and a half million dollars to the District of Columbia than it is to determine whether or not we shall continue to lose $4,000,000 per year on power, whether the Alabama Power Co. shall continue to be the sole beneficiary of the people's money, and whether we shall attempt to save the farmers of the United States somewhere from ten to fifty million dollars upon their fertilizer bill?

Evidently it is far more important to keep both Houses sweltering in the hot summer time over whether the District of Columbia shall get nine or whether it shall get ten million dollars. In other words, the money is going out there; but the appeal I make is for these two bodies to stay in session until we get some kind of legislation which will prevent the daily drain on the Treasury of more than $11,000 in power income alone from Muscle Shoals. Every day of delay means more than $11,000 loss, even though we got only 2 mills per kilowatt-hour for it.

Mr. CARAWAY. Mr. President——

Mr. BLACK. I yield to the Senator from Arkansas.

Mr. CARAWAY. Does not the Senator think that back of that an even greater principle is at stake—whether the Government shall be a party to such a flagrant violation of the law and public opinion?

Mr. BLACK. I agree with the Senator. If we are to have appeals for law enforcement preached and sent broadcast throughout the country, why not begin at the top? If we are to have commissions to investigate this law and that law and its violation, why not also take the burden of the people from

them, at least in part, by obeying the plain mandate of the statute on the part of this administration?

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama further yield to the Senator from Arkansas?

Mr. BLACK. I do.

Mr. CARAWAY. The Senator is not unmindful of the fact that right along a propaganda has gone throughout this country that has poisoned the mind of the average person to the effect that there is something wrong with Muscle Shoals and the Government's dealing with it; that there is some sinister influence that is able to hold up the Government and stay the hand of Congress and the administration, that private profit may accrue to certain power companies. Has the Senator observed that?

Mr. BLACK. There is no question about it. That is reflected in the press, and it is reflected in statements made publicly and privately, so that the public is beginning to wonder what is wrong in this Muscle Shoals controversy. It seems to me I am placing in the RECORD this morning a part of the evidence which shows what is wrong.

There has not been a more monumental conspiracy in this country since the days when the Government was robbed by the whisky ring in St. Louis and by the iniquitous ring that existed in this country in the Harding administration. Here we are with the power going to waste, with no genuine, bona fide effort being made to settle the matter. Why? It is not a matter of any interest to the power companies to settle it. As long as they can get an exclusive contract for one-eighth of the power, and permit the remainder to go to waste, why should they want a settlement?

Mr. CARAWAY. Mr. President, will the Senator pardon me for just one moment?

The VICE PRESIDENT. Does the Senator from Alabama further yield to the Senator from Arkansas?

Mr. BLACK. I yield to the Senator.

Mr. CARAWAY. It was developed in the course of an investigation that certain influences were refusing to finance developments of power in the Tennessee Valley unless they could be assured in advance that not a single bit of power generated at Muscle Shoals should be used as power. It must find some use in the chemical industry or in some other industrial way; it could not be permitted to be developed and used by the Government to compete with the power companies. The Senator is aware of that documentary evidence?

Mr. BLACK. I am fully aware of it, because they did not want any of it to compete with the power companies; and they have their wish to-day. You can not buy a kilowatt of it to compete with the power companies.

Mr. President, I desire to insert in the RECORD the entire letter of the Secretary of War to me of January 8, 1930.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLACK. I also desire to insert in the RECORD a photostatic copy of the entire contract made between the Alabama Power Co. and the Government, as modified April 20, 1929, together with a letter of the Chief of Engineers of May 3, 1929, accepting the contract.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLACK. I desire to insert at the same time the telegram from the Secretary of War, and a letter from the Secretary of War to me of January 31, 1930, concerning the contract.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLACK. I also desire to print in the RECORD my letter to the Secretary of War of December 17, 1929, to which one of these letters was an answer.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLACK. I desire also to request that these matters may be referred to the Judiciary Committee, with the hope that the Judiciary Committee will investigate and find out whether or not Muscle Shoals power is being sold in accordance with law.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

The letters and other matter referred to are as follows:

BIRMINGHAM, ALA., *April 20, 1929.*

Maj. Gen. EDGAR JADWIN,
Chief of Engineers, United States Army, Washington, D. C.

DEAR SIR: 1. Referring to the existing arrangement with the undersigned, Alabama Power Co., for the purchase of power at Wilson Dam, the company submits for your approval and that of the Secretary of War the following modified arrangement in lieu of the existing arrangement. It is believed that the following modified agreement is in accordance with our verbal agreement:

The power from Wilson Dam will be sold to the Alabama Power Co. at generator voltage up to January 1, 1930, and thereafter, subject to cancellation after December 31, 1929, by either the Engineer Department, United States Army, or the Alabama Power Co. on 30 days' notice, at the following rates:

(a) Power substituted for Gorgas steam power, 2 mills per kilowatt-hour.

(b) Power substituted for Gadsden steam power, 3 mills per kilowatt-hour.

(c) Power substituted for nitrate plant No. 2 power, 4 mills per kilowatt-hour.

(d) Power transmitted or relayed to other public-utility power companies, 2 mills per kilowatt-hour.

2. The determination of the amount of power furnished under the different rates shall be made as follows:

(a) The total system generation for the day shall be plotted by the district engineer from statement furnished by the power company.

(b) The Alabama Power Co. hydrogeneration shall be plotted at the top of the diagram.

(c) The Wilson Dam generation shall be plotted immediately under the Alabama Power Co.'s hydrogeneration.

(d) So much of the Wilson Dam diagram as lies above 140,000 kilowatts shall be paid for at the rate for nitrate plant No. 2, viz, 4 mills per kilowatt-hour.

So much of the Wilson Dam diagram as lies between 130,000 and 140,000 kilowatts shall be paid for at the rate for the Gadsden steam plant, viz, 3 mills per kilowatt-hour.

And so much of the Wilson Dam diagram as lies below 130,000 kilowatts shall be paid for at the rate for the Gorgas steam plant, viz, 2 mills per kilowatt-hour.

Provided, however, that power transmitted or relayed to other public-utility power companies by the Alabama Power Co. shall be plotted at the top of the Wilson Dam diagram and shall be paid for at the rate of 2 mills per kilowatt-hour instead of at the rate determined as hereinbefore specified.

3. In consideration of your agreement to sell the power free of the right to cancel on 30 days' notice prior to January 1, 1930, the Alabama Power Co. agrees that during the calendar year 1929 it will take in the aggregate sufficient power at the rates specified to amount to at least $500,000. If at midnight December 31, 1929, the amount of power taken during the calendar year 1929 does not amount in the aggregate of $500,000, the company agrees that the payment due by it for the month of December, 1929, shall be for an amount which, added to the total amount due and paid for power taken during the calendar year 1929, will make an aggregate payment for that year of $500,000.

4. The Alabama Power Co. shall furnish the district engineer, Florence, Ala., with all daily operating information necessary to compute the daily charges in accordance with paragraph 2 preceding and shall afford him or his representative proper facilities for checking the accuracy of such statements.

5. Should the availablity of its own hydropower make the steam replacement requirements from Wilson Dam such that the payments therefor will be less than the direct operating costs, the right is reserved to reduce operations to one or two shifts.

6. It is understood that the Alabama Power Co. will utilize the available hydropower at Wilson Dam to a maximum in replacement of steam, and that the company normally will not operate its steam plants when Wilson Dam hydropower is available, except as may be necessary for voltage regulation, protection of its customers, and in case of breakdowns or line interruptions, and necessary testing on new 60,000-kilowatt unit at Gorgas, until the Wilson Dam plant is carrying a minimum of 80,000 kilowatts.

Yours truly,

ALABAMA POWER CO.,
By E. A. YATES,
Vice President.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 3, 1929.

Mr. E. A. YATES,
Vice President Alabama Power Co., Birmingham, Ala.

DEAR SIR: Receipt is acknowledged of your letter of April 20, 1929, submitting on behalf of the Alabama Power Co. a proposal for a change in the existing agreement between the company and the United States for the purchase and sale of power at Wilson Dam.

The matter has been carefully considered by the department, and I am authorized by the Secretary of War to accept the company's proposal as set forth in the aforesaid letter.

Very truly yours,

EDGAR JADWIN,
Major General, Chief of Engineers.

WASHINGTON, D. C., *December 17, 1929.*

Hon. PATRICK J. HURLEY,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: Information received from your office is to the effect that the War Department is considering a new contract for the sale of power at Muscle Shoals. I am also informed that the proposition has been made to permit the Tennessee Power Co. to join the Alabama Power Co. in this contract of purchase.

Information has also reached me that the Tennessee Power Co. purposes to build a transmission line from Muscle Shoals to the city of Nashville, in the State of Tennessee.

It seems to me that the Government should not permit any contract to be made with the Tennessee Power Co. which would encourage that company to build this expensive transmission line. If the line carries power for only a short time, it is manifest that the tremendous cost of erecting the transmission line would not be justified. It would be an unfair tax upon the consumers of power. Some one must pay for that transmission line, and our experience tells us that the consumer is the one who bears the burden.

Certainly no one has the right to build an expensive transmission line upon the express assumption that the Tennessee Power Co. can secure a permanent contract for power at Muscle Shoals. Congress has not yet finally acted upon this question, and when definite action is taken by the Congress, all of the power might be used for the manufacture of fertilizer or for other purposes. I desire to protest most vigorously against any kind of governmental permission to erect a transmission line or to permit the Tennessee Power Co. to join the Alabama Power Co. in the temporary contract for Muscle Shoals power.

For your information I am also inclosing you an argument against permitting the Tennessee Power Co. to join this contract, which argument was sent to me by a citizen of Alabama. This raises certain technical questions, with which I am not wholly familiar, but which I believe you are entitled to have, in considering the question of granting this permission to the southern Tennessee Power Co.

It would also seem very strange to me for the War Department to grant permission for the Tennessee Power Co. to secure governmental power at Muscle Shoals and deny this privilege to the municipality of Muscle Shoals, Ala., located in close proximity to the Muscle Shoals power plant.

I will appreciate it if you will let me hear from you concerning the questions suggested in this letter and inclosed argument.

Very truly yours,

HUGO L. BLACK.

WAR DEPARTMENT,
Washington, January 8, 1930.

Hon. HUGO L. BLACK,
United States Senate, Washington, D. C.

DEAR SENATOR BLACK: Replying to your letter of December 17, 1929, with regard to the construction of a transmission line from Nashville to Wilson Dam, I wish to advise that a permit was granted to the Southern Tennessee Power Co. on October 23, 1928, to erect, operate, and maintain an electric transmission line across the United States land at Wilson Dam, Muscle Shoals, Ala., but no permission has been granted to this company to connect the transmission line to the Government-owned substation at Wilson Dam, nor has any agreement been made with this company for procuring power from the station.

During the past year the Alabama Power Co. has sold to the Southern Tennessee Power Co. considerable energy, which has been delivered through existing transmission lines in the eastern part of Tennessee and Alabama. Much of this energy was generated at Wilson Dam and sold to the Alabama Power Co. under the agreement which is now in force. It is my opinion that the Southern Tennessee Power Co. intends to purchase power from the Alabama Power Co. in the future, and that the transmission line in question is being built to accomplish this purpose more efficiently.

Agreements with the Alabama Power Co. containing cancellation clauses for the protection of the Government in case congressional action is taken for more efficient use of the properties at Muscle Shoals have been in effect since September, 1925, and it is believed that the revenue obtained has been more than could have been secured by any other arrangement under the circumstances.

Pending further congressional action, it is to the interest of the Government to sell as much power as possible under the existing agreement, and I see no objection to granting permission to the Alabama Power Co. for the connection of the transmission line in question to the substation at Wilson Dam. Before such permission is granted the technical features will be thoroughly investigated and the Government's interests and property will be fully protected.

The request of the city of Muscle Shoals to purchase power from Wilson Dam was denied, because the amount required was not sufficient to compensate for the cost of additonal equipment, the tying up of generating and distribution facilities, and the additional cost of operation and maintenance. The plant is not designed to serve a large number of retail customers, and it was therefore not considered to be to the interest of the Government to accept the offer of the city of Muscle Shoals.

Your attention is called to the fact that any arrangement made with the Alabama Power Co. is subject to immediate cancellation by the Secretary of War whenever legislation is passed which renders such cancellation necessary or desirable.

Sincerely yours,

PATRICK J. HURLEY,
Secretary of War.

WAR DEPARTMENT,
Washington, January 31, 1930.

Hon. HUGO L. BLACK,
United States Senate, Washington, D. C.

DEAR SENATOR BLACK: Receipt is acknowledged of your letter of January 15, 1930, referring to the sale of power from Wilson Dam.

With regard to the construction of a transmission line by the Southern Tennessee Power Co. in the vicinity of Wilson Dam, you are advised that this line is nearing completion and it is expected to be ready for operation within about 30 days. Since my letter of January 8 to you was written, a modified agreement for the sale of power during the year 1930 to the Alabama Power Co. has been consummated, and permission has been granted to that company to make a connection between the transmission line referred to above and the substation at Wilson Dam. This connection is to be made without expense to the Government. It is our understanding that through this connection the Alabama Power Co. will furnish Wilson Dam power to the Southern Tennessee Power Co.

The modified agreement contemplates the sale of power to the Alabama Power Co. at the same rates which were in effect during the year 1929, but the guarantee for the entire year has been raised from $500,000 to $560,000, this guarantee to be effective only if the agreement is not canceled prior to January 1, 1931. In case the agreement is canceled, monthly operating and maintenance expenses to the extent of $16,000 per month are guaranteed for the months during which the agreement is in effect. The modified agreement may be canceled by the Secretary of War in case legislation is passed by Congress which makes such action necessary or desirable.

Pending the passage of legislation by Congress, it has been deemed the duty of this department to obtain as large a revenue as possible from the sale of power from Wilson Dam. It is believed that this duty has been performed by making annual agreements with the Alabama Power Co. for the exclusive right to purchase power from Wilson Dam.

This company is in possession of the only transmission and distribution system of magnitude in the vicinity, and is therefore in a better position to absorb the potential power than is any other agency. It must be recognized that any agreements have been subject to cancellation on very short notice, and for this reason the rates secured for power and the amount of power sold are very much less than would otherwise have been the case.

The matter of sale of power to the city of Muscle Shoals was given very careful consideration by this department and without prejudice. Representatives from the office of the Chief of Engineers were sent to the city of Muscle Shoals to make an investigation of the situation and to estimate upon the amount of power which could be economically absorbed in the community. The city of Muscle Shoals at that time was served by isolated plants having a total combined capacity of approximately 160 kilowatts, from which the daily consumption was not over 1,500 kilowatt-hours per day. The probable demand, as stated by the city of Muscle Shoals, was considered to be highly speculative and contemplated a very rapid and abnormal growth of industry induced by the promise of electric power at very low rates. Since any agreement for electric service would have been subject to frequent interruption and cancellation on short notice, it is extremely unlikely that industries would have been attracted by the possibility of obtaining cheap electric power under these conditions.

In connection with this matter, I wish to correct a statement contained in paragraph 5 of your letter concerning the amount of power guaranteed by the city of Muscle Shoals. The amount referred to was 10,000 kilowatt-hours per day, which, at a rate of 4 mills per kilowatt-hour, would total $14,600 per year instead of $350,400, as you have assumed.

As previously stated, the plant at Wilson Dam was not designed for distribution of retail power to small consumers. The generating units are of 25,000 and 35,000 horsepower capacity, and if these units are run at less than 13,500 horsepower load, pitting on the runners is very rapid. The agreement with the Alabama Power Co. is such that whenever the load drops below 13,500 horsepower the plant is shut down and the operators are not paid for the time they are off shift. Such interruptions occur very frequently and such service would not be satisfactory for municipal or industrial uses.

In view of the above, it is felt that the department has acted for the best interests of the Government in permitting the Alabama Power Co. to purchase the output from Wilson Dam and to make a connection with the Southern Tennessee Power Co. through the transmission line now under construction. It is also believed to have acted wisely in rejecting the request of the city of Muscle Shoals for the purchase of power directly from Wilson Dam.

Sincerely yours,

PATRICK J. HURLEY,
Secretary of War.

FLORENCE, ALA., *June 27, 1930.*

Hon. HUGO L. BLACK,
United States Senate, Washington, D. C.:

Telegram received to-day, as follows:

"FORT MCPHERSON, GA., *June 26, 1930.*

"*Mayor and Aldermen, Town of Muscle Shoals:*

"Florence, Ala., reference telegram June 17 regarding your application for power from Wilson Dam. Pending congressional action, this

department considers it the best interest of the Government to continue present agreement with Alabama Power Co. and not to establish policy of retailing small amounts of power, both on account of operating difficulties and conflict with existing agreement. Tennessee Power Co. is purchasing power from Alabama Co. and not from Government direct.

"HURLEY,
"Secretary of War, Washington."

Am forwarding original by mail.

W. F. MCFARLAND.

Mr. HOWELL. Mr. President, I would like to ask the junior Senator from Alabama [Mr. BLACK] if any evidence of a written contract giving an exclusive privilege to the Alabama Power Co. to the use of the power from Wilson Dam has been afforded him?

Mr. BLACK. The contract which has been afforded me, according to my interpretation, does not give an exclusive privilege, but a letter which was sent to me by the Secretary of War states that they did have an exclusive right to purchase the power.

Mr. HOWELL. Mr. President, two years ago, I think it was in 1927, a delegation came from Muscle Shoals to Washington, after Congress had adjourned, and visited my office. They stated that about 80 per cent or more of the firm or minimum power at Muscle Shoals was being wasted, and although they had applied to the Secretary of War and requested the privilege of a small amount of energy for use at Muscle Shoals and had offered 4 mills a kilowatt-hour for the energy, instead of 2 mills, the rate being paid by the Alabama Power Co., they had been refused the privilege of buying that power at Muscle Shoals.

I went with the delegation to the office of the Chief of Engineers of the Army, and in an interview I was informed that there was no exclusive right on the part of the Alabama Power Co. to the use of that power. I then asked why it was that they refused to afford Muscle Shoals the small amount of energy at twice the rate which the Alabama Power Co. was paying; why they would not allow Muscle Shoals that privilege under those circumstances. They stated that they did not like to incur the ill will of the Alabama Power Co. My reply was, "Wait until the Alabama Power Co. objects. The city of Muscle Shoals does not ask for a contract extending over a period of time. They merely ask that they may buy the power from month to month. Why not grant them the right to purchase the energy at 4 mills, or twice what the Alabama Power Co. is paying?" The answer was that it might be contrary to the policy of the administration.

Mr. President, in view of what was told me at that time, that there was no exclusive right on the part of the Alabama Power Co. to use that energy, I ask unanimous consent to offer the following resolution, and I will ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be reported.

The resolution (S. Res. 307) was read and agreed to, as follows:

Resolved, That the Secretary of War be, and is hereby, requested to furnish the Senate with the written agreement entered into with the Alabama Power Co. for the exclusive use of hydroelectric power generated at the Wilson Dam, Muscle Shoals.

AGRICULTURAL TARIFF RATES

Mr. FESS. Mr. President, I ask unanimous consent to have printed in the RECORD an analysis made by Mr. Chester H. Gray on the tariff law now in operation.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *June 24, 1930.*

Hon. SIMEON D. FESS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR FESS: The American Farm Bureau Federation in its legislative activities at Washington for the last 18 months has been very active in securing such adjustments of agricultural tariff rates as have occurred to the farm bureau membership as being necessary to give the domestic market to the producers of our various farm crops.

Now that the tariff act of 1930 is operative it seems wise to give the farm bureau membership an analysis of the new law from an agricultural point of view. This is sought to be done in the attached letter to President Thompson and the State Farm Bureau Federations.

For your convenience I am calling your attention to the summary to be found on pages 8 and 9, which will give, I believe, the gist of the subject matter in the entire document.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY,
Washington Representative.

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., June 21, 1930.

TO PRESIDENT THOMPSON AND THE STATE FARM BUREAU:

The objective of the American Farm Bureau Federation in tariff-adjustment matters has been not to destroy protection, but to secure it for farm crops, so that farmers might profitably enjoy supplying the domestic market. There have been two methods or yardsticks which we have used in measuring the extent of protection which is being granted farm products. One method is that of comparing agricultural rates of duty with industrial ones to see how much of the spread or difference of protection which heretofore has existed between agricultural and industrial commodities has been eliminated. The other method is that of ascertaining the extent of increases on agricultural products in the act of 1930 over the act of 1922, both in farm crops considered as a whole and in groups of commodities.

The tariff policies of the American Farm Bureau Federation seem to accent the idea that farmers may sell themselves rich in the domestic market. Much less thought is given in the Farm Bureau to the idea of so adjusting tariff rates that farmers can buy themselves rich. The average American farmer seems to think that if he can be protected against his foreign competitors he need not be so much concerned about the buying end of the farm game.

On May 21, 1929, there was sent you an analysis of the tariff bill as passed by the House of Representatives. Again, on September 12 another analysis was supplied you relative to the bill as it was reported by the Senate Finance Committee. Neither of these analyses showed that the bill was satisfactory to us.

Now we have a third opportunity to measure the effectiveness of the tariff bill since it has become law, and all its rates and provisions are definitely known. It is necessary to determine in all of our tariff considerations what products shall be listed as agricultural and what ones as industrial. The result obtained by any comparative computation of tariff rates will depend upon the classification of the products in the tariff act.

The Farm Bureau definition of an agricultural product in tariff matters is one upon which the farmer is the prime beneficiary of a rate of duty. Our definition of an industrial product is one upon which a processor is the prime beneficiary of a rate of duty. This is a severe separation of agricultural and industrial products, but its very severity makes for clearness of comparison of agricultural and industrial rates. Such definitions do not permit the classifying of products as agricultural unless they really are such that the farmer is the one most concerned in their profitable sale. There is listed as Table I in the Appendix herewith attached the complete classification of products used in this letter.

Your attention is now called to Tables I–A and I–B, found in the Appendix. In these tables, as well as in all others presented herein, the values of imports and duties are taken from data of the Tariff Commission.

Summary of Tables I–A and I–B

Computed ad valorem rate—	Industrial products	Agricultural products
	Per cent	*Per cent*
In act of 1930	42.83	33.94
In act of 1922	37.35	22.37
Increase	5.48	11.57
Per cent of increase above 1922 base	14.6	51.6

It will be seen from the summary of these tables that the industrial rate in the act of 1930 has an increase of 5.48 points above the 1922 rate. We note an agricultural rate increase in the act of 1930 compared to the act of 1922 of 11.57 points. In other words, the agricultural rates have increased a bit more than twice as much as the industrial rates. It will be seen from this table also that the per cent of increase above the 1922 base for the industrial rates is 14.6 per cent; for the agricultural rates the per cent of increase above the 1922 base is 51.6 per cent. This shows that the per cent of increase over the 1922 base for agricultural products has been raised three and fifty-three one-hundredths times as much as has the per cent of increase over the 1922 base for industrial products—a most natural and expected development since farm crops started at a much lower level of protection than did industrial products.

A further comparison of Tables I–A and I–B is interesting to see how much of the spread or difference of protection between industrial and agricultural products has been eliminated in the act of 1930 compared to the act of 1922. One might conclude, superficially, with the per cent of increase over the 1922 base on farm rates going up about three and one-half times faster than on industrial ones, that the elimination of the spread of protection would be automatic. But the low level of agricultural rates and the comparatively high level of industrial rates at the start make it difficult for farm rates to catch up with industrial ones, even when the latter are moving upward much slower than the former.

Spreads (from Tables I–A and I–B)

Computed ad valorem rate on—	Act of 1922	Act of 1930	Excess of 1922 spread over 1930
	Per cent	*Per cent*	*Per cent*
Industrial products	37.35	42.83	
Agricultural products	22.37	33.94	
Spread	14.98	8.89	6.09

From the table just above one can note that the rate on industrial products in the act of 1922 exceeded the rate on agricultural products by 14.98 points. In the act of 1930 industrial products exceeded agricultural products in their rates of duty to the extent of 8.89 points. In other words, the excess of the 1922 spread over the 1930 spread was 6.09 points. This is 40.6 per cent elimination of the spread which existed between agricultural and industrial products in 1922.

If sugar and butter should be added to the list of agricultural products and subtracted from the first processed forms of agricultural products, a very different result would be obtained than that just above noted. Many farmers consider these two products as being as much agricultural in character as corn is, for instance, but in the severe classification of products formerly referred to in this letter and itemized in Table I of the appendix, these two products are considered as being processed commodities rather than agricultural ones. If one cares to list them in the agricultural products, the spread of protection between agriculture and industry is completely eliminated.

Much, perhaps half, of the work by the American Farm Bureau Federation on tariff matters during the formation of the act of 1930 has been applied to securing higher rates of duty on the processed or manufactured forms in which farm crops often are sold. We realize that a duty on an agricultural product is usually only partially effective if corresponding duties are not levied on the processed forms of the same commodity. This being so, we are interested in knowing what the situation in the new tariff act is in regard to duties on the first processed forms of the agricultural commodities. The farmer undoubtedly gets a great benefit—no one can decide arbitrarily how much or how little—from these duties in the way of a steadier and more dependable domestic market for his farm products, as well as in a larger profit for his year's sales to the processors who put his crops into shape for consumption.

In Tables II–B and II–C, to be found in the appendix, very careful tabulation is given of the first processed forms of agricultural commodities grouped with agricultural products and consequently taken from the industrial products. Since, as above stated, the farmer gets much benefit from the rates on his commodities when processed, it is necessary to summarize the results obtained when agricultural products, plus their first processed forms, are compared to all other items in the tariff act. It should not fail to be noticed that only the "first" processed form is included in this computation. We do not pretend to follow a farm crop into all its devious manufactured forms and maintain that the farmer shares equally with the manufacturer in tariff benefits. But on the first processed form of a farm crop the farmer undoubtedly gets the lion's share of a tariff benefit. This is particularly true where cooperative associations are active in securing participating contracts between grower and processor, or where such associations market the products of their members. Both of these developments are growing rapidly.

Summary of Tables II–B and II–C

Computed ad valorem rate—	Industrial products less first processed forms of agriculture	Agricultural products plus first processed forms
	Per cent	*Per cent*
In act of 1930	37.42	45.12
In act of 1922	33.85	34.17
Increase	3.57	10.95
Per cent of increase above 1922 base	10.5	32.04

When this sort of comparison is made it is seen that the industrial products have a rate increase in the 1930 act over 1922 of 3.57, while agricultural products have an increase of 10.95 points. Turned into percentages relating to the 1922 bases these increases above the 1922 bases give for industrial products 10.5 per cent and for agricultural products 32.04 per cent. These figures show that when the first processed forms of agricultural products are considered along with agricultural products and compared to industrial products less the first processed forms of agriculture, approximately three times as much increase is noted above the 1922 bases on agricultural as on industrial products.

Again comparing Tables II–B and II–C in regard to the elimination of spread of protection between agriculture and industry we find the following condition to exist:

Spreads from Tables II–B and II–C

Computed ad valorem rate on—	Act of 1922	Act of 1930	Excess of 1930 spread over 1922
	Per cent	*Per cent*	*Per cent*
Agricultural products plus first processed forms	34.17	45.12	
Industrial products less first processed forms of agriculture	33.85	37.42	
Spread	.42	7.70	7.28

The difference between the rate of duty on agricultural products plus the first processed forms thereof and industrial products less the first processed forms of agriculture in the act of 1922 was only 0.42 of 1 point. In the act of 1930 this difference had grown to 7.70 points. Consequently the excess of the 1930 spread between agricultural and industrial products over the act of 1922 is 7.28 points. Stating this differently, it means that when the farmer's welfare is considered not only from the rates of duty on the crops which he himself sells but also upon those which find the market as the first processing of his crops, the elimination of the spread between agriculture and industry is more than completed. In fact, from this point of view agricultural products, starting with 0.42 point in the act of 1922 and gaining 7.70 points in the act of 1930, now stand 8.12 points better protected than industry. Granting that the farmer does not get all of the tariff benefits accruing from duties on processed agricultural products, it will be seen that he does not need to get all of such benefits in order to be on an approximate tariff equality with industry, since his products with their first processed forms are noticeably higher in rates than is industry without such first processed forms of agriculture.

Having now in this letter given some attention to the increased rates on agricultural products as a whole, and to the elimination of the protective spread, it is next in order to study the increases on groups of farm crops. In Tables III–A, III–B, and III–C, to be found in the appendix, practically all the commodities in which we have expressed our interest along tariff lines are listed in appropriate groupings. It will be noted in studying these three tables, whether one considers the agricultural product itself or its first processed form, that increases have been granted in every instance. These increases vary considerably, being as low as 1.28 for garden and flower seeds and as high as 38.29 for vegetables.

Bearing in mind that the average increase for all agricultural products in the act of 1930 over the act of 1922 is 11.57 points (see summary of Tables I–A and I–B), it is worth noticing that certain groups of agricultural products go beyond this average. These groups are dairy products, field and grass seed, vegetables, oil-bearing seeds, long-staple cotton, sugar, and molasses. The groups which fall below the general average of farm rates are poultry and eggs, grain, nuts, garden and flower seeds, wool, and fiber flax. The remaining groups are so near the general average of increase as to make their mention unnecessary.

When the agricultural products and their first processed forms (see Table III–C) are taken together in groups, we find that livestock with meat and meat products, dairy products, nuts, vegetables, and long-staple cotton have been increased beyond the 11.57 points of increase for agricultural products. Poultry and poultry products, grain and grain products, seeds, oil-bearing seeds and oils, wool, flax and hemp, and sugar and molasses fall below the general average of increase for agricultural products.

Summary of Tables III–A, III–B, and III–C

Groups	Increase on agricultural products from III–A	Increase on first processed forms from III–B	Increase on agricultural products plus first processed forms from III–C
Livestock	10.82	17.73	12.96
Dairy	22.43	9.31	11.74
Poultry	4.47	7.94	7.29
Grain	5.22	6.51	6.41
Fruits	10.41	13.13	11.21
Nuts	9.54	15.54	13.39
Vegetables	38.29	21.24	32.57
Oil-bearing seeds and fats and oils	12.10	5.08	9.29
Wool	4.04	9.59	4.23
Flax and hemp	3.41	2.46	2.82
Sugar and molasses	24.54	9.19	9.42

It is worthy of mention that in the above summary of Tables III–A, III–B, and III–C, one can not help observing that dairy products have

a fine increase of 22.43 points. However, the first processed forms of dairy products are shown to have only 9.31 points of increase. Now, tracing these two percentages of increase into the third column, we find the composite increase on both dairy products and their first processed forms is 11.74 points. Here is a case where the farm product is rather fairly treated, but further along the line of protection it seems such adequate consideration was not given.

The reverse condition is found in a study of livestock and meat products. On livestock itself in the first column the increase is 10.82 points; on meat products in the second column the increase is 17.73 points. The composite increase as shown in the third column is pulled down to 12.96 points. Could the rate on livestock have been made as high as that on meat products it would be better; but the higher rate on meat products will benefit the producer who sells livestock.

A most startling result is seen in studying the increase on sugar and molasses in the above summary. Sugar and molasses, as agricultral products, have been increased 24.54 points; the first processed forms of sugar and molasses have an increase of only 9.19 points. The result is that the composite increase is only 9.42 points.

It is needless to extend these comparisons since they are easily made by anyone who studies the three columns of increases in the above table. One thing must be observed, however, in relation to this table, which is that there should be a balance in the protective rates that are levied on agricultural products and on the first processed forms of agricultural products, or else the lack of balance may destroy the intent of getting more adequate protection. A low rate on the processed agricultural product usually has the effect of minimizing the benefit of even a high rate on the agricultural product itself, since the foreign-grown product is then imported in its processed form. Similarly a low rate on an agricultural product combined with a high rate on its processed form is a bad combination, as then the foreign product comes in as raw material.

A letter of information in regard to the tariff act of 1930, which this communication purports to be, would not be complete without a brief mention of the administrative and miscellaneous provisions as contained in that act:

(a) The flexible tariff provision has been retained; it has been made more flexible; its definitions of transportation costs are a bit more exact than in the act of 1922; its somewhat more definite recognition of the function and powers of the Tariff Commission will give that body more latitude in adjusting rates as economic conditions change; the modification of the cost of production formula so that it is not the sole basis upon which rates can be made higher or lower; all these are in approximate accord with the position of the American Farm Bureau Federation. It is unfortunate that the Tariff Commission, which is the functioning body relative to flexibility of tariff rates, is left as a bipartisan even-numbered group since this condition promotes deadlocks.

(b) Domestic valuation rather than a continuation of the foreign valuation is recognized, in that a study is to be made of the question by the Tariff Commission as the basis of further action by Congress. This was recommended by the American Farm Bureau Federation. Whenever the shift is made from the foreign basis of valuation to the domestic basis, the ad valorem rates of duty will need to be scaled down to the extent that the domestic value exceeds the foreign value, so that the amount of duties on a commodity will be the same under one basis of valuation as under the other.

(c) The drawback on flour is eliminated from the tariff act of 1930, which is exactly in accord with the Farm Bureau position upon this matter.

(d) The preferential rate on exports of flour milled in bond will be neutralized when such flour is sent to a foreign country, like Cuba, by the requirement of paying a duty equal to the amount of reduced duty granted by such foreign country. This provision was supported by the American Farm Bureau Federation.

(e) The total abolishment of the preferential trade agreement with Cuba is not incorporated in the present law, as was requested by the American Farm Bureau Federation, and perhaps could not well be, since it is a matter for separate congressional action.

(f) Section 301, dealing with the products of the Philippine Islands and giving them free entry to our Nation, continues as in the act of 1922. The American Farm Bureau Federation asked independence for the Philippines, which will be a matter for early consideration next winter in separate legislation now reported from committee.

SUMMARY

1. The increase of protection on agricultural products in the act of 1930 compared to the act of 1922 is 11.57 points. (See Summary of Tables I–A and I–B.)

2. The increase of protection on industrial products in the act of 1930 compared to the act of 1922 is 5.48 points. (See Summary of Tables I–A and I–B.)

3. The percentages of increase above the 1922 bases are 14.6 per cent and 51.6 per cent, respectively, for industrial and agricultural products, or 3.53 times as fast for agriculture as for industry. (See Summary of Tables I–A and I–B.)

4. The increase of protection on agricultural products plus their first processed forms in the act of 1930 compared to the act of 1922 is 10.95 points. (See Summary of Tables II–B and II–C.)

5. The increase of protection on industrial products, not including first processed forms of agricultural products, in the act of 1930, compared to the act of 1922 is 3.57 points. (See Summary Tables II–B and II–C.)

6. The percentages of increase above the 1922 bases are 10.5 per cent and 32.04 per cent, respectively, for industrial products, less first processed agricultural forms, and agricultural products plus first processed forms, or three and five one-hundredths times as fast for the latter as for the former. (See Summary of Tables II–B and II–C.)

7. The increase, 5.48 points (see Summary of Tablse I–A and I–B), on all industrial products is greater than the increase, 3.57 points (see Summary of Tables II–B and II–C), on industrial products less the first processed agricultural forms; thus showing that more attention has been given to the first processed form of agricultural products than to the general run of industrial products.

8. The increase of 11.57 points on agricultural products (see Summary of Tables I–A and I–B) is greater than the increase, 10.95 points (see Summary of Tables II–B and II–C), on agricultural products plus first processed forms; thus showing that agricultural products have been given more attention than is accorded the first processed forms.

9. The elimination of spread of protection between all agricultural products and all industrial products is 40.6 per cent. (See Spreads from Tables I–A and I–B.)

10. The inclusion of sugar and butter as agricultural products rather than as processed commodities shows a 100 per cent elimination of the spread of protection between agriculture and industry. (See Spreads from Tables I–A and I–B.)

11. The elimination of spread of protection between agricultural products plus their first processed forms and industrial products less the first processed forms of agriculture is 8.12 points more than complete. (See Spreads from Tables II–B and II–C.)

12. Increases of varying sizes are given in the rates on every group of agricultural products. (See Summary of Tables III–A, III–B, and III–C.)

It is hoped the information contained in this letter may be of assistance to you in forming your conclusions relative to the tariff act of 1930.

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY,
Washington Representative.

EXHIBIT

TABLE I.—*Classification of dutiable products*

(Does not include items on free list or items on which rates of duty are not comparable in the act of 1922 and the act of 1930)

Schedule No. and description	Agricultural products	First-processed forms of agricultural products	Industrial products
I. Chemicals, oils and paints.	None	Oils; casein; starches; dextrine; inedible citrus juices; citrate of lime; citric acid; lactic acid; butyl alcohol; ethyl alcohol.	All other articles in this schedule.
II. Earths; earthenware; glassware.	....do	None	All articles in this schedule.
III. Metals and manufactures of.	....do	....do	Do.
IV. Wood and manufactures of.	Logs	Maple, beech, and birch flooring; brier; ivy, and laurel root in blocks; sawed cabinet woods; split bamboo; wood flour; willow or osier for basket making; wood skewers; plain baskets; partly manufactured woods.	All other articles in this schedule.
V. Sugar, molasses, and manufactures of.	Edible molasses and sugar sirup, maple sugar, maple sirup; sugarcane.	Cane sugar; beet sugar; blackstrap molasses; dextrose and dextrose sirup; raro sugars; salicin.	Colored refined sugar; sugar candy; confectionery.

TABLE I.—*Classification of dutiable products*—Continued

(Does not include items on free list or items on which rates of duty are not comparable in the act of 1922 and the act of 1930)

Schedule N and descripto.	Agricultural products	First-processed forms of agricultural products	Industrial products
VI. Tobacco and manufactures of.	Unstemmed wrapper tobacco; unstemmed filler tobacco; other leaf tobacco, unstemmed.	Stemmed wrapper tobacco; stemmed filler tobacco; unmanufactured scrap tobacco; cut tobacco stems.	Cigars; cigarettes; snuff; snuff flour; cut tobacco stems; other manufactured tobacco, n. s. p. f.
VII. Agricultural products and provisions.	Cattle, sheep, lambs, goats, swine, horses, mules, and other live animals; whole milk; sour milk; buttermilk; cream; live poultry and other live birds; eggs in the shell; honey; barley; buckwheat; corn (including cracked corn); oats; rough rice; rye; wheat; apples, green or ripe; apricots, green, ripe, dried, or in brine; dates, fresh or dried; grapes; raisins; other dried grapes; currants; lemons; limes; oranges; grapefruit; green or ripe olives in brine; dried ripe olives; cherries in natural state; figs, fresh, dried or in brine; berries, natural or in brine; peaches and pears, green or ripe; pineapples in bulk or crates; plums, prunes or prunelles, dried, green, ripe or in brine; flower bulbs, plants, roots, stocks, etc.; cut flowers; seedlings, cuttings, and layers of fruit trees, fruit vines, fruit plants and fruit bushes; ornamental propagating stocks and plants; unshelled nuts; coconuts; pignolia nuts; pistachio nuts; castor beans; flaxseed; poppyseed; sunflower seed; apricot and peach kernels; soybeans; cottonseed; field and grass seed, including alfalfa, clovers, etc.; garden and flower seeds; beans, green or dried; cowpeas; sugar beets; and other beets; lentils; lupines; fresh mushrooms; peas, green or dried; dried chickpeas; onions; garlic; white potatoes; fresh tomatoes; turnips; cabbage, acorns, chicory, and dandelion roots, crude; hay; straw; broomcorn; hops; unground spices and spice seeds; teasels; long staple cotton.	Meats; tallow, oleo stearin; oleo oil; lard; lard substitutes; malted milk and milk or cream compounds; cream powders; whole milk powder; skimmed milk powder; butter; condensed or evaporated milk; cheese; poultry and game birds, dressed or undressed; canned game birds; poultry, prepared; frozen eggs and dried eggs; barley malt; pearled barley; barley flour and patent; buckwheat flour; cornmeal, flour, grits, etc.; unrolled ground oats; oatmeal; rolled oats, grits, etc.; uncleaned rice, free from outer hulls; clean rice; broken rice; rice flour, meal, polish, bran, etc.; rye flour, wheat flour; wheat grits; semolina, crushed wheat, etc.; grain flour; bran, shorts and other mill feeds; grain hulls; dried beet pulp, malt sprouts and brewers' grain; mixed feeds; oil cake and oil-cake meal; screenings; cereal breakfast foods; apples, dried or otherwise prepared; apricots, prepared (other than dried or in brine); berries, dried or otherwise prepared; cherries, pitted, maraschino, or otherwise prepared; orange and lemon peel, crude, dried or prepared; citron and citron peel, crude, dried or prepared; figs and dates, prepared (other than dried); cider; vinegar; pitted or stuffed olives; peaches and pears, dried or otherwise prepared; pineapples, prepared; plums, prunes, and prunelles, prepared (other than dried); jellies, jams, marmalades, fruit butters, etc.; fruits, n. s. p. f., fresh, dried, or otherwise prepared; shelled nuts; nut pastes; nuts, pickled or otherwise prepared; coconut meal; beans and peas, canned or otherwise prepared (other than dried); split peas; tomatoes, canned or otherwise prepared; mushrooms, dried or canned; dried potatoes and potato flour; other vegetables, n. s. p. f., cut, sliced or prepared in any manner; bean cake, miso, etc., prepared horseradish, sauerkraut; pimentoes; pickles or cucumbers; sauces; prepared soybeans; pastes, soups, etc.; prepared acorns, chicory, dandelion roots and ginger root; hop extract and lupulin; spices, ground or otherwise prepared; mixed spices in packages.	Biscuits, wafers, cakes, puddings, etc.; macaroni, noodles, etc.; cocoa; chocolate, cacao butter; coffee substitutes; rice straw and rice fiber; fish, fresh, dried, smoked, canned, salted, frozen, or otherwise prepared; crabmeat; fish-pasta and sauce; caviar; edibel fish roe; canned clam.
VIII. Spirits, wines and other beverages.	None	None	All articles in this schedule.
IX. Cotton, manufactures of.	do	do	Do.
X. Flax, hemp, jute, manufactures of.	Flax straw; unhackled flax; unhackled hemp	Hackled flax; flax tow; hackled hemp	All other articles in this schedule.
XI. Wool and manufactures of.	Carpet, clothing, and combing wools, on the skin, in the grease, or washed; hair of the Angora goat, Cashmere goat, alpaca, and other like animals, on the skin, in the grease, or washed.	Carpet, clothing, and combing wools, scoured; hair of the Angora goat, Cashmere goat, alpaca and other like animals, scoured.	Do.
XII. Silk and silk goods.	None	None	All articles in this schedule.
XIII. Rayon manufactures.	do	do	Do.
XIV. Papers and books.	do	do	Do.
XV. Sundries	Cattle hides; buffalo hides; kip skins; calfskins	Leathers made from hides of cattle and calves, including upholstery leather; bag, strap, case, and football leather; upper leather (cattle) calf and kip leather; lining leather (calf and kip only), patent upper leather; sole leather; leather cut into soles; harness leather; and belting leather.	All other articles in this schedule.

TABLE I–A.—*Agricultural products*

Schedules	Value of imports, 1928 (1)	Total duties, act of 1922 (2)	Total duties, act of 1930 (3)	Computed ad valorem rate, act of 1922 (2÷1)	Computed ad valorem rate, act of 1930 (3÷1)
I	None.	None.	None.	None.	None.
II	None.	None.	None.	None.	None.
III	None.	None.	None.	None.	None.
IV	$944,706	$65,705	Free.	0.07	Free.
V	2,557,000	616,045	$1,243,371	24.09	48.63
VI	44,368,729	30,612,771	31,669,177	69.00	71.38
VII	176,189,789	29,675,774	58,261,318	16.84	33.07
VIII	None.	None.	None.	None.	None.
IX	None.	None.	None.	None.	None.
X	1,491,368	71,202	121,990	4.77	8.18
XI	38,068,943	16,149,691	17,684,966	42.42	46.46
XII	None.	None.	None.	None.	None.
XIII	None.	None.	None.	None.	None.
XIV	None.	None.	None.	None.	None.
XV	81,446,857	Free.	8,144,686	Free.	10.00
Total	345,067,392	77,191,188	117,125,508	22.37	33.94

TABLE I–B.—*Industrial products*

Schedules	Value of imports, 1928 (1)	Total duties, act of 1922 (2)	Total duties, act of 1930 (3)	Computed ad valorem rate, act of 1922 (2÷1)	Computed ad valorem rate, act of 1930 (3÷1)
I	$94,752,897	$27,688,949	$29,748,153	29.22	31.40
II	55,921,814	25,511,007	29,995,159	45.62	53.64
III	118,658,708	40,003,772	41,537,266	33.71	35.01
IV	16,143,361	4,125,651	4,139,242	25.56	25.64
V	172,202,643	117,956,084	133,693,217	68.49	77.64
VI	17,949,895	8,702,020	8,702,020	48.48	48.48
VII	140,619,003	34,448,630	50,245,500	23.50	34.27
VIII	1,433,616	523,045	680,009	36.48	47.44
IX	48,300,609	19,451,394	22,422,198	40.27	46.42
X	131,716,123	24,120,500	25,378,935	18.30	19.27
XI	78,274,483	41,486,950	51,924,275	53.00	66.34
XII	32,440,152	18,348,161	19,181,350	56.56	59.13
XIII	11,425,596	6,019,359	6,126,964	52.68	53.62
XIV	20,666,437	5,113,098	5,385,775	24.74	26.06
XV	246,057,935	71,959,625	81,553,821	29.24	33.14
Total	1,192,563,305	445,458,195	510,716,944	37.35	42.83

TABLE II–A.—*First-processed forms of agricultural commodities*

Schedules	Value of imports, 1928 (1)	Total duties, act of 1922 (2)	Total duties, act of 1930 (3)	Computed ad valorem rate, act of 1922 (2÷1)	Computed ad valorem rate, act of 1930 (3÷1)
I	$29,544,037	$8,495,844	$10,871,623	28.76	36.80
II	None.	None.	None.	None.	None.
III	None.	None.	None.	None.	None.
IV	1,446,251	209,325	384,159	20.70	26.56
V	171,246,888	117,573,821	133,313,974	68.66	77.85
VI	14,352,942	6,439,249	6,439,249	44.86	44.86
VII	91,129,958	21,961,787	34,702,867	24.10	38.08
VIII	None.	None.	None.	None.	None.
IX	None.	None.	None.	None.	None.
X	2,459,800	116,133	176,691	4.72	7.18
XI	1,362,902	679,999	810,714	49.89	59.48
XII	None.	None.	None.	None.	None.
XIII	None.	None.	None.	None.	None.
XIV	None.	None.	None.	None.	None.
XV	24,698,566	50,344	3,563,843	0.20	14.43
Total	336,232,344	155,616,502	190,263,120	46.28	56.59

TABLE II–B.—*Agricultural products plus their first-processed forms*

Schedules	Value of imports, 1928 (1)	Total duties, act of 1922 (2)	Total duties, act of 1930 (3)	Computed ad valorem rate, act of 1922 (2÷1)	Computed ad valorem rate, act of 1930 (3÷1)
I	$29,544,037	$8,495,844	$10,871,623	28.76	36.80
II	None.	None.	None.	None.	None.
III	None.	None.	None.	None.	None.
IV	2,390,957	505,430	384,159	15.27	16.07
V	173,803,888	118,189,866	134,557,345	68.00	77.42
VI	58,721,671	37,052,020	38,108,426	63.10	64.90
VII	267,310,747	51,637,561	92,904,185	19.32	34.78
VIII	None.	None.	None.	None.	None.
IX	None.	None.	None.	None.	None.
X	3,951,168	187,335	208,681	4.74	7.56
XI	39,431,845	16,829,690	18,495,680	42.68	46.91
XII	None.	None.	None.	None.	None.
XIII	None.	None.	None.	None.	None.
XIV	None.	None.	None.	None.	None.
XV	106,145,423	50,344	11,708,529	0.05	11.03
Total	681,299,736	232,807,690	307,388,628	34.17	45.12

TABLE II–C.—*Industrial products less first-processed forms of agriculture*

Schedules	Value of imports, 1928 (1)	Total duties, act of 1922 (2)	Total duties, act of 1930 (3)	Computed ad valorem rate, act of 1922 (2÷1)	Computed ad valorem rate, act of 1930 (3÷1)
I	$65,208,860	$19,193,105	$18,876,530	29.43	28.95
II	55,921,814	25,511,007	29,995,159	45.62	53.64
III	118,658,708	40,093,772	41,537,266	33.71	35.01
IV	14,697,110	3,826,326	3,755,083	26.03	25.55
V	955,755	382,243	382,243	39.99	39.99
VI	3,596,953	2,262,771	2,262,771	62.91	62.91
VII	55,498,048	12,486,843	15,542,633	22.50	28.01
VIII	1,433,616	523,045	680,069	36.48	47.44
IX	48,300,609	19,451,364	22,422,198	40.27	46.42
X	129,256,323	24,004,367	25,202,244	18.57	19.50
XI	76,911,581	40,806,951	51,113,561	53.06	66.46
XII	32,440,182	18,348,161	19,181,350	56.56	59.13
XIII	11,425,596	6,019,359	6,126,964	52.68	53.62
XIV	20,666,437	5,113,098	5,385,775	24.74	26.06
XV	221,359,369	71,909,281	77,989,978	32.49	35.23
Total	856,330,961	289,841,693	320,453,824	33.85	37.42

TABLE III–A.—*Principal groups of agricultural products*

Groups	Value of imports, 1928 (1)	Total duties act of 1922 (2)	Total duties act of 1930 (3)	Computed ad valorem rates in act of— 1922 (2÷1)	1930 (3÷1)	Increase
Livestock	$103,237,244	$4,130,038	$15,299,862	4.00	14.82	10.82
Dairy products	6,893,762	862,989	2,409,604	12.52	34.95	22.43
Poultry and eggs	1,676,004	415,197	490,086	24.77	29.24	4.47
Grain	1,464,487	294,149	370,692	20.09	25.31	5.22
Fruit	15,428,109	4,500,561	6,106,601	29.17	39.58	10.41
Nuts	8,222,063	1,848,692	2,633,090	22.48	32.02	9.54
Seeds:						
Field and grass	$5,087,909	$978,673	$1,780,526	19.24	35.00	15.76
Garden and flower	2,674,167	484,891	519,170	18.13	19.41	1.28
Both	7,762,076	1,463,564	2,299,696	18.86	29.63	10.77
Vegetables	22,264,857	6,017,752	14,544,100	27.03	65.32	38.29
Oil-bearing seeds	36,835,664	7,823,597	12,282,086	21.24	33.34	12.10
Long-staple cotton	30,979,549	Free.	7,455,035	Free.	24.05	24.66
Wool	38,068,943	16,149,691	17,684,966	42.42	46.46	4.04
Fiber flax	1,491,368	71,202	121,990	4.77	8.18	3.41
Sugar and molasses	2,557,090	616,045	1,243,372	24.09	48.63	24.54

TABLE III–A.—*Principal groups of agricultural products*—Continued

TABLE III–B.—*Principal groups of first-processed forms of agricultural products*

Groups	Value of imports, 1928 (1)	Total duties act of 1922 (2)	Total duties act of 1930 (3)	Computed ad valorem rates in act of— 1922 (2÷1)	1930 (3÷1)	Increase
Meat and meat products	$46,151,573	$3,908,119	$12,093,443	8.47	26.20	17.73
Dairy products	30,414,479	8,223,075	11,056,580	27.04	36.35	9.31
Poultry and poultry products	7,334,592	2,386,932	2,969,104	32.54	40.48	7.94
Grain products	16,271,866	1,352,118	2,412,209	8.31	14.82	6.51
Fruits	6,391,063	1,955,421	2,791,923	30.60	43.73	13.13
Nuts	16,250,840	6,860,330	9,353,912	42.22	57.56	15.34
Vegetables	11,270,841	3,205,453	5,599,686	28.44	49.68	21.24
Vegetable, animal, and marine oils	24,711,820	7,380,282	8,637,292	29.87	34.95	5.08
Wool	1,362,902	679,999	810,714	49.89	59.48	9.59
Flax and hemp	2,459,800	116,133	176,691	4.72	7.18	2.46
Sugar and molasses	171,246,888	117,573,821	133,313,974	68.66	77.85	9.19

TABLE III–C.—*Principal groups of agricultural products and their first processed forms*

Groups	Value of imports, 1928	Total duties act of 1922	Total duties act of 1930	Computed ad valorem rates in act of— 1922	1930	Increase
Livestock, meat and meat products	$149,388,817	$8,038,157	$27,393,305	5.38	18.34	12.96
Dairy products	37,308,241	9,086,064	13,466,184	24.35	36.09	11.74
Poultry and poultry products	9,010,656	2,802,129	3,459,190	31.10	38.39	7.30
Grain and grain products	17,736,353	1,646,267	2,782,901	9.28	15.69	6.41
Fruits	21,819,172	6,455,982	8,901,524	29.59	40.80	11.21
Nuts	24,472,903	8,709,022	11,987,002	35.59	48.98	13.39
Seeds (field, grass, garden and flower)	7,762,076	1,463,564	2,299,696	18.86	29.63	10.77
Vegetables	33,535,698	9,223,205	20,143,786	27.50	60.07	32.57
Oil bearing seeds and vegetable, animal and marine oils	61,547,484	15,203,879	20,919,378	24.70	33.99	9.29
Long staple cotton	30,979,549	Free.	7,455,035	Free.	24.06	24.06
Wool	39,431,845	16,829,690	18,495,680	42.68	46.91	4.23
Flax and hemp	3,951,168	187,335	208,681	4.74	7.56	2.82
Sugar and molasses	173,803,888	118,189,866	134,557,346	68.00	77.42	9.42

NATIONAL HYDRAULIC LABORATORY (S. DOC. NO. 208)

Mr. HEBERT. Mr. President, I have before me a copy of a letter on the subject of hydraulic laboratories addressed to the Secretary of Commerce and others by Mr. John R. Freeman, of Rhode Island, one of the most eminent hydraulic engineers of this country, if not of the world. It is really an extensive monograph upon the subject. It shows careful preparation, it contains some very valuable suggestions for the construction of a hydraulic laboratory, which was authorized by an act of Congress passed within the last 10 days. I think it would be a most useful document for Members of Congress, as well as for many people in this country who are interested in flood control and kindred subjects.

I ask unanimous consent that not only the monograph itself but the accompanying illustrations be printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

FOLGER COLLECTION OF SHAKESPEARIANA

Mr. FESS. Mr. President, I would like to have the attention of the Senate for just a moment.

Mr. Henry G. Folger, the man who started the erection of the magnificent temple just east of the Library of Congress to house the rarest collection of Shakespeariana to be found anywhere in the world, died a few days ago. I understand that provision has been made in his will so that there will be no interruption in the plan of completing the building and having the collection located there.

I find also in Mr. Folger's will that his estate amounts to about $10,000,000. The first provision of the will makes the trustees of Amherst College the trustees of this Shakespeare fund. If they do not meet the requirements of the will, then it is provided that the trustees of the University of Chicago shall act as the trustees of the fund. If they fail to meet the requirements, then the $10,000,000 comes to the Library of Congress Trust Fund Board for such use as they may make of it.

This is the second will making the Library Trust Fund Board a legatee of a great gift. The first one was that of the late Mr. Wilbur, who bequeathed his large fortune to the University of Vermont, but on condition that the university must limit the number of students to something like 500, I think it was, and in case the university did not meet that requirement, then his entire fortune should come to the Library Trust Fund Board for the use of the Library.

I have here a copy of the portion of the will of Mr. Folger in which is mentioned the particular item to which I have referred, and I would like to have it, together with a letter of the Librarian of Congress to the members of the Library of Congress Trust Fund Board, printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

WASHINGTON, *June 26, 1930.*

To the Members of the Library of Congress Trust Fund Board:

You will have noticed in the press the provisions of the will of the late Henry C. Folger, whose building to the rear of the Library is in process of erection. Included among them is the designation of the trustees of Amherst College as the trustees of his endowment (estimated at $10,000,000).

A provision not cited in the press is, however, of concern to the board and has led to the dispatch to me, from the attorneys of the executrix, of a copy of the will together with notice of its probate. It is contained in the sixth paragraph of the will (a copy whereof is appended) which, after designating the trustees of Amherst as trustees of the endowment, provides that in case of their refusal or default the trustees of the University of Chicago shall be substituted, and in case of the refusal or default of the latter, confides the trust to the Library of Congress Trust Fund Board.

The substantial consideration which will attend the acceptance by either the college or the university makes entirely improbable the refusal or default of either institution. The conclusion, however, reached by Mr. Folger, who was in the habit of reaching such decisions only after careful investigation and deliberation, that in case either should refuse or fail as trustee, the trust shall vest in our board, is a certificate of confidence which should be valuable to it, and the compliment of it need not be impaired by the preference given to the college or the university, since the personal motives actuating in each case are entirely intelligible.

Faithfully yours,

HERBERT PUTNAM,
Librarian of Congress,
Secretary Library of Congress Trust Fund Board.

Sixth. In case the said trustees of Amherst College, or their successors, shall fail or refuse to accept the trust herein created, or shall fail to comply with any of the several clauses or any of the conditions or provisions of the foregoing fifth paragraph hereof, or if said Amherst College and said board of trustees should cease to exist, then and in that event the bequests and devises herein made to said trustees shall be revoked, forfeited, and terminated and the property bequeathed and devised and held by them hereunder shall be assigned, transferred, and vest in the trustees of the University of Chicago, and their successors as such trustees, who shall thereupon hold same under the same trusts, conditions, and provisions as if they had been originally designated herein as trustees of said property, except that in such case any of the income herein provided to be taken out, paid or used for the benefit of Amherst College shall be taken out, paid or used for the benefit of said University of Chicago; and if said trustees of the University of Chicago, or their successors, shall fail or refuse to accept the trust herein created, or shall fail to comply with any of the several clauses or any of the conditions or provisions of the foregoing fifth paragraph hereof, or if said University of Chicago and said board of trustees should cease to exist, then and in that event the bequests and devises herein made to said trustees shall be revoked, forfeited, and terminated and the property bequeathed and devised and held by them hereunder shall be assigned and transferred and vest in the Library of Congress Trust Fund Board with the same powers and subject to the same conditions as if they had originally been named herein as trustees, and upon the further condition that they keep the said library intact in a separate library building, as a distinct and separate part of the Congressional Library under the name of "Folger Shakespeare Memorial," and that the income herein bequeathed for the use of said colleges, or either of them, shall be used as the residue of the income for the upkeep and additions to said library.

ORDER OF BUSINESS

Mr. McNARY. Mr. President, earlier in the morning I suggested a unanimous-consent agreement for the consideration of unobjected bills on the calendar. I understand that the able senior Senator from Idaho [Mr. BORAH] desires to have an executive session, and I withdraw the proposal.

ADDRESSES OF SENATORS ASHURST AND HAYDEN AND REPRESENTATIVE DOUGLAS, OF THE STATE OF ARIZONA

Mr. BARKLEY. Mr. President, on June 8 Station KTAR, located at Phoenix, Ariz., became a part of the National Broadcasting system. On that evening the two Senators from Arizona, Senator ASHURST and Senator HAYDEN, and Representative DOUGLAS, of Arizona, made brief addresses over the radio, and I ask unanimous consent that the addresses may be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

RADIO ADDRESS OF SENATOR ASHURST

Good evening, friends and acquaintances throughout the United States!

The radio has made a whispering gallery of the skies; it assembles the people's thoughts and sends them around the world on wings as swift as the lightning's fiery bolt.

A radio speech may not indeed have the genius of gesture nor the majesty of overtones, but it has amplitude of utterance and has a rich romance approaching the mystic.

Music being the universal language in which mankind expresses thought and emotion, it is quite appropriate that when Station KTAR, of Phoenix, Ariz., becomes associated with the National Broadcasting Co., the inaugural should be a musical program.

I immensely appreciate this opportunity to speak to my unseen audience regarding Arizona whose people are patrons of learning, disciples of industry, and apostles of success and which State, paradoxical as it may seem, is at one and the same time the oldest and the newest of our governmental subdivisions; oldest in ancient occupation and civilization and the newest and freshest in modern progress. Sublime as are the glories of art and architecture, Arizona contains natural wonders of scenic grandeur chiseled when the world was young by the hand which sustains all creation. For example, her petrified forest, which lived its green millennium and put on immortality a million years ago. Arizona has a bracing, cleansing air which heals the throbbing nerves of pain. Her sunshine reddens the bloodless lip and paints the rose upon the invalid's pale cheek. She has irrigation projects so practical and yet so ideal that they charm the imagination with their wizardry. The fertility of Arizona's soil, the salubrity of her climate, the vastness of her mineral wealth make the lamp of Aladdin and the purse of Fortunatus appear tame and commonplace by comparison.

I thank you for your kind attention.

RADIO ADDRESS OF SENATOR HAYDEN

To all who listen in to-night, modern Arizona sends greetings. It has been hard to convince the rest of the world that there is an Arizona up to date in every respect. There are those who remember the poem which tells how—

"The Devil was given permission one day
To make him a place for his own special sway."

And then goes on to describe the desert heat, the thorny plants, the scorpions, tarantulas, and Gila monsters which were alleged to abound in a land where the bloodthirsty Apache roamed.

There were others who associated Arizona with killers who rode the range or walked the streets of old Tombstone armed with six-shooters ready to deal instant death on the slightest provocation.

In spite of the proposal of a Los Angeles Congressman that a law be passed giving our State back to Mexico, Arizona, the last admitted into the Union, is here to stay. No State is more truly American, and her people are building a commonwealth with which the rest of the Nation may well be proud to claim kinship. If there yet remain doubting Thomases, we cordially invite them to come to see what man has done to make the land fair and habitable and civilized.

All should know that a system of highways has been built in Arizona so that any climate from subtropical to cool temperate can be attained within a short day's travel. It is but a few hours from the cactus of the desert, to the pines of the plateau, from citrus groves to quaking aspen.

We have smoothed the roads and bridged the fords so that he who would view the wonders with which nature has so lavishly endowed our State may do so in comfort. The greatest of these is the Grand Canyon of Arizona which has been well described as a "paradox of chaos and repose, of gloom and radiance, immeasurable desolation and enthralling beauty, a despair and a joy, a woe and an ecstacy, a requiem and hallelujah."

He can see the painted desert where even a chameleon would explode trying to imitate the richness and glory of the colors. Remember that there is not only a petrified forest but also vast stretches of virgin timberland.

The winter visitor in southern Arizona is welcomed at fine hotels and at guest ranches where the spirit and traditions of the old West are faithfully preserved. If one is interested in the relics of prehistoric peoples, there are ruins like Casa Grande and cliff dwellings like Montezuma's castle. There are more full-blood Indians in Arizona than any other State, and we know that the Hopi town of Oraibi has been continuously inhabited for more centuries than any other place in America.

The old Arizona is fascinatingly blended into the new. And now we hope that all doubt will be removed from the mind of the last skeptic, for if he comes to our State he will still be in touch with all the best in radio through station KTAR, whose addition to the national broadcasting chain we welcome to-night. I know that I express the gratitude of every listener in Arizona when I say that the spirit of service to its public which the National Broadcasting Co. has shown in this instance is deeply appreciated.

RADIO ADDRESS BY REPRESENTATIVE DOUGLAS

It was 105 years ago that the first American, James Pattie, found his way into the valleys of the Gila and Salt Rivers in what is now known as Arizona. During the interval amazing developments have been witnessed. The acquisition of the West from Mexico; the gradual migration of Americans in the wake of a frontier ever advancing into the setting sun; the rise of the cattle country with its cattle barons; the clouds of dust hanging over the trains of covered wagons slowly winding their way westward; the laying of the steel rail to link the old East with a new West; the appearance and decline of the high-grade gold and silver mining camps where fortunes were made in the daytime and lost at night; the birth of a new mining industry to replace the one which is passing; the metamorphosis of the arid desert into green and fertile fields; in short, the rise of the old and the coming of a new frontier in American history; all of these and many more have been witnessed during the span of the century. But as important if not more important than any of them is the linking of Arizona with the East by the unseen intangible channels in the air. The association of KTAR with the National Broadcasting Co. will bring to romantic Arizona the benefits of air information; but it will do more, for it will bring pleasure to the many who suffered from service to their flag and who have sought the healing influence of the baby State of the United States.

EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate executive messages from the President of the United States submitting nominations and a treaty, which were referred to the appropriate committees.

HENRY W. ZIPF

Mr. MOSES. Mr. President, I report favorably from the Committee on Post Offices and Post Roads the nomination of Henry W. Zipf to be postmaster at Tucson, Ariz., in place of A. A. Dickerman, removed. I ask unanimous consent for the immediate consideration of the nomination.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

Mr. REED. Mr. President, from the Committee on Military Affairs I report favorably the following nominations:

TO BE CAPTAINS

First Lieut. Bernice Musgrove McFadyen, Infantry, from June 19, 1930.

First Lieut. Louis North Eller, Air Corps, from June 21, 1930.

TO BE FIRST LIEUTENANTS

Second Lieut. Harry William Miller, Infantry, from June 19, 1930.

Second Lieut. Sheldon Brightwell Edwards, Air Corps, from June 21, 1930.

I ask unanimous consent for the immediate consideration of the nominations.

The VICE PRESIDENT. Without objection, the nominations are confirmed, and the President will be notified.

Are there further reports of committees? If not, the calendar is in order.

LONDON NAVAL TREATY

Executive I was announced as first on the Executive Calendar.

Mr. BORAH. I ask that that go over.

The VICE PRESIDENT. The treaty will be passed over.

CONSIDERATION OF TREATIES

Mr. BORAH. Mr. President, let me say a word in regard to the other treaties on the Executive Calendar. The treaties with Chile and Poland are liquor-smuggling treaties. They are the same in terms as the treaties heretofore ratified in the Senate.

The treaties of arbitration and conciliation are identical with arbitration and conciliation treaties heretofore ratified.

I do not think it is necessary to take up the time to discuss the terms of the various treaties.

CONVENTION WITH CHILE TO AID IN PREVENTION OF SMUGGLING OF ALCOHOLIC BEVERAGES INTO THE UNITED STATES

The treaty Executive L was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration, as follows:

To the Senate:

I transmit herewith a convention between the United States of America and the Republic of Chile to aid in the prevention of the smuggling of alcoholic beverages into the United States, signed at Washington on May 27, 1930, to the ratification of which I ask the advice and consent of the Senate.

HERBERT HOOVER.

THE WHITE HOUSE.

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention to aid in the prevention of the smuggling of alcoholic beverages into the United States, concluded between the United States of America and the Republic of Chile on May 27, 1930.

Respectfully submitted.

H. L. STIMSON.

DEPARTMENT OF STATE,
Washington, May 29, 1930.

The President of the United States of America and the President of the Republic of Chile, being desirous of avoiding any difficulties which might arise between the Governments of the two countries in connection with the laws in force in the United States on the subject of alcoholic beverages, have decided to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America: Mr. Henry L. Stimson, Secretary of State of the United States of America; and

The President of the Republic of Chile: His Excellency Señor Don Carlos G. Dávila, Ambassador Extraordinary and Plenipotentiary of Chile in Washington;

Who, having communicated their full powers, found in good and due form, have agreed as follows:

ARTICLE I

The High Contracting Parties respectively retain their rights and claims without prejudice by reason of this convention with respect to the extent of their territorial jurisdiction.

ARTICLE II

(1) The Chilean Government agree that they will raise no objection to the boarding of private vessels under the Chilean flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions, in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions, prohibiting the importation of alcoholic beverages, the



vessel may be seized and taken into a port of the United States, its territories or possessions, for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions, than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel, and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions, on board Chilean vessels voyaging to or from ports of the United States, or its territories or possessions, or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

ARTICLE IV

Any claim by a Chilean vessel for compensation on the ground that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this convention or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the pacific settlement of international disputes, concluded at The Hague, October 18, 1907. The arbitral tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses The expenses of the tribunal shall be defrayed by a ratable deduction from the amount of the sums awarded by it, at a rate of five per cent on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE V

This Convention shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Convention.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Convention shall lapse.

If no notice is given on either side of the desire to propose modifications, the Convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the convention, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the convention shall lapse.

ARTICLE VI

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present convention the said convention shall automatically lapse, and, on such lapse or whenever this convention shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this convention not been concluded.

The present convention shall be duly ratified by the High Contracting Parties in accordance with their respective constitutional methods; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate in the English and Spanish languages and have thereunto affixed their seals.

Done at the city of Washington this twenty-seventh day of May, nineteen hundred and thirty.

HENRY L. STIMSON.
CARLOS G. DÁVILA.

The convention was reported to the Senate and the resolution of ratification was read, considered, and agreed to, two-thirds of the Senators present voting in the affirmative, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive L, Seventy-first Congress, second session, a convention with Chile to aid in the prevention of the smuggling of alcoholic beverages into the United States, signed at Washington on May 27, 1930.

TREATY OF CONCILIATION BETWEEN THE UNITED STATES AND THE REPUBLIC OF GREECE

The Senate, as in Committee of the Whole, proceeded to consider the following treaty:

To the Senate:

I transmit herewith a treaty of conciliation between the United States of America and the Republic of Greece, signed at Washington by the Secretary of State and the Minister of Greece on June 19, 1930, to the ratification of which I ask the advice and consent of the Senate.

HERBERT HOOVER.

THE WHITE HOUSE, *June 23, 1930.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if the President's judgment approve thereof, a treaty of conciliation between the United States of America and the Republic of Greece, signed at Washington by the Secretary of State and the Minister of Greece on June 19, 1930.

Respectfully submitted.

H. L. STIMSON.

DEPARTMENT OF STATE,
Washington, June 20, 1930.

The President of the United States of America and the President of the Hellenic Republic, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries

The President of the United States of America:

Mr. Henry L. Stimson, Secretary of the United States of America; and

The President of the Hellenic Republic:

Mr. Charalambos Simopoulos, Envoy Extraordinary and Minister Plenipotentiary of Greece in Washington; who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Greece, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the

Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Greece in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 19th day of June, one thousand nine hundred and thirty.

HENRY L. STIMSON [SEAL]
CH. SIMOPOULOS [SEAL]

The treaty was reported to the Senate, and the resolution of ratification was read, considered, and agreed to, two-thirds of the Senators present voting in the affirmative, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Seventy-first Congress, second session, a treaty of conciliation between the United States and Greece signed at Washington June 19, 1930.

TREATY OF ARBITRATION BETWEEN THE UNITED STATES AND THE REPUBLIC OF GREECE

The Senate, as in Committee of the Whole, proceeded to consider the following treaty:

To the Senate:

I transmit herewith a treaty of arbitration between the United States of America and the Republic of Greece, signed at Washington by the Secretary of State and the minister of Greece on June 19, 1930, to the ratification of which I ask the advice and consent of the Senate.

HERBERT HOOVER.

THE WHITE HOUSE, *June 23, 1930.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if the President's judgment approve thereof, a treaty of arbitration between the United States of America and the Republic of Greece, signed at Washington by the Secretary of State and the minister of Greece on June 19, 1930.

Respectfully submitted.

H. L. STIMSON.

DEPARTMENT OF STATE,
Washington, June 20, 1930.

The President of the United States of America and the President of the Hellenic Republic

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America:

Mr. Henry L. Stimson, Secretary of State of the United States of America; and

The President of the Hellenic Republic:

Mr. Charalambos Simopoulos, Envoy Extraordinary and Minister Plenipotentiary of Greece in Washington; who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Greece in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Greece in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Greece in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 19th day of June, one thousand nine hundred and thirty.

[SEAL] HENRY L. STIMSON
[SEAL] CH. SIMOPOULOS

The treaty was reported to the Senate, and the resolution of ratification was read, considered, and agreed to, two-thirds of the Senators present voting in the affirmative, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive O, Seventy-first Congress, second session, a treaty of arbitration between the United States and Greece, signed at Washington, June 19, 1930.

CONVENTION BETWEEN THE UNITED STATES AND THE REPUBLIC OF POLAND TO AID IN THE PREVENTION OF SMUGGLING OF ALCOHOLIC BEVERAGES

The Senate, as in Committee of the Whole, proceeded to consider the following convention:

To the Senate:

I transmit herewith a convention between the United States of America and the Republic of Poland to aid in the prevention of the smuggling of alcoholic beverages into the United States

of America, signed at Washington by the Secretary of State and the Ambassador of Poland on June 19, 1930, to the ratification of which I ask the advice and consent of the Senate.

HERBERT HOOVER.

THE WHITE HOUSE, *June 23, 1930.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if the President's judgment approve thereof, a convention between the United States of America and the Republic of Poland to aid in the prevention of the smuggling of alcoholic beverages into the United States of America, signed at Washington by the Secretary of State and the Ambassador of Poland on June 19, 1930.

Respectfully submitted.

H. L. STIMSON.

DEPARTMENT OF STATE,
Washington, June 20, 1930.

The President of the United States of America and the President of the Republic of Poland being desirous of avoiding any difficulties which might arise between the United States and Poland in connection with the laws in force in the United States on the subject of alcoholic beverages have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America: Mr. Henry L. Stimson, Secretary of State of the United States; and the President of the Republic of Poland: Mr. Tytus Filipowicz, Ambassador Extraordinary and Plenipotentiary of Poland to the United States:

Who, having communicated their full powers found in good and due form, have agreed as follows:

ARTICLE I

The High Contracting Parties respectively retain their rights and claims, without prejudice by reason of this Convention, with respect to the extent of their territorial jurisdiction.

ARTICLE II

(1) It is agreed that the Government of Poland will raise no objection to the boarding of private vessels under the Polish flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Polish vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

ARTICLE IV

Any claim by a Polish vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this Convention or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the Pacific Settlement of International Disputes, concluded at The Hague, October 18, 1907. The Arbitral Tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the Tribunal may consider to be applicable and to be consistent with the provisions of this Convention. All sums of money which may be awarded by the Tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the Tribunal shall be defrayed by a ratable deduction from the amount of the sums awarded by it, at a rate of five per cent, on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE V

This Convention shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Convention.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Convention shall lapse.

If no notice is given on either side of the desire to propose modifications, the Convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the Convention, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the Convention shall lapse.

ARTICLE VI

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Convention the said Convention shall automatically lapse, and, on such lapse or whenever this Convention shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this Convention not been concluded.

The present Convention shall be duly ratified by the High Contracting Parties and the ratifications shall be exchanged at Warsaw as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate in the English and Polish languages, and have thereunto affixed their seals.

Done at the city of Washington this 19th day of June, one thousand nine hundred and thirty.

[SEAL] HENRY L STIMSON
[SEAL] TYTUS FILIPOWICZ

The convention was reported to the Senate, and the resolution of ratification was read, considered, and agreed to, two-thirds of the Senators present voting in the affirmative, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive P, Seventy-first Congress, second session, a convention between the United States and Poland to aid in the prevention of smuggling of alcoholic beverages, signed at Washington, June 19, 1930.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Dana G. Munro to be envoy extraordinary and minister plenipotentiary to Haiti.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

CUSTOMS SERVICE

The legislative clerk read the nomination of Frederick G. Davies to be collector of customs at Charleston, S. C.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

PUBLIC HEALTH SERVICE

The legislative clerk read sundry nominations in the Public Health Service.

Mr. REED. I ask that the nominations be confirmed en bloc.

The VICE PRESIDENT. The nominations are confirmed, and the President will be notified.

COAST GUARD

The legislative clerk read sundry nominations in the Coast Guard.

Mr. REED. I ask that the nominations in the Coast Guard be confirmed en bloc.

The VICE PRESIDENT. The nominations are confirmed, and the President will be notified.

POSTMASTERS

The legislative clerk read sundry nominations of sundry postmasters.

Mr. PHIPPS. I ask that the nominations be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc, and the President will be notified.

IN THE ARMY

The legislative clerk read sundry nominations for appointments and promotions in the Army.

Mr. REED. I ask that the nominations be confirmed en bloc.

The VICE PRESIDENT. The nominations are confirmed, and the President will be notified.

WILLIAM B. GUITTEAU

Mr. FESS. Mr. President, I believe the senior Senator from Indiana [Mr. WATSON] has a nomination to report.

Recently Ohio suffered a very great tragedy in the drowning of eight very distinguished citizens living in Toledo, Ohio. One of that group was Mr. Charles H. Nauts, one of the most efficient collectors of customs we have had in the country.

Mr. WATSON. Mr. President, I report favorably from the Committee on Finance the nomination of William B. Guitteau, of Toledo, Ohio, to be collector of internal revenue for the tenth district of Ohio in place of Charles H. Nauts, deceased.

Mr. FESS. Mr. President, I would like to have the nomination of Mr. Guitteau acted upon to-day if possible.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

ADJOURNMENT

Mr. McNARY. Mr. President, as in legislative session, I move that the Senate adjourn until Monday at 12 o'clock.

The motion was agreed to; and the Senate (at 1 o'clock p. m.) adjourned until Monday, June 30, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 28, 1930

COLLECTOR OF INTERNAL REVENUE

William B. Guitteau, of Toledo, Ohio, to be collector of internal revenue for the tenth district of Ohio in place of Charles H. Nauts, deceased.

APPOINTMENTS IN THE ARMY

MEDICAL CORPS

To be first lieutenants with rank from July 1, 1930

First Lieut. Alexander Otis Haff, Medical Corps Reserve.
First Lieut. Crawford Fountain Sams, Medical Corps Reserve.
First Lieut. Mark Tad Morgan, Medical Corps Reserve.
First Lieut. Robert Edwin Peyton, Medical Corps Reserve.
First Lieut. John Horace Fountain, Medical Corps Reserve.
First Lieut. James Hedges Forsee, Medical Corps Reserve.
First Lieut. Walter Atwater Carlson, Medical Corps Reserve.
First Lieut. Clarke Horace Barnacle, Medical Corps Reserve.
First Lieut. Robert Hartman Johnston, Medical Corps Reserve.
First Lieut. Robert Moore Allott, Medical Corps Reserve.
First Lieut. Steven Vincent Guzak, Medical Corps Reserve.
First Lieut. Thomas Christy Gentry, Medical Corps Reserve.
First Lieut. Edward Joseph Tracy, Medical Corps Reserve.
First Lieut. Arnold Archibald Albright, Medical Corps Reserve.
First Lieut. George Bronaugh Ewing, Medical Corps Reserve.
First Lieut. Robert Cabaniss Gaskill, Medical Corps Reserve.
First Lieut. Dan Clark Ogle, Medical Corps Reserve.
First Lieut. William Spencer Stone, Medical Corps Reserve.
First Lieut. Milford T. Kubin, Medical Corps Reserve.
First Lieut. John Edward Pluenneke, Medical Corps Reserve.
First Lieut. James Donley Gardner, Medical Corps Reserve.
First Lieut. Emmett Bryan Litteral, Medical Corps Reserve.
First Lieut. Austin Lowrey, jr., Medical Corps Reserve.
First Lieut. Jasper Newman Knox, Medical Corps Reserve.
First Lieut. Carl Willard Tempel, Medical Corps Reserve.
First Lieut. Nuel Pazdral, Medical Corps Reserve.
First Lieut. George Dewey Newton, Medical Corps Reserve.
First Lieut. George Edward Leone, Medical Corps Reserve.
First Lieut. Albert Henry Schwichtenberg, Medical Corps Reserve.
First Lieut. Ehrling Lloyd Bergquist, Medical Corps Reserve.
First Lieut. Wendell Axline Weller, Medical Corps Reserve.
First Lieut. Clinton Stone Lyter, Medical Corps Reserve.
First Lieut. Walter Lee Peterson, Medical Corps Reserve.
First Lieut. Russell Samuel Leone, Medical Corps Reserve.
First Lieut. Dwight Moody Kuhns, Medical Corps Reserve.
First Lieut. Lawrence Abraham Matternes, Medical Corps Reserve.
First Lieut. Arthur Lyman Streeter, Medical Corps Reserve.
First Lieut. John Alexander Isherwood, Medical Corps Reserve.
First Lieut. Harold Bradley Luscombe, Medical Corps Reserve.
First Lieut. Charles Lewis Baird, Medical Corps Reserve.
First Lieut. Thomas Neilson Page, Medical Corps Reserve.
First Lieut. Samuel Leonard Cooke, Medical Corps Reserve.
First Lieut. Harold Eastman Coder, Medical Corps Reserve.
First Lieut. Victor Allen Byrnes, Medical Corps Reserve.
First Lieut. William Smith George, Medical Corps Reserve.

PROMOTIONS IN THE NAVY

MARINE CORPS

Maj. Calhoun Ancrum to be a lieutenant colonel in the Marine Corps from the 1st day of June, 1930.

Capt. Thomas E. Watson to be a major in the Marine Corps from the 26th day of December, 1929.

Capt. Walter G. Sheard to be a major in the Marine Corps from the 1st day of March, 1930.

Capt. Roger W. Peard to be a major in the Marine Corps from the 1st day of June, 1930.

First Lieut. Edward S. Shaw to be a captain in the Marine Corps from the 2d day of November, 1928.

Second Lieut. Homer L. Litzenberg, jr., to be a first lieutenant in the Marine Corps from the 12th day of May, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 28, 1930

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Dana G. Munro, to Haiti.

COLLECTOR OF CUSTOMS

Frederick G. Davies, Charleston, S. C.

COLLECTOR OF INTERNAL REVENUE

William B. Guitteau, tenth district of Ohio.

PUBLIC HEALTH SERVICE

To be medical directors

Taliaferro Clark.
Claude H. Lavinder.
Milton H. Foster.
Ezra K. Sprague.
Claude C. Pierce.
Leslie L. Lumsden.
Mark J. White.
John McMullen.
Lunsford D. Fricks.
Charles W. Vogel.
Carroll Fox.
Joseph W. Schereschewsky.
Allan J. McLaughlin.
Edward Francis.
Dunlop Moore.
John D. Long.
Richard H. Creel.
Francis H. McKeon.
Albert D. Foster.
John W. Kerr.
Walter W. King.
Bolivar J. Lloyd.
George W. McCoy.
Benjamin S. Warren.
Arthur M. Stimson.
John W. Trask.
Frederick C. Smith.
George L. Collins.

To be senior surgeons

Eugene H. Mullan.
Marshall C. Guthrie.
James P. Leake.
Edward R. Marshall.
Hermon E. Hasseltine.
Hugh de Valin.
William M. Bryan.
Emil Krulish.
Harry J. Warner.
Paul Preble.
Randolph M. Grimm.
Joseph R. Ridlon.
Charles M. Fauntleroy.
Lawrence Kolb.
Carlisle P. Knight.

To be passed assistant surgeons

Kirby Knapp Bryant.
William Henry Sebrell, jr.
George Gordon Holdt.
Homer Lucas Skinner.
Clifford Lee Wilmoth.
Anthony Peter Rubino.
Frank Samuelson Fellows.
William Hendon Gordon.
Albert Taylor Morrison.
William Wesley Nesbit.
Leon Ocel Parker.

To be assistant surgeons

John George Hewitt.
Roscoe Conkling Kash.
Chapman Hunter Binford.
John Albert Trautman.
Joseph Asbury Bell.
Calvin Benjamin Spencer.
Theodore Anko Dykhuizen.
Edward Clifton Rinck.
Arthur Frank Steinmetz.
Alvin Edwin Murphy.
Gordon Arthur Abbott.
Sidney Preston Cooper.
Edmund Joseph Mahon.
George William Bolin.
Elmer Theodore Ceder.
Dana Wilson Nance.
Waldemar Claus Dreessen.
Noka B. Hon.
Edward Joseph Reneke.
Robert Stewart Baylor, jr.
Charles Walton Folsom.
Otis Leon Anderson.
Claude Dedmond Head, jr.

COAST GUARD

To be captains (engineering)

Quincy B. Newman.
Lorenzo C. Farwell.
California C. McMillan.
George W. David.
Lucien J. Ker.

APPOINTMENTS REGULAR ARMY

Elvin Freestone Maughan to be second lieutenant, Air Corps.

PROMOTIONS IN THE ARMY

Edward Goff Elliott to be lieutenant colonel, Cavalry.
Henry Welles Baird to be lieutenant colonel, Cavalry.
Alva Franklin Englehart to be major, Coast Artillery Corps.
Evan Clouser Seaman to be major, Coast Artillery Corps.
Benjamin Harrison Graban to be captain, Cavalry.
Arthur Ross Nichols to be captain, Infantry.
George Aldridge Whatley to be first lieutenant, Air Corps.
Frank Riley Lloyd to be first lieutenant, Infantry.
Harold Wade Kinderman to be major, Medical Corps.
Robert Malcolm to be major, Medical Corps.
Charles Tindal Young to be captain, Medical Corps.
Bernice Musgrove McFadyen to be captain, Infantry.
Louis North Eller to be captain, Air Corps.
Harry William Miller to be first lieutenant, Infantry.
Sheldon Brightwell Edwards to be first lieutenant, Air Corps.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS

GENERAL OFFICER

Frank Thomas Hines to be brigadier general, reserve.

POSTMASTERS

ARIZONA

Henry W. Zipf, Tucson.

LOUISIANA

Otis Waguespack, Vacherie.

MAINE

Forrest I. Gilman, Bingham.
Willis H. Allen, Columbia Falls.
Charles J. Bradgon, Gardiner.
Thomas Hebert, Madawaska.
Willard E. Day, Monmouth.
Mertland L. Carroll, New Harbor.
Lillian C. Erickson, Stockholm.

MINNESOTA

Charles S. Hawker, Buffalo.

NEW JERSEY

Robert Young, Singac.

NEW YORK

Vernon B. Hutchins, Indian Lake.

PENNSYLVANIA

Elwood S. Rothermel, Fleetwood.
Erskine J. Miller, Franklin.
Robert J. Courtney, Gouldsboro.
Charles H. Stormfeltz, Lancaster.
Henry N. Hoff, Mount Wolf.
Wilbur C. Taylor, Port Royal.
William M. Smith, Springboro.

SOUTH CAROLINA

Arthur K. Parsons, Andrews.

HOUSE OF REPRESENTATIVES

SATURDAY, *June 28, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Blessed Heavenly Father, may this day be lighted for us with the radiant colors of faith and hope, and let doubt and anxiety disappear. Be Thou our continued incitement until we feel the thing we ought to be is throbbing beneath the thing we are. Lead us until our affections and consciences see and realize the splendor of Thy law and we become united with the purpose of Thy holy will. Bless us with that sense that knows the right, with gentle hearts and with a determined power to labor for the good of our country and to promote the peace and happiness of our fellow men. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 334. An act for the relief of Samuel Gettinger and Harry Pomerantz;

H. R. 636. An act for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River;

H. R. 650. An act for the payment of damages to certain citizens of California and other owners of property damaged by the flood, caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States;

H. R. 3889. An act for the relief of Albert A. Inman;

H. R. 3891. An act for the relief of Harry Martin;

H. R. 4161. An act for the relief of Isaac Fink; and

H. R. 8723. An act for the relief of Rachel Levy.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 3395. An act authorizing the Commissioner of Narcotics to pay for information concerning violations of the narcotic laws of the United States;

H. R. 4176. An act for the relief of Dr. Charles W. Reed;

H. R. 6127. An act to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands;

H. R. 8159. An act to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes;

H. R. 8242. An act for the relief of George W. McPherson;

H. R. 11144. An act to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes; and

H. R. 12902. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2643. An act to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928;

S. 2980. An act to authorize and direct the Comptroller General to allow certain expenditures in the War Department;

S. 4142. An act to fix the salary of the Governor of the Territory of Alaska;

S. 4425. An act to amend section 284 of the Judicial Code of the United States; and

S. 4586. An act to authorize additional appropriations for the national arboretum.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 306

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. STEPHEN G. PORTER, late a Representative from the State of Pennsylvania.

Resolved, That a committee of 10 Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The message also announced that pursuant to the foregoing resolution the President pro tempore had appointed Mr. REED, Mr. GRUNDY, Mr. BORAH, Mr. SWANSON, Mr. FESS, Mr. COPELAND, Mr. GOFF, Mr. WAGNER, Mr. HATFIELD, and Mr. MCCULLOCH members of the committee on the part of the Senate to attend the funeral of the deceased.

WHAT A CONGRESSMAN DOES

Mr. YATES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of what a Congressman does.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Speaker, the average Member of Congress rises by 7 o'clock, and breakfasts by 8, and gets to his office by 9, and answers his telegrams and telephones by 9.30, and starts at his dictation by that time. His dictation is fully completed by 10.30, and then he goes to his committee. The meeting, open or executive, of his committee lasts until 12. At 12 o'clock the call bells all ring, and the Member goes to the floor of the House. He remains on the floor of the House from 12 noon until 1 or 2 o'clock, or 3 or 4 or 5, at which time the House usually adjourns.

During these five hours, more or less, he listens to information (of course, there is some misinformation, but really a great deal of valuable information).

Some time during the afternoon he gets something to eat in either the restaurant or the cafeteria attached to the House, which food is not expensive, and is, as a rule, wholesome; this luncheon consumes less than an hour.

After 5 o'clock he gets back to his office and reads and signs his mail, and then if he is human he putters a while. You know some wise man has said that "puttering is destructive, but it is a joy to the soul." Possibly he putters an hour; and then it is 7 o'clock, and the Congressman has had a 12-hour day—no 8-hour day for a Congressman! If it be asked, "What does he do at night?" the answer is that he works more nights than he plays. In office or apartment over half the Members study bills and other printed matter night after night.

I forgot to say that if on any day the Congressman feels compelled, because of some emergency, to visit the Government departments or some of them, his schedule is thrown out of joint for a week. For instance, suppose that on some day it becomes necessary for him to make some appeal to the tuberculosis eradication division of the Bureau of Animal Industry of the Department of Agriculture, and he comes back to the Capitol by way of the office of the Director of the Veterans' Bureau, plus the Federal Board for Vocational Education—well, I say, his schedule is disarranged for a week.

Most Members try to do both things, rush through the average and ordinary day, including five hours in the House plus an effort to visit about two Government departments per morning, pleading, usually, against some injustice done to some constituent or constituency back home, or urging some ruling or regulation which may aid some very worthy cause or person. I, myself, have deliberately made something of a choice; I have decided that when I must choose between my committee and a department, I will choose the committee, but when I must choose between an afternoon hour at a department and an hour corresponding, in the House, I will on the average, omit that hour in the House and rush down to the department, unless, of course, the debates are important—because I believe my constituents will approve my going to the department, unless the debate is important.

I am well aware that it is not popular in the magazines, to urge or emphasize the fact or incident, that Congressmen are really industrious. I, nevertheless, dare, sink or swim, survive or perish, assert they are industrious.

I take the liberty to point to my own office. My daughter was for eight years my secretary. One snowy morning, as I was about to board a street car in front of the White House, to return to my office in the House Office Building, I suddenly heard these words in my daughter's voice:

Sir, where have you been this morning? You have not been at the office.

I whirled around, and said:

I have been to the tuberculosis eradication division of the Bureau of Animal Industry of the Department of Agriculture. Where have you been? I observe that you have with you, evidently under your escort, a man about 6½ feet high, about 18 inches broad, wearing a green hat, blue vest, red tie, and white spats, and carrying a cane. Who is your friend?

She got mad and shook her little fist at me and shouted: "Don't you dare make fun of my soldier. He was wounded and gassed in France, has been turned out of five different hospitals, and still suffers, and I have got him hospitalized and $80 per month." I could only say, "Whom did you go to?" She answered, "The Director of the Veterans' Bureau." I shut up, saying, "Henceforth you go to the Veterans' Bureau daily."

I venture to mention another instance of the relation between the Congressman and the departments, that relation being friendly and cordial, when put to the test.

One Monday morning, at 1 o'clock, a telegram was delivered to the apartment in a great Washington hotel, occupied by my wife and myself, namely apartment No. 60, something on Deck No. 6. (I always think of my 10 years in Washington apartments as being 10 years before the mast; for the long hallways, with their numerous doorways, resembling exactly the rows of cabins on long steamboats, make you feel as if you were, indeed, simply on deck on a steamship.)

This telegram said:

RICHARD YATES, Congressman at large; John So-and-so, son of John So-and-so, always my friend, and always yours, is a sailor boy, dead in the naval station at Manila. The authorities are proposing to cremate, but the mother wants the body of her boy. Please see what you can do.

EDGAR E. CRABTREE, *Mayor*.

But here it was 1 o'clock Monday morning, week-end, everybody in town probably out of town, and Manila 12,000 miles away. I was rescued. My wife seeing me stand, distressed, and evidently helpless, said, "What is the matter?" I replied, "Why do your friends ask the impossible?" She simply tilted her chin and said, "Is it impossible?" Of course, I got mad and rebuked her, saying, "Well, you tell me what to do? Which way shall I turn for help?" She instantly said, "Why, of course, the admiral across the hall!" Now, across the hall, immediately opposite our cabin, dwelt one of our admirals. I was afraid of the admiral. When we met he was almost sure to make fun of me, by saying, "Well, is there any real reason for Congress this morning?" To which I would always reply, "Yes; as much as there is for 70 admirals!" To which he would reply, "That doesn't reach me, for I am only No. 7." This was true; there were only six men in the whole Navy that outranked him.

Finally, however, I mustered up enough courage to cross the hall and tap on the admiral's door. He was in his night attire and so was I. But action and speed on the other side of the planet was to occur. I read him my telegram, and said, "Oh, Admiral, what shall I do?" He said, "Well, I don't know, but Cole will know." (Cole turned out to be another admiral.) In 15 minutes we were talking to "Cole."

In an hour all the men responded who were needed to send a radio message to the Philippine Islands; and, just as the sun went up, over here, through the air—yes; through the air—came the message that the order had gone forth, that the blessed mother could have the blessed body of her son embalmed! Did the courage in the heart of my mate, my wife, help some?

If I had no other reason for liking the Navy, that one incident would have endeared the Navy to me; because six of the biggest men in it stayed up all night on that errand of mercy.

I venture to mention another incident, which appeals to me as showing the teamwork possible, both the Congressman and the department heads cooperating. One day I got a letter from the highly organized and highly efficient director of the Illinois State Museum, which read:

RICHARD YATES,
Congressman, Washington, D. C.:

Please send me, for my museum, one captured German biplane, Fokker preferred.

When you stop to think about it, why not? What is the use of having a Congressman, especially one "at large," if he can not furnish, on demand, "one captured German biplane, Fokker preferred"?

Well, when I embarked on that commission, I embarked upon a fight lasting six months. At the end of the first month I was told I must get a written order from the Secretary of the Navy. He gave it to me; and I began to expect the arrival of my biplane, looming so large in my thought. At the end of 60 days I was told I must buy the biplane. I gave my check for $1 to the United States of America for one captured biplane, Fokker preferred. At the end of the third month, another unavoidable delay ensued, and so it was the end of the fifth month before I was notified that my plane had arrived at Quantico, but it was "not yet assembled." I got a little quarrelsome just then, and scolded, saying I did not care what became of it, but I was

wrong, for the day came when a message from Quantico arrived, saying the biplane was on board, en route to Springfield, Ill., where it is to-day. As a matter of fact, it is there, not because of insistence by the good director, Doctor Crook, or by that of the Congressman at large, but, because through six months the officers having jurisdiction had not lost sight of this request—teamwork.

It is a fact that red-hot fights are made by Congressmen for justice to veterans and other claimants again and again.

And right here is as good a place as any to pay tribute to those hard-working young men and women, the secretaries of Members and Senators. They do an appalling amount of writing and telephoning and telegraphing and preparing of cases about to be examined by committees and departments, and only too often they are misunderstood, even as Members are. To be misunderstood is a truly indescribable thing. Lincoln once said:

> I have undergone the indescribable humiliation of being misunderstood.

Sometimes, as in all business places, it seems as if all things combine to harass and trip up and, above all, to delay. Then the Congressman gets the "hurry-up complex" and urges everybody, all the way up to the White House, but above all he hurries his already heavily burdened secretary. It is really a marvel that out of it all come good and workmanlike jobs, well-done work and service. "Speed" we call it to-day.

Is running for Congress worth while? Of course, disappointments and disillusions await us all in all the fields and walks of human life and activity, and every Member of the American Congress, whether Senator or Representative, has his distress; but to serve in Congress is worth while. Gov. Dick Oglesby, of our State, once said to me:

> Every man ought to go to the legislature as a part of his education!

My own father said to me:

> The ideal public service for an American is the American House of Commons, the House of Representatives—and I want you to grow up and serve the Republic.

By the way, every boy's father ought to encourage him to go into public life. Only too often fathers say to their sons, "Anything but politics; anything but politics!" This is wrong, and absolutely so. To "grow up and serve the Republic" is to be commended and not condemned. Happy and glad indeed will be that day when fathers again shall call their sons to their knees and say, "Grow up and serve the Republic!"

Time does not permit—nor does the occasion—to analyze all the good and bad in a Congressman's life. Suffice it to say that the different men's official lives are not surprisingly different.

I remember that not long after I entered this body the Speaker said—among other things:

> The House is the greatest leveler I know. Some men come here with great reputations and lose them, and some come without reputation and find themselves. It does not take the House very long to understand the size of each man.

ADULT EDUCATION

Mr. HAMMER. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HAMMER. Mr. Speaker, Every loyal American citizen would like to see illiteracy eradicated in this country. This, the wealthiest nation in the world, the one which more stanchly than any other nation proclaims its belief in democratic institutions, stands far from the top among all the nations in literacy.

Denmark, Norway, Sweden, Switzerland, Canada, England and Wales, Irish Free State, Netherlands, Scotland, Germany, New Zealand, and Japan have a lower per cent of illiteracy than we have, and at the same time have a higher definition of literacy. All these nations require the ability to read and write; the United States require only the ability to write in order to be classed as literates.

THE DIFFUSION OF KNOWLEDGE ESSENTIAL

That the existence of illiteracy in this country is contrary to all of our concepts of a free and democratic government is generally conceded. We agree that our Government must rest upon the intelligent functioning of all of its citizens, yet 4,000,000 professed illiterates—4,000,000 adults who admit that they can not write their names—are eligible to vote in this country unless a State law prevents their so doing. The diffusion of knowledge among all of our people is most essential. Thomas Jefferson said:

> Above all things, I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a new degree of liberty.

When we realize that experts in education state that there are 20,000,000 adults in this country who are practically illiterate—that is, who are unable to read the printed page—we must admit that such a condition shows that we have not carried out the charge which Thomas Jefferson has intrusted to us. There are 110 counties in the United States where at least one-fourth of the people are illiterate. Is this "democracy triumphant"?

Of the 4,000,000 men drafted in the Great War, a million could neither read nor write. This condition shocked our people, and rightly so. True, many of the States had become aware of the great social menace of illiteracy, even before we entered the war, and had begun to take steps to practice remedial legislation. In 1914 Kentucky established an illiteracy commission. In the same year North Carolina began its great illiteracy campaign; Alabama, Oklahoma, California, New Mexico, and Washington in 1915; Mississippi and South Carolina in 1916; Arkansas in 1917; and Georgia in 1919. No two of the States approached the problem in exactly the same way, but all began to take formal, and I may say, formidable, notice of this question.

SIMILAR LEGISLATION PROPOSED UNDER WILSON IN 1914–15 AND AGAIN IN 1918

Our Federal Congress, too, took notice. In 1914, Representative Francis Asbury Lever, of South Carolina, introduced a bill to investigate illiteracy among the adult populace of the United States, and the means of eliminating and reducing the same. The bill aroused much interest and much favorable comment. The bill was unanimously favorably reported on February 7, 1914, but failed of passage by half a dozen votes.

Then Representative John W. Abercrombie, of Alabama, introduced a similar bill.

In 1915 Representative BANKHEAD, of Alabama, introduced a bill "to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States."

The hearings on this bill brought out some interesting information. Most significant were two: First, that illiteracy could no longer be regarded as of one race or of one section. The total number of white illiterates was then, and is now, greater than the total number of negro illiterates. No State is entirely free of illiteracy. And the percentage of illiteracy was then, and is now, largest in agricultural States; practically twice as high in the country as in the city.

COUNTRY CHILD HAS NOT A FAIR CHANCE

Farm relief! The country girl and boy have not an equal opportunity with the city child. There is more taxable property in the city; there is more wealth. We had this so well called to our attention in the hearings, on the adult educational bills, in 1914 and 1918. Conditions have changed somewhat, to be sure, but the city boy's chances are much better still, in education, than the country boy's.

During the 1918 agitation, the Secretary of the Interior, Franklin Lane, came before the committees of Congress and begged and pleaded, urged them to take a hand. His letter written 12 years ago to the chairman of the Committee on Education in the House has in it much food for thought, for to-day.

SECRETARY LANE'S LETTER

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 12, 1918.

MY DEAR MR. SEARS: I believe that the time has come when we should give serious consideration to the education of those who can not read or write in the United States. The war brought facts to our attention that are almost unbelieveable and that are in themselves accusatory.

There are in the United States (or were when the census was taken in 1910) 5,516,163 persons over 10 years of age who are unable to read or write in any language. There are now 700,000 more of draft age in the United States who are, I presume, registered, who can not read or write in English or any other language. Over 4,000,000 of the illiterates in this country were 20 years of age or more. This figure equals the total populations of the States of California, Oregon, Washington, Montana, Idaho, Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico, and Delaware. The percentage of illiterates varies in the several States from 1.7 per cent in Iowa to 29 per cent in Louisiana. More than 10 per cent of it was in 13 States. Half of the illiterates were between 20 and 45 years of age. It has been estimated by one of those concerned with this problem that if these five and a half million illiterate persons were stretched in a double line of march at intervals of 3 feet and were to march past the White House at the

rate of 25 miles a day, it would require more than two months for them to pass. Over 58 per cent are white persons, and of those 1,500,000 are native-born whites.

I beg you to consider the economic loss arising out of this condition. If the productive labor value of an illiterate is less by only 50 cents a day than that of an educated man or woman, the country is losing $825,000,000 a year through illiteracy. This estimate is no doubt under, rather than over, the real loss. The Federal Government and the States spend millions of dollars in trying to give information to the people in rural districts about farming and home making. Yet 3,700,000, or 10 per cent, of our country folk can not read or write a word. They can not read a bulletin on agriculture, a farm paper, a food-pledge card, a Liberty loan appeal, a newspaper, the Constitution of the United States, or their Bibles, nor can they keep personal or business accounts. An uninformed democracy is not a democracy. A people who can not have means of access to mediums of public opinion and to the messages of the President and the acts of Congress can hardly be expected to understand the full meaning of this war, to which they all must contribute, in life or property or labor.

It would seem to be almost axiomatic that an illiterate man can not make a good soldier in modern warfare. Until last April the Regular Army would not enlist illiterates, yet in the first draft between 30,000 and 40,000 illiterates were brought into the Army, and approximately as many near illiterates.

They can not sign their names.

They can not read their orders posted daily on bulletin boards in camp.

They can not read their manual of arms.

They can not read their letters or write home.

They can not understand the signals or follow the Signal Corps in time of battle.

There are 700,000 men who can not read or write who may be drafted within our Army within the next year or two. Training camps for soldiers are not equipped for school work, and the burden of teaching men to read the simplest English should not be cast upon the officers or others in the camps. We should give some education to all our men before they enter the Army.

There is even a larger problem than this that challenges our attention, and that is the teaching of the English tongue to millions of our population. Dr. John H. Finley, president of the University of the State of New York, in a recent speech presented this picture which he found in one of the cantonments:

"How practical is the need of a language in this country common to all tongues is illustrated by what I saw in one of the great cantonments a few nights ago. In the mess hall, where I had sat an hour before with a company of the men of the National Army, a few small groups were gathered along the tables learning English under the tuition of some of their comrades, one of whom had been a district supervisor in a neighboring State and another a theological student. In one of those groups one of the exercises for the evening consisted in practicing the challenge when on sentry duty. Each pupil of the group—there were four of Italian and two of Slavic birth—shouldered in turn the long-handled stove shovel and aimed it at the teacher, who ran along the side of the room as if to evade the guard. The pupil called out in broken speech 'Halt! Who goes there?' The answer came from the teacher, 'Friend.' And then, in as yet unintelligible English, the voices of innumerable ancestors struggling in their throats to pronounce it, the words, 'Advance and give the countersign.' So are those of confused tongues learning to speak the language of the land they have been summoned to defend. What a commentary upon our educational shortcomings that in the days of peace we had not taught these men, who have been here long enough to be citizens—and tens of thousands of their brothers with them—to know the language in which our history and laws are written and in which the commands of defense must now be given! May the end of this decade, though so near, find every citizen of our State prepared to challenge in one tongue and heart the purposes of all who come with the cry, 'Who goes there?'"

What I have said here leads to a respectful request that you give early consideration to House bill 6390, which provides for a modest appropriation for the Bureau of Education to begin and conduct a vigorous and systematic campaign for the eradication of adult illiteracy. If the bill can be passed soon, special attention can be given to teaching illiterate men of draft age, and especially those who are classified in class A.

Cordially yours,

FRANKLIN K. LANE, *Secretary.*

Hon. WILLIAM J. SEARS,
Chairman Committee on Education, House of Representatives.

THE WAR PREVENTED ACTION UNDER WILSON

Such was the condition when we were asking our boys to give their lives to make the world safe for democracy. Have we, as a nation, played our part in this trust? But that was the last census, you say, 10 years ago. But to-day, we have still millions of professed illiterates and many more who are practically illiterate.

The presence of th's large number of illiterates at present in this country bodes ill for the status of literacy for the future, even more than of the present. "Education is the eternal debt of maturity to youth," said the war-time minister of education of Great Britain. Yet, if the mature citizen has not himself enjoyed an education, he is not so apt to appreciate either the value of education or his obligation to youth. Louisiana, with the highest percentage of illiteracy, had the lowest school attendance. The illiteracy of parents, research shows, is the chief barrier to school attendance.

Lincoln said:

I hope I may live to see the day when an unfettered start and a fair chance in the race of life are guaranteed to every boy and girl.

If the boys and girls, the citizens of the future, are to have a fair chance, a fair start, we must do something to wipe out illiteracy among the parents of to-day.

MANY STATES INTERESTED

We all know this, and, as has been hereinbefore pointed out, most of the States have since 1914 been very actively at work to meet the problem. There have been provided excellent laws in most of the States in the last 15 years. Just to quote a few:

Alabama

The State board of education is charged with the responsibility for the removal of illiteracy. It is the duty of county and city boards of education to cooperate with the State board of education in the removal of illiteracy in the territory under their respective jurisdiction, and to this end the said boards may be necessary. There is appropriated the sum of $12,500 annually for the use of the State board of education in reducing illiteracy. (Alabama School Code, 1927, p. 150.)

Arkansas

The Arkansas Illiteracy Commission shall make research, to collect data, and to enlist the services of any and all communities of the State looking to the obtaining of a more detailed and definite knowledge as to the true conditions in the State in regard to its adult illiteracy and report annually or oftener the results of its labors to the governor, and to perform any other act which, in its discretion, will contribute to the elimination and of the State's adult illiteracy persons in the State of Arkansas, and the commission shall expend any funds or use anything of value which it may receive in accordance with such regulations as it may from time to time adopt * * *. (Act 59, 1917.)

Florida

The county boards of public instruction in the State of Florida are hereby authorized to establish and maintain, in the respective counties, public evening schools, elementary or high, as a branch of the public-school system of the county, and such evening schools, when so maintained, shall be available to all residents of Florida, native or foreign born, who, for any satisfactory cause, have been unable to attend any day public school of the county or school district; and all evening schools so maintained shall be under the direction and control of the county board of public instruction and the county school superintendent and shall be subject to the same laws, rules, and regulations prescribed for the conduct of day schools in the school district or county, as the case may be, in which such evening schools are maintained; and the expense thereof shall be paid out of the county school fund. (S. B. 358, 1927.)

Georgia

SEC. 1. * * * County commissioners of this State or the ordinaries of such counties as have no commissioners shall have, and they are hereby given authority in their discretion, to provide for the carrying on in their respective counties of schools for instructing adult illiterates in the elementary branches of an English education only.

SEC. 2. * * * The expenses of maintaining said schools, when they shall be established in accordance with this act, shall be paid out of the county treasury, and to that end the said county commissioners or ordinaries are hereby authorized and empowered to levy such tax as may be necessary to pay said expenses over and above the sums for which they are now authorized to levy a tax. (Act, 1920.)

Mississippi

The Mississippi Illiteracy Commission * * * shall have the power to make research, collect data, and procure the services of any and all communities of the State looking to the obtaining of a more detailed and definite knowledge as to the true conditions of the State in regard to its adult illiteracy, and to report regularly the results of its labors to the governor, and to perform any other act which in its discretion will contribute to the elimination of the State's adult illiteracy by means of the education and enlightenment of illiterate persons in the State of Mississippi, and the commission shall expend any funds or use anything of value it may receive in accordance with such regulation as it may from time to time adopt * * *. (School laws of the State of Mississippi, 1924, ch. 34.)

North Carolina—my own State—for example:

A good law in North Carolina, but no appropriation.

1919–20: Schools for adult illiterates a part of public-school system.

1. Legislature of 1919 makes schools for teaching adult illiterates a part of public-school system of North Carolina.

(a) Appropriation: The State board of education is authorized to provide rules and regulations for conducting schools to teach adult illiterates, and such schools, when provided for, shall become a part of the public-school system of the State and shall be supported as is provided for other public schools of the State. (5609, p. 63, school law.)

Inspired and, no doubt, impressed with the splendid work that has been done in the States, and recognizing the fact that in the final analysis illiteracy is a national evil, the President on December 8, 1929, appointed the National Illiteracy Commission. We can rejoice that the work in our States caused such action to be taken. Here let me digress to say that, in what I am sure you will agree is a pardonable pride in my own State, the work there in recent years is inspiring and encouraging.

First. One county and city—Buncombe County and Asheville—have for the past eight years included the teaching of adult illiterates in the regular program of the educational system. All of the representative literate organizations and individuals of the county have cooperated in furthering the movement. During that time more than 5,000 adults have been taught. During the past four years Asheville has risen to first rank among the city school systems of the State. Buncombe County has risen from the thirty-first place to tenth among the rural systems, and the attendance in the rural schools has increased from 68 per cent to 86 per cent. And in the fall of 1928 did not fall below 92 per cent. A number of factors have brought about these results, but both county and city officials count the night schools among the appreciable factors. The superintendent of public welfare says he has found that a parent taught means a child in school.

Second. One club district—the sixth, including Davie, Rowan, Davidson, Surry, Yadkin, Forsyth, and Stokes—under the leadership of the district president, has put on an intensive literacy campaign under the direction of a trained worker, with excellent results.

Third. A cooperative plan of intensive literacy work has been financed in two counties—Stokes and Surry—by the State Society of Colonial Dames, the State Society of the Daughters of the American Revolution, the State Federation of Women's Clubs, the educational officials of both counties, and the local civic and social clubs and organizations. The results have surpassed expectations and an appropriation for continuing the work will be included in the school budgets of both counties for the coming year.

Fourth. A textbook made especially for adult beginners has been published by the University of North Carolina press. This book is in two volumes and contains lessons in reading, writing, arithmetic, spelling, English, geography, and civics.

Fifth. A literacy commission was appointed by our governor to work out plans for a state-wide program.

Sixth. The representative newspapers of the State, both in articles and in editorials, have consistently furthered the attack on the illiteracy problem.

What increase in human values and interests have resulted from the teaching of adult illiterates?

In those groups which have been taught, there has been a definite increase in the following observable human values and interests:

First. There has been a definite and apparent increase in self-respect.

Second. More participation and more intelligent participation in community affairs.

Third. A growing realization of their responsibilities and privileges as citizens.

Fourth. Closer family relationships through ability to write letters to each other.

Fifth. More Bibles and newspapers are read.

Sixth. More savings accounts are kept.

Seventh. More understanding patriotism.

Eighth. Growing ability to initiate and carry through community projects.

Ninth. More enjoyment of moving pictures.

Tenth. Cleaner and more attractive homes.

Eleventh. Development of group leadership.

Twelfth. Individual lives made happier and more efficient.

Since this speech has been delivered the interest aroused on this question has been even more definitely crystallized. The two great nation-wide educational organizations have taken note thereof. The department of adult education of the National Education Association at its annual convention just closed in Columbus and the American Federation of Teachers at its convention just held in Memphis have indorsed the George-Hammer bill, granting Federal aid to the States for their fight against illiteracy.

The Scripps papers have carried an excellent editorial touching particularly on the work in North Carolina.

The Washington News editorial follows:

Back in the Sixteenth Congress old Representative Felix Walker, debating the Missouri question, gave his home county of Buncombe, N. C., a dubious fame and added a new word to the American language by insisting that he was "bound to make a speech for Buncombe."

Now Buncombe County has a new and better bid for fame. L. R. Alderman, adult education specialist in the United States Bureau of Education, appealing for his inspiring cause, tells of a movement in that mountain county that might well be studied by business men and analyzed by economists.

"In 1919 a teacher named Mrs. Elizabeth Morriss landed in Buncombe. She found there 7,000 adult illiterates. * * * To-day more than 4,000 of these grown-ups, with an average age of 30, are attending night school, learning to read newspapers and books, to add and subtract, to emerge from the jungle of ignorance.

"Business men there tell me that this movement has transformed the whole community," Alderman says. "The new enlightenment has reflected itself not only in a spiritual liberation but in greatly increased buying powers."

Alderman says there are some 20,000,000 Americans who, like the mountaineers of Buncombe County, are "functionally illiterate." Imagine, he says, what it would do for prosperity if every one of these could be brought up to the buying standard of even the average American family.

New desires are created, desires for soap, sheets, window shades, shoes, as well as a taste for newspapers and books.

Here may be found one answer to our problem of overproduction.

Buncombe County has unwritten the ill fame bestowed upon its name by "Old Man Walker" by being very wise. The United States would be wise to follow.

The ground is ready, the seed has been planted. My hope now is that the people themselves, believing in a functional democracy resting upon all the people will join with us and make the enactment of this bill a matter of the immediate future.

I speak of my own State. But they are all doing their utmost. Twenty-five States and the District of Columbia have legislation providing for education of adult foreigners and 24 States and the District of Columbia have legislation providing for education for adult native illiterates; 32 States have State supervisors for adult education; 21 States give financial aid to school districts which provide adult classes, the State paying the largest per cent being Delaware, which provides 98 per cent of the cost. Forty-five institutions are offering special training for teachers of adult classes; 12 States have illiteracy commissions; 2,439 communities are holding classes for adults, with a total enrollment of almost 300,000.

CALIFORNIA AND OTHER STATES

The California law requires every illiterate between 18 and 21 years of age to attend school. It has a literacy test for voters. South Dakota requires persons between 16 and 21 years of age who do not speak, read, or write the English language to attend a day or evening school. Rhode Island requires that one or more public evening schools shall be established in every town for the purpose of teaching the English language where 20 or more persons between 16 and 21 may be found who are unable to speak, read, or write that language. Connecticut requires school districts of 10,000 inhabitants to maintain evening schools for persons over 14 years of age. I mention these States to show that in this great present day "revival of learning" among the adults of this Nation, a renaissance, we may call it, in American citizenship, that the interest is not confined, as some may think, to the South, but that all of our States are participating in this great movement which seeks to give actual citizenship to all of our citizens.

THE STATES CAN NOT BEAR FURTHER BURDENS—MANY ARE TOO POOR

No further proof should be necessary to show how much the States want to do and how much the States are doing in this field, but no matter how much they want to do and how much they would like to do we must face the facts of how much they can physically do; in other words, how much more money can they possibly get from their respective legislatures in order to do this work as it should be done?

The burden of taxation to our people is great. State governments in all parts of the country still rely on the general property tax for a substantial part of their revenue. The last available figures show that 79 per cent of all State and local taxes and 89 per cent of all the local taxes alone were derived from the general property tax. In this connection it is important to note that the farmer's direct taxes are almost exclu-

sively based on tangible property, especially real estate, which in many instances is the sole basis for levying the farmer's taxes. Since 1924 land values have declined while taxes have increased. Inasmuch as the farmer can not shift the increase in taxes to the consumer (as the manufacturer can), the increase in tax rates coupled with the decrease in property values of farm lands is, therefore, largely a farmer's burden. Not only are the increased taxes taken out of the farmers' income, but they do play an important part in depressing land values and, therefore, in reducing the farmers' equity in the land. Since taxes are a first lien against the land, the mounting tax levies diminish the value of land as securities for loans. A terrible vicious circle for the farmers to be in. And in view of these facts, can we possible justify the slightest increase in taxes on the farmer?

Nor can the States get the money from the cities.

The increase in city tax rates has also been tremendous. At the same time business failures in our urban communities have been numerous. According to Bradstreet, there were 19,703 commercial failures, and there were 311 bank failures during 1929. At the same time the Federal tax receipts from the States were $2,939,054,375.43. North Carolina pays of this amount $274,561,262.45. These figures are for the year ending June 30, 1929. (For the year ending June 30, 1930, reported since this speech was delivered, the amount North Carolina paid the Federal Treasury was more than $19,000,000 in excess of the amount paid by that State for the fiscal year ending June 30, 1929.)

One glance at these facts shows that it is a matter of physical impossibility for many of our States to further tax their people.

The States would no doubt want to do even more than they are doing in fighting illiteracy, but they have not the funds. The National Government therefore must help them, not merely talk in abstractions, but help.

The National Illiteracy Commission appointed by President Hoover has, apparently, not any money with which to carry on its work. So far their activities have been financed entirely by private funds. Some of our generous, fine citizens have donated relatively large amounts, because they realized the need for having this work done. Many organizations have contributed much to this work.

NATIONAL ILLITERACY COMMISSION WITHOUT FUNDS TO FUNCTION ADEQUATELY

One method by which the Government of the United States of America has carried on its work authorized by the President is so unusual that I want to pause a moment to refer to it. Mr. Hoover's National Illiteracy Commission has put the Interior Department, our Government, in the candy business. In room 5114 of the United States Department of the Interior, candy could be purchased—and perhaps still can be purchased—from the funds from the sale of which money is to be raised to wipe out illiteracy! This is noble; this is sweet. I grant that the candy, crystallized pumpkin, is delicious. I grant that the motive back of this movement may be and undoubtedly is lofty; but I protest against having the Government of the United States go into the candy business in order to combat one of the greatest social evils confronting this country. We must get away from sentimentality and must approach this subject on a sound basis. Sentiment and not sentimentality is the need of the hour.

And then there is indeed a serious problem involved in allowing a governmental project to be carried on by private funds. The minute private funds are used for the conduct of Government business, we must admit that private organizations have the say as to the conduct of Government business. There can be no objection raised to having the advice of private individuals and private organizations for the conduct of any and all of our affairs, but it is a serious menace to establish a principle which permits a Government commission to accept money from private sources in order to carry on its work. If this campaign is distinctly a national campaign, it should be supported by national funds.

Not only because the States themselves can not meet this problem but because the problem in itself is national, and our Federal Government concerned intimately therewith. Illiteracy knows no State lines. Illiterate children born in one State become citizens of a low caliber in another. But this bill asks for Federal aid, and that is objectionable, it may be claimed. Well, is it?

Let us for a moment review the question of Federal aid to the States. Since our Government was established the Federal domain has given money and lands to the States. More than 700,000 acres of national lands were turned over to the newly created State of Ohio by the act of 1802, and since that time every State of the United States has benefited by Federal generosity, or, more properly speaking, shared in the full benefits of a Federal Government. In 1837, $2,000,000 which had accumulated in the United States Treasury were distributed among the States.

FEDERAL LAND GRANTS

Most of the early land grants were made unconditionally. In other cases Congress stipulated that the funds should be used for schools or roads. Since 1912 the growth of Federal subsidy for the development of our States has been vast. Perhaps the most logical explanation of this trend is that money and wealth became more and more concentrated in a few centers and less available to the States. Couple this with the fact that in 1913 the amendment to the Federal Constitution enabling Congress to enact the Federal income tax law was ratified. This meant more money from the States to the Federal Government. Then came the war, demanding in the various revenue taxes still more from the States. And then came quite logically from the States a demand that some of the good from the concentrated wealth and some of the returns from the money which the Federal Government had obtained from the States be returned for useful work to the States. This was not a move on the part of the States of giving up State rights. Quite to the contrary. It was a new manifestation of a new kind of State rights. The States sought to have a say in how their money should be spent for their people. They never yielded their power; they increased it. Yes; the amount of Federal subsidy has grown but an analysis of the figures shows that proportionately as there grew a demand from the Federal Government for a direct tax on the people of the States so grew the amount of Federal money which in turn the States demanded should be paid them.

Look at the figures:

1912	$8,149,478.21
1913	7,752,961.01
1914	10,533,660.78
1915	10,352,211.79
1916	12,645,489.02
1917	15,625,056.55
1918	22,805,680.12
1919	22,104,992.13
1920	35,923,706.48
1921	90,437,848.13
1922	128,366,639.95
1923	111,727,193.28
1924	128,067,312.27
1925	147,351,393.22
1926	141,614,101.95
1927	136,659,786.47

EQUALIZATION FUNDS FOR WEAK DISTRICTS IN 36 STATES

The question of Federal aid to the States in this emergency is in some ways comparable to the "equalization fund" in education now available in 36 States. The first equalization funds provided by the general assembly of North Carolina was an annual appropriation of $100,000. There has been a gradual increase until it has now reached $6,500,000 annually. Much more than that is necessary to provide an eight months' school term in all the districts throughout the State. Just as a State equalization fund in education seeks to provide that the children in even the poorest rural districts may have good schooling under competent teachers for a term of suitable length, so the $5,000,000 asked for in this bill would seek to have the children in our poor farm areas given a decent start in life, by having their parents given an opportunity to learn to read and write. The fact that three-fourths of our States have established equalization funds shows that there is a growing sentiment for a more equitable distribution if not of wealth then certainly of the opportunity to procure wealth. One of the finest analyses of the theory, philosophy, and the practice of a State equalization fund was made by one of our southern newspapers, the Richmond News Leader. This newspaper after very thorough and complete scientific investigation of the subject devoted its full effort to the establishment of the principle of a State equalization fund. This bill now before us would provide only for an extension of this principle, and at the same time safeguard to the States respectively complete autonomy in educational administration.

It would further give back to the States an opportunity to use some of their money for the advancement of all of their people, in keeping with their respective laws.

We may indeed look upon the expenditure of Federal moneys in the several States as an investment on the part of the Federal Government in a security of the highest return—the betterment of the people, the raising of their standard of living, the increasing of their earning capacity.

In proof thereof, just see for what purposes this money was spent in one of the last few years.

And for what purposes is this Federal money being spent?

Here it is, taken from the Government records:

Support of agricultural colleges	$2,400,000.00
Support of experiment stations	2,400,000.00
Cooperative agricultural extension work	6,875,727.55
Vocational education	7,184,901.51
Vocational rehabilitation	880,263.00
Highways	81,371,013.03
National Guard	31,363,935.31
Forest-fire prevention	654,101.57
Distribution of nursery stock	71,194.61
Forest-extension work	46,241.64
Maternity and infant hygiene	899,824.71
State fund under oil leasing act	2,498,689.58
State fund from sale of public lands	13,893.96
Total	136,659,786.47

NO YIELDING OF SOVEREIGNTY BY THE STATES

And in all this the States have not yielded one iota of their sovereignty! All the States are made to share a bit in the much-vaunted national prosperity, but none is asked to yield any of its sovereignty.

But further scrutiny of the figures I have given makes us wonder if the eradication of illiteracy is not as valuable to the Nation as any item herein provided for? We are giving $31,000,000 a year to the States for the upkeep of the National Guard. This bill asks for one million a year for the greatest National Guard we can have; an intelligent citizenry!

We are paying approximately $8,000,000 annually to the Bureau of Animal Industry, $3,750,000 annually to the Bureau of Plant Industry, and $3,000,000 annually to the Plant Quarantine Division.

Do not understand me to object in any sense to these appropriations. They are most essential, but is not the wiping out of illiteracy in this country as important as the wiping out of any other disease, whether the disease be of plants or of animals or good citizens?

EXPENDITURES FOR EDUCATION AND ILLITERACY COMPARED WITH OTHER EXPENDITURES

The eradication of any plague, disease, or social evil is not only socially just, it is economically sound.

And so as a matter of good, sane, business policy the eradication of illiteracy is essential.

A recent study of the relation of wealth to income shows that in charting to scale the actual figures for the educational expenditures per capita and the per cent of illiteracy, that with only two exceptions every State which spent more per capita for education than the average for the United States in 1910 had less than the average percentage of illiteracy, and every State, except two, spending less than the average in 1910 had more than the average percentage of illiteracy in 1920. More education tends to produce more wealth and less illiteracy which in turn increases the desire to have the ability to pay more for education and so on around the circle, each decade placing the State higher in its educational and financial standing. Allowing for the fact that the accumulation of wealth within a State extends over a considerable time, and that the natural wealth of the States varies greatly, we may still correctly say that the States which in the last 10 or 20 years spent the greatest amount for education have the greatest per capita income and the greatest acquired—not natural—wealth.

But here again the Nation's responsibility of the entire question becomes apparent, for the boys and girls educated in a well-organized school system may migrate to communities of lesser educational standing and conversely the boys and girls of more education may migrate into the communities which have expended much for education. "No State is independent of other States so long as there is any movement of inhabitants between them, for low standards in one State tend to discount the efforts of other States in maintaining higher ideals. Each State is, therefore, interested in what other States are doing," says the United States Bureau of Education. According to the reports of the National Bureau of Economic Research, the educational improvement of the individual worker tends toward the increase of national wealth by increasing his personal efficiency in the particular place he fills, and many workers are enabled by their special technical knowledge to invent more efficient, and, therefore, more profitable ways of doing work, new machinery to replace the more expensive hand labor, and more systematic organizations to reduce the economic waste. The illiterate individual finds that many jobs are closed to him because they require ability to read and write, consequently his field of employment is restricted and he is forced to accept a lower standard of living and fewer advantages. Low earning capacity, low standards of living, and low average wealth go hand in hand with illiteracy; thus the Nation should, as a purely business proposition, be as much concerned with the economic aspect of illiteracy as with the personal inconvenience of the illiterate. The expenditures properly applied to the reduction of illiteracy are profitable to the States as a people and thus to most of its population as individuals.

The large life-insurance companies of America are spending thousands of dollars annually in order to raise the level of education among our people because they claim, and rightly so, that the better educated people are longer lived, have better health, and a surer income than the uneducated. One of the life insurance companies has a special division on illiteracy, for it recognizes that its work can not be fully done as long as illiteracy exists. Both public and private statistics on accidents, both in industry and in noncommercial activities, show that the largest number occur among illiterate and uneducated persons. When we consider the amount of the expenditures entailed in these accidents, quite apart from the humane side of the question, we can appreciate the need of spending further money to prevent them.

Millions of dollars wasted every year because of illiteracy, $825,000,000 a year, former Secretary Lane said, and his figures did not include the additional cost for illness, accidents, and social maladjustment. Add to this vast economic loss, the social degradation, the human suffering, the pain, the humility that goes with ignorance and pestilence, and consider this $5,000,000 asked for over a period of five years—is it not a relatively small amount to ask to overcome adult illiteracy?

It will be observed that in the bill before us there is no attempt to dictate to the States how they shall teach, but there is very definitely in it a request for information, which information in itself would demand a scientific analysis and report of the method in which the Federal money is expended. Such an approach is necessary if we are to conduct the campaign for the eradication of illiteracy on a scientific and not a sentimental basis.

WHAT IS ILLITERACY?

First of all, what is illiteracy? Most nations of high social standards consider a literate one who can read the printed page and who can intelligently write coherent sentences. The United States campaign against illiteracy is circumscribed by the definition of illiteracy formulated by the United States Bureau of the Census. In his statement on the work of the National Illiteracy Commission, Mr. Rufus W. Weaver, secretary of the commission, says:

> The definition of an illiterate as given by the Bureau of the Census is "inability to write in any language, not necessarily English, regardless of ability to read." Those who can write in some language but have not completed the equivalent of three years of training in the elementary schools may be classified as "near illiterates." The National Advisory Committee on Illiteracy appointed by the Secretary of the Interior with the approval of the President is undertaking the study of sheer illiteracy, its immediate reduction and its final eradication. Its field of operations is limited to illiteracy as defined by the Bureau of the Census.

As Mr. Weaver tells us, the scope of work of the Government commission is limited from the very start by the superficial, inadequate definition of the Bureau of the Census of literacy. There is at present then no accurate check provided to determine how many illiterates—real not "sheer," as the Government calls them—there are in this country. First, then, we must have a genuine definition of illiteracy, and then we must provide the machinery for its proper application. Then we shall be ready to go ahead to fight this social evil.

Unofficially we are now informed—on excellent authority, however—that there are at least 20,000,000 adults in this country who can not read the printed page. The census figures for 1920 reported 4,931,905 illiterates in this country. But bear in mind that this meant only "confessed illiterates"—that is, those who admit inability to write in any language. While it is granted that the figures quoted are as of 10 years ago, and that many of those who were then illiterate can now read and write, in general, we have to admit that while some have become literate, thousands more have become adult illiterates. Caution should be taken that we do not confuse illiteracy with inability or incapacity to learn. We are not concerned at this time with the mentally handicapped person who can not learn to read and write; we are concerned now only with those who have not had the opportunity to learn.

When Professor Thorndike a few years ago gave to the world the result of his years of research in adult learning, and states that adults can learn as fast as children, the movement of adult education was given a great impetus, and a new horizon presented itself to all who were interested in affording men and women an equitable opportunity in their struggle in life.

Every social-minded person and every organization with a social purpose wants to help. The public schools doing their utmost are being assisted by the educational organizations, the

Young Women's Christian Association and Young Men's Christian Association, the Catholic Welfare Council, the Council of Jewish Women, the American Legion, the Federation of Women's Clubs, the American Federation of Labor, and many other similar splendid organizations.

This work is of such importance and such a highly specialized piece of work, however, that it must be handled only by those who have had not only training but who have the social vision which the application of the proper training would require. The teacher must be a leader, a guide, a friend in every sense of the word, in addition to having had excellent professional training.

WE MUST SHOULDER THE RESPONSIBILITY FOR THE MILLIONS OF ADULTS GROPING IN DARKNESS

This bill provides that the work should extend over a period of five years. The importance of an extended program is apparent. As was said before, adults can learn as fast as children, but no faster. In many instances, because they have acquired a certain manual dexterity, they are able to learn to write more quickly than children. They have a finer coordination of the muscles of hand and arm.

But we should never confuse a simple manual dexterity, such as is required for tracing copy or for copying simple letters, with the actual ability to read and write intelligently. What we seek is to develop in these men and women, not simply a further applied coordination of the muscles of the hand, but rather the actual ability to read and write in such a way as to become good parents—good citizens in every way.

In order to decide how long the program should be, it is necessary to determine the objectives of the education and the general approach thereto. Bear in mind always that Doctor Thorndike has shown that an adult can learn as fast as a child but no faster. Hence we must admit that if a child must reach a level of fourth-grade literacy in order to understand the printed page at all, that even with the elimination of that elementary general training in social adjustment which is a part of the early school life of a young child, that the very least time which we may ascribe as a learning period for an adult is 100 lessons, given at the rate of at least 2 a week in continuous succession.

There are, we know, two groups of adult illiterates—the native born, both the white folks and the negroes—and also the foreign-born illiterates. True, immigration restriction has materially reduced the number of our foreign-born illiterates, and many of these foreign born who were illiterates when they entered this country a number of years ago have since then learned to write. But for both groups the problem is, in the broadest sense of the word, an Americanization problem, which means learning to read and write not only the English language but learning likewise the a b c's of American life and American institutions. The native born thus far denied an opportunity of learning the basic elements of reading and writing is entitled thereto so as to instill in them a desire to broaden their experience, to enrich their lives, to give to them something of that which America boasts she affords for all to make them something more than The Man with the Hoe, as pictured by Edwin Markham, men unable to read and understand the word of God and man:

> Bowed by the weight of centuries he leans
> Upon his hoe and gazes on the ground,
> The emptiness of ages in his face,
> And on his back the burden of the world.
>
> * * * * *
>
> Is this the thing the Lord God made and gave
> To have dominion over sea and land;
> To trace the stars and search the heavens for power;
> To feel the passion of eternity?
> Is this the dream He dreamed who shaped the suns
> And pillared the blue firmament with light?
>
> * * * * *
>
> What gulfs between him and the seraphim!
> Slave of the wheel of labor, what to him
> Are Plato and the swing of Pleiades?
> What the long reaches of the peaks of song,
> The rift of dawn, the reddening of the rose?

WE MUST SHOULDER THE RESPONSIBILITY FOR THE MILLIONS OF ADULTS GROPING IN DARKNESS

America must give its men and women more than that. As a Nation we must shoulder the responsibility for the 20,000,000 men and women who know but a world of darkness.

They yearn for a word from friends. They want to be in closer communion with their God. And when what must be a divine awakening comes how glorious they must feel.

Stories are numerous. For example:

One rainy evening a little woman, the mother of nine children, came to night school with a beaming face—

> "Miss Egerton," she said, "what do you think I found to-day? The Lord's Prayer. I was just picking out the words I knew in the Bible, finding first one and then another, when all of a sudden I saw that these words made the Lord's Prayer. I had found it for myself."

It was hers, as it had never been before.

An illiterate mother in North Carolina had an illiterate married daughter in South Carolina. Both attended night schools. One morning, after a number of lessons, the mother joyfully showed the teacher a letter from her daughter:

> Miss Mary, there is a letter from my daughter. I have just read with my own eyes what she write with her own hand.

IT WILL TAKE TIME

But we can not lose sight for one minute of the fact that this work takes time. If it is to be sure, it must be slow; it must be thorough.

There is not one highly trained worker in the field who would deny the fact that the work can not be rushed. The work must extend over a long period.

The pronouncements of the two nation-wide educational organizations on this question are significant.

The American Federation of Teachers, in its pronouncement on illiteracy, says:

> Literacy should first be carefully defined before we make our plans. If literacy means the ability to write one's name (as the census definition implies) and to read a few especially learned words, the program is greatly simplified but will in no way prevent our having a large illiterate population. We must endeavor to do away with programs which hold up illusions of literacy, and we must definitely stand for the fact of literacy. We want people who can really read, and that means, undoubtedly, that the reading habit shall have been definitely established.
>
> As teachers we know that it takes long to acquire a habit and so set it that it remains with us through life. The near illiterates are as helpless as the absolute illiterates in the work of the world.
>
> New York State has decided upon a fourth-grade literacy. This means really giving power to the adult to become a reader. We subscribe to this standard.
>
> We definitely state our belief that if this work is done within a limited short period, and that if people who have learned to write their names and read a few stumbling words in the newspaper are to be classed as literates, and our place in the literacy of the world is to be raised thereby, the cause of literacy will be definitely and seriously harmed.
>
> If we are classed as the most literate nation, we shall not be able to conduct a true educational program to establish real literacy, because there will apparently be no need.
>
> If thousands, truly millions of illiterates will have been assured that they can learn to read and write by taking a short course of lessons, the discouragement and disillusionment that will follow in the majority of cases will plunge these people into a state so much darker that there will be no hope for them.
>
> We recognize the poverty of many of the States where the most work is needed and their consequent incapacity to do as much as should be done.
>
> Illiteracy we contend is a national evil and should be nationally combatted. Education is a public function and must be supported from public funds.
>
> We, therefore, call upon Congress to aid the States in combatting illiteracy by making available to the States Federal financial aid to be administered by the States.

The Department of Adult Education of the National Education Association said:

> We urge upon the census authorities the adoption of a schedule in the 1930 census that will reveal the number of persons, 10 years of age and over, that can not read English understandingly, meaning the number that have not completed four years in an English-speaking school or are unable to read the newspapers.
>
> We pledge our support to the request of the Director of the Census to enlist the teaching force throughout the country to act as enumerators for said purpose.
>
> We furthermore urge upon Congress and the President the adoption of a program involving adequate financial aid in carrying out a minimum 5-year campaign in reducing illiteracy as revealed by the 1930 census.

WHAT OTHER COUNTRIES ARE DOING

When we realize the wonderful opportunities for adult education which are afforded to the peoples of other countries our sense of practical patriotism is aroused. Our country must do at least as much.

Take Denmark, for example: Since 1814 Denmark has had compulsory education. Their adult education therefore is not for the eradication of illiteracy; they have practically none. Their work is the expression of the finest public forum where men and women talk of things of interest to them; gatherings which are remarkable art centers, centers of culture, growth, and understanding for all the people. Their work is not work for "college credits" which seems to motivate so much of our so-called higher education. Theirs is truly educational. It is an opportunity for all the people to have made available to them and for them experiences in a richer and fuller life. Growth! Their Government makes it possible—and not by the sale of candy. Or let us look at Mexico. When Moises Saenz became the undersecretary of education in Mexico several years ago, there were thousands and thousands of illiterates in that country. Over 60 per cent of the population could not read and write. He did not take these men and women and teach them how to trace their names. He believed in educating them. Education is growth, not simply mental, but spiritual—in the broadest sense—as well. On this premise Señor Saenz created five major educational centers of his country. Missions he called them, for they were to serve the people. To these centers came men and women, old and young—to sing, to paint, to mold pottery, to give a rebirth to their native arts, their native culture. The people were expressing their inner selves; naturally, fully. And then from the people came the desire to write of their experiences, to record their achievements. So, quite naturally, they wanted to learn to read and write. And they did. Not just a name and a sentence here and there, but they mastered writing—not as an end to answer the census requirements but as a means to further growth. They learned to read, to explore further into the beauties of life. A new vista has opened up for them. Their Government has made this possible. Can not we do as much as our sister republic?

Or look at China. Yen believed that from a war to make the world safe for democracy there should come in its natural consequences a move to free all people, that it should make all who are asked to serve in the fight into units that can enjoy fully the harvest of their labors. So he went into the soldier labor camps and organized schools. His was a work to evolve an alphabet. His was a work which meant overcoming the years of prejudice, the age-old traditions which would deny learning to the poor. But he has won. Thousands upon thousands have been and are being taught to write and read even in heathen China. No name-tracing limit is theirs. They seek a richer and fuller life. Can not we set a standard of literacy as high as their goal?

We can. We must. I know not what the 1930 census will show. Whatever it shows, bear in mind that it understates the case. It records as illiterates only those who admit that they can not sign their names. America must stand for more. The United States as a nation must help. Due to all sorts of economic, social, and political influences, dating back to the very birth of our Nation, illiteracy exists to-day—the pre-Civil War westward expansion which affected illiteracy in the succeeding generation—where were the schools—a social life organized on the basis of large cotton plantations, and with the consequent feudal-system philosophy of life applying to education; a scattered rural population, isolation caused by mountains and swamps; poverty due to unscientific farming; poverty due to the War between the States; property loss; bad roads—many more removed and remote causes. We suffer now the effects. All States have some immediate causes.

The short-term school, the 186 loopholes in the so-called compulsory school attendance laws of our several States, the many violations of child labor laws, the insufficient State appropriations—all of which contribute so much to the presence of illiteracy—would not be tolerated by an educated citizenry. We are in a vicious circle. The bad conditions of the past have produced illiteracy to-day. An illiterate citizenry will not—can not, in fact—ever free itself from the curses which a past generation has left upon it. Who will break the vicious circle?

Let our National Government make possible the wiping out of illiteracy to-day, so that our States may to-morrow have citizens who will be educated sufficiently to carry on for the common good.

Literacy is not education. It is but the first and the simplest of the tools to make possible education.

And so in this bill we ask that our Federal Government should help furnish the tool, so that the States may do their part, as they wish to do, and make possible education, growth, and understanding for all the people.

AN INVITATION TO MINNESOTA

Mr. MAAS. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MAAS. Mr. Speaker, while in Minnesota recently I had one of the most delightful surprises I have ever enjoyed. The aviation clubs of St. Paul and Winnipeg were the week-end guests of Captain and Mrs. W. H. Fawcet at their most unusual summer resort, Breezy Point, on Big Pelican Lake, at Pequot, in northern Minnesota. As a member of the St. Paul club I was one of the guests, and long shall I remember the experience.

A hundred and fifty miles north of St. Paul, into a magnificent virgin wilderness, still largely populated by Indians, albeit now civilized, but still entirely picturesque, we suddenly came upon an apparition. Here, comfortably settled on a delightful point of a perfectly beautiful lake surrounded by majestic pine trees, is a completely modern hotel, surrounded by a colony of cottages with every convenience, and yet with a surprising rustic appearance in harmony with the natural setting. Every recreation is provided: Golf, tennis, horseshoe pitching, horseback riding, boating, swimming, trap shooting, fishing, even flying. Meals to an irresistible orchestra, which also provides the music for dancing on a splendid screened outdoor floor after dinner.

It is cool, restful, and genuinely entertaining. Its surroundings are typical of Minnesota recreational facilities. Indeed, it is a summer paradise.

Capt. Billy Fawcett, as he is popularly known, has a distinguished war record and, conceiving this paradox of a natural, primitive setting for a modern summer resort during the war, he and his charming wife, who is a most cordial hostess, established Breezy Point soon after the war.

There is about Breezy Point an atmosphere of a never-to-be-forgotten hospitality that is so genuine and personal one forgets he is in a public resort. There is always the easy informality of a home, with all the privacy of one's own establishment.

Captain and Mrs. Fawcet have asked me to extend to all Members of Congress of both Houses their cordial invitation to be their personal guests at any time during this season that you might find it convenient to visit them. I assure you from personal experience that all of you who may be in a position to accept their hospitality will be well repaid for your trip. You will be entranced by Minnesota's startling summer beauty and fascinated by a few days at one of her most delightful recreation spots. [Applause.]

SECOND DEFICIENCY BILL

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12902, the second deficiency bill, with amendments of the Senate, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 12902, the second deficiency appropriation bill, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, let me ask the gentleman from Indiana whether the Clerk of the House has furnished him with a copy of the information that was furnished me touching the expenditures of the House and Senate from the contingent funds? The Clerk of the House some time ago was requested by the gentleman from Indiana as well as myself to furnish some data on expenditures from the contingent funds of the House and Senate. Mr. Page, the Clerk of the House, has furnished me with a list of those expenditures. I wonder if the gentleman has a copy of it?

Mr. WOOD. No.

Mr. GARNER. I would like to furnish him with a copy, to give him the information in case a discussion comes up on an appropriation for the contingent fund.

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Indiana concerning an item that was placed in the bill by the Senate, an

appropriation of $50,000 for the so-called Crime Commission. It was stricken from the bill on a point of order which I raised in the House. All I know about the action of the Senate is what was stated in the newspapers. The item of $50,000 was inserted in the Senate, but a limitation was placed on the powers of the commission. May I inquire if the gentleman will stand by the House bill, or is it in contemplation on the part of the House conferees to increase the amount inserted in the bill by the Senate?

Mr. WOOD. Of course, the gentleman knows that the item was stricken out on a point of order. The Senate has restored it, but with a smaller amount and for a limited inquiry. We shall, of necessity, have to bring it back to the House. The conferees can not increase it. That matter is up to the House.

Mr. LAGUARDIA. The conferees can not increase the amount?

Mr. WOOD. No.

Mr. CRAMTON. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. CRAMTON. The situation is that the conferees can not accept the amendment without bringing it back to the House for a separate vote?

Mr. WOOD. That is the situation.

Mr. CRAMTON. The conferees can neither increase nor decrease it?

Mr. WOOD. They can not.

The SPEAKER. Is there objection?

Mr. RAMSEYER. Will the gentleman yield for a question?

Mr. WOOD. I yield.

Mr. RAMSEYER. Is it the understanding of the gentleman that inasmuch as this is a new item, under the rules of the House, as it appeared in a bill having no law authorizing it and subject to a point of order, being a new proposition, the conferees are not limited to $50,000? They can go up or down, according to their best judgment?

Mr. TILSON. The conferees can not accept it at all under our rules.

Mr. RAMSEYER. But is it the idea of the gentleman that inasmuch as it can not be accepted, the conferees can not agree to a larger amount, as suggested by the President?

Mr. WOOD. No; we can not. We can not go back of the action of the House.

Mr. TILSON. It must be brought back to the House in any event?

Mr. WOOD. Yes.

Mr. TILSON. Of course, the House could increase the amount?

Mr. WOOD. Yes.

Mr. CHINDBLOM. Reserving the right to object, with reference to the matter discussed by the gentleman from Texas [Mr. GARNER], in regard to items covered by the two Houses for contingent expenses, I understand the question of payment of traveling expenses for clerks to Members is involved. For myself, I will say I have no objection to the proposal of the Senate to make some allowance for traveling expenses of clerks to Members who actually travel on account of the business of the Members, but, if that matter is involved, I hope that some method will be found by which the two Houses will be placed upon a parity.

Mr. WOOD. I will say to the gentleman that that question is not involved in this bill. There was an item of that character placed by the Senate in the legislative appropriation bill, and it was stricken out in conference with the understanding that nothing more should be done at this session of the Congress, but that the whole matter would be taken up at the next session of Congress, possibly. I wish to say, however, that last year when we tried to equalize the salaries between the officers and employees of the House and the Senate, this matter was given consideration, and it was one of the controlling causes for increasing the salaries of all clerks to Members of the House and Members of the Senate.

Mr. CHINDBLOM. I am not asking that anything be done at this time, but I would insist upon parity and equality between the Members of the two Houses.

Mr. WOOD. In any event, it should not apply to one House and be paid out of the contingent fund and not apply to the other House. If the Senate should do that, we would immediately have all sorts of trouble here, and whatever is done should be done by the joint action of the two Houses.

Mr. GARNER. Will the gentleman yield for a question?

Mr. WOOD. I yield.

Mr. GARNER. I called the gentleman's attention once before to the resolution introduced in the Senate with reference to the payment of traveling expenses of clerks to Senators. Does the gentleman recall that?

Mr. WOOD. I recall that. I inquired about that this morning. That was referred to a committee and I hope that nothing will be done with it until both Houses have a chance to consider it together.

Mr. GARNER. If the Senate should pass that resolution before adjournment there would be discrimination in favor of the clerks to Senators in the payment of traveling expenses?

Mr. WOOD. I inquired of the conferees this morning with reference to that very item. We told them that if there was any possibility of that being done that we, during the consideration of the items in conference, would try to protect ourselves by reducing the amendment for the contingent fund of the Senate. [Applause.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. WOOD, CRAMTON, WASON, TAYLOR of Colorado, and AYRES.

POST-OFFICE BUILDING, WASHINGTON, D. C.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. ELLIOTT, TAYLOR of Tennessee, and LANHAM.

BOISE NATIONAL FOREST

Mr. COLTON. Mr. Speaker, I call up a conference report on the bill (H. R. 4189) to add certain lands to the Boise National Forest.

The Clerk read the title of the bill.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4189) entitled "An act to add certain lands to the Boise National Forest," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.

BRONSON CUTTING,
JOHN B. KENDRICK,
T. J. WALSH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4189) entitled "An act to add certain lands to the Boise National Forest" submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

Amendments 1, 2, 3, and 4 are changes in the description of the land, and which thereby limit the area to be added to the Boise National Forest.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.

Mr. STAFFORD. Will the gentleman explain briefly this conference report?

Mr. COLTON. This is simply limiting the number of acres to be included in the forest.

Mr. STAFFORD. It delimits the provisions of the House bill?

Mr. COLTON. Yes.

The conference report was agreed to.

FOOD AND DRUGS ACT

Mr. HAUGEN. Mr. Speaker, I call up the conference report on the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes."

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,
Managers on the part of the House.

CHAS. L. MCNARY,
JOHN G. TOWNSEND, Jr.,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill authorized the Secretary of Agriculture to establish certain standards for various classes of canned food. The Senate amendment adds to the House bill a paragraph prescribing detailed procedure to be followed in establishing such standards and also contains language which might be interpreted to authorize the establishment of standards for all foods, and the establishment of definitions as well as standards; and the Senate recedes.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,
Managers on the part of the House.

Mr. HAUGEN. Mr. Speaker, I may say that the Senate has receded on all of its amendments.

Mr. JONES of Texas. Then the bill is in exactly the form that it originally passed the House?

Mr. HAUGEN. Yes.

Mr. JONES of Texas. One amendment that the Senate put on gave authority to establish grades on all food supplies. I understand that has been eliminated?

Mr. HAUGEN. That has been eliminated.

The conference report was agreed to.

OLEOMARGARINE

Mr. HAUGEN. Mr. Speaker, I call up conference report on the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended.

The Clerk read the conference report.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

G. N. HAUGEN,
FRED S. PURNELL,
Managers on the part of the House.

CHAS. L. MCNARY,
PETER NORBECK,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: The House bill enumerated certain products which it is declared shall not be covered by the new definition of oleomargarine contained in the bill. The Senate amendment adds to this list other products which it is not intended shall be covered by the new definition of oleomargarine; and the House recedes.

On amendment No. 2: The Senate amendment excludes from the new definition of oleomargarine contained in the bill certain cooking compounds and cooking oils; and the Senate recedes.

On amendment No. 3: The House bill provided that the act should take effect six months after the date of its enactment. The Senate amendment changes this period to 12 months; and the House recedes.

G. N. HAUGEN,
FRED S. PURNELL,
Managers on the part of the House.

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker and gentlemen of the House, I have asked this time of the gentleman from Iowa in order that I can again protest against the enactment of this bill. I think it is the most uncalled-for piece of legislation that has been before the House since I have been a Member.

The bill places shortenings in the same class as oleo, under the guise of farm relief. The gap between shortenings and oleo is closed, but the gap between oleo and butter remains the same. Therefore, I can not understand how anyone can claim that the enactment of this measure will in any way stimulate the sale of butter. What you are really doing is to increase the profits of the manufacturers of oleo and similar products, and you all know that large corporations are the manufacturers of oleo. You seek by this bill to require users of such compounds to buy oleo.

You are to-day placing an additional burden upon the unemployed, upon the poorest class of people in the country, because it is only the poor who find it necessary to purchase shortenings; and by placing a tax on shortenings you are making these people pay 10 cents a pound additional for the product.

The housewife who buys shortenings for her children does so because she does not have the money to buy butter. She knows just as well as you do that the food value is not the same.

Had you placed oleo and butter in the same class by increasing the tax on oleo then you would have done something that would have required the people to either buy butter or pay the same price as they would have to pay for butter for oleo, but you have not done this. You know the people of the country would not tolerate such a law.

Again I say you leave oleo as it is, separated in price by 20 cents a pound or more from butter, which makes it evident you have done nothing to help the sale of butter. You help the sale of oleo, which the farmer does not manufacture, by placing shortenings in the oleo class.

I want to be recorded to the end as being opposed to such legislation, which can not be defended.

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, I was one of the few Johns in the wilderness crying out against the passage of this bill. I cried out in vain and I am not going to cry out any longer. I know my cries would be in vain and futile. I just want to register my protest against the enactment of such legislation. I know that I can not defeat this bill. An objection at this time would only delay the consideration of the conference report a day, if it accomplished that purpose. And I know that we are not strong enough to vote the report down.

The purpose and effect of this bill are at variance with the governmental principles of a republic and a free people. The effect of it is to bludgeon out of commerce a legitimate article of trade in order to make way for another article of commerce. This is inconsistent with the spirit of America, its commerce, its traditions, and its history. I protest and I hope the President of the United States will veto this measure, one of the most vicious pieces of legislation enacted under the guise of promoting the public welfare; but, in fact, bestowing in the most outrageous fashion favor upon a particular class of the people of this country at the expense of a legitimate industry whose operation is threatened with annihilation by the enactment of this bill into law. Its purpose is unjust, unfair, and un-American, and will establish a precedent that will plague the Congress many times in the future.

Mr. LaGUARDIA. Let us try to vote it down this morning.

Mr. JONES of Texas. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. JONES of Texas. I would like to ask the chairman if the conferees agreed to the Senate amendment which eliminated fgom the operation of this law cleansing compounds, illuminating compounds, and oils of the various kinds named in the amendment, which amendment was similar to the one I offered in the House?

Mr. HAUGEN. The House agreed to the Senate amendment.

Mr. JONES of Texas. The conferees agreed to that amendment in toto?

Mr. HAUGEN. To the gentleman's amendment; yes.

Mr. JONES of Texas. Which eliminates a number of compounds that do not compete with butter in any of its uses.

Mr. HAUGEN. If the gentleman has reference to his own amendment, that was agreed to.

Mr. JONES of Texas. I congratulate the chairman on agreeing to that amendment. It will do much to remove any questions as to the validity of the bill, and at the same time enable it to accomplish all of the purposes for which it was intended.

Mr. HAUGEN. I will not take up further the time of the House. The purpose of the bill is to bring these cooking compounds under the same regulation and under the same taxing provision as oleomargarine, which is a competitive product with butter, and to treat them all alike. [Applause.]

The conference report was agreed to.

BENEFITS OF THE SEVENTY-FIRST CONGRESS TO THE SECOND DISTRICT OF VIRGINIA

Mr. LANKFORD of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on some of the results of the work of the Seventy-first Congress.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. LANKFORD of Virginia. Mr. Speaker, knowing the very deep interest of my people of the second district of Virginia in national affairs by reason of the numerous and important Government activities in our district, I think perhaps it would be interesting to them for me to summarize the results of the Seventy-first Congress, especially with reference to this district.

This has perhaps been the busiest Congress since the World War, and much constructive legislation of national importance has been enacted which will directly and indirectly benefit many of our people, but it is not of this that I wish to speak, but of those measures which are of especial interest to our people as distinguished from the citizens of the Nation as a whole.

(1) The increased tariff on peanuts. President Coolidge, as one of his last official acts, raised the peanut tariff from 4 to 6 cents and the Seventy-first Congress has increased the tariff on peanuts from 6 to 7 cents. The peanut crop in our section of Virginia is estimated at $10,000,000. China has for years exported and sold in this country approximately 80,000,000 pounds of peanuts, at a price of between 2 and 3 cents a pound, in American ports, exclusive of the tariff. These come in competition with the nuts grown in Virginia and North Carolina and known as the Virginia variety. With the American market in the future, therefore, saved in large measure to the Virginia and North Carolina peanut farmers from this deadly competition, we can see the tremendous importance of this protection to our peanut farmers, and I believe they can confidently look forward to an increased price for their product for the future.

It is true that due to large importations of Chinese nuts last year, prior to the raising of the tariff, in addition to a full American crop, to the depressed financial situation, and to several other causes over which the Government or politics has no control, that there was a surplus and the prices have been unsatisfactory this year, but with the market now saved for the American farmer from foreign competition, he can look forward confidently to a better price for the future if he does not produce a surplus of his own home-grown product.

(2) A new Federal office building, for which $2,050,000 has been appropriated.

It is with special pleasure that I can finally announce this as accomplished, the money being in the United States Treasury and ready to be expended for this purpose as soon as the site can be purchased and plans prepared.

(3) Six hundred thousand dollars appropriated and available at once for permanent buildings at the Hampton Roads naval operating base.

(4) Two hundred thousand dollars authorized for an administration building for the naval air station.

(5) Five hundred thousand dollars for locks in the Albemarle & Chesapeake Canal to be constructed near Great Bridge, in Norfolk County.

(6) Four million dollars for the completion of the modernization of the U. S. S. *Arizona*, now in the Portsmouth Navy Yard.

(7) One hundred and thirty thousand dollars for improvement of dry dock and equipment and power distribution, Portsmouth Navy Yard.

(8) Two hundred and thirty-five thousand dollars for maintenance, Hampton Roads Naval Training Station.

(9) Two hundred thousand dollars for dredging at Hampton Roads naval operating base.

(10) Ninety thousand dollars for improvement of fuel-oil storage at Hampton Roads naval operating base.

(11) Fifty-four thousand dollars improvement of steam system at St. Juliens Creek.

(12) Twenty thousand dollars for water tank at St. Juliens Creek.

(13) One hundred thousand dollars for improvement of flying field at Naval Air Station, Hampton Roads.

RIVERS AND HARBORS

(14) Ninety-two thousand three hundred dollars together with $3,500 annually for maintenance for channel in the Nansemond River, 10 feet deep and 80 feet wide from its mouth to Reids Ferry.

(15) Ninety thousand dollars for an anchorage ground near Craney Island, 30 feet deep, 1,200 feet wide, and 2,400 feet long.

(16) Thirty-one thousand dollars together with $500 annually for maintenance for channel in Scotts Creek, Portsmouth, Va., 12 feet deep and running from its mouth to a point 100 feet above the Atlantic Coast Line Railroad bridge.

(17) Twenty-five thousand five hundred dollars together with $1,000 annually for maintenance for a channel 18 feet deep, 150 feet wide, and extending 3,000 feet above the West Norfolk highway bridge in western branch.

(18) Eight thousand five hundred dollars with $500 annually for maintenance for a channel 10 feet deep and 300 feet wide from deep water in Hampton Roads to a point opposite the wharf at the extreme tip of Willoughby Spit.

(19) Eleven thousand two hundred dollars for a channel 30 feet deep and 300 feet wide in the eastern branch extending from the 40-foot channel to a point opposite the terminal of the Imperial Tobacco Co. in Berkley.

PRELIMINARY EXAMINATIONS AND SURVEYS HAVE BEEN AUTHORIZED FOR THE FOLLOWING PROJECTS

(20) Southern Branch of the Elizabeth River, Norfolk.

(21) Paradise Creek, Portsmouth.

(22) LaFayette River, Norfolk.

(23) The awarding of the Shipping Board lines known as the Nelson Line and the Roosevelt Line can not be estimated in dollars and cents though they are extremely important in our future development.

(24) The decision of the Post Office Department to award an air-mail route from Norfolk to Pittsburgh also is important from a commercial development standpoint.

(25) Cape Henry Lighthouse was transferred into the custody of the Association for the Preservation of Virginia Antiquities.

(26) The largest airplane carriers in the world—the U. S. S. *Saratoga* and the U. S. S. *Lexington*—were recently sent to the Norfolk Navy Yard, demonstrating the capacity of this yard to accommodate the greatest vessels afloat.





(27) The House Naval Affairs Committee has reported out favorably an authorization of $30,000,000 for modernization of the battleships *Mississippi*, *New Mexico*, and *Idaho*.

(28) Nineteen destroyers have recently been assigned to the Norfolk Navy Yard as their home port for maintenance and repairs.

(29) The question of restoring the recently burned pier at the Hampton Roads naval operating base has been presented to the Navy Department and the Bureau of the Budget, and it is expected that both will approve the restoration of this pier in concrete at the December session, at an estimated cost of $850,000.

(30) An investigation is now being made for the construction of a new post office at Smithfield, Va., to be ready at the expiration of the lease on the present quarters, which expires in May, 1931.

(31) In addition to the above specific items of general interest great numbers of our citizens, veterans of the Spanish-American War and the World War, have received either new or increased pensions, and large numbers have received compensation awards, some through congressional action and some through the bureau.

I am sure that our people are deeply appreciative of the recognition which has been given our district by this Congress, as evidenced by the items above set out, and I take this means of expressing my appreciation and that of my people to our many friends in Congress and in the administration who have helped us in the various projects in which we have been interested.

TRANSPORTATION OF BLACK BASS

Mr. NELSON of Maine. Mr. Speaker, I present for printing a conference report on the bill (S. 941) to amend an act entitled "An act to regulate the interstate transportation of black bass, and for other purposes," approved May 20, 1926.

The conference report and statement follow:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

JOHN E. NELSON,
CHAS. A. WOLVERTON,
J. L. MILLIGAN,
Managers on the part of the House.

JAMES COUZENS,
KEY PITTMAN,
JAMES E. WATSON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

All House amendments are agreed to and the bill remains as passed by the House.

JOHN E. NELSON,
C. A. WOLVERTON,
J. L. MILLIGAN,
Managers on the part of the House.

Mr. NELSON of Maine. Mr. Speaker, in view of the fact that the Senate recedes and concurs in all the House amendments and the bill remains as it was passed by the House, I ask unanimous consent for the present consideration of this report.

The SPEAKER. The gentleman from Maine asks unanimous consent for the present consideration of the conference report. Is there objection?

There was no objection.

The Clerk read the conference report.

The conference report was agreed to.

TEN THOUSAND LAKES OF MINNESOTA

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDRESEN. Mr. Speaker and Members of the House, during the heat of the summer when Members of the House will enjoy rest and recreation, I invite you to come to Minnesota. Our State, with its 10,000 lakes and hundreds of streams, abounding with fish of every character, will be the place for you to secure rest and renewed strength to carry on your duties next winter.

Hundreds of ideally located and hospitable summer hotels, situated on the lake shores and easily accessible, will provide for your comfort.

When you come to our State you will find that our people are congenial and industrious. You will also find a State teeming with industry and agricultural activities. In other words, you will find a people who are working hard to make an honest living.

Mr. A. F. Oppel, deputy commissioner of forestry and fire protection for the State of Minnesota, has aptly portrayed the recreational possibilities in our State in the following statement:

Minnesota is well known throughout the United States as a vacation land. Its 10,000 lakes, scattered throughout the forested area, is the magnet that attracts the tourists and the vacation seekers.

Its lakes alone or its forest alone would not have the same attraction. It requires a combination of both to make an ideal vacation ground.

The forests are the home of large and small game and fur-bearing animals. They are the source of trout streams and have a decided beneficial effect in regulating the water levels of lakes and streams which are the habitat of many of our game fish.

The future of recreational privileges cherished by our good people depends upon forest maintenance. So forest protection and reforestation are properly problems for the lovers of out of doors.

The State of Minnesota has approximately 2,000,000 acres of land, of which 407,490 acres have been set aside as State forests to be managed for timber production on forestry principles and such other uses not inconsistent therewith. These State forests offer wonderful opportunities for recreation.

Perhaps half of these areas still contain some good timber. The other half should. They are widely scattered and many of them border on lakes and streams, giving the State a good many hundreds of miles of lake frontage.

All state-owned water frontage has been withdrawn from sale by legislative act. In order to give the people the greatest use of these lands, canoe routes have been opened up, public camping grounds established at various points, and public shooting grounds and game refuges set aside.

Lands not used for public purposes are subdivided into building sites, and these are leased at a nominal sum to anyone desiring to build a summer home on one of our northern lakes or streams. These sites vary in width from 75 feet and upward and are selected with a view to furnishing a good building spot for a cabin.

The State forests, aside from producing lumber and furnishing watershed protection for our lakes and streams, also afford a wonderful playground.

The people of Minnesota own a 32,000-acre tract of land known as Itaska State Park and Forest. This area contains about 100,000,000 board feet of virgin timber. Only the dead and down timber have been cut. Firebreaks have been built through the forest to facilitate fire suppression.

Douglas Lodge, a summer resort in the park, is also owned by the State, and is leased to a competent hotel man, who accommodates thousands of tourists every year. Douglas Lodge overlooks Lake Itaska, a beautiful timber-bordered body of water.

On the north end of the north arm of Lake Itaska the State maintains a free public camping ground, which is visited annually by thousands of pleasure seekers. Itaska Park embraces the headwaters of the Mississippi River, where it is possible for one to step across the mighty Father of Waters.

A herd of about 35 elk roam over an inclosed area in the park, and beaver are numerous and in a thriving condition. The beaver does some damage by cutting down trees for food and shelter, but compensates for this by damming up streams and ditches in the swamp country, thus aiding in the prevention of fire.

SHIPSTEAD-NEWTON-NOLAN CONSERVATION BILL—S. 2498, H. R. 6981

Mr. ANDRESEN. Mr. Speaker, I rise in support of the so-called Shipstead-Newton-Nolan conservation bill, for the protection of certain areas in northern Minnesota along the Canadian boundary. The Senate bill has received the approval of the Senate and now lies on the Speaker's desk. The House bill, introduced by my colleague, Representative NOLAN, of Minnesota, known as H. R. 6981, has received the majority report of the Committee on the Public Lands.

The two bills are practically identical, and I therefore desire to urge upon the House the necessity of approving the legislation before the adjournment of Congress.

It should be understood that the bill does not seek to create a new national park or to curtail the systematic management of national-forest lands for economic uses, and that the bill only applies to Federal lands and that no appropriation is carried.

The bill seeks to protect a vast lake land from unnecessary commercial exploitation, which would seriously impair its recreational value, by prohibiting interference with natural lake levels without the permission of Congress, and it protects a fringe of timber on Government lands around the shores of lakes.

In northern Minnesota, on Government-owned land, you will find the last natural stand of wilderness in the Middle West. This district, still largely inaccessible, has so far escaped serious injury at the hands of the lumber and power interests, and it is, therefore, the desire of those who are interested in conservation, to preserve this area in its natural state as far as possible.

Practically all of the large conservation organizations in the United States have given their indorsement to this legislation. The rank and file of the conservationists in Minnesota are entirely in accord and desire immediate passage of the bill.

The people of the Middle West and of the country at large are entitled to have this beautiful section preserved in its natural state. The hundreds of beautiful lakes should not be desecrated by the indiscriminate construction of power dams for private purposes.

The bill should be approved during the present session of Congress, and I hope that the Members of the House will give it unanimous support and that the Speaker and Rules Committee will permit its consideration, as it is a matter of dire emergency in the interests of conservation.

CHARLES W. REED

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4176) and agree to the Senate amendment.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 4176.

The Clerk read the title and the Senate amendment, as follows:

An act to extend the benefits of the employees' compensation act of September 7, 1916, to Dr. Charles W. Reed, a former employee of the United States Bureau of Animal Industry, Department of Agriculture.

Senate amendment:

Strike out all after the enacting clause and in lieu thereof insert the following:

"That sections 17 and 20 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, are hereby waived in favor of Dr. Charles W. Reed, a former employee of the United States Bureau of Animal Industry, Department of Agriculture."

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, will the gentleman yield?

Mr. IRWIN. I yield.

Mr. STAFFORD. In many of these private bills the Senate has incorporated an amendment similar to the one under consideration, giving the claimant the benefit of the workman's compensation act. I wish for the RECORD to contain a statement by the chairman of the Committee on Claims that it is his understanding that the benefit of that act starts from the passage of the respective acts, and is not retroactive.

Mr. IRWIN. I will say that all of these bills passed by the House from the Claims Committee contains that provision, that the compensation for the benefits commences at and from the passage of the act.

Mr. STAFFORD. So it is understood by the gentleman from Illinois that the amendment proposed by the Senate is effective from the date of the enactment of the act and is not retroactive?

Mr. IRWIN. That is my understanding.

The Senate amendment was agreed to.

Amend the title so as to read: "An act for the relief of Dr. Charles W. Reed."

GEORGE W. M'PHERSON

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8242, an act for the relief of George W. McPherson, with a Senate amendment, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX.

CONSOLIDATION OF THE COPYRIGHT LAWS

Mr. PURNELL. Mr. Speaker, I call up House Resolution 264. The Clerk read the resolution, as follows:

House Resolution 264

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12549, a bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Patents, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. CHINDBLOM. Mr. Speaker, I reserve a point of order on the report of the Rules Committee, which I think is raised for the first time.

Mr. MICHENER. I call for the regular order.

Mr. CHINDBLOM. Mr. Speaker, if pressed, I will make the point of order that the resolution from the Committee on Rules is not in order because it relates to a bill which is not now upon the calendar of the House under the conditions and in the status which existed when this resolution was adopted by the Committee on Rules.

The calendar shows that H. R. 12549 was reported to the House on June 24, 1930, Report No. 2016, and was placed on the House Calendar. The resolution or rule now called up for consideration by the Committee on Rules was presented to the House June 20, 1930, and therefore before the bill on the calendar had been reported to the House.

Of course, we all know that this bill is now upon the calendar for the third time. A previous rule was adopted for its consideration on June 12, 1930, and at that time a point of order was made, when it was sought to take up the bill in Committee of the Whole House on the state of the Union, on the ground that the report did not comply with the Ramseyer rule. Subsequently, after the present rule was presented in the House on June 20, 1930, I think it is well known that another irregularity in the adoption of the report became known, so, on June 23, if my recollection is correct, the chairman of the Committee on Patents obtained unanimous consent to withdraw the bill and the report, and the bill was thereupon again reported the following day and placed upon the House Calendar.

The situation is novel and arises, so far as I can learn, for the first time, and it raises the question whether the Committee on Rules has authority in advance of the report of a bill, and in advance of the placing of a bill on any calendar of the House, to bring in a rule for the consideration of the bill under the general rules of the House, as this resolution does, because the rule merely makes it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill. As I construe the rule, it does not suspend any of the rules of the House in reference to the consideration of legislation. It does not suspend the rule which requires bills to be upon the calendar of the House before they can have consideration. It merely makes it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. TILSON. Does not the effect of this resolution date from the time it is adopted by the House, and not from the time it was reported by the Committee on Rules? And if we to-day in the House adopt the rule, is not the effect of the rule to be applied as of to-day, and not three or four days ago, when the rule was reported?

Mr. CHINDBLOM. I will say to my distinguished leader and friend that I think that is one of the questions that the Chair will properly take into account, but I am now objecting to this rule as coming from the Committee on Rules upon the ground that the committee adopted this resolution and presented it to the House before the bill for which it provides consideration upon the present state of the calendar was in the

House, before the bill was upon any calendar of the House, before the bill had been reported to the House; and, of course, the bill can not be considered under this resolution unless the Speaker holds that this resolution suspends the rules with reference to reporting bills to the House and placing them upon the proper calendars before they can receive consideration in the House.

Mr. PURNELL. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. PURNELL. Does the gentleman contend a bill must be on the calendar before the Rules Committee can report out a resolution to make it in order?

Mr. CHINDBLOM. If the Rules Committee brought in a report suspending all rules of the House, that might be possible; but they have not done that in this case. They have simply provided that it shall be considered under the ordinary rules of the House, and that it shall be in order to move to go into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. PURNELL. Mr. Speaker, there is another fact in connection with this matter. This is the second resolution presented by the Rules Committee for the consideration of this same identical bill. As the Speaker knows, a point of order was made against the consideration of the bill when the attempt was made to go into the Committee of the Whole House on the state of the Union. The point of order was sustained because the report did not comply with the Ramseyer rule. It is my opinion that the original resolution which the Rules Committee presented to the House making in order this identical bill is still effective; but in order to obviate any objections, the Rules Committee presents another resolution. Subsequent to the filing of it another irregularity was discovered, of which the Rules Committee had no knowledge. It is true, as the gentleman states, that the present bill was subsequently reported to the House, but it is our contention, at least it is mine, that the original resolution might make in order the consideration of this bill.

Mr. MICHENER. Mr. Speaker, I do not agree with my colleague that the original resolution is in order. My contention is that when that resolution was brought before the House for a vote and the resolution or rule was passed, that resolution had spent its force; that it was dead. The Rules Committee in charge of the resolution brought it before the House, the House voted upon it, and then the Rules Committee withdrew, whereupon the chairman of the Committee on Patents rose and moved that the House go into the Committee of the Whole House on the state of the Union, as provided in the rule. At that juncture a point of order was made, it being claimed that the bill was not properly on the calendar, and it was found by the then occupant of the chair that the bill was not properly on the calendar. It was stricken from the calendar and recommitted to the Committee on Patents.

Later the committee made another report. The committee again asked the Rules Committee for another rule. The Rules Committee inspected the calendar and found the bill, prima facie, properly upon the calendar, and granted the rule. Later it was found that the Patents Committee had not complied with the rules of the House in reporting the bill, in that it had held a session of the committee during the session of the House without permission. Therefore the bill was again stricken from the calendar. We find ourselves now in this position: A rule has been granted in the regular way for the consideration of a bill which was, from all appearances, properly on the calendar. The bill has since been taken from the calendar, the defects in the report corrected, and placed back on the calendar, and to-day we have a rule which provides that it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12459. The report of the committee has nothing to do with this bill so far as its consideration is concerned. It is properly on the calendar at this time, and it is our contention that the rule waives all other rules to such an extent that the House should be permitted to vote upon the question of whether or not it will take up this bill for consideration in the committee.

The SPEAKER. The Chair is prepared to rule.

Mr. CHINDBLOM. Mr. Speaker, just one observation. I hope the Chair will not at this time pass upon the question as to the effect of the prior rule. That rule had been adopted, and pursuant to it the House was about to act, and the chairman of the Committee on Patents had moved that the House resolve itself into the Committee of the Whole House on the state of the Union. I concede that this presents a quite different question. I agree entirely with the gentleman from Michigan [Mr. MICHENER] that in the former case the rule had spent its force, but I am now submitting the question whether the Committee on Rules may report for consideration under the general rules of the House a bill which is not the same bill that is upon the calendar when the time arrives for consideration.

Mr. MICHENER. But it is the same bill with a different report.

Mr. CHINDBLOM. The Chair can not assume that. The Chair will know that a bill was on the calendar, and that that bill was taken off the calendar and subsequently put back upon the calendar after the rule was reported to the House by the Rules Committee.

The SPEAKER. The Chair is prepared to rule. It is not necessary to pass upon the question of whether the original rule for the consideration of this bill is still alive or not. The Chair, when the matter was originally submitted to him, informally expressed a grave doubt as to whether it would be considered alive. But this rule is an entirely different rule. It appears now for the first time for consideration. The Chair is aware that this bill has had a rather stormy passage. It has been twice rereferred to the committee, but as the bill now appears, so far as the Chair is advised, it is properly on the calendar as of June 24, 1930, and this special rule is properly reported to consider that bill. The Chair thinks that all that special rules of this sort do is to put bills for which they are provided in the same status that a revenue or appropriation bill has under the general rules of the House. Clause 9 of Rule XVI provides:

> At any time after the reading of the Journal it shall be in order, by direction of the appropriate committees, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue, or general appropriation bills.

Now all that this special rule does is to give the same status to this particular bill at this particular time. The Chair has no hesitation in saying that the Committee on Rules has acted with authority, and that it will be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill after the resolution is passed.

Mr. PURNELL. Mr. Speaker, I have no intention to take up more than a minute of the time of the House in a discussion of this resolution. The House is generally familiar with the provisions of the bill H. R. 12549. The purpose of the rule is to make it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union. Does the gentleman from Alabama desire to use any time?

Mr. BANKHEAD. No; I have no requests for time.

Mr. PURNELL. Then, Mr. Speaker, I move the previous question on the rule.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. BUSBY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 79]

Abernethy	Curry	Johnston, Mo.	Sirovich
Aldrich	Dempsey	Kading	Smith, W. Va.
Allgood	De Priest	Kemp	Snell
Andrew	De Rouen	Kendall, Pa.	Somers, N. Y.
Aswell	Dickstein	Kennedy	Sparks
Auf der Heide	Douglas, Ariz.	Kerr	Spearing
Bachmann	Doutrich	Kiefner	Sproul, Kans.
Barbour	Doyle	Kunz	Stalker
Beck	Drewry	Kurtz	Steagall
Bloom	Edwards	Langley	Stedman
Bohn	Estep	Lindsay	Stevenson
Boylan	Finley	McMillan	Stobbs
Brand, Ga.	Fish	McReynolds	Strong, Pa.
Brigham	Fitzpatrick	Magrady	Sullivan, N. Y.
Britten	Fort	Mansfield	Sullivan, Pa.
Brumm	Free	Michaelson	Swick
Brunner	Fuller	Montet	Taylor, Colo.
Buchanan	Gambrill	Murphy	Temple
Burdick	Gavagan	Nelson, Wis.	Treadway
Burtness	Gibson	Nolan	Underhill
Byrns	Gifford	Norton	Vinson, Ga.
Carley	Golder	O'Connor, N. Y.	Wainwright
Celler	Graham	Oliver, N. Y.	Walker
Chase	Granfield	Owen	Watson
Clark, N. C.	Griffin	Peavey	Welsh, Pa.
Cochran, Pa.	Hoffman	Pratt, H. J.	Whitehead
Cole	Houston, Del.	Pratt, Ruth	Williams, Tex.
Connolly	Hudson	Quayle	Williamson
Cooke	Hudspeth	Rayburn	Wilson
Cooper, Wis.	Hull, Tenn.	Reece	Wingo
Corning	Igoe	Romjue	Wolfenden
Coyle	James	Seger	
Crisp	Jeffers	Selvig	
Cullen	Johnson, Ill.	Sinclair	

The SPEAKER. On this vote 295 Members are present—a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

AMENDMENT OF COPYRIGHT ACTS

Mr. VESTAL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12549.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12549. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Kansas [Mr. HOCH] will kindly take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12549, with Mr. HOCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12549, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana.

Mr. VESTAL. Mr. Chairman and ladies and gentlemen of the committee, at this particular moment I am not going to take a great deal of time, but I do want to make a brief statement relative to the bill now before you for consideration, the bill known as the bill to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union.

For many years those familiar with the copyright laws of this country have urged the necessity of a general revision. The present law is admittedly imperfect and confusing and is inconsistent in expression.

A great development has taken place in connection with both the subject matter of copyright, the means for its communication to the public, and as to the countries in which copyrighted material may be utilized to advantage. In view of the fact that the last general revision of the copyright act took place in 1909, attention need only be directed to the vast field of radio and the mechanical reproduction of sound to illustrate the unforeseen developments that have taken place since that date.

Few people realize how vast the field is that is covered or affected by copyright legislation. For many years last past the Patents Committee has held hearings with a view to reframing the general copyright law of the United States. These hearings have been attended by authors of all kinds, including novelists, dramatists, poets, painters, designers, sculptors, musicians, and composers, as well as printers, bookbinders, booksellers, map makers, representatives of periodicals, motion-picture producers and distributors, theatrical managers, makers of mechanical phonograph records, makers of piano-player rolls, representatives of radio, libraries, and others too numerous to mention. The difficulties of framing comprehensive legislation so as to deal fairly with all of these interests, many of which deem that they should have rights conflicting with one another, need scarcely be emphasized. All of them seem to have agreed on one point, and that the necessity for the complete and drastic revision of the copyright act. Most of them—in fact, all of them with possibly one or two exceptions—have indorsed this bill, and the exceptions indicated have approved all of its provisions except the divisability feature. A nearer approach to unanimity of opinion on the part of those affected can probably never be reached in any bill covering this field.

I might say that the small group of people who first opposed the divisible feature of this bill have withdrawn all of their opposition, and so far as I know and as far as the committee knows, no one or no group of people is opposed to this bill.

In my limited time I can only touch in a general way on what the bill proposes to accomplish. It proposes:

First. Automatic copyright, by which the copyright is conferred upon the author upon creation of his work.

Second. Divisible copyright, which permits the assignee, grantee, or licensee to protect and enforce any right which he acquires from an author without the complications incident to the present law.

Third. International copyright which enables American authors merely by complying with the provisions of this act, to secure copyright throughout all the important countries of the world without further formalities.

Taking the last of these provisions first, I desire to say that it is highly desirable that the United States enter the International Copyright Union. This is a combination of 40 or more of the leading nations of the world, and under its articles any author whose work is copyrighted in one of the countries of the union automatically obtains protection in all other countries. To adhere to the international union it is essential that copyright be secured without any formality. It is necessary, therefore, prior to our adherence to the union, that our own law be amended to provide for automatic copyright in authors' works. The need of adequate international legislation is clear. The work of American authors increasingly appeals to foreign countries. A very large proportion of our Broadway plays are continuously produced in European capitals and practically all of our motion pictures are shown abroad. Book publishers report that with adequate protection they can establish large export businesses.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. AYRES. Under the provisions of this bill what will be necessary for a foreign author to do in order to be protected?

Mr. VESTAL. He can get automatic protection in this country by getting a copyright in the country in which he resides, provided we belong to the Copyright Union.

Mr. LANHAM. And an American author can get the same protection in foreign countries?

Mr. VESTAL. Yes.

Mr. AYRES. It protects the foreign author in this country and the American author in foreign countries?

Mr. VESTAL. Yes.

Mr. BRIGGS. Will the gentleman yield?

Mr. VESTAL. May I complete my statement? I will be glad to yield then.

Substantially all the nations of the civilized world are parties to the Berne convention, which created an international union for the protection of literary and artistic works and was signed at Berlin on November 13, 1908. The only exceptions are countries like Russia, China, and Siam, and some of the South American countries.

Mr. O'CONNELL. And the United States?

Mr. VESTAL. And the United States. Practically all, if not all, the commercial interests interested in this legislation, as well as the authors, composers, and artists appearing before the committee, have been increasingly desirous of procuring the entry of the United States into this union. The practical advantages are great. The testimony before the Patent Committee shows that the United States world market in many of the works covered by copyright will be seriously imperiled were the United States not to adhere to the Berne convention. To-day the protection afforded the American author abroad is very precarious. His present method of securing protection is to copyright in Great Britain, and by that means to obtain copyright through the International Union.

At the last convention of the union it was provided that citizens of a nonunion country should not be entitled to copyright through the union merely by obtaining copyright in a union country. Recognizing that this clause would adversely affect American citizens, through the splendid work of that splendid gentleman on the other side of the aisle, the gentleman from New York [Mr. BLOOM] together with Mr. Solberg, former register of copyrights, both delegates to the Rome convention in 1928, the door which would have closed against us was kept open and the time extended to August 1, 1931, to permit us to amend our copyright laws by which automatic copyright might be secured, so we might become a member of this international union. Entry into the union is intended by this bill, and if the United States fails to enter the evidence is convincing that its authors, publishers, and producers will be subject to retaliatory legislation abroad within a very few months.

As said above, we can enter the convention only by amending our own copyright law so as to permit, among other things, automatic copyright—that is, copyrighting without any formality. What is meant by automatic copyright? To-day under the common law any person who creates a literary work has a common-law copyright in that work, but he only secures protection upon publishing the work with notice of copyright attached. This bill proposes to write a Federal statute in conformity with the common law, so that the creator of the work will be the owner of the copyright, and provides that he will

have this copyright without attaching to it any words and without publication. Any author who produces a typewritten manuscript owns his common-law right in it just as securely as he owns his house and lot or his automobile, and without any formality whatever. That is the law now; and copyright—which is the mere right to copy—becomes effective only upon publication. When an author's work is published, if published with a copyright notice, it is protected, and if it is published without a copyright notice it is not protected. The bill we are considering proposes to wipe out this formality of giving protection only upon publication and notice and protects the author in his creation, the same as you are protected in any property that you own. This form of copyright has existed in England and practically all of the civilized countries of the world, except, as above stated, in Russia, China, the United States, and Siam, for more than 19 years.

Mr. O'CONNELL. And the United States?

Mr. VESTAL. And the United States.

The purchasers and dealers in copyrightable material are carefully protected in this bill by a series of sections relating to the registration of copyright and recording of assignments; so the whole purpose of automatic copyright is to place in the author in the first instance his own copyright. You will find this in section 1 of the bill, which provides for the vesting a copyright on creation without formalities or conditions in all the writings of an author, whether published or unpublished.

The second provision of the bill to which I specifically desire to call your attention is divisible copyright, which permits the assignee, grantee, or licensee to protect and enforce any right which he acquires from an author without the complications incident to the old law. Section 9 of the bill before us takes recognition of the universal commercial practice of treating the separable rights that are comprised in a copyright as assignable. May I say to the committee that these producers of plays have been made to see how erroneous their position was, and I have a telegram signed by every producing manager in America asking that this bill be passed as soon as possible.

Mr. BUSBY. Will the gentleman yield?

Mr. VESTAL. I would like to finish my statement, and then I will be glad to yield.

At the present time copyright is indivisible, technically speaking. In practice, however, this is not at all true; but, on the contrary, the holders of copyrights freely transfer the separate rights that are comprised in a copyright. This section is drawn in a large part from the English copyright law of 1911 and has caused no injustice or inconvenience in practice in England or in Canada or Australia, where similar provisions are in force, so far as any testimony was adduced to the Patents Committee.

Under the present law an author may write a manuscript and sell the serial rights in it to a magazine, say, the Saturday Evening Post. There is no copyright existing until after publication of the serial. The Post probably desires only the serial rights and pays the creator of the story, or agrees to pay him, a certain sum of money. Upon publication, however, the copyright may be in the name of the magazine publisher, who published the serial rights only, instead of in the owner of the manuscript. Now, if the author sells his book rights in the same manuscript to a book publisher, and there should be some infringement, and the book publisher desires to protect himself, he can do so only by joining in a suit the person owning the copyright, not the author.

What this bill proposes by divisible copyright is that when an author sells his serial rights to a magazine publisher he gives a legal title to those rights and the magazine can protect and enforce its rights as against any person who should attempt to infringe them. Under the present law, while the magazine publisher only purchases the serial rights, he must assign back to the owner of the manuscript all the other rights he may have in the manuscript, provided, of course, the author is aware of his rights and makes a proper contract. The owner is not barred under the present law from then selling his book rights to a book publisher, his motion-picture rights to a motion-picture concern, and his stage rights to a producer, but he can not give legal title to those rights and if an infringement occurs the party who owns the copyright must be made a party to the action. As I said a while ago, the difficulty with the present law arises on the question of enforcement of rights in case of infringement. If the purchaser of a motion-picture right finds his right infringed by some rival, he must join the copyright proprietor in a suit. The copyright proprietor may have been a magazine, and it may be out of business. He may have been the author, and he may be in some foreign country. In any case, under the theory of our courts, the presence of the copyright proprietor is necessary as a party to the suit.

All that this section purports to do and all that it does do is to permit an author or owner of any copyright to assign, grant, or license any part of his copyright and to confer upon the assignee or licensee a right which can be independently protected and enforced in a court of law. This section makes the law conform with the best trade practices. What the author wants and what the reputable purchaser needs is a good title to the right he purchases.

For instance, you own a farm of 80 acres, and it is divided into four 20-acre fields. You have the right to sell any one of the fields and give a title to it, or you can sell it all if you desire, and give a good title. This section of the bill purports to give to the owner of the copyright the same right that you have to divide your farm and to give a clear title to any part of it that you sell.

The only opposition to turning these equitable rights, as they are now, into legal rights—purely a technical matter—has arisen from certain of the producers of stage plays. Their testimony entirely ignores the plain facts that they have no rights which they do not now derive from authors of plays by contract. It is entirely open to the producers of plays to refuse to produce any plays where a contract unsatisfactory to them is suggested by the author. The manager is in no different position from anyone else who deals with a copyright proprietor. The rights of all such persons are solely determined by the contracts made. The suggestion that this section, if enacted, would destroy the spoken drama is erroneous indeed, for it would not change the practice with reference to transfer of rights in the slightest degree. The only change that it makes of importance is in the situation that arises in cases of infringement above explained.

I wish to emphasize that at the present time an author may dispose of any right comprised in his copyright just as freely and no more freely than he could in the proposed section. The practical difference, as stated, between the existing law and practice and the rule laid down in this section is essentially one of remedies in the case of infringement. Where the dramatic rights are infringed this change of form of rights should be as welcome to the holders of dramatic rights as to everyone else engaged in commercial enterprises connected with copyright.

The question of infringement of copyright is one of the most important features involved in the bill before us. Under the present law remedies for infringement are: Injunction, all of the profits, actual damages, statutory damages. While these remedies still exist in the new bill they take into consideration practical conditions. The bill contains a provision in section 15, subsection (b), as follows:

> To pay such damages to the owner of the right infringed as he may have suffered due to the infringement as well as all or such part of the profits which the infringer shall have made from such infringement as the court may decree to be just and proper.

This bill also takes into account the good faith of the innocent infringer. The present law makes no distinction between the willful infringer and the innocent infringer.

As to copyright records and titles, the bill not only provides for a simple method of registration of a claim to copyright and for the recording of instruments or assignments, licenses, grants, or rights, but it practically makes such registration and recording as advisable as is the recording of deeds. The bill does not make the ownership of copyright hinge upon any formality, but it does excuse innocent infringers and others who have had no notice by way of record or otherwise. The advantage of this provision is that the negligence which may affect the rights of an author or copyright owner can be only his own negligence. Under the present law a mistake in a copyright notice made by a printer's devil in a publishing house might invalidate the entire copyright of the author or publisher. Under the proposed bill the copyright is preserved under all circumstances, so that no man can be deprived of it except by assigning or otherwise disposing of it.

The present law provides for a period of 28 years and an extension of 28 years, or 56 years in all, for the term of copyright. Under the proposed bill we have fixed the time for the life of the author and 50 years. Practically all the other civilized countries have this term, and we believe that the American author ought to have as much protection as the authors in foreign countries.

Mr. O'CONNELL. That is the question that everybody is interested in—the life of copyrights—if the gentleman will go into that thoroughly.

Mr. VESTAL. I intend to do that.

LIFE AND 50 YEARS

The present term is 65 years after publication. A term dating from publication can not be used in the new bill, because publication is not made a prerequisite to copyright. Under the Constitution the term must be limited; therefore the most prac-

tical date from which to measure the copyright term is the death of the author.

REASON FOR 50 YEARS

The 50 years after death insures to the immediate family and heirs of a writer of genius an income for a reasonable period. Fifty years is shorter than the present term in some instances, longer in others. On the average, it is approximately 14 years longer than the present term. Life and 36 years by statistical calculation is the nearest equivalent to the present term of 56 years after publication. Fifty years is the commonest term among other countries.

ADVANTAGES OF UNIFORMITY

Fifty years after death is the term in all English-speaking countries, in France, Italy, Belgium, Denmark, Norway, Portugal, and several other nations. By far the largest part of our marketing relations are with the countries who use this term. Uniformity saves confusion and puts our authors on an even footing when they have literary property to sell in those countries—a play, book, or picture.

American plays are on the stages of London, Paris, Buenos Aires, and Shanghai. American movies are exhibited throughout the world. This market for books, plays, movies is threatened. In fact the Patents Committee is convinced that unless this bill is passed and American authors and playrights are given copyright protection abroad the market will be entirely lost, legally closed to American labor by the foreign governments, practically closed to American authors. Foreign distribution of works by American authors not only means an increased revenue to American business concerns and American labor, but it means the extension of American ideas into foreign countries by the most entertaining methods possible, namely, by literature, drama, and pictures. Time, therefore, is of the essence in this matter and it is fair to say that if this bill is not immediately passed in the present session, the delay may be fatal. Congress can not afford to take the chance.

KEEPING GOOD WORKS ALIVE

Without exclusive rights the author's publisher or agent does not keep books alive or keeps alive only the high spots of a list, this to the manifest disadvantage of the author's reputation and a real disadvantage to the public. Public libraries where books of literature can be borrowed without charge, complain that books which are controlled by nobody are never kept in print, though they are much needed. Houghton Mifflin keeps all the works of Thoreau in print, and the public would see nothing but "Walden" if this publisher did not have this proprietary interest.

PROMINENT AUTHORS WHO LOST COPYRIGHT DURING THEIR LIFETIME UNDER OLD LAW

The average extension of the term of 14 years, which the committee recommends, will save grave injustice to authors whose works may be produced in the early productive period of their life, for often in the past, under our present law, they have been left without income from these masterpieces at the end of their days. Only the works of real value are in demand to the end of this term and society does not begrudge to creators of fine material or to their immediate descendants the benefits of controlled distribution, especially when practical facts prove that this does not increase the price to the public.

NEED OF INTERNATIONAL COPYRIGHT PROTECTION FOR AMERICAN WORKS

American plays are on the stages of London, Paris, Buenos Aires, and Shanghai. American movies are exhibited throughout the world.

AMERICAN MARKET NOT CENTER TO FOREIGN MARKET ARGUMENT—BOOKS

There is imminent need from the standpoint of America for international copyright. We should have this legislation now. The emergency is an urgent one. It is a known fact that Great Britain through her authorized representatives has threatened the United States within the past three months with retaliatory legislation if the United States does not enter the International Copyright Union and make possible for the British author, who sells in America, copyright protection. There is no doubt about the attitude of Great Britain on this subject. The words have been spoken and written and are the subject of a document. The articles of the International Copyright Union, adopted at Rome in 1928, provide that no citizen of a nonunion country shall receive protection under the articles of the union—even if he is able to secure copyright in one of the countries adhering to the union. These signs point to but one thing, and that is that Great Britain and Europe intend legally to shut us out of the foreign market in the future where that market has in the past been available only as a matter of courtesy. The foreign market for American plays, books, and motion pictures is very considerable. It is a market that is steadily increasing. It must continue to exist and must continue to increase. Congress should not let Europe cut off this market. If this bill is not passed at this session the market will be lost. Foreign distribution of works by American authors not only means an increased revenue to American business concerns and American labor, but it means the extension of American ideas into foreign countries by the most entertaining methods possible, namely, by literature, drama, and pictures. Time, therefore, is of the essence in this matter, and it is fair to say that if this bill is not immediately passed in the present session the delay may be fatal. Congress can not afford to take the chance.

RADIO PROTECTION FOR AUTHORS AS WELL AS COMPOSERS

The one right that authors are getting under this bill that did not exist under the old act is that the new bill secures to literary authors—by securing it to all authors—their radio rights. Heretofore, under the old act only music and dramatic works were protected so far as radio performances were concerned, so that the situation under the present law is as follows: If a fable by George Ade appeared in the Cosmopolitan Magazine, the radio people would have the right, since that is a purely literary work, to broadcast it on the same day that it appeared in the magazine, thus depriving the Cosmopolitan of the exclusive benefit to which it is entitled. The new bill gives all authors radio rights in all creations. It extends to authors of literary works rights now extended to composers and dramatists. This is reasonable and fair.

Mr. BLANTON. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. BLANTON. All of the provisions of the gentleman's bill are to be executed by the Copyright Office?

Mr. VESTAL. By the Copyright Office; by the register of copyrights.

Mr. BLANTON. Which is in the Library?

Mr. VESTAL. Which is in the Library.

Mr. BLANTON. That is the reason I asked the question. There is a copyright division in the Patent Office, is there not?

Mr. VESTAL. Well, that is designed copyrights. There is a bill on the calendar to change that and put it in the register of copyrights.

Mr. BLANTON. Could that not have been done in one bill?

Mr. VESTAL. It might have been done, but we thought the scope was too broad.

Mr. BLANTON. But, the gentleman does intend to soon pass a bill which will protect that branch of the copyright business?

Mr. VESTAL. Yes. Certainly.

Mr. BLANTON. And is the gentleman going to bring that in under a rule or a suspension?

Mr. VESTAL. I hope to bring it up under a rule.

Mr. BLANTON. And to have it passed before this session of Congress adjourns?

Mr. VESTAL. Yes.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. OLIVER of Alabama. To what extent do the changes which are proposed bring us in conformity with the law of other countries?

Mr. VESTAL. There are only two changes that are necessary to be made. One is the copyright without formality—that is, a copyright upon creation of the work—an automatic copyright. The other is that under the present law before an English author, for instance, can secure a copyright in the United States he must come to the United States and publish his books from plates made in the United States. The American Federation of Labor has waived its rights to that, and those are the two things which will have to be changed.

Mr. BLANTON. Will the gentleman yield further?

Mr. VESTAL. I yield.

Mr. BLANTON. The copyright office in the Congressional Library protects books and writings. The trade-mark division in the Patent Office protects trade-marks. Why is it that our Government has not some bureau which will adequately protect names that are not trade names?

Mr. VESTAL. Does the gentleman mean trade names?

Mr. BLANTON. Not a trade name, but, for instance, in my district there is a university that has a very important cowboy band. It is called "The Cowboy Band." It is incorporated. It wants its name protected. It is not a trade name, because it is not in a trade business.

Mr. VESTAL. I am not sure. Perhaps the gentleman from Texas [Mr. LANHAM] can answer that question. I do not know whether the new trade-mark bill which was recently passed will protect that kind of a case or not.

Mr. BLANTON. It does not go quite that far. Such names should be protected.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. LAGUARDIA. I think if anyone adopts a name and operates under it, if anyone uses it, his protection would be under unfair competition.

Mr. BLANTON. But there is no competition, because it is not a business. It is only a university band that does not exist for profit, but it wants to maintain and protect its name.

Mr. VESTAL. Now, ladies and gentlemen, I will have to conclude. In concluding my remarks I can do no better than to give you the concluding paragraph of the report on this bill:

I am convinced that here is legislation which will wipe out the inadequate and oppressive and complicated features of the present copyright act of 1909; a bill which will adequately protect both authors and those with whom they deal; which will clarify titles; protect original or acquired interests and rights in literary and artistic property; which will make for the direct enforcement of rights; which will have due regard for the innocence of inadvertent wrongdoers; which will prevent unduly excessive and drastic measures, yet will work substantial justice in infringement cases. Which will, in other words, place literary and artistic properties and their exploitation upon a proper business basis, subject so far as possible to the legal rules and regulations governing other property and other businesses; and which, finally, will open up to our literary and artistic creators and their assignees a world market where their wares may be as safely and successfully exploited as though they were at home.

STRATEGIC POSITION OF THE AMERICAN PRODUCERS OF BOOKS AND PRINTED MATTER

Sixty per cent of the English-speaking people of the world are in the United States.

Seventy per cent of the English-speaking people of the world are on this continent.

The predominance in purchasing power is far greater.

American business starting off with their control of this big home market is in position to take the initiative in the world market, and our exports, now greater than our imports, are on the verge of a big expansion of retaliatory legislation. Antipathy is avoided by the passage of H. R. 12549.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. McCORMACK of Massachusetts. I would think a very powerful piece of evidence would be for the gentleman to put in the RECORD how organized labor feels about this proposed legislation, how the authors feel about it, and how the newspapers feel about it.

Mr. VESTAL. May I say that it is shown in the report that American labor is absolutely for it, all the publishers are for it, the newspapers are for it, the magazines are for it, and every interest in the country that is affected is for the bill, so far as we know?

Mr. LAGUARDIA. How about the producers of the spoken drama? Have they changed their position?

Mr. VESTAL. I thought I had their telegram here with me. I would like to put that in the RECORD.

Mr. BLANTON. Are the people for it?

Mr. VESTAL. I will say to the gentleman it is pretty hard to bring the people of the country before a committee, but this committee has worked on the bill for six years, and we have tried to harmonize all the interests involved, so as not to hurt the people, and yet give to the authors the protection they ought to have.

Mr. CULKIN. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. CULKIN. Some time ago I had up with the gentleman the question of the infringement of a copyright of a musical selection. Perhaps the gentleman remembers that. It was a case where an orchestra in a small village played a given selection which was copyrighted. The musical program was run in the local paper, and immediately from New York came word to prosecute under the copyright law.

Mr. VESTAL. Yes.

Mr. CULKIN. The copyright owner brought an action in the supreme court against this semisocial gathering held under the auspices of the Odd Fellows, I think, and compelled them to pay attorneys' fees and $50 of costs. What provision is there in this bill for printing on the face of the music something with reference to the probable penalty or the probable liability?

Mr. VESTAL. I will say to the gentleman there is nothing in this bill of that kind, but I hope my friend the gentleman from Texas will take up that part of the argument and discuss it.

Mr. CULKIN. Just one more question. I notice in this bill, after amply fortifying them with respect to their civil remedies, the measure contains a misdemeanor section, with a 3-year statute of limitation. In my opinion that section, in view of the experience of these people in this small community, will be very fruitful of blackmail. I do not believe that provision should be in the bill.

Mr. VESTAL. We do not want to have anything of that kind.

Mr. CULKIN. It will form the basis of blackmail, in my opinion, and should be stricken out.

Mr. VESTAL. Mr. Chairman, I reserve the balance of my time, and yield two minutes to the gentleman from Minnesota.

CONDITIONS AT THE GOVERNMENT PRINTING OFFICE

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent to speak out of order for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Chairman, if one may believe the press version of the difficulties at the Government Printing Office, it would seem that bureaucracy has broken out there in its most vicious form. It appears to me that Congress could very properly investigate the controversy raging between the Public Printer and the employees of the Printing Office. As a member of the Typographical Union, I want to know by what right the Public Printer has issued an order which will compel 200 employees of the Printing Office to work an hour longer each day, and I believe that a special committee should be appointed to conduct such an investigation.

We are led to believe that the whole thing arises from the fact that a few of the employees have been betting on the races. While I deplore gambling in any form, I challenge the right of the Public Printer or any other bureau official in the Government service to punish by inflicting longer hours, lay-offs, or fines upon any employee who may be guilty of betting.

We have an unemployment situation in this country which is serious. The solution of the problem lies in shorter rather than in longer hours. The action of the Public Printer in lengthening the hours of toil is merely aggravating the situation. But, aside from that, there are other phases that should be looked into by a congressional committee. The employees at the Government Printing Office are neither minors nor serfs.

Mr. LARSEN. Will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman.

Mr. LARSEN. Does the gentleman also challenge the right of the employees to gamble during office hours and working hours?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. KNUTSON. I would be pleased to answer the gentleman, but my time has expired.

REVISION OF THE COPYRIGHT LAW

Mr. LANHAM. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Chairman, I seem to be practically the only one who has studied this bill that comes before you to oppose it in a vigorous sort of way.

I am sure each one of you understands that the copyright law is a very technical law. It is a law that even lawyers do not become acquainted with in the general practice of the law, and for this reason I ask you to go along with me as carefully as you can and show as much patience with my feeble efforts as it is possible for you to do, because the only interest I have in opposing the enactment of this bill is the interest of the masses of the people.

Coming directly to the questions involved, we are asked to take up in this bill the entire copyright law of our country, to repeal it, and to enact a law which has been dictated to us by nobody in the world except the selfish interests that are to be served. I say this without the fear of any individual contradicting it successfully.

Sitting in the gallery to your right are the counsel and the lobbyists for this bill, some of whom, I am informed, are receiving as much as $100,000 a year from the monopolies they have organized to put over this legislation. [Applause.] There is no doubt about it, gentlemen. They do not deny it.

I come now to a question that was presented by the chairman just a moment ago. He states that every interest in this country is for this bill. I read to you a telegram dated June 16, 1930:

Representatives of every interest concerned with the legitimate theaters, dramatic and musical producers of the United States attended a meeting at the Astor to-day. A resolution was unanimously passed petitioning Congress to delay the passage of the proposed new copyright bill (H. R. 12549). We consider that portions of the bill concerning our business are apt to be destructive so far as we are concerned.

This is signed by every producer of high-class drama in New York City.

Now, the proponents of the bill before us will explain to you that since that time another telegram has been sent to the Speaker and to the chairman of the committee saying "We are in favor of this bill."

Let me explain further, when these lobbyists who are in the House gallery saw they could not get this bill by this House, they called a meeting with these same producers there in New York, after they began to stumble along trying to get up this bill for consideration, and they entered into a written agreement with those producers saying "We will extend your period under the basic agreement for five years if you will send this telegram to Congress, saying you want the legislation."

That is the way the peoples' rights are being disregarded. That is why you got that telegram. That is why they are sitting in the galleries because they are self-lobbyists, willing to barter the rights of the people for the benefit of their own pocketbooks. I will prove that they have organized blackmail in this country in which they have taken millions of dollars from the small drug store, hotel, barber shop, restaurant, and other like business places.

You go into any hotel or drug store in a town in your district, in a hotel where there is a central radio receiving set. This Composers, Authors and Publishers League of America has already sent men around snooping about to see if any of the copyright music of its members is being received over the radio. You know that is true.

Mr. NELSON of Missouri. Will the gentleman yield?

Mr. BUSBY. I will.

Mr. NELSON of Missouri. Mr. Chairman, I wish to say to the gentleman from Mississippi that I can confirm what he has said as to the "strong-arm" system by which individuals have been forced to pay large sums of money to representatives of the society under discussion. I have in my possession a canceled check for $196.26, representing payment made by a recreation parlor, or pool and billiard hall, in my home city.

Then there is the case of a barber-shop proprietor, who had installed a receiving set in his shop for the sole purpose of getting results on football and baseball games in which a university town, such as ours, is interested. He let some copyrighted music come in, for, as he writes, "It is impossible to tune a receiving set without running into stations which are broadcasting music." The result was a visit from the society's representative and payment of the amount demanded, this rather than a lawsuit prosecuted by a powerful concern backed by ample funds. And I would have you know of the case of Stephens College, one of America's foremost colleges for young women, and which operates broadcasting station KFRU, Columbia, Mo. The circumstances, as related to me by the station director, were that upon one occasion the college, in broadcasting a program from the Missouri theater, in the same city, played three numbers which belonged to the American Society, and to use the director's own words, "They fined us $250. They said they would bring suit if we did not pay." What do you think of such proceedings? And listen to this: The barber who wrote me asked that his name be not used for fear that if Mr. O'Sullivan, high-powered collector, should find out and, I quote, "he might make it pretty hard for me."

Mr. BUSBY. I want to say that that is nothing more than simple blackmail. Why? Because there was a suit brought against the Lafayette Hotel in Kansas City, Kans., styled Gene Buck, president of the American Society of Composers, Authors, and Publishers against Jewell La Salle Realty Co., decided April 18, 1929, where they wanted pay to refrain from bringing a lawsuit against the Lafayette Hotel and the real-estate people. The Federal court in deciding the case, said, "You have no right to bring the suit." I hold that opinion in my hand and you can refer to it on page 11695 of the CONGRESSIONAL RECORD of June 25. The barber shops and the hotels have simply been the subject of blackmail by this Composers, Authors, and Publishers' League, nothing more and nothing less.

And yet this bill will write into the law the provision that will give them the right to go beyond and establish the right to claim what the court said they had not a right to claim.

They say, Give us the right to our own property. I am for giving every man the right to his own property. It used to be said that a man owned everything about his land from the center of the earth to the skies. This monopoly is claiming the air within your walls and business establishments; they come within these walls and ask to compel you to pay tribute to them under laws passed by this Congress.

Mr. LANKFORD of Virginia. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. LANKFORD of Virginia. Does not the man who sends it out over the radio pay a tribute?

Mr. BUSBY. Yes; they have paid already millions of dollars. Look on page 11695 of the RECORD of last week and you will find where they brought a test suit into court.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. OLIVER of Alabama. Is that the case the gentleman put in the RECORD?

Mr. BUSBY. Yes.

Mr. OLIVER of Alabama. The reasoning of the court in that case is sound. If this bill passes hereafter this monopoly can collect for the very thing that the court with strong reasoning said that they did not have a right to collect for now.

Mr. BUSBY. Yes; section g, page 4, of the bill gives them the right to do those things on which the court has turned them down.

Now, you ask what I have against the bill. I object to the provision for the automatic copyright. There is a simple procedure in which we can obtain a copyright now. We simply file two copies at the Library and take the copyright.

Oh, but they say we ought to have an automatic copyright, so that a man in Italy or over in France or some other country who writes a piece without any formality copyrights it at the same time in America because we have joined the Berne convention.

It may never reach America. He has a copyright in America and can proceed for infringement against every American citizen under the protection that we have given him by passing this blanket law; to say that the Congress is not proposing to control our copyright situation in the future, but it is to be left solely to the Berne convention, which will meet in Berne, Switzerland, and write its proceedings in French and French only, and we will be subjected to their management. I am against that kind of a situation.

Mr. BRIGGS. How do they receive any notice of how anybody else has a copyright, or whether such an article has ever been created? How does anybody know about it unless you have registration?

Mr. BUSBY. I do not know. The chairman of the committee said that it moved smoothly in all of these countries, and he put us in a class with Siam and China and Russia. The hearings disclose that publications are held up for months in the countries which belong to the Berne convention; that it does not move smoothly in those countries and that it is a fruitful source of lawsuits as to who did write a story, because it is a matter of oral proof. You have not the simple record that is required in the Library of Congress under the law we now have to determine what a man's claims are and what his copyright covers.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. CULKIN. Would a person operating a receiving set in his own home, receiving copyrighted music over it, be subject to action or to this penalty provision for doing that sort of thing?

Mr. BUSBY. They would say that it is not performed in public for profit. I am not sure how far this bill goes in that regard.

Mr. CULKIN. What is the language of the bill with reference to it? Does it say "operating for profit"?

Mr. LANHAM. I would say that it does not cost the man a cent. He would not have to pay in a hotel or anywhere else unless there was a court decision which said that it is a public performance for profit and so ruled judicially.

Mr. CULKIN. Does the gentleman from Mississippi agree with his colleague?

Mr. BUSBY. I am not prepared to dispute it. I am not on that committee. I became so opposed to the principles in this bill when I was on the committee that I determined to devote my time to protecting the American people to the last ditch against those who are trying to put this thing over on the consumer.

Mr. CULKIN. Does not the gentleman believe that these producers of music and of books are entitled to profit from the product of their own genius within reasonable limits?

Mr. BUSBY. They are, and I think we have given it to them, and they have it as a common-law matter until it is published, and they have it by statute after it is published, in every shape, form, and fashion. The only right that one can claim is under a provision of the Constitution which provides that Congress shall have the power to promote the progress of science and the useful arts by securing for a limited time copyrights and patents to people. The purpose of this section of the Constitution was not to single out a benefactor of mankind and say to him, "You can commercialize your advancement, but nobody else can."

It was to promote the progress of science. Now they come in with a provision to which I am strongly opposed—to make the copyright exist for 50 years after the death of the author. What is the effect of that? Some publishing house buys that copyright, or buys a song out-and-out—and let me show you how that works: You will all remember the song called "Girl of My Dreams." It was composed in Tennessee. The song was sold to an independent publishing house for $25, and, under the provision of a 2-cent royalty on Victrola records, the Victor people told me that they had paid the publishing house $35,000; but the man who composed the song Girl of My Dreams got $25 for it, and that is all he will ever get. There is another piece I have in mind—Dardanella. The Victor people told me that they had paid in royalties of 2 cents per record more than $125,000 to the publishing house that bought that from the author for $25. Who is being benefited by this? It is the organizations that have combined themselves together, composed principally of publishing houses and manipulators of authors.

Let me devote a little of my time to them. The Composers, Authors, and Publishers League of America is what? It is an organization in which people have bound themselves together under the management of music publishers, principally, and the preamble to their articles of association are—setting forth the purpose for which they are organizing:

To promote reforms in the law respecting literary property.

To promote uniformity and certainty in the law with respect to literary property in all countries.

To facilitate the administration of copyright laws for the protection of the composers, authors, and publishers of musical works.

To grant licenses and collect royalties—

And so forth.

In other words, they are a lobbying organization that is headed by the gentleman I pointed to who is receiving $100,000 salary out of his own organization and out of the royalties that he places and collects. This is no little thing. You do not know much about copyright law unless you have spent weeks studying it. I maintain in behalf of the American people that you have no right to vote away the substantial law we now have, which has been in existence, part of it, for 100 years, and which has been construed by the courts of the land. Substantive rights have been established on the basis of those constructions, and yet we are asked to sweep them all aside. Why? Because selfish interests and selfish interests only have come to us and asked us to do this. What other organizations besides the Composers, Authors, and Publishers' League of America are there? There is the Authors' League of America. The Authors' League of America is composed of four different administrative guilds, and those guilds are the Authors' Guild, the Dramatic Guild, the Illustrators' Guild, and Screen Guild, and each one of these is a monopoly, organized in spite of the Sherman antitrust law and protected by a monopoly copyright law.

You say, "Why do not you prosecute them under the Sherman antitrust law?" I will tell you. The court has passed on the question, and the court has said that they are not engaged in the production of an article that is transported in interstate commerce, and, therefore, the Sherman antitrust law does not apply to them.

The Attorney General makes this recommendation, that this provision be enacted into law if Congress repeals the compulsory license feature and the limitation of 2 cents on each phonograph record or music roll. The Attorney General asks that this be incorporated:

It shall be unlawful for any copyright owner to contract, combine, or conspire with any other copyright owner or owners, either directly or through any agent or agents, to fix a price or royalty rate for the use of any copyrighted work upon parts of instruments serving to reproduce the same mechanically, and any such act shall be a complete defense to any suit, action, or proceeding for any infringement of any copyright of such copyright owner.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield there?

Mr. BUSBY. Yes.

Mr. OLIVER of Alabama. Who is it that makes that suggestion?

Mr. BUSBY. This is the Department of Justice under date of August 6, 1926.

Mr. OLIVER of Alabama. Has it been incorporated in the pending legislation?

Mr. BUSBY. No. Nothing has been incorporated in the present legislation to protect the public from this monopoly that I have pointed out to you.

Now, I want to call attention to one thing: This bill and the present law would make possible this system of blackmail and has permitted this system of blackmail to be carried out, where an individual performs a piece of copyright music for ever so short a time—as in the case of Whitmark v. Passtime Amusement Co. (298 Fed. 470), 27 seconds by actual count. In the Whitmark case they did not recover their actual damages, for the 27 seconds of infringement, but an amount not less than $250 for statutory damages and also attorney fees and all the costs incident to an equity suit or a suit before a master in chancery. All that is charged up against the individual if recovery is had, no matter how little the actual damage was to the copyright owner, or how little profit it was to the man who performed the music.

Mr. LAGUARDIA. Is not that the law to-day?

Mr. BUSBY. Yes; that is the law to-day.

Mr. LAGUARDIA. Is there not a notice attached to every phonograph record that it shall not be performed in public?

Mr. BUSBY. That being the case, these people have gone out here and organized this Society of Producers, Authors, and Publishers into a blackmail club, to go about in your district and mine and mulct the barber shop and the drug store and the hotel; I am objecting to that provision in the present law. It ought to be repealed. In a matter of civil damages all that you get in an ordinary civil suit is the amount of actual damage suffered by the complainant. A man could only be required to pay the damage actually done, and a man subject to a suit for damages should not be told, "You had better come across and settle up with us," as is the practice in many instances now under the methods of the organization I mentioned.

In order to cover that same thought, I will read from the hearings before the Committee on Rules last year:

I now want to show you the arbitrary manner in which the public-performance rights are charged for the copyright owners. Here is a letter from the New England Steamship Co., signed by F. J. Wall, the vice president of the company, dated August 2, 1928, and it says:

"For the past several years we have been under contract with the American Society of Composers, Authors, and Publishers, 811 Tremont Building, Boston, Mass."—

That is their agent in Boston—

"under which we were obliged to pay the sum of $100 a year covering the playing of the society's copyrighted music on the various passenger steamers of this company.

"We have been advised under date of July 21 that the contract for the current period was terminated, effective July 29, 1928, and that a new contract is issued upon somewhat different terms, so that the amount has been increased to $200 for one year."

Note the arbitrary manner in which this comes about. The letter continues:

"The thought has occurred to me as to whether we should enter into the new arrangement, in view of the fact that we now furnish music with your equipment instead of orchestras as heretofore.

"Will you be kind enough to place this matter before your legal department and favor us with the benefit of their opinion as to what action we should take?"

Now, to show you how it hurts the little business man as well as the big, here is a letter from the Marquette Pharmacy in Drumright, Okla., which says:

"The American Society of Composers, Authors, and Publishers are becoming active in Missouri and Oklahoma, and are making drug stores and restaurants pay for the playing of music in their places of business, regardless of the kind of music that it is.

"Their representatives went into a drug store in Macon, Mo., in March and found a phonograph playing Blue Heaven and Is She My Girl Friend. Two days later the druggist received notice that if the matter was not adjusted before April 5 that suit would be entered, and before the druggist's attorney could determine his rights the suits were entered, and it cost this druggist $300 fine, $150 for a 3 years' license, and also all of the court's costs."

Here is how it affects business. The letter continues:

"They are now demanding that I pay $15 a year to operate a radio-receiving set in my store, when the set does not even belong to me, but is the property of my prescription clerk, and is operated by him for his own amusement; also they are demanding $30 a year license fee from the owner of a restaurant in Drumright to operate a Victrola in his place of business. He is paying out a $1,500 investment, and he says that he will let this machine go back before he will pay the license, as he can not afford it; and also if a person would pay it the first year it is more than likely that it would be more the second year, and it would keep on getting larger every year, until it would become prohibitive.

"I do not see how the owner of a business would be interested in the purchase of a music-making device when he is faced with the possibility of having to pay an uncertain amount of tax in addition to the buying of records or rolls or tubes and batteries, as the case may be.

"It seems to me that the society should be satisfied with the fee that the record manufacturers pay them, and in case they can collect from

a radio receiving set they would be getting a fee from three different sources, if the station was broadcasting mechanical music, as the record maker pays them, the radio station pays them, and the owner of the receiving set would pay them, if he happened to have the set in his place of business.

"If the lawyers who represent this society in Oklahoma are trying to collect a tax where they are not entitled to, I would like very much to know it, also I would like your views on the matter."

Here is a letter from the Hollister Drug Co., in Hollister, Mo. It says:

"Inclosed find the case filed against me for playing Victor records on my Victrola in my drug store. These records were played for amusement and also to demonstrate records for sale.

"This case has been bluffed, and I have taken out my Victrola and discontinued the sale of your records."

In other words, if you buy a machine and you are selling records and you put them on for a demonstration for persons who might want to buy records, then it is a public performance for profit, and you have to pay for it. I have known of cases where that has been done, and I can produce those cases in any quantity, if the committee should desire to hear them.

For instance, here is the case of the Green Top Restaurant, in Hiawatha, Kans., which shows that situation.

This letter says:

"I have been requested by the American Society of Composers, Authors, and Publishers to pay a license to operate a Victrola in my café or take the same out. I looked up the law on same and it looks like they hold the whip hand when it comes to a show-down. There are five cafés in this town and we all have Victrolas. I don't know how many records the others buy, but up to a few months ago I had averaged seven new records a month. I can not conceive the idea of how this is helping you to sell records all over the country, as most cafés are not going to pay from $35 to $75 a year to play Victrolas and 75 cents for new records. It is not right; so I am asking you to look into the matter and advise me whether or not I must pay a license or remove my Victrola from my café."

Yet that is in the law, which I am in favor of repealing, in favor of decency. The copyright law was framed for the benefit of the public, and not as a cudgel to drive the public into a situation like this in order to extort from the public unconscionable amounts.

I challenge anyone to deny that such is the situation. You know the public is being ridden by this crowd of blackmailers, and they ought to be put out of business. If you do not know that you are voting for something that is not in the interest of the public, let me appeal to you to repeal this legislation.

Mr. CLAGUE. Who is demanding this legislation?

Mr. BUSBY. The same ones who are sitting to your right in the gallery, composers, authors, and publishers' monopoly; authors of American monopoly, which includes these four subsidiaries I have mentioned already. The publishers had much to say. They are the ones who appeared. Of course, the little man down in Missouri with the 1-horse drug store or the little operator with the barber shop and all of that crowd is appearing only through you—Members of Congress. That is the only way they can appear. They have no organizations with presidents receiving $100,000 and secretaries $15,000 salaries. They come here and holler for more.

Mr. GREEN. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. GREEN. Is not much of the pressure coming from foreign places?

Mr. BUSBY. That is true. It is the international link of these people who want the advantage.

I want to say to you that the American Bar Association is decidedly against this bill, and they have voted on it. On page 251 of the present hearings they say as follows:

> On this particular bill I felt so strongly its unsoundness as a matter of public policy that I was constrained to oppose its approval by the American Bar Association in open meeting, with the result that after the report of the patent section and my opposition to the confirmation of the report were heard the American Bar Association in open meeting, by a decided majority vote, refused to approve that bill. This was both unusual and significant, in that the committee had reported in favor of it.

This is signed by O. B. Barrett.

Mr. LANHAM. Does the gentleman contend that was with reference to this copyright bill?

Mr. BUSBY. Well, it is in the hearings. You gentlemen conducted the hearings.

Mr. LANHAM. It is simply the dissenting word with reference to patents of some man trying to sustain some point.

Mr. BUSBY. No. He said, "I note the copyright bill is to be heard before your committee to-day." It is in reference to the one here. The date is April 4, 1930, pages 251 and 252 of the hearings on this bill.

Not only that but the State Department argued with this same committee on the international provisions of this bill and said:

> You will involve us under the clause that is contained in most treaties, the favored-nation clause—

And they finally rewrote section 30 and said:

> On the other hand, if the committee after due consideration feels that this bill must contain something analogous to the provisions in section 30, we propose this.

Now, there is the Attorney General's office, the American Bar Association, and the State Department, which has written a long letter and has argued with this committee and proposes an amendment. Is that not enough to appeal to you that I am not standing alone against this bill?

I do not believe that the American writing public or the American tin-can music organization has ever suffered because of lack of proper copyright protection. I think the people have suffered much at their hands. There is little real music being written in this time and day. It is simply an excuse for collecting tribute from the people here and there, even on their own premises and in their own homes and within the walls of their own business.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. STRONG of Kansas. If has been said that a boarding-house keeper with perhaps one boarder would have to pay tribute if they used a piece of this music.

Mr. BUSBY. Absolutely, and I ask either one of the gentlemen to deny it.

Mr. LANHAM. I deny it.

Mr. VESTAL. I deny it.

Mr. BUSBY. No. It is public business and it is being used in connection with public business.

Mr. LANHAM. A boarding-house keeper using these records would not have to pay one single solitary cent. A public performance for profit is the only instance in which they are required to pay.

Mr. BUSBY. Well, a boarding house is a public place, and it is used to get people to come in there. The Supreme Court of the United States has decided that point, in spite of the gentleman's statement.

Mr. LANHAM. Will the gentleman state the name of some boarding house that has been compelled to pay?

Mr. BUSBY. Well, it is a question of principle. It is not a question of the Jones boarding house or some other boarding house.

Mr. STRONG of Kansas. I would like to state a case which I think is worse than that. The Odd Fellows' lodge in my district, in order to raise some money to take care of one of its unfortunate members, gave a little dance. They had their own members play some old-time music. They received a demand to pay $25 or be prosecuted.

Mr. LANHAM. May I say to the gentleman that they are specifically exempted under this bill. Under the present law they would have to pay for using copyrighted music.

Mr. BUSBY. That is not the case under the present law, and it is not the case under this law.

Mr. LANHAM. Not for charitable purposes. They do not have to pay if it is for charitable purposes.

Mr. BUSBY. This is an entirely vicious bill for selfish interests, I repeat, and if it were not for those selfish interests, you would not see that bunch of bouquets in the gallery looking down here expecting to collect when you relinquish the rights of the people to them to be taken to Berne, Switzerland, to be administered in a foreign language. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BUSBY. Will the gentleman yield me 10 additional minutes? I do not know of anybody who is opposed to this bill except myself.

Mr. VESTAL. I yield the gentleman 10 additional minutes.

Mr. SLOAN. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. SLOAN. What other nations are there which have extended the life of the copyright 50 years or more, as provided in this bill, after the death of the author?

Mr. BUSBY. Well, I think all of the nations that are laying their ground to let the Berne convention keep their copyright situation instead of keeping it within the confines of their own legislative councils have acceded to the proposition.

Mr. SLOAN. I mean on their own legislative action rather than on this international agreement to which the gentleman refers.

Mr. BUSBY. They do that, and, we having entered an international agreement, the international body manages those affairs under rather general and loosely drawn legislative provisions such as we have here.

Mr. SLOAN. Do they try to make it eternal?

Mr. BUSBY. So far as we are concerned, 50 years after the death of the author. It will not make much difference to us, and I do not think the public will get much after that time.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. WILLIAM E. HULL. I do not know that I understand this. As I understand, a hotel has to pay tribute?

Mr. BUSBY. Yes.

Mr. WILLIAM E. HULL. To whom does that money go?

Mr. BUSBY. That goes to the Composers, Authors and Publishers League of America to pay the salaries of these folks who are lobbying for this legislation, and I ask anybody to deny that if it is not true.

Mr. WILLIAM E. HULL. One other question. Do not the radio corporations pay for these copyrights themselves, in the first place?

Mr. BUSBY. Yes.

Mr. WILLIAM E. HULL. Then after that is done, do they get a second revenue from the hotel? In other words, do they get revenue from the radio people first and then another contribution from the hotel or a similar organization?

Mr. BUSBY. They will, if this bill passes.

Mr. WILLIAM E. HULL. That is what I have in mind.

Mr. BUSBY. But unless this bill is passed they will not, because the courts have held against them on that point, saying that a hotel is not performing, but is receiving.

Mr. WILLIAM E. HULL. I think the bill ought to be amended so they will receive only one compensation.

Mr. BUSBY. They state in the hearings that they received more than $1,000,000 last year from the radios contributing to them, by reason of the fact that the radio broadcasting stations used their music. That is the testimony in the hearings.

Mr. PALMER. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. PALMER. As I understand this bill, if I had a radio and let some organization use my radio for public entertainment for educational purposes, if they charged an admission fee of 10 cents or 20 cents and put some piece of music on, they could make them pay for that?

Mr. BUSBY. If it was a public performance where you were charging an admission, under this bill, the one that is performing over the radio or receiving over the radio would be liable. Under the present law he would not be liable.

I want to call your attention to a peculiar situation. One Mr. Payne, in 1926, appeared before the Committee on Patents. At that time he was in the employment of the Victor Talking Machine people, before they were bought out by the radio interests. He opposed very vigorously the adoption of this bill, and on page 445 of the hearings he said:

> I tell you that when the American people begin to recognize to what extent a monopoly means in matters of copyright, they are going to rise up all over this country.

This is in relation to the divisible copyright feature that they are so strong for.

This same witness, Mr. Payne, also said, at page 215 of the second set of hearings:

> Mr. Solberg is correct in stating that the United States would not get into the union if we required formalities, and it is for that reason, and that reason alone, that we say that the United States should not go into the union because we should not give up those formalities. They are vastly more important to us than entering the union.

He states that the reason is because when you copyright and file your book or your writing with the Library, the outside public knows exactly what is being claimed; but when you write a thing and put it back in your closet, the public does not see it and yet it is copyrighted just as it would be at the present time and nobody can know what to depend on.

This same Mr. Payne appears this year in the employment of the gentleman who sits in the gallery, Mr. Gene Buck, and on page 42 of the hearings he deplores the fact that Mr. Buck is in California and can not appear in favor of the bill, and he makes this statement:

> I simply wish to say for Mr. Buck that he will regret very much his inability to personally be here, but he had to go to California. He wishes to represent the Dramatists League and members of the copyright committee of that great organization.

This witness has changed employment since 1926 because the Victor people sold out. He has gone over to the other side and is taking his song over to the other side. This is the kind of proof here. They are asking you to relinquish the rights that are vested in millions of dollars of American interests that were established on the basis of our present law and the construction of that law by the courts with respect to the rights of the people.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. OLIVER of Alabama. As I understand, this trust which the gentleman has referred to bought their music at a very low price from the original authors?

Mr. BUSBY. Yes.

Mr. OLIVER of Alabama. And if we pass this bill in the form in which it is offered, it would lend great value to that which they bought at a very low figure and give no protection to the original author.

Mr. BUSBY. That is true.

I wish I had time to discuss both of these features.

Mr. LANKFORD of Virginia. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. LANKFORD of Virginia. The gentleman has studied this bill very carefully and most of us have not. Would the gentleman refer to the language in the bill that gives them the right to collect from the receiver after the broadcaster has paid the fees?

Mr. BUSBY. I think it is paragraph (g), on page 4 of the bill, if the gentleman will let me guess at it.

I have in my hands the articles of agreement of the Composers, Authors, and Publishers' League of America, and it absolutely squeezes out the little fellow and places the management of the whole concern in the hands of a few of the big boys; and you know they will not elect a man a member of this organization outright. They elect him a tentative member for a year, and he does not get anything or have any standing, but he agrees to turn everything he produces and all that he acquires over to this organization. Of course, they say to him, "If we turn you out at the end of the year and do not let you in at all, then you get back what you brought to us."

I wish I had time to read this, but it is a document comprising 50 pages.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. STRONG of Kansas. The gentleman from Texas said that the bill exempted entertainment by churches and fraternal organizations. I would like to read the provision in the bill:

> *Provided, however,* That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches, schools, and/or fraternal organizations, provided the performance is given for charitable or educational or religious purposes, unless a fee is charged for admission to the place where the music is so used.

What good would it do to hold an entertainment for charitable purposes unless you collected a fee at the door?

Mr. LANHAM. If the fees were devoted to charity there would be no charge.

Mr. BUSBY. This is a vicious bill and if you are not certain about what you are to do we ought to strike out the enacting clause and get time to study it before you barter away the rights of the people throughout the country.

Now, in closing, I want to say this. There is not a district in the United States where this organization is not sending snoopers into the drug stores and barber shops and hotels making demand for tribute to be paid the Composers, Authors, and Publishers League.

Gentlemen say it does not affect us? It does, it affects every American citizen. If you are not in favor of their doing these unfair things to an accelerated degree you will vote to strike out all after the enacting clause and let it go back, and let us see what kind of influence is back of this bill which is causing the bill to come before us in this form. [Applause.]

Mr. VESTAL. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, the opposition to this bill, as I gather from the argument of the gentleman from Mississippi, is really directed against the existing copyright law and the fundamental principles of copyright. Before copyrights were established in this country, in England, and other countries, the author had no protection and anyone could make a copy of his work and use it.

When the idea was evolved to protect authors the only way that was found to protect them was to give the author a monopoly on what? To make a copy of his own works. For instance, the writer could write a poem or piece of music, and as long as he never made a copy of it he could sing his song but

no one could use it because he had an absolute right to it, but if he made a copy, then it became everybody's property until the enactment of the copyright law.

Now, having received from the Government the sole right to make a copy he has the absolute right to dispose of his work. This bill simply extends this right to meet modern means of reproduction, transmission, and use of copyright works.

So, when my friend points out the barber shop who has a phonographic record that he has bought with a notice printed on the record that he purchased only a limited license to use it for private purposes, but not for public use, of course, he can not complain if he is prevented from using it. If an author walks into a barber shop and pays for a shave he can not walk out with the towels and the razors. [Laughter.] The same law applies to charitable performances. If lemonade is sold you can not compel the dealer to give the lemons for nothing.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STRONG of Kansas. Under this bill, if I go to an opera and walk out on the street and whistle one of the tunes, will I be compelled to pay?

Mr. LAGUARDIA. Yes; one may whistle to his heart's content, but I do not think if the gentleman went to an opera he could whistle one of the tunes. [Laughter.]

Mr. BUSBY. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. BUSBY. The gentleman said that I was inaccurate. I said that if a man received music in his own place, from his own radio, from his own ether or air, he is not liable to pay, but when this becomes a law he will be chargeable.

Mr. LAGUARDIA. If he runs a public business and uses copyright works for profit, absolutely, because when the author permits the use for broadcasting purposes he does so for certain limited purposes.

Mr. BUSBY. But these fellows do not own the air, the ether, and their transmitting qualities. And there is where the gentleman makes a mistake.

Mr. LAGUARDIA. Oh, no; I do not say that they own it.

Mr. Chairman, I have something I would like to say to the committee, and I ask unanimous consent to proceed for the remainder of my time out of order.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for the remainder of his time out of order. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, we read in the press this morning a most startling statement attributed to the President of the United States. If I remember correctly what I read, even the fiction of the official spokesman was eliminated. The President of the United States is alleged to have said that whether or not Congress appropriated $250,000 for his Crime Commission he considered the work was so important that he would find ways and means to finance it out of private sources. I do not believe that the President made that statement. At least, I hope he did not. If he did, then he knows more about engineering than he knows about the law of the land, and I would most respectfully suggest to President Hoover that before he makes any statement of any plan about asking for private funds to finance a public commission he familiarize himself with section 3679 of the Revised Statutes of the United States, which he will find on page 1019, section 665, of the United States Code of Laws, which is very specific and necessary law in a democracy:

> No executive department or other Government establishment of the United States shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations, unless such contract or obligation is authorized by law.

Now, gentlemen, get this:

> Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law.

And this is the only exception:

> Except in cases of sudden emergency involving the loss of human life or the destruction of property.

Then it provides as to appropriation bills, and let me read this ending:

> Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than $100 or imprisonment by not less than one month.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Let me have two minutes more.

Mr. VESTAL. I yield the gentleman one minute more.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RAMSEYER. But these commissioners are not officers of the Government.

Mr. LAGUARDIA. The gentleman from Iowa [Mr. RAMSEYER] raises the question that the commissioners are not officers of the Government; but the President of the United States is, and if those commissioners operate under any appropriation of Congress, whether it is $1 or $50,000, they can not spend in excess of that appropriation and can not supplement the appropriation with private funds from private sources. The law is clear.

Mr. RAMSEYER. Under the Senate amendment they are limited to prohibition and they can, with private funds, make investigations along other lines, if not as members of the crime commission, then certainly as individuals.

Mr. LAGUARDIA. Let me answer that.

Mr. RAMSEYER. The gentleman misconstrues the law.

Mr. LAGUARDIA. I am not misconstruing the law. They could not do it any more than the Department of Agriculture could receive donations from the packers to conduct some private investigation, or bankers donate to a fund to have bank examiners conduct some related investigation.

Mr. RAMSEYER. There is nothing parallel in that at all.

Mr. LAGUARDIA. It is absolutely the same.

Mr. RAMSEYER. That interpretation is perfectly ridiculous.

Mr. LAGUARDIA. It is not ridiculous. The gentleman can read the law.

Mr. RAMSEYER. I have read the law.

Mr. LAGUARDIA. The gentleman can not get out of it by saying that it is ridiculous. That does not change the law.

Mr. RAMSEYER. I mean to say the gentleman's interpretation of the law is ridiculous.

Mr. LAGUARDIA. It is not. The gentleman is making himself ridiculous. The gentleman's attitude is ridiculous.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. VESTAL. Mr. Chairman, I will take five minutes of my own time.

Mr. Chairman, ladies and gentlemen of the committee, I shall take only a moment or two to answer the gentleman from Mississippi [Mr. BUSBY], who has made inaccurate statements from beginning to end as to what the bill will do, and the purport of the bill. I also want to say something concerning the people who are supporting this measure. The gentleman has tried to make this committee believe that the only people who are supporting this measure are the gangsters and crooks of this country. I want to put Will Irwin, one of the greatest writers of the country, up against the gentleman from Mississippi, who has been making this speech.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. I shall not yield.

Mr. BUSBY. I did not get excited in that way.

Mr. VESTAL. I am not excited. The gentleman need not worry about that; and then there is this other gentleman whom he calls a crook, Gene Buck, who stands as well as any man in the United States of American, and I want to put him up against the gentleman from Mississippi.

Mr. BUSBY. Mr. Chairman, the gentleman should confine his remarks to the parliamentary situation. He is not going to put anybody up against me. He is here himself, and he can get up against me any time that he is ready.

Mr. VESTAL. And I want to put up Augustus Thomas.

Mr. BUSBY. The gentleman can not put anybody up against me. I make the point of order that the gentleman is out of order in his unparliamentary tactics and remarks.

The CHAIRMAN. The gentleman from Indiana will proceed in order.

Mr. VESTAL. If the Chair says that I am out of order——

Mr. BUSBY. Surely the gentleman is, if he knows the rules.

Mr. VESTAL. I refer to such men as Augustus Thomas, Mark Sullivan, and to Mary Roberts Rhinehart, and to all the newspapers of the country, and all the magazine publishers, and all the book publishers, and all of the musicians of the country. They are standing for this bill and have come before the Committee on Patents for the last six years.

Mr. O'CONNELL. And they are not gangsters.

Mr. BUSBY. I never said they were.

Mr. VESTAL. And I want to say further, the gentleman arrogates to himself all of the knowledge of the copyright law. I am willing to have the gentlemen on his side of the House take the advice of the gentleman from Texas [Mr. LANHAM], who has been on this committee and who has studied this bill for the last six years, and let them hear what he says it means.

It does not mean the thing that the gentleman from Mississippi says it means. Mr. PRALL was on the committee. Take the authors of this country, the men who create the thing. The music box would not make a nickel of profit if it were not for the music created by these men who produce the music that goes into the box.

These are the men who are drawing the profit in this bill, and we are not hurting the public at all. As to paying for music, the law has not been changed, and I hope it will not be changed; and the only persons who are compelled to pay are those who conduct a public performance for profit. That is the only time they have to pay.

I resent the insinuations made here that the only people who came before this committee are lobbyists and gangsters. It is not true, and the gentleman knows it is not true.

Mr. BUSBY. Nobody said it but you.

Mr. VESTAL. Read your remarks and you will find out.

I say that the Committee on Patents—that men like Judge LETTS, of Iowa, and the gentleman from Texas [Mr. LANHAM], and Mr. PRALL and Mr. GOODWIN and Mr. PATTERSON, of Alabama, have given careful consideration to this bill, some of us for the last six or eight years, and we have worked out a bill here that will protect and save from loss the authors and composers of this country, and it means millions of dollars saved to this country if this bill can be passed. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LANHAM. Mr. Chairman, I yield to myself the remainder of my time.

Mr. HOGG. Mr. Chairman, will the gentleman yield for a short question?

Mr. LANHAM. It is a little early in the proceedings to do that.

Mr. HOGG. I tried to have the chairman yield.

Mr. LANHAM. Mr. Chairman and ladies and gentlemen of the committee, I shall probably anticipate many questions that might be asked me, and therefore I hope I may be permitted to make my statement without interruption until I come to its conclusion. Then I shall be glad to answer any question I can.

We have devoted six years to the study of this measure, and it is difficult enough to discuss it in the short time allotted even without interruption. If I do not anticipate your objections and reply to them, at the conclusion of my remarks I shall endeavor to give any information I can, and also will do so under the 5-minute rule.

Parents have three principal hopes with reference to their children. One is material, that they may be healthy. One is spiritual, that they may have good character. One is cultural, that they may have a good education; and inasmuch as character and education are in some respects synonymous, perhaps, this measure that we have before us to-day deals with both of those great considerations.

This bill is for the protection and for the perpetuation of the best in America in the development of character and in the education of the mind. It seeks to give to American authors a protection commensurate with that enjoyed by others than Americans in their respective countries and throughout the world.

But for books we could not properly educate. But for copyrights there would be no incentive to write books, and we should be left largely to oral traditions, teaching from mouth to ear. We see even in nature both the industrial and the æsthetic sides of life. Along with the ant with his busy work is the bird with its song, and we are coming to-day seeking to protect those things that make us better both in our spirit and in our mental development.

This bill, then, is for the protection of creative genius. Without protection creative genius must languish and die. Goldsmith wrote very properly—

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay.

And we are seeking now to provide for men by that protection which will safeguard American genius from decay, which will enable us to forge to the front and hold our own with the best literary and artistic and musical productions of the world.

This, then, is a battle of the æsthetic against the material, and it has been that and is that on the floor of the House to-day; it is an attempt to turn somewhat to the æsthetic side without disparagement to the material side. Many people abroad have long made sport of us for an alleged lack of appreciation of the cultural in life. I think they have now less justification than in the days gone by; but perhaps there is still something in the criticism, because we are so engaged in the pursuit of the almighty dollar that we are sometimes prone to overlook those things that build up the true man.

When you look back through the pages of history you delight to speak of the age of Pericles, called the golden age, and to read and admire the many wonderful things that have come down to us in literature, in drama, in sculpture from that distant time, an era when even the Greek artisan was familiar with the classics of which to-day we know so little. We are trying to get away from this former reproach that the Europeans may not justly make sport of us; that we may not be a purely material nation but an æsthetic and cultural nation as well.

Now, without the author, whether he be the author of literature or the author of music or the author of art, all things æsthetic and cultural stop, necessarily. What is the phonograph worth until you make it produce the music of some composer? What is the theater worth, and why should it not remain dark unless you produce therein the work of some dramatic author? So it is, all the way through the ramifications of our cultural life. What would your radio be but for the performance at the other end?

So I say, when we contend that we shall give to the material side, to the manufacturer of the box, or to the one who molds the rubber disk, all the profit that comes from the creator's work, it is robbing Peter to pay Paul when Peter is entitled to a much greater proportion of that profit than he now receives.

So I come to speak in behalf of the creative genius of our country, without which you would have no entertainment, without which you would have no edification.

Now, in the first place, what is the necessity for this law? We are operating under a copyright law enacted in 1909, almost a quarter of a century ago. Conditions now are very different from those in 1909. It requires but a moment of reflection for you to be reminded of the progress that has come along many lines. In 1909 we did not dream of the radio. In 1909 we did not dream of talking motion pictures. In 1909 television would have been scouted as a hoax. And so, by reason of the fact that our present law is obsolete, we must make a law to fit the present conditions. By reason of the fact that it is archaic much of it is now inoperative, because, inasmuch as it does not meet and provide for the changed conditions, trade practices have arisen among various peoples and concerns interested in copyright, and those trade practices are now compelling in their respective lines. This bill is very much of a writing into law what has come to be the accepted trade practices of those who deal with copyright and copyrighted material. There is necessity for the law, then, by reason of the fact that our present law is obsolete and archaic.

What is the purpose of a new law? The purpose is to give to American genius the same protection that is accorded the genius of foreign countries. Why do I say that? Is there any man who will rise on the floor of this House and say that an American author should not have as fair a chance in the markets of the world as the author of any other country? That is a proposition which no one will dispute. How does the American author get protection abroad to-day? He gets it through a kind of fiction that he is a British subject. That is the only way he can get it, and I fear that will not long be extended to him.

Mr. BUSBY. Will the gentleman yield?

Mr. LANHAM. I should like to continue my statement, but will yield for a question.

Mr. BUSBY. Does the gentleman contend that we pretend we are British subjects in order to secure a copyright?

Mr. LANHAM. I will state the conditions and let the gentleman draw his own inferences.

I say it is owing to a kind of fiction that the American is a British subject for this reason: The only way an American author can get protection for his work abroad is to copyright it in England. England being a member of the Berne convention, or the so-called International Copyright Union, the American author is then extended the privilege that comes to a British copyright, giving the British author protection in various countries of the world. Let me say—and I think I say it with some basis of fact—that unless we change this condition the time is not far distant when the American author is going to be denied that privilege and thereby be excluded from the markets of the world. So I repeat that we are trying now to put the American author on a par with the authors of other countries, that he may have the same opportunity and the same field for getting the reward of his labor.

By reason of the fact that this British courtesy may be withdrawn there arises the necessity for speedy action concerning copyrights. Why? Unless we enter the so-called Berne convention by August 1 of next year we can not enter it under the terms of the Berlin convention of 1908. I am going to show you why that is important.

In the first place, what is the Berne convention? That is not the technical name for it, but it is generally known as the

Berne convention. What is it? The Berne convention is an association of the leading countries of the world for the purpose of the protection of artistic and creative works throughout the world. As I recall, it was organized in 1866. Most of the principal nations belong to it, more than 40 of them. The United States, Russia, China, and Siam are the outstanding examples, I think, of the countries which do not belong to it. A country belonging to this convention gets a copyright for its authors, of whatever character, throughout the world. In other words, if we enter the Berne convention, even though the privilege should be withdrawn from us of filing in Great Britain, we shall have the right to copyright throughout the world, just as Great Britain has it, and that protection will come to us.

In 1908 there was the so-called Berlin convention, a part of the Berne convention. That is, it met at Berlin that year. Then in 1928 there was a convention held in Rome, known as the Rome convention. In the first place, in answer to the statement made by the gentleman from Mississippi [Mr. BUSBY], this international union does not seek to tell any country what kind of copyright law it shall have, with the sole exceptions that I shall mention in a moment. We are free to make such copyright laws as we choose. It has nothing to do with us in our legislative capacity or with the statutes which we place upon our books. There is no such purpose. Now, if we enter it under the Berlin convention of 1908, which we may do if we enter by August 1 of next year, then after our entry no proposal can be made to or adopted by that convention which will cause us to lose our world-wide protection even though we may reject the proposal. In other words, we shall get all the benefits of it without acceding to any proposition which may be made, unless we so desire; but not so if we come in under the Rome convention of 1928.

Consequently it is of importance that we pass this legislation in the House in order that in the next session of the Congress it may be considered in the Senate as a predicate upon which the proper relationships may be made through the President of the United States and the Senate for entry into this Berne convention for the protection of our American authors throughout the world. I may say that when you come to quibbling about tweedledee and tweedledum, about a man paying a dime here or a man paying a dime there, it is important to bear in mind that, unless we pass some such legislation as this, we are depriving every author, of every character, in this country of the right to the world markets which is given to the other authors of the world.

Now, what is required to get into the Berne convention? The only requirement for entry into the Berne convention is that there shall be no formalities with reference to securing copyright.

Now, there are only two things that prevent the United States from entering this Berne convention to-day. What are they?

The first one is this: The Berne convention requires automatic copyright. In other words, when you write an article or when you compose a song that is your property, and copyright subsists in it. You know it is yours, and anyone wishing to infringe upon it knows that it does not belong to him. Your copyright is automatic.

Mr. WILLIAM E. HULL. Will the gentleman yield for a question just for information?

Mr. LANHAM. Yes.

Mr. WILLIAM E. HULL. If he writes a song and it is put on a disk, then he gets a royalty——

Mr. LANHAM. I am coming to that a little later.

Mr. WILLIAM E. HULL. Let us understand it now. The gentleman is going into generalities, and we who are not lawyers may not understand it.

Mr. LANHAM. I do not think I am going into generalities at all.

Mr. WILLIAM E. HULL. I would like to get this cleared up. He gets a royalty for his disk, and why is not that sufficient? If I buy that disk and want to play it in my place of business, why should I not have that right without any additional payment?

Mr. LANHAM. I repeat that I am coming to that point in a few moments. I am trying to discuss this measure in an orderly way, and for that reason I made the request at the outset that I might present my statement in a consecutive and intelligible manner.

Now, what are the two conditions that prevent us from entering the Berne convention?

The first is, as I have said, that we must have automatic copyright. We have it now by common law. Anything you write, until it is published, you have a copyright in by common law. We propose to make that statutory and say that anything you write is yours. You do not have to put your name on your auto to protect yourself from anybody except a thief, and I doubt if you would protect yourself from a thief in that way. When you go out to return to your homes this evening you know which is your car, and when you write an article you know that article is yours and everybody else knows that it does not belong to them. This is all there is to automatic copyright. It simply makes statutory a common-law right that now obtains.

The other thing which prevents our entry into the Berne convention is this: Any European or the national of any foreign country who writes a book abroad and wants to get a copyright of it in the United States has to have it printed in the United States before he can secure a copyright here.

This is quite a formality, because if a man has a book printed in England and then he has to come here and have it printed again in the United States to get a copyright, it is a double expense to him.

This provision was enacted originally to protect American labor, and American labor now comes to us and states that they are willing to forego this formality. I trust that the market that will be made for American books abroad will more than compensate them for what they will lose by foregoing this requirement to print foreign books in the United States.

So we have a provision in this measure, sanctioned by the American Federation of Labor, that obviates the necessity of complying with the present law and printing books in the United States in order to get copyright in the United States, except for citizens of the United States.

These are the two formalities that we seek to amend in this bill, to provide for our entrance into the so-called Berne convention, to give protection to American authors throughout the markets of the world.

As pointed out by the gentleman from Indiana [Mr. VESTAL] a man may now lose his copyright in this country by a mere error in printing in a publishing house. Automatic copyright removes any such hazard as that from the literary world.

Not only does this bill provide for automatic copyright, but for two other principal things, and one is divisible copyright.

For instance, if I write a story, I may sell it to a magazine; that is the serial right. I may sell it to a book-publishing company; that is the book right. I may sell it to a motion-picture company; that is the motion-picture right. I may sell it to a dramatic producer, and, of course, that is the right to present as a drama.

Now, men in America who write to-day have this divisible right through trade practices. A man selling his story to a magazine does not sell his entire right, but sells only the serial right and reserves the others to dispose of, and this is merely writing into law what has become a trade practice in this regard.

The third principal thing provided for by this measure is one to which I have already alluded—entrance into the so-called Berne convention.

Now, there is one provision of law that we have eliminated, and I think properly so. The changes of our commercial structure have been such that we now hear no objection to eliminating this feature. This is the only price-fixing provision that I can recollect anywhere in our statutes. It is in the present law and provides that when a musician or author licenses the use of his works to a mechanical reproduction company he can not receive more than 2 cents per disk.

We have removed that objectionable feature and given to the author exactly the same free right of contract with reference to his work that every other American enjoys.

Mr. BUSBY. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. BUSBY. The Attorney General proposes an amendment which prevents any combination in the way of monopoly if we do repeal this section, does he not?

Mr. LANHAM. We have the antitrust statutes, and if they are not sufficient we can make them so. But that is foreign to what we are now dealing with. We are dealing with the copyright law, and I do not want to be diverted.

Mr. BUSBY. I asked the question because the Attorney General proposed it.

Mr. LANHAM. Well, the gentleman has had 40 minutes, and I should really like to proceed.

Mr. BUSBY. I had 40 minutes and the other side had a hundred and twenty, and I do not think I have been hoggish.

Mr. MAPES. Will the gentleman yield?

Mr. LANHAM. I yield.

Mr. MAPES. In the practical operation of the present law under the provision which the gentleman is now discussing the composer or author has a right, has he not, to make whatever terms he can with the original reproducer?

Mr. LANHAM. Not in excess of 2 cents a record. But that is eliminated in this bill.

Mr. MAPES. Does that apply to the original producer?

Mr. LANHAM. That is my understanding.

Mr. MAPES. I am interested in that feature of the bill.

Mr. LANHAM. Well, let us take that up under the 5-minute rule.

Mr. MAPES. The gentleman does not care to go into that now?

Mr. LANHAM. No; I prefer to discuss that under the 5-minute rule.

Now, there is one feature of the bill I have heard objections to, and that is the change in the term of the copyright—making it life plus 50 years, whereas now with the renewal application it is 56 years. This simply puts the American author on a par with the authors of the world. We give him the same opportunity that is given to them. What is the objection made? The objection urged by the gentleman from Mississippi was that the people would object to that, and the people would be bilked of their money, and so forth, and also that the prices would go up enormously.

Now, gentlemen, what I have been trying to impress upon your minds is that the men who manufacture the material and operate the material are the ones who have been getting the lion's share of the profits out of these authors.

To show you how prices are affected by material in the public domain, let me call attention to the fact that there is now running in the city of New York a play written by Aristophanes, who lived 380 years before Christ, and I am advised that the price for a seat at the box office is $5.50, and $7 at an agency. If Aristophanes, living in the fourth century before Christ, can furnish a play that will bring $5.50 per seat without a copyright, when many copyrighted shows in New York are drawing smaller prices, I am inclined to think the 50-year clause will have little effect on what the public will have to pay.

Let me tell you another thing: When an author dies his work may not be immediately popular. Some men may live 50 years before their time of recognition comes. Jane Austin wrote her classics in her teens, but her books were never appreciated in her lifetime. That is true of many authors, but after a while they, too, receive the popularity they deserve. Their works are their property. They have no houses and lands to leave their descendants. Their children have only their copyrights. We contend that they are entitled to get their remuneration from the copyrights just as much as another man's children from his houses and lands. We are equalizing the American author.

A good deal has been said about the theaters. The gentleman from Mississippi [Mr. BUSBY] read a telegram from producing managers. Here is a telegram from them of later date, acquiescing in this bill. What is the situation with reference to them? Theatrical producers under the present law, and under the law in contemplation, must get their rights by contract. That is the only way they can get them. They have the same right to contract under the pending bill that they have under existing law, but with this advantage.

If I write a play to-day and sell it to a theatrical producer, and he is sued for infringement, and some one is bringing action against him questioning his rights, he has to hunt me, as the owner of the copyright, all over the face of the earth and join me in the suit, because his right is equitable and not legal. Under the terms of this bill, we give this producer a legal right, and he can go into court and enforce his rights, without the necessity of finding the copyright proprietor and joining him in the suit.

Mr. WILLIAM E. HULL. Mr. Chairman, the gentleman has about a minute left. I would like to have him answer the question that I asked him.

Mr. LANHAM. I am coming now to this question of performance for profit. I do not believe there is any gentleman here who sanctions thievery. It might be that he who steals my purse steals trash, but he who steals some literary or musical work of mine might conceivably steal something worth while. Certainly this is true with reference to many other people. What is the purpose of the copyright law? What is the purpose of the provision in the Constitution giving the copyright privilege through laws enacted in pursuance thereof by Congress? It is to give to the author the exclusive right to his work for a definite period of time.

Mr. WILLIAM E. HULL. Let me ask the gentleman a question right there. If he has sold his disks and received an original royalty upon it, what right does he have to charge me for listening to it?

Mr. LANHAM. I am coming to that. He has no right to charge the gentleman for listening to it. You can take it and put it in your home and you can play it as much as you please, and you pay nobody anything, but when you take that man's copyrighted song and go out into the world and make money out of his property without giving him anything in return, then you are doing something that is not right either in equity or in justice.

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired.

Mr. WILLIAM E. HULL. I am for the bill, and I am trying to get that cleared up.

Mr. LANHAM. I shall try to clear that up under the 5-minute rule.

Mr. BUSBY. Mr. Chairman, I ask unanimous consent that the gentleman be granted five minutes more.

The CHAIRMAN. The time has been fixed by the rule. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That copyright throughout the United States and its dependencies is hereby secured and granted to authors, subject to the provisions of this act, without compliance with any conditions or formalities whatever, from and after the creation of their work and for the term hereinafter provided, in all their writings, published or unpublished, in any medium or form or by any method through which the thought of the author may be expressed, and such copyright includes the exclusive right—

To copy, print, reprint, publish, produce, reproduce, perform, render, exhibit, or transmit the copyright work in any form by any means, and/or transform the same from any of its various forms into any other form, and to vend or otherwise dispose of such work; and shall further include (but not by way of limitation because of the specific enumeration of the subject matter hereafter stated) the exclusive rights—

(a) To translate said work into other languages or dialects, or to make any other version thereof;

(b) To make any form of record in which the thought of an author may be recorded and from which it may be read, reproduced, performed, exhibited, represented, delivered, transmitted, or communicated;

(c) To dramatize or make a motion picture with or without sound and/or dialogue of said work if it be a nondramatic work; or to convert said work into a nondramatic or dramatic work expressed in words or physical action if it be a dramatic work in the form of a motion picture with or without sound and/or dialogue; or into a novel or nondramatic work, or motion picture with or without sound and/or dialogue, if it be a drama expressed in words or physical action;

(d) In the case of a musical composition, to arrange or adapt said work, to perform said work publicly for profit or to make any arrangement or setting thereof or of the melody thereof in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read, broadcast, produced, performed, exhibited, represented, delivered, transmitted, or communicated: *Provided, however,* That the provisions of this act, so far as they secure copyright controlling the parts of instruments, being the instruments referred to in subsection (e) of section 1 of the act of March 4, 1909, as amended (U. S. C., title 17, sec. 1 (e), serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the musical compositions of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen grants, either by treaty, convention, agreement, or law, to citizens of the United States, similar rights: *And provided further,* That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches, schools, and/or fraternal organizations, provided the performance is given for charitable or educational or religious purposes, unless a fee is charged for admission to the place where the music is so used;

(e) To complete, execute, and finish said work.

(f) To deliver or authorize the delivery of said work in public if it be a lecture, sermon, or address prepared for oral delivery.

(g) To communicate said work to the public by radio broadcasting, rebroadcasting, wired radio, telephoning, telegraphing, television, or by any other methods or means for transmitting or delivering sounds, words, images, or pictures whether now or hereafter existing.

(h) To produce, reproduce, perform, represent, or exhibit said work publicly if it be a dramatic or dramtico-musical work in any manner or by any means or methods whatsoever: *Provided, however,* That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches, schools, and/or fraternal organizations, provided the performance is given for charitable or educational or religious purposes, unless a fee is charged for admission to the place where the music is so used.

Mr. VESTAL. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. VESTAL: Page 2, line 7, after the word "render," strike out the comma and add the word "or," and after the word "exhibit" strike out the comma and the words "or transmit."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 17, before the word "represented," strike out the comma and insert the word "or," and after the word "represented" strike out the words "delivered, transmitted, or communicated."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. STAFFORD. Mr. Chairman, I assume that the committee amendment seeks to limit the authority proposed to be conferred under the copyright act?

Mr. VESTAL. It seeks to prevent extending any copyright to radio for reproduction.

Mr. STAFFORD. That brings up the question suggested by the gentleman from Illinois [Mr. WILLIAM E. HULL], and I direct the attention of the gentleman from Illinois to it. That is my purpose in taking the floor. I wish to know fully what the purport of the amendment is. The chairman of the committee says that the pending amendment will seek to prevent a charge being made for reproduction over the radio.

Mr. VESTAL. Unless it is a public performance for profit. We have other amendments that hold it down to the present law.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WILLIAM E. HULL. I am for this bill, but I think this bill ought to be amended so that anyone who buys a disk has a right to do what he pleases with it. I do not believe they have a right to take a royalty three or four times on a song. Take a band, for instance. It plays a song and then you undertake to charge the audience or the people that furnish the band. You have to amend that bill so that you will not include all these things.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. STAFFORD. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. WILLIAM E. HULL. I do not understand this thing. But it looks to me that it is sufficient, the way it is written; it seems to me that when a man who takes the royalty, that is understood, and the man who wants to give an entertainment in his own house should have that right.

Mr. REID of Illinois. I suggest to the gentleman that we pass that amendment, and then in turn we will have another amendment that will take care of that.

Mr. OLIVER of Alabama. If there be good reasons on which to base the objection of the gentleman from Illinois to charging for the use of the disk after the first royalty for its use has been paid, the same reasons should apply with equal force where the initial broadcasting station has paid for the privilege, and distant stations simply tuning to receive should not be charged a further fee.

Mr. WILLIAM E. HULL. That is what I insisted on.

Mr. BUSBY. Mr. Chairman, I offer a preferential motion to strike out the enacting clause.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the enacting clause. The Clerk will report the motion of the gentleman from Mississippi.

The Clerk read as follows:

Mr. BUSBY moves to strike out the enacting clause.

Mr. BUSBY. Mr. Chairman, I realize that, judging by the question raised by the gentleman from Illinois [Mr. WILLIAM E. HULL], it is impossible for us to make a suitable bill out of this. The bill that is being proposed is much worse than the present law, for the simple reason that it takes the limitation off of the copyright holder who receives the extra fee of 2 cents for each part, record, or musical roll, and it also takes away from the public or from anybody who is in that business the right to manufacture records on the same terms as the one who makes a contract with an individual. That is the compulsory contract feature now in the law. This makes it a monopoly. This bill can never be made into a shape where it will be anything but the same unreasonable proposition that is presented in the text as you have it now before you.

Mr. REID of Illinois. Do you not think that the author should have the right to contract for the best reward he can get for his work?

Mr. BUSBY. Yes; but if you put the public in his hands, I think the public ought to be protected. As the Supreme Court says, you give him this advantage with a limitation. He ought either to accept the limitation or else be deprived of his monopoly advantage. I hope the controversy over which is the best type of legislation will end. I pointed out at the beginning, without the least intention of offending anybody, that we recognize that books are the legacies of master minds from the ages handed down to us through time. We would be in a poor situation without books, and we would be in a poor situation without music. But the book and music publishers would be in a poor situation also without the public to deal with. There are two sides to the question. I am in favor of protecting the public from these monopolistic organizations that are outside the scope of the antitrust law. We should place the public on an equal footing with them.

Mr. Chairman, I make the motion to strike out the enacting clause, and I hope that motion will prevail. [Applause.]

Mr. LANHAM. Mr. Chairman, I rise in opposition to the motion.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. LANHAM. Mr. Chairman, in view of the statements which have been made to the effect that the Committee on Patents for six years has been working very diligently on this measure day and night and have brought it out sponsored by the various individuals and the various American organizations indicated in the report, in view of the fact that this measure comes from the committee with practical unanimity, that it has resulted from careful study and the harmonizing of many divergent interests, and in view of the fact that it must be passed now to protect properly American authors of every character, in art and music and literature, it seems strange to me that the gentleman from Mississippi [Mr. BUSBY], in the face of all the intelligent inquiry and the study and labor that have been expended on this subject in order to give America its proper place in the world of copyright, should make a motion to strike out the enacting clause. If it were not tragic, I should think it comic. It is of prime importance to this country that this bill should be enacted into law. It is not perfect, but the committee has amendments which it desires to offer, which would smooth out many of the rough places in the minds of some of those who have argued against it.

Mr. REID of Illinois. Have you not had eight years to smooth out the ruffles?

Mr. LANHAM. We have had six years.

Mr. REID of Illinois. I thought I was on the committee eight years ago.

Mr. LANHAM. We might have been working on it then.

Mr. REID of Illinois. Ever since that time?

Mr. LANHAM. Yes.

Mr. REID of Illinois. Was it not in evidence before the committee that there was a great deal of objection to and some prejudice which would result by our going into the Berne convention? Was there not one side which held that view?

Mr. LANHAM. Oh, there was. This affects so many people and so many organizations in the United States that the work of getting differences reconciled in order to write a copyright law has been a stupendous work; but now that work has been done.

The CHAIRMAN. All time has expired.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All time has expired.

Mr. BUSBY. Mr. Chairman, I ask unanimous consent to withdraw my motion. I would like to have full and free discussion of the entire subject, and I ask unanimous consent to withdraw the motion to strike out the enacting words.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 3, line 7, before the word "represented," strike out the comma and insert the word "or"; and after the word "represented," strike out the words "delivered, transmitted, or communicated."

The amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.



The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 4, line 5, after the word "work," insert the words "for profit."

Mr. REID of Illinois. Mr. Chairman, I rise in opposition to the amendment. Will the gentleman explain the meaning of that particular amendment, to strike out the words "for profit" after the word "work" on page 4, line 5?

Mr. STAFFORD. If the gentleman will yield, it reads rather awkwardly.

Mr. VESTAL. It comes in connection with an amendment that I shall next offer at the end of the section. I think the two amendments together will get the correct meaning.

Mr. REID of Illinois. Mr. Chairman, I offer an amendment to the amendment, to strike out entire paragraph (g). This is a perfecting amendment.

The CHAIRMAN. The gentleman from Indiana has offered a perfecting amendment.

Mr. REID of Illinois. My amendment is a real perfecting amendment.

Mr. O'CONNELL. That is not a perfecting amendment. That is a destructive amendment.

The CHAIRMAN. The Chair will state that a motion to strike out the paragraph is not a perfecting amendment.

Mr. CHINDBLOM. But, Mr. Chairman, a motion to strike out the section is in order and may be made before the paragraph has been perfected.

Mr. REID of Illinois. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois, Mr. REID, is recognized for five minutes in opposition to the amendment.

Mr. REID of Illinois. The reason I am not in favor of the amendment or of the paragraph is because you are not only giving the authors control of their own work but you are putting them in the new field of transmitting that work by radiobroadcasting, rebroadcasting, wired radio, telephoning, telegraphing, television, or by any other method or means for transmitting or delivering sounds. I do not think this was the intention of anyone, and I think this is a very dangerous paragraph to leave in the bill.

The language of the paragraph is:

To communicate said work to the public by radiobroadcasting, rebroadcasting, wired radio, telephoning, telegraphing, television, or by any other methods or means for transmitting or delivering sounds, words, images, or pictures whether now or hereafter existing.

This is my objection to the amendment and my objection to the paragraph. The gentleman has stricken out the other words in the other line, "delivered, transmitted, or communicated," and this paragraph is with respect to the same substance as the words stricken out in the other part of the bill; and if those words go out, then this language should go out.

Mr. BUSBY. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. BUSBY. On page 2, line 7, of the bill we have this provision, "or transmit the copyright work in any form by any means."

Mr. REID of Illinois. The words "or transmit" went out, and the same words were stricken out in line 18, and for that reason I think this section ought to go out also.

Mr. BUSBY. I agree thoroughly with the gentleman that this should go out.

Mr. REID of Illinois. The whole thing should go out; should it not?

Mr. BUSBY. I believe so.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last word, and would like to ask a question of the chairman of the committee.

Mr. VESTAL. If the gentleman will permit, I am going to ask permission to read the next amendment which I propose to offer at the end of the section so that the Members may understand just what is proposed.

Mr. STAFFORD. May we have the proposed amendment read for information?

Mr. VESTAL. Yes. Following this paragraph the proposed amendment is, as follows:

Provided, This act shall not apply to the rendition of such works by the use of radio receiving sets or other receiving apparatus, unless such rendition is publicly performed for profit, or unless an admission or service fee is charged therefor by the owner or proprietor of such receiving sets or other receiving apparatus.

Mr. REID of Illinois. That has nothing to do with the amendment we are talking about now.

Mr. CHINDBLOM. May I ask the gentleman this question? Does the gentleman believe that the language which he has submitted, or any other language which he will submit, will prevent, for instance, the collection of a fee from the owner of a cigar store, a drug store, a candy store, or an ice-cream parlor, which has put in a Victrola that is operated, for instance, by means of a coin device? Would the owner or proprietor of such a store or establishment be considered to be operating that machine for profit when, as a matter of fact, no admission fee is charged for entrance into the place. The music is only there for the convenience and the pleasure of the patrons and is operated only when a patron drops a nickel in the slot.

Mr. LANHAM. Does not the gentleman think if it is operated by dropping a coin in a slot and the proprietor collects that nickel, he is clearly doing it for profit?

Mr. CHINDBLOM. He is not doing it for profit. He does not get the nickel.

Mr. LaGUARDIA. Then, whoever gets the nickel will be the one who will have to pay.

Mr. LANHAM. If he does not get the nickel, then it is purely a matter for the courts to decide, under all the facts, as to whether or not it is a public performance.

Mr. CHINDBLOM. It is not for the courts to decide if we can make it clear here. Why should we leave it for the courts to decide? We are legislating. The courts will not decide anything until after we have legislated.

Mr. LANHAM. The gentleman is stating a case where the proprietor is evidently making money when the coins are dropped in the slot.

Mr. CHINDBLOM. I do not think the proprietor makes any money out of it. The instrument is there for the pleasure and convenience of the guests.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. WILLIAM E. HULL. In answer to that statement, I want to say that if you have a nickel slot machine in a place of that kind and half of the nickel goes to the man who owns the box and the other half goes to the man who lets him place the box there, if they have paid originally for that music, why should they pay for it again? That is what I am objecting to.

Mr. CHINDBLOM. Of course, that is my point.

Mr. WILLIAM E. HULL. And I hope this House will not vote in favor of this bill unless that is cleared up and taken out of the bill. [Applause.]

Mr. LANHAM. May I interrupt the gentleman there?

Mr. CHINDBLOM. Yes.

Mr. LANHAM. The gentleman believes that a man who writes a story has the right to sell it to a magazine and also to a book publisher and also to radio performers or to the motion-picture people or to sell it to a dramatic producer, does he not?

Mr. CHINDBLOM. But in this case he has already received pay for the record.

Mr. LANHAM. And the man who writes the story receives pay from each one of the parties to whom he sells it, and why should you deny to the man who writes a song the same rights as to royalty that you give to a man who writes a story?

Mr. CHINDBLOM. I will say to the gentleman that if you want to carry it that far, why do you not charge an admission fee of the man who comes into the drug store or ice-cream parlor because he happens to hear the music?

Mr. LANHAM. He pays an admission fee or a charge for that music when he drops a coin in the slot. In other words, you are wanting the man who operates the slot machine to make a profit out of a song written by another.

Mr. CHINDBLOM. Under that theory, I will say to the gentleman that if there is a lady singing a copyrighted song in the store, which may be of some pleasure and entertainment to the patrons who come in there, you ought to charge a license fee of the singer, and also charge the patrons of the store a fee to enter the store.

Mr. LANHAM. I have made no such contention.

Mr. CHINDBLOM. It is the same thing.

Mr. LANHAM. I have told the gentleman that is all a matter wherein they pay only when it is a public performance for profit, and that is a matter to be settled by the courts.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUSBY. Mr. Chairman, I move to strike out the last word.

Mr. SUMNERS of Texas. Mr. Chairman, I wish to make a request. I rise in opposition to the motion to strike out the last word.

Mr. BUSBY. I will yield if the Chair will recognize me next.

Mr. SUMNERS of Texas. Mr. Chairman, I want some information from the chairman of the committee. At the bottom of page 3 is the proviso:

And provided further, That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches, schools, and/or fraternal organizations, provided the performance is given for charitable or educational or religious purposes, unless a fee is charged for admission to the place where the music is so used.

The enumeration of those exceptions, I believe, would be to exclude all others. Suppose a band at a country picnic, where there is no admission fee charged, desires to render some copyrighted music. Does the gentleman have any apprehension that by reason of the enumeration in this proviso that right would be prohibited?

Mr. VESTAL. Not at all.

Mr. SUMNERS of Texas. Would the gentleman give us a reason for that assurance or opinion?

Mr. VESTAL. Because all through the bill and the law now upon the statute books there can be no royalty except for public performance for profit.

Mr. SUMNERS of Texas. Now, right there, at that point—the enumeration of these specific organizations which are exempted, evidently, from the operation of some provision that is in the bill would indicate that but for this proviso they would be prohibited, even though no fee be charged. If you have a general provision in the bill which exempts in all cases where no fee is charged, why enumerate these exceptions, which under the ordinary rules of construction would exclude all others not enumerated?

Well, I will not press the chairman, but will the chairman of the committee give consideration before we conclude the bill to the possible danger from enumerating certain of the organizations which it is intended shall be exempted from the necessity?

Mr. VESTAL. He will be glad to do that, for that is not the intention of the bill.

Mr. SUMNERS of Texas. I am not talking about the intention: I am directing the chairman's attention to the possible legal effect of enumerating certain of those whom it is desired to exempt.

Mr. BUSBY. Mr. Chairman, the question has been raised whether or not the simple radio set in the ordinary ice-cream parlor playing for the amusement of those working there and those who may come in to be served would be subjected to a charge under this bill. I say most positively that it would. The Supreme Court in the case of Herbert *v.* Shonley (242 U. S. 591) held this very situation to be "a public performance for profit."

The court goes on to say that if it is in a place where business is done, music is there played for the purpose of pleasing and attracting customers, the composers' organization can go around with the $250-cudgel that you put into the law, with the attorneys' fees and costs, and extract money from the owner of the business. Now I say that the courts have said that they have not now got that right to collect on radio receiving sets. They are seeking to get rights that do not belong to the copyright owners as the law now stands but belong to the people. You are turning all that over to the copyright holders in this bill. The courts have reasoned it out and say it is none of the business of the copyright owner. It is a private concern. It is the people's air, the people's ether, and unless they, the copyright owners, construct wires to bring their service and music there, they have no right to charge for receiving it. I am not in favor of any law giving them the right. And I am not talking about the publishers of books, either, we can not do without, but we can do without the grafters who snoop around the country stores, seeking to extort a fee from some merchant who plays a Victrola in his place of business. I am not talking about music publishers. We could not do without them. I am talking about the monopoly, which has always been at enmity with freedom and the best interests of our people. Monopoly of nearly every kind has been abolished by law, except patents and copyrights, and I am in favor of such monopoly as has been provided in accordance with the spirit of the Constitution, but I am not in favor of letting monopoly in fact displace monopoly in law. I speak in favor of the amendment of the gentleman from Illinois [Mr. REID].

Mr. VESTAL. As I understand it, all debate upon this amendment has been exhausted. May I say one word in answer to the gentleman from Mississippi? The amendment I read a moment ago for the information of the House absolutely settles the question, so far as he is concerned, on this proposition.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word. During the time in which this terrific battle has been waging a few of us have wondered why this controversial bill, instead of being reported out and considered some weeks ago, is thrust upon us during the closing days of this session. There are some of us who are probably unparliamentary enough to believe that it is a sham battle, presented for no other reason than to take up the time of this House, instead of discussing bills in which millions of American men and women are interested. I marvel that we could discuss tweedledum and tweedledee while so many Americans all over this broad land are wondering what this Congress will do with the Couzens bill [applause on the Democratic side] and what this Congress intends to do with the Wagner bills. [Applause on the Democratic side.] O Mr. Chairman and gentlemen of this committee, this is not a tragedy, as suggested by some Members of the House, and it is not a comedy. It is a farce that does not fool anybody.

Mr. REID of Illinois. Does it come under the copyright, as provided in this bill?

Mr. O'CONNOR of Louisiana. Everyone knows that if this bill were to be seriously considered it would have been reported out weeks ago and the House given an opportunity to consider it fairly and pass upon its merits or demerits. Give us the Couzens resolution, give us the Wagner bills, and the American people will believe that we have discharged our duty in an American way in the closing days of this Congress. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. REID of Illinois) there were—ayes 50, noes 25.

So the amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. VESTAL: Page 4, line 9, after the word "existing," change the semicolon to a colon and add the following words:

"*Provided,* That this act shall not apply to the rendition of such work by the use of radio receiving sets or other receiving apparatus, unless such rendition is publicly performed for profit, or unless an admission or service fee is charged therefor by the owner or proprietor of such receiving set or other receiving apparatus."

Mr. CHINDBLOM. Mr. Chairman, as I understand the amendment, it relates only to radio receiving sets. Is it proposed to offer any kind of a similar provision in regard to Victrolas, graphophones, or other mechanical devices?

Mr. VESTAL. I think that is already covered under the present law, for profit.

Mr. CHINDBLOM. I say to the gentleman that I would be quite slow in accepting any conclusion as to what is left in existing law, because in section 64 it is provided—

All other acts or parts of acts relating to copyrights are hereby repealed, as well as all other laws or parts of laws in conflict with the provisions of this act.

And then it excepts certain sections.

Mr. VESTAL. We are leaving the law just as it is, so far as phonograph records are concerned, except the 2-cent provision which goes out in 1932.

Mr. BUSBY. There is this additional proposition, except where they agree to permit an individual to manufacture records at not exceeding 2 cents. The contract rate agreed on between that individual and the manufacturer becomes the rate that may be adopted by any Victrola-record maker on that piece of music, and you are repealing the license clause also, which permits them to form a monopoly with just one manufacturer, and that is a great evil and that is what the Attorney General was protesting against.

Mr. CHINDBLOM. I understand the committee concedes that is the effect of the law?

Mr. VESTAL. Yes.

Mr. WILLIAM E. HULL. Mr. Chairman, I move to strike out the last word. I may be wrong about this, but if I am I want to stand corrected. I think I look at this from a different angle than that of any other man in the House. I am going to stand on my original statement: That when any copyright owner receives his first royalty, that ought to end it, and the people of the United States, if they buy a machine or a disk or a radio which reproduces a copyrighted song, are entitled to do what they please with it. [Applause.]

Mr. LANHAM. Does the gentleman apply that same principle to a story written by an author?

Mr. WILLIAM E. HULL. I apply it to everything in this bill, story or song or anything else.

Mr. LANHAM. Then, if he sells his story to a magazine he can not get anything for his dramatic rights?

Mr. WILLIAM E. HULL. That is opposite to what I suggest, but the man who reads the story should not pay for it.

Mr. LANHAM. The man who reads the story or sings the song does not have to pay for it unless he does it for profit.

Mr. WILLIAM E. HULL. If you pass this bill and I buy a radio set and put it in my house and I have an ice-cream sociable, where the people come in and buy ice cream for a church in my house, and this song is put on that radio, according to this bill I would be subject to a fine for doing it. There is no question about that. You can not fool everybody with this thing.

Mr. STRONG of Kansas. I understand that those who are making radio sets claim that within a few years the system will be so changed that we will have to have a license to operate a radio. Now, if that comes to pass, this section will make it possible for us to be obliged to pay for that.

Mr. BUSBY. There is an article in the New York Times of October 13, 1929, in which it is said that European ideas as to radio operation are different from ours. The radio in the Old World is supported by listeners, and not by advertisers.

Mr. McLEOD. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. McLEOD. Does the gentleman think that the amendment as read takes care of that?

Mr. WILLIAM E. HULL. No; I think it makes it worse.

Mr. McLEOD. Do not the words there about charging service fees cover that?

Mr. WILLIAM E. HULL. You put that in, but when you want to you can construe it just as you want it. For instance, if you were going into an ice-cream saloon and the fellow conducting the place puts in a tune on the radio you must make him pay for that.

Mr. HUDDLESTON. Has not the Supreme Court in a recent case decided exactly as the gentleman has stated?

Mr. WILLIAM E. HULL. Yes. I can not see why the authors of this bill can not see it and change it so as to protect the people of the Nation.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. OLIVER of Alabama. It appears that rights conferred under the copyright act on copyright owners of music have repeatedly been held by Federal courts to have been violated by using such music in theaters, hotels, and other public places where the music constituted at least a part of the public entertainment from which the owner of the place derived profit through charges made.

Mr. WILLIAM E. HULL. Yes. We are not fooling anybody by putting in this word "profit."

Mr. McCORMACK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. McCORMACK of Massachusetts. Do I understand that the provision should be applied to a broadcasting station?

Mr. WILLIAM E. HULL. Yes.

Mr. McCORMACK of Massachusetts. If that were put in, you would think it would be all right?

Mr. WILLIAM E. HULL. Yes.

Mr. REID of Illinois. Mr. Chairman, I offer a substitute for the committee amendment offered by the gentleman from Indiana.

Mr. VESTAL. Mr. Chairman, an amendment is pending.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. REID] as a substitute for the committee amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment, substitute by Mr. REID of Illinois for the committee amendment offered by Mr. VESTAL: Page 4, line 9, insert after the semicolon the words "*Provided*, That the provisions of this act shall not apply to the reception of such work by the use of a radio receiving set or other receiving apparatus unless a specific admission or service fee is charged therefor directly by the owner or operator of the radio-receiving set or other receiving apparatus."

Mr. REID of Illinois. Mr. Chairman, both of these amendments were intended to cover the same proposition, but unfortunately the amendment offered by the chairman of the Committee on Patents takes up the question and leaves it in the same situation as it was in before by leaving in the words "or public performance for profit."

This is a substitute for the gentleman's amendment which nullifies the effect of the words. My amendment provides that there shall be no charge where radio sets are not used for any other purpose than incidental to the entertainment. In other words, a hotel has a receiving set and makes a service charge, or if a service charge is made in any other way, the author would get his royalty. If the entire entertainment was based upon the radio set working properly, with music, then the author would get his royalty.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. WHITTINGTON. Is it true that your amendment would clarify the situation and save the citizen from going to the trouble of going to the Supreme Court or other court and getting a decision?

Mr. REID of Illinois. Yes. The objection that I have to the way the bill is written is this: How could a man having a radio set in a restaurant or hotel, when the thing he produces is copyrighted—how can he tell how the copyrighted piece is going over the radio, so that he can cut off the radio and thereby save $250, in a case where somebody is sitting in a cigar store or in a restaurant?

A MEMBER. Or in jail.

Mr. VESTAL. I understand. If a restaurant keeper or hotel keeper has a radio set in his restaurant or in his hotel and has wires running into the different rooms, from which he gets from the guests $1, should he pay?

Mr. REID of Illinois. He should be made to pay a royalty when music goes over the radio that is copyrighted. You are attempting in the copyright bill to levy a tax on the users of radio.

My objection is this: The European system permits that under the government. You are going to turn this over to a private corporation, by your action.

Mr. VESTAL. No. That is the thing we are trying not to do.

Mr. REID of Illinois. Well, that is just what you are doing. You do not know it, but that is just what you are doing.

Mr. LAGUARDIA. Mr. Speaker, I rise in support of the substitute amendment.

As a friend of the bill, I am going to ask the committee if it will not accept the amendment offered by the gentleman from Illinois [Mr. REID]. It will not in any way disturb the rights which it is sought to give the author, for the reason that a broadcasting station will necessarily have to make its arrangements with the author, and the author has the right to take into consideration under what conditions the broadcasting station is operating. Therefore by accepting the amendment of the gentleman from Illinois you will remove this doubt, which I do not entertain, but which many gentlemen do entertain, and properly so, that there may be some danger of the storekeeper or hotel or anyone using a radio in a semipublic manner being subjected to the penalties provided for in this bill.

The amendment offered by the gentleman from Illinois serves the purpose far better than the previous suggestion of the gentleman to strike out the section, because, if the section were stricken out that would permit the broadcasting station to use the work of an author without pay. Surely I do not think broadcasting stations are entitled to any more privileges than have already been given them. Broadcasting stations very often send out orchestrations under the statement that they have an orchestra playing, when it is only a phonograph record, and when they do that, they should be made to pay. I will say to the gentleman from Indiana the only purpose is to safeguard petty annoyances, and there is only one other objection I have to the bill and that is section 26. We will take that up when we get to it.

Mr. REID of Illinois. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. REID of Illinois. May I say when I spoke about striking out the paragraph it was because the chairman of the committee inserted on page 4, line 5, the words "for profit." My objection was that they were putting these people into the transmission business. That was my objection. The gentleman is certainly not in favor of that.

Mr. LAGUARDIA. But I think section (g), as amended with the proviso contained in the amendment offered by the gentleman from Illinois [Mr. REID] will save a lot of trouble, and will not in any way destroy the rights and protection which it is sought to give authors.

Mr. VESTAL. Mr. Chairman, there is so little difference between the gentleman's amendment and the one I have suggested I am willing to accept his amendment.

Mr. BUSBY. Mr. Chairman, I move to strike out the last word.

I want to call the attention of the members of the committee to the situation that there are many circumstances under which I believe an additional tax would be laid against the people.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. SCHAFER of Wisconsin. In up-to-date apartment houses to-day they place radio equipment in each apartment connected with a central receiver. Under the terms of this bill, as reported by the committee, would it not result in an added tribute being levied on the renters of the apartments through the fact that the owner of an apartment would have to pay tribute to the copyright owners of music, although the occupant of the apartments might not specially want copyrighted music transmitted through their room radios attached to their apartments?

Mr. BUSBY. I think that is a very pertinent question.

Mr. SCHAFER of Wisconsin. If I owned an apartment house, I perhaps could receive plenty of broadcast programs which would meet the fancies of my tenants without having copyrighted pieces, and therefore I think this situation, where copyrighted music would enter into forced sale, compelling the owner of an apartment house to receive it because there would not be a switch which would automatically throw out the copyrighted music when it comes over the air, is entirely wrong.

Mr. BUSBY. Mr. Chairman, I would like to proceed. I can visualize this organization which is lobbying for this bill, the Composers, Authors, and Publishers of America, which is an administrative body or monopoly, as shown by their articles of association, getting together a force which would rival in number the force that is down at the Internal Revenue Bureau to collect the tribute from all the apartment houses and all of the drug stores and all of the barber shops and hotels, and every other place, when they get this legislation enacted. I am against this amendment for the simple reason that it would turn them loose in the way it is admitted by the proponents of this bill that it would. I do not think it is just to the American public to have to pay tribute to them in that sort of way.

Mr. ARENTZ. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. ARENTZ. Why would not this bill single out the persons or corporations operating broadcasting stations so that one concern would pay it all rather than going back to the homes or hotels or apartment houses?

Mr. BUSBY. That should be the situation and end collections there.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Illinois.

Mr. CHINDBLOM. Mr. Chairman, I offer an amendment to the substitute, after the words "or such other means for transmitting or delivering," after the word "apparatus," in line 3, add the words "or such other methods or means for transmitting or delivering."

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CHINDBLOM. I yield.

Mr. LAGUARDIA. The purpose of the amendment of the gentleman from Illinois [Mr. CHINDBLOM] is to take care of the receiving end of the transmission.

Mr. CHINDBLOM. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. CHINDBLOM] withdraws the amendment to the substitute amendment.

The question is on the substitute amendment offered by the gentleman from Illinois [Mr. REID].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended by the substitute amendment.

The amendment as amended was agreed to.

Mr. VESTAL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 4, line 13, after the word "whatsoever," insert a period and strike out the remainder of the section, lines 13 to 18, inclusive.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. VESTAL].

Mr. CHINDBLOM. Just a moment. May we have the reasons for the amendment?

Mr. VESTAL. It is a repetition of language already in the bill.

Mr. CHINDBLOM. The gentleman thinks the proviso at the bottom of page 3 relates to everything in the bill?

Mr. VESTAL. Yes.

The amendment was agreed to.

Mr. STRONG of Kansas. Mr. Chairman I offer an amendment, which I have sent to the Clerk's desk, and which, I understand, the chairman of the committee will accept.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STRONG of Kansas: Page 3, line 24, strike out all of lines 24 and 25.

The amendment was agreed to.

Mr. HOGG. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOGG: Page 3, line 23, after the word "purposes," insert *"And provided further,* That the provisions of this act shall not include the production of copyrighted musical works by machines solely operated by coins deposited in such machines by others than the owners of said machines or by their agents."

Mr. HOGG. Mr. Chairman——

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. HOGG. Yes.

Mr. STRONG of Kansas. Is it the purpose of the gentleman's amendment to authorize the use of the slot machines?

Mr. HOGG. Of coin-operated machines in restaurants and other places for the production of music and the playing of records and rolls.

Mr. STRONG of Kansas. That is a slot machine.

Mr. HOGG. Mr. Chairman and gentlemen, within a couple of years, under this proposed law, when you purchase a phonographic record you must pay whatever royalty the owner demands. That is the basic provision. If your constituent owns a coin-operated machine which plays music when a person deposits a coin, then, under the operation of this bill, the organization which has been frequently mentioned here to-day can go into that restaurant or drug store or whatever place it may be and, with the authority of the criminal laws of the United States behind it, it can compel the owner of the local establishment to pay whatever that organization proposes to charge as a reasonable fee.

Such a privilege to a few is a rank injustice to the scores and hundreds of local owners of these coin-operated machines in every county in the United States. When you meet your constitutent in his drug store or in his restaurant and he puts before you this bill, which you are now called upon to enact, and asks you why you put such an unfair provision in the bill, I would like to know what sound reasons you can give him.

Mr. MAPES. Will the gentleman yield?

Mr. HOGG. Yes.

Mr. MAPES. In addition to what the gentleman has said, the owner of the store has to pay for the record to get the music. He has already paid the royalty to the composer when he buys the record.

Mr. HOGG. Exactly. This bill makes the local owner pay twice for the same thing.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. HOGG. Yes.

Mr. McCORMACK of Massachusetts. And the gentleman's amendment protects the author against the company or the agents who put out such machines?

Mr. HOGG. Now, my friends, this is a just amendment. After you have paid the royalty once and undertake to operate such a coin machine without profit, while you eat in your restaurant, there is no process of reasoning which justifies the terms of this bill which compel you to pay a performance fee.

Mr. CONNERY. Will the gentleman yield?

Mr. HOGG. Yes.

Mr. CONNERY. The gentleman says, "without profit." Does the gentleman's amendment call for operation without profit?

Mr. HOGG. My amendment puts a very specific construction on those words. There is no reason in leaving the construction of this language to any court. It is not right and it is not just to cause the small operators of these instruments in country places to pay a double fee. And I say further, that it will cause the sending of a set of inspectors and snoopers throughout this land who will drive to shame any similar organization which has ever come within the imagination of man.

Mr. BUSBY. If the gentleman will permit, does his amendment use the words "without profit"?

Mr. HOGG. No; the amendment specifically states that in the case of a coin-operated machine where the coin is deposited by other than the owner or his agent, that the owner not be compelled to pay a performance fee, in addition to the royalty fee. Is not that reasonable?

Mr. BUSBY. That sounds good. [Laughter.]

Mr. HOGG. My friends, the committee reporting this bill has given the right to the producer or music to walk into the little retail store, the drug store, or the eating place in every community in the Nation and exact an unreasonable fee with the power of the criminal laws of the United States to enforce its collection. Such a ridiculous thing as that is unjust, and I hope we will have sufficient support to pass my amendment.

Mr. CONNERY. If the gentleman will permit, I am inclined to favor the gentleman's amendment, but I would like to be put straight on it. Is the gentleman going to take care of the owner of that machine who puts it in there? Are you going to tax him? You do not want the author who created this song out of his brain and through his own ability not to get anything from the man who is putting out these machines and getting the nickels.

Mr. HOGG. The author gets his royalty on every record which is sold. As a royalty he can charge anything he pleases after 1932. When he sells his record to the small retailer who puts it in a coin-operated machine, it is not right, nor is it just, to give the seller the right to exact a further performance fee under the threat of enforcing payment through the criminal laws of the United States. The public has some rights which must not be overlooked. With the additional performance fee, the society often mentioned to-day could and would employ an array of secret reporters which would become intolerable. [Applause.]

Mr. LANHAM. Now, with reference to this slot machine, there can be no question but that there is a performance for profit. You take a man's property and use that property and collect for the use of it in the slot machine and pay the author nothing for the use of his property. The gentleman from Indiana says this is a case where the composer has been paid for the record. Under the present law he gets not exceeding 2 cents a record. Regardless of the law, if this bill is passed to-day he probably will not collect more than 3 or 4 cents; but suppose he gets 5 cents a record? The gentleman from Indiana will realize that the man who operates the slot machine gets the pay for playing that record over and over and over again, but he never pays the author anything for the copyrighted music. If you hire a man's horse and ride it to the circus you have to pay for it, but you can not keep on going to every circus with that horse on the same payment.

Mr. YON. When you hire a horse you can drive him as long as you have hired him for.

Mr. LANHAM. You buy a magazine with a copyrighted story in it, but you would not take the story out of the magazine and publish it in your paper without paying for it. The whole question resolves itself into when it is a public performance for profit and when it is not. If a man takes toll out of an author's copyrighted product he ought to pay the author his part of what he receives.

Mr. CONNERY. The man who makes the slot machines and puts them into the drug stores makes thousands of dollars and the composer or author is paid 2 cents on the record.

Mr. LANHAM. Yes; the proposal is that all the money go to the man that makes the slot machines and nothing to the man that makes it possible to operate the machines. [Applause.]

Mr. CHINDBLOM. Mr. Chairman, when I buy a record and put it in my home I can use it until it wears out. It belongs to me. I can reproduce the song or musical composition as many times as I see fit. There should be no difference when it is put into a drug store, a refreshment parlor, or other place where people gather to enjoy themselves. [Applause.] It should be the same when people spend a nickel for the privilege of hearing a piece of music or a song rendered on a record which has been bought and paid for. [Applause.]

The gentleman from Texas talks about a horse. How many times are you limited to riding a horse after he is once bought and paid for?

Mr. LANHAM. Every time you hire the horse you pay for him, and every time you hire the copyrighted music, you should pay for it.

Mr. CHINDBLOM. I am not talking about a record for hire, but a record that you have bought and paid for.

Mr. LANHAM. But you operate the slot machine for profit and get the money for it.

Mr. CHINDBLOM. There is no use in using the words "slot machine" with any kind of implication. The slot machines are all right. You will find that in the big cities slot machines are used to buy food. You get your lunch through a slot machine. If you do not accept such a provision as this in this bill, you will not have these machines at all in these places where the people are now getting entertainment and pleasure out of their existence, because it will be worth nobody's while to use the machines. They will be a constant eyesore, a constant source of irritation on the part of patrons of these business houses, and you are simply depriving merchants and proprietors of the business they may get from people who come to places of this kind for the purpose of hearing a little music while eating ice cream or indulging some other innocent pastime.

Mr. LAGUARDIA. Mr. Chairman, I think the least that we could do to-day is to be consistent. I have heard almost every Member on the floor of this House, at one time or another, speak on behalf of the producer, arguing that the producer should get the fruit of his toil. I have heard it said for the seaman, for the farmer, for the railroad employee, for everybody, I have heard it for every possible branch of industry, but now that we have a case before us of the producer of music or thought, there seems to be a great fear that perhaps some operator of a slot machine is going to lose something. The gentleman from Illinois [Mr. CHINDBLOM] is too good a lawyer to go off on the proposiiton that he has just mentioned. In the first place, no record is sold outright. When you pay your 60 cents, or whatever the record costs, you become a licensee to use that record for a specific purpose printed on the record, and that is to reproduce the record as many times as you desire privately, but not for public exhibition. Take the case of the slot machine. Your slot machine without the record as a music producer is worthless. It is simply a mechanism. There is nothing that produces more profit than your slot machine. Your storekeeper will have no cause to worry, and why? Because, in the first place, when he buys a slot machine and buys his rolls or records to go with it, he will see to it that he buys rolls and records that have stamped on them, "This record is licensed to be reproduced in a slot machine." I can not see the justice of taking a record which is attractive in and of itself—the machine is not the attraction—and reproducing it for profit.

Mr. CONNERY. Mr. Chairman, I want to bring out clearly what the gentleman says. In these Chinese restaurants or drug stores they can produce records without any obligation at all to the author because they are made for such reproduction.

Mr. LAGUARDIA. Yes.

Mr. CONNERY. Then they do not need this amendment.

Mr. LAGUARDIA. The argument urged by the gentleman from Illinois [Mr. CHINDBLOM] is just this, that once having paid a royalty on a record sold for private use and not for public exhibition, that gives a right to other people to sell and reproduce that for so much each reproduction. That does not follow in law or in justice or in morals. There is no greater producer of profit than the musical slot machine, and I say that the author who produces an attraction for that has a right to be protected when it is sold at so much per reproduction.

Mr. CHINDBLOM. Does this change the present situation with reference to the sale of records specifically made for public performance?

Mr. LAGUARDIA. The amendment of the gentleman from Indiana would exclude your slot machine. In other words, it would take the slot machines out, and simply say, because you have a slot machine, go ahead and use the copyright of anybody you want. There is no difference whether you pay 10 cents to go into a place and listen to 10 pieces of music or if you pay 5 cents and put something to your ear and listen to one piece of music. Your storekeeper need have no fear. This will adjust itself all right for him, because the operator of the machine will see to it that the rolls he sells are properly protected. The man will not be disturbed by any penalty.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto do now close.

The CHAIRMAN. Is there objection?

Mr. BUSBY. Mr. Chairman, I reserve the right to object. I have been withholding a number of amendments to this section with a view to giving the chairman an opportunity of offering quite a bundle of amendments to try to clear up the first section of the bill. I want the opportunity of offering the amendments that I have prepared, which I think will be very helpful to the bill if we are to pass it. For that reason I must object.

Mr. MAPES. Several of us are interested in this section, and, as the gentleman from Mississippi has pointed out, only one amendment has been offered so far, the amendment of the gentleman from Illinois [Mr. REID], that has not been offered by the chairman of the committee. I would like to have a chance to offer an amendment or to support an amendment that will be offered.

Mr. VESTAL. I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

Mr. BUSBY. Oh, that is out of reason.

Mr. HOGG. Mr. Speaker, I object.

Mr. VESTAL. I withdraw the request.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. BUSBY. Mr. Chairman, I offer the following substitute for the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Substitute amendment offered by Mr. BUSBY for the amendment offered by Mr. HOGG: Page 3, line 23, after the word "purposes," strike out the semicolon, insert a colon, and the following words: "*Provided*, The reproduction or rendition of the musical composition, by or upon a coin-operated machine or on parts of instruments serving to reproduce mechanically the musical work, shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs."

Mr. BUSBY. Mr. Chairman, I tried very carefully to cover the situation that has been called to our attention by the gentleman from Indiana in regard to the musical records and musical rolls dealt with by the amendment of the gentleman from Indiana. I also wish to point out the fact that if a fee is charged for admission to the place it would be more proper to exact a royalty than simply where music is being mechanically performed in a place of business.

Mr. HOGG. Mr. Chairman, I believe the amendment offered by the gentleman from Mississippi goes into detail more thoroughly than mine, and I suggest that his substitute be accepted.

Mr. LANHAM. Mr. Chairman, this applies to performance for profit. It is paid at the time the performance is rendered. If we are going to encourage the musical composers of this country to do their work, how are they going to get their return? The day is past when in each home there is a piano and a stack of sheet music, because to-day we go instead to the radio or to the picture show, or something of that kind, and consequently the return to the author in the way of royalty on sales of sheet music is of little consequence. He is entitled under the law as it exists now to a reasonable profit from the use of his property. Certainly if you put money in a slot machine where the music is produced the author of the music is furnishing the entertainment, and certainly he is entitled to a due return. If you do not make it possible for him to get his return from the producer, the author gets nothing.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. McKEOWN. If a man pays a royalty, how does it belong to anybody else? When a man sold his copyright he sold it to the recording people.

Mr. LANHAM. He can get only 2 cents for a record under the present law.

Mr. McKEOWN. Does the money go to the composer or to the publisher or to the proprietor of the slot machine, for example?

Mr. LANHAM. It goes to the proprietor of the slot machine. The slot-machine man is receiving more than the man who wrote the music although the composer holds the copyright.

Mr. McKEOWN. Suppose I had two records and put them in my machine. Does not the composer get his return when I pay for those records?

Mr. LANHAM. Yes; and if a man buys a copy of a play that is being produced in New York, he buys the play but he can not perform it for profit. You want to take music and put it in another category from plays or other literature.

Mr. McKEOWN. You say I can not produce the play. If I produce it, then what?

Mr. LANHAM. If it is copyrighted, you can not produce it without paying the copyright owner his royalty. That applies to anybody who produces it for profit.

Mr. CONNERY. Mr. Chairman, I am very much interested in the opposition to this amendment. After hearing the discussions, all I can say is that there is an opportunity for big manufacturers in Chicago and elsewhere to sell slot machines throughout the United States. The slot machines give no protection to the author of the music.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. LEHLBACH. Is it not a fact that a vast number of these slot machines are not paid for by the men who use them, but are furnished by the manufacturers, and the profit goes to the manufacturers?

Mr. CONNERY. Yes. The drug-store proprietors probably pay a royalty on the machine, but the big manufacturers throughout the United States are the owners of these slot machines. I want the man who wrote that song to get the return. It ought to go to the author.

Mr. ENGLEBRIGHT. The gentleman knows that the greatest opposition to this bill has come from the slot-machine owners?

Mr. CONNERY. Yes.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that all debate upon this amendment close in five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on this amendment shall close in five minutes. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. Mr. Chairman, I rise in opposition to the amendment.

No one could have presented this legislation in a more scholarly, more logical, and more pleasing way from the viewpoint of the committee than did the distinguished gentleman from Texas [Mr. LANHAM]. He enjoys not only the confidence but the affection of every Member of the House, and I certainly share in the fullest degree that feeling for him. Great though our evaluation be of him as friend and colleague, many of us find ourselves at difference with him on certain provisions of the pending bill, and to me it is very evident that the House will insist on radical changes in the bill as reported. I should like for the committee in charge of the bill before asking the House to vote thereon to first make clear what significance, if any, the committee gave to the letter from the Attorney General, in which he strongly urged that if you repeal the existing law, which limits the royalty charge to 2 cents, that you incorporate in the bill a provision to prevent monopolistic control and unlawful agreements—language to accomplish this having been prepared and submitted by the Attorney General. Has the committee given any consideration to it? If so, why did the committee not include some reference to it in the report? Why did the committee not provide some limitation against unlawful combines, since the highest judicial officer of the Government says it is important? Did the committee give consideration to the very same letter from the State Department calling attention to provisions in the bill you are now considering which the department felt were in conflict with existing treaties? If not, what reasons do you assign for ignoring the letter from the State Department?

Communication by radio was unknown when the copyright law was passed in 1909. Yet you are asking the House to hurriedly now write a law that will give very valuable rights which were never intended to be given, nor should ever be given, to copyright owners. When the initial broadcasting station pays for the right to broadcast a song, why should those tuning in on the free air thousands of miles away be required to pay the copyright owner another fee or charge therefor? Until this committee can say to the House that these matters of large consideration, and as to which the House is deeply interested, because they affect the constituency of every man in this Chamber, have been considered and the dangers therefrom properly safeguarded, this bill will never pass. It is a very technical bill and must be thoroughly understood and radical changes made therein, I feel, before it is approved.

The CHAIRMAN. The time of the gentleman from Alabama has expired. All time has expired.

Mr. McCORMACK of Massachusetts. Mr. Chairman, a parliamentary inquiry. Is the opportunity to offer amendments precluded under the unanimous-consent agreement that debate shall close in five minutes?

The CHAIRMAN. The agreement was that all debate should cease in five minutes upon this amendment. It does not preclude the offering or debating of other amendments.

The question is on the amendment by way of substitute offered by the gentleman from Mississippi to the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. VESTAL) there were—ayes 55, noes 45.

Mr. VESTAL. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the substitute amendment to the amendment was agreed to.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Indiana as amended by the substitute.

The question was taken; and on a division (demanded by Mr. HOGG) there were—ayes 60, noes 41.

So the amendment as amended by the substitute was agreed to.

Mr. REID of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. REID of Illinois: Page 4, line 13, strike out the period, insert a colon and the following:

"*Provided further*, That the provisions of this act shall not apply to the reception of such work or works by the use of a radio receiving set or other receiving apparatus, unless a specific admission or service fee is charged therefor by the owner or operator of such radio receiving set or other receiving apparatus."

Mr. REID of Illinois. Mr. Chairman, this is the same amendment as in the other paragraph.

The amendment was agreed to.

Mr. BUSBY. Mr. Chairman, I offer an amendment which I send to the desk.

The CHAIRMAN. The gentleman from Mississippi offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BUSBY: Page 4, at the end of the amendment just adopted, insert "It shall be unlawful for any copyright owner to contract, combine, or conspire with any other copyright owner or owners, either directly or through any agent or agents, to fix a price or royalty rate for the use of any copyrighted works upon parts of instruments serving to reproduce the same mechanically, and any such act shall be a complete defense to any suit, action, or proceeding for any infringement of any copyright of such copyright owner."

Mr. BUSBY. Mr. Chairman and members of the committee, the amendment read to you was prepared and recommended by the Attorney General of the United States. Complaint had frequently been made to his office that the Society of Composers, Authors, and Publishers of America was a monopoly in restraint of trade and contrary to the provisions of the Sherman antitrust law. I ask your attention just a moment. The Attorney General states that several special agents of the Bureau of Investigation were engaged in the investigation and that it was conducted almost continuously for a period of about two years.

He goes on to refer to a court decision of Harms v. Cohen (279 Fed. 276), decided in the district court of Pennsylvania, where it was held directly that the American Society of Composers and Authors and Publishers was not subject to the Federal antitrust law in dealing with copyrights because they did not handle a commodity that is shipped in interstate commerce.

The Department of Justice goes on to say that if we repeal the 2-cent limitation tax, as we are proposing to do in this bill, by all means this amendment ought to be written into the law. The Attorney General writes the amendment and submits it to the committee that is considering the copyright law. They simply sidestep it, that is all, and leave this monopoly to extort money out of the unsuspecting public when they find anyone performing a piece of music on a common Victrola who has not obtained the permission of this monopoly to do so.

I am offering the amendment written by the Attorney General of the United States, who has studied this subject for a period of two years through special agents, and I ask its adoption. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

Mr. REID of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REID of Illinois: Page 4, line 5, after the word "To," where it first appears in the line, strike out the word "communicate" and insert in lieu thereof "have communicated."

Mr. VESTAL. That amendment is perfectly all right.

Mr. STAFFORD. Mr. Chairman, I ask for recognition on the amendment.

I would like to have the attention of the chairman of the committee or the author of the amendment. I notice in all these paragraphs granting the right of exclusive copyright the present tense is used. Now, the gentleman proposes by his amendment, which is acceptable to the chairman of the committee, to have the preterit tense used. In all the other paragraphs the committee used the present tense, why in this instance did we use the preterit?

Mr. REID of Illinois. If the gentleman will permit——

Mr. STAFFORD. Yes; I took the floor to make this inquiry of the gentleman.

Mr. REID of Illinois. It was my idea when this paragraph was up before to strike it out for the reason that this was putting the authors into the communicating business. This amendment will do away with any idea they have any right or control over the apparatus or instrumentalities of communication. So I have just changed it from "communicate" to "have communicated." If you are going to use the word "communicate" then the matter should come before the great Committee on the Merchant Marine and Fisheries, and you should not attempt to do this through the Committee on Patents, which has control of copyrights.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. Such copyright shall extend to all published and unpublished works of authors who are citizens of the United States, not in the public domain on the date when this act takes effect, and all works of such citizens hereafter created and to the works of alien authors in the event that—

(a) Such work is first published in the United States or a foreign country adhering to the International Copyright Union described in section 60 of this act; or

(b) Such work, if unpublished, is created by a national of a foreign country adhering to said International Copyright Union; or

(c) Such author is a national of a foreign country not adhering to said International Copyright Union, which country by treaty or international agreement grants to citizens of the United States copyright on the same basis as to its own nationals; or

(d) Such author is a national of a foreign country not adhering to said International Copyright Union, but is residing at the time of the creation of such work in a country adhering to the International Copyright Union.

The existence or cessation of the reciprocal conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time, as the purposes of this act may require.

In the event that the United States shall at any time after adherence withdraw from said International Copyright Union, then the provisions of this section referring to said International Copyright Union shall thenceforth have no force and effect, but the other provisions of this section shall remain in full force and effect.

With the following committee amendment:

Page 4, line 26, strike out the figures "60" and insert "61."

The committee amendment was agreed to.

Mr. LANHAM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, lines 25 and 26, after the word "the," strike out the words "International Copyright Union" and insert "convention of Berne for the protection of literary and artistic works."

Mr. LANHAM. This is the technical title of the copyright convention. The same words appear in four different places in this section, and I would like to have the amendment considered with reference to the four places.

The CHAIRMAN. That can be done by unanimous consent.

Mr. LANHAM. I ask unanimous consent that that amendment apply to the other places in this section where those same words are used.

Mr. BUSBY. Reserving the right to object, what is the gentleman going to do where the word "international" is used?

Mr. LANHAM. My amendment is definite. I am offering this amendment to correct the language of the bill so that the convention may be properly described. It is not an international copyright union, as it is often referred to, but it is the convention of Berne for the protection of literary and artistic works. That is the technical name.

Mr. BUSBY. Then there is no question of internationality involved in it?

Mr. LANHAM. No; it is merely a correction of the name of the Berne convention.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The amendment was agreed to.

The Clerk read as follows:

ASSIGNMENT OF COPYRIGHT

SEC. 9. The author or other owner of any copyright secured under this act or of any copyright heretofore secured under any previous act of the United States may, to the extent of his interest therein, by written instrument signed by him or his duly authorized agent, executed after this act goes into effect, assign, mortgage, license, or otherwise dispose of the entire copyright or any right or rights comprised therein, either wholly or separately, either generally or subject to limitations, for the entire term of such copyright or for a limited time, or for a specified territory or territories, and may bequeath the same by will. The author or other owner of any copyright or any person or persons deriving any right, title, or interest from any author or other owner as aforesaid, may each, separately, for himself, in his own name as party to a suit, action, or proceeding, protect and enforce such rights as he may hold, and to the extent of his right, title, and interest is entitled to the remedies provided by this act: *Provided*, That no assignment by the author, where the author is an individual, of the copyright in any work and no grant by him of any interest therein (otherwise than by will), after the passage of this act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of 28 years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void.

Mr. VESTAL. Mr. Chairman, I offer the following committee amendment:

The Clerk read as follows:

Page 9, line 8, strike out the word "interest" and insert in lieu thereof the words "right or rights comprised."

The amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I offer the following committee amendment:

On page 9, line 19, after the word "void," insert the following: "After the death of the author the entire reversionary interest in the copyright or any right or rights comprised therein may be assigned, mortgaged, licensed, or otherwise disposed of by his legal personal representative or such other persons (if any) in whom the same shall vest under his will, except that no assignment or other disposition of any right or rights for the reversionary term or any part thereof shall be made unless the assignee or licensee of record thereof (if any) for the immediately preceding term shall have first been given a reasonable opportunity to acquire the same at a price and upon terms at least equal to those upon which such right or rights are offered or granted to others, and any assignment or other disposition or agreement as to the disposition of any such right or rights in violation of this restriction shall be null and void and may be set aside at the instance of such prior assignee or licensee."

Mr. STAFFORD. Mr. Chairman, I think the chairman of the committee ought to make some explanation of this all-inclusive amendment.

Mr. VESTAL. Mr. Chairman, this amendment merely provides that he may have a right to contract, even though a contract had been made before, but that the person who had the first contract should have the right to contract with the heirs.

Mr. STAFFORD. And whom does the gentleman mean by "he"?

Mr. LANHAM. Let me give a concrete example of what this amendment means. This section provides that no man can make a contract for the publication of his works beyond the period of 28 years after his death. At that time the right and title to these works revert to his heirs.

Mr. REID of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. REID of Illinois. Does it not say "not otherwise than by will"?

Mr. LANHAM. Yes; that is correct. If the author has contracted, for instance, with a book-publishing concern to publish his book, and the 28 years beyond his death have elapsed, then the right goes to his heirs or legal representatives; but if another book-publishing company were to offer a royalty payment for the publication of the work of the author in excess of the royalty payment offered by the first publisher, who had been publishing it for years, the first publisher would have the right, if he equaled the best price they could get from the standpoint of royalty, to continue the publication, which, of course, would be in the interest of the heirs.

Mr. STAFFORD. Mr. Chairman, one of the most objectionable, if not the most objectionable feature in this bill, as I view it, is that granting virtually an exclusive right for 50 years beyond the life of the author. Under the present copyright law every author has 28 years, but in this bill you grant the exclusive right to the publisher for the life of the author and 50 years on top of it. Where is the public being considered under such an arrangement? I assume the members of the committee claim that granting an exclusive right for the life of the author, plus his 50 years, is a limited period. I do not consider it a limited period except technically. It is granting a monopoly to a publishing house, and anyone acquainted with these privileges knows that these rights are not going to be accorded to any extent to the author except during his lifetime, but it is for the publisher, against the best interests of the public, in getting rights to these publications after a reasonable limit of time. I am for the public and not for the exclusive publishing houses. [Applause.]

Mr. LANHAM. Of course, the term now is for 28 years, with a renewal of 28 years, which makes 56 years. And under such circumstances the term there provided could be even longer than under the present bill.

Mr. STAFFORD. Not generally, not under the ordinary run of affairs. Authors are not getting out their publications when they are dying.

Mr. BUSBY. Mr. Chairman, I rise in opposition to the amendment. Carrying out further the suggestion of the gentleman from Wisconsin [Mr. STAFFORD], the present law is that a copyright exists for 28 years, with the privilege of renewal provided application is made one year before it expires. Under the present law the author comes in for his own at the end of 28 years, or when the copyright is renewed, no matter if he has assigned his work. The purchasers have to deal with him, because he produced the work which was worth while and which has lived for 28 years and is still worth renewing. The work has proved to be something of an outstanding value. The report of the Senate committee on the 1909 copyright bill details the reasons why the period of 28 years, with the privilege of renewal, was granted. That was in order that the author might be taken care of instead of the publishing house when the time came to renew the copyright.

Mr. WILLIAM E. HULL. I want to know whether the author can control a copyright after he is dead? Can he assign it or give it to his wife or somebody else?

Mr. LANHAM. With renewal it can run for 56 years, under the present law.

Mr. BUSBY. But the benefits are reserved to the author for life and are under him and under his family, and the present law does not provide that the administrator may come in and administer the copyright as a part of his estate, but the family must come in and must be considered in the renewal. They are changing all that in this bill and letting the publishing house come in, providing some member of the family does not come in and claim. This is a very bad feature. If this proposition had been the law when Longfellow was alive—he died in 1882—there would still be a copyright on all of his works, the title, no doubt, in some publishing house. If it had been the law when Lowell was living—he died in 1891—the copyright would still have 12 years to run, with a publishing house taking revenue from people on a perfectly live copyright.

Mr. CONNERY. Does not the gentleman think that if Longfellow was alive at that time and wanted to sell his rights for the benefit of his family to a publishing company that he should be entitled to do it?

Mr. BUSBY. The experience of all these music writers and all other writers is that they get about $25 and the publishing house about $25,000, and the 28 years bring the author back to his own so that he can have a second look-in. [Applause.] This is in opposition to the amendment. Why, we are not going to be living when that 50 years is gone, but the corporations and publishers will be living, and those who are favored by having received the royalty or by having inherited it will benefit. But the producers or their families will not be taken care of. I am speaking against the amendment of the gentleman from Indiana.

Mr. CONNERY. Mr. Chairman, I would like to ask the gentleman from Mississippi a question.

Mr. BUSBY. Yes.

Mr. CONNERY. The gentleman says this only applies to publishers. Does it not also apply to the families of the publishers? Victor Herbert has died, but his widow still lives. Under this law and under this amendment would not Mrs. Herbert have a longer time in which to get the benefits of the publication?

Mr. BUSBY. If some other individual had not bought the copyright outright, that would be the case. But the man who wrote the song that I referred to to-day, even if he lived a hundred years, would never receive another cent for his production.

Mr. CONNERY. On general principles I would not oppose a publishing house getting the exclusive right, but the gentleman said that the author of the song got only $25 for the song that was turned into a profit of $35,000 for the publisher. But I would like to make it so that the author or publisher would have an opportunity to get the benefit.

Mr. VESTAL. I am going to offer an amendment providing that the copyright shall continue 50 years after the death of the author. As the law stands now, the copyright holds for 28 years after publication. That will not be in this law, because there will be no date of publication.

Mr. LANHAM. This is designed for the benefit of the author. At the end of 28 years the publisher can not continue the publication unless he pays the price, or somebody else pays the price, to the author.

Mr. STAFFORD. Twenty years after an author's death his heir might demand a higher royalty. The Constitution says this copyright shall run for "a limited time." Is it to be 20 years or 200 years?

Mr. LANHAM. Does the gentleman know of any such case?

Mr. STAFFORD. In the case of Nathaniel Hawthorne the right went to his son Julian Hawthorne, who later had some difficulties with the Government.

Mr. CONNERY. I believe that the author who writes the book or the composer who writes a song or the artist who produces a picture should enjoy the fruit of his brain. I believe his family should get the benefit of that, and I am in favor of this amendment.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on this amendment and all amendments thereto close in five minutes. Is there objection?

Mr. BUSBY. Reserving the right to object, Mr. Chairman, what does the chairman of the committee propose to do in regard to continuing the consideration of the 30 or 40 pages remaining of this bill? A number of paragraphs relate to the penal features and damages. Does the gentleman wish to detain the committee in session all night just in order to put this over? When does the gentleman intend to move that the committee rise?

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. BUSBY. I object. If the gentleman makes his request 15 minutes I shall not object.

Mr. LUCE. Mr. Chairman, I inject myself into this discussion with some hesitation, lest there might be suspicion of self-interest. I presume there are not many other Members of the House who are owners of copyrights. The copyrights I own are of small value, and the action of the Congress in this particular would not affect them at all. But possibly I am the only man in the Chamber who can talk from the point of view of a producer of an article copyrighted.

If I had spent years in making a statue or a picture, as I have spent years in the writing of certain books, there is not a man here who would question my right to turn that statue or picture over to my heirs, or who would question their right to transmit it to their posterity indefinitely.

Why, because instead I have put my time into writing a book, will you deny me equal control over the product of my brain? It may be of slight worth. In the case of others it may be of great worth, but why do you deny the author complete ownership in that which he produces? Why do you say that the public has any rights whatever in the matter? Consider the author who produces to gratify his desire to contribute to the welfare of the world. Is it not within his province to say how that desire shall be met? If I choose to build a house with my own hands, you allow me to transmit it to my heirs, and they to theirs. Why, when with those same hands I write a book, do you say the public has acquired certain rights of control over that property? Why do you draw the line between different kinds of property? Why do you say that the author, the poorest paid producer of all intellectual classes, shall alone be deprived of complete control of the fruits of his labor?

You ridicule the idea of extending the protection of this law to 50 years. Some genius who dies young, say, at the age of 25 or 30, and leaves children, has the right to leave his tangible property to those children, which they may be spared to enjoy for near a century; but if he leaves only his writings, you think half that period too much. Why do you say that bonds and stocks or bricks, or stones, or anything else material, may be held in private ownership forever and yet say because the product of the brain is printed on paper, transmitted to the world in that particular fashion, the producer shall not have equal opportunity to control the results of his toil?

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. WILLIAM E. HULL. Why should a man who invents a patent on a machine only be protected for 17 years?

Mr. LUCE. I am not trying to reconcile inconsistencies. Two wrongs do not make a right.

Mr. WILLIAM E. HULL. That may be.

Mr. LUCE. I am simply contending that a man who trains himself by toil through many years, who secures an education, perhaps with the utmost sacrifice, which finally makes it possible for him to turn to his profit the work of his brain shall not be picked out to be characterized as a monopolist and his heirs shall not be denied the full enjoyment of the product of his labor.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, the policy enunciated by the distinguished gentleman from Massachusetts [Mr. LUCE] is that the public shall not be considered in the rights which we vest in the way of monopolistic privileges, but only the author. The Constitution of the United States lays down the basis on which we should recognize the rights of authors and inventors, and provides specifically that it is for a limited term. The Supreme Court of the United States has declared that there is no inherent right in the descent of property; that it rests upon legislatures to determine, after the life of the possessor of that property, how it shall be distributed. [Applause.]

Now, has the public any rights in this matter, or shall the creator of those works only be considered? I stand here because I have authorities back of me that there is no absolute right in an author to his own creations. He may withhold it, if he wants to, but when it comes to publication, the making of copies, under copyrights, then it is for the legislative body to determine the terms. [Applause.]

I say to you that I am for the thousands and hundreds of thousands of poor people who to-day are privileged to buy David Copperfield or Vanity Fair or any of the other classic productions because the period of copyright which was granted to the author has expired. Now you want to penalize the poor for the benefit of whom? Boston? There are voices here on this floor from Boston. Boston has noted publishing houses. Little, Brown & Co., Dodd, Mead & Co., Estie & Co., and several others.

Everyone knows that when an author enters into a contract with a publisher he may have perhaps safeguarded his rights for his family's benefit, but in general, if we give protection to an author for a period of 30 years, we are recognizing the rights of ownership of that author in his own creations, and it is for us to say whether, after the expiration of that exclusive term, we will protect the public. We are not concerned only with the rights of the author. In my determination of this question I place the rights of the public ahead of the rights of the author.

I want to conserve the rights of the author to a limited extent, but I am unwilling to give any author, or any publishing house that will control the rights of the authors, the right of monopoly for an unlimited time, and certainly under the terms of this bill beyond the lifetime of anyone living. In this particular I want to direct your attention to the provision in section 3 of the bill, which provides:

SEC. 3. Where any work, except a dramatico-musical or musical work is created by an employee within the scope of his employment, his employer shall, as author, be the owner of the copyright in such work, in the absence of agreement to the contrary; but this provision shall not apply to works created on special commission where there is no relation of employer and employee, unless the parties shall agree otherwise.

The bill in this particular seeks to protect the publishing house. We will do ample justice to the authors and we will not restrain the production of their brains if we will give them a limited privilege and not extend that privilege way beyond a reasonable time, nearly 100 years, perhaps, as provided in this bill.

I am violently opposed to the position taken by the distinguished gentleman from Massachusetts [Mr. LUCE] in holding the rights of authors in their works so sacred, because I place the rights of the public ahead of the rights of property. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was rejected.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto now close.

Mr. BUSBY. I shall object to that.

Mr. BANKHEAD. I would like to ask the chairman of the committee if it is his intention to finish the bill to-night.

Mr. TILSON. We are trying to arrive at some conclusion.

Mr. BUSBY. I would like to offer my amendment to the pending section.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUSBY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. BUSBY: Page 8, line 14, strike out section 9 and insert in lieu thereof the following:

"That copyright secured under this or previous acts of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will.

"That every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment

under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument.

"That every assignment of copyright shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

"That the register of copyrights shall, upon payment of the prescribed fee, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this act he shall furnish to any person requesting the same a certified copy thereof under the said seal.

"That when an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this act.

"That all records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress perform all the duties relating to the registration of copyrights.

"That the copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained."

Mr. VESTAL. Mr. Chairman, I reserve all points of order on the amendment.

Mr. BUSBY. What is the attitude of the gentleman from Indiana as to further procedure?

Mr. VESTAL. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. And the gentleman from Mississippi will have five minutes on his amendment when we again go into Committee of the Whole?

Mr. VESTAL. Certainly.

The CHAIRMAN. The gentleman from Indiana moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the International Copyright Union and had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WURZBACH, for the balance of the session, on account of important business.

CONSTRUCTION AT WEST POINT, ETC.

Mr. RANSLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8159) to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk reported the title of the bill.

The Senate amendment is as follows:

Page 3, after line 3, insert:

"SEC. 5. (a) For the purpose of enabling the Secretary of War to obtain possession and legal title to the certain hotel building, appurtenances, and equipment, now located and situated on the grounds of the West Point Military Academy, and known as the Thayer-West Point Hotel, from any and all persons, corporations, or associations holding any title or interest in said hotel building, appurtenances, and equipment, as provided by the act of March 20, 1920 (41 Stat. L. 548), and the lease pursuant thereto entered into October 17, 1924, between the Secretary of War and Herbert Williams, which said lease is hereby terminated, the Secretary of War is authorized and directed to appoint three competent persons to act as a board of appraisers for the purpose of determining the present market value of the hotel building, appurtenances, and equipment, and a report thereof made to the Secretary of War. The Secretary of War shall submit to Congress at the earliest practicable date the report of the board of appraisers.

"(b) The amount so fixed by the board of appraisers is hereby authorized to be appropriated and shall become available when proper title, free of liens and encumbrances, to the said hotel building, appurtenances, and equipment is delivered to and accepted by the Secretary of War and shall be used by the War Department for such lawful purpose as the War Department may hereafter determine.

"(c) That the sum of money hereby authorized to be appropriated shall be paid into the United States District Court for the Southern District of New York and be distributed by the said court as the interests of the parties there appear in the now pending Thayer-West Point Hotel Corporation bankruptcy proceedings."

Mr. GARNER. Is the gentleman from Mississippi [Mr. QUIN] agreeable to this request?

Mr. RANSLEY. This is agreeable to all of the members of the Committee on Military Affairs, on both sides of the House.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. RANSLEY, Mr. SPEAKS, Mr. QUIN.

CLASSIFICATION OF CIVILIAN POSITIONS—CONFERENCE REPORT

Mr. LEHLBACH. Mr. Speaker, I present a conference report upon the bill (S. 215) to provide for classification of civilian positions in the District of Columbia and in the field service, as amended by the act of May 28, 1928, for printing under the rule.

AMENDING DISTRICT OF COLUMBIA APPROPRIATION ACT OF 1914

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3615) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, a similar House bill having been reported and on the House Calendar.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, what is the parliamentary status of this matter?

The SPEAKER. The Chair understands that this is a Senate bill and that what is alleged to be a similar House bill is on the calendar, although the Chair does not think it is similar. The matter requires unanimous consent.

Mr. LaGUARDIA. Mr. Speaker, I object.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3615. An act to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 47. An act for the relief of the State of New York;

H. R. 494. An act for the relief of Catherine White;

H. R. 495. An act for the relief of Katherine Frances Lamb and Elinor Frances Lamb;

H. R. 528. An act for the relief of Clarence C. Cadell;

H. R. 650. An act for the payment of damages to certain citizens of California and other owners of property damaged by the flood caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States;

H. R. 730. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended;

H. R. 794. An act for the relief of C. B. Smith;

H. R. 913. An act for the relief of Belle Clopton;

H. R. 917. An act for the relief of John Panza and Rose Panza;

H. R. 919. An act for the relief of the father of Catharine Kearney;

H. R. 1063. An act for the relief of Alice Hipkins;

H. R. 1066. An act for the relief of Evelyn Harris;

H. R. 1110. An act for the relief of heirs of Warren C. Vesta;

H. R. 2170. An act for the relief of Clyde Cornish;

H. R. 2782. An act for the relief of Elizabeth B. Dayton;

H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;

H. R. 3889. An act for the relief of Albert A. Inman;

H. R. 3891. An act for the relief of Harry Martin;

H. R. 4161. An act for the relief of Isaac Fink;
H. R. 4564. An act for the relief of E. J. Kerlee; and
H. R. 8723. An act for the relief of Rachel Levy.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1378. An act for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson;

S. 1638. An act for the relief of William Tell Oppenhimer, jr.; and

S. 3566. An act authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 47. An act for the relief of the State of New York;
H. R. 494. An act for the relief of Catherine White;
H. R. 913. An act for the relief of Belle Clopton;
H. R. 1063. An act for the relief of Alice Hipkins;
H. R. 1066. An act for the relief of Evelyn Harris;
H. R. 1110. An act for the relief of the heirs of Warren C. Vesta;
H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;
H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only;
H. R. 4206. An act authorizing the Secretary of the Navy, in his discretion, to loan to the city of Olympia, State of Washington, the silver service set formerly in use on the U. S. cruiser *Olympia;*
H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia;
H. R. 9638. An act to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the Northwest Pacific States;
H. R. 10490. An act for the relief of Flossie R. Blair;
H. R. 11409. An act to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861;
H. R. 11729. An act to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y.;
H. R. 12285. An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer;
H. R. 12599. An act to amend section 16 of the radio act of 1927; and
H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until Monday, June 30, 1930, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

572. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on Missisquoi River, Vt., covering flood control, power development, and irrigation (H. Doc. No. 496), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 13130. A bill granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Bogue Chitto River between Sun and Bush, St. Tammany Parish, La.; without amendment (Rept. No. 2041). Referred to the House Calendar.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 12964. A bill to authorize alterations and repairs to certain naval vessels; with amendment (Rept. No. 2043). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. BROWNE: A bill (H. R. 13222) to prohibit the transportation in interstate commerce of machine guns; to the Committee on Interstate and Foreign Commerce.

By Mr. LARSEN: A bill (H. R. 13223) to confer jurisdiction upon the Court of Claims to hear and determine the claims of owners of slaves, or their heirs, for loss resulting from issuance of Proclamation of Emancipation by Abraham Lincoln; to the Committee on the Judiciary.

By Mr. SPEAKS: A bill (H. R. 13224) to amend the act entitled "An act to give war-time rank to retired officers and former officers of the Army, Navy, and Marine Corps, and/or Coast Guard of the United States," approved June 21, 1930, so as to give class B officers of the Army the benefits of such act; to the Committee on Military Affairs.

By Mr. WIGGLESWORTH: A bill (H. R. 13225) to extend the limitations of time upon the issuance of medals of honor, distinguished-service medals, and Navy crosses to persons who served in the Navy of the United States during the World War; to the Committee on Naval Affairs.

Also, a bill (H. R. 13226) providing for dismissal of prosecution of offenses and barring further prosecution in case of failure to bring defendant to trial after indictment found or information filed; to the Committee on the Judiciary.

Also, a bill (H. R. 13227) to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; to the Committee on Military Affairs.

By Mr. COLTON: A bill (H. R. 13228) to authorize an exchange of lands between the United States and the State of Utah; to the Committee on the Public Lands.

By Mr. MAAS: Resolution (H. Res. 279) authorizing the payment of an allowance from the contingent fund of the House to the assistants in the office of the attending surgeon; to the Committee on Accounts.

By Mr. BACON: Joint resolution (H. J. Res. 390) proposing an amendment to the Constitution to amend the eighteenth amendment; to the Committee on the Judiciary.

By Mr. MEAD: Joint resolution (H. J. Res. 391) relative to expenditures of funds collected from private sources for the Commission on Law Enforcement and Law Observance; to the Committee on the Judiciary.

By Mr. McLEOD: Joint resolution (H. J. Res. 392) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency for the utilization of the resources and industries of the United States, and so forth," approved February 8, 1918; to the Committee on Patents.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial from the Austrian Legation, Washington, D. C., expressing condolence upon the tidings of the demise of Mr. Stephen G. Porter, Congressman from Pennsylvania; to the Committee on Memorials.

Memorial from Ambassador Von Prittwitz, expressing deepest and sincerest sympathy on the occasion of the great loss sustained by the House of Representatives in the passing away of Congressman Stephen G. Porter; to the Committee on Memorials.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 13229) granting a pension to Susan Hepan; to the Committee on Pensions.

Also, a bill (H. R. 13230) granting an increase of pension to Annie V. Anderson; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 13231) granting an increase of pension to Cliffie Baker; to the Committee on Invalid Pensions.

By Mr. BRIGGS: A bill (H. R. 13232) granting a pension to Mary E. Anderson; to the Committee on Pensions.

By Mr. FENN: A bill (H. R. 13233) granting a pension to Rose D. Carleton; to the Committee on Pensions.

By Mr. GIFFORD: A bill (H. R. 13234) granting a pension to Mary G. Vance; to the Committee on Invalid Pensions.

By Mr. JOHNSTON of Missouri: A bill (H. R. 13235) granting a pension to Nettie Koehler; to the Committee on Invalid Pensions.

By Mr. JONAS of North Carolina: A bill (H. R. 13236) for the relief of Clarence Preston; to the Committee on Military Affairs.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 13237) to extend the benefits of the employees' compensation act of September 7, 1916, to Maude R. Crawford, widow of William M. Crawford, a former special disbursing officer with the Indian office at Pawhuska, Okla.; to the Committee on Claims.

By Mr. SEIBERLING: A bill (H. R. 13238) granting a pension to Balbina Lesniewski; to the Committee on Pensions.

By Mr. SHORT of Missouri: A bill (H. R. 13239) granting a pension to Mary Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13240) granting a pension to Louisa Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13241) granting a pension to Annie L. Burnett; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 13242) granting an increase of pension to Foolish Bear; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 13243) granting a pension to Valdora V. Munson; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 13244) granting a pension to Charles Thornton Newhall; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 13245) for the relief of William T. Sansom; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 13246) granting an increase of pension to Sarah E. McKenzie; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7667. By Mr. GRAHAM: Memorial of Philadelphia Board of Trade, opposing Senate bill 4357, to amend section 24 of the Judicial Code; to the Committee on the Judiciary.

7668. By Mr. McCORMACK of Massachusetts: Petition of the Department of Massachusetts, United Spanish War Veterans, John A. Buswell, department adjutant, 158 State House, Boston, Mass., adopted at its thirty-first annual encampment, held at Framingham, Mass., June 13–15, 1930, urging legislation for the immediate building up and development of the Naval Reserve of the United States as a second line of defense; to the Committee on Naval Affairs.

SENATE

MONDAY, *June 30, 1930*

Rev. James W. Morris, D. D., assistant rector Church of the Epiphany, city of Washington, offered the following prayer:

Almighty God and Heavenly Father, whose sovereign authority is over all Thy works, by whose merciful providence kings reign and rulers are established, we ascribe unto Thee greatness and power. We glorify Thee as the God of truth and inviolate righteousness, just and right in all Thy ways.

Enable us all, we pray Thee, governors as well as governed, to keep ever in mind that there can be no real freedom either for ourselves or for our Nation without filial submission to Thy beneficent will and only in humble service of Thy holy name.

We ask this through the mediation of Thy Son, to whom Thou hast given all authority in heaven and on earth. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to each of the following bills:

S. 941. An act to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926; and

H. R. 730. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills:

H. R. 6. An act to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; and

H. R. 4189. An act to add certain lands to the Boise National Forest.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ELLIOTT, Mr. TAYLOR of Tennessee, and Mr. LANHAM were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, Mr. WASON, Mr. TAYLOR of Colorado, and Mr. AYRES were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8242) for the relief of George W. McPherson; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4176) for the relief of Dr. Charles W. Reed.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 495. An act for the relief of Katherine Frances Lamb and Elinor Frances Lamb;

H. R. 528. An act for the relief of Clarence C. Cadell;

H. R. 650. An act for the payment of damages to certain citizens of California and other owners of property damaged by the flood, caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States;

H. R. 730. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended;

H. R. 794. An act for the relief of C. B. Smith;

H. R. 917. An act for the relief of John Panza and Rose Panza;

H. R. 919. An act for the relief of the father of Catharine Kearney;

H. R. 2170. An act for the relief of Clyde Cornish;

H. R. 2782. An act for the relief of Elizabeth B. Dayton;

H. R. 3889. An act for the relief of Albert A. Inman;

H. R. 3891. An act for the relief of Harry Martin;

H. R. 4161. An act for the relief of Isaac Fink;

H. R. 4564. An act for the relief of E. J. Kerlee; and

H. R. 8723. An act for the relief of Rachel Levy.

MINORITY VIEWS ON LONDON NAVAL TREATY (REPT. NO. 1080, PT. 2)

Mr. JOHNSON. Mr. President, I present the views of the minority of the Foreign Relations Committee upon the London naval treaty and ask that they may be printed as a Senate document and also printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The minority views are as follows:

[S. Rept. 1080, pt. 2, 71st Cong., 2d sess.]

LIMITATION AND REDUCTION OF NAVAL ARMAMENT

Mr. JOHNSON, from the Committee on Foreign Relations, submitted the following minority views (to accompany Executive I):

It is unfortunate that a discussion of the London treaty must deal with ships of war and comparative navies of different countries. The treaty, however, is one that is highly technical in character and which concerns in all their ramifications the fighting sea forces of Great Britain, Japan, and the United States. The treaty not only deals with the comparative naval strength of the three countries, but presumably with these nations' national defense, the protection of their commerce, and even the contingency of difficulties among them. In these aspects

the negotiations for the treaty were carried on, and, upon the lines which radiate from a contract relating to the navies of the three countries, presumably the three nations at London not only considered but discussed every possible contingency.

The minority of the Foreign Relations Committee, opposing the treaty, disclaim either militarism or jingoism, and insist that its few members have ever been and still are advocates of fair naval limitation and honest naval reduction. The minority, however, demand that no treaty in respect to the United States Navy shall be ratified by the Senate which is disadvantageous to our country; which precludes an adequate national defense; which affects injuriously the naval protection of our enormous and fast-expanding sea commerce; or which destructively deals with our relative position in respect to other nations. All these things the London treaty does, and because it does these things, and because it is neither fair nor just to the United States, we oppose it.

It is a noticeable and a remarkable fact that a treaty for which so much is claimed, opposition to which arouses such a pretense of indignation, is presented to the Senate without explanation or report. After the Washington conference of 1922 it was not considered beneath the dignity of the President to report in person to the Senate and the people his proceedings and what he deemed his accomplishment. The plenipotentiaries of the United States at that conference, Elihu Root, Charles Evans Hughes, Henry Cabot Lodge, and Oscar Underwood, not only conceived it to be their duty but it was their pleasure at length and in detail to file an elaborate explanation of what had transpired, and to print that explanation as a public document. Within the past few days, Canada's representative has filed with his Government and printed for the public an account of his stewardship at the recent London conference. But singularly enough, the London treaty is given to the Senate by the President with only the formal lines of transmission; no representatives of our country, save in their incomplete testimony before the committees of the Senate, have indulged in any recital of their activities; Members of the Senate, who were plenipotentiaries in the making and are now Senators in the ratification, aside from recent radio addresses, have not been heard in detail upon the pact, and finally the Foreign Relations Committee in reporting the treaty favorably does it without one word of comment, explanation, or elucidation.

The treaty comes upon the floor, therefore, the mere barren document executed at London, with the printed hearings, of course, that have been held, without detailed report or explanation, but with what, doubtless, in the opinion of its advocates, may be much more important, the mute votes of the majority members of the Foreign Relations Committee.

It is quite necessary, in order to have an adequate conception of what should have been done at London, to recall what has happened at previous conferences for naval limitation. Naval limitation was first really sought at the Washington conference of 1922. In the first enthusiasm for armament limitation and reduction it was assumed that real advancement was there made. Our Government by its words and its acts demonstrated its sincerity for limitation and reduction, and that from the Washington conference came neither was no fault of the United States.

We find in the report of the American delegation, headed by the then Secretary of State, Charles Evans Hughes, which was submitted to the President February 9, 1922, and printed as a public document (there is no similar report here) that at the opening of the Washington conference a definite American plan was submitted to the British Empire and Japan. The report proceeds (what a pity there is no such explanation to guide us respecting the London conference):

"The American plan therefore temporarily postponed the consideration of the navies of France and Italy and definitely proposed a program of limitation for the United States, British Empire, and Japan. The proposal was one of renunciation of building programs, of scrapping of existing ships, and of establishing an agreed ratio of naval strength. It was a proposal of sacrifices, and the American Government in making the proposal, at once stated the sacrifices which it was ready to make and upon the basis of which alone it asked commensurate sacrifices of others.

"The American plan rested upon the application of these four general principles:

"(1) That all capital-ship building programs, either actual or projected, should be abandoned;

"(2) That further reduction should be made through the scrapping of certain of the older ships;

"(3) That in general regard should be had to the existing naval strength of the powers concerned;

"(4) That the capital-ship tonnage should be used as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed."

The report after the statement of the American plan continues (what an aid it would be if similarly we could follow what happened at London):

"This proposal was presented on behalf of the American delegation at the first session of the conference, and at once evoked from the other delegates expressions of assent in principle."

The report continues:

"It was obvious that no agreement for limitation was possible if the three powers were not content to take as a basis their actual existing naval strength. * * *

"When the argument was presented by Japan that a better ratio—that is, one more favorable to Japan than that assigned by the American plan—should be adopted and emphasis was placed upon the asserted needs of Japan, the answer was made that if Japan was entitled to a better ratio upon the basis of actual existing naval strength, it should be, but otherwise it could not be, accepted. The American plan fixed the ratio between the United States, the British Empire, and Japan as 5–5–3 or 10–10–6; Great Britain at once agreed, but the Japanese Government desired a ratio of 10–10–7. * * *

"The American Government submitted to the British and Japanese naval experts its records with respect to the extent of the work which had been done on the ships under construction, and the negotiations resulted in an acceptance by both Great Britain and Japan of the ratio which the American Government had proposed.

"Before assenting to this ratio the Japanese Government desired assurances with regard to the increase of fortifications and naval bases in the Pacific Ocean. * * *

"After prolonged negotiations the three powers—the United States, the British Empire, and Japan—made an agreement that the status quo at the time of the signing of the naval treaty, with regard to fortifications and naval bases, should be maintained in their respective territories and possessions."

The treaty presented by the Washington conference severely restricted our naval bases in the Pacific Ocean west of Hawaii, which is distant nearly 3,000 miles from Japan and almost 5,000 miles from Manila. These restrictions were admittedly the price paid by the United States for the 5–3 ratio with Japan, and the obligations of the United States in respect to its naval possessions in the Pacific have been scrupulously observed.

We have been at some pains to demonstrate the ratio that was accorded at the Washington conference of 1922, because, with a most peculiar lack of knowledge, it has been asserted repeatedly by our representatives that by the Washington conference a ratio was fixed in respect to battleships and airplane carriers alone, and that there was no agreement at all in regard to auxiliary craft. It is quite true that the Washington conference did not deal with scrapping and the like of cruisers and auxiliary vessels, but it is no less true that there was a definite and distinct understanding upon which our country acted and is acting to-day in reference to its possessions in the Pacific by which the ratio not only of battleships but auxiliary vessels was fixed by the three nations—5 for Great Britain, 5 for America, and 3 for Japan. Forgetfulness of what transpired at the Washington conference and a mistaken view that no ratio was fixed for auxiliary craft at Washington led our representatives at London into error, and apparently there, by conceding the lack of ratio, they eliminated what had in reality been agreed upon at the Washington conference to the great detriment and disadvantage of our Nation.

The immediate aftermath of the Washington conference was the scrapping by the United States of battleships upon which some hundreds of millions of dollars of our taxpayers' money had just been spent. Our sacrifices were infinitely greater than those of any other nation, and this is the admitted fact. Not only did we make the sacrifice in dollars and cents, but in battleships that had no peer in all the world, and we permitted our naval bases to remain in status quo, without in reality corresponding restrictions upon Japan and with the British left with their full rights as close to the Orient as Singapore. We destroyed our taxpayers' property and restricted ourselves much more severely than either of the other nations. This was done upon the theory that we had obtained a naval limitation treaty, that the ratio of the navies of the three great nations was 5–5–3, that competition in naval armament had been forever stopped, and that our taxpayers had been relieved of a most onerous burden of taxation.

Indeed, after the Washington conference the chief of the American delegation, singing its praises, said:

"It is obvious that this agreement means ultimately an enormous saving of money and the lifting of a heavy and unnecessary burden. The treaty absolutely stops the race in competition in naval armament. At the same time it leaves the relative security of the great naval powers unimpaired."

We had scarcely ceased applauding the eloquent words of Mr. Hughes at the close of the conference before our disillusionment came. Immediately thereafter Great Britain and Japan began building cruisers. The competition in naval armament that we boasted had been so effectively stopped by the Washington conference really began immediately thereafter. There was no lifting of any burden of taxation from peoples. The Washington agreement instead of leaving relative security of the great naval powers unimpaired left it unstable and uncertain, and by one of the paradoxes of diplomacy we found at London these results of the Washington conference seriously urged by our representatives as reasons for the execution of the London treaty,

and they are now with equal seriousness insisting that these results demand the London treaty ratification.

Feverishly after the Washington conference building of warships was engaged in by Great Britain and Japan. The United States pursued the even tenor of its way and adopted finally a cruiser program, which has been accepted as a national naval policy. But a small part of this policy has been thus far carried out. Many more cruisers have been built by Japan and Great Britain than by our country, and strangely enough the representatives of the richest country in the world, the only nation where economic necessity does not forbid pursuing any course deemed appropriate or necessary, ask that we accept by the London treaty a situation forced upon us by Great Britain and Japan by which we freeze our Navy into a condition which will still further handicap us in any future conferences.

For many years past there has existed within our Government what is termed the General Board of the Navy that reports in all naval matters to the Secretary of the Navy, and makes its recommendations concerning the naval interests of our Government. For a decade this General Board, composed of those learned in their profession and expert in its technical ramifications, has definitely recommended, and this recommendation has become our fixed policy, that 8-inch-gun cruisers were essential for the protection of American commerce, especially in view of the possession by other navies of battle cruisers and of naval bases and merchant marine superior to us. From time immemorial it has been held in our country that the primary purpose of the Navy was the protection of our commerce. We are very much inferior in our merchant marine to Great Britain, and our agreement not to strengthen our bases in the Pacific greatly lessened our real naval power there. The lack of these bases and the inferiority of our merchant marine emphasize the absolute necessity for our country to possess the strongest type of cruiser permitted within the limitations of our treaty obligations, and this is the 8-inch-gun cruiser.

Our General Board has insisted that within the total tonnage allowed by treaties we should be permitted to build such ships as we desired, and that other nations should have the like privilege. The very crux of one of the controversies over the London treaty is this right of the United States to build within the tonnage provided, suitable ships for the United States. The right is demanded by some of us. It is denied by Great Britain. In the London treaty Great Britain prevails.

At the Geneva conference in 1927 our delegation, acting under the instructions of President Coolidge, refused to yield the right of the United States to build within the tonnage limitation the type of cruiser which we needed, and upon that issue the conference failed. We declined to yield either to the demand of Great Britain that we build the kind of cruiser for the United States that Great Britain insisted we should build. The Hon. Hugh Gibson, one of the American ambassadors at Geneva, then stated:

"The immediate and obvious result of acquiescing in these British proposals would have been that the British Empire would have been able to build exactly what it desired, and that we, on the other hand, would be restrained from building what we considered we might need * * *."

In no more apt language could the situation at Geneva be described and no more apt language could characterize what happened at London.

The controversy at Geneva was a conflict between the naval policy of Great Britain and the naval policy of the United States. On the one hand Great Britain insisted upon the division of cruisers into two categories, and refused absolutely to permit the United States to build, within the tonnage limitation allowed, such cruisers as the United States desired. The United States demanded this right, which it readily accorded to Great Britain. Great Britain demanded the right to direct what we should do. Great Britain failed at Geneva. Great Britain won at London.

It becomes important to keep in mind this situation: One American administration, one set of American representatives, and the American Navy, with few exceptions, insisted upon the American policy at Geneva, always according exactly the same right that we claimed to Great Britain. Another set of representatives, another administration, but the navy still protesting, scrapped the American policy at London, and accepted for the American Navy what Great Britain has insisted America must accept.

Exactly when it was determined that we should forget the American policy is shrouded in mystery, because the Foreign Relations Committee, the American Senate, and the American people, are denied the papers, the documents, and communications relating to the London conference.

The cruiser controversy, which hereafter in detail will be referred to, is in reality a conflict of economic policies. The statements of Lord Balfour at Washington and the British representative at Geneva clearly demonstrate this. The whole British case is based upon their needs for protecting their trade. They have this right and ought to be accorded it. The American position, while admitting to the British the right to protect their trade, has maintained that we should have an equal right to protect an equal trade.

By the restriction placed upon us in the matter of 8-inch-gun cruisers, the ability to protect American trade is tremendously less than what is now the ability of the British to protect their trade. The British with their bases, with their merchant ships upon which 6-inch guns may be mounted, with every trade route in the world dominated by the British Navy, can protect their commerce adequately, and can do this with the smaller gun cruisers; but we, without bases, with but one-fourth of the craft Britain has, which may be transformed into fighting ships, absolutely require the larger gun cruiser for our protection.

The paradox in the case is that even though we retain our right to build all of the cruisers of the 8-inch-gun type, and Britain chose to build most of the 6-inch-gun type, while we better our position and could more nearly approach protection of our commerce, we could not possibly overcome the handicaps of her superiority in battle cruisers, naval bases, and merchant-marine preponderance. Her trade would still remain substantially safe the world over against the possibility of attacks upon it, whereas she would retain the power while protecting absolutely her own trade effectively to attack any other. In the last analysis, therefore, the 8-inch-gun cruiser affords the United States merely a better protection, without overcoming all of the handicaps incident to the factors in naval power, other than naval vessels themselves.

PARITY

After the ratification of the Washington treaty, when the American people began to take stock of what had been done, when our so-called statesmen had dropped from the clouds, where they had been singing pæans of praise to peace, and when sanity returned to those who give an occasional thought to their Nation's future, it was found that none of the things so fondly hoped for, and which our people had been told had been accomplished in a sanctified atmosphere, had really happened. It took a long time for the consequences of the Washington conference to penetrate the mists of an almost overwhelming propaganda and finally to permeate all classes of our people. When ultimately, however, the people understood the results—that they had from a position of superiority, at a tremendous cost, been maneuvered into a position of inferiority—there began the cry in our country for parity of our Navy with that of any other in the world. Two Presidents successively heeded this constantly increasing demand, and both President Harding and President Coolidge voiced the insistence of a disillusioned people for parity for our Navy with that of any other navy in the world.

In 1929 no administration could withstand this insistence of a people who felt themselves outraged by the results of the Washington conference, and so in the preliminary negotiations of the London treaty, according to the press (we are denied any knowledge of exactly what transpired), those representing the United States Government insisted upon parity between our Navy and that of Great Britain.

When Premier MacDonald spoke so charmingly and eloquently to the United States Senate, he said in the course of his delightful speech:

"What is all this bother about parity? Parity? Take it without reserve, heaped up and flowing over."

The boast most often heard by the sponsors of the London treaty is that finally it has given to us parity. We fondly imagined we had obtained it in 1922, but the advocates of the London treaty, in rather contemptuous repudiation of the 1922 agreement, plead now in behalf of the treaty before us that, notwithstanding we were either mistaken or deceived at Washington, the wrong has been righted at London, and that finally, by the gracious permission of Japan and Great Britain, the United States is accorded the parity that we desired. Unfortunately this is not so.

PARITY IN BATTLESHIPS

The Washington conference was supposed to establish battleship parity between the United States and Great Britain. Such was then said to be the main naval accomplishment of that conference. Parity was not, however, accomplished by that conference, for two reasons:

1. The number of battleships remaining in the British Navy, and their aggregate tonnage, substantially exceeded the aggregate tonnage and number of battleships remaining in the American Navy.

2. Britain was allowed to construct two speedy superdreadnaught battleships, completed as late as 1927, incorporating all the lessons of the late war, and far superior in gun power, armor, protection, and other essential respects to any other battleships in either navy. The effect of the construction of these two superdreadnaughts was not only to modernize the battleship power of the British Navy, but by reason of that alone, to give the British a battleship force far superior to our own.

Under the London treaty the disparity in numbers is rectified through the scrapping of five British and three American battleships. The disparity in the total tonnage of remaining battleships, however, is not fully corrected, since after all scrapping is completed the British will still have a surplus of about 25,000 tons of battleships more than America. This surplus is nearly equivalent to one battleship. Thus there still remains a disparity of battleships in total tonnage.

The further disparity of battleship power under the London treaty, incident to the British possessing the new and modern battleships *Rodney* and *Nelson*, is much more marked. Admiral Leahy, Chief of the Bureau of Ordnance, whose testimony not even the proponents of the treaty question, said before the committee that by virtue of these two ships alone the British are given "a very marked superiority" over our battleship fleet.

It is obvious that the more nearly the two fleets are scrapped down to the *Rodney* and *Nelson* the greater will become the relative superiority of British battleship power over us.

Under the battleship holiday provided by the London treaty it is proposed that we are to compensate ourselves in part for the *Rodney* and *Nelson* superiority by modernizing our old ships. Such modernization, of course, can never bring us up to complete parity. It can in part only rectify our deficiency, and it involves the spending of many millions of dollars which could be more effectively and more economically utilized by the common-sense British method of modernizing battleship power through building new ships to replace old ones.

The testimony of Admiral Rock, the Chief Constructor of our Navy, and the responsible official for such data, is that our modernization program in the aggregate amounts to about $118,000,000. We have already spent $23,300,000 on modernizing eight ships, three of which are to be scrapped under the London treaty. We are now engaged in modernizing two more battleships under an appropriation of $14,800,000, and there is pending before the Congress an item of $30,000,000 for modernizing three more old battleships. After this shall have been done, according to the testimony, there are five more battleships, to quote the record, that "require to be modernized in order to make them comparable with the foreign more modern battleships." These last five are to cost $8,000,000 apiece, or a total of $40,000,000.

Of the enormous total of $118,000,000, we have already spent or have been obligated to spend about $38,000,000, leaving $80,000,000 still to be appropriated if we are to modernize our battleship fleet, and then we do not obtain parity with Great Britain.

According to the testimony, a new battleship would cost approximately $39,000,000. Hence we could match the *Rodney* and *Nelson* and make up our existing deficiency in battleship strength, which can not be done by modernization, by building two ships like the *Rodney* and *Nelson* with the money which it is proposed to spend for modernization.

We speak of this question of modernization because it is one of the boasted "permissions" which our delegates to London say they have obtained from Great Britain. It must be kept in mind that our representatives at London, realizing our inferiority in battleships, demanded in writing in the first proposal they made the right to construct a ship like the *Rodney* and *Nelson*. Instantly Great Britain refused, and with the refusal of Great Britain the suggestion ended, but the advocates of the treaty who appeared before the committees laid great stress upon the fact that they had succeeded in obtaining from Great Britain the right of modernization, and this, those who testified, asserted to have been a marvelous victory. We already had that right, and when Great Britain accorded it to our representatives at London they accorded us something that was already ours, and which our State Department had ruled was ours. Of course, we were not permitted to build a battleship, which would give us parity with Great Britain, but we were permitted to exercise what had already been decided was our right. The exercise of this modernization program Great Britain knew, just as we know now, will leave us in battleship power still inferior.

We are denied the full information which would enable us authoritatively from the documents to speak; but from the information which has come to us—information we believe to be accurate and reliable—we think we are justified in stating that at the Rapidan Premier MacDonald committed himself to our building a new battleship. The Premier of Great Britain, however, must reckon with the British Admiralty, whose views on naval matters in Great Britain are practically supreme; and doubtless the British Admiralty (how different is our treatment of our naval officers and experts) decreed we could not have a new battleship, and, of course, that ended the matter.

PARITY IN CRUISERS

One of the peculiarities of the treaty is the meticulous care with which during the life of the treaty our country is left always in a position of inferiority. Any computation made in any fashion from the date of the signing of the treaty until the last day of its life, because of its peculiar phraseology and the singular exceptions made, will always leave the United States in a position of inferiority in naval strength. Nothing better illustrates this than the provisions relating to cruisers. Here we find every member of the General Board in agreement, and supporting them a great preponderance of the officers of the United States Navy. It is not a question of one admiral expressing his views. It is the expression of a practically universal sentiment by those who know the very nature of the treaty, by officers giving responsible official advice. If those who are to pass ultimately upon this document will but take the trouble carefully to study the treaty, they can reach but one conclusion, that expressed by the members of the General Board, and nearly all the officers of the United States Navy.

The situation is cogently stated in the testimony of Admiral Reeves, which is here quoted:

"Admiral REEVES. Of course, one of the most important points in connection with this treaty is the question of parity. I wish to comment first on the question of parity during the life of the treaty. The second point I will deal with is the question of parity upon the conclusion of the treaty.

"The treaty during its life nominally assigns to the United States eighteen 8-inch cruisers, and nominally assigns to Great Britain fifteen 8-inch cruisers.

"According to the terms of the treaty the United States will be permitted to actually have built and in commission during the life of the treaty sixteen 8-inch cruisers, and Great Britain will be permitted to actually have built and in commission during the whole term of the treaty except the last year 19 cruisers of this category.

"The CHAIRMAN. Nineteen 8-inch cruisers?

"Admiral REEVES. Yes, sir; of such category (a). During the last year of the treaty she will have 18 of this type of ships.

"During the actual life of the treaty Great Britain will have a superiority in the 6-inch cruisers as well as in the 8-inch class. The total tonnage that the United States may have during the term of the treaty is 303,500 tons of cruisers built and in commission. Great Britain during this period will have a total cruiser tonnage of 339,000 tons.

"So as to the question of parity during the terms of the treaty—and the treaty is not effective after December 31, 1936—Great Britain will have nineteen 8-inch cruisers and a superiority of 6-inch cruisers except in the last year, when she will have eighteen 8-inch cruisers, with a total tonnage of 339,000 tons.

"The United States will be permitted to have sixteen 8-inch cruisers and an inferiority of 6-inch as well as a total cruiser tonnage of 303,500.

"Senator WALSH of Montana. Will you explain how it is that Great Britain will have 19 during the life of the treaty?

"Admiral REEVES. She is permitted fifteen 8-inch cruisers plus the four *Hawkins* class, which are in that subcategory. Those ships have a total tonnage of over 39,000 tons and carry 7½-inch guns. They come in subcategory (a).

"Upon the conclusion of the treaty, the date upon which we are supposed to attain parity, the two nations will be left by the terms of the treaty in the following situation in regard to total cruiser tonnage built and building: The United States, 337,600 tons; Great Britain, 425,350 tons.

"Of her 425,350 tons, as I read the treaty, Great Britain may have built and building a total of twenty-three 8-inch cruisers.

"(NOTE.—When Admiral Reeves testified there yet existed in Article XIX of the treaty an ambiguity by which Great Britain might have replaced 86,000 tons of cruisers by vessels of the 8-inch-gun type. Subsequently an exchange of notes clarified this point, limiting the replacement by Britain to 6-inch-gun cruisers. The total tonnage, however, is not affected by these notes.)

"The ratios during the life of the treaty with the tonnage that we may have in commission and which Great Britain will have in commission is 5 for the United States, 5.58 for Great Britain, and the ratio of the cruiser tonnage built and building with which the treaty leaves us is 5 for the United States and 6.3 for Great Britain.

"This is not a question of parity; it is one of inferiority, and inferiority that imperils the security of our commerce.

"The reason Great Britain is in a position upon the conclusion of this treaty to have under construction 86,500 tons is because this treaty has reduced the age limit of her cruisers to 16 years. And this leads me to the third point that I wish to cover briefly in this oral statement, and that is the number of fundamental recommendations made by the General Board prior to the London conference, which were conceded or canceled in that conference.

"The General Board and the American position has consistently maintained, up to this London conference, freedom for Americans to decide the type of American ships that should compose the American Navy. That point was conceded in principle and in fact in the London treaty. The General Board recommended, and our position has always been consistently maintained, that there should be no subdivision in the different categories of ships.

"Senator JOHNSON. Pardon me, you said that the right of Americans to build American ships for the American Navy was conceded in the London conference. Did you mean that?

"Admiral REEVES. I mean that principle.

"Senator JOHNSON. It was conceded to Great Britain, you mean.

"Admiral REEVES. Yes, sir; it was conceded both in principle and in actual fact.

"Senator JOHNSON. Excuse my interruption, but I thought it might be taken that it was suggested that it was maintained there.

"Admiral REEVES. No, sir. The American position that there should be no subdivision in categories was also abandoned. The cruiser category was subdivided into two distinct classes, a very serious disadvantage to the United States.

"The General Board recommended and pointed out at length, and emphasized that there should be no laying down of replacement tonnage prior to December 31, 1936. This point was also abandoned; and that is why Great Britain is enable upon the conclusion of the treaty to have this enormous cruiser tonnage under construction.

"Upon the age limit the General Board pointed out the disadvantage of reducing the age limit of cruisers. This point during the preliminary negotiations was at one time understood to be settled. At a later date the General Board did accept a reduction in the age limit of seven of the British ships, but in doing so made it clear that it was a concession

upon our part, and pointed out the danger of such action at London. The reduction of the age limit to 16 years for ships constructed, laid down prior to 1920, affected 23 British cruisers instead of these 7 that I have mentioned.

"The General Board, after enumerating these principles which have been the principles of our negotiations in limitation up to the present London conference, stated that if all of these principles be included in an agreement then the General Board, referring to specific details, stated that we could accept a rock-bottom minimum of twenty-one 8-inch cruisers for the period of this treaty if such procedure were necessary in order to reach an agreement. It was made perfectly clear and definite that no reduction below that figure should even be considered."

The testimony of Admiral Reeves is quoted because in condensed form it admirably presents our lack of parity in cruisers under the London treaty. It must not be understood that Admiral Reeves alone testified to this situation. He is corroborated by at least 20 other witnesses, who testified before the Foreign Relations Committee, and his testimony is scarcely denied by any witness at all. What Admiral Reeves proves is not demonstrated therefore by a mere preponderance of evidence, but by the overwhelming mass in numbers of witnesses and in the quality of their evidence.

In considering this question of our want of parity in cruisers we have to take into account the important factors of strength, which may flow (1) from having comparatively new ships, or (2) from having ships actually under construction additional to those which may be already completed.

Admiral Reeves has pointed out that the position of the General Board, when it reluctantly consented to reducing our 8-inch-gun cruiser quota from 23 to 21, was partly predicated upon limiting British replacements to no more than seven ships. Yet our London delegation not only reduced the General Board's irreducible minimum of our 8-inch-gun cruisers from 21 down to 18 but at the same time the British were accorded the privilege of modernizing their cruiser fleet through the construction of 23 new cruisers during the life of the treaty, instead of being restricted to the replacement of only seven cruisers during this period.

In regard to the factor of strength incident to having ships under construction, additional to those already built it is noteworthy that at the expiration of the treaty on the 31st of December, 1936, the comparative figures for total tonnage of cruisers both built and building will be as follows:

	Total tonnage	Ratio
United States	337,600	5
Great Britain	425,350	6.3
Japan	227,040	3.5

Obviously both of these important factors of cruiser strength, which deny us parity in cruisers, have been manipulated against us. It was possible to do so largely by reason of the arbitrary reduction in the age limit of cruisers from 20 years to 16 years, against which the General Board strongly advised in advance of the conference. This reduction of cruiser age, sought and obtained by foreign powers, resulted in advancing the dates when replacements could normally begin for 172,000 tons of British cruisers and 32,000 tons of Japanese cruisers.

These figures of abnormally speeded-up cruiser construction on the part of Great Britain and Japan are in sharp contrast with the frequently reiterated statements made by members of the American delegation before the Committee on Foreign Relations and by radio to the American people, that Britain and Japan are committed to the halting of their cruiser construction to permit America to catch up with them in this class of ship. It has been upon this false premise that these representatives of our Government have predicated their weak justification of the sacrifice of American interests which they have made.

THE CRUISER CONTROVERSY

The cruiser is a necessary and indispensable part of a navy. Great Britain desires one kind. The United States up to the time of the London treaty has desired another kind. Great Britain has many naval bases and numerous large merchant ships capable of ready transformation into fighting ships. America has few naval bases and not one-fourth the merchant ships available to Britain for naval fighting auxiliaries. The Washington conference limited the maximum tonnage of cruisers to 10,000 and the size of guns which might be mounted upon them to 8 inches, and authorized merchant ships under certain circumstances to carry 6-inch guns. Great Britain in the long course of negotiations suggested a total tonnage in cruisers of 339,000. This was accepted. The American Navy desired that, up to the total tonnage, Great Britain should build such cruisers as she wished, and the United States should build such cruisers as we deemed appropriate. The needs of the two nations admittedly are different, and the disparity between the two in naval bases, battle cruisers, and merchant ships which might be armed made this difference. Great Britain has consistently and pertinaciously declined to permit the two nations to build, within the limits of the tonnage, such cruisers as each thought necessary. Finally Great Britain suggested two categories of cruisers, dividing them, in substance, into those carrying 6-inch guns and those carrying 8-inch guns. Six-inch-gun cruisers are of little value to the United States, particularly in the matter of protecting American commerce, and the position of our country has always been that the first duty of the Navy is commerce protection. The 6-inch-gun cruisers are generally speaking all sufficient for Great Britain. The representatives of our Navy in Washington, at the insistence of our Government that an agreement of limitation might be reached, finally reluctantly agreed to an irreducible minimum of twenty-one 8-inch-gun cruisers, while asserting, nevertheless, that we should have 23. Great Britain refused to permit us 23. Great Britain refused to permit us 21. Ultimately, Great Britain offered to "permit" the United States to build 18. Even this, under the treaty, was coupled with the condition we could have only 16 during the life of the treaty and 2 thereafter. Of course, an equivalent of 6-inch-gun cruisers was offered; but these the great preponderance of naval authorities hold to be of little consequence to the United States.

In 1927, at Geneva, the same attitude was maintained by Great Britain. Great Britain then insisted, as she insisted at London, that the kind of cruisers we should have for our Navy should be as designated by her. Our representatives at Geneva thought we ourselves should determine the kind of cruisers within the limitation we might build. At London Mr. MacDonald never varied in his demands, and we graciously yielded. The question involved is far greater than a mere three or five cruisers, as the case may be. In 1936 the surplus of British and Japanese cruiser strength, counting built and building tonnage, over and above the 5–5–3 ratio will be for Great Britain 87,000 and Japan 40,800. Again we are restricted in the type of cruiser best suited to our needs. And if we admit this principle now, we are definitely committed to it at the forthcoming conference of 1935 and at the long series of distant future conferences so rosily pictured by Secretary Stimson. At these there will be many American cruisers cut to foreign pattern if we now accept the principle. Moreover, a casual reading of the treaty would lead an unsuspecting person to believe that during the life of the treaty we were to obtain 18 cruisers as compared with 15 for Great Britain. As stated, we are to have but 16 during the life of the treaty, and when the complicated ramified exceptions to the treaty are unraveled it develops that the number of this type of cruiser which the British are to have is not 15 at all, but may be as many as 19 during the greater part of the life of the treaty. Thus, there are at issue in reality the question of 11 cruisers, 7 American and 4 British, and a principle operating to our disadvantage covering many future cruisers, British, American, and Japanese.

Accept if you will the minimizing of what is called the cruiser controversy, the fact remains that the question was of sufficient importance for Great Britain from first to last and during all the years to deny us what we demanded for our protection, and was deemed of sufficient importance by Great Britain at London to threaten the collapse of the entire conference. The reason for her insistence is clear. She wishes severely to restrict American ability to protect the immense American ocean commerce which competes with hers. She wishes to retain in full measure her existing power to bring victory-winning economic pressure upon us, should need arise, by stopping our sea trade while at the same time assuring freedom for her own trade.

In justification of the violation of American interests in the matter of cruisers it has been suggested that we had little cruiser tonnage to bargain with, and that a great concession has been granted us by Japan and Great Britain in "permitting" us to build up to their cruiser strength. Yet an exactly parallel situation existed respecting our destroyer and submarine tonnage. We entered the conference with a substantial advantage in both these categories. Here is set forth the total tonnage in destroyers and in submarines which existed at the time of the conference, together with the corresponding totals called for by the treaty:

	1930	By treaty
Destroyers (built and building):		
United States	290,000	150,000
Great Britain	191,000	150,000
Japan	129,000	105,050
Submarines (built and building):		
United States	85,000	52,700
Great Britain	63,000	52,700
Japan	78,000	52,700

If it had been a matter for bargaining, we gave away our advantage there without any corresponding return in relation to cruisers. What a tribute it is to British diplomacy that in this case they repeated their triumph of the Washington conference. Classes of ships in which we were greatly superior to them were at once reduced down to their general levels without any compensating advantage to the United States. Classes of ships in which the British held a great advantage were not subjected to any such leveling process. At Washington in



1922 it was our great battleship preponderance which vanished. At London in 1930 our striking preponderance in destroyers and submarines suffered a similar fate. At both Washington and London the very marked British superiority in cruiser forces was perpetuated for them. If the London treaty is carried out as contemplated by its terms, the ratio in 1936 for combined cruisers, destroyers, and submarines, counting ships built and building, will be 5 for us, 5.7 for Great Britain, and 3.6 for Japan. This is the abandonment of the ratio fixed by the Washington conference—the ratio for which we destroyed the world's greatest battleships, sunk hundreds of millions of the taxpayers' money, and stopped fortifying our own possessions in the Pacific.

And the destruction of this ratio, in case of difficulty, imperils our sea-borne commerce and endangers our national defense. And not only is it an abandonment of the necessary ratio agreed to at Washington but it makes of our boasted parity a mere irridescent dream.

THE DESTRUCTION OF THE AMERICAN RATIO

Without exception all witnesses familiar with the subject have testified that the 5–3 ratio with Japan was absolutely essential for the protection of our commerce and the maintenance of our national security. Indeed, there was no dissent from the oft-repeated statement that this ratio, with the condition that our bases in the far Pacific remain in statu quo, was more than generous to Japan. Any increase in the ratio in favor of Japan, all witnesses alike say, is disadvantageous, unjust, and unfair to our country. The total commerce of the United States with the Orient in 1929 was of the aggregate value of $2,377,251,000. Each year this enormous trade is increasing. Statesmen for centuries have understood what trade rivalry means; and commerce supremacy long since taught the lesson of national protection. To think of this, to have the vision of the Nation's future commercial greatness and to assure its protection, is neither militarism nor jingoism. It is only the fool, ignorant of the past and willfully blind to the future, who would strive to have his country outstrip all others in sea-borne commerce, who would gleefully succeed, and then would leave that commerce and his nation naked and defenseless.

It has already been pointed out that in order to reach an agreement on a 5–5–3 ratio for navies at the Washington conference this country made sacrifices in her naval strength of that time far exceeding concessions by any other party to the agreement. Not only did we scrap battleship power on an immense scale, but we also gave up what was equally important in respect to our ability to defend American interests in the Orient—we severely circumscribed our naval-base strength in that region.

Predicated upon these American sacrifices Great Britain and Japan both agreed in principle to the 5–5–3 ratio, in relation not only to battleships but also to auxiliary naval craft. Concerning the latter there was a distinct moral commitment. This is clear from the subsequent public addresses of President Harding and from the official report of the American delegation to that conference, notwithstanding the fact that following the negotiations the treaty itself omitted any specific agreement for scrapping and the like of auxiliaries. Such omission had no reference to adjustments between the United States and any other power, but was consequent upon a disagreement between Britain and France.

Since the 1922 conference nothing has occurred to alter the equity of the 5–5–3 ratio. We were even relatively very weak in cruisers then, as we are now, so that the argument which has been so persistently advanced by the London treaty proponents, that our great deficiency in cruisers in 1930 made it necessary to sacrifice our ratio of general strength in order to gain an agreement, is substantially as illogical as it is unjust to the United States.

In order to gain any adequate appreciation of the violence that has been done to American interests in this destruction of the 5–5–3 ratio it is necessary to resort to precise figures. Before doing so, however, let it be remembered that while at Washington we made great sacrifices of battleship and naval base strength to gain the ratio, at London we also made correspondingly great sacrifices of our destroyer and submarine superiority—yet lost the ratio.

At London we lost the ratio not alone in auxiliary naval strength but as well in total naval strength. Counting vessels built and building the new ratios computed to December 31, 1936, together with the total tonnages for each item, are as follows:

	America	Britain	Japan
Cruiser ratio	5	6.3	3.4
Total tonnage	337,600	425,350	227,040
Destroyer ratio	5	5.1	3.9
Total tonnage	150,000	152,960	115,900
Submarine ratio	5	4.4	4.1
Total tonnage	67,530	59,095	59,900
Combined auxiliary ratio	5	5.7	3.6
Total tonnage	555,130	637,405	402,800
Entire Navy, ratio	5	5.4	3.2
Total tonnage	1,152,530	1,247,156	749,910

Considering the above data upon the entire navies, our deficiency below parity with Britain amounts to 94,600 tons and our deficiency below the theoretical five-thirds of Japan's Navy amounts to 97,300 tons. This tonnage difference in both cases is the equivalent of about 3 battleships, or 10 large cruisers, or 13 small cruisers, or 65 destroyers, or 65 submarines. There is obviously a sharp contrast between these cold facts and the extraordinary contention, so persistently and widely propagated from high and responsible quarters, that the main issue in the whole treaty is the infinitesimal difference between the armament on only three cruisers—whether they are to have 6-inch or 8-inch guns.

What a commentary this contrast offers upon our ability to meet our grave responsibilities under the Constitution to provide for the common defense and promote the general welfare of our country. What a commentary it is upon our attitude toward the sacred trust which has been reposed in us by the American people. By virtue of their positions the supposed statesmen of our Nation have had in their keeping the cardinal national interests. These should be cherished and safeguarded, not bargained away without commensurate return or sacrificed on the altar of internationalism.

THE COST OF THE TREATY—NO SAVING TO TAXPAYER

The testimony that has been adduced demonstrates that if we build up under the London treaty, and, of course, it is of no use whatsoever to us unless we do, it will cost us $1,071,000,000. By some sort of arithmetical ledgerdemain, it is constantly asserted by the advocates of the treaty that it results in economy for us, because figuring first upon how much it would cost us to replace certain battleships, which upon the mere suggestion of the countries involved could have been eliminated, and then adding a complete new building program which doubtless never would have been consummated, the treaty devotees reach a sum almost as great as that rendered necessary by the treaty itself.

Even upon the wild assumptions of the treaty advocates, the widely heralded saving of $400,000,000 through the holiday in battleship construction is largely fiction. Under the terms of the Washington treaty we can not complete more than five battleships by 1936, which would cost $195,000,000. Five others may at that time be partially completed, and $100,000,000 would be a very liberal estimate of the amount which could be spent upon them by that time. Thus we have a maximum theoretical saving of $295,000,000, but against this we have the set-off of the great charges for the work of modernizing our old battleships. When this is done the fiction of $400,000,000, the mythical saving talked of by sponsors of the treaty, becomes in fact only about half that sum.

The slightest consideration of the stern realities very gravely affecting the present economic situation in Britain and Japan compels the conclusion that we need no treaty to accomplish a battleship holiday. A mere exchange of diplomatic notes would amply suffice for this purpose. Eager and willing have both countries been for this consummation.

Summarizing the conditions in Great Britain, the grand council of the Federation of British Industries reported as follows in February last:

"The budget outlook is extremely grave. British industry has been struggling for nearly a decade to recover its position in the markets of the world, handicapped by a load of taxation which far exceeds that of any other important commercial country. * * * It now finds itself faced with the certain prospect of additional taxation. This prospect comes at a time when many of our competitors are contemplating decreases in taxation and follows a year in which Great Britain has had her commercial and industrial activities hampered and curtailed by abnormally high credit rates and disturbed commodity markets, culminating in an international financial disaster of a magnitude unparalleled in the past 50 years. In the opinion of the federation, the present situation is one of grave and increasing menace to the financial and industrial stability of the country and should receive the most anxious consideration of His Majesty's Government before the financial arrangements for the ensuing year are completed. The federation bases this conclusion on the following facts:

"1. The revenue has been losing its buoyancy * * *.

"2. The real burden of our national debt has increased more or less continuously during the past 10 years * * *.

"3. The volume of savings has fallen * * *.

"4. The outlook for the future is doubtful * * *."

Economic conditions in Japan are equally bad. An index to them is given by the following quotation from an official report under date of January, 1930:

"There seems to be a marked business depression in almost every line of business, for the simple reason that the public is following the Government's policy of retrenchment and many business men are somewhat pessimistic over the future. One leading business man is quoted as saying that if this policy continues it will result in the wholesale failure of many smaller businesses and industries which are operating on a small capital, thereby swelling the ranks of the already overlarge army of unemployed. This business depression, he predicts, will continue three or four years unless the Government's policy is changed. Raw-silk prices continued up for some time, but that was more or less due to the foreign buyers having settled exchange when it was low; but

they are beginning to fall now and will cause the prices of cocoons to fall about 20 per cent, thereby bringing the depression to the rural districts as well. One of the most noticeable effects of this is the great decreases in railway revenues during the past few months.

"The unemployment situation becomes worse as the general business depression continues. The Government plans some aid to them but as yet have not made their plans known. Experts from the poorer section of the cities state that there is much suffering in this cold weather and that the free-food kitchens are overcrowded. Some help was given the so-called white-collar element over the holidays by the post office and ministry of home affairs, while the Emperor made a large donation."

These quotations are made merely in refutation of the silly statements of savings under the London treaty. They could have and would have been made without any treaty. But contrast the result if we act under the treaty—a billion dollars more taken from our taxpayers.

There is no reasonable or legitimate excuse for the surrender of the American position at London or the acceptance of every proposal made by other nations at variance with our own.

The greatest contributing cause to limitation of navies is economic necessity. In the present situation neither Great Britain nor Japan is in any position economically to indulge in competitive naval building; and we, fortunately, under no circumstances wish to indulge in an armament race with any nation. In existing conditions of the great nations of the world there was no excuse for our people yielding the ratios so dearly bought with Japan in 1922, or our right to build the kind of ships we desired, so consistently fought for for eight years in the past and maintained so vigorously by President Coolidge at Geneva in 1927. With the will to stop competition that America has, with the power to indulge in it if America had to, our representatives at London, while respecting all others, without difficulty and without-out rancor could have maintained our rights, and could have maintained our rights without jeopardizing in the slightest peace or good will.

THE "ESCAPE" CLAUSE PRECLUDES LIMITATION

The "escalator" or "escape" clause, of course, makes a mockery of naval limitation. It provides that if any party to the treaty believes its security demands it, it may build additional ships, and the other parties may then do likewise.

Yet even in this there is not sufficient protection to American interests, owing to the unfortunate subdivision of cruisers into two subcategories, as previously mentioned. England may invoke the "escape" clause and increase her 6-inch-gun cruiser quota to meet the large projected French and Italian destroyer construction. This would be a logical step on England's part. The "escape" clause is not clear whether under such circumstances the United States would have to build 6-inch-gun cruisers to meet the British cruiser increase or whether we could put the additional cruiser allowance into the 8-inch-gun type, which is the only alternative that would be of benefit to us. The contingency provided for by the so-called escape clause is not unlikely to arise; and then it might well be, under the ambiguous wording of the section, the United States could exercise its privilege only by building useless 6-inch-gun cruisers.

HUMANIZING SUBMARINE WARFARE

With our recollections still vivid of what transpired during the Great War, with our horror for what we then thought were the brutalities of a part of the submarine warfare, the much-heralded accomplishment at London by which future submarine warfare was to be humanized struck a responsive chord with all of us. A reading of the provisions of the treaty, however, from which we expected so much and obtained so little, leaves us quite as disillusioned as to accomplishment as we have been left by many other provisions of the treaty.

There is no objection, of course, to the particular article relating to submarine warfare. In substance these provisions merely amount to a reaffirmation of many existing humanizing rules in international law applicable to all forms of warfare on the sea. It will be recalled that during the World War it was a violation of international law by submarines operating against commerce which formed the basis of the repeated American protests. Such laws then existed, still exist, and the framers of the London treaty have done no more than rather ambiguously to state them, and the uncertain statement affords no special reason for the ratification of the treaty.

NATURE OF OPPOSITION IN ENGLAND AND JAPAN

Great stress has been laid upon the alleged similarity between the opposition to the treaty in the United States as compared with the opposition to the treaty in Great Britain and Japan. This is an argument of small consequence, but, like all those used to bolster this inequitable treaty, it is, when examined, found to be wholly baseless. The facts are that the nature of the opposition in each country is very different.

Referring to the testimony given before the two committees of the Senate which have held hearings on this question, it is clearly evident that opposition to the treaty in the United States comes from those holding the responsible positions whose duty it is to advise on such matters. For example, we have the whole General Board of the Navy, the Chief of Naval Operations, the head of the American War Plans Division, and the Chief of the Bureau of Ordnance. The same position is adhered to by five former commanders in chief of the fleet and the admiral who is about to take command of the fleet.

In Great Britain it has been stated recently on the floor of the House of Commons by the First Lord of the Admiralty, Mr. Alexander, a civilian, that the British position at the London conference respecting cruisers and involving a reduction of the theoretical minimum requirements from a total of 70 units to 50 units was proposed by the Admiralty itself. He stresses the fact that the proposal did not come from the higher branches of the Government to the Admiralty, but came in the first instance from the Admiralty itself making a recommendation to higher officials of the government. Speaking for the Admiralty Mr. Alexander is now actively defending the treaty before the British Parliament, and the criticism of the treaty is coming from those who are not responsible for British naval policies. This is the exact opposite of the situation which exists in this country where those who are responsible for American naval policy have been virtually unanimous in objecting to the treaty terms, as unjustly jeopardizing American maritime interests.

Neither is there any true analogy between the opposition in this country and that in Japan. There the issue is mainly one of a matter of prerogatives as to who is to decide upon questions of national defense; whether it is the general staff of the navy or the Minister of Foreign Affairs. It is a quarrel of many years' standing which is simply now being reopened and has nothing to do with the terms of the treaty itself. The leader in the present fight to give authority for the general staff of the navy to decide upon national defense is Admiral Kato, but neither he nor any other persons opposing the treaty are seriously opposed to the terms of the treaty. On the contrary, there is virtual naval unanimity in being tremendously pleased with the treaty terms.

There is no true analogy between the alleged opposition in Britain and Japan and the opposition which is being made in this country to the terms of the treaty itself.

THE WITNESSES

Here are the witnesses in parallel columns appearing before the Foreign Relations Committee whose testimony was favorable to the London treaty or against it:

For	*Against*
Secretary Stimson.	Admiral Jones.
Secretary Adams.	Admiral Bristol.
Admiral Pratt.	Admiral Chase.
A written statement, without examination or cross-examination of Admiral Yarnell.	Admiral Pringle.
	Admiral Scofield.
	Admiral Reeves.
	Commander Train.
	Captain Andrews.
	Admiral Coontz.
	Admiral Leahy.
	Admiral Hughes.
	Admiral Nulton.
	Admiral Hough.
	Admiral Day.
	Captain Johnson.
	Admiral Standley.
	Admiral Taylor.
	Captain Taussig.
	Admiral Rock.
	Admiral Wiley.
	Admiral Robison.
	Captain Knox.

Secretaries Stimson and Adams were signers of the treaty. Of those who testified against it, Admiral Hughes is Chief of Naval Operations and he with Admirals Bristol, Chase, Reeves, Hough, Day, Pringle, and Captain Johnson are members of the General Board of the Navy Department, and they speak with the authority of their wide experience and with absolute unanimity. Admirals Jones, Coontz, Robison, Hughes, and Wiley were the preceding commanders in chief of the American Fleet. Admiral Chase will be the succeeding commander in chief of the fleet. Admiral Robison is the superintendent of the great Naval Academy at Annapolis. Admiral Pringle is president of the Naval War College. Admiral Taylor is the head of the war plans section of the Navy Department. Admiral Leahy is the Chief of the Bureau of Ordnance. Admiral Nulton was commander of the Battle Fleet, and Admiral Scofield has just now succeeded him in that position. Admiral Standley is Assistant Chief of Naval Operations. Captain Andrews is captain of the fleet flagship. Captain Taussig commands a battleship. All of these witnesses who have expressed their opinions at the demand of the Foreign Relations Committee firmly believe in just and fair naval limitation and reduction.

Who knows best the naval requirements of the United States? Apparently it is insisted that hysterical internationalists, whose thoughts

are with any but their own people, should determine the naval necessities of our country. This minority prefer to trust the defense of America to those upon whom it rests in time of peril.

CONCLUSION

In the foregoing we have attempted to set forth some of the major objections to the London treaty. There are many more which in the discussion of the document will be developed. Sufficient has been shown, however, to demonstrate that the treaty should not be ratified, and among others, for these reasons:

1. It abandons the American naval policy, sustained for more than a century, and especially with regard to the protection of American commerce on the high seas.

2. The splendid example of sacrifice made by our country in 1922, and thereafter our marked restraint in naval building, have actually been utilized to our detriment, and have been made the excuse for still further sacrifices, unmatched by any other nation.

3. At Washington in 1922 our great superiority in battleship power was emasculated without commensurate return. Now our great superiority in destroyers and submarines is similarly eliminated without material compensation. Both at Washington and at London British diplomacy succeeded in doing this to us, while at the same time retaining Great Britain's superiority in cruiser forces, with which they went into both conferences.

4. The London treaty destroys the 5–5–3 ratio so dearly bought at Washington.

5. The surrender of the 5–5–3 ratio greatly reduces our ability to protect a rapidly growing trade, which has already reached proportions of first magnitude, and upon which American business, prosperity, and livelihood vitally depend.

6. The treaty does not give us parity with Great Britain in naval vessels and leaves us far from parity in naval power or commerce protection.

7. By leaving to Japan and Great Britain battle cruisers, which could only be partly compensated for by allowance to the United States of needed 8-inch-gun cruisers, a further and additional advantage is given Japan and Great Britain.

8. We are denied the kind and number of cruisers our needs demand.

9. We can build the cruisers Great Britain "permits" us to build, but not those we ourselves, because of our requirements, desire to build.

10. The treaty hamstrings us in the Pacific by its unjustified and unfair increase in the ratio of Japan. It keeps us to our bargain not to strengthen our far Pacific bases, yielded as the consideration for the ratio, while permitting the other party to the bargain to evade its obligations.

11. The treaty makes no saving to our taxpayers. On the contrary, if acted upon, it adds a billion dollars to our expenditures. It is a billion-dollar treaty for the purchase of naval inferiority.

And lastly, the treaty may imperil our vast sea-borne commerce and endanger our country's future. It is unfair and unjust to the United States, and it should not be ratified.

GEORGE H. MOSES.
ARTHUR R. ROBINSON.
HIRAM W. JOHNSON.

WASHINGTON, *June 28, 1930.*

ADDENDA

THE FACTS RELATING TO THE DEMAND FOR DATA CONCERNING THE TREATY

Because of the misrepresentation which has been so persistently indulged in regard to the requests that have been made for papers and documents relating to the treaty, it is not inappropriate that the facts should be stated.

On the 16th day of May, 1930, Admiral H. P. Jones was under cross-examination before the Foreign Relations Committee by two of the signers of the treaty—Senator REED, of Pennsylvania, and Senator ROBINSON, of Arkansas. In the course of the cross-examination the admiral was asked concerning the various statements made in a report by the General Board to the Secretary of the Navy. The writer had never either seen or heard of this report at that time. Finally, Senator ROBINSON, of Arkansas, put the entire document into the record. The document begins as follows:

"SEPTEMBER 11, 1929.

"From: Senior member present.
"To: Secretary of the Navy.
"Subject: Further proposals on naval disarmament.
"References:

"(s) Dispatch No. 242 of August 24, 1929, from American ambassador, London, to the Secretary of State.

"(t) Dispatch No. 224 of August 28, 1929, from Secretary of State to American ambassador, London.

"(u) Dispatch No. 225 of August 28, 1929, from Secretary of State to American ambassador, London.

"(v) Dispatch No. 226 of August 28, 1929, from Secretary of State to American ambassador, London.

"(w) Dispatch No. 252 of August 30, 1929, from American ambassador, London, to the Secretary of State.

"(x) Dispatch No. 253 of August 30, 1929, from American ambassador, London, to the Secretary of State.

"(y) Dispatch No. 235 of August 31, 1929, from Secretary of State to American ambassador, London.

"(z) Dispatch No. 254 of August 31, 1929, from American ambassador, London, to the Secretary of State.

"(aa) Dispatch No. 255 of August 41, 1929, from American ambassador, London, to the Secretary of State.

"(bb) Dispatch No. 256 of August 31, 1929, from American ambassador, London, to the Secretary of State.

"(cc) Dispatch No. 237 of September 3, 1929, from Secretary of State to American ambassador, London.

"(dd) Dispatch No. 261 of September 3, 1929, from American ambassador, London, to the Secretary of State.

"(ee) Dispatch No. 262 of September 4, 1929, from American ambassador, London, to the Secretary of State.

"(ff) Dispatch No. 263 of September 6, 1929, from American ambassador, London, to the Secretary of State.

"(gg) General Board's first indorsement, G. B. No. 438–1 (Serial No. 1444) of August 25, 1929.

"1. In accordance with your verbal instructions, the General Board has given careful consideration to the matter in hand and submits the following:

"2. The comments of the Prime Minister contained in dispatches Nos. 254, 255, and 256 from the American ambassador, London, dated August 31, 1929, constitute a clarification of his former letter, dated August 8, 1929, contained in dispatch No. 228 of August 9, 1929, from the American ambassador, London, and make the meaning of that document clear and radically different from the interpretation previously placed upon it by the General Board."

Thereafter in this report, which is very lengthy, reference is made to the various dispatches enumerated; for instance, in paragraph 8 of the report it is stated:

"8. The General Board, in commenting upon the Prime Minister's proposal embodied in dispatch No. 228 of August 9, 1929, from the American ambassador, London, was forced to make two assumptions for the purpose of proceeding with its analysis; namely, Assumption I, that 6 cruisers totaling 25,120 tons be scrapped and replaced by 7 cruisers with no increase in tonnage; and Assumption II, that 6 cruisers totaling 25,120 tons be scrapped and replaced by 7 cruisers aggregating 45,500 tons, an increase of 20,380 tons."

Again, in paragraph 11, we find this:

"11. Dispatches Nos. 242, 252, 254, 255, 256, 262, and 263 from the American ambassador, London, setting forth proposals of the Prime Minister, now before the General Board, show that neither Assumption I nor Assumption II is correct. The outstanding difference between the previous proposals made by the Prime Minister, as interpreted by the General Board, and that of the Prime Minister now before the General Board are as follows:

"'(a) That the total tonnage proposed is neither 325,368 nor 345,746, as assumed; but that 339,000 standard tons is now proposed as the basis of cruiser strength upon which parity is to be achieved by December 31, 1936.'"

Paragraph 13 is as follows:

"13. The Prime Minister has referred specifically to Japan and to the number of 8-inch-gun cruisers which may be built by that country. The American position recognizes the right of Japan, as well as the right of the British Empire, to decide for herself the composition of her cruiser category within the tonnage limitation and age limit agreed upon. The precedent to be established by the British Empire in scrapping cruisers under 20 years of age for replacement, if followed by Japan, will make immediately available for that country additional tonnage for the construction of new 8-inch-gun cruisers should she so desire."

The Prime Minister of England is apparently quoted verbatim in paragraph 14 of this report, as follows:

"14. In dispatch No. 254 of August 31, 1929, from the American ambassador, London, the Prime Minister says:

"'I should like to explain a little more than has been done in the accompanying note what has been the result of our very thorough examination of the American proposal that for our fifteen 8-inch-gun cruisers you should have 23. The ratio 5–5–3.5, which Japan asks for, would mean that in relation to the 23 Japan could build 16, which would be (proportionately?) a superiority over us. If you fixed your 8-inch cruisers at 20, the ratio would mean that Japan could build 14. I am perfectly certain that the Dominions would reject any agreement upon that basis. If, on the other hand, you made it 18 for you Japan would build 12.6, which would be 13. In order to get a settlement we might get Japan to accept 12 and to that we would agree. Even supposing we got Japan to be content with a cruiser ratio 5–5–3, on an American strength of 23, that would mean a Japanese building of 14; at least 2 more than there is any chance of our getting our Dominions to agree to. One very important result of an agreement which would * * * Japan and ourselves to fix our actual units at 12 and 15 is that neither

of our countries, until replacement is necessary, would have to build any more 8-inch cruisers.'"

And later occurs paragraph 22 of the report, thus:

"22. The General Board, subsequent to the preparation of its recommendations as above, having been informed by the State Department that the board's interpretation of the Prime Minister's references to the use of the yardstick as contained in dispatches Nos. 252, 254, and 255 from the American ambassador, London, viz, that the yardstick be not used, is not the interpretation placed upon those remarks by the State Department, and having been further informed that the yardstick should be used in connection with the estimates upon which parity of the tonnage in the cruiser category is to be achieved, finds it necessary to submit the following further comments:"

Thereafter, when the writer had had the opportunity to examine the report thus put in evidence, a communication was addressed to the chairman of the Senate Committee on Foreign Relations on the 25th day of May, as follows:

SUNDAY, MAY 25, 1930.

Senator WILLIAM E. BORAH,
Chairman Senate Committee on Foreign Relations,
United States Senate, Washington, D. C.

DEAR SENATOR: I have assumed, of course, that the Foreign Relations Committee would desire the various documents leading up to the making of the London treaty, together with the proposals made to our country by the other parties to the treaty, and the proposals submitted by us to them. Thus far, however, the only suggestion for the desired documents, apparently, has come from myself. In order that there may be no mistake in the matter, and that it may be understood that I am desirous of having for the record such papers and documents as may be appropriate, I specifically ask for them, and particularly for the following:

(1) (s) Dispatch No. 242 of August 24, 1929, from American ambassador, London, to the Secretary of State.

(t) Dispatch No. 224 of August 28, 1929, from the Secretary of State to American ambassador, London.

(u) Dispatch No. 225 of August 28, 1929, from Secretary of State to American ambassador, London.

(v) Dispatch No. 226 of August 28, 1929, from Secretary of State to American ambassador, London.

(w) Dispatch No. 252 of August 30, 1929, from American ambassador, London, to the Secretary of State.

(x) Dispatch No. 253 of August 30, 1929, from American ambassador, London, to the Secretary of State.

(y) Dispatch No. 235 of August 31, 1929, from Secretary of State to American ambassador, London.

(z) Dispatch No. 254 of August 31, 1929, from American ambassador, London, to the Secretary of State.

(aa) Dispatch No. 255 of August 31, 1929, from American ambassador, London, to the Secretary of State.

(bb) Dispatch No. 256 of August 31, 1929, from American ambassador, London, to the Secretary of State.

(cc) Dispatch No. 237 of September 3, 1929, from Secretary of State to American ambassador, London.

(dd) Dispatch No. 261 of September 3, 1929, from American ambassador, London, to the Secretary of State.

(ee) Dispatch No. 263 of September 4, 1929, from American ambassador, London, to the Secretary of State.

(ff) Dispatch No. 263 of September 6, 1929, from American ambassador, London, to the Secretary of State.

All of these dispatches are referred to in the document placed in evidence before the Foreign Relations Committee May 16, 1930, by Senator ROBINSON of Arkansas.

(2) Original proposition or suggestion of Premier MacDonald as to the size and character of the navy Great Britain would desire in any conference which may be held.

(3) The first proposal, proposition, or suggestion made by the United States Government or its officials in respect to the size and character of the Navy desired by the United States in any conference.

(4) The first proposition submitted among the American delegates themselves prior to February 5, 1930, at London, designating the size and character of the Navy desired by the American representatives at the London conference.

(5) The proposition or statement of the size and character of the Navy desired by the representatives of the United States at London made on or about February 5, 1930, to the London conference.

(6) The first proposal or suggestion made by the representatives of Japan at the London conference to the American delegates or others, which stated the size and character of the navy desired by Japan.

(7) The last proposal or suggestion made by the representatives of Japan to the representatives of the United States as to the size and character of the navy desired by Japan.

(8) Such record as may exist showing upon what agreement, tentative or otherwise, among the United States representatives they left America for the conference.

(9) Such records as may exist of the action of the American representatives changing, modifying, or altering the original agreement, tentative or otherwise, upon which the American delegates went to the London conference.

Indeed, in view of the statements that have been made and the records that have been incorporated as a part of the evidence at the hearings, I think it entirely appropriate that all of the minutes, records, and documents pertaining to the London conference should be before the Foreign Relations Committee. It may be that some of these should be considered only in executive session, and of course I do not ask that anything which may be deemed by the committee to be a subject only for executive session shall be otherwise used; but I do think that the committee is entitled to every document, instrument, and record pertaining to the conference and the activities of our representatives there.

Sincerely yours,

(Signed) HIRAM W. JOHNSON.

Subsequently a communication was received by the chairman of the the Foreign Relations Committee on the 20th day of May, 1930, from the Secretary of State transmitting certain papers, but stating: "As all the documents transmitted herewith form a part of a strictly confidential record and contain confidential correspondence between the British Prime Minister and officials of this Government, as well as the substance of conversations of a strictly confidential character, it would be against the best interests of the United States for these documents or any portion of them to be made public, and therefore, they are transmitted to you only for such use as will assure the maintenance of their confidential character."

Thus it will be seen that, while the signers of the treaty put into the record a part of the negotiations and subsequently transmitted to the Foreign Relations Committee fragmentary parts of other papers relating to the negotiations, these fragmentary parts were sent only upon condition that they should be maintained as strictly confidential.

The Naval Affairs Committee of the Senate had been holding hearings simultaneously with those of the Foreign Relations Committee. An examination of the record there demonstrated a document had been made part of the public record which referred to various letters and communications. Not only was this document publicly put in the record of the hearings of the Senate committee, but as in the case of the document put in the record of the hearings before the Foreign Relations Committee, it was published in the press of the country.

On the 4th day of June, 1930, the following letter was addressed to the chairman of the Foreign Relations Committee:

JUNE 4, 1930.

Senator WILLIAM E. BORAH,
United States Senate, Washington, D. C.

DEAR SENATOR: I have just seen a document or series of documents which have been placed in the record in evidence by the Committee on Naval Affairs, relating to the negotiations leading up to the London treaty. The principal document, which has thus become a part of the public record, is dated August 23, 1929, and is addressed to the Secretary of the Navy, upon the designated subject "Proposals on Naval Disarmament." References are made to the following papers:

(a) State Dept. Conf. Ltr. of July 18, 1929, inclosing American Embassy's Tel. 190 of July 15 and 194 of July 16.

(b) State Dept. Conf. Ltr. of July 18, 1929, inclosing State's Tel. 180 of July 17.

(c) State Dept. Conf. Ltr. of July 22, 1929, inclosing American Embassy's Tels. 197 of July 18 and 199 of July 20.

(d) State Dept. Conf. Ltr. of July 22, 1929, inclosing State's Tel. 182 of July 21.

(e) State Dept. Conf. Ltr. of July 24, 1929, inclosing American Embassy's Tels. 201 of July 22 and 202 of July 23; and State's Tels. 186 and 187 of July 23.

(f) State Dept. Conf. Ltr. of July 28, 1929, inclosing State's Tels. 189 and 190 of July 24 and American Embassy's Tel. 204 of July 25.

(g) State Dept. Conf. Ltr. of July 29, inclosing American Embassy's Tel. 192 of July 26. G. B. No. 438–1 (Serial No. 1444).

(h) State Dept. Ltr. of July 30, 1929, inclosing American Embassy, Tokyo, Tel. 80 of July 27.

(i) State Dept. Ltr. of July 30, inclosing American Embassy's Tels. 209 of July 29 and 211 of July 30.

(j) State Dept. Ltr. of August 2, 1929, inclosing State's Tels. 194 of July 30 and 195 and 196 of July 31 and American Embassy's Tel. 58 of July 31.

(k) State Dept. Ltr. of August 2, 1929, inclosing American Embassy's Tels. 215 and 216 of August —.

(l) State Dept. Ltr. of August 5, 1929, inclosing State's Tel. 201 of August 2.

(m) State Dept. Ltr. of August 5, 1929, inclosing American Embassy's Tels. 218 of August 3, 220 of August 4, and 221 of August 5.

(n) State Dept. Ltr. of August 6, 1929, inclosing State's Tel. 206 of August 5.

(o) State Dept. Ltr. of August 7, 1929, inclosing American Embassy's Tel. 223 of August 6.

(p) State Dept. Ltr. of August 8, 1929, inclosing State's Tels. 209 of August 6 and American Embassy's Tel. 225 of August 7.

(q) State Dept. Ltr. of August 9, 1929, inclosing American Embassy's Tel. 228 of August 9.

(r) Secretary of Navy's letter of August 17, 1929, Op–13A–LMS, inclosing paraphrase of telegram dated 13 August, 1929, addressed American Embassy, London, England. Inclosures: (A) 4 Tables, I to IV, inclusive.

Obviously with the publicity given to these papers by the insertion of the said documents in the public record, there can be no valid objection to the Foreign Relations Committee having these specific papers, dispatches, telegrams, etc., and making them a part of the Foreign Relations Committee record.

The exact case is presented as well by the present record of the Foreign Relations Committee, where the signers of the treaty put into the public record a part of the dispatches passing between Great Britain and our country, the remainder of which I have asked the production of, and all of which should, after being furnished to the Foreign Relations Committee, be inserted in the public record of the committee.

I ask, please, that the State Department be requested to furnish the Foreign Relations Committee the telegrams and papers as described herein, contained in the public record now of the evidence taken before the Naval Affairs Committee. I think these should have been furnished under the original request made from the committee to the State Department. Certainly under the second request that I made, there should have been no hesitancy in sending them. Now, however, with fragments of the telegrams and communications put into the public record, and with a particular description given now of some of these dispatches, I respectfully submit that there can exist no valid reason why all letters, papers, documents, telegrams, dispatches, communications of every sort leading up to or relating to the London conference and London treaty should not be transmitted to the Foreign Relations Committee, and I very respectfully ask that this shall be done.

Sincerely yours,

HIRAM W. JOHNSON.

At the instance of Senator MOSES, of New Hampshire, the Foreign Relations Committee requested from the Secretary of State all of the papers and documents relating to the Geneva Naval Disarmament Conference of 1927. Subsequently, on the 6th day of June, 1930, the chairman of the Foreign Relations Committee received from the Secretary of State the following communication:

THE SECRETARY OF STATE,
Washington, June 6, 1930.

DEAR SENATOR BORAH: I am in receipt of your letter of June 3 requesting, on behalf of the Committee on Foreign Relations, certain papers relative to the Geneva conference of 1927. I am also in receipt of your favors of June 3 and June 4, transmitting copies of letters of Senator JOHNSON of the same dates, respectively, in which he makes certain inquiries and also asks for certain confidential telegrams of the department and also for "all letters, papers, documents, telegrams, dispatches, and communications of every sort leading up to or relating to the London conference and London treaty."

I am sending you by hand a set of all of the records of the conference for the limitation of naval armament held at Geneva in 1927, which have been made public. I am also sending you a confidential memorandum which will answer as far as possible the questions contained in Senator JOHNSON's letter of June 3. Respecting the other papers called for, I am directed by the President to say that their production would not in his opinion be compatible with the public interest. These requests call for the production and possible publication of informal and confidential conversations, communications, and tentative suggestions of a kind which are common to almost every negotiation and without which such negotiations can not successfully be carried on. If the confidence in which they were made to the American delegation in London is broken, it would materially impair the possibility of future successful negotiations between this Government and other nations. The necessity of preserving such confidences was made clear by President Washington at the very beginning of this Government. In reply to a resolution of the House of Representatives of March 24, 1796, he said:

"The nature of foreign negotiations requires caution and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic; for this might have a pernicious influence on future negotiations or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers."

Both the Secretary of the Navy and I have been before your committee and have been examined at length. Officers of the Navy have also freely given their views to your committee. Moreover, two members of your committee were members of the American delegation at London and are familiar with every phase of the negotiations from beginning to end, and stand ready to make their knowledge available to interested members of your committee. The question whether this treaty is or is not in the interest of the United States and should or should not be ratified by the Senate must in the last event by determined from the language of the document itself and not from extraneous matter. There have been no concealed understandings in this matter, nor are there any commitments whatever except as appear in the treaty itself and the interpretive exchange of notes recently suggested by your committee, all of which are now in the hands of the Senate.

Very respectfully,

(Signed) HENRY L. STIMSON.

The Hon. WILLIAM E. BORAH,
United States Senate.

In answer to this letter from the Secretary, the writer issued the following statement:

"STATEMENT BY UNITED STATES SENATOR HIRAM W. JOHNSON

"SATURDAY, JUNE 7, 1930.

"The power of the President to negotiate treaties is derived from the Constitution, which says:

"'He shall have power by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur.'

"In the making of treaties, therefore, the duty of the Senate is as important and solemn as that of the President. Apparently this is forgotten in the present discussion. The Secretary of State goes back to the famous Washington message of 1796 and quotes it as follows:

"'The nature of foreign negotiations requires caution and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic; for this might have a pernicious influence on future negotiations or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers.'

"This message was to the House of Representatives, not to the Senate. The point then at issue has been misunderstood by the Secretary of State and his quotation by a singular oversight stops short of what makes plain Washington's meaning. Immediately following the quotation, Washington's message proceeds:

"'The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate, the principle on which that body was formed confining it to a small number of members. To admit, then, a right in the House of Representatives to demand and to have as a matter of course all the papers respecting a negotiation with a foreign power would be to establish a dangerous precedent.

"'* * * I repeat that I have no disposition to withhold any information which the duty of my station will permit or the public good shall require to be disclosed; and in fact, all the papers affecting the negotiation with Great Britain were laid before the Senate when the treaty itself was communicated for their consideration and advice.'

"Thus, it will be observed that the denial of the papers by President Washington was to the House of Representatives, which was not a part of the treaty-making power, but that all the papers and documents were laid before the Senate, which was a part of the treaty-making power.

"May I commend to the very able representative of the State Department the study of the controversy between the House of Representatives and the President, which arose in relation to the Jay treaty, and which has been a source of debate among statesmen and comment among historians and writers from the time of Washington to the present? The question there was not at all like that here involved.

"I might add the Foreign Relations Committee has ever in the past jealously guarded such confidential information as has been transmitted to it, and to-day, as in days gone by, if it be compatible with the public interest to maintain as confidential some State documents upon which the treaty was founded, the Foreign Relations Committee and the Senate itself will, of course, maintain that confidence inviolate.

"In the case of the London treaty a very different proposition is presented, that either lawyer or layman can readily understand. In the hearings before the Foreign Relations Committee the signers of the treaty themselves introduced into the public record a document wherein the premier of Great Britain is quoted most intimately concerning the negotiations, and the contents of various dispatches between the British Government and our own are discussed and referred to. When the signers of the treaty saw fit thus not only to introduce in evidence but to make public a part of the telegrams and communications passing between the British Government and our own, the Foreign Relations Committee at once were entitled to all the details and everything relating to the subject matter. It is silly, and worse, for any individual to contend that he can put into the public record and publish broadcast in the press of the country a part of the correspondence bearing upon the treaty and then, holding up his hands in holy horror at a request for all of the correspondence, pretend that while a part of the record, upon which he relies, may be by him given to the public, the giving of all of it to his partner in treaty making would be incompatible with the public interest.

"This is the question that is at issue in the demand that I have made for the papers relating to the London treaty, and it can not be avoided by a half quotation from Washington, which is utterly set at naught by the full context, nor by any pretense of safeguarding delicate international secrets."

The question of the right of the Foreign Relations Committee to the papers, documents, and communications used in the negotiation and consummation of the treaty was discussed in a regular meeting of the Foreign Relations Committee, and finally, after full consideration, the following resolution was passed by the committee:

"Whereas this committee has requested the Secretary of State to send to it the letters, minutes, memoranda, instructions, and dispatches which were made use of in the negotiations prior to and during the sessions of the recent conference of London; and

"Whereas the committee has received only a part of such documents; and

"Whereas the Secretary of State, by direction of the President, has denied a second request from this committee for all of the papers above described; and in his letter to the chairman of this committee has apparently attempted to establish the doctrine that the treaty of London must be considered by the Senate 'from the language of the document itself and not from extraneous matter': Therefore be it

"*Resolved*, That this committee dissents from such doctrine and regards all facts which enter into the antecedent or attendant negotiations of any treaty as relevant and pertinent when the Senate is considering a treaty for the purpose of ratification, and that this committee hereby asserts its right, as the designated agent of the Senate, to have free and full access to all records, files, and other information touching the negotiation of any treaty, this right being based upon the constitutional prerogative of the Senate in the treaty-making process; and be it further

"*Resolved*, That the chairman of this committee transmit a copy of these resolutions to the President and to the Secretary of State."

A response was made by the Secretary of State to the resolution of the Foreign Relations Committee, as follows:

THE SECRETARY OF STATE,
Washington, June 12, 1930.

DEAR SENATOR BORAH: I have received your favor of to-day transmitting a copy of a resolution of the Committee on Foreign Relations in respect to letters and documents in the recent negotiations of the naval treaty.

I did not, in my letter to you of June 6, attempt to define the duties of the Senate or the scope of its power in passing upon treaties. My statement in that letter that "the question whether this treaty is or is not in the interest of the United States and should or should not be ratified by the Senate must in the last event be determined from the language of the document itself and not from extraneous matter," was intended to call attention to the fact that the obligations and rights arising from the treaty, as in the case of any other contract, must be measured by the language of the document itself.

Very respectfully,

HENRY L. STIMSON.

Thereafter the writer moved in the Foreign Relations Committee that until the production of the documents and communications in accordance with the resolutions passed by the Foreign Relations Committee action upon the treaty be deferred. The committee, however, defeated this motion by a vote of 16 to 4.

In the course of the discussion before the Foreign Relations Committee respecting the papers and documents the Senator from Pennsylvania, Mr. REED, stated that he had full copies which he would permit any member of the Foreign Relations Committee to see in confidence, but which could not be in any fashion referred to nor used in discussion of the terms of the treaty.

The writer refused to accept any such offer and asserted the right of any Senator to be as full and complete as that of the Senator from Pennsylvania—to read and see and have all data relating to the treaty, to discuss that deemed appropriate and fitting with his fellows and, in conjunction with the terms of the treaty, to use with due circumspection and propriety, either in open session or, if deemed advisable, executive session of the Senate, all matter pertinent to the provisions of the treaty.

After this Senate shall have passed from recollection and another Foreign Relations Committee shall sit the matter of the right of the Foreign Relations Committee and the Senate to data bearing upon a treaty, doubtless, again will be a matter for consideration and determination. It is because of this and that what transpired in respect to the London treaty may be preserved, and the precedent, if any, established by the incident may be accurately understood, that this statement of facts is annexed to the views of the minority.

MEMORANDUM

While concurring generally with the conclusions reached by my associates in the Committee on Foreign Relations who have signed a minority report upon the London naval treaty I wish particularly to record my dissent to the proceedings with reference to this treaty by reason of what I regard as the indecent haste with which its consideration is being pressed.

It is now nearly a year since the initial steps were taken for the negotiation of this treaty; and the delegates to the London conference consumed 14 weeks in formulating the instrument.

We are asked to pass upon it without sufficient time to study its provisions and under the handicap of being denied information which it is our constitutional right to possess.

Accordingly, I can not assent to the program thus presented.

GEORGE H. MOSES.

VIEWS OF SENATOR SHIPSTEAD, OF MINNESOTA, ON THE LONDON NAVAL TREATY (REPT. 1080, PT. 1)

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD the report of the individual views of the senior Senator from Minnesota [Mr. SHIPSTEAD] on the limitation and reduction of naval armaments.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 1080, pt. 1, 71st Cong., 2d sess.]

LIMITATION AND REDUCTION OF NAVAL ARMAMENT

Mr. SHIPSTEAD, from the Committee on Foreign Relations, submitted the following individual views (to accompany Executive I):

TREATY-MAKING POWERS OF THE SENATE

On June 12, 1930, the Senate Committee on Foreign Relations adopted the following resolution:

"Whereas this committee has requested the Secretary of State to send to it the letters, minutes, memoranda, instructions, and dispatches which were made use of in the negotiations prior to and during the sessions of the recent conference of London; and

"Whereas the committee has received only a part of such documents; and

"Whereas the Secretary of State, by direction of the President, has denied a second request from this committee for the papers above described, and in his letter to the chairman of this committee has apparently attempted to establish the doctrine that the treaty of London must be considered by the Senate 'from the language of the document itself and not from extraneous matter': Therefore be it

"*Resolved*, That this committee dissents from such doctrine and regards all facts which enter into the antecedent or attendant negotiations of any treaty as relevant and pertinent when the Senate is considering a treaty for the purpose of ratification, and that this committee hereby asserts its right, as the designated agent of the Senate, to have full and free access to all records, files, and other information touching the negotiations of the treaty, this right being based on the constitutional prerogative of the Senate in the treaty-making process; and be it further

"*Resolved*, That the chairman of this committee transmit a copy of these resolutions to the President and the Secretary of State."

On June 12 the Secretary of State transmitted the following reply to Senator BORAH, chairman of the Committee on Foreign Relations:

THE SECRETARY OF STATE,
Washington, June 12, 1930.

DEAR SENATOR BORAH: I have received your favor of to-day transmitting a copy of a resolution of the Committee on Foreign Relations in respect to letters and documents in the recent negotiations of the naval treaty.

I did not, in my letter to you of June 6, attempt to define the duties of the Senate or the scope of its powers in passing upon treaties. My statement in that letter that "the question whether this treaty is or is not in the interest of the United States and should or should not be ratified by the Senate must in the last event be determined from the language of the document itself and not from extraneous matter" was intended to call attention to the fact that the obligations and rights arising from the treaty, as in the case of any other contract, must be measured by the language of the document itself.

Very respectfully,

HENRY L. STIMSON.

Accordingly, as a member of the Foreign Relations Committee, and in connection with the committees' action in reporting the treaty of London, I beg to call attention to certain clauses and implications in the letters of the Secretary of State declining to grant the request of the Committee on Foreign Relations for subject matter embraced in papers prior to and during negotiations of the proposed treaty of London, including "letters, minutes, memoranda, instructions, and dispatches" relevant and pertinent to the Senate's consideration of the proposed treaty for the purposes of ratification.

The Secretary of State takes the position that the needs of the Senate are satisfied by perusal of "the language of the document itself"; and he reaches the gratuitous conclusion that pertinent and relevant subject matter entering into or leading up to the negotiation is "extraneous matter" not necessary to the Senate's consideration.

The Secretary further implies, in his words, "scope of its powers in passing upon treaties" that the Senate is not a component part of the coordinate treaty-making power, but is limited to "passing upon treaties."

His position, therefore, would seem to be that a proposed treaty, or treaty form, is per se a treaty, before the Senate, as coordinate and

coequal treaty maker in conjunction with the Executive, and that the Senate has considered the document and given its "advice and consent" by two-thirds vote, as provided in the Constitution.

The Secretary of State rightly speaks of a treaty as a "contract." But, in his well-recognized position as an attorney at law, has he forgotten that well-known rule of law, that "suppressio veri," or concealment of material facts from the knowledge of one of the contracting parties, vitiates a contract?

The Supreme Court of the United States classifies a treaty as part of "the law of the land." Under the Constitution no "law of the land" is enacted solely by Executive action. "Advice and consent" of two-thirds of the Senate is required to make a treaty the "law of the land"; whereas, only a bare majority of the Senate suffices for the passage of an ordinary statute.

Treaty making is a sovereign power. It is one of the highest sovereign powers which a nation can possess. No people having serious regard for the public safety, for national perpetuity, for the protection of their boundaries, or for the lives of their sons can afford to misunderstand, forget, or regard lightly their treaty-making powers.

The present public need of a clear understanding of the treaty-making powers of the 120,000,000 people of the 48 States, especially with relation to powers entrusted to the Senators of the respective States, is well illustrated by an editorial leader of the Washington Post of June 18, 1930, which I beg herewith to reprint—the italics being mine:

"THE TREATY-MAKING POWER

"Addressing the graduating class of Juniata College during the commencement exercises at that institution recently Henry P. Fletcher, former ambassador to Italy, took occasion to suggest to his hearers that they consider whether or not it would be advisable to amend the rules and regulations of Congress so as to provide for the participation of members of the Cabinet in the debates. No amendment to the Constitution would be necessary to assure the participation of these officials in the deliberations of either the House or Senate.

"Mr. Fletcher sees in the growing custom of appointing Senators on diplomatic commissions, such as that which recently negotiated the naval treaty, a recognition of the necessity for something like participation on the part of the President's official family in the consideration of such measures in the Senate. Like other men who have held diplomatic positions, the *former ambassador appears to think that a treaty is more or less sacred and should not be subject to emasculation or amendment in the Senate* without giving the Secretary of State, who is the medium of negotiation between foreign governments and their representatives on the one hand and the United States on the other, full opportunity to appear on the floor of the Senate to defend the action of his department in the framing of the agreement.

"You might profitably stop to consider in this connection the *treaty-making or rather treaty-making power of the Senate*," said Mr. Fletcher. Then he spoke of the interest which the States had in treaty making, when most of such conventions had to do with the relationship between the Federal Government and the Indian tribes. "State interests were more individualistic then, but in the course of 150 years these individual *interests of States, as States, in our foreign affairs have almost entirely disappeared.*"

"Mr. Fletcher called attention to the fact that instead of inviting the Secretary of State to explain a treaty on the floor of the Senate he is admitted only to the Committee on Foreign Relations, and not always is he invited even thus far. The treaty-making power, said Mr. Fletcher, is given in effect to 33 *"supermen" who happen to be Senators, "but who are not, in any single case, elected because of their special knowledge of or interest in foreign affairs."*

"This arrangement strikes Mr. Fletcher as a negation of democracy. But it may be argued that the *makers of the Constitution were not trying to set up a democracy.* Perhaps they thought that democracy had been allowed all that was safe to grant in other parts of the Constitution."

The above editorial signifies that public misapprehension of the treaty-making powers as provided in the Constitution may extend even to editors and ambassadors. It is common to find such misapprehension of the American treaty-making power in press columns and diplomatic utterances abroad. It is more serious when we find this misapprehension at home.

EXCHANGE OF NOTES AS VITAL SUBJECT MATTER

Before entering into a discussion of constitutional provisions and an historical outline of the practice of our Presidents and Senates, I wish, first of all, to call attention to the vital import of note exchanges and related collateral evidence regarding the meaning and purpose of a treaty.

The necessity of the Senate to have before it, in performance of its constitutional function as coordinate treaty maker, the exchange of notes leading up to and entering into the negotiations, as well as have full and free access to all relevant subject matter, is plain when we take into consideration:

1. That international agreements may be negotiated without any treaty, simply by exchange of notes—a fact demonstrated by scores of instances both in our history and in that of every nation.

2. The first naval armament negotiation of the United States, that between this country and Great Britain in 1818, regarding the navy on the Great Lakes, during the Monroe administration, was by exchange of notes, without treaty, and President Monroe set up the first American precedent of negotiation on naval armament when he transmitted all exchanges of notes and all other papers relevant to the case with his message to the Senate. And Monroe's ultimate proclamation of the treaty was based on the Senate's "advice and consent" after study of the papers.

3. A treaty may be general in form, the concrete application being defined in notes in which particular exceptions are specified.

4. The controlling purpose of a treaty may not be clear, unless it is read in the light of the antecedent and attendant notes and diplomatic understandings.

5. Exchanges of notes, "confidential" and "secret" understandings, are among the most fruitful causes of war—as was the case in the recent World War. Also, they are fruitful causes of boundary disputes, misunderstandings over shipping and fishery rights—and are the productive cause of what is known as "paper treaties."

6. In short, it is American law and international law that the contracting treaty parties—of which under the Constitution the Senate by its required two-thirds vote is a coequal in making all American treaties—shall have complete power over the subject matter. We shall find that to be the holding of our leading American authorities when we come to consult, as I do later, such authorities as Moore's Digest of International Law, by the international jurist, John Bassett Moore; Treaties, Their Making and Enforcement, a leading textbook by Judge Crandall; The Treaty Making Powers of the Senate, by Henry Cabot Lodge, for many years a member of the Senate Foreign Relations Committee.

7. Withholding of material subject matter, such as exchanges of notes, instructions and dispatches, protocols of the proceedings of the negotiators, indeed, the existence in itself of "confidential" and "secret" documents not communicated to a contracting party, such as the Constitution has made the Senate, constitutes what in contract making is termed "suppressio veri," which legally vitiates a contract and morally invalidates a treaty.

We shall see, as we go over the history of American treaty cases—the precedents set by the early Presidents: Washington, Adams, Jefferson, Madison, and Monroe, and followed by Jackson, Polk, Lincoln, Grant, Cleveland, and other successors—that it is a well-established American custom, dating from the time of the framers of the Constitution, for the Executive who shares the coordinate treaty-making power with the Senate to acquaint the Senate with the complete diplomatic record. Indeed, it was the uniform practice of the early Presidents to lay all available subject matter before the Senate prior to negotiation in order to secure the Senate's "advice" in advance. Later practice was to transmit the papers with the treaty message, or sometimes in advance of the message. But there appears to be no American precedent of a refusal on the part of the Executive to transmit to the Senate, his partner and coequal in treaty making, any subject matter deemed by the Senate essential to consideration in rendering its required "advice and consent."

WHERE THE NEGOTIATION RELATES TO PEACE OR WAR

Congress, under the Constitution, has the sole power to declare war. Therefore, it has been the almost universal custom of American Presidents, if they judged the issue bore any relation to possible differences involving war, to lay the matter, including papers, before the Senate—frequently prior even to negotiations.

That was done by President Monroe in the naval armament negotiation of 1818 in the British settlement with regard to the Great Lakes.

President Jackson sought the prior advice of the Senate with regard to settlement of difficulties with the Indian tribes.

President Polk laid the whole subject, with all note exchanges and other relevant papers, before the Senate in the settlement of the Oregon boundary question with Great Britain—submitting all data prior to negotiation, and on the ground that, as Congress had the sole power of declaring war, there should be complete harmony of purpose between the executive and legislative branches of Government before entering upon a negotiation that might lead to belligerent conditions.

Presidents Lincoln and Grant followed the precedents of Monroe and Polk on several occasions. General Grant, when President, was one of the most scrupulous of all Presidents on the point that any proposed negotiation, even a treaty of arbitration with Great Britain, that might involve belligerent possibilities, should first be laid before the Senate for its advice, and that the Senate should be provided with all papers prior to the instituting of negotiations.

In the North Atlantic Fisheries case, which hardly could be said to involve a question of war, President Cleveland directed Secretary Bayard to transmit all notes to the Senate, even three years prior to any direct negotiation.

ORIGIN OF NEGOTIATION BY NOTE EXCHANGES

It is not difficult to understand the origin of the Old World custom of negotiation by exchange of diplomatic notes. Up to the early part of the eighteenth century it was the European custom to write treaties

in Latin. (See Moore's Digest of International Law, vol. 5, p. 180.) Exact knowledge of what the treaty meant, the concrete particulars of the treaty's application, were supplied by exchange of notes written in a language which the writer and reader understood.

When Latin ceased to be used in treaty writing, French became the diplomatic language. When Benjamin Franklin, in 1785 (Moore's Digest, idem), transmitted to Congress a consular convention with France, John Jay remarked that it appeared to be in French, and he observed that it seemed expedient "to provide that in the future every treaty or convention which Congress may think proper to engage in should be formally executed in two languages," one of which should be "the language of the United States."

The Old World custom of couching treaties in terms and in a language not readily understood by the lay world may partly have been inspired by the following condition: The treaty was a contract between two monarchs. It was not presumed to be understood by the "subjects," who might lose their lives and property in war by reason of the offensive or defensive alliances provided for in the treaty. To avoid the contingency of the treaty being so plainly understood as to cause popular uprisings, the treaty was written in Latin and French and in diplomatic terms. Therefore, exchange of notes became highly essential to a concrete understanding of the purpose and application of a treaty.

Much of the public language used in high places to-day requires exchange of notes, diplomatic conversations, telegrams, letters, and sundry memoranda, to arrive at the precise application and significance of the general terms employed.

SOURCE OF THE TREATY POWER IN THE UNITED STATES

When the American Revolutionists threw off their British allegiance and formed the new Republic, the people of the 13 States became the sovereign who exercised the treaty power. Prior to the Constitution, Congress made the treaties—each State having one vote in making and ratifying. Under the Confederation, the vote of 9 of the 13 States was necessary to approve a treaty. It was deemed essential to insure that a minority of the States should not be able to bind the majority. (Vide Henry Cabot Lodge, the Treaty-making Powers of the Senate, Scribner's Magazine, January, 1902; John W. Foster, former Secretary of State, the Treaty-making Power Under the Constitution, Yale Law Journal, December, 1901.)

Congress exercised the sole treaty-making power of the United States in approving all the first treaties in the founding of the Nation. It named the commissioners—John Jay, John Adams, and Benjamin Franklin—who negotiated the treaty of peace, 1783, for terminating the war with Great Britain, establishing the boundaries, and acquiring the territory of the original 13 States. Congress reviewed the work of the commissioners and ratified the treaty.

Prior to the Constitutional Convention of 1787, Congress consummated treaties with the various powers of Europe—Great Britain, France, Prussia, Austria, Russia, Netherlands, Sweden, and the rest—covering a wide range of subjects, as, amity and commerce, navigation, loans, duties and imposts, contraband of war, most-favored-nation treatment, maritime warfare rules, shipping, prizes, ports, pirates, visitation and search, letters of marque and reprisal, courts abroad, and postal conventions. Each State had one vote in making and ratifying the treaty—nine States necessary for ratification. (Vide: Crandall, Samuel Benjamin, Treaties—Their Making and Enforcement, ch. 3, pp. 24–30.)

This democratic mode of treaty making was something new to Old World diplomacy, wherein the kings, not the people, were the contracting parties. On the occasion of the treaty of May 12, 1784, ratified with Great Britain, Crandall's textbook (p. 32) contains this reference:

"In the instrument of ratification as adopted by Congress, there seemed to the British Government to be a want of form, wherein the United States was mentioned 'before His Majesty, contrary to the established custom in every treaty in which a crowned head and a republic were parties.'"

So many kings, emperors, czars, and kaisers have been abolished in Europe since that day, especially since the World War, which was due to this same Old World diplomacy, that treaty making by a republic no longer causes distress of "Majesty" because of "want of form." In that excellent Senate Document No. 26, Sixty-sixth Congress, first session, Ratification of Treaties, compiled by Griffin, and reported by the Senator from New Hampshire [Mr. MOSES], June 5, 1919, we find this reference in the introduction:

"The change in the form of government in Germany naturally changes the conditions of ratification in that country. The method followed in the past is modified by transferring the ratifying power from the crown to the legislature."

No longer does a German treaty begin with the words: "Wir Wilhelm von Gottes Gnaden Deutscher Kaiser," but the new sovereign, the people of Germany, give treaty sanction pursuant to the American plan now established as a world model these 148 years.

TREATY MAKING ON ADOPTION OF THE CONSTITUTION

Prior to 1787 treaty sanction was by vote of 9 of 13 States.

After 1787 treaty sanction was by "advice and consent" of two-thirds of the Senators of the States. The Executive was added to the Senate two-thirds as a coordinate and coequal of the joint treaty-making powers of the United States.

In the original draft of the treaty clause as adopted by the Constitutional Convention the Senate, as directly representing the States, was given the sole treaty-making function. The obvious necessity of an executive negotiator, however, prompted the committee on detail to add the name of the President, who was to conduct the negotiations by "advice and consent" of two-thirds of the Senate. A bare majority of the Senate was deemed by the framers of the Constitution as insufficient in making a treaty "the law of the land." The vote of nine-thirteenths of the States was required prior to 1787, and the vote of two-thirds was provided thereafter—insuring that no minority of States could bind the majority. (Vide: Lodge, the Treaty-Making Powers of the Senate, pp. 35–36; Id. Crandall, Treaties, Their Making and Enforcement, ch. 4.)

Senator Lodge makes this comment on the addition of the President to the treaty-making function which had been formerly in the sole hands of the States through their representatives in Congress (p. 36):

"This was an immense concession by the States, and they had no idea of giving up their ultimate control to a President elected by the people generally. Here, therefore, is the reason for the provision of the Constitution which makes the consent of the Senate by a two-thirds majority necessary to the ratification of any treaty projected or prepared by the President. The required assent of the Senate is the preservation to the States of an equal share in the sovereign power of making treaties which before the Constitution was theirs without limit or restriction."

After reviewing instances, from Washington down to Lincoln, wherein the Executive and Senate in performance of their coordinate function had joined in making the treaties of the Republic, Senator Lodge (p. 37) adds the following conclusion:

"The right of the Senate to share in treaty making at any stage has always been fully recognized, both by the Senate and the Executive, not only at the beginning of the Government, when the President and many of the Senators were drawn from the framers of the Constitution and were, therefore, familiar with their intentions, but at all periods since."

This statement was made in 1902. It seems to have been good since that day—unless possibly the consideration of the present naval armament negotiation.

WASHINGTON'S INTERPRETATION OF THE TREATY CLAUSE

General Washington was the presiding officer of the Constitutional Convention of 1787. He knew personally the Constitution's framers and their intentions. His Cabinet, his ministers and ambassadors abroad, the Senate with whom he joined in treaty making, were largely drawn from the framers of the Constitution.

Washington set the Executive precedent for American treaty making for these 140 years—treaty making under the provisions of the Constitution. We one and all do Washington lip service. Shall our works continue to measure up to our words?

Consulting our authorities—Moore, Crandall, Lodge, Foster—indeed, consulting the now world-known record of the Washington administration, we find that Washington interpreted the "advice and consent" clause to mean: (1) Senate "advice" prior to negotiation; (2) Senate "consent" at all stages of negotiation, with the final seal of ratification.

All subject matter in Washington's possession was laid by him before the Senate for consideration and for their "advice" prior to negotiation and for their "consent" by ratification thereafter. In all particulars, "at every stage," the Executive and Senate were the coordinate treaty makers.

Until the Senate has duly considered the negotiation and passed upon the treaty document, says Lodge (p. 34):

"The treaty, so-called, is therefore inchoate, a mere project for a treaty, until the consent of the Senate has been given to it."

In obtaining Senate "advice" prior to negotiation, Washington first tried the plan of visiting the Senate in person. Maclay (see Crandall's textbook, p. 67) describes the incident:

"The President was introduced, and took our President's chair. He rose and told us bluntly that he had called on us for our advice and consent to some propositions respecting the treaty to be held with the southern Indians."

Washington was accompanied by General Knox, who was familiar with Indian affairs and prepared to answer Senate questions. There appeared to be seven specific questions involved. The Senate took the papers and oral testimony under advisement and voted, affirmatively or negatively, on the seven points of proposed negotiation, at its following Monday session.

Transmission of papers prior to negotiation was deemed thereafter to be the more practicable method of Executive and Senate cooperation. Crandall (p. 68, id.) cites the Journal record for Washington's special messages seeking Senate advice in opening Indian negotiations, as of August 4, 1790, August 11, 1790, January 18, 1792, wherein the Senate voted advice and consent prior to negotiation.

On February 9, 1790, the record shows that Washington was awaiting Senate advice in negotiating a boundary treaty with Great Britain.

May 8, 1792, he inquired for Senate advice in negotiating a proposed treaty with Algiers for payment of ransom and peace money.

Secretary of State Jefferson, April 1, 1792, advised Senate consultation for validating such treaty.

Navigation on the Mississippi was the subject of the President's consulting with the Senate, January 11, 1792, with regard to instructing Chargés d'Affaires Carmichael and Short to negotiate with Spain at Madrid.

On February 14, 1791, the business of the mission of Gouverneur Morris to Great Britain was laid before the Senate, and on various dates during 1794 the Senate received communications with regard to the so-called Jay treaty with Great Britain.

Says Crandall (p. 70, id.):

"These first attempts of the Executive to follow out the clear intention of the framers of the Constitution, in consulting the Senate prior to the opening of negotiations, have been followed only in exceptional instances."

Crandall (Treaties, Their Making and Enforcement, pp. 67–72, Ch. VI, Advice and Consent of the Senate) enumerates about 30 instances where the Executive consulted with the Senate for advice prior to negotiation. The citations range from 1790 to 1884, and the Presidents seeking Senate advice prior to negotiation include Washington, Adams, Jefferson, Madison, Monroe, Jackson, Polk, Buchanan, Lincoln, Johnson, Grant, and Arthur. Senator Lodge cites other instances (pp. 37–42, the Treaty-Making Powers of the Senate), in all about 40, and says:

"From these various examples it will be seen that the Senate has been consulted at all stages of negotiations by Presidents of all parties, from Washington to Arthur" (p. 42, id.).

Among the Presidents who notably and more commonly adopted the practice of consulting the Senate prior to negotiation were Washington, Monroe, Jackson, Polk, Lincoln, and Grant. It will be noted that they are 2-term Presidents, whose names stand out preeminently in the Nation's history.

Ordinarily, where the issue of peace or war is not involved, or the protection of the national boundary, the question may not be of such moment as to call for executive consultation with the Senate prior to negotiation. Nevertheless, it is interesting to note, in the textbook most frequently cited by our international jurist, John Bassett Moore, namely, Crandall's work, this passage: "The clear intention of the framers of the Constitution, in consulting the Senate prior to the opening of negotiations." It is obvious that when a President consults the Senate prior to negotiation, he lays before them the pertinent and relevant subject matter for their consideration in giving advice.

MONROE PRECEDENT IN THE NAVAL ARMAMENT CASE OF 1818

Turning to Moore's International Law Digest, by John Bassett Moore, pages 214–215, volume 5, we read under the head, Exchange of Notes:

"The arrangement between the United States and Great Britain of April 28–29, 1817, was effected by an exchange of notes between Mr. Bagot, British minister at Washington, and Mr. Rush, Secretary of State. Orders were at once given to the proper executive officers of the two governments for its execution.

"April 6, 1818, President Monroe, apparently out of abundant caution communicated the correspondence to the Senate. (American State Papers, For. Rel. IV, 202.)

"The Senate, on the 16th day of the same month, by a resolution in which two-thirds of the Senators present concurred, 'approved and consented to' the arrangement, and, 'recommended that the same be carried into effect by the President.' The President proclaimed the arrangement April 28, 1818."

Outstanding in this brief citation one can not fail to note the following plain signs:

(1) That "exchange of notes" may be the res gestae of the negotiation, even in a naval armament agreement.

(2) That when the spirit of the Constitution is followed and the Executive deals frankly and promptly with his copartner, the Senate, in the proposed negotiation, the entire transaction goes through in complete harmony and dispatch.

(3) In a matter involving peace or war—the latter being a subject over which Congress has the declaratory power—it was the early view of the White House, in the case of a President so thoroughly American as James Monroe, author of our Monroe doctrine, that the Senate should have before it all relevant papers, even prior to negotiation.

Thus handled, the first American naval armament negotiation was completed within the brief space of 30 days—an excellent example of American efficiency and simplicity, when the clear intent of the Constitution framers is carried out without concealment or evasion.

John Bassett Moore alludes to President Monroe's "abundant caution." One might well add to that Monroe's abundant Americanism. His Americanism was so broad and thorough that the period of the Monroe administration is alluded to in American history as the "Era of peace," when party dissent faded out until only one political party remained in the field, all followers of the Monroe American idea.

HOW POLK HANDLED THE OREGON BOUNDARY ISSUE OF 1846

The Oregon boundary question was one fraught with possible international consequences in our relations with the United Kingdom. President Polk, on June 10, 1846, laid the entire matter, with all papers, before the Senate.

In his message accompanying the papers he called attention to American precedent:

"General Washington repeatedly consulted the Senate and asked their previous advice upon pending negotiations with foreign powers, and the Senate in every instance responded to his call by giving their advice to which he always conformed his action * * *. The Senate are a branch of the treaty-making power, and by consulting them in advance of his own action upon important measures of foreign policy which may ultimately come before them for their consideration, the President secures harmony of action between that body and himself. The Senate are, moreover, a branch of the war-making power, and it may be eminently proper for the Executive to take the opinion and advice of that body in advance upon any great question which may involve in its decision the issue of peace or war."

This message, with accompanying papers, was transmitted to the Senate on June 10. The treaty (two-thirds of the Senate concurring) was signed June 15, submitted to the Senate, and ratified. In like expeditious manner the Senate cooperated with the Executive, August 4, 1846, in territorial negotiations with Mexico.

LINCOLN FOLLOWED THE PRECEDENT OF WASHINGTON

Senator Lodge (p. 41 of his review) cites six instances wherein President Lincoln followed the early example of Washington, Monroe, and Polk, and consulted the Senate for advice and consent prior to negotiation and pending the same.

On March 16, 1861, Lincoln's first message to the Senate asked for the Senate's advice and consent with respect to three questions looking toward a proposed negotiation for arbitration with Great Britain.

December 17, 1861, he submitted to the Senate a draft of a convention sought by Mexico, and sought advice upon it before ratification.

January 24, 1862, he asked for Senate advice before negotiating a loan with Mexico.

February 25, 1862, the Senate by resolution advised against the Mexican loan under certain contingencies, and on June 23, 1862, Lincoln submitted a message with a revised plan.

March 5, 1862, Lincoln's message dealt with advice on the Paraguayan award.

February 5, 1863, Lincoln suggested a Senate amendment of the proposed arbitration convention with Peru.

GRANT FOLLOWS MONROE AND POLK ON PEACE QUESTIONS

Three instances where President Grant laid the subject matter before the Senate prior to negotiation are cited by Senator Lodge (pp. 41–42).

April 5, 1871, Grant laid before the Senate a dispatch from the minister to Hawaii for Senate information and advice.

The most important case was that relating to differences with Great Britain under the treaty of Washington, and proposed arbitration thereof. Grant's message to the Senate, May 13, 1872, relating to the adoption of an article proposed by Great Britain, said:

"The Senate is aware that consultation with that body in advance of entering into agreements with foreign states has many precedents. In the early days of the Republic General Washington repeatedly asked their advice upon pending questions with such powers. The most important precedent is that of the Oregon boundary treaty in 1846.

"The importance of the results hanging upon the present state of the treaty with Great Britain leads me to follow these former precedents and to desire the counsel of the Senate in advance of agreeing to the proposal of Great Britain."

SENATE AMENDMENTS OF PROPOSED TREATIES

Up to 1900 Senator Lodge (pp. 42–43, id.) lists 68 treaties amended by the Senate.

Up to the present date, June, 1930, possibly 100 treaties have been amended by the Senate prior to ratification.

As to the significance of the Senate's treaty-making powers in this regard, these conclusions are obvious:

(1) The Senate amendment in itself is a continuance of the treaty-making negotiations begun by the Executive.

(2) The consideration of the merits of the proposed negotiation for the purposes of amending and perfecting the treaty document presupposes full and free command of the subject matter of the proposed treaty.

(3) No Executive has ever questioned the power of the Senate to amend a treaty—which implies that no logical reason exists for withholding papers relevant to the Senate's function in treaty amendment.

PRESIDENT CLEVELAND IN THE FISHERIES CASE OF 1888

Two modern precedents were set in the handling of the dispute with Great Britain in the North Atlantic fisheries case, settled by treaty in 1888.

Secretary Bayard (Foreign Relations, 1885, 460) in 1885 transmitted to the Senate the note exchanges that had superseded the terminated fishing articles of the treaty of 1871. Disputed fishery rights had thereafter been governed by exchange of diplomatic notes. A list thereof is published in Foreign Relations, 1885, pages 460–466. Secretary Bayard's report to Congress contains this passage, which is a

sufficient indication of executive policy as construed by the President and State Department of that date:

"Copies of the memoranda and exchanged notes on which this temporary agreement rests are appended."

Bayard's transmission of the early note exchanges was in 1885. That was years prior to the treaty. It therefore would appear that diplomatic exchanges prior to treaty negotiation may be of deep relevance for a period covering several years. Deprived of consideration of these note exchanges for the period 1885–1888, the Senate could not intelligently have given its advice and consent, as requested by the message of President Cleveland, February 20, 1888.

President Cleveland's message assures the Senate that it will receive papers up to date, in addition to note exchanges already transmitted by Secretary Bayard. This message, in my judgment a good American model for messages seeking the advice and consent of the Senate pursuant to constitutional mandate, contains the following enlightening information:

"The greater part of the correspondence which has taken place between the two Governments has heretofore been communicated to Congress, and at as early a day as possible I shall transmit the remaining portion to this date, accompanying it with the joint protocols of the conferences which resulted in the conclusion of the treaty now submitted to you.

"You will thus be fully possessed of the record and history of the case since the termination, on June 30, 1885, of the fishery articles of the treaty of October 20, 1818.

"As the documents and papers referred to will supply full information of the positions taken under my administration by the representatives of the United States as well as those occupied by the representatives of the Government of Great Britain, it is not considered necessary or expedient to repeat them in this message.

"* * * These provisions will secure the substantial enjoyment of the treaty rights for our fishermen under the treaty of 1818, for which contention has been steadily made in the correspondence of the Department of State, and our minister at London, and by the American negotiators of the present treaty." (See pp. 238–239, Ratification of Treaties, S. Doc. No. 26, 66th Cong., 1st sess.)

COURTS OF ARBITRATION FIND SECRET DOCUMENTS IMPORTANT

It is interesting to note that a controversy over fishing rights in the North Atlantic had arisen from time to time since the signing of the treaty of 1818. The treaty of 1888, negotiated by President Cleveland and ratified by the Senate, the Senate having all the documents, did not settle the controversy. It was, therefore, decided to submit to a court of arbitration at The Hague, which was done in 1910.

The decision of the arbitration court shows that one of the important questions involved was decided upon the basis of correspondence exchanged between Lord Bathurst and John Quincy Adams, American minister to Great Britain, the notes having been exchanged in 1815, three years before the signing of the treaty. (Hyde's International Law, vol. 2, p. 535.)

In 1898 a controversy arose with Switzerland over a most-favored-nation treaty, signed in 1850. As American Secretary of State, Mr. Day stood squarely on the text of the treaty with Switzerland. Switzerland, however, claimed that the meaning of the treaty must be gained not only from the text but also from all extraneous matter pertaining thereto. It developed that the plenipotentiary of the United States had made certain agreements and these agreements had been reported to the President by correspondence. When this was called to the attention of John Hay, who in the meantime had become Secretary of State, he addressed a note to the Swiss Government saying he had investigated the matter and discovered that Switzerland was right.

"Under these circumstances we believe it to be our duty to acknowledge the equity of the reclamation presented by your Government. Both justice and honor require that the common understanding of the high constracting parties at the time of the executing of the treaty should be carried into effect." (Hyde's International Law, vol. 2, p. 535.)

Exploration of the Alaskan boundary controversy and the controversy that arose over the boundary between the United States and New Brunswick can lead only to the conclusion that notes and correspondence prior to and during the negotiations of the treaty become of vast importance in case of dispute as to the meaning of the text of the treaty when such dispute is submitted to an arbitrational tribunal for decision.

If in case of the national fishery rights it is sound American precedent that all correspondence, exchange of notes, protocols of proceedings of negotiators, covering a period at least three years prior to final negotiation, be submitted to the Senate as a "component part" of the treaty-making power, then assuredly in a case involving the issues of peace and war, where Congress has the sole declaratory power, the duty of the Executive would appear to be plain.

That was the frank judgment of President Grant, himself a high military authority, the victorious general of the Union Army in the Civil War. That was the judgment of President Polk, who participated in the issues of the Mexican War. That was the judgment of President Washington, the general who won for his country the American Revolution. Washington set the precedent of American policy and practice according to the known and "clear intention of the framers of the Constitution." And the American people, and the cause of world democracy at large, are to be congratulated, that so many American Presidents have stood foursquare with the gospel of the American Constitution.

FOREIGN COMPLAINTS OF SENATE ACTION

Old World opposition to the American plan of treaty making extends to the whole subject of Senate participation—to the entire policy as laid down in the Constitution.

The American plan, whereby the people of the 48 States have sovereign voice through their Senators, upsets completely the Old World program of two sovereigns personally making a treaty contract or subrosa agreement, without knowledge of their "subjects."

Moore, International Law Digest, volume V, by International Jurist John Bassett Moore, touches on some of the cases of foreign complaint.

May 12, 1803, a convention, signed in London for settling the northern boundaries of the United States, was submitted by President Jefferson to the Senate. The Senate approved on condition that the fifth article be expunged. The British Government did not except the amendment, and ratifications were not exchanged. Page 199, volume V, of Moore's Digest gives the reason for British disapproval:

"The propriety of a partial approval by the Senate was doubted by the British Government. See Mr. Monroe, minister to England, to Secretary of State, June 3, 1804, American State Papers, Foreign Relations III,,93. For preliminary correspondence in relation to the convention see idem II, 382, 584, et seq."

This citation affords the Senate in the present discussion two interesting sidelights: First, the British Government doubts the "propriety of a partial approval of a treaty by the Senate"; second, in the time of Jefferson and Monroe, the "preliminary correspondence" in relation to a convention is laid before the Senate, and even published as a State document. The British reaction to Senate activity was not even a "diplomatic confidence," but was spread broadcast so that the entire body of American popular sovereignty might read.

A second case of British disapproval of Senate action came in 1824. President Monroe submitted to the Senate a convention for the suppression of the African slave trade, with a message, May 21, 1824. The Senate approved it with conditions which Great Britain refused to accept. Henry Clay, Secretary of State, in his published note to Mr. Addington, British Ministry, April 6, 1825, stated the American policy in terms well worth reading by all Americans to-day (see Moore's Digest, vol. V, pp. 200–201):

"The Government of His Britannic Majesty is well acquainted with the provision of the Constitution of the United States, by which the Senate is a component part of the treaty-making power; and that the consent and advice of that branch of Congress are indispensable in the formation of treaties. * * * The people of the United States have justly considered that, if there be any inconveniences in this arrangement of their executive powers, those inconveniences are more than counterbalanced by the greater security of their interests, which is effected by the mutual checks which are thus interposed. But it is not believed that there are any inconveniences to foreign powers of which they can with propriety complain. * * * This information the Government of the United States has always communicated to the foreign powers with which it treats, and to none more fully than to the United Kingdom of Great Britain and Ireland."

Jurist Moore (p. 201 same) follows the above case with the following citation from Crandall, Treaties, Their Making and Enforcement, 70–71:

"While the Senate's practice of amending treaties continues to meet with criticism by foreign writers, it would not be contended for a moment that the Senate might not reject in toto or withhold action altogether until the changes, which it might indicate by resolution or otherwise had been negotiated."

Refusal to submit correspondence or exchange of notes to the Senate in the performance of its treaty-making duty is an entering wedge for the undermining of all Senate participation in negotiation. The Senate can take no material action, except to sign on the dotted line, unless it has complete access to official data. Without evidence the Senate can arrive at no decision. It becomes a jury without power to examine witnesses. Its entire function would be resolved into the act of nodding assent to a paper submitted to it by the Executive.

JUSTICE BREWER ON KEEPING SECRETS FROM INDIANS

On June 11, 1838 (170 U. S. 1, 23), the Senate, in advising ratification of a treaty negotiated with the Sioux and other tribes of Indians, introduced an amendment. The President, in his proclamation to the Indians, made no allusion to the Senate proviso. The Supreme Court therefore held that the Indians could not be held subject to the proviso that, perhaps inadvertently, had been withheld from their knowledge. The language of Justice Brewer, speaking for the court, is significant and interesting (Treaties, Their Making and Enforcement, pp. 88–89):

"There is something, too, which shocks the conscience in the idea that a treaty can be put forth as embodying the terms of an arrangement with a foreign power or an Indian tribe, a material provision of which

is unknown to one of the contracting parties, and is kept in the background to be used by the other only when the exigencies of a particular case demand it."

The world will applaud this utterance of Justice Brewer speaking for the United States Supreme Court. Provisions should not be unknown to one of the contracting parties—even though an Indian. Nothing should be "kept in the background." And the Senate of the United States should not be kept in the dark by secret confidences or undelivered information of any kind. It is entitled to all the rights which the court accords to the Sioux Indian.

It may be contended by the Executive that we are refused no "material provision" relating to the proposed naval arms treaty. We shall know that fact, if true, when the Senate, as coordinate treaty-making power, receives from the Executive the full proceedings to which under the Constitution we are entitled.

SUMMARY

I. Both in its origin and in American treaty-making practice for over 100 years the Senate under the Constitution is a component part of the treaty-making power, and as such has complete power over the subject matter of negotiation—both antecedent thereto and attendant thereupon.

II. The so-called treaty drafted by negotiators is in fact, as well stated by Senator Lodge, "inchoate, a mere treaty form," unless it becomes a treaty by advice and consent of two-thirds of the Senate.

III. The treaty power residing in the people is conferred for treaty-making purposes by the Constitution upon the Executive and the Senate, who are coequals working by coordination, and both the Executive and the Senate are sworn to maintain and uphold the Constitution.

IV. The treaty-making powers of the Senate, as of the Executive, extend to every stage of the negotiation—prior thereto and during negotiation, and culminate advice and consent for purposes of ratification.

V. Power over the subject matter includes full and free access to all pertinent and relevant papers—note exchanges, diplomatic understandings, letters, telegrams, memoranda, all collateral evidence defining the meaning, the concrete application, and ultimate purpose of the negotiation.

VI. These principles have been crystallized in the practice of the Executive and Senate from the day of Washington and Monroe down to the present time. No precedent can be cited wherein the Executive hitherto, as a member of the coordinate treaty-making power, has refused his coequal in treaty making, the Senate of the United States, a request for papers pertinent to the consideration of a proposed treaty.

VII. The Supreme Court, in the language of Justice Brewer, finds there is "something which shocks the conscience" in withholding a proviso from "one of the contracting parties," even though an Indian. The evidence that no such material proviso is concealed from the Senate, a contracting party, is readily available by submitting all subject matter pursuant to the Constitution.

"Once freed from the primitive formalism which views the document as a self-contained and self-operative formula, we can fully appreciate the modern principle that the words of a document are never anything but indices to extrinsic things, and that therefore all the circumstances must be considered which go to make clear the sense of the words—that is, their associations with things." (Wigmore on Evidence, IV, p. 2470.)

I can not determine the importance of the documents requested by the committee because I do not know what they are. I assume the committee and the Senate will share this predicament with me. These documents may become of great importance in the future; and with that possibility in view it must be evident that they are important now. Therefore, I am of the opinion that the Senate is not in a position to consent to the treaty without having the subject matter before it for examination before it decides to grant its consent.

The Senate and the Executive being coordinate in treaty-making power it necessarily follows that with its joint responsibility goes a joint ownership and custody of the documents involved.

On the question of making the documents public, it is my opinion that this may also involve a joint responsibility which I do not think is necessary to discuss now.

CONCLUSION

My committee vote of "nay" on the proposed treaty of naval armament limitation is based on grounds outlined in this report.

The material facts pertinent and relevant to the case—such as exchange of notes leading up to negotiation, letters, telegrams, diplomatic proceedings, and understandings, touching the purpose and concrete commitments of the proposed treaty, are not laid before the Senate, and a request therefor has been refused.

This admitted suppressio veri, or concealment of material facts from a contracting party, to wit, the Senate of the United States, appears in law and morals to vitiate the proposed contract. It reduces the document to a gesture on paper—a paper negotiated by advice and consent abroad in lieu of advice and consent of the Senate. Such a paper I am unable to sign on the dotted line.

I do not attempt to define the scope of the Secretary of State in having "confidences abroad." I respect the chivalry which can not "in honor" divulge the secrets of his relations with the "mistress of the seas."

On the other hand, I can not in honor betray the confidence of my people, my country, and its Constitution. I can not vote to ratify a proposed contract the material facts of which are not before the Senate—under the Constitution a contracting party.

In my judgment the great issue before us is not whether we shall be limited to build 8-inch cruisers or 6-inch cruisers, but whether or not the Constitution, as understood by those who framed it, shall be maintained as a living force and shall exist in works as in words—whether or not the Americanism of Washington and Monroe, of Jackson and Cleveland, of Lincoln and Grant, shall abide from this day on as it has for nearly five generations of the Republic.

HENRIK SHIPSTEAD.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Shipstead
Ashurst	George	McKellar	Shortridge
Barkley	Glass	McNary	Steck
Bingham	Glenn	Metcalf	Steiwer
Black	Goldsborough	Moses	Stephens
Blaine	Hale	Norris	Sullivan
Borah	Harris	Oddie	Swanson
Brock	Harrison	Overman	Thomas, Idaho
Broussard	Hastings	Patterson	Thomas, Okla.
Capper	Hatfield	Phipps	Townsend
Caraway	Hayden	Pine	Trammell
Connally	Hebert	Pittman	Vandenberg
Copeland	Howell	Ransdell	Wagner
Couzens	Johnson	Reed	Walcott
Cutting	Jones	Robinson, Ind.	Walsh, Mass.
Dale	Kendrick	Robsion, Ky.	Walsh, Mont.
Deneen	La Follette	Sheppard	Watson

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families. Also, the junior Senator from Washington [Mr. DILL] is absent attending the sessions in Chicago of the special committee to investigate campaign expenditures.

Mr. SHIPSTEAD. I desire to announce the unavoidable absence of my colleague the junior Senator from Minnesota [Mr. SCHALL]. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Sixty-eight Senators having answered to their names, a quorum is present.

DEATH OF DR. HARVEY W. WILEY

Mr. COPELAND. Mr. President, I have just learned with deep sorrow of the death of Dr. Harvey W. Wiley. I think a word at least should be said of this great man at this moment.

In my opinion, no one has contributed more to the cause of pure food than this noble man. For this and for many other reasons we as a people owe him a great debt.

Doctor Wiley served a long time as an official of the Government. I am sure the Senate learns with great regret of his departure from this life. I trust that at an appropriate time some more formal action may be taken.

Mr. RANSDELL. Mr. President, I wish to support what the Senator from New York has said about Doctor Wiley and to reiterate in strongest terms the deep regret we have, and I believe the people of the United States have, in the death of a man who has done such wonderfully good work for his country during a long lifetime.

I have known Doctor Wiley for years, and held him in highest esteem as a learned scientist and all-around good citizen. During my four years' fight to secure passage of my bill to create a National Institute of Health, which became law recently, Doctor Wiley encouraged and assisted me effectively. He visualized the potentialities of this great measure in preventing disease or curing it, thereby increasing the health and happiness of all human beings, and he gave it in full measure his powerful support.

ENLARGEMENT OF POST-OFFICE BUILDING, WASHINGTON, D. C.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FESS. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. KEYES, Mr. FESS, and Mr. ASHURST conferees on the part of the Senate.

SECOND DEFICIENCY APPROPRIATIONS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. HALE, Mr. PHIPPS, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate.

D. B. TRAXLER

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2790) for the relief of D. B. Traxler, which were, on page 1, line 7, after the word "Carolina," to insert "in full settlement of claims," and on page 1, line 12, after the word "Greenville," to insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. HOWELL. I move that the Senate agree to the amendments of the House of Representatives.

The motion was agreed to.

GEORGE W. M'PHERSON

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8242) for the relief of George W. McPherson, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HOWELL. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK conferees on the part of the Senate.

AMENDMENT OF CIVIL SERVICE CLASSIFICATION ACT

Mr. DALE submitted the following report, which was ordered to lie on the table:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses:

That the Senate recede from its disagreement to the House amendments numbered 1, 2, 3, 4, 5, 6, 7, and agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 8, and agree to the same with an amendment as follows:

After the figure "4–B," in line 3, on page 2 of the engrossed copy of the amendments, insert a comma and the words "including drafting groups."

That the Senate recede from its disagreement to the House amendment numbered 9, and agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 10, and agree to the same with the following amendments:

On page 2, line 13 of the engrossed copy of the amendments, in section 4, strike out the words "sole jurisdiction to determine finally the grade or subdivision thereof to which all positions which are subject to the compensation schedules of the classification act of 1923 and amendments thereto shall be allocated, and it shall have."

In line 18 of section 4, on page 2, after the words "review and," insert "subject to the President's approval to."

On page 3, in line 17 of the engrossed copy of the draft, in section 6, after the word board," insert "which hereafter shall consist only of the Director of the Bureau of the Budget, a member of the Civil Service Commisison, and the Chief of the United States Bureau of Efficiency, the Director of the Bureau of the Budget to be the chairman of the board."

PORTER H. DALE,
SMITH W. BROOKHART,
KENNETH MCKELLAR,
Managers on the part of the Senate.
FREDERICK R. LEHLBACH,
ADDISON T. SMITH,
LAMAR JEFFERS,
Managers on the part of the House.

RELIEF OF WORLD WAR VETERANS

Mr. McKELLAR. Mr. President, I present a telegram from Oteen Hospital Chapter, No. 3, Disabled American Veterans, of Asheville, N. C., in reference to the veterans' bill, and ask that it may be printed in the RECORD without reading and lie on the table.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram]

ASHEVILLE, N. C., *June 29, 1930.*

Senator KENNETH MCKELLAR,
Washington, D. C.:

The rates in veterans' bill as passed by the House are insufficient for the maintenance of a disabled man and family. Sentiment among the patients at Oteen, N. C., is that the bill should be defeated unless the rates can be raised to amounts called for by the Walsh-Connally amendment.

OTEEN HOSPITAL CHAPTER, NO. 3, DISABLED AMERICAN VETERANS.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 9347) for the relief of Sidney J. Lock, reported it without amendment and submitted a report (No. 1137) thereon.

Mr. BARKLEY, from the Committee on the Library, to which was referred the bill (S. 4384) to provide for the erection of a suitable monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky., reported it without amendment and submitted a report (No. 1138) thereon.

Mr. JOHNSON, from the Committee on Commerce, to which was referred the resolution (H. J. Res. 372) authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island dated July 5, 1918, reported it without amendment and submitted a report (No. 1141) thereon.

CONVEYANCE OF LANDS TO UNIVERSITY OF OREGON

Mr. REED. From the Committee on Military Affairs I report back favorably with amendments the bill (S. 3360) authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head Military Reservation, and I submit a report (No. 1140) thereon.

I should like to say in connection with this measure that, as a part of this land has been used for river and harbor projects, I have taken the matter up with the Senator from California [Mr. JOHNSON] and have been told by him that he is quite satisfied that the Committee on Military Affairs should act on it.

Mr. STEIWER. Mr. President, consummation of the desire of the University of Oregon to provide a marine laboratory awaits final action upon this measure; and this is the last legislative step to be taken by the Senate in its enactment. I therefore ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

The amendments were, on page 1, line 6, after the name "Coos Head," to strike out "Military" and insert "River and Harbor"; in line 9, after the word "of," where it occurs the first time, to strike out "lots" and insert "lot"; in the same line, after the figure "2," to strike out "and 3" and insert a comma and "the westerly 750 feet of lot 3"; on page 3, line 10, after the word "purposes," to insert a comma and "and subject at all times to the rights of the United States in section 4

hereof," and in line 22, after the word "conveyance," to insert "nor shall such act or permit apply to the unconveyed part of lot 3 after the date of this act," and on the same page, at the end of the bill, to insert a new section, as follows:

SEC. 4. The lands herein authorized to be conveyed to the University of Oregon shall at all times be subject to the right of the United States to occupy and use such part thereof as are now or may hereafter be needed for jetty site or sites, for rights of way for tramways from the unconveyed part of lot 3 to such jetty site or sites, and for ingress and egress by persons engaged in river and harbor work; and the United States shall at all times have prior right to three-fourths of the natural flow of streams draining lots 2 and 3.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the University of Orgeon, State of Oregon, subject to the conditions hereinafter specified, the following-described part of the Coos Head River and Harbor Reservation situated on the south shore of the entrance to Coos Bay in Coos County, Oreg.:

All of lot 2, the westerly 750 feet of lot 3, all of lot 1 except the west 300 feet thereof, and all of the southwest quarter northwest quarter, except the west 300 feet thereof, all in section 2, township 26 south, range 14 west, Willamette meridian, in the county of Coos, Oreg.; excepting therefrom the parcels of land released to the Treasury Department by letter from the Assistant Secretary of War, dated April 24, 1913, and more particularly described as follows: Site for station buildings beginning at a point north 41° 30′ west 1,307 feet from the southeast corner northwest quarter of section 2, township 26 south, range 14 west, Willamette meridian; thence north 33° 15′ west 400 feet; thence west 33° 15′ south 400 feet; thence south 33° 15′ east 400 feet; thence east 33° 15′ north 400 feet to the point of beginning, and containing 3.673 acres; also a site for lifeboat house commencing at a point 775 feet north 33° 15′ west from the starting point of site and the station grounds; thence running west 33° 15′ south 150 feet; thence south 33° 15′ east 225 feet; thence east 33° 15′ north 150 feet; thence north 33° 15′ west 225 feet to the point of beginning, and containing 0.774 of an acre.

SEC. 2. The lands herein authorized to be conveyed shall be used by the University of Oregon solely for scientific and educational purposes subject, however, to the right of the United States, in case of war or other emergency, to assume control of, hold, use, and occupy said lands or any part thereof for any and all military, naval, or other governmental purposes, and subject at all times to the rights of the United States stated in section 4 hereof. The deed executed by the Secretary of War under the provisions of section 1 of this act shall contain the express condition that if the University of Oregon shall at any time attempt to alienate said lands that same shall revert to the United States.

SEC. 3. The provisions of the act entitled "An act authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes," approved August 21, 1916, and of any permit granted by the Secretary of War under such act, shall not apply to the lands herein authorized to be conveyed, after the date of such conveyance, nor shall such act or permit apply to the unconveyed part of lot 3 after the date of this act.

SEC. 4. The lands herein authorized to be conveyed to the University of Oregon shall at all times be subject to the right of the United States to occupy and use such part thereof as are now or may hereafter be needed for jetty site or sites, for rights of way for tramways from the unconveyed part of lot 3 to such jetty site or sites, and for ingress and egress by persons engaged in river and harbor work; and the United States shall at all times have prior right to three-fourths of the natural flow of streams draining lots 2 and 3.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of Coos Head River and Harbor Reservation."

EXECUTIVE REPORTS

As in executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. STEPHENS, from the Committee on the Judiciary, reported the nomination of Henry M. Holden, of Texas, to be United States attorney, southern district of Texas, which was placed on the Executive Calendar.

Mr. HEBERT, from the Committee on the Judiciary, reported the following nominations, which were placed on the Executive Calendar:

Richard B. Quinn, of Oklahoma, to be United States marshal, western district of Oklahoma;

Joseph W. Cox, of the District of Columbia, to be an associate justice of the Supreme Court of the District of Columbia; and

Oscar R. Luhring, of Indiana, to be an associate justice of the Supreme Court of the District of Columbia.

Mr. REED, from the Committee on Military Affairs, reported the nominations of sundry officers in the Medical Corps of the Army, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 4766) granting a pension to Louise Claussen; to the Committee on Pensions.

A bill (S. 4767) for the relief of H. P. Converse & Co.; to the Committee on Claims.

Mr. McKELLAR. On behalf of the Senator from Maryland [Mr. TYDINGS], who is away attending the funeral of a friend, I introduce a bill for proper reference.

By Mr. McKELLAR (for Mr. TYDINGS):

A bill (S. 4768) authorizing the Secretary of Agriculture to convey certain lands to the Maryland-National Capital Park and Planning Commission of Maryland for park purposes; to the Committee on Agriculture and Forestry.

By Mr. VANDENBERG (by request):

A bill (S. 4769) to amend an act entitled "An act creating the Great Lakes bridge commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.," approved June 25, 1930, being Public Act No. 433 of the second session of the Seventy-first Congress; to the Committee on Commerce.

By Mr. GLENN:

A bill (S. 4770) for the relief of Nannie Swearingen; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 4771) granting a pension to Harrison Brainard; to the Committee on Pensions.

By Mr. HAYDEN:

A bill (S. 4772) providing a pensionable status for soldiers of certain companies of militia organized in the Territories of Utah, Arizona, and New Mexico and the State of Texas for service against hostile Indians; to the Committee on Pensions.

By Mr. NORRIS:

A joint resolution (S. J. Res. 205) relating to the sale of power generated by the Government at Dam No. 2, Muscle Shoals, Ala., and the steam plant in that vicinity; to the Committee on Agriculture and Forestry.

AMENDMENTS TO WORLD WAR VETERANS' BILL

Mr. CUTTING submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, which was ordered to lie on the table and to be printed.

Mr. WALSH of Massachusetts and Mr. CONNALLY submitted an amendment intended to be proposed by them to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, which was ordered to lie on the table and to be printed.

COST OF PRODUCTION OF SHOE LACINGS

Mr. HEBERT. I submit a resolution, and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 308) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the United States Tariff Commission is hereby directed to investigate, for the purposes of section 336 of the tariff act of 1930, the cost of production of the shoe lacings specified in paragraph 912 of such act.

INVESTIGATION BY TARIFF COMMISSION

Mr. COPELAND. Mr. President, I offer the following resolution and ask for its immediate consideration.

The resolution (S. Res. 309) was read, as follows:

Resolved, That the Tariff Commission is hereby directed to investigate the differences in the cost of production between the domestic article and foreign article, and to report upon the earliest date practicable upon the following articles: Sugar, ultramarine blue, and umbrellas.

This request is made under and by virtue of section 336, and the following sections, of the tariff act, approved on the 17th day of June, 1930.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. REED. Would the Senator be willing to add "pig iron"?
Mr. COPELAND. I would.
Mr. REED. I move to add to the list of articles "pig iron."
Mr. COPELAND. Let the modification be made.
The resolution as modified was agreed to.

INTERSTATE TRANSPORTATION OF BLACK BASS

Mr. COUZENS submitted the following report.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 941) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

JAMES COUZENS,
KEY PITTMAN,
JAMES E. WATSON,
Managers on the part of the Senate.
JOHN E. NELSON,
J. L. MILLIGAN,
CHAS. A. WOLVERTON,
Managers on the part of the House.

The report was agreed to.

ENLARGEMENT OF POST-OFFICE BUILDING, WASHINGTON, D. C.

Mr. FESS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

HENRY W. KEYES,
SIMEON D. FESS,
HENRY S. ASHURST,
Managers on the part of the Senate.
RICHARD W. ELLIOTT,
J. WILL TAYLOR,
FRITZ G. LANHAM,
Managers on the part of the House.

The report was agreed to.

EFFECT OF LAW ON INTERNATIONAL COMMERCIAL RELATIONS

Mr. THOMAS of Oklahoma. Mr. President, I call attention to an editorial in the Washington Post of to-day. The article is headed "No Tariff War." The opening sentence is as follows:

If any foreign government should weakly submit to the demands of selfish commercial interests and attempt to retaliate against the United States because this country has enacted a new tariff law, it will soon repent of its folly. In the game of commercial retaliation the United States has all the advantage, and can easily bring any foreign government to terms.

The article calls attention to the threats of reprisals made by France, and concludes by stating:

Tourist receipts have already begun to fall off as a result of French cupidity, and France's neighbors have been quick to take advantage of the opportunity to divert the stream of American tourists. Splendid steamships now convey American tourists direct to Germany, Spain, and Italy, and it is no longer necessary to pay tribute to France.

Great Britain is not overlooked. The British Government has placed an embargo upon American apples. This apple embargo draws the following comment from the Post editor:

If the embargo is the beginning of a commercial controversy between Great Britain and the United States, the ramifications of the quarrel will surprise British shipping, insurance, and commercial interests. It is impossible to accept the theory that the British Government will welcome a struggle with the United States in any field whatever.

Mr. President, for emphasis I reread the last sentence:

It is impossible to accept the theory that the British Government will welcome a struggle with the United States in any field whatever.

The article concludes with the following paragraph:

If the nations should invite commercial suicide by starting tariff wars against the United States, American producers would remain in possession of the richest market in the world, while foreign producers would be deprived of the market that now consumes an enormous share of their commodities.

Foreign nations will think twice before they cut themselves off from their best customer.

Mr. President, this publication is one of the leading newspapers of the Capital City. It is presumed to speak for the Government of the United States, for the party in power, and for the people of our common country. I challenge the statements made in this editorial. I challenge the implication that the people of the United States support and indorse such sentiments.

The editorial, whatever its intent, has one major meaning expressed in the title "No Tariff War." Notwithstanding the protests filed and actions already taken by other governments, this presumed spokesman for America says that no country can afford to take issue with the United States; no country can afford to oppose or resist the United States, and that if they should presume to act so indiscreetly, such protesting countries would soon be brought to terms. If France does not accept our new tariff act with a "Merci, Monsieur Uncle Sam," then we, in retaliation, are to send our tourists to Germany, Spain, and Italy.

Mr. President, just how would such an American policy help our diplomatic, commercial, and financial relations with France? It is charged that "Great Britain, in its present critical position, can not afford to forfeit the friendship and cooperation of the United States."

Such statements made here in Washington can not help our relations with the London Government. We have now pending in the Senate the so-called London naval agreement or treaty. That treaty will soon be the unfinished business for consideration and action. Are such sentiments and threats, not implied but openly and boldly made, calculated to improve our standing with our great English-speaking neighbor? Can it be that this publication is taking advantage of the tariff controversy to indirectly and clandestinely stab the naval treaty in the back?

Mr. President, I condemn the editorial. I deny that it speaks for the Government of the United States. I deny that it speaks for the people among whom it circulates. Instead of making threats and counterthreats against our neighbors, we should be trying to reach an understanding with them, to the end that peace and good will and trade relations may be continued and extended rather than curtailed and destroyed.

Instead of a policy of "threats," instead of a policy of "bluff," and instead of a policy of "asserted superiority," all giving positive and public evidence of the proposed establishment of a policy of "economic imperialism," I suggest and commend to the policy dictation of the Washington Post a policy suggested in Senate Joint Resolution 202. I ask unanimous consent at this point to print a copy of that joint resolution in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The joint resolution referred to is as follows:

Joint resolution (S. J. Res. 202) introduced by Mr. THOMAS of Oklahoma on the 25th instant providing for the calling of an international trade and agricultural conference

Resolved, etc., That the President is hereby authorized and requested to invite the governments of the countries with which we maintain commercial relations to send representatives to a conference which shall be charged with the duty, (1) of making a survey of economic barriers between and among the countries represented, (2) of investigating, considering, and developing a system of international agricultural crop reporting, and, (3) of investigating, considering, and reporting plans for the control of the production of exportable agricultural crops; and that the report or reports of such conference, whether jointly or individually made, shall be filed with the appropriate respective governments for consideration and approval.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent further to print in the RECORD the entire editorial in the Washington Post of this date, to which I have referred.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington Post of Monday, June 30, 1930]

NO TARIFF WAR

If any foreign government should weakly submit to the demands of selfish commercial interests and attempt to retaliate against the United States because this country has enacted a new tariff law, it will soon repent of its folly. In the game of commercial retaliation the United States has all the advantage, and can easily bring any foreign government to terms.

The French Government, which permitted threats of reprisal to be widely published, has seen the handwriting on the wall. It has now decided to await arrival of the official text of the new American tariff before making any representations. After it has examined the law it

will find that it has no grounds of complaint, and that a policy of retaliation would work great injury to France.

American tourists have been contributing to French pocketbooks three times as much as France is paying on its debt to America. Tourist receipts have already begun to fall off as a result of French cupidity, and France's neighbors have been quick to take advantage of the opportunity to divert the stream of American tourists. Splendid steamships now convey American tourists direct to Germany, Spain, and Italy, and it is no longer necessary to pay tribute to France.

The embargo imposed by the British Government upon apples from the United States is regarded in some quarters as an act of reprisal against the new tariff law, although the official explanation of the embargo is that it is necessary to prevent importation of infected fruit. Experience will soon determine the facts. If the embargo is the beginning of a commercial controversy between Great Britain and the United States the ramifications of the quarrel will surprise British shipping, insurance, and commercial interests. It is impossible to accept the theory that the British Government will welcome a struggle with the United States in any field whatever. Every expression by British statesmen reveals that Great Britain in its present critical position can not afford to forfeit the friendship and cooperation of the United States.

The United States tariff does not discriminate against any foreign government or foreign interest. The customhouses are open to foreign commodities without regard to their origin. The protective duties are levied solely for the benefit of Americans. No objections are raised by the United States when foreign nations impose protective tariffs. Ninety per cent of foreign tariffs are higher than the American tariff. American producers sell their goods abroad in spite of high tariffs. If the nations should invite commercial suicide by starting tariff wars against the United States, American producers would remain in possession of the richest market in the world, while foreign producers would be deprived of the market that now consumes an enormous share of their commodities.

Foreign nations will think twice before they cut themselves off from their best customer.

OPERATION OF GOVERNMENT BARGE LINES

Mr. NORRIS. Mr. President, several days ago I made some comment upon an article which I had printed in the RECORD taken from the Nation, and written by Maj. Gen. T. Q. Ashburn. I communicated with General Ashburn in reference to one comment I made at the time I had the article printed, namely, as to what effect the operation of the barge lines on the river had had on freight rates. I have an answer to my communication in which the general gives a good many instances of reductions in freight rates that have been brought about by the operation of these governmental barge lines.

The other article which I put in the RECORD showed their financial success, how they were making money, how they had taken over a short line of railroad in Alabama, which was in the hands of a receiver, and which the railroad company had abandoned, or asked to abandon; how they had purchased it, the money they had put into it, and how it was making considerably above 6 per cent on the investment.

In answer to my other letter, General Ashburn, as I said, gives quite a number of illustrations of reductions in railroad freight rates that have been brought about by the operation of the governmental river-barge lines. I want to read one paragraph, in which he says:

> All rail rates on export grain from St. Louis to New Orleans have been reduced from around 18 cents per hundred pounds to 11 cents per hundred pounds, this being brought about by competition with the barge rates of 2 mills per ton-mile, 11½ cents per hundred pounds, St. Louis to New Orleans. The all-water rate is now 8 cents per hundred pounds.

I ask unanimous consent, Mr. President, as a part of my remarks, to print in the RECORD the entire letter of General Ashburn.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter referred to is as follows:

INLAND WATERWAYS CORPORATION,
Washington, D. C., June 25, 1930.

Hon. G. W. NORRIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR NORRIS: In response to your letter of June 21, 1930, in which you request some concrete illustrations of freight-rate reductions due to the operation of boats by the Inland Waterways Corporation, the following information is submitted:

The actual freight savings by the Federal Barge Lines in 1929 amounted to $2,600,000, as reported by our comptroller.

This estimate of savings was made by a compilation of individual savings on actual shipments over the barge lines and computed by adding the actual saving in cents per ton over the all-rail rates between the points of origin and destination. These figures were actually worked out in our comptroller's office for each shipment.

I find no evidence to convince me that the general structure of all-rail rates throughout our country has been much affected by the Federal barge line rates, although great savings have been introduced through the utilization of all-water rates, joint rail-water rates, and joint rail-water-rail rates. Certainly this corporation has never used its rates as a club to beat down all-rail rates. Nevertheless, it is possible to point out very specific and important examples of where rail lines have voluntarily reduced their all-rail rates which were in competition with water rates. Some of them follow:

The Aluminum Ore Co. of America has a very large plant at East St. Louis, Mo. Bauxite ore is a basic commodity handled by this plant. This ore may come from Bauxite, Ark., from British Guiana, or other remote sources of supply. This company owns its own line of boats, which it operates between British Guiana and New Orleans. When the Federal barge lines began to take this ore at New Orleans and transport it to East St. Louis the all-rail rate on this commodity was $6 per ton, which was so prohibitive as to become what is technically known as a "paper" rate. The original barge rate, which moved the ore, was 80 per cent of $6, or $4.80 per ton. Successive reductions were made by both rail and barge line, until to-day the "all-water" charge, "dock to dock" rate is $3 per ton. The actual cost to the Aluminum Ore Co. of this carriage, including transfer, switching charges, etc., is $3.76 per ton.

The Missouri Pacific Railroad has established a total rate of $4.25 per ton for handling this ore from ship to plant at East St. Louis, and allows a refund of 78 cents per ton for handling the ore from ship to car, so that the actual money it receives for this transportation is $3.47 per ton instead of the $6 paper rate, which moved little bauxite ore, if any.

If the $6 rate on bauxite ore had remained constant, it is probable that the entire plant of the Aluminum Ore Co. at East St. Louis would have been scrapped, because it could not successfully compete with its eastern competitors, and the buyers of aluminum products throughout the Middle West would have been paying the same price they now pay plus the additional transportation of the finished product from Baltimore to destination.

All-rail rates on export grain from St. Louis to New Orleans have been reduced from around 18 cents per hundred pounds to 11 cents per hundred pounds, this being brought about by competition with the barge rate of 2 mills per ton-mile, 11½ cents per hundred pounds, St. Louis to New Orleans. The all-water rate is now 8 cents per hundred pounds.

Competition between eastern, southern, and western sugar refineries and American beet-sugar refineries has caused the statement to be made publicly that the barge-line rates are the basis of sugar prices throughout the United States.

Barge-line rates are an important if not the controlling factor in the price of steel and steel products in the Southwest.

The rates on manganese ore and sulphur, used in the manufacture of steel, have been materially affected by barge rates.

Yours very truly,

T. Q. ASHBURN,
Major General, United States Army,
Chairman and Executive.

THE CASE OF WELCH VERSUS VENEZUELA

Mr. RANSDELL. Mr. President, in connection with Senate Resolution 253, introduced by me on April 25, 1930, and supplementing other material submitted on the so-called Welch case, I ask unanimous consent that the documents I hold in my hand be inserted in the RECORD.

These documents consist of a letter from Morris Gilbert, the author of an article entitled "Venezuela's Rocking-Chair Czar," which recently appeared in the North American Review, and copy of a petition to the President of the United States from the women of Venezuela, to which is attached a letter from Mr. Delgado to Mr. King, dated June 1, 1930; also a letter from Mr. Delgado to Mr. King, dated May 7, 1930.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The documents referred to are as follows:

VEERE, HOLLAND, *May 28, 1930.*

The Hon. JOSEPH E. RANSDELL,
Senator from Louisiana, Washington, D. C.

MY DEAR SENATOR RANSDELL: Mr. Kenneth W. Payne, editor of the North American Review, forwarded me your letter of May 15, which reached me to-day. I am very glad to answer you and stand behind everything which appears in my article, "Venezuela's Rocking-Chair Czar."

I have no copy of the article at hand at present to refer to in detail, but it was written after an investigation covering several months in Venezuela, followed by a year or more of study of the situation and conversations with many men familiar with conditions there, both officially and privately. Much of the material in it is a matter of historical record. Other information is common knowledge in Venezuela and neighboring countries. Concerning many personal details about

Gomez, I observed them at first hand. For information on the financial side of the article I refer you to any oil man familiar with the situation who could be prevailed upon to speak frankly.

* * * * * * *

I am familiar with the case of your constituent, Mr. Welch, who wrote me during the winter of this year. I have been unable to find his address so that I might answer him, but I have no doubt of the complete veracity of his report of mistreatment, which is not an unusual case except that its victim is a United States citizen.

May I add that there are published a number of pamphlets and at least one book which attack Gomez and his government with a freedom which I did not allow myself in any part of the article in the North American Review. The book I refer to is entitled "Gomez, the Shame of America," printed in English in Paris. Unfortunately, I have not the name of the publisher by me, but it could doubtless be procured through the United States Embassy in Paris. I do not, however, recommend the study of this book for committee purposes, since it is comparatively undocumented. It is an astounding description of political torture and restraint under the Gomez régime.

If I were in the United States and could spare the time and expense, I should be very glad indeed to go to work with you on this matter, although I know that it is charged with dynamite because of the interests of oil and other important financial considerations. I have been away from the subject so long that undoubtedly there is nothing very helpful about this letter. It may be that I can give you further information; and if I can, shall do so.

I am much interested in your observation concerning that lack of protection furnished our citizens in foreign lands, but I doubt if much can be accomplished on that score until there is a Democrat in the White House.

I can not remember what material there might have been in my article subject to verification by affidavit. But you can take my word for it, the article is mild compared with the state of affairs themselves.

Sincerely yours,

MORRIS GILBERT.

LIBERACION DE VENEZUELA,
Junta Suprema, June 1, 1930.

MR. A. L. KING,
Care of Hon. A. H. Gasque, House Office Building,
Washington, D. C.

DEAR MR. KING: I am very sorry for having not been able to send you last night the translation of the Message of the Venezuelan Women to the Women of America. But, besides certain difficulties I am finding in that work, had a previous engagement yesterday, very important for my medical profession, to attend a conference, out of New York, and came back home late in the evening.

In default of that document am inclosing here the Message of the Venezuelan Women to President Hoover, which was brought to this country during the intended trip of His Excellency to Venezuela, by a commission of ladies who had to return home on account of their arriving here after His Excellency the President had left for South America, at the same time that the public opinion had the impression that President Hoover had abandoned the plan of including Venezuela in his visit.

This document was sent to me yesterday, with the instructions to present it to the subcommittee of Foreign Relations of the Congress of the United States in charge of the investigation about the conditions in Venezuela under the dictatorship of Juan Vicente Gomez, with the correspondent explanation I am giving you for not having presented it in its previous opportunity. It is signed by many very respectable ladies, who asked me to pledge myself responsible for their names before the Congress, till the moment that there is no more danger of the iniquities and vengeance of the tyrant Gomez against the members of their families, or those of themselves who had to return to Venezuela.

Therefore, you will please introduce to the Congress, with said document, the present letter.

But, in case the Congress would request the original signatures, these ladies have entitled me to present them, and I will have the honor to pay my respectful consideration to the honorable members of the subcommittee of Foreign Relations of the Congress of the United States.

I shall send you to-morrow some other documents about the same matter.

Very sincerely yours,

P. J. JUGO DELGADO.

MESSAGE FROM VENEZUELAN WOMEN TO HON. HERBERT HOOVER

To your great country has already reached the echo of our painful outcry, and you and your prominent fellow citizens already know of the agony of a people who, deprived of every right and of every liberty, perish at the very gates of the country of Washington under the most terrible incarnation of brutal force ever known in America.

The noble people who gained independence and the republican idea for a continent, from the Avila to the shores of La Plata, are to-day suffering from a rule of blood and infamy.

This you can not fail to know, Mr. Hoover, for the sorrows and clamors of Venezuela fill the world. But that which you can not imagine, because it exceeds the limits of human cruelty, is the martyrdom of hundreds of children, of young men, and of adolescents taken away from the university and from honorable homes to be transported like galley slaves to desolate and barren regions where malaria and typhoid fever render impossible the continuance of existence. That which you can not see is the torturing of those who perish daily in the lonely fortresses and prisons so abundant in this country, because the agony of those unfortunate citizens is breathed forth daily only into their dark and unhealthy cells, where they are deprived of all contact with mankind and of all human comforts. Frequently the sad news of their death does not reach their families until months have elapsed.

With no liberty, no free press; without the right of speech, without anything; with absolutely none of those mediums which civilization grants to the voice of the people, we set before you this protest of a martyred people so that through you the whole world may know that, notwithstanding their deceitful and lying shouts of progress, this government has during 25 years done nothing than exploit for its own benefit the riches of the country. Petroleum, which this country produces in immense quantities, has only served to enrich the incomes of our governors. Our plains remain uninhabited and uninhabitable for the reason that in a quarter of a century there has not been initiated the smallest campaign against the disastrous scourge of malarial fever. Our illiterate laborers, stupefied by their poor existence, continue to live in their primitive huts, trying with the greatest difficulty to earn their daily bread and knowing no relaxation other than drinking, and no prospects other than to be recruited by the government to kill or to be killed before they understand the reason of their sacrifice. Our industries have no progress, our mountains and woods are as unexplored as before the discovery. The population does not increase and the tremendous mortality of infants has not yet aroused the slightest interest on the part of our governors. Worse than all of this is the brutal and selfish force which drowns the cries of the conscientious and punishes with death the claims brought forth by honest hearts.

We know that this protest will bring forth persecutions and torture upon us as the ship which brings you to our country has left our shores; but it does not matter, for we have complied with our duty toward our country and our children and we are satisfied with the thought that the man who helped Belgium at its moment of trial will not forget us when his official duties in the White House place him in contact with the government of Gen. Juan Vicente Gomez. We know that you will not forget that this Government carried away, and deprived of life, the innocent children of the Venezuelan mothers who, defenseless and disarmed, come to-day before you to set forth their protest. This protest no diplomacy and no material interests can make silent, for it will be backed by the tears of all the mothers of the world, the tears of your own mother, sir, when the Venezuelan drama is fully known.

WOMEN OF VENEZUELA.

MAY 7, 1930.

MR. A. L. KING,
Attorney at law, care Hon. A. L. Gasque,
House Office Building, Washington, D. C.

DEAR MR. KING: Whatsoever may be the case for which you have requested from my conscience as a Venezuelan citizen, my opinion about the political situation of my country under the dictatorship of Juan Vicente Gomez, in connection with a recent resolution of the Congress of the United States, I consider that my duty is to stick by the truth strictly, not only for the sake of humanity, according with the fact on my understanding that you are a professional of justice, who sympathizes with the sufferings of my people but also for the respect I render to my sentiment of patriotism.

Besides that I feel loyally bound to the consequence for the reason that since the year of 1910 I have contributed with my writings to establish a stronghold of protest against the inequities and crimes committed in Venezuela by the autocrat, Gomez, and his barbarous accomplices.

The civilized world must take notice of the outrages that that brutal régime of force inflicts every minute against freedom and justice, interests and life of the generous and hospitable Venezuelan people, who never have submitted, without heroical resistence, to the power of the tyrant.

I regret that the interest you have in receiving soon my answer, and the brevity that circumstances impose on me, do not give me the time to comment with the right calm the deep impression that caused in public opinion one of the scandalous and shameful attempts of the despot you mention in your correspondence. I refer to the illegal imprisonment of the students and thousands of prominent citizens, who have been kept for many years in jails mixed up with criminals, or in the forced labor of the roads, with irons and chains on their feet, and submitted to the torment of whipping, hunger, and thirst and to infamous tortures that decency does not permit to express. Many of these unfortunates have turned insane, others have lost their lives, and all have got infected





with malaria fever and other epidemics prevalent in those unhealthy climes.

Notwithstanding the promptness of my writing I remember a few names of the hundreds of these gentlemen who have been in the terrific jail "La Rotunda" for years, and are still suffering those awful conditions: Dr. R. Irazabel Perez, physician and surgeon; Dr. J. P. Arreaza Calatrava, lawyer; Mr. Andres Eloy Blanco, poet and writer; Mr. R. Arévalo Gonzáles, writer and journalist (kept in jail for more than 20 years); Mr. Ramón Hurtado, journalist; Mr. Joaquin Gabaldon, agricultor; Mr. Casimiro Vegas, merchant; Dr. Paez Pumar, lawyer, and many others.

I am sorry the short time at my disposal don't permit me to mention the hundreds of names of the young students, many of them under 15 years of age.

Almost all the members of my family have been victims of this appalling régime of despotism. Some of them, like Gen. Román Delgado Chalbaud, have been kept for more than 14 years in prison without legal cause, with irons and chains on their feet.

The Venezuelan people wish only that the civilized countries of the world, taking notice of these practices of barbarism, deny their aid and support to the criminal dictator, Juan Vicente Gomez. This would be enough for our hopes. In such a case Venezuela shall know how to recover its liberty.

The manifestations of protest held in Caracas against the iniquities of the dictatorship have had in consequence the attack by the forces of the Government against the unarmed groups of people, resulting in bloody conflicts, in which men and women and children have been injured and killed in the streets.

The courts of justice, as the legislative power, and as all the other powers established by the constitution, depend exclusively on the will of Gomez, because the judges and the members of the congress, like all the authorities of the country, are appointed by himself or by his direct order.

It would be impossible to give a proper idea of the sad situation of Venezuela in the short space of a letter.

Sincerely yours,

P. J. JUGO DELGADO.

CONDEMNATION OF LANDS AT BONNET CARRE SPILLWAY, LOUISIANA

Mr. RANSDELL. Mr. President, a misunderstanding has recently arisen in connection with the condemnation of land by the Federal Government for the construction of a spillway at Bonnet Carre, on the Mississippi River, a short distance above the city of New Orleans, which I feel should be cleared up for the benefit of Congress and the people of the Nation. That misunderstanding grew out of a statement recently issued by Representative STONE, of Oklahoma, a member of the Flood Control Committee of the House, to the effect that he had been informed by an official of the Department of Justice over the telephone that the property owners of the Bonnet Carre spillway were organized to mulct the Government and that serious consideration was being given to the suspension of work on the spillway until the lands could be acquired at reasonable prices.

That statement, which was given wide publicity, not only caused much indignation in Louisiana but produced a feeling of deep alarm among the citizens of New Orleans and the lower valley, who regard the work now being prosecuted at Bonnet Carre as an insurance against the recurrence of the awful catastrophe of 1927 along the main river below Baton Rouge, when floods of great volume swept down upon them.

Mr. President, I believe that my record in connection with legislation affecting that mighty river is sufficiently well known to permit me to say that if there was in fact an attempt to hold up the Government in its efforts to acquire the necessary lands to put through this program of protection mine would be the first voice raised against it.

If, on the other hand, an attempt is being made by men in high station to create a feeling of insecurity, and, in the resulting hysteria, to force honest men to surrender their property at less than its fair value under all the rules and conditions that prevail when the Government goes into the market for such purposes, it would be my duty to defend my constituents and friends from the innuendoes and unfair charges that have been leveled at them. And in the event of failure so to do I would feel recreant to my trust and no longer worthy to represent in the Senate of the United States the State of Louisiana and its metropolitan city that are so vitally concerned in this matter.

It is fortunate, Mr. President, that this subject was given a full and fair investigation last week by the House Committee on Flood Control, at which Representative STONE and an official of the Department of Justice participated. The Chief of the United States Army Engineers, Gen. Lytle Brown; the Army engineers in charge of the several districts along the Mississippi River; the chief State engineers of Louisiana and Mississippi; the engineers of the various railroad systems in the valley; Mr. James P. Kemper, an eminent civil engineer of New Orleans, who was chairman of the board appointed by the Federal court to appraise the values in the Bonnet Carre spillway; and other witnesses were heard.

Unfortunately, those hearings have not yet been printed, but in the interest of justice and in order that Congress and the country be correctly informed on this highly important subject I think that at least the instructions of Federal Judge Borah to the board of appraisers and the report of that board should be printed in the RECORD as part of my remarks.

I believe that no fair-minded person can read them without feeling that a great injustice has been done to some of the most worthy citizens of my State, and that the sentiments expressed by Congressman Cox, of Georgia, of the Flood Control Committee, at the conclusion of Mr. Kemper's statement will be universally approved.

There is another reason, Mr. President, why I wish to make this matter clear. The publicity sent out from Washington was calculated to make the people of the Nation believe that a conspiracy is on foot to hold up the Government by demanding exorbitant prices for the large area of swamp and other lands that will be required for all of the proposed spillways, containing in the aggregate several million acres in addition to Bonnet Carre. If any such conspiracy were attempted in these areas, which have no value except for agriculture, timber, and possibly for minerals, it would mean that the Public Treasury might be in danger of being mulcted of many millions of dollars.

But no such conspiracy prevails as to Bonnet Carre or any other lands in Louisiana. The Bonnet Carre section has ceased to be agricultural and is part of what has recently become one of the most active and highly developed industrial regions in America. Roughly speaking, the area involved in the Bonnet Carre spillway is about a mile wide and about 6 miles long, containing from 6,000 to 7,000 acres, connecting the Mississippi River with Lake Pontchartrain. To the north of it, in the city of Baton Rouge, the Standard Oil Co. has erected the largest oil refinery in the world and made it the home port for its immense fleet of ships that bring in crude oil from the foreign fields and carry the finished product to all countries. Just to the south of the spillway, practically within a stone's throw of it, the Shell Co., a subsidiary of the Standard Oil Co.'s great foreign rival, the Royal Dutch Shell Co., has just erected its own colossal refining plant. Most of the other large oil companies have erected similar refineries in the same neighborhood, nor is the petroleum industry the only one that has settled in this stretch because of the unrivaled opportunities it affords for ocean, inland water, and rail transportation. In short, that narrow strip of land along the Mississippi River between New Orleans and Baton Rouge which the Bonnet Carre spillway bisects, and which was formerly the sugar bowl of Louisiana, has practically ceased to be a cane-producing area and within the past two decades has developed into one of the most active industrial regions in America. It is in the very center of this highly desirable industrial area that the Bonnet Carre spillway is located, and I ask to insert in the RECORD an extract from the instructions of the Federal judge to the appraisal board as to the factors that should guide them in making their award.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

INSTRUCTIONS OF JUDGE BORAH

Under the Constitution of the United States, owners who are deprived of their land or their property by the Government in its exercise of the right of eminent domain are entitled to just compensation for what is taken from them. The just compensation required by the Constitution must be a full and perfect equivalent for the property taken. The owner is entitled to receive the value of what he has been deprived of and no more. To award him less would be unjust; to award him more would be unjust to the public. Obviously the value of property may be greater or less than the cost, and this is true of contract rights and other intangibles as well as of physical things. It is the property and not the cost of it that is protected by the fifth amendment.

In determining the value of land appropriated for public purposes the same considerations are to be regarded as in a sale of property between private parties. The inquiry in such cases must be, What is the property worth in the market, viewed not merely with reference to the uses to which it is at the time applied but with reference to the uses to which it is plainly adapted; that is to say, what is it worth from its availability for valuable uses? Property is not to be deemed worthless because the owners allow it to go to waste, or to be regarded as valueless because he is unable to put it to any use. Others may be able to use it and make it subserve the necessities or convenience of life. Its capacity of being made thus available gives it a market value

which can be readily estimated, and the compensation to the owner is to be estimated by reference to the uses for which the property is suitable, having regard to the existing business or wants of the community, or such as in your judgment may be reasonably expected in the immediate future.

* * * * * * *

I charge you that in the event that the entire tract of land of an owner is taken the compensation that he should receive is the fair market value thereof as of the date of taking. The market value of the property is what it will bring if it is offered for sale by one who desires, but is not obliged, to sell it; and is bought by one who is under no necessity of having it. In other words, ask yourselves this question: What would a prudent man needing the land for residence, agriculture or industry, or any other purpose pay for it in cash or terms equivalent to cash? You should not place a value upon the land upon the basis of what one might be willing to buy it on time for speculative purposes.

* * * * * * *

If you find that timber, crops, buildings, or other improvements are owned by parties other than the owners of the fee-simple title to the land, it will be necessary for you to arrive at their value apart from the value of the land itself so that the proper awards may be made to the owners of such property.

You are instructed, after you have heard the evidence and viewed the premises and ascertained the compensation due the owner, to make a report of your finding to this court. This report should con n a description of the land condemned with its acreage, which description may be given by reference to some description or map in the record. The value of the property actually taken and the damages to other property should be set out separately. The allowance for damages or benefits should be itemized so as to show the subjects or items for which allowed. If there is a dispute as to the ownership, you should so report, not attempting, however, to pass on the merits of the claims. The report in each specific case should be signed by you as commissioners.

WAYNE G. BORAH,
United States District Judge.

NEW ORLEANS, LA., *September 3, 1929.*

STATEMENT OF JAMES P. KEMPER

Mr. RANSDELL. I have here, Mr. President, a statement prepared at my request by Mr. James P. Kemper, civil engineer, of New Orleans, who was chairman of the board to whom Judge Borah gave these instructions. I ask that the statement may be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement referred to is as follows:

I came to Washington June 9, 1930, because Congressman STONE, of Oklahoma, stated that he had been informed by the Department of Justice over the telephone that the property owners in the Bonnet Carre spillway were organized to rob the Government and that serious consideration was being given to the thought of suspending work in the spillway until lands could be acquired at reasonable prices.

As chairman of the appraisal commission that recommended the awards upon which this charge was founded, I came to Washington and asked to be heard by the Flood Control Committee of the House.

I read the instructions from the judge to the commissioners to the committee and then proceeded to show that under our oaths we were obliged to make our awards conform to our instructions. We gave consideration to every factor which went to make up values.

There were two distinct problems. On the river front the lands consisted of one big plantation (Diamond), which was bought in 1926 by Alfred and George Danziger and J. J. Jacobson, all New Orleans real-estate men, from the Godchaux people, strictly sugar producers. The Godchaux sold because the old variety of cane had put all the sugar people in distress and they needed the money badly. The Danzigers and Jacobson bought because they saw a chance to get valuable river front industrial property at a price which they considered very cheap ($87 per acre for 1,700 acres of open cultivated land and 1,100 acres of woodland in the rear).

The other properties at the river front were mostly small farms on which the owners resided and earned their livelihood. One of them was a plantation of 920 acres belonging to 10 direct heirs of their parents. They had all been born and reared there, and on the death of their parents divided the property into 10 equal tracts on paper, but still used it as one plantation. Nine of the heirs lived on the property with their families.

When the Mexican Petroleum Co. came into that territory in 1914 they bought their site for $43 per acre. The New Orleans Refining Co. two years later paid $55, and the industrial price of that land steadily rose until the most recent sale about a year ago was $650 per acre for 30 acres by the Scheli Petroleum Co., a little more than a mile from the spillway.

In order that this industrial value should not be considered the Army engineers did not have the batture on the river front condemned, the purpose being to depreciate the property by holding that the lands being condemned had no connection with the river. Our commission properly added the batture to the properties on the grounds that it should not be robbed of the value attributable to the river communication.

The Army engineers did not at first condemn the interior of the flood way but only strips 1,600 feet wide along its sides where the guide levees are being built and a similar strip fronting on the side of the highway away from the river where the spillway itself is being built. It was contended that during the construction period this interior flood way and batture were not needed by the Government, hence it was not necessary to condemn them at this time. No consideration whatever was given to the fact that the property owners had been divested of their homes and barns, their drainage had been intercepted, and their property thrown open to the vandalism of hundreds of transient workmen and their families.

It was purely a coercive measure which the commissioners promptly disapproved by valuing the interior lands and batture along with the other, and under our instructions we assessed damages against them to the extent of 80 per cent. Shortly thereafter orders were issued from the War Department to condemn the flood way and the commissioners recommended paying the remaining 20 per cent deducted from the first award. The batture lands had not been condemned when last heard from there.

Under their contention that the river-front property was industrial the property owners produced all the industrial sales in that territory beginning with the one to the Mexican Petroleum Co. in 1914.

On the other hand, the Government expert, Mr. Mattingly, selected only agricultural sales and refused to consider industrial sales at all. After considering all the sales and visiting and closely studying the land and surroundings the commissioners decided that the lands were properly classified as industrial property, which may be continued in its use as farming lands until an industry wanted it badly enough to pay more than its farming value.

On the lake front the situation was entirely different. The land being wooded land too low for natural drainage has no present earning capacity. Its usefulness is entirely in the future, after the completion of the Hammond Highway and after it is drained. Its investment value is there now. This the commissioners put at $130 per acre average after giving consideration to every phase of the subject. The Government contends it was swamp, fit only to hold up slow-growing trees. If such were true, it would be worth not more than $2.50 per acre and the Government assigned a value of $20 to it. While Mr. Guste paid only $21 per acre for this land, almost immediately after his purchase prices jumped skyward when it became known that the Lake Shore Highway would be built.

A property immediately above the spillway running from the lake back for 3 miles sold early in 1926 for $300 per acre. Properties near the Frenier about 2 miles above the spillway sold as high as $600 to $700 per acre in 15 or 10 acre units. Below the spillway 3 or 4 miles three tracts extending back a half mile from the lake sold for $950 per acre, and still further toward New Orleans, in Jefferson Parish, William Mason Smith paid over a million dollars at $331 per acre for a tract extending back more than 3 miles from the lake through the marsh. While no such prices could be had to-day, the owners are not offering these lands for lower prices, but are waiting until normal conditions return. The commissioners could not wait. They had to study their instructions and remember their oaths and render their awards in accordance therewith.

While the 1926 and 1927 prices were evidently too high, it surely would not be just to force these lands onto to-day's market. It was a case of using one's integrity and judgment. This the commissioners did, and awarded W. J. Guste et al. $130 per acre, about 40 per cent of what he asked.

This award was turned down by Judge Borah on the grounds that erroneous principles were employed in reaching this value. The commissioners thought they were right, refused to change their decision and were relieved of their commissions.

On the river front the awards given have not yet been confirmed or rejected by the judge, except two small tracts which were taken by the Government at a small percentage (about 4 per cent) less than the awards recommended by the commissioners.

The chief fight is in the lake-front lands.

J. P. KEMPER.

Mr. RANSDELL. Mr. President, I think that the Senate will be interested in knowing that at the conclusion of Mr. Kemper's rigid examination by the House committee, which extended over two days, Representative Cox, of Georgia, conducted a very searching questioning of him which I ask to print in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. COX. Mr. Kemper, I have no disposition to impugn your motives, of course. I do not intend by innuendo or otherwise to impeach your integrity. I have known you for more than two years. You have been

a frequent visitor here to Washington and have been with this committee a great deal. I think I have formed a pretty accurate estimate of your reliability and honesty, and I regard your character as excellent and your ability as of very high order.

Mr. KEMPER. I certainly appreciate that statement.

The CHAIRMAN. Now, you want to beware.

Mr. COX. I have no animus, and I have no disposition to give impetus to this propaganda, if it be propaganda, that is being broadcasted to the effect that New Orleans and the people in that area are undertaking to hold up the Government for an unconscionable price for land to be taken by the Government for use in this proposed project. I take it you are all concerned that fair treatment be accorded both to the landowner and to the Government; and it is easy for me to understand that when you come here with the report showing that you have allowed an average of one hundred and thirty some odd dollars per acre for land which was appraised for purposes of taxation at $15 per acre, the query immediately arises whether you have not overvalued the land, and yet I can thoroughly understand that so far as the adjudication of these questions are concerned it is a local issue between the parties down there submitting their case to the court.

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Mr. COX. Let me say to you, Mr. Kemper, and I do not wish to extend my examination of you at this time, no matter how great the shock to the sense of fair play of the uninformed, it occurs to me that the disclosure made in your testimony as to the values of similar property shown by evidence adduced before your board, that if there has been a disposition to suspect that the Government was overreached in your consideration of these problems, that dissatisfaction with your finding and that this complaint against the board should be quieted, and justice demands the statement that under the showing made before this committee it can not fairly be said that your award was not representative of true or fair value.

Mr. KEMPER. Judge Cox, we did our best, and we were three honest men, and none of us had any interest in it. So that if we have erred it has been an error of judgment, and I tried to make that clear.

Mr. RANSDELL. I may add, Mr. President, that had opportunity been afforded for Mr. Benjamin Crump and Mr. William T. Coates, the other two members of the commission, to have appeared before the committee, they would have undoubtedly produced the same impression as Mr. Kemper. These other two gentlemen rank high in the business and professional life of New Orleans, where they live and are known, and I feel that I am only rendering them simple justice in view of the aspersions cast on their findings in making the facts known to the Senate.

At this point, Mr. President, I ask to insert in the RECORD as a part of my remarks, a copy of the minutes of the United States district court at New Orleans showing the instructions of Judge Borah.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

JUDGE BORAH'S INSTRUCTIONS

The following commissioners, James P. Kemper, chairman, Benjamin Crump, jr., and William T. Coats, were appointed by the Hon. Wayne G. Borah, judge in and for the eastern district of Louisiana, in the proceedings for condemnation of lands in the Bonnet Carre spillway area. They were called to court on Tuesday, September 3, 1929, at 2 p. m., and received the following instructions:

Proceedings have already been instituted in this court for the acquirement of certain parcels of land which, in the opinion of the Secretary of War and the Chief of Engineers are needed in carrying out the Bonnet Carre spillway project. You have in turn been appointed by the court for the purpose of ascertaining the value of the property and the compensation to be paid. You have been convened this day to receive general instructions from the court which, it is hoped, will facilitate you in the work which you are now ready to undertake. From the very nature of things, the instructions which I shall now give you will be general. It would be quite impossible to deliver at this time instructions so comprehensive in their nature as to meet all future and unforeseen contingencies; therefore, I say to you at the beginning that I shall entertain, upon proper motion, any requests which you may subsequently make for additional specific instructions.

Under the Constitution of the United States, owners who are deprived of their land or their property by the Government in its exercise of the right of eminent domain are entitled to just compensation for what is taken from them. The just compensation required by the Constitution must be a full and perfect equivalent for the property taken. The owner is entitled to receive the value of what he has been deprived of and no more. To award him less would be unjust; to award him more would be unjust to the public. Obviously, the value of property may be greater or less than the cost, and this is true of contract rights and other intangibles as well as of physical things. It is the property and not the cost of it that is protected by the fifth amendment.

In determining the value of land appropriated for public purposes the same considerations are to be regarded as in a sale of property between private parties. The inquiry in such cases must be, What is the property worth in the market, viewed not merely with reference to the uses to which it is at the time applied but with reference to the uses to which it is plainly adapted; that is to say, what is it worth from its availability for valuable uses? Property is not to be deemed worthless because the owners allow it to go to waste, or to be regarded as valueless because they are unable to put it to any use. Others may be able to use it and make it subserve the necessities or convenience of life. Its capacity of being made thus available gives it a market value which can be readily estimated and the compensation to the owner is to be estimated by reference to the uses for which the property is suitable, having regard to the existing business or wants of the community, or such as in your judgment may be reasonably expected in the immediate future.

You should consider any sworn testimony which shows or tends to show the value of the lands condemned and damages directly caused thereby. The opinion of competent expert witnesses, if tendered by either party, should be heard by you as to the value of the property taken. You are instructed to consider, if and when offered, evidence as to the physical characteristics of the land, the crops, timber, buildings and improvements thereon, and other factors that tend to show the value of the land; the situation of the land, the price for which the land was bought, if sufficiently recent to throw light on present values, the price at which land of the same value and sufficiently near to indicate the value of the tract taken has been sold, and any other bona fide valuations placed on the land by the owners or other parties which tend to show the fair market value, the use for which the land is naturally adapted and for which it is presently available; provided its speculative and remote use is not to be considered. You may also consider as a circumstance which may or may not indicate value the assessments which have been made for taxation purposes. You are not, however, to consider the fact that this land has been chosen as the site for the construction of a public improvement as that fact has no relationship to the question of value.

In arriving at values in damages you are to hear evidence consisting of the sworn testimony of witnesses and the exhibits offered in connection therewith, and further you are to go upon the premises and inspect the property and you are instructed to consider the testimony of the witnesses in connection with what you see on viewing the property. When you go on the premises for a view you should go in a body and not separately. You should refrain from discussing the question of values and damages with either party or his representatives, in the absence of the opposing party or his representatives.

I charge you that in the event that the entire tract of land of an owner is taken the compensation that he should receive is the fair market value thereof as of the date of taking. The market value of the property is what it will bring if it is offered for sale by one who desires, but is not obliged, to sell it; and is bought by one who is under no necessity of having it. In other words, ask yourselves this question: What would a prudent man, needing the land for residence, agriculture, or industry, or any other purpose, pay for it in cash or terms equivalent to cash? You should not place a value upon the land upon the basis of what one might be willing to buy it on time for speculative purposes.

In the event that a part of a tract of land is taken for public uses, the just compensation to which the owner is entitled includes damages, if any, to the remainder of the tract resulting from the taking, as well as the value of the land taken. You must determine how much less the tract is worth with a piece taken out of it and public works erected on it. What are the damages to the remainder of the tract by the taking of a parcel from it and the construction and the use thereon? The damages are such as directly result from the taking and construction and use. Remote and fanciful damages are not allowable and are not to be considered by you.

If you find that the whole or a part of a particular tract of land is taken, you will not consider any damage or injury to the other separate and independent tracts belonging to the owner which result from the taking and public works. The owner is not entitled to any compensation for such damages as may result to a separate and independent tract. You are to determine whether a tract is a separate and independent tract or a portion of the tract taken by considering the character and purpose of the holding by the owner, the unity of use of the tracts, the physical relationship of the tracts, and the nature and type of the land in the tracts. In this connection you are instructed in arriving at your award to likewise consider any benefits that may result to the remainder of owner's tract because of the taking and the construction of the public works thereon. The Government will be entitled to a set-off for such benefits and you are to determine what benefits, if any, may directly result and set them forth in your report. However, you are not to consider at this time any damages that may subsequently arise from the operation of the spillway when completed, for those damages will not be in esse until the spillway is in operation nor are you to consider any damages from any taking or construction or use except those caused to the tract by the taking of the parcel from it and the

construction thereon and the use thereof. In other words, such use and erection of public works as the Government may make of or on tracts of other owners are not to be considered by you in arriving at your award in damages.

The owners of any easements or rights of way on or across the parcels condemned are entitled to the reasonable cost of any necessary change of structure and location caused by the taking and construction on the parcels and the use thereon and, in addition, the cost of any safeguards that may be essential for their protection. There should be a set-off of any benefits to such owners because of the taking and construction and use.

If you find that timber, crops, buildings, or other improvements are owned by parties other than the owners of the fee simple title to the land, it will be necessary for you to arrive at their value apart from the value of the land itself so that the proper awards may be made to the owners of such property.

You are instructed after you have heard the evidence and viewed the premises and ascertained the compensation due the owner to make a report of your finding to this court. This report should contain a description of the land condemned with its acreage, which description may be given by reference to some description or map in the record. The value of the property actually taken, and the damages to other property should be set out separately. The allowance for damages or benefits should be itemized so as to show the subjects or items for which allowed. If there is a dispute as to the ownership you should so report, not attempting, however, to pass on the merits of the claims. The report in each specific case should be signed by you as commissioners.

WAYNE G. BORAH,
United States District Judge.

NEW ORLEANS, LA., *September 3, 1929.*

Mr. RANSDELL. Mr. President, while Mr. Kemper testified that the board had made a report to Judge Borah, the text was not offered at the hearing before the House Committee. In answer to members of the committee, however, he explained in detail the methods that the board had followed. In part he said:

Gentlemen, the nature of these river-front lands is that they have been cultivated beginning about 200 years ago. There have been people living on that river front for nearly 200 years. The depth of those farms has been carried gradually back until the rear now of those lands which are high enough to be naturally drained average pretty nearly 2 miles. Of the 7,600 acres in the entire spillway there are probably 3,000 acres that are open, cultivated front land, and 4,600 acres are the low woodlands in the rear, some of which is quite low, some of which is high enough to cultivate if cleared, but it is not an attractive agricultural proposition. Consequently, it has not been cleared for cultivation. There are also drainage difficulties that interfere with the clearning further back of some of these lands. However, there are roughly 3,000 acres of high lands fit for cultivation under natural drainage, and, say, 4,600—those are approximately figures—of the lowland in the rear which are not fit for cultivation and habitation until artificially drained.

Now, the spillway takes in a great many owners on the front. All told there are about 75 owners of lands within this spillway area, some small and some large; and there were about 15 lawyers employed in these hearings. When our hearings were opened we were confronted with the proposition of condemning a tract about 1,500 feet wide, extending back from the main highway on the front, back 1,500 feet, and that was for the spillway structure. We were also asked to condemn a tract about 1,600 feet wide, extending from this structure to the lake on both sides, above and below. That was the area from which would be built the guide levees. This entire interior area here [indicating on map] was not to be condemned at that time. The river front from the highway to the river was not to be condemned either.

Now, then, the landowners immediately clamored for the condemnation of the interior lands, or, in the absence of that, they demanded we assess damages upon them, because they were unfit for their use in any manner, shape, or form. The Government attempted to justify the fact that they were still usable and could be used by the owners. But we found that all of the improvements—the homes, the barns, and the equipment of all of the owners were right on the front, within the area that was being condemned for the spillway structure, and, consequently, that it was utterly impracticable to use those back lands in their condition. This was in conformity with the Government's plan of dividing the project into two operations—construction and operation. It was evident to anyone who had known anything about farming that these people could not under the handicap, with their homes gone and all of their equipment gone, with a gang of workmen working right across the front of their tract—there was no practical way that we could see that these interior lands could be utilized to any advantage.

The Government strove to show that ramps could be built over these levees on both sides, and the men could take their teams in and work them and then take them out again. But considering the difficulties under which farming is carried on normally it looked utterly impracticable to us.

The river-front lands, between the highway and the river, the Government was not condemning those lands. Well, now, the owners claimed the values of these lands were industrial, largely so. The chief asset to an industrial value of land is the river. Cut them off from the river and their industrial value disappears. It is the fact that boats come up to the river front of those lands that would give them any industrial value whatever, and that was what we were confronted with.

We just promptly stated that those lands between the road and the river should be included at this time in order that their industrial value could be effective, because otherwise the landowner would not be getting a square deal.

So in our first award, which was the Kugler properties, we awarded, in addition to the value of the lands which they had in the guide levee and in the spillway structure—we just put the river fronts back into the land in order that it should retain its industrial value, and we also assessed damages to the amount of 80 per cent on the interior land. After that, the interior land was condemned, but this river-front land has not to this day been condemned, or had not when I last heard of it before leaving New Orleans.

The question of whether that land belongs to them or not came up. I have had lots of experience on land matters as an engineer, not as a lawyer, but I have been in court a great deal and have heard it talked a great deal, and I do know that the original ownership of these lands was Spanish grants—grants from the Spanish Crown. You see, from 1762 until 1801 Louisiana belonged to Spain. There was an era prior to that when it belonged to France, and then for a very short era it belonged to France again before the United States acquired it. So all those river-front lands are Spanish grants, extending back 40 arpents, or an additional grant of another 40 arpents, making 80 arpents. Forty arpents is a few hundred feet less than a mile and a half. So when a man has so many arpents front, and if it is 80 arpents deep, his tract is 3 miles deep.

Those grants extend from the bank of the river, and they say that low-water mark is the bank of the river, and it carries on it its servitude for a road and levee. That servitude undoubtedly belongs to the Government, the right for the road and the levee. But there exists also the rights of the owner to reach the river bank, and we could not assign a fair value to that land unless we reinstated those lands and put them back. So we put them in in order to give a potential industrial value to that land for those people, because we thought otherwise an injustice would be perpetrated upon them.

The CHAIRMAN. Now, tell the committee how you arrived at the value.

Mr. KEMPER. The value of these lands: The contention of the property owners was that the values were industrial and the contention of the Government was that the values were agricultural. So we were presented with sales, many of them selected by the Government expert, Mr. Mattingly, as agricultural sales, and other sales were presented by the landowners, most of which—the best of them—are industrial sales.

I compiled from those sales—Mr. Mattingly presented 10 sales which he considered the basis—Mr. Mattingly is the Government expert on land—which he considered was a fair basis. Let me see if I can not find it [referring to book].

Well, now, here is what happened industrially as to those lands, and I will read them to you. The Mexican Petroleum Co. in 1914 purchased a tract of land of 5,100 feet frontage by 40 arpents depth from the river—40 arpents is equal to a mile and a half deep—containing 1,012 arpents, at a price per acre of $43, and it was 5 miles below the spillway.

The Shell Petroleum Co., which was the New Orleans Petroleum Co. formerly, in 1916 purchased a tract with a river frontage of 1,380 by 40 arpents deep, containing 366 acres, for which they paid $65 an acre, and it was 1 mile below the spillway.

The Island Refining Co. in 1912 purchased 700 acres—I have not the exact frontage and depth—at $65 per acre, and it was 1½ miles below the spillway.

The general American Tank Car Co. in 1918 purchased 1,000 feet frontage on the river by 60 arpents deep, 292 acres, for $100 an acre, and that is 1½ miles below the spillway.

Mr. WHITTINGTON. What year was that?

Mr. KEMPER. That, 1918.

Mr. WHITTINGTON. That was during the war. Things were higher then.

Mr. KEMPER. It was during or before the war. I started this in 1914, when the first industrial development went into that country, and I am giving the industrial development consecutively from then to date.

The CHAIRMAN. Is that the list furnished you by Mr. Mattingly?

Mr. KEMPER. No, sir; this is a list made from Mr. Rowan's testimony, who testified for the landowners, and this is an industrial list.

The CHAIRMAN. All right.

Mr. KEMPER. Lassaigne-Rowan & Smith in 1919 purchased a tract 50 arpents deep, containing 488 acres, at $115 per acre, and it is 7 miles below the spillway.

The Carson Petroleum Co. in 1921 purchased a tract fronting 2,000 feet on the river by 80 arpents deep—you are going back 3 miles this time—containing 488 acres, for $205 per acre, and it is 7 miles below the spillway.

Frank Gendusa in 1921 purchased a tract having a frontage of 192 feet on the river by 80 arpents deep, containing 67 acres, at $348.83 an acre, and it is 5½ miles below the spillway.

The Marland Refining Co. in 1921 bought a tract fronting 1,000 feet on the river, running back 80 arpents, or 3 miles, containing 229 acres, for $190 an acre, and it is 5¼ miles below the spillway.

The Southern Carbon Co. in 1924 bought a tract fronting 700 feet on the river by 12 arpents deep—this is a short tract now, close to the river—and this contract contained 38 acres, at $394 an acre, and it is 6 miles below the spillway.

Rowan & Lassaigne in 1921 bought 3,300 feet frontage on the river by 80 arpents deep, containing 834 acres, at $149 an acre, and it is 5 miles below the spillway.

The Illinois Central Railroad in 1924 bought a small tract of 4.48 acres, which is only 1 mile below the spillway, for $1,116 an acre. I do not attach any importance to that. They wanted it for a switch track. But I just put it in because it was there.

Alfred Danziger in 1926 bought a tract with 1,920 feet frontage on the river by 80 arpents deep, containing 600 acres, for $183.33 an acre, and it is 4½ miles below the spillway.

Mr. WHITTINGTON. Does that extend from the river to the lake?

Mr. KEMPER. It extends from the river back whatever depth I give, to the maximum I gave.

Mr. WHITTINGTON. I am sure I understood the depth you gave, and what I asked you was if that depth went to the lake.

Mr. KEMPER. No, sir; the lake is about 6 miles.

Mr. WHITTINGTON. What I meant to ask you was if this land was cleared.

Mr. KEMPER. Some of it. When you get back 80 arpents you get into the lowlands. It varies. An 80-arpent tract will always go into the lowlands some, and a 40-arpent tract might not reach the lowlands.

Mr. WHITTINGTON. In other words, these lands referred to as industrial lands do not extend to the lake front on the east?

Mr. KEMPER. No, sir; not to the lake and not more than halfway to the lake.

The CHAIRMAN. If you will pay attention to me we will get along. If you do not care to pay attention to me, I will turn you over to the mercy of the committee.

Mr. KEMPER. The West Court Kalsomine Co. in 1928 purchased 4 acres at $500 an acre on the Y. & M. V. Railroad. That was neither on the river nor on the lake—I do not mean——

The CHAIRMAN. Go ahead. Never mind what anybody says to you on the side.

Mr. KEMPER. That was a mile and a half below the spillway, and they paid $500 an acre for it.

The last sale of any consequence is that of the New Orleans Refining Co. in 1928—which is now the Shell Petroleum Co.—who bought a tract of 425 feet frontage on the river, and it was 40 arpents deep—there is an error, because it contains 30.48 acres—at $650 per acre. That is the most recent sale made there, and it was a tract which the Shell Petroleum Co. wanted, because it was valuably situated. That is the industrial value of land.

The CHAIRMAN. Wait a minute. Is that the list that you used as a basis for fixing valuation?

Mr. KEMPER. Not entirely.

The CHAIRMAN. What the Government presented?

Mr. KEMPER. That was, you might say, the industrial list presented by the property owners.

The CHAIRMAN. What list did the Government present?

Mr. KEMPER. The Government presented this list:

"Edward Cambre from George Lassaigne, August 16, 1928, purchased a tract of 40 arpents deep, containing 24.97 acres, for $180 an acre, and that was in the spillway area. That was in 1928, but these others are in 1923.

"Edward Cambre from A. Lassaigne, June 13, 1923, 40 arpents in depth, contain 49.89 acres, at $80 an acre, in the spillway.

"Salvalggio from A. Lassaigne, June 5, 1923, 40 arpents in depth, containing 22.06 acres, at $121 an acre, in the spillway. All of these are in the spillway proper.

"Edward Cambre from A. Lassaigne, August 9, 1923, 40 arpents in depth, containing 24.89 acres, at $117 per acre, in the spillway.

"F. Simoneaux from A. Lassaigne, August 9, 1923, 40 arpents in depth, containing 32.25 acres, at $102 an acre, in the spillway.

"Leopold LaBranche from A. Lassaigne, July 9, 1925, 40 arpents in depth, containing 16.32 acres, at $110, in the spillway.

"Alcide Bourgeois from Charles Boudreaux, August 19, 1926, 40 arpents in depth, containing 12.21 acres, at $102 an acre, in the spillway.

"The Blythe Co. from Alfred Danziger, November 15, 1922, containing 193.43 acres, at $142 an acre, 3 miles below the spillway.

"Walter Hebert from Godchaux Sugars (Inc.), May 17, 1929—just about the time or just before it was presented to our commission—purchased a tract with 102 feet frontage on the river, 50 arpents in depth, containing 40 acres, at $200 an acre, and it is a half mile below the spillway.

"Peter Barreca from Peter Ribardo, purchased August 9, 1929, 20 arpents in depth, containing 18 acres, at $111 an acre, one-half mile below the spillway, but it does not come to the river."

Now, Mr. Mattingly, the expert for the Government presented these values of lands which are all agricultural—those are all farm lands, all used for farming, and nearly all, you will notice, small tracts. He stated his appraisal was made entirely upon the availability for agricultural purposes.

The CHAIRMAN. All right, now. Mr. Kemper, what, if anything else, did you consider? Gentlemen on one side stated it was agricultural; the others said it was industrial. What else did you consider?

Mr. KEMPER. Then we went upon the ground and examined it as to its facilities, its accessibility. It has the Jefferson Highway on the front; it has the Airline Highway, which cuts the distance from New Orleans to Baton Rouge down from 105 to 85 miles, running through the entire area. It has the Yazoo & Mississippi Valley Railroad running through near the front; it has the Louisiana & Arkansas running through it near the rear; it has a natural gas line running through it; it has high-pressure power lines running through it. Then these witnesses were presented to us showing all of these facts—officials of the Illinois Central Railroad, giving their testimony as to its industrial or agricultural value.

The CHAIRMAN. Then you classified it as industrial property?

Mr. KEMPER. We decided it was primarily industrial property.

The CHAIRMAN. Now, then, how did you arrive at the specific amounts you reported? You found it to be industrial property, as you reported?

Mr. KEMPER. Well, we did that by putting our heads together, and figuring on all these facts pertaining to these values.

The CHAIRMAN. Did you average those?

Mr. KEMPER. We averaged them, and we took advantage of the proximity as to the time and place, and used our judgment on the matter.

Now, gentlemen, there are limitations to agricultural values—I mean as to what a farmer can pay for a piece of land—but there are no limitations upon what an industrial company could pay for those lands if they needed them bad enough. From the industrial viewpoint, we took into consideration the location of these lands, and we put them in competition with other similar lands. These are not the only industrial lands there are, but they are splendidly situated relatively better than most of them. They are on an extraordinarily good bank. The very fact that this was an extraordinarily good bank is what made them select it for the spillway, which was very proper to select it for the spillway, but the same advantage to the spillway also reacted to the property owners, and that is why I stated in justice to the property owners that value must be considered.

Mr. REID. What did you report—how much did you report?

Mr. KEMPER. Take the Kugler heirs, for instance, a family of 10, 920.69 acres, and we awarded them at the rate of $217.74 per acre. There are eight of those tracts that have residences upon them. There are 10 heirs. Those children were born there. It was their parent's sugar plantation, and they all, I think, with but one exception, live there on that property. They all own their homes, and some of those improvements are very excellent. They are old family residences, splendid houses, and they are out of debt, do not owe a cent. They were living there, earning a livelihood on that property, just as they had all of their lives, and they are now evicted; and we figured that $217 an acre was not in any wise excessive. It was a reasonably fair price.

And, as against the argument that there was not anybody putting industries in there at this time, considered that; but we said they can go and live on his farm, as they have done all their lives. If you dispossess them, what must they do? They ought to be allowed to go and get at least a perfect equivalent of what they have now, in their new home; and we figured in order for that to take place they would have to have the price we put on it.

The CHAIRMAN. That is, $217. Give us some of the others.

Mr. KEMPER. The Diamond plantation, which belongs to Messrs. Jacobson and Mr. George and Mr. Alfred Danziger.

The CHAIRMAN. Where is that located?

Mr. KEMPER. It is the biggest property on the river front in the spillway area. It was a large sugar plantation. It belonged to Godchaux, one of the best improved sugar plantations in the country, extensively improved as to drainage and houses. There is a stable there, which must have cost at least $12,000 to $15,000 to build. But the sugar industry has had terrible backsets, as diseases got into the sugarcane. This plantation when I first knew it, in 1911, was yielding an average of 20 tons an acre. By 1915 or 1916 they were not getting 7 tons to the acre. Now, there is a new sugarcane variety which has been introduced——

The CHAIRMAN. What is the name of that?

Mr. KEMPER. P. O. G. The new variety of cane had not come into existence, and the Godchaux, the biggest sugar people in Louisiana, were like all other sugar people, getting rapidly into a bad way, and they put this plantation up for sale—and they are sugar people, first, last, and always; and Mr. Danziger and Mr. Jacobson bought it for $237,500 cash. That was in April, 1926.

The CHAIRMAN. How much an acre would that be?

Mr. KEMPER. That was about $87, I think, offhand, an acre. That, as I say, was April, 1926.

Here is the situation: The Godchaux showed very plainly to us it was more or less of a distressed sale upon the part of Godchaux, and it was agricultural. But the Danziger and Jacobsons were none of them farmers, and they proved that the next year by trying to grow some rice and lost some money. All of that came out in the testimony. I am not divulging any secrets.

What I want to impress upon you is this: It has been argued that that sale was eloquent of value. The commission did not consider that sale eloquent of value, because they figured that the Godchaux had to divest themselves of it, and that Danziger and Jacobson bought it because they expected to make money out of it. They certainly would not have bought it for a sugar plantation if they expected to make money out of it.

The spillway takes all of their rear property and much of their unimproved property, of their front property, but it leaves outside of the spillway practically all of the buildings, barns, etc., that went to the cultivation of 1,700 acres of land. Now, they have 422 acres of land with the improvements that are necessary for 1,700 acres of land.

We assigned to Mr. Danziger's property—we did not see how we could make fish of one and flesh of the other—we tried to get a stable price of all of these front lands as nearly as we could—we assigned as nearly as possible the same value. We put a value of $175 on this land without the improvements, and the improvements on the land were very trivial, for which we only gave them $5,000, but we did give them damage for this other property, and those big buildings which were there for the purpose of farming 1,700 acres of agricultural front lands. There were 2,800 acres in the place, but there are 1,700 being cultivated in sugarcane. We damaged those buildings, which we figured were made entirely worthless. Let me find it so I can read it to you [referring to book]. We damaged these properties outside of the area $10,950. We did not damage any of these buildings along the front, which we thought they could go on—right now they are renting some of these lands to spillway people—of course, that will last a year more, and then it will cease. But with the development of that country we thought a good deal of that property they could continue to rent if they did not need the excess over what was necessary to cultivate 422 acres. We thought we would not damage them any more than we thought was fair and just, and we limited the damages to those buildings which were made useless when taking all of this agricultural property away and putting it in the spillway.

We awarded them $367,292.25, and we left 422 acres of land. That is in the same proportion, as nearly as we could divide it, with what the other people got for the same class of land on the front.

For the back land behind the air-line highway we assigned a value of $100 an acre. That seems to be the bone of contention—whether this land on the rear of the highlands is worth $100 an acre. We took the viewpoint that it classes up higher than Mr. Guste's does. But, of course, we based Mr. Guste's land on lake-shore values.

Considerable of this land is now habitable, and will be used, or could be used, I mean, without artificial drainage. But that entire tract in the rear can be drained by private plant economically, just as soon as there is sufficient demand on these front lands to warrant.

If there are industries installed on this place, the people who work in those industries will have to have homes, and we thought that back land was worth a hundred dollars an acre and that the front land was worth $175 an acre. There were very little improvements. We estimated them at $5,355 actual improvements and $10,950 damages, or a total of $16,305 for all the improvements on the Danziger property.

The CHAIRMAN. Could you give us the total amount?

Mr. KEMPER. For Danziger?

The CHAIRMAN. Yes.

Mr. KEMPER. $367,292.25.

The CHAIRMAN. That includes buildings, damages, and everything?

Mr. KEMPER. That includes everything that we awarded them.

Mr. KOPP. How much was that above what they paid a short time ago?

Mr. KEMPER. They paid in April, 1926, $237,500.

The CHAIRMAN. You have given us the lake and the river. Is there any other specimen property?

Mr. KEMPER. Well, now, there is one other class of property, and that is a small area where the guide levee of the spillway cuts across the rears of some small properties.

The CHAIRMAN. Give us some samples of that.

Mr. KEMPER. Take the Jack Mule property. On this land we encountered a condition that was different from the others. The lower guide levee of the spillway area intercepted all the drainage on the remaining portion of the Diamond plantation and all of these small properties. All of their canals lead back into the spillway area. When this lower guide levee was put along here [indicating on map], or as they begun to work on it, they filled up all these ditches, particularly one large ditch at the lower boundary of the Diamond plantation, and the effect of that was there came a big rain and the flood waters from the front ran down across the rear of these properties and damaged some of the crops which they had. The problem of settling crop damages is not an easy one. We did not give them anywhere near what they claim, but we did give them some crop damage, because the fact was perfectly plain that their drainage had been deliberately stopped. Now, upon discovering it, however, the Government put a dredge in there and cut a canal, which has cured that for the future, but the damage to some of their crops was there, and we assigned them a small value for crops.

The CHAIRMAN. What is the acreage involved?

Mr. KEMPER. That is very small; all of it is only $11,000. But the acreages are small tracts, which we granted for the land $150 an acre. It was objected that these lands were in on the rear of that property, but they front right on the new air-line highway, which passes right along them, and they were high and fit to be inhabited, fronting on that highway, and we figured $150 an acre was in line with the others, whereas one of those tracts extending to the river front was sold for $200 an acre just recently.

The CHAIRMAN. Was there any complaint about that?

Mr. KEMPER. Yes; applying to all our awards. They complained as to the award being too high and they complained also as to our giving them something for wood on the wooded portion of their land. We gave $150 an acre for their front land; we gave $100 an acre for their woodland, and we allowed them 6 cords of wood per acre on that woodland, at $3 a cord. They showed that every summer there was a good demand for cordwood, and that during the summer months they would go in there and cut the wood and haul it out and sell it at $5 a cord, at a cost of about $1.50 a cord. We had a timber estimate on it, but I could not see any value for commercial log timber. So we put that timber into cordwood and allowed them $3 a cord at 6 cords an acre, or $18 an acre for that cordwood on that property. That was also objected to. The total awards, as I say, for all the property was only $11,745.

The CHAIRMAN. Was there any other class of property?

Mr. KEMPER. I think that covers it.

There is another problem which I would like to call your attention to, and that is at the upper line of the spillway there is one tract which belonged to Sebastian Vivano and Charles Calcagno, Italians. The Government has taken their front lands, about 12 arpents deep, but they have not taken any of their rear lands. But the upper guide levee of the spillway impounds all of the drainage, not only of their lands but the large areas of other people's lands who are not considered in this spillway, and this upper guide levee, extending from the Mississippi Rivre clear to the lake, impounds drainage which we estimated at about 10,000 acres of land, which natural drainage is diagonally across this spillway, and now this area has to fill up until the water can flow over the backs of the ridges of the adjacent land and finds its way to the lake. Much of that land is going to be damaged as soon as the rainy season sets in, and Calcagno and Vivano are now damaged, but under our instructions they told us that the damage must be a part of the same land.

Now, the guide levee which damages Vivano and Calcagno's land happens to be the adjacent owner's land, we did not know what to do with it. So we made a statement of the case, and put it up to the judge. But about that time we lost our jobs. [Laughter.]

The CHAIRMAN. That in a general way is the method by which you handled these valuations?

Mr. KEMPER. The valuation of the front lands.

Mr. GREGORY. I want you to tell me the distance of the proposed spillway from the city of New Orleans.

Mr. KEMPER. Along the Jefferson Highway, which follows the meanderings of the river front 22 miles. It has three distances, Mr. GREGORY. Along the air-line highway, which is the new road being built from New Orleans to Baton Rouge, it is 17½ miles; along the Lake Shore-Hammond Highway, which is being built from New Orleans along the lake shore north, it is 15¼ miles; that is, from the city limits of New Orleans.

Mr. GREGORY. The Lake Shore-Hammond Highway is practically a direct line from the northwest corner of the city of New Orleans to this land you have been discussing?

Mr. KEMPER. Yes, sir; right along the lake front.

Mr. GREGORY. That is 15¼ miles from the outskirts of the city?

Mr. KEMPER. From West End. If you have ever been there, West End is a park, where you reach the lake, you understand, from the city.

* * * * * * *

Mr. GREGORY. You decided on values from an industrial standpoint?

Mr. KEMPER. On the river front; not on the lake front. They are supposed to be rural homes. The lake-front land is not industrial. The river-front land has industrial value, but industries require people to work, and those people must have places to live. They have to have their homes in order to carry on the industry, and they spread out wherever they want to go.

Mr. GREGORY. What is the first development on this Hammond Highway you have been talking about?

Mr. KEMPER. On the lake front, the Lake Shore-Hammond Highway, it is graded throughout Jefferson Parish. They are now building bridges on it.

Mr. GREGORY. Who is building them?

Mr. KEMPER. The State is building them.

Mr. GREGORY. Have contracts been let for the final completion of the road?

Mr. KEMPER. No; not for the final completion of the road, but they are building bridges on it. The contract was recently let for building bridges.

Mr. GREGORY. Is this an arterial highway, or does it just go out where this land is highly developed?

Mr. KEMPER. Oh, no; it is a through highway into the North, and it is the shortest route out of New Orleans to the North. It is going to be the highway practically all travel is over. You will go to Baton Rouge over that highway, and if you want to go up along the Illinois Central to the north it is 12 miles shorter than the present road. That is no local affair; that is a through road to get out of New Orleans into the world. It is going to be by far the most used road of all.

Mr. GREGORY. None of this land which is in this spillway, you think, is suitable for agricultural purposes, where it could be properly handled?

Mr. KEMPER. Well, I said under present conditions of agriculture, and with as much land naturally drained, not cultivated at this time, I certainly would not consider it a good business proposition to artificially drain that land for agricultural purposes.

Mr. GREGORY. If you spend the money that you say will be necessary in order to use it for industrial purposes, it would likewise be good for agriculture?

Mr. KEMPER. Not industrially; for rural homes on the lake front. We had never said anything about industrial values on the lake front. The industrial values are on the river-front land. Now, it is a fact, when this will all have been drained and the roads will communicate through from the river to the lake, people can go from one to the other, and they will spread out and some will inhabit the interior land from the lake. A poor man will buy a cheap lot and he will move into the poorer part. That is the supposition upon which the developers worked.

Understand, too, we did not consider subdivision values. All we considered was that there is the land that is available for subdivision purposes, but the prices we put on it were in no way commensurate with subdivision prices.

Mr. RANSDELL. Mr. President, these excerpts from the testimony of Mr. Kemper indicate clearly the system followed by the commissioners; and as indicated at the beginning of my remarks, I feel they can not fail to make a strong appeal to everyone who examines the matter with an open and unprejudiced mind.

RADIO ADDRESS BY SENATOR ROBINSON OF INDIANA ON LONDON NAVAL TREATY

Mr. ODDIE. Mr. President, I offer for the RECORD a very able address delivered over the radio on June 27 by the junior Senator from Indiana [Mr. ROBINSON] on the London naval treaty.

The PRESIDENT pro tempore. Without objection, the address will be printed in the RECORD.

The address is as follows:

In the few minutes at my disposal I can touch briefly on only a few points of the London naval treaty.

As a result of the Washington conference in 1921-22 the 5-5-3 ratio was established for the United States, Great Britain, and Japan. That is, five each for the United States and Great Britain and three for Japan.

While this ratio was to apply only to capital ships—that is, battleships and battle cruisers—and aircraft carriers, the same figures were accepted in principle for other categories by the high contracting parties.

As a consideration for the acceptance by Japan of this ratio, the United States agreed not to fortify the few bases we have in the Philippines and the far Pacific.

It was also provided by the Washington conference that each country could build as many cruisers as desired, provided they were not greater than 10,000 tons, carrying guns of no larger caliber than 8 inches.

It was provided also that in case of necessity each country would be free to convert merchant ships into auxiliary cruisers and arm them, provided the guns were of no larger caliber than 6 inches.

In the spirit of economy and real limitation after the Washington conference the United States practically refrained from building in any category, while Great Britain and Japan immediately embarked on ambitious cruiser-building programs.

In 1927 the Geneva conference was called and American delegates met with those from Great Britain and Japan in an endeavor to reach a 3-power agreement on naval limitation.

At that conference the big problem was cruisers. Let it be understood that Great Britain has naval bases strategically located all over the world. Her war craft can easily safeguard her ocean-borne commerce on every trade route under the sun, with the comforting knowledge that sheltering havens, where they can refuel and make needed repairs, are ever near by.

Because of this fact she needs as many units as she can get and a comparative small unit carrying 6-inch guns, with narrow cruising radius, answers her requirements admirably.

With us, however, it is quite different. While our ocean-borne commerce is as large as that of Britain—and may soon be much greater—we have practically no naval bases worthy of the name, and those we do have in the far Pacific are unfortified in accordance with the terms of the Washington treaty.

Because of this fact we require cruisers of the largest possible tonnage, carrying the heaviest armament permissible, and with the widest possible cruising radius.

Otherwise we could not protect our ocean trade, and in case of hostilities our commerce would quickly be driven from the seas.

Accordingly we contended at Geneva that each nation should be permitted to build the kind of cruisers it needed, provided they were not larger than 10,000 tons, carrying guns of no larger caliber than 8 inches, as provided by the Washington treaty.

We proposed that the 5-5-3 ratio should be observed. We were willing to accept 339,000 gross tons, for instance; allow Great Britain the same tonnage and Japan three-fifths of this figure, or 203,400. But within this tonnage each nation should be permitted to build the type of cruiser suitable to its requirements.

Great Britain insisted that she preferred a large number of the smaller cruisers, and though we were thoroughly willing to let her build the kind she wanted, she insisted on our building not the type our needs demanded but the kind she prescribed for us.

Because of her insistence in this regard the conference failed and our delegates came home. It was evidently feared by President Coolidge and the American delegation that an agreement such as Great Britain demanded would gravely jeopardize our national safety and security.

Three years later the London conference took place and the American delegation deliberately acquiesced in the British demands, even though it meant definite abandonment of our historic policy.

Our building program has called for a minimum of twenty-three 8-inch-gun cruisers, but before the London conference the Navy General Board (composed of the best-informed experts on this question) stated 21 such cruisers represented the absolutely irreducible minimum we should have for American security.

Notwithstanding this ultimatum of safety requirement our delegation agreed to cut the number to 18, building up the balance of our tonnage in 6-inch-gun ships, for which we have no need, and which some of the best experts of the Navy advise us not to construct, even though permitted to do so under the treaty.

And we are still further handicapped by the provision in article 18, which forbids us to have more than sixteen 8-inch-gun ships during the life of the treaty. This, notwithstanding the fact that Great Britain now has 15 such cruisers, will have 19 during 1931, 1932, and 1933, 18 throughout 1934, and 17 during 1935.

The agreement expressly forbids us from completing the last two such cruisers allotted us during the life of the treaty, and since another conference is scheduled for 1935, when other and possibly more stringent conditions may be imposed upon us, we are entirely prevented from achieving parity or anything approaching it, during the life of the treaty we are now asked to ratify, while to gratify the whim of Great Britain we have agreed to build a type of cruiser for which we have no naval use.

As for Japan, we have granted her a raise in ratio to 5-5-3½ in cruisers and 5-5-5 in submarines, though we have received absolutely nothing in return, and our possessions in the far Pacific must still remain unfortified.

Friends of the treaty have suggested that 6-inch-gun cruisers could be used in fleet action, and it is doubtless true that a few, a very few, such ships might be utilized in the event two hostile armadas came together. But while even in such cases most experts agree the 8-inch-gun ships would be more effective, let it not be forgotten that fleet actions are very rare and such a conflict might well never take place throughout the duration of a war.

The chief purpose of a navy is to protect ocean-borne commerce. In time of war our merchant marine must be convoyed and guarded by ships from the Navy and our war craft must cruise widely to drive the enemy's commerce from the sea. This work is done largely by detached naval units. In this connection, Admiral Jones, than whom none is better qualified to speak, before the Senate Committee on Foreign Relations testified as follows:

"In all these studies of what must be done, sir, I think that you must take your vision beyond the farthest range of the battleship guns. We must consider those distant horizons over the seven seas in which we will be called upon to operate for the protection of our lines of commercial communication, many of them vital to our economic life and practically to our physical life. In all of those lines over all of those seas many of those operations must be carried on within easy radius of bases that do not belong to us."

And, again, the same authority:

"Our units must go out from the home base or from Hawaii to these distant areas and return there. There is nothing belonging to us in the areas to which we can go, and I believe firmly that for our purpose we need units which have not only long radius of action to take them out and bring them back, but we need units with the greatest power of survival, which means offensive power to keep other units away and as much defensive power as we can put in them, and I believe firmly that the combination of those characteristics is found in the 8-inch-gun cruisers in much greater degree than it can be found in a 6-inch-gun unit."

* * * * * * *

"We must carry on much of our operation in unit operations, and particularly when we are convoying. The escort of a convoy can not run. She has got to fight, whatever she is, and let her vessels that she is convoying run; but she can not run. She must stay and fight to keep the enemy from taking ships of the convoy."

But Great Britain at the conference insisted on dictating the type of cruisers we should build, and, rather than come home without a treaty, our delegates accepted her terms. We would have been far better off had no treaty whatever been signed.

In standing steadfastly at Geneva for the American policy of freedom in 8-inch-gun cruiser construction, Hon. Hugh Gibson, head of the American delegation, made the following observation:

"While we are asked to limit strictly the number of cruisers on which 8-inch guns may be mounted and eventually to abandon that gun altogether in favor of the 6-inch gun, we are compelled to consider the effect of such a limitation upon our situation in view of the fact that the British Government has at its disposal approximately 888,000 tons of fast merchant ships capable of being readily converted into cruisers and armed with many 6-inch guns, as contemplated by the Washington treaty. We, on the other hand, have only 188,000 tons of such ships. As was so ably brought out by Lord Jellicoe, converted merchant ships played a great part in the late war."

It will be seen from the above that when the enormous preponderance of Great Britain in merchant tonnage and naval bases is considered the London treaty gives us nothing approaching parity, and we are even prevented from building the type of ships our requirements demand.

There are many other incongruities and inequalities in the treaty which I have not had time to discuss in this brief period. But enough has appeared in what has been said, I trust, to convince even the most skeptical that the treaty is bad for us.

Indeed, I firmly believe its acceptance would very gravely imperil the safety and security of the United States, and it is therefore devoutly to be hoped that it will never be ratified by the Senate.

We do not seek war with any power; we desire only peace with all the world. But we have grave responsibilities resting on our shoulders, and if attacked we must be ever prepared to defend our heritage.

THE CALENDAR

The PRESIDENT pro tempore. The morning business is closed. The calendar under Rule VIII is in order.

Mr. McNARY. Mr. President, I am advised by the clerks that we stopped with Order of Business 1142 when the calendar was considered the last time. I ask unanimous consent to begin to-day with Order of Business 1143.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

DELAWARE & HUDSON CO.

The bill (H. R. 1159) for the relief of the Delaware & Hudson Co., of New York City, was read, considered, ordered to a third reading, read the third time, and passed.

JOHN MAGEE

The bill (H. R. 6642) for the relief of John Magee was read, considered, ordered to a third reading, read the third time, and passed.

GILBERT GROCERY CO.

The bill (H. R. 6113) for the relief of Gilbert Grocery Co., Lynchburg, Va., was read, considered, ordered to a third reading, read the third time, and passed.

P. M. NIGRO

The bill (H. R. 6694) for the relief of P. M. Nigro was read, considered, ordered to a third reading, read the third time, and passed.

MATTHEW EDWARD MURPHY

The bill (H. R. 576) for the relief of Matthew Edward Murphy was read, considered, ordered to a third reading, read the third time, and passed.

LOUIS NEBEL & SON

The bill (H. R. 3960) for the relief of Louis Nebel & Son was read, considered, ordered to a third reading, read the third time, and passed.

J. T. BONNER

The bill (H. R. 8438) for the relief of J. T. Bonner was read, considered, ordered to a third reading, read the third time, and passed.

SAMUEL S. MICHAELSON

The bill (H. R. 10317) for the relief of Samuel S. Michaelson was read, considered, ordered to a third reading, read the third time, and passed.

FRANK M. GROVER

The bill (H. R. 10532) for the relief of Frank M. Grover was read, considered, ordered to a third reading, read the third time, and passed.

JERRY ESPOSITO

The bill (H. R. 11608) for the relief of Jerry Esposito was read, considered, ordered to a third reading, read the third time, and passed.

DAISY O. DAVIS

The Senate proceeded to consider the bill (S. 182) for the relief of Daisy O. Davis, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Daisy O. Davis, a former employee in the Treasury Department.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID M'D. SHEARER

The Senate proceeded to consider the bill (H. R. 1825) for the relief of David McD. Shearer, which had been reported from the Committee on Claims with an amendment, on page 2, line 17, after the words "in charge of," to strike out "will" and insert "willow," so as to make the bill read:

Be it enacted, etc., That the claim of David McD. Shearer for compensation for the use by the Government of the United States of certain inventions relating to reinforced-concrete revetment and construction and laying of same, made by said David McD. Shearer, and for which Letters Patent of the United States, Nos. 1173879, 1173880, and 1229152 were issued to him, be, and the same is hereby, referred to the Court of Claims, which court is hereby vested with jurisdiction in the premises, and whose duty it shall be to hear and determine any statute limiting the time within which such an action may be brought to the contrary notwithstanding, first, whether the said David McD. Shearer was the first, original, and sole inventor of the inventions described in said letters patent or any of them; and if said court shall find that he was such first, original, and sole inventor of any of the same, then to determine, second, what amount of compensation, if any, he is justly entitled to receive from the United States for the use of his said inventions or any of them, since the date of said letters patent, up to the time of adjudication. In determining whether or not said David McD. Shearer is entitled to compensation and the amount of compensation, if any, for the use of said inventions the court shall take into consideration, if and so far as the facts may warrant, the facts, if proved, that while said David McD. Shearer was engaged in perfecting the invention he was in the service of the United States as a junior engineer superintendent in charge of willow bank revetment construction under the Mississippi River Commission, and whether and, if at all, to what extent said inventions or any of them were discovered or developed during the working hours of his Government service, and to what extent his said inventions for protection of river channels and banks differ from the methods previously used, in material, method of laying, permanency, and value, and, whether, if at all, to what extent the expense of making experiments, trials, and tests for the purpose of perfecting said inventions was paid by the United States, and if any such expense was incurred by the United States, whether and, if at all, to what extent the United States received compensation for such expense.

Either party may appeal to the Supreme Court of the United States upon any such question where appeals now lie in other cases, arising during the progress of the hearing of said claim, and from any judgment in said case, at any time within 90 days after the rendition thereof; and any judgment rendered in favor of the claimant shall be paid in the same manner as other judgments of said Court of Claims.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

W. F. NASH

The Senate proceeded to consider the bill (H. R. 3159) for the relief of W. F. Nash, which had been reported from the Com-

mittee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$1,212.66" and insert "$897.40," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. F. Nash, of San Pedro, Calif., the sum of $897.40, in full settlement of all claims against the United States for damages resulting to his home caused by heavy gun firing at Fort McArthur, San Pedro, Calif., on October 5, 1928.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BARZILLA WILLIAM BRAMBLE

The bill (H. R. 573) for the relief of Barzilla William Bramble was read, considered, ordered to a third reading, read the third time, and passed.

MAJ. BENJAMIN L. JACOBSON

The bill (H. R. 4110) to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army, was read, considered, ordered to a third reading, read the third time, and passed.

J. W. NIX

The bill (H. R. 7445) for the relief of J. W. Nix was read, considered, ordered to a third reading, read the third time, and passed.

RALPH RHEES

The bill (H. R. 8612) for the relief of Ralph Rhees was read, considered, ordered to a third reading, read the third time, and passed.

HENRY A. KNOTT & CO.

The bill (H. R. 9279) for relief of Henry A. Knott & Co. was read, considered, ordered to a third reading, read the third time, and passed.

CHANGE OF NAME OF PORTO RICO

The joint resolution (S. J. Res. 193) to change the name of the island of Porto Rico to "Puerto Rico" was announced as next in order.

Mr. GEORGE. Let that go over.

Mr. WALSH of Massachusetts. Mr. President, I should like to inquire——

The PRESIDENT pro tempore. Objection is made, and the joint resolution will be passed over.

Mr. WALSH of Massachusetts. I desire to inquire who petitioned that this change of name be made.

Mr. BINGHAM. The petition was made by a unanimous resolution of the Porto Rican Legislature. May I ask who objected?

Mr. GEORGE. I objected, Mr. President.

Mr. BINGHAM. Will the Senator withhold the objection?

Mr. GEORGE. I withhold it.

Mr. BINGHAM. I merely desire to say that the island of Porto Rico was known for centuries by its Spanish name of "Puerto Rico." When we took it over and annexed it, we arbitrarily changed the spelling to the English spelling, "Porto Rico," and thereby offended the sensibilities of people who have lived in the island for many generations.

The Legislature of Porto Rico, by unanimous vote, have petitioned us to permit them to go back to the original name of the island. Since it is a matter which concerns them rather than us, and it came from their legislature by unanimous vote of all parties, I hope the Senator will withdraw his objection.

Mr. GEORGE. Mr. President, I have no particular objection. I can see no particular use of it. As long as we are going to keep the island under our jurisdiction, it seems to me we might as well keep the spelling; but I will not insist on any objection to the consideration of the joint resolution.

Mr. BINGHAM. Due to the fact that we arbitrarily changed the spelling to its English form rather than the form used by all the people in the island, I thank the Senator for withdrawing his objection.

The Senate proceeded to consider the joint resolution, which was read, as follows:

Whereas in accordance with all historical data relative to the discovery and colonization of the island known as "Porto Rico," the original name given thereto by its discoverer, and consecrated in the royal orders of the colonizing nation, was Isla de San Juan; and

Whereas the first city founded on Porto Rican soil, and denominated Villa de Caparra, was given the name of Ciudad de Puertorrico;

Whereas subsequently, and by virtue of the transfer of the old Ciudad de Puertorrico to the site now occupied by the capital city, the aforesaid names of San Juan and Puertorrico became the exclusive patrimony of such city and island, respectively; and

Whereas the history and traditions of the people have since then sustained and consecrated the name of Puerto Rico, given to such island as its sole name; and

Whereas immediately following the change of sovereignty which took place in the island the Congress, without justifying reasons, officially gave the island the name of "Porto Rico"; and

Whereas the aforesaid name of "Porto Rico" is an impure idiomatic compound partly formed of the word "porto," which, although of Latin origin, has not yet been adopted into the language of the island, but is here used illegitimately as a substitute for the word "puerto," genuinely Spanish, although no license, reasons of diction, or advantages of euphony exist to warrant such substitution; and

Whereas there are no reasons either in the history, the language, or the traditions of the people of the island which support the use of the term "porto" as a part of the name of the island: Therefore be it

Resolved, etc., That from and after the passage of this resolution the island designated "Porto Rico" in the act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as amended, shall be known and designated as "Puerto Rico." All laws, regulations, and public documents and records of the United States in which such island is designated or referred to under the name of "Porto Rico" shall be held to refer to such island under and by the name of "Puerto Rico."

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

TENNESSEE RIVER BRIDGE, KNOXVILLE, TENN.

The bill (H. R. 12554) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn., was read, considered, ordered to a third reading, read the third time, and passed.

WATER SUPPLY OF NAPA, CALIF.

The bill (H. R. 5292) to authorize the city of Napa, Calif., to purchase certain public lands for the protection of its water supply was read, considered, ordered to a third reading, read the third time, and passed.

ADDITION TO LASSEN VOLCANIC NATIONAL PARK, CALIF.

The bill (H. R. 10582) to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California was read, considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF WORLD WAR VETERANS' ACT, 1924

The bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CONSOLIDATION OF GOVERNMENTAL ACTIVITIES AFFECTING WAR VETERANS

The bill (H. R. 10630) to authorize the President to consolidate and coordinate governmental activities affecting war veterans was considered by the Senate.

The bill had been reported from the Committee on Finance with amendments.

Mr. LA FOLLETTE. Mr. President, I have no desire to object to the consideration of this bill; but I think the acting chairman of the committee should make a brief statement to the Senate as to what it provides. It is rather an important piece of legislation.

Mr. WATSON. Mr. President, this bill is here largely because of the wish of General Hines, the head of the Veterans' Bureau, and the American Legion; and my understanding is, without directly knowing, that the Pension Office also is for it.

The report sets forth an analysis of the bill, showing that it provides for the consolidation and coordination of all activities having to do with veterans' relief, including the Veterans' Bureau, the National Home for Disabled Volunteer Soldiers, and the Pension Bureau, into an establishment to be known as "Veterans' Administration." In the original bill it was called "Administration of Veterans' Affairs"; but at the suggestion of the Senator from Kentucky [Mr. BARKLEY] we changed it to read "Veterans' Administration."

The general purpose of the bill is stated in the report on page 3, as follows:

The underlying purpose of the bill is to bring together all governmental activities having to do with veterans' relief of whatever character with a view to securing better coordination, added efficiency, and a more complete and economical use of existing facilities, and to improve the services rendered to the veterans of all wars and equalize the benefits extended to them by the Government.

Then, on page 5—and this states it very succinctly—there is a statement showing the improved administration that undoubtedly will result from this coordination, followed by a statement of the economies reasonably to be expected.

Nobody objected to the bill in our committee. It was unanimously agreed to, because we thought it would tend to greater efficiency in the administration of all our pension legislation by all these activities under one head, so as to be directed in a skillful and an efficient way.

The PRESIDING OFFICER (Mr. FESS in the chair). The amendments of the committee will be stated.

The first amendment was, on page 2, line 1, before the word "administration," to insert "veterans'," and after the word "administration" to strike out "of veterans' affairs," and in line 6, before the word "administration," to insert "veterans'" and after the word "administration" to strike out "of veterans' affairs," so as to make the paragraph read:

(a) That the President is authorized, by Executive order, to consolidate and coordinate any hospitals and executive and administrative bureaus, agencies, or offices, especially created for or concerned in the administration of the laws relating to the relief and other benefits provided by law for former members of the Military and Naval Establishments of the United States, including the Bureau of Pensions, the National Home for Disabled Volunteer Soldiers, and the United States Veterans' Bureau, into an establishment to be known as the veterans' administration, and to transfer the duties, powers, and functions now vested by law in the hospitals, bureaus, agencies, or offices so consolidated and coordinated, including the personnel thereof, and the whole or any part of the records and public property belonging thereto to the veterans' administration.

The amendment was agreed to.

The next amendment was, on page 2, line 9, after the word "veterans'," to strike out "affairs" and insert "administration," so as to read:

(b) Under the direction of the President the administrator of veterans' administration shall have the power, by order or regulation, to consolidate, eliminate, or redistribute the functions—

And so forth.

Mr. REED. Mr. President, I think that amendment is not intended by the committee. We do not want to call this officer the "administrator of veterans' administration," and I do not think the committee so proposed. I think this particular amendment ought to be rejected, as well as the one on line 18.

Mr. WALSH of Montana. Mr. President, I inquire what is the number of the bill?

The PRESIDING OFFICER. H. R. 10630, Order of Business 1166. Does the Senator wish this amendment rejected?

Mr. REED. Yes; the one on line 9.

Mr. WALSH of Montana. Mr. President, let me inquire if it is intended to restore the word "affairs"?

Mr. REED. Only in the title of the officer. The Senate committee wished to change the name of the bureau from "administration of veterans' affairs" to read "veterans' administration." It seemed to be shorter and simpler; but we did not consciously mean to change the title of the administrator.

Mr. WALSH of Montana. The rejection of the amendment on line 9, page 2, includes rejecting the striking out of the word "affairs"?

Mr. REED. Yes, Mr. President.

Mr. WALSH of Montana. It leaves the word "affairs" there?

Mr. REED. Yes.

The PRESIDING OFFICER. Without objection, the amendment will be rejected.

The next amendment was, on page 2, line 12, before the word "administration," to insert "veterans'," and after the word "administration" to strike out "of veterans' affairs," so as to make the paragraph read:

(b) Under the direction of the President the administrator of veterans' affairs shall have the power, by order or regulation, to consolidate, eliminate, or redistribute the functions of the bureaus, agencies, offices, or activities in the veterans' administration and to create new ones therein, and, by rules and regulations not inconsistent with law, shall fix the functions thereof and the duties and powers of their respective executive heads.

The amendment was agreed to.

The next amendment was, on page 2, line 16, before the word "administration," to insert "veterans'," and after the word "administration" to strike out "of veterans' affairs," so as to read:

SEC. 2. There shall be at the head of such veterans' administration an administrator—

And so forth.

The amendment was agreed to.

The next amendment was, on page 2, line 18, after the word "veterans'," to strike out "affairs" and insert "administration," so as to read:

To be known as the administrator of veterans' administration, who shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. REED. That amendment ought to be rejected, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is rejected.

The next amendment was, on page 2, line 22, before the word "administration," to insert "veterans'," and after the word "administration" to strike out "of veterans' affairs, so as to read:

Upon the establishment of such veterans' administration all the functions, powers, and duties now conferred by law—

And so forth.

The amendment was agreed to.

The next amendment was, on page 2, line 23, before the word "administration," to insert word "veterans'," and after the same word to strike out the words "of veterans' affairs."

The amendment was agreed to.

The next amendment was, on page 2, line 3, after the word "veterans'," to strike out the word "affairs" and to insert in lieu thereof the word "administration."

Mr. REED. This is to correct a mistake similar to the one heretofore corrected.

The amendment was rejected.

The next amendment was, on page 3, line 13, to strike out the words "administration of veterans' affairs" and to insert in lieu thereof the words "veterans' administration," and on page 4, line 13, before the word "administration," to insert the word "veterans'," and after the word "administration" to strike out the words "of veterans' affairs"; on line 15 to strike out the words "of veterans' affairs"; on page 5, line 5, before the word "administration," to insert the word "veterans'," and after the word "administration" to strike out the words "of veterans' affairs"; on page 6, line 7, and on page 6, lines 9 and 10, before the word "administration," to insert the word "veterans'," and after the word "administration" to strike out the words "of veterans' affairs"; on page 6, line 18, to strike out the words "of veterans' affairs"; on page 6, line 20, to strike out the words "of veterans' affairs"; on page 7, line 10, to strike out the words "of veterans' affairs."

The amendments were agreed to.

Mr. WALSH of Massachusetts. Mr. President, having in mind the suggestion of the Senator from Wisconsin, I suggest to the Senator from Pennsylvania and to the Senator from Indiana that the part of the committee report which analyzes the bill and which contains a general statement be printed in the RECORD for public information.

Mr. WATSON. Certainly; I think that ought to be done.

The PRESIDING OFFICER. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

GENERAL STATEMENT

PURPOSE OF THE BILL

The underlying purpose of the bill is to bring together all governmental activities having to do with veterans' relief of whatever character with a view to securing better coordination, added efficiency, and a more complete and economical use of existing facilities, and to improve the services rendered to the veterans of all wars and equalize the benefits extended to them by the Government.

EXISTING CONDITIONS UNSATISFACTORY

At present we have three separate and distinct agencies dealing with the relief of World War veterans. The result is increasing dissatisfaction on the part of the beneficiaries and the people who must foot the bill. Both demand reform. Bureau heads admit that consolidation and better coordination are essential to rendering the highest and most economical services, but balk the moment a real and effective unification of these activities is seriously undertaken. Your committee, however, has undertaken to deal with the problem from the standpoint of services to be rendered rather than from the viewpoint of the heads of divisions involved.

We now have two agencies—the National Home for Disabled Volunteer Soldiers and the Veterans' Bureau—that deal with the hospitalization and home care of veterans. The major burden in both is the care of World War veterans, and it will be only a few years until 75 to 80 per cent of the load will represent this class. The result is excessive overhead, uneconomical use of facilities and considerable duplication of effort and function.

Likewise, two agencies—the Veterans' Bureau and the Pension Bureau—deal with compensation and pensions. As we have previously noted, those compensation cases that have become fixed are to all

intents and purposes disability pensions and should be handled by the same agency that administers pensions.

There is also inequality in the kind and character of relief and great disparity in the amount of pension and compensation extended to the veterans of the different wars. As these veterans are more and more thrown together in hospitals and homes and become familiar with the patent injustices that exist, dissatisfaction and complaints increase.

In many cases the character of relief a veteran is entitled to is uncertain, due to the fact that he served in one or more wars.

Dual control has resulted in improper distribution of veterans' hospitals and homes, causing much unnecessary expense for transportation of inmates. Such coordination as has been attempted does not go to the root of the evil and from the very nature of things can not so long as there is divided control and divergent management of facilities essentially parallel in the character of services rendered.

ADVANTAGES OF CONSOLIDATION TO THE VETERANS

Our first concern must be the character of services rendered to our ex soldiers and sailors. If consolidation will aid them, all else must yield. In other words, it is our clear duty to get the greatest possible results in services for the money available for a specific purpose.

The proposed consolidation will tend to bring about uniformity of treatment and services. It will aid in eliminating existing inequalities in pensions and compensation. It will concentrate in one head all agencies for relief, so that applicants for aid will know where to go. It should result in simplified procedure and speedier decisions. It will make more easy the segregation of hospital cases from domiciliary ones and aid in removing men who no longer need hospital care to more congenial surroundings in a home where they can enjoy the companionship of men in comparatively good health but whose necessities confine them to a Government institution.

IMPROVED ADMINISTRATION

Anyone who is at all familiar with the activities of the Pension Bureau, National Home for Disabled Volunteer Soldiers, and Veterans' Bureau knows that there is considerable duplication of functions. The new administrator is given ample authority under the bill to so consolidate and redistribute the activities and duties of the administrative offices and bureaus as to eliminate such duplication. This should enable him to do the same work with a considerably reduced personnel and a corresponding saving in cash.

Unified control would enable the President to keep in closer touch by reason of the concentration of administrative control in one head. He could then deal directly with the head of the organization, who would be familiar with the whole situation.

The administrator would be in position to visualize the whole problem of veterans' relief and give proper weight to the various needs and services. He would be in a much more advantageous position to submit proper and well-balanced estimates to the Budget and to justify them to Congress than the heads of the present agencies.

Legislative committees would be dealing with a unified program and one responsible head. The result would be better considered and better balanced appropriations.

All available hospitals, homes, and other facilities could be utilized to their maximum efficiency, with very large savings to the Public Treasury and general satisfaction to those served. Existing services could be given for less money or better services rendered for the money now expended.

ECONOMIES REASONABLY TO BE EXPECTED

While it is a difficult matter to compute in advance the probable economies that might be effected as a result of the proposed consolidation it is reasonable to expect that a very considerable saving will result. It has been estimated by those who have made a close study of the problem that the following reductions in expenses would be effected:

Annual reduction in overhead and administrative expenses	$1,500,000
Annual saving by transferring of domiciliary patients from veterans' hospitals to homes	697,000
Reduction of hospital construction cost by removal of 1,000 domiciliary cases to homes	3,500,000
Savings in the course of years by adding domiciliary barracks to veterans' hospitals in place of building new units	9,000,000

For a detailed analysis of possible savings as a result of consolidation see pages 181 and 182 of the hearings on H. R. 6141, for which the present bill is a substitute.

SUMMARY

The mounting cost of veterans' relief is reaching staggering proportions. Already it has climbed to approximately $780,000,000 annually, distributed between the Veterans' Bureau, the National Home for Disabled Volunteer Soldiers, and the Pension Bureau. This is about 33 per cent of all income taxes collected by the Government annually.

It is essential that the President, the Budget, and the Congress should have these activities brought in under one agency so as to be able to visualize the whole picture. By placing them under one directing head overlapping and duplication can be wiped out; inequalities of care, treatment, pensions, and compensation will more readily lend themselves to adjustment; a proper distribution of beneficiaries can be effected with consequent great economies, and large sums can be saved in construction costs.

Finally, the new establishment will afford a suitable foundation upon which a humanized superstructure of legislation may be erected, based upon a thorough revision of existing laws dealing with veterans, and the creation of a simplified code that will iron out present inequalities and place all veterans of similar age and suffering similar disabilities upon approximately the same plane with respect to the relief extended, whether it be hospitalization, domiciliary care, pension, or compensation.

STATUTES REPEALED

Section 4835 of the Revised Statutes, which reads as follows, is repealed:

"All inmates of the National Home for Disabled Volunteer Soldiers shall be subject to the rules and Articles of War, and in the same manner as if they were in the Army."

REPEALED BY IMPLICATION

Section 71, title 24, United States Code:

"Organization of home: The President, Secretary of War, Chief Justice, and such other persons as from time to time may be associated with them, shall constitute a Board of Managers of an establishment for the care and relief of the disabled volunteers of the United States Army, to be known by the name and style of the National Home for Disabled Volunteer Soldiers, and have perpetual succession, with powers to take, hold, and convey real and personal property, establish a common seal. * * *"

Section 72, title 24, United States Code:

"Headquarters of home: The headquarters of the National Home for Disabled Volunteer Soldiers shall be established and maintained at the Central Branch, National Military Home, Ohio, and shall occupy for offices, without expenditures for rent, any general or post fund building."

Section 73, title 24, United States Code:

"Election of citizen managers: Seven managers of the National Home for Disabled Volunteer Soldiers shall be elected from time to time, as vacancies occur, by joint resolution of Congress. They shall all be citizens of the United States and no two of them shall be residents of the same State. The terms of office of these managers shall be for six years and until a successor is elected."

Section 74, title 24, United States Code:

"Election of officers of Board of Managers: The 10 managers of the National Home for Disabled Volunteer Soldiers shall elect from their own number a president, who shall be the chief executive officer of the board, two vice presidents, and a secretary. Six of the board, of whom the president or one of the vice presidents shall be one, shall form a quorum for the transaction of business at any meeting of the board."

Section 75, title 24, United States Code:

"Expenses and salaries of managers and officers: No member of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall receive any compensation or pay for any services or duties connected with the home; but the traveling and other actual expenses of a member, incurred while upon the business of the home, may be reimbursable to such member: *Provided*, That the president and secretary of the Board of Managers may receive a reasonable compensation for their services as such officers, not exceeding $4,000 and $2,000, respectively, per annum."

Mr. BLACK. Mr. President, before the bill is passed, I desire to ask a question or two of the Senator from Indiana, or whoever has the bill in charge.

As I understand it, this provides for a consolidation of the various departments handling veterans' claims.

Mr. REED. Yes.

Mr. BLACK. Is there any provision for reduction in the amount of red tape through which the veterans have to go in order to get a hearing?

Mr. REED. There ought to be a very considerable simplification in the procedure.

Mr. BLACK. May I ask whether there is any provision for centralization of the numerous appeal boards through which the veterans have to go in order to get a hearing?

Mr. REED. The measure does not so provide. Those appeal boards are set up by administrative order, and I presume they will have to be simplified by the same method. The measure does not directly touch on that.

Mr. BLACK. I had framed an amendment which I intended to offer to this bill when it came up, so that instead of first having a hearing, for instance, at some place in Alabama, and then going to New Orleans with an appeal, which is never effective, then coming up here for another appeal, and then appealing to the Chief of the Veterans' Bureau, a system would be provided whereby the matter could be tried out in the particular State where it arises by a board of doctors connected with the State service, in order that we might not have to go

through these various appeals. What does the Senator think of that? It would do away with a great deal of the unnecessary red tape, in my judgment.

Mr. REED. Mr. President, I think, in the first place, that the proper place for such an amendment, if it is wise, would be in the amendment to the World War veterans' act which we are going to consider at 2 o'clock. I think that is the bill on which the Senator should put his amendment, because the bill we are now considering does not affect procedure, except as it may be incidentally affected through the consolidation of these different bodies.

Mr. BLACK. I make the suggestion because I have appealed from the decision of the board at Birmingham, I would say, literally hundreds of cases to New Orleans, and, so far as I can recall, the New Orleans appeal board has never yet changed a single ruling. I may be wrong; it may be that I have lost sight of one or two changes which were made; but certainly I can not recall a single instance in which the veteran received any benefit from an appeal to New Orleans. Then, after we go through New Orleans, we come to another appeal board here; then we go to the chief of the Veterans' Bureau.

It has occurred to me that we ought to work out some kind of a method whereby we can prevent bureaus on top of bureaus, and appeals which are not effective.

Mr. REED. Mr. President, the Senator will see, I think, that the other bill is the place to propose his amendment. We must all remember that this complexity has grown up from a desire of the director of the bureau to give the men every possible chance. As we look at it now, it seems like a complication of appeals, but all of these appeal boards were created so that every veteran's case might be exhaustively heard. With the best of intentions we have produced a pretty complicated system. I agree with the Senator that anything we can do to simplify it would be wise.

Mr. BLACK. It seems to me that it is absolutely essential that we do something in connection with the appeals. I might call the Senator's attention to the fact that for two years I worked and struggled with a case where a soldier had tuberculosis. It was held during his lifetime in the numerous appeal boards that he was not totally and permanently incapacitated, and they deprived him of his total-disability compensation. After his death the appeal board in Washington sent for the claim; they reviewed the claim, which had been passed upon in his lifetime, and held that he had been permanently and totally incapacitated during the entire time, but attempted to deprive his mother of the insurance on the ground that the original ruling was wrong. It took about two years to obtain a change of that decision.

It has occurred to me—and I think when the other bill comes up I shall offer the amendment I have suggested at this time for consideration—that there should be some kind of a method whereby these matters could be passed on, in Pennsylvania, for instance, where the board could hear the right kind of evidence, and where they would not be so far removed from the viewpoint of the local situation, where they could find out more about a case than could be found out by an appeal board two or three hundred miles away. I am going to offer an amendment to cover that matter in some way, or make an attempt to get away from this endless red tape in which the veterans find themselves entangled.

On the suggestion of the Senator from Pennsylvania I shall wait until the other bill comes before us.

Mr. WALSH of Montana. Mr. President, just exactly what will be the operation of this bill with respect to the organizations which are thus consolidated? Under this legislation there will be an administrator of veterans' affairs, the head of the organization, but, of course, we continue the Commissioner of Pensions, the Director of the Veterans' Bureau, the Superintendent of the Soldiers' Home, and so on down the line. Just exactly what kind of control will this veterans' administrator have over these other organizations?

Mr. REED. Mr. President, if the Senator will look at the bottom of page 2, I think he will find the answer to his question. It is provided there that all of the functions, powers, and duties now given to the Commissioner of Pensions, the Board of Managers of the National Home for Disabled Volunteer Soldiers, and the Director of the Veterans' Bureau are conferred upon the administrator of veterans' affairs. Really, those offices are abolished.

Mr. WALSH of Montana. Those offices will go out of existence?

Mr. REED. They are consolidated into this single office.

Mr. WALSH of Montana. Does the Senator think that is quite clear?

Mr. REED. It seems so to me. All the functions, powers, and duties now conferred on those three are hereby conferred on and vested in the administrator of veterans' affairs. That surely abolishes those offices.

The PRESIDING OFFICER. The question is on engrossing the amendments made to the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GEORGE CHARLES WALTHERS

The bill (H. R. 5212) for the relief of George Charles Walthers was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RAINY RIVER BRIDGE, MINNESOTA

The Senate proceeded to consider the bill (H. R. 12233) authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn., which was read the third time and passed.

FOX RIVER BRIDGE, ILLINOIS

The Senate proceeded to consider the bill (H. R. 12614) granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island, which was read the third time and passed.

MISSOURI RIVER BRIDGES, MONTANA

The Senate proceeded to consider the bill (H. R. 12844) granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont., which was read the third time and passed.

The Senate proceeded to consider the bill (H. R. 12919) granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing, or at or near the point known and designated as Wilder Ferry, which was read the third time and passed.

The Senate proceeded to consider the bill (H. R. 12920) granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain and operate a free highway bridge across the Missouri River at or near Culbertson, Mont., which was read the third time and passed.

CALUMET RIVER BRIDGE, ILLINOIS

The Senate proceeded to consider the bill (H. R. 12993) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River at One hundred and fifty-ninth Street in Cook County, State of Illinois, which was read the third time and passed.

ORDER OF BUSINESS

Mr. WATSON obtained the floor.

Mr. LA FOLLETTE and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Indiana yield; and if so, to whom?

Mr. WATSON. I consented to yield to the Senator from Wisconsin to make a motion to take up another bill on the calendar. I am very anxious that the bill shall be passed.

Mr. LA FOLLETTE. Mr. President, I think the Senator from New York was contemplating making the same motion, and if agreeable to the Senator from Indiana, I will yield to the Senator from New York.

Mr. WATSON. That is agreeable to me.

CITIZENSHIP AND NATURALIZATION OF MARRIED WOMEN

Mr. COPELAND. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 618, House bill 10960, to amend the law relative to the citizenship and naturalization of married women, and for other purposes, and I ask that all the proposed committee amendments be disapproved.

The PRESIDING OFFICER. The pending question is on an amendment offered by the junior Senator from Washington [Mr. DILL].

Is there objection to the immediate consideration of the bill?

Mr. WALSH of Massachusetts. Mr. President, may I inquire the object of the bill?

Mr. COPELAND. It is to restore their citizenship to American women who have married foreigners, and who are now

separated from them or are widowed and desire to regain their citizenship. The bill provides a way for them to become naturalized.

Mr. WALSH of Massachusetts. I have no objection to the pending bill, but I desire to ask the Senator from New York, who is a member of the Committee on Immigration, what the committee has done to bring about a reduction in the naturalization fees. Doubtless the Senator has received a number of communications, as I have, with respect to the very great burden it is to women, particularly women with children, to have to pay the large fees which are now necessary in order to secure naturalization.

Mr. COPELAND. Mr. President, I may say to the Senator that we have had that matter under consideration, and there are a number of administrative features to be taken care of in the near future. The amendments which were proposed to the bill now pending are desirable, but we find it impossible, in the brief time at our disposal, to take care of them now. I assure the Senator that in December we will have these matters before the Congress again.

Mr. LA FOLLETTE. Mr. President, I hope the Senator from Massachusetts will not insist upon any amendment. The only way in which this bill may become a law at this session of Congress is to pass it as it passed the House.

I am very sympathetic with the Senator's desire to reduce the fees, as he knows, and I will join with him during the next session in having some legislation along that line enacted.

Mr. WALSH of Massachusetts. Mr. President, I do think it is an outrage to charge a woman, with four or five children, $25 to become an American citizen after she has gone to night school and has fitted herself to become a citizen.

Mr. COPELAND. I agree with the Senator.

Mr. President, I renew my request that the committee amendments be disagreed to.

Te PRESIDING OFFICER. The regular order would be to have the amendments read and acted on severally.

Mr. COPELAND. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that all of the amendments proposed to the pending bill be acted on en bloc. Is there objection? The Chair hears none, and the question is on agreeing to the amendments.

The amendments were rejected.

The bill was ordered to a third reading, read the third time, and passed.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing were communicated to the Senate by the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On June 28, 1930:

S. 1257. An act for the relief of the Beaver Valley Milling Co.; and

S. 1959. An act to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida.

On June 30, 1930:

S. 1254. An act for the relief of Kremer & Hog, a partnership; and

S. 3666. An act for the relief of the Oregon Short Line Railroad Co., Salt Lake City, Utah.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8159) to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RANSLEY, Mr. SPEAKS, and Mr. QUIN were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 481. An act for the relief of Maj. Martin F. Scanlon, Lieut. Courtney Whitney, and Lieut. Alfred B. Baker;

H. J. Res. 373. Joint resolution making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes;

H. J. Res. 384. Joint resolution making appropriations available to carry into effect the provisions of the act of the Seventy-first Congress entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department for the District of Columbia";

H. J. Res. 388. Joint resolution making provision for continuation of construction of the United States Supreme Court Building; and

H. J. Res. 389. Joint resolution making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 6. An act to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended;

H. R. 334. An act for the relief of Samuel Gettinger and Harry Pomerantz;

H. R. 636. An act for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River;

H. R. 4176. An act for the relief of Dr. Charles W. Reed;

H. R. 4189. An act to add certain lands to the Boise National Forest; and

H. R. 12235. An act to provide for the creation of the Colonial National Monument in the State of Virginia.

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 481. An act for the relief of Maj. Martin F. Scanlon, Lieut. Courtney Whitney, and Lieut. Alfred B. Baker; to the Committee on Claims.

H. J. Res. 384. Joint resolution making appropriations available to carry into effect the provisions of the act of the Seventy-first Congress entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department for the District of Columbia";

H. J. Res. 388. Joint resolution making provision for continuation of construction of the United States Supreme Court Building; and

H. J. Res. 389. Joint resolution making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress; to the Committee on Appropriations.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. I ask that the Chair lay before the Senate House Joint Resolution 373.

The PRESIDING OFFICER (Mr. FESS in the chair). The Chair lays before the Senate the joint resolution.

The joint resolution (H. J. Res. 373) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, was read twice by its title.

Mr. BINGHAM. I move that the joint resolution be referred to the Committee on Appropriations.

The motion was agreed to.

CONSTRUCTION WORK AT MILITARY POSTS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8159) to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED. I move that the Senate insist upon its amendment; agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. REED, Mr. PATTERSON, and Mr. STECK as conferees on the part of the Senate.

RELIEF OF WORLD WAR VETERANS

Mr. WATSON. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. WATSON. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be disposed of first.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be read for action on the amendments of the committee.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Finance was on page 6, line 3, to strike out—

No suit shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made prior to May 29, 1929, whichever is the later date.

And to insert:

No suit on yearly renewable term insurance shall be allowed under this section unless the same shall have been brought within one year after the date of approval of this amendatory act or within one year after final disallowance of the claim by the director, whichever is the later date, and no suit on United States Government life (converted) insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made.

Mr. WATSON. Mr. President, I wish to make a very brief statement in connection with the bill at this time. We are familiar with the fact that the House passed a bill and the Senate passed the same bill, but the President vetoed it. Thereupon, the House passed a substitute measure which came to the Senate and was referred to the Committee on Finance. After two days' consideration by the Finance Committee the bill was reported back to the Senate with sundry amendments and is now before us for our consideration.

It may be interesting in this connection to note that the other bill which the Senate passed, this being similar to it, contained 46 amendments. In other words, what I am trying to show the Senate very briefly is that the bill which passed the Senate and the bill we are now considering contained 37 items of the same character. There were four amendments added by the Committee on Finance. I shall very briefly mention them. The report sets them forth in detail and shows what they are and what is their purpose.

The first committee amendment extends for one year the time in which insurance suits should be instituted. There having been many cases of injustice because of that limitation, the committee unanimously resolved that the time should be extended one year.

The second is an amendment authorizing the Attorney General to compromise insurance suits. There was some little difference of opinion about that in the committee. The committee were not unanimous, but a clear majority were in favor of the amendment reported, because of the length of time it takes to try suits, the amount of preparation required, the expense of preparation and of trial, and then of the appeal to the highest courts to which appeals are taken in cases of this kind.

It is believed that where the attorneys representing the Government and the attorneys representing the claimant may agree upon a compromise, which shall have the approval of the court, it ought to be permitted. It ought to be permitted because probably they would arrive at as fair and just a conclusion as would be reached after a long trial. It would save money and time and do justice to the Government, and at the same time do full justice to the claimant.

Amendment No. 3 provides for the elimination of the provision discontinuing payments of compensation to veterans who enlisted subsequent to November 11, 1918. There are a great many of these marginal cases. There may have been some reenlistments along about that time. In that twilight zone are many soldiers who we thought ought to be taken care of, and yet they are not pensioned under the regular peace-time pension legislation which was enacted by Congress a great many years ago. It will not be much of a saving so far as many cases are concerned, because these soldiers would all be pensionable under the peace-time legislation of Congress and could get their pensions through the regular Pension Bureau anyhow. But we thought this was a very meritorious provision and I think it was unanimously approved by the committee.

The next amendment——

Mr. WALSH of Massachusetts. Mr. President, before the Senator leaves the item he has been discussing may I ask him a question?

Mr. WATSON. Certainly.

Mr. WALSH of Massachusetts. I want to inquire for the RECORD how many suits are pending in the courts against the Government?

Mr. WATSON. I can not answer the Senator's question.

Mr. REED. Mr. President, I am informed there are 5,100.

Mr. WALSH of Massachusetts. Would the provision for extension of time contemplate permission for the filing of suits for one further year?

Mr. WATSON. Yes.

Mr. WALSH of Massachusetts. At present no suit can be compromised, but all must be tried under the law?

Mr. WATSON. That is correct.

Mr. WALSH of Massachusetts. This provision is for an arrangement being made in the nature of a compromise between the attorney for the veteran and the United States district attorney, with the approval of the court?

Mr. WATSON. Yes.

Mr. WALSH of Massachusetts. I would like to inquire of the Senator, and I do this largely for the RECORD, if it is not a fact that a great many of these suits which have been filed were merely filed for the purpose of protecting whatever very remote rights the veteran might have?

Mr. WATSON. I can not answer the Senator in detail about that, because I am not familiar with it. If the Senator will permit me, I will ask a representative of the Veterans' Bureau who is sitting here at my side. [After a moment's consultation.] I am informed there were a large number of such cases.

Mr. WALSH of Massachusetts. What I have in mind is that now we are about to introduce into the law a proviso for the settling of these suits which will likely result in giving vitality and strength to a good many of the suits which they would not have if the provision for settlement were not contained in the law. In other words, a good many of them ought never to have been brought anyhow, and probably never would have been tried, but will now become cases which will be pressed for settlement. I would like the Senator's view about it.

Mr. WATSON. There is very much in what the Senator has said. I have not any doubt about it. He and I have both been practicing lawyers, and we know how cases of that kind are settled, and how cases in the marginal zone would be pressed for settlement under these conditions which would probably never go to trial.

Mr. WALSH of Massachusetts. I know the Senator will agree that it is a matter of discretion that ought to be exercised with very great care.

Mr. WATSON. Yes. After all, it depends on the administration. I am assuming that lawyers for the Government will be watchful of the interests of the Government and vigilant in protecting the rights of the Government. Of course, we all know the lawyer for the claimant will be vigilant. With the court sitting to exercise final authority in the matter, because it can not be done without his approval, I am assuming that after all the right thing will be done.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Virginia?

Mr. WATSON. Certainly.

Mr. SWANSON. Does this provision apply to suits filed in the future or is it merely to dispose of pending suits?

Mr. WATSON. Both past and future suits.

Mr. SWANSON. As I understand it a great many suits have been brought in the past on account of a desire to save and protect remote rights which the claimant might have. Is this to enable them to save more remote or very remote rights when they had no chance of getting a decision in their favor, and to enable them to bring a suit now and force a compromise? Does it not tend to encourage the filing of cases of that kind?

Mr. WATSON. I just told the Senator from Massachusetts that I think there is very much in that idea, but after all the court will be sitting, having the whole matter in charge, being familiar with the facts as well as the law. The court would undoubtedly know whether or not a compromise should be made and whether or not a just proposition was offered. I do not think anyone would be seriously injured by it, although, as the Senator from Massachusetts well said, it is a power that ought to be exercised with great care.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. WATSON. I yield.

Mr. CARAWAY. It is a power always exercised in other litigation, is it not?

Mr. WATSON. That is true.

The next amendment, amendment No. 4, is a provision eliminating the requirement that the veteran be entitled to exemption from payment of Federal income tax before receiving disability allowance. We had some debate on that provision, but, after all, by a clear majority the amendment was agreed to.

Mr. President, the contest over this measure in reality is not because of the things that are in it, but because of things that are not in it.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. WATSON. Certainly.

Mr. GEORGE. May I not inquire of the Senator if the committee did not provide for an amendment to the provision on page 23, line 12? My recollection is that an amendment was made to that provision. The House text there provides for the loss of one or more feet or hands in active service in line of duty between April 6, 1917, and November 11, 1918, being made compensable at the rate of $25 per month. My recollection is there was an amendment accepted to that provision.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. WATSON. Certainly.

Mr. REED. My recollection is that the committee agreed to insert in line 14, after the word "hands," the words "as the result of a casualty incurred in active service," so as to take care of the man who was wounded before the armistice and lost his limb after the armistice.

Mr. GEORGE. That is my recollection.

Mr. REED. I think the committee so ordered.

Mr. GEORGE. I am sure it did.

Mr. REED. At the appropriate time I shall propose such an amendment.

Mr. COPELAND. Mr. President, will the Senator from Indiana yield?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New York?

Mr. WATSON. I yield.

Mr. COPELAND. When the veterans' relief bill was here previously I suggested that the date November 11, 1918, should be changed to July 2, 1921, so that a veteran who was actually in the service, perhaps on the Rhine, or in some sort of service after the armistice but before the termination of the war, might receive similar compensation for disability. I know of one such case in particular. It seems to me that that veteran ought to be given the same consideration as one who had his leg shot off in the service.

Mr. WATSON. In other words, the Senator wants to continue it until the time when we fixed the official termination of the war, which was the 2nd of July, 1921?

Mr. COPELAND. That is right. The language is clear that the loss must have occurred in active service in line of duty. It would seem to me that a soldier in active service in line of duty after the armistice and preceding the technical termination of the war should get the same consideration.

Mr. WATSON. We did not think so. We had some discussion about it and thought that after the armistice was declared and the war was over a man really was not entitled to any more pension then than a National Guard man.

Mr. COPELAND. Undoubtedly a great many soldiers will be pensioned who lost a limb before November 11, 1918, but who did not have that misfortune in battle. It may have been as the result of an automobile accident.

Mr. WATSON. That is quite true.

Mr. COPELAND. I think, and thought before when we had the bill up, that we ought to give the same consideration to the soldier who lost a limb after the armistice and before the official termination of the war.

Mr. WATSON. Of course, they can go to the Pension Bureau and get pensions as peace-time soldiers. If a man lost a leg, he should get compensation, of course, but I am talking about those who enlisted after the armistice. The Senator wants to include those who enlisted after the official declaration of the close of the war, which was the 2d day of July, 1921.

Mr. COPELAND. I do not know how long the enlistment may have been. He might have enlisted at the very beginning of the war.

Mr. REED. Mr. President, if the Senator from Indiana will permit me——

Mr. WATSON. Certainly.

Mr. REED. This is the same question that runs through all pension or compensation legislation. Of course, it is self-evident that the soldier who dies in peace time is just as dead as the soldier who is killed in battle in war time.

We can not, however, cease to draw the distinction between service in war and service in peace. We must remember that a soldier who enlisted after the armistice, or who was hurt in the service after the armistice, really is no more deserving of special consideration than is a National Guard man who is hurt in July, 1930, while he is attending a military encampment. Both are peace-time services, and Congress has seen fit to give especial care to men who are hurt in war time.

As I have stated, if a man loses a leg in 1930, he suffers just as much as the man who had a leg shot off in 1918, but they can not both receive the same treatment.

Mr. COPELAND. Mr. President, I think the Senator missed the point I have in mind. There were thousands of soldiers in Europe for a long time after November 11, 1918, were there not?

Mr. REED. Yes; they were there for four years after that.

Mr. COPELAND. Anyway, they were there until the final termination of the war on July 2, 1921. It may have happened that a soldier was out on some advanced line on the 12th of November, the day after the armistice, and on his way back his motor cycle ran over a bomb, which blew off a leg. That man was just as much in line of duty as a man who lost his leg on the 10th of November, the date preceding the armistice.

Mr. REED. Of course, Mr. President, that man would receive very generous compensation under the World War veterans' act.

Mr. COPELAND. Would he receive as much as he would under this proposed law?

Mr. REED. This is merely an additional allowance of $25 a month for men who lost limbs while in the service during the period of hostilities.

Mr. COPELAND. Of course, "while in service" would not necessarily mean a wound from some missile.

Mr. REED. Oh, no. Only about one-fourth of the men in military service in the World War ever heard a hostile shot fired.

Mr. COPELAND. What is the real reason, then, why the soldier who lost a limb between the 11th of November and the 2d day of July, 1921, which was the official end of the war, if he were in active service in line of duty, should not have exactly the same treatment as a man who lost his limb before the armistice?

Mr. REED. The House did not think so, and the Senate Finance Committee did not think so, although a pretty strong argument may be made in favor of such a contention.

Mr. COPELAND. Does not the Senator from Pennsylvania think so?

Mr. REED. No; frankly, I do not. I think we made a great mistake in the beginning, when we treated injuries after the armistice as injuries incurred in the war. I think those men were in no more danger than the men in the Army to-day who naturally are constantly being hurt. I do not think that injuries after November 11, 1918, should be treated any differently from injuries received in any other period of peace.

Mr. COPELAND. They are a good deal like accidents in civil life, I take it?

Mr. REED. Yes. However, we have done it, and we can not take back what we have once given.

Mr. GEORGE. Mr. President, may I say to the Senator that if the injury was incurred in line of duty between November 11, 1918, and the actual end of the war, July 2, 1921, we have treated the soldier differently so far as compensation is concerned. The only thing denied him is this additional $25.

Mr. REED. That is exactly correct.

Mr. COPELAND. As I felt the other day, when we had under consideration the other bill, I fail to get the distinction here. It does seem to me as if this date should be the date of the termination of the war. I am not going to press the matter, but at the same time I feel keenly that that would be only just.

Mr. WATSON. Mr. President, this measure has the very cordial indorsement of the Director of the Veterans' Bureau, who made an elaborate statement to the committee, in which he set forth the reasons why, in his judgment, it should be passed.

We all know that, as an original proposition, the Legion was not for a pension bill or a pension system. They promised when we passed the bonus act that they would not ask for pensions; and yet, because of present conditions, they came to indorse this bill. The indorsement was given by Mr. John Thomas Taylor, their representative here, who read into the record a telegram from O. L. Bodenhamer, the national commander. I ask unanimous consent to insert that telegram in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegram referred to is as follows:

[Telegram]

INDIANAPOLIS, IND., *June 27, 1930.*

JOHN THOMAS TAYLOR,
Washington, D. C.:

Press reports that the House has sustained presidential veto of H. R. 10381 by vote of 188 to 181 and that House has passed new bill for disabled men by vote of 365 to 4. Am informed that this new bill contains some 37 amendments which include practically all of those contained in the original House bill. Our request for the extension of time in which to bring suits on insurance claims is not met by the new bill, nor is the comptroller taken out of the bureau as we requested. Request that you suggest to the Senate committee having charge of this legislation that these two changes be made.

The proposed amendment to section 200 is a departure from the established policy of the Legion, and I am therefore in no position to comment thereupon. The Legion presented and urged its proposed amendment to section 200 to the House committee and to the House itself and to the Senate Finance Committee, but after due consideration the House has selected this new method of disability compensation in preference to the Legion proposal. The press has carried the news constantly that this was done with the approval of the President. Under these circumstances, it is fair to assume that this legislation has his indorsement and that he will sign the bill. Undoubtedly this legislation will benefit thousands of disabled veterans whose disabilities have not been proved service-connected under existing law, but many of whom are entitled to the benefit of the doubt. Senate Finance Committee will doubtless hold immediate hearings on this bill. I request that you speak for me and assure them of our appreciation of their interest in this disability legislation and urge them to report out immediately the bill with amendments suggested above, thus making possible the speedy enactment of this legislation into law. Am sure that veterans and the American people as a whole will be happy to see this immediate relief for our disabled. The Legion is unselfish and sincere in its desire for speedy action. Regards.

O. L. BODENHAMER,
National Commander.

Mr. WATSON. Mr. President, this measure, in my judgment, is one the House will approve, and one the President will approve, and I think we ought to accept a measure which this body will approve, which the House will approve, and which the President will approve, and finish this legislation.

Mr. President and Senators, we have started out on a pension system so far as the soldiers of the World War are concerned; we have come to it in this measure; and we all know that in the days to come, with each succeeding session of Congress, the rates provided are likely to be increased, and will be increased, from time to time, just as they have been in the case of the soldiers of the Civil War, and just as they have been increased in the case of the soldiers of the Spanish-American War. So I think that it is not essential that these rates should be so high in the beginning. Therefore I am opposed to inserting in this particular bill at this particular time the rates provided in the Spanish-American War soldiers' bill. It is useless to argue an amendment until it is proposed, but when it is proposed we can then give our reasons why the rates which will be suggested should not be adopted at this time.

Mr. President, I do not care to make any further remarks on this subject, but I do earnestly trust that this bill will pass as it came from the Finance Committee, because I believe that the House will approve it, and I am sure the President will approve it.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Montana?

Mr. WATSON. I yield.

Mr. WALSH of Montana. I hope the Senator will tell us a little more in detail about the amendment proposed by the committee on page 6. I refer to the amendment relating to the statute of limitations.

Mr. WATSON. I am not at all well to-day, and I am going to turn the measure over to the Senator from Pennsylvania.

Mr. REED. Mr. President, the amendment on page 6 amounts to an extension of one year for the bringing of suits under term-insurance policies. Without that amendment from now on no suit could be brought on term-insurance policies which fell due more than six years ago, but if this amendment is adopted, it is equivalent to giving an additional year to the holders of such policies to bring their suits. Does that answer the Senator's question?

Mr. WALSH of Montana. It answers the question, but it answers it unfortunately. Accordingly, if the right accrued two years ago, although suit can now be brought, there would not be that right under this proposed statute except for one year after its enactment. Suppose the right accrued in 1927; under the existing law the veteran has six years from the time the right accrued within which to bring the action, which would mean 1933, but the provision in this bill would cut that down to a year after the passage of the act.

Mr. REED. That is true, Mr. President; it would have that effect.

Mr. WALSH of Montana. I trust we are not going to take from the veterans any rights which they now have.

Mr. REED. Mr. President, it is a mere speeding up of the process of settlement of term insurance. The United States Government is going to be the loser to the extent of about $1,000,000,000 on its liability under those old-term insurance policies, and the sooner we can liquidate and determine the amount of our bill the better it will be. That is what the committee had in mind in adopting this language.

Mr. WALSH of Montana. It seems to me that is exceedingly drastic, Mr. President. The complaints of the veterans with respect to the statute of limitations provision seem to me to be very meritorious and very well founded.

The amendment proposed by the committee concludes as follows:

And no suit on United States Government life (converted) insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made.

The trouble about that, Mr. President, is that the insurance policy entitles the surviving dependents to recover in the event the veteran's death or the insured himself to recover in the event of his total disability. Section 300 of the World War veterans' act of 1924 reads:

In order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in the service under the War Department or the Navy Department protection for themselves and dependents, the United States, upon application to the bureau and without medical examination shall grant United States Government life insurance (converted insurance) against the death or total permanent disability of any such person in any multiple of $500—

And so on and so forth.

Under that provision the insured who suffers total permanent disability is required to institute his action within six years from the time the right accrues. But now who shall determine when it accrues? Take the case of a veteran afflicted with tuberculosis. Here is a man who has insurance which entitles him to recover in the event of total permanent disability. Who shall say when a man afflicted with tuberculosis suffered permanent total disability.

Mr. REED. If there is any evidence the jury is the tribunal to determine the question.

Mr. WALSH of Montana. Oh, yes; but let us consider the fact that tuberculosis is a lingering disease. In the beginning one afflicted with it is not totally disabled at all; he can do light work, and the disease may continue dormant for many years, gradually possibly growing worse, and under some circumstances immediately flaring up and becoming exceedingly acute. When, pray, does the right of action of that man on his insurance commence?

Mr. REED. At the time of his total disability, when he could not do any more work.

Mr. WALSH of Montana. Exactly; but he is always hopeful—that is a characteristic, as physicians will testify, of the disease—he is satisfied that he is going to get well and that he is not going to be permanently disabled, and so he puts off from time to time the institution of his action to recover on his insurance, being himself unable to assert that he is permanently and totally disabled. So he puts it off from time to time, and eventually the Government comes in and says that he has had tuberculosis more than six years and has been permanently disabled all that time and, therefore, he is not entitled to recover on the policy. That is a very unfortunate situation.

Mr. REED. I never heard of such a case happening.

Mr. WALSH of Montana. I have called attention to the situation as set forth by Mr. Pugh, of my State, who for years has been handling, without compensation of any kind whatever, scores of these cases before the Veterans' Bureau, himself a veteran and a lawyer of some distinction, who calls attention to the fact that the veteran is called upon to decide the time when he is permanently totally disabled, when physicians will disagree about the matter, and the Veterans' Bureau has been unable thus far to lay down any rule by which the fact can be determined. He must apply to the bureau for his insurance, and his claim must be allowed. They must determine whether he is or is not permanently disabled. Under those circumstances, why should he not have a definite time after that determination by the bureau within which to institute his suit?

Mr. REED. Mr. President, the case that the Senator suggests is almost impossible of occurrence. If the Government claims that the man is permanently disabled, the necessary result of that claim by the Government is the immediate payment of the benefits.

Mr. WALSH of Montana. Oh, but the Government will claim that he has been permanently disabled for more than six years.

Mr. REED. I never heard of a case where the Government made that claim and at the same time refused to pay the policy.

Mr. WALSH of Montana. That is the effect of pleading the statute of limitations. They simply plead that his right accrued more than six years prior to the institution of his action.

Mr. REED. Major Roberts, of the Veterans' Bureau, tells me there never was such a case.





Mr. WALSH of Montana. But the Senator, as a lawyer, can see that that is easily possible.

Mr. REED. I can see that it is possible, yes, but it never has happened. It would be a confession of wrongdoing for the bureau to take such a step.

Mr. WALSH of Montana. By no means. The bureau contests his claim. The bureau contends, as a matter of fact, for some reason or other that he is not entitled to recover, and it also claims that even if he were entitled to recover the statute of limitations bars him.

Why, Mr. President, ordinarily a man who pleads the statute of limitations does not admit that but for the statute of limitations he would be liable. He contends that for various reasons he is not liable; but he also contends that even if he were liable the statute of limitations has run, and that has barred the action.

Mr. REED. Mr. President, we must bear in mind, too, that in addition to the statute of limitations which is set up against suits on these policies there is a provision that the statute shall be tolled for the period while the claim is under consideration by the bureau. The sum total of those two periods—the 6-year statute of limitations plus the time when the bureau was considering the claim—ordinarily amounts to a very considerable period; and it is necessary to have some point at which these suits are cut off, because we can all see the difficulty under which the Government labors in securing evidence to meet the claim of a condition which is peculiarly personal to the veteran himself and is peculiarly hard for the Government to prove or disprove. The Government has to have some protection in this matter or these stale claims will come in 20 years afterwards, and the Government will be absolutely defenseless.

Mr. WALSH of Montana. Really, the idea of the great Government of the United States being at a disadvantage in a lawsuit with a veteran would strike the ordinary lawyer as rather remarkable. With all the power at their command, all of the forces of the Government at their back, and all of the money that they need for the defense of the case and the preparation of it, it seems rather startling to assert that the Government is at a disadvantage.

Mr. REED. Perhaps that seems startling; but the plain truth is that about half these suits are lost because of the sympathy of the jury, which is invariably against the Government and with the plaintiff.

Mr. WALSH of Montana. The Senator, I am sure, would not have it otherwise.

Mr. REED. I am not sorry about that; no; but that is the plain truth—that the defense of the suit is extremely difficult.

Mr. WALSH of Montana. But it seems to me we ought at least to give the Government no great benefit out of a technical defense like the statute of limitations. Of course, I agree that there should be some limit, but why is there not a sufficient limit if we begin the running of the statute when the case is finally disposed of by the Veterans' Bureau? Then he is required to bring the suit within a certain time. I would make the limit less. I would make it, say, about three years after the determination by the director. The veteran might in the first place conceive that perhaps, after all, he had better accept the decision of the director; but later on he might consult some attorney about the matter, who would convince him that he could have the determination of the director reversed. So I should say that he ought to have at least three years from the time of the determination of the director rejecting the claim within which to institute suit, if he desires to do so.

Mr. REED. He has even better than that under the converted insurance. He has six years, plus all the time that the bureau was sitting on his case.

Mr. WALSH of Montana. Yes, but six years from the time his total permanent disability arose; and the trouble is about determining when that is. As I have indicated, a man will put it off and put it off and put it off and put it off in the case of tuberculosis; and even in the case of neuropsychiatric cases it often occurs that a man who is stark mad, in the estimation of all his friends and associates, still insists that he is as sound mentally as any man, and so he will not make an application for relief in a case of that kind, nor will he permit his friends to make an application for relief for total permanent disability. The cases are sad ones; and I think that in respect to a matter of that kind the interposition of a purely technical defense, we ought not to give the Government the advantage which this statute affords, and particularly I am sure that we ought not to take away from the veterans rights which they now have.

Mr. REED. Mr. President, just a word in reply to the suggestion in regard to the man who is stark mad.

Under the law the statute of limitations does not run against an incompetent during the period of the incompetency. That is true both as to minor dependents of the veteran and as to the veteran himself if he is incompetent mentally. No injustice is done them.

Mr. WALSH of Montana. That is quite right; but we are still confronted with the proposition of determining when his mental incompetency arose.

Mr. REED. It is a matter of utter indifference under this phase of the matter. It does not affect the statute of limitations at all. The policy is not due until he becomes incompetent; and the moment he is incompetent, and the policy falls due, his incompetency tolls the statute. There is not any statute running against him.

Mr. WALSH of Montana. Of course, that is correct; but we still encounter the question as to when he did become incompetent.

Mr. REED. Of course, we have that in every case; but we can not affect that by statute, because it is a question of fact in each case.

Mr. WALSH of Montana. Yes; except it is put as I suggest, that the running of the statute is started at the time the director rejects the claim. Then we have a definite date from which we can start the running of the statute.

I have offered an amendment to this part of the bill, Mr. President. I will ask that a page bring it to me.

Mr. REED. The Senator has noted the language of line 10, on page 6; has he not?

Mr. WALSH of Montana. Yes; on line 10 it provides that suit must be brought within one year after the rejection of the claim by the director, in the case of the yearly renewable term insurance; but with respect to the converted insurance the statute remains six years from the time the right accrues.

Mr. REED. Oh, yes; and it ought to. This is legislation for the future. Surely it would be a shocking thing if I, for example, could come to the director 20 years from now, and say, "I was disabled back in 1930, and I want you to pay me my insurance." The director would say, "No; I will not do it. Your evidence does not convince me." Then I would have three years, commencing at the time he said that, in 1950, to bring a suit that I ought to have brought this year. That is the way it would work out.

Mr. WALSH of Montana. Of course, the lapse of time, in all reasonable probability, in such a case as the Senator suggests, would itself operate to deny the reasonableness of the claim.

Mr. REED. It ought to. It would in some cases, but not in all.

Mr. WALSH of Montana. Mr. President, I move to amend the amendment by striking out "one year," in line 9, page 6, and substituting in lieu thereof "three years."

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Montana to the amendment of the committee.

The CHIEF CLERK. In the committee amendment, on page 6, line 9, strike out "one year" and insert "three years," so that it will read:

> No suit on yearly renewable term insurance shall be allowed under this section unless the same shall have been brought within one year after the date of approval of this amendatory act or within three years after final disallowance of the claim by the director, whichever is the later date, and no suit on United States Government life (converted) insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

DIKE ACROSS CAMAS SLOUGH, WASH.

Mr. JONES. Mr. President, I have here a matter that is rather urgent, because of the nearness of the end of the session. A similar bill is on the calendar in the House.

I desire to report, from the Committee on Commerce, a bill permitting the construction of a dike across a slough on the Columbia River without interfering with navigation and without developing water power; and I submit a report (No. 1139) thereon. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the report will be received.

Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 4663) granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough to Lady Island on the Columbia River in the State of Washing-

ton, which had been reported from the Committee on Commerce with amendments.

Mr. GEORGE. Mr. President, is this a House bill?

Mr. JONES. No; it is a Senate bill. A House bill on the subject is on the calendar in the House; and if I can get this bill over there it will expedite the passage of the measure.

The amendments were, on page 1, line 5, before the word "or," to strike out "dyke" and insert "dike"; in the same line, before the word "at," to insert "(Washougal Slough)"; in line 8, before the word "or," to strike out "dyke" and insert "dike"; in line 10, before the words "Chief of Engineers," to strike out "Secretary of War and the"; on page 2, line 1, after the word "Army," to insert "and the Secretary of War"; in the same line, before the words "*And further provided*," to insert "*Provided further*, That in approving the plans for said dike or dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States"; on page 2, line 2, to change the word "dyke" to "dike"; and after line 3, to insert the following additional section:

SEC. 2. The authority granted by this act shall cease and be null and void unless the actual construction of said dike or dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Crown Willamette Paper Co., of Portland, Oreg., to construct a dike or dam across Camas Slough (Washougal Slough) at a point near the mouth of Washougal River to Lady Island, State of Washington: *Provided*, That the work of constructing this dike or dam shall not be commenced until the plans therefor have been filed with and approved by the Chief of Engineers of the United States Army and the Secretary of War: *Provided further*, That in approving the plans for said dike or dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States: *And provided further*, That this act shall not be construed to authorize the use of such dike or dam to develop water power or generate hydroelectric energy.

SEC. 2. The authority granted by this act shall cease and be null and void unless the actual construction of said dike or dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough (Washougal Slough) to Lady Island on the Columbia River in the State of Washington."

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended.

The next amendment of the Committee on Finance was, on page 8, after line 22, to insert:

Upon a report by a district attorney or any special attorney having charge of the defense of any suit instituted under this section showing in detail the condition of the claim and the terms under which the same may be compromised, and recommending that it be compromised upon the terms so offered, the Attorney General is authorized, with the approval of the court, to compromise such claim, and the court is authorized to enter a judgment in accordance with such compromise. When such compromise is reduced to judgment, the director is authorized and directed to make an award in payment of such judgment, under section 16 of the World War veterans' act, 1924, as amended, if the compromise relates to yearly renewable term insurance, and/or under section 17 of the World War veterans' act, 1924, as amended, if the compromise relates to United States Government life (converted) insurance, and the appropriation for military and naval insurance and/or the United States Government life insurance fund is hereby made available for the payment, respectively, of such judgments.

Mr. WALSH of Massachusetts. Mr. President, I have a minor amendment I would like to offer to this section, which probably will be accepted by the Senator from Pennsylvania, although I have not had an opportunity to confer with him. The amendment is on page 9, line 3, after the word "general," to insert the words "upon presentation to the court of his reasons in writing."

The purpose of the amendment is to try to lessen the local pressure and the possible collusion which might be exerted to help bring about settlements of cases. It would place the final responsibility upon the Attorney General and require him to state in writing to the court his reasons for settling cases.

Mr. REED. Mr. President, it occurs to me that that might embarrass the Attorney General; but I think the wise thing to do is to accept the amendment for the present.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was on page 15, line 15.

Mr. REED. That amendment is merely in order to get rid of a comma which has no business there.

The amendment was agreed to.

The next amendment was, on page 16, line 1, after the word "claims," to strike out the comma and the following:

That the provisions of this act shall apply only to ex-service men who entered the service, were inducted or who applied for enlistment, prior to November 12, 1918, and their dependents, but payment to any persons now receiving benefits under the act shall not be discontinued by reason of this proviso for a period of one year following approval of this amendatory act.

The amendment was agreed to.

The next amendment was on page 16, line 25, to strike out the colon and the following:

Provided, That no disability allowance under this paragraph shall be payable to any person not entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for such disability allowance under this paragraph.

The amendment was agreed to.

The next amendment was, on page 17, to strike out lines 21 to 25 and lines 1, 2, and 3 on page 18, as follows:

The Secretary of the Treasury is hereby directed, upon the request of the director to transmit to the director a certificate stating whether the veteran who is applying for a disability allowance under this paragraph was entitled to exemption from the payment of a Federal income tax for the year preceding the filing of application for the disability allowance, and such certificate shall be conclusive evidence of the facts stated therein.

Mr. FESS. Mr. President, I would like to ask the Senator from Pennsylvania a question about this.

Mr. REED. Mr. President, this is the second income-tax provision. The bill as it came from the House provided that no veteran who had enough income to be required to pay an income tax should get the benefit of this disability allowance. The Finance Committee, on a division, struck that out.

Mr. FESS. Mr. President, I would like to have the attention of the Senator just a little while on that amendment.

Pension legislation is always a sensitive subject to discuss, especially if what one is about to say might seem adverse. I had hoped that the views of the American Legion—that we would not enter upon pension legislation thus early—might be the view of the Senate and of the House and of the administration. As was stated here a while ago when we were discussing the question of adjusted compensation, one of the strongest arguments for the paid-up insurance plan finally adopted, which would result in a settlement in 20 years, was that it would defer pension legislation for at least a reasonable time.

I think anyone conversant with the history of our country knows that pension legislation is inevitable, that it is bound to come. It is coming a good deal earlier than I had anticipated. I thought that in all probability it might be deferred until the settlement of the paid-up insurance policies, and for that reason I have urged on veterans that we not enter upon the regular pension system with the World War veterans until at least such period had elapsed that the need became obvious. I know such a time is coming, and it is only a matter of time as to how soon it will come.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FESS. I yield.

Mr. REED. Does not the Senator think there is an important difference between disability pensions, such as are provided here, and general service pensions, which go to every veteran regardless of disability?

Mr. FESS. Yes; that is true.

Mr. BORAH. That is true, but it will be only a short time before the other demand comes.

Mr. FESS. The Senator is right.

Mr. REED. I am afraid the Senator is right, but it seems to me that compared with the bonus system the pending bill is infinitely superior. The bonus, no matter what we called it, was a pension paid to veterans regardless of their need for it. The

benefits under this legislation would go only to veterans whose need is unmistakable.

Mr. FESS. The Senator is correct, as I see it.

There is a very pronounced determination on the part of every Senator and every Member of the House, and I think of all of our citizens, to do the right thing with those who bore the colors and subjected themselves to the embarrassment and dangers of war. One of the most outstanding pieces of legislation in the history of the world in reference to pensions was the World War veterans' act, known as the war-risk insurance legislation, which was suggested by the then Secretary of the Treasury, I think, Mr. McAdoo, who came before the committees of Congress and made a very strong presentation, in which he made this very significant statement:

> Our soldiers are not yet in action, and therefore no one has fallen, but they will be in action very soon, and they will be suffering disability and the casualties of war.

He therefore suggested that instead of following the old plan, waiting until a soldier was disabled, we immediately make provision, even before anyone had fallen, to take care not only of any who might fall but also of their dependents. I regard war-risk legislation, which was signed on the 6th or 7th of October, 1917, as one of the most far-reaching and humane bits of legislation in the history of warfare.

As every one will note, that legislation provided for three major items: First, compensation; second, allotment and allowance; third, insurance. I see in the Senate now those who were Members of the House of Representatives at the time that question was being discussed, and they will recall that an amendment was offered to add a fourth major item; namely, a provision for rehabilitation by the Government of disabled soldiers. While that was not made a part of the law, it was taken up after elaborate survey and was written into a separate measure, and the amount of money expended under that provision of the law looking to the rehabilitation of the wounded or otherwise disabled soldier was an enormous amount. It went away beyond what any of us thought it would cost. I recall that when a $2,000,000 authorization was asked as the initial provision there was a considerable opposition on account of the amount. Yet all of us recall single sessions when nearly $50,000,000 was recommended for a particular year.

That work, so far as the soldier is concerned, is about completed. The other provisions of the law, however, are operative, and I think are quite effective.

I had hoped that that law would obviate the necessity for pension legislation, and for that reason I have been urging that we not enter upon that policy. But there is no doubt about the pension legislation. If it does not come now, it will come in due time.

My concern about the matter is whether we are going to regard at all the question of the need of the soldier, or whether we are going to regard it as a principle that, no matter who went into the war or what his condition was when he came out, he should be paid a pension anyway. Some people would go so far as to say that even if he did not come out disabled he should be paid a pension. Others say that if he comes out disabled he ought to be rated.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. BORAH. Does not the Senator think that the system upon which we are entering through this legislation will inevitably go to the point which he is now discussing?

Mr. FESS. I think so.

Mr. BORAH. I think it is unfair and unjust to the veteran and unfair to the taxpayers of the United States. This pension system does not meet the problem, and yet it will fasten upon the taxpayer a stupendous burden.

Mr. FESS. In other words, if the question of the need is entirely eliminated, then the necessity to show disability will be eliminated in a very little while.

Mr. BORAH. Certainly.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

Mr. REED. I ask that the unfinished business be temporarily laid aside, that the Senate may continue the consideration of the World War veterans' bill.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. FESS. My thought was that if this is to be our policy, recognizing the tremendous charge that is bound to come, we ought to proceed as we have heretofore proceeded in reference to Civil War veterans and Spanish-American War veterans; that is, to base the relief on the needs in time so that those who are to-day perfectly well and sound may hereafter in old age obtain some sort of pension. Two boys of my own family served in the World War. One of them went through the drives in France. Neither one is in position now to justify any claim of relief from the Government, and I should be ashamed of them if they should at this stage. But there may be a time, when feebleness comes on, when there might be a justification such as we require now in the case of Civil War veterans and Spanish-American War veterans. I am discussing that feature of the matter. But only 12 years after the close of the World War we are entering upon a policy which in time will embrace the 4,300,000 soldiers of the World War.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. I yield.

Mr. BORAH. Has the Senator from Ohio or the Secretary of the Treasury or any other distinguished financier undertaken to estimate what this system is going to cost us?

Mr. FESS. I do not think anyone can estimate what it will ultimately cost.

Mr. BORAH. The sky is the limit.

Mr. REED. The cost of the provisions of the bill have been very carefully estimated.

Mr. FESS. I understand so; but the Senator from Idaho means the ultimate cost.

Mr. BORAH. Under the system which we are inaugurating by this bill, it will inevitably take the course that all other pension systems have taken.

Mr. FESS. I do not mean to say we can not estimate what the particular measure will cost us for the next year or two, but I mean that nobody can tell what it will ultimately cost us. If we start out 12 years after the war on the theory that we are not going to regard need at all as the element of compensation, then the next step will be service without reference to disability, and if we reach that stage the minimum probably will be $12 a month. What would that amount to? It would be something like $600,000,000 a year and that would be only the beginning.

Every Senator is anxious to do the right thing by the soldier of course. There is no question about that. But it seems to me we ought to go slowly on this particular item. There ought to be the element of need entering into the matter, especially if the veteran has an income sufficient to require the payment of an income tax. Why should a single man, for instance, receiving $4 a day, be put on the same basis as the person who has no income at all, but is indigent? If he is a married man, or if he be a single man having dependents which would place him in the category with married men, he would have to have an income of $3,500. Why should we say, through a maudlin system, that if a man is getting $3,500 a year he should be treated in the regard of the Government just the same as one who is unfortunate and indigent? It does not seem to me reasonable.

Mr. BORAH. That is the fundamental basis of the pension system. There is no reason for taking into consideration the question of income if we are going to adopt the pension system. We are simply delaying the matter a short time. It will be a very short time until all these matters will be wiped out and the question of service alone will be the basis upon which we will enact our legislation. Well, that is not the true principle upon which to base legislation for the World War veteran.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FESS. I yield.

Mr. McKELLAR. What would the Senator do in the case of widows whose husbands were killed during the war? If a man was killed during the war and left a dependent widow and perhaps some small children, are they not just as deserving?

Mr. FESS. The Senator knows that he and I assisted in the enactment of legislation that covers such cases and which is now upon the statute books.

Mr. McKELLAR. Not for World War veterans.

Mr. FESS. Oh, yes. That was covered by the World War act of 1917.

Mr. REED. The World War veterans' act of 1924 provides an allowance for the widow of a soldier as long as she remains unmarried.

Mr. FESS. Yes.

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. FESS. I yield.

Mr. COUZENS. Does the Senator think this particular amendment, to which the committee did not agree, covers the ground with respect to exempting those who do not need compensation? In other words, the provisions which the committee struck out contemplated that if the veterans pay an income tax then they are not to receive the pension or compensation under the act. That is not a correct line of demarcation between those who should have the disability pension and those who should not have it.

Mr. FESS. It may not be, but I think that is good evidence of the financial condition of the claimant.

Mr. COUZENS. But it is not equitable evidence. In other words, a person who works for his income and labors for it may have to pay an income tax and therefore not receive a disability allowance, while a person who has an income from dividends on tax-exempt bonds might be able to collect the disability allowance. If we are going to establish a rule to prevent from getting a disability allowance those who pay an income tax, we ought to adopt it on some other basis than the payment of the income tax.

Mr. FESS. I agree with the Senator. I see that inequity and wish we could get rid of it. But where the evidence can not be disputed we ought not to go to the extent of saying that those people are on the same basis for demanding relief from the Government as is the man who was injured. I hope that this amendment will not be accepted.

Mr. COUZENS. Does the Senator mean the committee amendment?

Mr. FESS. Yes; the committee proposes to strike out the provision we have been discussing.

Mr. COUZENS. If the Senate agrees to the provision in the bill which the committee struck out, it will be doing an equal injustice.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. FESS. I yield.

Mr. BARKLEY. I would like to call the Senator's attention to this fact. Of course, the $40, which is the maximum allowance carried in the bill, is for total disability. It is inconceivable that any man totally disabled would ever have an income that would make it necessary for him to pay an income tax unless he receives it from some other source than his labor or profession or whatever it may be. He may receive an income from investments wholly independent of his own personal activities. But the ordinary man who is totally disabled so as to come within the maximum provision of the bill can not be earning enough money from his current activities to require the payment of an income tax. Besides that the Secretary of the Treasury would be required under the provisions of the bill to certify those who paid income taxes for the previous year. Even though a man may have been in full health and strength and had been earning enough money to pay an income tax for the previous year, there is no assurance that he would continue that condition for another year. It would be 12 months after the end of the year for which the income tax would be payable before the Secretary of the Treasury would know whether for the current year he was subject to pay another income tax. It strikes me that to require the Secretary of the Treasury to issue a certificate as to the past year is not the proper way to do it.

If it were found that for 1929, for instance, a soldier paid an income tax he would be barred from the provisions of the bill, although he might have become totally disabled at the beginning of the year 1930 and the Secretary of the Treasury could not know that fact until 1931, when he would have to certify the taxable list for the year 1930.

Mr. FESS. If there would be an inequity of that sort it could be corrected. That is what I fear, I will say to the Senator from Kentucky. We are entering upon a general principle. There will be any number of people, such as the Senator mentions, who would not be covered by the law, as is the case in our Spanish-American and Civil War veterans. There will be individual bills introduced for the relief of individual World War veterans. If the Senator remains here very long he will have any number of people, not covered by the law which we are about to enact, who will appeal to him to introduce special bills for their relief. When we fix the limitation, if there is any, as to who the bill will include and then consider the widows and the orphans, and then the special bills which will come before us to cover cases which the pending bill does not cover, I can not see anything except, as the Senator from Idaho [Mr. BORAH] said, that "the sky is the limit."

It seems to me that we should largely be guided not only by the interest of the veterans, but also by the interests of the taxpayer, whose welfare the veterans always regard. I have thought that need, which is really the proper basis for compensation of this kind, for which the Senator and I would have much respect, is the better basis than that provided for in the bill, and that therefore we ought not to adopt the proposed policy now.

Mr. BARKLEY. I am impressed with the force of what the Senator from Ohio has said. I think it would have been much better at this stage of our legislation to have accepted even an extension of the theory which has marked all of our legislation thus far, that compensation or allowance, or pension or whatever it may be called, should in some way be connected with disability incurred as a result of the war in which they served. Of course, the fact that we could not get that sort of legislation is what brings this bill here now. We are not responsible for the situation. We have to deal with it as it is before us. I think the committee did not strike out this language through any desire that men who did not need the compensation should receive it, but it was the view and opinion that the cost of administering it under the different situations that might arise would really amount to more than would justify it and make it wise to provide in this language.

Mr. FESS. I appreciate the attitude the Senator from Kentucky is taking, but I think it would be much better legislation if we disagreed to the committee amendment and let the bill pass without the amendment in it.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment on page 17.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The next amendment of the Committee on Finance was, on page 29, line 1, after the word "incompetent," to insert the word "veteran," so as to read:

SEC. 214. Where an incompetent veteran receiving disability compensation under the provisions of this act disappears, the director, in his discretion, may pay to the dependents of such veteran the amount of compensation provided in section 201 of the World War veterans' act, 1924, as amended, for dependents of veterans.

The amendment was agreed to.

The next amendment was, on page 29, line 3, after the word "discretion," to insert a comma.

The PRESIDING OFFICER. The amendment will be agreed to. That completes the committee amendments.

RECEPTION OF CREW OF "SOUTHERN CROSS"

Mr. BINGHAM. Mr. President, in the Vice President's room there is the crew of the ship which made the first successful trip across the Atlantic from Europe to America, landing safely both passengers and crew and the ship itself.

It has been our custom in the past to honor those who have distinguished themselves in this new art by receiving them in the Senate. The last ship that almost made this trip successfully, bringing its pilot and passengers but not the ship itself safely to land, was the *Bremen*.

I move that the Senate take a recess for a few moments in order that the crew of the ship *Southern Cross*, which has just made this famous trip across the Atlantic, after having previously made a marvelous trip across the Pacific from San Francisco to Australia—the first ship and the only ship that has made that flight through the islands of the South Pacific—be received by the Members of the Senate.

The motion was agreed to.

Mr. BINGHAM. Before the recess is taken, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	McNary	Steiwer
Ashurst	Glass	Metcalf	Stephens
Barkley	Glenn	Moses	Sullivan
Bingham	Goldsborough	Norris	Swanson
Black	Hale	Oddie	Thomas, Idaho
Blaine	Harris	Overman	Thomas, Okla.
Borah	Harrison	Patterson	Townsend
Brock	Hastings	Phipps	Trammell
Broussard	Hatfield	Pine	Tydings
Capper	Hayden	Pittman	Vandenberg
Caraway	Hebert	Ransdell	Wagner
Connally	Howell	Reed	Walcott
Copeland	Johnson	Robinson, Ind.	Walsh, Mass.
Couzens	Jones	Robsion, Ky.	Walsh, Mont.
Cutting	Kendrick	Sheppard	Watson
Dale	La Follette	Shipstead	
Deneen	McCulloch	Shortridge	
Fess	McKellar	Steck	

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. A quorum is present.

The Senator from Connecticut [Mr. BINGHAM] and the Senator from Nevada [Mr. PITTMAN] will serve as a committee

to escort the members of the crew of the *Southern Cross* into the Senate Chamber, and, under the order, the Senate will stand in recess.

The Senate being in recess, Mr. BINGHAM and Mr. PITTMAN, preceded by the Sergeant at Arms of the Senate, escorted into the Chamber, amid applause, his excellency the Hon. Sir Ronald Lindsay, ambassador extraordinary and plenipotentiary of Great Britain; Mr. J. H. Van Royen, envoy extraordinary and minister plenipotentiary of the Netherlands; Mr. Michael MacWhite, envoy extraordinary and minister plenipotentiary of the Irish Free State; Maj. Charles E. Kingsford-Smith, Mr. John S. W. Stannage, Capt. J. P. Saul, and Mr. E. Van Dyk.

The distinguished visitors stood in the area near the Secretary's desk, and Mr. BINGHAM personally presented the Members of the Senate to them, after which they retired from the Chamber, amid applause, and the Presiding Officer resumed the chair.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 3691) to amend an act entitled "An act relative to naturalization and citizenship of married women," approved September 22, 1922.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 39. An act for the relief of Kate Canniff;

S. 941. An act to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926; and

S. 2790. An act for the relief of D. B. Traxler.

ENROLLED BILLS PRESENTED

Mr. GILLETT (for Mr. GREENE), from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 1378. An act for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson;

S. 1638. An act for the relief of William Tell Oppenhimer, jr.;

S. 2189. An act for the relief of certain homestead entrymen in the State of Wyoming; and

S. 3566. An act authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate messages from the President of the United States submitting nominations of officers in the Coast Guard, which were referred to the Committee on Commerce.

LAWS OF PORTO RICO, 1930

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on Territories and Insular Affairs:

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the laws and resolutions enacted by the Twelfth Legislature of Porto Rico during its second regular session from February 10 to April 15, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, *June 30, 1930.*

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended.

Mr. REED. Mr. President, on page 23, line 14, after the word "hands," I move to insert the words "as the result of an injury received." That was an amendment which I understood to have been agreed to in the committee. Of course, its effect will be to give compensation for the loss of a limb or limbs, no matter when lost, if the injury occurred during war time.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 23, line 14, after the word "hands," it is proposed to insert the words "as the result of an injury received."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. REED. Mr. President, on the same page, in line 18, I move to strike out the word "disability" and to insert the word "injury."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and is open to amendment.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	McNary	Stelwer
Asburst	Glass	Metcalf	Stephens
Barkley	Glenn	Moses	Sullivan
Bingham	Goldsborough	Norris	Swanson
Black	Hale	Oddie	Thomas, Idaho
Blaine	Harris	Overman	Thomas, Okla.
Borah	Harrison	Patterson	Townsend
Brock	Hastings	Phipps	Trammell
Broussard	Hatfield	Pine	Tydings
Capper	Hayden	Pittman	Vandenberg
Caraway	Hebert	Ransdell	Wagner
Connally	Howell	Reed	Walcott
Copeland	Johnson	Robinson, Ind.	Walsh, Mass.
Couzens	Jones	Robsion, Ky.	Walsh, Mont.
Cutting	Kendrick	Sheppard	Watson
Dale	La Follette	Shipstead	
Deneen	McCulloch	Shortridge	
Fess	McKellar	Steck	

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. A quorum is present.

Mr. WALSH of Massachusetts. Mr. President, on behalf of the Senator from Texas [Mr. CONNALLY], I offer the amendment which I send to the desk and move its adoption. I ask that the amendment may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 16, line 13, it is proposed to strike out "25 per cent or more," and on the same page, line 18, to strike out "25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month" and in lieu thereof to insert "$10 per month for one-tenth disability; $20 per month for one-fourth disability; $35 per month for one-half disability; $50 per month for three-fourths disability; and $60 per month for total disability."

Mr. WALSH of Massachusetts. Mr. President, this is one of the most important amendments that will be offered to the pending bill, and it is probably the one amendment that will be most sharply contested. Before discussing the amendment, I wish very briefly to call attention to the reason why we are at this time considering legislation of this character, namely, legislation providing what is equivalent to a pension for World War veterans.

The proposed legislation which came to this body from the House of Representatives and which was approved by the Senate and vetoed by the President was the result of an extensive agitation in this country, as a result of the expression of a great deal of sympathy in behalf of that large class of veterans who are permanently disabled, many of whom are in hospitals, and whose families are impoverished as a consequence of the incapacity of the income producer of the family.

Various organizations of veterans and sympathizers of the veterans throughout the country began the agitation for some form and character of financial relief for those who are permanently disabled, many of whom are in hospitals, who are without any income whatever in most instances, and whose families are naturally deprived of the aid and comfort that would come to them from the veterans if they were able to earn a livelihood. The result of the agitation was an attempt to enact into legislation provisions that did not appear to be pensions but were, in fact, in the category of what are known as pensions.

The first way sought to take care of those disabled veterans was to provide that a large number of diseases, from which veterans are suffering, should be presumed to be attributed to war service. The proviso in the vetoed House bill to that effect included about 77,000 disabled veterans. By applying the presumptive theory to those diseases they were ipso facto given

service connection and the benefits of existing compensation laws were to be extended to veterans suffering from them.

Another way in which it was sought to help the disabled veterans who were unable to get any compensation because they could not show service connection was by a provision in the same House bill giving to a veteran who possessed an income of less than $1,000, and who remained in a hospital longer than 30 days, $8 per month for spending money while he remained in the hospital and a provision for the payment to his wife and one child of $30 per month while he remained in the hospital, and $6 per month for each additional child.

When that bill came to the Senate and was considered in the Finance Committee—and let it be remembered that the bill was framed on the floor of the other House, that it was not a committee bill—there were amendments made spontaneously upon the floor of the House, with a purpose and desire to remove the handicap of abject poverty from a large number of veterans who are unable to show disability due to service origin and who are doomed to death because of incurable disease. The theory behind such sympathy and such a move was that no man who served his country in time of war ought ever to be in a position where he would become an object of public charity, and that the family of such a man, if he had been honorably discharged from the service of his country in time of war, ought not to be deprived of the reasonable comforts of life. This has been the American principle behind all pension legislation.

Mr. BARKLEY. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Kentucky.

Mr. BARKLEY. When the Senator says that the bill was framed on the floor of the House he is not referring to the bill now under consideration, is he?

Mr. WALSH of Massachusetts. No; I refer to the earlier bill. I am analyzing the earlier bill and explaining now why we have the disability-allowance theory before us rather than the bill which the House first passed and which the Senate subsequently passed and which was vetoed by the President. When the prior bill came before the Senate the Senator from Texas [Mr. CONNALLY] and myself took occasion to say, "This is a pension bill; you are pretending that it is not; you are not using the name 'pension,' but when you give to a veteran who has a disability that he can not connect with the service $8 a month while he is in the hospital and also give his wife and children compensation it is a pension; and when you pick out two veterans in the same hospital, both suffering from the same degree of disability, both doomed to death within the same period of time, and say to one of those veterans, 'Because your disease happens to be such and such a disease you will have $100 a month,' and say to the other veteran, 'Because your disease is not a certain disease you will get nothing,' you are doing a grave injustice."

The Senator from Texas and I pointed out further that when only certain diseases were presumed to occasion total disability and others were not, the theory advanced in the original House bill was discriminatory and inequitable. Then, we pointed out that the provision for $8 a month for a veteran and $30 a month for his wife and child was still more inequitable; that the man who could not get into a hospital would get nothing though he had exactly the same disease, and though he was in as much need of financial assistance as the veteran who would receive payment.

We also pointed out that the man suffering from a lingering disease for which no hospital treatment would be of any benefit to him and it would be best for him to be at home with his family would get nothing.

Many other illustrations could be pointed out to show the inequity of the provision under which a man who gets into a hospital would receive $8 a month and his wife and child would receive $30, while the man who stays home and says "I will fight this thing out; I will work around the farm; I am not going to the hospital; I want to be with my family and loved ones," would get nothing.

We also pointed out—and General Hines confirms the statement very strongly, and it is a very important aspect of this question in considering the background of the reasons why we are dealing with this novel and unusual piece of legislation at this period of our history following the World War—that that provision of law put a premium on going into Government hospitals; that there was an inducement for every man, no matter what his ailment was, no matter how he was injured—in a street-car accident, or from pneumonia, or who had a slight cough, or whatever his disease was—to go into the hospital and get the pension of $8 a month and the compensation for his wife and children.

I quote his words when I say that no one could estimate the tremendous burden that might be placed upon our Government in the building and maintaining of new hospitals if that provision were incorporated in the law and, as was to be expected, everybody who wanted a pension went to the hospitals so as to comply with that requirement: "Get into a hospital, and you are pensioned."

Not only that, but a non-service-connected veteran getting into a hospital could draw, if he had two or three children, $50 a month, while in a service-connected case a man who had 40 per cent disability could draw only $40, or, for 25 per cent disability, $25.

Mr. REED. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield to the Senator, gladly.

Mr. REED. Was it not even worse than that? The service man who got into a general hospital got no allowance, while he who got into a Veterans' Bureau hospital did get the allowance.

Mr. WALSH of Massachusetts. Exactly.

Mr. REED. It depended on which hospital he got into. If he got into the hospital in his own locality, he got nothing.

Mr. WALSH of Massachusetts. It certainly did. I appreciate the Senator's suggestion.

All this matter was brought to the attention of the Finance Committee by the Senator from Texas [Mr. CONNALLY] and myself; and we said, "You are right up against pensions. These are pensions." We said, "Some legislation is going through here." The House has acted. The Senate is going to give relief.

The public sympathizes with these poor veterans who are in hospitals, doomed to death, suffering, impoverished, and their families struggling to get an existence. Something has to be done for them. Now, what shall we do? Shall we proceed upon the theory of presupposing all their diseases to have been incurred in war, and pile up a great obligation on the part of our Government in giving the high compensation rates to these veterans; or shall we begin now, in view of this legislation before us, and divide all veterans into two groups: First, those veterans who are disabled and can prove legally under the law that their disease is service connected, and, if so, have all the benefits, now and in the future, of compensation provisions of law dealing with service-connected cases. Then, we said, a second group should be established, and all in this group should be on a parity. It should not be a matter of chance depending on whether the veteran gets into a hospital or not. It should not be a matter of chance depending on what his disease is. All in the group of being permanently disabled should be treated alike, on a parity; and that group, we said are the disabled veterans who can not legally prove that their disabilities were the result of war. In that class we will put all these veterans and do for them what we have done for Spanish War veterans in like status.

That was our proposal; and I think it fair to say that nearly every member of the committee thought that plan was a much more equitable one. There were some members who thought it was more expensive than the pending bill. Others thought we ought to have more study and time devoted to it. Others thought that to advance a new proposition at this late stage of the proceedings was bad policy; that the House had so nearly unanimously passed that bill that we ought to accept it. The prior House bill did give relief; it was actuated by the highest motives of interest in the disabled veterans; and many of the members of the committee said, "The proposition appears to be more equitable, and, perhaps, is fairer than the other, but it is too late." At one time the committee went so far as to vote in favor of reproposal. I think some members of the committee consulted the President, and the President's objection at all times was the expense that was involved. As to that, I shall speak in a moment.

You know what followed. We failed in the committee to have our proposition adopted. The committee reported back the House bill, modified, but retaining the presumption of disease in the cases of a large number of disabled veterans, 77,000 of them, and also the provisions for payment to dependents and to a veteran who was fortunate enough to get in the Government hospital, though he did not have service connection. The President vetoed that bill. Then the House took, in substance, the theory that we had urged before the Finance Committee with reduced rates.

The House has now passed the present bill retaining the principle but not the rates that the Senator from Texas [Mr. CONNALLY] and I stood for, and the bill is now here before us.

The main and principal item of controversy in this bill now is the question of rates. The House in dealing with this second group of veterans whose disabilities are nonservice connected have not only fixed lesser rates, which I will speak of in a moment, but they made a proviso that no one shall have the benefit of this disability allowance or pension—"disability

allowance" seems to be a more favored term than "pension" and less offensive to the ear—the House provided that no one shall have the benefits of this pension if he has paid or is able to pay an income tax. That has been stricken out of the bill by the Finance Committee.

A second proviso is in the House bill which the Senate Finance Committee has retained, and over which there was considerable controversy also. In dealing with this bill we have reached the stage where every permanently disabled veteran is given some rights in the way of financial relief. Those who can prove that their disabilities can be traced to the service have now and will in the future have all the benefits of the general compensation laws. Every other disabled veteran on showing a certificate that he is honorably discharged will, if this bill is enacted into law, have the benefits of a disability allowance or pension. So that a veteran can say to his Government: "I am disabled. What are you going to do for me?" "Have you proved service connection?" "Yes." "Here are your rights. If you can not prove service connection, you will not go without compensation. The disability allowances provided in this bill will be yours."

What does this bill require disabled veterans to prove in order to get a disability allowance, and how much will they get? The pending amendment presented by me deals with the latter proposition. The bill as passed by the House eliminated from the benefits of this disability allowance those veterans who are capable of paying an income tax, first of all; and, secondly, those veterans who contracted diseases through their own willful misconduct. The bill as it passed the House removed all the latter class of disabled veterans from any benefit, either through the compensation law or through the allowance provided for in this bill.

The existing Spanish-American pension law gives a pension to every veteran, even if his disabilities are traceable to diseases contracted through his own willful misconduct. So in that particular this bill is very materially different from the existing Spanish-American War legislation.

The latter feature of this bill we will deal with in the form of another amendment. The amendment now pending deals solely and alone with the rates to be paid a permanently disabled veteran who is not able to show that his disabilities were connected with war service.

The rates named in the bill as it passed the House and as approved by the Finance Committee are as follows: No veteran with a disability of less than 25 per cent will get any benefit under the bill pending before us. The minimum disability must be 25 per cent. If a 25 per cent disability is shown, the veteran will be given $12 per month under the pending bill.

If a 50 per cent disability is proven, the veteran will receive $18 a month.

If a 75 per cent disability is established, he will receive $24 a month.

If 100 per cent disability, or total disability, is established, the veteran will be paid $40 a month.

Thus the rates in the pending bill vary from $12 for a 25 per cent disability, to $40 for 100 per cent disability.

I have purposely traced the earlier history of this bill so as to emphasize these rates. Mark you, in the first House bill, which was approved by the Senate, the veterans with the 100 per cent disability had in their hands $100, not $40; the men with 50 per cent disability had $50 within their reach, not $24; and those with 25 per cent disability had $25, and not $12.

I ought to say that heartily cooperating with the Senator from Texas [Mr. CONNALLY] and myself in this proposal were the two Senators on my left, the Senator from Kentucky [Mr. BARKLEY] and the Senator from Oklahoma [Mr. THOMAS].

Mr. President, I say, regretfully, that this bill will never be a popular measure with the veterans of this country, because, in comparison with the measure which passed the House and the Senate overwhelmingly, under which the veteran was to be given exceedingly high rates, what he will receive has been reduced to the small, insignificant sums included in this measure. That was one of the reasons which actuated the Senator from Texas and myself to adhere to the Spanish War rates, because they make the drop from the rates, which, as I have said, the veterans had in their hands, so far as the Congress could act, not nearly so extreme.

The rates proposed in our amendment are as follows:

For complete disability, $60, the present Spanish War rate, as against $40 in the pending bill.

For a 75 per cent disability, $50, the present Spanish War rate, as against $24, in the pending bill.

For a 50 per cent disability, $35, the present Spanish War rate, as against $18 in the pending bill.

For a 25 per cent disability, $20, as against $12 in the pending bill.

The Senator from Texas and myself discovered some very helpful information when we had before us a representative of the Pension Bureau, who has had vast experience in dealing with Spanish War pension cases where the proof of disability, and where the degrees of disability, and where the administration of the law are similar to what will be required in the administration of the pending bill.

The experience of the chief of the finance division of the Pension Bureau has shown that it has been cheaper for the Government, as he stated, to begin with a disability of 10 per cent rather than than one of 25 per cent. That rather surprised us. I think I am justified in saying he rather urged us to commence with a 10 per cent disability. He said his experience had shown that when a veteran permanently disabled went before a medical examining board there was naturally and properly a good deal of sympathy manifested and a disposition to give him something, and there was nothing less to be given him than a 25 per cent disability.

He said that a good many of the veterans, if a provision for a 10 per cent disability were included in this measure, would feel that they would get some slight benefit to help them in their struggle for existence in the face of their disability, and would be more or less satisfied with the 10 per cent disability, and that we would not have nearly as many cases urging and clamoring for the finding of 25 per cent disability. He actually testified before us that it would cost the Government less to graduate these rates commencing with 10 per cent disability and running up to a hundred per cent disability, than to graduate them with a minimum of 25 per cent to a maximum of 100 per cent. That is why the Senator from Texas and I changed our views and provided in this amendment for a 10 per cent minimum disability, to entitle the veteran to $10.

Why did we make 10 per cent disability $10? Because that is the same amount of money which a veteran who shows service connection with 10 per cent disability gets, and therefore we did not feel that one entitled to a pension was entitled to receive more than the veteran who could show service connection. In fact, we reduced the rate which the Spanish-American War veteran gets for 25 per cent disability from $25 to $20 for the reason that a 25 per cent disability, when service connected, receives $25. Had we made the pension $25, the World War veteran who could not show service connection would get exactly the same money as the one with 25 per cent disability who could show service connection.

All of the rates—$60, $50, $35, and $20—are the same, with the exception of the $20 rate, as the Spanish-American War rates, and all of them are lower than a veteran would obtain if he was able to prove service connection and receive the benefits of the general compensation law.

Mr. President, it goes without saying, of course, that our plan is the more expensive of the two. It would be folly for me to attempt to convince anyone that the Government would save more money by adopting our amendment than it would by retaining the House rates. But as against that fact we present the suggestion that our amendment settles this veteran-relief question for 10 years at least. It means an end of agitation for further veterans' relief. Compensation laws are provided for those who prove service connection, and the identical rates of the Spanish-American War veterans are provided for World War disabled veterans 12 years after the war.

We sincerely believe that the amendment will end for 10 years all agitation along the line of veterans' relief. We sincerely believe that if the amendment contained in the bill is ever enacted into law, the ink will not be dry upon the signature of the President before there is general agitation to give disabled veterans the rates named in the present Spanish-American War veterans' act. We all know that these organizations and the friends of the disabled veterans will not be content with $12 a month for a veteran with 25 per cent disability, nor will they be content with $18 a month for a veteran with 50 per cent disability.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. WALSH of Massachusetts. I yield.

Mr. BARKLEY. Since the present compensation laws have been in effect there have been 573,511 veterans who have been allowed compensation under them. There have been 572,012 applications disallowed. These 572,000 cases disallowed were disallowed because the veterans could not connect their disability with the service, or because, if connected, their disability was less than 10 per cent and therefore they did not come within the provisions of the law.

We all know how anxious the soldiers were to get out of the Army when the war ended, and how anxious they were to come home. Many of them did not stop to consider whether they

would ever make application for compensation of any kind. The first consideration with them was to get out and get back to the United States, or, if they were in the United States, to get back to their families. Feeling that anxiety it may be true that many thousands of them, either in haste or in order not to complicate their discharge, failed to reveal fully their physical condition when they were examined for final discharge, fearing that if anything was found wrong with them or if they revealed anything wrong with them they might be held in the Army until the difficulty had been removed. It seems reasonable that a large number of the 572,000 cases who were rejected might have been able, if proper precautions had been taken at the time, to comply with the legal technicalities of connecting their disabilities with the service.

Has the Senator any information as to what proportion of the disallowed claims date back over a period of seven or eight years, or even as far back as the beginning of the compensation laws themselves?

Mr. WALSH of Massachusetts. I can not inform the Senator as to that, but I believe there have been claims slightly under a million in number filed by veterans of the World War with the bureau. Some of the figures I have here disclose that the department rather anticipates that there may be some 741,000 veterans who will receive the benefits of this pension plan within five years. I understand about 15 per cent of the World War veterans are now receiving compensation under existing law. This load will reduce the pension burden.

Mr. BARKLEY. What I want to emphasize is what the Senator mentioned a moment ago. If it be true that a large proportion of the disallowed cases were disallowed because of some technicality that prevented the soldier from establishing service connection, but at the same time he is suffering from the same disability and to the same extent as some other soldier who can connect it with the service, is not that an additional argument at least in making a reasonable approach to compensation which is paid to the former?

Mr. WALSH of Massachusetts. I think that is a strong argument. Let me supplement what the Senator said by asking him a question. Does he not think if these rates are adopted as proposed in the pending amendment we will be less likely to have occasion upon the part of many veterans to insist upon service connection and therefore that the heavy burdens of costs will be lessened to the Government?

Mr. BARKLEY. I think that is very likely. In other words, if the veteran with total disability under the amendment offered should get $60, it might reasonably increase whatever income, if any, he might have from other sources, or it might reasonably enable him more comfortably to support himself and family, and there would be less likelihood of him putting forth strenuous efforts otherwise necessary to put forth to establish service connection.

Mr. PITTMAN. Mr. President, will the Senator from Massachusetts yield?

Mr. WALSH of Massachusetts. Certainly.

Mr. PITTMAN. The Senator from Massachusetts has stated that in his opinion the disabled veterans would not be satisfied with the rates contained in the bill. I think that is evident from their attitude toward past legislation. As I understand it, under the compensation act with the disability connection with service, in a case of total disability there is compensation of $100.

Mr. WALSH of Massachusetts. Exactly.

Mr. PITTMAN. Was that considered any more than sufficient to comfortably support the veteran?

Mr. WALSH of Massachusetts. It was not.

Mr. PITTMAN. Does not the Senator believe and is it not his opinion that the complaint of the veterans is entirely justified in the case of an allowance of only $40 a month for total disability?

Mr. WALSH of Massachusetts. I certainly think that agitation will commence immediately to increase the rates and that in the very next session of Congress they will be increased to the basis of the Spanish-American War veteran rates if we do not do it now.

Mr. PITTMAN. Does the Senator believe such agitation to be justified?

Mr. WALSH of Massachusetts. I certainly do. I am convinced veterans will not be satisfied with the rates offered and that their sympathizers will not be satisfied with them.

Mr. PITTMAN. I agree with the Senator. In the case of an allowance of $24 a month for 75 per cent disability, in these times when companies having a large number of employees will not employ a man just because he is over 40 or 45 years of age, which certainly does not amount to 75 per cent disability on account of age alone, how could a man live on $24 a month with 75 per cent disability, which practically prevents him from obtaining employment?

Mr. WALSH of Massachusetts. It would be impossible.

Mr. PITTMAN. Does the Senator feel that way about it?

Mr. WALSH of Massachusetts. I certainly do. I thank the Senator for his helpful suggestions.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. WALSH of Massachusetts. I yield.

Mr. BARKLEY. Do we not all know that a man who depends on manual labor for the support of himself and family might as well be totally disabled as to be 75 per cent disabled in the performance of manual labor?

Mr. WALSH of Massachusetts. There is no doubt about it. I am in full accord with the Senator and appreciate his emphasizing the fact that the rates are so low that they will not give satisfaction and will not meet with approval. Unfortunately, though, the bill is establishing, it seems to me, the principle of placing the veterans on a parity, yet the rates are so low that there will be many veterans who will wish they had instead the veterans' bill which was vetoed by the President. It will create some unrest on the part of many veterans who would prefer that bill if the low rates contained in this bill are approved. I believe that if the rates in the Spanish-American War veterans' act were now incorporated in this bill it would do much to create a wholesome feeling of content among all World War veterans and would end future relief agitation. Veterans would feel that the country had been generous to them, that all veterans were taken care of generously, either through the compensation laws or through the rates given in the Spanish-American War veterans' act.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. WALSH of Massachusetts. I yield.

Mr. COPELAND. I want to commend the Senator from Massachusetts for what he is saying and the effort he is making to get more generous compensation for the veterans. The memory of man is all too short. I recall when these boys went across the water that we cheered them and promised them we would give them anything they wanted upon their return. But now the war is ended, and it seems strange that we should have forgotten all those promises. I hope the Senator will insist upon this more generous treatment. I know he is going to have the votes to give them the more generous treatment. Certainly in justice to them we ought to grant it.

Mr. WALSH of Massachusetts. I appreciate what the Senator has said.

Mr. President, let me say a word now about the cost.

Mr. BLAINE. Mr. President, before the Senator leaves that point will he yield?

Mr. WALSH of Massachusetts. Certainly.

Mr. BLAINE. The Senator, of course, understands that most of the States of the Union have what we call workmen's compensation acts. Industry will not employ men who have any disability to any great extent for the reason that that disability in all probability would result in serious accidents in industry, and therefore subject industry to liability for compensation. The soldier who has 25 or 50 per cent disability is practically without any opportunity for employment. If we have the rate as low as proposed in the bill now before us, we are simply taking up a small collection from the taxpayers of the United States and handing it to the soldier as a dole. Is not that practically the proposition presented by the bill as reported by the committee?

Mr. WALSH of Massachusetts. I think the Senator from Wisconsin has stated the sentiment of a great many people in reference to the rates contained in the House bill. I share the feeling the Senator has indicated, namely, that the rates are insufficient.

Mr. President, just a brief word about cost and then I am going to conclude in order that the Senator from Texas [Mr. CONNALLY] may discuss other features of the amendment which I have omitted and may also discuss in detail the item of cost.

General Hines estimates that this bill as it passed the House would cost the country $31,000,000. The amendment now under consideration, namely, the amendment providing for disability allowances, will cost about $25,000,000. About $6,000,000 will be required to meet the other obligations which are thrust upon the Government by reason of other changes in the compensation laws and some changes in the administration features of the law.

That is, of course, the expense to the Government for the first year. All agree that the expense to the Government will in-

crease each year as the number of pensioners increases, and the increase will be, of course, somewhat rapid. The expense for the first year of the amendment proposed by myself and the Senator from Texas [Mr. CONNALLY] General Hines estimates will be $49,157,000; the second year the cost will be $107,500,000; and the third year it will be $133,400,000.

The number of veterans who will receive this disability allowance, instead of the approximately 77,000 who would have received benefits under the vetoed bill, are under the pending amendment 304,201 the first year, 563,885 the second year, and 638,080 the third year; in other words, in the three years the number of veterans who will get the benefit of this proposal will increase from 304,201 to 638,080. These estimates were made upon the assumption the minimum disability rate would be 25 per cent.

Mr. REED. Mr. President, will the Senator permit an inquiry?

Mr. WALSH of Massachusetts. Certainly.

Mr. REED. Were not these figures made up by the Veterans' Bureau on the basis of a minimum of 25 per cent? I have the impression that that is what they had in mind when that table was made.

Mr. WALSH of Massachusetts. I have not read from the table as originally made for me; I have read from the table as originally made plus some figures which I inserted in the table when General Hines testified before the committee; and I have here this memorandum:

> These figures are based, I believe, upon a minimum disability basis of 25 per cent, as the Senator suggests.

Mr. REED. I have just been given an estimate based on the amendment as the Senator has introduced it, and that shows the average monthly payment per veteran would be $20.

Mr. WALSH of Massachusetts. How much is the total?

Mr. REED. The total for the first year is $52,000,000—I leave out the odd figures.

Mr. WALSH of Massachusetts. Against $49,000,000, according to the estimate I have?

Mr. REED. As against $49,000,000. For the second year it will be $113,000,000.

Mr. WALSH of Massachusetts. As against $107,000,000?

Mr. REED. And for the third year it would be $141,000,000.

Mr. WALSH of Massachusetts. I think the Senator will agree with me that there has been a great variety of figures presented. Almost every time we have asked for estimates we have gotten different figures.

Mr. REED. I have not very much confidence in any of them, because of the fact that they are inconsistent, but they are all made in sincerity. I think the bureau is trying to give us the best information it can furnish.

Mr. WALSH of Massachusetts. I think that is true. It has been very difficult to make correct or definite estimates.

Mr. NORRIS. Mr. President, of course in this discussion I realize the character of these figures. They are, in my judgment, not much more than guesses; but those who furnish them have better opportunity to guess than we have, because they have some statistics upon which to base their figures. I have no doubt but that they have given them to us in the best of faith; but I am anxious to know whether the estimate the Senator from Pennsylvania has just given is based on the rate schedule included in the bill or in the proposed amendment?

Mr. REED. It is based on the schedule in the proposed amendment. I also have the figures for the bill as it stands.

Mr. NORRIS. So that these figures are not based upon the elimination of the 10 per cent disability factor?

Mr. REED. No; they are based on the amendment exactly as it has been proposed by the Senator from Massachusetts.

Mr. NORRIS. I should like to ask another question. Has either one of the Senators or any other Senator on the committee any information to show how much of the increase, if there shall be an increase at all, will come about on account of the provision in the amendment for the payment for 10 per cent disability as compared with an initial payment for a 25 per cent disability only?

Mr. REED. Yes.

Mr. NORRIS. In other words, how does that one schedule affect the result?

Mr. WALSH of Massachusetts. Doctor Randall, of the Veterans' Bureau, says it will lessen the amount. It was because of that evidence that we changed our amendment as originally framed, so as to include disabilities down to 10 per cent.

Mr. NORRIS. Does the Senator from Pennsylvania agree to that?

Mr. WALSH of Massachusetts. I do not think the Senator from Pennsylvania was in the room when he gave this testimony. Of course, he has read it. Doctor Randall gave many illustrations of Spanish-American War veterans who are disabled, and who, in his judgment, would have gotten 25 per cent disability had that been the minimum, but were content with 10 per cent, and went away and were never heard of afterwards, seemingly satisfied with a rating of 10 per cent disability.

Mr. REED. Undoubtedly there will be some cases of sympathy on the part of the examining doctors which will lead them to rate a man at the minimum, whatever that may be, if necessary, in order to get him upon the pension rolls; undoubtedly that is so; but rather than interrupt the Senator, perhaps, I had better give my impression of the cost when he shall have concluded.

Mr. WALSH of Massachusetts. Mr. President, I want to give the Senator from Nebraska some other statistics about the cost. There is a sharp difference of opinion.

Mr. LA FOLLETTE. Will the Senator permit me to read from Doctor Randall's testimony?

Mr. WALSH of Massachusetts. I was just about to call attention to it. Doctor Randall, who is chief of finance of the Bureau of Pensions and has been in that bureau for nearly 50 years, gave us some testimony as to what the estimated cost to the Government of our amendment would be in view of his experience with the same rates in the case of the Spanish-American War veterans. He estimated the cost of our proposal of rates at $20,000,000 a year as against General Hines's estimate of $49,000,000. He based his estimate on the percentage of Spanish-American War veterans who applied for the disability pension the first year it was enacted, 22 years after the war.

Taking that percentage and applying it to the World War veterans, he estimated that about 100,000 World War veterans will receive pensions and that the average pension per veteran will be $20 per month. That was the average pension given in the beginning to all the Spanish-American War veterans.

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. ROBSION of Kentucky. Did I understand the Senator to say that Doctor Randall——

Mr. WALSH of Massachusetts. He said the average amount paid to the Spanish-American War veterans at the outset was about $20. I have forgotten for the moment what the amount now is, but the Senator from Texas can state what it is, I think.

Mr. ROBSION of Kentucky. After five years the average was one-fourth and now, at the end of 10 years, he says the average is 50 per cent.

Mr. WALSH of Massachusetts. What is the average payment paid to the Spanish-American War veterans under the pension plan?

Mr. GEORGE. I will be glad to give the figures.

Mr. WALSH of Massachusetts. The Senator from Kentucky is challenging my statement.

Mr. ROBSION of Kentucky. The first Spanish-American War pension bill was passed on June 5, 1920. That bill provided rates running from $12 to $30 per month. So the average could not be $20.

Mr. WALSH of Massachusetts. The Senator was in the room and heard the testimony. Does the Senator now say that Doctor Randell did not estimate the expense of the Government the first year to be $20,000,000? Does the Senator challenge that statement?

Mr. ROBSION of Kentucky. No; I do not challenge that statement.

Mr. WALSH of Massachusetts. That is all.

Mr. ROBSION of Kentucky. He further stated that under the bill which I introduced, and the companion bill of Mr. SWICK in the House, in which the rates run from $10 to $50, the first year's expense would be $18,000,000.

Mr. WALSH of Massachusetts. That tends to confirm his judgment as to the cost of this amendment.

Mr. GEORGE. Mr. President, the Spanish-American veterans' pension bill of 1920, which was the first bill applicable to those veterans, brought upon the rolls 116,270 soldiers, and the average amount paid to each was $17 a month. The monthly payments under that bill ranged from $12 to $30. The number given represents the number at the expiration of that act, and the average of $17 per month represents the amount paid to all the Spanish-American War veterans up to the date of the expiration of that act.

Under the Spanish-American War veterans' pension act of 1926, which fixed the rate at from $20 to $50 per month, according to the degree of incapacity, there were 184,637 soldiers placed upon the roll—that represents the number at the date of the expiration of that act—and the average sum paid to those veterans was $32.28 a month. Under the original act the

average rating was about one-fourth disability and under the 1926 the average rating is about one-half disability.

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. WALSH of Massachusetts. I am pleased to yield to the Senator from Kentucky.

Mr. ROBSION of Kentucky. I think it should be pointed out that the one-fourth disability, on the average, was at the end of the five years under the act of June 5, 1920, and the average per month was $17 at the end, or, in other words, the last year of the 5-year period, and then one-half disability was estimated as of May 31, 1930, 10 years after the passage of that act.

Mr. WALSH of Massachusetts. Mr. President, I do not think that it is material what the average payment was to the Spanish-American War veterans who received pensions five years after the act was passed or what it is now. It might be considered in connection with how sound Doctor Randall's final judgment is as to the annual cost of this particular pension proposal. He says it is $20,000,000 a year; General Hines say it is $49,000,000 a year; but one thing is certain, namely, that the cost will be more than the provisions of the House bill—considerably more. I am not going to dispute that, and we have got to determine whether we can sustain that burden, having in mind the welfare of the veterans, having in mind satisfying them, if it is possible to do so, in view of their disabilities, the present high cost of living, and the purpose to find a final solution of this problem, if possible. All those things are factors to be considered in connection with the expense. I think it is only fair to say, however—and I think the Senator from Texas [Mr. CONNALLY] will bear me out in the statement, as will many other Senators who heard the testimony—that this bill, with the rates provided by the pending amendment, will in the long run cost the Government a good deal less than the bill that went triumphantly through the House and Senate and was vetoed by the President.

It certainly will put our veteran legislation upon a sound basis. We shall be finally facing in the right direction. We shall have a theory and a principle of doing equal justice to all disabled veterans, which will be very helpful to us in solving future relief problems that may come before us. The proposal not only establishes a parity between all disabled veterans but provides a fairly satisfactory pension.

The best thing about this bill is that it puts all veterans on a parity. "Are you disabled?" "Yes." "Can you prove that you incurred your disability in the service?" "No." "No matter what your disease is, no matter what you are suffering from, you have equal rights with every other veteran to receive a like pension after having determined the degree of your disability."

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield in order that I may make an inquiry for information?

Mr. WALSH of Massachusetts. I yield.

Mr. ROBSION of Kentucky. At what number of dollars per month does the Senator's amendment begin?

Mr. WALSH of Massachusetts. Ten dollars for 10 per cent disability; $20 for 25 per cent disability; $35 for 50 per cent disability; $50 for 75 per cent disability.

Mr. ROBSION of Kentucky. How much does a veteran of the World War get who has 10 per cent service-connected disability, and who has a family?

Mr. WALSH of Massachusetts. Ten dollars, the same as in this bill. I am sure the Senator would not want us to offer any veteran, if we are giving him anything at all, less than $10.

Mr. President, I do not care to prolong the discussion. I have taken more time than I intended, due to the interruptions. I shall yield the floor now; and I know that the Senator from Texas [Mr. CONNALLY] will be very glad to amplify what I have said, and put the case in favor of the amendment even better than I have. I submit our amendment to the Senate with the expectation its fairness will appeal to all and result in a favorable decision.

Mr. CONNALLY obtained the floor.

Mr. JOHNSON. Mr. President, will the Senator yield for a call of a quorum?

Mr. CONNALLY. No; I thank the Senator from California. If absent Senators are not interested in this matter, I have no disposition to enforce their involuntary attendance.

Mr. President, the Senator from Massachusetts [Mr. WALSH] has very clearly set out the attitude of those of us who favor the pending amendment; but we are confronted to-day with a rather unusual circumstance. We are considering now in the Senate a bill that was passed by the House a few days ago without ever having been read in the House, except by title, I suppose; a bill that was never referred to a committee in the House; a bill which members of the Committee on World War Veterans' Legislation had never had time to read; a bill that was passed through the House with only 40 minutes' debate, 20 minutes on either side, and passed by the House within an hour after it was introduced. Those unusual circumstances are my warrant for taking up a few minutes of the Senate's time in discussing the present measure.

So far as the principles of the legislation are concerned, there is substantially no difference between the amendment offered by the Senator from Massachusetts and myself and the bill as it passed the House of Representatives. This amendment of ours was offered in the Finance Committee some two or three weeks ago. It was adopted tentatively by the Finance Committee by a vote. The ranking members of the Finance Committee consulted the White House and came back the following day and said, "No; away with that system! We can not stand for that principle. We do not believe in it. We will not approve it." Then, when finally the bill came out of the Finance Committee without our amendment as a part of it, suddenly the Senator from Pennsylvania [Mr. REED] rushed in hurriedly, like a messenger in hot haste, and introduced his amendment here in substantially the same form that it is now in; and what did the Senate do? The Senate voted down the amendment of the Senator from Pennsylvania without a roll call. There was not enough sentiment in this Chamber then to get a roll call on the amendment of the Senator from Pennsylvania, which is now the essence of this bill.

The Senate, when it voted on the passage of the other bill, had the President's veto message in advance before it. It had been given to the press. And the Senate, by a vote of 66 to 6, rejected the reasons urged by the President and voted for the other bill. After the veto, we now have this bill.

It is now simply a question of dollars and cents. There is no argument about the principle. The administration and the leaders are sponsoring the proposition of a pension system for non-service-connected disabilities.

I do not favor now, nor have I ever favored, a service pension, meaning by that a pension that grants gratuities to soldiers simply because they were in the Army. I do believe, however, in a disability pension. When, shortly after the World War, the cash bonus was pending in Congress, I voted against the cash bonus on two occasions. I voted against the cash bonus each time it was presented to Congress. Why? Because I did not believe that we could compensate a man in dollars and cents for his military service. I knew that as the years came along the veterans would become disabled. I knew that then they would, in justice, be knocking at the doors of Congress and asking for disability allowances; and I preferred not to give them cash, which might in some cases be squandered unwisely, but that the Government should wait until their time of need through disability, and then give them a disability allowance. That time seems to have arrived.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator from New York.

Mr. COPELAND. I am sure that when the Senator voted against the cash bonus, he did it for the reasons he has stated; but, so far as the administration is concerned, it fought it because "We can not give a cash bonus and reduce the taxes." That was the argument that was used. They talked about the deficit, how much the deficit would be, and the Secretary of the Treasury guessed at the deficit year after year, usually $500,000,000 outside of what it actually was. He never had it within $500,000,000; but always the cash bonus was defeated because "We can not reduce taxes and at the same time give a bonus to the soldiers." That was not the attitude of the Senator from Texas.

Mr. CONNALLY. I will say to the Senator from New York that I recall all of those arguments. I recall that Mr. Mellon then, as now, whenever soldier legislation was pending, hurried off into his statistical room and emerged with a prediction that if it were enacted the Budget would be torn wide open, and all of the financial program of the President would be wrecked.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield to the Senator.

Mr. BARKLEY. The Senator will recall that after we had reduced the taxes for 1930 by $160,000,000, we were constantly warned that there would be a deficit in the Treasury beginning with the fiscal year 1931. That fiscal year begins to-morrow. I have here the morning Post of June 30, which announces on the first page that to-morrow the surplus in the Treasury will be $200,000,000, in spite of these dire predictions of the Secretary of the Treasury.

Mr. CONNALLY. I thank the Senator for his suggestion. I hold in my hand now the clipping from the morning paper which states that the surplus is $200,000,000, contrary to the

doleful predictions of Mr. Mellon made a few days ago with reference to the soldier legislation.

Let me take just a moment, however, to refer to what was suggested by the Senator from New York.

I was simply stating my own attitude with reference to the cash bonus. I believed then, as we find now to be the case, that as time went on many of these soldiers would be disabled; they would be in want; and I did not believe that this Government, if it were grateful, would decline to give them disability allowances. I voted for the present insurance bonus on the theory that it would not mature until some 15 or 20 years after their service, and would take the place, in a measure at least, of disability allowances. I did not vote for the bonus, for one reason, because I believed that the man who went into the war and came out unharmed and unscarred is already, by his conduct, a member of that fine aristocracy of those who wore the uniform of their country in time of war; but in the case of the poor fellow who, regardless of whether his disability was incurred in the war or not, is now disabled, I believed that a great and good Government ought to see that he is properly cared for.

What is the argument against this amendment? No argument at all as to principle; only the argument of dollars and cents. How much will it cost?

Mr. President, when we had before us some days ago a public buildings bill carrying something like $243,000,000, we did not have any estimates from the Treasury that if we passed that bill it would disrupt the Government and create a deficit. All right.

We passed a few days ago a river and harbor bill carrying $123,000,000, and did not hear Mr. Mellon rushing forth and telling us that we could not pass the river and harbor bill because it would create a deficit.

I saw in the testimony before the Committee on Naval Affairs in the House the other day that they have pending a bill to spend $30,000,000 in renovating three battleships—not building them, but renovating them—$30,000,000! That alone will cost more than the amendment which is proposed by the Senator from Massachusetts and myself; but I heard no voice of Mr. Mellon rushing forth and saying that we could not renovate these three ships because it would create a deficit.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator.

Mr. COPELAND. I notice that Mr. Mellon seemed to be much agitated yesterday, or day before, because he found a surplus of $200,000,000 in the Treasury; and for fear somebody would say, "Now we can pay a pension, or do some other generous thing," he passes out a solemn warning, "But we are going to have a deficit next year."

Mr. CONNALLY. Oh, yes!

Mr. COPELAND. We must never do anything that is constructive as regards the veterans, or some other important governmental work, for fear there may be a deficit next year, or the year after, or 10 years from now; but all the time when these warnings have gone out there has been a surplus in the Treasury of from $200,000,000 to $500,000,000, or up toward a billion dollars, but always the fear is expressed that if we pass a generous pension bill for the veterans there may be a deficit.

Mr. CONNALLY. I thank the Senator from New York for his frank expression of his opinion of the Secretary of the Treasury.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. McKELLAR. The Senator may get to this matter a little later, but up to date he has omitted another expenditure recommended by the Secretary of the Treasury. It will be remembered that just a few months ago the Secretary of the Treasury recommended that an appropriation of $150,000,000 be made to return taxes paid 12 years ago to war profiteers, men who profiteered every moment of the time while these soldiers were over in France fighting for their country; and Mr. Mellon recommended that, and had plenty of money to pay it.

Mr. CONNALLY. I thank the Senator. I hold in my hand the act providing for the return of such taxes. Of course, I will say to the Senator from Tennessee, if those taxes are honestly and justly due to the taxpayer who overpaid them, I for one am in favor of handing them back; but it does seem to me rather peculiar that the Secretary of the Treasury should never find an appropriation proposed by Congress that would run the Government into a deficit until it comes to the very last item on the legislative calendar, and that is usually something that has to do with the relief of soldiers.

Mr. President, we are spending something like $848,000,000 each year on the Army and Navy. To do what? To fight? No; not to fight. We are spending that $848,000,000 on a peace-time Army and Navy simply in order to be ready to fight if the necessity arises. I believe our obligations to maintain those who have already fought our battles are just as solemn and just as serious as those of maintaining a tremendous fighting establishment and spending $848,000,000 a year to maintain it.

I hold in my hand a newspaper report to the effect that $14,000,000 is added to the United States revenues by the new tariff in one month, the present month. Of course, that is Treasury propaganda. The Treasury Department wants the country to believe that the new tariff is going to bring in tremendous revenues. That $14,000,000 that was added to the income through the tariff in the month of June will pay for the amendment being offered by the Senator from Massachusetts and myself.

Recently we passed a tariff bill laying upon the backs of the American people some hundreds of millions of dollars each year in added taxes. Nobody heard the Secretary of the Treasury rushing forth with an estimate showing that the country could not stand that tax. Nobody heard the Budget Bureau rush in in behalf of the American people and ask us to stay our hand when we put that burden on the taxpayers of the United States. We heard no inkling from the White House when some of us were struggling here to keep down the rates in the tariff bill that the country could not stand it. But the President signed the tariff bill before it got to his office. He signed it in advance, just as he vetoed the veterans' bill in advance when we passed it the other day.

Mr. President, it is a simple question of dollars and cents. How much is this bill going to cost?

I hold in my hand a copy of the report of the hearings before the Committee on Finance. General Hines testified that the bill as it passed the House, as it was before us, would cost $31,000,000. We asked him how much the Walsh-Connally amendment would cost. He said that with that amendment on the bill the bill would cost $49,000,000. But he further testified that he was estimating on a 50 per cent disability. He was assuming that the average disability under the pension rates would be 50 per cent.

The average rate now of compensated cases in the Veterans' Bureau is only 42 per cent. The officials of the Pension Office testified, as I recall it, that five years after the Spanish-American pension act actually became a law the average disability was only 25 per cent. Yet General Hines makes his estimate on the theory that with this act we are going to begin at a 50 per cent average, notwithstanding the fact that more than 100,000 veterans are already cared for under the compensation provision of the law and will not, of course, come under the disability allowances.

What does the Pension Office testify? We have the testimony of Mr. Randall, who has been in the Pension Office 40 years. He said that on an estimate of 100,000 pensions being added to the roll the first year, and with a 25 per cent average disability, the bill would cost something like $24,000,000 to $30,000,000. That, with the $6,000,000 added which the other provisions carry, would make this bill cost, as I remember it, under $40,000,000, even with the Walsh-Connally amendment.

The amendment which we propose provides for a minimum disability of 10 per cent. Mr. Randall testified that that sort of a rate as a minimum would result in a substantial saving, because, he said, there are a great many cases which were disabled probably under 25 per cent, in the view of the doctors, and if they did not have a 10 per cent rating, they would be placed in the 25 per cent degree of rating, but that with the provision for a 10 per cent rating they could be accommodated.

He testified that at the present time out of 185,000 men on the Spanish-American War roll, 37,000 of them are on the roll for a one-tenth disability—37,000 out of 185,000.

That rating will have a tendency to pull down the average cost per man. The $60 disability provision will also enable the Veterans' Bureau in marginal cases, where there is no doubt of a veteran's disability, and yet there is some doubt as to it being service connected, when he can not connect the disability with the service, to put him in the $60 class and give him an allowance which probably will be adequate to his necessities without having to reject him wholly without compensation, or compensate him at $100 per month.

As suggested a little while ago by the Senator from Kentucky, it is remarkable that the Secretary of the Treasury, with his far-seeing vision, should not have anticipated some of these needs of the Government when he was recommending that we hand back $160,000,000 to taxpayers who had already collected those taxes from the public. Under the law referred to we gave back to corporations and other income-tax payers $160,000,000 of unearned return. They had not earned them. There was no complaint then that that would cause a deficit. The Budget Bureau did not get excited about it. The administration showed

no alarm. But in order to go before the country with a political plea that taxes had been reduced, we cut off from the public revenues $160,000,000.

How do these rates compare with other pension legislation? About two weeks ago Congress passed the Civil War pension bill, approved June 9, 1930, Public Document No. 323, H. R. 12013. It provides as follows:

That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged from all contracts of service, or who, having so served less than 90 days was discharged for a disability incurred in the service and in the line of duty, or is now on the pension roll as a Civil War veteran under existing service pension laws, shall be entitled to and shall be a paid a pension at the rate of $75 per month.

That law was enacted by Congress, providing that every Civil War pensioner now on the roll, whether he be disabled or whether he be not, whether he got his wounds in service or got them in a railroad accident, should draw $75 a month. Did the President veto that bill? The President approved that measure on June 9, 1930.

Mr. President, if a Civil War veteran needs $75 a month, how is it that a World War veteran, who has a family, perhaps, a wife and children, a younger man, it is true, but still with larger responsibilities, perhaps, can get along on $40 a month? The Civil War veteran, perhaps, has already raised his family, his children are grown, and probably are contributing to his support. It takes very little to keep him compared with a younger man with a wife and with children.

Senators, is there any justice in this discrimination, $75 a month for a Civil War veteran, $40 a month for a World War veteran; $75 for a Civil War veteran regardless of whether he is disabled or not, $40 a month for a World War veteran, and in order to get it he must be totally disabled? The same facts existed when the President approved that bill on the 9th of this month which exist now. The same reasons as to why there would be a deficit existed then that exist now.

The Civil War pension law provides, even in the case where an old veteran may have been inveigled into a marriage at any time prior to June 27, 1905, that his widow shall receive a pension at the rate of $40 a month, no matter how many times she has since remarried, provided she is not at the present time married. It gives to a widow who married a Civil War veteran 40 years after the war was over as much as is proposed to be given to a totally disabled veteran of the World War with a family on his hands.

Mr. President, a World War veteran who is genuinely disabled—and that is the only kind this provision cares for—must satisfy the Veterans' Bureau that he is permanently disabled. I submit that a man who is 25 per cent disabled and who draws only $12 a month under the bill as it passed the House will not be able to stand competition for a job with men in full possession of their faculties.

There is much unemployment in the land. We know that in modern industry competition is severe, and the man who is 25 per cent disabled can not compete for a job with a man who is not disabled. Yet, for that handicap, for a handicap which may mean that the veteran can not get a job at all, he may be just sufficiently handicapped as not to be able to secure a position that will bring him in substantial revenue—for that handicap the bill as it passed the House provided the munificent sum of $12 a month.

The assistant to the Commissioner of Pensions testified that the average disability in the case of Spanish-American War veterans was 25 per cent. Under our amendment a 25 per cent disability would pay only $20, $8 a month more than would be paid under the bill as it passed the House.

With a hundred thousand men—and that is what they said they estimated—it would amount to something like $10,000,000 that the Walsh amendment would cost over and above the amount provided in the bill as it passed the House; to be exact, $9,600,000.

Mr. President, I do not believe there is any man living, Secretary of the Treasury or secretary of anything else, who is wise enough to pass on all of the financial legislation and all of the legislation carrying appropriations this Government must adopt. It seems to me that Congress ought to exercise some jurisdiction with reference to these matters. It appears to me, although it seems to have been somewhat forgotten, that it is the function of Congress to fix appropriations, and to determine revenue legislation, and I do not believe that Mr. Mellon, as wise as some believe he is, is wise enough to determine all of the policies for this Government. I do not believe the Budget Bureau or Mr. Mellon ought to be erected into a supergovernment to direct the Congress of the United States as to the various activities of the Federal Government.

Mr. President, a man who is disabled may have become disabled from exposure, he may have been exposed in the trenches in France, and years afterwards the seeds of disease that were sown in his body then may result in a breakdown. We can not trace it and say, "At 11.35 o'clock on the 15th day of June you were attacked by exposure and now you are ill." The mental strain of going through a campaign may cause a breakdown years after the war. A veteran who is disabled, regardless of his service connection, ought not to be in want without aid from his Government.

I desire to cite the views of certain Senators the other day when the former bill was before the Senate. I quote from the majority leader, the Senator from Indiana [Mr. WATSON], who said:

The next proposition was one brought in by the able Senator from Massachusetts and the Senator from Texas. It was a proposition that the first year would carry perhaps $118,000,000, if I recall.

Of course, he was incorrect in those figures.

According to my judgment—

These are the words of the Senator from Indiana, who reported the present bill—

According to my judgment, if we intended to go directly to a pension system, that was the one we ought to have taken.

That is the proposition of the Senator from Massachusetts [Mr. WALSH] and myself.

It stops up more holes and more gaps than any other proposition before us, and appealed to me with a great deal of force if we were in a position at this time to go directly to the pension bill. But after we had fully discussed it we came to the conclusion that we could not afford at this time to change the entire basis of legislation on this subject and go to a pension bill, because it was but one step removed.

Those were the views and sentiments of the Senator from Indiana [Mr. WATSON] last week, on the 23d day of June, 1930. The Senator from Indiana said the plan of the Senator from Massachusetts [Mr. WALSH] and myself was the plan that ought to be adopted if resort was to be had to a pension system. What caused the alteration in the views of the Senator from Indiana? What has come over him to make him say he is now opposed to the plan and is opposed to our amendment?

I quote the Senator from California [Mr. SHORTRIDGE], who had charge of the bill in the Senate the other day. Speaking of the estimates of the bureau and of Mr. Mellon, he said:

Mr. SHORTRIDGE. The Senator may have his latest figure, but if he has his estimate of last week, or last month, it may be somewhat different. * * *

Mr. REED. Mr. President, if the Senator will look at the middle of the first column of page 11309 of the CONGRESSIONAL RECORD of this session, he will see a letter from General Hines explaining the effect of this section.

Mr. SHORTRIDGE. Yes; that letter has been circulated about, and has been torn to tatters. It has been answered again and yet again. * * *

That is what the Senator from California thought about these estimates last week. I quote now from the Senator from Connecticut [Mr. BINGHAM], speaking on the bill then before the Senate:

It is so unfair that it will, I believe, eventually cause, in fact, I so trust, such a change in the law as to provide that the man who lost a leg at the front, instead of receiving $40, will receive $100 a month, which is the amount in this bill provided for the man who contracted a chronic or constitutional disease between 1925 and 1930. It seems to me that those who served in France and suffered a disability during the war which they can prove, are more deserving of the high compensation ratings than those who contracted diseases, however much they may disable, between 1925 and 1930.

Therefore, Mr. President, when the Senator from Massachusetts and the Senator from Texas brought before the committee a general pension proposal granting 60 per cent of the compensation rating to any veteran of the World War who has contracted disease, provided he goes before the Veterans' Bureau and is able to prove that he is disabled but is unable to prove that his disability arises from anything connected with his service during the war, I voted for it, even after it was shown that it was disapproved at the White House, because I believed that that was a fair thing to do, and I believed that some day we ought to come to that.

The Senator from Connecticut stated last week in this Chamber that he favored the plan of the Senator from Massachusetts and myself. He said he voted for it. He said he favored it even after he heard that the White House did not approve it.

How can the Senator from Connecticut now come before the Senate and say he does not approve of the provision?

I quote from the Senator from Michigan [Mr. COUZENS], speaking in this Chamber last week:

> Mr. President, I want to say a few words with respect to the Reed amendment and point out the inadequacy of the amounts allowed in the amendment.

I want to congratulate the Senator from Michigan. He is a man of generous impulses. He believes in taking care of the veterans. His views expressed before the committee and in this Chamber all testify to that attitude. But the Senator last week said that the amounts proposed by the Senator from Pennsylvania, being the same rates that are proposed in the House bill now, were inadequate. If they were inadequate last week, what change in the stock market or in the commodity market has occurred since last week to make them adequate now? Then the Senator from Michigan went on to compare industrial wages throughout the country.

Mr. President, in conclusion let me say, as I said at the beginning, that I do not favor a service pension simply based on service. I do not believe in cash bonuses. My father was a soldier and never drew a dollar of pension in his life. I think he was better off for it. I wish there were no necessity for pensions. I wish there were no necessity for disability allowances. But when a man who fought for his country in time of war is disabled so that he can not earn a livelihood, somebody is going to have to support him, either the charitable organizations or the county or the State or the Federal Government. The Federal Government is best able financially to bear that responsibility and carry that expense.

In 1918 the United States was in need. It was in dire need. It did not need any money. We had money enough to finance not only our own operations but the operations of all the Allies. It did not need any food. We had food enough not only to support our own Army but to support every army in Europe. What did it need? It needed men. It needed men with strong bodies, men with healthy bodies. It needed men who were not afraid to fight. It needed men who were not afraid to die, if need be, in order that their country might live. I do not believe that any grateful republic, when it finds its soldiers such as that in after years with bodies disabled by disease or injury, will let those men suffer or go uncompensated.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Arkansas?

Mr. CONNALLY. I yield.

Mr. CARAWAY. If the men whom the Senator was discussing had shown no more willingness to fight than the members of another body, which I am not naming, had to stand up for their own bill, there would have been no casualties and there would have been no pensions for actual wounds received in battle.

Mr. CONNALLY. I thank the Senator. The Senator is correct. If the soldiers on the western front had had no more courage and no more staying qualities than the Members of another body which passed a bill costing twice as much as the bill which the Senate later passed, if they had not stood by their country any better than that body did by its own bill, there would not have been any casualties on the western front except accidents from climbing over the barbed-wire fences to get back to the rear.

Mr. CARAWAY. If I recollect correctly what I read in the newspapers, that body which we are not talking about or thinking about actually sent word to the President, "If you do not like our bill we will sustain your veto, whatever it is," and sent that word in advance of the President ever having vetoed the measure.

Mr. CONNALLY. The Senator from Arkansas put his finger on the exact point. In other words, after that body which the Senator is not mentioning had passed a bill carrying appropriations ranging between $181,000,000 and $200,000,000, after they had passed it by a solemn roll-call vote and later considered and agreed to Senate amendments to the bill, they sent ambassadors from that body to the White House saying: "We are going to sustain the veto of the President when he vetoes this bill. We are going to sustain that veto blindly. We do not know what kind of a bill will be proposed instead of it, but we are going to sustain the veto and take any bill that may be sent to us."

Mr. CARAWAY. But talking about the body which we can mention, which refused even on roll call to accept the pending bill, but passed the other bill by a vote of 66 to 6, if it should turn its back upon the bill now, what will we say about it, or rather what will the soldiers say about it?

Mr. CONNALLY. I can not state here what the soldiers will say about it because it would be unparliamentary.

Mr. CARAWAY. I am sorry the Senator can not state it.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield.

Mr. BARKLEY. I think the Senator did make it clear that when the bill was originally in another body carrying a minimum of $181,000,000, there was no objection urged against it by the Secretary of the Treasury. It was not until the bill got into the Senate and the amount carried by it had been reduced by about two-thirds that the objection came on the day when we were to vote. Dire distress in the country was discovered and the statement was made that if the bill should pass carrying one-third of the appropriation authorized by the bill as it passed the other House and without objection upon the part of anybody, no one could foretell what might happen in the way of a deficit.

Mr. CONNALLY. The Senator from Kentucky is exactly right. When the bill was originally before the House and carried $181,000,000 of appropriation there were no dire predictions on the part of the Secretary of the Treasury. We heard no outcry from the Senator from Ohio [Mr. FESS]. We heard no complaint from the Senator from Indiana [Mr. WATSON]. Apparently it was all right. But when it got over into the Senate and the amount was reduced by more than $100,000,000, because the Senate deducted more than $100,000,000 from the amount carried in the veterans' relief bill as it passed the House, then it was, and only then, that the Bureau of the Budget and the Secretary of the Treasury and the Director of the Veterans' Bureau, and all the others who could be persuaded to bring pressure to bear upon this body, made themselves heard in an effort to make it appear that a deficit was going to be created.

Mr. CARAWAY. Mr. President, does the Senator think he would be able to get any information from the leaders on the other side of the Chamber as to who is to get the $200,000,000 surplus which we have right now? The veterans are not to have it because if they get it, it will create a deficit. Who is to have it?

Mr. CONNALLY. The Senator from Arkansas, with the shrewd mind he has, ought not to ask me to answer even what would appear to be a simple question like that. It will be kept there in the Treasury for any use to which the ruling powers may see fit to apply it.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Tennessee?

Mr. CONNALLY. I yield.

Mr. McKELLAR. I am rather inclined to think the Senator from Texas is a little too harsh on the Secretary of the Treasury. I think the Secretary of the Treasury is doing better in his predictions lately. It will be remembered that when the soldiers' bonus bill was before the Congress he missed his prediction by some $600,000,000, as I recall the amount. I think that is the sum and that his prediction was that there would be a deficit of $600,000,000. As a matter of fact there was a surplus of $300,000,000. Now, he has brought his predictions down to where he is wrong only $200,000,000. It seems to me he is improving somewhat. Either he is improving or his fear of the World War veterans' bill is not quite so great.

Mr. CONNALLY. I will say to the Senator from Tennessee that if the marksmanship of our soldiers in France had been no more accurate than the predictions of Secretary of the Treasury Mellon with reference to deficits and surplus when we have a veterans' bill before us for consideration, there would not have been a dent made in the German lines.

Mr. ROBSION of Kentucky. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield.

Mr. ROBSION of Kentucky. I notice that the Senator from Texas [Mr. CONNALLY], the Senator from Arkansas [Mr. CARAWAY], the Senator from Tennessee [Mr. McKELLAR], and my distinguished colleague from Kentucky [Mr. BARKLEY] have been agreeing on a number of matters. I also notice that they are four Senators who were in the House in 1917 when a compensation bill was passed to compensate World War veterans injured in line of duty. I rise to inquire how the distinguished Senator from Texas voted on that bill which proposed to limit to $30 per month the compensation to soldiers totally disabled in line of duty in France?

Mr. CONNALLY. I will answer that question. I will say to the Senator from Kentucky, who is so particular about every-

thing regarding our war record in 1917, that it looks to me as though he should ascertain what the actual facts are.

Mr. ROBSION of Kentucky. The actual facts are——

Mr. CONNALLY. Just a moment. I will answer the Senator.

Mr. ROBSION of Kentucky. Mr. President——

Mr. CONNALLY. Very well; go ahead.

Mr. ROBSION of Kentucky. The actual facts are that the Senator from Texas, the Senator from Tennessee [Mr. McKELLAR], the Senator from Arkansas [Mr. CARAWAY], and the Senator from Kentucky [Mr. BARKLEY] all voted for a bill limiting payment to $30 a month for total disability incurred in line of service; and in the administration of that law the Director of the Veterans' Bureau gave $30 for 10 per cent and $30 for total disability.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Arkansas?

Mr. CONNALLY. I yield.

Mr. CARAWAY. When the Senator gets his facts right he can make another speech; but he is so utterly wrong, why should we worry about him?

Mr. ROBSION of Kentucky. I have read from the CONGRESSIONAL RECORD of September 13, 1917, containing the roll call in the House.

Mr. CARAWAY. And on what was the roll call?

Mr. ROBSION of Kentucky. On the bill.

Mr. CARAWAY. Oh, the bill. The Senator is entirely mistaken.

Mr. CONNALLY. Let me say to the Senator from Kentucky that, of course, I have not consulted the RECORD lately.

Mr. CARAWAY. It is the same now as it was then.

Mr. CONNALLY. Evidently the Senator from Kentucky has done so; but, as I recall, there was an amendment offered by a Representative from my own State, Judge Black, now on the Board of Tax Appeals. There was a provision in the measure that made a distinction between the compensation of enlisted men and officers, and, as I recall, Representative Black offered an amendment removing that distinction and providing a rate of $80 or $100 a month.

Mr. ROBSION of Kentucky. No; I will read from the act itself——

Mr. CONNALLY. I will answer the Senator. Is he referring to the vote on the final passage of the bill?

Mr. ROBSION of Kentucky. Yes.

Mr. CONNALLY. All right; I will answer the Senator. Yes, we voted for it because it was either that or nothing. How would the Senator have voted? Would he have denied soldiers of the World War even $30 a month?

Mr. ROBSION of Kentucky. Wait a moment, and I will answer the Senator's question.

Mr. CONNALLY. Then, answer me.

Mr. ROBSION of Kentucky. The Democratic Party then had plenty of votes; it was in control of Congress; it had a substantial majority in both the House and the Senate. There was also a Democratic President, and Mr. McAdoo was Secretary of the Treasury. The Democratic Party had charge of legislation in the House and the Senate. I am wondering why they limited the payment for total disability to $30 a month. I will say that I would not have voted for it; I think it was an outrage.

Mr. CONNALLY. And the Senator will not vote for this proposal, either.

Mr. BARKLEY. Mr. President——

Mr. CONNALLY. I yield to the Senator from Kentucky.

Mr. BARKLEY. I will say to the Senator from Texas that that was the first war in which the United States had ever engaged up to that time when Congress ever provided in advance any compensation for disability incurred by a soldier who was engaged in the war.

Mr. CONNALLY. Yes. I will say to the Senator from Kentucky that I accept the challenge. He is trying to make a political issue out of this matter. He is correct in one thing, namely, when he says the Democratic Party had a President in the White House at that time. Yes, we did have a President in 1918. The Senator is correct in saying also that we had control of legislation at that time, and, as suggested by the senior Senator from Kentucky, in no war that had ever theretofore been fought had we had any sort of provision in advance for disability incurred by soldiers participating in the war.

Mr. ROBSION of Kentucky. If the Senator will permit me——

Mr. CONNALLY. Wait until I answer the question.

Mr. ROBSION of Kentucky. In every war that has been fought——

Mr. CONNALLY. I refuse to yield until I say, "I yield."

Mr. ROBSION of Kentucky. In the case of every war we have provided pensions for disabilities.

Mr. CONNALLY. I ask that the Chair enforce the rule against a Republican as well as a Democrat. I will yield to the Senator when I desire to yield.

Mr. CARAWAY. If the Senator from Texas does not hurry, the Senator from Kentucky will not be here.

Mr. CONNALLY. The Senator from Kentucky is trying to revive the bitterness and partisan rancor of 10 or 12 years ago. I think that the future historian will be able to write the history of the great World War, and I think he will be able to tell whether or not under Democratic leadership the United States came out of that war with victory on its banner. We came out without any stain upon our record. Not one responsible Democratic official during that war was ever convicted or ever charged with graft or corruption. Since the Senator from Kentucky wants to make it a partisan issue, I might suggest that as soon as the war was over, and his party came into power, members of that party plunged their arms up to their elbows in graft and corruption. Even an official of the Veterans' Bureau was convicted and put in the penitentiary for misusing the funds of that bureau. If the Senator wants the facts, those are the facts, and let him make the most of it.

Mr. ROBSION of Kentucky. Oh, no; the Senator can not make a political issue out of it. I was just asking the Senator how he voted.

Mr. CONNALLY. I voted for it, and the Senator from Kentucky said he would have voted against it. He said that if he had been here during the war he would have voted to send men into battle, he would have voted to send men to France, and then when the only bill that came before Congress provided for giving them compensation at even the moderate rate of $30 a month, the Senator from Kentucky said that he would not even vote to give them $30; that he would draft them and send them into the jaws of hell without a cent of compensation for disabilities received.

Mr. ROBSION of Kentucky. The Senator from Kentucky would have been for a reasonable compensation; that is what he would have been for.

Mr. CONNALLY. But if the Senator from Kentucky had been there then his influence in obtaining a reasonable bill would have been of about as much consequence as his action here to-day will be with reference to the pending bill. The Senator from Kentucky, 12 years after the war, rises here and asks the Senator from Texas how he voted 12 or 13 years ago on a compensation bill. Yes, I voted for it; and I am going to vote to-day to give to some of those boys who are now disabled, for whom the Senator from Kentucky professes such an intense sympathy, compensation more adequate than the pending bill provides.

The Senator from Kentucky wanted a more reasonable bill, he says, in 1918. Look how his heart has broadened during these years! Look how much milk of human kindness has accumulated in his system since that time! Thirty dollars was not enough away back in 1918; he wanted Congress to give them a large amount. That was when they were well; that was when they were strong; but now that they are crippled, wounded, sick, and their bodies bent and broken he wants to give them $12 a month for 25 per cent disability; and if a veteran is 50 per cent disabled the Senator from Kentucky says, "No; you shall have but $18 for a 50 per cent disability," and if the veteran is three-fourths dead, out of the immensity of his sympathy, the Senator from Kentucky is willing to allow him $24 a month.

Mr. McKELLAR and Mr. ROBSION of Kentucky addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Texas yield; and if so to whom?

Mr. CONNALLY. I yield to the Senator from Tennessee.

Mr. McKELLAR. I wish to say that the RECORD from which the Senator from Kentucky read a few moments ago is the House RECORD of date September, 1917. If the Senator from Kentucky is no more accurate in his statement of other facts than he is about history we need not pay very much attention to what he says, for I was not even a Member of the House at that time.

Mr. ROBSION of Kentucky. I will say that the Senator from Tennessee voted on October 4, according to the RECORD here.

Mr. McKELLAR. I was not a Member of the House at that time.

Mr. CARAWAY. Mr. President——

Mr. CONNALLY. I yield to the Senator from Arkansas.

Mr. CARAWAY. I was going to say that the Senator from Kentucky was for holding out large promises in order to get men to fight the war and let other people stay home, but now that the war is over he says, "I will not pay you a cent; there is no danger now."

Mr. ROBSION of Kentucky. Mr. President, I should like to correct the Senator.

Mr. CONNALLY. I should like for the Senator from Kentucky to get permission before he addresses the Senate. I will grant it, but I desire the Chair so to announce.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I refuse to yield until the Senator from Kentucky conducts himself in a parliamentary manner and asks me to yield.

Mr. CARAWAY. Then the Senator from Texas will not yield at all.

Mr. ROBSION of Kentucky. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield.

Mr. ROBSION of Kentucky. The Senator from Texas has spoken incorrectly. Last December I introduced a bill in the House before I left that body granting pensions to non-service-connected disability veterans of the World War ranging up to $50 a month and $72 a month where an attendant is needed. The bill also provides a pension for their widows and children. When I came to the Senate I reintroduced that bill. So I think the statement of the Senator as to my attitude toward veterans' legislation is not correct.

Mr. CONNALLY. Oh, of course not.

Mr. President, let me say to the Senator from Kentucky I did not get him into this debate; I did not provoke the Senator from Kentucky; I was trying, in my humble way, to present certain facts to the United States Senate; and then the Senator from Kentucky over there, with his investigatory powers and a spyglass, has been digging into some partisan record in order to try to embarrass the Senator from Texas; and whatever I said in reply was provoked by the Senator himself.

The Senator says that he is strongly in favor of the bill that was introduced last fall. The Senator also voted for a bill here two or three weeks ago to pension civil employees of the Government, men with poll-tax receipts, who vote, many of them perhaps in Kentucky; he is willing to vote money out of the Treasury to give pension allowances to clerks and stenographers who have lived off the Government for their whole lifetime, and then when they retire he wants to give them money out of the Treasury. But when it comes to the World War veteran who is totally disabled, with a wife and with children, the Senator from Kentucky says, "No; I will not give him $60 a month; let him have $40 if he is flat on his back, and if he is only reasonably crippled pay him $12." That is the doctrine of the Senator from Kentucky. Yes; the Senator from Kentucky voted two weeks ago for a Civil War pension in which he gave every Union soldier $75 a month, whether he is well or whether he is sick, whether he is rich or whether he is poor. The main consideration probably with the Senator from Kentucky is, Has he got the right to vote? He voted to give him $75 a month, but he will not give to the World War veteran more than a maximum of $40 a month for total disability.

He voted to give to the Spanish-American War veteran $60 a month not two weeks ago, and yet when it comes to the World War veterans he says, "No; we must not have a deficit; Mr. Mellon, my political director, says that we must not exceed the Budget."

Mr. President, in conclusion let me repeat something I said a while ago. In 1918 this Government was in the war; it had its forces yonder on the western front; it was in need—not in need of food, for we had sufficient food to feed the armies of the world; it did not need money, for we had enough money to finance the armies of the world; but what we did need was men, men with strong arms and healthy bodies, men who were not afraid to fight, men who were not afraid to die, if necessary, in order that their country might live. Now, 12 years after the war, a great rich country, loaning money to the world, reducing the war debts that other nations owe it, granting bounties from the Treasury to stimulate the merchant marine—$30,000,000 through mail contracts—and millions of dollars a year through tariff rates in order to fatten and prosper certain particular industries, it is proposed that we shall deny justice to the soldiers of the World War.

Mr. President, as a Senator of the United States, as a Senator of a grateful Republic, I shall never vote to make one of those veterans who went through that tornado of war and that furnace of hell, and who is now disabled or diseased—I for one shall not vote to make him eat the bread of a beggar or wear the rags of a pauper.

Mr. REED. Mr. President, I should like to take advantage of the lull in hostilities between Texas and Kentucky to put in the RECORD some estimates that have been prepared by the Veterans' Bureau to show the cost of the respective proposals which we are considering. These figures are not from Mr. Mellon. I do not believe it is necessary for me to defend Mr. Mellon at this time. He has been under constant denunciation for the last nine years; so that if this building shall ever be dismantled I am sure that the bricks when taken out will still be ringing with epithets directed against him. These estimates come from the Veterans' Bureau.

The bill, as it was reported by the Finance Committee, is estimated to cost $31,555,000 the first year; $58,000,000—I will leave out the odd thousands—the second year.

Mr. LA FOLLETTE. Mr. President, will the Senator yield? I did not hear what he said for the second year.

Mr. REED. I will start again.

In 1931 it is estimated that the bill, as reported by the Finance Committee, will cost $31,500,000.

In 1932 it will cost $58,000,000.

In 1933 it will cost $71,000,000.

In 1934 it will cost $76,000,000.

In 1935 it will cost $82,000,000.

That is the bill as it came from the Finance Committee. If the amendment offered by the Senator from Massachusetts [Mr. WALSH] is adopted, the bureau estimates that the cost of the bill will be $58,000,000 in 1931, $116,000,000 in 1932, $143,000,000 in 1933, $155,000,000 in 1934, and $167,000,000 in 1935—almost exactly twice the amount for each year that the bill would cost as it came from the committee. In other words, the Walsh amendment, if adopted, just about doubles the cost of the bill in each year.

Mr. STECK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. REED. I yield.

Mr. STECK. Can the Senator gives us any explanation as to why the amount is doubled after the first year?

Mr. REED. I am glad the Senator asked that question, because it seems paradoxical to say that increasing the limit from $40 to $60 results in doubling the aggregate. In other words, to increase the maximum 50 per cent ought not, as it appears at first glance, to double the cost of the bill.

It comes about in this way: The addition of an allowance to men who are disabled less than 25 per cent, which is effected by the Walsh amendment, adds so many men to the rolls that although the average amount per man is very slightly increased the additional number of men doubles the total burden. The bureau estimates that under the Finance Committee bill the average amount paid would be $18 per man, while under the Walsh amendment the average amount paid would be $20 per man; but whereas it is estimated that only 156,000 men would apply for the allowance the first year under the Finance Committee bill 288,000 would apply under the Walsh amendment; the additional number, you see, being made up of those men who are injured less than 25 per cent.

I wonder if I have made that clear.

Mr. STECK. The Senator has made it clear to me. One other question:

The director's figures on the Walsh-Connally amendment are that the first year, in 1931, it would cost $58,000,000.

Mr. REED. That is the total bill.

Mr. STECK. The second year it would cost $116,000,000.

Mr. REED. That is right.

Mr. STECK. I am not able to determine why it should cost twice as much in 1932 as it would in 1931.

Mr. REED. Because the experience of the Pension Office shows us that the applications will come in at about that rate. It is largely an administrative matter. A good many men will not learn of their rights at once.

Mr. STECK. I have in my mind one other matter, somewhat along the same lines that I have questioned the Senator about; but I am curious to know where the figures came from that are in the present bill. They are the same figures that the Senator from Pennsylvania offered when the bill was in the Senate some time ago.

Mr. REED. Yes.

Mr. STECK. Did they grow out of the Senator's own mind, or are they the result of the study of somebody, or the Veterans' Bureau, or experience?

Mr. REED. No; they came about in this way: They are the schedule established by the Spanish-War veterans' disability pension act of 1920, with the maximum increased from $30 up to $40. Otherwise the figures are the same as in the disability pension act of 1920.

Mr. STECK. Now, just one other question:

Since the Senate passed the veterans' legislation and it was sent back to the House and approved by the House it has appeared in the newspapers, and it seems to be the general opinion of the country at large—it was my opinion, gained from con-

versation and from the newspapers—that the present bill is the bill which is put forward by the President, by the administration, as a compromise. Does the Senator know whether there is any basis in fact for that?

Mr. REED. I am not authorized to speak for the President; but I have the impression that he would be satisfied with the bill as it came from the Finance Committee or as it came from the House.

Mr. STECK. The principal reason why I am asking that question is this: I am wondering who is to take the responsibility of initiating pension legislation for veterans of the World War. Is the Congress taking that responsibility, or is the administration taking it? They are certainly not attempting to place the responsibility upon any of the veterans' organizations.

Mr. REED. I think we must all carry our own responsibility. I am very glad to assume the responsibility for what is called the Reed amendment, although I must confess that the idea was plagiarized from the Senator from Massachusetts [Mr. WALSH], because he had offered an amendment in the Finance Committee several weeks before that time.

Mr. STECK. A number of Senators have asked me whether or not this part of the bill had the Legion's approval, and I have been forced to answer that the Legion has neither approved nor disapproved it.

The Senator knows the reason why I am trying to place the responsibility, to protect the Legion. The fact of the matter is, as the Senator knows, that when the bonus legislation was up some years ago, under the administrations of Mr. Harding and Mr. Coolidge, a promise was asked for and given by the officers of the American Legion that if the so-called bonus bill passed during the life of those certificates the American Legion would not come to Congress asking for pension legislation. So I just want it clearly understood at this time that the American Legion at least has not initiated the pension legislation, and that the American Legion has abided by its pledge and abided by its promise. I want it understood by the Senate and by the country that this pension legislation is not initiated by the Legion. It is initiated, as far as I can determine, by the administration. The Legion is taking no stand whatever in the matter.

Mr. REED. That seems strange, because I have before me a telegram on the subject from the national commander of the Legion.

Mr. STECK. If the Senator has read it, he knows that it exactly follows what I have said; and, if it is the same telegram that I have, reading from a part of the telegram, it says:

> The proposed amendment to section 200 is a departure from the established policy of the Legion. I am therefore in no position to comment thereon.

Mr. REED. It follows that by a statement asking Colonel Taylor to speak to the Senate Finance Committee for the national commander and "assure them of our appreciation of their interest in this disabled legislation, and urge them to report out immediately the bill with the amendments suggested above," which, by the way, have been put in the bill.

Mr. LA FOLLETTE. Mr. President, if the Senator will yield, the amendment eliminating the Comptroller General from the Veterans' Bureau was not adopted.

Mr. REED. That is true.

Mr. STECK. There is no expression in this telegram which the Senator can construe to mean that the American Legion has sponsored pension legislation. That is what I am getting at.

Mr. REED. No; I did not say that the American Legion had sponsored it. I shall be very glad to assume the responsibility for sponsoring it when I offer that amendment.

Mr. STECK. I do not want the Senator to.

Mr. REED. If that is subject to blame, I am glad to take it.

Mr. STECK. I should like to know where the responsibility is. I am not asking the Senator to assume anything.

Mr. REED. I introduced the amendment first on the floor of the Senate, and I was not asked to do it by the American Legion.

I also have a message from the national commander of the Veterans of Foreign Wars, who has just telephoned from Lansing, Mich., that the Veterans of Foreign Wars favor the veterans' bill as reported to the Senate from the Finance Committee. So we need not have much doubt about where the veterans' organizations stand on this matter.

I ask leave to insert at this point in my remarks the two tables received from the Director of the Veterans' Bureau, showing in the first table the cost of the bill as it came from the Finance Committee, and showing in the second table the cost of the bill as it would be if the Walsh amendment were adopted.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Estimated 5-year cost of H. R. 13174, as submitted by United States Veterans' Bureau

Section	Amendment	1931	1932	1933	1934	1935	Total
6	Relief of disbursing officers	$218,000					$218,000
9	Uniforms for personnel, Arlington Building, Washington, D. C	1,800	$900	$900	$900	$900	5,400
10	Assembling War Department records	3,000,000					3,000,000
11	Disability allowance for veterans suffering with permanent disabilities 25 per cent or more received subsequent to service—range $12 to $40; average monthly amount, $18	25,281,000	55,289,000	68,649,000	74,404,000	80,570,000	304,193,000
	Estimated number of veterans on rolls	(156,056)	(289,273)	(327,335)	(350,173)	(380,622)	
12	Minimum allowance of $20 for dependent mother and father	6,000	6,000	6,000	6,000	6,000	30,000
12	Flags to drape caskets	40,250	43,000	45,000	49,000	51,000	228,250
13	Extra $25 allowance for persons suffering the loss of use of a creative organ or one or more feet or hands in active service (estimate on amputation cases only)	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$5,000,000
14	Minimum rating of 25 per cent for arrested tuberculosis	8,000	8,000	8,000	8,000	8,000	40,000
	Administrative cost	2,000,000	2,000,000	1,500,000	1,000,000	500,000	7,000,000
	Total	31,555,050	58,346,900	71,208,900	76,467,900	82,135,900	319,714,650

Estimated 5-year cost of H. R. 13174, amended by amendment suggested by Senator Walsh

[U. S. Veterans' Bureau estimate based on Pension Bureau experience]

Section	Amendment	1931	1932	1933	1934	1935	Tota
6	Relief of disbursing officers	$218,000					$218,000
9	Uniforms for personnel Arlington Building, Washington, D. C	1,800	$900	$900	$900	$900	5,400
10	Assembling War Department records	3,000,000					3,000,000
11	Disability allowance for veterans suffering with permanent disabilities 10 per cent or more—received subsequent to service. Range $10 to $60; average monthly $20	52,018,380	113,763,840	141,252,960	153,094,740	165,782,160	625,912,080
	Estimated number of veterans on rolls	(288,991)	(535,691)	(606,175)	(648,468)	(704,856)	
12	Minimum allowance of $20 for dependent mother and father	6,000	6,000	6,000	6,000	6,000	30,000
12	Flags to drape caskets	40,250	43,000	45,000	49,000	51,000	228,250
13	Extra $25 allowance for persons suffering the loss of use of a creative organ or one or more feet or hands in active service (estimate on amputation cases only)	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
14	Minimum rating of 25 per cent for arrested tuberculosis	8,000	8,000	8,000	8,000	8,000	40,000
	Administrative cost	2,000,000	2,000,000	1,500,000	1,000,000	500,000	7,000,000
	Total	58,292,430	116,821,740	143,812,860	155,158,640	167,348,060	641,433,730

NOTE.—It must be remembered that the effect of the provision in sec. 210 will not reduce the annual cost of this bill. It only avoids necessity for making an additional appropriation of approximately $25,000,000.

Mr. WALSH of Montana. Mr. President——

Mr. REED. I yield to the Senator.

Mr. WALSH of Montana. I inquire of the Senator if we are to understand from the statement he makes concerning the telegram from the commander of the Veterans of Foreign Wars that that signifies a choice on his part as between the bill as reported by the committee and the amendment now proposed.

Mr. REED. No, Mr. President. Of course, if the veterans thought that a bill containing the rates in the amendment offered by the Senator from Massachusetts [Mr. WALSH] could be secured, undoubtedly they would prefer them; but I am afraid the veterans have learned by sad experience that the efforts to increase rates in bills of this type do not always materialize in enacted legislation. In other words, to put it plainly, the vet-





erans know that they can get the rates offered in the Senate bill, and they do not want to see the bill overloaded to the point where it will fail. That, I think, is their thought.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. REED. I yield to the Senator.

Mr. NORRIS. The Senator means by that that they are afraid of a veto?

Mr. REED. No; not necessarily. They may be afraid of a disagreement with the House; they may be afraid of a veto; they may feel that to load up the bill will endanger its final passage. I am not implying that the President is going to veto the bill, because I do not know. I have not asked.

Mr. NORRIS. Does the Senator mean to imply that the House of Representatives, if left to themselves, to follow their own convictions, would oppose the amendment offered by the Senator from Massachusetts?

Mr. REED. They might. They show a greater responsibility for the public finances than we do.

Mr. NORRIS. Assuming that they would, the bill would go to conference, would it not?

Mr. REED. It would.

Mr. NORRIS. What reason has the Senator to think that because it goes to conference on the disagreeing votes of the two Houses it would for that reason fail?

Mr. REED. It might fail in conference.

Mr. NORRIS. That is possible, of course.

Mr. REED. The District appropriation bill is doing that at this minute.

Mr. NORRIS. Yes. That might happen to any legislation. If that be true, then when we get a bill from the House it would be our duty to pass it as the House passed it. Otherwise, if we made an amendment, it might fail.

Mr. REED. Of course.

Mr. NORRIS. I desire to ask the Senator another question. He referred to a telephonic communication with the commander of the organization of foreign wars.

Mr. REED. The national commander of the Veterans of Foreign Wars.

Mr. NORRIS. The national commander; yes. That took place after the veto of the other soldier relief bill; did it not?

Mr. REED. The message came through Captain Bettelheim about an hour and a half ago, I should say.

Mr. NORRIS. Then I suggest to the Senator that the message probably came on the theory that the other bill had been vetoed, and that the rates provided in the Senate bill that has been reported here were all that they could get.

Mr. REED. I think that is probably so.

Mr. NORRIS. It would be fair to say, would it not, that under the existing circumstances the commander probably went on the theory that it was that or nothing, and he would rather have that than nothing?

Mr. REED. I suspect that is the way his mind worked.

Mr. LA FOLLETTE. Mr. President, in connection with the Senator's statement that the House has greater concern for the state of the public finances than we have, I would like to point out that the bill which originally passed, and which came over to the Senate, carried about $181,000,000 of drain on the Treasury.

Mr. REED. I think that is true; but I believe that is rather exceptional. I believe that the veterans feel as a large part of the population feel, that the Senate has been increasingly reckless in its expenditure of the national funds. I believe that they look rather askance at proposals in the Senate to load down these bills. Perhaps that is an injustice to the Senate, but at any rate, I believe that the veterans are rather skeptical of proposals to increase the schedules in this particular bill.

Mr. WALSH of Massachusetts rose.

Mr. REED. I say that without reflecting in the slightest upon the motives of the Senator from Massachusetts. I would like to say now that ever since he and I served together on the committee which investigated the Veterans' Bureau—the investigation which resulted in sending Director Forbes to the penitentiary, by the way—ever since that day, back in 1923, the veterans of the last war have had no stancher friend than the Senator from Massachusetts. I know that in that investigation and since then he has handled veterans' legislation, as far as I could tell, without a suspicion of political bias.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. NORRIS. I want to ask the Senator if it is not true, speaking of the vetoed bill, that the House of Representatives as it originally passed that bill provided for a larger expenditure of money than was authorized in the Senate bill after it had been amended, and in which form it was vetoed?

Mr. REED. That is quite true; the bill was loaded down on the floor of the House, and I doubt if there was a single Member of the House who realized how devastating it was at the time he voted for it on final passage.

Mr. NORRIS. Can the Senator harmonize that action on the part of the House in passing that bill, which was loaded down much heavier than it was when the Senate got through with it, and much heavier than it was when the President vetoed it, with his statement that the Senate is the extravagant body, and has no consideration for the condition of the Public Treasury?

Mr. REED. Yes; I can harmonize those statements. I think the House did not know what the bill would cost. I do not think any of them realized the extent of the amendments which were adopted after the bill had been reported out. No estimate had been given. I do not believe the House was conscious of the effect of the amendments.

Mr. NORRIS. Can it be possible that the House, being that reckless and passing legislation providing for such enormous expenditures of money, is still much more careful than the Senate? If that be the case, then the Senate is certainly reckless indeed, if we are to consider as the fact what the Senator has stated as his belief, that the House passed that bill without knowing what was in it.

Mr. REED. I gladly confess that their action in that case and on that bill does not bear out the other statement I made.

Mr. LA FOLLETTE and Mr. GLASS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I decline to yield for a moment. I will yield in just a little while.

I say the impression prevails in the United States that on the whole the House is far more careful in the expenditure of Government money than is the Senate, and I believe that that is one of the reasons why the veterans look askance on efforts by the Senate to pile up the rate schedule in the pending bill. I do not offer that as my own opinion.

Mr. WALSH of Montana. Mr. President, I rise to express the hope that the chairman of the Committee on Appropriations has been listening to the statement of the Senator from Pennsylvania, and will, before the Congress adjourns, tell the Senate how much substance there is in the statement made by the Senator from Pennsylvania to the effect that the country believes that the Senate has been reckless in the expenditure of public funds.

Mr. REED. I do not suppose the chairman of the Committee on Appropriations knows any better than any others of us what the country believes on that subject.

Mr. WALSH of Montana. I was not aware that that view was prevalent. I was surprised to hear the Senator make the statement, and I hope we will have the exact truth about the matter.

Mr. REED. The exact truth is impossible to ascertain. It necessarily must be a matter of the impression each of us forms from reading editorials and from our correspondence.

Mr. LA FOLLETTE and Mr. GLASS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I think the Senator from Wisconsin asked me to yield first. Then I will yield to the Senator from Virginia.

Mr. LA FOLLETTE. Mr. President, I do not wish to interrupt the Senator further, but in connection with the Senator's statement that he doubted whether Members of the House realized what the original bill which they passed would amount to in expenditures, I merely wish to say that a perusal of the debates when the original bill was pending in the House will show that there were submitted to the House during the debates various estimates as to the cost of the various amendments which were adopted; and if Members of the House were not familiar with the total sum which the bill would cost, it must be assumed that it was because they were absent and did not listen to the debates.

Mr. REED. Be that as it may, I am giving only what I believe very strongly to be the general opinion in the country, and I think the veterans share it.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. REED. I yield.

Mr. McKELLAR. The Senator talks about the Senate being more profligate in the use of money than the House.

Mr. REED. I did not say it was; I said the country thought it was.

Mr. McKELLAR. I am going to tell the Senator some facts. A short time ago the Senate passed a retirement bill, giving a very large increase in retirement pay to the civilian employees

of the Government, and the House nearly doubled the amount. Not a word was said about it, and the President signed the bill. It seems that when the appropriations are for civilian employees, even if the House is reckless in giving out money to civilian employees, it is all right; but if they are military employees, it is all wrong.

Mr. GLASS. Mr. President, will the Senator yield to me?

Mr. REED. I yield.

Mr. GLASS. The apparent inconsistency of the Senator from Pennsylvania can be explained by the superior discernment and intellectual capacity of the other House. They learned in 20 minutes' debate more than other Senators have been able to learn about this measure in the last few hours. Does the Senator seriously think that the House knows much about this bill which was sent over here?

Mr. REED. Mr. President, I am quite sure that the Veterans' Committee of the House knows all about it.

Mr. GLASS. Well, the Senator is more credulous than I am.

Mr. REED. Principally because every section in the bill as it came from the House, excepting one, was in the legislation previously passed by the House, or reported by Chairman JOHNSON, of the Veterans' Committee. They have been studying this matter for a year. As far as that committee is concerned, it knows just as much about veterans' affairs as anybody in the city of Washington.

Mr. GLASS. I am not talking about the committee; I am talking about the House. The committee does not legislate. The House had 20 minutes' debate on the bill. Does the Senator think the House can comprehend more in 20 minutes than the Senate can in several days?

Mr. REED. I am not going to get into a comparison of the Senate and the House.

Mr. GLASS. The Senator made a comparison.

Mr. REED. Mr. President, in the hearings before the Finance Committee on the cost of the amendment offered by the Senator from Massachusetts testimony was taken, and the Director of the Veterans' Bureau testified that the rates given in the Walsh amendment would cost on an average $164,000,000 per year over the next five years. A representative of the Pension Bureau estimated that the average cost would be $171,000,000 a year for the next five years. There was comparative agreement between the two authorities on the cost.

Frankly, I think the average they have assumed is a little bit too high. I believe that it will run closer to $20 than to $25, on an average, per man per month, and I think that both of those estimates are a little bit high. The average will run closer to $135,000,000, I should say, for the 5-year period.

Necessarily, there is a factor of some doubt—that is, the rate at which the applications will come in, but it seems to be generally conceded by both authorities that about 600,000 men will come upon the pension rolls in the course of the next five years, and that the cost at the end of the five years will be in the neighborhood of $160,000,000 for the last of the five years.

Mr. President, there is one other matter to be borne in mind; and I am going to speak very briefly, because I do hope we can get a vote on the bill this afternoon. The Spanish-American War veterans had to wait for 22 years before they got a disability pension. The World War veterans wait 12 years, against the Spanish-American War veterans wait of 22 years. These men are getting their disability pension 10 years sooner than did their Spanish-American War brothers. That is one fact.

In the next place, while the rates in the bill as it came from the Finance Committee range from $12 to $40, according to the degree of the disability, the rates first given the Spanish-American War veterans after their long wait ranged from $12 to $30. So the World War veterans are getting a more liberal pension after 12 years than the Spanish-American War men got after 22 years.

There is still this factor, that the month in which the Spanish War veterans' bill was enacted, June, 1920, was the month in which the cost of living was the highest in the entire history of the United States. The $30 maximum given the Spanish-American War veteran in June, 1920, bought less in the way of subsistence, comforts, and necessities than $30 ever bought before or since. The value of the dollar to-day is almost twice what it was when the Spanish War act was passed. Not only do we give the World War veteran more money 10 years sooner than we gave anything to the Spanish-American War veteran, but the money we give him has a purchasing power twice the purchasing power of the pension of the Spanish War veteran in 1920.

All those things are worth taking into account. It is purely a matter of dollars and cents. Probably $60 a month will not support a man in comfort in the city and it will not support his family. If we had the money, we would all like to see more than that paid. Nobody would resist paying more to a disabled man.

We have to draw the line some place. It seemed to a majority of the committee that the rates stated in the bill under all the circumstances were all we were justified in giving at that time. It is not a matter of principle. It is purely a matter of calculation in dollars and cents. We are paying out in the current year over $511,000,000 to the veterans of the last war. We are increasing that by this bill an average of $60,000,000 more. We are adding $60,000,00 on top of the $511,000,000 which we are now spending.

No nation on earth ever treated its veterans so well. We must not stop to figure this disability allowance as if it were the only thing the veterans are getting. We are giving them free medical treatment either in dispensaries or in the hospitals. We have thousands of such veterans in the hospitals to-day, getting the best care that America can give them. We have given them a bonus law. Remember, when we contrast these figures with the Spanish-American War figures, that the Spanish-American War veteran gets no bonus for his fighting. Everyone of the beneficiaries of the bill now before us has a bonus besides, and he has hospital treatment in addition to that. As I said, no nation in history ever treated its veterans as well as we have treated the World War veterans. I am proud of that. I am proud that our country has been able to do it and I am glad it has done it. We have no need to apologize to anybody for the liberality of our treatment of our veterans.

This year, out of a total expense of $3,300,000,000 aside from sinking-fund operations, over $700,000,000, or more than 20 per cent, is going to veterans of past wars or their dependents. Surely it can not be charged that we have been niggardly in our treatment of the men who stood by us in the country's time of need.

I hope, Mr. President, that for the sake of getting something for our veterans the Senate will see fit to stand by the action of the Finance Committee.

Mr. McKELLAR. Mr. President, I shall detain the Senate but a moment. In the colloquy a moment ago between Senator REED and Senator NORRIS something was said about vetoes by the House and vetoes by the President. It will be remembered that the President vetoed a prior bill of this character just a few days ago. He vetoed a Spanish-American War veterans' bill a few weeks ago. As a vetoer of sick, wounded, and maimed war veterans' measures, he has become an expert; but that is another question. I have here three short verses evidently written by a soldier which I want to read to the Senate. It seems to me it is very appropriate while we are considering vetoes and while we are considering this legislation. I read from the Chicago Tribune of June 27, 1930:

AND NO ONE PUT A VETO ON THAT

I remember the dawn of that cold, rainy day,
Our first time over the top,
How for hours we crouched in the mud of the trench
With our hearts going flippity flop.
And at last the word came, and over we went
Where the bullets whistled and spat,
And shrapnel screamed round like demons from hell,
And no one put a veto on that.

I remember a night in a thick marshy wood
When the Boche gave a chlorine gas ball;
We couldn't fight back, we were held in reserve,
Had to stay there and take it, that's all.
And thicker and thicker the stinking fumes grew,
While we lay there sprawling out flat,
Choking and cursing, but holding our ground,
And no one put a veto on that.

I remember the night when with pick and with spade
We scooped shallow graves for our dead;
No songs could be sung—there were snipers around,
Not even a prayer could be said.
We had to work fast, for with coming of day
The guns would start in to chat;
Without coffins or blankets we laid them away—
And no one put a veto on that.

Mr. President, it seems that this great rich Government of ours has plenty of money, according to the President, for every other purpose—to retire our civil employees—hundreds of millions to pay back to war profiteers in increasing amounts every year, although the war has been over for 12 years; to give billions to European governments in remitting their indebtedness; millions to the starving in Russia; $161,000,000 refunds to rich taxpayers who lost in gambling in Wall Street; plenty

of money to give to those who do not need it, to put money in the coffers of those who have never stood up and fought for their country; but many of whom were making profits while these boys were standing in the trenches or going over the top or burying their dead. No one, not even the President, thought of putting a veto on that. But when it comes to a pension bill for the boys who stood there, who fought there, who were wounded there, just remember the vetoes we have had! Our President is quick to find his veto power when a sick, maimed, or wounded soldier's bill is passed.

O Mr. President, I commend the words of this soldier boy who wrote these lines and say that it is not time to put a veto on legislation that will do the right thing by our sick and wounded soldiers. There is not a Senator here, in my judgment, who does not believe that what he did the other day was right when we passed the bill giving the sick and disabled and wounded soldiers that which is their just due. We all thought it or we would not have voted as we did—66 to 6—and even some of the six did not want to vote as they did vote. There was no factionalism in that vote. Here is cheeseparing, here is parsimony, when it comes to dealing with the soldiers, because the President commands it; but liberal to the extreme with war profiteers, with the civilian employees, with foreigners, with war millionaires, and with every other class of our people. We have ample money then, and to spare, according to the President; we have a surplus for them, according to the President; but when it comes to doing the right thing for our soldier boys we get vetoes from one who never took part in the fight. What has he got against the soldiers? It ought not to be!

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts [Mr. WALSH].

Mr. McNARY. Mr. President——

Mr. GEORGE. Mr. President, I rise to make inquiry as to the length of time the Senator from Oregon desires to proceed this evening.

Mr. McNARY. A number of Senators desire to discuss the pending amendment. However, none of them desire to begin this late in the afternoon, unless the Senator from Georgia would like to discuss it at this time.

Mr. GEORGE. No; I did not rise to discuss the matter at all at this time.

Mr. REED. Mr. President, I think it is evident we can not pass the bill to-day, but I would like to notify the Senate that so far as I have any influence I am going to try to keep the Senate in session to-morrow until the bill is passed.

Mr. McNARY. I think there are 95 other Senators who feel the same way about it.

Mr. GEORGE. I hope the Senator from Oregon will ask for a recess and not an adjournment, so we can go right on with the consideration of the bill to-morrow when we meet. I personally should like to have the session begin to-morrow at 11 o'clock.

Mr. McNARY. There is some objection to that.

Mr. NORRIS. Mr. President, I should like to say a few words before we take a recess. I want to say just a word with reference to the procedure of the Senate in regard to the bill now before us.

May I be excused if I say something of a personal nature? I had quite a number of appointments in my State commencing early in July. When it became evident to me that we were not going to be able to dispose of the business of the Congress prior to that time I canceled all of those engagements.

I have no disposition to delay a vote on the bill now before us, or upon any other matter, one moment longer than legitimate debate may be had upon it. But I want to invite the attention of Senators to the fact that no definite date for final adjournment has been fixed. There is no reason why we should not stay here until we conclude the business of the country, and do it in a legitimate, high-class manner. With the weather in this city as uncomfortable as it is now, and as it will continue to be, it seems to me it is the height of foolishness to try to commence our sessions early in the morning and remain in session late at night. There is no disposition on the part of anybody to filibuster on the bill or any other measure, and if there was I certainly would stand back of the Senator from Pennsylvania [Mr. REED] in demanding that the Senate remain continuously in session.

But no such condition exists. No one claims it. Why should we not go on in a legitimate way, meeting at 12 o'clock as usual? The suggestion has been made that we should meet at 11 o'clock in the morning. I want to say to Senators who want to meet earlier in the morning—and I am only speaking now for one committee—that there are two important committees, of which I happen to be a member, which meet to-morrow. The Judiciary Committee meets to-morrow, and it has before it important nominations and some very important legislation that we ought to enact before we adjourn. Two or three bills recommended by the President's commission I think will be reported out of the committee to-morrow with practically no amendments, at least none that will take any time to consider. Two of the bills will probably be reported just as they came from the House, and we can pass them in a few moments.

Important nominations are pending. The committee desires to dispose of those nominations before Congress adjourns. But there is some contention about some of them. One of them, particularly, is a judgeship that no one feels like disposing of without proper consideration and giving full opportunity to those on both sides of the question who desire to be heard as long as there is objection or favorable comments which do not go to the extent of a filibuster or unusual delay. Many Senators are interested in those nominations. We will not be able to consider and report them unless the committee is permitted to meet, and we can not hold a session of the committee with this bill pending in the Senate, keeping our membership on the floor. It is a physical impossibility.

Why not, then, run along in the regular and usual way? We all have our work in our offices to do. I know that I have at the present time more than I ordinarily have. If we are attending to that work, we are working many hours when we are not in the Senate Chamber. I see no reason why we should get excited about final adjournment. Let us run along and transact our business in a legitimate way. Let us meet at 12 o'clock noon. Let us take a recess this evening so this matter will come before us immediately when we convene to-morrow.

Let us not be making semithreats that we are going to hold the Senate in session and not permit adjournment, but that we are going to pass this bill or that bill immediately. There is nothing transpiring with reference to this bill that is not perfectly legitimate in the way of debate. Let us hear it until we have finished with it. I think we will be able to dispose of the bill to-morrow without any question, but if we do not there is another day following and there is nothing compelling us to adjourn upon any particular day.

If Senators have appointments that are going to interfere with the legitimate work of the Senate, they ought, I think, to cancel them. I practice what I am preaching. There is reason why some Senators are personally interested in campaigns at home just at this time and more reason why they should be anxious to adjourn than other Senators. We ought not to adjourn, of course, until we pass the veterans' legislation in some form. We ought not to adjourn after we have passed it until we know whether it is going to be vetoed or not. If necessary, we should remain in session 10 days after the bill is passed so that no pocket veto can intervene. I do not anticipate anything of that kind, but it is an emergency that might come.

Why not go on without these continual threats that come to us in all manner of ways that we are going to work here all night if necessary? In the first place, if we undertake to do that, we will not get good legislation. In the next place, we are not physically able to stand it—at least, many of us are not able to stand it in this climate. We ought to be moderate, we ought to be temperate in what we are trying to do. If we do not overdo ourselves one day, we can run along all summer if necessary; but, instead of trying to overburden ourselves, if anything, we ought to let up just a little bit. I see no hurry about adjournment. We ought to go on and in a legitimate way try to transact the business of the country.

Mr. WALSH of Massachusetts. Mr. President, I ask permission to have printed in the RECORD, in connection with the debate, a letter and several telegrams received from various groups of veterans approving the pending amendment.

There being no objection, the letter and telegrams were ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
June 18, 1930.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: As you are aware, there is pending before the Senate a bill to amend the veterans' act. It is a substitute for the bill that passed the House.

We must admit the bill that passed the House was very liberal, and it is extremely doubtful if it would ever receive the approval of the President.

It is conceded that the bill reported in the Senate takes care of many veterans, but it takes care of a class of veterans, leaving others in their present situation.

Honestly feeling that it will be best for the country as well as the veterans and their dependents if Congress will now enact a World War pension bill taking care of disabled veterans and the widows and minor

children of those who have died, we urge you to give special consideration to this suggestion.

In the end it will not cost more if as much as the pending bill. I invite your attention to S. 3488. This measure, if enacted, would give moderate and reasonable relief to all disabled rather than high World War compensation rates to a comparative few whose rights thereto are based upon pure legal fiction and not upon medical testimony.

I am told the Finance Committee ordered this pension provision (of from $10 to $60 depending upon disability) reported, but the following day reconsidered the vote and reported the pending bill. Had it been in order in the House, the pension bill would have been substituted for the pending bill.

The situation is that the pending bill takes care of a class of veterans while the pension bill takes care of all for practically the same cost to the Government, although the amount to be paid to the veterans will not be as much as the pending bill provides.

The measure reported by the Senate does not solve the problems of the Congress relating to disabled veterans. It aggravates the problem and endangers all possible relief for these desperately disabled men in the present session.

A pension bill is sure to come in a year or two, so why not pass it now and save the Government money in the end and at the same time satisfy disabled veterans and their dependents?

Sincerely yours,

EDWIN S. BETTELHEIM, JR.,
Chairman National Legislative Committee.

PROVIDENCE, R. I., *June 5, 1930.*

Senator DAVID I. WALSH,
Senator for Massachusetts, Washington, D. C.:

Veterans of this State tremendously interested in bill being prepared by you and Senator CONNALLY. This is the only solution of the veterans' problems. Your measure will relieve veterans' organizations throughout the country of the responsibility of devoting nearly all their activities to the raising of funds to take care of sick and needy veterans. We hope that you will go through to the limit with this bill and that you will place every Senator on record. Anything that we might be able to do to help do not hesitate to call on us. May we suggest that you have amended World War veterans' act so that minimum rate of compensation shall be $20 per month. This will make both the compensation act and the pension act give the same amount of money for 10 per cent disability. We are wiring Senator HEBERT and Senator METCALF, asking their support for your measure.

DAVID A. DORGAN,
Department Commander, Veterans of Foreign Wars, of Rhode Island.

MAYWOOD, ILL., *June 28, 1930.*

Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.:

Patients of Hines Hospital petition you to offer amendment to Veterans' Bureau on same rate as Spanish pension bill.

FRANCIS KIBORT.

FORT BAYARD, N. MEX., *June 28, 1930.*

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.:

Urge you and colleagues kill pauper pension bill as reported out of Senate Finance Committee. All veterans' organizations here insist upon Walsh-Connally amendment to raise pensions to equality with present rates Spanish War.

HINDS WELCH,
American Legion.
FRANK SMITH,
United Spanish War Veterans.
FREDERICK VILLIO,
Veterans Foreign Wars.
ALBERT MORIARTY,
Disabled American Veterans.

ASHEVILLE, N. C., *June 29, 1930.*

Senator DAVID I. WALSH,
Washington, D. C.:

The rates in veterans' bill as passed by the House are insufficient for the maintenance of a disabled man and family. Sentiment among the patients at Oteen, N. C., is that the bill should be defeated unless the rates can be raised to amounts called for by the Walsh-Connally amendment.

OTEEN HOSPITAL CHAPTER, NO. 8, DISABLED AMERICAN VETERANS.

HELENA, MONT., *June 29, 1930.*

Hon. DAVID I. WALSH, *Senator,*
Senate Office Building, Washington, D. C.:

Urge Senate adopt amendments offered by WALSH and CONNALLY, including Spanish War pension rates with last increase, to pending veterans' legislation if no better possible. If can not get Spanish War rates and applying to all who served between 1917 and 1921, please kill bill.

WALTER J. DUMAS, *Chairman.*

CASTLE POINT, N. Y., *June 29, 1930.*

United States Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.:

Wiring every Senator requesting equalization with Spanish War rates or no legislation at all. All our hospital contacts notified to same effect Saturday night, as Representative RANKIN requested. Walsh-Connally amendment our only hope. Proposed pauperising rates obnoxious. Best wishes our mutual success.

WILLIAM CLEARY,
Commander Disabled American Veterans.

FORT BAYARD, N. MEX., *June 28, 1930.*

Hon. DAVID I. WALSH,
Senate Office Building:

Veterans' organizations, Fort Bayard, unanimously agree that fair and just pension for World War veterans would be same as present Spanish War pension. Urgently request enactment this session.

HINDS WELCH,
American Legion.
FRANK SMITH,
United Spanish War Veterans.
FREDERICK VILLIO,
Veterans Foreign Wars.
ALBERT MORIARITY,
Disabled American Veterans.

BOSTON, MASS., *June 26, 1930.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

At the request of National Commander Bodenhamer, Wollaston Post, No. 295, American Legion, Department of Massachusetts, requests your support of the veterans' pension bill.

HARRY G. BURNHAM, *Post Adjutant.*

POSTAL CONTRACTS—ARTICLE BY JOHN NICOLSON

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed as a Senate document an article entitled "The Truth About the Postal Contracts," by John Nicolson, former director of several bureaus of the United States Shipping Board.

I wish to say that it is a very remarkable document, and, after it shall have been printed, I hope that every Senator will undertake to read it.

The PRESIDING OFFICER. Without objection, the article referred to will be printed as a Senate document.

RECESS

Mr. McNARY. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, July 1, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 30, 1930

COAST GUARD

The following-named officers in the Coast Guard of the United States:

To be commander (engineering) to rank as such from June 7, 1930

Lieut. Commander (Engineering) Charles E. Sugden.

To be lieutenant (junior grade) to rank as such from May 15, 1930

Ensign Leon H. Morine.

To be commanders (engineering) to rank as such from April 23, 1930

Lieut. Commander (Engineering) Herbert N. Perham.
Lieut. Commander (Engineering) Benjamin C. Thorn.
Lieut. Commander (Engineering) Milton R. Daniels.
Lieut. Commander (Engineering) Ellis Reed-Hill.

The following-named officers in the Coast Guard of the United States to take effect from date of oath:

To be chief gunners

Gunner Sidney A. Harvey.
Gunner Alfred R. Greenaway.

To be chief machinists

Machinist Willard L. Jones.
Machinist Walter L. Hunley.
Machinist Jarvis B. Wellman.
Machinist George F. Kolb.
Machinist Irwin D. Weston.
Machinist George Holloway.
Machinist Edward A. Stanton.
Machinist Robert N. Williams.

HOUSE OF REPRESENTATIVES

MONDAY, *June 30, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Author and Giver of Life, who art ever with us, we thank Thee that we can not wander beyond Thy loving care. We praise Thee for this fair world, enriched by Thy infinite power and Thy countless mercies. O may we not mar its glory by our selfishness, but by wisdom and intelligence make it more beautiful. May we dismiss from our thoughts inconveniences and petty annoyances and forget them. Make us grateful for the sunlight, the blue sky, the daily mercies, and the wonderful blessings which we enjoy. For these, O Lord of Life, may we always be sincerely thankful. Through Christ our Savior. Amen.

The Journal of the proceedings of Saturday, June 28, 1930, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 573. An act for the relief of Barzilla William Bramble;
H. R. 576. An act for the relief of Matthew Edward Murphy;
H. R. 1159. An act for the relief of the Delaware & Hudson Co. of New York City;
H. R. 3960. An act for the relief of Louis Nebel & Son;
H. R. 4110. An act to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army;
H. R. 5292. An act to authorize the city of Napa, Calif., to purchase certain public lands for the protection of its water supply;
H. R. 6113. An act for the relief of Gilbert Grocery Co., Lynchburg, Va.;
H. R. 6642. An act for the relief of John Magee;
H. R. 6694. An act for the relief of P. M. Nigro;
H. R. 7445. An act for the relief of J. W. Nix;
H. R. 8438. An act for the relief of J. T. Bonner;
H. R. 8612. An act for the relief of Ralph Rhees;
H. R. 9279. An act for relief of Henry A. Knott & Co.;
H. R. 10317. An act for the relief of Samuel S. Michaelson;
H. R. 10532. An act for the relief of Frank M. Grover;
H. R. 10582. An act to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California;
H. R. 10960. An act to amend the law relative to the citizenship and naturalization of married women, and for other purposes;
H. R. 11608. An act for the relief of Jerry Esposito;
H. R. 12233. An act authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.;
H. R. 12554. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;
H. R. 12614. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island;
H. R. 12844. An act granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.;
H. R. 12919. An act granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing or at or near the point known and designated as Wilder Ferry;
H. R. 12920. An act granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Culbertson, Mont.; and
H. R. 12993. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River at One hundred and fifty-ninth Street in Cook County, State of Illinois.

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 39. An act for the relief of Kate Canniff; and
S. 2790. An act for the relief of D. B. Traxler.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 11144) entitled "An act to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KEYES, Mr. FESS, and Mr. ASHURST to be the conferees on the part of the Senate.

WESTERN OKLAHOMA'S NEW RADIO STATION

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by me, read at the establishment of a broadcasting station in my district.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, on April 5 this year a new radio broadcasting station was established at Elk City, Okla., KGMP. I could not be present; therefore, through the kindness of Mr. G. E. Martin, president of the Martin Loan & Investment Co., the following inaugural address was broadcasted for me:

Ladies and gentleman of the radio audience, another milestone of progress has been made by the establishment of KGMP, the first radio broadcasting station in the congressional district I have the honor to represent. I desire to congratulate the pioneer spirit of its founders and the citizens of Elk City and surrounding communities for the kind of cooperation that made this result possible.

Such a broadcasting station should be the means of promoting the increased progress of our State, and in addition bring added happiness to our citizens. This is the day of new ideas and inventions. No one can prophesy with any degree of accuracy what the morrow will bring forth. I remember listening to a speech made by the late Uncle Joe Cannon, who for many years was a distinguished Member of Congress, in which he said that when it was first proposed that congressional aid should be given to promote the art of flying, that he made a speech ridiculing the idea. Then he said after airplanes did fly: "I made up my mind that never again as long as I live would I oppose or say that it was not possible to do anything." It will also be remembered that long years ago in the city which has often been called the Athens of America, Boston, Mass., an editorial was published in the leading daily paper congratulating the city authorities of New York for arresting a man who claimed that he could transmit sound or the voice from one person to another by using a wire stretched from one place to another. The editorial said that such dangerous fanatics should not be allowed to have free access to the city or to worry those who are busily engaged in peaceful pursuits, for the reason they would be liable to contaminate their minds. Likewise, in the city of Philadelphia prior to the Civil War an ordinance was passed which made it a violation of the law for anyone to place a bathtub in their house. There are other instances where inventions came ahead of the progress of civilization, and because of such, the originators were laughed at, or made to suffer in some way. Therefore, the world is awakening to a new era of progress, and our citizens are being taught that they must never allow their minds to become concreted on any subject, for the reason that which is new to-day will be superseded to-morrow by some new idea that will bring about increased efficiency.

The harnessing of aerial waves in such a manner as to make them perform a service for mankind is the greatest invention of the age, and no one can have a proper conception of this fact unless they have had occasion to experience the benefits of the same. I remember on one occasion while aboard ship en route to Hawaii, I requested the radio operator to send a message to Washington asking the Secretary of the Navy if I might secure permission for a friend to accompany me to Australia. Notwithstanding the fact that we were many thousand miles away, the next morning a message was picked up from the air granting this authority. On another occasion, while en route from New Zealand to American Samoa, the radio operator brought me a message that he

had picked from the air addressed to another station which gave me some very important information from a distinguished Oklahomoan, now residing in Oklahoma City.

While in the Galapagos Islands aboard the U. S. S. *Marblehead*, in that section of the world far removed from the travel lanes of commerce, I asked our radio operator to try to make contact with San Diego, Guantanamo Bay, Panama, or Washington, for the purpose of locating some ship en route to the United States. The next morning the radio operator handed me a message stating that the U. S. S. *Cristobal* left Panama for New York on the following Wednesday. This message was addressed to a party in New York, and while we were in an entirely different direction from which the message was sent, our radio operator was able to pick it up, thereby enabling me to have the kind of information which made it possible to make a reservation on this ship several days before reaching Panama.

Regulating radio waves through power units is in its infancy, and as time rolls on new discoveries will be made which will enable isolated places in the world to have quick contact with centers of civilization. A short time ago I was invited to participate in a demonstration in which the first telephone conversation between the captain of the steamship *Leviathan*, the largest ship ever to ride the seas under our flag, was carried on while the ship was many miles out to sea. The service could not have been any better. The tones of the voices were perfect. There was no evidence of any kind of static. Thus inaugurating the kind of service which makes it possible for passengers aboard ships to carry on telephone conversations with their friends in any city or community that has long-distance telephone facilities.

Speed is the determining factor which is now governing every activity of life. Already one company in America has announced a 90-second radio service to South America for commercial activities, and this company proposes to increase this speed to a 60-second service, thereby making it possible to flash market quotations and other information with lightning rapidity.

At the present time we have broadcasting circuits by the use of remote control that make it possible for messages to be carried to nearly every country of the world, and the time is not far distant when power and cable lines will be utilized for this same purpose. One company proposes to provide the kind of facilities that will enable different kind of programs to be carried over the same wires.

In conclusion, I wish to say that I rejoice in the fact that the people of our section are daily being given increased facilities for their pleasure and enjoyment. It has always been my desire to assist in the promotion of everything that will be beneficial to those whom I have the honor to represent, and I sincerely hope that the Elk City broadcasting station will be utilized in such a way as to assist in the moral and the spiritual upbuilding of our State, and, in addition, furnish aid to the education of our youths and provide valuable assistance to those interested in the various agricultural and commercial interests of that section.

MISSOURI

Mr. NELSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. NELSON of Missouri. Mr. Speaker and Members of the House, Missouri Avenue in our Capital City is a short street bordered by ramshackle structures. Happily, in the enlarged public buildings and beautification program for Washington, this avenue, with a reputation more in keeping with an alley, is to be blotted out. Learning of this, I took up with the proper authorities the matter of giving to some thoroughfare in a desirable section of the city, an avenue which would symbolize the strength and superiority of the State, the name "Missouri Avenue." Such action is due the citizenship of this inland empire, this commanding Commonwealth.

My colleagues, I would have you know that Missouri is a great State, great in material resources and in citizenship, great in her history and her homes. Measured by these standards, she is the greatest of all States.

"Out of the womb of Missouri came a new America." Daughter of Virginia, she is the mother of all the States to her west. For the hardy pioneer who more than a century ago journeyed west from the States lying along the Atlantic Missouri was the stopping place; a little later, for the sons and grandsons of these same citizens who, moved by the spirit of adventure, pressed toward the setting sun, Missouri was the starting place. From this State well-marked paths of travel, roads of daring and often of death, stretched out like the fingers on one's hand and completely covered all that vast trans-Mississippi country from Oregon south to Mexico.

Before the western movement referred to there were others. French settlements were made at St. Genevieve, Mo., in 1735, or 40 years before Bunker Hill. Although these settlers were largely a pastoral people, they had to do with the settlement of St. Louis, now the largest of all central western cities. Early Spanish settlements were also made in the State, but we are concerned with later and more permanent history.

In the central and east central parts of Missouri are about a dozen counties, embracing Boone, Cooper, and Howard, and extending as far east as Warren, which may be thought of as "the heart of old Missouri." To this section there came in 1797 that intrepid hunter and explorer, Daniel Boone. Fulfilling an agreement made with the Spanish governor, he brought with him a colony of Americans. Seven years later Boone's two sons pressed on up the Missouri River in search of salt, which they found at Boones Lick, in what is now Howard County. Some of this salt was floated downstream in improvised craft hewn out of immense logs. And I might say that the name "Missouri" is believed to mean, in the Indian language, wooden canoe.

In the spring of 1814 Lewis and Clark made their memorable start from St. Louis, and in one of the most remarkable feats yet recorded, one more daring than the recent trans-Atlantic flight by those aviators who were President Hoover's guests to-day, explored the Missouri River a distance of 1,900 miles, capping the accomplishment by advancing across the mountains until they were in sight of the Pacific. After enduring hardships for a longer period than Byrd and his brave band spent in exploring the South Pole, Clark, the Hannibal of the West, and his companions returned to St. Louis. An official report was then prepared and presented to Thomas Jefferson, whose remarkable vision was thus, in part, vitalized into a verity. So our United States is not a narrow strip along the Atlantic.

Highly important in the interior settlement of the State referred to was that section which came to be known as the Boone's Lick country, comprising principally Howard and Cooper Counties, then embracing much larger areas than the present divisions. A brave and hardy folk, these came, though, more in search of homes than of adventure. They brought with them their Bibles and their rifles, also axes with which to fell forests and build cabins and corrals. The descendants of these people, largely from Virginia, Kentucky, and Tennessee, contribute much to the exalted citizenship of the State. As the pioneers came to establish permanent homes, it is natural that they should early have turned their attention to the matter of self-government. Long-distance rule was as distasteful to them as it is to their children's children.

So we find that, in 1811, there was presented in the Congress a bill for the government of the Territory of Louisiana, also a resolution asking that the second grade of territorial government be extended to said Territory. It might be explained that there were then three grades of Territory recognized by Congress. The lowest consisted of a governor and three judges, who exercised all the functions of government. In the second grade there was a separate judiciary, with the lower branch of the legislative assembly elected by the people, and it was for this that Missouri petitioned.

In 1912, by act of Congress, a portion of Louisiana became a Territory of the second grade, and to be known as Missouri. Four years later Missouri Territory was advanced to the third grade and given the right to elect both branches of her legislature. Next came the demand for statehood. Bitter was the contest. It had to be so, for it dealt with the great problem of human slavery. Finally Missouri was admitted as a State, on August 10, 1821, being the first State lying entirely west of the Mississippi.

Every student of history is familiar with the Missouri compromise. While it did not prevent, it postponed for two-score years that terrific fratricidal strife, the Civil War, during which there was demonstrated by North and South, bravery such as the world had never witnessed. Incidentally, during these dark days, Missouri sent into the Union Army more than 47 per cent of all her men of military age—and mere boys were then considered as of fighting age—and into the Confederate Army 23 per cent of her sons of like age, or more than 70 per cent of her men. What a record!

Admitted as a slave State, Missouri remained in the Union, but it was a battle ground, marked by opposing forces and conflicting emotions. As showing how ceaseless was the conflict in this State, it is said that of 2,261 battles of the Civil War, conflicts in which 10 or more men were killed, 244 of them were fought on Missouri soil. At Boonville was fought the first land battle of the Civil War, and it is hoped that this site is soon to be marked by an appropriate tablet or monument.

Let it be recorded to the everlasting credit of this Commonwealth, over whose territory the followers of the Stars and Stripes and the Stars and Bars moved back and forth, according to the tide of war; this border State, which sometimes suffered because of those who felt no first fealty to either flag; this State whose citizens knew the force and fear of "Order

No. 11"—yes; let is be said, that when the war was over they "cast into the all-forgetting river every memento of that internal strife" and together worked for the upbuilding of the State.

But we go back with our story. The first constitution of Missouri, adopted in 1820, after being drafted by convention of 41 members, and at a total expense of $26.25 for stationery, recognized the "natural and indefeasible right" of all men "to worship Almighty God according to the dictates of their own consciences." It might be added that this feeling in Missouri is as strong to-day as when it was expressed by the fathers. Religiously speaking, we believe that all paths meet at the top of the mountain.

Reference has been made to the early Missouri settlers who came largely from the older States. Shortly after the admission of Missouri into the Union, Gottfried Duden, a German writer and scholar, came to the State, and, in company with a son of the great Daniel Boone, visited Warren and other counties. Returning to his native land, Duden wrote in such attractive manner of the State which he had visited that a large German immigration followed. While these thrifty folk from the fatherland settled, in the main, along the Missouri River, causing the loess lands to blossom as the rose, they spread out to other counties, and wherever they went thrift followed, and well-tilled fields and substantial farmsteads resulted.

Another type of settler, and one marked by qualities second to none, and representing perhaps what is to-day as pure American stock as is to be found anywhere, came to the Ozark, or southern, part of the State. These people have at all times been true to the best traditions. They are home makers and home lovers. The earliest settlers were those who understood the great out-of-doors, who appreciated the clear, swift streams, and who saw on every mountain top a place of promise and often of prayer.

Missourians have always been believers in self-government. It was on the issue of "squatter sovereignty" that Missouri in 1860 gave her electoral vote to Stephen A. Douglas, being the only State in the Union, except New Jersey, to do so. It is not surprising, then, that Douglas, upon visiting St. Louis, should have said—

> Your resources are such that Missourians might arm half a million men and wall themselves within the borders of their own State and withstand the siege of all armies of this present world, in gradations of three years each between armistices, and never a Missouri soldier stretch his hand across that wall for a drink of water.

As the early Missourian was an adventurer, ever seeking excitement, but ever prompted by principle, so have Missourians in all time been born fighters, anxious to uphold the flag of freedom. It was in 1837 that Colonel Gentry, of Columbia, assembled a regiment and marched to the Seminole War in Florida. Then, in 1846, came that history-making march of Col. Alexander Doniphan who, gathering about him a body of other brave Missourians, pressed on into Mexico, campaigning against Indian and Mexican forces, and finally reaching the mouth of the Rio Grande. On this longest of all similar marches in history men and horses suffered almost untold agonies from gnats and mosquitoes, thirst, heat, and hunger.

Upon transportation depends very largely the progress of a people. The fact that Missouri is the meeting place of mighty rivers, of the Mississippi, Missouri, and Osage, had much to do with the part the State played in early explorations and settlements.

Missouri has been called the Steamboat State. As early as 1817 the steamboat *General Pike* navigated the Mississippi River as far as St. Louis, while two years later the *Independence* made its way up the Missouri River as far as Franklin, opposite what is now the city of Boonville.

For many years, notably in the fifties and sixties, the Missouri River was a most important carrier of commerce. It will soon again become such, as the result of work now being done to provide a permanent channel. Although an inland State, Missouri has more than 560 miles of water front on navigable streams.

But all travel, even in the early days, was not by water. There were trails over which men traveled to make history. From St. Louis to Franklin came the old Boones Lick Trail, now marked by monuments provided by the Daughters of the American Revolution. From Boonville, important river port and outfitting station, went other well-worn roads connecting with the Santa Fe Trail, which stretched away a distance of more than 700 miles to the southwest. Like a phantom finger, it pointed to a land of promise, but heavy was the toll it took. Over the long, winding trails, "greased by the bacon fried on the way," went wagon trains, the heavy vehicles drawn by Missouri mules, while many adventurous spirits and fighters there were on horseback. From end to end this trail was marked by graves and often by bleached bones, but civilization and permanent settlements were in the making. Among the adventurous spirits active in this southwest exploration and trade movement was John Becknell, who outfitted at Franklin.

Strange would it have been had a state of such sturdy stock not given to the Nation outstanding statesmen. In Statuary Hall here in the Nation's Capital, Missouri has honored two of her sons, Benton and Blair. Measured by all the qualities that appeal, by combined bravery and daring and a vision almost uncanny in its correctness, it is doubtful if in the entire history of the Nation there has stood in the Senate such another lawmaker as Thomas Hart Benton. In the 30 years that he served in the Senate he stood as the champion of the great West that was and the prophet and promoter of the greater West that is.

Speaking of Benton, it is interesting to note the relationship existing either by blood or marriage between those who had to do with the making of early day Missouri. Jessie Benton, daughter of Missouri's great Senator, became the wife of John C. Frémont, whose name is inseparably connected with the exploration of the upper Missouri and Mississippi Rivers. It was Kit Carson, of Howard County, Mo., who served as guide for the Frémont party as it journeyed to Oregon and California. Tradition tells that west of Independence, where the Sante Fe and Oregon Trails divided, there was a simple sign reading "Road to Oregon," and Oregon was 2,100 miles away, several times farther, measured in travel time, than around the world to-day. Yet in the 40's, a thousand or more Missourians, including women and children, moving in the primitive fashion of that period, traveled the many weary miles.

It is related that Benton battled mightily to get his son-in-law to start on the Oregon trip, thought by many to be foolhardy in the extreme. Finally, Frémont having determined to go, the plans came near failing. Just when he was about to leave St. Louis a message, which chanced to have been received by his wife, ordered his return to Washington. Believing that this message came from enemies of her husband, Mrs. Frémont, possessed of the Spartan courage of her father, saw that it did not reach him.

Frémont went and won. The time was shortly before the gold excitement of forty-nine and the Spanish governor ordered the Missourians to leave. Instead, the leader hoisted the American flag, and from that day to this it has floated over California.

Missouri has been exceedingly fortunate in the ability and character of those who have served her in the Senate, not only in the days of Barton and Benton but since. It is a long and illustrious line—Vest, Cockrell, Stone, and others, as well as many now living. In the House of Representatives the name of Champ Clark, long Speaker, is most conspicuous. The list might be greatly lengthened so as to include many others, such as William H. Hatch, father of agricultural experiment station work in the Nation.

Missouri has had various members of the Cabinet, from the day of Edwin Bates until now, with Hon. Arthur M. Hyde the present Secretary of Agriculture. The first Secretary of Agriculture was also a Missourian, Hon. Norman J. Colman.

The coat of arms of Missouri, shown on the glass ceiling of this National House of Representatives, denotes the connection between the State and Federal Governments, while the words surrounding the central part proclaim the necessity of the union. The grizzly bears pictured are peculiar to the Missouri River and its tributaries, and denote strength and courage.

The official flag of Missouri is made up of one red, one white, and one blue horizontal stripe of equal length, the red at the top and the blue at the bottom. In the center of the flag there is a band of blue, set with 24 stars, and surrounding the coat of arms. The official bird of Missouri is the native bluebird. The official flower is the hawthorn, or wild haw, of which more than 125 species are found in the State.

Missouri is frequently spoken of as the central State of the Union. If a Missourian goes North, he is a southerner; if South, he is counted from the North. In the East he is a westerner, while on the west coast he is an easterner. The location is far enough South for hospitality and far enough North for hustle. It may otherwise be described as midway between the population and geographical centers of the Union, because it is, in fact, much farther to the Pacific than to the Atlantic coast, although in the very center of the agricultural universe. Or, let us say:

> Nor North, nor South, nor East, nor West;
> But part of each, of each the best.

Missouri excels all other States in diversity of soils, crops, and resources. No other State grows so many crops so well. Missouri is the only State in the Union where employment may be

afforded to cotton pickers and ice harvesters on the same day. Within its area of 69,000 square miles Missouri grows practically every crop that will do well in the Temperate Zone. No other State equals Missouri in combined production of corn, wheat, cotton, and bluegrass. The late Governor Hadley of Missouri delighted in telling how Missouri was the happy habitat of this greatest of all grasses, growing more bluegrass than the combined output of all the States north of her northern border or south of her southern border. It is in Missouri that we say "I reckon" and 'most everything seems right.

Dividing Missouri into somewhat equal parts and connecting her two great cities, Kansas City and St. Louis, is the Missouri River, of which Joaquin Miller wrote:

Fierce fashioner of destines,
Of States thou hast upreared or rent,
Thou know'st no limit; seas turn back,
Bent, broken from the shaggy shore;
But thou, in thy resistless track,
Art lord and master evermore.
Missouri, surge and sing and sweep!
Missouri, master of the deep,
From snow-reared Rockies to the sea
Sweep on, sweep on eternally!

In soil and topography the northern and southern sections differ considerably. Much of the region north of the river consists of comparatively level lands, expressive of "God's thought spread ought," while in the Ozark region one finds the hills, "God's thoughts piled up." In the southeast section, where formerly were undrained lowlands, is a soil fabulous in its "fatness." Three hundred miles to the northwest and west of the line which once marked the boundary of the State are a half dozen counties constituting what is known as "The Platte Purchase." Here farming has reached a degree of perfection seldom attained. Near the river are some of the widest areas of loess soil in the world, while the soil of the district as a whole is excellent.

Fruit is grown throughout the State, but it is on this loess soil bordering the Missouri River and in the southern and southwest sections where fruit is most extensively grown. Especially does this apply to strawberries, southwest Missouri producing annually from 1,000 to 1,500 carloads.

Since the days of the earliest settlers Missouri has been a livestock State, hence the continued fertility of her soil. Some of the pioneers who came from Virginia brought with them blooded stock, including famous horses, such as the Ashby Whips. From that day to this, Missouri has been a premier saddle-horse State. She was the home of Rex McDonald, the world's greatest saddle horse, and many others. In spite of the coming of the automobile, Missouri continues the production of good horses, and annually at the Missouri State Fair held in Sedalia may be witnessed one of the greatest showings of saddle and harness horses in the world. In quality of mules, Missouri has long been first and in numbers is second only to Texas.

Home of blue-blooded aristocrats of the equine world, so does Missouri excel in the bovine and the porcine. In Cooper County is the oldest herd of Shorthorn cattle, the superior "reds, whites, and roans," in the United States. Missouri breeders have developed the once cat-hammed Hereford into a model animal, whether marketed as "baby beef" or a more mature block of obesity. The world's leading breeder and exhibitor of Berkshire hogs is a Missourian, as is the foremost breeder of jacks and jennets. Missouri sheep are among the best. Proceeds from poultry amount to millions of dollars annually.

Scrub stock is no longer found on the farms of the State. The "razorback," marked with crop-and-slit in ear, like the branded steer, has gone with the linchpin wagon, the single-shovel plow, and the prairie schooner, which less than half a century ago disappeared "in the dim haven of lost ships."

Missouri is rapidly becoming a dairy State. She has the advantages of short and mild winters, natural pastures, good transportation facilities, and the best of markets.

While the progress of the State has been marked in every respect, it is to-day most noticeable in the improvement made in highway construction. Following a bond issue of $60,000,000, with another of $75,000,000, the State is constructing a system of roads second to none, and as further heed is given to the proper demand for more farm-to-market roads, transportation conditions will be ideal. Judged by the thousands of miles of improved highways completed, it may be added that when better roads are built Missouri will build them.

No reference to road building work in Missouri would be complete were not the work of D. Ward King mentioned. King, long featured by the Missouri State board of agriculture, an organization older than the college of agriculture, was the inventor of the "split-log drag," which made passable hundreds of miles of dirt roads before the coming of the automobile. The King system was explained in bulletin form and translated into many languages for use in other countries.

While Benton is remembered as a statesman, his work in behalf of transportation was scarcely secondary. He caught the vision of a great transcontinental railway system, and he it was who secured from Congress the first good-roads appropriation ever authorized. Of the $30,000 appropriated for the Santa Fe Trail, $10,000 was used for marking the way and $20,000 to quiet the Indians.

Nature was lavish when Missouri was made. The southern section especially is one of swiftly flowing streams, of magnificent forests, of great springs, of immense caverns, and valleys as fair and fertile as are anywhere to be found. The daily flow of several of the larger springs is from 300,000,000 to 500,000,000 gallons.

To the man who loves the out-of-doors all these things mean days of delight. While most of the larger wild game has disappeared, small game abounds, and fishing, including bass and rainbow trout, is fine.

The streams in the southern section of the State have sufficient potential water power now being developed to supply every factory need that may come, and Missouri is calling for more factories to utilize the raw products which she produces so abundantly.

Missouri has had 11 State capitols. The present building, constructed absolutely without waste or graft, is one of the finest in America. In addition to the building proper, the State has put a million dollars in art works, including many historical paintings depicting peace and war events in which Missourians participated.

The location of the statehouse in Jefferson City, greatest of American cities named for Thomas Jefferson, is a commanding one on the south banks of the Missouri River. It was here that Bayard Taylor, world traveler, is reputed to have said:

I have traveled all over the world to find in the heart of Missouri the most magnificent scenery human eye ever beheld.

But magnificent views are not rare in Missouri. A region of marked beauty is that of Ha-Ha-Tonka in Camden County. Travelers who have journeyed far have said of this region, with its great spring, its silvery streams, high, precipitous bluffs, its lake and natural bridge, and much else to charm the lover of nature, that they have seen nothing to excel it. Here or elsewhere in the Ozarks of Missouri there should be established a national park. But Missouri has not waited for Uncle Sam to aid. The State has established and maintains many parks and public playgrounds.

No camera can catch or pen portray the beauty of the Ozark country. Only when in this "land of a million smiles" one has paused, as in prayer, at the silent sunset hour when all is still, all save the waters of the rivers and the smaller streams as they go singing to the sea; only when he has watched the purple haze and deeper shadows climb slowly up the heights as the last rays of the sun kiss the far hills; only when he has lingered, loath to leave, until the harvest moon has topped the mountain and made more silvery still the waters of lake and stream; only then can he understand. Truly it is "Old Missouri, fair Missouri."

The University of Missouri is the oldest State University in what constituted the Louisiana Purchase, and, as seems so proper, on its campus stands the original monument erected at the grave of Thomas Jefferson. This university constitutes a fitting capsheaf for the outstanding public-school system of the State. The president of the University of Missouri, Dean Walter Williams, is a native of the State, and as world traveler and founder of the first school of journalism is known wherever newspapers are read. To his students Dean Williams once said, "Never write, as a journalist, that which you could not say as a gentleman."

The Missouri College of Agriculture, located in Columbia, as is the university, has graduates in every State, and many of these are heading departments in other institutions of learning. Work of the college and agricultural experiment station is outstanding, especially in dairying, animal husbandry, and soil studies, the latter having much to do with erosion and moisture requirements. The Sanborn agricultural experiment fields of the Missouri College of Agriculture are among the oldest and most important in America.

The first county agricultural agent to serve a single county in the United States was Sam M. Jordan, of Missouri, who started in Pettis County.

Missouri, with its slightly more than a quarter million farms, has a very large percentage of named farms, the State being the first in the Union to have a farm name registration law.

The largest corncob-pipe factories in the world are in Missouri, and in the northwestern part of the State there is produced the best Burley tobacco to fill them.

The high character and excellence of the press of the State is deserving of commendation. No other State has so many outstanding newspapers, including many in small towns. Famous journalists and publishers, such as William F. Switzler and E. W. Stephens, Columbia; John A. Cockrell, of the Post-Dispatch; George W. Hyde, of the St. Louis Republican; McCullough and King, of the Globe-Democrat; Nelson, of the Kansas City Star; and John N. Edwards, of the Kansas City Times, have added to the luster of Missouri journalism. In addition to his newspaper work William R. Nelson contributed much to his home city and State. He provided for the cause of agriculture by leaving the 1,500-acre Sni-a-Bar Farm, in Jackson County, where work in cattle breeding is to be continued under scientific instruction for many years.

In the field of letters, Missouri's place is secure if we but mention Mark Twain and Eugene Field. When Field wrote:

> Wynken, Blynken, and Nod one night
> Sailed off in a wooden shoe,
> Sailed on a river of crystal delight,
> Into a sea of dew—

he stamped himself as more than a Missourian. He became the interpreter of childhood the wide world over.

Missouri is not a one-crop State. She never puts all her eggs in one basket, and never has a total failure. If something goes wrong, if prices are low and yields disappointing with one crop, she has another. In winter wheat production she is eighth; in corn, fourth; in oats, twelfth; in cotton, eleventh. In number of cattle she is seventh; in hogs, fourth; in sheep, fourteenth; in horses, eighth; and in mules, second. The number of animals, though, does not indicate Missouri's real rank, for in various cases the value per animal in this State is much higher than elsewhere.

Missouri is a State of many trees and wild flowers. One of the most beautiful blossoms is that of the wild crabapple, native of practically every section of the State. In beauty it equals the Japanese cherry blossom, and in addition is delightfully fragrant, a quality not possessed by our foreign visitor. No season is without its charm, but Jewell Mayes, secretary of the State board of agriculture, writes:

> October is Missouri's golden-glorious month, royal in color, and richer still in the harvest march of King Corn and his satisfying satellites of the average Missouri farm—pork and turnips, hot biscuits, and fried chicken, apple cider and gingerbread, buckwheat cakes and candied honey, hog and hominy, pears, persimmons, pawpaws, 'possum, and pumpkin pie.

Missouri homes have long been famous for their hospitality, for their warmth of welcome, and for the superiority of their tables. Judges of good meat have been generous in their praise of Missouri country-cured ham, brown as a berry and with a never-to-be-forgotten flavor.

The greatest livestock exposition held annually in the world is the American Royal Livestock Show, sponsored by the business interests, stockyards, and breed associations centering in Kansas City.

In the mining of lead and zinc Missouri stands first. She also produces great quantities of coal, barites, cobalt, and other minerals, while her supply of iron and granite and other building stones is practically inexhaustible.

Missouri is the only State having three big primary grain markets, two Federal reserve banks, and a Federal land bank. Commercially, and as manufacturing and financial centers, St. Louis, Kansas City, and many smaller cities compare favorably with others of equal size in the United States.

Much is heard of the corn crops of other countries, yet Missouri grows more corn annually, figured on the average yield, than any foreign nation, including the Argentine. The combined output of fewer than a dozen counties exceeds the entire corn yield of Canada. Missouri has the oldest and largest fruit-tree nursery in the United States.

Kansas City has the world's largest hay market. St. Louis has long been the largest primary fur market. St. Joseph is the home of the biggest pancake-flour mill in the world. Kansas City leads in the extent of its connected park and boulevard systems. St. Louis is expending a bond issue of $87,000,000 on public works, including beautification and enlargement projects.

The first woman postmaster in the United States was a Missourian, Mrs. Richard Gentry, of Columbia, who served under nine Presidents.

A Missourian was the first American to carry the Stars and Stripes at the head of American troops on the streets of London.

It is necessary to say but little of Missouri's part in the World War, the history of which is so familiar to all. Missouri had a supreme place in that terrible struggle. The names of John J. Pershing, Enoch H. Crowder, and Robert E. Coontz, all native Missourians, will ever be remembered. Let it be recorded, also, that Missouri sent into that greatest of world wars 138,000 men, and that while among these there were more than 10,000 casualties, only 111 Missourians were taken prisoner. Such facts can not fail to bring pride to those gold-star mothers of Missouri who, in September, are to go overseas, there to kneel at the graves of their sons who sleep in foreign soil.

I am about to conclude this imperfect story of my State, but before doing so I pause to say, and I say it with the utmost pride, that whether in peace or war, whether in the long past or the immediate present, Missouri stands second to no State in the intrepid and indomnitable spirit of her citizens.

By common acclaim the most daring deed of all time was that of a clean, courageous, and manly young man who, all alone, piloted his plane, *The Spirit of St. Louis*—note the name—over the Atlantic from continent to continent. Yes, and when, on the 21st of this month, a son was born to Col. and Mrs. Charles A. Lindbergh, the home State was given as Missouri.

May I add that the bravery of Missouri's sons has been excelled only by the devotion of her daughters. Fitting monuments have been erected to "The Pioneer Mother." But however gifted the sculptor, he could not put into marble or bronze her spirit or beauty, a beauty born of sacrifice and understanding. Wonderful qualities of womanhood were hers. Equally admirable are those of her daughter's daughters, the Missouri women of to-day.

"A great State," said Hon. Arthur M. Hyde when Governor of Missouri, "is not made by its natural resources, but by its citizenship and what they make of it." To this I would add that the strength of Missouri is in her homes, which are service stations rather than mere filling stations. As from these homes go young men and women of courage and character, trained and determined to make a success of life as well as in life, we fear not for the safety of our State.

In view of what I have said—and much might be added—I believe that you, my colleagues, will agree that there should be in this Capital City of the Nation a Missouri Avenue, desirably located, and with a dignity and importance in keeping with that of this great State. It is for this that I speak.

THE TARIFF

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks on the tariff.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. EVANS of Montana. Mr. Speaker, the tariff fight is over, at least for the present; the shouting and turmoil of the Congress is past; the Hawley-Smoot bill is in effect—let us look for a few minutes at the effect. When it became evident this bill would pass the Congress, men and women in all walks of life began to protest—not alone to the Congress, but to the White House.

The farm organizations protested against the passage of this bill because it did not carry out the pledge that was made to them in the last campaign. They were promised that agriculture would be placed on a parity with industry, but the rates in this bill fall far short of placing agriculture on a basis of equality with industry.

A large number of our leading business men were against the tariff bill because it would advance their raw-material rates, lower the buying power of their foreign customers, and cause foreign countries to retaliate against importing American-made goods.

Some of our leading business men made strong protest against this bill because they realize it is not in the interest of labor and that it was bound to increase unemployment.

In the President's message to Congress, you will remember that he stated that he was in favor of an effective tariff on agricultural products, and that he was in favor of some "limited changes" in other tariff schedules where economic changes have taken place, and where new industries have come into being in the last seven years, and now, after almost a year and a half of hearings and debate, a tariff bill has been passed. What a different law it is from what the American people had a right to expect after listening to the promises made by Mr. Hoover and other leaders during the campaign, or even after the President sent his message to Congress on April 16, 1929.

The "limited changes" the President favored it seems, as he has now signed the bill, were something over 1,200, of which 887 of them were advances, as the tariff bill, as it was signed by the President, increased the tariff rates over the rates in the Fordney-McCumber tariff law passed in 1922 on 887 schedules, many of them containing over 100 commodities.

Educators, scientists, industrialists, bankers, farm organizations by the thousand filed protests.

The leading economists of the country, 1,028 of them in number, coming, as they do, from 179 leading colleges, also from some of our largest banks and most important industries, set out 12 points as to why this bill should never have become a law. They are as follows:

First. It will increase the general cost of living.
Second. It will subsidize industrial waste and inefficiency.
Third. It will inflate profits of the few at the expense of the many.
Fourth. It will hit city workers hardest.
Fifth. It will rob the farmers it is supposed to help.
Sixth. It will cripple manufacturers through raw material rates.
Seventh. It will lower the buying power of our foreign customer.
Eighth. It will provoke foreign retaliation against our exports.
Ninth. It will violate the resolution of the world economic conference.
Tenth. It will jeopardize payments from our foreign investments and debts.
Eleventh. It will increase unemployment.
Twelfth. It will poison world peace.

They realized in advance what the passage of this bill would mean to the American people.

When after 16 months the Senate acted favorably on the bill, the country already in the slough of despond, became panicky; hope had been held out that the President might veto the bill; the people had been told that he would give the matter thorough consideration before action was taken. So pressing and disconcerting were the protests against the bill that before the same reached the White House the President issued a statement that he would approve same, which he did the next day. In his statement the President indicated that he hurriedly signed the bill to relieve the uncertainty and restore the confidence of the American people and business.

If the people had pinned their faith on such a result they were soon disillusioned. The uncertainty has now become a certainty.

During the 48 hours following the President's signing, eight to ten billions of dollars were lopped off security values, farm products dropped to the lowest point since 1914, and in some instances to the lowest point in 30 years, and for a time complete demoralization impended.

The automobile industry announced that it had been hit in a vital spot by the tariff tinkerers and that it would be necessary for it to substantially curtail operations, displacing thousands of men. Some manufacturers declared that when present production schedules are completed they anticipate a condition that will make complete suspension imperative.

Meanwhile, the press of the country, representing both farm and industrial sections, continued to bombard the measure, branding it as a destroyer of prosperity, an inciter of international hatred, and as a brake on business that will materially retard recovery from the existing depression.

Mr. Mellon, Secretary of the Treasury, in an effort to stem the tide of falling prices and failing confidence, issued a statement through the press and over the radio, and the response was another crash in prices and more men out of employment. Dissatisfaction is now well nigh universal. Wheat and other farm products are the lowest they have been in 20 years. Farmers in whose interest the tariff revision was undertaken were not long kept in suspense over the effect of the legislation. The agricultural rates proved no stimulation to farm prices. Translation of the bill into law by the President was signalized by a tragic decline in staple farm-crop values.

Mr. Mellon made the significant statement:

American industries now know where they stand and will, I am confident, adjust themselves without difficulty to new conditions.

Yes; the farming industry now knows where it stands. It knows that it will pay more for the necessities of life which it must buy and will continue to be forced to sell its surplus in a world-free market. It knows that its outgo will be greater and its income will be smaller.

Other American industries also know where they now stand. The Aluminum Co. of America now knows that it owns practically 50 per cent of aluminum deposits throughout the world. It knows that the Congress, dominated by the Mellon school of thought, increased rates on aluminum, which already had extortionate rates.

BUSINESS FEARFUL

The passage of the bill has caused a wave of resentment to sweep the world. The more than 40 protesting nations have become retaliating nations. Canada, on the north, our best customer, is matching our high rates with similar rates. Mexico, on the south, is raising her tariff walls against our goods. The nations of South America and Europe, our best markets, are bitter against what they term "The American selfish and imperialistic tariff policy."

In France the sentiment against the bill is so bitter that Ambassador Edge has just issued a note "to calm the French." In many countries the new tariff is alleged to be an embargo and a boycott against foreign goods. The foreign protests heretofore considered as mere bluffs are taking on serious aspects.

Business leaders are looking ahead with undisguised alarm. They dread reprisals threatened by foreign nations whose exports are embargoed by the new duties. Our loss for this year is already more than $800,000,000, as compared with the corresponding months of last year, and this accounts in large part for the depressed state of manufacturing industries.

Almost 10 per cent of our production goes overseas, and if all or a substantial part of it is lost it will compel drastic readjustment of productive processes and may indefinitely delay the return of prosperity. Canada alone buys from us eight hundred to nine hundred millions of goods a year; she sells to us about four hundred millions, thus we have a trade balance with her of more than four hundred millions, and yet we are so shortsighted as to sacrifice that trade.

Let us look for a moment at the effect the bill will have on the purchasing power of the man in the ordinary walks of life. To ascertain how the tariff affects you compare the following rates provided in the new law with your income, and figure how much you pay to make the rich richer and the poor poorer.

MEN'S WEAR

In addition to the high tax now upon a standard suit or overcoat which now sells for $35 will be added $5 by reason of this tariff. Sweaters now costing $3 will cost $3.50. Woolen underwear now selling at $2 per suit will cost $2.50. Men's shirts selling for $1.50 will cost $2.00; a shirt now selling for $3 will sell for about $4.50. Inexpensive hats will be increased 75 cents. The estimated increased duty on the cheaper felt hats and derbies will be from $1 to $1.50.

WOMEN'S WEAR

Woolens, worsted dress goods now costing $4 will cost $6.25. Silks increased from $5 to $5.75 and cotton dress goods from $3 to $3.50. Woolen underwear now selling for $2 a suit will cost from $2.40 to $2.50, and a $4 suit will cost $5. Untrimmed hat now costing $1 will cost $1.45; $3 hat will cost $4.66; a $3 felt hat, lightweight, will cost about $5.45. Leather gloves now costing $2 will sell for $3 and in proportion for more expensive ones. Women's, men's, and children's gloves are increased from 50 cents to $1 per pair, according to the length and quality. Cheap jewelry is much higher than ever before, while we are required to pay $12 for a pair of shoes which now cost us $10. These figures are based upon the fact there is already a high tariff on all these items except shoes.

THE HOUSEHOLD

When we come to the home we find every necessity of life is taxed. The cheaper the article the more the tariff. Blankets, quilts, linens, glassware, china, knives and forks, dishes, cooking utensils, and everything about the kitchen bears a higher rate; queensware and crockery of the cheap grade, now selling in the 5-and-10-cent stores for 10 cents, will cost 20 cents hereafter.

Not only will the tax apply to food, clothing, furnishings, rugs, and everything about the home, but on medicine and surgical instruments. The increased rates on cheaper jewelry, watches, and clocks are astonishing, although the rates on pearls and diamonds have been reduced 10 per cent. Toothbrushes, razors, and razor blades, brushes, brooms, combs, electrical equipment, radios, musical instruments, and records all pay tribute to these tariff barons.

Eight hundred and twenty-five specific increases have been made in this bill, making a 20 per cent increase over the tariff bill of 1922.

Cement, heretofore on the free list, was given a protection of 6 cents per hundredweight, and will add at least $1,000 per mile to every mile of good road hereafter built in the United States. Senator BORAH estimates the cement tariff will cost the farmer $16,000,000. Cement industries are multiplying by the hundreds, selling more products, and are in better financial condition than ever in their history, and it is a well-known fact they belong to a price-fixing association and you can not buy cement from one cheaper than from another.

Brick, formerly on the free list, bears a tariff of $1.25 to $1.50 per thousand. Glass, which goes into the windows and doors and the glassware used in the home, bears an increased rate, as well as paint. This tax on building material will add approximately $100 to the cost of a cheap, humble home, and have a tendency to retard building and improvements except by the wealthy.

A CAMOUFLAGE FOR THE FARMER

The tariff on wheat, corn, cotton, pork, and most of the staple farm products is a camouflage. Take, for instance, a duty of 42 cents per bushel on wheat, provided for in this bill, and tell me how the wheat grower can be protected or the price of wheat raised by the tariff. We export approximately 200,000,000 bushels of the wheat produced each year, and the price of wheat is governed by the foreign market. In 1929 we produced 806,508,000 bushels of wheat and there was only imported into this country 37,231 bushels, or one two-hundredths of 1 per cent of the amount produced. Yet the President called the Congress together to put agriculture on a parity with industry.

THE DEBENTURE PLAN

The only way to make the tariff benefit the farmer is through the export debenture plan. This plan, coupled with the agricultural rates carried in the bill, would be of great financial benefit. If we are to have a high protective tariff for the industries in the East, why not an export debenture for farm products? The debenture was placed in the bill by the Senate but unfortunately eliminated by the overwhelming Republican majority in the House. The debenture provided that on all commodities exported the Government should issue a certificate to the owner of the product for one-half the tariff on that item, and these certificates would be redeemable in paying tariff.

The operation of this plan would mean if the farmer exported wheat, the Government would issue a certificate for 21 cents on each bushel, being one-half the tariff on wheat. These certificates could be sold to those paying import duty on goods imported into this country. Cotton having no tariff rate, was provided for under the debenture plan at 2 cents per pound and would thus benefit to the extent of $10 per bale. It is claimed that this would be a subsidy and require the Government to lose money which it would otherwise collect on tariff. But if these high tariff rates are good for the Government and the eastern industries, is it not fair that one-half of the tariff on the exported surplus should go to relieve the farmers in their distressed condition? It would stimulate business, give foreign nations a better chance to exchange commodities, and bring in more goods upon which a tariff would be paid to the Government.

A WORD PERSONAL

While I have been, and am, critical of this bill, I do not want to be misunderstood by this House or the country. I am not a free trader; I am not opposed to a tariff. I voted for a tariff on wheat, flax, cattle, hides, dairy products, silver, manganese, wool, and a score of other raw products of my State and shall continue to do so, but a bill written, as is the present measure, to give the eastern manufacturers a monopoly, can not command my approval. The bill has some good features; but, in my judgment, the bad outweigh the good.

THOMAS JEFFERSON, AUTHOR OF THE DECLARATION OF INDEPENDENCE

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOYLAN. Mr. Speaker, ladies and gentlemen of the House, Thomas Jefferson was the foremost apostle of liberty—human liberty—the world has ever known. Other men, including many who were associated with him in creating this great Republic, were more interested in the forms of freedom, in liberty as an abstract idea, than in universal emancipation. Some sought to trammel liberty and keep it within narrow bounds. Many of the founders proposed a system of government which should be little short of a republican monarchy. But Jefferson had an infinite faith in the people; in days of distrust of the populace, agitation, and revolution, and at a time when democracy was but a name he stood firm for a government in which the power would be resident, not in the men of intellect, of financial influence, or social standing, but in the artificers of the cities, the woodsmen of the frontier, the laborers on the farms and plantations, the seamen along the Atlantic coast. He was the plain people's only champion at a time when they were inarticulate.

I often think, as I note increased demands for vesting all authority in the hands of the Central Government, that our greatest need is another Thomas Jefferson to speak out in behalf of the rights of the common people, to utter the individual's well-founded jealousy of a Federal Government which daily reaches out its talons for more and more control over our daily lives. The great Democrat who championed freedom of worship in Virginia, a system of State universities in which students might elect their own courses of study and a government resting solely upon the consent of the governed, would be the first to protest against the growing encroachment which the Federal Government, through hateful amendments to the Constitution and a distortion of democracy, is making upon the life, liberty, and happiness of the individual citizen.

If Jefferson were sitting in this Chamber to-day, or holding the office of governor of any of our sovereign States, I can picture him as our leader in the struggle against sumptuary laws which restrict the decent freedom of the individual, against proposals to lodge control over our widespread educational system in the Federal Government, against domination of political groups by the great financial interests, against class discrimination, against bowing the knee to Europe whether it take the form of writing down their just and honest debts or accepting their decisions in international matters of vital import to our western Republic. Nine years before Washington's Farewell Address, you may remember that Jefferson was writing from Paris to caution against "entangling alliances"—those were his very words—and as Washington's first Secretary of State, he adhered to that great American policy.

Jefferson's birthday this year should be a day upon which we rededicate ourselves to the many great causes and the single great principle—human liberty—for which he fought over a period of 40 years. It may seem trite to recall his services to liberty, his struggling for the doctrine of universal emancipation, but it was not so in his day. His enemies, at home and abroad, sneered at his demands for the fullest form of freedom. They pointed to the excesses of the French Revolution, and shuddered at the resulting wars which drenched Europe with blood from the North to the Red Sea.

"This," they retorted, "is what your liberty would give us in America."

But Jefferson never faltered; his vision was keener than theirs, his trust greater, his understanding deeper. Though a George the Third sat on the English throne, and a Napoleon strode across the European continent like a Colossus, and a Metternich and a Talleyrand set the wicked pace for diplomats of the Old World, Jefferson labored to such avail that he created not only a nation but a party. It was only a few years afterward that Jefferson became the first President of a nation and a party which, largely through his own efforts, were builded on the doctrine that all men are equal in the eyes of nature and the law, that life, liberty, and happiness are inalienable rights, that the function of government is to safeguard and guarantee those rights, and that all the authority and inspiration of government are drawn from the consent of the governed.

Trite words to-day, perhaps, for they are embedded in every child's history book; but unfortunately there are indications that those in charge of our Government are straying from the path marked out by such guideposts. No longer, I fear, do they exercise a dynamic influence upon those who sit in high places.

So we need a Jefferson to guide us back to sanity, to fundamentals, to the doctrine preached by him in the most critical period of our country's history. We need a "majestic and free voice" such as his to sound a trumpet call awakening us from our lethargy and slumber, the presence of a leader who traveled life's common way "in cheerful godliness," yet assumed life's lowliest burdens and duties on behalf of those who could not do so themselves.

To those who head the forces of reaction in our time Jefferson would protest, as he did to George the Third, in tones of defiance and warning.

"Open your breast, sire, to liberal and expanded thought," thundered the great Virginian, then only 31 years old. "Let not the name of George the Third be a blot on the page of history. The whole art of government consists in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail."

With equal justice he could say to-day to those who seem bent upon converting the Government into an instrument for improving the condition of the powerful and wealthy that "the whole art of government consists in the art of being honest."

Though we can not emphasize too much Jefferson's service in framing the Declaration of Independence, which struck an entirely new and loftier note in the century-old struggle for human rights, and his accomplishments from 1776 until he returned to Monticello late in life, broken in health and sadly in debt, it seems to me his earlier achievements were even more noteworthy. His later triumphs in the field of politics and human development were merely an extension of the principles he epitomized in Virginia. There he stood forth as the foe of a medieval organization of society, politics, law, and education. You can not know the true Jefferson, the father of a nation and a party, unless you understand his services in destroying outworn social, political, legal, and religious forms in the Old Dominion.

Virginia, with Massachusetts, was the nursery of the Revolution, of the Declaration of Independence, and of the United States of America. But the seeds of democracy had been planted in the Bay State long before; it needed only provocation to bring them to their period of growth. In Virginia George the Third and all he represented had stout defenders. It was Jefferson who made Virginia's soil fertile for the reception of democratic ideas in that grand old State, and it was Virginia which swept the rest of the South into the maelstrom of war and freedom out of which we emerged as a nation.

There, as later, by pen and uttered word, he betrayed a magic skill in crystallizing into sharp and distinct outlines the issues for which America fought. He gave voice to the wavering sentiment of human freedom. Time and again when the colonists were swaying between complete independence and partial servitude to the British crown there came from Jefferson's lips or pen a statement, a letter, or draft of resolutions which banished doubt, inspired the faint-hearted, and nerved the isolated groups to the great efforts which culminated in both a warlike and peaceful vindication of the great principles set forth in the Declaration of Independence.

In Virginia, however, Jefferson revealed his instinctive hatred of all forms of oppression and tyranny, his faith in the people, and his realization that the tyrant may assume many shapes. In his day Virginia had an established church which was recognized and favored by the Government; it was a crime to join dissenting churches. He struggled for years against the established forces, incurring the lasting enmity of powerful groups, but in the end he brought complete religious freedom to that great Commonwealth. Virginia, because of Jefferson, was the first sovereign State in the history of the world to proclaim formally in its laws the absolute religious freedom of all its citizens.

So, too, he revised the judicial code which supported and bulwarked an institution of punishment and tyranny that went back to the Middle Ages. He forced the repeal of laws against witchcraft and heresy, of legislation which preserved great landed estates to the permanent disadvantage of the many, of statutes which restricted manufactures, navigation, and development of a sound currency system. An aristocrat on his mother's side, with the blood of nobility in his veins, he struck a death blow at aristocracy in so far as it sought to determine and control what the people should think, how they should worship, how they should be governed, and how they should live. I firmly believe he would have struggled against any attempt to say what they should eat or drink.

It was in Virginia that Thomas Jefferson transplanted the seeds of democracy which, under his care and guarding, have flowered and grown into a sheltering tree whose beneficent shadows now stretches across the world.

Long before slavery became a problem dividing our Nation and requiring determination by the sword and gun, Jefferson urged its abolution. His original draft of the Declaration of Independence cited British fostering of the iniquitous slave trade as one of its crimes against America and humanity, but unfortunately it was stricken out by the more conservative of the patriots. In the Virginia Legislature he labored for eventual emancipation of the black man. In establishing a temporary form of government for the Northwestern Territory, he inserted a clause banishing slavery after the year 1800; it lost by one vote. Many of his doctrines that have come down to us are being stricken out day by day, and are losing by one or more votes. As he was ever on guard, so we must be. Problems almost as serious as that of slavery, problems which threaten to divide a nation, are upon us now; it is not necessary to enumerate them.

Jefferson, as I have mentioned, was determined to keep us from imperialistic schemes abroad, but he was an ardent believer in a greater America. It was he who initiated and consummated the Louisiana Purchase; it was he who sponsored the Lewis and Clark expedition through western wilds to the Pacific coast; it was he who inspired the acquisition of the Floridas.

It was he who enhanced young America's prestige abroad by sweeping the Mediterranean clear of the Barbary pirates at a time when such world powers as Great Britain, France, and Spain were paying yearly tribute to the Sultan of Morocco. And before Monroe promulgated that great doctrine of America for the Americans, without interference from the Old World, he submitted it to his friend and adviser, then living in retirement at Monticello.

Thus "Jeffersonian Democracy" is not a mere political catch word. It is a glowing ideal which should animate us regardless of party to-day, even in the face of triumphs by those who have abandoned his principles, who still manifest distrust in the people's right and ability to govern their own affairs. As against the theory that people were created for the Government, which is at the root of many of our evils to-day, he proclaimed the principle that the Government was established for the people. Liberty, to him, was not a privilege; it was a right, and government a mere responsibility delegated by the people. The first and only consideration was how much government was necessary to achieve human happiness and freedom—freedom in government, freedom in education, freedom in worship.

It is time to reexamine our Government in the light of these flashes of inspiration enjoyed by our great leader. It is time for the men in charge of our Government to make a pilgrimage, if only in fancy, to the grave of Thomas Jefferson and draw renewed faith in the people from the following epitaph, which he wrote himself:

Here was buried
Thomas Jefferson
Author
Of the Declaration of American Independence
The statute of Virginia for religious freedom
and
Father of the University of Virginia

MY RECORD IN THE FIRST AND SECOND SESSIONS OF THE SEVENTY-FIRST CONGRESS

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HASTINGS. Mr. Speaker, the second session of the Seventy-first Congress adjourns on the 3d day of July, 1930.

I regard a public office as a public trust. In order that my attitude on public questions may be made known, I desire briefly to enumerate some of my efforts and submit them to the people of my district for their approval.

Much legislation of great importance, local and national, has been considered and enacted. It is a great responsibility to represent the people of one of the splendid districts of Oklahoma and I greatly appreciate the privilege.

To properly represent my district attention must of necessity be given to the consideration of much local legislation and many departmental matters not required of Members of Congress of some of the other States. The State is new, necessitating the giving of much attention to rural mail matters, road legislation, and legislation affecting agriculture. We have 33 Indian tribes in Oklahoma, and about one-third of the Indians in the United States live in that State.

Our State is rich in natural resources and its citizenship is drawn from every State in the Union. I have done everything possible during my service in Congress to encourage and further its development.

I have given special consideration to many matters peculiarly affecting Oklahoma and through speeches, correspondence, and the press, I am sure the people of my district are familiar with the efforts I have made in their behalf and the attention I have given to correspondence, to departmental work, and to local legislation as well as the larger questions affecting the people of the Nation as a whole.

THE THREE MAJOR QUESTIONS

While there was a great deal of legislation considered and enacted, the three major questions that engaged the attention of Congress during the present session were as follows:

First, farm legislation; second, tariff; and third, flood control.

FARM LEGISLATION

Everyone recognizes the depressed condition of agriculture. More lands have been sold for taxes, more mortgages foreclosed, and it is generally agreed that more distress has existed in farming communities during the past 10 years than ever before.

There are 6,500,000 farms in this country upon which approximately 27,000,000 of the people of our Nation live. All, however, are dependent upon the prosperity of the farmers. We have 197,000 farms in Oklahoma. When the farmers are depressed this is reflected in every class of business.

Appreciating that there was great necessity for legislation in aid of agriculture, the President called the Congress in extra session on April 15, 1929, and submitted as his program the enactment of two measures for the relief of the farming classes: First, a farm bill creating a Farm Board to assist the farmers in marketing their products; and, second, a "limited revision" of the tariff.

The farm bill was approved on the 15th day of June, 1929. It provided for a Farm Board to be nominated by the President and confirmed by the Senate, fixed the salary of the members of the board, and authorized it to employ its clerical force. It authorized a revolving fund of $500,000,000, of which Congress

appropriated $250,000,000, and placed it at the disposal of the board to make loans through corporations composed of cooperatives and other agencies recognized by the board to assist producers in marketing their farm products. It also authorized the recognition or creation of stabilization corporations through which the board might act in assisting the farmers in the marketing of their crops. This bill has been in force one year.

I voted for the farm bill because of its educational value and because of the broad powers given the board, and in order to give the board a chance to give the administration of the bill a trial, and in the further hope that if its provisions proved ineffective that amendments found necessary would be recommended to Congress for further legislation.

LOANS TO FARMERS IN FLOODED AREAS

I actively supported in a speech an amendment to a pending bill, to include Oklahoma in the list of States whose farmers were permitted to participate in loans from the $6,000,000 fund to purchase seed, feed, and fertilizer at 5 per cent interest.

FLOOD CONTROL

The control of inland waterways is of tremendous importance to the entire Nation and is of particular importance to the State of Oklahoma.

Congress enacted comprehensive flood-control legislation during the last Congress and provided not only for flood control on the lower reaches of the Mississippi River but for surveys of all of its tributaries, including the Arkansas River and its major tributaries.

The Arkansas River flows through the eastern part of Oklahoma and its tributaries—Illinois, Grand, Verdigris, Cimarron, Canadian, Deep Fork, and others—drain practically every county in Oklahoma.

We are vitally interested in the prevention of disastrous floods rendering valueless great areas of land and at the same time destroying property of great value. The property loss from the 1927 flood, in Oklahoma, including damage to roads, bridges, crops, personal property, farm lands, and so forth, is estimated at from twenty-five to forty million dollars.

The bill passed by the last Congress authorized the use of $5,000,000 in making a survey of the tributaries of the Mississippi, including the Arkansas and its tributaries, and directs that reports be made with the view of ascertaining the best method of flood control. We have urged the reservoir plan of flood control, which, if adopted, would result in the retention of waters in reservoirs. By impounding the water in reservoirs at strategic points it would be gradually released for water power, irrigation, and navigation purposes. This would check the ravages of disastrous floods, save millions of dollars in property from destruction and make certain the cultivation of large areas of productive land.

A survey of the Arkansas River and its tributaries is now in process of being made and a report is anticipated by the fall of 1930 and it is hoped that this report will justify a sufficient expenditure upon this river to restore navigation and reduce freight rates through competitive water rates, which will invite the location of factories and greatly add to the population and prosperity of the Arkansas Valley and contiguous territory.

TARIFF REVISION

The President, in his special message to the first session of the Seventy-first Congress, recommended a "limited revision" of the tariff in the interest of agriculture. The farmers of the country have been demanding that they be placed upon an equality with the industrialists of the East. This can not be done by means of the tariff. The tariff will not enable the farmers to secure more for those farm products of which we regularly raise an exportable surplus.

In 1929 we produced 14,545,000 bales of cotton and exported 7,580,383. We produced 806,508,000 bushels of wheat and exported wheat and wheat products amounting to approximately 200,000,000 bushels. We produced 2,622,189,000 bushels of corn and exported 33,745,270 bushels.

We regularly export wheat, corn, and cotton, our three major crops. We therefore are dependent upon a foreign market. Our imports of these three products are negligible.

To illustrate, in 1929 we imported 37,231 bushels of wheat, or one two-hundredth of 1 per cent of the wheat we produced. We imported a small quantity of long-staple or sea-island cotton, used principally in automobile manufacturing. We imported only about one sixty-fifth of 1 per cent of the corn we produced.

The tariff bill places a duty of 42 cents per bushel on wheat and 25 cents per bushel on corn. There is no duty on anything but long-staple or sea-island cotton, none of which is grown in my State of Oklahoma. If we shut out entirely all of the imports of these three products, it would not enhance their value to the producers. We tried to make this tariff duty effective through the debenture plan which would have insured the producers 50 per cent of the tariff duty on their products, and where there is no duty on a product, such as cotton, the bill provided 2 cents per pound. The debenture plan is the only way to make the tariff effective as to those farm products where we regularly raise an exportable surplus and ship and sell to a foreign market.

On the other hand the tariff bill raises the duty on practically every commodity the consumer must buy, including clothing, boots and shoes, sugar, cement, lumber, steel products, rayon goods, and, in fact, on everything which the farmer must purchase. You can not make the farmer more prosperous by taxing him more. He has literally been bled white by the industrialists of the East. For this reason banks in farming communities have failed, business concerns have gone into bankruptcy, farm lands have been sold for taxes, mortgages have been foreclosed, all resulting in a general business depression.

I voted against the tariff bill, which can be of no possible benefit to the farmers of Oklahoma.

ECONOMY IN PUBLIC EXPENDITURES

I have consistently voted against all unnecessary tax burdens. Rigid economy in all public expenditures—local, State, and Federal—is one of the most important subjects before the people. The larger part of our taxes are local. Comparatively few people pay any direct Federal taxes, but everyone pays a tariff tax. To reduce expenditures to a minimum is the surest way to reduce taxes.

I have favored those appropriations that yield returns, such as for agriculture, rural mail service, good roads, flood control, and the like, which are regarded as investments, and have carefully scrutinized excessive appropriations for the Army and the Navy and like purposes as nonproductive; and, while our national defense should not be endangered, the hope is that through disarmament and conferences further reductions may be had for these branches of our Government.

During the first 15 months of Washington's administration the total expenditures of our Government amounted to $4,269,027. The expenditures for the coming fiscal year, including the Postal Service, will aggregate a staggering total approximating $5,000,000,000. We spend more than a thousand times as much now for the expenses of the Government in one year than we spent during the administration of Washington.

The appropriations for the coming fiscal year for agriculture amount to $70,897,770, not including, of course, the appropriation of $84,500,000 as Federal aid for roads, the total of which will aggregate $155,397,770.

The appropriations for the fiscal year ending June 30, 1931, are as follows:

For the Interior Department	$286, 543, 423. 74
Treasury and Post Office Departments	1, 149, 088, 008. 00
Navy Department	380, 573, 111. 00
Agricultural Department	155, 397, 770. 00
First deficiency, 1930	169, 547, 689. 96
War Department	456, 544, 151. 00
Independent offices	553, 523, 166. 00
State, Justice, Commerce, and Labor Departments	114, 253, 236. 14
District of Columbia	46, 010, 602. 00
Legislative establishment	26, 557, 767. 58
Second deficiency, 1930	74, 102, 022. 94

In addition to the direct appropriations other expenditures have been authorized in large sums for which Congress is obligated to make future appropriations.

To the amount of the above appropriations should be added $1,416,022,855, estimated amount of permanent and indefinite appropriations for interest on the public debt, sinking-fund requirements, and other miscellaneous permanent and fixed purposes for which annual appropriations are not required or necessary.

I want to correct the general impression gained through reading newspaper propaganda intended to show that Congress is extravagant. The record shows that Congress has made a net reduction in the estimates of the President since the Budget System was created aggregating the sum of approximately $380,000,000.

FOREIGN-DEBT SETTLEMENTS

We authorized, during the World War, loans to foreign Governments in large sums and pledged the people that these amounts should be collected in full.

I voted against all settlements with foreign governments which canceled or remitted any part of them, principal or interest. I made an extended speech against the Italian debt settlement, which, calculated upon a 4¼ per cent interest basis, the amount we pay on our Liberty bonds, canceled $3,413,874,500, and I also made a speech against and vigorously protested the French debt settlement, based upon a 4¼ per cent interest basis, lost to us, or canceled, or remitted $4,527,225,895.83.

On the settlement with the 13 foreign governments, calculated upon a 4¼ per cent interest basis, according to figures prepared by the Treasury Department, we lost $10,705,618,006.90

SOLDIER LEGISLATION

Congress has enacted much sympathetic legislation for our soldiers during the past two sessions.

We passed over the President's veto the Spanish-American War pension bill placing the veterans of that war upon an equality with the veterans of other wars, greatly liberalizing the legislation and increasing the pensions. Pensions for the survivors of the Civil War and their widows were increased, the minimum pensions for survivors being increased to $75, and where they are so disabled as to require an attendant $100 per month. All widows receive $40 per month, and if married to the soldier during the war they will receive $50 per month.

I have always given sympathetic consideration to all legislation in the interest of the ex-service men of the World War. I favored an extension of the time for the filing of disability claims, and supported the provision making it conclusive that the contracting of tuberculosis was of service origin.

Congress has from time to time enacted additional legislation making provision for increased hospitalization facilities, extended the time for the conversion of insurance, and for vocational training.

During the present session the first opportunity was given to consider bills for ex-service men under the general rules of the House, and I supported the legislation vetoed by the President, with which the ex-service men are familiar, greatly liberalizing the evidence required in the adjustment of claims for compensation, and particularly indulging the presumption in favor of instead of against ex-service men where an examination shows that he is disabled. To compel ex-service men to present medical proof now of disabilities which originated some 8 or 10 years ago is in effect a denial of their claims for compensation. The legislation which the President vetoed changed this presumption and would have enabled many deserving ex-service men to have had their claims favorably considered. After this bill was vetoed I supported the bill which finally passed affording a smaller measure of relief to the ex-service men.

As I have shown, we remitted in our foreign-debt settlements the sum of $10,715,618,006.90, and surely we can afford to be more generous with the disabled ex-service men who answered their country's call and their dependents than we are with foreign governments.

HOSPITAL AT MUSKOGEE

The United States Veterans' Hospital No. 90, at Muskogee was purchased from the State of Oklahoma and later the municipal hospital was purchased from the city of Muskogee. I actively assisted in securing appropriations for these purchases. This hospital is ideally located, is adequate, and well equipped to care for the needs of the ex-service men and others eligible to admission from the area which it serves.

The sum of $4,950 was authorized by a special bill, to be used, out of funds appropriated for hospital purposes, for paving the street in front of the hospital and between the hospital and adjoining quarters for the officers on the east. An additional sum of $160,000 from hospital funds have been allocated to the Muskogee hospital for a new power house, laundry, and garage.

PUBLIC BUILDING AT OKMULGEE

The public building for the city of Okmulgee is now assured. Difficulty has been encountered in perfecting the title to part of the land upon which the building is to be built, but it is expected that this title will be perfected soon and the construction of the building will actually go forward at an early date. The money to purchase the site and for the cost of the building has already been appropriated.

An amendment which I offered to a pending court bill, approved February 16, 1925, assured the designation of Okmulgee as a place for holding Federal court.

In the division of the Federal court districts in Oklahoma we were successful in having an equal division of the business and area made. Thereafter Okfuskee County was added to the eastern district, which now embraces 31 counties in the eastern Oklahoma district.

ROAD LEGISLATION

The enactment of the act of July 11, 1916, authorizing Federal cooperation in the building of roads, has greatly added to the enthusiasm for building roads throughout the country. I made a speech in favor of it and have supported all subsequent appropriations for Federal aid to roads.

During the present session of Congress we have increased the amount to be contributed annually by the Government for Federal aid to roads from $75,000,000 to $125,000,000. Of this Oklahoma will get $2,918,358. Oklahoma's total allocation since 1916 is $24,227,959.

Oklahoma was admitted to statehood November 16, 1907. The eastern half was composed of lands formerly occupied by the Five Civilized Tribes of Indians. The land had only recently been surveyed and allotted to the Indians. The roads had not been improved, but since then we have had a revolution in road building.

I introduced the original bill, H. R. 4971, which provided that "the nontaxable Indian lands, individual and tribal," should be placed in the same class with the nontaxable unappropriated lands in the Western States. This bill finally became section 4 of the act of February 12, 1925, which is as follows:

SEC. 4. That section 11 of the Federal highway act approved November 9, 1921, as amended and approved by the acts of June 19, 1922, and June 30, 1923, is further amended by inserting after each place where the words "unappropriated public lands" occur, the words "and nontaxable Indian lands, individual and tribal."

This provision is important to Oklahoma because it authorizes the Government to pay a larger proportionate share of the costs of road construction where more than 5 per cent of its lands are either public or nontaxable Indian lands. The appropriation to carry this provision into effect was vetoed by the President during the former administration.

RURAL MAIL SERVICE

The farmers are rendered no more important service than by rural mail. This service was started in an experimental way in 1896. It has been extended to the most remote parts of the country, and on May 28, 1930, there were 43,384 rural routes in operation in the United States, 1,172 such routes in operation in the State of Oklahoma, and 92 in the second congressional district.

I voted for the bill to provide for increased compensation for postal employees and for the bill granting allowances for rent, fuel, lights, and equipment for fourth-class post offices.

As roads are improved and the smaller streams bridged, I hope to see rural routes gridiron the second district and the Nation, so as to afford complete mail facilities to every rural mail community.

The item in the Post Office Department appropriation bill for the coming fiscal year for rural mail service amounts to $107,550,000. When I first came to Congress it was $53,000,000. From year to year I have supported increased appropriations for this purpose, and this service has been greatly extended and expanded.

In addition I have been active in helping to secure the installation of village delivery in the smaller cities of my district.

RURAL CREDITS

I was a member of the Banking and Currency Committee of the House in 1916 and assisted in the preparation and passage of the rural credits bill on July 17, 1916. This was a great piece of constructive legislation. I prepared and introduced a bill during the present session, H. R. 982, as an amendment to section 15 of the act of Congress in 1916, authorizing the appointment of local agents to represent farm land banks in initiating and supervising loans to farmers in those localities where local associations have not been organized, or if organized are not functioning properly. This is a very important amendment. At a former session the members of the Farm Loan Board, in a written report and at a hearing before the Subcommittee of the Banking and Currency Committee approved the amendment. It was also then recommended by the presidents of all 12 of the farm land banks.

Its enactment would greatly expedite action upon applications for loans, popularize the law, enable loans to be made direct, through agents, having about the same authority that the secretary-treasurer of a local loan association or an agent for a loan company has, and will permit farmers to borrow money at 5½ per cent interest, payable upon the amortization plan by adding 1 per cent interest additional to be applied to the reduction of the principal, which would pay the principal in 36 years. This would enable the farmers to liquidate their present indebtedness and greatly assist them in acquiring homes.

Under the 1916 law $1,623,709,665 has been loaned to the farmers of the country in 504,270 loans up to April 30, 1930. Of these loans 10,296, aggregating $28,828,900, have been made to farmers of Oklahoma.

I made a speech emphasizing the importance of this amendment and submitted it to the banking and currency committee.

With the adoption of this amendment, the law would be made more workable and enable many more farmers to take advantage of its provisions and greatly reduce the number of tenant farmers.

True, there have been some defaults in payment of both principal and interest, and some foreclosures, but that is not the fault of the law. It is because of the unusually depressed condition in agricultural sections. During the past few years

many banks have failed, business concerns, large and small, have gone into bankruptcy. In 1929 there was an unusual depression of stock on the exchanges; but because of these failures we should not condemn the laws of banking or other classes of business. We should endeavor to strengthen and popularize the rural credits bill in aid of the farmers of the country.

MUSCLE SHOALS

The Government has an investment of approximately $167,000,000 at Muscle Shoals. I have advocated the continued utilization of the plant for the primary purpose of the production of ingredients of fertilizer in times of peace, in aid of agriculture, and for munitions in the event of an emergency, and resisted turning it over to the power monopoly. Whether through Government operation or lease, the sale of the power generated should be safeguarded so that it may not be monopolized by the Power Trust.

SURETY BONDS TO PROTECT INDIVIDUAL DEPOSITS

Efforts of all kinds have been made to protect individual bank deposits. With the most conservative management, unfortunately, there continues to be a large number of bank failures.

I introduced and made a speech in favor of a bill (H. R. 12924) to require all banks, national and State, members of the Federal reserve system, to furnish bonds for the protection of their general deposits.

During the 9-year period of 1921–1929 a total of 5,642 banks were reported as having been suspended, either temporarily or permanently, on account of financial difficulties, with a deposit liability of $1,720,000,000. Two-thirds of these failures were in 12 agricultural States, due largely to depressed conditions of the farmers.

If it is necessary or desirable to require banks to protect public deposits—Federal, State, school, Indian, and municipal—why, on principle, should not protection be required for the benefit of individual depositors? You can not satisfactorily answer that question in the negative.

IMMIGRATION

In the consideration of the immigration bill six years ago, I earnestly supported the bill and made a speech in favor of its enactment. The number of immigrants to be admitted has been reduced to approximately 150,000. I voted for the Burnett immigration bill in 1917. In 1907 about 1,285,349 immigrants were admitted. No person should be admitted who is not desirous nor capable of becoming a patriotic citizen, obedient to the laws of our country, and loyal to our flag.

During my service in Congress I have supported amendments designed and recommended to strengthen the immigration laws and to expedite the deportation of those undesirable aliens guilty of violations of the law amounting to a felony.

In the preceding Congress provision was made giving preference of admission in the quota class of near relatives of American citizens, including husband and wife, and father and mother.

THE OIL INDUSTRY

The oil industry is one of the most important to the Nation and particularly to Oklahoma. The income derived from oil and gas has materially helped in the development of the State, built cities and towns, improved farms, introduced better livestock, made it possible to build better schools and churches, and through a gross production tax has contributed largely to a fund for the running of every branch of our Government, local and State, and to the fund for weak schools throughout the entire State. From the gasoline tax roads and bridges are in large measure built and maintained. The individual is interested in having his land prospected and the public in the development of the State and in the collection of revenues which measurably reduces the tax burdens from all other sources.

The oil industry has been greatly depressed through the importation of large quantities of oil from foreign countries, rendering ineffective curtailment plans of domestic producers. To protect the oil industry against these large importations I favored a tariff on oil. Every argument that can be made for a tariff on any other product can with equal, if not greater force, be made for a tariff on oil.

AVIATION AND RADIO

I have supported all legislation and appropriations to stimulate aviation and the development of the radio.

Appropriations have been enlarged to enable the Army, Navy, and the Marine Corps to purchase planes and equipment. The Post Office Department, through enlarged authority and additional appropriations, routes mail over a number of new lines. As the motor car in a large measure succeeded the slower methods of transportation, aviation is destined to expand into universal use: For all kinds of commerical uses, for carrying the mails and express, lighter freight, passenger transportation, and by the Army, Navy, and Marine Corps for military purposes.

The radio is capable of unlimited development. No one will hazard a guess as to its immediate possibilities. It is revolutionizing communication. I have given whole-hearted support to the development of both aviation and the radio. Both should continue to receive the assistance of Congress through adequate appropriations and helpful legislation.

There must be the greatest vigilance in the enactment of legislation and in the administration of it to protect the public in the use of the radio and against monopoly and unfair discrimination in granting licenses for broadcasting stations.

INDIAN LEGISLATION

During the past few years Congress has enacted much legislation affecting the Indians in Oklahoma. I have supported all measures looking to the winding up of their affairs at an early date. No additional legislation is necessary unless it be appropriations to cover judgments, if any are secured, against the Government, and the closing up of the affairs of these tribes is now a question of administration.

The Five Civilized Tribes had 101,506 allottees. An enumeration is now being taken of the living restricted allottees, and it is estimated that this census will disclose approximately 10,000 living restricted allottees.

A. APPROPRIATIONS FOR THE INDIAN SERVICE

The appropriations for the Indian Service are carried in the Interior Department appropriation bill. Approximately $2,489,825 is expended annually in Oklahoma out of Federal and tribal funds, for all purposes, for administration, schools, and hospitals: From the Choctaw and Chickasaw and the Seminole tribal funds for the maintenance of boarding and contract schools, $233,200; from the Federal Treasury there is appropriated, in aid of the common schools in eastern Oklahoma, $350,000; for the Sequoyah Orphan Training School, $165,625; for the Euchee Boarding School, Sapulpa, $45,950; for the Eufaula Indian Boarding School, $58,250; for the Carter Seminary, Bloomfield Academy, $78,800; for the Chilocco Indian Boarding School, $383,000; for Haskell Institute at Lawrence, Kans., $375,000, 40 per cent of the attendance at which school is by children of the Five Civilized Tribes, representing $150,200.

The sum of $58,000 is expended for the Seneca Indian School at Wyandotte, Okla., and $39,000 for the Pawnee Indian School from the lump-sum appropriated for Indian boarding schools. Twelve thousand eight hundred dollars is authorized to be expended for educational purposes from the Osage tribal funds. Including the amount expended in aid of the common schools and the amounts appropriated for boarding schools, either from the Federal Treasury or authorized to be expended from tribal funds, the aggregate amount is $1,574,825 which is intended in part to relieve the State and local communities of this amount of their financial burden. For conservation of health there was appropriated from the Federal Treasury for hospitals at Talihina, $50,000; Claremore, $30,000; Shawnee, $178,000; Seger, $7,000; Pawnee and Ponca, $26,000, and for the Cheyenne and Arapahoe Hospital, maintenance $33,000 and construction $12,000; all aggregating $399,000. In addition to these appropriations for education and health the Government expends approximately $252,000 in support of the office of the superintendent for the Five Civilized Tribes, including probate attorneys, and $264,000 from the Osage funds in support of the Osage agency. The total amount expended for schools, health, and administrative purposes, not including those for per capita payments for the Indian tribes in the western part of Oklahoma, aggregates $2,489,825.

B. JURISDICTIONAL BILLS

I prepared and reported the jurisdictional bills for the Cherokees and Creeks and assisted in securing the enactment of jurisdictional bills for the other five tribes in 1924 authorizing each tribe to bring suit in the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, on all claims that each tribe may have against the Government. Under these several jurisdictional bills the Cherokees have prepared and filed 9 suits, the Creeks 14 suits, the Seminoles 9 suits, and the Chickasaws and Choctaws 9 suits. In a number of these suits two or more causes of action have been joined. The final date for filing all suits under these several jurisdictional acts, as amended, expired June 30, 1930. The Government has promised to place accountants at work on each of these suits so as to expedite their early trial. All of them should be tried within the next 12 to 18 months. If any amount is found due in any suit against the Government Congress will be asked to make appropriation to cover the same.

C. CHOCTAW AND CHICKASAW PER CAPITA PAYMENTS AUTHORIZED

By an amendment to the Indian appropriation bill approved February 14, 1920, the Secretary of the Interior is authorized to

make per capita payments to the Choctaws and Chickasaws out of any tribal funds available for that purpose. No further legislation is necessary by Congress.

D. STATUS OF THE FIVE CIVILIZED TRIBES

With the exception of the suits which have been filed and are pending in the Court of Claims the affairs of the Cherokee Tribe have been completely wound up. The same is true as to the Creeks, except as to the school property at Sapulpa and Eufaula, as to the Seminoles except the boarding school at Wewoka, and as to the Choctaws and Chickasaws, except the boarding school at Carter Seminary, Wheelock and Jones Academies, and the coal and asphalt deposits for which Congress enacted additional legislation authorizing reappraisement and sale, and an adjustment of the "leased district" for which legislation is pending to refer it to the Court of Claims for findings of fact and report.

E. LEGISLATION TO QUIET TITLE TO INDIAN LANDS

Congress passed the act of April 12, 1926, commonly known as one to quiet title to Indian lands of the Five Civilized Tribes in Oklahoma, which bill I prepared and reported. It makes conclusive the jurisdiction of the county courts invoked by full-blood heirs of deceased allottees in the approval of conveyances and will prevent much litigation as to these lands.

After a period of two years it put in force the statutes of limitations in all matters where restricted Indians are interested. The law is now in full operation. It also provides for notice and makes the Government a party in all suits pending in the State courts where restricted Indians are parties and makes the final judgment binding upon the Government. It is of great importance to eastern Oklahoma, and will have the effect of quieting title, preventing vexatious lawsuits, result in greater development of these lands and, as a consequence, add value to the lands of eastern Oklahoma.

PROHIBITION

We have always had prohibition in the Indian Territory part of Oklahoma. The enabling act required a continuance of prohibition in that part of the State for 21 years. When the State constitution was adopted the people by popular vote extended it to the entire State. I voted to submit the eighteenth amendment to the States for ratification. After its ratification, I have voted for legislation to vitalize it and for appropriations recommended as necessary to enforce it.

RULES AMENDED

I sponsored the important amendment to the rules of the House requiring three objections upon second call of the Consent Calendar, which made it possible to secure consideration of much local legislation.

SPEECHES

For a Member of Congress to keep up with all of the bills introduced is almost a physical impossibility. He, of course, is expected to be familiar with those reported from the committees of which he is a member, and every Member attempts to familiarize himself with bills of general importance to the entire country and especially with those which particularly affect his district and State.

I promised my constituents that I would do this, and I have consistently tried to keep that pledge.

In addition to participating in general debate upon a large number of matters, I have made a study of and speeches in the House on the following subjects:

First. Speech analyzing and discussing in detail: (a) The farm bill on April 20, 1929; and (b) conference report on the farm bill June 3, 1930, in which I analyzed and discussed in detail the farm bill approved June 15, 1929.

Second. The tariff bill: (a) Speech of May 21, 1929, analyzing and explaining the tariff bill as not being beneficial to the farmers and consumers; (b) speech of April 25, 1930, (1) further analyzing in detail the objections to the tariff bill showing additional burdens to the farmers without any compensating benefits, (2) explaining the debenture as the only way to make the tariff effective as to agriculture, and (3) criticizing the power given to the President by the flexible provision of the tariff.

Third. Flood control—Two speeches: (a) January 24, 1930, and April 25, 1930, emphasizing the necessity for flood control, (b) urging legislation for the Arkansas River and its tributaries, (c) inviting attention to the reservoir plan, (d) calling attention to advantages of navigation and the lowering of freight rates, and (e) inserting a report from the War Department showing the status of the surveys now being made of the Arkansas River and major tributaries.

Fourth. Tax-reduction legislation: (a) Views outlined on principles of taxation and (b) urging increased exemptions upon the small income-tax payers and advocating the collection of a larger percentage from those in the higher brackets having the ability to pay.

Fifth. Constitutional amendment: (a) Speech urging, in the interest of economy, a constitutional amendment authorizing the President to veto separate items in appropriation bills; and (b) citing letters from governors of many States indorsing the proposed amendment.

Sixth. Post office appropriation bill: A speech in support of increases in appropriations for employees, the air mail, and the rural mail service and emphasizing its importance.

Seventh. Interior Department appropriation bill: (a) Items affecting the Indian Service, schools, and health in Oklahoma, (b) insisting on expedition in winding up the affairs of the Five Civilized Tribes, (c) report of present status of affairs of the Five Civilized Tribes, including suits instituted and tribal property held.

Eighth. Speech on February 1, 1930, to enlarge the definition of oleomargarine and the protection of the dairy industry.

Ninth. Speech in support of amendment to rural credits bill providing for appointment of local agents for farm land banks.

Tenth. Speech in support of an increase of pensions for Spanish-American War veterans, and bill to increase pensions of soldiers and widows of soldiers of the Civil War.

Eleventh. Speech in support of bill to liberalize legislation in aid of the ex-service men of the World War.

Twelfth. Speech in support of Federal aid to roads: (a) Road building and financing in Oklahoma explained, (b) nontaxable Indian lands considered, (c) $50,000,000 additional authorized and appropriated as Federal aid to roads, making total of $125,000,000 per annum.

Thirteenth. Tariff on oil: Speech in support of a tariff on oil, one of Oklahoma's principal industries: (a) To relieve curtailment by placing a duty on the importation of foreign oil, (b) showing the benefits of the oil industry to the taxpayers of Oklahoma, (c) the benefit to the farmers whose lands are being developed, and (d) explaining that the fears of exhaustion were without foundation.

Fourteenth. Speech on motor bus transportation bill urging that more authority be retained by local State commissions.

Fifteenth. Speech favoring convening of new Congress immediately after election.

Sixteenth. Many speeches and remarks on various bills and pending amendments.

DEPARTMENTAL WORK AND CORRESPONDENCE

We feel justified in inviting attention to our familiarity with departmental work and have made an effort to give diligent attention to all such matters. Our rule is to answer every letter and telegram the day it is received unless delay is occasioned in getting information from or action by the departments. There are many requests and inquiries with reference to the approval and assignment of oil and gas leases forwarded to the department here, the removal of restrictions on Indian lands, letters from ex-service men with reference to applications for compensation and hospitalization, applications for pensions and increases of pensions for soldiers of all wars, petitions for the establishment of rural mail routes and changes in existing routes, and letters, petitions, and telegrams with reference to innumerable bills pending in Congress, some favoring legislation and others protesting against it.

NUMBER OF BILLS INTRODUCED

In order that my constituents may know something of the number of bills pending in Congress with which a Member must keep in touch, and with which he must familiarize himself, there were introduced in the Senate during the first and second sessions of the present Congress, 4,780 bills, and in the House of Representatives 13,290 bills. In addition to these bills, a large number of resolutions were introduced.

These bills and resolutions are referred to appropriate committees, and by the committees referred to the various departments affected for report. Later they are returned to the committees for consideration and report and a great many of them placed upon the calendars of the House. Each Member must make some examination and study of them and of the hearings and reports on the more important bills. Inquiries are made of us, however, on many bills which are introduced which have not been reported upon by the committees.

A large number of private pension bills were passed in omnibus bills, which would greatly increase the number of bills enacted into law during the present session.

COMMITTEE ASSIGNMENTS—APPROPRIATIONS

Since coming to Congress I have had the experience of service on the following committees of the House:

Banking and Currency; Indian Affairs; Accounts; chairman of Committee on Expenditures in the Interior Department; and Education.



I am now promoted to a place on the Committee on Appropriations, which prepares and recommends all of the appropriations for the Federal Government. Many regard this as the leading committee of Congress.

I was assigned as a member of the subcommittee to prepare and report the Interior Department appropriation bill, which carries all the appropriations for the activities of that department, including public lands, pensions, the Indian Service, irrigation and reclamation, national parks, education, the geological survey, and other miscellaneous items expended under the supervision of the Interior Department.

CONCLUSION

(1) The individual record of each candidate should be studied and (2) the right of franchise exercised by every eligible voter.

I invite attention to and make this record of some of my activities during my service in Congress, peculiarly affecting the people of my district as well as the Nation as a whole, for two reasons: First, because the people who commissioned me to represent them are entitled to know what their Representative has accomplished and his position on all public questions; and, second in order to afford, no opportunity for anyone to misstate my position on public questions.

I have worked in entire harmony with the other members of the Oklahoma delegation in both the House and the Senate and have had their hearty cooperation, assistance, and active support.

I submit this record to the people of my district for their information and consideration with the confident hope that it will meet with their approval.

Let me emphasize that every citizen of the Nation should carefully study the individual record of each Member of Congress in order to form a correct opinion as to his knowledge of conditions, his sympathy with the needs of the people, his ability, experience, and fitness to represent them and should not fail or hesitate to exercise the right of franchise both in the primary and general election. When every citizen—not 51 per cent of them—goes to the polls and votes for his best interests and that of his children, and not his prejudices, his views will be reflected in Congress.

RUSSIAN LUMBER SITUATION

Mr. HALL of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HALL of Mississippi. Mr. Speaker, ladies, and gentlemen of the House, on May 2 I joined with 35 other Democrats, largely from the States in the South, in supporting a motion made by Chairman HAWLEY of the Ways and Means Committee to bring about a tariff on softwood lumber. The motion which I supported was defeated, but in conference a duty of $1 per thousand feet was recommended by the conferees of the Senate and of the House. That recommendation has been accepted by both branches of Congress and the bill signed by the President, so that the lumber industry now enjoys for the first time in many years a general tariff on softwood lumber.

The lumber industry is, next to cotton, the most important industry in the State of Mississippi. For some months past, due to competition in Canada and Russia and other reasons, the industry, not only in Mississippi but throughout the United States, has been in a greatly depressed condition. I shall not discuss the facts of Canadian competition, as that has been fully covered in the remarks of others. The question of Russian competition, its growth, and effects has not, however, been presented to the House to any great extent.

Recently Russian Soviet representatives visited my district in southern Mississippi, and their visit and its results so impressed me that I sent to each Member of the House the following letter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 29, 1930.

MY DEAR COLLEAGUE: Under date of April 21 the New York Lumber Trade Association is represented as having sent to each of us what amounted to a brief for the importation of Russian lumber.

Some important information was not included. Mr. Frank T. Niles, president of the New York Lumber Trade Association, was recently of the R. R. Sizer Co., of New York City, N. Y., and Newark, N. J. The R. R. Sizer Co. is one of the two firms which have concessions to import Russian lumber to the United States. So the so-called letter of the New York Lumber Trade Association is just a friendly boost of the Russian lumber importing business.

The letter states, for instance, that imports of Russian lumber are still small. That is true.

The letter does not state that imports are rapidly increasing, the figures being:

In 1927, 5,592,000 feet; in 1928, 20,276,000 feet; and in 1929, 38,884,000 feet. The letter also fails to state that the imports of lumber from Russia in January, 1930, are three times larger than in January, 1929, the figures being: In January, 1929, 3,368,000 feet, and in January, 1930, 10,662,000.

Mr. Niles's communication includes a letter, obtained in some manner, from Axel H. Oxholm, director of the national committee on wood utilization, which recites the difficulties the Russians face, and with which we are all familiar. Mr. Oxholm also volunteers his personal guess, which is no better and no worse than any one else's guess, as to the success of the Russian movement.

One of Mr. Oxholm's statements is: "Many mills in Russia are antiquated and the machinery is very old and inefficient." The Soviet Government evidently agrees with this, and is acting energetically. I am very recently in receipt of the following information:

LAUREL, MISS., *April 19, 1930.*

Hon. ROBERT SAMUEL HALL,
Member, House of Representatives,
House Office Building, Washington, D. C.:

During this week there has been here in Laurel a commission of three representatives Russian Soviet Government just from Russia, accompanied by representative large American sawmill-machinery manufacturer. This Russian commission has carefully inspected our sawmill and logging operations, as well as other mills, with idea of determining what type will be selected when Soviet Government purchases machinery for approximately 200 sawmills to be built in Russia immediate future. This is concrete evidence necessity protective tariff softwood-lumber industry Southern States. Existing situation demands your support Senate amendment tariff bill. Hope you will put this information in hands other southern Congressmen.

EASTMAN GARDINER & CO.

The businesslike inspection trips of these Russians speak far louder than Mr. Niles's brief in favor of the Russian importing business or Mr. Oxholm's uninformed guess.

Two hundred new sawmills in Russia, equipped with modern American sawmill machinery, and run with no regard to the laws of God or man would inflict more damage on the already greatly depressed American lumber industry and its labor than mere words can possibly describe.

Yours very truly,

ROBT. S. HALL.

At that time the depressed condition of the lumber market had caused practically every sawmill in southern Mississippi to curtail its production and many, particularly the smaller ones, had closed entirely, thus throwing a great many men out of employment and reducing the amount earned by others. I regret to say this condition has not improved but on the contrary is, if anything, worse than it was on May 2. The lumber industry is entitled to the tariff which they now have and I am hopeful that it will be of direct assistance to those employed in the lumber industry in my district as well as elsewhere. I am grateful that I had the opportunity to cast a vote to favor their interest and protect large numbers of workingmen in their employment.

As to the Russian situation some of the facts are:

In 1927 Russia sent to the United States 9,601,000 feet of lumber valued at $298,310; in 1928, imports had increased to 23,883,000 feet, valued at $447,956,000. In 1929 they further increased to 37,936,000 feet, valued at $768,435,000. In January, 1930, they sent us 10,662,000 feet, valued at $222,810, three times as much as we received in January, 1929. These amounts are still relatively small and in and of themselves probably are no great cause for alarm, but the rapidity with which the trade is increasing in volume foreshadows a future dumping of lumber on the American market which we can not but view with grave concern.

To understand the situation clearly one must have in mind the problems being faced by the Soviet Government in securing foreign capital to carry out their extensive economic program. This capital they can secure in only two ways; by borrowing abroad and by their export trade. Their foreign credit has been utilized to the fullest extent in the past and has been useful in permitting them to purchase vast quantities of needed material and supplies. Their possibilities in this direction are limited because of the uncertainty and instability of the Russian Government as viewed from a banking standpoint. Their export trade also offers them a source of immediate cash and is being relied upon to provide a large quantity of the funds they will need.

The material which can most readily be exported are the natural resources in which Russia has untold wealth and of these the forest resources can be most easily converted into cash. It is significant that during the fiscal year 1929, lumber advanced to first place among all Russian imports, superseding petroleum, which for several years past had been their primary source of export revenue.

A London dispatch from Moscow, in February, 1930, says:

It is now proposed that the current year shall see an increase of 86 per cent in timber production, while the outcome of the 5-year program now running is expected to show an increase in the timber industry by five times. It may be said that there is scarcely an industry in the country which has such an ambitious program before it. * * * * * * It must not be forgotten that Russia is looking to the timber industry as one of her main economic stays, so that it can be confidently asserted that in the next four or five years "things will be done."

Russian woods had long before the war developed a lucrative market in Europe. This market has been retained and is being steadily expanded at the expense of other countries. The wood requirements of Europe, however, are, in comparison to America, very small and there is a definite limit to the amount of wood which can be absorbed there. The Russians, therefore, are looking for wider fields and now plan to enter the markets of this country. A Russian publication, Moscow Soviet Trade, on November 20, 1929, has the following to say on this subject:

That market [the United States] with its enormous annual capacity f 15,000,000 standards should become in the course of the next few years one of the large consumers of our timber; this should be made the most urgent task of our export trade, for the expansion of which new markets must be conquered.

Russian Economic Notes, published by the Department of Commerce, quotes the following extract from the Survey of Soviet Lumber Exports (Moscow, 1929):

Large possibilities for future expansion of Soviet exports are offered by the lumber markets of the United States. Although the United States is a lumber-exporting country, producing annually about 17,000,000 standards of lumber (34,000,000 M feet) and maintaining a large export of this commodity, nevertheless it has imported annually nearly 1,000,000 standards of lumber, more than 1,000,000 railroad ties, about 800,000 telegraph poles, nearly 700,000 cubic meters of round and square logs, and up to 4,000,000 cubic meters of pulpwood. A thorough study of this greatest lumber market is imperative in order to provide for successful development in marketing of Soviet lumber in the United States.

It is evident from these statements that the Russians regard the United States lumber market as a logical direction in which to expand the export trade.

The Soviet Union contains the greatest forest resources of the world, resources so great that no survey has covered them adequately. From the meager details available it is certain that if their forests were utilized only to the extent of the natural growth—that is, cutting each year only an amount of timber equivalent to that which the forests actually grow in that year—Russia could, besides supplying its own market adequately, turn into world trade more lumber than is now exported by all other countries of the world. Moreover, it is evident that their plans are turned in that direction and that they regard their lumber-export trade as one of the prime necessities leading the way to economic expansion in other fields.

These plans for economic development are not merely vague suggestions; they provide definitely for increase in production, the construction of new plant and equipment, and the development of new markets at the rate of a continuous increase of from 40 to 50 per cent annually. The plan is actually in operation and has been for more than two years. During 1929 it is said to have been executed to the extent of 98.7 per cent of the program outlined. For this reason their plans for the lumber industry and their statement that "new sawmills are to be built and the 3-shift day and uninterrupted work week introduced" are of real significance. As stated by Mr. Jos. F. Pavloff, in a publication of the Amtorg Trading Co., which is the official organization of the Soviet Union in the United States, the 5-year plan for industrial improvement of the Soviet Union includes the following:

Lumber industry—construction of 120 sawmills, of which 20 mills would cost over 3,000,000 rubles each; 106 woodworking factories, 48 of which would cost 2,000,000 rubles each.

That they are making progress in this direction is evident from the fact that during the past year numerous official delegations of soviet officials have been visiting American sawmills, acquiring new ideas as to methods of construction and operation, and arranging for the export to Russia not only the necessary supplies and material but of American technicians to construct and operate their plants. The Department of Commerce has stated that—

It is felt that the desire to force timber exports and so make them the foundation of the country's foreign trade in place of grain is the main motive behind the whole timber-production program.

The Russian lumber which is available for export trade is largely pine and spruce, and is of a type which comes into direct competition with southern yellow pine and other domestic woods. The shipments which have already been received in this country have been received with favor.

The Soviet Union forest lands, as all land, have been nationalized and are now the property of the state. This timber is manufactured in plants which have also been nationalized and are the property of the state. Therefore the lumber exported from Russia has no stumpage cost, no overhead mill cost, and it is transported, where transportation is necessary, by state railways. In other words, all the fixed costs to which private industry is subject to have been entirely eliminated in Russia. Even labor costs, which at the prevailing wages in Russia would be small enough to make competition by other countries impossible, have been largely and in many cases entirely eliminated through the use of forced and convict labor.

The Department of Commerce has secured undisputable evidence of the method and manner in which the Soviet Government is pushing forward its plans for expansion in the lumber industry. Faced with labor troubles, they have made refusal to work in the forests a political offense, and as such entailing the heaviest of penalties. The department says:

The efforts of the authorities to recruit peasants for logging work in the forests, judging by the Moscow press, is meeting with strong reluctance to accept such employment, in view of the low wages, the inadequate food supply, and shortage of housing accommodations prevailing in those parts. In fact, the situation has become so serious that last July it was made a subject of a special hearing in the central committee of the Communist Party * * *.

The resolution dated July 26, 1929, adopted by the central committee on that occasion, demanded that the opposition of the peasants be broken down at any cost and that, with that end in view, the labor recruiting work should be "turned into a political campaign." The latter means that henceforth the refusal of the peasants to do logging work on the terms offered by the authorities is to be regarded as a political offense and subject to punishment.

By and large, therefore, whatever price the Russians may receive for their lumber represents a profit to them, and they are able not only to meet but to destroy any competition they may encounter.

Obviously no ordinary measures of tariff protection can save the American industry from disaster if it must compete on such a basis. The extraordinary situation presented by a commodity produced with free raw materials, free plant and equipment, free transportation, and forced and convict labor, demands an extraordinary remedy if American industry and American labor connected with the utilization of our forests is to be maintained. I think we may go even further and say that the problem involves not only the maintenance of American industry and labor but the maintenance of our Government and all private business. The lumber-export trade of Russia is only one phase of their planned export development which it is intended to expand to all other lines of activity. The problem which the lumber industry is now facing will be faced by other industries in the not far distant future.

SUPPLEMENTAL COMMITTEE REPORT ON H. R. 7974

Mr. BRITTEN. Mr. Speaker, by direction of the Committee on Naval Affairs, I ask unanimous consent to present a supplemental report on the bill H. R. 7974, a bill that is pending.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE DEBENTURE AS IT APPLIED TO FARM PRODUCTS

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter written by myself upon the debenture phase of the tariff question, letting it appear in 8-point type.

The SPEAKER. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD by printing a letter written by himself upon the debenture phase of the tariff question in 8-point type. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Speaker, upon authorization of the House of Representatives I am herewith extending my remarks in the RECORD through the printing of a letter written by myself to

Mr. G. P. Mix, master of the Moscow Grange, Moscow, Idaho, under date of April 19, 1930, upon the debenture proposal that was considered in connection with the tariff measure that was recently enacted:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 19, 1930.

Mr. G. P. MIX,
Master Moscow Grange, Moscow, Idaho.

MY DEAR MIX: This letter will refer to your telegram, in which you expressed the judgment of the Moscow Grange that the debenture feature of the tariff bill should be carried into the law, and I wired you that I wanted to have your reaction on certain features connected with it, and would write you at some length.

It goes without saying that I want every possible benefit accorded agriculture that is accorded any other industry in our country.

I believe every member of your group knows the time and care that I am giving to the wheat situation. I am particularly interested in a policy that will protect a section of the country, such as the Inland Empire of Idaho, Washington, and Oregon—a section which is essentially a wheat area and which can not be transformed readily into an area that can produce other commodities as can very large sections of the United States elsewhere—sections that are on the border line and that can produce wheat if wheat is profitable, or some other commodity if wheat is not profitable.

I am sending you copy of the bill H. R. 2667, and you will find the debenture section on page 327. As you read over the first several lines you will recognize that the debenture amendment is in no sense mandatory but that it offers to the Farm Board the opportunity of availing itself of the debenture provision if it should desire to do so.

It is difficult to see how any board ever could feel that the provisions of the debenture section would be helpful to the wheat farmers of the United States so long as the United States and the world produce a surplus of wheat.

In order that we may have the same factors to consider I have assembled certain data from the Department of Agriculture that show factors that it seems to me can not be overlooked.

Data on wheat

Year	Wheat production		Wheat disappearance		Wheat carry-over		Wheat acreage		Average world price		Average United States price	
	United States	World	United States	World (exclusive of Russia)	United States	World	United States	World	London	Liverpool	Kansas City (winter wheat)[1]	Minneapolis (spring wheat)[2]
	Bushels	*Bushels*	*Bushels*	*Bushels*	*Bushels*	*Bushels*						
1910–1913	554,000,000	3,041,000,000	502,000,000				48,000,000	204,000,000		$1.08	$0.95	$0.99
1920	833,000,000	2,948,000,000					61,000,000	223,000,000		2.23	1.83	2.07
1925	676,000,000	3,441,000,000	512,000,000	3,484,000,000	115,000,000	291,000,000	52,000,000	227,000,000	$1.70	1.70	1.63	1.61
1926	831,000,000	3,426,000,000	509,000,000	3,403,000,000	98,000,000	275,000,000	56,000,000	233,000,000	1.64	1.64	1.35	1.46
1927	878,000,000	3,661,000,000	584,000,000	3,570,000,000	123,000,000	347,000,000	59,000,000	240,000,000	1.54	1.54	1.33	1.36
1928	915,000,000	3,943,000,000	562,000,000	3,773,000,000	128,000,000	443,000,000	58,000,000	245,000,000	1.29	1.29	1.12	1.18
1929	807,000,000	3,415,000,000			245,000,000	623,000,000	61,000,000	245,000,000				

[1] No. 2 hard red, winter. [2] No. 1 northern, spring.

Data on certain of the wheat-producing countries outside of the United States

	Canada		Australia		Argentina		Russia		Rumania	
	Production	Acreage	Production	Acreage	Production	Acreage	Production	Acreage	Production	Acreage
	Bushels		*Bushels*		*Bushels*		*Bushels*		*Bushels*	
1910–1913	197,000,000	10,000,000	90,000,000	7,600,000	147,000,000	16,000,000	759,000,000	74,000,000	159,000,000	9,500,000
1920	263,000,000	18,000,000	146,000,000	6,400,000	156,000,000	15,000,000	320,000,000	48,000,000	61,000,000	5,000,000
1925	395,000,000	21,000,000	115,000,000	10,000,000	191,000,000	19,000,000	757,000,000	61,000,000	105,000,000	8,200,000
1926	407,000,000	23,000,000	161,000,000	12,000,000	221,000,000	19,000,000	889,000,000	72,000,000	111,000,000	8,200,000
1927	480,000,000	22,000,000	118,000,000	12,000,000	239,000,000	20,000,000	752,000,000	77,000,000	97,000,000	7,700,000
1928	567,000,000	24,000,000	160,000,000	15,000,000	340,000,000	21,000,000	783,000,000	68,000,000	116,000,000	7,900,000
1929	294,000,000	25,000,000	125,000,000	14,000,000	160,000,000	19,000,000	781,000,000	74,000,000	92,000,000	6,800,000

From studying the foregoing data, the following factors appear:

1. The total world production for the last four years was greater by approximately 468,000,000 bushels annually than the average world production for the years immediately before the World War.

2. The annual wheat production in the United States for the last preceding four years was (average) 857,000,000 bushels plus, as against an average production of 554,000,000 bushels for 1910–1913.

3. The year 1920 witnessed a low-average world crop, though the crop for the United States was nearly up to average, and wheat producers received the benefit of high prices both within the United States and upon the Liverpool market.

4. The Liverpool market is often above the market of the United States.

5. The world carry-over has been increasing in enormous degree and seems to suggest that during the last several years the world has been producing more of this commodity than the market can absorb at a fair price.

6. The annual consumption (food and planting) in the United States is constantly less than production; also the surplus within the United States is increasing faster than consumption.

HOW CAN WE MEET THE PROBLEM?

1. By a protective tariff?

In my judgment, as to a commodity wherein the United States is producing more than her people consume, a tariff, generally speaking, serves the purpose of stabilizing the market at times of price depression abroad and to some extent benefits special kinds of wheat.

2. By debenture?

A debenture upon wheat means the payment to the exporters a certain amount upon wheat sold abroad.

(A) EFFECT UPON ACREAGE

In my judgment, the first effect of a debenture would be to encourage the farmers of the United States to increase their wheat acreage.

It will be noted that the acreage in the United States for 1929 was 3,000,000 acres in excess of the acreage for 1928. This might be increased by another 12,000,000 acres of what could be called marginal land that ought not to be put into wheat and of land that is now in other crops and that could be transferred to wheat acreage if the owners thought a higher price were in sight.

Thinking particularly of the wheat producers of a distinctly wheat section such as the Inland Empire, would such a program be of any possible help? Instead, would it not hurt enormously?

Under present economic conditions, the Inland Empire is essentially a wheat country. There are vast areas of the United States producing wheat that by every rule of the game ought to be put to production of something else long before this requirement should be made of our farmers, as desirable as it may be for them to engage in production of peas or flax or dairy products or diversified farming in general.

In my judgment, a debenture, or a possible debenture, would give encouragement that would mean increased acreage and thereby increased production of wheat that would bring millions of acres into production. The farmers on new or marginal land or on land that should be producing something besides wheat, in planting wheat, would hope for good results, and while they would suffer the penalty and would be forced back into other lines, they would have accomplished injury to the sections of country that are essentially wheat sections.

(B) WOULD THE DEBENTURE AFFECT THE PRICE OF WHEAT TO-DAY?

In my judgment, the "bulls" would endeavor to boost the price of wheat within the United States and it might go up a few cents on the debenture price for a few weeks. Were this to occur, whom would it benefit?

The Department of Agriculture advises me that whereas last year the farmers of the United States produced 807,000,000 bushels of wheat, of which amount there is a substantial carry-over within the United States to-day, and the Department of Agriculture advises me further that best information indicates that at this time—about April 4—only about 129,000,000 bushels remain in the hands of the farmers. The balance is in the hands of speculators. The amount in the hands of the farmers is decreasing constantly.

As for the effect upon the Liverpool price I have no doubt that the debenture would be calculated to drive it down. The Liverpool price is determined essentially by the quantity of wheat available, plus other substitute commodities. The debenture would at once threaten the dumping of whatever surplus of wheat might be in the United States upon the Liverpool market. This would drive down the price.

The secondary reaction would be to drive down the price from whatever few cents it may have advanced in the United States upon the passage of the debenture to near its old level.

(C) WHAT WOULD OTHER COUNTRIES DO?

For many years the people of the United States have demanded antidumping laws for the purpose of preventing the dumping of surplus commodities of foreign countries into the markets of the United States and thereby driving down the price of commodities at home.

To protect the American producer against foreign dumping we have enacted antidumping laws which go into effect when emergency arises.

By way of illustration, the United States has a duty of 12 cents per pound upon butter. Australia, in June, 1925—effective January 1, 1926—passed the Paterson Act providing for a plan by which the butter organization could pay a bonus—5 cents per pound—or bounty on butter shipped out of Australia. The United States promptly met this challenge by proclaiming through the Treasury Department that all Australian butter should pay not 12 cents but 18 cents duty. Australia countered by raising the bonus to 9 cents per pound. The United States promptly raised the duty on Australian butter to 21 cents per pound. Who benefited?

You can not blame the United States for determining that the butter producers of America should not be injured by dumping of Australian butter into the United States and the nullification of our protection of 12 cents per pound by a bonus.

Similarly, Canada, although part of the British Empire as is Australia, protected her butter producers against the bonus of Australian butter by adding 6 cents per pound to the duty upon all butter shipped into Canada as applied to butter shipped to Canada from Australia.

Practically all of the populous countries of the world have antidumping laws—Australia, Austria, Belgium, Czechoslovakia, France, Japan, New Zealand, Portugal, Spain, Switzerland, and other countries.

The law of Japan reads—Law No. 54, of April 14, 1910:

ART. 5. In respect of articles on which an export bounty is granted in foreign countries, a customs duty of the same amount as the said bounty may be imposed by imperial ordinance in addition to the duty prescribed in the tariff.

The law of France reads—law of March 29, 1910:

EX. ART. 3. The government * * * may apply to articles, dutiable or free, enjoying in their country of origin or production a direct or indirect export bounty, a countervailing duty equal to the export bounty.

The other laws are quite similar.

In addition to the foregoing, notice the following duties imposed on wheat by certain foreign countries: Japan, 31.34 cents per bushel; Germany from United States, 42.14 cents per bushel; France, 53.31 cents per bushel; Italy, 73.54 cents per bushel; Sweden, 26.99 cents per bushel (July 20, 1929).

Most of these laws may go into effect automatically or by action of administrative officers, so determined are nations to protect themselves against dumping from foreign countries.

Should the United States place a debenture upon wheat I have not the slightest doubt that foreign countries would bring into operation at once their antidumping laws. Even Great Britain, through orders in council, would be forced to do this to protect the parts of the British Empire that produce wheat, and whose people depend upon the British market; Parliament would not need to act.

If the foregoing factors are correct, we are then face to face with the proposition of still greater overproduction of wheat in the United States by reason of debenture and contraction rather than expansion of the market abroad.

From this standpoint alone the wheat farmers of the United States would be injured and not helped by a debenture, and particularly the farmers of sections that are essentially wheat areas.

The bounty paid to exporter would go to the foreign country receiving the wheat instead of to the American farmer.

It must be seen that antidumping laws are intended to do what the name suggests—prevent the dumping of commodities from foreign countries into another market. The United States becomes the foreign country with respect to the rest of the countries of the world.

Turning back to the bounty of 9 cents a pound upon butter paid to the butter producers of Australia, I cited that to protect the American producer of butter an addition of 9 cents was added to the normal tariff. In other words, the tariff was raised from 12 cents to 21 cents. This means that the Australian bounty of 9 cents on all butter shipped from Australia to the United States went into the United States Treasury instead of into the pocketbooks of the butter producers of Australia.

Would not the same thing occur if a bounty were placed upon wheat shipped abroad of 20 cents per bushel? France or Great Britain would raise the duty to match the 20 cents.

A false stimulus would have been given to production of wheat, but the market would have been limited and the so-called debenture or bonus would be paid into the treasury not of the American farmer but of the country into which American wheat would be shipped.

Were wheat a commodity as to which the foreign production would be less than consumption, then a debenture would serve to increase the price of wheat. Not so as to wheat, or any other commodity, that other nations are producing in abundance greater than consumption.

(D) ILLUSTRATION

The world has witnessed recently two outstanding attempts at control of commodity prices by nations that had nearly a monopoly to begin with. What happened is worthy of note.

Coffee

Prior to 1915, for many years, Brazil had been producing about 70 per cent of the coffee of the world. From 1880 to 1915, Brazil produced from 5,500,000 bags to more than 13,000,000 bags annually—a bag meaning 132 pounds. The rest of the world, exclusive of Brazil, during that same period, produced about from 3,000,000 to 4,500,000 bags annually.

In 1902, with an unsettled market, a state law was passed preventing for a period of years the setting out of additional coffee trees, but, as coffee trees must be five or six years of age before beginning to produce, no immediate results flowed therefrom. However, other countries, instead of setting out less trees, set out more trees.

By 1906, under state law, the sum of $15,000,000 was advanced within Brazil to purchase surplus coffee, which coffee was held and sold in the years 1911, 1912, and 1913, the price being fairly well sustained by this course.

A similar program was followed in 1917–18, when $75,000,000 was advanced for this purpose and the coffee was sold in 1919. Again, in 1921–22, approximately $45,000,000 was advanced and the coffee was sold one or two years later.

In 1929, in October, coffee prices collapsed and $10,000,000 was borrowed from a foreign syndicate, secured by coffee stores.

In addition to the foregoing, the Brazilian authorities have assisted in preventing and stabilizing sales through export taxes and through the control of the shipments of coffee from areas of production to the seaports.

What has been the effect of the foregoing activities upon the coffee business of the world?

The outstanding effect was the planting of coffee trees in other coffee-producing areas throughout the world with the result that whereas Brazil has scarcely increased her coffee production—the average for the five years, 1901 to 1905, being 12,400,000 bags as against the average for the last five years of 14,412,000 bags—the rest of the world has increased the annual yield from an average of less than 3,993,000 bags in 1901 to 1905 to an average of 7,509,000 bags for the last five years. More than this, surplus coffee is piling up. The carry-over for 1928 was 14,325,000 bags in Brazil and 18,157,000 bags in the rest of the world; in 1929 the carry-over was 10,424,000 bags in Brazil and 14,256,000 bags in the rest of the world. In the present year it looks as though there would be a combined carry-over for Brazil and the rest of the world of 21,756,000 bags.

Bear in mind that the people of the world consume approximately 22,000,000 to 24,000,000 bags of coffee annually and the carry-over is practically an entire year's supply.

Has the coffee producer been helped? I doubt it. On the other hand, the Brazilian movement has resulted in other great areas discovering that they can produce coffee.

A terrific campaign is on to encourage the people to "drink more coffee"—"drink 4 o'clock coffee."

The Republic of Brazil is working frantically to maintain the price. If this situation can be brought about with respect to a commodity that requires five or six years of time within which the plants can reach production, what shall we say about the consequences touching a commodity such as wheat? Furthermore, coffee is a commodity that per pound is vastly greater in price than is wheat, and consequently there would be far less charges against carry-over storages than there would be against wheat.

If Brazil, with her favored area, could have controlled the planting of coffee trees and the production of coffee throughout the world as she was able to do within her limited area, she could have maintained a fairly standard situation for her coffee producers. This, however, she could not do.

Furthermore, the amount of $10,000,000 that the Brazilian Coffee Institute was able to borrow is very trivial in comparison with a valuation of approximately $1,500,000,000, which represents the visible supply of coffee that is on hand in the world.

Press dispatches within the past 10 days indicate that Brazil will likely abandon her coffee program, but unfortunately for her the injury has been done. Extensive areas that had not been producing coffee have been turned to this use.

Rubber

Following the World War approximately 70 per cent of the world supply of rubber came from British possessions, chiefly British colonies in Asia.

British rubber interests undertook to raise the world price and to hold it at a high level, with the result that a restriction plan was put into effect in 1922 in the British possessions of Ceylon and the Malay States. It was proposed that a price of 24 to 30 cents be fixed. The world was recovering from its industrial slump, following the World War, and rubber consumption was rapidly increasing.

At that time, 1921, British interests produced 201,228 long tons of rubber, as against 101,224 long tons for the rest of the world.

The plan of Great Britain would have succeeded admirably for British investors had it not been that other countries refused to pay the price. Other countries in 1921 produced 101,224 long tons of rubber, while last year these other countries, exclusive of Great Britain, produced 303,537 long tons of rubber, or, in other words, 50 per cent more than Great Britain alone was producing in 1921, and, indeed, somewhat more than the entire world production, including Great Britain's production of 1921. In this same period of time British production had increased at a considerably less ratio, or up to 558,406 long tons.

On November 1, 1928, Great Britain abandoned her effort to monopolize the production of rubber and fix the price.

I am sorry I am compelled to write you at such length, but I know how earnest are the farmers of the section of country which for so many years has been my home, and it is impossible for me to do any act that I believe would bring them injury.

I think, however, if you will study over the features that I have pointed out you will be compelled to agree with me that, under all the circumstances, the debenture plan would work great injury to our distinctly wheat section. If the question were so simple that we could try it out with relatively small injury, it would be different, but it is not such a question. The only way that it can be tried out would be through working a terrific hardship, in my opinion, upon the very ones we are seeking to help.

Please know how much I regard the opinions of those of your group and of others who have not seen this question as I see it. Few things in all my congressional experience have caused me the deep concern that the subject matter of this letter is causing me and I know how hard has been the line of our wheat growers for some years. I must have your confidence and your respect. This I could not have if I consciously did that which might be pleasing for the moment but which, as a result of deepest study and most earnest attention to the subject, I am convinced would work exceedingly great harm.

I shall be very glad if you will drop me a line after you may have studied my suggestions over and let me know just what your reaction is on the different points that I have raised in this discussion.

Generally speaking, the feasible ways of making wheat production in the United States profitable are—

(1) By stabilizing as much as possible the American price by an adequate tariff;

(2) By encouraging through adequate tariff the production of other farm commodities where we produce less than we consume;

(3) By building up our markets generally; and

(4) By the program that has just been begun under the Federal Farm Board through which I confidently believe there will be cooperation and teamwork not only in the matter of selling the crop that is produced but in the matter of acreage as well.

With best wishes, I am,

Yours very truly, BURTON L. FRENCH.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 373.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the immediate consideration of House Joint Resolution 373. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 373) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes.

Mr. HALL of Indiana. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Nebraska, chairman of the subcommittee on the District of Columbia appropriation bill, if the consideration of this resolution means that there will be no more attempt to come to an agreement with the conferees of the Senate on the District of Columbia appropriation bill?

Mr. SIMMONS. As I have stated repeatedly, I am perfectly willing to confer with the Senate conferees further on that bill, if requested.

Mr. HALL of Indiana. Is there any thought whatever of attempting to determine from any source as to whether or not the lump sum of $9,000,000 for the District of Columbia is a fair and equitable contribution from the Federal Treasury to the District expenses?

Mr. SIMMONS. The House conferees, at the last conference they had, suggested to the Senate conferees that we were willing to come back on the 15th of November and meet as a joint committee and go thoroughly into this matter, and in the meantime have studies made by the Bureau of Efficiency, by the District assessor, or by anybody else that the Federal service employs which could make studies on any subject involved, and at that time try to reach a conclusion between the two Houses as to what should be carried in the bill. We have since further suggested that if, as a result of that type of study, it should develop and be agreed to by the joint committee that $9,000,000 is not sufficient, we would carry in the deficiency appropriation bills next year a sufficient sum to be credited to the District of Columbia to make up the deficit.

That request has not been accepted.

Mr. HALL of Indiana. Has the gentleman given consideration to the question of the position in which the activities of the District of Columbia will be placed this summer? Much public work will cease. Yesterday it happened that I was at the workhouse in Virginia, and a number of buildings there will immediately stop and will be delayed perhaps for a year or more. Many street improvements will cease. Many thousands of men will be unemployed in the District of Columbia because of the failure of the District appropriation bill.

Mr. FREAR. Before the gentleman answers, may I put another question so that the gentleman can answer both questions at the same time?

Mr. SIMMONS. I yield.

Mr. FREAR. Will the gentleman inform the House whether there is any objection to having the people who live in the District pay the same taxes—the same amount of taxes, the same average taxes—as are paid in other parts of the United States? By that I mean income tax, inheritance tax, and a fair tax upon their property?

Mr. SIMMONS. The question of the gentleman from Wisconsin [Mr. FREAR], of course, raises the entire subject of the fiscal set-up, and I hope to propose a resolution setting up a committee of the House to go into the entire matter raised by the gentleman from Wisconsin.

Further in answer to the gentleman from Indiana [Mr. HALL], I would say that the matter which the gentleman has discussed has been given serious consideration by everybody who has had to do with the District appropriation bill. That matter can still be met. The necessity for the passage of the resolution that is now offered is to make certain that the pay roll of all essential District activities shall continue during the time the District appropriation bill is being further considered.

Mr. BLANTON. Will the gentleman yield?

Mr. SIMMONS. I yield.

Mr. BLANTON. I am wondering whether the gentleman would place in the RECORD in connection with this colloquy the various millions of dollars in hand-outs, in addition to the regular contribution which the Federal Government has made to the District of Columbia: the millions of dollars in hand-outs which the people of the District of Columbia have continually gotten annually for the past 50 years in addition to the regular contributions. I am wondering if in this colloquy the gentleman will also place in the RECORD the value of his enormous property holdings in the District of the multimillionaire editor of the Washington Post, who has been castigating Members of Congress every day about their duties—about the small sum comparatively that it is rendered for taxes, and the small sum that his enormous amount of valuable furniture is rendered for taxes, and his enormous intangibles, just how little taxes he pays on them. I wonder if the gentleman will bring that before the people of the District of Columbia and place the responsibility of tying up District appropriations where it belongs, upon the newspapers of the District, which are continually hounding Congress because it will not make the other people of the United States pay the fiscal expenses and the civic expenses of the people who live in this National Capital.

Mr. HALL of Indiana. Further reserving the right to object, I am not particularly interested in that phase of the situation this morning. Those things have been discussed a great many times, and sometimes they may have some value and at other times they may not, but that is entirely beside the question at the present time. The thing I am particularly interested in is the statement of the gentleman from Nebraska [Mr. SIMMONS] that a way can be found for the continuation of the activities of the District of Columbia during the summer when Congress is not in session. Does that include a continuation of the building and work upon the streets and general improvements, or simply the actual necessary office expenses of the Government?

Mr. SIMMONS. It would be futile to add that in the continuing resolution, because then you would be making a second appropriation bill when there is one in conference. The purpose of this resolution is to enable, beginning to-morrow, the payment of the salaries of all essential public activities in the District of Columbia so that the functions of the Government may continue. There will be no question about that. Then we can continue, as I hope we may, with the consideration of the District appropriation bill.

Mr. PATTERSON. Under the reservation of objection, if my colleague from Indiana is through, I want to ask the gentleman a question. I oppose this resolution. There have been several questions which have been answered which I intended to propound. I favor a free conference in order that we may clear this matter up and continue with all the projects of the District of Columbia and all the enterprises that are under way, in order that we may help unemployment and various other things that need help. I do not wish to delay matters, but I want to ask if the request is to pass this by unanimous consent, or was the request for unanimous consent to consider it?

Mr. SIMMONS. The request was unanimous consent to consider the resolution. That was all.

Mr. PATTERSON. Then I shall not object to its consideration. However, I did not want to be put in the position of agreeing to it by unanimous consent.

Mr. STAFFORD. Reserving the right to object, I know it will be of interest to some of the membership of the House, and I wish to inquire how far apart the conferees are as to the amount involved in the contribution which the National Government should pay to the District of Columbia? The gentleman was kind enough to inform the House as to one proposal that had been made to the Senate conferees, proposing an investigation beginning next November. Has the Senate proposed any lower amount as the amount of contribution other than that which is stated in the newspapers of $12,000,000?

Mr. SIMMONS. At the last conference with the Senate conferees our proposal, which I have just made, was outlined, with the exception that we did not propose to make any retroactive payments. They agreed to the joint meeting in November provided we would increase the Federal contribution to $10,000,000 in the meantime. That the House conferees refused to accept.

Mr. STAFFORD. Does the gentleman think, in view of the expenditures we are making, that an increase of $1,000,000 in the meantime would be an unreasonable increase, and does the gentleman consider that an unreasonable request on the part of the Senate conferees?

Mr. SIMMONS. I think increase of anything would be unreasonable. Whether you take the House bill or the Senate bill, or whether you increase it $1 or $3,000,000, the $1 or the $3,000,000 will not be spent.

Mr. STAFFORD. The other day in the urgent deficiency appropriation bill we voted millions upon millions of dollars for public construction in this District.

If they have come down from $12,000,000 to $10,000,000, I think, as one Member of the House, that is a fair proposal and a fair compromise.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, the mere fact that we are spending $300,000,000 for a building program giving much employment here in the next two years would not seem to me an argument for increasing our contribution to the expenses of the District. I think just at this time that argument should not be made, but the purpose of my reservation was to say that, as I understand it, the passage of this continuing resolution does not have anything to do with the lump-sum controversy and it does not prevent further conferences on the District bill.

Mr. SIMMONS. No, sir.

Mr. CRAMTON. It is only to meet an emergency which will come to-morrow, with the beginning of a new fiscal year. Without any such authority as is provided in this resolution they will have no money whatever with which to meet that emergency, and even after the adoption of this resolution, if Congress continues in session two or three weeks or a month or two, they can continue to consider the District bill and argue these matters as they wish.

Mr. STAFFORD. The gentleman has been in favor of appropriating hundreds of millions of dollars and should not object to an additional $1,000,000 in order that the conferees may get together.

Mr. FREAR. Mr. Speaker, reserving the right to object, it seems to me this discussion is all beside the question. If the people of the District of Columbia are paying their fair share of taxes, there is no question but that the Government should pay the balance needed for District purposes. If they are not paying their fair share of taxes, they should be made to do so. The press of this city is practically unanimously in favor of an increased lump sum over the $9,000,000 voted by the House, and it will give headlines to anyone who makes an inquiry here to-day for a larger amount, even as it always does. But that does not affect the judgment of Congress. Abuse of the House or praise of the Senate decides nothing. It is a question of the right and equities of the case. The people outside of this city are paying far more taxes proportionately than are the people in the District of Columbia. In my State and many other States they are paying income taxes for the support of the local government and they are paying inheritance taxes. The same should be true here in the District, but is not the case; and I urge, Mr. Speaker, that should be the basis on which this Federal aid should be settled. [Applause.]

Mr. BOWMAN. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. BOWMAN. If the gentleman believes what he has just stated then why does he advocate $9,000,000 as the contribution to the District of Columbia?

Mr. FREAR. I do not advocate one cent, excepting for emergencies, until they show they are entitled to it over and above a fair amount paid by the District in taxation. [Applause.]

Mr. GARNER. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection to the request of the gentleman from Nebraska?

Mr. BOWMAN. Mr. Speaker, reserving the right to object——

The SPEAKER. The regular order has been demanded. Is there objection?

Mr. BOWMAN. Mr. Speaker, I object.

Mr. SIMMONS. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 373. [Applause.]

The Clerk read the resolution, as follows:

Resolved, etc., That all purposes and objects of expenditure under the government of the District of Columbia and under other activities chargeable in whole or in part against the revenues of such District, which shall remain unprovided for by appropriation on June 30, 1930, are hereby extended and continued for and during the fiscal year 1931 to the same extent, in detail, and under the same conditions, authority, restrictions, and limitations for the fiscal year 1931 as the same were provided for on account of the fiscal year 1930 in the District of Columbia appropriation act for that fiscal year, and shall include the vocational rehabilitation of disabled residents of the District of Columbia as provided for in the second deficiency act, fiscal year 1929, and the construction and equipment of high-temperature incinerators as provided for in the first deficiency act, fiscal year 1930.

SEC. 2. This joint resolution shall not be construed as providing for or authorizing the duplication of any special payment or for the execution of any purpose, contained in such District of Columbia appropria-

tion act, that was intended to be paid only once or done solely on account of the fiscal year 1930.

SEC. 3. For carrying out the purposes of this joint resolution any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, the sum of $9,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1930, and all the remainder out of the combined revenues of the District of Columbia: *Provided*, That the tax rate in effect in the fiscal year 1930 on real estate and tangible personal property subject to taxation in the District of Columbia shall be continued for the fiscal year 1931.

The SPEAKER. Is a second demanded?

Mr. BOWMAN. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. BOWMAN. I am.

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Nebraska is entitled to 20 minutes, and the gentleman from West Virginia is entitled to 20 minutes.

Mr. BOWMAN. Mr. Speaker and Members of the House, I am not here primarily to oppose this resolution, because I believe and insist that the House conferees should adopt the offer of compromise of the Senate conferees. Neither am I insisting that the Senate conferees should adopt the recommendation of the House conferees. I am not advocating an annual appropriation of $9,000,000; neither am I advocating an appropriation of $12,000,000. I am simply protesting against the attitude of the House conferees.

My friends, those Members of the House who advocate $9,000,000 as an annual appropriation for the District of Columbia also admit that $9,000,000 is too much, while another class advocate an annual appropriation of $12,000,000. The Senate conferees have been standing upon their rights and their prerogatives in advocating a lump sum of $12,000,000, with a standing offer of compromise amounting to $10,000,000. The House conferees contend that the United States Senate conferees have not shown the House conferees wherein they are wrong, and the Senate conferees contend that the House conferees have not shown wherein they are wrong. There has been no spirit of compromise and consequently the responsibility of this deadlock is shifted from the conferees to this House.

Ten men representing the Senate and the House—able and sincere men, and men who ought to know their responsibilities and duties—have created a situation which compels the House conferees to submit a report that it is impossible for the conferees to agree upon the fiscal relationship between the United States Government and the District of Columbia. I am protesting against the shifting of this responsibility.

Five years ago members of the Appropriations Committee appeared before the District Committee of the House and attempted to secure a favorable report on a bill fixing the annual appropriation of the United States Government to the District of Columbia at $9,000,000, in defiance of a law which was then on the statute books providing for a 60–40 ratio. These same gentlemen, my friends, went into the Appropriations Committee, and, taking advantage of the Holman rule, wrote into that appropriation bill a legislative matter fixing the appropriation to the District of Columbia at $9,000,000, and this procedure has given rise to the controversy to-day.

Mr. CRAMTON. Will the gentleman yield?

Mr. BOWMAN. I can not yield.

Mr. CRAMTON. The gentleman is in error in his statement.

Mr. BOWMAN. I refuse to yield.

Mr. CRAMTON. The gentleman is incorrect.

Mr. BOWMAN. I do not know whether $9,000,000 is the correct sum or not, but I do advocate a policy of fixing the fiscal relations so that the House of Representatives and the Senate of the United States should have some voice and some say in the laws that are placed upon the statute books of this country. After this fiscal contribution of $9,000,000 was placed in the appropriation bill of 1925 these same gentlemen have advocated $9,000,000 since that time, regardless of conditions and circumstances.

In 1925 the appropriations of the District of Columbia amounted to less than $30,000,000. To-day they are $44,000,000, and yet these men, who believe they are right in fixing the contribution at $9,000,000 in 1925, advocate the same amount for 1930.

All this, my friends, is in violation of the law placed upon the statute books some years ago fixing a ratio of 60–40. These same gentlemen who to-day will take advantage of the Holman rule and write legislation in an appropriation bill and bind the House by such a procedure are the same gentlemen who on other occasions stand before the House and advocate tolerance of law and enforcement of law, but deny to this House the right to enforce its own law with reference to the District of Columbia.

I am not opposing $9,000,000. I am not opposing $10,000,000 or $12,000,000. I say that the conferees to-day do not know the fiscal relations and do not know what appropriation should properly be made, and, consequently, while I am protesting against the procedure of the House, I am doing this because I am opposed to the method by which these gentlemen have gone into conference. They have not gone into conference with any idea of compromising. They have been stubborn and they have blocked the orderly procedure of this legislation. This is the reason I am unalterably opposed to the resolution.

Mr. SIMMONS. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Just to get my friend from West Virginia straightened out on his facts, the lump sum was not first put in in committee. It was put in on the floor of the House by a vote of the Committee of the Whole, sustained afterwards on a roll call by a majority of 20 to 1 and sustained under the Holman rule.

On the other hand, I have had a bill before the Committee on the District of Columbia from 1923 down to date, and have had hearings, and notwithstanding the House has declared 20 to 1 in favor of this limit of our contribution to the District the Committee on the District of Columbia has smothered this resolution, refused to bring it out even with an unfavorable report, to give the House any chance to enact it into law, as the House has indicated it would like to do.

I yield back the balance of my time, Mr. Speaker.

Mr. BOWMAN. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. HALL].

Mr. HALL of Indiana. Mr. Speaker and Members of the House, I suppose I am somewhat responsible for the action taken just now, but this was brought on deliberately because this morning the Legislative Committee on the District of Columbia instructed me to find some way to bring a resolution before the House instructing the conferees to compromise with the Senate committee of conference; but it appears that this is not possible under the parliamentary situation.

I want to take this opportunity, however, to say that the situation we find ourselves in at the present time proves conclusively that the idea upon which we are legislating for the District of Columbia is unsound and untenable. When we reach a point where neither House will give at all, then legislation is at an end and this is the situation we have at the present time.

At the proper time I expect to endeavor to inaugurate some change in this particular program. Perhaps it will not get anywhere and yet it will, no doubt, bring about some sensible discussion of this whole question.

It has appeared to me for some time that we are proceeding on the wrong basis in our administration of the affairs of the District of Columbia, and especially with reference to the financial affairs of the District. It is entirely wrong and contrary to our entire idea with respect to the relationship between the Federal Government and the District of Columbia that the District should be responsible for all of its activities and that they should ask the Federal Government to make a lump-sum appropriation, but this does not mean that the Federal Government should assume all responsibility. It appears to me the Federal Government is responsible for the activities of the District of Columbia and should guarantee them, and then in a sensible way, after determining what the District is entitled to, we should establish a fair and equitable assessment rate for the property that is in the District, raising whatever revenue it is possible to raise, and then the Federal Government assuming the difference.

It is a matter of bookkeeping and some scheme of this sort could be worked out and we would return to the original relationship as intended by the Constitution between the Federal Government and the District of Columbia. The idea prevalent at the present time is untenable and can not be defended on any basis whatever, in the establishment of a lump sum, be it $6,000,000, $8,000,000, $10,000,000, or $12,000,000 for the expenses of the District of Columbia.

Mr. PATTERSON. Will the gentleman yield?

Mr. HALL of Indiana. I yield.

Mr. PATTERSON. If it is true, according to the evidence brought out here, that this $9,000,000 which was put in the 1925 bill was infallible at that time, can it be maintained with just-

ness and fairness that it is infallible to-day in view of the way the appropriations for the District of Columbia have been increased?

Mr. HALL of Indiana. Let me say I do not think it is.

Mr. CRAMTON. Will the gentleman yield?

Mr. HALL of Indiana. I yield.

Mr. CRAMTON. The purpose of resorting to the lump sum was in order to make it possible to increase appropriations locally to take care of needed improvements without having to put a heavier burden on the Federal Treasury. This has been accomplished and they have secured their improvements without unfair taxation, but now, when once again the Federal Treasury is overburdened and facing a possible deficit next year, this does not seem the time to again increase that burden on the Federal Treasury.

Mr. HALL of Indiana. I would say that if the gentleman is correct in his impression, and if the gentleman who is to be chairman of the subcommittee in control of District affairs next year thinks six or seven million dollars is the proper amount, there will be no drain on the Federal Treasury, and then it will be open to debate for this suggestion.

Mr. SIMMONS. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, the unanswerable argument that supports the gentleman from Nebraska [Mr. SIMMONS] and this House in its righteous and just position is that the tax rate now in the District of Columbia is just $1.70 on $100, assessed at half valuation. I guarantee if you will name me any specific piece of private property in the District, and show me the assessment, I will show you that it can be sold for double the assessed valuation. Residents here are paying $1.70 on a hundred at a half valuation, although it is presumed to be assessed at full valuation.

Now, I ask the gentleman from West Virginia to name me one city in West Virginia that has a tax rate as low as $1.70?

Mr. BOWMAN. I am not here to reply to your questions, but the District of Columbia and the city of Washington, as you know, is the Nation's capital.

Mr. BLANTON. Name me one city. He can not name me a city in West Virginia with a tax rate as low as that in Washington; he simply wants to take my time.

I want to say this: The multimillionaire editor of the Washington Post, that has been criticizing us so severely, pays only $1 to have his Rolls-Royce limousine registered here, while over in the State of West Virginia or any other of the 48 States it would cost him $40 to register it. Here in the District of Columbia a family pays $6.60 a year for water, while in all the States they pay several times that sum. The original water conduit in Washington was paid for by this Government—every dollar of it. Down in my State there are some citizens to-day with large lawns and many trees who are paying $25 a month for water during the summer months.

Why, in this District you pay no monthly charge for sewerage service. In the cities of every State of the 48 States you have to pay so much a month for sewerage service. They have more hand-outs here in the District than in any other place on earth, and that is why these multimillionaire editors live here. That is why our friend, Theodore Noyes, lives here. He has been criticizing us daily in his Washington Star. If they do not like the National Capital, if they do not appreciate all the hand-outs we have been giving them by the millions for 50 years, if they do not like such tax rates as $1.70 on a hundred, let them get out of here. [Applause.] Let them get out and stay out, because this Government is going to run the District of Columbia. It is the city of the National Government. We are going to make Washington the most beautiful city in the world, for the people of the United States. We are not making it beautiful simply for the people of Washington. And those who have gotten rich here through the public expenditure of much public money, if they continue to live here, must pay a reasonable tax. [Applause.]

Mr. SIMMONS. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. HOLADAY].

Mr. HOLADAY. Mr. Speaker, replying more specifically to the question put by the gentleman from Indiana [Mr. HALL], we all agree that it is an unfortunate condition that we have here. I think it comes about because both sides, both conference committees, have not gone into the thing in detail.

At our last conference a system was suggested by one of the House conferees by which the correct amount could be determined, and in such a manner that the entire public, including the people of Washington, could understand it. The House and Senate conferees seem to be in accord on that general plan. Therefore, under the proposition that is now being considered, the two committees will meet in November, and it is our hope that before we undertake the consideration of the next appropriation bill that the two Houses may be in substantial accord as to what amount the Federal contribution will be.

Mr. BOWMAN. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, we certainly find ourselves in a very unfortunate and disagreeable position. Whatever may be the merits or the demerits of the $9,000,000 sum or any other sum, there is a condition of uncertainty produced by this deadlock which ought to be cleared up if possible. A couple of weeks ago when this matter was under discussion we had what we always have, a great deal of severe criticism of conditions in the District, a great deal of rather acrimonious discussion, such as we have heard from the gentleman from Texas [Mr. BLANTON] of certain specific situations in the District. But all of that at this juncture counts for nothing. It does not advance us one inch in the direction which we wish to go, and that is to insure appropriations for the next fiscal year, now about to begin, and to relieve the Congress of an eternal controversy.

When the matter was up two weeks ago I thought, and I think now, that it was a great mistake for certain gentlemen to stand here and make remarks which could have no other effect than to antagonize the Senate and defeat the efforts to compromise. [Applause.] One gentleman, who is most influential, rose and smilingly said, in effect, "Don't be concerned, because the bill will pass." Another, a very distinguished gentleman, said that the Senate was merely bluffing. How could you expect the Senate, after observations of that sort, to be in any mood to surrender to the demands of the House? We were forgetting then and we are forgetting now that in politics compromise is called for at every step. It has been so always through the legislative history of England, and through the history of legislation in this country. A great historian, Hallam, expressed the thought when he wrote, "Compromise is the very essence of politics." A while ago one of the employees of the House, referring to the matter we have under consideration, said he recalled very well that Mr. Cannon, of Illinois, the predecessor of the gentleman who has just spoken, Mr. HOLADAY, frequently fought and fought until reluctantly, but sensibly, he was brought to say that there is nothing to do but to compromise, because compromise is imperative in politics.

At the time when my friend from Nebraska [Mr. SIMMONS] and my friend from Texas [Mr. GARNER] were giving a hot challenge to the Senate, I thought that if they had not done so there might have been a compromise along fair lines. There might have been something of this sort, for instance, an adherence to the $9,000,000 for the coming fiscal year, and the creation of an agency to take into account all of the questions that have been raised by the gentleman from Wisconsin [Mr. FREAR], and by the gentleman from Texas [Mr. BLANTON], and by other gentlemen, and, viewing those and other questions, recommend to Congress at the beginning of the next session what, after fair and impartial inquiry and judgment, ought to be the monetary relation between the Government and the District.

Mr. FREAR. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. FREAR. Is not the effect of this continuing resolution practically that?

Mr. MOORE of Virginia. No. There is no agency set up. The House District Committee, which is thrown into the discard continually here, has reported a resolution creating such an agency. The Senate District Committee, which finds itself powerless, is, I understand, in session this morning considering the expediency of reporting such a resolution.

The SPEAKER pro tempore (Mr. BACHARACH). The time of the gentleman from Virginia has expired.

Mr. SIMMONS. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD. Mr. Speaker, ladies and gentlemen of the House, the question before us this morning is not whether we are to continue Washington as a haven for tax dodgers, but we have a vital condition existing in the city government to-day. Judge Hitz called me up just before we came into session, saying that unless some relief is had, he can not have another single jury trial. We all know that the street laborers of this city will be without any recompense for their work if they do work after midnight to-day. We are confronting a condition that no one wants to be responsible for continuing. It is possible to have an agreement on the general bill. If it is not possible, I do not think there is a Member of this House, and I venture to say there is not a Member of the Senate who wishes to go away from here leaving the deplorable condition that will follow if we do not pass this continuing resolution. So that all these questions with reference to whether we are right or they are right, whether we are wrong or they are wrong, is beside the question before this House.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. MOORE of Virginia. I may say to my friend that I for one do not wish any further than is possible to make the public of the District of Columbia the goat, and I agree with him that if we can not do anything better, we ought to pass this resolution.

Mr. WOOD. Beyond all question.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. CHINDBLOM. The gentleman knows that I have supported the Committee on Appropriations, and I am going to vote for this resolution, but, after all, in spite of all that is said about the District of Columbia, the trouble right now is between the two Houses of Congress, is it not?

Mr. WOOD. Absolutely.

Mr. CHINDBLOM. That should be remedied. It ought to be possible for reasonable men to get together and agree on something. [Applause.]

Mr. WOOD. That is the position exactly, that the conferees on this side have taken, and if the conferees on the other side had shown a disposition to produce some evidence showing that they are right, we would not be in the situation we find ourselves to-day. But, as has been stated here, no matter whether we give them $9,000,000 or $12,000,000 or $10,000,000 or $20,000,000, under the Budget they have for the next year they could not spend a cent in addition to what they have already in next year's bill, so why all this howl? The sensible thing to do is for the Congress to pass this bill as it now is. Then I would agree with the gentleman from Virginia that there ought to be some way by which we will not have this interminable wrangle every year, and I do not think as sensible men that we should continue in the manner in which we have continued. There is a way to get at this thing, and the way to get at it is to continue the appropriations and get together, if possible, on the general bill and in the interim between now and the next session of Congress, agree upon some definite plan. I know the gentlemen at the other end of the Capitol want to do this, but as I say the question now before us is vital, whether or not the courts of this city shall be continued, whether the policemen who guard our property shall be paid, whether or not the laboring men on the street shall be paid for their work. That is the question we are to decide by this continuing resolution. I hope that it will be passed.

Mr. BOWMAN. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. COYLE].

The SPEAKER. The gentleman from Pennsylvania is recognized for three minutes.

Mr. COYLE. Mr. Speaker and Members of the House, I shall not oppose this resolution, but I wish to call the attention of the House for a moment to the fact that in the dispute between the conferees on the part of the House and those on the part of the Senate there is no principle involved. The only matter in dispute is a matter of arithmetic, as I take it. It is, perhaps, impossible to compromise where a principle is involved. Where only arithmetic is involved it is a wise politician that lets his pencil do the compromising. [Applause.]

Mr. SIMMONS. Mr. Speaker and Members of the House, I think the House understands the situation that we have to-day. It is not primarily a matter of what the Federal Government ought to contribute, but whether the District government may continue to function.

I want to repeat to the House what I said earlier this morning when there were not so many Members on the floor, and that was that the House conferees have suggested that we come back on November 15 and go into a joint session with the Senate conferees and try to work out this fiscal problem, so that it will not come up hereafter. In the meantime, we propose to ask the Bureau of Efficiency, the District assessors, the Census Bureau, and other officials to give us any available facts that bear upon this problem. We have since further offered that if it were found as the result of such a study that a $9,000,000 contribution from the Federal Government was not enough, we would not only recommend for the fiscal year 1932, but would also recommend an additional sum for the fiscal year 1931 what was found to be the proper contribution, so that no hardship would come upon the District in the meantime.

The gentleman from Pennsylvania [Mr. COYLE] says "it is not a matter of principle." It is a matter of taking $1,000,000 from the people of the United States and giving it to the city of Washington. [Applause.] I am not in favor of taking that money from the Treasury and giving it to anybody without knowing why it is being done. [Applause.]

We have asked for facts to justify that action, and we have not received them from the hour we went into conference down to this minute. My good friend from Alabama [Mr. PATTERSON] is worried about the subject of increased buildings and the fact that the Federal Government has not increased its contribution. I wish to point out the fact that in 1910 the assessed value of real estate in the city of Washington was $326,000,000. In 1930 the assessed value of real estate in the District of Columbia was $1,289,000,000. In 20 years the value of real estate in Washington has increased practically four times over. That is one reason why the Federal contribution should not be increased in proportion to the size of the bill.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. LAGUARDIA. Assuming that all Federal property were assessed on the same basis as private property in the District of Columbia and the same rate of tax paid, what would be the share of the Federal Government?

Mr. SIMMONS. I have figured that on a basis of my own, and the Bureau of Efficiency has figured it, and nobody has been able to get more than $7,500,000 for the Federal Government's share if it were a taxpayer.

Mr. Speaker, I ask for a vote. [Applause.]

The SPEAKER. The question is on the motion to suspend the rules and pass the House joint resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 182, noes 3.

So (two-thirds having voted in favor thereof) the rules were suspended, and the joint resolution was passed.

POLICEMEN AND FIREMEN, DISTRICT OF COLUMBIA

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 384.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the immediate consideration of House Resolution 384. The Clerk will report it.

The Clerk read as follows:

House Joint Resolution 384

Joint resolution making appropriations available to carry into effect the provisions of the act of the Seventy-first Congress entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia

Resolved, etc., That the respective appropriations for the fiscal year 1931 for pay and allowances of officers and members of the Metropolitan police force and for the pay and allowances of officers and members of the fire department of the District of Columbia are hereby made available for the compensation of such personnel at the rates provided in the act of the Seventy-first Congress entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia."

The SPEAKER. Is there objection?

There was no objection.

The House resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the House joint resolution was passed was laid on the table.

UNITED STATES SUPREME COURT BUILDING

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the House Joint Resolution 388.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the immediate consideration of House Joint Resolution 388. The Clerk will report it.

The Clerk read as follows:

House Joint Resolution 388

Joint resolution making provision for continuation of construction of the United States Supreme Court Building

Resolved, etc., That the Architect of the Capitol, with the approval of the United States Supreme Court Building Commission, is authorized to enter into a contract or contracts for carrying out the provisions of the act entitled "An act to provide for the construction of a building for the Supreme Court of the United States," approved December 20, 1929, for a total amount not exceeding $8,240,000 in addition to the appropriations heretofore made for such purposes.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PAGES FOR THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. J. Res. 389) making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read the House joint resolution, as follows:

Resolved, etc., That such sums as may be necessary are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the pay of 21 pages for the Senate Chamber and 41 pages for the House of Representatives at $4 per day each from July 1, 1930, to the end of the second session of the Seventy-first Congress.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

POST-OFFICE BUILDING, WASHINGTON, D. C.

Mr. ELLIOTT, chairman of the Committee on Public Buildings and Public Grounds, filed for printing a conference report on the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building in Washington, D. C., and for other purposes.

CLASSIFICATION OF CIVILIAN POSITIONS

Mr. LEHLBACH. Mr. Speaker, I call up the conference report on the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions, within the District of Columbia and in the field services," as amended by the act of May 28, 1928.

The SPEAKER. The gentleman from New Jersey calls up the conference report, which the Clerk will report.

The Clerk read the title of the bill.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the statement as follows:

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 215 having met, after full and free conference have agreed to recommend and do recommend to their respective houses:

That the Senate recede from its disagreement to the House amendments numbered 1, 2, 3, 4, 5, 6, 7, and agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 8, and agree to the same with an amendment, as follows:

After the figure 4–B, in line 3, on page 2 of the engrossed copy of the amendments, insert a comma and the words, "including drafting groups."

That the Senate recede from its disagreement to the House amendment numbered 9, and agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 10, and agree to the same with the following amendments:

On page 2, line 13 of the engrossed copy of the amendments, in section 4, strike out the words "sole jurisdiction to determine finally the grade or subdivision thereof to which all positions which are subject to the compensation schedules of the classification act of 1923 and amendments thereto shall be allocated, and it shall have."

In line 18 of section 4, on page 2, after the words "review and," insert "subject to the President's approval to."

On page 3, in line 17 of the engrossed copy of the draft, in section 6, after the word "board," insert "which hereafter shall consist only of the Director of the Bureau of the Budget, a member of the Civil Service Commission, and the Chief of the United States Bureau of Efficiency, the Director of the Bureau of the Budget to be the chairman of the board."

FREDERICK R. LEHLBACH,
ADDISON T. SMITH,
LAMAR JEFFERS,
Managers on the part of the House.

PORTER H. DALE,
SMITH W. BROOKHART,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 215 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On amendments Nos. 1, 2, 3, 6, 7, and 9: Insert statute and code references.

On amendments Nos. 4 and 5: Make the salary rates in the bill not retroactive.

On amendment No. 8: Includes in group 4–B under the Naval Establishment the drafting groups in so far as the provisions of this bill affect them.

On amendment No. 10: Eliminates the provision that the Personnel Classification Board shall have sole jurisdiction to determine finally the grade to which all positions in the classification shall be allocated and subjects its authority to change allocations to the approval of the President.

It also eliminates alternates as members of the Personnel Classification Board.

FREDERICK R. LEHLBACH,
ADDISON T. SMITH,
LAMAR JEFFERS,
Managers on the part of the House.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. LAGUARDIA. What change does amendment No. 10 bring about, where it eliminates the provisions of the classification board?

Mr. LEHLBACH. The intention of the classification act was to set up a central agency that could review and finally decide the allocation of all positions in the classification. By reason of a construction of the act by the comptroller doubt was thrown on the authority of the Personnel Classification Board to make such allocations, and this restores the classification act to its original intent.

The conference report was agreed to.

ORDER OF BUSINESS

The SPEAKER. The Chair will state that a number of Members have asked what is to be the program to-day with relation to recognition for suspensions. It is difficult for the Chair to answer categorically. The situation seems to be that the border patrol bill, which was not completed the other day, would receive some consideration. The Chair has in mind a number of suspensions which he does not think will bring about much contest. So the Chair proposes for the present at least to recognize the gentleman from Montana [Mr. LEAVITT] on a bill relating to the naturalization of American women; the gentleman from New Jersey [Mr. BACHARACH] on a matter relating to the compensation of customs officials; two Senate bills relating to the unemployment situation; and a number of the bills from the Committee on Military Affairs relating to housing, construction, and other matters.

For the time being, that is what the Chair expects to consider.

NATURALIZATION AND CITIZENSHIP OF MARRIED WOMEN

Mr. LEAVITT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3691) to amend an act entitled "An act relative to naturalization and citizenship of married women," approved September 22, 1922.

The SPEAKER. The gentleman from Montana moves to suspend the rules and pass the bill S. 3691, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act relative to the naturalization and citizenship of married women, approved September 22, 1922, is amended by adding the following at the end thereof:

"SEC. 8. That any woman eligible by race to citizenship who has married a citizen of the United States before the passage of this amendment, whose husband shall have been a native-born citizen and a member of the military or naval forces of the United States during the World War, and separated therefrom under honorable conditions; if otherwise admissible, shall not be excluded from admission into the United States under section 3 of the immigration act of 1917, unless she be excluded under the provisions of that section relating to—

"(a) Persons afflicted with a loathsome or dangerous contagious disease, except tuberculosis in any form;

"(b) Polygamy;

"(c) Prostitutes, procurers, or other like immoral persons;

"(d) Persons convicted of crime: *Provided*, That no such wife shall be excluded because of offenses committed during legal infancy, while a minor under the age of 21 years, and for which the sentences imposed were less than 3 months, and which were committed more than five years previous to the date of the passage of this amendment;

"(e) Persons previously deported;

"(f) Contract laborers.

"That after admission to the United States she shall be subject to all other provisions of this act."

Mr. JENKINS. Mr. Speaker, I demand a second.

The SPEAKER. The Chair will preferably recognize a member of the minority of the Committee on Immigration, who is opposed to the bill.

Mr. JENKINS. I am a member of the Committee on Immigration and I am opposed to the bill.

Mr. GREEN. Mr. Speaker, I am a member of the minority, and if the gentleman will yield me five minutes I shall not demand a second.

The SPEAKER. Is there any member of the minority of the Immigration Committee opposed to this bill who desires recognition?

Mr. BOX. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Texas demands a second.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Montana is entitled to 20 minutes and the gentleman from Texas [Mr. Box] 20 minutes.

Mr. LEAVITT. Mr. Speaker, this is a bill introduced in the House by the gentleman from Connecticut [Mr. TILSON], and I yield five minutes to the gentleman from Connecticut.

Mr. TILSON. Mr. Speaker, I trust the membership of the House will give close attention to the consideration of the facts on which this bill is based. During 20 years' service in this House, this is the first time the Chair has recognized to suspend the rules for the passage of a bill in which I had any particular interest, over and above that which every other Member has. In this case I have an interest, and I wish to tell the membership just what it is.

The bill, in its effect, permits a woman to enter this country who, under the immigration laws, is not now permitted to enter. The woman is the wife of one of my constituents. The husband was an American soldier overseas. While serving his country in Europe he met this girl, fell in love with her, and married her. When he attempted to return to his own country, bringing his wife, he came to the proper officer for a visa. When asked if the wife had ever been convicted of a crime she told the truth and admitted that she had been convicted. The conviction was for certain juvenile delinquencies which occurred when the girl was in school. On account of this technicality the consular officer refused her a visa, and the soldier was not allowed to bring his wife into this country.

This bill amends the general law, but it amends it in such a restricted sense that it practically allows only this one person to come in.

I need say nothing further in regard to the girl, except that she grew up to be a woman of character and standing in the community where she lived. She took her part as was her duty during the war, and, in fact, when she developed into womanhood, became in every respect an upright and outstanding woman.

Mr. MOORE of Virginia. Will the gentleman state exactly how generally the law is amended? I did not hear the reading of the bill.

Mr. TILSON. It simply permits anyone with this kind of a record; that is, a conviction of a minor offense in legal infancy and who has married an American war veteran to have such conviction overlooked.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. SCHAFER of Wisconsin. The gentleman does not believe that convictions in three separate instances for larceny and abetting forgery are minor offenses? It is not in our State at least.

Mr. TILSON. For a juvenile offender, as in this case, I claim it should be overlooked. The fact is that the girl grew up to be a reputable, respectible, upright woman, and then she married this soldier. He had fallen in love with her and she with him. She is now his lawful wife and he wishes to bring her home to his own country. Remember that this young man was and is an American citizen and a soldier, a man with an untarnished name. He married this woman. He loves her and he wishes to bring her here. No one denies that she is now a woman of upright character and of good reputation. The German Government, more forgiving than we, pardoned the offense, but, that did not remove it from the records.

Mr. GREEN. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. GREEN. As the gentleman is aware, this case has been all through the courts and denied?

Mr. TILSON. Yes.

Mr. GREEN. But here is my question: Does the gentleman believe that as a matter of emergency we should set aside all rules and recognize this case as a special exception, at the same time throttling and holding down the Box bill and the Harris bill?

Mr. TILSON. The matters to which the gentleman refers have no connection at all with this measure. This is a special case.

Mr. GREEN. We can not get consideration of them.

Mr. TILSON. If the gentleman has fault to find with anybody else he should not take it out on this soldier. [Applause.]

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. LEAVITT. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. TILSON. Mr. Speaker, I wish to read a letter which Judge KERR, of North Carolina, wrote before he had to leave for his home. He states the matter, I think, more clearly than I have been able to state it.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON IMMIGRATION AND NATURALIZATION,
Washington, D. C., June 27, 1930.

To the Members of the House of Representatives:

I regret my inability to be present when your body takes up to-morrow "the Tilson bill." The Committee on Immigration and Naturalization carefully looked into the merits of this bill and reported it favorably. It meets a situation which involves the right of citizenship of Mrs. John Ulrich. Mrs. Ulrich is a young German woman who several years ago married a fine citizen of the United States, a man whose paternal and maternal ancestors in the North and in the South have contributed to its glorious history and to its unparalleled achievement. Mrs. Ulrich when a child and of tender years committed some derelictions which were in violation of the German laws. These derelictions were trivial, and had they been committed by a child of her age in any State in the Union she would have been corrected at home or in a juvenile court and no record ever been made of them; that she is a superior outstanding woman now no one will dare gainsay. This country owes John Ulrich, the devoted husband of the German girl, a great deal. His own fidelity has been tested and his family has honored this Nation. This is his wife and he loves her as every true man should love his wife, and, in my opinion—it is not within the spirit of the law of this land that this man should be deprived of the right to bring his wife to his own United States of America.

It sets no bad precedent to pass this bill. It simply meets the highest sense of justice, and I do not believe that three cases just like this one would arise in a hundred years.

With highest respect, I remain, sincerely,

JOHN H. KERR, *Member of Congress.*

The letter of the gentleman from North Carolina [Mr. KERR] is quite a sufficient answer, so far as the question of being a precedent is concerned. [Applause.]

The SPEAKER. The time of the gentleman from Connecticut has again expired.

Mr. BOX. Mr. Speaker and gentlemen, the bill is not properly named. It is a bill to admit a single immigrant. The title is a misnomer. Presumably because its correct name would expose the wrong it seeks to do, it has been given a misleading name. It is for the purpose of admitting one immigrant who is plainly inadmissible. The immigrant had committed three larcenies and participated in a forgery. The State Department, because of the prominence of the parties, I presume, granted a special investigation in advance. That department advised the parties that under the law she could not be admitted. An effort was made to bring her in despite the law as the State Department construed it. An appeal was made to the courts. That began in the court of first instance. The case went all the way to the Supreme Court of the United States in an undertaking by the powerful, social, financial, and political influences marshaled in the effort to override the immigration law and let this woman in presumably on the theory that her powerful connections placed her above the law.

Mr. Speaker, I ask leave to extend my remarks by inserting the statement made by the State Department to the committee with reference to the facts in this case.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The statement referred to follows:

JANUARY 20, 1930.

Replying to your letter of January 11, 1930, I may give the following information concerning the case of Anna Minna Venzke Ulrich:

From the records of the department it appears that John Munsill Ulrich prior to his marriage to Anna Venzke endeavored to ascertain whether she would be able to obtain a visa after the marriage had taken place. In view of the unusual circumstances in the case, the consul general at Berlin permitted Miss Venzke to be given an informal advance examination with a view to determining whether it was likely that she would be able to establish her admissibility under the immigration laws.

Following the examination Mr. Ulrich was informed that in all probability Miss Venzke would be unable to obtain an immigration visa in the event that she were later to apply for one.

Although Mr. Ulrich was warned in advance regarding the difficulty to be anticipated in bringing his wife to this country, he apparently did not alter his plans on this account and on December 17, 1927, his marriage to Miss Venzke took place.

After the marriage Mrs. Ulrich applied for a nonquota immigration visa, which was refused upon the ground that the record in her case showed that she had been convicted in four instances of offenses involving moral turpitude, to wit, larceny in three cases and abetting a forgery in another case, and was accordingly inadmissible to the United States under the provisions of section 3 of the act of February 5, 1917, which excludes from the United States "aliens who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude." In this connection it may be stated that section 2 (f) of the immigration act of 1924 requires a consular officer to refuse an immigration visa to an alien who he knows or has reason to believe is inadmissible to the United States under the immigration laws.

Subsequently Mr. Ulrich brought mandamus proceedings to compel the issuance of a visa to Mrs. Ulrich. The Court of Appeals of the District of Columbia in United States ex rel. Ulrich v. Kellogg et al. (30 F. (2d) 984) determined that Mrs. Ulrich remained an "alien" notwithstanding her marriage to a citizen of the United States and affirmed the decree of the Supreme Court of the District of Columbia overruling the application of Mr. Ulrich for a writ of mandamus. Chief Justice Martin, in rendering the opinion of the court, cited the case of Bartos v. United States District Court for District of Nebraska et al. (F. (2d) 722), in which it was held that "* * * Theft, whether it be grand or petit larceny, involves moral turpitude * * *." It may be of interest to note that the Supreme Court of the United States in United States ex rel. Ulrich v. Stimson (279 U. S. 868) denied the petition of Mr. Ulrich for a writ of certiorari to the Court of Appeals of the District of Columbia.

If the information given above does not serve the purposes which you have in mind, the department will be glad to furnish any further particulars you may desire regarding the case.

Sincerely yours,

J. P. COTTON, *Acting Secretary.*

Mr. BOX. This bill ought not to pass for two good reasons. Every suggestion of personal sympathy would be toward making an exception in this case, but, under just government, law not favoritism, is supposed to rule. The thing proposed in this bill is wrong for two reasons: In the first place, this immigrant is not admissible. If you should pass this bill, it would mean that you would override the State Department in its correct action and override the courts from the court of first instance to the Supreme Court of the United States in upholding the law as correctly administered by the State Department. But because these people and the group they reach here are politically powerful the law is to be set at naught. That is not right. People who are politically, socially, or financially powerful ought to be controlled by the same rules which apply to the humblest and most lowly. [Applause.] So long as I am a Member of this House I shall not join in any such action as this, it matters not if be for the weak or strong, political friend or foe.

I do not take much stock in these gushy statements about how much we love each other, but I feel personally kindly toward the gentleman from Connecticut [Mr. TILSON] to whom I am indebted for many courtesies. No personal element—certainly no hostility to him—enters into this particular case; such elements should not control government. The fact is, it is wrong for the majority leader [Mr. TILSON] to demand, or for the House to grant this special privilege. There are more than 1,000,000 aliens over there who are delayed indefinitely, or barred forever from admission to relatives here. Those aliens have not committed any offenses. They chanced to be late in applying for visas to, or happened to be in excess of the quota, or to be inadmissible for one or more of many reasons, involving no fault, great or small, on their parts. They are parents of soldiers just as worthy as these people. They are the relatives of people who live here and who love them as dearly as this husband loves his wife. But they are without powerful friends in the leadership of Congress, but here we are asked to establish a precedent, and make one law for the powerful and have another for the weak. [Applause.] That is not right. It is not sound policy. You may set this precedent, but if you do you will probably have at each session from 100 to 1,000 aliens just as worthy as this one before the committee with special bills to let them come in. If you do this what will you say to them? I say this to you: So long as I have the honor to be your servant on that committee, and so long as I have the privilege of being your associate in this House, I am not going to recognize this precedent if you do set it. I am not going to follow such a precedent if you make it. But a few of us can not stand against a majority led by the ruling powers. I am seriously apprehensive of the bad results of the wrong you are asked to do here, and which many of you seem disposed to do. However, I shall continue to protest against such action and to resist it with all of my very limited strength. If you start you will have a great number of bills on the Private Calendar in which Congress will be asked to ignore the law, ignore the courts, and let in aliens whom you have said should be excluded. Most of you have told the people you were for restriction, but the law seems to be in the hands of its opponents to-day. The people want the law to rule, and so do I, and you should vote that way.

Mr. CULKIN. Will the gentleman yield for a question?

Mr. BOX. I believe my time has about expired.

Mr. CULKIN. The gentleman stated that the person who desires admission was guilty of three larcenies and one forgery.

Mr. BOX. Participating in a forgery. It is described in the State Department letter.

Mr. CULKIN. At what age was that?

Mr. BOX. It was in youth.

Mr. CULKIN. Can the gentleman tell me the separation between the offenses?

Mr. BOX. I can not. Unfortunately, our prisons are full of people who committed offenses when they were in youth. The law draws the line against immigrants with criminal records. We are dealing with masses of people and must follow the law. If we are strong enough we will adhere to the law and not be swayed by sob stories coming here asking us to set aside the law. I fear this is the beginning of a system of breaking down the law by special bills, of which there may be no end.

Mr. CULKIN. What I am asking, if the gentleman please, is some specific information on the early conduct of this particular applicant or beneficiary under this proposed law. From the facts available, I am inclined to agree with the position of the gentleman from Texas.

Mr. BOX. I can not go into the full history of these four crimes. The facts are briefly stated in the paper which I have asked permission to insert in the RECORD, and I will have to ask the gentleman to excuse me, with that statement, because I have some associates to whom I must yield the remainder of my time.

I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker and gentlemen of the House, as the preceding speaker has correctly stated, this is not a naturalization matter, although the title and the contents of the bill would indicate it is to be enacted for naturalization purposes. It is clearly for immigration purposes.

The gentleman from Connecticut [Mr. TILSON] talked about the brave soldier and why this bill should be passed. Why, gentlemen of the House, there are fathers and mothers and brothers and sisters of thousands of American soldiers who fought on the battle lines in the World War who can not reunite with their folks in America due to the strict provisions of the immigration laws.

If larceny on three occasions and abetting in a forgery is only a petty crime and should not be a barring crime to emigrate to this great country of ours, then in the name of decency those who are advocating this special legislation should have brought before the House for its consideration a general law ruling out those crimes.

The committee report states that this bill will only admit a few, and the marriage must have taken place prior to the passage of the act. If, as a matter of principle, this act should be passed, why should we limit it to the cases where the date of marriage was prior to the act.

This bill is special legislation in the interest of John Munsill Ulrich an American millionaire who married his wife when he well knew she was inadmissible. He is a rich, powerful citizen of a great Eastern State. He employed counsel at large attorney's fees. He took his case to the highest court in the land, which properly held his wife inadmissible under the immigration laws. He had thousands and hundreds of thousands of dollars to circulate propaganda throughout the Nation and to create and mold public opinion through the newspapers. If you pass this bill, my friends, you are making a special law for one rich individual as against the poor.

I agree with everything that my colleague, the gentleman from Texas [Mr. BOX] has stated. I have so much faith in the honesty and the ability of the great President of our Republic that I can not but reach the conclusion that should we, in the closing days of the session pass this monstrosity in the interest of one single person who happens to be rich, as against the many thousands of just as worthy cases who happen to be poor, that the President will not hesitate to disapprove the vicious enactment.

Gentlemen, let us not be swayed by personal views. I have the highest respect for our Republican floor leader. I know this bill affects one of his constituents, but I sincerely hope we are not swayed in our duty, in the closing days of the session, in casting our votes for this special privilege, legislation for the benefit of a single millionaire, whose high-priced attorney has sat in the gallery up by the clock day after day, when he was not busy disseminating propaganda through newspapers and through the mails, at a cost of hundreds of thousands of dollars.

Mr. Speaker, we should defeat this bill and send word out to the other veterans of this Nation that we are not going to discriminate in favor of this one man because he happens to have so much of the world's goods. [Applause.]

Mr. LEAVITT. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. Cox].

Mr. COX. Mr. Speaker and my colleagues, I listened to the remarks of my friend, the gentleman from Texas, with a great deal of interest, because I knew if there was a man in the House who could give a single valid reason why this just and fair proposal, as presented by this resolution, should not be adopted, it was the gentleman himself.

The nearest approach he made to this accomplishment was his observation with reference to this being special legislation to take care of a special case, and if indulged to any extent would undermine the general law.

I do not accept that view and will tell you the reason why. So far as I am concerned, I am never afraid of any exception to a general rule because it is the exception that usually saves the rule itself. If this bill directs attention to a hardship in the law, then the law itself is best served when the House, taking recognition of that fact, passes the bill.

I can not understand what the wealth or social prominence of Mr. Ulrich has to do with making a right decision in this case. I can not understand the relevancy of the fact that the majority leader is sponsoring the measure. But if the social position and wealth of this man and the fact that the bill comes here because of the activity of the majority leader—if these things are responsible for the consideration of this measure at this time, then the cause of right and justice has been well served by these circumstances.

The argument is made that this is an effort on the part of the legislative branch of the Government to override and overturn the Department of Justice and the courts in their interpretation of the law.

That is not accurate; the Congress accepts the interpretation that has been put upon the law, and the fact that the bill is here is a recognition of that fact.

Now, gentlemen, I take it that every Member of this body has at some time at least during the past two years made some commitment with respect to what should be done by legislation in taking care of a condition of this kind.

Excerpts from the platforms of the two major parties adopted in 1928 are set forth in the report of the committee on this bill. Both of the parties solemnly pledged themselves to the correction of the existing law. The candidates for the Presidency of both parties pledged themselves to a fulfillment of these platform pledges. If this does not present a hardship in the operation of the law, the reuniting of families, then I would like that some one point out what was referred to. [Applause.]

Mr. BOX. Mr. Speaker, I yield four minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I have a short editorial clipped from the publication Labor, last week's edition, I believe, that I would like to put in the RECORD, as it is on the subject of immigration.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

TIME FOR HOOVER TO SPEAK—OLD GUARD SAYS PRESIDENT IS BLOCKING IMMIGRATION LEGISLATION WHILE AMERICAN WORKERS WALK THE STREETS

President Hoover is being charged by his alleged friends with responsibility for the continued influx of foreign and particularly of Mexican laborers at a time when millions of American citizens can not find work.

Labor is far from certain that this charge is just, but it will become just if the President permits his name to be used much longer by those who want free trade in labor while they insist on the heaviest duties on imported products of labor.

The facts are simple. The Harris bill has passed the Senate. It would cut Mexican immigration to 1,200 to 1,500 per year, whereas at present the best estimates are that not less than 100,000 peon workers cross the border annually. Mexico is the biggest source of supply of cheap labor, and the closing of that gap in the dike would be of very marked help.

The House committee has reported the Harris bill favorably, with a few slight amendments, which the Senate probably would accept without argument. At least 75 per cent of the House Members are anxious to pass this bill and would vote for it if they could get the chance. But the Old Guard will not allow it to come to a vote.

Their excuse is that President Hoover has said he will not sign this measure. Mr. Hoover has made no such statement publicly. But if he allows this claim to go unchallenged, he might as well make it.

These reactionary leaders are blocking relief legislation and claiming to speak for the President. The President should speak for himself.

One word from the White House would give the House a chance to vote on the Harris bill, and a chance to vote is all that is needed.

The State Department has made a muddle-headed protest against the Harris bill as likely to "offend Mexico." Other countries save jobs for their own citizens without caring if they "offend" us. Americans can not go to Canada or to England and displace Canadians or Englishmen without being called to instant account. We need not be more particular than the rest of the world.

Mr. GREEN. Mr. Speaker, on the call of the roll on this bill, if we can obtain a roll call, Members will be able to either vote for restriction or for waiving the law to admit a person who is politically strong and wealthy. The case has been carried through the courts and been denied. Coming from the East, as it does, where the three wise men of the Republican Party reside, it may pass.

I would like for my colleagues to know that it took months to get this immigration bill out of the committee, and then with only one majority. In the minority views, written by the gentleman from Texas [Mr. Box], many of us agree.

Mr. JOHNSON of Washington. Mr. Speaker, I object to the gentleman's statement, and I make the point of order that he is stating what occurred in the committee.

Mr. GREEN. How did the gentleman from Washington vote in committee?

Mr. JOHNSON of Washington. I make the point of order, Mr. Speaker.

Mr. GREEN. It is in order to state how the committee stood in voting on the bill; that is, the number favoring and the number opposing. But, anyway, I can not vote to break down the restrictions on immigration simply because it will accommodate one family who happens to be rich and residents of the Republican leader's district.

I believe a Confederate veteran's name has been linked up with this bill. I have great love for the Confederate veterans. They fought for the cause that was noble and right; but, gentlemen, the Confederate veterans, I know, are for law and equity to all alike. I think that some of these Confederates would roll over in their graves if they knew that this particular kind of legislation was linked with their names.

Why is it that the Republican leader, Mr. TILSON; the Republican chairman of the Rules Committee, Mr. SNELL; and other majority leaders of this House refuse to grant a rule for the Box bill or the Harris bill or any other worth-while restriction legislation? This legislation has passed the Senate and has been reported by the House Committee on Immigration, but the Republican leaders apparently are determined not to permit passage; but they are favoring this special bill of Mr. TILSON's wealthy and favored constituent. I stand for restriction of immigration and not for the destruction of our laws under the guise of sentiment and political preference. [Applause.]

Mr. ABERNETHY. Mr. Speaker, this is a very important matter, and I think we should have a quorum present when we are considering it. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from North Carolina makes the point of order that there is no quorum present. Evidently there is not.

Mr. LEAVITT. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 80]

Aldrich	Burtness	Crisp	Foss
Andrew	Byrns	Curry	Free
Arentz	Cable	Dempsey	Fuller
Auf der Heide	Carley	Denison	Gifford
Bankhead	Chase	De Priest	Golder
Beck	Clark, N. C.	DeRouen	Goldsborough
Bloom	Clarke, N. Y.	Dickstein	Graham
Bohn	Cochran, Pa.	Douglas, Ariz.	Griffin
Brand, Ga.	Cole	Doutrich	Hammer
Britten	Connolly	Doyle	Hoffman
Brumm	Cooke	Drewry	Hudson
Brunner	Cooper, Tenn.	Edwards	Hudspeth
Buchanan	Cooper, Wis.	Estep	Hull, Tenn.
Buckbee	Corning	Finley	Igoe
Burdick	Crail	Fish	James

Johnson, Ill.	Moore, Ky.	Selvig	Underhill
Johnson, Okla.	Murphy	Simms	Vinson, Ga.
Johnston, Mo.	Nelson, Wis.	Sinclair	Wainwright
Jonas, N. C.	Norton	Sirovich	Warren
Kading	O'Connell	Smith, W. Va.	Watson
Kelly	Oliver, N. Y.	Snell	Welsh, Pa.
Kemp	Owen	Somers, N. Y.	Whitehead
Kendall, Pa.	Parks	Spearing	Whitley
Kennedy	Peavey	Sproul, Ill.	Williams, Tex.
Kerr	Perkins	Sproul, Kans.	Williamson
Kiefner	Pou	Steagall	Wingo
Kiess	Pratt, Harcourt J.	Stedman	Wolfenden
Kunz	Pratt, Ruth	Stevenson	Woodrum
Lampert	Pritchard	Stobbs	Wright
Leech	Quayle	Sullivan, N. Y.	Wurzbach
Linthicum	Reece	Sullivan, Pa.	Wyant
McReynolds	Romjue	Swick	Zihlman
Magrady	Sabath	Taylor, Colo.	
Mansfield	Schneider	Temple	
Michaelson	Seger	Treadway	

The SPEAKER. Two hundred and ninety Members have answered to their names, a quorum.

Mr. LEAVITT. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. LEAVITT. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker and ladies and gentlemen of the House, I hope I may have the attention of those who are interested in this bill. When I become older and find myself "in the sere and yellow leaf" sitting on the porch of my home so far from here, I sincerely hope that in spite of all the harsh and hard things I have had to do in the course of an active and a strenuous life, I shall find comfort in some things done for youth—for the impetuous, thoughtless, heedless young. For many years I was the managing editor of various influential newspapers. During all those years I always made it the policy of whatever paper I managed to see that so far as possible the name of any boy or girl under age who was arrested for a minor offense should never appear in print. [Applause.] When I became active in public life in the then new State of Washington, I made it the part of duty to work to the end that the names of the penal institutions for youths in that State were not so designated. If I could have had my way I would have had the record completely stricken out regarding boys and girls when they were released from those institutions, for juvenile delinquents. [Applause.]

But, unfortunately, when confined for minor offenses the stigma once placed on them almost always remains, and those who rise above the mark, whether it be the "scarlet letter" or something else, have done so through strenuous effort, I assure you.

This bill was given great consideration by the committee. It is not vicious, in my opinion. It is properly titled a naturalization act, because this young woman who committed these minor offenses when a school girl was enmeshed partly by the 1917 immigration act, and partly by the 1922 Cable Act, which act is a naturalization law.

Mr. CLARK of Maryland. And it should appear that she was only 13 or 14 years of age. That does not appear in the record, but the House should know it.

Mr. JOHNSON of Washington. The offenses were minor offenses and were committed by a minor. As appears in the letter of Judge KERR, of North Carolina, a member of the Committee on Immigration, this girl after trial here would probably have been pardoned, but more likely never would have been tried in any court. Not only the State Department but the Labor Department has tried to find a way to relieve this situation. My own opinion in regard to this is that it lies within the power of Congress itself to grant a pardon on occasion. Such a power lies with every court, and necessarily so, because the law can not be made to exactly fit every possible case.

Further, I do not think that this will be a precedent. There will not be many cases of minors caught doubly by the 1917 immigration act and the Cable Act—probably not another one. I have given this matter considerable thought, because I have no desire to see the Committee on Immigration loaded with personal bills. The bill was properly reported by the committee by a majority, with a quorum present.

Do not confuse the fact now that we have many bills for actual personal naturalization by Congress of individuals who can not meet the circumstances. That is one thing. This is an admission bill with an opportunity for legal naturalization, which is quite another. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BOX. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, ladies and gentleman of the House, I find myself somewhat embarrassed to be in opposition to the chairman of the committee, Mr. JOHNSON, but his support of the measure is, I think, more from his friendship to our floor leader than from any merit that the bill has. I also feel embarrassed because I am in opposition to the floor leader. But when one feels that right is on his side it helps him to oppose even his best friends. There are four people involved in this legislation—Mr. TILSON, Mr. Ulrich, the woman, and Koletsky, the lawyer. If we were to remove our floor leader from it, the proposed legislation would fall into the abyss of disgrace, where it belongs. This legislation can not be justified from the standpoint of clemency to a child, for she was not a child when these numerous offenses were committed, and, besides, all through the record runs the denial on her part. Confession is a necessary condition precedent to sympathy and pardon, just as it is to forgiveness of sin.

Mr. COX. Oh, the gentleman does not mean that?

Mr. JENKINS. I mean exactly what I said. This woman and her husband are not entitled to sympathy. It is not a case for that. That should have been given in the court of the first instance and would have been given if deserved. Justice is her portion and no more. Let us have a little history of this case. This is an important case. It deals with the basic principles of immigration. It is hollow mockery for a Member of Congress to assert his championship of restriction of immigration and then vote to permit this one woman to come in when there are thousands of high-class women refused admission who were never convicted of one offense, much less convicted of four offenses. The law now specifically says that no persons afflicted with contagious diseases, immoral persons, or persons convicted of crime can enter. This bill seeks to make an exception in the case of this woman, with a long record. If an exception is made, why not make it general, so that the poor might avail themselves of it as well as the rich?

What are the facts? Not what Mr. Koletsky and his high-powered propagandists have showered you with for the past three years. This girl—not a child—was in some sort of school and was arrested and convicted for stealing the personal property of her roommate. An investigation disclosed the fact that she had been convicted three times before. The German Government did not pardon the offense. She was sentenced to 61 days. She stands before you as criminal. What are you going to do with thousands of other people who have been turned back with records not anything like this?

Here is the proposition involved: This was not one of the usual romantic love affairs. It was cruelly practical. This boy, before he would marry this woman, made inquiry as to whether she could enter the United States. He was influential enough to get the United States officials over there in Germany to make a special study of the case. No doubt his great wealth enabled him to employ the best legal talent in the country. They laid their plans well. They would brook no opposition, and they were advised after this hearing that the law was against them. This would have satisfied any reasonable person, but evidently the Bordens had been having their own way so long that they would not accept defeat, even if from the law, and in spite of all this he married the woman and immediately his people commenced the battle to thwart the law, which no doubt they will accomplish here to-day.

Who has said that he was a valiant soldier on the field of battle? The record does not so show. When did he serve in that war? The record does not show. He may have done so, but I have seen no positive statement to that effect. He married this girl in defiance of the laws of the United States, and he started right then to beat down the law of the United States of America.

After his failure in Germany he begins his course in the United States. The first thing he does is to attempt the doors of legislation, but he found them too strong. He then seeks a remedy through the courts. He files a suit in mandamus against the Secretary of State in the courts of the District of Columbia. The court was one of competent jurisdiction, and after due and proper trial the court found against these people and sustained the State Department and the Labor Department in their courses. He then took an appeal to the Supreme Court of the United States, and the Supreme Court decided against him. He has availed himself of every legal right and legal technicality.

Who is the lawyer? No doubt he had several, but the man that has been so active as to be pernicious is Koletsky. That man has been here for the past three or four years, and there has not been a week when he has not haunted your office and mine. He sits over in the gallery now. He usually sits out in clear view, but to-day he is hidden behind the clock, which may hide him, but his memory will stay with me forever.

Do not be deceived; this is an important proposition. You ought to have a roll call on this measure. As to Colonel TILSON,

who introduced this measure, nobody has any higher respect for him than I, and I should have preferred to have seen him condemn this bill even if it is for the benefit of influential constituents; for if his condemnation would cause him any political trouble, I for one would have been glad to have gone up to Connecticut and help reelect him. [Applause.] Here is where we need him, and here is where he belongs. No more fair leader could be selected from our group of many fair men.

What is in this case? This man is employed by the Borden milk people. This boy does not live here. He lives in Germany, and is there now. It is no hardship for him to come back to the United States when he wishes. According to a letter I have from Koletsky this boy's relatives pay in excess of $100,000 income tax and contribute hundreds of thousands to charitable institutions. What do they want him and his wife back here for? They do not want to be chagrined by the fact that their son's or grandson's wife is excluded from entry into the United States. It is a serious social embarrassment. It is a sad fact that character, while it is prerequisite for everything important in life, is not a prerequisite for high social position. [Applause.]

If this bill passes, it is another instance of "right forever on the scaffold." If it passes, there are thousands of cases more meritorious, and they should follow this precedent. If it passes, it will be another instance of the power of wealth. In this session of Congress we have passed one little piece of immigration legislation thus far. It is that bill which provides for the entry of Chinese wives of American citizens. If we pass this pending bill, we will have accomplished the prodigious task of letting in one more woman. This is not an accomplishment that we can point to with much pride when the law providing for a quota on Mexico and other countries has been knocking at our door for consideration, but to date has had no consideration. Unemployment in the country called for constructive and determined action. Instead of considering these major questions we must content ourselves with the knowledge that we admitted a few Chinese and passed a special bill for one woman who could not get in without it. I call upon you to defeat this measure, and thereby be able to tell your constituents that you voted against the Koletsky-Ulrich bill, for you may be asked that question. Be a consistent restrictionist. Let people come in under the law and not over it.

Mr. LEAVITT. Mr. Speaker and Members of the House, there have been some of the strangest arguments advanced against this measure that I have ever listened to since my membership in Congress began. You have heard it stated that there is no merit in this bill except the fact that it was introduced by the gentleman from Connecticut [Mr. TILSON]. That argument seems to me to be a very unworthy one in this House. If you think for a moment that it is an improper bill, do you not say that Colonel TILSON has presented to this House a matter that is dishonest and unfair?

Then a charge is made against this girl by the gentleman from Texas [Mr. Box]. He accuses the girl of crimes and misdemeanors without telling you that she was a minor at that time and that there was filed when her case was heard by the German Government in 1927 a certificate of good character, of which I have a photostatic copy here, stating that she is of good character and that there is no record of imprisonment standing against her.

The situation is this, and it ought to be gone into more fully: This is not a private bill. This bill is drawn in general form. The statement that its only purpose is to allow the entry of the wife of one wealthy young man will not accord with the facts. The work done in regard to this matter by the husband of this young woman will result in less hardship being done to others in every similar case. Who will accuse this young husband, who is an ex-service man of this country, or blame him because he is willing to spend his substance to bring to this country the girl whom he loved and married? Who would not go to the whole extent of his resources in order to bring to his country the wife of his bosom, to whom he is married? The situation is strange to hold that against him.

The statement has been made that this young girl was a "forger." What are the facts? When she was taken before the magistrate she was frightened and did not give her right name. She gave a wrong name, the same as people might do here if charged with speeding in an automobile. In Germany they call that offense of giving a fictitious name "mental forgery." This is an effort to so liberalize in that one respect the laws of entry relating to the wives of American citizens, so that the alien wives of ex-service men shall not be excluded because during some time in their legal infancy they may have committed a misdemeanor.

I do not want to take up more time. I wish to yield now to the gentleman from Nebraska [Mr. HOWARD] in order that he may present his views on this subject.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has one minute remaining.

Mr. LEAVITT. I yield to the gentleman from Nebraska [Mr. HOWARD] one minute.

The SPEAKER. The gentleman from Nebraska is recognized.

Mr. HOWARD. In the brief minute yielded me I might best state my reason for speaking in behalf of this bill by telling my colleagues that I served years as a probate judge, and that the proudest page in my own official life record is that one on which it is recorded that during all that service I never sent a boy or a girl to jail. [Applause.] I paroled every offending minor to myself, and now I bear testimony that never did one of them break his or her parole. Here, it seems to me, is an opportunity to plead in behalf of one who committed an unhappy and unfortunate act during the years of tender youth.

I sincerely hope that this bill will pass. It can not become a precedent, because there will be so very, very few minors involved in a like situation. [Applause.]

The SPEAKER. All time has expired. The question is on the motion of the gentleman from Montana [Mr. LEAVITT] to suspend the rules and pass the bill.

The question was taken; and upon a division (demanded by Mr. Box) there were—ayes 167, noes 45.

Mr. GREEN. Mr. Speaker, I demand the yeas and nays. I make the point of order that there is no quorum present.

The SPEAKER. What does the gentleman want?

Mr. PATTERSON. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER. The Chair asked the gentleman from Florida what he wanted.

Mr. GREEN. I ask for the yeas and nays.

Mr. PATTERSON. Mr. Speaker, I object to the vote on the ground that there is no quorum voting.

The SPEAKER. The Chair will count. [After counting.] Two hundred and fifty-seven are present, a quorum.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 26, 1930:

H. R. 524. An act for the relief of the I. B. Krinsky Estate (Inc.) and the Fidelity & Deposit Co. of Maryland;

H. R. 10416. An act to provide better facilities for the enforcement of the customs and immigration laws;

H. R. 11051. An act to amend section 60 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900;

H. R. 11145. An act to increase the authorization for an appropriation for the expenses of the sixth session of the Permanent International Association of Road Congresses to be held in the District of Columbia in October, 1930;

H. R. 11371. An act to provide living quarters, including heat, fuel, and light, for civilian officers and employees of the Government stationed in foreign countries;

H. R. 11978. An act to authorize the appointment of employees in the executive branch of the Government and the District of Columbia; and

H. J. Res. 367. Joint resolution to amend the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930.

On June 27, 1930:

H. J. Res. 14. Joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale;

H. J. Res. 251. Joint resolution to promote peace and to equalize the burdens and to minimize the profits of war;

H. J. Res. 306. Joint resolution establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Massachu-

setts Bay Colony, authorizing an appropriation to be utilized in connection with such observance, and for other purposes;

H. J. Res. 322. Joint resolution authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia;

H. R. 328. An act for the relief of Parke, Davis & Co.;

H. R. 396. An act for the relief of J. H. Muus;

H. R. 414. An act for the relief of Angelo Cerri;

H. R. 478. An act for the relief of Marijune Cron;

H. R. 597. An act for the relief of M. L. Willis;

H. R. 609. An act authorizing the Secretary of the Treasury to pay certain moneys to James McCann;

H. R. 864. An act for the relief of W. P. Thompson;

H. R. 910. An act for the relief of William H. Johns;

H. R. 1092. An act for the relief of C. F. Beach;

H. R. 1174. An act for the relief of A. N. Worstell;

H. R. 1485. An act for the relief of Arthur H. Thiel;

H. R. 1509. An act for the relief of Maude L. Duborg;

H. R. 1510. An act for the relief of Thomas T. Grimsley;

H. R. 1592. An act for the relief of William Meyer;

H. R. 1724. An act for the relief of Margaret Lemley;

H. R. 1739. An act for the relief of J. A. Miller;

H. R. 1964. An act for the relief of S. A. Jones;

H. R. 2166. An act for the relief of Mrs. W. M. Kittle;

H. R. 2167. An act for the relief of Sarah E. Edge;

H. R. 2465. An act for the relief of Earl D. Barkly;

H. R. 2810. An act for the relief of Katherine Anderson;

H. R. 2849. An act for the relief of the Lowell Oakland Co.;

H. R. 2983. An act for the relief of Samuel F. Tait;

H. R. 3422. An act for the relief of Gustav J. Braun;

H. R. 3430. An act for the relief of Anthony Marcum;

H. R. 5459. An act for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koenigstein, and H. Fukasawa;

H. R. 6117. An act for the relief of the Central of Georgia Railway Co.;

H. R. 6210. An act to authorize an appropriation for the relief of Joseph K. Munhall;

H. R. 6264. An act to authorize the Secretary of War to donate a bronze cannon to the town of Avon, Mass.;

H. R. 6663. An act for the relief of J. N. Lewis;

H. R. 6718. An act for the relief of Michael J. Bauman;

H. R. 6825. An act to extend the measure of relief provided in the employees' compensation act of September 7, 1916, to Robert W. Vail;

H. R. 7926. An act to provide for terms of the United States District Court for the eastern district of Pennsylvania to be held at Easton, Pa.;

H. R. 7661. An act for the relief of Margaret Stepp Bown;

H. R. 8347. An act for the relief of the Palmer Fish Co.;

H. R. 8491. An act for the relief of Bryan Sparks and L. V. Hahn;

H. R. 9227. An act to establish additional salary grades for mechanics' helpers in the motor-vehicle service;

H. R. 9280. An act to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation, in the State of Maryland;

H. R. 9989. An act granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.;

H. R. 10657. An act to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended;

H. R. 10919. An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat, at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes;

H. R. 11477. An act for the relief of Clifford J. Turner;

H. R. 11515. An act to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., and for the acquisition of new sites and construction of Government buildings thereon in such cities;

H. R. 12343. An act to authorize the Secretary of the Treasury to accept donations of sites for public buildings; and

H. R. 12842. An act to create an additional judge for the southern district of Florida.

On June 28, 1930:

H. R. 320. An act for the relief of Haskins & Sells;

H. R. 329. An act for the relief of Joseph A. McEvoy;

H. R. 471. An act for the relief of Luther W. Guerin;

H. R. 655. An act for the relief of Guy E. Tuttle;

H. R. 704. An act to grant relief to those States which brought State-owned property into the Federal service in 1917;

H. R. 1058. An act for the relief of Jesse A. Frost;

H. R. 1076. An act for the relief of Jacob S. Steloff;

H. R. 1546. An act for the relief of Thomas Seltzer;

H. R. 1696. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 1712. An act for the relief of the heirs of Jacob Gussin;

H. R. 1717. An act for the relief of F. G. Baum;

H. R. 1888. An act for the relief of Rose Lea Comstock;

H. R. 2075. An act for the relief of Addie Belle Smith;

H. R. 2464. An act for the relief of Paul A. Hodapp;

H. R. 2645. An act for the relief of Homer Elmer Cox;

H. R. 2755. An act to increase the efficiency of the Veterinary Corps of the Regular Army;

H. R. 2776. An act for the relief of Dr. Charles F. Dewitz;

H. R. 3072. An act for the relief of Peterson-Colwell (Inc.);

H. R. 3222. An act for the relief of the State of Vermont;

H. R. 3732. An act for the relief of Fernando Montilla;

H. R. 5113. An act for the relief of Sylvester J. Easlick;

H. R. 5526. An act for the relief of Fred S. Thompson;

H. R. 5872. An act for the relief of Ray Wilson;

H. R. 5962. An act for the relief of R. E. Marshall;

H. R. 6209. An act for the relief of Dalton G. Miller.

H. R. 6243. An act for the relief of A. E. Bickley;

H. R. 6268. An act for the relief of Thomas J. Parker;

H. R. 6347. An act to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182);

H. R. 6416. An act for the relief of Myrtle M. Hitzing;

H. R. 6537. An act for the relief of Prentice O'Rear;

H. R. 6627. An act for the relief of A. C. Elmore;

H. R. 6665. An act for the relief of B. C. Glover;

H. R. 6871. An act to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes;

H. R. 7013. An act for the relief of Howard Perry;

H. R. 7026. An act for the relief of Mrs. Fanor Flores and Pedro Flores;

H. R. 7027. An act for the relief of Paul Franz, torpedoman, third class, United States Navy;

H. R. 7068. An act for the relief of Fred Schwarz, jr.;

H. R. 7664. An act to authorize payment of fees to M. L. Flow, United States commissioner, of Monroe, N. C., for services rendered after his commission expired and before a new commission was issued for reappointment;

H. R. 8393. An act to authorize the Court of Claims to correct an error in claim of Charles G. Mettler;

H. R. 9246. An act to reimburse Lieut. Col. Frank J. Killilea;

H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell;

H. R. 11088. An act for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va.; and

H. R. 12263. An act to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims.

On June 30, 1930:

H. R. 2021. An act to authorize the establishment of boundary lines for the March Field Military Reservation, Calif.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to a bill of the following title:

H. R. 11144. An act to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 941) entitled "An act to amend the act entitled 'An act to regulate interstate transportation of black bass, and for other purposes,' approved May 20, 1926."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4663. An act granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough (Washougal Slough) to Lady Island on the Columbia River in the State of Washington.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 12902) entitled "An act making appropriations to supply deficiencies in certain appropriations





for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JONES, Mr. HALE, Mr. PHIPPS, Mr. OVERMAN, and Mr. GLASS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 8242) entitled "An act for the relief of George W. McPherson," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 8159) entitled "An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED, Mr. PATTERSON, and Mr. STECK to be the conferees on the part of the Senate.

COMPENSATION OF CERTAIN EMPLOYEES IN CUSTOMS SERVICE

Mr. BACHARACH. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12742) to amend the act entitled "An act to adjust the compensation of certain employees in the Customs Service," approved May 29, 1928.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to adjust the compensation of certain employees in the Customs Service," approved May 29, 1928, be, and it is hereby, amended to read as follows:

"SECTION 1. The following annual rates of compensation are hereby established for the employees in the Customs Service hereinafter specified:

"(a) Laborers, $1,500.

"(b) Verifiers-openers-packers, $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

"(c) Clerks, entrance salary, $1,700; clerks having one year's satisfactory service, $1,800; clerks having two years' satisfactory service, $1,900; clerks having three years' satisfactory service, $2,000; clerks having four years' satisfactory service, $2,100; thereafter promotion of clerks to higher rates of compensation shall be in accordance with existing law.

"(d) Customs guards, $1,860, $1,920, $1,980, $2,040, $2,100, $2,200, $2,300, and $2,400.

"(e) Inspectors, $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, $3,000 $3,100, $3,200, and $3,300.

"(f) Station inspectors, $3,000, $3,100, $3,200, $3,300, $3,400, $3,500, and $3,600.

"SEC. 2. All new appointments of employees specified in section 1 shall be made at the minimum rate of the appropriate salary range: *Provided, however,* That the Secretary of the Treasury is authorized to waive the foregoing provision of this section in the case of employees who are transferred from a position in any class specified in section 1 or from any position in the Customs Service to a position in any of the classes specified in section 1, including that of clerk, when such transfer is made in the interest of good administration: *Provided further,* That in fixing the entrance salary of clerks, transferred from any position in the Customs Service or the Bureau of Customs, and in giving them increases in pay at any time thereafter, as provided in section 1 (c) of this act, credit may be given for all previous continuous service in the Customs Field Service or in the Bureau of Customs, whether clerical or otherwise, in positions requiring a first-grade clerical, or higher grade, civil-service examination.

"SEC. 3. Nothing in this act shall be construed to prevent the promotion at any time of any employee from a position in any of the grades or classes specified in section 1 of this act to a vacancy in a position administratively allocated to any grade under authority of section 3 of the act approved May 28, 1928, entitled 'An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civil positions within the District of Columbia and in the field services,"' or to a vacant position legally allocated to any grade created by or under authority of Congress after the passage of this act, regardless of the period of time the employee has served and regardless of the designation of the vacant position, and when so promoted such employee shall receive the compensation authorized by law for such positions and thereafter shall cease to be affected by the provisions of section 1 of this act; and nothing contained herein shall be construed to reduce the rate of compensation of any employee in the Customs Service.

"SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to pay the rates of compensation herein established.

"SEC. 5. This act shall be effective as of the date of its enactment: *Provided, however,* That all promotions, transfers, reinstatements, and other changes heretofore made with the approval of the Secretary of the Treasury affecting the pay status of any employee in which credit was given for previous satisfactory noncontinuous service in the Customs Field Service or Bureau of Customs or which conform to the provisions of the act of May 29, 1928, as amended by this act, are hereby ratified and made effective as of their designated effective dates."

Mr. LEHLBACH. Mr. Speaker, I demand a second.

Mr. BACHARACH. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from New Jersey [Mr. BACHARACH] is entitled to 20 minutes, and the gentleman from New Jersey [Mr. LEHLBACH] is entitled to 20 minutes.

Mr. BACHARACH. Mr. Speaker and Members of the House, this is a very simple matter. It is for the purpose of correcting some decisions made by the Comptroller General in interpreting the provisions of the act of May 29, 1928, known as the Bacharach Act, for increasing the salaries of certain groups of employees in the Customs Service. Without any desire to criticize the comptroller's decisions—for no doubt they are legally correct—I am frank to say that they do not represent the intent of Congress in the passage of the act of 1928. It was my pleasure to serve as chairman of the subcommittee of the Ways and Means Committee which made a very thorough investigation of the Customs Service. The bill which we presented, and which was enacted into law, was not all that we thought should be done for the service; but we realized the difficulties confronting us at the time, and therefore decided to limit the bill so as to provide for the lowest-paid workers in the service.

In section 1, paragraph C, of the bill, we provided an automatic increase for clerks, with an entrance salary of $1,700, and ranging up to $2,100, for four years' satisfactory service, and thereafter promotion to the higher rates of compensation to be in accordance with existing law.

From time immemorial it has been the practice of the customs officials to transfer employees from one group to another, where such transfer was for the good of the service. In the higher grades of the clerical group the work is extremely technical and it requires some one with considerable experience in the routine of the Customs Service to be able to perform such work satisfactorily.

It has been the custom, therefore, when the necessities demanded, for the officials to take an inspector, for instance, and assign him to duty in a clerical capacity. Now it may be that the inspector so selected has been in the Customs Service for 15 or 20 years, and by reason of his length of service he is receiving $2,100, $2,200, or $2,300 per year.

With the passage of the Bacharach Act the customs officials continued to follow out this custom of making transfers from one group to another, considering that they had the authority to do so under their own interpretation of the Bacharach Act.

But the comptroller has ruled differently and he has held that an employee in any group covered by the Bacharach Act, if transferred to a position in the clerical group, must start at the minimum salary allowed clerks, or $1,700, irrespective of the salary which he was receiving as an inspector or in whatever capacity he was serving at the time the transfer was made, and irrespective of the length of time he had been in the service. In other words, under the comptroller's decision he must start all over again exactly as if he were a new employee just entering the clerical branch of the service.

Now, the unfortunate part of the situation is this: That before the Comptroller General had rendered his various decisions the customs officials, acting upon their own interpretation of the act and what they believed to be the intent of Congress, made a number of transfers and promotions, practically all of which resulted in an increase in salary to the one promoted or transferred; then come along the decisions of the comptroller holding that the action of the customs officials was not in accordance with the law, and therefore it would be necessary for the employees so promoted to refund to the Government the difference between what they were being paid under the interpretation and action of the customs officials and what they should be made under the interpretation and decisions of the comptroller.

A few actual instances of the effects of the comptroller's decisions will make the situation thoroughly clear to you.

H. T. Sullivan entered the service in 1919 as a deputy collector and inspector. He served until December 1, 1928, when he was transferred from inspector at $2,100 to clerk at the same salary. This action was prohibited under comptroller's decision A-26082, dated February 27, 1929, and his salary was ordered reduced to $1,700 per year, the minimum entrance salary in the clerical group. He has been ordered to refund the sum of $353.95.

John F. Burns, clerk, receiving $1,900 per annum, who had served less than four years in a first-grade clerical position, was promoted March 28, 1929, to a vacancy in a grade 6 ($2,300 to $2,800) position of clerk, and given a salary of $2,300 per annum. This action was prohibited under the Comptroller General's decision A-29202, and his salary was ordered reduced to $1,900. He has been ordered to refund $237.98.

J. M. McCormick was transferred from inspector at $2,100 to examiner's clerk, without loss of pay. This was prohibited under the comptroller's decision A-28672, and his salary was ordered reduced to $1,700, and he was ordered to refund $365.

Irving Klausner was reinstated as clerk at $2,100 per annum. He had previously served in the Customs Service, having resigned on October 26, 1925, from position as liquidator. When he was reinstated he was given credit for four years' former service in first-grade clerical positions in the service. This action was prohibited by the Comptroller General's decision A-28057. His salary was ordered reduced to $1,700, and he was ordered to refund $313.

There are about 35 employees affected by the action of the comptroller who have been ordered to refund amounts ranging from $10 up to $588, a total amount of about $6,000. Of course, the employees involved have long since spent this money and it would work a very grave hardship upon them to be forced to raise the money with which to reimburse the Government. This they must do unless this legislation is adopted by the end of the present fiscal year.

The bill, in addition to taking care of this refund proposition, also amends the Bacharach Act so as to take care of the situation in the future and permit the customs officials to make transfers and promotions in accordance with the intent of Congress in adopting the original act.

The bill has the approval of the Treasury officials, and was unanimously reported by the Ways and Means Committee; it also has the approval of the Budget Bureau, and as it is matter of considerable emergency I ask the approval of the House without delay in order that we may get similar action in the Senate before the end of the fiscal year.

Mr. COLLIER. Will the gentleman yield?

Mr. BACHARACH. I yield.

Mr. COLLIER. I simply wish to take this opportunity to state that this bill was very carefully considered by the Ways and Means Committee, and it has the unanimous approval of that committee.

Mr. STAFFORD. Will the gentleman yield?

Mr. BACHARACH. I will be pleased to yield.

Mr. STAFFORD. When the Consent Calendar was last called, in the unavoidable absence of the gentleman from New Jersey, I sought to gain information from some member of the Committee on Ways and Means, and especially the author of the bill, as to what was really purposed by the bill. I understand it does not seek to increase the grades of salaries as carried in the original bill, but I would like to inquire of the gentleman from New Jersey, Mr. LEHLBACH, when he takes the floor in opposition to the bill why the Customs Service should be singled out for special consideration in the arrangement of salaries of their field force. The gentleman from New Jersey, Mr. LEHLBACH, will remember that I interrogated him a few days ago as to what survey was being made as to the placing of all field forces on the same scale of pay. My thought in that connection was predicated upon a bill reported from the Committee on Immigration and Naturalization which sought to increase salaries of the field force in the Immigration Service.

Mr. BACHARACH. Probably I might answer the gentleman if he cares to have me answer it.

Mr. STAFFORD. That was the purpose of my rising the other day, to try to get information.

Mr. BACHARACH. And I will try to give the gentleman information by presenting the facts as I have them before me now.

As a matter of fact, the Comptroller General has ruled that these men must return the money prior to July 1 of this year. That is the reason for the urgency of this particular bill. Of course, we all know that men earning from $1,700 to $2,100 do not have any considerable amount of money in hand. It would be impossible for most of these men to comply with the ruling of the Comptroller General.

Mr. ACKERMAN. Will the gentleman yield?

Mr. BACHARACH. Yes.

Mr. ACKERMAN. Will the gentleman state what is the total amount of money involved?

Mr. BACHARACH. It is $5,900 for 35 employees located, as I have said, in 12 different ports.

Mr. JENKINS. Is that all of the money involved in this bill?

Mr. BACHARACH. Yes.

Mr. JENKINS. The gentleman will remember that when he put through his bill increasing the salaries of the customs clerks and inspectors the Committee on Immigration put through a corresponding bill with reference to immigration inspectors. As I understand, this bill has nothing to do with the Immigration Service.

Mr. BACHARACH. Nothing at all. I want to say that it is ridiculous to require men who have been in the Customs Service for 10, 15, or 20 years to pay back a part of the salary they have received simply because the Comptroller General holds that these men should have been started at a minimum salary of $1,700 when, as a matter of fact, they may now be receiving $1,800, $1,900, $2,000, or $2,100. This bill is proposed for the purpose of maintaining the efficiency of this service, a service which, as all gentlemen know, handles a tremendous amount of money, the collections being over $600,000,000.

Mr. THATCHER. The gentleman has referred to the sum of $5,900. Is that a single amount or is that annually?

Mr. BACHARACH. It is a refund which these men must, under a ruling of the Comptroller General, make to the Government. As I understand, only three employees have already made a refund of money to the Government. I want to point out that if a man is now serving as inspector and is receiving a salary of $2,000 and he is transferred to the position of clerk, he must, under the ruling of the Comptroller General, be reduced to $1,700, regardless of the length of his service.

Mr. THATCHER. I want to say to the gentleman that I am in sympathy with the purposes of the bill.

Mr. BACHARACH. I thought the gentleman would be.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. BACHARACH. Yes.

Mr. COCHRAN of Missouri. The fact is that if these men do not return this money the Comptroller General will be in a position to withhold the money from their salaries after to-day.

Mr. BACHARACH. That is correct.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BACHARACH. Yes.

Mr. CHINDBLOM. Of course, the real difficulty was that the Treasury Department proceeded to interpret the law as the Committee on Ways and Means intended it should be interpreted, namely, by permitting transfers from the position of inspector to the position of clerks, as well as from the field to work in Washington. The Comptroller General upon a legal theory, which no doubt appealed to him as sound, held that these transfers had not been properly made within the meaning of the law, with the result that to-day there are a number of employees who have been transferred and who, if this remedial legislation is not passed, will, first, have to refund approximately $6,000—or $5,900, to be exact—into the Treasury and will be reduced in the amount of salaries they will draw hereafter. Let me say in this connection that when the present law for the payment of salaries to men in the Customs Service was passed it was recognized and agreed that the Customs Service was entitled to special consideration aside from the provisions of the Welch Act, because the Customs Service, like the Immigration Service, for very many years had received practically no increase in the salaries paid to their employees.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. BACHARACH. Yes.

Mr. O'CONNOR of Louisiana. May I say to the gentleman before he relinquishes the floor that he has the thanks of the customs employees and other Federal employees in New Orleans, who recognize his energetic efforts in behalf of this corrective measure.

Mr. BACHARACH. I thank the gentleman very much.

Mr. LAGUARDIA. That same statement applies to New York.

Mr. BACHARACH. Mr. Speaker, I ask unanimous consent to insert in the RECORD the names of the 35 employees affected and where they are located.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

Changes made under administrative construction of the Bacharach Act and later disallowed by the Comptroller General

Name of employee	Changes made under administrative interpretation of act		Amount of disallowance [1]
	From—	To—	
District of Vermont: Sullivan, Herbert T.	Inspector, $2,100	Clerk, $2,100	$353.95
District of New York:			
Beecher, Lyman C.	Clerk, $2,000	do	100.51
Schwietert, Henry G. W.	Clerk, $1,860 Clerk, $1,900	Clerk, $1,900 Clerk, $2,000	138.34
Klausner, Irving	Reinstated as clerk, $2,100.		313.11
Mayo, Ernest R.	Clerk, $1,700	Clerk, $1,800	38.60
Shanagher, James P.	Clerk, $1,900	Clerk, $2,100	40.20
Hayne, Christie E.	do	Clerk, $2,300	413.26
Krowerath, Louise V. R.	Typist, $1,620	Typist, $2,000	41.80
Markowitz, Max	Clerk, $1,500 Clerk, $2,000	Clerk, $2,000 Clerk, $2,100	380.61
Oberhardt, Morris S.	Clerk, $1,500 Clerk, $2,000	Clerk, $2,000 Clerk, $2,100	279.13
McCarthy, Daniel J.	do	do	10.98
Doyle, Vincent D.	Clerk, $1,800	Clerk, $1,900	17.15
District of Pittsburgh: McCormick, Jesse M.	Inspector, $2,100	Clerk, $2,100	365.67
District of Maryland: Burns, John F.	Clerk, $1,900	Clerk, $2,300	237.98
District of Florida: McKown, John W.	do Clerk, $2,000	Clerk, $2,000 Clerk, $2,100	99.46
District of Mobile: Allen, Edward T.	Clerk, $1,320	do	362.81
District of New Orleans:			
Dixon, William M.	Clerk, $1,700	Clerk, $2,600	588.69
Byrne, Samuel A.	Clerk, $1,900	Clerk, $2,300	222.97
Troxler, Lucien J.	Clerk, $1,680	Clerk, $2,100	88.44
District of Galveston: Peake, Julia G.	Clerk, $1,800	do	241.20
District of San Francisco:			
Ruthrauff, Henry F.	Clerk, $1,680	do	241.24
Masters, William H.	Storekeeper, $1,920	do	158.70
Power, Lester C.	Clerk, $1,800	Clerk, $1,900	70.22
Connell, John E.	Clerk, $1,700	Clerk, $2,000	110.20
Morgan, Charles D.	Verifier opener-packer, $1,680.	do	193.04
District of Washington: Stiles, Irwin A.	Clerk, $1,620	Clerk, $2,100	72.36
District of Michigan:			
Nash, Frederick P.	Clerk, $2,300	Clerk, $2,600	147.99
Day, William P.	Entry clerk, $2,300	Entry clerk, $2,400	35.27
Latourelle, Joseph F.	do	do	49.37
Holtz, Harvey W.	do	do	49.37
District of Chicago: Toren, F. Gerhard.	Clerk, $1,860	Clerk, $2,100	73.44
District of Porto Rico:			
Martinez, Jose A.	do Clerk, $1,900	Clerk, $1,900 Clerk, $2,000	94.61
Enriquez, Enrique	Clerk, $1,500	Clerk, $1,900	164.87
Nazario, Lorenzo	Inspector, $2,100	do	181.73
			6,220.93
			243.66
Total			5,977.27

[1] Accrued to date Comptroller General's ruling were made effective.

The SPEAKER. The question is on the motion of the gentleman from New Jersey to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONSTRUCTION AT MILITARY POSTS

Mr. RANSLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12996) to authorize the appropriations for construction at military posts, and for other purposes.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $10,410,320, to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows:

Allbrook Field, Canal Zone: Noncommissioned officers' quarters, $75,000; quartermaster warehouse, $10,000; fire station, $10,000; magazine, $15,000.

Corozal, Corundu Area, Canal Zone: Noncommissioned officers' quarters, $80,000; officers' quarters, $140,000; engineer map reproduction building, $10,000.

Fort Davis, Canal Zone: Barracks, $95,500; noncommissioned officers' quarters, $57,000; officers' quarters, $117,000.

Schofield Barracks, Hawaiian Department: Noncommissioned officers' quarters, $750,000; officers' quarters, $135,000.

Wheeler Field, Hawaiian Department: Fire station, $15,000; quartermaster utilities warehouse and shops, $10,000.

Fort Ethan Allen, Vt.: Noncommissioned officers' quarters, $15,000.

Fort Benning, Ga.: Barracks, $350,000; officers' quarters, $350,000.

Fort Bliss, Tex.: Veterinary hospital, $25,000.

Fort Banks, Mass.: Extension of post hospital, $220,000.

Bolling Field, D. C.: Barracks, $118,000; noncommissioned officers' quarters, $81,000; officers' quarters, $150,000; quartermaster warehouse, $45,000; quartermaster utilities warehouse and shops, $20,000; fire house, $15,000; dispensary, $20,000; railroad spur, $5,000; incinerator, $5,000.

Fort Bragg, N. C.: Hospital, $375,000; noncommissioned officers' quarters, $25,000.

Carlisle Barracks, Pa.: Central heating plant and installation of distributing system, $80,000; barracks, $120,000.

Fort Hamilton, N. Y.: Hospital, $60,000.

Fort Humphreys, Va.: Hospital, $140,000.

Fort Sam Houston, Tex.: Officers' quarters, $250,000; noncommissioned officers' quarters, $100,000; hospital, $150,000.

Fort Jay, N. Y.: Nurses' quarters, $25,000; noncommissioned officers' quarters, $400,000; officers' quarters, $184,000.

Jefferson Barracks, Mo.: Noncommissioned officers' quarters, $13,000.

Hot Springs National Park, Ark., Army and Navy General Hospital: Noncommissioned officers' quarters, $25,000.

Langley Field, Va.: Noncommissioned officers' quarters, $340,000; officers' quarters, $375,000; barracks, $510,720; magazine, $20,000.

Letterman General Hospital, California: Hospital wards, $115,000.

March Field, Calif.: Noncommissioned officers' quarters, $257,400; officers' quarters, $180,000; quartermaster warehouse, $45,000; quartermaster utilities warehouse and shops, $20,000; fire house, $15,000; incinerator, $5,000; railroad spur, $2,000.

Fort George G. Meade, Md.: Noncommissioned officers' quarters, $50,000; officers' quarters, $200,000.

Mitchel Field, N. Y.: Officers' quarters, $225,000; noncommissioned officers' quarters, $180,000; quartermaster warehouse, $45,000; quartermaster utilities warehouse and shops, $20,000; guardhouse, $32,000; fire station, $15,000; railroad spur, $5,000.

Fort Monmouth, N. J.: Noncommissioned officers' quarters, $100,000; officers' quarters, $145,000.

Fort Monroe, Va.: Noncommissioned officers' quarters, $46,600.

Plattsburg Barracks, N. Y.: Kitchen and mess halls, $75,000.

Presidio of San Francisco, Calif.: Noncommissioned officers' quarters, $250,000.

Selfridge Field, Mich.: Noncommissioned officers' quarters, $150,000; officers' quarters, $150,000.

Shreveport, La.: Barracks, $843,000; noncommissioned officers' quarters, $646,000; officers' quarters, $825,000; incinerator, $5,000; quartermaster utilities warehouse and shops, $20,000; quartermaster warehouse, $45,000; hospital, $100,000; fire station, $15,000.

Fort Wadsworth, N. Y.: Officers' quarters, $50,000.

Walter Reed General Hospital, District of Columbia: Quartermaster warehouse, $67,600; bakery, $9,500.

The SPEAKER. Is a second demanded?

Mr. CULKIN and Mr. HASTINGS rose.

Mr. CULKIN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. RANSLEY. Mr. Speaker, the authorizations carried in this bill will provide additional housing for 216 officers, 466 noncommissioned officers, 2,016 enlisted men, 377 patients in hospitals, and 7 nurses.

I am satisfied, Mr. Speaker, there is little or no opposition to this measure. However, I will do my best to answer any questions that may be propounded.

Mr. HASTINGS. Will the gentleman yield to me a moment?

Mr. RANSLEY. I will.

Mr. HASTINGS. Is an item included in this bill for Hatbox Field at Muskogee, Okla.?

Mr. RANSLEY. I think that was stricken out.

Mr. HASTINGS. I understood an item of $5,000 had been recommended, and it was my information it was included in this bill.

Mr. RANSLEY. That was included in the original bill, but was stricken out owing to quite a controversy in the committee.

Mr. HASTINGS. Was not an amount of $5,000 recommended?

Mr. RANSLEY. It was; but it was stricken out of the bill. The exact figures I can not now recall, but it is no longer in the bill.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. RANSLEY. Yes.

Mr. HILL of Alabama. The committee struck out about $5,000,000 from the bill.

Mr. RANSLEY. In round figures, about $5,000,000 was stricken out; yes.

Mr. CULKIN. Will the gentleman yield?

Mr. RANSLEY. I yield.

Mr. CULKIN. In the original bill—and this was my purpose in demanding a second—there was carried an item of $15,000 for Fort Ontario at Oswego, N. Y.

Mr. RANSLEY. Yes.

Mr. CULKIN. I will say to the gentleman that Fort Ontario, Oswego, N. Y., is a battalion post, but it is used for summer encampments and for cantonments for the militia. The item of $15,000 which was in the bill was recommended by the military authorities, including General Summerall, and had been budgeted.

Mr. RANSLEY. Yes.

Mr. CULKIN. And it was for the purpose of creating certain hospital facilities there to take care of emergency cases during the occupancy of these cantonments.

Mr. RANSLEY. We understood that.

Mr. CULKIN. I am not quarreling with the act of the committee in curtailing the projects in this bill, but it seems to me there should be some expert military authority for such curtailment, and I rise now to ask the gentleman if this item was cut out of the bill for the reason there was no necessity for it and whether that was done upon the recommendation of the military authorities?

Mr. RANSLEY. It undoubtedly was not done on the recommendation of what the gentleman calls the military authorities, but a majority of the members of the committee believed it should be stricken out, and the gentleman knows, as well as I know, it is utterly impossible now, under a suspension of the rules, to get it back in the bill.

Mr. CULKIN. But, if the gentleman will yield further, how about the men who go into these cantonments and have need of emergency hospital care and extra care during such periods?

Mr. RANSLEY. I can not answer conundrums.

Mr. CULKIN. That is not a conundrum but is a fact.

Mr. RANSLEY. In the first place, the gentleman has asked me what is to happen to men who go into a cantonment when they have not hospital facilities. How can I answer that?

Mr. CULKIN. Will the gentleman answer this question? On what ground, assuming that this emergency does exist and that conditions require these hospital facilities, was this item cut out of the bill?

Mr. RANSLEY. I have already told the gentleman, a majority of the members of the committee.

Mr. CULKIN. Will the gentleman answer me further—I hate to be persistent——

Mr. RANSLEY. The gentleman is persistent.

Mr. CULKIN. I am persistent, but I would like to say something to my constituency about this. Will the gentleman tell me who was the expert on the committee that recommended this action, if there was such an expert?

Mr. RANSLEY. I do not believe anybody should divulge what occurs in the committee. I think the gentleman is going a trifle too far in that.

Mr. CULKIN. Does the committee then hold there was no necessity for these hospital facilities?

Mr. RANSLEY. It does.

Mr. CULKIN. It got by the Budget, it was recommended by General Summerall and by all the other military authorities, and, while I dislike to be persistent, as I stated——

Mr. RANSLEY. That is all right; keep on.

Mr. CULKIN. But I am unable to find on what ground this item was eliminated.

Mr. RANSLEY. I have told the gentleman as plainly as I can that a majority of the members of the committee did not believe this was necessary. Personally, I was in favor of it, if this will do the gentleman any good, but a majority of the members of the committee believed it was not necessary.

Mr. CULKIN. They made this cut against the opinion of the military authorities and against the authority of the Surgeon General?

Mr. RANSLEY. Yes.

Mr. CULKIN. And this same treatment was accorded the entire bill?

Mr. RANSLEY. It was.

Mr. CULKIN. And with just as much reason?

Mr. RANSLEY. I can not answer the gentleman there.

Mr. BLAND. Will the gentleman yield?

Mr. RANSLEY. Yes.

Mr. BLAND. Soon after the inauguration of the President we heard a great deal about the appointment of a committee in the department which was to work out economies and to stop work on certain posts. Has that committee ever made a report to the Military Affairs Committee?

Mr. RANSLEY. Not to my knowledge.

Mr. BLAND. It has not come to the Military Affairs Committee?

Mr. RANSLEY. No.

Mr. BLAND. Has any action been taken by that committee?

Mr. RANSLEY. Not that I recall.

Mr. BLAND. Is not the Military Affairs Committee concerned as to what the action of that departmental committee has been?

Mr. RANSLEY. In the first place, we naturally will wait until a report is made.

Mr. BLAND. But practically two years have elapsed now and no report has come to the Congress.

Mr. RANSLEY. We can not hurry it up in any way.

Mr. BLAND. Is it not within the power of the Military Affairs Committee to call for reports and find out what the status is of that matter?

Mr. RANSLEY. That would not force the report.

Mr. BLAND. Why not? Has the Military Affairs Committee taken any action about that at all?

Mr. RANSLEY. Not since I have been the acting chairman of the committee. Whether it was done previous to that, I do not know.

Mr. BLAND. Has the committee made any effort to find out what posts are intended to be eliminated, whether there are any that are to be abandoned entirely, and if so, what disposition is to be made of them?

Mr. RANSLEY. Does the gentleman mean that in 1920 an investigation was made along the line as to what grounds in the activities of the Army were to be kept and what were to be sold?

Mr. BLAND. No; I mean the committee set up by Mr. Hoover immediately after he became President of the United States.

Mr. RANSLEY. There has been no report to the committee that I know of.

Mr. McSWAIN. If whoever has the floor will yield, I want to say that I never heard of any official committee of that kind, and no report has ever been made to the Committee on Military Affairs. But I will say this, that the military authorities, the Chief of Staff, urged not only these items in the bill as being necessary and vital and as parts of the permanent posts but he urged a great many items, including the item that the gentleman from New York [Mr. CULKIN] has been interrogating the chairman about. He insisted that that also was vital, but in the interest of harmony and the desire for economy some items had to be eliminated, and unfortunately that item of the gentleman from New York and others have been cut out.

Mr. BLAND. There is a post in my district that the Secretary of War said was on the priority list. But there was a change in the set-up and that change has never been brought to the attention of Congress. I would like to know what they have done.

Mr. McSWAIN. Well, that is their business; the door of the committee has been wide open all the time, and whenever they wanted to they could come and tell us anything on their minds, and we will be glad to have them.

Mr. BLAND. I would like for the Military Affairs Committee to call the attention of the War Department to it.

Mr. McSWAIN. Well, the next time we will. This is the first time I have heard of it. I will make the motion to invite them.

Mr. CULKIN. I would like to ask the gentleman from South Carolina a question. What I am curious about—I am not looking for any pork in this bill—far be it from me to look for anything like that—I am looking for the reason of the change after the item was recommended through the technical authorities of the service. What I would like to know is, who upset the technical determination of the service—who upset the apple cart, as the gentleman near by me says—as to this particular item at Fort Ontario, who was the expert who made the decision against the recommendation of the service?

Mr. McSWAIN. The committee as a whole decided that the entire amount that the War Department wished appropriated could not be authorized at this time, and some items had to go out, and so a number of items, including the gentleman's, did go out. That does not mean that they are not desirable, but at the next session they probably will be authorized, but at this time we had to make a decision as to just what would be authorized and what would not.

Mr. CULKIN. I suppose the gentlemen making the cut were entirely unselfish and patriotic?

Mr. McSWAIN. Being a member of the subcommittee that revised the bill, I am unselfish, I have no Army post, no camp, no hospital, and no other local interest that could promote any selfish interest. I think I am free as a man could be. I seek only to serve the general public weal.

Mr. CULKIN. I was facetious; I did not mean to infer any improper motives to my able colleague.

Mr. McSWAIN. I know the gentleman was.

Mr. COLLINS. Will the gentleman yield?

Mr. CULKIN. I yield.

Mr. COLLINS. What is the policy of the Military Affairs Committee as to the disposal and sale of the unproductive lands by the War Department?

Mr. RANSLEY. There has been authorization made for the sale of land from time to time, and I understand some $120,000,000 has been collected from the sale of these lands, and it can be used for housing purposes.

Mr. COLLINS. The gentleman is mistaken about the sum of $120,000,000 coming from the disposal of lands—no such sum of money has been turned into the Treasury; less than $20,000,000 has been realized from this source. While you are authorizing appropriations for the purchase of land you ought to require the War Department to sell its unproductive lands. They are not needed and ought to be sold.

Mr. RANSLEY. In the first place, this very money that we are asking authorization for, for building purposes, comes to the War Department through the sale of lands.

Mr. COLLINS. The gentleman is wrong about that. There will not be 10 per cent of this money that will come from the sale of lands. I am surprised at the utter lack of information the gentleman has on this subject.

Mr. RANSLEY. Then the entire reports from our committee are not worth reading.

Mr. BLAND. Mr. Speaker, will the gentleman yield?

Mr. RANSLEY. Yes.

Mr. BLAND. Does not the gentleman know that the original set-up contemplated the sale of only about $20,000,000 worth of land?

Mr. RANSLEY. Quite a good deal of land was sold previously. The sales have taken place since 1920.

Mr. BLAND. I thought the sales were much less than the estimate.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. RANSLEY. Yes.

Mr. TABER. I notice there is about a million and a half for the development of officer's quarters at Langley Field. Is that for the Air Corps?

Mr. LAGUARDIA. It could not be for anything else at Langley Field, for military purposes.

Mr. RANSLEY. It could not be for any other purpose than the Air Corps. It is for the noncommissioned officers' quarters there.

Mr. LAGUARDIA. They need them, because they are living in shacks.

Mr. RANSLEY. They certainly need them, and need them badly.

Mr. TABER. Is it the purpose of the committee to abandon Langley Field?

Mr. BLAND. Not at all. The tactical school was moved from Langley Field, but I interrogated the gentleman from Alabama when that matter was on the floor the other day, and he said they intended to carry into Langley Field the bombing group.

Mr. HILL of Alabama. The bombing group and also the pursuit group.

Mr. OLIVER of Alabama. I note that it is the thought of the committee that the cost of the authorizations carried in this bill will be fully met out of the receipts that will be turned into the Treasury from the sale of the property.

Mr. RANSLEY. That is true.

Mr. LAGUARDIA. The gentleman from Alabama will be here in the next Congress. It is hoped that it will be. That has been my objection to it all the time. We are selling so much property and buying in other.

Mr. OLIVER of Alabama. My understanding is that the committee in recommending these authorizations to the House will expect no appropriations over and above the amount the receipts from the property amount to.

Mr. LAGUARDIA. Oh, the gentleman will be in the next Congress, as I started to say, and he will know what will happen in the next Congress.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. RANSLEY. Yes.

Mr. HASTINGS. I call the gentleman's attention to the testimony of Major Kennedy, found at the top of page 52 of the hearings on this bill. He says:

> The next is Hat Box Field, Muskogee, Okla.: Operations building, $5,000. This is the same situation as at Dallas; it is an airways station, where we have a number of planes, as high as 180 to 200 planes a month, which pass through this station. This is for an office building to house the supplies and carry on the office work for that station.

Unfortunately I was under the impression that the item was included in the bill.

Mr. RANSLEY. In the revised bill the Hat Box appropriation is not included.

Mr. HASTINGS. That is true. It was in the original bill.

Mr. RANSLEY. Yes.

Mr. HASTINGS. The unfortunate thing about it is that I was so advised. I was advised that it was in the original bill, and I thought it was in this bill until to-day, and now I find that in this revised bill it has been eliminated. Will the gentleman tell us why this item was not included?

Mr. RANSLEY. In the first place, the majority of the members of the committee did not think it was necessary. They were determined to cut the authorizations for appropriations down. A majority of the members believed it was not necessary.

Mr. HASTINGS. And perhaps not one of the members who did that knew anything about it other than the recommendation of the War Department through Major Kennedy.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill. The question was taken; and, in the opinion of the Chair, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

CONSTRUCTION OF HANGARS, ETC., AT MILITARY POSTS

Mr. RANSLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12923) to authorize appropriations for construction at military posts, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $4,370,019 to be expended for construction and installation at military posts of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows:

Barksdale Field, Shreveport, La. (attack wing): Hangars, $170,000; field shop, $8,000; photo building, $42,000; parachute and armament building, $15,000; gas and oil storage, $10,000; paint, oil, and dope warehouse, $5,000; paved aprons, $85,000; grading landing field and technical building area, $115,000; completion field warehouse, $12,000.

Bolling Field, Anacostia, D. C.: Completion of field shop, warehouse, headquarters, photo and parachute buildings, $91,000; grading landing field and technical building area, $150,000; completion of gas and oil storage, $3,000.

Brooks Field, San Antonio, Tex.: For the conversion of airship hangar to provide hangar, warehouse, operations, photo, parachute, and armament facilities, $25,000; for the conversion of the School of Aviation medicine building to headquarters building and dispensary, $10,000; radio building, $6,000; gas and oil storage, $5,000; paved aprons, $17,000: *Provided*, That authorization for the construction at Fort Sam Houston, Tex., of hangars, $40,000; field shop, $60,000; headquarters building, $20,000; photo, radio, parachute, and armament buildings, $61,000; gas and oil storage, $5,000; and improvement of landing field, $20,000, authorized in the act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved May 26, 1928 (45 Stat. 48), is hereby canceled.

Duncan Field, San Antonio, Tex.: Hangars, $242,000; paved aprons, $102,000; gas and oil storage, $8,000; paint, oil, and dope warehouse, $20,000.

Fairfield Air Depot, Fairfield, Ohio: Completion of hangars, headquarters and operations building, $43,000; paved aprons, $51,000; oil reclamation building, $15,000.

Langley Field, Hampton, Va.: Hangars, $322,000; wing operations building, $40,000; completion of photo and parachute buildings, $9,000; completion of gas and oil storage, $10,000; paved aprons, $81,902; grading landing field and technical building area, $15,000; camera obscura building, $3,000.

Fort Leavenworth, Kans.: Paved aprons, $9,000; grading landing field and technical building area, $3,959.

March Field, Riverside, Calif.: Gas and oil storage, $5,000.

Maxwell Field, Montgomery, Ala.: Completion of hangars, headquarters and operations, field shops, photo, parachute, and school buildings, $201,000; central heating plant, $50,000; paved aprons, $18,000; grading landing field and technical building area, $50,000.

Mitchel Field, Long Island, N. Y.: Paved aprons, $53,000; completion of hangars, field shops, field warehouse, headquarters and operations buildings, radio, photo, parachute, and armament buildings, $251,504.

Randolph Field, San Antonio Tex. (first and second units): Field warehouse, $5,000; parachute building, $6,000; completion of school building, $80,000; gas and oil storage, $25,000; School of Aviation medicine building, $75,000; grading landing field and technical building area, $150,000.

Middletown Air Depot, Middletown, Pa.: Warehouse heating plant, $50,000; paved aprons, $5,000.

Selfridge Field, Mount Clemens, Mich.: Completion of hangars, field warehouse, field shops, headquarters and operations buildings, photo, radio, parachute, and armament buildings, $338,000; paved aprons, $51,000.

Wheeler Field, Hawaii: Hangars, $113,000; completion of field shops, field warehouse, headquarters and operations buildings, photo and parachute buildings, $94,000; paved aprons, $102,000; grading landing field and technical building area, $127,000.

Albrook Field, Canal Zone: Completion of hangars, field shops, field warehouse, and photo building, $50,000; paved aprons, $50,000; grading landing field and technical building area, $280,000.

France Field, Canal Zone: Completion of hangars, depot shops, depot warehouse, administration building, photo and parachute buildings, $232,000; grading landing field and technical building area, $150,000; camera obscura building, $3,000.

Dallas, Tex.: Operations building, $5,000.

Fort Bliss, Tex.: Gasoline storage system, $1,654.

Hatbox Field, Muskogee, Okla.: Operations building, $5,000.

The SPEAKER. Is a second demanded?

Mr. HASTINGS. I want to ask the gentleman a question.

Mr. RANSLEY. I yield to the gentleman.

Mr. HASTINGS. I want to call the attention of the gentleman to the last item in this bill, Hatbox Field, Muskogee, Okla. I find that it has been transferred.

Mr. RANSLEY. Yes; it has been.

Mr. HASTINGS. Then that is satisfactory.

Mr. COLLINS. Mr. Speaker, I would like to ask the gentleman a question.

Mr. RANSLEY. I yield.

Mr. COLLINS. I called the gentleman's attention awhile ago to appropriations for housing the Army. The gentleman seems to think that the money for all of these expeditures came from the sale of land.

Mr. RANSLEY. If the gentleman refers to the housing bill, yes.

Mr. COLLINS. The gentleman was in error in his statement The committee has appropriated up to date approximately $57,442,000.

Mr. RANSLEY. Yes.

Mr. COLLINS. And of that amount less than one-third has come from the sale of property—of real estate.

In addition the program of the department as presented by the Quartermaster General calls for construction estimated to cost $180,200,000, and less than one-twentieth of the remainder of that amount will come from the sale of property.

The gentleman also stated that he knew nothing of the President's program reducing military expenditures. The Congress has given full recognition to that commission in the War Department appropriation bill.

Mr. RANSLEY. Yes.

Mr. O'CONNOR of Louisiana. When the act was passed authorizing the sale of surplus military property, such as reservations, barracks, grounds, and so forth, some years ago many Members protested that it was the enactment of a very uncertain proposition.

Many of us alleged the lack of public policy and wisdom in such legislation. We stated that the land authorized to be sold would increase in value necessarily as the years went by and that they should be held for the historic background behind them.

I, for one, argued against such a sale on still another ground. I held that the sale of property in order to secure housing facilities was a shameful admission that Congress had not given the men proper care by proper appropriations out of ample revenues.

I held and I will always be glad that I held that we should provide amply for our soldiers out of ample revenues and not admit that we needed the little sums gathered here and there from the sale of property throughout the United States. It did not even have the dignity of a real-estate transaction. It smacked of a junk-store idea, and one could easily conjure up a sale of odds and ends to secure subsistence for the soldiers of the richest country on the face of the earth. I wanted to make the statement, because this is a reiteration of the stand which I and others then took.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. RANSLEY] to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

ACQUISITION OF LANDS IN ALAMEDA AND MARIN COUNTIES, CALIF.

Mr. RANSLEY. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 12661.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill H. R. 12661. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire by donation approximately 1,100 acres of land in the county of Alameda, Calif., and approximately 917 acres with suitable right of way for ingress and egress in Marin County, Calif., for aviation and other military purposes: *Provided*, That in the event the donors are unable to perfect title to any land tendered as a donation the Secretary of War is authorized to request condemnation proceedings to acquire such land in the name of the United States, and any and all awards in payment for title to such land as is condemned, together with the costs of suit, shall be made by the donors.

SEC. 2. That the sums of $243,000 for air depot shops and $500,000 for air depot warehouses, at Rockwell Air Depot, Rockwell Field, Calif., authorized for appropriation by the act approved May 26, 1928 (45 Stat. 749), are hereby authorized to be appropriated for the following purposes at Alameda, Calif.: Air depot shops, $243,000; preparation of landing field, sea wall, grading building area, railroad tracks, roads, and drainage, $500,000.

SEC. 3. That the sums of $200,000 for officers' quarters, $78,000 for noncommissioned officers' quarters, and $240,000 for barracks; in all, $518,000, appropriated by the act approved March 23, 1928 (45 Stat. 334), as authorized by the act approved March 3, 1927 (44 Stat. 1391), for Rockwell Field, Calif., and the sums of $160,000 for hangars, $45,000 for Air Corps warehouse, $40,000 for headquarters and operations building, $25,000 for radio, parachute, and armament buildings, $10,000 for gasoline and oil storage, and $5,000 for paint, oil, and dope warehouse; in all, $285,000, appropriated by the act approved February 28, 1929 (45 Stat. 1361), as authorized by the act approved May 26, 1928 (45 Stat. 749), for Rockwell Field, Calif., are hereby authorized to be made available for expenditure for the same respective purposes at Marin County, Calif.

SEC. 4. That the sums of $45,000 for hangars and field warehouse, $100,000 for field shop, $50,000 for construction of paved runways, $108,000 for noncommissioned officers' quarters, and $150,000 for officers' quarters, at Rockwell Field, Calif.; in all, $453,000, authorized for appropriation by the act approved February 25, 1929 (45 Stat. 1305), are hereby authorized to be appropriated for the following purposes at Marin County, Calif.: For hangars and field warehouse, $45,000; for field shop, $100,000; for paved aprons, $50,000; for preparation of landing field, building area, railroad tracks, roads and drainage, $258,000.

The SPEAKER. Is a second demanded?

Mr. SWING. I demand a second.

The SPEAKER. Without objection, the second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Pennsylvania is entitled to 20 minutes, and the gentleman from California [Mr. SWING] is entitled to 20 minutes.

Mr. RANSLEY. Mr. Speaker, I yield to the lady from California [Mrs. KAHN].

The SPEAKER. The lady from California is recognized.

Mrs. KAHN. Mr. Speaker and Members of the House, this bill has been approved by the War Department, the Navy Department, the Bureau of the Budget, and the General Board. As you know, the General Board consists of the Chief of the Army and the corresponding officer of the Navy, namely, Chief of Operations, the assistants to these officers, and the heads of the war planning divisions of both the Army and the Navy.

Now, Rockwell Field is on what is known as North Island, at San Diego, and I am sure my colleague from California [Mr. SWING] will bear me out in my statement that the vicinity is so crowded with naval activities that there is no room for the Army. The Government bought North Island for both Army and Navy air operations but the Army got there first and started its operations, the Navy coming in later. On account of the numerous activities of the Navy in that vicinity, the Army has been practically crowded out. There are 20 Army planes assembled there to over 250 being operated by the Navy. There can be no extension of Army activities in that vicinity. Both the Army and the Navy are absolutely harmonious in regard to the transfer of these activities to the San Francisco Bay area. The Army is literally shut out. The Navy needs North Island for expansion. The Navy improvements on the island are permanent and cost about $5,000,000, while the Army buildings are not permanent, but they will be taken over by the Navy and used by them.

Mr. ABERNETHY. Mr. Speaker, will the gentlewoman yield?

Mrs. KAHN. Yes.

Mr. ABERNETHY. I understand everybody is in favor of it.

Mrs. KAHN. Everybody except the gentleman from California [Mr. SWING].

Mr. DOUGLASS of Massachusetts. Can you not swing him over?

Mrs. KAHN. No; unfortunately I can not swing him over. [Laughter.]

As recommended by the Secretary of War, this bill provides for no new authorizations or appropriations, but makes a previous authorization for a similar purpose at Rockwell Field available for the purposes of these new sites. These changes in

authorization are made to transfer the activities, as indicated in the letter of the Secretary of War in the report.

Mr. Chairman, I yield back the balance of my time. [Applause.]

Mr. SWING. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, it is easy to understand how this bill was reported by the Committee on Military Affairs, with very little hearings, not very much evidence, when it is understood that the bill was sponsored by the lady from California whom we all love.

I think, however, that this House should pause long enough to consider for at least 20 minutes the question of reversing a policy of the Army Air Corps, of the War Department, of the Military Affairs Committee, and of Congress itself, which has stood firm for more than 18 years. Now, in the year 1930, after a few hours' hearings, it is proposed to abandon an island at San Diego on which the Army has 773 acres of firm land and on which it invested $6,000,000 to buy the land, and on which it has placed $1,000,000 worth of improvements, and upon which there has been authorized by the acts of the Military Affairs Committee and Congress, the expenditure of an additional $1,000,000.

The Army did not move onto North Island just by accident. The War Department and the Navy Department did not ask the expenditure of $6,000,000 to buy a worthless piece of ground that was ill-fitted for their purposes. Major Arnold, of the War Department, and one time commander of this field, in a very splendid history of North Island and Rockwell Field, states that in 1912 an investigation was made covering the United States to ascertain the best place for establishing an Army flying field, and Rockwell Field was chosen. In 1916, just before the condemnation suit was filed to acquire the title to this land, a board of three officers of the Army, under an act of Congress, considered the Atlantic coast, the Gulf coast, and the Pacific coast and finally asked Congress to authorize the condemnation of this land because the Air Corps and the War Department desired it.

Mr. ABERNETHY. Will the gentleman yield?

Mr. SWING. I yield.

Mr. ABERNETHY. I do not understand they propose to abandon it. They are going to turn it over to the Navy; is not that right?

Mr. SWING. They abandon it as far as the Army is concerned, and the duty of the Army is, of course, to defend our coast. The duty of the Army is primarily to defend naval bases. As Assistant Secretary of War Davison correctly said, when he was asked regarding what would happen in time of war, the Navy airplanes would go out to sea with the fleet, where they belonged; he said there was no question but what it would be the duty of the Army to defend this naval base. How are they going to defend it when they have no field from which they can operate to defend it by air?

Mrs. KAHN. Will the gentleman yield?

Mr. SWING. I yield.

Mrs. KAHN. Did not the representative of the war planes division maintain that airplanes could not be strung along to protect every single solitary place along the coast, either east or west; but the main idea of the airplane defense was to have a central place where those planes could be mobilized and used for defense; and did he not maintain that even if there were an attack on the Pacific, the planes on the Atlantic would have to go to the aid of those on the Pacific Coast, and vice versa, or from border to border? He maintained that there should be a central place where those planes could be mobilized. In answer to a question by Mr. GARRETT, of the Committee on Military Affairs, he said to him to pay no attention to who introduced the bill, what committee it was from, what recommendations were made, in considering what place he would choose. He said in his mind the best place for those planes to be concentrated, either in peace or in war, was the San Francisco Bay area.

Mr. SWING. I thank the gentlewoman from California for her additional remarks on the subject. Now let me make a few remarks of my own, please.

These circles on this map [indicating] show the various naval activities at San Diego, which make it coequal with the Puget Sound area, one of the two most important naval bases on the Pacific coast. Fort Rosecrans is located at this point. That is the only remaining military activity, which is like a giant with its eyes out unless it has airplanes to spot the shots and direct the gunfire. It is useless and it is an antiquated armament unless it is supplemented by planes which are now located on North Island. These planes are also necessary to patrol and scout the coast in defense against raiders. Then again, San Diego is on the southern military route by which all military planes go from coast to coast except under unusual circumstances. Along this route planes fly even when sent to San Francisco, because it is the only route on which the War Department has located regular and auxiliary fields, which make it possible to fly with safety from the Pacific to the Atlantic coast.

Now back of this proposed change there is politics. Not Democratic or Republican politics, but Army politics, Navy politics, and interdepartmental politics. For 18 years the Army has insisted unreservedly that this was their best field, and they advised Congress to indorse that policy over and over again, by appropriations of money to buy the land and another million to improve it. What good will it accomplish to tear up a lot of secondhand machinery and move it to San Francisco and start all over again with the development of two new fields? What is it going to cost the Government to build those new fields at San Francisco?

There is not a word in the hearings to enlighten Congress as to how much they are going to have to spend before they are through with this proposition, but in the newspapers upwards of $8,000,000 is mentioned as the ultimate cost of building these two new fields, after abandoning one at San Diego that cost them $6,000,000 for the land and on which they have already spent $1,000,000 for improvements.

Mr. RANSLEY. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. CARTER].

Mr. CARTER of California. Mr. Speaker, ladies and gentlemen of the House, in the first place I want to very briefly call your attention to just what this bill does. It does not authorize any additional appropriations over the existing authorizations. The gentleman from California [Mr. SWING], from the extreme southern part of California, made two or three statements to which I desire to call to your attention. First, he says they propose to abandon this island; but, as was suggested by the gentleman from North Carolina [Mr. ABERNETHY], such is not the case. They propose to make a greater use of the island than they are making at the present time. The War Department, the Navy Department, and everybody else interested in this matter are absolutely in accord. The gentleman from California says he does not know what costs they are going to get into if they move the base to Alameda and Marin County, but here is what General Fechet says in reference to that:

> Well, as far as the Army is concerned, General, the changing from Rockwell Field to the Marin County site and Alameda will involve no additional expenditures of money.

Mr. ABERNETHY. Will the gentleman yield?

Mr. CARTER of California. Yes.

Mr. ABERNETHY. I asked the gentleman from California [Mr. SWING] if they intended to abandon this field, and I understand from the gentleman who is now addressing the House that they do not intend to abandon it, but intend to turn North Island over to the Navy and put the Army off somewhere else—is that right?

Mr. CARTER of California. That is an absolutely correct statement of the situation. I want to say that everyone interested in this is in accord except my good friend from southern California. He referred to some matter of politics being involved. I am happy to say that no matter of politics, so far as I know, is involved in this matter in any way. If politics were involved, I am sure the gentleman from southern California would have a real opportunity for coming out a winner, because he is a skilled politician. We are presenting this matter absolutely on its merits and ask you to give accord to the recommendation of the Secretary of War and others who have investigated this matter.

Let me call this to your attention, ladies and gentlemen of the House, this is not a snap judgment; it is not action that was taken except after due deliberation and investigation. The Secretary of War, under date of May 27, 1930, in his report on this bill, among other things, states as follows:

> The Alameda site was selected, after an investigation extending over two years, as the location for the West coast air depot, now temporarily located at Rockwell Field, Coronado, Calif.
>
> The Marin County site, after a great deal of study, was selected by the War Department.

Permit me to suggest, too, that both of these sites are to be turned over to the War Department without any cost to the Government whatsoever. In the case of the Marin County site the Board of Supervisors of Marin County, Calif., are setting apart a certain amount of the tax levy from that county to pay for the land that they are turning over to the Government. In the case of Alameda, which is within my district, the city of Alameda has very generously offered approximately 1,100 acres of very valuable land for this site. Let me say in connec-

tion with this site that it is located adjacent to deep water. A navigating channel, 600 feet wide and 35 feet deep, is along one side of this site. Into the San Francisco Bay region there comes a number of transcontinental railways. The Southern Pacific Co. has 2 lines from the South, 1 from the East, and 1 from the North. The Western Pacific and the Santa Fe lines also enter the San Francisco Bay area.

The SPEAKER. The time of the gentleman from California has expired.

Mr. SWING. Mr. Speaker and Members of the House, let me make this clear to you: I have no desire at all to deny to San Francisco and to the San Francisco Bay area any needed defense. I only say—and each and every one of you knows it to be true—that the 1,300 miles of coast line from San Diego to the Puget Sound can not possibly be defended from San Francisco alone in time of war. If there was war, a raider would sneak up in the night and at dawn would attack its objective and then get away. How could we wait for planes to come from San Francisco or even from March Field, Riverside, which is about an hour's flying distance away? If San Diego could be defended from March Field, which is about an hour's distance away, then, of course, San Francisco could be defended from Mather Field, at Sacramento, which is only a half hour's flying distance away, but since in a half hour a raider could do his damage at San Francisco and get away, so at San Diego, at this tremendously important naval base, in an hour's time a raider could do great damage and get away.

I am telling you now that, no matter what the Army says, when the 5-year program is completed it will be found that they will have to come back to San Diego and acquire a new field, because, in addition to defending the center at San Francisco, it is common sense that they must defend the two flanks. They must defend at the Puget Sound and at the California-Mexican border. They have no other field except this one on North Island. It is on the transcontinental military air route; it is nearer the Mexican border for purposes of observation and defense, so why in the name of goodness can we not leave there what is there now? I do not ask that it be enlarged, but I do say that it should be kept there instead of going to the expense of moving the secondhand machinery to San Francisco, which will be as much as the machinery is worth. Why not leave it where they admit and where the report of the committee admits they will have to soon go to establish an operating base?

Mr. BLAND. Will the gentleman yield?

Mr. SWING. I yield.

Mr. BLAND. Can the establishment of a new airplane port at San Francisco be reconciled with the presidential program of reducing Army posts?

Mr. SWING. I do not know. As I have said, according to the newspapers, this is supposed to cost for the ultimate development of the two fields proposed approximately $8,000,000.

Mr. BLAND. Does not the gentleman think San Francisco can be more effectively defended by an effective navy?

Mr. SWING. We hope that, of course.

I want to read you a statement of General Patrick, the former Chief of the Air Corps.

When General Patrick, who has fought first, last, and all the time to retain this air station, was asked by the gentleman from California [Mr. LEA], when he was on the special committee investigating air stations on the Pacific coast, to state what was needed in case of war for air purposes on the Pacific coast, the general started in and named the air fields beginning with Rockwell Field, on up the Pacific coast, and stated:

I think we have a nucleus there, Mr. LEA, that would answer our purposes very well.

There was at no time any criticism by him of the location of Rockwell Field for Army air purposes.

Now, I want to read what General Fechet said—General Fechet, who is quoted here as being in favor of this proposition. Maybe he is, maybe he is not, but in testifying at this hearing, on this very bill, General Fechet was asked whether the Army wanted to give up this field, and he said that it had been considered over and over by the Joint Aeronautical Board of the Army and the Navy, and every time the Navy had made the motion for the Army to move off, but he said the board was divided 50-50. These are his words:

They split exactly. The Navy would ask the Army to get off and we would unanimously say we did not want to.

Why did they not want to? Because they consider that field a necessary part of their Pacific coast defenses.

Mr. Trubee Davison, Assistant Secretary, in appearing at the hearings before the Committee on Military Affairs, was asked about this field in connection with the 5-year building program. I want you to note what Mr. Davidson actually said when considering the full 5-year program, as an answer to the complaint that there is congestion. He was asked by Mr. James regarding the 5-year program and regarding Rockwell Field:

Mr. JAMES. That is where the Army and the Navy are still in dispute in regard to the land.

Mr. DAVISON. As far as we are concerned—speaking for the Army—we think there is plenty of room there to operate under the 5-year building program.

This is the testimony of Mr. Davison after considering fully the question of whether there was congestion there or not.

Now, I read the testimony of General Fechet, again, in response to questions of Mr. BARBOUR, when General Fechet was before the Committee on Appropriations:

Mr. BARBOUR. There is some question as to whether you are going to continue at Rockwell Field.

General FECHET. I do not know of any. The field belongs to us and we are there.

Mr. BARBOUR. The Air Corps wants to leave Rockwell Field, as I understand. Is that information right or wrong?

General FECHET. I do not know. It depends on what you mean by the Air Corps.

Mr. BARBOUR. The Army Air Corps.

General FECHET. No; the Army Air Corps does not want to leave.

There is the absolute truth about the situation. The Army Air Corps does not want to leave Rockwell Field.

Now, let me close with this proposition. Mr. JAMES was out there last summer and spent three weeks in going up and down the coast. He was a week at San Diego and a week at San Francisco. He told me that he took the statement of every Army air expert and officer at each place. He declared to me that not a one of them desired to see the Army give up Rockwell Field, and that whatever there was in the talk about congestion, was artificially created by the Navy for the purpose of crowding the Army off.

Here is an interview which was published out there and which he saw and which he approved, in which he said he would oppose, as far as he could oppose, the moving of the Army off of there.

He stated to me he intended to present the evidence to the Military Affairs Committee to show why the Army should not move away. Where is Chairman FRANK JAMES to-day? Chairman FRANK JAMES, the only member of the committee who has seen all three of the fields, who has given as many days to the study of this big problem as Mr. Trubee Davison has given hours, is on his back, helpless. His mouth is closed because he does not know a word about what is going on here to-day. This is done under doctor's orders to protect his life and to give him a chance to recover. This is all being kept from him.

I do not ask that this bill be defeated. I ask you, in justice to FRANK JAMES, in justice to the facts, in justice to national defense, and in justice to the Congress itself, that is about to act upon an $8,000,000 program, to defer this until December. Nothing can come of this now. The Senate will not act upon it at this session, and I will agree that if Mr. JAMES changes his mind, or if after Mr. JAMES presents his facts to the committee, the committee turns it down, I pledge you that when Congress convenes in December there will be no delay, and so far as I am concerned the bill can pass on the first Consent Calendar.

Do not act on this hurriedly. Do not act upon it in the absence of FRANK JAMES, the able chairman of the committee. Do not act upon it in the absence of the facts which he can present, especially when it is in the evidence here that the Chief of the Air Corps says that the corps does not want to move.

This is a reversal of an 18-year policy which has been affirmed over and over, proposing to give up in trade for something else we do not know what, one of the best flying fields the Army possesses. I ask you to deliberate and not to proceed without a chance to get all the facts.

Mr. HOCH. Will the gentleman yield?

Mr. SWING. I yield.

Mr. HOCH. The gentleman referred to the position of the gentleman from Michigan [Mr. JAMES], but I did not understand from what the gentleman said whether Mr. JAMES had taken a position upon this matter or not.

Mr. SWING. Mr. JAMES stated in this authorized interview published in the San Diego Union August 17, 1929, that he was unalterably opposed to the Army giving up Rockwell Field. Now, it is proposed to pass the bill with him on his back, helpless, his mouth closed by doctors' orders, and with all the information he has laboriously gathered on the question locked up in his office. He has had no opportunity to present the

facts to the committee or to the House. I ask that you give him that opportunity.

Mr. RANSLEY. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. LEA].

Mr. LEA. Mr. Speaker, the controversies between the Army and the Navy with reference to the departure from North Island have been financial differences between the two services. There has been no differences as to the desirability of one or the other getting off.

Now as to the attitude of Mr. JAMES. Mr. JAMES has taken part in the controversy between the Army and the Navy about the finances in getting off the island—which one would get off and what would be surrendered. But I think Mr. JAMES has given an indorsement of the two sites proposed in the bill to-day. He has been in disagreement between the Army and the Navy about giving up possession but never opposed to the sites in the bill under consideration to-day, so far as I am aware.

I want to correct one or two erroneous statements. It was said that the Army spent $6,000,000 for the field at San Diego. The money did not come from the Army. It was a fund for the Army and the Navy provided during the war. The field was used for their training purposes.

There is no purpose to abandon the field. It is to be put to a better use. It will make a large fine field for the Navy. I understand that one of the admirals went before the Budget Bureau and said it would save $3,000,000 to the Navy for the Army to get off and permit the Navy to use the field. It will save the Navy from going some other place to establish another field.

Now what is proposed at San Diego so far as the local site is concerned? It is proposed to take this 1,200-acre tract and make it a great Navy field, a field like the Navy needs. At the present time about 250 Navy planes and only about 25 Army planes are used there.

In 1924, when I was at San Diego for the investigation by the aircraft investigating committee, Major Craven stated for the committee that the field was capable of accommodating 300 planes in war time. Manifestly the field can not properly accommodate both branches of the service. It can be a great field for one but never a great field for both.

For several years authorities in both the War and Navy Departments have agreed that one or the other must get off the island if we are to have an efficient administration of our air defenses on the Pacific coast.

Why should the Army or the Navy remove from North Island? As General Fechet said, it is "overcrowded and badly located" and not fit for Army purposes. Mr. Davison, Assistant Secretary of War, said "to go ahead and develop, at large expense, Rockwell Field would be a serious and inexcusable waste of the public funds," not because it is not a good field but because it can not properly be operated by both, as it is to-day.

Here is a field, a good aviation field. The Army on the one side and the Navy on the other. When the flyers go into the air they must face the wind. That means as the wind shifts the naval planes will fly over the Army field and the Army planes will fly over the Navy field at low elevations. There is no unification of control. They have had narrow escapes; they have had collisions; men have been killed. Dissensions have resulted. The situation is unsatisfactory and demoralizing. Fields of the two services can not properly be operated side by side.

It has been suggested that each service should adopt a rule preventing the flyers of one field flying over that of the other.

To say that flyers shall not cross a certain line into the Army or the Navy field is just as it would be if you built a wall up there and made it impossible for the planes to go into the air in that direction. You would destroy the efficiency and usefulness of your field if you adopted any such rule.

The Army says North Island is an unfavorable location for the Army and if they were given the job of defending San Diego they would never locate the Army field where it is to-day. North Island, as the map will show, is right out facing the sea. A submarine or any surface vessel on the sea can fire directly into North Island. While it is necessary that the Navy must have its field where the land and the water meet, it would be folly for the War Department to place its aviation field at a point where the land and water meet.

Major Hickham, who is an authority on tactics for the War Department, made the statement that it would be absolutely "unpardonable for them to take up a formation where it is so vulnerable, when there is another way of doing the work which is just as effective and efficient."

In other words, an Army field at the edge of the Pacific is subject to attack from two sources—from the air and from the water. The Army would eliminate the possibility of attack from one of these sources, the sea, by moving its base inland. They would place the field where there would be no possibility of sea fire reaching it. All have agreed on the splendid and protected locations offered at San Francisco, one for a bombing base and the other for an air depot for the west coast. Neither one of them can be reached from the sea. The sites are offered free. The property offered is worth about $1,800,000. Marin County, out there in my district, has most of the money in the treasury to pay for the 917 acres offered. The property offered in Alameda County is worth much over $1,000,000.

The San Francisco area is the industrial, economic, and transportation center of the Pacific coast. It is practically defenseless so far as the air is concerned." This central location is the natural place for Army air activities on the west coast. It is the natural place for the storage, repair, and distribution depot. Transportation lines reach out from there to the Philippines, Hawaii, and all Pacific coast points. There is the key position to be defended; from there must radiate the arms of the air defense of the coast to every point an enemy may choose for attack. This proposed arrangement will make for a more economical and effective defense.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONSTRUCTION AT CARLISLE BARRACKS, PENNSYLVANIA

Mr. RANSLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12602) to make an appropriation for construction at Carlisle Barracks, Pa., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $37,000 for the construction of a stable at Carlisle Barracks, Pa.

The SPEAKER. Is a second demanded?

A second was not demanded.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SALE OF UNITED STATES LANDS IN MICHIGAN

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4683) to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan, with an amendment, which I send to the desk and ask to have read. With the amendment it will make the bill identical with a bill which has been reported favorably by the Committee on Military Affairs for the sale of United States interest in real estate.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to cause to be appraised and to sell, upon such terms and conditions as he considers advisable, at not less than the appraised value, and to make proper deed of conveyance therefor, all of the right, title, interest, and estate of the United States of America in and to the lands (or any part thereof) described in the instrument dated March 8, 1859, issued to the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co. under the provisions of the act entitled "An act granting the right of way over and depot grounds on the military reserve at Fort Gratiot, in the State of Michigan, for railroad purposes," approved February 8, 1859, as amended.

SEC. 2. That the proceeds of said sale shall be deposited in the Treasury to the credit of the fund known as the military-post construction fund, after first paying the expenses of and incident to the sale.

With the following amendment:

Page 1, line 4, after the word "sell," insert the words "in parcels or as a whole."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

LAWS PASSED BY TWELFTH LEGISLATURE OF PORTO RICO

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the laws and resolutions enacted by the Twelfth Legislature of Porto Rico during its second regular session, from February 10 to April 15, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, *June 30, 1930.*

RESIGNATION FROM A SELECT COMMITTEE

The SPEAKER laid before the House the following communication:

JUNE 25, 1930.

Hon. NICHOLAS LONGWORTH,
Speaker House of Representatives,

DEAR MR. SPEAKER: Since my appointment as a member of the committee selected pursuant to House Resolution 220, to investigate communist propaganda in the United States, I find that due to conditions of a character demanding my immediate and personal attention, I will be unable to attend the hearings as fixed, and, therefore, beg to tender herewith my resignation as a member of said committee.

I am, with sincere respect, very truly,

W. J. DRIVER.

The SPEAKER. Without objection, the resignation will be accepted, and the Chair appoints, to fill the vacancy created by the resignation, the gentleman from Mississippi [Mr. HALL].

BRIDGE ACROSS GRAND CALUMET RIVER, EAST CHICAGO, IND.

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13035) to extend the times for commencement and completing the construction of a bridge across the Grand Calumet River at East Chicago, Ind., which I send to the desk and ask to have read.

The SPEAKER. The gentleman states that this is an emergency?

Mr. WOOD. Yes; it is.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Grand Calumet River at or near East Chicago, Ind., authorized to be built by the Chicago South Shore & South Bend Railroad and its successors and assigns, by an act of Congress approved February 13, 1929, are hereby extended one and three years, respectively, from February 13, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, may I ask the gentleman from Indiana if this is merely a railroad bridge, or a toll bridge?

Mr. WOOD. It is an interurban bridge.

Mr. SCHAFER of Wisconsin. It is not a toll bridge?

Mr. WOOD. No.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

UNITED STATES BORDER PATROL

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11204) to regulate the entry of persons into the United States, to establish a border patrol in the Coast Guard, and for other purposes.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11204. The question is on agreeing to the motion.

Mr. O'CONNOR of New York. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 235, nays 36, not voting 156, as follows:

[Roll No. 81]

YEAS—235

Abernethy	Ayres	Blackburn	Brigham
Adkins	Bachmann	Bland	Browne
Allen	Baird	Blanton	Browning
Almon	Barbour	Bowman	Busby
Arnold	Beedy	Box	Butler
Aswell	Bell	Briggs	Campbell, Iowa
Canfield	Green	Lankford, Ga.	Reed, N. Y.
Cannon	Greenwood	Lankford, Va.	Reid, Ill.
Carter, Calif.	Gregory	Larsen	Robinson
Carter, Wyo.	Guyer	Lea	Rogers
Cartwright	Hadley	Leavitt	Rowbottom
Chalmers	Hale	Lehlbach	Rutherford
Chindblom	Hall, Ill.	Letts	Sanders, Tex.
Christgau	Hall, Ind.	Lozier	Sandlin
Clague	Hall, Miss.	Luce	Schafer, Wis.
Collier	Hall, N. Dak.	Ludlow	Seiberling
Collins	Halsey	McClintic, Okla.	Shaffer, Va.
Colton	Hammer	McClintock, Ohio	Short, Mo.
Cooper, Ohio	Hardy	McDuffie	Shott, W. Va.
Cooper, Tenn.	Hare	McFadden	Shreve
Cox	Hartley	McKeown	Simmons
Coyle	Hastings	McLaughlin	Sloan
Cramton	Haugen	McMillan	Snow
Cross	Hawley	McSwain	Sparks
Crowther	Hickey	Maas	Speaks
Culkin	Hill, Ala.	Mapes	Sproul, Ill.
Dallinger	Hill, Wash.	Menges	Stafford
Darrow	Hoch	Merritt	Stalker
Davis	Hogg	Michener	Stone
Denison	Holaday	Miller	Strong, Kans.
Dickinson	Hooper	Milligan	Strong, Pa.
Dominick	Hope	Montague	Summers, Wash.
Doughton	Houston, Del.	Montet	Sumners, Tex.
Dowell	Howard	Moore, Ohio	Swanson
Doxey	Huddleston	Moore, Va.	Swing
Driver	Hull, Morton D.	Morgan	Taber
Dunbar	Hull, Wis.	Mouser	Tarver
Dyer	Jeffers	Nelson, Me.	Taylor, Tenn.
Eaton, Colo.	Jenkins	Nelson, Mo.	Thatcher
Elliott	Johnson, Ind.	Nolan	Thompson
Ellis	Johnson, Nebr.	O'Connor, La.	Thurston
Englebright	Johnson, Okla.	O'Connor, Okla.	Timberlake
Eslick	Johnson, S. Dak.	Oldfield	Turpin
Esterly	Johnson, Tex.	Oliver, Ala.	Underwood
Evans, Calif.	Johnson, Wash.	Palmer	Vestal
Fisher	Jonas, N. C.	Palmisano	Vincent, Mich.
Fitzgerald	Jones, Tex.	Parker	Wason
Fort	Kahn	Patman	Watres
Foss	Kendall, Ky.	Patterson	Welch, Calif.
Frear	Kennedy	Pritchard	White
Freeman	Ketcham	Purnell	Whittington
French	Kincheloe	Quin	Wilson
Garber, Okla.	Kinzer	Ragon	Wolfenden
Garber, Va.	Kopp	Rainey, Henry T.	Wolverton, N. J.
Garrett	Kurtz	Rainey, Frank M.	Wolverton, W. Va.
Gasque	Kvale	Rainseyer	Wood
Gibson	Lambertson	Ramspeck	Woodruff
Glover	Langley	Rankin	Yon
Goodwin	Lanham	Ransley	

NAYS—36

Ackerman	Douglass, Mass.	Hull, William E.	Mead
Black	Evans, Mont.	Irwin	Mooney
Boylan	Fenn	Knutson	Morehead
Celler	Fitzpatrick	LaGuardia	Niedringhaus
Clancy	Gambrill	Lampert	O'Connell
Cochran, Mo.	Garner	Lindsay	Prall
Connery	Gavagan	McCormack, Mass.	Tinkham
Crosser	Granfield	McLeod	Tucker
Cullen	Hess	Martin	Wigglesworth

NOT VOTING—156

Aldrich	Crail	Kemp	Selvig
Allgood	Crisp	Kendall, Pa.	Simms
Andresen	Curry	Kerr	Sinclair
Andrew	Davenport	Kiefner	Sirovich
Arentz	Dempsey	Kiess	Smith, Idaho
Auf der Heide	De Priest	Korell	Smith, W. Va.
Bacharach	DeRouen	Kunz	Snell
Bacon	Dickstein	Leech	Somers, N. Y.
Bankhead	Douglas, Ariz.	Linthicum	Spearing
Beck	Doutrich	McCormick, Ill.	Sproul, Kans.
Beers	Doyle	McReynolds	Steagall
Bloom	Drane	Magrady	Stedman
Bohn	Drewry	Manlove	Stevenson
Bolton	Eaton, N. J.	Mansfield	Stobbs
Brand, Ga.	Edwards	Michaelson	Sullivan, N. Y.
Brand, Ohio	Estep	Moore, Ky.	Sullivan, Pa.
Britten	Finley	Murphy	Swick
Brumm	Fish	Nelson, Wis.	Taylor, Colo.
Brunner	Free	Newhall	Temple
Buchanan	Fuller	Norton	Tilson
Buckbee	Fulmer	O'Connor, N. Y.	Treadway
Burdick	Gifford	Oliver, N. Y.	Underhill
Burtness	Golder	Owen	Vinson, Ga.
Byrns	Goldsborough	Parks	Wainwright
Cable	Graham	Peavey	Walker
Campbell, Pa.	Griffin	Perkins	Warren
Carley	Hancock	Pittenger	Watson
Chase	Hoffman	Pou	Welsh, Pa.
Christopherson	Hopkins	Pratt, Harcourt J.	Whitehead
Clark, Md.	Hudson	Pratt, Ruth	Whitley
Clark, N. C.	Hudspeth	Quayle	Williams
Clarke, N. Y.	Hull, Tenn.	Rayburn	Williamson
Cochran, Pa.	Igoe	Reece	Wingo
Cole	James	Romjue	Woodrum
Connolly	Johnson, Ill.	Sabath	Wright
Cooke	Johnston, Mo.	Sanders, N. Y.	Wurzbach
Cooper, Wis.	Kading	Schneider	Wyant
Corning	Kearns	Sears	Yates
Craddock	Kelly	Seger	Zihlman

So the motion was agreed to.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Snell with Mr. Bankhead.
Mr. Hudson with Mr. Drane.
Mr. Watson with Mr. Wingo.
Mr. Tilson with Mr. O'Connor of New York.
Mr. Free with Mr. Pou.
Mr. Swick with Mr. Steagall.

Mr. Harcourt J. Pratt with Mr. Carley.
Mr. Treadway with Mr. Warren.
Mr. Crail with Mr. Griffin.
Mr. Bacharach with Mr. Linthicum.
Mr. Manlove with Mr. Buchanan.
Mr. Beers with Mr. Somers of New York.
Mr. Aldrich with Mr. Byrns.
Mr. Murphy with Mr. Wright.
Mr. Britten with Mr. Sullivan of New York.
Mr. Temple with Mr. Allgood.
Mr. Yates with Mr. Williams of Texas.
Mr. Graham with Mr. Crisp.
Mr. Hopkins with Mr. Edwards.
Mr. Pittenger with Mr. Moore of Kentucky.
Mr. Sinclair with Mrs. Owen.
Mr. Welsh of Pennsylvania with Mr. Rayburn.
Mr. Kiess with Mr. Sabath.
Mr. Johnston of Missouri with Mr. Brand of Georgia.
Mr. Davenport with Mr. Woodrum.
Mr. Connolly with Mr. Bloom.
Mr. Perkins with Mr. Vinson of Georgia.
Mr. Leech with Mr. Corning.
Mr. Michaelson with Mr. Quayle.
Mr. Kendall of Pennsylvania with Mr. Oliver of New York.
Mr. Golder with Mrs. Norton.
Mr. Kiefner with Mr. Mansfield.
Mr. Estep with Mr. Sirovich.
Mr. Brumm with Mr. Douglas of Arizona.
Mr. Beck with Mr. Taylor of Colorado.
Mr. Magrady with Mr. Drury.
Mr. Fish with Mr. Whitehead.
Mr. Doutrich with Mr. Stevenson.
Mr. Seger with Mr. Fuller.
Mr. Chase with Mr. Hull of Tennessee.
Mr. Campbell of Pennsylvania with Mr. Kemp.
Mr. Bolton with Mr. Parks.

The result of the vote was announced as above recorded.

The doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11204) to regulate the entry of persons into the United States, to establish a border patrol in the Coast Guard, and for other purposes, with Mr. CRAMTON in the chair.

The Clerk read the title of the bill.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York [Mr. PARKER] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. O'CONNOR of New York. Mr. Chairman, I object.

The Clerk read the bill, as follows:

Be it enacted etc., That this act may be cited as the "Border patrol act, 1930."

ENTRY OF PERSONS INTO THE UNITED STATES

SEC. 2. (a) It shall be unlawful for any person to enter the United States from a foreign country at any place other than a point of entry designated by the President, except that this section shall not be applicable in the case of—

(1) Any person who in entering the United States complies with the regulations prescribed by the President for the convenience of persons residing or owning property on or adjacent to the boundaries of the United States;

(2) Any person who in entering the United States complies with the air commerce act of 1926 and the regulations prescribed thereunder.

(b) Any person who violates the provisions of this section shall be guilty of a misdemeanor and, in addition to all other penalties provided by law, be subject to a penalty of $100. Such penalty shall be a lien against any vessel, vehicle, or aircraft in which the entry in violation of this section is made. Such penalty may be enforced, or may be remitted or mitigated, in the same manner as a penalty for a violation of the customs revenue laws of the United States; but such penalty shall not be enforced if a penalty (whether criminal or civil) for violation of any other law of the United States has been incurred.

BORDER PATROL

SEC. 3. (a) There is hereby established an organization to be known as the United States Border Patrol, which shall operate under and be administered by the Commandant of the Coast Guard.

(b) There are hereby authorized in the Coast Guard, for service in the border patrol, such additional enlisted ratings as the Secretary of the Treasury may determine.

(c) There are hereby authorized in the Coast Guard, for service in the border patrol, the warrant grade of warrant officer (border patrol) and the chief warrant grade of chief warrant officer (border patrol), and persons holding appointments in said grades shall receive the same pay, allowances, and benefits as other warrant officers and chief warrant officers, respectively, of like length of service, in the Coast Guard.

(d) Any officer or enlisted man of the Coast Guard may be detailed by the commandant to duty in connection with the border patrol, as in his judgment circumstances may require.

(e) The number of commissioned officers of the line on the active list authorized in the Coast Guard is hereby increased by 60, distributed among the grades in the proportions provided for distribution in the grades of line officers by section 1 of the act entitled "An act to readjust the commissioned personnel of the Coast Guard, and for other purposes," approved March 2, 1929.

(f) The Secretary of the Treasury is authorized to establish receiving and training stations, with necessary barracks, other buildings, and equipment, for the training of warrant officers and enlisted men of the border patrol.

ENFORCEMENT

SEC. 4. (a) It shall be the duty of the border patrol to enforce the provisions of this act, except at ocean boundaries of the United States.

(b) Any officer or enlisted man of the border patrol may arrest any person entering the United States in violation of this act; may seize any merchandise in the possession of any person entering the United States in violation of this act, or any vessel, vehicle, or aircraft, in which the entry in violation of this act is made; and may deliver any such merchandise, vessel, vehicle, or aircraft, or any person arrested for violation of section 2, into the custody of such officers, at a point of entry, or elsewhere, as the Secretary of the Treasury may by regulation prescribe.

EXISTING PATROLS

SEC. 5. The President is authorized to discontinue the border patrols of the Bureau of Customs and the Bureau of Immigration, or parts thereof, from time to time after the approval of this act, when in his judgment such action is advisable by reason of the establishment and effective operation of the border patrol created by this act.

EMPLOYEES AND EQUIPMENT

SEC. 6. (a) The Secretary of the Treasury is authorized to appoint such employees and to purchase such motor vehicles, boats, horses, supplies, and equipment as are necessary in the administration of this act.

(b) Any vessel or vehicle forfeited to the United States as specified in sections 1 and 2 of the act entitled "An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes," approved March 3, 1925, may, in the discretion of the Secretary of the Treasury, be taken and used, or may, upon application of the Secretary of the Treasury, be ordered by the court to be delivered to the Treasury Department for use in the enforcement of the provisions of this act instead of for use as provided in such act of March 3, 1925.

EXECUTION OF OTHER LAWS

SEC. 7. There are authorized to be appropriated such amounts as may be necessary for the establishment and maintenance of points of entry designated under this act, including the acquisition of necessary sites and the construction of necessary buildings, or in the execution of the customs, immigration, and other laws regulating or prohibiting the entry into the United States of persons and merchandise as a result of the establishment of such points of entry.

EFFECTIVE DATE

SEC. 8. This act shall take effect upon its approval, except that sections 2 and 4 shall take effect upon the 1st day of the seventh month after its approval.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That this act may be cited as the 'Border Patrol Act, 1930.'

"SEC. 2. (a) There is hereby established in the Department of the Treasury an organization to be known as the United States border patrol. In order to secure close cooperation between the patrols along the land and water boundaries of the United States the United States border patrol shall be assigned, for administrative purposes, to the office of the Assistant Secretary of the Treasury having supervision of the United States Coast Guard.

"(b) The President is authorized to transfer to the United States border patrol all or any part of the personnel of the border patrols of the Bureau of Immigration of the Department of Labor and of the Bureau of Customs of the Department of the Treasury, or of other border patrols, together with their equipment and appurtenances, and to discontinue such border patrols, or parts thereof, from time to time, when in his judgment such action is advisable by reason of the establishment and effective operation of the United States border patrol created by this act. In case of any such transfer or discontinuance, any unexpended appropriations apportioned for expenditure for the compensation of, or in connection with the performance of the duties of, the personnel transferred or the patrol discontinued, shall be available for expenditure in carrying out the provisions of this act.

"(c) The Secretary of the Treasury is authorized to appoint such officers and employees, in accordance with the competitive provisions of the civil service law, and to purchase such motor vehicles, boats, horses, supplies, and equipment as are necessary in the administration of this act.

"SEC. 3. It shall be the duty of the United States border patrol to enforce the provisions of this act against unlawful entry of persons into the United States, except at ocean boundaries of the United States, and to perform under regulations that may be prescribed by the Secretary of the Treasury such other duties as are, in his judgment,

advisable in connection with the unlawful entry of persons or property into the United States.

"SEC. 4. (a) It shall be unlawful for any person to enter the United States from a foreign country at any place other than a point of entry which shall be designated by the President, except that this section shall not be applicable in the case of—

"(1) Any person who in entering the United States complies with regulations which shall be prescribed by the President for the convenience of persons residing or owning property on or in the neighborhood or vicinity of the boundaries of the United States;

"(2) Any person who in entering the United States complies with the air commerce act of 1926 and the regulations prescribed thereunder.

"(b) Any officer or member of the United States border patrol may arrest any person unlawfully entering the United States; may seize any merchandise unlawfully transported into the United States or in the possession of any person unlawfully entering the United States, or any vessel, vehicle, or aircraft in which such unlawful entry is made; and shall promptly deliver any such person, merchandise, vessel, vehicle, or aircraft into the custody of the appropriate officer.

"(c) Any person who violates the provisions of this section shall be guilty of a misdemeanor subject to a penalty of $100. Such penalty shall be a lien against any vessel, vehicle, or aircraft in which the entry in violation of this section is made. Such penalty may be enforced, or may be remitted or mitigated, in the same manner as a penalty for a violation of the customs revenue laws of the United States. Action to enforce the penalty provided in this paragraph shall not be taken if in violating the provisions of this section a penalty (whether criminal or civil) has been incurred for violation of any other law of the United States.

"(d) Any vessel or vehicle seized by officers or agents of the Treasury Department and forfeited to the United States as specified in sections 1 and 2 of the act entitled 'An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes,' approved March 3, 1925, as amended, may, in the discretion of the Secretary of the Treasury, be taken and used, or may, upon application of the Secretary of the Treasury, be ordered by the court to be delivered to the Treasury Department for use in the enforcement of the provisions of this act instead of for use as provided in such act of March 3, 1925.

"SEC. 5. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this act and for the establishment and maintenance of points of entry designated under this act, including the acquisition of necessary sites and the construction of necessary buildings, or in the execution of the customs, immigration, and other laws regulating or prohibiting the entry into the United States of persons and merchandise as a result of the establishment of such points of entry.

"SEC. 6. This act shall take effect upon its approval, except that sections 3 and 4 shall take effect upon the first day of the seventh month after its approval."

Amend the title so as to read: "A bill to establish the United States border patrol, to regulate the entry of persons into the United States, and for other purposes."

Mr. PARKER. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. HOOPER].

Mr. HOOPER. Mr. Chairman and ladies and gentlemen of the committee, I think every Member of the House knows that my distinguished colleague [Mr. HUDSON] has been very deeply interested in the passage of this bill. He is not here to take part in the discussion of the bill. He was happily married on June 28. [Applause.] I am certain that all the Members of the House on both sides will join with me and my colleagues from Michigan in wishing him great happiness and long life. [Aplause.]

Mr. Chairman, I ask unanimous consent, on behalf of our colleague [Mr. HUDSON], that he be given permission to revise and extend his remarks, and that in that extension there may be incorporated a very brief editorial from the Detroit Free Press upon the subject of the bill before the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HUDSON. Mr. Speaker, very important personal matters make it imposible for me to be present and take part in the discussion of the bill H. R. 11204, before the House to-day. I have therefore asked for this privilege of extension.

I introduced the first bill providing for a United States border patrol in the first session of the Sixty-ninth Congress, known as H. R. 9731. The bill was designed primarily to create an establishment which would do police work upon the borders of the United States. That bill provided for the establishment of this unit of enforcement in the Labor Department and was designed to cover into the unit the existing immigration patrol, customs patrol, agricultural patrol, and the prohibition patrol, since taken over by the customs.

There are employed by the United States immigration patrol some 870 patrolmen; the United States Department of Agriculture employ 39 on the Mexican border and 41 on the Canadian border, or a total of 90 in their quarantine patrol, while the customs patrol has a total of 712.

The present bill is an outcome of my former consideration along this line. Living in a border State, I have come to realize there are more aliens coming into the United States every year illicitly than come through quotas. I also am confident of the fact that in the matter of smuggling goods the open, unprotected border affords a successful field for the smuggler. Without question the bulk of narcotics entering the country is received illegally over our borders.

The present bill, creating this patrol and placing it under a Secretary of the Treasury Department, has the sanction of the administration and has been drawn by the Treasury Department. I am confident that, while this measure would entail some further expense in the proper safeguarding of our borders, it will be especially worth while for the protection and preservation of our national institutions. In the last analysis I do not believe it will be found as expensive in its operation as the present administration by four departments of the law affecting our borders.

A dignified, intelligent, unified United States patrol will also remove much of the vexation and inconvenience caused many people of the United States by the present un-unified and scattered patrols. It also will unify in one police system the authority that is now vested in several, no one of which has complete authority.

This condition is a tremendous handicap, because in a majority of capital crimes committed against the United States it is found that the principals, criminals all, are engaged in more than one field of unlawful operation. There has been in certain circles the ridiculous opinion that persons who engage in one crime would not commit any other crime; however, statistics will reveal that in the majority of cases where major criminal acts have been committed against the Government, the principals are classified as professional law violators who unhesitatingly engage in almost any sort of crime.

My first thought for the adoption of an efficient plan to enforce all of the Federal laws is to establish a medium for the prevention of crime, and my second solution would be to combat crime. For both prevention and combat it is necessary to build a thoroughly efficient, well trained, and educated organization of capable officers who will in the performance of their prescribed duties be admired by the reputable citizens and feared by the criminals.

An organization of this kind would go into the field to prevent violations and enforce all Federal laws. The personnel, carefully selected, thoroughly educated, well dressed, and declared eligible to represent the Federal Government in a most important capacity, because the constabulary is a peace-time army, thrown into the field to combat a dangerous peace-time war that seems to ever rage, the war against crime, for the benefit of society and better government.

Inasmuch as the officer is charged with the enforcement of all Federal law, he can proceed without any molestation whatsoever to accomplish hurriedly and accurately for the Government, that which is quite impossible under the present system of departmental routine and regulation. If he may be originally called upon to probe a case of alien smuggling, and within the progress of the investigation he learns that the principles have or are violating other Federal laws, it would be his duty to conduct the work over each and every angle, eliminating the confusion we now have in transmitting certain cases to certain officers or departments, which always present a costly delay, better defined as an obstruction to the proper administration of justice.

Uniting of the patrol forces now existent and operating on our international boundary lines under one administrative head producing a civil-service organization, uniform in character and duty, are the objects sought in pending border patrol bill. It is inconceivable to anyone reading the bill or who attended the hearings before the committee considering the same that it in any way could possibly cause the great distress and annoyance as outlined by some of the Members who have spoken in opposition to-day. No attempt whatever is even remotely suggested looking toward either voluntary or compulsory registration of American citizens.

Instead of hampering or restricting or in any way disturbing the innocent travel between Canada and the United States, the proposed legislation would increase the convenience of such travel.

I apprehend much of the uneasiness that has arisen in the last day or two arises from the confusion over a new term used in the bill, viz, "designated place of entry," confounding the proposed "designated place of entry" with the existent "ports of entry," where now are established customs, immigration, and other such offices. The bill authorizes the President to establish all along the borders designated places of entry where for the convenience of the citizen coming in without merchandise or goods purchased in a foreign country makes no report and simply comes and goes as an ordinary business activity.

In addition to the convenience thus created by the bill for American citizens in general the bill specifically makes exception through presidential regulation, "for the convenience of persons residing or owning property on or in the neighborhood or vicinity of the boundaries of the United States." This will thus relieve them even from the necessity of using the designated places of entry.

It has been suggested that the bill is in conflict with present navigation law and tariff act. The Department of Commerce assures us that there is no real conflict attempted, and that a slight amendment would easily clear up any misunderstanding if any exists. It is my earnest purpose and desire that no provision in the proposed law shall cause any inconvenience, annoyance, or hardship upon the yacht owners and pleasure-boat users of the Detroit River and our Great Lakes, and I can assure the great mass of boat users and my constituency of Detroit and Wayne County that no one will give more urgent protest to the passage of such restrictive legislation than myself.

The legislation arose out of the recommendation by President Coolidge in his last two messages and in the first and succeeding messages of President Hoover to this Congress. The purpose of the law is to make more efficient and save expense in bringing into one unit the enforcement arms of the Government against the smuggling of aliens, merchandise, narcotics, and other contrabands across the American borders. Its further purpose is to dignify the group of men who have charge of this enforcement work by the creation of this uniform, competent body. I am confident no one will suffer unless he purposely and willfully is attempting to break the laws of the United States against smuggling.

The proposed law is a logical step in tightening up enforcement against smuggling, and which can not be objected to without championing violation of law.

In conclusion, I desire to read an editorial from the Detroit Free Press of Saturday, June 21, 1930, entitled "The Border Patrol Act."

THE BORDER PATROL ACT

The protests that are being filed in Washington against the border patrol act of 1930 lack the virtue of consistency. The provision to which they take particular exception is that requiring all boats returning from Canadian and Mexican waters to report to the American customs. At present boats under 5 tons, which are not carrying merchandise purchased outside this country, are exempt from this requirement.

The essential question is this: Are Americans visiting Canada or Mexico in boats to enjoy privileges that are denied Americans visiting them in automobiles or on foot, when they return to their native shores?

A good deal of annoyance to innocent parties doubtless would be caused by the strict enforcement of such a regulation. A good deal of annoyance and inconvenience is now caused motorists by the necessity of reporting to the customs and submitting to search, when the suspicion that they are smuggling is sufficient to warrant it. A good deal of annoyance is caused those who travel by ferry by pocket-slapping at the dock. Are those who travel in boats of less than 5 tons alone to be exempted from the price the innocent must pay for protection against lawlessness? Are those who return to the United States in boats of 4.5 tons entitled to an exemption denied those who come back in boats of 5.5 tons? The only difference in their conveyances is that they are able to stow away a little less or a little more contraband. A just law can't take that into account.

The argument that the enactment of this provision would create an entire new class of "criminals" won't hold water. Criminals are not created by law. They create themselves by violating the law. The same argument might be urged against every criminal law on the books. The proposed regulation of small boats returning to the United States from Canadian or Mexican waters is a logical step in tightening up the enforcement of our laws against smuggling, which can not be objected to, as long as land conveyances are required to report to the customs without championing the continuance of a flagrant discrimination.

Mr. PARKER. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Chairman and members of the committee, if I may have your attention, I shall endeavor as briefly as possible to outline the main features of this bill in this opening statement.

The purpose of the measure is three-fold. First, to unify the present patrol services of the Government upon the Canadian and Mexican borders; second, to make more effective, if possible, the enforcement of the laws of the country at those borders; and third, to add to the convenience of those lawfully crossing the borders of the country.

There are now two principal patrol services on the borders. There is the patrol service maintained by the Immigration Bureau of the Department of Labor which now has 847 patrolmen. I am not now speaking of the administrative officers of immigration, but solely of those men whose duty it is to patrol the borders in the enforcement of the immigration laws.

The immigration patrol service came into being along with the restrictive immigration laws. I believe the first act was passed in 1924. It is an excellent service. It is in uniform, and the men carry arms. It is rendering a splendid service in the enforcement of the immigration laws.

There is also the fine service maintained by the Customs Bureau of the Treasury Department. In that service at present there are 722 men, making a total in the two services of 1,569 men. The customs patrolmen are also uniformed, and they carry arms.

There are also a number of other services which do something of a patrol service along the two borders, but which can not perhaps strictly be called a patrol service in the sense considered here. The Department of Agriculture maintains a number of men, a somewhat mobile force, to move from place to place as occasion arises, for the enforcement of the quarantine laws of the country. That also may be said for the Public Health Service. But, as I have said, the two principal services are the Immigration Service and the Customs Service.

For a number of years all of those interested in this and other patrol services have felt the need of unifying the patrol service, so that we may have under one centralized authority a patrol service to patrol the borders of the country. They have all recognized that there is an overlapping and duplication of work which should be avoided, both in the interest of economy and in the interest of efficiency.

When it came to the question of where we should establish this unified service, we met at the outset what was a rather perplexing question. This measure was earnestly urged by the President of the United States in his opening message to this Congress. In that message the President suggested that this service be placed under the United States Coast Guard. There was much to commend that solution of the difficulty, but after very careful consideration the committee concluded it would be impractical and unwise to attempt to put this service under the Coast Guard.

I may briefly state the reasons which led us to that conclusion. In the first place the Coast Guard is, as you know, a military arm of the Government. It is a military service. Entrance to the Coast Guard is by enlistment. It is subject to all of the conditions which go along with military service, and we found very strong, and we think very natural opposition to establishing a military service upon the two borders.

Then we had a very practical difficulty of taking care of the men who are in the two splendid services to which I have referred.

The Immigration Service is under civil-service rules. The Customs Service is in a rather peculiar situation. Those upon the Canadian border are under civil service, but those upon the Mexican border are not under civil service. It is, however, a civil organization. If we had put this under the United States Coast Guard, it would have meant that the men who are at present in the Immigration and Customs Services, a splendid body of men, would have been compelled, if they continued in the service, to surrender their civil-service status and take enlistments in a military service. We concluded from the testimony and from interviews which we held with Members interested in that service that it would not be practicable to attempt that and it would be unfair to those men.

Then we were confronted with the great difficulty with reference to getting supervisory officials for this service if we put it under the Coast Guard. The crying need of the Coast Guard is for additional commissioned officers. Several years ago we provided by statute an increased personnel in the commissioned officers in the Coast Guard, but in spite of that we have found it difficult to get men for officers in the Coast Guard. The Coast Guard is a sea service. All of its traditions and its training center about the sea and about ships. Their only way of getting officers is through the graduates of the Coast Guard Academy in Connecticut and also by taking certain graduates of engineering courses in other colleges. But that is a slow process. The Commandant of the Coast Guard testified that at best it would be four or five years before we could expect to get men to head this service if we put it in the Coast Guard. For that and other reasons the committee abandoned the idea of putting it in the Coast Guard.

The bill proposes to create a separate service, called the United States border patrol, and we propose that it shall be within the Treasury Department and shall be assigned to the same Assistant Secretary who now has supervision over the Coast Guard. We believe that would present unity both in theory and in administration. That Assistant Secretary, if this bill becomes law, will then have three services under his supervision, and three only. He will have the Coast Guard, which, under the present law, is charged with the duty of enforcing the law against unlawful entry upon the water boundaries of the country; he will have the border patrol service, which, under this measure, would have the like duty of enforcing the law with reference to the entrance into the country of persons and property at the land boundaries of the country; and he will also have the Customs Service. There would be a very intimate relationship between the two services I have mentioned and the Customs Service, because under the law whatever contraband goods may be seized, either by the Coast Guard or the border patrol service, must be turned over for administrative purposes to the Customs Service. Therefore we believe that this proposed set-up presents a logical and practical solution of the question as to the department in which we shall create this unified border-patrol service.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. JENKINS. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. JENKINS. I am a great admirer of the border patrol, especially the immigration border patrol. I should like to ask the gentleman this question: As I understand it, enforcement of the prohibition law has been turned over to the Attorney General; the Coast Guard remains under the Treasury of the United States and the border patrol remains under the Treasury of the United States. It is very evident that both of these are going to have a lot to do with the enforcement of the prohibition law. Does this bill make any arrangement whatever for the joint authority of the Attorney General over these different agencies, or how does the gentleman expect that to work out without any conflict?

Mr. HOCH. I intended to come to the question of the duties that would be placed upon the border patrol, and I think I shall answer the question of the gentleman from Ohio. So much for the set-up of the unified border patrol service. I might say in passing that it is the purpose to increase this service under the tentative plans—and they are only tentative, made after very thorough surveys by several of the bureaus of the Government—to increase the border patrol service to about 2,500 men, which will be approximately 1,000 men in addition to the approximately 1,500 who are now in these two services. I should have said in this connection that the bill provides for the transfer, upon the order of the President, of the men in these services or any other patrol services to this border patrol service, so that the men in the Immigration Service and in the Customs Service will not lose their status, will not lose their positions, but will become a part of the unified border patrol service.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. WILLIAM E. HULL. What will be the average salary of these 2,500 men?

Mr. HOCH. The present average salary is about $2,100, of the men in the present services, and it is the idea to maintain about the same scale of salary.

Mr. BRIGHAM. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. BRIGHAM. This bill does not contemplate any change in the salary schedule?

Mr. HOCH. The salaries will be fixed by the Secretary, under civil service law and rules, and there is no idea of paying these men any less money than they are receiving at present. The idea is not only to unify but to strengthen the service in every way possible.

Mr. JENKINS. The idea is to put these two organizations together but without any deterioration of the morale in any way?

Mr. HOCH. Precisely so. I have already discussed the first thing that the bill does. I said the second purpose of the measure was to make more effective, if possible, the enforcement of the laws of the country at the borders. Let me say in this connection that I have not approached this subject and the committee has not approached it simply as a prohibition measure. To be sure, it is hoped that through this more effective patrol service we will be able to more effectively prevent the smuggling of liquors into the country.

But this is not a prohibition measure at all. It has to do with the enforcement of all the laws of the country, with respect to the unlawful entry of persons or property into the United States, the better enforcement of the laws against the illegal entry of aliens, against the smuggling of merchandise of any sort in violation of the customs laws of the country, or any violation of the law against the bringing in of narcotics, as well as the prohibition law.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. HOCH. I yield.

Mr. O'CONNOR of New York. Is it not a fact that in the hearings, as I quoted in some remarks I made the other day, the immigration authorities say they are getting along all right as it is, and that the customs authorities have no complaint as to their ability to enforce their laws?

Mr. HOCH. I will say that both the Customs Service and the Immigration Service indorse the measure in very strong terms. Of course, they stand up for their respective services, and so do I; but Mr. White, the present Assistant Secretary of Labor, having in charge the Immigration Service, through whose individual efforts very largely the present splendid immigration patrol service was created, said that he has favored from the first the unification of these border services, and he is one of the strongest advocates of putting together these services into a unified border patrol service.

Mr. O'CONNOR of New York. Is it not a fact they are somewhat motivated by the fact they have been proceeding contrary to law. There has never been any legal authorization for any of these patrols they have had, and they would like to have them finally authorized by law.

Mr. HOCH. I do not concede they have been proceeding contrary to law.

Mr. O'CONNOR of New York. There is certainly no legal authorization for any appropriation we have been making for these border patrols.

Mr. HOCH. I disagree absolutely as to that; but if that is true and there is any doubt about the law with reference to the coming in unlawfully of persons or property, I certainly hope the gentleman from New York will cooperate with us in fixing that situation.

Mr. O'CONNOR of New York. I certainly will, but what I say is they have never had any authority heretofore to establish such a border patrol.

Mr. HOCH. I do not agree with that. The immigration border patrol service was created by statute and is a statutory organization. It was first provided, I believe, in an appropriation bill, but it was a legislative provision nevertheless.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. HOCH. I yield.

Mr. O'CONNOR of Louisiana. There is considerable difference of opinion among some of the Members on the Democratic side as to whether the American Federation of Labor has ever indorsed this bill. While I do not consider their attitude all-determining, still it is a factor with some of us which might have a bearing upon our vote on the bill as their view is of some importance. Would the gentleman give us some information about that?

Mr. HOCH. I will be very pleased to state that in so far as I know——

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. HOCH. Let me first answer the question of the gentleman from Louisiana.

As I stated, the bill, as first proposed, provided that this service should be established in the Coast Guard, and this aroused at once, and naturally so, very intense opposition on the part of the men in the Immigration and Customs Services and their friends, and upon that bill there appeared a representative of the labor organizations at the close of one day's hearing, who entered an objection to the bill. I asked him if he would not come back that we might have a chance to ask him questions that we might know precisely the nature of his objection, but he did not return at the next meeting. I am not in any sense criticizing his not returning, but my belief is that the principal reason which led to the opposition was the fear, and the natural one, that these men now in the Immigration and Customs Services would lose their positions if we adopted the bill in its original form.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. HOCH. I yield.

Mr. O'CONNOR of New York. Is it not the fact that in the hearings, as inserted in my remarks of last Thursday, Mr. Rob-

erts, the representative of the American Federation of Labor, said——

Mr. HOCH. I hope the gentleman will not take too much of my time. I have already stated what he said.

Mr. O'CONNOR of New York. He said:

We are opposed to this unified border patrol because we fear it has only one purpose, to enforce one law—

And so forth. He unqualifiedly and unequivocally was opposed to the law. There was no suggestion about the Coast Guard or about a certain number of men employed.

Mr. HOCH. I happen to know where much, at least, of the opposition came from at that time, and as far as I could learn it was based largely on the proposition that it was going into the Coast Guard. I do know that the Immigration Service itself is very strong for this unification.

Mr. LAGUARDIA. I think the gentleman misunderstands the question of the gentleman from Louisiana, as well as the statement just made by the gentleman from New York [Mr. O'CONNOR]. The question was whether the American Federation of Labor is opposed to it.

Mr. HOCH. That is what I was speaking about. I have never heard, and so far as I know the committee has never heard any expression from the labor organizations since the bill was changed entirely in the way I have indicated.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. HOCH. I yield.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. WILLIAM E. HULL. Is there anything in the proposed law that will prevent these men from searching every automobile that comes across the border? There has been a lot of trouble in that respect, and if you are going to put on 2,500 men, naturally that is going to cause everybody that much more inconvenience, and I want to know what the regulations are going to be.

Mr. HOCH. I will answer the gentleman. We do not in this law give any additional power of search. We are not changing the law in that respect.

Mr. WILLIAM E. HULL. But you are adding a thousand more men.

Mr. HOCH. Yes; it is expected that there will be added about a thousand more men.

Mr. WILLIAM E. HULL. Under the present law people going to Canada legitimately in a car do not like to be searched every time they go across the border.

Mr. HOCH. I am hoping to have time to get to the discussion of the present law with reference to crossing the border, and the changes we propose in it.

Mr. OLIVER of Alabama. Under the bill they will have the same authority that they have now.

Mr. HOCH. Precisely so. We do not change the law.

Mr. JOHNSON of Washington. There is no proposition in this bill that weakens the present law.

Mr. HOCH. Not at all; but if there is any question about it, I would not oppose an amendment to make it plain.

Now, what is proposed? It is proposed to make it unlawful to cross the border except at points of entry designated by the President. At first blush that might sound like a drastic proposal, but in order to understand that I will state what the present law is and what the present situation is.

Under the present law the only persons who do not have to report—I am speaking of American citizens—the only ones who do not have to report at a customhouse when they cross the border are persons on foot bringing no merchandise of any sort or persons in small boats of less than 5 tons, who come in under an exception in the tariff act.

Let me state it in another way: Anyone who comes across the border bringing any merchandise of any sort, whether he comes on foot, in a boat, in a vehicle, must report at a customs port of entry.

Second. Anyone who comes across in an automobile or any other land vehicle, even though he brings no merchandise, must report at a port of entry or he is violating the law.

Anyone who comes in a boat, with one exception which I have not time to discuss in the two minutes remaining—but which will be taken care of under an amendment to be offered—aside from that exception, anyone coming in a boat must under the present law report to the customs port of entry.

Now, what is the situation? Here are the customs ports of entry in many instances many miles apart, and some of them inland away from the border. In some instances they are 5 miles inland, sometimes 5, 10, and 15 miles inland, and in one case 50 miles, I believe.

Under the present law if you come across the border in an automobile, even though you bring no merchandise, even though you cross 25 miles from a customs port, you are compelled to go to a customs port of entry and report. That, of course, adds greatly to the inconvenience of people lawfully crossing the border. It is a common experience for American citizens to be stopped 10 or 15 miles in the country by patrolmen, even when they have not crossed the border. While the purpose of this measure is to stop the man who is unlawfully crossing the border, we will in the main add to the convenience of the people who are lawfully crossing the border.

Now, Mr. Chairman, I do not wish to consume any more time this evening. Other phases will be fully covered later in the discussion.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 11204, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CRAIL, for the remainder of the session, on account of illness in his family.

LETTER FROM A GOLD-STAR MOTHER

Mr. MOREHEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter from one of the gold-star mothers, written after her return from France.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD by inserting therein a letter from a gold-star mother. Is there objection?

There was no objection.

Mr. MOREHEAD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter from one of the gold-star mothers, written after return from France:

DES MOINES, IOWA, *June 25, 1930.*

DEAR FRIEND MR. MOREHEAD: I have waited until my return trip from overseas to write to thank you for the book you sent to me.

I do enjoy having it so much and have checked up on each of the 233 Gold Star Mothers and widows who made the trip with me.

It was such a wonderful trip. I haven't words to express my appreciation of it or to tell how much it has meant to me.

I have always ever since my son's death over there felt a great longing to go and to know what it was like, and I am now firmly convinced that it was the proper thing to do to leave them there, for those are fields of honor and fields of glory. Although my grief has been terrible, I feel now a sweet peacefulness that nothing but the beckoning arms of those beautiful white crosses could ever bring to me. I had two splendid sons in the war, but have lost them both—Clarence over there; George came home afflicted and died August 27, 1927, and is buried at Peru. So one is here and one there. I went from one grave here to the one over there, so you can perhaps know how cruel war seems to me, and it does seem as if those white crosses plead for peace.

Mr. MOREHEAD, there is another thing I will speak of now. My sons neither one had insurance; Clarence enlisted June 21 and sailed August 5, 1917, and for some reason his insurance was not attended to. George enlisted in April, 1917, served until May, 1919; he had insurance but dropped it, and when he tried to get back, because of his physical condition could not be reinstated.

Is there any possible chance that the Government will pay insurance for boys who died in the war even if they did not take insurance out.

I am a widow and I need it so badly. Twenty dollars per month is all the income I have, and it is a big help but not much in comparison to what I gave.

I am a daughter of H. B. Jewell that used to live in Dundy County, Nebr. My sister Lillie says they used to know you there.

Again thanking you for the book and whatever assistance you might be able to give me I will close.

Yours very respectfully,

MRS. MARY E. MILNES CANON,
Gold Star Mother.

REGIONAL ADJUSTMENTS IN AGRICULTURAL PRODUCTION

Mr. CHRISTGAU. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therewith a bill which I am introducing on agricultural legislation.

The SPEAKER. Is there objection?

There was no objection.

Mr. CHRISTGAU. Mr. Speaker and Members of the House, I take this opportunity to call to the attention of the membership of the House and others interested in the difficult problem

of readjustments in agricultural production and the prevention of undesirable surpluses a bill that I have introduced.

Because of recent changes in the world demand for farm products and changes in the technique of farm production, attention should be directed to new considerations that must be given to the difficult problem of farm relief. It is admitted from the beginning that farm production is most difficult of control, because it is carried on by over 6,000,000 separate producing units. It appears, however, that much can be done through the dissemination of information among the farmers advising them of trends in world production and changes in world demand for their products.

The gradual mechanization of agriculture in certain areas has resulted in great differences in the costs of production of a certain commodity as between different areas or regions. That some regions are better adapted for the production of certain farm commodities than others has become more apparent during the last few years. One of the purposes of the bill is to aid the farmers in certain regions to determine what commodities they can produce to their greatest advantage in view of actual and potential competition with other regions in this country and also in competition with producers of agricultural commodities in other countries.

The bill is as follows:

A bill to aid farmers in making regional readjustments in agricultural production to assist in preventing undesirable surpluses

Be it enacted, etc., That it is hereby declared to be the policy of Congress—

(1) To aid farmers in the readjustment of agricultural production to changed economic conditions and changing techniques of production;

(2) To assist farmers in the development of orderly agricultural production programs, thus aiding farmers to prevent unprofitable agricultural surpluses, thereby stabilizing farm incomes;

(3) To supply data and information which will aid and assist the Federal Farm Board in carrying out the provisions of paragraph (4) of section 1, and paragraphs (4) and (5) of section 5 of the agricultural marketing act; and

(4) To provide for necessary appropriations and the authority for allocating the same; to enable the United States Department of Agriculture in cooperation with the agricultural experiment stations of the land-grant colleges, regional research councils, and regional farm management research corporations as hereinafter definitely provided for, to carry on the necessary research work, together with operating tests of farm management and production adjustments in relation thereto.

SEC. 2. The duly authorized representatives of the Secretary of Agriculture and the agricultural experiment stations of the land-grant colleges, when organized into research councils as hereinafter provided in this act, are authorized and directed—

(1) To determine the relative advantages, costs, and returns of different crops, livestock, and various lines of production, the best uses of land, and the best adjustments of farm operations to those conditions in each economic agricultural region as hereinafter defined as a basis for determining systems of farming which will most economically and profitably utilize the resources of each region in its relation to the national agricultural situation.

(2) To determine by means of experiments and tests, under actual farm conditions, the economic feasibility of the systems of farming and farm reorganization methods and practices worked out as prescribed in paragraph (1) of this section.

(3) To analyze the competition between economic agricultural regions in the United States, as hereinafter defined, and to determine its effect on markets and prices and production in each region, by conducting studies of the causes of changes in the supply, demand, and prices of farm products, and by collecting and compiling statistical information necessary for these studies.

(4) To appraise the present and prospective competition between regions in different sections of the country and in other countries; to collect and interpret information on present and prospective supply and demand of the several farm products; to collect information as to intended planting of crops or breeding and production of livestock; to disseminate this information to producers and to assist producers in each region to determine the modifications, if any, in their farm management and operation plans which seem desirable in view of prospective supply and demand conditions.

SEC. 3. Within 60 days after the enactment of this act the Secretary of Agriculture shall designate the boundaries of the principal production regions of the United States. These regions shall be based primarily upon the general similarity of the crop and livestock production and shall be designated by the major production and types of farming included therein. He shall have authority to, from time to time, change the boundaries of the agricultural production regions and to establish within them subdivisions or in any way to modify the same.

SEC. 4. Regional research councils in each principal production region of the United States are hereby authorized to be established and shall be designated by the Secretary of Agriculture and shall operate under such rules and regulations as he may prescribe.

(1) Each regional research council shall be composed of the directors of agricultural experiment stations of the land-grant colleges within the economic agricultural region, or their duly authorized representatives, and an official of the Bureau of Agricultural Economics of the Department of Agriculture.

(2) The regional research council is authorized to approve upon request the board of directors of a regional farm management research corporation as authorized in section 5.

(3) Each regional research council shall, in accordance with rules and regulations prescribed by the Secretary of Agriculture, appoint an advisory board which shall meet with the council when requested by same. Such board shall be composed of representatives of each of the following groups: (1) Farmers, (2) producers' cooperative associations, (3) processors and handlers of products important in the region, (4) Federal land bank, (5) Federal reserve bank, and (6) public or consumers.

SEC. 5. The Secretary of Agriculture is authorized to recognize as a regional farm management research corporation to operate within any economic agricultural region as prescribed by him, a corporation when it has been certified to the Secretary that following requirements have been fulfilled:

(1) That the board of directors of the corporation has been approved by the regional research council for that region.

(2) That the corporation is duly incorporated under the laws of some State as an educational or scientific corporation for the sole purpose of carrying on research work as provided for by this act and for conducting experiments and tests in farm management as specified in section 2.

(3) That the by-laws of the corporation are approved by the regional research council and are acceptable to the Secretary of Agriculture and provide for further changes at any time they may be required to meet the approval of the regional research council.

SEC. 6. To provide the necessary personnel, together with expenses for carrying out the purposes of this act as specified in section 1, annual appropriations are hereby authorized as follows:

(1) For the salaries and expenses of personnel in the Bureau of Agricultural Economics of the United States Department of Agriculture and for agencies cooperating therewith, the sum of $500,000 per annum.

(2) For the salaries and expenses of the personnel in the experiment stations of the land-grant colleges, in accordance with terms and conditions set up by the Secretary of Agriculture, $10,000 to each agricultural experiment station of the land-grant colleges which complies with the requirements of this act.

(3) In order to carry out the purposes of paragraph (2) of section 2 of this act, and to provide for the adequate determination under actual farming conditions of the economic feasibility of proposed modifications and improvements in systems of farming and methods of operation, the sum of $1,500,000 for the fiscal year ending June 30, 1932; the sum of $2,000,000 for the fiscal year ending June 30, 1933; the sum of $2,500,000 for the fiscal year ending June 30, 1934; and annually thereafter, for a period of 10 years, the sum of $2,500,000, such sum to be apportioned to the regional farm management research corporations in such manner as may be prescribed by the Secretary of Agriculture, and shall be used by the corporations as revolving funds. After accumulating an additional reserve of 10 per cent above the funds allocated to them, any further profits of the regional farm management research corporations in excess of their experimental costs and expenses shall be turned back into the Treasury of the United States.

(4) For salaries and expenses of such employees of experiment stations as may be allocated to the research staffs of the regional research councils, $2,000,000 per annum, or so much thereof as may be necessary, to be apportioned according to rules and regulations by the Secretary of Agriculture.

SEC. 7. When used in this act, the term "agricultural products" means agricultural, horticultural, viticultural, and dairy products, livestock and the products thereof, poultry and products of poultry, products of bee raising, the edible products of forestry, and any or all products raised on farms and processed or manufactured products thereof transported or intended to be transported in interstate and/or foreign commerce; and the term "farmer" means the producer of such products on farms, orchards, ranches, dairies, or other similar enterprises.

SEC. 8. The funds provided for in this act shall be used only as an addition to, and in no way is a substitute for, any funds previously provided for the Department of Agriculture or the State agricultural colleges in any other existing legislation.

During the last 10 years the United States Department of Agriculture has become a vast organization capable of gathering information of value to the farmers from every possible source. By scientific analysis of data so gathered, it has been possible to forecast the agricultural outlook to a point where it has been able to obtain a substantial accuracy in the forecasting of economic conditions in the national marketing of agricultural products.



Individual farmers have been restricted in the use that they could make of this information, however, by reason of the fact that local conditions may vary to a considerable extent from national conditions. Not very many of the States have had adequate funds to study economic conditions and the price outlook with respect to their local markets.

RESEARCH CORPORATIONS

The bill that I have introduced will provide funds to enable each State to interpret in the terms of each of its own economic regions the economic outlook of the various products in such detail that individual farmers would be able to utilize the information to the best advantage. The bill provides for a fuller development of farm-management projects in each region of the country. The provision for regional research corporations makes it possible not only to work out in theory the systems of farming which would pay best in each section, but also by actually trying out these systems on real farms under actual operating conditions would make it possible to actually determine and demonstrate the kind of farming that would probably offer the greatest profits.

In its efforts to aid farmers in each region of the country to adjust their production to the economic outlook for each of their products the Farm Board has found itself much hampered by the very limited amount of farm-management facts now available for a basis for making recommendations. There are several hundred different types of farming areas in the country, with a number of different characteristic types in each area. Each area must be studied as a unit by itself, and the best and most profitable system of farming determined separately for each type in each area. So far it has been possible to do this for only a very small per cent of the regions of the country, owing to the limited funds and personnel available for this work. This new proposal provides additional funds for this type of investigation. If adopted, within a relatively short time it will provide the Farm Board and other agencies that are coping with the agricultural problem much fuller information upon which to base their production advice to farmers. It will also provide farmers in each area with the most accurate and scientifically determined information on which to plan their farm operations.

The annual income from the sale of agricultural products is in the neighborhood of $10,000,000,000. This proposal involves an annual appropriation of $6,000,000. This amount represents only about one-twentieth of 1 per cent of the annual income from agriculture. If this expenditure resulted in farmers increasing their annual income by only 10 per cent on the average, it would repay its cost about two hundred times over. Individual farmers are not in position to provide for themselves the elaborate research and economic staffs and information which big corporations provide. This proposal would provide them with this information from public sources, and in the end would add not only to the profits of individual farmers but also to the public at large.

The measure provides a new economic research set-up, cooperative between the United States Department of Agriculture and the State agricultural colleges and experiment stations, with sufficient continuous financial support as to allow coordinated regional production, economic, and farm management investigations to be carried on upon the basis of the knowledge so obtained. Programs of farm readjustment and farm reorganization can be formulated which will permit the farmers to take advantage of changed economic conditions and changes in technique. In some cases it will make possible the systematic substitution of other enterprises for surplus-producing enterprises, especially where certain farm enterprises are now carried on in high-cost production regions.

As yet the public has given little attention to this feature of the agricultural problem of the United States. This condition is due partly to the lack of available funds to research institutions and the historical emphasis on production rather than on economics and farm management. Of the 2,500 agricultural research workers in the State agricultural experiment stations, it is doubtful if over 2 per cent are engaged in research work dealing with regional competition and advantage and the economics of agricultural adjustment and farm management. Of the total appropriations for the United States Department of Agriculture only approximately $200,000 are used for such purposes. Scarcely any attention is given to the matter by the 5,000 county agricultural extension agents scattered throughout the United States. This, undoubtedly, is due to the fact that they have no organized, systematic material of this nature upon which to base extension work and extension programs.

SUGGESTED PROCEDURE

The following steps should be taken in putting into effect this suggested economic research program:

First. Outline accurately the type of farming regions in the United States. The major regions, such as the Cotton Belt, Spring Wheat Belt, and Corn-Hog Belt, should be split up into the natural geographic subdivisions. It has been estimated that there are approximately 1,500 of such type of farming subdivisions within the United States.

Second. Ascertain the comparative costs and advantages, economic competition, and so forth, of the various lines of production in the various regions. This type of research should deal with the economics of production, the principles of business organization of farms, the lowest cost combination of the proper units of land, together with the modern farm power and labor-saving equipment, and various operations and production practices. Upon the basis of this research new farm organization set-ups and new farm combinations of cooperative machinery and enterprises should be worked out in relation to the agriculture of the whole of the United States. It will be found that if systematic readjustments are made upon this basis depressing surpluses can in many cases be controlled and the reorganization of farms on the better grades of land can be made to return incomes which will give farm families satisfactory standards of living. In regions in which such studies show the present state of agriculture to be submarginal and the possibilities of readjustment nil, the facts can be presented to the people of such areas on a scientific basis rather than on mere opinion and definite plans for gradual abandonment of such areas can be developed.

Third. The regional research councils which are set up by the proposed measure should coordinate research work within a region in terms of regional rather than State lines. Experiments and demonstrations under actual farm conditions should be carried on to determine the feasibility of such reorganized systems of farming, making possible the working out of individual farm readjustments.

PROBLEM OF ACREAGE REDUCTION

The agriculture of the United States is made up of the agriculture of 1,500 type farming regions. A broad general recommendation to the farmers of flat acreage reduction, therefore, is of little or no avail. Each farm and farm family seeks to make the best economic use of the land which they operate, and programs of readjustments in the light of controlling undesirable surpluses will have to be built up on a reorganization of farms and substitutions of lines of production in such manner that the net productivity of the farm is not decreased thereby. The problem is specific and different in each of the 1,500 type farming regions.

REGIONAL COMPETITION

Uniform studies of methods and costs of production in the various regions will show differences in the advantages that will redound to the production of certain crops in certain regions as compared with certain crops in other regions. For instance, preliminary estimates in the Spring Wheat Belt seem to indicate that in Montana on farms adjusted to the most recent changes in mechanical wheat-raising equipment, wheat can be produced from 1 to 3 hours of man labor per acre; in the Red River Valley from 7 to 9 hours per acre; and in southern Minnesota from 12 to 14 hours per acre. The operation of economic forces results in the tendency toward the production of commodities in regions where they can be produced most efficiently. There are unquestionably important possibilities for the substitution of flax as a grain crop in the Red River Valley and in southern Minnesota, but in so doing the economics of the individual farm is somewhat changed, as the production is shifted from a surplus to an import commodity. In the Winter Wheat Belt it is quite possible that soybeans can be substituted for winter wheat on many farms in the southern and eastern Winter Wheat Belt in such manner as to shift from a surplus producing crop to vegetable oils, of which we import considerable quantities. These are illustrations of possible shifts in production in the entire agricultural industry as a result of studies carried on as I have outlined.

I do not believe that this proposal conflicts with any of the duties assigned to the Federal Farm Board. The Federal marketing act provides, under section 5, that—

The board is authorized and directed to investigate conditions of production of agricultural commodities and advise as to the prevention of such overproduction, and to make investigations and reports and publish the same, including investigations and reports upon the follow-

ing: Land utilization for agricultural purposes; reduction of the acreage of unprofitable marginal lands in cultivation—

And so forth.

Since it is not to be expected that the Farm Board would set up an elaborate research organization of its own, it appears that the best procedure to follow would be to cooperate with the established research agencies of the United States Department of Agriculture and the State colleges and experiment stations in working out this feature of the farm problem.

CHAIRMANSHIP OF COMMITTEE ON FOREIGN AFFAIRS

Mr. TILSON. Mr. Speaker, I send to the Clerk's desk a resolution and move its adoption.

The Clerk read as follows:

House Resolution 281

Resolved, That the Hon. HENRY W. TEMPLE, of Pennsylvania, be and he is hereby appointed Chairman of the Committee on Foreign Affairs of the House of Representatives, vice the late Hon. Stephen G. Porter.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ORDER OF BUSINESS

Mr. PARKER. Mr. Speaker, I ask unanimous consent that when we take up the bill H. R. 11204 for reading under the 5-minute rule the amendment be read in lieu of the original bill.

The SPEAKER. The gentleman from New York asks unanimous consent that the committee amendment, when the bill is read, be considered as the original bill for the purpose of debate and amendment. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6. An act to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended;

H. R. 334. An act for the relief of Samuel Gettinger and Harry Pomerantz;

H. R. 573. An act for the relief of Brazilla William Bramble;

H. R. 576. An act for the relief of Matthew Edward Murphy;

H. R. 636. An act for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River;

H. R. 3960. An act for the relief of Louis Nebel & Son;

H. R. 4110. An act to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army;

H. R. 4176. An act for the relief of Dr. Charles W. Reed;

H. R. 4189. An act to add certain lands to the Boise National Forest;

H. R. 5292. An act to authorize the city of Napa, Calif., to purchase certain public lands for the protection of its water supply;

H. R. 6113. An act for the relief of Gilbert Grocery Co., Lynchburg, Va.;

H. R. 6642. An act for the relief of John Magee;

H. R. 6694. An act for the relief of P. M. Nigro;

H. R. 7445. An act for the relief of J. W. Nix;

H. R. 8612. An act for the relief of Ralph Rhees;

H. R. 9279. An act for the relief of Henry A. Knott & Co.;

H. R. 10532. An act for the relief of Frank M. Grover;

H. R. 10582. An act to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California;

H. R. 11608. An act for the relief of Jerry Esposito;

H. R. 12233. An act authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.;

H. R. 12235. An act to provide for the creation of the Colonial National Monument in the State of Virginia;

H. R. 12554. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;

H. R. 12614. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island, in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island;

H. R. 12844. An act granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.;

H. R. 12919. An act granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing or at or near the point known and designated as Wilder Ferry;

H. R. 12920. An act granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Culbertson, Mont.; and

H. R. 12993. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River at One hundred and fifty-ninth Street in Cook County, State of Illinois.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 39. An act for the relief of Kate Canniff;

S. 941. An act to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926;

S. 2790. An act for the relief of D. B. Traxler; and

S. 3691. An act to amend an act entitled "An act relative to naturalization and citizenship of married women," approved September 22, 1922.

EXTENSION OF MEMORIAL SPEECHES

Mr. FRENCH. Mr. Speaker, some weeks ago, at my request, the Members of the House were granted leave to extend their remarks in the RECORD upon the life, character, and public services of any of the Members whom the House memorialized on May 15 last.

As some of the extensions have not been made, I ask unanimous consent that all Members have until the last printing of the CONGRESSIONAL RECORD following the present session of Congress to extend their remarks in the RECORD, and that the proceedings of May 15 last be reprinted in the RECORD, together with the extensions.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

(Reprint of the memorial exercises held in the House May 15, 1930)

MEMORIAL EXERCASES

The Speaker of the House of Representatives presided.

The Chaplain, Doctor Montgomery:

Lord, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting Thou art God. For a thousand years in Thy sight are but as yesterday when it is past, and as a watch in the night. Thou carriest them away as with a flood; they are as a sleep: in the morning they are like grass which groweth up, in the morning it flourisheth, and groweth up; in the evening it is cut down, and withereth. So teach us to number our days, that we may apply our hearts unto wisdom. O satisfy us early with Thy mercy; that we may rejoice and be glad all our days. Let Thy work appear unto Thy servants, and Thy glory unto their children. And let the beauty of the Lord our God be upon us; and establish Thou the work of our hands upon us; yea, the work of our hands establish Thou it.

Though I speak with the tongues of men and of angels, and have not love, I am become as sounding brass, or a tinkling cymbal. And though I have the gift of prophecy, and understand all mysteries, and all knowledge; and though I have all faith, so that I could remove mountains, and have not love, I am nothing. And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not love, it profiteth me nothing. Love suffereth long, and is kind; love envieth not; love vaunteth not itself, is not puffed up. Doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil; rejoiceth not in iniquity, but rejoiceth in the truth; beareth all things, believeth all things, hopeth all things, endureth all things. Love never faileth: but whether there be prophecies, they shall fail; whether there be tongues, they shall cease; whether there be knowledge, it shall vanish away. For we know in part, and we prophesy in part. But when that which is perfect is come, then that which is in part shall be done away. When I was a child, I spake as a child, I understood as a child, I thought as a child: but when I became a man, I put away childish things. For now we see through a glass darkly; but then face to face: now I know in

part; but then shall I know even as also I am known. And now abideth faith, hope and love, these three; but the greatest of these is love.

Serene I fold my hands and wait,
Nor care for wind, nor tide, nor sea;
I rave no more 'gainst time and fate,
For lo! my own shall come to me.

I stay my haste, I make delays;
For what avails this eager pace?
I stand amid the eternal ways,
For what is mine shall know my face.

Asleep, awake, by night or day
The friends I seek are seeking me;
No wind can drive my bark astray,
Nor change the tide of destiny.

What matter if I stand alone?
I wait with joy the coming years;
My heart shall reap where it has sown,
And garner up its fruit of tears.

The stars come nightly to the sky,
The tidal wave into the sea;
Not time, nor space, nor deep, nor high,
Can keep my own away from me.

—

Yet love will dream and faith will trust;
Since He who knows our needs is just;
Somehow, somewhere, meet we must,
Alas for him who never sees
His stars shine through the cypress trees!
Who, hopeless lays his dead away,
Nor looks to see the breaking day
Across the mournful marbles play!
Who hath not learned in hours of faith,
The truth, to flesh and sense unknown,
That life is ever lord of death
And love can never lose its own!

Amen.

The Interstate Male Chorus sang Crossing the Bar.

The Chaplain, Doctor Montgomery:

Our Father who art in heaven, hallowed be Thy name; Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory, forever. Amen.

ROLL OF DECEASED MEMBERS

Mr. William Tyler Page, Clerk of the House, read the following roll:

LAWRENCE DAVIS TYSON, SENATOR FROM THE STATE OF TENNESSEE

West Point graduate; served in United States Army; colonel, volunteer service, Spanish-American War; brigadier and inspector general, Tennessee National Guard; member and speaker Tennessee House of Representatives; World War veteran, in command of Thirtieth Division; awarded distinguished-service medal; candidate for Vice Presidential nomination in 1920. Died August 24, 1929.

THEODORE ELIJAH BURTON, SENATOR FROM THE STATE OF OHIO

Representative in the Fifty-first Congress; again a Representative in the Fifty-fourth and the seven succeeding Congresses; United States Senator; delegate to four Republican National Conventions; chairman International Waterways Commission and of the National Waterways Commission; member National Monetary Commission; author; candidate for Republican nomination for President, 1916; again a Representative, Sixty-seventh and three succeeding Congresses; member Parliamentary Union; member World War Debt Funding Commission; chairman United States delegation Geneva conference; again United States Senator. Died October 28, 1929.

FRANCIS EMROY WARREN, SENATOR FROM THE STATE OF WYOMING

Civil War veteran; received congressional medal of honor; member and president Dakota Territorial Senate; member city council and mayor, Cheyenne, Wyo.; treasurer of Wyoming; again a member Territorial Senate; delegate to five Republican National Conventions; Governor of Wyoming Territory and State; United States Senator, November 18, 1890, to March 4, 1893; again United States Senator and served 34 years, 8 months, and 21 days continuously; member and chairman Committee on Appropriations; cumulative Senate service, 37 years and 6 days. Died November 24, 1929.

ROYAL HUELBURT WELLER, TWENTY-FIRST CONGRESSIONAL DISTRICT OF NEW YORK

Assistant district attorney of New York County; counsel for Alien Property Custodian; member of the Academy of Political Science; Member of the House of Representatives Sixty-eighth, Sixty-ninth, and Seventieth Congresses; reelected to the Seventy-first Congress. Died March 1, 1929.

CHARLES WICKLIFFE ROARK, THIRD CONGRESSIONAL DISTRICT OF KENTUCKY

Mayor of Greenville, Ky.; chairman selective service board during World War; elected a Member of the House of Representatives, Seventy-first Congress. Died April 5, 1929.

WHITMELL PUGH MARTIN, THIRD CONGRESSIONAL DISTRICT OF LOUISIANA

Professor of chemistry; district attorney and judge, twentieth district of Louisiana; Member of the House of Representatives, Sixty-fourth and each succeeding Congress. Died April 6, 1929.

JOHN JOSEPH CASEY, TWELFTH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

Member of the Pennsylvania Legislature; Member of the House of Representatives, Sixty-third and Sixty-fourth Congresses; member advisory council to Secretary of Labor; labor adviser and executive, labor adjustment division Emergency Fleet Corporation, World War; again a Member of the House of Representatives, Sixty-sixth, Sixty-eighth, Seventieth, and Seventy-first Congresses. Died May 5, 1929.

LESLIE JASPER STEELE, FIFTH CONGRESSIONAL DISTRICT OF GEORGIA

Mayor of Decatur, Ga.; member of the Georgia Legislature; Member of the House of Representatives, Seventieth and Seventy-first Congresses. Died July 24, 1929.

OLE JUUL KVALE, SEVENTH CONGRESSIONAL DISTRICT OF MINNESOTA

Ordained to the ministry; Member of the House of Representatives, Sixty-eighth and each succeeding Congress. Died September 11, 1929.

WILLIAM WALTON GRIEST, TENTH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

School-teacher; director and incorporator, Pennsylvania Public School Memorial Association; newspaper editor; member, Pennsylvania Tax Commission; delegate to nine Republican National Conventions; secretary of the Commonwealth of Pennsylvania; Member of the House of Representatives, Sixty-first and each succeeding Congress. Died December 5, 1929.

WILLIAM KIRK KAYNOR, SECOND CONGRESSIONAL DISTRICT OF MASSACHUSETTS

Postmaster and member, city council, Springfield, Mass.; trustee, Springfield College; World War veteran; Member of the House of Representatives, Seventy-first Congress. Died December 20, 1929.

ELMER O. LEATHERWOOD, SECOND CONGRESSIONAL DISTRICT OF UTAH

District attorney, third judicial district of Utah; president of four business concerns; Member of the House of Representatives, Sixty-seventh and each succeeding Congress. Died December 24, 1929.

JAMES ANTHONY HUGHES, FOURTH CONGRESSIONAL DISTRICT OF WEST VIRGINIA

Member of the Kentucky Legislature; member of the West Virginia Senate; delegate to nine Republican National Conventions; Member of the House of Representatives, Fifty-seventh to the Sixty-third Congresses, inclusive; again a Member of the House of Representatives, Seventieth and Seventy-first Congresses. Died March 3, 1930.

JAMES PETER GLYNN, FIFTH CONGRESSIONAL DISTRICT OF CONNECTICUT

Postmaster at Winsted, Conn.; Member of the House of Representatives, Sixty-fourth to the Sixty-seventh, and the Sixty-ninth to the Seventy-first Congresses. Died March 6, 1930.

ROBERT QUINCY LEE, SEVENTEENTH CONGRESSIONAL DISTRICT OF TEXAS

Member of the House of Representatives, Seventy-first Congress. Died April 18, 1930.

Mrs. NORTON, a member of the Committee on Memorials, standing in front of the Speaker's rostrum, placed a memorial rose in a vase as the name of each deceased Member was read by the Clerk.

Then followed one minute of devotional silence.

The Chaplain, Doctor Montgomery:

Almighty God, our Heavenly Father, lift upon us at this hour the light of Thy holy countenance. Help us to lift our eyes unto the hills from whence cometh our strength. Our help cometh from the Lord. More and more increase our faith and our hope in the immortality of the human soul. Let a blessing of rest and peace come to all of these ones upon whom the great sorrow of death has come. God, be very gracious and merciful unto them and keep them, we beseech Thee, while many years of happiness and contentment pass by. During all the future enable them to be conscious that underneath them are the everlasting arms that never, never fail. Abide with all of us in the measure of a great peace, and at the last, for, O Lord God, at the last will come, as one door closes may another door open. As our earthly eyes close upon the receding skies of time may the eternal skies appear and bear us up the stairway through the darkness to the Father's house, to the Father's breast, to the Father's heart, to the Father's love, and to the Father's home, and we shall go out no more, forever. Amen.

Mrs. Nicholas J. Sinnott sang Christ Went up into the Hills.

Hon. FRANK CROWTHER, Representative from the State of New York, delivered the following address:

ADDRESS OF HON. FRANK CROWTHER

Mr. CROWTHER. Mr. Speaker, Members of the House, and dear friends, on this solemn occasion we are assembled to pay tribute to the memory of our departed colleagues. We have not come in a spirit of mourning and sorrow, but rather to scatter a few flowers on the pathway of memory and to renew our faith in a blessed immortality.

Joy and sorrow are closely intermingled in this busy world of ours. The happiness incident to the birth of a precious baby is ofttimes curbed by the death of its mother, and repeatedly on the highway of life the bridal procession must tarry while the funeral train passes by. Even after great victories in battle the shouts and huzzahs of the populace are hushed as vanquished foes are borne to their last resting place.

But the king and his jester must answer the call, the great and the humble, and the spear of the prince and the staff of the pauper shall lie side by side.

Life is a privilege. The noontide fades
And shadows fall among the winding glades;
The joy-blooms within in the autumn air,
Yet the sweet scent of sympathy is there.
Pale sorrow leads us closer to our kind
And in the serious hours of life we find
Depths in the soul of men which lend new worth
And majesty to this brief span of earth.

Life is a privilege. If some sad fate
Sends us alone to seek the exit gate;
If men forsake us as the shadows fall,
Still does the supreme privilege of all
Come in that reaching upward of the soul
To find the welcoming presence at the goal,
And in the knowledge that our feet have trod
Paths that lead from and must lead us back to God.

This service is one that carries us away from the busy whirl of to-day and transports us to the land of yesterday, filled with fond memories of those who have left us for a little while. Scarcely one of us but what sit and muse and grow fanciful as the floodgate of memory is opened and we live again the joys and sorrows of a lifetime.

The fond mother in fancy sees her first born who was taken away in his baby days, and there comes to her an intuitive knowledge that had he been spared he would have been her pride and joy. Son and daughter in fancy see again their dear old father and mother who finally went to their reward after weary months of illness. Even communities pause in the midst of their activities to pay tribute to the memory of those whose life work and achievements have made them characters of historic interest.

And so we are assembled to turn back the pages of the record of yesterday, and as we listened to this roll call of the departed we in fancy could see our colleagues as we knew them in the days of their health and strength, of which they gave their full measure in the performance of their duties.

No measure of sacrifice on our part would have been too great if we could have saved their lives to their families and and friends. But the power to stay the hand of the grim messenger is not vested in us, and we bow in humble submission before the awful majesty of death. Life, after all, is but a vapor, which appeareth for a little while and vanisheth away, and there shall be no remembrance of the wise no more than the fool forever; life is ever promising and seldom fulfilleth, ever lived in the present, and the present is no more by the time you have said it. One day calls another a day and makes joy to follow joy and tears to follow tears.

Life is a constant struggle and conflict between the victor and the vanquished, while the bitterness of the strife withers the laurels of the conqueror and rankles in the hearts of the defeated.

Success is not often measured by the degree of happiness, peace, or contentment attained, but rather by the battles won and trophies captured from the vanquished foe.

Fortunate is the man who can so live that his success in material things has not dwarfed his spiritual stature. Death to him is but the zero hour of the great adventure, and he sings with the psalmist, "Yea though I walk through the valley of the shadow of death, I will fear no evil, Thy rod and Thy staff they comfort me." But man is as frail and as prone to err as he has been for centuries, and in spite of the great moral uplift and banishment of bigotry during the last century we are still possessed of the tendency to exaggerate the faults of our neighbor and belittle his efforts for good. So few of us during our life journey walk the center of the path of rectitude with never a step to the right or to the left that in order to be true to ourselves we should be less hasty and caustic in our criticism and heed well the admonition, "Let he that be without sin cast the first stone."

The ancient Arabs had a saying that "death is a camel that kneels before every man's tent," and so in the midst of the battle of life comes death, the implacable foe of person, time, or place. Ever walking by our side, it can not be avoided and none may escape it. Its sway is universal and the hour of its coming uncertain. In joy or sorrow it finds us out and we must follow at the summons. Even as our departed friends were called, to us shall come perhaps without warning the grim messenger who shall dash the cup of life all fragrant with love and success from our lips and we shall stand as strangers at the gates of eternity. What will our earthly life, our lofty hopes, our success or failure matter to us at that time? How paltry and insignificant our own individuality, and how small will seem the part we played in the drama of the universe! There we shall stand in the presence of the Everlasting Judge, and human imagination dare not take a step farther, dare not enter that Presence, for between us and the souls of departed friends there is a veil which we can not penetrate, and its secret will not be revealed to us until we too pass behind it from the light which is darkness to the full light of perfect knowledge.

What a flood of happy recollections come tumbling down the stream of memory as we look back upon the friendships developed by years of association with these departed friends. To us they have told their story of humble beginnings and early hardships which, in men of sterling worth and integrity, serve but to urge them on to their goal of achievement. Many of them had attained positions of high honor in their States, and yet their ambition had been to serve their country in a representative capacity. They came from all walks of life—successful bankers and business men, lawyers of outstanding ability, and occasionally from the ranks of professional men and the clergy. They all contributed to the sum total of knowledge and ability that is so necessary in a national legislative body. To the younger members of the House they were a source of inspiration, and to us all they were united in the bonds of real friendship.

The passing of these distinguished Members was a loss not only to their immediate families but a loss to the Nation. They had served for periods varying from a few months to a quarter of a century, and their achievements will be a source of inspiration to us and to future generations. What better record can a man leave than that of the full performance of duty? Such a record is the result of the possession not only of marked ability but of undaunted courage and a high sense of honor.

To men of this caliber the Nation is indebted for their tireless energy and devoted service. To them the Master said, "In my Father's house are many mansions. I go to prepare a place for you," and our faith in a blessed immortality tells us that we shall see them again in that "house not made with hands, eternal in the heavens."

Without this abiding faith in the hereafter, death would be indeed an appalling mystery, life would be a tragedy, and love and devotion a mere mockery.

We all dread to think of the hour of parting when those nearest and dearest to our hearts shall be taken out of our lives. But the great wealth of our love and devotion will not be lost to us, for it shall be gathered into the treasury of the kingdom and shall be returned to us an hundredfold when we, in our turn, shall follow the unnumbered generations into gladness eternal.

Oh! may I join the choir invisible
Of those immortal dead who live again
In minds made better by their presence;
Live in pulses stirred to generosity,
In deeds of daring rectitude; in scorn
For miserable aims that end with self;
In thoughts sublime that pierce the night like stars
And with their mild persistence
Urge men's search to vaster issues.

God in His infinite wisdom does not permit us to darken our lives with the thoughts of death. He bids us raise our eyes to the heavens and ever have an abiding faith in our fellow men; to cultivate self-respect in place of self-regard; to walk humbly with Him in the quietness of the dim valley and the dark stream, ever believing that an all merciful Providence has a place and a joy for even the most humble of His creations.

Amidst our trials and tribulations, our ambitions and our temptations, let us remember the closing stanza of that literary gem by Bryant:

So live, that when thy summons comes to join
The innumerable caravan, which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not, like a quarry-slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, approach thy grave,
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.

Mrs. Nicholas J. Sinnott sang Thy Will Be Done.

Hon. ANDREW J. MONTAGUE, Representative from the State of Virginia, delivered the following address:

ADDRESS OF HON. ANDREW J. MONTAGUE

Mr. MONTAGUE. Mr. Speaker, the list of our dead just read by the Clerk is sadly impressive. Within a year and 18 days 15 Members of the Congress—3 Senators and 12 Representatives—have answered the silent call of death. Some of them had long and distinguished public careers, and all of them discharged their responsible and honorable duties with fidelity and ability, some in modest and tactful and laborious ways, others in earnest and compelling debate—the public good they all did promote. Some adorned these Halls with eloquence and argument, stirred convictions, and commanded intelligent and conscientious judgments.

They had their differences of views and opinions, sometimes expressed in quiet and gentle persuasion, but at other times in earnest and bold advocacy. In this hour we recall and commend their devotion to country and fidelity to public service. They had their moments of doubt and conflicts of duty, but they had no misgivings of purpose or of patriotism.

We can not now assemble and assess their activities or their achievements, but we will affirm with Pericles that their public services were so faithful, so diligent, so courageous, and of so exalted a character that they obscure and hide all personal infirmities.

Parliamentary roll calls no longer vex their ears. The privileges and anxieties of their work in this legislative arena no longer stimulate or depress them. The contentions and contests in this forum no longer stir or quicken their spirits. Happily death vanquishes all discord, subdues all rivalry, allays all ambition, heals all dissension, and removes all rancor. These, our absent colleagues, now rest in the kingdom of the dead—brothers all forevermore! Blessed are they that die in the Lord.

Have these departed colleagues and friends left no lesson for us? If they could speak would there be no call to a nobler duty, no entreaty for a higher patriotism, no demand for a more rigorous endeavor for an enlarged, intelligent, and courageous public service? Is the tone of our public life satisfactory or ennobling? If not, is the public servant wholly to blame? What of society, the people who elect or commission? Do not our social and political ills come less from the defects of government than from the infirmities of human nature, as asked by Burke in the olden days? Will more laws cure or curse the state? Is the fault in our stars or in ourselves that we are underlings? Is our Government a constitution or a caprice? Does bad government come so much from the energies and abilities of the vicious as from the indifference and neglect of the good? Must we not repent or be lost?

Our institutions are sound. The principles and mechanics of our political system excite the wonder of civilization. Its operations within constitutional bounds are still vigorous, but our foundations, the people, seem weary or indifferent to their political duties and their public obligations.

The great mass of the people are not sufficiently interested in government. The ballot box affirms this observation. What percentage of eligible voters go to the polls of their own intelligent and patriotic volition? And what percentage, may we sadly ask, are lured thereto by gain? The public press and official investigations sound an alarming answer.

Parliamentary institutions are being attacked in many parts of the world. In some notable states parliaments function only in name, and apparently evidence no sense of responsibility to the people and assume no representative action in behalf of the people.

The cure can not be found in parliamentary procedure. We must dig deeper and ascertain whether or not the people themselves are interested in parliamentary government to the extent of giving it their earnest support.

Popular government is the most difficult of all governments in application and in practice. Collective, popular action is complex and difficult, and the constant pursuit of knowledge and information by the people is an inexorable necessity if democratic governments are to succeed.

Our Government is not an undefiled democracy. The Revolution of the eighteenth century ordained and established the United States of America as a limited democracy, somewhat as the revolution in England of the seventeenth century reformed the institutions of that country into a limited monarchy.

We have attempted and greatly succeeded in securing freedom of speech, freedom of press, freedom of education, and freedom of religion, the last being America's noblest contribution to the philosophy of government. But these great wellsprings of power and intelligence may not be sufficient. Liberty is a timid and illusive virtue, and can be wooed and won only by eternal vigilance, and when once won is sometimes unidentified or unknown, and most difficult to retain in active vigor.

Perhaps the most practical evidence of applied liberty is the possession by the minority of the people of the inalienable rights set forth in the great declaration, the rights to life, liberty, and the pursuit of happiness. If these inalienable and incomparable birthrights are accorded to the majority and denied to the minority, liberty withers, and finally the whole body politic dies. Free access of all to the protection of the great arms of government is the elementary mandate. If this great mandate is qualified or refused, liberty expires.

These fundamentals, these inalienable rights are properly called natural rights, because they are not created by government, but only assured or guaranteed by government. Indeed, mankind holds them in defiance of government itself, as shown in the Declaration of Independence; but the minority must have access to these rights on equal terms with the majority, and from such priceless possession liberty and order form a happy union, a beneficent political and ethical equilibrium. The glittering euphemism that our Government is one of laws and not of men can be understood only by its implications, the supreme organic law with consonant and authorized subordinate laws.

Lord Morley is fond of pointing to Sophocles' exhaustive and glorious enumeration of the many wonders of the world, declaring the most wondrous to be man. He makes the path across the white sea, works the land, captures and tames animals and birds for his daily use; he has devised language, and from language thought, and all the moods that mold a state; he finds a help against every evil of his lot, save only death; against death and the grave he has no power.

So man's labor and progress, with some variations, have been about the same throughout the long track of the ages.

We stand in the presence and recollection this noon of no new event. Death is universal; but in this solemn environment and in the memories which this sad hour emphasizes may we not experience a higher hope and a more commanding impulse for a more real and beneficent progress in the operation of politics and in the guidance of states? Our nourishing examples, our honored and historic traditions, our inspiring and instructive experiences must not fail to perform their patriotic ministrations. May the suggestions of this solemn hour so decree.

The Interstate Male Chorus sang Captain, My Captain.

BENEDICTION

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following benediction:

Now, unto Him who is able to keep you from falling and present you faultless before the presence of His glory with great joy, unto the only wise God, our Saviour, be glory and majesty, dominion and power, both now and ever. Amen.

MEMORIAL ADDRESSES

LAWRENCE DAVIS TYSON

Mr. DAVIS. Mr. Speaker, ladies, and gentlemen, Senator LAWRENCE DAVIS TYSON possessed all the attributes of true manhood. He was a perfect gentleman at all times. He was the embodiment of gentility and courtesy and dignity. He was a man of lofty ideals, of strong convictions, of unwavering integrity, and of unquestioned courage. He was a loyal friend, a loving father, and a devoted husband. His home life was ideal. He loved his home, his State, and his country. He was a true friend of mankind. He had a big heart.

Others have fully and eloquently described Senator TYSON's remarkable career in peace and in war. Suffice it to say that he was a man of many talents, a most useful citizen, an honored member of the legal profession, a successful business man, a brave soldier, an able statesman, a true patriot, a perfect gentleman.

I shall conclude my remarks by quoting from the speech of Hon. Harvey H. Hannah, who, upon the instructions and on behalf of the State of Tennessee, presented the name of General TYSON for the Democratic nomination for the position of Vice President of the United States at the 1920 Democratic National

Convention in San Francisco. Among other things General Hannah said:

Born in old North Carolina, he (General TYSON) began life after the Civil War as a barefooted boy, in poverty, with a widowed mother and a sister to maintain. He worked early and late on the old plantation to make a living, and, under the teachings of his mother at night, when he was 17 years old, he passed an examination for an appointment at West Point. Four years he was at the academy and graduated with honors. Eight years he served all over the West, in the Regular Army, in the Indian fights, and then was transferred to the University of Tennessee as military commandant. Whilst there he studied law and became a distinguished lawyer. He retired from the Army, went into industrial life, and has become one of the captains of industry in the South.

In 1898, when the Spanish War broke out, having been educated as a soldier, he felt it was his duty to go to the front. He was made colonel of the Sixth Tennessee and served with honor in Porto Rico. After the Spanish War was over he returned home and took up the broken threads of his great business life in our State and nearly 20 years had come and gone when he had passed the military age of service and was surrounded by everything that could make him happy, and then it was the thunders rolled and the cataclysm involved the world. When he heard democracy was but holding out against the advancing Huns this great man did not hesitate to take down the sword of his fathers once more, and when the boys in Tennessee marched out to the battle under the starry flag he went with them.

But he did not go alone. He had an only son, a boy that was the apple of his eye, upon whom he had lavished everything that wealth and love could give. This young man had just taken to his heart a bonny bride. The perfume of the orange blossoms still lingered on her tresses. This boy was of the same blood and stock and breeding, a typical young American, and he, too, marched out to battle with his honored father. The father came home, but the boy sleeps out yonder, wrapped in his country's flag in the long, long sleep, there with our honored dead, there where white crosses cast their shadows.

He was made brigadier general of the Fifty-ninth Brigade of the immortal Thirtieth Division, which, with the immortal Twenty-seventh Division from New York, turned the tide of battle and saved the world.

When, ladies and gentlemen, our soldiery went there, you remember that time in August when the stars went out, when hope had taken her bow from the sky, when the English were falling back to the channel and the French were falling back beyond the Marne, and Paris was almost lost. It was then that a new soldiery walked on French soil, under a new flag, first fluttering in the Argonne, and that was the Stars and Stripes of liberty in the hands of Americans. It was this great Tennessee brigade, ladies and gentlemen of the convention, that moved for 10 days forward with that flag, he leading them, and it was that bridgade of the Thirtieth and the Twenty-seventh that broke the Hindenburg line and saved liberty and democracy. (General TYSON'S brigade was the first to cross the Hindenburg line.)

I do not lay his claims before this great convention as a Tennessean. We southerners ask no honors. We have asked none for 60 years. We have been grateful and happy to worship God and to vote the Democratic ticket. And we intend to continue to do so. But, ladies and gentlemen, we have bided the time when a great son would come in the South, who in himself had all the embodiments of a great man. And I state to you, this man belongs to the Republic; he belongs to all our country. He had the men of 42 States of the Union in his brigade that went with him across no man's land. He is a great soldier and a great American. And in the name of 4,500,000 boys—2,000,000 of them have never yet voted—I offer to this convention our great soldier, Gen. LAWRENCE D. TYSON, of Tennessee, for the nomination for the office of Vice President of the United States.

Mr. BROWNING. Mr. Speaker, Senator LAWRENCE DAVIS TYSON was a credit to our State of Tennessee and an honor to our Nation, whether we judge him in the capacity of a private citizen, a public official, or a military leader. His services and distinction in either of these three rôles would be enough to establish him among the greatest of our citizens. No worthy history can be written of the period in which he lived without prominent mention of his name.

He was born on a farm in North Carolina, July 4, 1861. None of the sentiments, memories, or spirit of that glorious day were excluded from his being. He proved to be the embodiment of that matchless patriotism that builded and has sustained a great nation.

Senator TYSON graduated from West Point while very young and entered upon a promising career in the Army. For 12 years he gave vigorous, intelligent, and honorable service as an officer, enduring all the rigors and dangers of frontier duty in curbing hostile Indians. He was assigned to the University of Tennessee for a tour of duty as military instructor.

Most fortunate of all good fortune which came to him was his winning the hand of Miss Betty Humes McGhee, of Knoxville, Tenn., in marriage.

While still a young man, he resigned his commission and entered upon a business career in which he was successful to a flattering degree. He became identified with the direction and management of many large enterprises of the eastern section of Tennessee. The character of any business concern was given strength by having his name connected with it.

Imbued with a healthy spirit of public service, he entered the State legislature and became speaker of the house, where he established a splendid record as a presiding officer. No lawyer and business man in the State was a closer student than he of politics and all public questions; always active, never passive. When war was declared against Spain he put aside his extensive private affairs and entered the service again as colonel of a Tennessee regiment, which saw much active duty and sustained an enviable record in that conflict. In the public mind too small importance has always attached to the trials and struggles of that war. It was the first acid test of a reunited country against a common enemy. It called for combat in tropical climes, before the scientific methods of sanitation had conquered them, where the ravages of disease claimed far more victims than did enemy fire. Not only did he return with a successful military record, but with the love and respect of every man in his command.

When he, upon the advent of peace, again turned in his sword and resumed a place in business and civil activity it must have been with a feeling that he had discharged every duty of military service a citizen could be reasonably called upon to perform for his Government. And surely he had won honors sufficient to gratify any pride of military command. But neither of these consolations counted with him when his country again needed military leadership in which he was specially trained. Though far past the age of those called to the colors for World War service, he swore allegiance anew, and cheerfully assumed the hardships and trials of camp and field. Nothing could have prompted this action except that patriotic, overweening passion for service that was his life motive.

Nothing new could be said of the glory that was justly his because of that eminent service. In command of a brigade of infantry on the western front in late September, 1918, when history had paused on a great divide to determine the watershed of the future, with courage unsurpassed and rarely equaled, he hurled his gallant men from Tennessee and the Carolinas against the strongest defensive positions in all war annals. We have heard no less authority than Gen. John J. Pershing publicly announce that General TYSON'S brigade was the first of allied troops to cross the Hindenburg line. That achievement alone is enough to place his name high on the roll of American honor.

Although this war brought to him his great chance to serve and the greatest honors of his military experience, it also brought to him the crushing sorrow of his life, when his only son, brilliant and promising, was sacrificed on the altar of the same cause for which he fought. He bore it like the soldier he was, in a manner akin to that divine resignation, "Thy will be done."

Not long after the World War it became apparent that the people of Tennessee would call General TYSON back to public service in a high office. So in 1924 he was nominated and elected to the United States Senate, where he served with distinction and with profit and prestige to his State until his death.

Senator TYSON was the idol of the thousands of men in Tennessee who had served with him in two wars. They thought of him as "their own," and followed him in politics as in war, with a trust that was beautiful. To them he remained "General TYSON," the dignified soldier, but in whose breast they knew there was a heart as kind as ever beat beneath a uniform. In public life he adopted for himself the same rigid discipline for devotion to duty which he always exacted of the men in his command. It was a part of his nature to give his best at all times to those for whom he felt a responsibility. And this assiduous devotion to duty, while constituting a strong element of his greatness, struck him down in the flower of his service to his "buddies" and to his State.

Those of us who had a comradeship with him welded in the fire of battle learned with profound sorrow of his passing, for we loved him. We knew his as a man who stood ready at all times to fill the goblet of life with his own blood and dash every drop of it into the face of his country's enemies.

So a strong man of our ranks has fallen. And well may we say with Horatio upon the demise of Hamlet:

> Now cracks a noble heart.
> Good night, sweet Prince, and flights of angels
> Sing thee to thy rest.

Mr. McREYNOLDS. Mr. Speaker, ladies and gentlemen of the House, I am very glad to have this opportunity of making a few brief remarks in reference to the late Senator L. D.

TYSON. I am advised that some of my colleagues have gone somewhat into deals as to the history of Senator TYSON, hence there is no necessity for repetition along this line. The announcement of the death of Senator TYSON in August, 1929, was a great shock to the people of the State of Tennessee, and especially to his friends. His death was a distinct loss to the people of his State as well as to the Nation. While he had only served a little over four years in the United States Senate, yet by his tact, character, and ability he was looked on as one of the strong men of that body. The Tyson-Fitzgerald retirement bill, which he fostered and which bore his name, was one of the bills that gave him a nation-wide reputation.

Senator TYSON was a success as a business man; as a soldier he was a success, and won many of his honors upon the field of battle; as a statesman he was a success, he rendered valiant services to his country in peace and in war. He was clean, honest, industrious, and capable, and always conducted himself as a polished gentleman. He reflected credit on any crowd wherever assembled. His greatest grief was the loss of his only son, who like his father went forth to fight for his country during the World War and met his tragic death. He carried this grief to the grave with him, yet he bore it bravely, like the soldier he was. It was my privilege to attend the funeral of Senator TYSON, and when he was laid to rest near that of his beloved son, for whom his father had erected a most beautiful monmument, I was very much saddened, yet I felt that he had gone to join this beloved son in the great beyond. The youths of this country can well study the life and character of Senator TYSON for an inspiration of higher and nobler purposes. Life is a great drama played upon the stage of human action, each his part to perform, each his duty to do, no one knowing when the curtain of life may fall. Senator TYSON played his part well, as evidenced by his record in peace and in war, and his name will go down in history as one of the remarkable men of Tennessee.

Mr. ESLICK. Mr. Speaker, ladies and gentlemen of the House, the junior Senator from Tennessee, died August 24, 1929. He was born in North Carolina, July 4, 1861; born on Independence Day of the first year of the War between the States. LAWRENCE DAVIS TYSON was a graduate of West Point Military Academy. When 30 years of age, he came to Tennessee to teach military science and tactics in the State university at Knoxville. From that time until he stepped from life to life through the threshold of the grave, he was a citizen of the State of his adoption—a State whose people he loved, and in turn they gave him a devotion and affection bestowed upon few men.

In the many undertakings of life, he did his part well. The highest standard was set, and he lived up to it. But there was a different standard measured by the time and the situation. In peace, he was as gentle as a woman. In business, he was prompt, honest, and courteous. In war, he was brave and fearless; a real leader, respected and trusted by his men.

Twice he volunteered his services when his country needed him. In two wars—the Spanish-American and the World War—he carried our colors to victory. Life's greatest sorrow came to him when he lost his only boy as a contribution to the World War. The wound was deep, the sorrow great, but he was a brave soldier. He accepted it as the supreme sacrifice in the line of duty.

His splendid fame in war was well earned—earned by his record; the high positions he held in State and Nation were well adorned; the successes that came to him in business he gained by hard work, honesty, and good judgment.

But some of us love another side of this accomplished man. He was the ideal husband and father. The wife and daughter of his devotions gave to him life's best inspirations; his life's task was to make them happy and to be a good citizen. Generous-hearted and sympathetic, he never forgot the unfortunate and lowly. His religion was one of service—service to his Master and to his fellow man.

Commanding in personal appearance, courtly and gracious in manner, gentle and kind in speech, he made friends easily and retained them.

Some way I do not think the only estimate of man should be the number of battles he won or how much wealth he acquired or what offices he held. If I were to make the appraisal, I would ask, Did he bring a little more sunshine into the world? Did he cause hearts to beat faster with joy? Did he cause smiles to radiate? Is the world just a little better and happier that he had lived in it?

Measured by this standard, the 68 busy years of Tennessee's junior Senator were not in vain. Success came to him in his many undertakings. But the crowning reward of his life was the esteem placed upon him by the splendid men and women of Tennessee. He won their love, confidence, and respect. They knew him well, and they appreciated that he was worthy of them all.

Mr. COOPER of Tennessee. Mr. Speaker, I am especially grateful for the opportunity to raise my voice in tribute to the life, character, and public service of my very warm friend, the Hon. LAWRENCE D. TYSON, late a Senator from my native State of Tennessee, who passed away while serving as a Member of the United States Senate, during this Congress. It was my happy privilege to know Senator TYSON most pleasantly and rather intimately. I served under his command as an enlisted man and junior officer while in the United States Army during the World War, and my very cordial association with him there ripened into a very deep and affectionate friendship which endured and grew stronger with the succeeding years, and was at the highest point of fruition at the time he passed away.

Even after his election to the United States Senate, Senator TYSON was still affectionately known, especially by those of us who had served with him during the war, as General TYSON. Having traced his footsteps throughout the training period in this country and over the bloody soil of the battle-torn fields of France and Belgium, he was always recognized and remembered as our comrade and leader. I was also very closely associated with him in the work of the American Legion, in which organization he always took a great interest. During the time that I was privileged to serve as State commander of the American Legion of Tennessee I frequently had occasion to call on General TYSON for assistance in connection with our program in the interest of the service men and especially the disabled, and regardless of how busy he was with his personal affairs he always devoted the necessary time and responded most cheerfully with his valuable assistance and service to the organization. It was my distinguished honor to manage his campaign for his nomination and election to the United States Senate. Throughout all of this association our relations were always most cordial and pleasant.

General TYSON was born in the great State of North Carolina, coming from one of the most prominent and highly respected families of that proud Commonwealth. He came from a sturdy stock of American people who had rendered distinguished service in the Revolutionary War. He came from a family of educated people with the highest degree of culture and refinement. He was reared under the strict discipline and splendid influence of a Christian home, such as is so essential to the formation of the strong type of character that he possessed.

When about 17 years of age, he participated in a competitive examination for an appointment to the United States Military Academy at West Point, and although he was the youngest of the contestants, he made the highest grade and received the appointment. After the usual course of study and training at the Military Academy, he graduated from the institution and was commissioned a lieutenant in the United States Army. He served in the Regular Army for a number of years, during which time he was stationed at many important military posts, many of which were in the West, and while there participated in the last of the Indian wars. He was later assigned as instructor of military science and tactics at the University of Tennessee, at Knoxville, Tenn., and while there studied law and received his degree from that institution. He then resigned his commission in the Regular Army and entered the practice of law at Knoxville, and was for many years a member of one of the most prominent law firms of that city.

While serving in the Regular Army and stationed in Wyoming in 1886, General TYSON was, on February 10 of that year, married to Miss Betty Humes McGhee, the charming daughter of Mr. Charles M. McGhee, of Knoxville, Tenn., who was one of the most prominent citizens of the South, having taken the leading part in the development of that great section of our country. To this union was born a son and a daughter. The son, Charles McGhee Tyson, a most brilliant young man, who had but recently been married to Miss Betty Carson, of New York City, made the supreme sacrifice upon the altar of our country during the World War, having lost his life in the Naval Aviation Service while flying over the North Sea. The daughter, Mrs. Kenneth Newcomer Gilpin, Isabella Tyson, lives at Boyce, Va., and is a most charming and beautiful young woman. Indeed, the home and family life of General TYSON was one of the most beautiful and impressive that could be found anywhere.

Mrs. Tyson, a most brilliant and charming woman, stood by the side of her gallant and distinguished husband for almost half a century, liberally sharing the perilous and trying times of his career as well as the greatest honor and distinction that

came to him. While her distinguished husband was serving our country in two wars Mrs. Tyson was nobly performing her full share of service during such perilous times. I have often thought that the noble womanhood of America has always been called upon to endure the most trying burdens of war. Many wives and mothers have spent long days and sleepless nights endeavoring to pillow their heads upon pillows moistened by their own tears as they anxiously awaited the publication of the next casualty list to see whether their loved ones might be there listed. Those of us who were privileged to bare our breasts to the hostile German bullets during the World War were only called upon to endure physical suffering, while our mothers and wives were forced to endure the intense suffering of anxiety and mental anguish with its unceasing pain. Mrs. Tyson has certainly rendered her full measure of devoted and sacrificial service to our great country.

Few men indeed in the history of our country have achieved the marked degree of success in as many important fields of endeavor as did General TYSON. While engaged in the practice of law in Knoxville he became interested in the field of business, and was remarkably successful in the fields of commerce and industry, being one of the leading manufacturers of the South. General TYSON served as president of the Appalachian Exposition, held in Knoxville, which served to bring the attention of the American people to the great resources of the great Appalachian region. Under his leadership this exposition was highly successful. General TYSON was president and active manager of the Knoxville Cotton Mills, the Knoxville Spinning Co., and the Tennessee Mills, with his son, Charles McGhee Tyson, and was made president of the American Cotton Manufacturers' Association, the highest honor the textile industry can bestow. He was president and principal owner of one of the most enterprising newspapers in the South, the Knoxville Sentinel. He was president of the East Tennessee Iron & Coal Co., the Poplar Creek Coal & Iron Co., and the Cambria Coal Co., and vice president of the Coal Creek Iron & Coal Co. He was president of the Lenoir City Land Co., as well as director in the two leading banks of Knoxville. He was president of Lawson McGhee Library, which library was donated to the city by Col. Charles M. McGhee. He was also a member of several clubs and was active in church work.

After General TYSON had retired from the Regular Army and while he was busily engaged in the practice of law and in industrial enterprises, the war with Spain came on, and he immediately volunteered his services and was commissioned a colonel and commanded an Infantry regiment throughout the period of the Spanish-American War. He trained his regiment at Chickamauga Park near Chattanooga, Tenn., where he established a splendid record for the health of his men and was ordered to Porto Rico. He was military commander of Porto Rico and served with great distinction in this capacity. After the close of the Spanish-American War his troops were mustered out of the service, and he returned to his home in Knoxville and resumed his business activities.

In 1917, when the tocsin of war was again sounded, although General TYSON was well past middle life and deeply engrossed with his extensive commercial and industrial affairs, and was filled with honors of duty well done and service faithfully performed to his country he again responded to his country's call and answered President Wilson's first call for volunteers. He was commissioned a brigadier general and placed in command of the Tennessee troops in the National Guard, which were later mustered into Federal service and became a part of the Thirtieth Division. General TYSON was placed in command of the Fifty-ninth Infantry Brigade, Thirtieth Division, which was composed of volunteer troops from Tennessee, North Carolina, and South Carolina. This division was trained at Camp Sevier, Greenville, S. C., and ordered overseas in the early part of 1918 as a combat division. It was during this period of service that General TYSON reached his zenith as a great military commander. His marked native ability as a leader of men, along with his training and experience in the military service, eminently fitted him for the supreme test and great responsibility of commanding an important combat unit in the greatest war in all history.

The record of the Thirtieth Division was one of most brilliant achievement. After landing in France this division was sent to Belgium and there brigaded with the British troops and engaged in the fighting in the Ypres salient and at Kemmel Hill, taking Kemmel Hill and forcing the German evacuation of that territory. In September, 1918, this division was ordered to the important sector between Cambrai and St. Quentin, and it was there on September 29, 1918, that the attack was made on the Hindenburg line. In its far-reaching consequences toward the termination of the war it was one of the most important engagements during the World War. I would that I had the skill to wield the brush of the world's greatest painter or that I had the genius to use the pen of the world's greatest poet, I would portray in picture and in poetry the awful spectacle of this battle of September 29, 1918, when the Second American Corps, composed of the Thirtieth and Twenty-seventh Divisions, attacked the monster ramparts of the Hindenburg line. Indeed, this terrific engagement is beyond the power of description. This engagement began with the Battle of Bellecourt on the morning of September 29 and continued for many days thereafter. For four days and nights the earth trembled under the terrific artillery fire. Hundreds of guns belched forth their fire of death, hundreds from the other side made reply. The intervening space was filled with poisonous gas and suffocating smoke, through which flashed the deadly fire of rifles and machine guns and the flying missiles of bursting shrapnel. Into this chasm of destruction, into the yawning jaws of death, plunged more than 30,000 of America's bravest. These American boys struggled for mastery with the stubborn Hun, as the civilization of the world hung in the balance. The hitherto impregnable Hindenburg line was broken, and Prussian pride was forced to the very dust and made to pray for Armistice Day. The deeds of heroism and valor on this occasion add luster to the pages of American history and should cause the fame of these soldiers to forever shine like stars in the firmament of history, beckoning mankind to higher and nobler goals.

General TYSON played a most conspicuous and important part in this important engagement, and is entitled to the full measure of praise and credit for the great results accomplished. Not only was the stress and strain of this terrific engagement sufficient to try a man to the very limit of human possibilities but it was during this time that General TYSON received the supreme test that can come to any man charged with such a great degree of responsibility. It was during this battle that he received the message conveying to him the sad intelligence of the death of his only son. A description of the conduct of this great man in this supreme moment of his life is given us by one of his men who was very near him at the time. He states that as General TYSON received this message he momentarily staggered and clutched the side of a little hut by which he was standing, and then with tears coursing down his face he drew away to one side and there knelt down to pray. After kneeling there in his Gethsemane for awhile, he arose, and with the inspiration of his communion with the God of the universe and the spirit of his dead boy, he threw himself and his 7,000 Tennessee and Carolina boys against the German lines and went on to a glorious victory. No military commander ever enjoyed a fuller degree of respect, admiration, esteem, and genuine affection by all of the men with whom he served than did General TYSON. He was always considerate of their welfare, and endeavored to see that they were cared for in the best manner possible. He spent many sleepless nights working on his battle plans and operations with the hope of being able to accomplish desired results, and at the same time endeavoring to save the lives of as many of his men as was at all possible. Many of us who served with him are doubtless alive to-day because of his military skill and extreme devotion to duty, and his realization of the great responsibility that was resting upon him. It is a trying situation for any man to realize that he is engaged in an undertaking where he is not dealing in stocks and bonds or articles of merchandise, but the commodity is human life. As was demonstrated by General TYSON's interest and devotion to his men in the military service, he was always interested in his fellow man, and always endeavored to render his full share of service in civil life as well as in the Army.

The burning desire to render service to his State and people caused General TYSON to enter the field of public service. He served as a member of the House of Representatives of the State of Tennessee, and was elected speaker of that body. During his term of service there he succeeded in putting through a measure providing financial assistance on a permanent basis for the University of Tennessee. As the author of this bill, he rendered a service of lasting benefit to the boys and girls of Tennessee, and was largely responsible for the State University being the great institution of learning that it is to-day.

In 1924 he was nominated and elected to the United States Senate and served with great credit and distinction as a member of that distinguished body until he passed away. He was the joint author of the Tyson-Fitzgerald bill, providing for emergency Army officers, which was one of the major pieces of legislation enacted by Congress in recent years. His marked ability in handling this measure in the Senate, distinguished him as a legislator of outstanding ability. He always rendered his full share of service in the interest of his comrades and former companions in arms, and especially the disabled men, in whom he always felt such a deep interest. He was likewise

interested and worked with ceaseless and tireless industry for the enactment of all legislation in the interest of the people of his State, as well as the Nation. He was tireless in his efforts to secure the enactment of legislation in the interest of the farmers of our country, as well as other important measures in the interest of the great masses of our people. General TYSON was a man of great courage and strong convictions. It might be said that he wore his credentials written across his chest for there was never any doubt about where he stood on any important question. He always stood for moral betterment and civic improvement, and was to be found on the moral side of every question. No man has ever enjoyed more absolute confidence, genuine respect, and cordial esteem of his colleagues in the Senate than did General TYSON. His genial manner, exemplary conduct, pleasant disposition, and extreme courtesy at all times endeared him to all who were privileged to serve with him. He was a man of such clean life, high ideals, and lofty principles that his presence was always an inspiration. He possessed the highest attributes of Christian character and all of the sterling qualities of manhood.

Those who knew him best loved him most. To say that he will be sorely missed is to give expression to the deepest sentiments and emotions that move us on this occasion. It was indeed a happy privilege to serve with him. We shall always keep green his resting place and cherish his memory. His life was indeed an inspiration and a lasting benediction.

THEODORE ELIJAH BURTON

Mr. BOLTON. Mr. Speaker, in adding my word to those testimonials of affection and regard which have been paid to our departed colleagues I do so with varied feelings. I can not speak from long association with all these former Members; in fact, my time in Congress has been of too short duration to have more than merely met some of them. I do have, however, a great respect for the examples of public service left by them, and desire to voice a sense of deep appreciation of and response to what the lives of those who have gone on during the past year have been. They have given ample proof of their capacity to cooperate for the benefit of the whole when cooperation was possible, as well as their ability to oppose when necessary, but at all times they have been bound together in a common cause, that of service to their Government and to their country. They have left an example of service and devotion, and a challenge to carry on the principles for which they strove.

My own personal contact was principally with that outstanding statesman whom I had known for many years and whom I had the honor to succeed in Congress, THEODORE E. BURTON, Senator from Ohio, but better known as the Representative of the twenty-second Ohio congressional district. His record of public service and devotion to the affairs of his native State and Nation has few equals in the annals of Ohio history. Many men render unusual and meritorious service in every community and justly earn the commendation and good will of their fellow citizens. He to whom I desire to pay special tribute has immortalized his name in the history of his adopted city of Cleveland, his native State, and our Republic through his nearly 40 years of almost continuous service in the interests of his fellow citizens. He has been a devoted son to his mother country and has nobly fought for and defended the policies and principles which have made her great, both in the House of Representatives and in the Senate of the United States, and on foreign fields, with the talents and ability of the master statesman.

Born in 1851 in a rural community of northeastern Ohio, educated at the public schools, and matriculated at Oberlin College, in Ohio, THEODORE E. BURTON began his career as a young man in the city of Cleveland, which became his adopted home from that time. Admitted to the Ohio bar at the age of 24, Mr. BURTON commenced the practice of law and in his activities made the acquaintance of such men as Marcus A. Hanna, Myron T. Herrick, and others, with whom his later activities brought him in close contact and from which blossomed warm personal friendships.

In 1886 THEODORE BURTON began his long term of almost 40 years of public usefulness by his election to the Cleveland city council. Declining renomination, he was elected to Congress, and with an intermission of two terms served for 18 years as a Representative from Cleveland and Ohio. In 1909 he was elected to the United States Senate for a term of six years, at the expiration of which he was not a candidate for reelection, but retired from politics in favor of banking, acting from 1917 for over two years as president of the Merchants National Bank of New York City. In this position he had ample opportunity to study the monetary system of this and other nations and to practice the principles which he had advocated and had a part in developing.

In 1920 Mr. BURTON was again called into the service of his country and elected a Member of Congress from the twenty-second Ohio district. This district he continued to serve, by reelection, until the fall of 1928, when he offered himself to fill the unexpired term of the late Senator Willis, and was again elected Senator from Ohio, which position he held at the time of his death on October 28, 1929. As he would have wished, he died in the service of his country.

During his long period of public activity, THEODORE BURTON had many honors conferred upon him and held many important positions. As a Member of Congress he devoted a large part of his time to matters relating to the waterways of the Nation and the use and conservation of these great natural resources. Representing a district vitally interested in navigation he served as a member of the Rivers and Harbors Committee of the House from 1896 to 1909, the latter 11 years acting as chairman. He was instrumental in having adopted many of the policies now practiced in that committee. Chief among these was the reference to the Army engineers for study and consideration of all projects before his committee pertaining to the development of water facilities and their approval by the Board of Army Engineers before action by Congress.

Mr. BURTON was appointed chairman of the Inland Waterways Commission by President Roosevelt and acted in that capacity during 1907 and 1908. From 1908 to 1912 he was chairman of the National Waterways Commission created by Congress. In both capacities he gave largely of his time and energy in studying this important subject, both in this country and abroad, and was recognized as one of the leading authorities on water development for transportation purposes.

THEODORE BURTON was also deeply interested in the study of credits and finance and was the author of many publications on this subject, chief among them being Financial Crises and Periods of Industrial and Commercial Depression, in 1902.

From 1908 to 1912 he served as a member of the National Monetary Commission. He was appointed a member of the World War Debt Funding Commission in 1922 by President Harding. A firm believer in the protection and development of American capital and labor, Mr. BURTON advocated adequate tariff protection, having given the subject most careful study.

Senator BURTON, particularly during his later years in Congress, showed a distinct interest in foreign affairs and a desire to promote understanding and friendly feelings with foreign nations. He served as a member of the executive committee and executive council of the Interparliamentary Union, and as such participated in meetings in St. Louis, London, and Paris in 1912, and again at Geneva, The Hague, Vienna, Copenhagen, Berne, and Paris in 1927. He also served as chairman of the delegation from the United States to the Conference of International Traffic in Arms at Geneva in 1925. He was a member of the American Peace Society, and at the time of his death held the position of chairman. His interest in the promotion of peace and the good will between America and foreign nations was very vital.

THEODORE BURTON was always a stanch and loyal member of the Republican Party and, although largely active in national affairs, became recognized as one of the leaders of his party in Ohio as well as in the Nation. He was chosen delegate to the Republican National Convention in 1904; again in 1908, where he placed in nomination the name of William Howard Taft for the presidency. In 1912 and each succeeding fourth year he was chosen as a delegate to his party's national convention, in 1916 receiving a complimentary vote for President. in 1924 delivering the keynote speech of the convention. In 1928 he was chairman of the Ohio delegation at the convention in Kansas City, and as such was instrumental in consummating his previous efforts in Ohio and elsewhere in behalf of the nomination of Herbert Hoover for President.

Such are at least a portion of Senator BURTON'S outstanding records of service and achievement. Through his long years of public life he has proven himself to be a man of but one interest, that of service to his fellow citizens. With his development in national affairs and the added responsibilities and larger interests resulting, he never overlooked his primary responsibility in the representation of his constituents in Cleveland, and the unqualified regard and esteem in which the people of Cleveland held him is clearly indicated by his record at the polls.

A man of tremendous mental capacity, of rare memory, and of sound and farseeing judgment, of a simple, kindly, and sympathetic nature, and a love and reverence for his country and her institutions, THEODORE BURTON truly represented that type of statesman so necessary to our Government. A profound

scholar and a great student, his utterances, delivered either in the Halls of Congress or from the platform, commanded attention and respect. Somewhat austere in bearing, though courtly in manner, he commanded respect from all, whether friends or foes. He gave of himself but sparingly, but those who had his friendship considered it one of the rare privileges of life.

By his death we are left with a sense of irreparable loss, yet with gratitude for such an example of high-minded patriotism, as well as with the desire to hold high the torch of service and duty to our country.

Mr. MOONEY. Mr. Speaker, we are met together, my colleagues, to honor the memory of a very great citizen, my fellow townsman, Senator THEODORE ELIJAH BURTON; to express the admiration and friendship each of us held for him in life, the veneration each of us now holds for him in death.

I know of no other institution which can so well express the profound emotion of American public opinion; nor can I think of anyone whose life and work are more worthy of contemplation here. His was a long life, filled with very greatest honor. There is no one within the generation whose name and accomplishments have been written larger in the history of the Republic. His record is written. It seems to me, however, that the great purpose of meetings of this kind must be that those who are left behind may profit by splendid example, rather than to eulogize the dead; for in a larger sense we honor not him but ourselves who were permitted to join a little with him in his arduous labors here.

I have known of Mr. BURTON all my life, have known him personally a score of years and for the past 10 years have been honored with his friendship. I do not believe that in all the Congress there could have been one man who loved him more, and, Mr. Speaker, my heart is unusually heavy to-day.

I realize that there is nothing I can say that can in any way add to the splendid statements made, yet I do want to acknowledge my personal loss in his passing and add the tribute of my real affection.

THEODORE BURTON represented the very highest ideals in American politics, to politics he gave his life, and in it he reached unusual distinction. Very few gentlemen enjoyed the international acquaintanceship that was his and it is no exaggeration to say that the world mourns the passing of this great man, but after all to my city comes the very deepest grief. He came to Cleveland a young man; he gave more years to public service than is given many men to live; he enjoyed every distinction within the gift of his neighbors. He was a member of the city council, elected many times to the House of Representatives, and twice to the United States Senate from Cleveland; he went to Chicago from Cleveland as the choice of Ohio for the Republican nomination for the Presidency. He was a Republican in politics and preferred always to remain a party regular, but he could at all times be depended upon to do that which his conscience dictated to be correct.

It so happens that I am not a member of that party to which the Senator gave allegiance, and it is therefore doubly the source of satisfaction to me now as a member of the opposition organization that my party, too, supported him; that we indorsed him for election time after time, and that we claim now as we always did our part in the satisfaction that comes from his splendid record here.

His accomplishments were many. I have always held that he was the greatest authority on waterways in the United States, and I believe the inland waterway system is largely the outgrowth of his splendid vision. To him, more than to any other individual, is due the credit for the great water transportation on the Lakes. He was an authority on international law and on finance, but I like to think of him as the president of the American Peace Society. I like to think of him as a man who in the evening of his life was concerned chiefly with peace between the nations of the world.

Men sometimes called him cold. That was not true of those who knew him best, and I question if there was ever a man in the House or Senate who enjoyed the absolute confidence and the real affection of his constituency to a greater degree. I have learned in my more than half a century that friendship is the dearest boon that can come to man. When I return to private life I shall take with me as one of my most priceless memories the friendship THEODORE BURTON gave to me.

In his passing the Nation loses a great servant, the State an outstanding character, Cleveland her first citizen. THEODORE BURTON loved Cleveland. Cleveland loved THEODORE BURTON, and I like to think that all that is mortal of him now rests in that great city that was so dear to him.

FRANCIS EMROY WARREN

Mr. CARTER of Wyoming. Mr. Speaker, from time immemorial it has been the public custom among civilized nations to honor by public eulogium their distinguished dead. In keeping with that custom this day has been set apart by order of the House for the purpose of commemorating, by appropriate ceremonies, the lives and characters of a number of distinguished Members of this body and of the Senate, among them the Hon. FRANCIS E. WARREN, of Wyoming, late a Member of the Senate of the United States.

It is not simply a perfunctory compliment with an established custom that I ask the indulgence of the House for a few minutes, but a desire on my part to pay tribute to the memory of one who was my personal and political friend, and to whom I was devotedly attached. While this is a sad and solemn occasion to me, I feel reconciled in the belief that his good works on earth will follow him to his greater reward.

By the death of FRANCIS E. WARREN the country has lost one of its most patriotic citizens, the Senate a very distinguished Member, the State of Wyoming its best-known citizen and statesman, and the Republican Party one of its strong leaders. The character of the man was manifested early in his distinguished career. In whatever he undertook there was found to be as the basis of his action sturdy loyalty—loyalty to his country, to his State, and to his friends.

Born in Hinsdale, Mass., June 30, 1844, of old New England stock, he received his early education in the elementary schools of his birthplace and at Hinsdale Academy. At the age of 18 he enlisted for the Civil War as a private in the Forty-ninth Massachusetts Infantry. The record which he established for himself as a soldier is an enviable one, for it is the result of his personal bravery that won for him the congressional medal of honor, the highest military award presented by this country. In the official record of the award it was stated that it was made—

For volunteering in response to a call and took part in the movement that was made upon the enemy's works under a heavy fire therefrom in advance of the general assault.

After he was mustered out of the Forty-ninth Massachusetts Infantry he served as captain of the militia of that State and at the same time engaged in farming and stock raising.

A few years after the Civil War he felt, as did many of the adventure-loving youths of the East, the lure of the West, and with a small amount of capital in his pocket set out for Wyoming. He stopped in Iowa for a short time and served as foreman of a railroad construction company and later continued his journey to Wyoming, which at that time was a part of the Dakota Territory, arriving in Cheyenne in 1868.

The political career of FRANCIS E. WARREN began almost immediately after his arrival in the State. To attempt to give within the compass of these remarks even a brief account of the conspicuous part he played in the progress, development, and political life of the State during a period of 60 years is, of course, impossible. His first political office was as a member of the Territorial senate in 1873 and 1874; he was a member of the City Council of Cheyenne in 1873 and 1874; treasurer of Wyoming in 1876, 1879, 1882, and 1884; again a member of the Territorial senate in 1884 and 1885; mayor of Cheyenne in 1885; appointed Governor of the Territory of Wyoming in 1885, and was removed by President Cleveland in 1886; reappointed by President Harrison in 1889, and served until elected the first governor of the State in 1890, resigning as governor November 24, 1890, having been elected a United States Senator. With the exception of two years, when the State legislature deadlocked on the senatorial election, he served Wyoming in the upper House of Congress a total of 37 years.

No stronger or more loyal party man ever lived; his Republicanism was part of his very being. He is one of those who stay with party organizations because he believes that only through party unity great and worthy ends can be accomplished. He never wavered in his support of any candidate of the Republican Party. He served no special interests in his party, but served almost slavishly the interest of his party as a whole. If he accepted both men and measures when he was not in thorough accord with them, it was because of his intense party loyalty.

Senator WARREN had passed his eighty-fifth birthday, but his mental vigor was in no way impaired, and he was recognized as one of the strong and forceful men of the Senate. He possessed a powerful physique, and in spite of his years enjoyed the reputation of being one of the Senate's hardest workers, and the robustness of his constitution was a source of amazement

to his friends. He has carved his name ineffaceably upon the records of his State and country. No man without noble purpose, well-justified ambition, strong fiber, and splendid qualities in abundance could have carved out and left behind him such a career.

Senator WARREN'S business life had been crowned with success. He possessed in a remarkable degree the genius of common sense. He was resourceful and believed in work and was a man of indefatigable industry. He taught the doctrine that labor is always rewarded. Things he did were worth-while things. He was the very spirit of the practical. He believed in building, planning, and reaping. The youth of the country can read and study his life and profit by the lessons he taught and the success he achieved. When the oppressed needed a friend, his voice was raised in their behalf.

In private life Senator WARREN was simple, plain, and unassuming, free from deceit, just and considerate in all his dealings with others. Unusually blessed in his domestic relations, he found his happiest hours with his family and in the company of congenial friends. He was a devoted and loving husband, a generous and indulgent father, and the tenderness with which his family clung to him marked the depth of their love and affection.

In all walks of life the same high courage and noble qualities which won him honor and fame were ever in his possession. A splendid career terminated by his death.

I feel that the best gage, Mr. Speaker, of a man is the opinion of his fellow citizens, which is well expressed in the following tribute in the Wyoming State Tribune:

He came home to-day for the last time, our Grand Old Man—home to the State he loved, home to the city which he more than any other had helped to build, home to us of whom he was a peerless champion.

With guard of honor from the Nation to which we gave him, he came home to us that we, too, might do him befitting funeral honor.

We laid him in state in Wyoming's capitol where so devotedly he had served us ere we gave him to the Nation, in that building hallowed by memories of his living presence there.

Then, in the cathedral dimness of the stately rotunda, we looked our last upon his beloved face.

How strong that countenance, how noble, how benevolent, its lineaments molded by character to be symbol of the majesty of his soul.

In the immobility of death how serene he seemed.

Interesting, that never before had we thought of him serene—in the restless energy of his passion of service to us there had been no place for serenity.

But serene now that familiar face beneath hair whitened by the snows of four score years and five, sublimely serene—noble serenity that is the meed, his labors done, of a good and faithful servant; perfect serenity of the peace that passeth all understanding.

Comforting, that beautiful serenity; consoling in our last contemplation of our greatest dead.

With martial pomp we bore him who ever had been a warrior unafraid to that place his ashes were to make a shrine.

There—in that spot hallowed by the graves of thousands for whom he had worked with the ardor of his great, unselfish devotion—we laid him at rest, enfolded forever in the bosom of his beloved Wyoming.

So endeth the mortal chapter, but fame is immortal, and a grateful State and Nation will ne'er forget FRANCIS EMROY WARREN.

In concluding my humble tribute to the memory of my late friend, FRANCIS EMROY WARREN, the sentiment so beautifully expressed by the great Irish poet, Thomas Moore, forces itself unconsciously on my mind:

Let fate do her worst; there are relics of joy,
Bright dreams of the past, which she can not destroy,
Which come in the nighttime of sorrow and care,
And bring back the features that joy used to wear;
Long, long be my heart with such memories fill'd!
Like the vase in which roses have once been distill'd,
You may break, you may shatter the vase if you will,
But the scent of the roses will hang 'round it still.

Mr. EATON of Colorado. Mr. Speaker, when the funeral cortège started with the body of our late friend, Senator WARREN, from the Capitol Building at Cheyenne, a storm broke out of the ominous clouds which had been hovering around, and continued until the casket was lowered into its final resting place, in a little grove of Spruce trees. The wind and the snow whirled and swirled as if the elements themselves were lifting and protecting the soul of that good old pioneer and statesman on its journey to the other world. No more appropriate phenomenon has ever accompanied funeral rites. And shortly after the sorrowing throng had left the place of interment the storm had blown away and was gone.

So ended the obsequies to mark the passing of the one man of all the men in the United States Senate whom I knew longest and best.

From boyhood days, when I would go to Senator WARREN'S home in Cheyenne and enjoy the hospitality which was afforded the young people, to within a few days before his death, I enjoyed his friendship. I knew, through him, the value of the kindness and consideration which a youth receives from his elders.

It is not necessary for me to eulogize this great man of the West. His characteristics eulogize themselves. His courage, strength, loyalty, and integrity were typified not alone in the record of his work as a statesman but in the very stature of the man. A man's virtues are known by his friends and he is loved for them. Here was a man whom his enemies respected at all times, even when in the midst of the most bitter controversy.

He was unselfish in his loyal work for the upbuilding of the West. His friends were not confined to his home State, but all of Wyoming's neighboring States, and my State of Colorado especially, found in Senator WARREN an ever-present friend whose experience and talents were always available in connection with every step which has marked the substantial progress of the Rocky Mountain region.

I can not say, I will not say
That he is dead; he is just away.
With a cheery smile and a wave of his hand
He has wandered into an unknown land.

And left us dreaming how very fair
It needs must be, since he lingers there.
Think of him still the same, I say;
He is not dead; he is just away.

ROYAL HURLBURT WELLER

Mr. GRIFFIN. Mr. Speaker, with the Members of the House and many Senators present we are venturing for the second year to carry on a beautiful and impressive exercise. The relatives of our late friends I feel will take back with them to their widely scattered homes a kindly thought for the living who thus convene at appropriate intervals to tender a loyal tribute of respect and affection for the memory of their departed colleagues.

The hand of the reaper has been ruthless and cruel. He has drawn heavily upon our membership. He has spared neither the veteran nor the novice, the young nor the old. We meet here to pay a united, impartial tribute to them all. I would be unfaithful to the sacred obligations of friendship if I did not unite with my colleagues from the Empire State in adding my individual tribute to the memory of one who, in his congressional service, was brought particularly close to us.

ROYAL HURLBURT WELLER was born in the city of New York on July 2, 1881. He was the elder son of the Hon. George E. Weller, associate justice of the United States Customs Court, and Catherine Eddey Weller. Graduating from the public school and the College of the City of New York, he received his LL. B. degree at the New York Law School. Admitted to the practice of the law in 1902, he was at the time of his death a member of a prominent law firm in association with Messrs. Robert J. Fox, Hugo Wintner, and Robert P. Schur.

In 1905 he married Miss Lenora Wortz, who, with three children of the union, still survive him. She was a valuable helpmate in his early struggles, and when he attained prominence her charming manners were no small factor in maintaining his popularity and promoting his political success.

As a lawyer his experience was diverse and thorough. Beginning with an association with James L. Quackenbush, he was occupied in the years between 1904 and 1911 in the trial of railway tort actions. Then he became an assistant to District Attorney Charles S. Whitman, who later was Governor of New York State. That his services were valuable is evidenced by the fact that he continued in the district attorney's office through the administration of Mr. Perkins and partly through that of Judge Swann. During 1918 and 1919 he was counsel to the Alien Property Custodian.

In 1922 Mr. WELLER ran for Congress in the twenty-first congressional district of New York, and after a hotly contested campaign he was successful. He was reelected to each succeeding Congress with ever-increasing majorities, which amply indicates his popularity and ability.

In Congress he served on the important Committee on the Judiciary, and his services there were highly regarded. He was becoming one of the most valued and important Members

of the House when suddenly stricken down on March 1, 1929. His memory will be cherished by his colleagues, who for a long time to come will miss his genial smile, his cordial greeting, his friendly sympathy, and ever-willing cooperation.

Mr. GAVAGAN. Mr. Speaker, as we assemble in this Chamber to pay tribute to the memories of our departed colleagues, we become conscious of the value of their associations and services and of the responsibilities and duties left by them to us. We appraise and appreciate the dead, free from the grosser attributes of human nature. In death all are equal—prince and mendicant, sultan and slave, sage and simple—all march to the same music through that grim and ghostly cordon beyond which we may well all meet when the sun goes down.

Death is a true and pure democracy. In the democracy of the dead all men at last are equal. There is neither rank, station, nor prerogative in the republic of the grave. At this fatal threshold the philosopher ceases to be wise, and the song of the poet is silent. The poor man is as rich as the richest, and the rich man is as poor as the pauper. There the proud man surrenders his dignities, the statesman his honors, the worldling his pleasures, the invalid his rack, and the laborer rests from unrequited toil.

Here at last is nature's final decree in equity. The wrongs of time are redressed. Injustice is expiated, the irony of fate refuted. The mightiest captain succumbs to that invincible adversary, who disarms alike the victor and the vanquished.

It therefore becomes my sad duty to-day to briefly recall the life, character, and accomplishments of him whom—as a Member of this great body—I have been called to succeed, the Hon. ROYAL HURLBURT WELLER.

Born in New York City, educated in its public schools, the College of the City of New York, and the New York Law School, he became a member of the bar of the State of New York. It is more as the advocate before the tribunal of justice that I care best to recall him. As a young lawyer he was appointed to the staff of the district attorney of New York County. There in that great law office Mr. WELLER won distinction as an advocate and pleader—a prosecutor who ably and fearlessly pursued the wrongdoer, but never became the persecutor. After a full period of service he answered the call of ambition, left the district attorney's office, and commenced the active practice of the law. He was elected a Member of Congress from the twenty-first New York congressional district in 1922, serving in the Sixty-ninth, the Seventieth, and the Seventy-first Congresses. Here he served untiringly not only in the interest of his party but for the greater good of his country. We, who were his intimates and friends, regret his untimely call to eternal rest and peace.

His family life was an example and inspiration to those favored with the opportunity to observe. While our hearts go out in sympathy and sorrow to the widow and children, we would remind them that he left behind a memory of fidelity and love which as time goes on will become as sweet as the fragrance of a perfumed flower. Truly he has left "footprints on the sands of time."

Let us, the living, pause and heed the fact of death. Those who yesterday were here have answered the summons to eternity. No man knows but that the to-morrow will never dawn for him. So in the vast company of the dead let us gain from their lives those virtues which in life we cherished most in them to the end that we may heed the warning:

So live, that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry-slave at night
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, approach thy grave
Like one that wraps the drapery of his couch
About him, and lies down to pleasant dreams.

Mr. CULLEN. Mr. Speaker and ladies and gentlemen of the House, it is my sad duty to record a personal word to the Members of the House upon the life and services of that splendid and lovable character who came to Congress from the city of New York and whose untimely death filled our hearts with sadness, the late ROYAL H. WELLER.

My acquaintance and friendship with ROY WELLER covered a period of many years. As a friend and companion he was delightful, warm-hearted, loyal, and generous, always sociable and responsive. He was, in my mind, one of those rare men gifted with those human qualities which makes others both love and admire them.

He was successful in his work here in Congress and elsewhere because of his indefatigable industry and his intimate knowledge of anything he ever undertook to do.

In political life of New York City there is not much else that men have upon which they can build their reputations and enjoy the respect and admiration of their fellow men except the reputation for veracity, the knowledge that their plighted word is sacred, and an unswerving loyalty to their friends and associates.

No matter what the turn of the wheel of fortune may have been, men like ROY WELLER always remained loyal to their followers and friends.

My experience has led me to believe that these characteristics largely emphasize what ROY WELLER was and what his life meant to all of us who knew and loved him.

I join with those who have reason to cherish his memory in paying this brief tribute to the personality and character of a man who rose to power and eminence in the great metropolis of this country and who in a quiet but effective way rendered valuable services to his city, State, and country.

So from the hearth the children flee,
By that Almighty hand
Austerely led; so one by sea
Goes forth, and one by land;
Nor aught of all man's sons escapes from that command.

Mr. MEAD. Mr. Speaker, it is my sad duty and still my happy privilege to say a word concerning the life and work of the Hon. ROYAL H. WELLER, beloved and honored Member of the House of Representatives during the Sixty-eighth, Sixty-ninth, and Seventieth Congresses, and who has since been called to his eternal reward.

ROYAL H. WELLER, Representative in Congress from the twenty-third district of New York, was born on July 2, 1881, admitted to the New York bar in 1902, served as assistant district attorney of New York County from 1911 to 1921, and was elected for the Sixty-eighth Congress in November, 1922, where he served until his untimely death on March 1, 1929. While a Member of the House he was appointed to serve on the important Judiciary Committee where his work was eminently satisfactory. This is but a brief outline of his political career, during which he was uniformly successful and in which he set a splendid example for his colleagues to follow.

I became acquainted with Mr. WELLER immediately after his election to Congress and was fortunately privileged, as a member of the Democratic delegation from the State of New York, to be closely associated with him throughout his membership in the House. By nature he was a kindly man of generous impulse; he was always affable, with a sympathetic appreciation of the problems of his fellow man. Loyalty to his party, to his home, and to his principles were the outstanding characteristics of this man, and he was ever ready to sacrifice personal gain for his principles. It was my pleasure to have enjoyed his friendship and a proud honor, indeed, to have served with him as a Member of the House of Representatives.

Together with many other Members of Congress, I attended Mr. WELLER's funeral services at Washington Heights Methodist Episcopal Church, New York City, and was profoundly impressed by the sincere evidences of real sorrow, love, and respect manifested by the large throng that gathered at the church and cemetery to honor him on that solemn occasion. In that throng was represented every phase of the life and activity of that great metropolis, in which he took such an important part both as a citizen, a lawyer, and a public official. In his passing his good wife lost a splendid husband, his children a good father, his colleagues a true friend, and the Nation a great citizen.

Mr. O'CONNELL. Mr. Speaker, to-day in these beautiful memorial services in the House we commemorate the departure of 15 of our colleagues who during the year have left us, to cross the Great Divide to the land from whence the traveler ne'er returns. In this list of distinguished Members of both branches of our National Legislature is recorded the name of ROYAL H. WELLER, a valuable and outstanding Representative from the great State of New York, which I have the honor to represent in part in this House.

"Roy," as we his colleagues in the New York delegation affectionately called him, was born in his home city on July 2, 1881. Following the path that many of us have trod, he received his education in the public schools of the metropolis of the western world, moving successively to the City College and the New York Law School, including a postgraduate course. He was admitted to the bar in 1902. For a time he was assistant district attorney of his city and counsel to the Alien Prop-

erty Custodian. Thus the friend to whom I am trying in my ineffective way to pay tribute early gave evidence of the great ability which he ultimately displayed while a Member of this body.

Among the colleagues from his own State he was loved and honored, and enjoyed a wide acquaintance and friendship with Members on both sides of the aisle. Courteous and considerate in debate, he eschewed all references that would hurt the feelings or the opinions of those of his colleagues who differed with him on questions that came before us from time to time for determination. In the discussions in which he participated he impressed us with his keen legal judgment, his alert mind, and his competent grasp of the intricate governmental machinery with which the membership of the House is called upon to deal. He greatly enjoyed his work in the House, had a large correspondence with his diversified constituency, and took a personal and effective interest in the many requests that came to his desk from day to day.

Those of us who knew his happy home life, his family, to which he was greatly devoted, are in position to realize the poignant grief that his sudden and untimely removal brought into their home. A fine statesman and ideal husband, an affectionate and indulgent father has fallen.

To his loved ones the bereavement leaves an aching void which we, his comrades, are unable to soften. Our hearts go out to them in their great loss and leaves us humbled and submissive in the presence of the great mystery. We shall all miss his fine personality, his ever-cheery greeting both by day and by night as we met in the House or in our many social activities. We say farewell to our companion and our friend as we commit him to his God for the reward he so richly earned. May his soul rest in peace.

Mr. BOYLAN. Mr. Speaker, so long as civilization endures, men will gather to pay tribute to the life and deeds of their departed friends.

To-day we gather to say our word of affection and respect to the memory of ROYAL HURLBURT WELLER.

A native son of New York City, a product of its public-school system and its city college, and a graduate of the New York Law School.

His public service as assistant district attorney in New York County stood out particularly on account of his courage in prosecuting organized criminal groups who were engaged in arson and kidnapping in the city. To Mr. WELLER was due the credit of breaking up the practice of these criminals.

He continued to serve as assistant district attorney until 1917, when he resigned to practice law with Robert J. Fox, Hugo Wintner, and Robert P. Schur. This partnership continued until his death.

During the years of 1918 and 1919 he was counsel to the Alien Property Custodian. His outstanding ability attracted public attention, and he was selected to represent the twenty-first congressional district of New York in Congress in 1922, which office he held until the time of his death.

He early developed a keen insight into legislative work and practice and was a most valued member of the important Committee on the Judiciary. He was devoted to the interests of his State and country. He always spoke his convictions and supported them by his vote. In his work in Congress he was always inspired by the highest motives, and he considered the welfare of the Nation alone when charting his course.

He was a trained trial lawyer, representing on account of his outstanding ability many law firms in the city of New York in their court work.

ROYAL WELLER was a likable man, and was a member of the Seventh Regiment Veterans' Association, and of many clubs and societies.

His worthy manner of living; his thorough honesty; his perfect equanimity through the worst ordeals; his intellectual activity; his unimpeachable righteousness; his home life imbued with such charm and beauty; his loyalty to friends and party; his discreet charity; but above all, his eloquence exerted in behalf of the unfortunate. All these traits we can recall as distinctive characteristics of our departed friend.

In the passing of our friend, ROYAL HURLBURT WELLER, although he is gone from us, I know that we will ever treasure in fond remembrance our recollection of his splendid life and deeds.

Mr. CELLER. Mr. Speaker, the passing of ROYAL H. WELLER left a void in the ranks of the New York delegation that will be most difficult to fill. He was a man of personal charm and highest ideals; a lawyer of brilliance of mind and fine achievements; a Representative ever alert and watchful of the interests of his people. Death found in him a shining mark, one who was a credit to the State in which he resided and to his family, the members of which were always the objects of his love and earnest care. He still lives in the hearts of those who knew him.

Mr. DICKSTEIN. Mr. Speaker, again Death, the merciless reaper, has cut down in the prime of life a Member of this House whose genial personality was so much loved and respected by all of us.

ROYAL H. WELLER was a Member of this House for the brief span of four terms. He became a Member of Congress at a time when his district returned to the Democratic fold and again had a member of the Democratic Party as its Representative. The Harding landslide of 1920 sent a Republican from his district to the House of Representatives, but in 1922 WELLER was elected, and was a Member of this House until his untimely death.

ROYAL H. WELLER was a conscientious and painstaking Member and one who took his duties very seriously. Whether in the committee room or on the floor of the House, he was always ready in debate and ready with his legislative work as an introducer of bills. His attention to duty was an inspiration to the younger Members of the House, and his sudden death was a blow from which this House will not be able to recover soon.

ROYAL H. WELLER had many years of usefulness before him. Of sterling character and a thorough education, he bade fair to become one of the leaders of this House. All of us on the Democratic side expected that the next few years would see him in the front ranks of our delegation, and we hoped that the country at large would reap the benefit of his education and experience.

Alas, Providence saw fit to put an end to his life of usefulness, and in the passing of ROYAL H. WELLER we mourn not only the loss of a useful Member of this House but also the inestimable loss to his country in being deprived of his services in the future.

It is therefore fitting and proper that as the House is mourning the passing of so many of its Members we suspend for a moment to contemplate the life and work of ROYAL H. WELLER.

Mr. O'CONNOR of New York. Mr. Speaker, the name of ROY WELLER brings particular recollections to the members of the New York delegation in Congress, who knew him so well and loved him. He was the friend and companion of every member of that group. Wherever they meet he is remembered with affection.

As a public official of long experience, as an exceptionally experienced and astute lawyer, as a distinguished gentleman of attractive personality, he invariably won the respect of all with whom he came in contact. Robust, athletic, born of a distinguished father, the Hon. George E. Weller, Justice of the United States Customs Court, trained as a soldier in the illustrious Seventh Regiment of the National Guard of the State of New York, enriched with a charming wife and children, ROY WELLER's companionship was constantly sought in all social activities, where he participated with the same enthusiasm and the same interest that he applied to the law or to public life. On no occasion in which he took part, be it in the courtroom or in congressional debate or at a social function, did ROY WELLER fail to impress his charming personality. If the "party was lagging," his presence immediately quickened it.

No member of the New York delegation will ever forget the night ROY WELLER died. No gathering of men was ever more depressed. They had gathered at a dinner in Washington, but there was no zest to dine or discuss affairs of politics. The one thought of every Member of Congress present was the extreme condition of their colleague, who was dying in a New York hospital. Constantly telephone calls were made to secure the latest news from his bedside. After intermittent moments of hope there came at last the heart-rending word that ROY WELLER was dead! No words could adequately portray the effect of such news on that gathering. Strong men openly wept. Gruff men, sometimes profane, audibly prayed. Skeptics present inquired as to why life was so ordained. Who directed its course that such a life as ROY WELLER's was snuffed out in its prime? There was no answer in all that gathering. They sat there helpless. Their only recourse was prayers for the repose of his soul. There was nothing they could do except pronounce those feeble words, "requiescat in pace."

Here were gathered men who could declare war, could tax a nation, could free a people, yet they now sat helpless and powerless, every man, at a judgment pronounced upon one of their own. Such is power! Such is authority! Such is influence!

ROY H. WELLER, the man, is dead, but Congressman WELLER will live in the memory of his constituents and the people of

his beloved country; and as long as his colleagues in Congress shall live, ROY WELLER, their friend and companion, will always be affectionately remembered.

Mr. PRALL. Mr. Speaker, in the passing of ROYAL H. WELLER the city and State of New York mourn and deplore the loss of a capable Representative in the Congress of the United States.

His attention to duty, his fidelity to his trust, his capacity, and his official and personal integrity were most pronounced. It made a deep impression not only upon the members of the Judiciary Committee, upon which he served with distinction, but upon the whole membership of the House of Representatives.

ROY WELLER'S life was one of unceasing activity. With him each attainment was but a step upon the stairway that led to higher places of advancement.

His rise at the bar was rapid, continuous in its progress, and conspicuous in its achievement. He was a lovable man and was greatly beloved on both sides of the House.

His colleagues from New York, who were also his personal friends, regret his passing. A loyal friend, he was possessed of a charming personality that made itself evident wherever he chanced to be.

It is beyond me to evaluate the delight of his companionship. It was kind, considerate, scintillating.

ROY WELLER loved life, and his contribution to the joys of living will always be cherished by his friends.

A prince once said of a king struck down:
"Taller he seems in death."
And the word holds good, for now, as then,
It is after death that we measure men.

Mr. FITZPATRICK. Mr. Speaker and gentlemen of the House, the great State of New York, which I have the honor to represent in part in this House, has the name of one of its cherished sons in the list of those in whose memory these very beautiful and impressive services are being held to-day. I desire to pay my tribute to the memory of our departed friend, ROYAL H. WELLER, whom it was my privilege to know for more than 25 years. During that time I had every opportunity to study his outstanding abilities as a public servant and loyal friend.

His untimely death shocked and grieved me. I have always found him kindly and affable, sincere and sympathetic, considerate and courteous, and it is difficult to find words to pay tribute to so noble, so splendid a man and a statesman.

One of his most outstanding characteristics was his devotion to duty. Coupled with this was his manifest modesty and personal charm. Another of his assets was his willingness to be of service. No public man of our day served more zealously or more willingly.

He never sacrificed friendship for the sake of political gain. His rise in public life was not at the expense of others, but by the force of his personality and ability. The men who worked for him, the men who worked with him, and the men for whom he worked all loved him.

I am sure I express the feelings of every Member of the Seventy-first Congress when I say that we deeply mourn the untimely death of a trusted friend and valuable Member, ROYAL H. WELLER.

CHARLES WICKLIFFE ROARK

Mr. THATCHER. Mr. Speaker and colleagues, I desire to pay, in brief and simple manner, my tribute to the memory of a friend, a fellow Kentuckian and late colleague, now deceased.

On the 22d of January, 1877, CHARLES WICKLIFFE ROARK was born at Greenville, in Muhlenberg County, Ky. In Greenville he grew to manhood and there he always made his home. He was educated in Kentucky schools and early entered upon a business career, which he pursued with eminent success. He founded the Greenville Milling Co., and under his direction it became a very important and profitable industry. As his estate expanded CHARLEY ROARK—to use the name by which he was generally known—made numerous investments which, in turn, proved advantageous, and he accumulated substantial wealth, the fruit of his own industry, skill, and business judgment. He was ever active in the various movements for the development and improvement of his home city and section and gave in liberal fashion to religious, civic, educational, and fraternal projects. For one term he served as mayor of Greenville. Also, he served as chairman of the selective service board of Muhlenberg County during the World War.

Only once again did our deceased colleague ever seek public office, and in this effort he was successful. In a contest therefor in 1928, he won the nomination of his party for Representative in Congress for the third Kentucky district—long known as the "Bloody Third," because of the many close, hard-fought political struggles there taking place. Especially would I refer to those campaigns waged during the period, more than 30 years ago, when Dr. W. Godfrey Hunter, made his historic fights as the Republican candidate for Congress, in the district, sometimes winning, and sometimes losing, but always—and usually against powerful odds—putting up a battle that challenged the attention and commanded the respect of all. Thus our lamented colleague became the Republican nominee for Congress, and in the great Republican landslide of November, 1928, occurring in Kentucky and the Nation, he was elected over his Democratic opponent, then and now, our esteemed fellow-member, Congressman JOHN W. MOORE, by a majority of several thousand. He was the first Republican to win for Congress in this district in more than 25 years, and the only citizen of Greenville ever to be elected to the House of Representatives.

For some time before his election to Congress, Representative ROARK had been in failing health, suffering particularly from a nervous breakdown; and the rigors of a Congressional campaign accenuated his condition of ill health. He grew worse after his election, and his death occurred 10 days before the Seventy-first Congress convened in special session on April 15, 1929.

He was without children. He left surviving him his widow, Mrs. Eula Lam Roark, and two brothers, Orien L. Roark and Cecil Roark, both of Greenville, Ky.

A striking coincidence touching the death of himself and that of his father, James Louis Roark, is to be noted in the fact that each died in his fifty-third year, and each on April 5, at 5 o'clock in the morning, the father's death occurring in 1893, and that of the son in 1929.

In conclusion, Mr. Speaker, permit me to say that CHARLES WICKLIFFE ROARK was a typical American. In his energy and self-reliance, in his business and political successes, in his loyalty to friends, in his firmness of conviction, in his generous spirit, in his practical charity and fraternalism, in his optimism, in his patriotic impulses, and in his abounding faith in the destiny of the great Republic under whose flag he was proud and grateful to be a citizen—he was of the type and character essentially American. Death ended his life just as he was entering upon a career to which he had been called by his fellow citizens, a career for which he was well fitted by experience and inclination, and wherein high honor and usefulness might have been his for the effort. In the midst of life, indeed, we are in death. On the threshold of golden opportunity our colleague was overtaken by the dark messenger and called away. Meanwhile we who survive him mourn his loss, and strive to carry on a little while longer until for us, too, the sun of life shall fade and the stars of eternity glow.

Mr. MOORE of Kentucky. Mr. Speaker, Congressman CHARLES WICKLIFFE ROARK died at a hospital in Louisville on April 5, 1929, at 4.30 a. m. He had been under the treatment of specialists since his election for the correction of nervous disorder and exhaustion brought on by his two strenuous campaigns, and was proceeding to recovery until he suffered an attack of intestinal flu. His wife had been with him, taking apartments at the Mayflower, and was at his bedside at the end.

CHARLES ROARK was born and spent his life in Greenville, Ky. He founded the Greenville Milling Co. and developed it to one of our foremost industries, and he held stocks and investments of considerable worth, fruits of his energy and ability. He was active in all projects of development and improvement in his home city and county, and gave liberally of time and funds to religious, educational, fraternal, civic, and industrial projects. He was a thirty-second degree Mason and held membership in a number of clubs. He served as mayor one term, and was chairman of the selective-service board of Muhlenberg County during the World War. He sought office only once, winning the favor of his party, and in November receiving most votes ever recorded and the largest majority. He was the first Republican congressional Representative from the third district in a quarter of a century and the only citizen of Greenville ever so honored. Though he had received his commission and been enrolled, he was not able to go to Washington to take the oath of the office, and is the only Kentucky Congressman who has died before taking the oath.

CHARLES W. ROARK received his education in Greenville. Was a member of the Methodist Church, one of the founders of the Greenville Country Club, and member of Pendennis Club in Louisville.

The body arrived in Greenville on the afternoon train Friday, and at 5 o'clock Saturday afternoon a service was held at the Methodist Church, the pastor, Rev. K. L. Rudolph, associated with our other ministers, Revs. Angus N. Gordon, E. S. Summers, W. J. Hudspeth, Reverend Burroughs being absent from the city. Interment followed in the family lot in Evergreen Cemetery.

His active, useful life has ended prematurely and is a loss shared by many. A coincidence very striking is that his father, James Louis Roark, died April 5, 1893, at 5 o'clock in the morning, and both being in their fifty-third year. Surviving are his widow, Mrs. Eula Lam Roark, and two brothers, Orien L. Roark and Cecil E. Roark, of Greenville.

Mrs. LANGLEY. Mr. Speaker, lying just beyond the Blue-Grass in the Commonwealth of Kentucky is a district rich in natural wealth and famed for the exalted type and high character of its men and women.

CHARLES WICKLIFFE ROARK had the honor of being elected from this the third congressional district, and although the Angel of Death touched him before he was permitted to take the oath of office, I would be recreant in my duty as one of his colleagues if I failed to record the high esteem and affectionate regard entertained for him by the people of his district and State, irrespective of party, as attested by the splendid majority received by him from a hitherto rock-ribbed Democratic district. He passed on in the hour of triumph, when the future was full of promise. And no higher tribute can be paid than this: "In whatever position he was placed he always endeavored to honestly do his duty."

It was not my good fortune to have known Mr. ROARK intimately, but those who knew him best bear testimony to the many virtues which he possessed and the high respect and esteem accorded him by all with whom he came in contact.

Mr. Speaker, a tribute to the life and character of Mr. ROARK would be incomplete if reference were not made to the beauty of his home life. His bereaved widow is a woman of rare charm and sweetness, and it can be said of them theirs was a perfect union. She entered into the spirit of his ambitions and assisted in his duties, as only a devoted helpmate can do. The brave fortitude with which she met her loss won the admiration and respect of all.

CHARLES ROARK was a noble man, a loving husband, a true patriot, a faithful friend, and a sincere Christian. Noted for his gifts to charity—a truly rich heritage to leave behind.

The passing of our colleague, taken upon the very threshold of public service, reminds us of the vainness of all human aspirations and brings us face to face with the remembrance of how fragile are the links that bind us to the mystery that we call life, drifting all too soon to that greater mystery called death.

In death there ever remains an unfathomed mystery, but we all know and believe that death only leads us into that fair country where—

> There shall be no more death, neither sorrow, nor crying; neither shall there be any more pain.
>
> We sleep, but the loom of eternal life never stops, and the pattern which was weaving when the sun went down is weaving when it comes up to-morrow in the beyond.

As we pay our last tribute to him there is sweet solace in the thought Kentucky loved and honored him. Those left behind can truthfully say, "He kept the faith."

Mr. BLACKBURN. Mr. Speaker, chief among the most treasured recollections and memories of any man must be the knowledge that he has earned and won the confidence and respect of his fellow men. To do this we strive hard and die willingly.

CHARLES W. ROARK, to whose memory we are to-day attempting to show our respect and admiration, merited and won the respect of the people of his State and district. No higher honor can come to any man than to be intrusted with great public office. He died before he had the opportunity to carry out the obligations which he took upon himself as the representative of his friends and constituents, and thereby they were deprived of a wonderful helpmate and friend.

He had all those splendid qualities that make for statesmanship, and, above all, he possessed to a remarkable degree wonderful traits of character such as endeared him to the hearts of all who had the good fortune to be his friends.

My own acquaintance with him was short lived, but at its beginning I recognized in him the qualities which had inspired the faith and liking of his neighbors and friends, the people who had crowned his lifetime of friendly service with the reward of office.

He would have graced these Halls with his kindly nature and would have lent to legislation with which he might have been concerned the value of his deep knowledge of the needs of his people, tempered with the humanity that was so strong a part of his personality. In his death I feel a personal loss. I had looked forward to adding to my life the pleasure of his friendship and to my small store of knowledge from the depths of his own great wisdom and experience.

Such personalities as CHARLES W. ROARK do not disappear with death. It must have been of such men that Bulwer Lytton was thinking when he said:

> There is no death; the stars go down
> To shine upon another shore,
> But bright in heaven's jeweled crown
> They shine forevermore!

Mr. KENDALL of Kentucky. Mr. Speaker, I count it a privilege to add this brief word of appreciation of the life and work of my colleague, the late CHARLES WICKLIFFE ROARK.

In recognition of services rendered by him as mayor of Greenville and as chairman of the selective service board during the World War, his rugged honesty and sterling character, the people of the third congressional district selected him to be their Representative in the Seventy-first National Congress and, alas, just when he stood upon the threshold of the realization of his cherished dream, above the applause of a proud and expectant constituency he heard the voice of the All-father calling and with humble resignation bowed his head to the divine decree; with unfaltering front he faced death and with infinite tenderness took leave of life.

He was a true son of Kentucky, loved her traditions, reveled in her glorious achievements, rejoiced in her victories, suffered in her defeats, and with a finger of pride pointed all men to her matchless gifts to the Nation; and that loyalty, pride, and love found expression in the life of CHARLES WICKLIFFE ROARK as he passed in and out among his people scattering seeds of kindness by the wayside to become the fruitage of a grander day.

In the passing of this man Kentucky lost one of her noblest sons, his district a faithful servant, and the National Congress a matchless presence.

In the fullness of life he found the serenity of death and passed on to receive that imperishable crown which He who giveth to the victor shall bind about our brow.

Mr. NEWHALL. Mr. Speaker, during the sessions of the Seventy-first Congress, thus far, 16 of our colleagues have passed to the Great Beyond. This strikingly arouses our consciousness to the fact that "in the midst of life we are in death."

The Inexorable Messenger has summoned them, as He will sooner or later summon each of us. We know not the day or the hour when the Messenger will call, but we do know that

> When the angel of the darker drink
> Invites our souls to quaff,
> We shall not shrink.

As we meditate upon the passing of the 16 from our presence, we become signally reimpressed with the fact of the uncertainty of the tenure of life, and each successive passing admonishes us anew that we should

> Make the most of what we yet may spend
> Before we, too, into the dust descend.

Of the 16 who have passed, one was a fellow Kentuckian, CHARLES WICKLIFFE ROARK, whom none here have had the pleasure of greeting as a fellow Congressman. He passed just a few days before the first session was called. He was not privileged to serve for a period in the House of Representatives and become identified with its membership and its work, nor was he privileged to leave the impress of his personality upon national affairs. Hence we can not expatiate upon his distinguished service here, for alas, his opportunity was blasted at the very threshold of his wider sphere of activity. We can not presume to question Divine Providence as to why it should be thus; we only know that He orders with infinite wisdom the destinies of men.

Personally I had never known Mr. ROARK intimately. I met him but once. This was at a time when we both were candidates for Congress from different districts. On that occasion I was greeted with a cordial and friendly handclasp, and my impression of his personality was such as to justify unreserved approval.

He unquestionably was a man of honor and integrity, and must have been so esteemed by his constituency, for he was selected by them, in a district of 10 counties comprising a population of 193,000, to represent them in the greatest legislative body of the Nation.

But fate ruled against him. His health became seriously impaired very soon after his election; he was rushed to a hospital at Louisville, Ky., where he steadily declined, and finally succumbed to the malady with which he was afflicted.

And so he passed from this life at a time when life promised most to him; at a time when the possibilities of service were

greatest; at a time when the approval of friends was most unmistakable.

He missed his chance for fame, but the measure of human greatness does not rest upon fame alone. It is measured rather by strict integrity, honesty of purpose, fidelity to truth, devotion to duty, and a determined and unwavering purpose to make the most of one's self in accordance with the noblest standards of virtue. "A good name is rather to be chosen than great riches, and loving favor rather than silver and gold."

WHITMELL PUGH MARTIN

Mr. ASWELL. Mr. Speaker, the Hon. WHITMELL P. MARTIN was a good man, a patriotic and distinguished citizen. He was studiously quiet, modest, and reserved, but vigorously active and sympathetically concerned always with the interests of the people he represented. In public affairs he placed the interests of the third district of Louisiana first and devoted himself tirelessly and efficiently to his people. At the same time he was broad minded and actively concerned in the welfare of his country. He was loved and honored by the people of his district and loved and honored by the Members of the Congress. He had peculiar ability to establish close and lasting friendships. These friendships in the Congress and among his home people were always great assets in his services.

His work on the great Committee on Ways and Means will live. His associates on the committee loved him and never ignored his recommendations and proposals. The entire people of the State of Louisiana are deeply indebted to him for this unusual and efficient service.

He was a man who loved the truth, a man of distinguished honor. He had faith in his people and in his country. His record of service stamps him a great character and a great statesman.

Mr. HAWLEY. Mr. Speaker, I sincerely regret the passing of my friend. Before entering Congress he had attained distinction in his home State of Louisiana as district attorney, superintendent of public education, and judge of the twentieth judicial district. He served his people so well that in recognition of his merits and abilities they elected him to the Sixty-fourth Congress and returned him to Congress in seven subsequent elections. He died while a Member of the House.

Courteous, capable, and diligent in the discharge of his high trust, he earned the respect and affections of his associates. His memory will be cherished among us for the man he was.

Mr. WILSON. Mr. Speaker, it is our purpose to-day to pay tribute to our deceased colleague WHITMELL P. MARTIN. For many years he ably represented the third congressional district of Louisiana, and his achievements here will ever be a fitting memorial to him. His work as a member of the Committee on Flood Control was invaluable, and while he did not live to see the full effect and results of his efforts his was the hand which joined in laying the foundation which will one day enable the people of his district and State to live in security from the devastating floods.

Few men in Congress have given the measure of service which was so characteristic of him. No task for the benefit of his people was too great for him to essay, nor was any service too trivial for him to give his best and undivided efforts.

Judge MARTIN was a man who placed a great value on friendship. To him friendship was not only a joy but was a sacred trust. No greater boon could come to a man than to be the recipient of a friendship such as his, for when he extended his hand to you as a friend he tendered his heart and his all. In this I know whereof I speak, for I have worked side by side with him for years, and as we struggled together in the interest of our State it was a great privilege to borrow strength and counsel from him. His conduct, his direct course of action, commanded and retained absolute confidence and complete reliance in his integrity, his devotion to his State, and loyalty to his friends.

In his death his State lost one whose services can not be duplicated, and the lack of his presence is to his friends an immeasurable loss.

So of him let it be said:

Peace be with thee, O our brother,
In the spirit land!
Vainly look we for another
In thy place to stand.
Unto truth and freedom giving
All thy early powers,
Be thy virtues with the living,
And thy spirit ours!

Mr. FREAR. Mr. Speaker, as one witnesses changes of membership in this body, due frequently to visitations of the grim reaper, life's uncertainty comes to us with startling force and frequency, and it has special significance through the loss of WHIT MARTIN, a friend of all who knew him.

Judge MARTIN came to the House soon after I did, he from the great Gulf region, I from the far-away Great Lakes country, with the Father of Waters reaching from one to the other, though thousands of miles apart. The progressive wave in politics that brought men of independent thought and fixed principles closer together, whatever their school of partisanship, sent Representative MARTIN to the House.

Quiet, but forceful in character, he was placed on a committee that has many large measures of national import before it, and I am sure no Member sitting on either side of the chairman ever found occasion to remember the slightest personal difference with our colleague. Strong, able, and industrious, he was, nevertheless, singularly kind and courteous in his bearing toward his colleagues.

Whatever his position might be on questions where Members constantly and conscientiously differ, WHIT MARTIN'S genial smile and pleasant greeting were always in evidence.

When a former member of another committee I first met our colleague. A small party of Members was making a study of southern waterways, including those of Louisiana, and during that trip Judge MARTIN was constantly aiding us to a better understanding of the rivers, lakes, and bayous of his native State, pointing out every detail with supporting arguments that might enable us to have a better understanding of the needs and desires of his constituents.

Though he was not a member of that committee, I well remember his every effort to provide for our comfort and this was with no small inconvenience and effort on his own part during several days he was with us. We were grateful for that service, so unusual in its thoughtfulness that I am sure every member of the party understood why Judge MARTIN held a strong hold on his constituents evidenced by the never-failing return of their loved Representative to Congress.

During our subsequent committee work together I learned that the kindly and intelligent aid first had from him in that brief though close acquaintanceship enjoyed in Louisiana was indicative of the character of the third district's splendid representative.

Well will any Member be remembered in this great body if he can have it said of him, as of WHIT MARTIN, and with equal certainty, that he was an able, honest colleague, kindly and courteous but independent and forceful in character. His death removed from our midst one who was in the prime of life and well equipped by nature, ability, and experience for the position he graced with honor to his State and himself.

It is only for the Infinite to know why he was taken away at a time when most useful to his constituents and to this body of which he was a distinguished Member.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, WHITMELL P. MARTIN, Representative in this House from the third congressional district from Louisiana for many years, is dead. He has gone westward forever. He has gone far beyond the sunset and the bath of all the western stars. He played out a great part in the grand drama of life. He met reverse, defeat, disaster with a serenity of soul that made him really victorious over the vicissitudes of life. He was never unduly elated at any success or triumph, accepting them as an inevitable part of the task or labor assigned by Him in His omnipotent wisdom. He was a gentleman, free from envy, with charity to all and malice toward none. He was gracious to those hapless humans that wandered through life imbittered by the unavoidable incidents that crowd themselves into every human career. He belonged to the choice spirits of his time. In his honor he was impregnable; in his simplicity he was sublime. No State ever had a truer son; no principle a greater advocate; no cause a more loyal defender. He was sympathetic with the trials of the poor and not envious of the opulence of the rich. Apparently he believed that every man had a mission to perform, and his heart went out to those who in carrying out the mandate had to undergo the bloody sweat of Gethsemane and the agony of the cross. He loved the child born in the palace as he did the infant who first saw the light of day in a hovel. He believed that both were ushered into existence in accordance with the divine plan, and that one was as great an actor in carrying out that plan as the other. "God moves in mysterious ways his wonders to perform" was one of his favorite expressions. He knew that into each life some rain must fall, some days must be dark and dreary, and he was more sympathetic to his fellows when the clouds were lowering than when the sun was shining for them.



If human existence is but an episode in an eternal life, in an inlimitable and boundless universe, that episode for him was a grand, sweet song. The reward of one duty well performed is the power to discharge another. In another sphere, with a love for all things great and small, he is carrying on and discharging the duty assigned to him by the One who rules the universe. In an endless existence how many parts will each man play? During that everlasting journey shall we not all touch the happy isles and see the great Achilles? Shall we not visit the island valley of Avilion—

> Where falls not hail or rain or any snow
> Nor ever wind blows loudly; but it lies
> Deep meadow'd, happy, fair with orchard lawns
> And bowery hollows crowned with summer sea—

and sojourn for a little while with Arthur? How many will stop with the caravan and meet somewhere in the Elysian fields the great men and women of the earth, who played out their part in the grand drama of life and then passed out into the boundless universe to do even nobler things.

For "the tongueless silence of the dreamless dust" is not the end of all our hopes. Everything in life points to its own renewal. The soul is God's thought and will never die.

> The stars shall fade away, the sun himself
> Grow dim with age and nature sink in years;
> But thou shall flourish in immortal youth
> Unhurt amidst the war of elements,
> The wreck of matter and the crush of worlds.

WHIT MARTIN served his people, his country, and his God with the same fidelity that he is carrying out His great purpose now in another sphere of existence. We shall meet him some day.

Be noble and the nobleness that lies in other men, sleeping but never dead, shall rise in majesty to meet thine own was his inspiration when living.

He made life fragrant for those who had the good fortune to be his associates. The Great Master, who knows it all, will bless His servant who carried out the divine will on this earth.

Mr. TIMBERLAKE. Mr. Speaker, I esteem it a great honor and privilege to speak a few words regarding the life and character and public service of our departed colleague, WHITMELL PUGH MARTIN.

I attended his funeral services in his home town and was called upon to speak a few words at the funeral, for having served with him on the Ways and Means Committee for so many years, it had given me opportunity to know him well and to learn of his many lovable traits of character and his devotion to the interests of his country and his constituents.

I was more impressed with these traits of character by the outpouring of his home people to pay their respects to his memory. I loved him as a brother and could well speak of his high character as a man, his loyalty to his constituents, and to his country. He was a man of high principles, exemplifying these in his daily work and in all of his congressional activities. I felt then that we Members of the Congress had lost a most valuable associate, his constituents a most faithful and efficient Representative, and his family a devoted and loving father.

Mr. SPEARING. Mr. Speaker, in referring to Hon. WHITMELL PUGH MARTIN, late Representative of the third congressional district of Louisiana, or Whit, as he was familiarly called by his friends, so many pleasant recollections and happy thoughts press themselves on the mind it is difficult to adequately express them in sequence.

"Whit" was one of those quiet and unassuming, if not retiring, persons, that one wonders at his popularity and success. The logical explanation of the affection for him by those with whom he was associated or who knew him is that he had such great ability and so many and pronounced high qualities that he could not "hide his light under a bushel" even though he never endeavored to blazon any of them.

A native of Louisiana and of the district in which he spent his life and which he represented in Congress, he acquired his elementary education in the schools of his home and with private tutors. Upon the completion of that course he matriculated with the Louisiana State University, where he earned the degree of bachelor of science. Thereafter he attended the law school of the University of Virginia and was subsequently admitted to practice in that State as well as in the State of Louisiana, in which latter he immediately began the practice of law.

At the early age of 27 years he became superintendent of public education, which position he held for six years. He then served as district—prosecuting—attorney for the district in which he lived. Upon retiring from that office he was elected judge of the district—trial—court of the same district, which honor he held until elected to the Sixty-fourth Congress. He served in that body until his death, having been repeatedly nominated and elected without opposition.

A record such as that could not have been attained without great ability, unusual personal attainments, and marked traits of character.

Without the least desire to inject my personality, I can not refrain from relating that my first acquaintance with WHIT MARTIN was while he was judge of the district court, where I tried a hotly litigated case before him. Though I was not successful, I was impressed with his careful consideration of the points involved, with the fairness of his rulings, and with his fixed determination to render a correct and proper judgment. It is a gratification to me to say we were close friends ever afterwards.

It was the same in Congress. He always exhibited the identical high qualities and traits. He was never a trimmer or time server, always alert to the interests of his district and his people, and never sacrificing those interests under any circumstances or to any person or cause, he considered every question upon its merits and with a free and open mind, and finally acted according to his own best judgment.

It was the same in his personal and friendly relations. He was one of the most genial personalities one could come in contact with, and was always a congenial companion. He had a high sense of humor, and though he never flaunted it, those who were associated with him were fully aware of its presence in a refined type. His friendship once gained was steadfast, relinble, and everlasting.

So our friend was called to the Unknown while still in vigorous manhood. He had accomplished much on this mundane sphere, and had he been spared his usefulness would have still further been felt and his personality more impressed upon the community and the Nation. But One wiser than we—He who directs our comings and goings, and with His omnipotence regulates all things with love and mercy, did in His wisdom decree that WHIT should go to his heavenly reward. The world has lost a jewel; heaven has gained one.

Mr. CHINDBLOM. Mr. Speaker, I deem it a privilege to join in a tribute of respect and affection for our late colleague the Hon. WHITMELL P. MARTIN, of the State of Louisiana, with whom I had the honor to serve on the Committee on Ways and Means. We all loved his quiet demeanor, his genial disposition, his noble character. Withal, he was an able legislator, a wise counselor, a patriotic statesman. He had the courage of his convictions. A weaker or less influential man would doubtless have been supplanted on the powerful Committee on Ways and Means. When Mr. MARTIN differed with the majority, if not the leaders, of his party associates in supporting Republican protective tariff proposals, he did so in furtherance of the principal agricultural product of his State. These proposals were submitted to the Congress by the very committee on which he was a minority representative of his party. This committee assignment also made him a member of the managing board of his party in the House and added to his prominence and prestige in that body.

Friendliness and affability were outstanding characteristics of our late colleague's intercourse with his fellow members. The House felt universal grief when he was called from his labors to eternal rest. Republicans and Democrats alike felt that they had lost a friend and brother in the truest sense of those terms. Peace to his ashes; bliss to his soul!

Mr. DEROUEN. Mr. Speaker, ladies, and gentlemen, politics may be a noble and honorable calling or a debasing and treacherous business, according to the conduct and purpose of him who follows the profession. WHITMELL PUGH MARTIN placed politics on a high plane. He aimed to promote the general welfare. He thought in terms of the great masses instead of classes. His sympathies embraced all mankind. But his efforts were largely directed to helping those who could least help themselves. He realized that in the field of legislation and administration broad and comprehensive laws in aid of the masses are best in the end for all our citizens. He felt that honesty of purpose and honesty in administration of public affairs were absolute essentials of an enduring republic.

WHITMELL PUGH MARTIN was born near Napoleonville, La., and received his early education in private schools, later he attended the Louisiana State University and graduated from that institution in 1888. He later studied law at the University of Virginia and was admitted to the Louisiana bar, and began

to practice his profession at Thibodeaux, La. In 1900 he was elected district attorney, in which office he served until he was elected district judge of the twentieth Louisiana district in 1906. He was elected as a progressive to the Sixty-fourth and Sixty-fifth Congresses, and as a Democrat to the Sixty-sixth, Sixty-seventh, Sixty-eighth, Sixty-ninth, and Seventieth Congresses without opposition.

My acquaintance with Judge MARTIN was of a short duration, as I did not know him until I came to Congress. I shall therefore not attempt to give a detailed account of his exceptional qualities, which I understand characterized him in his early life, nor shall I attempt to portray any of the splendid achievements which he accomplished beginning with his early entrance into political life. I am glad, however, to have had the opportunity of testifying to his splendid ability and high character of service in this body. His early life's career has been beautifully portrayed by some of his more intimate and closer friends, who had the privilege of knowing him and serving with him a great length of time in Congress.

I might go on and amplify the character, virtues, and courage of Judge MARTIN, but it is not necessary. The history of this man, the story of his life, of his devotion to his duties, to his country, of love and devotion to his family will remain as the most lasting monument to his memory.

His death was a shock to the membership of this body and to the people of Louisiana. I attended his funeral and it was a most sad event, due to the fact that there remained his sons, one of whom was in his first year of study at the Louisiana State University, and who needed his father's aid and assistance most at this time, because his dear wife had passed before him, leaving the responsibilities of raising these young boys to manhood. In death as in life the noble spirit of his own soul, his sympathetic deeds, and his life's work seemed now like it always had—the real hope of solace and relief.

While Judge MARTIN was a party man, he was not a partisan. He wanted to be in accord with his party associates and vote with them, but at the same time, if his judgment was otherwise, he was independent enough and man enough to vote his own honest convictions, even if that vote was not in accord with his party associates.

He was an able lawyer, a successful business man, fearless fighter, big hearted, whole souled, sociable, companionable, and he would do anything in his power for his friends. The high esteem and affectionate regard in which he was held by his people could not have been better shown than upon the day of his funeral, when all business was suspended and a great throng congregated at the overflowing church and crowded cemetery to pay a last tribute of respect and to do honor to their able and distinguished citizen and their friend.

Mr. HOWARD. Mr. Speaker, happy is my privilege to speak in eulogy of our late friend and frater, Hon. WHITMELL PUGH MARTIN. Others have carried to the printed page the story of his beautiful life from childhood to statecraft days. Mine only to express appreciation of the privilege to have had personal and official association with him. Instantly at first touch with him I was irresistibly drawn to him. He was magnificent in many directions. His loyalty to friends, to principles, and to his Government was almost passionate. He was an intense partisan, but loyalty to his political party was never superior to his loyalty to the interests of the people whom he represented in the Congress of the Republic.

I recall a day in which he met the crucial test which was to determine whether the welfare of his chosen political party or the interests of his constituents should claim his allegiance. No intenser test ever faces a man in public life. WHITMELL MARTIN met that crucial test like the magnificent man he was. Instantly he declared that if he could not best serve his people under that political beauseant of his choice and love, he would seek service for them under another banner. Perhaps he was never active in any religious organization, but in his quiet, almost Quaker way, he lived true to and exemplified the best tenets of the Christian faith which he espoused.

A sage has said that "death is the antagonist of life, and the thought of the tomb is the skeleton at all feasts." Judge MARTIN recognized that antagonism, but he refused to behold a skeleton of fear at any feast, but, rather, looked forward to the call of death, not as a culprit awaits the stern call of the law, but as a weary child listens for the soothing cadence of mother's voice. Here in the Nation's Capital his touch with his fellows was kindly. So it must have been in his homeland, where, on the day when his body was given to sepulture a multitude of people from every work and walk in life assembled to pay tribute of affectionate respect. I was privileged to be present on that occasion. In the evening of that day I walked along the shore of that inland southern sea near the scenes of the life way in youth and manhood of my loved and lost friend who dreamed as sweetly as he acted nobly. He was, indeed, a doer, yet also always a dreamer, dreaming always of the good, and never of the evil. And there beside that southern sea, with WHIT MARTIN in memory at my side, often it seemed he was speaking to me in the very voice of Will Gurley, who said that "dreams are the children of hope."

We stand upon the shore and gaze with awe upon the mystery of the sea. Its billows roll with the immensity of the Infinite. Only the dreamer may catch a glimpse of the far-off haven of rest. Dreams are indeed the children of hope, that fair goddess at whose shrine we kneel when love seems lost—the rainbow in the storm, the arch of promise in the upper sky, the smile of God which glorifies the gloom. Hope is the lark, whose morning song pierces the celestial skies. Sorrow is the nightingale, whose mournful tones are echoes mid the closing shades of night. Grief lays her head upon a weary pillow and courts a deep and dreamless sleep. Joy tosses in her slumber, and impatient, dreams of glories that the coming dawn shall crown. But misery, with averted face, falls prostrate at the feet of death and yields her coronet of woe. At the arch of the mystic gate man lays his burden down and slumbers. What beyond? Sleep has no speech, and wondering love may only dream of voices that it fain would hear. The earth name of WHITMELL MARTIN was Joy, and he carried that name proudly and helpfully. He had reached that high plane in which he knew no sorrow on his own account, the while his gentle soul was often bowed beneath the burden of the sorrows of others. God is good. He was not only good but also kind when he sent for sojourn in this mortal life the sweet soul of WHITMELL MARTIN, contact with which served to brighten and to burnish and to bless all other lives within the zone of its presence.

Mr. RAMSEYER. Mr. Speaker, our colleague, whose passing we all mourn, entered this House as a Representative from the State of Louisiana the same time I did as a Representative from the State of Iowa. He was one of the first men whom I met here. He was elected to the Sixty-fourth and Sixty-fifth Congresses as a Progressive, and during those two Congresses sat on the Republican side. He was nominated by the Democratic Party and elected without opposition to the Sixty-sixth and subsequent Congresses. Since the Sixty-sixth Congress Judge MARTIN was a member of the Ways and Means Committee, to which committee I was assigned a little over two years ago. His office was a few doors from mine. I knew him well and intimately. He was able, industrious, and conscientious. He, like most of his colleagues from Louisiana, was a strong protectionist. A native and lifelong resident of Louisiana, he was aggressive in promoting the best interests of his State and Nation. He will be remembered by me for his gentlemanly qualities, his fine character, his high intelligence, and his devotion to the public welfare.

Mr. MONTET. Mr. Speaker, it was my good fortune to have spent my early childhood in the parish wherein our departed friend, Judge WHITMELL P. MARTIN, was born and reared. The Martin family was our first neighbor. I am equally proud to be able to say that I spent all of my manhood as a neighbor of my estimable and cordial friend, Judge MARTIN. He was at all times my personal and political friend. Having enjoyed his lifelong acquaintance and friendship, I do not want this occasion to pass without taking advantage of the opportunity of paying my tribute of respect to his memory.

My acquaintance with Judge MARTIN dates as far back as I can remember. His family and mine are friends of long standing. I was brought up in that atmosphere of friendship and, I am happy to say, inherited it.

His life was one of unselfish devotion to his family and like service to his people, who honored him with public trusts from the year 1894 to his death. Recognizing his scholarly attainments, the people of my parish selected him superintendent of public education in 1894. He served in that capacity to 1900. It was during his superintendency that the public schools of my parish were given the awakening and momentum which are the foundation of the splendid public-school system now obtaining there. Since that time wise and able school leadership has taken advantage of the foundation wrought during Judge MARTIN'S incumbency, and to-day the parish of Lafourche can justly boast of as fine a school system as exists anywhere in this great country. Appreciating his value as a public servant, in 1900 he was elected to the office of district attorney, where he served his people for seven years. He attained a splendid record in that office. He was a prosecutor and not a persecutor. His record in that office is unblemished and worthy of the ambition of anyone performing like service. His ability immediately commanded respect and recognition. His fairness and impar-

tiality were so pronounced, our people soon realized that in Judge MARTIN was the ideal judicial temperament and in 1907 he was elected judge of the twentieth judicial district court of Louisiana, where he served until 1914, when first elected as a Member of this House. As a judge he was never charged with partiality. His decisions were rarely reversed by superior courts. He was sympathetic for the weak. While he upheld the laws impartially, he always tempered justice with mercy. As a presiding judge he knew neither friend nor foe. He was an ideal and able presiding judge. He stood for the best traditions of the judiciary. Indeed he had a lofty and ideal notion of the dignity and responsibility which belong to that great office. He always displayed strength of character and kindness of heart.

His ability and reputation for unselfish devotion as a public servant soon spread beyond the bounds of his judicial district, and in 1914, in a most sanguine political fight, after the smoke of battle had cleared, he was returned triumphant to this House, where he devotedly served our people continuously thereafter until his untimely death. He was subjected, of course, as other public men have been, to the personal and acrimonious criticism bearing at times upon abuse, which followed him even to his last day, but that never deterred him in his devotion to the interests of his district, whether they were politically friendly or not. His actions in Congress always reflected the views and best interests of all the people he represented. He was indeed a true and faithful servant of his people. He was at all times an active Member of this body and took an intelligent part in support of legislation intended for the relief of his constituency and for the good of our country. His arduous labors, loyally, unselfishly, and with unusual ability performed, impaired his health and brought upon him his fatal illness.

He was a consistent and reliable committee worker. His record displays that he was also active on the floor, taking active part in the debates of all great questions which arose during his time. As his successor, it is my happy privilege to state that he has left many friends behind in this great body.

There was nothing sensational about Judge MARTIN. He bore none of the earmarks of a demagogue and probably was not a meteor in the political firmament, but his claim to statesmanship forever lies upon the indestructible rock of genuine worth.

It was my sad privilege to attend the funeral services of my friend in our home city and I shall always remember the impression it made upon me. Many years of his life were spent there and they were all useful years.

In his home he had been a devoted husband and father and took great pride in his family; his life had been a part of the social, official, and public life of that intelligent, enterprising community.

Every inhabitant of that community genuinely mourned on that sad day; places of business, private as well as public, were closed; people of the city and generally throughout the district which he had so ably represented laid aside their business to pay loving tribute to the memory of him who during long years had been their neighbor and friend, beloved in private life, and trusted in official places to which they had advanced him. There was sincere grief on the part of those friends and neighbors; there was evidence of their appreciation of the splendid qualities of the man whose memory they mourned. There were present men and women from every parish comprising the district he had long and with distinguished ability represented. They spoke of the confidence and esteem his life and service had inspired; they expressed the sorrow and sense of loss his untimely death imposed upon them. I was impressed that the most faithful estimate that can be made and the highest tribute a man can gain are by and from his friends and neighbors of long and intimate association. It was an impressive scene long to be remembered by all who were privileged to witness it.

My personal acquaintance with Judge MARTIN began, as I have said, during my early childhood. At all times during my short career he was genuinely my friend, and I therefore speak of him as a friend whose death is a personal loss to me. I am able also to testify to his fine character, his ability, his devotion to duty, to the respect for and trust in him shown by all those privileged to know him, and of the success he attained as a servant of the people. He enjoyed and deserved the esteem of all those who knew him intimately. Everyone deeply regrets his death and will remember him with sincere affection.

JOHN JOSEPH CASEY

Mr. DARROW. Mr. Speaker, when the flag upon the Capitol is hung at half-mast it is mute evidence that death has invaded the ranks of our great congressional family. It is naturally a solemn occasion, although a fitting tribute to a departed public servant.

In paying respect to our lamented colleague, JOHN J. CASEY, it is not necessary to repeat his life's story. Such a recitation, however, would be filled with incidents of unusual interest, and his accomplishments would clearly illustrate the possibilities accruing under our free institutions, and the path of opportunity which lies open to one who has ability, industry, and courage.

Throughout his career Mr. CASEY was an avowed champion of labor, and in such respect he was of forceful influence and one whose opinion and judgment was respected. He knew whereof he spoke, for since attaining the age of 8 years he had labored with his hands. Since early manhood he had evinced an interest in trade-union affairs, and at various times served as an officer and representative of local, State, and international labor organizations. The confidence and respect in which he was regarded in his district is evidenced by the fact that he had been elected a member of the Pennsylvania State Legislature for one term and later as a Member of Congress for six terms.

Although of opposite political faith to that of the great majority of our Pennsylvania delegation, Mr. CASEY was admired and respected for his many noble qualities; for his open, frank, and manly methods; and for his devotion to the principles for which he stood.

He was a loyal friend, an earnest worker, a public servant devoted to his trust.

Mr. KELLY. Mr. Speaker, the death of Congressman JOHN J. CASEY took from Congress a Member who was devoted to justice and righteousness.

He believed that the key purpose of the American Nation is to secure equal opportunity for all its citizens. To the accomplishment of that end he dedicated his abilities and energies.

As a Member of the House of Representatives he spoke and acted for the cause in which he believed and every varying measure found him determined and unafraid.

Frankly and joyously Congressman CASEY championed organized labor. He knew the movement when it was assailed by a host of enemies. He put himself into that movement and gave himself unstintedly to make it worthy of the confidence of all good citizens.

As it grew in public esteem, Congressman CASEY gave wise counsel as to the course to be pursued. He belonged among the band of comrades who helped to shape and mould the great labor movement in America.

Often I have heard him quote that dynamic saying of Lincoln:

> That is the real issue, which will continue in this country when these poor tongues of Judge Douglass and myself shall be silent. It is the eternal struggle between these two principles, right and wrong, throughout the world. They are the two principles that have stood face to face from the beginning of time. The one is the common right of humanity, the other the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit which says, "You toil and work and earn bread and I'll eat it."

Mr. Speaker, there have always been those who feel within their hearts an urge to pursue social and industrial justice. Their work is like a white silken thread in the scarlet web of history. Without them this world would be a sorrier sphere.

Congressman JOHN CASEY was such a man. He knew how the great majority of mankind must live by daily toil. All his life he believed that that great majority would come to live lives of freedom and growth and justice. All his life he struggled to make his dream come true.

When death came to him he could say that he had kept the faith. Through good times and ill, through prosperity and adversity, he had followed the gleam.

And when that day comes, as it shall surely come, when conflict in industry has been replaced by cooperation, when injustice shall have been overthrown by equity, some part of that triumph must be attributed to Congressman JOHN CASEY, of Pennsylvania.

Mr. ROMJUE. Mr. Speaker, nature, from her inexhaustible stores, draws forth her precious jewels that they may shine for a time, and from her quarries she lifts her golden nuggets and priceless gems that they may interest and stagger the commerce of land and sea, but from no source is there to be acquired that which excels the beauty and value of a noble life and character. The life and character of our deceased friend, JOHN J. CASEY, of the State of Pennsylvania, have been crowned in life by a great service—service to his fellow man. And the crown of love, respect, and affection of his friends and those who knew him best has settled upon his brow in what we know as death. JOHN J. CASEY was not only a worker in a busy and working world, but he was a "man working" always for the "working man."

When his life went out labor lost one of its greatest friends. Always uppermost in his thoughts were the welfare and dignity of labor. For him who earns his bread by the sweat of the brow JOHN CASEY was always ready to act! He was devoted to principle, honest, courageous, and courteous. He enjoyed the friendship and confidence of the membership of this body to a marked degree.

Surely it may well be said of him whom we mourn here today, "The world is better that JOHN J. CASEY has lived in it." The inspiration and influence and the far-reaching and good effects of his life are not dead because his mortal remains have been returned to Mother Earth! No! They will continue to live on, duplicating themselves in the characters and lives of others who may be fortunate enough to catch the glory of an untarnished justice between man and man.

He always put the dollar below the man. He must be placed in the estimation of those who knew him, first, as an American, sound and stable; and, second, a considerate champion of labor, an impartial and able legislator, fair and fearless.

JOHN J. CASEY served in this body during an important period when official service was more than usually heavy. During his service he saw death take its toll and call to rest many of his co-workers from this body. He loved his work, but, like many others, he was not immune from the hazards of devoted official service.

May I quote from Senator Ingalls, in which he said:

> My only hope is that when the last survivor of us all recalls the vivid memories of those who have gone before no grief may dim his vision, save that which separation always brings, and that he may confidently and gratefully anticipate the hour which shall summon him to a brighter world than this; a world which shall seem as the glorious wakening from a fevered dream, where sorrow has no dominion, where distance can not separate, where time can not chill, and the tragic limitations of earthly being are forever unknown.

The membership of this House will continue to miss the personality of JOHN J. CASEY. In every cause he was always seeking to deal justly and honorably. His influence abides with us still, and we shall not fail to cherish his memory to the end of our own life's journey.

Mr. WATRES. Mr. Speaker, JOHN JOSEPH CASEY was taken from our midst while in the prime of life. He had reached a high point of usefulness and effectiveness. His was a vigorous life, dedicated to the service of his fellow man, and particularly to the cause of the masses of toilers. Having lived and worked among them from birth, none knew their thoughts, their needs, and their aspirations better and none served them more earnestly than he did.

Starting work at the age of 8 years as a breaker boy in the anthracite coal region, he became self-reliant and industrious, learning to apply himself vigorously to the task in hand, a training which served him well through life. Spurred on by commendable ambition, he studied outside of his working hours, qualifying himself for the higher tasks which were certain to come to one of his zeal and energy.

As a member of the House of Representatives of the Pennsylvania State Legislature, beginning in 1907, he became a valiant champion of labor and soon occupied an outstanding position. As the author of employers' liability legislation, valued collaborator in framing the Pennsylvania State workman's compensation act, member of the advisory council which prepared the national war labor program during the World War, labor adviser and executive of the labor adjustment division of the Emergency Fleet Corporation, he won the undying gratitude of labor in serving its interests so capably and effectively.

Residing, as I do, in the congressional district adjoining that which he represented, I have had many and convincing proofs of the great esteem in which he was held by his constituency. His going will be mourned not only in his district but throughout the State and Nation.

Mr. COYLE. Mr. Speaker, that the good that men do lives afterwards was amply attested by the great outpouring of the people of Wilkes-Barre on the solemn occasion of the high requiem mass for Congressman CASEY. Truly a great man had passed away. That he was loved and admired by countless thousands was testified that day. Though he brought nothing into the world when he came, yet in his life he filled a place in the hearts of his fellow men, and in his passing left behind him countless friends who mourn, but in their memory testify to his worth.

Mr. TURPIN. Mr. Speaker, "The Heart of the Anthracite," an expression frequently used to describe that section of the anthracite coal region comprising Luzerne County because of the richness of quality and abundance of anthracite there found, can very properly be given a personal application when one pauses for consideration of the life and acts of the late Hon. JOHN J. CASEY.

Although it might appear that such an all-embracing description ill suits a man who because of his vigorous championing of the interests of the common people often found it necessary to strike with all the power which he possessed at those who stood in the way of accomplishment of those things which he thought were right, yet those things which he fought so valiantly to attain were the things which made him to thousands of men and women of his constituency, as well as others through the Commonwealth of Pennsylvania, "the Heart of the Anthracite."

JOHN J. CASEY was not the "middle-of-the-road" type of man. Give him an issue and he was whole-heartedly on the side which he thought would result in the greatest good. For this reason his friends were of the common people. Few of our big or conspicuous people lost any love on JOHN J. CASEY; it was the people, the workingman and his family, who term after term returned him to the Halls of Congress in the face of the strongest opposition. It was only through the pressure of national issues in presidential years that Congressman CASEY's tenure of office was interrupted.

Beset on every side by political animosities, jealousies in the labor movement, and other factors, he was able to rise above them and time and again win the suffrage of the large majority of his people.

The dominating factor in Mr. CASEY's life was love of his fellow man. He demonstrated this time after time in a ready response to the calls of civic duty by his readiness to champion the cause of organized labor.

A clearer perspective of the real JOHN J. CASEY now comes to those contemporaneous with him in the public and political life of Luzerne County, Mr. CASEY's congressional district. The men he fought bitterest, often with scathing denunciation, regard the life and career of JOHN J. CASEY as possessing a record of achievement and constructive effort equal to that of any of the illustrious group of men who have earned leadership in his community.

As has been true in American life since the days of the Continental Congress, JOHN J. CASEY was of the people. Born in humble circumstances, of poor parents, Congressman CASEY's life was a struggle from the beginning. He possessed a common-school education achieved for the most part at night school and through application to books in his spare time. He started to work when he was 8 years old as a breaker boy around the anthracite mines. Later he was apprenticed to learn the plumbing and heating trade, in which he was engaged for many years as journeyman, foreman, superintendent, and later as an employer.

Aside from his record in Congress, Congressman CASEY was most conspicuous in the trade-labor movement. He first became active in union circles when a young man and during 25 years of activity had become recognized as one of the outstanding representatives of union labor in Pennsylvania, this position being recognized with his election a year prior to his death as president of the Pennsylvania Federation of Labor.

Congressman CASEY's labor record had been recognized and approved by such men as the late John Mitchell; the late Samuel Gompers; John L. Lewis, president of United Mine Workers of America; William Green, who succeeded Mr. Gompers as president of the American Federation of Labor. The Congressman's career in the House of Representatives had won him the attention and respect of every man and woman interested in social or labor legislation, and in him they found a friend and ally ready to lend the power of his personality and influence at any time.

During the World War Congressman CASEY gave his country outstanding service first as a member of the Ways and Means Committee and later as commissioner of conciliation and a member of the advisory council of the Department of Labor. In July, 1918, he was named labor advisor and executive of the labor adjustment division of the Emergency Fleet Corporation, United States Shipping Board.

Congressman CASEY played a conspicuous and noteworthy part in the organization of the huge army of labor which did such splendid work during the war. His work in quickly adjusting labor disputes at critical times won nation-wide commendation for him and a reputation for fearless and vigorous action where and when it was necessary.

In his home State Congressman CASEY's record stands out in clear, bold relief for the humane legislation which he sponsored and with indominatable will succeeded in having passed. He was the only person ever elected to the State legislature on a straight labor ticket. He drafted, introduced, and through

the force of his personality had passed one of the first pieces of workmen's legislation ever passed in Pennsylvania, the employers liability law. He was a member of the commission, representative of the Pennsylvania Federation of Labor, which drafted the workmen's compensation act, at the time one of the most conspicuous pieces of humane legislation on the books of any State.

His readiness to serve his people while in Congress, his untiring efforts in behalf of disabled veterans of the World War, and his courage to stand on an issue when it seemed the wrong thing to do politically leave with us a conception of JOHN J. CASEY which marks him as a statesman.

Truly in his service to his people JOHN J. CASEY measures up. In his loyalty to his ideals, in his warm human traits, his was "the heart of the anthracite."

LESLIE JASPER STEELE

Mr. BELL. Mr. Speaker, I am sure the membership of this House deeply regrets the untimely death of Hon. LESLIE J. STEELE, who so ably represented the fifth congressional district of Georgia. He was a man of sterling integrity; devoid of any desire whatsoever to bring glory to himself because of responsibility shared with his coworkers. Indeed he was a modest man. He was possessed of a quiet, gentle nature, and never felt himself superior to those with whom he worked in the discharge of his official duties. He was sound in judgment and faithful to every trust. He had the courage of his convictions, though he had the kindest regard for those who opposed him. He was well versed in law, having graduated at Emory College and the University of Georgia. He practiced his chosen profession for many years at his home in Decatur, Ga. He was twice elected by his people to the General Assembly of Georgia and while filling this responsible position made an enviable reputation. He was elected to the Seventieth Congress and reelected to the Seventy-first Congress. He was a most agreeable and delightful gentleman, warm-hearted and always loyal to his duties and to his fellowman. He was not only endowed with great intellectual powers, but to his last day he was blessed with remarkable physical strength, and his death was a great shock to his family and his friends. I did not have the pleasure of knowing Mr. STEELE personally until he came to Congress, but my admiration and devotion increased as I was drawn into close contact with him. He was a man of great determination and perfect courage, but he was gentle and kind, and those who knew him best loved him most. His life was typical of the truest and highest form of citizenship, and he leaves a heritage of which his children might well be proud and an example which they should emulate. We can not say more of a man than that he was a Christian gentleman, and this may well be said of him. We mourn him, and we honor his memory in the highest degree.

Mr. RAMSPECK. Mr. Speaker, on the 24th day of July, 1929, LESLIE JASPER STEELE, a Representative in Congress from the fifth district of Georgia, passed into the beyond. In his passing the district lost a faithful servant, a capable representative, and a man whose life was devoted to his family and his people.

Mr. STEELE was born in De Kalb County, near Decatur, Ga., on November 21, 1868. His grandfather, Isaac Steele, a Primitive Baptist of Scotch-Irish descent, had moved to De Kalb County from South Carolina in 1821, and his mother's father, Robert Smith, a Calvanistic Presbyterian, and also of Scotch-Irish descent, had moved from North Carolina and settled on a neighboring farm.

Mr. STEELE attended the rural schools of De Kalb County and later attended Emory College—which at that time was located at Oxford, Ga., but was later moved to De Kalb County, near Decatur and Atlanta, and its name changed to Emory University—from which institution he was graduated in the class of 1893. For the next five years he taught school in Georgia, and the highest salary received during those five years as a teacher was $50 a month. Yet he saved enough out of his salary to pay his way through the law department of the University of Georgia. After finishing his course there he was admitted to the bar by Judge Richard B. Russell in 1899 and began the practice of law in Decatur, Ga. At the same time he became county school commissioner of De Kalb County and held that office eight years, giving it up when his practice became too heavy to continue both.

His public life began when he became a charter member of the Decatur city school board in 1902, of which body he was a member for 19 years. He served as city clerk of Decatur, and as its mayor for five years. He served in the General Assembly of Georgia from 1915 through 1918 and was returned both in 1923 and 1924.

He was elected to Congress in November, 1926, taking his seat March 4, 1927. At the time of his election he was city attorney of the city of Decatur and county attorney for the county of De Kalb.

In 1904 Mr. STEELE was married to Miss Ruby Sprayberry, of Henry County, Ga. This union was blessed with 8 children, 3 boys and 5 girls, all of whom survive him. He was a member of the Decatur Presbyterian Church, and was an honorary member of Delta Theta Phi law fraternity.

One of the outstanding features of Mr. STEELE's life was his devotion to every trust reposed in him. Although up to the time of his election to Congress he held many positions of public trust, none of them paid him more than $600 per year. In spite of the small financial remuneration, he gave to every such position all of the time necessary to adequately discharge the duties thereof and he never neglected a public trust in the slightest degree, and this was true even though, in many instances, it was necessary that he forego lucrative employments as a lawyer in order that his public duties might be properly attended to.

Another outstanding quality of his character was courage. He never sought a controversy, but he never shirked a duty to avoid one, and he never hesitated to take a position on public matters because it might be unpopular. He always had convictions on matters relating to the public welfare and was always ready to fight for them.

His influence upon the life of the county of his birth and the city of his residence was large. It was always cast upon the side in which he saw the right. He gave without stint of his energy and his talents for education, for civic betterment, and was at all times active in promoting the general welfare and progress of his State and the Nation.

By nature he was conservatively progressive. He never sought the limelight, was never a seeker of publicity, and was never known to do an act for sensational purposes. His path was in the middle of the road, doing what he conceived to be right and letting all persons know where he stood.

Had the fates decreed for him a long period of service in the House, it is my opinion that he would have become one of its strongest Members. He had the ability, the industry, and the political courage to achieve this end. His political courage was shown in 1928, when his party, the Democratic Party, nominated a candidate for President who was not acceptable to the majority of the people in the district which Mr. STEELE represented, a man to whom he was opposed in the preconvention campaign. The easy course for him would have been to have remained silent and merely cast his vote, but he chose rather to fight for the party of his choice. His voice was the first raised in Georgia for the party ticket by a candidate for office. He put the party above his personal fortunes, and he won a glorious victory, because the people recognized his honesty and his convictions. He was renominated for Congress in September, 1928, over his immediate predecessor, who ran on a platform opposed to the Democratic nominee. Two months later his district gave a majority of its votes against the nominee of the Democratic Party for President.

It was my good fortune to be closely associated with Mr. STEELE for many years. As I came to know him intimately my appreciation of his fine qualities grew. I was associated with him in a number of political battles, including association in the management of his successful campaign for Congress in 1926. I was associated with him in the trial of a number of important legal cases and thereby came to appreciate his great ability as an advocate in the courts. We had law offices together when he entered upon his service as a Member of this House.

I deem it a privilege to record this statement regarding LESLIE JASPER STEELE, one of God's noblemen, a faithful father and husband, a true patriot, a good citizen, a devoted public servant. Measured by all the known standards, LESLIE JASPER STEELE attained the nobility of character which exists only in a real man.

In his death the House has lost a faithful and capable Member, his district has lost a conscientious Representative, his State and community have lost an illustrious son, and I have lost a true friend. May the record of his life be an inspiration for many others who come after him.

Thousands of friends he has left behind who mourn his passing, who cherish his memory, and whose verdict upon his life and character is, "Well done, thou good and faithful servant."

Mr. CRISP. Mr. Speaker—

Oh, why should the spirit of mortal be proud?
Like a swift-flying meteor, a fast-flying cloud,
A flash of the lightning, a break of the wave,
Man passes from earth to his rest in his grave.

The honorable and useful career of Hon. LESLIE J. STEELE, of Decatur, late a Representative in Congress from the fifth congressional district of Georgia, is ended, but I am persuaded that he still lives in the better life beyond the grave.

Mr. STEELE was born near Decatur, Ga., November 21, 1868, graduated from Emory College in 1893 with the degree of A. B., and graduated in law at the University of Georgia in 1899.

He was the highest type of Christian gentleman and was faithful to every duty of life. He loved God and his fellow man. His honor and his conscience were clear. His life was gentle, simple, kindly, and filled with acts of charity and good will. He faithfully and efficiently performed every task assigned to him. To him duty was a sacred opportunity for service. Being such a character, it naturally followed that his neighbors, who knew him best, called him to public honors and key civic places. His discharge of the duties of all offices intrusted to him reflected honor and credit upon himself and the constituencies that honored him. He served as mayor of the city of Decatur from 1915 to 1920, served two terms in the General Assembly of Georgia, and, on November 2, 1926, he was elected to the Seventieth Congress.

I knew him best as Congressman. He was always at his post of duty in the House or in his committees and promptly performed the detail duties of his office. He performed all the trying and onerous labors incident to the faithful representation of a large constituency in Congress. He was able, but modest withal and unostentatious. He soon won the complete confidence and esteem of all his colleagues in the House of Representatives. In his passing Georgia and the Nation lost a faithful and beloved statesman.

One of Mr. STEELE's virtues that especially endeared him to me was his beautiful family life. On November 16, 1904, he married Miss Ruby Sprayberry, and God blessed the union with eight children, all of whom survive him. Never was there a more devoted husband and father. In the STEELE home love abode, and therefore joy and happiness reigned supreme. This home was an inspiration to all who entered its portals.

It was my sad privilege to attend Mr. STEELE's funeral in his home city of Decatur. A vast concourse of people assembled to pay their last tribute of respect. The entire church was filled with beautiful floral offerings, and hundreds of eyes were filled with tears as Mr. STEELE's pastor of 20 years paid simple tribute to his exemplary Christian life. It was patent to all present how dearly this man was loved by his neighbors and acquaintances. Surely my friend's life was not in vain, for he left the world richer and happier for his having lived in it, and his memory will linger in the hearts of his fellow man.

I wrote my name upon the sand,
And trusted it would stand for aye;
But soon, alas, the refluent sea
Had washed my feeble lines away.

I carved my name upon the wood,
And after years returned again;
I missed the shadow of the tree
That stretched of old upon the plain.

The solid marble next my name
I gave as a perpetual trust;
An earthquake rent it to its base,
And now it lies o'erlaid with dust.

All these had failed. I was perplexed;
I turned and asked myself, "What then?"
If I would have my name endure,
I'll write it on the hearts of men.

Mr. EDWARDS. Mr. Speaker, we are privileged at this time to pay our tributes of respect to the late Hon. LESLIE J. STEELE, who departed this life on July 24, 1929.

It was not my pleasure to know Mr. STEELE until he entered upon his duties as a Member of the Seventieth Congress. He was not long a Member of Congress, but his service and his conduct were such that he won the absolute confidence and respect of all his colleagues on both sides of the House.

Through a close personal friend of mine who was a classmate of the deceased I had heard of Mr. STEELE. This friend of mine, when it was announced Mr. STEELE had been elected to Congress, said to me:

There is one of the most solid and honorable men I have ever known. When you have known him awhile you will like him and you will find what I have said about him is true.

This is the estimate of a friend who knew him well in college. After I had met Mr. STEELE I became quite fond of him, as did all of his colleagues; and I formed the same high estimate of him as a man and as a fellow legislator as was expressed to me by his college chum.

Mr. STEELE was born November 21, 1868, near where he lived all his life and near where his remains rest. He was born but three or four years after the War between the States ended, and as a boy he grew up amid the reconstruction struggles in Georgia that truly "tried men's souls." He was born and reared in the section that had been so completely devastated and wrecked by the cruel hand of war, in the zone in which the Battle of Atlanta was fought. No section of the wrecked Southland was so cruelly dealt with by the enemy than the section around Atlanta and Decatur. His people helped to rebuild the community, and from ashes and wreckage, buildings, farms, towns, cities, teeming with industry, sprang up. Mr. STEELE grew up with this growing section of our State after the war. He came up amid conditions that are calculated to make one sturdy and solid. He had many handicaps, but he met with great success in life. He always had and maintained the good will and confidence of the people in his section and they honored him because of their confidence in him. They knew he was a good man and true.

He was mayor of his city and a member of the General Assembly of Georgia, in which he gave good service to his city, his county, and the State. He was a successful lawyer and a man of marked executive ability. He was called by the people of the fifth congressional district to serve them in Congress. How well he served here is a matter of record. His life work and his legislative career are open books. His record is one of which his friends are proud.

The people of his congressional district were deeply grieved, as were his colleagues, when he was called away from us. His friends turned out by the thousands to attend his funeral and to pay their last tributes of respect as they followed the remains of their deceased friend and faithful public servant to the cemetery. The funeral services were impressive, and on all sides there were evidences of deep sorrow and grief among his people, who had gathered from all parts of the district to attend the funeral.

While our departed friend was a success as a lawyer, a legislator, and in a business way, he achieved even greater success in things more worth while. He had served long and well in the Master's vineyard and died unafraid because of his strong Christian faith. He had long since learned it does not profit a man to gain even the whole world and lose his own soul. Those close to him knew he thought first and always of that, and his family and thousands of devoted friends have the sweet and implicit belief that his noble soul is with its Maker, yonder in the eternal heavens, where it has been rewarded for all the good he did in his life upon this earth. It is a blessed thought to his loved ones that he had so lived among his fellow men that all who knew him speak kindly and well of him, and that he had so lived that we are happy in the thought that though he is dead, he still lives in that blessed land that knows no sorrow and no death. What a success is this! 'Tis the triumph over death, 'tis the victory over that last foe that gives life everlasting.

We miss our departed friend. We miss his genial fellowship, his valuable counsel, and his sound advice in the affairs of the country, which he served so ably, so faithfully, and so patriotically. He was a great Georgian and a true American. Our lives have been blessed with the touch we had with this good man, and the world is better because of his having lived in it, for all about him this spotless soul radiated kindness and gentleness, and left uplifting influences with all who came in contact with him.

While sorrow is the common lot of man, we should not mourn, but we should think of LESLIE STEELE as just off on a pleasant journey and that we will again see him "face to face" if we live, as worthily as he did, to meet the reward we are confident is his. I have spoken of him as a departed friend.

Friend after friend departs;
Who hath not lost a friend?
There is no union here of hearts
That finds not here an end;
Were this frail world our only rest,
Living or dying, none were blest.

Beyond the flight of time,
Beyond this vale of death,
There surely is some blessed clime
Where life is not a breath,
Nor life's affections transient fire,
Whose sparks fly upward to expire.

There is a world above,
Where parting is unknown;
A whole eternity of love,
Formed for the good done;
And faith beholds the dying here
Translated to that happier sphere.

Thus star by star declines,
Till all are passed away,
As morning higher and higher shines,
To pure and perfect day;
Nor sink those stars in empty night;
They hide themselves in heaven's own light.

—James Montgomery.

Mr. LARSEN. Mr. Speaker, I did not think it would ever be my lot to perform the mission which I now undertake. A few months before the death of the Hon. LESLIE STEELE, of Georgia, whose life we commemorate to-day, he was a guest in my home. At the time he was making a tour of the State, speaking in behalf of the Democratic Party and its national ticket. I was particularly impressed with his physical appearance, which indicated a capacity for many years of strenuous public service. But, in this brief space of time he has met that journey's end, "Where time and eternity meet and blend." As we look retrospectively over those intervening months and realize the change that time has wrought, we are forcibly reminded of both the uncertainty of life and time of death. The weak do not know how much or how long they can endure, and the strong seldom realize their frailties or the short duration of life that may be their lot.

Our deceased colleague, born and reared in Georgia, was one of the foremost citizens of the State. He was a graduate of the literary department of Emory College and of the legal department of the University of Georgia. Shortly after graduation he entered the legal profession, locating at Decatur, Ga., where he resided until death. He was an active member of the Presbyterian Church, a kind and indulgent husband and father, a most loyal friend, and in every sense that the word implies—a success.

Prior to his election to Congress, Mr. STEELE was closely identified with the public and social life of Georgia, always rendering active and efficient service. Immediately upon entering Congress he was recognized as a man of courage—moral and political. Possessing ability and sterling character, mentally and physically vigorous, Representative STEELE was rapidly winging his way to a high place in the Nation's councils when overtaken by that grim reaper whose call we all must answer. His death has been a source of deep regret to many, among whom are his colleagues in the House. We shall long cherish his memory.

Mr. BOX. Mr. Speaker and gentlemen of the House, Representative LESLIE J. STEELE, of Georgia, became a member of this House March 4, 1927. I had not known him before he became a Member of this great body. When I first met him as a newly elected Representative of the great old Southern State of Georgia, which has sent so many illustrious men to Washington to sit in the two Houses of Congress, he was by me mentally grouped with the several able and attractive Representatives of that State then representing Georgia in this House. He came in good company and soon demonstrated his worthiness of membership in his State delegation, and his identity with the long line of outstanding men who have throughout the history of the country represented Georgia in these Halls.

Representative STEELE was unpretentious, rather too modest, if that can ever be truly said; but the quiet, dignified lawyer from Georgia had the face and personality of a thoughtful, able man of high character. I soon felt myself drawn to him, and before long there developed between us a degree of special attachment which increased our personal contacts and created feelings in me which continued throughout his service, and will abide as a part of the sacred memories of my own service in Congress.

On one of the important committees of the House the lamented gentleman from Georgia and I were associates. His work there soon disclosed that he was a very able lawyer, diligent and painstaking, and devoted to the principles of justice. That committee, the House Committee on Claims, handles hundreds of claims by people of every station in life, from the humblest to the most exhalted. Its work, when properly done, is that of an important court with large powers of discretion for use in detecting and defeating fraud and in doing the right between claimants and the Government, with considerable freedom from what are commonly called technical rules of law and legal procedure. Our colleague's faithfulness in toiling with the details of the work of that committee, his legal ability in summing up facts and reporting conclusions, both seasoned by a wholesome love of justice, greatly increased my attachment to him and my already high estimate of the value of his service in Congress.

Not long before our last separation I learned that Mr. STEELE was in deep distress because of the serious and continued illness of his life companion. He had my sincere sympathy in that affliction. By one of the many and momentous transitions with which human life is filled, the companion to whom he was devoted mourns her irreparable loss in his death and has my sincere assurance of the deep sympathy of his colleagues, by whom he was respected and loved.

I had, of course, no indication that our separation upon the adjournment of that session of Congress was final, but the recollection and statement of it makes me sad.

As a self-contained, strong man, and withall a gentleman much after the order of American gentlemen of former generations, our departed colleague commanded the respect of all who knew him and the love of those who knew him well.

As a Member of Congress he rendered faithful, effective service of a type which would have become more and more conspicuous and generally recognized if his life had been spared, and his service in Congress, to his people, his State, and Nation been extended through a considerable period of years. In his decease the House lost one of its worthiest and most efficient Members. His district and State lost a Representative whose valuable service would have been more valuable and reflected honor upon the people and State whose confidence made him their Representative in the National Congress. More years of that service would have added continuously to the credit he reflected on his district and State.

Manhood such as his, faithfulness and ability such as he exhibited, without the alloy of bombast and pretense, create a character to the presentation of which my words are inadequate. We who knew him here are saddened by his departure. The district and State which he represented have suffered a great loss in the death of a character so fine and in the untimely ending of a public service so useful and promising as his.

Mr. LANKFORD of Georgia. Mr. Speaker, the great Indian chief, Pushmataha, said that his death would be like the falling of a great tree in the forest. The old Indian brave knew that there would be no one else to take his place. So it is with all good men. It is true there are others who fill the place left by the fallen, just as trees soon take the place of the fallen giant of the forest, but every tree and every flower fills its own place in God's eternal plan, so we, each in our peculiar way, fill our own place in God's eternal scheme.

Some may be more able in one respect and some in another, but each is best qualified in the particular vineyard and with the particular task whereunto God hath called him. The truly great man is he who finds his mission in life and performs well his duty there. Surely no one ever determined his duty more fully or performed it better than my departed colleague and friend, LESLIE J. STEELE.

It was not my privilege to know him before he was elected a Member of the Seventieth Congress. Our service together was so brief, and yet it was sufficient for me to learn to love him because of his real worth. My office is 301 House Office Building and his was 319, just down the same hallway. In going to and from the Capitol Building, he passed my office and for this reason we were thrown together probably as much as any other two Members of Congress. When we had a few minutes to spare we often visited and talked over our problems here and the duties we were endeavoring to discharge as Members of Congress. Generally we went together to attend sessions of the House and it still seems he should join me on my trips over there. In my mind, I still see him pausing at my door and smilingly saying, "Let's go."

When I bade him good-by last summer he appeared in the best of health. Little did either of us realize that in less than a short month I would witness his funeral at his home in Georgia. He was called in the very midst of his best efforts.

Oh, why should the spirit of mortal be proud,
Like a swift fleeting meteor—a fast flying cloud;
A flash of the lightning—a break of the wave,
Man passed from life to his rest in the grave.
The leaves of the oak and the willow shall fade,
Scatter around and together be laid.
The young and the old, the low and the high
Shall moulder to dust and together shall lie.

Mr. Speaker, life is so short and death is so sure; we must play our part in life's drama at once or not at all. My colleague [Mr. STEELE] was in the midst of a great service when

his summons came. He completed his allotted task while still anxious to do much more. The Father said, "You have performed life's task, come up higher."

Mr. STEELE's congressional service was short. He was just beginning his work here. Like most men, his greatest and best service to humanity was in the ordinary walks of life as a neighbor, citizen, husband, and father, rather than in legislative halls. In fact, some of the greatest men and women of all time never held office, were not wealthy, and never saw their own names in print. No man is great unless he loves and serves humanity and humanity's God.

In and out of Congress Mr. STEELE's great desire was to serve his people and his Nation. He was regarded by all as a safe, conservative Member, who was faithfully discharging his duty and who would greatly honor his district, State, and Nation if his service was of reasonable duration. In all matters he was most anxious to do that which is right and to avoid that which is wrong.

It was my pleasure to accompany him on his first, and probably last, airplane flight, when we availed ourselves of the invitation to all Members of Congress by Col. Charles A. Lindbergh and flew with that great aviator over the Nation's Capital. While Congress was in session Mr. STEELE would not consider taking the flight, so he and I waited until the House adjourned on Saturday afternoon, when we took the flight, accompanied by his little daughter Ruby.

His devotion to duty was very evident, and I recall how anxious he was about the welfare of his little daughter, who wished to take the flight with us. He was anxious for her to have the pleasure and honor of flying with the noted aviator and yet feared for her safety even more than for his own. I helped the little girl argue her cause, and he consented for her to take the flight with us.

There was always most evident his great desire to serve others and yet do nothing that would subject them to unnecessary risk or harm. His influence for good will spread far and will last long after his departure from this life. No one can estimate the length, depth, nor height of a good deed, nor the influence of a good man or woman.

> As one lamp lights another nor grows less,
> So nobleness ennobleth nobleness.

LESLIE J. STEELE was worthy of the highest confidence of his friends. He was loyal to duty and had the courage of his convictions.

> He was a man, take him for all in all.
> I shall not look upon his like again.

Mr. TARVER. Mr. Speaker, having entered Congress at the same time with LESLIE J. STEELE, I perhaps came into closer association with him than did most of the Members of the Seventieth Congress, by reason of the fact that we were both new and the only new Members of our delegation; so as initiates into the mysteries of membership in our national lawmaking body, we found much that it was necessary for us to inquire into and learn, and we had pleasure in sharing with each other such progress as we made in acquiring necessary knowledge of rules, practices, customs, and routine.

There was conspicuously lacking in our deceased colleague that quality which sometimes causes new Members of Congress to attempt to get in the limelight early in their legislative service, and by the same token there was present that element of sound common sense which caused him to realize that no man can by these tactics quickly seize upon the respect and consideration of his colleagues. He knew that that regard, so much to be desired and so necessary to efficient service, could come only as the result of association for a sufficient length of time for them to know and appreciate the good that was in him, and perhaps in no body in the world does that knowledge and appraisal come about more unerringly than in the House of Representatives.

So, while he made few speeches on the floor, he earnestly and diligently participated in the work of his committees, studied and sought to serve the needs of his constituents and of the country as a whole in his votes on proposed legislation, and gave careful and painstaking attention to the thousands of requests for aid in individual matters which, as we all know, come regularly to every Member's desk. He could have neglected these matters and have participated more freely in debates on the floor, with greater notoriety to himself, for he was an able speaker, but with less benefit to his constituents, and without establishing for himself that reputation for good judgment and sterling ability that he rapidly attained among his fellows, and which, if he had been permitted to live, would have been his most valuable asset. He had laid the foundation here for what would unquestionably have been a long period of useful service to his people.

He was entirely free from demagoguery. I have many times discussed pending legislation with him, and I have never heard him in discussing his probable votes make any reference to the effect that those votes might have on his own political fortunes. I know that on at least one occasion, when powerful interests in his district sought to influence him on a measure which was designed to benefit an humbler element, he did not hesitate to rebuke their selfishness. He was brave, with the bravery that comes from the consciousness of doing right; he was fair, with the ability to judge of what is fair in legislation which is found in keen and analytical minds; he was firm, with the firmness which comes from approaching a conclusion slowly and with caution, and fixing upon it only after careful thought.

In his passing Georgia has lost one of her most distinguished sons and his district an able Representative, whose services, though they may be equalled, can not be excelled; for after all there is no excellency beyond that of faithful, loyal, intelligent, and understanding service, and that he gave.

Mr. BRAND of Georgia. Mr. Speaker, within the brief period of 14 months, death, the insatiate archer, has entered the halls of both branches of the American Congress and called his roll. Three Senators and 12 Members of the House answered to their names. LESLIE JASPER STEELE, of the first congressional district of Georgia, is one of the House Members who answered this call. Again the question of the mystery of life and death, and immortality challenges the attention and serious thought of all of us who in our loneliness and solitude now and then indulge in reflections on the life to come. Over the graves of our loved ones from quivering lips and broken hearts the question is as unceasing as the murmur of the winds, and its burden is forever the same.

> Shall this mortal put on immortality; shall we meet again to part no more, to weep no more, to die no more?

Congressman STEELE was born near Decatur, Ga., the city of his residence, on November 21, 1868, and died July 24, 1929, in the Capital City of his country.

Mr. STEELE was a man of magnificent physique, apparently strong and robust, and with every assurance of living to a ripe old age. Had one of his colleagues propounded the question who would go first from the Georgia delegation in the House, Mr. STEELE in all probability would have been the last one to be named. His death was a great shock to his colleagues in the House and likewise to his friends and constituents in the fifth congressional district of Georgia. Particularly is this true with the members of the Georgia delegation who received information of his demise with intense sorrow.

Mr. STEELE was a model Congressman. He represented a great district in which the capital and the seat of government of the State of Georgia is located. His responsibilities were many and heavy. He was prompt in the discharge of every duty as Congressman, and was always in his seat in the House of Representatives unless necessarily detained elsewhere in the discharge of his official duties. He voted, according to my conception of a Congressman's duty, wisely upon every moral question, and so far as I recall in line with his party colleagues upon all other questions. He had the moral courage not to dodge a vote upon any acute controversial issue.

Mr. STEELE's native county is not far distant from Walton County, the county of my nativity, and from Lawrenceville, in Gwinnett County, where I first began the study and practice of law in the year 1882. My ancestors on the maternal and paternal sides resided in these counties during their lives, and they now sleep the eternal sleep within their boundaries.

For these reasons I assume, outside of my friend and colleague, Congressman RAMSPECK, I am better informed than any other one of his colleagues of Mr. STEELE's private and public life, and how he was regarded by the citizens of De Kalb County and the other counties of his congressional district.

He was unassuming and modest, and yet a man possessed of mental virility. The hidden forces of his mind and capabilities were known to but few people.

> In council wise and calm in strife,
> Like rock that breasts the ocean wave.

He was a man of model habits. He lived a clean life. He was without guile and with no vices, and a person of irreproachable character and spotless reputation. He left his widow and children a name and record, as husband and father, without blemish or the shadow of dishonor upon either, a heritage of priceless value.

His law practice had been all he could desire and he succeeded in accumulating a handsome competence. He enjoyed in the highest degree the full confidence of the bench and bar, having won by his courtly conduct the personal esteem of the judges of the different courts in which he practiced law and the fond fellowship and brotherly love of his comrades of the bar. He was an able and an honest lawyer. He discharged his duties as a lawyer to his clients loyally and efficiently.

A multitude of sorrowing people from all the counties of his district, including the entire Georgia delegation in the Congress of the United States, honored him by their presence at his funeral exercises, which were held at the Presbyterian Church in Decatur, Ga.

Mr. STEELE was a faithful and loyal member of the Presbyterian Church. He was a consecrated man and, in common with all believers in the Christian religion, he believed that our Savior walked the hills and plains of Judea and died to redeem the souls of men.

Faith in God, based upon Holy Writ and testimony of the ages, is the basis upon which Christian men and women founded their hope of immortal happiness.

The Christian faith neither darkens nor discredits the destiny of the human race; its mission is one of hope, and promise, and happiness in all the pathways of life on the shores of time. To all the children of men of every faith and creed it comes in blessings; to the blind agnostic, who is proud of his blindness; to the groping unbeliever, who boasts of his darkness; and even to the eloquent scoffer, with his bitter tongue; as well as to the faithful followers of the cross—to one and to all it comes, with messages of charity, love, mercy, peace, rest, and everlasting life in the name of the Divine Master.

He bore success and disappointment with equal calm. He faced the oncoming death, of which he knew and we knew not, as dauntless as he had faced the trials of life.

Respected for his sound judgment and his virtues, honored wherever known and loved best where best known, crowned with honors which a grateful people had bestowed upon him, blessed by domestic happiness which was beautiful, he calmly surrendered to death's call and gave up life's responsibilities and pleasures.

To Mr. STEELE life's sun has set. For him life's cares, crosses, and sorrows are ended. His passing was peaceful, and he now enjoys that peace which "passeth all understanding."

OLE JUUL KVALE

Mr. CLAGUE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the memorial address of Hon. HENRIK SHIPSTEAD on the life, character, and public service of Hon. O. J. KVALE, deceased, formerly a Member of Congress.

The address is as follows:

In the death of Congressman KVALE the United States lost one of its noblest citizens. The seventh district lost a Congressman whose love of human liberty and justice was so intense that, like a beacon light in the fog, it gave hope and cheer to liberty-loving Americans residing beyond the limits of his district and State.

While of a very earnest and sensitive nature, the opposition and criticism of his foes at the beginning of his political career never caused him to hesitate or veer a fraction of a degree from the political path that his conscience dictated he should travel. His convictions on matters that he considered right or wrong as affecting the public interest were so deep seated that he never permitted either personal or political friends to influence his decisions.

As a Congressman, KVALE believed his district, State, and Nation had the first right to his loyalty. He believed the welfare of the country was paramount to the welfare of political parties. He did not believe in the infallibility or sanctity of political parties, but he believed in the people. He always thought the people would make the right decision if they had the right information; and when not occupying his seat in Congress he would usually spend his time traveling over his district discussing the economics of government with his people rather than politics.

Congressman KVALE did not have one set of opinions in Washington and another in the seventh district. He talked the same language in one place as he did in the other. He loved his fellow men. He did not know the meaning of jealousy or conceit. He was incapable of intrigue and never stooped to the level of the petty politician seeking partisan advantage. The Rules Committee never controlled his vote. He was too much of an American and believer in the Constitution to take orders from any party or organization. He found his authority solely in the Constitution which he had sworn to support, and the provisions of which outlined his activities and gave and limited his power.

Congressman KVALE believed in constitutional government rather than party government. He had the old-fashioned American idea that the office of Congressman belonged to the people of the district rather than any political party. In this respect his ideas were so old that many people thought they were new. He was so progressive that he was not afraid of the future, and so conservative that he did not forget the traditions of the past in American history. I believe he thought the future welfare of America is encompassed in the traditions of the past.

Congressman KVALE died at a comparatively early age, but during the half century that he lived he had the privilege of living a rich life, full of experiences. It is a strange paradox of history that humanity crucifies the saviors of their liberties and crowns their oppressors. But KVALE had the happy experience of living to see his detractors acclaim his courage, vision, and statesmanship.

Mr. CLAGUE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the memorial address of Hon. THOMAS D. SCHALL on the life, character, and public service of Hon. O. J. KVALE, deceased, formerly a Member of Congress.

The address is as follows:

When a fellow Member of this body passes through that great and awe-inspiring change that takes him from our daily contact with him it is the time-honored custom to pause in the routine of business and reflect on the place he held among us. Yesterday he was a man as we. Perhaps our judgments of him were obscured by our very nearness. We took him and his qualities for granted. To-day, death in its majesty has touched him. He has gone beyond, and our inmost hearts are moved to do him justice.

With the passing of Representative O. J. KVALE the State of Minnesota lost a fearless, incorruptible, God-fearing public servant. He was ever devoted to duty, with a single-minded steadfastness that ignored consequences to himself. He is sincerely mourned by the district which sent him here four consecutive terms. The ever-increasing majorities witness the high esteem in which they held him. Previous to his coming to Congress he was a Lutheran minister of high standing in our State, a great student, and an eloquent speaker. He came to Congress as a Progressive Independent in 1922, defeating his Republican opponent by 14,000. He was elected to the Seventy-first Congress by a majority of better than 28,000. On the floor of the House and in committee his eloquence, studious ability, and zeal in behalf of agriculture has made him one of the ablest legislators in the fight to give agriculture a basis of equality with industry.

He had no peer in the House as a champion of the common folks. The common people of Minnesota and of the United States have lost through his premature death an able advocate of their rights, and special interests have been relieved of an unrelenting foe.

Mr. KNUTSON. Mr. Speaker, the tragic death of our colleague, O. J. KVALE, cast a gloom over the people of the great North Star State. They felt that in his untimely passing they had lost a true friend and champion who bore the scars of many a contest waged in behalf of the principles in which they believed and for which he stood.

Our colleague was a true Norseman. He delighted in conflict and gave blow for blow, but always fairly. When he felt that he was no longer in accord with the principles of the great party with which he had been affiliated since young manhood, he boldly cut away from the old and tried ship and embarked upon a new political craft, proudly flinging his colors to the breeze that all might know where he stood. That was KVALE. He was without guile and subterfuge and how I admire a person who stands four-square to the world. There are too many pussyfooters and hush-hush men in public life. They keep their ears to the ground to learn what is the popular thing to do, but they give little or no heed to what is necessary to do. I admire tremendously the man or woman who will set a course and steer true to it. My friend KVALE was not one of these "yes-yes," "no-no" men. He was a positive character and when convinced that he was in the right, would stand his ground like granite; always a fair fighter, never asking for nor granting quarter. He was a true Viking, whom I delighted to call friend.

Never shall I forget that dark, gray day when I arrived in the beautiful little city of Benson, Minn., to pay my last tribute to one whose friendship I had long cherished. The thoroughfares were crowded with friends and admirers, many of whom had come from a considerable distance to pay the last meed of respect to their fallen leader. People of various political beliefs were there by the thousands. The spacious Lutheran church where the last sad rites were enacted, was crowded to capacity, as was the large and shaded lawn surrounding the edifice. Through the branches of the trees, indigenous to my beloved Minnesota, was heard the twittering of birds mingled with gentle zephyrs, forming a sweet requiem to the memory of one whom we all loved and admired. Screened by a huge bank of beautiful floral offerings sat high dignitaries of the church and the service was impressive in its simplicity. The sermon by Rev. M. O. Andrews was replete with comforting thoughts for the children who had been bereaved by the mysterious hand of

death, and I desire at this time to insert as a part of my remarks, a portion thereof:

Comfort ye, comfort ye, my people, saith your God. (Isaiah.)

Dante in his wanderings came to Euno, the river of memory. Tasting the sunny waters of this stream, he recalled all the gladsome and glorious experiences of the past. Euno runs beside the road of life, even through the valley of to-day's shadow. We kneel beside this stream to-day, lift a handful of its water to our quivering lips, and recall all that he was—recall and find comfort.

He was a lover of children. In the book whose leaves are for the healing of hearts is one leaf he dearly treasured: "Inasmuch as ye did it unto one of these, My brethren, even these least, ye did it unto Me." This verse with its human color and tender disclosure was the trysting place of his soul. Here the very genius of his faith found focus. To incarnate its spirit was for him profoundly satisfying.

He was a lover of the unfortunate. The suffering ages seemed to look out at him from the dread shapes of the soul quenched and distorted. He saw time's tragedy in the aching stoop of the dispossessed and the plundered. To build in them the music and the dream, to give them the upward look, to touch them with a passion for eternity was to him a sacred and God-given duty.

He was a lover of truth. With an attitude of buoyant hopefulness, with a willingness to take the risk and peril of human things, with a fine contempt for the base and unfair, he championed whatever truth he was given the light to see—

"Some great cause, God's new Messiah."

He was a lover of peace. Succeeding to the vision of the Hebrew prophets, he believed in the ultimate triumph of spiritual forces throughout the world. Beyond the blood and mud of war he saw "the parliament of man and the federation of the world." He believed that among men and nations—

"Love shall tread out the baleful fire of anger,
And in its ashes plant the tree of peace."

As a Christian pastor he preached faithfully and well the gospel of Christ. Coordinating the individual and the social he performed a blessed ministry among us. One thing was ever clear to him—the love of God as revealed in Jesus of Nazareth. In that light he lived and wrought.

Three years ago he lost the fellowship of years in the death of his wife. In the hush of a September evening he saw her slip slowly down the river, on to the estuary, and out to the open sea. From that time forward his days were often lonely. He seemed to look wistfully beyond the things that are and muse as the poet mused—

"O thou soul of my soul, I shall clasp thee again."

The dream is now a reality. At Trails End, with its light and shadows, its pageant of color, the living green of rustling woods and the glint of placid waters, with its far-away wistfulness of twilight, and the thoughts of things he had longed to know, there he fell into the Everlasting Arms.

My friend KVALE has gone on ahead to that undiscovered land from whose bourne no traveler returns.

What the future hath in store no mind can know,
To-morrow may bring happiness or woe;
We can not carry charts save the hope that is in our hearts,
As along the unknown trail we blindly go.

Whilst we can not draw aside the curtain that separates here from hereafter, and while no voyager has ever returned to tell us about that other and fairer land, at times of parting we are sustained with a hope, which amounts to conviction, that beyond the river of life, amidst Elysian fields, there is to be a reunion of all whom we have loved and cherished here on earth.

Mr. SINCLAIR. Mr. Speaker, the tragic passing of the late Representative O. J. KVALE in September, 1929, was a shock to the Nation, and particularly distressing to the many friends who had learned to know and love him. From the time he first came here as a Member of the Sixty-eighth Congress I was deeply attached to him. His eager sincerity and earnestness of purpose impressed all who came in contact with him. I do not think there ever has been a new Member of this great body who entered upon his duties with greater zeal or a more intense desire to be useful to his fellow men. And few Members, I may say, performed more real, constructive, worth-while labors for the good of humanity than he.

The life of Representative KVALE was rich in service to others. After being ordained in the ministry he had in almost 32 years but two charges, following which he came to Congress for 6 years. Such an opportunity to work for the betterment of mankind is given to but few mortals.

During the past quarter of a century a gigantic struggle has been going on between the forces of corporate wealth on the one hand and the common people on the other, the former constantly encroaching on the rights of the latter and striving with every means at its command to control the machinery of our Government. Reverend Mr. KVALE, even while ministering to the spiritual needs of his congregation, was aware of this great conflict. Ardently and intelligently he threw himself into the contest on the side of the people. Like Lincoln, he always maintained that no man is good enough nor has the right to ride on the backs of the people. He recognized no divine right of wealth to rule, but ever fought the battles of the weak, overburdened, and oppressed. He knew that material things alone do not make America the leader among nations; no one realized more keenly than he that there is a spiritual tradition in our Government which inspires the love of its citizens and fires the imagination of liberty-loving people everywhere, and that governments, like men, must have something more than material wealth to command the devotion of their citizens and the respect of the world. There must be that intangible, spiritual something called the soul. To that principle he gave himself in the fullest measure, and in all of his legislative work the betterment of the people was uppermost in his mind and heart. Mr. Speaker, it is particularly fitting that in our system of government a man like Representative KVALE should have had the opportunity to serve in this legislative body. It is well for our Government and very fortunate for our people to have Representatives of this type in Congress. All who believe in self-government and democracy should rejoice that he was here. He has left the imprint of his great humanitarian thoughts and convictions in the molding of legislation for the national welfare which will live after him. May that influence for good continue down through the ages!

Mr. CLAGUE. Mr. Speaker, Hon. OLE JUUL KVALE was born February 6, 1869, on a farm near Decorah, Iowa. After attending the rural schools he entered Luther College, Decorah, Iowa, and received his A. B. degree in 1890. He graduated from Luther Theological Seminary, Minneapolis, Minn., in 1893 (C. T.), and from the University of Chicago in 1914 (A. M.). He was ordained to the ministry in 1894, and served as a pastor in the Norwegian Lutheran Church at Orfordville, Wis., from 1894 to 1917. He moved to Benson, Minn., and served as pastor at that place from 1917 to 1923. He was a member of the Board of Education, Norwegian Lutheran Church of America, from 1917 to the time of his death.

Mr. KVALE was married to Ida Tonette Simley, of Mayville, N. Dak., in 1895. To this union were born 7 children, 6 sons and 1 daughter, whose names are as follows: PAUL JOHN KVALE, now a Member of Congress; Alfred J. Kvale; Mildred Kvale; Dr. Ingolf T. Kvale; Walter Kvale; Arthur Kvale; and Robert Kvale. Mrs. Kvale died at Washington, D. C., in 1926.

Mr. KVALE was elected to the House of Representatives, Sixty-eighth Congress, in the fall of 1922, defeating Hon. Andrew J. Volstead, and continued to serve as a Member of Congress until his death in September, 1929.

He was a highly educated man, thoughtful student, brilliant speaker, and a fine musician. While in the ministerial work he devoted much of his time to choir and oratorio work. He was greatly interested in education, and liberal in his thoughts and views. He loved home and his family. No man was ever more devoted to his family than Mr. KVALE.

While a Member of Congress he was a student of public affairs, and devoted his time to his work. He was very sincere, and his associates always knew his position on important questions. When his mind was made up on an issue nothing could swerve him in his views. He was always frank and open in expressing his conclusions, and he never tried to deceive. He followed the strict lines of duty as he saw it, and stood fast in his ideals of right. His information was first hand, and learned in the school of experience how to solve the problems of life. His remarks and speeches in public and on the floor of the House showed thought and originality, and he was always listened to with interest when he addressed the public or his fellow Members. His sympathies and feelings were always with the common people, and his life was devoted to improving the general conditions of mankind. His people loved him and believed in him.

Personally I knew him well and intimately for many years prior to his decease, and in his death I lost a real and true friend. His family lost a most devoted and loving father, his State and Nation a good servant. His life and work has made our country a brighter and happier place to live.

Mr. RANKIN. Mr. Speaker, we are told in the tragedy of Ion that when that death-devoted Greek was about to offer up his life as a sacrifice to fate his beloved Clemanthe turned to him and asked:

Shall we meet again?

He replied:

I have asked that dreadful question of the hills that are eternal, of the clear streams which flow forever, of the stars amid whose asure depths my raised spirits have walked in glory; yet they are dumb. But when I look into thy loving living face I see that which mantling through its rich beauty tells me it can never die. We shall meet again.

No man who ever looked into the serene, sincere face of O. J. KVALE could doubt the existence of a Supreme Being. No man who ever heard his earnest pleading for the causes he deemed just could doubt that back of it was the spirit of Christianity.

As Victor Hugo once said of one of his characters, if you could have looked into the soul of this earnest, sincere man, you would have found it dazzling in its purity.

During my term of service in the House I have never known a more conscientious public servant. He had the courage of his convictions, and his heart beat in sympathy with the great masses of the American people.

In his tragic death the State of Minnesota lost one of her most illustrious sons, America lost one of her most loyal and devoted citizens, and this House lost one of its most useful Members.

He lived according to the golden rule. He never unnecessarily gave offense to a colleague or reflected upon the integrity of those with whom he disagreed. He resented any imputation of ulterior motives on his part, and I have seen him wring an apology from the lips of an adversary on this floor who transgressed the bound of propriety in the heat of debate.

As was once said of Robert E. Lee:

He was a public servant without vices; a private citizen without wrong; a Christian without hypocrisy; and a man without guile.

He looked to the future and endeavored to make the world a better place in which to live. He believed in the youth of America, and burned his candle late into the night toiling for the solution not only of those problems that confront us now but of those that must confront the generations yet to come. When I recall his splendid services I think of—

An old man, traveling a lone highway,
Who came at evening, cold and gray,
To a chasm deep and wide.
The old man crossed in the twilight dim,
For the sullen stream held no fears for him.
But he turned when he reached the other side
And builded a bridge to span the tide.
"Old man," cried a fellow pilgrim near,
"You are wasting your strength with building here;
Your journey will end with the ending day
And you never again will pass this way.
"You have crossed the chasm deep and wide.
Why build you a bridge at eventide?"
And the builder raised his old gray head:
"Good friend, on the path I have come," he said,
"There followeth after me to-day
A youth whose feet will pass this way.
"This stream, which has been as naught to me,
To that fair-haired boy may a pitfall be;
He, too, must cross in the twilight dim—
Good friend, I am building this bridge for him."

Mr. ANDRESEN. Mr. Speaker, the passing of Congressman KVALE from the scene of action comes as a distinct blow to his colleagues and to his many friends in Minnesota, and, although he is gone from our midst, the memory of his many kind deeds lingers on.

I had the pleasure of being his friend and neighbor for four years, and during that short space of time I learned to know him as an honorable gentleman; as a fearless statesman, always fighting for the rights of the common people.

About two years before his death he suffered the loss of his charming and lovable wife. Mrs. Kvale was a kindly woman and all of those who came in contact with her learned to love her. She was a wonderful helpmate to her husband and when she was called to her reward Brother KVALE suffered irreconcilable loss.

Representative KVALE left to mourn his death a splendid family. The Kvale family and those who honored and loved Congressman KVALE cherish his memory for the good things that he did in life.

Mr. LAGUARDIA. Mr. Speaker, I met O. J. KVALE when he first came to Washington to take his seat in the Sixty-eighth Congress. His election had attracted a great deal of attention in the East. The prominence of his opponent, the issues he created, and the fact that single handed he defeated a great party and a powerful political machine became indeed the topic of conversation in all political circles.

It was not many days before we became friends—a friendship I shall always cherish.

KVALE was an unusual legislator—he was no politician. He despised the professional political trickster and the many devious and ingenious methods so often used by this sort of office seeker. He knew no party, but knew the needs and the wants of the great masses of people. He mistrusted political machines, but he had an abiding faith in the judgment and good sense of the American people. He was bound by no caucus and was free to accept what was good in the platforms of both parties. He loathed the insincerity of fashionable society and loved the traditions of the American home. Political expediency was hateful to him, parliamentary rules irritating, official red tape annoying; he wanted to do it all then and there for the benefit of his constituents, for the welfare and happiness of all the workers and producers of the land.

On every occasion he protested against the existing order when the existing order was distorted for the exploitation of the great masses of workers or when used to extend legislative benefit or special privilege to a favored few. To be in a minority to him was not difficult if he believed that minority was right. He would vote with the majority if he believed the majority was on the right side of the question. And so before long this lone legislator soon attracted the love of his friends and demanded the respect of his political enemies. Bitter were his political enemies and yet KVALE never nourished any resentment or hatred for them. He always sought to explain their attitude and to make allowance for their shortcomings. He blamed the system, not the men.

He served a most useful purpose during his time in the House of Representatives. A student of conditions, sensitive to the tribulations and sufferings of his people, he was quick to sense with a most uncanny intuition any sinister purpose, hidden motive, or legislative joker in any measure before the House. He would respond to this impulse spontaneously and instantaneously and then and there voice his protest and, in many instances, cast his feeble and ineffective vote. Many are the times when this kind of representative conduct has its beneficial effect and when such guardians are on watch a cruel majority falters and its arrogance weakened. Many were the times that KVALE stood alone and registered his protest in the face of a scornful majority, and yet many were the times when he saw beneficial and wholesome legislation enacted for the benefit of the people he championed, the people he so dearly loved.

The American Congress one day resolved to appropriate sufficient funds so that a copy of the Constitution might be placed in the hands of every school child in the great Republic. Many were the speeches made in furtherance of this appropriation. My, how the flag was waved! How many distinguished and elderly statesmen sang the praises of the Constitution. How many Representatives from all sections of the country preached the doctrine of loyalty. Yet when this print of the Constitution was ready for distribution, lo and behold, as its preface were the plain and sincere remarks uttered by the "lone" Congressman from Minnesota, the Hon. O. J. KVALE. A greater compliment was never paid to a living statesman.

Hackneyed and stereotyped phrases can not be applied in this heartfelt tribute to a friend whom I admired and loved. Quotations from the poets are not suited to this great man who hated artifice. It, therefore, becomes difficult to record in cold print the innermost feelings of one who understood this beautiful soul. KVALE demonstrated in his every-day official and private life the possibility of applied Christianity. He interpreted the principles laid down by the Prince of Peace in every thought, in every act, and in every word. Of him it may truly be said, he practiced what he preached.

Mr. GOODWIN. Mr. Speaker and ladies and gentlemen of the House of Representatives, in the premature death of our colleague, the late and honored, the Hon. O. J. KVALE, the Nation has lost the service of an unusually conscientious and able legislator, his immediate district an indefatigable and earnest public servant and the Minnesota delegation in Congress a delightful associate.

The outstanding characteristic of Congressman KVALE was the genuine sincerity with which he approached all legislation and the earnestness with which he attempted the solution of the many difficult problems that confronted him. Without the blare of trumpets to herald his good intentions he worked diligently and with an intensity of purpose to accomplish what he set out to obtain. On the floor of this House his eloquence thrilled his colleagues and the logic of his reasoning carried conviction. His sympathy was always on the side of the humble, the op-

pressed, and the unfortunate, and his voice more frequently than not was raised in their defense and for their welfare, and on the many occasions when he addressed this House his argument and the depth of his emotion convinced us of the justness of the cause for which he made his plea. The great value of his service in Congress to his district and the appreciation of his constituents was such that he was returned with ever-increasing majorities, and had he lived he could have remained in Congress indefinitely. He loved the simplicities of life; ostentation and glamour of office held no charm for him, but response to every obligation and the fulfillment of work well and faithfully performed was his delight. Congressman KVALE has left upon the records of this House the indelible imprint of an able, a conscientious, and efficient public servant; upon his district an indefatigable, constant, and industrious Representative; upon his friends a genial comrade; with his family, a generous and faithful and devoted father; and with the country imperishable fame. May we strive to emulate his many virtues and forge with the same strength as he the links in the chain of true friendship.

Mr. MAAS. Mr. Speaker, it was my privilege to serve several years in Congress with Mr. KVALE, and I came to know, admire, and greatly respect him.

Seldom does one have the good fortune to associate with a man of such intense sincerity, such deep understanding, and such a depth of genuine, human feeling. Passionate in his championing of the cause of the less fortunate in life, he was always fair, reasonable, and just. No one who knew him, no matter how much disagreement of point of view there existed, ever thought of questioning Mr. KVALE's sincerity. A man of deep religious study, he was tolerant, kindly, and sympathetic. He hated hypocrisy, and was himself a model of intellectual integrity. He worked hard and conscientiously, always in the cause of those whom he felt needed help. Many disagreed with his political philsophy, but all admired his firm convictions, his determined and courageous efforts on behalf of those convictions. He never denied an appeal for assistance, never withdrew from a fight once started which he believed right. His consistency, persistence, and determination won him widespread admiration.

His forceful, unwavering, and energetic adherence to his program gained him wide recognition, and commanded the respect of all who knew him. His earnest pleas on behalf of the common people were so obviously from the depths of his great heart that no listener could fail to be impressed. Mr. KVALE left a deep impress on all with whom he came in contact. His own exemplary life was an inspiration to all, and his untimely departure has left a vacancy that can never quite be filled as he filled it. The memory and example of this man will long live to encourage those who are left for in all his long and distinguished career, Mr. KVALE never let the world know it if he suffered discouragement. Minnesota is proud to have numbered O. J. KVALE as one of its sons and leaders.

Mr. SELVIG. Mr. Speaker, we have met to pay tribute to our beloved colleagues who have been called to that bourne whence no traveler returns. It is a sad duty. There were among those whom the House of Representatives are mourning to-day many with whom we were on terms of intimate friendship. Their passing away is a great loss to our country and the cause of irreparable sorrow to their kin.

Rev. O. J. KVALE passed away under tragic circumstances. I could hardly believe the message that came to me on the morning after his demise. On the Sunday evening preceding we had spent several hours together at a lodge near his lake cottage. He was in rugged health and in the finest spirits then. For over an hour we exchanged our views on subjects of common interest.

I recall as, though it happened yesterday, the fire in his eyes and the conviction expressed by his voice in referring to present-day tendencies which he deplored. He was a born fighter. The Viking blood which flowed in his veins ran hot and fast against the inequalities of our modern economic life. His sympathy was full and deep for the distressed and unfortunate, whose rights and welfare he always championed.

On the following morning we met again. The problems confronting our farmers was the theme of the conference. He understood the situation in which the tillers of the soil now find themselves. His was a sympathetic attitude toward them. He was ever anxious to reach out a helping hand to the great class of sturdy husbandmen and to help build a constructive national policy for their welfare.

Representative KVALE's district adjoins on the south the one which I have the honor to represent. We became acquainted early during my first term in Congress. While we did not always agree on routine procedure and the minor exigencies in legislative work, we early learned that our hearts beat in unison in behalf of the common people. This early acquaintance naturally and gradually ripened into a deep friendship.

He had a secure place in the affections of his people. All who attended the last sad rites held in his home city of Benson, Minn., bore witness to the love and devotion of the thousands who were present. As pastor of his flock and as their chosen Representative in the Halls of Congress, they counted him as their trusted adviser and friend. He loved his fellow men. He wished for them greater happiness. He voiced their innermost yearnings. He fought for justice. He exalted righteousness among them. And they, in turn, loved him. No one can say he did not accomplish a great life work.

His voice on the floor of the House was ever raised against the shams and hypocrisy of our modern-day tendencies. He exposed the mania for money grabbing and pleasure seeking. He never failed to proclaim the ideals of peace. With frequent references to Scripture, he unswervingly pointed out that only by following the paths of righteousness and walking in the footsteps of justice could this country or any other nation hope to endure.

Mr. KVALE was an idealist, yet he was a practical-minded man. He followed the progressive teachings of modern economists but realized all the time that the ideal was unattainable except through long years of severe discipline and patient forbearance on the part of all our national groups. Whenever intrenched selfishness showed its head, he struck at it with conviction. Against corruption in government he was an implacable foe. He neither curried favor with those in power nor bowed to them. His spirit of independence was too full and strong to allow him to act otherwise.

He has gone from our midst and his voice is still in death; but the principles he fought for will continue to gain in strength, because they are built on the rock of justice and fair dealing among men.

Mr. CHRISTGAU. Mr. Speaker, in the death of Representative O. J. KVALE, Minnesota lost a fearless, able, and sincere champion of the rights of the common people. It was my privilege to serve with him only during the few months of the special farm relief session of Congress. He won my admiration as an aggressive fighter for good government long before I had the honor of being one of his colleagues.

Representative KVALE's political career began at about the time the disastrous depression came upon the Northwest. From the beginning of his work in Washington until the time of his death he labored earnestly to relieve the people of the Northwest from the burden of economic difficulties. He lived to see the day when the attention of the entire Nation was centered upon the problem of economic justice to the farmers. He played an important rôle in bringing to the attention of the Nation the necessity for governmental action looking toward the solution of the difficult problem.

As a laborer on a farm in his district, I established acquaintanceships with those who often told me of the high esteem in which the people in his district regarded their sincere and able Representative. Later on I heard him deliver a Fourth of July address at a meeting in his district. I was deeply impressed with his determination to lend his power and influence in behalf of those he felt were not receiving a proportionate share of the benefits of our Government. His fine character and his faithful service have been an inspiration for good citizenship. His unwavering loyalty to a cause made him an outstanding public servant.

Mr. NOLAN. Mr. Speaker, I desire to join with my colleagues from Minnesota in paying a tribute to the fine character and useful and exemplary life of the Hon. O. J. KVALE, whose tragic death came as a shock to those who knew him and admired him as a man and a statesman.

I did not enjoy that intimate knowledge of the man that comes only from close association. He passed away before I had taken my seat as a Member of Congress. Our acquaintanceship was a casual one. I had met him on a few occasions. The impression he left with me was very favorable, and I admired him for his sincerity, his honesty, and his courage. He was an uncompromising fighter and stood firm in his stand for what he believed to be right. He won the respect of those who differed with him. He represented the highest type of public servant.

His passing is a loss to his district, to his State, and to the Nation. I was with him the day before his tragic end, and he was in fine spirits, cheerful, and companionable.

His human side was in evidence, and it was a delightful human side. When I heard of his death I felt I had lost a

friend, for he had those qualities of heart and mind that could develop real friendship through association.

Words are inadequate as a medium of expression on this occasion. He has left behind a wonderful family that gives promise of adding luster to his name. The finest heritage that any man can leave to posterity.

Mr. PITTENGER. Mr. Speaker, I did not have a long acquaintance with Congressman O. J. KVALE, of the seventh district of Minnesota. I did not become acquainted with him until I attended the Special Session of Congress in April, 1929.

During the Special Session, it was my privilege to meet Mr. KVALE on several occasions, to witness his work in the House of Representatives, and to form certain definite impressions of this distinguished leader from the seventh Minnesota district.

The tragedy of his death, which came so soon after the close of the special session in 1929, deeply affected the great circle of his acquaintances throughout the State, and in his death the State of Minnesota lost one of its fearless and outspoken Members of Congress.

He was a man of courage. I did not need to know him long to learn that fact. He demonstrated it on the floor of the House of Representatives on May 1, 1929, in one of the most remarkable talks that has been delivered before that body.

With him principle never yielded to the arts of expediency. When he took a position on any question he had no hesitation in making it known and in vigorously championing the cause under consideration. He was a "strong man," unmoved by influences which would easily affect many people where controversial issues are involved.

He was a man of sympathy and a friend of the unfortunate. Neither his professional life nor his political views warped his judgment or his sense of right and wrong. I think no higher tribute can be paid to the memory of Congressman O. J. KVALE than to say that he was always willing to lend a helping hand to those in misfortune and was always ready to answer the call of distress.

These characteristics that I have set forth above—the courage and sympathy of the late Congressman from the seventh district—find ample expression in an incident which occurred while the special session of Congress was being held. A young man had been killed on April 27, 1929, by officers in attempting to enforce certain laws. Feeling was intense on the proposition, and the policy of the Government in permitting officers to shoot at law violators was brought into question. A defense of the shooting, made on the floor of the House, brought applause from certain Members. Considerable newspaper publicity was given to the matter. The late Congressman KVALE, himself an ardent prohibitionist, cast aside all prejudice, if any there was, in connection with the unfortunate episode, disregarded all consideration of advantage or favor, yielded to the promptings of charity and kindness, and used the following remarkable language on the floor of the House of Representatives on May 1, 1929:

I hope no Member of this House will designate what I say to-day as maudlin sentiment or as in any way condoning crime, for you know I stand for law enforcement.

I stand for law enforcement and I stand for law observance, law observance on the part of those who buy liquor as well as on the part of those who sell it. But I am interested in this poor family. Last night upon learning that the matter was to be discussed again to-day I immediately got in touch with the police department and also called a member of the family on the telephone. To-day, just before coming over to the session, a sister of the slain boy, upon my invitation, came to my office and answered a number of questions by me. I desire to express to the grief-stricken family, many of whom reside in Washington, my deepest and most sincere sympathy in their sorrow.

I recall what my angel wife often used to say when gossips would come into the house and gloat over the misfortune of some young man. She would say, "Let us remember the young man's mother." And often when we heard of or read about a young man gone astray whom we did not even know she would say to our boys, "Let us not forget the poor young man may have a mother." Now, in this case there is no mother, and let us be glad for that. She died when the young man was 5 years old. But there is an aged father and there are four brothers and four sisters, many of them living out in Chevy Chase. The aged father lived for generations and belongs to one of the fine families of Virginia, down in Maurertown. And it is a respectable family. Never has a single member of that family been arrested for any crime or misdemeanor, and this young man, Ottmer Fleming, up to this time had enjoyed the very best of reputation. He came away from home as a young man and had gone out into the world to work. Then he entered the Army, when he was less than 17 years old. He received an honorable discharge last May, after his 3-year term of service, when he was less than 20 years old. He was 20 years old in February of this year, and, as I have said, he enjoyed the reputation of having a fine character. He was honest and upright in every way and had a number of friends in the Army, both among the officers and the soldiers. The reason he was not staying with his family out in Chevy Chase was simply this: That his occupation, that of bus driver for the Capital Traction Co., required that he be nearer the offices of the company for a short time, and until his work was changed a little and he could receive more regular hours, and then he was to move out with his brother in Chevy Chase, where a room had been made for him. As far as I have been able to learn from every available source, there was not even a suspicion that this young man had ever engaged in anything like this before. Of course, the investigations of the police may disclose something different; I do not know. From what I can learn from his family, this was his first venture of the kind. When his family learned that he could not stay at home, they wanted him to go into a real home, because they felt he was safer there, so that they did everything possible to have him live in a good home. They did not know the character of that home, they had no reason to suspect that anything was wrong, and there is every reason to believe that this was the first trip the young man ever made.

Now, of course, I do not condone his crime. I know the young man was guilty under the law. I am not speaking of that point, but I am saying that we who sit here in judgment on this case might well take cognizance of some of the finer elements and attributes in human nature and refrain from making an exhibition of ourselves as I understand was the case from reports of what transpired here on Friday last, when the announcement was made to the House of the details of the killing of this unfortunate young boy. I am deeply sorry anything like that ever happened, and I want to appeal to my friend from New York [Mr. O'CONNOR] that if the request made by the other gentleman from New York [Mr. LAGUARDIA] is preferred again that he will not object to having that part of the RECORD expunged in the interest of the family who has suffered more than enough. For certainly they are innocent of any misdemeanor or anything wrong in this case. [Applause.]

I want to say to you, my friends, that the attitude of the House, if I am correctly informed by those who were here, is not an example of Christian civilization. It is not civilization at all. It is barbarism; it is a reversion to the jungle stage. So I appeal to you to have that part of the RECORD expunged, and at any rate give that little comfort to the family.

I am not speaking of the officer. I know very little about the points of law. It may be he was doing his simple duty. Most certainly I am in favor of giving protection to the officers who are doing their best and often risking their lives in an endeavor to enforce the law. However, I am opposed to the taking of human life under any and all circumstances and for any consideration. Even for the upholding of this law I am opposed to the taking of human life. And I submit that the brilliant lawyers of this Nation might find some other way in which to enforce this law and all other laws without the taking of human life. If Christian civilization could once come to realize that human life is sacred, that alone would diminish crime as nothing else can or will.

I have said this in the interest, as I say, of the family. I have here a picture of the nine children, and I would like to have some of you look at this [indicating] and see this young man in uniform. I think you will agree with me, if you are any judge of human nature, that the picture of the young man shows him to have been a fine young man, led astray for the time being, I agree. And yet the poor family, the sorrowing, suffering family, are being done an injustice by the ignomy that is being heaped upon them in this case. [Applause.]

I believe as time passes that the full significance of these remarks by the late Congressman will become established. I have set them forth in full because, in my opinion, they indicate that in him we had a man of the highest courage and broadest human sympathy.

In his tragic death his family has lost a beloved relative; his great circle of acquaintances have lost a friend and brother; the State of Minnesota a valued citizen; and the Congress of the United States a Representative who measured up to the highest requirements.

His courage and his sympathy may, indeed, furnish an inspiration to others to carry on in the performance of public duty.

I said that Congressman O. J. KVALE had sympathy for his fellow man.

There is a poem, ancient, it is true, but which pays a tribute to a man who loved his fellow men. The sentiment of the poet in his tribute to Abou Ben Adhem may well be applied to Congressman O. J. KVALE. This verse, to which I have referred and which is applicable to his character and his conduct during his lifetime, reads as follows:

Abou Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace
And saw within the moonlight in his room,
Making it rich and like a lily in bloom,
An angel writing in a book of gold.
Exceeding peace had made Ben Adhem bold;
And to the presence in the room he said—

"What writest thou?" The vision raised its head.
And, with a look made of all sweet accord,
Answered, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so."
Replied the angel. Abou spoke more low,
But cheerily still; and said, "I pray thee, then,
Write me as one that loves his fellow men."
The angel wrote and vanished. The next night
It came again, with a great wakening light,
And showed the names whom love of God had blessed,
And lo! Ben Adhem's name led all the rest!

WILLIAM WALTON GRIEST

Mr. DARROW. Mr. Speaker, our hearts were filled with grief and deep sorrow when we learned of the death of our late colleague, Hon. WILLIAM WALTON GRIEST, who, after weary months of struggle, borne with patience and fortitude, answered the final roll call on December 5, 1929.

Especially do I mourn the loss of an intimate and devoted friend and wise counselor, with whom I was closely associated, and for whom I was glad to perform certain official duties imposed upon him during the period of his last illness.

Not only was BILL GRIEST mourned in his home city of Lancaster but by the State of Pennsylvania, which he had long served with conscientious devotion to duty, and where he was regarded as an outstanding citizen, public official, statesman, and leader. He was just as well known in Washington, and the Nation's Capital felt his loss most keenly.

A statement of the many and varied events in Mr. GRIEST'S life would be a continual repetition of service to his fellow men, to his friends and constituents, to his State, and to his Nation.

Congressman GRIEST was born in Christiana, Pa., on September 22, 1858, a son of Maj. Ellwood and Rebecca (Walton) Griest. After attending the public schools of his community, he entered the Millersville State Normal School, from which he graduated in 1876. For three years thereafter he was a teacher in the public schools. Then he became a reporter for the Inquirer, a paper owned and edited by his father. In 1884 he was elected a member of the school board and served in that capacity for a period of 24 years. His first real activity in politics probably dates from 1887, when he became chief clerk in the office of the county commissioners. Nine years later, in 1896, he was elected a delegate to the Republican National Convention, and it is notable that he served similarly in every intervening national convention up to and including the one of 1928. This record has never been equaled in Pennsylvania, and I doubt if it has in the United States. In 1899 he was named secretary of the Commonwealth by Gov. William A. Stone, as well as a member of the State board of pardons and the State sinking fund commission.

In the fall of 1908 Mr. GRIEST was elected to Congress, where he served his district with honor and distinction until his untimely death.

In 1888 Mr. GRIEST was married to Elizabeth Paxson Smith, of Buckingham, Bucks County, Pa., who had been his schoolmate at Millersville. Their family consists of a daughter, Miss Rebecca W. Griest, who for three years taught in the Presbyterian College at Nankin, China, and a son, George W. Griest, power-plant superintendent for the Edison Electric Co. The son is married to a daughter of Dr. George W. Richards, president of the Reformed Theological Seminary. There are three grandchildren, William W. Griest, Mary Griest, and Martha Griest.

Mr. GRIEST was the Republican leader of Lancaster County for a period of about 30 years. He was an astute and effective politician, jealous of the traditional Republicanism of his county, and conscientious in his efforts to have such principles maintained. The political success he achieved is unique, for, be it known, that he was never defeated at any election when he was a candidate; that the ticket he supported was never defeated in Lancaster County; that he never lost a candidate in the primaries; and that in Lancaster City he lost a local election but twice in his career of leadership. Such was the faith as was imposed in his judgment and integrity by a constituency who knew him well, and to whom he had proved worthy of every confidence. His devotion to the Republican Party was outstanding, inasmuch as he never expected and never received personal reward, as such, for his work in the State. In his modest way, he preferred to serve others, and in that manner was able to secure recognition and honors for his home district, which, at his instance, has furnished a number of prominent and honorable public servants for our State. He was at one time considered for nomination for governor, but would not entertain the idea; and when it was at another time suggested he be a candidate for the United States Senate, he expressed his preference to be permitted to continue his work as a Member of the House, where he had "risen from the ranks" and where he felt he could do the greatest amount of good for his constituency and his State.

BILL GRIEST'S outstanding quality, to my mind, was a rugged and uncompromising honesty. It was the very essence of his being. It has been said that an honest man is the noblest work of God. To all that it means and all that it carries with it he is entitled. He was a man of convictions and had the courage and hardihood to maintain them and insist upon them. In his long service in the House of Representatives the records will show he was an able Representative and true to every interest of those who trusted him. Knowing him as I did, I can thoroughly appreciate the loyalty and devotion to him on the part of his constituents.

I am told it was but a short period after Mr. GRIEST first entered upon the discharge of his public duties in Washington that his ability and capacity were recognized by our congressional leaders. He had a keen, analytical mind, a great capacity for work, and a sympathetic understanding of the problems which confronted him.

Due to his membership on the important Committee on Post Offices and Post Roads—of which he later became chairman—I would say his chief interest was in postal legislation, and his good work in that direction can not be overestimated, for he had over a period of 20 years been an indefatiguable worker for the expansion, development, and improvement of our Postal Service.

However, his labors at the Capitol were in no means confined to that interest. He was unusually earnest in his devotion to the interests of his district, which on account of its rich agricultural resources was so aptly termed the "Garden Spot of America."

Although the leadership of the House leaned heavily upon Mr. GRIEST for counsel and advice, if more confidence could be placed in him in any manner it was by the membership of our Pennsylvania delegation. We, of course, came in frequent contact with him and felt free at all times to seek his counsel and assistance. We honored and respected his sound judgment on all matters and were happy to cooperate with him. At the time of his death he was the dean of the delegation. For some years previous he had been serving as Pennsylvania's member on the committee on committees, and in that capacity was unusually successful in securing most desirable committee assignments for our members. He also served as one of three Republican Members of the House as a member of the so-called patronage committee, which supervises the selection and employment of the personnel of House employees.

I am personally familiar with the arduous labor and responsibilities placed on members of these committees, for during the period of Mr. GRIEST'S illness he had assigned me a proxy to act for him on these committees. It was a pleasure for me to serve him in this manner, to carry out his wishes, and to do as I thought he would do if he had been able to be here.

He was a regular attendant of the sessions of the House and a close observer of its proceedings. He very seldom took an active part in the debates, but when he did he spoke to the point and in a manner that could not be misunderstood. I fear that the extent of his good work may not be known or appreciated except by those of us who were privileged to come in close contact with him, for he shunned the limelight of publicity and preferred to work quietly among his colleagues. Having on numerous occasions observed the fruits of his labors, we could fully appreciate the vast influence he exerted in the enactment of sound legislation.

Although his great work was unfinished, Mr. GRIEST won a high place in the Nation's history. He has left an impress on legislation and public thought that will be remembered through the coming years. His congressional district has lost its most ardent champion, our State one of its noblest citizens, and the Nation an ardent statesman and legislator.

In his death I lost a real friend, and I count it a priceless heritage to have had the privilege of being so closely associated with him.

Mr. KINZER. Mr. Speaker, it is for those of his colleagues who have associated with the late Congressman WILLIAM WALTON GRIEST in the Halls of the Congress and in committee rooms for many years to give testimony as to his worth in the broader fields of national legislation and national affairs. It is for me, on whose shoulders has fallen the mantle he wore for so many years, to voice a tribute on behalf of those home folk who miss his quiet ways, his sympathy with their wants, and his helpfulness when they needed a friend in high place. Eleven times they chose him to represent them here, and nine times they sent him to national conventions to voice their wishes in the selection of party candidates and adoption of

party policies. Their confidence in his political judgment never wavered but remained constant to the end.

The person who had but a casual acquaintance with this gentle, unobstrusive man often wondered what the magnet was that drew his home people to him and held their confidence for a generation. The answer is that he knew his people as few have known them and was responsive to their desires and their needs. They came to him with their troubles and he cured their political, business, personal, and other ills if they were curable. It was this helpfulness that drew the hearts of his people unto him and held their affections.

Mr. GRIEST knew his people as individuals and as groups. He knew the soldier of the Civil War, of the Spanish-American, and the World War. He knew their widows and dependents and gave them all the aid that was in his power. He knew the farmer and upheld his interests. He knew the tobacco grower, packer, and manufacturer. He knew the cattle trade. He knew the manufacturer and the wage earner. He knew the postmaster and the postal employee. He knew the so-called plain sects and their beliefs. And he gave a sympathetic ear to their troubles and problems and helped all of them in every way he could; for in his service to his home people he knew no political parties, no sects, no classes.

In political, legislative, or other public steps to be taken, Mr. GRIEST mapped out his course only after he had gathered all the information to be had as to the effect such course would have upon the welfare of his home people; and he had the faculty, born of a natural aptitude and cultivated by a life spent in close touch with them, of knowing just where to go for information upon a specific subject; whose opinions would weigh and whose opinions might be biased. Having thus informed himself of what was best for his people, he held to that course.

It is on account of these services to his home people that I to-day pay him a tribute. Useful as he has been in the larger field of national and State affairs, he was of even greater service to his home people. In his passing they feel keenly the loss of a friend whose place can not be filled.

He was a man, take him for all in all,
We shall not look upon his like again.

Mr. TILSON. Mr. Speaker, the career of WILLIAM W. GRIEST as a Member of this House covered a period of more than 20 years, including some of the momentous years of our entire national history. His service throughout was notable, faithful, effective. He and I entered the House of Representatives on the same day, and during the years that followed we were always on terms of intimate friendship. His work here was characterized by a quiet reticence that produced few headlines in the newspapers but important results in shaping legislation. His accomplishments for his district are recorded indelibly in the hearts of his constituents. As the floor leader of the majority party during the last six years it has been my privilege to see and to know intimately of his work. He was a party man, because he believed that through his party he could best render worth-while service to his country. The House has suffered a great loss, while his district, his State, and the whole country lose a faithful and worthy public servant in his passing.

Mr. LEECH. Mr. Speaker, Representative W. W. GRIEST was an outstanding example of that sturdy stock which has made and kept Pennsylvania the Keystone State of the Union. His county, State, and the Union itself, are poorer by reason of the death of the Hon. W. W. GRIEST.

Mr. GRAHAM. Mr. Speaker, a wave of sorrow swept over the Pennsylvania delegation in Congress when word was received by them of the sudden demise on the night of December 5, 1929, of our beloved dean of the delegation, WILLIAM W. GRIEST. His sickness, which lasted so long, led many of us to believe that probably he would be called to his reward very soon, so that the news was not fully unexpected, and yet it was sudden enough to give us all a shock. He antedated my service in the House some four years, although that was not the beginning of our acquaintance and association. I had known him very well for years before. Our service together for many terms in the House increased my admiration for the man and cemented even more closely and durably our preexisting friendship.

His character was one that excited the admiration and love of all who came to know him intimately, but his reputation in this respect was not confined to his intimates but spread through the community, so that when the summons came to him he left behind sorrowful friends, not only in his home county of Lancaster but in the great State of Pennsylvania where he was well known, and in the Halls of Congress where he served so faithfully for years. His high sense of honor, his integrity and loyalty, were a trilogy of qualities gracing his noble, kindly nature like stars in the blue. He was a real statesman and bore a conspicuous part in the political history of his native State. He was a power in the political world, of which he was an important part. His wide knowledge of public affairs and his sagacity and sound judgment made his advice sought for and relied upon. His going out into the Great Venture has left a void in his home town in the Keystone State and in the Nation.

Even to present these words of simple truth and affection to his memory reopens the wound which bereavement made, and fills one with the deepest regret over his loss. He was a man among men, generous and rare. "None knew him but to love him, none named him but to praise."

I would join with my fellows in dropping a sprig of acacia upon his grave.

Mr. KELLY. Mr. Speaker, those Members of the House who attended the funeral of Representative WILLIAM GRIEST at Lancaster, Pa., will never forget the universal respect for the man and the universal regret for his passing, as evidenced by the friends and neighbors who knew him best.

Every individual citizen felt a sense of personal loss. Young and old, rich and poor, joined in the last tribute to a Representative who had spent a lifetime in their service and had never failed them in any testing time.

Others have given in detail his many services as an official in State and Nation. I knew him best through association with him on the Committee on the Post Office and Post Roads in the House of Representatives. As a member and as chairman for a number of years, he helped to mold the history of the United States Postal Service, the mightiest enterprise of its kind in the world.

Representative GRIEST was a student of the measures brought before the committee and his sure knowledge and sound judgment were of the greatest value. He was an authority on postage rates and salary classifications. His one thought was to make the Postal Service of greater benefit to the public and at the same time better the conditions of those who labor faithfully to make that service possible.

Mr. Speaker, I knew Representative GRIEST as a friend. He had that capacity for friendship which is one of the best tests of character. His success can be measured by the quality and number of his friendships.

He was successful as a business man and as a statesman, but above these he cherished friendship.

And his friendship was a perpetual inspiration. He encouraged others to do more than they could otherwise have accomplished because of his faith in them. He possessed understanding and wisdom and he used them to double the possibilities of those with whom he came in contact.

Representative GRIEST proved the truth of the poet's words—

Life is a mirror to king and slave,
Its just what we are and do.
Then give to the world the best you have
And the best will come back to you.

This distinguished man gave to the people of his district and the Nation the very best he had. Back to him came supreme confidence and esteem, the things which money can not buy but which Representative GRIEST counted the most valuable things in the world.

Mr. Speaker, a man possessing the elements of greatness has gone away from his associations here. However, he will live long in the affection of those who knew him. The inspiration of his life and achievements will not die but will live on, duplicating and reduplicating itself in the lives of others. And that, I take it, is a memorial greater than any of marble or bronze; a memorial in the hearts of men.

Mr. CAMPBELL of Pennsylvania. Mr. Speaker, the death of Representative W. W. GRIEST was a distinct loss to the State of Pennsylvania. I believe he had the respect and esteem of every Member of the House. He was a man of a few words, but splendid judgment and wielded an influence second to none. He served the Commonwealth of Pennsylvania faithfully and well in many ways and I am sure his memory will be cherished by all of his colleagues.

Mr. ESTEP. Mr. Speaker, the death of Hon. WILLIAM W. GRIEST, a Representative in Congress from Lancaster, Pa., left vacant a place in the legislative councils of this Nation which it will be difficult to fill, for he was possessed of qualities of statesmanship that come to few men. Pennsylvania's loss in the death of this estimable gentleman is reflected throughout

the other States, for he had long ago passed over that sectional line into the broad highways of a national character whose influence and counsel were sought in the preparation of our Federal legislative programs.

But with all these honors it is pleasant to reflect that he still remained that same kind, courtly, and charitable gentleman who first came to Washington as a Member of the Sixty-first Congress. Some estimate of his character may be gleaned from his willingness to assist the new Member arriving in Washington from Pennsylvania to take up his duties. He was ever ready to offer a helping hand and with his broad experience made his counsel well worth while.

Mr. GRIEST was not only chairman of the Post Office and Post Roads Committee but was a member of that all-powerful committee on Committees and in addition was chairman of the Pennsylvania delegation in the House.

Well do I remember my advent into Washington, having been elected to serve in the Seventieth Congress. I had heard of his kindly interest in new Members and I sought his counsel. My confidence was not misplaced, for I found in him a consistent and a true friend to the end. In his private life he was just the same, for I came to know him intimately and outside the legislative halls.

Always upright and just, seeking ever to advance the interests of his fellow men, his studious attention to the numerous duties devolving upon him by reason of his high position undoubtedly hastened his end. Though he did not die amidst the roar of guns, nevertheless he was a casualty of this Nation just as much as any soldier who died in the service, and his record is proudly written in the annals of 10 Congresses.

Mr. KURTZ. Mr. Speaker, politically WILLIAM WALTON GRIEST was one of the wisest and most far-seeing of men; socially one of the most kindly and lovable. He served his State and Nation faithfully and well. He was my friend. I am glad that he lived, and sorry that he died so soon.

Mr. BELL. Mr. Speaker, I regret as much as any member of the Post Office and Post Roads Committee or of the House of Representatives the death of Hon. W. W. GRIEST. I had known him since he entered Congress in 1908. I was a member of the Post Office Committee during the entire time he was chairman of this committee. He was a man of wonderful character, and his good work on the committee will long be remembered by the Members of the House and the country at large. No man in Congress was more generally beloved than he. His gentle disposition made him friends in every walk of life. There was no pretense in his make-up; hypocrisy was foreign to his nature. He was plain, honest, and sincere. He did not talk much, but he thought a great deal of what he might best do for his friends and his country. I honored and respected him from my first acquaintance with him because he was a gentleman of the highest type. He was both morally and intellectually honest, simple in his habits, sincere, and open-minded, devoid of all deceit, and never resorted to the tricks of a selfish man to gain favor with his associates or the people. He could always be relied upon to do the right, because he was honest, truthful, and absolutely dependable. As chairman of the Committee on the Post Office and Post Roads he made an enviable reputation throughout the country for fair dealing, and I do not believe any living man can truthfully say that he ever misled or deceived him in any of his official work. Every member of his committee loved him, regardless of political affiliations, and everyone was pleased to give him their support in all of his undertakings. Truly a great man has gone from our midst. We miss him in our committee—his pleasant companionship, his wise counsel, his fine leadership; we miss him in the Halls of Congress, and we feel that in his going a leader and a true statesman have been taken from our ranks.

Mr. SHREVE. Mr. Speaker, Mr. W. W. GRIEST was for many years an outstanding citizen of Pennsylvania. He had an eventful career in Pennsylvania politics before coming to Washington as a Member of Congress, and it had been my pleasure to know him quite intimately before I came to Congress. Our association here was of a most cordial nature, and it was here perhaps, that I learned to know him better and appreciate the sincerity of all his undertakings.

In his religious belief he was a Quaker, and he strictly practiced the precepts of that denomination. He was kind, considerate of his associates, and held an important place in the House. Besides being chairman of the Committee on the Post Offices and Post Roads he also had charge of certain patronage, and I have never heard complaint of the way in which he handled this work.

His devoted zeal to the work of his committee was the means of bringing many reforms to the post-office service which have proved to be for its betterment. His whole life seemed to be wrapped up in making this service as efficient as possible.

Probably no man in Congress had more friends than Mr. GRIEST, and all deplored his long illness and final passing.

Mr. ROMJUE. Mr. Speaker, when I became a member of the committee of which Hon. WILLIAM W. GRIEST was chairman I was not so well acquainted with him as I afterwards became. It is close contact and a more intimate acquaintance with men that generally give us a better understanding, not only of their capacity and ability but also of their character and dependability.

When death claimed Mr. GRIEST one of the most beloved and able Members of this House was taken. He was modest, hard working, and a faithful Representative. He demonstrated his ability by faithful and intelligent service. He was not spectacular and did not thirst for applause and praise. He did not shoot up like a rocket, and it is commendable that he did not. A rocket, in its quick and rising flight, always leaves a trail of light behind and when it reaches its greatest or highest point of ascent bursts into an illuminating blaze and falls. The trail of light that marks its way and the stars it scatters in the sky fade away and are soon forgotton, but the man who rises steadily on his merit leaves a lasting impression on the life of a great people. Real achievement—that which is worth remembering and that which accomplishes results of a permanent nature—comes usually, if not always, to men who toil for years with adequate opportunity and desire for service. Mr. GRIEST had that opportunity and the desire and ability to use his influence and power in behalf of the people whom he had the honor to serve and he served them well, and so he has left a permanent impress upon the generation in which he lived, and he will long be remembered not only as one of the great men of his great State but one of the great and useful men of the Nation.

Differing with him as I did on matters of political party principles, I always found him fair, honorable, and upright in all his official conduct.

As chairman of one of the most important committee of the House, he was always considerate of the rights and wishes of the committee members, always ready to be frank and honest and helpful. He had a passion for service to his fellow men and was most delighted and pleased when he could give his time and talent in promoting their interests and welfare.

He was discreet and tactful, and preferred to win by diplomacy rather than to wound an opponent. He was always ready to serve another without regard to the labor and sacrifice it caused him.

From the beginning to the end of his congressional career he was an honorable, hardworking, efficient, and conscientious Representative. He is much missed by the membership of his committee, and greatly missed by the membership of the House of Representatives, and likewise is he missed by the constituency which sent him to and kept him in Congress until his death. While the people of his splendid district honored him, he equally honored them and labored unceasingly in their behalf.

Good and great men live not in vain. It is a duty well performed when the aspirations of a rising generation are aroused by the assurance that public service faithfully performed brings its own reward in an example of a life well spent, trials and difficulties overcome, accompanied by a faith and hope of a broader life in the Great Beyond. The going of the good and the just to the grave may be like one entering a giant ship on voyage bent, and so may we quote:

Sunset and evening star,
And one clear call for me,
And may there be no moaning of the bar
When I put out to sea.

But such tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell
When I embark.

For tho' from out our bourne of time and place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crossed the bar.



Mr. CONNOLLY. Mr. Speaker, it will not be possible within the compass of this short tribute to Representative GRIEST to give a true and just estimate of his worth to his State and country.

Representative GRIEST came to Congress in 1909. He served here continuously for over 20 years. In that time our country passed through an epochal period of growth and development unequaled in the history of the world, requiring on the part of our legislators statesmanship of the highest order. Representative GRIEST met the test and attained in this House and in the councils of his party a place of leadership, the duties of which he discharged with conscientious fidelity.

At this time, when party ties appear to be held more or less lightly, I think it not amiss to emphasize his loyalty to the Republican Party and the principles for which that party stands. His own political fortunes were not considered when it was a question of carrying out party pledges. While no man would have had the temerity to dictate to him how he should vote on any public question, yet the principles and traditions of Republicanism were so well grounded in him that there was never any doubt that his party would have his hearty support at all times, as his record in this body proves.

The tenth congressional district, which he represented, comprises Lancaster County, the boasted agricultural garden spot of our great State, a State abounding in rich and productive farm lands. He was born there in Christiana September 22, 1858.

Lancaster County loved and revered Representative GRIEST, and sent him back to Congress year after year with increased pluralities. When I came to Congress I found in him a wise and helpful counselor and friend. I cherished his friendship and deeply mourn his passing.

Pennsylvania has lost a loyal and able son whose memory will fill one of the bright pages in her history. "To live in the hearts we leave behind is not to die," can truly be said of our departed friend and colleague.

Mr. COYLE. Mr. Speaker, each one of us who brings to-day his tribute to the memory of the Hon. WILLIAM WALTON GRIEST has in his heart and in his mind some one or more of kindly recollections.

I remember him for his continuing courtesy to new Members in the Pennsylvania delegation who came here in most cases unversed in the ways of Congress. To each of us who has so come to Washington in the last 20 years an effective, quiet way and helping hand has always been extended. And so there are to-day in Congress and in Pennsylvania many men who learned to respect and admire him.

It was my duty and proud privilege to be present in Lancaster when the people of Lancaster expressed both their sorrow and love at the impressive services after he passed away. I saw and talked to men and women and children. The city of Lancaster was hushed, but mingled with the note of sadness I found, too, a note of pride that Lancaster had given to America a great man, whose high place in the hearts of his friends and neighbors is assured for all time, as it is on the bright page of America's roll of fame.

WILLIAM KIRK KAYNOR

Mr. TREADWAY. Mr. Speaker, the Greek, Menander, wrote, "He whom the gods love dies young." Never did this statement apply more forcibly than in the case of our lamented colleague, the late WILLIAM KIRK KAYNOR, better known to a host of friends as "Kirk." His sudden and tragic death just at the beginning of the Christmas period last year turned a time of joy and gladness into one of sorrow and sadness.

KIRK KAYNOR was elected to the Seventy-first Congress from the second congressional district of Massachusetts. He died December 20, 1929. Probably the majority of the Members did not know Mr. KAYNOR. He was naturally quiet and unassuming. In my office one day, shortly before his death, he said that it was his plan to sit back quietly and to familiarize himself thoroughly with the workings of Congress in all details before attempting to take an active part in the proceedings. In this he was simply following out his idea that a person undertaking a new line of work should become fully grounded therein.

It had been my privilege to know Mr. KAYNOR fairly well before his election to Congress, so it was perfectly natural for me to fall into a close relationship with him when he came to Washington.

I have seen a great many men come to Congress who, in their early days, felt they were going to make a great impression, and, perhaps, entirely change the current of events and especially our ways of doing business. KAYNOR belonged to the opposite type. He came as a freshman student rather than as a full-fledged statesman. You would see him sitting alone here day after day, probably in one of the back seats, watching with keen interest everything that went on. He was grounding himself in congressional work preparatory to taking his accredited place on the floor after he felt he had thoroughly familiarized himself with parliamentary procedure.

When it came to a committee assignment it was first proposed to place Mr. KAYNOR on the Rivers and Harbors Committee. However, his Army service had created in him a great interest in military matters, especially aviation. He was perfectly willing to accept the former assignment, but felt that he could better serve his district and the country if he were attached to the Committee on Military Affairs. This was rather an ambitious assignment for a Member who was serving his first term, but the members of the committee on committees having observed Mr. KAYNOR'S studious and thoughtful manner, agreed that he had the makings of an excellent man for the Military Affairs Committee, and it was on this account that he received the assignment. I know he felt highly honored, and he expressed his gratitude in unmeasured terms.

In line with his work on this committee he felt it to be a part of his duty to secure first-hand information about aircraft, and in this study he met his tragic end. The trip home on that fatal day was not for pleasure purposes, other than the delight of being reunited with his family at Christmas time, but he was flying upon the invitation of an official of the War Department who felt that KIRK should learn as much as possible about the aviation branch of the military service in connection with his work on the Military Affairs Committee.

Congressman KAYNOR'S life history was that of a self-made man who cherished a sincere purpose to so equip himself that he might serve his fellow man to the fullest extent of his ability. He was born in Sanborn, Iowa, November 29, 1884, being the fifth of a family of nine children. His early education was obtained in the common schools of Spencer and Clear Lake, Iowa, and at the age of 10 years he became self-supporting. He clerked in a drug store in Clear Lake, and for three years herded cattle in South Dakota.

In the fall of 1903 Mr. KAYNOR came East and obtained his higher education by working his way through Hotchkiss School and Yale University.

At Hotchkiss he was the president of his class, president of the gun club, manager of the musical association, and captain of the gymnasium team. As an athlete he won three letters on the track team in the quarter-mile run and two letters as fullback of the football team. He was president of the St. Luke's Society, editor in chief of the Hotchkiss Record, and class orator at graduation, his subject being The Spirit of Service. He was also designated by the faculty as the winner of the prize, "Presented to that member of the graduating class who, by his industry, manliness, and honorable conduct, has done most for the life and character of the boys of the school."

At Yale KAYNOR won the third Ten Eyck prize and the Meade scholarship. He was manager of the university football team and president of the football association. He was a member of the City Government Club, the D. K. E. national fraternity, and the Wolf's Head Senior Society.

Mr. KAYNOR was married in Springfield on June 25, 1912, to Miss Alice Chapin Reed, and there resulted from that union six splendid children, five boys and a girl.

In 1912 Mr. KAYNOR became the manager of the Reed Realty Trust, and in 1917 was appointed manager of the Winchester Square Realty Co., of Springfield.

Although over the draft age and the father of two children, KIRK KAYNOR resigned his business position to enlist as a private of infantry in the summer of 1918. A third child was born during his absence. He was sent to the Officers' Training School at Camp Lee in August, 1918, and was honorably discharged shortly after the signing of the armistice. He was a member of the American Legion.

Mr. KAYNOR'S political activities began in 1920 with his election as a member of the Common Council of the City of Springfield. He was reelected in 1922 and was twice elected chairman of the city Republican committee. He resigned from both these organizations to accept appointment as postmaster of Springfield in January, 1923, under President Harding, and was reappointed by President Coolidge in 1927.

KIRK KAYNOR'S desire to be of service to his fellow man was well illustrated by the various activities of a civic and business nature with which he was connected during the last few years of his life. The following were some of his connections:

President of Kiwanis Club in 1925, in which year Springfield was awarded the international efficiency trophy in competition with over 1,400 other clubs in the United States and Canada.

President of the Western Massachusetts Postmasters' Association.

Chairman for two years of the board of trustees of Springfield Hope Church.

Secretary for eight years and president for two years of the Yale Alumni Association of Western Massachusetts.

Member for 10 years of Council of Associated New England Yale Clubs.

Chairman of committee which founded Springfield University Club and for two years member of board of governors.

Member of corporate board of the Institution for Savings.

One of the original incorporators, first vice president, and member of board of directors of Highland Cooperative Bank of Springfield.

Director of Chapin National Bank, Springfield.

Member of Boy Scouts' Council.

Director of Family Welfare Association.

Director of Legal Aid Association.

Trustee of Hotchkiss School.

Trustee of Springfield Young Men's Christian Association College and member of executive committee of the board.

Director of Safety Council of Springfield.

Chairman of community-chest drive for two years and associate chairman one year.

President of Community Welfare Association.

Director and vice president for three years of Springfield Chamber of Commerce.

President Parent-Teachers' Association of Buckingham School.

President Junior Achievement Foundation (Inc.).

The above outline of KIRK KAYNOR'S activities in the city of Springfield is evidence of his standing in the community and of the high regard in which he was held by his neighbors, friends, and the citizens of Springfield generally. It was but natural that a man with such extensive connections and in such close touch with local affairs should, when opportunity offered, be sent to the National Congress. Had he lived there is no doubt but that he would have fulfilled the expectations of his constituents in making a record which would have been an honor to himself and a credit to his district.

Mr. GRANFIELD. Mr. Speaker, the late W. KIRK KAYNOR was my predecessor in office. It is with a deep sense of profound sorrow that I participate in these memorial services to add my tribute, the tribute of the people of my district and the Nation to the memory of his great name.

KIRK KAYNOR'S life is indeed a fascinating story. It is a challenge to the youth of America. He climbed the rungs of the ladder of life, not only into high places, but into the hearts of his fellow man. The journey from a job in a barber shop at 10 years of age to drug clerk, cow-puncher and sheep herder, student working his way through Hotchkiss and Yale, private in the Army, postmaster at Springfield, Mass., and finally to a seat in Congress at 44 was ample proof of the sterling character of the boy and man. It has a parallel in American history in the life of Abraham Lincoln. Like Lincoln, he attained success by dint of hard work.

> The heights of great men, reached and kept,
> Were not attained by sudden flight;
> But they, while their companions slept,
> Were toiling upward in the night.

Within the circle of his home he was ever blessed with the devotion of a noble wife and with the passionate love of his children, and he was never so happy as when surrounded by his wife and children in his beautiful home. His family worshipped him as he loved and worshipped them. He was a credit to his city, district, and State, and they loved and were proud of him.

On the 20th of December, 1929, Congress had adjourned for the Christmas holidays. His thoughts were of his home, his family, and the few brief days he was to spend with them. Anxious to join them, he decided to travel by plane. Accompanied by his secretary, Stanley B. Lowe, they appeared at Bolling Field ready for the journey. In the spirit of the Yuletide season both were laden with toys and gifts for the home-folks. They had scarcely started homeward when the accident occurred. His death was most tragic. From the wreckage tender hands carefully lifted the toys and the presents which he and his secretary had so thoughtfully purchased, and from one of his pockets, after death had struck so suddenly, was taken the following verse:

> God give us men. The time demands
> Strong minds, great hearts, true faith, and ruling hands;
> Men whom the lust of office does not kill;
> Men whom the spoils of office can not buy;
> Men who possess opinions and a will;
> Men who have honor; men who will not lie;
> Men who can stand before a demagogue
> And damn his treacherous flatteries without winking;
> Tall men, sun crowned, who live above the fog,
> In public duty and in private thinking!
> For while the rabble with their thumb-worn creeds,
> Their large professions and their little deeds
> Mingle in selfish strife; Lo! freedom weeps!
> Wrong rules the land, and waiting justice sleeps!

This verse, my colleagues, issued a challenge to every man in public life; this verse, gentlemen, reflected the high ideals and the personal integrity of my predecessor; this verse was the golden rule of KIRK KAYNOR'S life. It conveys to us all a lesson which we might well adopt and follow.

His was a career of promise, fraught with great possibilities. Although its span was brief, a noble record was left to posterity.

My late predecessor was a loving father and a devoted husband; a friend of humanity with a penchant to work tirelessly for the common weal; a representative citizen, and a Christian gentlemen of whom it could be said:

> His life was gentle, and the elements
> So mix'd in him that nature might stand up
> And say to all the world, "This was a man!"

Mr. LUCE. Mr. Speaker, it was not my fortune to know Mr. KAYNOR before he came to the House. This was my loss, a real loss, for in the few months of our acquaintance I found his attitude toward public questions, his bent of mind, his character, all so worthy of admiration and respect that I could have wished we had worked together through many years. For the same reason his untimely death brought to me keen personal grief in its abrupt ending of a hope for long and intimate association. That the qualities which had quickly made a marked impression on those with whom he had come in touch here, had endeared him to his townsmen, was shown by the general manifestation of sorrow in his home city on the day of his funeral. The city had lost a good citizen. The district had lost a man who would have served it well, the State one who would have brought it honor. Why, at the threshold of opportunity for much usefulness to city, district, State, and Nation, the door should have been closed passeth human understanding. We can but humbly say:

> He knows about it all—He knows, He knows.

Mr. GIFFORD. Mr. Speaker, although it is impossible not to recall with sadness the tragedy that so suddenly cut short the life of WILLIAM KIRK KAYNOR—a tragedy which cast a pall of gloom over my office, especially since he was our near neighbor and had been in the habit of dropping in upon us daily up to the very evening preceding his death—I prefer to let my recollection dwell on brighter memories.

I feel that I had come to know KIRK KAYNOR well as a result of the frequent friendly little calls which it was his custom to make from the time when he first arrived in Washington and shared my office quarters until his own were assigned and made ready. His spontaneous smile, his almost boyish zest in living, made him ever welcome, and, although it had been my privilege to have him as a close acquaintance for only a few months before he was tragically taken from the new circle of which he had so quickly become a part, I shall always feel that when he died I lost a delightful companion, a true friend.

One can only surmise what his achievements might have been in this wider sphere of public service, but those of us who knew him best had discovered under his modest bearing qualities—trained ability, earnestness, magnetic charm of manner, and a saving sense of humor—which would certainly have made him of ever-increasing value to his constituents, Commonwealth, and country.

When he died, in the very prime of life, the Nation lost a public servant whose potential value was great and his host of personal acquaintances a man who was truly beloved because he exemplified the true spirit of friendliness.

Mr. MARTIN. Mr. Speaker, when W. KIRK KAYNOR was called unexpectedly from our midst, a heavy shadow fell over those of us who were proud to call him friend and colleague. The suddenness of his answering the call which comes eventually to all mankind came as a great shock.

The day before he chatted gaily of the well-earned Christmas vacation he was to spend with the family he loved so devotedly. He talked of the airplane trip home he planned so he could better become equipped for service on the Military Affairs Committee, to which he had just been appointed. After trying to persuade him to make the trip by rail instead, I bade him good-by and went along to Massachusetts. The next morning over the wire came the almost unbelievable news that KIRK KAYNOR was dead.

The evening before, a strong man in the best of health, planning for the future which seemed so bright. The next morning

he had answered the call of Him who shapes the destinies of all. Never was there more clearly revealed the frailty and uncertainty of that which we call life.

KIRK KAYNOR served only a short time as a Member of Congress, but his service was long enough to indicate he was a man of capacity, of sincere purpose, and of high ideals. I was privileged to know him intimately, living as I did at the same club, and to admire his courage, honesty, and unselfishness. He was actuated in his public service by the one thought, to render genuine, constructive service to his country and the fine constituency which sent him to Congress.

The earthly life of Congressman KAYNOR is at an end. Inscribed are the early struggles for an education at Yale; a fine business career, splendid service as postmaster and Congressman, a life of a devoted husband and father. Such a life can not fail to win a deserved reward in the invisible future world.

Mr. WIGGLESWORTH. Mr. Speaker, separation, sudden and unexpected, is always difficult for those left behind. Death in the prime of life and on the threshold of useful national service seems particularly sad. And yet if quality be the real test of life, the life of WILLIAM KIRK KAYNOR should in itself serve to mitigate our sadness as his friends and colleagues and to afford a source of pride and inspiration to those closest to him.

Born in Iowa in 1884 as one of a family of nine children he was destined to hew his own way in the world and to play a leading part in all the activities with which he was to become connected.

Starting life in humble surroundings, self-supporting at the age of 10, he was to work as a clerk in a drug store, as a sheep herder and cowboy, and in other capacities, until the autumn of 1903 when he determined to come East for school and college.

Earning his living while at Hotchkiss, he was to become a leader in the classroom, in debate, in athletic and other school interests, and in his class, of which he was to be elected president.

Working his way through Yale with the class of 1912 he was again to attain recognition in scholarship, in oratory, and as manager of the varsity football team.

Over the draft age, with heavy responsibilities at home, he was to enlist as a private of Infantry in the World War, being sent to the officers' training school at Camp Lee and receiving his honorable discharge after the armistice.

Coming to Springfield from the West and devoting himself unsparingly to the interests of the community, he was to win the respect and affection of his fellow citizens and to serve them, among other ways, as a member and chairman of the board of trustees for the community chest, as director and vice president of the chamber of commerce, as chairman of the Republican city committee, as a member of the city council, as postmaster, and as Representative in Congress from the second congressional district of Massachusetts.

It was my privilege to be thrown with him closely during his period of service in Washington. Graduation from rival universities in the same year, election to Congress on the same day, and a common residence in Washington for a part of the time laid the foundation for enduring friendship. To know him was to find integrity, sincerity, sympathy, simplicity. Character and ability both promised much for the years to come.

On the last evening several of us talked until a late hour. He spoke of the satisfaction which he took in his recent appointment to the Committee on Military Affairs, of his plans for the future, of his eagerness to join his devoted family in Springfield for the Christmas holidays. Little did any of us think that the morning was to be filled with tragedy.

To those of us who made the trip to Springfield a day or two later and who had the privilege of meeting the members of his family there was given a deeper appreciation of the man and of the place which he had made for himself in the community. The widespread tribute to his memory was a tribute to the memory of one who had served his fellow citizens faithfully and well and who had died as perhaps he would have wished to die—in the service of his country.

At the funeral services a close friend read to those present the words appearing upon a paper carried by our colleague at all times and taken from his pocket after death. They were the familiar words of J. G. Holland—a memorial—a word at parting:

> God give us men. A time like this demands
> Strong minds, great hearts, true faith, and ready hands;
> Men whom the lust of office does not kill;
> Men whom the spoils of office can not buy;
> Men who possess opinions and a will;
> Men whom love honor, men who can not lie.

ELMER O. LEATHERWOOD

Mr. COLTON. Mr. Speaker, in the death of ELMER O. LEATHERWOOD the State of Utah lost a distinguished citizen and the Nation was deprived of a conscientious and courageous servant. He was born on September 4, 1872, on a farm in southern Ohio, and was educated at the Kansas State Normal School and the University of Wisconsin, from which latter institution he was graduated in 1907. He had also been a student in the Indiana State University and the Chicago University.

Like so many others engaged in public life, he spent a number of years in public-school work and was for a time superintendent of schools in Hiawatha, Kans. After completing his law course he went to Salt Lake City, Utah, where he was engaged in the active practice of law until elected to Congress in 1920. For a number of years he was district attorney of the third judicial district in the State of his adoption and was regarded as one of the ablest prosecutors that ever served the people of that State.

Congressman LEATHERWOOD belonged to a number of fraternal organizations, in all of which he was held in the highest esteem. He was a member of the Elks Lodge, of Salt Lake City. He was also a member of the Eagles and of the Knights of Pythias, in which organization he represented the State of Utah as a supreme representative at the supreme council meetings held at Winnipeg, Canada, and Portland, Oreg. He was the grand master of the Wasatch Lodge of the Ancient, Free, and Accepted Masons, of Salt Lake City. He was high priest of Chapter No. 1, Royal Arch Masons, and past eminent commander of the Utah Commandery, No. 1, of Salt Lake City. He was also a thirty-second degree member of the Salt Lake Consistory.

Mr. LEATHERWOOD was a member of the American Bar Association and the American Law Institute, and after coming to Congress he became a member of the Interparliamentary Union.

Our late colleague always took an active part in civic matters. He was a member of the Alta Club and Commercial Club of Salt Lake City. In addition to his law practice he was also extensively engaged in business and was president of four business institutions in Utah. While he was affiliated with the Methodist Church he was broad in his religious views and had friends in every religious denomination in the State.

I became acquainted with my friend many years ago, but I did not know him intimately until we were both elected to the Sixty-seventh Congress. He was a man one had to know intimately to fully appreciate. He represented faithfully his constituents, and in all his career there was never a question raised regarding his ability or integrity or his personal services in behalf of his State and Nation. In Congress he soon became recognized as an able lawyer and as a careful, discriminating legislator. As a public speaker Mr. LEATHERWOOD was always popular and was widely sought in Utah as a speaker on many occasions. He was an indefatigable worker and was always happy in working out some of the difficult problems of legislation. I am safe in saying that his life was shortened because of the tremendous amount of work he did to protect what he believed to be an inherit right of his State in one of the highly controversial problems recently before Congress.

Mr. LEATHERWOOD loved the great outdoors and took pleasure in roaming through the forests and fishing in the streams of the great West. Until stricken with an illness a few years ago, he frequently took hunting and fishing trips.

Our colleague's home life was a happy one. On December 26, 1896, he married Nancy Albaugh. His talented and educated wife has shared with him his successes in life and has contributed largely in helping to bring about his successful career. A daughter, Margaret, born to this happy couple, was always an object of tender solicitude on the part of her father. Both his wife and daughter were at all times his invaluable aids and companions.

We took his body home to rest at the foot of the great Wasatch Mountains, which he always loved so well. His friends and neighbors by the thousands paid him loving tribute. The citizens of the entire State deeply mourned his passing. His memory will long be cherished in my State and will be appreciated more and more as the people more fully realize the great service he rendered for that State.

I may say, in concluding, that the outstanding characteristics of our late esteemed colleague were sincerity of purpose, loyalty to country, courage, and resolution of soul, all of which blended into that fine attitude with which he undertook every responsibility entrusted with his care. In Utah many there are who will say with Tennyson:

> I climb the hill; from end to end,
> Of all the landscape underneath,
> I find no place that does not breathe
> Some gracious memory of my friend.

And in my spirit will I dwell
And dream my dream and hold it true.
For though my lips may breathe adieu
I can not think the thing farewell.

Mr. FRENCH. Mr. Speaker, I desire to offer a word of tribute to the memory of my friend and colleague, the late Representative ELMER O. LEATHERWOOD, of the State of Utah.

Others will speak of the intimate details of the life of our colleague, his birth, his education, the responsibilities that he assumed during a busy life, and matters pertaining to himself and to his family which are personal in character. My words are spoken with relation to what our former colleague meant as a citizen and as a public official.

Well trained for the legal profession, splendidly informed upon the problems of the West, experienced in unusual degree, Mr. LEATHERWOOD came to the Congress of the United States ready to assume the very large responsibilities that fall upon the members of a legislative body that has to do with determining the policies of a mighty nation. Our colleague seemed to sense the responsibilities that were his, and from the moment that he assumed the obligation that all Members of this body assume he carried on with that intense earnestness, that resoluteness of purpose that mark the activities of men who are impelled with the desire to render an accounting that is worth while of charges that have been placed in their keeping.

Mr. LEATHERWOOD was devoted to his country and to the welfare generally of the Nation; yet his chief concern was that he represent the intermountain country of which his beloved Utah is a part in a way that would reflect material benefit to that great region. With this thought he made it his business to know the problems of the section of the United States for which he spoke and he made it his responsibility to advance the welfare, the interests of that section before the committees of the Congress and upon the floor of this Chamber in a degree that was marked by high efficiency, by courage, and by a thorough knowledge of the problems with which he was concerned.

While our late colleague was gracious and possessed of those virtues that endear one man to another, he was a man of direct action, frank, honest, rugged in his integrity, straightforward in his conversations and whose word was his bond. If there came a time when amiability and righteousness clashed, our late colleague stood for righteousness.

To the lives of such men the people of a State who love good citizenship may look for inspiration. He was a man who carried into high office the simple devotion to duty that we love to teach our children to observe and who during nine years of service in the House of Representatives bore himself with such fidelity as to challenge the respect of lovers of good government and command the confidence and esteem of the people who had time and again chosen him to be their Representative and the peoples of other States who shared in the contributions that he made to the welfare of the Republic.

Mr. CRISP. Mr. Speaker, on December 24, 1929, the House and Nation were saddened when it was announced that the Hon. ELMER O. LEATHERWOOD, a Representative from the State of Utah, had "crossed over the river." It was my privilege to know Mr. LEATHERWOOD well, and to know him was to admire and love him. He was able, conscientious in the discharge of his public duty, and true to his convictions. He enjoyed the confidence and respect of both sides of the House. His passing away was a distinct loss to the Nation.

It was my privilege for years to live at the same hotel with him, and it was an inspiration to watch his family life. He was a devoted husband and father, and his public and private life were without blemish. Truly it can be said of him, "Well done, thou good and faithful servant; enter thou into the joys of thy Lord." We who loved him here can but feel that he has but left this little life for a larger, fuller, freer one.

When earth's last picture is painted and the tubes are twisted and dried,
When the oldest colors have faded, and the youngest critic has died,
We shall rest, and, faith, we shall need it—lie down for an æon or two,
Till the Master of all good workmen shall put us to work anew.

And those who are good shall be happy, they shall sit in a golden chair;
They shall splash at a ten-league canvas with brushes of comet's hair;
They shall find real saints to draw from—Magdalene, Peter, and Paul;
They shall work for an age at sitting and never be tired at all!

And only the Master shall praise us, and only the Master shall blame;
And no one shall work for money, and no one shall work for fame,
But each for the joy of the working, and each in his separate star,
Shall draw the thing as he sees it for the good of things as they are.

Mr. DRANE. Mr. Speaker, in the very early days of the Sixty-seventh Congress I was attracted to a gentleman whom I had never before seen, but he was not a stranger because he wore upon his watch chain the emblem showing him to belong to the order of Elks. I found him to be a good Elk. We immediately became close friends, and from then until he closed his eyes for his last sleep the friendship continued unbroken. That friendship contributed much to the sweetness of my life, and I rejoice that it was given to me to have him for a friend.

There was much in common between us, and when in after years we voyaged over many seas and traveled together in many strange lands, out there where the East meets the West, and even far beyond, for many days we were fellow voyagers and our friendly relations were more intimate. We had essentially the same creed, though not of the same church affiliations. We had the same philosophy of life, the same love of home and family and country, and when one night we sat long on the deck of a ship, with only the stars to give us light, we found that while affiliated with opposing political parties—he a Republican from Utah and I a Democrat from Florida—we were alike in our views on questions of political economy, the difference being based upon the love of each for his own home country.

I have broken bread with him in his own beautiful home, and have worshiped God with him before the same altar in his home city, and I can see now in retrospection the love and respect shown him by his constituency as we lingered for awhile outside the church door on that summer day, in Salt Lake City.

I recall vividly the last time I saw him. I was passing his open office door and lingered for a moment, hesitating whether to disturb his reverie, for he was looking into vacancy as though seeking to penetrate a vision far beyond the power of his human eye. He was alone with his thoughts, his thoughts perhaps being with God. I tiptoed away. He did not see nor hear me. I saw him no more, for I went home to see my loved ones in the Christmas season, and he went, during my absence, to solve the mystery which had engaged his thoughts and strained his vision as I saw him that winter afternoon, alone.

And so, good friend, good-night, until we meet again to say with a smile, good-morning.

Mr. ELLIOTT. Mr. Speaker, in the passing of Hon. ELMER O. LEATHERWOOD, Representative in Congress from the second district of the State of Utah, from the scene of his earthly labors to that undiscovered country from whence no traveler returns, the Nation lost an honest, able, and fearless legislator, who was well equipped in every way to look after the interest of his State and district in the complex affairs with which we have to cope every day in this great lawmaking body.

He was born September 4, 1872, on a farm in southern Ohio. His early days were spent in the environs of country life, but he was destined to take a more prominent place in the world's affairs, and by hard work and perseverance he worked his way through the common schools, then through the Kansas State Normal School, and graduated in the class of 1901 from the University of Wisconsin with the degree of bachelor of laws.

For a number of years he taught school. After his graduation he began the practice of his profession in Salt Lake City, Utah, in 1901. He continued the practice of law until his election to Congress, and was district attorney of the third judicial district of the State of Utah for seven years. He was elected to the Sixty-seventh Congress and all succeeding Congresses.

During the hearings over the bill to authorize the construction of the Boulder Canyon Dam, in which he took a most active part, he undermined his health to such an extent that it later resulted in his death. He died a martyr to his fidelity to the trust reposed in him by the people of his district. The words of Gray in his Elegy Written in a Country Churchyard are fitting here:

The boast of heraldry,
The pomp of power
And all that beauty and wealth e'er gave,
Await alike th' inevitable hour,
The paths of glory lead but to the grave.

He was united in marriage to Miss Nancy Albaugh December 26, 1896. To this union one daughter, Margaret, was born, who, with her mother, survive him.

His home life was ideal and his interest in his family was always to be noticed.

In his social affairs he had many strong friends, of which I am proud to be one of the number, and I have spent many pleasant and profitable days in his company.

All who knew him will miss him sadly, but they have this consolation: That in all of the many positions of trust and confidence reposed in him by a grateful people he made good, and he will be respected and loved by all who knew him.

Mr. KNUTSON. Mr. Speaker, again the death angel has come among us and taken from our midst a stalwart Member of this House and of our committee—ELMER O. LEATHERWOOD, from the State of Utah.

Mr. LEATHERWOOD had been a Member of Congress for a long time, being elected to the Sixty-seventh Congress and succeeding Congresses, serving until his untimely death. He was appointed a member of the House Committee on Pensions in the Sixty-eighth Congress and served in that capacity until the date of his death in 1929. I had the pleasure of knowing and to some extent, I trust, appreciated the character of this distinguished man.

I will endeavor to speak of the deceased as he impressed me. He was an affirmative character, a trait many do not strongly possess. He had and took early advantages to acquire qualifications to combat the battles of life, being graduated from the Kansas State Normal School and the law department of the University of Wisconsin.

I have said that the deceased was an affirmative character—he took a decided stand for policies and measures that he deemed to be right and for the best interest of his country and advocated them forcibly and uncompromisingly; he was affable in debate, though never flinching from the ideas formulated in his mind and by him reasoned to be in the best interest of his country. Perhaps his most marked characteristic was his zealous loyalty to his friends that he loved and the causes he espoused. His success and achievements were not accidental, as is shown by his steady demand. In fact, no really great life is an accident.

After his graduation from the department of law, University of Wisconsin, he served as district attorney for eight years in the third judicial district of Utah and later served as president of several large mining corporations, until his election as a Representative in Congress. I know nothing of his religious affiliations or of his fraternal connections; my experience in a party way leads me to believe that he was more or less a disciple of the great philosophy enunciated by Ellen Wheeler Wilcox when she said:

So many gods, so many creeds,
So many paths, that wind and wind;
When just the art of being kind
Is all this sad world needs.

I can not speak of his home life, and I know nothing of his services to the people of Utah before he came to Congress. Of those phases other Members who are familiar with his former career will pay their tribute to him in a more appropriate manner than could I, but I enjoyed his friendship in the time I knew him as a Member of Congress. I merely wish to come in all humility to pluck one of the flowers that have grown over the walls of party politics and to reverently place it upon his grave, religiously, trusting in all sincerity that we may share the effects of its beneficent influence when we "greet the coming of another age of youth and usefulness in another radiant Easter, beyond the gates of night."

Mr. MILLER. Mr. Speaker, one of the saddest things of life is to see a man stricken by death before his full time had come, when the years of his usefulness to his country, to his people, and his family have barely been reached. Such to me was the untimely death of ELMER O. LEATHERWOOD. The growing grain was garnered before it had been ripened by the mellow sun of autumn, before it had been seasoned by nature to yield its greatest gift to man.

Death, which comes as the next step after life, is not to be feared. It is the inevitable course of nature, planned and purposed in the scheme of things by the Creator of the Universe under which we all have a being, but for the messenger to come at the midday of life, when the sun is at its fullest, without the warning of a shadow falling to the eastward is the saddened thought we contemplate to-day. It is not death that causes our sorrow, it is the passing out from among us of a life half journeyed, half completed. Death comes to the aged in full expectancy, but to youth and to unripened manhood it lessens the number of toilers for progress, and to that end the world is less endowed by the fruits of a promising life of usefulness.

ELMER O. LEATHERWOOD was a toiler; his was a life of work. In early boyhood he seems to have conceived that only by work and hard work could he rise above his fellows and achieve a vantage place in his life. He considered it a duty to make the most of himself and thereby contribute his part in full, rounded measure to the benefit of others and to the orderly upbuilding of things. He was a worker and a builder of which, alas, we have altogether too few in our time and generation. We may call this trait ambition, industry, or any term we choose—it is in its final analysis the highest and noblest trait of character—a worker, a leader, a builder—builder in thought, builder in character, builder in action over and above the dull and drab things of life.

ELMER O. LEATHERWOOD was endowed with a mind far above the average, grasping in his eager toil those things which, if rightfully applied, leads to success in life. Ways so shaped themselves that in early manhood he became, through this toil and industry, the teacher of others, instilling in them this indomitable and what we might call indefatigable spirit of moral and intellectual development. No nobler purpose ever prompted a human life—not only a builder of himself but a builder of others.

Naturally endowed and at the same time constantly adding to it the years of accumulation of a wise and proper course of study he took his place among his brethren at the bar. It was here he showed the full measure of the power that had been coming to him all these years. He became a noted lawyer, arising by the strength of this endowment to the very leadership among his profession. He stood for the majesty of the law and the rightful course of life. He was impatient with the offender who violated the orderly course of good conduct. His highest and greatest efforts were to lead to justice those who were arrayed against the rights of others and thereby against the State. He rejoiced in the thought that he could be of service to his brother man and to his people in preserving to them the innumerable things to which they have right and at the same time become and be a defender of our institutions. He was a soldier, a brave and relentless warrior in the battle for the rights of others. I ask in all candor, is there a better or more useful life?

Death came while he was the spokesman for his people in the halls of the lawmaking power of the Government, a place where he could have full flow of his gift of genius. His talent was ever ready, he never wavered from his conception of right and justice. We have too few such gifted men.

All that lay behind and all that was to come out of this noble character lies now in the soil of his State to which he brought naught but honor and rectitude of life as a citizen and as an official. Utah should and will long bear witness, as do we to this gifted son, cut down in life near the threshold ere the full noontime had come. Splendid, upright, able man, we bid ELMER O. LEATHERWOOD rest in peace awaiting the coming of that happy and glorious morn when, as promised, the sun shall break in its everlasting rays of beauty.

Mr. CROWTHER. Mr. Speaker, ELMER O. LEATHERWOOD was elected to the Sixty-seventh Congress in November, 1920. We soon realized that he was a man of sterling worth and a forceful character. As district attorney in his home State he had made a remarkable record, and in civil practice he was recognized as a lawyer of marked ability. He was possessed of a keen, analytical mind and was a past master in the art of understanding human nature. His presentation of the legislative propositions that he brought to the floor of the House was marked by convincing argument and splendid continuity of thought. He marshaled his facts and figures in battle array to a conclusion that was forceful and convincing.

He made his most brilliant presentation during his fight against the Boulder Dam development, and the State of Utah had a champion that fought for its rights in the face of the most determined opposition.

While the contest was at its height he became ill, and yet he fought on and refused to quit. He had the courage that is so necessary in political life if one is to be respected. He rallied temporarily, but the strain had taken toll of his weakened physical condition, and the day before the joyous Christmas tide in 1929 his spirit joined the "souls of just men made perfect in that eternal home which is our final resting place."

He was a stanch advocate and exemplar of party loyalty. He had no sympathy for the political group who masqueraded as independents and strove to destroy party solidarity. He was concerned as to the fundamentals of his Republican faith, and no whim or passing fancy ever succeeded in securing his approval, even though their adoption would have been of temporary benefit to him politically. So few men in public life are strong enough to prefer principle to expediency that Congressman LEATHERWOOD'S record should be a source of pride to his many admirers.

Those of us who knew him best, knew him in his home life, his love of his wife and his ambitions for his daughter's career, all regret his passing from this earthly sphere. Our heartfelt sympathy is extended to his immediate family and to the host of friends he had made.

Pale sorrow leads us closer to our kind,
And in the serious hours of life we find
Depths in the soul of men which lend new worth
And majesty to this brief span of earth.

Mr. REED of New York. Mr. Speaker, the true value of a man is not his material wealth but the social, civic, and spiritual contribution he makes to his country. It seems to me as I look back over the conspicuous public service rendered by my dear friend Hon. ELMER O. LEATHERWOOD, as a Representative in Congress from Utah, that few men during a like period can show a finer record of achievement.

It always seemed to me as I saw this man of fine character and unusual mental ability, enriched by long experience at the bar of his State, battling for the things really worth while on the floor of the House and at committee meetings, that the country might expect a high standard of legislation due to the efforts of such a man.

I know of no man who enjoyed the respect and confidence of his colleagues to a greater extent. That, I believe, was due to the earnestness and zeal with which he applied the whole force of his character and intellect to the solution of every public question.

One of the things that naturally appealed to me as chairman of the Committee on Education, of which he was a most valuable, highly respected, and honored member, was the deep interest which he displayed in the youth of the country. Whenever any bill was before the committee for consideration, his chief concern about the measure was to be sure that it would be fair to the teaching profession and open up a wider field of opportunity for the boys and girls throughout the country. It was quite easy to understand this when I learned that he had been a teacher in his early days and that his heart was in the little red schoolhouse that had meant so much to the great Northwest.

After observing the earnest efforts of my dear friend to enact legislation helpful to this and to future generations and the high ideals that inspired him, I have thought of the words of Webster:

> If we work upon marble, it will perish; if we work upon brass, time will efface it; if we rear temples, they will crumble to the dust. But if we work on men's immortal minds, if we imbue them with high principles, with the just fear of God and love of their fellow men, we engrave on those tablets something which no time can efface and which will brighten to all eternity.

The untimely death of my dear friend Representative LEATHERWOOD was a severe loss to the House of Representatives and to the country which he served. A review of the remarkable public service which he rendered during his long and honorable career both at home and at the Nation's Capital will be an example to those who follow after him, which can not be measured by any material standards. His every action has enriched and ennobled those who have come in contact with him and those who have selected him as an ideal worthy of emulation.

Mr. GUYER. Mr. Speaker—

> Leaves have their time to fall,
> And flowers to wither at the north wind's breath,
> And stars to set—but all—
> Thou hast all seasons for thine own, O Death.

These lines are particularly appropriate concerning the passing of Congressman LEATHERWOOD. His end came on the afternoon of a beautiful Christmas Eve amid the usual happy preparations for that joyous event of Yuletide. And it is remembered that his last thoughts were for the happiness of those he loved as he bid them a cheery good-bye, which proved to be his last. Thus mingled with the music of the Christmas bells was the solemn tolling of the knell of a busy and most eventful life.

During the early period of his manhood he was engaged in teaching in Kansas, having prepared for such work at the State Normal School of Kansas at Emporia. Later he studied law at the University of Wisconsin, from which in 1901 he received the degree of LL. B. Since 1901 he has been an active practitioner at the bar of Utah, engaging in that profession at Salt Lake City. His ability was attested by the fact that for many years he was district attorney for one of the judicial districts of Utah. Those who served with him on committees knew that he was a profound student of the law, and in his work on such committees gave evidence of his preeminent ability as a lawyer.

It was, however, as a Representative in the Congress of the United States that he performed his greatest public services to his State and to his country. Congressman LEATHERWOOD took his task seriously and worked with single-minded fidelity to the interests of his State. When the interests of Utah were at stake he never slept. He was an earnest two-fisted fighter in behalf of his adopted Commonwealth, and no man ever raveled out his life with more prodigal unselfishness. His life was shortened by his strenuous devotion to his country and State.

Those who knew Mr. LEATHERWOOD in his home life knew him as a most devoted husband and father. He was happy in the ideal home life which he was fortunate in possessing, and this was the harbor of peace and repose to which he repaired from the stormy fisticuff of congressional life it became necessary for him to enter in order to protect the interests of his district and State. He passed away as a martyr at the helm of duty.

When the end came a grateful State bowed at his bier. Few men have been mourned more sincerely than was Congressman LEATHERWOOD as he passed from the stage of an eventful life. His State loses a faithful and efficient Representative and his country a devoted patriot.

As one who represents a State where he received a part of his education and where he still retains a host of old friends, I am grateful for this occasion to pay a tribute to his useful and eminent public services and to his superlative qualities of mind and heart.

Mr. SEARS. Mr. Speaker, it is a great privilege to me that on this occasion I may say a few words recalling our late colleague, Hon. ELMER O. LEATHERWOOD. It is always given to men to make a choice. To play a man's part or otherwise. To be helpful, or to hinder, and finally, at the end, when those who remain are recalling, to be spoken of in terms of high value and proper human praise, or to rest in the charity of their silence.

I knew ELMER O. LEATHERWOOD by reputation before I came to Congress eight years ago. I became acquainted with him personally then. My relations with him were intimate until the time of his death. The longer and surer my acquaintance, the better my understanding and valuation. I record a fact known to all who were privileged to his intimacy that as a lawyer and a Congressman he was well beyond the average of each of those classes as to ability and capacity, and that he ever played his part in each relation as becomes a strong and good man. And here it might well be said that his devotion to duty as he saw it in a matter before Congress, wherein his State and district had a vital interest, was of such intense mental, physical, and moral strain that the seeds of his fatal illness took root.

He enjoyed his friends and family. There was no better husband or father. His friendships among men were strong. He loved the wildness of nature and communed with it. He liked men that enjoyed the chase and the dogs and the guns. But he also loved to be in the forefront when lawyers and legislators were battling, and where his lucidity of analysis and clearness of statement could fortify the place of his interest.

All in all, he was a man well worth while to know and to recall. With whom it was a privilege to associate on terms of intimacy. There is a kindly place reserved to those who have fought and finished life's good fight; who have finished well their course. If we are as true wherever we are as was ELMER O. LEATHERWOOD wherever he was, we need not worry but that some time in nature's proper course we will find him out and pick up a glorious thread of life anew.

JAMES ANTHONY HUGHES

Mr. SHOTT of West Virginia. Mr. Speaker, on behalf of the West Virginia delegation in Congress, the members of which have designated me to speak for them on this impressive occasion, I desire to pay a tribute to the memory of Hon. JAMES ANTHONY HUGHES, a Representative in Congress from West Virginia and a leading citizen of that State, whose death occurred on March 3, 1930.

JAMES ANTHONY HUGHES was born in Corunna, Ontario, on February 27, 1861, and when 12 years old removed with his parents to Ashland, Ky. As a boy and young man he was industrious and gained rapid promotion and became a successful business man. In 1885 he married Miss Belle Vinson, a daughter of Col. S. S. Vinson, one of the leading citizens of Wayne County, W. Va., and has two daughters, Mary Eloise and Tudell Vinson. Mr. HUGHES early took an interest in public affairs and was elected to represent the counties of Boyd and Lawrence in the legislature of Kentucky for the years of 1887 and 1888. He then removed and cast his lot and life with West Virginia, and became prominent in Republican politics, being elected to the State senate from the sixth senatorial district, the first time that district ever elected a Republican.

He became a West Virginian through the process of service in the days of her early industrial development like so many others of those pioneers who left their imprint on the times in which they were active and their memories as an enrichment of the history of the State. He was elected to the Fifty-seventh,

Fifty-eighth, Fifty-ninth, Sixtieth, Sixty-first, Sixty-second, and Sixty-third Congresses, when he voluntarily retired and reentered on a business career, from which he was called to again enter public life and was elected to the Seventieth and the Seventy-first Congresses. Mr. HUGHES holds the distinction of having been elected to Congress more times than any other man in the history of the State, exceeding by one election the record of the late Harry C. Woodyard.

JAMES A. HUGHES was active in all of the movements for the establishment of educational and welfare institutions in the growing State and as a member of the State senate and as a Representative in Congress was potent and useful in the advocacy of such measures as would contribute to the advancement and betterment, and the development of the vast deposits of natural wealth that makes West Virginia one of the outstanding States of the Union in raw materials.

Mr. HUGHES had a strong as well as a pleasing personality. His kind and friendly disposition made him many friends and firmly attached them to him when made. In all matters of large or small importance he was ready and willing to aid those who sought his help. He was an indefatigable worker and never tired in his effort for his constituency and this was the secret of his long encumbency as a Congressman.

His friendships were not found alone in the political party with which he was affiliated but extended to all the State's citizenry. He was diligent, industrious, thorough in his work in Congress; had served on a number of important committees; had been chairman of the Committee on Accounts; until his last illness, he was active in behalf of his constituents and helpful to his colleagues, and a source of counsel and inspiration to them.

Mr. HUGHES was successful in sponsoring the erection of more public buildings in West Virginia and securing more waterway improvement than any other Member from our State. His life was a remarkable one and illustrates the achievements, the honors which are obtainable by the laudably ambitious young men in this great country, whether immigrant or native born, under our beneficent systems of government—State and national. But while such opportunities are placed within the reach of all, it is only the industrious, the energetic, and the persevering who succeed. The spirit of democracy is exacting and has no patience with the negligent and the indolent. Hence it is always safe to assume that the successful man has earned and deserves his attainment. The man of deeds inspires his country quite as often and as influentially as the man of many publicly spoken words. With limited early opportunities, Mr. HUGHES's career stands out as an encouragement to the generations.

West Virginia may well say in farewell to this honored son, who served his State so faithfully and successfully—

Well hast thou in my service wrought;
Thy brow hath mirrored forth my thought,
To wear my smile thy lip hath glowed;
Thy tear, to speak my sorrows, flowed.
Thine ear hath borne me rich supplies
Of sweetly varied melodies;
Thy hands my prompted deeds have done,
Thy feet upon my errands run;
Yes, thou hast marked my bidding well—
Faithful and true! farewell! farewell!

Mr. JENKINS. Mr. Speaker, I had a long and pleasant acquaintanceship with Hon. JAMES A. HUGHES. His district and mine were separated for miles by the beautiful Ohio River. Mr. HUGHES possessed a warm, congenial personality. His striking appearance also commanded the respect of those who knew him. His kindliness endeared him to his acquaintances, and this was evidenced by the fine spirit of respect and friendship which the people generally showed him. These qualities, together with his high character and his devotion to duty, made him an impressive figure in the life of his home city of Huntington and in his district.

I was of the committee of Members who attended his funeral, and I have seldom witnessed a similar occasion where I saw stronger evidences of love and respect for the dead than was shown by the great concourse of his fellow citizens who gathered to pay a last tribute to their friend. In this tribute paid him by the people who knew him best, it was plain that they felt that they had lost a friend. As an evidence of this I quote the following beautiful tribute from the Wayne County (W. Va.) News, which is printed in a section where his life was spent, where he was best known:

The citizens of Wayne County have particular reason to mourn the passing of this illustrous man as the loss of a loyal friend. For many years the life of Mr. HUGHES has been closely identified with Wayne County interests. He had ably represented this county in Congress; much of the campaigning of his early years was on Wayne County soil; he had lived in Wayne County and at his death was an extensive property owner here; his widow, Mrs. Belle Vinson Hughes, is a native Wayne County woman. All of which causes our people to keenly share the wide-spread bereavement which the news of his death has brought.

As a public official Mr. HUGHES was unselfish and public-spirited to a high degree; as a citizen and a business man he was progressive, energetic, broad minded; as a friend to thousands, regardless of race, religion, or politics, he was loyal, sympathetic, thoughtful, always possessing a rare capacity for friendship for the man or woman who needed his assistance.

Mr. HUGHES was one of the most dependable and aggressive supporters of the Republican Party in the State, yet he was never partisan to the extent that he would not befriend a man of opposite political beliefs quite as readily as one of his own political faith. Indeed, he lived that virtue in a remarkable manner.

Those whose privilege it was to know him intimately, and that number is legion, knew Mr. HUGHES to be a Christian gentleman, a faithful and honorable public servant, and a man who valued his personal friendship as his greatest asset in life. And no better eulogy could be paid to any man than that. His career of nearly three score and ten years is crowded with noteworthy achievements and kindnesses which cause him to be highly respected and affectionately remembered by a great army of people in every walk of life.

In the last conversation which the writer enjoyed with Mr. HUGHES he expressed a sentiment revealing his fine character by saying that after all man's only excuse for existence in the world is the good he can do for his fellow man.

In the room of the writer hangs a framed expression of this same philosophy under the title "The Love of Friends." It reads:

"Man strives for glory, honor, fame,
That all the world may know his name.
Amasses wealth by brain or hand,
Becomes a power in the land.
But when he nears the end of life
And looks back o'er the years of strife,
He finds that happiness depends
On none of these—but love of friends."

To the friends and relatives of Mr. HUGHES comfort and solace may be had in this sad hour by reflection upon the life he lived and the friends he made. Truly, he found his happiness in life in the love of friends and in their hearts he still lives in loving memory.

Mrs. LANGLEY. Mr. Speaker, it may with truth be said that when JAMES ANTHONY HUGHES passed into the great beyond and closed his eyes in that long and mysterious sleep from whence no traveler ever returns, all who knew him mourned with a deep and sincere grief. Those whom he served so faithfully and ably, the thousands who passed by to take a last look at the face, and pay a loyal tribute to the one they loved so well, were bowed in silent and profound grief.

His one thought through life was service, his creed to serve first the meek and lowly, to help those who needed help most. Truly, it can be said of him, to live lives we leave behind us is not to die. The memory of his deeds will linger throughout the years. He gladdened the hearts of all with whom he came in contact and spread love and sunshine along life's pathway. He had a heart which was capable of expanding so as to cover the whole field of humanity. His soul was filled with the radiant spirit of sacrifice for those near and dear to him.

When Jesus walked among men, He said:

It is more blessed to give than to receive.

And so with JIM HUGHES. He gave his all that the world might be made better and happier. The grandeur and glory and sweetness of love to his fellow men and to the world was his to give in public and private ministrations.

He had a broad vision of his duty to mankind, and his life shed a beneficent sunshine upon all humanity. He never went back on a friend and was always ready to forgive his enemies.

We shall miss him in the Halls of Congress. His great aid to the coal industry was outstanding, and one of his greatest achievements for his State and district was the appropriation secured for the Ohio River. He was always untiring in his friendship for the soldiers and their dependents. He was instrumental in securing large appropriations for public buildings, which stand to-day as a monument to his memory.

Mr. HUGHES was first elected to Congress in 1900, and was returned for seven consecutive years. In 1926, when he announced his intention of coming back, it was an epochal entry. He won over strong opposition in the primary and carried the district by an unprecedented majority. This told the story of the remarkable trust and confidence in which he was held by his people. His return to Congress after an absence of 12 years was hailed with delight by his many friends in the House. In his

record in Congress he was noted for his strict adherence to the sound economic principles of the Republican Party and his personal attention to matters pertaining to departmental work for his constituency.

Having thus epitomized the real traits of the man, I trust I may be pardoned for indulging in a bit of reminiscence. My husband, who was my predecessor and for 19 years served with great honor and distinction, was the boyhood friend of Congressman HUGHES. When Mr. HUGHES was a resident of Kentucky more than 40 years ago they were fellow members in the Kentucky Legislature and they both made their maiden speeches on a question which was the early aftermath of the famous Hatfield-McCoy feud. After serving in the Kentucky Legislature, Mr. HUGHES moved to West Virginia and engaged in business. There he met and married Miss Belle Vinson, who belongs to one of the most distinguished families in West Virginia, and whose untiring work and devotion to her distinguished husband has had much to do with his phenominal success. Where he was there she was always, side by side, they shared life's joys and sorrows. Two lovely daughters blessed this union. One more personal word. Belle Hughes introduced me to Mr. Langley, and Mr. HUGHES was the best man at our wedding, November 23, 1904, Asheville, N. C. The Langleys and the Hugheses have been devoted friends, and we feel he has been allured to a brighter world and has only led the way.

Such men as Mr. HUGHES lift men out of the shadowed valleys of discouragement up to the mountains of hope, sunlit by his genial smile, his happy laugh, and his magnificent personality. It has been said that it is a wise man who sets his heart not on wealth or fame but on service and affection.

I can not say, and I will not say,
That he is dead. He is just away!
With a cheery smile and a wave of the hand
He has wandered into an unknown land,
And left us dreaming how very fair
It needs must be, since he lingers there.
And you, O you, who the wildest yearn
For the old-time step and the glad return,
Think of him faring on, as dear
In the love of there as the love of here.
Mild and gentle as he was brave,
When the sweetest love of his life he gave
To simple things; where the violets grew
Pure as the eyes they were likened to;
The touches of his hands have strayed
As reverently as his lips have prayed;
When the little brown thrush that harshly chirred
Was dear to him as the mocking bird;
And he pities as much as a man in pain
A writhing honeybee wet with rain.
Think of him still as the same, I say,
He is not dead—he is just away.

JAMES PETER GLYNN

Mr. TILSON. Mr. Speaker, under our present practice, memorial services for all deceased Members who have died during the year are held together on a single day, and all Members of the House are permitted to contribute as a part of the record their words of eulogy. In accordance with this practice, and under the rules of the House, it is my special privilege to place in the record a brief statement in appreciation of the life and public services of my late colleague, JAMES P. GLYNN.

The record of the public services of Mr. GLYNN is a legacy of far more enduring value than any mere material fortune that he might have accumulated had he devoted his ability and his life entirely to private business and to his own personal affairs. It is a consistent record of faithful, efficient, and effective service. His service in Congress during nearly 14 years is familiar to the membership of this House, so that it is unnecessary for anyone to do more than refer to it in paying a last tribute to him upon his passing. First, however, let me submit something, though a bare outline, of his earlier life and antecedents in order to form a proper background for what he accomplished later.

Dennis Glynn, the father of JAMES P. GLYNN, was born in Ireland on Christmas Day in the year 1838. At the age of 13 he migrated from County Clare, landed at Castle Garden, thence going direct to Torrington, Conn., and later to Winsted, where he worked on a farm and attended public school in the wintertime. When the news that Fort Sumter had been fired upon was flashed across the country and the call for three months' volunteers followed it, Dennis Glynn, then 22 years of age, was one of the first men in Connecticut to enlist. Upon the expiration of his enlistment he immediately reenlisted in Company C, Ninth Regiment Connecticut Volunteers, in which he served until honorably discharged near the end of the war. He did his bit in the time of his country's need. He died in 1881, when his son, who is the subject of these remarks, was a lad of 14 years.

Jane Gerrahty, spelled in this country Gerraty, was born in 1844, in West Meath, Ireland. She migrated to this country, where she married Dennis Glynn and became the mother of four sons and two daughters, James being the second son, and who, after the death of his father, became the mainstay of the family. The mother died in 1911.

Our late friend and colleague, JAMES PETER GLYNN, was born in Winsted, Litchfield County, Conn., on November 12, 1867. He attended the public schools in Winsted until, at the age of 11 years, he was obliged to obtain employment in order to support his mother, brothers, and sisters, his father being then in failing health. His first employment was with the Owen Clock Co. Young GLYNN was studious and ambitious. First attending night schools, he later took up stenography as a step to the ultimate study of law, working at his stenographic course in the night school with such assistance as he was able to get. Becoming proficient in stenographic work, he obtained employment in certain law offices, using his spare time in the study of the law. In 1895 he was admitted to the Connecticut bar. Being both a lawyer and a stenographer he did work for some of the most important of the legislative committees of the General Assembly of Connecticut.

Mr. GLYNN was regarded by the prominent members of the bar who knew him as possessing one of the best legal minds of any of the younger lawyers of western Connecticut. From the time of his admission to the bar, and during the period when he later served as prosecuting attorney of the town of Winchester, he was active in the practice of law. He attracted clients from all walks of life. Business interests sought his advice and his services, and he always had a peculiar faculty for doing work in the community for the aged and the near dependents about him who were unable to pay for legal services. To these he was as devoted as he was to those who were abundantly able to compensate him. He possessed endless patience, and was always willing to serve any and every one regardless of their ability to pay.

As a good brother, Mr. GLYNN assisted in the education of his brothers and sisters—one brother becoming a physician and another a dentist. In fact, his whole life, domestic as well as public, was one of helpfulness and loyal service.

In the year 1891 Mr. GLYNN held his first public office, for in that year he was elected town clerk of Winchester. In 1899 he was appointed prosecuting attorney for the town of Winchester, serving in this position for about three years, when he was appointed postmaster at Winsted. His service as postmaster was so satisfactory in every respect that he continued to serve in this position until 1914, when he was first nominated and elected as a Member of the Sixty-fourth Congress from the fifth congressional district of Connecticut. He served in Congress continuously until the date of his death, except for a period of two years. In 1922 he was defeated as a candidate for reelection to the Sixty-eighth Congress by the Hon. Patrick B. O'Sullivan by reason of circumstances for which Mr. GLYNN was not responsible, and which were in no wise discreditable to him. In the succeeding election he was returned to Congress, and through successive elections remained there until the day of his death.

On March 6, 1930, while on the train returning from the funeral of his committee colleague, James A. Hughes, of West Virginia, Mr. GLYNN was stricken suddenly and died before reaching Washington. He leaves to mourn his loss one who was a devoted wife, his inseparable companion through all his trials, defeats, and successes. Their home life was beautiful and their companionship ideal.

The secret of success in the life of Mr. GLYNN is not far to seek. Character was the basis. He was honest, genuine, and true. He was reliable, faithful to his work, and to his friends. He was beloved by all who knew him. He was modest, almost to the degree of timidity, but he won his way to the hearts of men, and for this reason his efforts were more effective than the aggressive struggles of others. On the floor of the House he spoke seldom except when matters concerning his own district were being considered, and when bills reported from his committee were before the House. He was effective, however, because he asked only what he believed should be granted, and he was seldom denied in any of his requests. The Members of the House who have served with him will long remember him as one of the most companionable and lovable of men.

Mr. MERRITT. Mr. Speaker, our colleague JAMES P. GLYNN was one of those quiet and modest men who are not inclined to do striking or spectacular things which would attract atten-

tion. But in his character and in his life he illustrated the truth of the adage that "Still waters run deep." He was in the best sense a well-educated man, because by his experience and his reading and his work he was well equipped as a Representative in Congress. After his education in the public schools of his native town, he was admitted to the bar in 1895. His standing in his own community is shown by the fact that he was elected the town clerk successively from 1892 to 1902, and in the Connecticut system the town clerk is an important office of great trust. He also was prosecuting attorney in the town court for several years and was postmaster at Winsted from 1902 to 1914. He was then elected to the Sixty-fourth Congress and served continuously, with the exception of the Sixty-eighth Congress, until his death early in the Seventy-first Congress.

His career in Congress resembled his career outside of it, namely, that it was one of quiet work and effective performance. He became widely known to his associates, and it is no idle eulogy to say that as his acquaintance grew the respect for his opinion grew also. In matters which came before the committees of which he was a member he had a full and correct knowledge, and his judgment in such matters had a wide influence in the House. When bills from his committee came before the House he was capable and able in managing their passage, being a clear and logical speaker, and from his knowledge of the subject matter was able to answer inquiries promptly and correctly; and back of all this ability and knowledge was a sterling character. His colleagues appreciated that any statement from him was absolutely trustworthy, that he could be relied upon to give honest advice, and that he would always vote in accordance with his principles without regard to the effect of his vote upon his personal fortunes. That this same opinion was held of him in his district was shown by the fact that he constantly ran ahead of his ticket, showing that in addition to his party support he had also a strong personal following. In his personal and political relations he lived up to the best traditions, as a man and as a Christian. While he was firm in holding to his own beliefs and his own opinions he was tolerant of opinions which differed from his own, and his personal relations were never strained by such differences. When he died there was genuine grief for his loss. His life will be long and gratefully remembered in his community and by his colleagues in the Congress as an example of a pure and strong character and a good mind devoted to the public service.

Mr. FREEMAN. Mr. Speaker, it was a privilege that I certainly appreciate to count the late Representative from Connecticut, JAMES P. GLYNN, not only a colleague but also a true friend.

Our acquaintanceship began many years ago, when he was a representative in the General Assembly in Connecticut and a member of the committee on cities and boroughs, and later when, in 1914, we were both elected Members of the Sixty-fourth Congress, this acquaintanceship ripened into true friendship. Naturally, we both had common interests and common problems as fellow Representatives from our native State, and the comradeship that grew from our frequent conferences was warm and rich in mutual esteem and confidence. I prized his calm, quiet nature, his kindly heart, his sound judgment. These are traits which endear a man to those privileged to know him. His fellow townsmen of Winsted, Conn., and all of his constituents of the fifth district admired and trusted him implicitly—as well they might—for to every political office he received at their hands he brought honor and dignity, as well as ability, proving himself thoroughly competent for the discharge of every duty. He saw the good in all men and was never known to speak uncharitably of any. He knew no envy nor courted any fanfare of trumpets for himself. In fact, his ways seemed always "ways of pleasantness" and "all his paths peace." Thus I believe he felt fully ready to take the next step—though it led so far—when the final summons abruptly came. We all have been aware of the startling frequency of late with which someone of our number—while yesterday apparently so absorbed and so active in the business of our Congress—yet suddenly to-day joins the innumerable caravan, wraps the drapery of his couch about him, and lies down to pleasant dreams. In noting the passing of one of these I wish to express both my gratitude for his fine character as well as his splendid record, and also the hope that the blessing of God may be upon him through the eternal morning.

Mr. FENN. Mr. Speaker and Members of the House, in paying my tribute to the memory of our friend and colleague, JAMES P. GLYNN, I shall add but little to what has already been said. I first made his acquaintance when I was a member of our Connecticut State Legislature, he being the clerk of one of its committees. Our acquaintance grew into a friendship which I have always treasured, for he was a man who drew one to him. To be called his friend was indeed a privilege and a pleasure.

Born at Winsted, Conn., in the year 1867, he was educated in the public schools of that town, studied stenography while working in a factory, made his shorthand pay his way while he studied law. After being admitted to the bar and practicing his profession for a time, he was made prosecuting attorney for his home town, and then appointed postmaster. Finally in 1914 he was chosen by his fellow citizens of the fifth congressional district to represent them in the Congress of the United States. Elected to the Sixty-fourth Congress, he continued as the Representative of that district, with the exception of the Sixty-eighth Congress, until he passed over to the other side on March 6, 1930. He was a man who had the esteem of his colleagues here and his constituents at home. His integrity and honesty were well known, and one of his chief attributes was his straightforwardness and his earnestness with regard to anything he undertook to do. Always his ambition seemed to be to serve his district, State, and Nation ever better as time went on, and his record here is one of which his family and friends can be proud.

Affectionately known to all of his friends as "JIM GLYNN," his career may well be taken by the younger generation as an example of how far a boy can go in this country if he is willing to work and work hard. Starting as a boy in humble circumstances, he was honored with many positions of trust and responsibility, and in his death the State of Connecticut has lost a valuable and honored worker for its welfare.

All honor to the man whose memory will ever be green in the hearts of his friends and colleagues.

ROBERT QUINCY LEE

Mr. SANDERS of Texas. Mr. Speaker, once more the living meet to pay tribute to the dead. Once more we pause amid the busy rush of life because the King of Terrors has been busy at his appointed work. Once more we pause to consider the brevity of life and certainty of death.

> One more step, and the race is ended;
> One more word, and the lesson's done;
> One more trial, and a long rest follows
> At the set of sun.

For the sixth time in 30 years death has visited the Texas delegation. Robert E. Burke, of Dallas, died June 5, 1901. John M. Pinckney, of Hempstead, met a tragic death on April 25, 1905. Reese C. DeGraffenried, of Longview, died August 29, 1902. John L. Sheppard, of Texarkana, died October 11, 1902. Lucian Parrish, of Henrietta, met death in an automobile accident on March 22, 1922, and R. Q. LEE, of Cisco, died April 18, 1930.

Since last we held memorial services 3 Senators and 12 Representatives have answered the final summons. This, out of a membership of 435 in the House and 96 in the Senate, is a very high percentage. While we mourn the passing of all of these good men, I desire to speak especially of the life and services of my friend and colleague, the Hon. R. Q. LEE, of Texas, who died at the Emergency Hospital here in Washington on Friday morning, April 18, 1930. God's finger touched him and he slept and beckoned his soul to a greater reward than had been conceived for him by his fellow men. The news of this good man's death, while not unexpected, because he had been lingering near the borderland for several days from a stroke of apoplexy, brought sorrow to this Hall. The House immediately adjourned out of respect to his memory, and like action was taken by the Senate at the conclusion of the day's work. The death of Mr. LEE was announced in the House by Representative DANIEL E. GARRETT, of Houston, who fittingly referred to Representative LEE—

> As one of our most faithful and painstaking Members, who shortened his hours and days of useful service to his country by his devotion to duty on the floor of this House.

I quote from Representative GARRETT'S announcement because I believe that his words were not only appropriate but true. This House never had a more diligent and faithful Member. To him, "a public office was a public trust." From the time that he took the oath of office on March 4, 1929, as the Representative of the seventeenth district of Texas, he was faithful to every trust committed to him, and spent his entire time in faithful and efficient service in his office and on the floor of this House. Daily he met and well discharged the duties and responsibilities of life. The Dallas News, one of the leading papers of the country, said editorially of him:

> The career of Representative LEE in Congress was cut short too soon to give us the measure of the Congressman from the seventeenth district.

But Texas knew about R. Q. LEE, citizen of west Texas, friend of business and agriculture and servant of a wide area through the West Texas Chamber of Commerce. His record, therefore, though it be brief in the books, will linger in the hearts of his neighbors. In neighbors he was abundantly rich, for he loved to prove himself a neighbor to whoever was in need. Texas gets on to better things through the energy and intelligent interest of such men. Farming is now in a bad way, and Government faces problems of serious import. But the hope of the State is still in her men and women who can and will sacrifice time, money, and thought to accomplish useful things, whether they bring praise and fame or not.

Mr. LEE was born near Coldwater, Tate County, Miss., January 12, 1869. He moved with his father to Texas in 1886, and made Texas his home since that time. He was a true and loyal son to his adopted State, and Texas is better by his having lived in it. For several years he worked as sales manager for a wholesale store and later opened a general merchandise store at Caddo, Stephens County. He was diligent in business, and his business prospered, and at the time of his death his interests were widespread, covering farming, ranching, railroad building, merchandising. He did much for the educational and commercial development of west Texas. While living at Caddo he served for a while as postmaster, which was the only office he held before his election to Congress. In 1913 he moved to Cisco, Tex., and at once became a leader in the business and civic affairs of that town and community, serving for a time as president of the Cisco Banking Co. He also served as president of the West Texas Chamber of Commerce. His farming interests were large and diversified. Randolph College in Cisco received from him liberal donations and he stood at all times for the educational development of his community, county, and State.

He was a member of the Cisco School Board of Education and a deacon in the First Baptist Church. He reared an interesting family, and is survived by his wife, three sons, and two daughters. He was a kind and indulgent father, a devoted husband, a true and faithful friend. These constitute the grandest titles any man ever wore. He went to his grave carrying with him the love and affection of the people where he lived, those whose lives he had brightened and whose burdens he had lightened; and had a stranger been in Cisco at the funeral services and seen the great wealth of flowers heaped on the casket which contained his mortal remains and seen the vast multitude of people, near and far, there to pay their last tribute of respect he would have exclaimed as did King David when he learned of Abner's death: "Know ye not that there is a prince and a great man fallen this day in Israel?" And when his friends looked into his pallid face for the last time the sweet consolation came to them that—

Beyond the waking and the sleeping,
Beyond the smiling and the weeping—
We shall meet again.

Mr. KNUTSON. Mr. Speaker, when our colleague, the late R. Q. LEE, of Texas, crossed the dark river, a rare and radiant personality passed on, leaving a distinct void in this legislative body. His most vital attributes were unflinching courage, sound judgment, and his capacity for friendship. He made friends rapidly and retained them. The news of his sudden and untimely taking off came as a shock to a host of friends who had learned to love and admire him with deep affection.

He was born on January 12, 1869, near Coldwater, Miss., and in 1886 moved to Texas, and while still a young man cast his energies and fixed his purposes upon the wall of life within the great Southwestern State of Texas.

In due time he made his impress upon the community in which he had builded his home and established and drew about him many warm personal friends who remained loyal to him throughout life; the ties of friendship thus formed so often growing more firm and steadfast as a type of a man and character of our departed friend and colleague, Mr. LEE, and showed its real depth and splendid traits to those about him. He was a man of good judgment and was more anxious to be right and to do the right thing and to render service to those whom he represented than he was to seek praise or seeming popularity.

As a Member of Congress he served his constituents faithfully and well. He commanded friendship and respect of those whom he served. He was not a man who sought the glare of the spotlight, but was content to serve his country well and without any personal ambition to be praised for it. His outstanding qualifications were his honesty and determination to do the right thing as a national legislator and toward his fellow man. He loved humanity and gave the best there was in himself for its cause. Mr. LEE was elected to the Seventy-first Congress, and was immediately appointed to the House Committee on Pensions, where he rendered valuable service.

As chairman of the Committee on Pensions, I can attest that his service to the committee was faithful and valuable and in all respects he displayed high personal character and devotion to this official duty and won the affectionate attachment of the members of that committee. He was noted for his cheerful disposition and his extreme kindness and tact in handling people. These qualities endeared him to all with whom he came in contact and made him a most useful and valuable citizen.

He was a man of sterling courage and a splendid friend. He was ever willing to allow for the faults and omissions of humankind; and his temperament was kind and gentle. He was always fair—ever charitable in his judgment of others. The country has lost a fine upstanding citizen—one who always stood for the best interests of America.

His constituency fairly idolized him and took deep pride in his achievements.

The poet has well said—

Full minded, wise, and kindly just,
Instinctively we turn to such a trust,
Through men so stamped we grow from age to age,
And write our progress on immortal page.

I shall ever treasure my friendship with him, and I know that the knowledge of it will always be an inspiration and help to me in the trials and vicissitudes of life.

He completed the work allotted to him here; the result, a beautiful pattern, full and well rounded out, a splendid example to all, and, although he is gone from us, I know that we will ever treasure in fond remembrance our knowledge of his splendid life and deeds.

Mr. JOHNSON of Texas. Mr. Speaker, the membership of the House was touched with sadness upon learning of the death of Hon. R. Q. LEE, of Cisco, Tex., who passed away in the city of Washington in the forenoon of April 18, 1930.

The chairman of the Texas delegation, Hon. DANIEL E. GARRETT, conveyed the information to the House, not in the formal language ordinarily used on such occasions. His statement was fraught with such genuine sympathy, and he therein paid Mr. LEE such a well-deserved tribute, that I quote his words:

Mr. GARRETT. Mr. Speaker, it becomes my sad duty to announce to the House of Representatives the death of the second Member of the Texas delegation since my service in this House. I came to the House of Representatives 18 years ago, and during that time Father Time has been exceedingly kind to our delegation. But now another link in the long chain is broken and one of our Members this morning passed away, the Hon. R. Q. LEE, one of our most faithful and painstaking Members, one who shortened his hours and days of useful service to his country by his devotion to duty on the floor of this House.

Mr. LEE was representing the seventeenth congressional district of Texas, having within its limits 19 counties, comprising a part of that vast section known as west Texas. According to the 1920 census this district had a population of over 314,000 people, and the marvelous growth it has experienced during the past decade his constituency doubtless numbered over 400,000 people.

To adequately serve this large number of people, in looking after their various individual claims and interests with the Federal Government, is no small task. Aside from legislative duties, representing his people before the various departments and the large correspondence resulting therefrom would have been a heavy exaction upon a veteran Congressman, but it was a double burden upon a new Member, especially one who was exceedingly conscientious in the discharge of duty as was Mr. LEE.

He was serving his first term, having qualified as a Member a little more than 13 months prior to his death.

An extra session of the Seventy-first Congress was convened a few weeks after his term began, and his legislative duties were more onerous and exacting for this reason, the special session extending far into the summer and reconvening in October, and the regular session having convened in December.

Mr. LEE's attendance upon the meetings of his committees and his constant presence upon the floor of the House during all its sessions were often the subject of favorable comment and commendation by his colleagues.

Being a new Member, he rarely participated in debate, but at all times manifested a genuine and intelligent interest in all of the proceedings and kept himself fully informed upon all measures and never failed to vote as his conscience dictated.

He was a distant relative of Gen. Robert E. Lee and, like this great soldier, to him "duty was the sublimest word in the English language," and his service in Congress stamped him as a worthy member of this illustrious family.

I did not know him prior to his membership in the House, but he became not only my friend but one for whom I entertained an affectionate regard.

His faithful and intelligent discharge of duty was not his only favorable attribute.

His personality was most pleasing; quiet and unassuming, he cared nothing for the limelight of publicity, but there was a genuineness in both his speech and manner that drew men unto him. His kindly smile and his deferential regard for the feelings of others stamped him as a gentleman.

It was my pleasure to know him in his home, and his devotion to his splendid wife and family were outstanding characteristics.

His people back home loved him. I saw proof of this in Cisco when we took his remains home. Thousands of people assembled to pay him a last tribute of respect, and his funeral was attended by friends from many counties. Idle curiosity did not bring them. They came to say farewell to one whom they had honored, and who in turn had honored them, and above all was their true and loyal friend. As a business man, banker, farmer, and ranchman he had been identified with every enterprise in the upbuilding of his community, and had been a leader not only in civic improvement but in the religious, social, and educational development of that section of Texas. The First Baptist Church of Cisco, of which he was a devoted member, and in the building of which he had been an important factor, was the appropriate place in which the funeral was held. Its spacious auditorium accommodated only a small portion of the vast concourse of people there assembled.

Senator MORRIS SHEPPARD, Senator TOM CONNALLY, and Congressman DANIEL E. GARRETT, together with his pastor, spoke feelingly and eloquently of his life, and paid tributes of affection to his memory. And then thousands passed by the casket to view the remains of their friend. Some of those sturdy pioneers of the West, strong and stalwart men who had labored with him throughout the years in the building of a civilization in that great country, could not restrain the tears, and they shook with emotion as they looked for the last time upon the face of him whom they loved. This silent tribute of grief attested more eloquently than words the ties of affection which bound him to his people. As I witnessed this impressive scene and thought of the life and character of our deceased colleague, I was reminded of those lines by Jerome B. Bell:

What is this mystery that men call death?
My friend before me lies; in all save breath
He seems the same as yesterday. His face
So like to life, so calm, bears not a trace
Of that great change which all of us so dread.
I gaze on him and say: He is not dead,
But sleeps, and soon he will arise and take
Me by the hand. I know he will awake
And smile on me as he did yesterday;
And he will have some gentle word to say,
Some kindly deed to do; for loving thought
Was warp and woof of which his life was wrought.
He is not dead. Such souls forever live
In boundless measure of the love they give.

ADJOURNMENT

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, July 1, 1930, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. S. 3615. An act to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913; without amendment (Rept. No. 2046). Referred to the House Calendar.

Mr. HALE: Committee on Naval Affairs. H. R. 13158. A bill for the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves, and for other purposes; without amendment (Rept. No. 2047). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIS: A bill (H. R. 13247) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; to the Committee on Agriculture.

By Mr. ENGLEBRIGHT: A bill (H. R. 13248) authorizing the conveyance by the United States to Tule Lake Post, No. 164, of the American Legion, of lots 1 and 2 in block 9 of Tule Lake town site of California; to the Committee on the Public Lands.

By Mr. GLOVER: A bill (H. R. 13249) to authorize the acceptance of a tract of land adjoining Hot Springs National Park, Ark., and for other purposes; to the Committee on the Public Lands.

By Mr. BELL: A concurrent resolution (H. Con. Res. 43) expressing the sense of Congress that public construction work be expedited; to the Committee on the Judiciary.

By Mr. CELLER: A resolution (H. Res. 280) to investigate the tariff act of 1930; to the Committee on Ways and Means.

By Mr. REID of Illinois: A resolution (H. Res. 282) to require the Secretary of the Treasury, the Secretary of Labor, the Federal Trade Commission, the Federal Radio Commission, and the Attorney General to furnish the House of Representatives information relative to 33 persons indicted for smuggling, and 14 watch-importing companies apprehended in the act of violating customs laws by false entries; data relative to the alleged watch importers' ring and conspiracy by watch smuggling criminals by whose operations the United States Government is being defrauded and millions of smuggled watches are being foisted on the American public, and information relative to evasions of tariff laws by importers of watches; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKBEE: A bill (H. R. 13250) granting an increase of pension to Anna Law; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13251) granting an increase of pension to Jerusha Reed; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 13252) granting an increase of pension to Anna E. Jobson; to the Committee on Invalid Pensions.

By Mr. HAMMER: A bill (H. R. 13253) granting a pension to Lucy Haigler Adams; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 13254) granting an increase of pension to Julia Ann Murphy; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 13255) granting an increase of pension to Sarah E. Burrows; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 13256) granting an increase of pension to Ella Keen; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7669. By Mr. SPROUL of Illinois: Memorial by George Hybl and 18 other civil-service employees, against the alleged practice of Government employees intermarrying and both holding their positions in the service; to the Committee on the Civil Service.

7670. By Mr. YATES: Petition of J. W. Rizzie, president First National Bank, Benld, Ill., urging the passage of S. 4123, introduced by Senator GLENN, of Illinois; to the Committee on Irrigation and Reclamation.

7671. Also, petition of K. G. Eneborg, secretary Journeymen Tailors' Union, No. 400, Chicago, Ill., respectfully urging Congress to pass at the present session the half holiday bill; to the Committee on the Civil Service.

7672. Also, petition of Carpenters and Joiners of America, No. 58, Chicago, Ill., respectfully urging the passage of the Saturday half holiday bill; to the Committee on the Civil Service.

7673. Also, petition of W. B. Forsyth, president of C. H. Barry Co., Chicago, Ill., urging the present session of Congress to defeat House bill 11096; to the Committee on the Post Office and Post Roads.

7674. Also, petition of the Bergen Manufacturing Co., Chicago, Ill., requesting the present Congress to not pass H. R. 11096; to the Committee on the Post Office and Post Roads.

SENATE

TUESDAY, *July 1, 1930*

(Legislative day of Monday, June 30, 1930)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	McNary	Stelwer
Ashurst	Glass	Metcalf	Stephens
Barkley	Glenn	Moses	Sullivan
Bingham	Goldsborough	Norris	Swanson
Black	Hale	Oddie	Thomas, Idaho
Blaine	Harris	Overman	Thomas, Okla.
Borah	Harrison	Patterson	Townsend
Brock	Hastings	Phipps	Trammell
Broussard	Hatfield	Pine	Tydings
Capper	Hayden	Pittman	Vandenberg
Caraway	Hebert	Ransdell	Wagner
Connally	Howell	Reed	Walcott
Copeland	Johnson	Robinson, Ind.	Walsh, Mass.
Couzens	Jones	Robsion, Ky.	Walsh, Mont.
Cutting	Kendrick	Sheppard	Watson
Dale	La Follette	Shipstead	
Deneen	McCulloch	Shortridge	
Fess	McKellar	Steck	

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families. Also, the junior Senator from Washington [Mr. DILL] is absent attending the sessions in Chicago of the special committee to investigate campaign expenditures.

Mr. SHIPSTEAD. I desire to announce the unavoidable absence of my colleague the junior Senator from Minnesota [Mr. SCHALL]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-nine Senators have answered to their names. A quorum is present.

ANNIVERSARY OF THE CELEBRATION OF AMERICAN INDEPENDENCE BY THE LEWIS AND CLARK EXPEDITION

The VICE PRESIDENT, under the terms of the concurrent resolution (H. Con. Res. 28) authorizing the appointment of a joint committee of Congress to attend the one hundred and twenty-fifth anniversary of the celebration of American independence by the Lewis and Clark expedition on July 4, 1805, to be held at Great Falls, Mont., July 4, 1930, appointed the Senator from Idaho [Mr. THOMAS], the Senator from Wyoming [Mr. SULLIVAN], and the Senator from Nevada [Mr. PITTMAN] as members of the joint committee on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 4683) to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12602. An act to authorize an appropriation for construction at Carlisle Barracks, Pa.;

H. R. 12661. An act to authorize the acquisition of lands in Alameda and Marin Counties, Calif., and the construction of buildings and utilities thereon for military purposes;

H. R. 12742. An act to amend the act entitled "An act to adjust the compensation of certain employees in the Customs Service," approved May 29, 1928;

H. R. 12923. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 12996. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 13035. An act to extend the times for commencing and completing the construction of a bridge across the Grand Calumet River at East Chicago, Ind.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3691. An act to amend an act entitled "An act relative to naturalization and citizenship of married women," approved September 22, 1922;

H. R. 573. An act for the relief of Brazilla William Bramble;

H. R. 576. An act for the relief of Matthew Edward Murphy;

H. R. 1159. An act for the relief of the Delaware & Hudson Co., of New York City;

H. R. 3960. An act for the relief of Louis Nebel & Son;

H. R. 4110. An act to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army;

H. R. 5292. An act to authorize the city of Napa, Calif., to purchase certain public lands for the protection of its water supply;

H. R. 6113. An act for the relief of Gilbert Grocery Co., Lynchburg, Va.;

H. R. 6642. An act for the relief of John Magee;

H. R. 6694. An act for the relief of P. M. Nigro;

H. R. 7445. An act for the relief of J. W. Nix;

H. R. 8438. An act for the relief of J. T. Bonner;

H. R. 8612. An act for the relief of Ralph Rhees;

H. R. 9279. An act for the relief of Henry A. Knott & Co.;

H. R. 10317. An act for the relief of Samuel S. Michaelson;

H. R. 10532. An act for the relief of Frank M. Grover;

H. R. 10582. An act to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California;

H. R. 10960. An act to amend the law relative to the citizenship and naturalization of married women, and for other purposes;

H. R. 11608. An act for the relief of Jerry Esposito;

H. R. 12233. An act authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.;

H. R. 12554. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;

H. R. 12614. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island;

H. R. 12844. An act granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.;

H. R. 12919. An act granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing or at or near the point known and designated as Wilder Ferry;

H. R. 12920. An act granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Culbertson, Mont.; and

H. R. 12993. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River at One hundred and fifty-ninth Street in Cook County, State of Illinois.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 12602. An act to authorize an appropriation for construction at Carlisle Barracks, Pa.;

H. R. 12661. An act to authorize the acquisition of lands in Alameda and Marin Counties, Calif., and the construction of buildings and utilities thereon for military purposes;

H. R. 12742. An act to amend the act entitled "An act to adjust the compensation of certain employees in the Customs Service," approved May 29, 1928; to the Committee on Finance.

H. R. 12923. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 12996. An act to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

H. R. 13035. An act to extend the times for commencing and completing the construction of a bridge across the Grand Calumet River at East Chicago, Ind.; to the Committee on Commerce.

PETITIONS

The VICE PRESIDENT laid before the Senate a telegram, in the nature of a petition, from the National Guard Association of the United States, signed by A. F. Foote, its president, Boston, Mass., praying for the passage of the bill (H. R. 3592) to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. McNARY, from the Committee on Agriculture and Forestry, to which were referred the following bill and joint resolutions, reported them severally without amendment and submitted reports thereon as indicated:

H. R. 10782. An act to facilitate and simplify the work of the Forest Service (Rept. No. 1142);

S. J. Res. 183. Joint resolution authorizing the Secretary of Agriculture to cooperate with the Territories of the United States under the provisions of sections 1 and 2 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor" (Rept. No. 1143); and

S. J. Res. 205. Joint resolution relating to the sale of power generated by the Government at Dam No. 2, Muscle Shoals, Ala., and the steam plant in that vicinity.

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 195) authorizing investigation of certain operations on cotton exchanges, reported it with amendments and submitted a report (No. 1144) thereon.

He also, from the Committee on the District of Columbia, to which was referred the bill (S. 4597) to provide educational employees of the public schools of the District of Columbia with leave of absence with part pay for purposes of educational improvement, and for other purposes, reported it without amendment and submitted a report (No. 1145) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 13035) to extend the times for commencing and completing the construction of a bridge across the Grand Calumet River at East Chicago, Ind., reported it without amendment and submitted a report (No. 1146) thereon.

GEORGE CHARLES WALTHERS

Mr. HOWELL, from the Committee on Claims, submitted his individual views to accompany the bill (H. R. 5212) for the relief of George Charles Walthers, which was ordered to be printed as part 2 of Report No. 1130.

Mr. BLACK, from the Committee on Claims, submitted his individual views to accompany the bill (H. R. 5212) for the relief of George Charles Walthers, which was ordered to be printed as part 3 of Report No. 1130.

ENROLLED BILLS PRESENTED

Mr. GILLETT (for Mr. GREENE), from the Committee on Enrolled Bills, reported that on to-day, July 1, 1930, that committee presented to the President of the United States the following enrolled bills:

S. 39. An act for the relief of Kate Canniff;

S. 941. An act to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926; and

S. 2790. An act for the relief of D. B. Traxler.

EXECUTIVE REPORTS

As in executive session,

Mr. HASTINGS, from the Committee on the Judiciary, reported the nomination of John P. Nields, of Delaware, to be United States district judge, district of Delaware, to succeed Hugh M. Morris, which was placed on the Executive Calendar.

Mr. HALE, from the Committee on Naval Affairs, reported the nominations of sundry officers in the Marine Corps, which were placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

INVESTIGATION RELATIVE TO THE ALASKA RAILROAD

Mr. DENEEN. From the Committee to Audit and Control the Contingent Expenses of the Senate I report favorably without amendment Senate Resolution 298, and ask that the resolution may be read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 298) submitted by Mr. HOWELL, June 23, 1930, was read, as follows:

Resolved, That a special select committee of three Senators, to be appointed by the President of the Senate, is authorized and directed to investigate the operations, economic situation, and prospects of the Alaska Railroad, and to report to Congress as soon as practicable the results of such investigation, together with its recommendations for legislation in connection therewith.

For the purposes of this resolution such committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places (in the continental United States and in Alaska) during the sessions and recesses of the Senate until its report is submitted, to employ such experts and clerical, stenographic, and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. HOWELL. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 4773) granting an increase of pension to Sarah A. Underhill; to the Committee on Pensions.

By Mr. GOLDSBOROUGH:

A bill (S. 4774) to amend an act entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved June 20, 1918; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 4775) to provide for the incorporation of credit unions within the District of Columbia; to the Committee on the District of Columbia.

AMENDMENT OF CIVIL SERVICE CLASSIFICATION ACT

Mr. DALE. I desire to call up the conference report on Senate bill 215, and I ask for its present consideration.

The VICE PRESIDENT. In the absence of objection, the report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses:

That the Senate recede from its disagreement to the House amendments numbered 1, 2, 3, 4, 5, 6, 7, and agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 8, and agree to the same with an amendment as follows:

After the figure "4–B," in line 3, on page 2 of the engrossed copy of the amendments, insert a comma and the words "including drafting groups."

That the Senate recede from its disagreement to the House amendment numbered 9, and agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 10, and agree to the same with the following amendments:

On page 2, line 13 of the engrossed copy of the amendments, in section 4, strike out the words "sole jurisdiction to determine finally the grade or subdivision thereof to which all positions which are subject to the compensation schedules of the classification act of 1923 and amendments thereto shall be allocated, and it shall have."

In line 18 of section 4, on page 2, after the words "review and," insert "subject to the President's approval to."

On page 3, in line 17 of the engrossed copy of the draft, in section 6, after the word "board," insert "which hereafter shall consist only of the Director of the Bureau of the Budget, a member of the Civil Service Commission, and the Chief of the

United States Bureau of Efficiency, the Director of the Bureau of the Budget to be the chairman of the board."

PORTER H. DALE,
SMITH W. BROOKHART,
KENNETH MCKELLAR,
Managers on the part of the Senate.
FREDERICK R. LEHLBACH,
ADDISON T. SMITH,
LAMAR JEFFERS,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

CONGRATULATIONS TO COLONEL AND MRS. LINDBERGH

Mr. SHEPPARD. Mr. President, I desire to have placed in the RECORD a telegram from Hon. Amon G. Carter, publisher of the Fort Worth Star-Telegram and the Fort Worth Record-Telegram, to Col. and Mrs. Charles A. Lindbergh on June 24, 1930, on the occasion of the birth of their son.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FORT WORTH, TEX., *June 24, 1930.*

Col. and Mrs. CHARLES A. LINDBERGH,
Englewood, N. J.:

The Star-Telegram and Record-Telegram family of several hundred and the citizenship of Fort Worth join the rest of the world in extending congratulations to both of you upon the arrival of your son. He is sure to become one of the Nation's most useful citizens, and to win the admiration and affection of its people as his mother and father have done. We are glad to read that the youngster, his mother, and father are all doing so well, but are quite worried about his grandfather. A smashing senatorial victory and a lusty grandson arriving so close together are enough to disturb the equanimity of even so serene an individual as he, but tell him as no doctor ever lost a father we believe even a grandfather can survive. Also, we might suggest that before the youngster essays any trips to Mars, which Will Rogers pictures as a future happening, that you bring him to Texas and let him see just how much space there is in this great State and the room there is for any ambitious boy. Fort Worth would like nothing better than entertaining him and his mother as it has entertained his illustrious father.

AMON G. CARTER,
Publisher Fort Worth Star-Telegram and Fort Worth Record-Telegram.

VIEW OF THE BUSINESS SITUATION

Mr. RANSDELL. Mr. President, to those who are taking a pessimistic view of the business situation I commend the following careful analysis of the situation made by the Business Week, which I ask to insert in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The business tide reached its ebb during the past two weeks and is beginning to turn, very slowly and tentatively, in face of a strong current of peevish, superficial, and premature pessimism. * * * There will be no noticeable change in the next few weeks. Continued liquidation in certain lines will overlap and obscure increasing resistance, stabilization, and upturn in others. * * * Progress will be slow, irregular, spasmodic, with sporadic relapses, successively less frequent and sharp, till the end of July. Then in the same weeks when a year ago the down turn began a decisive recovery will set in, general and definite enough to be evident even to the blue-funk brigades of business who have been enjoying their May parties and June walks in the cemetery. * * * The rise of the business curve thereafter will be rapid, and will, as usual, steal a march on the slow-witted and self-centered stock market. By October it will be back to normal. * * * This forecast is not based solely on the sharp circumstantial rise in our index from the low point of 88.8 per cent of normal last week to 93.6 per cent this week. Other statistical straws suggest strongly that the confused economic currents are setting more uniformly in the direction of recovery. The adjournment of Congress will help clear the channel.

E. F. CREEKMORE, VICE PRESIDENT AND GENERAL MANAGER OF THE AMERICAN COOPERATIVE COTTON ASSOCIATION

Mr. RANSDELL. Mr. President, there is great interest throughout the Nation in the man who has been chosen to administer the American Cooperative Cotton Association, Mr. Creekmore. This personal sketch of him, also taken from the Business Week, will be of interest. I ask that it may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

From a line of cotton men comes E. F. Creekmore, vice president and general manager of the American Cooperative Cotton Association, just getting under way in New Orleans. His grandfather, a large buyer of cotton before the Civil War, became one of the most notable of the blockade runners. Despite the Federal fleets, he contrived to do an extensive business with the British spinners.

The whole Creekmore family was in the cotton trade. With this background it was useless to talk to the boy of academic things, so on his graduation from high school in 1902 he hurried from Van Buren, Ark., his home town, to St. Louis, with an ambition to get a job with the biggest cotton firm he could find.

Lesser-Goldman Cotton Co. was the Anderson Clayton of that day. Creekmore got his job—as office boy. Soon he was promoted to the buyers' staff. One day he ran onto 2,000 bales of cotton in Muskogee that was offered cheap. He consulted Mr. Goldman, who had to pass personally on a purchase of that amount. Goldman feared the seller was putting something over on his young buyer, but Creekmore talked so earnestly that Goldman authorized him to go ahead. Sure of his own judgment as to the grade of the cotton, Creekmore found more like his first purchase. Before he left Muskogee, he had committed his company to buy 2,200 bales. The cotton proved all he claimed and the firm came out handsomely.

Creekmore had been slated to go to Liverpool to take charge of the company's office there, but the Muskogee deal convinced his superiors he should be put in charge of the Fort Smith office, the firm's busiest. By that narrow squeak he was saved from the silk hat, the monocle, and the complacency that went with the Liverpool job.

Finally, in 1918, Mr. Creekmore struck out for himself, as E. F. Creekmore & Co. A 125,000-bale business was built up. Its success may be judged from the fact that while it is going out of the cotton business, the corporation must be continued to look after Mr. Creekmore's big personal interests. He is not going to be bothered with them; he is fired with a determination to demonstrate the practicability of a noble experiment in behalf of the cotton growers, for whose ills he is certain there are remedies. So this 45-year-old cotton buyer, who has been in the thick of the game since boyhood, is now in New Orleans assembling the organization that will market the bulk of the whole American crop.

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, the pending question being on the amendment proposed by Mr. WALSH of Massachusetts and Mr. CONNALLY, which was, on page 16, line 13, to strike out "25 per cent or more," and on the same page, line 18, to strike out "25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month" and in lieu thereof to insert "$10 per month for one-tenth disability; $20 per month for one-fourth disability; $35 per month for one-half disability; $50 per month for three-fourths disability; and $60 per month for total disability."

Mr. LA FOLLETTE obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me to enable me to have a letter read at the desk?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts for that purpose?

Mr. LA FOLLETTE. I yield.

Mr. WALSH of Massachusetts. By courtesy of the Senator from Wisconsin I should like to have read at the desk a letter which I received this morning from Mr. Randall, chief of the finance division of the Bureau of Pensions.

A great deal of difficulty has been experienced upon all sides in getting definite estimates of the cost of this pension proposal, or as it is legally called "disability allowances." Figures were presented yesterday showing the estimates made by the Veterans' Bureau, and some figures were presented showing some estimates made rather hastily by the representative of the Pension Bureau at the Finance Committee hearing. The figures which I now present appear to be the final and reflected judgment of this expert in the Pension Bureau. I think it fair to argue that the figures are more likely to be accurate because of the fact that the Pension Bureau has been dealing with the identical rates and the identical principle involved in the bill in its administration of the pension laws as they affect Spanish-American War veterans.

Before the letter is read I wish to call attention to the grave disparity in the cost estimates made by the Pension Bureau compared with the Veterans' Bureau. I will for the purposes of comparison give first the figures given by the Veterans' Bureau and introduced in the debate yesterday in reference to the cost of the rates named in the House bill and approved by the Finance Committee, next the estimate made by the Pension Bureau of the cost of the rates in the pending amendment, and then the estimate made by the Veterans' Bureau of the costs

likely to result from the rates named in the pending amendment offered by the Senator from Texas [Mr. CONNALLY] and myself.

The Veterans' Bureau estimates the cost of the rates as set forth in the House bill at $25,281,000 for the first year. The Pension Bureau estimates the cost of the pending amendment at $24,000,000 for the first year; in other words, more than $1,000,000 less than the cost estimated by the Veterans' Bureau.

The Veterans' Bureau estimates the cost to the Government of the rates named in the pending amendment at $52,018,380, which is more than double the amount estimated by the Pension Bureau.

I shall not take time to make comparisons of the difference in the rates for the other four years of the 5-year period, but I do want to call attention to the fact that yesterday the able Senator from Pennsylvania [Mr. REED] stated that the Veterans' Bureau estimated the annual cost to the Government of the pending amendment over a period of five years at $164,000,000 and that the average cost of the pending amendment estimated by the Pension Bureau was $171,000,000. In the memorandum which I ask to have read, the average annual cost covering the period of five years is now stated by the Pension Bureau to be $136,800,000.

Let me also add that in no estimate which I have been able to obtain has the Veterans' Bureau estimated the number of disabled veterans who would have the benefit of the pension plan at more than 741,954 in the fifth year. The Pension Bureau made its estimate upon 1,000,000 veterans at the end of the fifth year having the benefit of the pension plan.

I now ask that the clerk may read the letter and particularly call attention to the closing sentence, which suggests that the cost may be 10 to 25 per cent less than his estimate.

The VICE PRESIDENT. Does the Senator from Wisconsin yield for that purpose?

Mr. LA FOLLETTE. I yield.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, July 1, 1930.

Memorandum for Senator WALSH (Massachusetts).

Complying with your telephone request, I would submit the following as the estimated cost of the proposed World War pension bill if enacted with the rate amendments you have suggested, namely, one-tenth disability, $10 per month; one-fourth, $20; one-half, $35; three-fourths, $50; and total disability, $60 per month.

This estimate is based upon the experience of this bureau in the adjudication of claims under the first war with Spain service pension act—that of June 5, 1920—covering the first five years after its enactment. During that period 25 per cenf of those then living were allowed pension. The degrees of disability established by these war with Spain men—who were then about 10 years older than the World War men are now—averaged slightly over one-fourth.

Assuming—which is very, very liberal, in my judgment—and I speak for the acting commissioner as well as representing the opinion of our late lamented commissioner, Colonel Church—that 25 per cent of the 4,000,000 World War men will be allowed pension during the first five years and that the average degree of disability will be as high as that of the war with Spain survivors during the first five years of pension rights—that is, one-fourth—the following figures are developed:

Fiscal year	Number allowed during year	Annual rate, one-fourth disability	Cumulative annual cost
1931	100,000	$240	$24,000,000
1932	250,000	240	84,000,000
1933	250,000	240	144,000,000
1934	200,000	240	192,000,000
1935	200,000	240	240,000,000
Total	1,000,000		684,000,000
Annual average			136,800,000

I would not be surprised if, on account of the disparity in the average age of the World War group compared with the war with Spain group used for comparative purposes, the average degree of disability would be so much lower that the above costs could be discounted by from 10 to 25 per cent.

I hope this will help you in the matter in hand.

Very truly,

O. J. RANDALL,
Chief, Finance Division.

Mr. REED. Mr. President, will the Senator from Wisconsin yield to me for a sentence?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LA FOLLETTE. I yield to the Senator from Pennsylvania.

Mr. REED. Mr. President, in considering the figures just put into the RECORD by the Senator from Massachusetts [Mr. WALSH], I ask the Senate to compare them with the figures in the table which I put into the RECORD on yesterday, which will be found at page 12072. It will be seen there that the estimate of the Veterans' Bureau as to the cost of the bill, including the Walsh amendment, for five years is $641,000,000, while the estimate of the cost of the Walsh amendment by itself, ignoring the other items in the bill, is $625,000,000. That is the Veterans' Bureau estimate. The Pension Bureau estimate, just put into the RECORD by the Senator from Massachusetts is about 10 per cent greater, or $684,000,000. There is substantial agreement in the estimates from the two sources.

Mr. WALSH of Massachusetts. But, of course, the Pension Bureau estimate is based on 1,000,000 veterans being pensioned while the Veterans' Bureau estimate is based on about 750,000 veterans being pensioned.

Mr. LA FOLLETTE. I can not very well yield to a debate between other Senators over estimates of cost.

The VICE PRESIDENT. The Chair will state that, under the rule, the Senator from Wisconsin can only yield for a question.

Mr. LA FOLLETTE. Then I shall have to proceed, as the Chair has held that I can not yield except for a question.

Mr. President, although I realize that the Senate has considered the issues involved in this controversy, nevertheless I feel justified, in view of the importance which I attach to this proposed legislation, and to the decision which is about to be made by the Senate, in presenting a brief review of the history of the legislation now before us.

It is well known that the original plan for the compensation of veterans serving in the World War was to provide compensation for those who could show that their disability was due to service in the war. That policy has been steadfastly maintained until this hour; so far as I have been able to learn, no responsible representative, speaking exclusively for veterans of the World War, has until the time the President vetoed the bill passed by the Congress on June 25 ever asked for a pension. At the time the bonus legislation was enacted the American Legion, through its officers, in so far as they could speak for the veterans of the World War, pledged themselves not to ask for the consideration of pension legislation so long as those bonus certificates were still due, and they still have years to run.

The bill passed by the House, which came over to the Senate in April, did not inaugurate a new policy in so far as the treatment of the veterans of the World War was concerned. It attempted to liberalize the compensation for service-connected disabilities so as to take care of the urgent cases of disabled soldiers who, due to technical interpretation of the law, have been unable to secure a decision from the Veterans' Bureau that their disabilities are connected with the service. It was estimated that the legislation as it passed the House would have cost $180,000,000 the first year of its enactment.

The original House bill came to the Finance Committee and remained in the committee for weeks without consideration. When it was finally taken up it was referred to a subcommittee and hearings were held, but before the subcommittee had completed the hearings they were transferred to the full committee, and hearings thereon were participated in by all members of the committee. A majority of the members of the Finance Committee in the consideration of the original House bill endeavored to reduce the expense it involved and at the same time to liberalize the compensation for service-connected disabilities so as to include the cases of disabled veterans most urgently in need of relief, and who a majority of the committee, I think I am safe in asserting, believed had disabilities which could be legitimately connected with their service during war.

As every Senator knows, the crux of this whole controversy is over the question of an amendment to section 200 of the veterans' act. The principal amendments, aside from the amendment to section 200, in the previous bill are, with one exception, contained in the bill which is now before us.

The bill which passed the Congress on June 25 maintained the compensation for service-connected disabilities and liberalized the law to the extent that up to January 1, 1930, any veteran suffering from tuberculosis, a neuropsychiatric disease, spinal meningitis, paralysis agitans, encephalitis lethargica, leprosy, and chronic constitutional diseases, or analogous disease, developing a 10 per cent degree of disability or more would be presumed to have acquired the disability in the service. This presumption in the veteran's favor, however, was rebuttable by evidence.

This provision, it was estimated, would give benefits of the compensation system to about 23,000 mental cases, 19,000 tuber-

cular cases, and 29,000 soldiers disabled by chronic constitutional diseases. The testimony before committees of both the House and Senate clearly demonstrated that this amendment would take care of the most distressing cases of disabled veterans of the World War who, it is estimated, are dying at the rate of 70 per day. The Veterans' Bureau estimated that the original House bill as amended would cost $100,000,000.

While the committee had that amendment under consideration the Senator from Massachusetts [Mr. WALSH] and the Senator from Texas [Mr. CONNALLY] proposed as a substitute for the liberalization of the compensation system, a disability pension provision, in substantially the same form as is now embodied in the pending Walsh amendment before the Senate.

Mr. COUZENS. Mr. President, will the Senator yield at that point?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LA FOLLETTE. I yield.

Mr. COUZENS. I do not want to interfere with the continuity of the Senator's remarks, but I should like before he leaves the question of presumption, which he said was rebuttal on the part of the Government, to ask if the Government were successful in rebutting the testimony, which undoubtedly it would be in many cases, where would the veteran be left?

Mr. LA FOLLETTE. The veteran would be in the same situation that the veterans are now in who are unable to connect their disability with their war service.

Mr. COUZENS. Yes; but with this proposed legislation those veterans, the presumptions in whose favor are successfully rebutted, are left high and dry without any relief from the Government at all.

Mr. LA FOLLETTE. That is true, Mr. President, and that is one of the arguments which was advanced in the committee—and it has been advanced on the floor—for the disability pension.

Mr. COUZENS. I should like to ask the Senator at that point if he does not believe that there ought to be some relief accorded to those cases where the presumption is successfully contested?

Mr. LA FOLLETTE. Mr. President, I intended to discuss the point raised by the Senator later; but I am willing to answer his question in so far as my own position is concerned.

Of course, the veteran who could not connect his disability with the service would be without any compensation, even under the liberalized amendment to section 200 which was contained in the bill passed on June 25. However, the same criticism may be made with regard to the bill providing a disability pension which is now pending in the Senate. Under its provisions a veteran who is adjudged by the Veterans' Bureau to be 24 per cent disabled will not get a penny of relief under the disability pension plan which the Senator is now supporting. Under any system which could be devised by the mind of man there will be found injustices to veterans who do not fall within its various classifications.

Mr. President, we can not legislate for 4,500,000 veterans of a war and provide legislation which will give even-handed justice to every individual. The question which must be determined by the Senate is: What proposal will come the nearest to discharging the obligation which this country owes to those veterans?

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I do.

Mr. NORRIS. I think the Senator from Wisconsin could well say that in every case the burden of proof is shifted. In other words, the presumption now is in favor of the veteran. Heretofore he has had to prove service origin. That has been one of the allegations he had to make, and he had to substantiate it by proof. Now, if he proves he has the disease, he has made a case unless the Government can successfully prove that it is not of service origin.

Mr. LA FOLLETTE. The Senator's point is very well taken. Furthermore, it should be remembered that the bill which passed the Senate provided, as does this bill, that lay evidence should be accepted and weighed by the bureau, which is not now the case; and many students of this problem believe that the admission of such lay evidence will greatly assist veterans in legitimately connecting their disabilities with their war service.

As I started to say before I was interrupted by the Senator from Michigan [Mr. COUZENS], while the original House bill was pending in the Finance Committee the Senator from Massachusetts [Mr. WALSH] and the Senator from Texas [Mr. CONNALLY] jointly offered an amendment which substantially embodies the principles of the amendment now pending in the Senate.

Upon a record vote in the Finance Committee that amendment was adopted as a substitute for the liberalized provision of section 200. It was suggested in the committee, however, that an adjournment of one day should be taken in order to ascertain the attitude of the Chief Executive concerning the adoption of a radical departure in our policy toward the veterans of the World War, namely, a disability-pension proposal.

Mr. NORRIS. When the Senator speaks of a record vote, he means in the committee?

Mr. LA FOLLETTE. In the committee. I will say, Mr. President, that in so far as I was concerned I voted against that proposition, because I believed that it was a momentous step for the Government to alter its policy concerning the treatment of the veterans of the World War by the inauguration of a pension plan in the closing hours of a Congress, when everyone knew that it could not have the consideration which it should have.

Word came back to the committee informally that the President of the United States would not stand for the Walsh-Connally amendment. I do not know how other Senators took that word, but I interpreted it as an indication that the Executive was opposed to launching out upon this new field of disability-pension legislation, and that he desired the committee to confine itself to the long-established policy of compensation for veterans where they could connect their disability with the service.

No suggestion was brought to the committee from the White House that the President thought the rates in the Walsh-Connally amendment were too high. That objection was not made; and even Senators upon the committee who had expressed themselves as preferring the disability pension plan to that of the liberalized compensation for war-service connected disability changed their votes, and upon a reconsideration the Walsh-Connally amendment was defeated, and the liberalized provision of section 200 adopted and reported to the floor of the Senate.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LA FOLLETTE. I yield to the Senator.

Mr. SHORTRIDGE. I have reason to know that the President objected to the then proposed amendment because of the rates therein contained, which fact, however, as the Senator recalls, was not communicated to the committee.

Mr. LA FOLLETTE. It was not communicated to the committee; and if the Senator from California knew about it, he either did not feel free or did not think it wise to make that statement to the committee.

Mr. SHORTRIDGE. As of that time, Mr. President, I had no further knowledge than the Senator from Wisconsin.

Mr. LA FOLLETTE. I submit, Mr. President, that the message delivered to the committee from President Hoover was subject to only one interpretation; namely, that the President was opposed to the disability pension plan and did not desire to see this Government launched upon such a radical departure from our long-established policy.

Senators are familiar with what happened. The bill was reported to the Senate. There was urgent pressure on the part of its supporters to have it considered. There was opposition on the part of the Senator from Pennsylvania [Mr. REED], who continuously objected to any efforts to get the bill up for consideration, until finally—I believe on a Saturday—we entered into a unanimous-consent agreement providing that the original House bill should be taken up on the following Monday, that debate upon it should be limited, and that before adjournment on Monday the Senate was to make final disposition of the measure.

Then, Mr. President, on Monday, June 23, after it had been agreed by unanimous consent that we should dispose of the bill on that day, the Senator from Pennsylvania [Mr. REED] offered the amendment now contained in the bill pending in the Senate. The amendment was not even printed. Senators who desired to find out what it contained had to go to the desk and read a copy of it there. It was well understood on the floor of the Senate that the Reed amendment had the approval of President Hoover.

Mr. President, I have recited this situation merely to show that the President of the United States first having sent word to the committee that he would not tolerate the Walsh-Connally amendment, and not giving as his reasons therefor that the rates were too high, the committee was justified in assuming that he did not desire to see this Government plunged, years in advance of any demand for a disability pension, upon that un-



charted course; and yet over Sunday, when the bill was ready to come up on the floor of the Senate, this plan—the so-called Reed amendment—was formulated and offered in the closing hours of the debate.

Senators stood on the floor of the Senate and denounced the Reed amendment. They denounced the rates as inadequate. They denounced it as a radical departure from our established system of compensating World War veterans. The Senator from Pennsylvania could not even get one-fifth of those present to raise their hands on a demand for a roll call; and when the viva voce vote was taken the almost unanimous chorus of "noes" drowned out the feeble "aye" of the Senator from Pennsylvania and one or two others. On final passage the bill could find only six Senators in the Senate of the United States ready to go on record against it.

The bill went to the House of Representatives, and there the Senate amendments were accepted and the bill passed without a record vote. It went to the White House, and the President promptly vetoed the bill with a scathing statement, denouncing, if you please, the Senate and the House of Representatives for taking a "plunge" concerning veterans' relief legislation.

In view of the record I ask any fair-minded person: Who is it that has taken the plunge and created a situation where we must now, before there is any substantial demand for it, embark upon this disability pension legislation, which is a radical departure from our long-established policy? Mr. President, the responsibility for launching the Government into pension legislation for World War veterans rests squarely upon the shoulders of President Hoover.

The pending bill is the Hoover plan for relief of the disabled veterans of the World War who, under the stringent provisions of our present legislation, have been unable to succeed in convincing the bureau that their disabilities are connected with their service in the war. That is perfectly well known to every Senator on this floor, to every Member of the House of Representatives, and to every other intelligent person who has followed the course of this legislation. The ink on the veto message was hardly dry before there was a hurried consultation among leaders in the House, and the bill that is now pending before us was introduced and rushed through the House of Representatives under 20 minutes' debate on each side.

President Hoover has delivered an ultimatum to the Congress of the United States by the course which he has pursued in conjunction with this legislation; and in that ultimatum he has declared to Congress, in effect, "You must accept this disability-pension plan or be in a situation where you can not enact legislation for the relief of these pitifully disabled veterans."

Students of this veterans' problem have come to the conclusion that the liberalized pension plan for service-connected disabilities passed by the Congress and vetoed by the President would have deferred for years to come the serious consideration of general disability pension legislation for World War veterans.

President Hoover, having served notice upon the Congress and upon the veterans of the World War that there is no alternative except to adopt his proposal for a general disability pension, the question arises as to what rates are to be provided for these veterans.

I submit that the question of rates is a question of judgment, and every Senator and every Member of the House of Representatives has an obligation to his or her constituents to exercise that judgment free and untrammelled if the spirit of democracy upon which this Government was founded is to be preserved.

I make no criticism of the President of the United States for having exercised his constitutional right to veto a piece of legislation which he did not think wise or sound, but when the President of the United States by that veto forced Congress to adopt another plan—this general disability pension plan—then the judgment as to what pension rates are just and should be paid to these veterans rests squarely upon the shoulders of Members of the Congress.

Mr. President, when Senators go back to answer to their constituents for their votes upon the Walsh amendment, they will not be able successfully to shift responsibility to the President of the United States. They will be held accountable for what they do in the Senate and in the House, and it is right that they should be held so accountable.

What are the rates supported by the President of the United States? For 25 per cent permanent disability, $12 a month. For 50 per cent permanent disability, $18 a month. For 75 per cent permanent disability, $24 a month. Not until a veteran is disabled to the extent of 100 per cent permanent disability will he receive $40 a month!

The Congress recently passed legislation by an overwhelming vote to give the veterans of the Spanish War increased rates. I ask any Senator what will be his justification to the totally disabled veteran of the World War lying in a bed in a hospital next to the totally disabled veteran of the Spanish-American War, when, on the 1st of every month, the veteran totally disabled who risked his all in the last war receives a check for $40 a month, and the veteran of the Spanish War lying next to him receives a check for $60?

The argument that the veterans of the Spanish War had to wait for a measure of justice will not be any answer then. The contention that the World War veteran on the average is younger than the Spanish War veteran will disappear then. What difference does it make to the totally disabled man whether he is 38 years of age or whether he is 55 years of age? As a matter of fact the veteran of the World War has economic responsibilities, 9 chances out of 10, greater than those of the Spanish War veteran who is older, and who has reared his family.

How would any Senator 75 per cent totally disabled like to try to meet the obligations which he has undertaken in life with a pension of $24 a month? That is the question that will be asked of the Senators who vote for the pension rates contained in this bill sponsored by President Hoover as it passed the House of Representatives.

Mr. President, I wish I had the gift of language to picture the situation in which these maimed veterans now find themselves—crippled, diseased, unable to find work, a wife, perchance and a family of little children, in dire want for the necessaries of life to hold body and soul together. How will your action here to-day, if you vote for these inadequate rates, square with the glowing promises which were made when these men were drafted and sent 3,000 miles across the ocean to fight a war on foreign soil at $30 a month? They were promised their jobs back. They were told "Nothing will be too good for you when you return." But alas, Mr. President, those promises have been kept more in the breach than in the observance.

As representatives of the people of the United States, we are called upon to determine to-day whether we are willing to say to these thousands of men and to their families in want that we propose to give them the insufficient rates sponsored by the President of the United States and the House of Representatives.

The argument is made that the Spanish War veterans had to wait 22 years before they received justice from the Government. Will you say to the veterans of the World War, "You can not have decent pension rates because the Government declined to do justice to the veterans of the Spanish War?" Will you say to the veterans of the World War what the Senator from Pennsylvania [Mr. REED] said yesterday; that the inadequate rates which were given to the Spanish War veterans in 1920, and which it is now proposed to give to these veterans of the World War, were granted at a time when the cost of living had reached the peak? It may be admitted that commodity prices have fallen somewhat since 1920, but is there any Senator who believes those commodity prices and the cost of living have decreased to the point where a man 75 per cent totally and permanently disabled can meet the obligations of himself and his family on $24 a month? I should like to see the Senator from Pennsylvania try it himself.

It is argued by opponents of the Walsh amendment that the average age of the World War veteran is about 38 years, and that the average age of the Spanish War veteran is about 55 years. Then it is said, "You do not have to give as high rates to the veterans of the World War because they are younger; they can find work more easily." Is there any Senator in this Chamber who sincerely believes that a World War veteran, 38 years of age and 75 per cent totally disabled, can go out in these depressed times, with the unemployed walking the streets, and find a job? Senators know they can not, and to make such statements in support of the meager rates contained in the House bill is a grave injustice to those veterans.

So far as the man who is totally and permanently disabled is concerned, certainly that argument falls of its own weight. What difference does it make to a man who is totally and permanently disabled whether he is 38 years of age or whether he is 55 years of age? He is in just as dire want, and with the obligations of a family, if he has one, he is under greater economic pressure than the man 55 years of age, who, in all probability, has discharged his obligation to his family.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. SHORTRIDGE. Will the Senator have the goodness to advise us as to the rates of compensation given to Spanish War veterans in the first 1920 act?

Mr. LA FOLLETTE. Mr. President, they are practically the same rates as those in the pending bill, except that there was no provision for any percentages of disability, and the question of permanent disability was not raised.

Mr. SHORTRIDGE. I do not say it is a conclusive argument, but I merely wish to have the facts.

Mr. LA FOLLETTE. I did not expect the Senator to say that.

Mr. SHORTRIDGE. I generally say what I think, of course. But this is not by way of argument, merely seeking the facts.

Mr. LA FOLLETTE. As a matter of fact, under the pending bill, sponsored by President Hoover, it is proposed that the Government be more stringent, give less relief and less generous treatment to the veterans of the World War than was given to the veterans of the Spanish War in 1920, because, in the first place, there has been put in the various percentages of disability, and a minimum has been fixed at 25 per cent. It is because of the 25 per cent minimum disability that the Veterans' Bureau estimates that this bill will cost less than if it had a 10 per cent minimum disability in it. Why do they so estimate? It follows that they intend to continue their stringent policy of interpretation, and thereby prevent the veterans who do not have fully 25 per cent disability from getting on the pension rolls.

Furthermore, the word "permanent" has been introduced. The Veterans' Bureau will be allowed to determine, when a man comes in diseased or partially disabled, whether his disability is going to be permanent or not. The doctors in the Veterans' Bureau will be given the discretion to determine whether a veteran's disability is permanent or not. A strict interpretation of the words "permanent disability" will prevent thousands and thousands of veterans from getting on the pension rolls at all.

If we are to take the 20 years' belated justice meted out to the Spanish War veterans as a standard of generosity to 4,000,000 World War veterans how are we to justify making that standard more stringent and less generous to the World War veterans than that given to Spanish-American War veterans in 1920?

The whole argument, Mr. President, in support of the adoption of the rates, in so far as comparison with Spanish War rates of 1920 is concerned, hinges upon the theory that because the Government was belated in giving assistance and justice to the veterans of the Spanish War, therefore, we are justified in meting out the same ungenerous treatment to veterans of the World War. You could not go into the wards of the veterans' hospitals in your States, Senators, where these men are lying in their beds, not receiving a penny of help from their Government except in the way of hospitalization and treatment, many of them with destitute wives and children, and make the arguments that you are making on the floor of the Senate in support of the inadequate rates in the pending bill.

The Senator from Pennsylvania [Mr. REED] on page 12074 of the RECORD of Monday, June 30, said:

> It is purely a matter of dollars and cents.

That is what he said in justifying his advocacy of the rates in this bill. The Senator said further:

> Probably $60 a month will not support a man in comfort in the cities and it will not support his family. If we had the money, we would all like to see more than that paid.

Mr. President, this talk about a deficit in the Treasury I regard as propoganda to prevent justice being done to the veterans. The Secretary of the Treasury has been nearly 100 per cent in error during his long term at the head of our fiscal affairs whenever it came to making an estimate about the condition of the Treasury in connection with any bill to which the administration is opposed.

At the time the soldiers' bonus bill was up—and let me say the Secretary of the Treasury was the most ardent opponent of that bill in the whole country—he estimated that if the Congress enacted that legislation there would be a deficit of $600,000,000 in the Treasury. Within 90 days the Secretary of the Treasury found it expedient in connection with another piece of legislation to discover a $300,000,000 surplus in the Treasury, and he so estimated it. Within 90 days his estimate was wrong $900,000,000!

When we had a bill pending to pay $30,000,000 a year subsidy to the shipowners of the United States the Secretary of the Treasury did not become alarmed about a deficit. Whenever one of his pet schemes to relieve great wealth from taxation is pending in the Congress he does not express concern about a deficit in the Treasury. Time after time he has succeeded in having Congress reduce the taxes upon great wealth. Secretary Mellon has been the leader of the drive to destroy the Federal inheritance tax and the income tax laws.

Last fall, when the stock market crash came, the Secretary of the Treasury sat tight as day after day stocks went tumbling down to new low levels for the year. It was said that when he was appealed to to do something about it, he said he was going to wait until the snowstorm was over before he swept off his steps. But finally he became alarmed and thought he could psychologize the situation, so he proposed a reduction of $160,000,000 in taxes upon great wealth. He was not worried then about a deficit in the Treasury.

Secretary Mellon was not worried about a threatened deficit when the rivers and harbors bill passed loaded down with "pork." Secretary Mellon does not express concern when enormous and ever-increasing appropriations for the Army and the Navy in preparation for future wars are pending in Congress. But when it comes to discharging our responsibility to the veterans of the last war he is ready with a warning of a threatened deficit.

Mr. President, war is an expensive business. The time to have considered that fact and to have considered the financial consequences, if that point was ever to be raised, was when the resolution to declare war was pending in the Congress. But then nearly every Senator was enthusiastic, and nothing would be too good for the boys when they came back. Members of Congress put on silk hats and went down on Pennsylvania Avenue to applaud the first drafted contingent going abroad. Within three days the Senate voted down a proposition to pay the soldiers $3 a day at the front. It does not become Senators now to raise the question of the condition of the Treasury in order to forestall aid being given to the needy disabled veterans of the war. The question which we should be considering is what are adequate and just pension rates for the suffering and seriously disabled ex-soldiers who are dying at the rate of 70 per day.

Mr. President, my father was a Member of this body at the time war was declared and voted against the resolution to declare war. He voted against the law by which these men were drafted to fight in a war 3,000 miles away on foreign soil. He supported every proposition for liberal treatment of the soldiers and for every provision to carry on the war. But, Mr. President, when the question came as to how we were to pay for the war he had an answer, and I think it was a sound one. He said to his colleagues in this Chamber, "Pay for this war as we go. You have declared it. You have drafted these men. You are giving them $30 a month. But here at home there are men waxing rich while the lifeblood of these men is being spilled in France." He said, "Pay for this war out of taxation. Pay for it out of war profits. Put the tax rate up equivalent to the rates in Great Britain."

But no; great wealth was too powerful in this Chamber to permit that system of taxation to be adopted. Great wealth was loud in its acclaims of approval when the boys were going to the front, but when it came to paying high war taxes out of enormous war profits, when it came to pay high income taxes, they stood shoulder to shoulder against high rates of taxation and defeated a "pay-as-you-go" policy during the war.

Then in 1921, when Mr. Harding was inaugurated, Secretary Mellon, said to be the fourth richest man in the United States, became Secretary of the Treasury. The administration began a drive to reduce taxes upon great wealth and fortunes swollen by war profits. The progressives in this Chamber maintained during those drives a consistent position. They said, "No; do not reduce taxes until we have met the obligations of the war." But they were defeated. Mr. Mellon had his way. The taxes upon great wealth and upon huge fortunes under Secretary Mellon's leadership have consistently been reduced, until to-day, in comparison with the rates in Great Britain, they are ridiculously low. We made those taxes even lower last fall by a $160,000,000 tax cut.

In view of this situation, Mr. President, who is responsible, assuming for the moment that the adoption of the Connally-Walsh amendment would create a deficit in the Treasury? Certainly not the men who went to the front to fight and received $30 a month. If there is any danger of a deficit in the Treasury, the responsibility rests squarely upon President Hoover. It was he and Secretary Mellon who advised the $160,000,000 tax cut to psychologize and "peg" the stock market. If it is a question between being moderately generous with the disabled veterans of the World War and further relieving great wealth of its just share of the burden of Government and the cost of war, I say that a majority of the Senate should take their stand on the side of the veterans.

Mr. President, it is being whispered around that if the Senate shall exercise its judgment and adopt the rates provided in the Walsh-Connally amendment, which are to all intents and

purposes the rates which we have just provided for the veterans of the Spanish War, the President of the United States will veto this bill. The Congress of the United States has just as much responsibility in this matter as has the President. This is a Government with three coordinate branches. The President of the United States having forced upon Congress the proposition of accepting this disability pension or of giving no relief at all to the veterans of the World War, then the question of what the rates shall be is a matter of judgment, and I appeal to Senators to exercise their independent judgment.

Mr. President, we have a serious depression of business and a great army of unemployed in the country to-day. Able-bodied men, willing to work, are suffering because they can not get jobs. If we take the position that we are to deny the World War veterans who are disabled the relief to which they are justly entitled, we shall add to the feeling of discontent, and to the belief on the part of an increasing number of people that justice for the common man can not be obtained from the Federal Government. Our action here to-day will be reviewed not only by 4,000,000 veterans and their families and relatives but it will be reviewed by the rank and file of the people of the country, who, for the most part, are strongly in favor of adequate and just treatment of the veterans of the World War.

Mr. President, I appeal to Senators to exercise their free and untrammeled judgment, and to cast their votes for the Walsh amendment which provides a measure of justice to the disabled veterans of the World War.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 4663. An act granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough (Washougal Slough) to Lady Island on the Columbia River in the State of Washington; and

S. J. Res. 184. Joint resolution to declare July 5, 1930, a legal holiday in the District of Columbia.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6127) to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10630) to authorize the President to consolidate and coordinate governmental activities affecting war veterans.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, and it was signed by the Vice President.

EXECUTIVE MESSAGE AND APPROVALS

A message in writing was communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On June 30, 1930:

S. 363. An act for the relief of Charles W. Martin;

S. 1378. An act for the relief of Juan Anorbie, Charles C. J. Witz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson;

S. 1638. An act for the relief of William Tell Oppenhimer, jr.;

S. 3422. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River south of Burch, Calvert County, Md.;

S. 3566. An act authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy; and

S. 4577. An act to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

On July 1, 1930:

S. 1252. An act for the relief of Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased; and

S. 2189. An act for the relief of certain homestead entrymen in the State of Wyoming.

SALE OF GOVERNMENT LANDS IN MICHIGAN

The PRESIDING OFFICER (Mr. COUZENS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 4683) to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan, which was, on page 1, line 4, after the word "sell," to insert "in parcels or as a whole."

Mr. REED. I move that the Senate concur in the House amendment.

The motion was agreed to.

CONSTRUCTION OF STABLE AT CARLISLE BARRACKS, PENNSYLVANIA

Mr. REED. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 12602) to authorize an appropriation for construction at Carlisle Barracks, Pennsylvania, and I ask unanimous consent for its present consideration.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $37,000 for the construction of a stable at Carlisle Barracks, Pennsylvania.

Mr. REED. Mr. President, the bill just read was considered at last week's meeting of the Committee on Military Affairs, and I was authorized by unanimous vote of the committee to report the bill when it should be received from the other House and be reported.

The bill was considered, ordered to a third reading, read the third time, and passed.

MILITARY CONSTRUCTION WORK IN ALAMEDA AND MARIN COUNTIES, CALIF.

Mr. REED. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 12661) to authorize the acquisition of land in Alameda and Marin Counties, Calif., and the construction of buildings and utilities thereon for military purposes, and I ask unanimous consent for its immediate consideration.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire by donation approximately 1,100 acres of land in the county of Alameda, Calif., and approximately 917 acres with suitable right of way for ingress and egress in Marin County, Calif., for aviation and other military purposes: *Provided*, That in the event the doners are unable to perfect title to any land tendered as a donation the Secretary of War is authorized to request condemnation proceedings to acquire such land in the name of the United States, and any and all awards in payment for title to such land as is condemned, together with the costs of suit, shall be made by the donors.

SEC. 2. That the sums of $243,000 for air-depot shops, and $500,000 for air-depot warehouses, at Rockwell Air Depot, Rockwell Field, Calif., authorized for appropriation by the act approved May 26, 1928 (45 Stat. 749), are hereby authorized to be appropriated for the following purposes at Alameda, Calif.: Air-depot shops, $243,000; preparation of landing field, sea wall, grading building area, railroad tracks, roads and drainage, $500,000.

SEC. 3. That the sums of $200,000 for officers' quarters, $78,000 for noncommissioned officers' quarters, and $240,000 for barracks; in all, $518,000, appropriated by the act approved March 23, 1928 (45 Stat. 334), as authorized by the act approved March 3, 1927 (44 Stat. 1391), for Rockwell Field, Calif., and the sums of $160,000 for hangars, $45,000 for Air Corps warehouse, $40,000 for headquarters and operations building, $25,000 for radio, parachute, and armament buildings, $10,000 for gasoline and oil storage, and $5,000 for paint, oil, and dope warehouse; in all, $285,000, appropriated by the act approved February 28, 1929 (45 Stat. 1361), as authorized by the act approved May 26, 1928 (45 Stat. 749), for Rockwell Field, Calif., are hereby authorized to be made available for expenditure for the same respective purposes at Marin County, Calif.

SEC. 4. That the sums of $45,000 for hangars and field warehouse, $100,000 for field shop, $50,000 for construction of paved runways, $108,000 for noncommissioned officers' quarters, and $150,000 for officers' quarters, at Rockwell Field, Calif.; in all, $453,000, authorized for appropriation by the act approved February 25, 1929 (45 Stat. 1305), are hereby authorized to be appropriated for the following purposes at Marin County, Calif.: For hangars and field warehouse, $45,000; for field shop, $100,000; for paved aprons, $50,000; for preparation of landing field, building area, railroad tracks, roads, and drainage, $258,000.

Mr. REED. Mr. President, the same action was taken by the committee on that bill as on the bill just passed. The bill now before the Senate is in the highest degree important to the Air Corps, both of the Navy and of the Army. It is recommended by both departments, and also by the Director of the Budget, and the vote in the committee in favor of it was unanimous.

The bill was considered, ordered to a third reading, read the third time, and passed.

POST OFFICE AT HARROGATE, TENN.

Mr. McKELLAR. Mr. President, there is quite a controversy about a post office at Harrogate, Tenn. I desire to have printed in the RECORD several telegrams and letters concerning that matter.

The PRESIDING OFFICER. Without objection, that will be done.

The communications are as follows:

STATE OF TENNESSEE,
Claiborne County:

Personally appeared before the undersigned authority Earnie Griffin, who made oath in due form of law, as follows: That he was at the Republican primary election at Sand Lick precinct in the third district of Claiborne County on the 5th day of August, 1926, and was paid $2 to vote for REECE for Congress by Ottie McBee, a rural carrier of route No. 4 from Tazewell, Tenn.

EARNIE (his x mark) GRIFFIN.

Witness to mark:
TOM DUNCAN.

Sworn and subscribed to before me this August 20, 1926.

[SEAL.] D. M. ENGLAND,
Notary Public.

CUMBERLAND GAP, TENN., *June 16, 1930.*

Hon. KENNETH MCKELLAR,
Care United States Senate, Washington, D. C.:

I approve the confirmation of Alexander H. Hill for postmaster Harrogate, Tenn.

J. R. KETRON,
Ex-Chairman Democratic Party.

NEW TAZEWELL, TENN., *June 16, 1930.*

KENNETH D. MCKELLAR,
Care Senate:

I approve the confirmation Alexander H. Hill for postmaster Harrogate, Tenn.

LEE D. STONE, *Cashier Citizens' Bank.*

TAZEWELL, TENN., *June 17, 1930.*

Hon. KENNETH D. MCKELLAR,
United States Senate:

Kindly aid appointment of Alexander H. Hill, postmaster Harrogate, Tenn.

PERRY E. DEBISK.
Chairman of Democratic Executive Committee.

TAZEWELL, TENN., *June 20, 1930.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.

DEAR SIR: Mr. Alexander H. Hill, of Harrogate, Claiborne County, Tenn., is an applicant for the post office at Harrogate. I understand he has passed in the examination and has been recommended for this position.

Since Mr. Hill has received the indorsement of his Congressman and many local citizens I understand certain charges have been made against him, to the effect that he is not a suitable person for the position on account of the alleged fact that he has engaged in some manner in handling or selling liquor. I desire to say to you that if such charges have been made against him that they are wholly without justification. I have known Mr. Hill for a number of years. He is one of the very substantial citizens of his community. He is an industrious and hard-working, intelligent man, and has heretofore given much of his time to the upbuilding of his community and in the promotion of churches and schools. No man in this section would be further from violating the law than he, and any charge made against him in reference to being mixed up with liquor or with the handling of liquor is without any foundation whatever. He has never been accused of being guilty of any act which is not in accord with good citizenship and that of a man who obeys the law. It is not his nature to engage in law violation.

I might further state to you that Mr. Hill is a man well thought of in this county. He has the confidence and respect of the people of this county. His appointment as postmaster for the Harrogate post office will be met with the approval of a great many of the people served by said office. In addition to this, his appointment will be a credit to the Post Office Department.

I write this letter on Mr. Hill's behalf in view of the fact that it has come to him that some one has attempted to charge him with being a law violator, and in that way trying to block his appointment. I think you can not make a better appointment than Mr. Hill for this office, and I recommend him highly.

I am a member of the board of directors of the Lincoln Memorial University, which is located at Harrogate, Tenn. This institution is served by the post office at Harrogate. Mr. Hill's appointment will be very satisfactory indeed to the officials and student body of that institution as well as the mass of the citizens generally served by the office.

Yours truly,

J. R. KETRON.

(Copy to Hon. B. CARROLL REECE, Member of the House of Representatives.

Copy to Hon. KENNETH MCKELLAR, United States Senator, Washington, D. C.)

TAZEWELL, TENN., *June 21, 1930.*

Hon. CARROLL REECE,
House of Representatives, Washington, D. C.

DEAR SIR: Mr. Alexander H. Hill has been in my employ for the past year and a half. He was principal of the Forge Ridge consolidated school last year and has been reelected to the same position for next year.

He is a Christian gentleman, a strong community worker both in a civic and religious way. He works in Sunday school each Sunday. He is almost entirely responsible for the securing of funds for the erection of the new modern brick school building.

Mr. Hill has been in my office repeatedly, and I have visited him at his work numbers of times and have found him absolutely honest, clean, free of bad habits, always associating with the best class of people, and standing strongly for law enforcement.

Yours truly,

ETHEL HAMILTON.

JUNE 26, 1930.

UNITED STATES SENATE INVESTIGATING COMMITTEE,
Washington, D. C.

(Attention: Senator MCKELLAR.)

GENTLEMEN: Whereas it has come to our attention and we believe that there is much irregularity in making post-office appointments in Claiborne County, Tenn., that political influence has entered into civil-service appointments to a point of corruption;

That unfair and corrupt practices are used in obtaining said appointments and in placing certain individuals on the eligible list for said appointments;

That unfair, unscrupulous, and corrupt means are used to vacate certain offices;

That unfair and undue influence has been brought to bear on persons who have made such grades in civil-service examination as does place them on the eligible list for appointment to certain offices, that causes them to withdraw their name from the said list and in order that other applicants, who are special friends of certain political organizations and who are sometimes incompetent and unqualified, may secure said appointment;

That post-office appointments, rural-carrier appointments, and perhaps others are bought and sold;

That money and other contributions are made by persons holding said office to parties and political organizations for political purposes;

That certain aspirants to these different offices are asked for payment and contributions before any appointments are made;

That certain political organizations are demanding certain prices and contributions;

That certain Members of Congress and members of certain political organizations are using their influence to hold an office, for certain favorite officials, who have been charged with law violations, charged with violating the Federal prohibition law and with laws involving moral turpitude, with misconduct in office, with negligence and carelessness in office, over the protest of the majority of citizens and patrons of that particular office and community, and over the recommendation of the officials of the Post Office Department to satisfy their own political creed;

That certain representatives from Tennessee, their campaign managers and political advisors, or a part of a party to said traffic of post-office appointments, corrupt practices and unfair dealings and transactions, and that they knowingly and willingly consented to such a state of facts, if not heartily agreed thereto:

We, the undersigned citizens of the United States of America, State of Tennessee, and county of Claiborne, do hereby respectably petition this honorable body through its investigating committee to investigate the patronage situation and political corruption in Claiborne County at its earliest convenience and in support of our petition and our contentions, we respectfully submit the inclosed statements and affidavit.

Very respectfully submitted.

B. H. Livesay, produce dealer, New Tazewell, Tenn.; D. M. England, auto dealer, New Tazewell, Tenn.; M. B. Schults, contractor and builder; C. H. Brock, Chevrolet salesman; Homer Runions, bookkeeper; W. C. Grubb, barber; Clarence M. Percival, merchant; J. W. Chumley, farmer; Nell Patterson, stenographer; A. D. Hill, merchant; R. W. Brooks, justice of the peace; Mrs. R. W. Brooks, tourist camp; Frank Greene, barber; G. M. Connor, druggist; Frank Richardson, cashier Peoples' Bank; J. S. Whitaker, hotel manager; C. G. Smith, brick mason; P. Overton, merchant; Karl C. Thomas, hotel owner and manager; William (his mark X) Holbrook, restaurant; E. L. Holland, telephone manager; J. F. Sneley, mechanic; Russell Berkan, merchant; Carlie Brooks, farmer; G. M. Estep, farmer; L. D. Flack, farmer; John M. Reece, farmer; A. E. McCoy, salesman; E. J. Hardin, jr., theater operator; Joe Mountain, farmer, New Tazewell; J. T. Thomas, retired farmer; B. J. Edwards, agent Louisville & Nashville Railway; J. R. Guy, retired farmer.

JUNE 26, 1930.

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That money and other contributions are made by persons holding said office to parties and political organizations for political purposes;

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That certain political organizations are demanding certain prices and contributions;

That certain Members of Congress and members of certain political organizations are using their influence to hold an office, for certain favorite officials, who have been charged with law violations, charged with violating the Federal prohibition law and with laws involving moral turpitude, with misconduct in office, with negligence and carelessness in office, over the protest of the majority of citizens and patrons of that particular office and community and over the recommendation of the officials of the Post Office Department, to satisfy their own political creed; that certain representatives from Tennessee, their campaign managers and political advisers, or a part of a party to said traffic of post-office appointments, corrupt practices, and unfair dealings and transactions, and that they knowingly and willingly consented to such a state of facts, if not heartily agreed thereto:

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Very respectfully submitted.

Elizabeth Jackson, superintendent Grace Nettleton Home; W. R. Moss, manager of Harrogate Store; J. F. Estep, merchant; Carson Denable, manager of Harrogate Dry Goods Co.; T. P. Robinson, coal yard; W. S. Robinson, general merchant; N. A. Worley, retired merchant; W. J. Harber, agent Louisville & Nashville Railroad Co.; Hanse Estes, retired merchant; Joseph M. Carr, printer; Houston Patterson, lumber, Harrogate, Tenn.; S. M. Jones, merchant, Harrogate, Tenn.; R. P. Overton, district representative State legislature; H. M. Dyer, saleman; James N. Jones, manager of shoe shop.

JUNE 27, 1930.

STATE OF TENNESSEE,
County of Claiborne:

Personally appeared before me, the undersigned authority, B. H. Livesay, with whom I am personally acquainted, after having first been duly sworn, makes the following statement:

My name is B. H. Livesay, live at New Tazewell, Claiborne County, Tenn. I am 42 years of age and I am a wholesale produce dealer. About the year of 1924, I was county campaign manager for William I. Jones, who was a candidate for Congress against B. CARROLL REECE, present congressman from this district. In this race, Jones was defeated by REECE. Some time later, in about 1925, I was appointed postmaster at New Tazewell, in Claiborne County, Tenn., being recommended by REECE for that office. At that time William I. Davis, a lawyer at Tazewell, in Claiborne County was Congressman REECE'S campaign manager for that county and Bill Yoakum and Wills Jaynes was assistant to Davis and REECE, acting in an advisory capacity and taking part in REECE'S campaign and in all appointments.

At that time REECE had a fairly strong political organization in this county, headed chiefly by Davis, Yoakum, and Jaynes and all appointments made in this county, to postmaster, rural carriers, and the like had to meet the aproval of these three men, and no applicant regardless of his political faith, his standing or his rating under civil-service examinations, was ever able to obtain an appointment unless he made satisfactory arrangements with these three men, who in turn made their recommendation known to Congressman REECE and he in turn saw that the appointments were thus made.

Some time after I became postmaster at New Tazewell and during the congressional campaign between Congressman REECE and Joel Pierce, REECE'S campaign manager of the county, William I. Davis, came to me inside of the post office at New Tazewell and asked me to give him $25 to help pay for the publishing of some textbook literature against Pierce, to be distributed and used in the campaign between him and REECE. At that time I did not have the money in my pocket and told him that I would give him the $25 as soon as I could get it. A few days later Wills Jayne, one of the three before mentioned, came to me and asked me about the same $25, if I had gotten it up yet, I informed him that I had not but told him if they needed it now for him, Jayne, to put it in and I would pay it to him as soon as I could and he said he would take care of the matter, if I would get in the money at once.

A few days later when I had gotten the money, I sealed the $25 in cash up in an envelope, gave it to Carlis Burche and told him to take it to Bill Davis at Tazewell. Later on as the campaign progressed, Mr. Davis came back to me at New Tazewell and acknowledged receipt of the $25 but he said that he would have to have $200 more for REECE'S campaign. I told him there and then that I would consider the proposition and let him know. This was at the post office and inside of the post office at New Tazewell. Some few days later Mr. Davis came back and advised me that he had come after the $200 for REECE'S campaign fund and I told him that I did not intend to pay it. Mr. Davis became angry at what I had said and there advised me that if I did not contribute the $200 that I had better resign as postmaster and get out of it. Some month or two after the election was over in August, charges were brought against me, as postmaster, and were instigated at the hands of these same men. These men were aided in getting up charges against me by a rural carrier for the Tazewell office, Ottie McBee, who was a close friend of these men and REECE and who had been very active in the campaign.

McBee has been retained as a carrier for that office for years and has never lived within the delivery of that office, having lived and at this time is still living at New Tazewell. John Goins, postmaster at Tazewell, took an examination for the post office at New Tazewell some several years ago, and which examination I also took part in, and was one of the three highest grades. In his application for that office and to the civil service he gave his post-office address to be New Tazewell. He was appointed and held the office for a short time and resigned, later took the examination for the post office at Tazewell and was appointed, and in that application he gave his address as Tazewell, while as a matter of fact his residence has never been changed, living at the same place when both examinations were taken.

The said John Goins has been very active in REECE'S campaign and particularly in the campaign against Pierce, and while he was acting as postmaster it is alleged that John Goins before this last appointment solicited campaign funds for Reece from a postal employee, J. H. Watson, New Tazewell, Tenn., who was at that time a rural carrier. I have nothing against these gentlemen or against Congressman REECE personally; our differences are from a political standpoint, as I do not approve of the methods that they use in their campaigns and in the filling and vacating offices, as it appears to me to be very unfair and corrupt.

B. H. LIVESAY.

Subscribed to and sworn before me this 27th day of June, 1930.

[SEAL.] D. M. ENGLAND,
Notary Public.

My commission expires May 7, 1931.

JUNE 27, 1930.

STATE OF TENNESSEE,
County of Claiborne:

Personally appeared before me, the undersigned authority, Bob Herd, with whom I am personally acquainted; after being duly sworn, says:

I am 36 years of age, live at Harrogate, Claiborne County, Tenn., and am assistant postmaster at Harrogate post office. My brother, John Herd, is postmaster and has been for eight years.

In 1922 and again in 1924, one G. S. Nevills, a patron of this office, came into the post office at Harrogate and informed me that he wanted $100 for Congressman CARROLL REECE'S campaign fund. He said that that was the sum expected from all the postmasters in Claiborne County, and as my brother was postmaster here that he, too, was expected to contribute that sum. I paid the $100 on both of the said occasions to the said G. S. Nevills. He said that he would see that Bill Davis, who was REECE'S county campaign manager at that time, got the money all right.

Nevills was a strong REECE supporter and very active in his campaign and his boy was rural carrier on route No. 2 from the Harrogate office. At that time Nevills was closely allied with the political band of Jaynes, Yoakum, and Davis, of Claiborne County, who acted as dictators of all Federal appointments in this county. It is my understanding that the said Nevills had been very active in getting up charges against John Carr, another rural carrier of this office; also against my brother, John Herd, as postmaster. Nevills demanded of this office and the postmaster here that we have his other son appointed mail messenger and

that we act as mail messenger in his absence and when he wanted to be away.

We did this for a while free of charge, and his absences became so frequent that it was impossible and at least impractical for us to continue said service. His boy abandoned the mail-messenger service for the period of about seven months at one time. During his absence the postmaster readvertised, and a new mail messenger was appointed. Upon his return, his father, G. S. Nevills, and the other members of the political organization, that dictated to all officials, made it known that they were offended and that he should be allowed to assume the mail-messenger service upon his return.

I made the above-mentioned contributions of $100 each myself, because I felt like that they would at least give my brother trouble, or perhaps oust him from his office unless I did. This same political organization has used unfair and unjust means to oust or remove one particular carrier from this office and just as willfully used the same means to hold in the service another carrier who is a friend of the organization and related to some of its members. Since these little differences arose between us they have used both unfair and unscrupulous means to bring up charges against the personnel of this office. They have put forth charges that had absolutely no foundation, and known to be false, for the purpose of intimidating and browbeating the postmaster and clerks of this office into doing their bidding.

All these things must have at least been known to the Congressman—CARROLL REECE—from this district. I have been advised that Congressman REECE and his campaign manager of this county—Davis—are recommending that W. P. Nevills be retained in service in spite of the many charges of a serious nature that have been made against him; in spite of the fact that he has been indicted by prohibition investigating agents in the United States district court at Knoxville, Tenn.

It is my understanding that this same indictment was dismissed or nolle prossed at the request and through the influence of this same political organization and in spite of the fact that post-office inspectors have investigated said Nevills and found the charges true and over the protest of the majority of good citizens of his route.

On one other occasion John Goins, who is now postmaster at Tazewell, Tenn., came into the post office at Harrogate and demanded campaign funds for REECE from the post-office force, stating that he was acting for Bill Davis. But as I remember nothing was paid to him at that time. It is generally understood in this county that all postmasters and rural carriers must make contributions when called upon by this political organization for REECE's congressional campaign or else suffer the consequences, which means that charges are at once executed and in all probability the officeholder is removed or forced to resign from service.

The personnel of this office has been threatened on more than one occasion by G. S. Nevills, a member of the organization, that unless certain things were done and done according to the whims of the politicians that the same power that put the persons in service would put them out, and that they meant to use that power while they had it.

ROBERT HERD,
Assistant Postmaster, Harrogate, Tenn.

Subscribed and sworn to before me this the 28th day of June, 1930.
[SEAL.] R. W. BROOKS, *Notary Public.*

My commission expires October 31, 1931.

STATE OF TENNESSEE,
County of Claiborne:

Personally appeared before me, the undersigned authority, John W. Chumley, of New Tazewell, Claiborne County, Tenn., after being duly sworn says:

My name is John W. Chumley; I live at New Tazewell, my age is 55, and I am a farmer. I was postmaster at New Tazewell during the years of 1923 and 1925. During that time I was solicited by REECE's supporters for campaign funds. At one time John Goins, who is now postmaster at Tazewell, Claiborne County, Tenn., came into the post-office lobby at New Tazewell and told me that he was soliciting funds for the campaign and wanted me to contribute and to see all the carriers in my office and ask them for $50 each, saying that that was the sum agreed upon for the carriers over the county.

I contributed to this campaign personally, but, as I understood, the rural carriers contributed to William I. Davis, who was at that time REECE's county campaign manager. It is generally understood in this county that no applicant can receive an appointment under any of these officers unless O. K'd by Mr. Davis, who is campaign manager for Congressman REECE in this district, and that ofttimes unfair and undue advantage is taken of applicants in order to place the desired person in the position and the same thing is true when they desire to remove certain officeholders.

JOHN W. CHUMLEY.

Signed and subscribed to and sworn to before me this 27th day of June, 1930.
[SEAL.] SHERMAN BROOKS, *Notary Public.*
My commission expires November 7, 1931.

JUNE 27, 1930.

STATE OF TENNESSEE,
County of Claiborne:

Personally appeared before me, the undersigned authority, John E. Carr, who after being duly sworn, says:

My name is John E. Carr; I live at Harrogate, Claiborne County, Tenn.; my age is 48; and I am a rural carrier from the Harrogate post office.

About four years ago Wills Jaynes, who was at that time one of Congressman REECE's lieutenants or advisers in this county, came to me just as I was leaving the Harrogate post office, starting to serve my route. Jaynes said to me that he had to have $25 from me for REECE's campaign fund. He advised me to pay it. I told him that I had never made any contribution either to obtain or to hold a position. After some conversation he informed me that he must have the $25 and in case I refused he had charges with him in his vest pocket which he would turn in against me to knock me out of my job as carrier. He stated that he would give me until the next day to study the matter over and advised me to write him a letter what I was going to do.

He said if I would give him the $25 he would destroy the charges, otherwise they would be filed against me at once. I never made the contribution, and the charges were filed against me, as had been threatened. The charges were filed and engineered by this bunch of fellows that manage REECE's campaign and who dictate appointments and such matters in this county, namely, Jaynes, Bill Yoakum, and William I. Davis.

I was bothered by charges continually for more than a year and was investigated by four different inspectors, but I am yet in the service. The charges were absolutely false and filed solely for political purposes. Unfair means and advantage was taken against me wherever possible, and all at the hands of this same bunch, who have been political bosses of this situation in Claiborne County for several years.

JOHN E. CARR.

Subscribed to and sworn to before me this, the 28th day of June, 1930.
[SEAL.] SHERMAN BROOKS, *Notary Public.*

My commission expires November 7, 1931.

STATE OF KENTUCKY,
County of Bell:

Personally appeared before me, the undersigned authority, Joe L. Mink, with whom I am personally acquainted, and after being duly sworn says:

I am 27 years of age, live at Middlesboro, Ky., and have lived here for the last three years. Previous to the time I came here I lived at New Tazewell, Claiborne County, Tenn.

About the years 1924 to 1927 I was rural carrier from the post office at New Tazewell, under Postmasters Ben Livesay and J. W. Chumley. While I was serving there I was called upon twice for contributions to Congressman REECE's campaign. The first time I paid $50 to John Goins, who is now postmaster at Tazewell, Tenn., and the last time I paid it to William I. Davis. These two men were close advisers to REECE, and Mr. Davis has been his campaign manager for a long time. It is my understanding that all the other carriers had to put up $50 each campaign. It was either to put up or else charges were brought against them. I told John Goins that I did not have the money, and he said to me, "Now, Joe, you know that you want to carry the mail."

It is common knowledge that REECE's political organization in Claiborne County expect and demand regular contributions for campaign purposes from all employees in the Post Office Department in Claiborne County. I have no personal feeling against any one of these gentlemen, but I do know that this is the true situation in Claiborne County.

JOE L. MINK.

Subscribed and sworn to before me this the 28th day of June, 1930.
[SEAL.] F. R. LEAR,
Notary Public, Bell County, Ky., and Middlesboro, Ky.

My commission expires January 10, 1934.

TAZEWELL, TENN., *June 27, 1930.*

United States Senator MCKELLAR:

I have been employed by citizens to prepare petition for Senate investigation in Claiborne County. Petition and affidavits will follow immediately.

W. S. BROOKS, *Attorney.*

JUNE 28, 1930.

STATE OF TENNESSEE,
County of Claiborne:

Personally appeared before me, the undersigned authority, James M. Herd, with whom I am personally acquainted, and, after being duly sworn, says:

My name is James M. Herd. I am 36 years of age and am chief post-office clerk at Harrogate, Tenn.

About the year of 1926, and perhaps in the month of July just before a campaign, Congressman REECE and Joel N. Pierce, William I. Davis, who was Congressman REECE'S campaign manager for Claiborne County, and Willis Jaynes, his assistant or ally, came into the post-office lobby at Harrogate, Tenn., and asked the post-office force, which consisted of myself and my two brothers, one of which was postmaster of the office and the other assistant postmaster, to contribute $100 to REECE'S campaign funds. He then talked to me privately in the lobby of the post office and I gave him the $100. In a few days after that I was in Tazewell, Tenn., and Mr. Davis called me into his office and asked that we give another $100 to the campaign fund, stating that if we did not do that that REECE would not like it a bit and that he would probably be sore about it.

I gave him that day in his office $100 in cash. The reason I contributed the $200 was because I believed that unless I complied with their demands that this bunch, or political organization, and also Congressman REECE, would prefer charges against us and give us trouble, as they had been fighting us at the time of my brother's second appointment as postmaster.

It is common knowledge in this county that no one can secure a Federal appointment in this county unless he is O. K'd by REECE and his two or three advisers in the persons of W. I. Davis, Wills Jaynes, and G. S. Nevills and W. G. Yoakum. That contributions are demanded from all appointees or officeholders for political purposes, and that these contributions must be made or a fight is on hand.

JAMES M. HERD.

Subscribed to and sworn to before me this 28th day of June, 1930.
[SEAL.] SHERMAN BROOKS, *Notary Public.*
My commission expires November 7, 1931.

STATE OF TENNESSEE,
County of Claiborne:

Personally appeared before me, the undersigned authority, James M. Herd and Robert Herd, with whom I am personally acquainted, and after being duly sworn, says:

It has come to our attention and is generally talked and understood in the vicinity of Harrogate that one Alexander H. Hill, who is an applicant for the post office at Harrogate, promised Wm. I. Davis $200 if he would secure the appointment for him. We understand that Mr. Davis and Mr. REECE, our Representative, have recommended Hill's appointment.

It is also generally spoken and understood by us that one W. C. Bolton, of Harrogate, whose daughter was applicant for the office and who took the examination, offered Wm. I. Davis a large sum of money if he would have his daughter appointed. Mr. Bolton's daughter was allowed to work in the office at Tazwell for some time before the examination in order that she might grade good. It is alleged that W. C. Bolton offered to Davis and Wills Jaynes $1,150 for the appointment and that he had that much more if he needed it.

JAMES M. HERD.
ROBERT HERD.

Subscribed and sworn to before me this the 28th day of June, 1930.
[SEAL.] R. W. BROOKS, *Notary Public.*
My commission expires October 31, 1931.

MIDDLESBORO, KY., *June 28, 1930.*

Hon. K. D. MCKELLAR,
Washington, D. C.:

I know Alexander H. Hill. Would like to have his appointment postmaster Harrogate confirmed at once.

R. W. PAYNE,
Tazewell, Tenn.

MIDDLESBORO, KY., *June 28, 1930.*

Senator KENNETH MCKELLAR:

Will appreciate it if you will get appointment of Alexander H. Hill as postmaster at Harrogate, Tenn., confirmed by United States Senate before it adjourns.

J. R. KETRON.

MIDDLESBORO, KY., *June 28, 1930.*

Hon. K. D. MCKELLAR,
Washington, D. C.:

Please do all you can for the confirmation of Alexander Hill for postmaster at Harrogate before the Senate adjourns.

J. W. ROSE,
County Court Clerk, Tazewell, Tenn.

MIDDLESBORO, KY., *June 28, 1930.*

Hon. K. D. MCKELLAR,
Senate Chamber, Washington, D. C.:

Just learned that Alexander H. Hill's appointment postmaster, Harrogate, has just gone to the Senate. Would be pleased if you will see that the appointment is confirmed before Senate adjourns.

J. T. HUGHES,
President Claiborne County Bank, Tazewell, Tenn.

MIDDLESBORO, KY., *June 28, 1930.*

Hon. K. D. MCKELLAR,
Senate Chamber, Washington, D. C.:

Just learned that Alexander Hill's name has been sent to Senate for confirmation for postmaster at Harrogate. Kindly see that same is confirmed at once before adjournment.

PERRY E. DUBUSK,
Chairman Democratic Executive Committee, Tazewell, Tenn.

MIDDLESBORO, KY., *June 28, 1930.*

Hon. K. D. MCKELLAR,
Senate Chamber, Washington, D. C.:

Just learned that Alexander Hill's name has been sent to Senate for confirmation for postmaster at Harrogate. Kindly see that same is confirmed at once before adjournment.

Dr. J. H. S. MORISON,
Election Commissioner, Claiborne County, Tenn.

MIDDLESBORO, KY., *June 28, 1930.*

Hon. KENNETH D. MCKELLAR,
Washington, D. C.:

It would please me for you as Senator to have the Senate confirm the appointment of Alexander H. Hill as postmaster at Harrogate. Am informed that he had been recommended for the appointment and that his appointment was submitted to the Senate yesterday.

Yours very truly,

FRANK F. OVERTON, *County Judge.*

MIDDLESBORO, KY., *June 29, 1930.*

Hon. K. D. MCKELLAR,
Care Senate, Washington, D. C.:

My nomination for postmaster Harrogate, Tenn., went to the Senate Friday. I shall appreciate it very much if you will get a confirmation before the Senate adjourns.

ALEXANDER H. HILL, *Harrogate, Tenn.*

MIDDLESBORO, KY., *June 29, 1930.*

Hon. KENNETH D. MCKELLAR,
Care Senate, Washington, D. C.:

I approve the confirmation of the appointment of Alexander H. Hill as postmaster Harrogate, Tenn.

LEE STONE,
President Bank, New Tazewell, Tenn.

MIDDLESBORO, KY., *June 29, 1930.*

Hon. K. D. MCKELLAR,
Care Senate, Washington, D. C.:

Kindly use your influence in having Senate confirm appointment before adjournment of Alexander H. Hill for postmaster at Harrogate, Tenn.

FRANK RICHARDSON,
Cashier Peoples Bank, Cumberland Gap, Tenn.

MIDDLESBORO, KY., *June 29, 1930.*

Hon. KENNETH D. MCKELLAR,
Washington, D. C.:

Patrons of Harrogate post office will approve confirmation of Alexander H. Hill as postmaster.

J. H. S. MORRISON,
Circuit Judge, Cumberland Gap, Tenn.

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended.

Mr. GEORGE obtained the floor.

Mr. MCNARY. Mr. President, will the Senator from Georgia yield to me for a moment in order that I may propose a unanimous-consent agreement, which will require the calling of the roll.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. GEORGE. I yield.

Mr. MCNARY. I submit a proposed unanimous-consent agreement, and after it shall have been read I will suggest the absence of a quorum.

The PRESIDING OFFICER. The proposed agreement will be read.

The legislative clerk read as follows:

It is agreed by unanimous consent that at the hour of 5 o'clock p. m. to-day the Senate proceed, without further debate, to vote upon any amendment that may be pending, or that may be proposed, and upon the bill (H. R. 13174) to amend the World War veterans act, 1924, as amended, through its several parliamentary stages to its final disposition.

Mr. CUTTING. I object.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. LA FOLLETTE. The Senator from New Mexico has objected, may I suggest to the Senator from Oregon?

Mr. McNARY. Will not the Senator from New Mexico withhold his objection until the roll may be called?

Mr. CUTTING. I am going to object to the request in any event.

Mr. McNARY. That may be.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	McNary	Stelwer
Ashurst	Glass	Metcalf	Stephens
Barkley	Glenn	Moses	Sullivan
Bingham	Goldsborough	Norris	Swanson
Black	Hale	Oddie	Thomas, Idaho
Blaine	Harris	Overman	Thomas, Okla.
Borah	Harrison	Patterson	Townsend
Brock	Hastings	Phipps	Trammell
Broussard	Hatfield	Pine	Tydings
Capper	Hayden	Pittman	Vandenberg
Caraway	Hebert	Ransdell	Wagner
Connally	Howell	Reed	Walcott
Copeland	Johnson	Robinson, Ind.	Walsh, Mass.
Couzens	Jones	Robsion, Ky.	Walsh, Mont.
Cutting	Kendrick	Sheppard	Watson
Dale	La Follette	Shipstead	
Deneen	McCulloch	Shortridge	
Fess	McKellar	Steck	

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. McNARY. Mr. President, I suggested the absence of a quorum for the purpose of submitting a unanimous-consent agreement, which I ask to have stated from the desk.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be stated.

The legislative clerk read as follows:

I ask unanimous consent that at the hour of 5 o'clock p. m. to-day the Senate proceed without further debate to vote upon any amendment that may be pending or that may be proposed and upon the bill (H. R. 13174) to amend the World War veterans' act of 1924, as amended, through its several parliamentary stages to its final disposition.

Mr. CUTTING. I have already objected to that proposal.

Mr. LA FOLLETTE. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. LA FOLLETTE. I think we might as well be entirely frank about this matter. Several Senators are absent who desire to support the amendment offered by the Senator from Massachusetts, for whom, up until this time, it has been impossible to get pairs. Those Senators are unavoidably absent; and in view of that situation, I shall feel constrained, so far as I am personally concerned, to object to any unanimous-consent agreement until those Senators are protected upon this very important vote.

Mr. McNARY. Mr. President, I naturally assume that that is an affirmative objection.

Mr. LA FOLLETTE. I object, Mr. President.

Mr. McNARY. Mr. President, I am curious to know if 7 o'clock this evening would be satisfactory to the Senator.

Mr. LA FOLLETTE. For the reason already stated, I object.

Mr. McNARY. Mr. President, I am not aware that the Senators who are absent have requested to be paired.

Mr. LA FOLLETTE. They have requested to be paired, Mr. President.

Mr. McNARY. Of course, there are incidents in all legislation where it is impossible to get pairs. I personally should like to see these Senators paired, if possible; but we can not hold up legislation indefinitely because two Members of the Senate are away and unpaired.

Mr. LA FOLLETTE. That statement sounds very plausible on the surface, but the Senator knows very well that it is a practice and a custom here to afford protection to Senators who are necessarily absent; and, so far as I am concerned, I do not propose to make any unanimous-consent agreement until it is possible to protect the Senators who are absent.

The PRESIDING OFFICER. Objection has been made. The Senator from Georgia has the floor.

Mr. McNARY. Mr. President, if the Senator from Georgia will bear with me a moment——

Mr. GEORGE. I yield to the Senator.

Mr. McNARY. I propose that there be a limitation on debate after 4 o'clock to-day; that no Senator be permitted to speak more than once nor longer than 10 minutes on the bill or any pending amendment.

Mr. LA FOLLETTE. For the reason already stated, Mr. President, I object.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. GEORGE. I yield.

Mr. McKELLAR. Is there any reason why the absent Senators, one of whom I have heard from, can not be paired?

Mr. McNARY. I am not the pair clerk of the Senate.

Mr. McKELLAR. But if the Senator were to speak to the pair clerk about the matter, perhaps it could be arranged.

Mr. McNARY. I should be very happy to see these Senators paired, but personally I want to vote. It is seldom that I am absent and make a request to be paired. Of course, Senators have that right; but they should be here, or suffer the responsibility, or obtain pairs, of course.

Mr. FESS. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. I yield to the Senator.

Mr. FESS. I find a great deal of difficulty at times in securing pairs, on the ground that Senators here want to vote. I do not see any reason why the absent Members should not be paired if we could find somebody who would be willing not to vote when the roll is called. That seems to be the difficulty to-day.

Mr. McNARY. Mr. President, an effort was made yesterday. I interested myself in the situation at that time in an attempt to get pairs and transfers. Of the four absent Senators who would vote for the amendment, I think two have been cared for. It is up to individual Members to make what we might call a personal sacrifice. I do not know of any way in which that could be brought about through any method of compulsion or invoking any rule of the Senate.

The PRESIDING OFFICER. The Senator from Georgia is entitled to the floor.

Mr. GEORGE. Mr. President, upon this matter I very much hoped an agreement might be reached to vote; but, of course, I share the feeling of the Senator from Wisconsin [Mr. LA FOLLETTE] and others who are advised of the situation. It seems to me that pairs could well be provided for the absent Senators who wish to be recorded on this vote. If pairs were provided I am sure there would be no difficulty in reaching an agreement to vote this afternoon.

Mr. President, I desire to refer principally to one phase of the pending amendment.

The President of the United States, in vetoing the bill which was passed the other day, exercised the constitutional duty and power placed in his hands; and I am glad that the President felt free to exercise that responsibility, although I did not agree with the views expressed by him in his veto message. I wish to refer to the reasons assigned by the President in his veto of the bill passed by the Senate and concurred in by the House for the purpose of testing the bill now before the Senate.

The President pointed out, in the first place, that the basis of that bill was fictitious, in that the presumptive date had been brought forward from January 1, 1925, to January 1, 1930. It may as well be conceded that that, in a sense, was an arbitrary date. That is, the selection of January 1, 1930, was an arbitrary selection. But the President's message and many of the papers of the country have assumed in one breath that all disabilities resulting from diseases occurring prior to January 1, 1930, were made compensible under the bill which the President vetoed. In point of fact, that is not true. In point of fact, speaking broadly, the only diseases actually brought forward under that presumption are the so-called constitutional chronic diseases, aside from the particular diseases already covered under the presumption in existing law, and one or two specially enumerated diseases.

Now, Mr. President, I want to call attention to this fact:

When the act of 1924 was passed, fixing January 1, 1925, as the latest date when the presumption would arise in favor of the veteran developing a particular disability prior to that time, the bureau had considered many thousands of cases. The bureau had found, as a matter of fact, that those cases were not service-connected cases. The doctors in the Veterans' Bureau had considered the applications of the veterans. They had determined as a matter of fact that the cases were not service-connected. The question was, so to speak, res adjudicata.

Under those circumstances the Congress deliberately determined that all disabilities arising from certain diseases occurring prior to January 1, 1925, should be presumed to be service connected. In other words, the Congress, under the approval of the then President of the United States, arbitrarily resorted to a legal fiction to overcome the facts as found by the scientific men in the Veterans' Bureau in 1924. So that if the President's objection to the bill which he vetoed on the 26th of last month is sound, the objection might have been urged with equal force to the provision in the existing law which raised

the presumption if the disease occurred prior to January 1, 1925.

It may be said that inasmuch as the time in which the disease must occur from which the presumption follows is much nearer in point of time to the actual war service of the veteran, the presumption stands upon a firmer foundation of fact; but that is not necessarily true. The truth is that the Veterans' Bureau, the same scientific men who now tell us that there is not a shadow of foundation for bringing the presumption forward to January 1, 1930, had found in point of fact that the disabilities of the veterans who came in under the presumption of 1925 were not service connected. That is, in thousands of cases their disabilities were not, in point of fact, connected with the service. So the message of the President not only may be subjected to analysis but it should be subjected to analysis.

The press of the country has not analyzed it. The President's first and chief objection, urged by him in his veto message, is that by bringing the presumption forward to January 1, 1930, we lay down a fictitious, a false basis; we resort to a subterfuge which he esteems as contrary to the processes of honest government, because he said that this subterfuge attacked the integrity of government itself.

Be it remembered that the bureau had adjudicated as matter of fact and as matter of law that the veterans brought in under the presumptive clause of the present law were not in fact service-connected cases; and yet the President of the United States bases his veto message primarily upon the assumption and statement that the bringing forward of that presumptive date from January 1, 1925, to January 1, 1930, creates a pure fiction, one wholly unsupported by any fact or any reasonable deduction.

On that point, it so happened that at the very time when the President's message was being read in the other House, I went in person before a board in the Veterans' Bureau in this city to present the case of a veteran whose claim for compensation and retirement had been denied, and to-day stands denied, at least so far as retirement is concerned, upon this set of circumstances.

This veteran is a reputable and well-known physician in my State, who, in 1917, organized a hospital unit, carried to France 36 physicians, 100 trained nurses, and 250 corps men, as a completed unit. After reaching France he performed the hard services demanded of the surgeon and physician, until he broke down and had to come home.

In 1901 this physician, while performing a surgical operation, by accident or misadventure, made a slight incision in his finger. The Veterans' Bureau denied him relief upon the theory that from the slight incision accidentally made in 1901 he suffers his present disability. Between 1901 and the time of the organization of the hospital unit and his services in France there had been but one manifestation of disease tending to connect the injury described as the proximate cause of the veteran's condition now existing, and that was a slight attack of neuritis in 1912.

Mr. President, if the experts in the bureau can go back from 1924 or 1925, to be exact, when this particular veteran became almost completely disabled, to 1901, 23 or 24 years, for the cause of his present condition, it does not lie in the mouths of the doctors in that bureau to say that there is no reasonable or casual connection between the condition of a veteran at this time and his war service performed 12 years ago. Many Senators here could bring to the floor of the Senate many similar cases.

To come back to the President's main objection, that the bill vetoed establishes a false, a fictitious basis. Yet, the present presumption written into the law was written for the one purpose of giving compensation to men whose disability had been solemnly adjudicated as having no connection with the service, and under that presumption raised by the amendment of 1924 in the war veterans' act, thousands of disabled veterans have been brought onto the rolls.

The President objects in the second place on the ground that the vetoed bill was full of inequalities. There were some inequalities in the bill. That was inevitable, unless we were ready to go to a just pension system, that is, to a pension system taking in at least all of the disabled veterans, and without regard to degree of disability. But the President stressed the fact that the bill was full of inequalities. By that test let us judge the administration's proposal now before this body, and let the press of this country be fair in its criticism of Senators who are called upon to vote upon this issue.

Yesterday the distinguished Senator from Pennsylvania in his speech in this body made a statement which I wish to read. He said:

> The addition of an allowance to men who are disabled less than 25 per cent, which is effected by the Walsh amendment, adds so many men to the rolls that although the average amount per man is very slightly increased the additional number of men doubles the total burden. The bureau estimates that under the Finance Committee bill—
>
> Which, of course, makes pensionable only those veterans suffering a 25 per cent permanent disability—
>
> the average amount paid would be $18 per man, while under the Walsh amendment—
>
> Which, of course, makes pensionable any veteran suffering permanent disability of 10 per cent—
>
> the average amount paid would be $20 per man; but, whereas it is estimated that only 156,000 men would apply for the allowance—
>
> We need not be confused by the use of the word "apply."
>
> Whereas it is estimated that only 156,000 men would apply for the allowance the first year under the Finance Committee bill, 288,000 would apply under the Walsh amendment, the additional number, you see, being made up of those who are injured less than 25 per cent.

Let us take the President at his word. He vetoed the bill upon the ground that it discriminated against disabled veterans, that it discriminated in favor of 100,000 men who would become pensionable under the presumption created in the bill, and against 200,000 men similarly or equally disabled who would receive no benefit, as the President said.

The Senator from Pennsylvania presented the facts fairly. He is authority for the statement that under the administration bill, the bill before the Senate, 156,000 disabled veterans will receive compensation during the first year of the life of the act, whereas under the Connally-Walsh amendment 288,000 will receive compensation during the first year. In other words, the President proposes to discriminate against 132,000 men who will receive nothing under the bill offered by the administration leaders in the House.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. CARAWAY. Under the existing law all those whose disability is 10 per cent or more get compensation, and under the proposed law everybody will be stricken out who is disabled under 25 per cent. Yet that is called democratic.

Mr. GEORGE. Yes; that is true; the Senator very well points out that fact.

Mr. President, test the bill by the President's objection, laid down in his veto message, and there is not a man on the floor who can vote for this proposal, because it discriminates, grossly discriminates, against 132,000 men the first year; that is to say, 132,000 men get not a penny under the administration's bill.

That is not the only point of discrimination. In order to get anything under it, a veteran must be 25 per cent permanently disabled, which is not a condition of the Spanish-American War veterans' law.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. LA FOLLETTE. I would like to get the Senator's opinion about this situation. The Pension Bureau, through its experts, who have had long experience, estimate that beginning with 10 per cent minimum disability would result in a less expensive administration and result from the act, whereas the Veterans' Bureau takes the attitude that having a 25 per cent permanent disability provision will be less expensive. Does the Senator not think that that attitude and that estimate by the Veterans' Bureau is an indication that they intend to so strictly administer the proposed law that no man who does not come up to the full 25 per cent permanent disability will be given any consideration?

Mr. GEORGE. I do not think there can be any serious dissent from the view expressed by the Senator from Wisconsin. I have every respect for General Hines, and I feel sure he would be inclined to construe liberally any bill we might pass, but when he sends figures to us showing that under the one bill—that is, the Finance Committee bill, the bill before the Senate—156,000 men only during the first year will receive a pension, and that under the Walsh-Connally amendment 288,000 would receive pensions, he unmistakably shows that he would regard it to be his duty to construe the law at least literally, and not to permit any veteran to receive a pension unless he was at least 25 per cent disabled.

Either that is true, or the bureau's figures are altogether wrong, because if no more men are to be brought in under the Walsh-Connally amendment than under the Finance Committee bill, then there will not be great difference in cost, and in order to justify the wide difference in the estimated cost under the two bills, the bureau must admit that 132,000 veterans excluded under the Finance Committee bill will be included under the Walsh-Connally amendment.

The President raised a third objection. He said that the bill vetoed did not exclude those men who were not in need—that is, those men who were financially able to carry on—and did not place any time limit for service. So far as the time limit is concerned, that is fixed in the Walsh amendment, as it is in the Finance Committee bill. No man who did not serve 90 days in the World War could receive a penny under the pension provision of this bill. That objection is therefore met.

The President raises the question of cost finally, but he said that was a secondary consideration. I accept the President's word. If the cost is secondary, and if the fictitious basis of the legislation has been wiped away, as it has, and if the time limit, to which he interposed objection, has been eliminated in the Walsh-Connally amendment, we come back to the one proposal, that the Senate bill vetoed by the President—that is, the bill which the Senate at first passed and in which the House concurred—discriminated as between veterans of the World War.

Mr. President, the administration bill discriminates as against the veterans in the same war enlisted upon the same date but suffering only a different degree of disability. It discriminates in that no pension as distinguished from compensation is given unless the disability is permanent. However incapacitating over any reasonable length of time or term of years, it must be permanent. It discriminates as between veterans of the World War and veterans of the Civil War, which discrimination may be excused on account of the greater age of the few surviving veterans of the Civil War. But it discriminates also between the veterans of the World War and the veterans of the Spanish-American War, who stand relatively, at least many of them, upon substantially the same basis.

If the President's objections are to be taken as good and valid—and they were accepted by the House as valid objections to the measure vetoed by the President—then the Senate ought to be willing to take those same objections, apply them to the administration bill, and by the rule laid down by the President determine which of the two amendments most nearly meets the justice of the situation.

Mr. President, it will not do to say that because a man is only 10 per cent disabled he is not incapacitated to perform manual labor or to carry on his ordinary calling or usual avocation, because the administration, the bureau, the Government has solemnly declared, adopted as a fixed and established policy of the country, that the veteran with a service-connected disability amounting to at least 10 per cent is entitled to compensation under all of the acts we have passed.

Before I leave the President's veto message let me read just a little from the only recommendation made by him on veterans' legislation in his annual message to the Congress. After reviewing the general history of veterans' legislation and noting the generosity of the Government to the veterans the President said:

> The Congress at that time—

That is, immediately after or during the war—

> inaugurated a new plan of compensation, rehabilitation, hospitalization, medical care and treatment, and insurance, whereby benefits were awarded to those veterans and their immediate dependents whose disabilities were attributable to their war service. The basic principle in this legislation is sound.

Now he wants the pension system. Already he has forgotten that he declared the basic principle under our existing system to be sound. Quoting further:

> In a desire to eliminate all possibilities of injustice due to difficulties in establishing service connection of disabilities these principles have been to some degree extended. Veterans whose disease or injuries have become apparent within a brief period after the war are now receiving compensation; insurance benefits have been liberalized. Emergency officers are now receiving additional benefits. The doors of the Government's hospitals have been opened to all veterans, even though their diseases or injuries were not the result of their war service. In addition adjusted-service certificates have been issued to 3,433,300 veterans. This in itself will mean an expenditure of nearly $3,500,000,000 before 1945, in addition to the $600,000,000 which we are now appropriating annually for our veterans' relief.
>
> The administration of all laws concerning the veterans and their dependents has been upon the basis of dealing generously, humanely, and justly. While some inequalities have arisen, substantial and adequate care has been given and justice administered. Further improvement in administration may require some amendment from time to time to the law, but care should be taken to see that such changes conform to the basic principles of the legislation.

Mr. President, there is an indorsement of the principle of compensation. There is an express approval of the arbitrary fixing of January 1, 1925, upon the basis of which men who had already been adjudicated as not having service-connected disability should be brought by fiction of the law into the protection of the law. There is the approval of the principle. There is the approval of the fiction. There is the express disapproval of a pension system. There is the express admonition to the Congress to abide by the basic principle already adopted by the Congress in its care for veterans through legislation.

Mr. President, no man can get any part of the pension unless he served 90 days. He can not get any part of the pension, not a penny of it, if his disability is traceable to a social disease or so-called willful-misconduct disease. In that respect we have met the President's wishes. Then we say, "We do not want to discriminate against the 132,000 men whom we propose confessedly to deny any benefit under the bill. The only way we can avoid it is to take the pension system urged upon us and apply the rates given the Spanish-American War veteran. By doing that we will care for all disabled veterans suffering a disability of 10 per cent or more."

Disability under 10 per cent presumably, practically at least, does not seriously incapacitate one to carry on his usual business or avocation. That is the only way by which the glaring and confessed inequalities of the Finance Committee bill can be eliminated, to wit, by accepting the principle laid down in the Walsh-Connally amendment. It will be better to accept it even if we do not carry the maximum to $60. It will be better to accept the other provisions of the bill which begin the pension at 10 per cent permanent disability and leave it to the veterans to come to future Congresses to get adequate pensions.

Mr. President, when the bill which the President vetoed passed the House and came to the Senate there were many on both sides of the aisle who viewed it as unsatisfactory. This is not a partisan question and no one ought to vote for the Walsh-Connally provision upon the theory that the President is opposed to it. It is not a partisan question and should not be made a partisan question. We ought to apply the reasonable objections at least raised by the President to the bill which he vetoed, the only bill then open to the Senate, the only way by which the Senate could iron out some of the inequalities now suffered by some of the veterans and take care at least of some of them. Admittedly we left many outside of the protection of the law, but we were doing the best we could on the basis of the compensation theory which Mr. Hoover approved in his annual message to this body.

Mr. President, much has been said here about what the Government has already done for veterans. The Government has been liberal, but it is not worth while to leave any false impression upon the country. We have been reminded time and again that we are this year appropriating $511,225,000 for the relief of the veterans. Let us analyze the figures, and I take the statement made by General Hines, of the Veterans' Bureau.

Of this amount $196,000,000 is being paid out in death and disability compensation; for military and naval insurance, $120,000,000. What is that latter item? The right of the veteran to insurance depends upon a contract, a contract which the Government not only invited the veteran to enter but which it practically compelled him to make when we went into the war. The Government itself figured out what amount he should pay as premium, and the $120,000,000 is an amount now which we must contribute to meet the obligations under the insurance contracts which we compelled the veteran to take. The Government is generous, I grant, but when the Government caused the veteran to enter into a contract and when it charged that veteran such premium as it saw fit to fix, and he had no voice in it except to accept it, is it quite fair to continuously remind the country that $120,000,000 of the annual appropriation to the bureau is now going for veterans' benefits, whereas it goes directly to meet the Government's obligation under the Government's contract with the veterans?

The second item is the adjusted service certificate fund, $112,000,000. That does not mean that that amount of money is paid out upon the adjusted-service certificates. It is appropriated to be covered and continued in the fund with some annual deductions until 1945.

Let us look at the next item, hospital construction, $35,000,000. We are proposing to construct these hospitals and will continue to construct them, as I take it, whether the bill passes or does not pass. We can not give some veterans hospital treatment and deny it to others. We can not let some lie in beds in hospitals and refuse admission to other equally worthy veterans. So that item goes on anyway.

Then we have the expense of printing and binding, $125,000. Then we find an item of salaries and expenses, including salaries of hospital personnel, $45,500,000 per annum. I am not asserting that this is an excessive charge for administration. That is not a question before the Senate. But of the $511,000,000 appropriated for this year, $196,000,000 only goes

for disability benefits and death benefits to veterans or to the survivors or dependents of veterans.

Mr. President, the Spanish-American War act was passed in 1920. It provided a pension ranging from $12 to $30 per month, according to the degree of disability. It did not start at 25 per cent disability. That act stood but two years, when there was an amendment to it giving certain benefits to the widows and certain additional benefits to the soldiers themselves, as I recall. Then there was a general amendment of the act, or rewriting of the act, in 1926, six years later, under which the Spanish-American War veterans were pensioned at the rate of not less than $20 and not exceeding $50 per month. That act remained until last June, when we passed the present Spanish-American War pension act, which gives pensions ranging from $20 per month for 10 per cent disability to $60 per month for total disability of the veteran.

Mr. President, under the original Spanish-American War pension act there were 116,270 veterans drawing pensions at the date of the enactment of the act of 1926—that is, at the end of the operation of the act—and those pensioners were drawing pensions upon the basis on the average of not quite one-fourth disability, the whole group falling below one-fourth disability, according to the ratings given them by the Pension Bureau.

At the end of the operation of the act of May 1, 1926, there were 184,837 veterans on the roll, and they were drawing pensions based upon a rating of one-half, or 50 per cent disability. Even if the veterans of the World War should be rated upon the average one-half, or 50 per cent disabled, they would draw on the average under the bill now before the Senate only $18 per month. That is not adequate, and I doubt if anybody can defend the adequacy of that pension, if we are going to the pension system; and the President has compelled the Congress, if it shall give any relief, to go to the pension system, because he has vetoed the only bill upon which this body could agree upon the ground that we raised a fictitious basis for awarding compensation, although we can not, under the rulings and adjudications of the Veterans' Bureau, care for the disabled soldiers of the World War without extending the presumptive date. Therefore the only open way is to the pension system, and the President of the United States, by his veto, by his unwillingness to meet this Congress and to reach some common understanding and agreement which would be equitable and just, has compelled the Congress, if it shall give any relief whatsoever to some 460,000 men who now have their applications pending in the Pension Bureau for relief, to resort to the pension system.

I have not desired to go to the pension system. Out of some four and a half million men enrolled during the World War there yet survive 4,300,000 veterans, 277,271 of whom are now drawing compensation under the compensation provisions of existing law. Under some of the provisions of this bill, not written in at the suggestion of the administration but written in upon the floor of the House, and retained as the bill appears on the floor of the Senate, some few thousand more may be able to connect their disabilities with their war service. There yet remain 4,000,000 veterans who will never, whatever may be the degree of their disability, if any, receive compensation. The President has driven us to the pension system as the only method of affording relief to the disabled among these 4,000,000 noncompensated veterans; and he has indorsed the bill, because no other construction can be put upon the attitude of administration leaders in the House and in the Senate.

The President within less than five years will face difficulties which will climb mountain high as against all the difficulties he enumerated in his veto message, because whether we shall now give these veterans the Spanish-American War rates or whether we shall defer such action we can not deny to them—it is politically impossible to do so, if it be desired to put it upon that basis—we can not deny them the same rates that pensioners of other wars are receiving. When the high tide of Hoover prosperity shall again sweep over the country those veterans will come to this body and will say, "Give us the same pension that you gave the Spanish-American War veterans"; and we shall not be able to deny them.

Mr. CARAWAY. Mr. President, may I ask the Senator from Georgia a question?

Mr. GEORGE. Certainly.

Mr. CARAWAY. We should not deny them, should we?

Mr. GEORGE. No; I do not think we should.

Mr. CARAWAY. And yet we are asked to pass a bill that no honest man can defend.

Mr. GEORGE. We ought not to deny such a request by those veterans; but the point I am making is that the show of denying it by the administration is nothing but a performance, because the administration knows, as every man must know, that we can not deny these veterans the same rate of pension that we give to other veterans over any long period of time, even over any perceptible period of time. Within two years there will be an amendment to the bill, if we shall pass it in its present form; and within less than five years we shall be compelled to go to the Spanish-American War rates. It is not fair for the President to drive Congress to the pension system for the disabled among 4,000,000 men who can be relieved in no other way, in view of the President's veto, and the objection upon which he based it, and yet hold out to the country the suggestion, the hope that we are saving money to the country. At most, we are merely postponing payment.

Those of us, Mr. President, who have insisted upon relief to the disabled veterans who are not now receiving consideration at the hands of the Government might well content ourselves with the bill offered in this body. We might well accept the rates proposed with the absolute certainty that within the short lapse of time it will take for Republican prosperity again to return to the country those rates will be raised. I inquire, however, why deal that way with the American public? The Congress gave the Spanish-American War veterans a small pension in 1920, when the country had just emerged from the World War and was struggling under the greatest burden the Nation ever shouldered; and yet in two years we had to amend the law. In 1926 we had to wipe it out altogether and write new rates, and again in 1930 we had to increase those rates. Why hold out a false hope to the country? The pension system can never justify it.

Mr. President, I hope that in nothing that I have said will it be found that I have intended to criticize the President because of his veto message. I have not intended to do that. I have accepted his argument; I have accepted his objection, and this proposal is condemned and can not be justified, as I think, even if $12 a month or $18 a month could be regarded as adequate compensation for the average disability suffered by the disabled men of the World War. I do accept the President's objections to the bill which was vetoed, and had he made them before the Senate first acted through its committee upon the bill which is now dead I would have listened with sympathy and patience to his objections.

Inasmuch as he made his reasons first known after the passage of that bill in this body had been assured, and, inasmuch as there is but one valid objection raised by the President which can be used in this body as a guide in considering the legislation now before the Senate, I think it is eminently fair to test the pending bill by the standard which the President himself laid down in his veto of the previous measure passed by Congress.

SOVEREIGNTY OF SOUTH POLAR LANDS

Mr. TYDINGS. Mr. President, I ask indulgence of the Senate for about five minutes to inject a question into this debate which, in my judgment, deserves consideration before Congress shall finally adjourn. I send to the desk a resolution which I ask the clerk to read.

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Without objection, the clerk will read, as requested.

The Chief Clerk read the resolution (S. Res. 310), as follows:

Whereas certain hitherto unknown areas of land in the south polar region has been discovered and explored by Rear Admiral Richard E. Byrd; and

Whereas the British Government has notified the Department of State that various areas in the Antarctic, which comprise almost the entire south polar cap, are claimed as British territory; and

Whereas the regions claimed by Great Britain include two areas originally discovered by American naval officers as early as 1820 and 1840; and

Whereas the Department of State has not defined a policy for the United States regarding American discoveries and explorations in the Antarctic, but has declared that "in the absence of an act of Congress" it "would be reluctant to declare that the United States possessed a right of sovereignty over the territory": Therefore be it

Resolved, That the Senate of the United States does hereby authorize and direct the President to lay claim to all areas in the Antarctic which have been discovered or explored by American citizens.

Mr. TYDINGS. Mr. President, my purpose in offering the resolution at this time is to secure for this country the fruits of Admiral Byrd's work in the discovery of new Antarctic territory. It seems to me, in view of the fact that Admiral Byrd has gone down into heretofore undiscovered areas and has been the first white man to explore them and inasmuch as he is a distinguished American, that this Government is lax if it does not lay claim to the lands thus discovered.

I have here a short history, which it will take me about two minutes to read, of the discoveries in Antarctica.

The first discovery in the Antarctic was made by Capt. Nathaniel Palmer, of the United States Navy, in 1820. This

country at that time was beginning to be interested in Antarctic whaling, and his expedition was inspired by that interest. The area which he discovered was named Palmer Island; but since then it has been claimed by Great Britain as a part of a larger area which Britain has called the Falkland Island Dependencies.

The next discovery in the Antarctic was made by Charles Wilkes, also of the United States Navy. This time the expedition was authorized by Congress. He sailed from Sydney, Australia, on August 11, 1838, and discovered Wilkes Land in January, 1840.

This area has since been claimed by Great Britain and has actually been placed under the administration of the Governor General of Australia.

No sweeping claim to these areas was made by Great Britain until 1926, when Australia, at the imperial conference, proposed that such claim be made. The conference agreed, and went on record as claiming the following areas:

1. The outlying portions of Coats Land, viz, the portion not comprised within the Falkland Island Dependencies.
2. Enderly Land.
3. Kemp Land.
4. Queen Mary Land.
5. The area which lies to the west of Adele Land and which on its discovery by the Australian Antarctic expedition in 1912 was nominated Wilkes Land.
6. King George V Land.
7. Oates Land.

This comprises almost the entire Antarctic, claim already having been made to the Falkland Island Dependencies in 1923. The announcement by the imperial conference was that "British title already exists by virtue of discovery" to the above-mentioned areas.

When Byrd announced his intention of exploring the Antarctic the British Government sent a note to the State Department in 1928 saying that it had noted Byrd's intention and would be very happy to place any facilities in that region at his disposal. It called attention to the declaration of the imperial conference of 1926 that the south polar cap was British. Of course, there were no facilities in the polar cap which Great Britain had to offer.

The State Department, under Kellogg, framed a reply which took vigorous exception to this; but Kellogg went out of office before it could be sent. Meanwhile Stimson came into office, delayed a reply until November, 1929, and then informed the British Foreign Office that he had received its note and read its contents.

Previous to this, in 1924, Charles Evans Hughes stated that—

In the absence of an act of Congress assertive in a domestic sense of dominion over Wilkes Land, this department would be reluctant to declare that the United States possessed a right to sovereignty over that territory.

The Monroe doctrine appears to be specific regarding the sector of the South Pole in the Western Hemisphere. It uses the words "any portion of this hemisphere."

Mr. President, I think that whatever British explorers have discovered in this heretofore unknown territory might be legally, lawfully, and rightfully claimed by Great Britain as a part of its territory; and the same rule applies to American explorers. Now that Admiral Byrd has finished his expedition, which has been crowned with signal success, and has discovered lands never before seen or upon which foot has never been set by any other man, it seems to me that the United States should lay claim, for whatever it may be worth, to this newly discovered territory.

Casting our vision into the future, it may be very valuable in the next 50 or 100 years. Naval bases or airplane bases may be strategically located there. It may be that this land contains minerals of a very valuable nature—coal or gold or copper or what not. At any rate, an American has for the first time discovered these lands; and it seems to me that the State Department should be aggressive and should take advantage of this discovery and claim them for the United States, because the citizen of no other nation except our own so far has discovered them.

The VICE PRESIDENT. The resolution will lie on the table.

COSTS OF PRODUCTION OF LACES, LACE FABRICS, AND LACE ARTICLES

Mr. BINGHAM. Mr. President, yesterday two resolutions were passed by the Senate asking the Tariff Commission for information. I ask unanimous consent at this time to submit a similar resolution requesting information, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 311) and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the United States Tariff Commission is directed, under the authority conferred by section 336 of the tariff act of 1930, and for the purposes of that section, to investigate the differences in the costs of production of the following domestic articles and of any like or similar foreign articles: Laces, lace fabrics, and lace articles.

GOVERNMENT ISLAND, CALIF.

Mr. JOHNSON. Mr. President, I would not ask this consideration, but House Joint Resolution 372, Order of Business No. 1176 on the calendar, is departmental in character. There is no objection whatsoever to it. The House has passed it, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution (H. J. Res. 372) authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island dated July 5, 1918, was read, as follows:

Resolved, etc., That the President is hereby authorized to accept on behalf of the United States, free and clear of all encumbrances and without cost to the United States but subject otherwise to the provisions of section 355 of the Revised Statutes, title in fee simple to 15 or more acres of land above the low-water mark forming a part of what is known as Government Island offered by the city of Alameda, Calif. In consideration thereof the United States shall relinquish all its rights and interests in said Government Island now held by it under a lease for a term of 25 years from said city dated July 5, 1918. Such lease shall be automatically terminated upon the acceptance of a conveyance of such lands by the President: *Provided*, That a setback line of 200 feet be observed along the southern water front parallel with the channel to allow widening of the channel at this or some future time, by the Government or other parties, and that the Government have access and free use between that portion deeded and the deep-water front; *Provided further*, That the establishment by legislation of this setback area is not intended to in anywise restrict the officers in control of navigation in the exercise of all discretion or other authority granted by Congress under the commerce clause of the Constitution that is deemed necessary to improve this harbor or the navigable capacity of the estuary.

SEC. 2. The President is authorized to permit the lands conveyed to the United States pursuant to this resolution to be used for such Government purposes as he may deem advisable.

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

Mr. REED. Mr. President, which department occupies that land? Is it the War Department?

Mr. JOHNSON. Yes, sir.

Mr. REED. Does the department approve the bill?

Mr. JOHNSON. Yes, sir; it does, and asks its passage.

There being no objection, the Senate proceeded to consider the joint resolution, which was ordered to a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. I ask unanimous consent to submit a report from the Committee on Appropriations.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. BINGHAM. From the Committee on Appropriations I report back with an amendment the joint resolution (H. J. Res. 373) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry. I do not understand that the Senator from Connecticut asks unanimous consent for the immediate consideration of the joint resolution.

Mr. BINGHAM. No; I do not.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

Mr. McKELLAR. I think the purport of the amendment ought to be stated.

Mr. BINGHAM. The amendment proposes to strike out all of the joint resolution and to insert the bill as it previously passed the Senate.

PAY OF PAGES

Mr. JONES. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 389) making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress, and I ask unanimous consent for its immediate consideration.

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That such sums as may be necessary are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the pay of 21 pages for the Senate Chamber and 41 pages for the House of Representatives, at $4 per day each from July 1, 1930, to the end of the second session of the Seventy-first Congress.

SUPREME COURT BUILDING

Mr. JONES. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 388) making provision for continuation of construction of the United States Supreme Court Building, and I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Architect of the Capitol, with the approval of the United States Supreme Court Building Commission, is authorized to enter into a contract or contracts for carrying out the provisions of the act entitled "An act to provide for the construction of a building for the Supreme Court of the United States," approved December 20, 1929, for a total amount not exceeding $8,240,000 in addition to the appropriations heretofore made for such purposes.

SECOND DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 10, 15, 17, 28, 29, 57, 67, 68, and 69.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 6, 7, 8, 18, 19, 20, 23, 24, 25, 26, 32, 34, 35, 36, 37, 38, 40, 41, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 61, 62, 63, 64, 65, 66, 71, 72, 73, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, and 106, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert ", or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In line 7 of the matter inserted by said amendment strike out the word "building" and insert in lieu thereof the word "buildings"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"NATIONAL CAPITAL PARK AND PLANNING COMMISSION

"For each and every purpose requisite for and incident to the work of the National Capital Park and Planning Commission necessary toward carrying into effect the provisions of the act entitled 'An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital,' approved May 29, 1930; personal services in the District of Columbia and elsewhere, including real estate and other technical services at rates of pay to be fixed by the commission and not exceeding those usual for similar services and without reference to civil-service rules and the classification act of 1923, as amended; travel expenses; per diem in lieu of subsistence for members of field parties; purchase of two passenger-carrying automobiles at not to exceed $1,000 each and the operation and maintenance thereof; survey, searching of titles, purchase of options, and all other costs incident to the acquisition of land, reimbursements to be made as prescribed in such act, $1,000,000, to remain available until expended: *Provided*, That the reimbursement to be made to the United States by the District of Columbia for advances under section 4 of such act of May 29, 1930, shall commence on June 30, 1932, instead of on June 30, 1931, as provided in such section."

And the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 10 of the matter inserted by said amendment strike out the numerals "26" and insert in lieu thereof "27"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: After the sum of $281,305 named in said amendment insert the following: ", to be expended subject to the provisions of section 2 of the act entitled 'An act to authorize an appropriation for the purchase of land adjoining Fort Bliss, Tex.,' approved June 17, 1930"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For payment of the judgment, including costs of suits, rendered against the United States by the United States District Court for the Eastern District of New York under the provisions of the act of May 1, 1926 (44 Stat. pt. 3, p. 1465), certified to the Seventy-first Congress in Senate Document No. 206, as follows: Under the War Department, $43,652.13."

And the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 3, 11, 12, 13, 21, 22, 27, 30, 31, 33, 39, 42, 43, 47, 70, and 76.

W. L. JONES,
FREDERICK HALE,
LAWRENCE C. PHIPPS,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
EDWARD T. TAYLOR,
W. A. AYRES,
Managers on the part of the House.

Mr. McKELLAR. This is not a complete report?

Mr. JONES. It is a complete report, but not a complete agreement.

Mr. McKELLAR. I ask the Senator in regard to the amendment in which I am personally interested; that is, the amendment to provide for building a concrete road at Shiloh National Park?

Mr. JONES. It is in disagreement and goes back to the conferees.

Mr. McKELLAR. That is all right.

The VICE PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

Mr. JONES. I move that the Senate further insist upon its amendments still in disagreement.

The motion was agreed to.

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended.

Mr. CUTTING. Mr. President, neither the bill reported by the Finance Committee nor the amendment offered by the Senator from Massachusetts [Mr. WALSH] is entirely satisfactory to me. In view of the fact, however, that one or the other of these alternatives will undoubtedly be passed by the Senate, I think the time has come when we should review and survey the close of a chapter in veterans' legislation.

In 1917, before more than a fraction of our troops had landed in France, the Congress of the United States adopted certain definite principles for dealing with the disabled of the World War. All legislation from that time to this has been founded on the same general basis. Owing to the stubbornness, the lack of generosity, and the pettifoggery used in administering these laws, it has been necessary for the Congress at almost every session to modify and amend them; but the theory of legislation has always remained the same—namely, compensation by the Government for injuries suffered in war.

Within the past week we have changed all that. I have studied and worked on veterans' legislation for a long time; and I have no hesitation in saying that the measure which we passed on Monday of last week, June 23, was the soundest, the most just, the most carefully considered measure of veterans'

relief which has ever been passed by Congress. It passed this body by a vote of 66 to 6. It passed the House unanimously. Everyone in the country was for it with the exception of Mr. Mellon and a small group in the Veterans' Bureau, whose rulings and regulations throughout this period have been the cause which has necessitated the passage of legislation similar to this.

I never have been able to ascertain whether or not the President of the United States has given any connected or definite thought to veterans' relief. If he has, that fact does not appear in any of the messages or statements which he has made in the past week. So far as I know, the President has merely taken the word of the men who throughout this period have attacked and opposed veterans' relief; and, taking their word, the President of the United States pronounced our measure "just bad legislation." Apparently we agree with him, because within a day the House, which passed that bill unanimously, rescinded its action and by a majority vote supported the President's veto; and we are in a similar position over here. We passed that bill by a vote of 66 to 6, a majority of 11 to 1; and in the meantime it appears that we have acknowledged that there are only six wise and patriotic men in this Chamber, and that we will defer to their opinion.

Not only that, but a proposal made by the distinguished Senator from Pennsylvania [Mr. REED], which on last Monday the Senate howled down without even granting it the courtesy of a roll call, has now been passed by the House of Representatives without being read to them, without any debate, and has been favorably reported by the Finance Committee of the Senate by a vote of 11 to 8, and is now seriously placed before us as representing the views of the Senate, which rejected it without discussion and without serious thought a week ago.

Mr. REED. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Pennsylvania?

Mr. CUTTING. Certainly; I yield.

Mr. REED. Perhaps that is why the measure comes back—because, as the Senator says, it was rejected without serious thought.

Mr. CUTTING. Mr. President, it had a good deal of discussion the other day. The Senator from Pennsylvania did what he could to convince us of the merits of this plan. It was so completely preposterous, so out of line with everything which the Senate or the House of Representatives had supported from the time of the World War to this date, that I do not see how the Senate could have given it any serious consideration. It was a mere gesture, as we saw it, and as such it was voted down.

Mr. BARKLEY. Mr. President——

Mr. CUTTING. I yield to the Senator.

Mr. BARKLEY. It is not seriously contended now that this bill is here on its merits, but simply as a result of certain exigencies over which we had no control.

The VICE PRESIDENT. The Chair will announce that Senators must yield hereafter only for questions.

Mr. CUTTING. Mr. President, I hesitate to disagree with the Senator from Kentucky, but I shall never admit that the Senate of the United States has no control over legislation which comes before it.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Kentucky?

Mr. CUTTING. The Chair having stated that I could yield only for a question, I shall yield with that understanding.

Mr. BARKLEY. I will ask the Senator if he does not know that what I had reference to a while ago was that this legislation is here because of a situation over which the Senate had no control, with reference to legislation it had passed, and which was vetoed, and on which we had no right to exercise the right to vote again, and that this is now here as a substitute for that legislation?

Mr. CUTTING. Mr. President, I will say to the Senator that at the proper time I intend to move to strike out all the language after the enacting clause of the pending bill and substitute the bill which we passed last week. I am going to demand a roll call on that motion to see how many Senators in this Chamber will stand by the action they took on Monday, June 23, and how many of them will agree that what we did was "just bad legislation," and that the action of the six Members who voted against the bill was the only patriotic and wise action taken by any Members of the Senate.

I assume, of course, that my motion will not prevail. Therefore I think, as I said before, that this is an appropriate time to survey the actual accomplishments under the system which was adopted in 1917, a system discarded before it had had a real opportunity to justify itself.

I wish to remind the Senate that veteran legislation in the past has been based on one of two entirely different theories. One theory is the principle of compensation for service disability. According to that theory, the Nation takes its citizens, either by draft or by patriotic appeal, induces them to fight the battles of the Nation, and thereby becomes responsible for any injuries caused to the soldier during his term of service.

The other theory is the so-called pension or gratuity theory. It holds that certain men who have served the country in time of need have deserved well of the Nation in the future. When they get old, or ill, or unable to carry on their usual occupations, the country takes into consideration their past services, and makes them a gift. The disability under which they are suffering, according to that theory, has nothing necessarily to do with their service. A man who is run over by a trolley car on the street or who loses an arm in a mine explosion is treated on an exact equality with those who were similarly injured in action.

Both of these theories have been adopted in congressional legislation in the past, and terms have been used loosely which may throw some confusion on the distinction between the two kinds of legislation. But for the purposes of the present discussion, I intend to use the word "compensation" as meaning payments for injuries suffered in the service, and "pension" as meaning a gratuity, either to those in need or to some general group of veterans.

Before taking up the immediate question before us, I want to call the attention of the Senate to the legislation which has been passed with regard to previous wars. The first veterans legislation ever passed by the United States Congress was passed in the first session, in 1789, and it applied only to the "invalids who were wounded and disabled during the late war." This was an assumption by Congress of obligations which had been entered into by the various States.

It may be of interest to know that the duty of selecting the men entitled to compensation was almost immediately taken away from the President and given to the Federal courts. After the courts had passed on a particular claim, it was submitted to Congress, which was to determine whether or not the veteran in question was to be entitled to be placed on the pay roll. The Chief Executive was left out of the picture entirely, and the reason given was that the power to place men on the pay roll might put the President in a position "to destroy the fundamental principles of democracy."

The law of 1817, in favor of the veterans of the War of 1812, maintained congressional supervision of all veterans' claims.

Up to that time no law had provided compensation for any veteran except for service disability. In 1818 for the first time a law was passed to provide for the distress of Revolutionary War veterans. That law was authorized to be conducted through the executive branch of the Government, and veterans claiming under it were required to prove that they were without independent means of their own, and were no longer self-supporting. In 1828 and 1832 that legislation was extended so that a monthly allowance was paid to all veterans who had served more than two years in the Revolutionary War, without regard to any disability or to financial situation.

Now, that it has become the fashion to talk about economy, it may be interesting to compare the actual costs of those two systems even at that distant date. In 1826 the claims of the disabled required an appropriation of $67,000, in addition to an unspent balance of $150,000, making $217,000 in all, while the non-service-connected claims reached the total of $1,360,000.

In the following year—1827—the disabled received $301,050, compared with an appropriation of $1,260,185 for the general pensioners. So it goes in relative proportion for the succeeding years.

In 1861, immediately preceding the Civil War, the administration of pension benefits was delegated to the Secretary of the Interior for final decision.

I do not intend to take the time of the Senate in discussing the different laws passed as a result of the Civil War. There were at least a dozen of them, and a study of the various statutes reveals the complete lack of harmony in principle and the gross discrimination between different classes of claimants. Even if we did not know the history of those years, we could tell by reading the statutes that politics reigned supreme, and that laws were passed without any consistency or any principle, but merely in the effort to obtain votes from certain organized groups.

It seems to be true, however, that up to the year 1890 compensation for Civil War veterans was based only on disability traceable to military service. It was not until after 1890 that general disability, nonservice connected, was included on the

statute books. The confusion between the two principles since that time has been too great to call for any general discussion.

Every Member of this body knows that pension legislation became involved in partisan politics and honeycombed with graft and discrimination.

After all that experience with pension legislation this country declared war in 1917. It is hard to put ourselves back and feel again the emotions of those days. When we read the speeches that were made in Congress and outside, we feel a certain insincerity which I know was not present in the minds of the men who made them. The bands and the processions and the parades carried the people off their feet. There was an abundance of promises. Nothing in the world was too good for the men whom the Nation was drafting into the military service. "Our dear boys! Our soldier boys! Our heroes!" When they came back, the Nation would be at their feet, would give them all the positions there were to be given, would give them all the offices, and in the meantime they were to behave like heroes on the other side.

Mr. President, it is not the fault of the men who went into the service that so much gush was poured out over them. The men did not ask to be considered heroes. They could have dispensed with a great deal of gush in favor of a square deal. They were men of the same mold as everybody else, with the same failings, with the same defects, and occasionally in times of stress with the same magnificent qualities which are common to humanity. But in the extraordinary fervor of idealism which was popular in this country in 1917, they were accepted for more than that and the legislation enacted at that time was all to the same effect. The old pension system had been discredited. It would be humiliating to ask our troops to so degrade themselves as to accept a gratuity from the Government.

Three substitute plans were enacted into law in 1917, namely, war-risk insurance, vocational training, and compensation for service disabilities. These plans, originally administered by different bureaus, were afterwards combined and since 1921 have been in charge of the Veterans' Bureau.

The 1917 act, while brief and vague in terms, breathes a spirit of great liberality and generosity toward the veterans. The only technical distinction drawn between disabilities is the distinction between those of a total and a partial character. Partial disabilities are to be compensated pro rata in percentage with reduction in earning capacity.

The law of 1919, passed after most of the American Expeditionary Forces had returned and recommended by the American Legion and other organizations, considerably increased the rates of compensation and made other improvements which had become necessary. On the other hand, by its numerous distinctions between temporary and permanent cases it laid the foundation for all the technical hairsplitting which the bureau has so frequently used to deprive the disabled of their just dues.

Let me take up these three plans for a moment and see what each has accomplished.

The war-risk insurance plan in its inception was a liberal measure, but it must be remembered that in contrast to the old pension laws the service man was charged between $6 and $7 a month for his protection, and yet for the loss caused by many injuries the payment was about half that under the pension laws.

Like other insurance policies the Government policies were contracts authorized to be sold by legislation passed by the Congress. The Director of the War Risk Insurance Bureau was to "promptly determine upon and publish full and exact terms and conditions" for the contract of insurance and the director did actually publish such terms on the 15th of October, 1917. Yet later on the certificate issued by the Government to those who had applied for insurance stated that the insurance was "subject to the provisions of such acts, of any amendments thereto, and of all regulations thereunder now in force or hereafter adopted."

The last words meant that the contract could be changed at any time by bureau regulation without the consent of the insured.

The original contract had promised to pay $57.50 a month during permanent and total disability. I am assuming in the discussion that the veteran has taken out a policy of $10,000, which was usual. Yet by Treasury Decision No. 20, which was secretly issued in 1918, it was provided that—

> Total disability shall be deemed to be permanent whenever it is founded upon conditions which render it reasonably certain that it will continue throughout the life of the person suffering from it.

This, of course, is not the meaning of the words "permanent and total" as used in ordinary insurance contracts. It is not the meaning of the words used in ordinary speech. Webster defines "permanent" as "lasting, durable, continuing for a long while." A permanent residence is not a residence which is reasonably certain to continue throughout life. A permanent occupation might be changed to-morrow to some other occupation. There is no certainty involved in it.

Moreover the very terms used in the insurance act had already been defined by Attorney General Roger B. Taney in 1832 and by Attorney General Judson Harmon in 1896. That latter stated:

> A disability may be properly said to be permanent when it appears to be chronic or of indefinite future duration.

Yet after adopting this new and unauthorized and arbitrary definition of the word "permanent," the Government, without giving notice to the men in the service, continued to sell the insurance policies to men who undoubtedly expected to get the $57.50 a month if they could prove complete lack of earning capacity.

I wish to stress this point. It is just one of the many hundred of cases in which the Government has decided against the interests of the disabled in insurance cases.

The Comptroller General from 1921 on has made things worse. He decided in an opinion passed in that year that "permanency could not be established by lapse of time." If permanency can not be established either by lapse of time or by the nature of the disease, it is hard to say how it can be established at all.

With regard to this decision of the Comptroller General I notice that the proponents of the legislation have allowed themselves to be backed up by what they claim to be the wishes of the American Legion. The one point on which the American Legion has insisted more than any other with regard to this legislation is that the supervision by the Comptroller General of purely medical decisions in the bureau should be eliminated. Yet the Finance Committee paid no attention to that recommendation, and the Comptroller General still remains in full charge of something as to which he knows and in the ordinary course of human events can know nothing.

Yet in some respects the administration of the war-risk insurance plan has been more favorable to the veterans than that of any other plan adopted in 1917. It at least has been recognized as in part a contract with the Government and therefore subject to appeal to the courts. A large number of those appeals have been successful and through the courts justice has been done the veterans which would not have been done if the cases had been left entirely to the Veterans' Bureau and the Comptroller General. Some 5,000 of those cases are now pending.

So much for war-risk insurance.

The vocational-training plan was tried out for a good many years, and I think everyone now agrees it was a complete fiasco. The laws of 1917 and 1918, passed at a time when there was a demand for all kinds of labor, assume that men would step out of the Army into some form of vocational training and, after completing it, by some magical process would be enabled to compete with men who had been practicing their occupations all their lifetime. Small appropriations were made for carrying out the provisions of the act, and gifts and donations from private sources were invited by the terms of the act in order to carry it into effect. Those private funds were strangely enough not forthcoming and the Government had to get along with its own resources. Those resources were never great enough to give a chance for the purpose of the legislation to be carried out.

The same Treasury ruling which I have just quoted, defining total and permanent disability, naturally played havoc with vocational training. Since disabilities were considered permanent only when they were "reasonably certain to continue throughout life," a man who was taking vocational training and who might make good could not possibly be included under that definition. It is true that rehabilitation was given free of cost to the veteran, but the remote possibility that he might eventually be able to earn his own living cost every disabled trainee $57.50 a month for the remainder of his life.

Moreover, there were many men who fell between the two plans. Those were men who were refused training because the medical board declared that their health did not permit them to do the light work required in the training courses, and yet were denied a permanent total disability rating in order to prevent them from getting the $57.50 provided in their insurance contract.

Apart from all that, the Government never had the facilities or the organization necessary to put into effect a system of this sort. The records of the bureau and the records presented to congressional committees are full of instances of men with vertigo on stooping who were trained for years as automobile mechanics; of veterans who had lost the grip of both hands who were trained as coal miners; of uneducated men, who had been jockeys for 11 years, trained to be Chinese interpreters.

Beyond that, men were trained and turned loose upon some community in a particular line of occupation without any regard for the needs for such occupation in their States. I know that in the State of New Mexico we were flooded with shoemakers. I calculated at one time that there were enough shoemaker trainees to make hundreds of shoes a year for every citizen of the State. These men competed against each other; naturally none of them made a living, and their training did them no possible good.

The system dropped of its own weight, and has not been in operation for a good many years.

These facts are, to a large extent, part of history; but I consider them timely for one reason at present, namely, as an example of the wonderful generosity with which the President states that the veterans of the war have been treated. And the Senator from Pennsylvania [Mr. REED] yesterday afternoon remarked:

> No nation in history ever treated its veterans as well as we have treated the World War veterans. I am proud of that. I am proud that our country has been able to do it and I am glad it has done it. We have no need to apologize to anybody for the liberality of our treatment of our veterans.

In order to substantiate such statements, the Senator from Pennsylvania, or anyone else who entertains the same opinion, can point to nothing except the amount of money which has been appropriated by Congress and spent by the agencies of the Executive. Some of that money has been grafted; much of it has been wasted; and a great deal of it has been spent by the bureau fighting just claims of the veterans in the courts. The actual administration of the bureau, which we all know has not been economical, has cost between $40,000,000 and $50,000,000 a year. The test of whether this Government has been generous with its veterans or not is whether the veterans themselves have received the benefits which Congress and the people of the United States have expected them to receive.

Mr. President, I come to the last of the three plans which were adopted in 1917—compensation for service disability. That, after all, is the one sound principle. It should never have been treated as a gratuity; it should never have been treated as a pension; it should have been treated as something which the Government owed the men whom it took into service under the universal draft. To a certain extent that was the case. A man was compensated not only for total and permanent disability, but, for any disability over 10 per cent which could be traceable to his service.

The decisions of the director, however, were made conclusive. There was no appeal to the courts. The director was authorized to make such rules and regulations as he deemed necessary, and after he had rendered his decision the decision was final.

It has been urged, and very reasonably, I think, that the principle under which we gave compensation to the disabled of the World War was, in essence, the same principle under which a laborer is awarded compensation under the workmen's compensation acts. The analogy ought to be entirely sound; yet, under any workmen's compensation act of which I know, the employer's liability to pay is made a legal obligation which an injured workman in a court of law may compel the employer to pay. I do not know of any workmen's compensation act in which the decision of the employer as to whether the workman has a case or not is considered conclusive.

That, Mr. President, to my mind, is the main trouble with all veteran legislation which we have passed since the World War. We have been trying to compel the executive authority to decide against itself, to decide in favor of the claimant, to decide that it should pay out certain sums which Congress had decided should be paid.

The Veterans' Bureau from the start—and I say this in no criticism of any individual—has acted, not as a court deciding between the Government and the claimant, but as a branch of the Government compelled, through executive policy, to cut down expenses so far as possible, and to that extent to decide against any veteran with regard to whom it had any choice at all. It is for that reason that Congress has had to pass so many laws, each one of them getting a little more technical, each one of them trying to decide a case before it has been passed upon, trying to force the bureau to reverse its decision in some other case on which it had acted in the past. The result of all that, as every one who has had any experience with the bureau knows, is the complete muddle which exists at the present time.

The decisions of the doctors, of the rating boards, of the appellate boards, and of the central board of appeals, after they have been rendered, become sacrosanct; they have the force of a statute. Thereafter, no matter what clerk in the bureau may have made the decision, it becomes binding on every other clerk who has to make a decision in the future, and on the bureau itself.

I have already said a good deal on this floor about the presumptive clauses. Two of the most serious classes of disabled veterans ever since the beginning of relief legislation have been the tubercular and the neuropsychiatric classes. With regard to both classes of cases it is impossible to decide at what particular moment the disease was contracted. Tubercular veterans are filling our hospitals and neuropsychiatric cases are not only filling our hospitals but every calculation shows that they are growing in number and that they will increase from year to year for a great many years to come. Obviously, some law ought to be enacted by which these men may obtain the rights to which we all know they are entitled. Every man who has studied cases of this character knows that a large majority of them are directly due to service and should be traceable to it. For that reason, in the law of 1924 a particular date was fixed—the 1st of January, 1925—and it was provided that any man who had a case of tuberculosis or a neuropsychiatric case before that date should be presumed to have contracted the disease in service.

Of course, any such presumption as that is partially unscientific; it is inaccurate in many cases; no doubt many of those men caught cold some time after their service or suffered some shock after their service which brought about nervous trouble. As has been frequently stated, it is impossible to enact any legislation with regard to veterans which does not contain discriminations of that sort. It is necessary to draw the line somewhere, and in 1924 it seemed wise to draw it on the 1st of January, 1925.

Since then, Mr. President, we have learned a great deal about tubercular veterans and about neuropsychiatric veterans. The bureau itself has traced cases of tuberculosis and neuropsychiatric cases back 21 years and more, so as to place them beyond the service period, although the law contains a conclusive presumption that a veteran who was accepted for service between November 11, 1918, and July 2, 1921, was in sound condition when examined, accepted, and enrolled for service, except as to defects noted at that time.

The bureau has disregarded that provision. As the Senator from Georgia [Mr. GEORGE] pointed out this afternoon in one case, as I pointed out the other day in another case, and as has been pointed out in hundreds of other cases, disability which exists now and which was not disclosed when the man entered the service has been traced beyond the conclusive presumption period back into the period before the man enlisted in the Army.

That is why we have had to extend the presumptive period; and, to judge by the evidence given before the Finance Committee by the junior Senator from West Virginia [Mr. HATFIELD] and subscribed to by doctors all over the country, that is a perfectly scientific presumption. It is impossible to tell how long tuberculosis or nervous trouble has been latent before it breaks out actively. I think I have stated that correctly.

Mr. HATFIELD. Mr. President, the Senator is correct.

Mr. CUTTING. Therefore, the principle under which we are legislating is that the veteran who is suffering from those troubles shall have the benefit of the doubt, and that it shall be assumed that a veteran who contracted active symptoms at any time before the 1st of January, 1930, shall be treated just as those who contracted the disease before the 1st of January, 1925, were treated in past legislation. That is one of the reasons why we needed new legislation; and, in so far as legislation can be sound, the bill which we passed last week was entirely sound.

I have spoken before about the statutory award. When a man whom the bureau has found to have active trouble has later been so far cured as to become an arrested case, we passed a law in 1924 saying that he should receive a statutory award of $50 a month. The idea of that was that the man who really had tubercular trouble never would be able to do a full day's work again. That award has been continuously cut down by the Veterans' Bureau; the examinations have been gone over and revised, and men's cases have been thrown out.

I should like to say that in discussing this matter the other day I made a misstatement which I want to take this occasion to correct. I asked the adjutant of the American Legion in my State as to the number of men who came under this provision; and, through a misconception, he thought I was speaking of the total number of men who had received statutory awards. Those men numbered 800. I understood him to mean that 800 had been cut off the rolls. That is not so. There are 800 men in New Mexico who were granted statutory awards. The men who have been cut off number somewhere between 40 and 50.



The principle, however, remains the same. If there were 40 or 50 of those men in New Mexico, it is easy to calculate how many there are over the United States.

The object of giving a statutory award is to enable the man to have some feeling of certainty. If that award is subject to being cut off at any period, the object of giving it in the first place has been defeated. On last Monday the Senate adopted an amendment, offered by my colleague [Mr. BRATTON], to the effect that a statutory award once given could not be cut off. I observe that the Senator from Arizona [Mr. ASHURST] has reintroduced the same amendment with regard to the present bill, and I certainly hope it will be adopted. There is no reason on earth why it should not be adopted.

Now, Mr. President, what about the pending bill?

This bill denies and rejects and throws over the entire theory under which we have been acting since the World War. Instead of giving compensation for disabilities suffered in the service, it adopts an entirely new principle, and it says:

> On and after the date of the approval of this amendatory act any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War, and who is or may hereafter be suffering from a 25 per cent or more permanent disability, as defined by the director, not the result of his own willful misconduct, which was not acquired in the service during the World War, or for which compensation is not payable, shall be entitled to receive a disability allowance at the following rates: 25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month—

And so forth.

Let me remind you, before you vote on this amendment, that the important words are those contained in line 14, "as defined by the director." That means that the director can define the word "permanent," and can also define the percentage of disability from which a veteran is suffering. In other words, we provide by statute that something shall be given to the disabled ex-service man, and then we add a provision by which the director of the bureau can, if he chooses, legislate it out of existence.

I have already shown the way in which the Government has defined the word "permanent" in the past with regard to insurance contracts. Is there any reason to think that we shall get any better definition of the word as used in this act? We leave this definition entirely in the hands of the bureau; and anyone who knows how the bureau has acted toward the disabled veterans in the past can form a very adequate idea as to the way in which it will interpret a phrase of this sort in the future.

What is the principle, Mr. President, on which this amendment is based? The only thing that anyone has said in favor of it is that it will bring more ex-service men on the pay roll than the bill which we passed a week ago on Monday.

Is that a decent or an honorable way to legislate? Here are the tubercular veterans; here are the neuropsychiatric veterans, suffering from diseases which we all know are due to the service, whether or not they happen to be able to prove service connection according to bureau regulations. Here they are, suffering, seventy-five or one hundred thousand of them; I do not know how many. Instead of giving them what they are entitled to, what this Government owes them, we say, "Oh, no; we will split this up. We will give whatever money we want to appropriate to a larger number of ex-service men."

The principle is the principle of a politician who says, "Yes; I owe you $25, but by distributing that $25 among five different individuals I shall appeal to more people and make more votes. I will give you $5, and I will give these other four men $5 each at the same time." It is the same principle, Mr. President, which influenced the Speaker of the House when he is alleged to have gone before the Republican caucus and said, "There are more taxpayers than there are soldiers." There are; and there are more ex-service men who have contracted disability after the service than there are men, service connected, who are not now drawing compensation. Therefore, says the administration, let us put them all in the same category and treat them all equally.

That is the principle of this bill. Can anyone defend it?

I have heard one defense of it, and that is that it was indorsed by certain ex-service organizations. I should like to say a word about that.

The Veterans of Foreign Wars, as far as I know, have always been in favor of a pension system. They naturally are still in favor of it. They would be inconsistent if they did not indorse this bill; and I wish other service men's organizations had shown equal consistency in this regard.

The American Legion, however, from the start has taken a stand against general pensions. Every piece of legislation which has been passed by Congress and indorsed by the Legion has been indorsed on the distinct understanding that they would not ask for a pension system; yet the Legion now says, through the vice chairman of the national legislative committee:

> The responsibility for the form of the disabled bill lies with the administration, and not with the American Legion. The Legion attempted three times to secure enactment of the section 200 advocated at Louisville, and this was three times rejected—first by the Veterans' Committee of the House; second, on the floor of the House; and, third, in the Finance Committee of the Senate. Senator BINGHAM proposed it as an amendment on the floor of the Senate, and his proposal was defeated. Thus, in both committees and on the floor of both Houses the Congress declined to accept the Legion's proposals.
>
> The administration measure proposes legislation for the benefit of the disabled; and as it is apparently the only measure which the Congress will pass and the President will approve, the Legion has no alternative but to accept it, although its provisions have never been sponsored by the Legion national conventions.

I have been a member of the Legion for a long time. I was, I think, the first member—certainly the original organizer—in New Mexico. I have been department chairman, department adjutant, and a member of the national committee. I know Commander Bodenhamer and have a high regard for him. I think he has been misled. I am sorry he did not state definitely that the Legion was, as it always has been in the past, against measures of this kind.

The Legion disclaims responsibility for this act; but responsibility is not so easily shifted. If the Legion and its officials would make a fight for the principles for which they have fought all these years, they could bring enough pressure to bear to pass through both Houses of Congress, and over any possible veto, the kind of measure that we passed last week.

And how their name is taken in vain! I want to quote for a moment from General Hines's testimony before the Finance Committee the other day:

> Senator CUTTING. As to the allowance provided in this bill, it is, to all intents and purposes, a pension, is it not?
>
> General HINES. Yes.
>
> Senator CUTTING. Why don't you call it a pension?
>
> General HINES. Simply because I feel that we in the bureau had been dealing with disabilities, and I thought we ought to keep the language and call it a disability allowance. To me the word "pension" is not objectionable, but I think this covers the field very well. The word "pension" may be objectionable to the American Legion.

In other words, Mr. President, in order to enable the American Legion and its officials to save their faces, we adopt language in a measure passed by the Congress of the United States which does not correspond to the facts and which is totally inadequate to describe the measure which we are passing; but we do it in order to avoid a word which might be objectionable to the American Legion!

I think I may say that I know something about the rank and file of the American Legion. I think the bill which we passed the other day was entirely satisfactory to the average, ordinary member of that organization. When Members of Congress base their actions on statements of the sort given out by the officials of this organization it would be better for them to get down to bedrock and consult the members of the local posts with which they have to deal.

Mr. President, the Legion can not evade responsibility. The President of the United States can not evade responsibility. He has made three statements, and I think it is fair to say that those statements reveal no thought on the general question of soldier legislation except what has been presented to him by the Veterans' Bureau and the Secretary of the Treasury. Seventy-five to a hundred thousand suffering men would have been saved by the bill which was passed last week. Can the President evade responsibility for the lives and the health of those men?

Can the Members of Congress who supported his veto evade that responsibility? I think not.

I think, furthermore, that we are embarking on legislation which is fundamentally unsound, that we are embarking on it without any thought, that we are altering our entire system, which has lasted from 1917 to the present day, in the last few days of a congressional session. How can we expect to go before the people of the United States and justify any such action?

The pension system may be far superior to the system which we have adopted. I do not care to argue that now. If it is, legislation of this sort should have been introduced in the opening days of the session and debated continuously until some sensible and rational conclusion was reached, and not now, when the main idea of every Member of both Houses seems to be to adjourn with the greatest possible celerity.

Mr. President, I am going to vote for the Walsh-Connally amendment. I am not sufficiently insincere to pretend that a measure which is fundamentally unsound is made any sounder because we increase the rates, but I am too much concerned with the lives and the health of the disabled veterans with whom we have to deal to deny them help if we can give them help in any way.

If through no fault of our own we are placed in a position where there is nothing to do except either to let these men die off like flies or adopt the pension system, I shall vote for the pension system, but at the same time I shall vote to make it generous enough to give the veterans of the World War a chance to get some substantial aid. We are dealing now with the bedridden, tubercular veterans, and we are dealing with the incompetent, neuropsychiatric veterans.

The rates in the Finance Committee measure are too low to be of the slightest benefit to anyone, and if I am told that the higher rates will bring about a veto, I say let the veto come.

It is far better for us to pass legislation which we consider fair and have it vetoed and then go on to pass really adequate legislation in the next session of Congress than to pass some miserable dole, some pittance, some pauper's pension, and have that responsibility at our doors through all time to come.

The responsibility rests with the Members of Congress; it rests with us who passed an adequate and sensible and well-considered bill a week ago by a vote of 11 to 1.

We can not evade that responsibility. I hope that whatever measure passes it will be accepted by the other House of Congress and signed by the President, but whether that happens or not I do not intend that the blame for the result be mine.

Mr. ROBSION of Kentucky. Mr. President, if my record is subject to criticism in dealing with veterans' legislation it is because I have always been liberal and generous. In fact, during my nearly 12 years' service in the House and the Senate I have never voted against any measure for the benefit of the defenders of our country, their widows and orphans.

The Democratic press of Kentucky has been during all of these years most violent in their criticism of my liberality for the veterans and their dependents. I have stated many times in the House and in this body and elsewhere that this great rich Republic should not permit its defenders, their widows and orphans to want for the necessaries of life or be the objects of charity. In my judgment no better investment could be made for our national defense than to give fair and just consideration to those who have defended us and our country. A nation that will not protect its protectors and defend its defenders should not and will not long be protected or defended. With this policy adhered to throughout my service in the House and Senate I have never failed to lend my vote and voice to help secure fair and just treatment for the veterans of all wars, their widows and orphans. I was a member on the Committee on Education of the House when it voted out the bill providing for vocational education and rehabilitation, and under the provisions of which tens of thousands of disabled veterans were rehabilitated and made self-sustaining American citizens.

The first speech I made in Congress was in behalf of the disabled veterans of the World War. When I became a Member of the House there was a compensation law on the statute books. It was passed during the war, and as pointed out yesterday the Senator from Texas [Mr. CONNALLY], the Senator from Arkansas [Mr. CARAWAY], the Senator from Kentucky [Mr. BARKLEY], the Senator from Tennessee [Mr. MCKELLAR], and others voted for that measure. It was passed in 1917 during the war and provided for only $30 per month for total disabilities received in the service in line of duty. The authorities in administering that law gave $3 for 10 per cent disability and on up to $30 for 100 per cent disability. It is true that some small provision was made for the wives and children of these disabled veterans, but about 90 per cent of them were unmarried. Soon after I came to Congress I helped to pass what was known as the Sweet amendment to this act, raising the minimum from $3 per month to $8 per month and the maximum up to $100, and giving them even much higher ratings for those who had lost their sight or had lost limbs in the service.

The Senator from Texas said that he opposed the soldiers' bonus. I strongly favored a cash bonus and helped to pass such a bill, but it was vetoed. I then helped to pass the so-called adjusted compensation bill over the veto of a Republican President because I believed then and I still believe that a dollar a day for service on this side and a dollar and a dime for overseas was grossly inadequate, inasmuch as the average pay of those who remained at home and worked was about $10 per day.

I voted for every measure that sought to liberalize the compensation provisions of the law and the insurance features for the World War veterans and dependents. Recently the so-called Rankin-Johnson-Shortridge bill passed the House for the benefit of World War veterans. It came to the Senate and was reported by the Senate Finance Committee. National leaders of the various veterans' organizations and the veterans of my own State urged me to help to pass this bill as it was reported by the Senate Finance Committee. Over the objection of the President and Mr. Mellon, I spoke and voted for this bill. It passed the Senate 66 to 6, and went to the House and was adopted there, and was then vetoed by the President. It came back to the House, where it originated, and the House sustained the President's veto. Under the Constitution it was necessary to secure a two-thirds vote to overturn the President's veto, but the House did not vote a two-thirds majority to overturn the President's veto; on the other hand, a majority voted to sustain the President's veto, and that action on the part of the House killed the bill. Under the law it could not come to the Senate and did not come to the Senate.

COMPROMISE BILL

And it was then this compromise bill was introduced in the House and passed the House almost unanimously. Each and every Member of the House from Kentucky voted for it. There were only four votes against this compromise bill in the House. It then came to the Senate and was referred to the Finance Committee. The Finance Committee of the Senate held hearings on the bill. Hon. O. L. Bodenhamer, national commander of the American Legion, sent a statement to the Finance Committee of the Senate through the national legislative representative of the Legion here in Washington, Col. John Thomas Taylor. In this statement he urged the Senate committee to report the bill and pass it promptly.

You will observe that the national commander does not question or object to any rates. He asked for two minor amendments. The Finance Committee has included one of these amendments and two other helpful amendments.

Col. John Thomas Taylor, who is here on the ground and who knows the legislative situation, has urged me and others to support this bill as reported by the Finance Committee.

Hon. H. N. Duff, the national commander of the Veterans of Foreign Wars, has urged the Senate to pass this bill as reported by the Finance Committee. At this point I wish to introduce, and have made a part of the record, telegrams from the Hon. John Rose, until recently the commander of the Disabled American Veterans of the World War of the Department of Kentucky, and also a telegram from Hon. Duke W. Fowler, commander Department of Kentucky Veterans of Foreign Wars, and a telegram from Capt. Harvey White, State commander American Legion of Kentucky.

There being no objection, the matter was ordered to be inserted in the RECORD, as follows:

LOUISVILLE, KY., *July 1, 1930.*

Hon. JOHN M. ROBSION,

United States Senate, Washington, D. C.:

Since the service-connected veterans draw compensation, some of whom exceed the Spanish War veterans, on total disability, I heartily approve of the bill as it now stands before the Senate. The 25 per cent disability is the worst feature about the bill, as many veterans that should be compensated will not be able to prove that amount of disability. Ten per cent would be reasonable. We want some kind of a bill passed that will not be vetoed and the veto sustained. I have talked with many veterans to-day, none of whom disapprove the bill except the percentage of disability. As to percentage of disability I have talked to doctors.

JOHN ROSE,
Past Commander Disabled American Veterans of the World War, Department of Kentucky.

Senator JOHN M. ROBSION,

United States Senate, Washington, D. C.:

Have talked with many disabled World War veterans, and they urge the passage of the bill as reported to the Senate.

JOHN ROSE,
Past Commander of Kentucky, Disabled Veterans of World War.

LOUISVILLE, KY., *June 30, 1930.*

Senator J. M. ROBSION,
Washington, D. C.:

Replying to your wire of June 30, realize situation complicated. Request you do best possible under circumstances.

DUKE W. FOWLER,
Commander Department of Kentucky, V. F. W.

LOUISVILLE, KY., *June 30, 1930.*

Senator JOHN M. ROBSION,
United States Senate:

The Department of Kentucky is authorized to advocate only those provisions set out in a resolution approved by the national convention of Legion at Louisville last fall. Here in Kentucky, as elsewhere, the Legion wants only those things which we believe our disabled comrades and their families are justly entitled. The Kentucky department heartily indorses the resolution approved by national convention in Louisville. We are indeed grateful to you for your hearty cooperation and splendid work in behalf of disabled comrades.

HARVEY WHITE, *State Commander.*

Mr. ROBSION of Kentucky. Mr. President, I am thoroughly convinced, as many leaders and veterans of the World War veterans, that if we load down this bill with amendments it will result in killing the bill and denying relief to tens of thousands of disabled veterans, their widows and orphans. I do not subscribe to all the provisions of this bill.

I introduced a bill in the House last December giving relief to disabled veterans who could not connect their disabilities with the service, and placed the widows and orphan children of World War veterans on the same footing as the widows and orphan children of the Civil War and Spanish War veterans. I asked that this bill be included in the RECORD. When I became a Member of the Senate I introduced the same bill in the Senate and Congressman SWICK, of Pennsylvania, introduced a companion bill in the House.

PROVISIONS OF COMPROMISE BILL

The bill before us now deals with many subjects. The most of its provisions may be classified under three headings:

A. It increases the compensation of the blind; those who have lost a food or leg, hand or arm, or both, and so forth. This benefits thousands of most worthy World War veterans.

B. Thousands of claims of disabled World War veterans have been turned down because the veterans could not furnish medical or record testimony. The Veterans' Bureau has turned down thousands of claims because doctors had not kept records and veterans could not furnish official and medical records as required. This measure authorizes the Veterans' Bureau to accept lay testimony—that is, testimony of comrades, of neighbors, and acquaintances, and the testimony of doctors who have not kept their records. In my opinion, this will renew and cause to be allowed the claims of thousands of worthy disabled World War veterans and their dependents whose claims have been rejected and will place them on the rolls; some of them are blind and others have most serious disabilities.

C. Limitations have run for filing suits on many claims of disabled veterans and their dependents for war-risk insurance. This bill extends the time for filing suits for one year. This will help a great many veterans and their dependents. Over 5,000 suits have been filed by disabled veterans and their dependents on war-risk insurance policies. These suits are now pending in the courts. Under the present law the Director of the Veterans' Bureau has no authority to compromise these suits. It is costing the Government from $2,000 to $4,000 on the average per case to try these cases. I do not want to see our Government engaged in litigation with its defenders, their widows, and orphans. This bill gives the director the authority to compromise the suits and other claims that may arise, so that whatever benefits due these defenders and their dependents may reach them at an early date. Therefore it will be seen that this compromise bill before you now will benefit thousands and thousands of disabled World War veterans who have service-connected disabilities, and their dependents, or, at least, who, under this bill, can establish service-connected disabilities.

If this legislation fails, we have done a great injury to this great group of veterans and their dependents. If the venereal-disease provision is put in the bill as threatened, it more than likely will cause a veto and the denial of the benefits of this legislation to thousands of veterans, widows and orphans of veterans.

PENSION PROVISION

There is no objection raised by anyone to the provisions of the bill that I have set out above, and it is admitted that all those mean much to the disabled World War veterans and their dependents. This bill does not repeal any laws now helpful to the veterans.

The second provision for the first time embarks upon a policy of granting service pensions to disabled World War veterans. This bill proposes to pay a pension to all disabled World War veterans who have been unable or who will be unable to connect their disabilities with the service. These pensions range from $12 to $40 per month according to the degree of disability.

I seriously object to the provision in the bill that fixes the maximum of $12 for 25 per cent disability. I think if we are going to establish these rates, the bill should read from $12 to $40 per month without giving percentage, and then be administered as the Spanish War and the Indian war pension bills were administered—that is, begin with 10 per cent. The bills that I introduced in the House and Senate provide $10 for 10 per cent and $50 for total disability, and $72 for those needing the aid and attendance of another person.

If Director Hines administers this law as he says he will in his testimony before the Finance Committee, persons with as much as 13 per cent and less than 25 per cent disability will receive the $12 per month and persons with 38 per cent disability will be rated as half. Director Hines and others further testify that for the first year under this pension provision 156,000 disabled veterans of the World War who have been unable and will be unable to connect their disabilities with the service will be placed on the pension roll at rates ranging from $12 to $40 per month, costing $25,281,000; the second year 289,000, costing $55,289,000; the third year 337,000, costing $68,642,000; the fourth year 350,000, costing $74,404,000; and the fifth year 380,000, costing $80,570,000. The Pension Bureau experts estimate that there will be placed on the pension roll under this provision of the bill about 100,000 men the first year, costing $18,000,000; 350,000 the second year, costing $63,000,000; 600,000 the third year, costing $108,000,000; 800,000 the fourth year, costing $144,000,000; and 1,000,000 the fifth year, costing $180,000,000. So we can see whether we take the Veterans' Bureau's figures or the Pension Bureau's figures, a large number of disabled veterans will be benefited by this legislation the first year.

In visiting the hospitals and going about over the State, I have found thousands of disabled World War veterans who have been turned down who will be benefited by this bill, and I certainly do not want to do anything to deny them these benefits, while the bill does not measure up to all that I should like to see them receive. We can not do too much for the defenders of the Republic and their widows and orphans.

There will be another Congress, when these matters can be taken up and dealt with. We should not, in my judgment, deny this relief now.

WILL SAVE $20,000,000 A YEAR

A great deal of criticism has come from veterans throughout the country because the time taken, the expense involved and the worry in making long trips across the country. I have talked with hundreds of disabled veterans. They want to be examined by local boards of surgeons in their home counties—as has been the practice for Spanish War and Civil War veterans. I shall insist that at least all veterans who file claims under the pension provision of this bill be examined by local boards. The Pension Bureau has its applicants examined for $5 per man. When we count up the cost of transportation, hotel bills, loss of wages, and expense of examining board, I should think the average cost for examining each man under the present Veterans' Bureau plan would be $30.

There will likely be more than 2,000,000 disabled World War veterans file claims under the pension provision of this bill. New acts will be passed from time to time and new applications filed for increases, requiring new examinations. I am convinced that if we examine the men in their home counties we will save $20,000,000 every year. I want to save this money and pay it to the veterans and their dependents, rather than to pay it out for transportation and hotel bills.

CIVIL WAR VETERANS

There has been much said here on the floor of the Senate about what was done for the Civil War and Spanish War veterans.

The Civil War veterans had their first nonservice connected disability pension in 1890, 25 years after the close of the war. The rates ranged from $6 to $12 per month. On May 7, 1912, the first increase act was passed, increasing their pension to from $13 to $30 per month, based on length of service and degree of disability. On June 10, 1918, this was increased again, ranging from $30 to $40 per month, according to the degree of disability and length of service. On May 1, 1920, 55 years after the war closed, the Civil War veterans were granted $50 per month with 90 days service, and $72 per month where they could show they needed the regular aid and attendance of another person.

When the Civil War veterans received $50 per month, their average age was about 80 years. Their average age now is nearly 90.

SPANISH WAR VETERANS

The Spanish War veterans received their first nonservice connected disability pension June 5, 1920. This required a service of 90 days, with honorable discharge. The rates ranged from $12 to $30 per month. On May 1, 1926, they were granted an increase, and the rates then ran from $20 to $50 per month. The recent act of June 2, 1930, which we passed over the President's veto, gives them a rate of from $20 to $60 per month.

The Spanish-American War officially closed July 4, 1902. They were given their first nonservice pension 18 years after that war officially closed, and they were given the $20 to $60 rate 28 years after the war closed. The World War officially closed July 2, 1921. On to-morrow it will be nine years after that war closed. So far as I am concerned, I am happy to see our country become more generous and liberal in dealing with its defenders, their widows and orphans. The communities, the counties and States can not properly take care of these veterans. They went out and defended the whole country, and the Federal Government is the only agency that can give them proper treatment and give the treatment to all alike, and it should do so even though disabilities were not contracted in the service.

Most of the Southern States have passed pension laws for the Confederate veterans. They started out a few years ago giving from $6 to $10 per month and requiring the old Confederate veterans to prove fully and clearly that they were indigent and poverty-stricken.

LEGISLATIVE SITUATION

Congress had planned to adjourn by the first of June, and then by the middle of June. We are now in July. There are those, no doubt, who would like to see this legislation defeated, some for political reasons and others for other reasons. I do not want to see it fail. I know I want to act wisely for the benefit of the veterans and their dependents. Now, in the face of the urging of the leaders of many of the veterans' organizations to pass this bill as reported by the Finance Committee, I am constrained to follow their suggestions and not take chances in helping to load down the bill with amendments that will not be accepted by the House and which will have to go to conference and there be tied up, perhaps, until Congress meets in December. It is difficult to get a matter to conference in the House unless the leaders there are in sympathy with the plan. A single Member in the House can object to it going to conference and then it would require a rule from the Rules Committee to bring the matter out to the House to vote on sending it to conference. As the House sustained the President's veto and passed this bill, the impression prevails that in the event the bill is vetoed the House would sustain the President's veto. Of course, none of us know, but I am unwilling to take the chance of denying this relief to more than 160,000 veterans and thousands of their widows and orphans with the legislative situation confronting us; and, therefore, believing as I do that I am acting according to the wishes of the veterans and their leaders who know the situation, and believing that I am acting in the best interest of the veterans and their widows and orphans, I shall vote for this bill as reported to the Senate from the Finance Committee. We are assured that if this is done, the House will immediately accept the amendments that the Finance Committee has added to the bill, and that the President will promptly sign this bill, and that this relief will come to these veterans and their dependents at once. I think it unwise under the circumstances to amend the bill, but if it is amended I shall vote for the bill.

I submit for printing in the RECORD a bill I introduced on January 6, 1930, granting pensions to certain soldiers, sailors, and marines of the World War, to certain widows, minor children, and helpless children of such soldiers, sailors, and marines.

The bill is as follows:

A bill granting pensions to certain soldiers, sailors, and marines of the World War, to certain widows, minor children, and helpless children of such soldiers, sailors, and marines, and for other purposes

Be it enacted, etc., That all persons who entered the service prior to November 11, 1918, and served 90 days or more in the military or naval service of the United States during the World War between April 6, 1917, and July 2, 1921, and who have been honorably discharged therefrom, or who, having served less than 90 days, were discharged for disability incurred in the service in line of duty and who are not receiving compensation, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character not the result of their own vicious habits which so incapacitates them for the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be entitled to receive a pension not exceeding $50 per month and not less than $10 per month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated.

SEC. 2. Any person who may be entitled to a pension under this act on account of his service during the World War, who is now or hereafter may become, on account of his age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given the rate of $72 per month, provided such disabilities are not the result of his own vicious habits.

SEC. 3. That no person while maintained as an inmate in an institution under the United States Government or State soldiers' homes for a period of more than four months in any one year shall be paid more than $30 per month under this act.

SEC. 4. The widow of any officer or enlisted man who entered the service prior to November 11, 1918, and served 90 days or more in the Army, Navy, or Marine Corps of the United States during the World War and was honorably discharged from such service, or, regardless of the length of service, was discharged for or died in service of a disability incurred in the service in line of duty, such widow having married such soldier, sailor, or marine prior to the passage of this act, shall, upon due proof of her husband's death, without proving his death to be the result of his service, be placed upon the pension roll at the rate of $30 per month during her widowhood; and any widow mentioned in this section shall also be paid $6 per month for each child under 16 years of age of such soldier, sailor, or marine, and in case there be no widow or one not entitled to pension under any law granting additional pensions to minor children, the minor children under 16 years of age of such soldier, sailor, or marine shall be entitled to the pension herein provided for the widow; and in the event of the death or remarriage of the widow or forfeiture of the widow's title to pension, the pension shall continue from the date of such death, remarriage, or forfeiture to such child or children of such soldier, sailor, or marine until the age of 16 years: *Provided*, That in case a minor child is insane, idiotic, or otherwise helpless the pension shall continue during the life of such child or during the period of such disability: *Provided further*, That when a pension has been granted to an insane, idiotic, or otherwise helpless child or to a child or children under the age of 16 years, a widow shall not be entitled to a pension under this act until the pension to such child or children terminates unless such child or children be a member or members of her family and cared for by her; and upon the granting of pension to such widow or former widow, payment of pension to such child or children shall cease, and this proviso shall apply to all claims arising under this or any other act.

SEC. 5. That the pension herein provided for shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this act, and in such form as may be prescribed by the Secretary of the Interior; and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

SEC. 6. No claims agent or agency, attorney, or other persons shall contract for, demand, receive, or retain a fee of more than $10 for service in preparation, presenting, or prosecuting original claims for the pension provided in this act: *Provided*, No fee shall be charged, retained, or paid for any service in connection with claim for increase of pension under this act, which sum shall be paid only on order of the Commissioner of Pensions and under such rules and regulations as he may deem proper to make and any person who shall directly or indirectly otherwise contract for, demand, receive, or retain a fee in excess of $10 for service in preparing, presenting, or prosecuting any original claim under this act, or shall demand, retain, or receive any fee for services for increase of pension under this act, or who wrongfully withholds from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this act, shall be guilty of a misdemeanor and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 7. Nothing contained in this act shall be held to affect or diminish the additional pension to those on the roll designated as the "Army and Navy Medal of Honor Roll" as provided by the act of April 27, 1916, but any pension or increase of pension herein provided for shall be in addition thereto, and no pension or compensation heretofore granted under any act, public or private, shall be reduced by anything contained in this act.

SEC. 8. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and amended only so far and as to the extent as herein specifically provided and stated.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the

amendment of the Senate to the bill (H. R. 3395) authorizing the Commissioner of Narcotics to pay for information concerning violations of the narcotic laws of the United States.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 4663. An act granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough (Washougal Slough) to Lady Island on the Columbia River in the State of Washington;

H. R. 6127. An act to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands;

H. R. 10630. An act to authorize the President to consolidate and coordinate governmental activities affecting war veterans;

H. R. 11144. An act to authorize the Secretary of the Treasury to extend, remodel, and enlarge the Post Office Building at Washington, D. C., and for other purposes;

H. R. 12602. An act to authorize an appropriation for construction at Carlisle Barracks, Pennsylvania;

H. R. 12661. An act to authorize the acquisition of lands in Alameda and Marin Counties, Calif., and the construction of buildings and utilities thereon for military purposes;

S. J. Res. 184. Joint resolution to declare July 5, 1930, a legal holiday in the District of Columbia;

H. J. Res. 372. Joint resolution authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island dated July 5, 1918;

H. J. Res. 388. Joint resolution making provision for continuation of construction of the United States Supreme Court Building; and

H. J. Res. 389. Joint resolution making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress.

ADDITIONAL REPORTS OF COMMITTEES

Mr. BLACK, from the Committee on Claims, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 899. An act authorizing the Treasurer of the United States to refund to the Farmers' Grain Co., of Omaha, Nebr., income taxes illegally paid to the United States Treasurer (Rept. No. 1152);

S. 3620. An act for the relief of the Fairmont Creamery Co., of Omaha, Nebr. (Rept. No. 1147); and

S. 4018. An act for the relief of the Lebanon Equity Exchange, of Lebanon, Nebr. (Rept. No. 1148).

Mr. BLACK, also, from the Committee on Claims, to which was referred the bill (S. 4274) granting compensation to Dr. Cooper Nicholson, reported it with amendments and submitted a report (No. 1149) thereon.

Mr. BLACK also, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 457. An act for the relief of the estate of Benjamin Braznell (Rept. No. 1150); and

H. R. 10093. An act for the relief of Emmett Brooks (Rept. No. 1151).

Mr. WATSON, from the Committee on Finance, to which was referred the bill (H. R. 12742) to amend the act entitled "An act to adjust the compensation of certain employees in the Customs Service," approved May 29, 1928, reported it without amendment and submitted a report (No. 1153) thereon.

Mr. SHIPSTEAD, from the Committee on Printing, to which was referred the concurrent resolution (H. Con. Res. 31) to print 10,000 additional copies of the hearings held before the House Committee on the Judiciary on joint resolutions proposing to amend the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States, reported it without amendment.

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Massachusetts [Mr. WALSH], which will be stated.

The LEGISLATIVE CLERK. On page 16, line 13, it is proposed to strike out "25 per cent or more," and on the same page, line 18, to strike out "25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month," and in lieu thereof to insert "$10 per month for one-tenth disability; $20 per month for one-fourth disability; $35 per month for one-half disability; $50 per month for three-fourths disability; and $60 per month for total disability."

Mr. REED. I ask for the yeas and nays.

Mr. McNARY. Mr. President, I desire to submit a proposed unanimous-consent agreement and to suggest the absence of a quorum, after the proposed agreement shall have been read.

The VICE PRESIDENT. Let the request for unanimous consent presented by the Senator from Oregon be read.

The Chief Clerk read as follows:

It is agreed by unanimous consent that at the hour of 3 o'clock p. m. on to-morrow the Senate proceed without further debate to vote upon any amendment that may be pending to section 11 of the veterans' bill, House bill 13174, or that may be proposed thereto, and that at not later than the hour of 4 o'clock p. m. on said day the Senate proceed, without further debate, to vote upon any amendment that may be pending to said bill, or that may be proposed thereto, and upon the bill itself through its several parliamentary stages to and including the question of its final passage.

Mr. REED. Mr. President, reserving the right to object, would the Senator be willing to add to the proposed agreement that if any amendment shall be offered touching the question of misconduct or venereal disease at least half an hour of debate shall be permitted on such amendment, the time to be divided between its proponents and opponents?

Mr. McNARY. I think that would be eminently fair.

Mr. BARKLEY. Mr. President, does the Senator mean that the half hour debate shall take place between 3 and 4 o'clock or after 4 o'clock? When would that debate occur if such an amendment were offered?

Mr. REED. It would apply whenever the amendment were offered. I presume it would not necessitate a postponement of the times fixed for voting as provided in the agreement, but if it did it might postpone each by half an hour.

Mr. BARKLEY. I should say that if that half hour should be taken out of the time between 12 o'clock and 3 o'clock I should not feel disposed to agree that it could be done at that time. If such an amendment should be offered if it could be debated after we vote on section 11, I would have no objection to that, but I would hesitate to have it interfere with the debate on the main question to-morrow before 3 o'clock.

Mr. REED. That would be all right, and it would not affect the 3 o'clock vote on the pending amendment; but if an amendment touching misconduct cases should be offered after 3 o'clock either to section 11 or to any other part of the bill, then it should be understood that the 4 o'clock vote will be postponed sufficiently long to allow a half hour's debate on the proposal.

The VICE PRESIDENT. Does the Senator from Oregon modify his request?

Mr. McNARY. I will ask the Secretary to incorporate the suggestion of the Senator from Pennsylvania in the proposed agreement.

The VICE PRESIDENT. Will the Senator from Pennsylvania give his attention in order to determine whether the language about to be read by the clerk is correct. The clerk will read.

The CHIEF CLERK. To the agreement as submitted by the Senator from Oregon it is proposed to add the following:

That if any amendment is offered touching the question of misconduct or venereal disease at least one-half hour of debate shall be permitted, the time to be equally divided between the proponents and opponents.

The VICE PRESIDENT. The Chair will suggest that it should be understood that the reference to a half hour of debate should apply after 3 o'clock.

Mr. REED. And the time agreed upon for the vote should be extended to that extent.

Mr. LA FOLLETTE. Mr. President, the logical place for any such amendment would be in section 11.

Mr. REED. Presumably, that is so.

Mr. LA FOLLETTE. If the time for a vote on section 11 and all amendments thereto should be set at 3 o'clock, would it not be necessary to modify the language affecting the amendments to section 11? I suggest to the Senator that it might be taken care of if a provision were incorporated in the proposed unanimous-consent agreement to the effect that at 3 o'clock there should be a vote on all amendments offered to section 11 pertaining to rates.

Mr. REED. That would be an improvement, I think.

Mr. LA FOLLETTE. And that at 3.30 o'clock there should be a vote on any amendment pertaining to misconduct, and that the time between 3 and 3.30 o'clock should be equally divided

between those supporting and those opposing the misconduct amendment?

Mr. REED. That would be entirely satisfactory.

Mr. LA FOLLETTE. And that the final vote should be taken at 4.30 o'clock.

Mr. McNARY. I wish to modify the proposal by incorporating in the proposed agreement the suggestion made by the Senator from Wisconsin, which conforms to the discussion we had early in the day.

The VICE PRESIDENT. The Chair will suggest that perhaps it might be well to hear from other Senators who may have additional suggestions to make.

Mr. GEORGE. Mr. President, I should like to state that I know of two or three Senators who probably will not be able to remain in the Chamber after 4 o'clock to-morrow afternoon, and some after 2 o'clock, and so, if we are going to carry this measure over until to-morrow, the Senate ought to be convened at some earlier hour, so that a vote could be had to accommodate those Senators who remained here to-day expecting a vote.

Mr. McNARY. Did the Senator say that some Senators wanted to leave by 2 o'clock in the afternoon?

Mr. GEORGE. Yes; I understand that one Senator has a reservation for 3.15, and I know of other Senators who expect to go away shortly after 4 o'clock.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. McNARY. I yield.

Mr. NORRIS. Mr. President, since we are making provision for Senators who are going to go away, let us put something in the unanimous-consent agreement for the benefit of Senators who remain here. Would not that be a good idea?

Mr. GEORGE. Mr. President, I am merely calling attention to an existing state of facts. I think it was thought by a majority of Senators that we would reach a vote perhaps to-day or certainly by 1 or 2 o'clock to-morrow, and I suggested that there probably ought to be incorporated in the proposed agreement a provision that the Senate shall meet, say, at 10 o'clock in the morning, so that we may conclude this matter to-morrow.

Mr. NORRIS. Why adjourn? Why not continue the session until to-morrow at 12 o'clock?

Mr. FESS. Let us go ahead and vote to-day.

Mr. NORRIS. Let us do that and not try to have the Senate convene at 10 o'clock in the morning, because many of the Senators who have social duties to perform, dinners to attend, and silk hats to brighten up will not be able to be here at 10 o'clock in the morning, Mr. President; they will just be getting up at that time.

The VICE PRESIDENT. Does the Senator from Oregon modify his request for unanimous consent?

Mr. McNARY. I suggest that there be incorporated in the proposed agreement the modification suggested by the Senator from Wisconsin.

Mr. McKELLAR. Let the agreement as proposed to be modified be stated.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Oregon will state his parliamentary inquiry.

Mr. McNARY. Is it necessary to have the roll called to ascertain the presence of a quorum?

The VICE PRESIDENT. It will be necessary to have the roll called before the agreement shall be entered into, but the Chair thought that time might be saved by having an expression of the views of various Senators, because if there is going to be objection, there is no use in calling the roll.

Mr. McNARY. I think we can save time by calling the roll, and in the meantime work out this proposal.

Mr. NORRIS. Mr. President, we have a proposition here now to vote upon the bill and all amendments, and God Himself does not know what amendments are going to be offered. For fear one amendment may be offered that will have to be voted on without debate, the Senator from Pennsylvania very wisely says, "If such a thing is offered, we want a half hour more." Mr. President, let us add to that agreement that if any amendment is offered that substitutes the compensation plan for the present bill, we shall have an extension of another hour. Every time we have made an agreement on an important piece of legislation to vote without debate upon amendments that have never been offered, we hear Senators by the dozen say that they will never agree to such a thing again. We always get into that kind of a dilemma when a proposition of this kind is agreed to.

I do not like to interpose an objection. If the Senate wants to vote on the pending amendment, we know what that is, and I am willing to agree; but if we are going to say now that we will vote upon all amendments that are offered and all amendments that may be offered, we know what that means through past experience. We shall have amendments offered here that have not been printed, that the clerk will read, and nobody will understand what he says while he is reading them, and we shall be called upon to vote on a roll call one way or the other. That is not any way to legislate.

Why do we not go on with this bill as we do with every other bill? If the Senator will offer a unanimous-consent agreement to vote on the pending amendment by to-morrow at 1 o'clock, 2 o'clock, 3 o'clock, 4 o'clock, or any other time, I will not object. I do not like, however, to bind myself to vote on something the nature of which nobody knows at this time; and every other Senator here feels the same way, if he will express his honest sentiments.

I object to this proposal.

The VICE PRESIDENT. The Senator from Nebraska objects. Does the Senator from Oregon desire a quorum?

Mr. McNARY. No; I withhold the request for the present.

Mr. REED. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Pennsylvania?

Mr. McNARY. I do.

Mr. REED. As was said in debate a little while ago, the disabled veterans want relief, and not oratory.

I appeal to the Senators here who have a friendly regard for these distressed men to stand by this job a little longer, and let us see if we can not come to a vote to-night on the pending question.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. McNARY. I yield to the Senator.

Mr. NORRIS. I was going to ask for recognition.

Mr. McNARY. Very well.

The VICE PRESIDENT. The question is on the amendment, and the Senator from Nebraska is recognized.

Mr. NORRIS. Mr. President, I do not want any intimation to go out now that anybody wants to postpone a vote on this bill. I resent that, if it applies to me. There is not any truth in any insinuation of that kind. I will vote now on the pending amendment, if Senators desire; but I am not going to tie myself up hand and foot to vote on something the nature of which I do not know, and nobody else does, either.

Mr. President, I have not bored the Senate with oratory. I could not do it if I wanted to; but if this bill is not passed to-day and is passed to-morrow or the next day I do not think anybody is going to be injured. I do not want to take advantage of anyone who wants to go away; but I do not want those who are going away to take advantage of those who do not go away, because, after all, here is our place. Here is where we perform our official duty; and it is not fair to have insinuations go out that those of us are unpatriotic who stay here and do not want to be gagged in advance on something, when we do not know what it is, to accommodate somebody who wants to go away. There is not any justice in that. Nobody can vindicate that kind of a charge or insinuation.

As far as I am concerned, I think that if we discuss this matter fully and let the country know what we have before us and reach a vote when debate is exhausted we will get ultimate and practical justice out of the result.

Assertions have been made here that before this debate is closed an amendment is going to be offered that will propose an entirely different system. It may be better than this one, and subsequent history may prove that it is better, and that when we vote it down we are wrong; but are we going to say now that no man can say a word, that no man can talk, for fear he is going to be charged with trying to orate while somebody else wants legislation?

I should like to call your attention to the fact that this proposal comes from those who want to adjourn this session of Congress, who do not want to stay here. Why not stay here if it takes all summer? We ought not to adjourn when we pass this bill. We have other things before us that are of national importance. We have a Muscle Shoals measure that has been pending here for 10 years, and the Power Trust has succeeded in holding it up and preventing legislation. We have other bills, some of which have recently been reported from the Judiciary Committee, in reference to the prohibition amendment. We ought to dispose of those measures before we adjourn, and if we can not do it before the 4th of July we can do it afterwards.

There are other matters of great importance pending, besides those I have mentioned, that we ought to dispose of. I do not think this session of Congress ought to adjourn until the House acts on the "lame-duck" amendment that the Speaker

kept on his desk for over 10 months. Practically everybody in the country, except a few self-appointed political bosses, wants that kind of an amendment to the Constitution of the United States, and can not get it; and we are clamoring about adjournment! Let us stay here.

Mr. WATSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. NORRIS. Yes.

Mr. WATSON. Just as I came into the Chamber—I was out for a little while—I heard the Senator say, "I am ready to vote on this amendment now."

Mr. NORRIS. Yes. If the Senator will keep still I shall be through in a few minutes, and then, if nobody else wants to talk, we will vote on it.

Mr. WATSON. Let me say to the Senator——

The VICE PRESIDENT. The Chair must announce that the Senator can yield only for a question.

Mr. WATSON. Will the Senator yield for a question?

Mr. NORRIS. Yes.

Mr. WATSON. I desire to ask the Senator whether or not he was objecting to the fact that there would be no more debate on this amendment, or some amendment.

Mr. NORRIS. No. I am sorry the Senator did not understand me. If the Senator was here, either he is unable to understand what I am trying to say or I am unable to express myself so that he can understand me.

Mr. WATSON. I was not here; but I did hear the Senator say he was ready to vote on this amendment.

Mr. NORRIS. Exactly. So I am. I suppose the Senator's interruption is, in reality, an insinuation that I ought not to be talking.

Mr. WATSON. Oh, no; I am not insinuating anything at all.

Mr. NORRIS. I have not indulged in very much talk on this subject; but I am getting tired of these insinuations about those who stay here and want to vote and are ready to vote, when the other fellows walk out. I am tired of hearing that we have to do this and we have to do that, and we have to agree or there will be an insinuation thrown at us that we are not even patriotic. "Pro-German" has passed out now. I do not suppose it would do any good to call me a bolshevist because I did not want to do something at a particular moment. That was popular for a while. Now the claim is, "If you do not pass this bill this minute, or vote now on a whole lot of things that have never yet even been proposed, the soldiers will suffer."

The real friend of the soldier wants to get some good legislation. I think the real friends of the soldier are in favor of the amendment that is pending now; and the real friends of the soldier are opposed to the rates in the bill that the committee have proposed.

Is it unpatriotic to suggest that? Is it fair to say that because you are not willing to agree to a unanimous-consent proposition that you will vote on anything on earth that anybody may propose without debate and without hearing, therefore you are opposed to doing something for the soldiers of our country?

I should like to vote on this amendment. I understand that it has been difficult, perhaps impossible, for those of us who favor this amendment to succeed in getting pairs for some of those who are absent and in favor of the amendment. Those who are opposed to the amendment and are away have been granted pairs through the courtesy of those who are favorable to the amendment; and yet there are Senators who are absent on the official business of the Senate who, the last I have been able to hear about it, were unable to get pairs on a vote on this amendment. If there had been as much senatorial courtesy on one side of this proposition as there has been on the other, we probably would have voted before this time.

Mr. WALSH of Massachusetts. Mr. President, I hope we can have a vote to-night upon this amendment. I think the objections of the Senator from Nebraska [Mr. NORRIS] to a hasty vote upon the other amendments that may be offered is sound. There are several important amendments that ought to be discussed to-morrow; and I do hope we can dispose of the pending amendment to-night. I understand that the Senator from Nebraska does not object to such a course.

Several Senators called for the yeas and nays.

Mr. JOHNSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from California suggests the absence of a quorum. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Black	Broussard	Copeland
Ashurst	Blaine	Capper	Couzens
Barkley	Borah	Caraway	Cutting
Bingham	Brock	Connally	Dale
Deneen	Howell	Phipps	Swanson
Fess	Johnson	Pine	Thomas, Idaho
George	Kendrick	Ransdell	Thomas, Okla.
Glass	La Follette	Reed	Townsend
Glenn	McCulloch	Robinson, Ind.	Trammell
Goldsborough	McKellar	Robsion, Ky.	Tydings
Hale	McNary	Sheppard	Vandenberg
Harris	Metcalf	Shipstead	Wagner
Harrison	Moses	Shortridge	Walcott
Hastings	Norris	Steck	Walsh, Mass.
Hatfield	Oddie	Steiwer	Walsh, Mont.
Hayden	Overman	Stephens	Watson
Hebert	Patterson	Sullivan	

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

Mr. BARKLEY. Mr. President, I hesitate and dislike to delay the Senate when we are all anxious to obtain a vote on the pending amendment, but some of us who have given study to the pending amendment and the bill as members of the Finance Committee have been seeking an opportunity to express our views on it very briefly. I have been engaged during the last hour or so in helping to negotiate with other Senators in an effort to get an agreement about a vote on this amendment and the bill on to-morrow. Inasmuch as that agreement has failed, I wish to express myself very briefly with reference to the pending amendment before we take a vote.

I agree with the Senator from Nebraska that the Senate is apparently in an unseemly attitude in its haste to adjourn this session. I am as anxious as any Member of this body to adjourn, but everybody else in the United States who is able to get work is going to have to work for the rest of the summer, and certainly the Senate of the United States and the Congress of the United States should not be in such a hurry to adjourn that they will be guilty of passing half-baked legislation or any ill considered and hasty proposals without at least a decent opportunity for their fair discussion.

It may or it may not be unfortunate that this bill is here under the circumstances which bring it here. It may or may not be unfortunate that the Executive criticism which has been hurled at this legislation seems to have been aimed directly at the Senate, as most other criticism from the same source seems to be aimed at this body.

It has already been iterated and reiterated here that the measure for veterans' relief was pending in the committee of the House of Representatives for weeks, exhaustive hearings were had upon it, it was reported to the House and was under consideration, and there was no objection from any source, so far as I recall, to the provisions of the bill as it was reported to the House and no objection to it from any responsible administration source as it passed the House, although it carried an authorization three times as large as that in the bill which was passed by the Senate a few days ago and which was vetoed by the President.

When the Finance Committee for seven weeks considered this measure there was no objection even to the House bill from such source as it was then pending before the Finance Committee. When the Finance Committee adopted the proposal changing the basis of the compensation from compensation for injuries received, at least traceable to service in the Army, to a pension system such as that which is now under consideration, and time was given to certain members of the committee to consult the administration about the advisability of that change, we were informed that those who had been consulted, even including the Secretary of the Treasury, were delighted with the fact that the Senate committee had reduced the bill to one-third of the figure carried in the House bill.

When we had almost unanimously reported that bill out of the committee to the floor of the Senate, when we had all practically committed ourselves to it, when we were about to vote on the proposition then pending, and which had been debated, there was suddenly dropped on the doorstep of the Senate a creation which seemed to have been born on an airship somewhere between Pittsburgh and Washington.

We were denounced indirectly, and the bill then under consideration was denounced as an offense to all ideals of good government and decency with respect to the treatment of war veterans. Yet with these anathemas ringing in our ears the Senate voted 66 to 6 to carry out its own views upon the matter of legislation for the relief of uncompensated sick and disabled veterans.

Before the bill had been vetoed, before it had been sent to the White House, but after an announcement had been made that it would be vetoed, although it had not reached the White House, a caucus was called in the other body, and before the veto was registered, before it had been delivered, a caucus was held in the other body for the purpose of undertaking to bind Members to sustain a veto which they were advised was forthcoming.

I am reliably informed that the only condition under which it was possible to secure the agreement of the caucus that was held to sustain the veto was that there would be no adjournment of this session of Congress until satisfactory legislation for the relief of veterans was enacted into law, and except for that understanding and that agreement and that pledge on the part of the leaders who participated in that conference, there would have been no understanding or agreement on the part of a sufficient number of Members of the other body to sustain the veto of the President.

Now, when a bill has been rushed through with 20 minutes' debate on each side, passed by the other body before it was even read by the Members, and is now pending here in the Senate of the United States, we are asked to rush it through in order that Members may adjourn and go to their respective homes, or wherever their summer vacations may carry them.

It is not at all pleasant to force the Senate to stay here until 5 o'clock, and perhaps later than 5 o'clock, in order to get a vote on this amendment; but, as the Senator from New Mexico has already indicated in the most excellent speech which he made upon this subject, this bill is not here because of any responsibility or any failure that rests on the Senate of the United States. It is here because it has been decided that in order to save the face of somebody we must pass some kind of legislation, however hastily we may consider it or in however great a hurry we may be to rush it through, and then go home and say that we have passed something which we think may satisfy the veterans of the World War. I do not share in that haste. I am more anxious to be just and fair than I am to be in a hurry.

From the 4th of March, 1929, until this good hour in no official communication from the President of the United States has there been any recommendation of any legislation for the benefit of World War veterans. In the President's message to Congress last December there was a whole paragraph devoted to World War veterans, but no suggestion of any legislation. It was then known that there were thousands of disabled veterans who were trying to obtain beds in hospitals, but there were no beds for them; and there was no suggestion in the message of the President in December that any additional hospital facilities be provided for them.

It was then known that there had been more than 500,000 rejected applications by World War veterans for compensation under the present laws, many of them having been denied for technical reasons, many of them because in their haste to get away from the war and get back to their families and their firesides the soldiers did not stop to consider whether they would ever be asked to fill out some technical questionnaires as to their war service, in order that they might connect their disabilities with their service in the war. There was no suggestion in the message of the President in December last that any new legislation ought to be enacted for their benefit.

It was known in December last that these uncompensated disabled World War veterans were dying at the rate of 75 a day, and that they had dependents, wives and children; but there was not a line in this message which suggested any legislation for their relief.

Mr. President, I ask unanimous consent at this point to insert in my remarks the paragraph in the President's message beginning at the bottom of page 21 and ending near the bottom of page 22, on the subject of veterans.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

VETERANS

It has been the policy of our Government almost from its inception to make provision for the men who have been disabled in defense of our country. This policy should be maintained. Originally it took the form of land grants and pensions. This system continued until our entry into the World War. The Congress at that time inaugurated a new plan of compensation, rehabilitation, hospitalization, medical care and treatment, and insurance, whereby benefits were awarded to those veterans and their immediate dependents whose disabilities were attributable to their war service. The basic principle in this legislation is sound.

In a desire to eliminate all possibilities of injustice due to difficulties in establishing service connection of disabilities, these principles have been to some degree extended. Veterans whose diseases or injuries have become apparent within a brief period after the war are now receiving compensation; insurance benefits have been liberalized. Emergency officers are now receiving additional benefits. The doors of the Government hospitals have been opened to all veterans, even though their diseases or injuries were not the result of their war service. In addition, adjusted-service certificates have been issued to 3,433,300 veterans. This in itself will mean an expenditure of nearly $3,500,000,000 before 1945, in addition to the $600,000,000 which we are now appropriating annually for our veterans' relief.

The administration of all laws concerning the veterans and their dependents has been upon the basis of dealing generously, humanely, and justly. While some inequalities have arisen, substantial and adequate care has been given and justice administered. Further improvement in administration may require some amendment from time to time to the law, but care should be taken to see that such changes conform to the basic principles of the legislation.

I am convinced that we will gain in efficiency, economy, and more uniform administration and better definition of national policies if the Pension Bureau, the National Home for Volunteer Soldiers, and the Veterans' Bureau are brought together under a single agency. The total appropriations to these agencies now exceed $800,000,000 per annum.

Mr. BARKLEY. Mr. President, by a perusal of that paragraph in the President's message it will be found that it consists very largely of statements calling attention to what we have already done for the World War veterans, and it indorses in specific terms the basis of compensation heretofore provided by the Congress, by implication, at least, being against a pension system, which it is now said we are considering because it is necessary, in view of the veto, to pass something else in the way of relief legislation for the World War veterans.

Mr. President, what have we here? An effort was made yesterday to raise a partisan issue over the provisions of this bill. The effort was made yesterday by my distinguished colleague from Kentucky [Mr. ROBSION], who was the first to inject partisan politics into the consideration of this legislation. Neither in the Committee on Finance nor in the Senate of the United States, from the day we declared war against Germany until this hour, has there ever been any partisanship in the consideration of legislation for the benefit of World War veterans, and not until yesterday was it injected, and then by my distinguished colleague when he called attention to the fact that in 1917 when we passed the first compensation act for the benefit of the soldiers, before a shot had been fired by the American Army, before our soldiers had even been transported to France, we provided, he said, a maximum compensation of $30 a month, whereas now we are seeking to secure $60 a month. He says he would have voted against it if he had been a Member of Congress then.

Mr. President, I have the roll call in the House of Representatives on the passage of that bill on the 13th day of September, 1917. By implication my colleague criticized everybody who voted for that bill in the House, naming specifically the Senator from Texas [Mr. CONNALLY], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Arkansas [Mr. CARAWAY], and myself as having voted for the bill, which, he said, limited to $30 a month compensation for soldiers of the United States and their dependent families.

I have before me the RECORD of September 13, 1917, and I find that that bill passed by a vote of 319 to 0. Not a single Member of the House of Representatives voted against the bill, and among those who did vote in favor of it was the senior Senator from Ohio [Mr. FESS], now in the chair, who was then a Member of the House of Representatives; his colleague, Mr. MCCULLOCH, who was then a Member of the House; and the present Speaker of the House of Representatives, Mr. LONGWORTH, who was then a Member of the House. My colleague says he would have voted against that bill. In that attitude he would have stood alone, as he will stand almost alone in opposing this amendment to give justice to these disabled veterans and their dependents.

There were 140 other Republicans who voted for the bill, which my colleague undertook to say provided only $30 a month for the American soldier, when if he had read the bill he would know that it provided compensation as high as $105 a month for soldiers and their dependent families, depending upon how many children there might be. It went even beyond children and provided that if the veteran was helpless and needed a nurse there should be $20 additional and if he had a dependent mother there was some additional compensation allowed because of that fact—a liberality that has never been witnessed before in any war in which any country ever engaged. And that law was passed before a man had been injured or disabled.

I have also the roll call of the Senate on the same bill on the 4th day of October, 1917. When the bill passed the Senate there were 71 Senators, without regard to politics, who voted for the measure to give compensation to all soldiers and to their families, and not a Senator voted against it. The distinguished Vice President, Mr. CURTIS, then a Senator, voted for that measure. Yet, in spite of the unanimous passage of that bill, which was more liberal than ever provided before in any war,

we have been compelled to witness the spectacle of an effort being made to arouse opposition to giving the soldiers, long after the war is over and when they are disabled and crippled and sick, $60 a month, the same rate that is provided for Spanish-American War veterans under the present law.

Mr. President, I was a Member of the House of Representatives when we declared war against Germany on the 6th day of April, 1917. I voted for that declaration. I voted to send these boys into the war. Whether I did right or wrong only the judgment bar of Almighty God will be able to determine. If in casting that vote I made a mistake I shall ask forgiveness according to the mercies which are meted out to weak mortals. But, Mr. President, having voted for that resolution, having voted to draft more than 4,500,000 of the flower of the manhood of the American Nation, I am not now going to seek to deny them justice because it may make it impossible to reduce some tax rate in the future or may even produce a deficit in the Treasury of the United States, which I do not fear. If we were willing at the very beginning of the war, before a shot had been fired, to provide a maximum compensation of $105 for those veterans, why do we now hesitate and quibble over granting them $60 per month?

The Secretary of the Treasury has made many predictions of deficits. When we are about to pass a bill for the relief of disabled soldiers he always rushes to the front of the stage to announce an approaching deficit. But his prophecies always fail, and will fail again.

It is said that the Spanish-American War veteran had to wait 32 years to get his pension. He had to wait 20 years before he got anything, and he had to wait 32 years before he got $60 a month for total disability. It seems to me that offers no justification for our failure to do justice to the soldiers of the World War. I do not know how it happens that the Spanish-American War veterans had to wait 20 years before they got anything, or why it was they had to wait 32 years before they got $60 a month if totally disabled. I am not responsible for that. I voted for the first bill presented after I became a Member of Congress providing compensation for Spanish-American War veterans, and I have voted for each bill since that attempted to render justice to them.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. BARKLEY. I yield to the Senator.

Mr. NORRIS. What I have to say I must say in the form of a question because we are getting technical now since we are spending time on the World War veterans' bill. It would not apply on other bills. Is the Senator not aware that it was common knowledge, known of all men who gave any attention to it, that we did not do justice to the Spanish-American War veterans and that belated justice comes years and years after it was known by those who understood the subject, that it ought to have been done, and that now it is no excuse or ought to be no excuse in the mind of a patriotic person that, because we delayed giving justice to the Spanish-American War veterans, we should now perform another act of sinful negligence by not giving justice to the World War veterans?

Mr. BARKLEY. The Senator is right. I agree entirely with him. As a matter of fact we all know that it had been almost a national scandal that the United States Congress had neglected the Spanish-American War veterans so long, so much so that we all know that almost in every mail we have received complaints from the Spanish-American War veteran that he was not being treated on the same basis as other veterans, and we were accused even of forgetting the Spanish-American War veteran in our anxiety to render justice to other veterans.

Now that we have attempted to render tardy justice to the Spanish War veterans, we are asked to do the same thing to the World War veteran that we did so long to the Spanish War veteran, by giving him cause for complaint that we are not paying him upon the same basis as the Spanish-American War veteran. If from the end of the Spanish-American War until now the Spanish-American War veteran had a right to complain that he was discriminated against, will not the World War veteran from now on have the same right to complain that we are now discriminating against him because we are asked to give him compensation which is only about 60 per cent of what the Spanish-American War veteran is drawing?

We are told that the World War veteran is younger than the Spanish War veteran and therefore needs less compensation. It makes little difference whether a man is 25 or 75 years old if he is totally disabled. If he is utterly incapacitated for earning a living, if he can not do a day's work, if he can not follow his profession, if he can not support his family, it makes little difference whether he is 75 or 25 years of age if he is totally disabled. But if there is any difference, I think the chances are that the obligations and the needs of the younger man are even greater than those of the older man.

The Spanish-American War veteran has reared his family; his children have gone from under the roof and no doubt they are now self-sustaining. The average Spanish-American War veteran has either only himself or himself and wife to support. Even under those circumstances what we have provided for him is little enough.

But the World War veterans are in the midst of rearing their families; they probably average 35 to 40 years of age; they have wives and children; and, if they are totally disabled, then $40 a month is a mere pittance. If we are going to recognize our obligation to the veterans, let us not be stingy about it. If we are going to say that total disability, total incapacity to support a family, total disability to earn even a partial support for them, means that the Government of the United States owes them an obligation, let us perform it now and not wait for another national scandal, not wait 30 years or 20 years until the veterans at the rate of 75 a day have passed away and their children and their widows have become dependent upon society for support.

There are 277,000 veterans on the rolls of the Veterans' Bureau. Forty-six per cent of them are drawing compensation for between 10 and 25 per cent disability. We have been told that the amendment of the Senator from Massachusetts if adopted will more than double the cost. I am totally unable to follow such arithmetic. When we raise the rate from $12 to $20 we have not raised it 100 per cent. When we raise the rate from $40 to $60 we have only raised it 50 per cent, and yet, without in any way impugning the integrity or honesty or sincerity of the bureaus, I am unable to understand how by increasing the rate 50 per cent we increase the total amount by 100 per cent.

But if it be true that now 46 per cent of the veterans who are able to trace their disability to service are below 25 per cent or within the 10 per cent and 25 per cent brackets, may we not suppose the same ratio will apply to veterans to be taken in under the bill? May we not suppose that if 46 per cent of those who are service connected are below 25 per cent disability, certainly there will be no greater percentage of those who are to come in under the bill?

Therefore I believe it will be in the interest of economy to provide a bracket from 10 per cent to 25 per cent, because, as has already been said on the floor of the Senate and in committee by representatives of the Pension Bureau, if we make 25 per cent the minimum most of those who would come in at all will come in at that rate, because if they establish their right to some compensation, the medical examining boards are going to estimate that they are disabled to the extent of 25 per cent. How is any man, even a doctor, able to tell whether a man is disabled 25 per cent or 20 per cent? It all depends upon the circumstances.

Mr. President, I do not wish to occupy the time of the Senate any longer on this amendment. I believe it ought to be adopted because it is right. It ought to be adopted because it is just. It ought to be adopted because we ought not here to create among those who have served our country in time of war jealousy and envy by giving to one class one rate of compensation and granting to another class a rate wholly inadequate, if we are to recognize any obligation whatever.

Therefore I hope the amendment of the Senator from Massachusetts will be adopted and that the bill as thus amended will pass. I make no prediction as to its fate in the future. I am not so much concerned about that as I am concerned about fulfilling our own obligations, about meeting our own responsibilities, without fear and without apology.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. WALSH].

Mr. WALSH of Massachusetts. I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. LA FOLLETTE (when Mr. BROOKHART'S name was called). I desire to announce that the Senator from Iowa [Mr. BROOKHART] is paired with the Senator from Utah [Mr. KING]. If the Senator from Iowa [Mr. BROOKHART] were present, he would vote "yea." I understand the Senator from Utah [Mr. KING] if present would vote "nay."

Mr. TRAMMELL (when Mr. FLETCHER'S name was called). I desire to announce the absence of my colleague the senior Senator from Florida [Mr. FLETCHER] on account of illness. I understand that if present he would vote "yea."

Mr. LA FOLLETTE (when Mr. FRAZIER'S name was called). The senior Senator from North Dakota [Mr. FRAZIER] is paired with the junior Senator from Idaho [Mr. THOMAS]. If the senior Senator from North Dakota were present, he would vote

"nay." I understand that the junior Senator from Idaho if present would vote "nay."

Mr. HARRISON (when his name was called). I have a pair with the senior Senator from Utah [Mr. SMOOT]. I transfer that pair to the senior Senator from Florida [Mr. FLETCHER] and vote "yea."

Mr. ODDIE (when his name was called). On this question I have a pair with my colleague, the senior Senator from Nevada [Mr. PITTMAN]. If he were present, he would vote "yea," and if I were permitted to vote I should vote "nay."

Mr. OVERMAN (when the name of Mr. SIMMONS was called). I desire to announce the unavoidable absence of my colleague [Mr. SIMMONS]. He is paired with the senior Senator from Massachusetts [Mr. GILLETT]. If my colleague were present, he would vote "yea," and I understand that the senior Senator from Massachusetts if present would vote "nay."

Mr. STEPHENS (when his name was called). I am paired with the senior Senator from Vermont [Mr. GREENE]. I transfer that pair to the junior Senator from Minnesota [Mr. SCHALL] and vote "yea."

Mr. THOMAS of Idaho (when his name was called). On this vote I have a pair with the senior Senator from North Dakota [Mr. FRAZIER]. If he were present, he would vote "yea," and if I were permitted to vote I should vote "nay."

Mr. TOWNSEND (when his name was called). On this vote I am paired with the junior Senator from North Dakota [Mr. NYE]. If he were present and voting, he would vote "yea," and if permitted to vote I should vote "nay."

Mr. PHIPPS (when Mr. WATERMAN's name was called). My colleague [Mr. WATERMAN] is necessarily absent. He is paired with the Senator from Montana [Mr. WHEELER]. If my colleague were present, he would vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH], who is at home ill. I am told that if present he would vote "yea." I am unable to secure a transfer and therefore withhold my vote, but if voting I should vote "nay."

Mr. WALSH of Montana (when Mr. WHEELER's name was called). My colleague [Mr. WHEELER] is unavoidably absent. He has a pair with the junior Senator from Colorado [Mr. WATERMAN]. If my colleague were present, he would vote "yea," and if the junior Senator from Colorado were present he would vote "nay."

The roll call was concluded.

Mr. CARAWAY. I have a pair with the junior Senator from New Hampshire [Mr. KEYES]. I transfer that pair to the senior Senator from Missouri [Mr. HAWES] and vote "yea."

Mr. REED (after having voted in the negative). I have a general pair with the Senator from Arkansas [Mr. ROBINSON], which I transfer to the junior Senator from Pennsylvania [Mr. GRUNDY], and allow my vote to stand.

Mr. SHIPSTEAD. My colleague [Mr. SCHALL] is unavoidably absent from the Senate. He is paired with the Senator from Vermont [Mr. GREENE]. If my colleague were present and not paired, he would vote "yea."

Mr. CARAWAY. I wish to announce that my colleague [Mr. ROBINSON of Arkansas] is unavoidably absent. If present and permitted to vote, he would vote "yea."

Mr. FESS. I desire to announce that the Senator from New Jersey [Mr. BAIRD] is paired on this vote with the Senator from New Mexico [Mr. BRATTON]. If present, the Senator from New Jersey would vote "nay," and the Senator from New Mexico would vote "yea."

I also desire to announce that the Senator from Maine [Mr. GOULD] is paired with the Senator from South Carolina [Mr. BLEASE]. If the Senator from Maine were present, he would vote "nay," and if present the Senator from South Carolina would vote "yea."

I also wish to announce that the Senator from New Jersey [Mr. KEAN] is paired on this vote with the junior Senator from Washington [Mr. DILL]. If the Senator from New Jersey were present and voting, he would vote "nay," and the junior Senator from Washington if present would vote "yea."

I also desire to announce the general pair of the Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN].

Mr. SHEPPARD. I wish to announce that the junior Senator from South Carolina [Mr. BLEASE] and the Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by illness in their families.

I desire further to announce that the Senator from Missouri [Mr. HAWES], the senior Senator from South Carolina [Mr. SMITH], and the senior Senator from Florida [Mr. FLETCHER] are necessarily absent because of illness. If present, they would each vote "yea" on this amendment.

I also wish to announce that the senior Senator from Nevada [Mr. PITTMAN] and the senior Senator from Alabama [Mr. HEFLIN] are unavoidably detained, and that the Senator from Washington [Mr. DILL] is necessarily absent attending the sessions of the Committee to Investigate Expenditures in Elections, which is meeting in Chicago. These Senators also, if present, would vote "yea."

I will announce further that the Senator from Utah [Mr. KING] is necessarily absent because of illness. The pairs of these Senators have been announced.

The result was announced—yeas 37, nays 26, as follows:

YEAS—37

Ashurst	Dale	La Follette	Swanson
Barkley	George	McKellar	Thomas, Okla.
Black	Glass	Norris	Trammell
Blaine	Harris	Overman	Tydings
Brock	Harrison	Ransdell	Wagner
Broussard	Hatfield	Robinson, Ind.	Walsh, Mass.
Caraway	Hayden	Sheppard	Walsh, Mont.
Connally	Howell	Shipstead	
Copeland	Johnson	Steck	
Cutting	Kendrick	Stephens	

NAYS—26

Allen	Glenn	Metcalf	Shortridge
Bingham	Goldsborough	Moses	Steiwer
Borah	Hale	Patterson	Sullivan
Capper	Hastings	Phipps	Vandenberg
Couzens	Hebert	Pine	Walcott
Deneen	McCulloch	Reed	
Fess	McNary	Robsion, Ky.	

NOT VOTING—33

Baird	Gould	McMaster	Smoot
Blease	Greene	Norbeck	Thomas, Idaho
Bratton	Grundy	Nye	Townsend
Brookhart	Hawes	Oddie	Waterman
Dill	Heflin	Pittman	Watson
Fletcher	Jones	Robinson, Ark.	Wheeler
Frazier	Kean	Schall	
Gillett	Keyes	Simmons	
Goff	King	Smith	

So the amendment of Mr. WALSH of Massachusetts was agreed to.

Mr. McNARY obtained the floor.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arizona?

Mr. McNARY. I yield.

Mr. ASHURST. Mr. President, I send to the desk an amendment to be inserted on page 25, at the end of line 19.

The VICE PRESIDENT. The amendment proposed by the Senator from Arizona will be stated.

The CHIEF CLERK. On page 25, at the end of line 19, it is proposed to insert:

Provided, That the rating of any person once awarded compensation under this provision shall not hereafter be so modified as to discontinue such compensation or to reduce it to less than $50 per month, and payments to any such person whose rating has heretofore been so modified shall be resumed at the rate of not less than $50 per month from the date of such modification.

Mr. ASHURST. Mr. President, I shall not now inflict a speech upon the Senate, but Senators by consulting the RECORD of June 23 last will perceive that the amendment is a rescript of the amendment then proposed by the Senator from New Mexico [Mr. BRATTON] and adopted by the Senate.

Mr. REED. Mr. President, although I do not agree with the policy of the amendment proposed by the Senator from Arizona, for I do not think we ought to diagnose disabilities by statute but that such questions ought to be left to the doctors, nevertheless, I debated that point as earnestly as I could when this subject was brought up two or three years ago. The Senate, however, took a contrary view by a very pronounced majority; so I do not intend to debate the amendment at any length now.

Mr. ASHURST. I thank the Senator.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arizona.

The amendment was agreed to.

Mr. ASHURST. I ask permission to have printed in the RECORD at this point a letter from General Hines, in response to my inquiry giving the number of veterans receiving compensation under the so-called statutory award of $50 per month, to wit, the so-called Ashurst amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE ASHURST AMENDMENT

APRIL 29, 1929.

Gen. FRANK T. HINES,
Director United States Veterans' Bureau,
Washington, D. C.

DEAR GENERAL HINES: When H. R. 12175 was pending in the Senate of the Sixty-ninth Congress I offered the following amendment, which

amendment was adopted by the Senate and which became a part of Public, No. 448, and for the lack of a better description has come to be known as the Ashurst amendment, to wit:

"That any ex-service persons shown to have had a tuberculosis disease of a compensable degree, who, in the judgment of the director, has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however,* That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further,* That no payments under this provision shall be retroactive and the payments hereunder shall commence from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever be the later date."

Will you please inform me as to the number of ex-service men now receiving compensation under the provisions of my amendment; and also please further advise me as to the gross sum of money (compensation) which to date has been paid to ex-service men under and by virtue of this Ashurst amendment?

Sincerely yours, HENRY F. ASHURST.

MAY 6, 1929.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR ASHURST: This will acknowledge receipt of your letter of April 29, 1929, requesting a report of the number of ex-service men receiving compensation as a result of the amendment of July 2, 1926, to the World War veterans' act, providing for the payment of a statutory $50 award in cases of arrested tuberculosis, and also requesting a report of the amount of compensation which has been paid to date under the provisions of this amendment.

The report of arrested tuberculosis cases for March 31, 1929, indicates that the statutory award of $50 is being paid to 43,257 veterans. The cumulative cost of this amendment, over and above the compensation being paid prior to the amendment, is $46,790,000.

Very truly yours,

FRANK T. HINES, *Director.*

The VICE PRESIDENT. The bill is before the Senate and open to amendment.

Mr. WALSH of Massachusetts. Mr. President, I offer the amendment which I send to the desk and ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 16, line 21, after the word "months," it is proposed to insert a semicolon and the following:

Provided, That no person suffering from a veneral disease contracted not later than the date of his discharge or resignation from the service during the World War (including any disability or disease resulting at any time therefrom) shall be denied a disability allowance by reason of willful misconduct.

Mr. WALSH of Massachusetts. Mr. President, the amendment which I offer for several members of the Finance Committee can be explained very briefly. In the first place, it is not a new proposition and it is petitioned for by every veterans' organization in the country. Under the present law no veteran of the World War suffering from a disability caused by willful misconduct can recover any compensation, and if the House bill as reported by the committee shall be approved he will not be able to recover any pension even if the disease was contracted during the period of his enlistment and during the period of the war. There is one exception. A veteran of the World War can recover full compensation under the compensation laws if his willful misconduct leads to a disease which results in blindness, paresis, or if he becomes bedridden. For any disability of less degree he is debarred from any compensation.

A few weeks ago the Congress of the United States enacted a law which provides that veterans of the Spanish-American War who suffered disabilities resulting from willful misconduct, whether contracted during the war or since the war or in the future, shall be entitled to the pension granted to Spanish War veterans. Surely, if we are to maintain that principle upon the statute books we can not discriminate against a World War veteran who suffered from disabilities contracted through his willful misconduct during the period of the war, and not after the war or at some future date. The amendment presented restricts the right to a pension to those whose disabilities from social diseases were actually contracted during the war period.

If the administration is really and sincerely behind the pending bill, it can not remain silent without an effort being made to strike out of the Spanish-American veterans' law the provision that a veteran of that war may recover a pension no matter when in the future he may through his willful misconduct become disabled.

Mr. President, very briefly, then, this amendment seeks to restrict the benefit conferred so that it will only accrue to World War veterans suffering from disabilities occasioned by such diseases only when the diseases, the result of willful misconduct, were contracted during the period of the war.

No one who has suffered disabilities from these diseases, if contracted since the war, or who suffers from them in the future, can ever get compensation under my amendment; but, under my amendment, if a veteran contracted the disease during the period of the war he will be entitled to a pension, not to compensation.

I have just one further thought:

The veteran of the war who went out and got drunk or took drugs while in camp in America or in Europe and contracted pneumonia or any other of many diseases, is not denied compensation. That misconduct is not a bar to recovering compensation. My amendment limits the ability to recover a pension—not compensation—to disabilities not the result of willful misconduct, but merely to disabilities from venereal diseases actually contracted as an incident of the war and during the period of the war. It affects some 5,000 veterans only and would provide a pension for those veterans amounting to a small total cost, if they can prove that their disabilities are traceable to these diseases actually contracted during their service in the war.

This proposition is urged as reasonable and just by nearly every student of war conditions and war-relief legislation. All agree these diseases are, unfortunately, often a condition or incident of war service. Unfortunately, too, it was not the conduct that brought on these diseases that was generally disapproved by the Army, rather it was the failure to take the means of prevention that was supplied and paid for by the Government.

If this was a new proposal, I would hesitate to introduce it, but it is now the law to pension both Civil War and Spanish War veterans for disabilities of a broader character than my amendment.

The restriction to social diseases actually contracted in time of war and only a pension allowance is a new restriction in war-relief legislation.

Mr. REED. Mr. President, I shall take but two or three minutes. I know the hour is late, and Senators want to finish the business in hand.

I hope every Senator will realize the import of the vote which is about to be taken. I am going to ask for a roll-call vote.

This amendment will provide money compensation from the Government to approximately 5,000 men who, during the war, when their military service was needed, disqualified themselves from rendering efficient military service by catching venereal disease of one sort or another. Not only does this bill pay them for decreasing their own efficiency, but it pays them for jeopardizing the health of their comrades in the same command.

We have already been charitable to these pitiful cases, which have gone so far as to produce paralysis or blindness, or cause the victim to be completely bedridden. Those cases are taken care of. We have already provided free Government medical treatment for these men, whatever may be the condition of their disease. This amendment, however, goes beyond all that. It provides as to men who during war time caught syphilis or gonorrhœa, endangered their comrades in the same squad or platoon or company, and kept themselves from being efficient soldiers, that a grateful Government is to pay them money for that!

How are we going to explain our action to the women taxpayers of the country when we vote their money to men who set at defiance all of the laws of decency that are supposed to regulate the behavior of a good American? How are we going to explain forcing money from taxpayers to reward these men for violating the laws of God and the laws of their Army? We can not do it.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. REED. I yield to the Senator from Idaho.

Mr. BORAH. The principle which is involved, it seems to me, is conceded when we take care of these men by hospitalization. The breach of conduct, the breach of discipline, and the disregard of the interests of the country are the same. We do recognize that and take care of it when the men reach the point where they need hospitalization. The only difference in the two propositions is the question of paying money in one instance directly to the soldier and paying money in the other instance to those who take care of him.

Mr. REED. No; I think the difference is as wide as the ocean. We try to cure any wounded criminal. We try to bring an attempted suicide back to health. We do not compensate him, however, for his attempted crime. The thief who is hurt in his contest with the policeman is taken to a hospital and cared for and nursed back to health if we can do it; but

we do not pay him Government money because of his crime. I think the difference is as wide as the sea.

Mr. President, just one word more.

If this amendment compensated former soldiers who caught venereal disease after their military service was over, it might be excused on the ground of mercy; but to give them compensation for catching it while the war was on, and their service was needed, and they were living in close contact with their comrades, seems to me to be a defiance of common sense.

I hope we shall have a roll-call vote, and that the amendment will be voted down.

Mr. COPELAND. Mr. President, no one can condone willful misconduct; but I regard this particular group of diseases as one of the hazards of war. We recognized that in the Army and the Navy. If men had been away from camp, they were required to come back and report, and various forms of prophylactic treatment were given them. We have to treat venereal disease as a hazard of war.

Human frailty is human frailty. We reach out and take these young men from every part of this great country. No matter how remote the section, how remote the farm, how remote the village from centers of population, the arm of Government reaches out and takes these men, demanding that they serve in the Army. When these young men are at home they are under the influence of the home. They have the moral direction of the home. They have the moral direction of the school. They have the religious instruction of the church. These young men, however, are taken away, tens of thousands of them, and subjected to influences which no one of us can fail to recognize are tempting, and they fell. If as a result of these temptations, if as a result of Government failing to provide the moral influences necessary to take care of an army under these conditions these men become infected, and disabled in consequence, I regard it as a solemn obligation of government to take care of them. It is one of the hazards of war; and any man who will stop to think about it for a moment, and think of it seriously, will recognize the truth of what I am saying. No matter how paralysis may come, or paresis, or disability, the one who suffers from that disability must be taken care of by some arm of government, and it might just as well be the Federal Government as the poor master.

So far as I am concerned, in all good conscience, I can vote for the amendment just offered, and shall do so.

Mr. LA FOLLETTE. Mr. President, I shall detain the Senate but a moment. I desire to point out, however, that the question involved in the amendment offered by the Senator from Massachusetts [Mr. WALSH] has been settled in so far as the veterans of other wars of this country are concerned, and it has been settled in favor of the veteran. The vicious-habits provision barring veterans of the Civil War and the Spanish-American War from receiving pensions from the Government has been eliminated by legislation passed by the Congress and put upon the statute books. That elimination of the vicious-habits provision not only related to the time when the veteran was in the service of the country during the war, but it extends down to the present hour.

The amendment offered by the Senator from Massachusetts limits the removal of any bar to the receipt of pension or other compensation on the part of the World War veteran to the time while the man was in the actual service of the country. Therefore it seems to me that the question is a moot question, and that the amendment of the Senator from Massachusetts should be adopted in order that even-handed justice and like treatment may be given to the veterans of all our wars.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Massachusetts [Mr. WALSH].

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. HARRISON (when his name was called). Making the same announcement as before of my pair with the senior Senator from Utah [Mr. SMOOT], I transfer that pair to the senior Senator from Florida [Mr. FLETCHER] and vote "yea."

Mr. ODDIE (when his name was called). I have a pair on this question with my colleague [Mr. PITTMAN]. If my colleague were present, he would vote "yea," and if I were permitted to vote I would vote "nay."

Mr. REED (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STEPHENS (when his name was called). Making the same announcement as before, I vote "yea."

Mr. THOMAS of Idaho (when his name was called). On this vote I have a pair with the senior Senator from North Dakota [Mr. FRAZIER]. Not knowing how he would vote, I withhold my vote.

Mr. WATSON (when his name was called). Making the same announcement with reference to my pair and my inability to secure a transfer, I withhold my vote. If I were permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. OVERMAN. If my colleague [Mr. SIMMONS] were present, he would vote "yea." He is unavoidably detained. He is paired with the senior Senator from Massachusetts [Mr. GILLETT].

Mr. SHIPSTEAD. I wsh to make the same announcement I made before as to my colleague [Mr. SCHALL] being unavoidably absent. If he were present, he would vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Iowa [Mr. BROOKHART] with the Senator from Utah [Mr. KING];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from New Jersey [Mr. KEAN] with the Senator from Washington [Mr. DILL]; and

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER].

The result was announced—yeas 36, nays 27, as follows:

YEAS—36

Ashurst	Copeland	Kendrick	Shortridge
Barkley	Couzens	La Follette	Steck
Black	Cutting	McKellar	Stephens
Blaine	George	Norris	Swanson
Borah	Harris	Overman	Thomas, Okla.
Brock	Harrison	Pine	Trammell
Broussard	Hayden	Ransdell	Tydings
Caraway	Howell	Sheppard	Wagner
Connally	Johnson	Shipstead	Walsh, Mass.

NAYS—27

Allen	Goldsborough	Metcalf	Steiwer
Bingham	Hale	Moses	Sullivan
Capper	Hastings	Patterson	Townsend
Deneen	Hatfield	Phipps	Vandenberg
Fess	Hebert	Reed	Walcott
Glass	McCulloch	Robinson, Ind.	Walsh, Mont.
Glenn	McNary	Robsion, Ky.	

NOT VOTING—33

Baird	Goff	King	Smith
Blease	Gould	McMaster	Smoot
Bratton	Greene	Norbeck	Thomas, Idaho
Brookhart	Grundy	Nye	Waterman
Dale	Hawes	Oddie	Watson
Dill	Heflin	Pittman	Wheeler
Fletcher	Jones	Robinson, Ark.	
Frazier	Kean	Schall	
Gillett	Keyes	Simmons	

So the amendment of Mr. WALSH of Massachusetts was agreed to.

Mr. STEIWER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Oregon moves, on page 2, line 2, after the word "fact," to insert the words "and law."

The amendment was agreed to.

Mr. WALSH of Montana. Mr. President, I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 6, line 17, after the word "founded," insert the words "which in the case of total permanent disability shall be deemed to be the date fixed by the claimant in his application to the bureau."

Mr. WALSH of Montana. Mr. President, this relates to a feature of the bill to which I spoke yesterday, and I offer the amendment at the suggestion of the Senator from Georgia [Mr. GEORGE].

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUTTING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. On page 15, line 4, strike out all beginning with the word "*Provided*" through page 16, line 1, and substitute the following:

Provided, That an ex-service man who is shown to have, or, if deceased, to have had, prior to January 1, 1930, neuropsychiatric disease and spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, or amœbic dysentery developing a 10 per cent degree of

disability or more in accordance with the provisions of subdivision (4) of section 202 of this act, shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease, spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, or amœbic dysentery in such service between said dates, and said presumption shall be conclusive in cases of tuberculosis and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per cent degree (in accordance with the provisions of subdivision (4) of section 202 of this act) on or subsequent to January 1, 1930, if the facts in the case substantiate his claim.

Mr. CUTTING. Mr. President, I can explain this amendment in a moment. I had intended, as I said a short while ago, to move to strike out everything in this bill after the enacting clause and to substitute the bill which we passed last Monday. In view of the very substantial improvement made by the adoption of the Walsh-Connally amendment to-day, I am reluctant to do that, and I am merely making this motion to change the presumptive clause from 1925 to 1930. I think all Senators understand it.

I would like to say, however, that in my amendment I am leaving out the list which constitutes the diseases contained on page 75, which have caused a good deal of criticism and levity in the Senate before this.

Mr. BARKLEY. Mr. President, does the Senator's amendment extend the presumptive date to the diseases now covered in the law?

Mr. CUTTING. It does.

Mr. BARKLEY. The presumptive date in the law was 1925.

Mr. CUTTING. Yes. The diseases are the same as those provided in the law. I left out leprosy and some of the others.

Mr. WALSH of Massachusetts. Mr. President, the theory upon which the new policy of giving disability allowances was proposed and adopted was that it would end any further extension of the presumption that certain diseases were contracted in war service and was based upon the desire on the part of friends of the veterans to do away with the inequalities arising from certain veterans obtaining hospital allowances and dependency allowances in the original House bill vetoed by the President.

It was the opinion of most of the Finance Committee, practically all of us, who espoused the disability allowance theory instead of the inequalities of other proposals for relief, that we ought now to begin the policy of dividing disabled veterans into two groups, those who can prove that their disabilities are traceable to war service, and such disabled veterans should be entitled now, and in the future, to all the benefits of the long existing and generous compensation laws.

All other disabled veterans should be placed in a second group, all put on a parity, all treated alike, and those able to show incapacity or disability regardless of any particular disease and regardless of other conditions to be treated alike and given the benefits of a new plan of disability allowances. We should from this present time end all extensions of disease presumptions or other relief measures that give particular favors to special groups and ignore the principle of equal justice to all disabled veterans. From now on disabled veterans should all be placed in either the class of those who prove service connection with their disability or the class of those who can not show service connection but are nevertheless disabled and permanently diseased. The latter class are now to be provided with a pension, the amount dependent on the degree of incapacity. The former are to be favored by being given a larger allowance or compensation because their disability is clearly of war origin. Let us adhere to these distinctions because they treat all alike and are just to all classes of veterans.

I hope the pending amendment will not prevail.

Mr. REED. Mr. President, I mean to say something of the same sort, but the Senator from Massachusetts has put it so much better than I could that I will simply be content with the expression of the hope that this amendment, which is inconsistent with the whole theory of the bill, which is based on the theory of the measure which the President vetoed, and on which the House sustained the veto, will not be adopted at this time.

Mr. CUTTING. Mr. President, I do not want to argue this point any further, except to say that this is the only way in which we are going to give any real benefit to the bedridden tubercular and neuropsychiatric veterans who are demanding our aid. This is the amendment which was the main subject of discussion last Monday and which the Senate passed by a vote of 66 to 6. I ask for the yeas and nays.

Mr. GEORGE. Mr. President, I merely want to make one statement. If we should adopt this amendment it would greatly accentuate the inequalities, inasmuch as a veteran now, if he is able to connect his disability with the service, can get an allowance, if totally disabled $100, whereas under the Connally-Walsh amendment, if the presumption did not arise, he could get but $60 a month. To have the two systems working concurrently under a provision of the bill which incorporates the two, and which extends the presumptive period already in the existing law, would seem to me very greatly to accentuate the inequalities in the legislation.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Mexico [Mr. CUTTING].

The amendment was rejected.

Mr. SHIPSTEAD. Mr. President, I send the following amendment to the desk.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. On page 24, line 9, strike out the last four words "deemed by the director" and insert in lieu thereof the following words: "after examination by two competent physicians appointed by the nearest probate court in the State of veteran's legal residence found."

Mr. SHIPSTEAD. Mr. President, the bill provides that the director of an institution where a veteran is confined, if he deems the veteran to be insane, can withhold his payments from the Government and spend them for what he thinks is to the best interest of the veteran. It seems to me that in a case like that there should be the usual procedure of adjudging a man insane by a competent court upon the testimony of two physicians. I think that is plain, and I shall not take up time discussing it any further.

Every Senator must understand the difference between adjudging a man insane on the competent evidence of two competent physicians in a regularly constituted court, and on the other hand having the director of the institution himself thinking the man is insane and holding his property and spending it as he may think best.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. JONES. Mr. President, I understood a short time ago that it was not expected that we would have a vote this afternoon on the amendment which was pending. With that impression I left the Chamber to engage in some official business, and so was not able to be here when the two votes were had.

Mr. CUTTING. Mr. President, I offer the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 15, in line 7, strike out the words "an active" and the word "disease"; in line 17, strike out the words "an active"; and in line 18, strike out the word "disease."

Mr. CUTTING. Mr. President, these are the same amendments which I offered on the floor last Monday and which were adopted. It makes the phrase "an active tuberculosis disease" read merely "tuberculosis." I am not going to argue it further now. I have explained it fully. The word "active" has been juggled to prevent proper compensation being given to veterans in many cases.

The VICE PRESIDENT. Is there objection to considering the amendments together? The Chair hears none, and the question is on agreeing to the two amendments proposed by the Senator from New Mexico.

The amendments were agreed to.

The VICE PRESIDENT. The bill is open to amendment. If there be no further amendments the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. BINGHAM. I ask for the yeas and nays.

The VICE PRESIDENT. Is the demand seconded? Not a sufficient number have seconded the demand. The question is, Shall the bill pass? [Putting the question.] The bill is passed.

Mr. REED. Mr. President, I move that the Senate insist upon its amendments——

Mr. BORAH. Mr. President, just a moment. The bill has not been passed, has it?

The VICE PRESIDENT. The Chair so announced.

Mr. MOSES. The yeas and nays were demanded.

The VICE PRESIDENT. There were not a sufficient number of hands raised to indicate a second, and the Chair made the announcement that the bill was passed.

Mr. BINGHAM. There was no quorum present at the time. I suggest the absence of a quorum. There was no quorum present when the bill was passed.

The VICE PRESIDENT. The Chair did not hear any previous suggestion of the absence of a quorum. Senators must rise in their places when they desire to suggest the absence of a quorum.

Mr. BINGHAM. I move that the vote by which the bill was passed be reconsidered and on that I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut.

The motion to reconsider was not agreed to.

Mr. BORAH. Mr. President, I do not desire to delay the Senate, but in view of the fact that there was a seemingly organized effort not to have a yea and nay vote I want the RECORD to show that I intended to vote "nay" on the bill.

Mr. FESS. So did I.

Mr. MOSES. I would have added another to the "nays."

Mr. BINGHAM. I desire to be recorded as voting against the bill. I tried to get the yeas and nays, but there was a concerted effort not to have a roll-call vote on the passage of the bill.

Mr. JOHNSON. Mr. President, I want to be recorded as voting in favor of the passage of the bill.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. The Senator from Nebraska.

Mr. REED. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. REED. I was recognized by the Chair a moment ago. Will the Chair tell me how I lost the floor?

The VICE PRESIDENT. Business has been transacted since that time, and the Senator thereby lost the floor. The Senator from Nebraska is recognized.

Mr. NORRIS. Mr. President, there seems to be an effort to create the impression that those who are in favor of the bill wanted to avoid a roll call. I want to say to Senators who feel that way that there is nothing in that thought. When the demand was made for the yeas and nays there were a few of us who raised our hands, but before we got our hands up the Chair declared the bill passed. I think it was a perfectly arbitrary thing for the Chair to do. He ought to have permitted us to have an opportunity to have a roll call. Nobody, so far as I know, on either side of the Chamber wants to avoid a roll call, and we ought to have one. If the Chair had been ordinarily deliberate and done what it seems to me was his plain duty, he would have given us an opportunity to raise our hands and second the demand for a roll call.

The VICE PRESIDENT. The decision of the Chair stands.

Mr. JOHNSON. Mr. President, while the decision of the Chair stands, may I not appeal to the Chair to permit this body to have a roll call upon a bill of this importance? I want to be recorded in favor of the bill.

The VICE PRESIDENT. The rule provides how the yeas and nays may be had. Senators were a little dilatory in raising their hands.

Mr. JOHNSON. I was not dilatory in raising my hand.

The VICE PRESIDENT. There was not a sufficient number of hands raised, and the Chair rules that the yeas and nays were not ordered and the bill is passed.

Mr. GEORGE. Mr. President, I ask unanimous consent that the vote by which the bill was passed may be reconsidered and set aside and that a roll call may be had if there be a sufficient demand for the yeas and nays.

The VICE PRESIDENT. Is there objection to reconsidering the vote by which the bill was passed? The Chair hears none, and it is so ordered. The question is, Shall the bill pass?

Mr. JOHNSON. On that question I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. HARRISON (when his name was called). Making the same announcement as before, I vote "yea."

Mr. TYDINGS (when Mr. HAWES's name was called). I desire to announce that the senior Senator from Missouri [Mr. HAWES] has been absent from the Chamber on account of illness during the consideration of the bill. If he were present on this question he would vote "yea."

Mr. LA FOLLETTE (when Mr. NORBECK's name was called). I desire to announce that the senior Senator from South Dakota [Mr. NORBECK] is absent on official business. If present he would vote "yea."

Mr. REED (when his name was called). Making the same announcement as before, I vote "yea."

Mr. STEPHENS (when his name was called). Making the same announcement as before, I vote "yea."

Mr. PHIPPS (when Mr. WATERMAN's name was called). If my colleague the junior Senator from Colorado [Mr. WATERMAN] were present he would vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH], who is ill at his home. I am not able to secure a transfer, and therefore withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. WALSH of Montana (when Mr. WHEELER's name was called). I desire to announce the unavoidable absence of my colleague [Mr. WHEELER]. He is paired with the Senator from Colorado [Mr. WATERMAN]. If present and not paired he would vote "yea."

The roll call was concluded.

Mr. NORRIS. The junior Senator from Iowa [Mr. BROOKHART], if present, would vote "yea." He is paired with the junior Senator from Utah [Mr. KING].

Mr. LA FOLLETTE. I desire to announce that the junior Senator from South Dakota [Mr. MCMASTER] is necessarily absent. If present he would vote "yea."

The Senators from North Dakota [Mr. FRAZIER and Mr. NYE] are both necessarily absent. If present they would vote "yea."

Mr. SHIPSTEAD. My colleague the junior Senator from Minnesota [Mr. SCHALL] is paired with the Senator from Vermont [Mr. GREENE]. If present my colleague would vote "yea."

Mr. OVERMAN. My colleague, the senior Senator from North Carolina [Mr. SIMMONS], is absent on account of illness. He has a general pair with the Senator from Massachusetts [Mr. GILLETT]. If my colleague were present and not paired, he would vote "yea."

Mr. SHEPPARD. I desire to announce that the Senator from South Carolina [Mr. BLEASE], the Senator from New Mexico [Mr. BRATTON], the Senator from Washington [Mr. DILL], the Senator from Florida [Mr. FLETCHER], the Senator from Missouri [Mr. HAWES], the Senator from Alabama [Mr. HEFLIN], the Senator from Nevada [Mr. PITTMAN], the Senator from Arkansas [Mr. ROBINSON], the Senator from North Carolina [Mr. SIMMONS], and the Senator from South Carolina [Mr. SMITH] are all necessarily absent. If present, these Senators would vote "yea."

The Senator from Florida [Mr. FLETCHER] and the Senator from South Carolina [Mr. SMITH] are detained on account of illness. If the Senator from South Carolina [Mr. SMITH] were present, he would vote "yea."

The junior Senator from South Carolina [Mr. BLEASE] and the Senator from New Mexico [Mr. BRATTON] are detained because of illness in their families.

All of the Senators whose absence I have announced would, if present, vote "yea."

I also wish to announce that the junior Senator from Utah [Mr. KING] is detained from the Senate by illness.

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Iowa [Mr. BROOKHART] with the Senator from Utah [Mr. KING];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from New Jersey [Mr. KEAN] with the Senator from Washington [Mr. DILL]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Arkansas [Mr. CARAWAY].

I also wish to announce the necessary absence of the Senator from New Jersey [Mr. KEAN]. I am advised that if present he would vote "yea," and the Senator from Washington [Mr. DILL], with whom he has a general pair, if present, would also vote "yea."

The result was announced—yeas 56, nays 11, as follows:

YEAS—56

Allen	Deneen	McCulloch	Shipstead
Ashurst	George	McKellar	Shortridge
Barkley	Glass	McNary	Steck
Black	Glenn	Norris	Stelwer
Blaine	Hale	Oddie	Stephens
Brock	Harris	Overman	Swanson
Broussard	Harrison	Patterson	Thomas, Idaho
Capper	Hatfield	Phipps	Thomas, Okla.
Caraway	Hayden	Pine	Townsend
Connally	Howell	Ransdell	Trammell
Copeland	Johnson	Reed	Tydings
Couzens	Jones	Robinson, Ind.	Wagner
Cutting	Kendrick	Robsion, Ky.	Walsh, Mass.
Dale	La Follette	Sheppard	Walsh, Mont.

NAYS—11

Bingham	Goldsborough	Metcalf	Vandenberg
Borah	Hastings	Moses	Walcott
Fess	Hebert	Sullivan	

NOT VOTING—29

Baird	Goff	King	Smith
Blease	Gould	McMaster	Smoot
Bratton	Greene	Norbeck	Waterman
Brookhart	Grundy	Nye	Watson
Dill	Hawes	Pittman	Wheeler
Fletcher	Heflin	Robinson, Ark.	
Frazier	Kean	Schall	
Gillett	Keyes	Simmons	

So the bill was passed.

Mr. REED. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WATSON, Mr. REED, Mr. SHORTRIDGE, Mr. GEORGE, and Mr. WALSH of Massachusetts as conferees on the part of the Senate.

THE RECORD OF CONGRESS

Mr. CONNALLY. Mr. President, I ask permission to have printed in the RECORD an editorial appearing in the New York World of Monday, June 30, 1930, entitled "The Record of Congress."

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the New York World of Monday, June 30, 1930]

THE RECORD OF CONGRESS

It is now 14½ months since the present Congress first assembled at the call of President Hoover. Since then, save for a brief recess last autumn, it has been continuously in session. Rarely has any Congress in time of peace faced more important tasks. It is now preparing to adjourn. What has it accomplished during this period of prolonged deliberations for the good of the country?

The two immediate tasks which faced the Congress when it convened in special session on April 15, 1929, were the enactment of a measure of farm relief and a limited revision of the tariff. In mapping out a program for the aid of agriculture President Hoover insisted that "certain vital principles" should be observed; there should be no buying or selling or price-fixing of products through any Government agency; there should be no lending of Government funds or duplication of private credit facilities where these were already ample, and there should be no activities which would result in increasing surplus production.

In response to this suggestion Congress passed the agricultural marketing act, under which the Federal Farm Board was established. The primary purpose of the measure was to promote orderly marketing. In place of orderly marketing the Farm Board soon set the grain and cotton markets by the ears. It resorted to Government buying of wheat with the taxpayers' money in order to boost prices; it practiced not only price-fixing but also price discrimination. Every vital principle upon which the President insisted was violated in short order, and it was all done under the sanction of the new law. Meantime, the farmers of the country are in worse plight to-day than they were when Congress was summoned in special session to help them out of their troubles. The law has been tried and found wanting, and its failure bespeaks the lack of constructive leadership which has characterized the work of the present Congress.

The same consideration applies to the revision of the tariff. The main purpose here was likewise to be the relief of agriculture, but of all the victims of the new law the farmer appears to be the one who is hit the hardest. The Hawley-Smoot tariff raises the duties on practically everything he has to buy; its rates will be wholly ineffective on staple crops of which this country produces an exportable surplus, and even when effective on the less important products it will, according to expert estimates, benefit only 12 per cent of the farmers at the expense of the other 88 per cent, and of all other consumers as well. The tariff and farm-relief measures are the outstanding achievements of this Congress. And it is no exaggeration to say that the country would have profited immensely if neither of these measures had ever been enacted.

When the regular session began in December Mr. Hoover in his first annual message laid out a vast field of work and dealt with no fewer than 31 topics. Only a small fraction of his recommendations have received serious consideration during the half year which has since intervened. The tariff bill was finally completed, but it passed in such a form that Mr. Hoover felt constrained to offer explanations and near apologies when he signed it. The Prohibition Bureau has been transferred from the Treasury Department to the Department of Justice, as he recommended. But the general departmental reorganization, so badly needed in the interest of economy and efficiency, still awaits attention.

While Congress has been in session a new problem—that of unemployment—has risen to vex the country. The Senate after long delays finally passed the Wagner bills providing for the compilation of more adequate data of employment, the long-range planning of a public-works program to take up the slack in employment in dull seasons, and a nation-wide system of employment offices for bringing together the worker and the job. Legislation to mitigate the evils of unemployment is one of the most urgent matters before Congress to-day, but in the House the Wagner bills have been so mutilated as to be of doubtful value, and action on one of them has been postponed until the next session.

* * * * * * *

On the whole the record of the present Congress is not one which the country can view with pride. But the fault does not lie altogether with the lawmakers. They have worked hard. If they have shown ineptitude it is not through lack of industry but through default of leadership. There have been frequent occasions when an appropriate word from the President, speaking for the Nation, might have brought wholly different legislative results. That word was not spoken, or if uttered it came too late.

LONDON NAVAL TREATY

Mr. FESS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the New York Herald Tribune of to-day relating to the London naval treaty.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the New York Herald Tribune, Tuesday, July 1, 1930]

SENATOR JOHNSON'S PHILIPPIC

Senator Johnson's philippic against the naval armament limitation treaty is unconvincing, chiefly because it is too sweeping. It lacks realism and common-sense discrimination. The treaty is berated fiercely for what it does and for what it fails to do. But no allowance is made for the grievous handicaps of fact under which it was negotiated. The argument against ratification has little meaning unless it is related to those handicaps. Our delegates to London were unfortunately not working in a political vacuum.

The supporters of ratification do not try to conceal the treaty's shortcomings. They admit that it realizes only partially the aims of American naval policy. They do not claim that it established parity in naval strength with Great Britain. Many elements in naval strength could not be considered by the London conference, which was called mainly to consider limitation and equalization of strength in the tonnage and armament of auxiliary war vessels.

The friends of the treaty do not say that during its lifetime it will produce auxiliary parity either with Great Britain or with Japan. They do not argue that it insures immediate capital ship parity with Great Britain. It is in the broad sense a modus vivendi for five years, intended to give the United States a chance to catch up to a large extent in cruiser building, while Great Britain and Japan moderate the building programs which have given them so pronounced a cruiser superiority. The treaty establishes a limitation on auxiliary tonnage which the Washington conference of 1921–22 was unable to establish. That is it most substantial result—the result which weighs most in favor of ratification.

The real question before the Senate is whether this treaty, though falling short of the objectives of American naval policy, is not distinctly preferable to a continuation of the existing status of unlimited auxiliary construction. The United States did not fare well under the free-for-all auxiliary building arrangement. Persistent neglect by Congress to authorize new cruisers put us far behind Great Britain in that important classification and even allowed Japan to outdistance us in it. We talked about securing parity by negotiation, while the other two powers obtained supremacy by laying down ships. Were the London treaty rejected Great Britain and Japan would resume construction and the chances would be much more strongly against our achieving cruiser parity after 1935 than they would be under the London limitations. Competition in building is now eliminated, and when the proposed 5-year agreement runs out we should be, thanks to it, in a position to discuss an extension of limitation giving us the complete treaty parity in all warship tonnage at which our policy aims.

Our representatives went to London with the cards stacked against them. It was not their fault that Great Britain and Japan had obtained a formidable strategic advantage and thus held the whip hand in the negotiations. The blame for that rests with Congress, which refused so long to exercise this country's option to build cruisers—to convert paper tonnage parity into a real parity. The Senate delayed passage of the fifteen 10,000-ton cruiser authorization act from the spring of 1928 to the winter of 1929. It thus made our situation at London in 1930 materially worse. The present administration had nothing to do with that impairment of our position. Why has Mr. JOHNSON not been candid enough to call attention to this illuminating fact?

The London treaty deserves support because, if ratified, it will carry us farther along the road toward parity and will protect us against excess rival naval building for the next five years. It will give us a better Navy than we have now. It will probably spur us to recovering nearly all the ground foolishly lost between 1922 and 1930. The Senate minority report pictures a development of American sea power which belongs to the future, as if it could be realized by the simple act of refusing to ratify this treaty. That is pure imagination.

We can now realize that development only by successive steps. And the most helpful step at this moment is approval of the London conference's work.

VOTES OF WISCONSIN REPRESENTATIVES ON TARIFF CONFERENCE REPORT

Mr. LA FOLLETTE. Mr. President, I ask permission to have printed in the RECORD an excerpt from the CONGRESSIONAL RECORD of the proceedings of the House of June 14, 1930.

The VICE PRESIDENT. Without objection, it is so ordered.

The excerpt is as follows:

VOTE OF WISCONSIN REPRESENTATIVES IN THE HOUSE ON THE SMOOT-HAWLEY TARIFF BILL

The SPEAKER pro tempore. The gentleman from Oregon calls up the conference reports on the bill, H. R. 2667, the tariff bill.

The SPEAKER. The question is on concurring in the conference reports.

The yeas and nays were ordered.

Yeas: Schafer and Stafford.

Nays: Browne, Cooper, Frear, Hull, Kading, Lampert, and Schneider.

The following pairs were announced:

Nelson (against).

Peavey (against).

INVESTIGATION BY TARIFF COMMISSION

Mr. GOLDSBOROUGH submitted the following resolution (S. Res. 312), which was considered by unanimous consent and agreed to:

Resolved, That the United States Tariff Commission is hereby directed to investigate, for the purposes of section 336 of the tariff act of 1930, the differences in the cost of production between the domestic article and the foreign article, and to report at the earliest date practicable upon the following articles: Umbrellas and parasols; component parts of umbrellas and parasols, viz, frame, cover, and handle.

BREWSTER AGEE

Mr. HOWELL. From the Committee on Claims, I report back favorably, without amendment, the bill (H. R. 8271) for the relief of Brewster Agee.

Mr. HARRIS. Mr. President, I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Brewster Agee the sum of $2,500 as compensation for loss by death of her husband, George L. Agee, killed while transporting United States soldiers during a riot at Griffin, Ga., on or about March 8, 1899.

SIDNEY J. LOCK

Mr. SHEPPARD. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1174, the bill (H. R. 9347) for the relief of Sidney J. Lock.

There being no objection, the Senate proceeded to consider the bill, which was read the third time and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Sidney J. Lock, who was a member of Company H, First Regiment Texas Volunteer Infantry, war with Spain, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 5th day of April, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

EXECUTIVE SESSION

Mr. McNARY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry postoffice nominations, which was referred to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. Reports of committees are in order. If there are no reports of committees, the calendar is in order.

THE JUDICIARY

The Chief Clerk announced the first order of business on the calendar to be the appointment of Oscar R. Luhring, of Indiana, to be associate justice, Supreme Court of the District of Columbia.

Mr. BLAINE. Mr. President, I ask that that nomination may go over.

The VICE PRESIDENT. The nomination will be passed over.

The Chief Clerk announced the nomination of Joseph W. Cox, of the District of Columbia, to be associate justice, Supreme Court of the District of Columbia.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nomination of Henry M. Holden to be United States attorney, southern district of Texas.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nomination of Richard B. Quinn to be United States marshal, western district of Oklahoma.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

POSTMASTERS

The Chief Clerk proceeded to read the nominations of sundry postmasters.

Mr. PHIPPS. I ask that the nominations of postmasters may be confirmed en bloc and that the President may be notified.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc, and the President will be notified.

THE ARMY

The Chief Clerk proceeded to read the nominations of sundry officers of the Army.

Mr. REED. I ask unanimous consent that the Army nominations may be confirmed en bloc, and the President may be notified.

The VICE PRESIDENT. Without objection, the Army nominations are confirmed en bloc, and the President will be notified.

That completes the calendar.

The Senate having resumed legislative business—

SIXTH INTERNATIONAL ROAD CONGRESS

Mr. ODDIE. Mr. President, one of the most cosmopolitan gatherings that the United States has known will be held in Washington, October 6 to 11, when the leading highway engineers, economists, and administrators of the world assemble for the sessions of the Sixth International Road Congress which meets in this country at the invitation of the United States Government.

The congress will bring to the United States official representatives from virtually every country in the civilized world, while hundreds of unofficial delegates, sent by States and Provinces, municipalities, automobile and touring clubs, highway organizations, civic bodies, and trade organizations will be in attendance, as well as many individuals concerned in world problems of transportation.

They come to share with us the experiences which the continental countries have gleaned in road building throughout the centuries, but particularly to observe at first hand the amazing progress which the United States of America has made within the past two decades in building a studied system of primary and secondary roads that represents one of the greatest engineering achievements of our times and that binds our Nation into one cohesive whole.

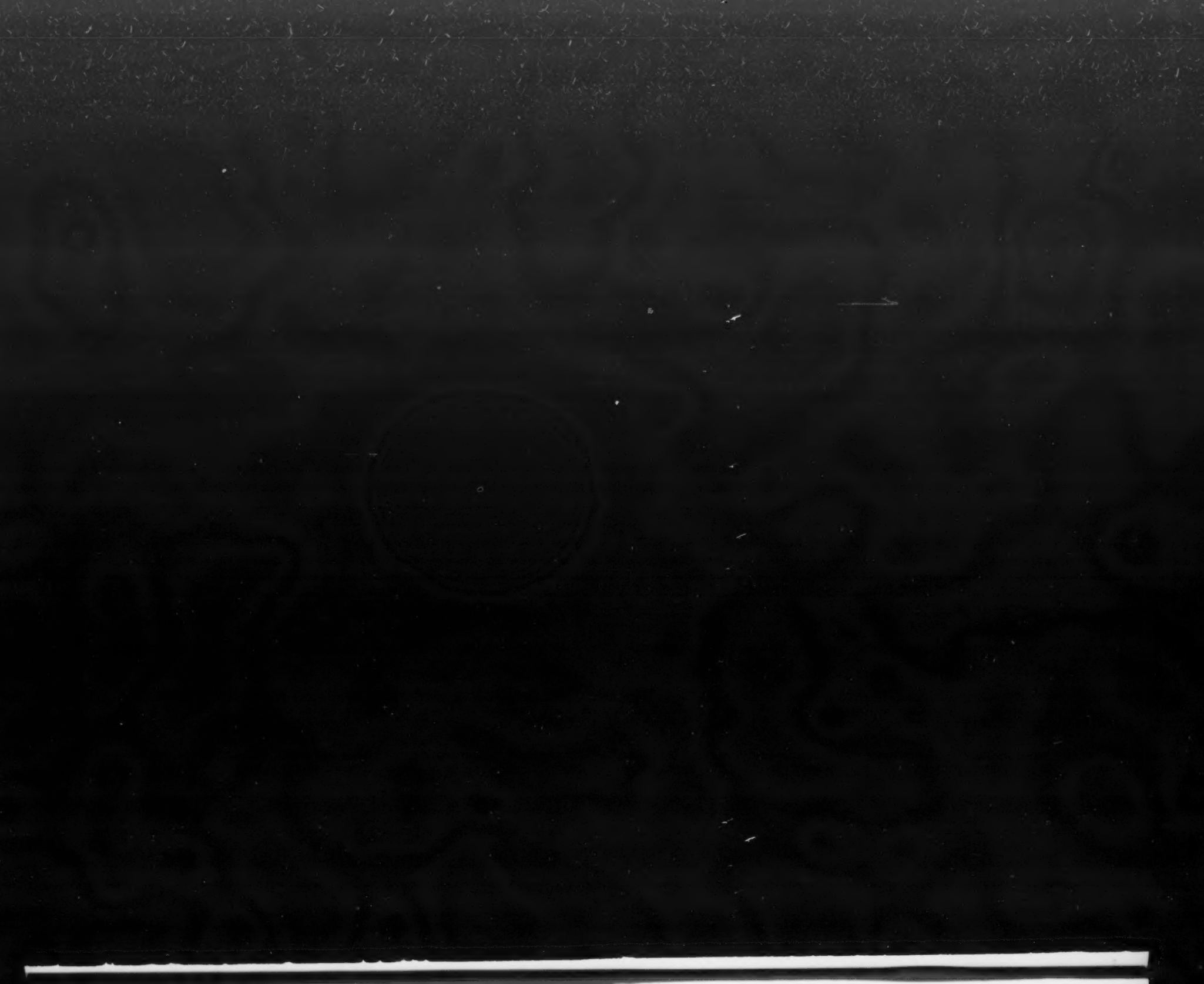
The United States has to-day well in excess of 3,000,000 miles of highway, of which approximately 630,000 are adequately surfaced. Our expenditures for the purpose of road construction in recent years have approximated one and one-half billions of dollars annually in an effort to accommodate the 26,000,000 automotive vehicles daily in use over this vast expense of highway. It is significant that our social and economic development has been curiously in accord with this growth in transportation convenience, and it is to see this development, as well as to discuss world problems, that the highway leaders of the world come to visit us in connection with this congress.

FORTY-THREE NATIONS HAVE ACCEPTED

Through the channels of the State Department invitations have been extended to 77 nations, dominions, and colonial possessions to have delegates in attendance, to which 43 acceptances had been received up to June 30, with other replies being held temporarily in abeyance.

An especially large attendance is expected from the United States, while advices from Great Britain and France indicate that each of these countries will send delegations of approximately 100 representatives to the congress. Other nations will be represented in proportion.

The program and agenda for the congress embraces the major problems of world highway transportation. Following the plenary session, which will occur on Monday afternoon, October 6, the congress will be divided into two sections—the first to





study the subjects of construction and maintenance, the second to undertake the solution of the pressing problems of traffic and administration.

AGENDA FOR CONGRESS

The agenda for the congress is announced in the general circular pertaining to the congress and is worthy of consideration. It is as follows:

AGENDA

FIRST SECTION—CONSTRUCTION AND MAINTENANCE

First question. Results obtained by the use of—

(a) Cement.

(b) Bricks or other artificial paving. (Methods employed for road construction and maintenance in these materials.)

Second question. The most recent methods adopted for the use of tar, bitumen, and asphalt in road construction.

Third question. The construction of roads in new countries, such as colonies and undeveloped regions.

SECOND SECTION—TRAFFIC AND ADMINISTRATION

Fourth question. Ways and means of financing highways:

(a) Road construction.

(b) Maintenance.

Fifth question. Highway transport: Correlation and coordination with other methods of transport; adaptation to collective (organizations) and individual uses.

Sixth question. 1. Traffic regulation in large cities and their suburbs; traffic signals; design and layout of roads and adaptation to traffic requirements in built-up areas.

2. Parking and garaging of vehicles.

The program of the congress indicates the extent to which those in charge of the affair have gone in arranging an event that will be most attractive to our visitors, as well as reflecting credit upon those who have the affair in charge. It is tentative as yet, but in general it will be as follows:

PROGRAM SIXTH INTERNATIONAL ROAD CONGRESS

Monday, October 6

Morning: Meeting permanent international commission registration of delegates.

Luncheon.

Afternoon: Official opening to be broadcast about 2.30 p. m.; place, probably Constitution Hall.

Evening: Signing draft conventions, automotive traffic, Pan American nations.

Tuesday, October 7

Morning: Section meetings.

Luncheon: American Road Builders' Association.

Afternoon: International Exposition of American Road Builders' Association.

Evening: Continuation of international exposition.

Wednesday, October 8

Morning: Section meetings.

Luncheon: Chamber of Commerce of the United States.

Afternoon: Section meetings.

Evening: Official reception.

Thursday, October 9

Morning: Section meetings.

Luncheon: American Automobile Association.

Afternoon: Section meetings.

Evening: American organizing commission dinner.

Friday, October 10

Morning: American organizing commission's inspection trip to experimental station of the Bureau of Public Roads at Arlington, Va.

Luncheon: Picnic luncheon, auspices of American organizing commission at Mount Vernon.

Afternoon: American organizing commission; inspection tour of Mount Vernon.

Evening: Final plenary session and reception.

Saturday, October 11

Morning: Official adjournment; inspection United States Naval Academy at Annapolis, auspices of American organizing commission.

Luncheon: Picnic luncheon under auspices of American organizing commission.

Afternoon: Recreation.

Evening: Open.

Arrangements for so extensive an affair must necessarily be lodged in the hands of the most capable executives and administrators. Since the congress comes to the United States at the invitation of the Government, issued by authority of the Congress by the Secretary of State, that official prevailed upon Mr. Roy D. Chapin, of Detroit, former president of the National Automobile Chamber of Commerce and now chairman of that organization's highways committee, to assume the presidency of an organization known as the American Organizing Commission of the Sixth Congress of the Permanent International Association of Road Congresses.

THOMAS H. MACDONALD, SECRETARY-GENERAL

The Secretary of State designated Thomas H. MacDonald, the noted Chief of the United States Bureau of Public Roads, Department of Agriculture, as secretary-general, and named the following representative men as members of the commission: Wilbur J. Carr, Assistant Secretary of State; A. J. Brosseau, vice president, Chamber of Commerce of the United States; H. H. Rice, member Highway Education Board; Robert Hooper, American Automobile Association; H. G. Shirley, executive committee, American Association of State Highway Officials; Thomas R. Taylor, Assistant Director Bureau of Foreign and Domestic Commerce, Department of Commerce; and Charles M. Upham, engineer executive, American Road Builders' Association.

As administrative aides Mr. Chapin and Mr. MacDonald named Pyke Johnson, of the National Automobile Chamber of Commerce, and H. S. Fairbank, principal highway engineer of the United States Bureau of Public Roads, while more recently the appointment of J. Trueman Thompson, professor of civil engineering at the Johns Hopkins University, as manager of the Congress, was announced. Professor Thompson brings to the commission a long experience in highway affairs, as professor at the university, specialist in highway research at the Bureau of Public Roads, and member of the American Society of Civil Engineers and Maryland contact for the Highway Research Board, National Research Council.

Aside from those who are officially connected with the commission, there are numerous others who are giving freely of their time and services to insure the success of the congress. Foremost among these should be mentioned Col. A. B. Barber, chief of the transportation division of the Chamber of Commerce of the United States; J. D. Ryan, manager, foreign travel division, American Automobile Association; A. W. Childs, C. F. Baldwin, Frank B. Curran, and B. P. Root, all of the automotive division, Bureau of Foreign and Domestic Commerce; Robert E. Royall, senior highway engineer, United States Bureau of Public Roads; and Stephen James, director of extension of the Highway Education Board.

PRESIDENT HONORARY HEAD OF EVENT

An unusual tribute to the importance of this meeting was paid by the President of the United States when he accepted the presidency of an honorary committee and named as members his entire Cabinet and the chairmen of the appropriate committees of the Senate and House of Representatives to serve with him.

The personnel of the honorary committee of the congress and the American Organizing Commission therefore is as follows: The President of the United States, Herbert Hoover; the Secretary of State, Henry L. Stimson; the Secretary of the Treasury, Andrew W. Mellon; the Secretary of War, Patrick J. Hurley; the Attorney General, William DeWitt Mitchell; the Postmaster General, Walter F. Brown; the Secretary of the Navy, Charles F. Adams; the Secretary of the Interior, Ray Lyman Wilbur; the Secretary of Agriculture, Arthur M. Hyde; the Secretary of Commerce, Robert P. Lamont; the Secretary of Labor, James J. Davis; the chairman of the Senate Foreign Relations Committee, Senator William E. Borah; the chairman of the Senate Committee on Post Offices and Post Roads, Senator Lawrence C. Phipps; the chairman of the House Committee on Foreign Affairs, Representative Henry W. Temple; and the chairman of the House Committee on Roads, Representative Cassius C. Dowell.

NATIONAL BODIES, PATRONS

Another evidence of the importance with which the congress is regarded is the major organizations that have lent the prestige of their name and position to the congress by consenting to serve as patrons. Among these patrons are the American Association of State Highway Officials, the American Automobile Association, the American Road Builders' Association, the American Society for Testing Materials, the Asphalt Institute, the Chamber of Commerce of the United States of America, the Highway Education Board, the Highway Research Board, the National Automobile Chamber of Commerce, the National Crushed Stone Association, the National Paving Brick Manufacturers' Association, the National Slag Association, the Portland Cement Association, the Rubber Manufacturers' Association, the Society of Automotive Engineers (Inc.), and the Society for Promotion of Engineering Education.

Headquarters of the commission have been established at 1723 N Street NW., in Washington, and from these offices the

announcements, literature, and details of the forthcoming event are being distributed to all quarters of the globe.

As may be inferred, the forthcoming Congress is the sixth of a series of international conferences on this all-important subject that have been fostered by the Permanent International Association of Road Congresses, with offices at 1, Avenue d'Iéna, Paris, XVI, France.

FIRST CONGRESS HELD AT PARIS

The Permanent International Association of Road Congresses has a long and honorable record in the promotion of sound highway policies, furthered principally through means of these international conferences, and the distribution of congress proceedings, booklets, and literature, from time to time. The first international road congress was held in Paris, in 1908, to be followed by similar events of growing importance in Brussels in 1910, in London in 1913, in Seville, following the war interval, in 1923, and in Milan in 1926.

Each successive congress assumed an aspect of increasing importance, and in 1926 the United States officially accepted membership in the association.

Convinced of the importance of this world contact with leaders in highway affairs, the Congress of the United States, in 1926, sent as delegates to the Fifth International Road Congress at Milan, Thomas H. MacDonald, Chief of the United States Bureau of Public Roads, Washington, D. C.; Paul D. Sargent, Chief Engineer, Maine State Highway Department, Augusta, Me.; Herbert H. Rice, assistant to the president, General Motors Corporation, Detroit, Mich.; John Mackall, chairman of the State Road Commission of Maryland, Baltimore, Md.; H. C. MacLean, commercial attaché, Department of Commerce; H. H. Kelly, assistant trade commissioner, Department of Commerce; and Pyke Johnson, National Automobile Chamber of Commerce, Washington, D. C.

At this session the delegates to the congress were impressed with the reports of progress in highway development in the United States, and it was generally understood that the delegates from this country were desirous of having the next world meeting here, and that those representing other nations were eager to study the developments of highway transportation as exemplified on this continent.

HISTORICAL DEVELOPMENT OF INVITATION

Subsequently at a meeting of the Permanent International Commission, the governing body of the association, held at Paris in July, 1927, it was voted to hold the Sixth International Road Congress in the United States and at Washington, if the United States Government formally invited the commission to do so.

An official report of this meeting, made by the United States delegate to the commission, Roy D. Chapin, recommended to the proper authorities that this invitation be extended and set forth succinctly the reasons for his recommendations. Mr. Chapin's report is as follows:

REPORT OF MEETING OF PERMANENT INTERNATIONAL COMMISSION OF THE PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES, HELD AT PARIS, FRANCE, JULY, 1927

The writer as official delegate on the part of the United States of America to the meeting of the Permanent International Commission of the Permanent International Association of Road Congresses begs leave to submit the following recommendations and report with respect to the next sessions of that body.

RECOMMENDATION

It is respectfully recommended that the Congress of the United States be asked to authorize the President to invite the Permanent International Commission of the Permanent International Association of Road Congresses to hold their sixth session, either in 1929 or 1930, as they may determine, in the United States.

REASONS FOR RECOMMENDATION

The reasons for this recommendation are:

The development of motor transportation is a matter of prime social and economic importance to every country in the world.

It is of especial importance to the United States because the value of automotive goods exported to-day exceeds the value of any other fabricated commodity.

The future expansion of motor transportation depends upon road building.

In no other way that the writer knows can the United States contribute as much to an expansion of sound world highway development as through an invitation to the highway officials of the world to hold their sessions in this country.

The United States to-day stands preeminent in its development of highway policies and in its system of motor transportation, including the manufacture and use of both vehicles and road.

An actual observation of our practices in operation will be of far greater use to these officials than could be any quantity of printed matter, films, or other educational material.

The value of such a conference in good will and better understanding is incalculable.

PRESENT STATUS OF PLANS FOR NEXT SESSION

1. The members of the commission voted unanimously at Paris to hold the sixth road congress in the United States of America, provided that the Government of this country formally invited them to do so. (See attached report.)

2. The acceptance is necessarily limited in time due to the fact that if the Congress of the United States does not act prior to April, 1928, another invitation will have to be accepted in order to permit of time for the arrangements for the event which will be held either in 1929 or 1930.

3. The only expense which this invitation would place upon the Government, as far as could be foreseen, would be an item of $25,000 to pay for printing of publications, staff, and entertainment for the officials while in session at Washington.

4. In order to make the event of the greatest possible value to the delegates the writer told members of the commission that arrangements will be made to take a party of up to 300 delegates on an extensive tour that they may observe for themselves the benefits which have accrued to this country from motor transportation and the practices which prevail here with respect to highway finance, construction, maintenance, and traffic regulation.

5. Such a tour, of course, would give them also an opportunity to see something of industrial and social life in this country as well. The funds for this tour will be raised from private industry just as the funds were raised on three separate occasions to take Latin engineers, journalists, and business men on similar trips.

6. It is perhaps well to emphasize here the fact that industry is not requesting the Government to do something which industry could do for itself. Since the permanent international association is primarily an official body, it can only accept an invitation from one of the governments in its membership. Industry in this country will cooperate with the Government in everything which it can do to make this event a success, but only the Government can bring the conference here.

7. As one important phase of this undertaking the foreign delegates to the commission have stressed the necessity for reduced steamship, railroad, and hotel rates. This matter has already been taken up informally with transportation officials, and with a word here and there from Government departments we believe that there will be no difficulty in securing concessions which will insure a large attendance.

8. Incidentally, it will be noted in the attached report that we have been careful to say that delegates must bear their own expenses to and from their homes to the event if it is held in this country.

WHAT THE INTERNATIONAL ASSOCIATION IS

The Permanent International Association of Road Congresses is the only world-wide official organization of highway authorities. Its present membership (see attached report) comprises 45 countries (including the United States of America), 458 collective bodies, and 1,370 private members, of whom 515 are life members.

Its primary function is to act as a clearing house for the distribution of the results of research and experience bearing upon all phases of highway development and use.

The association was organized in Paris in 1908, and congresses have since been held in Brussels, in 1910; in London, in 1913; in Seville, in 1923; and in Milan, in 1926. Other sessions had been projected for the years intervening between 1913 and 1923, but were postponed because of the World War.

The next event will be held either in 1929 or in 1930, depending upon whether our Congress extends an invitation and upon our ability to organize the event in time to hold it in the earlier year.

The Milan event was attended by representatives from 52 nations and by official and nonofficial delegates numbering about 2,000.

The actual number of official delegates who are the only ones with whom we need to have any direct concern, was around 150 in Milan and is estimated at a maximum of 300 for the event if held in the United States.

The facts that the sixth session would be the first held outside continental Europe; that there is an extraordinary interest all over the world in our practices; and the rapidly increasing interest in highways in the newer countries unquestionably would combine to make the event here by far the largest from every standpoint in the history of the organization.

Further and more detailed statements of fact respecting the organization are contained in the attached pamphlets.

Respectfully submitted.

ROY D. CHAPIN,
Delegate on the part of the United States of America to the Meeting of the Permanent International Commission.

PRESIDENT RECOMMENDED INVITATION

Impressed by Mr. Chapin's convictions, President Calvin Coolidge, on January 4, 1928, recommended to the favorable consideration of the Congress a report from the Secretary of State, Frank B. Kellogg, requesting legislation authorizing the issuance of an invitation to the association to hold its sixth world session in the United States, and the Congress by joint resolution of the Senate and House, on March 28, unanimously granted this authority, at the same time appropriating $25,000 to defray the initial expenses incident thereto.

Through the diplomatic representatives invitations to participate in the congress were issued to 77 foreign countries, their dominions and colonies, on January 16, 1929, and the American Organizing Commission to assume responsibility for this world-wide event was named shortly thereafter.

The 43 nations, dominions, and colonies which on June 30 formally had accepted invitations to send official delegates to the congress are:

Algeria, Belgium, Bulgaria, Chile, China, Czechoslovakia, Denmark, Ecuador, Egypt, Finland, French West Africa, Guatemala, Hong Kong, Indo China, Irish Free State, Italy, Morocco, Netherlands, Netherland East Indies, New South Wales, Nigeria, Northern Ireland, Norway, Poland, Queensland, Siam, Sweden, Tunisia, Venezuela, Costa Rica, Cuba, Germany, Greece, Great Britain, Honduras, Japan, Panama, Rumania, Salvador, Syria, Turkey, France, Switzerland.

WORLD AUTHORITIES CONTRIBUTE REPORTS

Reports on various questions to be studied by the delegates to the congress have been prepared by the most competent world authorities and submitted to the American Organizing Commission for translation into the languages of the congress—French, German, English, and Spanish.

Sixty-nine such reports have been received, translated, and printed and will be placed in the hands of each delegate prior to the opening session October 6.

In addition, seven general reporters, whose tasks it is to digest and summarize the opinions of the reporters on each of the major questions, have been named by the secretary-general, Mr. MacDonald.

The general reporters, and their subjects follow:

Frank T. Sheets, chief highway engineer for the State of Illinois, Results Obtained by the Use of Cement.

P. J. Freeman, chief engineer of the bureau of tests and specifications, department of public works, Allegheny County, Pa., Results Obtained by the Use of Brick and Other Artificial Paving.

Roy W. Crum, director of the highway research board, National Research Council, Recent Methods Adopted for Use of Tar, Bitumen, and Asphalt in Road Construction.

Col. A. B. Barber, transportation division, Chamber of Commerce of the United States of America, Ways and Means of Financing Highways.

E. W. James, chief of the division of highway transport, United States Bureau of Public Roads, Construction of Roads in New Countries and Colonies.

Dr. Henry R. Trumbower, professor of economics at the University of Wisconsin, Highway Transport, Correlation and Coordination with Other Methods of Transport.

Dr. Miller McClintock, director Albert Russel Erskine Bureau for Street Traffic Research, Harvard University, Traffic Regulation in Large Cities and Their Suburbs, and Parking and Garaging of Vehicles.

DIPLOMATS AND GOVERNORS INVITED

Detail arrangements for this world-wide event are proceeding as rapidly as the magnitude of the problem will permit. Mr. Chapin, as president of the American Organizing Commission, has informed various organizations and officials of the Congress, and to the governors of the 48 States has sent a personal invitation to attend, or to be represented by officials of the several State highway departments.

In his letter to the governors Mr. Chapin said:

Both because of the domestic and international value of these meetings, and also because foreign engineers are eager to consult with our authorities the members of the American Organizing Commission desire to have as complete representation as possible from State administrations and from State highway departments.

Accordingly, on behalf of the American Organizing Commission, we extend to you personally and to the members of your State highway department a cordial invitation to be present.

In like manner the diplomatic representatives of governments resident in Washington have received a cordial invitation to attend the sessions of the congress, particularly since each of them, almost without exception, will have nationals present for the several sessions.

ROAD EXPOSITION PLANNED

Aside from the official program of the congress, other events are being arranged for the delegates from abroad that are expected to prove quite as attractive and informative as the sessions of the congress itself.

Under the auspices of the American Road Builders' Association, an international exhibition of road-building machinery will be held at the Washington Auditorium, with facilities for actual demonstration of machinery at a place not distant from the auditorium and the congress sessions.

For the further entertainment and edification of those who come from other lands to be here in October, the American Automobile Association, at the request of the organizing commission, has arranged a series of all-expense tours for members and their families that will take the visitors into the chief scenic sections of our country, to our principal cities and vacation resorts, following an itinerary that will best give those who undertake these journeys an accurate picture of the best features of the United States. These tours are arranged by the association and the commission to be given at cost to those who desire them.

TOURS FOLLOW CONGRESS

Another series of tours has even greater significance. Invitations to 300 of the leading highway authorities of the world, who will be in attendance at the congress, have been issued by the Highway Education Board to participate as its guests in three tours covering the eastern, southeastern, and central western sections of the United States. The purpose of these tours is to show the visiting delegates the various types of highways and methods of construction employed by the Federal Government and the States of the Union in giving the United States perhaps the most widely-flung system of highway transportation the world has ever known.

The tours will be distinct from the congress, but the commission, through the Departments of State and Commerce, has transmitted to the several governments and to the delegates announcements of the itinerary, the expectation being that the majority of those on the tours will be made up of the official delegates from the several nations.

In arranging the tours the board, through the commission, announces that those accepting the invitations will be the guests of the board for all purposes of food and lodging, transportation, and entertainment for virtually three weeks. Arrangements for the entertainment and reception of the visitors as they proceed through the several States have been made with the several State highway departments and civic organizations and chambers of commerce. The eastern group will proceed as far as Boston, the southeastern will penetrate to Florida, while Des Moines, Iowa, and Minneapolis, Minn., will be the western termini of the third tour. The three groups will converge at Detroit, where for four days the delegates will be the guests of the automotive industry.

The three tours will be held simultaneously under the general direction of H. H. Rice, chairman of the committee on arrangements. The manager of the eastern tour will be Walton Schmidt, the manager of the southern tour will be Norman C. Damon, while Stephen James will be in charge of the delegates who go west.

REDUCED RATES GRANTED

In all its public relations the commission has met with most cordial cooperation and support. Steamship lines plying between Europe and the United States and between the Latin American countries and this Nation have granted 25 per cent reduction in fare for those coming to the congress, while railroads in this country, as well as in France, Great Britain, Italy, and Belgium, have made substantial reductions in fare in favor of the delegates who are coming to Washington to study this all-important problem of transportation.

The hotels of Washington have granted special consideration in rates to those delegates who come from abroad, and the same eagerness to show the United States in her most cordial mood has been manifested everywhere that the commission has sought cooperation.

In New York City a reception committee has been named by the secretary general with James F. Hodgson, New York manager for the Bureau of Foreign and Domestic Commerce, as chairman. This committee will meet the delegates as they arrive in port, will arrange for those who wish it adequate hotel accommodations, and will endeavor to meet the visitors with a sample of American hospitality at its best.

Similar committees are to be set up at San Francisco, Seattle, and perhaps at New Orleans.

INFORMATION FOR DELEGATES

Arriving in Washington, the delegates will find an information booth at the Union Station, where full details of any phase of the congress or its sessions may be had, similar information likewise being available at the headquarters of the congress, which will be established at the offices of the Chamber of Commerce of the United States, where the general sessions will be held.

At the headquarters booth delegates may register for the congress, receive membership cards, if such cards have not been received earlier, register for the proceedings of the congress, receive mail, and a day-by-day program of the congress for the entire week. Congress reports for regular members of the association, if not otherwise in possession of the delegate, also may be had at the congress headquarters.

It also is announced that official delegations who may bring to this country noncommercial films and lantern slides may enjoy free entry at the ports through special dispensation of the Treasury Department, providing the films or slides are for use at the congress. Information as to the dates and vessels upon which official delegates to the congress will arrive and the ports at which they will enter the United States should be given the commission so that arrangements may be made for their passage by the customs authorities. Noncommercial films sponsored by official delegations may be shown at the congress within the limits of time and space available. Other films may be shown elsewhere, possibly, it is suggested, at the exhibition of the American Road Builders' Association at the auditorium, where space may be rented. Projectors and other paraphernalia also may be rented in Washington, it is believed.

At all information booths, and with the reception committees, the delegates will find interpreters able to speak in any one of the four languages of the congress.

CONDITIONS OF PARTICIPATION

Those participating in the congress are expected to be members of the Permanent International Association of Road Congresses. Membership may be taken in the association through the American Organizing Commission, 1723 N Street NW., Washington, D. C., or through the Paris headquarters of the association, M. LeGavrian, secretary general, Permanent International Association of Road Congresses, 1 Avenue d'Iéna, Paris XVI, France, or through E. B. Hart, secretary, British Organizing Committee, 7 Whitehall Gardens, London, S. W. 1, England. Proper forms for this enrollment will be furnished upon request.

Permanent members of the association have the right to participate in all road congresses. Membership fees during a congress year are $5, and $1 for noncongress years. Temporary members, who also have full rights at the congress, may enroll for $5, receiving the reports, proceedings of the congress, and, if they desire, participating in the discussions and voting. Of the fees received from temporary memberships three-fifths go to the American Organizing Commission to defray expenses of the congress.

Group membership also is provided in the regulations of the association, while a large number of individuals enjoy life membership in the association.

Special arrangements have been made in the program of the congress for a session of the official delegates from the Latin American Republics to sign a draft of principles of automotive-traffic regulation, setting up uniform regulations for all the countries of the Pan American Union. The commission has set aside Monday evening on the opening day of the congress for this event.

OFFICERS OF INTERNATIONAL BODY

M. Mahieu, a French senator and inspector general of roads and bridges, president of the association, and M. Le Gavrian, general secretary of the association, who also is professor of roads and bridges at l'Ecole Nationale, are expected to arrive in the United States several days prior to the congress to inspect the work of the organizing commission and to confer with their American associates regarding the final phases of the congress. Other members of the executive bureau of the association are H. Defert, honorary president of the Touring Club of France, vice president, and A. Balliff, former president of the Touring Club of France. It is not known whether or not M. Defert or M. Balliff will honor the congress with their presence.

The special by-laws set up by the American organizing commission for the governance of the congress to follow. I ask that they may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

SPECIAL BY-LAWS FOR GOVERNANCE OF SIXTH INTERNATIONAL ROAD CONGRESS

ARTICLE 1

In accordance with the resolutions of the Government of the United States and of the Permanent International Association of Road Congresses the Sixth International Road Congress will be held in Washington in 1930.

ARTICLE 2

The regulations of the Permanent International Association of Road Congresses, approved on March 29, 1909, and revised in the last instance on October 24, 1925, are applicable to this congress except as otherwise noted.

ARTICLE 3

The congress will be opened on the 6th of October, 1930, and will remain open for five days.

ARTICLE 4

The following are members of the congress:

1. The specially appointed delegates of the Government of the United States and foreign governments and the members of the Permanent International Commission of Road Congresses.

2. The permanent members of the Permanent International Association of Road Congresses.

3. The temporary members of the said association who have sent in their applications and subscriptions to the general secretary of the local organizing commission before the opening of the Congress or who are enrolled during its sitting.

All those who have enrolled with a view to taking part in the sixth congress only are designated as temporary members, viz:

(a) The delegates specially appointed by public provincial, county, city, or municipal administrations, chambers of commerce, motor-car, cycle tourist societies, racing or scientific clubs, road or railways transport companies, technical societies and companies, industrial and commercial undertakings, etc.

(b) Private members.

All temporary members, as defined above, and delegates to the sixth congress from governments who have not joined the association or been donors to the congress shall subscribe at the time of their enrollment the amount of $5 each.

ARTICLE 5

All delegates and members are obliged to observe the special by-laws and also the general by-laws of the Permanent International Association of Road Congresses.

Each temporary member will be provided with a special card of membership by the local organizing committee, whilst the cards of membership for permanent members of the association will be issued by the general secretary of the association.

Such membership cards are strictly personal and entitle their holders to attend the sittings of the congress and to participate in the receptions and inspection tours.

The expenses connected with the inspection tours, however, are not included in the subscription paid at the time of enrollment but fall to be borne by each member who desires to participate in same.

ARTICLE 6

During the congress the following will take place:

1. Meetings of the full assembly.
2. Section meetings.
3. Inspection tours.
4. An international exhibition, to which special by-laws will be applicable.

ARTICLE 7

The work of the congress is divided into two separate sections; that is—

First section. Construction and maintenance.

Second section. Traffic and administration.

Each section will have a special committee appointed according to the terms of article 5 of the Regulations of the Permanent International Association. Each of these sections will discuss its particular subjects separately.

ARTICLE 8

Only members of the association and Government delegates to the congress are entitled to present reports and to take part in the discussions.

ARTICLE 9

The languages adopted for the congress are: English, French, Spanish, and German.

ARTICLE 10

The general bureau of the congress and the Permanent International Commission of Road Congresses will decide, without appeal, on any questions not provided for by the by-laws.

The regulations of the Permanent International Association of Road Congresses follow:

PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES

REGULATIONS

I. Object and organization of the association

ARTICLE 1

The object of the Permanent International Association of Road Congresses is to promote progress in the construction, traffic, and exploitation of roads.

It continues the work of the first international road congress held in Paris in October, 1908.

It accomplishes its object—

1. By organizing road congresses.

2. By publishing papers, proceedings, and other documents.

3. By collecting the results of: (a) Tests carried out on roads; (b) laboratory tests throughout the world on materials which are used or are suitable for road construction and maintenance. These tests may be either in the form of mere records collected by the association or they may have been carried out by the association itself or through its instrumentality.

Its affairs are managed by a permanent international commission.

ARTICLE 2

The association consists of—

1. Delegates of governments and corporations of all the countries which subscribe annually to the association.

The term "corporation" includes: Public departments, provincial governments, county, district, communal, and municipal bodies, chambers of commerce, scientific or technical institutions, tourist and sporting clubs, professional associations or trade-unions, transport companies, agricultural, industrial, and commercial firms, societies or companies, etc.

The number of delegates is calculated, pro rata, according to the amount of annual subscription (1). Thus:

One delegate for 250 francs in the case of governments.

One delegate for 100 francs in the case of corporations.

The subscriptions or fraction of subscriptions inferior to this amount do not give the right to a delegate.

2. Of members entered as private members.

The admission is either permanent or temporary.

Permanent members are entitled to attend and vote at every congress.

Temporary members are entitled to attend the particular congress they have joined, and they may vote on all questions which do not affect the permanent association itself.

3. Honorary members, nominated by the permanent international commission.

ARTICLE 3

1. A permanent international commission, with headquarters at Paris, is at the head of the association.

2. A permanent council and an executive committee are appointed from amongst the members of this commission.

ARTICLE 4

The permanent international commission is composed of members belonging to the various countries represented in the association. Each country has the right to one representative for each 1,000 francs of its total annual subsidy.

Provided, however, that the number of representatives from any one country shall not exceed 15 and that any country which pays not less than 250 francs shall have the right to appoint one delegate.

Furthermore, the general presidents, the general secretaries of the road congresses, the honorary members, and the old members of the executive committee who have filled their office for six years are ex-officio members of the permanent commission.

At the head of the permanent commission there is a president, a vice president, and a general secretary who together constitute the executive committee.

This commission—

1. Determines when and where the first congress shall be held.

2. Arranges at the proper time for the formation of a local organizing commission at the place selected for the congress.

3. After consultation with the local organizing commission, determines the languages which shall be officially recognized by the congress, prepares the agenda and settles the questions to be submitted to the congress as also the nature and number of the communications it shall deal with, arranges the business of the meetings, and appoints the writers of papers on the several questions.

NOTE.—All the sums mentioned in the present regulations are expressed in French francs.

4. Supports, when necessary, the local commission in its application to foreign governments.

5. Approves the estimates of expenses to be defrayed out of the permanent funds of the association; supervises the financial management; and decides, generally, upon all the administrative measures which it considers may promote the work of the congress.

6. Nominates honorary members.

The commission meets whenever it is convened by the executive committee, or upon the written requisition of a quarter of its members addressed to the president of the executive committee, and, at any rate, at the time of the congress sessions.

The permanent international commission is alone competent to modify the rules; any proposed modification must be put on the agenda of the annual general meeting and adopted by a majority of the members present.

The members of the permanent commission, for whom it is not possible to attend a meeting, may delegate their powers to one of the members of the commission.

ARTICLE 5

The permanent council is composed of representatives chosen from among the members of the permanent commission, namely:

One for each country whose annual subsidy does not exceed 5,000 francs.

Two for each country whose annual subsidy exceeds this amount and is less than 10,000 francs.

Three for each country whose annual subsidy exceeds 10,000 francs.

The president, vice president, and general secretary of the permanent commission are at the head of the permanent council.

The permanent council—

1. Carries out the resolutions of the international commission, and decides upon all questions not expressly reserved for the decision of the commission.

2. Decides upon the admission of corporations and permanent members referred to in article 2.

3. Draws up the estimates to be defrayed out of the permanent funds of the association, and assists and controls the executive committee.

4. After having requested proposals from the local commission the council proceeds to appoint the general committee and sectional committees of the next congress, appointing as vice presidents on each committee three members of the permanent commission who are familiar, as far as possible, with the languages officially recognized by the congress, and it also appoints secretaries who are well versed in these languages.

5. The council meets whenever convened by the executive committee, or upon the request of a quarter of its members addressed to the president of the executive committee.

ARTICLE 6

The executive committee, as stated under article 4, is composed of the president, vice president, and general secretary of the permanent commission and of the permanent council. In addition to an accountant, it may co-opt secretaries who shall be specially intrusted with the translations and a secretary who shall have special charge of the head office for laboratory experiments on materials used in the construction and maintenance of roads.

The members of the executive committee shall belong to the country in which the headquarters of the permanent commission are situated.

It collects the records of experiments carried out on roads throughout the whole world and the records of laboratory tests in all countries on materials used in the construction and maintenance of roads; it arranges for fresh experiments to be carried out and if necessary carries them out itself.

It is specially concerned in specifying the conditions which shall be complied with by all those materials, whatever their nature, such as tars, mineral oils, and other kindred products, which are used or can be used practically in the construction and maintenance of roads.

It attends to the dispatch of current business, keeps the accounts, prepares the estimates of expenses to be defrayed out of the permanent funds of the association, keeps the expenses within the limits of each heading of the approved estimates, signs checks, and collects subscriptions and all other moneys due to the association.

It deals with all investigations, tests, and occasional or periodical publications decided upon by the permanent council or by the permanent commission.

It has charge of the library, archives, documents, and accounts.

It translates, when necessary, publishes, and transmits to the Members of the Congress the papers, communications, and proceedings of the Congress.

It shall administer the funds of the association and invest them at the bank, in bonds of the French Government, in debentures of the railways guaranteed by the French State, or in debentures of the premium bonds of the Credit Foncier de France and of the city of Paris, or else in foreign bonds guaranteed by a state which is a member of the association. It shall represent the association in all judiciary actions.

ARTICLE 7

The representatives of the various countries, both on the permanent commission as well as on the permanent council, are appointed by the

governments of the respective countries in the proportions stated in articles 4 and 5.

It devolves upon the government of each country, whenever occasion arises, to fill vacancies which may occur amongst their representatives on the commission or on the permanent council, through death or through the expiry of their term of office.

ARTICLE 8

Each congress entails the appointment of a local organizing commission, which includes the local members of the permanent commission and holds office till the close of the congress.

This commission includes committees of patronage, administration, reception, excursion, and others.

It undertakes the propaganda in the country where the congress is to be held, and, in accord with the permanent council, selects persons in that country for presidents and members of the committees and sectional committees of the congress.

It draws up, in consultation with the permanent council, the detailed program of the meetings and distributes it to all the members of the congress at the opening of the session.

It organizes the various excursions, receptions, and fetes.

It provides the rooms in which the meetings are held.

It advises the permanent commission on the languages which may be officially recognized by the congress and on the translations which have to be made for the session; the language of the country in which the congress is held will have to be admitted, if required by the local commission.

It organizes the service of correspondence, lodgings, interpreters, and helps where necessary the permanent commission in arranging at the expense of the association for the translation and printing into the language of the country where the congress is held of papers which have been written in any of the other languages officially recognized by the congress.

Conversely it arranges at the expense of the association for the translation into any of the other languages recognized by the congress of papers which have been written in the language of the country where the congress is held.

It puts the permanent commission into touch with the local authorities.

It presides over and conducts the session of the congress.

The subscription of each temporary member is 125 francs ($5 or £1), of which 50 francs ($2 or 8s.) are earmarked for the association and the balance of 75 francs ($3 or 12s.) are the property of the local organizing commission to help toward its expenses. The latter is also entitled to the special temporary grants and subsidies received from governments, corporations, and private members, and, if need be, a grant from the association.

It will collect the whole of the 125 francs subscription and remit direct to the association the share to which the latter is entitled.

It will keep special accounts of the subsequent grant of the association and will not be at liberty to spend more than the amount in question without written authority from the executive committee.

ARTICLE 9

The permanent funds of the association are derived from—

1. The annual grants from governments and corporations.

2. The subscriptions of private permanent members which are as follows from the 1st of January, 1927:

(a) Permanent membership involves an annual subscription of 25 francs. This subscription is increased to 125 francs for the first year in the case of permanent members who are enrolled during a congress year.

(b) By a single payment of 500 francs ($20 or £4) private permanent members may convert their annual membership to a life membership; this does not apply to corporations.

(c) Honorary members pay no subscription.

3. Various donations and gifts.

ARTICLE 10

1. The financial year commences on the 1st day of January.

2. Subscriptions are payable as follows:

Permanent members: At the time of enrollment and on January of each year, in advance, to the office of the executive committee.

Temporary members: At the time of enrollment to the office of the local organizing commission.

The expenses of collection must be borne by the members.

Special subscriptions may be solicited by the local organizing commission from the members who take part in the excursions and fetes during the congress. Participation in these is optional, and the number of the participants may be limited.

ARTICLE 11

Every member is entitled—

1. To take part in the meetings of the congress and to vote upon all questions figuring on the agenda.

2. To receive the publications of the congress, in any one of the languages recognized by the Congress, which he may select. The association is not bound, however, to replace copies which are lost or damaged in transit.

The delivery of these publications to those temporary members who have not registered their names at least one month before the Congress can not be guaranteed.

Permanent and honorary members are further entitled—

(a) To lay before the permanent commission any questions to be submitted to the congress. Such questions, accompanied by a concise report giving reasons for the same, must reach the commission at least one year before the meeting of the congress.

(b) To vote on all questions depending on the permanent association at the meetings of the congress or at the special meetings.

(c) To receive the publications distributed by the association at other times than during the sessions of the congress.

The number of copies of the publications delivered to governments and corporations is determined according to the number of their delegates (art. 2).

The corporations which, without paying the minimum annual subscription of 100 francs, which gives the right of nominating a delegate to the congresses (art. 2), desire nevertheless to receive a copy of all the publications, may obtain them on the payment of an annual sum of 50 francs.

ARTICLE 11A

A bulletin of the Permanent International Association of Road Congresses is published by the executive committee at least every three months.

This bulletin is edited and published under the stipulations of articles 1, 6, 11, and 15 of these regulations. It consists of three identical editions, in German, English, and French.

Manuscripts sent for insertion in the bulletin are examined by the executive committee, who have power to accept or refuse them; its decision is final and can only be set aside by the permanent council. The refusal to print or accept an article must be notified to the author by registered letter within one month from the date of reception of the article by the executive committee.

Extracts from journals or reviews must always mention their source very precisely.

In no case can the permanent commission, the permanent council, or the executive committee accept responsibility for the opinions and theories of their authors; neither can they enter into the question of copyright or priority of publication.

Any member of the association who shall have sent in an article for insertion in the bulletin will be deemed to accept the following conditions if his article is accepted:

1. Articles must not be sent to other publications at the same time as they are sent to the executive committee for publication in the bulletin.

2. These articles must not be reproduced in extenso in any periodical or nonperiodical publication before at least three months have elapsed after their publication in the bulletin of the association. When reproduced mention must always be made of the origin of the articles.

3. The executive committee reserve the right of inserting a special notice at the author's request to the effect that any particular article which has appeared in the bulletin must not be translated or reproduced, even after the three months' delay hereinbefore mentioned, for a maximum period of three years.

Notification of the above stipulations will be made by the executive committee to the authors of articles for the bulletin at the time when their work is accepted.

II. Session of the congress

ARTICLE 12

The permanent commission convenes the congress from time to time at intervals of about three years, as nearly as possible.

ARTICLE 13

1. The congress comprises—

Two sections: One for the construction and maintenance of roads and the other for traffic and exploitation.

These sections may be subdivided.

2. Its proceedings consist of general meetings, sectional meetings, excursions, and receptions.

The number and nature of the questions to be discussed by the congress are settled by the permanent commission. This commission also settles the number and nature of communications which may be submitted to the congress in addition to the ordinary program of questions.

As a general rule each country shall only furnish one paper on any given "Question" or topic of a "Communication."

ARTICLE 14

The reporter, or reporters, selected by the commission for any given question or topic of a communication and for any given country, shall collect in that country all the data needed for the preparation of their paper.

Their work, supported by conclusions if they deem these desirable, should reach the executive committee, at the latest, 10 months before the opening of the congress.

The permanent commission appoints a general reporter for each question, whose duty shall consist of submitting to the congress a short review of the chief features of this question, together with a summary of the papers which have been transmitted to him.

The general reporter may give his own views and data, and he may arrange with the various authors of papers for formulating joint proposals. As far as possible, he shall belong to the country in which the congress is held.

ARTICLE 15

The papers upon each "Question," and also the general reports must be forwarded to the executive committee within the limit of time allowed to their authors; they will be translated and printed in the official languages of the congress.

The papers must be delivered to the general secretary written in one of the official languages of the congress, on the recto of the sheets only, in three typewritten copies.

Each paper should not exceed about 8,000 words, the number of illustrations inserted in the text should not exceed 6, and the total area occupied by them should not exceed 300 square centimeters.

The plates separate from the text (either drawings or half-tones) should not exceed two in number, except in special cases. Their size should not exceed 23.8 centimeters in depth by 45 centimeters in width, including the border line (or 22 centimeters by 43 centimeters within the border line).

The drawings should be made in clear black lines on tracing paper so as to allow blocks to be made from them if necessary.

Except by special decision of the permanent international commission, each communication must be confined to 5,000 words, and three illustrations in the text not exceeding 150 square centimeters in all, and one plate apart from the text.

The papers dealing with the subjects of communication are to be translated into the official languages of the congress. They will not give rise to a general report and will only be discussed at the meetings of the congress if time permits after the program of questions has been completely threshed out.

Beyond the communications referred to in the above articles 13 and 14, which are printed at the expense of the association, the permanent commission may admit communications printed by their authors at their own expense; in the latter case the required number of copies must be supplied to the executive committee, and furthermore they will not be voted upon, nor brought up for consideration at a general meeting.

Writers of papers upon "Questions" or "Communications" may, if they wish, furnish their own translations into the various official languages of the congress.

ARTICLE 16

The "Questions" are first discussed at the sectional meetings and afterwards at a general meeting.

ARTICLE 17

1. The deliberations, either at general meetings or at sectional meetings, are conducted in the languages officially recognized by the congress, and also, when required, in the language of the country where the congress is held.

The speakers, however, are authorized to use their own language under the express condition of translating or causing to be translated the words spoken into one of the three accepted languages of the congress. This translation will appear in the transactions provided for under article 20, and the original speech will only be mentioned as having taken place.

2. Unless otherwise decided by the meeting, persons taking part in the discussions are not allowed to speak for more than 10 minutes, nor can they address the same meeting more than twice upon the same subject unless the meeting, on being consulted, decides otherwise.

3. The discussion in sectional meetings or in general meeting will be preceded for each question by a brief summary of the reports by the general reporter who has been appointed under the terms of article 14.

After discussing each question submitted to it each section may appoint one or more reporters to support in the general meeting the conclusions they have adopted.

ARTICLE 18

Members of the congress who have spoken at a meeting must, within 24 hours, deliver to the sectional committee a summary of their remarks to enable a report of the proceedings to be drawn up.

In the case where the summary has not been submitted, the wording adopted by the secretary, or even the mere heading, will be mentioned instead.

The committee shall have the right to request the author to abridge his summary, and should it not have been revised and amended in due time, the committee will undertake the abridgment.

ARTICLE 19

The summary of the discussions, arranged and edited by the sectional committees, together with the various conclusions adopted by the majority of the members voting, are transmitted by the general reporter to the permanent council the day before the last general meeting and they are then laid before the latter where they are discussed and voted upon.

ARTICLE 20

A detailed report of the proceedings of each section of the congress is prepared by the executive committee assisted by the committee of the congress and especially by the vice presidents and secretaries mentioned in article 5.

As regards the general meetings and excursions, a similar report is prepared by the general secretary of the session within the shortest time.

The joint record so compiled is published, under the direction of the executive committee, in the languages officially recognized by the congress.

III. Dissolution of the association

ARTICLE 21

The dissolution of the association can only be effected at a congress specially convened for the purpose, and must be approved by a majority of three-fourths of the members present and entitled to vote.

ARTICLE 22

1. In the event of its dissolution, the liquidation of the accounts of the association shall be undertaken by the permanent commission.

2. The final assets of the association shall, under its guidance, be devoted to philanthropic or technical objects relating to roads.

ADJOURNMENT

Mr. McNARY. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 16 minutes) the Senate adjourned until to-morrow, Wednesday, July 2, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 1 (legislative day of June 30), 1930

POSTMASTERS

ALABAMA

James R. Beall to be postmaster at Coffeeville, Ala. Office became presidential July 1, 1930.

Ethel M. Fowler to be postmaster at Theodore, Ala. Office became presidential July 1, 1930.

ARKANSAS

John A. Davis to be postmaster at Hope, Ark., in place of J. A. Davis. Incumbent's commission expired March 22, 1930.

Samuel C. Scott to be postmaster at Wheetley, Ark., in place of S. C. Scott. Incumbent's commission expired February 15, 1930.

CALIFORNIA

Maude R. Gay to be postmaster at Chester, Calif. Office became presidential July 1, 1930.

Alfred C. Beattie to be postmaster at Cucamonga, Calif., in place of V. M. Austin. Incumbent's commission expired March 23, 1930.

John W. Landis to be postmaster at Diamond Spring, Calif. Office became presidential July 1, 1930.

Wade J. Williams to be postmaster at Tranquillity, Calif. Office became presidential July 1, 1930.

Clyde A. Day to be postmaster at Westminster, Calif. Office became presidential July 1, 1930.

COLORADO

Daniel J. Brennemann to be postmaster at Crowley, Colo. Office became presidential July 1, 1930.

Alice J. Reed to be postmaster at Sanford, Colo. Office became presidential July 1, 1930.

ILLINOIS

Fred Humm to be postmaster at Bethalto, Ill. Office became presidential July 1, 1930.

William A. Lafont to be postmaster at Dowell, Ill. Office became presidential July 1, 1930.

Lloyd Ritzenthaler to be postmaster at Prairie View, Ill. Office became presidential July 1, 1930.

Mary E. Eller to be postmaster at Tower Hill, Ill., in place of T. V. Eller, removed.

INDIANA

Howard L. Johnson to be postmaster at Shirley, Ind., in place of J. M. Johnson, resigned.

IOWA

Edward C. Mohr to be postmaster at Arcadia, Iowa. Office became presidential July 1, 1930.

John H. Tollenaar to be postmaster at Bondurant, Iowa. Office became presidential July 1, 1930.

Aaron W. Monroe to be postmaster at Clemons, Iowa. Office became presidential July 1, 1930.

Lee Ella Boothroyd to be postmaster at Dakota City, Iowa. Office became presidential July 1, 1930.

Melvin A. Goff to be postmaster at Dallas, Iowa. Office became presidential July 1, 1930.

Andrew K. Marsan to be postmaster at Rake, Iowa. Office became presidential July 1, 1930.

KANSAS

Harry J. Hunter to be postmaster at Hanston, Kans. Office became presidential July 1, 1930.

Paul S. Williams to be postmaster at White City, Kans., in place of W. L. Holmes, deceased.

LOUISIANA

Juliet H. Scheppf to be postmaster at Madisonville, La., in place of J. H. Scheppf. Incumbent's commission expires July 2, 1930.

MAINE

Walter L. Perry to be postmaster at Wyman Dam, Me. Office became presidential July 1, 1930.

MASSACHUSETTS

Edward C. Pelissier to be postmaster at Hadley, Mass., in place of H. E. Gaylord. Incumbent's commission expired June 10, 1930.

MICHIGAN

Florence M. Stoll to be postmaster at Bloomfield Hills, Mich. Office became presidential July 1, 1930.

MINNESOTA

Marvin R. Christensen to be postmaster at Arco, Minn. Office became presidential July 1, 1930.

MISSISSIPPI

Fannie C. Shoemaker to be postmaster at Bay Springs, Miss., in place of S. A. Tyner. Incumbent's commission expired December 15, 1929.

Louise Baugh to be postmaster at Braxton, Miss., in place of Julia Magee. Incumbent's commission expired June 7, 1930.

William H. Ellard to be postmaster at Bruce, Miss. Office became presidential July 1, 1930.

Everett T. Batten to be postmaster at Hattiesburg, Miss., in place of E. A. Kernaghan. Incumbent's commission expired February 23, 1930.

Andrew Y. Sivley to be postmaster at Olive Branch, Miss. Office became presidential July 1, 1928.

MISSOURI

Charles F. Kossman to be postmaster Gasconade, Mo. Office became presidential July 1, 1930.

Charles N. Williamson to be postmaster at Gentry, Mo. Office became presidential July 1, 1930.

MONTANA

Emma Shults to be postmaster at Inverness, Mont. Office became presidential July 1, 1930.

Haskell L. Barber to be postmaster at Williams, Mont. Office became presidential July 1, 1930.

NEW HAMPSHIRE

Florence I. Gove to be postmaster at North Weare, N. H. Office became presidential July 1, 1930.

NEW JERSEY

Ella E. Dilks to be postmaster at Pennsville, N. J. Office became presidential July 1, 1930.

John Lindsay to be postmaster at Sea Bright, N. J., in place of Elizabeth Cloughly. Incumbent's commission expired March 2, 1930.

NEW YORK

Mae Belle Rozelle to be postmaster at La Fayette, N. Y. Office became presidential July 1, 1930.

Augustus W. Mott to be postmaster at McConnellsville, N. Y. Office became presidential July 1, 1930.

NORTH CAROLINA

Walter G. Petree to be postmaster at Danbury, N. C. Office became presidential July 1, 1930.

NORTH DAKOTA

Alice Jacobsen to be postmaster at Benedict, N. Dak. Office became presidential July 1, 1930.

Irene Tiller to be postmaster at Burlington, N. Dak. Office became presidential July 1, 1930.

Daisy Thompson to be postmaster at Carpio, N. Dak., in place of Daisy Thompson. Incumbent's commission expired January 5, 1930.

OHIO

Inez S. Winget to be postmaster at Edison, Ohio. Office became presidential July 1, 1930.

Sue E. Veach to be postmaster at Kalida, Ohio. Office became presidential July 1, 1930.

OKLAHOMA

Luther C. Dobbs to be postmaster at Davidson, Okla., in place of M. J. Spraggins. Incumbent's commission expired January 21, 1930.

OREGON

Henry A. Lowry to be postmaster at Aloha, Oreg. Office became presidential July 1, 1930.

Henry W. Bahringer to be postmaster at Dundee, Oreg. Office became presidential July 1, 1930.

George W. Miller to be postmaster at Prescott, Oreg. Office became presidential July 1, 1930.

PENNSYLVANIA

Robert E. Wilcox to be postmaster at Mountaintop, Pa. Office became presidential July 1, 1930.

Frances H. Brashear to be postmaster at West Pittsburgh, Pa. Office became presidential July 1, 1930.

SOUTH DAKOTA

Axel Nelson to be postmaster at Trent, S. Dak. Office became presidential July 1, 1930.

TEXAS

Prescilla Nelson to be postmaster at Ingleside, Tex. Office became presidential July 1, 1930.

VIRGINIA

May E. Brogan to be postmaster at Callaway, Va. Office became presidential July 1, 1930.

Maggie E. Culbertson to be postmaster at Dungannon, Va., in place of B. T. Culbertson, deceased.

WASHINGTON

Lettie M. Madden to be postmaster at Holcomb, Wash. Office became presidential July 1, 1930.

Phillip Abbey to be postmaster at Hoodsport, Wash. Office became presidential July 1, 1930.

Paul H. Sceva to be postmaster at Paradise Inn, Wash. Office became presidential July 1, 1930.

Robert E. Gordon to be postmaster at Silverdale, Wash. Office became presidential July 1, 1930.

WISCONSIN

Elmer B. Arentsen to be postmaster at Aniwa, Wis., in place of C. C. Bro, resigned.

Bessie E. Miller to be postmaster at Genesee Depot, Wis., in place of B. E. Miller. Incumbent's commission expires July 2, 1930.

WYOMING

Richard M. Turner to be postmaster at Frontier, Wyo. Office became presidential July 1, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 1 (legislative day of June 30), 1930

ASSOCIATE JUSTICE, SUPREME COURT, DISTRICT OF COLUMBIA

Joseph W. Cox.

UNITED STATES ATTORNEY

Henry M. Holden, southern district of Texas.

UNITED STATES MARSHAL

Richard B. Quinn, western district of Oklahoma.

PROMOTIONS IN THE ARMY

MEDICAL CORPS

To be first lieutenants

Alexander Otis Haff.
Crawford Fountain Sams.
Mark Tad Morgan.
Robert Edwin Peyton.
John Horace Fountain.
James Hedges Forsee.
Walter Atwater Carlson.
Clarke Horace Barnacle.
Robert Hartman Johnston.
Robert Moore Allott.
Steven Vincent Guzak.
Thomas Christy Gentry.
Edward Joseph Tracy.
Arnold Archibald Albright.
George Bronaugh Ewing.
Robert Cabaniss Gaskill.
Dan Clark Ogle.
William Spencer Stone.
Milford T. Kubin.
John Edward Pluenneke.
James Donley Gardner.
Emmett Bryan Litteral.
Austin Lowrey, jr.
Jasper Newman Knox.

Carl Willard Tempel.
Nuel Pazdral.
George Dewey Newton.
George Edward Leone.
Albert Henry Schwichtenberg.
Ehrling Lloyd Bergquist.
Wendell Axline Weller.
Clinton Stone Lyter.
Walter Lee Peterson.
Russell Samuel Leone.
Dwight Moody Kuhns.
Lawrence Abraham Matternes.
Arthur Lyman Streeter.
John Alexander Isherwood.
Harold Bradley Luscombe.
Charles Lewis Baird.
Thomas Neilson Page.
Samuel Leonard Cooke.
Harold Eastman Coder.
Victor Allen Byrnes.
William Smith George.

POSTMASTERS

COLORADO

Robert L. Vinyard, Eureka.
Otto M. Letson, Grand Valley.

CONNECTICUT

Charles W. Birely, New Haven.

FLORIDA

Silas E. Yon, Blountstown.

HAWAII

Elizabeth H. Travis, Waipahu.

KANSAS

James F. Butler, Melvern.
Irma L. Barham, Prairie View.

KENTUCKY

Harvey A. Riley, Benton.
Arthur T. Beard, Hardinsburg.
Ella Ferguson, Prestonsburg.

MARYLAND

Ulysses F. Carroll, Easton.

MISSISSIPPI

Daniel F. Smith, Carriere.
Frank S. York, Grenada.
John T. Watkins, Holly Springs.
Lee D. Fulmer, Lumberton.
John N. Truitt, Minter City.
James D. Glisson, Mize.
Robert H. DeKay, Pontotoc.
James C. Daly, Purvis.
Fletcher Thetford, Robinsonville.
Hubbard E. McClurg, Ruleville.
Jesse C. Rhodes, Sallis.

NEW YORK

Edward B. Stead, Bedford.
William H. Secord, Hartsdale.
Herbert Torns, Lindenhurst.
James H. Underwood, Middlesex.

OHIO

William W. Reed, Kent.
Cade F. Schulenberg, New Bremen.

PENNSYLVANIA

Arthur S. Miller, Annville.
William T. Levis, Beaver Falls.
William C. Vought, Berwick.
Benard Peters, Brackenridge.
Frank E Tiffany, Kingsley.
Charles F. Armstrong, Leechburg.
William F. Hartzell, Mount Holly Springs.
Edwin W. James, Newville.
George F. Grill, Pen Mar.
David R. Hoover, Pleasant Hall.

TENNESSEE

Fred R. Smith, Concord.
Aileen S. Campbell, Decatur.

TEXAS

Bert J McDowell, Del Rio.
Cloy B. Friday, Tivoli.

HOUSE OF REPRESENTATIVES

TUESDAY, *July 1, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Eternal Father, to Thee we come and yield ourselves. May we be dedicated anew to the glad service of our country, whose gifts and blessings are coextensive with the being of man. Bless us with the riches of Thy grace and with the consciousness of clean, manly living. Bid our souls to be at rest. Dismiss even the suggestion of discord, and may we have the sense of proportion. Do Thou receive and then accept us for Thy mercy's sake. Crown us all with those virtues that are as the brightness of the firmament and even as the stars, for ever and ever. Hear us, our Father, and lead us in that pathway of purity and truth and justice that has neither bend nor turn. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 1825. An act for the relief of David McD. Shearer;

H. R. 3159. An act for the relief of W. F. Nash; and

H. R. 10630. An act to authorize the President to consolidate and coordinate governmental activities affecting war veterans.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 12602. An act to authorize an appropriation for construction at Carlisle Barracks, Pa.; and

H. R. 12661. An act to authorize the acquisition of lands in Alameda and Marin Counties, Calif., and the construction of buildings and utilities thereon for military purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 182. An act for the relief of Daisy O. Davis;

S. 3360. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation; and

S. J. Res. 193. Joint resolution to change the name of the island of Porto Rico to "Puerto Rico."

The message also announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 215) entitled "An act to amend section 13 of the act of March 4, 1923, entitled 'An act to provide for the classification of civilian positions within the District of Columbia and in the field services,' as amended by the act of May 28, 1928."

The message also announced that the Senate agree to the amendment of the House to the bill (S. 4683) entitled "An act to authorize the sale of all the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan."

REMODELING OF POST OFFICE BUILDING, WASHINGTON, D. C.

Mr. ELLIOTT. Mr. Speaker, I call up the conference report on the bill H. R. 11144.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the conference report.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the statement be read in lieu of the conference report. Is there objection?

There was no objection.

The statement was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1, and agree to the same.

RICHARD N. ELLIOTT,
J. WILL TAYLOR,
FRITZ G. LANHAM,
Managers on the part of the House.

HENRY W. KEYES,
SIMEON D. FESS,
HENRY F. ASHURST,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

This bill, as it passed the House of Representatives, authorized an appropriation of $4,000,000 to erect a building authorized in said bill. The Senate amendment No. 1 reduced this amount to $3,000,000. The Senate recedes from this amendment, which leaves the amount in the bill $4,000,000.

RICHARD N. ELLIOTT,
J. WILL TAYLOR,
FRITZ G. LANHAM,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ENFORCEMENT OF PROHIBITION

Mr. CELLER. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker and ladies and gentlemen of the House, I am offering this morning a resolution as the result of the astounding conditions existing in the New York prohibition office, as reported in the Republican New York Herald Tribune, and other papers. The resolution reads as follows:

House Resolution 283

Whereas Maj. Maurice Campbell has relinquished his post as prohibition administrator of New York City under conditions that indicate great laxity in the enforcement of the Volstead Act and the interference by New York Republican politicians in the enforcement of that act; and

Whereas the enforced resignation of the said Campbell follows the raiding of the Ritz-Carlton Hotel and the Central Park Casino, favorite rendezvous of the fashionable and the wealthy; and

Whereas said Campbell charges that "there are certain brewery permits, whisky permits, and alcohol permits that local politicians and certain administration officials in Washington feel must be restored in order to secure necessary support for the Republican ticket in New York this fall"; and

Whereas the said Campbell charges that certain United States Treasury officials are insincere in their efforts to enforce the law and have publicly demonstrated that fact to Campbell; and

Whereas the Federal grand jury of New York City has handed up a presentment charging "laxity" and "malfeasance" in the office of the said Campbell; and

Whereas said Campbell charges United States Attorney Tuttle at New York with "playing politics," and adds that said Tuttle, to further his ambition to be the Governor of the State of New York, had incited the grand jury to make this presentment: Now, therefore, be it

Resolved, That the Committee on the Judiciary of the House be empowered to investigate forthwith the enforcement of the Volstead Act and the eighteenth amendment in the office of the New York prohibition administrator for the past three years, and that said committee report its findings to the House with all convenient speed.

Now, therefore, gentlemen, I ask unanimous consent that this matter be investigated by the Judiciary Committee of the House.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Yes.

Mr. O'CONNOR of New York. Is it not a fact that the nucleus of the Republican organization in the city and State of New York consists of prohibition officials and permit holders? They contribute to the Republican campaign funds. On election day they captain and man the polls. Prohibition furnished a new source of political patronage and "sinews of war." No Democrat, however legitimate his application, can get a permit. If he has one, it is taken away under some pretext and given to some faithful Republican.

Mr. CELLER. What the gentleman says, if true, is outrageous.

Now, gentlemen, these charges I make are very serious. Just think of it. This man raids the Central Park Casino and the Ritz-Carlton Hotel, the rendezvous of the elite and of the aristocracy of wealth, and presto, off comes his head. If it is a speak-easy or beer plant that is raided, no commotion is involved. But as soon as the Ritz-Carlton Hotel is touched action is immediately taken. You have Campbell relieved from office. He should know that the Ritz-Carlton and the Central Park Casino are "out of bounds." Campbell must go. Otherwise he will raid Union League Club, the Bankers' Club, and the National Republican Club. That would be serious and embarrassing. He must go.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield there?

Mr. CELLER. Yes.

Mr. O'CONNOR of New York. Is not the National Republican included in that?

Mr. CELLER. I can not answer for the National Republican Club. I do not go there. But the Republicans of New York are going to take no chances.

Mr. DICKSTEIN. You propose to take the New York prohibition administrator under New York jurisdiction by your resolution? Should you not also take into consideration the work of Mr. Moses at the Albany office? Would not that resolution of yours help to investigate not only the Campbell conditions, as stated, but also the prohibition office in the northern part of New York?

Mr. CELLER. Mr. Campbell had the district which embraces the entire State of New York. This resolution covers all the offices or adjunct offices in the State of New York.

I think, gentlemen, we would stultify ourselves if we were to let this circumstance go by unchallenged, if we remained idle and supine under these conditions. I challenge the "drys" to allow its Committee on the Judiciary to ferret out the truth. Tuttle accuses Campbell, and Campbell accuses Tuttle.

Apparently ward politics has raised its ugly head in the office of the prohibition administrator. We should find out where the truth lies.

WORLD WAR VETERANS' LEGISLATION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask this time in order to bring a message to the House, sent me by the veterans of the World War. I ask unanimous consent that the Clerk read this telegram in my time.

There being no objection, the Clerk read the telegram, as follows:

FORT BAYARD, N. MEX., *July 1, 1930.*

Hon. JOHN E. RANKIN,
House Office Building, Washington, D. C.:

Kindly present following plea to House: Veterans' organizations at Fort Bayard respectfully request that the House accept Walsh-Connally amendment to substitute pension bill raising rates to status of Spanish-War pensions. We consider any less pension would be most unjust and discriminating against our uncompensated comrades. Your vote of April 24 for veterans' relief convinced the disabled that you did sincerely desire to alleviate their sufferings but the passage of a mere pittance now would in no way eliminate the deplorable condition of these veterans, and would only necessitate more adequate legislation at next session of Congress. Under the proposed bill, without the Walsh-Connally amendment, the average pension paid would be $12 a month; surely you can not wish an actual overseas war-time disabled veteran to receive 40 cents a day from the Nation for which he fought and expect him to take care of his dependents out of that. A man with a 74 per cent disability would receive $18 for himself and destitute children, or 60 cents per day. Does this sound reasonable or logical? We know there are more taxpayers than disabled veterans but do you not think that a great number of those taxpayers would very vigorously resent such treatment of the Nation's defenders? Can you not solve this problem now and end the suspense and anxiety which is daily adding to the burden of these helpless, dying men?

HINDS WELCH,
American Legion.
FREDERICK VILLIT,
Veterans of Foreign Wars.
FRANK SMITH,
United Spanish War Veterans.
ALBERT MORIARITY,
Disabled American Veterans.

Mr. RANKIN. Mr. Speaker, of course, this telegram registers my sentiments; but there is a report being circulated through this House and through the Senate to the effect that the commander of the American Legion indorsed this bill the other day as it passed the House.

I took this question up with the commander of the American Legion and found that he had done nothing of the kind. He says he had no authority to indorse it even if he had been disposed to

do so. Any message to the effect that he indorsed it at any time, either before you voted on the President's veto or afterwards, is in conflict with his statement to me.

This bill will likely be before you again in a short time with the rates increased to the Spanish War pension rates, and we want to see whether or not you are sincere in wanting to give these disabled men relief. Are you willing to give a reasonable degree of relief to disabled World War veterans whose disabilities originated in the service, and who would be drawing compensation now if they could receive justice in the Veterans' Bureau?

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. COOPER of Ohio. Will the gentleman tell the House whether or not the commander of the American Legion has indorsed the bill which the House passed and sent to the Senate and asked for its passage?

Mr. RANKIN. He did not.

Mr. COOPER of Ohio. I thought I heard a telegram read yesterday on the floor of the Senate which showed that he did.

Mr. RANKIN. I am telling you what he says about it. Not only that, but I wired him again and he was out of town. His adjutant wired back that he had gone over the matter with him before he left and he said he did not indorse it, had no authority to indorse it or any other pension bill, and that therefore he had not indorsed it.

I do not know where the report came from, but I do know that John Thomas Taylor had no right, if he did, to represent to you that the American Legion was behind it, because they were not.

My opinion is that those reports were circulated in order to mislead you into voting to sustain the veto of the President. [Applause.]

STOCK-MARKET INVESTIGATION

Mr. BLACK. Mr. Speaker, I ask unanimous consent to address the House for six minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK. The Republican elephant gets dizzy these days as it squints at the stock ticker. Now the G. O. P. leaders are accusing the poor benighted Democrats of pulling the plug in the stock market.

Stock-market quotations used to be Exhibit A in the Republican proof of prosperity. Well, they ought to be of the same evidentiary value of depression; but no; the Republicans say that Wall Street must be investigated. It is not acting right by our Herbert.

How can the market go up when millions of men are walking the street out of work? How can Wall Street react favorably to Washington when Washington has adopted a policy of commercial isolation. How can stocks go up when trade goes down? How can the country advance when its leaders are in a blue funk?

What a topsy-turvy country Hoover has given us.

He has made business a nightmare. He has made finance a ghost story, for it just is not any more. Now he has made our conservative friend, WILL WOOD, howl for the blood of the bulls and bears of Wall Street. WILL WOOD wants to investigate Wall Street. That is the political joke of the decade. Why not call out the Army and Navy and advance on the stock market by sea, land, and air?

Hoover is responsible for the failure. He has become chief clerk of the United States instead of President. He is enmeshed with routine and red tape instead of dictating broad, sound policies of government. It was an evil day for the G. O. P. when Hoover decided on a fade out for Andy Mellon. White House publicity was to be centered on the chief and the Cabinet members were to be deflated. It was childish; it was dumb; it was done, and so was the country.

Hoover made a name for himself by organizing the Belgian relief. It looks as if he will have to call the boys and girls together and organize for American relief. With men out of work, with shops closed, with trade low, with bread lines, and with national despair it looks as if the great humanitarian will have to start to feed and clothe America on a scientific social welfare basis. The only question is, What will he use for money? Maybe Bishop Cannon will show him how to get it.

JULY 5 HOLIDAY

Mr. McLEOD. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution (S. J. Res. 184) to declare July 5, 1930, a legal holiday in the District of Columbia.

The Clerk read the joint resolution, as follows:

Resolved, etc., That Saturday, July 5, 1930, be, and the same is hereby, declared a legal holiday in the District of Columbia for all purposes: *Provided*, That all employees of the United States Government in the District of Columbia and all employees of the District of Columbia shall be entitled to pay for this holiday the same as on other days.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. GARNER. Reserving the right to object, what committee reported the resolution?

Mr. McLEOD. The District Committee.

Mr. GARNER. Did the committee have a meeting and was the resolution unanimously indorsed?

Mr. McLEOD. Yes. This resolution has already passed the Senate.

Mr. PATTERSON. Reserving the right to object, this resolution applies only to the employees of the District of Columbia?

Mr. McLEOD. Yes.

Mr. PATTERSON. Does the gentleman not think it would be just as proper to extend it to all employees of the Government in other places the same as in the District of Columbia?

Mr. McLEOD. I can not answer that question.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TO DISPENSE WITH CALENDAR WEDNESDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Calendar Wednesday may be dispensed with during the remainder of the session.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. GARNER. Mr. Speaker, reserving the right to object, and I do not intend to object, I would like to ask how many more Calendar Wednesdays we are going to have?

Mr. TILSON. I hope not many. The gentleman from Texas knows that if we had passed a formal resolution to adjourn it would have done away with Calendar Wednesday for the last two weeks of the session, and this is to serve the same purpose.

Mr. GARNER. This side of the House has been trying to accommodate the gentleman in every way possible.

Mr. TILSON. The gentleman from Texas has certainly done so.

Mr. GARNER. Now the gentleman is coming along and asking to dispense with Calendar Wednesday for the balance of the session. That may mean until next December.

Mr. TILSON. We hope not.

Mr. GARNER. I hope not, too; but I would rather the gentleman would ask one at a time and we will see how many more we have. I do not know whether we are going to remain here until December or not.

Mr. TILSON. It will not do any harm.

Mr. GARNER. A resolution was just passed whereby everybody else quits work on Saturday, but the resolution did not say anything about Congress. I am just wondering when the gentleman thinks we are going to adjourn?

Mr. TILSON. The gentleman knows that he and I are in thorough accord on this matter of adjournment, but we seem to be getting nowhere.

Mr. ALMON. Can the gentleman indicate when he expects the House and Senate to adjourn?

Mr. TILSON. I have no idea. The gentleman's knowledge on that point is just as full as my own.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. HARE. Reserving the right to object, I would like to inquire whether or not it is the purpose to substitute the Private Calendar for Calendar Wednesday?

Mr. TILSON. If there is any hope or any indication of a hope of adjournment, I shall ask for consideration of the Private Calendar very quickly, and I assure the gentleman that he is going to have his opportunity to go on with the Private Calendar.

Mr. HARE. Before adjournment?

Mr. TILSON. Yes.

Mr. O'CONNELL. Suppose we do pass more bills on the Private Calendar during the session; what is going to happen to them in the other body?

Mr. TILSON. I am unable to enlighten the gentleman on that point.

Mr. JONES of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES of Texas. Has this Congress done all it is going to do to bring equality to agriculture?

The SPEAKER. The Chair does not think that would qualify as a parliamentary inquiry.

Mr. JONES of Texas. It is at least a pertinent inquiry.

Mr. TILSON. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ALLOWANCE TO THE TWO ASSISTANTS IN THE OFFICE OF THE ATTENDING PHYSICIAN OF THE HOUSE

Mr. GUYER. Mr. Speaker, by direction of the Committee on Accounts, I present a privileged resolution.

The SPEAKER. The gentleman from Kansas offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 279

Resolved, That until otherwise provided by law there shall be paid out of the contingent fund of the House an allowance not to exceed $30 per month each to the two assistants in the office of the attending physician.

With the following committee amendment:

After the word "physician" insert "starting December 1, 1929."

Mr. PATTERSON. Will the gentleman yield?

Mr. GUYER. Yes.

Mr. PATTERSON. I want to say that this resolution has a great deal of merit in it and it was practically unanimously reported by the Committee on Accounts, but I do want to say that as a member of that committee I for one do not like this retroactive pay. I feel about that as I feel with reference to raising our own salaries. I could not bring myself to the point of favoring this retroactive pay, although I know that the men for whom this pay is intended are deserving. There was no question about that in the committee but I just wanted to express my feelings in regard to the retroactive feature of the resolution, and I say that I oppose the amendment on that ground.

Mr. GUYER. I will say in answer to the gentleman that these men began their work last year, one on the 1st of August and one on the 1st of September, while their pay only begins the 1st of January.

Mr. PATTERSON. There is no question about when they began, and, as I said, there is a great deal of merit in the resolution.

The committee amendment was agreed to.

The resolution was agreed to.

CONSOLIDATION AND COORDINATION OF GOVERNMENTAL ACTIVITIES AFFECTING WAR VETERANS

Mr. BEEDY. Mr. Speaker, by direction of the Committee on Expenditures in the Executive Departments I ask unanimous consent to take from the Speaker's table H. R. 10630, a bill to authorize the President to consolidate and coordinate governmental activities affecting war veterans, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Maine asks unanimous consent to take from the Speaker's table House bill 10630 with Senate amendments, and agree to the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 2, after "the," insert "Veterans'."
Page 2, line 2, strike out "of Veterans' Affairs."
Page 2, line 7, after "the," insert "Veterans'."
Page 2, line 7, strike out "of Veterans' Affairs."
Page 2, line 11, after "the" where it appears the second time, insert "Veterans'."
Page 2, line 12, strike out "of Veterans' Affairs."
Page 2, line 16, after "such," insert "Veterans'."
Page 2, line 17, strike out "of Veterans' Affairs."
Page 2, line 22, after "such," insert "Veterans'."
Page 2, line 22, strike out "of Veterans' Affairs."
Page 3, line 13, strike out "administration of veterans' affairs" and insert "Veterans' Administration."
Page 4, line 14, after "the," insert "Veterans'."
Page 4, lines 14 and 15, strike out "of Veterans' Affairs."
Page 4, line 16, strike out "of Veterans' Affairs."
Page 5, line 4, after "the," insert "Veterans'."
Page 5, line 5, strike out "of Veterans' Affairs."
Page 6, line 6, after "the," insert "Veterans'."
Page 6, line 6, strike out "of Veterans' Affairs."
Page 6, line 7, after "the," insert "Veterans'."
Page 6, line 8, strike out "of Veterans' Affairs."
Page 6, line 9, after "the," insert "Veterans'."
Page 6, line 9, strike out "of Veterans' Affairs."
Page 6, lines 16 and 17, strike out "of Veterans' Affairs."
Page 6, line 18, strike out "of Veterans' Affairs."
Page 7, line 8, strike out "of Veterans' Affairs."

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, as I followed those amendments in the RECORD, they all relate to the name of the new bureau and the name of its chief official. That is the effect of all the amendments, as I understand?

Mr. BEEDY. Somebody evidently thought that veterans' administration sounded better than administration of veterans' affairs, and they made that change, and that is the only change.

Mr. CRAMTON. Inasmuch as this great economy measure gets its claim to economy by reason of a change in the name of certain officials, I suppose it is urged that this further change means greater economy and should be accepted.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

CONSIGNMENT OF GOODS SHIPPED TO THE PHILIPPINE ISLANDS

Mr. BEEDY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 6127, to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands, with a Senate amendment, and agree to the Senate amendment.

The SPEAKER. The gentleman from Maine asks unanimous consent to take from the Speaker's table House bill 6127, with a Senate amendment, and agree to the Senate amendment. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 2, line 11, after "services," insert "shall not include any charges for ship-side deliveries that may hereafter be made except when services in connection therewith may be requested by the department or bureau concerned."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

ORDER OF BUSINESS

Mr. GARNER. Mr. Speaker, may I suggest, if it is convenient, that the Chair let the membership know about what the program is for to-day.

The SPEAKER. The Chair some time ago informed a number of Members that no rules would be suspended to-day. However, in view of the fact that the House has given consent to the elimination of Calendar Wednesday, the Chair expects, at the conclusion of action on the so-called border patrol bill, to recognize two suspensions which deal with the question of unemployment. [Applause.]

FOREIGN LOANS

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate Resolution 293.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LOZIER. Mr. Speaker, on June 16, 1930, the Senate passed Senate Resolution 293, offered by the Senator from Virginia, Mr. GLASS. The resolution called attention to the prevailing practice of the State Department sanctioning the flotation of foreign loans and the sale of foreign securities in the United States, and requested the Secretary of State to inform the Senate upon what authorization of law, constitutional or statutory, expressed or implied, does the State Department base its right either to approve or disapprove investment securities offered for sale in the money markets of the United States by foreign governments, corporations, or individuals; and by what sanction of law, constitutional or statutory, does the State Department assume the right to direct the action of the Federal Reserve Board or banks with respect to their lawful powers concerning the business of banking in foreign countries or the investments of these banks in foreign securities offered in the money markets of the United States.

In support of this resolution, the author stated that about two years ago, when Congress was not in session, for the first time the public was apprised of the fact that the State Department was undertaking to supervise flotations of securities in the money markets of the United States.

Regarding the action of the State Department as an unprecedented usurpation of authority by a department of the Government that had nothing whatever to do with the financial activities of the American people, the Senator protested against a continuance of such unwarranted action. In the United States Daily of October 14, 1927, Senator GLASS called attention to this situation and protested against the practice being followed.

I am in full accord with the action of the Senate in adopting this resolution and I am hopeful that it will result in a termination of this practice by the State Department, which has had much to do with taking $12,000,000,000 or $15,000,000,000 of

American money out of the American channels of trade and commerce and lending it to foreign nations, foreign provinces, foreign municipalities, foreign railroads, foreign industrial concerns, and foreign utility companies.

But I am at a loss to understand why the Senator and the public did not discover that this practice was being followed long before October, 1927. I call your attention to the fact that this practice was established by President Harding within a few weeks after his inauguration. In a series of seven addresses, made by me in 1925, I called the attention of the House to this practice and discussed the matter in detail, as will be seen by reference to the CONGRESSIONAL RECORD, as follows:

February 7, 1925, page 3267.
February 15, 1925, page 3669.
February 16, 1925, page 3917.
February 17, 1925, page 3995.
March 2, 1925, page 5137.
March 3, 1925, page 5424.
March 4, 1925, page 5580.

By reference to the RECORD on these dates you will find a very complete and detailed history of the flotation of foreign loans and the sale of foreign securities in the United States. I discussed particularly the practice followed by the Wall Street bankers in floating these foreign loans and selling these foreign securities. I showed by indisputable evidence that no foreign loan of any consequence was floated and no foreign securities were sold in the United States without these loans and securities first having been submitted by the international bankers to the State Department, and until the State Department had stated in writing that it had no objection to the flotation of these loans or the sale of these securities.

If you will take the trouble to refer to the RECORD to which I have referred, you will find that I presented this matter to Congress and called attention to the practice two years before the distinguished Senator from Virginia discovered for the first time that this practice was being followed. In my remarks in 1925 I emphasized the folly of withdrawing hundreds of millions—yes; billions—of dollars from the money markets in the United States and lending it abroad on long-time loans. I showed that the withdrawal of these funds from the United States reduced the supply of money that was available for loans and productive industry, and that this undeniably caused an advance in the rates of interest charged the American farmer, the American manufacturer, and the American business man on loans which they were compelled to make in order to conduct their several activities. I also showed that by sending these billions of dollars abroad we were reducing the supply of American capital that was available for the flotation of railroad, corporate, national, State, county, and city bonds. If these immense sums, instead of being invested abroad, had been available for investment in the United States, all of our domestic bonds and securities would have been floated at a much lower rate of interest and this would have meant a substantial reduction of interest and fixed charges, which would have been reflected in greater profits to the American people.

I also called attention to the fact that much of this American money that was loaned abroad was ultimately used for the rehabilitation of industrial plants in Europe, and by this action we were financing our competitors, placing them on their feet, and enabling them to sell the products of their mills and factories in competition with our own products, thereby enabling them to take from us the world markets that we had captured during and after the World War.

It is certainly an unwise and improvident policy for us to use American capital to build up foreign manufacturing plants to compete with us in the world markets; and that is exactly what we did, following the leadership of two Republican national administrations, cooperating "hand in glove" with a well-organized and powerful group of international bankers.

If you will read the remarks I made in 1925, you will find that on May 25, 1921, President Harding and Secretaries Mellon and Hoover had a conference at the White House with a group of prominent New York bankers, including J. P. Morgan, Paul M. Warburg, James A. Alexander, Charles A. Sabin, Benjamin Strong, C. E. Mitchell, and F. I. Kent. At this conference it was agreed that no foreign loans were to be floated and no foreign securities were to be sold in the United States without having these securities first submitted to the State Department. If the State Department disapproved such flotation, the bankers agreed that they would have nothing to do with the proposition, and would only float foreign bonds and sell foreign securities after the State Department had officially announced that it had no objection to the sale of these securities in the United States.

On March 3, 1922, the State Department, in a formal announcement, called attention to the agreement that had been reached in 1921, between President Harding and Secretaries Mellon and Hoover and the New York international bankers, in reference to the public flotation of foreign bonds, and the desire of the Government to be fully informed of such transaction. Continuing, the statement issued by the Department of State said:

> The flotation of foreign bond issues in the American market is assuming an increasing importance, and on account of the bearing of such operations on the present conduct of affairs it is hoped that American concerns that contemplate making foreign loans will inform the Department of State in due time of the essential facts and of subsequent developments of importance. American concerns that wish to ascertain the attitude of the department regarding any projected loan should request the Secretary of State in writing for an expression of the department's views. The department will then give the matter consideration, and in the light of the information in its possession, endeavor to say whether objection to the loan in question does or does not exist.

The Secretary of State described a formula to be followed by American bankers proposing to negotiate foreign loans and that formula was as follows: The banker was required to make a written request to the Department of State, describing the loans, securities, and all important facts in relation thereto, and inquire whether the Department of State has any objection to the negotiation and flotation of the loan. Thereupon the Secretary of State makes an investigation, and in the light of the information in his possession, notifies the bankers whether objection to the loan in question does or does not exist.

But it is claimed by the Department of State that it did not approve loans but merely stated that it had no objection to the floation of the loans in question. This is begging the question. A statement that the Department of State had no objection to the flotation of a foreign loan is tantamount to an approval of that loan and will be so considered by persons of ordinary intelligence and experience.

In diplomatic parlance, a statement from the Secretary of State that no objection to the loan exists is in essence and effect an express approval, and without such an expression of the attitude of the State Department probably no foreign loan of any magnitude would have been floated in the United States. It was not necessary for the Secretary of State to announce affirmatively an approval of the loan, but his statement that he knows of no objection to the loan in question is understood by bankers and all persons having even a limited amount of common sense as an approval of the loan, or as a consent or authorization that the loan may be negotiated and the securities sold in the United States without objection from the State Department.

During the series of addresses made by me in February and March, 1925, on this subject, the late George W. Harvey, then editor of the Washington Post, challenged my contention that these foreign loans were being negotiated and these foreign securities sold in the United States with the express approval or tacit consent of the State Department. In my remarks, appearing in the CONGRESSIONAL RECORD of March 4, 1925, beginning on page 5580, I replied to Mr. Harvey and conclusively showed by the records that my contention was correct. In those remarks I quoted from the announcements made by the State Department, news items carried by the Associated Press, articles from New York financial journals, interviews from the President, statements of Cabinet members, all of which conclusively established the fact that these foreign loans, aggregating billions of dollars, were not floated in the United States unless and until the State Department had officially in writing announced that it had no objection to the flotation of these foreign loans and the sale of these foreign securities in the United States.

And as additional proof I wrote letters to Blair & Co., Dow, Jones & Co., the Equitable Trust Co., J. P. Morgan & Co., the New York Commercial & Financial Chronicle, the National City Co., Moody's Investors' Service and inquired whether or not the foreign loans floated by them or others in the United States were first submitted to the State Department for its approval. And in every instance I received a reply stating in substance that no foreign loans were negotiated and no foreign securities sold in the United States without such flotation having been first submitted to the State Department, and these great concerns stated that after submitting the proposals to the State Department it was their custom to proceed with the negotiations only in cases where the State Department interposed no objection. I will not take the time to print these letters and official records, documents, and statements, but you will find them set out in haec verba in my remarks in the CONGRESSIONAL RECORD of March 4, 1925, beginning on page 5580.

I also quoted from advertisements in which these international bankers offered these foreign securities to the public with the statement that the Government had approved the sale of these securities in the United States. President Coolidge even issued a statement approving the loan of $100,000,000 which was made by the New York bankers to France. In its issue of February 21, 1925, in discussing the proposed French loan of $135,000,000, which had the sanction of the administration, the New York Journal of Commerce said that—

Projected loans are submitted to the State Department before being consummated.

Continuing, the Journal of Commerce said:

The usual procedure in the case of negotiations between foreign governments and American financial interests looking toward loans, is for the American bankers to seek first the advice of Washington officials.

I will not trespass further upon your time and patience, but I hope you will find time to read my observations made in 1925 on this subject, especially my remarks of March 4, 1925, beginning on page 5580 of the CONGRESSIONAL RECORD, in which you will find a multitude of facts and a wealth of history in relation to the flotation of foreign loans and the sale of foreign securities in the United States. These loans will probably now aggregate $15,000,000,000. I am not referring to the loans we made to European nations during the World War. I am not referring to war loans. I am talking about loans that have been made since the World War to foreign governments, foreign provinces, foreign cities, foreign public utilities, foreign railroads, and foreign industrial concerns.

If the $15,000,000,000 that we have loaned abroad since the armistice had been kept in the United States and been available for investment or loans, it would have contributed materially to our prosperity. It would have stimulated productive industry, reduced interest rates, and given employment to millions of men and women who now walk the streets begging for employment and the opportunity to earn and eat their bread in the sweat of their faces.

I think Senator GLASS, in offering Senate Resolution 293 has performed an important public service, and the Senate is to be congratulated upon having adopted the resolution. I hope the action of the Senate in adopting this resolution and the results that will flow from the proposed investigation will put an end to the practice of the State Department in giving actual or tacit approval for the sale of foreign securities in the United States. American capital to the extent of $15,000,000,000 has been taken out of the United States where it was made and where it belongs and buried oversens in long-time loans. These billions of American capital are now serving foreign nations, foreign provinces, foreign cities, foreign railroads, foreign manufacturing concerns, and foreign utility companies, when prudence and sound economics suggest that these billions should have been kept in the United States to serve and to work for the American people.

THE DEATH OF STEPHEN G. PORTER

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the Clerk may read a short editorial appearing in the Houston Chronicle of last Sunday on the death of STEPHEN G. PORTER, headed "The Fight Must Go On."

There being no objection, the Clerk read the editorial, as follows:

THE FIGHT MUST GO ON

In the death of STEPHEN G. PORTER the crusade against the narcotic evil suffers the loss of an able and energetic leader. It is truly unfortunate that the Pennsylvania Congressman could not have been spared a few years more for useful service. The fight must go on. It is merely a question of finding one who can direct it as ably as did Mr. PORTER.

As chairman of the American delegation which met with the League of Nations commission attempting in 1925 to formulate some international plan for curbing the "dope" evil, Mr. PORTER startled the diplomats of the Old World by walking out of the conference, sternly refusing to participate in deliberations he felt were getting nowhere, due to the selfish policies of certain nations which were benefiting financially from the traffic in opium. Then and there he raised high America's flag, showing the moral courage which has always animated the hearts and minds of men who think of principles ahead of dollars.

The problem of eradicating from international commerce the product of the poppy is admittedly a difficult one. Holland, Great Britain, to a lesser degree France, are holding back, refusing to listen to the voice of conscience. Many men in those countries are making fortunes—fortunes whose foundation is a shameful one. Only the force of public opinion can deter them.

A new conference is to be held next year looking to the submission of a concrete plan of action. America will be represented there, and it is to be hoped our delegation will be headed by a man as resourceful and determined as STEPHEN G. PORTER. Without such a one, the lobby which protects the manufacturers of narcotics will probably be strong enough to prevent the adoption of measures which would lead ultimately to the ruination of their "business." No compromise should be America's slogan at the London conference.

The world-wide traffic in narcotics is decidedly a dirty business for alleged Christian nations to countenance. The fight must go on until the people are fully aroused. When they understand the significance of the struggle to which STEPHEN G. PORTER dedicated long years of unselfish service they will order their governments to act.

CONSTRUCTION OF A DIKE ACROSS CAMAS SLOUGH TO LADY ISLAND ON THE COLUMBIA RIVER

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4663) granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough to Lady Island on the Columbia River in the State of Washington, and immediately consider the same, a similar bill being on the House Calendar.

The SPEAKER. The Chair understands the gentleman considers this a matter of emergency?

Mr. JOHNSON of Washington. It is an emergency; yes.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Crown Willamette Paper Co., of Portland, Oreg., to construct a dike or dam across Camas Slough (Washougal Slough) at a point near the mouth of Washougal River to Lady Island, State of Washington: *Provided*, That the work of constructing this dike or dam shall not be commenced until the plans therefor have been filed with and approved by the Chief of Engineers of the United States Army and the Secretary of War: *Provided further*, That in approving the plans for said dike or dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States: *And provided further*, That this act shall not be construed to authorize the use of such dike or dam to develop water power or generate hydroelectric energy.

SEC. 2. The authority granted by this act shall cease and be null and void unless the actual construction of said dike or dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I think the gentleman ought to make a brief statement so that the Members of the House may know what are the provisions of this bill, how large a dam or dike is to be constructed, and for what purpose it is to be constructed.

Mr. JOHNSON of Washington. This is a slough, which is a small arm of the Columbia River. The river is navigable. The slough is not navigable except for dredges hauling pulpwood for paper. The bill permits the slough to be dammed, the reason being that the rise and fall of water in flood time in that part of the Columbia River is so high that this work is necessary. It will not form any obstruction to navigation. The redraft of the bill was prepared in the War Department, and the rights of the Government will be fully protected.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

LABOR AND UNEMPLOYMENT

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on unemployment and other matters.

The SPEAKER. Is there objection?

There was no objection.

Mr. SLOAN. Mr. Speaker, since the October, 1929, crash in the stock market we have heard often on this floor and read much in the press concerning unemployment throughout the country. Sometimes, intimately related, even as by cause and effect, lack of employment goes with lack of food and clothing.

So unemployment of those who will work is a serious and regrettable condition. To meet this there should be an earnest provident effort to prevent, and if that be too late, swift action to alleviate. As prosperity is usually estimated higher than warrantable, so adversity is often raised in statement to the *n*th degree. The census returns now being collected and collated indicate that 2,000 000 will be near the true figure, where 4,000,000 has been asserted. The condition is probably emphasized and acute in the large centers within whose areas the speculative frenzy of a year ago was most general and unrestrained.

If the unemployment were equally distributed among the 435 congressional districts in the United States there would be about 4,600 for each district. The census shows the unemployment in the fourth Nebraska district to be only 1,086, distributed among the counties as follows:

Butler	99
Fillmore	62
Gage	235
Hamilton	50
Jefferson	146
Polk	68
Saline	73
Saunders	150
Seward	52
Thayer	84
York	87

This should be for all who would honestly toil. If preference there would be let those have it whose tasks are the heaviest and, therefore, frequently most lightly paid. Sometimes drudgery carries a responsibility prior and greater to that more highly rewarded.

Speaking once to an audience of railway employees, I said:

For years my travel has taken me through nearly every State in the Union, and in many foreign nations on the railways. I have often thought as I gazed from the train windows and noted our swift passage through varied scenes of restful nature and activities of commerce, of the reasonable safety which was assured me by the faith in those who drove, and those who controlled these flying palaces. As I retired for the night there was a trust that those in charge, faithful to their duty, were concerned for my safety, and I awoke in the morning thankful that my trust had been properly placed.

In this connection, I thought of the grim engineer, with hand on throttle sending revolving wheel and driving piston, as his engine devoured space. I considered too the man at his side, who fed the fuel to the insatiable maw of that mad monster, giving energy equal to demands of the engineer's master mind. I often considered well the courteous conductor whose will was law in the control, stop and start, speed and slack of that great train. Nor did I forget the man in charge of brake and switch at his side and under his command. Nor would I forget the sleepless unerring wizard of the wires, who determine stay or start.

And then I thought farther back to those laboring men, who under sun and rain, cold and heat, storm and calm, walk their sections of the great track over which this monster vehicle sped, with keen eye and experienced touch directed for unsound tie, defective rail, or loosened connection. Any of these once discovered, no matter what the hour, no matter what the condition, the repair must take place, often by one alone, before my train is permitted to travel that way.

And again, I thought of the men I had met in shop, and roundhouse, mid dust and soot, and oil and grime, at flaming forge and before furnace blast, riveting repairs, constructing and making fit the various worn, weakened or broken parts of that mighty monster, and the luxurious coach that was to bear me in comfort and safety across the vast expanse of space.

All these are entitled to honor and to consideration. But after all, the basic source of my safety seemed to lie in the men who walked and worked the track, and who prepared, repaired and fitted engine and car given over to those in immediate train control. Section men and shop men, both too often forgotten, not often considered; you, I hail as my basic protectors, when I travel on trains.

This is a district containing not more than two monomillionaires and an average of well over $4,000 per capita wealth. The onward march of machinery is displacing man power, yet we are able to keep our people closely employed. Having been an employee at exceedingly low wages in youth and early manhood, and an employer at relatively high wages and salaries—always the highest in the community since that time—I know and appreciate the condition of the one and the problem of the other. That unemployment is no greater than it is, following the near panic of last fall, is largely due to the prompt and heroic action of President Hoover in calling in for consultation and cooperation the great employment and labor organizations of the country, which, with the Government's own contribution extended as far as could be employment without serious strike, lockout, or other violent forms of friction, which often proves exhausting and expensive to the two parties directly involved, and especially to the third party, known as the public.

Out of employment must be toilsome indeed. I can conceive of no harder work than "no work." A wood sawyer was once asked if his work was not hard. He said, "It is much harder to do nothing." To those who can, there is an imperative duty in as far as they may to find, furnish, or, when necessary, create employment for those whose necessities urge honest employment that they and their families may not want. I believe the Master would look with more ready approval upon those who would furnish work than those who would dole alms. I trust that no contemplated mergers and consolidations may hereafter have sanction of the law from which these faithful men may suffer in either opportunity to work or to receive fair compensation. So do I hope that throughout the course of rapidly evolving industry, where man must battle with machinery, that the human factor must be dominant and man shall not be reduced to a parity with metal.

Scotland's inspired genius, upon hearing a man out of employment crave work that he might earn a living, and being rudely denied, wrote that matchless verse found in Man Was Made to Mourn—

Who begs a brother of the earth,
To give him leave to toil,
And see his lordly fellow-worm
The poor petition spurn,
Unmindful, tho' a weeping wife
And helpless offspring mourn.

A cruel evidence that—

Man's inhumanity to man
Makes countless thousands mourn.

One of the triumphs of this administration will be in its handling to a successful conclusion the economic problems of this country run wild with prosperity; when men neglecting work and disregarding rules of safe investment sought company with chance and fortune, rather than toil and thrift, sped to danger rather than cling to safety, brought our commerce and finance to a condition requiring the genius of our President and the cooperation of the Nation's strong forces to prevent a cataclysm.

We believe that danger is passing and a restoration of sound conditions is on its way.

One of the means in which many may aid is in meeting unemployment. It can not be solved in mass, but by each potential employer applying his means to the individual cases. Because idleness is not a mass, millions, it is in many cases of your neighbors, Smith, Jones, and Brown.

Men should have opportunity. Men should be released from the slavery of idleness.

Ho, all who labor, all who strive!
Ye wield a lofty power;
Do with your might, do with your strength,
Fill every golden hour!
The glorious privilege to do
Is man's most noble dower.
Oh, to your birthright and yourselves
To your own souls be true!
A weary, wretched life is theirs
Who have no work to do.

OLD-AGE PENSIONS

Mr. MAAS. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Minnesota [Mr. SELVIG] may have permission to extend his own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SELVIG. Mr. Speaker, the subject of old-age pensions received the attention of the Committee on Labor of the House of Representatives during the recent session of Congress. The testimony presented to the committee is well worth reading by every Member of this House and should be brought to the attention of the entire country.

It is a characteristic trait of our citizens to secure the facts and information regarding a problem and then to set themselves the task of formulating a policy in an attempt to solve it. That is what I hope will be the result with the problem of old-age dependency.

One reason that prompts me to speak to you on the subject of old-age pensions in the United States is that, throughout the civilized world, every nation has adopted the principle of the old-age pension excepting China, India, and the United States. I want to see America join with the intelligent nations of the world in solving this problem, as well as all other problems.

Fifty years ago the number of people in the United States over 65 years old was a little over a million. To-day they number over 6,000,000. While the progress made in medicine, surgery, and in sanitation has added to the length of life, industry, prompted by desire for efficiency and the profits of mass production, has tended to eliminate the employment of people who have reached or advanced beyond middle age. This has added greatly to the number of people who must turn elsewhere for sustenance and the means of making a living during their advanced years.

To-day we have 2,000,000 old people in the almshouses and charitable institutions of the country. We spend half a billion

dollars a year to maintain them. My colleague and esteemed friend Doctor SIROVICH, Representative from New York, has gathered statistics showing that 70 per cent of this amount goes for administration and only 30 per cent reaches the inmates in the form of food and clothing.

The brutal system which compels a considerable number of the aged and infirm to spend their declining years in the poorhouses of the Nation is a pitiful and tragic indictment of our civilization. Its cost is high and its results are destructive.

The Committee on Labor, of which I am a member, has had the first hearings on this subject during the present session, and I want to call the matter to the attention of Congress and of the people of the country, in the hope that the situation will be more clearly understood and some constructive work to remedy it may become possible within the near future.

The United States is the richest nation in the world and can better afford to take good care of its old people than most of the other nations that are much farther advanced along this line. We should tax the great accumulations of wealth enough to permit all our people to look forward to a respectable and comfortable old age.

WORLD WAR VETERANS' LEGISLATION

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on veterans' legislation.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McLEOD. Mr. Speaker, what the Federal Congress of a grateful Nation has done and is doing for its war veterans in keeping faith in a commendable fashion should be a most interesting story, not only to the veterans themselves but to all loyal and patriotic citizens of the country.

Twelve years ago the mighty United States of America was rallying to arms to determine whether our American form of government should continue to spread its blessings among mankind as it has done since the Declaration of Independence, or whether it should be forced to bow its head in ignoble submission to the will of an autocratic monarch. The answer was, as you all know, that "Democracy will live!" But that answer was obtained only by the service of thousands of young men and women who made the supreme sacrifice and the willingness of thousands upon thousands of others to risk the living death of mutilation, disfigurement, and humiliating dependency.

If anyone doubts that he owes an incalculable debt of gratitude to those who bore the chief burden of our battle with autocracy, let him visit the hospitals and the soldiers' homes, or worse the homes of those veterans who, though disabled, are still trying to work out a normal, independent existence for themselves and their families, some with and some without the help of their Government. It is the same undying spirit of these men that made them go out to fight 12 years ago that makes them so admirable in their quiet courage to-day, in their silent battle against the overpowering odds of life. We can not help admiring them; we must not permit any who need the help of the Government to be without it. That is our goal in Congress, and we are gradually accomplishing it.

The special benefits which the United States Congress has provided for veterans of the World War as a class may be divided into three kinds: First, direct care of sick and disabled veterans, which is represented by compensation, hospitals, and soldiers' homes; second, provisions for dependents of veterans, including Government insurance, adjusted compensation, dependents' compensation, gold-star mothers' voyages, funeral expenses for deceased veterans, and so forth; and, third, certain preferences for veterans and their wives in the Federal statutes.

Not a session of Congress is permitted to go by without some new act being passed for the extension of benefits to the veterans. The compilation of veterans' laws which are now in force embody all or the unrepealed or unamended parts of 47 different important acts of Congress. The present Congress is the sixth which has come into being since the close of the World War, each Congress, as you know, beginning on March 4 of the odd-numbered year, and holding not less than two regular sessions before expiring on March 4 of the following odd-numbered year. There have passed in each Congress, therefore, an average of eight important measures of direct benefit to World War veterans, and I might say I have had the happy privilege of voting and working for the passage of nearly every one of them, due to the fact that my service in Congress began in the Sixty-sixth Congress back in 1920, the first one to assemble after the armistice was signed on November 11, 1918. There were in that Congress four World War veterans besides myself. At the present time there are 78 World War veterans in the House and 20 in the Senate, making a total of 98 in Congress.

The present Congress seems to be well on its way toward enacting the usual number (eight or nine) of important veterans' measures. So much has been said recently about the Johnson-Rankin bill that it perhaps might have impressed people as being the only effort the present Congress has made in behalf of the veterans, but such is not the case. There is in the House of Representatives a Committee on World War Veterans' Legislation, to which has been referred during the present Congress between 700 and 800 separate bills intended to benefit World War veterans or their dependents. Many relate to the same subject, of course, and the committee may combine the best features of several bills into one, as they endeavored to do in the case of the Johnson bill, which passed the House in amended form Thursday afternoon of this week by a record vote of 365 to 4. After a composite bill is reported, usually all other bills on the same subject are dead. Hence the number of bills originated far exceeds the number reported. Twelve important general bills have been reported to the House so far, and of this number nine have already been passed by both the House and Senate, while six of the same group have become law (not counting the Rankin bill). Those which have become law are:

1. A bill to extend the time allowed for filing applications for adjusted-service certificates to January 1, 1935.

2. To extend the time allowed gold-star mothers in Europe in case of illness.

3. To pay the expenses of gold-star mothers visiting cemeteries in France.

4. Granting pilgrimages to persons in the position of loco parentis and where veterans were buried in unknown graves or at sea.

5. To extend for 10 years the preference granted to ex-service men filing homestead claims.

6. To provide additional hospital facilities for veterans.

You will note that of the bills enacted so far this session there is an insurance bill, a hospital bill, and a preference bill. We expect also the approval within the next few days of the compensation bill. This is an example of how the benefits have been gradually extended each session in the various kinds of relief.

Immediately following the war, our greatest problem was to provide hospitals for the disabled American soldiers who were being brought back from France. It was my privilege to be the author and sponsor, in 1920, of the first appropriation to take care of ex-service men in peace-time hospitals, which provided $18,600,000 for the enlargement and equipment of United States Public Health hospitals. This was the beginning of a hospital building program all over the country. There were no Veterans' Bureau hospitals then. There was not even a Veterans' Bureau. All of the enormous hospital facilities of this gigantic agency of the Federal Government has been a continuous outgrowth of the policy we established back in 1920. The United States Public Health Service administers those great institutions known as United States marine hospitals, which are opened to the men from any branch of the military or naval forces of the United States. It is also a permanent health service which will be continued even after the World War veterans no longer have need for its beneficent care. I am particularly proud therefore of the new Detroit marine hospital, a most modern institution situated on a point of land in the beautiful Lake St. Clair at the head of the Detroit River, which when fully completed will have a capacity in excess of 300 beds. When I first introduced the bill providing for this new marine hospital in 1924, the ancient building which was then serving as a marine hospital was near the center of the city of Detroit and had become closely and completely surrounded by large industrial plants of the smokiest, dirtiest, and noisiest varieties. Next door was a varnish factory. One of the busiest thoroughfares in the city passed within 100 feet of the front door. Similar conditions existed around the hospitals in which wounded veterans were housed in other cities. It was imperative that something be done, and I am happy to say it has been done in Detroit and is being done in other places.

The United States Veterans' Bureau was established by an act of Congress approved August 21, 1921. The first annual appropriation for this bureau totaled $65,000,000. The appropriations for the same branch of the Government for the fiscal year ending July, 1930, amount to $510,000,000, or 22 per cent of the cost of running the Government for this year, and for the next year it has been predicted that the cost of the Veterans' Bureau will approach $600,000,000. This, of course, is an enormous amount of money, but when one considers that the



United States called to the colors more than 5,000,000 men and women, and bearing in mind the enormous sacrifices that many of those 5,000,000 made for their country, the amount which the United States is spending per veteran is surprisingly small—less than $100 per veteran per year. There are approximately 27,500 veterans in Government hospitals at Government expense. Most of them are there for treatment of disabilities incurred in the service, although whenever there is a vacant bed in a Government hospital, and all service-connected cases needing hospital treatment are taken care of, other cases are taken in whether the veterans can prove service connection of their disabilities or not.

It should be a matter of interest not only to us who are World War veterans but to the country at large that we in Congress who have the responsibility for legislating for the great army of ex-service men and women in the United States are striving every day and every hour to find the means to express more adequately the gratitude of our Nation to those heroic men and women who subjected themselves to all the evils and horrors of war in order that the ideals and honor of the United States of America might be protected in 1917 and 1918. When the bands were playing and patriotic fervor ran high 12 years ago we know that the soldiers were promised that nothing was too good for them. So long as we have the means to keep the Nation's promise we will not hesitate to do so.

The Veterans' Bureau consolidated the administration of the war risk insurance act with vocational rehabilitation, as well as the activities above mentioned. Vocational rehabilitation, you will recall, was the rather long name for what was intended to be a free school for disabled ex-service men. Those veterans who were accepted as eligible were sent to the best professional schools, colleges, and trade schools in the country, to teach disabled veterans how to be self-supporting despite the wounds and handicaps they may have received in the war. The Government footed the bill, as was proper and humane for it to do. Thousands of ex-service men were fitted for useful careers in this way. This kind of veterans' relief has been brought to a close.

Most men who have families or other dependents to support carry a certain amount of life insurance. As a matter of conscience they would not do without it. Naturally, when the war broke up the ordinary course of events, a great question arose as to what to do with life insurance. No commercial company could afford to take the risk of insuring the life of a man going into the trenches, so the Government went into the insurance business for this specific purpose. It is true that on September 2, 1914, although the United States was not then in the war, the seas had become so dangerous that the United States Government passed an act establishing a Bureau of War Risk Insurance in the Treasury Department for the purpose of insuring American vessels and cargoes against the risks of war. By an act approved June 12, 1917, this bureau was expanded to insure the "master, officers, and crew" of American vessels against loss of life or personal injury from war risks as well as for compensation during detention by an enemy of the United States following capture. By October of the same year, 1917, an act had been passed extending the benefits of Government insurance to every person in the military or naval forces of the United States who would agree to pay the premiums for such insurance. This was term insurance, intended merely to carry the soldiers and sailors over the period of emergency. After the war, by a series of acts, Congress made it possible for all who had carried insurance during the war to convert their insurance into regular insurance policies similar to those issued by commercial companies, but at a low premium rate. At the close of the fiscal year 1929 there were in force 649,837 United States Government life-insurance policies, amounting to $3,058,577,039 insurance.

The Veterans' Bureau also has jurisdiction over another kind of veterans' insurance policy, called an adjusted-service certificate. This was awarded by an act of Congress passed over a presidential veto on May 19, 1924. The veteran is not required to pay a premium to keep this insurance policy in force. It has a fixed face value, the amount of it depending upon the length of time the veteran was in the service, which will be paid 20 years from the date the certificate was issued, or upon the death of the veteran if he dies prior to that time. This is what is sometimes referred to as the "bonus" or "adjusted compensation." The total number of these certificates issued to June 30, 1929 totaled 3,650,093, valued at $3,473,738,527, which means that the average face value of adjusted-service certificates is slightly less than $1,000 each. About 70,000 death claims have been paid on these certificates, which means that already the Government has paid $70,000,000 to the dependents of veterans who held these certificates. For the reason that this kind of certificate is based on the theory that it is adjusted compensation for the veterans themselves, and considering that many of the veterans are in such dire financial straits that there will never be a time when as a whole they will be in greater need of this money than they are now and have been during the recent business depression, it was hoped by many that these certificates, which are already fixed obligations against the Government, could be paid in cash at the present time rather than to require the veterans to wait until 1945 for payment. It was pointed out that at that late date thousands of veterans will have passed beyond the reach of any help, while if they were paid now they would receive the benefits themselves which were originally intended for them. I brought this proposition up on the floor of the House in the form of an amendment to another bill, on April 28 of this year, but the proposition was defeated on a point of order. There has been no other way of getting the matter to a vote in the House. Congress did, however, provide for loans to veterans by the Veterans' Bureau on these certificates, but this plan has the disadvantage of charging the veteran interest for the use of his own money; that is, if you accept the theory that these certificates represent "compensation" for service rendered. In many cases it has been found that the veterans were unable to pay off the loans and the accumulating interest is rapidly wiping out the principal, so that in the end those veterans who have borrowed will realize only a small proportion of the face value of their adjusted-service certificates.

These adjusted-service certificates were sometimes referred to as the "bonus," but the real bonus was a $60 cash gift which was paid to every man who had an honorable discharge at a certain date shortly after the war.

Considering all the direct monetary benefits to veterans and their dependents since the armistice the total appropriations by Congress have amounted to more than $8,000,000,000.

The indirect benefits, such as preferences in the civil service laws, immigration laws, census act, homestead laws, naturalization laws, are all important and exceedingly helpful to veterans in the unspectacular business of earning a livelihood. It is difficult to estimate the value of these preferences, but we know that hundreds of thousands of veterans and wives of veterans have been aided in a material way through such preferences. One which I happen to be most familiar with, due to my position as ranking member of the House Census Committee, is that provision which we wrote into the census act giving preference to veterans in the employment of census enumerators and supervisors by the Government for the taking of the census of the population and industries which began on April 1 of the present year.

Lack of time forbids that I say more on this subject at this time. But I do wish to say that I am firmly convinced that however generous to the veterans the Congress may be, the American people are as one with me in saying, "Let us do that, and more if possible—the veterans richly deserve the utmost that we can give them in gratitude."

UNITED STATES BORDER PATROL

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11204) to regulate the entry of persons into the United States, to establish a border patrol in the Coast Guard, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11204, with Mr. CRAMTON in the chair.

The CHAIRMAN. Under the rule there are two hours of general debate, one-half controlled by the gentleman from New York [Mr. PARKER] and one-half by the ranking minority member of the committee [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I ask that the gentleman from Missouri [Mr. MILLIGAN], who served as a member of the subcommittee, control the time on this side.

The CHAIRMAN. Without objection, the gentleman from Missouri [Mr. MILLIGAN] will control the time for the minority.

There was no objection.

The Clerk read the title of the bill.

Mr. MILLIGAN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman, ladies, and gentlemen of the committee, by the passage of this bill you are setting up a new crime. I have spoken heretofore about the fact we are ap-

proximately now 7 to 10 years behind in our prison construction. Although this Congress in the second deficiency bill has appropriated some seven-odd million dollars for new buildings, yet even with that construction we will not be able to take care of the present overcrowded conditions in our Federal penitentiaries and jails. Yet we go on merrily creating new crimes to put people in jail.

Here we are sitting in the torrid heat of Washington. We ought to be at home about our business and about our districts, but we are sitting here in order that we may take time to pass a proper veterans' bill. The President and the great Secretary of the Treasury have said that the bill we passed would take too much money out of the Treasury, and yet here in this very bill you sign a blank check and you give it to the Secretary of the Treasury and say, "Here, fill in the amount; we do not care what it costs."

By the questions and answers here yesterday during the discussion of this bill, it was found that the appropriation for salaries alone would amount to approximately $2,100,000, yet we can not pass a proper bill to compensate veterans of the World War. We are sitting here in the sizzling heat of the city of Washington waiting to do something that will be acceptable to the august highness, the President of the United States.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. BOYLAN. Yes.

Mr. LINTHICUM. Is that $2,000,000 plus, in addition to the salaries already paid the men on the border?

Mr. BOYLAN. Oh, yes; that is the amount for the additional salaries. There are to be 1,000 additional men at an average salary of $2,100 a piece, which amounts to $2,100,000.

The question was asked yesterday, "Will they have the right of search." Why, of course, they will have the right to search. Look at the bill, page 8. Gentlemen, you will see by its provisions if you have any merchandise in your car or in your boat, they will search them to see what you have in order that they may arrest you and take you to one of these new ports of entry.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. O'CONNELL. But our friend from Kansas yesterday said that they would stop all that.

Mr. BOYLAN. Stop nothing. Please read the bill. Page 8, lines 1 to 8, inclusive, states as follows:

> Any officer or member of the United States border patrol may arrest any person unlawfully entering the United States; may seize any merchandise unlawfully transported into the United States or in the possession of any person unlawfully entering the United States, or any vessel, vehicle, or aircraft, in which such unlawful entry is made; and shall promptly deliver any such persons, merchandise, vessel, vehicle, or aircraft into the custody of the appropriate officer.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. LINTHICUM. What effect does this bill have on the little boat going from shore to shore with picnic parties?

Mr. BOYLAN. Yesterday there came to my mind a vision of the author of the bill, recently inducted into that delightful state that was characterized by a former distinguished President of the United States as being "one grand, sweet song." The picture came to me that this bill had passed and the gentleman was passing along the St. Lawrence among those beautiful islands that dot that river, and accidentally he had touched upon our shore.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLIGAN. I yield to the gentleman five minutes more.

Mr. BOYLAN. As I said, they were in the boat, floating along in a delightful state of bliss down the river, and through inadvertence touched the American side, and perhaps they had some wedding gifts and presents in the boat. Immediately our colleague would have committed a crime in transporting merchandise into the United States without going through a regular port of entry.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. COCHRAN of Missouri. Does the gentleman mean to say that if people from my district, for instance, tourists, coming to Washington, and going into Canada will be subjected to the provisions of this bill, to search by the border patrol?

Mr. BOYLAN. Absolutely.

Mr. COCHRAN of Missouri. Wives, children, and all their baggage open to search?

Mr. BOYLAN. Yes; and they will confiscate your automobile, and in addition impose a fine of $100 for violating the law if you do not enter or leave through a regular port of entry.

Now, gentlemen, in addition to that, 1,000 additional officers are being created and 212 additional ports of entry are authorized under the provisions of this bill.

What is to be the cost of all these additional ports of entry? We do not know. For that reason we are going to sign a blank check for the Secretary of the Treasury to fill in. The Lord alone knows what the ultimate cost will amount to.

I say that this bill is a masquerade—it comes here with a set of whiskers on it, long, flowing whiskers, and the name of the whiskers is "narcotic control." In addition to the whiskers it has a slouch hat, and the slouch hat of the bill is named "immigration restriction." If we pull the whiskers off and take off the slouch hat we find we have our old friend prohibition. [Laughter.] There he is. [Laughter.]

So I say if you can not do a thing directly do it indirectly, put on a slouch hat and whiskers and maybe the boys will not know you. [Laughter.]

Oh, this prohibition enforcement is a wonderful game!

Mr. PALMER. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. PALMER. The object of this bill is to more securely protect the border against the invasion of unlawful entry of foreigners.

Mr. BOYLAN. That is one object.

Mr. PALMER. You are not opposed to that?

Mr. BOYLAN. Oh, no, indeed.

Mr. PALMER. Does not the gentleman think that the invasion of foreigners affects unemployment?

Mr. BOYLAN. Yes; undoubtedly; it might affect the gentleman and it might affect me.

Now, I will say that in the passage of this bill you men from the border—and there is hardly a man in the House from the border States but has had practical experience in his own State of law-abiding, respectable citizens of his State being shot on the public highway, mistaken for rum runners, or smugglers, or something of that kind.

What do you do in this bill? You add a thousand more men. A thousand men! Think of it. Every one of them armed with a blackjack and a revolver and a rifle.

Mr. Chairman, the "mere accidents," so-called, that have already occurred, will be as nothing to the flood of further "accidents," so called, that will sweep the country when you put out these thousand additional men, all armed with revolvers, blackjacks, and rifles, to harass and shoot law-abiding citizens of these United States. [Applause.]

Mr. MILLIGAN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman, I shall take up the discussion of this measure where my colleagues who are opposed to it left off. They have explained that it is a prohibition measure, prompted by the Anti-Saloon League, and that it has for its purpose the creating of an additional dry army of a thousand men to patrol our international borders. I assume from the history of the legislation that that is correct, but as a Member representing one of the districts situated along the northern international border I have a particular objection which I shall explain in the brief time allotted to me in this debate. We have been witness in the last few years to the deplorable tendency of the Federal Government engaged as it has been in building up a strong military organization along the boundary. We are aware of the shootings, the murders, and crimes committed by Federal agents in the name of the law, and we have appealed to the National Government on numerous occasions for relief and redress of these wrongs; we have urged the Federal authorities to intervene and in the name of humanity to stop the shooting of decent, honest, law-abiding citizens, and at the same time to exercise every precaution before killing a person who may even be actually violating the Volstead law. This is the answer of the Federal Government to that appeal—another dry army of a thousand more men, an initial appropriation of $4,000,000, and God only knows what the future will bring. Only a few years ago in the city of Buffalo we dedicated what is known as the Peace Bridge, celebrating 100 years of peace between the two great nations, Canada and the United States. On that occasion the Prince of Wales, the Prime Minister of England, the Prime Minister of Canada, the Vice President of the United States, and the Governor of the State of New York were present.

In their addresses to the immense throng there gathered on that occasion we heard lauded the splendid example of Canada and the United States as an example that all the civilized nations of the world might very well emulate. They said, and truthfully, that along that 3,000 miles of border separating these two friendly countries there were no guns, no armed

guards, no forts or fortifications, no war vessels—truly an ideal condition. But, my friends, since the dedication of that Peace Bridge and the advent of present enforcement methods a different situation exists along our border; we now have guns, armed guards, war vessels, and other evidences of bitterness and ill feeling. Our citizens have been shot down in cold blood, and human life is no longer safe along our heretofore peaceful borders. I only need to recall the brutal murder of Jacob Hansen, of Niagara, the unwarranted killing of Anderson and Downey at Buffalo, and the shooting at small pleasure craft on the Niagara River, including the vessel operated by Mr. Raichle, who is Colonel Donovan's law partner. [Applause.] I only need to cite the complaint made by the Canadian Government to the State Department of the United States that shooting on the part of American patrol officers into Canada must cease to prove to the Members of the House that the situation is most serious. This bill will accentuate the evil. It is, of course, in keeping with the fanaticism of the times, in keeping with the dry policy of the present Federal administration. A policy founded upon the theory that our people are filled with vices that must be curbed and controlled and regulated by law. Jefferson was right when he said the Nation of few laws, the Nation whose laws are based on the virtues of its citizenship, to be the happiest and the best governed on earth. [Applause.]

It has been the proud boast of countless generations of statesmen in Canada and the United States that for nearly 140 years peace has reigned along the 3,000 miles of border that separates these two friendly countries. During all this time, in friendly relation and happy concord, the citizens of both countries have carried on their business with mutual advantage and success. Why should we now violate the traditions that animated our forebears, and as a result of prohibition, erect an armed barrier of a military nature along this otherwise peaceful frontier?

Surely we can not expect this new idea to be received with a friendly spirit by our northern neighbors.

In response to the request of the United States the Dominion Parliament some time ago enacted a law forbidding their nationals to ship contraband into the United States. We should appreciate this cooperation as an evidence of good will. From information given by the proponents of this bill, we already have on the Canadian border and on the Mexican frontier more than fifteen hundred men, uniformed and armed. Now it is purposed in this legislation to increase this number by another thousand, who will similarly be uniformed and armed. This is to my way of thinking very poor appreciation for the cooperation that our neighbors to the north have shown in the legislation that has been passed in the Ottawa Parliament. Representing as I do the great city of Buffalo, bordering on Canada, and with my knowledge of the splendid citizenry across the border, I am impelled to resist legislation of this kind.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLIGAN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, ladies and gentlemen of the committee, I think this bill was not scientifically drawn or prepared. I do not believe the bill was given any thought or consideration, and no attempt was paid to what the effect of the language in the bill would be. Following up subdivision (b) of section 3 of the bill, we find that any person who violates the provisions of that section shall be guilty of a misdemeanor and subject to a penalty of $100. In addition thereto, a lien is placed upon his property. In other words, this defendant will be placed twice in jeopardy.

Coming right down to the sum and substance of it, I venture to say that the committeee has given very little thought to the whole bill, and I am prepared to convince the gentlemen, if they want to be convinced, that they are going in the wrong direction. Not only that, but I am prepared to criticize the bill from the majority report. I hope the committee has given some consideration to this, as they have to other legislation, but they say in the report that we will need about 2,495 men to patrol about 6,000 miles of border; 3,000 miles on the Canadian side and 3,000 miles on the Mexican side. It is contended that 2,495 men will do this great job. Did these gentlemen ever take a pencil and paper and go back to an old public-school arithmetic and endeavor to find out what number of men it would really take? It would take 15,000 men, placing 10 men to each 25 miles. In other words, if you put 10 men to patrol 25 miles, it will take 15,000 to 16,000 men, one for each 2 miles, to patrol the borders.

Mr. O'CONNELL. Well, at the rate we are going we will get those eventually.

Mr. DICKSTEIN. They will have to do it if they want this so-called border patrol, because the fact of the matter is that every citizen, whether child or adult, who happens to be with an automobile three or four hundred miles away from the border line will have to come to the destination designated by the President of the United States, and if he does not, that citizen will be a criminal and subjected to all the criminal laws.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield there?

Mr. DICKSTEIN. Yes.

Mr. JOHNSON of Washington. I think it is but fairness for the gentleman to say that there are great stretches of this border which can not be passed by people in vehicles, with the Rocky Mountains on the north side and desert on the south side.

Mr. DICKSTEIN. The Committee on Immigration had this bill under consideration for some time. It had some constructive ideas, but there is not a single constructive plan connected with this particular bill. I think the committee knew too much about the situation.

You say that 2,495 men shall protect the border. Is there a man on the committee who can point out to me how 2,495 men can patrol 6,000 miles of border? It is a farce and a joke to say, "Gentlemen, you do not want to give relief to the veterans of the World War; you do not want to help the farmer, unemployment, uniting of families of citizens of the United States; what you want is to enforce prohibition, which is humanly impossible." [Applause.]

Now, on the other hand, in addition thereto, you are placing two penalties on the violator of the law. In addition to that you are placing a lien upon his chattel. And certainly you will have to have a lot of trained Indians down there to prevent anybody going by without stopping, right or wrong.

Experience has taught us a bitter lesson in this prohibition craze. Last week my friend from Wisconsin [Mr. SCHAFER] said that he preferred that the American farmer should have the privilege of being a bootlegger instead of the foreigner having that privilege. I am inclined to agree with him if that is going to help the farmer.

If you want to patrol your borders you have to create 15,000 to 20,000 jobs along the borders, and then you will only have one or one and a half men to a mile.

This country presently by appropriations passed by Congress has a great burden to carry financially. Prohibition has received every benefit within the gift of the people of the country by appropriating millions and millions of dollars to enforce the eighteenth amendment. Up to the present time and after 10 years of constant experience the jails are filled with violators of the prohibition law, disrespect for law; young boys and girls in the respective schools and elsewhere are using liquor freely, with thousands of people dying from poisoned liquor and millions of dollars' worth of property being destroyed. How long can the taxpayer support a proposition which by instinct and by nature could not be enforced? It is needless for me to tell you to read the hearings before the Judiciary Committee, and you will be convinced that prohibition is a failure, and to give you the latest on that question you will read in the New York Times of July 1 a statement made by Major Campbell, in charge of the New York office, recommending a repeal of the eighteenth amendment.

Mr. HOCH. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CLANCY] 10 minutes.

Mr. MILLIGAN. Mr. Chairman, I also yield to the gentleman from Michigan 10 minutes.

The CHAIRMAN. The gentleman from Michigan is recognized for 20 minutes.

Mr. CLANCY. Mr. Chairman and colleagues, this is a tremendously important bill. It vitally affects 50,000,000 passages and liberty of American citizens to cross the borders, Mexican and Canadian. The statistics come from the Department of Labor and from our former colleague, Commissioner General of Immigration Harry Hull. That statement does not necessarily mean that there are 50,000,000 different persons crossing the border each year, but 50,000,000 passengers. Some of those people pass back and forth each day, each week, each month, some once a year.

I do not object to the unification of the border patrol to include the present customs border patrol and the immigration border patrol. But I do object to certain sections of the bill. It is true, although gentlemen may try to make you believe to the contrary, that many customs men and many immigration men are lukewarm, if not hostile, to the amalgamation of the services.

You are students of government, and you know how often it has been tried in the history of local government to amalgamate the policemen and firemen in towns and cities. Firemen between fires have leisure. Why not have them then perform police functions? Why not have police help fight fires? That was the argument, but the union of the two forces failed because the functions are so diff. nt.

ORGANIZED LABOR FLATLY OPPOSES THE BILL

Yesterday the gentleman from Kansas [Mr. HOCH], who has the bill in charge, sought to minimize the opposition of the American Federation of Labor to this bill.

When I was trying to get further consideration of this bill in the Rules Committee some gentlemen of standing to whom I went turned a deaf ear to me because they said "only bootleggers are opposed to this bill," whereas thousands of excellent citizens and the American Federation of Labor were registered in the hearing as opposed.

I also inserted in the RECORD some days ago a list of public officials and prominent citizens opposed to the bill. None are "bootleggers."

The gentleman, Mr. HOCH, rather adroitly tried yesterday to minimize the opposition of the American Federation of Labor and its legislative representative, W. B. Roberts, who appeared at the hearings. Mr. HOCH's statement confused some members. Fortunately we did not decide the question last night, and now Members can not vote under a false impression.

I got in touch with Mr. Roberts and I have now a letter, not from Mr. Roberts himself, for he is already strongly registered, but from William Green, president of the American Federation of Labor, in which, after reviewing the testimony of Mr. Roberts, he said, "After careful consideration which the American Federation of Labor gave the bill, we feel that the proposed bill for unified border patrol will not give the relief we desire"; and he again registered opposition to the bill. He quotes what Mr. Roberts says about it being a prohibition measure, and then he says:

The American Federation of Labor has for many years urged restriction of immigration. At the present time, because of the number of unemployed, it is absolutely necessary that Congress should take some action that would reduce the number of immigrants coming into the country, especially from Mexico.

We feel, however, that the proposed bill for a unified border patrol will not give the relief we desire.

Herewith I insert in full the letter from Mr. Green to me:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., June 30, 1930.

Hon. ROBERT H. CLANCY,
House Office Building, Washington, D. C.

DEAR SIR: From the statement you made over the telephone I understand that there is some doubt as to the attitude of the American Federation of Labor toward a unified border patrol.

The following statement made by Mr. Roberts, legislative representative of the American Federation of Labor, before the Interstate Commerce Committee is the attitude of the American Federation of Labor:

"We are opposed to this unified border patrol, because we fear it has only one purpose—to enforce one law. We have fought for years to get a border patrol to protect us from an influx of immigration without avail, but now we consider that the whole purpose of this bill is just merely to have another border patrol to enforce the prohibition act, and I think the immigration act is just as important, if not more so."

The American Federation of Labor has for many years urged restriction of immigration. At the present time, because of the number of unemployed, it is absolutely necessary that Congress should take some action that would reduce the number of immigrants coming into the country, especially from Mexico.

We feel, however, that the proposed bill for a unified border patrol will not give the relief we desire.

Yours respectfully,

WM. GREEN,
President American Federation of Labor.

Thus organized labor renews its opposition to the bill as a prohibition measure.

PLAINLY A PROHIBITION MEASURE

That should be a complete answer to all the gentlemen who are trying to make you believe that this is an immigration measure. Labor is very hostile to smuggled aliens. This is an Anti-Saloon League measure.

Hon. Ogden Mills, Undersecretary of the Treasury, who sponsored the bill, said in the press last year that they were going to close the Canadian border to liquor. But since then the sensational annual convention of the Anti-Saloon League was held in Detroit, where the general superintendent, Dr. F. Scott McBride, said that "the Anti-Saloon League was born of God and was being led by God." Then he demanded $50,000,000 to take care of Congress and the State legislatures in the next few years.

He really asked a lobbying and "political corruption" fund. Then we had hearings in this House on my bill to repeal the eighteenth amendment and a few modification bills. Then there was a Literary Digest poll.

A tremendous wave of opposition to prohibition thereupon demonstrated itself in this country. Now the bill's advocates are dodging and squirming and trying to say it is not a prohibition measure. But it is, and a typical one, terribly cruel and unjust.

DOCTOR HOLSAPLE ASKS MY VOTE

I have in my hand a telegram from the superintendent of the Anti-Saloon League of Michigan, Dr. R. N. Holsaple. In our State he is a notorious man. He pleaded for the release by parole of his brother-in-law who was twice confined in a prison as a bootlegger, and yet urged that an old woman with several children be given life in prison for four sales of gin. She actually was sent to prison for life. He said they unanimously voted indorsement of Hudson border patrol bill and urged my support of the same by influence and vote, even when in its bad shape and not amended, as it will be. Doctor Holsaple was accused by the dry Governor of Michigan and 15 members of the State legislature of falsifying about their records.

Mr. O'CONNOR of New York. He sent that to you?

Mr. CLANCY. To all the members of the Michigan delegation, I believe. A Senator and another member told me they received a similar telegram.

Mr. O'CONNOR of New York. It seems that is a waste of money.

Mr. CLANCY. That is a waste of money to send such a telegram to me. But they have wasted thousands of dollars in the past few years and will continue to do so. Then they have tried to drag in the President as desiring this bill exactly as it is now.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CLANCY. I regret I must refuse to yield.

DO NOT BLAME PRESIDENT HOOVER

What did the President say about the unification of the three border patrols? Here it is in his message to Congress, December 3, 1929:

I would add to these recommendations the desirability of reorganizing the various services engaged in the prevention of smuggling into one border patrol under the Coast Guard. Further recommendations upon the subject as a whole will be developed after further examination by the Law Enforcement Commission, but it is not to be expected that any criminal law will ever be fully enforced so long as criminals exist.

That is all; just that and no more from the President.

The reference to criminals is strange, because the President did not recommend nor contemplate making criminals of innocents. This bill makes criminals out of innocent people living on the borders who have had free passage for 116 years on the Canadian front and since 1848 on the Mexican border. The bill works sin and crime, and also it gives power to the Department of the Treasury—power by regulations—to get them out as far as possible from under the cloud of sin and crime in which they have been enveloped by the bill. We will prove the latter is not possible, and the taint must remain on millions if the bill is not changed.

Now, the President seems to have been persuaded to recommend the Coast Guard as a border patrol, as the Hudson bill originally demanded. The House Interstate and Foreign Commerce Committee considered this. What did they do then? The gentleman from Kansas [Mr. HOCH] admitted yesterday that they could not violate the treaty with Canada by putting a strictly military force on the Canadian border.

We have encountered opposition time and again to propositions to fortify the Canadian border or to unduly strengthen our armed or military forces there.

Placing of these two patrols as Coast Guard units meant the establishment of numerous barracks on the borders, meant drills, and it meant an enlisted military force and other military activities. All that violated our relations with Canada and Mexico.

So the Hudson bill for the Coast Guard patrol was killed by the two House committees' objections. The joining of the agriculture border patrol feature was also rejected. Do not blame everything bad on the President.

The President has enough burdens without attributing the "new crime" idea and the "closed borders" idea to him, as now included in this bill.

He probably desires unification of the two border patrols, but he surely does not want any bad features. Perfect this bill now. Amendments will be suggested striking out sections of this bill which are harmful. One is aimed to alleviate the great distress caused to innocent small boat owners. He forced the Treasury Department and sponsors of this bill to accept that amendment.

OUR FOREIGN RELATIONS SCORNED

Andrew Mellon, in his letters to the Immigration Committee and the Committee on Interstate and Foreign Commerce, said:

Work must be done in harmonious cooperation with our neighboring countries and their consent obtained as a matter of courtesy.

That is a most obvious suggestion to anybody who is familiar with border conditions. In this bill we close the open border against Canada and against Mexico. That is a new idea. It is a violation of the state of amity and friendship which has existed during all of these decades.

As the gentleman from New York [Mr. MEAD] has just said, when we dedicated the international bridges at Buffalo and Detroit, and the international tunnels, statesmen from both countries came and congratulated one another that the Canadian was not a closed border, such as prevailed between European countries, and caused these clashes, suspicions, hatreds, and hardships on innocent persons.

But now, as set forth in the hearings, Mr. Alvord, the Treasury Department legislative expert, is forced to admit they will have to go probably to the "card permit" system of European countries.

COMPULSORY REGISTRATION OF AMERICANS

The "card permit" system is a passport system. It forces voluntary and really—as a fact—compulsory registration of millions of border American citizens. But, even worse, the American citizen not living on the border is out in the cold. No "card" system is discussed for him.

Canada has been good to us. She has cooperated with us. I talked with a high American customs official as to what effect Canada's embargo on liquor to us would have. He said: "We can now take off a lot of the border patrol in Detroit." The bootleggers are selling their boats. The Canadian Government seized some bootleggers' boats the other day because they could not pay the wages of their employees. The border is virtually closed, by the recent Canadian order, to rum-running now at Detroit. The price of a quart of whisky in Detroit has risen $2 or $3, and it will rise more probably before long. The bootleggers are going out of business, not so much because the American border patrol has put them out of business but because the Canadian patrol is doing it. Hon. Ernest Camp, former Commissioner of Customs, said some time ago at Ottawa before high Canadian officials that about 90 per cent of the American border patrol was at that time crooked or inefficient. They were made so by a bad law, the eighteenth amendment. On the other hand, good Canadian liquor laws have kept the Canadian police remarkably honest and efficient.

Now, how can Canada get back at us if we offend or injure Canadians?

CANADA CAN STRIKE BACK

If we compel the issuance of a passport or card or permit to innocent Canadians living on the border, Canada can make us when in its country, furnish them with a card of identification or a permit or a passport.

The relations between the Canadian, Mexican, and American Governments as to radio are very delicate. The countries are negotiating as to a fair use of the air for radio. I am on the House committee handling radio and know that the United States wants as much of the broadcasting waves and short waves and power and channels as it can get.

Canada controls the supply of the world's nickel which we need in our iron and steel and other industries. It controls the supply of wood pulp which our newspapers need for print paper. It controls the Newfoundland and Alaskan fisheries. So we have to live in peace with Canada, and that goes for Mexico, too.

Less than one-half of 1 per cent of the liquor consumed in the United States comes from Canada and Mexico. Why make the border passage so drastic for one-half of 1 per cent?

ENFORCEMENT PRACTICALLY IMPOSSIBLE

Now, I would like to go into the provisions of this bill from their administrative and enforcement aspects. I do not believe that even its sponsors are satisfied in their hearts that the administrative provisions are enforceable or workable. These provisions present impossible situations and insurmountable grants of power to patrolmen and subordinate officials.

This bill has been kicked around for five or six years, and many Federal officials are not satisfied with it. The House Immigration Committee members have registered some hostility toward it. But it should be laid down as a fundamental principle of political science that the legislative branch of the Government should not throw at the administrative branch a law which is half-baked and which can not possibly be enforced, even with terroristic methods and eventualities.

GREAT WATER BORDERS IGNORED IN HEARINGS

There is nothing in the hearings as to the effect of this bill on boats and vessels and navigation on fresh and salt water, except one brief passage that the bill would affect Atlantic and Pacific boats. The Great Lakes and rivers and the Rio Grande border were ignored entirely. Merchandise running into billions of dollars and over a hundred thousand small boats, including canoes, row boats, yachts, and motor boats, big vessels, and millions of American passengers were affected by the bill. But all these were overlooked in the hearings.

I now point to this map of Detroit and the picture of its great water front. Please note the marvelous sky line with its rows of skyscraper buildings. It looks like the water front of New York City, where the great ocean liners have their wharves.

Please note some of the huge vessels, just a small part of the grandest fleets of fresh-water boats in the world. There are but a few ocean vessels larger.

"Dynamic Detroit" is the fourth largest city in our country, and it stands for making life easier and happier for all mankind.

DRYS HATE BIG CITIES

The gentleman from Kansas [Mr. HOCH] and the gentleman whose name this bill bears, Mr. HUDSON, of Michigan, apparently do not think so much of this city. You remember the Hoch alien amendment bill which they forced through the House last session and which we big-city Members finally killed. It meant that Detroit would be deprived of one Congressman. I do not like to say that the bill aimed to "steal" one Congressman, because that is a rather harsh word, but under that Hoch bill Detroit would have been unjustly deprived of one Congressman. The drys put through this alien bill to deprive Detroit of its just rights. Now, the only way we could defeat that bill was to tack on the reapportionment bill the Tinkham bill. Some did not want to do that, but they had to fight fire with fire. I voted for the Tinkham bill.

Now, here is a picture of a fleet of the greatest passenger steamers in the world plying fresh water. When these 7-deckers swing out from their docks they go into Canadian territory. That river is only 2,500 feet wide at this point, and the Canadian border is 1,250 feet out from that dock. When a boat swings out into that river it enters Canadian territory and it passes through Canadian territory again at Lime Kiln Crossing, about 20 miles downstream.

The boats in the St. Lawrence go through Canadian territory. That great fleet of Great Lakes oil carriers, wheat carriers, and coal carriers, and ore carriers violate the provisions of the Hudson bill when the boats making up those fleets go on the Canadian side of Great Lakes rivers. They violate the provisions of this Hudson bill which provide that any person returning to the United States from a foreign country must report at a designated point of entry.

Now, for a little history of navigation laws. Some prominent statesmen of this House, the late lamented Republican leader of the House, Mr. Mann, of Illinois; Mr. Alexander, of Missouri, who was afterward Secretary of Commerce; and Mr. Redfield, former Representative from Brooklyn and also former Secretary of Commerce, had passed through Congress a specific law covering all that region to which I point on the map, that 1,500 miles of Great Lakes boundary, making it unnecessary for small boats under 15 tons burden to report. Later the work was completed by two sections of the tariff bill, which has just been considered again by the House, the Senate, and the President, and which is again the law. The acting chairman of our Merchant Marine and Fisheries Committee, Mr. LEHLBACH, will present an amendment which I have prepared which will safeguard those navigation and tariff laws which protect those innocent people. I have forced some protection for these 100,000 small boats.

SMALL BOATS FAIRLY WELL PROTECTED

As a result of my campaign of the past few weeks against unfair and unwise provisions of this Hudson bill, the House Interstate and Foreign Commerce Committee and the Treasury Department agreed to submit an amendment specifically instructing the Treasury Department to make regulations for the "convenience" of these small boats, their owners, and their passengers.

I had a specific statement from them that the regulations would not be aimed to "inconvenience" these innocent persons.

I also had the promise of the Member in charge of the bill, Mr. HOCH, that he would arise and state for the record that

it is not the intention of the framers of the bill to compel small boat owners to register with any Government agency any more than they now do, and also that they would not be compelled to report if they do not bring back merchandise or aliens.

Mr. HOCH and the Treasury Department and the legislative agents who drew up this bill also emphatically stated that it is their belief that this Hudson bill does not repeal the navigation law of 1912, Revised Statutes 4218, nor the two tariff laws under discussion. That should be considered when the law is being enforced and administered, if the bill does become law.

Personally I am quite convinced that the bill does repeal the above three laws if passed as it is, for it is a well-known rule of law that a new law repeals all existing laws with which it conflicts. I believe this Hudson bill certainly conflicts with the aforesaid three laws.

There can not be much doubt that it gives the Treasury Department the power to make regulations on small boats which under these three laws were exempt from such regulations.

I fear to leave the small boats at the whim or caprice of the Treasury Department. Some day a Secretary of the Treasury may be appointed who is a dry fanatic and he may stretch these regulations to harass, embarrass, or persecute the small boats.

That is why I favor the Lehlbach amendment as against the Hoch amendment, because the Lehlbach amendment places right in the Hudson bill, exclusive of regulations later to be announced, the safeguards of the small boat owner.

BIG VESSELS ENDANGERED

Also the Lehlbach amendment is much better, because big boats, the great fleets of passenger and merchandise vessels, which must enter Canadian waters on their numerous voyages between American ports, are protected. The Hudson bill as it now stands and as it will be passed by this House makes it a crime, with the penalty of seizure and sale of the boat and cargo, even though the value is millions, if the vessel enters Canadian waters and then does not report at an American point of entry.

But one godsend is that these big boats are owned by great corporations, such as the United States Steel Co., the Ford Motor Co., the Detroit & Cleveland Navigation Co., and so forth, and they will compel the Senate to amend the bill for their protection, whereas we have won practically the battle for the little fellows, whom the drys would ordinarily ignore.

Wait until the Lake Carriers' Association gets busy on this bill in the Senate and then see what a different bill will be made—at least, that is my hope.

What about the land border? The residents there will be in pitiable shape if the bill is not amended to protect him, as it has been for the small-boat owner, whose protests I aroused and made effective.

LAND RESIDENTS ENDANGERED

The gentleman from Michigan [Mr. HUDSON] made the flat statement in the press that his bill will not compel registration nor permits for the border residents or other Americans. Right here in the hearings you find Mr. Alvord, legislative agent of the Treasury Department, who helped draw up the bill, admitting registration and permits. Did Mr. HUDSON read the hearings on his own bill? Why should he deny what is true?

Mr. Alvord tried to duck the question when it was put up to him as to how the Treasury Department aimed to handle border and nonborder people; they were going to take care of these people whose houses and farms and stores are across the border, and the gentleman from Oklahoma [Mr. GARBER], a friend of the bill, quite unintentionally I imagine, pinned him down in this way. I quote from the hearings, page 14:

Mr. GARBER. Have you given consideration the rules and regulations to be drafted by the President? * * * Visualize to us now the rules and regulations that would operate in supplementing the patrol to be affected by this bill.

EITHER VOLUNTARY OR COMPULSORY REGISTRATION

Mr. ALVORD. If I could do that with any degree of certainty that would be sound, I would be very glad to. In my mind, in working on this thing, I have sort of a picture very likely for a farmer who has a lot of land on both sides of the international boundary, a very general provision saying that that sort of person can go ahead in the ordinary course of business without reporting when he comes back into the United States. If a general provision such as that will not work, I suppose you will have to come through with a scheme such as they have in foreign countries, where everyone carries a card of admission, carries that card on his person, and if he has that card he is permitted to go in. If he has not, and is caught going in at other than the designated point he is subject to arrest.

There is your reluctant admission that the bill compels, on pain of arrest and being dragged away many miles to a point of entry, voluntary and, in actuality, compulsory registration. The card or permit or passport must be obtained, and, moreover, no matter how great the nuisance, always carried on the person, otherwise the often brutal and officious border agent will take the man, woman, or child to jail. The law is mandatory. You can not build enough jails on the border to house all the innocent men, women, and children.

There is your "European" or "Russianized" system Mr. Alvord admits, although Mr. HUDSON flatly denies it.

The American Federation of Labor, at its annual convention in Atlantic City in 1925, under the leadership of its talented and greatest leader, Sam Gompers, covered that point, opposing alien registration because it would eventually lead to American registration.

Mr. Gompers and the report said:

It is inconceivable that the American Congress will seriously consider legalizing an elaborate system of espionage, such as this measure (the Aswell alien registration bill) contemplates; nevertheless, we earnestly urge upon the executive council a continuation of its opposition, so that this dangerous proposition, anti-union and anti-American in principle, will not be written into law.

Yet the Congress is now enacting "an elaborate system of espionage" on the border.

Then further the report runs:

The American Federation of Labor is opposed to the registration of aliens proposal. If foreigners who come to this country are Germanized, it will not be long before the citizens of the United States will be compelled to register.

The American Federation of Labor refers to the Kaiser's system and I emphasize the Czar's and soviet systems.

Now, before I conclude I will yield to the gentleman from Kansas [Mr. HOCH]. Does the gentleman want to ask me about the matter of the Hoch alien amendment bill and its aim to cut down the number of Congressmen from big cities?

Mr. HOCH. I was just going to ask the gentleman if he favors counting aliens, men who have not sworn allegiance to this country, in determining the number of Congressmen a State should have and in determining the electoral vote a State should have?

Mr. CLANCY. Yes; I favor the counting of aliens, because the Constitution of the United States specifically provides for that and formerly the Constitution did for the counting of slaves. The principle is well recognized by court decisions and is fair. Those who oppose the Constitution on counting aliens and those who supported your bill did so frankly to deprive big cities of a number of Congressmen, to which they are justly entitled, and to give these Congressmen unjustly to the rural districts. The same people have aided in cheating Detroit out of three or four more Congressmen, to which Detroit has been entitled for the past 10 years.

The drys did that.

In turn I will ask the gentleman from Kansas [Mr. HOCH] a question that goes to the very vitals of our representative government. When he secured the passage of the Hoch alien amendment bill last year, myself and others immediately secured the passage of the Tinkham bill on the fourteenth amendment. That was the cold steel and the gentlemen and other drys were thunderstruck. They could not face the cold steel.

Is the gentleman from Kansas in favor of counting some 15,000,000 disfranchised negroes in the South for apportioning Congressmen, in strict violation of the fourteenth amendment? The effect is to give the drys many seats in the House to which they are not entitled. The gentleman knows the House finally compromised on both amendments by striking them both out on later votes.

Mr. HOCH. Oh, the gentleman talks about the Anti-Saloon League all the time, and I will say to the gentleman I never heard from the Anti-Saloon League, directly or indirectly, with reference to this measure; but I would assume they are in favor of a law the purpose of which is to help enforce the laws of this country.

Mr. CLANCY. Very well.

Mr. HOCH. That is as accurate as the other statements the gentleman has made. The Anti-Saloon League has no connection, in a direct or indirect way, with the apartment house in which I live.

MAKING NEW SINS AND CRIMES

Mr. CLANCY. Now, let us examine a little farther into the mean and wicked features of the crime sections of this bill. You will then realize more fully why I am insisting that the "new crime" features be stricken from the bill. I have no hope of getting the House to do this, for the word has gone out that the Anti-Saloon League wants the bill to include the "new crime" section.

Most theologians are benevolent, but some wicked theologians just dote on inventing new sins and new crimes. They like to throw humanity into a state of sin and then go through a rigamarole to get them out. This bill makes a new sin and the Treasury Department washes away the sin in theory. Hundreds of thousands of years before Christianity was established witch doctors, voodoo-spell workers, and medicine men gained tremendous power over their fellow beings by pretending to have control over good and evil "spirits" and the supernatural.

They made certain human acts, innocent in themselves, "taboo," and then the poor devil of a human being had to "cough up" to the witch doctor to get out from under. If one "scoffed" at the witch doctor or his works, the doctor "prayed" him to death. If the "praying" did not take, the poor wretch was put to the torture through the witch doctor's influence or a little poison was dropped into his food or drink.

Much of humanity has outgrown the witch doctor, but he still holds as much power as ever among certain savage tribes.

The student of the growth and development of these barbarous practices, so boldly put into effect among untutored savages, can see the parallel in certain tricks and "rackets" worked by the Anti-Saloon League.

Dr. F. Scott McBride, general superintendent of the Anti-Saloon League, was playing the witch-doctor game when he boldly declared:

The Anti-Saloon League was born of God and is being led by God.

Dr. Clarence True Wilson gives the ancient lines when he continuously demands that "the fear of God" be put into the opponents and scoffers of the Anti-Saloon League. That terrible phrase has been used throughout the ages to put many an innocent man, woman, and child to torture and to death. The good doctor also yells raucously for the horrors of martial law to be put on the civilian population of the great States of New York, Maryland, and any other people of the Union who vote against a State prohibition enforcement law as the aforesaid two States did.

THE FEAR OF GOD SCOURGE

The theologians of the Middle Ages used the invention of witchcraft to put "the fear of God" into scoffers. Witchcraft, of course, was an ancient subterfuge as old as the race. It involved the crime of persons talking to or communing with good or evil spirits, and, of course, had no foundation in fact. But in the witchcraft craze fostered by wicked theologians a terrific toll of innocent lives were taken and many innocent persons were maimed for life by being put to torture.

Even after Columbus discovered America witchcraft persecutions raged, and in one period after Columbus historians estimate that 1,400 innocent women were burned at the stake or put to death in a horrible manner. Every school boy and girl knows how the witchcraft persecutions raged in New England.

With that background in mind now let us again take up the further examination of this bill so fondly desired by the Anti-Saloon League because it sponsors a artificial crime and gives an opportunity for the arrest and jailing of millions of innocent men, women, and children.

THE ARREST ON SUSPICION

We are indebted to the very able gentleman from Missouri [Mr. MILLIGAN], one of the subcommittee of three handling the bill in one of its stages, for light on the new departure in American Federal law, the "arrest on suspicion." This means that almost anybody on the border can be thrown into jail under the Hudson bill and held indefinitely until another offense, other than mere border passage, can be proved against him, unless the offender is smart enough to get a writ of habeas corpus.

I will give the brief passage of the hearings on pages 18 and 19, setting forth the dialogue between Messrs. MILLIGAN and Alvord. Please note that at first Mr. Alvord maintains that even the writ of habeas corpus, the noble weapon forged by the human race to combat tyrants, will not work against his scheme, which "we had to scratch our head to concoct," and for which he admits there is no other parallel in American criminal law. Thank God for that, and if the Senate does its duty, this dastardly section of the Hudson bill will be stricken from it!

Here is the ominous passage:

Mr. MILLIGAN. Is not that very unusual, section b on page 2? You arrest a man for a misdemeanor and then you try him for an entirely different crime?

Mr. ALVORD. That probably is not unusual. Persons are frequently arrested for one offense and by the time they are ready for trial or for commitment they decide to change the offense.

Mr. MILLIGAN. You arrest him not with the intention of trying him for that offense. You arrest him merely to take him into custody so that you can try him for some other offense?

Mr. ALVORD. That I think is right.

Mr. MILLIGAN. Is not that rather unusual?

Mr. ALVORD. It may be somewhat unusual.

Mr. MILLIGAN. Suppose you arrest a man and then he would sue out a writ of habeas corpus?

Mr. ALVORD. I doubt if the writ of habeas corpus would lie because he was lawfully arrested.

Mr. MILLIGAN. He can sue out a writ of habeas corpus in any case, whether he is guilty or innocent?

Mr. ALVORD. That is true.

Mr. MILLIGAN. He sues out his writ and then you contend that he has violated this section because he did not go to a certain point. Then you take him back and try him for an entirely different crime?

Mr. ALVORD. Of course, you can try him for this.

Mr. MILLIGAN. But that is not the intention.

Mr. ALVORD. And that would be the issue on the petition for the writ.

Mr. MILLIGAN. Certainly it would be the issue that he has violated this provision, but the real intention is to try him on an entirely different offense. Is that true?

Mr. ALVORD. That is true. As I see this thing, the real purpose of it is to try him for some other offense. If he has really committed a serious offense against the customs or the immigration, he should be tried for that, and if he has not he ought not to be tried for this, I would say.

Mr. MILLIGAN. The real intention in arresting him is to investigate.

Mr. ALVORD. That is it.

Mr. MILLIGAN. Is there any other law with a similar section in it?

Mr. ALVORD. I do not know of any; no, sir. We had to scratch our head to concoct a means of getting ample power there. I think this does it.

The Anti-Saloon League has long tried to break down the Bill of Rights of the American Constitution, and has especially assaulted the provisions guarding the individual against being molested in his home and of his being arrested or jailed on pretexts. Particularly in Michigan we have had for some years Dr. R. N. Holsaple, head of the Michigan Anti-Saloon League, who advocated "smell" and "snooping" laws and the imposition of cruel, unusual, and excessive punishments.

Now here in the Hudson bill, named after a man who was formerly the head of the Michigan Anti-Saloon League and the predecessor of Doctor Holsaple, we have the principle of "arresting on suspicion" well on its way to adoption by the House, for I have no hope of killing the crime sections of the bill in the House.

No wonder Doctor Holsaple sent me an imperative telegram the other day to support the Hudson bill; vote for it and work for it as it came on the floor, even before it gets the humane amendment guarding in a way against the persecution of small boats.

Here is a bill which would delight the soul of your 100 per cent witch doctor or your witchcrafting theologian.

That is what tyrants have always done; arrest on suspicion and fill the jails to overflowing. Let the poor wretches scream! The Nero, the czar's secret-service agent, the big tyrant, and the petty tyrant must have his fun.

The French Revolution and the Russian Revolution are no lessons to the tyrant. The French celebrated their Fourth of July the other day. They set their national holiday on the day the French people captured their notorious jail. The fall of the Bastile! What volumes the phrase spells on the infamous doctrine of "arresting on suspicion"!

"Exiled to Siberia" and "Down with the czar"! How eloquently do these phrases ring out to the student of constitutional history and the lover of personal liberty. How many poor innocent wretches were "arrested on suspicion" by the secret police who swarmed everywhere and were sent to torture and often to death before the people got their hands on the czar and his racketeering theologian, Rasputin, who, if he had lived in this country, would undoubtedly have forced his way to leadership of the Anti-Saloon League.

Now, in the name of sacred prohibition you are putting across this bill providing for "arrest on suspicion" and "arrest for an innocent act," the mere crossing of the border which has never heretofore been a crime for the millions of Americans who have done so yearly.

In the closing hours of the Congress, under the whip and spur of a rule which allows us only half an hour of opposition to the bill under debate of the bill and then an hour of time in all for the opponents to show up the weak spots; under these handicaps and under the lash of the Anti-Saloon League the bill is being rushed through.

LEAVE IT TO THE SENATE

Thank Heaven this bill will get adequate consideration in the Senate, both in hearings and on the Senate floor. Both Michigan's Senators have promised that, both Senator COUZENS and Senator VANDENBERG, and I know they will keep their word.

Again I say I am making record not for the House but for the Senate. If you will further amend this to-day, before it is too late, by striking out the four crime sections and accepting my substitute for these sections, then the bill will not be such objectionable legislation. You will have your unification of the border patrol, as requested by the President, and you will not have duplication of work by the customs and immigration border patrols.

Do not blame the "new crime" features of this bill on President Hoover. He did not ask you to put in these crime sections. He merely asked for the unification of the border patrols. You did not include the Agricultural Department patrol, nor did you give the work to Coast Guard patrols on the border, as probably contemplated in the President's message. Neither proposal was feasible, and the President expected you undoubtedly to do your duty. He would undoubtedly expect you not to put bad features into the unification legislation. You can not hide behind his mantle or message in putting over bad legislation.

I now give my amendment which will cure this bill of most of its mean and vicious features. The House sponsors of this bill say they will kill this amendment but I hope the Senate adopts it. It is as follows:

Amendment offered by Mr. CLANCY to H. R. 11204: Strike out sections 3, 4, 5, and 6 and insert in lieu thereof the following:

"SEC. 3. It shall be the duty of the United States border patrol to perform, under regulations that may be prescribed by the Secretary of the Treasury, such duties as are, in his judgment, advisable in connection with the unlawful entry of persons or property into the United States.

"SEC. 4. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this act."

If you will strike the crime sections out of this bill, then it will not be such objectionable legislation. You will have your unified border patrol as requested by the President. You will not have the immigration and customs men duplicating their work on the border. But remember, if you insist on the "new crime" sections you are putting violent men on this border. One of them at Detroit went 150 yards into Canadian territory not long ago and shot a Canadian named LaFramboise. Various members of the Canadian Parliament arose in Parliament at Ottawa and thundered against "this hypocritical nation to the south which was invading Canada and imperiling the lives of Canadian citizens."

Two of the Canadian members of Parliament who protested were Colonel Robinson and Hon. Eccles Gott, who represent Detroit river constituencies.

I will not stop to give any details of the murders, outrages, brutalities, excesses, grafting, and invasions of Canadian neutrality by border prohibition agents and officials. Every reader of the newspapers knows that bloody, turbulent record on the borders during the past few years.

But, remember, it is that type of armed agent or patrolmen to whom you are entrusting the tremendous powers granted by this bill, and in many cases, where he is on his own, far from the restraining influences of the point of entry, supervising force.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MILLIGAN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I am opposed to the so-called border patrol bill. It will, in a word, provide for the setting up of an organized, armed, military border patrol between this country and Canada and this country and Mexico. We seem bent upon marring peaceful relations between Canada and ourselves, first by setting up high tariff walls against products from the Dominion, and second by the contemplated restrictive immigration statutes.

Mr. CULKIN. Will the gentleman yield?

Mr. CELLER. In just one moment.

We are constantly irritating the Canadians. We fire upon their ships, and prohibition zeal often brings about occasions like that of the *I'm Alone*, where our Coast Guard ruthlessly fired beyond the 12-mile limit, sank a vessel of Canadian registry, and imperiled on a high and windy sea the lives of the crew of the *I'm Alone*. We chase Canadian citizens across the border; we search them, with or without color of authority, and at Rouses Point and elsewhere we indecently frisk them for flasks of liquor. Now we are to station at various points gendarmes. Traveling through Europe one is compelled constantly to pass the barriers of gendarmes when crossing the various borders. We would now import gendarmes and set them up along our Canadian and Mexican borders.

This bill is simply a stalking-horse for prohibition enforcement. All this talk about immigrants getting across the border illegally and about getting by customs barriers is all "hokum." Our customs and immigration laws are now adequately enforced. Thus prohibition raises again its ugly head—again we are asked for more statutes, more money, to make a rope of sand to enforce that which is unenforceable. Is there to be no limit to prohibition grotesqueries? How long shall we continue this great American farce? Even the President is persuaded to play a part in the prohibition comics that ill becomes him.

The House and Senate have cut down appropriations for the Wickersham commission, so as to limit the work of that commission to a study of prohibition enforcement. The President is not satisfied and would use private funds if he can not get public funds to continue the work of this commission, which has become quite hateful to most Members of both Houses. He has, however, no right to employ private funds for public purposes. On this point I quote section 665, title 31, of the United States Code, Annotated:

Expenditures in excess of appropriations; voluntary service forbidden; apportionment of appropriations for contingent expenses or other general purposes. No executive department or other Government establishment of the United States shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property.

The President would thus embark upon a dangerous experiment. What would prevent a coterie of rich men from becoming a sort of supergovernment, to enforce their will by lavish expenditure of funds upon an unwilling nation. The use of private money to investigate prohibition under Government auspices is but one step to the use of private funds for Government enforcement of prohibition.

Ex-Governor Pinchot of Pennsylvania, in 1923, was refused $250,000 for prohibition enforcement by the Pennsylvania Legislature. Immediately the Woman's Christian Temperance Union of that State announced that its organization would raise the required amount through the churches and the Sunday schools, and moneys were raised in this fashion and turned over to Governor Pinchot for the purpose of enforcement. This method of allowing a private organization, like the Woman's Christian Temperance Union, to raise and expend funds for a public purpose was scandalous. If they raised a quarter of a million dollars, they had a right to determine the method of expenditure and the method of enforcement.

Once before Mr. Hoover grew impatient with Government regulations, and when he was United States Food Administrator arranged to have a large portion of his work, as he saw fit, administered and conducted through State organizations, under the direction of volunteer appointees, designated as Federal food administrators for the respective States. He desired to have these State administrators advance the expenses of their State organizations by making payments for rent and salaries out of their own pockets and then have them submit receipts or other evidence with a statement to Washington for reimbursement from the funds of the United States Food Administration. He tried to get the Comptroller of the Treasury to recognize and order payments to these respective State administrators for the moneys that they advanced, admitting at the same time that the procedure involved certain irregularities as to form. The Comptroller of the Treasury rendered a decision, which is to be found in volume 24, Decisions of the Comptroller of the Treasury, September 5, 1917, wherein the Comptroller very rightfully pointed out that—

Congress has found it necessary from time to time, in protecting the interests of the United States, to enact certain general laws in the nature of restrictions on the use and expenditure of appropriated moneys. And it is the duty of the accounting officers to see that said laws are complied with. The money appropriated for the salaries and expenses of the Food Administration is subject to the requirements of these laws and must be disbursed and accounted for in like manner as other moneys appropriated by Congress.

In other words, the State administrators did not have the right to advance these moneys, because Congress made no appro-

priations to, and therefore did not give authority to such State administrators in the way that Mr. Hoover desired.

Congress exercises a sharp control over the executive branch of the Government by appropriations. The executive branch can not snap its fingers at Congress by saying: "If you will not give me what I want I shall get the money elsewhere."

To get back to the border control bill, another prohibition grotesquerie, I am unalterably opposed to it, if for the only reason that it will set up a military rule on our borders. And military rule between Canada and the United States is hateful to me.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOCH. Mr. Chairman, I yield the gentleman two minutes in order that he may answer a question. On what authority does the gentleman say that we are contemplating a military service on the border?

Mr. CELLER. On the authority of the hearings; you are setting up a patrol on the border, and it will be the opening wedge to a military patrol.

Mr. HOCH. The gentleman's statement is untrue, we do not set up any military service, nothing but what we have there now, a civil-service organization in uniform.

Mr. CELLER. I doubt very much whether that will be the situation one year from to-day.

Mr. HOCH. The gentleman may doubt it, but that is the fact.

Mr. CELLER. I do doubt it.

Mr. HOCH. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. GARBER].

Mr. GARBER of Oklahoma. Mr. Chairman, members of the committee, the need for the proposed legislation grows out of the actual intolerable conditions along our borders. Information, therefore, relative to such conditions is essential to intelligent action in regard to the pending bill.

The gentleman from New York [Mr. O'CONNOR], in leading the opposition to the pending measure, stated that this was the first time in our history that it was proposed to place a uniformed, armed patrol upon our borders.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. GARBER of Oklahoma. I yield.

Mr. O'CONNOR of New York. The author of the bill said that it is proposed to put an army on the border.

Mr. GARBER of Oklahoma. I am not responsible for what any Member says. I am only responsible for the language in the bill and what it proposes to do. The border patrol was established in 1924, and it has been on the border ever since. It is on the border to-day, specially mandated to enforce the immigration laws of the country.

Mr. JOHNSON of Washington. And it is successful, too.

Mr. GARBER of Oklahoma. Undoubtedly. That organization is one of the most excellent we have in the civil service. It has accomplished much good, it has achieved practical results, and during the past few years it has turned back over 79,000 aliens who were unlawfully trying to enter the United States, in addition to many other results which it has accomplished in the field of law enforcement.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield for a question?

Mr. GARBER of Oklahoma. Yes.

Mr. DICKSTEIN. I agree with the gentleman on the question of this border patrol, but does the gentleman really believe that we can patrol a border of over 6,000 miles with 2,495 men? I am with the gentleman.

Mr. GARBER of Oklahoma. I am glad to have the gentleman with us on the proposition. He is with us on the question of reorganization also, is he not?

Mr. DICKSTEIN. I am with the gentleman on the question of reorganization, but the language of the bill is such that I object to it because it will make many honest citizens of the United States guilty of technical violations. Aside from that, does the gentleman honestly believe that 2,495 men in the border patrol, which has charge of immigration and customs and the rest, can patrol a border of over 6,000 miles?

Mr. GARBER of Oklahoma. There are about 5,000 miles of border to be served by the border patrol. In view of the results accomplished by this small, insignificant force that we already have in its turning back 79,000 aliens in three years who were unlawfully attempting to enter the United States, it seems to me that such result would warrant the attempt; and especially in view of the recommendations of all these various departments, these men who have been dealing with immigration for years, it seems to me that we are warranted in acting on their judgment.

The urgent need for this legislation has been clearly shown. What is proposed by this bill? What do we propose to do under its provisions? In the first place we propose to gather up the scattered segments of the various organizations, and unify them, consolidate them into one compact organization in the Treasury Department under the administration of the Assistant Secretary.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield for information?

Mr. GARBER of Oklahoma. Yes.

Mr. DICKSTEIN. I have a friend who has property on the border line of the United States and Canada. If he should walk across into Canada he could not reenter his own property unless he went into a port of entry, and that is about 15 miles from there.

Mr. GARBER of Oklahoma. Read paragraph 1 of section 4, and you will find your answer to that question. Under the flexible provisions of the bill it is proposed to move the customhouses up on the border where they belong. The bill authorizes the President to establish additional points of entry, to convenience the traveling public.

THE CANADIAN BORDER

Exclusive of the Great Lakes, our Canadian border extends for a distance of 2,839 miles. Adjacent to and along that border we have 536 immigration patrolmen and 485 Customs Service patrolmen, making a total of 1,021 men patrolling that border, or one man to an average of 2⅘ miles for a period of 24 hours. Adjacent to and along this border there are 150 customs ports, or one for the average distance of every 15.78 miles. Some of these customs ports are on the border while others are located at a distance varying from 2, 4, 6, 8, 10, 20, and even as far as 25 miles from the border at points in the interior.

THE MEXICAN BORDER

The Mexican border extends for a distance of 2,011 miles. Adjacent to and along that border we have 311 immigration patrolmen and 175 Customs Service patrolmen, making a total of 486 men patrolling the Mexican border, or one man for an average distance of 4.67 miles. Adjacent to and along this border we have 30 customs ports, some of which are located on the border, and others at varying distances therefrom, the average distance between these ports being approximately 71 miles.

PROVISIONS OF EXISTING LAW

Section 459 of the 1930 tariff act provides:

SEC. 459. Contiguous countries—report and manifest: The master of any vessel of less than 5 net tons carrying merchandise and the person in charge of any vehicle arriving in the United States from contiguous country, shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which such vessel or vehicle shall cross the boundary line or shall enter the territorial waters of the United States, and if such vessel or vehicle have on board any merchandise, shall produce to such customs officer a manifest as required by law, and no such vessel or vehicle shall proceed farther inland nor shall discharge or land any merchandise, passengers, or baggage without receiving a permit therefor from such customs officer. The master of any such vessel, or the person in charge of any such vehicle who fails to report arrival in the United States as required by the provisions of this section shall be subject to a fine of $100 for each offense. If any merchandise or baggage is unladen or discharged from any such vessel or vehicle without a permit therefor, the same, together with the vessel or vehicle in which imported, shall be subject to forfeiture; and if any passenger is unladen or discharged from any such vessel or vehicle without a permit therefor the master of such vessel or the person in charge of such vehicle shall be liable to a penalty of $500 for each such passenger so unladen or discharged.

Under the present law every vehicle entering across the border, regardless of whether it carries merchandise or not, must report to the customs officer at the nearest port of entry. With free permission to all parties to cross the line and with the customhouses stationed so far apart and at irregular distances inland from the border the case for law evasion becomes apparent. For instance, a smuggler with narcotics, intoxicating liquors, or merchandise of any character crossing the border with intention of violating the law, when apprehended, merely states that he is on the way to the nearest customhouse. As the route to the nearest customhouse often necessitates miles of detour, who can dispute it? Here is the existing vice of the present law, which permits and promotes such violation and evasion.

At the same time citizens of the United States riding over their own highways several miles from the boundary, with no intention of crossing the border, are forced to experience the inconvenience and annoyance of search and seizure by the patrolmen.

Such are the conditions along the border under the existing laws and regulations.

REMEDY PROPOSED IN PENDING BILL

The pending bill proposes to correct these intolerable conditions.

Section 1 designates the citation of the act as the "Border patrol act of 1930."

Section 2 (a) establishes in the Department of the Treasury an organization to be known as the United States border patrol and assigns its administration to the office of the Assistant Secretary of the Treasury. Paragraph (b) authorizes the President to transfer to the border patrol all or any part of the personnel of the existing border patrol of the Bureau of Immigration of the Department of Labor and of the Bureau of Customs of the Department of the Treasury or any other border patrol, together with their equipment, and to discontinue the existing border patrol or parts thereof from time to time when in his judgment such action is deemed advisable. Any unexpended appropriations for the existing patrol are transferred and made available for the expenditure under the reorganization.

Under paragraph (c) the Secretary of the Treasury is authorized to appoint such officers and employees as may be deemed necessary for the administration of the act, such appointments to be made within the competitive provisions of the civil service law. The Secretary is also authorized to purchase such equipment as may be necessary.

Section 3 imposes the duty upon the United States border patrol to enforce the provisions of the act against unlawful entry of persons into the United States except at ocean boundaries and to perform such other duties as may be deemed necessary under such rules and regulations as the Secretary of Treasury may prescribe.

Section 4 (a) provides:

It shall be unlawful for any person to enter the United States from a foreign country at any place other than a point of entry designated by the President, except that this section shall not be applicable in the case of—

(1) Any person who in entering the United States complies with regulations which shall be prescribed by the President for the convenience of persons residing or owning property on or adjacent to the boundaries of the United States.

(2) Any person who in entering the United States complies with the air commerce act of 1926 and the regulations prescribed thereunder.

The committee reporting the bill proposes to amend the above section by adding at the end of paragraph 1 of section 4 (a) the following:

Or for the convenience of persons entering the United States on vessels which under the laws applicable thereto are exempt either from reporting arrival or from making formal entry at a customhouse.

Paragraph (b) of section 4 authorizes any officer or member of the United States border patrol to arrest any person entering the United States in violation of the act and to seize any merchandise in the possession of any person entering the United States in violation of the act, or any vessel, vehicle, or aircraft, and directs the delivery of such person and merchandise into the custody of the officers stationed at a point of entry or elsewhere as the Secretary of the Treasury may by regulation prescribe.

Paragraph (c) of section 4 provides:

Any person who violates the provisions of this section shall be guilty of a misdemeanor and, in addition to all other penalties provided by law, be subject to a penalty of $100. Such penalty shall be a lien against any vessel, vehicle, or aircraft in which the entry in violation of this section is made. Such penalty may be enforced, or may be remitted or mitigated, in the same manner as a penalty for a violation of the customs revenue laws of the United States.

Paragraph (d), section 5, provides for the forfeiture of any vessel or vehicle seized by the Treasury Department, which, upon application to the court, may be delivered to the department for use in the enforcement of the provisions of this act.

Section 5 authorized the necessary appropriations for the maintenance of points of entry, the acquisition of sites, construction of buildings, and for such other purposes as may be found necessary in the enforcement of the act.

Under the provisions of this bill the immigration patrol and the Customs Service patrol will be merged into one organization; that is, the border patrol. The points of entry, the customhouses, and the administration offices of the border patrol will be stationed on the border where they belong. The border patrol will simply patrol the border as police officers charged with the single duty of seeing that no one enters the United States except at a point of entry. At each point of entry will be stationed administrative officers having charge of the administration of the various border laws.

In fact, one administrative officer with sufficient clerical assistance might be able to administer the several laws. Any violators arrested would be taken by the patrol to the nearest administration office where all matters pertaining to the violation would be settled by a qualified, competent administrator.

In voicing his opposition to this bill the distinguished gentleman from Michigan said:

It closes the border against Canada and it does the same thing for our great neighbor on the south, Mexico.

At the present time we have 150 customs stations on the Canadian border. Under the tentative program of reorganization, it is proposed to established 175 additional points of entry, making a total of 325 points of entry on the Canadian border. Instead of closing the border it opens additional roads across the border. Where we now have one road, we propose to establish two or more. Where the points of entry now average 16 miles apart, under the reorganization they will average only 7½ miles. Instead of apprehending innocent people in the interior, the apprehension will be upon the border and entry at any other point than at a point of entry will be prohibited. The distance to a point of entry for those crossing the border will be reduced more than one-half, so that instead of closing the border, as stated by the gentleman from Michigan, we are establishing additional points of entry for their convenience. Facts versus declamation!

In leading the opposition to the proposed measure the gentleman from New York said:

Now for the first time in 116 years it is proposed that we place an armed and uniformed force along those borders under the guise of controlling immigration, prohibition, and customs. Let us in calmness consider the need for such an extraordinary departure from our traditions.

The gentleman permitted that statement to stand in the revision of his remarks after having been informed that the facts were misstated.

The act creating the border patrol was approved May 28, 1924. It carried an appropriation of $1,000,000.

The act of February 27, 1925, carried an appropriation for a similar amount available only for coast and land border patrol.

By General Order No. 42, dated December 11, 1924, issued by the Department of Labor, the patrol was required to wear uniforms.

By General Order No. 61, dated March 18, 1926, issued by the Bureau of Immigration, its purposes were succinctly stated as follows:

The border patrol is an auxiliary branch of the regular Immigration Service. The patrol is established primarily to prevent and detect the surreptitious entry of aliens into the United States. It will, however, aid in the enforcement of all Federal laws designed to safeguard our country against the introduction of contraband. The patrol will, in general, operate along and in the vicinity of the international and maritime borders of the United States.

SEIZURES BY IMMIGRATION BORDER PATROL

Approximately 90 per cent of the personnel of the present patrol are war veterans, selected through the agency of civil service. They are well trained and efficient, and in spite of the handicaps under which they have been functioning with existing free entry across the border, and with a personnel decidedly deficient in numbers, they have achieved a remarkable record of law enforcement. The following figures show the seizures by the immigration border patrol during the fiscal years ended June 30, 1927, 1928, and 1929, as well as the necessity for such service.

Seizures by the immigration border patrol during the fiscal years ended June 30, 1927, 1928, and 1929

Delivered to—	Persons apprehended	Automobiles		Other conveyances		Liquor		Miscellaneous contraband, estimated value
		Number	Estimated value	Number	Estimated value	Quantity (in quarts)	Estimated value	
1927								
Immigration	17,225	49	$25,565	29	$9,445			60
Customs	1,173	446	175,961	195	34,385	102,139	$152,794	3,102
Prohibition	232	192	87,811	74	41,575	152,930	203,360	1,284
Narcotics	10	1	750					6,138

Seizures by the immigration border patrol during the fiscal years ended June 30, 1927, 1928, and 1929—Continued

Delivered to—	Persons apprehended	Automobiles		Other conveyances		Liquor		Miscellaneous contraband, estimated value
		Number	Estimated value	Number	Estimated value	Quantity (in quarts)	Estimated value	
1927								
Agriculture	5			1	$40			19
Justice	191	33	$21,300					14,923
Army and Navy	106							1,142
State and municipal	440	65	23,965	4	2,550	8,524	$9,850	4,015
Total	19,382	786	335,252	303	77,995	263,613	366,004	30,687
1928								
Immigration	23,896	29	19,695	2	4,300			25
Customs	871	535	224,009	304	64,767	333,513	363,834	10,253
Prohibition	105	44	22,190	2	265	11,167	7,582	1,363
Narcotics	19	1	500					627
Agriculture	1	1	200					40
Justice	34	3	2,000			171	186	1
Army and Navy	69			1	30			371
Coast Guard	1			1	100	978	2,080	
State and municipal	538	58	23,325	4	340	7,563	13,010	12,571
Total	25,534	671	291,919	314	69,802	353,392	386,692	25,451
1929								
Immigration	33,002	25	8,795	9	1,500			
Customs	848	592	198,679	208	19,727	307,416	271,524	$4,732
Prohibition	117	58	34,700	2	5,075	33,061	50,176	1,191
Narcotics	6							119
Justice	30	3	375	2	1,050	78	130	156
Army and Navy	72							693
Indian Service	1					4	8	
State and municipal	515	61	28,550	1	500	12,310	9,931	51,276
Agents and owners		2	900					
Total	34,591	741	271,999	222	27,852	352,869	337,769	58,158
Grand total	79,507	2,198	899,170	839	175,649	969,874	1,090,465	114,296

Figures not available showing apprehensions and seizures for the fiscal years 1925 and 1926.

Seizures for violations of the customs law for the fiscal year ending June 30, 1929, were as follows:

Seizures for violations of customs law, fiscal year ending June 30, 1929

	Automobiles	Boats	Intoxicating beverages (gallons)
Seizures by customs patrol	1,321	410	324,173
Seizures by Customs Service proper	367	32	94,598
Seizures by customs agents	26	26	14,050
Seizures by entire Customs Service	1,714	468	432,821
Joint seizures	84	8	11,883
Seizures by Coast Guard	10	199	120,612
Seizures by Immigration Service	380	80	45,229

In view of the fact that the uniformed armed border patrol authorized by law in 1924 was established in that year and has continued since that time, what becomes of the statement of the gentleman from New York that—

For the first time in 116 years it is proposed that we place an armed and uniformed force along these borders.

Surely such misstatement must fall in the presence of the facts, and with it the major portion of the gentleman's argument in opposition to the pending bill. Again it is facts against declamation.

The gentleman states:

I do not object to protecting our borders against the unlawful entry of persons or merchandise. I am not opposed to the consolidation of the different forces who watch for customs smugglers or prohibition smugglers or aliens trying to enter our country in violation of our immigration laws. I am not opposed to reasonable provisions to meet these conditions, but I am opposed to the vicious features of the bill which make a new crime, a crime which any American citizen or any child might commit, innocently, unknowingly, not willfully, and yet be branded as a criminal for life without any possibility of removing the stain of that criminal record.

This objection goes to the prohibition in section 4, which is absolutely essential to the enforcement of the immigration, customs, quarantine, narcotic, and prohibition laws. The gentleman proposes to emasculate this bill and make the enforcement of the various complicated laws subject to the same methods of evasion and difficulties of enforcement which now prevail. He would insert in line 14, of page 7, after the word "person," the words "knowingly and willfully," and in line 17, on page 7, after the word "President," the words "with intent to evade or violate the laws of the United States."

This would open up a loophole for evasion similar to existing conditions. It would permit the violator, when apprehended, to say "It was not my intention to violate the law. I did not know that I had crossed the border." He seeks to justify his amendment as necessary to protect the innocent from unintentional violation of the law. Where the enforcement and effectiveness of a statute requires such prohibition its elimination would be made nugatory by evasion in disclaiming knowledge or intention. The statute is fully justified by the ends to be accomplished.

Many instances of this kind are to be found in regulatory measures in the exercise of what is called the police power, where the emphasis of the statute is evidently upon the protection of society, rather than the punishment of crimes in cases of mala in se.

Paragraph (c) of section 4 of the bill, enforcing the penalty, provides:

Such penalty may be imposed or may be remitted or mitigated in the same manner as a penalty for violation of customs revenue laws of the United States.

Section 488 of the customs laws provides that where a violation is caused by accident, stress of weather or other necessity, the violation is not subject to prosecution and the penalties shall not be exacted.

Paragraph 89, 23 R. C. L., states:

Jurisdiction of forfeiture proceedings under the customs duties laws has always been in the district courts. These proceedings are generally considered to be civil in their nature. Statutes to prevent frauds upon the revenue are considered to be enacted for the public good, and therefore, although they impose penalties or forfeitures, are not to be construed like penal laws generally, but are to be fairly and reasonably construed, so as to carry out the legislative intent.

Thus the second objection of the gentleman from New York must fall in the face of the letter of the statute, as well as the rule of construction which looks to the intention of Congress in the enactment of the statute. Congress has no intention to penalize any American citizen or any child who might unknowingly or innocently cross the border with no intention to violate.

It is a gratification to me to bring this information to the attention of the gentleman from New York and I do so with the hope that it will relieve his mind of anxiety and worry over the American citizen and child who, while innocent, would yet be branded as criminals for life, without any possibility of removing the stain of that criminal record.

It is to be hoped that at the conclusion of this arduous day's work of battling for the innocent he will be able to lie down to

a couch of pleasant dreams and that sweet slumber will knit up the raveled ends of care.

After an intensive study of the needs for an efficient patrol of the borders, the immigration and customs services have reported the conclusion that an addition of 924 men for the patrol service would be necessary. The need for this reorganization, reallocation of ports of entry, definite designation thereof, and simplification of the law is too obvious to call for argument in its support. The annual appropriations for the existing immigration and customs service patrol are $3,914,386. The proposed unified patrol will increase this amount by $3,414,496. The annual appropriation necessary to carry out the proposed reorganization is estimated by the Treasury Department to be:

First year	$5,782,896
Second year	8,388,108
Annually thereafter	7,328,882

as compared with $3,914,386 for both present patrols. The total increase of cost to be incurred by the proposed reorganization under the bill will amount to $4,241,779—an insignificant amount compared with the resultant contribution to law enforcement in closing up the existing loopholes along our borders which now make impossible the enforcement of existing laws.

The bill speaks for itself. It should receive support of every Member willing to contribute to the simplification and enforcement of the law. [Applause.]

Mr. MILLIGAN. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. COCHRAN of Missouri. Mr. Chairman and members of the committee, I do not ask for this time to discuss the merits of the bill. I simply wanted to have the gentleman from Oklahoma [Mr. GARBER] and some of his colleagues set right on the subject of immigration.

Whenever the question of immigration is raised in this House those of us who come from large cities are always accused of being opposed to restricted immigration. I come from one of the great cities, where there is a mixed population, American and foreign born. I want the Members of this House to know that I shall be glad to have an opportunity to vote for a bill to further restrict immigration, and I will say that I have repeatedly asked the gentleman from Washington [Mr. JOHNSON], the chairman of the Committee on Immigration and Naturalization, when he will bring in such a bill.

I say that in these times of unemployment we should further restrict immigration. Why should we permit people from abroad to come to this country when there is no work for those already here?

I want to say further that large corporations in my city have urged me to vote against the bill restricting immigration from Mexico. I have replied that I am in favor of the bill and in favor of restricting Mexican labor from flooding this country. They come into this country and take away work from the people of the South. They drive the people from the South up into my section, and they in turn take work away from the people of my city.

I want the Members to know that so far as one Member coming from a large city is concerned, I am in favor of the restriction of immigration, and I will support it. [Applause.]

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN of Missouri. Yes; with pleasure.

Mr. DICKSTEIN. Under your immigration allowance you get 70,000 from Great Britain, and people coming from that country do compete with our people. Would you take the privilege away from Great Britain?

Mr. COCHRAN of Missouri. I will say that I have never been in favor of the national-origins clause. It is responsible for the large quota from England. I will vote for its repeal. I will vote right now to reduce all immigration 50 per cent. [Applause.]

There is another important question I would like to touch on. That is, the amount of money now being sent abroad by citizens of this country for the upkeep of their old parents. I think it advisable for the Committee on Immigration to learn from the big banking houses how many millions are sent abroad monthly for this purpose. The foreign-exchange departments of the banks can tell you. I am advised it runs into the millions. If that be so, would it not be the smart thing to do to consider allowing the aged parents of citizens of this country to come here, provided the children filed with the Department of Labor a bond guaranteeing that their parents would be cared for and that they would not be permitted to seek employment? Would it not be better to spend this money in this country when we know the immigrant will not be allowed to compete with American labor?

The CHAIRMAN. The gentleman from Missouri yields back one minute.

Mr. MILLIGAN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. O'CONNOR of New York. Mr. Chairman and members of the committee, I did not intend to further engage in the general debate on this bill, but I feel compelled to do so on account of the remarks of the gentleman from Oklahoma [Mr. GARBER].

I thoroughly understand this bill. I have studied it, read all the hearings and all the reports, and listened to the discussions before the Committee on Rules. I yield to no man in an understanding of this measure.

When I say that for the first time in 116 years there is to be established an armed force on these borders I take as my authority the language used by the supporters of the bill: For the first time in all these years it does put on these borders an armed force, or a police force, if you prefer that nomenclature.

The gentleman from Michigan [Mr. HUDSON], the introducer of the bill, in his remarks in yesterday's RECORD, calls it an "army," a "peace-time army." He emphasized the fact that they would be in "uniform." It would be at least a police force. Of course, the border patrols wear uniforms now, but they are more or less nondescript.

That is what I mean when I say you are for the first time placing on our borders an armed force. It is a new departure, and the chief reason advanced in support of this bill is to put a trained, uniformed police force, at least, along these borders.

I am not opposed to a unified border patrol. I do not oppose preventing aliens from coming into this country illegally. I am not against the seizure of goods smuggled into this country. I am not against the seizure of liquor illegally entering this country. I am for all those measures. If you never take section 4 out of the bill, the criminal section, which must offend everyone's sense of justice, which section makes it a crime for anybody, however innocently, to step over the American border, you will still have all you need for a unified border patrol. You will then have these different patrol organizations brought together. You will be able to apprehend the unlawful immigrant and the smuggler of goods or liquors.

Yesterday the gentleman from Kansas [Mr. HOCH] again fell back on the argument which has been used so often in representations concerning this bill, and will probably be used again, that this law does not make any change in the present situation. If that is true, then I contend the present situation is fundamentally wrong, and the mere fact that we now annoy and harass people coming into our country is no justification for the continuance of that system, much less adding to it by further offensive measures.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. JOHNSON of Washington. The gentleman would not think that people should come in as they pleased across the borders, either smugglers or immigrants surreptitiously entering this country, without any check or hindrance?

Mr. O'CONNOR of New York. No. Nobody should come into the country illegally, but if a person comes into the country, not a smuggler, not an alien, but an American citizen, bringing no merchandise, I will ask the gentleman from Washington if that man should be called a criminal?

Mr. JOHNSON of Washington. No; and he is not.

Mr. O'CONNOR of New York. Oh, yes; this bill makes him one.

Mr. JOHNSON of Washington. I do not think so.

Mr. O'CONNOR of New York. It does. There can be no mistake about it. The language reads "it shall be unlawful," and if a man, for instance, is hunting in Canada and does not know where this imaginary boundary line is and steps 1 foot over the boundary, he is forever a criminal and can never wipe out the stain. I challenge the lawyers in this House to state honestly and frankly if that is not the fact?

Mr. JOHNSON of Washington. That is not the intention. I think the law will be reasonably enforced.

Mr. O'CONNOR of New York. Oh, its enforcement can not be safely left to a lot of cops.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLIGAN. I yield to the gentleman from New York five additional minutes.

Mr. O'CONNOR of New York. When you are enacting criminal laws you should not leave discretion to the policeman as to whether he shall enforce the law. This bill reads, "it

shall be unlawful." That ends all question about it. The act of unlawful entry makes the crime complete. It is a "misdemeanor," expressly declared so to be in the bill. I ask the gentleman from Michigan [Mr. MICHENER] if that is not what the law provides and if a man is not guilty of a crime the moment he steps across the border, even though innocently?

Mr. MICHENER. I am not familiar with the bill, and I did not notice what the gentleman was saying, and therefore I can not answer.

Mr. O'CONNOR of New York. I have never yet heard it disputed that the mere entry, however innocent, is a crime. I pause now to have my statement denied.

Mr. HOCH. The gentleman must compare it with the present law. I will ask the gentleman, if a man comes across the border to-day in an automobile, bringing no merchandise of any sort, he has not violated the law if he fails to report to the customs port of entry?

Mr. O'CONNOR of New York. That is the law, and again the gentleman falls back on that defense of his bill. The present law is vicious in that respect. There are thousands and thousands of roads going into Canada, and it is impossible for a man, unless he is familiar with the situation, to know where a customhouse or point of entry is. The present law should not exist.

But the gentleman continues to evade answering the question that I put to him on Thursday last. Is it not an indisputable fact that by this bill you make a man with no merchandise, who steps 1 foot across the border innocently, guilty of a crime? Is that not the fact?

Mr. HOCH. The gentleman did not evade anything.

Mr. O'CONNOR of New York. Will the gentleman answer that?

Mr. HOCH. If the gentleman will allow me to answer it in my own way.

Mr. O'CONNOR of New York. Well, the answer is "yes" or "no."

Mr. HOCH. I will answer it if the gentleman wants me to answer it.

Mr. O'CONNOR of New York. I do.

Mr. HOCH. This law provides that if you cross at any place other than a point of entry you violate the law, with certain exceptions, which the gentleman entirely ignores.

Mr. O'CONNOR of New York. Oh, no. I do not ignore any exception. The only exceptions in the bill apply to persons with presidential permits who reside or own property on or in the neighborhood or vicinity of the border or airplanes. Will the gentleman tell me what those words, "neighborhood or vicinity" of the border, mean? I do not know what they mean. Is 5 miles in "the neighborhood or vicinity"? Is 10 miles? Is 50 miles? I do not know. Who is going to interpret those words? The President is expressly restricted to giving permits to people who live or own property in the vicinity or neighborhood of the border. There are thousands of people who frequently travel to Canada who do not live within 50 or 100 miles of the border. To such persons the President, in my opinion, could not give a permit.

Mr. HOCH. The gentleman's position would lead us to the situation where we would have no law to enforce any of these laws.

Mr. O'CONNOR of New York. Oh, you would have sufficient law without the criminal section 4, but I beg you not to make the entry unlawful, however innocent or unwillful. Accept the amendments I propose to offer, so that a man who crosses unknowingly and without intent to evade our laws shall not be guilty of a crime. Under the bill as now drawn a man will be guilty of a crime, even though he crossed the border innocently.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. WILLIAM E. HULL. Would they not have so many policemen there that you could not cross without being a criminal?

Mr. O'CONNOR of New York. Yes; they may eventually have that many. The proposal of the Anti-Saloon League to stand an army on the border, shoulder to shoulder, may yet come true. Now, there is much talk about these points of entry. These stations at present are from 5 to 250 miles apart. It is only proposed to add about 175 on the Canadian border. That would not make a dent in the surface of the problem. There will be five times as many paths and roads over that border as there are patrolmen. A man may own a piece of property on each side of the border, and under this bill the paths on his own property will be closed. If he crosses the border, he will violate the law unless he gets this "ticket of leave" from the President; this Russian permit to return through his own property. Under this bill the paths and roads on such a man's property will be closed to reentry. I am quite sure you do not really want to do that.

Let me repeat, do not fall back on your exception in section 4 giving the President authority to grant permission to anybody who lives in the vicinity of the border or who owns property near the border. There are countless people in New York City, for instance, who make constant trips to Canada on business. They could not get a permit under subdivision (1) of section 4; and if, by accident and innocently, they should cross the border at some spot other than at a point of entry, they would be forever branded as criminals. Nothing could ever wipe out that stain. That is what the bill provides. I challenge anyone to deny it.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HOCH. Mr. Chairman, I yield one minute to the gentleman from New Mexico [Mr. SIMMS].

Mr. SIMMS. Mr. Chairman and gentlemen of the committee, this bill affects considerably the State of New Mexico, which I have the honor to represent. We have about 350 miles of Mexican border on the south of our State. At present several different branches of the Government service are serving in our contact with the Republic of Mexico. They have not been found particularly efficient. In reading this bill and the report I was struck with the fact that this bill attempts to unify this service and to establish at suitable intervals points where people crossing from Mexico to the United States may be taken to report in order to find out whether they have goods to be taxed.

Mr. Chairman, I have been given a little time in the discussion of H. R. 11204 to express my opinion on its merits and to explain to the House the interest of the people of New Mexico in its passage.

Our southern border joins the Republic of Mexico, and this imaginary dividing line between the two sovereignties extends for more than 350 miles. Over a great part of this distance the War Department has placed a high wire fence, which was erected primarily for military purposes and which denotes the dividing line between the countries. Conditions on our border are very different from those existing on the Canadian border of the United States. The Republic of Mexico has for the past 20 years, since Diaz left Mexico, had varying difficulties in attempting to establish a stable government, and a truthful statement of conditions there will indicate that most of that time comparative peace has reigned in the southern Republic. It is undeniable, however, that the occasional revolutionary activities, sometimes lasting for a period of several years, have distressed the country politically and economically, that American capital has been timid to enter the county, a great part of American investment already there has been dormant, and many new enterprises which would long since have been colonized in Mexico by capital from the United States have stayed in safety at home.

In consequence, and for various reasons, the most important of which is the character of the Mexican population, about 13,000,000 of the total population of 15,000,000 being of Indian blood, education has not been as well disseminated there as here, and the standard of living does not nearly compare to ours. In consequence, thousands of laborers from northern Mexico have been drifting into the United States for the past few years to work on the railroads, in the mines, in the beet-sugar fields, in the irrigated valley of our Western States, and many of them have, indeed, penetrated as far north in the United States as Detroit. They have been well treated, have earned their money, and many of them have taken it back to Mexico with them to enable their families to live. This is fine for the States of the Republic of Mexico, and is the way which, if conditions were equal, we would in the United States, I am sure, prefer to use in dealing with our southern neighbor. Unfortunately, every Mexican who comes to the United States to work displaces an American laborer and helps to dilute the labor market, bringing down the average price of labor and encouraging unemployment.

Liquor is still manufactured and sold legally in the Republic of Mexico, and if there were no barriers of excise it would be freely imported into the United States.

Chinese aliens anxious to come into the country have for many years been seeking the most convenient route into the United States, which lies through Mexico. Narcotics have been frequently smuggled across the southern border.

Many fine articles of merchandise, particularly French perfumes, toilet requisites, and so forth, are probably smuggled into the country from Mexico, where duties on European imports are not high.

The bill under discussion seeks to unify the border patrol, in my judgment, satisfactorily and efficiently. With all these problems it is proposed under the bill to unify the Immigration,

Prohibition, Customs, and Narcotics Services under one administration in the Treasury Department, to be known as the border patrol. Under the provisions of the bill, the present employees of the Government, many of them not now under the civil service, are to be taken into the civil service and retained. In addition several hundred more are to be employed. Numerous additional points of entry are to be provided for on the northern and southern borders.

In the case of the Mexican boundaries alone, the present number of points of entry now amount to 28. This is to be increased by 30, which will make a total of 58, more than double our present number. Under the administration of the act all the activities are to be consolidated, as I said above, in a border patrol. These men are to be charged with the duty of enforcing all the various boundary crossing regulations, and when for administrative purposes, they stop or arrest people crossing, they are to conduct them to convenient central administrative posts where the appropriate department of immigration, prohibition, customs, and so forth, can take charge of them.

The State Department very wisely has within the last few months rigidly enforced the immigration act in its dealings with Mexico, and I understand from high authority in the State Department that the number of Mexicans entering the United States at present is not above 500 or 600 monthly. Formerly as many as 30,000 entered per annum. The recent revolutionary disturbances in the State of Chihuahua, one of the States on the border of my own State, New Mexico, will doubtless cause the pressure of immigration to be felt again on our border, as many of these poor working people who have nothing to gain and everything to lose by revolution, will be attempting to flee into our country. I look for the present admirable, stable government in Mexico to quickly settle these momentary troubles in the State of Chihuahua, and that peace will reign again.

To my mind the present bill is an admirable aid to our efforts to cut off indiscriminate immigration from Mexico, and is of substantial aid in the enforcement of the prohibition act, the narcotic act, as well as the customs regulations.

Objections have been urged by Members against the creating of armed, uniformed guards on our border facing a neighboring, friendly State. It is intimated that this would constitute a flagrant and objectionable irritation to our neighbors on the northern and southern borders. Of course, Mr. Speaker, the method of administration of the act by the border patrol will determine whether it will be a source of friction to our neighbor. When we have not suitable men in our employ to give the necessary fair treatment to our neighbor they can be quickly eliminated.

The unemployment statistics recently returned by the Census Bureau for the State of New Mexico shows that but 1.6 per cent of our population is unemployed. We have a peaceful, thrifty, prosperous people, living in harmony, and however much we may regret to deny to our neighbor on the south the opportunity to come and share with us the high standard of living which we have so carefully fostered and maintained for so many years, we find it our bounden duty to look first to our own people. I favor the bill. I hope it will pass promptly.

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

Mr. HOCH. Mr. Chairman, I yield two minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Chairman, I hope this bill will be passed. I was amazed to see some of the bushwhacking tactics demonstrated by my colleague from Michigan [Mr. CLANCY]. He indicated on the floor of the House that the only reason why he accepted the Tinkham amendment to the census and apportionment bill was because he was forced to do so on account of the Hoch antialien amendment.

Mr. Chairman, had the Tinkham amendment been written into the act more dry-voting Congressmen from dry Southern States would have been removed from Congress than wet-voting Members would have been removed under the Hoch amendment. I voted for the Tinkham amendment and against the Hoch amendment on constitutional grounds and in the interest of the anti-prohibition cause. I was astounded to hear the gentleman from Michigan admit that he was not strongly in favor of the Tinkham amendment, which provided for the enforcement of the provisions of the fourteenth amendment to the Constitution, an amendment which if properly enforced would remove about 40 or 50 dry-voting Members of Congress from the Southern States.

Mr. Chairman, the bill before us is in the interest of labor. It is in the interest of American producers. It is in the interest of economy. Since some of my wet colleagues have drawn a red herring across the horizon, I want to say that if it is a question of taking sides between liquors produced from the corn and grain of the Canadian and other foreign farmers and sold by Canadian bootleggers and the liquors produced from the corn and grain of American farmers, produced and sold by bootleggers in America, I will take my stand on the American side, the same as I have in favor of the tariff bill and in favor of a restrictive nondiscriminating immigration law to protect American labor and industry. [Applause.]

Mr. MILLIGAN. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BOX]. [Applause.]

Mr. BOX. Mr. Chairman and gentlemen, I have not been in full accord with all that this bill carries, but members of the Committee on Immigration and I personally have been very much interested in the better enforcement of our laws against the illicit importation of intoxicants and the unlawful entry of aliens. I believe this bill will make for the better enforcement of the law without doing anything seriously irritating to our neighbors or seriously troublesome to those of us who go back and forth across the borders. The establishment of a greater force like this, better supported than any of the border patrols we now have, will command the respect of the country, will command the attention and support of Congress, and will, on the whole, bring about better results than we are now getting.

Members of the Committee on Immigration and Naturalization were instrumental in helping to create the original immigration border patrol. We have known that it has been insufficient in numbers, equipment, and financial support. I have for years urged the increase of its authority and personnel. However, I now feel that this measure is the best that is obtainable and, after all, will be a step forward. Therefore I have resolved all doubts in favor of its enactment and the better law enforcement it promises, and hope it will pass this House and become a law. [Applause.]

Mr. HOCH. Mr. Chairman, I yield the remainder of my time to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman and members of the committee, when the President's recommendations were made to this House, the Committee on Immigration and Naturalization considered that part referring to the request for a consolidated border patrol. Some of the hearings were public and some plans were suggested for the enlargement and improvement of the border patrol. Some of the hearings were executive, at which considerable important matter was brought out. The Immigration Committee at once took a stand against an enlisted service, under the Coast Guard, for reasons which must be apparent to all. After that and a few other recommendations were cared for, I believe I am correct in saying that almost without exception the members of the Committee on Immigration and Naturalization decided they wanted the border patrol strengthened, enlarged, and given a little more power for the enforcement of all the laws which need enforcement at the border.

Therefore I believe the members of the committee, of which I have the honor to be chairman, will support this bill all the way through. I had the honor to introduce the resolution which was passed by the House in 1924 which created the immigration border patrol. In five years it has proved wonderfully successful, in spite of the fact it took two years, with considerable turnover, to get the type of men capable of enforcing the laws. It holds a record for efficiency which is unexcelled.

It is the hope of our committee that the men of the immigration border patrol go over into the unified patrol service, that they will maintain the morale they have established; that they will act with justice and fairness. I am in hopes that the only law which controls the present border patrol, that giving the right to search and seizure, will not be weakened.

If I could address the officers and men of the immigration border patrol I would say to them:

Men, you will have to act with precision. A commanding officer can not always be with you. It will be your duty to enforce the laws of the United States against all those who would break them at the borders, either by surreptitious entry or by smuggling or by bringing in narcotics or any of those vicious and violent things which the citizens of the United States do not want. You will be often abused by citizens of the United States, for they forget for the moment that they have been in a foreign country, even if only across the border. Be as patient as you can, and explain that these laws are what others countries have; that it is becoming increasingly more important to act as a citizen, and to assist the officers of the United States. Enforce the laws as best you can. Be very careful how you shoot. Do not shoot to kill unless absolutely necessary to save your own life or that of a brother officer. Whenever possible, travel in pairs—let a patrolman with immigration training travel with a patrolman with customs training. You will thus save both time and money for the Government and protect yourselves. Be careful about pursuit farther than the actual "hot trail." Consult your superior officers freely with tips and sug-

gestions. Locate the headquarters and the receiving ends of smuggling bands. Look out for dangerous characters, but be helpful to travelers and kind to women and children. Carry an insurance policy and do your best. [Applause.]

The CHAIRMAN. Under the order of the House the amendment reported by the committee will be read as the original bill for purposes of debate and amendment.

The Clerk read as follows:

SEC. 2. (a) There is hereby established in the Department of the Treasury an organization to be known as the United States border patrol. In order to secure close cooperation between the patrols along the land and water boundaries of the United States the United States border patrol shall be assigned, for administrative purposes, to the office of the Assistant Secretary of the Treasury having supervision of the United States Coast Guard.

(b) The President is authorized to transfer to the United States border patrol all or any part of the personnel of the border patrols of the Bureau of Immigration of the Department of Labor and of the Bureau of Customs of the Department of the Treasury, or of other border patrols, together with their equipment and appurtenances, and to discontinue such border patrols, or parts thereof, from time to time, when in his judgment such action is advisable by reason of the establishment and effective operation of the United States border patrol created by this act. In case of any such transfer or discontinuance, any unexpended appropriations apportioned for expenditure for the compensation of, or in connection with the performance of the duties of, the personnel transferred or the patrol discontinued, shall be available for expenditure in carrying out the provisions of this act.

(c) The Secretary of the Treasury is authorized to appoint such officers and employees, in accordance with the competitive provisions of the civil service law, and to purchase such motor vehicles, boats, horses, supplies, and equipment as are necessary in the administration of this act.

Mr. HOCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HOCH: Page 7, line 3, strike out all of the line down to and including the word "law" and insert the following: "civil service act."

The amendment was agreed to.

Mr. HOCH. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOCH: Page, 7, line 4, after the word "boats," insert the words "airplanes."

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my fear about this bill is that a large force of officials will be assigned to our Canadian border—and I have more fear of what will happen on the Canadian border than I have about what may happen on the Mexican border—and, perhaps, cause irritation between the Governments of Canada and the United States.

We have gotten along splendidly with Canada ever since the existence of the Republic; in fact, the relation between Canada and the United States, considering the large border line, is an example to the whole world of how two neighboring nations can live in peace and harmony.

With the creation of this large force, and with the possibilities of rigid and extreme rules and regulations, and with the power of arresting people crossing and recrossing the border, I fear we will have cause for a great deal of annoyance, which may, in a measure, disturb the very happy relations which exist between the United States and Canada.

Prohibition has been injected into the debate, and necessarily so, by reason of the purpose of the bill and what it will do.

If there is great care in the selection of the personnel, the picking of men of judgment and some training, perhaps this may work out all right. We have had very little trouble with our immigration officials on the border line. We have had very few instances of corruption among the immigration officials, and they have not been paid any too well. The gentleman from Washington knows that. We have had no trouble with our customs officials. We have had considerable trouble with the type of men we have been appointing in our prohibition department.

If this force is properly commanded, if there is an intelligent and liberal construction of the law, such as directing innocent persons attempting to cross at a wrong place by mistake to the proper point of entry, I believe it may work out very well; but on the other hand, if the same type of man we have had on the border line enforcing the prohibition law is brought into this service, with the same reckless disregard of life and of the attention and courteous treatment that citizens are entitled to, this will cause us a great deal of trouble and annoyance.

Mr. COLE. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. COLE. Does not the gentleman think we have had about as much smuggling of aliens as we have had smuggling of liquors?

Mr. LAGUARDIA. I think that is exaggerated a great deal, I will say to the gentleman.

Mr. COLE. There are a great many coming across illicitly.

Mr. LAGUARDIA. The immigration force on the border is undermanned; there is no doubt about that.

Mr. COLE. There is no question about it.

Mr. LAGUARDIA. But I will say that with the force the Immigration Service has had they have conducted their service very efficiently.

Mr. COLE. I think that is true.

Mr. LAGUARDIA. And I will tell the gentleman why. It is easy to check up on the number of aliens who enter the country because we know the capacity of all the steamers which enter Canadian waters, as well as American waters, and I think the statement of smuggling of European aliens is greatly exaggerated. Of course, a great many Mexicans enter without inspection and without paying the head tax.

The CHAIRMAN. The time of the gentleman from New York has expired.

The pro forma amendment was withdrawn.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 20, after the word "act," strike out the comma, insert a colon and the following:

"*Provided*, That officers and men transferred from any service to the United States border patrol shall be permitted for one year from the time of transfer to wear the uniforms then owned by them."

Mr. JOHNSON of Washington. I think the amendment explains itself.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was agreed to.

Mr. PARKER. Mr. Chairman, I move that all debate on this section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. PITTENGER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and members of the committee, I do not want to discuss this bill at length, because the field of argument for and against it has been fully covered on the floor of this House. I want to register my protest against the passage of this act. I think this is as good a place in the proceedings as any to make that protest.

In legislation such as is here proposed the rights of our people on the border should be considered. Further, the tourist traffic and its importance to the two countries should be protected. The rights of citizens in their social and commercial life should not be infringed.

In my opinion the proposed legislation overlooks all of these important matters. The field of bureaucracy must be widened and developed, regardless of the consequences. This plan was first broached last December. At that time in an interview I said:

This plan to close the highways to Canada comes as a surprise to me, and I will not indorse it without further information. My district extends for a considerable distance along the Canadian border, and it is only fair that the people affected have a chance to know what Government bureaus plan to do.

I will oppose any move to work additional hardships on people who cross the border on legitimate business enterprises. There has already been much complaint directed at the customs, immigration, and border-patrol regulations, to the effect that they needlessly interfere with people who have lawful business taking them back and forth across the international line. Further, the tourist business in my section of the country is to be considered.

Just why Government bureaus do not consult Members of Congress whose districts are vitally affected by their red tape is something I can not understand. I think it about time that we stop granting unanimous consent to pass appropriation bills and other legislation because some "bureaucrat" has some pet policy to carry out. Then, when they get what they want, the interests of a Congressman and his constituents in the new program are often entirely overlooked or ignored.

I do not mean this as a criticism of all Government departments, for most of them show a willingness to cooperate and render service. However, such is not the case with some departments and bureaus.

I have in mind one bureau which was granted appropriations last spring, and one man under the legislation was given authority to spend the money and make regulations as he pleased. He is now privileged to turn a deaf ear on any concern a Congressman or his district may have in his program or policies or regulations. I hope the necessity will not arise for a committee of Congress to secure redress for those who are vitally interested.

I can see a lot of dangerous possibilities in the plan of Mr. Mills to close the highways to Canada, and it is possible that great inconvenience may be caused many people. I repeat, "Why don't they consult the Members of Congress who live along the border before formulating new bureaucratic rules and regulations?"

I do not want to be misunderstood, so I take occasion to say that this statement is in no way a criticism of the Crime Commission appointed by President Hoover. I think that commission ought to be allowed to finish its work, free from political influence or political interference. That was the purpose when the commission was created and it should not be changed.

I see no reason to change the position I took at that time. This legislation is unwise, unnecessary, and will increase public expenditures without doing any good.

I am sorry that my good friend from Iowa [Mr. COLE], who asked the gentleman from New York [Mr. LAGUARDIA], how many aliens get across the border, a few minutes ago, did not have the opportunity to be present at the committee hearings when the Department of Labor had a representative before the subcommittee in the Committee on Interstate and Foreign Commerce. I hold a copy of the printed hearings in my hand.

I listened to the testimony before that committee while I was waiting to appear before the subcommittee. The immigration authorities very modestly admitted that they had the situation, so far as the law violations of the border were concerned, well in hand. I challenge anybody to question the accuracy of that statement.

For example, Mr. White said in reply to a question as to how many aliens crossing the border unlawfully they did not get, said that the estimate given by the border patrol and the immigration officers along the border was fairly accurate, and it seemed to be the consensus of opinion among them that they only lost 10 per cent. He further said they caught 29,568. He is talking about one year. They figured that 10 per cent of them got by without detection.

As I listened to the hearings before the committee the testimony indicated there never really was any necessity for this legislation. They enforce the law on the border as it is their duty to do, and they do it efficiently.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. PITTENGER. Yes.

Mr. STRONG of Kansas. Would it not be natural for the officers and men who are enforcing the law to claim that only 10 per cent got by? They do not know how many get by.

Mr. PITTENGER. I do not know whether it would be natural or unnatural or otherwise in this particular matter, but it happens, in my opinion, that they were telling the truth.

Mr. Ogden Mills told us last December that the legislation was for the purpose of closing the highways to Canada. He was telling the truth then. I do not care what rainbow talk may be passed out now or what reasons you may give. The purpose and effect of this legislation is to close highways. I can not understand the working of the human mind that believes in having our people build highways, raise money by taxation to pay for them, continue them up to the border for the purpose of promoting good will between the people of Canada and the United States, and then put an armed force on the border to stop and harass law-abiding citizens.

The proponents of this measure seem to think that the average farmer will carry a copy of this law around in his hip pocket so that he can study it before he starts out on his business on the border. Then the most assinine thing in this new scheme is to establish ports of entry and tell us with a straight face that they will take care of the problem. If there is anybody in this House who thinks that the bootlegger or the smuggler of goods in opposition to the tariff laws of the United States takes them in at a port of entry, then I tell him that he has got the thing all wrong. He is sadly in error.

I know that H. R. 11204 proposes to regulate the entry of persons into the United States and to establish a border patrol. I know it has been rewritten, and I know that various excuses have been given for the passage of such legislation. But I believe that this is one of those bad pieces of legislation which can not be improved by amendment or bolstered up by plausible arguments. It is one of those vicious matters which only become worn the more they are tinkered with and the more plausible the reasons advanced.

There is no necessity for this legislation. So far as I can ascertain, no valid objections can be advanced to the effective work now being done by the immigration authorities and other agencies on the border. I heard part of the testimony before the committee and know that the customs and immigration authorities were willing to admit that they were functioning in a proper manner.

I do not care who wants this new legislation. They are simply being misled by some misguided person who thinks he has achieved a brilliant idea and given birth to some more "cure-all," which will turn out to be nothing but fake patent medicine.

It is ridiculous to build highways and bridges and tax our people for the improvements and encourage fraternal and social intercourse and travel by the people of two great countries, and then undertake to close those highways and say "Thou shalt not pass" except at certain designated points, where you are partly immune from the benign influences and effects of bureaucracy.

This legislation creates a new crime and makes unlawful what is now the perfectly innocent act of crossing the border, when done in a lawful way and for a lawful purpose. I do not take serious the talk about permits, and so forth, for such restrictions only add insult to injury. We have too many laws now of the foolish kind, and this bill proposes to add one more in the nature of a Russianized espionage. It assumes that the people along the border, as well as those who approach that spot, will carry around a copy of the law in their hip pocket for ready reference. Those who fail to do so run the risk of being criminals.

Instead of passing this sort of legislation it would be more sensible to remove some of the present restrictions and encourage intercourse among nations as a means of promoting good will and a friendly spirit.

This proposed legislation looks fine on paper, sounds good from an academic standpoint, but as a matter of fact is bad in principle and will lead to unfortunate results.

It will not change the border problems in any way. Those who violate the laws against smuggling and the laws relating to immigration do not carry on their violations at ports of entry. Those problems will still exist under the new law, if enacted, and with no assurance that matters will be handled any better than at the present time.

But, of course, people who think that the passage of a law is sufficient to solve any problem must have their opportunity to chase the rainbow. Along with it, in the meantime, law-abiding citizens, acting in a lawful manner, must run the risk of committing a crime, of stepping across the border at the wrong place, the tourist business must suffer, and people generally must put up with needless restrictions, permits, and regulations.

I know that the claim is advanced that this legislation is a part of a law-enforcement program, but so far as I can see, it will serve that purpose just about as much as a fifth leg would be of assistance to a dog in performing the act of perambulation.

There is no argument to sustain the lofty purpose of the proposed legislation, and H. R. 11204 ought to be defeated.

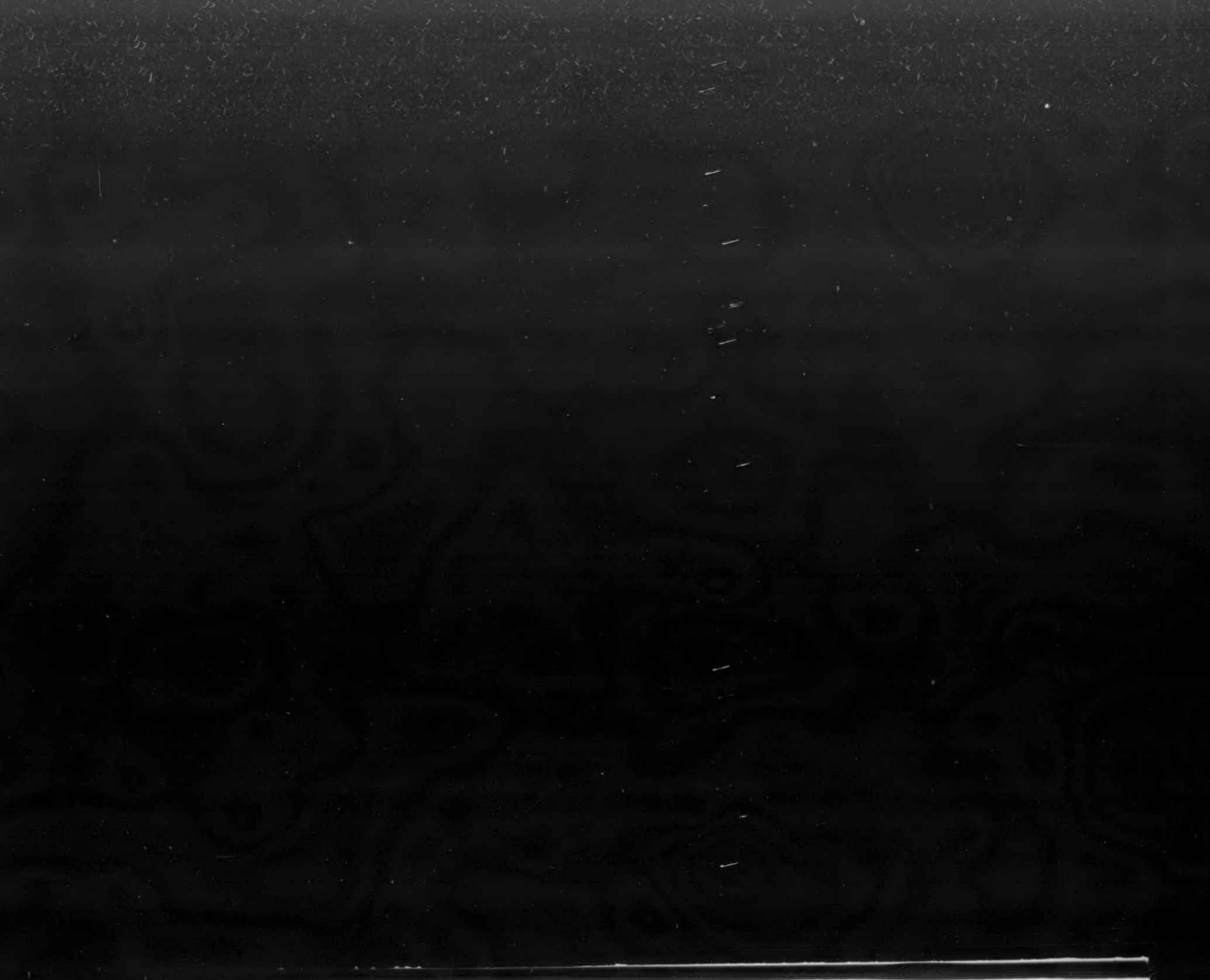
The CHAIRMAN. The time of the gentleman from Minnesota has expired.

The Clerk read as follows:

SEC. 3. It shall be the duty of the United States border patrol to enforce the provisions of this act against unlawful entry of persons into the United States, except at ocean boundaries of the United States, and to perform, under regulations that may be prescribed by the Secretary of the Treasury, such other duties as are, in his judgment, advisable in connection with the unlawful entry of persons or property into the United States.

Mr. DICKSTEIN. Mr. Chairman, I move to strike out the last word. This has been a year for everybody to pick on the immigrant. One man would vote to cut them down to 50 per cent, another to 90 per cent, while half of them do not know what the whole thing is all about. Up to the present time there is not a claim from the Department of Labor or the Department of State that they can not control the immigration problem. One gentleman a while ago spoke of some 79,000 aliens who had been prevented from coming in. A lot of people endeavored to come in through Canada whose papers were not correct, and they were turned back, and the same applied to Mexico, and they considered those illegal entries. Coming right down to illegal entries, there are mighty few that are absolutely illegal entries. There is no reason to be alarmed by the fact that we can not control the immigration problem. There is no one trying to get into the country who has no right to come in. The only man who gets into the country unlawfully is the bootlegger, and now by this law you are giving him another premium, for he will charge more for his liquor than he does now.

Mr. JOHNSON of Washington. But does not the gentleman know that north of Montana they just unearthed a big under-





ground railroad for European immigrants to come in from the Province of Saskatchewan?

Mr. DICKSTEIN. Oh, the gentleman from Washington is always discovering so many things that I am unable to keep up with them. About two or three years ago he told us that about 10,000,000 wanted to come in here, and then he cut it down to 5,000,000. The gentleman is always picking on the immigrant.

I warn him now that the quicker he quits picking on the foreigner lawfully residing in the United States, with his family, the more peaceful country we will have.

Mr. JOHNSON of Washington. It was the border patrol that picked on this bunch, and not the gentleman from Washington.

Mr. DICKSTEIN. The gentleman makes statements that he is not prepared to substantiate.

Mr. JOHNSON of Washington. Look at the reports.

Mr. DICKSTEIN. I have read the reports, and have examined the law. If gentlemen would read the reports, we would not have such contemptible legislation as this brought on the floor of the House. Every now and then some one picks on the foreigner in the United States of America and I am sick and tired of it. And I think that the American people should be sick and tired of it, too.

Mr. STRONG of Kansas. Then I suggest the gentleman take a rest.

Mr. DICKSTEIN. The gentleman is a little older man than I, and I think he will need a rest more quickly and besides he should get a rest after the next election with many more of his colleagues in the House who have helped the farmer and brought about prosperity in this country.

Mr. STRONG of Kansas. But I am not so tired as my friend from New York.

Mr. DICKSTEIN. It is men like the gentleman from Kansas who bring discontent to the people of America by his failure to understand the American problems outside of his own district.

Mr. STRONG of Kansas. I thank the gentleman.

Mr. DICKSTEIN. It is men like the gentleman from Kansas who represent a district that is narrow-minded and bigoted, if the action of the gentleman from Kansas is to be judged and taken for its face value.

Mr. STRONG of Kansas. I thank the gentleman. They are dry and law-abiding districts.

Mr. DICKSTEIN. I am just as dry; I have never taken a drink, but I wonder if the gentleman from Kansas can say as much for himself. However, I will be darned if I would turn around and represent the sentiments of prejudice and bigotry in the Congress of the United States where we all hope that a fair and square deal is guaranteed us by the Constitution of the United States.

Mr. STRONG of Kansas. Oh, do not swear!

Mr. DICKSTEIN. I am not swearing, but I just want to tell the gentleman from Kansas that there is more purity in the thickly populated districts where immigrants reside than in the community the gentleman represents. There is less crime among the foreign population than some of the native residents in the gentleman's district, and the quicker the gentleman will get acquainted with our population in the United States he will feel like many of us feel, that every man, woman, and child has a right to live as long as they are law-abiding, although some of them have not yet become citizens but hope to be, and are really and truly in every sense of the word loyal to their adopted country.

Mr. BOX. Mr. Chairman, I rise in opposition to the pro forma amendment and in support of the bill. I have not been able to understand how men have been able to distort the idea of a peaceful, friendly police force along our borders for the enforcement of our own law into a hostile army. About our homes, with all of their peace, we have police to preserve that peace without being suspected of hostility to our neighbors. Our own roads that pass between our farms and along our shady lanes have policemen to make the minority of lawless people obey the law. We have them in our county, towns, and in our large cities, we have them in our own peaceful meetings. It is only some one who has in his mind the ghost of apprehension born of nothing substantial who can see anything unfriendly in this peaceful effort upon the part of our Government to have its own domestic laws enforced in its own peaceful and friendly way. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 4. (a) It shall be unlawful for any person to enter the United States from a foreign country at any place other than a point of entry which shall be designated by the President, except that this section shall not be applicable in the case of—

(1) Any person who in entering the United States complies with regulations which shall be prescribed by the President for the convenience of persons residing or owning property on or in the neighborhood or vicinity of the boundaries of the United States;

(2) Any person who in entering the United States complies with the air commerce act of 1926 and the regulations prescribed thereunder.

(b) Any officer or member of the United States border patrol may arrest any person unlawfully entering the United States; may seize any merchandise unlawfully transported into the United States or in the possession of any person unlawfully entering the United States, or any vessel, vehicle, or aircraft, in which such unlawful entry is made; and shall promptly deliver any such person, merchandise, vessel, vehicle, or aircraft into the custody of the appropriate officer.

(c) Any person who violates the provisions of this section shall be guilty of a misdemeanor subject to a penalty of $100. Such penalty shall be a lien against any vessel, vehicle, or aircraft in which the entry in violation of this section is made. Such penalty may be enforced, or may be remitted or mitigated, in the same manner as a penalty for a violation of the customs revenue laws of the United States. Action to enforce the penalty provided in this paragraph shall not be taken if in violating the provisions of this section a penalty (whether criminal or civil) has been incurred for violation of any other law of the United States.

(d) Any vessel or vehicle seized by officers or agents of the Treasury Department and forfeited to the United States as specified in sections 1 and 2 of the act entitled "An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes," approved March 3, 1925, as amended, may, in the discretion of the Secretary of the Treasury, be taken and used, or may, upon application of the Secretary of the Treasury, be ordered by the court to be delivered to the Treasury Department for use in the enforcement of the provisions of this act instead of for use as provided in such act of March 3, 1925.

Mr. HOCH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Kansas offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOCH: Page 7, line 3, after the words "United States," strike out the semicolon and add the following: "or for the convenience of persons entering the United States on vessels which under the laws applicable thereto are exempt from reporting arrival or from making formal entry at a customhouse."

Mr. HOCH. Mr. Chairman, this amendment is intended to carry out, or to make clear, the purpose of the provision as to exemptions. Paragraphs (1) and (2) modify the requirement of going to the point of entry as provided under the act. Under present law those who come in on boats of 5 tons or less are not required either to make formal entry or to report arrival at the customhouse. In the case of those yachts of 15 tons or less, which under law are not permitted to carry merchandise or persons for hire, they are not required to make formal entry at the customhouse, but do have to report arrival within 24 hours.

The purpose of this amendment is to carry out the intention of the original language; namely, not to subject to annoyance any who by the present law are exempt from reporting to the customhouse when they come into the country.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. LAGUARDIA. Is there anything in this bill which changes the existing status of people residing in Canada and employed in the United States?

Mr. HOCH. No.

Mr. LAGUARDIA. We have complaints concerning persons living in Canada, where the cost of living is cheaper than it is here, coming over into this country to work. Does the gentleman intend to provide for that condition?

Mr. HOCH. We have not dealt with that subject at all.

In this connection I would like to repeat what I said in general debate yesterday, in view of the fact that many who are here to-day were not here yesterday. It is not the intention to inconvenience those who lawfully cross the border, but it is the belief of the committee that in the case of a great majority of citizens this will add to the convenience of people lawfully crossing the border rather than adding to their inconvenience.

Mr. LAGUARDIA. There has been complaint that there is a great mass of workers coming from Canada, especially in the building trades.

Mr. HOCH. The committee did not have under consideration the law concerning those who can enter the United States and those who can not.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. CULKIN. As I understand the intention of the committee, it is to leave the laws now in effect as they are?

Mr. HOCH. Yes. Those who come in boats under exemption from report under present law, in the kind of boats I have mentioned, would under the regulations not be compelled more than heretofore to report at the point of entry.

Mr. CULKIN. They would not have to report if less than 5 tons?

Mr. HOCH. If under the law a man must report to the customhouse, we do not attempt to relieve him of that requirement. Boats of 5 tons or under do not have to report. We do not change that. Boats of 15 tons or less of the character stated do not have to make formal entry. We do not change that. They do have to report arrival, however, within 24 hours after arrival. We do not change that.

Mr. CULKIN. Then it remains as in the present law?

Mr. HOCH. Yes. This bill provides for entry, without report, under regulations. If the owner of one of these small boats becomes a lawbreaker, then it might be possible for the Secretary to withdraw the exemption and say: "This law was made for the benefit of the lawabiding and not for the benefit of lawbreakers."

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HALE. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. HALE. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. HALE. What would be the status of an innocent passenger on one of these boats?

Mr. HOCH. The amendment provides for the convenience of persons entering upon boats of that kind, which, of course, includes passengers.

Mr. HALE. But you said that if the operator of a boat of less than 5 tons would become a lawbreaker he might not be exempted. What becomes of the innocent passenger?

Mr. HOCH. I would advise the innocent passenger to use a boat whose operator is not breaking the law.

Mr. CLANCY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. There is an amendment pending, offered by the gentleman from Kansas [Mr. HOCH].

Mr. CLANCY. I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized in opposition to the amendment.

Mr. CLANCY. Mr. Chairman, I wish to sincerely thank the House Interstate and Foreign Commerce Committee for offering this small boats amendment, and I particularly thank the gentleman, Mr. HOCH, who offers it.

I honestly believe I forced this amendment and that it is freely conceded on all sides, except possibly one or two Members who are not willing to admit they were wrong and who may try to claim credit for the amendment.

I will show in the RECORD there was a strong movement to compel all small boats to report, even when they had not obtained merchandise in Canada or Mexico or Cuba.

This amendment does not go far enough. It turns over to the mercy of the Treasury Department the small boats formerly safeguarded by the basic law. Mr. LEHLBACH and I will submit an amendment which is better, but I think Mr. HOCH's amendment will do much to satisfy the small-boat people, especially since Mr. HOCH makes the statement for the RECORD the intention is to allow innocent small boats all the liberties they formerly and do now enjoy.

The Treasury Department has sent a letter to that effect. It is signed by Hon. Andrew Mellon. I have put it in the RECORD.

BIG VESSELS IN DANGER

But what about large boats, over 15 tons burden? They are left in pretty bad shape. Mr. Mellon's letter admits the difficulty. It says many new points of entry must be made in the Great Lakes district. These will be for the convenience, I was informed by the department, for the boats over 15 tons. They will cover yachts over 15 tons which touch a Canadian port and the great fleets of freight and passenger vessels which are compelled to run through Canadian waters and other foreign waters from one American port to another, although no stop is made at a foreign port.

The Hudson bill must be amended to protect large boats. Mr. HOCH has refused absolutely to accept such an amendment and so have the other prohibitionists in charge of the bill. The Lehlbach bill which I drew aims to protect from committing a crime and from fines and seizure these innocent big boats which must pass through Canadian and Mexican and Cuban waters. But the Lehlbach bill will probably be killed by drys who fear the wrath of the Anti-Saloon League. Therefore the Senate should amend the bill in this respect.

I am hoping the big-boat people with their tremendous political influence will defeat the drys in their effort to make this bill terrible in this respect.

You are making a new prohibition crime on the eve of election. This will embarrass many Members. I begged for weeks that this bill be considered in committees, because it can not be adequately considered on the floor of the House. But I was informed that only bootleggers are opposed to the bill.

What a despicable piece of propaganda for the Anti-Saloon League to invent!

But the day is now here when the Anti-Saloon League will have to use other weapons than mere abuse of its critics to put across its program.

MORE DETAILS ON NAVIGATION LAWS

Pardon me if I repeat and emphasize and elaborate on the dangers of the Hudson bill to marine traffic. We have statements from Mr. HUDSON and Mr. HOCH that the border patrol act does not repeal wise and salutary navigation laws which were put on the books purposely after the debate on the floor of this House in 1912 to protect innocent small-boat owners. But Messrs. HUDSON and HOCH ignore the menace to a very important class of boats, a great number of large vessels, and a tremendous amount of freight and passenger tonnage, which are not protected by Mr. HOCH's amendment.

I refer again to the great fleet of passenger and lake vessels carrying much of the iron ore of the world, carrying the wheat and grain and lumber of a large portion of the world, and carrying an enormous tonnage of coal to the upper Lakes. They all go into Canadian waters but do not stop at Canadian ports. They go to a foreign country, and therefore they commit a crime under the provisions of this law unless they report at a port of entry. The Treasury Department admits my contention, I believe.

The Secretary of the Treasury, Hon. Andrew Mellon, sent that important letter to the House the other day clarifying the department's interpretation of the Hudson bill. He used some language about establishing new points of entry on the Great Lakes, and I became suspicious of that language because I thought it meant persecution of the small boats. I inquired at the Treasury and I was told, "No; that is to meet your objection on big boats." The language reads as follows:

> It might be found convenient in certain cases to designate special points of entry for vessels, for example, dock along river boundaries—

And so forth.

It will require 10,000 new points of entry on the Great Lakes and rivers alone, because these boats now stop at any dock, at any village, at any port. Here is an impossible situation, an administrative feat that is impossible. Why bother big boats at all in the Hudson bill?

I am just making the record, and I have been doing so all day for the Senate. Senator VANDENBERG and Senator COUZENS and others have promised hearings. This is bad legislation. It is half-baked legislation in the shape it is now in. The Senate has promised adequate hearings on the bill, and I prophesy that in the next six months the border country is going to pound this new crime that you have made here of an innocent border passage, a new "prohibition crime" affecting millions of people.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. O'CONNOR of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. O'CONNOR of New York: Page 7, line 14, after the word "person," insert the words "knowingly and willfully."
>
> Page 7, line 17, after the word "President," insert "with intent to evade or violate the laws of the United States."

Mr. O'CONNOR of New York. Mr. Chairman, I particularly invite the attention of the lawyers of the House to what I am going to say. I would like to have the attention of the distinguished chairman of the Committee on the Judiciary, the distinguished members of that committee, Mr. MICHENER, of Michigan, and the other lawyers of the House. I would like the attention of the distinguished lawyers, Judge MOORE, of Virginia, and Judge BOX, of Texas. I have asked many lawyers

of this House, and particularly the ex-judges, if they ever heard of a law making an act a crime where intent or knowledge was not a necessary element. Every one of these gentlemen, Democrats and Republicans, has said he never heard of such a law and could not conceive of the enactment of such a law.

This bill, however, for the first time in the history of American criminal law, makes an act a crime without the element of intent or knowledge. There are two kinds of crimes, namely, felonies and misdemeanors. This bill makes the entry, however innocent, a misdemeanor. All I ask you to insert in the bill is the provision that a man must have knowledge and must have intent before he is held to have committed a crime. If you will adopt that amendment I shall vote for the bill.

Some Members have stated to me privately that the provisions of the bill are similar to those of traffic laws, but they overlook the fact that the ordinary traffic violation is not a crime, a misdemeanor. Such acts are violations of municipal ordinances. Let us be fair in this, particularly the lawyers of the House. Why is it that whenever the prohibition question arises in this body you lawyers forget all about your legal training, you cast to the winds your respect and your love and admiration for the great profession of the law? There is no lawyer present and no man who ever graced a judicial bench of our country, who can gainsay that an indispensable fundamental of a "crime" is knowledge or intent. This bill says, "It shall be unlawful; it shall be a misdemeanor." If you would strike out the word "misdemeanor" it will satisfy me and accomplish the same purpose I propose. I see a number of former judges sitting in front of me now. I appeal especially to them. Judges, let us be fair about this. Let us say that before a man is guilty of any crime he must commit the act with intent; he must do it knowingly. Just because prohibition may be involved in this bill, let us not violate all the principles of fairness and justice. Let us not at one fell stroke wipe out all the traditions of American jurisprudence.

Mr. DENISON. Mr. Chairman, I rise in opposition to the amendment.

Of course, this must be read in connection with the second paragraph of subsection (c) which reads:

> Such penalty may be enforced, or may be remitted or mitigated, in the same manner as a penalty for a violation of the customs revenue laws of the United States. Action to enforce the penalty provided in this paragraph shall not be taken if in violating the provisions of this section a penalty (whether criminal or civil) has been incurred for violation of any other law of the United States.

Now, the gentleman from New York [Mr. O'CONNOR] who ordinarily has very good judgment on matters of this kind, is unduly exercised by this provision, and I am unable to understand why he should be. The language of this provision follows the usual form that is adopted in the enactment of all similar legislation. A State passes a law prohibiting travel on a highway above a certain speed and provides a penalty for doing so. You do not say "A person who willfully, knowingly, and with intention to defeat the laws of the State" does so and so, but, it prohibits the act. The language used here is amply broad to enable the courts to administer the law, without inflicting any undue hardship upon any person who enters innocently, as it is said. The language is expressly selected there so as to take care of any person who may accidently or innocently cross the border. So, I do not think the language proposed should be inserted, because it will, in effect, I think, go a long way toward nullifying one of the purposes of the act. I hope the amendment offered by the gentleman from New York will not be approved.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

Permit me to point out to the gentleman from Illinois that he does not answer the argument of the gentleman from New York when he says there is no real necessity for the amendment offered. What the gentleman from Illinois says is applicable to acts which are inherently wrong—malum per se. The law says any person who commits murder shall be punished; any person who commits burglary shall be punished, and intent is necessarily implied, but these are mala per se.

But here we have a purely statutory prohibition. A "malum prohibitum" only, and in the absence of providing that unless it is shown that a person willfully and knowingly enters at another point you place the burden of proof on the innocent trespasser, on the man who may innocently have wandered across an imaginary border line and returned.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. O'CONNOR of New York. Even if an innocent trespasser carries the burden of proving he did not trespass with intent or knowingly, he is still guilty of a crime.

Mr. LAGUARDIA. Yes. So this amendment will not in any way weaken what the committee is seeking to do, but it will certainly clarify the situation, and show that the intent of the law is to reach out for persons who are willfully and knowingly violating the provisions of the law or the regulations made thereunder.

Mr. DENISON. How can you prove that?

Mr. LAGUARDIA. By the circumstances of the case. How does a district attorney prove intent in a murder case, motive and deliberation? By the circumstances, of course.

Mr. HOCH. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HOCH. It would be just as reasonable to provide that if you violated the speed ordinances here and you could show that you did not knowingly or willfully do so, that then you should not be held guilty.

Mr. LAGUARDIA. That, in the first place, is not a crime, and, in the next place, the overt act speaks for itself. However, that is quite a different proposition. When a man sits before a speedometer and exceeds the speed limit an entirely different situation is presented than where a man may be rowing, may be sailing, may be hunting, may be out strolling, and wanders across the line and then comes back. You could arrest and punish such a man under the provisions of this law. The amendment would make it clear that only willful and intentional acts constitute violations of the law.

Mr. HOCH. The same argument could be made with reference to almost any law. Let me say to the gentleman that a violation of the speed laws carries a more severe penalty than is carried for a violation of the provisions of this law, there being no penalty except a $100 fine.

Mr. LAGUARDIA. The gentleman knows as a lawyer that intent is one of the necessary elements of a crime.

Mr. HOCH. What is the offense here? The offense is simply coming across the border at a place where it is unlawful to do so.

Mr. LAGUARDIA. I think there is a different situation presented between that of a man who violates a speed ordinance and a man who violates the provisions of this law, and, as I have said before, I do not believe the amendment offered by the gentleman from New York would weaken what the committee is seeking to do under this bill.

Mr. CLANCY. Mr. Chairman, I move to strike out the last word. I want to call attention to the fact that our amendment proposes to protect the wise navigation laws now in force for 1,500 miles of the northern boundary and over 900 miles on the southern boundary. You make it a criminal offense to enter foreign waters if upon return you do not go out of your way and report at a designated point of entry.

You make it a crime for a boy to swim or skate across the Detroit River, the St. Clair River, or the St. Marys River or the St. Lawrence River when not reporting on his return. You make it a crime if he crosses an invisible water boundary, though he may not touch the other shore. I refer to practical cases, because I swam or skated over a thousand times across the Detroit River when I was a boy.

Tens of thousands of boys and girls make this innocent passage, and now you make him or her guilty of a crime if he or she crosses the boundary and then attempts to return without going many miles to report in at a designated point of entry. What a mean, vicious piece of legislation!

TROUBLE ON THE LAND BORDER

Let me give you another administrative picture of what the Hudson bill aims to do. Here are your points of entry, from 3 miles apart to 255 miles apart, and here is your patrolman patrolling the border day and night. He picks up a fellow man, woman, or child who has crossed the border possibly only a few feet, and possibly on his farm or across the street in a border town, such as Nogales, Ariz., where the main street is the international boundary line. Unless regulations are made to absolutely cover such a case, it is mandatory for that officer to seize the person and carry him to the point of entry, where the offender will be given a trial.

Remember that the border patrolman can not give the suspect a ticket, as a traffic policeman gives an auto violator a ticket. Although such a person may be innocent of any wrongdoing, the border patrolman must carry or walk that person to the point of entry, and in many cases it will be many miles through the wilderness. From Jackman, Me., to the next point the points of entry are 195 miles apart, and down on the Mexican border they are often a hundred miles apart. In Montana you have got to go through wilderness, and two points of entry are 160 miles apart. The border patrolman places the person under arrest, carries him to a point of entry, and puts him in jail. The trip and trial may take two or three days,

and then the innocent offender of a mean law has to travel back home.

He may be seized again and again until he is driven off the border or pays court to possibly a brutal or officious border patrolman.

The Government can not build enough jails to house all the American and Canadian citizens who will be seized if this bill becomes a law as it is now written.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. O'CONNOR of New York rose.

Mr. PARKER. Mr. Chairman, I move that all debate on this amendment close in three minutes.

The motion was agreed to.

Mr. O'CONNOR of New York. Mr. Chairman, ladies and gentlemen of the committee, my reason for taking these three minutes is to reply to the gentleman from Illinois [Mr. DENISON]. The gentleman directs your attention to the fact that this penalty can be remitted. Of course, that is true. The penalty can be remitted, but the crime can not be remitted. The man or woman or child is still a criminal with a record, even though he or she does not have to pay the $100.

That is the fact, and the comparison made by the gentleman of violations of motor vehicle laws is not a parallel at all. Such violations are not ordinarily crimes. The extreme offenses, such as driving while drunk or leaving the scene of an accident, are often made a crime—a misdemeanor or a felony. All of you who are lawyers know that. There can be no dispute about it. The other violations of traffic laws are offenses against municipal ordinances, similar to leaving your garbage can uncovered or to littering the public parks.

Waiving the penalty does not waive the guilt. The boy who swims across the river or the girl who skates across it is still branded as a criminal, even though he or she need not pay the $100.

Another way to cure the outrageous criminal provisions of this bill—and I shall offer such an amendment if my present amendment does not prevail—is to strike out the provision making unlawful entry in and of itself a misdemeanor, and merely provide that such unlawful entry, even though innocent, shall subject the person to a penalty of $100. That is what you do under your customs laws. Surely, under those laws you do not make the mere act a misdemeanor. A penalty, civil in its nature, is provided—not a crime.

In all fairness, gentlemen, I submit I am not asking so very much—either add the words "willful intent" or strike out the designation of the offense as a misdemeanor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. O'CONNOR].

Mr. STAFFORD. Mr. Chairman, may we have the amendment again reported?

The amendment of Mr. O'CONNOR of New York was again reported.

The question was taken; and on a division (demanded by Mr. PARKER) there were—ayes 48, noes 69.

So the amendment was rejected.

Mr. O'CONNOR of New York. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR of New York: On page 8, line 10, strike out "guilty of a misdemeanor."

The amendment was rejected.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: On page 7, line 26, strike out the period, insert a semicolon and the following paragraph:

"(3) Any person entering the United States on a vessel which under the laws applicable thereto is exempt, either from reporting arrival or from making formal entry at a customhouse, or which proceeds from one American port or place to another American port or place, through foreign waters, without having touched at any foreign port or place."

Mr. LEHLBACH. Mr. Chairman, I do not care to discuss the merits of this bill and I am not at the present moment concerned with that; but this amendment simply makes the bill and the practice under the bill conform to existing practices with respect to navigation on the rivers and lakes on the border; otherwise, you are inserting certain essential changes in the navigation laws which I do not believe is the intention of the committee, and certainly not the intention of the House, and being concerned, in a way, with merchant marine legislation in this House, I have offered the amendment for the purpost of making this bill conform with existing laws and practices with reference to navigation.

Mr. HOCH. Mr. Chairman, I rise in opposition to the amendment.

We have already adopted an amendment which, it seems to me, fully meets the situation. We have adopted an amendment to add at the end of line 23:

Or for the convenience of persons entering upon any boat, which under existing law, is not compelled either to make formal entry or to report arrival.

This amendment does precisely what the gentleman has suggested. They will be exempt under the regulations. If under present law the boat does not have to report or if it does not have to make formal entry, in either case we have already covered that under the amendment which has been adopted.

Mr. STAFFORD. Will the gentleman yield?

Mr. HOCH. I yield.

Mr. STAFFORD. Assume the case of a pleasure resort passenger boat leaving Detroit going down to Bois Blanc, at the mouth of the Detroit River, which is on the Canadian side, would the gentleman's amendment be broad enough to cover that condition?

Mr. HOCH. In order to answer the gentleman's question I will have to ask him a question. Does the boat he has in mind have to report, under present law, to a custom port of entry?

Mr. STAFFORD. I will yield to the distinguished gentleman from Detroit.

Mr. CLANCY. The gentleman has brought up the case of a large vessel from an American port to a Canadian port. If they do touch land there they must report. That is not the class of boats we are talking about.

Mr. STAFFORD. Then, I do not think the amendment of the gentleman covers that condition.

Mr. HOCH. Undoubtedly, if they do not have to report to a customhouse they are covered by the amendment adopted.

Mr. STAFFORD. I am in sympathy with the amendment offered by the gentleman from New Jersey. I do not know whether the amendment adopted by the House is broad enough or not, but I know of many merchant vessels going across the border line in Lake St. Clair and getting into Canadian waters and then coming back.

Mr. HOCH. Vessels which under existing law do not either have to make formal entry at a custom port or report arrival—if they do not have to report or make entry then they will be exempt. On the other hand, if they must report under present law, or make formal entry they would not be exempt. We do not want in this law to provide that they would not have to report, for that would be a change of the navigation laws or the customs laws.

Mr. CLANCY. The existing law does not make it a crime, because the penalty does not provide for the confiscation or the seizure or the sale of the vessel. Take a large ship and cargo worth possibly a million dollars, when it crosses through Canadian water it does not touch a Canadian port, and it is therefore not able to take on passengers and merchandise.

Now the gentleman comes along with language which says it is a crime for a vessel to enter waters of a foreign territory if it does not report at a designated port of entry upon return to American waters, and when it does not touch a foreign port.

I claim just that, and I think the Treasury Department admits my contention. They are up against it if you pass this bill as it is.

Now the amendment of the gentleman from Kansas [Mr. HOCH] covers small boats of less than 15 tons. I will say that the gentleman has been very kind in agreeing to this amendment, but, as I said before, the three Members who drew up this amendment live in the interior of the country. The gentleman from Oklahoma, the gentleman from Kansas, and the gentleman from Missouri can not be expected to know our technical and difficult border conditions.

Mr. HOCH. The gentleman is mistaken about that.

Mr. CLANCY. In this bill you are making a crime of an innocent act which was not a crime before. The mere entering of Canadian waters constitutes a crime if the offender does not report to a point of entry. The Canadian channel is the one that the big vessels use on the Detroit River and several border rivers. If we ever get the St. Lawrence waterway this terrible law will make it a crime for all Americans who travel over that waterway if they do not report to a designated American point of entry, for the channel runs through Canadian waters.

Now the Interstate and Foreign Commerce Committee does not handle nor prepare navigation laws for the House. They propose to change these laws but they never even got a report from the Department of Commerce, which is required to report to the House on such changes in the navigation laws.

Secretary Mellon urged in his letter to consult Canada and Mexico, but your committee never did that. They never even consulted the American State Department.

What do the drys care about good relations with Canada and Mexico?

But think of American business using the Great Lakes. If you want to be fair to the iron and steel companies, to the coal people, to the farmers who raise the wheat, you should adopt this Lehlbach amendment.

If you do not, you make yourselves ridiculous by sending such an unfair and unwise bill to the Senate. You are going to be pounded for six months by the innocent people injured by this bill. The Lake Carriers' Association will be informed of the bad provisions in this bill, and I hope to see this great maritime association use its powerful influence to amend this bill in the Senate.

Mr. STAFFORD. Is it not a fact that all colliers going up and down the Lakes go into Canadian waters?

Mr. CLANCY. Certainly. More ship tonnage passes Detroit than any other place in the world. More tonnage passes Detroit than goes through the Panama and the Suez Canal together, and I might add than enters the ports of Liverpool and London put together.

Mr. STAFFORD. In going through that channel they are using the Canadian channel.

Mr. CLANCY. They have to take to deep water, which is Canadian territory.

Mr. STAFFORD. Between Belle Island and Ford's plant.

Mr. HOCH. Is the boat the gentleman has in mind compelled under the present law to report to a customhouse?

Mr. CLANCY. Possibly in a technical and mistaken sense. Mr. Frank Dow, Assistant Commissioner of the Customs Bureau and expert, told me the other day when I inquired on this point that entry of Canadian waters might make a report necessary but he referred me to the Commerce Department and the expert there, Mr. Tyrer, Commissioner of the Bureau of Navigation said, "Distinctly not. The boat must proceed from a foreign port to compel report and customs entry."

Mr. HOCH. Then the gentleman wants us to change the law and provide that a boat which he says technically has to report will not have to report. He wants to give them an exemption they do not now have.

Mr. CLANCY. Members never knew when Congress drafted the law covering the report of boats from foreign waters that bureau officials might construe the law to cover all such as I have in mind, but Congress knows it now. You now have guilty knowledge, and with that knowledge it might be argued you intend to punish those big boats if you leave the law as it is. Anyway, you make a new crime of the Canadian water passage of the boat.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOCH. Mr. Chairman, I repeat again that the amendment already adopted is as broad as one can word it, to cover all boats which under the present law do not have to report arrival, or do not have to make formal entry, and the gentleman from Michigan suggests that we are changing the navigation laws. I submit that by his answer to my question, he has revealed that he is seeking to change the navigation laws. He is trying to bring in a boat which, under the present law, technically, does have to report, so that hereafter it will not have to report. We want to leave the navigation laws as they are, and we want to leave any boat that has to report to a customhouse so that it will have to do it under this law. We do not want to change the law. If this boat, which the gentleman has in mind, does have to report under the present law; then we do not want to disturb that, and we want that boat to keep on reporting to the customhouse.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. LEHLBACH. Here is the situation. It is discovered now that a boat, which everyone believes did not have to report, technically is subject to report, if it sails along the channel and goes into Canadian waters and then comes back, although it does not touch at a Canadian port.

Not only that, but the practices of the navigation and customs are that that boat does not report, and nobody wants it to report. Technically, however, under the law, it has to, and if you pass this bill without this amendment, then every such boat and person must report where they do not have to now, and to no good reason.

Mr. HOCH. Then the gentleman admits that he is seeking to change the navigation laws?

Mr. LEHLBACH. I am seeking to have the navigation law as it is, because a law that is dead does not bother anybody. Now you are revivifying it and making it a source of nuisance.

Mr. HOCH. We are not changing the law in any particular.

Mr. CLANCY. What we are trying to do is to relieve these innocent persons in these innocent boats from being guilty of a crime.

Mr. HOCH. I do not yield any further.

Mr. CLANCY. How does the gentleman explain that language of Secretary Mellon referring to docks, and so forth, as new points of entry?

Mr. HOCH. I suggest in all good feeling to the gentleman from New Jersey that if the navigation law has some dead law in it, that that is work for his committee and not for ours.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment in the nature of a new section, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: After section 4, line 6, page 9, insert a new section, to be known as section 4½, and to read as follows:

"No person in the civil service transferred from any service to the United States border patrol shall lose any civil-service rating carried by him to the date of his transfer."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

The CHAIRMAN. Without objection, the Clerk will correct the numbering of the sections by reason of the addition of section 4½.

There was no objection.

The CHAIRMAN. The question is on the committee amendment to the bill as amended.

The amendment was agreed to.

The CHAIRMAN. Under the rule the committee will rise and report the amendment to the House.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11204, and reported the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. PARKER. Mr. Speaker, I move the previous question.

The SPEAKER. Under the rule the previous question is ordered. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BOYLAN rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. BOYLAN. I rise to make a privileged motion. I move that the bill be recommitted to the Committee on Interstate and Foreign Commerce, with instructions to the committee to strike out the enacting clause.

The SPEAKER. The Chair does not think that the committee has authority to strike out the enacting clause.

Mr. PARKER. Mr. Speaker, I make a point of order on that.

Mr. HOCH. I make a point of order, Mr. Speaker.

The SPEAKER. In the opinion of the Chair the motion to recommit is not in order. The question is, Shall the bill pass?

The question was taken; and on a division (demanded by Mr. O'CONNOR of New York and Mr. BOYLAN) there were—ayes 181, noes 52.

Mr. O'CONNOR of New York. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand in their places. [After counting.] Thirty-nine Members have risen—not a sufficient number.

So the bill was passed.

On motion of Mr. PARKER, a motion to reconsider the last vote was laid on the table.

The title of the bill was amended.

SECOND DEFICIENCY BILL

Mr. WOOD. Mr. Speaker, I submit a conference report on the bill H. R. 12902, the second deficiency bill, for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

The SPEAKER. Ordered printed under the rule.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H. J. Res. 372. Joint resolution authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island dated July 5, 1918;

H. J. Res. 388. Joint resolution making provision for continuation of construction of the United States Supreme Court Building; and

H. J. Res. 389. Joint resolution making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12902) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes."

The message also announced that the Senate further insists on its amendments numbered 3, 11, 12, 13, 21, 22, 27, 30, 31, 33, 39, 42, 43, 47, 70, and 76 to said bill.

PAYMENT FOR INFORMATION CONCERNING VIOLATIONS OF THE NARCOTIC LAWS

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3395) authorizing the Commissioner of Prohibition to pay for information concerning violations of the narcotic laws of the United States, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill by title and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 3395) authorizing the Commissioner of Prohibition to pay for information concerning violations of the narcotic laws of the United States.

Senate amendments:

Page 1, line 3, strike out "prohibition" and insert "narcotics."

Page 1, line 11, after "law," insert: "*: Provided,* That all payments under authority of this act to any informer in any foreign country shall be made only through an accredited consul or vice consul of the United States stationed in such country, and every such payment must be supported by a voucher with an accompanying certificate of the said consul or vice consul that the payment of the amount stated on the voucher has been made to the informer named, and at the place and time specified on said voucher."

Amend the title so as to read: "An act authorizing the Commissioner of Narcotics to pay for information concerning violations of the narcotic laws of the United States."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to

INVESTIGATION OF BASCOM S. DEAVER

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution concerning a judicial investigation.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

[House of Representatives, Seventy-first Congress, second session, Report No. 2051]

COMPLAINT AGAINST HON. BASCOM S. DEAVER, UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA

Mr. GRAHAM, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom was referred the affidavit and petition of William La Varre (petition No. 7604), begs leave to report and recommend as follows:

The committee reports that upon receipt of the petition the chairman appointed a subcommittee consisting of Messrs. MOORE of Ohio, chairman, SPARKS, JONES, SUMNERS of Texas, and MONTAGUE to make a preliminary examination of the charges and report back to the full committee. The subcommittee has made its examination and finds that it is unable to proceed further in the matter without being granted the usual powers given to committees of inquiry to administer the customary oaths to witnesses, to send for persons and papers, etc. Your committee, therefore, recommends the adoption of the following resolution:

"House Resolution 284

"*Resolved,* That the subcommittee consisting of Messrs. C. ELLIS MOORE, chairman, CHARLES I. SPARKS, CHARLES A. JONES, HATTON W. SUMNERS, and ANDREW J. MONTAGUE, who are members of the Committee on the Judiciary of the House conducting an investigation into certain charges referred to the Judiciary Committee by the Speaker of the House of Representatives, be, and they are hereby, authorized and directed to inquire further into the official conduct of Bascom S. Deaver, United States district judge for the middle district of Georgia, and to report to the Committee on the Judiciary of the House whether in their opinion said Bascom S. Deaver has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of the House; and that the said subcommittee have power to hold meetings in the city of Washington, D. C., and elsewhere, and to send for persons and papers, to administer the customary oaths to witnesses, all process to be signed by the Clerk of the House of Representatives under its seal and be served by the Sergeant at Arms of the House or his special messenger; to sit during the sessions of the House and until adjournment of the second session of the Seventy-first Congress and thereafter until said inquiry is completed, and report to the Committee on the Judiciary of the House; and be it further

"*Resolved,* That said subcommittee be, and the same is hereby, authorized to employ such stenographic, clerical, and other assistance as they may deem necessary; and all expenses incurred by said subcommittee, including the expenses of such subcommittee when sitting in or outside the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said subcommittee, signed by the chairman of said subcommittee: *Provided, however,* That the total expenditures authorized by this resolution shall not exceed the sum of $5,000."

The SPEAKER. Is there objection?

Mr. COX. Reserving the right to object, I am not disposed to take any exception to the judgment of the Committee on the Judiciary on this matter which they have had under consideration for several days, but as one who is more or less familiar with all the facts in this case I would like to say that the action of the committee is based upon the criticism of a disgruntled litigant who has been thoroughly discredited in the minds of every decent man in Georgia who is familiar with the proceedings in this case.

Mr. GRAHAM. The case has not been considered or prejudged, but the examining committee have reached a point where they want to subpœna several witnesses. It may be they will join with the gentleman in exonerating this judge from any charge or criticism whatsoever. I hope the gentleman will not stop this permission to subpœna witnesses.

Mr. COX. I do not intend to object, but I intended to make a statement in reference to the investigation. However, in view of the statement of the chairman of the committee I am not disposed to go further in commenting upon the case.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

STABILIZATION OF INDUSTRY AND PREVENTION OF UNEMPLOYMENT

Mr. GRAHAM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3059) to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression, as amended.

The Clerk read the bill as follows:

Be it enacted, etc., That this act may be cited as the "employment stabilization act of 1930."

DEFINITIONS

SEC. 2. When used in this act—

(a) The term "board" means the Federal Employment Stabilization Board established by section 3 of this act;

(b) The term "United States," when used in a geographical sense, includes the several States and Territories and the District of Columbia;

(c) The term "public works emergency appropriation" means an appropriation made in pursuance of supplemental estimates transmitted to the Congress under the provisions of this act.

FEDERAL EMPLOYMENT STABILIZATION BOARD

SEC. 3. (a) There is hereby established a board to be known as the Federal Employment Stabilization Board, and to be composed of the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Labor. It shall be the duty of the board to advise the President from time to time of the trend of employment and business activity and of the existence or approach of periods of business depression and unemployment in the United States or in any substantial portion thereof.

(b) The board is authorized to appoint, in accordance with the civil service laws, a director and such experts, and clerical and other assistants, and to make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, for law books, books of reference, and periodicals) as may be necessary for the administration of this act, and as may be provided for by the Congress from time to time. The compensation of the director and such experts and clerical and other assistants shall be fixed in accordance with the classification act of 1923, as amended.

BASIS OF ACTION OF BOARD

SEC. 4. (a) In advising the President the board shall take into consideration the volume, based upon value, of contracts awarded for construction work in the United States, or in any substantial portion thereof, during any three months' period in comparison with the corresponding three-month periods of the three previous calendar years.

(b) The board may also take into consideration the index of employment prepared by the Department of Labor, and any other information concerning employment furnished by the Department of Labor or by any other public or private agency, and any other facts which it may consider pertinent.

PUBLIC WORKS EMERGENCY APPROPRIATION

SEC. 5. Whenever, upon recommendation of the board, the President finds that there exists, or that within the six months next following there is likely to exist, in the United States or any substantial portion thereof, a period of business depression and unemployment, he is requested to transmit to the Congress by special message, at such time and from time to time thereafter, such supplemental estimates as he deems advisable for emergency appropriations, to be expended during such period upon public works in the United States or in the area affected, in order to aid in preventing unemployment and permit the Government to avail itself of the opportunity for speedy, efficient, and economical construction during any such period. Except as provided in this act such supplemental estimates shall conform to the provisions of the Budget and Accounting Act, 1921.

WORKS ON WHICH APPROPRIATION USED

SEC. 6. Public works emergency appropriations are authorized and shall be expended only—

(a) For carrying out the provisions of the Federal highway act, as now or hereafter amended and supplemented;

(b) For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore or hereafter authorized as may be most desirable in the interest of commerce and navigation;

(c) For prosecuting flood-control projects heretofore or hereafter authorized; and

(d) For carrying into effect the provisions of the public buildings act, approved May 25, 1926, as now or hereafter amended and supplemented, in respect of public buildings within and without the District of Columbia.

(e) For prosecuting other public works, similar in character to those mentioned in subparagraphs (a) and (b) above, but provided for in other acts as now or hereafter amended and supplemented.

APPROPRIATIONS AUTHORIZED

SEC. 7. There are hereby authorized to be appropriated such sums as are necessary for expenditure on public works to aid in preventing unemployment during any such period of business depression, not in excess of $150,000,000 in any one fiscal year, and such further sums as are necessary for the administration of this act.

The SPEAKER. Is a second demanded?

Mr. BLANTON. Mr. Speaker, I am against both the bill and the amendment, and I want some time to oppose it.

Mr. CELLER. Mr. Speaker, I demand a second, as a member of the committee.

The SPEAKER. Is there a member of the minority of the Committee on the Judiciary who is opposed to the bill?

Mr. CELLER. I am, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I raise the point of order that the gentleman from New York [Mr. CELLER] is in favor of the bill as it was originally drawn, so I am informed.

The SPEAKER. The Chair will recognize the gentleman from New York [Mr. CELLER] to demand a second.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that a second may be considered ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GRAHAM. Mr. Speaker, this bill as it came from the Senate was amended beginning at section 10 down to and including line 4 on page 10. The deleted part is what is called advance planning, and after careful consideration by the Committee on the Judiciary those pages were stricken out as being utterly unnecessary.

The bill had all the powers needed to promote its purpose without the sections referred to in the bill.

I have letters from the different departments affected by it, but will at this time only call your attention to two of them. One department which will be affected by the passage of this bill in its unamended form is the Treasury Department. I have a letter from the Secretary of the Treasury, to whom the bill was referred when received by the Committee on the Judiciary, in which he says:

For your information comment is made on that portion of the bill S. 3059, which affects work in connection with public buildings in the Treasury Department, particularly in regard to making preliminary reports as to the desirability of public building construction projects and advance preparation of detailed construction plans.

It is the fact that construction projects are already being submitted considerably in advance of execution. Three installments of public buildings under the public-building program authorized by the act of May 25, 1926, have been submitted to Congress and authorized, involving a total of $249,505,069. A fourth installment, involving $121,050,800, is now before Congress for authorization; and a fifth, involving approximately $50,000,000, will be submitted at the next session of Congress. Before these installments can be submitted it is necessary to make a survey of housing conditions, in many instances such surveys being made personally by representatives of the Treasury and Post Office Departments.

The Office of Supervising Architect is now working to its full capacity, and is augmenting its resources by the employment of private architects in order to carry out authorized projects.

To prepare drawings for a building, the first requisite is to obtain title to a site, and this in most cases is a time-consuming process. The preparation of drawings and specifications for a building costing, say, $500,000 consumes the services of 15 architects, engineers, and draftsmen for at least five months, and our present resources are strained to the utmost to keep up with the present work. For this reason, to carry out advanced planning for buildings to any large extent at the present time, in addition to that now contemplated, is not feasible with our present resources. There is, of course, the further question, whether plans for buildings made considerably in advance of contemplated construction will be wholly suitable for the requirements when construction is eventually undertaken.

A letter from the Department of Labor shows that these sections might properly be eliminated without any injury to the bill or destruction in the slightest degree of its purposes. I shall refer briefly to the letter from the Secretary of Agriculture, which reads as follows:

After a careful consideration of the general policy of expanding public works to provide opportunities for employment at times of lessened industrial activity and particularly what may be called emergency highway work, this department is inclined to the belief that such work must be carried on through existing agencies and organizations if it is to be economically or efficiently done. An emergency organization to expend money for public works is nearly always wasteful; therefore, anything that is done to avoid waste must be carefully planned, accurately timed, and be controlled by the organizations already established to carry forward such work.

The Federal Government now cooperates in the building of highways with the States through the State highway departments and, under the terms of the Federal highway legislation, the States initiate Federal-aid projects. It is the opinion of the department that any contemplated enlargement of the road-building program to offer employment should be handled in accordance with the present plan of administration, and only with the full cooperation and participation of the States themselves. Any other plan would result in waste and inefficiency. It is believed that a plan for a reasonable expansion of the cooperative road building could be worked out between the Federal Government and the States, but before it would be possible to enact effective joint legislation,

the matter would have to be thoroughly considered with the State highway departments.

At the present moment the department is in a position to release upwards of $100,000,000 for cooperative road building as fast as projects can be submitted by the States and be approved, so that it would appear that no emergency action is needed so far as road building is concerned, and our study of section II indicates that probably better results might be secured were this section eliminated from the bill.

After discussion in the committee, the bill was amended by striking out the useless and unnecessary clauses.

Two minority views were filed, one by Mr. CELLER of New York, and the other by Mr. LAGUARDIA, but both gentlemen have stated frankly that they are in favor of the passage of the bill.

S. 3059 as reported from the Committee on the Judiciary of the House of Representatives June 19, 1930, still retains the board called "Federal Employment Stabilization Board," composed of three members of the Cabinet, who presumably would individually or jointly do what this act covers at any time whether or not such an enactment existed.

The elimination of section 7 does not in any way affect the work of the Department of Labor because such an index as is therein contemplated is already being prepared and published monthly by that department and has been for a number of years.

The elimination of section 8 is immaterial in that it does not add anything to the present powers of the Secretary of Labor.

It is already true that the Secretary of Labor may have upon his request statistics collected or compiled by any executive department, independent commission, etc., and that he may already utilize such statistics when gathered by any State or private industrial, commercial, or other association when such become available; and there is nothing in this act which would require private associations of the character named to furnish the Secretary of Labor statistics in advance of their regular publication; nor is there anything in this section which would require an executive department of the Government to do for the Secretary of Labor any statistical work on employment which that department has not already done—periodical investigations of agricultural employment, for instance. The inclusion or elimination of this section, therefore, does not concern the Department of Labor.

The omission of any reference to the time lost in advertising for bids, the neglect to authorize the Government in the act to proceed with public works without resort to advertising for bids and letting of contracts, tends to interpose delay in the execution of the purpose of the bill.

The bill appropriates no money, but authorizes an additional appropriation during business depression, which, however, must be regularly appropriated as any other construction funds, this act simply limiting the amount of additional money which can be so appropriated in any one year. The difficulties in expediting public works, which consist largely in the time required to get appropriations through Congress and awarding the contract for the work, are not mitigated by this act.

Under this rule the bill can not be amended during its passage, and I hope the Members will speedily send it on its way.

Mr. BLANTON. Will the gentleman yield?

Mr. GRAHAM. I yield.

Mr. BLANTON. The distinguished chairman stated that the gentleman from New York [Mr. CELLER] is in favor of the passage of the bill. Does not the distinguished gentleman from Pennsylvania believe that those who are opposing this bill ought to have at least five minutes to register their protests against it? All of the 40 minutes time is controlled by the gentleman from Pennsylvania and the gentleman from New York [Mr. CELLER]. Those few of us who are against this bill have no time whatever to oppose it.

Mr. GRAHAM. I agree with my friend from Texas.

Mr. BLANTON. I have only been able to get a promise of two minutes from the gentleman from New York [Mr. CELLER].

Mr. GRAHAM. If the gentleman wastes all the time, I will not have any to give him.

Mr. BLANTON. Will the gentleman yield me five minutes?

Mr. GRAHAM. I am inclined to do it. If I have any time left, I will yield the gentleman at least three minutes.

Mr. CELLER. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CULLEN].

Mr. CULLEN. Mr. Speaker and Members of the House, I presume that the bills that are before us dealing with the economic and unemployment situation throughout the country are the most important pieces of legislation that could be considered by this Congress to-day. How can we legislate seriously on a great problem of this kind in 40 minutes under the rules of the House? These bills should be under debate and treated with the seriousness and importance which they deserve.

The Senate, after long hearings and discussions, passed the three bills introduced by Senator WAGNER, of New York, unanimously and without any amendments. They came to the House and the great Judiciary Committee of this body gave long hearings, and after due deliberations with themselves they reported the bills; but how?

The bill providing for the taking of statistics of all industries came through the Committee on Labor without damage or amendment whatsoever. It is to be regretted that the three bills were not referred to the Committee on Labor, which, after all, was the proper committee for the consideration of these bills.

Senate bill 3060, to provide for the establishment of national employment agencies throughout the United States, was referred to a subcommittee of the Committee on the Judiciary. It was reported out with amendments to the House and now quietly rests on the calendar without much hope of bringing it before the House for a vote unless our distinguished chairman of the Judiciary Committee [Mr. GRAHAM] brings it up under suspension of the rules; and I sincerely hope that he will ask to bring the bill up so that the House can vote on it before adjournment.

The bill before us, Senate 3059, the title of which reads, "To provide for advance planning and regulated construction of public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression," is under consideration, but the heart is cut entirely out of the bill, thoroughly emasculated, by striking out all of the sections providing for advanced planning, building, and construction of all kinds, and leaves us nothing but a hollow shell, practically nothing but the enacting clause.

I am astonished that this bill should come out of the great Judiciary Committee in the form it is now in. It has gone through the most skillful legislative surgery that I have ever seen, and in the form that it is in it is absolutely useless and meaningless legislation to mitigate the unemployment situation throughout the country. Let me say to my dear friends the Members of the House that this legislation is being watched very carefully throughout the country. It is being observed by the labor unions and other organizations who have the unemployment situation thoroughly and sincerely at heart. Mr. Green, president of the American Federation of Labor, appeared before the Judiciary Committee and advocated the passage of the bills in their original form. It was advocated by the industrial commissioners of the United States, and particularly that State where the Senator comes from, the State of New York, by Mrs. Frances Perkins, New York State industrial commissioner, who is conceded to be an authority on this subject.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Speaker, I yield the gentleman one additional minute.

Mr. CULLEN. I sincerely hope that when this bill goes to conference—and I hope it does go to conference—the conferees will restore the bill to its original form and make it of some meaning, give to it the power it should have, and instead of taking the teeth out of it restore the teeth and let us have the bill as it passed the Senate. I hope the conferees, after it goes to conference, will take notice and give us the bill as it originally came from the Senate. [Applause.]

I am going to vote for the bill, accepting it, as a half loaf is better than no bread at all, and yet hoping that the conferees will restore the bill to its original form.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. CELLER. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Speaker, ladies and gentlemen of the House, we all admit that unemployment is prevalent throughout the country. Many Members have spoken in regard to this situation and their remarks have been printed in the RECORD with reference to it, so I will not take part of my time to say anything further about it, any more than to say that the junior Senator from the State of New York [Mr. WAGNER] introduced a trinity of three bills. Three bills that are interlocked. In order to get the full force and effect of them you must pass the three bills. The learned Judiciary Committee failed to report the most important of these three bills, namely, the bill to establish employment agencies throughout the States in cooperation with the Federal Government.

Before us to-day we have a skeleton bill. Speaking anatomically, we might say that we took the body, cut the head and tail off of it, and then tried to put the head and tail together as an entire body. The very body of this bill has been cut

out. You have cut off all advance planning. The learned committee says, "Oh, when the exigency occurs then we will have advance planning." How can you have advance planning when you are not going to plan until a very dire necessity is presented and when unemployment is on your doorstep? It is utterly ridiculous.

The Treasury Department says: "Oh, you must not get away from the old, conservative style. You know, we have got to keep the old red tape working. We must unwind carefully, only a yard or so a day, in order that the even tenor of our ways may not be disturbed. We can not be bothered with the spending of $150,000,000 at one time. The shock of it would be too great. Therefore, we must proceed in an orderly manner, and we are going to proceed in that way." Then, by the time they reach the point when they are going to give aid, the poor unfortunate fellow out of employment will be dead and buried.

So it is with the Labor Department. At first they said, when Senator WAGNER started his crusade for these bills, "There is not so much unemployment in the United States as the Senator states." After several weeks they admitted there was considerable unemployment. But they want to proceed along the same lines with the staid Treasury Department. They say, "Let us move very slowly. Do not upset our organization in any way, because we must proceed with deliberation." Then, by the time they are ready to give aid, the poor unfortunate unemployed fellow has passed on to that country from whence no traveler e'er returns

Our only opportunity to help the unemployed is to pass this bill and then let it go to conference, as my distinguished colleague from New York [Mr. CULLEN] said. Then we hope that august body at the other end of the Capitol may revivify it so that the body will be added to the head and tail, and that it will come back to us; then we can agree to the conference report and pass it. [Applause.]

Mr. CELLER. Mr. Speaker, I yield to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Speaker and Members of the House, in the first sentence of the Federal Constitution it is stated that the people of the United States established the Constitution—

> In order to * * * establish justice, * * * promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, * * *.

The words which I have quoted express a most worthy and noble purpose, a purpose which, if earnestly, honestly, and intelligently carried out would assure the happiness of the American people.

It is well, as times, for the Nation, as it is for individuals, to consider whether or not it has fulfilled the purpose of its existence.

The area of the United States to-day is more than four times greater than it was at the birth of the Nation; the wealth of our county is more than six hundred and fifty times as much as when the Government was established. The wealth-producing power of man has increased as if by a miracle. Notwithstanding all this, however, the great mass of people are wearied and worried with the effort to make a comfortable living.

Why is it, then, that with the fabulous increase of the country's wealth, with the power of men to produce wealth greatly increased, we see to-day millions of people in want and almost everyone haunted by the fear of want?

Let me try to explain briefly why it is that with the great increase in wealth in the country and with the increase in the power of men to produce wealth it is nevertheless a glaring fact that the great mass of the people are hardly making a living.

First, let me call attention to the fact that in 1790, just after our Constitution was adopted, the average person's proportion or percentage of the total wealth of the country was fifty times greater than the average person's proportion or percentage of the wealth of the country to-day. It is a fact also that the average person to-day produces many times as much wealth as was produced by the average man at the time this Government was established.

Unemployment has long been increasing, and to-day it is the most serious problem confronting the Nation. Senator WAGNER, of New York, has introduced three bills dealing with the subject of unemployment. One of his bills, S. 3061, proposes means for procuring reliable statistics as to the number of persons unemployed. His bill S. 3060 provides for the establishment of Federal employment agencies, and his other bill, S. 3059, provides for the hastening of the Government building program. I favor the passage of these measures. The first two bills, S. 3061 and S. 3060, will give us reliable information and employment offices, which will make it possible to put some of the unemployed more quickly in touch with possible opportunities of employment. The third bill, S. 3059, will temporarily furnish some employment. As I have already said, these bills should be enacted into law. The passage of these measures, however, while of some value, as already explained, would not furnish any general or permanent cure for the great evil—unemployment.

Let me discuss briefly an important if not the chief cause of unemployment. A little consideration must convince any intelligent person that improved methods of production are reducing the number of men previously required to do certain work. Again and again we find that improved machinery enables a few men to produce the goods and perform the service which before required the labor of many men. These changes in methods of production cause many thousands of men to be thrown out of employment each year, and many thoughtful observers estimate that to-day there are about 6,000,000 unemployed persons in the United States. Millions of honest, earnest, and capable men are walking the streets and highways of the country anxiously, wearily, but in most cases unsuccessfully, seeking opportunity to earn bread for their families.

What then is to be done about this condition? Is there no remedy? Already we are beginning to hear suggestions about preventing the use of machinery. Some are beginning to argue against the adoption of more efficient methods of doing business. Can we safely accept such suggestions and arguments as these? Let us not forget that when China had the most advanced civilization in the world she too had the problem of unemployment. China then adopted the plan of preventing by law the use of machinery in producing goods and supplying services. Behold the result. From its high position as the leader of civilization it has come to its present troubled condition. No, my friends, you can not remove the evil of unemployment by going back to the state of ignorance which existed during the dark ages. To forbid the use of machinery would surely cause the human race to fall back to that state of ignorance.

To prevent the use of machinery would mean that it would be useless for men to try to discover and to try to understand the principles which govern the universe so that they may be used to provide for the convenience and increase the comfort of the human race, for if people were not allowed to use machines there would be no reason for making them. If it were useless to make machines then there would be no incentive and no desire to discover and to understand the principles governing the universe, for men will not strive for that which they know in advance can be of no benefit.

Men patiently search for and try to understand principles because they desire to put them into practice for the benefit which would result.

If, however, men were to stop trying to discover and trying to understand the principles governing the universe, they would stop thinking, and then they would begin to sink in the scale of intelligence toward the level of the brute, for to fail to know principles is to fail to know the truth—the true nature of existence. The purpose of life, however, is to know and to realize the truth—that is, the true nature of the universe, including man. It has well been said that "ye shall know the truth, and the truth shall make you free."

Notwithstanding, however, the certain decline of civilization, if the use of machinery were stopped by law, no thoughtful person can fail to see that those who constitute the employee class, and who are far more than the majority of the population, suffer great injustice as a result of every improvement in the mechanical means of production. Every successful machine that is invented turns out of employment a substantial number of persons. Then, of course, the larger the number of unemployed persons in the world, the greater is the demand for—or competition for—employment. That increased demand for employment results in smaller wages and less desirable working conditions for those who are employed. So the result is a large number of unemployed persons and less pay for those who are employed.

What, then, is the remedy for the evil of unemployment?

As we have already seen, it would clearly be wrong to prevent by law the adoption of less expensive methods of doing business or to forbid the use of machinery. On the other hand, no one having the least sense of decency and justice would insist or assume that millions of people should be compelled to suffer hunger, decay, and die because of the impossibility of finding employment.

If, then, the use of machinery is right, and yet the use of machinery reduces the labor needed for production, what is the explanation of the trouble which makes it impossible for millions of men to find employment? What constitutes the injustice?

The explanation is that the few persons who control the natural resources and the agencies of production have been able

to take, and have taken, as additional profits, what was before paid to labor, which is no longer needed because of the use of machinery and of more efficient methods of production. This is the reason for the fact that instead of making the burden of mankind easier, the opportunities for employment have wrongfully become fewer and consequently men's worry and fear of want have been increased.

Only a short time ago machinery was constructed which, operated by one man, will do the work which until now required the labor of almost 100 men. Look about you and you will see on every hand machines which have greatly reduced the number of men formerly needed in production. Nor is it true, as some claim, that it requires as much labor to make machines which reduce the labor employed in production, as was needed for like production before the use of machines. If that were really so, there would be no reason for using machinery, because the total cost of production would still be no less.

Surely then it is unjust, it is wrong that the few who control the resources and agencies of production should be permitted to take for themselves, for their own profit, an amount of money equal to the wages previously paid to labor, which, because of the use of labor-saving machinery and other improved methods of production, is no longer required.

The benefits which come from the use of machinery and from improved methods of conducting business should be distributed fairly, justly, among all those who are engaged in any way in the business which uses the machinery and new methods. That means, of course, that the right of the employer, as well as of the employee, should be respected, for I would not even think of approving a suggestion that the owner of a business should be deprived of any just reward. Let me say, however, that justice must be determined according to scientific principles—must be based upon the moral law. So, therefore, the justice of a claim to compensation or reward must be established in accordance with the moral law.

The right to compensation or reward is and must be based upon the fact that the person who claims the right to it has given service equal in value to such compensation or reward.

To what, then, according to the moral law, is the owner entitled? As a matter of course, he would be entitled to all the proper expenses of operation. Certainly, too, he is entitled to interest on the amount of money he may have prudently invested in buildings and equipment. If he must pay the bank interest for the use of money spent for buildings and equipment, surely, from the income of the business, he is morally entitled to receive what he has paid as interest. If, on the other hand, he invests his own money, then, from the income of the business, he should receive interest on the money so invested. Finally, for his service in managing the business the owner must be paid a salary equal to the value of the service he may have given in such management. The salary may be large or small, according to the quality and amount of service he may have given in conducting the business. Certainly it is only because of the valuable nature of the service given by him in the management of the business that the owner can justly claim a correspondingly large income.

Now, my friends, when from the total amount saved in wages of labor the owner is allowed the interest on the money paid for machinery, then the amount of the increase in the salary for management and also a just amount to compensate for the depreciation of the machinery, would it not be absolutely just that all of the employees' hours of labor should be reduced by a percentage equal to that represented by the total reduction in the cost of operation of the plant, a reduction which results from the saving of labor because of the use of machinery? The percentage of reduction of each employee's hours of labor would be almost as much as the percentage of reduction in the total amount of labor of the plant on account of the use of machinery.

To illustrate, let us suppose that, in the shoemaking industry, machinery were invented which would lessen the amount of labor required before the invention to produce a certain number of shoes. Suppose, for example, that it should require 20 per cent, or one-fifth less labor, than was needed before the use of machinery, to make the same number of shoes, or in other words, before the use of the invention, 100,000 men were employed to make the shoes produced, and with the use of the new machinery only 80,000 men were needed to make the same number of shoes, then it would be fair that the hours of labor of each employee should be reduced by 20 per cent, less such time as would equal the value in money of the allowances to which we have said the employer would be justly entitled. With this reduction in the hours of labor of every person employed before the use of the invention, then practically the same number of employees would still be required to produce the same number of shoes. If this plan were followed in every industry in which new machinery should happen to be used and improved methods of operation adopted, is it not clear that it would not be necessary to discharge anyone except for misconduct? No longer, then, would anyone need to suffer from enforced idleness. General unemployment would then cease to exist.

Now, would there be any injustice in such a change in the basis of the distribution of the benefits resulting from the use of machinery and of improved methods of production?

We have long boasted that the increase in general intelligence should be for the common benefit of the people. We have been told that the application of this intelligence through the use of machinery should lighten the burden of mankind generally. To what extent then has the advance in general intelligence been a common benefit? How much has improved machinery lightened the burden of mankind? The increasing ranks of the idle and the worried look of the great majority of the people answer the questions.

As is the case, of course, in regard to every form of injustice, practically everyone agrees that the benefits resulting from society's increased intelligence should not be monopolized by the few. Almost always, however, objection is made when there is offered a definite proposal to correct a specific wrong and we are, therefore, reminded of the poet's words:

Preach about the other man, preacher; not about me.

Nevertheless, right will finally triumph; and, as is always the case, it will be found that what is just is best for everybody.

Let us consider now for a moment the results of abolishing unemployment. Almost immediately wages would rise to a reasonable standard because there would be no army of unemployed clamoring for other men's jobs and offering to work for less wages. When practically all of the people are employed and receiving good wages they naturally desire to buy, and do buy freely, whatever adds to their comfort and convenience. This increases the business of merchants of every kind, and the merchant naturally buys more and more from the manufacturer and producer. This increased demand for the manufacturers' goods and the agriculturalists' produce makes for better incomes for the employers and producers and better wages for employees who are thus still better able to buy what they want and improve their standard of living.

With such a condition established, with the fear of want banished, people would cease to be money mad and would naturally turn to the cultivation of the mind as the source of true happiness. Sickness and crime would lessen rapidly with the removal of the cause of worry and tenseness of mind. In short, the human race would develop normally but rapidly toward a lofty standard of existence.

I have pointed out one of the chief causes of unemployment. I have explained the nature of the injustice which results in the paralysis of industry and increases the evil of unemployment. The clear explanation of a wrong leads quickly and surely to the application of the proper remedy. Many true reformers have proposed a fundamental change in our system of land tenure, which, without doubt, would in time abolish unemployment. Others advocate a change in our Constitution which would enable Congress to limit the number of hours per day which men can be required by employers to work. The able and courageous members of organized labor have worked long and patiently to improve the condition of those who work for a living. Great credit is due them for the many benefits enjoyed by labor to-day, which, a generation ago, only a few thought possible. Organized labor will certainly see the advantage of striving for shorter hours of labor, and even shorter weeks if necessary, in order to remedy the injustice which exists because a few monopolize or control the natural resources and agencies of production, and are therefore able to force men to work for less than what is just.

The struggle in the industrial world has so far been mostly in regard to wages, but in the future there is sure to be more attention given to the hours of labor. When the struggle by labor is for increased wages only, the difficulty is that labor must finally pay any increase which may be granted. The shoe workers, for example, may force a 10 per cent increase in wages. The employer naturally adds the increase to the price of his shoes. Of course, the few millionaires do not constitute the market for shoes. On the contrary, practically all who purchase shoes are workers of one kind or another. The people in all of the trades must therefore pay more for their shoes. Then it is not long before they all demand an increase to meet the increased cost of living, and so, although they seemingly receive more wages, they pay correspondingly more for what they buy. It is for this reason that from now on I expect to see more emphasis placed by organized labor on the demand for shorter days of work. Every shortening of the workday makes it more certain that labor will receive fair compensation.

As I have already said, the widespread unemployment throughout the country presents the most serious problem of our times. It can not be ignored. It is far more important that we find a remedy for unemployment than it is to investigate crime waves. It is more urgent that we abolish unemployment than it is to engage in long investigations in regard to stricter law enforcement. Any tendency toward crime and disregard for law will decrease rapidly with the establishment of a more just economic system.

Oh, my friends, in the spirit of true brotherhood, and with neither hatred nor malice toward any person or class of persons, let us devote our sincere thought and let us strive earnestly to abolish the injustice which results in unemployment. In doing so we would be not only helping the men who toil but would be promoting as well the best interests of the merchant and of every other class of society.

Witnessing on almost every hand the distress and fear of want suffered by men, women, and children, surely no thoughtful person can with comfort, with peace of mind, with even self-respect, refuse or fail to do his best to establish economic justice and promote a better social order.

Mr. CELLER. Mr. Speaker, I yield to the gentleman from New York [Mr. O'CONNOR] such time as he may desire.

Mr. O'CONNOR of New York. Mr. Speaker, ladies and gentlemen of the House, on last Thursday on the floor of this House I enumerated several important pieces of legislation not yet acted upon and inquired what, if any, action was going to be taken in reference to them. Among the bills mentioned by me were the three bills (S. 3059, S. 3060, and S. 3061) relating to unemployment introduced in the Senate by Senator WAGNER, of New York, and long since passed by that body.

Two of these bills, S. 3059 and S. 3060, were referred to the Committee on the Judiciary of the House and extensive hearings were held early this month.

At these hearings the following well-known and distinguished citizens, other than Members of Congress, testified in reference to the present unemployment situation:

Dr. Henry A. Atkinson, general secretary Church Union and World Alliance, New York City.

Mr. William Green, president of the American Federation of Labor.

Dr. Samuel Joseph, College of the City of New York.

Miss Frances Perkins, industrial commissioner of the State of New York.

Dr. William T. Foster.

Prof. Paul Douglas, Swarthmore College.

Mr. John B. Andrews, general secretary of the American Association for Labor Legislation, New York City.

Mr. James A. Emery, National Association of Manufacturers.

Mrs. E. E. Danley, national board of the Young Woman's Christian Association.

Mr. Thomas F. Cadwalader, the Sentinels of the Republic.

Miss Grace E. Cooke, National Employment Board.

Mr. Fred J. Winslow, Illinois Employment Board.

Mr. Frank L. Peckham, of the District of Columbia bar.

In addition the committee received the following communications:

Communications from Manufacturers' and Employers' Association of South Dakota, submitted by Hon. C. A. CHRISTOPHERSON.

Communication from National League of Women Voters.

Article from Saturday Evening Post of February 16, 1929, submitted by Miss Grace E. Cooke.

Article from Nation's Business of March, 1930, submitted by Miss Grace E. Cooke.

Within the past few days the Judiciary Committee has favorably reported S. 3059 and S. 3060 with certain amendments.

On May 19, 1930, the Committee on Labor, to which was referred S. 3061, favorably reported that bill without amendment.

I am glad, Mr. Speaker, that the fears I expressed on last Thursday are at least partially dispelled by your expressed intention of recognizing the chairmen of these two committees to move to suspend the rules and pass S. 3059 and S. 3061, respectively. If it be true that you have no intention to recognize the calling up of S. 3060 it is to be deeply regretted, and I trust Congress will continue in session long enough to permit final action on that bill also.

Unemployment is one of the greatest disasters that can befall a community or a nation. The pay envelope is the basic index, not alone of the prosperity but the health and happiness of our entire Nation. An unemployed people are not only often hungry, without shelter, uneducated, but often restless and revolutionary. History records many resorts to depredation and even rebellion by those suffering from the lack of the necessities of life.

Charity and sentiment are not the sole emotions which should prompt a government to do all in its power to provide for the employment of its people. The prudence of a peaceful and well-organized society and the safety of a stabilized economic governmental structure should appeal to those in charge of a government when a situation of unemployment arises. The peace, the order, the patriotism of a people are commensurate with their condition of comfort and prosperity.

In these days of the alleged growth of communism and sabotage and revolutionarism it behooves those in charge of government to see to it that their people are contented. There is no more discontented person on earth than the head of a family, able and willing to work, who can not find a job. He is always a potential spark of discontent which may be set off even in opposition to his own government if his unemployment continues long enough and his family suffers want and privation. He does not need to be a communist or a socialist or a bolshevist. He can be an American of *Mayflower* stock—yet at the breaking point he becomes antieverything.

Whenever it occurs in any community or in any nation that men, willing to work, can not find a job, there is something fundamentally wrong with the social and economic structure of that community or nation.

A people regularly employed is the greatest asset of a government. A cautious government will even attempt to solve the problems of seasonal unemployment and unemployment in certain geographical areas.

The cycle usually has to make almost a complete revolution before the situation is brought home acutely to us. Since last fall unemployment has continuously increased. It is now estimated on reliable, nonpolitical authority that from 4,000,000 to 6,000,000 workers of our country can not find employment. If these be the heads of families, there are at present from 12,000,000 to 18,000,000 persons in our rich Nation who are without an income to provide the necessities of life.

The American worker does not want charity or a dole. He wants a job! Give him a job and he will provide for the necessities of his family, educate them, and bequeath them to his country to add to its greatness. Organized society, which is another term for government, should see to it that he gets his job!

These three bills were introduced in the Senate by Senator ROBERT F. WAGNER, of New York, to meet, in a measure at least, the pressing problem of unemployment. Few men in our Nation have had an experience equal to that of Senator WAGNER in the study of the problem of the worker. As a member of the Assembly and of the Senate of the State of New York, as the presiding officer of the latter body, as Lieutenant Governor of New York, as a judge of the Supreme Court of the State of New York, as a lawyer, and arbitrator in labor disputes Senator WAGNER'S career has been exceptionally identified with the cause of labor.

Senate bill 3061 amends the act creating the Department of Labor by providing that the Bureau of Labor Statistics of that department shall collect and report monthly statistics relating to employment and wages in the principal industries. This public information will serve to keep the true facts as to unemployment at the finger tips of those concerned.

Senate bill 3059 provides for a system of long-range planning of public works to meet unemployment in industry. It creates a board of four Cabinet officers to advise the President from time to time of the employment situation, and to recommend in times of business depression emergency appropriations for Government works to the extent of $150,000,000 in any one year if necessary. The practical effect of this bill will be that when there is unemployment in the private industries of this country the Government can meet the situation by pushing work on Federal highways, river and harbor work, flood-control projects, and public buildings.

It is most unfortunate and likewise unsound and unjustified that the Judiciary Committee has so amended this bill, as passed by the Senate, as to strike out sections 7 to 12. As the bill will be called up under the suspension of the rules of the House, and a motion made to pass it with these amendments, there will be no parliamentary method by which these eliminations may be restored or other amendments offered. We are forced to take or leave the bill as the committee offers it. The emergency warrants our accepting the best we can get, even though it falls far short of a complete solution of the problem.

Senate bill 3060, which, to my mind, is the most important of these bills, and which seems destined to be pigeonholed by the Republican leaders of the House, provides for a system of employment agencies throughout the country, operating in conjunction with similar agencies already set up by more than a majority of the States. One of the problems of unemployment has always been the bringing of the employer and the job hunter

together—finding the market. There may be no market for the job hunter in his own town or even his own State, while there may be many opportunities and even need for his services in another locality. Only by State cooperation or Federal unification can this nation-wide market be made available. If a man needs a job badly enough, he will be glad to take one, even though it is removed from his present place of abode.

The minority objections to the bill that it is unconstitutional and an invasion of State rights will not, I am sure, withstand a thorough consideration of the proposal. There is no provision for any force or pressure on any State which does not wish the aid and cooperation of the Federal Government. The legal questions that might arise in reference to the act seem to have already been disposed of by the Supreme Court of the United States in Massachusetts *v.* Mellon and Frothingham *v.* Mellon (262 U. S. 467), which two cases dealt with the Sheppard-Towner Maternity Act (42 Stat. 224).

To be legalistic in the face of an emergency does not appeal to the great nonlawyer portion of our people. Laws are often made and are often interpreted to fit a particular situation. They should never be a barrier to the solution of a national problem.

Mr. CELLER. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Speaker, ladies and gentlemen of the House, there is very little I can say in the time allotted, but if proper attention were given to unemployment, as has been given in this House to prohibition and border patrol, I think we would get everybody a job.

Considerable time has now elapsed since my colleague in the Senate, Hon. ROBERT F. WAGNER, initiated his campaign for a thoroughgoing investigation and solution of a problem which has been agitated in this country for almost two years. That is the problem of unemployment which affects so intimately all of us, particularly in the large cities of the United States.

Hearings were had before the appropriate committees in the Senate and some faint activity could be seen in this House looking toward a solution of the problem. Neither the Senate or the House came appreciably nearer to a real determination as to where the trouble lies and what plans could be made for the future of this problem. Now, where does the trouble really lie? Is it that the gentlemen in this House are not sincere in their effort to relieve the situation in which our country finds itself, or is it because the powers of the Federal Government to act on this problem are limited and circumscribed by the Constitution of the United States, or legislation which has been enacted by us from time to time?

For, after all, what does affect us more than the ability to make our living day by day and perhaps save a few dollars for the future or lay a foundation for the education of our children or to permit them to establish themselves in business and make it easier for them when their time comes to take their place in the affairs of this world?

For years and years the talk went around that this country offered to everyone who was so minded and who was willing to work hard and "put his nose to the grindstone," to make a living, and, in due course, to become successful in whatever he undertook to do for a living. In fact, this country primarily under the Democratic administration of Woodrow Wilson, enjoyed an unparalleled prosperity. Everybody was happy; everybody was contented, and life for most of us went along smoothly and without any undue disturbances.

Came the Coolidge administration and continued this prosperity for a while, and the Republican Party sought to strike capital from the fact that prosperity existed under a Republican President. On November 13, 1929, the city of New York and the country at large was startled when the break of the New York Stock Exchange occurred, smashing records for many years and causing widespread misery among hundreds and thousands of people. This was just a final blow to shatter all hopes for any improvement in the business situation, which has been growing from bad to worse ever since the present administration took office.

I am not blaming the administration. Perhaps any other administration would find the same difficulty but I wish it to be understood that I do not believe that the administration has done everything it could to alleviate conditions and to perform such work on its part as would restore conditions to normal. We had promises coming from the Republican side of the House and coming from the Republican members of the Cabinet that "prosperity was just around the corner"; that things were taking a turn for the better; that another week, another month, and another quarter year would see an improvement in the situation. What have been the facts? Business has been growing from bad to worse. Bankruptcies and insolvencies abound; nobody to-day has the good or bad fortune of starting a new business or going into a new field of activity. There is a perpetual cry for relief and all agencies, local, State and national, are appealed to in order to bring some help to the masses of the people. Congress could not be indifferent to this appeal. A duty rests upon us, particularly in this party which represents more directly the people of the United States to give such help as we can. It is unthinkable that among 110,000,000 or 120,000,000 people which the census figures say our Nation consists of, we can not find employment for all who are willing to work. It is not the question of proper distribution, and if work is not to be found in one State, why should we not provide for some method by which work can be given elsewhere? If we all put our shoulders to the wheel and if we realize that the unemployment problem is a problem which affects every one of our constituents we could not leave this problem unanswered long.

Why has not this body seen fit to appoint a special committee on unemployment? Why has not this body called for public hearings on the question and inquired generally as to its causes and proper relief? I am a great believer in finding out the facts before we can apply a remedy. Unless we find the facts we shall grope in darkness and be dependent on any stray information which may come to us, perhaps from sources which are not entirely reliable and trustworthy. Why should we be dependent on stray and unofficial information if we have the means of arriving at the truth by proper and intelligent investigation?

The people of the United States have placed a burden upon us to do everything in our power to help public welfare. Only by assiduous study and sincere desire to help the people will we be worthy of the trust imposed upon us.

Before we adjourn for the summer let us bear in mind that the unemployment problem is still awaiting solution and if every one of us will occupy his leisure moments and the time during which this House will not be in session in a study of this problem, I have no doubt that very soon, we shall discover a way to put an end to conditions and steer this country to a happier future.

Mr. GRAHAM. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, the question of unemployment is the most important problem which this Congress sooner or later will have to solve, and the sooner we solve it the easier it will be to solve.

Legislation has not kept abreast with progress in mechanics, electricity, chemistry, and means of transportation. While we have improved in our methods of production, while we have labor-saving devices, we have not utilized the progress that has been made for the benefit of all of the people of the country.

The three bills introduced by Senator WAGNER, of my State, one of which is now before you, are the first steps in the legislative program for the solution of the unemployment question. They will of and by themselves not solve the unemployment question. It is not claimed that they will, but they are essential as a start.

We can not utilize labor-saving devices brought out in 1930 and apply factory conditions and hours of labor that were all right 20 years ago without causing untold injury to labor. We must have modern conditions to meet modern machinery. As labor-saving devices are installed and used for production we must necessarily shorten the number of hours per day, and we are now at that stage where we will necessarily have to come to a 5-day week, because, gentlemen, you can not have prosperity unless you have employment. If we keep all of our people employed, we will have very little farm relief to do, because one is so interrelated with the other.

So you can not talk about prosperity and judge prosperity by the stock ticker, because that time has passed. The markings on the tape of the stock ticker is no longer an index to real prosperity, which means the number of people profitably employed.

We must have uniform labor conditions in all of the States, otherwise a progressive State, seeking to cope with the situation, will be at a disadvantage from competition with other States that will draw their industries within their own borders.

The criticism directed at this bill is particularly the elimination of sections 10 and 11, and all that sections 10 and 11 do is to permit the department to plan in advance. You provide here for a stabilization board, but what use is it to have such a board if at the time of unemployment the emergency is declared and you have not the work ready to be performed?

You all know that it takes from six months to nine months for any department of the Government to prepare plans necessary for any public work. We must have all the advance planning in the blue-print stage so that when a crisis of unemployment

occurs the blue prints are ready and the departments can immediately buy necessary material and put personnel to work.

Sections 7 and 8 are provided for in the bill (S. 3061), which will be called up very soon by the gentleman from Iowa [Mr. KOPP]. That is the bill with respect to statistics. S. 3060 is the national employment agency bill. I am sorry it will not be called up during this session of Congress, but I am sure the enactment of that bill into law can not be stopped. It is one of the necessary means of coordinating the work of employment agencies. Gentleman, I will support this bill as I indicated in my minority views. I am certain the conferees will reinsert the sections stricken out by the committee. The reasons for continuing these sections are fully set forth in the report which I filed when the bill was reported and which I will now read into the RECORD.

The committee amendments take the very life and vigor right out of the bill. The committee amendments cripple and destroy the purpose of the bill. Senate bill 3059, known as the Wagner bill, is a well-thought-out and balanced plan creating the machinery and providing the means for advance planning of public works. The bill as amended by the Judiciary Committee leaves intact the machinery created by the Senate bill but takes from it the fuel and lubrication. With the Senate bill the machinery could function at full speed in periods of business depression and unemployment, while under the Judiciary Committee bill at such times it could only have the desire to function. To be specific, the bill establishes a Federal employment stabilization board, having at its head a director, assisted by such experts, clerical, and other assistants as may be necessary. The board is charged with the duty of advising the President from time to time of the trend of employment and business activity and of the existence or approach of periods of business depression and unemployment, either general or in any portion of the United States.

The purpose of the bill is to provide advance planning and regulated construction of public works, so that construction work may be commenced promptly on such public projects at times of unemployment in order to decrease unemployment and stimulate business during periods of depression. The committee amendments defeat that purpose.

The committee bill provides only for the board. It is insufficient to provide for an employment stabilization board and to give the President authority to submit supplemental estimates as he may deem advisable for emergency appropriations to be expended during such periods upon public works in order to prevent unemployment if such public works are not all planned in advance and in the blue-print stage. It will be no actual practical relief to appropriate public funds if the money can not be promptly expended in the actual employment of labor and the purchase of material for public works. Authorized public works in the course of construction may well be accelerated or increased for the current fiscal year, but never to the extent of providing sufficient work to meet a crisis, which is the real purpose of the whole plan. It is at this time that new projects, already studied and planned, must be put into actual construction.

While there may be some argument for the proposed committee amendments striking out sections 7 and 8, provided the House will take action and pass Senate bill 3061, there certainly is no justification, and the committee is unable to advance any sound argument for its amendment striking out sections 10 and 11. It must be assumed that the committee is desirous of promoting this legislation, and that being so it is puzzling to reconcile such a desire with a recommendation to take from the bill the provisions which would give life and make certain and practical the law to provide advanced planning of public works in periods of depression. The idea of the construction of public works in periods of unemployment has been repeated so often that it is now a bromide. Here is the opportunity of putting this idea into practice. If it is to be put into practice, it must be done so completely and properly. Section 10 is the advance planning section; it directs advance planning of—

"public works to be accomplished (a) in the case of river and harbor and flood-control works and projects and public-building projects by means (1) of preliminary reports, made under the subsequent provisions of this act or existing law as to the desirability of the project; (2) of annual authorizations of projects the total estimates for which are sufficiently in excess of the annual appropriations made for the work thereon to result in uncompleted projects being available for the expenditure of public works emergency appropriations when made; and (3) of advance preparation of detailed construction plans and (b) in the case of public roads projects by means (1) of advance approval of projects in accordance with the provisions of the Federal highway act, and amendments and supplements thereof, and of this act; and (2) advance preparation of detailed construction plans."

Section 11, known as the public roads project, provides:

"In addition to the projects authorized to be approved under the Federal highway act, and amendments and supplements thereof, the Secretary of Agriculture is authorized to approve emergency Federal-aid road projects for the construction, reconstruction, and maintenance of Federal-aid highways, the share of the United States in the cost of which is to be paid primarily out of public works emergency appropriations made for the purpose. Such emergency projects may be approved in advance of any such appropriation but only to such extent as the Secretary of Agriculture deems advisable in order that uncompleted projects for the expenditure of money so appropriated may be immediately available at the time such appropriation is made. If the amount apportioned to the State of the public works emergency appropriation made for the purpose is insufficient to meet the share of the United States in the cost of all approved emergency projects within the State, the balance of the share of the United States shall be paid out of the amount apportioned to the State from any subsequent appropriations made for Federal-aid highways.

"(b) The approval of emergency projects for roads within a State shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution to the cost of the projects only to the extent of the amount apportioned to the State and remaining unpaid of the public works emergency appropriation made for the purpose and the subsequent appropriations made for Federal-aid highways.

"(c) The provision of the Federal highway act in respect of the apportionment of Federal-aid appropriations shall not apply to public works emergency appropriations, but the Secretary of Agriculture may apportion such appropriation among all the States or in the State in the area or areas designated by Congress in such a way as may be fixed by Congress or shall in his judgment be best calculated to prevent unemployment.

"(d) For the purpose of equalizing among the several States the amount of Federal funds apportioned under the Federal highway act, as amended and supplemented, and this act, the Secretary of Agriculture shall deduct any payment made to a State out of a public works emergency appropriation from the amount apportioned to the State out of any subsequent appropriation for Federal-aid highways.

"(e) The Secretary of Agriculture, after making the deductions authorized by this section, shall within 60 days thereafter reapportion the amount so deducted to all the States in the same manner and on the same basis, and certify to the Secretary of the Treasury and the State highway departments in the same way as if it were being apportioned under the Federal highway act for the first time.

"(f) In the event that the payment received by a State under the provisions of a public works emergency appropriation for Federal-aid highways exceeds the amount apportioned to that State out of the next succeeding appropriation for Federal-aid highways, the whole amount apportioned to that State shall be reapportioned to all the States in the manner provided in subdivision (e), and the difference between the payments so received and the amount so reapportioned shall be deducted from the amount apportioned to the State out of the next succeeding appropriation for Federal-aid highways and reapportioned in accordance with subdivision (e) and so on until the total amount so received has been thus deducted and reapportioned."

Surely anyone sincerely in favor of the advance-planning idea can not object to sections 10 and 11, above quoted, remaining in the bill. These two sections would require departments of the Government to actually plan in advance. It would naturally fall to the director of the stabilization board to keep in touch with all of the departments so that any time an emergency would occur the plans of the various departments could be so coordinated and the work allocated as to produce the results contemplated in the law. Any project of construction of importance or magnitude requires a great deal of advance planning. Detailed plans of construction can not be created overnight. Besides, if there is no advance planning and preparation in normal times there can be no complete program ready to be put into operation at the time of a crisis. Unless public works are well considered and studied any suddenly adopted program would result in confusion, waste of public funds, and perhaps the construction of unnecessary works and projects.

Sections 10 and 11 would require advance planning and preparation in normal times of public works as part of a national and comprehensive plan which could be put into operation promptly whenever an unemployment emergency presented itself. Just as the War Department has complete plans for any emergency it may be called upon to meet, so here the work must be all prepared, studied, and detailed in advance, ready to be put into immediate operation. The removal of sections 10 and 11 seriously weakens the bill. Considerable time is, of course, involved in planning for construction reports, estimates of expenditures necessary, and actual construction plans. If this preliminary work isn't actually accomplished in advance of a depression calling for emergency appropriations it would certainly delay the actual beginning of emergency work. It made progress slow and relatively ineffective last winter. It would also handicap the President in estimating the actual amount of emergency appropriations needed.

The Wagner bill, S. 3059, should be passed by the House in substantially the same form as it passed the Senate. The sections discussed should not be eliminated from the bill.

Mr. CELLER. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. GRAHAM. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, this bill authorizes the stupendous sum of $150,000,000 to be appropriated as a solution of

the unemployment problem. It is called up in the closing hours of Congress under a suspension of rules, with only 20 minutes debate to the side, and under regulations such that not one of the 435 Members of the House may propose any amendment to it whatever. We can not change it in any particular, even if every Member of the House earnestly desired to amend it. We must vote for it just as it is. We can not dot an "i" or cross a "t." We must swallow it down like a bunch of mocking birds.

This is not the way to pass sane legislation. This is not the way to vote out of the Public Treasury $150,000,000 of the people's money. This is not the way to help the people, for we must call on them to furnish this $150,000,000 that we are thus authorizing to be appropriated and spent. This Government has not a dollar of its own, except that which it takes out of the pockets of the people. It must first tax the people and take their hard-earned money before it can spend it. And the people of the United States furnish this $150,000,000. And most of it comes out of the pockets of the poor people, whom it is sought to help by this measure. It is the poor people who pay most of the bills.

No man can pull himself up by his own bootstraps. And economically no government financially can pull itself up by its own bootstraps. Debts can be settled sometimes by borrowing from Peter to pay Paul, but you can not materially help poor people without jobs by spending $150,000,000 of their own money to create fictitious employment for them.

I realize that by opposing this bill I am incurring the renewed hostility of certain leaders of organized labor, for they are sponsoring this bill. I am one of those who has never obeyed their orders. I dare to go against them when they are wrong. I am with them when they are right. They have no better friend. But I am their real friend. I do not blindly support them. I do not blindly obey their commands. And unless you obey their commands 100 per cent they classify you as their enemy. They require 100 per cent obedience. And if you do not give them 100 per cent obedience they try to ruin you politically. And for 20 years these leaders of organized labor have tried to ruin me politically, but they have not been able to control the rank and file of labor, and the rank and file have reasoning powers of their own and they follow their own judgment and they have saved me in many a political battle, because my positions have appeared to them just and fair, and they know I am always for the under dog.

This Republican administration has recently passed into law a billion dollar tariff bill that will take out of the pockets of the poor people one thousand million dollars by an indirect tax that covers practically everything they eat, everything they wear, everything they use in their homes and everything they use on their farms and their ranches. This is not a bill that equalizes the cost of production in this as against all foreign countries. No one would object to that. I am in favor of legislation that equalizes the cost of production of every article manufactured in this country against its cost of production in every foreign land, and I am in favor of placing a tariff on every product of the farms and ranches of this country such as will equalize the cost of their production in every foreign country for I want to maintain American standards of living and American standards of wages. I do not want any American workman or any American farmer or any American ranchman to be forced to compete with the peon labor of the world. I will back to the limit all American standards.

But this billlion dollar tariff burden is not such an equalizer. It is just one great big Republican Christmas tree laden with costly gifts and gratuities handed out without rhyme or reason to certain special interests, already rich and pompous, and concerning whose businesses, in most cases, there is no foreign competition, and the protection thus given them is nothing else but an unjustified bonus and gratuity.

The Standard Oil, and its subsidiary monopolies, with peon labor in Mexico and South America, are producing oil cheaper than any independent in the United States can produce it. If this administration had placed a tariff of $1 per barrel on crude petroleum, thousands of independent producers scattered over the United States would have been placed on their feet again, and they would have given back jobs to many thousands of their employees whom they have been forced to lay off, because of the low price of oil. And this equalizer of $1 per barrel would not have raised the price of gasoline one penny, for it is now selling for the same price that it was sold for when oil was several times its present value. But the influence of the Standard Oil and its powerful monopolies was great enough to prevent a tariff of $1 per barrel from being placed on crude petroleum, and thousands of independents were left stranded. Had these independents been given proper consideration, and allowed to begin work anew, every community where they operate would have been benefited. Hundreds of carloads of new casing would have been ordered. Manufacturers of it could have placed their men back on full time. Thousands of men would have been given employment trucking and hauling it out to wells. Casing crews would have been put back to work. There would have been great demand for oil-well machinery and tools and supplies. Thousands of men would have been placed on tower, and thousands would have been given jobs dressing tools, at which they make $10 and $12 per day.

If this Republican administration had placed a tariff of $2 on a calf hide and $3 on a cowhide, it would have meant much to every farmer, ranchman, merchant, and banker in the United States, and it would not have increased the cost price of shoes 20 cents per pair. Cowhides in Texas have recently brought only $1 to $1.25, and the present 10 per cent ad valorem means now only a protection of from 10 to 12½ cents per hide. No farmer or ranchman can afford to skin a cow for what the hide brings. Consequently, thousands of hides constantly rot on the ground and are a dead waste to farmers.

Industrial sympathizers daily preach the doctrine of creating a 5-day week in all industry, claiming that it is the only economic solution of unemployment. And then, if unemployment continued, they would advocate a 4-day week. And finally there would be some who would want a 3-day week on a full-week pay. In my judgment, this would eventually bring about the unhappiest, most unrestful, inefficient, laziest people in the world. Idleness never brings happiness. The happiest men on earth are those who work most. I work, myself, from 10 to 14 hours per day each day in the week, holidays and all, and I am happy. I would be miserable if I were idle. If you would create a 5-day week, you will find workers receiving a week's pay for five days' work from one employer and then find them hired out to another employer for their spare time. We have several thousand Government workers here in Washington, high-ups and low-downs, who work so many hours for the Government each week and so many hours each week for private employers, and this has been going on for years.

Just the other day we witnessed the amusing spectacle of a relief bill for veterans of the World War, that had been passed by this House with only 49 votes against it, and had been passed by the Senate with only 6 votes against it, and which had then been approved by this House unanimously, without a vote against it, going to the White House and being slaughtered by a presidential veto, because, forsooth, the President was afraid that it might cost $100,000,000. And the President and his leaders forced the Republicans of this House to sustain the veto, and kill the bill, and thus leave disabled, helpless soldiers flat upon their backs, with wives and children starving. And that measure had been before the Congress for months and had been debated at length by both House and Senate.

Yet, with Republican administration sanction, because this bill could not have been called up had the Speaker chose not to have it done, this important bill, authorizing $150,000,000 of the people's money to be appropriated, is to be passed hurriedly under gag rule, with only 20 minutes debate to the side, and very little of that given to the real opposition, and with no chance to amend or change it. Just such procedure has brought the House of Representatives into disrepute with the people. The business men of this Nation do not want their business transacted in any such way. It is just such procedure that places so many bad laws in our statutes.

No one more than I deeply regrets the unemployment situation now existing in the United States. It is heart-rending. My deep sympathy goes out to every man who wants to work and who has tried his best to find honest work but could not. Of course, there are many of them; but it is my honest, sincere belief that there are some men now unemployed in the United States not at work because they are too lazy to work. They are too indifferent. They are looking for special jobs. They are looking for easy jobs. If they can not get just what they want they will not work at all. If they can not get the exact amount of pay they ask they will not take any. If they can not work just a certain number of hours they will not take a job that requires a few minutes extra time. Laziness is one of the curses of our country. Shiftlessness is a growing curse. There is a growing tendency to get all you can and give just as little for it as possible. The old rule of doing all you can and of making yourself so valuable to your employer that he can not do without you has gone to the discard. It has been supplanted with the slogan of having a maximum production fixed on a minimum basis and punishing all who do their best. In all the work I have ever done for a private employer I have striven to produce just as much as anybody else could and to perform the work just as well as anybody else could perform it. If a man can not get one kind of work he ought to take another kind. He ought to take any kind available.

And if he can not get the wages he wants he ought to take wages that are available.

Mr. BOX. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. BOX. Does not the gentleman believe that it is an economic crime with 3,000,000 men out of work to import aliens into the country?

Mr. BLANTON. Yes; I do. And it ought to stop. I am one of those who have been advocating suspension of all immigration for five years. I introduced a bill to do that in the Seventieth Congress. I wish the House could pass such a proposition now. All immigration ought to be suspended for five years. You talk about organized labor being for this bill. If you want to really help organized labor in a substantial and lasting way you ought to suspend all immigration. Foreigners are daily taking the jobs, and meat and bread, away from Americans. When organized labor is right I am for it, and will go all the way for it. When it is wrong I am against it. I have as much organized labor in my district as most of you have, but I have awakened to the fact that they do not control the elections in this country. [Laughter.] If some of you gentlemen would emancipate yourselves and become free agents, represent all of the people, represent organized labor when it is right, and be against it when it is wrong, you would all feel better. I am not afraid of organized labor, because many union men in my district are my personal friends and have confidence in me.

Mr. BOYLAN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BOYLAN. The gentleman says he is not afraid of organized labor—does that apply to the Anti-Saloon League? [Laughter.]

Mr. BLANTON. Yes; the Anti-Saloon League does not control me—I am for it when it is right and against it when it is wrong. It has been wrong, however, in very few instances. [Laughter.]

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. McCORMACK of Massachusetts. Do I understand the gentleman to say that people are not working because they are lazy?

Mr. BLANTON. Some of them are too lazy, and they would not work long if there were plenty of jobs available. Why, I remember distinctly when a common hodcarrier here in Washington could get $8 per day for every day that he would honestly work the streets here were lined with vagrants too lazy and shiftless to take jobs. Of course, when I said many are lazy I had in mind only a certain per cent of the several million now out of employment.

As the chairman of this committee [Mr. GRAHAM] quoted in his speech, the Secretary of Agriculture stated:

> An emergency organization to expend money for public works is nearly always wasteful.

And we all know that this $150,000,000 of the people's money which this bill authorizes to be appropriated will do the needy men now out of employment very little good. Most of it will be wasted. The greater part of it that will be spent will go in overhead. It is pulling yourself up with your own boot straps. It is just like the money our Government has recently spent foolishly painting and erecting large billboards on the highways entering cities heralding that "Prosperity must continue in the United States." Not one of these many thousands of billboards has remedied the situation a 5-cent piece. It has been money thrown away.

The statement of the Secretary of Agriculture which was read by the chairman [Mr. GRAHAM] also said:

> At the present moment the department is in a position to release upward of $100,000,000 for cooperative road building as fast as projects can be submitted by the States and be approved, so that it would appear that no emergency action is needed so far as road building is concerned.

Is the spending of this $150,000,000 which this bill authorizes to be appropriated to be a mere gesture? Is it merely to palliate organized labor in its demands? It is a waste, and I am against it even though I incur the displeasure of labor leaders.

The SPEAKER. The time of the gentleman has expired.

Mr. CELLER. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker and Members of the House, I am not concerned now with the cause of unemployment nor who might be responsible, but I am concerned with the question of securing work for those who are anxious to work and who can not find work to support themselves and families. The number of unemployed in my city has been placed at over 50,000, and this is a very conservative estimate according to many well informed. It has reached such proportions that the labor organizations are considering limiting the hours of labor for its members so that their fellow craftsmen out of work will get an opportunity to at least earn sufficient to exist upon.

While I support this measure, what good will it do if you do not make provisions to carry out the suggestions contained therein now? Surely you do not expect to have a more acute situation than now confronts the country. Unemployment has grown until it is now a national issue rather than a local issue.

Speakers here tell you it is the tariff, some saying you have raised the tariff so high we have lost our foreign trade and there is no market for our surplus. The preceding speaker says if you had placed a tariff on hides high enough to bring a proper return to those who raise cattle you would put thousands to work. He also stated a tariff on crude oil would likewise have put thousands to work. I can not agree with his logic. A tariff on hides would not benefit unemployment, nor would a tariff on oil. What good is a tariff on oil if the people have no money to buy the oil?

I contend what we should do before adjournment is provide jobs for the unemployed. You say how can that be done? We have authorized many projects running into the billions of dollars, but in these laws you also provide that the work is to be completed within a certain number of years. Some a 10-year program, others a 5-year program. Why not consider doing these jobs in a year or two years or three years. Do the jobs now and you give work to the unemployed. Again you say, where will the money come from? If necessary, arrange for a bond issue to carry out your authorizations. Why delay flood-control work 10 years? Put enough men to work and you can do the job in 2. The same applies to the rivers and harbor authorizations. People can not secure food on promises of work 2, 3, or 5 years hence. What they want now and what they must have is employment.

The Department of Labor, in connection with the Veterans' Bureau, has opened an office in St. Louis for the purpose of assisting veterans to secure jobs. How can they secure jobs when there are no jobs to secure?

One of our newspapers, the St. Louis Star, has suggested that every business establishment engage one additional employee. That shows the situation. It is country-wide.

Congress has created a great public-building program. Several years ago you authorized a new Federal building in St. Louis. The money was appropriated for the site and a year ago the money was appropriated for the building. The Treasury Department has not even acquired the site. After over a year of dickering with the property owners condemnation proceedings were instituted. In several months the site will be in the hands of the Government. Just think of it—about two years to acquire the site.

If we will adopt a policy of "Do it now" you will help the unemployment situation. I realize that whenever you make a suggestion that we increase the national debt a cry goes up, "No"; but, my friends, we are confronted with a most serious situation. I say again that this is no longer a local problem; it is a national problem, and we should not go home until we have done something to alleviate existing conditions.

This bill carries an authorization of $150,000,000. Are you going to make provision for the executive department to put the law to work if conditions continue to grow worse? You know that authorization and appropriations are vastly different. One says you can if we appropriate the money, but without the money nothing can be done. Why not at least place the $150,000,000 in the hands of the President to use?

Again I say, "Do it now."

Mr. GRAHAM. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. O'CONNOR].

Mr. O'CONNOR of Oklahoma. Mr. Speaker and ladies and gentlemen of the House, in the brief time allotted me I do not expect to be able to say anything that will secure very many men jobs. In fact, I do not believe that there is a great deal that we can do by legislation to solve the unemployment problem, but because of that very reason we should do immediately and whole-heartedly all that can be done.

This bill coming in under the suspension of rules is not subject to amendment on the floor, and I regret exceedingly that the committee in reporting the bill (S. 3059) has stricken out in its entirety section 10. The purpose of that section is to authorize and require the advanced planning of Government buildings and projects, so as to have everything in readiness to advertise for bids and award the contract just as soon as it becomes apparent that a condition of unemployment is increasing at a dangerous rate. When times are prosperous and private industry is making a profit and expanding there is not apt to be a serious problem of unemployment, but just so soon as an era of

profitless prosperity arises, such as we have been enjoying, private industry begins slowing down and laying off men. Industry is not conducted as a philanthropy or to give jobs; it is pursued for a profit, and when the profit disappears the industry slackens, declines, and in many cases closes down completely.

Government enterprises, however, are not entered into for a profit but for the purpose of creating and building needed public improvements.

The Government should hold back its projects from competing with private industry in times of prosperity, and then enter the field immediately and furnish employment when private industry slows down or slackens.

But it is a long journey from authorizing public improvements and appropriating money therefor before the actual work is begun. Many months and often years elapse—and it is for this reason if the Government is going to help at all toward solving unemployment it must abandon the present plan of preparing for their projects in an orderly course and then awarding the contracts when the plans and specifications are completed without regard to conditions of the labor market, and instead of that policy adopt the policy which was proposed in the bill if section 10 had not been stricken; that is, of having all the preliminary work of plans, specifications, approval of title, purchase of site, and every one of the minute details entirely determined and out of the way so that the floodgates of this reservoir of employment might be opened when needed.

In my opinion, this bill will be much more effective if the Senate conferees will insist on retaining in said bill section 10 and if the conferees of the House will recede from the House amendment striking out that section.

I have said, and I desire to repeat, that I believe there is very little that legislation can do toward relieving, meeting, and solving the unemployment situation. This is just another one of the many fields where ill instead of good comes from looking to the Government to change a situation by changing the statutory law. We will come around one of these days and recognize that such basic laws as cause and effect, supply and demand do not respond to any appreciable extent to changes in the statutory law. More immediate and lasting benefit will result from an honest attempt to face the facts and adjust ourselves to changing conditions and work for betterment of the situation by improving the basic conditions out of which the situation arises. The evil and tremendous economic loss due to unemployment is inherent in our industrial system and it can not be met and solved by legislation or by the Government, but by a newer, fuller, and better understanding of all its implications on the part of industry itself—that is to say, on the part of those who make and mold the policy of industry, who furnish the brains, the management, and industrial statesmanship which guides the course of industry.

I do not believe that the leaders of industry as a whole have fully recognized their obligation or their opportunity. Their failure to grasp the situation is due, in my opinion, to this one fact more than anything else—each industry persists in thinking of itself as a separate and distinct entity, unrelated from industry as a whole, and it is from this narrow, short-sighted standpoint that it views unemployment and all other matters affecting industry. The thing that would help industry more than anything else would establish it on an even keel, bring permanent prosperity, largely eliminate unemployment, would be for the captains of industry to cease thinking only in terms of their own industry and try to think in terms of industry as a whole and of their particular industry as only a part of that whole.

With this viewpoint it would become immediately obvious that the laying off of men or the reduction of wages was not a matter of concern solely to the particular industry involved, but that it vitally affected industry as a whole. Men who cease to produce are poor consumers. The money in the pay envelope goes to purchase the needs and satisfy the wants of the employee. Every employee is an employer, he is the real employer, because hundreds of others are employed to produce and furnish the things which he needs and will purchase if he is employed.

The fact that the men of America have largely been employed and at high wages is the thing that has given us the high standard of living in America, and it is this great home market thus established that has built our great industries.

A manufacturer of automobiles starting out on a small scale could not have built up a billion-dollar business by making cars to sell to a few capitalists. It was the millions of wage-earners, steadily employed at good wages, who could afford to own and operate a car that made the billion-dollar automobile business possible.

And we people in the oil country facing as we do a condition of overproduction, aggravated by the importation, duty free, of cheap foreign oil, will be in a much worse condition if men, regardless of what industry they are engaged in, lose their jobs or have their wages reduced. It is the millions of workers out driving their cars, consuming the gasoline and oil which we produce, that has made the oil industry one of the country's greatest industries.

Everyone in the mid-continent field, whether he is a merchant, a farmer, a professional man, or in the oil business, will be affected indirectly and immediately by every man anywhere in the United States who loses his job or has his wages reduced.

Unemployment, then, is not merely a problem local to a community or to a particular industry and can not be met or solved by those who think of it in terms of a particular industry or locality.

It is true that no one industry could survive if it insisted on going ahead and employing men to manufacture and produce without regard to what is being consumed; but if all industries would take this attitude, then there would be no overproduction because there would be no unemployment and everybody would be employed and everybody would be consuming what the others produced.

This condition of unemployment, I fear, is not a temporary thing to be considered, met, and treated as a casual occurrence. We are probably entering into, rather than emerging from, a period of very serious transition. Mass production may just have taken the first step in its onward march, the multiplication of labor-saving devices may yet be in its infancy, the merger of capital and management and the consequent dislocation coming therefrom may still be in its swaddling clothes. All these movements have grown naturally out of what has preceded them, and in the adjustments necessitated by this rapid transition certain people will be hurt, and regrettable as this is, we must go onward; we can not put the chicken back in the shell. We can not by statutory law dam back the flood tides of natural economic law that are surging forward; but we can, if those charged with the obligation and leadership recognize this social obligation to understand and direct these forces, realize that we are all in the same boat, that industry can not permanently prosper in a country where wages are low and where men are unemployed.

Industrial statesmanship is facing the greatest challenge which it has met since the advent of the application of steam, and later of electric power. To meet this challenge industrial statesmanship must put its house in order in such a way that men who have been thrown out of work because of improved machinery and methods still can find a place to fit into industry and make their living, and further to recognize that no stable and prosperous society can exist where industry takes the attitude that there is no place in industry for men and women when they arrive at the middle age of 50.

I do not expect industry to solve this problem and meet it if they consider it from the standpoint of the individual or from humanitarian or philanthropic claims of the individual on society, but industry should wake up and realize that, from the cold, hard-headed business standpoint, the standpoint of dollars and cents, the standpoint of dividends, it is good business to find a place to work for everyone who wants to work. It is easy to recognize that the men thrown out of employment by other industries are poor customers to purchase the thing that we produce, but it is not so readily recognized that the idle men that we make are in turn poor consumers for the things the other fellow produces.

Any policy on the part of Government or industry which seeks to deal with trade and commerce, tariff, credits, or unemployment can not, of course, be sound and permanently successful if it does not take into account and give due consideration to world-wide conditions. Whether we like it or not, we are a part of the world and must weigh and measure world conditions in meeting our own. We can not live for and by ourselves alone.

But I am one that, while I believe in giving world conditions due consideration and regard, feels that the American Government and American industry's first duty is to look after the United States of America.

I question seriously the patriotism and the wisdom of the policy which is now begun by many large American industries of taking their American capital abroad and there establishing modern mass-production industries and installing American methods and machinery and employing cheap foreign labor to manufacture abroad the output of their industry for export needs.

Such a policy may make money for industry and may stabilize the loans and investments of our international bankers, but it will not bring prosperity to America. If American management, American money, and American machinery are exported to





foreign lands and there give employment to foreign labor while American citizens are left unemployed at home, the present situation will grow worse, not better. It is true that our restrictive policy of immigration has largely prevented industry from importing cheap foreign labor into this country and it may be that high import tariffs abroad have a tendency to justify manufacturers in locating their industries in such countries and thereby avoid the payment of the tariff. Of course, we have not a logical ground to complain if other countries have taken a leaf from our protective-tariff book and have decided to build up their own industries by imposing a tariff on what we export to them.

America's strong financial position, its mastery of machinery, and mass production has put us in a position where most of our industries have been able to build up and maintain lucrative foreign trade because our superior machinery and methods have enabled us to compete with manufacturers abroad in spite of their low-wage scale. It should be rather obvious that we can not do so if, in addition to their low scale of wages, we must also compete with American management, machinery, and mass production. Those industrialists who have already begun this foreign policy will either capture the entire export market in that field or they will force the loyal American manufacturers who want to stay at home to follow their lead and establish plants abroad. Such a policy, if carried out, will be ruinous to the American workingman and to the prosperity that is necessarily built upon and based upon his steady employment at home at lucrative wages.

Mr. CELLER. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK of Massachusetts. Mr. Speaker, I thoroughly agree with the remarks made by the gentleman from Oklahoma [Mr. O'CONNOR]. In the brief period allotted to me I shall undertake to answer the remarks made by the gentleman from Texas [Mr. BLANTON]. I have a great feeling of admiration for him, although I differ with him on many of the questions that come before us; but when the gentleman undertakes to say that the people of the United States who are out of employment are not working because they are lazy, I differ with him radically. In the city of Boston 50,000 people are out of work. According to the recent census, 28,000 were out of work on April 1, and it is fair to say that 22,000 more are working part time. I have sat in my office and I have seen them come into my office begging for a job. I have seen employees competing with each other for work. I have seen men with families, with a wife and children, begging for a job, and I have called up employers and they have repeatedly told me that they are laying off instead of putting on. Those people are not too lazy to work. I think the statement of the gentleman from Texas should not go forth from this chamber without being answered, and I answer it emphatically by asserting that the workers of America out of employment are not too lazy to work. They can not work where there is no work to be had.

Now, as to the bill. It authorizes but does not appropriate $150,000,000 to be used in the event of an unemployment crisis. Ladies and gentlemen, there is not a Member here who will not say that if this bill had been passed five years ago and was now on the statute books that it would be bordering on treason not to put it into effect with four or five million of our citizens out of employment. Therefore, I say it is our duty not to leave Washington until we make this law workable and that can only be done by passing an appropriation providing for $150,000,000 to carry out the purposes of this act. What the people want is a job, not a year or two years from now, but a job now so that they can support their wives and children. I, for one, will remain here all summer if necessary in order to put this act to work. If it is proper to prepare for future unemployment, why is it not now proper to do what we can to relieve the present situation? Again I say, let us not go home until we have appropriated $150,000,000 and then, if the unemployment situation continues and the President does not put the act to work, it is his responsibility and not ours. [Applause.]

Mr. CELLER. Mr. Speaker, there are at the present time about three and a half million people out of employment in this country. So far as unemployment is concerned, without question we are facing an economic panic. It has been estimated that during the first quarter of the year there was a loss in wages of over $1,000,000,000. During the second quarter that loss was repeated. The purchasing power of the country has been reduced during those two quarters by $2,000,000,000. It is readily discernible, therefore, and the conclusion seems inescapable, that with such reduction in purchasing power we must be passing through an industrial and economic crisis.

The passage of the bills that have been sponsored by Senator WAGNER, of New York, would seem to alleviate to some extent this disastrous condition. I desire now to pay a tribute of respect to Senator WAGNER. He has worked for this legislation against opposition, political and nonpolitical; yet he has brought these measures to their present stage, and our hats must go off to him for his courage, foresight, and statesmanship. He has fought almost single-handed, and has wrung from the administration consent to pass two of these bills.

I can not go into the merits of the bills in the short time that I have allotted myself. As the Democrat in charge of time on my side, I have practically yielded all my time to my colleagues. For that reason I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, to my mind nothing is more tragic than the willing worker who can not find a job. The world, it is said, owes every man a living, but there come times when the world's obligation is not met. At the present time 20 per cent of our working population are idle. In a country as rich as ours, with its untold resources, this is amazing. More amazing does it seem in the face of increased realization that unemployment is and should be preventable. Unemployment is the result of economic maladjustment. Such economic malady can and should be cured. A government that fails to devise a comprehensive program for prevention of unemployment is criminally negligent. Our Government, up to this point, has not discharged its fullest obligation to its citizenry in the matter of prevention of this condition. We have no definite source of information at this time that can give us accurately the number of men and women hitherto gainfully employed who are now out of work. The Department of Labor feebly, very feebly, attempts to give us figures. But these figures have been proven time and again a tissue of inaccuracies, and ofttimes many in responsible positions have accused the Department of Labor of "rigging up" these statements for purposes of propaganda. How can we even hope to tackle the problem of unemployment when we may not even know how far-reaching, how deep-seated the problem really is?

There is usually a lack of public interest in the question of unemployment except in industrial crises. It is only through bread lines and increased charity cases that the public attention becomes riveted for the purpose of devising measures for emergency relief. Emergency relief is woefully insufficient. It is like endeavoring to cure a cancer with a plaster. Emphasis must be placed upon a comprehensive program against unemployment.

First, there must be set up adequate bureaus for the purpose of discovering the number of men out of employment, the number of men that should be employed, the number on part time, the number in seasonal trades, the number of men displaced by new machinery, and so forth.

Second, there must be set up an adequate number of employment offices. These offices, so far as possible, should be made noncommercial. Adequate legislation must be adopted by the State and Federal Governments for the establishment of permanent Federal, State, and municipal bureaus, so that there may be finally developed a nation-wide system of employment centers. State legislatures must be importuned to afford adequate control over fee-charging agencies. To my mind, it would be better, if it were possible, to prohibit the payment of any fees. Why take a fee from a man at a time when he is in need of a position and has little or no money, and therefore can least afford to pay one? I am informed that in some of the European countries and in five of the Provinces of Canada the government absolutely forbids the charging of a fee for the securing of a job for an unemployed person. It may be that the business of employment agencies is legitimate, and that constitutionally we can not in this country, at least, forbid the taking of a fee. We can at least see to it, however, that fee-taking is properly regulated. In most of the States there is little or no regulation.

Third, there should be provided, above all, for the purpose of anticipating unemployment, adequate advance planning and regulation of construction of public works, such as bridges, roads, and buildings, the dredging of rivers and harbors, flood-control projects, and various diverse work done along our waterways. This would tend to stabilize industry.

Senator WAGNER, the junior Senator from New York, has secured the passage by the Senate of three bills. The first, S. 3061, to amend the Department of Labor act so as to provide for proper unemployment statistics. This bill at this writing has passed the Senate and House and has been signed by the

President. There will now be set up a regular agency for the collection of periodic employment statistics covering all branches of trade and industry. Trends of employment can then be examined and carefully scrutinized. Experts could tell of the coming of an unemployment cycle just as accurately as one can tell the direction of a stream by casting a few straws therein. The coming of unemployment could thus be balked and prevented. If American industry is to assume the responsibility for "cushioning" the effects of unemployment due to seasonal lay offs and introduction of new machinery, it must make its plans for releasing unneeded labor at periods when other industries can most easily absorb it. Industrial leaders having sufficient interest in the welfare of their workers can not aid in this process unless they have adequate information to guide them. It is hoped that S. 3061 will result in giving this adequate information not only for this purpose but for other desirable needs.

The public little knows the tremendous disturbances caused not only by seasonal lay offs but by what is now known as "technological" unemployment. There is much seasonal fluctuation. For example, in the canning industry, factories are busy for short periods with long lay offs. It has been suggested that there be set up vocational-training schools, where a man may be trained in two or more crafts or fields of endeavor, so that when he is laid off from one class of work or trade, in the summer, for example, he may be enabled easily to turn his knowledge and skill to another activity in the wintertime. Under this plan much seasonal unemployment would be cut off. It is hoped that S. 3061 will bring about much desirable information along this line.

"Technological" unemployment is unemployment caused by the installation of labor-saving machinery and improved methods. For example, in the boot and shoe industry a hundred machines now displace 25,000 men. One man at the present time can turn out 32,000 razor blades in the same time that it took 1 man in 1913 to make 500 blades. In the automobile industry there has been devised a huge machine which turns out entire automobile frames which are not touched by human hands. Two hundred men supervise this machine, which completes from 7,000 to 9,000 frames a day. Note in comparison that in Europe in the same industry without modern equipment 200 men can only produce 35 frames a day. In the steel blast furnaces, with modern machinery, 7 men do the work of 60 men in casting pig iron. The mechanical musical devices of the movies and the talkies have displaced thousands of musicians. There are no longer any skilled hand bottle blowers; practically all of them have been displaced by machines. What are these men who are thus displaced to do? The Government has never concerned itself with the human factor in these mechanical times, and as a result we have a very serious social problem. These men should be guided to other employment. They should not be permitted to shift for themselves. Take the case of a musician who, say, is 50 years of age, with no occupation save that of his profession. He can not drive a truck or swing a sledge hammer. His muscles are soft. He finds himself up a dark alley, perhaps with a family of growing children. Is he to become a social derelict? Unemployment insurance perhaps might solve the problem. I do not know. Who but the Government should interest itself in the poor devils thus technologically displaced and now unemployed?

Then there is the problem of discrimination against the older worker through employment policies favoring younger people. Middle-aged workers who are denied employment because of age augment the ranks of the unemployed. These older persons must find jobs. Should not the Government help a bit to bring this about? Should there not be provided employment counsel and assistance for those displaced by youth as well as by machinery? Opportunities should be available to them in order that their abilities may be utilized in a new work, without loss of income or the lowering of standards of living.

Added to all of the above types of unemployment we have what is known as cyclical unemployment, caused by the present business depression that has disturbed and pressed in against so many of us.

An admirable remedy for all these types of unemployment is embodied in S. 3059, advocated by Senator WAGNER. This is an exceptionally well-thought-out piece of legislation, and at the hearings held before the Committee on the Judiciary, of which I am a member, there was practically no opposition to the bill in exactly the form it was presented and in exactly the form in which it was passed by the Senate, except that of Mr. James A. Emery, general counsel of the National Association of Manufacturers. The American Federation of Labor, the American Association for Labor Legislation, the railroad brotherhoods, well-known economists, social workers, industrialists, publicists all over the country favored the legislation as presented and passed by the Senate. This bill provides for so-called advanced planning of public works. Public buildings may be erected, flood-control projects inaugurated, rivers and harbors dredged, mountains tunneled, streams bridged, roads built in order to give employment to thousands of men, so that coming unemployment crises may be headed off and prevented. Heretofore we have only concerned ourselves when the emergency arrived, when unemployment crises were upon us. Our efforts have been in the nature of teaching a drowning man how to swim. It was always too late.

The forecaster in the Weather Bureau can tell us, with almost uncanny accuracy, of the coming of a storm. With proper statistics we should be able to foretell the coming of an economic storm. To prevent it in any measurable degree public works must be gotten under way. In a word, S. 3059 will provide machinery for the initiation or hastening of Federal construction at periods when industrial activity shows signs of contraction. The fundamental requirement in such a public-works program is the existence in advance of engineering plans and machinery for placing contracts quickly, almost at the moment, when business has started on the downward grade. It usually takes months for the engineers, architects, draftsmen, and so forth to make their plans. When the plans are made in advance, however, necessary construction can be started immediately.

The first advantage to be gained from a planned system of Federal public works is the fact that it will act as a stimulus to industrial activity which will be reflected in every part of our economic system. To the argument that the amount spent by the Federal Government each year—that is, $350,000,000 is an insignificant factor in the total construction bill of the country; that is, $7,000,000,000—it must be answered:

The $350,000,000 of usual Federal expenditure may mean the difference between a serious and prolonged industrial depression and a mild and temporary recession. To cite a concrete example, let us assume that when the first shadows of depression became visible in the autumn of 1929—as evidenced by the decline in the index of manufacturing production of the Federal Reserve Board from 129 in June to 122 in September—there had been ready complete plans and blue prints for the construction of Federal buildings, roads, rivers and harbors, or any other kind of project in any part of the country. Let us assume further than $150,000,000 worth of contracts provided for in the Wagner bill had been let just as soon as the recession in industry had been noticed—that is, before the month of October had passed—for undertaking some of these projects. What would have been the practical effect?

First. Irrespective of where the work was to be done, be it the lower Mississippi Valley, the plains of Kansas, the arid region of Arizona, or the city of New York, the first result would have been the direct placing of orders for steel, cement, lumber, brick, and the products of 20 other industries whose output is used in construction work. The immediate effect, in other words, would have been felt in the major basic industries of the country. Granted that the amount spent for the products of these industries by the Federal Government would have been relatively small as compared to their total annual business, it must be borne in mind that the orders they would have received at a time when they were in the process of laying off workers would have had the immediate effect of checking further discharges of labor. In last analysis, this means that workers in virtually every industrial part of the country where iron and steel, cement, brick, copper, lead, lumber, and numerous other goods are produced who otherwise had been thrown out of employment would have had their purchasing power maintained.

Second. These workers, in turn, even though their number may not have been exceedingly large, would have continued to make purchases from retail merchants.

Third. The retailers who otherwise would have been unable to continue to buy from jobbers and wholesalers would have continued to place orders for shoes, clothing, food, and hundreds of other commodities carried on their shelves.

Fourth. These orders would have soon been reflected in the purchases made from manufacturers by wholesalers and jobbers.

Fifth. Workers in clothing factories in New York, spinners and weavers in New England, shoe manufacturers in St. Louis, automobile workers in Detroit, and tire workers in Akron would be kept on the pay rolls instead of being discharged.

Sixth. These workers, in turn, would have spent the proceeds of these pay rolls on food, clothing, automobiles, and other things for their own use.

Seventh. These purchasers would have made themselves felt further in the retail, wholesale, and manufacturing trades, with

the result that there would have been a progressively larger "snowball" of purchasing power, and employment would have been increased by a process similar to a spiral.

Eighth. The stimulus would have been felt throughout the entire economic structure, moving from the producers of the most highly fabricated products to the producers of raw materials and the farmers.

What would have happened in fact is that the $150,000,000 of construction orders placed by the Federal Government would have grown into a purchasing power equal to many times its original size. Critics of the public-works program in saying that its beneficial effect would be limited to a relatively few workers assume that the money spent by the Federal Government, once it came into the hands of the suppliers of building materials and building laborers would disappear from circulation. The fact which should not be overlooked is that the American dollar circulates with great velocity. According to an investigation of the Federal Reserve Bank of New York, every dollar of commercial bank credit circulates 40 times a year before it disappears from the channels of industry and trade. What might seem like a small expenditure by the Federal Government will, if made at the proper moment, do a job equal to several billions of dollars.

The second effect of a Federal public-works program will be its reaction upon other divisions of the Government. It will establish an example and set a standard of performance for the States, counties, cities, and towns to follow. The expenditures of the subdivisions of the Government in the United States for construction amount to three and one-half billion dollars a year, or to 50 per cent of the total construction expenditures of the entire country. Some cities and States have already undertaken programs of planned public works. Once the Federal Government sets the pace, others are sure to follow.

The final, and in a sense one of the most important results of a Federal system of planned public works would be its effects upon the policies of American business. American business must develop a psychology of stabilized, regularized production, and steady employment must be made a "fashionable" thing. There is no better way to start this "fashion" than an example set by the Federal Government.

Mr. Daniel Willard, president of the Baltimore & Ohio Railroad, recently said, "Stabilization can be promoted more by a state of mind than almost anything else that I can think of." We must develop in America a "will to regularize." With the Federal Government pointing the way, we may look forward to the time when American business and industry will also put into effect its own "planned works" program.

I here insert my minority views on this bill, S. 3059, as same came from the Committee on the Judiciary:

I concur in recommendation that the bill pass, but desire to protest the striking out of certain vital provisions of the bill.

The bill as amended has eliminated sections 7, 8, 9, 10, 11, and 12. These sections comprise the heart of the bill, and without them it is difficult to see how any definite service will be rendered to the cause of stabilization of employment by S. 3059.

There is a disposition to minimize the present unemployment and business depression. Proclamation after proclamation is promulgated by the President and his Cabinet officers reiterating that prosperity is in the offing, and with each proclamation unemployment and business adversely increases. The administration must sooner or later face the truth. Why not do it now? "Ye shall know the truth, and the truth shall make you free."

It is rather anomalous that the title of the bill reads: "To provide for the advance planning and regulated construction, etc.," yet the vital parts of the bill providing the advanced planning are stricken from the measure. The bill, therefore, becomes a mere skeleton of its former self. It is quite unrecognizable to its sponsors. It has been handled rather roughly by its "friendly enemies."

For the last decade the President had advocated again and again "advance planning" of public works. Never has he stated that existent legislation was sufficient for the purpose. It is rather late now to smother this bill by saying that its most important provisions concerning future planning are unnecessary on the score that present law is adequate. I herewith set forth Mr. Hoover's views over the period 1920–1930:

CHRONOLOGY OF PRESIDENT HOOVER AND UNEMPLOYMENT

1920. Report of second industrial conference called by President Wilson; Herbert Hoover, vice chairman. Recommended: 1. Planning of public works as "one of the most useful approaches to the general problem of unemployment."

1921. The President's Conference on Unemployment: Herbert Hoover, chairman. Recommended: Leadership by the Federal Government "in expanding its public works during periods of depression and contracting execution in periods of active industry."

1923. Report of Committee on Business Cycles and Unemployment, appointed by Herbert Hoover: "The committee calls attention to the need for careful drafting of laws to insure a policy of reserving public-works projects, if it is to be done effectively."

1924. Report of Committee on Seasonal Operation in the Construction Industries appointed by Herbert Hoover: "The efforts to encourage long-range planning of public works deserve the support of the public, legislators, and administrative officials."—Foreword by Herbert Hoover.

1928. Herbert Hoover's Department of Commerce indorses the Jones prosperity reserve bill: "Enactment of the bill by the Congress would, in my opinion, encourage measures looking toward the same end on the part of the State and local governments, which would also be in accord with the unanimous recommendations of the President's conference on unemployment and its committee on business cycles and unemployment."—Memorandum by chief of the division of building and housing, Department of Commerce, submitted to the Senate committee by Herbert Hoover.

1928. Herbert Hoover in presidential campaign speeches recommends the planning of public works with a view to eliminating unemployment.

1928. Governor Brewster announces Hoover's "$3,000,000,000 reserve-fund" program to the conference of governors "at the request of Herbert Hoover as an authorized exposition of a portion of his program for stabilizing prosperity."

And more recently another Senate committee reported in 1929. The Senate Education and Labor Committee's report upon unemployment declared: "The Government should adopt legislation without delay which would provide a system of planning public works so that they would form a reserve against unemployment in times of depression."

The purpose of S. 3059 is to create an instrumentality of Government which will keep constant watch upon economic conditions and economic trends in the United States and at the opportune moment, through the creation of public works, either tend to check any curtailment of production or lessen the period of depression once such depression appears upon the horizon.

Briefly, the bill provides for the creation of a board whose function it will be, through the use of definite statistical data which must be prepared by the Secretary of Labor, to inform the President when in its opinion business depression is approaching. In such an event, the President is requested to direct the members of his Cabinet who have charge of construction to accelerate "to such an extent as is deemed practicable, the prosecution of all public works within their control."

The acceleration of public works in order to be effective assumes that plans and blue prints will be available which will make it possible immediately to undertake construction when business conditions demand a stimulation of economic activity. Unless advance plans have been made, unless the actual working blue prints are available, no building undertaking of any size can get under way, as a practical proposition, within a period of six months.

Experience, both in the Federal and States Governments, has proved that this length of time is necessary for the creation of plans and blue prints before a single clod of earth can be upturned.

In view of the size of this country and in view of the fact that industrial depression does not fall upon all sections of the country with equal severity, it is necessary, if Federal construction is to be undertaken at points where it will do most good, that certain emergency projects be undertaken. In order to make this possible it is necessary temporarily to modify certain provisions of our laws which have to do with Federal appropriations. This is particularly true of the Federal highway act which allocates a certain proportion of Federal expenditures to the individual States. It is similarly necessary to modify the public buildings act in order that public buildings might be erected at points where the unemployment problem is most acute.

Taking up specifically the individual amendments as made by this committee, the following criticisms must be made:

(1) Section 7: This section specifically provides that the Secretary of Labor shall prepare and publish a monthly index of employment. It has been stated that the Secretary of Labor already has this power and, indeed, that he already has been exercising it. It should be noted that the Secretary of Labor now prepares and publishes an index of employment in manufacturing industries alone. His monthly index does not include the multitude of industries and boards, such as mining, lumbering, distribution, accumulation, etc., which employ millions of workers. Consequently this section of S. 3059 is a specific direction to the Secretary of Labor to prepare and punish a monthly index of employment as contrasted to the power he now has under the law creating the Department of Labor.

(2) Section 8: Section 8, relating as it does to the preparation of an index of employment, makes it mandatory upon other Government departments to give to the Secretary of Labor the power to demand from other Government departments, commissions, boards, etc., such information as is necessary in preparing a comprehensive employment index.

(3) Section 9: Although the executive branch of the Government under existing law may at its discretion accelerate Government build-

ing, such acceleration is entirely subject to the wishes and opinions of the various Cabinet members.

This section, however, imposes upon the President of the United States a specific responsibility for accelerating public works during periods of depression, and in a sense contains a declaration of policy on the part of the Congress of the United States that public works should be accelerated during such periods and coordinates such acceleration.

(4) Section 10: Any policy of acceleration of public works, in order to be effective, is predicated on the assumption that work should be undertaken at those times when they will be most effective in preventing further unemployment. As a practical matter, public works can not be undertaken at short notice unless detailed plans and specifications are available at the proper moment. This is the crux of the entire matter of advance planning of public works. Under present conditions months elapse before work can begin. Consequently, it is absolutely essential that detailed construction plans be prepared in advance for all public construction authorized by law. With such detailed construction plans available the time necessary to undertake actual construction can be cut to a minimum. Without such advance preparation the efficacy of any public-works program in coping with industrial depression becomes virtually nil.

(5) Section 11: The purpose of this section is to modify the allocation provisions of the Federal highway act in order that emergency Federal aid on road projects may be undertaken in those States where the need for relieving industrial depression is greatest. In other words, this section is supplementary to the normal Federal-aid program, and as such is obviously not contemplated by existing law. In a sense, it is a supplementary highway program to be utilized only in case of emergency and without it Federal aid for road projects could not be allocated to certain definite sections of the country where unemployment is most acute.

(6) Section 12: This section has as its purpose the same end which has been described in paragraph above; that is, that it be possible to erect public buildings in the necessitous areas without meeting the provisions of the public buildings act of May 25, 1926. In other words, Federal authorities will have the power to allocate buildings where they are most needed in time of emergency.

As to S. 3060, a bill providing for the establishment of a national employment system and for cooperation of the States in the promotion of such a system, I herewith submit the views of the majority of the Judiciary Committee, of which views I am the author:

It has been argued that there is no authority vested in the Congress to pass Senate bill 3060, which bill passed the Senate and was referred to the House Committee on the Judiciary.

This bill, in a word, sets up a national employment system in cooperation with the various States and endeavors to promote the establishment and maintenance of a national system of public employment offices; and for that purpose creates in the Department of Labor a bureau to be known as the United States Employment Service, under the control of a director general. An appropriation of $1,500,000 is authorized for the fiscal year ending June 30, 1931, and $4,000,000 for each fiscal year thereafter, up to and including the fiscal year 1934; 75 per cent of the appropriation is to be apportioned by the director general among the several States in proportion to their population, and the balance of 25 per cent of the money appropriated shall be available for administrative purposes. However, no money shall be expended in any State unless and until an equivalent sum has been appropriated for any year by the State, so that unless the State matches the appropriation of the Federal Government it shall not be permitted to participate in the benefits of this legislation. Moneys appropriated by both the Federal Government and the States shall be used in the maintenance of public offices as a part of the Federally controlled system of public employment offices, in cooperation and coordination with the State-controlled system of public employment offices.

It was natural that the constitutionality of this legislation should be questioned. The same constitutional question was raised against the act of November 23, 1921, called "the maternity act," which authorized appropriations to be apportioned among such of the States as accept and comply with the provisions of the act, "for the purpose of cooperating with them to reduce maternal and infant mortality and to protect the health of mothers and infants; it provides for its administration by a Federal bureau in cooperation with State agencies, which are to make such reports of their operations and expenditures as the bureau may prescribe, and that whenever the bureau shall determine that funds have not been properly expended by any State, payments to that State may be withheld."

This question of constitutionality was presented to the Supreme Court of the United States in the cases: Commonwealth of Massachusetts v. Mellon, Secretary of the Treasury et al. and Frothingham v. Mellon, Secretary of the Treasury, as an appeal from the Court of Appeals of the District of Columbia, reported in United States Reports, volume 262, page 447. It is to be remembered that the first case, Commonwealth of Massachusetts v. Mellon, was one brought by a State, while the other case, Frothingham v. Mellon, was a suit brought by an individual. The court held:

"First. A State may not, as parens patriæ, institute judicial proceedings to protect her citizens (who are no less citizens of the United States) from the operation of a Federal statute upon the ground that, as applied to them, it is unconstitutional (p. 485).

"Second. A suit by an individual, as a past and future Federal taxpayer, to restrain the enforcement of an act of Congress authorizing appropriations of public money, upon the ground that the act is invalid, can not be entertained in equity" (p. 486).

The court therefore affirmed the original dismissal of the case.

But although the cases were disposed of on the score that there was want of jurisdiction, nevertheless Mr. Justice Sutherland, delivering the opinion of the court, deemed it important enough to express the following opinion as to the constitutionality of the maternity act of 1921:

"What, then, is the nature of the right of the State here asserted and how is it affected by this statute? Reduced to its simplest terms, it is alleged that the statute constitutes an attempt to legislate outside the powers granted to Congress by the Constitution and within the field of local powers exclusively reserved to the States. Nothing is added to the force or effect of this assertion by the further incidental allegations that the ulterior purpose of Congress thereby was to induce the States to yield a portion of their sovereign rights; that the burden of the appropriations falls unequally upon the several States; and that there is imposed upon the States an illegal and unconstitutional option either to yield to the Federal Government a part of their reserved rights or lose their share of the moneys appropriated. But what burden is imposed upon the States, unequally or otherwise? Certainly there is none, unless it be the burden of taxation, and that falls upon their inhabitants, who are within the taxing power of Congress as well as that of the States where they reside. Nor does the statute require the States to do or to yield anything. If Congress enacted it with the ulterior purpose of tempting them to yield, that purpose may be effectively frustrated by the simple expedient of not yielding.

"In the last analysis, the complaint of the plaintiff State is brought to the naked contention that Congress has usurped the reserved powers of the several States by the mere enactment of the statute, though nothing has been done and nothing is to be done without their consent."

The instant bill, setting up a national employment system, is in principle the same as the legislation embodied in the maternity act. Instead of reducing maternal and infant mortality and protecting the health of mothers and infants by setting up Federal agencies to function in the various States in cooperation with State agencies we have here a Federal agency set up to work in the various States in cooperation with the State employment agencies for the purpose of reducing unemployment and for the purpose of stabilizing labor conditions throughout the States. In both cases the State agencies make reports to the Federal Bureau. In both cases the Federal agency passes upon the efficiency with which the respective States expend not only their own funds, but Federal funds as well, to reduce unemployment and stabilize labor conditions. In both cases no State is to receive moneys out of Federal appropriations unless and until it, of its own accord, matches the Federal appropriation by a State appropriation.

Is there here a coercion or invasion of the rights of the States? In either case the States may take it or leave it. No State is asked to yield anything. There may, however, be an enticing and persuasive bait held out to the States; but that does not involve duress or force or compulsion, and any State feeling aggrieved can simply say no. It can avoid being tempted by simply refusing to join in the scheme and plan.

There is, therefore, nothing unconstitutional about S. 3060.

Furthermore, in 1917 the attention of Congress was forcibly called to the need of an adequate Federal employment system by the emergencies of the war then existing. As was pointed out by John B. Andrews, secretary of the American Association for Labor Legislation, at the hearings, at that time employers were stealing workers away from each other and it was quite essential that there be a public employment system, with local officers to carry it out efficiently. Congress appropriated $250,000 to the Department of Labor to improve the Federal Employment Service, and the President supplemented this appropriation with $2,000,000 from the President's emergency fund. The result was the creation of an Emergency Employment Office under Federal direction, with something over 8,000 employment offices scattered throughout the country. This Federal employment system proved invaluable to the country during the period of the war and subsequent to demobilization.

The Department of Labor, in April, 1919, called a conference to which came delegates representing the governors of the various States and the Federal Employment Service. This conference urged the continuation of the United States Employment Service as a permanent bureau in the Department of Labor, and drew up detailed recommendations for the establishment of such a permanent Federal Employment Bureau. The Kenyon-Nolan bills, introduced in Congress in 1919, embodied these recommendations. They were supported by a message

to Congress from President Wilson, who, in his wisdom, urged the necessity of legislation to meet the unemployment problem by developing and maintaining the Federal Employment Service.

President Hoover for some time past is on record as having approved a Federal employment system. In 1920 President Wilson called a second industrial conference. Mr. Hoover was vice chairman of that conference. The conference recommended "the enactment of appropriate legislation by the Congress making provision for an employment clearing house under Federal control" cooperating with State bureaus. In 1921 Mr. Hoover was chairman of the President's Conference on Unemployment. That conference recommended "an adequate permanent system of employment offices, and declared that the existing Federal provision for same was inadequate." In 1923 Mr. Hoover appointed a Committee on Business Cycles and Unemployment. That committee recommended a "national system of employment bureaus." In 1924 Mr. Hoover appointed a Committee on Seasonal Operations in the Construction Industries. That committee called special attention to the report of the President's Conference on Unemployment relative to a permanent system of unemployment exchanges.

It is interesting to note that more recently the Senate Committee on Education and Labor, after an exhaustive study, recommended that the Federal Government should provide an agency to coordinate State public employment bureaus and assist in the national functioning of the unemployment exchanges.

Unfortunately, the administration has seen fit not to consider this bill at this session. Although the bill has been reported favorably by the Committee on the Judiciary, the chairman of the Rules Committee, the gentleman from New York [Mr. SNELL], has seen fit to prevent the granting of the rule for this bill. He is the spokesman for the administration, and the responsibility for the choking off of this very desirable legislation must be left at the door of the administration.

Mr. Justice Brandeis many years ago said:

Unemployment is our most complex and most difficult industrial problem. If we are to get beyond the point of merely talking about it, we must set up definite machinery by which we may know how many are unemployed, and in what industries they are unemployed, and in what parts of the country they are unemployed. We must also provide sufficient methods for handling the unemployed, giving them jobs more quickly through a comprehensive, nation-wide service. We must also plan in advance to prevent employment contraction by a comprehensive public-works program.

The three bills adverted to would do all this. However, the administration has seen fit to neglect important links in the chain of such a program. The administration leaders, from the President down, should suffer condigned criticism for such action.

Mr. GRAHAM. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, in two minutes we can not solve the question of unemployment. But this bill has in it, if not more than "five loaves and two fishes," without the Master's power, at least something to relieve the needs of some of the unemployed.

My friend Mr. BOYLAN said that unfortunately we have cut this bill in two—cut the body out of it, leaving only its head and tail. Yes; but we have left the tail in it, and the tail carries with it, in the last section, an amount of $150,000,000 for the starving people of this country, for several years to come. It is not a gift, but it is money that has been authorized for public buildings to be used in successive years, to be used now.

We are in a dreadful condition, Mr. Speaker, but I am heartily in favor of this bill, as far it goes; we should not despair, the conditions might be worse, and, I think, really we ought to thank God and take courage that after 16 months of a Republican administration there are only 3,500,000 unemployed crying for bread in the whole country. [Laughter and applause.]

Mr. GRAHAM. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. DENISON].

The SPEAKER. The gentleman from Illinois is recognized for one minute.

Mr. DENISON. Mr. Speaker and Members of the House, a few days ago I expressed in this Chamber the hope that Congress would not adjourn without passing some legislation to improve the unemployment situation. I am very glad of the opportunity to vote for this bill, because I think it will do some good.

The problem of unemployment is an economic problem, and it has occupied the minds of statesmen all over the world, in other countries perhaps more than in ours. But I think Congress ought to do something to meet this situation, and as I understand it, this bill authorizes an appropriation of $150,000,000, in addition to all other authorizations that have already been passed. Therefore it has that much merit. [Applause.]

I have said that the unemployment problem is an economic problem, and its causes are so far-reaching and so involved in the economic situation of the entire world that it is impossible for any one person, or perhaps any group of persons, to say with any kind of accuracy what its causes are. Unemployment in this country is not the fault of the Government. There is serious unemployment, and has been for several years, in practically all of the countries of the world. If the conditions were due to the policies of the governments, then an indictment will lie against all of the governments of the world. The statesmen of Europe have given their very best thought to the solution of this problem and have not yet found the remedy; and the remedy can not be found, I think, in the policies or principles of governments. The causes are economic and the remedy must be found in the operation of economic laws.

All that governments can do is to adopt such policies as will interfere as little as possible with natural economic laws, and in the meantime do all that is possible to alleviate or mitigate the suffering and other unforunate consequences that result from this unforunate economic situation.

I venture to say that one of the causes of this economic condition is the tremendous burden of debt that has fallen upon practically every government of the world, and particularly upon every government that participated in the World War. These governments have adjusted their indebtedness to one another and have settled down to begin the payment of their debts. This can only be done through taxation of their people, and the people of every country are now beginning to feel the excessive burdens of taxation. The world is realizing that it has to economize in order to meet the burdens of taxation, and this economy is resulting in a lessening of consumption in practically every country of the world. Lessening of consumption means unemployment for labor, and the remedy for that condition, it seems to me, must come from the expansion of world trade, a general increase in consumption of the world's products, and a general revival of industrial activities along every line of production.

There are quack doctors in political life, just as there are in the medical profession; and these quack doctors will propose all manner of visionary and impossible remedies. And the government that makes the mistake of adopting quack remedies will suffer the consequences. We should give our very best thought to the problem and do everything that is practicable and reasonable that will alleviate the conditions as far as possible until the economic conditions of the world can be restored to their normal progress.

I think that we should encourage the railroads, the public utilities, and the great industries of the country to engage, as far as possible, in the policy of building and improving; and as an example and encouragement of that policy our Government should accelerate its own building program as far as possible. This bill will go a long way in that direction, and I am glad that it has received the prompt attention of the committee, and that it will be enacted into law before we adjourn. This Congress has already authorized unusually large appropriations for the construction of public roads, amounting to something like one hundred and thirty or one hundred and forty million dollars per year; we have passed legislation authorizing unusually large appropriations for the improvement of our rivers and harbors and for the control of floods; and we have entered upon a building program for which authorizations of two or three hundred million dollars have already been made. This bill authorizes appropriations of $150,000,000 per year for these purposes, in addition to the appropriations already authorized, for the purpose of meeting this unemployment problem, and the bill authorizes the President to call upon Congress for even larger amounts when he finds that the conditions justify them. The legislation ought to be an encouragement to the industries of the country to expand their building program and thus afford an opportunity for relief to the unemployed.

This does not mean that we are entering upon a policy of wasteful expenditures of public funds. It does not mean that we will further increase our national debt and thereby increase the tax burdens of the people in order to meet the situation. It means that we will proceed in an orderly way, but as rapidly as possible, to afford relief as far as the Government can afford relief. And in doing so, we will not unduly increase the tax burdens of our people who are now already overburdened with taxes. Income taxes, like other taxes, are always passed on to the consumers. And to materially increase our tax burdens will be to increase to the same extent the burdens on the consumers of the country, which include the unemployed themselves. The Government that borrows money and thereby piles up the tax burdens upon its people in order to relieve unemployment is merely administering a narcotic which may temporarily relieve

the suffering but does not cure the disease. Quack political doctors may urge the administration of such a narcotic, but it is the part of wisdom for us to rather do what we can to cure the disease. I am ready to support any legislation that the committees of the House may propose that will offer any reasonable hope of helping to bring about better economic conditions in the United States, so that agriculture and the industries may soon enter upon a period of progress and greater production and thereby afford employment for all of our unemployed.

The SPEAKER. The gentleman's time has expired. All time has expired. The question is on the motion of the gentleman from Pennsylvania [Mr. GRAHAM] to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

THE PRIMARY ELECTIONS IN PENNSYLVANIA

Mr. TURPIN. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TURPIN. Mr. Speaker and fellow Members of the House, I feel it my duty before adjournment of the House to call to the attention of this body a matter which affects not only the people of my district of Luzerne County but the people of the State of Pennsylvania, and indeed, of these entire United States. It is a matter which strikes at the fundamental rights of free citizenship and attempts to tear down the very bulwarks of democracy. In behalf of the people I feel compelled to voice my protest.

On May 20 last a primary was held in Pennsylvania, at which there were nominated candidates for the offices of United States Senator, governor, lieutenant governor, supreme court justice, two superior court justices, and secretary of interior; also Congressmen, and members of the Pennsylvania Legislature. Against the most overwhelming odds ex-Governor Gifford Pinchot, independent Republican, friend of the poor, champion of labor, with an official record as clean as a hound's tooth, put to rout a candidate led and dominated by the Philadelphia organization by a plurality of over 20,000 votes. It is conceded that Luzerne County, the constituency which I represent, in giving Pinchot a county plurality of approximately 27,000 votes, made possible his victory. This turn of events has so chagrined the old-line leaders and certain public-utility interests, that they have conspired to disfranchise upward of 60,000 voters in Luzerne County and approximately 650,000 electors in the State of Pennsylvania. To accomplish their diabolical purpose they have asked the courts to declare invalid all the ballots used in my county on the technical ground that these ballots bore a perforated serial number.

My colleagues, such serial numbers have been perforated in the ballots of our county since 1927. Every county official has been elected by use of these ballots; three judges of our county courts have been extended tenures of office by reason of their use; and as the Congressman of that district, I, too, was elected in 1929 at a special election through the use of such perforated ballots. Briefly, the perforated ballot consists of this, and no more: In every election district each ballot bears the same perforated number on a portion of the ballot which preserves it from mar, defacement, and illegibility. All ballots in every election district or precinct were uniform and accordingly do not violate the secrecy of the ballot, nor does it violate any of the mandatory provisions of our statutes providing for the preparation of the ballots.

Originally the ballots were perforated to overcome what was fast developing into a scandal on the part of election crooks and ballot-box thugs. Spurious, unofficial, and counterfeit ballots were printed and provided election thieves to substitute for official ballots so that the will of the voters as individually expressed by them during election day might be thwarted by the substitution of spurious and counterfeit ballots after the close of the polls. That such criminal acts might not prevail, the perforation scheme was inaugurated and has proven its wisdom by preventing and checking the use of spurious ballots since 1927. The judges of my county directed that the same procedure be followed in the last primary. The purpose of the judicial order was to prevent fraud, and did actually serve that purpose. No complaint was made by the representatives of Francis Shunk Brown to the action in perforating the ballots until it was conceived that by raising the merest and silliest of legal technicalities the express will of the voters of the Commonwealth of Pennsylvania might be defeated, the nomination stolen from Gifford Pinchot, and the day saved for public utilities in Pennsylvania. One of the leaders of the Philadelphia machine, with consummate gall and the most brazen effrontry, predicted as though he had some assurance that when the decision of our county courts declaring the perforations legal was appealed to the supreme court of our State Brown would be the Republican nominee. Gentlemen, this is the most astounding prediction ever made by any man concerning the ultimate action of the highest tribunal of any State. It furnishes us with some concern that he were not immediately called before that high tribunal, cited for contempt of court, and placed in jail, where he rightfully belongs.

Boss Tweed in his palmiest days, reeking with the mud of political corruption, could not have concocted any more unscrupulous or putrid schemes for political advancement. If the public utilities, through their manipulations in the State of Pennsylvania, are so bold and so brazen to flaunt their audacious schemes in the faces of the millions of Pennsylvanians and thus defeat the champion of the common people, what may the people of the United States expect from this corrupt band which is now tightening about the body of America? It is time for the people of these United States to know what they are doing in the great industrial State of Pennsylvania. It is well that they should know to what extent they are going to accomplish their nefarious purposes. There is in our State at the present time the universal cry which will rise in volume to the roar of the Niagara—namely, "Stop, thief, stop."

It is not amiss to inform my colleagues that there is no law in the State of Pennsylvania prohibiting the use of the perforations which was done for the express purpose of the prevention of the commission of fraud by the election officers of the crooked districts. In the trial of the issues before the courts of Luzerne County the evidence disclosed that the perforations did not result in any fraud, did not interfere in any way with the free exercise by any voter of his right to suffrage, did not in any way or to any degree violate the secrecy of the ballot, did not prevent the ascertainment from the face of the ballot of the voter's intention, and did not enable anyone to ascertain what voter cast any particular ballot. The perforation of the ballots was done by the clerks of the county commissioner's office, who under the law are required to provide and furnish the ballots to the election officers, after direction by the judges of Luzerne County, upon application of counsel for Gifford Pinchot and as an added precaution under the supervision of the clerk to the judges and two court officers. Further, the perforating machines were impounded by the clerk to the judges in order that other ballots would not be furnished to the election officers and could not be perforated in the same manner or by the same machines as those used on the ballots that were cast by the people of Luzerne County. The public and the candidates had sufficient notice through the conspicuous newspaper articles in every newspaper of our community of the intention and the actual perforation of the ballots. No one protested nor was any summary action taken as required by law to prevent or stop the perforation of the ballots.

The only reason for such failure was that before the primary election of May 20 no one representing any candidate for public office at this primary could have dared to voice his opinion or protest against this act, which everyone well knew was done for the express purpose of the prevention of fraud. It now comes with ill will and dishonest intention that any candidate who was defeated at the polls to now say he was injured and that he should be given the nomination for the great office of Governor of the Commonwealth of Pennsylvania on the highest kind of a technicality which did him no harm. Having failed to protest before the primary election, he should not be heard to complain now.

It has not been contended that any elector in Luzerne County was in any manner embarrassed, influenced, or defrauded in the exercise of his franchise by reason of said perforations. After consultation with some of the ablest lawyers of the State of Pennsylvania, I am informed that the perforations of the ballots is not a violation of law.

Courts justly consider the chief purpose of the election laws, namely, the obtaining of a fair election and an honest return. The real test of this is whether the fundamental requirements of the ballot laws have been destroyed or fraud resulted. The purpose of the law is to obtain honest elections in accordance therewith. By splitting fine hairs in technical decisions, the courts should not strike down the vote of the people where no fraud resulted therefrom, thereby destroying the very purpose of the law.

The ballots that were counted were the ballots that were actually cast and furnished to the election officers by the county commissioners, and under the law they were required to tabulate them without raising the question of this high technicality of "perforation."

The Constitution confers the right of suffrage on every citizen possessing the qualifications named in that instrument. It is

an individual right and every elector is entitled to express his own individual will in his own way. It is never to be overlooked, therefore, that the requirements of the use of an official ballot is a questionable exercise of legislative power, and even in the most favorable view treads closely upon the borders upon a void interference with the individual elector. Every doubt, therefore, in the construction of the statutes must be resolved in favor of the right of franchise.

Should the law permit the carelessness or even the fraud of officers in charge with the furnishing of ballots to defeat the election and deprive the people of this great Commonwealth of Pennsylvania of the individual who was nominated by a plurality of their votes? For if this were to be done, the people of Pennsylvania would be required to suffer for an act in which they did not participate and which they did not sanction. By doing so, instead of punishing the officers for the violations, they would be practically punishing the voters of the Commonwealth of Pennsylvania by defeating their choice for Governor as declared at the recent primary on May 20.

Decisions of this kind would be fraught with danger by inviting some unscrupulous or unprincipled persons on the eve of an important election to perform some irregularities in the manner of the printing and supplying of the ballots to be used in a county, or in the whole State of Pennsylvania, in which a majority may determine the results in the State. Here is the embodiment of the peoples' will, the expression of the sovereign power of the people. When the application of technical rules and a strict construction of the acts of the officers in preparing the election papers and conduct of the election would tend to defeat the will of the people and change the results of an election for an important office, they should not be applied and all reasonable intendments should be made in favor of the legality of the proceedings.

The public press of the entire State of Pennsylvania is up in arms by reason of this unsportsmanship and the effort on the part of a defeated candidate, who is interested and supported by the notorious political organization, combined with the public utility monopoly, in his efforts to steal the nomination for Governor of Pennsylvania from Gifford Pinchot.

The Evening Bulletin of Philadelphia on June 14, 1930, editorially said:

[From the Evening Bulletin, Saturday, June 14, 1930]

LUZERNE COUNTY BALLOTS

The majority of the Luzerne County court who ordered the perforation of ballots for the recent primary were not expected to declare their own action illegal and to void the primary because their instructions were followed. So counsel for the Philadelphia organization and its gubernatorial candidate, seeking to wipe out the victory of their opponent by this technical procedure, are ready to take their case to the Supreme Court in further hope of a favorable decision.

But while the questions of law may not be settled until they are submitted before the Supreme Court, the questions of equity and fairness and good sportsmanship, which are most consequential to the average individual, do not wait upon any such appeal. They are determinable and will be determined in the public mind on the face of admitted facts.

There is no evidence, nor any substantial charge, of fraudulent intent or use in the perforation of the ballots. The device was originated and had previously been used as an added safeguard against possible manipulation of the ballot box. The perforation was done openly, under oral approval by a majority of the court, was substantially identical in each precinct or division. There has been no demonstration that the rights of any candidate at the primary were in any degree transgressed by the perforation, or that any candidate suffered the loss of any votes by reason of it.

An election is not primarily a game of skill or a test of cleverness between rival candidates in which enforcement of the rules of play is of prime importance and the match may be forfeited for any infraction or neglect.

The election is the means of recording the will of the voters fairly and honestly, and courts have frequently ruled that the responsibility of election judges and of courts determining moot ballots is to discover and serve the intent of the voter.

It is inconceivable that any court in Pennsylvania should throw out the vote of Luzerne County, or of the larger part of its electorate, because of a technical defect in the ballots used at the primary, for which none of the individual voters was responsible, and which is not alleged to have been fraudulent in its design, nor shown to be fraudulent in its effect. It is more inconceivable that even ordinary political acumen can not or will not perceive that, even if a nomination finally could be won by persistency in this legalistic contention, it would be such an offense to the native sense of fair play, which is typical of all Americans in their sports, that it would be of little value.

And again on June 23, 1930, said:

[From the Evening Bulletin, Monday, June 23, 1930]

THE HONOR OF THE COURT

The issues raised in the attempted raid on the Luzerne County primary are sufficiently serious and the circumstances of the controversy of such a nature that the justices of the Supreme Court of the Commonwealth might properly have considered the situation in the nature of an emergency and have encouraged argument and proceedings to a final decision at the earliest possible moment.

The date set for a hearing of arguments, September 29, is but five weeks prior to the election. The effect of the rule made by the court is to keep the result of the Republican gubernatorial primary in uncertainty up to the date of the hearing, precluding ordinary campaign activities on the part of either Mr. Pinchot, the apparent victor, or Mr. Brown, the contestant, and thereby giving an unfair advantage to other candidates, whether it be the nominee of the Democratic Party or the candidate of the hybrid organization-wet committee, generally understood to be under blankets until the opportune time for his appearance.

Moreover, the people, as well as the rival candidates, have a right to expect the prompt services of their court of final decision in a matter of such importance as this.

And by no means least, the justices of the supreme court, jealous of the honor of that body, might well have recognized the desirability of prompt action, and the avoidance of any appearance of a political purpose, or even seeming to confirm the arrogance of the Philadelphia ward leader who has so boldly foreordained the action of the court.

Hasty action by the supreme court is not urged. The situation created by the attempt to deprive the voters of Luzerne County of their lawful franchise and to overturn the decision of a state-wide primary by a technicality is altogether too critical. But the very fact of the crisis which it threatens should be an urge upon the supreme court to give it prompt consideration and an early decision, and meanwhile to conserve the rights of all parties and individual citizens in the Commonwealth to fair play in the popular election.

The Philadelphia Record on June 13, 1930, editorially said:

[From the Philadelphia Record, June 13, 1930]

MR. HALL'S AMAZING PREDICTION OF A NULLIFIED NOMINATION

The Supreme Court of Pennsylvania will take from Gifford Pinchot the nomination for governor which the Republican voters gave him, and transfer it to Francis Shunk Brown.

In substance this is the astounding, the incredible, prediction calmly made by Charles B. Hall of the Vare machine. At Wednesday's meeting of the war board he said:

"When the courts decide who the nominee for governor is—and there is no question in my mind who the nominee will be if the Luzerne court rights the crime which some of its judges helped to commit—it will be shown that Brown was robbed in Luzerne county. I say what I mean. I strongly believe that Brown will be declared the nominee for governor."

Amplifying this later, he said he expected no condemnation by the Luzerne court of its own procedure in authorizing the perforation of ballots, but that there would be a reversal by a higher court.

Pennsylvanians are accustomed to effrontery from their politicians. They are not easily disturbed even by suggestions that in practice the administration of justice is not the exalted and immaculate process which it is in theory.

But he must be a singularly cynical and hard-boiled citizen who is not shocked by this utterance and its implications.

Mr. Hall is not a lawyer. Hence his forecast of the outcome of a complex case can not be based upon expert knowledge.

On the other hand, it is utterly beyond belief that he has received private information as to what the supreme court will do.

Thus when he quite casually and confidently predicts that the result at the polls will be overturned by a higher tribunal, it must be assumed that he exhibits reckless impudence rather than certainty derived from authoritative assurances.

But the significant fact is that his amazing statement has occasioned no outburst of public indignation or even surprise.

For a politician to announce that the highest tribunal in the State will disfranchise upwards of 60,000 voters, erase a popular majority of more than 20,000, nullify the verdict of a primary election, and bestow upon the Vare candidate the nomination won by his rival is apparently regarded as a legitimate bit of comment.

In the judgment of the Record the audacity of Mr. Hall is far less disquieting than its acceptance by the public as being merely an interesting exercise in inference.

Contempt of court manifests itself in two ways.

There is the technical and legally defined contempt which may be committed by words or acts detrimental to the dignity of a court or in violation of its orders. This is punishable summarily.

And there is the more subtle, but not less reprehensible contempt involved in such utterances as that of Councilman Hall—imputations which reflect upon judicial integrity yet are beneath judicial notice and beyond judicial punishment.

But graver in its effects than either of these forms of active contempt is any lack of confidence in and respect for the courts on the part of the public. Intangible, inarticulate, that attitude is so injurious that anything which promotes it must be deplored.

It is because he has encouraged this mood of cynicism and distrust that Mr. Hall is to be condemned, even though he has inadvertently performed a public service by focusing public attention upon a momentous test of popular government and the sanctity of the ballot.

And again on June 24, 1930:

[From the Philadelphia Record, Philadelphia, June 24, 1930]

TO DISFRANCHISE THE VOTERS AND NAME BROWN, THE SUPREME COURT MUST REVERSE ITSELF

Believe it or not, the Supreme Court of Pennsylvania may take from Gifford Pinchot the Republican nomination for governor, won by a plurality of 20,000 votes, and bestow it on Francis Shunk Brown, defeated candidate of the Vare machine.

That astonishing and sinister possibility is distinctly stated in the decree ordering that the vote in Luzerne County, which gave Pinchot 26,000 plurality over Brown, shall be certified as cast—but that the returns shall be "subject to such modification, correction, or rejection as may be ordered by this court after full hearing on September 29."

But in order thus to nullify the result of a primary election the supreme court will have to nullify its own deliberately adopted rule of action.

In order to reverse the decision of the voters the court will have to reverse itself.

For it has definitely laid down the policy that it will not overturn verdicts rendered at the polls, even where irregularities are shown, so long as they do not manifestly injure candidates or prevent expression of the intent of the voters.

The Vare-Brown interests demanded cancellation of the entire Luzerne vote on the ground that perforated ballot markings, authorized by the county court, were "mutilations."

The pretext is novel. But the attempt to have election by judicial decree substituted for election by the ballot is an example of an old practice.

It has been tried so often, in fact, and involves so serious a menace to popular government, that a few years ago the supreme court undertook to discourage it by a conclusive ruling.

For half a century that tribunal had been pestered with election-contest appeals based upon charges of irregularities, intentional or accidental. Finally, in 1922, it moved to stop such litigation.

The election of a burgess had been attacked in a petition asking that the vote of a whole ward be thrown out because of some alleged improper procedure at the polls.

The court, made up of the same jurists as those now on the bench, decided at once that it would do no such thing.

Moreover, it delegated one of its members to write an opinion which would be so clear and exhaustive that the question of interfering with elections in this manner should not be thrust before the tribunal again.

And the justice who wrote this controlling judgment for the court was none other than Justice Alexander Simpson, formerly the law partner of Francis Shunk Brown.

With the learning and lucidity for which he is noted, Justice Simpson reviewed the numerous contest cases, and in dismissing the petition affirmed the unswerving policy of the court in these emphatic terms:

"Ought the entire poll of the ward to be thrown out, the 801 voters disfranchised, and the borough governed for four years by a burgess who was fairly defeated at the election, simply because the election officers were guilty of an irregularity which resulted in no harm to any of the candidates? In the absence of controlling provisions in the election laws, or some precedent thereunder, correct in principle and covering this exact question, we think its statement suggests its necessary answer. No such statutory provision appears, as we, therefore, turn to our decisions to see if they compel us to the unjust conclusion asserted by the appellant."

Among the decisions quoted was one from Chief Justice von Moschzisker. Dismissing a petition for the cancellation of an election because the paper of the ballots, in violation of law, was not thick enough to prevent the printing from showing through, the chief justice ruled:

"The judiciary endeavor to discover whether a deviation from the law had or had not so vital an influence on the proceedings as probably prevented a full and free expression of the popular will. If it had, the irregularity is held to vitiate the entire return; otherwise it is considered immaterial. * * * Courts justly consider the chief purpose of election laws, namely, the obtaining of a fair election and an honest return."

After citing many such findings Justice Simpson delivered the opinion of the whole court as follows:

"To eliminate an entire poll, though no harm has actually been done, merely because public officials did not perform their duty properly, would result in the very wrong sought to be prevented. For if they were unscrupulous, knowing, as they always do, where votes antagonistic to their desires will be cast, they can wrongly fit up the election room and booths in every district which they desire thrown out, and thus indefinitely control elections."

* * * * * * *

With commendable regard for propriety and the integrity of the court, Justice Simpson did not participate in hearing the appeal made in the name of his close friend and former partner, Mr. Brown.

Doubtless he will be as scrupulous in dissociating himself from future consideration of this momentous case.

Fortunately, however, he has already contributed a decision which apparently forbids judicial ratification of the raid on the governorship by a faction repudiated at the polls—a decision which expressed not only his own views, but the carefully considered judgment of the entire Supreme Court.

And in another instance also said:

WILL THE VOTERS BE OVERRULED BY THE SUPREME COURT?—WITH GREAT RESTRAINT WE DIRECT ATTENTION TO A SINISTER SITUATION

Has this Commonwealth a government by the people through the ballot, or a government by the courts through judicial decrees?

That disquieting issue is raised by an extraordinary order made by the Supreme Court of Pennsylvania.

In form it merely postpones official announcement of the vote cast at the Republican primary on May 20.

In effect it not only suspends the verdict rendered at the polls, but casts a cloud upon its validity and threatens to make impossible its fulfillment next November.

A few days ago a Philadelphia politician predicted, or rather announced with an air of perfect assurance, that the supreme court would ultimately render a decision conferring on Francis Shunk Brown the nomination for governor given by the voters to Gifford Pinchot.

The Record was less disturbed by the forecast than shocked by its effrontery.

This newspaper did not then believe, it can not bring itself now to believe, that the highest tribunal in the State would be capable of such a nullification of popular government, such a violation of the sanctity of the ballot.

Yet here is a ruling which at least proclaims the possibility of the threatened reversal—and in such fashion as to paralyze until next fall all moves to make effective the decision registered by the voters.

Not until within five weeks of the election, and long after expiration of the time within which a displaced nominee might preempt another place on the ballot, will the court permit the case to be heard.

Judicial deliberation is not extraordinary in itself. But there can not fail to be remarked the contrast between the leisurely approach to this urgent problem and the remarkable promptitude with which the same tribunal dealt with another factional controversy.

A local judge two weeks ago forbade certification of the Philadelphia vote until glaring irregularities had been corrected. The Vare war board, which wanted certification as a basis for seating its agents on the Republican State committee, appealed.

Within two hours four members of the supreme court held a special hearing, and 30 minutes after its close dismissed the retraining order.

In the present instance the Vare interests seek to get for Brown the nomination for governor won by Pinchot, through a judicial decree disfranchising thousands of voters on a technicality. And the court which rendered its decision last week in half an hour now sets the hearing in this more urgent case for September 29.

The dispute is simple enough. In the whole State Pinchot beat Brown by about 20,000, and in Luzerne County by 26,000. The Brown faction demands that virtually the entire Luzerne vote be thrown out. If the supreme court so rules, the nomination which Pinchot won will be transferred to Brown.

The pretext for the appeal is that in most of the Luzerne districts the ballots bore perforated numbers. That system of uniform marking was adopted three years ago, with approval of the county court, to prevent the use of faked ballots and other gross frauds.

It does not in any way impair the secrecy of the ballot, or in the remotest degree interfere with the intent of the voter and its expression by him. Yet the Brown contestants call the marks "mutilations," and would cancel all the ballots.

The Luzerne court directed the county commissioners to certify the vote as cast. The Brown managers asked the Supreme Court for a supersedeas—an order restraining such certification.

They didn't get it. But they got something just as good. They got a decree ordering the certification, but stipulating that the returns "be received by the Secretary of the Commonwealth subject to such modification, correction, or rejection, as may be ordered by this court after full hearing, on September 29."

A reversal of the lower court would amount to the disfranchisement of 60,000 voters, the overturning of a popular plurality of 20,000, nullification of the verdict of a primary election, and the bestowal

upon a defeated candidate of a nomination for governor, won by his rival.

That the decision will be withheld until fall is not wholly to be deplored.

Perhaps it is just as well that for more than three months the people of Pennsylvania can contemplate the momentous consequences which the Supreme Court's action in this case will have for popular government, and public confidence in the ballot and its judiciary.

The Wilkes-Barre Evening News on June 25, 1930, editorially said:

[From The Evening News, Wednesday, June 25, 1930]

DISFRANCHISEMENT OR NOT

Voters of Luzerne County have an extraordinary interest in the ballot appeal, now pending before the Supreme Court of Pennsylvania. If the Brown interests win and Gifford Pinchot loses, it will result in the disfranchisement of all Luzerne County voters with the exception of those who used the voting machines in Hazleton and Nanticoke.

The supreme court, it is true, has authorized the certification of the vote by the county commissioners, but the ruling plainly states that the returns shall be "subject to such modification, correction, or rejection as may be ordered by this court after full hearing on September 29."

This is an important matter for Pennsylvania as a whole, since the Republican nomination for governor is at stake. In this respect Luzerne has a common interest with the other counties in the Commonwealth. But, in addition, there is the added local interest that has been developed because favorable action on the appeal will nullify the action at the polls.

No one knows what the supreme court will do in this matter, but previous decisions of that body would indicate that it will not permit the disfranchisement of voters on technical grounds. Such a ruling would have a widespread effect.

The supreme court has shown an inclination in the past to uphold the expressed wishes of the public. After all, that is the purpose of balloting. It was with this in view, to protect the vote as cast, that perforation was authorized by the local judges in the first place.

The supreme court repeatedly has indicated that it will not interfere with elections as long as there has been no injury done any candidate nor has there been any interference with the voters. It will be difficult to show that such has been the case in this instance.

Actually, there has been no such charge made, nor has there been any intimation that the perforation violated the spirit of the law or in any way destroyed the secrecy of the ballot.

It was intended only as a measure of protection to prevent outrages that might have thwarted the plans of the voters. Nor was the May primary the first occasion when this precaution was taken.

The Philadelphia Record, referring to the appeal, points out that the supreme court will have to reverse itself if it throws out the vote of Luzerne County, since there are decisions on record which plainly state what the justices, now serving, have held in the past.

Here is an excerpt from an opinion by Justice Simpson in an appeal involving the election of a burgess:

"Ought the entire poll of the ward to be thrown out, the 801 voters disfranchised, and the borough governed for four years by a burgess who was fairly defeated at the election, simply because the election officers were guilty of an irregularity which resulted in no harm to any of the candidates? In the absence of controlling provisions in the election laws, or some precedent thereunder, correct in principle and covering this exact question, we think its statement suggests its necessary answer. No such statutory provision appears, and we, therefore, turn to our decisions to see if they compel us to the unjust conclusion asserted by the appellant."

Chief Justice von Moschzisker had this to say in a ruling in which he dismissed a petition for the ignoring of a vote on the ground that the paper ballots, in violation of the law, were not thick enough to prevent the printing from showing through:

"The judiciary endeavor to discover whether a deviation from the law had, or had not, so vital an influence on proceedings as probably prevented a full and free expression of the popular will. If it had, the irregularity is held to vitiate the entire return; otherwise it is considered immaterial. * * * Courts justly consider the chief purpose of election laws, namely, the obtaining of a fair election and an honest return."

Luzerne County awaits breathlessly the action of the State's highest tribunal.

And again on June 26, 1930, said:

[From the Evening News, Thursday, June 26, 1930]

TECHNICALITIES VERSUS RIGHT

Judge Coughlin hits the nail on the head in the ballot controversy when, in concurring the opinion of Judge McLean, he points out that "by splitting fine hairs and technical decisions, the court should not strike down the vote of the people where no fraud resulted therefrom, thereby destroying the purposes of the act."

What Judge Coughlin states so fearlessly and concisely is what the people of Luzerne County have been thinking. After all, that is the important thing in any election.

To quote from Judge Coughlin's opinion:

The real test is whether the fundamental requirements of the ballot law have been destroyed, or fraud resulted. The purpose of the law is to obtain honest elections.

It is further to be borne in mind that the "official ballot" was delivered to the election officials. Those were the ballots used, these were the ballots counted. The perforations thereon, though not provided for in the primary act, in no way violated the positive requirements of the statute. The official ballot had for three years been similarly perforated without protest from anyone, and in no way resulted in any dishonesty or unfairness. Most of the Luzerne County officials, including judges, were elected on similar ballots, of which there has been general and public notice without protest until the present.

It has been no secret that fraud has played an important rôle in practically every Luzerne County election of recent years. Scarcely would the polls be closed when the corruption would begin if it already had not begun earlier in the day with the substitution of fake ballots.

So numerous were these complaints and so numerous were the charges generally that the officials decided to take steps to safeguard the interests of the voters and the candidates. That is how the ballots were perforated originally. It was believed that the special stamp would prevent the use of ballots that were printed illegally.

The recent primary was no exception to the general rule of recent years. When the request was made to perforate the ballots, there was only this one motive: The judges were anxious to cooperate as much as possible to see that the proper vote was recorded and the crookedness eliminated as far as it was within their power.

That is the entire story. There is no charge that the perforation resulted in fraud, destroyed the secrecy of the ballot, or violated the intent of the statute in any way. It merely was added precaution.

Yet, on technical grounds, this is not within the law, supporters of Francis Shunk Brown insist, being anxious to have the vote of Luzerne County discarded so the nomination for governor will not go to Gifford Pinchot.

To throw out the vote because of an innocent and harmless mistake or because of an omission by unscrupulous officials would, as Judge Coughlin points out in concluding his opinion, would jeopardize balloting in the future.

It is interesting to note that some of these metropolitan newspapers were opposed to the candidacy of Gifford Pinchot at the primaries, but are now rallying to his support on the plain and simple platform that the will of the people must be abided by and that technicalities must be laid aside in an effort to reverse the voice of the people. This contest now faces the point of a technicality against right. To disfranchise approximately 650,000 voters of the State of Pennsylvania on this technicality of perforation because of an innocent and at most a harmless mistake or because of any other commission by public officers would jeopardize the balloting in the future. I feel it my duty to impress upon my colleagues that the highest tribunal to pass upon the legality of this perforation of the ballots in my county is the Supreme Court of the people of Pennsylvania. Their decision was cast on May 20, and Gifford Pinchot was nominated by a plurality of over 20,000 votes.

I have a very high regard for the individual members of the Supreme Court of Pennsylvania, and feel implicitly confident that the Supreme Court of Pennsylvania will decide the case upon the law and that this high technicality raised by the opponents of Gifford Pinchot will be cast aside in order that the free expression of the will of the people of my great State might prevail and that Gifford Pinchot will retain the Republican nomination for Governor of Pennsylvania.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

STATISTICS CONCERNING UNEMPLOYMENT

Mr. KOPP. Mr. Speaker, I move to suspend the rules and pass the bill S. 3061.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass the bill S. 3061, which the Clerk will report.

The Clerk read as follows:

S. 3061

A bill to amend section 4 of the act entitled "An act to create a Department of Labor," approved March 4, 1913

Be it enacted, etc., That section 4 of the act entitled "An act to create a Department of Labor," approved March 4, 1913, is amended by adding at the end thereof the following new paragraph:

"The Bureau of Labor Statistics shall also collect, collate, report, and publish at least once each month full and complete statistics of the volume of and changes in employment, as indicated by the number of persons employed, the total wages paid, and the total hours of employment in the service of the Federal Government, the States and

political subdivisions thereof, and in the following industries and their principal branches: (1) Manufacturing; (2) mining, quarrying, and crude petroleum production; (3) building construction; (4) agriculture and lumbering; (5) transportation, communication, and other public utilities; (6) the retail and wholesale trades; and such other industries as the Secretary of Labor may deem it in the public interest to include. Such statistics shall be reported for all such industries and their principal branches throughout the United States and also by States and/or Federal reserve districts and by such smaller geographical subdivisions as the said Secretary may from time to time prescribe. The said Secretary is authorized to arrange with any Federal, State, or municipal bureau or other governmental agency for the collection of such statistics in such manner as he may deem satisfactory, and may assign special agents of the Department of Labor to any such bureau or agency to assist in such collection."

The SPEAKER. Is a second demanded?

Mr. STAFFORD. I demand a second.

The SPEAKER. The gentleman from Wisconsin demands a second.

Mr. KOPP. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The gentleman from Iowa has 20 minutes, and the gentleman from Wisconsin [Mr. STAFFORD] has 20 minutes.

Mr. KOPP. Mr. Speaker and Members of the House, so far as the record shows, this bill was passed without opposition in the Senate. When it reached the House it was referred to the Committee on Labor, which gave it very careful consideration. At the conclusion of its consideration that committee reported the bill back to the House without amendment and with a favorable recommendation.

Naturally and properly, organized labor is heartily in favor of this bill. But organized labor is not alone in support of this measure. Business men, professional men, welfare workers, leaders in religious and educational work are in favor of it and have united in support of this measure.

The reason why so many people are asking that this bill be passed is because of their deep interest in the great and overshadowing problem of unemployment.

I have no desire to overstate or to overestimate the possible benefits of this bill. No one will claim that it will be a panacea for all the ills of unemployment; nothing of the kind. But we do have the hope that it will substantially contribute to the solution of the unemployment problem.

This bill provides that statistics shall be collected and published monthly as to employment in the chief industries of the country, including the wages paid and the total hours of employment. It will provide very important information. A physician can not properly treat a patient without knowing the condition of his patient. So the American people can not properly deal with unemployment without knowing the facts concerning such unemployment.

This bill places the burden of administration upon the Department of Labor, just where it should be. It will not require the creation of a new department. In the Department of Labor, ever since its creation on March 4, 1913, there has been the Bureau of Labor Statistics, which will secure the statistics and publish them. The only additional cost in connection with it will be that incident to a slight expansion of this bureau. This will be a very small matter, and not entitled to serious consideration in view of the purpose of this bill.

Mr. ABERNETHY. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. ABERNETHY. Does it purport to do anything except to tell us that there is unemployment?

Mr. KOPP. It tells more than that. It tells us whether there is employment or unemployment. It tells all the facts about it.

Mr. ABERNETHY. Does it try to get some work for these people who are out of work?

Mr. KOPP. Not directly, but it gives information which will be needed to carry out the bill which has been passed this afternoon.

Mr. ABERNETHY. I thought everybody knew there was great unemployment in the country. I am not going to oppose the bill, but I thought the gentleman had some method of furnishing employment.

Mr. KOPP. This bill is not a temporary measure. This will be a permanent law when passed.

Mr. ABERNETHY. And it will apply under the Democratic administration as well as under Republican administration?

Mr. KOPP. Absolutely. You will need it then. [Laughter.]

Mr. PATTERSON. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. PATTERSON. It goes much further than the bureau goes now, and requires these statistics to be published monthly does it not?

Mr. KOPP. Yes.

Mr. PATTERSON. It adds valuable information which will be needed when we legislate on any kind of labor questions.

Mr. KOPP. The gentleman is correct.

Mr. ABERNETHY. Will the gentleman yield further?

Mr. KOPP. Does the gentleman want to ask another question?

Mr. ABERNETHY. Yes.

Mr. KOPP. I yield.

Mr. ABERNETHY. I understand that by the time the Democrats get in power we will not have any unemployment in the country?

Mr. KOPP. That is also my understanding.

Mr. ABERNETHY. I doubt it.

Mr. KOPP. By the time the Democrats get in I think there will be no unemployment.

Mr. O'CONNOR of Oklahoma. The gentleman is not trying to prophesy the end of the world, is he?

Mr. KOPP. No; but I am looking a long ways ahead.

Mr. BOYLAN. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. BOYLAN. I want to congratulate my colleague as chairman of this committee in reporting this bill out whole, without deletion of any kind, character, or description. The committee has performed a most commendable service.

Mr. KOPP. I thank the gentleman, but whatever credit there is belongs to the committee as a whole, and not to the chairman.

This bill supplements the bill passed earlier this afternoon. The bill passed earlier authorizes the expenditure of a large sum annually for the relief of unemployment. Congress will certainly need the information which this bill will give, if it is to spend millions of dollars. The money should be spent wisely.

Mr. CELLER. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. CELLER. Under present conditions the Secretary of Labor reports statistics only once every three months. We now ask him to report them every month?

Mr. KOPP. Yes; the report will be made at least once each month.

Mr. CELLER. Under present conditions the Secretary of Labor reports unemployment data only with reference to industrial occupations. This bill takes in the entire gamut of unemployment?

Mr. KOPP. Yes.

Mr. CELLER. It takes in agriculture and crude petroleum and the white collar class and every conceivable kind of trade and employment?

Mr. KOPP. It is very broad and may be extended at any time, in the discretion of the Secretary of Labor.

Mr. HASTINGS. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. HASTINGS. This bill provides that the Secretary of Labor shall collect statistics and publish them every month, and among other statistics, those of agriculture and lumbering. I know the gentleman is as much interested in agriculture, as I am. I am just wondering what facilities the Department of Labor has for collecting accurate statistics of employment and unemployment among the farmers of the country?

Mr. KOPP. As I understand, the Department of Labor has a very efficient Bureau of Labor Statistics, and it is thoroughly familiar with all labor problems, not only in manufactures, but also in agriculture as far as farm laborers are concerned.

Mr. HASTINGS. I had hoped there was some provision whereby the Department of Labor would act in cooperation with the Department of Agriculture, so that the data, when collected, would be very dependable.

Mr. BLANTON. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. BLANTON. Will the gentleman tell us just what bureau or department of the Government is now putting up at great expense these large billboards, and has been for some time, on different roads that enter cities, saying that "Prosperity must continue in the United States"? They are Government billboards. And they have been put up all over Texas.

Mr. KOPP. I have seen no such billboards. I have not been in Texas.

Mr. BLANTON. They are Government billboards. You can not bring about prosperity by advertising it on billboards.

Mr. KOPP. I am not an authority on billboards, especially Texas billboards.

Mr. SLOAN. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. SLOAN. I would like to ask the gentleman if he has any definite estimate as to the number of unemployed in the United States at this time? I have just placed a speech in the RECORD noting that the unemployment in my district is about one-half of 1 per cent. My information is that there are about 2,000,000 unemployed people in the United States, although I have heard it stated higher. Has the gentleman anything definite to state?

Mr. KOPP. No; not at this time. There are no definite figures available at this time for the country as a whole, as I understand it.

Mr. SLOAN. There are in the Census Bureau from a good many districts. That is where I obtained my figures.

Mr. KOPP. The gentleman is correct, and I thank him for placing the information in the RECORD.

Mr. ACKERMAN. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. ACKERMAN. Will the gentleman state how much it will cost to obtain the information mentioned in the bill?

Mr. KOPP. I do not have any definite figures, but it will be very small, because much of it will be secured by correspondence. The Labor Department is an efficient organization and is the department that should administer this bill. The Bureau of Labor Statistics was established over 17 years ago and is headed by experienced and competent men. The Secretary of Labor will always be in sympathy with labor. No matter what party may be in power, no President will ever appoint a Secretary of Labor who is unsympathetic with labor.

Mr. CULLEN. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. CULLEN. The bill provides that the Secretary is authorized to arrange with any State, city, or municipal authority. The various States have departments of labor.

Mr. KOPP. Yes. The cost will be very small. In conclusion I ask you to bear in mind that this bill can not possibly do any harm and that it may do much good. On behalf of the Labor Committee I ask you to enact this bill into law. [Applause.]

I yield five minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker and gentlemen, I am taking the floor to-day for two reasons. One is to say that I will support this bill and, as the gentleman from New York said, I congratulate the Committee on Labor for reporting Senator WAGNER'S bill intact. We were glad to have the privilege of doing that. Secondly, I want to protest at this time on behalf of the minority members of the Committee on Labor, of which I am ranking member, against these bills being sent to the Judiciary Committee which belong to the Committee on Labor. The two bills which were referred to the Judiciary Committee should have gone to the Committee on Labor. They are unemployment bills, and if any committee in Congress has to do with unemployment it is the Committee on Labor, and not the Committee on the Judiciary. I believe I express the sentiment not only of the minority members of the committee but of the majority members of that committee, who have requested the chairman of that committee [Mr. KOPP], the distinguished gentleman from Iowa, to protest to the Speaker of the House against the referring of unemployment bills to the Committee on the Judiciary. I have nothing against the Judiciary Committee. The members of that committee are distinguished Members of the House, but I do believe that if the other two Wagner bills had been referred to the Committee on Labor they would have been reported to the House of Representatives intact. [Applause.] And not emasculated and changed as was this other bill on which we voted a few minutes ago.

Mr. GRAHAM. Will the gentleman yield?

Mr. CONNERY. Yes.

Mr. GRAHAM. Did the change in S. 3059 harm the purposes of the bill?

Mr. CONNERY. Yes; I think it did, very much. It took away the machinery of the bill whereby you could get these statistics and take care of the whole thing.

Mr. GRAHAM. Did the gentleman listen to the letters from the departments regarding the machinery?

Mr. CONNERY. Yes; I did.

Mr. GRAHAM. Stating that it could not be put into effect and it would be useless to include that language. So we simply perfected the bill, which probably the Labor Committee might have overlooked.

Mr. CONNERY. I will say to the distinguished chairman of the Committee on the Judiciary that it is my belief—perhaps I am mistaken—that the only reason this bill was changed was for the same reason that the Rankin bill's veto was sustained, because it was offered by Democrats and not by Republicans.

It is all right for gentlemen to say no, and I do not blame you for playing politics with it.

Mr. GRAHAM. There was no politics that entered into it. There was no division in our committee upon the subject. There may have been one or two who dissented from the general proposition, but politics did not enter into the consideration of that bill.

Mr. CONNERY. I would like to say that I believe the gentleman in that. Perhaps the chairman had no politics in his mind at all, but it is a very strange coincidence that when any major measure is offered by a Democrat that seems to take the fancy of the House the bill is changed into a Republican measure before it is enacted into law.

I would like to say to my distinguished colleague, the gentleman from Texas [Mr. BLANTON], that I was astounded to hear him say to-day—and I have the highest respect for him—that the people of the United States who are out of employment are lazy; that one of the main reasons for it was that they are lazy.

Mr. BLANTON. I said that some of them are lazy. Some of them are not. Some of them are active and energetic and try to get jobs, but I say that some of them are lazy.

Mr. CONNERY. There are lazy millionaires.

Mr. BLANTON. But some of them will not work unless they can get $12 a day. They do not want to take $8 or $6 when they can not get $12.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. KOPP. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. CONNERY. The gentleman heard my distinguished colleague from Massachusetts [Mr. MCCORMACK] say how they stormed his law office in Boston, asking any kind of work. I have had the same experience at home. There are 2,000 shoe workers walking the streets of Lynn and they have no work. Certainly these men are not lazy.

Mr. BLANTON. They ought not to stay there and starve. They should go somewhere else where there is work. And if they can not get one kind of work they ought to get another.

Mr. CONNERY. The gentleman may be speaking for the State of Texas but he certainly is not speaking for the State of Massachusetts when he says the workers are lazy. They may be lazy in Texas but they certainly are not lazy in Massachusetts. [Applause.]

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. CONNERY. Yes.

Mr. McCORMACK of Massachusetts. What is the use of going to any other place, because wherever they go they find the same conditions.

Mr. CONNERY. There is no work for them. They are jumping all over the country and can not find work.

I am in favor of this bill, but it is like all veterans' bills and we must take it as it is. However, half a loaf is better than none. Take what you can get. That is the only thing to do on veterans' legislation or on labor legislation—take what you can get under suspension of the rules. Personally, I do not believe any of these bills should be brought in under suspension of the rules, and I hope in the future this slight protest I have made will be added to by the distinguished chairman of the committee, and in the future we will get unemployment bills sent to the Committee on Labor where they belong. [Applause.]

Mr. STAFFORD. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Speaker and gentlemen, if it were in order to amend this bill, one of the matters I would like to have ascertained is how many Americans during the last two or three years have been supplanted and left without work by tens of thousands or scores of thousands of imported alien laborers. [Applause.] This unemployment situation is some two or three years old and shows signs of becoming worse.

I would like also to have the bureau ascertain why it is, and why it has been, that though your committee has reported measures designed to relieve the situation by checking the incoming of alien laborers from Mexico, the West Indies, South America, and Canada, more than one such measure got strangled to death in the Rules Committee, and this House thereby denied the right to vote for something which would have brought some measure of bona fide relief.

I would also want to know why a body that is actually, bona fide, trying to relieve the situation, will suppress the main relief measures available. Industrial workers, common and skilled laborers, and other working people—American people—by millions are out of work and in want. The farmers have reported to us that they have a great surplus. Tomatoes are overproduced and without a profitable market. So are onions and citrus fruits. Cotton is down; wheat prices

are at the bottom. Reports from the border tell of hundreds of carloads of lettuce rotting in the fields because too much is produced. Little towns that ordinarily employ local people to pack their fruits have floods of people gathered about them, hungry, trying to do these little jobs, and yet the Farm Board, supported by people further up, say, "Let them have labor—for God's sake, let them have labor." Then they say, "Do not offend Mexico," "Do not offend Canada." Canada has put restrictions on American labor lately reciting our widespread unemployment situation. Americans out of work, wandering to the doors of other countries and having those doors slammed in their faces! I wonder when the time came when Uncle Sam got afraid to do anything to the other fellow, not first, but after the other fellow did it to him. Canada has restricted American labor and yet labor importers, ruling the powers of Congress, at the dictates of speculative and corporate interests which are so short-sighted, selfish, and unpatriotic that they do not recognize or care for the general welfare, have suppressed this legislation, and the country ought to know the facts. Farmers, farm workers, and other working people must suffer ruinous consequences in order that the speculative farmers and mainly the sugar interests, railway companies, and other powerful groups may increase their profits by employing Mexican peons at lower wages to live under harder conditions. Then the men who do these things talk pharisaically about "farm relief" and "relieving unemployment." Somebody ought to tell the truth about it, and that is what I am trying to do. You know it is true and the country knows it is true.

Mr. STAFFORD. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker and Members of the House, I am very glad to support these bills. In my judgment, there is no moral or economic waste greater than that of the individual willing, ready, and able to do a part of the necessary work of the world, who returns to his home at night having been unable to get employment. The moral and economic loss resulting from that failure is as great as can be found among a people.

I appreciate the fact there is practically no opposition to this bill, so I shall direct your attention in a different direction for a few minutes. I do not want to be put in the attitude before the House of being a nuisance or embarrassing anybody with regard to any proposition, but it is my judgment, Members of the House, if we want some real relief legislation for unemployment we would go to the limit to revive the debt-paying and purchasing power of the great agricultural classes of this country. That is where the trouble started and that is where the remedy ought to be applied.

The farmers of this country, beyond any other people, buy the products of the factories of the city. They spend a smaller amount of money, in proportion to what they earn, for what is ordinarily known as amusement, than any other people.

This Congress ought not to adjourn—I am going to make this statement in the closing days of this Congress which I have made often before—without having redeemed the pledge to put agriculture on an equal footing with industry, and I charge, in the closing days of this session, that this Congress is adjourning in the face of widespread industrial depression and unemployment, without having redeemed that pledge or made a bona fide effort to do it.

The producers of exportable surpluses, like cotton and grain, are compelled to sell in the cheapest markets of the world in competition with the cheapest labor on earth, and by this Government are compelled to take from the receipts of sales made in such markets and pay a bounty to the great industrial centers of this country. Not one thing has been done to give to these farmers a compensatory advantage.

I have no prejudice, no animosity toward the rich, but injustice eventually works its own punishment upon the people responsible for it, and the partiality of this Government, the unjustifiable burden that this Government has put upon the great agricultural producing classes of this country who produce exportable surpluses in order to foster what was originally known as the infant industries of this country has destroyed the debt-paying and purchasing power of agriculture. That is the major cause for the unemployment in the cities and the distress among our farmers.

Gentlemen of the cities, your people are walking the streets, idle and hungry, because you will not permit the men and women of this country who must sell in competition with the cheapest labor to have a fair and equal chance with your people in industry. My people can not buy what your people manufacture.

The tariff is a bounty and a tax. It is a tax because it is money taken from the pockets of the people by the power of the Government, and it is a bounty because it gives to a certain class of people more than they would otherwise receive. It deals with prices and profits. Cotton and grain farmers, producers of exportable surpluses, do not participate in the benefits of that policy. The result is that you keep taxing these farmers to pay that bounty to industry, you have this great migration from the country to the city, and, finally, these millions of farmers, economically bled white, paralyzed, unable to pay their debts, unable to buy the products of the factories, idleness everywhere.

If we had real statesmanship in America, we would give agriculture an equal chance with industry. We could take this money out of the cities which can not be loaned at 3 per cent and put it to work out in the country building homes for these people, to buy new wagons, new clothing, new furniture, and start the idle wheels of industry. If we had real statesmen in this country, we would give these farmers an equal chance and make it possible for the wheat farmers in the West to buy the products of the factory now idle, make it possible for the cotton farmers of the South to help put the millions of the cities' idle to work, make it possible for the grain and the cotton on these farms to move out into commerce and out into the homes of the hungry and unclothed. But we are adjourning this Congress without having done the just obvious thing necessary to accomplish these results. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. STAFFORD. Mr. Speaker, I yield three minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Speaker, ladies and gentlemen of the House, Frankenstein has been translated into every living language. Mrs. Shelley, the authoress, has crystallized the name, and her own fame will endure as long as English letters last, and high will be her rank among the great authors and writers of her century. Why? Because she told unforgettably and inimitably, with haunting atmosphere the story of Frankenstein, who was destroyed by the monster he created.

And it has the greatest significance because she told inferentially the story that civilization may be destroyed by that which it brings into existence. The seed of dissolution is sown in all things, animate and inanimate, and every civilization, intangibles were brought to their destruction by their own overdevelopment. The rich grew richer, and the poor poorer. The plutocrats became fewer, while the proletariat increased by leaps and bounds until his needs drove him to vassalage and helplessness. Then came darkness for that civilization.

The mechanization of industry is the very threat of the present civilization of the world. Like Moloch it demands more victims and more victims, but unlike that monster, mechanicalized industry preserves only to starve with unemployment. Unless industry, the Government, commerce, and the high priests of civilization get together and determine upon some regulatory measures civilization will go staggering, tottering, and stumbling to its destruction and fall. [Applause.]

The gentleman from New York [Mr. LAGUARDIA] pointed out the only available and visible remedy, because while these bills are looking at the situation of unemployment philosopically, desirable for their psychological effect and therefore steps in the right direction, they do not go to the root of the disease or to the root of our trouble, to the root of our problems. We must push mechanized industry to its rightful domain by pressure of a regulatory system in the way of shorter hours and a 5-day week. Thousands, tens of thousands, and hundreds of thousands are weekly, monthly, and yearly going out of employment by reason of new mechanical inventions, each of which does the work formerly done by a hundred, a thousand, or ten thousand, in accordance with the capacity and output of the new industrial unit.

Ladies and gentlemen, our civilization will be that suggested by Sisyphus, rolling a stone to the top of the hill only to have it slip from his grasp and roll back to the foot of the hill again. And this rise and fall of the stone and the laborious efforts of Sisyphus symbolizes the efforts and struggles of mankind to build an enduring and permanent civilization, and that is the history of civilization from the beginning of time, reaching the top only to roll back by reasons of defects which are apparently inherent in the system, or at any rate were those that destroyed every social order and scheme of the past. [Applause.]

As long as the benefits of any social scheme, government, or civilization go exclusively or excessively to the opulent and their heirs and assigns, you will have a gradual strengthening of the grasping industrial, commercial, and governmental power by those who are born in palaces, rocked in golden cradles, and fed with silver spoons, until the masses reach that low place where they no longer are even a good base for the superstructure. If the benefits that should flow from an

advancing civilization are not extended to and bestowed upon all the contributors and builders, it is not worth the toil and moil, and the sacrifice made to acquire it. Inventions that displace labor must be used under regulatory measures and laws that will, by reducing hours and days of employment, prevent unemployment. For reasonable leisure for those whose purchasing power has not been diminished or lessened will make for new diversions, new recreations, pleasures, studies, and entertainments which in themselves will create a demand for labor and make way for employment of those who are shifted away from old fields of activities by the inventions that result in displacements.

Yes, Mr. Speaker, all things are born; they live, they die, or pass away, and are forgotten. Animate and inanimate, tangible and intangible, they serve their time and then slip away into oblivion. Kingdoms, dynasties, and empires have, like insubstantial pageants, faded from the picture and left not a wrack behind. Indeed, they were such stuff as dreams are made of. Governments, religions, social orders, cultures in every age must pass out after each has served the purpose that brought it into existence. The old order changeth, yielding place to the new, will ever be the rule of man as long as he lives upon this earth. Each age is a dream that is dying or one that is coming to birth, always has been and always will be. But however certain we are that the old order will disappear and that our civilization like the cloud-capped towers and the gorgeous palaces of splendid periods that are no more will inevitably find its own tomb, it is our duty to our country and to that civilization to which the white man has sacrificed since his foot first touched the western continent to do all that we can to preserve it, to build it up, to strengthen it, in the hope that it will weather many a storm before the props give way forever. And just as we may extend the life of an individual by proper care we may by discernment on the part of the Government, the industrial order, and the commercial organizations preserve our civilization from decay and ruin.

By thoughtfulness, by sagacity, by fair dealing which when analyzed means that an injury to one is the concern of all we can hope to live to a good old age. By becoming in fact our brother's keeper we may make our age indeed the golden age.

Mr. Speaker, in the rapidity of our wonderful march from ocean to ocean and from the Lakes to the Gulf, in the swiftness with which we have extended orr territory into the far northern seas, the western ocean, and the Gulf and Caribbean seas, we have not had time to think of the morrow from the spiritual standpoint and from the view that we must so strengthen the mudsills and the foundations of our country that they will be there, firm and solid, when our descendants have to grapple with new problems in order that the Republic may endure. Each and every man has a part to play in the drama of life, and each and every American must so live his life that his country will be a little better off on the day that he is going westward forever than on the day that he came into existence. He must work and toil so that his children and his children's children will enjoy a governmental, industrial, agricultural, and commercial order which will mean that every man will have raiment, shelter, and food, for no civilization that gives less to its workers can possibly survive, for it takes all of their support to continue it safely under the storms and stress of the years. I vote for these bills with pleasure. I would that I could do more.

My hope is that in some small, feeble, perhaps in an insignificant way, I may contribute to that thought which must come to an intellectual world that it is worse than folly for millions of people to starve in the face of plenty and apparently thrive in the place of scarcity, and that it is a sin and a shame for a civilization that boasts of palatial homes and gardens that make the palaces of Europe pale before their splendor, to suffer from unemployment; that it is almost criminal for a nation that can boast of bridges, skyscrapers, subways, tunnels, highways, railways, lighting systems that cause even their votaries to stare in wonder at the gigantic performances of the builders of this vastness, to permit its sons and daughters to be in actual want. What a ghastly commentary on our times that millions go without bread and if relief does not come will soon be without the garments to protect them from the winds of the winter that must come.

Ladies and gentlemen, unemployment, poverty, and the hideous vice and suffering that go with them as their disheveled offspring is a world problem and demands more than anything else that confronts the world, the best thought of the greatest intellects to study and solve that problem. Let America through legislative bodies, executive departments, churches, universities, magazines and the great newspapers, industrial and financial, agricultural and commercial leaders—men of light and leading—assume the initiative and be the vanguard to a world convention that will make unemployment the sole and exclusive subject for discussion and solution.

Mr. STAFFORD. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. PATTERSON].

Mr. PATTERSON. Mr. Speaker and Members of the House, I am glad that the committee has brought in these bills. I regret deeply that they have not gone farther into the matter. I feel that it is time for us to begin to study the matter and get some information so that we may act upon it. One of the greatest distresses that can come to any country is to have a large number of its people out of employment. We want the wheels of industry to roll. It is very unfortunate if people are out of employment, or if their earning capacity is below that which permits them to have the necessaries of life. Avoid such conditions as that and the wheels of industry will roll. I am glad that I can speak for my people and say that they do not come in the category of the class of people spoken about by the gentleman from Texas [Mr. BLANTON].

In my judgment we face grave questions in this country, and we should meet and solve these questions in a statesmanlike way. So long as our farmers' income is as low as it is, and several millions of our would-be workers are out of employment, the wheels of industry can not move properly. I do not believe, even though I recognize the value of tariff, and that I feel that the Farm Board can be of some temporary help in some emergencies, but these alone can never solve our problems.

I regret that the leaders of this Congress have failed so far to settle several problems which would, in my judgment, vitally affect for good our farmers and laborers in this country. We should pass the Couzens resolution, all these employment bills, and put Muscle Shoals to work in the interest of our farmers and our people.

I plead with you and urge as strongly as I can that we do all we can for these worthy causes, and may I close by saying that I hope the leaders will help us to settle these great questions.

Mr. STAFFORD. Mr. Speaker, I yield three minutes to my colleague from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker and gentlemen of the House, I favor this bill. I am somewhat surprised to hear the claims of unemployment emanate from the mouths of our colleagues from Texas, particularly in view of the fact that several months ago one of the leading statesmen of that great State, the father of the vicious eighteenth amendment, who is now advocating legislation to put the buyer of a gill of intoxicating liquor or a bottle of 2.75 beer in jail for terms up to five years, spoke to a radio audience from the Nation's Capital and pictured the wonderful era of prosperity that 10 years of prohibition had brought about.

I agree with the gentleman from Texas [Mr. BOX] that this Congress should pass a law to put the immigrants from Mexico, Canada, and the South American countries under the quota. Our Democratic friends orate to-day in favor of restrictive immigration in the name of protecting the American workers. They forgot about protecting the American worker during the consideration of the tariff bill. What is the difference between letting down the bars to floods of immigration and permitting the products produced by aliens in their own countries to come in here unchecked in unfair competition with the products and labor of our own people? [Applause on the Republican side.] There is no difference from the standpoint of protecting the American workers. There would not be so much unemployment to-day if we did not have the sumptuary Federal prohibition laws which threw many thousands of men out of employment, and if it were not for the Democratic coalition which delayed the enactment of the tariff bill for a period of over a year. It is inconsistent for our colleagues on the Democratic side to talk about restriction of immigration in the interest of preventing unemployment, when we have their record made during the past 12 or 14 months in favor of letting the product of cheap alien labor, produced in foreign lands, come in here unchecked in unfair competition and in that way drive American workmen out of employment. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Speaker, all agree that there is no problem of greater moment before the American people than that of unemployment. Some students are suggesting unemployment insurance. The Congress this session, at least as far as I know, has not grappled with this all-important subject. As I view the proposed bill, it is a sham and a delusion. What matters it that we know the number of persons each month who are employed by the National Government, the States, and the subdivisions of the State? Every one knows that the Gov-

ernment employees—national, State, and municipal—are fixed and one of the advantages of Government employment is that it does not vary with conditions in industry.

Mr. BOYLAN. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. In a moment. We go on and require statistics in industry, manufacture, agriculture, transportation. Of what value will these monthly statistics be to the respective industries, and, more particularly, in solving the unemployment problem? Manufacturers and business men generally regard the business depression as critical, but many think that the depression is more or less influenced by the psychological situation. Talk to the large jobbers, the large manufacturers in the country, and you will find that they do not wish to have broadcast the fact that business is bad. They wish optimistic talk and not continual harping about business being depressed, and yet you want to provide each month statistics to show the number of those employed in the lumber industry and the transportation industry and in the manufacturing industry and in the wholesale and retail trades. Of what value will that be? Does any one think that it will help improve business conditions, or that it might be used to control the propagation of the species, according to the Malthusian doctrine?

Mr. BOYLAN. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BOYLAN. The gentleman is an intelligent, hard-working, and industrious Member of this House.

Mr. STAFFORD. I accept the gentleman's statement.

Mr. BOYLAN. The gentleman knows that there are three bills sponsored by the junior Senator from New York, and these three bills are correlated.

Mr. STAFFORD. I can not yield any further.

Mr. BOYLAN. I want to ask the gentleman an intelligent question.

Mr. STAFFORD. The gentleman always asks an intelligent question, but it takes him a great while to get to the point.

Mr. BOYLAN. The only point is this, that you can not take one bill by itself. This bill merely goes past in full vigor. The second bill is lost in the shuffle and the third bill is mutilated. How can you correlate them?

Mr. STAFFORD. I understood the second bill had been buried in the committee. I can not appreciate where this measure will be of any value, except to give employment to bureaucrats in the Bureau of Labor Statistics, to multiply through machines, card indices, a great mass of figures. The statistics will be of little or no value. They will be just like some of the statistics that are turned out by the Bureau of the Census. This does not solve the unemployment question at all, and that is the livest question before not only the Congress of the United States but before every legislature and municipality in the country. It is the biggest problem before the country to-day.

Mr. KOPP. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Iowa [Mr. KOPP] to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

On motion of Mr. KOPP, a motion to reconsider the last vote was laid on the table.

POVERTY AND UNEMPLOYMENT

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my own remarks on unemployment.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEAD. Mr. Speaker, while the House is considering the unemployment bills I desire to submit the following statement concerning this problem:

Poverty, suffering, grief, distress, anxiety, and suppression imperil the spirit of loyalty and patriotism so essential in the citizenship of a democracy. Poverty itself did not appear as a social problem until organized society supplanted tribal society. In tribal life mutual aid and group solidarity enabled them to survive the unconquered forces of nature and to defeat the encroachment of hostile groups.

With the growth of population, the domestication of animals, and the development of commerce, tribal customs began to disappear. Classes developed. Intelligent, thrifty, and fortunate individuals secured control over luxuries and necessities. Individual wealth and individual property displaced what had been common property and wealth in tribal life. From that time on less attention was paid to those who were weak mentally and physically. They were exploited, even pauperized, and left to make for themselves. This was one-sided progress and society has been called upon to provide for large numbers who have been unable to function or to fit themselves into the complex civilization of our day. Only recently have there been any uniform and effective measures adopted to care for the increasing number of those who might be listed as socially inadequate. For years Government and society have been content to provide relief and custodial care for this class. To-day our problem is to ascertain the number and the nature of all those who are regularly classified below the poverty line. How do they live? What does it cost to provide for them? Who bears the expense, and what are the results to society?

The almshouse and the poorhouse, and other abiding places, institutions symbolic of human despair, where disease, filth, loneliness, and death were everywhere to be found, are being eliminated by a more modern and humanitarian plan which includes child placing, family relief, pensions for widowed mothers, and retirement for the aged. Segregating the various classes formerly cared for under the common roof of the poorhouse or poor farm, and the application of scientific modern methods of treatment, have to a great degree reduced the misery and suffering of the mental and physical deficient. As a result of these present-day methods we are rehabilitating and making self-sustaining a great number of those who were heretofore condemned to pauperism and servitude.

While society has made splendid progress in the care of the crippled and unfortunate of every class, a new menace to our progress and prosperity clouds the horizon and challenges the very existence of our present system of society and Government. Recent economic changes, taking place with unbounded rapidity, have increased out of all proportion the poverty, the want, and the suffering of millions of our people, who are fitted in every way, so far as they are individually concerned, to take their place in society as decent, law-abiding members, but who are prevented from doing so and who are forced into idleness because of a system developed in present-day society which has no counterpart in ancient or medieval history. We read in ancient history that once upon a time Egypt was racked by a great famine. A period of drought caused a failure of crops. There was consequently no food to sustain the people. But what a strange situation confronts us to-day. Will not our grandchildren regard it as quite incomprehensible that in 1930 millions of Americans went hungry because they had produced too much food; that millions of men, women, and children were cold because they produced too much clothing; that they suffered from the chilly blasts of winter because they produced too much coal? I am not speaking in parables. This is the literal truth. To-day we are suffering want in the midst of unprecedented plenty. Our workers are without wages because they have learned to work too well. It is this condition which I desire to bring forcibly to your attention. It is a condition that demands the serious consideration of the statesmanship of our age, and it is likewise the duty of every citizen who loves America and would banish poverty to lend his efforts to the end that this destructive phenomenon we witness to-day be banished forever from our midst. We can not regard unemployment as inevitable and poverty as incurable, especially in a land where, as President Hoover recently stated, the warehouses of the Nation are bursting out with a surplus of supplies, and still people are denied them.

Fundamentally necessary to any proper approach of this great question of unemployment is, of course, a thorough knowledge of its nature, extent, and location. No search for a remedy can be made without a knowledge of the fundamental facts surrounding unemployment. Therefore it is the duty of the Federal Government to set up machinery which will provide precise information for both public and private business and all others concerned in the question before we can go to the root cause of modern unemployment. In addition to adequate information a free nation-wide system of labor exchanges is essentially necessary to stabilize employment. Then, too, the Federal Government is always engaged in constructing highways, developing rivers and harbors, directing flood-control structures, and public buildings. These projects should be planned in advance and timed so as to provide available opportunities for employment when private business slackens. In all these matters the States and the municipalities, as well as private enterprise, might well cooperate, for it is not the duty of any one particular agency. It is the obligation of all.

Unemployment to-day is not produced by local causes. Forces which close down factories, curtail activity in the mines and on the railroads, are forces which operate on a national and world-wide scale. Individual workmen, individual business, the municipality, and the State are helpless when an economic storm breaks upon the country. Only the coordinated strength of the entire Nation is competent to deal with such powerful economic forces. No scourge known to man spreads as quickly and with

as disastrous effects as unemployment. When it begins to spread there is no immunity which the workman, farmer, or business man can secure for himself. Local and State boundaries can not stop it. Only the cooperative organized effort of the entire Nation can remedy it. It is therefore a problem so big, so important, so universal, and so complex that it commands the complete, whole-hearted, combined effort of individuals, business, cities, States, and the Federal Government to solve it.

Three important principles embodied in legislation pending in Congress should be adopted and adopted without further delay. They are, first, the Federal Government should create a bureau whose purpose it is to disseminate accurate and complete knowledge of the nature and extent of unemployment, information essential to any proper approach to this great question, information necessary in order to secure the intelligent cooperation of all public and private agencies. Second, the Government should provide for long-range planning of public works by authorizing a substantial expenditure of public moneys for that purpose and with the knowledge furnished by a bureau of information public construction would be so timed as to take place at the very beginning of periods of depression. Third, the setting up of a nation-wide free employment service, operated in cooperation with the several States, would bring the idle man and the job together in a most effective and expeditious manner.

These three measures form the groundwork and approach necessary and essential in any attempt to master this serious problem. The losses resulting from unemployment sustained by the workers are indeed tremendous. In the first three months of the current year it is estimated that wage earners alone lost no less than a billion dollars in wages. Consider the great loss to the farmer, the manufacturer, and to business generally, resulting from the loss of this vast amount of purchasing power which has been withdrawn from our markets. But above and beyond this loss is one of far greater importance. No one can exaggerate the terrible blight on character which unemployment inflicts. It produces child labor, disrupts the family, destroys independence, stimulates hatred for society, and breeds discontent with government. National character, a paramount national asset, can not be estimated in dollars and cents. I appeal to you, Members of Congress, to consider this great national problem, this phenomenon of our day and age. Lend a helping hand to the statesmanship eager to bring about its solution. Remember the unemployed have only the good of heart, the lover of humanity, to look to for a spokesman. They make no campaign contributions; they control no portion of the press; they have no agency save the voluntary efforts of those who place human welfare above financial gain. Yes; they maintain no lobby in Washington to picture to the lawmakers of the Nation their sad depressing story. Their only spokesmen are those who are prompted by the ideals of good citizenship to serve the welfare of our country, to answer the common call of humanity.

THE TARIFF ACT OF 1930

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short article prepared by the Alexander Hamilton Institute on the subject of better business conditions and the tariff.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The article is as follows:

THE TARIFF ACT OF 1930

The Hawley-Smoot tariff, recently signed by the President, is experiencing severe criticism on the grounds that it will not only stop expansion but will also cause curtailment of the export trade of the United States. It is argued that foreign countries can not buy American goods if they are deprived of the means of payment afforded by the marketing of their own merchandise in the United States. The logical conclusion of this line of argument is that the prosperity of the United States will suffer not only from this country's inability to sell its present surplus output but also from its inability to expand its producing capacity at a rate which would otherwise be possible.

If this contention were based on an absolutely correct premise, it would be fairly irrefutable. But such is not the case. The new tariff act falls far short of raising an absolute barrier against foreign merchandise.

In the first place, alteration of the Fordney-McCumber Act, passed in 1922, and under which the foreign trade of the United States experienced a noteworthy expansion, was less drastic than is generally believed. Of the 3,295 items upon which duties are levied 2,170 were unchanged. Duties were increased on 890 items or only 27 per cent of the total number of dutiable items. Increases in the duties on these items were partly offset by decreases in the duties on 235 items. More important, however, is the fact that a large number of items still remain on the free list. It is estimated that the amount of duties collected on all imports both dutiable and free will not amount to more than 16 per cent of the value of such imports as compared with nearly 14 per cent under the Fordney-McCumber law of 1922. Under this law the percentage was unusually low. Under the McKinley law the percentage was 23 per cent, under the Wilson law 21 per cent, under the Dingley law 26 per cent, under the Payne-Aldrich law 19 per cent. Only under the Underwood law of 1913 was the percentage lower than under the Fordney-McCumber law. It ranged from 6 per cent to 15 per cent. This can not be fairly used as a comparison, however, because the Underwood law was in effect during the abnormal period of the World War.

It is estimated that under the new law nearly the same proportion of imports will enter the United States free of duty as under the law of 1922. The percentage under the 1922 law was nearly 64 per cent. This means that the United States will still provide foreign countries with a substantial market. The three leading imports of the United States, silk, coffee, and crude rubber are still on the free list. Of the other leading imports, the two outstanding cases of increased duties are sugar and raw wool. Since the United States does not produce a sufficiency of either of these two commodities to meet her own requirements and is not likely to do so in the near future, the United States will continue to buy Cuban sugar and Australian and South American wool despite the higher tariff.

Imports of chief commodities into the United States in 1929

[In millions of dollars]

Item	Tariff status	Value	Per cent of total imports
Silk, raw	Free	$427.1	9.7
Coffee	do	302.4	6.9
Rubber, crude	do	241.0	5.5
Sugar, cane	Duty	209.3	4.8
Copper, unmanufactured	Free	153.4	3.5
Newsprint	do	144.5	3.3
Petroleum, crude and refined	do	143.5	3.2
Hides and skins	do	137.3	3.1
Paper base stocks	do	118.1	2.7
Furs, undressed	do	108.1	2.5
Vegetable oils	Partly free	100.7	2.3
Tin	Free	91.8	2.1
Wool and mohair	Duty	87.3	2.0
Fruits and nuts	Partly free	80.6	1.9
Art works	Free	82.1	1.8
Oilseeds	Partly free	79.3	1.8
Wool manufactures	Duty	78.5	1.8
Burlaps	do	77.4	1.7
Total, above		2,668.4	60.6
Total, all		4,400.0	100.0

It is evident that the injury which the new tariff law will do to the total volume of the import trade of the United States has been considerably exaggerated. The prospect is that the volume of imports will continue to show a substantial expansion. The business recession which the United States is now experiencing is only a temporary matter. The long term upward trend which the United States has experienced in the past will continue. With the growth in population and the increase in wealth the United States will have to purchase from foreign countries larger quantities of such commodities as silk, coffee, and rubber, which are not produced in the United States.

There is consequently little danger that the export trade of the United States will suffer materially from the new tariff law. This outlook is further supported by the fact that foreign countries do not depend entirely upon sales of goods to finance purchases from the United States. The expansion of the export trade of the United States in recent years has been the result not only of increased imports but also of a large volume of foreign securities floated in the United States. Funds secured from the expenditures of American tourists have also represented an important factor in the financing of goods exported from the United States.

Foreign countries are not yet in a position to ban American products despite reported threats. They must have such products as raw cotton, machinery, petroleum, and automobiles, and the United States is the chief source. Last year the United States raised 61 per cent of the raw cotton entering into international trade. The United States has 57 per cent of the machinery-producing capacity of the world. In 1929 the United States produced 1,006,000,000 barrels of petroleum, or over 67 per cent of the total world output of 1,489,000,000 barrels. The United States manufactured 5,358,000 automobiles in 1929, or more than 85 per cent of the total world output of 6,288,000 cars.

The following table shows the 13 chief commodities exported in 1929. Foreign countries are more or less dependent upon the United States for all of these with the possible exception of cotton manufactures.

Exports of leading commodities from the United States in 1929

[In millions of dollars]

Item	Value	Per cent of total
Cotton, raw	$770.8	14.9
Machinery	612.7	11.9
Petroleum, crude and refined	561.2	10.9
Automobiles, parts and accessories	539.3	10.5
Iron and steel	287.2	5.6
Meat products	202.8	3.9
Wheat and flour	192.3	3.7
Copper and manufactures	183.4	3.6
Lumber and manufactures	151.5	2.9
Tobacco, unmanufactured	146.1	2.8
Fruit and nuts	137.5	2.7
Cotton manufactures	135.1	2.6
Coal and coke	106.2	2.1
Total, above	4,026.1	78.1
Total, all	5,157.0	100.0

Needing such products, foreign countries would find the means of financing them, even though the new tariff presented a much greater obstacle than is the case. Whatever effect the tariff has in stimulating the foreign manufacture of such items as machinery and automobiles, it will be relatively small as compared with the stimulating effect which lower costs of production have had and will continue to have in making foreign countries less dependent upon American products.

The United States as an exporting nation has decidedly more to fear from the growing producing capacity of foreign countries than from the effect of the tariff. In this respect there seems to be some justification for a tariff. The United States in the long run is certain to meet more resistance in its export business. It would be unfortunate if the United States was forced to meet similar severe competition in its home market.

The long time required by Congress in revising the tariff has been blamed to a large extent for the present business slump. This was a negligible factor. The business slump was caused by far more fundamental factors. It would have occurred if there had been no tariff legislation. Now that the tariff is passed, it is held to be an obstacle to business recovery. The facts in regard to it provide little support to this contention. A tariff act, even though it may not represent in all respects a perfect contribution to the welfare of trade, is always a less unsettling factor than a tariff bill. A known national policy always produces a greater stability than is possible when the attitude of the Government is vacillating or unknown. Dependableness and certainty afford essential support to the life of trade. Finally, the adjustment clause which the new tariff act contains provides a safety valve in the case of necessity. The evident conclusion is that business men need have no fear that the tariff will postpone the inevitable revival of business in the near future or that it will prevent business from attaining eventually a new high-record peak.

PERMISSION TO ADDRESS THE HOUSE

Mr. ALMON. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes to-morrow after the reading of the Journal and the transaction of business on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

INVESTIGATION OF LAW ENFORCEMENT

Mr. PURNELL, by direction of the Committee on Rules, submitted the following resolution for printing in the RECORD:

House Resolution 286 (Rept. No. 2052)

Resolved, That it shall be in order, all rules of the House to the contrary notwithstanding, for the gentleman from Indiana, Mr. WOOD, to move to concur in Senate amendment No. 12 to the bill H. R. 12902 with the following amendment:

Strike out all the language of the Senate amendment and insert in lieu thereof the following:

"EXECUTIVE

"Investigation of enforcement of prohibition and other laws: For continuing the inquiry into the problem of the enforcement of the prohibition laws of the United States, together with enforcement of other laws, pursuant to the provisions therefor contained in the first deficiency act, fiscal year 1929, to be available for each and every object of expenditure connected with such purposes, notwithstanding the provisions of any other act, and to be expended under the authority and by the direction of the President of the United States, who shall report the results of such investigation to Congress, together with his recommendations with respect thereto, fiscal year 1931, $250,000, together with the unexpended balance of the appropriation for these purposes contained in the first deficiency act, fiscal year 1929, which shall remain available until June 30, 1931.

The SPEAKER. Referred to the House Calendar.

REPORTS FROM THE COMMITTEE ON RULES AND CONFERENCE COMMITTEES

Mr. PURNELL, from the Committee on Rules, submitted the following resolution for printing in the RECORD:

House Resolution 287 (Rept. No. 2053)

Resolved, That after the adoption of this resolution it shall be in order to consider reports from the Committee on Rules whenever presented in accordance with the provision of clause 45 of Rule XI applicable during the last three days of a session.

Resolved further, That after the adoption of this resolution it shall be in order to consider reports of Committee of Conference whenever presented in accordance with the provision of clause 2 of Rule XXVIII applicable during the last six days preceding the end of a session.

The SPEAKER. Referred to the House Calendar.

UNITED STATES MASSACHUSETTS BAY COLONY TERCENTENARY COMMISSION

The SPEAKER. Under authority of public resolution No. 101, approved June 27, 1930, the Chair appoints as members of the United States Massachusetts Bay Colony Tercentenary Commission the following: Mr. BACON, Mr. CROWTHER, Mr. HALE, Mr. O'CONNOR of New York, and Mr. AUF DER HEIDE.

SENATE BILLS REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 182. An act for the relief of Daisy O. Davis; to the Committee on Claims.

S. 2643. An act to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928; to the Committee on the Library.

S. 2980. An act to authorize and direct the Comptroller General to allow certain expenditures in the War Department; to the Committee on Military Affairs.

S. 3360. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation; to the Committee on Military Affairs.

S. 4142. An act to fix the salary of the Governor of the Territory of Alaska; to the Committee on the Territories.

S. 4425. An act to amend section 284 of the Judicial Code of the United States; to the Committee on the Judiciary.

S. 4586. An act to authorize additional appropriations for the national arboretum; to the Committee on Agriculture.

S. J. Res. 193. Joint Resolution to change the name of the island of Porto Rico to Puerto Rico; to the Committee on Insular Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1159. An act for the relief of the Delaware & Hudson Co. of New York City;

H. R. 6127. An act to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands;

H. R. 8438. An act for the relief of J. T. Bonner;

H. R. 10317. An act for the relief of Samuel S. Michaelson;

H. R. 10630. An act to authorize the President to consolidate and coordinate governmental activities affecting war veterans;

H. R. 10960. An act to amend the law relative to the citizenship and naturalization of married women, and for other purposes;

H. R. 11144. An act to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes;

H. R. 12602. An act to authorize an appropriation for construction at Carlisle Barracks, Pa.;

H. R. 12661. An act to authorize the acquisition of lands in Alameda and Marin Counties, Calif., and the construction of buildings and utilities thereon for military purposes;

H. J. Res. 372. Resolution authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island dated July 5, 1918;

H. J. Res. 388. Joint resolution making provision for continuation of construction of the United States Supreme Court Building; and

H. J. Res. 389. Joint resolution making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress.





The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 215. An act to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928;

S. 4063. An act granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough (Washougal Slough) to Lady Island, on the Columbia River in the State of Washington; and

S. J. Res. 184. Joint resolution to declare July 5, 1930, a legal holiday in the District of Columbia.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 6. An act to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended;

H. R. 334. An act for the relief of Samuel Gettinger and Harry Pomerantz;

H. R. 495. An act for the relief of Katherine Frances Lamb and Elinor Frances Lamb;

H. R. 528. An act for the relief of Clarence C. Cadell;

H. R. 636. An act for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River;

H. R. 650. An act for the payment of damages to certain citizens of California and other owners of property damaged by the flood caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name washes by an agency of the United States;

H. R. 730. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended;

H. R. 794. An act for the relief of C. B. Smith;

H. R. 917. An act for the relief of John Panza and Rose Panza;

H. R. 919. An act for the relief of the father of Catharine Kearney;

H. R. 1159. An act for the relief of the Delaware & Hudson Co., of New York City;

H. R. 2170. An act for the relief of Clyde Cornish;

H. R. 2782. An act for the relief of Elizabeth B. Dayton;

H. R. 3889. An act for the relief of Albert A. Inman;

H. R. 3891. An act for the relief of Harry Martin;

H. R. 4161. An act for the relief of Isaac Fink;

H. R. 4176. An act for the relief of Dr. Charles W. Reed;

H. R. 4189. An act to add certain lands to the Boise National Forest; and

H. R. 4564. An act for the relief of E. J. Kerlee.

H. R. 5292. An act to authorize the city of Napa, Calif., to purchase certain public lands for the protection of its water supply;

H. R. 6113. An act for the relief of Gilbert Grocery Co., Lynchburg, Va.;

H. R. 6642. An act for the relief of John Magee;

H. R. 6694. An act for the relief of P. M. Nigro;

H. R. 7445. An act for the relief of J. W. Nix;

H. R. 8438. An act for the relief of J. T. Bonner;

H. R. 8612. An act for the relief of Ralph Rhees;

H. R. 8723. An act for the relief of Rachel Levy;

H. R. 9279. An act for the relief of Henry A. Knott & Co.;

H. R. 10317. An act for the relief of Samuel S. Michaelson;

H. R. 10532. An act for the relief of Frank M. Grover;

H. R. 10582. An act to provide for the addition of certain lands to the Lassen Volcanic National Park, in the State of California;

H. R. 10960. An act to amend the law relative to the citizenship and naturalization of married women, and for other purposes;

H. R. 11608. An act for the relief of Jerry Esposito;

H. R. 12233. An act authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.;

H. R. 12235. An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes;

H. R. 12554. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River, at or near Knoxville, Tenn.;

H. R. 12614. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island;

H. R. 12844. An act granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River, at or near Poplar, Mont.;

H. R. 12919. An act granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River, southerly from the Fort Belknap Indian Reservation, at or near the point known and designated as the Power-site Crossing, or at or near the point known and designated as Wilder Ferry;

H. R. 12920. An act granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River, at or near Culbertson, Mont.; and

H. R. 12993. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River, at One hundred and fifty-ninth Street, in Cook County, State of Illinois.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 2, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, July 2, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON TERRITORIES

(10.30 a. m.)

To fix the salary of the Governor of the Territory of Alaska (S. 4142).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GUYER: Committee on Accounts. H. Res. 279. A resolution authorizing the payment of an allowance from the contingent fund of the House to the assistants in the office of the attending surgeon (Rept. No. 2048). Ordered to be printed.

Mr. LUCE: Committee on the Library. S. J. Res. 177. A joint resolution to provide for the erection of a monument to William Howard Taft at Manila, P. I.; without amendment (Rept. No. 2049). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. Res. 284. Directing the subcommittee of the Committee on the Judiciary to inquire further into the official conduct of Bascom S. Deaver, United States district judge for the middle district of Georgia.

Mr. PURNELL: Committee on Rules. H. Res. 286. A resolution making in order a motion to concur in Senate amendment 12 to H. R. 12902, the second deficiency bill, with an amendment; without amendment (Rept. No. 2052). Referred to the House Calendar.

Mr. PURNELL: Committee on Rules. H. Res. 287. A resolution making in order immediate consideration of reports from the Committee on Rules and committees of conference for the balance of the session; without amendment (Rept. No. 2053). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOUSTON of Hawaii: A bill (H. R. 13257) relative to the admission under the immigration laws of wives of American citizens; to the Committee on Immigration and Naturalization.

By Mr. LUCE: A bill (H. R. 13258) to create a commission for the erection of a national World War memorial; to the Committee on the Library.

By Mr. McCLINTIC of Oklahoma: A bill (H. R. 13259) authorizing an appropriation to reimburse the State of Oklahoma for money paid for the education of restricted Indian children in the public schools of the said State; to the Committee on Indian Affairs.

By Mr. SIMMONS: Resolution (H. Res. 285) providing for the appointment of a select committee to investigate various elements, factors, and conditions bearing upon the question of fiscal relations between the United States and the District of Columbia; to the Committee on Rules.

By Mr. CELLER: Resolution (H. Res. 283) to investigate the enforcement of the Volstead Act and the eighteenth amendment in the office of the New York prohibition administrator for the past three years; to the Committee on Rules.

By Mr. WIGGLESWORTH: Joint resolution (H. J. Res. 393) making an appropriation for the United States Massachusetts Bay Colony Tercentenary Commission; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 13260) granting an increase of pension to Harriett E. Gardner; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 13261) granting a pension to George W. Olney; to the Committee on Invalid Pensions.

By Mr. CARTER of California: A bill (H. R. 13262) to authorize the Secretary of the Navy to donate to the city of Oakland, Calif., certain guns and mounts that were formerly in service on the Coast Guard cutter *Bear;* to the Committee on Naval Affairs.

By Mr. CRAIL: A bill (H. R. 13263) granting a pension to Wesley B. Kingdon; to the Committee on Pensions.

By Mr. EATON of Colorado: A bill (H. R. 13264) granting a pension to Anna H. Alexander; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 13265) granting a pension to Clara Hummel; to the Committee on Invalid Pensions.

By Mr. HARTLEY: A bill (H. R. 13266) for the relief of Thomas Henry McCormick; to the Committee on Naval Affairs.

Also, a bill (H. R. 13267) for the relief of Philip Van Meelen; to the Committee on Naval Affairs.

Also, a bill (H. R. 13268) for the relief of Robert C. Lehr; to the Committee on Military Affairs.

Also, a bill (H. R. 13269) for the relief of Edward Van Duyne; to the Committee on Military Affairs.

By Mr. HOPKINS: A bill (H. R. 13270) granting a pension to A. A. Shaw; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 13271) granting a pension to Anne Selby; to the Committee on Pensions.

By Mr. SMITH of West Virginia: A bill (H. R. 13272) for the relief of Matt Burgess; to the Committee on Claims.

By Mr. WELSH of Pennsylvania: A bill (H. R. 13273) granting a pension to Joseph A. Daily; to the Committee on Pensions.

By Mr. YON: A bill (H. R. 13274) granting a pension to Georgia J. Jackson; to the Committee on Pensions.

SENATE

WEDNESDAY, *July 2, 1930*

Rev. James W. Morris, D. D., assistant rector Church of the Epiphany, city of Washington, offered the following prayer:

Merciful God and Heavenly Father, with grateful hearts we acknowledge before Thee that Thy good hand has been over us in all our ways, and we humbly confess to Thee that we are not able to do anything wise and good without Thee.

We, therefore, pray Thee, O Lord our God, to preside continually in the councils of our Nation, so that under the direction and illumination of Thy gracious spirit such decisions may be made as shall redound to Thy praise and to the welfare and happiness of our people and of the world.

We ask it all in the name of Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Shortridge
Ashurst	George	McKellar	Steck
Barkley	Glass	McNary	Steiwer
Bingham	Glenn	Metcalf	Stephens
Black	Goldsborough	Moses	Sullivan
Blaine	Hale	Norris	Swanson
Borah	Harris	Nye	Thomas, Idaho
Brock	Harrison	Oddie	Thomas, Okla.
Broussard	Hastings	Patterson	Townsend
Capper	Hatfield	Phipps	Trammell
Caraway	Hayden	Pine	Tydings
Connally	Hebert	Ransdell	Vandenberg
Copeland	Howell	Reed	Wagner
Couzens	Johnson	Robinson, Ind.	Walcott
Cutting	Jones	Robsion, Ky.	Walsh, Mass.
Dale	Kendrick	Sheppard	Walsh, Mont.
Deneen	La Follette	Shipstead	Watson

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families. Also, the junior Senator from Washington [Mr. DILL] is absent attending the sessions in Chicago of the special committee to investigate campaign expenditures.

Mr. SHIPSTEAD. I desire to announce the unavoidable absence of my colleague the junior Senator from Minnesota [Mr. SCHALL]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. A quorum is present.

COMMISSION TO PROMOTE PEACE, TO EQUALIZE THE BURDENS, AND TO MINIMIZE THE PROFITS OF WAR

The VICE PRESIDENT, under the terms of the joint resolution (H. J. Res. 251) to promote peace and to equalize the burdens and to minimize the profits of war, appointed the Senator from Pennsylvania [Mr. REED], the Senator from Michigan [Mr. VANDENBERG], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Virginia [Mr. SWANSON] as members of the commission therein established on the part of the Senate.

INVESTIGATION RELATIVE TO THE ALASKA RAILROAD

The VICE PRESIDENT, under the terms of the resolution (S. Res. 298) authorizing an investigation of the operations, economic situation, and prospects of the Alaska Railroad, appointed the Senator from Nebraska [Mr. HOWELL], the Senator from Idaho [Mr. THOMAS], and the Senator from Wyoming [Mr. KENDRICK] as members of the special select committee.

ANNIVERSARY OF FOUNDING OF THE MASSACHUSETTS BAY COLONY

The VICE PRESIDENT, under the terms of the joint resolution (H. J. Res. 306) establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Massachusetts Bay Colony, authorizing an appropriation to be utilized in connection with such observance, and for other purposes, appointed the senior Senator from Massachusetts [Mr. GILLETT], the Senator from New Hampshire [Mr. KEYES], the Senator from Rhode Island [Mr. METCALF], the junior Senator from Massachusetts [Mr. WALSH], and the Senator from New York [Mr. COPELAND] as members on the part of the Senate of the United States Massachusetts Bay Colony Tercentenary Commission.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 3061) to amend section 4 of the act entitled "An act to create a Department of Labor," approved March 4, 1913.

The message also announced that the House had passed the bill (S. 3059) to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 11204) to establish the United States border patrol, to regulate the entry of persons into the United States, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 4683. An act to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan; and

H. R. 3395. An act authorizing the Commissioner of Narcotics to pay for information concerning violations of the narcotic laws of the United States.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions of the Provincial Board of Pampanga, at San Fernando, P. I., expressing appreciation to the Senator from Missouri [Mr. HAWES], the Senator from New Mexico [Mr. CUTTING], the Senator from Utah [Mr. KING], and others who supported the so-called Hawes-Cutting resolution relative to Philippine independence, which were ordered to lie on the table.

He also laid before the Senate a telegram from the National Conference of Organizations Supporting the Eighteenth Amendment (representing 30 national temperance, prohibition, and law-enforcement organizations) in session at New York City, signed by its president and secretary, favoring the prompt passage of the legislative proposals of the President to secure a better observance and enforcement of the eighteenth amendment and its supporting legislation, which was referred to the Committee on the Judiciary.

Mr. JONES presented a petition of sundry citizens of Seattle, Wash., praying for the passage of the so-called Brookhart bill, relative to the regulation of the motion-picture industry in interstate and foreign commerce, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES

Mr. REED, from the Committee on Military Affairs, to which was referred the bill (H. R. 4050) donating trophy gun to F. D. Hubbel Relief Corps, No. 103, of Hillsboro, Ill., reported it without amendment and submitted a report (No. 1156) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 896) to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports, reported it with an amendment and submitted a report (No. 1157) thereon.

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 333) to authorize an appropriation of $10,000 for the expenses of participation by the United States in the Ninth International Dairy Congress, Copenhagen, Denmark, 1931, reported it without amendment.

EXECUTIVE REPORTS

As in executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCULLOCH:

A bill (S. 4776) granting a pension to Anna Hurt (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 4777) granting a pension to Louise Swanson (with accompanying papers); to the Committee on Pensions.

By Mr. TYDINGS (for Mr. HAWES):

A bill (S. 4778) granting an increase of pension to Esther A. Connor (with accompanying papers); to the Committee on Pensions.

A bill (S. 4779) authorizing the erection of a monument over the grave of John D. O'Rear; to the Committee on Foreign Relations.

By Mr. PINE:

A bill (S. 4780) to establish a branch of the Department of the Interior at Muskogee, Okla., under the direction of an additional Assistant Secretary of the Interior; to the Committee on Indian Affairs.

JOHN P. NIELDS

The VICE PRESIDENT laid before the Senate a telegram from Mahlon B. Foster, of Wilmington, Del., relative to the nomination of John P. Nields to be United States district judge, district of Delaware, and making certain charges against him while he was United States attorney, which was referred to the Committee on the Judiciary.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On July 1, 1930:

S. 39. An act for the relief of Kate Canniff;

S. 2370. An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia; and

S. 2790. An act for the relief of D. B. Traxler.

On July 2, 1930:

S. J. Res. 184. Joint resolution to declare July 5, 1930, a legal holiday in the District of Columbia.

RELIEF OF UNEMPLOYMENT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3059) to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression.

Mr. WAGNER. I move that the Senate disagree to the amendments of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON, Mr. JONES, and Mr. RANSDELL conferees on the part of the Senate.

THE NEW ENGLAND CONFEDERATION

Mr. COPELAND. Mr. President, Massachusetts is this year celebrating the tercentenary of the settlement of the Massachusetts Bay Colony and last night the junior Senator from Massachusetts [Mr. WALSH] delivered an interesting address over the radio on a historic event in the early life of that colony. I ask that there be printed in the RECORD the speech of the junior Senator [Mr. WALSH] on How the New England Confederacy Paved the Way for a Nation.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Massachusetts is proud of her history, and justly so, for upon her territory transpired some of the most stirring and momentous scenes in the colonization of America and the events leading up to and following the establishment of the Republic of the United States. Webster has proudly expressed the sentiments that all sons and daughters of Massachusetts entertain in his eloquent speech in the United States Senate, from which I quote:

"I shall enter on no encomium upon Massachusetts; she needs none. There she is. Behold her, and judge her for yourselves. There is her history; the world knows it by heart. The past, at least, is secure. There is Boston and Concord and Lexington and Bunker Hill; and there they will remain forever."

This year the Commonwealth of Massachusetts is celebrating the three hundredth anniversary of the establishment of the Massachusetts Bay Colony. Every municipality, large and small, has arranged varied and commemorative programs, social, intellectual, literary, and recreational in character. One can not visit Massachusetts during the present summer without finding in some corner of the State an elaborate tercentenary celebration in progress. Former residents of the old Bay State and citizens of every part of the United States are turning in the direction of Massachusetts this year and are planning to visit one or more of her historic shrines and participate in these homecoming tercentenary celebrations.

What we now call Massachusetts grew up around two settlements—the Plymouth Colony and the Massachusetts Bay Colony. The Plymouth Colony was settled by the Pilgrims in 1620; the Massachusetts Bay Colony was settled by the Puritans in 1630. The Pilgrims had separated from the Church of England before congregating to come to America to set up a colony of their own in Massachusetts. The Puritans, on the other hand, were members of the Church of England who did not wish to leave the church but rather they wished to "purify" it. They refused to conform to the rules and practices that they disliked, and after arriving in America they separated from the Church of England and established the Congregational Church.

These two colonial settlements were separated by 40 miles of wilderness. The Pilgrims of Plymouth were plain, practical people. There was only one college graduate among them. The Puritans had among their number many highly educated settlers and many people possessed of wealth. Indeed, there were more college graduates among the Massachusetts Bay Colony in proportion to population than in England herself.

It was on Saturday morning, June 12, 1630, that the first of the Puritans set foot on Massachusetts soil at Salem. It was in October, 1630, that the General Court of Massachusetts, one of the oldest legislative bodies in the world, was established. These two historic events have inspired the tercentenary this year.

I have been particularly requested during the time allotted me to speak on the subject of the New England Confederation and its effect in paving the way for the establishment of the United States of America. The so-called New England Confederation is thought of by many people as little more than an incident to colonial history, and of

trivial consequence. Scant attention is paid this union of 1643 in most history textbooks; yet this is one of the first events of common interest which had a significance in the development of all the colonies. To the people of Massachusetts a study of this union is of special interest, because during the 20 years in which the confederation was the strongest political power on the continent of North America, Massachusetts controlled its general policy. Indeed, it was the first and only union of any of the colonies, until after the Revolution, for joint political activities relating to mutual progress and defense.

Scarcely had the first New England colonies been established when it was found desirable to unite them into some kind of a confederation. They were all of the same stock, religion, forms of worship, legal system, and basis of popular government. It was impossible that neighboring communities, characterized by such differences of opinion, but otherwise homogeneous in race and social condition, should fail to react upon one another and to liberalize one another. Hence it was not difficult to bring four of them—Massachusetts Bay, Plymouth, Connecticut, and New Haven—into a common understanding, expressed in a written constitution, and effective for over 30 years.

As early as 1637 the Puritan leaders of New England were considering the wisdom of union. The Pequot Indian War of that year had revealed the weakness of the scattered colonial settlements; the menaces of the Dutch at New Amsterdam, who were endeavoring to drive English settlers from the Connecticut Valley and recover their lost fur trade there, were especially alarming; and the Puritans saw a rival power in the French, who had settled at Quebec in 1608, and who were beginning to push the confines of New France southward.

It seemed only sensible then, for the purpose of combining to secure mutual protection and more efficient self-defense, that the colonies should unite. Overtures were first made by Connecticut in 1637 to the Massachusetts General Court. Definite plans of confederation were drawn up by Massachusetts the following year, but it was not until May, 1643, that commissioners from the four Puritan colonies, Massachusetts Bay, Plymouth, Connecticut, and New Haven, met to draw up articles of confederation. Two of the New England colonies were not invited to join. Rhode Island was regarded as a "cage of unclean birds," and was not acceptable to Massachusetts. Sir Ferdinando Gorges' colony, now part of the State of Maine, was debarred, among other reasons, because in one of its towns "they had made a tailor their mayor." That this was to be a Puritan league is clearly evident, and its Puritan character is important.

The union of these four colonies is interesting as the first American experiment in federation. The representatives of the four colonies "coming into consultation encountered some difficulties," states Winthrop, "but being all desirous of union and studious of peace, they readily yielded each to the other in such things as tended to common utility." Compromises, hence, were the foundation of this as well as of the later American Federal and State Constitutions.

The four colonies were bound together by a formal written constitution under the name of "The United Colonies of New England," in "a firm and perpetual league of friendship and amity for offence and defence, mutual advice and succor, upon all just occasions, both for preserving and propagating the truth and liberties of the gospel and for their own mutual safety and welfare."

By the articles it was agreed that each colony should retain its full independence in managing its internal affairs, but that the confederate government should have entire control over all dealings with Indians or with foreign powers. The administration of the league was put into the hands of a board of eight Federal commissioners, two from each colony, and all of them church members in good standing. The president of the commissioners was chosen from their own number and "was to be invested with no power or respect" except that of a presiding officer. The board was to meet once a year, or oftener if necessary. The sessions were more often held in Boston than in any other one place, not only because the articles stipulated two meetings there to every one in Plymouth, Hartford, or New Haven, but because all the emergency sessions were called by Massachusetts.

The formation of such a confederacy involved something like a tacit assumption of sovereignty on the party of the four colonies. It is worthy of note that they did not take the trouble to ask the permission of the mother government in England in advance. They did as they pleased and then defended their action afterwards. In England, the act of confederation was regarded with jealousy and distrust. Edward Winslow was sent to London to defend the colonies. He very pithily argued: "If we in America should forbear to unite for offence and defence against a common enemy till we have leave from England, our throats might be all cut before the messenger would be half seas through!"

Time does not permit me to enter into a discussion of the many problems and situations that confronted the commissioners during the period of the confederation. Hardly justifiable was their death decree of the young Narragansett chief who had fallen into the hands of the United Colonies. Only a series of lucky accidents, coupled with skillful diplomacy on the part of the commissioners, prevented the Narragansetts effecting a general Indian uprising of proportions to have utterly wiped out the English settlements.

The confederation of the powerful Massachusetts colonies with Connecticut and New Haven was a blow to New Netherland, and the Hollanders could only protest as the English settlers, by peaceful penetration, crowded ever westward and pushed the Dutch farther and farther out of New England.

It is interesting to note that the commissioners were concerned with other problems than defence, for they secured financial aid for poor scholars at Harvard College by dint of urging upon the various colonial governments the piety of helping them. In response to their recommendation for an annual contribution of a fourth of a bushel of corn from every family in the United Colonies able and willing to give to the college, Massachusetts, Connecticut, and New Haven appointed in every plantation collectors of the "college corn."

President Dunster, of Harvard, found the commissioners' assistance so efficient in procuring funds that he wrote to consult about other college business: on how to roof the college buildings, how to obtain books for the library, and, most poignant of all, how to secure the president's salary. On these subjects, it appears the commissioners offered no advice.

Of more material usefulness were the endeavors of the central administration in economic matters. The commissioners proclaimed a uniform measure of 8 gallons of corn for all the confederates. They supervised intercolonial trade by the prohibition of mackerel fishing before the fish had spawned, and they put a stop to the flooding of colonial markets with Connecticut grain by prevailing upon that general court to forbid the sale of grain, meal, or flour outside the colony except overseas. Over one phase of Indian trade, the sale of firearms and ammunition to the natives, the commissioners kept always a watchful eye. This dangerous traffic they particularly endeavored to destroy.

During the first decade of the confederation, the federal delegates of two of the colonies several times acted as arbitrators of quarrels between the other two. By this system of adjudication Woronoak (now Westfield, Mass.) was decreed part of the jurisdiction of Massachusetts instead of Connecticut.

The overwhelming preponderance of Massachusetts in population and in the amount of taxes and soldiers contributed made conflict between that colony and the other two quite inevitable. Of the 24,000 people in the confederation, 15,000 belonged to Massachusetts. Yet she had only an equal voice in deciding the policies of the confederation, and as a natural consequence she tried to exert more authority than she was entitled to by the articles. In 1651 she began to extend her influence farther and farther into the provinces of Maine and New Hampshire, although the articles of confederation had expressly stipulated that permission should be secured before addition to any of the colonies was made. In 1652 she refused to vote war against the Indian conspiracy, rumored to be instigated and fostered by the Dutch; only the arrival of the English fleet, for which New Haven had petitioned Cromwell, and the simultaneous news of peace between England and Holland, put an end to warlike preparations and further dispute.

The accession of Charles II to the throne of England in 1660 sounded the death knell of the confederation. Loud complaints were registered before him that the people of New England were all rebels, and he was assured that the confederacy was "a war combination, made by the four colonies when they had a design to throw off their dependence on England, and for that purpose." The King was reminded that for several years Massachusetts had been coining and circulating shillings and sixpences with the name "Massachusetts" and a pine tree on one side, and the name "New England" with the date on the other. There was no recognition of England upon this coinage. Against the colony of New Haven the King had a special grudge, for that colony had feathered two judges who sat in the tribunal which condemned his father, and in addition, it had not recognized the restoration of Charles II until a year after that event had been commonly known in New England.

The subsequent suppression of New Haven and the practical victory of the Quakers over the theocratic policy of Massachusetts were staggering blows to the confederacy. But for the interference of the British Government, which brought it to an untimely end, it might have been gradually amended so as to become enduring. From 1643 to 1664 it enjoyed a prosperous period, but when the league was reduced to three members it became less effective and its vigor was sadly impaired. The colonial expedition of 1690 against Quebec and Montreal, that extraordinary and ill-fated attempt of a few hundred men to capture an empire, formed a fitting climax to the career of the United Colonies. Plymouth's incorporation with Massachusetts in 1691 removed all possibility of perpetuation of the New England Confederation.

And so ended the experiment that was to lay the foundation stones of the young Republic in 1776. Unquestionably this first union was valuable as an example to the colonies in the eighteenth century. A study of subsequent plans for union, suggested by Governor Nicholson, of Virginia, by William Penn, and by Benjamin Franklin at Albany, shows clearly the influence of the earlier document whose very existence must have served as an inspiration to the colonies of a later day. The conflict between Massachusetts and her lesser associates foreshadowed

the struggle between the big States and the little in drawing up the Constitution. It is interesting to observe how closely the fugitive-slave clause of the Constitution of 1789 parallels the specification for the return of fugitives from justice and of servants who had fled from one jurisdiction into another provided in the Confederation of 1643. The system of colonial defence provided in the New England Confederation paved the way for unanimity among all the colonies when, after the Revolution, they were summoned to lay the foundation of a perpetual union. The Puritan confederation, indeed, was the first actual union that in later years proved a precedent for the Thirteen Colonies in uniting to form the Republic of the United States of America.

CONSTRUCTION AT MILITARY POSTS

Mr. REED. Mr. President, by unanimous vote of the Committee on Military Affairs I report back favorably with an amendment the bill (H. R. 12996) to authorize appropriations for construction at military posts, and for other purposes, and I ask unanimous consent for its immediate consideration. I want to make just a brief explanation, though I do not think much of an explanation will be necessary.

The War Department, after much study, requested authorization for about $15,000,000 of housing, practically half of it on old posts and half of it on newly constructed posts like the aviation fields in the South. The Budget Bureau approved it and the President stated that he thought the money could be found. When it came to the House the bill was delayed a long time because of the illness of the chairman of the House committee, and it was only yesterday that the bill reached the Senate. Unless it is passed the War Department is going to be greatly embarrassed in the preparation of its estimates for the Budget, which is to be made up next month. It seemed to our committee of the highest degree of importance that the authorization should be reported out as passed at this time.

What we have done has been to amend the bill so as to include all of the approved recommendations of the department, and we also put in an item for Fort Warren, Wyo., formerly Fort Russell. I think the introduction of that amendment, providing for noncommissioned officers' quarters at that post, was the last public business done by the late Senator Warren before his death.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. GEORGE. Did the committee restore the item in the bill for the full amount of the appropriation recommended for housing at Fort Benning?

Mr. REED. Yes, Mr. President; we did. The only item which we struck from the approved program of the War Department was an item for construction at Rockwell Field, Calif. We did that because since the recommendation was made by the department, Congress has authorized the turning over of that field to the Navy Department. The Navy will take over all buildings that have been constructed, and there is no reason for constructing any additional buildings at that point by the Army. All reconstruction work there will be done by the Navy.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. REED. I yield.

Mr. COPELAND. The Congressmen from my State were anxious to have included in the bill an item of $150,000, I believe, for Fort Ontario. Did the committee give any consideration to that matter?

Mr. REED. That item was stricken out by the House and restored by the Senate Committee on Military Affairs.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Washington?

Mr. REED. I yield.

Mr. JONES. I have not yet had an opportunity to examine the bill as reported. Is provision made for Fort Lewis?

Mr. REED. Yes; there is.

Mr. JONES. According to the recommendations of the War Department?

Mr. REED. Yes.

Mr. WALSH of Montana. Mr. President, may I inquire of the Senator from Pennsylvania what is the aggregate amount carried in the bill?

Mr. REED. The actual amount is $15,051,880. It is only an authorization, but without it, it will be impossible to carry on the housing program next winter.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Texas?

Mr. REED. I yield the floor.

Mr. SHEPPARD. On behalf of the minority members of the Senate Military Affairs Committee, I desire to join in the request which has been made by the Senator from Pennsylvania. The legislation embraced in this bill is a part of the Army housing program, which ought not to be delayed.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate proceeded to consider the bill (H. R. 12996) to authorize appropriations for construction at military posts, and for other purposes, which had been reported from the Committee on Military Affairs with an amendment.

Mr. NORRIS. Mr. President, is the bill now before the Senate?

The PRESIDENT pro tempore. It is.

Mr. NORRIS. Is it subject to debate?

The PRESIDENT pro tempore. It is.

Mr. NORRIS. And that debate is unlimited?

The PRESIDENT pro tempore. The Chair will so hold.

FEDERAL TRADE COMMISSION'S INVESTIGATION OF POWER TRUST

Mr. NORRIS. Mr. President, I want to take advantage of the occasion to make a few remarks in regard to some of the work that has been done by the Federal Trade Commission in carrying on its investigation of the Power Trust and the activities of that great monopoly in various parts of the country.

The Federal Trade Commission, I understand, has adjourned for the summer, and I want to call attention to several things relating to its investigation and the evidence it has adduced which have not as yet received any public attention, so far as I know. Some reviews have been written in regard to the work of the commission, which I wish to include in the RECORD as part of my remarks, and to quote from them and to comment on them.

There appeared in the St. Louis Post-Dispatch of June 29, 1930, an article by Mr. Paul Anderson reviewing some of the work accomplished by the Federal Trade Commission in its investigation. To begin with, Mr. Anderson says:

> Evidence tending to show the existence of a gigantic Electric Trust, involving an apparent alliance with the most powerful banking and utility groups in the United States, has been uncovered by the Trade Commission in the course of its painstaking investigation of the electric-power industry.
>
> In adjourning the inquiry for the summer, the commission this week made public a summary of evidence disclosing the interlocking relationships existing between certain giant corporations, and implying the existence of a business combination, the magnitude of which would stagger the imagination.

Heretofore, Mr. President, most of the evidence developed has shown combinations and monopolies existing between those either directly or indirectly engaged in the production and distribution and sale of electric power; but, as Mr. Anderson shows, recently it has developed before the Federal Trade Commission that this monopoly is much larger; it takes in some of the most prominent, influential, and wealthiest banking institutions in the world, all of them being interlocked, all of them combined, in carrying on this gigantic enterprise that reaches into every home, in every fireside, into every manufacturing establishment, and into every business institution in the United States. Further on Mr. Anderson says:

> Power, radio, telephone, telegraph, cable, and other forms of public service, together with large manufacturing interests, are all included in the concert of interests suggested by the evidence unearthed by the commission and by other circumstances already known.

Later he says:

> Thus far the refusal of the corporation—

He is speaking of the Electric Bond & Share Co.—

> to permit the commission to examine its records has prevented the investigators from comparing the respective lists of stockholders of the General Electric and the Securities Corporation. Court proceedings are now in progress whereby the commission expects to compel the submission of the records.

Again:

> The largest producer is the United Corporation, controlled by the banking firm of J. P. Morgan & Co. Companies controlled by it are producing more than 18 per cent of the total power output. As will be seen, the relations between the Morgan firm and the General Electric are close.
>
> The Radio Corporation, organized originally by General Electric and the Westinghouse Electric & Manufacturing Co., serves as a community of interests for some of the largest corporations in the country. Its dominating position in the radio industry rests largely on a patent pool, whose other members include the American Telephone & Telegraph Co.,

with its subsidiary, the Western Electric; the United Fruit Co., the Radio-Victor Co., and others. Recently General Motors joined the family party assembled in the Radio Corporation.

Again he says:

Such is the amazing labyrinth of connecting interests that confronts the Federal Trade Commission in its effort to ascertain to what extent a single group of men control the production and sale of electricity, the manufacture and sale of appliances that use electricity, and the sale of numerous forms of public service that are operated by electricity.

Thus we see that this great monopoly, this gigantic trust, is not only trying to control in the United States and even in the world the generation, distribution, and sale of electric power but it has likewise undertaken to control the manufacture, production, and distribution of all kinds of electrical appliances. It is not satisfied with producing power, but the trust is endeavoring to control and to levy tribute upon every man who uses power through the instrumentality of electric-light bulbs or of electric fans or of gigantic motors that turn the wheels of manufacture and commerce.

Mr. President, I ask unanimous consent at this point in my remarks to include in the RECORD the entire article by Mr. Anderson to which I have referred.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article referred to is as follows:

[From the St. Louis Post-Dispatch, June 29, 1930]

EVIDENCE OF GIGANTIC NEW ELECTRIC TRUST FOUND—FEDERAL TRADE COMMISSION TRACES RELATION OF GENERAL ELECTRIC TO ELECTRIC BOND & SHARE SECURITIES CORPORATION—LATTER CONTROLS 15 PER CENT OF POWER—SECOND LARGEST UTILITY OF TYPE IN UNITED STATES—LARGEST IS MORGAN-CONTROLLED UNITED CORPORATION—OWEN YOUNG FIGURES IN INQUIRY

By Paul Y. Anderson, a staff correspondent of the Post-Dispatch

WASHINGTON, June 28.—Evidence tending to show the existence of a gigantic Electric Trust, involving an apparent alliance of the most powerful banking and utility groups in the United States, has been uncovered by the Federal Trade Commission in the course of its painstaking investigation of the electric-power industry.

In adjourning the inquiry for the summer, the commission this week made public a summary of evidence disclosing the interlocking relationships existing between certain giant corporations, and implying the existence of a business combination, the magnitude of which would stagger the imagination. Inquiry along that line will be resumed in the fall, unless something occurs meantime to reverse the commission's intention.

Power, radio, telephone, telegraph, cable, and other forms of public service, together with large manufacturing interests, are all included in the concert of interests suggested by the evidence unearthed by the commission, and by other circumstances already known.

Prior to 1925 the General Electric Co., a manufacturing company, controlled the Electric Bond & Share Co., a holding concern, which in turn controlled numerous power companies throughout the country. In that year Senator NORRIS, of Nebraska, charged in the Senate that the General Electric was in process of forming a power trust and demanded an investigation.

SHIFT TO BOND & SHARE

Subsequently, General Electric announced that it had divested itself of control by organizing the Electric Bond & Share Securities Corporation, the stock of which would be distributed among stockholders of the General Electric, and which would take over the assets of the Electric Bond & Share Co. Two years later the Federal Trade Commission reported that only 31 per cent of the securities corporation stock then remained in the hands of stockholders also interested in General Electric, indicating that neither was any longer controlled by the other.

However, in the recent investigation the commission learned that the directors of the securities corporation retained the power to issue additional shares of that concern, and reserved the right to choose the individuals who would be permitted to buy them. Since the directors were General Electric men, this enabled them to insure a continuance of control in "friendly" hands. The commission in its summary points out that there have been large additional issues of securities corporation stock since that time.

Thus far the refusal of the corporation to permit the commission to examine its records has prevented the investigators from comparing the respective lists of stockholders of the General Electric and the Securities Corporation. Court proceedings are now in progress whereby the commission expects to compel the submission of the records.

SECOND LARGEST PRODUCER

Nevertheless, the investigation has proceeded sufficiently to disclose that power companies controlled by the Electric Bond & Share Securities Corporation are now producing more than 15 per cent of the electricity generated in the United States. It is thus the second largest producer in the country.

The largest producer is the United Corporation, controlled by the banking firm of J. P. Morgan & Co. Companies controlled by it are producing more than 18 per cent of the total power output. As will be seen, the relations between the Morgan firm and the General Electric are close.

The Radio Corporation, organized originally by General Electric and the Westinghouse Electric & Manufacturing Co., serves as a community of interest for some of the largest corporations in the country. Its dominating position in the radio industry rests largely on a patent pool, whose other members include the American Telephone & Telegraph Co., with its subsidiary, the Western Electric; the United Fruit Co.; the Radio-Victor Co.; and others. Recently General Motors joined the family party assembled in the Radio Corporation.

OWEN YOUNG AT THE HEAD

The head of the General Electric Co. is Owen D. Young, who until recently was also head of the Radio Corporation, which numbers among its subsidiaries the National Broadcasting Co., R. C. A. Communications (Inc.), Radio Marine, and others.

The Morgan firm conducted the negotiations last year which resulted in a tentative merger of R. C. A. Communications with the International Telephone & Telegraph Co. At the time the negotiations were concluded Young and J. P. Morgan were in Paris serving as members of the expert commission which drafted the Young plan for payment of German reparations.

Cablegrams which passed between the Morgan partners in New York and which later came into the hands of the Senate Interstate Commerce Committee showed that Young took enough time away from his official duties to demand and receive an offer of International Telephone & Telegraph stock worth nearly $100,000,000 as the price of R. C. A. Communications facilities that have been valued at $16,000,000. Consummation of that deal has been prevented thus far by the refusal of Congress to repeal a statute that prohibits it.

Such is the amazing labyrinth of connecting interests that confronts the Federal Trade Commission in its efforts to ascertain to what extent a single group of men control the production and sale of electricity, the manufacture and sale of appliances that use electricity, and the sale of numerous forms of public service that are operated by electricity.

THE FIRST STEP

Its first step when the investigation is resumed will be to determine the extent to which General Electric and the Electric Bond & Share Securities Corporation are owned by the same individuals. The report made public this week reviews with thoroughness and detail how the Securities Corporation, through common officers and interlocking ownership directs and supervises the many local power companies which it controls.

From that group it probably will proceed to a fuller examination of the United Corporation, which is the Morgan group.

As will be recalled, it was first proposed that the investigation be conducted by a committee of the Senate. The Power Trust fought that proposal bitterly and succeeded in having the inquiry shunted to the commission, apparently in the expectation that it would be "soft pedaled." Instead, Robert Healy, counsel for the commission, had prosecuted it with a thoroughness and a singleness of purpose which no committee of the Senate could have equaled.

Mr. NORRIS. In this connection, Mr. President, I desire also to call attention to an article by Mr. Ramsey, who for several years has been writing for the Hearst newspapers in regard to the Electric Trust and in regard to the developments that have come as the result of investigations by the Federal Trade Commission. In a recent article in the Hearst newspapers Mr. Ramsey said:

Official reports of Federal Trade Commission investigators fully sustain the electricity cost statement of Ambassador Sackett, which Samuel Insull attempted to censor in Berlin last week, it was learned yesterday.

The American gas and electric system, for some of its current, charges householders at least twenty-eight times the cost of producing it.

It will be remembered, Mr. President, that Ambassador Sackett was invited to speak before a world assembly of power interests, called to meet at Berlin, and sponsored principally, if not almost entirely, by the National Electric Association, which in reality is a part of the great Electric Trust of the United States. Ambassador Sackett prepared his speech and gave out to the newspapers copies of it in advance. It was discovered then, for the first time, that he had made what representatives of the Electric Trust claimed to be some astounding statements. He called attention to the fact that the electric industry was the only one of which he knew which charged consumers fifteen times as much for its product as that product cost to manufacture.

Mr. Insull, the high mogul, or one of them, of the Electric Trust of the United States, was in Europe having a vacation on the immense profits which he makes from God's unnumbered poor in America. He had his attention called to the speech of

Ambassador Sackett. He called on the ambassador, the newspaper dispatches show, before the speech had been delivered but after advance copies had been given out to the newspapers, and demanded, so the newspapers state, on behalf of the American representatives to that conference, that the ambassador not make the speech which he had prepared. Immediately, it is reported, Ambassador Sackett asked his secretary to recall the advance copies. Then it was discovered that they had gotten out; that the speech in reality had been published in the United States, or, at least, was in the hands of the United Press, and it was published in the afternoon of that day before the ambassador was to deliver his speech.

Mr. SHIPSTEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I yield.

Mr. SHIPSTEAD. If I remember correctly, the investigation of the Federal Trade Commission to which the Senator refers is the investigation that was inaugurated under the Senate resolution which was originally known as the Walsh resolution, and I believe the examination conducted by the Federal Trade Commission shows that the Power Trust spent $400,000 to defeat that resolution.

Mr. NORRIS. Yes, Mr. President; the $400,000 was appropriated by the trust to do three things, as I remember. One was to prevent action on Muscle Shoals legislation; another was to defeat the development at Boulder Dam; and the other one was to defeat the Senate resolution to investigate the Power Trust. That amount of money was to be used and was used in the city of Washington by the trust, but what the Senator from Minnesota suggests is only one item of the expenditure.

The Senator will remember that some ex-Senators got some of that money. One of those ex-Senators has since been rewarded by President Hoover with a judgeship for life at $12,000 a year.

Mr. SHIPSTEAD. If the Senator will permit me further, if I remember correctly—and if I am wrong the Senator will set me right—I think the Senate by a record vote decided when the question was before it that it would not permit the Federal Trade Commission to investigate the political expenditures of the Power Trust. I think my recollection is correct as to that.

Mr. NORRIS. Does the Senator mean the Federal Trade Commission?

Mr. SHIPSTEAD. No; the Senate decided not to give the Federal Trade Commission authority to investigate political activities and political expenditures of the Power Trust under the authority that was given them to investigate that trust.

Mr. NORRIS. I do not remember as to that; the Senator may be correct about it; but I can not answer his question.

Mr. President, when I was interrupted I was speaking of the address of Ambassador Sackett before the World Power Conference.

Ambassador Sackett was only a guest. He was not a member. He undoubtedly felt a little bit embarrassed in making a speech that was not pleasing to Insull, who, as he knew, was one of the high moguls in the electric-power business; and, being only a guest, he modestly decided not to make the speech. Later on, however, as I said, when it was known that the speech was out and had been cabled to America, they decided that it would be much better discretion if they withdrew their objections and let him make the speech; and he made it. He was answered by some of the electric-power people in the United States, and his statement that they charged fifteen times as much for electricity as it cost to make it was denied. This article of Mr. Ramsay takes that up, deducing his remarks from the evidence disclosed at the Federal Power Commission investigation, and he says farther on:

> The best plants in the American gas system, highly efficient mechanically and burning coal that is almost waste, generate electricity with steam power for a quarter of a cent a kilowatt-hour, commission reports show. Not a household consumer in the system, covering nine States, buys it for less than 7.2 cents.
>
> Rates range from this figure up to 11 cents.
>
> Even the least efficient plants make the current for less than a cent. All these production-cost figures include fuel, labor, maintenance, and supplies.
>
> The question of how much more of what the consumer pays is swallowed up in the cost of getting the current in his house and paying a return on actual investment has not been fully investigated.
>
> But in every system studied there is enough money left over to pay dividends on big blocks of stock the controlling interests have issued to themselves for nothing or at trifling cost.
>
> Cost has little to do with fixing the rates the companies charge. These reports indicate the determining factors are how much money a given rate will bring in and how much current consumers will use at that rate.
>
> Forty men in the rate department of the Electric Bond & Share Co. in New York work out rates for its companies in about 26 States. A commission report says:
>
> "As far as could be determined, the work of this department is conducted primarily in view of revenue and consumption changes which may be effected by a change in rates rather than primarily on what might be termed actual cost-of-service analysis."

I shall have considerable evidence to produce later on about the cost of production and the cost of sale; but right now I want to call attention to a very apt editorial that appeared in the Washington News recently on this subject entitled "Power Propaganda":

> The electric-power people, whose publicity and secret propaganda methods were recently exposed as a national scandal, are now trying to squirm out of the unsought publicity given their excessive rates by Ambassador Sackett in Berlin.
>
> In trying to censor Sackett's address to the world power conference Sam Insull, the American power and political magnate, advertised the ambassador's charge that the power industry is selling its product to consumers at fifteen times the cost price.
>
> Spokesmen of the industry are trying to start a back-fire of denial. They complain that Sackett's comparison is grossly unfair, because it does not take into consideration their heavy distribution costs. That is the lament of George N. Tidd, president of the American Gas & Electric Co., addressing the Berlin meeting; of James F. Owens, Oklahoma Gas & Electric Co., speaking at the National Electric Light Association; and of General Electric officials.
>
> To which Judson King, of the National Popular Government League, replies:
>
> "If Ambassador Sackett is wrong in his charge that electric rates are excessive in the United States, will you explain why Ontario Hydro (government operated) can successfully sell current to householders in Windsor, Canada, opposite Detroit, 250 miles from Niagara Falls, at 2 cents per kilowatt-hour, while the Power Trust has been charging 5 cents to the householders of Niagara Falls, N. Y., 250 feet from the generating station on the same river? Also why American city domestic consumers average five times, merchants average three times, and manufacturers twice as much as Ontario consumers pay for the same service?"
>
> It looks like the less the electric-power industry says about its rates the better.

I think Mr. King gives a wonderfully good illustration. Remember that one of the defenses made against Ambassador Sackett's charge was that they had such great expense to pay in the distribution of the power. There is an illustration. Two hundred and fifty miles away from Niagara, where the power is produced, the Hydro Electric Commission of Ontario sells it to the consumers in the city of Windsor at 2 cents a kilowatt-hour. That is the flat rate. The price diminishes as the consumption is increased, so that is the maximum rate; and yet 250 feet away from the very place where this power is generated the American Electric Light Trust is selling the power at 5 cents a kilowatt-hour.

Mr. President, some of this evidence produced before the Federal Trade Commission shows some startling facts. I am going to read to you some of the evidence that shows something a little bit different from what has heretofore been shown on the floor of the Senate. Not only have they gone over the country, as everybody knows, into every organization of every kind where they can stealthily sneak in to poison the minds of citizens, of women and children, but, in addition to that, before I get through I am going to show you from their own confessions where they have bribed public officials in order to get from boards and bodies the action that they desired.

One of the subsidiaries of the Power Trust is the National Power & Light Co. It was organized by the Electric Bond & Share Co. and Isidore Newman & Son, a copartnership of New Orleans, La. The company began business on April 1, 1928, with the following subsidiary companies, all of which, except the Memphis Gas & Electric Co., had formerly been owned by the American Cities Co. Now here is the list:

Birmingham Railway, Light & Power Co., Birmingham, Ala.
Knoxville Railway & Light Co., Knoxville, Tenn.
Houston Lighting & Power Co., Houston, Tex.
Little Rock Railway & Electric Co., Little Rock, Ark.
Memphis Gas & Electric Co., Memphis, Tenn.
Memphis Street Railway Co., Memphis, Tenn.

The Birmingham Railway, Light & Power Co., the Memphis Gas & Electric Co., and the Memphis Street Railway Co. were in the hands of receivers when they got them, so evidently they were not very valuable. Now, see what they did.

The securities acquired by the National Co. at its organization were set up in its investment account with a ledger value of $22,247,514.27. This amount exceeded the ledger cost

of the securities acquired by $3,723,957.53. There was almost $4,000,000 of water poured into that valuation at once. The Memphis Gas & Electric Co. was reorganized as the Memphis Power & Light Co. on January 1, 1923, and the latter company also acquired the capital stocks of the Memphis Street Railway Co. This reorganization vested the electric, gas, and street-railway business in Memphis, Tenn., with the Memphis Power & Light Co., all the common stock of which is owned by the National Power & Light Co. at a ledger cost of $7,516,224.

Dividends received by the National Co. on its investment in common stock of the Memphis Power & Light Co. aggregated $4,875,856 during the period from January 1, 1923, to December 31, 1928. Annual dividends received ranged from $339,989 in 1923 to $1,199,964 in 1928. The last figures I have given mean a dividend of 15.9 per cent, practically 16 per cent dividend.

In 1922 the corporate name of the Knoxville Railway & Light Co. was changed to the Knoxville Power & Light Co., but no financial reorganization of the company occurred.

The Knoxville Co. does the entire electric power and light business in Knoxville, Fountain City, and Bearden, Tenn., and in eight adjacent communities. The company also owns and operates the street railway lines in Knoxville, Tenn., and two adjacent communities. National Co. owns all common stock of Knoxville Power & Light Co. at a cost estimated to be $1,700,610. Dividends received from the Knoxville Co. aggregated $2,210,993 during the period April 1, 1922, to December 31, 1928, and consisted of annual dividends ranging from $263,889 in 1928 to $351,824 in 1926.

That means a dividend of between 15 and 16 per cent.

In 1923 the Little Rock Railway & Electric Co. was reorganized as the Arkansas Central Power Co.. National acquired all common stock of the Arkansas Co. at that time and held its stock until 1925 when it sold to Electric Power & Light Corporation. National Co. made a profit of approximately $1,000,000 on this sale.

As a matter of fact, it was practically selling it to itself, although no profit was recorded by the company. The entire proceeds from the sale were credited to the investment account, however.

Let me take another case. I have a good many here of the operations of a number of these corporations which were organized, usually subsidiary corporations, operated by the holding company, the head of which is the Electric Bond & Share Co., of Wall Street, and as a rule water is put into the corporation every time it is reorganized, fictitious values made, upon which the consumers of power and light must pay these enormous dividends.

Here is another illustration:

The Birmingham Power & Light Co., together with several other Birmingham companies, was reorganized in 1924 as the Birmingham Electric Co. Listen to this: As a result of this reorganization, the fixed capital of the companies was written up from a book value of $27,594,300 to a book value of $37,977,800, increasing the value over $10,000,000 in that corporation alone.

National Power & Light Co. owns all common stock of Birmingham Electric Co. at a ledger cost estimated to be $2,669,928. Dividends received by National Co. on its investment in common stock of Birmingham Electric Co. totaled $4,679,971 during the period April 1, 1924, to December 31, 1928. Annual dividends received ranged from $160,000 in 1924 to $1,799,988 in 1928.

The least they ever received in percentages was 6 per cent, and the highest, the last figure I have given, was a dividend of 67.6 per cent, almost 68 per cent in one year in the way of dividends on their actual investment.

On December 8, 1925, the National Power & Light Co. and United Investors Securities Co. were merged, forming a new National Power & Light Co. The new National Co. took over the assets and assumed the liabilities of the merged companies. Through this merger the new National Co. acquired substantially all the common stock of Carolina Power & Light Co. In December, 1925, National transferred all its investment in common stock of Carolina Power & Light Co., together with other securities and property, to Pigeon River Power Co. Early in 1926 the Carolina Power & Light Co. and its subsidiary operating companies were merged and consolidated with Pigeon River Power Co., forming a new Carolina Power & Light Co. As a result of this merger and consolidation the fixed capital of the new Carolina Power & Light Co. was set up at organization with a book value of $60,918,545, which was approximately $22,048,400 in excess of the book value of plant and property on the books of the predecessor companies.

There was an instance where they increased the value by simply a paper operation over $22,000,000, upon which their customers, whether consumers of power or light, whether it was from the million dollar manufacturing plant or from a humble home in the valley, must pay their share of dividends on that watered investment.

National Co. owns all the capital stock of the Carolina Power & Light Co. at a ledger cost of $23,594,860. Dividends received by the National Co. on its investment totaled $1,700,000 during the period of ownership from April 1, 1926, to December 31, 1928.

Mr. President, we are lost, when we read these statements, in a maze of corporations. One corporation organizes another; that one organizes another; that one organizes half a dozen others, and so on down the line. At the top of the pyramid is the great corporation which controls all of them, wherever they may be located, the Electric Bond & Share Co.

During the year 1928 the National Co. acquired substantially all the common stock and preferred stock of the Lehigh Power Securities Corporation, a holding company controlling Pennsylvania Power & Light Co.

Listen to this: This National Co., which itself is owned by another company, acquired the common stock and got control of the Lehigh Power Securities Corporation, and that company in turn got control of the Pennsylvania Power & Light Co., the Lancaster County Railway & Light Co., and a number of other companies located in the State of Pennsylvania.

National Co. paid for the stocks of Lehigh Power Securities Corporation by issuing one share of its common stock and one share of its $6 preferred stock share for share for like stocks of Lehigh Power Securities Corporation. As of December 31, 1928, the ledger value of National's investment in stocks of the Lehigh Co. was $78,342,927. It was desired to make an examination of the accounts and records of Lehigh Power Securities Corporation, but the company refused to permit such examination, stating, through its president, P. B. Sawyer, that it was an intrastate company and not subject to investigation under Senate Resolution No. 83.

So the Federal Trade Commission, in making the investigation, is handicapped wherever by any technicality any of these great elements of this gigantic trust can back up and refuse to permit them to examine their books, to examine their accounts, and to get an idea of the stock and what it cost them.

Mr. President, we ought to remember that this is part of the same outfit which contributed $400,000 toward an effort to control the Senate, because it did not want the Government to continue in the operation of Muscle Shoals. It is the same outfit which has blocked legislation as to Muscle Shoals for 10 years, and it is the same influence to-day which prevents an agreement on the part of the conferees of the Senate and the House so that they would bring in a bill which would settle that great question and would settle the management and control of that property into which the taxpayers of the United States have been contributing to the extent, in round figures, of $150,000,000. And still we hesitate, and still, as I shall show later on, while these things are being exposed, these corporations are going on into politics, into world politics, trying to control elections, from the election of a President down to that of a school district supervisor.

National Power & Light Co. acquired 25 per cent of the common stock of Memphis Natural Gas Co. during 1928. This 25 per cent interest consisted of 150,000 shares of common stock of the company.

The total ascertainable amount of "write-up" in fixed capital of operating utilities brought about through the reorganizations effected by the National Co. was approximately $35,000,000. "Write-up" is the water which is pushed into these corporations whenever they make a reorganization, or buy some other corporation.

The evidence before the Federal Trade Commission shows that in this one corporation alone, when we total all the so-called "write-ups," they aggregate $35,000,000, and the consumers of the United States are paying enough for their electric current so that, as is shown here, the corporations make as high sometimes as 67 per cent on the capital they have invested. This is exclusive of any "write-up" in fixed capital through certain reorganizations of operating utilities for the reason that details as to the predecessor companies were refused by the National Co., nor does it include any of the subsidiaries of Lehigh Power Securities Corporation.

So that we find that the $35,000,000 of "write-ups" does not include all of the "write-ups," because, as is evidently the truth, these companies, before they were gathered together by the National Co., had themselves combined and recombined and recombined time and again in the years which have passed, and all those write-ups are excluded.

This write-up of $35,000,000 represents only what they take for these properties.

The operating subsidiaries of National Power & Light Co. are supervised by Electric Bond & Share Co. At the organization of National Co. in 1922 the supervision fees were largely paid by National for the account of its subsidiaries. These subsidiaries later entered into supervision agreements direct with Electric Bond & Share Co., so that as of December 31, 1928, National was paying supervision for but one small company. The total amount paid to Electric Bond & Share Co. by National Co. and its subsidiaries for supervision of all classes was $1,692,750 during the year 1927.

All this money was paid to themselves. One company owns another company. That company owns another company. That company owns 100 other companies and each one of those owns some more companies. The company at the head, the Electric Bond & Share Co., gets a commission from whatever the subsidiaries do, their own children. They own the companies themselves. They charge a supervisory fee every year, and in this one year it amounted to almost $2,000,000—almost unconscionable! Honest men can hardly think of it, in terms of patriotism at least, where these almost unnumbered millionaires are grinding the poor, not only of this country but even of the foreign countries, down to the earth with this unholy, unjust method of controlling and handling the electric business of the United States.

Here is an extract from Federal Trade Commission Exhibit No 4587. That exhibit is a report by the examiners of the commission on the organization of the Electric Bond & Share Co. This report, on page 38, shows that the company's rate department in New York has 40 or more officers and employees and is well organized. Here is the quotation from the report. This is their own evidence. This is a report from one member to another of this gigantic trust:

Whenever it appears desirable or necessary to reduce the total revenue by a reduction in rates this department studies the entire situation with a view to making the reduction where it will be most effective in expanding the volume of business, improve public sentiment, or meet whatever issue is likely to be more favorably affected by a change in rates.

In other words, when they find they are getting so much from their rates that there must be a reduction, they make that reduction where it will be most effective for them in controlling sentiment, which means that where somebody has agitated the matter of rates, where some Bolshevik has called attention to their exorbitant rates and their exorbitant profits, they will quiet those people if they can and let God's suffering poor in other localities linger on in their suffering.

I read further:

As far as could be determined the work of this department is conducted primarily in view of revenue and consumption changes which may be affected by a change in rates, rather than primarily on what might be termed actual cost of service analysis.

New rate forms are devised as experience dictates. The effect on the minds of patrons and politicians has to be considered. Educational work is attempted to bring about acceptance of new forms of rates.

Wherever they come in contact with some community standing up for its rights, demanding justice, they have to give way to quiet those people—"politicians" they call them; "Bolsheviks," some of you call them; "Socialists," some of the people call them; but where somebody is raising his voice and calling attention to their murderous practices they do something to quiet the politicians there. We will see later on what sort of things those are.

I am going to read now an extract from Federal Trade Commission Exhibit 4668. It relates to three companies and their attempts to acquire municipal plants at different places. In that exhibit is a letter from the manager of a public-utilities corporation to the utility-holding company for the Foshay System, which is operated from Minneapolis, Minn. Listen to this letter which one of the employees is writing to his bosses:

I know that you do not look with favor on the plan of "oiling your way."

Get that—"oiling your way." That has not any reference to a Sunday school or religious association. "Oiling your way"! This man writes that he does not look with favor upon any system of "oiling your way." Let me read that again:

I know that you do not look with favor on the plan of "oiling your way" through these municipal sales and I agree with you that such practice is detestable and it has been hard for me to finally be compelled to admit, regardless of my feelings contrary to such practice, that at least 8 out of 10 councils I have contacted during my brief acquisition experience can only be handled through the "oiling systems."

It seems that the council—

This has reference to a particular locality and it names the men. I am not going to give the name of the town or the names of the men. I am going to omit them because I realize that this letter charges these people with a crime and they have had no opportunity to defend themselves. The letter, however, comes out of the files of this outfit that is so good and so holy, that is trying to make the country believe it has only one object in life and that is to help God's suffering poor enjoy electric power and electric light at cheap rates. I will read on:

It seems that the council will be changed at the next election in April, and that those who are going out at that time are anxious to reap all the "reward"—

"The oiling system" is to be put in operation!

reap all the reward they can while they still have the opportunity.

That is what the writer of this letter said. I read on:

I have been approached by a man who claims that he can handle the council for a consideration and he assured me that ——— will be sold soon and advises that we lose no time if we really want to acquire the property. I have talked to some of the business men and councilmen, and I gather from them that the people are not pleased with the way the system has been run and are rather inclined to favor selling.

I am wondering if it would not be advisable to let the man I mentioned handle the matter for us as a broker for a regular brokerage fee, he to handle the fee as he sees fit, and if it is necessary to apply "oil," that will be a matter of his and the councilmen's consciences to decide, we to be interested only so far as the amount of the brokerage fee that we pay our agent is concerned.

Just think of that! This Christian gentleman, this man of high ideals——

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WALSH of Montana. Can the Senator advise us whether the letter has been called to the attention of the prosecuting officer?

Mr. NORRIS. I can not.

This man of high ideals says, "We do not want to buy anybody or bribe anybody. Oh, no! I know you do not like that, and I do not like it either. Let me suggest that I am in touch with a man who says he can do the business. Let us hire him and give him a commission, and if he uses "oil" that is his business and we are pure and holy. But he knows when he writes the letter and the man knows who gets the letter that that commission must be large enough to contain the "oil" that they themselves expect this man to use to bribe the public officials of that municipality. If that is honesty, then we ought to have a new kind of religion in this country. If that is patriotism, then we ought to open the jails and turn the people out who have been wrongfully confined there for acts they have committed against the Government.

I have no doubt that this same outfit contributes very substantially to the women's clubs, to the Boy Scouts, to the Woman's Christian Temperance Union, to all other organizations of that kind, to get and keep themselves in good standing with the honest, patriotic, Christian people. Here is one of them writing to another, saying: "I know you do not like to buy people and I do not either, so let us not do it. Let us take this man that I have picked out. He will do the dirty work.

"If there is any criminal prosecution he will go to the pen, our dupe, our agent in fact, and we will sit up on the high pedestal, and say, 'Oh, we abhor such terrible things. We did not know he was going to do it that way.'" And yet before they agree upon the commission, he is talking about the "oil" which this agent of theirs will use to bribe men who hold public office.

He tells who this person is in the quoted portion of the letter, but I am not going to give his name. He says:

The person is our local man—

I omit a part of the sentence because it contains the name of the town and gives the name of the man.

He is well known among the business people of ———, and I am inclined to believe that he can do what he says.

What has he said? He has told them that they would need some "oil"; that he could get the councilmen if he had the "oil." This man suggests, "We will give him the money, but we will not call it 'oil.' We will call it a commission." That is this great Power Trust that dominates like a huge colossus the entire United States, that has its influence felt in every community, and that enters into every political campaign, under other names, of course, and under disguises of various kinds. I have no doubt that the honored Senator from Montana [Mr. WALSH], who sits at my left and who is honoring me with his

presence and his attention, and who is a candidate for reelection to this body, if they are convinced that money can buy the State of Montana, will have a hard fight on his hands, because money will be spent in the effort that somebody else shall take the place of our honored colleague who has been so active in many of these battles in behalf of the people and against the Power Trust.

Now let us read some more correspondence. This is from Exhibit 4668, the same exhibit, but it is another letter.

This letter tells about a meeting of the council in which the waterworks were sold to some other company. I will read an extract from the letter following that explanation:

I noted that Mr. ———, the councilman who had previously invited us to do a little "oiling"—

Listen to that. I will read it again:

I noted that Mr. ———, the councilman who had previously invited us to do a little "oiling," about which I wrote you some time ago, was voting in favor of selling to the ——— company, and am wondering if that fact is not significant of the real reason of failure of the council to stay with Mr. ———. Mr. ——— is very much upset over the outcome. He felt sure that the council would respect his wishes. I still believe that he can influence the voters at the election and defeat the thing yet if it will prove of any benefit to us.

They thought they had the council bought, but evidently somebody else had bought them. Further on he says:

You will have to be careful you don't get into a position where this man ——— can claim a commission. As you know, we are committed to pay ——— a commission on this.

This is an extract from a different letter, from headquarters to the agent who had failed this time to get the plant, but who had written, as I have read to the Senate, that he thought they might still get it by taking it into the general election and defeating the other sale. He is cautioned by his boss—

You will have to be careful you do not get into a position where this man ——— can claim a commission. As you know, we are committed to pay ———

A different man—

a commission on this.

A little later this same agent sent a telegram to his boss, who had cautioned him, and here is what he said:

Mayor unquestionably bought and madly scrambling to put deal over before new mayor is seated, May 1.

Here is another case where the people had gotten out an injunction against the mayor restraining him from making a sale. That injunction prohibited the consummation of the sale of the municipal lighting plant. The agent then writes to his boss:

The case is to be tried—

I wish Senators would listen to this; I wish every man, woman, and child who uses electricity could hear this letter—

The case is to be tried before the district court at ——— commencing on July 10, at which time the people will attempt to prove that the proceedings were irregular and illegal, in that the old town board acted without authority, as the new town board had already been sworn in and seated; the election board had been illegally appointed; nonproperty owners had voted on the proposition, which is contrary to law, and the members of the town board had accepted bribes.

He does not say that bribe taking is contrary to law, but in most communities it is. If the Electric Light Trust had a greater control than it has now, it would probably call upon all legislative assemblies in the United States to repeal the bribery laws. One of the allegations in this case, as this man writes to his boss, is that members of the board had accepted bribes. He goes on:

Being greatly interested in the matter, I made a trip to ———, where I had quite a visit with Mr. ———, the mayor. I found that he was very decidedly against the sale of the property to anybody and that he was intending to do everything in his power to upset it. He tried to get me to say that I have been approached by members of the board for "sugar."

They call it "sugar" now—not "oil"—

He felt sure that I, as well as all the other bidders, had been approached, and assured me that each one of us would be subpœnaed and questioned under oath.

He has been mixed in this deal and he now has notice from the new mayor himself, who is opposed to the sale, that when the injunction hearing comes on, he is going to be subpœnaed; that he will be put on the witness stand and will have to testify. To seek advice regarding that situation is really the object of this letter. Listen:

The fact of the matter is, I was approached, and I do not doubt that the other competitors were also, but I hesitate to go on the witness stand and admit it, particularly as it appears that the new board is determined to retain the lighting system, and, if the deal is upset, it will not help us in any way, as they assured me that they will not care to entertain another sale proposition.

Listen to his reasoning! He says that he hesitates to go on the witness stand, especially in view of the fact that if they were beaten, no possible good could come to his company from this trial, because the municipal officers then in power, including the mayor, are opposed to making any sale and will not entertain any idea of making a sale of the municipal lighting plant. So the reason he gives for being afraid to go on the witness stand is in reality that it could not do any good anyway, and it might do some harm. He proceeds:

I will be glad to have your advice in the matter, and if you think this is a good time for me to take my vacation, or if you think I should go ahead and tell what I know, I will follow your suggestions.

That is what he said to his boss—"Had I not better take a vacation? But if you want me to tell the truth, why, I will tell it, but I do not want to tell it; I want to get away where they can not get me."

Here are some extracts from the replies that came:

As you know, we should avoid, if possible, being placed in any embarrassing circumstances.

One means of avoiding such a situation is to stay within the borders of the State of Kansas.

Kansas was not the State where this transaction was sought to be consummated.

It is very doubtful if extradition proceedings will be followed in a case of this kind.

Do you get that, Senators? He says to his boss in a letter, "Had I not better take a vacation? But, if you say so, I will tell the truth." And along comes word from his boss, "You had better stay in Kansas, because," he says, "we do not want to get into any embarrassing circumstances, and it is very doubtful whether they will extradite you if you will stay there."

You know we should avoid, if possible, being placed in any embarrassing circumstances. One means of avoiding such a situation is to stay within the borders of the State of Kansas.

Let me repeat to the Senate that the municipality where these proceedings were going on was not in the State of Kansas; the town in which these operations took place was quite a distance from Kansas. The agent is in Kansas and the boss says:

Stay there. It is very doubtful if extradition proceedings will be followed in a case of this kind.

The boss does not think that they will try to extradite him and so he had better remain there.

If, on the other hand—

Goes on the same boss to his hired man—

If, on the other hand, through due process of law you do appear before the district court, you will, of course, pursue an open and honest policy, unless you have been very definitely approached—

In the first place, he tells him to be honest, but see how he modifies that suggestion:

Unless you have been very definitely approached with a very definite request for "sugar," it can be said that many conversations may have caused you to infer such requests.

The boss suggests to the agent the kind of an answer the agent ought to give. He first says:

Be honest, but unless it is something definite—

In other words, unless it is something that you can not get around, make the explanation that you have had many conversations and you may have said something to that effect, perhaps as a joke, or something of that kind.

Unless you have been very definitely approached with a very definite request for "sugar," it can be said that many conversations may have caused you to infer such requests.

He goes on and gives further advice:

It is very dangerous to specify on the basis of inference.

He says:

Do not get the fellow who bribes you or who tries to bribe you in bad. You must not draw a conclusion from inferences. If a public official

comes to you and says, "I am a poor man and I should like to have some money. I could give you this franchise if I thought there would be nobody find out that you had to help me in a very indefinite way, maybe you could loan me a thousand dollars and then give me back the note or something of that kind," you need not draw an inference from that that the fellow was trying to bribe you.

Oh, no!

It is very dangerous to specify on the basis of inference.

He goes on:

In any event, would suggest that you save yourself and the company embarrassment if possible.

Mr. President, those are some of the methods used by the greatest combination on earth to control the public and to feather their own nest.

I desire now to quote from an article written by Ruth Finney. She tells in a general way how this great thing operates. She describes in a general way the things I have already narrated, as to how these great combinations are formed and put together and operated; she tells how they pad the valuation; and she says:

Such padding is a direct benefit to the companies and a direct detriment to the public in this way:

The Federal Power Commission, when it issues a license—

I am talking now about the Federal Power Commission, not the Federal Trade Commission. I am not talking for just a moment about this investigation; neither is she—

The Federal Power Commission, when it issues a license to a private company to develop one of the water-power sites on the public domain, is directed to determine the actual, legitimate cost to the company of that development, and from that to determine the net investment.

Senators, that is exceedingly important. Under our national dam act, under which water-power sites are leased, it is extremely important, it is vital that a correct cost be ascertained and that no fictitious value be put into the property and into its development, because it is on the basis of that valuation that rates are based; and if we put water into the valuation, or any other item of expense that is not legitimate, we overburden the public. We overburden the people who own the water and the stream and who have given it to a private corporation on the condition that they will be honest. In addition to that, it is important because the leasing law provides that at the end of the term of the lease the Government can take over the property, or a municipality or a State can take it over. Therefore the value of the property, the amount of money put into it, is of immense importance if any Government, State or National, desires at the end of the lease to recapture the property. Everybody can see the importance of that.

Miss Finney goes on:

The Federal Power Commission has power to regulate rates of the companies it licenses under certain conditions. The rate would be determined upon the net investment.

Under the law the projects may in the future revert to the Federal Government or a State or city government. The price to be paid the company would be based upon the net investment.

Meanwhile the net investment plays a direct part in the issuance of power-company securities.

And that is an important thing to protect the public that honestly invests its money in the securities that these corporations issue.

Miss Finney says:

William V. King, chief accountant for the Power Commission, has testified that companies have attempted to pad their accounts by at least $75,000,000 in eight notable cases. This figure is the total only of the irregularities charged in 12 pages of a document sent to the House Interstate and Foreign Commerce Committee two years ago, and mysteriously deleted.

Senators will remember how, through the manipulations of the Government officials, this report was put in the hands of the power companies. They saw this charge that Mr. Russell testifies about, and they deleted it, took it back I think to Bonner, the executive secretary, and he deleted it, or somebody did. I do not remember now whether it was Bonner or not. If any Senator here remembers, I shall be glad to have him tell me. Anyway, it was deleted, and the objectionable part taken out of it, before it was sent back to the committee.

Miss Finney says:

A complete total of questionable items is now being prepared.

The story of the Clarion River Power Co., of Pennsylvania, is said by King to be a striking example "of gross inflation of capital investment and failure to produce records."

The Clarion River Power Co. claims its net investment has been $11,032,816. King estimates the actual construction work cost $4,360,000 and additional expenditures make the legitimate cost of the project not over $5,773,000.

That is what this official estimates it to be worth. They claim that it is worth over $11,000,000. That is a difference, in round numbers, of nearly $6,000,000. Miss Finney says:

This is what happened: The Clarion River Power Co., during the time of construction of the licensed project, was controlled by a firm of New York bankers, H. D. Walbridge Co. The Walbridge Co. also controlled a Pennsylvania public utilities operating corporation, a real-estate company, and a construction company.

Again you have one corporation organizing another and interlocking, and before you get through you are in a maze of corporations, all to do one thing that ought to be done, could be better and more economically and efficiently done, by one corporation rather than a dozen.

Miss Finney goes on:

The Walbridge Co. charged the Clarion, its own subsidiary, $2,214,000 for its services. These were the items:

For services securing a contract with the General Construction Corporation (another of its subsidiaries), $200,000.

For services securing contract with Penn Public Service Corporation (another of its subsidiaries) to purchase output of plant, $300,000.

To guarantee payment of principal and interest of Clarion River Power Co. bonds, $200,000.

Expenses in connection with issuance of securities by Clarion River Power Co., and familiarizing local investors with the market for the Clarion River development, $294,102.80.

It is odd that they had 80 cents there. It is peculiar that they did not charge them a round sum. They are charging themselves, charging their own subsidiaries, charging for services to themselves.

All these sums—

Says Miss Finney—

the company in effect charged itself for servicing itself in order that the public's bill in the future might be larger.

That shows what they do; and so I might go on. I have not read all of the article.

I believe, Mr. President, that I will ask permission to insert all of the article at this point in my remarks.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Without objection, the article will be inserted in the RECORD.

The entire article is as follows:

[From the Washington News of February 24, 1930]

VAST SUMS AT STAKE IN ACCOUNTING FIGHT OF POWER BOARD—ALLEGED PADDING OF INVESTMENT FIGURES IS OUTLINED—CONOWINGO CASE AN EXAMPLE

By Ruth Finney

Between seventy-five and a hundred million dollars is directly at stake in the controversy over accounting now raging in the Federal Power Commission.

Whatever precedent is established will involve additional hundreds of millions in the future.

The issues in this newest power war are fairly simple, though they have been presented in complicated fashion.

Power companies in Pennsylvania, New York, Maryland, Alabama, and other States are charged with "padding" their accounts.

HOW IT OPERATES

Such padding is a direct benefit to the companies and a direct detriment to the public in this way:

The Federal Power Commission, when it issues a license to a private company to develop one of the water-power sites on the public domain, is directed to determine the actual, legitimate cost to the company of that development, and from that to determine the net investment.

This figure then becomes the basis for certain future proceedings.

RATES BASED ON INVESTMENT

The Federal Power Commission has power to regulate rates of the companies it licenses under certain conditions. The rate would be determined upon the net investment.

Under the law the projects may in the future revert to the Federal Government or a State or city government. The price to be paid the company would be based upon the net investment.

Meanwhile the net investment plays a direct part in the issuance of power-company securities.

SEVENTY-FIVE MILLION DOLLARS LISTED

William V. King, chief accountant for the Power Commission, has testified that companies have attempted to pad their accounts by at least $75,000,000 in eight notable cases. This figure is the total only of the irregularities charged in 12 pages of a document sent to the

House Interstate and Foreign Commerce Committee two years ago, and mysteriously deleted. A complete total of questionable items is now being prepared.

The story of the Clarion River Power Co., of Pennsylvania, is said by King to be a striking example "of gross inflation of capital investment and failure to produce records."

BIG SUMS JUGGLED

The Clarion River Power Co. claims its net investment has been $11,032,816. King estimates the actual construction work cost $4,360,000 and additional expenditures make the legitimate cost of the project not over $5,773,000.

This is what happened: The Clarion River Power Co., during the time of construction of the licensed project, was controlled by a firm of New York bankers, H. D. Walbridge Co. The Walbridge Co. also controlled a Pennsylvania public-utilities operating corporation, a real-estate company, and a construction company.

ITS OWN SUBSIDIARY

The Walbridge Co. charged the Clarion, its own subsidiary, $2,214,000 for its services. These were the items:

For services securing a contract with the General Construction Corporation, another of its subsidiaries, $200,000.

For services securing contract with Penn Public Service Corporation, another of its subsidiaries, to purchase output of plant, $300,000.

To guarantee payment of principal and interest of Clarion River Power Co. bonds, $200,000.

Expenses in connection with issuance of securities by Clarion River Power Co., and familiarizing local investors with the market for the Clarion River development, $294,102.80.

All these sums the company, in effect, charged itself for servicing itself in order that the public's bill in the future might be larger.

The balance of the service item was for engineering services and was considered legitimate by the accountants.

But in addition to this big item there were entered charges by the General Construction Corporation for alleged engineering and other services and expenses of $2,594,736.

Still another item was added of $451,000 for promotion stock issued to another firm.

The difference between the $11,000,000 claim of the company and the maximum amount found a legitimate charge by the accounts is $5,259,816.

THE CONOWINGO CASE

Another striking case is that of the Conowingo Dam in Pennsylvania and Maryland.

Four companies took part in this development. When they applied for a license from the Power Commission they said they had spent $9,000,000 in preliminary development.

It was agreed that the prelicense costs should be determined jointly by the Public Service Commissions of Pennsylvania and Maryland and the Federal Power Commission.

After investigation the three commissions reported that of a total of $7,246,832.07 appearing on the books of the various corporations as costs, $3,090,253.14 appeared to be actual legitimate costs, $3,443,708.35 appeared not to be a proper charge to the project, and the balance of $712,870.58 was doubtful and should be included only if supported by affirmative evidence.

An itemized claim filed later showed that of the total claimed, only 30 per cent represents the original cost of the property.

Mr. NORRIS. Now, Mr. President, I am going to take up some evidence that came out of the Federal Trade Commission that applies particularly to the State of Nebraska; and I do this, not because the evidence is more definite, not because the evidence is worse—because it is not as bad as a great deal of the evidence that has been given—but because there is continually hurled at me the charge that I am devoting my energies to saving the people of the South and other sections of the country from the evil influences of an imaginary Power Trust, and that I am doing nothing for the great State of Nebraska. It is said oftentimes "We do not see anything out here on the prairies of a trust." Some of these critics of mine walk out on to the open prairie and look across the broad expanse of territory and say, "There is not any trust in sight. We do not see any. Let us condemn the man who is talking about the trust. Let any man who must receive our favor and our approval devote his energies and what little ability he has to getting something for us in some logrolling proposition."

Mr. President, there is not a State in the Union that escapes the clutch of this trust, and my own great Commonwealth is no exception, as I shall soon demonstrate; and in going into this I am only going a little way. I am not exhausting the subject of my own State, by any means. I am only going to give one glimpse of what the Federal Trade Commission's investigation shows in that great State.

First, I am going to read from the testimony of Mr. Lundvall. He is one of the investigators employed by the Federal Trade Commission, which is making the investigation of the Power Trust. I am going to read at some length from his testimony. He was questioned about a great many other things. I shall read only the testimony that I think has a more or less direct bearing upon the situation in the State of Nebraska. He was questioned by the chief attorney, Mr. Healy.

I am breaking into his testimony where I read it. I am not beginning at the beginning, because he testified about a whole lot of other things, just as interesting as this, but having relation to operations in other parts of the country. He had asked something about the American Power & Light Co., and when we start into that company we cover a good many States, but included in them is the State of Nebraska.

Q. What companies does American Power & Light control?—A. At December 31, 1928, American Power & Light Co. controlled, through ownership of substantially all of the common stocks and in some cases various amounts of first and second preferred stocks, as well as certain indebtedness, of the following more important public utility operating companies doing principally an electric light and power business.

Here is a list of them. Think of these corporations, now, controlled by one company, which in turn is owned by another company that owns 100 others! If you had a map here, and diagrammed the Electric Bond & Share Co., you could not put the names on one side of the Senate wall.

Here is a list of the companies that this investigator gives:

Kansas Gas & Electric Co., Portland Gas & Coke Co., Pacific Power & Light Co., Nebraska Power Co., Inland Power & Light Co., Minnesota Power & Light Co., Florida Power & Light Co., Central Arizona Light & Power Co., Northwestern Electric Co., Superior Water, Light & Power Co., the Washington Water Power Co., the Montana Power Co.

That is the list of them. The same story I am going to tell about one of those corporations could be told about practically every one.

After several general questions he gets down to the Nebraska Power Co.:

Q. The next acquisition by American Power & Light Co., as shown by your report, Exhibit 4627, is the Nebraska Power Co. When was that company organized?—A. The Nebraska Power Co. was incorporated April 23, 1917, under the laws of the State of Maine, as the successor company to the Omaha Electric Light & Power Co.

Many people in Nebraska do not know that. There are many other people in Nebraska who do not know why it was incorporated in Maine. It is because the corporations want to avoid State courts. Undoubtedly if the same trust organized a corporation in Maine they would incorporate under the laws of some other State where they were not going to do business. They do not want to be incorporated in the State where they are to do business. They want to get into the Federal courts, where they will have an advantage in litigation over a man of ordinary means.

Q. And how was the Nebraska Power Co. organized?—A. The Nebraska Power Co. was incorporated April 23, 1917, under the laws of the State of Maine, as the successor company to the Omaha Electric Light & Power Co.

Q. Was it organized by Electric Bond & Share Co.?—A. It was.

Q. Go on now and tell us some of the details about the organization.—A. All of the outstanding common and preferred stocks of the Omaha Electric Light & Power Co., consisting of 33,654 shares of the common stock and 4,242 shares of the preferred stock, were owned by Electric Bond & Share Co. The Omaha Electric Light & Power Co. was then dissolved and the net assets of that company were acquired by the new company, the Nebraska Power Co., in consideration for its securities. American Power & Light Co. came into possession of the securities of the Nebraska Power Co. by payment to Electric Bond & Share Co. of the purchase price.

Q. What was the cost to Electric Bond & Share Co. of the common and preferred stocks of the Omaha Electric Light & Power Co., which you have just referred to?

I want Senators to get these figures, because they tell a very illuminating story:

A. The 33,654 shares of common stock and 4,242 shares of preferred stock of Omaha Electric Light & Power Co. represented a total cost to Electric Bond & Share Co. of $4,633,047.42, as shown by Exhibit 11–D within the Exhibit 4628. While these stocks were acquired for the account of American Power & Light Co., American Power & Light Co. made no record on its books of actually receiving them.

Q. How were the properties of the Omaha Electric Light & Power Co. conveyed to the new company, the Nebraska Power Co.?—A. The physical properties and other assets of Omaha Electric Light & Power Co. were conveyed to Nebraska Power Co. through an intermediary, Harry M. Durning, under agreements between him and American Light &

Power Co., dated May 31, 1917, and Nebraska Power Co., dated June 1, 1917.

Q. Who was Mr. Durning?—A. Mr. Durning was at that time a director of American Power & Light Co.

Q. What did the newly organized Nebraska Power Co. pay for the properties of the Omaha Electric Light & Power Co.?—A. The Nebraska Power Co. issued to American Power & Light Co. all of its securities to be then outstanding, consisting of $1,500,000 principal amount of the 5 per cent 10-year notes, $3,000,000 par value of the preferred stock, $1,000,000 par value of the second preferred stock, and $4,999,500 par value of common stock, a total of $10,499,500.

American Power & Light Co. thus acquired securities which had a stated value on the books of the issuing company, Nebraska Power Co., of $10,499,500, as compared with the actual investment by Electric Bond & Share Co. of $4,633,047.42.

Q. You have stated that Electric Bond & Share Co. bought for the account of American Power & Light Co. the outstanding common and preferred stocks of the Omaha Electric Light & Power Co., and that all of these stocks actually cost Electric Bond & Share Co. $4,633,047.42. Was this the same cost to American Power & Light Co.?—A. No. The cost to American Power & Light Co. of the common and preferred stocks of Omaha Electric Light & Power Co., which were ostensibly acquired by Electric Bond & Share Co. for the account of American Light & Power Co. was $5,865,944.33, as compared to the actual cost to Electric Bond & Share Co. of $4,633,047.42, or $1,232,896.91 in excess.

Q. What is the $1,232,896.91?—A. An excess cost to American Power & Light Co. over the cost to Electric Bond & Share Co. for securities of the Omaha Electric Light & Power Co. which were purchased by Electric Bond & Share Co. for the account of American Power & Light Co.

Anyone who is good at figures and rapid in thought will be able to follow that, but he will have to read it two or three times in order to get the full sense of it. Here is this property going to be transferred to a new company; it goes into this subsidiary and out and into the company that is to operate it, which is going to be the real owner. While it is passing through it increases nearly $2,000,000 in value, and before we get through we will find another enormous increase, put on in the way of water:

Q. Electric Bond & Share Co. sold the Omaha securities to American Power & Light Co. for $1,200,000, plus, more than it cost the Electric Bond & Share Co.?—A. Yes, sir.

One subsidiary selling to its parent company and putting on a profit, the parent company selling it and putting on a profit, and in the end the poor, God-forsaken consumers, about whom nobody seems to care, have to pay a high enough rate to pay a dividend on the whole thing.

Q. Was the consideration of $5,865,944.33 paid to Electric Bond & Share Co. by American Power & Light Co. for the stocks of the Omaha Co. a cash consideration?—A. The consideration paid by American Power & Light Co. consisted of its 6 per cent demand notes to Electric Bond & Share Co. in the amount of $5,271,415.83, $300,000 par value of its common stock, and $93,500 par value of its 6 per cent preferred stock, and $1,028.50 cash payment for the accrued dividends on this preferred stock from April 1, 1917 to June 7, 1917.

Q. Was all of the profit of $1,232,896.91 to Electric Bond & Share Co. a cash profit?—A. Not entirely. Five hundred thousand dollars is represented by that much par value of American Power & Light Co. common stock issued by American Power & Light Co. to Electric Bond & Share Co. for its services in effecting the Omaha reorganization—

Listen to that. They pay this parent company, in other words, this outfit are paying themselves, $500,000 in stock for services in bringing about this reorganization. Let me read that again:

Q. Was all of the profit of $1,232,896.91 to the Electric Bond & Share Co. a cash profit?—A. Not entirely. Five hundred thousand dollars is represented by that much par value of American Power & Light Co. common stock issued by American Power & Light Co. to Electric Bond & Share Co. for its services in effecting the Omaha reorganization, while $747,971.08 is a cash profit realized on 9,127 shares of common stock of the Omaha Light & Power Co. which Electric Bond & Share Co. held for some years prior to 1917. These amounts are offset by an item of $15,000 expended by Electric Bond & Share Co. in connection with the Omaha reorganization.

The actual expenses were $15,000 and the other was all water, on which the people of Nebraska are paying dividends now.

Q. What do you mean by "are offset"?—A. I mean that the Electric Bond & Share Co. had paid out for various purposes $15,074.17 in connection with effecting this reorganization.

That is what it actually cost, and they charged themselves nearly $2,000,000.

Q. Its profit would be reduced that much?—A. Yes, sir; and that would account for the net amount of $1,232,986.91.

If one will take his pencil and take the figures I have given and make the calculation, he will find that that is correct to a cent. That is the actual profit on selling something to yourself. The effort was to increase the capital stock, to increase the amount on which the people of Nebraska must pay dividends from now on unless something happens to relieve them.

Mr. HEALY. In Exhibit 4621, extracts from the minutes of Electric Bond & Share Co., extract 30, there is a reference to the Electric Bond & Share Co.'s subscribing for certain shares of the Omaha Electric Light & Power Co.'s common stock at par, with a bonus of 100 per cent. That is back in 1913, and then, in extracts 31 and 32 in the same exhibit, are references to the same matters to which Mr. Lundvall has been testifying.

By Mr. HEALY:

Q. Now, the cost of these securities to American Power & Light Co. was $5,865,944.33. Is that right?—A. That is right.

Q. And for them it got back from the Nebraska Power Co. notes, preferred stock and common stock with a par value of $10,499,500?

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Senator from Nebraska will suspend while the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The VICE PRESIDENT. The Senator from Nebraska will proceed.

Mr. NORRIS. Senators, get this question and this answer. It really sums up the entire situation in one sentence:

The cost of these securities to American Power & Light Co. was $5,865,944.33; is that right?—A. That is right.

Now, that includes that profit of something over $1,000,000 which they are paying to themselves. Now they are going to issue these securities for more than that.

Q. And for them—

That is, for these securities—

it got back from the Nebraska Power & Light Co. notes, preferred stock, and common stock with a par value of $10,499,500?—A. That is right.

Q. What is the difference between those figures?—A. The difference between those figures is $4,635,556.

Q. What value did American Power & Light Co. place on the securities of the Nebraska Power Co.?—A. American Power & Light Co. placed a value of $5,865,944.33 on the securities of the Nebraska Power Co. This was the amount of its investment in the Omaha situation.

Q. That $5,865,944.33 was the amount that American Power & Light Co. paid Electric Bond & Share Co. for these same securities, wasn't it?—A. Not for these same securities. It was the amount that American Power & Light Co. paid Electric Bond & Share Co. for the outstanding securities of the predecessor company, the Omaha Electric Light & Power Co.

Q. Yes. I see. That is what I should have said. You have told us how the $5,865,944.33 was paid by American Power & Light Co. to Electric Bond & Share Co., haven't you?—A. Yes, sir.

Q. How much was cash and how much was stock?—A. Yes, sir.

Q. Did American Power & Light Co. retain the common and preferred stock and notes of Nebraska Power Co. which were obtained in June, 1927, from the Nebraska Power Co.?—A. These securities were obtained in June, 1917. It sold the $3,000,000 par value of preferred stock, the $1,000,000 par value of second preferred stock, and the 5 per cent 10-year notes of the Nebraska Power Co., during the years 1917 to 1925, inclusive, and realized therefrom $5,112,820.86, so that at December 31, 1927, American Power & Light Co. owned only the common stock. It records the ownership on December 31, 1927, of 925,935 shares of common stock of Nebraska Power Co. at $766,335.99, or 82 cents a share, compared with a stated value of $5 a share on the books of the Nebraska Power Co. It is significant to observe, however, that if the cost to American Power & Light Co. had not included the $1,232,896.91 profit realized by Electric Bond & Share Co. in the turnover of the Omaha properties, the American Power & Light Co. would not only hold all the common stock of 925,935 shares at actually no cost, but would also have profited to the extent of $466,560.92 besides.

I wonder if the people of Nebraska will grasp that idea? I wonder if the consumers who are toiling early and late, the farmers who are selling their wheat at from 63 to 65 cents a bushel, who are patronizing this great Power Trust, will realize that while they are running behind every year this Power Trust is making this enormous profit? I wonder if the laboring men and the laboring women of Omaha, those particularly who are out of jobs, those who are trying to pay off the mortgages on their little homes and who are customers of this great concern, will grasp the significance of that statement of the witness gained from an examination of the company's own books, documents, and papers? He said if the cost of the American Power

& Light Co. had not included $1,232,896 profit realized by the Electric Bond & Share Co. in the turnover of the Omaha property, the American Power & Light Co. would not only hold all the common stock of 925,935 shares at no cost whatever, but, in addition, would have had a cash profit of $466,560.92 besides.

I wonder how that will please the people of Nebraska? I wonder how those who are toiling and contributing from their meager incomes to the upbuilding and the uplifting of this gigantic octopus will enjoy realizing that as a matter of fact more than half of the whole concern is water, that their efforts and their toil and their sacrifices have made it valuable, and that upon that kind of valuation this great trust is returning immense profits to the parent company located on Wall Street in the city of New York. I continue reading:

Q. What return does the recorded investment of $766,335.99 in the common stocks of the Nebraska Power Co. yield the American Power & Light Co.?—A. In the year 1927 the American Power & Light Co. received dividends on common stock from Nebraska Power Co. of $741,588.20. This represents 96.8 per cent of the total investment of $766,335.99 in the common stocks.

I wonder if the people of Nebraska who have been crying aloud that there is no such thing as a Power Trust, that Nebraska is not interested in the power question, will grasp that fact if they will realize that they are being held practically in bondage by the same gigantic trust that holds back Muscle Shoals from Government operation, that keeps Muscle Shoals from sending its electric current out over the wires to the people of the great South, that will enable the Government to use that business as a yardstick to measure all the other operations of this gigantic trust? I wonder if they will realize that there is no place under our flag where we can go and be free from the operations of this trust? Think of 96.8 per cent profit in one year! In dollars and cents that amounted to $741,588.20 in the year 1927 that the toiling masses of Nebraska paid upon an investment of $766,335.99, paying back almost the entire investment in one year.

I read further:

This represents 96.8 per cent of the total investment of $766,335.99 in the common stocks.

Q. Have you information as to the dividends received by American Power & Light Co. from Nebraska Power Co. in other years?—A. Yes; I have.

Q. Will you tell me where it is and turn to it yourself?—A. The information with regard to dividends received on common stock is contained in a tabulation on page 54 of the report, Exhibit 4627, and shows that American Power & Light Co. received in 1924, $367,182; in 1925, $370,386; in 1926, $463,992.80; and in 1927, $741,588.20. The increase in dividends on the common stock is accounted for by an increased dividend rate, the equivalent of 8 per cent in cash for the years 1924 and 1925, 10 per cent in 1926, and 16 per cent in 1927. The common stock of the Nebraska Power Co. was converted from a par value to a no par value basis in February, 1926, at the rate of 20 new shares for 1 old share.

Q. During the same year the American Power & Light Co. received dividends on preferred stocks, did it not?—A. It did.

Q. In 1926 and 1927 it received interest on cash advancements made during those years?—A. Yes, sir.

Q. Was this one of the companies, the Nebraska Power Co., which has a supervision agreement with the Electric Bond & Share Co.?—A. Yes; it has now.

Q. You have talked about the dividend rate for 1924 and 1925, where you say the dividend was the equivalent of 8 per cent, 10 per cent in 1926, and 16 per cent in 1927. That is on what basis?—A. That is on the basis of the old par value stock.

Q. Is that the rate of dividend as declared by the Nebraska Power Co.?—A. It is for the years 1924 and 1925.

Q. I am afraid my question is not very clear. Let me explain what I want to know about a little better. You have said that in 1927 the return to American Power & Light Co. in dividends on its common stock in the Nebraska Power Co. represented 96.8 per cent on its total investment in that stock?—A. That is right.

Q. Now, what is the 16 per cent in 1927 that you have told us about?—A. That is based on the stated value of the stock on the books of the Nebraska Power Co.

Q. As carried on their books?—A. As carried on their books.

Q. The percentage that you gave us—that is, 96.8 per cent—is on the actual investment of the American Power & Light Co. in the common stock?—A. Yes, sir.

Q. In figuring the rate of return to American Power & Light Co. on its investment in that common stock have you taken into consideration its equity of the accumulated surplus?—A. I have not.

Q. Have you got a sheet there which shows what the surplus was in 1927?—A. Of the Nebraska Power Co.?

Q. Yes.—A. I have not.

Q. Where does the Nebraska Power Co. operate?—A. The Nebraska Power Co. controls the Citizens Gas & Electric Co. of Council Bluffs, Iowa, and as of December 31, 1927, Nebraska Power Co. supplied substantially all of the electric power and light service in Omaha and 34 adjacent communities, and through its subsidiary, the Citizens Gas & Electric Co., it supplied Council Bluffs, Iowa, with the entire electric power and light and gas service.

Q. I wish you would tell us what the dividends paid on common stock amounted to in dollars in 1924, 1925, 1926, and 1927. I mean the total; just figure that up. They are on page 54 of your report.—A. $1,943,148.

Q. That is the cash return in dividends on the actual investment by American Power & Light Co., of $741,588?—A. Yes, sir; in the four years.

I wish the people of Nebraska had been able to hear the testimony which this witness gave, and which I have just read. They will probably never learn of it, but, if they ever do, they are going to gasp for breath. Senators, get the full meaning of that testimony. This witness states that in four years the corporation referred to got on its common stock a cash return of $1,943,148 on an investment of only $741,588. In other words, in four years the return amounted to more than twice the total investment; for the company invested $741,588, and in four years the dividends on that sum brought in $1,943,148. The testimony continues:

Q. In those four years; yes. I wish you would look at page 140-B of your report, Exhibit 4627, and tell me, if you can, what dividend was received by American Power & Light Co. on its common stock in Nebraska Power Co. for the year 1928.—A. For the year 1928 it obtained $731,588 in dividends, which, based on book cost to American Power & Light Co. for all of the stock—that cost being $768,835.99—why, then, the return on the dividend received in 1928 would be 96.45 per cent.

In 1928 the American Power & Light Co. received a dividend on its actual investment in the common stock of the Nebraska Power Co. of 96.45 per cent. Still the word goes out to the voters of Nebraska that there is no Electric Trust. The operations of the company are controlled and manipulated from Wall Street; the corporation that owns it all, after all, which controls every kilowatt, is the Electric Bond & Share Co., from the great city of New York.

I wonder, Mr. President, if anywhere in the entire world there can be a man claiming to be respectable and honest who can defend that kind of business. Where is the man, where is the woman, where is the child, where is there anyone, who will stand up before the American people and defend that kind of business?

People wonder why the little fellows go wrong; they wonder why school children sometimes go wrong; they wonder why the jails are filled with poor laboring people; they wonder why the man on the street is not honest! Perhaps the answer may be found in the fact that the higher-ups, who control all the necessities of life, who tax every man whenever he turns around, are lining their dishonest pockets with gold that has been filched from the weak hands of children and of the laboring people of the United States. Who can defend it?

This testimony comes from my State, and I have only touched the edge of it; I have not concluded the story. I may do so at a later date. But look at the profits; see what this huge corporation is making! Does anyone wonder that the Power Trust is able to spend millions of dollars every year to control that part of the press that is willing to be controlled? Can anyone wonder that it is able to spend millions, sneaking into the back door of every home in the West, reaching the fireside in the evening with false propaganda when the laboring man reads his evening newspaper? Does anyone wonder that it is able to write the textbooks in our public schools? Is it any wonder it can influence preachers in the pulpit by false propaganda to teach false doctrines even from the religious sanctuary? Does anyone wonder that the agents of this organization go into the secret societies and there, where the world can not look on, practice their damnable methods of deception upon the American people?

These figures, Mr. President, are their own records; the story is their own. The story is unwillingly told, it is true, and not half of it has been told, as the evidence shows. The agents of the Federal Trade Commission were blocked at the very threshhold in making their investigations by many of these corporations. The commission has not been able so far to get behind the scenes in all cases; it has been unable, except in a very small way, to get the financial make-up of these great institutions. What I have disclosed represents a few of the crumbs that have fallen as the investigation has proceeded, but they ought to interest my people and the people of the great Middle

West. While the home of this gigantic corporation is on Wall Street its operations are on the Main Streets of every city and every village and extend into almost every home under our flag.

Mr. President, in conclusion, I ask unanimous consent to have printed as an appendix to my remarks an official table, "Exhibit 4634 of Federal Trade Commission Investigation of Power and Light Companies." I have stricken from the table three paragraphs that I do not want printed, because I am confining my remarks now entirely to the company and affiliated companies that are operating in my State.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

EXHIBIT 4634 OF FEDERAL TRADE COMMISSION INVESTIGATION OF POWER AND LIGHT COMPANIES

AMERICAN POWER & LIGHT CO.

Summary of write-ups in property of certain public-utility subsidiaries of American Power & Light Co.: The following are the write-ups that could be identified in connection with an examination of the records of American Power & Light Co., but they may not be all the write-ups of physical property of the subsidiaries of this holding company; for this reason the statement has limited value:

	Time of merger	Book value of plant and property accounts		Write-up	
		After merger	Before merger	Amount	Per cent
Kansas Gas & Electric Co	January, 1910	$5,519,462.32	[1]$2,971,920.08	$2,547,542.24	86
Texas Power & Light Co	June, 1912	10,550,000.00	[2]2,390,000.00	8,160,000.00	341
Nebraska Power Co	June, 1917	[2]10,499,500.00	[1]4,633,047.42	5,866,452.58	127
Minnesota Power & Light Co	November, 1920	33,578,006.27	13,326,323.80	20,251,682.47	152
Do	May, 1924	5,133,172.71	3,749,926.09	1,383,246.62	37
Florida Power & Light Co	December, 1925	58,445,216.86	28,213,209.01	30,232,007.85	103
Total		123,725,358.16	55,284,426.40	68,440,931.76	124

[1] Book value of plant and property accounts before merger not known, so there is used the actual investment by Electric Bond & Share Co. and for American Power & Light Co. in the securities of companies whose physical properties and other assets were merged.
[2] Book value of plant and property accounts not known. This amount represents the cost on securities to the new company for the physical properties and other assets acquired.

The Electric Bond & Share Co. owned these five companies, and sold them to the American Power & Light Co.

The American Power & Light Co. is one of three holding companies completely supervised by the Electric Bond & Share Co., and of which the Electric Bond & Share Co., holds directly 19 per cent of the stock, exclusive of holdings of Sidney Z. Mitchell and other officers and employees of the Electric Bond & Share Co.

In 1927 the American Power & Light Co. received 96.8 per cent return on the book cost of its investment in the Nebraska Power Co. and in 1928, 96.5 per cent return.

CALL OF THE ROLL

Mr. HOWELL obtained the floor.

Mr. COUZENS. I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Nebraska yield for that purpose?

Mr. HOWELL. I yield for that purpose.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Shortridge
Ashurst	George	McKellar	Steck
Barkley	Glass	McNary	Steiwer
Bingham	Glenn	Metcalf	Stephens
Black	Goldsborough	Moses	Sullivan
Blaine	Hale	Norris	Swanson
Borah	Harris	Nye	Thomas, Idaho
Brock	Harrison	Oddie	Thomas, Okla.
Broussard	Hastings	Patterson	Townsend
Capper	Hatfield	Phipps	Trammell
Caraway	Hayden	Pine	Tydings
Connally	Hebert	Ransdell	Vandenberg
Copeland	Howell	Reed	Wagner
Couzens	Johnson	Robinson, Ind.	Walcott
Cutting	Jones	Robsion, Ky.	Walsh, Mass.
Dale	Kendrick	Sheppard	Walsh, Mont.
Deneen	La Follette	Shipstead	Watson

The VICE PRESIDENT. Sixty-eight Senators having answered to their names, a quorum is present.

SILVER SERVICE, ETC., OF CRUISER "DENVER"

Mr. HALE. Mr. President, will the Senator yield to me?

Mr. HOWELL. I yield to the Senator from Maine.

Mr. HALE. From the Committee on Naval Affairs I report back favorably House bill 10387, authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Denver, Colo., the ship's bell, plaque, war record, name plate, and silver service of the cruiser *Denver*, that is now or may be in his custody, and I submit a report (No. 1155) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. COUZENS. Mr. President, I shall not object if the bill does not displace the unfinished business.

The VICE PRESIDENT. The consideration of a bill by unanimous consent will not displace the unfinished business. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was read, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to loan to the city of Denver, Colo., until such time as he may hereafter determine, the ship's bell, plaque, war record, name plate, and silver service of the cruiser *Denver*, that is now or may be in his custody: *Provided*, That no expense shall be incurred by the United States through the delivery of said articles, and said articles be retained on board the cruiser *Denver* until such time as that vessel is stricken from the Navy list.

JOHN A. FAY

Mr. BLACK. Mr. President, will the Senator yield to me?

Mr. HOWELL. I yield to the Senator from Alabama.

Mr. BLACK. From the Committee on Military Affairs I report back favorably, without amendment, House bill 9267, for the relief of John A. Fay, and I submit a report (No. 1154) thereon. There is a very small amount involved, and I feel sure the bill will lead to no debate. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Warrant Officer John A. Fay, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of $315.96, as reimbursement for a like sum collected from him and deposited into the Treasury as excess cost of transporting his dependents upon his permanent change of station from Fort Wayne, Mich., to Camp McCoy, Sparta, Wis., in June, 1927.

CONSTRUCTION AT MILITARY POSTS

Mr. REED. Mr. President, will the Senator from Nebraska yield to me for a moment?

Mr. HOWELL. I yield.

Mr. REED. When the senior Senator from Nebraska [Mr. NORRIS] took the floor this morning the Army housing bill was within 30 seconds, I think, of final passage. I ask unanimous consent that we may now complete its consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate resumed the consideration of the bill (H. R. 12996) to authorize appropriations for construction at military posts, and for other purposes, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That there is hereby authorized to be appropriated not to exceed $15,051,880, to be expended for the construction and installation at military

posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows:

Albrook Field, Canal Zone: Noncommissioned officers' quarters, $75,000; noncommissioned officers' service club, $30,000; officers' mess, $40,000; guardhouse, $25,000; garage, $25,000; quartermaster warehouse, $10,000; theater, $12,000; gymnasium, $20,000; post exchange, $12,000; fire station, $10,000; magazine, $15,000.

Corozal, Corundu Area, Canal Zone: Noncommissioned officers' quarters, $80,000; officers' quarters, $319,500; engineer map reproduction building, $10,000.

Fort Davis, Canal Zone: Barracks, $95,500; noncommissioned officers' quarters, $57,000; officers' quarters, $117,000.

Schofield Barracks, Hawaiian Department: Noncommissioned officers' quarters, $75,000; officers' quarters, $225,000.

Wheeler Field, Hawaiian Department: Fire station, $15,000; guardhouse, $25,000; quartermaster utilities warehouse and shops, $10,000; garage, $30,000.

Fort Ethan Allen, Vt.: Noncommissioned officers' quarters, $15,000.

Fort Benning, Ga.: Barracks, $350,000; officers' quarters, $716,660.

Fort Bliss, Tex.: Veterinary hospital, $25,000.

Fort Banks, Mass.: Extension of post hospital, $220,000.

Bolling Field, District of Columbia: Barracks, $118,000; noncommissioned officers' quarters, $162,000; officers' quarters, $285,000; quartermaster warehouse, $45,000; quartermaster utilities warehouse and shops, $20,000; garage, $20,000; fire house, $15,000; guardhouse, $20,000; post exchange, $15,000; theater and gymnasium, $40,000; dispensary, $20,000; railroad spur, $5,000; incinerator, $5,000.

Fort Bragg, N. C.: Hospital, $375,000; noncommissioned officers' quarters, $25,000; officers' quarters, $200,000.

Carlisle Barracks, Pennsylvania: Central heating plant and installation of distributing system, $80,000; barracks, $120,000.

Fort Hamilton, N. Y.: Hospital, $60,000.

Fort Benjamin Harrison, Ind.: Hospital, $130,000; officers' quarters, $60,000; noncommissioned officers' quarters, $25,000.

Fort Hoyle, Md.: Noncommissioned officers' quarters, $20,000.

Fort Humphreys, Va.: Hospital, $140,000.

Fort Sam Houston, Tex.: Officers' quarters, $322,800; noncommissioned officers' quarters, $100,000; hospital, $150,000.

Fort Jay, N. Y.: Nurses' quarters, $25,000; noncommissioned officers' quarters, $400,000; officers' quarters, $184,000.

Jefferson Barracks, Mo.: Noncommissioned officers' quarters, $13,000.

Hot Springs National Park, Ark., Army and Navy General Hospital: Noncommissioned officers' quarters, $25,000.

Langley Field, Va.: Noncommissioned officers' quarters, $340,000; noncommissioned officers' service club, $40,000; officers' quarters, $750,000; barracks, $510,720; guardhouse, $40,000; garage, $50,000; theater, $45,000; post exchange, $15,000; gymnasium, $40,000; magazine, $20,000.

Fort Lewis, Wash.: Officers' quarters, $250,000.

Letterman General Hospital, California: Hospital wards, $115,000.

Camp McClellan, Ala.: Stables and/or garage, $45,000.

March Field, Calif.: Noncommissioned officers' quarters, $257,400; officers' quarters, $405,000; quartermaster warehouse, $45,000; quartermaster utilities warehouse and shops, $20,000; guardhouse, $25,000; fire house, $15,000; garage, $50,000; incinerator, $5,000; gymnasium, $40,000; post exchange, $40,000; railroad spur, $2,000.

Fort George G. Meade, Md.: Noncommissioned officers' quarters, $50,000; officers' quarters, $200,000.

Mitchel Field, N. Y.: Officers' quarters, $375,000; noncommissioned officers' quarters, $180,000; quartermaster warehouse, $45,000; quartermaster utilities warehouse and shops, $20,000; guardhouse, $32,000; garage, $50,000; post exchange, $40,000; gymnasium, $40,000; fire station, $15,000; railroad spur, $5,000.

Fort Monmouth, N. J.: Noncommissioned officers' quarters, $100,000; officers' quarters, $290,000.

Fort Monroe, Va.: Noncommissioned officers' quarters, $46,600.

Fort Myer, Va.: Noncommissioned officers' quarters, $108,000; officers' quarters, $110,340.

Fort Ontario, N. Y.: Hospital, $15,000.

Plattsburg Barracks, N. Y.: Kitchen and mess halls, $75,000.

Presidio of San Francisco, Calif.: Noncommissioned officers' quarters, $250,000.

Selfridge Field, Mich.: Noncommissioned officers' quarters, $150,000; officers' quarters, $150,000.

Shreveport, La.: Barracks, $843,000; noncommissioned officers' quarters, $646,000; officers' quarters, $825,000; guardhouse, $32,000; garage, $30,000; incinerator, $5,000; quartermaster utilities warehouse and shops, $20,000; quartermaster warehouse, $45,000; hospital, $100,000; post exchange, $40,000; gymnasium, $40,000; fire station, $15,000.

Fort Wadsworth, N. Y.: Officers' quarters, $50,000.

Fort Francis E. Warren, Wyo.: Noncommissioned officers' quarters, $57,000; additional wing, 80 by 30 feet, for each of five barracks, $24,060; additional wing, 60 by 30 feet, for one barrack, $3,700; addition to laundry, $6,000; addition to central fire station, $3,000; two drill halls, at $32,000 each, $64,000.

Fort Wayne, Mich.: Noncommissioned officers' quarters, $39,500; stables, $52,000.

Walter Reed General Hospital, District of Columbia: Quartermaster warehouse, $67,600; bakery, $9,500; laundry, $104,000.

West Point, N. Y., United States Military Academy: Officers' quarters, $246,000; band barracks and practice room, $288,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. REED. Mr. President, I move that the Senate insist upon its amendment, ask a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. REED, Mr. HATFIELD, and Mr. SHEPPARD conferees on the part of the Senate.

ENFORCEMENT OF PROHIBITION IN THE DISTRICT

Mr. HOWELL. Mr. President, I ask unanimous consent for the immediate consideration of Order of Business No. 747, Senate bill 3344, supplementing the national prohibition act for the District of Columbia.

Mr. COUZENS. Mr. President, I must object to the consideration of the bill at this time. The unfinished business has been before the Senate a number of times, has been debated for a number of hours, and its consideration should be continued to completion. Therefore, I must object.

The VICE PRESIDENT. The Senator from Michigan objects.

Mr. HOWELL. Mr. President, the bill to which I refer is a very important measure and it deserves consideration before adjournment. It will not take any length of time to consider it. The bus bill has been before the Senate for some days, and an interpolation of this kind really will not materially affect that measure.

As a consequence, I move that the bus bill be set aside, and that Senate bill 3344 be considered by the Senate.

The VICE PRESIDENT. The Senator from Nebraska moves that the Senate proceed to the consideration of Senate bill 3344, supplementing the national prohibition act for the District of Columbia. The question is on the motion of the Senator from Nebraska. The question is debatable.

Mr. TYDINGS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TYDINGS. Is a motion to take up a bill in order now?

The VICE PRESIDENT. The motion is in order, and, being made after 2 o'clock, is debatable. The question is on the motion of the Senator from Nebraska.

Mr. COUZENS. Mr. President, it is quite evident from what I have heard from Senators that the bill referred to by the Senator from Nebraska will be long debated. There are a number of amendments to be proposed to it. I urge the Senator from Nebraska to be fair under the circumstances. The Senator's bill is a Senate bill. The bus bill is a House bill that has passed the House. It is perfectly evident that the Senator's bill can not be enacted by the House of Representatives at this session; and he should not ask to displace this bill, after the length of time it has been before the Senate, in view of the fact that it has been put aside for deficiency bills and for veterans' bills.

Mr. TYDINGS. Mr. President——

Mr. COUZENS. I yield to the Senator from Maryland.

Mr. TYDINGS. I do not wish to delay the bill through the use of tactics that might be calculated solely for delay; but I must say that I have about 20 amendments to the bill. I do not intend to debate any of them very long; but I rather imagine that the Senator from Nebraska and others will want to comment on them, and it seems to me it will take considerable time to go through the bill in its entirety.

Mr. HOWELL. Mr. President, this bill has been before the Senate for a long time; it was pending long before the bus bill was reported. I realize that amendments will be offered, and I think the Senate ought to consider this measure. If I had not time and again waived an opportunity to have this bill considered, I should not be standing here now; but I have time and time again allowed other measures to supersede it. The bill has been before the Senate for several months, and it seems to me it is worthy of consideration at this time, inasmuch as the bill is one prepared by the Attorney General, and is in accord with the views of the Attorney General as reported from the committee, except in three particulars.

Under the circumstances, therefore, I believe that we are entitled to consideration of the matter at this time.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. HOWELL. I yield.



Mr. BARKLEY. I am in sympathy with the desire of the Senator to secure some additional legislation on this subject in the District of Columbia. My attention has been called frequently by citizens of the District to the need for some amendment of the law; but here is a practical situation that it seems to me we can not lose sight of:

This bill has not passed the House. If it is taken up now and considered, the chances are that it could not pass the House before we adjourn. The bus bill, which it is proposed to displace, has passed the House. We can dispose of that. We can at least send it to conference. If we can not get a conference agreement at this session, we will at least have the bill in conference when we come back here.

Feeling, as I do, in sympathy with both bills, I am wondering if we would contribute anything practical to the prompt and early passage of the Senator's bill by displacing a bill that is now almost ready to be voted on, which has passed the House, and has been considered by the Senate for a number of days.

Mr. HOWELL. Mr. President, this bill has been pending for a long time. For one reason or another it has not been considered; and now it is suggested that because a subsequent bill from the House happens to be here, we ought to disregard this matter entirely.

It seems to me, under the circumstances, that it is no more than fair and just that this bill should have consideration, that we should send it to the House, and give the House an opportunity to deal with it at this session. I think there is ample time to do this because we are not likely to adjourn before next Monday or Tuesday.

Mr. COUZENS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. HOWELL. I yield.

Mr. COUZENS. The Senator speaks of a subsequent bill. I draw the Senator's attention to the fact that the bus bill was on the calendar long before his bill was. The Senator has several times repeated that his bill was here first, and that the bus bill was a subsequent bill. The calendar number of the bus bill is 726, and it was on the calendar a long time ahead of the bill which the Senator desires to have considered.

Mr. HOWELL. Mr. President, the bus bill was reported on May 23. The prohibition bill was reported on May 27; but it was in the committee for six months prior thereto, and no action was taken upon it.

Mr. McNARY. Mr. President, I hope the motion of the Senator from Nebraska [Mr. HOWELL] will not prevail. I must say, however, that the Senator has been quite patient and persistent. It has not been his fault that the bill has not been heretofore considered. When the calendar has been called, objection has been made to the bill. On two or three occasions the Senator thought he probably could move during the morning hour to take up his bill.

Yesterday, having in mind the situation now spoken of by the Senator, I moved an adjournment, believing that between 12 and 2 o'clock to-day he might consider his bill; but his colleague [Mr. NORRIS] obtained the floor, and made a very excellent speech on another subject. That is the fate of legislation.

To displace now a bill that has passed the House, directed toward a very worthy enterprise, namely, the regulation and control of the motor busses of the country, by a Senate bill which can not possibly go further than a vote, and probably will not reach a vote this session, which can not pass the House at this session, is doing a futile thing. It is not the essence of good legislation.

I appeal to the good judgment of the Senator from Nebraska not to press his motion at this time, because if he should displace the unfinished business—which in all fairness and sportsmanship should go through and be considered and reach a final vote—his bill can not go through the House at this session.

When we come back in November, when the calendar is clear and ready for action, if the Senator will press his bill in the Senate, and a companion bill is brought up in the House, if the measure has merit, it will receive the prompt and due consideration of Congress. I sincerely hope, without expressing any view as to the merits of the bill, that the motion will not prevail.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska.

The motion was rejected.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Mr. HOWELL. Mr. President, there is a bill on the calendar, Order of Business 776, Senate bill 4377, to provide for the settlement of claims against the United States on account of property damage, personal injury, or death. This bill is identical, except for an amendment, to a bill which passed the House and the Senate at the last session, but did not become a law owing to a pocket veto. It was vetoed because there was contained in the bill a provision whereby the office of the Comptroller General was authorized to defend the interests of the United States instead of the attorneys in the Department of Justice.

Mr. COUZENS. Mr. President, this is a Senate bill?

Mr. HOWELL. It is a Senate bill. The objectionable features have been cut out, and, as a consequence, the bill is now on the Senate Calendar, providing for fact finding, the facts to be presented to Congress in an orderly manner by the department and by the Comptroller General, in connection with tort claims and in connection with claims for personal injury sustained by those not in the employ of the Government.

I have served for several years as chairman of the Committee on Claims, and anyone who is familiar with the procedure before that committee realizes that most claims are presented in an ex parte manner, without adequate investigation, and as a consequence the committee is compelled to guess in reference to the relief to which the claimants are entitled.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. WALSH of Montana. I feel like saying that I have given some attention to the measure to which the Senator from Nebraska now refers, and in my judgment it is a much needed law, and evidently is well thought out. I do not think it will give rise to any discussion, and I trust that consent will be given to take up the measure.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. COUZENS. I will not object if it does not take any time.

Mr. GEORGE. Mr. President, much as I regret to do so, on behalf of the senior Senator from New Mexico [Mr. BRATTON] I shall have to object to bringing up the bill by unanimous consent. This is one of the measures which the Senator from New Mexico stated to me he desired to have amended, or to which he desired to offer some opposition. I therefore interpose an objection to the request to take up the measure. It will be a matter for the Senate to decide whether it will take it up or not.

Mr. HOWELL. Mr. President, I hope the Senator from Georgia will not take that position. I have been waiting for the Senator from New Mexico to be present, I have granted him every courtesy in reference to this bill, and now it seems that he is not present and objection is offered. Of course, if the Senator from Georgia insists, there is nothing for me to do but to submit, but it seems to me that under the circumstances the bill ought to be considered at this time.

The VICE PRESIDENT. The Senator from Georgia objects.

PROHIBITION ENFORCEMENT

Mr. WALSH of Montana. Mr. President, on yesterday the Judiciary Committee instructed three members of the committee to report three several bills, the purpose of which is to expedite proceedings in the courts, now very much congested. Probably no one of these will give rise to any debate or discussion. I report favorably, with amendments, House bill 9985, to amend the act entitled "An act to amend the national prohibition act," approved March 2, 1929, and I submit a report thereon (No. 1158). I ask unanimous consent that the Senate proceed to its consideration.

Mr. COUZENS. Are these bills on the calendar?

Mr. WALSH of Montana. No; we are reporting them now.

The VICE PRESIDENT. Is there objection to the consideration of House bill 9985, to which the Senator from Montana has just referred?

Mr. REED. Mr. President, let the bill be read.

Mr. WALSH of Montana. Perhaps I can save time by making a statement about it.

Mr. REED. That will be satisfactory.

Mr. WALSH of Montana. The bill is intended as an amendment of the so-called Jones Act, for the purpose of taking out from under the operation of that act trivial offenses.

First, it takes out the sale of liquor in quantity less than 1 gallon by a person not theretofore convicted of a crime under the act, or by a person not an habitual violator of the act.

Second, it takes out the case of one who makes liquor in quantity less than 1 gallon.

Third, it takes out the case of one who is employed in making liquor or transporting in quantity less than a gallon, not being continuously employed.

Finally, it takes out one not a habitual violator who transports liquor in quantity less than 1 gallon.

The purpose of the bill is to make it possible to prosecute offenses of a trivial character by information instead of by indictment. It will result not only in the expedition of the trial and disposition of those cases, but as well in saving considerable expense in presenting the causes before a grand jury.

Mr. REED. Mr. President, was this recommended by the Wickersham Commission? Some such recommendation was made by them, was it not?

Mr. WALSH of Montana. I do not think this was.

Mr. REED. I have no objection.

Mr. WAGNER. Mr. President, I would like to ask the Senator how a trial would be conducted under the measure. Would it be conducted before a commissioner or before a court?

Mr. WALSH of Montana. The commissioner bill is not reported. That still remains in the committee. The commissioner bill is not one of these measures. The bill now under consideration would not affect the right of trial by jury at all. The right of trial by jury would remain, whether there is an indictment or information. The only change made in the language of the act is to perfect the language, which was regarded by the committee as inaccurate.

Mr. WAGNER. I want to ask another question, because I have not had a chance to read the bill. The trial is to be by jury?

Mr. WALSH of Montana. Yes.

Mr. WAGNER. And there is no discretion in the district attorney to determine, on the same state of facts, whether he shall prosecute the particular offense by information or by proceedings as in the case of a felony?

Mr. WALSH of Montana. It is a misdemeanor; not a felony.

Mr. WAGNER. It remains so?

Mr. WALSH of Montana. It remains so. Of course, the district attorney would be entitled to choose whether he would file an information or have an indictment returned by a grand jury. That is the only discretion he would have.

Mr. WAGNER. That depends on the facts which constitute the offense, I take it?

Mr. WALSH of Montana. Yes.

Mr. WAGNER. As I understand it, the misdemeanor is definitely defined as consisting of certain acts?

Mr. WALSH of Montana. By this measure.

Mr. REED. Mr. President, in the original Jones bill there was a provision that the severer sentences were not expected to be imposed for casual offenses, as distinguished from habitual offenses. Does this bill change that?

Mr. WALSH of Montana. I do not remember that there was any provision of that character. That was the idea in the fixing of heavier penalties in the Jones Act, but this provides simply for a punishment of not more than six months in jail or not more than $500 fine for the offenses defined in the measure, and those are the only penalties which can be imposed for these offenses.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. SHIPSTEAD. I would like to know the necessity for this bill. We were told when the Jones Act was passed that it would not be used against trivial offenders.

Mr. WALSH of Montana. Mr. President, it does not make any difference whether it is or is not used, the heavy penalties may be imposed for any offense under the Jones Act, and inasmuch as the heavy penalties may be imposed, prosecution must be by indictment and not by information.

Mr. SHIPSTEAD. Is it the understanding of the Senator that this bill will diminish the severity of the Jones Act?

Mr. WALSH of Montana. It is; that is the purpose of it, to make lesser the penalties attached to these particular offenses, and thus they may be prosecuted by information and not by indictment.

Mr. SHIPSTEAD. There was no discretion under the Jones Act.

Mr. WALSH of Montana. There was not. The offenses had to be prosecuted by indictment, because the heavy penalties might be imposed.

Mr. SHIPSTEAD. Is the discretion of the judge as to whether he should impose the penalties of the Jones law involved in this bill?

Mr. WALSH of Montana. No. In this case the judge is limited in the penalty which he may impose to imprisonment for six months or to a fine not to exceed $500.

Mr. SHIPSTEAD. He is limited to those penalties?

Mr. WALSH of Montana. He is limited to those penalties.

Mr. SHIPSTEAD. Then it really amends the "5-and-10" law?

Mr. WALSH of Montana. It does, by taking out from under the operation of the law offenses which are comparatively trivial in character.

Mr. SHIPSTEAD. Does the Senator feel that the statements which were made here to the effect that the Jones law would not apply to trivial offenses have not been borne out in practice?

Mr. WALSH of Montana. The Senator quite misunderstands the situation. By reason of the heavy penalties which may be imposed under the Jones Act on any offender against the prohibition act, they must all be prosecuted by indictment. Whether the penalties have been imposed or whether they have not been imposed, by reason of the fact that the statute provides that they may be imposed, the prosecution must be by indictment. We take out from under the operation of that act trivial offenses, so that they may be prosecuted by information.

Mr. SHIPSTEAD. And convicted offenders may not be made to pay $10,000 or serve five years in the penitentiary?

Mr. WALSH of Montana. Exactly. The extreme penalty is six months in jail or $500 fine.

Mr. SHIPSTEAD. So that it is really a modification of the Jones law?

Mr. WALSH of Montana. That is what it is.

Mr. SHIPSTEAD. And the Senator things it is necessary?

Mr. WALSH of Montana. I think it is advisable.

Mr. HASTINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Delaware?

Mr. WALSH of Montana. I yield.

Mr. HASTINGS. I want to observe that the bill (H. R. 10321) to amend section 335 of the Criminal Code, which has passed the House, provides that in all cases where the punishment does not exceed a fine of $500 or imprisonment for six months the offenses shall be considered misdemeanors and may be prosecuted upon information or complaint. That is a companion bill to the one the Senator from Montana has presented to the Senate and ought to be considered in connection with it.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH of Montana. I yield.

Mr. JONES. I merely wish to say that I am glad to see some amendment of this kind proposed. While I have never heard of any judge imposing, under the act which has been referred to, any severe or undue punishment, yet I think it is wise by legislative enactment to provide a limit of penalties for the so-called trivial or minor offenses. I am glad that the committee has brought in an amendment to that effect.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator from Montana what he means by prosecution upon information? Does he mean upon complaint to a single justice or to a United States commissioner?

Mr. WALSH of Montana. The information is filed by the district attorney without submitting the case to a grand jury. That practice obtains by virtue of constitutional provisions in most of the States. For instance, in my State it is a rare thing that we have a grand jury at all. The district attorney files an information with reference to practically all crimes.

Mr. WALSH of Massachusetts. There is a hearing before a commissioner?

Mr. WALSH of Montana. No; there is no hearing before a commissioner.

Mr. WALSH of Massachusetts. Is there an appeal?

Mr. WALSH of Montana. There is no provision for an appeal in this bill, but there is by law an appeal provided in all cases.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. COUZENS. Mr. President, I shall have to object. It seems there is a series of these prohibition bills which are going to involve considerable debate. I understand the Senator from Montana has several other bills which he wants to bring up.

Mr. WALSH of Montana. I am very sure this is the only one which will give rise to any controversy, and individual Senators have merely desired some information with regard to it.

Mr. HEBERT. Mr. President, a third bill was considered by the Committee on the Judiciary yesterday and is a companion bill to the one referred to by the Senator from Montana. That is a bill permitting the defendant in a criminal prosecution to waive jury trial for the purpose of expediting proceedings in criminal cases. The committee is favorable to the bill, and it is in line with both measures now sought to be brought before the Senate and should be considered at the same time with them.

The VICE PRESIDENT. Is there objection to the consideration of the bill reported by the Senator from Montana?

Mr. COUZENS. Mr. President, I should not object to this bill if it might go through without prolonged discussion, but apparently it can not. I shall object to the others, because I understand there is involved in their consideration probably a great deal of debate. However, inasmuch as the Senator from Montana assures me the consideration of this bill will lead to no further discussion, I shall not object.

There being no objection, the Senate proceeded to consider the bill (H. R. 9985) to amend the act entitled "An act to amend the national prohibition act," approved March 2, 1929, which had been reported from the Committee on the Judiciary with amendments.

The amendments were, on page 1, line 10, after the word "sale," to strike out "by a person not engaged in habitual violation of the law"; on page 2, line 2, after the word "act," to insert a colon and the following proviso: "*Provided, however,* That the defendant has not theretofore within two years been convicted of a violation of the said act or is not engaged in habitual violation of the same"; in line 4, after the word "gallon," to strike out "where" and insert "in the production of which"; in line 7, after the word "by," to strike out "unlawful" and insert "unlawfully"; in the same line, after the word "transporting," to strike out "of"; in line 9, after the words "employed in," to insert a comma and "or not theretofore within two years having been convicted of a"; in the same line, before the word "law," to strike out "the" and insert "such," so as to make the bill read:

Be it enacted, etc., That the proviso in the first section of the act entitled "An act to amend the national prohibition act, as amended and supplemented," approved March 2, 1929 (U. S. C., Supp. III, title 27, sec 91), is hereby amended to read as follows:

"*Provided,* That any person who violates the provisions of the national prohibition act, as amended and supplemented, in any of the following ways: (1) By a sale of not more than 1 gallon of liquor as that word is defined by section 1 of Title II of said act: *Provided, however,* That the defendant has not theretofore within two years been convicted of a violation of the said act or is not engaged in habitual violation of the same; (2) by unlawful making of liquor as that word is defined by said section in an amount not exceeding 1 gallon, in the production of which no other person is employed; (3) by assisting in unlawfully making or unlawfully transporting of liquor, as above defined, as a casual employee only; (4) by unlawfully transporting not exceeding 1 gallon of liquor, as above defined, by a person not habitually engaged or employed in or not theretofore within two years having been convicted of a violation of such law, shall for each offense be subject to a fine of not to exceed $500 or to be confined in jail, without hard labor, not to exceed six months, or both."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9707) to authorize the incorporated town of Ketchikan, Alaska, to issue bonds in any sum not to exceed $1,000,000 for the purpose of acquiring public utility properties, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JOHNSON of South Dakota, Mr. LUCE, Mr. PERKINS, Mr. RANKIN, and Mr. JEFFERS were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes; that the House further insisted upon its disagreement to certain amendments of the Senate to the said bill, requested a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, Mr. WASON, Mr. TAYLOR of Colorado, and Mr. AYRES were appointed managers on the part of the House at the further conference; that the House receded from its disagreement to the amendment of the Senate No. 39 to the bill and concurred therein; that the House receded from its disagreement to the amendments of the Senate Nos. 12, 13, and 31 and agreed thereto severally with an amendment, in which it requested the concurrence of the Senate; and that the House further insisted upon its disagreement to the amendments of the Senate Nos. 3, 11, 21, 22, 27, 30, 33, 42, 43, 47, 70, and 76.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3061. An act to amend section 4 of the act entitled "An act to create a Department of Labor," approved March 4, 1913;

H. R. 8271. An act for the relief of Brewster Agee; and

H. R. 9347. An act for the relief of Sidney J. Lock.

MOTOR-BUS TRANSPORTATION

The Senate resumed the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The VICE PRESIDENT. The clerk will report the pending amendment.

The CHIEF CLERK. On page 6, line 20, after the word "*Provided,*" insert "and if no joint board eligible to consider said matter is in existence, then"; in line 22, to strike out the words "consider and decide such matter," and insert "hear the matter when referred and recommend appropriate order thereon"; and on page 7, line 23, after the period, to insert the following:

A joint board shall continue in existence for the consideration of matters referred to it by the commission until such time as its existence may be culminated by the commission. A substitution of membership upon a joint board from any State may be made at any time by nomination and appointment in the same manner as an original nomination and appointment.

So as to make the paragraph read:

(c) Whenever there arises under the administration of this act any matter that the commission is required to refer to a joint board, or that the commission determines, in its discretion, to refer to a joint board, as hereinafter provided, and if no joint board eligible to consider said matter is in existence, then the commission shall create a joint board to hear the matter when referred and recommend appropriate order thereon under such rules governing meetings and procedure of joint boards as the commission shall prescribe. Such joint board shall consist of a member from each State in which the motor-carrier operations involved in the matter are or are proposed to be conducted. The member from any such State shall be nominated by the board of such State from its own membership or otherwise; or if there is no board in such State or if the board of such State fails to make a nomination when requested by the commission, then the governor of such State may nominate such member. The commission is authorized to appoint as a member upon the joint board any such nominee approved by it. All decisions and recommendations by joint boards shall be by majority vote. If the board of each State from which a member of a joint board is entitled to be appointed shall waive action on any matter referred to such joint board, or if any joint board fails or refuses to act or is unable to agree upon any matter submitted to it, or if both the board and governor of any State fail to nominate a joint board member when requested by the commission, then such matter shall be heard and decided as in the case of any matter not required to be referred to a joint board. Joint boards when administering the provisions of this act shall be agencies of the Federal Government, and members thereof shall receive such allowances for expenses as the commission shall provide. A joint board shall continue in existence for the consideration of matters referred to it by the commission until such time as its existence may be terminated by the commission. A substitution of membership upon a joint board from any State may be made at any time by nomination and appointment in the same manner as an original nomination and appointment.

The amendments were agreed to.

The next amendments were, on page 8, line 11, to strike out the words "and decision"; on page 9, line 2, after the word "board," to insert:

The joint board to which any such matter is referred shall be a joint board composed solely of one member from each State within which the motor-carrier operations involved in the matter referred are or are proposed to be conducted.

And, in line 13, to strike out the words "and shall be subject to review by the commission"; in line 14, after the word "manner," to insert "and shall be subject to the same procedure"; and in line 16, to insert the words "orders recommended by," so as to make the section read:

(d) The commission shall, when operations of common carriers by motor vehicle conducted or proposed to be conducted involve not more than three States, and the commission may, in its discretion, when operations of common carriers by motor vehicle conducted or proposed to be conducted involve more than three States, refer to a joint board for

hearing and recommendation of appropriate order thereon any of the following matters arising under the administration of this act with respect to such operations: Applications for the issuance of certificates of public convenience and necessity (except in so far as the action upon such applications is based solely upon answers to questionnaires and information furnished to the commission, as provided in section 5 (b)); the suspension, change, or revocation of such certificates; applications for the approval and authorization of consolidations, mergers, and acquisitions of control; complaints as to violations by common carriers by motor vehicle of the requirements established under section 2 (a) (1); complaints as to rates, fares, and charges of common carriers by motor vehicle; and the approval of surety bonds, policies of insurance, or other securities or agreements for the protection of the public, required on the issuance of a certificate application for which is referred to a joint board. The joint board to which any such matter is referred shall be a joint board composed solely of one member from each State within which the motor-carrier operations involved in the matter referred are or are proposed to be conducted. In acting upon matters so referred joint boards shall be vested with the same rights, duties, powers, and jurisdiction as are vested hereinbefore in this section in members or examiners of the commission while acting under its orders in the administration of this act. Orders recommended by joint boards shall be filed with the commission, and shall become orders of the commission and become effective in the same manner and shall be subject to the same procedure as provided in the case of orders recommended by members or examiners under this section.

The amendments were agreed to.

The next amendment was, on page 11, after line 2, to insert a new subsection, as follows:

(i) All the provisions of section 17 of the interstate commerce act with reference to divisions of the commission shall apply to all proceedings under this act.

The amendment was agreed to.

The next amendments were, on page 12, line 2, to strike out "except as provided in subsection (b), a" and insert "A"; in line 4, after the word "any," to insert the word "qualified"; in line 6, after the word "that," to insert "the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this act and the requirements, rules, and regulations of the commission thereunder, and that," so as to make the paragraph read:

ISSUANCE OF CERTIFICATE

SEC. (a) A certificate of public convenience and necessity shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this act and the requirements, rules, and regulations of the commission thereunder, and that the public convenience and necessity will be served by the operations authorized.

The amendments were agreed to.

The next amendments were, on page 12, line 16, to strike out "March" and insert "April"; on page 13, line 3, to strike out "March" and insert "April"; in line 11, after the word "fit," to insert the word "willing"; in line 12, after the word "required," to insert "and to conform to the provisions of this act and the requirements, rules, and regulations of the commission thereunder"; and in line 15, after the word "proceedings," to insert "and without a finding that the public convenience and necessity will be served by such operations," so as to make the paragraph read:

(b) If the corporation or person making application for a certificate of public convenience and necessity sets forth therein that it or any predecessor in interest was operating as a common carrier by motor vehicle in interstate or foreign commerce on any public highway on April 1, 1930, and claims the benefits of this subsection, the commission upon receipt of such application shall serve such carrier with a questionnaire in respect to the matters on which the commission may require information. The applicant shall answer the questionnaire within 45 days from the receipt thereof. A copy of all questionnaires and answers thereto shall be furnished by the commission to the board of every State in which any part of the operations of the carrier are conducted. If it appears from the answers to the questionnaire or from information otherwise furnished, (1) that the carrier or a predecessor in interest was in bona fide operation on April 1, 1930, as a common carrier by motor vehicle in interstate or foreign commerce on any public highway and (except as to interruption of operations over which the applicant or its predecessors in interest had no control) continuously has so operated since that date, and (2) that such operations are bona fide for the purpose of furnishing reasonably continuous and adequate service at just and reasonable rates, and (3) that the applicant is fit, willing, and able properly to perform the service required, and to conform to the provisions of this act and the requirements, rules, and regulations of the commission thereunder, then a certificate shall be issued to the applicant by the commission without further proceedings and without a finding that the public convenience and necessity will be served by such operations; otherwise, the question whether or not such facts appear shall be decided in accordance with the procedure provided in section 3 (including reference to a joint board in a proper case), and the certificate under this subsection shall be issued or denied accordingly. For the purposes of this subsection a common carrier by motor vehicle furnishing seasonal service shall be deemed to qualify under clause (1) if such carrier or a predecessor in interest was in bona fide operation as a common carrier by motor vehicle in interstate or foreign commerce for the calendar year 1929 during the season ordinarily covered by its operations, and (except as to interruption of operations over which the applicant or its predecessors in interest had no control) has so operated continuously during each such season thereafter.

The amendments were agreed to.

The next amendment was, on page 14, to strike out:

(f) If it appears at any time that motor-vehicle service in interstate or foreign commerce on any public highway is alone carried on by a railroad company, or alone by persons or corporations owning an interest in a railroad company, the commission shall give consideration to the issuance of a further certificate to a common carrier by motor vehicle on such highway, if applied for by any person or corporation, not interested in a railroad company and shown to be qualified to meet the rules, requirements, and conditions fixed by the commission for such service.

And insert:

(f) If, upon consideration of any application for a certificate of public convenience and necessity, it appears that there is no adequate service by a common carrier by motor vehicle and/or no actual and adequate competition by common carrier by motor vehicle, in whole or in part, upon the route and/or between the fixed termini covered by the proposed operations, then the absence of such service or competition shall be sufficient evidence that the public convenience and necessity will be served by the whole or that part of the proposed operations with respect to which such absence of service or competition exists and a certificate shall be issued accordingly if the applicant is qualified to comply with the requirements, rules, and regulations of the commission for such service. For the purposes of this section competition shall not be deemed to be actual unless there is competition in good faith between at least two common carriers by motor vehicle that are not affiliated, directly or indirectly, through stock ownership or control, or in any other manner.

Mr. COUZENS. Mr. President, this is the amendment which changes the House text so as to create competitive conditions where no competitive conditions exist. I feel that I ought to mention that to the Senate before the amendment is adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BARKLEY. Mr. President, this is the provision which we have already debated to some extent. I think the committee made a mistake in inserting the language that requires the Interstate Commerce Commission to issue a certificate of convenience and necessity to the applicant for permission to operate a bus line on any interstate highway regardless of whether the traffic is sufficient to justify an additional bus line.

In the committee we have adhered to the theory that before the public highways are to any large extent monopolized or used by common carriers, which the busses are made by this bill, before they are allowed to interfere with ordinary traffic for which the highways were established, they should establish before the Interstate Commerce Commission the fact that such additional facilities are needed; that such a showing must be made before a certificate shall be issued to them.

In the House text the commission was left with full discretion to look into the whole situation as it might apply to any given route over a highway in two or more States. There is nothing in the bill that prevents them from exercising that judgment and that discretion by issuing a certificate of convenience and necessity from the application of any person or corporation for such a certificate preliminary to the establishment of the bus line. The amendment which the Senate committee has inserted makes it necessary for the Interstate Commerce Commission to assume that if there is only one bus line in existence, that fact itself makes it mandatory upon the commission to issue another certificate for another line on the theory that there ought to be more competition than is provided by a single bus line.

I do not wish to discuss this question in any great detail, but I have undertaken to establish the theory that primarily the use of the public highway for profit is not a matter of right. It is a privilege which it is within the power of the State or the Nation to grant or withhold. Being a privilege it ought not to be granted to such an extent as to inconvenience those who do not enjoy the privilege. For that reason I feel that where there is any bus line in existence operating in two or more States

over a route where the traffic will scarcely justify the existence of the line which is already operating, the commission ought not to be compelled to issue a certificate to another line simply because there is only one line already in existence.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Michigan?

Mr. BARKLEY. I yield.

Mr. COUZENS. Does not the Senator believe that the other requisites of the bill, such as maintenance of route, maintenance of a definite schedule, providing a bond to insure the public and the passengers, and for the protection of the employees from unduly long hours protect the condition which he describes where there is inadequate passenger traffic?

Mr. BARKLEY. I will say to the Senator that I do not think so. I have had personal experience and observation in my own section of the country which is more or less sparsely inhabited, where there are not any large cities, but cities ranging from 5,000 or 8,000 up to 150,000, at distances ranging from 150 to 200 miles apart. There is an effort to maintain an interstate bus line along an interstate highway between cities, we will say, like Memphis, Tenn., and the city where I live in the western part of Kentucky, between that city and the city of Evansville in the State of Indiana, and between that city and the city of St. Louis in the State of Missouri. It requires a considerable amount of financial backing to justify embarking in the expenditure necessary to establish bus lines between those cities. I know that the traffic at this time is not sufficient to justify any expectation of profit at all or any hope of any great profits in the very near future.

Of course, the Senator's theory is that that mere fact will keep individuals from making application for a permit, but I do not think so. I think if we incorporate in the bill a provision requiring the commission to issue a certificate to a second applicant or to any applicant who might come along on a highway such as this, it will be an inducement for unscrupulous men—and we know there are such always—to make application and go through the preliminaries of going before the Interstate Commerce Commission, in order that they may either be able in the future or hope to be able in the future to drive out the line already in existence or that the existing company may buy them out and thus after all have no additional competition. It offers an inducement, it seems to me, because of lack of discretion on the part of the Interstate Commerce Commission as to those who might want to hold up the line already in existence, those who might merely go through all the preliminary steps of getting a certificate, which they could get merely by showing there is only one line there. It would, in my judgment, be unwholesome and not in the interest of the public, and it might result in actually driving out of existence whatever bus accommodations the people might already have.

Mr. COUZENS. Does not the Senator believe the fact that the company has to have sufficient backing and financial support to guarantee or assure the commission of the maintenance of routes, the maintenance of schedules, to put up a bond to insure the public against personal injury or property damage, would deter a company from applying for a certificate on a highway that is now adequately served?

Mr. BARKLEY. I agree that those provisions are wholesome and necessary, but if it is necessary to hedge about any bus company operating between two States by all these requirements about bond, and so forth, it seems to me the public interest will be served by leaving it in the hands of the Interstate Commerce Commission, upon a showing of all the circumstances, to determine whether another bus line ought to be authorized. Even in the more thickly settled communities, if the people are being served sufficiently, the Interstate Commerce Commission ought to have such discretion. I think it is fair to say that the average man on a highway is not interested in whether one line is serving the people along that highway or half a dozen lines, if he wants to go where his inclination may lead him and there are sufficient busses at convenient times with convenient stops to accommodate him. I do not think the commission should be prevented from exercising their discretion as to whether some other line should be permitted to operate upon that highway.

It seems to me to be unwise, as a matter of policy, to put the Interstate Commerce Commission in a strait-jacket by providing, if there is only one line in existence, no matter where it is, no matter if it could transport twice as many passengers as now ride over it, another line shall be established if somebody comes along and makes an application. The perpetual operation of a bus line can never be guaranteed by any bond or any requirement that may be fixed in the law, any more than the guaranty may be made when a State charters a corporation that it will be perpetual. The law necessarily must assume that such organizations are more or less temporary. They may be successful; they may not be successful; and if a given company, although in good faith it established a line between any given points in two or more States after a while found it to be a losing proposition, that it could no longer operate its busses without incurring a severe loss, it might be willing to forfeit the bond which it had been required to put up rather than go on indefinitely at a loss.

Mr. COUZENS. Mr. President——

Mr. BARKLEY. I yield to the Senator from Michigan.

Mr. COUZENS. I quite agree with the Senator as to that; but in that event the certificate would be canceled; there would be no outstanding certificate authorizing the operation of the bus line. No one expects that simply obtaining a permit means that a bus line is going to operate in perpetuity. It does mean, however, that if it does not live up to the terms of the permit the Interstate Commerce Commission may cancel the permit.

Mr. BARKLEY. But if we multiply bus lines on a highway where they are not needed we make it difficult for them to live up to those requirements and to live up to the terms of the bond, because, after all, bus lines go into the business for profit and not simply for service of the public. They are like all of us; they are out for profit. They expect to be reasonably regulated; they know that their rates must be reasonable; and I do not believe that the mere requirement of a bond is sufficient protection to the public or a sufficient guaranty that any given bus line will operate over any particular period of years. But if we discourage those who are already in the business, who have gone into it as a hazard, by requiring another line to be put in operation, although there may not be enough profit for the line that is already in existence, we certainly handicap the existing bus lines in observing the requirements and in meeting the obligations of the bond.

Mr. WALSH of Montana. Mr. President——

Mr. BARKLEY. I yield to the Senator from Montana.

Mr. WALSH of Montana. Of course it is to be presumed, it seems to me, that a second bus line will not be established unless the projectors of such a line believe that they can make money by its operation; that the two bus lines can live and make some money; that is to say, that there is enough traffic and business to sustain two bus lines. That matter is put up to the Interstate Commerce Commission.

I am wondering why the judgment of the men who would like to run the line must be submitted to a kind of a court of appeals in the commission for determination. The commission may say to them, "You are all wrong about this; you are quite mistaken; two bus lines can not live here." They are, however, willing to take the chances. Why should we restrain them from taking the chances? Why should we put it up to a commission to say that two bus lines are not necessary?

Bus lines are going to be operated as automobiles. In the same way, Why should we not regulate the number of automobile factories that might be established for the purpose of accommodating the public? Why not put up to a Federal commission the question as to whether two or three or a half dozen automobile companies would not very adequately supply the demands of the general public?

Mr. BARKLEY. Mr. President, if the Senator wishes me to answer those questions ad seriatim, I will say this: There is quite a difference, I think, between the right of an individual to buy an automobile from anybody who is willing to make it and the use of a public highway as a privilege and for profit by men who are to be allowed a permit to operate their bus lines on the highways. I have a natural right to buy an automobile from any source, but I have no natural right to go on the public highways, which are dedicated to everybody, and use them for profit.

Mr. WALSH of Montana. I am troubled about that, because from time immemorial carters, people driving carts, as they were called in the old times, used the highways, and common carriers, as they are now called, use the highways. Now, where does the natural right come in? What is the difference whether I haul my own grain which I raise on my own farm to market or agree to haul my neighbor's wheat to market?

Mr. BARKLEY. There is probably a difference in theory. I imagine that the density of population and the complexity of American life now as compared with the days when one could go up and down a highway and probably not meet anybody for half a day may have some bearing upon the question.

Mr. WALSH of Montana. That is aside from the question originally propounded. Why should we take away from private initiative and private enterprise and private energy the opportunity to run a business in which it is desired to engage?

Mr. BARKLEY. I will undertake to answer the Senator in my feeble way as to my theory on that subject. Let us assume that a group of enterprising, ambitious, and more or less ad-

venturous young men have already started a bus line between termini in different States. Of course, like everything else, it has to have a small beginning; it can not be certain of prosperity and success at the outset, any more than it could be guaranteed in the beginning that certain railroads which were to be constructed would be money-makers from the very time they began to operate. We will assume that over a highway between the city of Memphis and the city of Louisville or between the city of Memphis and the city of St. Louis or between the city of Owensboro, Ky., and the city of Chicago, or the city of Indianapolis, or any other two cities in any two States that might be named, one of these bus lines is operating. It has been able to operate, although not profitably, in the belief and the hope that after a while its owners will be able to build up sufficient trade to make it profitable. Pass this bill requiring the Interstate Commerce Commission to give a certificate of convenience and necessity to anybody else who may come along, not because another line is needed but because some one else makes an application, and it turns out that the second group is financially stronger than the one which has established the existing line; if that second group should so desire, it could say, "Well, we will get a certificate; the commission is bound to issue us one; we will start a bus line and we will drive out of existence the one that already is there; we will have a monopoly, and take chances on somebody else not coming along and trying to do the same thing to us."

Mr. WALSH of Montana. I was going to remark to the Senator that every man who engages in business, even a man who goes into a profession, takes the chances of competition. For instance, a lawyer prepares himself for the practice of the law, but he has got to go into a community where he thinks he can make a living notwithstanding the field is already occupied to some extent. He has got to establish himself there against the existing competition. A doctor has got to do the same thing; an engineer has got to do the same thing; a dry-goods merchant has got to do the same thing; everybody who wants to engage in any kind of business has got to meet competition; he must anticipate that he is going to have competition; and really, Mr. President, that is the driving force of business life.

Mr. BARKLEY. If the Senator recognizes no difference between a private individual buying a private store on a corner on some street in any town, and taking his chances with competition in a business as to which he does not have to consult any public authority, either in the beginning or concerning its conduct, and running bus lines up and down the highways, devoted to the welfare of millions of people, then I can not make much impression on the Senator.

Mr. WALSH of Montana. I was trying to find out the basis of the distinction. When we come to talk about a man being driven out of business by competition, he meets competition everywhere.

Mr. BARKLEY. I think there is all the difference in the world between a young man as an individual studying law and getting a license to practice law—and even then he has to go through certain forms provided by the State in which he lives in order to obtain the right to do that—and then starting out to practice law, and taking his chances at the bar, and a group of men or an individual running busses up and down the highways, which were, in the first place, not created for that purpose, and causing inconvenience to the public when those busses are not needed.

If we are to assume that one man has as much right to start a bus line on a public highway for profit as another one has to open up a law office and hang out his shingle, then we ought to defeat this bill altogether and have no form of regulation or requirements at all, because the law and, I think, society, recognize the difference between the necessity for regulating common carriers and public utilities and the necessity for regulating the practice of law or medicine or operating a dry-goods store or a grocery store or any other kind of private enterprise.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Michigan?

Mr. BARKLEY. I yield.

Mr. COUZENS. I think I recognize the difference between the cases referred to by the Senator from Montana and the Senator from Kentucky; I also recognize the necessity and desirability of regulating utilities, and regulating them rigorously; but I do not see, under the system and plan advocated by the Senator from Kentucky, wherein the public secures adequate protection. In other words, the Senator wants to create a monopoly of the public highways; he wants an existing concern to get all the traffic.

Mr. BARKLEY. The Senator is not interpreting my opinion correctly. I do not want a monopoly; I do not want one company to have all the traffic; I do not care whether one company has it all or whether there are half a dozen. What I am contending for is that the public is entitled to protection against bus lines that are not needed, provided we adopt regulations that give the commission the power to protect the public against unreasonable rates and unreasonable practices. I am not willing that the Senator shall put into my mouth the sentiment that I want monopolies or want one company to have all the traffic. I do not want any one company to have it; I do not care whether one company may have it or not; but I do not want the public inconvenienced by having dozens and dozens of busses running up and down highways and driving everybody off the highways and injuring people, unless they are needed for the accommodation of the people. That is the position I take.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. COUZENS. The Senator from Michigan does not want an unlimited number of passenger busses running up and down the highways to interfere with normal traffic?

Mr. BARKLEY. I do not think the Senator does; but the difference is——

Mr. COUZENS. The Senator does not let me finish. I am, perhaps, one of the pioneers in the motor-car business in America, and I recognize that the growth of that industry has been due to a large extent to a lack of restraint by governmental agencies and because it has never attempted to form a trust to control the production and use of motor cars. But I do not agree with the Senator from Kentucky that because some young men or old men or any kind of men, for that matter, start a bus line they have a prior right to all of the traffic on a given route until some commission in Washington says, "We guess now, after we have studied this question for a year, there is probably room for another bus line." In other words, I want the right at least to have the public protected by competition, limited, it is true, and not wide open, as the Senator suggests or as I think the Senator from Montana infers, so that anybody can come in and get a permit and run a bus line, whether there is any need for it or not. But I can not see how the public is to be protected when it has to rely simply upon a commission in Washington to see to it that service shall be adequate and rates reasonable.

Mr. BARKLEY. It may be unfortunate that there is only one capital of the United States, so that whatever commission is established has to be in Washington; but I will say to the Senator that if his proposal is adopted it will set up a condition with reference to interstate busses that is not required by any State in the American Union with reference to intrastate busses.

Nine-tenths of the people who travel on busses in the United States travel between points wholly within one State. There is not a State among the 48 States of the Union where the law requires that if there is only one bus line, the State commission is compelled by that fact alone to issue a permit to another bus line, whether it is needed or not.

In my judgment it is more hazardous for men to go into the interstate bus business than it is to go into a bus business that operates only within the lines of a State; but why set up here a requirement for one-tenth of the bus business that may be interstate that the 48 States have not set up as a requirement for the issue of a certificate within their own borders?

It seems to me that we are putting the interstate bus business at a disadvantage as compared to regulations which have already been installed by the States for bus lines that operate wholly within their borders.

Mr. COUZENS. Of course, the Senator knows that not all the States require a certificate of public convenience and necessity by any means.

Mr. BARKLEY. Practically all of them.

Mr. COUZENS. No; there is a substantial number of very large States that require no certificate of convenience and necessity.

Mr. BARKLEY. The Senator stated the other day that Nevada did not require such a certificate. Nevada has required it since 1925. The State of Washington requires it. The State of Oregon requires it. Those States were held up in the debate a few days ago as States that did not require this; but it turns out that they do.

Mr. COUZENS. There are some eight States that do not require it, and that is one of the reasons why Senators object to that condition. The Senator from Kentucky knows that in committee Senators complained about the conduct of their home-State commissions in refusing to permit competition because of the requirement of a certificate of public convenience and necessity.

Mr. BARKLEY. Of course, I think these home commissions are closer to the people than we are. They are created by State governments that are directly responsible to the people; and if

they have been lacking in due diligence to guarantee protection to the people within their States, I do not think it lies in the mouth of Congress to try to remedy the situation.

While it may be true, as the Senator says, that there are six or eight States that do not require a certificate of convenience and necessity, there is not one State that makes it mandatory upon its public-utilities body to issue a certificate to somebody else on the ground that there is only one bus line in existence; and that is what we are seeking to do.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. BARKLEY. Yes.

Mr. COUZENS. If the Senator wants to leave the law in the same condition as the State laws, then we ought to agree with the Senator from Washington [Mr. DILL], who objects to any certificates at all. There are some States that require no certificates. The Senator is complaining about the provision put in by the committee because it does require competition, while at the same time there are many States that do not have this requirement and yet refuse to issue licenses because they claim there is no public necessity for the line.

Mr. BARKLEY. The States entered the field of regulation of bus traffic long before we did. They were pioneers in it, and they must have profited by experience. What I complain of fundamentally is that it is proposed to take away all discretion from the commission—and that does not necessarily mean the commission here in Washington, except probably finally, because we provide here for the setting-up of local boards to handle all these matters and to decide the questions that arise between two States, undertaking to leave the questions as much as possible to the decision of the locality. My objection fundamentally is that we take away from the commission all discretion to investigate the circumstances, the needs of the public, the density of population, the frequency of busses, and all that, as a prerequisite for the issue of certificates, and make it mandatory upon them to issue a certificate for a second line, although the one that is already in existence may not have enough traffic to support the men who drive the busses and collect the fares.

Mr. GLENN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BARKLEY. I do.

Mr. GLENN. In view of the rather extended discussion on this point, I desire to send to the desk and have read a very proper substitute for the pending committee amendment, if the Senator will yield for that purpose.

The VICE PRESIDENT. Does the Senator yield for that purpose?

Mr. BARKLEY. I yield; yes.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Illinois [Mr. GLENN] offers the following as a substitute for the committee amendment:

(f) If, upon consideration of any application for a certificate of public convenience and necessity, it appears that there is inadequate service by a common carrier by motor vehicle, in whole or in part, upon the route and/or between the fixed termini covered by the proposed operations, then the absence of such adequate service shall be sufficient evidence that the public convenience and necessity will be served by the whole or that part of the proposed operations with respect to which such absence of adequate service exists; and a certificate shall be issued accordingly if the applicant is qualified to comply with the requirements, rules, and regulations of the commission for such service. For the purposes of this section service shall not be deemed to be adequate unless there is sufficient operation of motor-vehicle equipment by a common carrier by motor vehicle over the proposed route to meet all reasonable public demand for motor-vehicle transportation.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. BARKLEY. I do not want to occupy the floor much longer, but I yield to the Senator.

Mr. COUZENS. I desire to say to the Senator from Illinois that I think his amendment is preferable to the House provision. If there is going to be a choice between the House provision, the committee provision, and the provision of the Senator from Illinois, I prefer the provision of the Senator from Illinois.

Mr. BARKLEY. I wish to express the hope that the Senator from Michigan will accept the amendment offered by the Senator from Illinois. I think it is an improvement over the House language and an improvement over the language of the Senate committee amendment.

Mr. President, in conclusion I want to say that I hope the committee amendment will not be adopted, because it sets up a character of regulation for interstate bus business that is not required in any State; and it seems to me that whatever regulation we install ought to be along the same lines and in harmony with the regulation which is already in force in the States that have sought to deal with this question.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from New York?

Mr. BARKLEY. Yes; I yield.

Mr. WAGNER. On that very point, is the Senator's comparison between State regulation and the regulation proposed in this bill quite accurate? As I understand, in all the States in which a certificate of convenience and necessity is required before operation may begin there is also a provision that the commission has the absolute power to fix rates, which of course is a very important accompanying power to the power to permit a monopoly to exist. That particular power to fix rates is absent in the proposed legislation.

Mr. BARKLEY. I doubt whether the Senator from New York is accurate in stating that in all the States where a certificate of convenience is required the commission has the power to fix rates. I do not think that is correct. There are some of them that do give the commission that authority, but they do not all require that the commission itself shall fix rates; and I doubt whether it is wise to say that a commission shall fix rates. That would make it necessary for the commission then to initiate the establishment of rates, whereas our policy heretofore, even in the public-utilities bodies and railroad commissions of the States, has been to allow the common carrier or the public utility to initiate the process of fixing rates, and then to have the commission approve or disapprove them.

Mr. President, as I say, I hope the Senate will not agree to the amendment offered by the Committee on Interstate Commerce. The amendment which has just been suggested and read from the desk, offered by the Senator from Illinois [Mr. GLENN], is a fair compromise between the House provision and the Senate committee amendment. I hope the Senate will adopt the amendment which is to be offered by the Senator from Illinois; and I still entertain the hope that the Senator from Michigan will not oppose that amendment.

Mr. COUZENS. Mr. President, a parliamentary inquiry. The first vote will be on the substitute offered by the Senator from Illinois, will it not?

The VICE PRESIDENT. The first vote will be upon the substitute offered by the Senator from Illinois.

Mr. HOWELL. Mr. President, I desire to call the attention of the Senator from Kentucky [Mr. BARKLEY] to the necessity of an amendment of this kind to maintain competition. Without it, competition will not result.

I find in the hearings before the House Committee on Interstate and Foreign Commerce that Mr. Day Baker was before the committee. He stated that he represented a number of the smaller bus lines in New England—the Lovell Bus Line, the Eagle Bus Line, running from Boston to Manchester, and the Providence Bus Line, running from Boston to Providence. During the examination, Representative GARBER stated:

That brings us right now to the very crux of the whole proposition, and that is: Do you interpret this bill to require the boards or commissions issuing certificates of convenience to limit transportation to one motor carrier? Would they not be in a position to exercise a wise discretion in the issuing of certificates of convenience to a sufficient number to permit healthy competition in the interest of the public?

Mr. BAKER. The bill is so drafted that they could; but, in practical experience, I have not found anyone has been able to get approval for lines running in competition where once a man has secured a certificate of convenience and necessity.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. HOWELL. I yield.

Mr. BARKLEY. Mr. Baker is referring, of course, to bus lines wholly within a State. He is referring to the commissions set up by the States. He could not be referring to anybody else, because so far there has been no experience in the regulation of interstate busses.

Mr. HOWELL. But there is no difference between the State commissions and their attitude and that of the Interstate Commerce Commission. I can assert, I think without any possible refutation, that public-service commissions are the sanctuaries of public-utility companies.

We can all remember the day when the public-utilities commissions were fought in every State by the public-utility concerns. They opposed the creation of these commissions because they felt that they would curtail their rights and their privileges. But they have found that they do not curtail their rights and privileges, but, as I have said, they are sanctuaries for their protection. So, Mr. Baker stated, from his practical experience

that whereas this bill is so drafted that a public-service commission could grant additional privileges, or an additional privilege, for the use of a highway between two points, in practical experience, he stated:

I have not found anyone who has been able to get approval for lines running in competition where once a man has secured a certificate of convenience and necessity.

Mr. GARBER then continued:

There is no restriction in the bill——

Mr. BAKER. There is no restriction in the bill.

Mr. GARBER. On the issuance of one certificate of convenience, say, over one route.

Mr. BAKER. No; no limitation in the bill.

Mr. GARBER. They can issue as many as they consider to be in the public interest.

Mr. BAKER. Yes, sir.

Mr. NELSON. And preserve competition.

Mr. BAKER. You are right in regard to that; but, as I say, I have found from practical experience that if a man once secures the certificate, it is almost impossible for a competitor to break in.

Mr. NELSON. That is not only true in your State, but that is the practice carried on to-day in every State that requires this certificate of necessity and convenience, is it not?

Mr. BAKER. Yes, sir; that is true in every State where it is required.

Mr. NELSON. And that includes nearly all of the States?

Mr. BAKER. That is nearly all of the States; yes, sir.

There was opposition in the Committee on Interstate Commerce to the provision for a certificate of necessity and convenience in the case of a bus company using a public highway, and one of the reasons why this bill was reported, one of the things which impelled the committee to report the bill, was the amendment which is now under consideration.

The chairman of the committee recognized the fact, from his knowledge and experience in the bus business, that it is necessary that some provision should be made for competition where a certificate of necessity and convenience is required as provided in this bill, and to meet that necessity the chairman of the committee proposed this amendment, which is now before us. If this amendment is stricken out, the bill means just one thing, it means that every bus concern which now is operating in interstate business will have the privilege to continue operation, and no other concern need apply.

The whole purpose of this bill, as a matter of fact, is to provide for bus monopoly in this country. Yet no one can point to any indications that the bus business has been in any way interfered with or curtailed because of present conditions. As a matter of fact, the bus business has increased so tremendously that it is apparent that under the conditions under which busses are operating in this country to-day, both in intrastate and interstate business, development is favored, and nothing is needed. But now the bus companies which are operating desire to create a monopoly in the use of the public highways, which has never been attempted before in the history of public-utility regulation, except perhaps in the use of streets within cities for street-car lines.

Mr. President, if this amendment is not adopted, this bill will be in the worst possible form, so far as competition in interbus traffic is concerned. I doubt whether the committee would have reported the bill if this amendment had not been adopted by the committee.

So far as I am concerned, I believe that the certificates of convenience and necessity are simply devices for the maintenance of monopoly, and in this case for monopoly in transportation. Yet we are making the most strenuous effort to create competition in transportation. We have been discussing the development of our inland waterways. For what purpose? The purpose is competition with the railroads; at least that is what is being held out to the people of this country. We are told out in the Middle West that if we will only develop the Mississippi and the Missouri as waterways we can expect advantages in the matter of transportation. As a consequence, we have passed one of the most comprehensive river and harbor bills, to bring about such competition. Yet we have before us now a bill whose whole purpose is to limit competition, to end competition.

What really is in the minds of Senators and Representatives when they will take such a contradictory course, authorizing the appropriation of hundreds of millions of dollars to stimulate competition with the railroads, and then, when another form of transportation is developing competition, we find ourselves confronted with a bill which proposes to limit competition and, as a matter of fact, to end competition?

Mr. President, it is not merely a matter of busses. This is just the first effort, this is the entering wedge. The next thing with which we will be confronted will be a measure to curtail competition in the transportation of goods upon our highways by the regulation of motor-truck transportation. We should keep that clearly in mind when we are considering this bill, because, as I have stated, and I want to emphasize it again, this is merely the entering wedge.

It is urged that something of this kind is necessary because of the congested condition of our highways. The motor truck is as much responsible for that as is the bus, even more so. The transportation of goods, and not merely goods which can be packed in vans, but the transportation of stock, has developed tremendously. We have a great stockyard in South Omaha, Nebr. A few years ago all the stock reaching that market came by railroad. To-day, I understand, about 40 per cent of the hogs which are delivered to that stockyard come by motor trucks, and they come by motor trucks not merely from Nebraska but from outside States.

Are we going now to lay the foundation for the control of competition in the use of motor trucks for the transportation of goods at the same time that we are laying the foundation for competition with railroads in the development of waterways? What consistency is there in any such plans? Are we trying to fool the people of the great West? Are we trying to quiet them and make them hopeful for the future by extending to them promises of reduced rates through water competition, when, as a matter of fact, Congress is committed to the limitation of competition in other lines of transportation which also might relieve them?

Mr. President, it is the bus lines of this country which are here advocating this bill. It is those who now have these privileges and want to enjoy them without interference.

What are we going to do in this country? Are we going to cut out competition in every line of effort? Are we going to develop a condition of society in this country based upon noncompetition? Is not that the direction in which we are moving?

We know how the chain store is being declaimed against at the present time. We know what is being said about chain banking and branch banking. These developments merely indicate the tendency of to-day, the elimination of competition, and when it can not be done through voluntary cooperation, then Congress is appealed to for compulsory cooperation.

We afforded such compulsory cooperation to the railroad companies in 1920. Senators will recall that at that time every railroad in the country was in competition with every other railroad. Any railroad could establish a rate for the transportation of passengers or goods upon merely filing a notice of 30 days in advance, and that rate would go into effect provided it was not higher than the rate fixed by the Interstate Commerce Commission. Rates could be determined by the railroad at any point below the maximum. But in 1920 the railroads came to Congress, just as the busses are coming to Congress now, and said, "We are not getting enough money. We are entitled to more for our services." Congress asked the railroads—because the railroads wrote the 1920 transportation act—"What do you propose?"

"We propose that when the Interstate Commerce Commission makes a rate, it shall be not merely a maximum rate, but a minimum rate also." "Do you not know that means the elimination of competition among the railroads of the country?" "Of course we do, and that is exactly what we want." "Then you are not complaining about rates made by the Interstate Commerce Commission?" "Not at all. The only trouble is we can not get them. The Interstate Commerce Commission makes a maximum rate and we have endeavored through gentlemen's agreements to maintain the maximum as the minimum, but," they frankly stated, "You can not believe a general freight agent upon his oath. He will promise one day to do a thing, and go ahead the next day and cut the rate without the slightest hesitation."

As the railroads stated, there were two classes of rates, a maximum rate and a prevailing rate, just as there used to be two kinds of insurance rates. First, we had maximum insurance rates for the insurance of buildings and goods, and then we had what were called prevailing rates, because there was competition some 10 or 15 years ago among the insurance companies of the country. But they have wiped out all competition.

The railroad companies insisted that the prevailing rates did not bring them enough money, but that if Congress would only fix a maximum rate and make that maximum the minimum rate, then they would be satisfied. Congress did it, and for the first time in our history Congress wiped out competition in railroad rates.

What has been the result? Never in the history of the railroad industry in the country has there been such prosperity. Last year the Union Pacific income amounted to $21 per share on the common stock. We know where the stock of the various class 1 railroads went. They "skyrocketed" during the boom

period in stocks last year. Since then they have fallen about as little as any other stocks on the market. There is good reason why this higher standard of quotations has been maintained by these stocks. It is because the railroads are the beneficiaries, at the hands of Congress, of compulsory cooperation.

I have made this statement before on the floor of the Senate, I believe. I ask Senators what would result if Congress provided, in the case of every human activity, for the elimination of competition as has been done for the railroads? Mr. President, it would mean the noncompetitive form of society. That is exactly what it would mean. The noncompetitive form of society is identical with socialism, and that is the direction in which we are drifting. That is the direction in which the moneyed interests of the country, notwithstanding what is assumed to be their attitude, are forcing us to go. The individualistic form of society is based upon competition. Socialism is based upon noncompetition. The whole purpose of socialism is to relieve all mankind of the strain of competition.

Mr. President, the question before the Senate to-day is whether we are to take another step in the direction of merger and consolidation. I say "merger and consolidation" because the whole purpose of merger and consolidation is the elimination of competition for the insurance of profits. If we pass the bus bill as it is presented to us we merely assure that ultimately there will be a consolidation and monopoly of the bus business of the country. Two or three great concerns will control the bus business. They will secure rates comparable with the rates enjoyed by the electric-light companies at the hands of the public-service commissions of the country. The public will be denied the privilege of competition upon the highways which they are taxed to create and maintain.

As I have said, do not think for one moment that this is going to stop here with busses. The next step is the truck which hauls our goods, the truck which is to-day the most effective competitor of the railroads, the most effective competitor for keeping down the rates of the railroads so far as the transportation of freight is concerned, especially in limited areas.

As I have previously stated, I doubt if the bill would have been reported out of the committee in its present form if it had not been for the amendment which is now pending before the Senate. If the amendment is defeated I can not see how the able chairman of the committee can support the measure when I recall his views respecting the matter, because all I have said about the elimination of competition, which is now provided for in the bill, is emphasized by the suggestion of disagreeing to the amendment advised by the committee.

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER (Mr. HATFIELD in the chair). Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. HOWELL. I yield.

Mr. COUZENS. Of course, the Senator recognizes that the chairman did not propose that we disagree to the committee amendment?

Mr. HOWELL. I recognize that fact, but I wanted to call to the attention of the Senate the fact that the chairman felt this was really a vital amendment to the bill and that it should be adopted. I did not feel that we had gone far enough in merely adopting the amendment, but certainly the character of the bill is vastly improved by the amendment. My fear is that when the bill goes to conference, if the amendment shall be adopted by the Senate, it will be thrown out in conference and we will be left with a bill providing for the elimination of competition in the bus business of the country—a tremendous step along the line toward the elimination of competition through compulsory cooperation in the country.

Mr. ROBSION of Kentucky. Mr. President, I do not share the fear of the dangers expressed by the distinguished Senator from Nebraska [Mr. HOWELL] if we shall pass the bus bill with what is known as the Glenn amendment.

I favor this measure. I likewise shall vote against the Senate committee amendment as proposed and shall support the so-called Glenn amendment. I feel that this proposed legislation is necessary, and I trust the measure may be passed by the Senate and become a law before Congress shall finally adjourn.

Mr. President, I do not wish to take the time of the Senate, but I ask to present for the RECORD a telegram from Mr. A. L. Henry, the commissioner of motor transportation of the State of Kentucky, urging the passage of this measure; also a telegram from the Associated Motorists of Kentucky, urging the enactment of the legislation; a letter from Mr. A. G. Howard, chairman and State representative of the Brotherhood of Railroad Trainmen of Kentucky; a letter from Mr. L. E. Whitler, chairman of the Kentucky Legislative Board of the Brotherhood of Locomotive Firemen and Enginemen; a telegram from Mr. Guy A. Huguelet, first vice president of the Kentucky Bus Association, and a letter from the same gentleman, all favoring this legislation. I ask that these communications may be printed in the RECORD.

There being no objection, the telegrams and letters were ordered to be printed in the RECORD, as follows:

FRANKFORT, KY., *June 21, 1930.*

Senator J. M. ROBSION,
Senate Office Building:

Please try to secure passage of interstate motor bus bill before adjournment of Congress. This bill is of vital interest to the motor-bus industry of Kentucky.

A. L. HENRY,
Commissioner of Motor Transportation.

WASHINGTON, D. C., *June 18, 1930.*

Hon. JOHN M. ROBSION,
United States Senate, Washington, D. C.:

Please see our telegram of June 5. The motorists and bus patrons of Kentucky again plead that you resist any proposal to adjourn without Senate action on motor-bus legislation. This bill on Senate program after rivers and harbors bill. You and your associate from Kentucky are our only source of help in this vital matter.

ASSOCIATED MOTORISTS OF KENTUCKY.

BROTHERHOOD OF RAILROAD TRAINMEN,
Ashland, Ky., May 12, 1930.

Hon. JOHN M. ROBSION,
Washington, D. C.

MY DEAR SENATOR: I am this day in receipt of advice to the effect that the Senate committee having in charge the Parker bus bill has issued a program dropping such bill from further consideration at the present session of the Senate.

If this bill is not adopted at this session of Congress, it will in all probability take a year to get such regulations and you are earnestly requested to use your influence to secure the passage of the Parker bus bill during the present session of Congress.

Very cordially yours,

A. G. HOWARD,
Chairman and State Representative
Brotherhood of Railroad Trainmen.

KENTUCKY STATE LEGISLATIVE BOARD,
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
Louisville, Ky., May 17, 1930.

Hon. JOHN M. ROBSION,
Senator from Kentucky, Washington, D. C.

DEAR SENATOR: There is pending in the Congress a bill known as the Parker bus bill, contemplating the regulation of interstate commerce by motor vehicles operating as common carriers of persons on the public highways, which measure has already passed the House of Representatives.

I am now advised that the Senate committee has issued program dropping the Parker bill from consideration at this session. If this bill is not passed at this session, it will take years to get bus regulation. This is a most important measure and we are very anxious that it be passed at this session and I urgently request that you lend your influence to the end that the program as issued by the committee may be changed and that the Parker bill be passed.

Your favorable action will be appreciated by the firemen's brotherhood in Kentucky.

Yours truly,

L. E. WHITLER,
Chairman Kentucky Legislative Board
Brotherhood of Locomotive Firemen and Enginemen.

LEXINGTON, KY., *May 9, 1930.*

Senator JOHN M. ROBSION,
Washington, D. C.:

Understand Senate steering committee announced this morning through press change in legislative program which would drop bus bill from consideration this session. As you know we have been actively pressing for this regulation for several years and are anxious for action this session. We urge you to protest against this move and insist on the bill considered before session ends.

GUY A. HUGUELET,
Kentucky Bus Association.

KENTUCKY BUS ASSOCIATION,
Lexington, Ky., June 9, 1930.

Senator JOHN M. ROBSION,
Washington, D. C.

MY DEAR SENATOR ROBSION: We have been following the situation at Washington very carefully, hoping that by this time some action would be taken on the bus bill.

We have had this up with you, and you have been extremely kind about the matter.

The motor-coach operators of Kentucky are extremely anxious for some action to be taken by the Senate on this bill this session.

This is a reminder, urging you if possible, to insist on some action.

With our kindest personal regards, I am, faithfully yours,

GUY A. HUGUELET,
First Vice President.

SECOND DEFIENCY APPROPRIATION BILL

Mr. JONES. I ask that the Chair lay before the Senate the action of the House of Representatives on certain amendments of the Senate to the second deficiency appropriation bill.

The PRESIDING OFFICER (Mr. HATFIELD in the chair). The Chair lays before the Senate a message from the House of Representatives, which will be read.

The legislative clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
July 2, 1930.

Resolved, That the House recede from its disagreement to the amendment of the Senate No. 39 to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 12 and agree to the same with an amendment as follows:

Strike out all the matter inserted by said Senate amendment and insert in lieu thereof the following:

"EXECUTIVE

"Investigation of enforcement of prohibition and other laws: For continuing the inquiry into the problem of the enforcement of the prohibition laws of the United States, together with enforcement of other laws, pursuant to the provisions therefor contained in the first deficiency act, fiscal year 1929, to be available for each and every object of expenditure connected with such purposes, notwithstanding the provisions of any other act, and to be expended under the authority and by the direction of the President of the United States, who shall report the results of such investigation to Congress, together with his recommendations with respect thereto, fiscal year 1931, $250,000, together with the unexpended balance of the appropriation for these purposes contained in the first deficiency act, fiscal year 1929, which shall remain available until June 30, 1931."

That the House recede from its disagreement to the amendment of the Senate No. 13 and, agree to the same with an amendment as follows: In line 14 of the matter inserted by said amendment strike out the word "amount" and insert the words "amounts."

That the House recede from its disagreement to the amendment of the Senate No. 31, and agree to the same with an amendment as follows: In line 8 of the matter inserted by said amendment, after the word "of," insert the word "such."

In line 12 of the matter inserted by said amendment strike out the following: "Amounts that may be expended hereunder" and insert in lieu thereof the words "this appropriation."

That the House insists upon its disagreement to the amendments of the Senate Nos. 3, 11, 21, 22, 27, 30, 33, 42, 43, 47, 70, and 76.

Mr. JONES. I move that the Senate agree to the amendments of the House to amendments of the Senate Nos. 13 and 31. Those are minor amendments, more technical than anything else.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

The motion was agreed to.

Mr. JONES. I move that the Senate disagree to the amendment of the House to the amendment of the Senate No. 12, and ask for a conference with the House on the disagreeing votes of the two Houses on the amendment.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Virginia?

Mr. JONES. I yield.

Mr. GLASS. Would the Senator from Washington be willing to divide his motion and let us first vote on disagreeing to the House amendment to the Senate amendment?

Mr. JONES. I should prefer to have the amendment go to conference. An arrangement has been made by the conferees to meet at 10 o'clock in the morning to consider the various amendments in disagreement.

Mr. GLASS. The Senator knows that the Senate understands just what this amendment of the House to the Senate amendment is.

Mr. JONES. That is true.

Mr. GLASS. Why may we not have a separate vote on the motion to disagree to the House amendment to the Senate amendment?

Mr. JONES. I repeat, I should prefer to have the amendment go back to conference.

Mr. JOHNSON. Mr. President, may I inquire what is the character of amendment numbered 12?

Mr. JONES. Amendment numbered 12 involves the prohibition-enforcement proposition.

Mr. GLASS. It is the antiprohibition amendment that the House has put on?

Mr. JONES. The House has proposed a substitute for the Senate amendment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

Mr. GLASS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. GLASS. I want to know if the motion is divisible; if we can vote on the plain question of disagreeing to the House amendment to the Senate amendment without sending the matter back to conference?

Mr. JONES. I have moved that the Senate disagree to the House amendment to the Senate amendment.

Mr. GLASS. Let us vote on that.

Mr. JONES. Of course, the Senator will have an opportunity to vote on that question under my motion, because the motion covers that point. If the Senator desires to agree to the House proposal, he can so vote.

Mr. GLASS. The Senator said he moved to disagree.

Mr. JONES. Yes; I have moved that the Senate disagree to the House amendment to the Senate amendment and ask for a conference.

Mr. GLASS. Let us vote on that question alone without asking for a conference.

My affectionate friend from Washington is not as pious as his appearance would lead one to infer. [Laughter.] The plain fact of it is that, if he should overpersuade the conferees to agree with him, he knows it is very much more difficult to defeat a conference report than it is to defeat an objectionable proposition standing alone. It seems to me that that is the way to do this thing, just to let us have a vote on the question of disagreeing to the House amendment to the Senate amendment.

Mr. JONES. The Senator has been one of the conferees on the bill, and I presume, of course, he will be one of the conferees during the remainder of its consideration.

Mr. GLASS. If the Senator will even intimate that he will be guided by my advice in conference, I will raise no objection at all.

Mr. JONES. Of course, I have my views, as the Senator has his.

Mr. GLASS. That was quite evident the other day, unless I overpersuaded the Senator.

Mr. JONES. Well, Mr. President, I will withdraw that motion for the present and move that the Senate insist upon its amendments numbered 3, 11, 21, 22, 27, 30, 33, 42, 43, 47, 70, and 76, and agree to the further conference asked by the House.

Mr. ROBSION of Kentucky. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. JONES. I yield.

Mr. ROBSION of Kentucky. Does that include the item of $130,500 for aid in rural sanitation in 96 flooded counties?

Mr. JONES. No; that item was covered by the conference report which was adopted yesterday. The Senate conferees had to recede from that amendment.

Mr. ROBSION of Kentucky. I regret very much that such action was taken.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES. I yield.

Mr. McKELLAR. Would the Senator be willing to divide the question when it comes to amendment numbered 76? That amendment relates to the Shiloh Park road, with which the Senator is familiar. That is one of the amendments which will go back to conference under the Senator's motion.

Mr. JONES. Yes.

Mr. McKELLAR. I was wondering, if the Senator is willing to have the question divided in regard to the prohibition item, if he would not also be willing to divide the question as to the amendment to which I have referred?

Mr. JONES. Why does the Senator want that divided? Does he not want the amendment to go back to conference? It will have to go back to conference if there is to be favorable action upon it.

Mr. McKELLAR. I should like to have the Senate vote to insist upon the amendment.

Mr. JONES. That is my motion, that the Senate insist upon the amendments, the numbers of which I have stated; and the

amendment referred to by the Senator from Tennessee is one of them.

Mr. McKELLAR. May I ask if the Senator will insist on that amendment, too?

Mr. JONES. I am going to insist just as long as possible, but I can not insist to the extent of defeating the bill. I have insisted upon the amendment so far all the time, and I will do the very best I can.

Mr. McKELLAR. I thank the Senator, but he will recall that this amendment was put on in the Senate on another bill, and it finally came back emasculated. I would dislike very much to have it come back the second time in that way. It seems to me that the House has taken the position that any amendment that is put on the bill by the Senate must go out.

Mr. JONES. Oh, no.

Mr. McKELLAR. I think that is going a long way.

Mr. JONES. If the House went that far, of course, it would be going a long way; but the House has not gone that far at all. We will do the very best we can.

Mr. McKELLAR. I hope the Senator will be able at the second conference to retain the amendment in the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

Mr. BARKLEY. Mr. President, while the matter is not involved in the amendment to which the Senator has referred, I wish to express my very positive dissent from the action of the Senate conferees in yielding to the House on the $130,500 item which was inserted by the Senate committee and by the Senate for rural sanitation. In fact, on yesterday when the conference report was filed I thought it was merely filed to lie over and be considered to-day. I did not discover until I read the RECORD this morning that the report had actually been agreed to. There was no discussion about it.

The Senator knows that ever since the floods have been devastating the Mississippi Valley seven States have been receiving annually about $261,000, which had to be matched by them, for the purpose of rural sanitation. The conditions which brought about that appropriation still exist. The House last year sought to eliminate one-half of it and the Senate restored it. This year the House did the same thing, and the Senate again restored it, but now the Senate conferees have yielded and permitted to be cut in two the amount available for rural sanitation in 97 counties in seven States of the Mississippi Valley. Will the Senator indicate just what actuated the Senate conferees in consenting to the elimination of that item?

Mr. JONES. In the first place, the House conferees were very strongly against that item by reason of the attitude of the Public Health Service before the House committee when the matter was there under consideration. I will say to the Senator that our committee had the Surgeon General of the Public Health Service, together with one of his assistants—I do not remember his name—before us, and they corroborated very largely the contention of the House. They took the position, and said they had taken the position, that the time had about come, and in fact had come, for the National Government to get out of that work; and we thought their testimony fully justified the committee in leaving out this item under the circumstances.

Mr. BARKLEY. Of course, I do not know what anybody from the Public Health Service stated to the Senate committee. I only know what they have stated to me. They recommended this appropriation in the first place, and it was sent down with the approval of the Budget; and in my consultations with representatives of the Public Health Service even as late as this morning they have urged this appropriation. I can not quite reconcile that fact with the suggestion that the Public Health Service took a contrary position.

Mr. JONES. Did the Senator confer with the Surgeon General?

Mr. BARKLEY. I did not talk with the Surgeon General this morning. I have talked with him on a number of other occasions.

Mr. JONES. Probably subordinate officials can be found who will sustain practically every suggestion of appropriation; but the committee had before it the Surgeon General, the head of the Public Health Service.

Mr. BARKLEY. I wish to state that I hope the action of the conferees in this matter is not to be regarded as a precedent for action along the same line in the future. As was stated by the Senator from Virginia in the committee and as has been stated by him frequently, if this were an appropriation to eradicate some disease of animals we would not haggle about it for a moment. Now that the question of human life is involved, and $130,000 is to be taken away from these seven States and these 97 counties where the State legislatures have complied with the requirements of the law and have matched the Government's money dollar for dollar, where it means the disruption of the force which has been engaged in this work and almost the abandonment of the work in some of the counties involved, it certainly seems a niggardly attitude on the part of the Federal Government to require the elimination of this appropriation and this service in the States that are involved.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

The motion was agreed to.

Mr. JONES. Now, I will state to the Senator from Virginia that so far as I am personally concerned I am willing to have it understood that we will take up this proposition at 11 o'clock, when we meet to-morrow—I understand that the Senate is going to meet at 11 o'clock, or just as soon thereafter as possible—with a motion to agree to the House provision.

Mr. GLASS. That is very good of the Senator.

Mr. BARKLEY. Mr. President, do I understand that the Senator indicates that the motion to-morrow will be a motion to concur in the House amendment?

Mr. JONES. In the House amendment.

MOTOR-BUS TRANSPORTATION

The Senate resumed the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

Mr. COUZENS. Mr. President, I understand that the question is on the substitute amendment offered by the Senator from Illinois [Mr. GLENN].

The PRESIDING OFFICER. It is.

Mr. WALSH of Montana. Mr. President, I desire to say a word with respect to that amendment.

The Senator from Kentucky [Mr. BARKLEY] indicated his willingness to accept the amendment tendered by the Senator from Illinois. It is not surprising that he should do so, because, as I read the amendment, it is in entire accord with the contention made by the Senator from Kentucky.

The Senator from Kentucky desires to leave with the Interstate Commerce Commission full and unlimited authority to grant or not to grant a license to an applicant who desires to run a bus line over a route over which a line now runs by authority of the commission. The amendment offered by the Senator from Illinois is practically the same thing. Of course, the commission, in determining whether a second line should or should not be authorized, as desired by the Senator from Kentucky, should have in mind the public convenience and necessity and the adequacy of the service already provided, if any service has been provided; and that is just what the amendment of the Senator from Illinois provides; that is to say, the Senator from Illinois elaborates somewhat the proposal of the Senator from Kentucky.

The amendment of the Senator from Illinois reads:

> If, upon consideration of any application for a certificate of public convenience and necessity, it appears that there is inadequate service by a common carrier by motor vehicle, in whole or in part, upon the route and/or between the fixed termini covered by the proposed operations, then the absence of such adequate service shall be sufficient evidence that the public convenience and necessity will be served by the whole or that part of the proposed operations with respect to which such absence of adequate service exists.

That is to say, the amendment of the Senator from Illinois declares that, if there is inadequate service, that is a good reason why the commission should reach the conclusion—indeed, it is a conclusive reason why the commission should reach the conclusion—that the public necessity requires another service. Of course, that is indisputable. That leaves the whole discretion, as a matter of course, with the commission. I inquire, How could the public necessity and convenience require anything else than an additional line if the existing line is inadequate to furnish the service that is necessary?

Mr. GLENN. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. GLENN. May I ask what more the public necessity and convenience requires than adequate service at reasonable rates?

Mr. WALSH of Montana. It does not need anything more; but the question remains as to who is to determine it.

Mr. GLENN. What difference does it make to the public, so long as they get adequate service at reasonable rates?

Mr. WALSH of Montana. That presents exactly the question as to whether we should leave it to the commission to determine, or whether we should leave it to competition to determine. That is exactly the controversy.

Mr. GLENN. I do not think so.

Mr. WALSH of Montana. That is exactly the controversy that exists with respect to this matter.

Mr. GLENN. Oh, no!

Mr. WALSH of Montana. The Senator from Kentucky [Mr. BARKLEY] insists that it should be left to the commission to determine whether there is or is not adequate service. The opposing idea is that competition should be permitted to determine whether there is or is not adequate service.

Mr. GLENN. And that if there is only one bus line there must be at least two bus lines, whether they are needed or not.

Mr. WALSH of Montana. Exactly. With respect to the other bus line, the idea is that the other bus line would not be proposed if the projectors of that bus line did not believe that the public would sustain them by adequate patronage.

Mr. GLENN. Mr. President, will the Senator yield further?

Mr. WALSH of Montana. Yes.

Mr. GLENN. Of course, they might well be mistaken, as they have been in a great many instances——

Mr. WALSH of Montana. Of course; and so might the commission be mistaken.

Mr. GLENN. To the very great injury of the public.

Mr. WALSH of Montana. Exactly; the commission might be doing very great injury to the public by the mistaken idea that there is adequate service when there is not.

Mr. GLENN. In which case, of course, an appeal would lie to the courts.

Mr. WALSH of Montana. Oh, yes; but I am speaking now, not about the general principle but about what change in the view taken by the Senator from Kentucky is expressed in the amendment tendered by the Senator from Illinois.

That amendment continues:

> And a certificate shall be issued accordingly if the applicant is qualified to comply with the requirements, rules, and regulations of the commission for such service.

Then it continues:

> For the purposes of this section service shall not be deemed to be adequate unless there is sufficient operation of motor-vehicle equipment by a common carrier by motor vehicle over the proposed route to meet all reasonable public demand for motor-vehicle transportation.

What other rule could possibly be entertained by the commission?

Mr. GLENN. Mr. President, will the Senator yield?

Mr. WALSH of Montana. Yes.

Mr. GLENN. And what more could anybody ask or require than that adequate service be furnished to everybody who reasonably wants it, at reasonable rates?

Mr. WALSH of Montana. Exactly; but if the Congress did not say anything at all about the rule that was to govern the commission in determining whether or not there is adequate service, what other rule could they possibly establish than this? In other words, this leaves it exactly the same as if we said to the commission, "You have absolute discretion in this matter of issuing a certificate of public convenience and necessity. That is to say, if you find there is a public necessity and convenience, issue the permit." This adds nothing whatever to, nor does it detract in any wise from, the general language of the statute.

The VICE PRESIDENT. The question is on the amendment, in the nature of a substitute, offered by the Senator from Illinois [Mr. GLENN].

Mr. BLAINE. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Deneen	La Follette	Sheppard
Ashurst	Fess	McCulloch	Shipstead
Barkley	George	McKellar	Steiwer
Black	Glass	McNary	Stephens
Blaine	Glenn	Metcalf	Sullivan
Borah	Goldsborough	Moses	Swanson
Brock	Hale	Norris	Thomas, Idaho
Broussard	Harris	Nye	Townsend
Capper	Hastings	Oddie	Trammell
Caraway	Hatfield	Phipps	Vandenberg
Connally	Hebert	Pine	Wagner
Copeland	Howell	Ransdell	Walcott
Couzens	Johnson	Reed	Walsh, Mass.
Cutting	Jones	Robinson, Ind.	Walsh, Mont.
Dale	Kendrick	Robsion, Ky.	Watson

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

Mr. COUZENS. Mr. President, I understand the Senate is ready to vote on the amendment proposed by the Senator from Illinois.

The VICE PRESIDENT. The question is on agreeing to the substitute for the committee amendment proposed by the junior Senator from Illinois [Mr. GLENN].

Mr. COUZENS. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. He being absent and I being unable to obtain a transfer, I withhold my vote.

Mr. REED (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the junior Senator from Pennsylvania [Mr. GRUNDY], and vote "yea."

Mr. STEPHENS (when his name was called). I transfer my pair with the Senator from Vermont [Mr. GREENE] to the Senator from Iowa [Mr. STECK]. The Senator from Illinois [Mr. GLENN] will transfer his pair with the Senator from Iowa [Mr. STECK] to the Senator from Vermont [Mr. GREENE], leaving the Senator from Iowa [Mr. STECK] and the Senator from Vermont [Mr. GREENE] paired and the Senator from Illinois [Mr. GLENN] and myself free to vote.

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from New Jersey [Mr. KEAN] with the Senator from Washington [Mr. DILL];

The Senator from Utah [Mr. SMOOT] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER];

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH];

The Senator from Minnesota [Mr. SCHALL] with the Senator from Maryland [Mr. TYDINGS]; and

The Senator from South Dakota [Mr. MCMASTER] with the Senator from Nevada [Mr. PITTMAN].

I am not advised how any of these Senators would vote on this question if present.

Mr. SHEPPARD. I desire to announce that the Senator from Florida [Mr. FLETCHER], the Senator from Missouri [Mr. HAWES], the Senator from South Carolina [Mr. SMITH], and the Senator from Utah [Mr. KING] are necessarily detained by illness. The Senator from New Mexico [Mr. BRATTON] and the Senator from South Carolina [Mr. BLEASE] are absent on account of illness in their families.

Mr. ASHURST. My colleague [Mr. HAYDEN] is necessarily absent. If he were present, he would vote "yea."

Mr. CARAWAY. I have a pair with the junior Senator from New Hampshire [Mr. KEYES], which I transfer to the senior Senator from Missouri [Mr. HAWES], and vote "yea."

Mr. GLENN. I transfer my pair with the senior Senator from Iowa [Mr. STECK] to the senior Senator from Vermont [Mr. GREENE] and vote "yea."

Mr. GLASS. I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM]. In his unavoidable absence I withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. DENEEN (after having voted in the affirmative). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I notice that Senator is not in the Chamber, and I therefore withdraw my vote.

The result was announced—yeas 33, nays 22, as follows:

YEAS—33

Allen	Glenn	Oddie	Sullivan
Ashurst	Goldsborough	Phipps	Swanson
Barkley	Hale	Ransdell	Thomas, Idaho
Black	Hastings	Reed	Townsend
Broussard	Hatfield	Robinson, Ind.	Walcott
Caraway	Hebert	Robsion, Ky.	Walsh, Mass.
Copeland	Kendrick	Sheppard	
Dale	McCulloch	Steiwer	
Fess	Metcalf	Stephens	

NAYS—22

Blaine	Cutting	La Follette	Shipstead
Borah	George	McKellar	Trammell
Brock	Harris	McNary	Vandenberg
Capper	Howell	Norris	Walsh, Mont.
Connally	Johnson	Nye	
Couzens	Jones	Pine	

NOT VOTING—41

Baird	Goff	McMaster	Smoot
Bingham	Gould	Moses	Steck
Blease	Greene	Norbeck	Thomas, Okla.
Bratton	Grundy	Overman	Tydings
Brookhart	Harrison	Patterson	Wagner
Deneen	Hawes	Pittman	Waterman
Dill	Hayden	Robinson, Ark.	Watson
Fletcher	Heflin	Schall	Wheeler
Frazier	Kean	Shortridge	
Gillett	Keyes	Simmons	
Glass	King	Smith	

So Mr. GLENN's amendment to the amendment was agreed to.

The amendment as amended was agreed to.

TECHNICAL CONSTRUCTION, AIR CORPS

Mr. REED. Mr. President, I ask unanimous consent to be permitted to report from the Committee on Military Affairs, after unanimous vote of that committee, House bill 12923, to authorize appropriations for construction at military posts, and for other purposes. This is to provide for construction during the forthcoming year.

This bill was passed unanimously in the House, I am told, the committees in the House and the Senate have been unanimous, it meets the approval of the War Department, the Budget Bureau, and the President, and it is necessary to pass the bill now in order to make sure that estimates for the work provided for it can be put into the Budget next autumn. The committee has made no amendments to the bill.

Mr. LA FOLLETTE. Mr. President, how much does the bill authorize?

Mr. REED. Approximately $4,000,000.

The VICE PRESIDENT. The bill will be reported.

The bill was read by title.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was read the third time and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $4,370,019 to be expended for construction and installation at military posts of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows:

Barksdale Field, Shreveport, La. (attack wing): Hangars, $170,000; field shop, $8,000; photo building, $42,000; parachute and armament building, $15,000; gas and oil storage, $10,000; paint, oil, and dope warehouse, $5,000; paved aprons, $85,000; grading landing field and technical building area, $115,000; completion field warehouse, $12,000.

Bolling Field, Anacostia, D. C.: Completion of field shop, warehouse, headquarters, photo and parachute buildings, $91,000; grading landing field and technical building area, $150,000; completion of gas and oil storage, $3,000.

Brooks Field, San Antonio, Tex.: For conversion of airship hangar to provide hangar, warehouse, operations, photo, parachute, and armament facilities, $25,000; for the conversion of the School of Aviation medicine building to headquarters building and dispensary, $10,000; radio building, $6,000; gas and oil storage, $5,000; paved aprons, $17,000: *Provided*, That authorization for the construction at Fort Sam Houston, Tex., of hangars, $40,000; field shop, $60,000; headquarters building, $20,000; photo, radio, parachute, and armament buildings, $61,000; gas and oil storage, $5,000; and improvement of landing field, $20,000, authorized in the act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved May 26, 1928 (45 Stat. 48), is hereby canceled.

Duncan Field, San Antonio, Tex.: Hangars, $242,000; paved aprons, $102,000; gas and oil storage, $8,000; paint, oil, and dope warehouse, $20,000.

Fairfield Air Depot, Fairfield, Ohio: Completion of hangars, headquarters, and operations building, $43,000; paved aprons, $51,000; oil-reclamation building, $15,000.

Langley Field, Hampton, Va.: Hangars, $322,000; wing-operations building, $40,000; completion of photo and parachute buildings, $9,000; completion of gas and oil storage, $10,000; paved aprons, $81,902; grading landing field and technical-building area, $15,000; camera obscura building, $3,000.

Fort Leavenworth, Kans.: Paved aprons, $9,000; grading landing field and technical-building area, $3,959.

March Field, Riverside, Calif.: Gas and oil storage, $5,000.

Maxwell Field, Montgomery, Ala.: Completion of hangars, headquarters and operations, field shops, photo, parachute, and school buildings, $201,000; central heating plant, $50,000; paved aprons, $18,000; grading landing field and technical-building area, $50,000.

Mitchel Field, Long Island, N. Y.: Paved aprons, $53,000; completion of hangars, field shops, field warehouse, headquarters and operations buildings, radio, photo, parachute, and armament buildings, $251,504.

Randolph Field, San Antonio, Tex. (first and second units): Field warehouse, $5,000; parachute building, $6,000; completion of school building, $80,000; gas and oil storage, $25,000; school of aviation medicine building, $75,000; grading landing field and technical-building area, $150,000.

Middletown Air Depot, Middletown, Pa.: Warehouse heating plant, $50,000; paved aprons, $5,000.

Selfridge Field, Mount Clemens, Mich.: Completion of hangars, field warehouse, field shops, headquarters and operations buildings, photo, radio, parachute, and armament buildings, $338,000; paved aprons, $51,000.

Wheeler Field, Hawaii: Hangars, $113,000; completion of field shops, field warehouse, headquarters and operations buildings, photo and parachute buildings, $94,000; paved aprons, $102,000; grading landing field and technical-building area, $127,000.

Albrook Field, Canal Zone: Completion of hangars, field shops, field warehouse, and photo building, $50,000; paved aprons, $50,000; grading landing field and technical-building area, $280,000.

France Field, Canal Zone: Completion of hangars, depot shops, depot warehouse, administration building, photo and parachute buildings, $232,000; grading landing-field and technical building area, $150,000; camera obscura building, $3,000.

Dallas, Tex.: Operations building, $5,000.

Fort Bliss, Tex.: Gasoline-storage system, $1,654.

Hatbox Field, Muskogee, Okla.: Operations building, $5,000.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 3064) to make permanent the additional office of district judge created for the eastern district of Illinois by the act of September 14, 1922.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8296) to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes."

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12996) to authorize appropriations for construction at military posts, and for other purposes, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RANSLEY, Mr. SPEAKS, and Mr. QUIN were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a joint resolution (H. J. Res. 393) making an appropriation for the United States Massachusetts Bay Colony Tercentenary Commission, in which it requested the concurrence of the Senate.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred as indicated below:

H. R. 11204. An act to establish the United States border patrol, to regulate the entry of persons into the United States, and for other purposes; to the Committee on Commerce.

H. J. Res. 393. Joint resolution making an appropriation for the United States Massachusetts Bay Colony Tercentenary Commission; to the Committee on Appropriations.

RECORD OF SENATOR WILLIAM J. HARRIS

Mr. TRAMMELL. Mr. President, I have been impressed with the clear and concise statement of the record of Senator WILLIAM J. HARRIS, from a neighboring State. Senator HARRIS is recognized as one of the most conscientious, faithful, and useful Members of this body. I ask unanimous consent that the statement of Senator HARRIS's record be inserted in the RECORD.

COMMITTEE ASSIGNMENTS

Senator HARRIS is a member of the Democratic steering committee of the Senate, which is virtually the cabinet of the Democratic leader. It assigns Democratic Senators to committee places and outlines for submission to party conferences policies to be pursued by the party in the Senate.

He is a member of the Senate Committees on Appropriations, Immigration, Territories and Insular Affairs, Commerce, and Military Affairs. By virtue of his rank on the first three he is one of the five Senate conferees to adjust differences on measures between the House and Senate.

He is a member of the Permanent Board of Visitors to the United States Military Academy at West Point, N. Y., where 30 Georgia boys are being educated.

He is the southern member of the National Forest Reservation Commission and recently secured an appropriation of $300,000 to purchase forest lands in Georgia and Carolina mountain counties. This commission is composed of three of President Hoover's Cabinet, two Senators, and two Representatives.

APPROPRIATIONS

Senator HARRIS holds a higher place on the powerful Committee on Appropriations than any Georgian ever held, and through the rule of seniority he hopes to become chairman. He is now one of the five Senate conferees, also one of nine Senators on subcommittees which handle appropriations for the following departments: Agriculture, Interior, State, Justice, Commerce, Labor, Treasury, Post Office, and War Department.

Congress at the last session authorized the following appropriations in which the people of Georgia are vitally interested:

Six-million-dollar loans to farmers, under the Harris-Crisp amendment, with which to purchase fertilizer and seed. The bill as it passed the Senate appropriated $7,000,000 for this purpose, but it was reduced through the insistence of the House conferees to $6,000,000.

Five hundred and six thousand and sixty-seven dollars, under the Harris-Vinson bill, to reimburse the State of Georgia and counties for roads and bridges damaged by floods last year.

Eighty-five thousand dollars, under the Harris-Edwards bill, to stop erosion of Tybee Island.

Eighty thousand dollars, under the Harris amendment, for eradication of the phony peach disease.

Sixty-five thousand dollars, under the Harris amendment, to continue the work of finding new uses for cotton.

Twenty thousand dollars, under the Harris amendment, for reestablishment of the Sea Island industry in south Georgia.

Forty thousand dollars, under the Harris-Brand bill, for the Agricultural College at Athens to pay county agricultural agents.

Five thousand dollars, under the Harris amendment, for the Georgia State reforestation substation at Blairsville.

Four hundred thousand dollars, under the Harris-Tarver bill, for repair of roads leading from Chickamauga Park in Catoosa and Walker Counties.

Georgia received this year from the Federal Government for good roads alone $3,309,387.

Senator HARRIS has for several years secured appropriations for experiments to make paper out of Georgia pine, which grows four times as fast as Canada spruce. The experiments and test show that paper can be made from Georgia pine, and it is hoped that a large part or all of the $100,000,000 now sent from the United States to Canada each year for the purchase of paper will soon be diverted to Georgia and other Southern States.

He also secured appropriations for the Foreign and Domestic Commerce office in Atlanta, and for the Georgia fish hatchery, which is the largest in the south.

RIVERS AND HARBORS

The Committee on Commerce, of which Senator HARRIS is a member, deals with rivers and harbors, merchant marine, flood control, public health, and related matters. Few States have as many rivers and harbors as Georgia, and it receives several million dollars a year for their improvement. Every river and harbor in Georgia is generously treated. River transportation reduces freight rates on farm and all other products.

Congress at the last session made appropriations for further development of Savannah, Brunswick, and Darien Harbors, and of the Savannah and Chattahoochee Rivers, also for survey and development of the following: Oostanaula River, Etowah River, Richardson Creek, Flint River, Sapelo River, South Newport River, Altamaha River, Ogeechee River, the Satilla River, inland waterway at Thunderbolt, waterway connecting the Ocmulgee and Flint Rivers, waterway for barge traffic from the mouth of St. Marys River on the Atlantic to connect with the proposed Gulf intracoastal waterway by the most practicable route.

Senator HARRIS was author of an amendment for survey of the intracoastal canal from North Carolina to the St. Johns River in Florida. This year's appropriation of $5,000,000 will complete the canal along the entire Georgia coast.

He was also the author of an amendment for survey of an intracoastal canal from New Orleans to the Apalachicola River, thence up the Chattahoochee River to Columbus. Senator HARRIS and Congressman WRIGHT, of Newnan, secured an appropriation of $600,000 at the last session of Congress for what is known as the Mobile-Pensacola Intracoastal Canal and Chattahoochee River project. The original appropriation for this project was only $75,000, but it was increased by $525,000 in the Senate under amendment of Senator HARRIS.

Congressman EDWARDS, member of the House Committee on Rivers and Harbors, and the Georgia delegation secured more for Georgia rivers and harbors this year than ever before. When the bill came to the Senate committee Senator HARRIS not only held all the House items but had the total appropriations for Georgia rivers and harbors increased by $1,500,000.

Senator HARRIS introduced and secured the passage by the Senate of a resolution appropriating $100,000 to aid in discovery of the cause and in the control of cancer, from which 1,400 Georgians die each year.

MILITARY POSTS AND PARKS

The Committee on Military Affairs, of which Senator HARRIS is also a member, deals with matters pertaining to the Army. The military posts and parks in Georgia include Fort Oglethorpe; Chickamauga Park; the Arsenal at Augusta; Fort Benning at Columbus; Fort Screven at Savannah; Fort McPherson and headquarters of the Fourth Corps Area at Atlanta.

Congress at the last session authorized an expenditure of $1,066,660 for construction of barracks and officers' quarters at Fort Benning. The House bill authorized an expenditure of only $700,000, but it was increased $366,660 under amendment of Senator HARRIS in the Senate. Many millions more were appropriated for repairs to buildings and roads, for maintenance of the posts and stations, and for pay of officers and soldiers. Practically all of this is spent in Georgia, and merchants, laborers, and farmers profit from it. Every dollar sent to Georgia helps business and reduces unemployment.

AID FOR FARMERS

The welfare of the farmer is always uppermost in the mind of Senator HARRIS. When farmers prosper, manufacturers, merchants, bankers, professional men, and laborers also prosper.

Senator HARRIS secured market news service for Georgia so as to enable fruit growers and farmers to find market for their crops without expense to themselves.

Through appropriations secured by him, amounting all together to $200,000, new uses for thousands of bales of cotton have been found, which reduces the surplus and tends to raise the price of cotton.

When the boll weevil was first so destructive to cotton the price of calcium arsenate advanced 300 per cent. Senator HARRIS then secured an appropriation of $100,000 to find a better and cheaper poison, and this brought about a great reduction in the price of calcium arsenate.

Senator HARRIS secured the passage of a law making it a penitentiary offense for an employee of the Agricultural Department to give out statements predicting lower prices for cotton. Three years ago such a statement was used by speculators and gamblers on the New York Cotton Exchange to depress the price of cotton, and as a result the farmers who held cotton at that time lost $100,000,000.

Senator HARRIS criticized Chairman Legge of the Farm Board for giving out a statement relative to cotton, which was also used by these speculators and gamblers to depress the price of cotton $2.50 a bale. This statement cost the holders of cotton millions of dollars. This criticism of Chairman Legge did not indicate any unfriendliness to the Farm Board. On the contrary, Senator HARRIS has consistently voted for all its requests for power and funds, so that it might be able to help the farmer in every way possible.

Cotton linters were formerly included in Census Bureau reports of the number of bales of cotton ginned. This gave an erroneous impression of the number of bales actually on hand and lowered the price of cotton. Senator HARRIS had the bureau change its reports so as to separate linters from cotton.

When packing houses were paying from 2 to 4 cents a pound less for Georgia peanut-fed hogs than for Kansas and Nebraska corn-fed hogs, Senator HARRIS secured the passage of a resolution for experiments to determine the relative value of peanuts and corn as hog feed. These showed that the flavor of meat from peanut-fed hogs was actually superior to that from corn-fed hogs, and saved millions for Georgia hog raisers.

Five years ago farmers wrote Senator HARRIS that the price of fertilizer had been raised $7 a ton, and that all the fertilizer companies had the same high price. He took the matter up with the Department of Justice and as a result the Federal Government prosecuted members of the Fertilizer Trust for combining to raise the price. The trusts were fined $98,500, and some barely escaped the penitentiary. Fertilizer prices went down $7 a ton, saving Georgia farmers many millions.

Senator HARRIS has done everything possible to have Muscle Shoals developed so as to give the farmer cheaper fertilizers, but the Fertilizer and Water Power Trusts have kept a big lobby in Washington to prevent it.

Senator HARRIS has several times appeared before the Interstate Commerce Commission to secure cheaper freight rates for Georgia cotton, melons, peaches, naval stores, and all farm products. The Senate has twice passed his bill reducing parcel-post rates to the farmers. He is author of constructive amendments to the Federal reserve and Federal warehouse acts. These amendments helped the farmers and business men.

Appropriations secured by Senator HARRIS to help the farmers amount to many millions. Aside from the items listed above, funds have been provided for the following: Peach experiment station at Fort Valley; tobacco station at Tifton; naval-stores industry; and generally for the cotton, tobacco, hog, peach, pecan, sirup, and peanut industries. Senator HARRIS has favored large appropriations for good roads, and he feels that the Federal Government should pay relatively more at this time so as to lessen the burden on the States and counties. As has been stated under appropriations, Georgia this year has received for good roads alone $3,309,387.

Senator HARRIS opposed the Smoot-Hawley tariff bill, and voted to limit tariff revision to schedules or items that might in some way help the farmer. He supported and voted for the export debenture clause, which would have raised the price of cotton 2 cents a pound or $10 a bale.

Senator HARRIS and the late Senator Watson were members of the farm bloc, which was composed mainly of Senators from the South and the Middle Western States and which was organized to secure a just consideration of all agricultural matters.

IMMIGRATION

The patriots who fought for the independence of the Colonies never intended that America should become the dumping ground for people from all countries of the world. Foreigners in sympathy with American ideals have been welcomed in such numbers as could readily be assimilated, but when the annual influx reached a million, as it did before the World War, Congress realized that restriction of immigration was essential. Aside from the danger to the Government these foreigners aggravated the unemployment problem.

Senator HARRIS urged strongly that America's doors be closed to immigrants for a period of five years. Failing in this effort he introduced an amendment, which passed the Senate, limiting the number to be admitted in any one year to 82,000, or half the number authorized by existing law.

The present law does not restrict immigration from Mexico and as a result 65,000 to 75,000 Mexicans have been coming into the United States each year to work in the cotton fields of Texas and Oklahoma. This cheap labor has greatly increased production and brought down the price of cotton. Senator HARRIS introduced and secured the passage by the Senate of a bill which will limit the number of Mexicans entering this country each year to about 1,500. This bill has also been favorably reported by the House committee, and it will no doubt be passed by the House and become a law next winter.

VETERANS' RELIEF

Senator HARRIS has supported all measures for the relief or benefit of veterans and the widows and children of those who sacrificed their lives for the country.

He supported the bill to increase the pension of veterans of the Spanish-American War and voted to override the President's veto of this bill. In appreciation of his work for the veterans of that war he was made an honorary member of the General Joe Wheeler Camp, United Spanish War Veterans.

Senator HARRIS also supported the bill to liberalize compensation for disabled veterans of the World War and intended to cast his vote to override the President's veto but the House, to which the bill was returned by the President, supported the veto, thus preventing further consideration of that bill by the Senate.

Senator HARRIS is the author of the act authorizing the President to appoint sons of those who were killed or died during the World War to the United States Military and Naval Academies. He was coauthor with Congressman WRIGHT, of Newnan, of the act providing for the continuance of the payment of compensation after the age of 18 to war orphans and children of deceased veterans who are pursuing courses of instruction in schools, colleges, and universities. Several hundred Georgia boys and girls will receive $120 a year under the latter act to assist them in completing their education and training.

Col. John Thomas Taylor, American Legion representative in Washington, wired Commander Charles P. Graddick, of the American Legion of Georgia:

> Senator HARRIS has been particularly active in the interest of veterans, and I consider him a sincere friend of the American Legion.

Commander Graddick himself wrote Senator HARRIS as follows:

> Before I close my legion files, I want to thank you for your cooperation with the American Legion throughout my administration.
>
> Legionnaires throughout the State appreciate what you have done and I assure you that personally I am deeply grateful to you.

CAMPAIGN EXPENDITURES

Senator HARRIS voted against seating Newberry and Frank L. Smith, whose election to the Senate had been bought by the traction and power interests, and he also opposed seating Vare, whose election cost more than $1,000,000. Mrs. MCCORMICK, the daughter of Mark Hanna, has admitted she spent more than $300,000 in the Illinois primary. She probably spent a million. The greatest menace to this form of government is the election of Senators and Representatives through the use of money. The Senate should not be a millionaires' club, as it once was called, but should be composed of Members representing the great masses of the people. When a Senator buys his seat, he feels he owes the people nothing and votes against their interests on all occasions, opposing appropriations for good roads and other purposes that would help the farmers and seeking to relieve the rich of their share of the burden of taxation.

WHITE SUPREMACY

When Senator HARRIS was appointed by President Wilson as Director of the Census negro men and white women worked side by side. Senator (then Director) HARRIS issued an order segregating the negroes from the whites. He was the first official in Washington to issue an order of this kind.

When President Harding appointed the negro, Henry Lincoln Johnson, recorder of deeds, where white women would have been compelled to serve under him, Senator HARRIS and Senator Tom Watson defeated his confirmation. When Ben Davis, the negro national committeeman from Georgia, had Judge Tilson, of Atlanta, appointed United States judge in the middle district, where he did not live, it was largely through the opposition of Senator HARRIS that he was defeated. Senator HARRIS opposed the nomination of Judge Parker for Supreme Court Justice. Judge Parker had rendered a decision in the Richmond case in favor of the negroes and against the whites, and in the court opinion questioned the validity of the Virginia law against the intermarriage of white people and negroes. Other reasons for opposing Judge Parker are given later in a separate section.

His colleague, Senator GEORGE, and he are authors of the law to investigate and prevent the sale of post-office appointments in Georgia by Ben Davis, and others.

REDUCTION OF TAXES

Senator HARRIS has consistently supported reduction of income taxes. At the same time he has insisted that the man with a small salary is just as much entitled to consideration as the millionaire. He has also urged the reduction or complete elimination of the so-called nuisance taxes.

In order to make possible the reduction of income and nuisance taxes Senator HARRIS has demanded strict economy in all departments of the Government and has opposed appropriations that were not manifestly necessary and urgent.

Senator HARRIS was the author of the first amendment making the tax on incomes earned by labor less than on incomes received from bonds, dividends, and so forth.

TARIFF REVISION

President Hoover called a special session of Congress in the spring of 1929 for the express purpose of providing relief to the farmer through a revision of the tariff or otherwise.

The President, supported by Democrats and progressive Republicans, urged that the revision be limited to farm products, farming implements, and tools, or to schedules that might in some way afford relief to the farmer. Reactionary and standpat Republicans, remembering the huge campaign contributions from industrial barons, demanded higher duties on all manufactured articles, and, having a majority in both Houses, disregarded the wishes of the President as well as the masses of the people.

Coached by GRUNDY and numerous other brazen lobbyists, the House and later the Senate committee reported out and Congress passed the Smoot-Hawley tariff bill, the most iniquitous measure ever enacted. It will increase the price of all the necessities of life, and will thus add to rather than lighten the burden of the farmer.

While Senator HARRIS vigorously opposed this bill from its inception, he supported and voted for the export debenture clause, which would have raised the price of cotton 2 cents a pound or $10 a bale.

COOPERATION WITH COLLEAGUES AND PRESIDENT WILSON

Senator HARRIS has at all times cordially cooperated with the Georgia delegation in the House and with his colleagues, Senators Hoke Smith, Thomas E. Watson, and WALTER F. GEORGE. Senator Watson, after serving with Senator HARRIS, said that no Senator worked harder for the common people.

Mr. William A. Watson, brother of the late Senator Thomas E. Watson, in letter of July 12, 1930, to Senator HARRIS states:

> It gives me pleasure to say that you can count on my support in the coming election and I wish to assure you that my friendship and continued loyalty to you will be for more reasons than one.
>
> One reason is that you have given your every best service to the people of Georgia and have ever been on the lookout for their best interest.
>
> A further reason for my love and esteem for you is for the great respect that you always showed to my brother and also to myself.

Senator HARRIS consistently supported the policies of the Wilson administration and frequently conferred with President Wilson. During his last illness that immortal statesman,

Woodrow Wilson, said Senator HARRIS's record in the Senate measured up to his high ideals.

VOTE AGAINST JUDGE JOHN J. PARKER FOR SUPREME COURT

Judge Parker was appointed by President Hoover to a position on the Supreme Court after his First Assistant Secretary of the Interior had asked the President to make this appointment, with the statement that the appointment of Judge Parker would be "a master political stroke at this time." Judge Parker's chief claim to fame up to this time was his unsuccessful races in North Carolina on a Republican ticket. He was opposed by some negroes on account of a speech he was charged with having made while a candidate for governor. Judge Parker in an effort to conciliate these negroes denied making this statement. He was favored by other negroes because he wrote an opinion as judge holding that the city of Richmond could not preserve white racial integrity by requiring negroes to live in one section of the city and white people in the other. In this opinion Judge Parker threw out the inference that State laws prohibiting the intermarriage of white people and negroes were unconstitutional.

Senator HARRIS's vote was cast against him for the following among other reasons:

First. Judge Parker's appointment was not made on account of ability but as "a master political stroke," in an effort to make North Carolina a Republican State. The Supreme Court of the United States should not be filled with political appointees. This is especially dangerous to the South.

Second. The Supreme Court is no place for a judge who has, in a judicial opinion, questioned the validity of State laws against the intermarriage of white people and negroes.

Third. Judge Parker used his discretionary powers to issue an injunction curtailing human liberty. Senator HARRIS opposes any such doctrine.

Fourth. Judge Parker restrained the supply "of money or other assistance to be used by men, women, and children in the strike district," and necessary to provide them "with food, doctors, necessary supplies of all kinds, and undertakers in case of death." This was not in line with any Supreme Court opinion. Senator HARRIS will never vote for any man for judge of the highest court in this land who would issue an injunction so thoroughly inhuman and indefensible as to starve hungry women and children and then prohibit giving them a decent burial.

Fifth. Judge Parker is not an outstanding lawyer, and he does not possess such intellectual and judicial accomplishments, and he is not of such caliber as to make him a suitable man for this high office.

LEAGUE OF NATIONS

When Senator HARRIS first ran for the Senate the World War was in progress and Woodrow Wilson, that great Democratic chieftain and matchless statesman, was President, and he pledged the people of Georgia, if elected, to support the policies of the Wilson administration, which he did. That was the issue in his first campaign against Mr. Hardwick.

The League of Nations was embodied in the treaty of peace negotiated with Germany while Mr. Wilson was President, and under world conditions existing at the time this treaty of peace was before the Senate for action Senator HARRIS, in common with practically all of the southern Senators, voted for its ratification with reservations.

Since that time world conditions have radically changed, factional differences have arisen among the members of the league, governmental policies of some of the European countries are quite different from what they were thought to be, the nations associated with the United States during the World War have since revealed their true attitude toward this country with reference to the settlement of the war debts, and the league has not been conducted on such a plane and in such a manner as to accomplish the high objects and purposes contemplated by President Wilson and its supporters in the United States. Had the United States, then the acknowledged leader of the world in matters relating to pacific settlement of international disputes, taken an active part in the affairs of the league from its first organization, it might and probably would have developed along different lines.

In their efforts to destroy President Wilson demagogues in the Republican Party, assisted by some Democrats, have so misrepresented the nature and purpose of the League of Nations and so poisoned the minds of the American people as to deter the United States from again taking the lead in measures designed to prevent war during this generation at least.

Under all conditions existing to-day Senator HARRIS does not favor and would not vote for this country to enter the League of Nations, and some other Southern Senators now share these views. He took this position several years ago when the foreign war debt settlements were under consideration by the Senate.

WORLD COURT

Senator HARRIS and his colleague, Senator GEORGE, joined in the almost unanimous vote by the Senate for adherence to the World Court, with reservations that fully protected American interests and made it clear that the United States would not be required or expected to intrude upon, interfere with, or entangle itself in "the political questions of policy or internal administration of any foreign state." Neither would the United States be under any obligation to assist by force or otherwise in the enforcement of the judgment of the court.

A resolution favoring the World Court had previously been adopted by the House of Representatives, and every Member of the Georgia delegation present at the time, with one exception, voted for it. Resolutions indorsing the World Court had also been adopted by the American Legion and other patriotic organizations. That the American Legion has not swerved from the policy enunciated in 1925 is shown by the resolution adopted at the last national convention in Louisville, Ky., October, 1929, which reads as follows:

Resolved, That the American Legion reaffirm its position in favor of adherence by the United States to the Permanent Court of International Justice upon such terms as shall properly safeguard the interests of the United States.

The original resolution of 1925 to which allusion is made in the Louisville resolution, was no doubt sent to all Senators, and there can be no question that it influenced them, to some extent at least, in their votes on January 27, 1926, for adherence to the World Court with reservations.

Under the statute of the court and the Senate reservations the United States would not be bound to submit any matter or question to the court unless the United Sates voluntarily agreed to do so, and it could not be forced to do so by any other country. One of the reservations also provided that "membership in the court shall involve no legal relation with the League of Nations." Any statement to the contrary is deliberately made to deceive the people.

Among the many misstatements that have been and are still being made with reference to this question is one that the statute or constitution of the court can be amended or changed at will by the League of Nations.

The statute of the court is an independent treaty or protocol signed by 54 nations and formally ratified by 42 of them. The League of Nations and any of the powers signatory to the treaty or protocol can propose amendments to the statute of the court, just as the American Congress and any of the States can propose amendments to the Constitution of the United States, but the League of Nations alone is as powerless to change a single word in the statute of the court as the American Congress without ratification by three-fourths of the States is to amend the Constitution.

The League of Nations does appoint the 11 judges and 4 deputy judges of the World Court, just as the President, by and with the advice and consent of the Senate, appoints the Chief Justice and other members of the Supreme Court. The League of Nations also provides funds to meet the expenses of the World Court, just as Congress does for the Supreme Court. In short, the World Court bears the same relation to the League of Nations as the Supreme Court bears to the President and Congress, and it is just as independent in its essential powers and prerogatives.

One of the reservations of the Senate was not acceptable to England and some of the other powers, so the United States has never become a member of the court. If adherence to the World Court by the United States again comes up for consideration by the Senate, Senator HARRIS will vote against it unless reservations are made which clearly and unequivocally leave the United States absolutely free to act at all times, which set forth in unmistakable language that the United States will under no circumstances be a party to any political engagements or any entangling alliances with a foreign country, and which preserve the absolute independence and sovereignty of the United States.

It must not be forgotten, however, that Senator HARRIS is opposed to war and will continue to support every honorable measure looking to its prevention, at the same time protecting his country's interests.

In keeping with this policy Senator HARRIS has voted for every treaty of arbitration to prevent war that has been before the Senate during the last 12 years, including the so-called Kellogg pact outlawing war, though it is but a gesture. On the other hand, he and the late Senator Watson, his colleague at the time,





opposed the 5-power naval pact, which, under the guise of a treaty for the limitation of armament, was in reality an alliance with England, France, Italy, and Japan.

He has opposed and will continue to oppose sending American boys to Nicaragua, Mexico, or any other foreign country to supervise elections or collect debts for Wall Street.

The Senate reservations to the World Court referred to above are as follows:

1. That such adherence shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the treaty of Versailles.

2. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other states, members, respectively, of the council and assembly of the League of Nations, in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for the filling of vacancies.

3. That the United States will pay a fair share of the expenses of the court as determined and appropriated from time to time by the Congress of the United States.

4. That the United States may at any time withdraw its adherence to the said protocol and that the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

5. That the court shall not render any advisory opinion except publicly after due notice to all states adhering to the court and to all interested states and after public hearing or opportunity for hearing given to any state concerned; nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.

The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated, through an exchange of notes, their acceptance of the foregoing reservations and understandings as a part and a condition of adherence by the United States to the said protocol.

Resolved further, As a part of this act of ratification that the United States approve the protocol and statute hereinabove mentioned, with the understanding that recourse to the Permanent Court of International Justice for the settlement of differences between the United States and any other state or states can be had only by agreement thereto through general or special treaties concluded between the parties in dispute; and

Resolved further, That adherence to the said protocol and statute hereby approved shall not be so construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall adherence to the said protocol and statute be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. DALE (for Mr. GREENE), from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolution:

On July 1, 1930:

S. 215. An act to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928;

S. 3691. An act to amend an act entitled "An act relative to naturalization and citizenship of married women," approved September 22, 1922;

S. 4663. An act granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough (Washougal Slough) to Lady Island on the Columbia River in the State of Washington; and

S. J. Res. 184. Joint resolution to declare July 5, 1930, a legal holiday in the District of Columbia.

On July 2, 1930:

S. 4683. An act to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan.

ADDITIONAL REPORT OF A COMMITTEE

Mr. VANDENBERG, from the Committee on Commerce, to which was referred the bill (S. 4769) to amend an act entitled "An act creating the Great Lakes Bridge Commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.," approved June 25, 1930, being Public Act No. 433 of the second session of the Seventy-first Congress, reported it without amendment and submitted a report (No. 1159) thereon.

INVESTIGATION BY TARIFF COMMISSION

Mr. COPELAND. Mr. President, I ask unanimous consent to offer a resolution directing the Tariff Commission to make an investigation, and ask for its present consideration.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the clerk will read the resolution offered by the Senator from New York.

The resolution (S. Res. 313) was read, as follows:

Resolved, That the Tariff Commission is hereby directed to investigate the differences in the cost of production between the domestic article and foreign article, and to report upon the earliest date practicable upon the following articles: Wood flour; organs; pipes; bowls, and smokers' articles; reptile skin leather for shoe purposes, and pigskin leather; wool and wool goods.

This request is made under and by virtue of section 336, and the following sections of the tariff act, approved on the 17th day of June, 1930.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. THOMAS of Idaho. Mr. President, I did not understand the list of articles. May they be stated again?

The PRESIDING OFFICER. The clerk will restate that part of the resolution for the information of the Senator from Idaho.

The LEGISLATIVE CLERK. The articles are wood flour; organs; pipes, bowls, and smokers' articles; reptile skin leather for shoe purposes, and pigskin leather; wool and wool goods.

Mr. THOMAS of Idaho. I should like to have the resolution go over.

The PRESIDING OFFICER. The resolution will go over until to-morrow.

Mr. COPELAND. Mr. President, if the Senator will withhold that request for a moment, we are perfectly justified under the law as we passed it in asking for these investigations. I can quite understand that the Senator from Idaho does not want any investigation made of the wool business. I am not surprised at that, of course, because perhaps the rate on wool is too high. Nevertheless, that is why we have the Tariff Commission; and I assume that the Senator is going to be willing that the Tariff Commission shall be asked to make this particular investigation.

The PRESIDING OFFICER. Under objection, the resolution will go over until to-morrow.

Mr. THOMAS of Idaho. I may say that the result of the investigation and studies made by the Tariff Commission of the wool schedule was that the tariff fixed in the bill recently passed is not high enough.

Mr. COPELAND. Then, perhaps this investigation will tend to justify it.

Mr. COUZENS. Mr. President, I understand that the resolution has gone over.

The PRESIDING OFFICER. The resolution has gone over until to-morrow.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting nominations, which were referred to the appropriate committees.

MOTOR-BUS TRANSPORTATION

The Senate resumed the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

Mr. GLENN. Mr. President, I send to the desk an amendment which I ask to have read.

The VICE PRESIDENT. The clerk will report the amendment.

The LEGISLATIVE CLERK. The Senator from Illinois offers the following amendment: On page 20, line 22, in the matter proposed to be inserted by the committee, to insert a period after the word "carrier" and to strike out the rest of the line and all of lines 23, 24, and 25.

Mr. GLENN. Mr. President, this is not an involved matter; at any rate, it is one which can be very briefly and very easily stated. The question is a direct question.

Under the committee amendment it is provided that—

No consolidation, merger, or acquisition of control shall be approved under this section if it involves the consolidation or merger of two or more carriers by railroad or the acquisition of control of any carrier by railroad by another such carrier; nor shall any consolidation, merger, or acquisition of control be approved under this section if one or more of

the corporations involved is engaged, directly or indirectly, in the transportation of persons by railroad.

The question and the only question involved in the proposed amendment to the committee amendment is this: Shall the railroads be prohibited from engaging in motor-bus transportation? That is the question involved here. It is my position, first, that for the convenience of the public for the bus transportation that can be afforded we should not deny its use to the specialists in the carriage of persons, the railroads who have been engaged in the business and who have perfected it through all the years and become specialists in it, and turn it over exclusively to people who have had a short and perhaps no experience in it at all. We should at least give the railroads, whose business it has been and is to transport people, an opportunity to engage in the business, to complement, to supplement their present lines, their present trains, with motor busses where the traffic is not sufficient to justify the hauling of large heavy trains at great expense.

Second, I think it will tend for better, more rapid, safer transportation of people than by prohibiting these specialists from engaging in the business.

Third, upon the matter of the justice and the equity of the proposed amendment, everybody knows that all over the country, in every State of the Nation, the short-haul passenger business of the railroads has been very largely eliminated, greatly curtailed, and in some instances almost totally destroyed by the transportation of people by motor busses upon the public-owned highways builded largely by the taxes paid by the railroad corporations.

I say it is not fair to those concerns who have contributed so largely to the building of these great systems of highways in the country to say, "You are engaged in the transportation business; you of all people are the only class of people or organizations in the country who shall be prohibited from operating your business upon these public highways which you have helped to build." I say there is no justice and no equity in it, in my humble opinion.

The railroads have recently, as we all know, reached out and supplemented their transportation systems by engaging in the motor-bus business. More recently they have also supplemented their business through connecting their train transportation of people with airplane transportation. I think it is in the interest of the public for speed, for safety, to allow these specialists in transportation at least to compete for the certificate of convenience and necessity with all the other organizations and citizens of the country.

Mr. COUZENS. Mr. President, the amendment proposed by the Senator from Illinois [Mr. GLENN] is an amendment in the interest of the railroads, so that they may control all methods of passenger transportation. That is the simple proposition involved. In the case of the National Government developing the waterways and in the enactment of legislation covering the control of the railroads, every Senator knows that the railroads were prohibited from owning and controlling boat lines. We may just as well not have any bus lines at all if they are going to be owned and controlled and operated by the railroads.

It is well known that in many cases where the large transportation systems by railroads own and operate bus lines, they are doing everything possible to discredit the bus lines. Stories have come to me of the Pennsylvania Railroad, for instance, owning and operating a bus line and making it so inconvenient, uncomfortable, and disagreeable for bus passengers that they have been compelled to desert the bus lines in transit, having been told by the bus operators, "You had better go over to the railroad station and take a train."

If the Glenn amendment is adopted, the bus bill ought to be killed; there should be no bus bill. A bus bill of that sort would be the most ineffective piece of legislation Congress ever enacted if the amendment of the Senator from Illinois is adopted permitting the railroads to own and control and operate the bus lines.

The Senator from Illinois talks about the railroads having built the hard-surfaced highways. I wish he would ask the farmers of the country who, in their opinion, have built and paid for most of the hard-surfaced highways.

The committee amendment is offered for the purpose of maintaining independent, untrammelled bus operation. It is inconceivable that the Congress should agree to legislation which would permit the railroads of the Nation to own, operate, and control all of the passenger traffic facilities of the country. It seems to me nothing further need be said, because it is perfectly evident what is the purpose and intent of the amendment.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. COUZENS. I yield.

Mr. BARKLEY. I agree with the Senator in the main that it would certainly be a misfortune if the railroads were allowed to consolidate with them the competing bus lines; but it is entirely conceivable that a railroad might wish to establish a feeder bus line that would not be a competitor of its own railroad line, but a line from some isolated community so that passengers might be brought to the railroad station. Is the language of the committee amendment intended to prevent that?

Mr. COUZENS. The language of the Senate committee amendment applies to consolidations.

Mr. BARKLEY. Of course, we all know that bus lines have very materially invaded the field of transportation for passengers in competition with the railroads.

Mr. COUZENS. That is also true of the boat lines.

Mr. BARKLEY. Personally I would rather ride twice the distance on a bus than on a railroad to get from one point to another because I enjoy riding on the bus. But that is a question, of course, with which we need not concern ourselves in legislating. I can understand how a railroad might legitimately establish a bus line from some isolated community to its own line or its own station, or that it might wish to purchase a line already existing that is not in competition with the railroad, but which would simply feed it by bringing passengers to it. Does the Senator think that would be a dangerous or unwholesome permission to be granted by the Interstate Commerce Commission?

Mr. COUZENS. If the Senator can suggest language that would insure competition between the bus lines and the railroads, certainly I would not object; but I do not want to yield an inch in the direction of permitting the railroads to control the bus transportation of the country.

Mr. BARKLEY. There is not very much difference in the language of the House bill which has been stricken out and the first half of the amendment of the Senate committee. In the first place, I ought to call attention to the fact that the bill authorizes consolidations and mergers and acquisition of lines that are sought to be regulated under the bill. I understand it was feared that this language might be construed to authorize the consolidation of railroads, taken in connection with the language which was intended only to apply to busses, but under circumstances different from those provided in the transportation act, and largely as a precaution against that situation the House provided in paragraph (c) that—

> No consolidation, merger, or acquisition of control shall be approved under this section if more than one of the corporations involved is engaged, directly or indirectly, in the transportation of persons by railroad.

That was inserted in order to have it as a protection against the possibility of consolidating railroads under the guise of a consolidation of bus lines.

Mr. COUZENS. That is true.

Mr. BARKLEY. The Senate committee struck that out and has inserted practically the same language, as follows:

> No consolidation, merger, or acquisition of control shall be approved under this section if it involves the consolidation or merger of two or more carriers by railroad or the acquisition of control of any carrier by railroad by another such carrier.

In other words, in order to clarify the situation, that specific part of the committee amendment was inserted so that one railroad shall not be allowed to acquire another railroad, and thus bring about a consolidation that would be unauthorized under existing law.

Mr. COUZENS. We also want to prevent a bus line from acquiring a railroad, which is quite within the realm of possibility.

Mr. BARKLEY. I doubt if any bus line would acquire a railroad.

Mr. COUZENS. With the ingenuity of lawyers they can accomplish anything.

Mr. BARKLEY. It takes more than the ingenuity of a lawyer to enable a little bus line to absorb a big railroad.

Mr. COUZENS. But the Senator assumes that the bus lines are always going to be little. As a matter of fact, they are not.

Mr. BARKLEY. I hope some of them will grow. It seems to me in an effort to prevent the unlawful consolidation of railroads we ought not to lean backward to prevent a railroad, if it wants to, from building a line, not in a parallel direction but at right angles to it, or out into some section of the country where there are neither railroad nor bus line facilities. Certainly we ought not to prevent that. That would be a matter of convenience not only to the railroad but to the people who do not live on the railroad and who like to get to a railroad occasionally.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Montana?

Mr. COUZENS. I yield.

Mr. WALSH of Montana. In view of the argument just advanced by the Senator from Illinois, I am prompted to inquire of the Senator from Michigan whether in determining an application for a certificate of convenience and necessity it might be denied upon the ground that the community is already sufficiently served by a railroad?

Mr. COUZENS. Oh, no. The specific language of the bill gives instructions to the Interstate Commerce Commission that they are not permitted to consider rates or the matter of service as between the two different methods of competition.

Mr. WALSH of Montana. The Senator from Illinois in his argument in support of the amendment now pending referred to the distress under which the railroads were operating by reason of bus competition. Therefore, if that argument is to be advanced the commission ought very properly then to take into consideration the distress under which the railroads operate in awarding the certificate of convenience and necessity. I am glad to be reassured by the Senator from Michigan that in determining the question as to whether a certificate of convenience and necessity should be granted for the operation of a bus line the effect upon the business of the railroad company will not be an element to be considered.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Idaho?

Mr. COUZENS. I yield.

Mr. BORAH. As I understand the Senator from Michigan, if it is not so it ought to be made so. They could not issue a certificate on the theory that the bus line was not necessary because a railroad supplied sufficient transportation.

Mr. WALSH of Montana. I supposed so, but I was led to entertain some doubt about the matter in view of the argument of the Senator from Illinois.

Mr. GLENN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. COUZENS. I yield.

Mr. GLENN. I do not quite understand what I said that should raise that doubt in the mind of the Senator from Montana. We all know that a great part of the short-haul passenger business has been taken away from the railroads by reason of motor-bus traffic.

Mr. WALSH of Montana. Yes; and I understood the Senator to say that that was the reason why some obstacle ought to be placed in the way of granting these certificates of convenience and necessity.

Mr. GLENN. I did not intend to convey that idea. The thought I intended to express was that the railroads, having suffered by reason of this competition, should at least not be the only ones barred from endeavoring to engage in the business; in other words, I think they should have a fair opportunity to get a fair share of the business, and in that way to recoup their losses.

Mr. HOWELL. Mr. President, from some of the remarks which have been made here, one would assume that the railroads of the country had suffered a net loss as the result of the development of the automobile and the bus. It is acknowledged, however, by railroad executives that the freight business, due to the automobile and the bus and other motor vehicles, has more than recouped the railroads for the loss of passenger traffic.

Mr. BARKLEY. Mr. President, will the Senator from Nebraska yield to me?

Mr. HOWELL. I yield.

Mr. BARKLEY. I desired to ask the Senator from Michigan [Mr. COUZENS] a question before the Senator from Nebraska got started, but I will not do so if it will inconvenience the Senator from Nebraska.

Mr. HOWELL. It will not at all inconvenience me; in fact, I shall yield the floor.

Mr. BARKLEY. I desire to ascertain the effect of this proposed amendment should it be agreed to. The testimony before the committee showed, and I think it is well understood, that some of the railroads, in order to preserve their own business, have established bus lines of their own. I happen to know of a case where, the people seeming to prefer to travel by bus, the railroad took off its local passenger trains, and substituted bus lines. Those lines are in existence now. Is this amendment intended to compel the unscrambling or the discontinuance of such bus lines as are already owned by the railroads?

Mr. COUZENS. The committee amended the bill so as to exempt substantially all bus lines in operation on April 1.

Mr. BARKLEY. So that, if adopted, the proposed legislation would not affect the lines which are already in operation?

Mr. COUZENS. Certainly not.

Mr. BARKLEY. But it would only affect consolidations for which application may be made in future?

Mr. COUZENS. That is true.

Mr. BARKLEY. Of course, we understand that the same situation exists as to the city street-car lines. In the town where I live, for instance, the track has been taken up on some of the streets, and the street-car company has been authorized by the city council to operate bus lines instead of street cars over the same streets.

Mr. COUZENS. This proposed legislation will not be retroactive.

Mr. BARKLEY. It will not be retroactive, and would have no effect on those bus lines which already exist?

Mr. COUZENS. No.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. GLENN] to the committee amendment.

Mr. COUZENS. Mr. President, I hope the amendment of the Senator from Illinois to the committee amendment will not be agreed to. If it should be agreed to, it would destroy the whole legislation.

Mr. GLENN. Mr. President, I do not think it would at all destroy the whole legislation. The main demand as to motor-bus regulation is not to destroy any legitimate business, whether conducted by railroads or anybody else, but to promote safety, to prevent accidents such as occurred in New Mexico a short time ago; such as occurred in Michigan a few days ago on the route between Chicago and Detroit and Grand Rapids; to eliminate as far as possible the congestion on highways; and to prevent wild-cat busses driving private automobiles off the highways. That is the demand. It is not to destroy any single class of business in this country.

I do not think that allowing the great railroad organizations of America, which have specialized in building up the business of transportation, to engage in the bus business will destroy the object of the bill at all. If it is the desire to destroy reputable prosperous concerns, and to put the business in the hands of wildcatters, then the bill should be killed. I think the proposed amendment to the amendment should be adopted, and I think its adoption would greatly improve the rather radical and wild bill which came into the Senate.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Wisconsin?

Mr. GLENN. I yield.

Mr. BLAINE. I should like to ask the Senator if there is anything in this bill which will prevent the railroad busses from driving people off the highways?

Mr. GLENN. I think there is. I think the railroad operators—those in charge of the railroads in the country—will conduct their business with much more discretion and with much more safety, not only for the passengers they carry, but for other occupants of the highways than will those who are here to-day and gone to-morrow—driving from Los Angeles, Calif., to Portland, Me., once and never again. I think the amendment would be a very great help along the line of the inquiry of the Senator from Wisconsin.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Illinois [Mr. GLENN] to the amendment reported by the committee.

Mr. COUZENS. I ask for the yeas and nays.

Mr. CUTTING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Glass	McKellar	Shortridge
Black	Glenn	McNary	Steiwer
Blaine	Goldsborough	Metcalf	Sullivan
Brock	Hale	Moses	Swanson
Broussard	Harris	Norris	Thomas, Idaho
Capper	Hastings	Nye	Trammell
Connally	Hatfield	Oddie	Vandenberg
Copeland	Hebert	Phipps	Wagner
Couzens	Howell	Pine	Walsh, Mass.
Cutting	Johnson	Ransdell	Walsh, Mont.
Dale	Jones	Reed	Watson
Deneen	Kendrick	Robinson, Ind.	
Fess	La Follette	Robsion, Ky.	
George	McCulloch	Sheppard	

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Illinois [Mr. GLENN] to the committee amendment. [Putting the question:]

Mr. GLENN. I ask for a division, Mr. President.

Mr. NORRIS. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. DENEEN (when his name was called). I have a pair with the Senator from North Carolina [Mr. OVERMAN] and therefore withhold my vote.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM] and therefore withhold my vote.

Mr. GLENN (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. STECK] and therefore withhold my vote.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. He being absent and I being unable to obtain a transfer, I withhold my vote.

Mr. REED (when his name was called). I transfer my general pair with the Senator from Arkansas [Mr. ROBINSON] to my colleague [Mr. GRUNDY] and will vote. I vote "yea."

Mr. THOMAS of Idaho (when his name was called). On this question I have a pair with my colleague the senior Senator from Idaho [Mr. BORAH] and therefore withhold my vote. If my colleague were present and at liberty to vote, he would vote "nay," and if I were at liberty to vote I should vote "yea."

The roll call was concluded.

Mr. CARAWAY. Making the same announcement as on the previous roll call as to my pair and its transfer, I vote "nay."

Mr. GLENN. I transfer my pair with the senior Senator from Iowa [Mr. STECK] to the junior Senator from California [Mr. SHORTRIDGE] and will vote. I vote "yea."

Mr. McNARY. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Vermont [Mr. GREENE] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from New Jersey [Mr. KEAN] with the Senator from Washington [Mr. DILL];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Utah [Mr. SMOOT] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER];

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH];

The Senator from Minnesota [Mr. SCHALL] with the Senator from Maryland [Mr. TYDINGS]; and

The Senator from South Dakota [Mr. McMASTER] with the Senator from Nevada [Mr. PITTMAN].

I am not advised how any of these Senators would vote on this question if present.

The result was announced—yeas 21, nays 27, as follows:

YEAS—21

Allen	Hale	Metcalf	Steiwer
Broussard	Hastings	Oddie	Sullivan
Copeland	Hatfield	Phipps	Walcott
Fess	Hebert	Ransdell	
Glenn	Kendrick	Reed	
Goldsborough	McCulloch	Robinson, Ind.	

NAYS—27

Barkley	Cutting	La Follette	Sheppard
Black	Dale	McKellar	Shipstead
Blaine	George	McNary	Swanson
Capper	Harris	Norris	Wagner
Caraway	Howell	Nye	Walsh, Mass.
Connally	Johnson	Pine	Walsh, Mont.
Couzens	Jones	Robsion, Ky.	

NOT VOTING—48

Ashurst	Gillett	King	Smoot
Baird	Glass	McMaster	Steck
Bingham	Goff	Moses	Stephens
Blease	Gould	Norbeck	Thomas, Idaho
Borah	Greene	Overman	Thomas, Okla.
Bratton	Grundy	Patterson	Townsend
Brock	Harrison	Pittman	Trammell
Brookhart	Hawes	Robinson, Ark.	Tydings
Deneen	Hayden	Schall	Vandenberg
Dill	Heflin	Shortridge	Waterman
Fletcher	Kean	Simmons	Watson
Frazier	Keyes	Smith	Wheeler

So Mr. GLENN'S amendment to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question now is on the committee amendment.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. Was a quorum voting?

The PRESIDING OFFICER. The Chair has just had his attention called to that question, and is inquiring to ascertain how many pairs were announced.

Mr. SHEPPARD. Should not the Chair announce that by virtue of the fact that certain Senators were present and paired, but not voting, a quorum was present?

The PRESIDING OFFICER. The Chair will state that the Senator from Illinois [Mr. DENEEN] is present, but could not vote, as well as the Senator from Idaho [Mr. THOMAS]; and that makes 50 Senators present.

Mr. BARKLEY. And the Senator from Virginia [Mr. GLASS].

Mr. COUZENS. Mr. President, there are on the desk three printed amendments that were urged by the Secretary of the Interior. I should like to offer them at this time, if it is appropriate.

The PRESIDING OFFICER. The clerk will state the first amendment.

The LEGISLATIVE CLERK. The Senator from Michigan offers the following amendment:

On page 3, line 25, change the period to a semicolon and add the following:

Or (4) motor vehicles operated, under authorization, regulation, and control of the Secretary of the Interior, principally for the purpose of transporting persons in, into, and about the national parks and national monuments.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The LEGISLATIVE CLERK. On page 16, lines 22 and 23, strike out the words "park or."

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The LEGISLATIVE CLERK. On page 17, line 9, change the period to a colon and add the following:

Provided, That nothing in this section or act shall be construed to repeal, amend, or otherwise modify any act or acts relating to national parks and national monuments under the administrative jurisdiction of the Department of the Interior or Secretary of the Interior, or to withdraw such authority or control as may by law be held by the said Department of the Interior or Secretary of the Interior with respect to the admission and operation of motor vehicles in any national park or national monument of the United States.

The amendment was agreed to.

Mr. CUTTING. Mr. President, in behalf of my colleague the senior Senator from New Mexico [Mr. BRATTON], I send to the desk an amendment.

The PRESIDING OFFICER. The Chair is informed that there is one committee amendment that has not yet been acted upon.

Mr. COUZENS. May that be proceeded with?

The PRESIDING OFFICER. The clerk will state the committee amendment.

The LEGISLATIVE CLERK. On page 23, line 25, after the word "power" and the comma, insert the words "going value," so as to read:

(e) In any proceeding to determine the justness or reasonableness of any rate, fare, or charge of any such carrier, there shall not be taken into consideration or allowed, as evidence or elements of value of the property of such carrier, either good will, earning power, going value, or the certificate under which such carrier is operating; and in applying for and receiving a certificate under this act any such carrier shall be deemed to have agreed to the provisions of this subsection, on its own behalf and on behalf of all transferees of such certificate.

The amendment was agreed to.

The PRESIDING OFFICER. Now, the clerk will state the amendment offered by the Senator from New Mexico on behalf of his colleague.

The LEGISLATIVE CLERK. The Senator from New Mexico [Mr. CUTTING], on behalf of his colleague [Mr. BRATTON], offers the following amendment:

On page 4, after line 19, insert the following new subsection:

"(b) The authority hereinbefore conferred upon the commission to establish reasonably requirements for motor carriers with respect to

maximum hours of service of employees and safety of operation, shall be subject to the following limitations:

"(1) No operator of any motor vehicle shall be required or permitted by any motor carrier, its officers or agents, to be or remain on duty for a longer period than eight consecutive hours. Whenever any such operator shall have been continuously on duty for eight hours, he shall be relieved and not required or permitted again to go on duty until he has had at least eight consecutive hours off duty. No such operator who has been on duty 8 hours in the aggregate in any 24-hour period shall be required or permitted to continue or again go on duty without having had at least 8 consecutive hours off duty.

"The provisions of this subsection shall not apply to the operators of wrecking or relief motor vehicles, nor in any case of casualty or unavoidable accident or act of God, nor where the delay was the result of a cause not known to the motor carrier or its officer or agent in charge of such operator at the time said operator left a terminal, and which could not have been foreseen.

"(2) Every motor vehicle having a capacity of more than 20 passengers shall have at least two operators on duty at all times when the vehicle is engaged in passenger-carrying operations."

Mr. COUZENS. Mr. President, while I do not think this amendment is necessary, I am willing to accept it. It is merely an administrative matter, which I think the Interstate Commerce Commission already has the right to exercise; but I think the amendment is perfectly in order.

Mr. CUTTING. I move the adoption of the amendment.

The amendment was agreed to.

Mr. CUTTING. Mr. President, I send to the desk another amendment offered by my colleague [Mr. BRATTON] and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. Strike out the matter beginning at line 24, page 20, through line 19 on page 21, and insert in lieu thereof the following:

SEC. 10. (a) No certificate or charter carrier permit shall be issued to a motor carrier, or remain in force, unless such carrier complies with such rules and regulations as the commission shall adopt governing the filing and approval of surety bonds or policies of insurance in such amounts and with such sureties, and including such terms and conditions, not in conflict with other provisions of this act, as the commission may require.

(b) The bond or policy required for the purposes of this act—

(1) Shall bind the surety or insurer thereunder to compensate any person (other than the motor carrier or an officer or employee thereof) for personal injury, death, damage to and loss of property, resulting from the operation, maintenance, or use of motor vehicles under a certificate or charter carrier permit, to the extent that the motor carrier is liable therefor by law.

(2) Shall include a provision appointing the motor carrier as the attorney of the surety or insurer under such bond or policy, upon whom process may be served in any suit instituted as provided in paragraph (c), and a provision whereby the surety or insurer consents that in any such suit service upon the carrier shall constitute service upon the surety or insurer.

(c) Any person entitled to compensation under a surety bond or insurance policy required by this act may recover thereon in any court of competent jurisdiction in a suit against the surety or insurer, except that no district court of the United States whose territorial jurisdiction lies within any State shall have jurisdiction of any such suit solely on the ground that the bond or policy is given pursuant to a law of the United States or that the suit is between citizens of different States. Such person may join the carrier as a party defendant in such suit and the carrier shall have the right to intervene as a party in any such suit. Recovery upon any such bond or policy shall not be held to preclude recovery against the carrier for its liability, if any, in excess of the amount of the recovery upon the bond or policy.

(d) Upon the approval of any such bond or policy there shall be issued to the motor carrier a certificate of approval and such copies thereof as may be necessary; and no such carrier shall operate, maintain, or use any motor vehicle under a certificate of public convenience and necessity, or a charter carrier permit, unless there is posted in such motor vehicle, in accordance with such regulations as the commission may prescribe, a copy of such certificate of approval.

(e) The provisions of this section shall not be held to extinguish any remedy or right of action under other law.

Mr. COUZENS. Mr. President, I think that amendment might go in. It is a little more elaborate than the provision of the bill, but it can be straightened out in conference. It is a matter of regulation which would be perfectly proper for the Interstate Commerce Commission to have instructions on.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUTTING. Mr. President, I have one more amendment to offer on behalf of my colleague [Mr. BRATTON], which I ask to have read.

The PRESIDING OFFICER. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 21, after line 22, to insert the following new subdivision:

It shall be the duty of every motor carrier to keep a record of each trip made by the motor vehicles of such carrier, listing the names and addresses of all passengers transported by such carrier.

Mr. COUZENS. Mr. President, that is another rather minor amendment which can go to conference.

The amendment was agreed to.

Mr. HOWELL. Mr. President, I offer the following amendment, on page 4, line 6, following the word "at," to insert the word "maximum."

Mr. COUZENS. I think that is a perfectly proper amendment.

The amendment was agreed to.

Mr. HOWELL. Mr. President, on page 11, lines 11 and 12, I move to strike out the words "of public convenience and necessity."

The purpose of this amendment is to eliminate from the bill the provision for a certificate of convenience and necessity. If a certificate of convenience and necessity is made a condition precedent to the operation of an interstate bus line, it simply means the establishment and creation of monopolies in the bus business in this country.

Are we to put our stamp of approval upon this sort of thing? When, as I stated before, we have provided for the expenditure of hundreds of millions of dollars for the maintenance of competition between water and rail, are we, with competition now at hand, not merely something in the future, to wipe out that competition between the motor and the railroad?

Mr. COPELAND. Mr. President, will the Senator yield to me?

Mr. HOWELL. I yield.

Mr. COPELAND. I do not know the experience of the Senator in this matter, but in my section of the country the highways are crowded with vehicles. I do not know what is going to be the end of the automobile traffic problem. Upon the highways in the suburban sections around the city of New York, out in New Jersey, and beyond that State, enormous vans and great busses, take up almost the entire width of the street, and it does seem to me that before any concern should be permitted to engage in traffic of that sort, there should be a certificate of necessity. Otherwise, heaven only knows how many busses there may be going up and down the highways, to the detriment and to the real danger of all concerned.

Mr. HOWELL. Mr. President, the Senator from New York is aware of the fact that the van to which he refers is just as much an offender as is the bus. Therefore, are we to assume that the Senator from New York believes that certificates of necessity and convenience should be made necessary hereafter in the case of the transportation by motor vehicles of goods and stock and other property? Does he believe we should take that step also?

Mr. COPELAND. Mr. President, if I may answer, I am not sure just how far we should go. If we have a commission which is dependable, one to be trusted, one serving the public interest, as we assume it must be serving the public interest, I think that commission might be trusted to determine whether or not there should be such a certificate of necessity.

Mr. HOWELL. But all the testimony presented was to the effect that those who now enjoy the privilege of operating busses were those who will enjoy the privilege hereafter; in other words, that a monopoly will be established. We can not go this far with bus regulation without laying the foundation for the future requirement of a certificate of necessity and convenience in connection with the transportation of goods.

Mr. President, this is a tremendous question. Are we going to establish monopolies, a series of monopolies, throughout this country to-day? As it is so important, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Deneen	Kendrick	Sheppard
Barkley	Fess	La Follette	Shipstead
Black	Glenn	McCulloch	Sullivan
Blaine	Goldsborough	McNary	Swanson
Brock	Hale	Metcalf	Trammell
Broussard	Harris	Norris	Vandenberg
Capper	Hastings	Nye	Wagner
Caraway	Hatfield	Phipps	Walcott
Connally	Hebert	Pine	Walsh, Mont.
Copeland	Howell	Ransdell	Watson
Couzens	Johnson	Robinson, Ind.	
Cutting	Jones	Robsion, Ky.	

The PRESIDING OFFICER. Forty-six Senators having answered to their names, a quorum is not present.

Mr. COUZENS. I understand there is a meeting going on in the rooms of the Committee on Military Affairs. I move that the Sergeant at Arms be directed to request the attendance of absent Senators, including those who may be attending that meeting.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. BLAINE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BLAINE. Is a motion to adjourn in order?

The PRESIDING OFFICER. A motion to adjourn is in order.

Mr. BLAINE. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin.

The motion was not agreed to.

Mr. NORRIS. Mr. President, I move that the Sergeant at Arms be directed to arrest absent Senators and bring them before the bar of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska. [Putting the question.] The Chair is in doubt.

Mr. SWANSON. I call for a division.

On a division, the motion was not agreed to.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. The Senate having refused to adjourn and having refused to order absentees brought in, can the Chair suggest what we can possibly do?

The PRESIDING OFFICER. We can remain here. The Sergeant at Arms is carrying out the order of the Senate to request the attendance of absent Senators.

Mr. SHORTRIDGE entered the Chamber and answered to his name.

Mr. NORRIS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. Have Senators the right merely to come in and be counted? Why not have the Sergeant at Arms bring them in under arrest, according to our order?

The PRESIDING OFFICER. The Senate refused to order the arrest of Senators.

Mr. SWANSON. Mr. President, no order was made to arrest absent Senators. An order was made that the Sergeant at Arms request their attendance.

Mr. REED and Mr. GEORGE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Nebraska [Mr. HOWELL].

Mr. HOWELL. Mr. President, the importance of the action of the Senate about to be taken with reference to a certificate of convenience and necessity——

The PRESIDING OFFICER. Will the Senator from Nebraska suspend a moment while the Chair lays before the Senate——

Mr. COUZENS. Mr. President, I hope the Chair will not do what he is apparently about to do, because that would constitute the transaction of business, and it would be in order again to suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum is present, as the Chair has just announced.

Mr. COUZENS. Then when the Chair lays before the Senate a message of some kind or other business will have been transacted and another suggestion of the absence of a quorum may be made.

The PRESIDING OFFICER. The Senator is correct if he had that in mind. The Chair will refrain from what he was about to do.

Mr. HOWELL. Mr. President, the importance of the step we are about to take can not be overestimated. Are we to develop all of the bus lines that are now in operation in interstate business into a monopoly? That is the question. Not only that but are the bus lines to be owned by railroads?

Extending west from the Mississippi River to the Pacific coast are bus lines owned by one railroad, paralleling that railroad and paralleling its branches, doing business all through that section of the country. Those bus lines will receive certificates of convenience and necessity, and that railroad will for all time in the future control lines that should be competing lines. It will be practically impossible for any other organization to compete with a railroad in connection with its bus lines.

This railroad company, for instance, is one of the most profitable railroads in the whole country. It is using its surplus funds for the development of bus lines. What we will do if we pass this bill with the provision for convenience and necessity therein will be to give this railroad a franchise for busses covering half a dozen States; not a temporary franchise but a permanent franchise, a franchise that will continue for years to come. It will probably be a franchise in perpetuity. For this reason I have offered the amendment on page 11, line 11, striking out the words "of public convenience and necessity." I trust that the amendment will prevail.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska.

The amendment was rejected.

Mr. BLAINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	Kendrick	Sheppard
Barkley	Glass	La Follette	Shipstead
Black	Glenn	McCulloch	Shortridge
Blaine	Goldsborough	McKellar	Sullivan
Brock	Hale	McNary	Swanson
Capper	Harris	Metcalf	Trammell
Connally	Hastings	Nye	Vandenberg
Copeland	Hatfield	Patterson	Wagner
Couzens	Howell	Pine	Walcott
Deneen	Johnson	Ransdell	Walsh, Mass.
Fess	Jones	Robsion, Ky.	Watson

The PRESIDING OFFICER. Forty-four Senators having answered to their names, a quorum is not present.

Mr. BLACK. Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama. [Putting the question.] The Chair is in doubt.

Mr. COUZENS. I demand a division.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. What is the pending motion?

The PRESIDING OFFICER. A motion to adjourn.

Mr. McNARY. Who made the motion?

The PRESIDING OFFICER. The junior Senator from Alabama [Mr. BLACK].

On a division, the motion to adjourn was not agreed to.

Mr. BLACK. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second to the demand?

Mr. BARKLEY. Mr. President, I make the point of order that it is too late to ask for the yeas and nays after the Chair has announced the result on a division.

The PRESIDING OFFICER. The Chair will stand corrected. The Senator from Kentucky is correct. The question is on the amendment offered by the Senator from Nebraska.

Mr. LA FOLLETTE. I make the point that there is no quorum present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	Kendrick	Sheppard
Barkley	Glass	La Follette	Shipstead
Black	Glenn	McCulloch	Shortridge
Blaine	Goldsborough	McKellar	Swanson
Brock	Hale	McNary	Trammell
Capper	Harris	Norris	Vandenberg
Caraway	Hastings	Nye	Wagner
Connally	Hatfield	Phipps	Walcott
Copeland	Hebert	Pine	Watson
Couzens	Howell	Ransdell	
Deneen	Johnson	Reed	
Fess	Jones	Robsion, Ky.	

The PRESIDING OFFICER. Forty-five Senators having answered to their names, a quorum is not present. The clerk will call the names of the absent Senators.

Mr. BLACK. Mr. President, if it is in order now to make a motion to adjourn and to ask for the yeas and nays, I move that the Senate adjourn, and upon that motion I ask for the yeas and nays.

Mr. SWANSON. I make the point of order that no business has been transacted since the last motion to adjourn.

Mr. McKELLAR. A motion to adjourn is always in order.

Mr. McNARY. Mr. President, is it not essential first to develop the presence of a quorum before a motion of that kind can be made?

The PRESIDING OFFICER. No; a motion to adjourn can be made at any time. Is there a second to the demand for the yeas and nays?

Mr. McNARY. A roll call can not be interrupted for the purpose of moving to adjourn.

Mr. McKELLAR. The roll call has been finished.

The PRESIDING OFFICER. The roll call has been finished.

Mr. McNARY. But the second roll call has not been ordered, which is essential in the process of developing a quorum. Only one call has been had. Under the rules, there is always a call of the absent Senators, after which a further step is to direct the Sergeant at Arms to request the attendance of absent Senators.

Mr. BLAINE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. BLAINE. A motion to adjourn having been made, that motion is not debatable, and it is the only motion that can be put under the circumstances.

The PRESIDING OFFICER. The Chair will have to rule that a motion to adjourn is always in order.

Mr. McNARY. I rise to a parliamentary inquiry.

Mr. BLACK. Mr. President, the yeas and nays have been demanded.

The PRESIDING OFFICER. Let the Chair state that the only point the Senator from Oregon has raised is as to whether a roll call can be interrupted.

Mr. McNARY. Entirely, until we exhaust the processes for the determination of a quorum. Only the first step has been taken; the second is a call of the absent Senators, and the next is to direct the Sergeant at Arms to request the attendance of absent Senators.

Mr. LA FOLLETTE. No.

The PRESIDING OFFICER. The Chair will rule against that contention.

Mr. McNARY. Very well; that is my view.

Mr. SWANSON. I make the point of order that we can not have continuous votes on motions to adjourn. If motions of that kind may be constantly repeated, all a Senator would have to do to conduct an eternal filibuster would be to make such motions. The Senate just voted against adjourning, and since then no business has been transacted.

Mr. NORRIS. Mr. President, I make the point of order that the question is not debatable. The Senator from Virginia is making a speech.

The PRESIDING OFFICER. The Senator from Virginia makes the point of order that the motion to adjourn is not in order, and the Chair sustains the point of order, as the record does not show that any business has been transacted since the last motion to adjourn was defeated.

Mr. BLACK. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. BLACK. A motion to adjourn is business, and a call of the Senate is business.

Mr. CARAWAY. Mr. President, may I propound another parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. CARAWAY. Suppose a roll call discloses the absence of a quorum, then under the ruling no business can be transacted, and the Senate can never adjourn.

The PRESIDING OFFICER. The Chair will state that he understands no business has been transacted since the last motion to adjourn.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. How can the Senate transact any business when there is not a quorum present?

The PRESIDING OFFICER. It can not.

Mr. NORRIS. Another parliamentary inquiry. If the Senate can not adjourn and can not transact any business, then must it stay here forever?

Mr. SWANSON. Mr. President, the Constitution prevents the transaction of business when there is not a quorum present. When no quorum is disclosed, there are but two things the Senate can do. A motion can be made to direct the Sergeant at Arms to request the attendance of absent Senators or a motion to adjourn can be made. I now move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia that the Sergeant at Arms be directed to request the attendance of absent Senators, on which the yeas and nays are demanded. Is there a second?

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BLAINE. I rise to a point of order.

The PRESIDING OFFICER. The Senator can not interrupt the roll call.

Mr. NORRIS. The Senator has already done it.

The PRESIDING OFFICER. For what purpose does the Senator rise?

Mr. BLAINE. I vote "nay."

Mr. CARAWAY (when his name was called). I have a pair with the Senator from New Hampshire [Mr. KEYES], which I transfer to the Senator from Missouri [Mr. HAWES], and vote. I vote "nay."

The roll call was concluded.

Mr. McNARY. Mr. President, I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Vermont [Mr. GREENE] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from New Jersey [Mr. KEAN] with the Senator from Washington [Mr. DILL];

The Senator from Utah [Mr. SMOOT] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER]; and

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING].

Mr. WATSON. Mr. President, without recapitulating the vote, I inquire, does it disclose the presence or absence of a quorum?

The PRESIDING OFFICER. A quorum is not required on a motion to request the attendance of absent Senators.

Mr. WATSON. That is quite true; but I was just wondering whether or not the vote disclosed the presence of a quorum.

The PRESIDING OFFICER. A quorum does not develop.

Mr. WATSON. I desire to make a request for unanimous consent.

Mr. BLACK. A point of order, Mr. President.

Mr. WATSON. I desire to ask unanimous consent that the Senate take a recess until to-morrow at 12 o'clock.

The PRESIDING OFFICER. The recapitulation of the vote has not as yet been made.

Mr. NORRIS. Let the roll call be completed.

Mr. SWANSON. The roll call can not be interrupted, and it is not completed until the result is announced.

The legislative clerk recapitulated the roll call; and the result was announced—yeas 27, nays 16, as follows:

YEAS—27

Barkley	Goldsborough	McNary	Swanson
Capper	Harris	Norris	Trammell
Connally	Hastings	Nye	Vandenberg
Couzens	Hatfield	Oddie	Wagner
Deneen	Hebert	Ransdell	Walsh, Mont.
Fess	Jones	Robsion, Ky.	Watson
Glenn	McCulloch	Sheppard	

NAYS—16

Black	Copeland	Johnson	Phipps
Blaine	George	Kendrick	Pine
Brock	Hale	La Follette	Shipstead
Caraway	Howell	McKellar	Shortridge

NOT VOTING—53

Allen	Gillett	Metcalf	Steiwer
Ashurst	Glass	Moses	Stephens
Baird	Goff	Norbeck	Sullivan
Bingham	Gould	Overman	Thomas, Idaho
Blease	Greene	Patterson	Thomas, Okla.
Borah	Grundy	Pittman	Townsend
Bratton	Harrison	Reed	Tydings
Brookhart	Hawes	Robinson, Ark.	Walcott
Broussard	Hayden	Robinson, Ind.	Walsh, Mass.
Cutting	Heflin	Schall	Waterman
Dale	Kean	Simmons	Wheeler
Dill	Keyes	Smith	
Fletcher	King	Smoot	
Frazier	McMaster	Steck	

So Mr. SWANSON's motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. WATSON. Mr. President, nothing is in order now except a motion to adjourn.

The PRESIDING OFFICER. That is correct.

Mr. WATSON. I desire to ask unanimous consent, however——

The PRESIDING OFFICER. The Senator can not do that unless the order is vacated.

Mr. WATSON. I think anything can be done by unanimous consent.

Mr. COUZENS. Not unless the record is vacated.

The PRESIDING OFFICER. It will be necessary to vacate the record in order to do it by unanimous consent.

Mr. WATSON. I am exceedingly anxious——

Mr. McKELLAR. Why can we not adjourn?

Mr. WATSON. Because it will give a morning hour to-morrow.

Mr. McKELLAR. We ought to have a morning hour.

Mr. WATSON. The condition of the business of the Senate is such that we really ought to take a recess to-night until to-morrow. That is the fact about the matter.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the order be vacated directing the Sergeant at Arms to request the attendance of absent Senators.

Mr. BLACK. I object.

The PRESIDING OFFICER. Objection is made.

ADJOURNMENT

Mr. WATSON. Then, Mr. President, I move that the Senate adjourn until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 6 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 3, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, July 2, 1930

COLLECTOR OF CUSTOMS

A. Lincoln Acker, of Philadelphia, Pa., to be collector of customs for customs collection district No. 11, with headquarters at Philadelphia, Pa. Reappointment.

COAST GUARD

Ensign (Temporary) Kenneth S. Davis to be a lieutenant (junior grade) (temporary) in the Coast Guard of the United States, to take effect from date of oath.

PUBLIC HEALTH SERVICE

The following-named officers in the Public Health Service, to take effect from date of oath:

To be medical director

Senior Surg. James C. Perry.
Senior Surg. Samuel B. Grubbs.
Surg. Dana E. Robinson.
Surg. Louis P. H. Bahrenburg.
Surg. Holcombe McG. Robertson.
Surg. Ernest A. Sweet.

To be senior surgeon

Surg. Friench Simpson.
Surg. Robert Olesen.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *July 2, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, we come to Thee in name of Him whose name is above every name! We praise Him, for He is the sublimest figure in the annals of all time. O guard us against avarice and consuming ambition, and make us such a treasure to those who love us that when we pass it will be as if a star hath fallen out of the sky. Impress us that the things of earth are destined to be pulled down, but the unseen structures of thought and heart will abide. O Thou Savior of the world, stronger than any father, gentler than any parent, truer than any friend, we rejoice in Thy love and mercy and acknowledge our everlasting indebtedness to Thy redeeming power. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 8271. An act for the relief of Brewster Agee; and

H. R. 9347. An act for the relief of Sidney J. Lock.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 13174. An act to amend the World War veterans' act, 1924, as amended.

The message also announced that the Senate insists upon its amendments to said bill, requests a conference with the House thereon, and appoints Mr. WATSON, Mr. REED, Mr. SHORTRIDGE, Mr. GEORGE, and Mr. WALSH of Massachusetts to be the conferees on the part of the Senate.

H. R. 9985. An act to amend the act entitled "An act to amend the national prohibition act," approved March 2, 1929.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3059) to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. JONES, and Mr. RANSDELL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, the bill H. R. 12996, entitled "An act to authorize appropriations for construction at military posts, and for other purposes," insists on its amendments to said bill, requests a conference with the House of Representatives thereon, and appoints Mr. REED, Mr. HATFIELD, and Mr. SHEPPARD to be the conferees on the part of the Senate.

WORLD WAR VETERANS' LEGISLATION

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Would it be in order to move to concur in the Senate amendments to the World War veterans' bill?

The SPEAKER. It would not be in order.

DR. HARVEY W. WILEY

Mr. CLARKE of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution adopted by the Committee on Agriculture with reference to the life services of Doctor Wiley.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The resolution is as follows:

A great pioneer and heroic soul hath gone to join the multitude of others who sought to serve their fellow men, in Dr. Harvey W. Wiley.

For many years Doctor Wiley was the champion and leader in the cause for higher standards in foods, and in that cause, as in many others, for the betterment of humankind. Doctor Wiley appeared before the Agricultural Committee of the House of Representatives many times, bringing to that committee a wealth of information and a viewpoint noble in every aspect.

We, therefore, the Agricultural Committee of the House of Representatives, are placing in the permanent records of the committee, in the CONGRESSIONAL RECORD, and sending Doctor Wiley's family a copy of this resolution of appreciation for a man who made his contribution, through many long years, always in behalf of the betterment of humankind and of pure foods as a contributing cause to that betterment.

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES,
By G. N. HAUGEN, *Chairman.*

WASHINGTON, D. C., *July 1, 1930.*

Approved by Congressmen ASWELL, KINCHELOE, BRIGHAM, HALL, ANDRESEN, MENGES, NELSON, JONES, and CLARKE of New York.

PALESTINE IMMIGRATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, when on November 2, 1917, in the midst of the World War we were startled with the announcement from Palestine known as the Balfour declaration and were informed of the fact that the British Government viewed with favor the establishment of a Jewish homeland in Palestine, nobody could suspect either the massacres of last summer or the announcement of the new policy of this summer.

It looked for a while as though a new area was dawning on the Jewish people of the world. Here was the Jewish race, harassed and persecuted as no other throughout the world with scant hope that this will ever cease, when the British Government announced that it would view favorably the establishment of a Jewish homeland. And all of us hoped, prayed, and ex-

pected that this will solve the vexed Jewish problem and bring peace and happiness to the Jewish race.

Since then and for eight years the land had rest. There were riots in 1921, but they did not do much mischief. Jews continued to build up the country peacefully, and the Arabs, as was said by Maurice Samuel, "made money selling vegetables and fruit to Jerusalem, Tel Aviv, and Haifa."

Jerusalem and Haifa have become big cities and Tel Aviv has taken on the aspect of a California town. Arabs who had land to sell in those cities became rich on such sales, and land values throughout the country rose in consequence.

The Arabs of Palestine were not averse to seeing an increase in the Jewish population of the country, and most of them had no interest in politics altogether. But for the massacres of last summer, the exact cause of which is still the subject of official investigations and on which I addressed this House last year, there would scarcely be any such thing as a Jewish-Arab problem to contend with. But even at that there is no reason for the new policy of the Government, which I shall discuss presently.

The problem of Palestine is not the problem of this country. Here in the United States the powers that be saw fit to embark on a policy of restricted immigration. While all of us may not agree with it, the country as a whole seems to be committed to it, and we feel that unless restriction of immigration is resorted to we will be unable to absorb into our national midst any more immigrants from other countries. But that can not possibly be the situation in Palestine.

In Palestine virgin soil awaits the plow of the husbandman; mountain thickets await the work of the surveyor; there are new roads to be built and there is plenty of work for all productive laborers in the world. Besides, where can the Jewish immigrant go to, now that we have seen fit to exclude him from this country, when his path is barred everywhere and when longingly he casts his eyes at the ancient home of his fathers? We must keep Palestine open for him.

And then, how can we speak of the establishment of a Jewish homeland when there is no home that he can find in Palestine or anywhere else in the world? Where can the Jewish wanderer lay his head? Is he not in the plight of the situation so aptly sung by Byron in his immortal poem?

> Oh, weep for those that wept by Babel's stream,
> Whose shrines are desolate, whose land a dream;
> Weep for the harp of Judah's broken shell;
> Mourn—where their God hath dwelt, the godless dwell.
>
> And where shall Israel lave her bleeding feet?
> And when shall Zion's songs again seem sweet?
> And Judah's melody once more rejoice
> The hearts that leap'd before the heavenly voice?
>
> Tribes of the wandering foot and weary breast,
> How shall ye flee away and be at rest!
> The wild dove hath her nest, the fox his cave,
> Mankind their country—Israel but the grave.

Yes, Israel has but the grave. The Balfour declaration is a mere "scrap of paper." If Jews can not freely emigrate to Palestine, then we may as well give up. Israel has but the grave.

> Tribes of the wandering foot and weary breast,
> How shall ye flee away and be at rest?

Will there ever be rest for the persecuted and foot-weary Jew?

The American people who have contributed such large sums of money and given such devoted attention to the upbuilding of Palestine, be they Jews or Gentiles, can not sit supinely by while this new anti-Jewish activity is taking place.

I appeal to the fairness of the American Congress to take immediate steps to urge the British Government in Palestine to rescind its decree limiting or curtailing the free immigration of Jews to Palestine. Let the Palestinian Government have no fear of economic consequences. Our people will not leave the Jewish immigrant to Palestine in the lurch.

Our public-spirited citizens will do their share; the Jewish immigrant will do his share; and when the years have passed you will see that Palestine will have a wonderful and glorious rebirth, and where one blade of grass grew there will be two at least when the Jew has made his mark on the country.

MY REPORT TO THE PEOPLE OF THE FORTY-SECOND CONGRESSIONAL DISTRICT OF NEW YORK

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MEAD. Mr. Speaker, with the close of this, the second session of the Seventy-first Congress, and in keeping with a practice started at the beginning of my election to Congress, and under the unanimous permission extended to me by my colleagues in the House, I have the honor of submitting this report to the electors of the forty-second congressional district concerning my activities with respect to important legislative matters considered during the life of this session. Reports such as this for the people back home arouse great interest, stimulate thought, create a deeper sense of responsibility concerning the duties of Congress, enable me to decide in what measure I have endeavored to carry out the wishes of my people, and it also enables us both to establish beneficial contacts with each other. The hearty cooperation and helpful advice which I have received from my constituents in the past as a result of these contacts prompts my sending this record of my work during the present Congress.

Convening on December 5, 1929, and adjourning on July 3, 1930, this session has considered a vast number of vital governmental problems, and as regards the most important of these questions I shall explain briefly my attitude and my position.

When one stops to consider the various problems, including prohibition, Muscle Shoals, aviation, tariff, border patrol, retirement, railroad consolidation, veteran and pension legislation, agriculture, unemployment, immigration, rivers and harbors improvements, postal legislation, Federal salary bills, and many other controversial subjects upon which I have taken a frank and definite position, you will realize that while we may not always agree, most helpful and wholesome results will accrue when the Congressman and his constituents understand one another in a clear and honest manner.

UNEMPLOYMENT

The most serious of all the problems of government at the present time resulting from the radical economic changes constantly taking place is the problem of unemployment, and throughout my service as a Member of Congress, and prior to that as a member of the Legislature in the State of New York, I gave particular attention to labor and welfare legislation and shall continue to do so during my career as a public official. During the present session of Congress I introduced three bills bearing directly on the question of unemployment. One provides for the establishment of a national employment system and for cooperation with the States in the promotion of such a free employment system. The second provides for the advanced planning and regulated construction of public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression. The third provides for the establishment within the Department of Labor of a bureau of labor statistics.

This bureau would collect, collate, report, and publish, at least once each month, full and complete statistics of the volume of and changes in employment, as indicated by the number of persons employed, the total wages paid, and the total hours of employment in the governmental service as well as in the following industries and their branches: (1) Manufacturing; (2) mining and crude petroleum production; (3) building construction; (4) agricultural and lumbering; (5) transportation, navigation, and other public utilities; (6) retail and wholesale trades; and such other industries as the Secretary of Labor may deem it in the public interest to include. I am certain that these unemployment bills will, when enacted into law, prove a valuable and substantial contribution to the happiness and welfare of the people of our country. Identical bills sponsored by Senator WAGNER passed the Senate, but unfortunately were modified by the Judiciary Committee of the House; and while some progress has been made during the present session in this direction, I trust the program will be completed before the end of the next session, which convenes in December. While on the subject of labor legislation, let me say that I sponsored a bill reducing the hours of service from 48 to 44 for employees in the Postal Service. This bill was approved by the committee and is now on the calendar of the House. In order that the workers may enjoy some of the benefits of this machine age the hours of employment must be reduced.

RAILROADS

I heartily supported the resolution introduced by Senator COUZENS preventing further consolidations and mergers of our railroads until such time as the Congress has had an opportunity to investigate the question and to define a specific policy for the protection of the employees and the public welfare. Already 50,000 miles of American railroads have been merged, 200,000 employees have been made jobless, and cities and towns have been wiped out by the removal of shops and terminals, which has resulted disastrously not only to the employees and towns affected but to the general prosperity of the entire country. Absorption of weak railroads by stronger ones, resulting

in better service, is bound to prove beneficial; but the merging of strong, competitive railroads, curtailing service, increasing unemployment, and injuring business, is of no value, except, perhaps, to the financial speculators interested in railroad securities.

BORDER PATROL

One of the bills sponsored by the advocates of prohibition was known as the border patrol bill and had for its purpose the creation of a unified border patrol to police the international boundaries to the north and south of the United States. This bill will create an armed force along the entire Canadian boundary from the Atlantic to the Pacific which will increase the burdens of Government to the extent of upwards of $4,000,000. The bill makes it a crime for millions of American citizens who now reside in the vicinity of the international borders to step across the boundary without first reporting at a recognized port of entry, although in some places these ports of entry are more than 200 miles apart. The bill also provides for the un-American practice of voluntary or compulsory registration of American citizens, many of whom live along the border. It hampers and restricts innocent travel between Canada and the United States, and will undoubtedly develop bad feeling with our friendly neighbors. The bill greatly extends the power of arrest of American citizens who by innocently stepping over the international boundary may become law violators and probably criminals. At the present time the boundary is amply protected by immigration officers, custom inspectors, Coast Guard patrol, navigation officers, and others who have, except for the prohibitionists, adequately and satisfactorily enforced existing laws. We now have too many laws and we have laws that make crimes of things that are not crimes, with the result that our prisons are filled to capacity and more are being constructed to house our ever-increasing prison population resulting from these bad laws.

GOOD ROADS

Congress passed and sent to the President a bill providing for the expenditure of $375,000,000 for the construction of good roads throughout the United States, and, as in the past, I supported this legislation because it is an indispensable aid to agriculture, promotes tourist travel within our own United States, provides employment to upwards of 100,000 men, and increases the Nation's business and adds to its national wealth.

RETIREMENT

Congress during this session considered the Dale-Lehlbach bill for the retirement of Federal employees who have upward of 30 years of service and who have reached the ages of 60, 63, 65, and 68, according to the particular class of work at which they are employed. The employees and the Federal Government contribute to the maintenance of this retirement system; and as it is in keeping with the demands of the times, and believing it to be the duty of public and private employers to provide adequate retirement for aged workers, I supported this measure and aided in its being enacted into law.

PENSION LEGISLATION

I supportel the bill increasing the pensions of our Civil War veterans, a most deserving measure for this fading band of heroes who fought to maintain the Union in 1861–1865. I likewise supported the bill to increase the pension allowance in favor of our Spanish War veterans, whose services during the war with Spain and the Philippine insurrection have never been adequately compensated in the matter of pensions. I likewise supported the legislation broadening the scope of the compensation law as it pertains to the veterans of the World War, believing, as I do, that it is the duty of a grateful government to compensate or pension veterans who are disabled as the result of their services to the country.

PROHIBITION

During this session of Congress the prohibition question has come to the forefront more prominently and effectively than at any time since it became a law. Recent primary and election results, State referendums, and the Literary Digest poll, together with the revelations resulting from hearings and investigations conducted by House and Senate committees, have proved convincingly that our people favor repeal or modification of the existing dry laws. While serving as a member of the assembly in 1918 I opposed the ratification of the eighteenth amendment, and as a Member of Congress I voted against the adoption of the Volstead law.

In the closing days of the administration of President Coolidge I voted against the Jones law, which inflicts excessive fines and heavy penalties upon our people, and in the present session of Congress I opposed the program recommended by the Wickersham commission appointed by President Hoover; and, lastly, I opposed the border patrol act because it, too, is another dry law which, like all other dry laws, make crimes of things that are not crimes. As a pioneer opponent of prohibition, believing at the outset that it would fail of its purpose, I believe my stand has been vindicated in the light of experience and the events which have occurred since the adoption of national prohibition. During the present session I introduced several bills recommending the repeal of the prohibition law and spoke in favor of the repeal of the present system and advocated returning to the several States the right to regulate and control this question in accordance with the desires of the people. As I have stated in the past, I believe a plan patterned after the Quebec law would be best fitted for the State of New York and would result in sobriety, temperance, and the greater respect for law.

MUSCLE SHOALS

Again, the matter of the disposition of Muscle Shoals came up for disposition, and I supported the proposal advocated by Senator NORRIS calling for Government ownership and operation of this great power-development plant. The matter is still included in the unfinished business of Congress, because many Members are still anxious to turn this great utility over to private interests for control and operation. Muscle Shoals in operation would prove of immeasurable benefit to the general public in the development of electrical energy and would furnish, in addition to nitrate and fertilizer, light and power to a vast section of the country.

AVIATION

To provide for the development of commercial aviation the Post Office Department sponsored a bill enabling the Postmaster General to increase the number of existing air mail lines as well as to improve existing air mail facilities. This bill was referred to the Committee on the Post Office and Post Roads, of which I am a member, and I was pleased to support the measure after certain amendments in the public interest were written into the bill. All European countries are establishing commercial air mail lines in Central and South America, and to protect America's supremacy in this line this legislation was essential.

TARIFF

In the President's message to Congress, he stated that he was in favor of an effective tariff on agricultural products, and that he was also in favor of some limited changes in other tariff schedules where economic changes have taken place and where new industries have come into being in the last seven years.

The limited changes the President favored, it seems, were something over 1,200, of which 887 of them were advances, as the tariff bill, signed by the President, increased the tariff rates over the rates in the Fordney-McCumber tariff law passed in 1922 on 887 schedules, many of them containing over 100 commodities.

Economists, business men, newspapers, and farm organizations from all over the country have protested against the passage of the Hawley-Smoot tariff law, or as it has been called, and I think properly so, "The Grundy Monstrosity."

The leading economists of the country, 1,028 of them in number, coming as they do from 179 of our leading colleges, also from some of our largest banks and most important industries, set out 12 points as to why this bill should have never become a law.

They were as follows:

First. It will increase the general cost of living.

Second. It will subsidize industrial waste and inefficiency.

Third. It will inflate profits of the few at the expense of many.

Fourth. It will hit city workers hardest.

Fifth. It will rob the farmers it is supposed to help.

Sixth. It will cripple manufacturers through raw-material rates.

Seventh. It will lower the buying power of our foreign customers.

Eighth. It will provoke foreign retaliation against our exports.

Ninth. It will violate the resolution of the world economic conference.

Tenth. It will jeopardize payments from our foreign investments and debts.

Eleventh. It will increase unemployment.

Twelfth. It will poison world peace.

FARM RELIEF

The President called a special session of Congress shortly after his inauguration for the purpose of placing agriculture on a basis equal to industry and suggested the enactment of farm-relief legislation as well as a readjustment of tariff rates. While both these bills were passed by Congress and signed by the President they were highly unsatisfactory to agriculture, as indicated by the votes of Members representing purely rural districts and, what is more, the prices of farm products have declined since the passage of these bills.

So far as New York State is concerned these so-called farm relief bills only add to our taxes, offer no aid to our farmers, and increase very largely the cost of living to all our people.

IMMIGRATION

Further restriction of immigration to the United States is called for in bills presented by Representatives Box, of Texas, and WELCH of California. These bills are designed to restrict immigration from Mexico, Canada, and the Philippines. With the present unemployment conditions existing in this country, I shall support these measures when they come before the House in the next session of Congress.

TAXATION

Since the termination of the World War Congress has passed several bills effecting reductions in income-tax rates. These bills were passed in 1921, 1924, 1926, and in 1929, and in each instance I joined with those of my colleagues who were in favor of granting generous reductions to small income-tax payers, including the heads of families, the little business man, small merchants, and others upon whom the financial burdens of the Federal Government bear heavily.

These bills as originally introduced gave reductions principally to those of great wealth and large incomes, but in every instance were amended to provide reductions to heads of families, small business man, the little merchant, and others of limited incomes.

THE CAPPER-KELLY BILL

The Capper-Kelly fair trade or resale price bill, H. R. 11, has been considered during this Congress; but not having passed, it will again come before us in the session beginning December next. It is aimed at unfair price cutting and cut-throat competition. In commenting on such practices Justice Holmes stated:

> I can not believe that in the long run the public will profit by this course, permitting knaves to cut reasonable prices for mere ulterior purposes of their own and thus to impair, if not to destroy, the production and sale of articles which it is assumed to be desirable the people should be able to get.

I shall be pleased to furnish copies of this bill and to receive such comment as you may wish to make concerning its aims and objects. I believe it to be a meritorious measure and worthy of our serious consideration.

NEW FEDERAL BUILDING FOR BUFFALO

As a result of a decision of the Federal Building Commission, Buffalo will be included in the next list of cities in which a new Federal building will be constructed. I supported the necessary appropriation and together with my colleagues from western New York called on the commission and pointed to the urgent need of such a building at Buffalo.

VETERANS' HOSPITAL FOR WESTERN NEW YORK

The United States Veterans' Bureau is to construct a large general hospital in our vicinity for the treatment of ex-service men in need of hospitalization. Heretofore these veterans were sent great distances away from home to receive treatment which will soon be provided for them in this new institution. I appeared before the veterans' committee of Congress, spoke in support of this splendid project in the House, and on several occasions called on the Director General of the United States Veterans' Bureau, explaining the great need of a hospital for veterans in our section of the country. I rejoice with the American Legion of Erie County, the city and county authorities, with my fellow Congressmen from western New York, and with all the rest of those who cooperated in this successful undertaking.

UNFINISHED BUSINESS

Among the bills not commented upon heretofore which can be listed as the unfinished business of the session, the following are the most important:

1. The Norris resolution which eliminates the so-called lame duck sessions of Congress, a resolution of great merit.
2. The Jones-Cooper maternity bill which provides Federal aid to States in caring for dependent mothers and infants. This bill was not reported out of committee.
3. The bill providing for a national department of education, which I oppose because education is a State function.

CONCLUSION

During the session I addressed a letter to the people of my district, calling attention to the particular services rendered through my office, and I am very happy to report that I received approximately 10,000 replies requesting information on pending legislation, or asking for Government pamphlets or publications, or permitting me to take up some matter of interest with one or the other of the various departments of the Government. Enumerating some of the cases which I took up for the people of the district were pensions, patents, compensation, insurance, immigration, passports, visas, re-entry permits, naturalization, citizenship, Civil Service Commission, military and naval enlistments and discharges. Every request which had to do with one or the other of the Federal departments, bureaus, or commissions was taken up immediately, and every effort was put forth by my office to have the matter settled as favorably and quickly as possible. I also received many requests respecting matters having to do with the city, county, and State officials and departments, and although I am not directly connected with any of them, I endeavored to be of service wherever it was possible for me to do so. As a result of the great number of men and women who are out of work I also received thousands of requests during the past year to find work for residents of our district. In some cases I was successful, but owing to the great number of requests received, and the great difficulty in finding work, as well as the demands on my time here at Washington, I found it quite impossible to do all that I would like to have done in this connection.

I have made it a point to be in constant attendance during the sessions of Congress, especially when important matters affecting the welfare of our people was being considered. My record of attendance, both at the sessions of Congress and at the meetings of the committees, of which I am a member, compares most favorably with the general membership of the House. I have always maintained my political independence, and while adhering to the tenets of my political faith, I have never been persuaded from my judgment by political domination, and have always been free to cast my vote and to express my attitude on important questions without restraint, having ever in mind the public welfare and the best interests of the people of our district.

My office here at Washington is open throughout the year, and I am always eager to hear from the people of the district and to be able to be of some service to them. Another office I maintain at my home, located at 79 Ideal Street, Buffalo, N. Y., where I can be reached during the recess of Congress. The telephone number at my Buffalo office is Jefferson 1095, and there my secretary or myself can be reached by anyone calling between the hours of 9 a. m. and 5 p. m. These two offices open 12 months in every year for the service of the people of our district, have enabled me to handle many thousand requests in the past, and I trust will permit me to be of further service in the future.

May I conclude by assuring you and your friends that I am profoundly grateful for the cooperation accorded me in the past, and likewise for the confidence you have reposed in me while serving as your Representative in Congress.

COUNT CASIMIR PULASKI

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SLOAN. Mr. Speaker, many times in the world's history men speaking from a narrow experience or covering a limited period of time utter proverbs which in a broader view covering the centuries are found to be unsound.

A century ago there was no more common politico-philosophic statement than that republics are ungrateful. The test of 150 years evidenced by American history flatly contradicts that statement.

We were a Nation in the making and many were American sons whose heroic lives and distinct service entitle them to material forms of memory, and they have almost invariably received them.

Nor has our Nation been unmindful of, or ungrateful to, the distinguished characters, who, in the stress of our Revolution, came with their zeal, valor, and fortunes and aided to bring about the independence of the Republic, which is unquestionably the largest and most commanding governmental fact registering the progress of the world in all history.

Almost equally well known with our Washington, Morgan, and Greene, were Lafayette and Rochambeau, the Frenchmen, Von Steuben, the German, and from that nation itself then soon to be dismembered came Kosciusko and Pulaski, the Poles. The first four are memorialized in imperishable bronze in Lafayette Square immediately in front of our Executive Mansion, known as the White House.

Down on the great Capital thoroughfare, known as Pennsylvania Avenue, midway between the Executive Mansion and the Capitol, on an elevated granite pedestal, stands the bronze equestrian statue of Count Casimir Pulaski.

Our Capital City is also our monumental city. Of the various statues and memorials standing throughout its area all are of interest either in historic suggestion or in quality of art exhibited in their workmanship. To me in many respects the most interesting monument or statue, excluding those of Washington and Lincoln, is the one last described. Students of history recall that in the dark days of the Revolution the German Von Steuben came to America and became the successful drill sergeant for our Revolutionary infantry. What Von Steuben did for the American infantry in its discipline, organization, morale, and victorious career, Pulaski, the Pole, accomplished in the cavalry.

At that time the two great arms of conflict were "the foot and horse"—infantry and cavalry—with the artillery as little more than an auxiliary.

A comparison of the Pulaski statue, both man and mount, with every other equestrian statue in Washington, or, for that matter, that I ever observed, shows the spirit of swift movement in man and mount. The sculptor in his vision evidently saw this brilliant, daring Pole with loose rein forward bent on horse who seemed "lithe in every limb."

The ambition of a portrait painter is to cause eyes to glance and lips to speak from the finished canvas. The ideal back of the hammer shaping this statue of bronze was not to create perfection of form in rest or repose, but to carry the suggestion of militant motion, sustained and clearly manifest. It was a vision taken from the plains of Poland in the swift, daring movements of the Polish cavalry of which Pulaski had been a brilliant leader in the wars for independence of his native land and from which he had fled in exile.

Like other venturesome spirits of Europe who came to America and joined in its Revolution, he traveled by way of France and met with America's first, and up to this good hour unequaled, diplomat, Benjamin Franklin. Franklin gave him a letter to Washington. Washington, upon his arrival, accepted his service and gave him assignments which brought him into the two battles in the region where my ancestors first moved, and some of whose descendants live to this day—Brandywine and Germantown.

Here the valor of Pulaski led several headlong charges. Although overpowering numbers warranted the British in claiming apparent success in those battles, yet the revived fighting spirit of the Americans were such that they had the ultimate effect of victories for the American arms.

Special reasons prompted Washington to grant Pulaski the right to organize a legion under his name, which from its organization until the count's glorious death in the battle of Savannah on October 13, 1779, gave an excellent account of itself, ar ' reflects glory upon its famous leader.

Admiral d'Estaing in command of the French fleet of Savannah was wounded. Observed by General Pulaski, regardless of personal hazard, he hurried to his assistance, and the interposition of his body brought the fatal wound which caused his death a few days thereafter.

It was a dramatic occurrence and was one of the two tragedies which the world will not soon forget. Other great men who came to America's assistance lived their lives and died in peace. Pulaski, to whom great tribute was paid by all America in the one hundred and fiftieth anniversary of his death, died on the soil where he was aiding the establishment of a republic.

Kosciusko, his compatriot, in this to them a foreign war, returned to battle for his own land. There he fell. Poland's cause was for more than a century lost. So that Campbell wrote "Freedom shrieked when Kosciusko fell."

When he fell at Cracow admiring Poles have carried soil from the battlefields of his valor to build a monument 150 feet high.

Say no longer that republics are ungrateful. A great shaft stands to Pulaski's memory at Savannah where he fell. A worthy memorial was unveiled at North Hampton by former President Coolidge in his memory. Fourteen cities and four counties are named Pulaski. American babes of pioneer as well as foreign extraction bear in part his name. At the recent celebration throughout the Nation multiplied thousands gathered in public; there were prayers, song, and speech, all attesting the virtues of this American benefactor.

Nay, more, at the close of the World War, representatives of America did much to reestablish Poland as a constitutional republic.

That species of immortality based upon good and noble deeds belonged to Pulaski, the Pole. He lives in the hearts of those he left behind, in the country from which he was exiled, and the new country under a new flag for which he fought to maintain its early and precarious existence.

Many of his race are here in America, intelligent, law-abiding, and patriotic. They, with the rest of us, are the keepers of Pulaski's memory.

REPRESENTATIVE BRAND OF OHIO

Mr. MOUSER. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a statement with reference to the services of CHARLES BRAND, Representative in Congress from the seventh Ohio district, as a Member of the House of Representatives for the past eight years, and to incorporate a letter from Representative L. J. DICKINSON; also a letter from Representative RICHARD N. ELLIOTT.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MOUSER. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following statement with reference to the services of CHARLES BRAND, Representative in Congress from the seventh Ohio district as a Member of this House for the past eight years, and include therein a copy of a letter written to Mr. Harold W. Houston, living at Urbana, Ohio, by Representative L. J. DICKINSON of Iowa. Also a letter written by Representative RICHARD N. ELLIOTT of Indiana, chairman of the Public Buildings and Grounds Committee.

It is known to all the Members of the House that Mr. BRAND, during his eight years' service, has given particular attention to agricultural economics; that he has been consistently an advocate of equality for agriculture; that his activities are well known among the Members of this House and also among all the representatives of agricultural organizations having representatives in Washington, D. C.

Mr. BRAND'S activities have extended over the United States by reason of carrying on extensive speaking campaigns during many recesses of Congress, wherein he carried his message to the individual farmers themselves. I want to pay this tribute to the services of Mr. BRAND, in view of the fact that I consider him one of the most sincere friends of agriculture serving in this House, whose efforts have contributed to the momentum gained by the agricultural interests in the past eight years.

A copy of the above letter referred to is as follows:

JULY 1, 1930.

Mr. HAROLD W. HOUSTON,
Urbana, Ohio.

DEAR MR. HOUSTON: Yours received with reference to the services of the Hon. CHARLES BRAND as Repcsentative in Congress from your district.

It has been my pleasure to be intimately associated with Mr. BRAND in practically every piece of legislation that has had to do with farm relief. He has been one of the outstanding spokesmen advocating farm-relief legislation. Mr. BRAND is a deep student of agricultural economics, and has made many contributions to the agricultural program in his addresses on the floor of the House and in his service among the Members.

It is my judgment that no one has been more faithful to the farm cause than Mr. BRAND. He ranks high in the confidence of everyone interested in the farm problem. I know of no vote cast by him that has not been consistent with the interests of the farm people. On account of his experience, his contacts, and his acquaintances, it is my opinion that it would be a distinct loss to have him displaced in the House by a new man.

In the program for the farm cause and the progress that has been made in the past six years, I know of no one who has given the program more sincere support than Mr. BRAND. No new man from your district could hope to obtain for at least several years as influential or as effective a position as Mr. BRAND is holding at the present time. As a friend of the farmer, persistent in my efforts for the farm cause, I would consider it a distinct loss if Mr. BRAND should retire from the House of Representatives.

Yours very truly,

L. J. DICKINSON.

JUNE 28, 1930.

Mr. HAROLD W. HOUSTON,
Urbana, Ohio.

DEAR MR. HOUSTON: I wish to advise you that Hon. CHARLES BRAND, Representative in Congress from your district, has been a member of the Committee on Public Buildings and Grounds of the House of Representatives for eight years. I have been intimately associated with him on this committee, and I also was associated with him while we were both members of Elections Committee No. 3. I have learned to like Mr. BRAND and appreciate his services very much. In the passage of the public-building legislation, which has been one of the most important things before Congress for some years, he has been a tower of strength and support to me at all times. He is able, efficient,

and industrious; and while I know nothing about the opponents of Mr. BRAND, I do know that his years of service here have fitted him to represent his district. A new man would have to be here several terms before he could be as useful and efficient as Mr. BRAND.

It was due to Mr. BRAND's efforts that Springfield is getting a new Federal building at a cost of $740,000, that Urbana is getting a new building at a cost of $130,000, that Wilmington received a Federal building at a cost of $135,000; and he has succeeded in getting the cities of Marysville, Lebanon, and London into the list of contemplated places for buildings in the near future.

With kind regards and best wishes, I am, very truly yours,

RICHARD N. ELLIOTT,
Chairman Public Buildings and Grounds Committee.

BATTLE OF BRICE'S CROSS ROADS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech made by me some time ago on the Battle of Brice's Cross Roads.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. Mr. Speaker, under the permission granted me I insert below a copy of that address as reproduced in the Confederate Veteran for the month of August, 1925, which reads as follows:

FORREST AT BRICE'S CROSS ROADS

(Address by Hon. JOHN E. RANKIN, Member of Congress from Mississippi, delivered on the battle field of Brice's Cross Roads, June 10, 1925)

Ladies and gentlemen, we are gathered to-day upon sacred ground. This hallowed spot was consecrated by the blood and sacrifices of the noblest army that ever followed a flag. To this historic place the eyes of the world will one day be turned, and upon it future history will forever pour its light. Here was won the most signal and complete victory of the War between the States by either side, and that, too, against the most overwhelming odds. Here 61 years ago to-day was one of the greatest demonstrations of military genius ever manifested, when Nathan Bedford Forrest, that untrained soldier of the South, rose to the emergency of the occasion and wrote his name among the immortals of the ages.

Critics of all countries agree that the greatest evidence of military genius is for a general to divide his army into two or more parts and then successfully concentrate them upon the field of battle. Napoleon did this at Austerlitz, and the sun of fortune rose upon the most brilliant military career in the history of all Europe. He tried it at Waterloo and failed, which terminated that career in ignominious defeat. The genius of Robert E. Lee, combined with that of Stonewall Jackson, astounded and thrilled the world by the execution of that great feat at the Second Battle of Bull Run, which resulted in one of the most glorious victories of all time.

But here in the darkest days of the dying Confederacy, this daring, brilliant soldier matched his genius against skill and numbers, and in the face of a well-fed, well-equipped army that outnumbered his more than 3 to 1 divided his small band of half-naked, half-starved veterans into three separate parts and so successfully concentrated them upon the field of battle as to sweep all before them in a wild riot of inglorious defeat. He killed and captured more men that his own army contained, an accomplishment that, I dare say, was never duplicated in any other pitched battle on American soil.

I stood some time ago upon the field of Manassas, where Stonewall Jackson received his baptism of fire in that conflict as well as his immortal name, and my heart swelled with pride as I looked upon the scene of those two marvelous victories won by the soldiers of the South. I recently surveyed the heights of Gettysburg and caught the thrill that must come to every unbiased soul that scans that sacred field, as I glanced back across the lapse of 60 years and saw with imagination's eye that thin gray line of Confederate veterans march across that open field and up that deadly slope in the face of the most withering fire that was ever concentrated upon the legions of men.

But there is no place on earth that more thoroughly challenges our admiration than the ground on which we now stand, not only for the valor and courage of our brave men who conquered here but for the matchless plan of their dauntless leader, as well as the precision and thoroughness of its terrible execution. They were our relatives, our neighbors, and our friends defending our homes. What could be more gratifying or more inspiring to the children of the Southland than to look upon this historic field and contemplate the glorious achievements here 61 years ago of those brave men we are so glad to call our own? I would rather have their record to my credit than all the monuments wealth could buy. Their monuments as well as their sacred memories are in our hearts. Let us cherish them as the most priceless treasures of our time and transmit them with renewed devotion to the generations yet to come.

But so far this great field is unmarked. If it were in Massachusetts or Pennsylvania, and the victory had gone to the other side, it would to-day be bristling with towering monuments and covered with markers to show where each and every detail of the fight occurred. Volumes would have been written in commendation of the valor here displayed, and its every detail would have been perpetuated in history, song, and story.

Let us neglect it no longer. We should organize a Brice's Crossroads Battle Field Association for the purpose of securing title to this ground, charting and mapping it off, and erecting hereon markers telling to the world the thrilling story of that great struggle. Let us place upon this eminence a monument to Forrest and his followers that will stand as a sentinel finger throughout the coming ages to guide the footsteps of future pilgrims to the ground upon which was achieved one of the most brilliant military accomplishments in the history of mankind, so that when the people of America come to realize the truth concerning the great cause for which those heroes fought and died, and when the world shall come to appreciate the great genius of the matchless leader who commanded here, they may come in humility and gratitude to scatter their flowers of admiration and affection and to draw an inspiration from the examples of valor and heroism enacted here by those men who wore the gray.

It seems to me that it would be quite improper to refer to you or to address you as veterans of the "lost cause." The cause for which you fought and sacrificed was not lost; it was the cause of civilization. It is as much alive to-day as it was in sixty-one, and it will live as long as our free American institutions shall endure. It will be lost only when the ideals of our race shall have vanished from the earth.

Slavery was not the cause that actuated the soldiers of the South in that dreadful conflict. We are all glad that human slavery has disappeared; but the dread of the horrible alternative which some of our opponents would have imposed—that of placing the negro upon terms of social and political equality with the white man—aroused the latent indignation of the Anglo-Saxon South and called forth from the deep wells of human nature the most powerful resentment that ever inspired a human soul to willing sacrifice or battered down the barriers of self-restraint.

Not only would they have placed the negroes on equality with the whites, but some would have placed them in control. To-day, the sons of those men who 60 years ago preached the doctrine of a black South, tell us that the South, with its pure American stock, its high ideals, and its inflexible fidelity to the great principles upon which our civilization rests, will some day be called upon to save this Republic.

Our people had before them at that time the horrible examples of negro insurrections in Haiti and Santo Domingo, where the blacks had revolted and put to death, in the most cruel and unspeakable manner, the white men, women, and children of those unfortunate provinces. Such wanton cruelty was applauded by the opposition and was cited as conclusive evidence of the negro's fitness for self-government. Some of them even proclaimed that he had proved himself superior to the white man. Sixty years have passed away, and the negroes of Haiti and Santo Domingo have lapsed into a barbarism that would shame the jungles of darkest Africa. With 300 years of training behind them; with a modern civilization thrust upon them; with a government already organized; with the sympathy and encouragement of the civilized nations of the earth; in a land extremely rich in climate, soil, and resources; with every possible advantage that could be laid at their feet—the negroes of Haiti have gradually drifted back into savagery, voodooism, and cannibalism, until to-day it requires the constant guard of American marines to save them from themselves and to protect them from one another.

Yet those misguided individuals who advocated a black South would have had the world believe that the Confederate soldiers, who were fighting against those and similar possibilities, were doing so merely to maintain the institution of slavery.

A lost cause! You have won the great cause of white supremacy, by which alone our civilization can hope to endure!

But some will tell you that you lost the cause of secession. It was not a cause; it was a means by which you attempted to maintain the cause of State rights, or local self-government. We all rejoice that the country is reunited; but the great cause of self-government was not lost. Even those who scorned it in those days are now invoking its salutary protection against the dangerous tendencies of the times.

As I look upon this small band of battle-scarred heroes of the Confederacy, I am reminded of the expressions of Daniel Webster as he stood before the veterans of Bunker Hill on that historic field just 50 years to a day after that battle, in which he said:

"Venerable men, you have come down to us from a former generation. Heaven has bounteously lengthened out your lives that you may behold this joyous day. You are now where you stood 50 years ago, this very hour, with your brothers and your neighbors, shoulder to shoulder, in the strife for your country. Behold, how altered! The same heavens are indeed over your heads; the same ocean rolls at your feet; but all else—how changed! You hear now no roar of hostile cannon, you see no mixed volumes of smoke and flame rising from burning Charlestown. The ground strewed with the dead and the dying; the impetuous charge; the steady and successful repulse; the loud call to repeated assault; the summoning of all that is manly to repeated resistance; a

thousand bosoms freely and fearlessly bared in an instant to whatever of terror there may be in war and death—all these you have witnessed, but you witness them no more. All is peace; and God has granted you this sight of your country's happiness ere you slumber in the grave."

We hail and congratulate you, veterans of the Confederacy, the thinning remnant of the greatest army, man for man, that ever wore a country's uniform. Divine Providence has also granted you this wonderful sight of your country's happiness ere you pass to your eternal rest.

On that fatal day, 61 years ago, the clouds hung low and dark above the horizon of the Confederacy. In front of you, deployed upon yonder slope, was a black mass of recently liberated slaves, members of a semi-savage race which our forefathers had elevated from the position of savage to that of servant and had shown the light of civilization for the first time through the unfortunate institution of slavery. All their bestial passions and instincts had been aroused. With badges bearing threats of violence as terrible as any ever perpetrated by the vicious members of their race upon the helpless women and children of Haiti and Santo Domingo, they were threatening the safety of every southern home, as well as the life of every woman and child. It was a test that tried men's souls. You rose to the occasion and gave to the world an exhibition of that courage and determination which carried the South through that terrible war and through those darker years of reconstruction that were yet to come.

Suppose you could have looked beyond those lowering clouds to behold this glorious day. What a consolation it would have been! God grant that the venerated shades of those departed heroes who fell at your sides may be granted a vision of our Southland to-day, that they may realize the blessing which their sacrifices have brought, and know that they did not die in vain.

You have lived to see the principles of self-government and white supremacy survive the wreck of war and the chaos of reconstruction. Instead of following in the wake of Haiti and Santo Domingo down into the implacable mire of mongrelism, degeneracy, and decay, the South has risen like a phœnix from the ashes of her destruction to assume the leadership in the onward march of the greatest civilization the world has yet known. Instead of the black South, which some of our critics predicted, Dixie has become the lasting abode of the purest Anglo-Saxon population to be found on American soil—the race that has built and maintained our modern civilization and upon which its future destiny depends.

You have not only lived to see the survival of those fundamental principles for which you fought, but you have seen the South gradually recover her lost prosperity, until to-day the eyes of the world are turned upon her. The cry used to be, "Young man, go West," but now the slogan is: "Young man, go South." It is the coming section of the world. As Henry Grady once said: "With a gentle climate above a fertile soil, she yields to the husbandman every product of the Temperate Zone." It is the most delightful and the most desirable portion of God's great commonwealth, and the world is to-day finding it out—as is evidenced by the continuous stream of people from other sections of the country hunting homes in that Southland which you have defended in time of war, protected in reconstruction, and preserved and improved in times of peace. It is filled with the happy homes of your children and your children's children, growing in wealth and prosperity, holding high the torch of civilization, and leading the way in the onward march of modern progress.

We congratulate you and congratulate ourselves that we are given this opportunity to lay at your feet the flowers of love and affection, and to manifest in our humble way a small portion of that boundless gratitude which we owe and feel for the great sacrifices you and your comrades made that our Anglo-Saxon civilization might not perish from the earth.

May you spend the remainder of the evening of your eventful careers in quiet and ideal peace. May you serenely rest in the loving care of those about you, mindful of your country's gratitude, conscious of a well-spent life, and confident of its good; and may you "greet the coming of another age of youth and usefulness in another radiant Easter beyond the gates of night."

REPUBLICAN LEGISLATION FOR AGRICULTURE

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. STRONG of Kansas. Mr. Speaker, on March 4, 1921, three years after the war, when the Republican Party came into full governmental control of the Nation it was faced by deplorable conditions. Our Government debt was $26,000,000,000, the various departments of our Government had outstanding obligations running into many millions, and while there was no money in the Treasury, Government bonds were selling at 85 cents on the dollar; industry was paralyzed, labor without employment, and agriculture impoverished.

My purpose is to discuss only the condition of agriculture at the end of the Wilson administration and the legislation which under Republican administration has been enacted into law in an attempt to improve such conditions.

In the aftermath of the war agriculture suffered most, for the following reasons:

During the war a limitation was placed upon the price of the farmers' products without any restriction on the price of that which they had to buy.

They were urged to increase the production of food products to meet the need of our Nation, its army of 5,000,000 men and their allies, which caused them to go in debt.

After the war their credit was restricted and loans called.

Their markets were then flooded with the agricultural products of other countries that came in duty free under the Democratic tariff act of 1913.

Then came the deflation of 1920, during the last year of the Wilson administration, and more than a million farmers lost their farms, while millions more were impoverished.

As soon as the Republican Party came into full power in March, 1921, a special session was called and the "farmers' emergency tariff act" was promptly passed, which restricted the importations of milk, wheat, cheese, poultry, and cream from Canada; corn and beef from Argentina; wool and mutton from Australia; eggs from China; and butter from Norway, Sweden, and Denmark. This was followed by legislation for financial relief through the liberalization of the Federal farm loan act, the creation of the intermediate agricultural credit banks, the rehabilitation of the War Finance Corporation to assist in the exportation of agricultural products, amendments to the Federal reserve act in the interest of agriculture, the cooperative marketing act, and many other helpful laws, so that at the end of two years the Washington legislative representative of the American Farm Bureau Federation in his report to the executive committee under date of April 6, 1923, stated:

> It is not too much to say that the 26 laws passed by that (Sixty-seventh) Congress, which were initiated or supported by us, are of far more importance to agriculture than all legislation pertaining to agriculture passed since the adoption of the Constitution.

Since that date many other laws in the interest of agriculture have been passed; the butter standard act; the free milk act; an act creating a dairy bureau of the Department of Agriculture; the factories and stockyards act; an act to regulate all grain exchanges; the revised Federal highway act; the appropriation of $10,000,000 for purchases of American farm products to be sent to Russia; the rewriting of the farmers' emergency tariff rates in the tariff act of 1922; the establishment of a bureau to assist farmers in cooperative marketing in the Department of Agriculture; legislation providing for the canalization of the Missouri, Ohio, Illinois, and Mississippi Rivers to furnish cheap water transportation to the central agricultural States; and much other legislation to improve agricultural conditions.

The hardest problem to solve was that of the prevention of surplus agricultural products from depressing our American prices, because such surplus had to be sold abroad at the lower price in other countries.

The equalization-fee plan was proposed, the basis of which was that such surplus crops would be purchased at a fair price to American farmers, and the loss in marketing the same in other countries borne by a tax levied upon such products marketed in this country. This plan had the indorsement of the American Farm Bureau Federation, the Farmers' Union, and other farm organizations, but was opposed by the American Grange, who favored the debenture plan. The equalization-fee plan passed both Houses, but met with a veto by President Coolidge.

A plan to pay to exporters of agricultural products an amount equal to one-half of the tariff was also suggested. Objections were made, many holding that other nations would levy an import tax equal to the amount so paid our exporters, which would result in transferring the amount so paid from our Treasury to that of foreign governments without helping our producers. Some claimed that the amount paid the exporters would not be passed back to the producer, while others and a majority of the farm organizations opposed it on the ground that it was a subsidy. This was called the debenture plan, but it has never received sufficient votes to pass both Houses of Congress.

During two years of study of the proposition of "marketing surplus agricultural products" it was pointed out that agriculture was the only industry that had no part in the marketing of its products; that it had become very proficient in production, but had left the marketing to others, who set the price on its products. And it was believed that through farmer-owned and farmer-controlled cooperative marketing associations agriculture

would have that opportunity in establishing a price for its products to which it was entitled.

In the campaign of 1928 the pledge was made on behalf of the Republican Party to create a Federal agency to aid in the solution of farm problems and to revise the tariff in the interest of agriculture, including limited changes in industrial rates, and as soon as President Hoover was inaugurated he called Congress together in special session. The opening words of his message were:

I have called this special session of Congress to redeem two pledges made in the last election—farm relief and limited changes in the tariff.

In such special session a law was enacted creating the Federal Farm Board, with broad powers to assist agriculture, through farmer-owned and farmer-controlled cooperative marketing associations, in the marketing of its products, and providing a fund of five hundred million dollars to be loaned to such marketing associations at rates of interest as low as those which industry enjoyed.

SELFISH INTERESTS OPPOSE FEDERAL FARM BOARD

Unfortunately the grain exchanges at the terminal markets and exporters, through the fear that if a portion of agricultural products were marketed through farmer cooperative associations it would deprive them of commissions, started to oppose the Federal Farm Board and hindered and delayed the benefits hoped for, but it is generally acknowledged that had it not been for the action of the board the present depression from surplus farm products would have been more disastrous, and it is believed that if the farmers will cooperate with the Farm Board that great benefits to agriculture will result.

SELFISH INTERESTS MISREPRESENT TARIFF BILL

The preparation of the Hawley-Smoot tariff bill was undertaken with the usual opposition and untrue propaganda of foreign governments, importers, department stores and the newspapers they support, free-trade economists, American manufacturers who use their American-made money for establishing factories abroad, and the opposition party, all of whom have selfish interests to serve and who sought to mislead both industry and agriculture, but the bill was passed and has been signed by the President. According to the Tariff Commission, which is a nonpartisan body, it has left on the free list two-thirds in value of all our imports and has given to agriculture 68 per cent of the increased duties named in the bill. The American Farm Bureau Federation has announced "that the farm rates in the tariff bill are the highest ever enacted."

The bursting of the inflated Wall Street stock-market "bubble" at the beginning of the winter, the surplus of agricultural and industrial products, together with the importations of goods in the anticipation of advanced tariff rates all were of helpful assistance in causing the deflation for which the opponents of the tariff bill are largely responsible, but which I believe will pass away as soon as such surplus stocks are consumed and the benefits of the Farm Board and the tariff bill become effective.

But that no voter dependent on agriculture may be misled, I set forth the "deadly parallel" between the Democratic Underwood tariff bill of 1913, the Republican Fordney-McCumber Act of 1922, and the Republican Hawley-Smoot Tariff Act of 1930:

Comparison of tariff rates—Food products

Commodity	Underwood Act, 1913, Democratic	Fordney-McCumber Act, 1922, Republican	Hawley-Smoot Act, 1930, Republican
Cattle weighing less than 700 pounds.	Free	1½ cents under 1,050 pounds.	2½ cents per pound.
Cattle weighing more than 700 pounds.	Free	2 cents per pound over 1,050 pounds.	3 cents per pound.
Beef and veal	Free	3 cents per pound.	6 cents per pound.
Swine	Free	½ cent per pound.	2 cents per pound.
Pork	Free	¾ cent per pound.	2½ cents per pound.
Bacon, ham, and shoulders	Free	3 cents per pound.	3¼ cents per pound.
Lard	Free	1 cent per pound.	3 cents per pound.
Lard substitutes	Free	4 cents per pound.	5 cents per pound.
Sheep	Free	$2 per head	$3 per head.
Mutton	Free	2½ cents per pound.	5 cents per pound.
Wool, scoured	Free	31 cents per pound.	37 cents per pound.
Poultry, live	1 cent per pound.	3 cents per pound.	5 cents per pound.
Poultry, dressed	2 cents per pound.	6 cents per pound.	10 cents per pound.
Eggs, fresh	Free	8 cents per dozen.	11 cents per dozen.
Eggs, dried	10 cents per pound.	13 cents per pound.	18 cents per pound.
Butter	2½ cents per pound.	8 cents per pound	14 cents per pound.
Oleo and butter substitutes	2½ cents per pound.	8 cents per pound.	14 cents per pound.
Cream	Free	20 cents per gallon.	56.6 cents per gallon.
Milk	Free	2½ cents per gallon.	6½ cents per gallon.
Cheese and substitutes	20 per cent	5 cents per pound.	7 cents per pound.
Honey	10 cents per gallon.	3 cents per pound.	3 cents per pound.
Potatoes	Free	50 cents per 100 pounds.	75 cents per 100 pounds.
Wheat	Free	30 cents per bushel.	42 cents per bushel.
Corn	Free	15 cents per bushel.	25 cents per bushel.
Oats	6 cents per bushel.	15 cents per bushel.	16 cents per bushel.
Rye	Free	15 cents per bushel.	15 cents per bushel.
Flaxseed	20 cents per bushel.	40 cents per bushel.	65 cents per bushel.
Buckwheat	Free	10 cents per 100 pounds.	25 cents per 100 pounds.
Alfalfa seed	Free	4 cents per pound.	8 cents per pound.
Sweet-clover seed	Free	2 cents per pound.	4 cents per pound.
Red-clover seed	Free	4 cents per pound.	8 cents per pound.

Under the flexible provisions of the 1922 act, President Coolidge, by proclamation, increased the duty on wheat from 30 to 42 cents per bushel; butter and butter substitutes from 8 to 12 cents per pound; cream from 20 to 30 cents per gallon. Flax was increased from 40 to 56 cents per bushel by President Hoover in May, 1929.

FREE LIST, 1930

ARTICLES AND MATERIALS USED BY THE FARMER OR ENTERING INTO THE PRODUCTION OF SUCH ARTICLES AND MATERIALS FOR THE BENEFIT OF THE FARMER IN THE PRODUCTION OF CROPS, LIVESTOCK, ETC., WHICH ARE FREE UNDER THE 1930 ACT

Agricultural implements: Clover-seed scarifiers, corn knives, cream separators valued at over $50 each, cultivators, drills, farm tools, forks, grape-picking knives, harrows, tooth and disk, harverters, hayforks, headers, horse rakes, machetes, mowers, except lawn mowers, planters, plows, reapers, tar and oil spreading machines, threshing machines, tractors and parts, trowels, wagons and parts, and other agricultural implements and machinery.

Animals and poultry for breeding purposes; antitoxins, vaccines, serums; arsenic, white, and arsenious acid; asbestos and stucco; barbed wire; binding twine; calcium—chloride, cyanamide, and nitrate (countervailing duty provision); coal—anthracite, bituminous, slack; coke; briquets; and other fuel compositions principally of coal or coal dust (countervailing duty provision); creosote oil; cyanide (fumigation); fertilizer materials—guano, basic slag, manure, dried blood, bones, bone dust, bone meat, animal carbon (suitable only for fertilizer), horns and hoofs, kelp, moss, crude seaweed; gunpowder and other explosives (countervailing duty provision); hones, whetstones, scythe stones; jute; manila fiber; oils—cod-liver, gasoline, kerosene, petroleum, fuel oil, and lubricating oils and greases; phosphates, crude; pitch; potassium—chloride, nitrate, sulphate; wood ashes; rennet; seeds—sugar-beet, cowpeas; sheep dip; sisal fiber; sodium nitrate, or saltpeter; sulphur; tar; wood—firewood, handle bolts, laths, pickets, poles, posts, logs, rough lumber, shingles; ammonium sulphate (fertilizer material); burrstones, manufactured; calcium arsenate; grindstones; Paris green and London purple; santonin (hog medicine); tankage—fish scrap and fish meal; various fertilizer materials.

ARTICLES OF GENERAL CONSUMPTION AND USE ON THE FARM AND ELSEWHERE WHICH ARE FREE OF DUTY UNDER THE 1930 BILL

Bananas; borax, crude; bread; coffee; palm-leaf fans; ice; lumber, softwood, rough or planed on one side only (from contiguous countries); mineral salt (natural evaporated); needles (hand-sewing and darning); quinine sulphate; sago, crude, and sago flour; shellfish, not specially provided for; tapioca; tea; turmeric; citrons (dried); baking soda (bicarbonate of soda); plaintains; spices, unground.

In the attempt to belittle the benefits of such rates for agriculture, the opposition have circulated much untrue propaganda, and their favorite method is to misrepresent what increased rates on industry will cost the individual, but every farmer knows that he purchases of industry only in small quantities to meet the needs of his family and farm, and many articles so purchased last for many years, whereas he produces in large quantities the products he has to sell, and sells them every year, sometimes every month and every week.

Of course, the duty is often not reflected in the price of either what we buy or sell, since the greater part of both are not imported and competition may make the tariff only partially effective; but the purpose of our tariff law, which has now been approved by both party platforms, is to give our own people the advantage in our own markets over those of other countries.

Kansas secures the most benefit from the wheat tariff, since our State produces most of the high-protein wheat, of which there is not a surplus; hence we receive 10 to 15 cents above the market, since Canadian protein wheat can not come into our markets over the 42-cents-a-bushel tariff.

In the face of this record of legislation for agriculture, no one dependent upon agriculture should have any doubt as to which party should have his support.

FEDERAL FARM-LOAN SYSTEM LEGISLATION

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McFADDEN. Mr. Speaker, I think I would be derelict in my duty as chairman of the Banking and Currency Committee of this House if I allowed this session of Congress to come to a close without challenging some of the statements with regard to the Federal farm-loan system that are to be found in the address of the gentleman from Illinois [Mr. RAINEY], which was printed in the CONGRESSIONAL RECORD under date of June 21, 1930.

Among other things the gentleman stated:

Mr. Speaker, the Sixty-seventh Congress was overwhelmingly Republican—I had been retired from Congress for two years together with scores of others of my Democratic colleagues in the House. The Harding administration, with all its graft and corruption, was in full swing. Any Member of Congress, if he had been advised as to what the farm-land bank bill of that Congress contained, could have stopped the commission of the crime to which I am about to call attention. There were few Democrats in the Sixty-seventh Congress. No Member of the House had an opportunity to read the clause in the agricultural credits act of 1923 to which I am about to call attention before it was adopted. A mere statement on the floor of either House as to what this clause accomplished in the matter of taking away the control of the Federal land banks from the farmer would have defeated the proposition—neither branch of the Congress would have dared to vote for such a proposition if it had been understood. I make no charge that any Member of either branch of the Congress is responsible for what happened; apparently none of them knew it was there.

If no Member of either branch of the Congress is responsible for the insertion of the particular amendment, how, then, did it come to be included in the rural credits act of 1923?

What is the nature of the amendment about which he speaks so feelingly? I will use his own words to explain it:

Mr. RAINEY. The matter inserted at the request of President Harding provided for 7 directors of each Federal farm bank—3 of them to be selected by the stockholders to represent the stockholder borrowers of the system, 3 to be selected by the Federal Farm Loan Board to represent the public, and the farmer stockholder borrowers were authorized to vote for a fourth member, to be called a director at large. The names of the three candidates for director at large receiving the highest number of votes were to be forwarded to the Federal Farm Loan Board and from these three names the Federal Farm Loan Board was authorized to select the seventh member.

The gentleman from Illinois [Mr. RAINEY] says first that no Member of either branch of Congress knew it was included in the rural credits act of 1923. What are the facts? Substantially the same amendment was first brought to the attention of Congress as a part of a bill (H. R. 13125) introduced by Representative STRONG of Kansas on December 4, 1922, at which time it was referred to the Committee on Banking and Currency, of which he was a member, for consideration. The bill was printed and made available to the Members of both Houses. On December 31, 1922, the committee, of which I had recently been made chairman, commenced its hearings on the bill. During the course of these hearings the following Members of Congress appeared before the committee and were given a hearing: Hon. Horace N. Towner, of Iowa; Hon. Melvin O. McLaughlin, of Nebraska; Hon. Harry E. Hull, of Iowa; and Hon. Nicholas J. Sinnott, of Oregon. Many others appeared before the committee in regard to this bill, including Robert A. Cooper, former Democratic member of the Federal Farm Loan Board, who subsequently occupied the important position of farm-loan commissioner. During the course of his remarks, Mr. Cooper stated:

I want to submit to the committee the letter which has been referred to, but which I believe has not been included in the proceedings as yet. When this bill was introduced I got copies of it and sent a copy to each secretary-treasurer in the United States, along with this letter, asking his criticism of the bill.

The letter in full is as follows:

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BUREAU,
Washington, December 9, 1922.

To All Secretary-Treasurers:

For your information there is inclosed herewith a copy of House bill 13125 amending six different sections of the Federal farm loan act.

This measure, the first in the nature of a general revision which has been presented to Congress in the last three years, was introduced in the House of Representatives by Congressman STRONG, a member of the so-called "farm bloc" of the House, having been placed in his hands by the legislative agents of the Federation of Farm Bureaus, whose approval it has. A tentative draft of it was fully discussed at a recent meeting of the presidents of the Federal land banks and approved by all of them except President O'Shea, of the twelfth district, who was absent on account of illness. The Farm Loan Board is inclined to approve the measure in its entirety, although in doing so it is obliged to compromise its views as to some of its provisions, which is always necessary in securing legislation as to which different views exist. * * * You will notice under section 2 that the plan for permanent organization differs from the original act in several respects. The board of directors is reduced from nine to seven. Under the provisions of this bill three will be chosen by associations, three appointed by the Government and those six will annually select a director and chairman of the board for one year, who must be actually engaged in agricultural pursuits at the time of his selection. In event of a tie vote on the selection of this seventh director the farm-loan commissioner is authorized to cast the deciding vote. * * * The board will be pleased to have a specific expression from you concerning these provisions, with any other comment you may wish to make on these or other provisions of the bill.

According to Mr. Cooper's testimony before the committee, the letter from which I have just quoted was sent to the secretary-treasurer of every one of the 4,400 national farm-loan associations then in the system. We see, therefore, that not only did Members of Congress know of the existence of the proposed legislation before it was adopted but the associations, which it is claimed by Mr. RAINEY are so vitally affected, were sent copies of the bill with a request for an expression of their views regarding its provisions.

At the conclusion of extensive hearings by the committee, this bill, with some changes, was incorporated in extenso by the committee as an amendment to Senate bill 4280. This amended bill was reported to the House with the approval of the committee.

The gentleman from Illinois [Mr. RAINEY] says that the committee amendment—

Was an administration amendment—a request for it came from the White House—in order to develop the possibilities for graft in the Federal land-bank system, it was necessary for the "Ohio gang" to steal the banks from the farmers and they did it.

What does the legislative history of the bill show? Let us refer to no less an authority than the gentleman from Arkansas [Mr. WINGO], the ranking Democratic member of the Banking and Currency Committee, who made the following statement on the floor of the House prior to the passage of the rural credits act, which contained the amendment to which the gentleman from Illinois refers:

Mr. STEAGALL. Mr. Chairman, I desire to call the gentleman's attention to the fact in that connection that the Democrats of the Committee on Banking and Currency have furnished the quorum.

Mr. WINGO. The truth of the business is that you would not have had this bill out if it had not been for the Democrats, but that is another story that I will tell you about at another time. (CONGRESSIONAL RECORD, vol. 64, pt. 5, p. 4893.)

The gentleman from Illinois [Mr. RAINEY] states that the bill in question was debated and read in extenso on February 28, 1923. His remarks indicate that he was present when the bill was debated and read. The RECORD shows that he voted for it. The statement of Mr. WINGO to which I have just referred is to be found in the CONGRESSIONAL RECORD of the same date. According to Mr. WINGO, the Democratic members of the committee furnished the quorum that made the passage of the bill possible.

Among the witnesses who appeared in support of the amendment which has ostensibly evoked the last tirade from Mr. RAINEY the committee heard at some length one of his former Democratic colleagues in the House, the Hon. Asbury F. Lever,



who was then president of a joint-stock land bank. Mr. Lever informed the committee at that time:

The proposition contained in the bill before you proposes that the permanent organization shall consist of 7 directors in these various banks, 3 of whom shall be elected by the various farm-loan associations in the respective districts, 3 to be appointed by the Farm Loan Board, and the seventh man to be selected by the 6. * * * Mr. Chairman, I was a member of the Farm Loan Board at the time this recommendation was sent to Congress. All the provisions of this bill have been recommended in the annual report of the Farm Loan Board as providing such legislation as will certainly provide for the future successful operation of the farm-loan system.

I understand the gentleman from Illinois invested in the stock of the joint-stock land bank of which Mr. Lever was president. Upon inquiry I am informed that, according to the books of the bank, he is still a stockholder of record, although I understand he has stated recently that he has disposed of his stock. I may add in this connection that section 16 of the farm loan act provides that the stockholders of every joint-stock land bank shall be liable equally and ratably and not one for the other for all contracts, debts, and engagements of such bank to the extent of the amount of the stock owned by them at the par value thereof in addition to the amount paid in and represented by their shares.

Let me comment briefly on the amendment to which the gentleman refers. Under the amendment which is the present law, the board of directors of each Federal land bank consists of 7 members, 3 of whom are elected by the national farm-loan associations of the district in which the bank is located and are known as local directors; 3 are appointed by the Farm Loan Board to represent the public interest, and are known as district directors; and 1 is selected by the board from the 3 persons receiving the highest number of votes of all the associations in the district, and is known as the director at large. Under this plan the national farm-loan associations, which are composed entirely of farmer borrowers, elect three of the seven directors and make nominations from which the Farm Loan Board must select the fourth. The other three, or district directors, are, as previously stated, appointed by the board to represent the public interest. The law provides that all directors shall have been for at least two years residents of the district for which they are appointed or elected, and local directors shall be residents of the divisions of the district in which they are elected.

Under the law the farmer-borrowers may select directors who are representative of the agricultural industry in the respective districts and familiar with its credit needs. In appointing district directors, the Farm Loan Board is exercising care to obtain the services of the best men available who are fully informed of agricultural and credit conditions and qualified to participate as directors in the determination of the policies of the banks. Congress provided that the public interest should be represented on the boards of directors of the Federal land banks as a means of inspiring and maintaining the confidence of investors in the farm loan bonds issued by the banks and from the sale of which the banks obtain most of their loan funds. Clearly the Congress adopted the right course in making such provision.

The farm-loan system is divided into three major divisions: (1) The governmental body represented by the Federal Farm Loan Board which is charged with the supervision of all of the banks and associations located throughout the United States, (2) the Federal land bank system composed of 12 Federal land banks which make loans to the farmer members of national farm-loan associations chartered by the Farm Loan Board and authorized to do business in their respective land-bank districts, and (3) the joint-stock land banks that make loans directly to individual farmers residing in the States in which they are permitted under their respective charters to operate.

Federal land banks are cooperative institutions whose stock is owned almost entirely by the national farm-loan associations through which they make their loans. Each bank is primarily liable for the bonds issued by it and, in addition, is liable, under the conditions stated in the farm loan act for the principal and interest of the bonds of all the other Federal land banks. The joint-stock land banks are not owned by farmer borrowers, and no joint liability exists among them. They are owned by private investors and should not be confused with the Federal land banks which, as I have indicated, constitute a cooperative enterprise of farmer borrowers. With those essential differences in mind, let us consider some of the provisions of the bill which the gentleman from Illinois has proposed as a panacea for the ills of the farm-loan system.

On December 9, 1929, he introduced a bill to amend the farm loan act (H. R. 6983), which reads, in part, as follows:

Any joint-stock land bank organized and doing business under the provisions of this act may surrender its charter, suspend its operations, and turn over all of its assets to the Federal Farm Loan Board provided such suspension has been duly authorized by a vote of the holders of at least two-thirds of the shares of said joint-stock land bank at a regular meeting or at a special meeting called for that purpose, of which at least 10 days' notice in writing shall have been given to shareholders.

Whenever said suspension has been determined upon the Farm Loan Board shall thereupon take over all the assets of said bank and assume all the liabilities of said bank, and shall deliver to all the bondholders of said bank and to all the shareholders of said bank consolidated bonds issued under section 21 of this act, as amended, as hereinafter provided, said consolidated bonds to be denominated merger bonds and to bear the rates of interest provided for other consolidated bonds issued under this act. Said consolidated bonds shall be divided as equally as may be among all the Federal lank banks and be assigned as equally as may be to all the Federal land banks.

Under the procedure outlined in the section just above quoted any joint-stock land bank might, by a two-thirds vote of its shareholders, decide to go into liquidation and thereupon require the 12 Federal land banks to assume its obligations and pay its shareholders in merger bonds the amount invested by them in their respective shares. Aside from the apparent unconstitutionality of such a provision, it is sufficient to say that if the farmers of this country are brought to an understanding of the real effect of this bill they would never permit the Federal land banks which they own to assume the obligations of every joint-stock land bank that might be in difficulty and thus relieve the stockholders—private investors—from further personal liability on account of the stock which they own.

In other words, if the proposed bill should ever become a law, it would be possible for private investors who have organized a joint-stock land bank for profit, operated it for several years, and received substantial dividends, to cast their burden upon the farmer borrowers of the Federal land banks when the bank sustains losses through distressed loans and mismanagement. In fact, the burden would ultimately fall upon approximately 450,000 American farmers who, to all intents and purposes, own the Federal land banks, and require them to shoulder the load and pay the retiring stockholders in so-called merger bonds the amount which they had invested in their shares. Stated in another way, the Rainey bill would permit the stockholders and bondholders of a joint-stock land bank, who purchased their securities as an investment, to pass their losses, or the burden of discharging their obligations, over to the farmer borrowers of the Federal land banks who are in no wise responsible for them.

What do the farmers of this country say about this proposed legislation? In one breath its proponent commiserates with them on account of the losses which they have sustained during the last years of agricultural depression; he tells them that a scheming Government has defrauded them out of their birthright; and in the next breath tells them that he has introduced a bill for their good.

I happen to have before me a resolution adopted by the Champaign County (Ill.) Farm Bureau, an organization which is in no wise connected with the Federal land banks. It reads in part as follows:

Whereas our attention has been called to H. R. 6983, a bill to amend certain sections of the Federal farm loan act as approved July 17, 1916, and to the remarks of Representative in Congress HENRY T. RAINEY, of Carrollton, Ill., who introduced said bill on December 10, 1929, said remarks appearing on pages 591, 592, 593, and 594 of CONGRESSIONAL RECORD, Appendix, dated Thursday, December 12, 1929, volume 72, No. 10 [permanent RECORD, Dec. 10, 1929, pp. 423–427]; and

Whereas said bill seeks, among other things, "to permit any joint-stock land bank to surrender its charter upon a vote of two-thirds of its stockholders; said stockholders and bondholders to receive Federal land-bank merger consolidated bonds in lieu of their stock and bonds."

In his remarks preceding said bill Representative RAINEY states: "My bill provides for an issue of Federal land bank merger consolidated bonds. Each stockholder and each bondholder to receive in exchange for his stocks and bonds Federal land-bank merger consolidated bonds to the amount he really invested in the stock and bonds, not to exceed the par value of the stock and bonds.

"The Federal land-bank merger consolidated bonds are issued in such a way that all 12 Federal land banks are liable for their payment. My bill will cancel the present receiverships (of joint-stock land banks) and the Federal land-bank system will administer upon the assets and assume the liabilities" (of said joint-stock land banks).

Also, to the remarks of Representative RAINEY on page 592 of CONGRESSIONAL RECORD, Appendix, dated December 12, 1929 [permanent RECORD, Dec. 10, 1929, p. 424], under heading "Control by Federal Farm Board no remedy," wherein Mr. RAINEY states: "The entire system at the present time is being efficiently administered by Mr. Bestor, recently appointed farm-loan commissioner, and his assistants."

Whereas our attention has been called to a newspaper story appearing in the Metropolitan press over the signature of Representative RAINEY, under dates of May 1 and 2, one of said stories appearing in a certain Springfield, Ill., newspaper on Tuesday, May 2, 1930, bearing the headlines, as follows:

"Representative RAINEY, Carrollton, Ill., says United States heeds giant land-bank swindle." The said signed story continues with the statement, "The Federal land-bank system is on the verge of collapse and ruin. The failure and pending collapse can be charged directly to the methods of the Federal Farm Loan Board."

We have also had our attention called to bill H. R. 7133, which provides the transfer of all functions of the Federal Farm Loan Board to the Federal Farm Board and to abolish the Federal Farm Loan Board, and for other purposes: Now, therefore be it

Resolved, That the resolutions committee of the executive committee of the Champaign County Farm Bureau hereby declare themselves opposed to the general provisions of said H. R. 6983 and H. R. 7133, and hereby express their disapproval of any legislation that will impair the usefulness of the Federal land-bank system or cause any undue burden to be put upon its stockholders.

On March 17, 1930, the gentleman from Illinois [Mr. RAINEY] introduced another bill [H. R. 10830] with almost identically the same provisions except that it provided for a Federal merger land bank which would have to take over any joint-stock land bank that might desire to liquidate, and also that—

Said Federal merger land bank, in administering upon any farms so turned over to it, may hold out of production such farms as it may designate for such period of time as it may designate under regulations to be made by the Federal Farm Board. Said farms so held out of production to be used only for grazing purposes and to be planted in legumes or in such grasses as may add to the fertility of said lands, and said Federal merger land bank shall place on the market and sell such of said farms as it may designate under regulations to be made by the Federal Farm Board upon such terms and at such times and in such manner as it may designate.

The bill provides that the merger bank shall be organized by the Federal Farm Board, but it does not provide how the bank is to be operated or who will be its officers; nor does it take in account the inherent difficulties and complications that would arise if one institution should undertake to sell farms situated all over the country or to collect amortization payments from borrowers residing in every State of the Union. These more or less necessary details have been left to the imagination of the reader.

Subsequently, on June 20, 1930, a third bill was introduced by him which for the first time provides for the liquidation of Federal land banks as well as joint-stock land banks. Why this sudden interest in the farmer owners of these great cooperative institutions?

Let me quote some of the provisions of this bill:

Be it enacted, etc., That any Federal land bank organized and doing business under the provisions of the act of July 17, 1916, as amended, may surrender its charter, suspend its operations, and turn over all of its assets to the Federal merger land bank hereinafter provided for, provided such suspension has been duly authorized by a vote of a majority of the shares held by the stockholders in said Federal land bank.

Whenever said suspension has been determined upon said Federal merger land bank shall thereupon take over all the stock of said bank and all of the assets of said bank and assume all the liabilities of said bank, and said Federal merger land bank shall credit each stockholder in said Federal land bank on his note and mortgage to said Federal land bank with the full amount of stock issued to him and all unpaid accrued dividends thereon, and each of said stockholders shall thereupon be released from all obligations under his mortgage contract with his Federal land bank except his amortization payments.

SEC. 4. (a) That the Secretary of the Treasury, with the approval of the President, is hereby authorized to borrow, from time to time, on the credit of the United States for the purposes of this act such amounts as may be necessary to carry out the purposes of this act and to issue therefor bonds of the United States.

Under this new scheme the financial obligations of any or all of the banks in the system could be transferred to the Treasury of the United States. When the farmers of this country understand, however, the effect and scope of the proposed measure they will certainly want to know more of the details about how they are to obtain further credit if the Federal land banks are liquidated in accordance with this proposal. Some private investors in joint-stock land-bank securities may wish to liquidate the institutions in which they have an interest so that they may place their funds elsewhere; but the farmers of the country will not want to tear down the credit structure which they have built up merely for the purpose of evading possible liability on account of the shares which they own in their respective associations. Let us see how one association has faced this problem. I quote from a statement made in the thirteenth annual report of the Federal Farm Loan Board:

The story of how one association recognized its responsibilities in connection with its indorsement on mortgages on a number of farms which had gone to foreclosure and the titles to which had been acquired by the Federal land bank is worthy of mention. These farms, some of which had been owned by the bank for three years or more, were located in an area where economic conditions had changed materially since the loans were made and where there had been considerable abandonment of farm land and the properties were rapidly deteriorating in value. After canvassing the situation fully the directors of the association felt that the properties should be disposed of in order to save both the bank and the association from further losses which, in their opinion, inevitably would occur if the bank continued to hold them. Accordingly, they requested the bank to make the necessary arrangements for the sale of the farms at auction, and this was done. Subsequently, on January 14, 1930, the members of the association assembled at their annual meeting, and after discussing the affairs of the association, including the losses sustained in connection with the sale of the farms, adopted by unanimous vote of those present a resolution requesting their board of directors to levy a 100 per cent assessment against all stockholders. The assessment was made by the directors, the obligation being divided into 10 equal parts, payable each six months for the next five years.

The particular aspect of the matter to which attention is here directed is the attitude of the association. This is fundamental. It displayed a fine spirit of cooperation with the bank that is worthy of emulation. The association fully realized its obligations and took steps faithfully to discharge them. The incident serves also to illustrate forcibly the desirability of associations building up a surplus in addition to the minimum reserve required by law so as to be in a position to meet unforeseen losses and contingencies.

I am proud to state, Mr. Speaker, that the association just referred to is located in my own county in the State of Pennsylvania. The farmer members of that association did not come to me demanding that they be relieved of their burden through legislative measures. They met the situation like men. They did not try to tear down the whole credit structure in an effort to avoid their obligations.

The statements made by the gentleman from Illinois in his remarks and newspaper articles regarding conditions in the farm-loan system are evidently based upon a lack of knowledge of the facts. During the present session of this Congress the Committee on Banking and Currency spent many days in hearing various witnesses from all parts of the country regarding the system, and their testimony was most encouraging. It was evident from the statements of some who were present that the activities of the present Farm Loan Board were in a large measure responsible for having successfully guided the operations of the banks of the system through many of their difficulties. There are only three joint-stock land banks in receivership at the present time and I am reliably informed that at least one of these institutions will in all probability be reorganized.

Even to the casual observer a glance at the consolidated statement of condition of the Federal land banks as of December 31, 1929, compiled from reports to the Federal Farm Loan Board and published in its thirteenth annual report will convince him of the fundamental soundness of these banks as a whole. Let me quote from the board's report regarding the condition of these banks:

The consolidated balance sheet given in Table 1 of the appendix to this report reflects the condition of the Federal land banks as a whole. As indicated in the table on page 9, the banks' reported investment in real estate owned outright on December 31 was approximately $23,287,462. Such real estate is carried on the balance sheet at $16,687,945, the difference of over $6,500,000 representing charge offs made in accordance with section 16 of the rules and regulations, amounting to approximately 28 per cent of the investment. * * *

In addition to the charge offs made under this section, the banks have set up special reserves for real estate, which, on December 31, aggregated $8,283,508, so that the net amount included in the banks' assets was $8,404,436.49, which amounted to 36 per cent of the total investment and constituted only six-tenths of 1 per cent of the total assets of the banks remaining after deducting all amounts covered by special reserves.

Sheriffs' certificates, judgments, etc., usually are carried as the bank's investment until title is acquired, when the real estate becomes subject to the regulation mentioned above. The total of these items was $6,229,-

904.74 and represented five-tenths of 1 per cent of the banks' total assets.

If sheriffs' certificates, judgments, etc., are combined with the real estate owned by the banks, the net amount of all real estate included in assets, totaling $14,634,341.23, was only 49.6 per cent of the total investment of the banks in all real estate owned either outright or otherwise, while the net carrying value constituted only 1.1 per cent of the total assets of the banks.

On December 31 the notes, purchase money, first and second mortgages, and real-estate sales contracts carried by the banks aggregated $15,438,587.58, against which the banks had set up reserves amounting to nearly $3,000,000. The net amount of $12,516,003.21 included in the assets constituted 81.1 per cent of the total face amount of these notes and represented 1 per cent of the banks' total assets. In addition to the special reserves set up against these notes the banks carried under "deferred income," in liabilities, unrealized profits on real-estate sales amounting to $1,383,220.83. This income was deferred in accordance with the amendment to section 16 of the rules and regulations adopted by the board on July 10, 1929, and discussed earlier in this report.

Delinquent amortization installments on December 31, after deducting partial payments, amounted to $4,664,511. Reserves had been set up for such installments in an amount of $1,940,485, so that the net amount of such installments carried in the assets was $2,724,026, or 55.4 per cent of the total installments delinquent. The net amount made up two-tenths of 1 per cent of the total assets of the banks.

The Spokane participation certificates, which represent the obligation of the Spokane bank to the other 11 banks for advances which they made to it, are not included in the assets, since all of the contributing banks have set up full reserves covering these obligations. The obligation of the Spokane bank, however, is shown as a liability of that bank, as well as on the consolidated statement. In addition, the Spokane bank has set up as a liability the interest accrued on these certificates, and this interest, which amounts to over $440,000, appears as a liability on the consolidated balance sheet. The 11 creditor banks, however, do not include such interest in their assets.

The total of the special reserves set up against the items just enumerated was $15,946,428, so that the amount included in the consolidated resources of the banks was only $29,874,371, or 2.3 per cent of the total assets of the 12 banks.

In addition, the banks had legal reserves amounting to nearly $13,000,000 and undivided profits of over $5,000,000. Capital stock totaled $65,735,453. The capital stock, legal reserves, and undivided profits of the 12 banks aggregated $84,119,313.

The total net mortgage loans, not including those delinquent 90 days and over, together with the United States Government securities owned, exceeded by approximately $5,000,000 the net amount of bonds outstanding on December 31, 1929.

The above statement does not presage the ruin of the Federal land bank system, as stated by the gentleman from Illinois in one of his published articles. On the contrary, it clearly indicates continued stability and usefulness.

Now, let us turn to other portions of the same report and see what the board has to say about the system as a whole. On page 4 the following statement is found under the caption "The Future":

The effects of the reorganization, it is believed, will be of enduring benefit and will tend to assure the strength and stability of the system in the future. The errors and omissions of the past must serve as guides for the years to come, and, in the light of experience, there should be no recurrence of the conditions that existed prior to the reorganization. It is essential that the organization of the Farm Loan Bureau be maintained on an adequate basis and that it be kept continuously abreast of the progress of the system, in order that it may serve as an effective instrument to the Farm Loan Board in its important work of supervision, which must continue to be close and constant. The board's vigilance can never be relaxed if the system is to grow in strength and usefulness and public confidence inspired and maintained.

It is reassuring to be able to say that while some of the banks, as previously indicated, are faced with difficult problems most of them are in sound condition and competently managed. The system has weathered trials that have tested its strength, and its achievements and service have demonstrated its fundamental soundness and usefulness.

The board is fully aware of the difficulties that have confronted and still confront agriculture, particularly as a result of the inevitable adjustments that followed the war and the inequalities that arose from disparities between farm prices and agricultural costs. The fundamental problems of this great industry are varied and complex and are rightly matters of national concern, because the public has a vital interest in the promotion and perpetuation of sound and stable agriculture. On the other hand, constant and sweeping declarations of pessimism and despair during the past several years have tended to convey the impression that all farmers are insolvent, which is far from the truth. Such unqualified statements create the wrong psychology and are bound to be harmful to the credit of farmers. The great body of farmers of this country are upstanding citizens, who meet their obligations, as is demonstrated by the experience of the banks of this system. * * *

Taking all factors into consideration, it would seem that faith in the country, faith in the fundamental soundness of the farm-loan system, and faith in the farmers of the Nation would justify confidence in the future growth and progress of the system. The Farm Loan Board shares that confidence.

In referring to the condition of the joint-stock land banks, the board makes the following statement, which appears on page 67:

The condition of each joint-stock land bank as of December 31, 1929, according to the reports of the banks to the Farm Loan Board, is reflected in detail in the statements given in Table 4 in the appendix to this report. Similar statements are published quarterly by the board. As stated before, every effort is being made to insure the correctness and completeness of these reports and statements, and it is believed that they reflect the condition of the banks more accurately than ever before. Investors sometimes are more apprehensive about what a statement of condition might not contain than they are about the features disclosed. There is perhaps nothing that will inspire and maintain public confidence more than the realiznion that every effort is being made to see that these statements of condition accurately reflect the true picture with respect to each bank.

As there is no joint liability among joint-stock land banks, each institution being responsible only for its own obligations, the consolidated statement of condition in Table 3 in the Appendix represents merely a summation of similar items in the 49 statements. In considering the condition of the banks, therefore, it is necessary to study carefully each individual statement. Such a scrutiny will show that, while some of the banks are confronted with difficult problems most of them are in sound condition and should be in a position to market their bonds when conditions become favorable.

One important factor in the condition of these banks is the amount of real estate held and the proportion of their total assets consisting of acquired farm lands. It will be noted from the accompanying table that 10 of the banks included no real estate in their assets, having disposed of or charged off all that was acquired. Thirty-three of the banks, or over two-thirds, either carried no real estate in their assets or included real estate amounting to less than 2 per cent of their total assets. The consolidated balance sheet shows that for the 49 banks as a whole, real estate owned either outright or subject to redemption constituted 2.9 per cent of the total assets of the banks.

It will be observed that the board states that special attention has been given to the preparation of these published statements of condition, with the end in view of having them reflect as accurately as possible the condition of the banks. If any citizen of this country wishes to review these statements personally, he has only to write to the Federal Farm Loan Board in Washington and request a copy of the thirteenth annual report. I commend this report to your careful attention. The information which it contains is carefully segregated and conveniently arranged. The language is clear and simple and easy to understand.

During his appearance before the Banking and Currency Committee of the House on February 21 of this year, the gentleman from Illinois [Mr. RAINEY] stated that "the members of the Federal Farm Loan Board have been of the very highest character and the highest type of gentlemen."

In the extension of his remarks, which appeared on page 424 of the CONGRESSIONAL RECORD of December 10, 1929, he said:

The entire system at the present time is being efficiently administered by Mr. Bestor, recently appointed farm-loan commissioner, and his assistants.

In his remarks of June 21, 1930, however, he refers to the same board as follows:

The same board which is now operating in such an inefficient and incompetent way, therefore this graft can be charged also to the Federal Farm Loan Board.

There is no political plum tree more attractive than this—meaning the Federal farm-loan system. It corresponds in its opportunities for political graft with nothing I can think of in American public life except the Chicago Sanitary District.

The officers of each Federal land bank are authorized to employ as many officers as they please and to fix their salaries, but even this provision, bad as it is in that it deprives the farmer borrowers of any voice in the matter is made worse by the fact that this right to employ officers and fix their salaries is subject to the approval of the Federal Farm Loan Board. The Federal Farm Loan Board is authorized to appoint as many appraisers, inspectors, registrars, deputy registrars, and examiners as it may deem necessary, and it fixes their salaries.

Certainly both statements can not be correct. A board can not be composed of gentlemen "of the very highest character" and at the same time be guilty of fostering crime and graft which he alleges is rampant throughout the system because of

political patronage. Let us see what the board itself says about the way in which the personnel of the system is chosen. On page 5 of its twelfth annual report the board said:

The farm loan act provides that not more than three of the six appointive members of the Farm Loan Board shall be chosen from one political party. It was evidently the intention of the Congress that the system, which is a great business undertaking, should be administered in a nonpartisan manner and entirely free of politics. It is apparent that in some instances in the past political considerations were taken into account in making appointments of directors of Federal land banks and of the personnel of the bureau. It is the view of the present Farm Loan Board that partisan political policies should have no place in the administration or the operation of the banking institutions that compose this system or the bureau that supervises it. It is the aim of the board to place the organization in a state of the highest efficiency in order that it may render to agriculture the largest service possible in accordance with the purpose of the act. This can be accomplished only by making appointments solely on the basis of character, efficiency, and demonstrated ability, regardless of every other consideration. That has been the policy of the reorganized board. * * * * * * In the search for competent appointive directors, the board, when occasion required, has sent a representative into the district concerned to locate and enlist the services of qualified men of outstanding ability. The results have been gratifying and the program has received the hearty cooperation and indorsement of the banks involved.

Just as no one has been appointed in the bureau on account of politics since the reorganization of the board, so no one has been released on account of any political consideration. Merit alone has been the basis of retention, as well as appointment, in the service. This policy has had a salutary effect upon the morale of the bureau. The staff of officials and employees generally has displayed a noteworthy interest in the work, devoting many hours of overtime to the service in a fine spirit of loyalty without additional compensation. To them the board desires to acknowledge its grateful appreciation.

Again, in its thirteenth annual report, it states:

The extensive changes that have been made in the personnel have been based alone upon the needs of the bureau and the fitness of the individual for the work. Every consideration other than merit has been eliminated in replacing employees who were not qualified to fill the positions assigned them and in making additions to the force. This is particularly important because the farm-loan system is a great business institution and its supervision should be conducted in accordance with the principles of sound business administration. In filling positions in the bureau, particularly those requiring special training and experience in the examination, appraisal, and legal divisions, the board has searched for the best men obtainable at the compensation available.

As strange as it may seem in the light of the statement quoted above, let me call attention for a moment to bill H. R. 10830, introduced by the gentleman from Illinois on March 17, 1930. On page 4, line 11, the bill provides for the appointment by the Farm Loan Board of "Federal farm advisers." What are farm advisers? No one had ever heard of them prior to the introduction of the first Rainey bill.

In December, 1929, and March, 1930, he introduces bills creating a brand-new office in the farm-loan system; in June he raises his voice in this House in protest against the number of employees appointed by the banks and by the Federal Farm Loan Board. If there were too many employees in the system in June, why did he introduce bills in December and March which would make it possible to increase the number of employees about which he so bitterly complains in June. Up to the present time I have not been able to find anyone who could explain the necessity for farm advisers or how they would fit into the system as it is now being operated.

It will be interesting to note what the farmer owners of the Federal land bank system seem to think about the way in which the present board is performing its duties. The following is a copy of a resolution unanimously adopted at the convention of secretary-treasurers and directors of national farm-loan associations in the State of Texas, held in Dallas May 23, 1930:

Whereas in a system of cooperative credit such as the Federal farm-loan system capable, vigorous, and rigid supervision by the Federal Farm Loan Board is no less essential than the same character of management by the banks and of the associations; and

Whereas the present Farm Loan Board is giving the system such supervision and the Land Bank of Houston is giving similar management: Be it

Resolved, That we do hereby thus formally express our approval of the policies of said board and bank, and our confidence in the ability and purpose of the members of both branches of the system, and pledge anew our hearty and faithful cooperation.

I should explain that the directors of national farm-loan associations are elected by the farmer members and are charged with the administration of the affairs of the respective associations which they represent.

The gentleman from Illinois claims, however, that he is not able to obtain the information which he desires in regard to the activities of the various parts of the system. In this connection he says:

Before the reorganization of the Federal Farm Loan Board it was possible for Members of Congress to obtain the names of stockholder borrowers in the Federal land-bank system. This information was always cheerfully furnished, but this system is now in trouble and it becomes important to chloroform in some way the farmer borrowers and to keep from them information as to what is happening to them.

The particular information which the gentleman from Illinois seems to desire is the names of the farmer borrowers. Can it be possible that he, who professes to be so conversant with the various provisions of the Federal farm loan act, is not familiar with one of its penal provisions, which provides that no examiner, public or private, shall disclose the names of borrowers to other than the proper officers of a national farm-loan association or land bank without first receiving permission in writing from the farm-loan commissioner to do so.

This section also provides that any person violating any of its provisions shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both. The section provides further that, when occasion demands it, and in obedience to an order by a court of competent jurisdiction, or by direction of the Congress of the United States, or either House thereof, or any committee of Congress or of either House duly authorized, the names of the borrowers may be made available. It was clearly the intent of Congress that the names of the borrowers of the system should not be given out promiscuously and that they should be protected from exploitation and annoyance. Certainly the officers of commercial banks would not feel that they would be justified in furnishing the names of their borrowers to any person who might be inclined to seek the information. One secretary-treasurer of a national farm-loan association, in commenting on the matter, said:

I do not wonder at the secretary-treasurers refusing to give you a list of their borrowers. It would not be sound public policy; the borrowers themselves would not wish to be published; no loyal secretary-treasurer would wish his members deluged with a lot of misleading propaganda, and with all due deference to your honesty of purpose, that is what I must consider many of your statements.

The gentleman from Illinois charges that the secretary-treasurers of the 4,659 associations throughout the system are the "key men through whom Members of Congress are threatened and made subservient to land-bank presidents," who in turn block the passage of legislation "which might correct glaring abuses." These secretary-treasurers, as some of you may know, are elected and continued in office only at the will and pleasure of the farmer borrowers whom they represent.

The gentleman gives as his authority for his charges an excerpt from an article which appeared in the New Republic written by a Miss Shelby, who, Mr. RAINEY says, "is an expert on the subject." He says also that he has been threatened by these same "key men." I judge, however, from the copies of the letters that I have seen which have been sent to him that they are not in the nature of threats but are more like the sentiments expressed in the resolution that was adopted by the Champaign County Farm Bureau—

We furthermore desire to express our disapproval of the misleading statements of Representative RAINEY in the above-mentioned newspaper story and believe that the confidence of investors in Federal land-bank bonds is undermined by these misleading statements.

It will be surprising to my colleagues on the Banking and Currency Committee, as it was to me, to read the following extract from a letter written by the gentleman from Illinois to a secretary-treasurer in the State of Illinois. He wrote, in part, as follows:

You will be glad to know that a part of my original bill has now been enacted into law and that the banks in both systems have been relieved entirely of the expenses of supervision, and in this particular all provisions of the original act of 1916 are now in force. This will relieve the banks of both systems of the payment of the expenses of examinations, amounting in all to the sum of $1,500,000 a year. Inasmuch as I started the fight and have been carrying it on to the very best of my ability, I feel that I should have the credit for this legislation.

The bill which the gentleman evidently has in mind is S. 4028, which was introduced by Senator SHEPPARD of Texas, on March 28, 1930. This bill took the place of S. 3013, introduced

by Senator SHEPPARD on January 8, 1930, which provided for the payment by the Government of all the expenses of the Federal Farm Loan Bureau. The farm loan act, as originally passed, provided that the salaries and expenses of the Federal Farm Loan Board should be paid by the United States, and remained in this form until 1923. The law was amended on March 4, 1923, so as to require that after June 30, 1923, all salaries and expenses incurred by the board be assessed against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks, and the act of March 4, 1925, amended the law so as to provide that—

The salaries and expenses of the Federal Farm Loan Board, its officers and employees, farm-loan registrars, deputy registrars, examiners, and reviewing appraisers authorized under this act, or any subsequent amendments thereto, shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks—

by assessments made on such equitable basis as the Federal Farm Loan Board shall determine, giving due consideration to time and expense necessarily incident to the supervision of the operations of each type of bank.

The bill S. 3013 was referred to the Senate Committee on Banking and Currency, and by it referred to the Secretary of the Treasury for report. The Secretary of the Treasury, in a letter to the chairman of the Senate Committee on Banking and Currency, dated March 17, 1930, expressed the view that it would be reasonable, in the public interest, to limit the assessments made against the banks under the act to the salaries and expenses of employees of the Farm Loan Bureau engaged in the work of its division of examinations, and recommended such action. Thereupon, Senator SHEPPARD introduced a new bill—S. 4028—in conformity with the recommendation of the Secretary of the Treasury. A hearing was held on this bill and others by a subcommittee of the Senate Committee on Banking and Currency on April 8, 1930. According to the transcript of the hearing, the gentleman from Illinois was not among those appearing before the committee when the bill was being considered.

I introduced a bill, H. R. 11972, which was identical with Senate bill 4028. The latter was passed by the Senate on May 12, 1930, and referred to the House Committee on Banking and Currency. The committee after giving the matter careful consideration favorably reported the Senate bill on June 12, 1930, and this bill was passed by the House without amendment on June 24, 1930, and signed by the President on June 26, 1930. It was approved, I may add, not only by the Secretary of the Treasury but by the Farm Loan Board, the National Grange, the American Farm Bureau Federation, the Farmers Union, and others, and so far as I know there was no opposition to it.

The bill, S. 4028, does not relieve the banks entirely of the expenses of supervision, but restricts assessments against them to the salaries and expenses of the employees of the Federal Farm Loan Bureau engaged in the work of its division of examinations. The salaries and expenses of the division of examinations of the bureau constitute about 42 per cent of the total. The 1931 appropriation for all the expenses of the Federal Farm Loan Bureau aggregates $1,020,000. Of this amount, approximately 58 per cent, or around $595,000, will be paid by the Government and the remainder, approximately $425,000, will be assessed against the banks of the farm-loan system. In other words, for the fiscal year 1931 the banks will be relieved of approximately $595,000, instead of $1,500,000, as stated by the gentleman from Illinois.

The gentleman from Illinois also made the following statement in the letter to which I have referred:

You will also be glad to know that I have succeeded in defeating for this session at least the Letts bill, which attempted to override the recent decision of the Supreme Court, and which had for its purpose the conferring on the Federal Farm Loan Board of the power to arbitrarily impose a double liability upon stockholder-borrowers in the Federal system and on stockholders in the joint land-bank system; this has been my fight up to the present time, and I have been able to defeat this very bad legislation, for this session at least.

This statement will likewise be very interesting, I am sure, to my colleagues of the Committee on Banking and Currency. I will not undertake to comment on it further, except to say that after extended hearings the Letts bill, H. R. 9433, was favorably reported on April 29, 1930, by the House Committee on Banking and Currency with an amendment, and that a similar bill, S. 3444, without the amendment, was favorably reported by the Senate Committee on Banking and Currency on June 9, 1930, and passed by the Senate on June 24, 1930.

In the same letter the gentleman from Illinois said also:

You will also be glad to know, as a result of my fight legislation has now passed Congress which will permit to a certain degree the consolidation of joint-stock land banks.

I am also being given credit for rendering very material assistance in the advancement of the proposition to reorganize the Kansas City Land Bank and to start it to functioning again. This will be accomplished in the near future.

So far as I know, no "legislation has now passed Congress which will permit to a certain degree the consolidation of joint-stock land banks." Perhaps the gentleman has in mind the bill H. R. 12063, which I introduced on May 1, 1930. This bill was carefully considered by the House Committee on Banking and Currency, and was favorably reported by the committee on June 13, 1930, with amendment. It was passed by the House on June 24, 1930, in the form recommended by the committee, and during the course of the debate on the bill I made the following statement:

I will say in explanation that you all are aware that the Kansas Joint Stock Land Bank has been in the hands of a receiver for three years. The stockholders and the Federal Farm Loan Board and the bondholders have been trying to bring about a settlement of this matter. The bill is the direct result of an agreement which has been arrived at between all the interested parties. It is my understanding that an agreement has been consented to by all parties, and the bank is about to be reorganized. This bill comes as a direct result of the negotiations which are on. This is what is to happen:

The Joint Stock Land Bank of California is to take over the Kansas City Joint Land Bank on a basis which apparently is agreeable to all the parties concerned. If they take the bank over, they want the right to continue its operation in the territory where it has already operated. In addition to that I have been informed that if they succeed in reorganizing and taking over the Kansas City bank it will probably mean the taking over of the other two failed joint-stock land banks now in receivership.

After the passage of this bill by the House it was sent to the Senate and referred to the Senate Committee on Banking and Currency. So far as I am aware, no action has been taken on the bill by that committee and it has not become law. As I stated on the floor of the House, bondholders, stockholders, and others, as well as the Federal Farm Loan Board, have been endeavoring to bring about a satisfactory solution of the Kansas City receivership. Those gentlemen who have worked so long and earnestly to develop a feasible arrangement for the reorganization of the Kansas City Joint Stock Land Bank will, no doubt, be greatly surprised, as I am confident the members of the Committee on Banking and Currency will be, to learn that Mr. RAINEY feels that he should receive credit for whatever may be accomplished in this direction.

From what I have said it is apparent that the farm-loan system is not imperiled unless it be on account of those who undertake to speak about its operations without having first properly informed themselves regarding the situation. Furthermore, the board charged with the supervision of its affairs is performing its duty in a conscientious and proper manner. The system has delivered the farmers of this country out of the hands of the "Shylocks" of the farm-mortgage business and has created wholesome competition among the old-line companies that conduct their businesses properly. Billions of dollars have been lent to farmers by the Federal and joint-stock land banks and these institutions must be protected from unjustifiable attacks. It has taken more than a decade to build up these necessary elements of our credit structure. It will take far less to tear them down. The circulation of erroneous and misleading statements based upon lack of knowledge will do incalculable harm to a worthy enterprise which merits the public confidence that is so necessary to its very existence.

A SCIENTIFIC AND ECONOMIC METHOD OF FLOOD CONTROL

Mr. GARBER of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks and to incorporate therein a radio address by Congressman U. S. STONE, of Oklahoma.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr GARBER of Oklahoma. Mr. Speaker, Members of the House, experience has demonstrated the inadequacy and inefficiency of the levee system of flood control. It has been a costly lesson—at a tremendous loss of life and property—a lesson that can not be regarded but as a danger signal if we persist in pursuing this unscientific, uneconomic plan for the regulation and control of our flood waters.

On April 9, 1930, I discussed the problem on the floor of the House, calling attention to the significance of our past experience and emphasizing the practicality of the reservoir system, a plan calling for navigation improvement as well as for subjugation of the waters. In that connection I suggested and urged the extension of the Federal-aid principle to the control of the flood waters of the tributary streams, stating as follows:

* * * We believe that supplemental legislation authorizing the extension of Federal aid to the several States contributing their share for the prosecution of the work is imperatively necessary to project the policy now in formation for the economic utilization of the waters for all purposes. Our present and rapidly developing system of Federal highways evidences the excellent satisfactory results of such cooperation. That cooperation has been on the arbitrary basis of an equal amount of funds furnished by the States and Federal Government. This cooperation on the part of the Federal Government is carried on under the commerce clause of the Constitution and with equal force the Federal Government has jurisdiction of the development and maintenance of interstate navigability of our streams.

The several States are demanding protection from the ravages of floods which incur an estimated annual loss of $450,000,000. The reservoir system for the withholding of waters at their source would contribute to flood control and stabilize necessary channels in the rivers for navigation. Both Federal and State purposes would be promoted by such work. The withholding of such waters, therefore, should be a joint undertaking in which both parties are equally interested. The benefits should be fairly evaluated and the costs apportioned accordingly.

The navigability of the Mississippi and its five great tributaries for cheaper transportation, adequate flood control for the protection of lives and property, and the stabilization of channels for navigation through the reservoir system are so closely related to one another that they must be carried forward together as the composite economic policy for the control and utilization of the waters of the Nation.

On June 30, 1930, my esteemed colleague, the Hon. U. S. STONE, delivered an address over the radio on the subject of the reservoir system of flood prevention, fully corroborating my position and dealing with the question in some detail. It contains such pertinent and valuable information that I ask leave to incorporate it in full in the RECORD, where it may be available for reference in connection with the study of this great problem.

The address is as follows:

A RESERVOIR SYSTEM FOR PREVENTION OF FLOODS

The prevention of destructive floods is a national problem and affects every section of the country. The present plan, known as the Jadwin plan, unless altered, will continue floods and not prevent them. There is general dissatisfaction with the system, and unless a definite change is made there will be a billion dollars wasted and the Mississippi Valley will continue to be visited by the annual destructive floods that have ravished it for 200 years.

The Government should adopt a definite comprehensive plan of flood prevention, one that will guarantee some measure of safety to its citizens and prevent the recurrence of destructive floods.

Our greatest problem is the Mississippi, draining a vast territory equal in area to one-third of the entire United States, and its floods inundating 30,000 square miles of the richest valley land in America. The valley on each bank of this great river extends from Cairo to the Gulf, a distance of 600 miles, but the slow-moving water of this stream travels 1,700 miles over its tortuous course, and with a fall of a few inches to the mile.

The rapid-flowing waters rush down from the tributaries and cause enormous floods in this flat valley, where the slow-flowing Mississippi is unable to carry the surplus waters on to the Gulf, thus forming a great reservoir in the alluvial valley, destroying the levees and endangering the lives and property of the people. The breaking of a levee on a city water front would cause the loss of hundreds of lives and millions in property damage.

It is conceded by the most eminent engineers that the final solution of the flood problem is at its source. By the erection of reservoirs on the contributing streams to catch and store the surplus run-off water where it falls, and by holding it in storage allowing the slow water of the main stream to empty before the surplus water is released, thus maintaining a steady flow which will insure navigation and benefit commerce.

The reservoir system will be a great blessing to all the people. The water can be used for many purposes. It is generally acknowledged that the initial cost of the reservoirs would be repaid to those contributing to their erection from the various uses of the water, and would be a permanent asset to the Government.

Chairman REID, of the Flood Control Committee, appointed a subcommittee to make a report on the reservoir system as a means of flood control, consisting of Mr. SHARS, of Nebraska, Mr. SINCLAIR, of North Dakota, and myself; after a careful study of the problem, the committee made a lengthy report, recommending the adoption of a nation-wide plan of reservoirs to store the run-off water, and suggesting its adoption. I have made a careful study of the question, and prepared and introduced a bill for the purpose of erecting reservoirs and regulating the water impounded therein, H. R. 11723, a description of which I will give you at this time, and will ask that the full text of the bill be printed in the RECORD at the end of my address.

The bill provides for a board of six members with power to carry out the plan of reservoir construction for flood prevention, with authority to build reservoirs for the Government, and to furnish one-half of the funds for the erection of reservoirs for flood-control purposes, to landowners or organizations.

There is ample money provided to carry out the plan, and with the amount contributed by the local individuals and organizations, will insure the erection of sufficient storage of the run-off water to prevent the recurrence of destructive floods for all time.

Legislation for the prevention of floods should apply to the entire Nation, and not to certain districts, as long as control of floods is restricted to the main streams the problem will never be solved. The great flood of 1927 which took a toll of 200 lives and caused a property loss of millions of dollars might have been prevented had the water of the upper stream been held in reservoirs and allowed to gradually flow down to the Mississippi. This is not a theory but an engineering fact, and is now used in other countries to control the flood water and conserve the national resources.

GENERAL LYTLE BROWN, CHIEF OF THE ARMY ENGINEERS, GOES ON RECORD IN FAVOR OF RESERVOIRS

The Committee on Flood Control, of which I am a member, has just completed hearings on the various flood problems in the United States. Appearing before the committee was the Chief of the Army Engineers, Gen. Lytle Brown, in charge of flood-control work under the direction of the Secretary of War, Patrick J. Hurley. General Brown went on record in favor of the reservoir system as an aid in flood control, and his definite stand for the reservoir system has more weight, and influence with Congress than all the paid lobbyists that have appeared before the Committee on Flood Control since it was organized. The fact is the paid lobbyists sent to Washington have injured the cause. I would suggest that the State of Oklahoma send business men to appear before the Committee on Flood Control whose influence would be beneficial, instead of sending paid lobbyists who injure the cause by their cheap propaganda.

COST AND PROBABLE BENEFIT FROM THE ERECTION OF RESERVOIRS

The argument has been used that the cost of erecting reservoirs is prohibitive, under a plan whereby the United States Government cooperating with other organizations erect the reservoirs the cost can be spread over a great territory, and the benefits derived shared by all sections of the Nation.

The amount of money involved in the construction of a system of reservoirs would be insignificant compared to the benefits that would accrue to the people.

First. They will prevent floods on the tributary streams as well as on the main river.

Second. They will prevent the fast moving water from carrying off the top soil which impoverish the land and is carried down the main stream to build up the lower delta.

There is only one real plan of flood control, and that is to store the surplus water in the ground and in reservoirs at its source.

With the reservoiring of the flood waters siltage in the rivers will cease, the water courses will attain greater stability, and by constant deepening of the channel give greater capacity to carry off the water.

Our run-off water is our greatest national resource and should be conserved and put to beneficial uses.

Without the conservation of water by reason of reservoiring the minor flood areas and soil storage, the floods of the valley will increase, lands will be devastated, cities and villages inundated with loss of life and property, and vast sums of money expended to throw this wonderful resource into the Gulf.

RESERVOIRS A BENEFIT TO THE MINOR FLOODS AREAS

The reservoiring of the minor flood areas of the valley would be the greatest internal improvement ever undertaken by our Government. The improvement of the Mississippi River alone benefiting one-half of our people.

The original Jadwin plan was not intended to control the floods, but to continue them. Not to reservoir the waters in the minor floods areas where they originate and use them for beneficial purposes, for real flood prevention, for aid to navigation, for benefit of the farm and city; but on the contrary to continue the destructive floods that destroy life and property.

There is but one plan that has ever been devised whereby floods can be prevented, and that is by reservoiring the minor flood areas.

A great deal of study has been made in my own State, on the North and South Canadian Rivers, and on the Arkansas and Red Rivers. The

waters of these rivers and their tributaries can be reservoired so as to give absolute freedom from floods.

FROM REPORT OF SPECIAL HEARINGS JUNE 5, 1930, BEFORE THE COMMITTEE ON FLOOD CONTROL

General Lytle Brown, Chief Engineer of the United States Army in charge of flood control appeared before the committee and I had opportunity to ask him the following questions:

"Mr. STONE. In regard to the reservoir system—I live in Oklahoma, at the upper end of these streams, and we have great floods on our streams out there—would the reservoir system be an aid in the minor flood area on these upper streams, and would it prevent floods on these streams, as well as in the lower valley of the Mississippi?

"General BROWN. Yes, sir. I think that is a very important consideration. I wish to say that we have at this time an engineer in charge, who is in sympathy with the reservoir plan."

At this time I wish to say that the statement just made by General Lytle Brown, Chief of the Army Engineers is very significant as it is the first definite stand ever taken by a representative of the Government for the reservoir plan. Congress should give serious consideration to his statement. Delay is dangerous.

I earnestly ask that the facts presented by the eminent scientist which I will submit for your consideration be treated seriously, and that some action be taken by Congress to avoid a repetition of this great disturbance in the Mississippi Valley.

Science deals with actual cause and probable effect. The facts I am about to set out are positive and conclusive and must be respected.

EROSION OF SOIL AND ITS RELATION TO CAUSE OF EARTHQUAKES IN THE MISSISSIPPI VALLEY

Another great problem that must be solved is the prevention of the enormous loss of national wealth by the erosion of the soil, this will impoverish the great plains country if some action is not taken to prevent it. The rich loam soil is washed down with the great floods and carried to the lower valley, forming the delta of the Mississippi.

This movement has been going on for hundreds of years, and will continue unless the great floods are prevented by the storage of the run off water at its source, and by keeping the eroded soil out of the main stream. It is a geological theory that the Gulf of Mexico was in the past up to Cairo, Ill., and that the deposit of soil brought down by the yearly floods have gradually built up the valley of the Mississippi.

The great volume of earth now being carried down the main river and deposited in the Gulf of Mexico, amounts to about 400,000,000 cubic yards each year, or a quantity equal to the total excavation for the Panama Canal; this vast deposit through the centuries has built up the valley of the Mississippi, to a width of 50 miles, to an unknown depth, and for over 600 miles in length. This deposit of earth at the mouth of the Mississippi River is extending the delta out into the Gulf of Mexico at the rate of 1 mile each 20 years, and if allowed to continue will cause an overbalance of the earth structure, affecting the lower strata and another earthquake can be expected.

The building of reservoirs will prevent the movement of this vast quantity of earth, and the holding back of the water will guarantee a steady flow to the main channel, thus preventing the large destructive floods that do so much damage and carry in solution this great volume of earth to be deposited in the lower Delta.

You may consider this alarming, but if you study the question you will find the Mississippi Valley is constantly threatened with a real danger, one that demands serious consideration. The recurrence of another earthquake is not only possible but very probable, and may occur at any time.

Any plan of flood control that fails to take into consideration the laws of nature will be a failure; the money spent in levees and other construction work in the valley of the Mississippi will be wasted, and the people will continue to be at the mercy of the floods. It is a known fact that the sunk lands along the Mississippi were caused by earthquakes, and are not the result of floods, as generally believed. The fissures caused by previous earthquakes which are now filled with sand deposit, make the erection of levees and other works a serious problem. At this time I would like to call attention to the latest scientific authority on the cause and probable recurrence of earthquakes, and especially with reference to the Mississippi Valley.

The following quotations are from the most eminent scientist on the subject.

[From Popular Science Monthly. By Myron L. Fuller, of the United States Geological Survey]

"In the New Madrid country (southeast Missouri) the quaking has continued for several hundred years at least. Both the Charleston and New Madrid earthquakes occurred in regions where the earth's crust is being overloaded in the one instance by the sediments brought down by streams from the Appalachian Mountains, and in the other by the floods of the Mississippi, and the fracturing is believed to have resulted from the readjustment of the harder rocks to the increased load."

Quotations from letter dated May 23, 1930, by F. W. Sohon, S. J.

"GEORGETOWN UNIVERSITY SEISMOLOGICAL OBSERVATORY,
"*West Washington, District of Columbia.*

"With regard to the probability of another earthquake similar to that of 1811, seismologists regard it as an axiom that where there has been an earthquake there will surely be another. It is true that an earthquake relieves a strained condition that has been a long time in forming. But the area of the New Madrid earthquake of 1811 was visited by an earthquake of similar intensity a hundred years earlier, so that another hundred years having elapsed, another visitation may be in order.

"The relation of eroded material to earthquakes is probably one of direct causality in the long run, for the denuded areas become lighter and must be pushed up, while the areas receiving the additional load, by becoming heavier must be expected to sink."

Quotations from letter dated May 28, 1930, signed by J. A. Jollat, S. J., associate professor, department of geophysics.

"ST. LOUIS UNIVERSITY,
"DEPARTMENT OF GEOPHYSICS,
"*St. Louis, Mo.*

"In regard to the recurrence of major earthquakes within this valley in the future we can say practically nothing except that as they have occurred in the past they will most likely continue to occur at intervals in the future. We know that at least three world-shaking earthquakes occurred in the New Madrid region (southeast Missouri) in December, 1811, and January and February, 1812. Smaller shocks were felt more or less in the same region 1843, 1857, 1865, 1883, 1891, 1895. The latter was felt in 17 States. These are only the chief ones which caused damage over a considerable area. Many others have caused damage locally such as that of May 7, 1927, at Jonesboro, Ark.

"The deposit of earth brought down by floods or otherwise must have a bearing on the displacement of strata. The effect is gradual but cumulative; still an earthquake need not result, if the rate of accumulation is not greater than the rate of readjustment and relief of stress by plastic flow of the rock. However, there are other causes of stress in the earth's crust, and a redistribution of the surface load might readily become a contributing factor in a resulting earthquake."

From letter signed by George Otis Smith, May 27, 1930.

"UNITED STATES DEPARTMENT OF THE INTERIOR,
"GEOLOGICAL SURVEY,
"*Washington, D. C.*

"Such deep-seated disturbances doubtless have occurred at intervals for many thousands of years in the past, and may account for the low swells and intermediate depressions, in the St. Francis Basin and in the vicinity of New Madrid and Reelfoot Lake, the poorly consolidated Tertiary strata under those parts of the valley having been compressed by lateral forces into gentle wave-like folds. If that interpretation is sound—and if there is nothing in the data now at hand to refute it—then it follows that the New Madrid area is a region of recurring seismic activity in which quakes are likely to occur again in the future."

Quoting from the United States Geological Survey Bulletin 494:

"We have also subsequent to the shock of 1811 records of a long line of minor disturbances continuing to the present time, showing that the crust is even now in unstable equilibrium. In other words, the 1811 earthquake was simply one of a series, and further disturbances are still to be expected. Shaler, writing in 1869, said: 'Analogies indicate the probability of its recurrence within a century, since in all those countries which have been visited by great convulsions, where observation has extended over a great length of time, it has been found that their visits may be expected as often as once in a hundred years.'"

Quotations from Prof. William H. Hobbs, University of Michigan:

"The districts of the national domain which are especially likely to be disturbed by earthquakes are the central Mississippi Valley.

"The after shocks of the New Madrid earthquake were of very frequent occurrence throughout many years, and may be said to have continued to the present day. Scarcely a year passes without these subterranean rumblings.

"The zone of greatest interest and importance is that which follows the course of the river itself between the cities of Cairo and Memphis."

Quoting from the United States Geological Survey Bulletin 494, Hon. George Otis Smith, director:

"That the shock known as the New Madrid earthquake was not the first felt in the region is shown by written records, by Indian traditions, and by geologic evidence.

"There are many conspicuous and unquestionable geologic evidences of earlier disturbances.

"The New Madrid earthquake was but one of a series that is still unfinished, indicating that in all probability it resulted from causes that are still active."

Quotation from Popular Science Monthly by Myron L. Fuller, United States Geological Survey:

"OUR GREATEST EARTHQUAKE

"Probably few people are aware that the greatest earthquake our country has experienced since its settlement was not the destructive

shock at Charleston in 1886, or even the recent terrifying manifestation at San Francisco, but was, on the contrary, the now almost forgotten earthquake of New Madrid, the first tremors of which took place on the 16th of December, 1811. Strange is that trait of human nature by which even the most appalling of nature's manifestations slip rapidly from the memory, so that only a hundred years later little but tradition remains of the earthquake which changed the configuration of extensive areas of the Mississippi Valley, raising some portions, depressing others, shifting the course of streams, draining old swamps at one point, and forming the successive vibrations which shook the New Madrid region almost continuously for a period of many months in 1811 and 1812."

VAST TERRITORY COVERED BY EARTHQUAKE OF 1811

Some idea of the vast extent of territory affected by the great earthquake of 1811 may be judged by the following statement of the United States Geological Survey Bulletin 494:

"A total area of over 1,000,000 square miles, or over half of the entire United States, was so disturbed that the vibrations could be felt without the aid of instruments."

There were very few people living in the United States at the time of this disturbance, and especially the section visited. The entire population of the United States in 1811 was only 7,000,000, and the Central West had only a few thousand inhabitants. This accounts for the small loss of life. To-day, millions reside in this district and would be directly affected should a similar disturbance visit the Mississippi Valley. The loss of life and property damage would be appalling.

Quotation from Popular Science Monthly, by Myron L. Fuller, of United States Geological Survey:

"If there have been two or more strong shocks with an intensity far greater than the Charleston quake, and if the readjustment is not completed as is positively indicated by the recent shocks, then there is every reason to believe that disturbances of equal severity may occur in the future. Such quakes, it goes without saying, would be disastrous to such towns as Hickman, in Kentucky, Caruthersville, New Madrid, Campbell, and others in Missouri, all of which are in the area of disturbance. The larger cities of Cairo and Memphis, although outside the main area, would also probably suffer severely, as they are built on soft deposits overlooking the Mississippi in situations favoring easy slipping toward the streams. Such spots were often severely fissured by the early quake, large masses slipping into the river, and what has occurred once may occur again. St. Louis would also probably be severely shaken."

THE ERECTION OF RESERVOIRS FOR THE STORING OF FLOOD WATERS WOULD HELP MATERIALLY IN PREVENTING ANOTHER GREAT EARTHQUAKE

The statements made by the eminent scientists just quoted confirm the well-established theory that the deposit of vast quantities of earth at the mouth of the Mississippi River is the cause of earth disturbances, and if allowed to continue will surely result in another great earthquake.

My reason for calling attention of Congress to this matter is the fact that scientists generally agree that another great earthquake is not only likely to occur in the Mississippi Valley but is overdue at this time.

Will Congress ignore the statements of these eminent authorities and make no effort to safeguard the lives and property of the people? Or will it take some definite action to solve the flood problem, and thus insure to those vitally interested some measure of protection?

SCIENTISTS ARE WATCHING VERY CLOSELY AT THIS TIME FOR SIGNS OF ANY DISTURBANCE

Quoting from a letter dated May 26, 1930, from St. Louis University, St. Louis, Mo., department of geophysics, signed by J. S. Joliat, S. J., associate professor of geophysics:

"This department of St. Louis University has undertaken an intensive study of the earthquakes of the New Madrid region. Within the last three years up-to-date seismograph vaults have been constructed here in the city and outside (near Florissant), which are equipped with the best of modern instruments. An expansion of this program has become possible owing to an appropriation made by the National Research Council. This has enabled us to purchase two sets of instruments specially designed to record earth tremors at close range. One set of these instruments is soon to be installed at Little Rock College, where the authorities have assumed the burden of building the vault and providing for the continuous operation of the instruments. The other set will be placed to the east of New Madrid wherever it may be possible to find a suitable location, so that this unstable region will be surrounded by three sets of very sensitive instruments. I should mention the fact also that St. Xavier College to the northeast of Cincinnati is operating a pair of sensitive seismographs. In this way we hope to find out something of the nature of this instability and whether there is any reason for apprehending disaster in the future."

The statement of this eminent scientist certainly is of such a nature to demand serious consideration. Those who wish further information on the New Madrid district (southeast Missouri) should read the report of the United States Geological Survey, Bulletin 494. I would also recommend such eminent scientists and students as John James Audubon (the great naturalist), Lewis Cable Beck, G. C. Broadhead, Lucien Carr, Lorenzo Dow, Daniel Drake, Timothy Flint, Myron E. Fuller, Murat Halstead, Samuel Prescott Hildreth, Alexander von Humbolt, Sir Charles Lyell, Samuel Latham Mitchell, Nathanial Southgate Shaler, and numerous other noted scientists and students, who all agree on the serious conditions existing in the Mississippi Valley.

AN EARTHQUAKE IN THE LOWER VALLEY OF THE MISSISSIPPI WOULD BE VERY DESTRUCTIVE

In a letter received from the United States Department of the Interior Geological Survey, dated May 27, 1930, signed by George Otis Smith, director, he uses the words "In the vicinity of the Gulf coast," which would mean at the mouth of the Mississippi, as a probable spot that might be visited by an earthquake. Should this lower Delta country be visited by an earthquake the result might be compared to the great Lisbon disaster, "which threw down the principal part of the city; the sea retired, and instantly returned in a wave 40 feet high, engulfing the great marble quay. In the space of six minutes 50,000 persons perished."

Other great earthquakes have visited the earth, but few have compared with the great earthquake of 1811. Some idea of what may result should another occur with the dense population now occupying the Mississippi Valley can be judged from the following:

Location	Loss of life	Property damaged
China	500,000	Not known.
Sicily	100,000	Not known.
Yeddo	190,000	Not known.
India	150,000	Not known.
Italy	164,000	Not known.
San Francisco	[1] 452 [2] 1,500	$350,000,000
Kansu	200,000	Not known.
Japan	120,000	932,500,000

[1] Killed. [2] Injured

I have gone in detail with reference to this question in order that Congress may have before it the cold figures and facts from the greatest living scientists showing the actual existing conditions in the Mississippi Valley at this time. If some action is not taken to prevent another great catastrophe those who are obstructing legislation should be held responsible. The laws of nature work slow but certain. Will it require a great tragedy in order that Congress and the administration be aroused to the necessity for immediate and substantial action?

On April 17, 1930, Mr. STONE introduced H. R. 11723, which was referred to the Committee on Flood Control and ordered to be printed:

A bill to establish a Federal flood-control board

Be it enacted, etc., That there is hereby created a Federal flood-control board, which shall consist of six members to be appointed by the President, by and with the advice and consent of the Senate, and of the Secretary of War, ex officio. Two members shall be from civil life and not of the engineering profession; two members shall be of the engineering profession from civil life; and two members may be selected from the Army engineers. Each appointed member shall receive a salary of $12,000 per year, together with the necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitation prescribed by law, while away from his official station upon official business. The President shall at the time of making such nominations designate a term for which each is to serve. Two members shall be appointed for a term of two years, two members for a term of four years, and two members for a term of six years. A successor to an appointed member of the board shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy in the board prior to the expiration of the term for which his predecessor was appointed, shall be appointed, for the remainder of such term. One of the appointed members shall be designated by the President as chairman of the board, and be the principal executive officer thereof. The board shall select a vice chairman, who shall act as chairman in case of the absence or disability of the chairman. The board may function notwithstanding vacancies, and the majority of the appointed members in office shall constitute a quorum. Each appointed member shall be a citizen of the United States and shall not actively engage in any other business, vocation, or employment than that of serving as a member of the board. The board shall maintain its principal office in Washington, D. C., and such other offices in the United States as in its judgment are necessary; shall have an official seal which shall be judicially noticed. The board shall make an annual report to Congress upon the administration of this act, and any other matters relating to flood control.

SEC. 2. The board may make such regulations as are necessary to execute the functions vested in it by this act; may appoint and fix the salaries of engineers, secretaries, experts, and other officers and

employees as are necessary to perform all duties imposed by this act; may make such expenditures as are necessary to execute and carry out the functions of the board, and all itemized vouchers allowed by the board shall be approved by the chairman before payment is made. The board shall meet at the call of the chairman, the Secretary of War, or a majority of its members.

SEC. 3. (a) The board is authorized and directed, and shall have the power to construct, maintain, and operate all projects for the storing of the run-off waters as an aid to flood control, navigation, agriculture, and commerce: *Provided*, That plans and specifications with estimates of the storage capacity of the project, together with a complete estimate of the total cost of the works to be constructed at each site surveyed, shall first be prepared by engineers of the board, reviewed and adopted by the board, and approved by the Secretary of War before any actual construction work shall be started on the project so surveyed.

(b) The board shall have the authority to construct, or contract for the construction of, any works authorized; to purchase any and all equipment, supplies, and other things necessary in the construction of any project it shall undertake; to employ skilled and unskilled labor and fix their compensation.

(c) All contracts for construction work under this act shall be let on a competitive basis.

SEC. 4. The board is authorized to acquire by negotiation, purchase, by eminent-domain proceedings, or by gift any and all such lands and rights necessary for the construction and the operation of any project to be constructed under this act.

SEC. 5. The board is authorized, after a careful survey and proper estimate, to assist a State, district, county, municipality, corporation, or an individual to the amount of 50 per cent in the construction of any works for the purpose of flood control: *Provided*, That all expense of maintenance of a work so constructed shall be borne by the State, district, county, municipality, corporation, or individual when completed, but subject to such rules and regulations for its operation as ordered by the board.

SEC. 6. The board shall have full control over all waters impounded under the act.

SEC. 7. The board shall have authority to regulate and control all activities, concessions, and contracts covering or in anywise connected with any project under its jurisdiction.

SEC. 8. There is hereby authorized to be appropriated from the Treasury of the United States, from money not otherwise appropriated, for the carrying out of this act, the sum of $50,000,000 for the current year ending June 30, 1931, and $50,000,000 per year thereafter up to June 30, 1941.

THE NEW FLEXIBLE-TARIFF PROVISION

Mr. COLTON. Mr. Speaker, I ask unanimous consent to extend my remarks on the flexible provisions of the tariff bill recently passed, and to incorporate therein in parallel columns the provisions of the bill of 1930 and the act of 1922.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. COLTON. Mr. Speaker, the strenuous and arduous work on the part of Congress in connection with the tariff act of 1930 has just been completed. It is the best tariff act that has been passed by Congress. The passage of that act means the continuation of our high standards of living and the prosperity of the 120,000,000 American producers and consumers.

The new tariff act is well balanced. Under it agriculture is given the best protection that it has ever received in any tariff law. The farmers' products have been granted protective rates and the domestic market conserved for domestic producers to the limit of their ability to supply it. The wages of industrial and farm labor have been protected through assurance of continued employment by the tariff rates on industrial products. American capital invested in domestic industries is encouraged to continue to operate the great industrial enterprises of this country. Under the new law prosperity is bound to return and remain, and thus prove again the effectiveness of the protective tariff.

The tariff act of 1922 was a splendid tariff law. Under it the country prospered. Our domestic and foreign trade expanded miraculously. The magic of prosperity in the United States stimulated production and consumption of goods. Not only did consumers purchase more of domestic-made articles but more imported articles. Instead of wages being decreased, as was forecast would be necessary, since 1922 wages in this country have increased. The depression that followed the war is now a matter of history. During the past eight years industry and agriculture have been revolutionized. Many changes have taken place, both in the kind and quality of articles produced and in the manner of their production. The flexible tariff of the act of 1922 proved to be a practical device for adjusting a good many tariff rates to meet these changed conditions of industry.

In 1922 the flexible tariff provisions offered an entirely new method of adjusting tariff rates. Since that time a staff of tariff experts has been developed in the United States Tariff Commission. Methods of procedure have been tried out, short cuts have been devised, many legal disputes settled by court decisions, and the flexible tariff itself has been declared constitutional by the Supreme Court.

The new flexible tariff provision has quite different prospects than the old flexible tariff provision as a device for adjusting tariff rates had at the beginning. The act of 1930 makes it possible to meet the numerous and frequent changes in the agricultural and industrial development here and abroad that are bound to come in the next decade. While the rates in the act of 1930 are generally satisfactory, there are undoubtedly some that are too high and others that are too low. Some rates that are proper for the present will undoubtedly be found to be either too high or too low as conditions may change in the future, bringing about new differences in costs of production. This flexible provision of the new law is one of the most desirable features of it.

These provisions as set forth in the new act are as follows:

SEC. 336. EQUALIZATION OF COSTS OF PRODUCTION

(a) Change of classification or duties: In order to put into force and effect the policy of Congress by this act intended, the commission (1) upon request of the President, or (2) upon resolution of either or both Houses of Congress, or (3) upon its own motion, or (4) when in the judgment of the commission there is good and sufficient reason therefor, upon application of any interested party, shall investigate the differences in the costs of production of any domestic article and of any like or similar foreign article. In the course of the investigation the commission shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings. The commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. The commission shall report to the President the results of the investigation and its findings with respect to such differences in costs of production. If the commission finds it shown by the investigation that the duties expressly fixed by statute do not equalize the differences in the costs of production of the domestic article and the like or similar foreign article when produced in the principal competing country, the commission shall specify in its report such increases or decreases in rates of duty expressly fixed by statute (including any necessary change in classification) as it finds shown by the investigation to be necessary to equalize such differences. In no case shall the total increase or decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute.

(b) Change to American selling price: If the commission finds upon any such investigation that such differences can not be equalized by proceeding as hereinbefore provided, it shall so state in its report to the President and shall specify therein such ad valorem rates of duty based upon the American selling price (as defined in section 402 (g)) of the domestic article, as it finds shown by the investigation to be necessary to equalize such differences. In no case shall the total decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute, and no such rate shall be increased.

(c) Proclamation by the President: The President shall by proclamation approve the rates of duty and changes in classification and in basis of value specified in any report of the commission under this section, if in his judgment such rates of duty and changes are shown by such investigation of the commission to be necessary to equalize such differences in costs of production.

(d) Effective date of rates and changes: Commencing 30 days after the date of any presidential proclamation of approval the increased or decreased rates of duty and changes in classification or in basis of value specified in the report of the commission shall take effect.

(e) Ascertainment of differences in costs of production: In ascertaining under this section the differences in costs of production, the commission shall take into consideration, in so far as it finds it practicable:

(1) In the case of a domestic article: (A) The cost of production as hereinafter in this section defined; (B) transportation costs and other costs incident to delivery to the principal market or markets of the United States for the article; and (C) other relevant factors that constitute an advantage or disadvantage in competition.

(2) In the case of a foreign article: (A) The cost of production as hereinafter in this section defined, or, if the commission finds that such cost is not readily ascertainable, the commission may accept as evidence thereof, or as supplemental thereto, the weighted average of the invoice prices or values for a representative period and/or the average wholesale selling price for a representative period (which price shall be that at which the article is freely offered for sale to all purchasers in the principal market or markets of the principal competing country or countries in the ordinary course of trade and in the usual wholesale quantities in such market or markets; (B) transportation costs and

other costs incident to delivery to the principal market or markets of the United States for the article; (C) other relevant factors that constitute an advantage or disadvantage in competition, including advantages granted to the foreign producers by a government, person, partnership, corporation, or association in a foreign country.

(f) Modification of changes in duty: Any increased or decreased rate of duty or change in classification or in basis of value which has taken effect as above provided may be modified or terminated in the same manner and subject to the same conditions and limitations (including time of taking effect) as is provided in this section in the case of original increases, decreases, or changes.

(g) Prohibition against transfers from the free list to the dutiable list or from the dutiable list to the free list: Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this act, or in any amendatory act, that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provisions of this section upon such articles shall exceed the maximum ad valorem rate so specified.

(h) Definitions: For the purpose of this section—(1) The term "domestic article" means an article wholly or in part the growth or product of the United States; and the term "foreign article" means an article wholly or in part the growth or product of a foreign country.

(2) The term "United States" includes the several States and Territories and the District of Columbia.

(3) The term "foreign country" means any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions).

(4) The term "cost of production," when applied with respect to either a domestic article or a foreign article, includes, for a period which is representative of conditions in production of the article: (A) The price or cost of materials, labor costs, and other direct charges incurred in the production of the article and in the processes or methods employed in its production; (B) the usual general expenses, including charges for depreciation or depletion which are representative of the equipment and property employed in the production of the article and charges for rent or interest which are representative of the cost of obtaining capital or instruments of production; and (C) the cost of containers and coverings of whatever nature, and other costs, charges, and expenses incident to placing the article in condition packed ready for delivery.

(i) Rules and regulations of President: The President is authorized to make all needful rules and regulations for carrying out his functions under the provisions of this section.

(j) Rules and regulations of Secretary of Treasury: The Secretary of the Treasury is authorized to make such rules and regulations as he may deem necessary for the entry and declaration of foreign articles of the class or kind of articles with respect to which a change in basis of value has been made under the provisions of subdivision (b) of this section, and for the form of invoice required at time of entry.

(k) Investigations prior to enactment of act: All uncompleted investigations instituted prior to the approval of this act under the provisions of section 315 of the tariff act of 1922, including investigations in which the President has not proclaimed changes in classification or in basis of value or increases or decreases in rates of duty, shall be dismissed without prejudice; but the information and evidence secured by the commission in any such investigation may be given due consideration in any investigation instituted under the provisions of this section.

I should like to insert in the RECORD, also, a tabulation showing in parallel columns a summary of the various provisions of section 315 of the act of 1922 and of section 336 of the act of 1930:

UNITED STATES TARIFF COMMISSION,
Washington.

COMPARISON OF THE FLEXIBLE PROVISIONS OF THE TARIFF

(Section 336, tariff act of 1930; section 315, tariff act of 1922)

SECTION 336, TARIFF ACT OF 1930	SECTION 315, TARIFF ACT OF 1922
Equalization of costs of production	
(a) Change of classification or duties.—In order to put into force and effect the policy of Congress by this act intended,	(a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended,
the commission,	whenever the President,
(1) upon request of the President, or (2) upon the resolution of either or both Houses of Congress, or (3) upon its own motion, or (4) when in the judgment of the commission there is good and sufficient reason therefor, upon application of any interested party,	upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries,
shall investigate the differences in the costs of production of any domestic article and of any like or similar foreign article.	(c) * * * Investigations to assist the President in ascertaining differences in costs of production under this section shall be made by the United States Tariff Commission, and no proclamation shall be issued under this section until such investigation shall have been made.
In the course of the investigation the commission shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings.	The commission shall give reasonable public notice of its hearings and shall give reasonable opportunity to parties interested to be present, to produce evidence, and to be heard.
The commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section.	The commission is authorized to adopt such reasonable procedure, rules, and regulations as it may deem necessary.
The commission shall report to the President the results of the investigation and its findings with respect to such differences in costs of production.	
If the commission finds it shown by the investigation that the duties expressly fixed by statute do not equalize the differences in the costs of production of the domestic article and the like or similar foreign article when produced in the principal competing country,	(a) * * * shall find it thereby shown that the duties fixed in this act do not equalize the said differences in costs of production in the United States and the principal competing country
the commission shall specify in its report such	he shall, by such investigation, ascertain said differences and determine and proclaim the
increases or decreases in rates of duty expressly fixed by statute (including any necessary change in classification)	increases or decreases in any rate of duty provided in this act changes in classifications or
as it finds shown by the investigation to be necessary to equalize such differences.	shown by said ascertained differences in such costs of production necessary to equalize the same.
In no case shall the total increase or decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute.	*Provided*, That the total increase or decrease of such rates of duty shall not exceed 50 per cent of the rates specified in Title I of this act, or in any amendatory act.
	(b) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended,
(b) Change to American selling price. If the commission	whenever the President,
	upon investigation of the differences in costs of production of articles provided for in Title I of this act, wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties prescribed in this act do not equalize said differences,
finds upon any such investigation that such differences can not be equalized by proceeding as hereinbefore provided,	and shall further find it thereby shown that the said differences in costs of production in the United States and the principal competing country can not be equalized by proceeding under the provisions of subdivision (a) of this section,

SECTION 336, TARIFF ACT OF 1930

it shall so state in its report to the President and shall specify therein such ad valorem rates of duty based upon the American selling price (as defined in section 402 (g)) of the domestic article, as it finds shown by the investigation to be necessary to equalize such differences.

In no case shall the total decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute, and no such rate shall be increased.

(c) Proclamation by the President.—The President shall by proclamation approve the rates of duty and changes in classification and in basis of value specified in any report of the commission under this section, if in his judgment such rates of duty and changes are shown by such investigation of the commission to be necessary to equalize such differences in costs of production.

(d) Effective date of rates and changes.—Commencing 30 days after the date of any presidential proclamation of approval the increased or decreased rates of duty and changes in classification or in basis of value specified in the report of the commission shall take effect.

SECTION 315, TARIFF ACT OF 1922

he shall make such findings public, together with a description of the articles to which they apply, in such detail as may be necessary for the guidance of appraising officers. In such cases and upon the proclamation by the President becoming effective the ad valorem duty or duty based in whole or in part upon the value of the imported article in the country of exportation shall thereafter be based upon the American selling price, as defined in subdivision (f) of section 402 of this act, of any similar competitive article manufactured or produced in the United States embraced within the class or kind of imported articles upon which the President has made a proclamation under subdivision (b) of this section.

The ad valorm rate or rates of duty based upon such American selling price shall be the rate found, upon said investigation by the President, to be shown by the said differences in costs of production necessary to equalize such differences,

but no such rate shall be decreased more than 50 per cent of the rate specified in Title I of this act upon such articles, nor shall any such rate be increased.

If there is any imported article within the class or kind of articles, upon which the President has made public a finding, for which there is no similar competitive article manufactured or produced in the United States, the value of such imported article shall be determined under the provisions of paragraphs (1), (2), and (3) of subdivision (a) of section 402 of this act.

(a) * * * Thirty days after the date of such proclamation or proclamations such changes in classification shall take effect, and such increased or decreased duties shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila):

(b) * * * Such rate or rates of duty shall become effective 15 days after the date of the said proclamation of the President, whereupon the duties so estimated and provided shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila).

SECTION 336, TARIFF ACT OF 1930

(c) That in ascertaining the differences in costs of production, under the provisions of subdivisions (a) and (b) of this section, the President, in so far as he finds it practicable, shall take into consideration (1) the differences in conditions in production, including wages, costs of material, and other items in costs of production of such or similar articles in the United States and in competing foreign countries; (2) the differences in the wholesale selling prices of domestic and foreign articles in the principal markets of the United States; (3) advantages granted to a foreign producer by a foreign government, or by a person, partnership, corporation, or association in a foreign country; and (4) any other advantages or disadvantages in competition.

(f) Modification of changes in duty: Any increased or decreased rate of duty or change in classification or in basis of value which has taken effect as above provided may be modified or terminated in the same manner and subject to the same conditions and limitations (including time of taking effect) as is provided in this section in the case of original increases, decreases, or changes.

(g) Prohibition against transfers from the free list to the dutiable list or from the dutiable list to the free list: Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this act, or in any amendatory act, that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provisions of this section upon such articles shall exceed the maximum ad valorem rate so specified.

(h) Definitions: For the purpose of this section—

SECTION 315, TARIFF ACT OF 1922

(e) Ascertainment of differences in costs of production: In ascertaining under this section the differences in costs of production, the commission shall take into consideration, in so far as it finds it practicable:

(1) In the case of a domestic article: (A) The cost of production as hereinafter in this section defined; (B) transportation costs and other costs incident to delivery to the principal market or markets of the United States for the article; and (C) other relevant factors that constitute an advantage or disadvantage in competition.

(2) In the case of a foreign article: (A) The cost of production as hereinafter in this section defined, or, if the commission finds that such cost is not readily ascertainable, the commission may accept as evidence thereof, or as supplemental thereto, the weighted average of the invoice prices or values for a representative period and/or the average wholesale selling price for a representative period (which price shall be that at which the article is freely offered for sale to all purchasers in the principal market or markets of the principal competing country or countries in the ordinary course of trade and in the usual wholesale quantities in such market or markets); (B) transportation costs and other costs incident to delivery to the principal market or markets of the United States for the article; (C) other relevant factors that constitute an advantage or disadvantage in competition, including advantages granted to the foreign producers by a government, person, partnership, corporation, or association in a foreign country.

The President, proceeding as hereinbefore provided for in proclaiming rates of duty, shall, when he determines that it is shown that the differences in costs of production have changed or no longer exist which led to such proclamation, accordingly as so shown, modify or terminate the same.

Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this act that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provision of this section upon such articles shall exceed the maximum ad valorem rate so specified.

(d) For the purposes of this section any coal-tar product provided

SECTION 336, TARIFF ACT OF 1930	SECTION 315, TARIFF ACT OF 1922
(1) The term "domestic article" means an article wholly or in part the growth or product of the United States; and the term "foreign article" means an article wholly or in part the growth or product of a foreign country.	for in paragraphs 27 or 28 of Title I of this act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner.
(2) The term "United States" includes the several States and Territories and the District of Columbia.	
(3) The term "foreign country" means any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions).	
(4) The term "cost of production," when applied with respect to either a domestic article or a foreign article, includes, for a period which is representative of conditions in production of the article: (A) The price or cost of materials, labor costs, and other direct charges incurred in the production of the article and in the processes or methods employed in its production; (B) the usual general expenses, including charges for depreciation or depletion which are representative of the equipment and property employed in the production of the article and charges for rent or interest which are representative of the cost of obtaining capital or instruments of production; and (C) the cost of containers and coverings of whatever nature, and other costs, charges, and expenses incident to placing the article in condition packed ready for delivery.	
(i) Rules and Regulations of President.—The President is authorized to make all needful rules and regulations for carrying out his functions under the provisions of this section.	(e) The President is authorized to make all needful rules and regulations for carrying out the provisions of this section.
(j) Rules and Regulations of Secretary of Treasury.—The Secretary of the Treasury is authorized to make such rules and regulations as he may deem necessary for the entry and declaration of foreign articles of the class or kind of articles with respect to which a change in basis of value has been made under the provisions of subdivision (b) of this section, and for the form of invoice required at time of entry.	(f) The Secretary of the Treasury is authorized to make such rules and regulations as he may deem necessary for the entry and declaration of imported articles of the class or kind of articles upon which the President has made a proclamation under the provisions of subdivision (b) of this section and for the form of invoice required at time of entry.
(k) Investigations prior to enactment of act.—All uncompleted investigations instituted prior to the approval of this act under the provisions of section 315 of the tariff act of 1922, including investigations in which the President has not proclaimed changes in classification or in basis of value or increases or decreases in rates of duty, shall be dismissed without prejudice; but the information and evidence secured by the commission in any such investigation may be given due consideration in any investigation instituted under the provisions of this section.	

Discussion of some of the changes made in the flexible provision of the new law compared with those in the act of 1922 shows important improvements. An examination of the material just submitted shows the differences in the provisions of the two acts.

It is important to note that the basis for tariff adjustments under the new bill is the same as that under the old bill—the equalization of costs of production, which basis has been declared constitutional by the Supreme Court. The question of the constitutionality of the new flexible provision, therefore, seems on the basis of the Supreme Court ruling to be no longer in doubt. For surely by any fair interpretation the Supreme Court ruling states that the Tariff Commission may be given power by Congress to make recommendation as to the rates found necessary to equalize differences in costs of production. And since the Supreme Court has already ruled that it is legal for the President to adjust rates upon the basis of reports of the Tariff Commission, the question of constitutionality will probably never be raised again.

In effect this new provision makes the United States Tariff Commission a fact-finding tariff-rate-making body similar to the Interstate Commerce Commission, the only difference being that the United States Tariff Commission makes recommendations to the President, who has the power of approval or veto of the finding of the Tariff Commission, while the Interstate Commerce Commission makes the final decision with respect to transportation rates. It is expected that this new provision will extend the period between general tariff revisions by Congress and it may, if properly administered, take the tariff question more or less out of politics, so that it may be treated as the economic question that it is.

What can be fairer to foreign countries and to domestic consumers of products, and at the same time insure for domestic producers the opportunity of selling their products in the United States, than to adjust tariff rates to equalize differences in costs of production in the United States and in the principal competing foreign countries? This basis will not exclude foreign imports. It will not create domestic monopolies. Prohibitive duties can not be maintained. It will mean fair and equal treatment to all concerned, and at the same time it assures and must insure that domestic producers, whether agricultural or industrial, will be protected in this their own market. The Republican Party is to be congratulated on this splendid feature of the new tariff bill.

It would have been much stronger and much more effectively administered had the provision in the House bill been carried out with respect to the number of tariff commissioners. The bill as it passed the House provided for a nonpartisan commission of seven members, thus making a natural majority on the commission. The bill as finally passed provides for a bipartisan Tariff Commission of six members, not more than three of whom may be of any one political party.

The bill as framed now requires the commission to make a finding and to report such finding to the President, together with the recommendation of the commission. It is to be hoped that the President will be able to select members for the commission who will make findings and who are desirous of operating the flexible provision as intended by Congress and thus avoid deadlocks and split reports. It would be unfortunate, indeed, if the new flexible provision should fail of accomplishing its purpose by the commission dividing three to three in its reports to the President.

I believe the President will be able to get men to serve on the commission who will find and report the facts as they are without reference to any political interpretation of those facts. If he is able to do this and does do it, which I think he will, this new flexible provision will go a long way toward placing the tariff upon a fact-finding, scientific adjustment basis, which has been demanded by labor, industry, and agriculture, as well as the consumers of this country, for the past 25 years.

Thus, for the first time in the history of this country the Republican Party has now placed the adjustment of tariff rates in the hands of technically trained men to work out the facts with respect to each article and to adjust the duty on such article upon the basis of those facts, so that the rate will equal the difference in costs of production.

This is one of the most progressive steps in tariff making that has ever been taken in the United States, and is undoubtedly as fair a basis for tariff adjustments as found in any country of the world. I know of no country, in fact, which adjusts its tariff rates on any similar basis. What country permits foreign interests to attend open, public tariff hearings and present their tariff cases before an impartial, unbiased body like the Tariff Commission, and expends large sums of money in an effort to ascertain costs of production for the purpose of being perfectly fair to all interested in the adjusted tariff rates. You may search the whole category of nations from A to Z and you will not find a single country adjusting its tariff rates on such a fair and liberal basis.

Critics of the new tariff law who try to make it appear unfair to foreign importers and to foreign producers will have to dis-

tort and misrepresent the facts to make anything even appear unfair in the flexible tariff. It is to be hoped that foreign countries, when they adjust their tariff rates, will be as liberal as the United States has been in the flexible tariff provision of the tariff act of 1930.

If our Democratic friends are able to stir up enough foreign animosity over this tariff so that some foreign countries may increase their tariff rates in retaliation for the present tariff revision, we hope they will also stir up enough interest on the part of those foreign countries so that they will adopt a flexible tariff provision similar to the one provided for in the tariff act of 1930, just passed by the Congress of the United States, in order that American industries may present their tariff facts before an impartial, unbiased tariff commission of France, Germany, Canada, Argentina, England, Italy, Japan, and so on, throughout the world.

If other countries will follow the example of the United States, and if they are willing to abide by the decisions of a fact-finding body like the United States Tariff Commission, let them set up such a body for the purpose of receiving information from all interested parties—domestic and foreign—in order to ascertain what the real facts are with respect to needs for adjustment of tariff rates. And eventually there will be developed in each country a wholesome respect for the needs of every other country, so that tariff rates may be more sanely and effectively adjusted to meet the conditions found in each country, and such adjustments will be more thoroughly understood by the rest of the world. That is one of the best ways that I know of to promote the peace of the world at the present time. There is nothing as wholesome as education on the subject for dispelling fear and distrust, which are the roots of international ill will. The flexible tariff provision offers an opportunity for the development of friendly relations with foreign countries, and, in my judgment, it will prove to be a very useful method of promoting such friendly international relations.

If anyone has a grievance against any tariff rate and can prove beyond a reasonable doubt that the present tariff rates are too high or too low to equalize the costs of production of their products in the United States and in the principal competing foreign country, and is willing to make application to the Tariff Commission, they may rest assured that the commission will undertake to investigate conditions and make a report and recommendation to the President thereon.

The commission may undertake such investigations (1) upon request of the President, (2) upon resolution by either or both Houses of Congress, (3) upon its own motion, or (4) when in the judgment of the commission there is good and sufficient reason therefor, upon application of any interested party.

As in the act of 1922, so in the present law, in no case shall the total increase or decrease of rates of duty exceed 50 per cent of the rates expressly fixed by statute. This applies particularly to specific rates of duty. In special cases, ad valorem rates may be increased more than the 50 per cent of the rates expressly fixed in the act. In cases where a 50 per cent increase is not sufficient to equalize costs of production, and the rate is on an ad valorem basis, such ad valorem rate of duty may be based upon the American selling price of the domestic article. In no such case, however, shall such rate be increased, nor shall it be decreased more than 50 per cent.

As in the present law, the new act provides that changes in rates of duty shall become effective 30 days after the date of any presidential proclamation of approval of increased or decreased rates.

Another provision of the new and old laws that has not been changed is that which prohibits the Tariff Commission or the President from transferring from the free list articles on the dutiable list or from transferring articles on the dutiable list to the free list. This involves a question of tariff policy which Congress has deemed should be kept in the hands of the lawmaking body.

By this flexible tariff provision the Republican Party has made a progressive move, one which was advocated as early as 1905 by former President Theodore Roosevelt. It is this forward-looking open-mindedness of the party leaders and the President which has characterized the entire consideration of this tariff legislation during the past 15 months.

UNFAIR METHODS OF COMPETITION

Another very important part of this new tariff law is section 337, which makes unlawful unfair methods of competition in the import trade. This provision is drawn for the purpose of protecting domestic interests from unscrupulous importers and others who, though it happens but rarely and may never happen in the future, have a few times in the past taken advantage of loopholes in the law to perpetrate unfair practices in the importation of goods into this country to be sold in competition with goods produced in this country. This section is similar to section 316 of the tariff act of 1922. Like section 315, it has also been held to be constitutional and the views of the majority of the Tariff Commission have been upheld in a decision of the United States Court of Customs and Patent Appeals.

FOREIGN DISCRIMINATION AGAINST UNITED STATES COMMERCE

A third and last provision is that for the adjustment of duties on a scientific basis for the purpose of preventing discrimination by foreign countries against the foreign commerce of the United States, which is provided in section 338 of the tariff act of 1930. Under this provision the President, when he finds that the public interest will be served thereby, may either proclaim new or additional duties on or exclude from entry articles of a foreign country that discriminates unfairly against the commerce of the United States, either directly or indirectly. This is a defensive provision. It may never be invoked against a foreign country. I hope that it may never be necessary. But if foreign countries do discriminate against the commerce of the United States this provision is absolutely necessary for the protection of domestic producers and will prove of great value.

There can be no possible objection to this provision by those countries who give the commerce of the United States most-favored-nation treatment. The United States gives to all countries most-favored-nation treatment when such treatment is reciprocally obtained. We discriminate against none and are fair to all. We have one list of duties which are minimum tariffs in comparison with other countries which have bargaining tariffs. The rates of duty fixed in the act of 1930 give to all other countries alike the same opportunity to export products to the United States. The same rate applies to all goods of like or similar kind and quality irrespective of the country of origin. Exceptions to this rule are Cuba and the Philippine Islands. Imports from Cuba enjoy a 20 per cent preferential rate, and imports from the Philippine Islands enter free of duty. For all other countries the rates are the same.

Section 338 is recognized as an important feature of the new tariff bill that will wield a great influence in obtaining for the exports of the United States respectful treatment by foreign countries.

INTERFERENCE WITH FUNCTIONS OF COMMISSION

Furthermore, the new tariff act makes it unlawful for any person—

To prevent or attempt to prevent, by force, intimidation, threat, or in any other manner, any member or employee of the commission from exercising the functions imposed upon the commission by this title, or (2) to induce, or attempt to induce, by like means any such member or employee to make any decision or order, or to take any action, with respect to any matter within the authority of the commission.

The penalty for violation of this provision, upon conviction thereof, is fixed at not more than $1,000 or imprisonment for not more than one year, or both. This provision makes the commission more independent than any such body has ever heretofore been and protects the commission from the usual lobbyist methods of force, threat, or intimidation.

CONCLUSION

On the flexible tariff issue as well as these other special provisions and the rates included in the act, the Republican Party is anxious to go to the polls this fall for reelection. We gladly accept the tariff act of 1930 as the campaign issue of 1930 and hope that we may keep that issue before the public from now until election day so that the people of the country may be informed as to what the act does and does not do, and we have no fear at all of the outcome of the election.

Our Democratic friends are not going to be permitted to befog the issue by partial half truths and glittering generalities. They will have to face the facts before this campaign is over, and neither the farmers, wage earners, or employers of labor are going to be deceived by their loose propaganda.

There is nothing more potent than facts, and the Republican Party has the facts on its side. Consequently we go into the congressional campaign this year with light hearts and a vigorous attack. We shall carry the fight to the foe on the tariff act of 1930. Every time the tariff has been the issue in a campaign the Republicans have won the election, and we will do so again this year.

ADDRESS BY SECRETARY OF AGRICULTURE ARTHUR M. HYDE

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a radio address delivered to-day by the Secretary of Agriculture with regard to the benefit of the tariff to agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. LEAVITT. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following radio talk given July 2, 1930, by Secretary of Agriculture Arthur M. Hyde:

AGRICULTURE AND THE TARIFF

For agriculture the tariff act of 1930 will be a distinct gain. Actually and potentially it increases tariff protection for American farmers. Many of its rates, such as those on wool, eggs, long-staple cotton, and dairy products, will be generally beneficial. Others will be of maximum assistance in border markets and under favorable market conditions. All will serve to hold the home market for the American producer, and add to the economic urge to agriculture to balance its production against the market demand.

The new tariff act provides increased duties upon agricultural products of which we imported in 1928, $287,000,000 in their raw state. Of the same products we imported $333,800,000 in their first processed form. For practical purposes, therefore, the new tariff act is applicable to imports having a value of more than $620,000,000. The increased rates will encourage the production of some crops, such as soybeans and sugar beets; will add to the value of such by-products as casein and vegetable oils and offer many opportunities for diversification through crops which are now offered a stronger market.

The new bill reduces, even though it may not entirely eliminate, the disparity in tariff protection which has heretofore existed between agricultural products and industrial products. The statisticians of the American Farm Bureau estimate that if raw agricultural products alone be considered against industrial products there is an advantage in favor of industry, but that if first processed forms of agricultural products (such as butter and meats) be considered, there is an advantage in favor of agriculture. It can safely be said that the new act takes a long step toward parity in tariff protection for agriculture, and that it affords to agriculture, so far as a law can do so, a high degree of protection.

On an equivalent ad valorem basis the percentage of increase on agricultural products (Schedule 7) is more than twice as large as the increase upon other schedules in the bill. This increase was 54.43 per cent. Since the increase on all items covered in the bill is only 6.17 per cent, the increase of 54.43 per cent on agricultural products is significant.

The next largest increase is 22.17 per cent over the act of 1922. This is on spirits and fruit syrups. These products are almost wholly of agricultural origin.

Third in percentage of increase is Schedule 1 covering chemicals, oils, and paint. Such important agricultural products as casein, wool grease, olive oil, some tropical oils, soybean oil, potato starch and other starches are included in the schedule.

The fourth highest percentage of increase is on Schedule 11, which covers wool and its manufactures. Here the increase is 20.77 per cent over the act of 1922. The tariff increase on the various classes of unmanufactured wool runs from 3 cents to 13 cents per pound. The duty now varies from 22 cents to 27 cents per pound.

Important agricultural products upon which the rate of duty has been raised are cattle, meats and meat products, hides, wool, long-staple cotton, flaxseed, soybeans, butter and cheese, milk and cream, casein, eggs and egg products, a large variety of fresh fruits and fresh vegetables, and sugar.

The duty on wheat was not increased above the rate established by the President under the flexible provision of the act of 1922. Establishing this rate of 42 cents in the 1930 act, however, makes possible such changes in rates as later investigation may show to be required. Despite the surplus in production, the duty on wheat is partially effective. It is most effective in protecting the hard spring-wheat growers in seasons of short crops, but it benefits other classes of wheat by creating a stronger market.

Visualize the condition which would exist if no tariff whatever existed. Absent any tariff, our markets in the Northwest and on our seaboards would be open to both North and South American competition at a lower freight rate than is enjoyed by our own growers, and at a smaller cost for hauling than the present charge from the producing country to Liverpool. This competition would soon operate to pile up our surplus wheat at inland points, and to lower prices. Despite the fact that the surplus American wheat prevents full protection from the tariff, it is none the less true that such tariff does hold the American market for the American farmer. The degree of its effectiveness varies with market conditions.

The tariff bill provides a duty of 7 cents per pound upon cotton having a staple of 1⅛ inches or longer. Since it is long-staple cotton which the United States imports, for special purposes, this duty will therefore be largely effective upon this class of cotton.

One of the major problems facing American cotton growers is the increasing production of short lengths and of untenderable grades of cotton. The tariff duty will put a premium upon the production of the longer staples of cotton. This should result in a great improvement in the quality of the crop and increase both demand and price.

Increases in duties on livestock and poultry will be effective particularly in border markets and at some phases of the production cycles. The increase in duty on live cattle, weighing less than 700 pounds, from 1½ to 2½ cents per pound, and upon the heavier animals from 2 to 3 cents will tend to strengthen the market for stocker and feeder cattle. Likewise, the increase in duty on hogs from one-half to 2 cents per pound will tend to strengthen the hog market, particularly when our own supplies are relatively small. The increase in the duty on live poultry from 3 to 8 cents will be effective in some markets. Increasing the duty on eggs in the shell from 8 cents to 10 cents will afford protection in border markets which should reflect back to the interior. The increase in the duty on frozen eggs from 6 to 11 cents will be effective to meet competition from China.

The duties on all meats and meat products were raised. In some cases, especially the fresh meats and poultry, the increase in duties will have some effect in local markets, particularly when supplies in the United States are moderate. The great benefit arises from the fact that it protects the American market from the threat of gluts created by foreign producers.

Of great significance are the increases in duties on dairy products. The duty on fresh milk was raised from 2½ to 6½ cents per gallon; on cream from 20 to 56.6 cents per gallon; on condensed milk, unsweetened, from 1 to 1.8 cents, and sweetened from 1½ to 2¾ cents per pound; on cheese from 5 to 8 cents per pound; casein from 2½ to 5½ cents per pound; and on butter from 12 to 14 cents per pound. The increases are substantial, and since the production of many of the dairy items is not sufficient for domestic requirements, a duty on these items will be largely effective. The extent of effectiveness of the duty on butter will depend largely upon the extent to which this country holds production in check so that supplies may not exceed requirements.

The duty on flaxseed was raised from 40 to 65 cents per bushel, and on linseed oil from 3.3 to 4½ cents per pound. Since flaxseed production of the United States is not equal to domestic requirements, this increase in duty will be greatly effective.

Sheep raisers will profit by the increase in the duties on wool. The duty on scoured wool, not finer than 44's, is increased from 31 to 32 cents per pound, and the duty on wool finer than 44's to 37 cents per pound. The duty on unscoured wool is raised to 25 cents per pound.

An increase in the duty on wrapper tobacco, stemmed, from 2.75 to 2.92 cents per pound, and corresponding increases on some other types will increase the protection of certain types of tobacco produced in this country.

An increase in the duty on onions from 1 to 2½ cents per pound, on dried beans from 1¾ to 3 cents, on shelled peanuts from 4 to 5 cents, and on many other vegetables and nuts will be effective to a large extent. The volume of imports of these products is a little over $38,000,000 annually.

The duty on sugar will be effective to aid the beet-sugar growers of the country.

It has been claimed that the benefits which the bill extends to agriculture are nullified by increased rates upon nonagricultural products which the farmer must buy. While specific items might be selected upon which a plausible argument might be based, the following facts will show its fallacy:

The average farm family's annual budget amounts to $1,159. In order to test the effect of the tariff upon this budget the new rates have been applied to it. The rate on each item was then weighted by the expenditure for that item to get a weighted average tariff rate. We find, then, that the weighted average tariff rate on commodities purchased by farmers was 16 per cent by the tariff act of 1922 and is 20.2 per cent by the tariff act of 1930. The maximum possible increase in the farmer's budget appears, therefore, to be about 4 per cent, or about $48 per year.

A large part of this increase, however, is on commodities which the American farmer produces, or which are manufactured from raw materials produced by American agriculture. These articles comprise 50 per cent of the farmers' purchases. It is this 50 per cent which bears the highest rates and on which the increases have been the greatest. If we eliminate the items which farmers as a whole may be said to buy from themselves or from the manufacturers of their products, we find that for the remaining dutiable items the tariff rates average 34 per cent by the act of 1922 and 38 per cent by the present act. It may be said, therefore, that the average American farm family's budget may be as much as $6 a year greater under the new act on items in which the farmer is not interested as a producer.

Examining further, we find that the term "high agricultural rates" applies only to commodities produced by American agriculture. Coffee, on which the average farm family spends $16.54 per year; tea, on which they spend $4.96 per year; bananas, on which they spend $4.36; many spices and crude rubber are agricultural products not grown in the United States and which bear no duties.

There is a large free list, which includes many of the commodities purchased by farmers. Fuels, gasoline, and lubricating oils, of which the average farmer buys $95.32, and fertilizer and materials used for fertilizers are entirely free of duties. Over 87 per cent of the farmers' expenditures for tools and machinery is for items on the free list, and incidentally a large part of the remaining expenditures is for items such as automobiles, on which the tariff is clearly ineffective. Over 60 per

cent of the farmers' expenditures for building materials and over 22 per cent of their expenditures for equipment and miscellaneous supplies are for items on the free list. In all, about 39 per cent of the farmers' expenditures goes for items on which there are no tariff rates in the tariff act of 1930.

To summarize, then, 50 per cent of the American farmer's purchases is for commodities produced by American agriculture. About 39 per cent of his expenditures is for commodities on the free list. This leaves only 11 per cent of his expenditures for commodities which have a tariff and in which he is not interested as a producer.

Stated in round numbers and assuming that the rate increases on agricultural commodities were entirely effective, the average income per farm on the basis of 1928 production and prices would be increased by about $150. The average expenditures per farm would be increased about $48 by increases in duties on commodities purchased. The net balance in change of duties, therefore, would be about $102 per farm in favor of the farmer.

Of course, tariff duties are seldom, if ever, fully effective in correspondingly raising prices. The tariff on steel is less effective than the tariff on hogs and lard. The tariff on automobiles is less effective than the tariff on wheat or on corn. Neither the increases on the commodities the farmer buys nor on those he sells will be fully effective. But the foregoing analysis is sufficient to demonstrate that so far as tariff protection can go, the farmer is in a stronger position by virtue of the 1930 act.

One great source of potential benefit to agriculture lies in the possibilities which the bill opens up for better-balanced production. Undoubtedly the act offers a larger market for many products. Our net imports for the years 1926–1928 of commodities upon which duties were raised, and which can be produced in this country, give a rough measure of the possibilities of shifting production so as to achieve a better balance. For instance, we import vegetables which require 388,000 acres to produce. Our imports of soybean oil require 160,000 acres; of corn, 84,000 acres; of peanuts, 67,000 acres; of figs, 62,000 acres; of meats and meat products, 341,000 acres; of dairy products and by-products, 450,000 acres; of cattle, hogs, and sheep, 818,000 acres, etc. On the basis of recent volume of domestic flax consumption and production the increased rates of flax, flaxseed, and linseed oil, make possible a substitution of 2,300,000 acres of flax for hard red spring wheat. The total shift in acreage from crops of which we now produce too great a surplus to crops to which increased tariff protection now offers a better market could run as high as 10,000,000 acres.

It is not probable that the entire theoretical shift can be realized; nevertheless, the tariff act does offer an opportunity for more profitable diversification and better balance in agriculture which has not heretofore existed.

President Hoover in 1928 said "An adequate tariff is the foundation of farm relief." The new tariff act provides this foundation. It will be largely operative in many agricultural commodities. It will be partially effective on nearly all agricultural commodities covered. It will be of maximum benefit to all agricultural commodities if agriculture can meet the plain economic conditions necessary to receive the full benefits. In any event the foundation of an adequate tariff has been laid.

The act adds to the potentialities of the program of the Federal Farm Board. It affords the farmer of America adequate breastworks behind which he may, if he will bring his production within the operation of the law, find profitable protection. More than this no law can do. It now lies in the power of agriculture to take the final step toward achieving economic equality.

BOND ISSUE, KETCHIKAN, ALASKA

Mr. GIBSON. Mr. Speaker, by direction of the Committee on the Territories I ask unanimous consent to take from the Speaker's table the bill (H. R. 9707) to authorize the incorporated town of Ketchikan, Alaska, to issue bonds in any sum not to exceed $1,000,000 for the purpose of acquiring public-utility properties, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 5, strike out "50" and insert "30."

Page 2, line 21, strike out "a majority" and insert "not less than 65 per cent."

Page 3, line 5, strike out "50" and insert "30."

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

Mr. GARNER. Reserving the right to object, has the matter been referred to the gentleman's committee and has the committee taken action?

Mr. GIBSON. It has; and I have authority from the committee to ask that the bill be taken up by unanimous consent and the amendments concurred in. I have referred the matter to the gentleman from Mississippi [Mr. RANKIN], one of the leading members of the committee, and it meets with his approval.

Mr. GARNER. But there was no committee action?

Mr. GIBSON. Yes. There was action by the committee this morning.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the gentleman a question. Has there been any attempt on the part of another body to browbeat or coerce the gentleman's committee into agreeing to the Senate amendments?

Mr. GIBSON. None at all.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The Senate amendments were concurred in.

IMPORTANT AGRICULTURAL LEGISLATION APPROVED BY CONGRESS

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my remarks by summarizing important legislation passed during the present session of Congress with relation to agriculture, and also on the subject of chain stores and mergers.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDRESEN. Mr. Speaker, for the information of the Members of the House I am herewith summarizing important agricultural legislation approved by Congress during the present session.

H. R. 1. An act to establish a Federal Farm Board to promote the effective merchandising of agricultural commodities in interstate and foreign commerce and to place agriculture on a basis of economic equality with other industries.

This bill proposed to do for the farmers what was done for other industries by the enactment of the Federal reserve act, the Adamson Act, the restricted immigration act, and the many acts extending aid to numerous other activities.

H. R. 2152. To promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes.

This bill is a helpful step toward more uniform and better administration in that it places a proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service as defined in the Hoch Act of March 3, 1927. It is believed to fill the need, to a great extent, of a unified world service for American agriculture.

S. 108. To suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce.

This bill is to safeguard producers and retailers of fresh fruits and vegetables against unfair practices on the part of irresponsible commission merchants, dealers, and brokers who make a practice of rejecting purchases of such commodities on a declining market, subjecting shippers to an unnecessary marketing hazard, retarding distribution, interrupting and restricting the flow of commerce and impairing the confidence that should prevail in the marketing of products of such importance to the entire country.

S. 3531. Authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes.

This bill provides for the establishment of forest tree nurseries and a policy for the scale on which tree planting on national forests should be carried out. It would facilitate the work of caring for plantations and would enable the Forest Service to obtain the planting of some timber-sale areas on which conditions make it best to clear, cut, and replant. Also, it would provide for the furnishing of seedlings and/or young trees for replanting of burned-over areas in any national park.

S. J. Res. 117. For the relief of farmers in the storm, flood, and/or drought-stricken areas of Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, Ohio, Oklahoma, Indiana, Illinois, Minnesota, North Dakota, Montana, New Mexico, and Missouri.

This bill authorizes an appropriation of $7,000,000 to make advances or loans to farmers in the storm, flood, and/or drought-stricken areas of the several States named, where it is found that an emergency for such assistance exists for the purchase of seed, feed, and fertilizer.

H. R. 10877. Authorizing appropriations to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

The authorization for appropriations under our present reforestation purchase program expires with the end of the fiscal year 1931. This bill authorizes not to exceed $3,000,000 for each of the two succeeding years.

S. 3487. To provide for the acceptance of a donation of land and the construction thereon of suitable buildings and appurtenances for the Forest Products Laboratory, and for other purposes.

This bill provides for the acceptance of land by the United States from the regents of the University of Wisconsin for a site for the Forest Products Laboratory of the Forest Service and authorizes an appropriation of $900,000 for the construction thereon of a suitable building or buildings for the Forest Products Laboratory.

H. R. 10173. To authorize the Secretary of Agriculture to conduct investigations of cotton ginning.

The bill authorizes the Secretary of Agriculture to investigate the ginning of cotton, to establish and maintain ginning plants and laboratories, to make tests, and to conduct experiments and demonstrations, with a view to developing improved ginning equipment and encouraging the use of improved methods in cooperation with any department or agency of the Government, or any State or political subdivision thereof, or any person or agency that he shall find to be necessary. The Secretary of Agriculture has estimated that the total ginning damage to the cotton crop, because of inefficient ginning, ranges from $30,000,000 to $60,000,000 a year.

H. J. Res. 232. To amend the joint resolution entitled "Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor," approved May 21, 1928.

This bill amends the act of May 21, 1928, to apply to the crop of 1930. It reduces the appropriation from $5,000,000 to $2,500,000. It provides that full compensation shall be paid for actual and necessary losses sustained to the crop of 1930 only on condition that satisfactory guaranties shall have first been made that one-half of the Federal expenditures shall be repaid into the Federal Treasury, and so forth.

H. R. 6. To amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended.

This bill amends the definition of oleomargarine to bring within the jurisdiction of the general oleomargarine law the so-called yellow cooking compounds, which have been sold as a butter substitute for the past half dozen years without any control or any tax. These cooking compounds or shortening compounds or table-fat compounds, containing more than 1 per cent of moisture—the kind of fat compounds which have been on the market in quarter-pound and pound packages, sold and used as and in place of butter, must hereafter be marked "oleomargarine," and sold only in strict compliance with the oleomargarine law.

H. R. 730. A bill to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

This bill amends the general food laws only to the extent of granting to the Secretary of Agriculture the authority to require, in the interest of the consuming public, distinctive and informative labeling of canned foods of grades below certain standards to be established minimum requirements.

While consumers' protection is the main objective of the proposed amendment it is believed that it will encourage the growth and expansion of the canning industry, which is one of the most important means of enabling the farmer to move his perishable products profitably.

PRESERVATION OF INDEPENDENT RETAIL MERCHANT AND SMALL MANUFACTURER

Mr. ANDRESEN. Mr. Speaker, ladies and gentlemen of the House, I favor passage of the Capper-Kelly bill because it is a measure which has for its purpose the preservation of the small retail merchant. The bill proposes to give the independent dealer an opportunity to honestly compete with the chain-store combination, which has rapidly spread through the country during the past 10 years. He is entitled to protection, as the small merchant is virtually the backbone of every community.

The American consuming public should wake up to the fact that they are about to be controlled by centralized capital through this chain store and merger proposition.

I say, America, wake up! You are about to have your backbone of individual initiative painfully extracted from your system, to be replaced with the mechanical tentacles of a gigantic and artificially created octopus. This legalized creature, conceived by man, made possible by enormous wealth, strikes with cold-blooded indifference and uncanny accuracy into the heart of America in its effort to undermine our individual economic independence.

Since the days of the Pilgrims we have prided ourselves on the fact that America's greatness has been builded upon the solid foundation of individual initiative. Peoples from all the countries of the world have been attracted to our shores during the past generations to share in the individual, social, and economic expression of "equal opportunity for all and special privileges for none."

The farms of America have been developed to their high state of production by individual effort—toil and sweat of the brow.

The thousands of small cities and villages scattered throughout this country, together with their small factories and retail institutions, have been builded by individual efforts of patriotic citizens. As a general rule, the entire population of these small communities is dependent upon the success of individual effort in locally controlled business.

The local merchants and manufacturers take a great pride in their community. They, together with other home owners, are the taxpayers. They are the contributors of time and money in their effort to make their city or village the best place in the world in which to live.

For more than 150 years the farmer, the small-community laborer, the independent merchant and manufacturer have been the real backbone of stability in this country. Their united effort in each community has builded our civic pride and made possible that great spirit of America which makes our country the leading nation of the world.

Then, like a bolt of lightning out of a clear sky, the scene changes. The farmer, the independent merchant and manufacturer, the life of the small cities and villages is being threatened. We are about to destroy our community spirit, and legislation should be enacted in Congress and in the various State legislatures to protect the effort of individual initiative against the encroachment of chain stores, chain banks, and undesirable mergers of every character.

I say that it is time for America to wake up and for Congress and the administration to use every legal and necessary means to protect the independence and stability of individual initiative from the encroachment of unsympathetic monopolies and capital.

INVESTIGATION OF HOLDING COMPANIES OF COMMON CARRIERS

Mr. PERKINS. Mr. Speaker, I call up the resolution (H. Res. 274) relating to the investigation of holding companies of common carriers, a privileged resolution from the Committee on Accounts.

The Clerk read the resolution as follows:

House Resolution 274

Resolved, That there shall be paid out of the contingent fund of the House an additional sum not to exceed $25,000 in carrying out the provisions of H. Res. 114.

Mr. PERKINS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PARKER].

Mr. PARKER. Mr. Speaker, the investigation of holding companies under the authority of House Resolution 114 is being pressed with vigor. Experienced investigators have gone to the offices and have personally examined the books, files, and records of 22 holding companies which are known or believed to own voting stocks of railroads for purposes of control. Among these are the Pennsylvania Co., the Allegheny Co., and the Pennroad Corporation. Seven hundred investment trusts and holding companies have been called by questionnaire and have disclosed to what extent they deal in the voting stocks of railroads. Every Class I railroad has carefully filled out an elaborate questionnaire, and the answers to the questions disclose, on the one hand, what holding companies are stockholders of the railroads and, on the other hand, in what holding companies the railroads themselves are stockholders.

The investigation is being managed by special counsel, Dr. Walter M. W. Splawn, former president of the University of Texas, and at the time retained by the committee, referee under the settlement of war claims act of 1928. Through cooperation of the Interstate Commerce Commission a number of experienced field workers have been made available, in addition to trained statisticians and competent accountants. A group of economists, under direction of counsel and including Prof. James C. Bonbright, of Columbia University, has been set to studying the genesis, the development, and history of the holding companies, with a view to determining how they function, and showing their place in American business, together with their advantages and disadvantages. There are a number of difficult constitutional and legal questions connected with this





investigation. Counsel has added to the staff M. S. Breckenridge, professor of constitutional law, University of North Carolina, to assist with the legal studies.

There are five lines of major inquiry: First of railroads; second of investment trusts; third of holding companies; fourth, a historical study of the development and functioning of holding companies; and fifth, an examination of the legal questions. The purpose is to complete these studies, if humanly possible, by the time Congress reassembles in December. When the results are brought together the Committee on Interstate and Foreign Commerce and the Members of the House will have the facts called for by the House resolution and the information which will serve as a basis for legislation.

Twenty-five thousand dollars additional is needed to complete the investigation. This will be sufficient unless litigation should develop somewhere in the course of the inquiries.

In the extension of remarks are included the questionnaires and a detailed statement of the progress of each line of inquiry.

In its annual report issued December, 1929, the Interstate Commerce Commission recommended that the Congress give thorough consideration to a possible extension of the jurisdiction of the Interstate Commerce Commission to cover activities which, though not now under their jurisdiction, result in bringing about the unification of railroads. The commission pointed out that in section 5 of the interstate commerce act the Congress manifested a clear intent to subject the unification of carriers by railroad, one with another, to the orderly processes of a carefully planned scheme of public regulation.

To quote the commission's language:

> There are, however, means whereby unification of carriers can be brought about without consolidation into one corporation for ownership, management, and operation and without, strictly speaking, the acquisition of control of one carrier by another. To illustrate this, it developed in stock of Denver & Rio Grande Western Railroad (70 I. C. C. 102) that the Western Pacific Railroad Corporation, a holding company, which owned all of the stock of the Western Pacific Railroad Co., an operating carrier, was proposing to acquire all of the stock of the Denver & Rio Grande Western Railroad Co., another operating carrier, thus unifying these two carriers as effectually under common control as if one had directly acquired the stock of the other. We found, however, that the "proposed acquisition of applicant's stock by the holding company does not constitute a consolidation of the property of two or more carriers by railroad subject to the act into one corporation for the ownership, management, and operation of properties theretofore in separate ownership, management, and operation within the meaning of paragraph (6) of section 5 of the act." And we further found that "inasmuch as the holding company is not a carrier engaged in the transportation of passengers or property subject to the act, the acquisition of control of the applicant by the holding company is not within the scope of paragraph (2) of section 5."

The commission further pointed out that there are means of unifying carriers through common control or affiliation which may not be reached by the existing antitrust laws. This method utilizes the mechanism of holding companies but in a somewhat different way than that illustrated in Denver & Rio Grande Western. For example, a holding company may not own the physical property of a railroad and may own nothing but the stocks or securities of other companies. Such a company may not be controlled by any railroad but may be controlled by the same interests which in turn control one or more railroads. Common control can be effected by a chain, one vital length of which is made up of the control exercised, directly or indirectly, of two or more corporations by individuals.

Further, to quote the commission:

> The process may, of course, be facilitated by reducing the control of the holding company or one or all of the carriers involved to a relatively small if not insignificant financial interest through various devices, such as limitation of the voting power of certain classes of stocks, the superimposing or pyramiding of one holding company on top of another, and the like.

The commission then went on to say:

> Where parallel or competing carriers are involved, we are not prepared to say that a process of virtual unification so brought about is not amenable to the provisions of section 7 of the Clayton Antitrust Act. These provisions are couched in very broad language, and it will eventually be for the courts to determine how inclusive and effectual they are. Where no competition is involved, however, it is obvious that if our decision in stock of Denver & Rio Grande Western Railroad was right, such unifications may be brought about without authority from or regulation of this commission. Certainly if common control of two railroad companies by a single holding company is neither a consolidation under section 5 (6) of the interstate commerce act nor an acquisition of control under section 5 (2), as we found in that case, the same conclusion may be reached as to common control brought about by utilizing a holding company in combination with powers of control possessed by certain individuals. Plainly, also, if this be the situation, the subjection of the unification of carriers by railroads to the orderly process of a carefully planned scheme of public regulation, which section 5 was designed to accomplish, is very likely to be partially or even wholly defeated, subject to the possibility that the Clayton Antitrust Act may in some measure, after protracted litigation, enable control over the situation to be maintained.

This is a statement in the commission's own words of its fears and misgivings. After setting forth the situation, the commission then made a ringing appeal for a most thorough investigation. They said:

> We call this matter to the attention of the Congress because we believe that it deserves thorough investigation and serious consideration. What the appropriate remedy may be we do not undertake for the present to say. Difficult legal and perhaps constitutional questions are involved, and to some extent the remedy must be shaped by the facts which thorough investigation may disclose.

After reading this request for a thorough investigation, the Committee on Interstate and Foreign Commerce submitted to the House of Representatives House Resolution 114, which the House passed by an overwhelming majority. That resolution authorizes the Committee on Interstate and Foreign Commerce to investigate ownership and control or capital interest in any common carriers where such control or capital interest is held by holding companies, investment trusts, corporations, associations, and trusts, with a view to determine the effect of such ownership and control on interstate and foreign commerce.

It was foreseen that an investigation of such scope and importance would consume both time and money. As soon as the committee was clothed with the necessary authority it first called the chairman of the legislative committee of the Interstate Commerce Commission in order to find just why the commission has the misgivings which prompted its request for an extension of its jurisdiction. For three days the chairman of the legislative committee of the commission testified before the Committee on Interstate and Foreign Commerce. His statements were sufficient to justify the misgivings expressed by the Interstate Commerce Commission in its last annual report and to justify the House of Representatives in calling for a searching investigation of the methods of control of railroads which may lead to possible unifications of separate properties without the approval of the Interstate Commerce Commission.

The testimony from the commission also discloses the necessity for getting at the facts. The commission frankly reveals that it had in its possession only fragments of evidence. Legislation has been requested to extend the jurisdiction of the commission to include activities of companies which are in a large measure financial or of such character that it may be contended that they are not engaged in interstate commerce. It is obvious that such legislation should not be framed in the absence of complete knowledge of all the facts. Without such knowledge the very purpose of the Congress in passing the requested statute might be defeated. Moreover, untold and unforeseen harm might follow an effort to legislate in this new field without the exact knowledge which can be had only as a result of the most searching inquiry. The committee is convinced that the commission did well to ask for a careful and searching investigation. Before the Congress can reach out and place such activities as above mentioned within the jurisdiction of the commission it should be fully advised as to all the possible results that might follow, and that the proposed legislation would reach the evil of which complaint has been made. Moreover, it should know just how much of evil is inherent in the situation to which the attention of the Congress has been called.

Realizing the responsibility carried by the mandate and authority under Resolution 114, the Committee on Interstate and Foreign Commerce came to the House of Representatives and asked for an appropriation to defray expenses of the investigation. After due consideration it was decided to ask for only $25,000 to initiate the investigation. At that time it was explained to the House that further appropriations would be necessary and at the proper time would be requested. It now appears that an additional $25,000 should be appropriated so as to enable the committee to conclude the investigations now under way. At the conclusion of the investigations now being prosecuted by authority of the committee, the committee will then, in the light of the information obtained, make such recommendations to the House as in its judgment will conserve and promote the general welfare.

In connection with this request for further appropriations for $25,000 the Committee on Interstate and Foreign Commerce

wishes to disclose to the House just how it is using the funds which have been made available. The committee employed counsel to assist it in directing the investigation. Counsel was authorized to organize such a staff as was necessary to make the desired studies and researches. Counsel immediately set about outlining the work and providing a personnel to do it and organized a small staff. A much larger staff would have been necessary but for an arrangement with the Interstate Commerce Commission, whereby it made available to counsel, such expert statisticians and accountants as might be required. This arrangement had several distinct advantages: First, it brought to the investigation men highly competent and experienced in the type of investigations which is being pursued. Second, it saved the committee what otherwise would have been a very large expenditure, if it had been compelled to make contracts with firms of public accountants and statistical organizations as would otherwise have been necessary. For several weeks 10 of these trained experts in the commission have been giving practically all of their time to this investigation. From time to time several others have worked as required. Without this cooperation the committee would have had to make contracts with firms of public accountants and statisticians. These men would have cost the committee from $35 to $50 a day each if contracts had been made with commercial organizations. This cooperation of the commission with the counsel for the committee in furnishing a part of the staff has saved and is saving an appreciable sum. As the investigation has unfolded counsel has found it necessary to supplement and to furnish assistance to the talent made available by the commission. For example it was found that the division of statistics of the commission needed in this work a junior economist which it did not have on its staff.

The House may be interested to know the progress of the investigation up to the present time. I will here make a summary of a report made by counsel to the committee:

In accordance with the provisions of House Resolution 114, adopted by the House of Representatives, the investigation is:

First. To obtain information.

Second. Such information is to be gathered as may be necessary as a basis for legislation.

Third. The information is to be concerning the ownership and the control of common carriers.

Fourth. The information as to the ownership and control of common carriers called for is that which shows how and to what extent interstate common carriers are owned and controlled by holding companies, investment trusts, and the like.

Fifth. The information is also to reveal how holding companies and investment trusts which own and control interstate common carriers are themselves controlled.

In order to find out how holding companies, investment trusts, and the like own and control railroads, and how such holding companies are themselves controlled, it was necessary first to make inquiry of the railroads. The resolution specifically directs that an investigation may be made of the common carriers engaged in interstate commerce to the extent necessary to determine the effect of their being owned and controlled where such ownership and control is shown to be by holding companies, investment trusts, and the like.

Obviously, the carriers themselves could reveal much concerning their ownership and control. To call each one of 175 Class I railroads before the committee would have required an investigation almost interminable in length. In order to conserve time and get the desired information speedily and with as little expense as possible to the Congress, counsel prepared a questionnaire to be sent to each Class I railroad, as follows:

QUESTIONNAIRE No. 1

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C., April 15, 1930.

To 175 Class I Steam Railroads:

On January 24, 1930, the House of Representatives adopted H. Res. 114, reading as follows:

"*Resolved*, That for the purpose of obtaining information necessary as a basis for legislation the Committee on Interstate and Foreign Commerce, as a whole or by subcommittee, is authorized to investigate the ownership and the control, direct or indirect (through stock ownership or control or otherwise), of stock, securities, or capital interests in any common carrier engaged in the transportation of persons or property in interstate commerce by holding companies, investment trust, individuals, partnerships, corporations, associations, and trusts, and the organization, financing, development, management, operation, and control of such holding companies, investment trusts, partnerships, corporations, associations, and trusts, with a view to determining the effect of such ownership and control on interstate and foreign commerce and, to the extent necessary to determine the effect of such ownership and control, to make like investigation of common carriers so engaged."

The committee shall report to the House the results of its investigation, including such recommendations for legislation as it deems advisable.

For such purposes the committee, or any subcommittee thereof, is authorized to sit and act at such times and places in the District of Columbia or elsewhere, whether or not the House is in session, to hold such hearings, to employ such experts, and such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems necessary.

Pursuant to the authority given in the aforesaid resolution, the respondent is required on or before June 1, 1930, to file with the Committee on Interstate and Foreign Commerce specific and complete answers to the following questions. Unless otherwise directed, make all replies as of December 31, 1929, and indicate by footnote any significant changes subsequent thereto. Extra sheets may be added where necessary for complete answers.

I. Name of respondent carrier (give correct corporate name):

_____

II. Name, title, and address of respondent's official to whom correspondence regarding this return should be addressed:

_____

_____

_____

III. Capital stock:

(a) Common—

1. Par value per share _____
2. Total par value authorized _____
3. Total par value [1] actually outstanding (total actually issued less that held by respondent) _____
4. Has each share the right to 1 vote? _____
   If not, give full particulars:
5. Are voting rights proportional to holdings? _____
   If not, state relation between holdings and corresponding voting rights:

(b) First preferred—

1. Par value per share _____
2. Description (dividend rate, cumulative or noncumulative, etc.) _____
3. Total par value authorized _____
4. Total par value [1] actually outstanding (total actually issued less that held by respondent) _____
5. Has each share the right to 1 vote? _____
   If not, give full particulars:
6. Are voting rights proportional to holdings? _____
   If not, state relations between holdings and corresponding voting rights:

(c) Second preferred—

1. Par value per share _____
2. Description (dividend rate, cumulative or noncumulative, etc.) _____
3. Total par value authorized _____
4. Total par value actually outstanding (total actually issued less than held by respondent) _____
5. Has each share the right to one vote? _____
   If not, give full particulars:
6. Are voting rights proportioned to holdings? _____
   If not, state relation between holdings and corresponding voting rights:

(d) Other stock—

1. Description _____
2. Par value per share _____
3. Total par value authorized _____
4. Total par value actually outstanding (total actually issued less that held by respondent) _____
5. Has each share the right to one vote? _____
   If not, give full particulars:
6. Are voting rights proportional to holdings? _____
   If not, state relation between holdings and corresponding voting rights:

IV. Are voting rights attached to any securities other than stock? _____

If so, name and give amount of each class of security other than stock to which voting rights are attached, and state in detail the relation between holdings and corresponding voting rights, stating whether voting rights are actual or contingent, and if contingent, showing the contingency.

V. Has any class or issue of securities any special privileges, contingent or other, in the election of officers, directors, trustees, or managers, or in the determination of corporate action by any method? _____

If so, describe fully each such class or issue and give a succinct statement showing clearly the character and extent of such privileges.

VI. Date of latest closing of stock book prior to the actual filing of this return _____

Purpose of such closing _____

Date of latest compilation of list of stockholders _____

VII. Number and voting power of security holders as of December 31, 1929, and as of any subsequent date of closing stock book or compilation of list of stockholders:

---

[1] Includes stocks without par value on the basis of cash value of consideration received at issue, indicating by footnote the number of shares. If more than one issue of no-par stock has been made, indicate in footnote the number of shares and consideration received at each issue.

Class of security	Dec. 31, 1929		———, 1930	
	Number of owners	Total voting power	Number of owners	Total voting power
Common stock				
First preferred stock				
Second preferred stock				
Other stock [1]				
Securities other than stock having voting rights [2]				
Total				

[1] Include stocks without par value on the basis of cash value of consideration received at issue, indicating by footnote the number of shares. If more than one issue of no-par stock has been made, indicate in footnote the number of shares and considerations received at each issue.

[2] Specify kind.

VIII. Control of respondent:

(a) Is respondent controlled by any individual, corporation, association of individuals or corporations, or other agency?

1. By whom controlled:
2. Manner of control: [3]
3. Extent of control
4. If entry under 1 is an intermediate holding or investment company or an inactive or lessor railroad company, indicate where the immediate and/or ultimate control of such company is vested:

(b) Is respondent jointly controlled [3] by any individuals, corporations, associations of individuals or corporations, or other agencies?

1. By whom controlled:
2. Manner of control: [4]
3. Extent of control
4. If entries under 1 are intermediate holding or investment companies or inactive or lessor railroad companies, indicate where the immediate and/or ultimate control of such companies is vested:

IX. Give the information indicated below for the 30 security holders of respondent who, as to each class of security shown, had the highest voting powers on December 31, 1929.[5] If not shown elsewhere, give in footnote the holdings, of any party listed, of other stock or rights in stock (or other securities having voting rights) of respondent. Indicate by footnote significant changes since December 31, 1929.

(a) Common stock

Name of security holder [1]	Office address (street and city)	Number of votes to which entitled

[1] If stock is held in trust, give the particulars of the trust.

(b) First preferred stock

Name of security holder [1]	Office address (street and city)	Number o votes to which entitled

[1] If stock is held in trust, give the particulars of the trust.

(c) Second preferred stock

Name of security holder [6]	Office address (street and city)	Number of votes to which entitled

[6] If stock is held in trust, give the particulars of the trust.

[3] If other than through title to stock, explain fully. Indicate clearly the nature of any voting trust or similar arrangement.

[3] "Joint control is that which rests in 2 or more persons, corporations, or other associations and which was acquired through the same act or transaction or series of acts or transactions, or in pursuance of an agreement or arrangement between the controlling parties." (Interstate Commerce Commission, Annual Report Form A.)

[4] If other than through title to stock, explain fully. Indicate clearly the nature of any voting trust or similar arrangement.

[5] Indicate also any holders of options or other contractual rights in respondent's securities who by the exercise of such rights would have been included among the 30 having the highest voting powers on Dec. 31, 1929.

(d) Other stock [1]

Name of security holder [2]	Office address (street and city)	Number of votes to which entitled

[1] Specify kind.

[2] If stock is held in trust, give the particulars of the trust.

(e) Securities other than stock having voting rights [1]

Name of security holder	Office address (street and city)	Number of votes to which entitled

[1] Specify kind.

[2] If stock is held in trust, give the particulars of the trust.

X. Furnish the following information as to each member of respondent's board of directors:

Name	Office address (street and city)	Other business enterprises of which an officer or director [1]

[1] Exclude lessors of respondent and jointly controlled switching and terminal companies.

XI. Furnish the following information as to each of respondent's general officers, i. e., president, vice president, secretary, treasurer, and general counsel, if not included in answer to question No. X.

Name	Title	Office address (street and city)	Other business enterprises of which an officer or director [1]

[1] Exclude lessors of respondent and jointly controlled switching and terminal companies.

XII. Respondent's holding of or contractual rights in stocks (or other securities having voting rights) of common carriers engaged in interstate commerce.[6] Answer as of December 31, 1929, and indicate by footnote significant changes thereafter.

Issuing company	Description of stock [1]	Respondent's holding (or interest)			Voting rights (full particulars)	Others with whom control is jointly held [2]
		Number of shares	Par value	Ratio to total issue		
AFFILIATED						
NONAFFILIATED						

[1] Describe any security other than stock to which voting rights attach.

[2] For definition of joint control, see question No. VIII.

XIII. Common carriers engaged in interstate commerce controlled by respondent otherwise than through voting or contractual rights in stock or other securities having voting rights.[7]

Name of company	Manner of control	Extent of control	If control is indirect, names of intermediaries	Others with whom control is jointly held [6]

[6] For definition of joint control, see question No. VIII.

[7] Holdings of securities of jointly controlled switching and terminal companies and of corporations empowered to engage in common-carrier operations, but not so engaged, such as lessor companies, should not be included.

XIV. Respondent's holdings, not covered by answer to question No. XII, of or contractual rights in stocks (or other securities having voting rights) of any corporation, holding company, investment trust, or other organization or agency which holds or deals in, or is authorized to hold or deal in, the stocks or other securities of common carriers in interstate commerce. In clude holdings in such inactive or lessor corporations as in turn hold securities of active corporations. Answer as of December 31, 1929, adn indicate by footnote significant changes thereafter.

Issuing company	Description of stock [1]	Respondent's holding (or interest)			Voting rights (full particulars)	Others with whom control is jointly held [2]
		Number of shares	Par value	Ratio to total issue		

[1] Describe any security other than stock to which voting rights attach.
[2] For definition of joint control, see question No. VIII.

XV. Respondent's holdings of or contractual rights in stocks (or other securities having voting rights) of any corporation other than those listed in response to questions XII–XIV.[3]

Issuing company	Nature of business	Description of stock [1]	Respondent's holding (or interest)			Voting rights (full particulars)	Others with whom control is jointly held [2]
			Number of shares	Par value	Ratio to total issue		
AFFILIATED							
NONAFFILIATED							

[1] Describe any security other than stock to which voting rights attach.
[2] For definition of joint control, see question No. VIII.

XVI. If respondent has an interest in any company listed under questions XIV and XV amounting to 10 per cent in voting power, state the nature and extent of the interest of each such corporation, holding company, investment trust, or other organization or agency.[3]

(a) In the stocks or other securities of respondent and any other common carrier or carriers engaged in interstate commerce:

Issuing company	Description of stock [1]	Holding or interest			Voting rights (full particulars)	Others with whom control is jointly held [2]
		Number of shares	Par value	Ratio to total issue		
OWNING COMPANY						

[1] Describe any security other than stock to which voting rights attach.
[2] For definition of joint control, see question No. VIII.

(b) In the stocks or other securities of any other corporation, holding company, investment trust, or other organization or agency similarly authorized to hold or deal in securities of common carriers engaged in interstate commerce.

Issuing company	Description of stock [4]	Holding or interest			Voting rights (full particulars)	Others with whom control is jointly held [5]
		Number of shares	Par value	Ratio to total issue		
OWNING COMPANY						

[4] Describe any security other than stock to which voting rights attach.
[5] For definition of joint control, see question No. VIII.

[3] Do not include lessor companies.
[3] Securities of nonprofit organizations and holdings the par value of which is not in excess of $10,000 may be omitted.
[3] Answer as of Dec. 31, 1929, and indicate by footnotes significant changes thereafter.

(c) In securities of other corporations, of whatsoever nature:

Issuing company	Description of stock [1]	Holding or interest			Voting rights (full particulars)	Others with whom control is jointly held [2]
		Number of shares	Par value	Ratio to total issue		
OWNING COMPANY						

[1] Describe any security other than stock to which voting rights attach.
[2] For definition of joint control, see question No. VIII.

(d) State whether any such corporation (included among those listed under question No. XIV), in addition to holding securities of other companies, owns tangible property and/or engages in any form of business activity. If so, state the general nature of any such business and list any such tangible property the fair commercial value of which exceeds the sum of approximately $250,000.

Company	Business or property [1]

[1] A general description will suffice.

An original and four copies of this return shall be mailed or delivered to the chairman of the Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D. C., on or before June 1, 1930. The original shall be accompanied by the usual form of affidavit signifying that, so far as based on information within the command of respondent, the return is correct to the best of respondent's knowledge, information, and belief; shall be signed by an executive officer of the respondent having knowledge of the matters therein set forth; and shall show, among other things, that such officer is duly authorized to file the return. Each copy shall bear the date and signatures that appear in the original and shall be complete in itself. The signatures in the copies may be stamped or typed and the affidavit may be omitted.

The questionnaire calls for a revelation of all outstanding stock and classes of securities having voting rights, for the number and voting power of the security holders, for a statement by whom the respondent railroad is controlled and the manner and extent of the control, for a list of the 30 largest security holders with the number of votes to which each is entitled, for the names and addresses of officers and directors with a statement of the other business enterprises in which each officer or director of the railroad is a director, for a revelation of the holdings of respondent railroads in stocks or other securities, having voting rights, of common carriers engaged in interstate commerce, for a further revelation of each respondent railroad's holdings in any corporation, holding company, investment trust, or other organization or agency which holds or deals in the securities of common carriers, and finally for the respondent's holdings of any stock of any corporation whatsoever. In the event that the respondent railroad holds 10 per cent of the voting stock of a corporation, the carrier was required to reveal the extent of the holdings of such company or companies in any and every railroad and to describe the nature of the business in which such corporation is engaged.

The questionnaire was so comprehensive and searching that some members of the committee privately expressed the opinion that the carriers would resist filling it out, and that the committee might have to resort to the courts to compel answers. Considering the amount of information called for and the amount of correspondence involved within each corporation, the questionnaires were made returnable as of June 1, 1930. Four or five roads found it quite difficult to assemble the data within the limit set and upon a showing were granted a reasonable extension of time. With those exceptions all the questionnaires were returned by or before the date set, and the few which found it necessary to ask for more time have completed the work of filling in answers to the questions and have sent in the questionnaires, so that now returns are in from all the companies.

In looking through these questionnaires it is found that the carriers have been painstaking in trying to set forth in detail the information called for. Each and every officer and director of each railroad company revealed the companies of whatsoever

character in which he is an officer or director. Each railroad set down the companies owned and controlled by other corporations in which the respondent railroad itself owns as much as 10 per cent of the voting stock. These answers were made under oath by an official of the company who was familiar with the facts and could vouch for their correctness. These returned questionnaires constitute a most comprehensive record and are a most valuable part of the record which will be made in the course of this investigation.

The searching character of the questions and the cooperation and understanding shown by the carriers in responding to the questionnaire make the returns a rich storehouse of information as to where and by what means, direct or indirect, the control of many of our railroads is held. In so far as control rests in other carriers or their subsidiaries, the returns of the various railroads are supplementary and a check on one another. They therefore afford exceptional means of relating interests or controls in whichever direction they may run.

In addition to the inquiry directed to the railroads themselves with a view to determining the significance of ownership and control of railroads by holding companies and investment trusts, it was necessary to go to the investment trusts and holding companies direct. Counsel set about inquiring as to what investment trusts might be interested in railroad securities. There was no way to ascertain that except by calling the companies themselves. The companies could not be called without knowing their corporate names and locations. After considerable inquiry through all the agencies possible, including the finance and investment division of the Bureau of Foreign and Domestic Commerce, counsel prepared what is the most complete list of investment trusts which has been made in this country. In that list were the names of 700 companies. For the same reason that it was impracticable to call each of 175 railroads for personal testimony by its officers, it was likewise impracticable to call several hundred investment trusts. Counsel prepared a questionnaire which was sent to each of these companies.

QUESTIONNAIRE NO. 2

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C., April 15, 1930.

To 700 Investment Trusts and Holding Companies:

On January 24, 1930, the House of Representatives adopted H. Res. 114, reading as follows:

"*Resolved*, That for the purpose of obtaining information necessary as a basis for legislation, the Committee on Interstate and Foreign Commerce, as a whole or by subcommittee, is authorized to investigate the ownership and the control, direct or indirect (through stock ownership or control or otherwise), of stock, securities, or capital interests in any common carrier engaged in the transportation of persons or property in interstate commerce by holding companies, investment trusts, individuals, partnerships, corporations, associations, and trusts, and the organization, financing, development, management, operation, and control of such holding companies, investment trusts, partnerships, corporations, associations, and trusts, with a view to determining the effect of such ownership and control on interstate and foreign commerce, and, to the extent necessary, to determine the effect of such ownership and control, to make like investigation of common carriers so engaged."

The committee shall report to the House the results of its investigation, including such recommendations for legislation as it deems advisable.

For such purposes the committee, or any subcommittee thereof, is authorized to sit and act at such times and places in the District of Columbia or elsewhere, whether or not the House is in session, to hold such hearings, to employ such experts, and such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems necessary.

Pursuant to the authority given in the aforesaid resolution, the respondent is required on or before May 10, 1930, to file with the Committee on Interstate and Foreign Commerce specific and complete answers to the following questions. Since it is the desire of the committee to concentrate its attention on such organizations as exercise or participate in control of common carriers engaged in interstate commerce, clear, complete, and prompt answers to this questionnaire will enable the committee to determine which of respondents may properly be eliminated from further consideration.

Answer all questions as of March 31, 1930. Extra sheets may be added where necessary for complete answers.

I. Name of respondent (give correct corporate name):

II. Date and State of incorporation:

III. Name, title, and address of respondent's official to whom correspondence regarding this return should be addressed:

IV. Character of business: Investment trusts and allied organizations are classified below. Indicate by check to which type under each class your operations most nearly conform. If none of the types apply, explain clearly the nature of your business. Where respondent acts in relation of depositor or manager to nonreporting investment trusts, answer the questions on the basis of the general practice of such trusts and note any significant departures from such general practice:

A. Classification by management of portfolio—
- 1. General management type [1] _____
  - (a) Trading company type [1] _____
- 2. Bankers shares or fixed trust type [1] _____
- 3. Semifixed trust type [1] _____
- 4. Holding, investing, or financing company [1] _____
- 5. Other (explain fully) _____

B. Classification by character of portfolio—
- 1. Regional distribution—
  - (a) Confined to securities of domestic (i. e., United States) corporations or governments _____
  - (b) Confined to securities of foreign corporations or governments _____
  - (c) Mixed domestic and foreign investments _____
  - (d) Confined to securities of corporations serving one section of United States _____
    Specify section:
- 2. Distribution by industries—
  - (a) Confined to securities of one industry (such as banks, petroleum companies, etc.) _____
    Specify industry:
  - (b) Confined mainly to securities of one industry _____
    Specify industry:
  - (c) Investments made in a diversity of industries _____
- 3. Distribution by class of security—
  - (a) Confined to one type of security _____
    - (1) Common stock _____
    - (2) Preferred stock _____
    - (3) Common and preferred stock _____
    - (4) Bonds and other obligations _____
    - (5) Other _____
      Specify kind:
  - (b) Not confined to any one type of security _____
    Distribution of holdings—

	Per cent
Common stock	
Preferred stock	
Bonds	
Cash, and call loans	
Other (specify kind)	

C. Classification by extend of diversification—
- 1. Indicate charter or other restrictions, or the practice of respondent, as to percentage of capital or investment found which may be placed in—
  - (a) Securities of corporations (or governments) of—
    - (1) United States _____
    - (2) Dominion of Canada _____
    - (3) Great Britain _____
    - (4) Other (specify) _____
  - (b) Securities of any one class of industry (as railroads, industrials, etc.)—

  - (c) Securities of one issuing company _____
    (If distinction is made between voting and other securities, specify percentage for each.)
- 2. Maximum percentage of stock and/or other voting securities of any company which it is the policy of respondent to hold _____
- 3. Amount, in dollars, available for investment in the stock and/or other voting securities of any one domestic corporation [2] _____

D. Classification by practice as to voting holdings—
- 1. Are holdings regularly voted? _____
- 2. If not, under what conditions would they be voted [3] _____
- 3. When stock is not voted, are proxies furnished? _____

V. Holdings on March 31, 1930:
- A. Number of different issuing companies whose securities are held _____
- B. Number of different issuing companies whose voting securities are held _____

[1] Defined on p. 12330.
[2] For example, if total capital or investment fund is $1,000,000 and not more than 5 per cent (without distinction between stocks and bonds) may be invested in the securities of any one corporation, the entry would be $50,000.
[3] Do not include cases where voting rights are contingent only.

V. Holdings on March 31, 1930—Continued.
C. Holdings of securities of corporations engaged in interstate commerce—
1. Number of different companies whose securities are held.....
2. Number of different companies whose voting securities are held.....
3. Approximate percentage of total capital invested in stocks and/or other voting securities of such corporations.....
VI. Name and business address of each officer, director, trustee, or respondent.....
VII. Furnish four copies of latest annual report.

TYPES OF INVESTMENT TRUST

General management type: Managers of trust fund are permitted and expected to make, at their discretion (within any charter or other restrictions), substitutions in securities held in portfolio. The purpose of such substitutions is primarily the maintenance and improvement of the investment fund rather than the realization of profits from changes in market values of securities.

Trading company type: Distinguished from preceding type in that substitutions are made primarily for the purpose of realizing on changes in market prices of securities.

Bankers shares or fixed trust type: No substitutions made in group of securities making up the "unit" against which trustees' shares or certificates of ownership are issued, except to the minor extent that companies whose securities are held are reorganized or go out of existence.

Semifixed type: Distinguished from preceding type in that substitutions are permitted, sometimes from an approved list of securities.

HOLDING, INVESTING, OR FINANCING COMPANIES

Distinguished from investment trusts by reason of owning a relatively large or controlling interest in companies whose securities are held and of participating in their direction. In some cases a considerable diversification of holdings is possible, and there may be additional funds employed in a diversity of small holdings.

An original and three copies of this return shall be mailed or delivered to the chairman of the Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D. C., on or before May 10, 1930. The original shall be accompanied by the usual form of affidavit signifying that the return is correct to the best of respondent's knowledge, information, and belief; shall be signed by an executive officer of the respondent having knowledge of the matters therein set forth; and shall show, among other things, that such officer is duly authorized to file the return. Each copy shall bear the date and signatures that appear in the original and shall be complete in itself. The signatures in the copies may be stamped or typed and the affidavit may be omitted.

———

This questionnaire asked, among other things, for a report on investment practices—that is, the kinds of securities held, the degree of diversification, the maximum percentage of any company's voting securities which it is their policy to acquire, and so forth. The number of holdings on March 31, 1930, classified as between voting and other securities and between the securities of common carriers and of other corporations, were also to be reported.

This questionnaire called for a classification of each company and a revelation of its character. Each investment trust was required to disclose:

First. The number of railroad companies whose securities are held.

Second. The number of different companies whose securities are held.

Third. The approximate percentage of total capital invested in the securities of each such corporation.

Each investment trust was further required to furnish the names of its officers, directors, or trustees and copies of its latest annual report.

A full response has been made to this questionnaire and a considerable part of the analysis of the returns has been completed. This analysis has brought out that investment trusts, as such, because of the diversification practiced and the small size of the individual holdings, are not commonly instruments of control. This conclusion is applicable even in the case of the majority of those investment trusts, few in number, which concentrate on railroad securities.

However, after this process of elimination, there are left a group of companies which merit further inquiry. Some fall into this group because of their large size; others because along with a considerable diversification of holdings generally goes an appreciably large holding of the securities of railroads or railroad holding companies; others because they are in fact holding or investing companies though investment trust in name; and others because of certain definitive information in the returns. In such cases the control exercised over and by such companies and their affiliations with one another and with other financial institutions are subjects requiring attention.

In this connection it is important to note that, owing to the recency of their development and to the unusual financial conditions of the past two years or more, many investment trusts have not yet found themselves and at present lack a clear course for the future. Also, far fewer investment trusts have set up restrictions on their investment practices than previous analyses have indicated. This flexibility or breadth of powers are factors which must be carefully weighed in passing upon the potentialities of investment trusts as instruments of railroad control.

Of the holding companies to which questionnaires were sent a majority have been eliminated from further consideration, owing to the fact that their holdings are limited to defined fields (public utilities, aviation companies, etc.). Others are not of sufficient magnitude to require further attention. The remaining returns from holding companies are being analyzed and additional information will be sought before final disposition of them is made. Coordination of these returns with those made by the railroads in response to the questionnaire sent to them will call for further inquiry.

Since there are so many investment trusts and since only a few of them participate in controlling common carriers, it was practical to call them by questionnaire. Counsel decided that so far as the holding companies themselves were concerned, those the character of whose activities are unknown might first be called by questionnaire.

The holding companies believed to control railroads are being investigated by sending expert accountants to examine their books and files. Time may not permit to investigate every such holding company, but a sufficient number can be examined by sending investigators to them directly that the results will enlighten the House of Representatives as to the typical performances of such companies. Already, for several weeks counsel has had from 8 to 10 experts at work in the offices of holding companies. They have gone through the minutes of meetings of directors and the accounts, records, and other files, so as to get correct information of the ownership and control of stock, of other securities or interest in any common carrier by such holding companies, and so as to determine the effect of such ownership and control on interstate or foreign commerce. Twenty-two holding companies have already been so examined and are in the process of being examined. A number of others are yet to be examined.

The holding company is not a new device. One of the most important holding companies in the railroad field (the Pennsylvania Co.) was organized in 1870. Holding companies have been very active in industrial corporations and in the field of public utilities other than railroads.

What was the genesis of the holding company? Why was it first used? How did it develop after it began to be used? What is the source of its popularity? How has it been made to function? What is its history? What attempts have been made to regulate it by States? How has it been modified by such attempts at regulation? How has it been used in the field of industry in order to achieve control? How has it been used among utilities other than railroads in order to achieve control? How has it been used in the railroad field in order to achieve control?

The answers to such questions as these will be of great assistance to the Committee on Interstate and Foreign Commerce and to the Members of the House of Representatives when they finally come to consider the recommendations of the committee. The answers to most such questions are to be found in the decisions of State courts and in a literature which is widely scattered. The answers to such questions would enable Members of Congress to judge the possible trend of holding-company development and activity in the field of common carriers engaged in interstate commerce. To dig out the answers to such questions will require the labor of competent economists. Counsel has worked out plans for such a study and has employed such economists and assistants as are necessary to enable him to bring the study to a conclusion within the allotted time. It will include such topics as:

I. The historical sketch of the development of the holding company:
A. In Europe.
B. In the United States—
1. Some early examples of holding-company development prior to the amendment to the New Jersey corporation law in 1889.
2. The development of holding companies as a device for industrial consolidation around 1900.

I. The historical sketch of the development of the holding company—Continued.
B. In the United States—Continued.
3. The extension of the holding company in the local public-utility field—
(a) The development of public-utility holding companies.
(b) The extent of control of public utilities by holding companies at the present time.
(c) Some recent changes and the probable future course in holding-company development.
(d) Control and attempts at control of holding companies by public-service commissions.
(e) The advantages and disadvantages to the public resulting from holding companies.
4. Railroad holding companies—
(a) How the railroad holding company development has differed from the public-utility holding-company development.
(b) To what extent is it likely that the evils associated with uncontrolled public-utility holding companies will develop in the railroad field?
5. A summary of the extent to which all types of corporations in America are to-day under holding-company control.
II. Different types of holding companies:
A. The pure holding company versus the combined operating and holding company.
B. The investment trust type.
C. The control company—
1. Companies having full legal control.
2. Companies exercising mere influence.
D. The finance company (that is, a company which assumes mere temporary control during the early period in order to build up an enterprise financially).
III. The purpose of holding companies (from the point of view of their organizers):
A. To combine with the independent companies under uniform control and/or management.
B. To finance weak companies until they have been brought up to financial independence.
C. To recapitalize the enterprise.
IV. Why the holding company is used in preference to other possible means of combination:
A. A brief sketch of what different devices there are for securing a combination—
1. Pool.
2. Express trusts.
3. Merger.
4. Amalgamation or consolidation.
5. Outright purchase of assets.
6. Lease.
7. Community of interests.
B. Advantages of the holding company from the viewpoint of its promoters (especially by contrast to merger or consolidation)—
1. Absence of legal difficulties.
2. Does not require assent of minority interests. It can sometimes be set up by mere minority control.
3. The advantages of maintaining distinct corporate entities.
4. Advantages in some cases in taxes.
C. Disadvantages of the holding company from the viewpoint of its promoters.
1. Trouble with minority stockholders.
2. Cumbersomeness and expense of separate organization.
3. The greater liability of the holding company to dissolution by antitrust procedures.
4. A completely consolidated property can sometimes be more easily financed than separate properties bound merely by stock control.

As soon as the committee undertakes to draw a bill it will confront some very difficult legal questions. For example, such questions as:

Can the Congress go further in regulating holding companies than it has gone in existing antitrust legislation?

Is the regulation of the purchase, ownership, holding, and control of securities of a railroad corporation, created by a State, engaged in interstate commerce, by individuals or State corporations, within the power of Congress under the "commerce" or "necessary and proper" clauses of the Constitution, and/or is it an invasion of State rights under the tenth amendment and/or a taking of property without due process of law under the fifth amendment?

This will involve the investigation of the following more specific problems, among others:

I. Is the sale and/or ownership of securities in common-carrier corporations engaged in interstate commerce itself interstate commerce so as to give Congress power of regulation; and if so, to what extent may such regulation be exercised?

II. Is control of any interstate carrier through stock ownership sufficiently direct in its bearing upon interstate commerce to warrant Congress in restricting such stock control to cases which it or the Interstate Commerce Commission considers to be in the public interest?

III. What interest is sufficient to constitute control, or should this be left for determination as a question of fact in each case?

IV. Should Congress desire to prescribe certain tests for determining whether stock control of any carrier is in the public interest (as, for example, effect upon competition, labor, etc.), and how could this be done, or what constitutional limitations or prohibitions would have to be avoided?

V. Can the Interstate Commerce Commission under proper legislative authority from Congress—
A. Require from holding companies, investment trusts, etc., organized under State laws, regular reports concerning their interest in interstate carriers?
B. Regulate the use of such stock ownership as by prohibiting the exercise of voting rights where such exercise would be harmful to the public interest?
C. Prohibit the acquisition of additional stock in any interstate carrier?
D. Require the disposition of any stock held contrary to the public interest?

VI. May like regulations be imposed upon individuals who own or control securities of common carriers engaged in interstate commerce?

Counsel has retained a constitutional lawyer to assist in studying some of these questions?

There are five major lines of investigation which are being pursued:

I. That of the railroad companies, which is mainly by questionnaire and which is to elicit who owns and controls each railroad and what other railroads or companies interested in railroads are in turn owned or controlled by each railroad.

II. The second major line of investigation is that of financial institutions, also by questionnaire, with a view to determining whether or not they participate to an appreciable extent in the ownership and/or control of a railroad, and if so to what extent, if any, any railroad owns or controls the financial institution.

III. The third line of investigation is primarily of holding companies and is by field workers who through examination of books and records are gathering the facts which would show to what extent each such a holding company is owned or controlled by a railroad and in turn itself participates in the ownership and control of railroads.

IV. The fourth line of investigation is a comprehensive study of the holding company, beginning with its genesis and tracing its history and showing its advantages and disadvantages.

V. The fifth line of inquiry is directed to the legal questions involved in an attempt to extend the jurisdiction of the Interstate Commerce Commission.

The results from any one of these lines of inquiry will tell only a part of the story. A complete presentation of the real situation can be had only after the results from each of these five inquiries are brought together. This completed picture will show, on the one hand, the ownership and the control of stock, securities, or capital interests in any common carrier by holding companies, investment trusts, individuals, partnerships, corporations, associations, and trusts, and, on the other hand, will show the ownership and control by the carriers themselves of such holding companies and the like which participate in the control of railroads, and will enable the Congress to determine the effect of such ownership and control on interstate and foreign commerce. With this information properly summarized from these five lines of investigation and research, it is believed the House will have the information necessary as a basis for legislation.

A subcommittee will supervise the investigation during the summer and the fall. It is hoped that the committee will be able to present a report as soon as Congress convenes. The expenditures of the committee up to June 1 have been as follows:

Pay roll	$6,475.99
Travel expenses	120.60
Supplies	300.30
Total	6,896.89

Further obligations have already been contracted for, beginning June 1 to December 31 of $22,365 for personnel, making a total for expenditures and obligations of $29,261.89 up to December 31, 1930.

While a relatively small amount has been spent during the initial stages of the investigation, that has been due to the fact that considerable time was required in the preparation of the questionnaires and in getting them sent out, answered, and

returned. Now that all the initial work has been done, the work of digesting, collating, and analyzing will be pushed with vigor and as much speed as possible. The investigations in the field will be carried forward with a view to gathering any necessary information in as short a time as possible. The amount already contracted for does not represent the total necessary expenses between now and the time that Congress reconvenes. It is necessary to have adequate funds at the disposal of the committee so as to care for any emergencies that may arise and so as to complete the work as it unfolds.

In the event that the committee should meet with reluctance to make disclosures and have to issue subpœnas and perhaps resort to the courts, it is difficult to estimate what the expense would be. It is believed that the amount requested will be sufficient to carry the investigation through to a successful conclusion, including expenses incident to the hearing which it may be necessary to hold next winter. The committee will be as careful as possible of the funds made available, with the hope of turning back to the Treasury an appreciable sum.

Mr. BLANTON. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. BLANTON. Is there any danger of the President interfering with this investigation?

Mr. PARKER. I do not see how he can. It is a House investigation.

Mr. BLANTON. The gentleman has noticed the press reports this morning to the effect that the President called certain Senators down to the White House and called off the proposed investigation of the stock market in Wall Street.

Mr. PARKER. I had not seen that.

Mr. BLANTON. That is in the press to-day. I was afraid that possibly after this investigation got under way he might call this one off.

Mr. PARKER. It is under way.

Mr. MEAD. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. MEAD. In view of the fact that the activities of holding companies, investment trusts, and other devices will constantly go on and continue to increase during the recess of Congress, does not the chairman of the Committee on Interstate and Foreign Commerce of the House believe that we ought to pass a resolution similar to the Couzens resolution in order to simplify this work?

Mr. PARKER. In answer to the gentleman, I will state that I expect to call up a substitute resolution before Congress adjourns.

Mr. PERKINS. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. CHALMERS].

Mr. CHALMERS. Mr. Speaker, this morning I received a petition from the bakers of my home city on this subject of combinations and how they are suffering from the Baking Trust and the chain stores. I ask unanimous consent to extend my remarks by including that petition.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CHALMERS. I am going to take this up with the Department of Justice and see if we can not save the situation in Toledo and other places where these combinations exist.

I am asking the Department of Justice to investigate and report to me whether or not the Pie Makers of America, a nationally incorporated trust, with plants in New York, Philadelphia, Detroit, Chicago, and St. Louis, is not breaking the anti-trust law and others laws protecting legitimate trade.

I am submitting a resolution which has just come to me from Toledo, Ohio, from the Northwestern Bakers' Association and signed by its president, Mr. Edward M. Balduf. This petition sets up the fact that the Baking Trust of America is giving away pies for an indefinite period in Toledo, Ohio, and is thereby interfering with the natural patronage of the bakers of that city. They are doing this, calling it furnishing samples of new goods. The petitioners set up the protest that they continue this free sampling until they drive all of the independent bakers into bankruptcy and then the supposition is that prices will be raised and the market curtailed.

It seems to me that my constituents have a real grievance, and should be protected in their legitimate business. These independent bakers were born and raised in Toledo. They have established homes there and are raising and educating their families. It is a serious matter at their time in life to be driven from their trade or avocation and compelled to seek employment in other channels.

I hope that a speedy investigation of this complaint may be made, and that the injustice to my people may be rectified at an early date.

The petition referred to follows:

TOLEDO, OHIO, *July 1, 1930.*

Mr. W. W. CHALMERS,
Congressman, Washington, D. C.

DEAR MR. CHALMERS: This petition is from the Northwestern Ohio Bakers' Association and is an appeal to you to fairly present their grievances to our National Government.

We do not know how to do it otherwise. Being little fellows, modest in business and political diplomacy, unschooled in large affairs, and not having an attorney to represent us, our only recourse is to present our case in a crude way to our Representative.

Knowing from experience he will do his best, do his utmost to bring this to the attention of our President and to Government factors, in the hopes they will see the matter as we do and that it will appeal.

Our association fairly represents a very large percentage of the population of this country, the vast average percentage.

If we reason correctly, and we should be in a position to do this, there must be a radical change in the absorption of business by trusts and combinations and these now in must be good.

It is time for our Government to take a holiday in creating any more trusts and gently curb chain-store activities.

If we are wrong, if it is good business for all business to be controlled by condensed capital, if they are to make all the money, they just naturally will have to support the 90 per cent of all the people.

In the absence of this, there will be red flags plenty and bring about conditions which will make those responsible wish they did not have children.

And this is our emergency, trust methods.

Toledo is an average town of 300,000 people, of all religions, of all nationalities, of all political parties, and has always responded to our country's emergencies—the kind of people that make a country strong, a community of independent self-supporting people, and from this independence answer to all worthy calls, worthy enterprises, generous and broad.

We have in Toledo four pie manufacturers, not country-wide concerns but substantial in their way, nice wages paid, and steady employment given to help. In addition to this all bakers bake pies, not in large quantities but it brings them additional income; the competition is active, so our people are not overcharged.

In Detroit, 60 miles distant, there is a national incorporated concern, styled "Pie Makers of America," with plants in New York, Philadelphia, Detroit, Chicago, St. Louis, and all executive work handled from New York. Greedy and grasping, this concern destroyed the business of three bakers in three neighboring towns that did a nice local business, and the concern has now turned its attention to Toledo.

The financial control from New York makes it possible to keep up any policy it may adopt, no matter how long it may continue.

The policy they adopted here, as elsewhere, is to give away pies for an indefinite period, and, naturally, the dealer will take pies for nothing rather than pay. They term it sampling.

It is the policy of absent landlordism; all responsibility evaded. An outside banker pulls the strings, the sorrow and misery caused to many families is of no consequence to this stranger, and his reward possibly a steam yacht for his shrewdness; the victims, modest, independent business men, healthy factors in our town affairs, driven into bankruptcy, not because they have been sloppy or negligent, but, rather, our Government has failed to appreciate the value of the average man and by indifference operating for the few.

Now, Mr. CHALMERS, present these facts; these conditions are country wide, and some time, it seems to us, will have to have action. Washington had better do it before it is too late.

You have mixed enough with the masses to know they are entitled to fair play; in fact, must have it; and they should not be juggled out of rights which are theirs, belong to them, by a very small group which does not realize the harm done to a patriotic, intelligent people.

They do not ask for subsidies, they do not want to be coddled, and they positively will not be made the goats for a favored few.

Yours truly,

EDW. M. BALDUF,
President Northwestern Ohio Bakers' Association.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CONSIDERATION OF REPORTS OF COMMITTEE OF CONFERENCE

Mr. PURNELL. Mr. Speaker, I call up House Resolution 287.

The SPEAKER. The gentleman from Indiana calls up a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 287

Resolved, That after the adoption of this resolution it shall be in order to consider reports from the Committee on Rules whenever presented in accordance with the provision of clause 45 of Rule XI applicable during the last three days of a session.

Resolved further, That after the adoption of this resolution it shall be in order to consider reports of Committee of Conference whenever presented in accordance with the provision of clause 2 of Rule XXVIII applicable during the last six days preceding the end of a session.

Mr. PURNELL. Mr. Speaker, this is the usual resolution that is presented to the House for the purpose of expediting business. Under existing rules, if the date of adjournment were definitely fixed, we could, within the last three days, bring in reports from the Committee on Rules and consider them on the same day they are presented. Within the last six days of a session it would be in order to consider conference reports in the same way, without the necessity of having the same printed in the RECORD.

In the hope and belief that we may be within six days, and perhaps within three days, of adjournment, we present this resolution for the consideration of the House.

Does the gentlemen from North Carolina [Mr. POU] wish any time?

Mr. GARNER. Will the gentleman yield for a question?

Mr. PURNELL. I yield.

Mr. GARNER. If we had passed a resolution providing for adjournment it would not be necessary to have this resolution?

Mr. PURNELL. That is right.

Mr. GARNER. Does that mean you are going to adjourn within the time prescribed by the general rules of the House?

Mr. PURNELL. Of course, nobody knows that.

Mr. GARNER. But the gentleman is bringing in an unnecessary rule here if the House is going to adjourn within the week.

Mr. PURNELL. I will say to the gentleman the purpose is to expedite the business of the House so we may adjourn.

Mr. GARNER. I understand; but that does not answer the question. Suppose we stayed in session two months. Does the gentleman think it fair to the minority, if Congress is to be in session from now until, say, the first day of August, to take up a rule with five minutes' notice to the House and have it considered? This reform in the rules, in my opinion, was brought about for the purpose of protecting the minority against the majority bringing in a rule without notice to the minority. You are proposing to make it so that within 30 minutes from now you may bring in a rule for some particular activity of the House and the minority may not know anything about it. I wonder if the gentleman has anything of that character in mind now.

Mr. PURNELL. The only thing we have in mind is to expedite the business of the House so we may adjourn.

Mr. GARNER. That is a general statement that does not mean anything.

Mr. PURNELL. The gentleman does not expect me to tell him now when we will adjourn, when I do not know.

Mr. GARNER. Does the gentleman have an idea he is going to take advantage of this particular rule to-day or to-morrow for the consideration of any specific public business?

Mr. PURNELL. Such business as may be necessary to hasten adjournment and the passage of proper legislation.

Mr. GARNER. I asked the gentleman if he has in mind any rule that he is going to bring in for the purpose of expediting any particular business?

Mr. PURNELL. Only such business as may be necessary to be transacted, I will say to the gentleman. [Laughter and applause.]

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. PURNELL. I shall move the previous question if the gentleman from North Carolina does not wish any time.

Mr. O'CONNOR of New York. Will the gentleman yield me a moment?

Mr. PURNELL. Does the gentleman from New York wish some time?

Mr. O'CONNOR of New York. Just a minute.

Mr. PURNELL. I yield the gentleman one minute.

Mr. O'CONNOR of New York. When rules come from the Rules Committee hereafter I suggest the use of a printed form to be used in connection with the calling up of each one of them, stating that it is the usual procedure, that it is to expedite business, and it is not directed to any specific legislation, that it is innocent and harmless. Of course, if this is said often enough, some one may believe it is true.

The naked truth is, gentlemen, that this rule is not the usual procedure, its purpose is not to expedite the business of the House. Its sole and only purpose is to jam through this House the veterans' bill within a few minutes after the adoption of the rule, and to prevent by gag rule any expression of the will of this House on the amendments adopted by the Senate. That is how innocent and harmless it is. Let us face the truth and vote down the rule.

Mr. PURNELL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

INVESTIGATION OF LAW ENFORCEMENT

Mr. PURNELL. Mr. Speaker, I call up House Resolution 286.

The Clerk read the resolution, as follows:

House Resolution 286 (Rept. No. 2052)

Resolved, That it shall be in order, all rules of the House to the contrary notwithstanding, for the gentleman from Indiana [Mr. WOOD] to move to concur in Senate amendment No. 12 to the bill H. R. 12902, with the following amendment:

Strike out all the language of the Senate amendment and insert in lieu thereof the following:

"EXECUTIVE

"Investigation of enforcement of prohibition and other laws.—For continuing the inquiry into the problem of the enforcement of the prohibition laws of the United States, together with enforcement of other laws, pursuant to the provisions therefor contained in the first deficiency act, fiscal year 1929, to be available for each and every object of expenditure connected with such purposes, notwithstanding the provisions of any other act, and to be expended under the authority and by the direction of the President of the United States, who shall report the results of such investigation to Congress, together with his recommendations with respect thereto, fiscal year 1931, $250,000, together with the unexpended balance of the appropriation for these purposes contained in the first deficiency act, fiscal year 1929, which shall remain available until June 30, 1931."

Mr. PURNELL. Mr. Speaker, this resolution speaks for itself. If it is adopted, it will be in order for the chairman of the Committee on Appropriations to move to concur in Senate amendment No. 12 to H. R. 12902, the second deficiency bill, with an amendment.

The purpose of the amendment is to broaden the scope of the so-called Wickersham commission so as to provide for an investigation of enforcement of other laws in addition to prohibition laws. The amendment also provides for an appropriation of $250,000 and the unexpended balance of the appropriation contained in the first deficiency act, fiscal year 1929, which, as I understand it, is something like $85,000.

Mr. O'CONNOR of New York and Mr. RANKIN rose.

Mr. PURNELL. I yield to the gentleman from New York, a member of the Committee on Rules. Does the gentleman desire to use some time?

Mr. RANKIN. Will the gentleman yield for a question?

Mr. PURNELL. I yield 10 minutes to the gentleman from New York.

Mr. O'CONNOR of New York. I yield for a question.

Mr. RANKIN. I want to ask the gentleman from Indiana a question.

Mr. O'CONNOR of New York. The gentleman may use some of my time to ask the question.

Mr. RANKIN. I want to ask the gentleman from Indiana if we are going to have an opportunity to vote to concur in the other Senate amendments to the deficiency bill? As I understand, this rule applies to only one amendment. I wonder if we are going to have an opportunity to vote to concur in the other amendments to the deficiency bill that were put on in the Senate?

Mr. PURNELL. I will say to the gentleman that the other amendments will be handled in conference without a rule. A rule is not necessary for them. A rule is necessary to make this amendment in order.

Mr. RANKIN. I may be misinformed, but I understood there were some amendments they had passed over and they were going to bring them back to the House to vote on.

Mr. PURNELL. I yield to the gentleman from Michigan to answer the gentleman's question.

Mr. CRAMTON. If the gentleman will state the item he has in mind, I can perhaps give him information about it.

Mr. RANKIN. I have in mind the amendment with reference to a road in the Shiloh National Military Park.

Mr. CRAMTON. There are about a dozen items that are in actual disagreement where the committee expects to ask the House to further insist on its disagreement, and I think that is one of the items in disagreement.

Mr. RANKIN. I want to ask the gentleman from Michigan if we will be permitted to vote on that item separately?

Mr. CRAMTON. That is a matter to be determined later. The committee had hoped to save the time of the House by treating a number of these together.

Mr. MICHENER. This rule has no reference to that.

Mr. RANKIN. I am aware of that, but I am trying to get some information. I understand that with reference to several of the amendments you are going to ask the House to vote on them. One of them is with reference to the construction of improvements of the roads in the Shiloh Military Park. I want to know if we are going to vote on that separately?

Mr. WOOD. There are a number of items about which there is still disagreement, and in order to save time I intended to ask the House to consider them en bloc, and among them is the Shiloh item. This Shiloh appropriation was considered by the proper committee having charge of the War Department appropriation bill. At that time the evidence was so conclusive as to the character of road needed that $100,000 was thought sufficient and was authorized for resurfacing, of which $50,000 was appropriated this year. The Senate amendment increases the amount required to $306,000.

Mr. RANKIN. Let me say that the Senate agreed to that, and besides there is another element entering into it, which amounts to an agreement on the part of the State of Tennesse, which I will not go into for lack of time, but what I want to ask the gentleman is to give us a separate vote on that item. I do not think that is an unreasonable request.

Mr. WOOD. I have no objection to it, but I can not conceive that the House would adopt that proposal.

Mr. RANKIN. That may be so, but I would like to have a vote on it.

Mr. O'CONNOR of New York. Mr. Speaker, in reference to this resolution that has come from the Rules Committee it is difficult to apply either reason or logic in support of the action taken by the Senate to reduce the appropriation for the "crime commission" to $50,000, or in support of the action about to be taken by the House to increase that appropriation to $250,000. Because the subject involved is prohibition is the only reason for the extraordinary procedure of bringing in the rule to set aside the rules of this House.

If there were a real need to investigate crimes of all kinds from a national standpoint, there would be no opposition to such a proposal, but if prohibition were not involved in this proposal there would never have been any national commission to investigate crime, because there never was any need for such a body. The States have been investigating the crime situation. There has been a national committee investigating it for years.

Bar associations have been investigating it. Recently Johns Hopkins University started a far-reaching investigation of the subject. Only by throwing in prohibition have the persons interested been able to sufficiently feature the proposition so as to call for a Federal appropriation. What I particularly object to is the deceit behind it all. In 1928 when Mr. Hoover was campaigning for the presidency he promised to investigate the abuses of prohibition. The people were definitely given to understand he would try to find out if the prohibition law should be modified. Instead of keeping faith with his promise he appointed a commission to investigate all crimes and their enforcement, and undoubtedly hog tied that body to look only casually into prohibition and only into its enforcement. The commission, therefore, at the dictates of the President, refused to consider any question of modification, but spent less than 10 per cent of its time inquiring into the enforcement of the prohibition law. That is the deceit I object to. Why, the Congress would not appropriate $1 to investigate crime if prohibition were not involved.

This commission, I understand, will continue for another year. There are some distinguished men on it. One of them, however, is not distinguished, but should be extinguished if he is properly quoted in the New York Times of yesterday. Therein it is stated that he publicly made certain remarks in reference to the effect that the Italians and the Jews constituted the criminal element of this country. Such a statement is a diabolical libel against two of our peoples, who are as law abiding and as moral and as God-fearing as any of our racial strains. If the member of the commission did make such remarks he is not only unfit to sit on that commission but is unfit to be an inhabitant of this land of ours.

So that the outrageous remarks of this man, this un-American, this unscrupulous individual, unfit to associate with any red-blooded American may properly be presented to the House, I yield three minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Speaker, ladies and gentlemen of the House, I very seldom take up much of the time of the House, and I have always tried to expedite the business of the House during the closing hours of the session; but after reading an article in the New York Times and other newspapers published throughout the country, I feel it my duty to inform the Members of the House of the fact that one of the members of this Wickersham Commission, Mr. Loesch, residing in Chicago, has openly and publicly made a charge against two races of people in this country which I think wholly uncalled for and unjustifiable. He charged that the Italian race in this country and certain Jews were the chief bootleggers, and he exonerates the American people as a whole, saying that they are in no way connected with bootlegging.

So far as I know I am prepared to vote to oust from this country any undesirable alien who commits a crime, but it seems to me that a man occupying the high position this gentleman does, being a member of the Wickersham Commission, appointed by the President of the United States, has no right before the final investigation is made to make such a statement unless he has positive evidence of that fact, and I challenge him to show that he has. There is no doubt but that bootlegging is a crime prevalent in this country, due to the indifferent manner in which the people of the United States have taken the enforcement of our prohibition law. These laws have never been popular. Public opinion has always been against it. There has been no attempt by the public to assist in the enforcement of these laws, and because of that disrespect for the law has been growing apace. To single out two races in the United States and say that they—that is, the Italians and the Jews—are the only ones responsible for the violation of the prohibition laws is so palpably ridiculous as to excite only scorn and derision. If the gentleman who has made these remarks had not been a member of the Wickersham Commission, I would not dignify him with a challenge of the statement, but because he is now occupying a position of responsibility and because his words have been broadcast throughout the length and breadth of the United States and read by everybody who had access to our newspapers, I challenge him to show that any one of these foreign elements in the United States are violators of the law more particularly than anyone else. If he wants proof, I shall be very glad to give him proof that the bulk of the bootleggers to-day are native Americans and not foreigners.

It is about time that this "immigrant baiting" should stop. Charges sent broadcast throughout the land serve no useful purpose, and it is about time that this body take a decided stand against this irresponsible casting of aspersion on the good name of our citizens of whatever nationality they may be.

Mr. POU. May I ask the gentleman who it is that made that statement?

Mr. DICKSTEIN. Mr. Loesch, a member of the Wickersham Commission; and he asserts now in this newspaper article that prohibition can not be enforced, and that unless the Department of Justice takes some action to solve this liquor problem he will support modification, and on top of that he makes the charge against two outstanding races in the country that they are the worst violators of the prohibition law.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein the article published by the New York Times on July 1, which is the complete article about Mr. Loesch, this member of the Wickersham Commission.

The SPEAKER. Is there objection?

Mr. SPROUL of Illinois. Mr. Speaker, I object.

Mr. O'CONNOR of New York. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. BLACK].

Mr. BLACK. Mr. Speaker, this Wickersham Commission, if it means to do business, can accomplish something in the public service, and I can give them a couple of valuable leads. I suggest they go into the graft and corruption in the narcotic service in New York City. Let them find out why a reputable narcotic agent was forced out of the service after he tried to arrest the Republican boss of Atlantic City, and after he refused to make a contribution to a Republican boss in New York City. Let them also study the course of the 5-cent subway litigation that has congested our Federal courts. Serious charges were made here on the floor of the House against a judge in that litigation. Let them find out just how big business is congesting the courts and manipulating them, and they will accomplish something.

Mr. PURNELL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MINIMIZING PROFITS OF WAR

The SPEAKER. Under authority of Public Resolution 98, approved June 27, 1930, the Chair appoints as members of the commission authorized by that resolution the following Members.

The Clerk read as follows:

Hon. LINDLEY H. HADLEY, of Washington; Hon. WILLIAM P. HOLADAY, of Illinois, Hon. ROSS A. COLLINS, of Mississippi; and Hon. JOHN J. McSWAIN, of South Carolina.

SECOND DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Indiana calls up the conference report upon the second deficiency appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 10, 15, 17, 28, 29, 57, 67, 68, and 69.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 6, 7, 8, 18, 19, 20, 23, 24, 25, 26, 32, 34, 35, 36, 37, 38, 40, 41, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 61, 62, 63, 64, 65, 66, 71, 72, 73, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, and 106, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert ", or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In line 7 of the matter inserted by said amendment strike out the word "building" and insert in lieu thereof the word "buildings"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows:

Restore the matter stricken out by said amendment, amended to read as follows:

"NATIONAL CAPITAL PARK AND PLANNING COMMISSION

"For each and every purpose requisite for an incident to the work of the National Capital Park and Planning Commission necessary toward carrying into effect the provisions of the act entitled 'An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital,' approved May 29, 1930; personal services in the District of Columbia and elsewhere, including real-estate and other technical services at rates of pay to be fixed by the commission and not exceeding those usual for similar services and without reference to civil-service rules and the classification act of 1923, as amended; travel expenses; per diem in lieu of subsistence for members of field parties; purchase of two passenger-carrying automobiles at not to exceed $1,000 each and the operation and maintenance thereof; survey, searching of titles, purchase of options, and all other costs incident to the acquisition of land, reimbursements to be made as prescribed in such act, $1,000,000, to remain available until expended: *Provided*, That the reimbursement to be made to the United States by the District of Columbia for advances under section 4 of such act of May 29, 1930, shall commence on June 30, 1932, instead of on June 30, 1931, as provided in such section."

And the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 10 of the matter inserted by said amendment, strike out the numerals "26" and insert in lieu thereof "27"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: After the sum of $281,305 named in said amendment insert the following: ", to be expended subject to the provisions of section 2 of the act entitled 'An act to authorize an appropriation for the purchase of land adjoining Fort Bliss, Tex.,' approved June 17, 1930"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For payment of the judgment, including costs of suit, rendered against the United States by the United States District Court for the Eastern District of New York under the provisions of the act of May 1, 1926 (44 Stat. pt. 3, p. 1465), certified to the Seventy-first Congress in Senate Document Numbered 206, as follows: Under the War Department, $43,652.13."

And the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 3, 11, 12, 13, 21, 22, 27, 30, 31, 33, 39, 42, 43, 47, 70, and 76.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
EDWARD T. TAYLOR,
W. A. AYRES,
Managers on the part of the House.

W. L. JONES,
FREDERICK HALE,
LAWRENCE C. PHIPPS,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1930, and June 30, 1931, and for other purposes, submit the following statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 1, 2, 4, and 5, relating to the Senate: Appropriates $600 for payment to William A. Folger and $30,000 for contingent expenses of the Senate, as proposed by the Senate, and strikes out the proposal of the Senate for the use of not to exceed $750 from the contingent fund of the Senate, fiscal year 1931, for supplies for the emergency room and attending physician.

On No. 6: Appropriates $7,535.15 for contingent expenses, House of Representatives, fiscal year 1930, as proposed by the Senate, instead of $5,035.15, as proposed by the House.

On Nos. 7 and 8, relating to the Architect of the Capitol: Makes provision for payment for architectural services of Pierson & Wilson, as proposed by the Senate, and corrects the subhead of the appropriation proposed by the House for the Capitol power plant.

On No. 9: Appropriates $404,190.68 for enlargement and relocation of the Botanic Garden, as proposed by the Senate, instead of $341,378.68, as proposed by the House, amended by indicating that only so much as is necessary shall be available.

On No. 10: Strikes out the appropriation of $50,000 proposed by the Senate for revising and extending an index to the Federal statutes.

On No. 14: Appropriates an additional sum of $111,920 for the Federal Power Commission, fiscal year 1931, as proposed by the Senate.

On No. 15: Strikes out the appropriation of $25,000 proposed by the Senate for the investigation and audit of transactions of the Indians of the State of New York.

On No. 16: Restores the appropriation of $1,000,000, proposed by the House, on account of the George Washington Memorial Parkway, amended with respect to the employment and expenses of personnel and to provide for the purchase of options.

On No. 17: Restores the proposal of the House in connection with the appropriation for Porto Rican relief to require that disbursements shall be subject to the approval of the Governor of Porto Rico.

On No. 18: Continues available during 1931 the unexpended balances of certain appropriations of the Tariff Commission for the fiscal year 1930, as proposed by the Senate.

On No. 19: Appropriates $8,000 for participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis, as proposed by the Senate.

On Nos. 20, 23, 24, 25, 26, and 28, relating to the District of Columbia: Continues available during the fiscal year 1931 the unexpended balances of appropriations for school buildings and playground sites for the fiscal years 1929 and 1930, as proposed by the Senate; appropriates $53,680, as proposed by the Senate, for salaries and other court expenses attendant upon the provision of two additional associate justices of the supreme court; appropriates $40,220, as proposed by the Senate, for salaries and other court expenses attendant upon the provision of two additional justices of the court of appeals and strikes out the appropriation of $250,000, proposed by the Senate, for the elimination of a railroad grade crossing at or near Fern Street.

On Nos. 29 and 32, relating to the Department of Agriculture: Strikes out the appropriation of $80,000, proposed by the Senate, for phony peach eradication and appropriates $50,000, as proposed by the Senate, for carrying into effect the perishable agricultural commodities act.

On Nos. 34 to 38, inclusive, and 40, relating to the Department of Commerce: Appropriates $400,000 for enlargement of the grounds of the Bureau of Standards, as proposed by the Senate; appropriates an additional amount of $70,000 for enlarging the site of the lighthouse depot at Chelsea, Mass., as proposed by the Senate; appropriates additional amounts for the fiscal year 1931 under the Bureau of Fisheries, as proposed by the Senate, as follows: Propagation of food fishes, $25,000; inquiry respecting food fishes, $42,000; and fishery industries, $24,000; and continues available during the fiscal year 1931 the appropriation of $40,000, proposed by the House, for photolithographing expenses, Patent Office, as proposed by the Senate.

On Nos. 41, 44, 45, and 46, relating to the Interior Department: Appropriates an additional sum of $5,000 for the fiscal year 1931 for contingent expenses of the Bureau of Pensions; appropriates an additional sum of $38,000 for a central heating plant at the Tacoma (Wash.) Indian hospital; and appropriates an additional sum of $128,000 for the fiscal year 1931 under the Bureau of Pensions, of which $100,000 is on account of recent pension legislation and $28,000 is on account of the employees' retirement act, all as proposed by the Senate.

On No. 48: Makes that part of the appropriation for the fiscal year 1931 for enforcement of narcotic and national prohibition acts which is transferred to the Bureau of Prohibition in the Department of Justice available for rent in the District of Columbia, as proposed by the Senate.

On Nos. 49 and 50, relating to the Court of Customs and Patent Appeals: Appropriates an additional amount of $2,000 for salaries, fiscal year 1931, and appropriates $3,500 and otherwise makes available $3,100 for printing and binding, all as proposed by the Senate.

On No. 51: Continues available during the fiscal year 1931 certain unexpended balances of 1930 appropriations for salaries and miscellaneous expenses, Bureau of Labor Statistics, as proposed by the Senate.

On Nos. 52 to 57, inclusive, relating to the Navy Department: Appropriates an additional amount of $295.30 for claims for damages by naval vessels; makes the appropriation for operation and conservation of the naval petroleum reserves, fiscal year 1931, available for personal services; appropriates $1,200 for purchase of a bronze bust of Lieut. James Melville Gillis, United States Navy, to be presented to the Chilean National Observatory; makes the appropriation proposed by the House for the rifle range at Guantanamo, Cuba, available until expended, all as proposed by the Senate; and strikes out the appropriation of $50,000 proposed by the Senate for the acquisition of additional land for the naval air station, Seattle, Wash.

On Nos. 58 to 66, inclusive, relating to the Department of State: Appropriates an additional amount of $50,000 for contingent expenses of foreign missions, fiscal year 1931; makes the appropriations for the fiscal year 1931 for contingent expenses of foreign missions and United States consulates available for quarters, heat, and light for civilian officers and employees stationed in foreign countries as provided by recent law; appropriates $130,631.80 for relief of certain officers and employees of the Foreign Service, in accordance with the act approved June 27, 1930; appropriates $22,500 for the share of the United States in the joint investigation of the fisheries of Passamaquoddy and Cobscook Bays by the United States and Canada; appropriates $13,000 for expenses of participation by the Government of the United States in the Sixth Pan American Child Congress, Lima, Peru; appropriates an additional amount of $30,000 for the fiscal year 1931 for the expenses of the sixth session of the Permanent International Association of Road Congresses; appropriates $250,000 for the expenses of participation by the United States in an International Exposition of Colonial and Overseas Countries, Paris, France; appropriates $5,000 for the expenses of participation by the United States in the International Hygiene Exhibition at Dresden, Germany; and appropriates $20 and reappropriates $30, making a total of $50, for the share of the United States of the expenses of the Central Bureau of the International Map of the World, all as proposed by the Senate.

On Nos. 67, 68, 69, 71, 72, and 73, relating to the Treasury Department: Strikes out the appropriation of $35,000 proposed by the Senate for the construction and equipment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis.; strikes out the additional appropriation of $130,500 for the fiscal year 1931, proposed by the Senate, for studies in rural sanitation; strikes out the appropriation of $100,000 proposed by the Senate for a survey in connection with the control of cancer; provides $300,000 for the construction of a post office, courthouse, etc., at Las Vegas, Nev., as proposed by the Senate, so as to provide accommodation for the courts, instead of $200,000, as proposed by the House, which did not contemplate court accommodation; corrects the text, and modifies the alternate provisions contained in the act of March 4, 1929, with respect to a site for a building for post office and other Government offices in New York City, and authorizes the procurement by contract of preliminary sketches of a courthouse proposed to be erected on the property so acquired.

On Nos. 74, 75, 77, 78, 79, and 80, relating to the War Department: Appropriates $281,305 for the acquisition of land, Fort Bliss, Tex.; $25,000 for the construction of a revetment wall at Fort Moultrie, S. C.; $200,000 for the acquisition of land at Maxwell Field, Ala.; $4,400 for study, investigation, and survey of the battle field of Saratoga, N. Y.; appropriates an additional amount of $13,500 for the fiscal year 1931 for Guilford Courthouse National Military Park; $15,000 for Fredericksburg and Spotsylvania County Battle Fields Memorial, fiscal year 1931; all as proposed by the Senate.

On Nos. 81 to 88, inclusive, relating to damage claims: Appropriates $26,028.31, as proposed by the Senate, instead of $19,547.17, as proposed by the House.

On Nos. 89 to 95, inclusive, relating to judgments, United States courts: Appropriates $169,016.65, as proposed by the Senate, instead of $11,731.73, as proposed by the House, and appropriates whatever is needed for payment of interest on a judgment in favor of Henri Gutmann Silks Corporation, as proposed by the Senate.

On Nos. 96 to 100, inclusive, relating to judgments, Court of Claims: Appropriates $1,007,397.11, as proposed by the Senate, instead of $80,629.24, as proposed by the House.

On No. 101: Appropriates $86,050 for payment of audited claims, as proposed by the Senate.

On Nos. 102 to 105, inclusive: Appropriates $16,820.98 for payment of sundry claims allowed by the General Accounting Office, as proposed by the Senate, instead of $6,350.72, as proposed by the House.

On No. 106: Corrects a section number of the bill.

AMENDMENTS IN DISAGREEMENT

The managers on the part of the House have agreed to recommend that the House concur in the following amendments of the Senate with amendments where indicated:

On No. 13: Relating to deductions from salaries of employees on account of the civil-service retirement and disability fund, with an amendment correcting the text.

On No. 31: Relating to the Cheyenne Bottoms migratory-bird refuge, with an amendment clarifying the language.

On No. 39: Relating to the construction of Bureau of Fisheries stations.

The conference committee report a general disagreement upon the following Senate amendments:

On No. 3: Relating to a payment to Henry M. Barry, an employee of the Senate.

On No. 11: Relating to the Volbehr collection of incunabula.

On No. 12: Relating to an additional appropriation for continuing an investigation of the problem of enforcement of prohibition laws.

On No. 21: Relating to an appropriation for care of free patients in the isolating wards of Garfield Memorial Hospital, Washington, D. C.

On No. 22: Relating to an appropriation for care of free patients in the isolating wards of Providence Hospital, Washington, D. C.

On No. 27: Relating to an appropriation for repairs and improvements to the Columbia Hospital for Women and Lying-in Asylum, Washington, D. C.

On No. 30: Relating to an appropriation for the purchase of a collection of moths and butterflies, etc., for the Department of Agriculture.

On No. 33: Relating to an appropriation for a market news service in respect of cottonseed and cottonseed products.

On No. 42: Relating to an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians.

On No. 43: Relating to an appropriation for the construction of a fish ladder, Wapato irrigation project, Yakima Reservation, Wash.

On No. 47: Relating to an appropriation for use in determining the lands in the State of Arizona that should be embraced within the Parker-Gila Valley reclamation project.

On No. 70: Relating to the Helena (Mont.) Federal office building.

On No. 76: Relating to an appropriation for a road from the Shiloh National Military Park to the Corinth National Cemetery Road.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
EDWARD T. TAYLOR,
W. A. AYRES,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. WOOD. Mr. Speaker, there are 16 amendments still in disagreement. On four of these amendments—Nos. 12, 13, 31, and 39—the House managers expect to ask for action by the House, either to concur in the Senate amendments or to recedde and concur in the amendments with an amendment. On amendment numbered 76, which is the one the gentleman from Mississippi [Mr. RANKIN] asked a separate vote on, a motion to insist will be made. On the remaining 11 amendments I ask unanimous consent that amendments numbered 3, 11, 21, 22, 27, 30, 33, 42, 43, 47, and 70 may be considered en bloc, and that the House further insist on its disagreement to them.

The SPEAKER. The gentleman from Indiana asks unanimous consent that amendments numbered 3, 11, 21, 22, 27, 30, 33, 42, 43, 47, and 70 may be considered en bloc, the House further insisting upon its disagreement to the Senate amendments. Is there objection?

Mr. DOUGLAS of Arizona. Mr. Speaker, reserving the right to object, is this a unanimous consent to consider all of these amendments en bloc, or is it a unanimous-consent request to consider them en bloc and the conferees to be instructed to disagree? In other words, is there a twofold request or a single request?

Mr. WOOD. The ones designated I ask be considered en bloc and that the House insist further on its disagreement to these Senate amendments.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. CHINDBLOM. With reference to these amendments, it is not to be considered that this is anything more than a formal disagreement? We are not seeking out these amendments particularly to show any greater objection to them on the part of the House than usually exists in a case where matters are sent to conference.

Mr. WOOD. That is correct; yes.

Mr. CHINDBLOM. The purpose is to continue the conference?

Mr. WOOD. That is the purpose of it.

The SPEAKER. Is there objection?

Mr. TAYLOR of Colorado. Reserving the right to object, does that include all of the amendments now in disagreement?

Mr. WOOD. It includes them all except five. Nos. 12, 13, 31, 39, and 76 are not included in this request.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Without objection, the House further insists on its disagreement to the amendments named in the request.

There was no objection.

The SPEAKER. The Clerk will report the other amendments in disagreement.

The Clerk read as follows:

Senate amendment No. 12: After line 13, page 7, insert:

"EXECUTIVE

"Investigation of enforcement of prohibition laws: For the exclusive purpose of continuing the inquiry into the problem of the enforcement of the prohibition laws of the United States, pursuant to that particular provision of the first deficiency act, fiscal year 1929, to be available for such inquiry only, notwithstanding the provisions of any other act, and to be expended under the authority and by the direction of the President of the United States, who shall report the results of such investigation to Congress, together with his recommendations with respect thereto, fiscal year 1931, $50,000, together with the unexpended balance of the appropriation for this purpose as contained in the first deficiency act, fiscal year 1929, which shall remain available until June 30, 1931."

Mr. WOOD. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 12 and agree to the same with the following amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Indiana moves to concur in the Senate amendment numbered 12 with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate No. 12, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said Senate amendment and insert in lieu thereof the following:

"EXECUTIVE

"Investigation of enforcement of prohibition and other laws: For continuing the inquiry into the problem of the enforcement of the prohibition laws of the United States, together with enforcement of other laws, pursuant to the provisions therefor contained in the first deficiency act, fiscal year 1929, to be available for each and every object of expenditure connected with such purposes notwithstanding the provisions of any other act, and to be expended under the authority and by the direction of the President of the United States, who shall report the results of such investigation to Congress, together with his recommendations with respect thereto, fiscal year 1931, $250,000, together with the unexpended balance of the appropriation for these purposes contained in the first deficiency act, fiscal year 1929, which shall remain available until June 30, 1931."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana.

Mr. CRAMTON. Mr. Speaker, I ask for a division on this vote.

The SPEAKER. A division is demanded. The question is on agreeing to the motion of the gentleman from Indiana.

The House divided; and there were—ayes 110, noes 16.

Mr. LINTHICUM. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Clerk will call the roll.

The question was taken; and there were—yeas 273, nays 41, not voting 113, as follows:

[Roll No. 82]

YEAS—273

Abernethy	Collier	Garrett	Johnson, Wash.
Ackerman	Collins	Gasque	Jonas, N. C.
Adkins	Colton	Gibson	Jones, Tex.
Allen	Cooper, Ohio	Glover	Kahn
Aligood	Cooper, Tenn.	Goodwin	Kearns
Almon	Cox	Graham	Kelly
Andresen	Coyle	Granfield	Kendall, Ky.
Arnold	Craddock	Green	Kendall, Pa.
Aswell	Cramton	Greenwood	Ketcham
Ayres	Cross	Gregory	Kiess
Bachmann	Crowther	Guyer	Kincheloe
Bacon	Culkin	Hadley	Kinzer
Baird	Dallinger	Hale	Knutson
Barbour	Darrow	Hall, Ill.	Kopp
Beedy	Davis	Hall, Ind.	Korell
Beers	Denison	Hall, Miss.	Kurtz
Bell	Dickinson	Hall, N. Dak.	Kvale
Blackburn	Dominick	Halsey	Lambertson
Bland	Doughton	Hammer	Langley
Blanton	Douglas, Ariz.	Hancock	Lanham
Bolton	Dowell	Hardy	Lankford, Ga.
Bowman	Doxey	Hare	Lankford, Va.
Box	Drane	Hastings	Larsen
Brand, Ohio	Driver	Haugen	Lea
Briggs	Dunbar	Hawley	Leavitt
Brigham	Dyer	Hess	Leech
Browne	Eaton, Colo.	Hickey	Lehlbach
Browning	Eaton, N. J.	Hill, Ala.	Letts
Buckbee	Elliott	Hill, Wash.	Lozier
Burdick	Ellis	Hoch	Ludlow
Busby	Englebright	Hogg	McClintic, Okla.
Butler	Eslick	Holaday	McClintock, Ohio
Campbell, Iowa	Estep	Hooper	McCormick, Ill.
Canfield	Esterly	Hope	McDuffie
Cannon	Evans, Calif.	Hopkins	McFadden
Carter, Calif.	Fenn	Houston, Del.	McLaughlin
Carter, Wyo.	Fish	Howard	McLeod
Cartwright	Fisher	Huddleston	McMillan
Chindblom	Fitzgerald	Hull, William E.	McSwain
Christgau	Foss	Hull, Wis.	Magrady
Christopherson	Frear	Jeffers	Manlove
Clague	Freeman	Jenkins	Mapes
Clark, Md.	French	Johnson, Ind.	Martin
Clarke, N. Y.	Garber, Okla.	Johnson, Okla.	Menges
Cole	Garber, Va.	Johnson, Tex	Merritt

Michener	Quin	Simms	Thurston
Miller	Ragon	Sloan	Tilson
Milligan	Rainey, Henry T.	Smith, Idaho	Timberlake
Montague	Ramey, Frank M.	Snow	Underwood
Moore, Ohio	Ramseyer	Sparks	Vestal
Morgan	Rankin	Speaks	Vincent, Mich.
Mouser	Ransley	Sproul, Ill.	Wason
Nelson, Me.	Rayburn	Stafford	Watres
Nelson, Mo.	Reed, N. Y.	Stone	White
Newhall	Reid, Ill.	Strong, Kans.	Whittington
Niedringhaus	Robinson	Strong, Pa.	Wigglesworth
Nolan	Rogers	Sullivan, Pa.	Wilson
O'Connor, Okla.	Rowbottom	Summers, Wash	Wolfenden
Oldfield	Rutherford	Sumners, Tex.	Wolverton, N. J.
Oliver, Ala.	Sanders, Tex.	Swanson	Wolverton, W. Va.
Palmer	Sandlin	Swick	Wood
Parker	Schafer, Wis.	Swing	Woodruff
Parks	Sears	Taber	Woodrum
Patman	Seiberling	Tarver	Wyant
Patterson	Shaffer, Va.	Taylor, Colo.	Yates
Pittenger	Short, Mo.	Taylor, Tenn.	Yon
Pou	Shott, W. Va.	Temple	
Pritchard	Shreve	Thatcher	
Purnell	Simmons	Thompson	

NAYS—41

Auf der Heide	Cullen	Lampert	O'Connor, La.
Black	Dickstein	Lindsay	O'Connor, N. Y.
Boylan	Douglass, Mass.	Linthicum	Palmisano
Britten	Evans, Mont.	McCormack, Mass.	Prall
Brunner	Fitzpatrick	McKeown	Schneider
Chalmers	Gambrill	Maas	Tinkham
Clancy	Garner	Mead	Tucker
Cochran, Mo.	Gavagan	Montet	Welch, Calif.
Connery	Griffin	Mooney	
Connolly	Hartley	Moore, Va.	
Crosser	Irwin	O'Connell	

NOT VOTING—113

Aldrich	DeRouen	Kunz	Somers, N. Y.
Andrew	Doutrich	LaGuardia	Spearing
Arentz	Doyle	Luce	Sproul, Kans.
Bacharach	Drewry	McReynolds	Stalker
Bankhead	Edwards	Mansfield	Steagall
Beck	Finley	Michaelson	Stedman
Bloom	Fort	Moore, Ky.	Stevenson
Bohn	Free	Morehead	Stobbs
Brand, Ga.	Fuller	Murphy	Sullivan, N. Y.
Brumm	Fulmer	Nelson, Wis.	Treadway
Buchanan	Gifford	Norton	Turpin
Burtness	Golder	Oliver, N. Y.	Underhill
Byrns	Goldsborough	Owen	Vinson, Ga.
Cable	Hoffman	Peavey	Wainwright
Campbell, Pa.	Hudson	Perkins	Walker
Carley	Hudspeth	Pratt, Harcourt J.	Warren
Celler	Hull, Morton D.	Pratt, Ruth	Watson
Chase	Hull, Tenn.	Quayle	Welsh, Pa.
Clark, N. C.	Igoe	Ramspeck	Whitehead
Cochran, Pa.	James	Reece	Whitley
Cooke	Johnson, Ill.	Romjue	Williams
Cooper, Wis.	Johnson, Nebr.	Sabath	Williamson
Corning	Johnson, S. Dak.	Sanders, N. Y.	Wingo
Crail	Johnston, Mo.	Seger	Wright
Crisp	Kading	Selvig	Wurzbach
Curry	Kemp	Sinclair	Zihlman
Davenport	Kennedy	Sirovich	
Dempsey	Kerr	Smith, W. Va.	
De Priest	Kiefner	Snell	

So the motion to recede and concur in the Senate amendment, with an amendment, was agreed to.

The Clerk announced the following pairs:

Mr. Free (for) with Mr. Igoe (against).
Mr. Bankhead (for) with Mr. LaGuardia (against).
Mr. Campbell of Pennsylvania (for) with Mr. Celler (against).
Mr. Crail (for) with Mrs. Norton (against).
Mr. Fort (for) with Mr. Oliver of New York (against).
Mr. Gifford (for) with Mr. Corning (against).
Mr. Hudson (for) with Mr. Sirovich (against).
Mr. Johnston of Missouri (for) with Mr. Somers of New York (against).
Mr. Luce (for) with Mr. Quayle (against).
Mr. Kiefner (for) with Mr. Sullivan of New York (against).
Mr. Murphy (for) with Mr. Carley (against).
Mr. Harcourt J. Pratt (for) with Mr. Kennedy (against).

General pairs until further notice:

Mr. Perkins with Mr. Byrnes.
Mr. Treadway with Mr. Edwards.
Mr. Doutrich with Mr. Warren.
Mr. Johnson of South Dakota with Mr. Moore of Kentucky.
Mr. Golden with Mr. Ramspeck.
Mr. Zihlman with Mr. Buchanan.
Mr. Seger with Mr. Smith of West Virginia.
Mr. Brumm with Mr. Drury.
Mrs. Ruth Pratt with Mr. Fulmer.
Mr. Bacharach with Mr. Hull of Tennessee.
Mr. Underhill with Mr. McReynolds.
Mr. Beck with Mr. Wingo.
Mr. Aldrich with Mr. Morehead.
Mr. Reece with Mr. Steagall.
Mr. Snell with Mr. Brand.
Mr. Bohn with Mr. Romjue.
Mr. Nelson of Wisconsin with Mr. Crisp.
Mr. Andrew with Mrs. Owen.
Mr. Turpin with Mr. Bloom.
Mr. Michaelson with Mr. Clark of North Carolina.
Mr. Walsh of Pennsylvania with Mr. Spearing.
Mr. Davenport with Mr. Kemp.
Mr. Sinclair with Mr. Wright.
Mr. Watson with Mr. Mansfield.
Mr. Dempsey with Mr. Kunz.
Mr. Chase with Mr. Fuller.
Mr. Sproul of Kansas with Mr. Kerr.
Mr. James with Mr. Williams of Texas.
Mr. Cochran of Pennsylvania with Mr. Goldsborough.
Mr. Arentz with Mr. Doyle.
Mr. Wainwright with Mr. Whitehead.
Mr. Cooper of Wisconsin with Mr. DeRouen.
Mr. Stobbs with Mr. Sabath.
Mr. Wurzbach with Mr. Stedman.
Mr. Cable with Mr. Vinson of Georgia.
Mr. Selvig with Mr. Hudspeth.
Mr. Sanders of New York with Mr. Stevenson.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 9, line 10, insert the following:

"Individual records, civil service retirement and disability fund: For the preparation and maintenance by the departments and independent establishments of the individual record of deductions made from the salary of each employee for credit to the civil service retirement and disability fund required by section 12 (a) of the act approved May 29, 1930, fiscal year 1931, $150,000: *Provided*, That the President, in his discretion, is authorized to allocate such portions of this amount as he may deem to be necessary to any executive department or independent establishment for credit to appropriations available for personal services in the District of Columbia, printing and binding, and the procurement of mechanical equipment: *Provided further*, That a report of the amount so allocated shall be made in the Budget for the fiscal year 1932."

Mr. WOOD. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate No. 13, and agree to the same with an amendment as follows: In line 14 of the matter inserted by such amendment strike out the word "amount" and insert the word "amounts."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

On page 30 of the bill, line 20, insert:

"Cheyenne Bottoms Migratory Bird Refuge: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled 'An act authorizing the establishment of a migratory bird refuge in the Cheyenne Bottoms, Barton County, Kans.,' approved June 12, 1930, including not to exceed $4,220 for personal services in the District of Columbia, fiscal year 1931, $50,000, which sum is a part of $250,000 authorized to be appropriated by section 3 of act: *Provided*, That the Secretary of Agriculture may incur obligations and enter into contracts for the acquisition of lands in connection with this project to an amount which, inclusive of amounts that may be expended hereunder, shall not exceed a total of $250,000, and such contracts shall be deemed contractual obligations of the Federal Government."

Mr. WOOD. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate No. 31, and agree to the same with the following amendments:

In line 8 of the matter inserted by said amendment, after the word "of," insert the word "such."

In line 12 of the matter inserted by said amendment strike out the following: "amounts that may be expended hereunder" and insert in lieu thereof the words "this appropriation."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

On page 39 of the bill, line 5, insert the following:

"Construction of stations: To establish, or to commence the establishment, of Bureau of Fisheries stations as follows, authorized by the act entitled 'An act to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries,' approved May 21, 1930, at not to exceed the costs therein specified: A fish-cultural station in each of the States of New Mexico, Louisiana, and Idaho; a fish-cultural substation in each of the States of Wisconsin, Montana, Colorado, and New Hampshire; a fishery laboratory in the State of Washington, including architectural services, by contract or otherwise, at a fee not exceeding that usual for such service, without regard to civil service laws, rules, and regulations, or to the classification act of 1923, as amended, or to section 3709 of the Revised Statutes of the United States; and an experimental bass and trout station in the State of Maryland or West Virginia; including the acquisition of land, construction of buildings and

ponds, water supply, improvements to grounds, purchase of equipment, power lines, and all necessary expenses connected with construction and installation of fixed equipment, $265,000, to remain available until June 30, 1932."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 129 of the bill, after line 5, insert:

"Shiloh National Military Park and Corinth National Cemetery Road: Toward rebuilding and resurfacing with concrete the road situated in Shiloh National Military Park in Tennessee from the original boundaries of the park to the Corinth National Cemetery at Corinth, Miss., at a total limit of cost of $306,000, there is hereby reappropriated the sum of $50,000 already appropriated in the military affairs appropriation act approved May 28, 1930, to be expended under the direction of the Secretary of War under the terms of this act instead of under the terms of said act of May 28, 1930: *Provided*, That the State of Tennessee will build a like concrete road from the boundaries of Shiloh National Park northward to connect with Tennessee State Highway No. 15, a distance of about 5 miles, such road to be built prior to the completion of the road provided for herein."

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement to this amendment.

Mr. RANKIN. Mr. Speaker, I have a preferential motion. I move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Mississippi moves that the House recede and concur in the Senate amendment.

Mr. RANKIN. Will the gentleman from Indiana yield me some time?

Mr. WOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi.

Mr. RANKIN. Mr. Speaker, this amendment was placed in the bill by the Senate. It does not add to the appropriation for this year, but it does add to the general appropriation for the construction of this road in the Shiloh National Park over a term of years. It is the only hope to get a highway in that park.

Mr. MOORE of Virginia. How much is involved?

Mr. RANKIN. $306,000.

The representatives of the War Department stated before the Senate committee that this would be cheaper than building the kind of roads that are built in the Gettysburg National Park. It will last longer, and it is the cheapest highway in the long run that can be built.

As I have stated before on this floor, for all these years we have not had a decent highway for the people of the United States to enter Shiloh National Park, that great battle field once wet with the best blood of America; a battle field in which all Americans are interested.

The Senate has placed this amendment in the bill to construct a concrete highway, and it is the only way to get it.

Mr. TAYLOR of Tennessee. How many Union soldiers are buried in the cemetery at Shiloh?

Mr. RANKIN. All who were killed there.

Mr. TAYLOR of Tennessee. How many were there?

Mr. RANKIN. I do not know how many.

Mr. TAYLOR of Tennessee. Several thousand?

Mr. RANKIN. Oh, yes; there is a large cemetery there.

Mr. TAYLOR of Tennessee. The State of Tennessee agrees that if the Government will make this appropriation it will construct a highway to connect the battle field with Highway No. 15 in the State of Tennessee.

Mr. RANKIN. Yes.

Mr. BARBOUR. What will the State of Mississippi do?

Mr. RANKIN. While the State of Mississippi has not been as rich as some other States, her people have taxed themselves to the limit to build highways, and just as fast as we can build them, we will do it. The Lee Highway, which begins down here at the zero point and goes through the gentleman's town, passes right through Corinth, and would connect with this road. Hundreds of thousands of people visit Shiloh every year, to look over that great battle field, one of the greatest battle fields in the world, and in my humble opinion, the most beautiful and most attractive battle field on the American Continent.

There pass over this road every year between a quarter of a million and a half million people from your States, from your district, and from mine, and from every other district in the United States.

This is not a personal matter with me. We are going to get this road some time. We are going to continue this battle, and these old Federal soldiers and these old Confederate soldiers and their children and relatives are going to continue this fight until they get the proper kind of highway in this park.

But we want it now. Nine years from to-day we are told the old veterans will all be dead. Let us do this while they are yet alive.

I appeal to you to vote for this amendment, which the Senate has adopted and which, in my opinion, is nothing but just. I sincerely trust you will vote for the motion to concur. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BROWNING].

Mr. BROWNING. Mr. Speaker and gentlemen of the House, this amendment simply changes the ultimate amount that is planned in this bill from $100,000 to $306,000 and appropriates $50,000, the same amount which is already provided to be used this year. The change in plan we consider necessary because we had hoped that the road from this splendid Shiloh Park, which is in my district, leading to the Corinth Cemetery, we could construct as a permanent road. I do not know of another national military park in America that does not have permanent road construction in the park and leading to the park. This is the only one. It is one of the most beautiful parks in America, and ultimately a concrete road will be built because it is the economic road to build. The tarred-surface road which has been planned for this park is purely temporary, and no one would contend that it is anything but a temporary road.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. JOHNSON of Oklahoma. Will the gentleman tell us whether or not this road is all in the park and all owned by the Government?

Mr. BROWNING. Every bit of it is on Government park land, and it connects the Shiloh National Park with the Corinth National Cemetery. It is a road over which a half million people travel each year in visiting this park. It goes through sparsely settled country for which no State would appropriate enough money to build that kind of a road. It is purely a park road.

From a statement which the chairman made a while ago I take it he was under the impression that this concrete road would not be of the same nature as the permanent road system of that part of the country. I say to you frankly that our roads are being constructed almost entirely of concrete, and State Highway No. 15, running between Memphis and Chattanooga, is within 5 miles of the park. It is a concrete-surface road all the way, and under this amendment the State is to build the 5 miles of road which will connect this concrete road with the park. When that is done we will have a complete system of concrete roads, and it would have to be a concrete road in order to be in keeping with the State system.

Mr. MANLOVE. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. MANLOVE. The gentleman spoke about the tourists. This road would be more for the accommodation of the people throughout the whole United States than for the people in that immediate community.

Mr. BROWNING. Yes; that is true. It is a road that is primarily for the accommodation of people who visit that park. Every State which had troops in that battle has a very splendid monument erected in the park in memory of the soldiers who fell there. As I remember, the State of Michigan has a splendid monument, one of the best in the park, and the State of Illinois, and all of the States which had troops in that great and decisive battle have erected monuments in that park.

The construction of a permanent road in this park will not cost as much as the roads in the Gettysburg National Park or even at Vicksburg, or any of the other great national military parks. Therefore we feel that to begin this properly we should have a permanent-surface road, and I am insisting that the House, not authorizing any more than the amount that has already been authorized for this year, would be justified in providing the construction of a permanent highway instead of a temporary highway, which will have to be replaced in a few years.

This road is 21 miles long and a concrete surface can be put on it for $306,000. That is the cheapest concrete construction in America. The reason is that we have all the sand and all the gravel needed, which the Government procured when it took over this road. That sand and gravel is available and by utilizing it you can place a first-class 18-foot concrete road over this whole distance at a cost of $12,000 or $15,000 a mile. I am hoping the House will authorize that since it does not increase the appropriation. I had hoped the committee might accede to this amendment, because the Senate has placed it

in the bill twice overwhelmingly, and when the bill has gone to conference the Senate has insisted on the amendment both times and will insist again. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Speaker and Members of the House, I grew up in the community adjoining the Shiloh National Park. When I was a boy I visited there very often, and when I read the names of Federal soldiers on the tombstones I found acres and acres of monuments from almost all of the Northern and Eastern States which had soldiers in the Federal Army.

I was always pleased to go to Shiloh Park and go among the wonderful monuments that have been placed there by States that furnished Union soldiers. Perhaps you do not know it, but there are more than 20,000 Union soldiers buried in this burial ground, and the tablets that are scattered about the field of battle give you a history of this most extraordinary engagement, an engagement by which General Grant dated the turning of the tide during the Civil War.

I want to tell you that until the last few years there was no road of approach to this most extensive battle field. Somebody built a cheap toll road and put a little gravel on top of it and it was very narrow and very dangerous. Three or four years ago the Federal Government took over this road.

Every year people who have relatives buried in this battle ground and people who are interested in the history of the Civil War return to Shiloh, and the amazing thing to many of them is that there is no adequate or suitable road over which they can travel to this wonderful battle ground. I have gone there on the 5th and 6th of April, and each year at that time many of the old soldiers come there, wearing their uniforms of blue, to look at the various places and spots where they stood during the battle.

I can not go any farther on the line, but I want to suggest that Mississippi is providing about $80,000,000 with which to build nothing but concrete roads. Tennessee is stringing concrete highways all about the Shiloh National Park, while we propose to put down a gravel road and put tar or some oil surfacing on it. It is not adequate, it is only temporary, and is a waste of money and out of line with the other roads that are being built all about that section of the country.

I hope we will not take this course but will concur in the Senate amendment and go ahead with the work in an appropriate way and not waste time and money with a temporary expedient which does not meet the situation.

I do not live near this place now, but I did feel like giving you this first-hand information, because I grew up there, and on each Decoration Day, the 30th of May, I was one of the faithful attendants there to mix with the other people who came to do honor to the great work of the patriots who fell there. [Applause.]

Mr. WOOD. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker and gentlemen, this road would have been completed long ago, and should have been completed long ago, if there had been as much sentiment for good roads in those days as there is now.

This is not a local road. The great Lee Highway, extending from New York City on to the Pacific coast, goes near this park, where there were more Federal soldiers and more Confederate soldiers killed than at almost any other place in the United States.

Let us build this road and get through with it, and quit quibbling about $200,000 or $300,000. There are thousands and tens of thousands of tourists coming through this country every year, and to come down there and then not be able to get out to this Shiloh Park over a decent and respectable road would be a reflection upon the Congress.

We are building roads in that country just as fast as we can, and they are good roads, macadamized roads, and we need this money in order to complete this highway into this great national military park.

Let us do this and get through with it and stop quibbling about the little sum of money involved. It will be money well invested, because when Uncle Sam builds a road you may always count on its being a good road.

If we will do this, it will be a credit to the Congress. Everyone who has not seen this great Shiloh battle field ought to go there, and you can go there in comfort when this road is completed. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. BARBOUR].

Mr. BARBOUR. The gentleman from Mississippi is always appealing, but I think sometimes he is more convincing when he appeals than he is when he flourishes the big stick and tells us we are going to get this road eventually, whether we want it now or not.

The gentleman referred to the Lee Highway that went through my home city, as I understand. If it does, that is the first intimation I ever had that any road goes through my city or anywhere near my city that the people of my county and my State have not paid for themselves.

Mr. RANKIN. Will the gentleman yield?

Mr. BARBOUR. In just a minute.

Mr. RANKIN. I did not intimate that the gentleman's town and State had not paid their part of it.

Mr. BARBOUR. However, I want to say this: If this road was being entirely neglected, if it was being neglected at all, then there might be some reason for voting for this amendment.

This amendment was offered in the Senate when the War Department appropriation bill was before that body. It went to conference, and, after careful consideration, the Senate and House conferees agreed upon an oil-surfaced road that would cost $100,000, $50,000 during the year 1931 and $50,000 to follow, probably in the appropriation bill for the fiscal year 1932. This was agreed upon by the conferees, and, upon the conference report being presented in both bodies, was agreed to by both the Senate and the House.

We are now taking ample care of this road. The Quartermaster Corps tells us that the money carried in the War Department bill will build as good or a better road than any road in that vicinity to-day. It will be a well-built, oil-surfaced road, so that the tourists and the people who visit this park will go in over a perfectly good road and in absolute comfort.

There is no Budget estimate supporting this amendment. The Bureau of the Budget has never recommended this appropriation. It has not even recommended the $100,000 we have in the War Department bill. So we have been generous, in my opinion, with the people of this vicinity in providing for this road.

When the Secretary of War reported to the deficiency appropriations subcommittee on this matter he recommended that one-half of the cost of construction of this road be paid by the States of Tennessee and Mississippi, and that not a dollar be expended until that money was put up, and not a dollar be expended until these States had entered into a binding agreement to take over the road and maintain it for all time.

There has been no agreement of that kind, although I understand that Tennessee is willing to build its 5 miles.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. LINTHICUM. Coming from a State where they build many miles of good roads, does not the gentleman think it is an absolute waste of money to build gravel roads?

Mr. BARBOUR. No; we are building miles of them and they are good roads—these dirt and gravel roads, oiled. They are comfortable roads to ride on and inexpensive.

Mr. LINTHICUM. We think it is a waste of money to build them.

Mr. BARBOUR. It might possibly be a waste of money in Maryland, but we find that it is not a waste of money elsewhere and that we get first-class roads when we build these gravel roads.

Mr. WOODRUFF. Will the gentleman yield?

Mr. BARBOUR. I yield.

Mr. WOODRUFF. In connection with the building of gravel roads on heavily traveled roads I would like to say something about the experience Michigan has had. That State started in with the construction of limestone macadam roads. A few years' experience with these roads taught us that they would not stand up under heavy traffic. We then spent millions of dollars on gravel roads, with the same result. Now, all the trunk lines in Michigan either have been or are to be rebuilt of concrete or some hard-surfaced material. It seems to me a road such as the one under consideration leading into a national park should be of something more substantial than gravel, which is not satisfactory for heavy traffic.

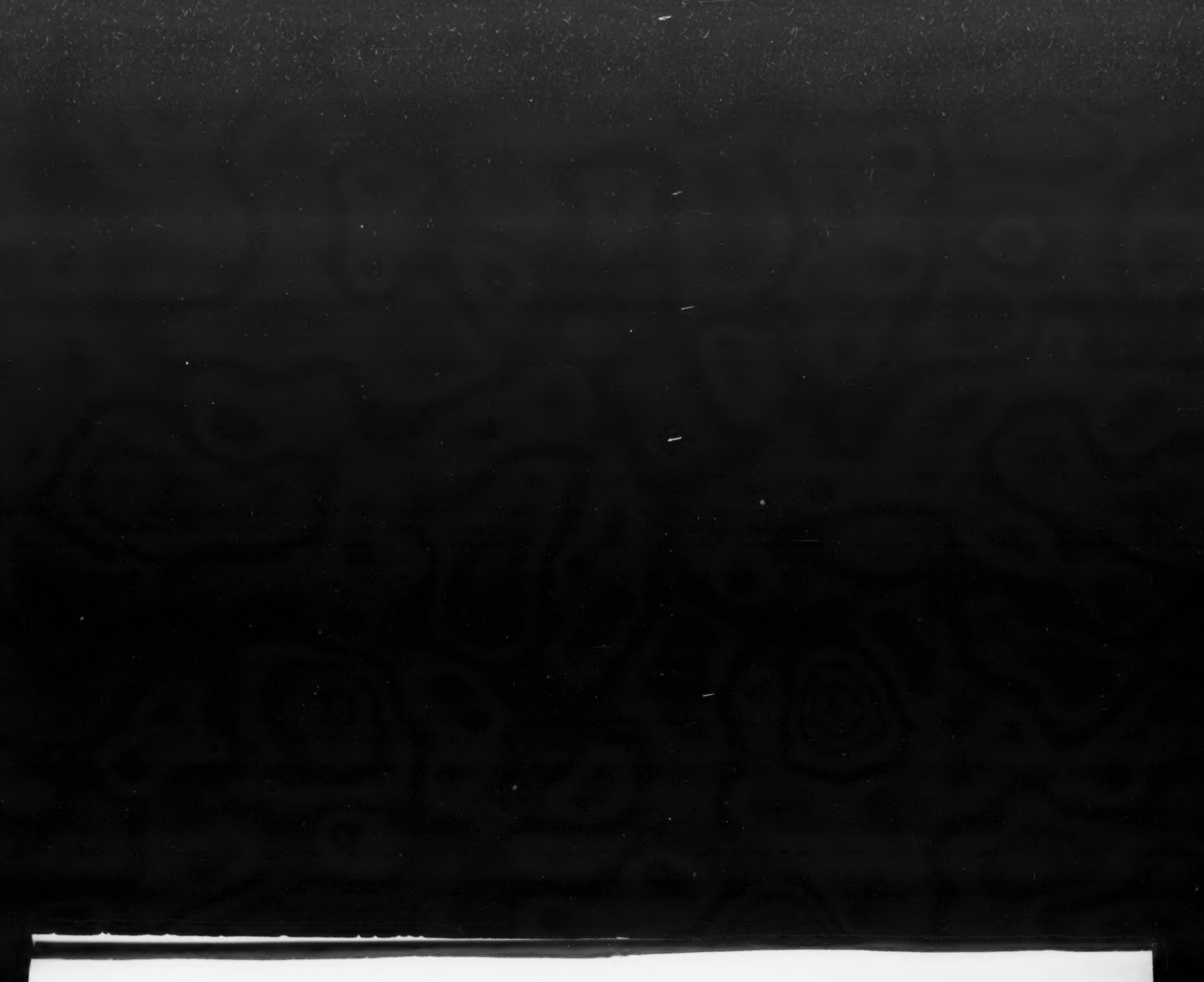
The SPEAKER. The time of the gentleman from California has expired.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. CLAGUE].

Mr. CLAGUE. Mr. Speaker and gentlemen, I think there is some misapprehension here as to this road which is to be constructed being wholly within the park. As a matter of fact the 17 miles of this road runs from Shiloh Park to Corinth, and is wholly outside of the part used for park purposes.

Mr. RANKIN. Will the gentleman yield?

Mr. CLAGUE. Yes.





Mr. RANKIN. As a matter of fact the park extends from the old battle field's property and Corinth—Shiloh Cemetery—and that road is all in Shiloh Park.

Mr. CLAGUE. That is a legal fiction as far as this road is concerned. Now, I want to call the attention of the gentleman from Michigan that this road is not a road where there is going to be general, heavy traffic. It is as has been stated by the gentleman from Mississippi, this is used largely for tourists visiting these parks. There are no heavy trucks used on this road.

When the war appropiration bill was taken up by the subcommittee the matter of improving this road was fully investigated. It was stated by the officer of the War Department having charge of this road that it could be placed in fine condition for travel for less than $6,000 per mile. We have already appropriated $51,000 for this highway, and it is expected that $50,000 will be appropriated next session.

Something has been said about Gettysburg Park. The States of Pennsylvania and Maryland built roads leading to that park. I do not know of any national park in the United States but what the State built the roads which lead to the park.

This is a road that is used not only by tourists but also by local people. It does not come within the class mentioned by the gentleman from Michigan [Mr. WOODRUFF]. No heavy traffic goes over that road.

Mr. WOODRUFF. Heavy traffic does not necessarily mean trucks heavily loaded passing over a road. And I say to my friend from Minnesota that the Michigan roads that bear the heaviest traffic are those roads over which the tourists are traveling into and through Michigan.

Mr. CLAGUE. I do not know what kind of cars they drive in Michigan, probably very expensive ones, but we have thousands of miles of fine roads in Minnesota, and some of the finest are gravel roads.

Mr. WOODRUFF. That is not the sort of road that the committee is proposing to build?

Mr. CLAGUE. We are building a better road than that. We are giving them $3,000 a mile at this time and expect to give $3,000 or more per mile next session.

Mr. WOODRUFF. What are they going to do with the road to make it permanent or semipermanent?

Mr. CLAGUE. First, there is a crushed-stone subsurface, fine gravel, and then rolled and oiled.

Mr. WOODRUFF. We have been doing that with gravel roads for many years in Michigan and we have been compelled to abandon such construction because of the heavy cost of upkeep.

Mr. CLAGUE. And we have been doing it for years in my State, and we have more good roads in my State than the gentleman has in his State.

Mr. WOODRUFF. Oh, I think the gentleman is entirely mistaken.

Mr. CLAGUE. And we build those roads ourselves. I want to see a fine road down there. We have ex-service men who are buried there. We want to do the fair thing, and we think we have done more than the fair thing. There has been no Budget estimate of this. Let us be fair about it. We have given them more than we should, I think, but we want to give them probably more than what is reasonable. This $51,000 should not be increased this year.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, in this particular case the Government of the United States has been more than fair with the people down there and with this park. Several years ago, back probably before 1900, this was taken over as a national military park. Five or six years ago there was a toll road leading from Corinth up to the park for 17 miles, and the Government of the United States was so liberal that it bought this toll road for $28,000. They then came before us this year and asked us for a concrete road of 17 miles, costing $306,000, to go from this park to Corinth. We thought that it was unnecessary. We found out that what they call a chert road, with oil on it, would cost $3,000 a mile, or $51,000. When we came to go into conference to try to work out this situation the two committees of conference from the House and the Senate, we found that a first-class stone road properly oiled so that it would hold together in that locality and be sufficient to take care of the traffic demands could be put in in good shape for $100,000. We appropriated $50,000 toward it this year, and we expect to have to appropriate $50,000 next year. There is not any fair, honest, legitimate excuse for increasing that amount above $100,000. It is enough to build as good a road as there is in any military park in the United States, and we should not be foolish and get extravagant along this line.

Mr. WOOD. Mr. Speaker and gentlemen of the House, my objection to this amendment is not based solely upon the amount that is involved. I object to the manner in which it is attempted to fasten this proposal on this bill. This matter was presented to the Subcommittee on Appropriations having in charge the War Department appropriation bill. It was rejected by the House committee. It was put on by amendment in the Senate. It came before the committee of conference on that bill and they agreed on $100,000 for the road—$50,000 this year and $50,000 next year. Now they try it again on this bill as an appeal, if you please, from the conference committee that had jurisdiction of it before. There was not a single iota of new evidence heard concerning it. The amendment was placed in the bill on the floor upon motion of Senator MCKELLAR. There was no argument. There has been no Budget estimate and I think it is time that one of the bodies of this Congress should awaken to the fact that we have a Budget. More than $2,000,000 was put on this bill in the other body without any hearing, and without any Budget estimate.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Not until I get through with this statement. The War Department has these various military parks in charge. They are trying the best they can to treat them all alike. They are trying as best they can, within their means, to provide adequately for their upkeep. All of the States throughout the North that have parks of this character build their own roads, and if gentlemen will compare the estimates that have been made and the appropriations that have been made, I think gentlemen from the South will have no reason to complain.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. RANKIN. The gentleman said a while ago that there were no hearings on this bill. That is a mistake.

When this matter was up in the discussion of the Army appropriation bill they had hearings before the Senate committee, and representatives of the War Department came and testified that it would be cheaper to build this concrete road——

Mr. TABER. No such testimony was offered by a representative of the War Department.

Mr. WOOD. Mr. Speaker, I do not yield any further.

Mr. RANKIN. Such a statement was made by a representative of the War Department.

Mr. WOOD. Colonel Gibson said this was the character of road that should be built, and he is the man directly in charge. The gentleman from Mississippi would have you believe we are appropriating nothing for this road. We have appropriated $50,000 in a bill this session, the War Department appropriation bill, and will appropriate $50,000 more next year to complete it. They are not satisfied with that. I spoke about there being no hearings. There were no hearings on this bill, and there was no estimate from the President. Unless we wish entirely to break down the Budget, unless we wish entirely to be guided by those who are supposed to know with reference to what should be done on this sort of proposition—the War Department, the Navy Department, or some other—and upon a simple motion either in this House or the other, without any consideration, to increase these appropriation bills, it is time that we were knowing it and the public was knowing it.

Mr. BUSBY. In regard to the people building their own roads, Shiloh National Park is not connected with any town or near any town. It lies out on the beautiful bank of the Tennessee River. No business is permitted in the park grounds, and there is no incentive for a community to build roads to it.

Mr. WOOD. There is none going out to the park at Gettysburg; yet the State of Pennsylvania did not ask any appropriation of this Congress.

Mr. CRAMTON. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. CRAMTON. The policy in connection with national parks is to require the States to provide the approach road. We have never entered upon a policy of building approach roads to reach our national parks. There is no more reason for building a road to reach a national military park than for the Federal Government to build a road to reach Crater Lake or Yellowstone or any of those national parks.

Mr. BROWNING. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. BROWNING. I do not want the House to get the impression that this is an approach road. It is a part of the park. Every foot of it belongs to the Government as a part of the park, and when it was purchased, Mr. TILSON, who was in the chair, ruled we could extend the park by the purchase of this road, and every foot of it belongs to the Federal Government,

and not one inch of it belongs to the State of Tennessee or the State of Mississippi.

Mr. CRAMTON. Is it in the park?

Mr. BROWNING. It is a part of the park itself.

Mr. CRAMTON. Is it in the park?

Mr. BROWNING. Yes. It is in the park itself.

Mr. CRAMTON. Oh, no. It is an approach road.

Mr. WOOD. It is made a part of the park by reason of the fact that you asked the Government to take it over and make it a part of the park; but it is an approach road.

Mr. BUSBY. The battle of Shiloh waged from the river front all along this road to Corinth, where there was an important battle fought; and there is at that point another important national cemetery, covering acres and acres of ground. If it is not literally in the park, it is literally in the battle ground, and the National Park of Shiloh lies off to itself over there; and who in the local community could put up thousands of dollars to build a road there just for the visitors from the Northern States to reach that spot on Decoration Day or on the 5th or 6th of April?

Mr. BARBOUR. I just want to read a statement by the Secretary of War, which appears on pages 149 to 151 in the hearings, where he states:

> This road is the only means of reaching the Shiloh National Park from the south, and is the principal approach to the park. It is also a main traveled road used by the business men of Tennessee and Mississippi who live in that vicinity, and the travel over it is very largely by civilians who are in no way connected with the Shiloh National Park or the national cemetery at Corinth, Miss.

Mr. WOOD. That states the whole truth about it. I have as much respect as anybody for the burial places of our patriotic dead. I allow no one to go farther than I will to protect them, to honor them, and to revere them. But I think it is unfair for the State of Mississippi or the State of Alabama or any other State, through its representatives, under the guise of asking us to make improvements for a national cemetery where these dead repose, to urge that we improve the roads that are not distinctively park roads and which they themselves do not improve.

Mr. WOODRUFF. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. WOODRUFF. I have no knowledge whatsoever as to what conditions have been down there or what the conditions are now. All I know is what has been stated by the gentleman himself and by other members of the committee, to the effect that there is something like $100,000 being appropriated for this road. Having in mind the fact that gravel roads do not stand up under heavy traffic it seems to me important that if the Government is to build this road, it should be built of something more permanent in character than gravel.

The SPEAKER. The question is on the motion of the gentleman from Mississippi to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes, 76, noes 145.

So the motion was rejected.

The SPEAKER. The rejection of the motion is tantamount to concurring in the motion of the gentleman from Indiana to further insist.

Mr. WOOD. Mr. Speaker, I ask for a further conference and the appointment of conferees.

The SPEAKER. Without objection, a further conference will be requested with the Senate.

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. WOOD, CRAMTON, WASON, TAYLOR of Colorado, and AYRES.

REPORTS FROM THE COMMITTEE ON RULES AND CONFERENCE COMMITTEES

Mr. PURNELL. Mr. Speaker, I ask unanimous consent that the provisions of the resolution (H. Res. 287) be limited to the present session of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. RANKIN. Reserving the right to object——

Mr. PURNELL. By way of explanation, I may state that since the adoption of the resolution, H. Res. 287, it has been suggested by some that it might be regarded as a permanent rule. It was not the intention of the Rules Committee and certainly not the intention of the House that it be so regarded. Of course, it should be limited to this session of the Congress and was so intended.

Mr. RANKIN. Reserving the right to object, why not limit it to three days or five days? Why not put a limit of days on it? I have not any desire to hamper the House in the consideration of bills that are necessary, but I think the gentleman from Indiana should put a time limit on this, and then if we do not adjourn by that time, another resolution can easily be passed.

Mr. PURNELL. The resolution has already been adopted. I am simply asking to modify it to conform to the known wishes of the House.

Mr. RANKIN. I understand. It should not have been adopted without a time limit on it. I think the gentleman from Indiana or whoever is in charge of the resolution, should put a time limit on it of, say 4 or 5 or 6 days.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

WORLD WAR VETERANS' LEGISLATION

Mr. PURNELL. Mr. Speaker, I submit a privileged resolution from the Committee on Rules (H. Res. 288), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 288 (Rept. No. 2056)

Resolved, That immediately upon the adoption of this order the bill (H. R. 13174) entitled "An act to amend the World War veterans' act, 1924, as amended," together with the amendments of the Senate thereto, be taken from the Speaker's table, that the amendments of the Senate thereto be disagreed to in gross, that the conference asked by the Senate be agreed to, and that the Speaker, without intervening motion, appoint managers on the part of the House.

Mr. POU. Mr. Speaker, may we have some agreement with the gentleman from Indiana as to time to be allotted on our side?

Mr. PURNELL. How much time does the gentleman desire?

Mr. POU. We should like to have 30 minutes.

Mr. PURNELL. Can the gentleman not get along with a little less? We are anxious to proceed with this important matter.

Mr. POU. There have been four or five requests for time on this side. This is one of the most important matters that has been or will be considered.

Mr. PURNELL. If the gentleman insists I shall yield him 30 minutes. I hope he can get along with less.

Mr. POU. I am in a position where I must insist.

Mr. PURNELL. Then I yield 30 minutes to the gentleman. I have no requests for time on this side, and I do not care to make any lengthy statement myself.

The resolution is very brief, and I think it explains itself. The purpose of the resolution is to get the veterans' bill quickly to conference with the hope that as a result of that conference a bill may be agreed upon quickly that will not only meet Executive approval but will be satisfactory to the soldiers whom we are trying to serve.

I may add further that while it is not a prime consideration in the matter, it is also hoped it will expedite adjournment. [Applause.]

I yield 30 minutes to the gentleman from North Carolina [Mr. POU].

Mr. GARNER. Will the gentleman from North Carolina yield me one minute?

Mr. POU. Mr. Speaker, I yield one minute to the gentleman from Texas.

Mr. GARNER. Mr. Speaker, in order to accommodate the House and do what the gentleman wants to do, and that is to facilitate this bill going to conference, I am going to ask unanimous consent that the House disagree to the Senate amendments and agree to the conference asked by the Senate, so as to cut out an hour's debate and give the gentleman an opportunity to send the bill to conference at once. [Applause.]

Mr. TILSON. Will the gentleman add one clause, which is in the rule?

Mr. KVALE. I object.

Mr. GARNER. I wanted to know who would object. We would have an opportunity under those conditions, Mr. Speaker, to vote on each amendment.

Mr. PURNELL. Will the gentleman incorporate in his unanimous-consent request that the Speaker may appoint the managers on the part of the House without intervening motion?

Mr. GARNER. Oh, no. [Laughter.] I make my own request. I request that we disagree to the Senate amendments and agree to the conference asked by the Senate, and that the Speaker appoint the conferees at the proper time.

Mr. PURNELL. I merely wanted to be helpful to the gentleman.

Mr. GARNER. I do want an opportunity to vote on these amendments, and I think the gentleman and the other Members

of the House ought to have an opportunity to express themselves on these amendments. This rule prevents the House of Representatives from expressing itself, but the House would have an opportunity under my unanimous-consent request to vote on some of these amendments and instruct the conferees. It would give the House an opportunity to consider these amendments, and I think the House should have an opportunity to consider them. [Applause.] Yet you undertake by a rule to gag the House of Representatives and give it no opportunity to vote on these amendments.

Mr. PURNELL. The gentleman knows that two-thirds of the Members on that side are perfectly willing to be gagged.

Mr. RANKIN. That statement is not correct.

Mr. PURNELL. At some time during the consideration of this matter it might be well in the interest of our World War veterans to eliminate all question of politics.

Mr. RANKIN. Then why not do it? That is what you are doing now, making it a political issue.

Mr. PURNELL. Mr. Speaker, I yield 30 minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, we are going to ask you to vote down the previous question on this rule. A vote for the previous question on this rule means a vote against veterans' relief. Do not misunderstand that. A vote for the previous question means to send the bill to conference where they will cut down these compensation rates.

The compensation of a totally disabled veteran will be cut down from $60 to $40 a month; the compensation of a man 75 per cent disabled will be cut down to $24, and that of a man less than 75 per cent disabled, even though he be 70 per cent disabled, will be cut down to $18 a month.

Now, if we vote down the previous question on this rule we have a motion to offer—to concur in the Senate amendments. We are not asking you to vote for them en bloc. We will take them one at a time, but we do want to have an opportunity to vote on these amendments, because you know that when you send them to conference you already have a majority of your conferees fixed.

You know they are opposed to these rates; you know they are opposed to liberalizing the relief for these uncompensated disabled veterans of the World War. They are for the pauper rates in the Johnson bill.

Thousands of these men have been suffering for years. Thousands of men came out of the service with disabilities. Many of them did not know they had the right to apply for compensation. Many of them, through patriotic impulses, refused to apply until after 1925, and then when they finally broke down, they were told by the Veterans' Bureau that they were too late. Now you propose to shut them off. You propose to shut them off with the measly sum of $40 a month for the totally and permanently disabled.

I see before me the gentleman from Pennsylvania [Mr. SWICK]. He advocated these rates in the committee. Other gentlemen in the committee advocated these rates as they have in the House. But when the time comes that you think you have your gag rules working, so that you can shut off any relief to amount to anything for these disabled men, you attempt to force this rule through and send the bill to conference when a majority of your conferees have already decided what they are going to do, and that is to take the humanity out of this bill that was put in by the Senate on yesterday, reduce the compensation of these men to a small pittance that is insufficient to relieve their suffering.

Ah, gentlemen, are you the same men who voted for the veterans' bill on the 24th of April by a majority of 6 to 1? If so, what has come over you? Are you the same men who voted to override the President's veto on the Spanish-American War veterans' bill? Then why do you refuse to give these men justice?

There are 72 men on the Republican side of the House who voted to sustain that veto the other day, who voted to override Mr. Coolidge's veto of the emergency officers' retirement bill, which gives some of those men as much as $350 or $400 a month as a pension for life, no matter whether they recover from their disabilities or not. Are you the same men? If so, then why deny these disabled enlisted men relief?

I appeal to you to-day to vote down the previous question, in order that we may move to concur, at least, in the principal Senate amendments to liberalize this bill and give these men some decent measure of that relief, to which they are entitled, and which nearly every one of you have promised them over your own signatures.

I hope you will vote down the previous question. [Applause.]

The SPEAKER pro tempore (Mr. CHINDBLOM). The time of the gentleman from Mississippi has expired.

Mr. POU. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, we should be more interested, in my opinion, in providing proper legislation for the disabled World War veterans than we are in the adjournment of this session of the Congress. [Applause.]

We are here to attend to the business of the people, and it is our duty to legislate in the interest of the veteran.

The distinguished gentleman from Indiana said, "Adopt this rule and pursue this course and give the veterans what they want." I will tell you what they want. If you want to give the veterans what they desire you would concur in the Senate amendments.

I have never had anyone give me a reason why a veteran of the World War, with the same degree of disability as a Spanish-American War veteran, should not have the same amount of pension or the same allowance, and I challenge any man here to say that a World War veteran with a 50 per cent disability is not entitled to as much pension as a Spanish-American War veteran with a 50 per cent disability. You have not answered that question, and you can not answer it. One of the main amendments of the Senate provides for this being done, and if you want to do equal justice to both the Spanish-American War veterans and the World War veterans, you should adopt the amendments of the Senate, and we could do that in five minutes' time if we had the opportunity, and we would in this way obviate all necessity for this rule. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. POU. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, all that the minority can accomplish in the face of an overwhelming majority is to see that the differences in issue are properly stated.

The Congress has been dealing with veterans' legislation for quite a while. This House, by an overwhelming vote, declared that the measure amended by the Senate is utterly unsatisfactory. The other body, by a vote of 10 to 1, in effect declared that legislation you are proposing to pass by this gag rule is utterly unsatisfactory.

If the heart of this House could speak, if the heart of the membership of this House could find expression, no such legislation as the administration measure would stand any chance whatsoever to become the law of the land.

The so-called Rankin bill was sent to the White House, was promptly vetoed, and the House and the Senate received a severe castigation from the President of the United States. No schoolboy ever received a more severe tongue lashing than the Members who voted for that legislation here. Now, it is proposed to supinely submit to the dictation of the President and accept not what we think is best, but what the President of the United States thinks is best. Under this rule there can be no vote upon any of the Senate amendments if the House orders the previous question. Therefore, the only way by which the House can express itself upon the Senate amendments to the veterans bill is to vote down the previous question, but that you will probably not do. Since the recent spanking the President has administered to Congress, the majority in power will do just what you are ordered to do. During my service in this House I have wondered why the House is so often spoken of with ridicule and sometimes with contempt. On the railroad trains, in the hotel lobbies, almost invariably whenever you hear the House of Representatives mentioned, somebody is ready to throw off with some remark of ridicule or contempt. I think it is because we do just such things as you are going to do to-day, and as long as we surrender our own honest convictions to the declaration of any man, even though he is the President of the United States, people will continue to speak of us with contempt and regard us with contempt. A majority of the House in your hearts do not believe that $40 a month for complete disability is sufficient, and I would like to have an opportunity to vote up or down on the Senate amendments. Three hundred and twenty-odd members here against 49 said that it was not enough. When you passed the Spanish War veterans' bill over the veto of the President you said it was insufficient to care for the totally disabled. In another body 66 against 6 said $40 per month was inadequate, and as highly as I respect the President of the United States, I refuse to be governed by his tongue lashing, but I know that nothing that can be said here to-day will avail. All that we can do is to see that the record is properly made up, and I think we have succeeded in doing that. [Applause.]

I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, ladies and gentlemen of the House, in view of the statement made by the gentleman from Indiana [Mr. PURNELL] I want the RECORD to be perfectly clear, that there are not two-thirds over here on the Democratic side who are against the Senate amendments to this veterans' bill. I firmly believe that every man on the Democratic side of this House is for the bill with the Senate amendments. [Applause.] There are only two Democratic members of the Rules Committee here to-day and both of them are protesting against this gag rule, and I want the country to know the attitude of the Democrats toward this legislation.

I desire also to call to the attention of the House an exceptional situation that has developed in the Seventy-first Congress. The Republican leader of this House some time ago took the floor and asked this House to vote against its better judgment because the Executive intended to veto a certain bill. The President is not the legislative branch of this Government. That is the peculiar situation we face to-day, and it is one of the most dangerous that this country has faced in a long time—the relinquishment of its prerogatives by the legislative branch to the Executive.

Heretofore Executives have often vetoed measures, but for the first time—mark you, gentlemen, for the first time—the Executive in vetoing the Rankin bill entered into an agreement with the Republican legislative leaders to sign another bill. He, therefore, wrote the legislation. If it were not satisfactory to him he would not have entered into the agreement, and if he had not entered into the agreement and promised to sign the new bill his veto would have been overridden. In such days are we living.

The whole country has shown an interest in this unusual situation, and the leading editorials have commented that never before in the history of politics have they seen a legislative body sit down with the Executive and say "We will sustain your veto if you will agree in advance to approve a bill we show you." Of course, he would not approve it if it did not meet with his wishes. The new bill was presented at the Republican caucus. The Executive, therefore, wrote the bill and took the position that it was the only bill he would approve.

Why, ladies and gentlemen, if that is what is going to happen from now on to the established institutions and governmental system of this country we might as well adjourn now, close up the legislature, and send all bills to the White House. Let the President call his own House of Representatives, let him call his own Senate, and let him exercise the functions of both branches of our Government. [Applause.]

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, ladies and gentlemen of the House, the Rankin bill is now past history. I am not going to tell you anything about it or talk about the Rankin bill or the amendment which I offered, which superseded both the Rankin and Johnson bills, and which you passed in the House.

You remember that I told you at that time that I was not worrying about two hundred millions or three hundred millions of dollars cost, that that would be cut down by the time it came back to the House. It was cut considerably, as you know.

You remember that I further told you not to worry about the prophecy of Secretary Mellon that we would have a deficit, I declared that when July 1 came around we would undoubtedly have a surplus of $200,000,000 or $300,000,000 in the Treasury, and yesterday morning's paper told you that we had $200,000,000 surplus in the Treasury.

But here is what I would like to bring home to you to-day.

This bill, which was passed by the Senate yesterday, is a good bill. It brings the rates up to the rates of the Spanish-American War veterans, taking out the misconduct clause for the man who got venereal disease during his time of service, not since, and making the disablity 10 per cent in place of 25 per cent. It is a good bill. It will take care of thousands of service men in the United States who can not be cared for under the present provisions of the veterans' laws. I am in favor of this bill. To my mind this is not a partisan issue at all, and if you gentlemen desire to do justice to service men of the United States you will vote against the previous question, thus giving an opportunity to vote to concur in the Senate amendments.

There are men with whom I served in the Argonne, at Chateau-Thierry and San Mihiel, and different places in France, men who were in the battle line. These men were in combat units, whether in ROYAL JOHNSON's unit or the Twenty-sixth or Forty-second or the First or the Second or the Third or other combat units, and the wagons which carried their records were often ditched or shot up and the records completely lost, while the men who went to Camp Devens or Camp Meade and who did not get abroad, have their records intact. The man who served with ROYAL JOHNSON or with Mr. MILLIGAN or with Mr. BROWNING or any of these men who served overseas may have lost his records. He can not come in for compensation under the Veterans' Bureau, because he can not prove service, and thus we have penalized many of the best soldiers of the war.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. JOHNSON of South Dakota. I notice the gentleman has not much time, and if I take up any of his time and he wants more I shall ask this side to give him some. The gentleman from Massachusetts has brought up a very pertinent question and he states something that I know to be absolutely true, because some of the records were lost by shell fire. Does he not think the provision of the present law, which was inserted on the House side and which he and I favor, providing for the consideration of lay testimony will obviate some of the difficulty that he has in mind? Also, does he not believe that if these records were blown up and lost, one of the soldiers who served with the particular man who wants relief could come in and show that fact?

Mr. CONNERY. Yes. And I say that I think that is one of the most important amendments put on the bill. The gentleman also knows that there are many men in the United States who are not getting compensation, who were the very best kind of soldiers, who would not leave the line, who were gassed and would not go to the hospital, and, therefore, there is no hospital record, and to-day these men are dying and are uncompensated because they can not prove service connection.

Mr. RANKIN. Is it not a fact that the Veterans' Bureau is the only tribunal on earth as to which you had to pass a law to make it take lay testimony?

Mr. CONNERY. Yes.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. PURNELL. Mr. Speaker, I yield the gentleman two minutes.

Mr. CONNERY. Mr. Speaker, this is a good bill which has been passed by the Senate, especially with that misconduct clause taken out and with the Spanish War rates. I listened to all of the debates in the Senate. They discussed this matter thoroughly. Some said, Why give the World War veteran these rates to-day, 10 or 12 years after the war, which the Spanish War veterans had to wait 23 or 25 years to get? All I can say in reference to that is this: Every Member who was present on the floor of this House when the Spanish War bill was passed raising the rates said, "At last we are doing justice to them, giving them something they should have gotten 25 years ago." Let us not start off with a policy now of keeping the World War veterans down to the rate which the Spanish War veterans obtained 25 years ago. Give them a decent rate now, and you will be doing justice. I do not think they will be dissatisfied if you pass the bill with the Senate amendments, but just as sure as I am standing here, if you do not do it, if you give them a piecemeal bit of legislation, give them $12 a month in place of the Senate rates, then the American Legion and the Veterans of Foreign Wars and Disabled American Veterans and other service organizations in the United States are going to come in next December and say, "All right, now give us what you should have given us before, give us the Spanish War rate." Do it now, gentlemen. [Applause.]

Mr. POU. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. CANNON].

Mr. CANNON. Mr. Speaker, the motion for the previous question is one of the most useful tools in the parliamentary chest. But, like most other valuable agencies, it is capable of grave abuse. Where used legitimately, the previous question is utilized for two purposes only—to close dilatory debate and to prevent filibustering. It is used improperly when employed to preclude the consideration of reasonable amendments and to prevent the House from expressing its will and recording its vote on material questions at issue.

The previous question as presented to-day in the pending motion falls within the latter category. Obviously there has been no attempt to filibuster. Certainly there is no disposition to unduly prolong discussion. Our only purpose here—as clearly explained by the gentleman from Mississippi [Mr. RANKIN]—is to give the House an opportunity to vote on agreeing to the Senate amendments. In brief, our purpose is to expedite the enactment of this legislation by accepting the amendments of the Senate and sending the bill to the President this afternoon instead of sending it to conference for the mutilation or elimination of the Senate amendments. Members

should themselves vote on the Senate amendments instead of turning them over to the tender mercies of conferees who are known to be opposed to them.

So when you vote on ordering the previous question on this resolution here is what you are voting for: If you vote for the previous question, you are voting to gag yourself. You are voting to turn this legislation over to two men who are opposed to increasing the rates in the bill; to delegate to them the power that you should exercise yourselves. On the other hand, if you vote down the previous question, you are voting to decide this matter here in the House this afternoon. You are voting for the opportunity to agree to the Senate amendments now and pass the bill without further ceremony. I trust the House will vote down the previous question and give the gentleman from Mississippi an opportunity to offer his motion; give the House an opportunity to accept the Senate amendments; and give the ex-service men the same consideration the Government has given every other American veteran. [Applause.]

Mr. PURNELL. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. The gentleman who has preceded me [Mr. CANNON], whose knowledge of parliamentary practice is not surpassed in this House, is well aware of the fact that there is grave doubt as to whether under any circumstances instructions should be given to conferees; at any rate, at the first conference. He is aware of the fact that the other branch of the Congress has consistently refused to interfere with free conferences, and I am sure his acquaintance with the purposes of parliamentary law would lead him, upon mature reflection, to conclude that the intent of a conference is interfered with by instructions prior to the first meeting of the conferees.

Mr. CANNON. Mr. Speaker, will the gentleman yield there?

Mr. LUCE. Certainly.

Mr. CANNON. Would the objection that the gentleman has just voiced apply to the motion to which the gentleman has just agreed respecting the Senate amendment?

Mr. LUCE. The House has already expressed itself on the bill in a certain form. The House has not voted to reconsider. The House has taken a position, and it is the intent of the conferees representing this branch to lay before the conferees of the other branch the position which this House has already taken. A motion to reconsider might be a useful thing, but the House has determined for the time being what it desires to be done. If the House conferees bring back a report according with the view the House has already taken, and the House, changing its mind in this or that particular, wishes to yield to the Senate in relation thereto, it can reject the conference report, send the matter to a second conference, and with more propriety than now give instructions to the conferees.

But at this time the very purposes of the conference demand that the conferees shall go to it with free hands, unshackled, to represent the views of the House as hitherto expressed.

A word about the drafting of this bill. The gentleman has said that it was written at the White House by the President of the United States. I deny that with all the power at my command. This bill in the form in which it left the House was prepared by members of the Committee on World War Veterans' Legislation. It embodied nearly all the proposals that had been passed upon by the committee and approved by the House. The sentiments of the President on some phases of the subject had been expressed, formally and constitutionally, in a veto that he sent here on another measure, and other of his opinions had come to public knowledge through the columns of the press. As practical men of affairs, as legislators desirous of achieving results, rather than make false plays to the veterans, we felt we should submit something that could become law. We rewrote the objectionable sections of the bill accordingly.

What else could we do? Would you have had us draft a bill that the President would veto? Would you have had us put in provisions that we knew would prevent enactment?

Men right before me to-day would vote for instructions to the conferees that, if carried out, would prevent enactment. Is that fair to the Nation or to the veterans themselves? Is it honest and sincere, when we know what would happen?

Mr. PURNELL. Mr. Speaker, I yield five minutes to the gentleman from South Dakota [Mr. JOHNSON].

The SPEAKER pro tempore. The gentleman from South Dakota is recognized for five minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker and Members of the House, there have been two arguments presented to the House to-day by the gentleman from Massachusetts [Mr. CONNERY] which deserve discussion. They were presented by a man who knows what this soldier business is all about, from a practical viewpoint, and who really desires that relief shall be extended to the ex-service men.

As he stated, the records of some of these ex-service men were lost and some of the records of the American Expeditionary Forces were destroyed by shell fire. Some were destroyed in the camps by fire and some were destroyed by accident. To prove the cases of men whose records have been destroyed further evidence, therefore, is necessary. When therefore the bill came to us in its last form, in the bill passed by the House under suspension of the rules, there was a provision inserted that lay testimony—nonmedical testimony—could be considered. Now, if a man's records are lost he can still prove his case. In addition, we know that scattered all over the world, in many countries, there were 15,000,000 pieces of paper affecting men's records, and we have inserted a provision to collect these pieces of paper so that a man can have his record where it can be found, so that it is not necessary for the record to prove the presumption of service connection, because that can be done by the real record.

He urged that the present rates be made the same as the rates for the Spanish-American War veterans. He overlooked the fact that the World War veteran secures hospitalization the moment he suffers disability, and that hospitals were built for that purpose. This World War veteran, service-connected or not service-connected, then has the privilege of going into the hospital at an expense to the Government of $120 a month, and every one of those men who goes to a hospital who is totally disabled will, under the bill as passed by the House, receive that which will cost the Government of the United States $160 per month—a cash payment of $40 and $120 a month for the treatment which the Government is giving. That is more than the Spanish-American War veteran gets to-day.

Mr. CONNERY. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield.

Mr. CONNERY. The Spanish-American War veteran is entitled to hospitalization also.

Mr. JOHNSON of South Dakota. That is because of the fact that Captain Mattocks, a Spanish-American War veteran, and myself and others at one time went before the Committee on Public Buildings and Grounds, and first took in those who had T. B., and we have been trying to work out this problem so that all veterans of all wars will be treated alike. I am glad to say that the gentleman from Massachusetts [Mr. CONNERY] has always joined in that viewpoint.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I only have one minute left. I will yield this time, but no more.

Mr. BLANTON. One difference is that many of the Spanish-American War veterans have grown sons to help take care of them, while many of the World War veterans have a wife and children to support, and there is the difference.

Mr. KNUTSON. And another reason is there are about 4,000,000 World War veterans who vote and only 200,000 Spanish-American War veterans.

Mr. BLANTON. Oh, that question of politics is not considered at all.

Mr. JOHNSON of South Dakota. I can not yield further. I served notice that I would not, and I can not.

I have been through the debates on this floor for 13 years, and I know the interminable debates that we can have on this proposition. I want to talk about a matter of plain everyday common sense for a minute. I want to get a bill passed for some of these people who are really in distress. [Applause.] There is only one way to do it, and that is to agree on a bill that the House and Senate can agree on and which the President will sign. [Applause.]

I want something passed so that I can leave here at 3.30 and can be in conference with some men who also want to pass legislation. [Applause.] Then I want to bring it back here and get it adopted so that all these ex-service men can file their claims, so that those who are disabled and service connected, presumptively or otherwise, will receive compensation at the present high rates. That those who do not have service connection can still proceed to get their service connection if they can get it, and we will give them lay evidence to do it with. Those that can prove it can come in in three or four days. That those who have no service connection can secure the disability allowance to help them over the rough spots.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PURNELL. I yield five additional minutes to the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. Those men can come in in three or four days and file their claims and, using the same system of rating that is now used by the Pension Bureau, they will go on the pay roll where they will be able to get some coal in the coal bin and flour in the flour bin. Passing this resolution which has already passed the House for a survey of veterans'

legislation in the years that this system would be in operation ought to be able to work out a fair and equitable system of laws which will treat alike the veterans of both wars.

That can be done without the use of politics. Of course, I know there is nobody in this body who would demagogue, but, without any demagoguery we should be able to work out a fair and equitable system which will treat all alike. It is a difficult matter. We did not have good medical examinations in the Spanish-American War. It was entirely different to what it is now. The Spanish-American War veteran would have had a hard time connecting his claim. A World War veteran does not have such a difficult time, because there are some records.

I urge the House to vote for the previous question to pass this rule. We will go to conference and we will get a law to put the service men that are totally disabled in hospitals, if they want it, and give them $40 a month, and we can adjourn. If we do not do that, we will adjourn anyway, and if there is no legislation, the men who are responsible for it will not be the men who vote with me on this matter. [Applause.]

Mr. PURNELL. Mr. Speaker, I move the previous question on the resolution.

Mr. GARNER, Mr. POU, and Mr. RANKIN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 194, nays 117, answered "present" 1, not voting 115, as follows:

[Roll No. 83]

YEAS—194

Ackerman	Eaton, N. J.	Kendall, Pa.	Robinson
Adkins	Elliott	Ketcham	Rogers
Allen	Ellis	Kiess	Rowbottom
Andresen	Englebright	Kincheloe	Seiberling
Aswell	Estep	Kinzer	Shaffer, Va.
Ayres	Esterly	Knutson	Short, Mo.
Bachmann	Evans, Calif.	Kopp	Shott, W. Va.
Bacon	Fenn	Korell	Shreve
Baird	Fish	Kurtz	Simmons
Barbour	Foss	Lambertson	Simms
Beedy	Freeman	Langley	Sloan
Beers	French	Lankford, Va.	Smith, Idaho
Blackburn	Garber, Okla.	Leavitt	Snow
Bolton	Garber, Va.	Leech	Sparks
Bowman	Gibson	Letts	Speaks
Brand, Ohio	Goodwin	Luce	Sproul, Ill.
Brigham	Graham	McClintock, Ohio	Stafford
Britten	Guyer	McCormick, Ill.	Strong, Kans.
Buckbee	Hadley	McFadden	Strong, Pa.
Burdick	Hale	McLaughlin	Sullivan, Pa.
Butler	Hall, Ill.	McLeod	Summers, Wash
Campbell, Iowa	Hall, Ind.	Maas	Swanson
Carter, Calif.	Hall, N. Dak.	Magrady	Swick
Carter, Wyo.	Halsey	Manlove	Swing
Chalmers	Hancock	Mapes	Taber
Chindblom	Hardy	Martin	Taylor, Tenn.
Christopherson	Hartley	Menges	Temple
Clague	Haugen	Merritt	Thatcher
Clancy	Hawley	Michener	Thurston
Clark, Md.	Hess	Miller	Tilson
Clarke, N. Y.	Hickey	Moore, Ohio	Timberlake
Cole	Hoch	Morgan	Tinkham
Colton	Holaday	Mouser	Turpin
Connolly	Hooper	Nelson, Me.	Vestal
Cooper, Ohio	Hope	Newhall	Vincent, Mich.
Coyle	Hopkins	Niedringhaus	Wason
Craddock	Houston, Del.	Nolan	Watres
Cramton	Hull, William E.	O'Connor, Okla.	Welch, Calif.
Crowther	Irwin	Palmer	White
Culkin	Jenkins	Parker	Wigglesworth
Dallinger	Johnson, Ind.	Perkins	Wolfenden
Darrow	Johnson, Nebr.	Pittenger	Wolverton, N. J.
Denison	Johnson, S. Dak.	Pritchard	Wolverton, W. Va.
Dickinson	Johnson, Wash.	Purnell	Wood
Douglas, Ariz.	Jonas, N. C.	Ramey, Frank M.	Woodruff
Dowell	Kahn	Ramseyer	Wyant
Dunbar	Kearns	Ransley	Yates
Dyer	Kelly	Reed, N. Y.	
Eaton, Colo.	Kendall, Ky.	Reid, Ill.	

NAYS—117

Abernethy	Davis	Hare	McMillan
Allgood	Dickstein	Hastings	McSwain
Almon	Dominick	Hill, Ala.	Mead
Arnold	Doughton	Hill, Wash.	Milligan
Auf der Heide	Douglass, Mass.	Howard	Montague
Bell	Doxey	Huddleston	Montet
Black	Drane	Hull, Wis.	Mooney
Bland	Driver	Jeffers	Morehead
Blanton	Eslick	Johnson, Okla.	Nelson, Mo.
Box	Evans, Mont.	Johnson, Tex.	O'Connell
Boylan	Fisher	Jones, Tex.	O'Connor, La.
Briggs	Fitzgerald	Kennedy	O'Connor, N. Y.
Browning	Fitzpatrick	Kvale	Oldfield
Brunner	Gambrill	Lampert	Oliver, Ala.
Busby	Garner	Lanham	Palmisano
Canfield	Garrett	Lankford, Ga.	Parks
Cannon	Gasque	Larsen	Patman
Cartwright	Gavagan	Lea	Patterson
Christgau	Glover	Lindsay	Pou
Cochran, Mo.	Granfield	Linthicum	Prall
Collier	Green	Lozier	Quin
Cooper, Tenn.	Greenwood	Ludlow	Ragon
Cox	Gregory	McClintic, Okla.	Rainey, Henry T.
Cross	Griffin	McCormack, Mass.	Rankin
Crosser	Hall, Miss.	McDuffie	Rayburn
Cullen	Hammer	McKeown	Rutherford
Sanders, Tex.	Sumners, Tex.	Underwood	Yon
Sandlin	Tarver	Whittington	
Schafer, Wis.	Thompson	Wilson	
Stone	Tucker	Woodrum	

ANSWERED "PRESENT"—1

Connery

NOT VOTING—115

Aldrich	Dempsey	Kiefner	Smith, W. Va.
Andrew	De Priest	Kunz	Snell
Arentz	DeRouen	LaGuardia	Somers, N. Y.
Bacharach	Doutrich	Lehlbach	Spearing.
Bankhead	Doyle	McReynolds	Sproul, Kans.
Beck	Drewry	Mansfield	Stalker
Bloom	Edwards	Michaelson	Steagall
Bohn	Finley	Moore, Ky.	Stedman
Brand, Ga.	Fort	Moore, Va.	Stevenson
Browne	Frear	Murphy	Stobbs
Brumm	Free	Nelson, Wis.	Sullivan, N. Y.
Buchanan	Fuller	Norton	Taylor, Colo.
Burtness	Fulmer	Oliver, N. Y.	Treadway
Byrns	Gifford	Owen	Underhill
Cable	Golder	Peavey	Vinson, Ga.
Campbell, Pa.	Goldsborough	Pratt, Harcourt J.	Wainwright
Carley	Hoffman	Pratt, Ruth	Walker
Celler	Hogg	Quayle	Warren
Chase	Hudson	Ramspeck	Watson
Clark, N. C.	Hudspeth	Reece	Welsh, Pa.
Cochran, Pa.	Hull, Morton D.	Romjue	Whitehead
Collins	Hull, Tenn.	Sabath	Whitley
Cooke	Igoe	Sanders, N. Y.	Williams
Cooper, Wis.	James	Schneider	Williamson
Corning	Johnson, Ill.	Sears	Wingo
Crail	Johnston, Mo.	Seger	Wright
Crisp	Kading	Selvig	Wurzbach
Curry	Kemp	Sinclair	Zihlman
Davenport	Kerr	Sirovich	

So the previous question was ordered.

The Clerk announced the following additional pairs:

On this vote:

Mr. Snell (for) with Mr. Bankhead (against).
Mr. Treadway (for) with Mr. Connery (against).
Mr. Andrews (for) with Mr. Moore of Virginia (against).
Mr. Sproul of Kansas (for) with Mr. Somers of New York (against).
Mr. Campbell of Pennsylvania (for) with Mr. LaGuardia (against).
Mr. Chase (for) with Mr. Smith of West Virginia (against).
Mr. Davenport (for) with Mrs. Norton (against).
Mr. Beck (for) with Mr. Igoe (against).
Mr. Johnston of Missouri (for) with Mr. Oliver of New York (against).
Mr. Kiefner (for) with Mr. Vinson of Georgia (against).
Mr. Free (for) with Mr. Sullivan of New York (against).
Mr. Harcourt J. Pratt (for) with Mr. Whitehead (against).
Mr. Dempsey (for) with Mr. Edwards (against).
Mr. Aldrich (for) with Mr. Crisp (against).
Mr. Bohn (for) with Mr. Frear (against).
Mr. Hudson (for) with Mr. Drewry (against).
Mr. Fort (for) with Mr. Ramspeck (against).
Mr. Gifford (for) with Mr. McReynolds (against).
Mr. Underhill (for) with Mr. Quayle (against).
Mr. Cochran of Pennsylvania (for) with Mr. Sirovich (against).
Mr. Golder (for) with Mr. Brand of Georgia (against).
Mr. Murphy (for) with Mr. Steagall (against).
Mr. Watson (for) with Mr. Carley (against).
Mr. Hoffman (for) with Mr. Wingo (against).
Mr. Bacharach (for) with Mr. Wright (against).
Mr. Seger (for) with Mr. Spearing (against).
Mr. Finley (for) with Mr. Hull of Tennessee (against).
Mr. Morton D. Hull (for) with Mr. Romjue (against).
Mr. Sinclair (for) with Mr. Celler (against).
Mr. Lehlbach (for) with Mrs. Owen (against).
Mrs. Ruth Pratt (for) with Mr. Fulmer (against).
Mr. Sanders of New York (for) with Mr. Fuller (against).
Mr. Cooke (for) with Mr. Byrns (against).
Mr. Stobbs (for) with Mr. Corning (against).
Mr. Wainwright (for) with Mr. Bloom (against).
Mr. Hogg (for) with Mr. Kemp (against).
Mr. Walker (for) with Mr. Stevenson (against).
Mr. Doutrich (for) with Mr. Kerr (against).
Mr. Curry (for) with Mr. DeRouen (against).

Until further notice:

Mr. Schneider with Mr. Doyle.
Mr. Crail with Mr. Mansfield.
Mr. Brumm with Mr. Kunz.
Mr. Arentz with Mr. Goldsborough.
Mr. Michaelson with Mr. Warren.
Mr. Reece with Mr. Taylor of Colorado.
Mr. Selvig with Mr. Collins.
Mr. Sears with Mr. Buchanan.
Mr. Cooper of Wisconsin with Mr. Sabath.
Mr. James with Mr. Clark of North Carolina.
Mr. Cable with Mr. Moore of Kentucky.
Mr. Browne with Mr. Williams.
Mr. Stalker with Mr. Hudspeth.

Mr. HOGG. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. HOGG. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. CONNERY. Mr. Speaker, I voted "present" because I have a pair with my colleague, Mr. TREADWAY, who is unavoidably absent. If he were here, he would vote "yea," and I would vote "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following conferees: Messrs. JOHNSON of South Dakota, LUCE, PERKINS, RANKIN, and JEFFERS.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I desire to prefer a unanimous-consent request. In the debate a while ago there was some question about a statement before the Senate committee with reference to a bill we had up. I ask unanimous consent to extend my remarks in the RECORD by inserting that statement, provided it does not cover more than one or two paragraphs.

The SPEAKER. Is there objection?

Mr. SPROUL of Illinois. Mr. Speaker, I object.

CONSTRUCTION AT MILITARY POSTS

Mr. RANSLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 12996, a bill to authorize appropriations for construction at military posts, and for other purposes, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House bill 12996, disagree to the Senate amendments, and agree to the conference asked by the Senate. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. RANSLEY, SPEAKS, and QUIN.

MUSCLE SHOALS

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Alabama [Mr. ALMON] for 10 minutes.

Mr. ALMON. Mr. Speaker, I desire to call your attention to something that you probably do not know, something that has never occurred before in my experience as a Member of the House, something that should not have occurred, and something that should be corrected at once.

Conferees were appointed on the Muscle Shoals bill about a month ago. They held two meetings only. There is but very little difference between the conferees of the two Houses. While this is true, and while we were expecting that they would agree and make a report, two of the Republican conferees of the House—Mr. WURZBACH, of Texas, and Mr. REECE, of Tennessee—suddenly left and went to their homes to attend to important business, as is claimed by them.

This session is about to close and the presumption is that they do not intend to return and complete the work delegated to them by the House. This, as is well known, is one of the most important pieces of legislation which has had the attention of the Congress during this session. Every Representative and every Senator from each of the Southern States favor the compromise bill except Mr. WURZBACH and Mr. REECE. [Applause.]

I do not intend to say anything unkind about either Mr. WURZBACH or Mr. REECE. Our relations have been very pleasant and cordial for several years. Mr. REECE stated that he was going home to look after his campaign. This may be very necessary for his personal benefit, as I am told that his constituents feel very indignant about him not agreeing to the compromise Muscle Shoals bill for the reason that Cove Creek Dam is located in his part of the State of Tennessee, which would be developed and of great advantage to his State in the event the compromise was carried out. Mr. REECE has the power and authority to bring about a settlement of this question, even if neither Mr. RANSLEY nor Mr. WURZBACH should agree with him, as Mr. QUIN, of Mississippi, and Mr. FISHER, of Tennessee, Democratic conferees, have agreed to the compromise proposed by the Senate conferees. Mr. REECE would make a majority. I do not know the nature of the important business which has taken Mr. WURZBACH away from his post of duty to the State of Texas. It may also be politics. Many of us have important business at home, and some of us have opposition and campaigns and would like to be at home to look after our campaigns. Different Members feel differently about these matters. I, for one, believe it is my duty to remain here and attend to the duties expected of me by my constituents. [Applause.]

If Mr. WURZBACH and Mr. REECE can not stay here and attend to their duties as conferees on the Muscle Shoals bill, which is so very important to the Government and to agriculture, they should resign as conferees so that others could be appointed and who would give it their attention. [Applause.] If they do not indicate that this will be done within a very short time, I am in favor of the House taking steps to remove them as such conferees and appoint others.

I trust that they will both make known at once to the Republican leaders of the House what they propose to do, so the House may know what to expect and take steps to have this legislation completed before adjournment. I see in the newspapers that certain Senators will oppose any adjournment until the Muscle Shoals bill is acted on. I will join with them in opposing any adjournment until this is done. I believe it is our duty to settle this question so that the distressed farmers of the Nation may be relieved to at least one-half of the amount of their fertilizer bills. This would also give employment to thousands of men who are out of work and in great distress. [Applause.] A word of approval of this compromise measure to Mr. WURZBACH or Mr. REECE by President Hoover or the majority leader, Mr. TILSON, would cause the measure to be adopted, but they both have declined to do so, as I stated in my speech on last Friday.

The Senate passed a Government operation bill and the House a leasing bill. The Senate conferees agreed that the fertilizer plants might be leased and that the hydroelectric power plant at Muscle Shoals be retained by the Government, and that the board appointed by the President, as provided in each of the bills, should operate the power plant and sell it at a very low rate to the lessee of the fertilizer plants, and should be authorized to sell all of the surplus power to the lessee with which to make fertilizer and by-products. But in the event there was a surplus, States, counties, and municipalities should be given preferential rights to buy the same.

While the President and his administration claim to be opposed to Government operation of the power plant, still the Secretary of War is selling all the power at Muscle Shoals to the Alabama Power Co. and the Tennessee Power Co. at about 2 mills per kilowatt-hour. While they only take a small portion of the available power, still the Government is making a large profit over and above the expenses of operation. There is nothing difficult about the operation of the power plant. The Government has been operating it ever since its completion for the benefit of the Alabama Power Co.

Muscle Shoals City, a municipality adjacent to the power plant, has applied on three different occasions to purchase some of this power and agreed to pay even more than is being paid by the power company, but on each occasion the Secretary of War has refused to make such a sale, giving some technical excuse. This municipality offered to pay any expense that might be incurred by the Government in making the connection and pay even a higher rate than the power company, still the Secretary of War, in order to protect the Power Trust, refuses to make this sale. The real reason is, as is well known, that if this municipality secured the power from the Government that it would sell it to the citizens of the town at about 2 cents per kilowatt-hour for domestic purposes, while the Alabama Power Co. in adjacent cities is charging from 4 to 10 cents per kilowatt-hour. This would demonstrate the high charges being exacted of the people by the power companies. And yet this administration proceeds to spend about $160,000,000 for the development of Boulder Dam, to be operated by the Government and the power sold to a municipality—Los Angeles, Calif. What is the difference in the Government operating a power plant out West and selling it to a municipality and the operation of the Muscle Shoals plant down South and selling it to a municipality in that vicinity. This can not be explained. [Applause.]

IT IS A POOR RULE THAT WON'T WORK BOTH WAYS

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein quotations from a newspaper report sent out from Chicago on June 25 with respect to farm conditions and farm commodities.

Mr. CROWTHER. Reserving the right to object, how extensive is this?

Mr. CANFIELD. It is very short. It will take about 20 lines.

Mr. CROWTHER. Are they the gentleman's own remarks?

Mr. CANFIELD. I asked permission to put in a news report sent out by a press agency in Chicago on farm conditions and farm commodities.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CANFIELD. Mr. Speaker and ladies and gentlemen of the House, through long years, certainly as far back as the days of Mark Hanna and the Bryan-McKinley campaign of 1896, the Republican Party, through its leaders, its candidates, and its platforms, has posed as the party of prosperity. The habit has grown up among its spokesmen of appropriating to their party and its policies the major part, if not all, of the credit for prosperity whenever the country has enjoyed prosperity. They have endeavored to "sell" the people the idea that the country can enjoy prosperity only under Republican rule, and that panics and hard times are experienced only when the Democratic Party is in power in the Nation.

It is an old axiom that it is a poor rule that will not work both ways, and I submit that if the Republican Party and Republican administrations are going to take to themselves the credit for prosperity when there has been prosperity under Republican rule they must accept the responsibility for adversity, for hard times, for business depression, unemployment, and agricultural distress when those deplorable conditions exist if the Republican Party is in power when they do exist, as is the case to-day.

In its 1928 platform the Republican National Convention uttered the boast that that party had lifted the country "from the depths of a great depression to a level of prosperity," and that there could be "no better guaranty of prosperity and contentment among all our people at home than to maintain and continue the Coolidge policies."

But the candidate of that party and convention, President Hoover, went even further than his convention, probably further than any other presidential candidate of any party has ever gone, in pledging, almost guaranteeing, a continuation of nation-wide prosperity in the event of his election. He promised to restore agriculture, long in the grip of a very serious depression, to a basis of sound and permanent prosperity; he pledged "a job for every worker"; he promised industry continued and steadily swelling profits; he even held out the alluring hope of the eventual banishment of the poorhouse from the land, if only he were intrusted with shaping of national policies.

Mr. Hoover has now been President for approximately 16 months, and it is fair to assay his administration, to appraise the soundness and the sincerity of his policies, to take stock of the state of the Union, and determine for ourselves whether President Hoover has kept his campaign pledges; whether his warranty has been worth its face value, because when the people go to their respective polling places next November they will, in effect, sit in judgment upon the Republican Party, its leader in the White House, and upon the record which the Congress, controlled by Republicans in both its branches, has made.

HOOVER AND FARM RELIEF

I shall devote attention, first, to the agricultural situation because agriculture is the basic industry of our great country. Approximately 30 per cent of our people live on farms. They represent nearly one-third of our buying power, and an even greater proportion of our producing capacity. When agriculture is prosperous, the country as a whole is prosperous, generally speaking. When the farmers are in distress, that distress spreads to the counting houses, the factories, the mills, and the stores, because when you take away or seriously reduce the buying power of 30 per cent of our population, you affect the earnings and the buying capacity of all of the other 70 per cent, for the 30 per cent of our national wealth and earning capacity which the farmers represent is far more than the measure of difference between prosperity and adversity for the country as a whole.

The Republican Party and its presidential candidate of 1928 recognized the serious plight of this basic industry of our country. In its Kansas City platform that party pledged itself—

To the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

Candidate Hoover was even more emphatic. In his opening speech of the 1928 campaign, delivered at Palo Alto, Calif., August 11, 1928, he declared that—

The most urgent economic problem in our Nation to-day is in agriculture—

Asserting that—

It must be solved if we are to bring prosperity and contentment to one-third of our people directly and to all of our people indirectly.

Further along in that speech he "dedicated" his abilities to "help secure prosperity and contentment" in the agricultural industry.

It is pertinent to inquire how these pledges have been kept and to take stock of the condition of agriculture under President Hoover's policies and plans for this promised restoration of agriculture to a plane of prosperity. Incidentally, it might be truthfully said that under the Hoover administration, instead of agriculture being lifted to a plane of prosperity alongside other industries, that these other industries have been dragged down into the depths of depression where agriculture has been for so many years. Evidence of this is to be found in the depressed value of industrial stocks, in decreased railroad earnings, in our sharply reduced export trade, in the deplorable heavy increase in bank and commercial house failures and, most tragic of all, in long and still lengthening bread lines filled from the ranks of unemployed in every industrial center from the Atlantic to the Pacific and from the Canadian to the Mexican border.

Professedly to deal with two major problems, Mr. Hoover, within a few weeks after his inauguration, convened Congress in special session. The two problems to be dealt with were agricultural distress and the tariff. He pledged prompt and salutary relief for the farmers and a "limited" revision of the tariff. What was done and what has been the effect?

With respect to the tariff, the Republican Congress, with the approval of President Hoover, increased the already high level of tariff duties carried in the Fordney-McCumber Act of 1922 until we now have reared about our land the highest tariff barrier ever erected around any country. In many respects it is an embargo. Instead of lessening the disparity under the tariff from which the farmer has been suffering the Hawley-Smoot bill, or "Grundy monstrosity," it is often called, actually increased that disparity until the farmer's condition under the tariff is worse now than it was. He will be compelled to pay even more for the necessaries of home and farm which he must buy than he paid under the old tariff act, and will in probably no instance get more for what he produces than he has already been getting, while in fact, to-day, he is receiving less for his corn, his wheat, oats, rye, cotton, and other products than he has received at any time within the last 15 years. Instead of "limited" revision, mainly in the interest of the farmer, as he was promised, the farmer has again been left holding the sack, and his last condition is worse than his first.

When the special session of Congress was convened on April 15, 1929, its first and most urgent business was the enactment of legislation to relieve the farmer's distress and put him on a basis of prosperity. We all recall how we were told, during the hectic days of the 1928 campaign, that in the Republican Party's candidate for the Presidency the farmers had a fast friend and the country a great engineer's mind, who had only to turn his attention to the problem of the farmer and it would be speedily solved.

When Congress convened representatives of all the major farm organizations of the country came here and were given a hearing. For probably the first time they were a unit as to the best plan to accomplish the desired result, at least they were agreed as to the best plan that was conceded to be feasible and susceptible of adoption. That plan was the export debenture, which was nothing more nor less than an effort to really make the tariff effective on the farmer's products as it was known to be on industrial products. But Mr. Hoover would have none of it. In effect, he told the farmers that they could not have their plan, but that they must take his plan or nothing. The upshot was the rejection of the export-debenture plan and the enactment into law of the Hoover plan, which provided for the creation of a so-called stabilization corporation known as the Federal Farm Board, whose purpose was supposed to be to control crop surpluses, thus keeping farm-commodity prices up by the prevention of dumping huge surpluses on the market, with the always resultant beating down of prices, often far below the cost of production.

How has the Hoover plan worked? The Federal Farm Board held its first meeting on July 15, of last year, so that it has now been on the job and the Hoover farm relief plan has been in effect for one year, lacking but about two weeks. What is the condition of agriculture to-day compared with one year ago? I do not ask you to take my word for the answer. It is to be found in a news report sent out by one of the large news associations from Chicago on June 25 last. I quote from this news dispatch:

CHICAGO, June 25.—American farmers face a loss of $1,125,000,000 in income this year with the slump of grain prices to new low levels, market statisticians figured to-day. The enormous figure was based on the difference in prices over a year ago for wheat, corn, oats, rye, and cotton, the staple crops of the Nation which farmers depend on for money to spend on other commodities they are not able to raise.

Wheat prices stood below a dollar a bushel to-day in every North American market. On the Chicago Board of Trade, the Nation's largest market that is housed in a new 44-story skyscraper, July wheat closed yesterday at 88⅜ cents a bushel, a price comparable to the low marks at the outset of the World War. The new mark was 31⅝ cents below last year's price. Corn was 17½ cents lower; oats, 8⅞ cents lower; rye, 34½ cents lower; New Orleans cotton was $27.10 (per bale) lower.

The Federal Farm Board, which bought wheat at around $1.25 per bushel to bolster prices several months ago, is said to be faced with big paper losses. Some of the operators were inclined to blame the Farm Board and its subsidiaries for the lack of confidence in the market they said was an important factor in the price slump.

The low prices have shattered records of many years standing. Wheat is lower than at any time since 1913–14; corn is at its lowest mark since 1926; oats is at its lowest since 1922; and rye has not sold so cheaply since the depression of 1896.

That, my friends, is the result of one year of the operation of the Hoover plan of farm relief; that is how the Hoover administration and the Republican Party have kept the promises which Mr. Hoover and his party made in the campaign of 1928.

Think of it! Wheat selling at the principal American market, Chicago, for 88 cents a bushel, and that means, as all of you know who know anything at all about farming, that out at the farms, where the grower actually sells his wheat, he is receiving 70 to 75 cents a bushel, or less, for his wheat.

With agriculture in this terrible state, destroying the buying power of 30 per cent of all our people, is it any wonder that the value of stocks is depressed, that we have had a stock market panic? Is it any wonder that there are unemployment lines in every important industrial center in the land? Is it strange that workers can not find jobs, and that there are so many bread lines, and that, were we in the midst of winter, instead of summer, thousands would be face to face with gaunt hunger and be haunted by the fear of freezing for lack of fuel in the bin or in the stove?

PROSPERITY AND UNEMPLOYMENT

What did Mr. Hoover say on the subject of prosperity and unemployment? Who was it that held out the hope of the ultimate banishment of the poorhouse from the land, if only you would give him your votes? Lest some may say I misconstrue his words, I quote his exact language.

In the Palo Alto, Calif., speech of acceptance, to which I have already referred, he said:

The poorhouse is vanishing from among us. We have not yet reached the goal, but, given a chance to go forward with the policies of the last eight years—that is, the Republican policies of Harding and Coolidge—we shall soon, with the help of God, be in sight of the day when poverty will be banished from this Nation. There is no guarantee against poverty equal to a job for every man. That is the primary purpose of the economic policies we advocate.

In his speech at Newark, N. J., on September 17, 1928, referring to the claim that 5,000,000 workers were out of jobs when the Harding administration came into power in 1921, Mr. Hoover said:

Within a year we restored these 5,000,000 workers to employment, but we did more; we produced a fundamental program which made this restored employment secure on foundations of prosperity. * * * This recovery and this stability are no accident. It has not been achieved by luck. Were it not for sound governmental policies and wise leadership employment conditions in America would be similar to those existing in many parts of the world.

If we are to judge by what has actually taken place we do not longer have these "sound governmental policies" and that "wise leadership" to which Mr. Hoover referred, for since that speech was uttered, since Mr. Hoover became President, we have seen from five to ten million men and women wage earners walking the streets and the highways hunting for jobs that were not to be found at any wage; we have seen bread lines in every important industrial city, and we have seen policemen using their clubs beating back hungry and destitute men and women who were storming our city halls demanding jobs.

You may say that this is not the fault of Mr. Hoover. I answer that whether or not it, or any part of it, is the fault of Mr. Hoover, he helped to create the state of mind under which he is being held accountable. He and his party substantially underwrote a guaranty of prosperity, of a job for every worker all of the time, and at high wages. In his Newark speech he declared that full employment depended not only on a strong and progressive economic system but upon the "vigorous cooperation by the Government to promote economic welfare." In his Newark speech, he declared that "continuous employment and prosperity of labor depend upon the continuance of these policies," that is, the policies of Harding and Coolidge, which he promised to perpetuate, if elected, and under which he went as far as a man may go toward writing an insurance policy for prosperity, for full-time employment for every worker, at high wages.

How widespread has this unemployment been? I do not know with certainty. I do know that it has been serious. I do know that the survey of the American Federation of Labor showed as high as 22 per cent of its skilled-worker members to be idle during much of the last winter and spring. I do know that conditions are not any better than they were last winter, and that the Federal Government, neither through Mr. Hoover nor the Republican majority in Congress, has done anything about it.

FOREIGN TRADE SLUMPS

We do know that some of this unemployment has been due to the sharp slump in our export trade, and that that slump has also had its effect on farm prices, in decreased values of industrial stocks and in other respects.

In his campaign speeches in 1928, Mr. Hoover had considerable to say about the reorganized activities of the Department of Commerce under his direction. He pridefully pointed to the fact that from 1922 down to the fall of 1928, America's exports had been increased by $1,000,000,000 a year. He stressed the importance of this, explaining its bearing upon prosperity and employment in this country. He pointed out that "more than 2,000,000 families in the United States earn their living today producing goods for export, and another million families earn their living in the manufacture of raw materials which we import in exchange from our exports." He added that the increase in American exports brought about while he was Secretary of Commerce had "brought a living to a half million families" and meant "higher standards of living," for "more jobs make more wages."

Evidently, these more than 2,000,000 families to which Candidate Hoover referred are not now all at work. Some of them have joined the great army of unemployed, although through no fault of theirs, unless through the fault of some of them having taken Candidate Hoover's campaign promises at full value and thus having voted for him.

During the first five months of 1930, ending with May, our exports were $446,746,000 less than they were for the first five months of 1929. Evidently, President Hoover is not as diligent or successful a promoter of export trade as was Secretary of Commerce Hoover, because under his Presidency our exports are falling off as much in one year as he as Secretary of Commerce, boasted he had built them up in seven years.

During the same five months of this year our imports decreased under the same five months of 1929 by $447,013,000. This is a total slump of $893,759,000 in our total foreign trade in five months, a decrease at the rate of more than $1,000,000,000 a year in our exports and of $2,000,000,000 a year in our total volume of foreign trade. This is one-fifth of our total volume of export trade. If Mr. Hoover was correct when he said in 1928 that more than 2,000,000 American families were earning their living manufacturing goods out of the raw materials we imported in exchange for our exports, then in one year one-fifth of this more than 2,000,000 families have been thrown out of jobs. With an average of five to the family, our decreased foreign trade alone accounts for 2,000,000 American citizens being either out of jobs or dependent on those who are out of jobs.

BUSINESS AND BANK FAILURES

Here is a striking fact:

During the first year of the Hoover administration, that is, during 1929, liabilities of all banks failing in the United States lacked less than $8,000,000 of being as great as the total liabilities of all banks failing in the United States during the eight years of the two administrations of Woodrow Wilson.

That sounds incredible, happening under the rule of the party that claims to have a copper-riveted monopoly on prosperity, but it is true.

During 1929 the total number of bank failures in the country was 437, and they involved liabilities of $218,796,000.

From 1913 to 1920, inclusive, under the two administrations of that great Democrat, Woodrow Wilson, the total number of bank failures was 746, and they involved liabilities of only $226,484,447.

From 1921 to 1929, inclusive, under Harding, Coolidge, and Hoover, there were in the country 4,147 bank failures with liabilities totaling $1,526,094,000—six times as many banks failing and seven times as much involved in liabilities during nine Republican years as under eight Democratic years. In the face of such figures—and they are authentic, because taken from the reports of R. G. Dun & Co.—is not the Republican claim silly that it, and it only, is the party of prosperity; that it is the only party fit to govern?

From 1913 to 1920, eight Democratic years, the total number of business or commercial failures in the country was 112,636, and the liabilities involved totaled $1,882,953,943.

From 1921 to 1929, nine Republican years, the total number of such failures was 195,545 and the liabilities involved totaled $4,679,800,000.

Conditions are bad, and they have been bad for many months. Not in more than 30 years has there been a stock-market panic comparable to that which occurred last November, when bil-

lions of dollars in stock values were wiped out, and by the tens of thousands, small investors saw their life's savings vanish overnight. The Republican administration rushed into the breach—the same administration that could do nothing substantial for the farmer, because it would be class legislation; the same administration that denied the justice of the claims of the Spanish War veterans; the same administration that opposed liberalizing treatment of sick and disabled veterans of the World War—it rushed into the breach with a proposal to reduce Federal taxes in an effort to stop the panic and "peg" the prices of stocks, but only after the small investors had been wiped out and nobody was left in a position to reap profits but stock gamblers. It rushed into the breach to allay the panic. From the White House, at recurring intervals, came optimistic statements; ever so often we were told that the turn was just around the corner; that within another 60 days prosperity would swing back in full tide. But somehow it happened that the prestige of the White House had been damaged, while the magician of the Treasury Department, Secretary Mellon, had lost his magic spell, and with every White House or Treasury Department assurance of optimist, came another drop in the market, until to-day many of the standard stocks are selling at lower prices than they did even on that wild and fateful day in November when the impossible happened, and a stock-market panic actually broke during a Republican administration.

Have conditions improved? Stock and commodity prices do not attest the fact, with wheat selling at 88 cents a bushel in Chicago and at 75 cents or less on the farm. The recent record of business failures does not indicate it. During the six months ending with March, this year, that is the first quarter of 1930 and the last quarter of 1929, the number of business-house failures in the country was 13,023 and the amount of liabilities $320,183,109, compared with 10,767 failures and liabilities of $208,157,030 during the last preceding six months.

Mr. Speaker, ladies and gentlemen, again I submit to you that it is a poor rule that will not work both ways. If the Republican Party is going to take credit for prosperity when there is prosperity under a Republican administration, they must accept the responsibility for the deplorable economic conditions that exist at the present time, especially when nothing has been done or is being done by administration or Republican leaders to relieve the depressed business conditions, unemployment, and agricultural distress that prevails throughout the country at the present time.

THE AMERICAN TARIFF AND WORLD WAGE LEVEL

Mr. EATON of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks by a brief statement on the tariff.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. EATON of New Jersey. Mr. Speaker, we have had a tariff policy practically ever since we became a Nation. The grounds upon which our tariff policy has found support in public opinion have shifted from time to time to meet changed political and economic conditions. But under Republican leadership the prime objective aimed at by all tariff legislation has never changed. That main objective is now and always has been the protection of our American people in an American standard of life which is higher than that enjoyed by the rest of the world.

The tariff act of 1930 is described in its title as an—

> Act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The phrase "to protect American labor" is something new in tariff legislation. It is a milestone of progress in political economic and social thinking. It embodies a new concept of the function of an American tariff. It implies and makes necessary a new understanding and evaluation of American wage levels in their relation to world wage levels.

Before any general tariff legislation is again proposed I believe the problem of world wage levels, including our own, will become the governing factor in forming public opinion upon the tariff and will assume permanently the central importance which it merits.

American labor is the highest paid in the world. It is the highest paid because it is the highest producing labor in the world. The only way legislation can protect American labor is by encouraging conditions of steady work at American pay.

Why is the Republican doctrine of tariff protection for American labor not only sound in economics and morals but absolutely essential to continued social progress in our own country and throughout the world? Why is the Democratic doctrine ranging from free trade through tariff for revenue only to a so-called competitive tariff so futile, inadequate, and dangerous?

The answer to these questions is found in the background of world advance toward certain social objectives which constitute the essence of all social progress everywhere.

The confused and complex process which we call human history is not a blind and hopeless struggle against the "curse of circumstance." Human history taken in the large is a process of progress and not of decay. And by progress I mean the increasing participation of more and more people in more and more of the good things of life. "The one divine far-off event toward which the whole creation moves" is freedom for all men. History is concerned with the progress of the masses of men and not of the few.

The masses of men through the centuries have managed to achieve intellectual, spiritual, and political freedom. To-day the people of every civilized society are fixing their attention upon one common world problem—that is the achievement of economic freedom by the gradual lessening and final elimination of economic poverty.

This is no Utopian dream. Science has placed in the hands of man the sceptre of complete dominion over the fathomless resources of nature. There is no doubt that we can produce enough goods and commodities and services to fully satisfy the needs of every individual and every family. The supreme central problem of modern industry, economics, and politics is not production. It is how to create adequate consuming power among the masses of men. Mass production needs now only the establishment of mass consumption to make complete the economic circle. Buying power, widespread and continuous among the masses of men, is the test and measure of modern economic safety and social progress.

The rock foundation of American prosperity and progress is the widespread buying power among our people. Protected by a Republican tariff, our home market is the best in the world. This has been made possible by the highest wage level in the world. And this American wage level has come about by a growing cooperation and understanding between employer and employee in American industry, protected by a Republican tariff from cheap goods produced by underpaid labor in foreign countries, and by shutting out the smothering flood of immigration which at one time threatened to put two men competing for every American job.

Since buying power among the masses of men is the final test of economic soundness and the essential condition of modern social progress; and since this buying power among the masses of men is mainly a matter of wage levels, it follows that, beginning with the tariff of 1930, all tariff legislation will eventually resolve itself into an attempt to equalize world wage levels with American wage levels. We need not fear countries like Canada with approximately American wage levels. They, like our own people, can buy anything they desire, and they will absorb much of our surplus production, as we will theirs. What we have to fear is low-wage countries which seek to flood our markets with goods produced by underpaid labor. They can sell in mass but they can not buy in mass. We can not protect American labor in its buying power against these countries except by a real Republican tariff. And a real Republican tariff will, as does the tariff of 1930, recognize the factor of buying power in all other lands measured and made possible by their wage levels.

The general index number of industrial wages in the United States, based upon 100 in 1913, has steadily risen from 33 in 1840 to 229 in 1926. Our union wage rates, based upon 1913 as 100, have advanced from an index number of 89.7, in 1907 to 260 in 1928. While farm wages have lagged far behind industrial wages, yet based upon 1913 as 100 the index overage has risen from 53 in 1866 to 163 in 1928.

The reason for the tariff of 1930 as a protection to American labor from the point of view of world wage levels may be illustrated by the pottery industry. The tunnel kiln is supposed to mark a real advance in the art of pottery production. It takes a crew of about 10 men to run an American tunnel kiln. They get $5 a day, or $50 a day for the kiln. In Germany the tunnel kiln is manned by 2 men at $1.25 a day each and 10 women who get 50 cents a day, or a total of $7.50 a day for a German tunnel kiln. The German pottery worker has no buying power. The American has. The difference between them as potential purchasers of world commodities is the difference between $7.50 and $50.

The average wage of an American pottery worker is 70 cents an hour; in England it is 22 cents; in Germany 17 cents; in France 10½ cents; in Poland 9 cents; in Japan 8 cents; in China 4 cents. Between the American pottery worker who receives little enough measured by our American standard of living and pottery workers in other countries stands the Republican protective tariff. Without our tariff the American pottery worker goes upon the streets without a job and without

buying power, while the foreign underpaid pottery worker keeps his job, but acquires with it no power to buy anything beyond a bare subsistence.

What is true of the pottery industry is true of scores of others. They all emphasize the ominous truth that either the rest of the world is coming up to our wage level or we are going down to its wage level. We must choose between high wages plus high buying power or low wages with no buying power. The American way means economic and social safety and progress. The low-wage method means ultimate collapse of any sane economic and social progress for the masses of men.

The chief legislative safeguard of American wage levels as against world competition from sweated labor is a tariff which protects American labor. And such protection can only come from a Republican tariff adjusted to the facts of world wage levels as they affect the general well-being of the masses of men.

UNITED STATES MASSACHUSETTS BAY COLONY TERCENTENARY COMMISSION

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 393) making an appropriation for the United States Massachusetts Bay Colony Tercentenary Commission.

The Clerk read the joint resolution, as follows:

Resolved, etc., For carrying out the provisions of the public resolution entitled "Joint resolution establishing a commission for the participation of the United States in the observance of the three-hundredth anniversary of the founding of the Massachusetts Bay Colony, authorizing an appropriation to be utilized in connection with such observance, and for other purposes," approved June 27, 1930, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000.

Mr. GARNER. Mr. Speaker, reserving the right to object, as I recall, the Speaker appointed five Members on the part of the House just recently to make this trip.

Mr. WOOD. As I recall, there are 15 Members.

Mr. GARNER. No; five Members from the House and five from the Senate.

Mr. WOOD. I understand there are 5 from the Senate, 5 from the House, and 5 outsiders.

Mr. GARNER. Does the gentleman think it will take $10,000 for 15 people to make a trip to Boston and return?

Mr. WOOD. Well, Boston is a pretty expensive place. [Laughter.]

Mr. CONNERY. Reserving the right to object, Mr. Speaker, I understand there are 15 Members—5 from the House, 5 from the Senate, and 5 outsiders—and I think, in comparison with other appropriations that have gone through in the past since I have been here, $10,000 is a very small amount for the city of Boston in the celebration of the Massachusetts Bay Colony's three-hundredth anniversary.

Mr. GREEN. Reserving the right to object, I want to inquire if it is customary to pay the expenses of outsiders who make these trips?

Mr. WOOD. Yes; it is customary to make an appropriation up to the amount of the authorization for that purpose.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

POWERS OF COMMISSIONERS OR MEMBERS OF INTERNATIONAL TRIBUNALS

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider the bill (S. 2828) authorizing commissioners or members of international tribunals to administer oaths, to subpœna witnesses and records, and to punish for contempt.

The Clerk read the title of the bill.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I recall this bill, it authorizes a secretary or some clerk of the board to impose an oath and provides that the oath shall have extraterritorial effect, and upon such an oath being administered by a clerk of this commission to any person, if he violates the oath, even in a foreign country, he is guilty of perjury. Am I correct in that interpretation?

Mr. GRAHAM. No; far afield.

Mr. STAFFORD. The bill is on the Consent Calendar, is it not?

Mr. GRAHAM. Yes.

Mr. STAFFORD. As I recall that bill, Mr. Speaker, I could not allow the bill to go through in its present form.

Mr. GRAHAM. The gentleman is altogether mistaken about the bill. Our Government and Canada, for instance, have entered into an agreement to settle the difficulties regarding the firing on the boat *I'm Alone*. Both sides are enacting legislation so that the commission may take testimony in Canada and also take testimony here.

The matter of contempt is all under the regulation of the courts, but the right to subpœna witnesses and examine them in both countries is granted. This is a general law covering all matters of this kind arising under such treaties.

Mr. O'CONNOR of New York. Reserving the right to object, Mr. Speaker, when this bill was on the Consent Calendar I objected to it for the reason that it puts the power of punishing for contempt in the hands of a commission, and an international commission at that. The gentleman from Pennsylvania says the power is in the hands of the court, but this commission itself, in addition to the power to subpœna, is given power in this bill to punish for contempt. It was stated on the floor when the bill was on the Consent Calendar that the chief purpose of the bill was to use that power to force people to testify, and if they did not testify to punish them for contempt.

Mr. GRAHAM. Of course, every subpœna is for the purpose of forcing a witness to come forward and testify. It is of no use otherwise.

Mr. O'CONNOR of New York. I am not talking about the power to subpœna.

Mr. GRAHAM. One moment. The gentleman is mistaken about the power of the commission to commit anybody for contempt. They can certify the contempt to the court, and the court can impose punishment if it is deserved.

Mr. JENKINS. As I remember, when the bill came up on the Consent Calendar the language was so ambiguous that it was susceptible to this interpretation. Suppose a commission had recalcitrant witness, and decided that he should be punished by contempt. What authority would punish him, how would he be jailed, how would he get out——

Mr. GRAHAM. Do not ask me too many questions at once. You are aware that we passed a bill here some time ago in connection with the Teapot Dome case, where witnesses were in France and we could not get them. The French courts, when letters rogatory were issued, would subpœna the man to come before them and if the witness did not answer the question, the courts remitted the parties to whatever their rights might be. They would not punish the witness. Our courts could not punish the contempt because it happened outside of our jurisdiction.

Hence, governing our own nationals, it was provided that subpœnas might issue by the United States court and be served on the witness. Then if the party refused to answer they could be referred back to the court that issued the subpœna against whom the contempt arose. In that way we managed to cover certain points and our courts have held that that act was constitutional.

Now, in this case there is no attempt to punish a man except our own nationals. If an American in China is subpœnaed and refuses to answer, when he comes back to America, he could be cited before the court and punished for refusal to answer.

But there is no provision of that kind in this bill. This has no extraterritorial power. It is a bill prepared by the State Department, advocated by one of the eminent lawyers of the country, ex-Senator Pepper.

Mr. O'CONNOR of New York. The gentleman will at least admit that the Teapot Dome case involved a contempt of an American court.

Mr. GRAHAM. That is what this is.

Mr. O'CONNOR of New York. Oh, no; this is an international commission or court. For one, I am determined to reserve my rights to be contemptuous, if I see fit, of any foreign commission or tribunal or even a commission that is partly foreign, and I can not believe my own Government will enact a law to send me to jail for such a contempt.

Mr. JENKINS. Here is the language of the bill:

That whenever any claim in which the United States or any of its nationals is interested is pending before an international tribunal or commission, established pursuant to an agreement between the United States and any foreign government or governments, each member of such tribunal or commission, or the clerk or a secretary thereof, shall have authority to administer oaths in all proceedings before the tribunal or commission; and every person knowingly and willfully swearing or affirming falsely in any such proceedings, whether held within or outside the United States, its territories or possessions, shall be deemed guilty of perjury and shall, upon conviction, suffer the punishment provided by the laws of the United States for that offense, when committed in its courts of justice.

Mr. GRAHAM. That can not affect foreign citizens because we have no power to legislate beyond our own territory. Our own nationals can be punished only when they return

and subject themselves to our laws. The bill is approved by eminent counsel and the State Department prepared it.

Mr. STAFFORD. I want to say to the distinguished chairman that the position I took on the bill, having been made from memory on reading it a week ago when it came up on the Unanimous Consent Calendar is correct. Here you say that a clerk of this commission may be authorized to administer oaths.

Mr. GRAHAM. Does not the clerk of the court administer oaths?

Mr. STAFFORD. My serious objection is to its extraterritorial effect. Take the language which the gentleman from Ohio [Mr. JENKINS] has just read, and which I repeat:

> And every person knowingly and willfully swearing or affirming falsely in any such proceedings, whether held within or outside the United States, its territories or possessions, shall be deemed guilty of perjury.

I am not objecting to the authority of the commission to administer oaths to those who give testimony taken within the United States, but I question seriously, notwithstanding the eminent authority of the chairman of the Judiciary Committee, whether we should grant such authority to any commission in respect to testimony taken outside of the United States. I wish to have the words "or outside the United States" stricken from the bill.

Mr. GRAHAM. That would spoil the bill.

Mr. STAFFORD. No; we still grant authority to take testimony within our territorial borders.

Mr. GRAHAM. What does the gentleman mean by giving it extraterritorial effect? There is not a syllable in the bill that gives extraterritorial effect. Our legislation can not have any extraterritorial effect, except upon our own nationals, and we have power to reach them, and we can deal with them under our own laws.

Mr. STAFFORD. The bill refers to "every person." It says, to repeat again:

> And every person knowingly and willfully swearing or affirming falsely in such proceedings, whether held within or outside the United States, its Territories or possessions, shall be deemed guilty of perjury.

If that does not make a crime when committed out of the United States, I do not know what language can make it a crime.

Mr. BLANTON. It applies to our own nationals, and if they go abroad and we want their testimony we ought to be able to reach them.

Mr. STAFFORD. It does not limit it to our nationals. It says "every person."

Mr. GRAHAM. Of course, the gentleman as a good lawyer knows that this can not be interpreted beyond the power of the legislature enacting it. It can not have any other meaning or interpretation. Besides, when I answered the gentleman I beg him to remember that he stated that from recollection of the bill it provided for the commissioners to punish for contempt, and I said there was nothing of the kind.

Mr. STAFFORD. Not for contempt, but for perjury. I grant that I may have said for contempt. I meant perjury.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. HOWARD. Upon the confession that I am not a lawyer, good or bad, I would like to have the chairman give me his plain interpretation of the language in the bill where it says that this commission shall have the power to punish for contempt.

Mr. GRAHAM. It does not say that.

Mr. JENKINS. In section 3 it provides:

> Any failure to attend as a witness or to testify as a witness or to produce documentary evidence in any appropriate case may be regarded as contempt of the authority of the tribunal or commission, and shall be punishable in any court of the United States.

Mr. GRAHAM. I told the gentleman that it referred to a court.

Mr. HOWARD. Even though I am not a lawyer, I understand that, and it is entirely satisfactory.

Mr. McSWAIN. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. McSWAIN. It must be assumed that the members of the commission will not all be lawyers, or at least some of them will not be good lawyers. Would it not mislead them to have this general language "every person" in the bill, and perhaps bring international conflicts by their undertaking to administer oaths to a person not subject to the jurisdiction of the United States? Would it be agreeable to the gentleman to move an amendment after the word "person" by the insertion of the words "being a citizen of the United States"?

Mr. GRAHAM. Section 1, relating to punishment, refers only to perjury, and it provides that to swear falsely shall be a crime. That is the United States declaring that to be its law, and it further provides that one who does that shall suffer the punishment provided by the laws of the United States for that offense when committed in its courts of justice.

Mr. SUMNERS of Texas. Mr. Speaker, may I suggest to my friend that this is a bill which, when more carefully examined, does not present itself as a novel or difficult item of legislation. This Government has found it necessary, as all governments find it necessary, to have commissions to deal with questions that are international in scope. It is necessary for the commission to ascertain facts in order intelligently to proceed. This bill seeks to give to the commission power to subpœna, power to administer oaths, and subjects the person appearing in response to those subpœnas to the same pains and penalties for perjury as are provided under our laws as a punishment of those who commit perjury in the ordinary judicial proceeding. In order that the power given to the commissioners may be effective, they, of course, must have the power to compel the appearances of the witnesses and to compel testimony, and in order to give them power to force attendance of witnesses and testimony by witnesses, that power which all tribunals and governments have found to be necessary, the power to punish for contempt, is given in this bill.

Just one other suggestion. It is clear, of course, and I assume that anybody who bears a commission from this Government would appreciate the fact, that Congress could not give to its creatures jurisdiction extraterritorial over other than its own nationals.

Mr. JENKINS. Mr. Speaker, will the gentleman yield to one question there?

Mr. SUMNERS of Texas. Yes.

Mr. JENKINS. Suppose one of the participants in this commission wishes to bring an American citizen into this controversy to testify. Would that person have the right under this bill to invoke contempt proceedings and to invoke a charge of perjury against an American citizen?

Mr. SUMNERS of Texas. What an individual member could do would have to be determined by the authority given by the commission to that individual member of the commission.

The SPEAKER. Is there objection?

Mr. STAFFORD. I will object for the time being.

The SPEAKER. Objection is heard.

MASSACHUSETTS BAY COLONY TERCENTENARY

Mr. DOUGLASS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGLASS of Massachusetts. Mr. Speaker and Members of the House, yesterday, under authority of Public Resolution No. 101, approved June 27, 1930, the honorable Speaker appointed the House Members of the Massachusetts Bay Colony Tercentenary Commission. Naturally the Commonwealth of Massachusetts highly appreciates this congressional recognition of the national significance and importance of its historic tercentenary, and will welcome this commission to its confines with open arms. Arriving in Massachusetts, your commission will find a cosmopolitan Commonwealth made up of a splendid blend of the original Pilgrims and Puritans and the descendants of generations of later immigrant stock, who have all contributed to the growth and glory of New England and the Nation. In this connection I ask unanimous consent to insert in the RECORD a brief historical article on the contribution of the Irish people to the development of colonial and modern New England written by Dr. James T. Gallagher, a distinguished physician and writer of Boston.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, under leave to extend my remarks and to insert in the RECORD a historical article on the contribution of the Irish people to the development of colonial and modern New England written by Dr. James T. Gallagher, of Boston, Mass., I insert the following:

> I wonder greatly if any member of the committee now in charge of the Bay State tercentennial celebration knows predominant facts of the colonial history of Massachusetts. This committee, I understand, would deny to the Irish here any recognition or right to participate in this celebration now flowering famously. I know it is convenient and fashionable to forget the good done by people we don't like.
>
> Many so-called historians of New England found it convenient, fashionable, and perchance profitable to forget absolutely everything great or good done by Irishmen in colonial America. It is pleasant to read in the newspapers to-day how bands welcome and banquets cheer our courtly "cousins" who come here to tell us how "Mother England" loved and loves her New England child.

It is delightful to see our children taught, by pageant, parade, and psalmody, to honor the little Puritan children who lived long ago when Gallows Hill, Salem, and other Puritan places became frenzied and famous. But no one teaches or rises to tell how the despised Irish, more than once, saved the Pilgrims and Puritans from starvation and death. It is quite probable there wouldn't be any tercentenary celebration to-day nor any "descendants" to celebrate if the generous Irish had closed their ears to the call of the colonists for needed assistance. Where was "Mother England" then?

Ireland was the only country in the world that sent relief to the starving colonists only 11 years after the landing of the Pilgrims.

THE FACTS

In the year 1736 the Rev. Thomas Prince, of Boston, published a book entitled "A Chronological History of New England in the Form of Annals."

Mr. Prince was ordained in Boston in 1718, and the New England Historic-Genealogical Society in reviewing his work says: "No man that has ever lived in New England can be said to have done more for its history than the Rev. Thomas Prince. His literary labors were constant for nearly half a century, and his greatest literary work was his incomparable New England Chronology which for extreme accuracy was probably never exceeded by any author in any similar work."

Under Annals for the Years 1630–31, Prince gives in his book an account of the distress which prevailed in the Colony of Massachusetts Bay during the winter of 1630–31 and said: "As the winter came on provisions are very scarce and people necessitated to feed on clam and mussels and ground nuts and acorns and these got by much difficulty in the winter season. Upon which people grew tired and much discouraged, especially when they hear that the governor himself has his last batch of bread in his oven.

"And many are the fears of the people that Mr. Pierce, who was sent to Ireland for provisions, is cast away or taken by the pirates.

"Upon this a day of fasting and prayer to God for relief is appointed. But God, who delights to appear in the greatest straits, works marvelously at times, for on February 5, the very day before the appointed fast, in comes the ship *Lion*, Mr. William Pierce, master, now arriving at Nantucket with provisions from Ireland. Upon which joyful occasion the day is changed and ordered to be kept on February 22, as a day of thanksgiving.

"On the 8th the governor goes aboard the *Lion*, riding at Long Island. Next day the ship comes to an anchor before Boston, where she rides well, notwithstanding the great drifts of ice. And the provisions are, by the governor, distributed to the people proportionable to their necessities." Thus was born Thanksgiving Day, and this is the earliest record of a celebration of Thanksgiving Day in New England or America.

But is it not strange that other historians ignored the event or suppressed the facts? But stranger still is the fact that the Puritans did not call on the "mother country" for the much-needed provisions, and one wonders why they selected Ireland, a country which, if we are to believe such historians as Palfrey, Lodge, Fiske, Bancroft, and others, was practically unknown to the New Englanders of the time. But did not Ireland's generosity soften somewhat the intolerant hostility of the colonists to the Irish? Not in the least. The Irish bread was hardly eaten before they began a more systematic persecution of them.

In the minutes of the provincial assemblies and in general court records can be found countless expressions of the sentiment that prevailed against the natives of the "island of sorrows." Less than 20 years after the Irish saved them from starvation the Government of England was asked to provide a law "to prevent the importation of Irish papists that are yearly powr'd upon us and to make provision against the growth of this pernicious evil." And the colonial courts in New England, on account of what they called "the cruel and malignant spirit that has from time to time been manifest in the Irish nation against the English nation" prohibited "the bringing over of any Irish men, women, or children into this jurisdiction."

IRISH HELP IN KING PHILIP'S WAR

This order was promulgated by the General Court of Massachusetts in 1654 and is given in full in the American Historical Review of October, 1896. This persecution continued unabated until the war between the New England colonists and the Indians in 1675, which is known as King Philip's War.

Here again the maligned and persecuted Irish showed their greatness and generosity and returned good for evil.

George Madison Dodge in his great work on the Indian wars in New England quotes from the ancient account—books of the treasurer-at-war of the Colony of Massachusetts, and enumerates the soldiers who fought against King Philip. Among those who fought and fell were over 100 Irishmen. In the New England Historical and Genealogical Register for 1848 is found some remarkable testimony of the sympathy of the people of Ireland for the sufferers in this cruel war. "King Philip's War," it says, "was bloody and devastating in the extreme. The colonists suffered more in proportion to their numbers and strength than was experienced during the Revolutionary struggle.

"The war was brief, but had its havocs and terrors which many historians have tried to describe. Six hundred of the inhabitants fell in battle or were murdered, often in circumstances of revolting cruelty. Half as many more fell victims in the progress of the war. Twelve towns in Massachusetts, Plymouth, and Rhode Island were utterly destroyed and many more greatly injured. Six hundred dwelling houses were burned. One man in 11 of the arm-bearing population was killed and 1 house in 11 laid in ashes.

THE IRISH DONATION

"In these times of distress and misery the people of Ireland promptly came to the relief of the sufferers in New England, which event is known in history as 'the Irish donation.' No other country but Ireland is recorded as having come to the rescue of the famished colonists, and the fact that natives of that country resided in the ravaged districts does not appear to have been the incentive to their humane action. At any rate, the question of religion or nationality did not enter or interfere with the proper distribution of the charity.

"The ship *Catherine of Dublin* brought the relief. It was directed that it be distributed 'among the poor distressed by the late war with the Indians,' and it was further directed that there was to be no distinction as to religious belief. All were to share according to their needs. 'That it be divided between the three united Colonies of Plymouth, Massachusetts, and Connecticut in such portions as the committee shall adjust.'

The value of the consignment is uncertain but judging from the fact that the Lord Mayor of Dublin sent three men to Boston to supervise the distribution of the charity and that the freight alone was the very large sum, for those days, of £450 sterling we may assume it was liberal in the extreme. As a colonial historian remarks, "the donation at that time was as generous as its reception was welcome to the distressed ones in New England."

The *Catherine* sailed from Dublin August 17, 1676, for Boston, the designated place for the distribution. A controversy arose between Massachusetts and Connecticut "on account of the Irish charity" which was somewhat bitter. The council of Massachusetts, in a letter to Connecticut dated January 4, 1677, "supposed the latter colony had received its share."

The letter stated that Massachusetts had "sent orders to the several towns of that colony and found 660 families consisting of 2,265 persons in distress, besides 13 towns from which return had not been received," and they desired a similar account from Connecticut and Plymouth by which we may proportion what is divisible among us. On February 28, Connecticut wrote Massachusetts desiring the latter to send them "our portion of the Irish charity." Correspondence continued, and on May 10 Connecticut wrote Massachusetts again "justifying their conduct in regard to the late war" and stating that "list of those in distress had been sent that they might receive their portion of the Irish donation." So it appears Connecticut received no part of the "Irish donation," but relinquished her share to the more distressed Plymouth and Massachusetts colonies.

Thus did Ireland exhibit her intimate familiarity with things American and extend practical sympathy to the distressed colonists 100 years before the Stars and Stripes were thought of or the Revolution began which emancipated the people of this land from the same tyranny under which she herself groaned.

So New England in 1676 celebrated another Thanksgiving Day, and it must have been especially joyous for its people. But it is of interest to note that the event was celebrated in the same month in which the annual festival is now held, as the good ship *Catherine* bearing the supplies sailed from Dublin in August and the voyage across at that time usually occupied about 10 weeks.

And yet what a cruel travesty on history it reads like now when we scan the official records of the New England Colonies and find that the Irish refugees were often called "convicts" and that measures should be taken to prevent them landing on the soil where they and their children afterwards shed their blood in the cause of their fellow colonists and for American liberty. It is evident that England cared little for the Pilgrims and Puritans for she refused to aid them in their distress, but evidently she had their ear and the ear of the world at the time, so far as the unfortunate Irish were concerned, for she branded "convict" on all she wronged and forced to immigrate and the colonists took up the cry.

But among the "convicts" and "redemptioners" were the Irish schoolmasters the men most needed in America. And the fighting man came, too, for when the colonists in afteryears called for volunteers to resist British encroachments the "convicts" from Ireland and their descendants were among the first to answer the call.

And yet New England historians say there were no Irish in the Colonies before the Revolutionary War. Palfrey says that in anti-Revolutionary days Boston and its environs were "exclusively English," and the leagued band of prejudiced historians re-echoed the cry. Unfortunately for their reputation as historians the structure of falsehood they erected has been demolished by the town books of Boston, which were published by the board of record commissioners of the city,

and by numerous colonial records reproduced in their exact original form.

In these published books can be seen the Celtic names of thousands upon thousands of men and women who lived in Boston, married, owned property, recorded it, and conveyed it, as the registry of deeds for Suffolk County will show, 100 years before the Revolutionary War.

HOW IRISH WERE HERE

How do I account for the presence of so many Irishmen in New England at that early period in view of the condition then prevailing? That were easy did space permit, but when the Irish refused to take the oath of allegiance imposed by Strafford, deputy of Charles I in Ireland, their estates were confiscated, themselves arrested and sent to England, whence they were transported to the West Indies or the American Colonies as bond servants to the English. Cromwell completed the robbery of the Irish and sold into slavery thousands and thousands of Irish youths and maidens, many of whom were sent to New England.

In the documents in the English archives reproduced by the historian Hotton the names of many of these unfortunates are given, and these names clearly show they were all of old Irish Catholic families. This was the payment England gave Ireland for Ireland's long effort to educate and civilize her. Of the thousands of Irish immigrants and redemptioners of pre-Revolutionary times who "scattered like leaves by the ruthless winds of autumn" all over the American Colonies, those who settled in New England were the most unfortunate.

The very people whom they twice saved from starvation, despised their country, hated their religion, ridiculed their speech, mocked their manners, defamed them, and scouted them as vagrants. The Irish must have been more than human to suffer it all and live. As an illustration of the attitude of the Puritans toward the Catholics and as showing what the Irish in Boston had to contend against, it was the custom in Boston for many years to hold a celebration called "Pope's night" on November 5 of each year. On these occasions processions paraded the streets, which usually ended by burning the Pope in effigy. When Washington was in Boston in 1776 he denounced the "fun," and after the war it gradually died.

It was, of course, a terrible misfortune that the early Irish immigrants had to abandon their faith, but at that time no one could acquire property or carry on business in New England unless he became an adherent of some Protestant church and take the "test oath" and "oath of allegiance." Catholics were debarred from every privilege. All civil rights were denied them. Religion was the standard by which all things were regulated, and any man or woman who did not publicly join one of the Protestant sects was, of course, a criminal.

When we find Irishmen recorded among the property owners we know they must have complied with these conditions and abandoned the faith of their fathers soon after their settlement in the Colonies. But we must be charitable to their memory. There was no alternative for them. It was their only chance to succeed in life, unless they chose to remain mere serfs and scorned outcasts. They had neither priests nor churches to commune with and were compelled by law to deny their faith and attend religious services provided for them by the ruling element.

When one remembers what Irishmen suffered since English oppression began in Ireland, its direful work, and how their lands were violently taken from them and themselves sold into slavery or driven to the bogs and mountains; how legislation strove to deprive them of their names, clothes, and even beards; how they were proscribed and their priests hunted like wolves, and how every effort was made to destroy and obliterate them one can not help admiring how they remained faithful to the faith of Patrick and their Irish hearts remained Irish still.

When one sees the degraded, oppressed, persecuted, starved, and subjugated but unconquered people of Ireland rising from their hovels to continue the age-long struggle with their oppressor; when one sees them, gaunt with famine, reduced by pestilence, exile, slavery, and brutal murders, hunted and homeless, returning again and again to the battle for home and human rights; when one sees them step by step advance on the pathway of freedom and position at home and abroad, asking no favors but right and justice, one's soul is filled with pity not unmixed with contempt for the poor, benighted bigot of to-day.

But the fact still remains that Irish blood and brain and brawn contributed much to the advancement of the New England States.

ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF ILLINOIS

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3064.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill S. 3064. The Clerk will report it.

The Clerk read as follows:

S. 3064

A bill to make permanent the additional office of district judge created for the eastern district of Illinois by the act of September 14, 1922

Be it enacted, etc., That the additional office of district judge for the eastern district of Illinois, created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922, shall not be subject to the provisions of the third paragraph of section 1 of such act, prohibiting the filling of vacancies.

The SPEAKER. Is there objection?

Mr. STAFFORD. What does this provide for? Does it provide for an additional judge?

Mr. GRAHAM. It provides for removing the limitation of the act of 1929, imposed upon certain districts, forbidding any filling of a vacancy in case of death or otherwise. It removes the limitation. That is all.

The SPEAKER. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

EDMUND WILLIAM SAMUEL

Mr. MAGRADY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD. I omitted to obtain permission to extend on March 7.

The SPEAKER. Is there objection?

There was no objection.

Mr. MAGRADY. Mr Speaker, Edmund William Samuel was born in Blaenavon, Wales, November 27, 1857. He died March 7, 1930, at the Geisinger Memorial Hospital, Danville, Pa., where he had gone to receive surgical treatment.

Doctor Samuel spent his early life in Ashland, Schuylkill County, Pa., where the family settled shortly after reaching the United States in 1859. His early education was secured in the public schools. As a boy he worked in the coal breaker and as a driver in the mines. Later he learned the drug business and began the study of medicine.

On March 13, 1880, he was graduated from the Jefferson Medical College, at Philadelphia, and at once began the successful practice of medicine in Mount Carmel, Pa., where he became active in civic affairs. He was elected a school director and served from 1890 to 1894. He was the Republican candidate for Congress in what was then the sixteenth congressional district, now the seventeenth. The number of the district was changed but the same counties comprised it. Doctor Samuel was elected to the Fifty-ninth Congress and served from March 4, 1905, to March 3, 1907. He became the Republican candidate for reelection in 1906 to the Sixtieth Congress but failed being elected. He again became a candidate in 1908 as the Republican standard bearer for the Sixty-first Congress but again failed of election. He immediately resumed the practice of medicine in Mount Carmel, Pa., and later was made president and general manager of the Shamokin-Mount Carmel Transit Co., serving in that capacity from 1908 to 1924, when he disposed of his interest in the corporation and resigned. His activity in Brooklyn real estate caused him to make his residence in that city of New York for several years.

Doctor Samuel was an active and devout Methodist. He was deeply interested in the charitable work of the Knights of Malta, of which organization he was at a time a national officer and later became the president of the Malta Home at Lewistown, Pa. His was a busy life that continued until shortly before his demise. He was stricken and the best available surgical attention was sought at the Geisinger Memorial Hospital, Danville, Pa., in the hope that he might regain his former vigorous health. However, "He who doeth all things well" summoned this nationally known lawmaker and medical practitioner to the great beyond from whose bourne no traveler returns. His body was interred in Mount Carmel cemetery on Monday, March 10, and now lies in the spot chosen by himself for his interment. Surviving him are his widow, Alice Kiefer Samuel, and four sons, Frank Kiefer Samuel, Dr. E. Roger Samuel, E. Willard Samuel, and E. Walter Samuel, Esq.

WATER-RIGHT CHARGES ON IRRIGATION PROJECTS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8296) to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain relief on the Federal irrigation projects, and for other purposes," with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill H. R. 8296, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 8296) to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes."

Senate amendments:

Page 1, line 9, strike out "sums" and insert "sum."
Page 2, line 23, strike out "20" and insert "40."
Page 3, after line 3, insert:
SEC. 2. All contracts with the Government touching the project shall be uniform as to time of payment and charge for the construction of the St. Mary diversion."

Mr. GARNER. Mr. Speaker, will the gentleman inform me what changes are made?

Mr. LEAVITT. Mr. Speaker, my bill (H. R. 8296) to adjust the water charges and grant certain other relief to the Chinook division of the Milk River irrigation project was introduced on the 6th of January, 1930, reported by me from the House Committee on Irrigation and Reclamation only three days later, and was passed by the House on the 20th of the same month.

The people on the project will recall that Hon. Joseph M. Dixon and I attended a meeting of water users at Chinook last fall to discuss the situation on the Chinook division, and that I stated there, as I had stated at a previous meeting, that I thought a 40-year contract should be granted and a reclassification of lands made, which would relieve the water users of charges against unproductive lands. A representative of the United States Reclamation Service was present, ready to begin a study to form the basis of a new contract, and I stated that I would introduce a bill to carry out the results of that study, just as soon as it reached me in Washington.

With that understanding I received and introduced H. R. 8296, fully believing that all of its provisions had been agreed to on the ground and that the water users had become favorable to the 20-year contract in return for the fact that the reduction in charges provided was much larger than had ever been discussed as at all likely.

It is very unusual to get such a bill passed through the House in only two weeks after introduction. But the legislative situation developed so that I could take advantage of a fortunate opportunity. I confess that I was somewhat elated that I had been able, with fine cooperation, to accomplish in so brief a time exactly what I had promised to do at the Chinook meeting. I was equally sorry to discover that the one feature of length of the contract turned the measure sour in the minds of many on the project, and that contrary to my understanding, an agreement had not been reached on that point as I had believed.

Meanwhile the Senate Committee on Irrigation and Reclamation considered my measure, and, on April 14, 1930, three months later, Senator THOMAS of Idaho was authorized to report it out without amendment. On the 1st of May it was reported again by Senator WALSH of Montana with conflicting provisions leaving in the 20-year requirement and also adding a new section calling for uniform contracts. In that form the bill was reached and passed by the Senate on May 8. It was recalled by the Senate on the 16th of May and reported again in a perfected form the same day. On May 22 it passed the Senate again.

The Senate amendments took away from the Federal Government all discretion in the making of contracts, and that effectually blocked action in the House until an agreement could be reached with the Department of the Interior and with the chairman of the committee handling the appropriations bill. That was because the bill in its then form could be brought up in the House only by unanimous consent, either to send it to conference or to accept the Senate amendments.

That unfortunate situation of delay has existed until to-day. I have discussed it at various times with reclamation officials. I had arranged with Commissioner Mead to visit the project this summer. I have stated that I believe the 40 years should be granted, and that I introduced the bill at 20 years only because I understood it had thus been agreed to on the ground.

I desire to be entirely fair in this matter, regardless of insinuations and colored statements which have been sent out from offices in Washington to the Great Falls Tribune and published therein. I say now that the senior Senator from Montana has joined with me in this effort. My interest in this matter has been, first, to keep the promise I made at Chinook last fall, and, second, to get the bill in the best possible form as soon as I discovered I had been mistaken in my belief that the bill I introduced was the result of a complete agreement.

Three or four days ago I had this matter up again, this time with George O. Sanford, now in Washington but formerly on the Sun River project. I discussed it yesterday with Commissioner Mead. I am happy now to have a letter from Doctor Mead, dated July 1, 1930, and reading as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, July 1, 1930.

Hon. SCOTT LEAVITT,
House of Representatives, United States.

MY DEAR MR. LEAVITT: Referring to our conversation about the legislation fixing the time given to complete payments in the districts of the Chinook project, and of your desire to dispose of the legislation pending in Congress before the end of the session:

I have conferred with the Secretary and have stated to him that while I regard a 40-year payment period as unnecessary, the amount of money involved is so small that I believe it desirable to end the controversy by agreeing to have the payments extend over 40 years, instead of 20 years, which we have hitherto advocated. The Secretary concurs in this view, and you can so state if this legislation comes up for consideration.

Sincerely yours,

ELWOOD MEAD, *Commissioner.*

This letter, together with the compelling reasons growing out of the equities in the matter, gives the ground for my request for the unanimous consent of the House to agree to the Senate amendments to my bill. I thank the House for its favorable action.

The present wording of the bill is as follows:

H. R. 8296, introduced by Mr. LEAVITT

Be it enacted, etc., That the act of May 25, 1926 (44 Stat. L. 636), be, and the same is hereby, amended by adding after section 20 of said act sections 20–A and 20–B, as follows:

"SEC. 20–A. There shall be deducted from the total cost chargeable to the Chinook division of this project the following sum:

"(1) Twenty-one thousand six hundred and eighty-four dollars and fifty-eight cents, or such amount as represents the construction cost as found by the Secretary of the Interior against the following lands:

"(a) One thousand seven hundred and seventy and seventeen one-hundredths acres permanently unproductive because of nonagricultural character.

"SEC. 20–B. All payments upon construction charges shall be suspended against the following lands in the Chinook division:

"(a) Twelve thousand six hundred and seventeen and sixty-four one-hundredths acres temporarily unproductive because of heavy soil and seepage; (b) 11,307 acres for which no canal system has been constructed, all as shown by the land classification of the Chinook division made under the direction of the Secretary of the Interior and approved by him under date of January —, 1930. The Secretary of the Interior, as a condition precedent to the allowance of the benefits offered under sections 20–A and 20–B, shall require each irrigation district within the Chinook division to execute a contract providing for repayment of the construction charges as hereby adjusted within 40 years and upon a schedule satisfactory to said Secretary; and no water from the St. Mary River watershed shall be furnished for the irrigation of lands within any district after the irrigation season of 1930 until the required contract has been duly executed."

SEC. 2. All contracts with the Government touching the project shall be uniform as to time of payment and charge for the construction of the St. Mary diversion.

The report which I made on this measure on January 9 contained the following information:

The necessity for this legislation lies in the fact that the board of survey and adjustment upon whose report the act of May 25, 1926 (44 Stat. L. 636), was enacted, did not complete the work on this division of the Milk River project. It extends to the water users on this project the same benefits as are extended by the act of May 25, 1926, to the water users on other projects.

DEPARTMENT OF THE INTERIOR,
Washington, January 7, 1930.

Hon. SCOTT LEAVITT,
House of Representatives.

MY DEAR MR. LEAVITT: There is transmitted herewith copy of a letter from the Commissioner of the Bureau of Reclamation which bears my approval, recommending that charges against certain temporary unproductive lands in the Chinook division, Milk River project, be suspended, and that charges against certain other areas found to be permanently unproductive be remitted.

In keeping with your request there has been prepared and is herewith transmitted draft of proposed bill authorizing the suspension and remission of these charges. My recommendation is conditioned upon the execution by each district affected of satisfactory contract for repayment of construction charges within 20 years. This I believe to be an important part of this legislation in order to eliminate the controversy which has heretofore arisen concerning the terms of repayment. The committee recently reporting upon this matter recommends that if the

concessions recommended are granted by Congress repayment be required within 20 years.

Very truly yours,

RAY LYMAN WILBUR.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, January 6, 1930.

The SECRETARY OF THE INTERIOR.

SIR: The Chinook division of the Milk River project comprises the river bottom lands beginning about 6 miles west of the town of Chinook and extends easterly about 35 miles down Milk River Valley. The existing canal systems were built with private capital and comprise the following irrigation districts and canal systems with the irrigable areas as shown:

	Acres.
Alfalfa	3,848
Fort Belknap	8,191
Harlem	11,160
Paradise	11,500
Zurich	9,494
Savoy	11,307
Total	55,500

The water supply for these lands is taken from Milk River, and prior to the construction of St. Mary Canal was limited to that portion of the natural flow of the river that is junior to the rights of the Fort Belknap Indians, which supply is entirely inadequate to insure profitable crop production. In order to be assured of a full season's supply these irrigation districts either have executed or now have under consideration contracts providing for the payment for a supplemental supply from St. Mary River and Sherburne Lakes Reservoir.

The expenditures thus far made by the United States and the estimated cost to complete St. Mary Canal and appurtenant works amount to $15 per acre, which price has been agreed upon by the United States and the districts and has been fixed by public notice of April 26, 1929, issued to the Harlem irrigation district and payable in 40 semiannual installments as provided in the act of August 13, 1914 (38 Stat. 686), beginning December 31, 1932.

Notwithstanding the favorable terms offered for the payment of the construction cost of St. Mary water, there has been a persistent effort on the part of a small but resistant minority to refuse acceptance of the terms offered and to insist that the time be extended to 40 years instead of 20, the average difference in controversy being 37½ cents per acre per annum. The several investigating boards who have visited Milk River project in recent years have all reached the conclusion that there is no sound basis for granting the extension requested.

At the time that field investigations were made by the board of survey and adjustments in 1925, the irrigable areas on the Malta and Glasgow divisions of Milk River project were classified, but the Chinook division was not considered. Further investigation of the existing conditions made it apparent that the land in the Chinook division should be investigated and a determination made as to the productive, the temporarily unproductive, and the permanently unproductive areas. This investigation was made in September, 1929, with the following results:

District	Productive area	Temporarily unproductive	Permanently unproductive	Total
Alfalfa	3,961.22	307.75	142.50	4,411.47
Belknap	3,885.35	3,850.50	141.40	7,877.25
Harlem	9,066.66	2,643.40	288.10	11,998.16
Paradise	7,070.92	3,374.49	1,052.17	11,497.58
Zurich	7,863.44	2,441.50	146.00	10,450.94
Savoy	----------	[1] 11,307.00	----------	[1] 11,307.00
Total	31,847.59	23,924.64	1,770.17	57,542.40

[1] Not classified.

The irrigable area for the Chinook division, as determined by the board of survey and adjustments, was 55,500 acres. The tabulation above shown gives a total of 57,542.4 acres, which increase is brought about by additional lands that are now being served by the constructed canals or are susceptible of irrigation by minor extensions of the lateral systems; and the form of contract, either executed or under consideration, provides that such areas can be included under the provisions of the repayment contract by notice from the Secretary of the Interior and assessments levied by the district. The Savoy district, comprising an area of 11,307 acres, was not classified for the reason that there is no prospect of this being brought under irrigation in the near future, and for that reason it should be carried as land temporarily unproductive.

The area permanently unproductive, amounting to 1,770.17 acres, comprises principally rights of way of new highways that have been constructed and sloughs and other depressions that are subject to overflow and can not be farmed. The temporarily unproductive land, outside of the Savoy district, totals 12,617.64 acres, and is made up of land with a heavy gumbo soil that can not be farmed profitably in its present condition, but which may eventually, by proper tillage methods, be brought into the productive class. There is also considerable land with a high water table and affected by seepage, so that profitable crops can not be produced. There is a possibility that a considerable portion of this land may be reclaimed by the construction of drainage works.

In view of the policy initiated with the passage of the adjustment act of May 25, 1926 (44 Stat. 636), it is recommended that the Congress be requested to enact the necessary legislation providing the following areas on the Chinook division of the Milk River project be placed in the classes designated and the sums shown be considered as either probable or definite losses to the reclamation fund, with the proviso that the several irrigation districts receive no benefit therefrom until binding contracts shall have been executed by such districts covering the payment of the construction cost of St. Mary storage, and that after the irrigation season of 1930 no water from such storage shall be furnished any district until the required contract has been duly executed.

Cause of disability	Kind of disability	Rate per acre	Area acres	Amount of loss	
				Probable	Definite
Heavy soil and seepage.	Temporarily unproductive.	$12.25	12,617.64	$154,566.09	----------
No canal system	do	12.25	11,307.00	138,510.75	----------
Nonagricultural	Permanently unproductive.	12.25	1,770.17	----------	$21,684.58
Total	----------	----------	----------	293,076.84	21,684.58

Draft of proposed bill for this purpose is herewith transmitted, together with letter to Congressman LEAVITT, at whose request the bill has been prepared.

Respectfully, ELWOOD MEAD, *Commissioner.*

Approved January 7, 1930.

RAY LYMAN WILBUR, *Secretary.*

I am asking that the Senate amendments be agreed to.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

COPYRIGHT REGISTRATION OF DESIGNS

Mr. VESTAL. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 11852, with two amendments.

The SPEAKER. The Clerk will report the bill as amended.

The Clerk read as follows:

Be it enacted, etc., That any person who is a citizen of or domiciled in the United States, or who is a citizen or subject of a foreign State or nation with which the United States shall have established reciprocal copyright relations, and who is the author of any design as hereinafter defined, or the legal representative or assignee of the author of such a design, may secure copyright therein upon compliance with the provisions of this act.

Within the meaning of this act—

(a) An author is one who originates a design and in so do doing contributes intellectual or artistic effort to the composition thereof.

(b) A design is a pattern applied to, or a shape or form of, a manufactured product which is not of itself a work of art, and shall include dies, molds, or devices by which such a pattern, shape, or form may be produced, original in its application to or embodiment in such manufactured product, by reason of an artistic or intellectual effort, and which produces an artistic or ornamental effect or decoration, but shall not include patterns or shapes or forms which have merely a functional or mechanical purpose.

SEC. 2. The owner of a design copyright shall have, within all the territory which is under the jurisdiction and control of the United States, for the periods and subject to the limitations hereinafter prescribed, the right to exclude others from selling or distributing manufactured products which embody or contain copies of or colorable imitations made by copying the copyrighted design or any characteristic original feature thereof, if such manufactured products are in the same class as, or are similar to, the product to which the copyrighted design has been applied or in which it has been embodied.

SEC. 3. As prerequisites to copyright protection under this act the author or his legal representative or his assignee must (1) actually cause the design to be applied to or embodied in the manufactured product; (2) mark such product in the manner specified in section 5 of this act; (3) introduce such product to the public in territory under the jurisdiction and control of the United States, by selling it or offering it for sale; and (4) within six calendar months of the time when such manufactured product was first actually so introduced to the public, file an application in the copyright office in the form prescribed under authority of section 21 of this act, and in such application state under oath (a) that he is the author of the design for which he solicits reg-



istration or (b) that he is the assignee or legal representative of such author and verily believes the author named in the application to be the originator of such design. Such application shall include the prescribed number of copies of a photograph or other identifying representation of the design as applied to or embodied in the said manufactured product and shall give the date when such manufactured product was so introduced to the public; and copyright shall be secured upon and from the date of such introduction of the manufactured product to the public, subject to the provisions of this act: *Provided, however,* That such application is filed within six calendar months of any sale in any country of such manufactured product and of any publication not under copyright protection in any country of such design, if such sale or such publication is made by or with the consent of the author, his assignee, or legal representative.

SEC. 4. Upon each entry of a claim for copyright in any design made subject matter of copyright by this act, the person recorded as the claimant of copyright shall be entitled to a certificate of registration under the seal of the copyright office, which shall state the name, citizenship, and address of the author of the design and of the owner of the copyright in such design, if other than the author; the name or designation of the class of manufactured product in which the design has been embodied or to which it has been applied; the date when the application for registration was filed in the copyright office; the date when copyright was secured as provided in section 3 of this act; and such marks as to class designation and entry number as shall fully identify the entry of the claim of copyright. Said certificate shall be prima facie evidence of the facts stated therein. A duplicate certificate under the seal of the copyright office shall be supplied to any person requesting the same upon payment of the fee. When a design actually embodied in or applied to one manufactured product is in substantially the same form to be embodied in or applied to a set of manufactured products of the same general character ordinarily on sale together or intended to be used together, a single application for registration and one certificate of registration shall suffice.

SEC. 5. It shall be the duty of the owner of a design in which copyright is secured under this act or his licensee to give notice to the public that the design is protected under this act by affixing to the manufactured product the mark "Design copyrighted" and by adding thereto with reasonable promptness after registration the number of the registration entry. When the nature of the product will not permit the affixing of these marks in full it shall be sufficient to use the abbreviation "D. copr." or the letter "D" inclosed within a circle, thus Ⓓ with or without the registration number.

When such abbreviation or symbol is used, or when the product itself will not permit the affixing of any of these marks, it shall be sufficient and necessary to attach a label or tag to the product or to the package or cover containing the product in which the design is embodied or to which it is applied, containing the name of the manufactured product and plainly marked with the words "Design copyrighted," to which must be added with reasonable promptness after registration, the registration number.

In the case of any manufactured product in which the design is repeated, such as wall paper or textiles, one marking on the manufactured product embodying or containing the design shall suffice.

In any action or suit for infringement by a party failing to comply with the above-stated provisions of this section no recovery shall be adjudged the plaintiff and no injunction shall be granted except on proof that the failure to mark was merely occasioned and inadvertent: *Provided, however,* That there shall be no recovery against an innocent infringer who has been misled by the omission of the notice, and in such case no permanent injunction shall be had unless the copyright owner shall reimburse to the innocent infringer his reasonable outlay innocently incurred, if the court, in its discretion, shall so direct.

SEC. 6. Copyright secured under this act shall initially endure for a term of two years from the first sale or offer for sale of the manufactured product to which the design is applied or in which it is embodied. At any time before the expiration of the 2-year term an extension of the copyright may be registered for a further period of 18 years to secure a total period of protection of 20 years upon filing an application for such extension and paying the fees prescribed in section 22 of this act.

SEC. 7. Every copyright secured under the provisions of this act, or any interest therein, shall be assignable in law by an instrument in writing; and the copyright owner may, in like manner, grant and convey an exclusive right under such copyright for the whole or any part of the United States.

Such assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the copyright office within three calendar months after its execution in the United States, or within six calendar months after its execution without the limits of the United States, or prior to such subsequent purchase or mortgage. If such assignment, grant, or conveyance be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any dependencies of the United States, or before any officer authorized to administer oaths in the United States or its dependencies and the Panama Canal Zone or the Philippine Islands, or any clerk or commissioner of any United States district court, or before a secretary in the diplomatic service or a diplomatic or consular officer of the United States authorized by law to administer oaths or perform notarial acts, or before any notary public, judge, or magistrate of any foreign country authorized to administer oaths or perform notarial acts in such country, whose authority shall be proved by the certificate of a secretary in the diplomatic service or a diplomatic or consular officer of the United States, the certificate of such acknowledgment or the record thereof in the copyright office, when made, shall be prima facie evidence of the execution and delivery of such assignment, grant, or conveyance.

SEC. 8. Infringement shall include unlicensed copying of or colorable imitation by copying the copyrighted design or any characteristic original feature thereof in manufactured products in the same class, or any similar product, for the purpose of sale or public distribution; or selling or publicly distributing or exposing for sale or public distribution any such product embodying or containing such a copy or colorable imitation: *Provided, however,* That if such sale or public distribution or exposure for sale or public distribution is by anyone other than the manufacturer or importer of the copy or colorable imitation, it shall be unlawful only as to goods purchased after written notice of a restraining order or preliminary injunction, or of an order granting a preliminary injunction, or of a decree by any court having jurisdiction in the premises, in any action brought under this act by the copyright owner for infringement of such copyright, or of any order or decision in such an action in which the court, although refusing injunctive relief, states that in its opinion, based on the affidavits or testimony submitted, such copyright is for an original design and otherwise valid, and in the absence of such notice the remedies and penalties provided for in section 10 of this act shall not apply; the words "manufacturer" and "importer" as used in this section shall be construed as including anyone who induces or acts in collusion with a manufacturer to make, or an importer to import, a colorable imitation or an unauthorized copy of a copyrighted design, but purchasing or giving an order for purchase in the ordinary course of business shall not in itself be construed as constituting such inducement or collusion: *Provided, however,* That to obtain the benefit of this exemption a prompt and full disclosure must be made to the copyright owner upon request as to the source and all particulars of the purchase of the goods, and the evidence thereof must be given if requested in any suit or action against the manufacturer or importer.

SEC. 9. The following shall not be held infringing acts:

(a) Repairing manufactured articles protected under this act, or making or selling parts of manufactured articles, whether individually protected or not, for use as repair parts;

(b) Making and/or illustrating or selling patterns for dressmaking, or making a garment from such a pattern or embodying a copyrighted design for the individual use of the maker or a member of the family of the maker, or having such a garment made by an individual employee for the use of the employer or a member of the family of the employer;

(c) Illustrating designs by pictorial representation, or publicly distributing or exhibiting such illustrations or pictorial representations of designs;

(d) Making any reproduction, copy, use, sale, or public distribution of any design copyrighted under this act in any motion picture, and in whatever form used in connection with the advertisement, distribution, or sale or other disposition of motion pictures: *Provided, however,* That none of the acts specified in this section shall affect the force and validity of any copyright in any design under this act.

SEC. 10. Anyone who shall infringe any copyrighted design shall be liable—

(a) To an injunction restraining such infringement;

(b) To account for and pay the profits and damages resulting from the infringement, which in the discretion of the court may be trebled.

The court may dispense with an accounting—

(1) In cases where the plaintiff may so request, or where from the record it is apparent to the court that an accounting would not find damages or profits to exceed $2,500 where defendant is a manufacturer or importer and $100 in any other case. In any such case where the defendant is a manufacturer or importer the defendant shall be held liable to pay to the plaintiff not less than $2,500, and in any other such case the defendant shall be held liable to pay the plaintiff not less than $100 as compensation and not as a penalty.

(2) In cases where the copying complained of was without knowledge or notice of the copyright.

The court may order to be delivered up and destroyed or otherwise disposed of, as shall be just as between the parties, all infringing articles, products, or parts, and all dies, models, and devices useful only in producing the infringing article or product, and all labels, prints, or advertising matter relating to the infringing article or product.

SEC. 11. No relief shall be granted where an infringement has continued with the knowledge of the owner of the copyright for a period of two years prior to the commencement of the suit or action; and in no event shall there be a recovery of profits or damages for acts of in-

fringement committed more than three years prior to the commencement of the suit or action.

SEC. 12. When registration has been made in the copyright office of any design as provided in this act, written, printed, or photographic copies of any papers, drawings, or photographs relating to such design reserved in the copyright office shall be given to any person making application therefor and paying the fees required by this act, and such copies when authenticated by the seal of the copyright office shall be evidence of the same force and effect as originals.

SEC. 13. In an action or suit for infringement of copyright in a design registered under this act there shall be a presumption of originality in the registered design and of validity in the registration thereof; and a presumption of copying may in the discretion of the court be held to arise from substantial resemblance to the registered design in defendant's design.

SEC. 14. The district and territorial courts of the United States and its insular possessions, including the courts of first instance of the Philippine Islands, the District Court of the Canal Zone, and the Supreme Court of the District of Columbia, shall have original jurisdiction, and the Circuit Courts of Appeals of the United States, the Court of Appeals of the District of Columbia, and the Supreme Court of the Philippine Islands shall have appellate jurisdiction of proceedings respecting designs protected under the provisions of this act.

SEC. 15. Writs of certiorari may be granted by the Supreme Court of the United States for the review of cases arising under this act in the same manner as provided in the Judicial Code as amended by the act of February 13, 1925.

SEC. 16. After adjudication and entry of a final decree by any court in any action brought under this act, any of the parties thereto may, upon payment of the legal fees, have the clerk of the court prepare a certified copy or copies of such decree, or of the record, or any part thereof, and forward the same to any of the designated courts of the United States, and any such court to which such copy or copies may be forwarded under the provisions of this section shall forthwith make the same a part of its record; and any such record, judgment, or decree may thereafter be made, as far as applicable, the basis of an application to that court for injunction or other relief; and in the preparation of such copies the printed copies of the record of either party on file with the clerk may be used without charge other than for the certificate. When the necessary printed copies are not on file with the clerk either party may file copies which shall be used for the purpose, and in such cases the clerk shall be entitled to charge a reasonable fee for comparing such copies with the original record before certification and for certifying the same.

SEC. 17. If the copyright in a design shall have been adjudged invalid and a judgment or decree shall have been entered for the defendant, the clerk shall forward a certified copy of such judgment or decree to the register of copyrights, who shall forthwith make the same a part of the records of the copyright office.

SEC. 18. (a) Any person who shall register a design under this act, knowing or having reason to know that the design is not an original work of authorship of the person named as author in the application for registration, or knowing or having reason to know that the ownership of the copyright therein is falsely stated in the application for registration, shall be guilty of a misdemeanor punishable by a fine of $2,500, or such part thereof as the court may determine.

(b) Any person who shall bring an action or suit for infringement of a design alleged to be protected under this act, and known by the plaintiff to be not an original work of authorship of the person alleged to be the author of said design, shall, upon due showing of such knowledge, be liable in the sum of $2,500, or such part thereof as the court may determine, as compensation to the defendant to be charged against the plaintiff and paid to the defendant in addition to the customary costs.

(c) Any person who shall, because of notice given under section 8 of this act by the owner of a copyright secured under this act, or by his licensee, discontinue the purchase, sale, or distribution of products alleged by such owner or licensee to be an infringement of such copyright, shall recover from such owner and/or licensee such damages as he shall have sustained by reason of compliance with such notice, if such owner or licensee knew, or had reason to know, that the design alleged to be protected under this act was not an original work of authorship of the person alleged to be the author of said design.

(d) Any person who, with fraudulent intent, marks one or more manufactured products which are not protected by design copyright, so as falsely to indicate that they are so protected, shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding $500.

SEC. 19. Nothing in this act shall be construed to impair, limit, or annul the right of an author of a design, or the legal representative or assignee of such author, prior to the copyrighting of such design under this act, to prevent unauthorized application or embodiment of such design or any characteristic original feature thereof, to or in any manufactured product, and the exposure for sale or public distribution, or the sale or public distribution of such manufactured product, as a result of the confidential disclosure of such design, and to recover the profits and damages arising therefrom by suit in equity or action at law; and the marking upon a drawing or other representation of such design of the name of the author and the words "design copyright reserved" is hereby authorized as reserving the right to have the design copyrighted under this act as and when applied to or embodied in a manufactured product and introduced to the public pursuant to this act.

SEC. 20. Registration under this act shall not constitute any waiver or abandonment of any trade-mark rights in the design registered.

SEC. 21. The register of copyrights shall be authorized, for convenience of copyright-office administration, to determine and designate the different classes of manufactured products under which registration may be made, and, subject to approval by the Librarian of Congress, to make rules and regulations for such registration, and for the form of the required certificate: *Provided, however,* That such classification shall not be held to limit or extend the rights of the author of the design or his legal representative or assignee.

SEC. 22. The register of copyrights shall receive, and the persons to whom the services designated in this act are rendered, shall pay the following fees: (1) For the registration for the first term of two years under this act, $3; (2) for the registration of the extension of the period of protection to 20 years, as provided herein, $20; and the payment of the said fees shall include, in each case, the certificate provided for in this act; (3) for a duplicate certificate of any registration made, $1; (4) for recording any document in the copyright office, as provided in section 7 of this act, or for furnishing certified copies of any such document, $1 for each copyright office record-book page or fraction thereof up to five pages, and 50 cents for each such page or fraction thereof beyond five pages; (5) for copies of any registration made, or of drawings or photographs or other identifying reproductions filed in relation to any design registered, and for comparing such copies with the originals before certification, a reasonable fee and 50 cents additional for certification of each such copy under seal of the copyright office.

SEC. 23. All designs registered for the first term of two years shall be listed in the Catalogue of Copyright Entries prepared and printed under the provisions of the act of March 4, 1909, and shall be further identified by a representation of the design, and each extension registration shall be listed in said catalogue. The periodic issues of said catalogue may be subscribed for upon application to the Superintendent of Public Documents, at a price to be determined by the register of copyrights for each part of the catalogue, not exceeding $10 for the complete Catalogue of Copyright Entries provided by the act approved March 4, 1909, or $10 for the catalogue of designs registered under this act. The Catalogue of Copyright Entries for designs shall be admitted in any court as prima facie evidence of the facts therein stated as regards any copyright registration for a design made under the provisions of this act.

SEC. 24. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for clerical services, office rental and equipment, stationery and supplies, for carrying into effect this act for the fiscal year ending June 30, 1931, $100,000, or so much thereof as may be necessary, the same to be available immediately upon the approval of this act, and thereafter such sums as Congress may deem necessary, to be expended by the Librarian of Congress.

SEC. 25. The Librarian of Congress shall annually submit estimates in detail for all expenses of carrying this act into effect, and he is hereby authorized to appoint such subordinate assistants to the register of copyrights as shall be necessary for the prompt and efficient execution of the work involved.

SEC. 26. The following sections of the United States Revised Statutes are hereby repealed: Section 4929, as amended by the act of May 9, 1902; sections 4930 and 4931; and section 4934, as amended by the acts of February 18, 1922, and February 14, 1927, is further amended by striking out the words "except in design cases" wherever they appear, and also by striking out the following words: "In design cases: For 3 years and 6 months, $10; for 7 years, $15; for 14 years, $30"; *Provided, however,* That design patents issued under the sections herein repealed shall have full force and effect as if said sections were still in effect: *And provided further,* That notwithstanding the six months' limitations in section 3 of this act, an applicant who has duly filed in the Patent Office an application for a design patent, and whose application has not become abandoned when this act goes into effect, or his assigns and legal representatives may within six months after this act goes into effect elect either to demand a design patent which may be granted him and have full force and effect as if the section herein repealed were still in effect, or to abandon said application for a design patent and secure copyright protection under this act by complying with the provisions of this act, so far as applicable, and upon payment of the fee or fees prescribed in section 21 of this act, filing an application for registration of said design under this act, or two or more applications in different classes, if the design as disclosed in said application is entitled to registration in such different classes, the initial term of such copyright protection under this act to commence with the sale or offer for sale of manufactured products to which the design has been applied or in which it is embodied, marked in the manner specified in section 5 of this act. No design copyright

under the provisions of this act shall be valid to an author or to the legal representative or assignee of such author to whom shall have been issued a design patent in this country for the same design.

SEC. 27. This act shall go into effect on January 1, 1931, and may be cited as the design copyright act of 1931.

Mr. STAFFORD. I demand a second, Mr. Speaker.

The SPEAKER. Is there any member of the minority on the committee opposed to the bill? [After a pause.] If not, the Chair will recognize the gentleman from Wisconsin [Mr. STAFFORD].

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VESTAL. Mr. Speaker and Members of the House, this bill has been reported by the Committee on Patents, by the unanimous vote of the committee.

For 8 or 10 years there has been great clamoring by manufacturers and designers over the country for a design copyright law. There is on the statute books now a patent design law. All designs mentioned in this bill may be patented by getting a patent in the Patent Office on the design, but it requires from two to four months to get protection on the design. In the meantime the designers of the country, not the designers particularly, but manufacturers of the country who expend a great deal of money to have the designs made and who incorporate the designs in their goods, whatever they may be, must wait three or four months before they can get any protection on their design.

But, as soon as the goods are out in the market, then the designs are being taken by other people and colorable imitations are made. The purpose of this bill is to prevent the piracy of designs and is in the interest of honest business throughout the country and also in the interest of building up in this country a corps of American designers so that they will not have to go to Paris and other places to get their designers. There is no incentive for designers to make designs in this country because of the fact that the designs are pirated all the time and they have no adequate protection under the present law.

I would like to give one illustration. These designs can not be protected now under the unfair trade law. We thought at first they might be protected in that way. One of the large manufacturing concerns of the country who spent last year $150,000 for designs, attempted to protect its design when it had been pirated by a suit in law under the unfair trade law.

The court held in that case that while there was a great injury done there was no protection under the unfair trade law and no remedy, and the only way to secure protection was to come to Congress and get an act passed by Congress.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. STRONG of Kansas. Will the gentleman tell us what concern it was or what his design was?

Mr. VESTAL. I do not know what his design was. It was probably a design in dress goods, because it was designed by Cheney Bros., and I do not remember what it was. It was against the Doris Silk Co. I think I put that in the RECORD the other day.

Mr. STRONG of Kansas. This law could not by any means be construed to increase monopolies?

Mr. VESTAL. Oh, no; not at all.

Mr. STRONG of Kansas. That is, not more than at present?

Mr. VESTAL. Not at all. It is greatly in the interest of honest business, so that if your wife or your daughter went to a store to buy a dress and she found a design that she thought was an original, she would know it was an original.

Mr. STRONG of Kansas. The gentleman seems to be convinced that whoever made the design should have a monopoly?

Mr. VESTAL. You may call it a monopoly if you desire, but he should have protection on that design, whatever it may be. As far as costing the public more is concerned, every witness who testified said if they were protected in their designs, they could sell all of their goods cheaper than when they knew they were not protected, and that they might be stolen from them in a few days or a few weeks.

Mr. STRONG of Kansas. I do not see how you can guarantee a reduction in cost by creating a monopoly on a design.

Mr. VESTAL. Nobody guarantees it.

Mr. STRONG of Kansas. Well, secure it.

Mr. VESTAL. But if you know you have protection in your design, and have the design placed in large quantities of goods, you certainly could sell the goods much cheaper than if you had to make a quick sale because you knew that design would be stolen in a little while.

Mr. STRONG of Kansas. It seems to me if the manufacturer had an absolute monopoly on a design, he would be liable to get a better price than if he knew he had to sell his product quickly to keep somebody else from using the design.

Mr. MERRITT. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. MERRITT. The answer to the gentleman's proposition is that a manufacturer gets out a design, and, of course, when that gets into the market it has to compete with other designs. It does not give him a monopoly of the market at all. It enables him to sell that particular design as his own, but he has to compete in price with other designs which may be equally pleasing.

Mr. STRONG of Kansas. But if he should secure a monopoly on a design that might be most fashionable, then he would have a monopoly and other designers could not compete with him.

Mr. MERRITT. Oh, no.

Mr. LANHAM. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. LANHAM. The testimony before our committee was that the public would pay a smaller amount with the enactment of this measure than without it, for the reason that the manufacturer, printing designs on silks, knows to-day that the piracy of his product is going to make his sales not only limited but of short duration, and consequently he prints a restricted yardage, and the cost to him is the greatest cost there could be, whereas if he had protection he could print yardage to meet the demands, and the price of his product would be smaller.

Mr. STRONG of Kansas. Let me ask my friend, that testimony was given by the men who want to secure this monopoly?

Mr. LANHAM. To be sure, but they have this right now. We are simply seeking to give them a remedy for a right that now exists, but which, by reason of the tardiness of granting this right to the designers, they do not have an opportunity to exercise.

Mr. STAFFORD. Does not the gentleman change the existing design law by reason of the fact that this law grants a patent or exclusive monopoly to a person who is the original designer, whereas under the existing law it must be shown that it has a novelty. You change the existing law so as to allow this right to any designer who can show that he originated it, whether it was designed previously by somebody else or not.

Mr. LANHAM. It gives to the designer in industry the same right that is given to the designer in art. That is the purpose of the design patent law, but by reason of the fact that applications are held up for months, and the fact that styles are fleeting and ephemeral things, by the time they get the protection the style is gone. We are talking of styles with reference to clothes, but let me bring to the attention of the gentleman the fact that it does not apply to styles alone, and, as I have stated, the protection is inadequate through the present design patent law and we are seeking to give a remedy.

The SPEAKER pro tempore. The gentleman from Indiana has consumed eight minutes.

Mr. VESTAL. Mr. Speaker, I will yield myself one more minute.

Mr. MAPES. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. MAPES. I would like to ask the gentleman from Indiana, the chairman of the committee, or the gentleman from Texas whether this bill would apply to furniture designing the same as it applies to clothing and other things?

Mr. LANHAM. To be sure it does; and let me bring to the attention of you gentlemen the fact that the representatives of these various people affected in industry have been before our committee we have had extensive hearings, and there has been no objection to this bill except from one source, and that source has been the retailer. However, we are offering an amendment to the bill which will protect him. We are offering an amendment which will give him a greater latitude of protection.

Mr. MAPES. Did the committee hear the furniture people on this bill?

Mr. LANHAM. Yes; that is my recollection.

Mr. STRONG of Kansas. I can not get away from the thought that a monopoly is given to the manufacturer of a design and that, therefore, a higher price is going to be set for his goods.

Mr. LANHAM. I have stated to the gentleman that that monopoly now exists.

Mr. STRONG of Kansas. Why strengthen it?

The SPEAKER pro tempore. The time of the gentleman from Indiana has again expired.

Mr. VESTAL. Mr. Speaker, I yield myself one more minute for the purpose of reading the amendment we are proposing.

In section 8 we put in a proviso which will absolutely protect the retailer, and the amendment reads as follows:

Provided, however, That if such sale or public distribution or exposure for sale or public distribution is by anyone other than the manufacturer or importer of the copy or colorable imitation it shall be unlawful only as to goods purchased after written notice of a restraining order or preliminary injunction, or of an order granting a perliminary injunction, or of a decree by any court having jurisdiction in the premises, in any action brought under this act by the copyright owner for infringement of such copyright, or of any order or decision in such an action in which the court, although refusing injunctive relief, states that in its opinion, based on the affidavits or testimony submitted, such copyright is for an original design and otherwise valid, and in the absence of such notice the remedies and penalties provided for in section 10 of this act shall not apply; the words "manufacturer" and "importer" as used in this section shall be construed as including anyone who induces or acts in collusion with a manufacturer to make or an importer to import a colorable imitation or an unauthorized copy of a copyrighted design, but purchasing or giving an order for purchase in the ordinary course of business shall not in itself be construed as constituting such inducement or collusion.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. COCHRAN of Missouri. The gentleman says that the owners of the designs have appeared before the committee. You are taking care of them in the bill and you are taking care of the retailers.

Mr. VESTAL. Yes.

Mr. COCHRAN of Missouri. What are you doing for the poor public?

Mr. VESTAL. I think we are taking care of the public.

Mr. STRONG of Kansas. You are giving a monopoly against them.

Mr. LANHAM. They have that monopoly now. As a matter of fact, they have this right and we are seeking to give them a remedy. I will say to my friend from Missouri that in my judgment the cost to the public will be less because they will be protected in these designs; they will not be pirated and, therefore, their production can be increased, their costs will be less, and, consequently, their material will sell for less.

Mr. COCHRAN of Missouri. I notice it will cost $100,000 annually to administer this act.

Mr. LANHAM. I will say to the gentleman that we are increasing the fees in order to make him who dances pay the fiddler.

Mr. COCHRAN of Missouri. And the public will pay the fiddler in the end.

Mr. VESTAL. Mr. Speaker, I reserve the balance of my time.

Mr. STAFFORD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Speaker and gentlemen of the House, I call your attention to the lines at the top of page 2, which define the proposition we are about to deal with:

(a) An author is one who originates a design and in so doing contributes intellectual or artistic effort to the composition thereof.

Those are the ingredients.

(b) A design is a pattern applied to, or a shape or form of, a manufactured product which is not of itself a work of art.

That is the definition of the thing we are considering here. Some years ago I learned that the definition of a thing was such a description of the thing to be described as would include everything of its class and exclude everything not of its class.

I do not believe we can tell what we have legislated on after we have enacted this bill into law. No doubt, this is the creation of a new type of monopoly. The trouble with the consuming public to-day is monopoly. We are face to face with every kind of monopoly of fact. Organizations have got together and they are stringing up the consuming public on every side, so much so that the small merchants are sending their complaints to us from every hand, and yet we find people still coming here and asking for the creation of new monopolies of law.

I do not understand this is necessary to protect any legitimate industry. I think we ought to vote this type of legislation down until we have studied it further. If you know what this bill contains, answer yourself, what are the elements to be dealt with in this bill? If you do not know what it contains, are we going to blindly enact a bill into law because the interests that want the bill enacted for their own benefit have asked for it? Do we always get a recovery in court because we simply come in and file a declaration and the jury and the court know nothing about the merits of the case, and yet we are granted our prayer for relief? That is exactly the status of the bill here.

If we do not know what we are doing and with whom we are dealing and what the hearings show, do you not think we ought to vote this bill down and let it be brought up in December, in the regular way, so we can study it and intelligently act upon it, and not create another monopoly under which the people may be oppressed?

Mr. O'CONNELL. Will the gentleman yield?

Mr. BUSBY. In just a moment.

I remember reading Nicholas on the Poor Laws of England, and one of the things that impressed me was that the poor people were not permitted, in certain ages, to wear anything but one type of wool hat, and those of a class or strata a little above them were allowed to wear another type of garment, and those in still another strata or class were allowed to wear silk. Through our monopolistic tendencies toward copyright legislation, it looks as if we are going to group the people into several classes and strata simply because we are permitting some classes of people to arrogate unto themselves certain powers in the commercial sections of our country so that they can compel things of this kind.

My plea to you is to vote down this monopolistic legislation and then allow it to be taken up next December in the regular way. [Applause.]

I yield back the balance of my time, Mr. Speaker.

Mr. STAFFORD. Mr. Speaker, this bill per se is for the aggrandizement of the profits of the manufacturers at the expense of the consuming public.

There is not a garment that is worn by any Member of this House, if this bill were law at the time the design of that garment was created, that would not have to pay a tribute to the manufacturer. In the case of the very pattern or weave of the trousers worn by the gentleman from Connecticut, when designed by the weaver of that garment originally, the manufacturer could prevent any other manufacturer using that pattern in the manufacture of the same garment.

Gentlemen will remember how popular a few years ago the little stripe in blue worsted was as woven in men's clothes. Any manufacturer having in his employ the designer who created that little stripe would be able to levy tribute based upon what the traffic would bear, and what the traffic would bear was Dame Fashion, and they could exact this tribute from the entire consuming public. The person who created the cuff that most of us wear on our summer trousers, if designed by a designer for some tailor who got a copyright, under the terms of this bill could exact a tribute from every person who would ask to have his trousers cut with a cuff. The same is true with respect to the design of your neckties; the same is true with respect to the design of your collars and every other character of wearing apparel.

Take, for instance, the bags that the women carry or the Gladstone bags, there is no patent on those bags to-day, because, under the patent law, something more than originality is required. The patent law requires novelty.

And permit me to say, parenthetically, this bill is a sweet sister to the bill we had up the other day, in that as that bill was framed by certain selfish attorneys, so this bill, as the hearings show, was framed by one patent attorney and then accepted and adopted by the Committee on Patents in toto.

Now, wherein do they try to ease up the criticism from the public, so far as patterns of clothes are concerned? They will permit a dressmaker to copy a pattern at the request of an individual, but everyone knows who knows anything about textiles and the clothing industry to-day knows that conditions of manufacture of clothes have changed. My mother and your mother made their aprons, made their garments and dresses, but to-day, as the gentleman from New Jersey knows, they are manufactured in large quantities and the housewives no longer make garments as they did in years gone by.

This bill is designed to take away from the poor working girl the right to wear the same pattern of goods that the wealthy people do. That is the main purpose of the bill.

We have gotten along pretty well these years under the present patent design law, because it requires more than originality, it requires novelty.

I appeal to those here who know anything about patent law—and I know but little about it myself—under existing patent law there must be novelty, something more than giving an idea to a mechanic and saying do so and so.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. O'CONNOR of Oklahoma. This covers everything from an original sale to a permanent wave, does it not? [Laughter.]

Mr. STAFFORD. Yes; it even would include the originator of the marcel wave. [Laughter.] There is no question about it. Its purpose is to create a monopoly in manufactures of certain designs.

Now, the manufacturer of woolen garments, or the manufacturer of wall paper, under existing practice, gets out certain designs, and they have samples sent around the country. If they have novelty, they get the benefit of the design. It does not prevent their designs being copied the next year. But this would grant a patent on a design, not for one season but for 20 years.

Again, under this bill all that it is necessary for the beneficiary is to send a photograph of the design to the Library of Congress and as soon as it is received, without further investigation, without any search as to its originality, or any search as to its novelty, a copyright is granted, and any manufacturer who copies that design is liable to a penalty, to be determined by the Federal court, even without the benefit of a trial by jury.

Anyone who knows anything about patent law knows that it is the practice before an attorney applies for a patent to have a search made to see whether the patent has originality or novelty. There is no such protection here. They do allow a dressmaker to copy a design at the request of an individual, but there is no protection to the manufacturer. This bill absolutely creates a monopoly for the benefit of the manufacturer at the expense of the consuming public.

There is no time so inopportune as in the closing days of Congress to pass a bill like this to deprive the working classes of wearing the same design as the rich people without paying tribute to an exclusive manufacturer. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. STAFFORD. Mr. Speaker, I yield two minutes to the gentleman from Arkansas [Mr. GLOVER].

Mr. GLOVER. Mr. Speaker, I rise to call the attention of the House to only one section in the bill, as I can not discuss the bill in two minutes. I refer to section 18, paragraphs (a) and (b), which are to my mind a denial of the right of trial by jury both in criminal and civil cases. I read the first part of section 18:

SEC. 18. (a) Any person who shall register a design under this act, knowing or having reason to know that the design is not an original work of authorship of the person named as author in the application for registration, or knowing or having reason to know that the ownership of the copyright therein is falsely stated in the application for registration, shall be guilty of a misdemeanor punishable by a fine of $2,500, or such part thereof as the court may determine.

I read now paragraph (b), which applies to the civil feature:

(b) Any person who shall bring an action or suit for infringement of a design alleged to be protected under this act, and known by the plaintiff to be not an original work of authorship of the person alleged to be the author of said design, shall, upon due showing of such knowledge, be liable in the sum of $2,500, or such part thereof as the court may determine, as compensation to the defendant to be charged against the plaintiff and paid to the defendant in addition to the customary costs.

Mr. LANHAM. The gentleman is familiar with the fact that these copyright matters are matters of Federal procedure?

Mr. GLOVER. That is true, but this will be tried before a Federal judge, and one has as much right to a trial by jury in a Federal court as in a State court.

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Speaker and colleagues, I think the pending bill (H. R. 11852) is bad legislation. If the Members had time to study this measure and analyze its provisions, I am sure they would not vote for it. It is not being given the consideration that legislation of this character should receive. This bill is brought in here on the eve of adjournment, and instead of being considered in the usual way with opportunity to debate and amend the bill, it is suddenly and without warning brought before the House and a motion made to suspend the rules and pass the measure.

Under this procedure only 40 minutes are allowed debate, divided equally between those who favor and those who oppose the measure. Obviously, this is not sufficient time to analyze and debate such a comprehensive measure as the one we are now called upon to enact. If this measure is meritorious it should have been considered in the usual way and ample time allowed for debate. Important and far-reaching legislation of this character should not be railroaded through Congress in the closing days of the session when no adequate time is allowed for its proper consideration.

This bill provides for the registration and copyright of designs, and prescribes severe penalties for infringement. If it becomes a law it will revolutionize the mercantile industry in the United States. It will create a multitude of monopolies. It will materially increase the cost of fabrics and commodities to the consuming public. It will stifle competition.

Under the patent laws, a patent may be granted to anyone who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement thereof, not known or used by others in this country before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, and not in public use or on sale in this country, and so forth; that is to say, the article must be a new or novel invention and not previously used or on sale.

Patents are issued on the theory that the applicant has really devised, discovered, or invented something new, novel, and not previously in use, and not merely an inconsequential change in another device, pattern, or design. But everything that is new is not necessarily patentable. Now, I am not opposed to the granting of patents and copyrights if the applicant has really discovered, devised, produced, or invented something that is really new and useful. But every little change or deviation from another article and every change or deviation from a design, pattern of something else in general use, is not necessarily patentable.

The danger in the pending bill is that thousands of copyrights will be granted on patterns and designs that are not in reality new, novel, or substantially different from others which have been long in use. Under the provisions of this bill, designs that are but little different from others long in use will be copyrighted. A little change in the weave of a fabric, a little change in the design of lace, linen, silk, or other cloth, a little change in the embroidery, ornaments, or cut of a dress, and other inconsequential changes will entitle the applicant to a copyright and freedom from competition, although the change in the pattern or design is trivial.

There are few patterns and designs in these days that are in reality new and novel. Nearly all so-called new designs and patterns are but slight modifications or adaptations of styles, designs, and patterns that are as old as civilization. Take cloths and other fabrics; very few changes have been made in centuries in their weave and structure. Many of the most popular patterns, designs, and figures are hundreds of years old. The figures printed on or woven in fabrics are as old as cloth making. Go into any store and ask the clerk to show you cotton, linen, wool, and other fabrics. He will show you bolt after bolt of cloth with an infinite variety of figures and patterns, yet practically every one of them was used by weavers as far back as old King Tut. Most of the embroidery patterns are either duplicates or a slight modification of patterns, designs, and figures that have been used for hundreds or perhaps thousands of years. In architecture practically every detail and embellishment is copied from some famous building of antiquity.

To illustrate the point I am trying to make, I have here a volume of the Encyclopedia Americana. Under the article descriptive of Egypt I find reproductions of embellishments from the Hathoric columns in the Temple of Dendena; another from a temple in the valley of El Assassie, near ancient Thebes; and another from the ornate Hall of Columns in the ancient Temple of Karnac. These illustrations show a multitude of figures and patterns, symmetrical, well rounded, some angular, and almost every conceivable shape. Many of the figures, patterns, and designs that adorn these monuments of ancient splendor are now used, and have been used from time immemorial, as patterns, figures, and designs on printed or woven fabrics.

The point I make is that these so-called new patterns, designs, and figures are not in reality new or novel, and were not discovered, originated, or invented by the makers of cloth in this day and generation. These so-called new designs are not the fruit of the intellect or artistic genius of the modern weaver or designer. Practically all of these designs and patterns which will be copyrighted and protected by this bill, are copies of figures and patterns that are age old. Of course, a change may be made here and a modification there, but in reality these so-called new designs and patterns were not originated in the present generation, but by men and women who lived in past ages.

Under the provisions of this bill you are making it possible for men to secure a copyright on patterns, figures, and designs that embellished the temples and tombs of the ancient Babylonians, Assyrians, Phœnicians, Egyptians, Greeks, Romans, and Aztecs. Practically all figures, designs, and patterns that embellish twentieth-century cloths, fabrics, and costumes are the products of antiquity.

It is surprising how many things that are supposed to be the creations of the present age are in reality inherited from the ancients. To illustrate: In the tombs of Egypt have been found shoe eyelets the exact counterpart of the modern shoe eyelet; also baby moccasins made of leather so nearly like our leather and embroidered so nearly like baby moccasins are embroidered in this age that experts would have difficulty in telling which was made in Lynn, Mass., and which came from the Egyptian tombs; also instruments exactly like the dental tools of this day; also toys like those we give our children at Christmas time; chess and checkers, goldsmith work, and products of the use of the blowpipe in glassmaking. Why, gentlemen, under the provisions of this bill it is possible for some Connecticut Yankee to get copyrights on designs and figures that were hoary with age when Abraham came out of Ur of the Chaldees. There are many objections to this bill which can not be pointed out in two minutes. Suffice it to say that the measure is loosely drawn and its passage will not be wholesome. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. VESTAL. I yield two minutes to the gentleman from Kansas [Mr. STRONG].

The SPEAKER. The gentleman from Kansas is recognized for two minutes.

Mr. STRONG of Kansas. Mr. Speaker and Members of the House, it seems to me that legislation of this kind has a tendency to let the manufacturer and designers do some more price fixing. If that is true, it means an additional burden on the consumer.

I think we are going out of our way to protect the people who design and manufacture that which the public must buy. I do not think that we give them a monopoly on every design, every new fabric or style in dress goods or hats or cloths of any kind to an extent where it will become a monopoly and increase the present wide spread between the manufacturer and the purchaser. Therefore I think that legislation of this kind ought to have more careful consideration than has been given it, for, as I understand, the manufacturers, the artists, the designers, and so forth, were given full opportunity to present their sides of this proposition in the hearings. But the people at home, who must buy the products which these people design and make under the protection of this law, have not been heard.

Mr. GARRETT. Mr. Speaker, will the gentleman yield there?

Mr. STRONG of Kansas. Yes.

Mr. GARRETT. I understand they have had hearings on this subject for six years.

Mr. STRONG of Kansas. It would depend altogether on whose interests they listened to. If they heard only the manufacturers and designers alone for six years, the buying public would not derive much benefit from the enactment of this law.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. STAFFORD. Mr. Speaker and Members of the House, in closing, let me say that this bill, as I said originally, would take away the competition that now exists in the manufacturing industries, as in the respective lines of furniture, wearing apparel, and wall paper, and every other conceivable kind of manufacture. If you are willing to give the manufacturer who employs a designer who gets out an original idea, but not a novel one, the right to charge a price to the consuming public for a period of years as Dame Fashion says it is desirable, go ahead and do it; but you are extending the patent laws beyond what they now provide, because the patent laws provide that designs must not only be original but have novelty. In addition to that, there is nothing in the hearings to show that the consuming class were heard at any time during these six years in which hearings are said to have been had.

Mr. VESTAL. Mr. Speaker, I yield from the remainder of my time to the gentleman from Iowa [Mr. LETTS] such of it as he may desire.

The SPEAKER. The gentleman from Iowa is recognized.

Mr. LETTS. Mr. Speaker and Members of the House, this bill should meet with the approval of every fair-minded man, in my judgment. It is framed and advocated entirely for the purpose of making competition among manufacturers honest. It will prevent the dishonest and unscrupulous manufacturer from taking for his own use a design which has been produced by the skill, ingenuity, invention, and expense of a competing manufacturer. It will prevent the unscrupulous manufacturer from taking advantage of the fact that a design has been made public, and in that way take away from the designer the benefits that he ought to enjoy from that which he has produced at his own expense and by his own skill and art.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. LETTS. Yes; I gladly yield to my friend from Missouri.

Mr. COCHRAN of Missouri. Due to the agreement with foreign countries, the same protection that you accord to the American designer is also extended to the foreign designer under this bill?

Mr. LETTS. Yes.

Mr. COLE. Mr. Speaker, will the gentleman yield?

Mr. LETTS. Yes; I yield to my colleague.

Mr. COLE. We are all interested in the working girl. How does it affect her?

Mr. LETTS. Many of the girls that work in shops develop an ability to design patterns, and are given better employment and better pay because of the skill they acquire in that way.

Very often they become very important in the organization of a manufacturing establishment and enable manufacturers to put on the market new designs, as the market requires. As is well known, it is necessary continually to bring into the market new designs. Sometimes patterns are used only for a few months or a very short time. The manufacturer must always be able to supply the market with something new to take the place of a design that is cast aside when the style taste of the public demands a change.

Mr. Speaker, this bill has received very careful consideration by the committee. It is important that it should pass, and it is deserved by manufacturers who are honestly making an effort to meet the demands of the market.

Mr. VESTAL. Mr. Speaker, I yield the balance of my time to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Speaker, I do not think at this time I can add much to the discussion, but I want to emphasize the fact that this bill does not in any sense grant a monopoly to anybody on any kind of goods.

As one gentleman said, this will make honest competition. I want to point out that you are not striking altogether at manufacturers. Some people think that because manufacturers may be wealthy they may be treated unfairly. But you are striking at the young and expert designers, both men and women, and lowering the standard of design in American goods. The other day a young man who was just starting in business came to see me. He had an order from a large department store in New York for 12,000 yards of goods. They furnished the goods and he printed them. They told him if he could have protection they would have given him an order for 120,000 yards, but they knew the goods would be all over New York inside of one week after they were placed in their windows.

The gentleman said that as a consequence of this bill the consumers will pay higher prices. I deny that, because I think the competition will keep the prices down, and the manufacturer whose designs are protected can, because of greater production, afford lower prices. There is no more reason or equity in allowing competitors to steal a man's designs than in allowing him to steal the goods on which the design appears.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 125, noes 33.

Mr. STAFFORD. Mr. Speaker, I challenge the vote on the ground that there is not a quorum present.

The SPEAKER. Does the gentleman insist on his point?

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. How many are required to order tellers on this vote?

The SPEAKER. Forty-four.

Mr. STAFFORD. I withdraw the point of no quorum, and ask for tellers, Mr. Speaker.

Tellers were ordered, and the Speaker appointed as tellers Mr. VESTAL and Mr. STAFFORD.

The House divided; and the tellers reported that there were—ayes 112 and noes 26.

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

DEPORTATION OF ALIENS CONVICTED OF VIOLATION OF HARRISON NARCOTIC LAW

Mr. FISH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3394) to amend section 19 of the immigration act of 1917 by providing for the deportation of an alien convicted in violation of the Harrison narcotic law and amendments thereto.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to hear the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That any alien who, after the enactment of this act, shall violate or conspire to violate any statute of the United States taxing, prohibiting, or regulating the manufacture, production, compounding, possession, use, sale, exchange, dispensing, giving away, transportation, importation, or exportation of opium, coca leaves, heroin, or any salt, derivative, or preparation of opium or coca leaves, shall be taken into custody and deported in manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States."

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I raised the objection to the bill when it was originally considered on the Consent Calendar that under the terms of the bill any helpless addict of opium or its derivatives, in case he was an alien, would be deportable. It outrages my sense of justice to an unfortunate user of opium who chances to be an alien, and I object——

Mr. FISH. I have an amendment to offer which I think will meet the gentleman's point.

Mr. O'CONNOR of New York. Reserving the right to object——

Mr. STAFFORD. May the amendment be read?

Mr. FISH. Mr. Speaker, I intend to offer an amendment and I ask unanimous consent that it be read as a matter of information at this time.

The SPEAKER. Without objection, the amendment will be read for information.

There was no objection.

The Clerk read as follows:

Amendment by Mr. FISH: Page 1, line 3, after the word "alien," insert the words "except an addict, not a dealer or peddler."

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. FISH. I yield.

Mr. SCHAFER of Wisconsin. The provisions of this bill would not apply to one who sells a drink, nationally advertised and consumed, manufactured in Atlanta, Ga., by a company which has done more than any other institution or anybody to bring about the sumptuary prohibition law, whose product has been found, upon examination, to contain derivatives of cocaine, would it?

Mr. FISH. No; it would not.

Mr. O'CONNOR of New York. Reserving the right to object, the gentleman's amendment goes somewhat in the direction I had in mind. The criminal the gentleman is trying to get at is the distributor?

Mr. FISH. The dealer and peddler; yes.

Mr. O'CONNOR of New York. But there is still in the bill a matter which I object to, "possession."

Mr. FISH. But that would not make any difference unless the man is a dealer or peddler. That is excepted.

Mr. O'CONNOR of New York. But this point has not been covered. The bill reads "except an addict." I could imagine an alien child, not an addict, having this stuff in its possession, somewhat innocently, or not criminally guilty, and yet he could be deported. The gentleman does not want that.

Mr. FISH. I certainly do not.

Mr. O'CONNOR of New York. Why does the gentleman not leave out the possession and simply make it the seller?

Mr. FISH. I am willing to strike out the word "possession."

Mr. JOHNSON of Washington. I wish the gentleman would do that. The entire House is unanimous on this. We want to get the big fellow.

Mr. STAFFORD. Will the gentleman yield?

Mr. FISH. I yield.

Mr. STAFFORD. I stated in private conversation with the gentleman from New York that the bill should be framed so as to be limited to dealers and peddlers. As pointed out by the gentleman from New York [Mr. O'CONNOR], I also stated that there might be an individual who happened to use opium once but who was not an addict, and yet he would be deportable.

It is inconceivable to me that any committee would report a bill of this drastic character, which would deport addicts just because they are aliens. I think this bill should go over until to-morrow.

Mr. FISH. I will accept the amendment to strike out the word "possession" in line 6.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I think the matter should go over until to-morrow. I object for the time being.

STABILIZATION OF INDUSTRY AND PREVENTION OF UNEMPLOYMENT

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 3059, to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table Senate bill 3059, insist on the House amendments, and agree to the conference asked by the Senate. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. DYER. I object.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. COOPER of Wisconsin (at the request of Mr. FREAR), for the remainder of the session, because of accident.

To Mr. CHASE (at the request of Mr. LEECH), on account of illness of wife.

To Mr. LAGUARDIA, for the remainder of the session, on account of official business.

ADDRESS BY HON. RICHARD B. WIGGLESWORTH, OF MASSACHUSETTS

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by my colleague Representative WIGGLESWORTH before the School of Politics.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MARTIN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address by my colleague, Mr. WIGGLESWORTH, before the School of Politics, Washington, D. C., April 9, 1930:

It appears probable that the world will witness in the very near future the inauguration of the Young plan for the solution of the reparation problem, a problem which for more than 10 years has defied solution and jeopardized the cause of world reconstruction and peace, affecting directly as it has no less than 12 nations with a total population of over 450,000,000 of people, and indirectly to an even greater extent. The beginning of operations under the new plan will constitute an event of the utmost significance.

We all recall the conditions in Europe prior to the adoption of the Dawes plan in 1924—the undertaking by Germany in June of 1919, under the treaty of Versailles, to pay reparation to the allied and associated powers for damage suffered by their civilian populations; the subsequent fixing by the Reparation Commission of the total sum to be paid on reparation account at 132,000,000,000 gold marks; the deadlock in respect to reparation payments lasting for more than four years; the occupation of the Ruhr in January of 1923 by the armies of France and Belgium; the period of "passive resistance"; Germany threatened with disaster after an unparalleled inflation which resulted in reducing the value of its currency to such an extent as ultimately to require a million million marks to equal the pre-war value of a single mark; Europe as a whole, in the absence of an adjustment of the reparation problem, facing a situation of the utmost gravity.

It was as a result of these conditions that the Reparation Commission saw fit in December of 1923 to appoint the first committee of experts charged to "consider the means of balancing the budget and the measures to be taken to stabilize the currency" of Germany. The committee consisted of 12 representatives, 2 each from Belgium, France, Great Britain, Italy, Japan, and in addition two gifted American citizens, Charles G. Dawes and Owen D. Young.

The committee began its work on January 14, 1924, and presented its report to the Reparation Commission in April, its recommendations being adopted by the governments concerned at the London conference on August 16 and being put into actual operation as of September 1, 1924.

Certain features of the plan are perhaps worth while emphasizing. It recognized the necessity of restoring the fiscal and economic unity of Germany. It aimed to assist Germany to place itself in a position to discharge its obligations. Such foreign controls as were created were accordingly those designed to assist by cooperation in the new work of reconstruction rather than those which would have served to deprive Germany of the responsibility of administration. It fixed definite sums to be paid in each year by Germany and specified that they should be inclusive in character, thus eliminating the possibility of unexpected demands on the German economy. It divorced the problem of internal payments in German currency from that of their transfer into the foreign currencies of the various creditor nations providing for a transfer committee to regulate the transfers in such manner as to avoid endangering the German exchange. It recognized throughout the principle of arbitration. It sought to determine Ger-

many's capacity to pay not by means of estimate but by means of actual demonstration. It emphasized the fact that "the reconstruction of Germany was not an end in itself" but "only a part of the larger problem of the reconstruction of Europe."

I shall not attempt any detailed description of the organizations provided for under the plan. Under its terms the Reichsbank was reorganized and made independent of the German Government. The German Railway Co., a private company independent of the government, was also created. Provision was made for the issue of first mortgage reparation bonds by the German Railway Co. in the amount of 11,000,000,000 of gold marks, and by German industry in the amount of 5,000,000,000. A loan in the amount of approximately 800,000,000 gold marks for the purpose, among others, of assuring currency stability, was issued in the markets of nine different countries, and arrangements were completed for securing both loan and reparation payments through the assignment of specified revenues of the German Government to a representative of the creditor nations. Provision was made for representation on behalf of the creditor powers throughout the organizations created under the plan, the foreign controls being centralized and coordinated through the medium of two committees, a coordinating board of six members (American, Belgian, British, Dutch, French, and Italian) and a transfer committee of six members (American (2), Belgian, British, French, Italian), the Agent General for Reparation Payments, a former Undersecretary of the Treasury, S. Parker Gilbert, being chairman of both committees. The organizations included, all told, about 135 persons of the nationalities specified.

Payments called for under the plan amounted in the first year to 1,000,000,000 gold marks, increasing each year thereafter until, in the fifth and succeeding years, they were to amount to 2,500,000,000 gold marks, subject to certain fluctuations in the light of economic conditions prevailing from time to time in Germany. These payments, derived in part from federal revenues, in part from the German Railway Co., and in part from German industry, were to be made in German currency to the agent general, and were subsequently to be made available to the creditor nations, either through deliveries in kind or through the purchase of the necessary foreign currencies, in so far as authorized by the transfer committee, with due regard to the safety of the German currency. Their distribution to the 11 creditor nations was, of course, to depend upon agreements concluded between themselves, the principal agreement in this connection being concluded in Paris in January of 1925.

The success of the Dawes plan is unquestioned. Its success has been due in no small measure to the outstanding ability, tact, and ceaseless energy of the agent general, who has won the confidence of every government in Europe. It has also been due to the cooperation steadily afforded by the creditor governments, the German Government, and the various agencies connected with the plan.

Under its provisions, during the 5-year period ended September 1, 1929, no less than 8,000,000,000 gold marks were regularly collected within Germany and made available by orderly process to the several creditor nations. Removing as it did the entire problem of reparation payments from the former field of political controversy, and applying to its solution the test of practical administration, it marked the turning point in the road to the reconstruction of Germany, regarded by the experts as a part of "the larger problem of the reconstruction of Europe."

The Dawes plan was not, however, a definitive solution of the reparation problem. It did not attempt such a solution. It was designed, to use the words of the experts, merely to extend "in its application over a sufficient time to restore confidence and at the same time * * * to facilitate a final and comprehensive agreement as to all the problems of reparation and connected questions as soon as circumstances make this possible."

On September 16, 1928, representatives of the principal creditor powers decided that the time for a final settlement had arrived. It was agreed to entrust the matter to the hands of a new committee of experts. The committee was organized, and as a result of its efforts it appears that the Dawes plan is about to make way for its logical and lawful successor the Young plan—or the new plan, as it is officially designated.

The new committee, of 14 members, like its predecessor, consisted of two representatives each from the countries principally concerned, as well as two American citizens, Mr. Young and Mr. Morgan. It differed, however, from the previous committee in that for the first time representation was accorded to debtor as well as to creditor. It began its labors on January 1, 1929, concluding them on the 7th day of June, after 17 weeks of the most difficult negotiation. The report of the committee was accepted by representatives of the interested governments after further and difficult negotiation at the conference at The Hague. This conference consisted of two phases, the first ending on August 31, when the plan was approved in principle, the second ending a few weeks ago, on January 20, when the plan as a whole, including recommendations of the several organization committees prepared in the interim, was accepted in full, subject to the necessary ratifications by the several governments. Ratification has been accorded by the German Reichstag and by both Houses of the French Parliament. Three other ratifications are required. Those of Belgium, Great Britain, and Italy are anticipated promptly. It is possible that the new plan may actually go into effect on the 1st day of May.

I shall not impose upon your time or good nature with unnecessary detail. I shall simply emphasize, if I may, several features of the new plan as compared with those of its predecessor.

First and foremost, as already indicated, the Dawes plan was not intended to be a definitive solution of the reparation problem. It merely offered a means for obtaining the necessary evidence, over a reasonable period of time, upon which such a solution might be based. The Young plan endeavors to supply a final and complete solution in the light of that evidence.

Second, under the Dawes plan the German economy has been subject to a series of foreign controls in the interests of the creditor nations, to which I have referred. Under the Young plan complete financial autonomy is restored to Germany. The reparation commission created under the treaty of Versailles, the agent general for reparation payments, the transfer committee, the coordinating board, and all other organizations, with the exception of an arbitration tribunal, created under the Dawes plan pass into history. Such financial functions as remain to be exercised in the future are intrusted to a new organization removed from the political field to be known as the Bank for International Settlements.

Third, instead of a varying annuity amounting at its maximum to 2,500,000,000 gold marks more or less payable over an indefinite period of time, a fixed schedule of payments is provided for averaging about 2,000,000,000 gold marks for a period of 37 years and about 1,600,000,000 for a further period of 22 years. All sums called for will be payable out of Federal revenues and receipts from the German Railway Co. The reparation mortgages imposed on that company and upon German industry, of which mention has been made, aggregating in principal amount 16,000,000,000 gold marks, are to be canceled.

Fourth. The protection of the transfer committee having been removed, the German Government is accorded the option, under specified conditions, to postpone for a maximum period of two years, the transfer, and, to a less extent, the payment of a portion of the annuity payable in any year, subject to an interest penalty on deferred payments.

Fifth. The creditor nations, on the other hand, are accorded the option to sell on the markets of the world, bonds of the German Government, the interest and sinking-fund payments in respect to which will be paid out of that portion of the annuity which is not postponable under any conditions.

This option is one to which particular importance was attached during the negotiations. It, of course, permits the realization of the principal amount of any bonds sold instead of interest and sinking-fund payments only. Under existing conditions the total principal amount of such bonds which could be commercialized in this way over a period of 37 years would seem to be something over $2,000,000,000. It is understood that an issue in the equivalent of about $300,000,000 may be offered in the near future, about $75,000,000 to be available in America.

Sixth. The new plan contemplates the settlement of all outstanding questions in respect to reparations, not only with reference to Germany but also with reference to Austria, Hungary, and Bulgaria. It has also afforded the basis for settlement of the long-standing Belgium claim in respect to German currency issued during the period of Belgian occupation and for the early evacuation of zones 2, 3, and 4 of the occupied territory of the Rhineland.

The new plan, in a word, aims to "continue and complete" the work of the Dawes plan, affording the debtor nation a normal incentive to discharge its indebtedness and removing uncertainties which have heretofore played an increasing part in the economic and financial affairs of Europe.

The bank for international settlement is perhaps the most striking feature in the new plan. It is to be set up in Switzerland with an authorized capital of about $100,000,000, or the equivalent. According to its statutes its functions are threefold: To act as trustee and agent in regard to international financial settlements entrusted to it under agreement with the parties concerned; to promote the cooperation of central banks; and to provide additional facilities for international financial operations. The control and management of the bank are placed in the hands of the interested central banks. The statutes expressly provide that "the operations of the bank shall be in conformity with the monetary policy of the central banks of the countries concerned," that "before any financial operation is carried out by or on behalf of the bank on a given market or in a given currency the board shall afford to the central bank or central banks directly concerned an opportunity to dissent," and that "in the event of disapproval being expressed within such reasonable time as the board shall specify the proposed operation shall not take place." The bank will of course exercise its functions as trustee and agent for the administration of the Young plan. Just what further functions it may eventually assume would seem to depend entirely upon the decision of the interested central banks.

Last summer it was my privilege to be in Geneva for several days at a meeting of the Interparliamentary Union at just the time when the new plan was accepted in principle at the first phase of the conference at The Hague. I found the greatest significance attached by all to

the decision. One eminent statesman of another land, speaking at a luncheon which I attended, gave it as his opinion that with the acceptance of the plan it could be fairly said for the first time that the World War was definitely terminated.

It may fairly be said that it has required more than six years of ceaseless and tactful endeavor to bring the new plan to its present position. If it in fact proves acceptable to all concerned, I personally believe that we as Americans may always take just pride in the contribution made to the cause of world reconstruction and peace by those outstanding American citizens who have been responsible in such large measure for the solution of the reparation problem.

ADDRESS OF HON. ALBERT H. VESTAL, OF INDIANA

Mr. ENGLEBRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing an address made over the radio by the Hon. ALBERT VESTAL.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ENGLEBRIGHT. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a most able and instructive address made over the radio on January 28, 1930, by my colleague, Hon. ALBERT H. VESTAL, of Indiana, on the subject of Legislative Procedure in the Congress of the United States.

The address is as follows:

LEGISLATIVE PROCEDURE IN THE CONGRESS OF THE UNITED STATES

Ladies and gentlemen of the radio audience, I have been asked to speak to you a few minutes to-night over station WRC, on the subject Defense of Congress. The management of this station has informed me that hundreds of letters are received by it every year, the tenor of which would indicate that the writers believe Congress is negligent in its work and that the Members are loafing on the job. My judgment is that the criticism made of Congress arises largely from the fact that the vast majority of our people have no conception of how legislation is enacted into law. They are not aware of the great number of legislative proposals submitted nor are they aware of the great amount of propaganda that comes to each Member of Congress daily; nor are they aware of the thousand and one other things that Congressmen are asked by their constitutents to do, aside from their legislative duties. So, for the benefit of my listeners who are prone to criticize, I am going to talk in a general way about how legislation is enacted. I am sure that if the people generally knew the course any legislative proposal must take, and the thoughtful consideration and attention given to it by the Members, there would be less tendency to criticize what apparently seems to be delay and dilatory tactics.

Few people realize the magnitude of the job confronting Members of Congress. As representatives, we are legislating for more than 120,000,000 people distributed over 48 States, the Territory of Alaska, the Philippine Islands, Hawaii, and Porto Rico. In the Continental United States the problems of one section may be quite different from those in another, yet it is the duty of the Members of Congress to legislate not for any particular section of the country but in the interest of the Nation as a whole.

The problems have become so numerous and so complex that it is impossible for the membership to study and thoroughly acquaint itself with each and every proposal submitted in the form of a bill. There are introduced sometimes as many as 15,000 legislative proposals in a single session of Congress. The work, therefore, must be divided among committees and the committees divided into subcommittees, in order that these proposals may be given ample consideration. I am sure that all my listeners will agree with me that it is just as important that bad legislation be defeated as it is that proper and sane legislation be enacted; so that each bill, before it is finally acted upon by the House as a whole, is carefully studied by the committee to which it has been referred.

There are in the House 45 such committees, and almost as many in the Senate. When any bill or legislative proposal is submitted in either the House or the Senate it is referred to the proper committee having to do with that particular phase of legislation. It then becomes the duty of that committee to seek the facts upon which the proposal is based, which is done by holding committee hearings to which all persons interested, both for and against the proposal, are invited and fully heard. These hearings may run over a period of weeks. After they are concluded and all the facts elicited, the responsibility then devolves upon the committee to say whether in its judgment such proposal is good and meritorious legislation and, if so, report it to the House with the recommendation that it be enacted into law. If the committee so finds, a written report is prepared and printed, and with the bill filed in the House and placed on the calendar. If, however, a minority of the committee feel that the bill is not meritorious and should not be enacted, they file a minority report, which is also placed with the bill on the calendar, and the entire membership of the House then has the opportunity to acquaint themselves with the scope and purpose of the proposal. If, on the other hand, a majority of the committee having the bill under consideration vote against a favorable report, the bill is not considered any further nor does it leave the committee.

The next step in the program is consideration of the measure by the House. When the bill is called up by the chairman of the committee responsible for it having been reported, the House resolves itself into what is called the Committee of the Whole House on the state of the Union, where the bill is open for discussion and for amendment. When such debate and consideration has been concluded, the Committee of the Whole House reports the measure back to the House with the recommendation that the same be passed, and the House then votes upon it. If the bill is passed, it is engrossed and messaged to the Senate, where it must go through the same procedure that I have outlined.

The Senate committee having jurisdiction of the bill conducts additional hearings, if necessary, and reports the bill to the Senate, where it must be acted upon by the Senate. If the bill as passed by the House is amended in any particular by the Senate, then the House must either agree to the amendments, or a conference committee must be appointed to consider the amendments. This conference committee consists of Members appointed by the Vice President in the Senate and the Speaker in the House, and their duties are to try to harmonize the differences proposed by the amendments. If this is accomplished, the conference committee report must then be adopted by both the House and the Senate. The bill is then signed by the Speaker and the Vice President and sent to the President for his action. If confirmed by him, it then becomes a law.

Should the President not approve any measure so sent to him after passage by the House and Senate, he may veto the bill and return it to the House with a veto message giving his reasons therefor. The bill then becomes a law irrespective of the veto if both the House and Senate pass the measure by a two-thirds vote. During the present session the President has exercised his veto power twice. The bill providing for the coinage of 10,000 silver pieces in commemoration of the one hundred and fiftieth anniversary of the Gadsden Purchase was vetoed, and the House and Senate promptly sustained the President's action. The other measure was the Spanish War pension bill, which became a law when both the House and Senate overrode the President's veto.

During the Seventy-first Congress and up to the present time, there have been already enacted 430 public laws, 95 public resolutions, and 122 private laws; so it is readily seen that with conditions as they exist in the different districts throughout the United States, and the divergence of opinion that is bound to occur in legislative proposals introduced by various Members looking to the interest of his particular district, much time must be consumed in bringing about wholesome legislation that will not adversely affect some particular part of the country. So, as to any criticism of delay in the passage of specific legislation, I would answer that is not because of the failure of Members to do their work, but because of the magnitude of that work and their honest endeavor to pass only such legislation as will be of a constructive nature and in the interests of the people of the Nation as a whole.

Legislation can not and should not be enacted hastily. The procedure I have already outlined shows conclusively the careful study and consideration given every proposal filed; and I am sure the House acts as promptly as it is possible to act, upon every matter reported to it. While personally I believe that possibly too much time is taken in the Senate under its rule of unlimited debate, yet unless some one or two persons are inclined to filibuster, the rule of the Senate does not in many cases operate to hinder the enactment of legislation. Controversies arise which take time to smooth out. Divided opinion exists and it is probably better for the general information of the country to have every phase of legislation fully discussed before final action is taken.

The membership of the House must be elected every two years, and, of course, each is anxious to please his or her constituents, because it is to them we look for political support; but from my nearly 14 years' experience as a Member, I give as my judgment, taking it by and large, that the men and women of this body are fairly well representative of their constituency. They are honest, well-informed, and desirous of doing those things in the enactment of legislation, which will reflect credit upon their work as legislators and be of benefit to the country.

There is no forum in the world where men and women have as great an opportunity to make good as in the Congress of the United States, and if a Member fails to measure up, he does not long remain a Member. The character and standing of any Member of the House depends very largely upon the character and the standing of the people he represents here.

ORDER OF BUSINESS

Mr. CONNERY. Mr. Speaker, I would like to ask the Republican leader a question. Is there any possibility of the Couzens resolution coming before the House before we adjourn?

Mr. TILSON. Of course, I have no idea when we are going to adjourn and, therefore, I can not tell the gentleman. There are a number of resolutions the consideration of which will depend upon whether we adjourn promptly or not.

Mr. CONNERY. I asked the gentleman because I heard during the afternoon that there was a possibility of the Couzens resolution being reported out of the committee and coming up in the House to-morrow. If that is so, I would like to know it.

Mr. TILSON. I doubt it very seriously, because there are a number of things to go ahead of it.

Mr. PARKER. I will say to the gentleman that the gentleman from New York [Mr. MEAD] asked me that same question to-day when I was discussing an appropriation, and I said I hoped to bring up the amended resolution before Congress adjourned.

Mr. CONNERY. I hope we will get it up.

HOUR OF MEETING

Mr. TILSON. Mr. Speaker, I have been requested by a number of Members to ask that the House meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. STAFFORD. Will the gentleman kindly take the House into his confidence and tell us whether there is any prospect, immediate or remote, of an adjournment before the Fourth of July?

Mr. TILSON. It seems to me there is only a very remote prospect of any adjournment, although certain Senators seem to be optimistic enough to believe they can finish their business to-morrow.

Mr. GARNER. May I ask the gentleman a question?

Mr. TILSON. Yes.

Mr. GARNER. There is a disposition to adjourn the Congress as soon as the veterans' bill and the District of Columbia bill are through? Is that correct?

Mr. TILSON. So far as we are concerned, there is a disposition to adjourn just as soon as possible.

Mr. GARNER. That does not answer the question. If you get through with the veterans' bill and the District of Columbia appropriation bill, is there anything to keep you from adjourning?

Mr. TILSON. There is nothing else that would keep me from adjourning, were it within my control, I can assure the gentleman. [Applause.]

Mr. GARNER. Well, let us get down to cases, as it were. I understand the disposition in the Senate is to dispose of these two measures and adjourn to-morrow afternoon by 6 o'clock.

Mr. TILSON. I hope the gentleman is right, but the gentleman knows more about the Senate than I do.

Mr. GARNER. I do not know that I know more about the Senate than the gentleman. I surely should not know more about it, but I know there is nothing else to keep us in session unless the gentleman from Connecticut wants to put something else in the way.

Mr. TILSON. I certainly do not wish to place anything in the way of the earliest possible adjournment.

Mr. KNUTSON. Are we not going to have something on railroad consolidation?

Mr. PATTERSON. Reserving the right to object, I want to ask our courteous majority leader a question. In case the Congress is not adjourned, there are several of us who have engagements out of town on the Fourth of July, but we want to be here all the time the Congress is in session from now on. I should like to know, in case the gentleman sees they are not going to adjourn the Congress to-morrow, whether we will recess over until Monday and begin anew. [Cries of "No!"]

I should like to know about that. I am only asking for an expression from the party leader who determines that question.

Mr. TILSON. Unfortunately, we of the House do not determine the entire question. If the Senate should adjourn to-morrow, with the business of the session unfinished, so that it would be necessary for us to return next week, personally I should favor adjourning over until Monday. I mean that if the Senate on to-morrow adjourns over until Monday, as I am informed it is the purpose of that body to do in case there is not a final adjournment to-morrow, then I think the House should also adjourn over the Fourth of July until Monday.

Mr. PATTERSON. So far as I am concerned that would suit me, and I would be willing to stay here until we get all of this legislation out of the way.

Mr. TILSON. The point of it is that our staying here alone does not advance the legislation at all when we are already far ahead of the Senate in our work.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

STABILIZATION OF INDUSTRY AND PREVENTION OF UNEMPLOYMENT

Mr. DYER. Mr. Speaker, I desire to withdraw my objection to the bill (S. 3059) going to conference.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3059) to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression, with House amendments, insist on the House amendments and agree to the conference asked by the Senate.

Mr. GARNER. Mr. Speaker, reserving the right to object, may I ask the gentleman whether the gentleman from Texas [Mr. SUMNERS] has been consulted about this?

Mr. GRAHAM. Yes; he will be on the conference committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. GRAHAM, DYER, and SUMNERS of Texas.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3395. An act authorizing the Commissioner of Narcotics to pay for information concerning violations of the narcotic laws of the United States;

H. R. 8271. An act for the relief of Brewster Agee;

H. R. 9347. An act for the relief of Sidney J. Lock; and

H. R. 9707. An act to authorize the incorporated town of Ketchikan, Alaska, to issue bonds in any sum not to exceed $1,000,000 for the purpose of acquiring public-utility properties, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3061. An act to amend section 4 of the act entitled "An act to create a Department of Labor," approved March 4, 1913; and

S. 4683. An act to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled bills, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On July 1, 1930:

H. R. 573. An act for the relief of Brazilla William Bramble;

H. R. 576. An act for the relief of Matthew Edward Murphy;

H. R. 3960. An act for the relief of Louis Nebel & Son; and

H. R. 4110. An act to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, U. S. Army.

On July 2, 1930:

H. R. 3395. An act authorizing the Commissioner of Narcotics to pay for information concerning violations of the narcotic laws of the United States;

H. R. 6127. An act to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands;

H. R. 10630. An act to authorize the President to consolidate and coordinate governmental activities affecting war veterans;

H. R. 11144. An act to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes;

H. R. 12602. An act to authorize an appropriation for construction at Carlisle Barracks, Pa.;

H. R. 12661. An act to authorize the acquisition of lands in Alameda and Marin Counties, Calif., and the construction of buildings and utilities thereon for military purposes;

H. J. Res. 372. Joint resolution authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island dated July 5, 1918;

H. J. Res. 388. Joint resolution making provision for continuation of construction of the United States Supreme Court Building; and

H. J. Res. 389. Joint resolution making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House, in accordance with its previous order, adjourned until to-morrow, Thursday, July 3, 1930, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KVALE: Committee on the Territories. H. R. 11368. A bill to fix the annual compensation of the secretary of the Territory of Alaska; without amendment (Rept. No. 2054). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on the Territories. S. 4142. An act to fix the salary of the Governor of the Territory of Alaska; without amendment (Rept. No. 2055). Referred to the Committee of the Whole House on the state of the Union.

Mr. PURNELL: Committee on Rules. H. Res. 288. A resolution sending H. R. 13174 to conference; without amendment (Rept. No. 2056). Ordered printed.

Mr. McLEOD: Committee on Patents. H. J. Res. 392. A joint resolution to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918; without amendment (Rept. No. 2057). Referred to the House Calendar.

Mr. SPEAKS: Committee on Military Affairs. H. R. 12918. A bill to amend the national defense act of June 3, 1916, as amended; with amendment (Rept. No. 2058). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9320) granting a pension to Mahala Turner, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHRISTGAU: A bill (H. R. 13275) to aid farmers in making regional readjustment in agricultural production to assist in preventing undesirable surpluses; to the Committee on Agriculture.

By Mr. LEAVITT: A bill (H. R. 13276) to establish the Needles Rocks wild life refuge; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 13277) granting an increase of pension to Amanda E. Rohm; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 13278) for the relief of William Charles La Duke; to the Committee on Naval Affairs.

By Mr. DOWELL: A bill (H. R. 13279) granting an increase of pension to Mary C. Wilson; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 13280) for the relief of the estate of Richard W. Meade, deceased; to the Committee on Claims.

By Mr. HOPE: A bill (H. R. 13281) granting a pension to William A. Symington; to the Committee on Pensions.

By Mr. LUDLOW: A bill (H. R. 13282) granting a pension to Frederica Carll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13283) granting an increase of pension to Anna M. Prendergast; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 13284) granting an increase of pension to Flora L. Prince; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13285) granting an increase of pension to Sarah M. Cameron; to the Committee on Invalid Pensions.

By Mr. NIEDRINGHAUS: A bill (H. R. 13286) granting an increase of pension to Dora Neun; to the Committee on Invalid Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 13287) granting a pension to Nancy Jane Crawford; to the Committee on Invalid Pensions.

By Mr. SEIBERLING: A bill (H. R. 13288) granting an increase of pension to Mary Dieddle; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 13289) granting an increase of pension to Sarah A. Haynes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13290) granting an increase of pension to Zilpha Taylor Eaton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7675. By Mr. CONNERY: Petition of United Spanish War Veterans, Department of Massachusetts, favoring the maintaining of an adequate Naval Reserve; to the Committee on Naval Affairs.

7676. By Mr. MEAD: Petition of Woman's Christian Temperance Union of Collins Center, N. Y., urging the enactment of laws re Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

7677. By Mr. YATES: Petition of Henry W. Figge, recording secretary Local No. 390, International Association of Machinists, Viking Temple, 3257 Sheffield Avenue, Chicago, Ill., urging Congress to pass the Saturday half holiday bill; to the Committee on the Civil Service.

7678. Also, petition of C. A. Gustofson, sales department, Well Pump Co., 219–221 West Chicago Avenue, Chicago, Ill, urging the defeat of House bill 10196, as in his opinion this legislation will reduce rather than increase revenues; to the Committee on the Post Office and Post Roads.

7679. Also, petition of the Illinois Retail Jewelers' Association, of Chicago, Ill., at their convention in Rockford, unanimously indorsing the Capper-Kelly fair trade bill, Henry T. Mortensen, secretary-treasurer; to the Committee on Interstate and Foreign Commerce.

SENATE

THURSDAY, *July 3, 1930*

The Rev. James W. Morris, D. D., assistant rector Church of the Epiphany, city of Washington, offered the following prayer:

Most gracious God and Heavenly Father, we praise Thy holy name for the manifestations of Thy merciful providence so graciously evident in the birth and history of our Nation. We give thanks to Thee for that Thou hast sustained us in sore trials and carried us through grievous temptations.

Be pleased to continue to us Thy beneficent care. Make all of our people, and especially those upon whom Thou hast laid the grave trust and heavy responsibility of governance, to be ever loyal to the principles of liberty upon which our God-fearing forefathers laid the foundations of this Republic.

We pray Thee to hear us for the sake of Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	McCulloch	Shortridge
Ashurst	Gillett	McKellar	Stephens
Barkley	Glass	McNary	Sullivan
Bingham	Goldsborough	Metcalf	Swanson
Black	Hale	Norris	Thomas, Idaho
Blaine	Harris	Nye	Thomas, Okla.
Borah	Harrison	Oddie	Townsend
Brock	Hastings	Patterson	Trammell
Capper	Hatfield	Phipps	Vandenberg
Caraway	Hayden	Pine	Wagner
Connally	Hebert	Pittman	Walcott
Copeland	Howell	Ransdell	Walsh, Mass.
Couzens	Johnson	Reed	Walsh, Mont.
Cutting	Jones	Robinson, Ind.	Watson
Dale	Kendrick	Robsion, Ky.	
Deneen	Keyes	Sheppard	
Fess	La Follette	Shipstead	

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families. Also, the junior Senator from Washington [Mr. DILL] is absent attending the sessions in Chicago of the special committee to investigate campaign expenditures.

Mr. SHIPSTEAD. I desire to announce the unavoidable absence of my colleague the junior Senator from Minnesota [Mr. SCHALL]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-five Senators have answered to their names. There is a quorum present.

NAMING A PRESIDING OFFICER

The Chief Clerk read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., July 3, 1930.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SIMEON D. FESS, a Senator from the State of Ohio, to perform the duties of the Chair this legislative day.

GEO. H. MOSES,
President pro tempore.

Mr. FESS took the chair as Presiding Officer and said: The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2828. An act authorizing commissioners or members of international tribunals to administer oaths, to subpœna witnesses and records, and to punish for contempt;

S. 4224. An act to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital; and

S. 4735. An act to increase the salary of the Commissioner of Customs.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12996) to authorize appropriations for construction at military posts, and for other purposes.

The message further announced that the House insisted on its amendments to the bill (S. 3059) to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRAHAM, Mr. DYER, and Mr. SUMNERS of Texas were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3394. An act to amend section 19 of the immigration act of 1917 by providing for the deportation of an alien convicted in violation of the Harrison narcotic law and amendments thereto; and

H. R. 11852. An act amending the Statutes of the United States to provide for copyright registration of designs.

The message further announced that the House had agreed to the following concurrent resolution (H. Con. Res. 43), in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the letting of contracts and the beginning of construction under the several acts of Congress heretofore enacted authorizing the construction of public buildings and the prosecution of other public works and improvements throughout the United States and appropriation acts enacted pursuant thereto, shall be expedited to the fullest extent possible, within the limitations provided by law, to the end that unemployment prevailing throughout the country may be relieved.

ENROLLED BILLS SIGNED

The message also announed that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Presiding Officer (Mr. FESS) as Acting President pro tempore:

H. R. 8296. An act to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes"; and

H. R. 9707. An act to authorize the incorporated town of Ketchikan, Alaska, to issue bonds in any sum not to exceed $1,000,000 for the purpose of acquiring public-utility properties, and for other purposes.

CONSTRUCTION AT MILITARY POSTS

Mr. REED submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12996) to authorize appropriations for construction at military posts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows:

Page 1 of the engrossed amendment: Change the total, "$15,051,880" to "$14,930,880."

Page 5 of the engrossed amendment: Under the item "Fort Francis E. Warren, Wyo.," strike out the following language: "Noncommissioned officers' quarters, $57,000"; "two drill halls, at $32,000 each, $64,000"; and the Senate agree to the same.

DAVID A. REED,
H. D. HATFIELD,
MORRIS SHEPPARD,
Managers on the part of the Senate.
HARRY C. RANSLEY,
PERCY E. QUIN,
Managers on the part of the House.

The report was agreed to.

HOUSE BILLS REFERRED

The following bills were each read twice by their title and referred as indicated below:

H. R. 3394. An act to amend section 19 of the immigration act of 1917 by providing for the deportation of an alien convicted in violation of the Harrison narcotic law and amendments thereto; to the Committee on Immigration.

H. R. 11852. An act amending the statutes of the United States to provide for copyright registration of designs; to the Committee on Patents.

EXPEDITION OF GOVERNMENT CONSTRUCTION WORK

The PRESIDING OFFICER. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The Chief Clerk read the concurrent resolution (H. Con. Res. 43), as follows:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the letting of contracts and the beginning of construction under the several acts of Congress heretofore enacted authorizing the construction of public buildings and the prosecution of other public works and improvements throughout the United States and appropriation acts enacted pursuant thereto shall be expedited to the fullest extent possible within the limitations provided by law, to the end that unemployment prevailing throughout the country may be relieved.

Mr. GEORGE. I ask for the immediate consideration of the concurrent resolution.

There being no objection, the concurrent resolution was considered and agreed to.

RECLAMATION—ADDRESS BY R. E. SHEPHERD

Mr. THOMAS of Idaho. Mr. President, Mr. R. E. Shepherd, president of the Idaho State Chamber of Commerce, delivered an address at the governor's conference held in Salt Lake City, Utah, June 27 and 28, on reclamation, which I ask to have printed in the RECORD.

There being no objection the address was ordered to be printed in the RECORD, as follows:

Once again we are met in this historic city, where we have so often gathered to consider the problems incident to the reclamation of the desert lands of these Western States. Formerly our attention was mostly directed to questions related to water supply and its conservation, engineering, canal construction, operation and maintenance, the application of water for agricultural use upon these lands, the class of crops to be grown and markets therefor. These and related problems having for their purpose the development of the agricultural resources of these Western States have heretofore been the objects of our discussions.

Our better understanding of these questions has resulted in the creation of great wealth in these Western States, opening the field of opportunity to thousands of young men and women who still have the pioneer spirit of their forefathers. It has led in a large way to the development of this great western area of our country, and incidentally has built up a strong, industrious population in the Intermountain and Pacific coast area able and willing to protect our western boundaries. The purchasing power of this region has added greatly to the commerce of the entire country, and is an important factor in the manufacturing, transportation, commercial, and financial structure of the entire country. It supports a large part of our railway systems, and makes possible the profitable employment of a large army of labor.

Specific facts and figures in support of all this are readily available, and the truth of this statement is generally conceded. The East needs the West, and the West needs the East. We are so interrelated and interdependent that any blow or injury to one section is immediately

felt in the other. Most of those living in the West came from the East, and are not unmindful of the help and interest which has been extended by our many eastern friends toward the growth of the West, and which has usually been of joint benefit.

In all this it was but natural that the National Government, as a matter of sound public policy, should take a prominent part. If for no other reason, the possession and control of the large public domain required the Government to determine its best use, and assist in its development. No one will question this who is at all familiar with the facts. Congress, in recognition of this duty, some 30 years ago caused a careful study to be made of the reclamation of its arid lands. It recognized the many problems involved, the need for leadership and study, as well as that the Government should do its part in their solution.

One fact was clearly established: That there were thousands of acres of highly fertile lands in the public domain, within these States, which when put under cultivation by means of irrigation would add greatly to the wealth of the Nation. That as these lands were the property of the Nation their development was a Government task, at least to the point where the individual entryman could within reasonable cost create them into going farms. Out of this sprang the present Bureau of Reclamation in the Department of the Interior, authorized by the reclamation act of 1902. The work and accomplishments of this bureau are matters of common knowledge, and it is not my present purpose to again repeat the figures and statistics showing these results, except as may be necessary in discussion of the question which has brought us together at this time.

To the surprise of most of us, we learn that there are now those who would discontinue the work of this bureau, and who would repudiate the solemn duty of the Government in the care and development of that portion of the remaining public domain capable of agricultural use. There are others who would insist upon transferring this duty and responsibility either in whole or in part to the respective States, and to that extent disband that great organization of engineers now built up in this bureau, with all of its accumulated wealth of experience and knowledge of reclamation problems.

We might not consider this attack so seriously were it not that among its chief sponsors are to be found men now holding responsible office in other branches of our Government. It is hard for the layman to conceive of one branch of our Government trying to discredit the work of another branch, both having been created by Congress, and each having been given definite work to perform, one not inconsistent with the other. We, as citizens, have the right to expect and demand teamwork, helpful cooperation, rather than opposition and antagonism among these Government agents and officers.

What are the charges preferred against the Reclamation Bureau, who makes them, and are they supported by the facts? We of the West are most directly concerned, and have a right to be heard.

These charges, called "The blunder of reclamation," have been summarized as follows:

1. Twenty-five attempts have created twenty-four failures.
2. Thousands of misled settlers have suffered cruel losses of savings and years.
3. Enough unnecessary output has been thrown on the markets to depress prices for farmers in natural farming areas.
4. The Government has sustained heavy losses at the expense of taxpayers.

It is claimed that Congress showed poor statesmanship in passing the reclamation act, that it was premature by at least half of a century. That it was not predicated upon any need for increased farm production at that time.

First. As to the charge that the Bureau of Reclamation has generally failed in its reclamation projects. They say 24 failures out of 25 attempts. This is a most serious charge, and if true, we would be among the first to know it, and would take the lead in calling upon Congress to repeal or modify the reclamation act.

It would be unfair to judge the work of the bureau by some of the early attempts, made under more or less political pressure, and before it was possible for the work to have been thoroughly organized, or the way found whereby the service of the bureau could be extended in conjunction with Federal projects to assist privately irrigated areas where the farmers were unable to satisfactorily cope with certain of their problems. The assistance so rendered, practically without final cost to the Government, almost equals in results those obtained from purely Federal projects.

No one contends that mistakes were not made in those early days, but we do say that they were no greater, if as great, as those incident to any new undertaking of like size and importance carried on by private enterprise.

The friends of Federal reclamation have the right to have considered the general results that have followed completion of irrigation construction and occupancy of the land by informed farmers on the Federal projects. I shall only quote a few figures from authentic Government reports, and shall refer all those who are disposed to be fair with the bureau to these various reports for detailed information.

"In 1929 the cultivated area receiving water from Government works was 2,705,240 acres, producing crops valued at $161,179,880. From the time that water was first available in 1906 for crop protection, the cumulative value of crops grown on land irrigated from the works of the Bureau of Reclamation has amounted to $1,642,267,680."

I might go on, showing the product of the 17 beet sugar factories built in consequence of Federal reclamation, and the 500,000,000 pounds of sugar supplied the American market—the product of American soil which but for reclamation would have been purchased from abroad—also what this means in labor, transportation, and general business.

I might mention the more than 600,000 people now living on these projects, and in the towns and cities grown up thereon—all engaged in useful work; likewise, the 136 banks, with deposits of more than $150,000,000, mostly the accumulation of these people.

It is estimated that the increased value of lands and other properties on farms and in towns within enterprises watered from the works of the bureau amounts at least to $500,000,000.

These are but a few facts in the general accomplishment.

In the building of all these canals and dams, and all that goes with making an irrigation project ready for the farmer, the principal item is labor, and the money spent therefor has helped support a large number of American citizens. It is hardly necessary to allude to the fact that the building of these projects and their development into agricultural communities has in turn served to create a good domestic market for the products of practically every line of business, so that the entire country has profited thereby. This is so self-evident that statistics are unnecessary to convince any fair-minded man.

So how can anyone say the Congress was not governed by real statesmanship in enacting the reclamation act, or that it was not predicated upon sound public policy? We admit some mistakes were made by those charged with the administering of this law, but that is not true ground for the charges brought. The general results are what should govern in forming a correct opinion of the wisdom of this act.

Second. But they charge that "Thousands of misled settlers have suffered losses of savings and years." No doubt there have been numerous instances of persons with no previous agricultural experience who failed in their attempts to develop farms on these projects. Square pegs never would fit round holes. The complete answer to this charge is that in the hands of competent farmers, the project farms have been and now are a big success, as shown by last year's crops, valued at $161,179,880, as heretofore stated. It may be admitted that the absence of any provision in our laws permitting a selection from the applicants for land under these projects, has led to attempts at farming by men not qualified to handle such farms. These lands were open to entry under the homestead laws, and the same experience has been had as to the final successful farmer as occurred in the settlement of all parts of the country. Every American citizen has certain so-called rights to take up Government land, and it has not seemed possible to permit any officer of the Government to deny anyone having this right from taking up land because of doubt as to whether such person would succeed. If a given individual mistakes his ability as a farmer, it is unfair to charge the Bureau of Reclamation with doing him a wrong.

Third. The third charge is that "Enough unnecessary output has been thrown on the markets to depress prices for farmers in natural farming areas." In other words, that these projects have crowded the markets.

It is rather inconsistent to first charge there have been 24 project failures, next that thousands of settlers have been misled as to the value of project farms, and then claim these project farms have been so productive as to unduly influence crop values in other parts of the country. Here again those opposed to western enterprise and who charge Congress with poor vision have shown lack of knowledge regarding the major uses to which project farms are put. The large part of the $161,179,880 farm income from lands receiving water for irrigation from Government works last year came from products not grown in competition with other sections of the country. These lands have added to the food supply and raw materials necessary to the health and comfort of all the people without displacing other products to any great extent. As to many products, they in turn have made a market for certain otherwise surplus products of the so-called "natural" farm areas.

The 500,000,000 pounds of sugar produced certainly added directly to the wealth of the Nation. We still send several hundred millions of dollars abroad for much of the sugar needed by the United States. Our irrigation farmers should be encouraged to produce the entire sugar requirements of the country now coming from abroad.

A large portion of these lands is devoted to growing alfalfa hay for livestock. The forest reserves and open ranges adjoining the irrigated areas could not assist as they are now doing in supplying the meat and wool for which there is an increasing demand but for the winter feed produced on these irrigated lands. Thousands of these animals in turn go to the Middle West feed lots for finishing, thus making a market for much of the corn and other feeds produced in those States. Even with all the meat and wool produced in this country, we are still importers of large quantities, particularly of wool. Is anyone hurt by these products?

The dairy products produced on these farms are consumed in the West, and it is seldom that any go east. The rapid growth of the Intermountain and Pacific West has been of great advantage to the other dairy sections of the country in making a market for their surplus dairy animals.

While the production of hogs is an important item on these farms and much corn is shipped from the Missouri Valley for this purpose yet we so far have not been able to supply the Pacific coast demand and hundreds of cars are sent west from as far east as central Nebraska. The increased population of these Western States means much to hog growers of the Middle West. The coast demand very often has a healthy price influence in eastern livestock markets.

Much of the seeds that formerly were imported into the United States are now produced on these lands, and are another source of noncompetitive, agricultural wealth. While these lands produced large quantities of dry beans, yet last year there were imported over 900,000 bushels into the United States, and the American Army secured a considerable portion of its supply from this source. This crop certainly is not in competition with the East, while such large imports exist.

A considerable portion of the fruit supply of the country comes from these western lands, and yet we find it necessary to import quite a variety of fruit. As to the western apples, a large portion of the crop is exported, not in competition with eastern-grown fruit, but because it has created a special foreign demand.

It may be said of numerous other products of these lands, they have made their own market, because of special quality, commanding a higher price, and not from any competitive basis.

But there is wheat, the gambler's crop, the great political stand-by; its story rivals cotton in the CONGRESSIONAL RECORD. All the wheat grown on all the irrigated land of the West would not begin to pay for the automobiles and trucks bought each year by the people living on these lands. I doubt if it would even pay for the Ford cars and trucks and their upkeep. I can hardly keep my temper when considering this charge by these theorists.

In the first place, we know that wheat is not a major crop on irrigated land. It would not pay the farmer to make it so. He knows that if he did not raise a bushel of wheat there would still be a large exportable surplus, produced by those in the "natural" farming areas, the same as there has been for past generations. Wheat is generally grown on these lands as a nurse crop, in connection with alfalfa, or in a well planned system of crop rotation. It is usually an incident rather than the main object.

The kind of wheat grown does not as a rule go to the mills producing flour for bread, but is the grade and kind sought by millers producing what is known as biscuit flour, used in cracker factories and for pastry. It is the kind they want for hot biscuits in the South. It is a soft white wheat, and does not compete with the hard wheats generally grown in the so-called wheat areas. The wheat market in Chicago does not generally determine the price of this wheat to the same extent that it does the regular hard wheat. To-day the soft white wheat grown on these irrigated lands where I live is selling for only 13 cents per bushel under the Chicago market, while the freight rate to Chicago is 65½ cents per hundred, or 39.3 cents per bushel. So we are not a competitor in that market.

The charge is made that these Federal irrigation projects produce about 4,800,000 bushels of wheat. Well, what of it? We eat flour out here, and it takes a large percentage of the wheat we grow for our own requirements. A considerable amount is used for chicken feed, and much is used for hog feed. The big end of the balance is milled in western and southern flour mills, and what is not needed for crackers, pastry, and hot bread uses is exported to Central and South America. I doubt if ever a bushel of wheat grown on these lands has gone to Chicago or crossed the Mississippi. So why this hue and cry about wheat?

That the extension of irrigation and development of new farming areas should have proper relation to the needs of the country for their products, we do not question; but that is no sound reason for discontinuing the Reclamation Bureau, or ceasing its study of work yet to be done and making preparation for it, or of not completing work now in hand, which will require most of the bureau's funds for the next 10 years or more.

Fourth. Now, as to the fourth and last charge—that "the Government has sustained heavy losses at the expense of taxpayers."

One of the very first problems which confronted the first Congress was that of the public domain. Virginia and certain other colonies had ceded to the general Government, when they became States in the Union, those areas which at the time belonged to them, lying beyond their State boundaries. These areas comprised the original public domain. Briefly stated, it was understood the natural resources of this public domain were to be so used as would be for the benefit of those who might thereafter occupy it, to the end that settlement might be encouraged, and when such settlement would justify, new States were to be carved out of this domain and added to the Union, having all the rights of the original thirteen. That policy has always continued, not only as to the original public domain but also as to that which has been subsequently acquired. The Government, however, continued to, and does now, control the unentered public domain in these States, but the same duty remains to so exercise this control that it will be to the advantage of the States in which this public domain is located.

There are those who claim that the acquisition of the public domain put the Government in the land business, and that it should be treated as a source of financial profit, to be used to reduce Government taxes. This was not the motive at all; rather, it was regarded as of great importance that no other government should be established on the western frontier, that it was in the best interest of the then States that the United States should extend from the Atlantic to the Pacific. I do not need to go farther along this line than to say the acquisition of this public domain was for the protection of the then United States, and to extend the field of opportunity for its ever increasing population. No one to-day questions the statesmanship of this.

But now appears some complaining eastern taxpayer who says the Government ought to make money out of the western public domain, and use it to reduce taxes for the eastern taxpayer. No one has ever questioned the right of the other States or their citizens to make use of their natural resources without undue Federal interference, or the great advantage this has been to them. We do not question Federal control over the public domain within our Western States; the purpose generally is for the best good of these States, and to a large extent the public domain has been successfully administered.

The incidental revenues beyond cost have either been returned to or used for the benefit of these States. Note the use of revenues from the forest reserves; a part is paid directly to the local government in which the forests are located, and a part is used to construct highways, and for other like purposes. So with the reclamation fund. The entire money expended in construction of these Government irrigation projects is derived from the sale, rental, and royalties received from the lands, oils, minerals, and water-power resources of these States. No part of this fund has come from taxes, nor has the East or any other section, or the Federal Treasury, contributed financially to the work.

One exception should be made of a direct appropriation in the way of a loan for work done in Texas some years ago. The Government has never had any public domain in Texas, and so Texas made no contribution to the reclamation fund. This loan, with interest, was long since paid. So we find these resources of the Western States have been used to aid in their own development, and properly so.

But they say the cost of some of the projects was excessive, and that certain losses have been sustained. This is no doubt true. To that extent the Western States are the losers, and not the Government. In an undertaking of this magnitude, such things are to be expected. The losses referred to occurred in the beginning of the work, and no claim is made that they have been a continuing drain on the fund, I do not believe that there is now among the personnel of the bureau anyone who was in any way responsible for the errors in judgment which led to these losses. I contend that while admitting these losses, this fact in no way discredits the wisdom or the statesmanship leading up to the passage of the reclamation act. It is sound in principle, and to prove it is capable of practical and safe administration one has only to point to present results. No doubt as time goes on, and with accumulated experience, this act will be improved by amendment, and we may confidently expect the work of this bureau to continue when and as the needs of the country require. There are and no doubt always will be various questions growing out of the administration of various projects where those in charge may not make the best determination, but this does not go to the question of the value of these projects. No doubt as soon as a given project is capable of local administration by those occupying it, such change will come about, and the bureau will more and more occupy itself with the major work for which it was so well intended, and which it is so well equipped to do.

Just a word as to the recent changed conditions in agriculture. Prior to the World War our country was a debtor nation, owing huge sums of money abroad, and had prospered from foreign capital invested in American enterprises. This condition had existed practically from the very beginning of our Government down to the World War. In this way most of our railroads were financed; much of the money required for agricultural development came from abroad; and so on, through the list; to say nothing of the financing incident to our wars. It was only within a comparatively recent period prior to the World War that the balance of trade began to be in our favor. Our foreign creditors took our products in settlement of our maturing obligations, and were glad to get them. I do not need to repeat the story.

But from what source did these products come, by means of which the United States was able to maintain its foreign credit? You all know the answer—mainly from the surplus products of the American farms; it was wheat, cotton, pork, and beef that to a large extent sustained American credit abroad. Had not the war entirely changed our financial condition, we would still be depending on the American farms as one of the principal supports of our foreign credit. Almost over night, and like a miracle, we wiped out our foreign debt, purchased practically all foreign investment in American enterprises, and

became the possessor of most of the world's gold. Up until that moment you never heard of an agricultural surplus as a menace to farm prosperity, because we needed it all to pay our foreign debts.

Who could have anticipated this condition when these Federal irrigation projects were constructed? Can this be urged now, in support of the charge of lack of statesmanship in the reclamation act? Mark this, we needed, and that badly, every ounce of product from these projects when the day came that our own country found itself drawn into the vortex of that frightful war. The cry went out, "Produce every kernel of wheat possible, it will help win the war; produce every ounce of meat and fat, it will help win the war; produce every pound of sugar, it will help win the war." So while every boy of fighting age left these projects to fight in the war, the older men, the mothers, wives, sisters, and daughters did with all their might help produce those things our Government asked of them. And now that we have come into other days, and conditions are changed, and a readjustment for agriculture is going on, we find certain of those feeding out of the Public Treasury going about the land, proclaiming the fostering of agriculture in these Western States by means of Federal irrigation was a serious mistake, the result of poor statesmanship. If their time is not needed for more useful work, they can save the taxpayers some expense by resigning. The rehabilitation of agriculture is now in the farmer's hands, where it belongs, and he will adjust his production to meet current conditions. There is no occasion to abandon any fertile acre of God's creation; we only need to know its best use.

We were needed, to help win the war; we made great contributions of food supplies, enough to offset a thousandfold the errors of judgment and consequent losses as to some of the early work.

God grant the day may never come again when we shall be drawn into another war. The day of perfect peace, however, is not at hand, and will not be, until the millennium. Who shall say that one day the defense of the Pacific boundary may not be vital to our Nation? It is the part of sound statesmanship to foster and encourage by every reasonable means the growth and development of these Western States, that there may always be found here a strong, virile race of patriotic men and women, ready, able and willing not only to protect our western border but to contribute largely and always to the good of our great country in every case of need.

INVESTIGATION BY THE TARIFF COMMISSION

Mr. COPELAND. Mr. President, on yesterday I presented a resolution (S. Res. 313) asking for certain information from the Tariff Commission. The Senator from Idaho [Mr. THOMAS] objected and asked that it go over under the rule. I have consulted with him and now ask that the last part of the resolution be modified as regards wool.

The PRESIDING OFFICER. The Chair would ask the Senator to let the resolution go over for a little while.

Mr. COPELAND. Very well.

TARIFF REPRISALS BY FOREIGN NATIONS

Mr. HARRISON. Mr. President, in order that we may have before us some visible evidence that some of the prophecies which were made during the discussion of the tariff bill have come true, I desire to have inserted in the RECORD an article appearing in the morning Post stating that Scotland has put an embargo on Virginia apples; also an article stating that Italy, as a matter of reprisal, has raised the duties on automobiles between 110 and 120 per cent; and an article stating that tariff reprisals are favored in France.

The PRESIDING OFFICER. Without objection, it is so ordered.

The articles are as follows:

[From the Washington Post, Thursday, July 3, 1930]

SCOTLAND PUTS BAN ON VIRGINIA APPLES—BRITISH MINISTRY REFUSES TO REVOKE EMBARGO OR CHANGE DATES—MODIFICATION HOPED FOR

WINCHESTER, VA.—Another blow was dealt the apple export trade today, when a cable from Edinburgh announced the Scottish ministry had adopted the British Board of Trade ruling against importation of American apples of the commercial grade between July 7 and November 15, due ostensibly to alleged prevalence of fly larvæ in fruit from this side. The British prohibition had included only England and Wales.

British brokers' agents also were advised from Liverpool that a federation deputation visited the ministry in London to-day, only to be told the ministry would refuse absolutely to consider cancellation of the embargo. Changing the dates was also rejected. Officials said fly larvæ was prevalent until October 28 last season, and three weeks were required as a safety margin.

British dealers were endeavoring to induce the ministry not to exclude commercial or combination grades. Local members of the International Apple Shippers' Association said the organization regretted the State Department did not supply information concerning the apple embargo until the eve of its becoming effective. They said it had developed the Washington Government was informed last January by the British ministry of its intentions, but shippers were wholly ignorant of the restrictions until the bombshell exploded last week.

They heard to-day diplomatic representations were being made in a hope of having the order modified.

ITALY BOOSTS AUTO DUTIES AS REPRISAL—REACTION TO AMERICAN TARIFF SEEN IN RAISE OF 110 TO 120 PER CENT—PROTECTION NEED CITED

ROME, July 2.—Italian import duties on automobiles have been raised between 110 and 120 per cent by royal decree.

The sudden blow at automobile imports, which went into effect on Monday, but escaped notice for 36 hours, applied particularly to small cars. The decree raising the tariff was drawn up June 27. The council of ministers had met the day before without announcing any such step. King Victor Emmanuel, Premier Mussolini, and other government officials immediately signed the decree. Parliament later will convert it into statutory law, but to-day it stands as an effective barrier to commerce in foreign motor cars.

Protection of home industries, including the vast Fiat enterprise at Turin, was responsible for the action, according to Minister of Corporations Bottai, who is mainly responsible for the radical tariff. He urged its enactment in the interest of home labor.

Small automobiles, such as the American Ford, are affected most. On this class of cars the increase was from 7,000 lire to 16,000. On higher-priced cars the percentage was somewhat less. One high-priced car was covered with a tariff increase of 8,000 lire. The lira is worth about 5 cents, American.

Agents of American manufacturers discounted explanations of domestic necessity and saw in the move retaliation against the recently inaugurated tariff laws of the United States.

Among the differences between the old and new tariff was the separation of classes. The new schedule treats pleasure cars, trucks, and tractors apart and puts pleasure cars into three groups, with trucks in four. Duties on automobile parts henceforth will be at 55 and 45 lire per hundredweight.

TARIFF REPRISALS FAVORED IN FRANCE—CUSTOMS GROUP SAYS NEW UNITED STATES RATES WILL HINDER WAR-DEBT PAYMENTS

PARIS, July 2.—The new American tariffs will cause a serious cut in French exportations and will render it difficult for Europe to make war-debt and other payments to the United States, according to a statement issued here to-day by the national customs committee.

This committee, which has been studying the probable effects of new tariffs, further declared that there is only one way to remedy the situation—for France in future to accord most-favored-nation treatment only to countries "which give corresponding treatment to France and do not raise their tariffs to a point which prohibits commercial exchange."

If any country—meaning the United States—refuses to meet France on an equal tariff policy, the customs committee urges, the government here should retaliate by withdrawing most-favored-nation treatment and raising corresponding tariff barriers.

PETITIONS

Mr. McKELLAR (for Mr. TYDINGS) presented resolutions of the National Capital Federation of Garden Clubs, favoring the passage of legislation for a comprehensive development and beautification of Wisconsin Avenue in the District of Columbia, and the construction of an adequate portal or circle at the District line, which were referred to the Committee on the District of Columbia.

He also (for Mr. TYDINGS) presented resolutions of the National Capital Federation of Garden Clubs, favoring inclusion in the plans for the new United States Botanic Garden of an adequate exhibition greenhouse with necessary facilities, which were referred to the Committee on the Library.

REPORT OF THE CLAIMS COMMITTEE

Mr. STEIWER, from the Committee on Claims, to which was referred the joint resolution (S. J. Res. 201) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the fiscal years ending June 30, 1866, 1867, 1868, and vesting the right in each State to sue in its own name, reported it without amendment and submitted a report (No. 1160) thereon.

ENROLLED BILL PRESENTED

Mr. GILLETT (for Mr. GREENE), from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the enrolled bill (S. 3061) to amend section 4 of the act entitled "An act to create a Department of Labor," approved March 4, 1913.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Montana:

A bill (S. 4781) to extend to certain Indians and their widows and dependent relatives the benefits of the pension laws relating to the Indian wars; to the Committee on Indian Affairs.

A bill (S. 4782) authorizing the issuance of patents to certain lands in the State of Montana to Florence Kerr Facey and Jacob A. Floren; to the Committee on Public Lands and Surveys.

By Mr. COPELAND (by request):

A joint resolution (S. J. Res. 206) authorizing the President to appoint a world highway commission; to the Committee on Commerce.

INVESTIGATION BY THE TARIFF COMMISSION

Mr. SHORTRIDGE. Mr. President, at the request of many Senators I offer the following resolution, and ask that it may be acted upon immediately.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (S. Res. 314) was read, considered, and agreed to, as follows:

Resolved, That the United States Tariff Commission be, and hereby is, requested to make an investigation of the entries of fish and other marine products into the United States from the high seas in vessels owned, chartered, leased, or rented, wholly or in part, by aliens, whether or not such aliens are domiciled in the United States.

Mr. GEORGE. Mr. President, I offer the following resolution and ask for its immediate consideration.

There being no objection, the resolution (S. Res. 315) was read, considered, and agreed to, as follows:

Resolved, That the United States Tariff Commission is requested to report to the Senate as soon as practicable a list of the articles with respect to which applications have been made to the commission, prior to the date of adoption of this resolution, for investigations under section 336 of the tariff act of 1930, and for relief under other provisions of such act, together with the names and addresses of the applicants.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On July 2, 1930:

S. 941. An act to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926.

On July 3, 1930:

S. 3691. An act to amend an act entitled "An act relative to naturalization and citizenship of married women," approved September 22, 1922;

S. 4663. An act granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough (Washougal Slough) to Lady Island on the Columbia River in the State of Washington; and

S. 4683. An act to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan.

TARIFFS AND THE MOTOR INDUSTRY

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD an interesting article appearing in the June issue of the National Sphere and written by Alvan Macauley, president National Automobile Chamber of Commerce.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Last year the export business of the motor-vehicle industry supplied almost two months' employment to all of the men engaged in the production of automobiles, trucks, and busses in the United States.

Coincidentally, hundreds of thousands of men employed in the production of lumber, coal, steel, copper, glass, and a thousand other commodities had their earnings directly enhanced through the purchases of their products by the vehicle manufacturers.

And indirectly, virtually every wage earner and producer in the United States benefited through the increased buying power put into circulation by this enormous trade, now so large that it exceeds $500,000,000 in value and ranks second only to machinery in the list of our export trade in manufactured products.

MOST OF THE VEHICLES IN THE UNITED STATES

At the present time there are about 35,000,000 motor vehicles in the world and of these 76 per cent are in use in the United States.

As time goes by, the proportion of world transportation is bound to increase to figures which would be unbelievable if we did not have an unescapable evidence:

1. The development in our country from 3,500,000 vehicles in use in 1916 to 26,500,000 in 1929.

2. A world development outside the United States of from 700,000 vehicles in 1916 to 8,400,000 in 1929.

3. A decrease in the percentage of all of the vehicles in the world registered in the United States from a high point of 85 per cent in 1919 to the present figure of 76 per cent, despite the enormous increase here.

4. The fact that outside of comparatively limited areas the world railway mileage is totally inadequate to care for modern transportation needs.

5. A constantly accelerating world highway development, growing out of this need, and finally,

6. The indisputable fact that wherever men congregate the desire for modern transportation methods is found, so deep-rooted that even the natives of the jungle, devoid of most of the necessities of life, find some way to ride as soon as ways are found of getting the motor car through.

FIVE COUNTRIES COMPETITORS

With the present export trade in mind then, and what appears to be a certain development of the world market over a period of many years ahead, the question of the maintenance of the present commanding position of the American motor industry in this commerce becomes one of dominant importance to every man, woman, and child in the United States.

As matters now stand, there are but five countries in the world outside of Canada where there is any considerable production of motor vehicles and even in these, the total annual production is still inconsiderable when matched with that of the United States.

Last year France was first in the list with 260,000 units, England second with 240,000, Germany third with 70,000, Italy fourth with 54,000 and Czechoslovakia fifth with 15,000.

Some semblance of production is found in Austria with 10,000, Belgium with 7,000, and Switzerland with 3,000, but excluding Canada the total reaches but 650,000 as against the 5,350,000 produced in the United States.

In Canada the production was 260,000 but Canada is placed in a category by itself because there the business is in the hands of American companies.

TARIFF BARRIERS CHIEF OBSTACLE TO EXPANSION

Given a free field in which inventive genius and mass production were the sole criteria, the American motor industry would certainly expand along with other motor groups and the consumer of transportation in all lands would be able to buy his vehicles at much lower costs with resultant lowered costs in living.

But world trade is subject to other considerations than those dealing solely with the question of comparative manufacturing ability and the result is a series of tariff barriers which are to-day causing serious concern to all who are interested in the maintenance of employment for American labor and American materials, as derived from the sale of the American motor vehicle.

Thus as I testified before the Senate Committee on Finance during the hearings last year, "the passenger-car duties imposed by other countries range from 7½ per cent in Mexico to 51 per cent in Italy, and 69 per cent in Uruguay, while the average for all countries is about 30 per cent. The average tariff on trucks is slightly lower. Internal taxes and other burdens add to these figures in many countries."

TREND TOWARD HIGHER LEVIES

Since my testimony was given, France has materially increased its duties, Germany, Belgium, and Italy are reported giving consideration to similar proposals, Australia has twice increased her automotive rates, the second time an arbitrary increase by one-half (an emergency action, believed temporary in character, however), and the Argentine, the largest customer for American cars is reported to be considering new duties. An effort reported fostered by European competitors is being made to boycott American cars in Switzerland, and elsewhere there are rumblings of tariff changes.

On the other hand, our own motor industry has accepted a cut in rate to the nominal figure of 10 per cent on passenger cars and 25 per cent on trucks.

In the manufacturing countries, the evident reason for these increases is a desire on the part of the home industries to protect their own markets, although it is difficult to see how the French increases can be anything more than a subsidy for inefficient manufacturing methods when it is known that under the old duties, American-made cars constituted but 7.4 per cent of the purchases of automobiles made by the French last year.

In the non-manufacturing countries the case is not so clear. Obviously any impost which is levied on the motor vehicle must add to the cost of transportation within the country and so must penalize, first the individual and then general economic development.

REVENUE NEEDS AND RETALIATION CAUSE INCREASES

As offsets to this point of view are the financial requirements of some governments for which the motor vehicle presents an easy target since it is a high-value unit, and the broad charge which has been heard from government after government, industry after industry, that our own country has sought to build a Chinese wall around itself for the protection of home industry and to the consequent injury or even demolition of foreign commerce seeking to do business here. Here rests the demand for retaliation with all of the evil economic effects that



unsound legislation must always bring in its wake to both buyer and seller.

And here will be found the hardest problem confronting the American manufacturer in his effort to maintain his position which, we repeat for the sake of emphasis, must inevitably react upon the standards of living and employment of all who reside in the United States.

We can not sell if we do not buy. We can not produce if we do not sell. We can not buy in as large measure of our own products if we do not have the added buying power that comes from world interchange.

CONCERNED FIRST WITH DOMESTIC MARKET

On the other hand any industry which sells 85 per cent of its product to a domestic market, as the motor industry does, must inevitably be concerned with the maintenance of buying power which will enable the continuance of that power.

So it comes down to this. The motor-car manufacturers are interested in the continuance and expansion of the domestic market. They recognize that for various considerations, some of our industries, perhaps most of them, must have some tariff protection.

They are also interested in the expansion of foreign trade as one of the ways of continuing and expanding the domestic market. It is only reluctantly and when compelled by tariffs that they turn to foreign manufacture, with its added cost.

As manufacturers they are keenly aware that competition is one of the sure methods of forcing progress and elimination of waste.

Consequently, they are opposed to any tariff which serves simply as a subsidy to the unprogressive manufacturer who would prefer government aid of this character to undertaking the trouble necessary to improving his own methods, lowering his costs, and so benefitting industry and the public generally.

They do not assume, however, to know what these tariff rates should be, since they find it enough of a task to know their own problems, without trying to solve those of any other group.

TARIFF INCREASES SHOULD REST ON FACTS

They believe that when any industry or individual seeks a tariff that he should have to prove his necessities on the basis of facts and not on the basis of political finesse.

Finally, as stated in a resolution which they submitted recently to the members of the Chamber of Commerce of the United States, it is their conviction that our present tariff policies have grown up during an era when the sole consideration was domestic trade.

Now, they point out, no protection policy can longer be adequate which fails to protect American trade abroad as well as at home, not because of any primary interest in foreign trade per se, but because of the influence which export business must have upon expanding employment at home.

CALL FOR CONFERENCE OF ALL INTERESTED

Consequently it is their point of view that the representatives of industry and agriculture should sit down to consider the tariff problem in the light of all of the facts and that our tariff policies of the future should be remodeled with a view to permitting as free an interchange of commodities between peoples and nations as the public interest of each country will permit.

Pending these changes in policies, they have been a unit in urging that Congress grant the President wide powers in dealing with specific tariff issues as they come up and dealing with them on the basis of fact rather than opinion, and with the interests of the whole country in mind rather than those of the individual.

In their judgment, only in this way can the present trend toward international tariff wars be checked.

SECOND DEFICIENCY APPROPRIATIONS

Mr. JONES. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate No. 12 to House bill 12902, the second deficiency appropriation bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

Mr. JONES. Mr. President, I merely desire to say that amendment No. 12 involves the proposition which we discussed at considerable length when the second deficiency bill was under consideration. It will be remembered that the Senate voted to provide $50,000 for the Enforcement Commission and limited its activities strictly to prohibition. The House of Representatives has substituted for that the provision of the current law, providing $250,000 for this important commission, with the work of the commission expanded to include an investigation into the enforcement of other laws as well as the prohibition law. That is the sole proposition involved. I do not care to take the time of the Senate to discuss it, but I express the hope that the Senate will concur in the House amendment to the Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

Mr. NORRIS. Mr. President, when the second deficiency appropriation bill was before the Senate I desired to discuss the provision that brought about the controversy, and which has been the subject of consideration by the conferees, but was not able to do so at that time because of an indisposition, brought on by the extremely hot weather on that day.

I voted on the roll call in favor of the amendment proposed by the Senator from Washington [Mr. JONES]. I am now in favor of his motion to agree to the House amendment to the Senate amendment. In other words, Mr. President, under the circumstances, I favor the appropriation of the $250,000 to permit the President's commission to go on with the work without being required to confine its investigation solely to the enforcement of prohibition. Nevertheless, having, I think, a very distinct recollection of what happened when the $250,000 was originally appropriated and under which provision of the appropriation bill the President appointed the commission, I did not want the occasion to pass without at least making plain the position I hold.

I agree, Mr. President, with almost everything the Senator from Virginia [Mr. GLASS] has said. I think it is practically beyond dispute that it was the intention of the Senate when it passed the original act that the use of the money appropriated should be confined to an investigation of the operation and enforcement of the prohibition act. The Senator from Virginia told us the other day what happened in conference; how it came about that the provision was somewhat modified, and how it came about that the present commission was afterwards appointed and the scope of its investigation broadened so as to cover not only prohibition but legal methods in connection with the enforcement of all Federal laws.

While I had not anticipated that such would be the case when the law was originally passed, nevertheless, when the President appointed the existing commission and it was instructed to broaden the scope of the investigation, it seemed to me that it was undertaking a work that was very much needed, and in the hope that it would do the work effectively, I abandoned the idea of introducing a resolution which I prepared and which I intended, if adopted, should bring about an investigation of the methods of procedure in our courts, both criminal and civil, but particularly criminal.

I realized, Mr. President, that if this commission was going to do the work authorized by the President of the United States it would be useless, unnecessary, and, perhaps, unwise for me to undertake what I had been contemplating and working on for several years, an effort to bring about, if I could, a simplification of the procedure in our courts. So I refrained from taking any further action, hoping that this commission might do the work which I had contemplated providing for by a resolution and which it seemed to me ought to be done; in fact, which it seemed was almost imperative.

Mr. President, I have watched with a great deal of interest and concern the work of the commission. I recognize the great ability of some of the members of the commission, in whom I have the greatest confidence, not only as to their ability but as to their patriotism and their intense desire to bring about an improvement in our judicial procedure. Yet I must in all candor say that I have been greatly disappointed with the methods the commission has adopted. The question might be asked, Why should I favor now the continuation of the commission and the appropriation of more money to carry on its work? In answer to that question, which could very properly be propounded, let me say, Mr. President, that, notwithstanding my belief that the commission has not proceeded wisely in respect to some of the methods it is following and has followed, I realize that I may be wrong and the commission may be right, and out of its investigations may come great good, if the commission will follow them through to the ultimate conclusion.

I was disappointed, first, Mr. President, because the commission is acting secretly not only in its investigation of prohibition enforcement but in its investigation of other matters. To my mind, the commission made a great mistake when it started to pursue such a course. There is nothing in the world that ought to be hidden in such an investigation; there is nothing either in the investigation of prohibition enforcement or in an investigation of our judicial procedure that ought not to be laid bare before the American people. In my judgment, unless that is done the ultimate result of the work and the final recommendations of the commission will lose much of their force and effect and they will stand a much less chance of being enacted into law than if publicity had been given to the work of the commission as it progressed.

I am interested in the commission, Mr. President, because I believe sincerely that judicial procedure in the United States

has not kept pace with advancing civilization throughout the world. We are behind many other countries in that respect. We have become wedded to precedents and forms which were necessary 50 or 100 years ago, but which now, on account of progress and advancing civilization, are unnecessary and only tend to bring about delay and, in other ways than delay, to bring about a denial of justice, when all judicial procedure in every country ought to have for one of its main objects speedy justice, avoiding as far as possible all technicalities, and affording relief in an inexpensive form that will not mean bankruptcy to the poor man and that will not give the man or the corporation of great wealth an advantage in our courts over the man who is poor. Conditions of that kind now exist.

No doubt the intention of the law and of the procedure is all right; the theory originally was all right, but the world has passed on and our judicial procedure, to a great extent, is still in the rut of the Dark Ages; it is still in such a condition that it does not realize that the great world in business, in society, in religion, and in every other human endeavor has passed on. These results have come about, I think, naturally.

The attorneys of the country belong to a profession that, to my mind, is one of the highest and one which is moved by the most lofty motives, as much so as and, perhaps, to a greater extent than any similar body, professional or scientific; and yet the very teachings of the old law, the very fact that the common law has grown up through the ages on account of precedent, has had a tendency to inculcate into the minds of the legal profession, especially those engaged in active practice, almost a reverence for precedent—precedent that has no application now, that originally served a good purpose but, on account of advancing civilization, is not worse than worthless.

These things, I say, have come about naturally, without any evil intent; and we have them now in our judicial procedure. We have the unlimited delays; we have the technicalities that have nothing to do in criminal cases with the guilt or innocence of the defendant on trial, originally established for the benefit of the innocent but now used for the benefit of the guilty. It seemed to me that the field of investigation was unlimited; that this commission might bring about a wonderful improvement in our system; but, to do that, first of all it ought to turn out into the sunlight of open day every step it takes. It ought to let the people, regardless of whether they are professional men or whether they are members of the bar, see every step it takes, and it ought to let the people read every sentence of evidence that is produced, because, in my judgment, it is not so likely that useful reforms will be brought about if these reforms are left entirely to attorneys, for the reasons I have already mentioned.

There ought to be, and there are on this commission, others than lawyers. Laymen ought to be there; business men ought to be there; and these ideas of the professional attorney, wedded to precedent, ought to be analyzed by the business men; by the farmer, if you please; by men of other occupations, with a view of getting together and ultimately bringing out of such an investigation a system that would wipe out the barnacles of superstition and ignorance and give to the country an enlightened system of jurisprudence.

I could mention a great many things that are part of the law that originally were put there with a good purpose, but now are used only in criminal cases for the benefit of those who are guilty, and in civil cases for the benefit of those who are trying to delay justice, who are trying to delay the day of judgment that they know in the end must come against them, with the idea of wearing out their opponent, of making the way so long and weary and so expensive that their opponent will settle or give up in despair rather than carry the litigation through to its final conclusion.

So it may be that I am somewhat inconsistent in voting for a continuation of this commission that I am now trying constructively to criticize; yet it is the only commission that is doing this work. I intended to try to get another commission, but everybody must realize that going up against an existing commission authorized by the President of the United States I probably would not be able to get anywhere, and at least there would be serious objection to it, for we have no use for two commissions trying to do the same work.

Mr. GLASS. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. We know very well, from its own confession, what this commission is not doing. It is not seeking to ascertain how to enforce the prohibition law. Can the Senator from Nebraska tell us what it is doing?

The commission has not told us what it is doing. It does not let anybody know what it is doing. We know what it has not done. It has not carried out the original intent of the appropriation of $250,000. It has literally wasted that. Can the Senator tell us what it has done, so as to encourage us to believe what it may do?

Mr. NORRIS. Mr. President, I have just been talking about where I thought the commission had gone wrong. As I have said, I am seriously dissatisfied with the way they have been proceeding. As nearly as I can find out—and I can not tell definitely, because their work to a great extent has been secret—as nearly as I can find out, they started out by the appointment of subcommittees, and so forth, covering quite a broad scope that will bring about good if it is carried to its ultimate conclusion; but the Senator's question includes a suggestion that they have not done what it was the original intention that they should do, and that is to investigate prohibition enforcement.

I agree with that criticism to a great extent, and yet I am uninformed as to just how far they have gone in that respect. I am told that the evidence that is taken behind closed doors is not preserved. I think that is a serious defect; and again I will say to the Senator from Virginia and others who are honoring me with their attention that being dissatisfied with the method they were taking to investigate prohibition—one of the principal objections to that was the secrecy that was going on—and being of the firm belief myself that prohibition was not being rightly enforced, that prohibition enforcement was being condemned by many men, many of them conscientiously condemning it, many honest prohibitionists condemning it, that it was changing men—they were taking the other side of the question because, in their judgment, the law had not been fairly enforced—believing that, when the Senator from Montana introduced a resolution and had it referred to the Judiciary Committee some time ago, demanding an investigation by the Judiciary Committee, I offered in that committee a substitute in which I provided that the committee should specifically investigate as to whether prohibition enforcement had not been a success to any extent by reason of politics entering into the appointment of prohibition officials, by reason of political influence being brought to bear to clear prominent, wealthy violators of the law. One of the questions I proposed in that investigation was whether men high in official life who had the appointing power had appointed enforcement officers on account of political activity, and whether, after men had been indicted, in some cases political influence had been used to relieve them from punishment, and so forth.

I did that in the best of faith, believing, as I concede the Senator from Virginia believes, that to get honest and fair enforcement the enforcement machinery ought to be divorced from politics. I have said that several times on the floor of the Senate. I have read from evidence taken before committees to show that that was one of the serious things that had brought about failure, in many cases, of the prohibition law. I believed that kind of an investigation would bring about publicity of the dangers that now and then lurk in the prohibition force; and I thought that by giving publicity to it we would be able to remedy the difficulties.

Mr. GLASS rose.

Mr. NORRIS. In just a moment I will yield.

When I got that resolution up in the Judiciary Committee—a committee almost unanimously composed of men who are prohibitionists, a committee composed of members of both political parties—I found very urgent objection to the proposition; and one of the reasons given was the existence of this commission. Another one was that until they had made their final report the Senate ought not to undertake to make that kind of an investigation. Objections came from Democrats and Republicans alike. Not all of them objected. Some of them were in favor of it. Some of them looked at it as I do. Objections came from Senators who are known to be strong administration men. They thought, and I presume they were honest about it, that the resolution would bring into it politics; that it was an attempt to discredit the present administration.

Nothing of that kind existed in my mind. In my judgment, nothing of that kind would have come out of such an investigation. If I had had anything to do with it—and I think I would, if that resolution had passed—there would not have been any politics in the investigation. The endeavor would have been to improve prohibition enforcement; to give prohibition enforcement a fair chance before we condemned it; to take out of the prohibition machinery the evils that it seemed to me were in it on account of politics and political influence. But I had to submit to the judgment of other Senators constituting a majority; and I conceded that they were just as honest in their conviction as I was. I thought then, and I think now, that they were wrong. I thought then, and I think now, that if that investigation had been made it would have been the greatest step toward the improvement of prohibition enforcement that has ever been taken, and that, assuming that those in power

want the law honestly enforced, they would have been able to get the evidence that would have shown them where the weak points were, and they could have improved the enforcement machinery, and they would have made it a great success. But, as I said, my opinion did not prevail, and as gracefully as I could I acquiesced.

Mr. GLASS. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. It was my purpose, avowed at the time, and the purpose of the Congress, to take the prohibition problem out of the realm of political disputation and confide it to scientific investigation. I wanted to divorce the prohibition problem from politics. This commission has not divorced it from politics, but this commission has divorced itself from any inquiry into the enforcement of prohibition. The commission started out by making politics of it. The President convened his commission at the White House, and delivered an address to them; and if the Senator from Nebraska can read that brief address and tell from it that there was such a thing as prohibition on earth, I should like him to do it.

Mr. NORRIS. I can not do it. The Senator does not want me to do an impossibility.

Mr. GLASS. If the Senator will read the responsive address of the chairman of the commission and find the word "prohibition" in it from beginning to end, I should like him to do it.

Mr. NORRIS. I can not do that.

Mr. GLASS. So the start was made politically to camouflage the position of this administration on the question of prohibition enforcement; and I have no objection to that if people want to do that. I am simply opposed to spending one-half million dollars of the taxpayers' money in order to afford them a medium for doing it.

Mr. NORRIS. Mr. President, I do not disagree with anything that the Senator has said, unless it be his conclusion.

I am not prepared to say that this commission will not make an investigation of prohibition enforcement, and make a report which will be of benefit to us. I confess, as I have said several times, that I am very much disappointed at the manner in which they have proceeded, and I am fearful that they will not be able to do the good which it seemed to me it was possible for them to do if they had taken another course. But I have to admit again that that is only my judgment, and I was compelled to submit to the judgment of my colleagues, especially those on the Judiciary Committee, as far as that investigation was concerned, who had in the aggregate a different opinion from what I had.

Mr. President, one of the things which the commission has interested itself in seeking, and one of the things which will help to bring about an honest enforcement of prohibition, is any lawful means by which we could get rid of the congestion of the court dockets. The Judiciary Committee, as well as Congress, has been presented for the last two years with an enormous, almost irresistible, demand for additional Federal judges. Showings are made which are astounding. The present condition of the court dockets means delay. The delay does not come about on account of prohibition, although that has its share. But it comes from other things. If we can properly relieve the Federal judiciary of some of its work, the judges will have more time to devote to the clearing up of the criminal dockets, and that will mean more efficiency in the enforcement of prohibition.

Every lawyer who has had anything to do with criminals knows that a man who is guilty always seeks delay and delay. A continuance of a case, ninety-nine times out of a hundred, is for the benefit of the defendant. Delay after delay means difficulty added to difficulty in the prosecution of cases, and often delay eventually means acquittal of people who are guilty, because, on account of the very lapse of time, the Government is unable to keep the evidence available and produce it when the trial takes place.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. GLASS. I call the Senator's attention to the fact that in the original discussion of this appropriation of a quarter of a million dollars to investigate the enforcement of prohibition, I presented here rather authentic statistics to show that 90 per cent of the prohibition cases come within the jurisdiction of the State courts. Has this commission, or has Congress itself, any jurisdiction of the judicial processes of the State courts?

Mr. NORRIS. Under the Constitution and the law, Federal courts have jurisdiction the same as the State courts have.

Mr. GLASS. I understand, but 90 per cent of the cases come within the jurisdiction of the State courts and are tried in the State courts.

Mr. NORRIS. Every violation of the prohibition law could be prosecuted in a State court if there were the machinery and the desire to do it.

Mr. GLASS. Ninety per cent of them are, and can this commission hasten or facilitate judicial processes in State courts?

Mr. NORRIS. I do not suppose they have tried to.

Mr. GLASS. I do not know what they are trying to do.

Mr. NORRIS. They have been trying to relieve the dockets of the Federal courts. That is the subject about which I was speaking. They have suggested several bills. I think all of them but one have passed either one or both Houses, and will probably become laws before this session of Congress adjourns. They will do some good, in my judgment, but I think they are of only minor importance, and will not relieve the congestion to any great extent.

Mr. GLASS. What are the suggestions?

Mr. NORRIS. There is a bill which has passed the House and the Senate, for instance, modifying the so-called Jones law. There is another bill which defines felonies and misdemeanors, so that offenders charged with misdemeanors can be tried without the Government going through the formality of securing an indictment. The defendants can plead guilty and get lesser sentences than the maximum under the Jones law.

Mr. GLASS. I knew of that. Has that become a law?

Mr. NORRIS. No; it has not become a law, but it has passed the House and the Senate.

Mr. SHIPSTEAD. That was not a suggestion of the commission.

Mr. NORRIS. Was it not?

Mr. SHIPSTEAD. No; not according to the Senator from Washington [Mr. JONES].

Mr. GLASS. What other suggestion was there?

Mr. NORRIS. I think I have mentioned all of them.

Mr. SHIPSTEAD. Mr. President, if the Senator will permit me, the Senator speaks about expediting the business of the Federal courts. He has failed to mention the most outstanding recommendation made by the commission—that is, to do away with trial by jury.

Mr. GLASS. He has mentioned that.

Mr. NORRIS. No; I have not.

Mr. SHIPSTEAD. I did not hear him mention that.

Mr. NORRIS. I think Senators get an exaggerated idea of what I have said if they think I have consented to or recommended anything which would do away with trial by jury in any criminal case. I do not think that can be done, under the Constitution.

Mr. GLASS. But that is one of the suggestions of this commission.

Mr. NORRIS. That is claimed. I have never examined into it fully, but if they recommended such a thing as that, I would not favor it.

Mr. GLASS. I just wanted to appraise the monetary value of the suggestions of this commission.

Mr. NORRIS. That is an interesting thing to do, but it is too soon to do it completely, in my judgment.

Mr. SHIPSTEAD. Mr. President, I would like to ask the Senator, what is the use of a commission unless we are going to obey their recommendations?

Mr. NORRIS. That does not follow.

Mr. SHIPSTEAD. Does the Senator mean to infer that he is not in sympathy with the modern system of government, which we call fascism, where we do away with the legislative branch of the Government and have commissions to run the Government?

Mr. NORRIS. No; I have not said anything that indicates that. The Senator can not draw that kind of a conclusion from anything I have said.

Mr. SHIPSTEAD. I did not mean to draw that conclusion from the Senator's remarks, but in view of the work of this commission, and of many other commissions which are taking the place or assuming to take the place and do the work of the various branches of the Government established under the Constitution, I thought it would be interesting to have it made clear here how far we are going. The other day we passed a bill under which a director of the Veterans' Bureau, when he thinks a veteran is insane, could deprive him of his property.

Mr. NORRIS. Yes, Mr. President; and the Senator offered an amendment which would have brought relief, and I voted for his amendment. I think the Senate made a mistake when it rejected it. I believe that if the Senator had offered the amendment at another time than just before the bill was reaching its final consideration, when everybody was anxious to get through, I believe if he had offered it at another time, or if he or some one else had taken the time then to debate it, the amendment would have appealed to the justice of the Senate, and that it

would have been agreed to. I think it should have been agreed to. But I do not know what the fact that that failed has to do with the matter I am discussing.

Mr. SHIPSTEAD. If the Senator will permit me, I used that as an illustration to point the way we are drifting. If we continue in that way, it seems to me we will soon be in a position where, in order to expedite public business, the business of the courts, in order to promote efficiency, we will have a situation where we will be asked to vote for legislation making it necessary only for a prohibition agent to declare a man guilty of violating the prohibition law, and sentence him simply because he thinks he has violated the law.

Mr. NORRIS. Mr. President, if the Senator can get any conclusion from what I have said that bears out anything of that kind, he is welcome to it; but I would like to have him point out anything I have said that indicates that.

Mr. SHIPSTEAD. I did not mean to intimate that, but I wanted to carry out the thoughts which seem to be in the mind of the Senator.

Mr. NORRIS. If the Senator would carry out the thoughts I have tried to express, he would never reach the conclusion he evidently has reached.

Mr. President, I am talking about the congestion in Federal courts which brings about delay. That not only works to the disadvantage of the Federal Government in prosecuting criminals but it militates against every litigant who has a case in the Federal courts founded on justice. It is beneficial only to the guilty. It is beneficial only to those who are in Federal courts for the purpose of wearing out their opponents, and not for the purpose of getting justice. So anything which will relieve that congestion ought to be welcome, and we are confronted, as I said a while ago, with a method of relief in the main supported by the Department of Justice, namely, that we must establish more judicial districts, that we must appoint more Federal judges, until we will have Federal courts double in number what we have now. If that is the only remedy, if that is the only way by which we can bring about relief from congestion, I suppose we will have to submit to it.

I have favored a good many of these bills, not because I thought they were fundamentally right but because they seemed to me to be the only way to meet a contingency under existing circumstances. Yet it seems plain to me that we could do some other thing, and I am going to mention one which, almost as if by magic, would relieve the congestion in the Federal courts and bring our courts up to date in the trial of both criminal and civil cases. If what I have in mind were the practice now, many a man who is guilty of violation of the prohibition laws or other criminal laws now awaiting trial would not be awaiting trial. He would have plead guilty at the beginning. Delay is his salvation. Delay is what every guilty criminal wants.

I took this matter up with Mr. Wickersham, the chairman of the President's commission. I introduced a bill, which the Judiciary Committee has reported and which is on the calendar of the Senate now. We took similar action at the last session. But there is the greatest propaganda—quiet, almost secret, all over the United States—against that bill, greater than the propaganda against any other piece of legislation I know anything about. It is simply a measure which will take away from the Federal courts jurisdiction which comes to them by virtue of the diverse citizenship clause of the Constitution.

Under existing law, assuming the amount in dispute to be $3,000 or more, a corporation or a man living in New York can go into the Federal courts, if he is foreclosing a mortgage on a farmer out in Kansas. If some citizens of Kansas owned a mortgage on a farm in Kansas and wanted to foreclose, he would have to go into the State courts of Kansas. Everybody knows that the expense of litigation in Federal courts is perhaps twice the expense in the State courts. When they are haled into Federal courts men may be hauled long distances from their homes, they must take their witnesses, and if the case is postponed—and when there is a congested docket that is an easy thing to have done—then they must go home again; they must pay the expenses of their witnesses and of their attorneys, they must give up their business, if they have a business, and go into a distant part of the State. After they have tried their cases there and perhaps won, if they are appealed, they may go to the Federal circuit court of appeals, and their attorneys must travel, perhaps, 500 miles to attend the court. If their cases are not heard the first time, they go home and travel back again, and after they win in the circuit court of appeals their opponents may take the cases to the Supreme Court of the United States at Washington.

Involved in it all is perhaps a State statute and nothing but a State statute. The case ought to be tried by the State court where the man lives. If it is a foreclosure case, the courts of a State in which the land is located, even of the county in which it is located, ought to try the case. He is protected in the State. He should not be compelled to go outside of the county. But granting jurisdiction to the Federal court does away with the trial of such cases in the State courts. We have now the peculiar condition in which a man engaged in business—it may be in the grocery business, it may be the only business he has—incorporates his business. He owns it all. He lives where his business is located. His property is all there. He incorporates in another State and continues to do business in the first State. The business may be in his own name, but it is incorporated and he does business as a corporation instead of as an individual. That gives him the right to go into the Federal court in case he is sued, because under our law that corporation is a nonresident of the State.

In our Federal courts the dockets are clogged with that kind of cases. I have in my office a letter from a Federal judge telling me that he had just finished holding a term of Federal court. He tried 13 cases in that term; that is, there were 13 litigated or controverted matters of which he disposed, some of them by trial before a jury, in some of which a jury was waived and the cases tried by the court; but in every one of those 13 cases jurisdiction was given to the Federal court by virtue of adverse citizenship under the law which provides that the Federal court shall have jurisdiction in cases between citizens of different States. He told me what kind of cases they were. There was not a single case that had involved anything but a State statute or that involved anything but a local controversy. There was not anything that happened or that was connected with the cases that ought not to have been tried by the State courts or settled by the supreme court of the State; and yet his time and the time of the United States marshal, the clerk, and the other officers of the Federal court was taken up in the Federal court to settle a dispute which ought to have been tried in a State court.

It is admitted by those who have studied it that of the business done in the Federal courts from 25 to 50 per cent of the controverted matters that take time come into the Federal court by virtue of the adverse citizenship clause of our law. I suggested to the President's commission that they recommend that we change that law; that the result would be that in many districts the cases we have would, as if by magic, leave the Federal court and thus relieve the dockets in those courts of the existing congestion; that there would be no delay, and that means, of course, that there would not be so many cases. Men would not fight for delay. It is the guilty in criminal cases and the wrong in civil cases who are always fighting for delay. If they could not get delay, the cases would be disposed of and many of them would not be brought at all.

But why do we not get the law changed? It is because all of the great corporations in the United States want to try their controversies in the Federal courts and so, although they are doing business in Iowa, they incorporate in Delaware, although they are doing business in Michigan, they incorporate in Delaware. They have no property in Delaware and no business in Delaware. They do not live in Delaware and yet the corporation itself is a resident of Delaware, and that gives them an opportunity to take advantage of the adverse citizenship clause of the law.

If we would enact that one law, we would greatly relieve the congestion in the Federal courts, which would benefit not only prohibition but every kind of litigation in the Federal courts more than any other one thing that could be done. It is because of the influence of corporations that we can not get that kind of a bill through Congress. I have a letter in my office sent out by the American Bankers' Association, I presume to every banker in the United States, telling them to beware of this bill which they call the Norris bill, and what terrible havoc it would play if it should be passed. I have many other letters from bankers who are honestly frightened about it and who do not understand what it means. As a matter of fact, it would bring relief to those same men instead of injury if we should enact the bill into law.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. GLASS. Is the Senator encouraged to believe that the Wickersham Commission is going to recommend the passage of the bill he has introduced?

Mr. NORRIS. As I said a while ago, I took it up with the chairman of the commission. I am frank to say that I have not received any encouragement that he is in favor of it, although he has not said he is not in favor of it. He has not definitely stated where he stands on the matter. I have taken it up also with other members of the commission.

Mr. GLASS. So in the last analysis the only recommendation so far made by the commission is the recommendation to take the teeth out of the Jones law, and the Senator thinks that is worth $250,000, or, rather, $500,000?

Mr. SHIPSTEAD. Mr. President, will the Senator from Virginia tell us when they made any such recommendation?

Mr. GLASS. I was accepting the statement of the Senator from Nebraska that they had made a recommendation to that effect, to take the teeth out of the Jones law by defining minor offenses.

Mr. SHIPSTEAD. As I understood the Senator from Washington [Mr. JONES] when that question was addressed to him, he said he did not know of any such recommendation of the commission.

Mr. GLASS. I simply accepted the statement made by the Senator from Nebraska, who, I assume, is very well informed on the matter.

Mr. NORRIS. I have understood that those bills which came from the House were all introduced and passed on the recommendation of the commission. There were four such bills, I think, or perhaps five.

Mr. GLASS. Oh, no. One of the bills that came over here from the House, transferring the Prohibition Unit from the Treasury to the Department of Justice, was in response to a resolution presented here by the Senator from Washington [Mr. JONES] requiring that to be done by a joint committee of Congress, and which had been recommended by Secretaries of the Treasury for 12 years past.

Mr. NORRIS. If we would refuse to grant this appropriation, what would be the cry? Then the cry would come, "Congress has killed the commission. Congress has refused to permit the President to have the investigation made that he wants to make." The friends of prohibition and law reform generally would be divided on it. I think we would do more harm to the enforcement of the prohibition laws as well as all other reform procedure in our judicial system than though we let the commission proceed. At least I have reached the conclusion that I am going to let the commission go on and finish its work before I vote to kill it. I am going to let it finish its work, expensive though it may be, although so far it has been a disappointment to me.

I am not willing to stop it now, although its appointment and organization has not resulted in preventing me from undertaking a reform which I thought and still think would bring about great relief in our judicial procedure. But I do not understand as a practical proposition, when they have gone half through their work, even though we are dissatisfied, how we can quit now. I do not agree with what they have done nor the way in which they have done it. I do not agree with the President in what he did, but he did it. Technically he had the authority to do it. If we divide now and stop that work, I think we are going to do harm. Perhaps I am wrong. I am responsible only for my own vote, and, although it is not getting what I would like to have, it is coming nearer to it than to kill the commission at this stage, as I look at it.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. Of course, there is a great deal in what the Senator is saying. I am not prepared to say he is wrong about it, but I am wondering where we are going to stop in the establishment of all the commissions which we are constantly creating, and especially under this administration where we have established more than ever before. Next year there will be a demand for even greater amounts to be appropriated for this commission. I am wondering if we are going to continue it next year as we are about to continue it this year, or will there come, in the opinion of the Senator, a time when it should be done away with? My recollection is there has been only one commission that was established by the Congress that has had its activities interfered with to the extent of stopping them entirely.

Mr. NORRIS. I can not answer the Senator's question. Perhaps we have gone to extremes. I concede, of course, it is possible to go much further and do damage rather than good. I do not think we have yet reached that point; at least we are confronted here with a condition which requires us to determine whether we are going to kill this commission or not. It has spent a great deal of money. It is claimed some of it was unwisely spent. But the commission was selected by the President of the United States. I want to give him a free hand to go just as far as he wants to go. I do not want him to be able to say that we tied his hands. Although I have not agreed with what the commission has done, I am going to acquiesce in the desire to go along with it. I believe that is the most practical thing to do now.

Mr. President, if we could relieve the Federal courts of the jurisdiction which they have over State cases, which they ought never to have had, I think we would bring relief. We would stop the demand for more judges and the creation of more districts. Unless we do something of that kind the demand is going to increase. The files of the Judiciary Committee are filled with applications for more judges and the creation of more districts. Bills of that kind have been reported out from time to time during the last 10 years, granting increase after increase in the number of judges, and still the demand is greater to-day than it has ever been in the history of the country, a demand that can not be withstood unless we do something else. Everybody concedes that when the dockets of our courts are clogged, when the judges are confronted with more business than they can possibly transact, the lawmakers must come to their relief somewhere and somehow.

I have suggested what in my judgment would bring relief. If it were not for the influence of great corporations who do not want to try their cases in State courts, there would be no trouble about relieving the congestion in the Federal courts. I am wondering at Senators and Representatives, particularly from the South, who have always stood out for State rights, and why they have not been clamoring lo! these many years to take away from Federal judges and Federal courts the jurisdiction that comes to them on account of adverse citizenship. I have a great many letters condemning the bill which I have introduced to take away this jurisdiction, coming from attorneys, principally from attorneys of great corporations. A great many of them are from railroad attorneys. Not only has the American Bankers' Association sent out letters to all the banks of the United States asking them to plead with their Senators and Representatives to defeat that kind of a bill, but the great railroads of the country have sent out the same kind of communications. I have in my office a letter from an attorney in the State of Virginia, I think it is, quite a prominent attorney, in which he incloses a letter which he received from the general attorney of one of the great railroad systems of the United States. In that letter he calls his attention to this bill, and says, "It will be injurious to the profession; it will be injurious to the lawyers' practice; it will be injurious to business; we do not want it to pass; we ask you to write to your Senators and Representatives protesting against the passage of that bill."

The real reason for their opposition is not to get justice, but a fear that they will get justice. That is going on all over the United States. All these corporations are through propaganda trying to control sentiment that will be brought to bear upon Senators and Members of the House of Representatives to defeat this bill; and it seems as though there was not much sentiment for it. Senators have not given it attention. If we could get them to lay aside some of their other important duties and consider the bill, I believe that, in the end, we could pass it practically by unanimous vote through both branches of Congress; and if it shall be enacted it will accomplish the purpose. Incidentally it will help prohibition enforcement more than it will help anything else, but, as a matter of fundamental principle, it will help all honest business.

I suppose Senators are familiar with the case that went up from Louisville, Ky., not long ago where two taxicab companies were striving with a railroad company to get the right to park their cars on ground which was owned by the railroad company at the station. Both those taxicab companies were doing business in Kentucky.

The State court decided in favor of one of the litigants that the railroad company was obliged to give it the same privilege that it accorded to another taxicab company. The taxicab company whose contention was overruled was incorporated in the State of Kentucky. So far as I know, it had no other business in any other State; so far as I know, all of the incorporators lived in the State, and perhaps all of them lived in Louisville. There was, however, a different rule, the defeated litigants thought, in the Federal courts governing the subject, and what did they do? They dissolved their corporation; went over the line into another State, and there incorporated. They were the same men, the property was the same, the business was conducted in the same locality, and everything was just the same, except that the company was incorporated in a foreign State. It did not do business where it was incorporated; its members did not live where the company was incorporated; but incorporation in another State made the company a nonresident of the State of Kentucky. The defeated litigant then went into a Federal court and finally carried the case to the Supreme Court of the United States, and won it.

There was not any reason why anything of that kind should have happened; there was not any just reason why the enormous attendant expense should have been incurred. I know it may be said, "Why, the company defeated in the State court finally won its case." That is true. There is, however, a different rule in the Federal courts from that prevailing in the State courts. It does not follow that the State court of Kentucky was wrong. That court was acting under a law of the Legislature of Kentucky and the dispute arose in the State of Kentucky, under that law.

The people engaged in the litigation were all living right there; their business was right there; but because one of the companies was incorporated in a foreign State, it had the choice of two tribunals, which the citizens of the State of Kentucky did not have. So it went into the Federal court.

The law to which I refer, if enacted, would give to great corporations the advantage of two courts. They may take their choice; they may go into the Federal courts or they may go into the State courts. If they are sued in a State court they can take the case into the Federal court. The ordinary citizen does not have that privilege.

I submit, Mr. President, that where the dispute has nothing to do with a law of Congress, where no Federal question is involved, our Federal judiciary ought to keep its hands off and let the States settle their own disputes growing out of laws enacted by their own legislatures, in courts which they have organized and put into operation. Incidentally, the benefit in the enforcement of the prohibition and other laws would follow if we should pass that simple measure.

Mr. President, in conclusion, I desire to say that I still have some hope that the work of this commission will result in good. As I have said several times, I am very deeply disappointed in the methods the commission has pursued. At the same time, it is the only commission in existence dealing with this subject matter; it is only half through with its work; and, even if I am not satisfied with what it has done, and the way in which its work has been carried on, I still believe that we ought to continue the commission until it shall have finished its work.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13174 to amend the World War veterans' act, 1924, as amended.

MUSCLE SHOALS

Mr. BLACK. Mr. President, some very startling facts have come into my possession to-day with reference to a statement that has been made several times as to the responsibility for the failure to enact Muscle Shoals legislation. The facts which have come to my attention appear in an advertisement in the Johnson City Chronicle of Sunday, June 29, headed, "REECE—the Republican and Patriot," and in a letter or a photostatic copy of a letter signed by the Hon. JOHN Q. TILSON, Republican leader of the House of Representatives.

There are some facts alleged here which, it seems to me, should call, and probably will call, for some kind of an investigation to be instituted by the leaders of the Republican Party. If the facts set forth as given here are true—which I do not assert, but they are alleged by one who is said to be "REECE—the Republican and patriot"—if the facts herein are true, those who have charge of the selling of power at Muscle Shoals—a part of the present administration—constitute, in the words of the statement, "a political oligarchy who have an interest in the Alabama and Tennessee Power Cos."

That is not my statement; that is the statement of a man who is recommended by the Republican leader of the House of Representatives—the Hon. JOHN Q. TILSON—in a letter, a photostatic copy of which is circulated throughout Mr. REECE's district, as a leading Republican worthy of confidence and respect of the Republican Party, and having the backing of the President of the United States and the leaders of his party. Then, I find herein the statement that—

> The Alabama Power Co. is the only company that has transmission lines to Muscle Shoals, and therefore it has no competitor in bidding for this power and will not have as long as the operation at Muscle Shoals is under the influence of a political oligarchy who have an interest in the Alabama and Tennessee Power Cos.

I call attention to the fact that this gentleman has been recommended by Mr. JOHN Q. TILSON——

Mr. COPELAND. For what?

Mr. BLACK. In his race for Congress, as the great apostle of Republicanism, has circulated or caused to be circulated, in the public prints of this country a charge which reflects upon the President of the United States, upon the Secretary of War, upon the Chief of Engineers, and upon every part of the Republican administration, which has to do with the sale of power at Muscle Shoals. I have made no such charge as that, but I have here in my hand proof, which I think will be accepted as conclusive by every man on the Republican side as well as on the Democratic side, that when I heretofore made the statement that this administration is responsible for the failure to enact Muscle Shoals legislation I stated that which is correct.

Before I go into that, may I call attention to the fact that a few days ago we adopted a resolution, simple in its terms, asking that there be sent to this body the exclusive contract which it is alleged prevents the sale of power to anyone except the Alabama Power Co. If that contract is in existence, it could, of course, have been sent up in a few hours. It has not yet been received; and a newspaper reporter told me a few moments ago that he was informed at the office of the Secretary of War that the answer would be forthcoming some time next week. The request was that the exclusive contract be sent. As a matter of fact, there is no exclusive contract; as a matter of fact, there has been no exclusive contract in writing, and, so far as the present Secretary of War is concerned, I am convinced there has been no exclusive contract in any other form. However, I am informed authentically that the statement will be made that the reason power can not be sold at Muscle Shoals to anyone except the Alabama Power Co. is that it would cost somewhere between twenty-five and fifty thousand dollars to equip the plant.

I first desire to call attention to the fact that when the citizens of Muscle Shoals expressed the desire to buy from the Government power which is going to waste, no such statement was made to them. I also desire to call attention to the fact that I have reliable information that there is a small turbine generator in the hydropower house of a capacity of 1,050 kilowatts, which supplies power for lighting the Wilson Dam and the streets and buildings and homes of the employees; that the maximum demand for these uses is about 500 kilowatts, and the balance, 550 kilowatts, could be supplied to Muscle Shoals City, with no operating difficulties of any kind or character. The plant is there.

I also desire to read a telegram received yesterday from Mr. Allen J. Roulhac, former mayor of Sheffield, in which he says:

> See testimony of Civilian Expert Howard, Ordnance Department, Muscle Shoals City hearing, to effect power could be delivered without mechanical difficulty or additional expense. At that time I was mayor of Sheffield and we also made application for power, and still want it.

Bear in mind that in a public statement which went to the country a few days ago it was set forth that Muscle Shoals City would only buy $14,000 worth of power. The city of Sheffield has requested it, and still wants it, and the city of Sheffield is a growing, thriving city. I continue reading from Mr. Roulhac's telegram:

> All power company franchises in this district expire soon. Great movement on to have municipal-owned systems. Evidently there was understanding that no settlement would be made of Muscle Shoals to justify Power Trust building line from Nashville. History shows determination at all times on part of Power Trust, aided by administration leaders, to prevent any settlement in order that trust might enjoy exclusive benefit of Muscle Shoals. Hope you make clear this issue. Surely but indirectly affects every user of power in United States.

So much for the statement which has been given out that power could not be sold at Muscle Shoals without tremendous expense. There are the statements which can be answered when the Secretary of War sends his letter to the Senate, if he decides to do anything more than simply send a copy of the contract as requested. But, returning to the other subject, first may I call attention to the fact that in this letter from Hon. JOHN Q. TILSON, dated June 4, to Mr. Guy L. Smith, editor and publisher of the Johnson City Chronicle, this statement appears at the beginning:

> The following letter from the Republican leader of Congress, a native son of Unicoi County, Tenn., who by long tenure of service has attained the highest distinction in the greatest legislative body in the world—

That is the House—

> now standing next to President Hoover himself in legislative matters, shows clearly that the Reece bill on Muscle Shoals and Cove Creek Dam is an administration measure of nation-wide importance, intrusted to REECE to be drafted and to be managed for the best interest of East Tennessee.

I call attention further to the fact that Mr. TILSON states in his letter to Mr. Smith that:

> From the beginning it has been apparent that no bill which provides for Government operation of this great project could be

passed by the House; and, while I can not speak for the President, I feel sure that such a proposal would not have received his approval. * * * It is a proof of Mr. REECE's standing here and of his ability that he was trusted by the administration and by the responsible leadership of the House to handle one of the most controversial bills of the session.

Mr. TILSON says that Mr. REECE was selected by the administration and by the leaders of the House. In that connection I call attention to this advertisement for Mr. REECE, in which this statement is made:

In the light of these facts, of which all parties at Washington were fully aware, Congressman REECE, who was chairman of the conferees from the Republican House, would have been both a fool and a rascal as well as a traitor to the Republican Party and to the people of his district if he had voted "yes" on the Norris bill. For him to have voted "yes" would not have enacted the bill into law or put the project into operation as falsely claimed by the propagandists, but would have "passed the buck" to the Republican House, and to the President, both of whom—

Listen to this!

both of whom—

The President and the House—

had placed confidence in REECE as a conferee, and had already rejected the Norris bill in principle as well as in fact.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator from Arkansas.

Mr. CARAWAY. Is the Senator speaking of ex-Congressman REECE?

Mr. BLACK. He is not an ex-Congressman yet. He is down in Tennessee to-day running for Congress, and in his absence the House has not appointed anybody in his place to serve on the conference committee.

Mr. CARAWAY. I was just mistaken about the time.

Mr. COPELAND. Mr. President, will the Senator yield to me?

Mr. BLACK. I yield to the Senator from New York.

Mr. COPELAND. I should like to be set clear in my mind about what the Senator is stating.

I hold in my hand a photostatic copy of the letter of Colonel TILSON, the Republican leader of the House, from which I quote:

From the beginning it has been apparent that no bill which provides for Government operation of this great project could be passed by the House; and, while I can not speak for the President, I feel sure that such a proposal would not have received his approval.

The implication of this is that the Republican leader of the House is in a sense committing the President in opposition to the Government operation of Muscle Shoals.

Mr. BLACK. Or to the compromise which has been offered.

Mr. COPELAND. Does the Senator mean that this great water power at Muscle Shoals is not being operated merely because the Republican Party has this fetish that government must not engage in any sort of enterprise? Is that the feeling the Senator has?

Mr. BLACK. My feeling is that the Republican administration is 100 per cent responsible for the failure to operate Muscle Shoals.

Mr. COPELAND. Now will the Senator permit me to say this: I am in bitter opposition to the Government ownership and operation of anything which is dependent upon inventive genius or the energy of man in promoting it; but here is a great water power, placed there by nature, which ought to belong to the Nation and which should be utilized in the development of power; and it seems to me a crime against the highest interests of our people to think that it is not so utilized merely because a group of men in power say that under no circumstances must the Government operate this project. Is that the situation?

Mr. BLACK. That is the situation exactly.

Mr. COPELAND. I commend the Senator for calling it to the attention of the people and repeatedly calling it to their attention, and I want him to have this encouragement: While my State is a long way from his, I have many letters from citizens of my State who are protesting against the failure of Congress to take action which will make possible the utilization of this great power at Muscle Shoals.

Mr. BLACK. I thank the Senator. Now, may I call attention further to these words—

Why the lobbying against the administration policy in reference to Muscle Shoals?

Another sentence:

What he and the Republican administration in Washington knew to be right.

Another sentence:

Along lines approved by the Republican Party.

Another sentence:

Whereas the administration measure as drafted by REECE——

Another sentence. This is so interesting that I want to read the whole paragraph:

If REECE, the only Republican Congressman from the South who has anything to do with this piece of legislation—

I presume he did not consider Mr. WURZBACH as worthy of note—

can be killed off by the propaganda of the Alabama Power Trust and of the red radicals from the Northwest, the Republican administration would probably recede from its desires and efforts to dedicate this great national project to the benefit of the people and the industry of the South and would probably let it remain here, as it now is, only to fatten the Alabama Power Trust or the demagogues who wish to benefit from its political influence.

In other words, Mr. REECE says if he is defeated, the Republican Party is going to back off; it is going to take hands off, and it is going to let the Alabama Power Trust continue to fatten on Muscle Shoals!

The Senator from Arkansas [Mr. CARAWAY] a few days ago asked me a question about the cost of this power. While I do not vouch for Mr. REECE's figures, I will read the paragraph which is most interesting. He says:

There is a joker somewhere in this heap of intimidation. That joker is the Alabama Power Co., closely affiliated with the Tennessee Power Co.

In 1929 the Government produced at Muscle Shoals 165,137,085 kilowatt-hours of electric energy. As provided in the contract, the return to the Government at 2 mills per kilowatt-hour amounted to $330,274.17. It cost the Government to produce this power—

Says Mr. REECE—

at 5 mills a kilowatt-hour, $825,685.43. So the Government lost about $495,411.26 on the year's operation itself. If you will add to this the loss of 4 per cent on the Government's $125,000,000 investment in the construction of dams, you will have an annual loss to the Goverment of more than $5,000,000. On the other hand—

He says—

the Alabama Power Co., selling this same power at a rate of 8 cents to 10 cents a kilowatt-hour, is making a gross profit of 4,000 per cent to 5,000 per cent, or a total gross profit on the year's operation of more than $16,000,000.

Then he says:

The Alabama Power Co. is the only company that has transmission lines to Muscle Shoals, and, therefore, it has no competitor in bidding for this power and will not have as long as the operation at Muscle Shoals is under the operation of a political oligarchy who have an interest in the Alabama and Tennessee Power Cos.

There are a few of the Republican leaders over on the other side who have heard this. They know who has charge of the sale of this power. It is under the Secretary of War. The Secretary of War is an agency of the President. I ask them now if they are willing to let the news continue to be heralded through the country by Mr. REECE, who is said to be a leading Republican, and by Mr. TILSON, that the political oligarchy, as it is charged, is selling power to the Alabama Power Co.; or, in other words, are they willing to permit the Secretary of War, the President of the United States, and the Chief of Engineers to rest under an imputation that they are selling this power and have stock in the Alabama and Tennessee Power Cos.?

Mr. CARAWAY. Mr. President, will the Senator yield to me for just a minute?

Mr. BLACK. I yield to the Senator.

Mr. CARAWAY. The most interesting statement in that very interesting document is that the Alabama Power Co. is the only company that has transmission lines, and, therefore, if a lease were to be made, the only company to which a lease could be made. That is the implication. Therefore the bill about which he had so much to say, if it should become the law, would simply dedicate this whole project to the Alabama Power Co. That is inevitable, is it not?

Mr. BLACK. Unquestionably.

Mr. CARAWAY. And undoubtedly the purpose.

Mr. BLACK. There can be no purpose in the world in the Reece bill except one: You can not read it and get anything else out of it, and that is, instead of turning over the power to the power company by a month-to-month contract, to give the Government officials the authority to turn it over to them for 10 years. An amendment was offered which would have taken away that power. An amendment was offered over in the House committee by Mr. HILL, from Alabama, which provided that if a municipality should want to buy from a private lessee, and the power company had the power in its possession under a lease, the lease could be canceled on two years' notice, but that amendment was defeated.

Mr. McKELLAR. Mr. President——

Mr. BLACK. I yield to the Senator from Tennessee.

Mr. McKELLAR. Has the Senator any doubt in the world that the bill that Mr. REECE claims as his bill was prepared by the Alabama Power Co. or its agents?

Mr. BLACK. I do not know who prepared it. All I can say is that there is no difficulty in determining from reading it who is to be the beneficiary of it, and that is the power companies.

Mr. McKELLAR. If they did not prepare it, it must suit them just as well as if they had prepared it; must it not?

Mr. BLACK. I do not see how they could object to it, since it would give them all the power, but by a 10-year contract instead of a month-to-month contract.

Mr. McKELLAR. Of course that was the purpose of the bill.

Mr. BLACK. Mr. President, in addition to what has been said with reference to the appointment of the conferees, I wish to say that less than an hour ago I was told in this Chamber by a Member of Congress that he had a conversation with a member of the conferees, Mr. WURZBACH, the day before he was appointed, and Mr. WURZBACH was favorable to a compromise. After he was appointed this Congressman congratulated Mr. WURZBACH upon being appointed, and said, "That means that there will be an agreement." Mr. WURZBACH said, "No; I can not carry out my views." "Why?" "The President is against it."

Mr. CARAWAY. Mr. President, may I suggest to the Senator that it seems to be the rule now for the President to write conference reports. I understand the conferees on the veterans' bill had breakfast at the White House this morning.

Mr. BLACK. That is interesting. I presume that breakfast will cost many a veteran and many a veteran's family far more than the breakfast was worth.

Mr. CARAWAY. It may mean they will not have a breakfast.

Mr. COPELAND. It will drive many into bread lines.

Mr. BLACK. Yes; as suggested by the Senator from New York, it may drive many of them into bread lines.

Mr. President, the fact about Muscle Shoals legislation is this. It is held up. The two Republican conferees from Texas and Tennessee have left, and request has been made in the House to name others in their places. Of course that will not be done.

It is as plain as it can be that the conferees have not intended and the Republican administration does not desire to have any legislation passed with reference to Muscle Shoals.

Mr. McKELLAR. Mr. President, if the Senator will yield, is it not just as plain that the whole matter is being dictated by the President of the United States?

Mr. BLACK. There is no other conclusion which can be reached from the situation, from the statements made on the floor of the House, from the statements made in advertisements, and statements elsewhere, than that one word from the President of the United States in line with the speech he made in Elizabethton, Tenn., would settle this controversy.

I do not know whether Mr. REECE is correct or not; but if he is correct, my estimates of the loss to the country from a failure to settle this matter have been too low. He places the loss at $16,000,000 a year—enough, over a period of years, to justify the granting of additional compensation to the men who served their country in time of war.

Could that be done? Yes. What would be the effect? It would reduce the swollen fortunes of those who happened to be drawing more than their proportionate part from the great profits of the power companies. There is the trouble.

Of course, I realize that Senators on the other side do not like to hear of Muscle Shoals—or few of them do. They feel that it is a waste of time. Not only that, but attempts to make an effort to get action which would benefit the consumers and which would not benefit the great power companies are beyond their comprehension. We invite them to join us in an effort to get Muscle Shoals legislation settled if they favor it.

Their party is placed on record as being opposed to the compromise measure. Mr. REECE, who is held as a Republican, the man of the hour in the crisis, and to whom they say the Republican Party and the Nation have intrusted this wonderful gift of the centuries to the people of the South, says he can not agree on the compromise because the Republican House and the President placed confidence in him as a conferee.

Mr. President, the facts are these, that power down there is going to waste, the city of Muscle Shoals is ready to buy it, and the city of Sheffield is ready to buy it. There can not be any smoke screen thrown out about expense. There will be no difficulty. If this great Government of ours can not spend a few thousand dollars to put the necessary equipment there, the municipalities can. The administration can not escape on the theory that it might cost $25,000 or $50,000 to equip the plant so as to sell the power. In the first place I deny that it would cost that. In the next place I say that even if it did cost it, the Government would get the money back from the sale of power. In the next place, if it is necessary to remove the smoke screen which has been thrown out. I say that if the worst comes to the worst, the municipalities, as they heretofore offered, will pay the expense.

Mr. McKELLAR. Mr. President, I am quite sure the city of Memphis would take almost all the power it could get from Muscle Shoals. They would certainly take a very substantial amount of it, and if it were necessary, I have no doubt they would build a transmission line. Such a line has already been surveyed and estimated for with the expectation that the Government might sell current there. I have no doubt that Memphis would take it if the Secretary of War would enter into a contract with them.

Mr. BLACK. Mr. President, I have placed these facts in the RECORD in order that they might be known to the Members of the majority party, which is responsible for the legislation or lack of legislation with reference to Muscle Shoals.

I hope the Senator from Nebraska will ask for unanimous consent to take up the joint resolution which he has introduced, and which has been favorably reported by the Committee on Agriculture and Forestry, and let it be seen if anybody objects to passing it.

Mr. NORRIS. Mr. President, will the Senator yield to me for that purpose?

Mr. BLACK. I yield.

Mr. NORRIS. Mr. President, I ask unanimous consent for the present consideration of Senate Joint Resolution 205, relating to the sale of power generated by the Government at Dam No. 2, Muscle Shoals, Ala., and the steam plant in that vicinity.

The PRESIDING OFFICER. Is there objection?

Mr. JONES. Mr. President, I will not object if it will not take any time.

There being no objection, the Senate proceeded to consider the joint resolution, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That until Congress makes some definite disposition of the Government property at Muscle Shoals in Alabama, the Secretary of War is authorized to sell the power generated by the Government at Dam No. 2, Muscle Shoals, Ala., and at the steam plant belonging to the Government in that vicinity, to States, counties, municipalities, public organizations, private corporations, and individuals under contracts providing for the termination thereof by the Government of the United States on notice of 12 months.

SEC. 2. In such sale of power there shall be no discrimination against any State, county, or municipality. All contracts for the sale of such power shall be uniform as to price and other provisions relating to kind and quality of the power sold.

Mr. BLACK. Mr. President, one or two more words, and I will be through. Now, this matter is up to the House. Of course, it is necessary to be guarded with reference to statements about a thing being up to the body at the other end of the Capitol.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. McKELLAR. Is the Senator quite accurate about that? Is it not up to the President now, because the House will not take it up unless the President will permit it to be done?

Mr. BLACK. I was somewhat hesitant about making that statement, but since the Senator has made it, I would certainly not deny it.

I was about to say that if the gentlemen who signed this testimonial for Mr. REECE, and two other men in the House, would ask that this joint resolution to which the Senate has just agreed be passed in the House, it would be passed there within five minutes after it reached that body.

Mr. President, the country is going to know where the responsibility lies for failure to enact Muscle Shoals legislation. It is my belief that we should not adjourn, and that the body at the other end of the Capitol should not adjourn, until they are given a chance to vote upon that compromise measure.

I deny that they have ever had the privilege of voting on the Norris bill. In this, as in other matters, there are methods of circumventing and methods of preventing a vote. I claim that the statement made here by the Republican leader that the House would not have passed that bill is not correct. They had passed a bill like it once, and they would have passed it again. But let there be no misunderstanding. The documents I hold in my hand speak for themselves.

Mr. CARAWAY. Mr. President, if the leader was so confident that the House would have rejected it, why did he not give them a chance to act on it?

Mr. BLACK. Because the leader knew they would pass it, and because they do not want to embarrass some of the men who are running for Congress in next fall's election by a vote on the Muscle Shoals legislation.

Mr. CARAWAY. I think the Senator is wrong about that. I think he thought it would embarrass the Alabama Power Co.

Mr. BLACK. Of course, that is what is behind it, the desire to let the power companies continue to reap exorbitant profits, and if the men do not have to vote on it, and if it can be said, "Yes; we voted against it when we voted for something else," that is a very convenient alibi.

Now, this joint resolution has been passed. One word from the President of the United States, according to the statements of this man in his advertisements in his district, would result in the passage of the Muscle Shoals legislation. It is claimed that the President has his foot on the lid, and that he is responsible for the lack of legislation. We do not know. All we can do is to surmise. But we do know that every day's delay is costing the American people thousands and thousands of dollars, and it is going into the pockets of the private power companies of the United States, who are already drawing a larger percentage of the money of the people than they are entitled to receive.

I ask the leaders of the majority party to let their voices be heard. Let them use their influence with their President in order to bring about legislation.

Mr. President, I want to say also, that I do not subscribe to the statement here that the Secretary of War has any stock in the Alabama Power Co. or the Tennessee Power Co. I do not believe it. I believe the Secretary of War is an honest man. I believe in his integrity.

Mr. CARAWAY. Is there any such declaration in that paper?

Mr. BLACK. The declaration here can be taken to mean nothing else. The writer first sets out the power which has been sold, and then he says:

> The Alabama Power Co. is the only company that has transmission lines to Muscle Shoals, and, therefore, it has no competitor in bidding for this power and will not have as long as the operation at Muscle Shoals is under the influence of a political oligarchy—

Which, of course, means those who have it in control; it can mean nothing else.

> Who have an interest in the Alabama and Tennessee Power Cos.

Mr. CARAWAY. Mr. President, of course I do not know what the writer of that did intend to say, but I know that if that charge was directed against the present Secretary of War, it is absolutely without any foundation of fact. The Secretary of War is a man of high character, and Mr. REECE ought to be careful in his advertisements. I do not think he ought to have made a charge even open to that interpretation.

Mr. BLACK. I agree with the Senator.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. BLACK. I yield.

Mr. McKELLAR. Apparently the statement made there carries the implication which the Senator gives to it. But I have known Mr. Hurley for some time, and I am absolutely sure the statement is false in reference to him. Representative REECE should not have been led to make any such untrue statement about him.

Mr. CARAWAY. I am persuaded that the Representative never saw that advertisement, or read it.

Mr. BLACK. I do not know, but so far as I am concerned, I do not subscribe to that charge. It is my judgment that there is not the slightest justification for the charge which has been made.

Mr. McKELLAR. I agree with the Senator entirely. I know there is no justification whatsoever for any such charge.

Mr. COPELAND obtained the floor.

Mr. McKELLAR rose.

Mr. COPELAND. I wish to call up a resolution coming over from yesterday.

Mr. McKELLAR. Before the Senator does that, I want to make a statement about Muscle Shoals.

Mr. COPELAND. I must take the action I have suggested before 2 o'clock.

The PRESIDING OFFICER. The Senator from New York can not do it without unanimous consent.

Mr. COPELAND. I will yield, then, in view of the fact that I must have unanimous consent.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the unfinished business will be temporarily laid aside until final action on the conference report.

Mr. McKELLAR. Mr. President, I want to make a very brief statement about an attack which has been made upon me.

Some one sent me a copy of Congressman CARROLL REECE'S campaign speech. His attack on me is puerile.

When Senator NORRIS'S Muscle Shoals bill did not protect the State of Tennesse, of course I opposed it. The result of that opposition was that in the next bill we placed a provision giving the State of Tennessee 5 per cent of the gross income from the Cove Creek Dam and two and a half per cent of the gross income from the increased power at Muscle Shoals. This income is extremely liberal to the State of Tennessee, and I hope will probably amount to $100,000 or more per year in lieu of taxes. With the remainder of the bill I have always been in hearty accord and I am still. It is the greatest measure, as it now stands, ever considered for Tennessee. Both Tennessee Senators and nine Tennessee Congressmen favor the compromise bill. Congressman REECE is alone opposed to it, and he of all people ought to favor it because it helps his district perhaps more than any other district in the United States.

I am advised that he has stated that Senator BROCK and I fell short of our duty because we did not present his bill to the Senate for the Senate's consideration. Speaking for myself, I did not present his bill for the Senate's action because it was the Power Trust's bill, gotten up in the interest of the Power Trust by those who believed that the Power Trust should secure these properties from the Government without compensation or with as little compensation as possible. I do not believe in such a bill. I have never supported such a bill, and never expect to support such a bill, and naturally I declined to present it to the Senate. Even if I had presented it to the Senate, it would have been overwhelmingly defeated, because, to my certain knowledge, a large majority of the Senators are opposed to this power bill which Congressman REECE calls his bill.

It is little less than a shame that Mr. REECE is preventing the expenditure by the Government of $45,000,000 at this time in east Tennessee. It would have caused the building of one of the greatest dams in the country partly in Mr. REECE'S district. Much of the money would be paid out to people of his own district, and in these hard times and days of unemployment certainly the expenditure of this money would be a great boon to Congressman REECE'S district. That they do not get it is entirely due to his attitude, though some say it will be due to the President's attitude. Whether it is forced by the President, I can not say. Some say it is and some say that it is not, so we will leave it at that for the present.

As to my embarrassing Congressman REECE and the Republican administration, Mr. REECE is wholly in error. I do not desire to embarrass anyone. If Congressman REECE'S constituents desire him to continue to oppose this bill, to oppose the building of this great plant in their midst, to oppose the expenditure of this money in their midst, to oppose their getting employment in these hard times, that is their matter and not mine. Congressman REECE said:

> The present administration is interested in disposing of Muscle Shoals.

Yes; it and preceding Republican administrations have been on the job for 10 years trying to give it to the Power Trust while some of us here have been fighting to preserve it for the people and to develop Cove Creek in conjunction with it, so as to prove the greatest benefit to the people of east Tennessee. If the people of the first district desire to give this great property to the Power Trust rather than to preserve it for the benefit of all the people, they are certainly fortunate in their Congressman.

Congressman REECE is a delightful, pleasant gentleman. Personally I like him very much. I regret exceedingly to see him take up the cudgels for the Power Trust. His barking at me is of no consequence.

During the delivery of Mr. McKELLAR'S speech—

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. Under the proper procedure I think it would be necessary to lay before the Senate the unfinished business at 2 o'clock.

The PRESIDING OFFICER. The Chair was under that impression, but under the rule the business before the Senate is

action upon an amendment of the House to an amendment of the Senate to the second deficiency bill, which is a privileged matter.

Mr. McNARY. I have no quarrel with the ultimate result, but I think I understand the rule. There are only two ways to displace the unfinished business at 2 o'clock. One is by unanimous consent or, if there is objection to unanimous consent, then by motion.

The PRESIDING OFFICER. The Senator is correct; but consideration of the motion now before the Senate does not displace the unfinished business. The unfinished business comes before the Senate automatically as soon as we get through with the action of the House on the amendment of the Senate to the deficiency bill.

Mr. McNARY. But in the first place the orderly procedure is to lay the unfinished business before the Senate at 2 o'clock and then discussion can be had after it is laid aside.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. McKELLAR] was recognized, but if any Senator should object to that procedure, then the privileged motion would be displaced.

Mr. McNARY. I am perfectly content that the unfinished business shall be temporarily laid aside, but I question the right of the Chair not to lay before the Senate the unfinished business.

The PRESIDING OFFICER. But suppose some Senator should object to laying aside the unfinished business?

Mr. McNARY. Then the orderly procedure is to move to displace it.

The PRESIDING OFFICER. The Chair would hold that the rule provides otherwise.

Mr. McNARY. Then I must say that this is the first time in my experience of nearly 15 years that such a thing has been done.

SECOND DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the action of the House of Representatives on certain amendments of the Senate to House bill 12902, the second deficiency appropriation bill, the pending question being on Mr. JONES's motion to agree to the amendment of the House to the amendment of the Senate, No. 12, which was to strike out all the matter inserted by said Senate amendment and insert in lieu thereof the following:

EXECUTIVE

Investigation of enforcement of prohibition and other laws: For continuing the inquiry into the problem of the enforcement of the prohibition laws of the United States, together with enforcement of other laws, pursuant to the provisions therefor contained in the first deficiency act, fiscal year 1929, to be available for each and every object of expenditure connected with such purposes, notwithstanding the provisions of any other act, and to be expended under the authority and by the direction of the President of the United States, who shall report the results of such investigation to Congress, together with his recommendations with respect thereto, fiscal year 1931, $250,000, together with the unexpended balance of the appropriation for these purposes contained in the first deficiency act, fiscal year 1929, which shall remain available until June 30, 1931.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

Mr. JONES. Mr. President, the House has proposed a substitute for the Senate amendment numbered 12. I have moved that the Senate concur in the amendment of the House to the amendment of the Senate, and on that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. METCALF (when his name was called). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. If I were permitted to vote, I would vote "yea." If the Senator from Maryland were present and voting, he would vote "nay."

Mr. REED (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the junior Senator from Pennsylvania [Mr. GRUNDY], and vote "yea."

Mr. STEPHENS (when his name was called). I transfer my pair with the senior Senator from Vermont [Mr. GREENE] to the senior Senator from Missouri [Mr. HAWES] and vote "nay."

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from Oregon [Mr. STEIWER] and vote "yea."

The roll call was concluded.

Mr. DENEEN (after having voted in the affirmative). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I observe that he is not in the Chamber. I am not able to obtain a transfer and am therefore obliged to withdraw my vote.

Mr. METCALF. I transfer my vote with the Senator from Maryland [Mr. TYDINGS] to the junior Senator from Minnesota [Mr. SCHALL], who, if present, I understand, would vote as I would vote. I vote "yea."

Mr. GILLETT (after having voted in the affirmative). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], who is necessarily absent. I am unable to obtain a transfer of that pair and therefore withdraw my vote.

Mr. HARRISON. I transfer my pair with the senior Senator from Utah [Mr. SMOOT] to the senior Senator from Florida [Mr. FLETCHER] and vote "nay."

Mr. McNARY. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from New Jersey [Mr. KEAN] with the Senator from Washington [Mr. DILL];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Louisiana [Mr. BROUSSARD];

The Senator from Illinois [Mr. GLENN] with the Senator from Iowa [Mr. STECK]; and

The Senator from Kentucky [Mr. ROBSION] with the Senator from Arizona [Mr. ASHURST].

The result was announced—yeas 37, nays 22, as follows:

YEAS—37

Allen	Hastings	Nye	Shortridge
Barkley	Hatfield	Oddie	Sullivan
Borah	Hebert	Patterson	Thomas, Idaho
Brock	Howell	Phipps	Townsend
Capper	Jones	Pittman	Vandenberg
Couzens	Keyes	Ransdell	Walcott
Dale	McCulloch	Reed	Watson
Fess	McNary	Robinson, Ind.	
Goldsborough	Metcalf	Sheppard	
Hale	Norris	Shipstead	

NAYS—22

Bingham	George	Kendrick	Trammell
Black	Glass	La Follette	Wagner
Blaine	Harris	McKellar	Walsh, Mass.
Caraway	Harrison	Stephens	Walsh, Mont.
Copeland	Hayden	Swanson	
Cutting	Johnson	Thomas, Okla.	

NOT VOTING—37

Ashurst	Frazier	King	Smith
Baird	Gillett	McMaster	Smoot
Blease	Glenn	Moses	Steck
Bratton	Goff	Norbeck	Steiwer
Brookhart	Gould	Overman	Tydings
Broussard	Greene	Pine	Waterman
Connally	Grundy	Robinson, Ark.	Wheeler
Deneen	Hawes	Robsion, Ky.	
Dill	Heflin	Schall	
Fletcher	Kean	Simmons	

So Mr. JONES's motion was agreed to.

Mr. JONES. Mr. President, I ask the Chair to appoint the conferees on the part of the Senate at the further conference between the two Houses on the amendments still in disagreement.

The PRESIDING OFFICER appointed Mr. JONES, Mr. HALE, Mr. PHIPPS, Mr. OVERMAN, and Mr. GLASS members on the part of the Senate at the further conference.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 4657) to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, sec. 226), as amended.

The message also announced that the House had passed the bill (S. 2498) to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Presiding Officer (Mr. FESS) as Acting President pro tempore:

S. 2828. An act authorizing commissioners or members of international tribunals to administer oaths, to subpœna witnesses and records, and to punish for contempt;

S. 3064. An act to make permanent the additional office of district judge created for the eastern district of Illinois by the act of September 14, 1922;

S. 4224. An act to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital;

S. 4657. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, sec. 226), as amended;

S. 4735. An act to increase the salary of the Commissioner of Customs;

H. R. 12923. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 12996. An act to authorize appropriations for construction at military posts, and for other purposes.

RELIEF OF WORLD WAR VETERANS

The PRESIDING OFFICER. The Chair will state that, under the rules of the Senate, the unfinished business would automatically be laid down at the present time.

Mr. REED. Mr. President, first, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED. Does the presentation of a conference report and action thereon in any way interfere with the unfinished business?

The PRESIDING OFFICER. It does not.

Mr. REED. Even after 2 o'clock?

The PRESIDING OFFICER. It merely suspends the unfinished business.

Mr. REED. Being a privileged motion, it does not interfere?

The PRESIDING OFFICER. That is correct.

Mr. REED. Now, Mr. President, I send to the desk the conference report on the World War veterans' bill, and I move its immediate consideration.

The PRESIDING OFFICER. The clerk will read the conference report.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 6, 7, 9, 10, 13, 14, 15, 16, 20, and 23.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 8, 11, 12, 17, 18, 19, 21, 22, 24, and 25, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "No suit on yearly renewable term insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made or within one year after the date of approval of this amendatory act, whichever is the later date, and no suit on United States Government life (converted) insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made"; and the Senate agree to the same.

JAMES E. WATSON,
DAVID A. REED,
SAMUEL M. SHORTRIDGE,
Managers on the part of the Senate.
ROYAL C. JOHNSON,
ROBERT LUCE,
RANDOLPH PERKINS,
Managers on the part of the House.

Mr. REED. Mr. President, I have moved the immediate consideration of the conference report. The motion is not debatable, and I, therefore, ask the Chair to put the question on my motion.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the conference report?

There being no objection, the Senate proceeded to consider the conference report.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. REED. Mr. President, I merely desire to make a brief statement of what has been done by the conference committee. The first amendment of any consequence which was made by the Senate to the bill was one relating to the revision of the action of the director by the Comptroller General. The bill as amended by the Senate provided that the decision of the director, both as to facts and law, should be final and not reviewable by the Comptroller General. That was done to avoid a good many cases where the Comptroller General has upset the decision of the director. On that amendment the House has receded; the Senate amendment remains in the bill.

The second amendment of the Senate extended the statute of limitations so that suits might be brought on policies of Government insurance at any time within a year after the passage of this proposed act or at any time within three years after the director had passed upon the claim. On this amendment the House has receded with an amendment so as to provide that suit may be brought at any time within a year after this proposed act shall be passed, or at any time within six years after the cause of action accrued, whichever may be the later.

The next amendment was one put in on the motion of the Senator from Montana [Mr. WALSH] providing that the date stated by the claimant in his application should be the date conclusively settled as the beginning of his permanent disability. After discussion the Senate conferees receded on that amendment.

The next amendment of the Senate authorizd a compromise of claims on insurance policies. At present there is nothing to do but to fight the case to a conclusion, because the Attorney General and the director have no authority to compromise. It was thought that it might be fairer to the policyholder and to the Government if leave were given to the Attorney General to compromise. The conferees, however, finally came to the conclusion, with practical unanimity, that to put in such a provision would mean the institution of a great many "strike suits," cases brought with no idea of trial but with the purpose of getting a small compromise, and that in the end it would lead to increased litigation. The upshot was that the Senate conferees receded.

The next amendment was that sponsored by the Senator from New Mexico [Mr. CUTTING] striking out the words "active tuberculosis disease" as a cause for compensation, and creating a presumption of military connection—striking out those words and substituting merely the word "tuberculosis." It was brought to the attention of the conferees that probably 75 per cent of all humanity shows evidence of pulmonary tuberculosis at some time during life, and that this Senate amendment would have the effect of giving compensation to anyone who showed a lung scar which could be ascribed to tuberculosis, although it might not have been active in any way since before the World War. The Senate receded on that amendment.

I will not stop to mention the trivial amendments that deal with matters of punctuation and mere corrections of mistakes.

The next amendment of the Senate was one striking out a House provision under which the World War veterans' act in effect would benefit only those men who were enlisted before the date of the armistice. It was shown that there were a good many thousand men whose enlistment began after the armistice, who had never heard a hostile shot fired. Under the present law, if they served during the period of the war, which ended by declaration of Congress on July 2, 1921, they were considered to be veterans and got compensation. The House put in a proviso which would terminate that and would terminate the allowances to those veterans after one year more. The conferees discussed that for a long time, and finally the House receded, so the Senate action in striking out that proviso remains in the law, and those men will continue to get their compensation.

The next amendment, known as the Walsh-Connally amendment, increased the amount of disability allowance to veterans suffering from non-service-connected disability and allowed compensation to such veterans if their disability was less than 25 per cent but more than 10 per cent. The figures showing the effect of such a provision were laid before the Senate at the time the bill was under consideration, and I need not repeat them; but after consideration, both yesterday and this morning and after the receipt of a letter from President Hoover, which I will have put in the RECORD and read in a few moments, the conferees decided that the Senate should yield, and that was done.

The next amendment dealt with venereal disease. The Senate amendment permitted compensation for the consequences of venereal disease contracted prior to the armistice. On that point the Senate has yielded. Under the conference report disabilities resulting from such diseases would not be compensated for.

The next amendment was on striking out the House provision that no veteran whose income was sufficient to require

him to pay an income tax should receive compensation under this disability allowance scheme for non-service-connected injuries. That was the last amendment acted on. In effect it provides that a single man without dependents shall get no pension if his income from other sources is $1,500 or more, and a married man with no children shall get no pension if his income from other sources is $3,500 or more, and increasing the limitation by $400 for each dependent, as the Senate will remember, so that a married man with three children would not get a pension if his income exceeded $4,700; otherwise he would get it. The Senate struck that out and provided that all veterans, regardless of their wealth, might receive the disability allowance. On that amendment the Senate has receded, so that the income-tax limitation still exists.

The next amendment of substance had to do with the extra payment given to veterans injured in battle resulting in the loss of a limb. They were given an extra allowance of $25 per month to compensate them for being crippled. The Senate changed that to provide that they would get that compensation, although the actual loss of the limb did not occur until after the armistice, if the injury that caused it was incurred before the armistice. There were a great many amputations in November and December, 1918, caused by wounds received in October or November.

The only other amendment of importance was that which dealt with the so-called cured cases of tuberculosis.

Mr. COPELAND. Mr. President, may I ask the Senator what happened to the amendments just referred to, Nos. 21 and 22?

Mr. REED. I beg the Senator's pardon. On those, the House receded.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. REED. I yield to the Senator from Arizona.

Mr. ASHURST. I rise to inquire what happened to amendment numbered 23, which amendment I proposed for and on behalf of the Senator from New Mexico [Mr. BRATTON]?

Mr. REED. That is just what I am coming to.

On motion of the Senator from Arizona [Mr. ASHURST] an amendment was put in by the Senate providing that the rating of a person once awarded compensation under the cured-tuberculosis provision should not be modified so as to reduce it to less than $50 a month, and that any such person who was receiving payment and whose rating had been modified should be restored to the $50 a month basis. On that, the Senate receded.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. REED. I answered the question directly. I thought I would do that and then give the reasons.

Mr. ASHURST. This amendment, No. 23, seems to have suffered from its cabalistic symbol—twenty-three. I make no charge of bad faith against the Senate conferees. I believe that if circumstances had been different, and time had permitted, the Senate conferees would have adhered to this amendment.

The Senator from New Mexico [Mr. BRATTON] believed, and had reason to believe, that if anything at all were done by this Congress for the disabled veterans, this amendment would be adhered to. It is really not my amendment, although I am vigorously supporting it. The amendment was first offered by the Senator from New Mexico [Mr. BRATTON]. The aplomb with which the recession was announced takes me aback, and I am nonplussed and astounded, but I serve notice now that the fight for this amendment, so far from being ended, has only just begun.

I am under obligation to the Senator from Pennsylvania [Mr. REED] for yielding at this juncture, and I most respectfully serve notice that this contest will be renewed at the appropriate time in the future.

Mr. REED. Mr. President, the amendment was not dismissed without consideration, however my manner may have given the contrary impression. One fault with it is that it would put back on the rolls at an arbitrary $50 per month men who were erroneously once put on, on the theory that they were suffering from tuberculosis, and who afterwards were found to have had only bronchitis; and we are told that there are such cases.

Mr. ASHURST. Mr. President, will the Senator yield further?

Mr. REED. I yield.

Mr. ASHURST. I shall not trespass long.

That is the vice into which the opponents of this amendment usually fall. On the 6th day of May, 1929, there were throughout the United States 43,257 veterans drawing $50 per month under the so-called Ashurst statutory award. They were all arrested cases; that is to say, the progress of their tuberculous disease had been arrested. They were declared by the Veterans' Bureau to be arrested cases upon testimony adduced by the bureau. The bureau's own physicians made the findings and made the awards, and these ex-service men believed that for their lifetime they were to be carried thus, as arrested cases, but the Comptroller General of the United States, not the Veterans' Bureau, handed down an opinion practically nullifying that amendment.

I here pay tribute to the Director of the Veterans' Bureau, as the director in good faith honestly and efficiently carried out the provisions of my amendment which was attached to the veterans' bill in 1926.

Therefore we have the following status of affairs, to wit:

Congress passed a bill, the President signed the same, but the Comptroller General's ipse dixit declares that such is not a law, or, rather, his opinion produces a result never contemplated.

We have in bygone days heard in this Chamber eloquent criticisms of certain governments of other lands where the mere edict or ukase of a ruler took not only the property but the lives of citizens and subjects. I declare here that the ipse dixit of the Comptroller General in this law has taken not only the property but the lives of ex-service men, and has done so over the express will of Congress; and yet we call our Federal Government a representative government!

I am really making no complaint of Congress upon this item. Congress has been generous. Congress has been something which is better than generous; it has been just; and it is better to be just than generous. I view with extreme disrelish the growth of a bureau system whereby the Congress legislates, the President signs the bill, and a Comptroller General declares what the law is.

I have not immediately at hand the comptroller's decision, but I shall have the same in a moment and ask that I be permitted to print the same in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, September 26, 1928.

The DIRECTOR UNITED STATES VETERANS' BUREAU.

SIR: Consideration has been given to your letter of September 5, 1928, requesting decision of the following questions:

"First. Whether a showing of arrested tuberculosis prior to January 1, 1925, where no notation of a tuberculous condition was made at enrollment of enlistment, is a showing of active tuberculosis prior to January 1, 1925, as provided in the second proviso of section 200, it being accepted as a medical fact that where there is a condition of arrested tuberculosis there has been precedent activity.

"Second. Whether the statutory award of $50 per month is payable under the provisions of the third paragraph of section 202 (7) of the act as amended, where no notation of a tuberculous condition was made at enlistment or enrollment; inactive or arrested tuberculosis was noted of record during service; no evidence of record that the condition has been active; the condition is now determined to be in a state of arrest; the disability resulting from the arrested tuberculosis has been rated as service connected and compensable."

Your letter sets forth arguments, reported as having been advanced in the Veterans' Bureau, in support of an affirmative and negative answer to both questions. Each of said arguments has received careful consideration, but it is not deemed necessary in this decision to state or answer each argument or contention in detail.

Section 200 of the World War veterans' act, and as amended by the act of July 2, 1926 (44 Stat. 793) created two separate conclusive presumptions. The first is as to soundness at the time of entering the United States service, and the second is as to "active tuberculosis disease" and had reference to those cases in which the tuberculosis disease had developed a 10 per cent degree of disability or more prior to January 1, 1925. (See 4 Comp. Gen. 828.) Section 202 (7) of the statute, as amended by the act of July 2, 1926 (44 Stat. 796), provides, in so far as here material, as follows:

"That any ex-service person shown to have had a tuberculous disease of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however,* That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a 1-year period of hospitalization: *Provided further,* That no payments under this provision shall be retroactive, and the payments hereunder shall commence from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever be the later date."

While it may be a medical fact that where there is a condition of arrested tuberculosis there has been precedent activity, there is no purpose or intent disclosed in any portion of the statute to give cognizance thereto by imposing such a conclusion of fact upon the statutory presumption either as to sound condition upon entering the service or as to the man's condition prior to January 1, 1925.

The second conclusive presumption with respect to service origin created by section 200 refers only to "active tuberculosis disease of 10 per cent degree or more," shown to have existed prior to January 1,

1925. This provision was first enacted by the World War veterans' act of June 7, 1924 (43 Stat. 616), and the first statutory presumption with respect to soundness upon entrance into the service was first enacted in a form other than now appearing in the statute, by the act of June 25, 1918 (40 Stat. 600). Section 202 (7) above quoted, authorizing payment of not less than $50 per month disability compensation for arrested tuberculosis, was not enacted until July 2, 1926 (44 Stat. 796). It is unlikely that the Congress enacted the latter provision with a view of connecting it up with the earlier provisions of section 200 in such a manner as suggested. Evidently the intent of section 202 (7) was primarily to recognize the need of aiding beneficiaries who had been suffering with active tuberculosis and had so far recovered as to have their condition rated as arrested, an amount not less than $50 per month being provided with a view to aiding the beneficiaries to so live as to prevent a recurrence of the disease. In any event, in the absence of clearly expressed legislation providing to the contrary, the first question must be, and is, answered in the negative.

It is noted that an inactive or arrested tuberculous condition may be rated as service connected and compensation paid therefor, although there is no record of an active condition due to service. While possibly this matter would be for medical ascertainment, it is difficult to understand how a disability rating as of service connection may be based on a completely inactive or arrested case of tuberculosis.

The express provision for payment of not less than $50 per month in cases of arrested tuberculosis following active tuberculosis reasonably may be viewed as showing that the Congress thought it necessary to provide specifically for cases of arrested tuberculosis and that the condition itself would not otherwise justify a compensable rating. But if the bureau has considered a compensable rating justified on the basis of inactive or arrested tuberculosis due to service, as a medical finding alone, this office does not deem it within its province to make further objection thereto. Certainly, however, there is nothing in the statutory presumptions alone—and in the absence of a finding based on the physical condition of the veteran—to justify such result. With respect to the award of not less than $50 per month for arrested tuberculosis, section 202 (7) of the statute clearly contemplates that the beneficiary must first have had an active tuberculous disease of service origin for which compensation was payable. This is reasonably clear from the evident intent of the section as stated under question 1, and by reason of the proviso which saves to the beneficiaries alternate rights after hospitalization for active tuberculosis. Question 2, also, is answered in the negative.

Respectfully,

J. R. McCARL,
Comptroller General of the United States.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. REED. Just a minute. Speaking for myself personally, I have a similar feeling of impatience at the action of the Comptroller General; and therefore I was particularly glad to see the retention of the Senate amendment which provides that hereafter the director's decision shall be conclusive both on the facts and the law, and that the comptroller can not upset it.

Mr. ASHURST. Mr. President, will the Senator yield once more?

Mr. REED. I yield.

Mr. ASHURST. The next time a veterans' bill is up I shall take pains to see that the amendment bears no such number as 23. That is the cabalistic symbol to which I referred.

Mr. CARAWAY and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I promised to yield first to the Senator from Arkansas.

Mr. CARAWAY. Mr. President, I was impressed by the concluding statement of the Senator from Pennsylvania that to have maintained this amendment would have put back on the roll men who were erroneously there.

Mr. REED. Yes.

Mr. CARAWAY. How came they on the roll originally?

Mr. REED. By mistake of the officials who were administering the act.

Mr. CARAWAY. By the experts who diagnosed their cases; and yet we are told that we must accept these experts as actually conclusive of all cases! I believe the President said it would be dishonest to legislate an arbitrary date of assumption, because the experts had declared that that was beyond the period of probability; and yet the Senator from Pennsylvania says that they made mistakes, and declared people to have tuberculosis who did not have it!

Mr. REED. Not necessarily the same individuals make mistakes as those who find them.

Mr. CARAWAY. No; the machine is not always composed of the same individuals, but it always functions in the same way.

Mr. McKELLAR. Mr. President, this was a Senate amendment. If it was receded from only because of these mistakes, why could not the conferees have so amended the amendment—it would have been perfectly within their power to do it—as to carry out the main provision of the act, which is that where these men had tuberculosis, and it has been determined that they had tuberculosis, they are to have the $50?

Mr. REED. That is already in the act. If the Senator will look at the top of the page, he will see it.

Mr. McKELLAR. Oh, yes; but by a construction the officials have declared that they can give these men any amount between $5 and $50, which was never intended by Congress. It seems to me it was as little as the conferees might have done for these tubercular patients—and above all other soldiers injured in the war, those who were tubercular, it seems to me, ought to have the most careful attention of the Congress—it does seem to me that this amendment might have been amended and brought here so as to have done some good for those soldiers.

Mr. REED. I think the Senator will find that with the increased power given the director, the language at the beginning of the paragraph is quite adequate to take care of the worthy cases.

Mr. President, when the conferees met this morning they had not decided on these more important amendments; but they received a letter which made very clear the attitude of the President on this legislation, and made it very evident to all of us that our choice lay substantially between the bill as it came from the House or nothing, and that if we wanted to see veterans' legislation enacted at this session of Congress, our proper course was to pass a bill and accept a conference report which would meet with approval, and not with a veto.

I send to the desk and ask to have read by the clerk a letter, dated to-day, addressed to the Senator from Indiana [Mr. WATSON].

The PRESIDING OFFICER. Without objection, the letter will be read.

Mr. McKELLAR. Mr. President, before the clerk reads the letter, will the Senator yield to me?

Mr. REED. Surely.

Mr. McKELLAR. Did the conferees take into consideration the fact that if the conferees had agreed upon a right bill, a fair bill, a just bill to the soldiers, we might have done exactly the same thing that we did in the Spanish-American War matter and passed it over the President's veto? I have no doubt in my own mind that if the conferees had stood for the soldiers both the House and the Senate would have done just what they did in the Spanish-American War case and overruled the President and passed the bill anyhow.

Mr. REED. Mr. President, I, for one, had great doubt about it. I felt very sure, from the votes in the Senate and in the House, that the Senate bill, having been vetoed, could not pass over the veto in either body.

The PRESIDING OFFICER. The clerk will read the letter.

The Chief Clerk read as follows:

THE WHITE HOUSE,
Washington, July 3, 1930.

The Hon. JAMES E. WATSON,
United States Senate.

MY DEAR MR. SENATOR: You request my views on the effect of the Senate amendments to the House veterans' bill.

I must say at once that these amendments again reestablish injustices and discriminations between veterans, impose unwarranted burdens on the taxpayer, and perpetuate entirely wrong principles in such legislation. There are many points of criticism in this direction.

For instance, under these amendments the average allowance to veterans whose disabilities were incurred in civil life subsequent to the war will work out very close to the same average payment as that given to veterans who actually suffered from battle and in the trenches. This is an injustice both to the men who suffered from the war and to the public. The amendments reverse the House action limiting allowances to men who are exempt from income tax. From this removal of the indication of necessity a wealthy veteran, if he becomes permanently disabled, either partially or wholly, as the result of an automobile next week may draw a life allowance from the United States Treasury. The Senate amendments seriously affect the men who were enrolled after the armistice and who never heard a shot fired; they seriously modify the clauses in respect to venereal diseases and impose a burden upon the Treasury therefor, which must be condemned from the point of view of family life.

General Hines estimates the cost the first year of this bill as passed by the Senate will be $70,000,000, rising to about $175,000,000 in five years and thereafter. This represents an increase on the House bill by about 250 per cent. These are sums wholly uncalled for by the need of the situation and probably imply an increase in taxes.

There are many other objections to the Senate amendments, such as renewal of certain presumptions, but perhaps this will indicate my

views. The bill as passed by the House before amended by the Senate was in itself a generous national action, based upon sound principles. Except for some minor technical points the House bill met the entire approval of the representatives of the American Legion and the Veterans of Foreign Wars. They did not ask for any more. They have shown a sense of responsibility not only to the country but to the veterans by unhesitatingly expressing their opposition to the major Senate amendments.

Yours faithfully, HERBERT HOOVER.

Mr. GEORGE. Mr. President, to what has been said I desire to add, as a minority member of the conference on the part of the Senate, this brief statement. The junior Senator from Massachusetts [Mr. WALSH] and myself did not sign the conference report. We did not agree to the report; we do not agree to the report. I think I may say the same with reference to the minority members representing the House.

In the conference we offered and suggested, by proper and appropriate motion, to eliminate the provision which applied to the venereal cases. We likewise offered to eliminate the provision with reference to the needs of a veteran as indicated by his income-tax return. That offer was made upon the condition that the conference should consider sympathetically disability allowances or pensions, ranging from $10 per month for a permanent disability amounting to as much as 10 per cent, to $50 per month maximum for total disability.

Subsequently the Senator from Massachusetts amended the proposal and motion, and offered to insert a provision, the absence of which seems to give offense to the President of the United States, to wit, a provision denying a pension or allowance to a veteran who may in the future suffer an automobile or other accident.

These several proposals were declined by the conference. The conference refused to consider them further than to respectfully vote upon them and to reject them.

It was also proposed by my colleague, the Senator from Massachusetts, that the rates be reduced from the rates carried in the Senate bill to $15 per month for 25 per cent permanent disability, with $45 per month for total permanent disability. The conference likewise rejected that proposal.

In other words, we offered to give up the amendment inserted by the Senate relating to venereal diseases, and to the income-tax provision, and to expressly provide that no veteran suffering accident after the approval of the act should be entitled to the benefits of the act, and reduced, first, the House rate from $60 for total disability to a maximum of $50 per month, going downward to $10 per month for a veteran permanently disabled to the degree of 10 per cent.

Finally we offered to reduce the allowance or pension to a maximum of $45 per month for total disability and $15 a month for 25 per cent permanent disability.

In other words, we offered to eliminate all of those provisions of the bill to which the President has in the past objected or is now objecting in his letter just read to the Senate, and to reduce the scale of pensions fixed by the Senate. But all to no avail. We were told that the measure could not be carried back to the House for a vote upon this particular provision of the Senate bill. We were advised, of course, that the President would veto the bill if any changes were made in the rates, and finally the letter which has been presented to the Senate was presented to the conference committee.

I am devoting myself to this particular amendment without reference to the other amendments on which the Senate conferees receded. I take occasion to say again that upon these important amendments the minority members of the conference committee did not recede and do not now recede.

Mr. President, the minority believed when the bill passed the Senate, and believes now, that a veteran should not be denied compensation merely because he suffers a disability resulting from the so-called social diseases incurred during the actual duration of the war.

We likewise believed when the bill passed the Senate, and now believe, that no pauper's affidavit, or anything approaching a pauper's affidavit, or anything required as a subterfuge for a pauper's affidavit for the purpose of avoiding a straight-out declaration that the pensioner must be a pauper before he can receive consideration at the hands of his Government, should be required.

Mr. CARAWAY. Mr. President——

Mr. GEORGE. I yield.

Mr. CARAWAY. Under what theory do the proponents of this report justify requiring an enlisted man to make affidavit that he is a pauper before he can get a pension, when the retirement bill for emergency officers contained no such provision at all?

Mr. GEORGE. The Senator is quite right in pointing out the discriminattion. More than that, the veteran, who may be the Governor of the State of Georgia or of California, may yet draw his pension if disabled under this bill offered by the President of the United States for the purpose of avoiding inequalities and discriminations carried in the Senate bill which the President was pleased to veto, because he does not have to return his salary as an income-tax item.

Moreover, the disabled veteran who has a million dollars in nontaxable bonds may draw his pension, because he may not have a net taxable return upon which the Government assesses his tax.

So the bill, passed for the purpose of avoiding inequalities, on its face permits officers of State governments and of municipal governments all over the Union drawing salaries which are not taxable and veterans owning nontaxable securities, municipal, State, and Federal, to draw their compensation, and the wealthiest of disabled veterans will be found to be holders of nontaxable securities.

Not only that, but this bill, as I said before, and I repeat it for the purpose of emphasizing it, expressly excludes all disabled veterans not 25 per cent permanently disabled, and according to the estimate of the Veterans' Bureau, in which bureau the act will be administered, 132,000 veterans who believe they are disabled, and who believe their disabilities are connected in point of fact with actual war service, and who have heretofore applied for compensation, but to no avail, will be denied all pension allowances under the bill.

On the question of venereal disease, I pause only to say that it is a happy circumstance that only statesmen are free from sin, and therefore have no sympathy with the victims of it. In my judgment, the insistence upon the elimination of the amendment relating to venereal disease is hypocrisy, absolute hypocrisy, indulged in for the deliberate purpose of playing upon the prejudices of the people of this country.

Mr. President, of course, the bill has some good things in it. It does demand that the Director of the Veterans' Bureau give due consideration to lay evidence not only in establishing the degree of disability of the veteran but in establishing the service origin of the disease or injury resulting in the disability claimed by the veteran. The bill does extend for the period of one year next after the approval of the amendatory act the time in which suits upon war-risk term or renewable insurance contracts may be brought. This is a just provision, in my judgment, because these contracts are based upon a consideration. The obligation of the Government arises out of contract. The Government ought never to raise the bar of limitation against a man who has paid for his right to claim against the Government, especially if that man be a veteran of any of our wars.

The bill, of course, has some other good features, but I believe that the minority members of the conference, both from the House and the Senate, agree that the pension allowance given to the nonservice-connected disabled veteran is wholly inadequate. On the basis of the experience of the Pension Office in administering the Spanish-American War pension law, the average disability of the veterans of the World War affected by this bill will be not 50 per cent, but a little under one-fourth, or 25 per cent. Many disabled veterans will receive nothing. On the face of it, the allowance made to a veteran suffering a 25 per cent disability or a 50 per cent disability is entirely inadequate.

I can not imagine that the President of the United States believes for a moment that he is doing anything other than postponing for the time being the payment of adequate pensions, since he has carried the country into the pension system. Congress did not want to go to the pension system. The American Legion, regardless of any statement to the contrary, has not desired to go to the pension system. The pension system has been foisted upon the country because the President of the United States was unwilling timely to assume the responsibility of leadership and come to the Members of the House and Senate and deal fairly with the question of adequate relief to the disabled veterans of the World War. If the President of the United States had been willing sympathetically and in due time to have met the reasonable demands and views of Congress, legislation which would have postponed the pension system for 10 or perhaps 15 years could have been worked out, legislation providing adequate relief to the disabled veterans of the World War.

But the President of the United States has carried the country into the pension system, and the burdens upon the Government will mount and mount under that system until all of the payments made under any other system would be negligible in comparison with the annual cost of the system which the President now gives to the country. Let the country mark my words! The veterans of the World War did not demand the pension. The country did not demand the pension. But the President,

unwilling to accept any other solution and grant needed and long-denied relief to many disabled veterans of the World War, carried the country into the pension system.

Mr. President, the President of the United States in his letter to-day and in all of his press announcements and in his veto message has seized upon extreme cases for illustrations. He has called attention to the fact that many veterans who never smelled powder, who never left the shores of the United States, who never went to France, would receive the benefits under the bill already disapproved and even under the bill which the Senate passed and upon which this conference was asked. Yet he carries the country into an outright pension system which gives allowances to all men who enlisted or were enrolled in the service prior to November 11, 1918, whether they suffer injury in automobile accidents, are bitten by snakes while fishing in the Rappahannock or the Rapidan, even upon the Sabbath day, and thereafter suffer permanent disability this year and through the years to come.

In his veto message, Mr. Hoover said it was peculiarly distressing to him to veto legislation for the benefit of the soldiers. Well he might say so. But for that war, carried on by the men now broken in mind and in body, Herbert Hoover would still be unknown in his native land, but would be driving pauper labor among backward peoples to add to the dividends of British syndicates.

Inequality? Every inequality which he has condemned is in his pension system, but the system has not the virtue of being adequate. Twelve dollars a month for a man 25 per cent disabled! Forty dollars for a man permanently and totally disabled, while his comrade suffering 100 per cent disability or total disability, who did establish service connection for his disability after the Veterans' Bureau had adjudicated that it was not in point of fact service connected under the presumption in the existing law, draws $100 per month, all because under one fiction, under one presumption raised in the law, the one was able to connect his disability with service and the other was not, but had to content himself with the meager and inadequate pension allowance made in the existing bill.

If we are to go to the pension system, the minority members of the conference believe—and earnestly believe—that we should go to the rates now given to the veterans of the Spanish-American War and that we should treat all of the soldiers alike. We have not been impressed, we are not now impressed, and the American people will not long be impressed with the argument that the veterans of the World War on the average are now only about 38 years of age whereas the veterans of the Spanish-American War on the average are about 58 years old, and that the Spanish-American War veterans were themselves denied just recognition by the Government for some 20 or 22 years after the war ended.

Mr. PITTMAN. Mr. President, I would like to ask the Senator from Georgia a question. Does the Senator believe that the President would veto a bill such as was passed in the Senate, containing the amendments adopted here?

Mr. GEORGE. We were assured that the President would, and I so interpret the letter which has been read to the Senate. It seems to me that is the only fair interpretation.

Mr. PITTMAN. That is the only embarrassing question that faces me in my vote. I voted for the Senate amendments because I believed that every argument made in favor of them was sound. If this is the best that the President will permit Congress to provide for the World War veterans, it would probably be better to pass the bill rather than lose all new legislation.

I dislike very much constantly to hear the words "never heard a hostile shot fired" reiterated with regard to our soldiers. That remark might appropriately be made by the Senator from Pennsylvania [Mr. REED]. It certainly could not appropriately be made by myself or by the President of the United States, unless he has better hearing than I have.

But what has that to do with the question before us? We conscripted the bodies, the souls, the minds, and the lives of those soldiers. We conscripted those lives with the understanding that if necessary they should be given up, even if it were at the time the first hostile shot was heard, to preserve our beneficent Government, to die that other people at home might prosper beyond imagination. While these lives were conscripted, many of the rest of the lives in this country were amassing unusual wealth, the luxury of which they are enjoying to-day. If a small portion of those war-time profits had been laid aside in a fund at the time, we would not have heard of the burdens on the taxpayers, we probably would not have heard the word "burden" at all.

There is a principle at stake. We have decided that principle. We have decided time and again that the conscripted, disabled, broken soldiers are entitled to our support. The money we pay to them is not going to be thrown into the ocean. Every dollar of it that goes to them goes back into circulation in this country. If we give them only a dollar somebody else has got to give them the other $59. It has got to be paid, and it has to come out of the taxpayers, whether by Government appropriation or charitable contribution. The only difference is that, instead of coming out of the taxpayers who are able to pay, as a general thing, it comes from the charitable neighbors who are not able to pay.

I think, sir, that this bill having adopted a principle, we have provided an inadequate sum to carry out the principle. There is not a Senator here would say it is adequate, and no Senator has ever said so. It is merely a cheap, stingy gratuity to these broken and disabled soldiers in order to get annoying victims away from the door of the White House so that the annoyance will cease, and so as to salve the conscience of those whose chief happiness in life is to see a surplus in the Treasury of the United States.

However, when I am assured by those who know that it is either this or nothing, I have got to humiliate myself by participating in this stingy, penurious tip.

Mr. WALSH of Massachusetts. Mr. President, undoubtedly the depressed condition of business in this country and the widespread unemployment have been responsible for more agitation in the Congress this year in behalf of extending relief to the World War veterans than during any previous session. I digress to state that I sincerely hope that if the time shall come, as it will come if present conditions do not change, to deal not with veterans, not with disabled veterans, but with hungry people looking for work in this country, we shall not proceed to act as we have acted in reference to the pending legislation.

I think it perhaps appropriate that I quote to the Senate from two letters written by distinguished and conservative citizens of the country in reference to general economic conditions; and I particularly call attention to the expressions of fear for the future of our country which are given voice by these observers of social conditions. One is a letter from the mayor of Evansville, Ind., a city of something less than 100,000 inhabitants. He writes:

> I have listened to more stories of real distress than I thought could possibly exist in America. This demand has been so insistent that I have but little time to give to the serious duties of my office. * * * I have callers at my home and my phone, even at home, rings almost incessantly, due to calls from men who need employment or their wives who recite their distress and needs. The whole thing is a nightmare, but I am unable to absorb scarcely any of this labor, and when I do help a man find a job, it is usually at the expense of some other fellow being thrown out of work. I have had applications from some college men, accountants, and school-teachers, who are willing to accept the lowest type of employment to earn bread and clothing for their families. * * * Evansville has quite a diversity in its industries, but all branches seem to be suffering. The relief is beyond our power to supply.

The second letter is from a clergyman in New York City. He states:

> Whatever the statistics of unemployment may say, whether the number of idle workers runs into many millions or not, I do not know, but I do know, and so do most other pastors in New York, that not for many years have there been so many people out of work and in such keen distress because of unemployment. Through my reception rooms last week there passed nearly 200 of my parishioners; each one begging for help to secure a job, or a job for Jimmy or Jane, or Mary or Bob, thrown out of work without fault of their own.
>
> * * * Moreover, there is discontent; there is sullen anger in addition to bewilderment and distress. The poor are asking why they should suffer when the rich multiply; and not only is it the very poor who ask that difficult question, for hundreds of families that generally would not be classed among the poor—respectable people, usually quite safe and fairly prosperous—are now sinking down among the indigent class. And upon these smoldering sparks of sullen anger, of justifiable discontent, are being blown the winds of the revolutionary spirit. The soil is rich for the seeds of Bolshevist agitation. And they are being scattered lavishly. * * * I believe that if to-day or to-morrow there appeared a man of magnetic personality, an apostle of social revolt, fires would soon flame up in many places, possibly to meet in some great conflagration.

I have read from those letters, while pertaining indirectly to the subject matter under discussion, to point out the fact that we are about to close the doors of this session of the Congress without scarcely a word having been spoken by the administration leaders, without a law having been enacted, without any real expression of sympathy, or gesture of assistance in this situation by the Congress as such during all the months we have been in session. The Almighty alone knows what the situation will be when we come back here in December.

It may then be too late, but any man or woman in public office who does not know that there are the sparks of social revolt in America to-day is blind to the real conditions.

I pray it may soon end; I pray that even the false prosperity which we enjoyed through speculative stock-gambling methods may be in part restored by the revivification of industry and of business; but I say, Senators, without hesitancy that no problem in America to-day is so important, so necessary to think about, so essential to find a solution for as that of unemployment, and real need if we are not to have raised, even among conservative Americans, a spirit of discontent in this country which it may be difficult to check. We should at least attempt to forestall it by discussion and cooperative effort to find a solution.

I received a letter the other day from a very conservative man in my State. I was shocked at the strong language used. What do you suppose my correspondent said, Mr. President? He said:

> You men down in Washington had better realize that the rich got their money from the workers and the poor, and we do not intend to starve.

How far-reaching and numerous are such sentiments in the body politic?

Now, we, the representatives of these people, custodians of the institutions of America, are about to close the doors of the one avenue through which they have a right to petition, through which they have a right to seek redress, through which they have a right at least to have it said by those in high places, "We realize, we know, we understand, we sympathize, though we are powerless to help."

Mr. President, the policy of "leave it alone," or "let time adjust conditions" will not always settle political or economic unrest.

Mr. President, among the class of economic sufferers in America to-day are the World War veterans. No; we are not now considering relief to mere World War veterans, but we are dealing with disabled—I emphasize the word "disabled"—veterans. Among the class of distressed citizens are tens of thousands of disabled war veterans, their wives, and their dependents, many of them unemployed, many of them in the hospital, 77,000 of them said to be suffering from chronic diseases that are steadily sapping their lives and bringing them day by day nearer to the grave, with little or no income for themselves or their families or their dependents.

In thousands of other cases—and that is the background for the relief—the disabled veterans are lying on their death cots in hospitals, while their wives and children are hungry and in need. This situation led to the other proposal which was made that Congress give the wives and children of such veterans financial allowances. I thought that did not reach an equitable solution of the question, because the veteran who is fighting the battle of life at home, who can not get into a hospital, but who, by such small effort as he may make, is endeavoring to keep his family together, would get nothing for himself or for his wife or for his children.

This situation, in brief, has led to a multiplicity of appeals to try to have our Government at this crisis express practical appreciation of our gratitude to the disabled veterans.

Mr. COPELAND. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, has the Senator wondered sometimes if those of our colleagues whose homes are in sections of the country where they do not come in contact with great aggregations of people, with the slums of our cities, really appreciate what poverty is? When I think about some of the families of veterans living in subbasements, without sunlight, without fresh air, with nothing to eat, I am appalled. Men in the country can go out and get a few potatoes, perhaps, and a tough old fowl, but there is nothing in the city for these poverty-stricken people to eat except the sidewalks themselves. When I think about many of these veterans living under such conditions as I have described—and they are not exaggerated in the least—then I do feel resentful that we are not more considerate of them.

Mr. WALSH of Massachusetts. May I ask the Senator, from his wide experience, from his contact with the masses of the greatest city in the world, and from his observation and knowledge of current events in this country, does he think that the sentiment as to depressed conditions expressed in the two letters I have read are exaggerated?

Mr. COPELAND. Ah, Mr. President, I do not. As the writer of one of the letters read by the Senator from Massachusetts says, all it needs is leadership to take mobs into the centers of our cities and destroy the property of the wealthy who live there. That is all it lacks. There is no exaggeration in it, and when I go down Sixth Avenue in New York and see the great queue of people in front of the intelligence bureaus, trying to find some work, no matter how humble it may be, no matter how little it may pay, then sometimes I wonder what would happen if we should go too far in the oppression of the poor of our country.

Mr. WALSH of Massachusetts. I do not want to exaggerate, but I do want to say that in all my life I never believed I would witness the actual struggle for existence and work, I find in quarters that I never thought it possible to find among people who heretofore have lived in rather comfortable circumstances; and I will close that phase of my observation by stating that I at least want to go on record as saying that it is no time to adjourn Congress without any apparent real concern of the extraordinary conditions of unrest about us.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. COPELAND. I do not want the Senator to overlook the tremendous efforts made by my colleague, the junior Senator from New York [Mr. WAGNER]. He brought here and, after months of effort, succeeded in passing through the Senate three of these unemployment bills; but when the bills went to the House the least important of them was passed, one of them was emasculated, and the other pigeonholed; and no effort has been made by the President of the United States or by the party in power to do anything to assist in the passage of these unemployment measures, which might have given some measure of help. I know the Senator will not overlook the efforts that have been made on this side of the Chamber to bring about the passage of that legislation.

Mr. WALSH of Massachusetts. I appreciate the efforts, and I think the bills presented by the Senator from New York would have been helpful, although I must frankly say, and I know he would say it, that they are chiefly the first steps in settling the problem. They were important and helpful.

I am going to be personal enough to take the liberty of saying to my fellow Senators here that I have seriously considered for several weeks, and talked with some of my colleagues and friends about it, introducing a joint resolution providing for a reduction in the salary of every public official receiving over $4,000 a year of 2 per cent for one year to create a national fund for the purpose of taking care of those in distress during next winter. I was discouraged from doing it at this time. It was suggested that the purpose might be misunderstood. Why did I want to do it? To give notice to the army of unemployed that we are thinking about them, that we are sympathizing with them, that we understand their problems, and that we are willing to make personal and official sacrifices for them. We can not go out and appropriate money to produce commodities to be destroyed or to compete with private businesses. We can not commit a waste of that kind; but if things do not change we are going to have to squarely face the problem of practical relief.

I say this as somewhat of a background to the pressure upon us at this session for legislation for these disabled veterans who can not meet the technical requirements of proving their diseases are the result of war service.

Some weeks ago a bill was passed through the House and the Senate, and vetoed by the President, which sought to give relief to different groups and different classes of these veterans. As I have said before, it was actuated by praiseworthy motives and intentions. I was disturbed about it because it did not seem to me to meet the entire problem equitably. It did not seem to me to meet the whole situation squarely and find a real solution of the problem. It picked out certain veterans and said to one of them, "You have a particular disease; you will be taken care of." It said to another, "You have not the right disease, though you are suffering, and you will not be taken care of." It picked out one veteran and said to the wife, "Your disabled husband is in the hospital, and you will be taken care of"; and it picked out another family and said to the wife, "Your disabled husband is not in the hospital, and you will not be taken care of"; and, as the Senator from Pennsylvania well pointed out, it provided that the veteran had to go to a veterans' hospital or he got no assistance.

The result was that it seemed to many of us that the time had arrived, in view of these situations, for a general plan of disability allowances to all disabled veterans; that the amount of payment was to be measured upon the degree of disability, and it was to include all disabled veterans, regardless of disease, regardless of condition of life, regardless of unemployment, and regardless of all other factors. Now that theory of relief is before us. To this new bill were three very





important amendments added in the Senate that I shall speak of, the Senator from Georgia having spoken of these and several other important amendments.

First, the provision to give these disabled veterans the rates prescribed in the Spanish-American pension law.

Second, the provision that men should not be debarred from these allowances even if they had contracted a social disease while actually in the service of their country during the war.

Third, a provision inserted in the House originally placing a limitation upon those who were to receive these allowances, depending upon whether or not they were in need based upon whether or not they filed an income-tax return.

The conference report as it is before us, with the amendments agreed to by the Senate eliminated, provides for the original rates contained in the House bill, which are much less than the rates in the Spanish-American War pension law. It has eliminated the possibility of a veteran receiving an allowance who is suffering from a social disease, and retains the provision limiting allowances to those who are not able to pay an income tax.

In this connection, I want to read part of the second sentence of the President's letter:

I must say at once that these amendments again reestablish injustices and discriminations between veterans.

Let me repeat that.

I must say at once that these amendments again—

Referring to the Senate amendments—

reestablish injustices and discriminations between veterans.

And yet he is about to approve a bill which says to the veteran of the World War, "You shall never receive a dollar from the Public Treasury if you have had the misfortune to contract a social disease during the war, in the service of your country; but every other veteran of every other war, no matter if he gets a disease 25 years from now, shall have the benefit of a pension!" The President is about to sign a bill with that discrimination and injustice to World War veterans!

Now, let us see further. He is about to sign a bill which limits the right to draw a pension for the first time, making a sharp discrimination between World War veterans and all other veterans, to those World War veterans who are not financially in a position to pay an income-tax to their Government. There stand two startling injustices practised in this bill upon the World War veteran, showing gross discrimination between them and the veterans of other wars. Nearly every sentence in that letter might be read and evidence presented to show inequalities in the language used in the letter making objections to these amendments, and indirectly, at least, asserting that he intends to sign the bill which will soon be before him, in view of what is expected to be the attitude of the Senate, and what we know is the attitude of the House.

I regret exceedingly that the rates in this bill are not the rates in the Spanish-American War pension law. I regret it because the rates in this bill are so small, particularly the rate of $12 for 25 per cent disability, particularly the rate of $18 for 50 per cent disability. Think of it! The allowance to a veteran with only 50 per cent earning capacity, 50 per cent capacity to work, is placed in this bill at $18! I regret it because these rates are not going to satisfy anybody. There is no enthusiasm anywhere for this bill. The veterans' organizations are saying, "Let us take it rather than get nothing." That is their attitude. Not one of them is really satisfied with it—not one. I do not hesitate to say that every convention of veterans will, at their conventions this year, take occasion to denounce this discrimination against them, particularly the discrimination in the two amendments I have just referred to, that relating to social disease and that relating to these inadequate rates.

It has seemed to me from the beginning that we could settle this veteran relief problem now, and for at least a dozen years, by taking the Spanish-American War pension rates, incorporating them in the law, and saying to the veterans of both these wars, "You are on an equality. Here are equal rates." We have failed in that effort. We have not failed in the effort to get these rates because of any lack of sentiment or belief or conviction that they are just upon the part of few except the President.

Anyone who has sat in conferences or anyone who has conferred with the Members of the House and Senate can find scarcely a Member of either of these bodies who does not believe that at this time the best way to solve this problem, the best way to restore contentment, the best way to show our gratitude, the best way to help the disabled veterans is to adopt the Spanish-American War pension rates.

The President prevents this. At the door of one official all the limitations, all the restrictions, and all the injustices of this bill must be laid. He frankly concedes that he is willing to accept that responsibility.

Mr. NORRIS. Mr. President——

Mr. WALSH of Massachusetts. I yield.

Mr. NORRIS. I am very much interested in the statement the Senator has just made that all the Senators and all the Members of the House are in favor of the Spanish War rates. That means that they are in favor of the Senate amendment.

Mr. WALSH of Massachusetts. I would not say "all," but——

Mr. NORRIS. Well, practically all. If that be true, why do we not get those rates? If that be true, we can pass the bill over the veto of the President in both Houses.

Mr. WALSH of Massachusetts. The Senator knows that men in both branches of this Government, when it comes to a veto, very often reverse their judgments and their opinions in order to sustain the administration.

Mr. NORRIS. The Senator means to say, then, that Members of the House and the Senate, when it comes to voting on a veto, are not going to vote their convictions? They are going to obey the lash? Is that what he means?

Mr. WALSH of Massachusetts. I do not want to put it quite as harshly as that.

Mr. NORRIS. How harshly does the Senator want to put it? Let us tell the truth about it.

Mr. WALSH of Massachusetts. My experience here has been that when the Executive speaks on important legislation, dozens of Senators and dozens of Members of the House change their votes and vote to sustain the President, though that vote is against principles and convictions expressed by them at an earlier stage of the legislation.

Mr. NORRIS. Will anybody admit that?

Mr. WALSH of Massachusetts. The record shows it.

Mr. NORRIS. Will anybody admit that he is going to vote contrary to his convictions as to what his duty is?

Mr. WALSH of Massachusetts. I think I have heard the sentiment expressed in connection with this very bill, on the part of Members of Congress, that they would vote for the increased rates standing by themselves, but that if a veto measure came here from the President, that they would feel obliged to sustain it.

Mr. NORRIS. Let us take the facts as narrated by the Senator. That is all on the assumption that they want a bill embodying the rates carried in the Senate amendments, and if they do not get that, they are going to vote against what they want in order to satisfy the President. If that be true, then we should not put the blame on the President. We ought to say, "We are slaves. We obey the lash. We obey the whip, and while we think so and so, we are nothing but pawns on the checkerboard, and the man up in the White House moves us around, and we obey, as the slave obeys his master."

Mr. WALSH of Massachusetts. Mr. President, I have discovered limitations upon representative government during the consideration of this question which I never believed existed or could exist in a representative government, and the Senator from Nebraska knows, from long and bitter experience, just what "powers above" can do in killing legislation or in changing votes. The record of the attentions and treatment given this bill in the House has been referred to on several occasions. The failure of the House to even take a vote on the two different rate schedules is indefensible. Such procedure, if continued, will be resented.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. McKELLAR. I was very much interested in what the Senator said, too. He undertakes to lay the entire responsibility upon the President. I think the leading responsibility is upon the President, but when Members of the House or Members of the Senate vote for a measure which does not meet their approval, vote for rates which do not meet their honest judgment, simply because the President lays down the law to them, does the Senator say that that absolves them from responsibility? Are not these Congressmen who change their votes, who vote for one thing when they really are in favor of another, just as much to blame as is the President who wields the party lash?

Mr. WALSH of Massachusetts. I do not care to characterize my associates in this body or in the House of Representatives, but I do not hesitate to say that there are undoubtedly men in public life here and elsewhere who express and vote their

convictions when left free to act upon their own judgment, but when their master's voice speaks, whether it is the Executive or whether it is some corporate interest, or some political power that controls them, they frequently reverse their previously recorded judgment. The Senator knows that to be the experience in public service all too well.

Mr. McKELLAR. Sometimes. If the Senator will yield again, the Senator read from the President's message a while ago. I call it a message; I suppose it is. Is not this about the first time the Senator ever knew, in his long experience in Congress, of the President vetoing a bill before it got to him?

Mr. CARAWAY. Oh, no.

Mr. McKELLAR. He apparently vetoes it. He announced before it came that he would veto it. He threatens the Houses of Congress that unless this bill is made to conform to what he believes, without regard to what the Members in both Houses feel, he is going to veto it.

Mr. WALSH of Massachusetts. Mr. President, I am sure I violate no confidence, and I think my conferees will permit me to say, that the opinion of the Executive was asked so frequently by members of the conference, his supposed views were so frequently expressed, that my distinguished and able colleague from Georgia and myself requested that the President express in writing his views. I give the President credit for giving them to us and for accepting the responsibility. That is the way I interpret his letter. He assumes all responsibility. I am sure his accepting of the responsibility has helped to make it more comfortable for some of the members of his party in not being obliged to go on record in reference to these different rates. But I interpret that letter to mean, if it means anything, that the President will not sign any veterans' relief legislation which is in any material degree different from the House bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. BARKLEY. Does the Senator think that the President's acceptance of the responsibility, as outlined in that letter to-day, absolves those who manipulated and maneuvered in another body the arrangement so as to deny to the rank and file of that body an opportunity to vote on whether they wanted the Senate amendments or not?

Mr. WALSH of Massachusetts. I will say to the Senator that in my judgment if the people of the country knew the way in which this bill was rushed through with roll calls of votes, and if the same tactics were pursued with a bill for the relief of the distressed and poor in a crisis in this country, there would be danger of a political revolution. I say—and I know the Senator agrees with me—that the holding back of these measures so as to kill them in the last hour can call forth nothing but the most serious denunciation on the part of anyone who has any sympathy with the problem of the veterans, and the Senator knows well, because of the patience and ability which he brought to the consideration of these matters in the committee, how late in the session this question was brought before us, and he knows, further, that with all the bills relating to veterans pending before the Committee on Finance since December last, not more than two or three have been considered by the committee, regardless of whether there was any merit in them or not. How can one justify himself before an independent electorate for pursuing the tactics pursued here, by indirectly seeking to kill legislation by delays and then resorting to the methods here and in the other body which have been invoked to prevent free discussion?

Mr. BARKLEY. I agree entirely with what the Senator says, and I think the attention of the country ought to be called to the fact that it was openly and brazenly stated, if not boasted, in another body, that they did not propose that the Members of the majority party in that body should be required to go on record on the amendments which the Senate put on the bill.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. CARAWAY. I am curious to know what explanation we shall make to the veterans of the World War when we accept, not the veto of the President, but his intimation of a veto, when both Houses refused to regard his veto on the Spanish-American War bill. What is the answer to that? He vetoed that measure and Congress almost unanimously passed the bill over his veto. How many Senators voted to sustain the President's veto?

Mr. HARRISON. In the House the vote was 299 for passing the bill over the veto to 14 against.

Mr. CARAWAY. What was it in the Senate?

Mr. HARRISON. There were 18 votes against passing the bill over the President's veto, and 61 for passing it over his veto.

Mr. CARAWAY. Dealing with one class of veterans, the Members of neither House were afraid of the President's lash. Dealing with another set of veterans, they bow humbly to his intimation of a veto. I do not see how the Members of the two bodies can keep their self-respect and differentiate as they have in this particular matter.

Mr. WALSH of Massachusetts. In the words of the Senator from Nebraska, I think the master's voice was heard a little earlier in the agitation of this legislation than as to the Spanish-American War veterans' legislation.

Mr. CARAWAY. Then we must understand that it is the time he speaks and not the thing he says that is effective.

Mr. WALSH of Massachusetts. It ought not to be, but I think it was in this case.

Mr. CARAWAY. I would like to have some explanation of it, because if somebody asks me why this difference, I am not able to state. I know there is some reason for it, and I know I do not have the information which enables me to say what the reason is.

Mr. WALSH of Massachusetts. I can not help the Senator.

Mr. CARAWAY. Mr. President, the senior Senator from Indiana being absent, I would like to have somebody who speaks for him tell us why it was that he repeated over and over again on the floor of the Senate that as long as the President heeded his voice he would express no opinion about legislative matters. That was when the President was being importuned to say something about the tariff bill. Now, when it comes to this matter, not only was the President not advised not to speak but he was requested to speak. I would like to know what has changed that situation.

Mr. WALSH of Massachusetts. I yield so that some Senator on the other side can make the explanation.

Mr. CARAWAY. There ought to be some reason given for these inconsistencies, to call them by no harsher name.

Mr. WALSH of Massachusetts. I agree with the Senator.

Mr. President, I want to say just a word in conclusion about the letter of the President in general. The Senator from Georgia [Mr. GEORGE] has referred to it, and pointed out the fact that it emphasizes minor and inconsequential details in connection with this legislation. I want particularly to call attention to the item of cost. If the statements about the cost of this bill are not exaggerated tremendously over any figures heretofore presented to us, then I have not been conscious of all that has been said on costs during this debate.

I call the attention of the Senator from Texas to the fact that the President quotes General Hines as now saying that the bill as passed by the Senate would cost $70,000,000 the first year. I ask the Senator from Texas whether he at any time and at any place has heard any such figure being expressed as the cost of this bill with the amendment which he and I incorporated in the bill?

Mr. CONNALLY. Mr. President——

Mr. WALSH of Massachusetts. I yield. I want to be confirmed in my view.

Mr. CONNALLY. In the remarks I made in the Senate the other day I called attention to the testimony of General Hines, and his testimony was that with the Connally-Walsh amendment and the other provisions the cost would be about $55,000,000.

Mr. WALSH of Massachusetts. Has it been the Senator's observation that every time we get estimates there is an increase in the cost?

Mr. CONNALLY. Unlike the veterans, whenever we get figures the figures increase, but the veterans' figures decrease.

Mr. BARKLEY. Mr. President, General Hines testified, as the printed report of the hearings will show, that the controverted items of the Senate bill, that is, the Spanish-American War rates, around which the controversy raged, would cost for the first year $49,000,000, and not $70,000,000.

Mr. WALSH of Massachusetts. That was my recollection; but I think later he did give the Senator from Pennsylvania some information to the effect that it would be $52,000,000.

Mr. CONNALLY. Mr. President, in connection with the statement I made a moment ago, I want to say that what I said was in connection with section 200. He said the other provisions of the bill would cost about $6,000,000. But this cost was the same in all bills.

Mr. WALSH of Massachusetts. Mr. President, I pointed out the fact that the President had undertaken to assume responsibility of the rates in this bill.

I do want to call attention to the fact that it is my judgment that there is a group in this country, referred to as men of considerable property and of large interests, who have consistently opposed every single proposal for relief to veterans, from the day the war began until this hour, and they are still at work. The President may listen to them; the President may accept their flattery; the President may think he has made a master stroke because of the comments coming to his ear from

these selfish interests which have stood adamant against any legislation in behalf of the veterans, but against their handful, with their powerful propaganda, there are millions of veterans and families, wives and mothers and fathers and children of veterans, who are going to demand sooner or later a show-down from those who serve their enemies and refuse to give them justice.

Mr. President, the failure to adopt these rates means, in my judgment, more agitation, more discontent. No one is going to be satisfied. The movement will begin at once to point out the discriminations, and we are going to have the problem right at our door again in December. The big thing, the statesmanlike thing to have done was to meet the problem not in the last week of the session, but three months ago, to have put all the veterans on a parity, to have given them all the same basis of compensation then, and not leave the question of relief in such a situation that we have this agitation, this discussion, this contention, facing us during the months and years that are before us.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Arkansas?

Mr. WALSH of Massachusetts. I yield.

Mr. CARAWAY. There are two things I want to ask the Senator. He spoke of the renewal of the agitation for justice. If I can vote for the conference report at all, it will be with the distinct understanding that I am already enlisted in an effort to correct the inequalities in the bill.

Mr. WALSH of Massachusetts. I am very glad to have that statement of the Senator, because the move in that direction will begin immediately.

Mr. CARAWAY. But the President stresses the possibility of a tax increase. If a veteran pays an income tax he is thought to be so well off that the Government owes him nothing; and yet the men who are to be relieved from the fear of a tax increase in order to pay the veterans are those who pay income taxes now. What makes so sacred an income tax paid by a slacker that we must not touch his money, and yet if a veteran who offered to die for his country happens also to have a little property and pay a little income tax, that denies him any right whatever to participate in the justice of his country. Can the Senator tell me wherein lies the sacredness of the one and the worthlessness of the other?

Mr. WALSH of Massachusetts. Of course, there is no difference between the one and the other—or at least there should not be.

Mr. CARAWAY. We are talking about inequality which the President discussed so much about and failed to point out. There is something wrong with the statement. I hope the Senator, who is giving so much thought to this matter, will tell me why the slacker's tax must be reduced because he never served his country, but profiteered while others offered to die and many did die for it, while the man who offered to die for it must be penalized because he also happens to have a little property or a small income.

Mr. WALSH of Massachusetts. Personally I think the President in his letter has disclosed a woeful want of knowledge of the theory upon which pensions have been granted to veterans of previous wars. I do not see how he can sign the bill which he infers he is going to sign, after his condemnation of the amendments in his letter, because the same general principle run through the Senate amendments and the House amendments. The same theory is in both bills, but the President picks out certain amendments which may cause a little more expense and denounces the legislation as inequitable because of that fact.

Mr. CARAWAY. One whose mentality enables him to approve the one and denounce the other seems to be a stranger to reason and logic and justice. Why should we then put our hand in his and say, "Wherever thou leadest we shall go?" We can not approve his justice; we do not approve his expression of it. Why do we say, "We will let you lead us where you will?"

Mr. WALSH of Massachusetts. The Senator and I are not doing it.

Mr. CARAWAY. I am talking about the Congress. When the President so generously offers to assume the responsibility, I am led to wonder what that has to do with paying a veteran's grocery bill? How will his assumption of responsibility, which he so generously states he will shoulder, aid the veteran? What does he mean when he says he will assume the responsibility?

Mr. WALSH of Massachusetts. The Senator can answer that as well as I can. I can not get any meaning from it.

Mr. CARAWAY. It has been suggested that the President is assuming responsibility to relieve some one else. Who is relieved from a distressing situation because the President assumes responsibility?

Mr. WALSH of Massachusetts. I think he has in mind members of his own political party, who prefer the rates adopted by the Senate, but who will now be able to explain to the veterans who desire them that he voted for the lower rates because of the influence of the President.

Mr. CARAWAY. I still think the Senator from Massachusetts underestimates the intelligence of the rank and file of the Republican Party. I do not think they can be fooled in that way. I still think they have too much judgment and too keen a sense of what language means to be fooled by that sort of statement. I do not think any Republican will be able to get out of an embarrassing position by saying that "the President assumed the responsibility."

Mr. WALSH of Massachusetts. The Senator will admit they have succeeded in fooling the public a good deal in the past.

In conclusion let me state that I shall vote for the conference report, not because I have changed my opinion of the rates in the House bill or approve now the omission of certain other important and equitable provisions, but because it is apparent that my only choice of action now is to accept the House bill, which bill the President will alone accept, or by opposing the conference report make possible no veterans' relief legislation at present.

Mr. McKELLAR. Mr. President, the armistice came on November 11, 1918, and the presidential political campaign came on in 1920. I want to read what the Republican Party promised the American people, and especially the ex-service men, in 1920. Listen to this language, because I am going to compare it with what President Hoover has recently announced about it. This is what the Republican Party said in 1920:

> We hold in imperishable remembrance the valor and the patriotism of the soldiers and sailors of America who fought in the Great War for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful Nation justly should fulfill, in appreciation of the services rendered by its defenders on sea and on land.
>
> Republicans are not ungrateful. Throughout their history they have shown their gratitude toward the Nation's defenders. Liberal legislation for the care of the disabled and infirm and their dependents has ever marked Republican policy toward the soldier and sailor of all the wars in which our country has participated. The present Congress has appropriated generously for the disabled of the World War.
>
> The amounts already applied and authorized for the fiscal year 1920–21 for this purpose reached the stupendous sum of $1,180,571,893. This legislation is significant of the party's purpose in generously caring for the maimed and disabled men of the recent war.

I digress long enough to say, see how the Republican Party boasted at that time of more than a billion dollars spent for maimed and wounded soldiers, and then remember what President Hoover said in his letter to-day.

I come now to the campaign of 1924. Let us see what the Republican Party promised in its national platform of that year. It is a little weaker. It is not so strong as it was right after the war. We were getting a little closer to Mr. Hoover, who never was in the war. I do not feel that I had the right not to care for these maimed, wounded, and sick soldiers, after not having been one of them. I should think the President would feel the same way. In 1924 this is what the Republican Party said:

> We reaffirm the admiration and gratitude which we feel for our soldiers and sailors.
>
> The Republican Party pledges a continuing and increasing solicitude for all those suffering any disability as a result of service to the United States in time of war. No country and no administration has ever shown a more generous disposition in the care of its disabled or more thoughtful consideration in providing a sound administration for the solution of the many problems involved in making intended benefits fully, directly, and promptly available to the veterans.
>
> * * * * * * *
>
> We pledge ourselves to meet the problems of the future affecting the care of our wounded and disabled in a spirit of liberality and with that thoughtful consideration which will enable the Government to give to the individual veteran that full measure of care guaranteed by an effective administration machinery to which his patriotic services and sacrifices entitle him.

I next come to the last campaign and the last pledge of the Republican Party to the war veterans made in 1928. It is not so strong as it was a little before. It seems to be getting a little weaker, perhaps anticipating President Hoover's views. In 1928 this is what the Republican Party said:

> Our country is honored whenever it bestows relief on those who have faithfully served its flag.

The last sentence of their campaign pledge in this respect reads:

Full and adequate relief for our disabled veterans is our aim, and we commend the action of Congress in further liberalizing the laws applicable to veterans' relief.

That is what was promised the veterans in the Republican platform of 1928. That is what Mr. Hoover promised the veterans when he asked for their votes. He stood on that platform, he accepted that platform, and was elected on that platform. I want to say in justice to the Republicans in the House and in the Senate that I believe it was their intention to carry out that platform. They intended to do it. They did do it in the Spanish-American War bill. They did do it in this bill as it first passed the Senate. They carried out their pledge, and then their President came along and talked about injustice, talked about discriminations, talked about unwarranted burdens, talked about wrong principles, and then said many other points of criticism. When he was seeking office, the Republican Party was going to do its full measure of justice by the World War veterans, but when it comes down to the actual effort to do it, when great financiers gather around him and talk about the burdens of taxation, he follows another course. Let me read what he said to-day. Remember that the Republican Party formerly boasted that it had given to these soldiers over a billion dollars, and listen now to what President Hoover said this morning:

General Hines estimates the cost the first year of this bill, as passed by the Senate, will be $70,000,000, rising to about $175,000,000 in five years and thereafter.

Suppose it does? If the Republican Party and Mr. Hoover, as its candidate, made the pledge to do full justice to the sick, the maimed, the wounded soldiers—and all admit they did—it is his duty and it is their duty to do it. But, Mr. President, the Republicans are not performing that duty. They undertook to do it. In the Senate and in the House they intended to do the right thing. My associates on the other side of the Chamber intended to do the right thing, but when the President comes along and sends down to them a threat of veto before the bill is even passed, they change their minds. They are afraid of the party lash. They are afraid to say, "We are going to vote to carry out our pledge to the veterans." They are not willing to stand up to the "lick log." These war veterans stood up for us in 1917 and 1918. Why should not we be willing to stand up for them in 1930, when they are suffering from being maimed and sick and wounded during that Great War?

It seems to me that the Republican majority are not carrying out their pledge, and the reason they are not doing so is because the President commands them not to do it. That is the only reason. There is not any good reason which has been given here why this conference report should be agreed to.

The President talks about "points of criticism"! The idea of talking about points of criticism when a soldier is maimed, sick, wounded, and unable to provide for himself and his family! In heaven's name, what are we coming to?

It is said this legislation as passed by the Senate should not be enacted because the Government has not the money with which to pay for it. That is all poppycock; there is not a word of truth in it. Not long ago the Republican administration, of which Mr. Hoover is a part, yielded billions of dollars to foreigners. Right now that administration is trying to turn over to the Power Trust of the country $150,000,000 worth of property at Muscle Shoals; it is trying to give it away to that trust, trying in every way to find some means of turning over that great power plant, which is worth probably $150,000,000, to the Power Trust; and yet it contends that the Government has not sufficient money to pay and can not pay this year $70,000,000 to the sick, maimed, and wounded soldiers of this country.

What has Mr. Hoover got against the sick, maimed, and wounded soldiers of the country? What have they done to him? What has he against the Spanish-American War veterans? Why should he be so bitter and vindictive toward the World War veterans? If these soldiers had not won the World War, Mr. Hoover would probably be working for some syndicate in his old home in London.

I have no doubt that most of the soldiers voted for him in the last election. Why should he turn the vials of his wrath upon the sick, maimed, and wounded soldier? If he wants to turn the vials of his wrath on somebody, let him turn them on the well men, the men who are physically capable of defending themselves and not upon the sick, maimed, and wounded soldiers of the country.

The Government has not got the money! It has not been four months, if I remember the time aright, since, on the President's recommendation, Congress and the President returned in taxes to those who had suffered from the Wall Street panic some $161,000,000. It did not all go to them, but they were the chief beneficiaries of the act. The excuse given for that action was that a panic had occurred, that stock gamblers had lost money in that panic, and that the Government ought to give back to them $161,000,000 or $191,000,000—I have forgotten the exact sum—in order thereby that they might be put in a little better condition. Yes; $161,000,000 was given back to the stock gamblers, but when it comes to the sick, maimed, and wounded soldiers, $70,000,000 is so much that the President can not stand it.

Mr. THOMAS of Oklahoma. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Oklahoma?

Mr. McKELLAR. I yield.

Mr. THOMAS of Oklahoma. Has the Senator from Tennessee heard any argument against the enactment of the bill as it left the Senate, other than that the Government can not afford to take care of the soldiers?

Mr. McKELLAR. I have heard no argument against a bill providing proper compensation for the World War veterans except that the President is against it and has sent some excuses in this letter down here, ahead of time, in order to prevent the passage of a real bill for the relief of the maimed and sick and wounded soldiers of the country.

Mr. President, I do not want the question confused. We are talking solely and alone about the soldiers who became sick during the war or who were maimed during the war or who were wounded during the war. They are entitled to relief from the Government, and they are the ones whom the President is fighting. He is fighting them with a mighty hand; he has the greatest Government in all the world behind him; and, of course, the soldiers are at a great disadvantage. They have to take what they can get. It may be that they would rather have this than the full measure of relief to which they formerly subscribed; but they have got to take it simply because the President of the United States, who, like myself—I will put myself in the same category with him—"never heard a shot fired," says so. Those are the words which the President has used—"who never heard a shot fired"; and yet a man who himself is in that very category—he, too, is a man who has "never heard a shot fired," who never was on the firing line—is depriving by his one act, and through his influence over Republican Members of this body and the other body, sick, maimed, and wounded soldiers, who went through hades itself in defense of this country, of their just dues. The President is the last man in the United States to sneer at those "who never heard a shot fired"!

Mr. THOMAS of Oklahoma. Is it not a fact that when a boy joins the Army and is inducted into service he has no choice where he shall serve? It was not the soldiers' fault that they "heard no shots fired."

Mr. McKELLAR. No; but they were conscripted by the Government; they had to go; and it was through no fault of theirs that they were not on the firing line—that "they never heard a shot fired"! It was merely an accident of war. They were willing, and many of them were anxious, I have no doubt, to bare their breasts to the enemy.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield to the Senator from Alabama in a moment. I yield further now to the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. When a corporation is unable to pay its obligations, it is bankrupt, is it not?

Mr. McKELLAR. It is.

Mr. THOMAS of Oklahoma. Does anyone contend here that the United States Government is bankrupt?

Mr. McKELLAR. Nobody, except our President and our Secretary of the Treasury, and they only when soldiers' legislation is the question before the House or Senate. They are constantly sending letters here that if we enact soldiers' legislation, such as the legislation we passed for the Spanish-American War veterans, or originally passed for the World War veterans, the Government is going, in effect, into bankruptcy, or that we must increase taxation; but when it comes to the war profiteers, when it comes to the gamblers struck by the panic in Wall Street, the Government has plenty of money to give out to those worthies; there is no reason in the world why it should not relieve them to the extent of $161,000,000 in one case, and, in the other, refund $200,000,000 to the war profiteers who "never heard a shot fired," as the President says.

Mr. THOMAS of Oklahoma. Mr. President——

Mr. McKELLAR. I yield further to the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. A nation that is unable to protect its defenders, I take it, does not deserve to live. What about a nation that is able, but unwilling to do it?

Mr. McKELLAR. It makes the infamy that much greater. I do not know whether a nation that is amply able to take care of its maimed and its wounded soldiers and does not do it, deserves to live; but I want to say to the Senator that we are going to take care of these boys, Mr. Hoover or no Mr. Hoover; we are going to take care of them in the fullest measure; at the next session we will pass a full and ample measure, and, if necessary, over his veto; we are going to do our duty by them. This will be merely the first skirmish. I want to join with the Senator from Arizona, and the Senator from Oklahoma, and other Senators who have said that they are in the fight for the duration of the war, because the fighting has just begun, and we are going to do our full duty by the maimed, sick, and wounded soldiers of our land, the President to the contrary, notwithstanding.

Mr. BARKLEY. Mr. President——

Mr. McKELLAR. I yield to the Senator from Kentucky.

Mr. BARKLEY. What I wanted to emphasize was this: The President is objecting to giving any relief to certain soldiers mentioned in the Senate bill, because, he says, they "never heard a shot fired."

Mr. McKELLAR. Yes.

Mr. BARKLEY. I presume he means by that that they "never heard a shot fired" on the battle front. If that is to be the test of a man's merit or his receiving or not receiving compensation, it would bar every soldier who did not get overseas and reach the battle front, but no legislation we have as yet enacted has drawn any such distinction.

Mr. McKELLAR. Of course not.

Mr. CARAWAY. Mr. President——

Mr. McKELLAR. I yield to the Senator from Arkansas.

Mr. CARAWAY. Of course, the use of the expression referred to could be only by way of opprobrium. It is tantamount to charging that a man who never heard a hostile shot fired and yet expects the Government to take care of him on account of his disabilities is a dishonorable man, a faker, who wants something for nothing.

Mr. McKELLAR. Yes; the Senator is right. Let me call the Senator's attention to the fact that there were probably over half a million young men drafted into the service during the last few months of the war who did not have an opportunity to get over to Europe or to reach the battle front and who never had an opportunity "to hear a shot fired," but they were willing to go to the front; they undertook to defend their country; and are they to be denounced by the President of the United States as unworthy to receive compensation from the Government when they are sick, maimed, or wounded? I do not believe it, and the Senator does not believe it.

Mr. CARAWAY. I was going to ask the Senator if that is what the President means—and if he did not mean that he did not mean anything.

Mr. McKELLAR. I can not imagine what he did mean unless he meant that.

Mr. CARAWAY. If he did mean that such a man is so unworthy that he ought not to be compensated by the Government, he certainly would be too unworthy to hold office in this country.

Mr. McKELLAR. I should think so. I should think the Senator's reasoning is absolutely good.

Mr. BLACK. Mr. President——

Mr. McKELLAR. I yield to the Senator from Alabama.

Mr. BLACK. I want to call the Senator's attention to the fact that I knew a young man from Pennsylvania who had been a college man and a football coach. The day war was declared he attempted to enlist, but was refused on account of some physical defect. He tried the Infantry; he tried the marines; he tried every fighting branch of the service, and was finally told that he would be taken in the Quartermaster's Department. He declined to go into that department. At the first officers' training camp they declined to take him; at the second officers' training camp he finally got in. That man stayed in camp and trained other men all over this country. He was reprimanded by his superior officer because he insisted on trying to get across where he could "hear some shots fired," and he finally succeeded in getting to the front the day the armistice was declared. So far as I know, he "never heard a shot fired," and under the rule which has been set forth that hearing a shot fired is essential and necessary in order for a man to obtain compensation, even though disabled, he would be shut out.

Mr. McKELLAR. Indeed, he would. I do not subscribe to the doctrine, Mr. President, that no soldier shall be compensated only because he has "heard a shot fired." That doctrine may be satisfactory to Mr. Hoover, but I do not believe it will be satisfactory to the American people.

Mr. BLACK. There were millions of men who did not "hear a shot fired" that went in voluntarily or who were drafted and who served their country and who wanted to get to the front, but the country used them where they were needed.

Mr. McKELLAR. I happen to remember the case of a young man who is mayor of one of the great cities in Tennessee. That young man volunteered several times, but the Government would not take him—I think the first time because he was too small and the next time because he did not measure up physically. He could not get in the Army in any other way, and so he went out West and volunteered as a cook, went into the Army, and was sent abroad. He probably "never heard a shot fired"—I do not know—but no young man in this country rendered better service to the American Army than this young man; and yet, under the President's definition that no man is entitled to compensation unless he "heard a shot fired," that young man could not be compensated, however sick he may be, however disabled he may be, however badly wounded he may be, as the result of his service. Such a doctrine is absolutely destitute of common justice.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Kentucky?

Mr. McKELLAR. I yield.

Mr. BARKLEY. I suppose under this new test that hereafter all a man will need do to prove that he is entitled to compensation will be to go before a notary public and make affidavit that he has heard a gun go off at some time in his life.

Mr. McKELLAR. I know General Hines very well, and all General Hines will have to do will be to prepare a new form of affidavit in which the soldier in making claim for compensation will have to answer such questions as these: "Did you hear a shot fired during the war?" "If so, what kind of gun was it that you heard fired?" "Was it a rifle or a machine gun?" If the soldier answers these questions "Yes," under Mr. Hoover's new and strange doctrine the soldier will be compensated.

Mr. CARAWAY. And, if wounded, I presume he must say whether he was shot or "half shot."

Mr. ASHURST. If he shall recall the President's letter, he will say, "I heard a blunderbuss go off."

Mr. McKELLAR. I do not know whether or not that would be a requirement, but I want to say that I think the President is unfair and unjust and inhuman to these sick, maimed, and wounded boys who fought for us in France in 1917 and 1918. I am astonished to think that the President of my country would take this inhuman position as to the sick, maimed, and wounded soldiers of our country. My friend says it is illiberal. It is more than that; it is inhuman that our Government should not reward those who stood up and fought for it. Yet the President, under his administration, is paying out some $200,000,000 a year of the taxpayers' money to the war profiteers, who stayed behind in this country, who "never heard a shot fired," who never were out of the United States until by reason of their great wealth obtained by the services of these boys they went after the war was over. Payments are being made at the rate of $200,000,000 a year to the great war-profiteering companies and individuals who made great fortunes during the war!

It is inhuman on the part of the President to object to this legislation for the maimed and disabled soldiers. Why do I say this legislation first agreed to is just? It is just because 60 out of the 66 Senators who voted on the question voted for a proper measure. I forget what the vote was in the House; something like 350 to 25 or 30, or maybe 50. At all events there was an overwhelming vote in both Houses to do justice by the soldiers of the country—sick, maimed, and wounded soldiers, mind you; not the strong and healthy soldiers; not the soldiers who are trying to put up a job upon their country, if there are any such; but the soldiers who are sick and maimed and wounded. The Senate of the United States and the House of Representatives of the United States first thought they were entitled to reasonable compensation, and they fixed that compensation; and after they had done it, and voted for it in such overwhelming measure, the President sends down some emissary and tells them that they are wrong; that it would cost $70,000,000 the first year, and a few million more afterwards, and it is unfair to the rest of the country, and we might be criticized by somebody if we agreed to treat the soldiers fairly; and you are following him. It is a fight between Mr. Hoover and the ex-service men. You are voting for the President and against the soldiers of the country. You need not make any mistake about it. You are voting against the soldiers.

Mr. President, I disagree with the Senator from Massachusetts [Mr. WALSH], who spoke a few moments ago, in attempting to put all the blame on the President of the United States. That blame is equally on you who are sustaining him in this matter. I am talking now about you on the other side who

voted for it and who now have changed your minds at the behest of the President, simply because he says you will be subject to criticism, because there might be some injustices in the bill, some discriminations, some unwarranted burden on the taxpayers, some wrong principle.

"There are many points of criticism," says the President. Why did he not point them out? He has pointed out only one, and that was that it would cost the taxpayers too much. It would cost the taxpayers too much, why? I do not know whether Mr. Hoover was in this country at the time we declared war or not. I believe it was before he landed here. My recollection is that we declared war on the 6th of April, 1917. Does anybody know whether Mr. Hoover had become an American again by that time? He came over about that time; and I remember that to carry on the war we appropriated $7,000,000,000 at one time, and we drafted these 4,000,000 soldiers; and what did we tell them? We told them that the Government's richest bounty would always be given to those who were maimed or wounded or sick, or the families of those who died; and now, 12 years after hostilities ceased, we have a President who says that we ought not to give a pension or compensation to a soldier unless he heard a shot fired!

Mr. President, I am sorry that the President has taken any such position as that. I am very sorry to think that the President of the United States would be so unkind and so unjust and so inhuman to the sick, wounded, and disabled soldiers as he has shown himself in this matter.

Mr. BLACK. Mr. President, may I call the Senator's attention to another incident that I happen to know about from personal experience?

Mr. McKELLAR. I shall be happy to have the Senator do so.

Mr. BLACK. I knew a young man who was a graduate of a college and a Rhodes scholar. As soon as the war was declared he went into the Army. He was a man of such exceptional ability that he finally landed over at Fort Sill, Okla., in the School of Fire, and they kept him as an instructor. As time went by he was anxious to get to the front, and he sent, or attempted to send, a letter to The Adjutant General of the Army. It was necessary for that letter, like others, to go through military channels; and the letter was stopped by the commandant of the School of Fire. The young man was sent for. The commandant said to him, "Young man, you have been in the Army for only something like a year. I have spent my life in the Army. I graduated at West Point. I have been waiting all these years for the opportunity to serve my country; and you complain about not getting to the front when you have been in the Army only a year, and they will not let me go at all!" He said, "When you are in the Army you take orders." That young man never heard a shot fired on the front. He never reached the front; and may I just add one other statement:

I had the great pleasure of serving under a Regular Army officer who graduated from West Point about 1889, as I recall. He was a genial, excellent officer. He was a colonel at this time. Shortly before his regiment was ordered across he received an order transferring him to another regiment for training purposes. The officers of the regiment were called together, and the announcement was made that he was not to go. He was between 55 and 60 years of age, large, tall, vigorous; and as he read the order he broke down, and had to be assisted out by officers, and he could not even stop to tell them good-bye. He secured a leave of absence, and came to Washington, and went straight to the War Department in an effort to get reassigned to his regiment so that he might go across. He did not hear a shot fired in the war on the front; but I can not conceive that it is possible that any man will say that he was not as worthy a soldier, that the country does not owe him as great a debt of gratitude as it owes the man who got to the front.

Mr. McKELLAR. Of course, the Senator is right. I doubt if anyone on either side would differ with that statement. We all know he is right. There is only one person in America who would take issue with the Senator upon that matter, and that person happens to be the President of the United States to-day, Herbert Hoover.

Why, Mr. President, what would happen if the President's rule of compensation were established? It would do away entirely with all pension systems. It would do away to a very large extent with hospitals. We could save the Government an immense amount of money, and, of course, we could reduce taxes on the rich taxpayers, and, of course, we could add to the funds that are being yearly paid out for too much taxes paid in 1917 and 1918 and 1919 and 1920. Some of the big taxpayers of our country could hire more lawyers and go back further and get the Treasury to shovel out tax refunds by the hundreds of millions of dollars, just as they are doing now. The President is complaining of our giving pensions to soldiers—sick, maimed, and wounded soldiers—because they "never heard a shot fired"; and yet the Secretary of the Treasury to-day is paying out to the war profiteers, on account of taxes paid 10 or 12 years ago, money by the hundreds of millions, two hundred millions a year and more, on an average, and we do not know when it is going to cease.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Oklahoma?

Mr. McKELLAR. I yield.

Mr. THOMAS of Oklahoma. The newspapers of this day contain a daily lecturette by a rising and prominent young writer by the name of Calvin Coolidge.

Mr. McKELLAR. Yes; I have heard of him.

Mr. THOMAS of Oklahoma. The last sentence in this lecturette is as follows; and before I read the sentence I want to suggest to the Senator that the Secretary of the Treasury advised the Congress that we now have a surplus of something like $180,000,000.

Mr. McKELLAR. $184,000,000.

Mr. THOMAS of Oklahoma. So the Nation has money in the Treasury.

Mr. McKELLAR. Yes.

Mr. THOMAS of Oklahoma. The last sentence in this lecturette is as follows:

> No one who has money now can afford to defer settling his accounts.

I want to commend that to the Senator and to the Senate and to the country; and, if the Senator will yield further, I ask permission to include the entire lecturette in the RECORD at the conclusion of the remarks of the Senator.

Mr. McKELLAR. I have no objection whatever to it.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The matter referred to will be found printed at the end of Mr. McKELLAR's remarks.)

Mr. McKELLAR. It does seem to me that with this just obligation due by this Government, which has $184,000,000 in its coffers and is going to get a great many more hundreds of millions in the future, just as in the past, it is no time to welsh on its debt to the sick, maimed, and wounded soldiers. If we are going to welsh on our debts to anybody, in Heaven's name let it not be the sick, maimed, and wounded soldiers who fought for our country in 1917 and 1918!

Mr. NORRIS. Mr. President——

Mr. McKELLAR. I yield to the Senator from Nebraska.

Mr. NORRIS. I think the Senator from Tennessee and the Senator from Oklahoma ought to go slowly in advocating the use of that $184,000,000 surplus.

If we give it to these soldiers it will be impossible for us to follow the recommendation of the President and Mr. Mellon to grant another reduction of income taxes, amounting to about that much, to the millionaires who pay income taxes. Does not the Senator think we ought to save that, so that we can reduce some taxes of the wealthy people?

Mr. McKELLAR. Mr. President, the suggestion of the Senator is very much in line with the thoughts of the President and Secretary of the Treasury, no doubt. If we do pay this $70,000,000, that would leave just a little over $100,000,000 to be restored to the millionaires who pay income taxes or to his pets, the war profiteers, that is true. The Senator is right about it.

Mr. President, this Government has plenty of money. There is no reason why we can not pay our debts. This Government should pay all of its debts, and when it collects too much in the way of taxes, it should cut the taxes down. But when we come to a cheese-paring policy, when we come to a policy of parsimony, in heaven's name, let us not start with the sick and the wounded and the maimed soldiers of our land!

Why should we do that? Of course, the Congress will not do it unless under the party lash. I am wondering what you gentlemen are going to say when you go back to the people who sent you here and tell them that you were really in favor of proper compensation to these sick and wounded soldiers, that you thought the Republican platform was proper, that you thought they ought to be treated fairly and justly, that you thought they ought to be compensated when they were sick and wounded and maimed, but that Mr. Hoover sent a message to you and told you to vote against these sick and wounded boys; that he wanted to reduce income taxes, and therefore you must do it. Do you think they are going to accept your statement when you tell them that? Do you think they are going to accept that excuse? I do not know how your people

are, but I do not believe the people of Tennessee would accept any such excuse as that from me.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. NORRIS. While the Senator is talking about the party lash driving the Senators on this side into line in the coming vote, I do not want him to forget that the party lash is coming over the backs of many Democrats, and if that party lash does not drive into line some Democrats on the other side, this conference report will be rejected.

Mr. McKELLAR. Mr. President, let me be perfectly frank about the matter. I think we ought to reject this report. I think it ought to be sent back to the conferees with an instruction to do the fair and just thing. But we ought to ascertain whether we can get enough votes to send it back. We ought to go about it just as the President has gone about it. Just as he called his cohorts into session and agreed upon a policy, I think those of us who are honestly and fairly and frankly in favor of the sick and wounded soldiers ought to have a conference about it; and, if we have the votes, we ought to send the report back to conference. But if we have not the votes some may think we ought to give the soldiers even this measure of relief, with the statement and the assurance that those of us who honestly believe they are entitled to relief are going to continue to fight here, for years if necessary, to see that they get it, regardless of presidential vetoes and regardless of threats of vetoes, such as the one contained in this letter.

Mr. NORRIS. Mr. President, I am surprised at the Senator from Tennessee, who talks as though he wanted to show the white feather now in this fight. What assurance can we give the country that we will fight any better the next time than we are going to fight now? If we are ready and want to reject this conference report, why should we not vote to reject it, no matter what the result of the vote may be?

Mr. McKELLAR. The Senator may be right.

Mr. NORRIS. If Senators can be whipped into line under a scare now, can that not be done the next time much more easily than now? Why does the Senator think that the rejection of this conference report means no bill? It does not mean anything of the kind. The rejection of this conference report is the only hope we have of getting a better bill. We will get some kind of a bill before we get through.

Mr. McKELLAR. If we reject this report, the President having stated definitely that he will veto the bill, in substance, I believe he will veto it. I believe that there are enough honest, faithful men in the House and in the Senate to pass the proper bill over the veto of the President. I have voted for all soldiers' legislation, and would like to vote for a proper measure. I shall vote against the conference report.

(During Mr. McKELLAR'S remarks Mr. THOMAS of Oklahoma asked and obtained leave to have published in the RECORD at the conclusion of Mr. McKELLAR'S remarks the following article from the New York Herald Tribune of Thursday, July 3, 1930:)

CALVIN COOLIDGE SAYS

NORTHAMPTON, MASS., July 2.—Faith without works is vain. Although many millions of people are enjoying record wages, there are others who are unemployed, some of whom can live on their savings, while the rest will have to be supported directly or indirectly by those who work.

People are out of work because the things they could produce are not being bought. With all our wealth, it is difficult to suppose that our consuming power has greatly diminished. It is not being exercised. It will help somewhat to increase public and private construction. But the principal consuming power in this country is in the people who have work. Unless they buy of the other fellow he can not buy of them.

If those who are working and have the means would pay all their retail merchandise bills and in addition purchase what they need and can afford, a healthy commerce would quickly be created. Our Nation has plenty of resources to support all its people comfortably through a mutual exchange of products if everyone will do his part. Those who have employment now run the risk of losing it by refraining from buying and paying within their means. No one who has money now can afford to defer settling his accounts.

CALVIN COOLIDGE.

Mr. HASTINGS. Mr. President, I want to call attention to the fact that 98 per cent of the Members of the House who served in the World War were very much in favor of this bill; that the author of the bill, Mr. ROYAL JOHNSON of South Dakota, is a great soldier, and had a great record in the war.

Mr. McKELLAR. Mr. President, which bill is the Senator talking about? Mr. JOHNSON voted for both in the House.

Mr. HASTINGS. I am talking about the bill the conference report on which is now before the Senate.

Mr. McKELLAR. What percentage of the House voted for the bill giving the soldiers adequate compensation?

Mr. HASTINGS. I am talking about the conference report now before the Senate. But I rose particularly because I think it is appropriate to read into the RECORD, after the great speech of the Senator from Tennessee, the remarks made by Mr. JOHNSON at the time this bill was passed. He said:

Now, I have listened to as much demagoguery on veterans' legislation as any living human being. I have heard it before the committee and I have listened to it on the floor of the House for 12 years. There are more people who saw less fighting who can wade in more blood on the floor of this House than any soldier who was ever at the front.

I rose for the purpose of calling attention to that statement.

Mr. NORRIS, Mr. McKELLAR, and Mr. BARKLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. McKELLAR. I wanted to ask the Senator from Delaware a question: Is not the Senator one of the famous 6 who voted against the first measure for the benefit of the soldiers, and one of the famous 11 who voted against the second measure?

Mr. HASTINGS. Yes; and I am proud of it.

Mr. McKELLAR. I just wanted to have the fact established.

Mr. BARKLEY. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield.

Mr. BARKLEY. The Senator from Delaware said that 98 per cent of the World War veterans in the House of Representatives are now for this bill. I want to say to him that 100 per cent of the total membership voted for the bill the President vetoed a few days ago.

Mr. NORRIS. Mr. President, for a few moments I want to call the parliamentary situation to the attention of the Senate.

The House passed the bill we are now considering, and it came to the Senate. Incidentally, the House passed it without any opportunity on the part of any Member of the House to offer an amendment to it. It came up under a special rule. The membership had to vote for the bill or against it, with no opportunity to offer an amendment, and with only 20 minutes on a side to debate it. That meant that the vast number of the Members of the House could not have any opportunity, not only of offering an amendment but of saying anything about it. Under those circumstances the bill was passed and came to the Senate.

The Senate amended the bill, and the principal amendment, the one to which I am going to devote my remarks, was the one which increased the rates over those provided for by the House, because, after all, that is the major proposition before us.

Everyone realizing that in a conference both sides must give and take will, I think, admit that the Senate could not expect to have a conference report brought in providing for the retention of all of the Senate amendments. Out of respect to the House of Representatives and to its conferees we must, of course, be willing to compromise. But no compromise was made except on unimportant amendments.

I think everybody would have agreed to surrender all of the other amendments if the Senate could have had its way in regard to the rate amendment.

Mr. WALSH of Massachusetts. Practically that proposal was made.

Mr. NORRIS. We are told also by one of the conferees on the floor of the Senate that the minority conferees even proposed a reduction in the rates and offered to compromise and to come away down in the rates. But the opposition was adamant. There was no surrender in the amount of a single penny in these rates. Yet they had been put into the bill without an opportunity on the part of any Member of the House of Representatives to offer an amendment to increase a single rate by a single penny without an opportunity to debate it. That is the sacredness of the House bill, and when it comes to conference the House conferees stand adamant and say, "We will not give in one single cent."

Mr. CUTTING. Mr. President, what did the Senate conferees say at that point in reply to the adamantine attitude of the House conferees?

Mr. NORRIS. The majority of the Senate conferees surrendered, and we have the House rate before us now, not made by the House of Representatives, not made by the committee of the House of Representatives, but made by two or three men, jammed down the throats of the House of Representatives under a gag rule which would not permit the Members of the House to offer an amendment or to say a word unless they got consent of

the men who controlled the time, and they controlled only 20 minutes on each side.

That is the parliamentary situation presented to us. Let me digress here to say that I do not criticize any Member of the Senate or of the House or the President for not agreeing with me or with the Senate bill or with the rates which were established by the Senate amendment. I freely and frankly concede that any man has a right to be opposed to them, and I am not casting any reflection upon any man, either in or other of public life, high or low, who does not agree with those rates. So I respect the President in his judgment in opposition to them. I respect every Member of the House and of the Senate who is opposed to them. I am not finding fault with any man's vote on the prior passage of the bill, or any action on this bill.

I draw the line, however, at a point where some outside influence may control, by arbitrary action, the official action of the people's Representatives, either in the House or in the Senate. I do not believe that a man is entitled to a seat here, or entitled to a seat in the House of Representatives, who, when acting officially in any respect where he is called upon to act, permits somebody else to dictate to him contrary to his own convictions as to what his vote should be.

That is what has been going on here, that is what is confronting us now.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. THOMAS of Oklahoma. Does not the Senator think that the Senate rules are largely responsible for the trouble in which we have been during the last few days in regard to various bills? The rule provides that certain members of Senate committees shall, by virtue of their rank on the committees, be the conferees on bills. The effect is that we frequently pass bills in this body on which it is necessary to appoint conferees. The result is that Members are appointed on conference committees who are known to be enemies of the particular bill on which they are to act as conferees, and they leave this body and go to meet the conferees of the House with a white flag in their hands to start with. Does the Senator approve of that system and that rule?

Mr. NORRIS. No; and I have given evidence of my disapproval of it. A few years ago, during the Muscle Shoals fight, we had a bitter contest, with a margin of votes of only two or three on either side, one side being up and the other down. The opposition to the bill we tried to pass was led by the late Senator Underwood. He was not even a member of the committee which reported the bill, but he succeeded. We were defeated, and the bill was passed and went to conference.

Under the ordinary procedure I would have been the chairman of the Senate conferees. The senior Senator from Oregon [Mr. McNARY], who was the ranking member with me on the Committee on Agriculture and Forestry, would have been next in line. The senior Senator from South Carolina [Mr. SMITH] would have been the third man, representing the minority. But we all declined. I declined to accept appointment on the ground that the conferees ought to be from those Senators who believed in the bill which had been passed and who voted for it and who stood for it. I said then that Senator Underwood, who led the fight against me, ought to be chairman of the conferees on the part of the Senate, and he was appointed. Others with him, as I remember it now, were all of his mind. That was right. That is the correct parliamentary rule for conference committees. Conference committees, in order fairly to represent the respective branches of a Congress of which they are members, ought to be chosen from those who favor the legislation of the respective Houses. I think that is right.

However, the Senate has not been following that procedure, and I have to accede to the prevailing opinion. I think we made the same mistake on the tariff bill. I do not think it ought to have been done, but that is the old rule of the Senate, and, so far as I know, the instance I have cited is the only case where an exception was made to the rule.

Mr. President, I want to get back now to the present parliamentary situation. The amendments were put on the bill by the Senate. It was then sent to conference. The House sent it to conference by a special rule in order to prevent anybody in the House from making a motion to agree to the Senate amendments. Every parliamentarian knows that where there are two branches of a legislative body and a conference is asked by one, a privileged motion is always the motion that tends to bring the two Houses together. Under ordinary parliamentary procedure it would have been in order in the House of Representatives to make a motion to agree to the Senate amendments or to agree to a particular Senate amendment. But under the arbitrary rule or special rule which was preventing the Members of that great organization from expressing their real sentiments, they were denied even that privilege.

So we have this bill coming back to us now with the coordinate branch of the legislative body, the House of Representatives, never having had an opportunity to offer amendments or to debate either the original bill or the Senate amendments. The House has never yet voted on the Senate amendments. The House has not rejected those amendments. The bill went to conference taking all of the amendments together. Members of the House have had no opportunity to vote upon them and they have not voted upon them. We have voted on them in the Senate. We adopted the principal amendment in question on a roll call and we are called upon now to recede, to yield, although the House of Representatives has never yet had a vote upon the controverted items. They have not gone on record as to the rates.

The procedure which I have briefly outlined has for its effect, if not for its purpose, the prevention of every Member of that great body from going on record. Is that fair? I appeal to Senators now, regardless of what they may think about the Senate amendment, regardless of how much they may disagree with the position I am taking on what the rates should be as provided in the bill—is that fair? Can any man conscientiously say that that is right? Who is it that will defend that kind of course? Should Members of the House of Representatives go on record the same as Members of the Senate should and in this case have gone on record?

Mr. BLACK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. BLACK. Is that an extraordinary procedure in the House? It is my understanding that is the usual course and custom.

Mr. NORRIS. It is according to custom whenever the right kind of emergency arises.

Mr. BLACK. Is it customary to permit Members of the House to vote on measures or amendments simply because they desire to do so? I am not asking in any critical way.

Mr. NORRIS. I do not think I can answer the Senator's question without perhaps transgressing the rule with reference to the use of unparliamentary language.

Mr. BLACK. I would not want the Senator to do that.

Mr. NORRIS. As a matter of history, I suppose that occurs. This is not the only time perhaps that it has occurred when three or four men thought it a good idea to prevent Members of the House from going on record to help them in campaigns about to begin in the country. When that situation arises they resort to this kind of procedure.

Mr. BLACK. As a matter of historical reference, were there three men or four men? History said, I think, just three men.

Mr. NORRIS. There might be a difference in judgment as to how many men were involved.

A Senator came to my desk the other day with a bill which had come over from the House with an amendment he wanted to put on it in his committee. He said, "I have been waited on by Mr. So-and-so and I have been told that if we put on that amendment it will not be considered in the House of Representatives." He thought he had better not offer the amendment under the circumstances.

So these powerful men, this great triumvirate, can not only hold a Senate bill in the House on the Speaker's table for 10 months, a bill in which the entire country is interested, but they can come over here and give their commands, "Do this or your proposition is dead," and they make good on it, too!

Here we are in that same situation with reference to the pending amendment. The House has never voted upon it. If the House had voted on it and by a large majority on a roll call had rejected it, I would not be saying what I am saying now. Then there would be some reason for Senators to hold up the white flag and say, "It is this or nothing." I say to Senators that question does not present itself now.

What is the cause for this scare? Why are Senators so fearful that they dare not vote their sentiments? Why are Senators frightened into the belief that if we do not approve the conference report, which has been presented by three Members of the House of Representatives, we will get no legislation? Where do they get that idea? Why raise the white feather at this stage of the battle? Why surrender now? Why not assert ourselves and say, "Before we will recede from that amendment, we ask in all respect, in all honesty, in all honor, that the House of Representatives vote on it?" They have not yet done so. Is that too much to ask? If the Senate were in that position and had not voted, I would be one Senator demanding that we go on

record and not try to shift the responsibility to the President of the United States.

Why are we afraid of the veto? The rumor that is going around the corridors and in the cloak rooms is that the President will veto the bill if we insist on agreeing to this amendment. As I have said about the President's opinion with reference to these amendments, I would have perfect respect for him if he should veto the bill. He has a perfect right to do it. Our duty would then come to us. We would have a perfect right, then, under the Constitution, to pass the bill over his veto, and it would mean no disrespect to him, no disrespect to any Member of the House or of the Senate. Why not do our duty? Why not face the situation as it confronts us and follow the convictions of our consciences?

Mr. President, it does not mean defeat of the legislation for the World War veterans if the conference report is rejected. The bill would then go back to conference. That is all a rejection would mean. Neither the House of Representatives nor the Senate of the United States is going to adjourn until we pass some kind of legislation relating to World War veterans.

If the bill goes back to conference, and with all reason and honesty the outcome is such that no man can accept it by agreeing to this amendment or any modification of it, then I am ready to quit. But I am not ready to quit until the conferees do their duty, and I do not propose to quit until they do it. I still have hopes that if this matter goes back to the House of Representatives they will be permitted to vote; that they will agree to the amendment; that they will be convinced of its justice and its honesty as we have been convinced of its justice and its honesty.

Why then talk of surrendering to a phantom opposition? If they should do that and the President should then veto the bill, although he has not said he would do so, but if he should do so, as he has a perfect right to do if he sees fit, then the proposition would be before us to pass it over his veto. When I consider the vote on the Spanish-American War veterans' bill I can not see how any Member of the Senate or the House who voted to override the President's veto in that case would decline to vote to override his veto in this case. It involves the same rates and for the same kind of people having the same kinds of disability. The only difference on earth is the difference in ages, and I submit it is not fair to point to the date when we gave relief to the Spanish War veterans, because everybody knows and, so far as I know, no one disputes that the Congress was years behind in its duty when it gave that relief finally and passed the Spanish War veterans' act.

Mr. President, I can not conceive how a President who would approve a ship subsidy bill, by which hundreds of millions of the taxpayers' money has been taken from the Treasury and given in fact to millionaire shipowners, would hesitate to approve this kind of a bill. I was informed the other day that the Shipping Board had just made a loan, under a law enacted by the Congress and which the President had approved, involving $100,000,000 to a shipbuilding company for 20 years at less than 2 per cent per annum. Oh, how liberal we are to the beneficiaries of a ship subsidy! How liberal is the President and the Congress, how liberal is Mr. Mellon, the watch dog of the Treasury, when we can do something by taking money out of the Treasury for the benefit of the rich man. But how penurious some of our people are when we propose to distribute a little money to the veterans of our late war.

We have been passing one bill after another providing for the construction of public buildings, more than we have ever passed in the same length of time in the history of the United States, involving hundreds and hundreds of millions of dollars. One of the reasons was to give employment to the unemployed, to build now so as to give work to the jobless, to let those who wanted to labor and those who wanted to work have something to do. We provide for the construction of public buildings that we do not need, more for the purpose of giving work to men who want work and have not got it than for any other one reason. I have not opposed it. The President has advised it. There has been a practically unanimous-consent agreement to do it.

Then when we come to giving the owners of ships or loaning the owners of ships millions and millions of money, we give them a ship first for a song and we are not particular about what the song is or in what key it is sung or who sings it. We loan them the money to build new ships. We are loaning it now at 1⅞ per cent. How much of a loss will that involve in 20 years? What is money worth? Government bonds bear 4 per cent and 4¼ per cent interest, but we are loaning money to millionaire shipbuilders at less than 2 per cent on 20 years' time. Figure it up and see how much we are donating to the millionaires of the country. And it does not help labor very much; the money thus spent does not go into the body of the people of the country, as would the money paid in the shape of pensions. If it be desired to help the poor who are suffering and are not able to make a living on account of the loss of employment, there is no way on earth by which public funds may be more evenly distributed than by paying liberal pensions. Instead of giving money to millionaires, instead of reducing taxes for Mr. Mellon and such as he to the amount of hundreds of thousands of dollars each year, instead of refunding taxes to the Steel Trust to the amount of hundreds of millions of dollars—if it be desired to disburse money for the benefit of the people generally, and we want to consider it as a gift, why not divide it up amongst the men who bared their breasts to the bullets of the enemy? Mr. President, I do not advocate the enactment of the bill as it passed the Senate on that ground, for I think its enactment would be but a matter of common justice.

Mr. President, we have heard much about unemployment; and the President has a commission to study the subject of unemployment. The chairman of that commission asked everybody in the United States to buy two automobiles; he asked everybody to get two telephones in order to give the telephone companies more business, in order to help the automobile business, in order to keep business going and to spread the money out. A man may be toiling for a small wage; he may be unable to make both ends meet financially; he may see his children in want and not well clothed, but he is advised to buy an automobile in order to help the automobile business. That was the advice of Mr. Barnes, the chairman of the President's Unemployment Commission. However, when it comes to granting pensions to the soldiers of the World War, to putting them on the basis of the soldier of the Spanish-American War, then the President draws the line and says, "we have not the money."

Those who take that position did not talk that way when we sent those boys to France. They did not talk that way when we were sending speakers all over the country to get people excited and worked up; they did not talk that way when they sent the propaganda over the country, paid for out of public funds, much of it an exaggeration, and some of it downright false; they did not talk that way when they voted to send them to war. When the soldiers started on their way across the sea for the battle front in France they were met at every crossroads with bouquets, and they were told, "We will remember you forever; we will await your return; your jobs will be kept open for you." However, when they came back their jobs had not been kept open, and perhaps it could hardly be expected that they would be kept open. Many of them were not healthy men when they came back. A man who is 24 per cent disabled can not get a job in competition with a man who is not 24 per cent disabled. In this day when there are more persons seeking jobs than there are jobs, it is the efficient man who gets the job. The man with 24 per cent disability, which was incurred in the Great World War is cast aside, and the man who stayed here and made money out of the other man's sacrifices gets the job. Yet if the soldier be only 24 per cent disabled, under the bill as it comes from the other House, and which is sought to be passed by the approval of the pending conference report, he can not get a red cent.

Mr. President, 24 per cent disability in many cases where there are no open jobs means almost the same as 100 per cent disability; and yet we are asked to approve this conference report.

Senators, why this apparent weakness? Why should we who voted for the amendments adopted by the Senate not still support and vote for those amendments? Why be scared at a false cry, at a bluff? Why not fight it out to the end? Why not refuse to lie down until all avenues of getting redress for the soldiers have been closed and there is no possible way to obtain that result? That time has not yet come. So it seems to me that we ought to reject this conference report.

Mr. President, the soldiers who went abroad and those who were in the camps in this country were practically the only ones in the United States who were deprived of the opportunity to make money out of the World War. Everybody else had an opportunity to make money such as had never before been presented. The soldiers could not do it on a salary of $30 a month. They were in the trenches; they were on the battlefields and in the camps; and yet now it is said that those men, who were prevented from participating in the greatest prosperity that ever came to the country should not be compensated because it will take some money from those who made millions while they were in the Army.

I do not believe a just man can possibly object to the rates fixed in the bill as passed by the Senate. Think, Mr. President, of a man having to be 25 per cent disabled before he can receive a pension. If we lived in a time when there were 100

jobs for every man who wanted a job, it would be different, but we have heard from day to day, indeed, we have heard to-day in the Senate Chamber, of the thousands of men who are walking the streets without work and without an opportunity to work. It is true in the business world—and I am not finding fault on that account—that an employer will, of course, take the man who is the most competent to do the work. If he has a choice between a man who is 100 per cent efficient and one who is only 76 per cent efficient, the employer of course will give the job to the 100 per cent efficient man. Yet the other man is deficient because he shouldered a musket and bared his breast in battle in a war in which, perhaps, he was conscripted and made to serve, or he may have volunteered and gone to the war; it makes no difference, for in either case he has been deprived of the privilege and even the right that accrued to everybody else except himself and those who were in the war with him.

Mr. President, this is no time for the Senate to surrender; this is no time to lie down. If we are going on the theory that has been advocated here by some, that we should vote for the conference report, and then say to the members of the Legion, to the men who fought in the World War, "We were beaten, but we want you to know we are going to keep on fighting," they will say, "Why do you not fight like we fought when we were in the trenches? We did not surrender; we did not turn and run before the battle commenced or when it was half through. We followed the flag; we went to the front; we risked our lives; we, perhaps, came back wounded, gassed, with health injured for life, but we did not surrender." They will say to us, as they ought to say, "If you want to fight for us, then you ought to have the same courage that we exhibited when we fought for our country; you ought not to lie down; you ought not to surrender when somebody high in official life scares you; you ought to be brave enough so that you can resist a scare or a bluff or a threat." And this is legislation by threat. If we want to maintain the freedom of our country, the legislative body must be kept pure and unsullied; it must be such that it will not surrender to any power; that it will not be frightened or scared by any threat; but will do its duty as it sees it, regardless of consequences and without fear of anybody or without the expectation of favor from anybody.

Mr. GLASS. Mr. President, I was one of the few Members of this body who voted against the bonus bill. I recall the speech made on that occasion by the senior Senator from Pennsylvania [Mr. REED], and I thought at the time that it was one of the most courageous and one of the finest addresses that I ever heard in my 30 years of public life in Washington. Those of us who agreed with him on that occasion were not actuated by any desire to save money for the taxpayers of the United States or to protect the Federal Treasury from a raid. The Senator from Pennsylvania thought, I thought, and those who agreed with us thought, that the service rendered by the American soldier was so precious, was so incomparable, that nothing should be done that would even suggest that it could be commercialized. I have never for one moment regretted the vote I then cast, and there is no soldier in Virginia who has ever expected or desired that I should apologize for it.

The American Legion has not wanted to embark this country upon a pension system, with all of its vicissitudes, with all of its consequent corruption, as has been developed by past experience. Therefore I have not wanted to vote for a pension system; but I have thought that if we are to embark on anything of that kind upon the insistence of the President of the United States, we should do it in a generous rather than a niggardly fashion. With me it is not, as it never has been, a mere question of money. If it is to be a pension system, in my conception it should be a broad and a generous one.

For that reason, Mr. President, I voted for the amendment proposed jointly by the Senator from Massachusetts [Mr. WALSH] and his colleague the Senator from Texas [Mr. CONNALLY]; and I have no apology to make for that vote. I agree most thoroughly with the Senator from Nebraska [Mr. NORRIS] that there is an obligation upon those here who voted for that amendment to persist in their action and to vote against this conference report.

I hear Senators saying that they are going to vote for this conference report because it is the best that may be done, it is all that may be gotten. Of course, it is the best that may be done and all that may be gotten if we are going to surrender our convictions because somebody tells us to do it. I am not one of those who are going to surrender their convictions. I thought I was right in voting for a liberal allowance if we are going to be compelled to embark upon a pension system; and I am one of those, however few they may be, who are going to persist in what they conceive to be the right.

Therefore I intend to vote against this conference report and to apologize to nobody for doing so.

Mr. BLACK obtained the floor.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. CONNALLY. I make the point of no quorum.

The PRESIDING OFFICER. Does the Senator from Alabama yield for that purpose?

Mr. BLACK. I do not yield for that purpose.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. BLACK. Mr. President, it is very difficult for me to understand how a World War veteran who might happen to have suffered the loss of both legs could get along through life with $40 a month if a veteran of the Spanish-American War, who had lost both legs, could not get along through life unless he had $60 or $75 or $100 a month. As a matter of fact, if we are going to give an award in the way of a pension to men on the basis of disability, what difference does it make how old the disabled man is? If he should be totally and permanently incapacitated, would it be right to say that because he served in one war he should have one amount, and because he served in another war he should have another amount?

I agree thoroughly with the Senator from Virginia [Mr. GLASS]; and if there are only three votes cast against this conference report, mine shall be one of them.

It is easy enough to get up and talk about those who favor a liberal allowance for the soldiers, and to read speeches that may have been made by some spokesman of the White House in the other Chamber; but these gentlemen who are now so solicitous about the conservation of the American taxpayers' money were not so solicitous about the conservation of the American taxpayers' money or the lives of these men at a time when they called them into the service of the country. It is also a little bit strange that there should come from the pen of the President of the United States an attempted distinction in the value of the services rendered by those who were drafted or voluntarily went into the Army, some of whom served in the camps, some of whom served in this country, and some of whom served abroad.

The colonel whom I mentioned this afternoon, who was deprived of that which would have been to him the glorious privilege of serving at the battle front, lies buried over on the hill in Arlington. Under the conception advanced by the President of the United States there is to be some kind of invidious distinction drawn between the services of that man, who was deprived by orders of his superiors from serving at the battle front, and the services of those who served at the front of battle.

With reference to this conference report, I take the position that has been assumed by the Senator from Nebraska [Mr. NORRIS]. We have no reason to believe that the House would not vote favorably upon these amendments if they were permitted to do so. Are we to be driven simply because three men who have a throttle hold upon that which shall be passed and that which shall not be passed tell us, "You vote according to the legislation we prescribe for you or you do not vote at all"? Has the time come when the Senate will bow in humble submission because those who happen to control the machinery of the House deprive the individual Members of voicing their sentiments as to the amount that shall be awarded to the soldiers who fought in the World War? Must we kneel down and bow and cringe as humble suppliants before the throne because three men, listening to the voice of another, deprive the Members of the House of voting upon legislation or offering amendments?

Only a few moments ago there went from this body a unanimous resolution passed by the Senate. An effort was made to bring it up on the floor of the House at the other end of the Capitol. The effort was frustrated by one man. The inquiry was then made, "How can it be brought up?" The reply was made, "By moving to suspend the rules." An effort was made to suspend the rules. It could not be done. The gentleman was not recognized for the purpose of moving to suspend the rules; and we are asked here, when we have passed by an overwhelming vote an amendment which we honestly believe to be fair and just to the men who served in the World War, to retreat in cowardly fashion because three men tell the Members of the House of Representatives, who are supposed to be the representatives of the people with an equal voice to determine the people's affairs, that they can not pass upon the measure! Then the message comes to us, "These three men have preordained and determined that you accept this legislation or you get nothing."

Well, so far as I am concerned, I am willing to stay here in session until the Members of the House of Representatives are given the privilege of voting like men. It may be, as some think, that they would be satisfied not to vote. I can not believe it; but, whether or not it be true that they are satisfied

to accept with acquiescence a place of servility and slavery, I am not willing to cast my vote for a conference report which I believe is unfair, which I believe is unjust, which I believe is not sufficiently liberal, and which I believe, as stated by the Senator from Virginia [Mr. GLASS], is niggardly, simply because three man say, "Take this; swallow it. We are monarchs of all we survey. Pass it, and pass it before the night is closed!"

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator from Texas.

Mr. CONNALLY. Does the Senator refer to the three majority conferees when he speaks of three men?

Mr. BLACK. No; I do not. I refer to the three who, if this conference report is adopted, are the rulers of legislation in the United States to-day. Of course, I understand that it might be well to add one to the three; but here is the situation:

We voted by an overwhelming vote in favor of a liberal allowance to the World War veterans. In doing that we expressed our opinion and our belief that this allowance was just. The Members of the House have not voted upon that measure. They have not been permitted to vote upon that measure. My own personal opinion is that there is a fear that if they are permitted to vote upon that measure, as amended by the Senate, the measure will be passed; and in order to prevent their having the opportunity and privilege of voting we are asked cowardly to retreat.

I heard some arguments on the other side of the Chamber a few days ago to the effect that we should not retreat from a position of a difference between nine and twelve millions in the appropriation for the District of Columbia.

There is no escape from what is an issue here. The conference report adopts a measure which does not give to the World War veterans an allowance equal to that which is given to the Spanish-American War veterans. If we vote against that conference report, and it is taken back to the House, we can stay here until we force them to vote upon it. We will be asked to stay here in order to take up the naval treaty. If we are to remain here to take up the naval treaty, why should we rush through to-night? Why should we not remain in session until the Members of the House of Representatives have the privilege of expressing themselves on this legislation?

I take the position that if we accept this conference report, we place our approval upon the method adopted in the House of preventing the individual Members from voicing their sentiments on legislation, and I do not propose to take that position with reference to this bill or any other bill, because I believe that in a free country, in a democracy, where we have representatives of the people, the representatives themselves should vote, and not have the vote limited to three men.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. McKELLAR. Do we not go further than that? If we vote for this conference report, do we not vote our approval of this niggardly, half-way compensation to the veterans, and show that we are not in favor of paying them in accordance with what we have promised heretofore?

Mr. BLACK. I can see no escape from that conclusion. There are times when it is necessary to compromise, but that time has not yet arrived in regard to this measure, because those who should be given the privilege of passing upon the other side of the proposition have not expressed their views upon it. The other side to the controversy at the present time as to this compensation is represented by the Members of the House of Representatives. The Members of the House of Representatives have not voted upon the important amendment. Until they vote upon the amendment, if we yield, we do so without any reasonable necessity for it.

If it were true that the House had voted upon the matter, and they had decided by a fair majority that they would not agree to the amendment, then there would be some reasonable excuse for taking the position that we will take the best we can get. But how do we know what we can get until we have a vote by the Members of the House of Representatives?

Is it true that we must believe that there are dictators of the body at the other end of the Capitol, and that they alone have the right to express a viewpoint? Or shall we take the position we have taken in several other instances—the precedents have been set—and say to the House, "We are willing to talk compromise with you after you have permitted the House of Representatives to vote upon legislation which we believe to be fair and right"?

That precedent has been established as to other legislation. Was that legislation less important than this? Are we willing to return to the people of this country and tell them that we established a precedent with reference to other legislation that both Houses should vote upon measures, but that we would not do so in regard to this legislation, that we put up the white flag at the first sound and the first disturbing noise?

Several years ago down in my city of Birmingham a man went to the Hillman Hospital, which is a public hospital. The hospital was crowded to overflowing. He went to several other hospitals, and they were all filled. It was a cold night. The next morning that man was found on the street frozen to death. In his pocket was an honorable discharge from the United States Army. That has happened not merely at one place. There have been men in want all over this country. There are men in want to-day. Any man who is familiar with the present conditions of living knows that the niggardly allowance permitted to ex-soldiers by this conference report is not sufficient to take care of a man even in a halfway decent manner. Then, what shall we do? Shall we yield now, or shall we stand up and fight for that which we believe is right until the House has expressed itself upon the controversy?

So far as I am concerned, where there are only three votes, as I stated a few moments ago, I take the position that this legislation is of equal importance with other legislation. Certainly, it can not be of less importance than much other legislation which we have had before us. I take the position which Lincoln expressed in his famous message, namely, that one of the great duties of this country is to bind up the wounds of those who fought its battles in times of stress and of need.

I take the position which every civilized and half-civilized country in the world has taken—that the first duty of government is to take care in a liberal manner of the soldiers who fight the battles and who engage in the struggles for the protection of the people of that government. I will not yield by my vote because three men in the body at the other end of the Capitol say, "Take this measure. We will cram it down your throats."

After the House has been given the privilege of voting, then will be time for the Senate to yield its convictions and to accept a compromise, but I say that until that time arrives we would be abandoning our honest convictions, we would be yielding on a question of supreme and vital importance to the men who fought this country's battles in time of need, if we yielded. We would be doing more than that; we would be letting it be known that this body is willing to yield on important questions of legislation merely because the dictators of some other body say, "Accept the legislation which we offer you."

I appeal to those Senators who stood by the ex-service men in the former vote in this Chamber not to abandon them now. Do not carry the flag just part of the way. No victories are ever won in such half-hearted fashion as that. Let us fight to a finish, and let us stay here if it takes all summer to fight out this battle, because we are on the right line; we have a bill which is not only fair to the ex-service men, but we are standing on the fundamental principle that the Representatives of the people themselves should vote upon legislation, and until that privilege is accorded to the Members of the House of Representatives, so far as I am concerned, I shall vote against any so-called conference report brought in here at the behest of three men of the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 859) for the relief of Clara E. Nichols.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 887) for the relief of Mary R. Long.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 936) for the relief of Glen D. Tolman.

The message also announced that the House had agreed to the following concurrent resolution (H. Con. Res. 41), in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That there is hereby created a joint committee to be composed of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The committee is authorized and directed to make a study of the procedure followed by the House of Representatives, and by the Senate, in the exercise of their respective functions in impeachment cases, with a view to determining whether such procedure may be improved. The committee may sit at such times and places as it deems advisable, and shall report its findings to the Congress, including in such report such recommendations as it may deem advisable. Upon the filing of such report the committee shall cease to exist.

REPORT OF COUNCIL OF NATIONAL DEFENSE

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying communication, referred to the Committee on Military Affairs:

To the Congress of the United States:

In compliance with paragraph 5, section 2, of the Army appropriation act approved August 29, 1916, I transmit herewith the Fourteenth Annual Report of the Council of National Defense for the fiscal year ended June 30, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, *July 3, 1930.*

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the report of the committee of conference on the amendments of the Senate to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended.

Mr. CUTTING obtained the floor.

Mr. BARKLEY. I make the point of order that there is no quorum present.

The PRESIDING OFFICER. Does the Senator from New Mexico yield for that purpose?

Mr. CUTTING. I yield.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	McCulloch	Shortridge
Ashurst	Gillett	McKellar	Steiwer
Barkley	Glass	McNary	Stephens
Bingham	Goldsborough	Metcalf	Sullivan
Black	Hale	Norris	Swanson
Blaine	Harris	Nye	Thomas, Idaho
Borah	Harrison	Oddie	Thomas, Okla.
Brock	Hastings	Patterson	Townsend
Capper	Hatfield	Phipps	Trammell
Caraway	Hayden	Pine	Vandenberg
Connally	Hebert	Pittman	Wagner
Copeland	Howell	Ransdell	Walcott
Couzens	Johnson	Reed	Walsh, Mass.
Cutting	Jones	Robinson, Ind.	Walsh, Mont.
Dale	Kendrick	Robsion, Ky.	Watson
Deneen	Keyes	Sheppard	
Fess	La Follette	Shipstead	

Mr. CUTTING. Mr. President, I am sorry the chairman of the Senate conferees is not on the floor at this time, because the conference report which he is championing seems to me a very important report.

When in doubt about the principles underlying any measure, I usually seek to study remarks made by the distinguished floor leader of the Republican majority. I recall very well statements made by the distinguished Senator from Indiana [Mr. WATSON] in discussing the tariff bill. On numerous occasions the President of the United States was criticized for not taking a stand on particular tariff rates during the months in which we sat here waiting for some word of guidance. When that criticism was made by Members on the other side of the Chamber I remember how invariably the Senator from Indiana rose to the defense of the President. I quote only one of those statements as a sample of many others which the Senator made. This is the one which he made on March 24:

I have repeatedly stated on the floor my sentiments on that question. I have said time and again that I have given to the President my views, whatever they might be worth to him, and urged him to refrain from expressing his opinion about the rates. I do not think it is the business of the President of the United States to fix tariff rates. That is the duty and function of the Congress of the United States. After the Congress shall have passed the bill and it goes to the President it is for him then to determine the question. His vote then is equal to a vote of one-third of the entire American Congress; he then can give his opinion about rates; but I think that it would be absolute folly for the President of the United States to inject himself into this tariff controversy while the bill is before the Congress and give his opinion about what the rate should be on every item that comes up.

The Senator from Texas [Mr. CONNALLY] then inquired:

Let me answer the Senator from Indiana by suggesting that if he be correct that the President ought not to indicate his views with reference to rates, what does the Senator have to say about the President indicating his attitude with reference to the debenture plan?

To which the distinguished Republican floor leader replied:

That is an administrative feature which, in my judgment, is entirely different from the question of rates. An administrative feature is one with which the administration deals, and I think that the President was within his rights in expressing himself upon it, although I will say to my friend I did everything in the world I could to dissuade him from giving an opinion on that question, believing that it would needlessly involve him in a controversy. However, he thought differently, and he exercised his right, as it was proper for him to do, and gave his opinion on the subject, but not on any rate question. The difference between the two, I will say to my good friend from Texas, is that one is peculiarly within the province of Congress and the other is at least administrative in its operation.

Mr. President, if the question of tariff rates is one which is peculiarly within the province of the Congress and with which the Executive should not interfere, it is a little difficult for me to understand why the same rule does not apply to the rates in the pending bill. It is a question of different figures for different percentages of disability—for permanent disability either $40 or $60 per month, and so on. So it was with some astonishment that I noticed this morning that the honorable Senator from Indiana had apparently addressed an inquiry to the President of the United States concerning rates. The first sentence of the President's letter reads as follows:

MY DEAR MR. SENATOR: You request my views on the effect of the Senate amendments to the House veterans' bill.

Our distinguished leader, the Senator from Indiana, appointed as a Senate conferee to carry out the wishes of this body as opposed to the wishes of another body, apparently before the conferees met sent a letter to the White House asking the President's views on the Senate amendments to the veterans' bill as it passed the House. I am at a loss to understand what any decent Republican ought to do in view of these apparently conflicting theories delivered to us by our distinguished leader.

However, since our leader has requested the President's opinion it may be worth while to say a few things about the President's reply. The President goes on to say:

I may say at once that these amendments again reestablish injustices and discriminations between veterans, impose unwarranted burdens on the taxpayer, and perpetuate entirely wrong principles in such legislation. There are many points of criticism in this direction.

Of course, if this is not a question of mere rates, if it is not a mere question of dollars and cents and of how and where we are going to find money to pay our obligations, then we have to argue on a question of principle. The President accordingly claims that the new legislation establishes entirely wrong principles. The main difference between the House bill as it came to us and the bill after we had amended it was simply a difference between $40 a month and $60 for total disability. In fact, I have been informed that when the minority members of the conference suggested that that total disability rate be raised from $40 to $45 a month, it was declined on the ground that it would not be acceptable to the White House. The principle, it will be noticed, is very tenuous. It is the principle involved between $40 a month and $45 a month. This is the "principle" upon which the President is delivering his ultimatum.

I continue to quote from the President's letter.

For instance, under these amendments the average allowance to veterans whose disabilities were incurred in civil life subsequent to the war will work out very close to the same average payment as that given to veterans who actually suffered from battle and in the trenches. This is an injustice both to the men who suffered in the war and to the public.

Mr. President, whose fault is that? The bill as it originally passed in this chamber by a vote of 66 to 6 and as it passed unanimously at the other end of the Capitol made no such discrimination as that. The disability allowances given under the bill were allowances given entirely for disability due to service connection.

The amendments offered on the floor of this Chamber by my colleague [Mr. BRATTON] and myself and accepted by the Senate—and I call attention to the fact that those same amendments were accepted by the Senate when the present bill was pending here—did a substantial measure of justice to men who had contracted tuberculosis as a result of their war activities. These were not men whose disabilities were incurred in civil life. The principle established by the legislation originally passed by both Houses would have barred out, on the whole, with a few exceptions which it is impossible to eliminate, all men who received their disabilities from civil life.

The President continues:

The amendments reverse the House action limiting allowances to men who are exempt from income tax. From this removal of the indication of necessity, a wealthy veteran, if he becomes permanently disabled, either partially or wholly, as the result of an automobile accident next week, may draw a life allowance from the United States Treasury.

May I inquire again who established that theory? If the legislation which we originally passed had remained in force, these same wealthy automobilists would have received nothing

whatever. It is on account of the President's action and on account of the action of the nearly 200 Members of the House who sustained his veto, that these men are able to draw any compensation from the Government at all.

The President continues:

The Senate amendments seriously affect the men who were enrolled after the armistice and who never heard a shot fired; they seriously modify the clauses in respect to venereal diseases and impose a burden upon the Treasury therefor, which must be condemned from the point of view of family life.

That particular point has been so extensively debated on the floor that I do not care to add anything to the discussion which has been had, but if the President can explain how family life in the United States is going to be improved by denying these men compensation for a disability which all of us know would be contracted to a certain extent by men whom we sent into the service, then I think he should make his point a little clearer.

I continue, quoting from his letter:

General Hines estimates the cost the first year of this bill as passed by the Senate, will be $70,000,000, rising to about $175,000,000 in five years and thereafter. This represents an increase on the House bill by about 250 per cent.

I have not worked this out in any detail, but it seems a little doubtful how an increase for total disability from $40 to $60 a month, with other sums rising in proportion along the line, could represent an increase of 250 per cent. However, the President may be right.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Kentucky?

Mr. CUTTING. I yield.

Mr. BARKLEY. If General Hines made any such estimates as stated by the President he certainly did not make them in the testimony which he gave before the Finance Committee. Before the Finance Committee General Hines testified, as shown at page 2 of the hearings, that under the provisions of the proposed Senate amendment, which was then under consideration by the Finance Committee, the first year the bill would cost $49,157,640 and the second year it would cost $107,000,000; the third year, $133,000,000; and, answering a question by the Senator from Massachusetts [Mr. WALSH], he said that the fifth year it would amount to $144,674,670.

Mr. CUTTING. What did the Senator say was the cost for the first year according to General Hines's figures?

Mr. BARKLEY. He said $49,157,640.

Mr. CUTTING. Calling it $50,000,000 and taking General Hines's own figures for the Johnson bill of $25,000,000 my mental arithmetic would indicate that that is not an increase of 250 per cent. But there again I yield to superior mathematicians.

Mr. BARKLEY. If the Senator will yield further I will state also that in the Senate bill as compared with the House bill there is not a single individual rate in each bracket between 10 per cent and 100 per cent where the rate of the Senate bill is 100 per cent higher than the rate in the House bill.

Mr. CUTTING. That is my own impression of the bill.

Mr. BARKLEY. So, if there is not a single bracket in which the Senate fixed a rate 100 per cent higher than the House rates, how is it possible for the total to be 250 per cent greater than the total carried in the House bill?

Mr. CUTTING. I want to say to the Senator from Kentucky that I can not understand that. However, I do not care to discuss rates, because I felt from the beginning that if this were a question of justice and decency to the veterans we should not be here quibbling about rates. I continue, however, to quote from the President:

These are sums totally uncalled for by the need of the situation and probably imply an increase in taxes.

Now I come to what seems to me the most misleading and unjust of all the paragraphs of the President's letter.

There are many other objections to the Senate amendments, such as renewal of certain presumptions.

Can any Senator enlighten me as to what that means—"renewal of certain presumptions"? I know of none such in the bill that we passed.

But, perhaps—

Says the President—

this will indicate my views. The bill as passed by the House, before amended by the Senate, was in itself a generous national action based upon sound principles.

The sound principle of $40 against $45 per month.

Except for some minor technical points, the House bill met the entire approval of representatives of the American Legion.

May I say merely in passing Mr. President, that what the President calls "minor technical points" include the one vital improvement which this bill has established over previous legislation, and that is the amendment offered by the junior Senator from Oregon [Mr. STEIWER], which was adopted on the floor of the Senate. After it had been turned down in the House committee, after it had been turned down by the Senate committee, it was offered by him and passed without the slightest discussion in about 30 seconds. That is the really good thing in this bill—taking away from the Comptroller General the power which he has now of overruling the medical opinion of the doctors of the Veterans' Bureau. That is a "minor technical point" which the President mentions. Again quoting from the President:

Except for some minor technical points the House bill met the entire approval of representatives of the American Legion and the Veterans of Foreign Wars. They did not ask for any more. They had shown a sense of responsibility, not only to the country but to the veterans, by unhesitatingly expressing their opposition to the major Senate amendments.

Mr. President, I criticized the members of the American Legion the other day for not making a stronger fight. I sympathize, however, with the position in which they were placed. They took the stand which many others might have taken under the same conditions. They wanted legislation passed. This proposed legislation, which has been left for the last days of the session of Congress, embodied certain principles for which they have been fighting, and it was a question in their minds, as it must be in the mind of everyone else, whether it was worth while to take the chances of its being defeated. That is the extent of the indorsement which the national commander of the American Legion gave to this bill. He made it very clear that he was taking no action on the general principle of the disability pension, which the Legion has opposed in the past. He took exactly the same stand on the bill which the President vetoed. There again he asked the Senate to pass the bill in order to get some soldier legislation through at this session of Congress. So far as I know, however, Mr. President, there is not any basis or scintilla of evidence for the statement that the Legion or any of its representatives have unhesitatingly expressed their opposition to the major Senate amendments. If the Legion has ever taken any stand on the amendment which received the greatest share of debate in the Senate, I do not know of it. If the Legion has ever taken a stand as between the $40 rate and the $60 rate I should like to be told about it. Obviously they could not take any such position, because they had always been opposed to pensions, in the first place, and accepted them in the end only because they thought it was a question of that or nothing, and that if soldiers who had been disabled in the service were not able to get compensation in an orderly, logical, sensible, well-considered way, they had better take what they could get in this bill rather than get nothing at all.

Now, Mr. President, we are confronted with the question as to how we are going to vote on this conference report. I admit there is a great deal in this measure which is of value to the ex-service men of this country, and if I felt for one moment that it was a question between this conference report and no soldier legislation, I should gladly vote for it, although it is inadequate, although it establishes a new principle, and although the rates which it embodies are but a dole and pittance to the men who served the country in time of need.

But, Mr. President, I can not see that that is the situation. The Senate has gone on record time and time again during the last 10 days on the most vital questions involved in this bill. Following a custom, conferees were sent to confer with the House who were entirely out of sympathy with the Senate's position, taken and supported by a majority of its membership. I do not quarrel with the custom, although on its face it seems an absurd way to transact public business. Once those Members had been appointed, however, it seems to me that it was even more their duty to stand by the Senate amendment than it would have been if they had personally been in sympathy with the amendments which they were supposed to support.

Mr. President, I entirely agree with what the junior Senator from Alabama [Mr. BLACK] said a few moments ago. There is no reason whatever why we should adjourn to-night, or any other night, until we have transacted the public business and taken care of the veterans who need to be taken care of. It is a minor question whether we adjourn to-day or adjourn next week, or adjourn at all. I know we all want to have Congress adjourn—I want it as much as anyone else—but the alternative

to accepting this conference report will simply be, if we remain in session, that we shall in the long run get legislation which the Senate has already indorsed by its vote.

We can insist, as we did on the question of the debenture, that the House of Representatives shall at least stand up and be counted for or against the Senate rates. That is not much to demand. We have played the game in the open from the start, and, if we are going into conference with another body, it is only fair that they should go on record as we have done.

I should like to vote for any conference report which does justice to the ex-service man. This report does not do so. The minor features in the bill which are good can easily be adopted in any other conference report, and we can at least have the manhood to stand up for our own opinions.

If I should vote "yea" on this conference report, Mr. President, I should vote against everything which I have been saying on the floor of the Senate for the last 10 days; I should vote to ratify a bill which has been practically howled down on the floor of the Senate; I should vote to ratify a bill which has had no consideration whatever from the House of Representatives; I should vote in favor of Executive dictation in legislative affairs; I should vote to ratify the action of the Senate conferees who failed to abide by the wishes of the Senate; and I should vote to stultify the position which I have taken, and which many other Members of this body have taken, in the interest of the ex-service men for the last 10 or 11 years. So, Mr. President, I intend to vote against the conference report.

Mr. COPELAND. Mr. President, I have been much impressed with what the Senator from New Mexico [Mr. CUTTING] has said. I recognize the good sense and logic of his statements, but I can not reach the same conclusion that he does.

I live in the city that was the chief port of embarkation; I saw this great army go to Europe; I witnessed the enthusiasm of the American people bidding Godspeed to these young men. At that time there was such a generous spirit abroad in the land that every promise was made to them of what we would do for their care and the care of their families.

When I came to the Senate I assumed that that was the spirit of the country. I did everything I could as a Member of the Senate to have a cash bonus bill passed. Such a bill was debated here for days, but was finally defeated. We had to take what we could get. The veterans have had to take what Congress would give them.

We have before us this bill. It is not a generous bill; it is not a just bill. But, as I see it, we must take this or nothing.

The wives and children of the veterans are overlooked in this bill. The soldier himself is slighted. But it is this bill or no bill.

Mr. President, the man who is hungry and who begs for a loaf, takes a slice of bread if he can not get a loaf. Our veterans are getting only a slice, as I see it, when they are entitled to the full loaf; but, just as sure as fate, there will come a Congress that will give these boys what they deserve.

I am ashamed of this penurious act. As I see it, it is a blot on the history of patriotic appreciation; but, since no more can be squeezed from an unwilling administration, I shall vote for this "hand-out" to the veterans. I do so in full confidence that the day of liberal treatment for their sacrifices will come speedily.

I want the veterans of my State to know that I regard them as entitled to much better treatment than they will be receiving when this bill becomes a law. I want the veterans of my State to know that a Republican President, a Republican-controlled House of Representatives, and a defeated Senate made possible this outrageous legislation.

In that spirit, Mr. President, and most reluctantly, I shall vote to sustain the committee.

Mr. LA FOLLETTE. Mr. President, I have discussed previously at some length the issues involved in this conference report and the original House bill passed by the House and Senate and vetoed by the President. I do not believe it would serve any good purpose for me to review the arguments which I presented during the course of the debates upon those measures. I believe, however, that I should make a statement as to my reasons for voting to reject the pending conference report.

In the first place, Mr. President, the pending conference report embodies a proposition, in so far as the rates of disability pensions to be paid are concerned, that a few short days ago could not secure enough supporters upon the floor of the United States Senate to obtain a roll call on its adoption or rejection as an amendment to the original House bill. We are confronted, not with a question as to whether we will take this piece of legislation or no legislation at all, as I see it. The question with which we are confronted this afternoon is whether or not the Senate is willing, by voting for the conference report, to indorse an abject surrender of the proposition which it has been fighting for on behalf of the disabled World War veterans.

The practice on the part of the conferees representing the House of Representatives in refusing to give even a courteous consideration to important amendments adopted by the Senate is growing. Every Senator in this Chamber realizes that fact.

In order to force a vote in the House of Representatives upon the question of the export debenture amendment adopted by the Senate to the so-called farm board bill it was necessary for the Senate to reject a conference report and to return the bill to conference with the understanding that the Senate would not adopt any conference report until the chosen representatives of the people in the House of Representatives had voted directly upon the export debenture. The House acceded to that request upon the part of the Senate, and they acceded to it because, I believe, they realized that the country does not approve of the methods by which legislation is so controlled in the House of Representatives that men sent there by their respective constituencies are enabled to escape the responsibility of going on record upon important questions.

We won out upon that proposition, Mr. President. The House of Representatives went on record on the debenture. It rejected it and the Senate then accepted the conference report.

I believe we are in identically the same situation this afternoon concerning this veterans' legislation. In other words, the Senate of the United States, if it adopts this conference report, has not carried through its fight on behalf of adequate pension rates for the disabled veterans. A majority of the Senate, if it adopts this report, is quitting in that fight before it is over.

Mr. President, if we were to take the course which will be pursued if we adopt this conference report, why did we not accept the amendment offered by the Senator from Pennsylvania [Mr. REED], which carried the identical rates now in the conference report, as a substitute for the amendment to section 200 in the original House bill when it was pending on June 23? Every Senator on this floor knew that the Reed amendment, offered in the closing hours of the debate upon that bill, was an amendment sponsored by the President of the United States. Every Senator knew then that that was the administration's program for so-called veterans' relief. If we were not ready to surrender then, why should we be ready to surrender now?

When the bill passed the House concerning which this conference report is now made came over to the Senate, it went to the Finance Committee, and there amendments endeavoring to liberalize the payments to disabled veterans were defeated in the committee. Then the bill was brought up on the floor of the Senate, and the Walsh-Connally amendment giving the veterans of the World War exactly the same disability pension rates as those given to the Spanish War veterans was offered here and debated at great length on the floor of the Senate. Senators on this floor knew then that the rates as passed by the House of Representatives were the administration's rates. Senators knew then that the President of the United States was opposed to any liberalization of those rates. Every Senator here knew that the President had taken the position that he would not accede to a single dollar of increase in the rates in the bill as it passed the House; and yet, after prolonged debate, in which we heard Senators argue for more liberal rates, the Walsh-Connally amendment was adopted by a substantial majority.

If we were going to yield to President Hoover's wishes, if we were going to make an abject surrender, why did we not make it then? Senators were fully aware of the situation when we voted on that roll call, and yet a majority of them voted to increase those rates and to send the bill to conference. Was that merely a gesture upon the part of the majority in this Chamber? Senators knew that the House of Representatives was under the thumb of the President. Senators knew any conference would not be a full and free conference. If Senators were prepared to acquiesce in these meager rates for veterans, why did Senators not do it then, and save all this time and all this effort?

The Walsh-Connally amendment, liberalizing these rates and making the payment to disabled veterans equivalent to that of the Spanish War veterans, was incorporated in this bill by a substantial majority, and it went to conference; and then the Senate of the United States chose as the majority conferees representing this body upon that conference committee the Senators who had led the fight against the Walsh-Connally amendment and against the Walsh amendment to remove the bar against a soldier's receiving compensation because of a social disease incurred during his actual war service. The Senator from Pennsylvania [Mr. REED], who has handled this bill and who was the dominant figure in the conference among the Republicans on the part of the Senate, has been unalterably opposed to the Walsh-Connally amendment from the outset. The Senator from Indiana [Mr. WATSON] was unalterably op-

posed to it; and the Senator from California [Mr. SHORTRIDGE] voted against it both in the committee and on the floor of the Senate.

Every Senator here knew when that conference committee met that the men chosen to represent the majority of the Senate upon that conference committee were opposed to the action of the Senate. They knew that the men representing the majority of this body upon that conference committee would work harder for the provisions of the House bill than the conferees representing the House.

I can not subscribe to the statements which have been made here this afternoon absolving the majority conferees on the part of the Senate of responsibility for the failure to secure a compromise between the House and Senate rates. There is not a Senator in this Chamber who does not realize that if there had been one majority conferee on that conference committee representing the Senate who really believed in the amendments adopted by the Senate, we would have had a conference report pending here now which would have been a compromise between the House and the Senate.

Mr. CUTTING. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from New Mexico.

Mr. CUTTING. The Senator is speaking about the conferees representing the Senate. Does not the Senator think in reality they were representing the White House rather than the Senate?

Mr. LA FOLLETTE. I was just coming to that, Mr. President. As the Senator from New Mexico pointed out in the course of his remarks, the letter which has been read into the RECORD from the President of the United States to the senior Senator from Indiana [Mr. WATSON] shows conclusively that while this conference was in session, or perhaps before it met, the Senator from Indiana sought to ascertain the attitude of the President of the United States toward the Senate amendments. As I stated here a moment ago, the attitude of the President of the United States was well known to every Senator in this Chamber long before this bill ever went to conference. Mr. President, this is not the first instance that the Senate has seen at the present session of Congress in which a majority of the Senate's conferees have been chosen who did not represent the majority views of the Senate, and, may I say, with the same result. The chief and outstanding example, aside from this one, is what happened in the conference on the Smoot-Hawley-Grundy-Hoover tariff bill.

As has been stated on the floor of the Senate time and again, and never denied, the only question which seemed to be of interest to the Senate majority conferees was, Which is the higher rate? And then they voted for either the House or Senate rate, whichever proved to be the higher.

Mr. President, the Senate of the United States was willing to take a firm stand upon the farm bill. The Senate served notice that until the Members of the House of Representatives had gone on record on a direct vote on the export debenture amendment the Senate would refuse to accept the conference report. The House did then vote on the debenture amendment. The Senate of the United States should be willing to go at least that far as in fighting for decent rates for the veterans of the World War.

In connection with the District of Columbia appropriation bill, we have threatened to prevent an adjournment of this session of Congress in order to force a compromise between the House and the Senate as to whether or not there shall be a $9,000,000 or $12,000,000 lump sum contribution on the part of the Federal Government toward the expenses of the District of Columbia. I supported that proposition, more because I resented the attitude of the House and the statements made by some of its Members than because of the issues which were involved. But I submit to the Senate, if we are willing to prevent an adjournment in order to get a larger sum of money to relieve the taxpayers of the District of Columbia, then will Senators go home to their constituents and say that they would not make the same fight on behalf of the 4,000,000 World War veterans?

Mr. THOMAS of Oklahoma. Mr. President——

The PRESIDING OFFICER (Mr. MCCULLOCH in the chair). Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I yield.

Mr. THOMAS of Oklahoma. Is the Senator aware of the fact that the House conferees on the District of Columbia appropriation bill have likewise yielded, and that the conferees have brought in a report which is now on the desk, agreeing to nine and a half million dollars as the Federal Government's contribution toward the expenses of the District of Columbia?

Mr. LA FOLLETTE. Mr. President, at least the House has admitted that upon the question in disagreement on that appropriation bill between the two Houses they must meet the Senate conferees in a spirit of compromise.

Mr. CARAWAY. Mr. President, the Senate conferees were in earnest about that.

Mr. LA FOLLETTE. Exactly.

Mr. CARAWAY. The question whether the Federal Government should pay nine or twelve million dollars was a vital question, and the Senate conferees would fight for that, but whether the soldiers shall get fair and just compensation is a matter of comparatively little importance.

Mr. LA FOLLETTE. Exactly; that is the point I am trying to make, that upon the District of Columbia appropriation bill, backed up by the leaders on this side of the Chamber, the Senate took the position that there would not be any adjournment of Congress until the House met the Senate in that conference in a spirit of compromise, ready to discuss the situation. But in so far as the veterans' bill is concerned, as was stated by the Senator from Georgia [Mr. GEORGE], every conceivable compromise was offered on the part of the minority conferees and every compromise was rejected. The same spirit prevailed in the conference concerning the veterans' bill which prevailed in the conference on the District of Columbia appropriation bill, until the House understood that an adjournment would be prevented unless the House was willing to compromise. The Senate was ready to make a long, all-summer fight on behalf of the taxpayers of the District of Columbia, but upon the vital question of adequate pension rates for World War veterans to give parity of rates between the veterans of the Spanish-American War and the veterans of the World War, the Senate is ready to make an abject surrender.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me?

Mr. LA FOLLETTE. I yield.

Mr. WALSH of Massachusetts. Repeated propositions in the way of compromises were made by the minority conferees. I hope I am not divulging any secret when I say that considerable sympathy was expressed in favor of some of the compromises, but repeatedly when the roll was called the proposals of the minority were rejected.

We went so far finally as to indicate a willingness to yield every Senate amendment if a 25 per cent increase would be made in the rates in the House bill. We even went so far as to indicate our willingness to accept $45 as the maximum and $15 as the minimum in the rates.

Mr. LA FOLLETTE. Mr. President, I think that if any criticism is to be made of the Democratic conferees it is that they went too far in their offer of compromise. But I realize their purpose, and their purpose has been successful. It has revealed absolutely that there was no spirit of compromise in this conference.

Mr. WALSH of Massachusetts. The Senator has stated correctly what our purpose was, and our purpose further was to discover what force and influence were controlling the action of the majority conferees.

Mr. LA FOLLETTE. Mr. President, it has been said here that it would be futile for the Senate to reject this conference report and to instruct its conferees to abide by action taken by the House of Representatives on a roll-call vote upon these controversial amendments. I do not believe that statement can be substantiated. There has been a lot of bluffing in connection with this legislation, and I am convinced that such a statement is a bluff.

Members of the House of Representatives, confronted with the question of going directly upon record upon this question of the difference between the Senate and the House disability pension rates, would be confronted squarely with the issue. No man can say with certainty what would be the result in the House of Representatives when the roll was called.

It is all well enough for men who believe themselves to be familiar with the situation in the House to say, "Oh, it would not do any good." We will never know whether it would do any good or not unless we reject this conference report and ascertain by a roll call in the House. Mr. President, I say again that until we have made every effort to secure a record vote in the House of Representatives we have surrendered this fight before it was over.

Everyone knows why the methods were pursued in the House that were followed concerning this particular bill. Every Senator, every Member of the House of Representatives, and every other intelligent person who has followed the course of this legislation knows that a special rule was reported in the House to send this bill to conference, and that the previous question was moved upon it, so that the rule could not be amended, in

order, as it was expressed, to "protect" Members of the House. The so-called "protection" was to prevent their having to go on record and then have to face their constituents upon this issue of adequate disability pension rates.

If it was necessary to bring in a special rule and to move the previous question in order, as was said, to "protect" the Members of the House from voting on the issue, how shall we ever know how they would vote if that protection were removed and they had to go on record on a roll-call vote?

Mr. President, I realize that there is a desire upon the part of the Senate to vote upon this conference report, and it is not my purpose to prevent a vote. I desire to say, however, that, so far as I am concerned, I have seen the last piece of important legislation pass the Senate and go to conference with a majority of the conferees representing the minority of the Senate. I am tired of having important contests which have been won here by a majority of the people's representatives in the Senate dissipated, frustrated, and defeated by a majority of conferees who led the fight against the particular amendments.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. CARAWAY. Has the Senator ever observed, when conferees went out hostile to Senate amendments, that they did not come back and confess they were utterly unable to defend the Senate rights?

Mr. LA FOLLETTE. I do not remember any important occasions when that has not happened.

Mr. CARAWAY. I have never known of one yet.

Mr. LA FOLLETTE. The Senate has it within its power, and it is the right of the Senate, to elect the conferees who are to represent it in conferences with the House of Representatives. It is merely a precedent and a custom that the conferees shall be appointed by the Chair, and that they shall be the three ranking Senators upon the committee having in charge the legislation.

What boots it to make a fight here on the floor of the United States Senate lasting for days, perhaps weeks, to win a fight by a substantial majority, and then, in a contest with the House over the amendments in conference, have the Senate represented by men who had led the fight to defeat the Senate amendments? We have substantial evidence of the answer to that question in the conference report now pending in the Senate.

I realize that the votes have been gathered in to approve this conference report, but I was brought up to believe that when a question of principle was involved not to accept the half loaf instead of no bread. Especially was I taught not to accept the half loaf instead of no bread until a fight for principle had been carried through to its final conclusion.

No Senator can say that the fight for the Senate amendments on this bill has been carried through to its final conclusion. We are surrendering in the midst of the fight if we adopt this conference report. I for one am not ready to put the stamp of my approval upon such an abject surrender by voting for the conference report.

Mr. THOMAS of Oklahoma. Mr. President, I am opposed to the conference committee report on the veterans' bill. I am opposed to it because it does not do justice to our sick, disabled, and bedridden soldiers.

At the proper time I shall ask for a quorum, and when the report is up for final action I shall demand a record vote. I shall cast my vote against the report not because it does too much but because it provides only a pauper's pittance for the helpless and defenseless veterans of the World War.

I have here before me petitions from Oklahoma organizations representing more than 10,000 Oklahoma veterans, petitions praying for as liberal treatment as that already accorded the veterans of the Spanish-American War. I have here petitions from organizations representing tens of thousands of disabled American veterans, representing the veterans of foreign wars, and petitions representing the American Legion, not alone from Oklahoma but from every State of the Union.

I call attention to the following petition from the disabled American veterans of Asheville, N. C.:

ASHEVILLE, N. C., *June 29, 1930.*

Senator ELMER THOMAS,
Washington, D. C.:

The rates in veterans' bill as passed by the House are insufficient for the maintenance of a disabled man and family. Sentiment among the patients at Oteen, N. C., is that the bill should be defeated unless the rates can be raised to amounts called for by the Walsh-Connally amendment.

OTEEN HOSPITAL CHAPTER NO. 3,
DISABLED AMERICAN VETERANS.

I also call attention to a petition just received from Castle Point, N. Y., as follows:

CASTLE POINT, N. Y., *June 28, 1930.*

HON. ELMER THOMAS,
Senate Office Building:

We respectfully but most emphatically protest proposed veterans' relief rates unless equalized with Spanish War rates. Twelve dollars monthly tuberculosis rating ridiculous and glaringly inadequate. Suggest you use only the honest Pension Bureau figures in calculation.

WILLIAM CLEARY,
Commander Disabled American Veterans.
ROBERT DIPPOLD,
Commander Veterans of Foreign Wars.
FRED SWOBODA,
Commander American Legion.

Only a few days ago the United States Senate passed the Spanish-American War pension bill, and then passed the bill a second time, notwithstanding the veto of the President. The United States Senate favors the policy of enacting the same legislation for the veterans of the World War as that already enacted for the veterans of the Spanish-American War, and I am unwilling to concede that this honored body, even under the lash and spur, will vote to discriminate against the soldiers of our most recent conflict. Yet, perhaps I am too optimistic. Perhaps I should remember the acrobatic versatility of this body.

Mr. President, there is floating from its mast above this Senate the Stars and Stripes, emblematic of the richest, strongest, and most influential Nation of the earth. American soldiers made possible that flag. American soldiers have defended that flag, and American soldiers have preserved that flag until to-day it has the proud and glorious record of never having suffered defeat. If the Senate retreats to-day that flag should come down and remain down until the Senate of the United States resolves to choose to fight.

Mr. President, I hope we may never have another war, but if war shall come again our boys must be converted into soldiers and our soldiers must suffer sudden or lingering deaths. I hold that the Nation's best insurance is the proper care of those who have fought the Nation's battles. The only argument I have heard against the Senate item now in controversy is that our Government can not afford to extend the Spanish-American War pension rates to the veterans of the World War.

Mr. President, a nation that can not take care of its disabled soldiers is bankrupt. A government that will not protect those who have defended it is dead. The United States is neither bankrupt nor dead.

A nation able to care for its soldiers and unwilling so to do does not deserve to live, and a government continuing such a derelict policy will not long survive.

Because the spirit of this report does violence rather than justice to the soldiers I will vote against its adoption.

Mr. HARRIS. Mr. President, I want to say just a word with reference to the conference report.

The bill as it comes from the conference is not what I should like to have, it is not that for which I should like to vote. I have voted for every amendment that would increase the amounts, but if we insist upon the Senate amendments the President undoubtedly would veto the bill, as he did the other bill we passed, and our veterans would have to wait a year before getting anything.

I think the way the World War veterans are being treated is an outrage, and the President is responsible for it, but it is apparently the best we can do. If we do not pass the bill now available we shall not have any legislation, because, as I said, the President will veto it, and it will mean that our needy veterans will be denied for a year longer that to which they are now entitled.

Therefore I shall vote for the conference report, because it is the best we can get. If we stand out for more the President frankly says he will veto it. I would not vote for it if we could override the President's veto and get more for the veterans. I give notice, though, that at the very beginning of the next Congress I shall favor increasing the amounts and do justice to our veterans.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1756. An act granting the sum of $5,000 to reimburse the family of the late Harold L. Lytle for hospital and medical expenses and loss of salary due to an injury received in a collision with a Government truck in Portsmouth, N. H., May 10, 1927; and





S. 3853. An act for the relief of Alexander M. Proctor.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes.

The message further announced that the House had passed the bill (S. 1406) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Co., with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Presiding Officer [Mr. FESS] as Acting President pro tempore:

S. 859. An act for the relief of Clara E. Nichols; and

S. 3853. An act for the relief of Alexander M. Proctor.

RELIEF OF WORLD WAR VETERANS

The Senate resumed the consideration of the report of the committee of conference on the amendments of the Senate to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended.

Mr. BARKLEY obtained the floor.

Mr. CONNALLY. Mr. President, will the Senator yield to enable me to make the point of no quorum?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Texas for that purpose?

Mr. BARKLEY. I do.

Mr. CONNALLY. I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McCulloch	Shortridge
Barkley	Glass	McKellar	Steiwer
Bingham	Goldsborough	McNary	Stephens
Black	Hale	Metcalf	Sullivan
Blaine	Harris	Norris	Swanson
Brock	Harrison	Nye	Thomas, Idaho
Capper	Hastings	Oddie	Thomas, Okla.
Caraway	Hatfield	Patterson	Townsend
Connally	Hayden	Phipps	Trammell
Copeland	Hebert	Pine	Vandenberg
Couzens	Howell	Ransdell	Walcott
Cutting	Johnson	Reed	Walsh, Mass.
Dale	Jones	Robinson, Ind.	Walsh, Mont.
Deneen	Kendrick	Robsion, Ky.	Watson
Fess	Keyes	Sheppard	
George	La Follette	Shipstead	

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present. The Senator from Kentucky [Mr. BARKLEY] has the floor.

Mr. NORRIS. Mr. President, will the Senator from Kentucky yield to me a moment?

Mr. BARKLEY. I yield.

Mr. NORRIS. Mr. President, it seems to me that in the orderly procedure of business the Senate ought to take a recess or adjourn until Monday. In addition to the conference report now before us there are two others pending. There ought to be a call of the calendar before we adjourn. There are quite a number of bills on the calendar which ought to be passed. Some of them, in my judgment, would not take any time to consider, but they are important. I think there are still left on the calendar two of the bills reported from the Judiciary Committee, which would carry out the recommendations of the President's commission and which have not yet been acted on. One is a House bill and it has been reported without any amendment. I do not see any reason why the Senate should not proceed to consider the business of the country in an orderly manner as usual.

Therefore I move——

The PRESIDING OFFICER. Does the Senator from Kentucky yield for that purpose?

Mr. BARKLEY. I yield.

Mr. NORRIS (at 7 o'clock and 15 minutes p. m.). I move that the Senate take a recess until 12 o'clock Monday or, if Senators would rather I should make it Saturday, I will do so, although I think it is generally understood that to-morrow being a holiday we should take a recess until Monday. Therefore, I move that the Senate take a recess until Monday at 12 o'clock noon, and upon that I ask for the yeas and nays.

Mr. WATSON. Mr. President, is the motion debatable?

The PRESIDING OFFICER. The Chair will hold that it is not debatable.

Mr. WATSON. I do not think it is, though I would like to say something about it.

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered and the Chief Clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I transfer my pair with the senior Senator from Utah [Mr. SMOOT] to the senior Senator from Missouri [Mr. HAWES] and vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I can not secure a transfer and therefore withhold my vote. If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. REED (after having voted in the negative). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Pennsylvania [Mr. GRUNDY] and allow my vote to stand.

Mr. DENEEN (after having voted in the negative). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN] and therefore withdraw my vote.

Mr. GILLETT (after having voted in the negative). I find that the senior Senator from North Carolina [Mr. SIMMONS], with whom I have a general pair, has not voted. I therefore withdraw my vote.

Mr. McNARY. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Iowa [Mr. BROOKHART] with the Senator from Utah [Mr. KING];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Vermont [Mr. GREENE] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. BROUSSARD];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER];

The Senator from Illinois [Mr. GLENN] with the Senator from Iowa [Mr. STECK];

The Senator from New Jersey [Mr. KEAN] with the Senator from Washington [Mr. DILL]; and

The Senator from New York [Mr. WAGNER] with the Senator from Minnesota [Mr. SCHALL].

The result was announced—yeas 24, nays 34, as follows:

YEAS—24

Barkley	Cutting	Howell	Sheppard
Black	George	Johnson	Shipstead
Blaine	Glass	La Follette	Swanson
Caraway	Harris	McKellar	Thomas, Okla.
Connally	Harrison	Norris	Walsh, Mass.
Couzens	Hayden	Nye	Walsh, Mont.

NAYS—34

Allen	Hastings	Oddie	Steiwer
Bingham	Hatfield	Patterson	Sullivan
Brock	Hebert	Phipps	Thomas, Idaho
Capper	Jones	Pine	Townsend
Copeland	Kendrick	Ransdell	Trammell
Dale	Keyes	Reed	Vandenberg
Fess	McCulloch	Robinson, Ind.	Walcott
Goldsborough	McNary	Robsion, Ky.	
Hale	Metcalf	Shortridge	

NOT VOTING—38

Ashurst	Frazier	King	Smoot
Baird	Gillett	McMaster	Steck
Blease	Glenn	Moses	Stephens
Borah	Goff	Norbeck	Tydings
Bratton	Gould	Overman	Wagner
Brookhart	Greene	Pittman	Waterman
Broussard	Grundy	Robinson, Ark.	Watson
Deneen	Hawes	Schall	Wheeler
Dill	Heflin	Simmons	
Fletcher	Kean	Smith	

So the Senate refused to take a recess until Monday next.

Mr. BARKLEY. Mr. President, we are now engaged in a performance which is a mixture of tragedy and comedy. We are called on here, under whip and spur, at what seems to be the conclusion of this long session of Congress, to act on one of the most important pieces of legislation which it has been our privilege to consider since the extraordinary session was called in April, 1929. Whether by design or accident, this legislation

for the relief of disabled veterans of the World War has been shunted over until the very closing hours of this session, when Members who desire to do justice to those veterans are confronted with the proposition of either voting for the pending conference report, or, in their individual opinions, subjecting themselves to the fear that no legislation on the subject will be enacted at all.

Why are we in such a hurry to adjourn? I wonder what would be the attitude of Senators toward adjournment if we were here on a per diem basis instead of drawing an annual salary? I wonder, if we were here working by the day, as most of the people in the United States who are able to get work now are working, whether we would be in such an unseemly hurry to get away from here with much legislation that is important pending?

We are asked to vote to-night on a measure which has had very little consideration, except to-day and one previous day this week, in the Senate of the United States. There has not been an hour's debate in any other branch of the Congress; there has not been an hour's consideration in any committee of either House devoted to the proposition upon which we are called upon to vote before we adjourn to-night.

I do not wish to criticize the distinguished Senator from Pennsylvania [Mr. REED], nor the Senator from Indiana [Mr. WATSON], nor the Senator from California [Mr. SHORTRIDGE], but I do desire to criticize the system under which the Senate of the United States, by an outworn and mossback system of selecting conferees, is willing to have its hands tied in advance before ever the conferees meet.

By a vote of 37 to 26 day before yesterday the Senate adopted the rates that are carried in the Spanish-American War veterans' pension law, and after that vote had been cast, by a vote of 56, I believe, to 11, a majority of 45, the Senate passed that bill as the sentiment of the Senate of the United States, and before the echo of our roll call had died out conferees had been selected, all three of whom were against the Senate proposal; all three of whom have yielded and receded and surrendered to the dictates of another body—no, not to the dictates of another body, but to the dictates of a little coterie of men who are running that body, who by design and deliberation maneuvered to prevent the members of that body from expressing their will upon the amendments adopted by the Senate.

I do not know when it may transpire, Mr. President, but the day will come in the Senate of the United States when conferees will be selected by the Senate to represent the majority views of the Senate on matters where the overwhelming sentiment of the Senate has been expressed, as it was expressed in the bill which has been discarded, the conference report on which we are now considering.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Kentucky yield to the Senator from Arkansas?

Mr. BARKLEY. I yield.

Mr. CARAWAY. Was there ever any doubt as to what the conference report would be if the conferees named were appointed?

Mr. BARKLEY. There was no doubt; it was a matter of comment on the floor of the Senate immediately after the proceedings the other day that the conference report would come back precisely in the form in which it now appears. Of course, I am not blaming the conferees. We understood where they were before they were appointed; I am condemning, if I condemn anybody, the Senate and the system under which the Senate operates, by which, after it has expressed itself overwhelmingly upon a proposition and a conference is ordered, it names conferees who are with the other body and not representing the sentiment of the Senate. The Senate itself can not escape condemnation or criticism for allowing such a situation to exist.

Mr. President, it is peculiarly unfortunate that legislation of this character has to be rushed in here, as it has been, not by reason of any veto which we are now considering, not by reason of a veto of the President after both Houses have expressed their will, but a veto hurled here in advance.

Mr. CARAWAY. And invited.

Mr. BARKLEY. And as the Senator from Arkansas interpolates, a veto that has been invited by the conduct of at least one House of Congress, and a small part of the other.

Mr. President, I recall the day when war was declared in 1917. When by an overwhelming vote of the Members of the House of Representatives, of which I was then a Member, the joint resolution declaring war against the German Empire was adopted a cheer went up from the floor of the House. And I recall the words of Captain Philips, of the battleship *Texas*, at the battle of Santiago during the Spanish-American War when the American squadron had defeated the battleships of the fleet commanded by Cervera, the admiral of the Spanish Navy. A cheer went up from the American sailors, but Captain Philips said, "Boys, don't cheer; those poor devils are dying." The cheering over the passage of the resolution declaring war has ceased; the cheering that accompanied the departure of our soldiers has ceased; the cheering that accompanied their return has died from the ears of men. Now, we are upon a mercenary basis; now we must take out our pencils and our tablets and figure how much this great, rich Nation, worth $400,000,000,000 to-night, can pay to compensate those who are disabled.

Now I come to the President's letter.

I find it difficult to believe that the President either wrote or dictated that letter, although of course he is responsible for it. I should hate deliberately to accuse anybody of writing a letter on any subject that contained as many misstatements and inaccuracies as are in the letter of the President; and I have always had great respect for the President. I knew him before he was a member of any Cabinet. When I was a member of the Committee on Interstate and Foreign Commerce of the House he frequently appeared before us to give testimony; and one of the things I always said about him was that he was accurate, that he knew the subject which he discussed, and gave to our committee information upon which we could rely.

Mr. President, that opinion, then formed and expressed, makes me doubt whether the President really is the author of this letter. If he is the author of it, he must have written it or dictated it with as much haste as the House passed this bill, and with as much haste as the Senate conferees receded.

The Senator from New Mexico [Mr. CUTTING] has already commented upon the inconsistencies contained in the letter, and I wish to emphasize one or two of them.

In the first place, the letter itself shows that the Senator from Indiana [Mr. WATSON] was seeking an alibi. We already knew where the Senator from Indiana stood upon the subject, but it may be that the people of Indiana did not know; and so, in order to obtain an alibi, he asked the President to write him a letter, because the President says that is why he writes it. He says:

> You request my views.

Of course, the Senator from Indiana already knew the views of the President. He had talked with him. He talked with him this morning. I understand that all three of the conferees on the Republican side talked with the President this morning. They went to the White House en masse, and it may be that while they were waiting in the anteroom the President dictated this letter in a hurry. I do not know about that. At any rate, I understand that they went there and were out in the vicinity of the White House about the time this letter was produced. Of course, the President only mentions the Senator from Indiana as the one who requested the letter.

> I must say at once that these amendments—

The President is talking about the Senate amendments—

> That these amendments again reestablish injustices and discriminations between veterans.

What injustices and discriminations? Where are they?

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. BARKLEY. Just a moment. The President must have clipped that sentence bodily out of his message vetoing the former bill, because there were no injustices contained in the amendments put in this bill by the Senate that are not contained in the bill before us at this time.

I now yield to the Senator from Arkansas.

Mr. CARAWAY. Mr. President, that made me think possibly the President never saw the Senate amendments. He does not say "the Senate amendments." He says that certain amendments lead to injustices. It is possible that he saw the House bill.

Mr. BARKLEY. I take it for granted——

Mr. CARAWAY. But that is a supposition.

Mr. BARKLEY. I take it for granted that he means the Senate amendments, because in the paragraph above, in his letter to the Senator from Indiana, he says:

> You request my views on the effect of the Senate amendments to the House veterans' bill.

I suppose that is this bill.

What discriminations and what injustices as between American war veterans were contained in the amendments of the Senate of the United States? It might be contended that any bill that we pass here of a general nature does an injustice to somebody; but I am comparing the Senate bill now with the House bill. I ask anybody what injustices and what discrimina-

tions there were in the Senate bill that are not in the bill now before us?

He says that these amendments—

Perpetuate entirely wrong principles in such legislation.

What principle is involved in the Senate amendments that is not involved in this bill? We passed a compensation measure which the House had passed carrying about three times the amount involved in the bill as it passed the Senate. The principle involved in that bill was based upon service connection of the disability, at least by presumption if not actually. There was no difference in principle between the House bill and the Senate bill. There was no difference in any fundamental requirement of the House bill and the Senate bill. Both of them were based upon service-connected disability. The only difference in that connection was the difference in the date at which the presumption should end; but that is a mere matter of policy, not a matter of principle. The change in principle came about when the President of the United States vetoed that bill because, as he said, of its burden upon the Treasury and the taxpayers; because, with a $200,000,000 surplus in the Treasury, the Secretary of the Treasury—who to-day announced in the papers that he was ready to start a program of building public buildings in the United States to cost $132,000,000—feared a deficit in the Treasury at the beginning of the next fiscal year!

When the President vetoed that bill, either by implication or request, as the rumor has it, the Senator from Pennsylvania [Mr. REED] was summoned from Pittsburgh to Washington in an airship to father the new proposal. That is when the change of principle occurred; and if the President vetoed the former bill for the reasons expressed in his veto message, and if by suggestion he is responsible for the introduction of this bill in the House of Representatives and now criticizes the change in principle, then he is criticizing his own attitude and is guilty of subterfuge in the letter that he writes to the Senator from Indiana by complaining of the fact that the Senate amendments change the principle upon which this legislation is proposed. The only change made in the Senate amendments was to increase the rates from the rates carried in this conference report to the rates carried in the Spanish-American War legislation.

The President says:

Under these amendments—

Still talking about the Senate amendments—

the average allowance to veterans whose disabilities were incurred in civil life subsequent to the war will work out very close to the same average payment as that given to veterans who actually suffered from battle and in the trenches.

Mr. President, the only instance in which that could possibly have been true would be with reference to a man who suffered only a 10 per cent disability. Under the present law a man suffering from a 10 per cent disability draws $10 a month. Under the bill which the Senate passed a man suffering from a 10 per cent disability drew $10 a month. I imagine that nobody would suggest that any legislation of any sort ought to carry less than $10 a month for a minimum amount of disability. That, however, is not what the President says. He says that taking the Senate amendments and the present veterans' compensation law, the average compensation for those whose disabilities were not incurred in the service would work out about as high as the compensation of those whose disabilities were incurred in the service.

Let us see if the President is accurate about that.

Under the present law a service-connected disability of 25 per cent draws $25 a month. Under the Senate amendments a 25 per cent disability drew $20.

Under the present law a 50 per cent disability incurred in the service draws $50 a month, while under the Senate amendments it drew only $35 a month.

Under the present law a disability of three-quarters, or 75 per cent, draws $75 a month, while under the Senate amendments it drew only $50.

Under the present law if a man is totally disabled and is able to connect his disability with the service he draws $100 a month, but under the Senate amendments he drew only $60 a month.

How can any man who is able to take pencil and paper and work ordinary figures send a letter down here telling us that under those rates the average compensation would be about the same for those whose disabilities were not connected with the service as for those whose disabilities were connected with the service?

The President also states that—

The amendments reverse the House action limiting allowances to men who are exempt from income tax. From this removal of the indication of necessity, a wealthy veteran, if he becomes permanently disabled, either partially or wholly, as the result of an automobile accident next week, may draw a life allowance from the United States Treasury.

Mr. President, a man may pay an income tax this year and may never pay another one. He may have paid an income tax 10 years ago and may not pay one now; but in order to draw compensation even under the Senate bill it was necessary to establish permanent disability, not temporary disability. If a man was sick or disabled for one year he drew no compensation under the Senate bill. He had to establish that his disability was 25, 50, 75, or 100 per cent and was a permanent disability, and in that event he drew the compensation for the degree of that disability so long as he might live; and yet if he pays an income tax for one year of 30 cents he would be barred from the right of an allowance under the bill now under consideration. The President refers to that as indicating wealth on the part of the soldier who may in one year, by some streak of fortune, be able to pay a small income tax.

The Senate amendments seriously affect the men who enrolled after the armistice and never heard a shot fired.

I think that is a very unfortunate expression. If the hearing of shots fired is to be a test of a man's right to compensation, not a man who remained on this side of the ocean would be entitled to it; and yet in the Army during the war it was considered by the soldiers the height of misfortune not to be called for service overseas. Every one of them was impatient, in the camp where he was trained, to get overseas and participate in the war. Many of them incurred injuries in their training camps in the United States for which they are now drawing compensation; and yet, if the President's test of having heard a shot fired is to be applied to those who can or can not draw compensation, all these would be barred.

Not only that, but many of those who went overseas would likewise fall by the wayside, for of those who were transported to France, Italy, Russia, and elsewhere there were many not actually in combat on the front. If that be the test, all those who remained in the rear because they were not ordered to the front, all those who served in the service of supply in France, all those who were not actually in combat on the battle front where they could hear the firing of shots, would, according to this test, be barred from any allowance for disability. Yet nobody has suggested any such test except the President of the United States.

The President reiterates his objection to the Senate amendment which allows men who had incurred disease by their misconduct to draw compensation. I think I am as much of a stickler for loyalty to one's family as any man can possibly be. I think I am as much opposed constitutionally to any deviation from the rules of propriety on the part of men who have taken an obligation at the altar of Almighty God as anybody could possibly be. But I have not escaped the lesson of that scene enacted nearly 2,000 years ago, when the Master of men came in contact with a poor woman who was guilty of the same offense against which these anathemas are hurled in connection with our Army, and when the mob began to growl and threaten harm to the poor woman, the Saviour turned and said, "Let him who is without sin cast the first stone." One by one they all slinked away until only He and she were left, and He said, "No man remains to accuse thee. Go thy way and sin no more."

If that test were applied to the Senate of the United States to-day, I wonder how many of us would become noted for his marksmanship in the casting of stones. I wonder how many who have occupied places even higher than ours would remain.

The President criticizes the Senate amendment because he says that General Hines estimated that the first year the bill would cost $70,000,000. Certainly General Hines has not in any official communication made any such estimate. If he whispered those figures into the ears of the President, then he was not frank with our committee when he said that the Senate bill would cost only $49,000,000 the first year. I have been wholly unable, by any mathematics I was ever able to master or study, to ascertain how it would increase by 250 per cent the total amount involved in a bill where not a single rate is increased as much as 100 per cent.

I challenge anybody who is on the Committee on Finance, or in the Senate of the United States; I challenge the conferees on this measure, to point to a single rate in the Senate bill which was as much as 250 per cent higher than the rates carried in the House bill. No article can be greater than the separate component parts which make it up, and I am wondering how the President was able to arrive at a figure which he, in the letter he has written, states made the Senate amendment provide for 250 per cent higher compensation than the House bill. They can not be shown; they are not there. They can not be even "estimated" into existence.

There are many other objections to the Senate amendments, such as renewal of certain presumptions.

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The bill as passed by the House, before amended by the Senate, was in itself a general national action based upon sound principles.

If the bill as passed by the House was based upon sound principles, what did the Senate put into that bill which made it unsound? The only material change we made—and that was the subject of the entire controversy here—was the rate of compensation, whether a man should draw $24 a month for 75 per cent disability or whether he should draw $50, whether he should draw from $12 to $40 or from $10 to $60.

The President makes this statement:

Except for some minor technical points, the House bill met the entire approval of representatives of the American Legion and the Veterans of Foreign Wars.

On what authority does the President makes that statement? I ask anybody on the other side to give the authority for it. If the representatives of the American Legion in any letter or telegram or statement issued any opinion upon which that sort of a letter could be based, I ask for its production.

Mr. President, we all know that when the Senate bill was under consideration, the one which the President vetoed, every Member of this body received a letter from the American Legion asking us to vote for that bill. That bill was based upon the same theory carried in the law now on the statute books. That was not a pension bill, which the American Legion has all the time sought to avoid. Not only did they indorse the Senate bill but the American Legion, through its national commander, and through its local representative here in Washington, asked that we pass that bill, and they wrote letters to the House of Representatives asking the Members of that body to adopt the Senate amendments without any change when that bill got back into the House. That is the measure the American Legion indorsed. That is the measure the American Legion asked the President of the United States to sign, and after he had vetoed it, and before the veto was registered or written, this new bill was prepared and concocted in the House, not referred to any committee, but dumped in on the floor without consideration by any committee, and then, after 20 minutes' debate on each side, voted on, I am told, in the hope and expectation that the Senate would amend it just as the Senate did amend it.

When the bill came before the Finance Committee, there was a telegram from Mr. Bodenhamer, the national commander of the American Legion, which was a very skillfully phrased document. There was no irrevocable indorsement of the bill in terms, there was no indication of opposition to the amendments we put on in the Senate, not a line or a sentence or a suggestion, but the whole tenor of that telegram was, in effect, that the bill was about all they hoped to get; they wanted something, that it might be a beginning of compensation or allowances to disabled soldiers who could not now draw them, and in that sense they urged that the bill be enacted.

Mr. President, I have received many telegrams and letters from members of the American Legion from my State and from all over the United States. I dare say that if I gathered them all together, I would have a basket full of telegrams from members of the American Legion and from disabled soldiers all over the United States, and in every one of those telegrams and letters sent since the adoption of this bill in the House I was urged, as other Senators have been urged, to vote for the rates fixed for Spanish-American War veterans. Some of the telegrams went so far as to ask me to vote against this bill unless there were eliminated the discrimination between the veterans of the World War and veterans of the Spanish-American War.

I think the President is going beyond the right of any man to assume the attitude of the members of the American Legion when he uses such a telegram from the commander of that legion, who has been driven by the distress of American soldiers in the closing hours of the Congress to hope that something may be done now, in the hope that in the future we may amend the law and perfect it, as we shall have to do if it is adopted as now proposed here.

Mr. President, nobody has yet offered any excuse, nobody has offered any reason, any justification, for the proposal here to give to a totally disabled American soldier only $40 a month upon which to support his wife and children. What difference would it make if a half a dozen or a thousand who once in a while pay an income tax draw a part of this compensation? Are we to deny justice to the thousands who never have paid and never will pay an income tax in order that we may eliminate a few who may now and then be called on to pay an income tax?

Are we to say that we think more of the political scalps of the Members of Congress who are protected by the manipulations of a rule in another body, than we do of the welfare of the American veterans?

That is what has been going on in the manipulation and maneuvering of this legislation. Those who have controlled this whole situation from the very start imagine that by bringing in a rule they may enable their followers or their satellites or their slaves to escape responsibility by hiding their heads in the sand, not knowing that the sand fails to conceal the rest of their bodies.

As far as I am concerned, I am not interested in anybody's political scalp. I am not interested in protecting any Member of Congress in either branch from the wrath of the American soldier. I am not seeking the defeat of anybody, but it has come to a sad predicament if American Congressmen can be charged with thinking more of a reelection in November than of expressing their honest convictions toward the veterans of the World War and the allowances we are to give them as a consequence of their disability.

What does it matter if the 435 Members of the House of Representatives should all go down in defeat? How do they compare with the thousands of American war veterans who are asking legislation for their relief? What does it matter if all 96 of the Members of the United States Senate should go down in defeat because they have the courage to express their views on legislation through a roll call, compared with the hundreds of thousands of war veterans, many of whom might better fill the shoes in both Houses than they are being filled now by some of us who are here? Yet, in order to protect Members, in order to deceive the American voter, in order that a record may be prevented and that men may go home to their districts without the accusation being made against them that they voted against the Spanish-American War rates, we have witnessed during the last week a legislative situation which, if the American people thoroughly understood it, would create a national scandal in our legislative system.

My theory has always been that men are elected to Congress—and that means to both branches—to represent the people. It has always been my theory that the man who is afraid to go on record on any important question has no right to ask the people to send him here or to any legislative body. Yet, during the past week, we have seen the legislative machinery manipulated by three men in the United States, compared to whose processes those of Mussolini are democratic and liberal.

Mr. President, this conference report may be adopted. We are told that it will be adopted. I make no prediction as to what will be its fate. But those who think they will be able to mollify or satisfy the disabled veteran of the World War, whose wife to-night may be without ordinary raiment, whose children to-night may be hungry or being cared for by some charitable or eleemosynary institution—those who think that by a manipulation of the rules of any body they can force upon the World War veteran the pittance of $12 a month and a maximum of $40 a month for total disability are reckoning without their host.

If the bill becomes a law, as it is now proposed, I shall be one of those in this body, so long as it is my good fortune to remain here, to endeavor to see that legislation is enacted which will wipe out the discriminations which are about to be inflicted upon the veterans of the World War.

How can there be any justification for any discriminations as between veterans of the World War, now about to be worked through the medium of this bill, and the veterans of other wars? Speaking of discriminations and injustices, I wonder why the President did not comment upon the difference in our treatment of the World War veterans in this bill and in that which we passed recently for the Spanish-American War veterans? I can well understand why he did not call attention to it. It was because he was against that act of tardy justice to the veteran of the Spanish-American War. If he had had his way, there would have been no legislation for the Spanish-American War veteran; and if he had his way, there would be no legislation for the World War veteran. Not a recommendation has he ever made in behalf of any change in the law. He only comes here at the last hour of the session because he knows Congress is committed to some form of relief, and he hopes by reason of the power which he exercises to get for them the smallest amount that the Congress will approve or that the veterans will be willing to accept.

Mr. President, it had been my hope that when we returned to our respective homes we might at least feel within our own hearts that we had done justice to the American people; but I fear from the apparent consequences which are about to ensue that none of us will be able to carry that conviction back to the people, either to those who fought in wars or to those who

have never fought in wars. Upon every man will rest the responsibility for his vote here. Upon every man will rest the duty and the obligation in the future to bring about whatever perfection and improvement we can bring about in the elimination of the discrimination and injustice to which I have referred, but which seem not to have been in the mind of the President of the United States.

I trust that when we have gone beyond the World War 30 years or 20 years the American doughboy of the World War will not have the same ground for complaint against the Government of the United States as that which has been expressed over and over again by the soldiers for whom we a few days ago attempted to do only a tardy justice. I trust that if this measure, unconsidered, ill-considered at best, which is admitted to be a makeshift, which is admitted to be a political measure to save the faces of those responsible for no legislation at all up to this date, shall be enacted into law, that we will delay the justice for which we now plead only for a few months. I shall gladly join with those who may seek to bring about that end.

For the present I shall vote for this measure because we are told by the responsible leaders of this administration that this is all they will permit us to enact. But the day will speedily arrive when justice will be done.

Mr. CARAWAY. Mr. President, every Member of the Senate and everyone in the country will know, regardless of how we may have voted on the amendments in the Senate, that if we really wanted the veterans to have the rate of compensation written in the Senate amendments we could have it. There is not a Senator here who does not know he can get that rate if he is willing to stay and contend for it. So it will not be worth anyone's time to attempt, by way of an alibi, to say that this is all he could get, because they can get whatever rate they think to be just if they are willing to contend for it.

There may have been a time—I do not know; some people certainly must have practiced that art or they would not be so confident of its success—when we could go home and claim the alibi that we accepted this or that because we could get no more. We stand here as the representatives of the American people. We possess all the power that they possess and in their name we can make whatever demands we feel to be justified, and we can enforce them. If we are not willing to fight for them, of course, we will not get them. If it is more important to leave to-night for home and recognize a gentlemen's agreement—and I use the word "gentlemen" in quotations—which has been entered into in the House that they will recess three days at a time until the Senate shall have worn itself out and agree with the House that nothing shall be done, then we will all be able to go home soon.

Personally, I had voted for the first bill that passed the Senate, the one which was threatened with a veto, and the one which when it passed the other body that body sent the President word in advance, "You need not sign it unless you desire; veto it and we will sustain your veto." I voted for the Senate rates in this bill because I thought they were just.

Believing them to be just, I can not see now, when I know the necessity does not confront us, why we should surrender. I am confident there are Senators on the floor who never were for the measure, and who voted for it because it was the politically wise thing to do and now surrender. But they say, "We will be back here next winter and fight for soldiers' rights then." If the rates are worth fighting for, fight for them this summer, not next winter. If those Senators honestly mean to insist upon higher rates, no time is so opportune as the present time.

Let us be perfectly candid with ourselves. If we meant what we said we can hold the Senate in session until these rates shall have been written into the law. If we did not mean it we will vote for the conference report with the promise that we will do better next time if we are elected in the next election. That is all there is in the situation which confronts us.

There is only one way in which a man may be bankrupt beyond possible recovery, and that is when he sacrifices his self-respect. How can we keep our self-respect if we were honest when we said the Senate rates were just and fair if we shall now surrender and vote for the pending conference report?

The majority of the men who will be the beneficiaries of the bill came into the service of the country, not because they were unwilling but because of the operations of the law through what was known as the selective draft. They came when they were called. If they had not come they would have been guilty of mutiny. They went where they were sent. They grew homesick. Any man who was a Member of either branch of Congress at the time knows that after the armistice was signed his mails were filled with letters from men who were begging to come home. But they did not desert the colors to come. They stayed until they were honorably discharged and came home only when the Government made it possible with honor to come. Shall we, simply because there is no power to compel us to remain here, say that we are homesick and we will go home to-night and let injustice be done?

Mr. President, I am not criticizing anybody who shall vote differently. I am just talking about them; that is all. How can any man who says these rates are not just vote for the conference report? What excuse can he make for himself and what answer can he make to the veterans who are the beneficiaries of the legislation when he says, "The rates are not just, but I voted for them because Congress wanted to adjourn"? If Senators do not think they are just, there are enough Members on the floor of the Senate to-night to write a different bill, to give a different rate of compensation to these veterans. Everybody knows that the House had a gentleman's agreement so that the Members might go home for the holidays but would be compelled to come back. If the conference report is rejected the conferees would reassemble, and if it was known that the Senate was determined to write the rates that have been pronounced just, those rates would be written in the bill and the veterans would get that relief.

I am in favor of the rates that were written in the Senate amendments. I voted for them. I was in earnest in believing that they should be enacted into law. I could not keep my self-respect and surrender under conditions such as confronted us upon the return of the conference report, because I knew and there is not a man in the Senate who did not know exactly the kind of a conference report that was coming to us. It was no surprise to us. We knew the conferees we were selecting were going to bring back this conference report. We knew when we voted for the rates that they were coming back in just this way. If we did not mean to fight for them, why did we vote for them in the first place? We are trying to fool somebody, but if we are, we will fool nobody but ourselves.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Tennessee?

Mr. CARAWAY. I yield.

Mr. McKELLAR. That brings up the suggestion, it seems to me, if the Senator will permit me, that our rules ought to be amended so that when the Senate takes a position on a bill our conferees shall represent that position. They ought not to be appointed from among those who are opposed to our position.

Mr. CARAWAY. Mr. President, I wish to say to the Senator from Tennessee that no one ought to accept a position as a conferee when he is honestly opposed to the provisions of the bill he is presumed to defend. His self-respect ought to make him decline to undertake a mission that he does not want to succeed, and I do not see how he can do it. I shall be glad to see an amendment to the Senate rules of the nature suggested by the Senator from Tennessee, which will make it impossible for anyone to accept a mission that he can not in good faith carry out. It is a farce, Mr. President, and everybody knows it. It is worse than that for the Senate to go on record, as it has gone on record in many instances during this Congress, when it knew that the conferees who would be appointed, who, under the precedent that is followed in the Senate, must be appointed, would surrender the provisions for which they were presumed to fight.

I am going to vote against the conference report. I am going to do it because I can then, in good faith, say that I never voted for the rates that are now incorporated in the bill, therefore I will have a right to insist upon their revision at the earliest moment possible. If we shall vote down the conference report, and vote against the adjournment of Congress, we can write those rates now. If we shall adopt the conference report, so that we may adjourn to-night, we shall then commence next winter with the handicap of being told, "You agreed to the rates that are now in effect; there has not been time yet for the department to put them into effect, and you ought to wait"; and I do not see what answer Senators will make to that.

If we vote to-night for the rates now proposed I do not see how we can then expect to be heard with sympathy next winter when we ask to change the rates we now write, when everybody knows that we can change them now if we desire to do so. That is the position, Mr. President, and I shall vote accordingly.

Mr. CONNALLY obtained the floor.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator from Texas yield to me?

Mr. CONNALLY. I yield.

Mr. THOMAS of Oklahoma. I make the point of no quorum.

The PRESIDING OFFICER. Does the Senator from Texas yield for that purpose?

Mr. CONNALLY. I yielded for any purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McCulloch	Shipstead
Barkley	Glass	McKellar	Shortridge
Bingham	Goldsborough	McNary	Steiwer
Black	Hale	Metcalf	Stephens
Blaine	Harris	Norris	Sullivan
Brock	Harrison	Nye	Swanson
Capper	Hastings	Oddie	Thomas, Idaho
Caraway	Hatfield	Patterson	Thomas, Okla.
Connally	Hayden	Phipps	Townsend
Copeland	Hebert	Pine	Trammell
Couzens	Howell	Pittman	Vandenberg
Cutting	Johnson	Ransdell	Walcott
Dale	Jones	Reed	Walsh, Mass.
Deneen	Kendrick	Robinson, Ind.	Walsh, Mont.
Fess	Keyes	Robsion, Ky.	Watson
George	La Follette	Sheppard	

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, a quorum is present.

Mr. CONNALLY. Mr. President, I want to congratulate Senators on the diligence with which they are fulfilling their duty to attend the sessions. Were it not for the desire, however, that the Congress adjourn to-night, enabling Senators to leave the city, I apprehend there would not be a quorum present at this particular time. I have been here continuously for 18 months in attendance on the Senate, and am willing to continue until the business is disposed of.

Mr. President, I had not intended to say anything on the conference report now pending before the Senate, but some things have transpired during the afternoon that impel me to make a few remarks with reference to some phases of the situation as it is presented to the Senate.

Before I became a Member of this body I had always been taught that the Senate of the United States was a body of great dignity, that it was a body jealous of its prerogatives, that it was a body with an iron backbone, always tenacious of its views and its rights. Since I have arrived here, however, I have somewhat changed my preconceived opinion with reference to those particular matters. When I contemplate the spectacle of the majority conferees going out and, after a few hours' conference, coming back with an absolute surrender on every vital amendment which the Senate placed upon this bill, I wonder what has become of the tenacity of purpose of the Senate.

Mr. President, some Senators have disclaimed the intention to criticize the majority conferees. What I shall say about the conferees will not be directed at them personally, but will be directed at them as conferees.

According to parliamentary law, and the traditions of Anglo-Saxon government, as I read them, when a legislative body appoints conferees they are supposed to represent the action and views of the body which appointed them. They are not supposed to go into the conference room with their own private views. Like a lawyer at the bar, they are expected to defend their client. If a lawyer should pursue such a course for his client as the Senate conferees have pursued toward the Senate on this bill he would be disbarred by any board of lawyers that had any respect whatever for the traditions of the profession.

The Senate knew when it appointed conferees what the result would be. Anyone who had been around the Capitol for a few years, and had witnessed the manipulations with reference to this particular bill, knew that when the Senator from Pennsylvania rose and moved that the Senate insist on its amendments, and that conferees be appointed by the Chair, ever before the bill went to the House, everybody knew that the House would not be permitted to vote on the Senate amendments, and everybody knew that the majority of the conferees on the part of the Senate did not represent the views of the Senate, and everybody knew that they were going out into the conference room and lie down on the first soft place they could find; and they did it.

I see Senators smiling. They may smile all they please, but that is the fact, and I challenge any one of the conferees to get up on the floor now and answer whether or not they made any determined stand for the rights of the Senate and the views of this body.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Indiana?

Mr. WATSON. Mr. President, I had not intended to do anything to prolong——

Mr. CONNALLY. I yield to the Senator; I suppose I have to yield in order that he may get the floor, do I not, Mr. President?

Mr. WATSON. The Senator challenged me to get the floor, and I got it.

Mr. CONNALLY. I yield to the Senator.

Mr. WATSON. I had not intended to say anything which would add to the filibuster against the pension bill.

Mr. CONNALLY. The Senator has added a great deal to it.

Mr. WATSON. I say that inasmuch as the Senator has looked me squarely in the face and hurled a challenge, I will answer it.

If the Senator understood anything about the rules pertaining to conferences, he would know when one House makes a decided and determined stand on a bill the other House has amended, and it looks as if there is going to be a sure deadlock, it is the business of the House that put the amendment into the bill to recede from that amendment or be responsible for the defeat of the legislation.

Mr. CONNALLY. Will the Senator yield for a question?

Mr. WATSON. The conferees on the part of the Senate did make a determined stand on these amendments; but the House, backed by a letter from the President of the United States, written while the conference was in session, insisted that we recede. We knew, with that stand of the President of the United States, and with the stand of the House of Representatives, that unless we did recede, under the rules of conferences, this legislation would be lost and the veterans would not be pensioned. That is the rule of conferences, I will say to the Senator; if he does not understand it, I so inform him.

Mr. CONNALLY. Oh, I understand the Senator. I may not understand conference rules but I understand the attitude of the Senator.

Now, I will ask the Senator from Indiana if he did not know all that he has just stated before he was appointed a conferee and before he went into the conference?

Mr. WATSON. I did not.

Mr. CONNALLY. What new information did the Senator get in conference that he did not have before he left this Chamber?

Mr. WATSON. I imagined, of course, that the House would stand for their proposition, because, by a vote of 350 to about 5, they had passed it, just as since that time, I will say to my genial friend from Texas, they have reiterated that position by a vote of 242 to 3 on the floor of the House of Representatives. With that sort of backing, and with the President of the United States saying that he would veto the measure if we passed the other bill, what were we to do, as Members of this body, if we wanted legislation at all?

I say to my good friend from Texas, of whom I am so especially fond, as he knows, that, if he expects any pension legislation at all, it will be this legislation or none; and nobody knows it better than the Senator from Texas.

Mr. CONNALLY. The Senator from Texas is not going to be frightened by the Senator's threat about legislation. The Senator from Texas knows that if the conference report is rejected and the House is allowed to vote on Senate amendments and rejects them, the Senate can immediately adopt the conference report and the bill will be enacted. The Senator from Indiana has confirmed all that the Senator from Texas said. The Senator from Indiana, before he was appointed on the conference, knew that the House—I should like to have the Senator from Indiana listen to my reply.

Mr. WATSON. I certainly shall.

Mr. CONNALLY. I listened with respect to his statement.

Mr. WATSON. I shall be delighted, I will say to my friend. I beg his pardon.

Mr. CONNALLY. I do not entertain any illusion that what I say will have any effect on the Senator from Indiana; but I want the Senate to maintain at least some of its ancient traditions.

Mr. WATSON. Will the Senator pardon me? I was addressed by Senators behind me, and that is why I turned my attention. I always listen to the Senator from Texas.

Mr. CONNALLY. That is the trouble with this bill. The trouble about this conference is that most of the work has been from somebody from behind. [Laughter.]

Mr. President, I reiterate that the Senator from Indiana has confirmed all that the Senator from Texas said. The Senator from Indiana gives as his reason for going out into conference and receding the fact that the House had passed this bill by a vote of 350 to 5. He knew that before he went into conference. He says he did this because they were backed up by the President of the United States. He knew before he went into conference that they were backed up by the President of the United States. There is not a single fact that the Senator now discloses that he did not know when he went into conference as a representative of the Senate. I want to say that if he had those facts in his bosom, he ought not to have accepted a

commission to go out and represent the Senate and fight against the views of the House. Yet he says he knew when he left the doors of this Chamber that he was going to lie down; and he is conveying no news to us when he tells us that, because we all knew it before he left.

Those are facts. They may not be parliamentary. I do not want to be unparliamentary; but I want to ask if there is any other Senator in this Chamber who believed when those conferees went out that they would ever come back here with an agreement embodying the Senate amendments. If there be in this Chamber such an innocent soul, he probably will be entitled to a civil pension for mental disability.

Mr. President, what have we here? We have here a bill that was passed by the House of Representatives when no man in the House had ever read it, unless it be the man who drafted it. The Members of the House, the members of the Committee on World War Veterans' Legislation, have told me that the bill was introduced, and within an hour after its introduction it had been enacted; that they had had no opportunity to read the bill, even the members of the committee. The bill was passed with only 40 minutes' debate, 20 minutes on a side; and yet this is the measure that we are told is so perfect and so holy that the Senate can not lay its hands upon it by the adoption of an amendment! It must not be disturbed. It is the ark of the covenant.

What did the Senate do to this bill? The Senate adopted an amendment changing the rates on a range of from $10 to $60 for total disability. The rates in the bill were from $12 to $40, with a minimum of 25 per cent disability. Is there any change in the principle of the bill by those amendments? There is no change in the principle except in dollars. We have changed some dollar marks. That is substantially all that the Senate did with reference to this bill; and yet we are confronted here with a statement from a high source that the Senate has changed the whole basis of the legislation. I deny that statement, and I challenge any Senator here to point out how the amendments of the Senate have materially changed the basis of this bill.

Mr. President, this is simply a contest between $184,000,000 surplus and a poor, disabled soldier; and, of course, everybody knows what the final outcome will be if we are to follow the leaders on the other side of the Chamber and the administration. They have more regard for $184,000,000 in the Treasury, with which they can go before the country and make a great political appeal as to having a surplus, than they have for giving adequate rates to disabled soldiers.

I stand upon this floor advocating not a cent to a soldier who is not disabled. I do not believe in paying a service pension simply because a man wore the uniform of his country in time of war. But, Mr. President, I do stand for the doctrine that if a man has served his country in time of war, and is later disabled so that he can not earn a livelihood, that any country worth fighting for will see that he is not in want. That is the doctrine that I stand for.

Now, let us see. It is simply a question of dollars and cents; simply a question of how much money it will cost. There is no question as to whether it is right. The administration says that the principle of pensioning men for disabilities is right. The Senator from Indiana says that it is right. The Senator from Pennsylvania [Mr. REED] says that it is right; and my delightful friend, the Senator from California [Mr. SHORTRIDGE], says it is right and it is just. It simply becomes, then, a barometer of money, a barometer of gold.

Now, let us see. We have some other pension legislation in this land. We have some civilian pension laws. From a high authority we are told that soldiers who never heard a gun fired should not be entitled to disability allowances.

I have here, somewhere, the recent bill, passed by Congress and approved by the President, pensioning civil employees of the Government. Here are some of the classes of employees that are pensionable:

All employees in the classified civil service of the United States, including any person who, by Executive order, has been covered into the competitive list. I dare say that many of these civil employees have never heard a gun fired.

Superintendents of United States national cemeteries: They are to be placed upon a civil-pension basis, paid out of the Treasury; and while those who sleep in the national cemeteries no doubt heard guns fired, I very much doubt if many superintendents of United States national cemeteries at the present time ever heard a hostile gun fired. They are not to be ineligible, however.

Employees of the offices of the solicitors of the several executive departments: The employees under the solicitors who pass upon law questions in the departments are eligible to civil pensions, part of which comes out of the Treasury of the United States, part of which is going to cut down the size of your surplus. They are eligible for civil pensions under a law enacted by Congress and approved by the President of the United States. How many guns are heard to fire in the offices of the solicitors of the various departments?

Library of Congress: The employees of the Library of Congress are eligible for civil pensions; and I have never understood that the Library indulges in any kind of militant operations such as the firing of guns.

The United States Botanic Garden: That great, courageous band who go forth to fight the battle with the bugs are entitled to civilian pensions. If one of those gentlemen killed a grasshopper or a Japanese beetle, he is entitled to a lifetime pension. If a soldier captures a German and brings him back into camp, but does not get disabled in the operation, but later becomes disabled, his pension will be at a lower figure than if he worked in the Botanic Garden.

Recorder of Deeds of the District of Columbia: That is a hazardous occupation, an occupation in which a man is apt to lose life or limb; and as a recognition of the tremendous hazards of this occupation, the employees of that office are to be given pensions out of the Treasury of the United States.

Mr. President, I do not want to be severe in criticism of other agencies of this Government. I recognize the right of the President of the United States to veto any legislation which he may see fit to veto. On the other hand, I recognize the right of the Congress of the United States to legislate unhampered. It is the function of the Congress to draw legislation and then submit it to the White House; and if the President desires to veto it, he has a right to veto it. This, however, is a new form of legislating. This is a form of legislating by saying, "Let the Executive send down to the Congress legislation prepared in advance, with a command that 'Unless you pass this legislation you shall not pass any legislation upon the subject.'"

The Constitution says that the President of the United States may advise the Congress by message from time to time as to his views of legislation. Here, however, we have substituted for that constitutional process the process of sending letters—letters to the chairman of the conferees; letters seeking to convince the chairman of the conferees when everybody knows that the chairman of the conferees is already convinced and has been convinced all along.

Mr. President, this is a strange situation. The President vetoed the first veterans' bill before the Senate acted upon it. He vetoed it, and in the face of that veto 66 Senators to 6 went ahead and voted for the original veterans' bill. In this case the President vetoes this legislation in advance. The President, I understand, when he vetoed the other bill had the assurance of the House of Representatives that it would pass any bill which was submitted to it; and so out of the House came this particular measure.

The Senate has voted directly upon the Senate amendments. They have behind them the sanction of a solemn vote on those particular amendments. The House of Representatives has never voted on any Senate amendment to the bill. Yet, with that solemn expression of the Senate, and in the absence of any expression by the House of Representatives whatever on individual amendments, the Senate conferees hoist the white flag and absolutely lie down in the camp of the enemy.

I am told that when this bill was before the House many Members were assured that they might safely vote for it, on the theory that the Senate would amend it and make it more acceptable; and if they did so vote, they were denied the right afterwards of ever passing upon any amendment which the Senate of the United States submitted.

Mr. President, such processes are not in harmony with Democratic institutions. The House of Representatives, in theory at least, is the representative of the people of the United States. The Senate of the United States, in theory, is the representative of the people of the United States. They have a right to express themselves upon the questions before the Congress of the United States. I deem this a most remarkable and a most outrageous situation, whereby a bill is introduced in the House under a special suspension of the rules, no amendments allowed, no debate allowed, except 40 minutes, no opportunity to change or alter or modify any portion of the bill. They bring that bill to the Senate, let the Senate go through the motion of amending it, let us go through the mock trial of passing on these matters, and then turn the bill over to a set of conferees who have already agreed in their hearts that they are going to agree to the House bill practically as it was written and reject all Senate amendments. That is not government by the people, that is not parliamentary government. That is government by rescript, that is government by ukase, that is government by edict.

Mr. President, disabled soldiers are expecting legislation at the hands of Congress. It has been postponed by the same powers which are now seeking to dictate the final result. It has been postponed until the night which these leaders plan to be the last night of the session. If this matter is of such importance now, why did not the ruling powers, why did not the conferees, whose souls are now so excited about this matter, bring it before the Congress, when it could have been discussed, when it could have been deliberated upon, when the Houses would have taken time to decide upon the various phases and aspects of the legislation? But it was postponed until all of the legislation which was deemed to be desirable had been enacted. Then it was rushed out at the last hour, and the proponents of the legislation seek to ram it through the Houses by the force of the momentum of the desire to go home on the part of most of the Senate and the House; ram it through without giving Members of the House opportunity to vote for Senate amendments.

Mr. President, soldiers' relief has not seriously been considered. I charge that this piece of legislation has been shunted off into a corner. This is a contest, at last, when it is narrowed down, between corporation taxpayers with pockets full of profits—because those who make profits are the only kind who have to pay taxes—it has narrowed down to a contest between taxpayers with pockets full of profits and disabled soldiers with empty pockets. That is the issue.

One of the chief figures in the House of Representatives, who has had perhaps more to do with directing the course of this legislation than anybody else in Washington, was quoted in the papers the other day to this effect; he said:

> It would be much harder to explain to an income-tax payer the failure to reduce taxes or raise taxes than it would be to explain the soldier bill.

In other words, with his practical mind, he was looking directly to the question as to which he would rather try to satisfy, the income-tax payer, who feared that his taxes might be raised, or that he might not get another reduction of his taxes, or some disabled soldier.

That is the contest. Gentlemen should not delude themselves. The contest is between those who want to show a budget; who want to show a surplus. What for? For political effect. They want to go before the country with a brass-band accompaniment proclaiming how much surplus we have in the Treasury. We have $184,000,000 surplus in the Treasury. Mr. Mellon, before that Treasury surplus was determined, was predicting a deficit in case this legislation were enacted.

Senators need not fear about a deficit. We are not going to have a deficit. So, after all, it is simply a question as to whether or not we want to compensate the disabled soldiers at an adequate rate, or want to pretend to compensate them with an inadequate rate. There is no dispute as to principle, no division as to the fundamentals. The administration and the leaders of the conference committee say that for a totally disabled soldier $40 is enough. They tell us that for a soldier who is disabled 25 per cent $12 is enough.

Oh, gentlemen need not undertake to shift the question, that is what they are going to say, that is what they are saying now, that for a soldier disabled 25 per cent, $12 a month is enough. If he is disabled 50 per cent they say that $18 is enough, and that for a soldier disabled 75 per cent, $24 is a competency.

Mr. President, we all know that is not true. It may be said by legislative act, if that is desired, it may be put into speeches, if that is desired, but everyone knows that for a 25 per cent disability $12 a month is not adequate. Senators know that is not fair. They know it is not just. They know it can not sustain a man with that sort of a disability.

Mr. President, the President and the ruling powers have decreed that no other relief than that set forth in this bill as it came from the House shall be enacted at this session. Let me say that I for one am ready to enlist in the war predicted by other Senators. You may get by for this session, but this question will be before you again. Why not meet it fairly now? Why not adopt rates which are adequate, and postpone agitation for 10 years, perhaps? Why wheedle these men? Why not meet the question broadly, and settle it on a firm and broad foundation?

This should not be a question of political expediency, it should not be a question tied up with a campaign. We either owe these soldiers the obligation of giving adequate allowances or we do not owe them anything. If we owe them no obligation, let us not open up the doors of the Treasury, let us put more bars on the doors and fortify the Treasury against this sort of a raid, if it is an unjust raid. But if we owe them the obligation of granting to them allowances or gratuities, or whatever they may be called, let us not be niggardly, let us not be stingy, let us not pare the cheese so thin that you can not find it in the sandwich. Let us give these disabled men—and they are the only ones for whom I am speaking—at least allowances somewhat adequate to take care of their needs, and to aid them at least in some degree in the struggle they are making to take care of their families.

The President, or some one in the debate, made reference to the fact that under this bill some soldiers who did not hear a gun fired would get allowances. Of course. I remember, however, that through my correspondence I learned the fact that over in Ireland there are many soldiers buried, soldiers whose ships were shipwrecked by German submarines. Many of them are buried in Ireland. Perhaps not one of those veterans buried in Ireland ever heard a gun fired. Yet they died in the service of their country.

There are in England many cemeteries where American soldiers are buried. They died of disease, they died of illness; perhaps not one of them ever heard a hostile gun fired. Yet they died in the service of their country.

For that matter, only about a million men, out of the entire armed force of four and a half million men, ever heard a hostile gun fired in battle. Where were the other three million and a half? They were not where they wanted to go. They had no choice as to where they should be sent. They were soldiers. They told their Government, "Here I am; send me." They went where the Government of the United States sent them. It sent them to camp, it sent them on many missions. They had no choice, and it is unfair, 12 years after the war, for the administration, or for the gentlemen who are in charge of this bill, to raise a false distinction, to try to make a discrimination between soldiers because some of them heard the guns fired and some did not.

Those soldiers were drafted. They had no opportunity of choice about going, and everybody who knows anything about the Army knows that after you get into the Army you have no choice as to where you will be sent. The enlisted man, the private soldier; what chance has he to say whether he will go to the front or go to the rear? What chance has he to say whether he will go to France or whether he will stay at home? He has no choice whatever, and it is ungracious, it is unfair, it is an unwarranted slur at three and a half millions of good soldiers, for the administration or anyone else to say that because they did not hear a hostile gun fired they are to be condemned and put off in a class to themselves, and that the Government shall not be obligated to pay them allowances.

Over yonder in Arlington, across on the other side of the river, is the Tomb of the Unknown Soldier. We celebrated the dedication of that tomb with great ceremony. Did that soldier choose where he went? He had no choice. But he, like every other soldier in the Army, simply filled the little niche assigned to him by his Government and went forth to do his duty or to die.

Mr. President, this bill has not received deliberation. This is supposed to be a deliberative body. There is supposed to be a deliberative body at the other end of the Capitol. Neither one of those bodies has given to this measure the attention which it deserves. We are in no mental condition to legislate now, with Members of both bodies waiting to rush to the train. This measure is to be forced through at the last moment, upon the threat of the Senator from Indiana that it is either take this measure or take nothing.

I did not misunderstand the threat of the Senator from Indiana. That is his threat. But if I were the leader of a great party, with a majority on the floor of the Senate, and with a hundred majority in the body at the other end of the Capitol, and with the President of the United States in harmony with the view of the majorities in the two Houses, I would be ashamed to stand upon the floor of the United States Senate and confess that if this particular measure, without the dotting of an "i" or the crossing of a "t," were not enacted, this great body, with these two great majorities, could not frame other legislation to care for the disabled soldiers.

That is the threat. That is the threat of every tyrant that ever lived—"Take this or nothing." I want to say that I resent the tactics of the Senator from Indiana as he stands in his place as the Republican leader on the floor of the Senate when he says, "You have got to take this bill as it is written, or take nothing." I can only understand it on the theory that the Senator from Indiana has received from his master such a challenge, and that he is passing it on to his subordinates here.

Mr. President, the bill does not do justice to the disabled veterans of the World War. The Senate is dishonoring itself in allowing the conferees, plighted and pledged to resist the conferees on the part of the House, to go out and abjectly surrender the position of the Senate without a demand in the conference that the House Members be permitted to vote upon

the Senate amendments. The Senator from Indiana did not make such a demand. No majority Member of the conference representing the Senate had the courage or the hardihood even to request that the House conferees take the bill back to the House and allow the Members of the House, each representing a 250,000 population of free people, Members of the House bearing credentials of election, the poor privilege of expressing their views with reference to the Senate amendments. They did not have the chance. They have not had the chance.

The Senate conferees did not have enough regard for their duty to the Senate to insist that those who control the House should permit the Members of that body to vote upon the amendments of the Senate.

If the House of Representatives had voted upon the amendments and rejected them, then the conferees could have come back with better grace to the Senate and said, "We could not agree. The House is adamant." The Senate could then agree, and the bill would become a law without any delay whatever. The Senator from Indiana says that he knew all the time that the House would not recede. He is mistaken about that. What he means is that he knew all the time that he was going to recede. The House leaders know what is going on. They know the temper and mettle of the Senate conferees. They knew whether they were going to fight or whether they were going to shadow box. They knew the Senate conferees had no intention of giving them a smash on the jaw. They knew perfectly well the Senate conferees were fighting with padded gloves. They knew that their foils were well protected and that no hostile blade would ever touch the bodies of the House conferees. It is easy enough when one knows the man against him is not going to fight to stand up "like a brick wall," to use the language of the Senator from Indiana.

Mr. President, the actions of the conferees are no credit to the Senate of the United States. I join with other Senators who have said here on the floor of the Senate that at the next session of the Congress we will vote for a change in the rules to provide that conferees who are appointed on legislation shall be Members who in their hearts believe in accordance with the expressed wishes of the Senate.

I do not propose to work longer under a rule that will permit conferees to go out with words on their lips and with different sentiments in their hearts. I do not propose to vote for conferees who accept a solemn trust, who accept a solemn responsibility, and then as soon as they pass out of the doors of this Chamber surrender like men who do not know how to fight.

Let us vote down the conference report, send the bill back to the House with Senate amendments and demand that the Members of the House vote on the Senate amendments with the higher rates. If the House rejects the amendments by a vote the Senate can this very night agree, and the bill will become a law.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. REED. Let us have the yeas and nays.

Mr. LAFOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names.

Allen	George	McKellar	Shipstead
Barkley	Gillett	McNary	Shortridge
Bingham	Goldsborough	Metcalf	Steiwer
Black	Hale	Norris	Stephens
Blaine	Harris	Nye	Sullivan
Brock	Harrison	Oddie	Swanson
Capper	Hastings	Patterson	Thomas, Idaho
Caraway	Hatfield	Phipps	Thomas, Okla.
Connally	Hayden	Pine	Townsend
Copeland	Howell	Pittman	Trammell
Couzens	Johnson	Ransdell	Vandenberg
Cutting	Jones	Reed	Walcott
Dale	Kendrick	Robinson, Ind.	Walsh, Mass.
Deneen	La Follette	Robsion, Ky.	Walsh, Mont.
Fess	McCulloch	Sheppard	Watson.

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum is present. The question is on agreeing to the conference report.

Mr. REED. I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. DENEEN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I transfer that pair to the senior Senator from North Dakota [Mr. FRAZIER] and vote "yea."

Mr. GILLETT (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], which I transfer to the Senator from New Jersey [Mr. KEAN] and vote "yea."

Mr. METCALF (when his name was called). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. I transfer my pair to the Senator from New York [Mr. WAGNER] and vote "yea."

Mr. NYE (when Mr. NORBECK's name was called). I have been requested by his secretary to announce that if the senior Senator from South Dakota [Mr. NORBECK] were present he would vote "yea."

Mr. REED (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Pennsylvania [Mr. GRUNDY] and vote "yea."

Mr. COPELAND (when Mr. WAGNER's name was called). My colleague the junior Senator from New York [Mr. WAGNER] is necessarily absent from the Chamber. If he were here and permitted to vote, he would vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Rhode Island [Mr. HEBERT], who I am informed would vote "yea" if present, and I vote "yea."

The roll call was concluded.

Mr. PHIPPS. My colleague, the junior Senator from Colorado [Mr. WATERMAN] is necessarily absent. If present he would vote "yea."

Mr. HAYDEN. My colleague the senior Senator from Arizona [Mr. ASHURST] is necessarily absent from the Senate. If present, he would vote "yea."

Mr. HARRISON. I transfer my pair with the senior Senator from Utah [Mr. SMOOT] to the senior Senator from Missouri [Mr. HAWES] and vote "nay."

Mr. LA FOLLETTE. I desire to announce that the junior Senator from Iowa [Mr. BROOKHART] is paired with the junior Senator from Utah [Mr. KING.] If the junior Senator from Iowa were present, I am informed that he would vote "yea." I am also informed that the junior Senator from Utah, if present, would vote "nay."

Mr. MCNARY. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Iowa [Mr. BROOKHART] with the Senator from Utah [Mr. KING];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. BROUSSARD];

The Senator from Utah [Mr. SMOOT] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER];

The Senator from Illinois [Mr. GLENN] with the Senator from Iowa [Mr. STECK]; and

The Senator from Minnesota [Mr. SCHALL] with the Senator from Florida [Mr. FLETCHER].

The Senators from New Jersey [Mr. KEAN and Mr. BAIRD], the Senator from Utah [Mr. SMOOT], the Senator from Colorado [Mr. WATERMAN], the Senator from New Hampshire [Mr. MOSES], and the Senator from Illinois [Mr. GLENN] if present would vote "yea."

Mr. STEPHENS. I understand that the Senator from Vermont [Mr. GREENE], with whom I am paired, would vote as I intend to vote. I vote "yea."

Mr. TRAMMELL. The senior Senator from Florida [Mr. FLETCHER] is absent on account of illness. If present, he would vote "yea."

Mr. SHEPPARD. I desire to announce that the senior Senator from South Carolina [Mr. SMITH], the senior Senator from Florida [Mr. FLETCHER], the senior Senator from Missouri [Mr. HAWES], and the junior Senator from Utah [Mr. KING] are necessarily detained from the Senate by illness.

The senior Senator from North Carolina [Mr. SIMMONS], the senior Senator from New Mexico [Mr. BRATTON], and the junior Senator from South Carolina [Mr. BLEASE] are necessarily detained by illness in their families.

I also desire to announce that the senior Senator from Arkansas [Mr. ROBINSON], the junior Senator from Louisiana [Mr. BROUSSARD], the senior Senator from Alabama [Mr. HEFLIN], the senior Senator from Maryland [Mr. TYDINGS], the junior Senator from North Carolina [Mr. OVERMAN], the junior Senator from Washington [Mr. DILL], the Senator from Iowa [Mr. STECK], and the junior Senator from Montana [Mr. WHEELER] are necessarily absent from the Senate.

The general pairs of these Senators have been announced.

The junior Senator from Washington [Mr. DILL] and the senior Senator from Iowa [Mr. STECK] and the Senator from Maryland [Mr. TYDINGS] if present would vote "yea."

The result was announced—yeas 48, nays 14, as follows:

YEAS—48

Allen	Goldsborough	Nye	Shortridge
Barkley	Hale	Oddie	Steiwer
Bingham	Harris	Patterson	Stephens
Brock	Hastings	Phipps	Sullivan
Capper	Hatfield	Pine	Thomas, Idaho
Copeland	Hayden	Pittman	Townsend
Couzens	Jones	Ransdell	Trammell
Dale	Kendrick	Reed	Vandenberg
Deneen	Keyes	Robinson, Ind.	Walcott
Fess	McCulloch	Robsion, Ky.	Walsh, Mass.
George	McNary	Sheppard	Walsh, Mont.
Gillett	Metcalf	Shipstead	Watson

NAYS—14

Black	Cutting	Johnson	Swanson
Blaine	Glass	La Follette	Thomas, Okla.
Caraway	Harrison	McKellar	
Connally	Howell	Norris	

NOT VOTING—34

Ashurst	Frazier	Kean	Smith
Baird	Glenn	King	Smoot
Blease	Goff	McMaster	Steck
Borah	Gould	Moses	Tydings
Bratton	Greene	Norbeck	Wagner
Brookhart	Grundy	Overman	Waterman
Broussard	Hawes	Robinson, Ark.	Wheeler
Dill	Hebert	Schall	
Fletcher	Heflin	Simmons	

So the report was agreed to.

CLAIM OF MARY S. HOWARD AND OTHERS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1406) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Co., which was, on page 2, line 13, after the word "appropriated" and the comma, to insert "in full settlement of all claims against the Government of the United States,".

Mr. WATSON. On behalf of the Senator from Nebraska [Mr. HOWELL] I move that the Senate concur in the House amendment.

The motion was agreed to.

LANDS AND WATERS IN NORTHERN MINNESOTA

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2498) to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes, which was, on page 1, line 4, to strike out all after the word "of" down to and including the word "area" in line 8 and insert:

Cook and Lake, State of Minnesota, including the natural shore lines of Lake Superior within such area; all public lands of the United States situated in that part of St. Louis County, State of Minnesota, lying north of a line beginning at the northeast corner of township 63 north, range 12 west, fourth principal meridian, thence westerly along the township line to the southwest corner of township 64 north, range 18 west, fourth principal meridian, thence northerly to the northwest corner of township 65 north, range 18 west, fourth principal meridian, thence westerly to the southwest corner township 66 north, range 21 west, fourth principal meridian, thence northerly along the township line to its intersection with the international boundary between the United States and the Dominion of Canada; all public lands of the United States on the shore lines of the lakes and streams forming the international boundary, so far as such lands lie within the areas heretofore described in this act; all public lands of the United States in that part of the Superior National Forest located in townships 61 and 62, ranges 12 and 13 west, fourth principal meridian; and all public lands of the United States on the shore lines of Burntside Lake and Lake Vermillion, State of Minnesota.

Mr. SHIPSTEAD. I move that the Senate concur in the House amendment.

The motion was agreed to.

SECOND DEFICIENCY APPROPRIATIONS

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 21, 22, 33, 47, and 76.

That the House recede from its disagreement to the amendments of the Senate numbered 27, 30, 42, and 43, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"LIBRARY OF CONGRESS

"Vollbehr collection of incunabula: For the purpose of acquiring for the Library of Congress the collection of fifteenth century books known as the Vollbehr collection of incunabula and comprising 3,000 items, together with the copy on vellum of the Gutenberg 42-line Bible, known as the Saint Blasius-Saint Paul copy, as authorized by law, fiscal year 1931, $1,500,000."

And the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "on the site of the existing post office and Federal office building as an addition thereto, or"; and the Senate agree to the same.

W. L. JONES,
FREDERICK HALE,
LAWRENCE C. PHIPPS,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
W. A. AYRES,
Managers on the part of the House.

The report was agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 41, 45, 46, 48, 49, 50, 51, 56, 59, 63, 66, 67, 68, 70, 71, 73, 74, 80, 85, 91, 92, 97, 98, 100, 101, 102, 103, 105, 106, 107, 108, 110, 111, 112, 117, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 134, 137, 139, 140, 141, 142, 143, 144, and 145.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 20, 22, 23, 36, 40, 42, 43, 44, 47, 52, 53, 54, 55, 57, 58, 61, 65, 75, 79, 81, 82, 83, 84, 88, 89, 94, 95, 99, 104, 114, 115, 116, 130, and 136, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,500,000"; and on page 2 of the bill, in line 12, after the numerals "1931," insert the following: "and this act shall be effective as of July 1, 1930, and any appropriations and authority contained herein shall have the same force and effect between June 30, 1930, and the date of the enactment of this act as though the same had become law on July 1, 1930; and the acts of any officer or employee performed during such period in anticipation of the appropriations or authority contained herein shall not be invalidated, declared ineffective, or questioned solely because of the lack of such appropriations or authority during such period"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and

agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,640"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,807,900"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: ", and shall defray the cost of excess construction occasioned by such use"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the construction of a subway and approaches thereto under the tracks and right of way of the Baltimore & Ohio Railroad Co. in the vicinity of Chestnut Street or of the intersection of Fern Place and Piney Branch Road, extended, in the District of Columbia, on a line to be determined by the Commissioners of the District of Columbia and in accordance with plans and profiles of said subway and approaches to be approved by the said commissioners, including the purchase or condemnation, under chapter 15 of the Code of Law for the District of Columbia, as amended (45 Stat. 1437), of necessary land, construction of and changes in sewers and water mains, personal services, and engineering and incidental expenses, $250,000: *Provided*, That one-half of the total cost of constructing said subway and thereafter the cost of maintaining the structure within the limits of its right of way shall be borne and paid by the said Baltimore & Ohio Railroad Co., its successors and assigns, to the collector of taxes of the District of Columbia for deposit to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company, and shall constitute a legal indebtedness against the said railroad company in favor of the District of Columbia, and said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said Commissioners in the Supreme Court of the District of Columbia, or by any other legal proceeding against the said railroad company: *Provided further*, That from and after the completion of the said subway and approaches, the highway grade crossing over the tracks and right of way of the said Baltimore & Ohio Railroad Co. at Chestnut Street shall be forever closed against further traffic of any kind."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$665,800"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$6,200,000: *Provided*, That as teacher vacancies occur during the fiscal year 1931 in grades 1 to 4, inclusive, of the elementary schools, such vacancies may be filled by the assignment of teachers now employed in kindergartens, and teachers employed in kindergartens are hereby made eligible to teach in the said grades"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$19,000"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"No money appropriated in this act for the purchase of furniture and equipment for the public schools of the District of Columbia shall be expended unless the requisitions of the Board of Education therefor shall be approved by the Commissioners of the District of Columbia, or by the purchasing officer and the auditor for the District of Columbia acting for the commissioners."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "including not to exceed $4,500 for personal services, $235,500"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,350,000"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, strike out the word "north" and insert in lieu thereof the word "south"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,782,680"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$62,600"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$10,440; in all, $28,690"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$111,140"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$238,700"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"There is hereby reappropriated and made available for the purchase of a site for a children's tuberculosis sanatorium, and preparation of plans and specifications of a sanatorium building, nurses' and employees' home, and superintendent's quarters, including necessary approaches and roadways, heating and ventilating apparatus, equipment and accessories, $75,000 of the unexpended balance of the appropriation of $150,000 for the erection of a new health school and sanatorium for colored pupils contained in the District of Columbia appropriation act for the fiscal year 1930."

And the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,050"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,050"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$690,555"; and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, after the word "operate," insert the following: "during the fiscal year 1931"; and the Senate agree to the same.

HIRAM BINGHAM,
LAWRENCE C. PHIPPS,
ARTHUR CAPPER,
JOHN B. KENDRICK,
Managers on the part of the Senate.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
M. H. THATCHER,
CLARENCE CANNON,
ROSS A. COLLINS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. NORRIS and Mr. GLASS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. GLASS. What has been done with the conference report submitted by the Senator from Connecticut [Mr. BINGHAM]?

Mr. NORRIS. I am going to talk about it.

The PRESIDING OFFICER. The Senator from Nebraska is proceeding to offer some remarks on the conference report.

Mr. NORRIS. Mr. President, I am informed that the Senator from Virginia desires to present the views of the minority. If he so desires, I have no disposition to interfere.

Mr. GLASS. Mr. President, I merely wanted to indicate to the Senate that I have declined to sign the conference report, since I persist in the belief that the United States Senate, under the Constitution, is still an integral part of the legislative branch of the Government. Therefore I would not sign the report.

Mr. NORRIS. Mr. President, the vote just taken on the conference report on the World War veterans' bill indicates that the Senate is not a part of the legislative branch of our Government.

Mr. GLASS. That is the view participated in by the Executive and by the other branch of the Congress.

Mr. NORRIS. Yes; and the Executive seems to be having his way about it. The Senate is abolished for all practical purposes; it takes its commands from a higher source.

However, Mr. President, I did not rise for the purpose of engaging in a post-mortem discussion. I think before Congress finally adjourns there ought to be just a word or two said about the farmers of the United States, and what has been done to them by the tariff bill.

Mr. WATSON. It is a little late to do that.

Mr. NORRIS. Yes; it is rather late, as the Senator from Indiana suggests, but he will find before he gets through with the farmers that it is "better late than never." He will find that this raid in the form of a tariff law on the farmers of America will be resented. He will find that when the farmer ascertains how he has been treated by his Representatives in Congress he will take occasion, when the opportunity presents itself, to take care of those who have treated him in the way that they have done by inflicting this monstrosity of a tariff law upon him.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. NORRIS. Yes.

Mr. HARRISON. Does the Senator think that what he has just said also applies to the disabled soldiers of the country?

Mr. NORRIS. I do. Mr. President, it may be funny now, but in my judgment it will not always be a laughing matter.

I have here a special dispatch printed in the Kansas City Star, of June 28, which reads:

The first shipments of wheat are coming into this market, and soon the flood will be on, despite reports that in the Southwest belt there is a movement to hold grain for higher prices.

Lack of storage facilities and obligations—

Those words are full of meat—"lack of storage facilities and obligations"—mostly obligations—

will send a great portion of the crop to market. Yields are generally under early predictions, but the harvest is only well under way, and favorable weather is conducive to high quality. The combine cutting started this week. The binder-cut grain may be stacked for later threshing.

In the meanwhile the price has shocked the producer. At interior markets this week the top price was 65 cents, the lowest since 1914, with considerable grain penalized a few cents because of moisture. The producer has cut wages of harvest hands and is doing all possible of his own work, but, except in the high plains where mass production is claimed to produce wheat at 60 cents a bushel on cheap land, he can not meet cost of production.

I have here a letter from Omaha written by Mr. J. G. Wild, who says:

The fat-cattle prices have gone down $3 a hundred the past 30 days, and hogs about $2, and wheat is worth 53 cents to the farmer at Kimball.

Kimball is a station in the western part of Nebraska on the main line of the Union Pacific Railway.

Most of the rye—

He says—

is grown in the extreme west, and the farmers will get about 15 to 18 cents for it. Sheep selling for $1 a head on this market.

How much longer are you fellows expected to be elected to Washington and not say a word for the workingman, to get cheaper living costs and cheaper freight rates. Bread and meats are just as high as ever. The Union Pacific gets $350 for pulling a car of wheat from Kimball to Omaha in 30 hours, and five men haul 125 cars. The bread trust is getting the same price for bread as they did when wheat was $2 a bushel. Now they are bidding 77 cents, Omaha, for July shipment.

Wheat in the western part of that State is selling at 53 cents per bushel to the producer, while bread to those who have to buy it is just the same in price as was paid when wheat was $2 a bushel. Freight rates are just as high and the price of meat is just as high, although sheep are selling at $1 a head on that market.

Why is it, Mr. President, that when the food which we consume is cut down in price until there can not be a living derived from its production, to a point where it is conceded that the farmer can not get back the cost of production, the consumer—the laboring man—is still paying the same price as when food products were selling at three times and four times what they are selling for to-day?

Yet when the tariff bill was passed in answer to the request of the President to enact a limited tariff revision bill for the benefit of agriculture, we were told on this floor, we were told throughout the country by high officials, that, since we had raised the tariff on farm products, the farmer was going to be prosperous.

We were told here by our leader that it would be only a short time now, since this bill is passed, until prosperity would return and happiness would be in every home and at every fireside; and yet, in an attempt to fool the farmer by a pretense that we were putting a higher tariff on some of his products, we raised and raised and raised the tariff on everything that the farmer had to buy, and those who advocated the bill claimed credit for a tariff on farm products some of which are not produced in this country at all—Brazilian nuts, for instance. There is not one of them produced in the United States. The same thing is true of other food products produced by agriculture in the tropical part of the world; and the pretense is made that we are doing something for the farmers of America when we increase the tariff!

We levy a tariff of 10 cents on hides and then put a tariff of 20 cents on leather. Instead of doing the farmer good we are burdening him more and more, binding him down closer and closer to the earth. Fifty-three cents a bushel for wheat at Kimball, Nebr.; trust prices for bread in Omaha, Nebr.; cutting into quarters the price that the farmer gets, and yet the man who buys the product pays the same price, the same freight rates; yes, increased freight rates from those that prevailed before the war; nobody getting any reduction, as a matter of fact; everybody charged higher prices; giving to those who have and keeping from those who have not.

Mr. President, I hold in my hand an analysis of the tariff law by the Washington representative of the National Grange, the oldest farm organization in America. Everybody knows what the Grange is. It is a substantial organization, but always conservative, taking a conservative viewpoint; and yet the Grange, through their representative, condemn in the severest of terms the tariff bill that some people pretend was passed for the benefit of the farmer.

In this article Mr. Brenckman, the Washington representative of the National Grange, says:

While an announcement had been made from the White House some time previously that President Hoover intended to devote careful thought and study to the tariff bill before passing upon it, the President issued a 1,600-word statement on Sunday, June 15, announcing his intention to approve the measure.

We all remember that. The papers were filled with the announcement from the White House that before the President affixed his signature to the tariff bill, he would have a careful analysis made by his advisers and his experts; and yet before the tariff bill reached him, on Sunday, before it had been delivered to him, he issued, as Mr. Brenckman says, a 1,600-word statement announcing that he would sign it!

Further on, Mr. Brenckman says:

Under the tariff act of 1922 forks, hoes, and rakes were on the free list, while shovels, spades, scoops, scythes, sickles, grass hooks, corn knives, and drainage tools were dutiable at 30 per cent ad valorem, the same rate at which they are made dutiable under the Hawley-Smoot bill.

Again, he says—he is speaking now of hides—

But the fact is that some of these rates constitute such an outrageous discrimination against agriculture that Senator BORAH was justified in seeking to change them at the earliest possible date. The duties contained in the bill on hides, shoes, and leather furnish the most conspicuous example.

The grange made repeated and emphatic protests to Congress while the tariff bill was pending against the wholly unwarranted disproportion between the 10 per cent protective duty on hides as compared with the duty of 20 per cent on shoes, besides other and higher duties on leather goods and harness. Even if the duty on hides should be increased to the maximum of 50 per cent allowed under the flexible proviso, and the duty on shoes reduced in the same proportion, the farmer would still be laboring under a disadvantage as a result of this feature of the tariff bill. * * *

The Tariff Commission itself is authority for the statement that the added cost of manufacturing a pair of men's work shoes, by reason of the 10 per cent duty on hides, will be 9 cents per pair. However, placing the import value of a pair of shoes at $2.50, a 20 per cent duty will add 50 cents to the price. This shows that the farmer will be the loser to the extent of at least 41 cents on every pair of shoes he buys. That is on the supposition that the duty on shoes will not be pyramided or progressively increased as they pass from one dealer to another. In actual practice the loss to the farmer will be much higher than is here indicated.

Every student of economics knows that that statement is true. It is assumed here that there will be no added prices or profits. Everybody knows that, as a matter of practice, by the time this tariff is carried on to the ultimate consumer, everybody handling the article has made a profit on account of the tariff, and the consumer will have to pay much more than the added tariff.

Mr. Brenckman goes on:

To make matters worse, saddles and harness above a certain price are made dutiable at 35 per cent ad valorem. As everyone knows, in this motorized age most of the harness in use in the United States is found upon the farm. In the opinion of many students of the subject, the unfair treatment accorded the farmer in fixing the rates on hides, shoes, and leather was in itself sufficient to have justified a veto of the tariff bill.

Again, Mr. Brenckman says:

AGRICULTURAL INCREASES NULLIFIED

In appraising the value of the tariff bill to agriculture, farmers have, of course, taken note of the higher duties imposed upon dairy products, potatoes, beans, sugar beets, onions, beef cattle, poultry, eggs, and other commodities; but the appraisal is misleading and incomplete if one fails to take into consideration the upward revision of rates upon manufactured articles, which can not fail to increase the cost of production on the farm. These increased rates on industrial commodities offset the advantages which increased rates on farm products will bring to those branches of agriculture which come within the scope of the protective system.

With the debenture plan eliminated, producers of our staple crops, such as cotton, wheat, corn, oats, barley, rye, hay, and various other commodities constituting the major portion of the production of our farms must continue to dispose of their products at the world's price, while being compelled to buy their supplies in our highly protected market.

If industry can not compete on equal terms with the so-called pauper labor of Europe and other lands, how can agriculture be expected to compete with the poorest paid labor in the world, besides carrying upon its back the added burden of a tariff for the benefit of industry which averages about 45 per cent? This is not only an economic question but it is a great moral question. It is a question which must be honestly and fairly met and settled.

He has something to say about farm foreclosures. He says:

During the four years from 1926 to 1929, inclusive, according to figures contained in the Yearbook of the Department of Agriculture, the mortgages on 87 farms out of every 1,000 in the United States were foreclosed or the farms sold for taxes.

Think of it! Eighty-seven farms out of every 1,000 in the entire United States were either sold under foreclosure proceedings or sold for taxes!

In glancing over the figures it immediately becomes evident that there is a wide variation in the economic situation of the farmers in different sections of the country, as evidenced by percentage and tax sales and foreclosures. For example, less than one out of every 30 farmers in Connecticut, Massachusetts, and Pennsylvania was sold out during the 4-year period under consideration. On the other hand, in Montana, North Dakota, and South Dakota more than one out of every five families went bankrupt.

In a portion of the country that produces a good share of the food products that we consume and that to a great extent people in foreign lands consume one farmer out of every five has lost his farm, sold under a mortgage or sold because the farmer was not able to pay taxes; and, referring to the letter I read about 53 cents a bushel for wheat, do you suppose any man can pay his taxes, support his family, and pay interest, perhaps, on a mortgage out of wheat that cost him from 75 to 80 cents at the lowest to produce and which he must sell at 53 cents a bushel? Yet the men who consume his product are still paying war-trust prices!

Mr. President, in the State of Montana, during this period, 246 farms out of every thousand were disposed of by forced sale. Two hundred and forty-six farmers out of every thousand lost their homes toiling in the fields for the food we must consume, and which we must have, and, at the same time, when we had bought the food we had to pay, as this letter says, trust prices, the same prices we paid when wheat was $2 a bushel.

Yet we have legislated for the farmer, we have passed the President's farm bill, which, it was announced, would bring happiness to the farmer. Now it is admitted that the farmer is selling his food products, which the world must have, at below the cost of production.

Oh, what claims were made when that bill was passed. How they were repeated again when we passed the tariff bill and levied tariffs upon farm products for the benefit of the farmer. How we increased the tariff on clothespins to help the farmer, how we levied a tariff on his pitchforks and his hoes and on all the tools he uses on the farm, and then said to him, "We have 42 cents a bushel on wheat," which does not do him any good, and has the same effect as though it were $42 a bushel instead of 42 cents.

I wonder if we can fool him forever. I wonder if he is going to take this medicine again, and then put men into office who make these glowing promises, and we have now seen how they have been redeemed.

Mr. President, in that 4-year period I have been considering, in the great State of Iowa, supposed to be the richest piece of fertile soil, for the same size in one body, anywhere on this globe, and I believe it probably is, where agriculture should be prosperous, if anywhere, the number of failures out of a thousand was 117.

One hundred and seventeen farmers lost their homes through mortgage foreclosure because they were unable to pay their taxes.

Let me read a little further from Mr. Brenckman:

To overcome the handicaps imposed by the tariff and other factors upon the growers of our staple crops, the Government has established the Federal Farm Board. Broadly speaking, the purpose of the board is to assist the farmer with his marketing problems.

I have said before, Mr. President, that while some good may come from it, while I am not trying now to criticize its administration, everybody knows that when the measure was passed it was said to be a step forward, and everybody knows now that the law creating the Farm Board does not help the farmer in a single instance where he produces an exportable surplus. It makes no provision to take care of such a surplus. It, therefore, does not bring the farmer to the same basis with the manufacturer when it comes to our tariff system.

We put into the bill the debenture plan, which everybody admits would have done that very thing. Everybody admits it would have worked, that it would have been simple in its operation. It would have given some chance to the producers of food products who toil and work and run the risk of losing everything on account of the gamble every farmer must take with nature. He has to go up against the winds and the hail and the drought and the wet weather and the bugs and the worms, and then, when he gets something out of his farm, after running all those chances, the middleman takes it away, and the product, when it reaches the consumer, is sky high, so that the man who toils in the shop, who labors in the factory, or works in the office, has to pay an unconscionable price for everything he buys to keep soul and body together.

That was thrown out, rejected, upon the assurance of the President that his Farm Board was going to do those things. They have had an opportunity, and have not done them. They never will. They are up against an impossibility, and they should not be blamed if they fail to bring prosperity to the farmer who produces a surplus of the food products which the consumers of the world must have.

Mr. Brenckman, speaking of this board, says:

The board has at its disposal a $500,000,000 revolving fund, upon which it is authorized to draw in financing the operations of commodity organizations coming within the scope of the agricultural marketing act. But, however conscientious and perfect the work of the Farm Board may be it stands to reason that we can not expect to place agriculture on a basis of equality with industry

simply by the fostering of cooperative marketing and the lending of money. A handicap of 45 per cent such as growers of our staple crops are confronted with under the tariff is too great to be overcome by any such means.

I do not believe anybody will deny that statement of this representative of the National Grange. We know it is true. We know it can not be done. We know that the man who produces wheat and corn and hogs and cattle, and has to sell them on the other side of the tariff wall in the world market, and has to buy everything on this side of the tariff wall, sooner or later must fail. It is fundamentally wrong, it can not be defended, and we will have to tear down this tariff wall, or we must bring the farmers, the men who produce the foods of the world, upon a level.

That is what we promised to do in the Kansas City platform. That is what the Democratic Party promised to do in the Houston platform. It has not been done. The promise has not been redeemed. It has failed, absolutely and completely failed, and every effort to bring about that equalization, to place the farmer on an equality with industry, as we promised, has failed. We went before the country and begged for votes on that promise, we got the votes, and we failed to redeem our pledge, and we ought to receive the punishment which always justly comes to those who get something on a promise and fail to redeem it, who obtain something under false pretenses.

Mr. Brenckman says:

It is more than a mere coincidence that the farm-mortgage debt of the United States was trebled during the time the Fordney-McCumber bill was in effect. If the excessive industrial tariffs which have been fastened upon us are to be maintained, the only way to insure the economic survival of the export branches of our agriculture will be through the adoption of the debenture plan, or some similar device, which will give equalized tariff benefits to agriculture.

That is what we said we were going to do. Instead of doing it we made it a great deal worse than it was before. As I look at it, and as I believe every student of the subject ought to look at it, we must reach the conclusion that we failed to redeem our promise; that we have utterly and completely failed; that we have not done what we said we would do; we have not put the farmers of the country on an equality with industry.

History is demonstrating that every day. The farmer's prices are going down, and what they have to buy has gone up almost 50 per cent higher than it was before the war.

Mr. President, I commend this article of the National Grange. I wish every farmer of the United States could read what this representative has said. I wish they would understand that there are some people in the Senate who have tried to make good the promises of the political parties made at Kansas City and Houston, and know how we failed, and failed because of the command from the White House, where the President wielded the lash upon the bended backs of Senators and Representatives, brought them into line, and compelled them against their wish not only to do an injustice to the farmer but to violate fairness and honesty in dealing with the soldiers of the United States in the late war.

Mr. President, I ask unanimous consent to have printed as an appendix to my remarks the entire article of Mr. Brenckman.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Grange Monthly]

AGRICULTURE AND THE NEW TARIFF BILL

By Fred Brenckman, Washington representative, National Grange

The question as to whether or not agriculture will be better off under the Hawley-Smoot tariff bill than under the Fordney-McCumber bill has now been transferred from the realm of theoretical debate to the field of actual practice.

The Senate passed the bill on Friday, June 13, by a vote of 44 to 42. On the following day, the House approved the bill by a vote of 222 to 153.

While an announcement had been made from the White House some time previously that President Hoover intended to devote careful thought and study to the tariff bill before passing upon it, the President issued a 1,600-word statement on Sunday, June 15, announcing his intention to approve the measure. It is generally understood that the President's statement was issued for the purpose of putting an end to the veritable flood of messages that was pouring into the White House from every section of the Union, advocating a veto of the tariff bill. He affixed his signature to the bill on June 17, and it became effective at midnight on that date.

In his statement, President Hoover expressed the opinion that any inequalities with reference to the rate structure of the bill could be remedied within a reasonable time under the flexible provisions of the act. This was one of the stock arguments of the backers of the bill and was invoked on practically all occasions when dissatisfaction was expressed regarding any of the rates in the bill, while the measure was pending in Congress.

NOT VERY REASSURING

However, to those opposing the bill this argument was not particularly reassuring. It was recalled that this same argument was made in 1922 when the Fordney-McCumber bill was pending. It was brought out in the debate that during the eight years that the Fordney-McCumber bill was in effect 37 rates were changed under the flexible proviso; 32 of these changes represented increases while 5 were decreases. Among other things, the duty was reduced on handles for paint brushes and on bobwhite quail, together with three other inconsequential items. The statement was made that since 1923 it has required an average of 30 months for the Tariff Commission to complete its investigations and to make the flexible provisions effective in order to change a single rate. It should be understood in this connection that the Tariff Commission frequently has more than one case under consideration at the same time.

Impressed by the utter impossibility of securing within a reasonable time, through the exercise of the flexible provisions, the hundreds of changes in rates that would be necessary to remove the inequalities incorporated in the tariff bill, Senator BORAH, sensing the need of getting an early start, on June 17 introduced a resolution, which was adopted by the Senate, directing the Tariff Commission to make an investigation regarding the difference in cost between here and abroad in the production of various articles and commodities in use on the farm. This resolution reads as follows:

"*Resolved*, That the Tariff Commission is hereby directed to investigate differences in cost of production between the domestic article and the foreign article and to report upon the earliest date practicable upon the following articles: Shoes (both men's and women's), furniture, cement, hoes, shovels, spades, scoops, forks, rakes, scythes, sickles, grass hooks, corn knives, and drainage tools."

Under the tariff act of 1922 forks, hoes, and rakes were on the free list, while shovels, spades, scoops, scythes, sickles, grass hooks, corn knives and drainage tools were dutiable at 30 per cent ad valorem, the same rate at which they are made dutiable under the Hawley-Smoot bill.

While Senator BORAH'S resolution created no discussion in the Senate at the time of its adoption, it did call forth some tart comments from various big eastern newspapers, whose attitude has always been that after a tariff bill has been enacted it is sacrosanct, and should not be touched by desecrating hands. One of these journals declared that the ink was not dry on President Hoover's signature to the bill, and that before ordering any investigation by the Tariff Commission the rates concerning the commodities enumerated in the resolution should be tried out.

THE DUTY ON HIDES AND SHOES

But the fact is that some of these rates constitute such an outrageous discrimination against agriculture that Senator BORAH was justified in seeking to change them at the earliest possible date. The duties contained in the bill on hides, shoes, and leather furnish the most conspicuous example.

The Grange made repeated and emphatic protests to Congress while the tariff bill was pending against the wholly unwarranted disproportion between the 10 per cent protective duty on hides, as compared with the duty of 20 per cent on shoes, besides other and higher duties on leather goods and harness. Even if the duty on hides should be increased to the maximum of 50 per cent allowed under the flexible proviso, and the duty on shoes reduced in the same proportion, the farmer would still be laboring under a disadvantage as a result of this feature of the tariff bill.

The average farmer produces 2½ cattle hides per year. The average price of a hide is about $8, and even if the 10 per cent duty should be fully reflected back to the farmer, which will not be the case, the most he could hope to get out of a duty on hides would be the sum of $2 per year. The Tariff Commission itself is authority for the statement that the added cost of manufacturing a pair of men's work shoes, by reason of the 10 per cent duty on hides, will be 9 cents per pair. However, placing the import value of a pair of shoes at $2.50, a 20 per cent duty will add 50 cents to the price. This shows that the farmer will be the loser to the extent of at least 41 cents on every pair of shoes he buys. That is on the supposition that the duty on shoes will not be pyramided or progressively increased as they pass from one dealer to another. In actual practice, the loss to the farmer will be much higher than is here indicated.

To make matters worse, saddles and harness, above a certain price, are made dutiable at 35 per cent ad valorem. As everyone knows, in this motorized age, most of the harness in use in the United States is found upon the farm. In the opinion of many students of the subject, the unfair treatment accorded the farmer in fixing the rates on hides, shoes, and leather was in itself sufficient to have justified a veto of the tariff bill.

FRIENDS OF AGRICULTURE DENOUNCE BILL

In the closing days of the debate in the Senate, BORAH, NORRIS, LA FOLLETTE, and other Progressive Republicans joined with the members of the minority party in roundly denouncing the tariff bill. They declared that the tariff on shoes alone would cost the American people $285,000,000 a year.

Of course the stand-pat supporters of the bill made light of all the arguments that were used against the measure. They declared that these arguments had a familiar sound and that they had been regularly used on each occasion to stir up feeble souls and terrify the timid when the tariff was revised, ever since the days of John C. Calhoun and Thomas H. Benton. The backers of the bill referred in particular to the "dire predictions" that were made when the Fordney-McCumber bill was enacted, and they asserted that notwithstanding all these gloomy prophecies, the country had never been more prosperous than from 1922 to the present time. But Senator BROOKHART, of Iowa, reminded the defenders of the bill that literally hundreds of thousands of farmers went bankrupt during the time the Fordney-McCumber bill was in effect, while agriculture as a whole had no share in the boasted prosperity ascribed to that measure.

"God save the farmer from his pretended friends," ejaculated Senator NORRIS. "The farmer can not buy a screwdriver without paying tribute. All who use aluminum cooking utensils have to pay a tribute to Mr. Mellon. Handkerchiefs are taxed in some cases over 200 per cent ad valorem. The sick and the dying are taxed for the medicine they take, and the tax, according to the Tariff Commission in a letter to me, is from 7 cents a pound and 45 per cent ad valorem on up. Surgical instruments are taxed 55 per cent and that tax is paid by the man with a broken leg, the woman who has to have an operation, the child with a broken arm. Mr. President, I do not see how anybody can support this bill, and if it be passed, I do not understand how any President, if he has a feeling of sympathy for the struggling people, can sign such a monstrosity."

Ever since the signing of the tariff bill administration spokesmen have exerted themselves to create the impression that the bill was very favorable to agriculture. That this view is at variance with the opinion of many farmers is indicated by the results of a poll published by Wallace's Farmer in its issue of June 7. This poll was taken by a group of standard farm papers in the Middle West. Among those who replied the following percentage of farmers in the States named advocated a veto of the tariff bill on the ground that its enactment would be detrimental to agriculture: Indiana, 94 per cent; Illinois, 96 per cent; Missouri, 97 per cent; Kansas, 94 per cent; Nebraska, 93 per cent; Iowa, 95 per cent; Minnesota, 96 per cent. In Michigan 85 per cent of the farmers participating in the poll expressed themselves as being in favor of the enactment of the bill. This is probably accounted for by reason of the fact that sugar beets, beans, and other farm products produced in that State received increased protective duties.

AGRICULTURAL INCREASES NULLIFIED

In appraising the value of the tariff bill to agriculture farmers have, of course, taken note of the higher duties imposed upon dairy products, potatoes, beans, sugar beets, onions, beef cattle, poultry, eggs, and other commodities; but the appraisal is misleading and incomplete if one fails to take into consideration the upward revision of rates upon manufactured articles, which can not fail to increase the cost of production on the farm. These increased rates on industrial commodities offset the advantages which increased rates on farm products will bring to those branches of agriculture which come within the scope of the protective system.

With the debenture plan eliminated, producers of our staple crops, such as cotton, wheat, corn, oats, barley, rye, hay, and various other commodities, constituting the major portion of the production of our farms, must continue to dispose of their products at the world's price while being compelled to buy their supplies in our highly protected market.

It is conceded that the rates contained in the new tariff bill raise the level of prices on industrial commodities to about 45 per cent over the world's level.

If industry can not compete on equal terms with the so-called pauper labor of Europe and other lands, how can agriculture be expected to compete with the poorest-paid labor in the world, besides carrying upon its back the added burden of a tariff for the benefit of industry which averages about 45 per cent? This is not only an economic question, but it is a great moral question. It is a question which must be honestly and fairly met and settled before we can expect the return of prosperity to American agriculture.

FARM FORECLOSURES AND TAX SALES

During the four years from 1926 to 1929, inclusive, according to figures contained in the Yearbook of the Department of Agriculture, the mortgages on 87 farms out of every 1,000 in the United States were foreclosed or the farms sold for taxes. In glancing over the figures, it immediately becomes evident that there is a wide variation in the economic situation of the farmers in different sections of the country as evidenced by percentage and tax sales and foreclosures. For example, less than 1 out of every 30 farmers in Connecticut, Massachusetts, and Pennsylvania was sold out during the 4-year period under consideration. On the other hand, in Montana, North Dakota, and South Dakota more than 1 out of every 5 families went bankrupt. The casualties were highest in Montana, where 246 farms out of every 1,000 were disposed of by forced sale during this period. Even in the great agricultural State of Iowa, the number of failures per 1,000 was 117.

In looking over the list of States it is easy to see at a glance that the percentage of failures among farmers has been the highest in sections devoted to the growing of staple crops. In the Southern States the number of farm failures per 1,000 during the period indicated was as follows: North Carolina, 86; South Carolina, 128; Georgia, 112; Alabama, 54; Mississippi, 97; Louisiana, 87; and Tennessee, 65.

To overcome the handicaps imposed by the tariff and other factors upon the growers of our staple crops, the Government has established the Federal Farm Board. Broadly speaking, the purpose of the board is to assist the farmer with his marketing problems.

The board has at its disposal a $500,000,000 revolving fund, upon which it is authorized to draw in financing the operations of commodity organizations coming within the scope of the agricultural marketing act. But, however conscientious and perfect the work of the Farm Board may be, it stands to reason that we can not expect to place agriculture on a basis of equality with industry simply by the fostering of cooperative marketing and the lending of money. A handicap of 45 per cent, such as growers of our staple crops are confronted with under the tariff, is too great to be overcome by any such means.

It is more than a mere coincidence that the farm-mortgage debt of the United States was trebled during the time the Fordney-McCumber bill was in effect. The continued depression in agriculture, following the postwar deflation, must be largely attributed to the inequalities forced upon the farmer by the tariff.

If the excessive industrial tariffs which have been fastened upon us are to be maintained, the only way to insure the economic survival of the export branches of our agriculture will be through the adoption of the debenture plan, or some similar device, which will give equalized tariff benefits to agriculture.

What is needed in the framing of our tariff legislation is a little less of the spirit of wolfish greed that has been manifested by certain favored groups, and a little more of the spirit of live and let live.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, informed the Senate that the House had approved the designation of Hon. CARL E. MAPES, a Representative from the State of Michigan, as Speaker pro tempore.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

The message further announced that the House had agreed to the following concurrent resolution (H. Con. Res. 44), in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Thursday, the 3d day of July, 1930, and that when they adjourn on said day they stand adjourned sine die.

ENROLLED BILLS SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the Presiding Officer [Mr. FESS] as Acting President pro tempore:

S. 1406. An act for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Co.;

S. 2498. An act to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes;

H. R. 887. An act for the relief of Mary R. Long;

H. R. 936. An act for the relief of Glen D. Tolman;

H. R. 12902. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appro-

priations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes; and

H. R. 13174. An act to amend the World War Veterans' Act, 1924, as amended.

NOTIFICATION TO THE PRESIDENT

Mr. WATSON. Mr. President, I offer the resolution which I send to the desk, and ask for its present consideration.

The PRESIDING OFFICER. The Clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 316), as follows:

Resolved, That a committee of two Senators be appointed by the Presiding Officer of the Senate to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. WATSON. I yield.

Mr. HARRISON. Can the Senator inform the Senate whether or not the rivers and harbors bill has been signed by the President?

Mr. WATSON. It will be signed by the President to-morrow morning at 10 o'clock.

Mr. HARRISON. The Senator gives the Senate that assurance?

Mr. WATSON. I do.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to; and the Presiding Officer appointed the Senator from Indiana [Mr. WATSON] and the Senator from Montana [Mr. WALSH] the committee on the part of the Senate.

DECLARATION OF SOUTHERN METHODIST CHURCH ON STOCK GAMBLING

Mr. GLASS. Mr. President, there was printed in the RECORD some days ago a letter containing certain expressions which might be interpretated to mean that the Methodist Episcopal Church South sanctions what is known as bucket-shop gambling on stock-exchange quotations, otherwise known as betting on margins. There has been handed me also a periodical called "The Christian Century," published at Chicago, which ventures to assume that the Southern Methodist Church at least tolerates, since it does not specifically prohibit, this species of gambling. Speaking of the general conference of the Methodist Episcopal Church South, held recently at Dallas, Tex., the Christian Century says:

> The conference committee on episcopacy has not dealt with the larger questions of the ethics of speculation and of the whole acquisitive system of which it is a part. The churches—and not only the Methodist Church South—need to go into solemn and thoughtful session with themselves and come to some mature convictions as to just what sort of financial practices are conducive to the maintenance of the good name of the church and consistent with its claim to moral leadership.

The Christian Century is totally inaccurate in its assumption that the Southern Methodist Church has not taken an unmistakable stand in opposition to all species of gambling. As evidence of this fact I ask to insert in the RECORD the declaration of the last general conference of the church on this subject.

Mr. NORRIS. Mr. President, will the Senator from Virginia yield?

Mr. GLASS. I yield.

Mr. NORRIS. I wonder if this is the same declaration that we have all read which was made by the conference condemning gambling?

Mr. GLASS. It is.

The PRESIDING OFFICER. Without objection, the request of the Senator from Virginia is granted.

The statement submitted by Mr. GLASS is as follows:

DECLARATION OF THE SOUTHERN METHODIST CHURCH ON THE SUBJECT OF STOCK GAMBLING

MAY 21, 1930.

Be it resolved by the General Conference of the Methodist Episcopal Church South, in session in Dallas, Tex., That we reaffirm action of the general conference held in Hot Springs, Ark., in May, 1922, as follows:

"Whereas gambling is a vice and is so recognized not only by the laws of our church, but by the constitution of many States, and whereas race-track gambling is an especially prevalent and seductive form of this vice: Therefore be it

"*Resolved*, That this general conference denounces all forms of gambling and particularly race-track gambling, and betting attendant thereon, and urges all lawmakers and citizens to support the passage and enforcement of law for the suppression of this great evil."

While this resolution was confined to one specific evil, it stated the opposition of our church and of our Methodism to every form of gambling. Gambling is one of the most degrading sins of our day. From this evil no division of society is exempt. By this practice men and women are degraded and the nobler qualities of character are endangered and destroyed.

To continue to gamble is to weaken the best qualities in the individual, no matter what the form of gambling may be, whether on the race track, in the popular sport of the day, at the card tables, or on the stock market.

Since our entire country has in recent months been overwhelmed by widespread propaganda in the interests of transactions in stocks, this general conference warns all Methodists, bishops, ministers, and laymen alike, against stock gambling, which has proved so destructive to the economic, social, and religious life of those participating therein.

We do well to remember that to remove a stock transaction from the evil known as gambling it must be a bona fide transaction; it must be an actual purchase or sale, not a temporary hazard on the possible rise or fall in the price of a stock. The best evidence of such a bona fide transaction is that the certificate of stock is actually purchased and issued in the name of the purchaser and actually delivered to him or to his representative.

It is of the utmost importance that the moral standards of our church be maintained, not only as high as those of the Christian state but even higher. The courts of our country, both State and Federal, have held that gambling contracts are against public policy and unenforceable at law. The church approves of these decisons of our civil tribunals, and with greater emphasis condemns speculative contracts with reference to stocks as well as all other gambling dealings. We have a right to expect, and we do expect, that those who associate themselves in our church—bishops, preachers, and laymen—shall keep themselves from every appearance of evil and by word and example keep themselves from even the appearance of gambling.

Mr. NORRIS. I would like to ask the Senator, if he has no objection, to permit me to submit a request in connection with his request. I ask unanimous consent to insert in the RECORD, following the matter inserted by the Senator from Virginia, an analysis of a concrete case of gambling that was made by Mr. Fitzhugh, of Tennessee, a member of the Methodist Church South, a very able man, and, if I may judge from the article, a man who understands thoroughly the analysis of the case which he has made. I would like, in connection with his analysis of that case, to insert in the RECORD also what was published in a great many newspapers showing the operations with Kable & Co., a bucket shop in New York, of a bishop of that church; and likewise in that connection I would like to insert in the RECORD, if the Senator from Virginia has no objection, a photographic copy of one of the pages of the ledgers of Kable & Co. showing its account with Bishop Cannon. I will say that I have only one page here, although there are several such pages. I ask to insert only one because it is a fair sample of all of them.

The PRESIDING OFFICER. Without objection, the request of the Senator from Nebraska [Mr. NORRIS] is granted.

The matter referred to is as follows:

[From the Commercial Appeal, Memphis, Sunday morning, May 25, 1930]

REGULARITY OF CANNON CASE IS ATTACKED BY FITZHUGH—MEMPHIS ATTORNEY POINTS OUT CHURCH LAW WHICH PERMITS CASE TO BE REOPENED AND CHARGES SIFTED—FORMAL PROTEST MADE

Declaring that southern Methodism can not rest under the "irregular and illegal" proceedings by which Bishop Cannon escaped trial at Dallas, and pointing out a method by which further steps might be taken against him, Capt. G. T. Fitzhugh last night released the charges that were brought against the bishop and the protest against the committee action.

"The public, and particularly the great body of Southern Methodists, are entitled to know what Bishop Cannon was accused of, how these accusations were met, and exactly what happened," said Captain Fitzhugh.

Captain Fitzhugh was a delegate to the conference from Memphis. He, with ex-Secretary Josephus Daniels, of Raleigh, presented the Cannon case to the committee on episcopacy. This committee voted first to bring the bishop to trial and then reversed itself. Captain Fitzhugh contends that this was no more regular than if a grand jury finds an indictment and then undertakes to quash it.

The statement follows:

INTERESTS ALL METHODISTS

"Placing Bishop Cannon again at the head of the Board of Temperance and Social Service of the Methodist Episcopal Church South is only one of the evil consequences, though possibly the greatest, of the irregular, illegal, and indefensible action of a majority of the committee on episcopacy in passing his character in the face of serious charges



of improper and immoral conduct, on which he had first been indicted by the committee and a trial ordered thereon, and then the indictment quashed by the committee and a trial prevented by the usurpation of authority contrary to the law of the church.

"The committee on episcopacy is not a trial committee, but acts in the capacity of a grand jury. The only body that could legally try the bishop during the session of the general conference was a committee of 25 elders chosen by the chairman presiding over the general conference at the time of the presentation of the indictment or by the conference itself. It attempted to justify its action on the theory that it had the pardoning power or the right to extend clemency in view of the confession communicated to it by the accused bishop. Those who filed the accusations against Bishop Cannon were not seeking to punish him, but to save the church from odium and from the frightful humiliation that unquestionably awaits it as the result of the committee's action. The confession with the indictment should have been transmitted to the general conference and through it to the tribunal which alone had the power to try him, and this trial committee would have given due weight to his confession in rendering a judgment within the limits prescribed by church law; namely, acquittal, suspension, or expulsion.

"If I believed that Bishop Cannon was sincere in his plea for clemency, I would be the last person to utter a word of criticism, notwithstanding it came only after a trial had been ordered and an indictment found and notwithstanding he has been perhaps more censorious and intolerant of the conduct and beliefs of others than any prominent citizen in America.

THE BELATED CONFESSION

"An honest confession born of repentance is always commendable, praiseworthy, and should furnish a basis for the exercise of mercy; but a confession born of expediency and fear, and made in order to avoid a trial and exposure is a different matter; while a confession containing in itself a false statement of fact merely adds another offense to those already charged. Bishop Cannon in his confession states that at the time he was having these transactions with a bucket shop, whose proprietor he had known for several years, he thought them to be legitimate business transactions, but he realized now for the first time that he was guilty of wrongdoing.

"What made him discover any wrongdoing at this late hour? All the facts had been before him and before the world for a year.

"He had not reached such a conclusion when he was before the committee May 14, when, for four hours, he attempted to justify and defend his course in these transactions and so far from expressing regret or remorse when asked by a member of the committee if he was sorry he had engaged in the transaction, replied: 'I am sorry I lost my $2,500.' Immediately after his 4-hour attempted defense of himself a trial was ordered and an indictment directed to be drawn, and it was drawn by a subcommittee. Between May 14 and May 19 he decided to make this confession.

"The time required for Bishop Cannon to realize that he should confess to some degree of impropriety and misconduct and to an unconscious violation of the law of a sovereign State as well as a violation of the moral code, the law of the church, and his consecration vows, furnishes some food for reflection; especially in view of the fact that he had persistently and repeatedly for almost a year denied that there was anything improper in his transactions after he had given careful consideration to the question, both of the propriety and morality of a bishop engaging in such transactions, and also especially in view further of the correspondence with the bucket shop at the time the transactions were going on. Does not this delay in making a confession, and that not until after a trial was decided on by the committee, indicate an obtuseness as to the proprieties and responsibilities of clerical leadership and a dullness of moral sense which should disqualify him for the high office he holds?

"Moreover, he says nothing about any changes in the views, opinions, and positive declarations relating to gambling in his published statement which shocked people both in and out of the church.

MISLEADING THE PUBLIC

"In this signed statement he deliberately attempted to mislead the public and membership of the church by representing that in all of his vast volumes of speculation he was merely buying stocks on the monthly partial-payment plan. His belated plea of ignorance of the nature of the transactions in which he engaged and of the bucket shop of which he was a patron is absolutely incredible in the light of his own correspondence with these bucket shops and of his boasted experience of more than 20 years in stock-market transactions.

"It could not have been mere accident that he engaged in all of this sordid business with outlawed bucket shops which were indicted for frauds and swindling. There is no record of his having had such transactions with any reputable broker. This would have been bad enough in a bishop, but he preferred to be the patron of concerns that were notorious violators of the law, and the very nature of the transactions that he was permitted to have with them necessarily showed to a man of the high order of mentality and of long experience in stock trading and in the world of finance that they could not possibly be legitimate investments on any monthly partial-payment plan. In his article of August 3, 1929, after a photostatic copy of his transactions in the bucket shop of Kable & Co. had been published, he not only did not tell the truth when he declared that he had merely been buying stocks on the monthly partial-payment plan, but was almost a defiant defender of gambling in stocks and an apologist of other forms of gambling as well, declaring in effect that he had experienced an evolution in his moral views; that he 'had been brought up with the general idea of country and small-town people that all trading in Wall Street stocks was gambling,' but he 'was compelled to face the question in a practical fashion as visualized in business men of reputation and standing.' Further: 'I did give very full and thorough consideration to the propriety and morality of the purchase of stocks and bonds, both for investment and resale at a profit. I became convinced that there is very much latent hypocrisy in the attitude of very many persons on this subject. Some persons seem to think that all trading in Wall Street stock is gambling, some others that part of it is gambling and part of it is honest.'

"Then in answer to the question: 'What is gambling?' he makes this shocking statement of his philosophy and belief pertaining to this subject: 'The throwing of dice, shooting of craps, purchase of lottery tickets are all clearly gambling, for there is no element of skill or intelligence involved, nothing but pure chance. Chance and skill enter into card playing; chance and knowledge into horse racing; purchase of lots in a new community is partly based on chance and partly upon the knowledge of basic facts; the purchase of stocks may be made entirely on the gambling basis or upon the knowledge of the value of the stock and a study of business conditions.'

"This carefully prepared statement in and of itself was sufficient to put him on trial and to deprive him of the right to continue as a great spiritual leader and to control the moral agencies of a great church. Thus, both by engaging in bucket-shop transactions and by his article in attempted justification of such conduct, he was guilty of immorality and by both precept and example he taught that there was nothing improper or immoral in a bishop either gambling in the stock market or telling an untruth about it if caught.

"The claim made by Bishop Cannon in his confession that he thought until the very hour of his confession that he had been engaged in legitimate transactions is refuted not only by the nature of the transactions themselves and by the documentary proof submitted, but by correspondence with Kable & Co. and one Ebel, both notorious bucket-shop operators in New York, which correspondence was in an affidavit filed by the accusers offered to be produced before the committee, the affidavit reciting that this correspondence had as the result of powerful influence brought to bear by some one interested in suppressing it been sealed up in the office of the United States district attorney in New York, and that it was unsealed a few days before the presentation of this affidavit by the representative of the Caraway lobby committee, under permission of the United States Department of Justice, and that letters, cables, and telegrams sent by Bishop Cannon himself to his friend, Mr. Goldhurst, proprietor of Kable & Co., showed that he was in constant touch with this concern, even on his missionary tour, demanding quotations and giving directions, receiving information as to various stocks, and conclusively established that the transactions were purely optional and marginal, to be settled on basis of market quotations; that the so-called partial payment plan was a complete myth, and so known by Bishop Cannon; that in addition to trading with Kable & Co. he was also the patron of one Ebel, another notorious bucket-shop in New York under indictment; that in one of his letters to Goldhurst he warned him not to address him at Washington, but at Richmond, as wires to the former address were embarrassing, while they would be understood by Mrs. Borroughs at Richmond, and he also warned Goldhurst by cable not to wire him at the Methodist missions in South America, but in care of the cable company, showing an absolute consciousness of wrong-doing at the very time he was engaged in these transactions, for if they were legitimate investments there would have been no reason his part for trying to conceal their nature. Besides, the correspondence manifested great anxiety about the outcome of criminal proceedings against Ebel. If Ebel was a violator of the law, why should he, if engaged in legitimate transactions, be concerned about this pernicious law violator?

"The affidavits presented also showed that Bishop Cannon left his address so that he could receive information at every port of call as to his stock transactions while he was on his missionary tour.

COMMITTEE HEARD CANNON

"The original charges were presented to the committee on episcopacy on behalf of all the signers on May 13, by former Secretary Josephus Daniels, Col. James P. Woods, and myself. The next afternoon at 3 o'clock Bishop Cannon was heard for about three hours by the committee and at an adjourned session that night he was heard for an additional hour.

"Following the hearing of the bishop the committee, after giving Bishop Cannon ample time and opportunity to fully present his case

and support it by arguments, did vote May 14 that a trial was necessary and appointed a subcommittee to formulate charges and specifications in the nature of an indictment, on which Bishop Cannon would be tried before 25 elders, chosen in the manner required by the law of the church. The subcommittee did formulate charges and specifications and reported back to the general committee. On Monday morning, May 19, the accusers learned that an effort would be made to rescind the committee's action declaring a trial necessary. I went to the chairman of the committee and told him that we had on that morning received additional information of such vital importance that it had been embodied in an affidavit made by Mr. Daniels, Colonel Woods, and myself, and that we wished to present it to the committee at its session fixed for 3 o'clock that afternoon before any action on the motion to rescind should be taken. Practically all of the accusers who were in Dallas, with the exception of two or three who were with other committees, went to the meeting place of the committee and gave notice of their presence and purpose but they were kept in the hall for over an hour, when they were invited in and the affidavit was read at that time and I was then permitted, on motion, to make an argument and present evidence which had not theretofore been required or permitted to be introduced in support of all the charges, with the view of preventing any rescinding of the action of the committee in ordering a trial on the charges formulated by them. To our astonishment we afterwards learned that during the hour we were kept out of the committee room the majority of the committee over the protest of several of the members had voted to rescind the action of the committee in deciding that a trial was necessary, and thus without any information of this being imparted to us we were allowed to engage in the farce of making a long presentation of facts and arguments to prevent action which the committee knew it had already taken.

"Nevertheless, before the committee passed on the character of the bishop it had before it indisputable proof of the truth of every charge submitted.

"The wrongdoing to which he confessed must necessarily have been in connection with the charges which were filed against him, which, as a result of widespread propaganda, have been misrepresented and misunderstood. In order to prevent any possibility of claim being made that the charges had any connection directly or remotely with politics or with his failure to account for funds intrusted to him, no reference whatever was made in the charges to the admission made by him in his article of August 3, 1929, that he had borrowed funds of the board of temperance and social service which were contributed by all members of the church, regardless of their political creed or affiliation, to help pay some expenses of the Asheville convention, which was called for the purpose of inaugurating a campaign against the nominee of the Democratic Party. While he used these funds for a purpose not authorized by the church and contrary to the will and wishes of many who contributed thereto, he justified this action by stating that after the Asheville convention was over he paid back the money he individually borrowed from it for such a purpose. Nor was his conduct, as disclosed by testimony before the Caraway committee of the receipt by him from one E. C. Jameson of $65,300 and his accounting for only $17,000 in reports made under the corrupt practices act and the request made on Jameson to make a report, which, according to Jameson, was not in accordance with his own records and the further testimony that Bishop Cannon had received practically all of the $65,000 in large checks of $5,000 and $10,000 which, at his request, instead of being made payable to his order were payable to "cash" and that they were cashed by him without his putting his name on the back thereof.

WHAT THE CHARGES WERE

"The accusers desired to present and did present merely clear-cut charges of improper and immoral conduct in no way connected with his political activities, the substance of these charges being:

"1. That Bishop Cannon had for more than eight months patronized an illict bucket shop, the real proprietor of which was one Harry L. Goldhurst, whom Bishop Cannon had known for several years, and who was of such ill repute that he could not do business in his own name, and was the most persistent and pernicious violator both of the bucket-shop law of New York and the postal laws of the Federal Government in the Eastern State, and is now a confessed felon in the Atlanta Penitentiary. These transactions which Bishop Cannon had with this concern are numerous, involving the pretended purchase and sale of stocks, options, and calls, aggregating over $800,000, with total deposits or payments by him, marginal or otherwise, of not exceeding $2,500; and constituted plain gambling on the fluctuations in prices, rise and fall of market quotations in stocks, there being no actual bona fide purchase and sale of the stocks, no bona fide receipt or delivery of any of them, actual or intended, but a going in and out of the market, dealing in vast volumes of stocks of all sorts, not one share of which was ever owned by the bucket-shop operator, not a share ever received by Bishop Cannon, but a settlement based on the differences in market quotations and prices at which said stocks, options, and calls were pretendedly purchased or sold.

"2. That when the facts were developed, not by the 'Pope or wet enemies' of Bishop Cannon but in a bankruptcy proceeding in the United States District Court of New York, instead of expressing any regret for engaging in such transactions, he made a statement over his own signature which was not in accord with the truth, claiming that he had merely been engaged in purchasing stocks on the monthly partial payment investment plan; expressed a high opinion of Mr. Goldhurst, whom he had known intimately for years; attempted to justify all of his transactions, declaring that before engaging in them he had given careful consideration both to the propriety and the morality of a bishop engaging in such dealings.

"3. In an article published by him on August 3, 1929, and given wide circulation, he had defended the transactions which constituted nothing more nor less than bucket-shop gambling of the worst type, and in the exigency of his situation became the apologist of other forms of gambling. That in carrying on such transactions Bishop Cannon had consciously violated the tenets and laws of his church, moral code, and the law of the land.

"4. That the views and opinions expressed by him in his article of August 3, 1929, showed an utter disregard of the proprieties and responsibilities of clerical leadership and set an evil example in high places which tended to corrupt morals.

"5. That he had exhibited to the world a secular mindedness and worldliness, which is one of the most relentless foes of spirituality, contrary to the scriptural standard of a bishop, who must be without reproach, no lover of money, and also contrary to his vows.

"After preventing a trial by making such a confession as was made friends of the bishop then resorted to widespread propaganda to create the impression that the charges had not been proven, notwithstanding that proof, which not only had been declared sufficient to warrant an indictment and a trial thereon was presented, but so clear, convincing, and conclusive as to make anything but a verdict of guilty of the charges beyond a reasonable doubt before any impartial tribunal practically impossible.

SUMMARY OF THE PROOF

"1. Duly verified photostatic copies of the ledger sheets of Kable Co., showing item by item, dates and amounts of every transaction both of pretended purchases and sales of stocks, options, and calls engaged in by Bishop Cannon between August 14, 1927, and April 30, 1928, the accuracy of which was never denied by Bishop Cannon in his article published August 3, 1929, after the photostat had been published in the press, or when he was before the committee on episcopacy, and when he was before the committee on episcopacy he could not point out a single inaccuracy in it. And yet he claimed before the committee on episcopacy prior to his subsequent confession that they were legitimate transactions, consisting of investments in stocks on the monthly partial payment plan. In the face of the fact shown by this photostatic copy of his account in and of itself, though other vital proof was submitted, that he could not possibly have believed that he was buying stocks on the monthly payment plan, to say nothing of selling several hundred thousand dollars worth of stocks on the monthly partial payment plan.

"2. Certified copy of an indictment to which Goldhurst plead guilty.

"3. Affidavits and certified copies of evidence given in a bankruptcy court proceeding showing that Bishop Cannon had never purchased a single share of any particular stock on which he made any installment cash payment or any monthly installment thereafter. The many thousands of shares traded in by him were not owned or held by Kable & Co. and were not received, owned or held by Bishop Cannon; that the small deposits made by him aggregating $2,500 at the outside, if the items of $65 and $935 were treated as payments by him instead of profits which he realized on General Motors stock as testified to in evidence presented, were never applied on any particular stock, but indiscriminately, and constituted nothing but margin and a very small margin at that, on practically free and unlimited speculations in stocks, which he was bound to have known, especially in view of his long experience in trading in stocks, would not have been purchased by the proprietor, who would have had to put up his own money in order to get them.

"4. Copy of his article of August 3, 1929, containing statement that in all of these transactions he was merely buying stocks on the monthly partial payment plan and his attempted justification and defense of gambling.

"5. An affidavit of a Methodist who had seen him in this bucket shop and who had lost money in it because he thought if the bishop was a patron that the concern must be all right.

"6. Copy of the law of New York which makes not only the proprietor of such a bucket shop, but anyone who makes or offers to make such contracts respecting the purchase or sale of stocks upon credit or margin, speculations and settlements on the rise and fall in prices, guilty of a felony.

"7. Proof was offered of the constitution and rules of the New York Stock Exchange. Oral evidence was offered to be produced to the effect that anyone who had ever had any stock transactions at all was bound to know that the character or transactions engaged in by Bishop Cannon were not purchases or investments on the monthly partial payment plan, but bucket-shop speculations on the rise and fall of the market. He was bound to know that no legitimate con-

cern in the world would sell him as many stocks as he was claiming to be purchasing, to wit: stocks aggregating in value over $400,000, on payment of $2,500. Certainly that the sales of them, some of them made on the day pretended to be purchased, could not be regarded as investments on the monthly payment plan, and was bound to know that he was selling something that he had not acquired, did not possess and could not possibly own, and that he was, therefore, 'borrowing without a probability of paying, or taking up goods without a probability of paying for them' in violation of the laws of the church and of a sovereign State.

"8. The affidavit of Messrs. Josephus Daniels, James P. Woods, and myself in regard to the recently unsealed correspondence passing between Bishop Cannon and two bucket shops in New York already referred to.

PROTEST SUPPRESSED

"In the exercise of an inherent and fundamental right which Bishop Denny, the greatest authority on parliamentary and ecclesiastical law to be found anywhere, declared had been recognized by the church since 1844, I filed a protest against the action of the committee in reversing its former decision that a trial was necessary and in quashing the indictment found by it. In pursuance of the same policy of suppression which had characterized the committee on episcopacy when it suppressed the charges on which it based its decision that a trial was necessary, then suppressed the indictment itself, an effort was made to suppress the right of a member to have his protest even read. This failed, but the protest was not permitted to be spread on the journal. Imagine a grand jury finding an indictment, receiving a communication from the defendant confessing the charges, and the undertaking itself to quash the indictment instead of transmitting it to the trial court for a trial thereon. Such a grand jury would be summarily dismissed by any tribunal in which such action was attempted to be taken.

ONLY A TRIAL BARS A TRIAL

"The result of the action and report of the committee is:

"1. Bishop Cannon is not acquitted of the charges, because he has not been tried at all. The committee on episcopacy is not a trial committee and only a trial bars a trial. The charges not only still stand against him, but he can be brought to trial on these very charges, which may be presented to any three traveling elders, who, after notice to him, shall carefully inquire into the case, and if they believe an investigation necessary shall so report the matter to any bishop whose duty it shall be to call together at some convenient place not less than 12 traveling elders and all the witnesses by whom the accusation is expected to be established, and if two-thirds of them believe a trial necessary they shall suspend the bishop so accused until the next session of the general conference.

"Discipline, paragraph 252–2B.

"2. His character was passed in the face of charges of improper conduct which he had persistently denied up to the time of sending the letter which was embodied in the committee's report to the general conference.

"3. He is entitled to exercise his full functions as a bishop but under conditions and circumstances which seriously impair his usefulness and influence as a spiritual leader and work injury to the church.

"4. The church will be subjected to criticism for having failed to put on trial in the manner provided by its own laws a bishop charged with improper conduct to which he confessed, so that a legal judgment could be rendered either of acquittal, suspension, or expulsion.

"5. This action of the committee will be recorded for a precedent which may harass and harm the church through the years to come; (1) any bishop hereafter accused of any kind of immorality may, after his character has been arrested and a trial ordered, confess wrongdoing which he had theretofore denied, repent as a matter of expediency, escape trial, and continue to be a general superintendent of the church; (2) any minister accused in the future of stock speculation or other immoral conduct may, by virtue of this precedent, send a communication to the trial committee expressing his sorrow and regret, whether genuine or not, promise to err no more, and then challenge the right of his annual conference to dismiss him or otherwise punish him, and by so doing apply a rule to him different from that applied by the highest authority of the church to one of its own bishops. Church members may likewise rely on such a precedent.

VIRTUE IN THE ABSTRACT

"After passing the character of a bishop on charges of immorality on which he was indicted, and the indictment quashed because he confessed, the committee passed his character but decided at the same time that they would offer to the general conference to be passed by it, resolutions strongly condemning the very transactions which Bishop Cannon confessed he had engaged in, and these resolutions were presented and adopted by a majority of the general conference in the face of protest that it would put the church in the false light of an indefensible, hypocritical position, besides reflecting by implication on innocent bishops and ministers. The committee in its report in defining stock gambling as distinguished from legitimate investments gave as illustrations the very character of transactions in which Bishop Cannon had engaged and declared that it was 'of the utmost importance that the moral standards of our church be maintained not only as high as those of the Christian state, but even higher.' And that the courts of the country, both State and Federal, had held that gambling contracts were illegal and against public policy, and the church approves of these decisions of the civil tribunal and with great emphasis condemns speculative contracts with reference to stocks as well as all other gambling dealings.

"Think of such utterances coming from a majority of the committee which gave a certificate of good character to Bishop Cannon, who was not only shown by proof, documentary and otherwise, which convicted him beyond a reasonable doubt of not only the worst type of bucket-shop gambling, but of violating the truth in his attempted justification and defense of it, all of which he impliedly, at least, confessed rather than have all the facts brought out on a trial and thus obtain a complete exoneration if innocent.

"The committee in order to avoid singling out one guilty individual, placed all the bishops under a cloud.

"With a splendid opportunity to show that they were really against gambling, the majority of the committee merely thundered in the index. They condemned in the abstract, but they condoned in the concrete. What does their high-standing moral pronunciamento against gambling amount to in the face of their disposition of the charges against Bishop Cannon? It is merely words, words, words—in the light of actual deeds they are sounding brass and tinkling cymbal. Their professions and their actions do not square.

"With an opportunity to show that they really believed that the moral standards of the church should be maintained not only as high as those of the state they lowered them below this level by declining even to put on trial a bishop shown to be guilty of stock gambling, which they characterized in their report and resolutions as 'one of the most degrading sins of the day.' Moreover, they placed the church in a position where the finger of scorn could be pointed at it. By their action in passing the character of Bishop Cannon in the face of the most serious charges of immoral conduct and his confessed guilt of one of the most degrading sins of the day they insured his continuance as a spiritual guide and leader of the church and made it possible for him to be placed, as was done, at the head of the committee which directs and controls the great moral agencies of the church, and he is thus held out as the church's great representative of morality in the Nation. Such is the proud achievement of the majority of the committee on episcopacy.

"A certificate of good character issued under such circumstances by a friendly majority of the committee on episcopacy may help Bishop Cannon temporarily, but it can not possibly be of any permanent good to him and will do great harm to the church. Such a vote of confidence can not restore him to the confidence of this great body of church membership who know that nothing short of a full and fair trial before a proper tribunal can relieve the church of the reproach which has been brought on it, or serve to give Bishop Cannon, if innocent, the exoneration to which he is justly entitled. It saved him from a trial, but it put the church itself on trial. When a majority of the committee on episcopacy quashed the indictment against Bishop Cannon which it had previously found solely because he had made a confession of the charges, it made a serious blunder. A coat of whitewash ill becomes a bishop.

"The application of it by a committee of a great church on one who stands convicted of immoral conduct before the bar of public opinion on convincing proof long before persistent denial was changed to timely confession strains the loyalty of thousands of members and invites the scorn of the outside world. No discerning man could fail to observe that Bishop Cannon's appeals to religious prejudices and passions, his oft-repeated claims that the charges against him were inspired by the 'Pope and enemies of prohibition,' were alone responsible for his so-called vindication without a trial in the face of proof developed in a court of record and a confession of guilt. They thought, too, that the prohibition cause might be hurt unless he was given some kind of vindication, not realizing that those opposed to prohibition might not be displeased to have as the leader of the temperance forces of the church one whose acts and conduct had thoroughly discredited him. They believed that their expression of confidence would act as a cloak of respectability which would cover the stains which the bishop himself had placed on his ministerial robes.

"But we are told we should no longer complain, because the bishop has been sent to Africa. This is another regrettable consequence of the irregular and unauthorized action of the committee on episcopacy in passing his character in the face of untried charges of immoral conduct, which continues him in office but with limitations, express or implied. He himself knew that he would not be acceptable to the conferences in America, therefore, he must be sent to the heathen who of all persons in the world should have as a spiritual guide one above reproach.

"But by the action of the board of temperance and social service in making him its chairman, Bishop Cannon will undoubtedly spend a large part of his time in this country, teaching and preaching morality, vigorously condemning all forms of immorality in others and proscribing thousands of members of the church who are not in accord with either his views of politics or morality. Placing him again as the leader of the temperance and moral forces of the great Methodist

Episcopal Church, South, will do irreparable injury both to the cause of prohibition and to the church. The church faces a real crisis. It has been subjected to shame and humiliation which it does not deserve by having placed in charge of the direction of its moral agencies and reforms one at whom the finger of scorn will be constantly pointed, all because a majority of the committee on episcopacy did not realize that the Methodist Church should not be tied to leadership in any great moral movement to the extent that it will condone culpability that merits punishment after an orderly trial and conviction, and in failing to realize, as declared years ago by the brilliant Bishop Galloway, who believed in maintaining at all hazards the high standards and ideals of the ministry, that neither prohibition nor any other moral cause should be identified with any particular person or political party for the reason that failing into disrepute or the downfall of either would bring the cause itself into disrepute.

"The church must under all circumstances and under all conditions stand by this principle, and, further, both by word and deeds, declare that the moral plumb line admits of no deviation."

Bishop James Cannon, jr.

Dr.

Date	Shares	Stock	Price	Amount	Days	Interest
1928						
		Fowd		$55,189.70		
Jan. 12	300	West. Air Brake	51⅝	15,538.50	68	
23	200	Gen. Mtrs	135¾	27,184.00	72	
24	200	Fleischman	73¼	14,684.00		
25	200	Gen. Mtrs	134⅞	27,043.00	74	
30	400	I R T	36⅜	14,638.00	74	$10.00
	100	Remington-Rand	31¾	3,197.00	74	
10		Option Grp	J90	500.00		
30		Interest	J90	280.72		
				158,254.92		
30		Balance		91,595.92		
	200	Butterick				
	300	S. P. R. Sugar				
	500	Texas L. & Trust				
	200	Gen. Mtrs				
	200	Fleischmann				
	400	I. R. T.				
	100	Rem. Rand				
Feb. 3	500	Mso	3	1,535.00	78	
10	200	Gen. Mtrs	138¼	27,669.00	78	
29		Interest	J104	389.11		
				121,189.03		
29		Balance		79,632.03		
	200	Butterick				
	300	S. P. R. Sugar				
	200	Fleischmans				
	300	I. R. T.				
	100	Rem. Rand				
	500	Mso				
	100	Gen. Mtrs				
Mar 3	100	Int. Match pfd	98⅜	19,758	94	
9	67	Butterick	49½	3,332.78	94	
12	200	Int. Nickel	90½	18,183.00	94	
	100	Freeport Texas	79⅜	7,989.50	94	
	100	Int. Match pfd	103	10,329.00	94	
		Fowd		139,224.31		

Cr

Date	Shares	Stock	Price	Amount	Days	Interest
		Fowd		$66,659.00		
30		Balance		91,595.92		
				158,254.92		
Feb. 3	500	Tex. L. & Tr	28	13,955.00	77	
10	200	Gen. Mtrs	138¼	27,602.00	79	
29		Balance		79,632.03		
				121,189.03		
Mar. 3	200	Gen. Mtrs	140¼	27,982.00		
10	200	Butterick	54	10,742.00	95	
12	100	Int. Match pfd	102	10,171.00	96	
	100	I. R. T	36⅜	3,613.50	95	
	200	Fleischman's	70⅝	14,067.00	95	
12		Div. Gms	111	250.00		
Feb. 27		C	111	65.00		
27		C	111	935.00		

[From the New York Times, Friday, June 13, 1930]

CANNON'S DEALINGS IN STOCK MARKET TOLD IN MESSAGES

(Special to the New York Times)

WASHINGTON, June 12.—How actively Bishop James Cannon, jr., was engaged in stock-market transactions was disclosed to-night when a mass of correspondence became available for publication which shows that the bishop had a margin account that covered many securities, including industrials, automobiles, and oil.

CORRESPONDENCE IMPOUNDED

Bishop Cannon had his stock-market dealings with the New York firm of Kable & Co. The head of the concern, Harry L. Goldhurst, was indicted for using the mails to defraud in connection with an alleged bucket-shop business, pleaded guilty, and is now serving a term in the Federal prison at Atlanta, Ga.

The correspondence between Kable & Co. and Bishop Cannon was impounded by District Attorney Tuttle, of New York, when the concern became bankrupt.

The correspondence indicates that after a Richmond bank from which Bishop Cannon had borrowed money to support his stock-market operations had warned him that Kable & Co. probably was not a reliable concern, he continued to transact business with it.

Last month charges growing out of his stock-market speculations were filed against Bishop Cannon at the general conference of the Methodist Episcopal Church South, held in Dallas, Tex. The gist of the charges was that through these operations Bishop Cannon had brought his high ecclesiastical office into disrepute. The bishop admitted that he had engaged in speculation on the stock market, but, acknowledging that he had transgressed, asked for and obtained the forgiveness of the conference.

MONEY DIFFICULTIES INDICATED

There is nothing in the correspondence made available to-night to indicate how Bishop Cannon fared in his financial transactions with the firm of Kable & Co., but the assertion frequently has been made that his losses exceeded $80,000 up to the time that the firm was raided and its records impounded.

While Bishop Cannon was on the steamship *Western World* on his way from this country to Brazil in October, 1927, he sent radiograms to Kable & Co. with reference to handling his stock-market affairs. Several of his messages to the firm were sent on Sundays.

Some of the messages from the bishop to the firm tell of his difficulty in obtaining money to keep up his margin trading account. It is apparent from the correspondence that Bishop Cannon had a keen knowledge of stock-market securities, although his judgment and that of the firm with which he was dealing was not always good.

In a letter written by the bishop to Goldhurst from Washington in December, 1927, he said, "I certainly regret that we happened to strike such a line of difficult stocks."

In that same letter he mentioned that in the statement sent him by the firm on November 10 of that year his balance with it was $18,035.

In one letter written by the bishop to Goldhurst in December, 1927, on stationery of the board of temperance and social service of the Methodist Episcopal Church South, the bishop said, "I came down to Richmond to-day and managed after a hard struggle to land $400, which I am inclosing by draft."

MESSAGES TO CANNON'S BROKER

The correspondence between Bishop Cannon and Kable & Co. from September 17, 1927, to May 8, 1928, in part, was as follows:

(Radiogram, October 2, 1927 (Sunday))

Steamship *Western World*, ocean letter from Cannon to Kable & Co., First National Bank, Jersey City, N. J.: "Kindly continue send cables by 5 daily, either deferred cable, letter, or direct, as my cables may indicate. Richmond ordered send 100 cables account if option 2,000 Motors expires 13th, 135, and 1,000 Texas expiring 17th, 35. Close profitably. Possible handle home additional good lower-priced stocks, but probably wiser wait till return for winter. Write giving full information, suggestion via steamer *Southern Cross*, sailing October 22, addressing me Imprensa Methodista, Sao Paulo, Brazil. Can not consider suggestions on returning voyage. Sailing 9th, arriving New York November 22, and cabling anything necessary or profitable."

(Cablegram, October 4, 1927)

From Cannon to Kable & Co., Jersey City: "Richmond sending 600, certain. Sell Lehigh high, rebuying 300, reaction, advise."

(Cablegram, October 7, 1927)

From Cannon to Kable & Co., Jersey City: "Cable daily close market direct Western Union, San Paulo, 'till next Friday, adding Drug, Gleasonite, other quotations; uptin (option) 2,000 Motors expiring Thursday."

(Letter dated October 10, 1927)

From Miss Amelia Wyckoff, office secretary, Federal Council of Churches of Christ in America, 105 East Twenty-second Street, New York, to Kable & Co., 1 Exchange Place, Jersey City: "Your letter of October 4 to Bishop James Cannon, jr., care Federal Council of Churches has been received in the absence of Bishop Cannon, who is now in South America. I infer that the statement requires no immediate attention on the part of Bishop Cannon and am therefore holding it here for his return to this country, which will probably be the latter part of November. If it should be forwarded to him, will you please notify me at once."

(Letter dated October 11, 1927)

From Kable & Co. to Miss Amelia Wyckoff, office secretary, Federal Council of Churches of Christ in America: "Replying to your letter of the 10th in regard to a letter to Bishop James Cannon, jr., we would suggest that you forward this letter to Richmond. We understand the secretary of Bishop Cannon is taking care of his affairs pertaining to this business."

(Cablegram dated October 12, 1929)

From Cannon to Kable & Co.: "Cable fast not deferred daily 'till Friday. Richmond misunderstood. Sending 600 to-night."

ADDRESS CHANGE FOR "PROMPTNESS"

(Cablegram dated October 12, 1927)

From Cannon, Sao Paulo, Brazil, to Kable & Co., Jersey City: "Cable to-day Thursday, Friday close. Not Cannon Methodist but Cannon Western San Paulo, insuring promptness."

(Cablegram dated October 13, 1927)

From Cannon, Sao Paulo, to Kable, Jersey City: "Nothing since Tuesday. Critical time. Cable immediately last closing, listing later Thursday close."

(Cablegram dated October 14, 1927)

From Cannon, Sao Paulo, to Kable, Jersey City.—"Nothing Thursday night. Cable deferred half rate, Friday, Saturday, Monday closing quotation Texas, Continental Drug, Westinghouse, Gleasonite, Warren, Lehigh. Sell Lehigh 110. Rebuy good reaction."

(Cablegram dated October 15, 1927)

From Cannon, Sao Paulo, to Kable, 32 Broadway, New York City.—"Cable immediately opening, low, high, close quotations Motors Thursday and other quotations requested. Is Gleasonite collapse permanent? Quote Drug."

(Cablegram dated October 16, 1927)

From Cannon, Sao Paulo, to Kable.—"Ebel offers 500 Motors option 10 up 30 days. Cable whether can not make better offer, whether any probable profit that high." In cabling eliminate unnecessary words. Half rate eight. Never greater activity. Hope resell Lehigh 110 soon."

(Cablegram dated October 17, 1927)

From Cannon, Sao Paulo, to Kable.—"Ebel reports closing option 2,000 Motors Thursday 36⅞. My instructions exercise option closing prices, unless decided reaction rendered earlier advisable. Your quotations low 37¾, close 38⅞, cable opening prices Thursday at request; also cable certainly closing quotations promptly Monday Texas, Westinghouse, Lehigh, Drug. Use Western Union."

(Cablegram dated October 18, 1927)

From Cannon, Sao Paulo, to Kable.—"Address 'till Sunday deferred rate Cannon Granberry Jueg Detora, Brazil exercise 500 Motors 49¾; sell Lehigh 1 point profit or better reporting cash balance after sale advising concerning purchase, Gleasonite also quoting Motors, Texas, Westinghouse."

LETTER ASKS IN STATEMENT

(Cablegram dated October 25, 1927)

From Cannon, Rio de Janiero, Brazil.—"(Unsigned) cable exchange Lehigh 400 Buttrich (Butterick) cable closing quotations to-day deferred Texas, Westinghouse, Gleasonite, Drug."

(Cablegram dated October 31, 1927)

From Cannon, Bahia, Brazil, to Kable.—"Cable steamer *Western World*, via St. Lucia Tuesday, Wednesday, Thursday. Closing Butterick, Motors, Texas, Westinghouse."

(Radiogram dated November 4, 1927)

From Cannon, steamship *Western World*, to Kable.—"Wednesday quotations, Butterick 74, Lehigh 91¾, Texas 23⅛. Evidently require close indicate price, sold 400 Butterick and original 300 Lehigh giving usual quotations."

(Radiogram dated November 6, 1927, Sunday)

From Cannon, steamship *Western World*, to Kable.—"Fully protect during purchase 700 shares present option doubtless lost. If conditions exceedingly favorable ent. 100 to 500 close 131, cable 30th, otherwise delay cable finally Monday closing quotations same stocks."

(Telegram dated December 2, 1927)

From Kable to Bishop J. G. Cannon, jr., box 605, Richmond, Va.—"Kindly forward $2,000 to bring your account up to date. Thanks."

LETTER SENT TO KABLE & CO.

(Letter dated December 2, 1927)

From James Cannon, jr., on the stationery of the Hotel Mayflower, Washington, D. C., to Kable & Co.:

"DEAR MR. GOLDHURST: A wire was sent me from Richmond to-day from Kable Co. You will recall that I told you several times that I had certain settlements to make as executor of an estate about December 1 and that I could not buy anything unless understood that I would probably be tied up till the 15th. I am sorry anything was bought, unless that was thoroughly understood, as there has been no change in this situation. I certainly regret that we happened to strike such a line of difficult stocks. Kindly have statement made out showing all sales and purchases since last statement was sent on November 10, which showed balance of $18,035. Have all purchases of Porto Rico, Paige, and Moon and all sales put on statement. Send this to me at the Mayflower, Washington, as I will come back to Washington for Sunday. Regretting very greatly the loss of the motor call $1,000.

Sincerely yours,

_____ _____."

(Telegram, dated December 10, 1927)

From Kable & Co. to James Cannon, jr., Hotel Mayflower, Washington, D. C.—"Northern Ohio Power listed on Curb at 16, will figure merger to sell about 25 soon, advise immediately how many shares you can handle, 300 each 100 shares, certain about information, advise immediately."

LANDS $400 AFTER "HARD STRUGGLE"

(Letter, dated December 10, 1927)

From James Cannon, jr., to Mr. Goldhurst, written on the stationery of the Board of Temperance and Social Service, Washington, D. C.

"MY DEAR MR. GOLDHURST: I came down to Richmond to-day and managed after a hard struggle to land $400 which I am inclosing by draft. I am put a little on edge and fearful of flop in the Paige, Butterick, Porto Rico, and Moon have conspired to induce pessimism. I started to wire 'sell 17½,' but thought surely would make 18. If it seems 17½ will be high on Monday, sell at that and repurchase, if wise. But do not get caught on a slump or I shall think all our ventures are hoodooed.

"Sincerely yours,

_____ _____."

"Send all communications to Richmond re [illegible] promptly any reaction and it will be forwarded. But do not send any excitable gram."

Telegram, dated December 12, 1927, from Cannon, Birmingham, Ala., to H. Goldhurst, Kable & Co.: "Your wire Washington forwarded. Never wire Washington unless I give definite instructions. Always causes unpleasant complications. Write Richmond, where secretary understands how forward. Can not send anything more till return Richmond."

Telegram, dated December 13, 1927, from Cannon, Birmingham, Ala., to H. Goldhurst, Kable & Co.: "Your wire Washington forwarded. Never wire Washington unless I give definite instructions. Always causes unpleasant complications. Write Richmond, where my secretary understands now forwarded. Can not send anything more till return Richmond, when will send 600 for 200 Ohio; if bought notify Richmond price paid, also Paige sales if any.

"M. P. CARMON."

PROMISED TO PROTECT BISHOP

(Letter dated December 13, 1927)

From Kable & Co. to James Cannon, jr., box 605, Richmond, Va.: "Do not worry about any break in the market, as we will protect you and dispose of your holdings when we believe it is the best time to dispose of them."

(Letter dated December 24, 1927)

From James Cannon, jr., to H. Goldhurst, Kable & Co.: "I have been much disturbed by the delay of the lawyer who was selected by the bank to prepare deed of trust to secure some money which I expect to have by the 15th. Indeed, had I not been assured that the money would certainly be ready then, I would not have made any commitments. * * * I have so far been quite unfortunate with every option."

(Letter dated January 2, 1928, on the stationery of the Anti-Saloon League of Virginia)

Bishop James Cannon, jr., to H. Goldhurst, Kable & Co.: "I have decided that one of the babies is critically sick so that you are not

able to attend to your duties, or that you have decided that my nervous condition is such, following my illness, that I am incompetent to give any directions concerning the management of my affairs.

"Certainly I have been wasting my letters for the past 10 days. I wrote you that I have acknowledgment from Kable & Co. of order to sell 500 shares of Paige at 18 or better, but although the stock sold at 18¾ on Saturday, I have received no notice of the sale.

"I also wrote to sell Northern Ohio when the stock was selling at 20, preferring to repurchase on a dip rather than to lose profits already gained. The stock was down to 18⅞ on Saturday, but I have had no notice of any sale.

PREFERRED TO TAKE PROFITS

"It may be that you have such definite positive information that you feel absolutely confident in holding the stock. But I insist that I greatly prefer to take profits and rebuy on recession than to run the risk of making a loss, and our experience since September has been such as to make me nervous.

"All options purchased have expired without profit, and the Butterick seems so somnolent that I am anxious to make profits while they can be made on the other stocks, so as to be able to sell Butterick at a loss and get into some more active stock as soon as I get some additional money.

"I am afraid that the Paige stock may take a decided slump as soon as the automobile show is opened, unless the new Paige model indicates that it is going to be a good seller.

"I shall leave on Tuesday night and will be glad if you will wire at close of market Tuesday whether you have sold either of these stocks and at what figure.

"I hope to get through a loan in one of the banks the early part of this month. It has hung fire very unexpectedly, owing to the delay of the attorney who is preparing the papers. With best wishes for you and yours for the coming year, I am,

"Sincerely yours."

CHECK ON FIGURES ASKED

(Letter dated January 14, 1928)

From James Cannon, jr., on the stationery of the Anti-Saloon League of Virginia, to H. Goldhurst. "* * * I do not like to trouble you about small matters, but I do like accuracy and the sales slip of Northern Ohio is not accurate. You told me yourself over the phone that the sale was made at 18⅝ and the letter of Kable & Co., January 14, which I inclose, states 18⅞, but the sale slip itself shows only 18⅝, a difference of over $100. Likewise, the Westinghouse Air Brake you told me over the phone was purchased at 51⅜, whereas the billing shows 51."

Telegram dated January 21, 1928.

From James Cannon, jr., Cleveland, to H. Goldhurst: "Called unexpectedly attend conference Cleveland Hotel as substitute for ill fellow bishop, remaining until Tuesday. Crewe Bank wires expects get satisfactory papers and send check by return home. Kindly have statement account to date mailed me Cleveland Hotel, Cleveland, Saturday, without fail, including option General Motors."

Telegram, dated January 24, 1928, from James Cannon, jr., Cleveland, Ohio, to Goldhurst, Kable & Co.: "Telegram urging purchase Fleischman, expect immediately 10 points profit, apparently straight, but greatly puzzled, for motors closed to-day below price paid. Expected Butterick, Texas, Porto Rico, Westinghouse all gain 10 points promptly, but none realized yet."

"Unless protection absolutely assured even moderate recession embarrassing with such heavy load. If believe certainly quicker, larger profits, buy several hundred Fleischmann. If think necessary to equalize, sell Motors, Butterick, Texas, part or all, at small profit. Wire action immediately close of market, as leaving Cleveland for Pittsburgh at 6."

PROMPT REPORTS URGED

(Longhand letter, dated February 4, 1928, from James Cannon, jr., to H. Goldhurst)

"DEAR MR. GOLDHURST: The statement sent me by Kable & Co. as of January 30 does not include the draft for $500 given on Friday, January 27. Kindly ask that receipt be sent for that draft and credit be given on the account.

"Nothing disturbs me more than failure to send promptly at close of market ticket of sales. It required three telegrams to get reports of sales of Texas, and my secretary wired me at Columbus, Ohio, to-night that up to present she had received no confirmation of sale and of purchase of Middle States.

"I was called suddenly Friday night to Columbus, but hope to return Tuesday. Ask Kable & Co. send receipt for $500 and sale and purchase slip.

"If you have any information concerning Transcontinental Oil and possible merger send to Richmond Monday.

"Hastily and sincerely.

"P. S.—Tell the dark-haired damsel to hold on to my portfolio."

(Longhand letter, dated February 13, 1928, from James Cannon, jr., on train, to H. Goldhurst)

"DEAR MR. GOLDHURST: Kable & Co. has never sent receipt for $500 paid Friday, January 27. It has been discouraging, if not distressing, that Porto Rico, Fleischmann, Remington Rand, Interborough Transit (and Butterick probably) have not advanced as predicted, but have declined. I note and approve sales of Motors for profit, and think there may be some profit in last purchase at 138½, but that stock is too expensive for me to handle except for quick turn on good recessions. I wish you had used some similar judgment and sold Interborough at 38. I do not think I can reach New York 'till Tuesday noon, but will come earlier if possible to get loose from official business. I am afraid the pools on Fleischmann, Remington, and Interborough have quit the job.

"Sincerely yours."

TELLS OF LACKING MONEY

(Longhand letter, dated February 15, 1928)

From James Cannon, jr., on train, to H. Goldhurst (four sheets)—"All of my plans have been upset by unexpected complications in sickness of my wife and son (places order to sell stocks). * * * If I could see and talk with you I might take some other course. But I have no money in sight now until March 1, when salary check of $2,000 will come in. You should get there at opening of office Friday morning. Wire me anything promptly via Postal, 'James Cannon, Mayflower Hotel, Washington. I am summoned in court on condemnation proceedings, but can get off to run over to Mayflower Hotel for wire. Indicate whether other prices fixed are fair, if not advise."

(Telegram, dated February 17, 1928)

From Kable & Co. to James Cannon, jr., Washington, D. C.—"Do not see any necessity for disposing of holdings in this weak market. Would rather hold stock at our risk until you can put up a little money. Stocks will eventually show you big profits. Advise."

[Letter.] From James Cannon, jr., on the stationery of the February conference on 1928 Prohibition Enforcement Plan, Mayflower, ruary conference on 1928 Prohibition Enforcement Plane, Mayflower, Washington, D. C., Eugene Crawford, secretary, to H. Goldhurst. "Dear Mr. Goldhurst—It looks as if the deluge broke loose Friday and Saturday. I can only say what I wrote you on Thursday night. I can not get any money until my salary check comes from Nashville for the quarter beginning March 1st. I trust you people can hold on to the stock 'till then or until they recover sufficiently to sell at prices indicated in my letter, at which, of course, I will lose heavily on all but Butterick, but if they sell now at present prices it is quite uncertain when I can get money to pay the losses.

"I must think that Motor, Fleischmann, Remington-Rand, indeed all but South Porto Rico, will swing back to prices indicated. I have to see the physician in conference in Baltimore at 10 Monday. Expect to reach New York 4.15 or 4.30 and will go to Herald Square Hotel, from where will call you. Sincerely yours."

ASKS HIM TO "RAISE" $1,000

(Telegram dated February 24, 1928)

From Kable & Co. to James Cannon, jr., Box 605, Richmond, Va.—"If you can raise $1,000 to be here by Monday morning we can take care of the balance on 200 shares of a certain stock that is certain to net 10 points profit immediately. Advise at once."

(Telegram dated February 24, 1928)

From James Cannon jr., to H. Goldhurst, Kable & Co.—"Telegram received after writing note to-night. Use best judgment concerning exchange."

(Telegram dated February 25, 1928)

From James Cannon jr., to H. Goldhurst, Kable & Co.—"Wire 50 Bliss Building giving stock, probable number days before 10 point rise."

(Telegram, dated February 25, 1928)

From Kable & Co. to James Cannon jr., Bliss Building, Washington.—"Want to show you most certainly a good turn for a change. Will arrange for the balance for you until we can get out with a 10 point profit on 100 shares of International Match preferred. Last sale 100 per share. Pool in the stock should send it up to 112 before next Friday. Do everything possible to get 100 shares immediately and forward 1,000 to-night special delivery."

OBTAINED ADVANCE ON SALARY

(Longhand letter dated February 29, 1928)

From James Cannon jr., on the stationery of the Hotel Driscoll, Washington, D. C., to H. Goldhurst.—"It seems difficult to keep one item straight. You wired me stating that if I could raise 100 ($1,000) you could handle balance on 200 shares of Match. I made a great effort and secured advance on salary and wrote sending you checks of that account. You have sent no receipt to my office for those checks, so Miss Burroughs telephones me. Send receipt at once. She must keep her accounts straight.

"Do not know what you mean by 150 more, whether you mean $150 money, or shares of stock, but in either event I can not take anything more. Two hundred shares of stock at that price is heavy for me, very heavy. Wire Richmond promptly Thursday morning acknowledging receipt of $1,000 and indicating that 200 shares, not 100, have been transferred as per your telegram Friday. Do not fail to do this.

"I go to Florida via Atlanta Thursday afternoon or evening, returning to New York 7th or 8th, at which time will see you. But do not wire or telephone to Washington, unless I direct. My wife was much disturbed by an effort to get me Saturday by phone. Match is reported in evening paper as reading 100⅛ but closing 99⅛.

Sincerely yours.

P. S.—Be sure wire Richmond by noon acknowledging receipt of $1,000, sending receipt later transferring 200, not 100 shares.

FAILURE OF PROPHECY REGRETTED

[Letter, dated March 1, 1928]

From James Cannon, jr., on the stationery of the Anti-Saloon League of Virginia, to H. Goldhurst.

"I find your telegram on my return to Richmond. I am really sorry not only for my own sake, but for yours, that you are not a prophet of the first grade. I do not know from whom you get your information, but they are evidently not prophets of the first grade, and with the exception of the Paige and the Northern Ohio (which, by the way, was doing very well when I last noticed it) all of our stocks have gone back and wallowed in the trough of the sea. I wonder what is going to happen to Interborough Rapid Transit? I saw that it jumped up 2 or 3 points the other day, but no sales were quoted to-day. The issue in it seems to be very uncertain.

"I am writing this, however, especially to emphasize the fact that I am not in a position to take such expensive stocks. If I had been free when Texas went down to 21 I would not have hesitated to have bought 1,000 and sold it at 23 or 23½, and bought it back again as conditions indicated. I was disgusted to see to-day that Continental Baking A had tumbled down one-third. Continental Baking B, of which I got 700 shares, has gone down nearly to 4. Do not try to reach me now until I wire you. I am leaving Richmond for the South to-night. Do not wire to Richmond or to Washington until you hear from me again, which will probably be next Wednesday.

"Affectionately and sincerely."

(Telegram dated March 3, 1928, from Kabel & Co., to Bishop James Cannon)

"Closed at 200 General Motors at 140¼ will purchase at the first reaction."

(Telegram dated March 6, 1928, from James Cannon, jr., to H. Goldhurst)

"Astounded precipitated sale motors without consultation. Was expecting some such rise. Be New York Wednesday."

(Longhand letter, undated, on the stationery of the Hotel Driscoll, Washington (probably March, 1928), from James Cannon, jr., to H. Goldhurst)

"DEAR MR. GOLDHURST: * * * Make the pools on Fleischman, Remington Rand push their pets."

(Letter dated March 10, 1928, from James Cannon, jr., on the stationery of the Anti-Saloon League of Virginia to H. Goldhurst)

"I take it for granted that you sold the Butterick at 54, as the papers quoted sales of 54½ yesterday, but much to my surprise no letter or telegram has come from you.

"Sincerely yours."

STATEMENT OF SALES ASKED

(Telegram dated March 17, 1928, from James Cannon, jr., New York City, to H. Goldhurst)

"Send statement sales purchases for my attention Richmond to-night. Hope return Monday or Tuesday."

(Longhand letter, dated March 19, 1928, from James Cannon, jr., on the stationery of the Waldorf-Astoria Hotel, New York City, to H. Goldhurst)

"DEAR MR. GOLDHURST: As you doubtless saw to-day, I was much upset. My wife's condition was not satisfactory this morning, but I took early train with understanding would call long distance in time to catch evening train back if she desired. Soon after phoning you to sell Butterick at 54, I saw several sales later at that, and South Rico at 37¼. I got long distance and decided I should return as she wished. I hope before returning to get the bank deal closed. I look for considerable reaction and profit taking.

"Hastily."

(Telegram dated March 21, 1928, from Kable & Co., to James Cannon jr., box 605, Richmond, Va.)

"Put through 200 American Can for quick profit. Have good information stock is due for 10-point advance immediately. Will be able to carry it for you on immediate payment of only 750. Kindly forward check."

Telegram dated March 22, 1928, from James Cannon, jr., to Kable & Co.: "Must insist you send statement requested immediately."

NERVOUS OVER PURCHASES

Telegram dated March 24, 1928, from Kable & Co. to James Cannon, jr., box 605, Richmond, Va.: "Tremendous market has put us several days behind. Will try to forward statement to you to-day. Thanks."

Longhand letter (Sunday) dated March 25, 1928, from James Cannon, jr., to J. Goldhurst: "Dear Mr. Goldhurst: I waited in Richmond 'til to-night, hoping that I would get a report of sales and purchases. I think I have a correct record, but since you sold General Motors and International Match and bought American Can without order from me, I am nervous and uncertain what action may be taken. I shall not be back in Richmond 'til Wednesday, but hope statement will reach Miss Burroughs to be forwarded to me. Sincerely yours."

Telegram dated March 31, 1928, from H. Goldhurst, Kable & Co., to Bishop James Cannon, jr., box 605, Richmond, Va.: "If you can forward immediately special delivery 1,000 will get you 200 shares of a certain stock in a special account that will be better than International Match.

"This stock certain for 15 points quick advance, and it won't be sold until then. Would like to get you in on it Monday morning first thing. Please forward special-delivery letter and order."

Telegram dated April 2, 1928, from Kable & Co. to James Cannon, jr.: "Stock referred to International Business Machine now around 128."

CONCERNED OVER EBEL CASE

Longhand letter dated April 3, 1928, from James Cannon, jr., on the stationery of the Herald Square Hotel, New York City, to H. Goldhurst: "I was at the office at 12.15 and went from there to Kaisers (illegible) until 2. Went for lunch and came to office at 2.15. The statement was not ready and returned uptown to fill other engagements. Called office at 5.35, but no one answered. Also I want to talk with you about the Ebel decision. He seems to expect to carry on, as Miss Burroughs forwarded me wire sent by him Monday night offering a call on Motors of 8 up to $30, 70 shares for seven days. Write me also what you think about Ebel's probable engagements to settle without criminal prosecution. I am sorry for him, and I do not think he intended to hurt anybody. Sincerely yours."

PLEADS FOR SETTLEMENT

Loughand letter, dated April 6, 1928, from James Cannon, jr., to H. Goldhurst: "Why has not this settlement been sent? I went to the office twice last Tuesday and was assured it would be ready shortly. I wired you to send that night, but it has not come. My friend in the bank has been alarmed by the judge's decision in the Ebel case and insists that I must know how this account stands, and I can not explain your failure to send it."

Longhand letter, dated April 21, 1928, from James Cannon, jr., on the stationery of the Anti-Saloon League of America, to H. Goldhurst: "I can get some additional advances when my friend is satisfied that sales are made, as I agreed, but he can not understand failure to send regular statement of sales, as is done by other houses. Send at once to Richmond report of all sales.

"Sincerely yours,

"P. S.—Tell Al's friends not to count their chickens until they are hatched."

Telegram, dated April 25, 1928, from Cannon, Cleveland, Ohio, to H. Goldhurst: "Miss Burroughs wires cashier American National interviewed yesterday. Necessity demands writing confirmation sales can, 87; sugar, 40½; middle, 5; Marconi, 15 or better. Ebel failure made him nervous. Insists reliable houses promptly report sales. Beg you forward these reports to-day, prevent my further embarrassment, permitting additional credit."

Longhand letter, dated May 1, 1928, from James Cannon, jr., to H. Goldhurst: "* * * (about mistakes in commission fees), of course, I know you would not know of these mistakes, but my bank cashier did not understand. Just have these items checked over."

MASSACHUSETTS BAY COLONY TERCENTENARY COMMISSION

Mr. JONES. Mr. President, from the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 393) making an appropriation for the United States Massachusetts Bay Colony Tercentenary Commission, and I ask unanimous consent for its consideration.

There being no objection, the joint resolution was considered, read the third time, and passed, as follows:

Resolved, etc., For carrying out the provisions of the public resolution entitled "Joint resolution establishing a commission for the participation of the United States in the observance of the three-hundredth anniversary of the founding of the Massachusetts Bay Colony, authorizing an appropriation to be utilized in connection with such observance, and for other purposes," approved June 27, 1930, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000.

SALARIES OF POLICE AND FIREMEN OF DISTRICT OF COLUMBIA

Mr. JONES. Mr. President, from the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 384) making appropriations available to carry into effect the provisions of the act of the Seventy-first Congress entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia," and I ask unanimous consent for its immediate consideration.

There being no objection, the joint resolution was considered, read the third time, and passed, as follows:

Resolved, etc., That the respective appropriations for the fiscal year 1931 for pay and allowances of officers and members of the Metropolitan police force and for the pay and allowances of officers and members of the fire department of the District of Columbia are hereby made available for the compensation of such personnel at the rates provided in the act of the Seventy-first Congress entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia."

INVESTIGATION BY TARIFF COMMISSION

Mr. COPELAND. Mr. President, I ask unanimous consent that Senate resolution 313 be laid before the Senate.

The PRESIDING OFFICER. The clerk will report the resolution.

The Chief Clerk read the resolution (S. Res. 313) submitted by Mr. COPELAND, on the 2d instant, as modified, as follows:

Resolved, That the Tariff Commission is hereby directed to investigate the differences in the cost of production between the domestic article and foreign article, and to report upon the earliest date practicable upon the following articles: Wood flour; organs; pipes; bowls, and smokers' articles; reptile skin leather for shoe purposes, and pigskin leather; wool felt hats (1115–b), wool floor coverings (1117–c) and pigskins.

This request is made under and by virtue of section 336, and the following sections of the tariff act, approved on the 17th day of June, 1930.

Mr. COPELAND. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. BINGHAM. Mr. President, is that the resolution to which the Senator from Idaho [Mr. THOMAS] objected the other day?

Mr. COPELAND. I will say that I have conferred with the Senator from Idaho and have so modified the resolution that he has no objection to it now.

Mr. REED. Is that the resolution which involves pig iron?

Mr. COPELAND. No. That passed the other day.

Mr. WALSH of Massachusetts. Mr. President, I offer the following amendment to the resolution.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 16, line 6, after the word "goods," insert the following:

Northern white pine (Pinus strobus); Norway or red pine (Pinus resinosa); and eastern spruce (Picea mariana, Picea rubra, Picea glauca).

On page 1, after line 9, insert the following:

Resolved further, That the Tariff Commission is hereby directed to request that the Forest Service of the Department of Agriculture furnish the commission with such information as may be available as to the quantity and quality of the saw timber of the above-named species of woods remaining in the United States, which information shall be printed as a part of the report.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, I desire to offer an amendment to the resolution. At the end of the paragraph containing the list of articles to be investigated I move to add the words "window glass, straw hats, Fourdrinier wire."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HARRISON. Mr. President, I desire to offer an amendment to include maple sirup and maple sugar.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. Add at the proper place the words "maple sirup and maple sugar."

The amendment was agreed to.

Mr. JONES. Mr. President, I desire to offer as an amendment the various schedules of the tariff act.

The PRESIDING OFFICER. All in favor of the resolution as amended——

Mr. HARRISON. Mr. President, just a moment. A vote has not been had on the amendment offered by the Senator from Washington. He offered all the schedules and all the items of the various schedules of the tariff bill recently passed.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LA FOLLETTE. What became of the amendment of the Senator from Washington?

The PRESIDING OFFICER. The Chair understands that was offered in levity.

Mr. HARRISON. I ask for a vote on the amendment offered by the Senator from Washington. May I ask the Senator from Washington if he did offer it in levity?

Mr. JONES. Not exactly.

Mr. HARRISON. I want a vote on it. I think the Senator was sincere in offering it.

The PRESIDING OFFICER. Will the Senator from Washing state his amendment?

Mr. JONES. Mr. President, it would take considerable time to read all of the tariff schedules, so I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. Without objection, the resolution as amended is agreed to.

Mr. HASTINGS obtained the floor.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. What has happened to the resolution of the Senator from New York?

The PRESIDING OFFICER. It has been agreed to.

Mr. HASTINGS. Mr. President, the bill (H. R. 10341) to amend section 335 of the Criminal Code is a bill that defines petty offenses, where fines of $500 or six months in jail may be imposed——

Mr. HOWELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOWELL. Is not the resolution of the Senator from New York still pending and open to amendment?

The PRESIDING OFFICER. It is not. It has been agreed to as amended.

Mr. HOWELL. No vote was taken since the Senator from Washington withdrew his amendment.

The PRESIDING OFFICER. The resolution, as amended, was agreed to. The Senator from Delaware has the floor.

Mr. HASTINGS. I ask unanimous consent for the present consideration of the bill to which I have just referred.

Mr. HOWELL. Mr. President, I beg the Chair's pardon, but the amendment of the Senator from Washington was not voted upon. It was withdrawn, and no announcement has been made by the Chair since it was withdrawn. I have an amendment which I wish to offer to the resolution.

The PRESIDING OFFICER. The Chair states to the Senator from Nebraska that the resolution offered by the Senator from New York was amended several times, and as amended was agreed to. If the Senator from Nebraska wants to offer a resolution, he may do so now.

Mr. HOWELL. I move to reconsider the vote by which the resolution was agreed to.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska to reconsider the vote by which the resolution of the Senator from New York, as amended, was agreed to.

The motion was agreed to.

Mr. HOWELL. I wish to offer an amendment to add at the proper place in the resolution the words "boots, shoes, and hides."

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. Add at the proper place in the resolution the words "boots, shoes, and hides."

The amendment was agreed to.

The PRESIDING OFFICER. The resolution as amended is before the Senate.

The resolution as amended was agreed to, as follows:

Resolved, That the Tariff Commission is hereby directed to investigate the differences in the cost of production between the domestic article and foreign article, and to report upon the earliest date practicable upon the following articles: Wood flour; organs; pipes, bowls, and smokers' articles; reptile skin leather for shoe purposes, and pigskin leather; wool felt hats (1115 b), wool floor coverings (1117 c), and pigskins.

Northern white pine (*Pinus strobus*); Norway or red pine (*Pinus resinosa*); and Eastern spruce (*Picea mariana, Picea rubra, Picea glauca*).

Window glass, straw hats, and Fourdrinier wires, maple sirup and maple sugar, boots, shoes, and hides. This request is made under and by virtue of section 336 and the following sections of the tariff act, approved on the 17th day of June, 1930.

Resolved further, That the Tariff Commission is hereby directed to request that the Forest Service of the Department of Agriculture furnish the commission with such information as may be available as to the quantity and quality of the saw timber of the above named species of woods remaining in the United States, which information shall be printed as a part of the report.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on to-day, July 3, 1930, the President approved and signed the following acts:

S. 215. An act to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian

positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928;

S. 2828. An act authorizing commissioners or members of international tribunals to administer oaths, to subpœna witnesses and records, and to punish for contempt;

S. 3064. An act to make permanent the additional office of district judge created for the eastern district of Illinois by the act of September 14, 1922;

S. 4224. An act to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital;

S. 4657. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, sec. 226), as amended; and

S. 4735. An act to increase the salary of the Commissioner of Customs.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had adopted a resolution (H. Res. 292), as follows:

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate to wait upon the President of the United States to inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

ENROLLED BILLS SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the Presiding Officer (Mr. FESS) as Acting President pro tempore:

S. 1756. An act granting the sum of $5,000 to reimburse the family of the late Harold L. Lytle for hospital and medical expenses and loss of salary due to an injury received in a collision with a Government truck in Portsmouth, N. H., May 10, 1927; and

H. R. 10813. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes.

NOTIFICATION TO THE PRESIDENT

Mr. WATSON and Mr. WALSH of Montana advanced in the center aisle, and Mr. WATSON said:

Mr. President, your committee, appointed on the part of the Senate to notify the President of the United States that the two Houses have completed their business and are about to adjourn, and to inquire whether or not he has any further communication to make, have performed that duty and received from the President the response that he has no other communication to make at this time.

ADDITIONAL REPORT OF A COMMITTEE

Mr. HASTINGS. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 10341) to amend section 335 of the Criminal Code, and I submit a report (No. 1161) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Mr. President, is unanimous consent asked for present consideration of legislation?

The PRESIDING OFFICER. The bill has just been reported from the committee.

Mr. HASTINGS. I ask unanimous consent for its immediate consideration.

Mr. JOHNSON. This is no time to take up legislation of any kind. I do not know what the bill is, but at this particular hour, at this time in the session, by unanimous consent to be legislating concerning measures of which we have no knowledge, it seems to me is an inappropriate thing. I do not like to object, however.

Mr. HARRISON. Mr. President, I am going to suggest the absence of a quorum, but I withhold it for a moment.

Mr. McKELLAR. Mr. President, we are not going to have any more legislation to-night.

Mr. WATSON. Mr. President, I disapprove entirely of this method of legislation. We have 8 or 10 Senators on their feet at one time trying to obtain recognition to have resolutions and bills laid before the Senate and passed. We can not legislate in that way in an intelligent fashion.

I ask the Chair to lay before the Senate the resolution of final adjournment which was sent over from the House of Representatives, and I ask for its consideration at this time.

Mr. JONES. Mr. President, will the Senator yield? I want to submit a request for unanimous consent.

Mr. WATSON. I am good natured, so I am bound to yield.

ADDITIONAL REPORTS OF THE JUDICIARY COMMITTEE

Mr. HASTINGS, from the Committee on the Judiciary, to which was referred the bill (H. R. 10198) to repeal obsolete statutes and to improve the United States Code, reported it with amendments and submitted a report (No. 1162) thereon.

Mr. HEBERT, from the same committee, to which was referred the bill (H. R. 12056) providing for the waiver of trial by jury in the district courts of the United States, reported it without amendment and submitted a report (No. 1163) thereon.

STATEMENT OF APPROPRIATIONS FOR FISCAL YEAR 1930–31

Mr. JONES. Mr. President, I understand it is the usual practice for the chairman of the Committee on Appropriations to file a statement after adjournment with reference to appropriations. I may desire to have such a statement printed in the RECORD and I may not. However, I ask unanimous consent to place in the RECORD a table showing the appropriations for the fiscal year 1930–31.

Mr. McKELLAR. Mr. President, reserving the right to object, I desire to say that I am perfectly willing that shall be done, provided that I shall have a right to submit a like statement, should I so desire.

Mr. JONES. I would not object to the Senator's doing so. I also ask permission to print in the RECORD a comparison of the estimates with the appropriations for the year 1931.

Mr. HARRISON. Mr. President, reserving the right to object, I desire to say that it is the custom when a long, drawn-out session of Congress, such as this, is about to close, for some Senator on the Republican side, if the Republicans be in control, to make a statement relative to the "mischievements" of the particular Congress. Usually that duty has fallen upon the strong shoulders of the distinguished chairman of the Committee on Finance, the Senator from Utah [Mr. SMOOT]. However, he being absent, honeymooning toward Honolulu, I suppose [laughter], I presume that no other Senator is going to attempt to perform that duty to-night. So I shall not make objection to the request of the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL SUMMARY, SEVENTY-FIRST CONGRESS, SECOND SESSION

Mr. JONES. Mr. President, the total appropriations made during the second session of the Seventy-first Congress amount to $4,873,929,233.16, an increase of $208,692,465.12 over appropriations made during the second session of the Seventieth Congress.

Of this increase of $208,692,465.12, the sum of $38,343,119.18 represents the increase of indefinite appropriations. The authorizations have been made in previous years and appropriations therefor are made automatically each year without action by Congress. Deducting this $38,343,119.18 reduces this increase to $170,349,345.94.

This increase in a great measure is due to an effort to ameliorate the condition of agriculture and to give impetus to a building and improvement program which at this particular time will tide over and give additional employment. To invite your attention to the merit and justification of the increase referred to above, permit me to mention the following items:

To carry into effect the agricultural marketing act	$100,000,000
Cooperative construction of rural post roads	32,400,000
River and harbor work	17,000,000
Construction of public buildings and purchase of sites	19,704,500
Total	169,104,500

I emphasize other increases the purposes of which are wise and necessary, as follows:

U. S. Veterans' Bureau	$28,700,000
Pilgrimage to cemeteries in Europe of Gold Star Mothers	5,386,367
Commencement of construction of Boulder Dam	10,660,000
To meet the growing needs of the Post Office Department (exclusive of deficiencies)	22,167,352
Total	66,913,719

The financial affairs of our country have been well cared for during the second session of the Seventy-first Congress. We have kept well within the Budget estimates. After the very closest scrutiny by the President of the United States, through the Bureau of the Budget, the Committees on Appropriations of the Senate and the House of Representatives by the taking of thousands of pages of printed hearings, and by the House of Representatives and the Senate, the appropriations have been made on the most careful and economical lines and without extravagance, and only in keeping with the strictest growing needs of a great and developing country. The 1st day of this July we started off with a surplus in the Treasury of $184,000,000. During the fiscal year 1930 we reduced the public debt $746,000,000.

I present herewith two tables, one making a comparison of estimates and appropriations for the second session of the Seventy-first Congress and the other making a comparison of appropriations made during the second session of the Seventy-first Congress with appropriations of the second session of the Seventieth Congress.

Comparison of estimates and appropriations for the second session of the Seventy-first Congress

Title of bills	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Agriculture	$160,372,474.00	$155,397,770.00	−$4,974,704.00
District of Columbia	45,567,028.00	45,776,032.00	+209,004.00
Independent offices	553,685,388.00	553,523,166.00	−162,222.00
Interior	286,543,647.74	286,543,423.74	−224.00
Legislative	30,676,327.98	26,557,767.58	−4,118,560.40
Navy	382,422,676.00	380,573,111.00	−1,849,565.00
State, Justice, Commerce, and Labor	114,468,723.14	114,253,236.14	−215,487.00
State	17,224,926.14	17,020,469.14	−204,457.00
Justice	32,080,042.00	31,771,112.00	−308,930.00
Commerce	52,952,985.00	53,240,485.00	+287,500.00
Labor	12,210,770.00	12,221,170.00	+10,400.00
Treasury and Post Office	1,162,402,642.00	1,149,088,008.00	−13,314,634.00
Treasury	322,152,065.00	312,304,931.00	−9,847,134.00
Post Office	840,250,577.00	836,783,077.00	−3,467,500.00
War Department	457,308,917.00	456,544,151.00	−764,766.00
Military	339,511,465.00	339,106,459.00	−405,006.00
Nonmilitary	117,797,452.00	117,437,692.00	−359,760.00
Total, regular annuals	3,193,447,823.86	3,168,256,665.46	−25,191,158.40
First deficiency, 1930	168,970,193.41	169,547,689.96	+577,496.55
Second deficiency, 1930	75,425,550.16	74,102,022.74	−1,323,527.42
Total, deficiencies	244,395,743.57	243,649,712.70	−746,030.87
Permanent and indefinite appropriations	1,417,022,855.00	1,417,022,855.00	
Miscellaneous	42,689,027.31	[1] 45,000,000.00	+2,310,972.69
Grand total	4,897,555,449.74	4,873,929,233.16	−23,626,216.58

[1] Estimated.

Comparison of appropriations made during the second session of the Seventy-first Congress with appropriations of the second session of the Seventieth Congress

Title of act	Appropriations, Seventieth Congress, second session	Appropriations, Seventy-first Congress, second session	Increase (+) or decrease (−) of appropriations, Seventy-first Congress, second session, compared with same for Seventieth Congress, second session
REGULAR ANNUAL ACTS			
Agriculture	$144,511,554.00	$155,397,770.00	+$10,886,216.00
District of Columbia	38,472,615.00	45,776,032.00	+7,303,417.00
Independent offices	541,445,740.00	553,523,166.00	+12,077,426.00
Interior	285,585,463.02	286,543,423.74	+957,960.72
Legislative	18,660,645.00	26,557,767.58	+7,897,122.58
Navy	360,236,697.00	380,573,111.00	+20,336,414.00
State, Justice, Commerce and Labor	111,880,887.43	114,253,236.14	+2,372,348.71
State	14,600,478.43	17,020,469.14	+2,419,990.71
Justice	27,937,370.00	31,771,112.00	+3,833,742.00
Commerce	58,577,609.00	53,240,485.00	−5,337,124.00
Labor	10,765,430.00	12,221,170.00	+1,455,740.00
Treasury and Post Office	1,118,290,199.00	1,149,088,008.00	+30,797,809.00
Treasury	303,674,474.00	312,304,931.00	+8,630,457.00
Post Office	814,615,725.00	836,783,077.00	+22,167,352.00
War Department	453,789,362.00	456,544,151.00	+2,754,789.00
Military	331,038,442.00	339,106,459.00	+8,068,017.00
Nonmilitary	122,750,920.00	117,437,692.00	−5,313,228.00
Total, regular annuals	3,072,873,162.45	3,168,256,665.46	+95,383,503.01

Comparison of Appropriations made during the second session of the Seventy-first Congress with appropriations of the second session of the Seventieth Congress—Continued

Title of act	Appropriations, Seventieth Congress, second session	Appropriations, Seventy-first Congress, second session	Increase (+) or decrease (−) of appropriations, Seventy-first Congress, second session, compared with same for Seventieth Congress, second session
DEFICIENCY ACTS			
First, 1929	$97,613,461.61		−$97,613,461.61
Second, 1929	114,388,591.73		−114,388,591.73
First, 1930		$169,547,689.96	+169,547,689.96
Second, 1930		74,102,022.74	+74,102,022.74
Total, deficiency acts	212,002,053.34	243,649,712.70	+31,647,659.36
MISCELLANEOUS ACTS			
Miscellaneous relief and other acts	1,681,816.43	[1] 45,000,000.00	+43,318,183.57
Total, regular annual, deficiency, and miscellaneous acts	3,286,557,032.22	3,456,906,378.16	+170,349,345.94
PERMANENTS AND INDEFINITES			
Agriculture	11,048,436.00	11,618,436.00	+570,000.00
Commerce	3,000.00	3,000.00	
Independent offices	107,456,991.00	89,543,586.00	−17,913,405.00
Interior	25,712,000.00	20,963,700.00	−4,748,300.00
Labor	9,000.00	9,000.00	
Legislative	205,800.00	233,500.00	+27,700.00
Navy	1,824,550.00	1,851,550.00	+27,000.00
Post Office	220,000.00	220,000.00	
State	141,233.00	141,233.00	
Treasury:			
Interest on the public debt	640,000,000.00	619,000,000.00	−21,000,000.00
Sinking fund and other public debt retirement funds	553,067,629.02	635,324,000.00	+82,256,370.98
Ordinary permanents and indefinites	26,275,181.80	26,004,935.00	−270,246.80
Total, Treasury	1,219,342,810.82	1,280,328,935.00	+60,986,124.18
War:			
Military activities	1,365,900.00	1,365,900.00	
Nonmilitary activities	8,297,515.00	8,261,515.00	−36,000.00
Total, War Department	9,663,415.00	9,627,415.00	−36,000.00
District of Columbia	3,052,500.00	2,482,500.00	−570,000.00
Total, permanents and indefinites	1,378,679,735.82	1,417,022,855.00	+38,343,119.18
Grand total	4,665,236,768.04	4,873,929,233.16	+208,692,465.12

[1] Estimated.

APPROPRIATIONS MADE DURING THE SECOND SESSION OF THE SEVENTY-FIRST CONGRESS FOR PREPARATIONS FOR AND RESULTS OF WAR

The total appropriations for the support of the Government made during the second session of the Seventy-first Congress, less $836,783,077 for the Postal Service and paid from postal revenues, is $4,037,146,156.16. Of this sum, as shown in the following statement, $2,831,825,962.85 goes for preparation for and results of war or 70 per cent of the total appropriations, exclusive of the Postal Service paid from postal revenues.

Appropriations made during the second session of the Seventy-first Congress for preparations for and results of war

District of Columbia act:		
Temporary home for Union ex-soldiers and sailors		$15,940.00
Burial of ex-service men		225.00
Southern Relief Society		10,000.00
Militia		62,000.00
Total, District of Columbia act		88,165.00
Independent offices act:		
American Battle Monuments Commission		1,000,000.00
Housing Corporation		48,950.00
United States Veterans' Bureau		511,225,000.00
Total, independent offices		512,273,950.00
Interior act:		
Bureau of Pensions		214,167,400.00
St. Elizabeths Hospital		1,513,248.00
Total, Interior act		215,680,648.00
Navy act		$380,573,111.00
State, Justice, Commerce, and Labor act:		
Mixed Claims Commission		125,075.00
Protecting interests of the United States under settlement of war claims act of 1928		60,750.00
Helium production and investigation		380,190.00
Total State, Justice, Commerce, and Labor		566,015.00
Treasury and Post Office act:		
Public Debt Service		2,400,000.00
War Department act		351,874,051.00
First deficiency act, 1930		20,130,982.67
Second deficiency act, 1930		5,555,508.18
Permanents and indefinites:		
Veterans' Bureau, insurance fund	$78,530,000.00	
Navy Department	1,851,550.00	
Interest on the public debt	619,000,000.00	
Sinking fund and other debt-retirement funds	635,324,000.00	
War Department	2,089,815.00	
Total, permanents and indefinites		1,336,795,365.00
Miscellaneous appropriations		[1] 5,888,167.00
Total		2,831,825,962.85

FINAL ADJOURNMENT

Mr. WATSON. Mr. President, I ask the Chair to lay down the concurrent resolution providing for final adjournment which has been adopted by the other House.

Mr. BARKLEY rose.

[1] Estimated.

Mr. WATSON. I will ask the Senator to wait a minute. The concurrent resolution, if adopted, will not mean immediate adjournment, but the resolution provides that when Congress shall adjourn it will adjourn to-day, at some time before midnight.

The PRESIDING OFFICER. The Chair lays before the Senate the resolution of the House of Representatives, which will be read, and then Senators may proceed with their remarks.

The Chief Clerk read the resolution (H. Con. Res. 44), as follows:

House Concurrent Resolution 44

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Thursday, the 3d day of July, 1930, and that when they adjourn on said day they stand adjourned sine die.

Mr. LA FOLLETTE. I ask for the yeas and nays on the concurrent resolution.

Mr. BARKLEY. Mr. President, will the Senator from Indiana yield to me?

Mr. WATSON. I yield to the Senator, but let us first have the yeas and nays.

The PRESIDING OFFICER. Is there a second to the request for the yeas and nays?

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GILLETT (when his name was called). I have a general pair with the Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the Senator from New York [Mr. WAGNER] and vote "yea."

Mr. HARRISON (when his name was called). I have a general pair with the Senator from Utah [Mr. SMOOT]. Not knowing how he would vote on this question, if present [laughter], I withhold my vote.

Mr. REED (when his name was called). I transfer my general pair with the Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Texas [Mr. CONNALLY] and vote "yea."

Mr. COPELAND (when Mr. WAGNER'S name was called). My colleague [Mr. WAGNER] is necessarily absent. If he were here, and permitted to vote, he would vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Rhode Island [Mr. HEBERT] and vote "yea."

The roll call was concluded.

Mr. DENEEN. I transfer my general pair with the junior Senator from North Carolina [Mr. OVERMAN] to the senior Senator from North Dakota [Mr. FRAZIER] and vote "yea."

Mr. McNARY. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Iowa [Mr. BROOKHART] with the Senator from Utah [Mr. KING];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. BROUSSARD];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER];

The Senator from Illinois [Mr. GLENN] with the Senator from Iowa [Mr. STECK]; and

The Senator from New Jersey [Mr. KEAN] with the Senator from Washington [Mr. DILL].

Mr. HAYDEN. I wish to announce that my colleague the senior Senator from Arizona [Mr. ASHURST] is necessarily absent. If present, he would vote "yea."

Mr. SHEPPARD. I desire to announce that the senior Senator from South Carolina [Mr. SMITH], the senior Senator from Florida [Mr. FLETCHER], the senior Senator from Missouri [Mr. HAWES], and the junior Senator from Utah [Mr. KING] are necessarily detained from the Senate by illness.

The senior Senator from North Carolina [Mr. SIMMONS], the senior Senator from New Mexico [Mr. BRATTON], and the junior Senator from South Carolina [Mr. BLEASE] are necessarily detained by illness in their families.

I also desire to announce that the senior Senator from Arkansas [Mr. ROBINSON], the junior Senator from Louisiana [Mr. BROUSSARD], the senior Senator from Maryland [Mr. TYDINGS], the junior Senator from North Carolina [Mr. OVERMAN], the Senator from Alabama [Mr. HEFLIN], the Senator from Washington [Mr. DILL], and the senior Senator from Iowa [Mr. STECK] are necessarily absent from the Senate.

The general pairs of these Senators have been announced.

The Senator from Florida [Mr. FLETCHER], if present, would vote "yea."

The result was announced—yeas 40, nays 14, as follows:

YEAS—40

Allen	Hale	Metcalf	Stelwer
Bingham	Harris	Nye	Stephens
Capper	Hastings	Oddie	Sullivan
Copeland	Hatfield	Patterson	Swanson
Dale	Hayden	Phipps	Townsend
Deneen	Jones	Pine	Trammell
Fess	Kendrick	Pittman	Vandenberg
George	Keyes	Reed	Walcott
Gillett	McCulloch	Robinson, Ind.	Walsh, Mont.
Goldsborough	McNary	Shortridge	Watson

NAYS—14

Barkley	Couzens	McKellar	Thomas, Okla.
Black	Glass	Norris	Walsh, Mass.
Caraway	Johnson	Sheppard	
Connally	La Follette	Shipstead	

NOT VOTING—42

Ashurst	Fletcher	Howell	Simmons
Baird	Frazier	Kean	Smith
Blaine	Glenn	King	Smoot
Blease	Goff	McMaster	Steck
Borah	Gould	Moses	Thomas, Idaho
Bratton	Greene	Norbeck	Tydings
Brock	Grundy	Overman	Wagner
Brookhart	Harrison	Ransdell	Waterman
Broussard	Hawes	Robinson, Ark.	Wheeler
Cutting	Hebert	Robsion, Ky.	
Dill	Heflin	Schall	

So the concurrent resolution was agreed to.

PRINTING OF PROHIBITION HEARINGS BEFORE HOUSE JUDICIARY COMMITTEE

Mr. SHIPSTEAD. Mr. President, on the calendar is a House concurrent resolution providing for the printing of certain hearings. For these hearings there have come demands from many Senators and Members of the lower House.

I ask unanimous consent, therefore, for the immediate consideration of Order of Business 1191, House Concurrent Resolution 31.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent for the present consideration of a concurrent resolution, which will be stated by the Secretary.

The Chief Clerk read the concurrent resolution (H. Con. Res. 31) to print 10,000 additional copies of the hearings held before the House Committee on the Judiciary on joint resolutions proposing to amend the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States, and it was considered by unanimous consent and agreed to.

CORRECTION OF THE ENROLLMENT OF SENATE BILL 1756

Mr. McNARY. I move that the Senate proceed to the consideration of executive business.

Mr. REED. Will the Senator from Oregon withhold his motion for a moment?

The PRESIDING OFFICER. Does the Senator from Oregon withhold the motion?

Mr. McNARY. I do.

Mr. REED. A Senate bill 1756, just messaged over from the House recites in its title that it is to pay $5,000 to the family of one Lytle. As a matter of fact, that bill was amended in both Houses to read $3,500, but by mistake the title was not amended. I offer a concurrent resolution to amend the title in the engrossing of the bill, and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be read.

The Chief Clerk read the concurrent resolution (S. Con. Res. 33), as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 1756) granting the sum of $5,000 to reimburse the family of the late Harold L. Lytle for hospital and medical expenses and loss of salary due to an injury received in a collision with a Government truck in Portsmouth, N. H., May 10, 1927, the Secretary of the Senate is hereby authorized and directed to amend the title of said bill so as to read: "An act for the relief of the family of the late Harold L. Lytle."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. BLACK. Mr. President, reserving the right to object, which I do not care to do and I hope I shall not have to do, there are several other local bills on the calendar which could be taken up. They are equally as important as this, and we could dispose of them in a very few minutes.

Mr. REED. This is a bill that has passed, and the resolution merely corrects a mistake in the title.

Mr. BLACK. I have a bill which has passed the House and in which only $300 are involved. It has been unanimously reported by the committee, and provides for the payment of money that is due a man by the Government. If I can get an agreement to consider that bill I shall not object to the concurrent resolution.

The PRESIDING OFFICER. Does the Senator object to the consideration of the concurrent resolution?

Mr. BLACK. I have been trying to get the floor for an hour. The Senator from Delaware [Mr. HASTINGS] was called to the floor when he was sitting down, while I was standing up trying to address the Chair, but could not get recognition. If I am permitted to bring up this bill, I shall not object.

The PRESIDING OFFICER. Is there objection?

Mr. COUZENS. I will have to object. If we are going to proceed to legislate I want to legislate on the unfinished business.

The PRESIDING OFFICER. Objection is made.

EXECUTIVE SESSION

Mr. McNARY. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

Mr. SHIPSTEAD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SHIPSTEAD. Is it in order to submit a proposed unanimous-consent agreement?

The PRESIDING OFFICER. The Senate is now in executive session. When the Senate shall resume its legislative session, it will be in order for the Senator to present his request.

The PRESIDING OFFICER laid before the Senate messages from the President of the United States, submitting sundry nominations, which were referred to the appropriate committees.

The PRESIDING OFFICER. Report of committees are in order.

THE JUDICIARY

Mr. WALSH of Montana. From the Committee on the Judiciary I report two nominations and ask for their immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read the nominations reported by the Senator from Montana.

The Chief Clerk read the nominations of Asa W. Butler, of Missouri, to be United States marshal, western district of Missouri.

The PRESIDING OFFICER. Without objection, the nomination is confirmed and the President will be notified.

The Chief Clerk read the nomination of Henry E. Davis, of South Carolina, to be United States attorney, eastern district of South Carolina.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

THE NAVY

The PRESIDING OFFICER. Are there further reports of committees?

Mr. HALE. From the Committee on Naval Affairs I report certain nominations and ask unanimous consent for their immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations will be read.

The Chief Clerk read the nominations reported by Mr. HALE, as follows:

Lieut. Col. Ellis B. Miller to be a colonel in the Marine Corps from the 30th day of June, 1930.

Lieut. Col. Arthur J. O'Leary to be a colonel in the Marine Corps from the 1st day of July, 1930.

Maj. David M. Randall to be a lieutenant colonel in the Marine Corps from the 30th day of June, 1930.

Maj. Harry G. Bartlett to be a lieutenant colonel in the Marine Corps from the 1st day of July, 1930.

First Lieut. Harry W. Bacon to be a captain in the Marine Corps from the 30th day of June, 1930.

Second Lieut. Floyd A. Stephenson to be a first lieutenant in the Marine Corps from the 30th day of June, 1930.

The PRESIDING OFFICER. Without objection, the nominations are confirmed, and the President will be notified.

THE COAST GUARD AND COAST AND GEODETIC SURVEY

Mr. JOHNSON. From the Committee on Commerce I report certain nominations of officers of the Coast Guard and of the Coast and Geodetic Survey and ask that they be confirmed en bloc and that the President be notified. They are merely formal.

The PRESIDING OFFICER. Without objection, the Coast Guard and Coast and Geodetic Survey nominations referred to by the Senator from California will be confirmed en bloc, and the President will be notified.

POST-OFFICE NOMINATIONS

Mr. PHIPPS. I send to the desk nominations of certain postmasters, all of which have been approved by the Senators interested. I ask for their immediate consideration.

The PRESIDING OFFICER. Does the Senator ask for the immediate consideration en bloc of the nominations just reported and also those on the calendar?

Mr. PHIPPS. I will make that request.

Mr. BLACK. Mr. President, are the nominations going to be read? If not, may I ask the Senator if there is a postmaster on the list for McKenzie, Ala.?

Mr. PHIPPS. I believe not. I can check the list in just a moment. It is not on the calendar.

Mr. BLACK. It is not on the Executive Calendar. I was asking if it was in the list reported.

Mr. PHIPPS. No; it is not.

Mr. BLACK. That appointment came to the Senate. I have an objection to it.

Mr. PHIPPS. Those reported have all been approved by the Senators of the respective States.

The PRESIDING OFFICER. Without objection, the post-office nominations will be confirmed en bloc, and the President notified.

COLLECTOR OF CUSTOMS, PHILADELPHIA

Mr. WATSON. From the Committee on Finance I report the nomination of A. Lincoln Acker to be collector of customs for Philadelphia, and ask for its present consideration. It is a reappointment.

The PRESIDING OFFICER. The nomination will be stated.

The Chief Clerk read the nomination of A. Lincoln Acker, of Philadelphia, Pa., to be collector of customs for customs collection district No. 11, with headquarters at Philadelphia, Pa.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

PUBLIC HEALTH SERVICE

The CHIEF CLERK. Also, the following-named officers in the Public Health Service: Senior Surgeon James C. Perry——

The PRESIDING OFFICER. Without objection, these nominations will be confirmed en bloc, and the President notified.

Are there further reports from the committees?

Mr. LA FOLLETTE. Mr. President, I did not hear the second nomination that was confirmed.

The PRESIDING OFFICER. The clerk will restate it.

The Chief Clerk restated the nomination.

The PRESIDING OFFICER. Are there further reports of committees?

THE ARMY

Mr. REED. Mr. President, certain nominations came from the President to-day in the Army, and I understand that they have been referred to the Committee on Military Affairs. I am authorized by the committee to report them favorably, and ask for their immediate consideration.

The PRESIDING OFFICER. The nominations will be stated.

The CHIEF CLERK. In the Army:

To be Assistant Chief of the Air Corps, with the rank of brigadier general, Lieut. Col. Henry Conger Pratt.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The CHIEF CLERK. Cavalry: Second Lieut. Powhatan Moncure Morton, Infantry, with rank from June 9, 1928.

Mr. REED. Mr. President, the others are routine promotions. I ask that they be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed, and the President will be notified.

The calendar is in order.

THE JUDICIARY

The Chief Clerk read the nomination of Oscar R. Luhring, of Indiana, to be associate justice of the Supreme Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nomination of John P. Nields to be United States district judge, district of Delaware.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

THE MARINE CORPS

The Chief Clerk proceeded to announce the nominations of sundry officers in the Marine Corps.

The PRESIDING OFFICER. Without objection, the nominations will be confirmed en bloc, and the President will be notified.

That completes the calendar.

MILLER FIELD, STATEN ISLAND, N. Y.

Mr. COPELAND. Mr. President, as in legislative session, I trust the Senate will bear with me for a moment.

Mr. COUZENS. Mr. President, have we completed the Executive Calendar?

The PRESIDING OFFICER. We have.

Mr. NORRIS. Then why do we not go back into legislative session?

Mr. COPELAND. Mr. President, it is desired by the Government to connect Miller Field, on Staten Island, with the New York City public sewer system. There is a bill which has passed the House, which has been considered by the chairman of the Military Affairs Committee and recommended by the War Department——

Mr. WATSON. Mr. President, I desire to ask the Senator a question. Does the Senator know that we are now in executive session?

Mr. COPELAND. I asked that this might be done as in legislative session.

Mr. WATSON. Are we through with the executive business?

The PRESIDING OFFICER. We are.

Mr. WATSON. I move, then, that the Senate proceed to the consideration of legislative business.

The motion was agreed to, and the Senate resumed legislative session.

Mr. COPELAND. Mr. President, this bill involves no expense whatever. It is understood by the committee. It has passed the House. It exchanges a narrow strip of land on one side of a street, and in return for it the city permits the connection of Miller Field with the public sewer system, and makes all the changes without expense to the Government.

I ask unanimous consent that this bill H. R. 736 may be placed on its passage.

The PRESIDING OFFICER. Is there objection?

Mr. COUZENS. Is the bill on the calendar?

Mr. COPELAND. The bill is not on the calendar. Let me appeal to the Senator: It is my fault that I have not pressed this matter before. I did not go to the committee. The importance of it had not been impressed upon me; but the city desires to make that connection at once, this summer, and the Government desires to have that sewer connection with Miller Field. I am sure, under the circumstances, that the Senator will permit the passage of the bill.

Mr. HARRIS. It is recommended by the War Department?

Mr. COPELAND. It is recommended by the War Department.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the Committee on Military Affairs be discharged from the further consideration of House bill 736, and that it be put on its passage. Is there objection?

Mr. McNARY. Mr. President, I thought it was rather understood that when we adopted the concurrent resolution to adjourn, and then went into executive session, that that completed the legislative session for this session of Congress. I think we had better follow out that understanding. It was the general theory of those present, and a great many absent, that we would not go to the calendar.

Mr. COPELAND. If the Senator will bear with me, this is a matter of governmental concern. If it were a private bill, a bill affecting an individual, I would not press it at this time, but it is the connection of Miller Field, of the War Department, with the public sewer. The Senator can readily understand how necessary that is, and I trust he will make an exception here. I would not press the matter at all if it were a private bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York that the Committee on Military Affairs be discharged from the further consideration of the bill? The Chair hears none.

Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 736) to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system, which was read, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS PRESENTED

Mr. GILLETT (for Mr. GREENE), from the Committee on Enrolled Bills, reported that on to-day the committee presented to the President of the United States the following enrolled bills:

S. 859. An act for the relief of Clara E. Nichols;

S. 1406. An act for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Company;

S. 1756. An act granting the sum of $5,000 to reimburse the family of the late Harold L. Lytle for hospital and medical expenses and loss of salary due to an injury received in a collision with a Government truck in Portsmouth, N. H., May 10, 1927;

S. 2498. An act to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes;

S. 2828. An act authorizing commissioners or members of international tribunals to administer oaths, to subpœna witnesses and records, and to punish for contempt;

S. 3064. An act to make permanent the additional office of district judge created for the eastern district of Illinois by the act of September 14, 1922;

S. 3853. An act for the relief of Alexander M. Proctor;

S. 4224. An act to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital;

S. 4657. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, sec. 226), as amended; and

S. 4735. An act to increase the salary of the Commissioner of Customs.

EMMETT BROOKS

Mr. BLACK. Mr. President, I ask unanimous consent to consider Order of Business 1189, House bill 10093, for the relief of Emmett Brooks.

FINAL ADJOURNMENT

Mr. McNARY. Mr. President, I think I must insist that it is not fair to take up the calendar at this time. I move that the Senate carry out the concurrent resolution adopted a few moments ago and adjourn sine die.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and (at 10 o'clock and 37 minutes p. m.) the Senate, under the concurrent resolution adopted by the two Houses, adjourned sine die.

NOMINATIONS

Executive nominations received by the Senate July 3, 1930

COAST AND GEODETIC SURVEY

The following-named officers of the Coast and Geodetic Survey to the positions named:

Aid with relative rank of ensign in the Navy

Max Gaylord Ricketts, of South Dakota, vice J. P. Lushene, promoted.

Fred Natella, of Illinois, vice C. LeFever, promoted.

Edward Bunyan Brown, jr., of South Carolina, vice H. O. Fortin, promoted.

Maurice Albert Hecht, of Wyoming, vice G. W. Lovesee, promoted.

John Clifton Tribble, jr., of Mississippi, vice L. W. Swanson, promoted.

Octavius Bowen Hartzog, jr., of South Carolina, vice G. R. Fish, promoted.

James Chisolm Tison, jr., of South Carolina, vice F. R. Gossett, promoted.

Clarence Robert Reed, of North Dakota, vice J. C. Mathisson, promoted.

Edmund Leroy Jones, of Michigan, vice H. J. Oliver, promoted.

William Clarence Russell, of Massachusetts, vice G. E. Morris, promoted.

Junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy

Joseph Percival Lushene, of Minnesota, vice H. C. Warwick, promoted.

Curtis LeFever, of Michigan, vice B. H. Rigg, promoted.

Henry Octave Fortin, of Montana, vice R. W. Woodworth, promoted.

George William Lovesee, of Colorado, vice L. C. Wilder, promoted.

Lawrence Wilbur Swanson, of Colorado, vice J. M. Smook, promoted.

Gilbert Rolland Fish, of Nebraska, vice E. B. Roberts, promoted.

Franklin Rice Gossett, of Tennessee, vice H. E. Finnegan, promoted.

John Clarence Mathisson, of Alabama, vice C. M. Thomas, promoted.

Harold Joseph Oliver, of Iowa, vice C. Pierce, promoted.

George Edward Morris, jr., of Minnesota, vice T. B. Reed, promoted.

Roswell Clarence Bolstad, of Minnesota, vice R. W. Knox, promoted.

Arthur Newton Stewart, of Kansas, vice H. A. Karo, promoted.

Clarence Allan George, of Kentucky, vice G. L. Anderson, promoted.

George Marion Marchand, of Pennsylvania, vice E. J. Brown, promoted.

James Nutty Jones, of Tennessee, vice K. G. Crosby, promoted.

Robert August Earle, of Pennsylvania, vice L. S. Hubbard, promoted.

Harry Franklin Garber, of District of Columbia, vice P. C. Doran, promoted.

Karl Border Jeffers, of Ohio, vice R. C. Rowse, promoted.

Hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy

Henry Caperton Warwick, of West Virginia, vice J. H. Peters, promoted.

Benjamin Haines Rigg, of New Jersey, vice E. R. Hand, promoted.

Ralph Woglom Woodworth, of New Jersey, vice O. L. Swainson, promoted.

Leo Clark Wilder, of Vermont, vice A. L. Giacomini, promoted.

Joseph Murray Smook, of New York, vice G. D. Cowie, promoted.

Elliott Burgess Roberts, of Massachusetts, vice H. A. Cotton, promoted.

Henry Edward Finnegan, of New York, vice F. S. Borden, promoted.

Charles Mitchell Thomas, of Virginia, vice G. C. Mattison, promoted.

Charles Pierce, of Massachusetts, vice H. B. Campbell, promoted.

Thomas Bernard Reed, of Kansas, vice K. T. Adams, promoted.

Robert Walker Knox, of Washington, vice E. W. Eickelberg, promoted.

Henry Arnold Karo, of Nebraska, vice F. L. Peacock, promoted.

George Livingston Anderson, of Virginia, vice R. L. Schoppe, promoted.

Edwin Jay Brown, of Michigan, vice J. Senior, promoted.

Kenneth Gleason Crosby, of Massachusetts, vice R. P. Eyman, promoted.

Leonard Sargent Hubbard, of Massachusetts, vice new position.

Philip Chester Doran, of Connecticut, vice new position.

Roger Cushing Rowse, of Missouri, vice new position.

APPOINTMENT IN THE REGULAR ARMY

To be assistant to the Chief of the Air Corps, with the rank of brigadier general for a period of four years from the date of acceptance, with rank from July 17, 1930

Lieut. Col. Henry Conger Pratt, Air Corps, vice Brig. Gen. Frank P. Lahm, Assistant to the Chief of the Air Corps, whose term of office expires July 16, 1930.

APPOINTMENT, BY TRANSFER, IN THE ARMY

TO CAVALRY

Second Lieut. Powhatan Moncure Morton, Infantry, with rank from June 9, 1928.

PROMOTIONS IN THE ARMY

To be colonel

Lieut. Col. John Mitchell Dunn, Coast Artillery Corps, from June 30, 1930.

To be lieutenant colonels

Maj. Harry Hall Pritchett, Infantry, from June 30, 1930.

Maj. Alexander Hamilton Jones, Quartermaster Corps, from July 1, 1930.

To be majors

Capt. Henry Rasick Behrens, Coast Artillery Corps, from June 30, 1930.

Capt. Roy Charles Lemach Graham, Quartermaster Corps, from July 1, 1930.

To be captains

First Lieut. Logan Woods Boyd, Infantry, from June 30, 1930.

First Lieut. Ulysses Grant Jones, Air Corps, from July 1, 1930.

To be first lieutenants

Second Lieut. Clarence Steven Thorpe, Air Corps, from June 30, 1930.

Second Lieut. Paul Ready Greenhalgh, Cavalry, from July 1, 1930.

MEDICAL CORPS

To be majors

Capt. William Thomas Fisher, Medical Corps, from June 26, 1930.

Capt. George Palmer McNeill, jr., Medical Corps, from June 30, 1930.

Capt. Benjamin William Lewis, Medical Corps, from July 1, 1930.

To be captains

First Lieut. Oliver Kunze Niess, Medical Corps, from July 2, 1930.

First Lieut. Carl Milo Rylander, Medical Corps, from July 2, 1930.

PROMOTIONS IN THE NAVY

MARINE CORPS

Lieut. Col. Ellis B. Miller to be a colonel in the Marine Corps from June 30, 1930.

Lieut. Col. Arthur J. O'Leary to be a colonel in the Marine Corps from July 1, 1930.

Maj. David M. Randall to be a lieutenant colonel in the Marine Corps from June 30, 1930.

Maj. Harry G. Bartlett to be a lieutenant colonel in the Marine Corps from July 1, 1930.

First Lieut. Harry W. Bacon to be a captain in the Marine Corps from June 30, 1930.

Second Lieut. Floyd A. Stephenson to be a first lieutenant in the Marine Corps from June 30, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 3, 1930

ASSOCIATE JUSTICE, SUPREME COURT

Oscar R. Luhring, District of Columbia.

UNITED STATES DISTRICT JUDGE

John P. Nields, district of Delaware.

UNITED STATES DISTRICT ATTORNEY

Henry E. Davis, eastern district of South Carolina.

UNITED STATES MARSHAL

Asa W. Butler, western district of Missouri.

COLLECTOR OF CUSTOMS

A. Lincoln Acker, district No. 11, Philadelphia, Pa.

COAST GUARD

To be commanders (engineering)

Charles E. Sugden.
Herbert N. Perham.
Benjamin C. Thorn.
Milton R. Daniels.
Ellis Reed-Hill.

To be lieutenant (junior grade)

Leon H. Morine.

To be lieutenant commanders

Albert M. Martinson.
Edward H. Fritzsche.
Carleton T. Smith.
Raymond J. Mauerman.
Robert C. Jewell.
George E. McCabe.
Lee H. Baker.

Lieutenant (junior grade) (temporary)

Kenneth S. Davis.

To be chief gunners

Sidney A. Harvey.
Alfred R. Greenaway.

To be chief machinists

Willard L. Jones.
Walter L. Hunley.
Jarvis B. Wellman.
George F. Kolb.
Irwin D. Weston.
George Holloway.
Edward A. Stanton.
Robert N. Williams.

COAST AND GEODETIC SURVEY

To be aides

Max Gaylord Ricketts.
Fred Natella.
Edward Bunyan Brown, jr.
Maurice Albert Hecht.
John Clifton Tribble, jr.
Octavius Bowen Hartzog, jr.
James Chisolm Tison, jr.
Clarence Robert Reed.
Edmund Leroy Jones.
William Clarence Russell.

To be junior hydrographic and geodetic engineers

Joseph Percival Lushene.
Curtis LeFever.
Henry Octave Fortin.
George William Lovesee.
Lawrence Wilbur Swanson.
Gilbert Rolland Fish.
Franklin Rice Gossett.
John Clarence Mathisson.
Harold Joseph Oliver.
George Edward Morris, jr.
Roswell Clarence Bolstad.
Arthur Newton Stewart.
Clarence Allan George.
George Marion Marchand.
James Nutty Jones.
Robert August Earle.
Harry Franklin Garber.
Karl Border Jeffers.

Hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy

Henry Caperton Warwick.
Benjamin Haines Rigg.
Ralph Woglom Woodworth.
Leo Clark Wilder.
Joseph Murray Smook.
Elliott Burgess Roberts.
Henry Edward Finnegan.
Charles Mitchell Thomas.
Charles Pierce.
Thomas Bernard Reed.
Robert Walker Knox.
Henry Arnold Karo.
George Livingston Anderson.
Edwin Jay Brown.
Kenneth Gleason Crosby.
Leonard Sargent Hubbard.
Philip Chester Doran.
Roger Cushing Rowse.

PUBLIC HEALTH SERVICE

To be medical directors

James C. Perry.
Samuel B. Grubbs.
Dana E. Robinson.
Louis P. H. Bahrenburg.
Holcombe McG. Robertson.
Ernest A. Sweet.

To be senior surgeons

Friench Simpson.
Robert Olesen.

APPOINTMENT IN THE ARMY

To be assistant to the Chief of the Air Corps, with the rank of brigadier general, for a period of four years from date of acceptance, with rank from July 17, 1930

Lieut. Col. Henry Conger Pratt.

APPOINTMENT, BY TRANSFER, IN THE ARMY

TO CAVALRY

Second Lieut. Powhatan Moncure Morton.

PROMOTION IN THE ARMY

To be colonel

John Mitchell Dunn, Coast Artillery Corps.

To be lieutenant colonels

Harry Hall Pritchett, Infantry.
Alexander Hamilton Jones, Quartermaster Corps.

To be majors

Henry Rasick Behrens, Coast Artillery Corps.
Roy Charles Lemach Graham, Quartermaster Corps.

To be captains

Logan Woods Boyd, Infantry.
Ulysses Grant Jones, Air Corps.

To be first lieutenants

Clarence Steven Thorpe, Air Corps.
Paul Ready Greenhalgh, Cavalry.

MEDICAL CORPS

To be majors

William Thomas Fisher.
George Palmer McNeill, jr.
Benjamin William Lewis.

To be captains

Oliver Kunze Niess.
Carl Milo Rylander.

PROMOTIONS IN THE NAVY

MARINE CORPS

Calhoun Anerum to be lieutenant colonel.
Thomas E. Watson to be major.
Walter G. Sheard to be major.
Roger W. Peard to be major.
Edward S. Shaw to be captain.
Homer L. Litzenberg, jr., to be first lieutenant.
Ellis B. Miller to be colonel.
Arthur J. O'Leary to be colonel.
David M. Randall to be lieutenant colonel.
Harry G. Bartlett to be lieutenant colonel.
Harry W. Bacon to be captain.
Floyd A. Stephenson to be first lieutenant.

POSTMASTERS

ARKANSAS

John A. Davis, Hope.
Samuel C. Scott, Wheetley.

CALIFORNIA

Maude R. Gay, Chester.
Alfred C. Beattie, Cucamonga.
John W. Landis, Diamond Spring.
William H. Smith, Point Arena.
Ella H. Conroy, San Quentin.
Wade J. Williams, Tranquillity.
Clyde A. Day, Westminster.
Clayton C. Darrow, Willits.

COLORADO

Daniel J. Brenneman, Crowley.
Alice J. Reed, Sanford.

FLORIDA

Charles L. Sickles, Apopka.
Jeannette C. Young, Starke.

GEORGIA

James W. Long, Ashburn.

ILLINOIS

Fred Humm, Bethalto.
William A. Lafont, Dowell.
Lloyd Ritzenthaler, Prairie View.
Mary E. Eiler, Tower Hill.

INDIANA

Maude E. Mitchell, Ellettsville.
Howard L. Johnson, Shirley.

IOWA

Edward C. Mohr, Arcadia.
John H. Tollenaar, Bondurant.
Aaron W. Monroe, Clemons.
Lee Ella Boothroyd, Dakota City.
Melvin A. Goff, Dallas.
Andrew K. Marsaa, Rake.
George M. Fry, Rippey.
John H. Lewis, Terril.
Henry E. Evers, Westside.

KANSAS

Harry J. Hunter, Hanston.
Paul S. Williams, White City.

KENTUCKY

Ira W. See, Louisa.

LOUISIANA

Mamie C. Phillips, Greensburg.

MAINE

Walter L. Perry, Wyman Dam.
Juliet H. Scheppf, Madisonville.

MARYLAND

Floyd L. Kurtz, Freeland.

MASSACHUSETTS

Edward C. Pelissier, Hadley.

MICHIGAN

Frank O. Parker, Alma.
Florence M. Stoll, Bloomfield Hills.
Mark A. Norris, De Witt.
Stephen Fairbanks, Luther.

MINNESOTA

Hugo H. Knuti, Aurora.
Emily M. Drexler, Brandon.
Louis E. Davis, Cleveland.
Arthur P. Olson, Excelsior.
Elizabeth Doyle, Maple Lake.
Lawrence B. Setzler, Maple Plain.
Ernest S. Mariette, Oak Terrace.





Michael Borck, Rogers.
Winifred L. Lundberg, South Haven.
Marvin R. Christensen, Arco.

MISSISSIPPI

Fannie C. Shoemaker, Bay Springs.
Louise Baugh, Braxton.
William H. Ellard, Bruce.
Andrew Y. Sivley, Olive Branch.

MISSOURI

Kossuth W. Blomeyer, Bloomfield.
Charles E. Rearick, Garden City.
Charles F. Kossman, Gasconade.
Charles N. Williamson, Gentry.
Charles E. Vandaveer, Montgomery City.
Asbury L. Williams, Seymour.
Lucy L. Jackson, Winfield.

MONTANA

Emma Shults, Inverness.
Haskell L. Barber, Williams.

NEBRASKA

Charles R. Luce, Broken Bow.

NEW HAMPSHIRE

Florence I. Gove, North Weare.

NEW JERSEY

John R. Allaire, Farmingdale.
Alfred C. Powell, Gloucester City.
Ella E. Dilks, Pennsville.
Howard Hunter, Runnemede.
John Lindsay, Sea Bright.

NEW MEXICO

Jessie M. Paschich, Columbus.
Ira Allmon, Estancia.

NEW YORK

Mae Belle Rozelle, La Fayette.
Augustus W. Mott, McConnellsville.

NORTH CAROLINA

Sankey G. Bullard, Elizabethtown.
Sadie M. Mullen, Huntersville.
William J. Hardage, Wachaw.

NORTH DAKOTA

Alice Jacobson, Benedict.
Irene Tiller, Burlington.
Frank W. Mashek, Lidgerwood.

OHIO

Inez S. Winget, Edison.
Sue E. Veach, Kalida.

OKLAHOMA

Luther C. Dobbs, Davidson.

OREGON

Henry A. Lowry, Aloha.
Henry W. Bahringer, Dundee.
George W. Miller, Prescott.

PENNSYLVANIA

Jesse H. Fisher, Guys Mills.
Robert E. Wilcox, Mountaintop.
Frances H. Brashear, West Pittsburgh.

SOUTH CAROLINA

Ralph R. Blakely, Clinton.

SOUTH DAKOTA

Axel Nelson, Trent.

TEXAS

Prescilla Nelson, Ingleside.

VIRGINIA

Newton S. Ritter, Berryville.
May E. Brogan, Callaway.
Theron W. Hamilton, Cheriton.
Maggie E. Culbertson, Dungannon.

WISCONSIN

James W. Squire, Soperton.
Elmer B. Arentsen, Antwa.
Bessie E. Miller, Genesee Depot.
Harold F. Strutt, Ridgeway.

WYOMING

Richard M. Turner, Frontier.

HOUSE OF REPRESENTATIVES

THURSDAY, *July 3, 1930*

The House met at 11 a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We would not find fault with Thee and Thy world, O God. A countless host of Thy mercies announce the traces of gladness everywhere. In our hearts is gratitude abounding. We praise Thee that Thou art our Father and the silver cord that binds us to Thy throne has never been broken. O let us walk with Thee in loving fidelity and lift us to the outlook of a blessed life. Bless us with the resolute step, the smile of cheer, the lifted countenance, and the thoughtful word. The past is before us and an open book; we trust that we have shed some luster upon its pages. May we get out of them a wise and thoughtful future. Be with us as we go our way. Most graciously abide with our Speaker, the Members, the officers, and the pages of this Congress. O may no ill befall their dwellings. So guide us that we may not fail to see our way. O God of the nations, hold Thou the foundation of the Republic, and may it always rest upon the sublime moralities of the Teacher of men. Bless our loves with the divine sweetness and with the joys of happy homes. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONSTRUCTION AT MILITARY POSTS

Mr. RANSLEY. Mr. Speaker, I present a conference report on the bill (H. R. 12996) to authorize appropriations for construction at military posts, and for other purposes, and ask for its immediate consideration. I ask that the statement be read in lieu of the report.

The SPEAKER. The Clerk will report the title.

The Clerk read the title.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12996) to authorize appropriations for construction at military posts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows:

Page 1 of the engrossed amendment: Change the total, "$15,051,880," to "$14,930,880."

Page 5 of the engrossed amendment: Under the item "Fort Francis E. Warren, Wyo.," strike out the following language: "Noncommissioned officers' quarters, $57,000"; "two drill halls, at $32,000 each, $64,000"; and the Senate agree to the same.

HARRY C. RANSLEY,
PERCY E. QUIN,
Managers on the part of the House.

DAVID A. REED,
H. D. HATFIELD,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

When the War Department asked for action on the proposed legislation for authorizations for the permanent building program of that department it was represented that the President, Budget Bureau, and War Department had agreed on the allocation of $15,000,000 for the purpose in the fiscal year 1932. However, when this measure, H. R. 12996, was reported, the committee had amended it to the extent that it called for the authorization of only $10,410,320. The Senate Committee on Military Affairs felt that the amount allocated by the officials in the executive department should be agreed to, and accordingly amended the measure to carry the items as submitted by the War Department, with two exceptions, i. e., the item for Rockwell Field, Calif., already stricken out by the House was left out by the Senate because the measure calling for the transfer of the Army activities at this field has been passed by both the House and the Senate; an item for construction at Fort Francis E. Warren was added, calling for an additional expenditure of $157,760. Your conferees, after a care-

ful consideration of the subject, agreed to the amendment of the Senate, with the exception of the total amount for Fort Francis E. Warren. The items for noncommissioned officers' quarters and two drill halls for this post were eliminated, making the authorization for construction at Fort Warren $36,760, instead of the amount agreed to by the Senate.

The total amount carried in the act as finally agreed to by your conferees is $14,930,880, which is less than the amount allocated for construction work by the War Department for the fiscal year 1932.

HARRY C. RANSLEY,
PERCY E. QUIN,
Managers on the part of the House.

Mr. RANSLEY. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, the Committee on Military Affairs of the House reported a building program for the Army aggregating $10,000,000. The subcommittee which determines the policy of this program for the next fiscal year thought it advisable to cut out some of the authorization for officers' quarters, theaters, and nonessentials, which aggregated some $4,000,000. The subcommittee in doing so was prompted by the idea that it would be better for the economy program advocated by the President to cut down the estimates without impairing the efficiency of the Army.

We went piecemeal over every item of appropriation and considered the status of the work at the various posts, and we found that the War Department was back two years in the preparation of plans; that it was not current with the work in the authorizations in the 1929 program.

Our committee thought we were not doing any violence at all to the general Army building program; but the Senate has seen fit to follow, almost without the dotting of an i or crossing of a t, the recommendations of the War Department. The conferees have virtually acceded to that program.

Our subcommittee originally believed that it was real economy to authorize a $10,000,000 building program for the housing of the Army. We have already agreed to an appropriation of $4,000,000—nearly $5,000,000—for the technical construction of the aviation service. That has gone through. We have agreed to an authorization for building the new air station to be established near San Francisco, and that has gone through.

Now we are faced with the proposition to vote for $15,000,000, although of necessity it would have been good economy to follow the recommendation of the House and cut out needless expenditures for theaters, auditoriums, garages, each costing $50,000, which was only for the convenience of the officers at the various posts.

Mr. RANSLEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

CONSTRUCTION OF PUBLIC WORKS

Mr. BELL. Mr. Speaker, I ask unanimous consent for the present consideration of House Concurrent Resolution 43, which I send to the desk and ask to have read.

The Clerk read as follows:

Whereas various acts of Congress enacted during the present Congress have authorized the construction of public buildings and the prosecution of other public works and improvements, and provided appropriations for carrying out such authorizations: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the letting of contracts and the beginning of construction under the several acts of Congress heretofore enacted authorizing the construction of public buildings and the prosecution of other public works and improvements throughout the United States and appropriation acts enacted pursuant thereto, shall be expedited to the fullest extent possible, within the limitations provided by law, to the end that unemployment prevailing throughout the country may be relieved.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, has this resolution been reported by any committee?

Mr. BELL. It has not. It is merely a House concurrent resolution.

Mr. CRAMTON. As I caught the reading of it, it is a declaration that it is the sense of Congress that the construction of public works be expedited.

Mr. BELL. That is all.

Mr. CRAMTON. That is already the announced policy of the administration and I do not see any objection to it.

Mr. BELL. This is an expression from the House of Representatives and in no wise is a criticism.

The SPEAKER. Is there objection?

There was no objection.

The concurrent resolution was agreed to.

THE SALARY OF COMMISSIONER OF CUSTOMS

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4735) to increase the salary of the Commissioner of Customs, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Customs shall receive a salary at the rate of $10,000 per annum, effective on and after the date of the enactment of this act.

The SPEAKER. Is there objection?

Mr. HAWLEY. Mr. Speaker, this bill (S. 4735) is to carry out a policy already adopted by Congress for the reorganization of the Bureau of Customs. This reorganization has the approval of the Bureau of the Budget. While it effects an increase in the salary of the Commissioner of Customs, its chief purpose is to accomplish a complete reorganization of the Bureau of Customs, for which funds have been provided by Congress for 77 additional positions in order that the bureau may properly function under the new tariff. It also prevents the reduction under the classification act of the salaries of several very important officials in that bureau. I attach hereto a letter from the Secretary of the Treasury with additional information relative to the matter.

This legislation is essential to a proper administration of the tariff act of 1930, and especially important for the protection of the public interests.

TREASURY DEPARTMENT,
Washington, July 2, 1930.

MY DEAR MR. CHAIRMAN: I wish to call your attention to H. R. 12760, a bill which you introduced for the purpose of increasing the salary of the Commissioner of Customs to $10,000 per annum. A similar bill was introduced in the Senate and passed, and is now up before the Ways and Means Committee for consideration.

With the passage of the new tariff act additional burdens and responsibilities have devolved upon the Commissioner of Customs. The Bureau of the Budget and the Congress have authorized an expansion of the activities of the Bureau of Customs, including the appointment of a general counsel and staff and an additional Deputy Commissioner of Customs. Also, a complete reorganization of the Bureau of Customs has been effected and funds provided by the Congress for 77 additional positions in order that the office may properly function under the new tariff.

The classification of administrative positions in the Bureau of Customs, including all executive officers and chiefs and assistant chiefs of the various divisions, is not commensurate with the responsibilities of such positions, nor is it on a par with comparable positions in other executive offices.

This is due to the fact that the Classification Board in its allocation of positions invariably bases its action upon the organization set-up. In other words, the various positions are rated in accordance with the salary paid the head of the office.

The purpose of the bill for increasing the salary of the Commissioner of Customs to $10,000 is to afford an equitable classification of the various executive and administrative positions. It will affect the following positions:

Position	Present salary	Minimum salary, new grade	Cost
Assistant commissioner	$7,500	$8,000	$500
General counsel (new)	7,000	8,000	1,000
Assistant general counsel (new)	6,000	6,500	500
Deputy commissioner (legal)	6,400	6,500	100
Deputy commissioner (Customs Agency Service)	6,000	6,500	500
Deputy commissioner (administrative)	5,600	6,500	900
Assistant deputy commissioner (Customs Agency Service)	4,800	5,600	800
Assistant deputy commissioner (legal) (new)	5,000	5,600	600
Assistant deputy commissioner (administrative, (new)		5,000	5,600	600
Personnel, chief	3,500	3,800	300
Personnel, assistant chief	3,200	3,500	300
Mail and files, chief	2,800	3,200	400

[1] New.

The following positions will not suffer any change if the commissioner's salary is increased. However, if the commissioner's salary is not increased, according to a ruling made by the Classification Board, the incumbents of these positions may be forced to suffer a decrease in grade from CAF–13 ($5,600) to CAF–12 ($4,800), a reduction in salary of $800.

Position	Present salary	Minimum salary new grade	Cost
Miscellaneous division (legal), chief (new)	$5,600	$5,600	
Drawback division (legal), chief (field)	5,600	5,600	
Appraisement division (legal), chief (field)	5,600	5,600	
Classification division (legal), chief (field)	5,600	5,600	
Enforcement division (legal), chief (field)	5,600	5,600	

The incumbent of the following position may be forced to accept a decrease in grade from CAF-12 ($4,600) to CAF-11 ($4,000), a reduction in salary of $600:

Position	Present salary	Minimum salary new grade	Cost
Finance division (chief)	$4,600	$4,600	

The total cost of placing all these positions on an equitable basis will be approximately $7,500 for the first year, and about $16,000 per annum thereafter, if all of the salaries are placed at the top of the respective grades.

The present classification of the Commissioner of Customs is grade CAF-15 ($8,000 to $9,000).

It is somewhat of an anomaly that some of the officers of the Customs Service are receiving salaries as large as, or larger than, that of the commissioner. For example, the collector of customs at New York receives $12,000 per annum and the surveyor and appraiser at New York and the collectors at Boston and Philadelphia receive $9,000 per annum.

Inasmuch as the expansion of the bureau must be put into effect immediately and all new positions classified by the Personnel Classification Board, it is imperative that the salary classification of the Commissioner of Customs be increased without delay; otherwise, it will be impossible, as indicated above, to secure proper allocations for the general counsel and his staff and other new positions which are to be created.

Your attention is also invited to the inclosed list showing the present salaries of executive heads of several bureaus in the various departments.

There are also inclosed herewith charts showing the organization of the Bureau of Customs as it previously existed and its present set-up under the expansion referred to above.

May I not, therefore, urge that this matter be given your favorable consideration.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. WILLIS C. HAWLEY,
Chairman Ways and Means Committee,
House of Representatives, Washington, D. C.

(The charts referred to appear on pages 12444 and 12445.)

The following salaries are paid in comparable positions:

Commissioner of Internal Revenue	$10,000
General Counsel, Internal Revenue	10,000
Commissioner of Reclamation	10,000
Interstate Commerce Commission—	
Chief counsel	10,000
Director of finance	10,000
Director of traffic	10,000
Director Veterans' Bureau	12,000
Director Bureau of the Budget	10,000

Mr. GARNER. I reserve the right to object, Mr. Speaker, in order to take two or three minutes to say something concerning the bill and the policy of the House for the balance of the day. Ordinarily I would object to this bill, but I have investigated the matter involved and I believe it is in the interest of the public service to have it passed. On its face it has for its purpose the increasing of the salary of the Commissioner of Customs, to equalize that salary with the salary of the Commissioner of Internal Revenue and other similar officers. But that is not the primary purpose of it. The primary purpose of the bill, if I understand it correctly, is to enable the Commissioner of Customs to retain in that service some very efficient and desirable men by increasing the grade or the salaries in that department. In other words, unless his salary is increased to $10,000 a year they can not increase the salary of men from $4,500 to $5,500 or from $5,500 to $7,000, as the case may be. That is a matter controlled by the classification act. I believe it to the best interest of the service to have this bill passed.

While I am on my feet, let me say to the membership of the House, both on the Democratic and the Republican side, that we are approaching the end of the session, and that at the end of the session there is always brought in here a rush of bills and a rush of reports with the result in the past that some of the worst legislation that has ever been put through by the Congress has been done in the last two or three days of the session.

I do not think anyone will charge me with being a stickler and with objecting too much, but in this last portion of the session I am going to take the responsibility of objecting to any piece of legislation unless I am thoroughly familiar with it. Gentlemen need not ask unanimous consent for its consideration, because I will not give it. On its face a matter of legislation may look good, but when finally analyzed, no one would think of enacting it. I know the Speaker is not going to recognize anyone that he thinks will call up for consideration a matter of legislation that ought not to pass; but it is impossible for him and it is impossible for me, or any other one man, to examine all these bills that may have merit in them and ascertain whether or not they ought to pass by unanimous consent in the closing hours of a session. I hope no gentleman or lady of the House will complain if I happen to object to a piece of legislation that I have not had the opportunity of examining.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. GARNER. Yes.

Mr. GRAHAM. Yesterday afternoon we had under consideration a bill to which objection was made. It went over. I have since talked with the gentleman from Wisconsin [Mr. STAFFORD], who made the objection and who has examined the bill, and he is now willing to withdraw his objection.

Mr. GARNER. If I understand that bill, it is one that Mr. SUMNERS and others of the Committee on the Judiciary had thoroughly examined and approved.

Mr. GRAHAM. Yes.

Mr. GARNER. Where there has been a committee examination of a bill that comes out after thorough investigation and analysis, I see no reason why it should not pass.

Mr. GRAHAM. And I have a letter from the Secretary of State this morning urging its passage.

Mr. GARNER. I did not have reference to any particular bill, but we Members who have been here a long time know that some of the most undesirable legislation has been passed in the closing hours of a session, and if there had been an opportunity to analyze it, it would not have been passed. I give this notice now so that no one will throw any bricks at me for objecting.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMMISSIONER OF CUSTOMS

Mr. BEEDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

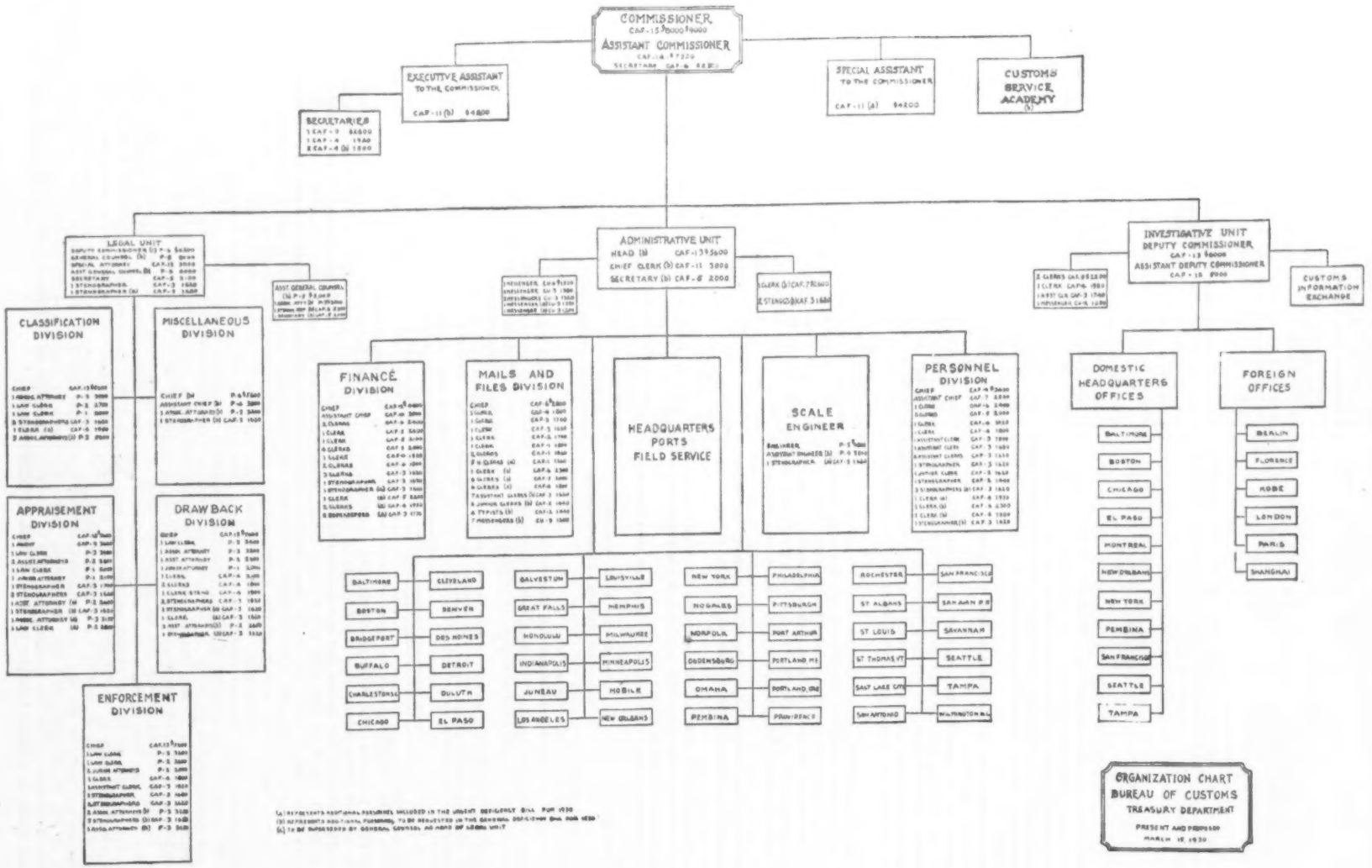
Mr. BEEDY. Mr. Speaker, I desire to congratulate the chairman and the committee on the good judgment which they have shown in reporting S. 4735, a bill to increase the salary of the Commissioner of Customs. The bill should become a law and will undoubtedly be productive of results much to be desired in the Government service.

During the present session of Congress I have had occasion to come in close contact with the present Commissioner of Customs and with numerous of the department heads in the Customs Bureau. For the first time in my experience here I have begun to understand the tremendous problem and incidental responsibilities which confront the men who are endeavoring to administer our customs laws. In importance to the general public, the proper administration of customs stands high up on the list of governmental functions.

I happen to know that Capt. F. X. A. Eble, upon taking over the commissionership of customs, began at once to look about with a view to improving the service. He labored at the outset under many handicaps. He desired to make a thorough survey of the bureau, its personnel, and the handling of the customs at the various ports. This survey and the detailed investigation is still in progress, and from what I know of the situation, I do not hesitate to predict that a thorough going reformation and a vastly improved customs administration will result.

Captain Eble and the bureau are at present handicapped with lack of funds, and the pending bill is but an illustration of this difficulty as it affects some of the most important customs officials.

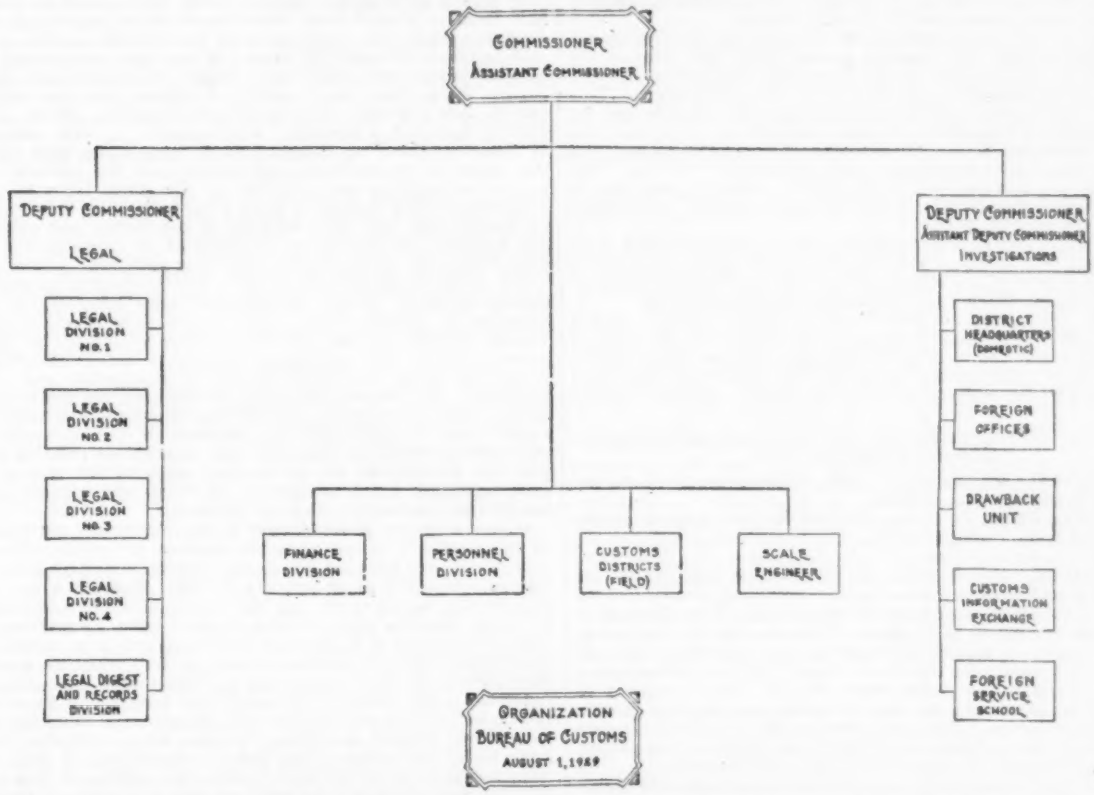
NEW ORGANIZATION OF THE CUSTOMS



(a) REPRESENTS ADDITIONAL PERSONNEL INCLUDED IN THE URGENT DEFICIENCY BILL FOR 1930
(b) REPRESENTS ADDITIONAL PERSONNEL TO BE REQUESTED IN THE REGULAR DEFICIENCY BILL FOR 1930
(c) TO BE APPOINTED BY GENERAL COUNSEL AS HEAD OF LEGAL UNIT

ORGANIZATION CHART
BUREAU OF CUSTOMS
TREASURY DEPARTMENT
PRESENT AND PROPOSED
MARCH 18 1930

PRESENT ORGANIZATION OF THE CUSTOMS



In order that the House may understand the full significance of the pending bill to increase the salary of the Commissioner of Customs to $10,000 per annum, let me explain just how the classification act operates in this particular branch of the service. Under the act in question, the Commissioner of Customs is classed under grade 15 of clerical, administrative, and fiscal service. That grade carries a minimum annual salary of $8,000 and a maximum of $9,000.

The Commissioner of Customs has one assistant commissioner, who is classified under grade 14, which carries a minimum annual salary of $6,500 and a maximum of $7,500. He has one deputy commissioner of customs classified under grade 13, carrying a minimum yearly salary of $5,600 and a maximum of $6,400. He also has a second deputy commissioner who serves as his legal adviser and ranks under clerical, administrative, and fiscal service, grade 13—or professional 6—which grade carries a minimum annual salary of $4,600 and a maximum of $5,400.

The Commissioner of Customs also has four legal division chiefs, whom he has called in from the field service under a provision of the tariff law which authorizes such a detail from the service. But the intendment of the tariff law in this behalf was that such division chiefs could be drafted from the field service for service in the bureau temporarily in cases of emergency. There is no authority of law to keep these men in the Customs Bureau, where they are now needed permanently. On the field roll these four legal division chiefs were classified under professional 6, carrying a minimum annual salary of $5,600 and a maximum of $6,400. The Classification Board, however, subsequent to the detail of these men from the field service for service in the Customs Bureau, classified them under professional 5, which carries a minimum salary of $4,600 and a maximum of $5,400. Under existing law these men therefore serve in the bureau at a reduced salary. The present bill, as I shall show, will enable these men to be properly classified.

Under each legal division chief in the Customs Bureau there is a legal division assistant chief, a total of four. The Classification Board has ruled that assistant chiefs must be two grades below the chiefs. Inasmuch, therefore, as they classified legal division chiefs under professional 5, with the minimum annual salary of $4,600, they classified the legal division assistant chiefs under professional 3, with a minimum annual salary of $3,200.

The work performed by the 2 deputy commissioners, the 4 legal division chiefs, and the 4 legal division assistant chiefs is highly technical in its character, calling not only for a thorough knowledge of the existing tariff law but in most instances for legal training and ability of high order. These men are pitted against the keenest lawyers in the country, who are hired by large corporations in an attempt to reduce customs payments to the Government.

The Commissioner of Customs has had great difficulty in retaining capable men and women in these positions to which I have referred. Within the last six months he has lost two of his legal division chiefs. One, because of the inadequate salary, has gone into the general practice of law. Another has been retained by a prosperous corporation.

You will now begin to understand the importance of enacting the pending bill into law. If the salary of the Commissioner of Customs is raised to $10,000, he automatically takes his place in grade 16 of the clerical, administrative, and fiscal service, which parallels professional 9, and carries a salary in excess of $9,000. This makes it possible to promote the assistant commissioner to grade 15, which instead of a minimum annual salary of $6,500 carries a minimum salary of $8,000. It thereupon makes possible the promotion of two deputy commissioners, one of whom is a trained lawyer, to grade 14, which parallels professional 7, and carries a minimum salary of $6,500 instead of a minimum salary of $5,600. It makes possible the promotion of legal division chiefs from the present grade of professional 5, with its minimum salary of $4,600, to professional 6, which carries a minimum salary of $5,600. The four legal division assistant chiefs may go into professional 4, carrying not the meager $3,200 for a minimum salary, but the minimum salary of $4,600. Thus will it be possible upon the enactment of the pending bill for these men whose individual grades I have enumerated, to receive compensation more nearly adequate and proportionate to the remuneration to which their legal training and the services which they render entitle them.

In this way Commissioner Eble hopes to make a career in the Customs Service more attractive to men of ability. Thus he hopes to avoid the continual loss of his trained personnel

who, after a few years in the service, have been finding the salaries inadequate and have yielded to the natural temptation of higher salaries afforded in private industry.

The enactment of the pending bill is more than justified for the foregoing reasons, but there is an additional justification for its passage. Under the new tariff act additional labors devolve upon the Commissioner of Customs and the entire bureau. This has been recognized both by the Bureau of the Budget and by the Congress, which have authorized an addition to the customs official personnel in the appointment of a general counsel and staff and an additional Deputy Commissioner of Customs. The Congress has also provided funds for 77 additional positions in order that assurance may be had of more effectual administration of the new tariff law.

With the Customs Bureau force thus supplemented and with the result of the general survey now in progress soon to be realized, I predict the most effective and satisfactory customs administration which our Government has ever enjoyed.

I give my hearty approval to the pending measure and I pledge myself to the most thorough cooperation with the chief of the bureau and the men in the Customs Service who are endeavoring to build up the morale in this important branch of the Government and to give to the public efficient, honest service.

MY REPORT TO THE PEOPLE OF THE THIRTIETH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

Mr. COYLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. COYLE. Mr. Speaker, the practice of printing in the CONGRESSIONAL RECORD a report to the voters of a congressional district is not original with me, by any means. It has been done by different Members of Congress, I believe, for the past seven or eight years. I regard it, however, as an excellent idea. It might be compared with the annual report that the manager of a business issues to his stockholders. It also has a tendency to stimulate an interest in the work of Congress among the citizens of the congressional district, and perhaps further a better understanding of the problems and difficulties which we, as Representatives, meet in the legislative halls in Washington.

Accordingly, I am giving an account of some of the highlights of the work accomplished in the first and second sessions of the Seventy-first Congress, together with my own attitude toward the different questions involved.

FARM RELIEF

The first measure considered by the Congress in the special session called by President Hoover, which met April 15, 1929, was the so-called Federal Farm Board act enacted into law June 15, 1929. Action along this line was promised by Mr. Hoover during his presidential campaign. I have in my own mind always questioned whether this legislation would be of any great benefit to our own farmers in Pennsylvania, but supported the bill as an administration measure, and in the belief that it would benefit agriculture generally throughout the country, and that these benefits would accrue in some part, indirectly perhaps, to the people of my own district. On April 23, 1929, I made a speech in the House in which I frankly stated that, while the Federal Farm Board bill would not bring about the millenium, the idea seemed good, and that whether it did work out successfully or not would probably always be a matter of conflicting opinion. I still hold these views, and, as I see the situation to-day, it would seem that additional time must elapse before an opinion can be formed as to whether the Federal Farm Board is the agency which can meet the needs and cure the ills which afflict agriculture, so far as they can be met and cured by governmental legislation.

THE TARIFF

The principle of the protective tariff might be termed the keystone in the arch of the Republican Party. Dating from the days of Abraham Lincoln, our party has been the strong defender of the principle of protection for American labor. The tariff act of 1930, while imperfect in some respects, as all tariff bills are, should nevertheless eliminate many of the handicaps under which American labor has been working in these postwar years, and, in practice, I sincerely believe will be found to contain positive good, and protect America's pay roll in many industries which have been seriously threatened by the cheap labor of other countries, due to various conditions which have arisen since the enactment of the 1922 tariff law. Our thirtieth Pennsylvania district has a very real interest in adequate tariff legislation.

Cement, in which we lead in production any other district in the country, heretofore on the free list, has been given a duty of 6 cents per hundred pounds in the tariff bill just passed. Our cement mills in the Lehigh Valley were sorely in need of this tariff to protect them from importations, principally from Belgium, where the wages paid to the workers in the cement mills average 13 cents per hour. Every time a thousand barrels of cement were imported a couple of hundred men in the cement mills lost a day's work. I believe that the duty on cement can not fail to have a most beneficial effect on the cement industry generally. Furthermore, it will safeguard to American labor an industry which now ranks forty-fifth in the value of its products and insure that the industry will not be undermined and wrecked by the cheap labor of other countries. I had perhaps a more vital interest in this schedule on cement than any other Member of the House, and commend the industry for its able presentation of its cause by the men in the industry to whom that work was assigned.

We of the thirtieth district also lead the world in the production of slate. Within the past few years, however, the slate quarries of Norway, Italy, and France have begun to make serious inroads on our markets. Large quantities of blackboard, roofing, and structural slate were being imported at prices far below the American cost of production and transportation. Of course, practically all the profit on these importations went into the pockets of the importers and were not passed along in any appreciable measure to the consumers. In the 1930 tariff bill the duty on slate was raised from 15 to 25 per cent ad valorem on the showing made by the men in the slate business, and I believe this increase will without doubt benefit the slate industry in our district.

It was a matter of real regret to me that it was not possible in the tariff bill to get a specific duty on anthracite, although a provision was inserted which may eliminate our most serious foreign competitor after January 1, 1932. There is a very real and serious danger to the pay roll of the anthracite-coal industry from Russian coal. I have worked most energetically to meet this condition in another way also, and have cooperated whole-heartedly with representatives of the anthracite workers and industry on their many calls to Washington. We are now following a line which, it is hoped, will soon result in governmental action that will exclude this Russian coal from the markets of our country and thus eliminate what otherwise would grow to be very serious and unfair competition. I shall continue to put forth every effort toward the solution of this problem for the benefit of the workers and the entire anthracite fields of Pennsylvania.

There are many other items of interest to our people in the tariff bill. I can not cover them all now, but during the months that the tariff bill was under consideration I worked constantly with the idea always uppermost of protecting the interests of the people of the thirtieth Pennsylvania district. The speech which I made on the bill in the House on May 22, 1929, also presented the needs of the district very fully.

RETIREMENT

Congress has enacted the Dale-Lehlbach retirement bill, for the retirement of Federal employees who have reached the ages of 60, 63, 65, and 68, according to their class of work. Both the employees and the Government contribute to this retirement fund. I was glad to support this measure, as I believe in it thoroughly. I am hoping that industries generally will also evolve plans for the retirement of workers when they reach the age at which they are no longer reasonably productive and where that age is disabling to themselves. I believe the Government should take the lead and set the example, and I commend the study of this legislation to private industry generally.

IMMIGRATION

Bills were presented by the House Immigration Committee designed to restrict immigration from countries of the Western Hemisphere, including Mexico. When this legislation to restrict the influx of immigrants from these countries comes to a vote in the House of Representatives it will have my support.

FEDERAL BUILDINGS

The Federal Buildings Commission promised that in the session beginning next December action will be initiated toward the construction of a new Government post-office building at Stroudsburg. Afterwards will follow construction of Government buildings at East Stroudsburg, Northampton, Bangor, Lansford, Nazareth, and Lehighton. There is a certain amount of delay incidental to obtaining the starting appropriations for these buildings in the Government building program. My own efforts will be directed toward seeing that this delay in each case is made as short as possible.

RAILROADS

In every case where there has been legislation before Congress requested by our railroad men I have voted for that legislation. This was true of the bill providing for mediation boards, gen-

erally known as the Howell-Barkley bill. I voted for this bill when it became a law. It is generally regarded as having been very sound legislation.

The program of the Interstate Commerce Commission for the consolidation and merger of certain railroads would have far-reaching consequences in the Lehigh Valley. My impression at present is that this country has gone far enough on big consolidations in many lines of business and that it is exceedingly necessary for us to watch very carefully before we go any further, lest we cause irreparable damage.

POSTAL LEGISLATION

I regard as one of the most important measures to postal workers the bill introduced by my friend and colleague, Congressman KENDALL of Pennsylvania, to provide a shorter workday on Saturday for postal employees. The Saturday half holiday is rather generally accepted by private business, and I am heartily in favor of this measure. It has received the favorable report of the House Post Office Committee, and in the session which begins next December I am hopeful will be enacted into law.

PENSION LEGISLATION

Bills were enacted increasing the pensions of both Civil War veterans and Spanish War veterans. There are not many members of the Grand Army of the Republic still with us. I favor making their last days comfortable and free from care. The Spanish War bill further liberalizes the pensions of the men who have become disabled, and I hope will meet with the rather general approval of the veterans of that conflict. It was my privilege to support both of these measures.

WORLD WAR VETERANS

The matter of liberalizing the laws affecting our disabled World War veterans was a subject that received a great deal of attention during the past session. I was for the so-called Johnson bill as it was reported by the World War Veterans' Committee to the House. I was against it with the Rankin amendment, because I realized that in that shape it could not become a law, and voted against the Rankin bill. It happens that I was in military service during both Spanish and World War periods. As a consequence I have a continuing and life-long interest in the welfare of all men who have served their country in war time. For me the service has never entailed any continuing disability, but no one who has not been disabled can have any better conception of the needs of the disabled service man, as well as of the country's obligation to the disabled service man, than I have.

Politics, which should have no part in the consideration of legislation for the care of our war veterans, played a great part in forcing the Rankin bill through the House. I was fearful at the time that the death of the Rankin bill, which I foresaw, would also kill all legislation for World War veterans during the present session. However, I am glad that a pension bill for the disabled veterans has been enacted, together with some liberalization of the service connection for certain additional specific disease. This measure met the wishes of the President and had my support. The following disability allowances for non-service-connected cases are provided in the new legislation:

	Per month
For 25 per cent permanent disability	$12
For 50 per cent permanent disability	18
For 75 per cent permanent disability	24
For total disability	40

I have been particularly interested in supporting the American Legion program for hospitals in Pennsylvania. That program contemplates a 500-bed T. B. hospital in north central Pennsylvania; an increase in Coatesville Hospital from 481 to 1,250 beds; construction of a new naval hospital at Philadelphia; additional beds at the Aspinwall Hospital; and the establishment of a diagnostic center at Philadelphia. In company with colleagues from Pennsylvania, I called on the President on June 11 in the interest of the new naval hospital for Philadelphia. As a result, we were successful in getting this bill through the House on June 18. I believe we can expect prompt action in the Senate in the December session. I feel quite certain also that we are, very shortly, going to get the diagnostic center at Philadelphia and the increase in beds at Coatesville. The other two projects will come, but not so promptly as the three I have already mentioned.

I have also suggested to the Director of the Veterans' Bureau a property outside of Easton, Pa., which, I believe, would be available for utilization as a Veterans' Bureau hospital and is ideally located. The bureau has not up to this time regarded the property entirely favorably, but I still hold to the opinion that we should have a veterans' hospital located in one of the three counties of the district.

NAVAL AND MILITARY ACADEMY APPOINTMENTS

There are so few vacancies occurring at the Naval and Military Academies at Annapolis and West Point, and so many splendid young men in the district who desire to go to these institutions, that when a vacancy occurs I have followed the practice of holding a preliminary, competitive, civil-service examination and giving the appointment to the boy who makes the best grade. I consider this the most fair method, as all boys who are actual residents of the district are thus given equal opportunity to compete.

DISTRICT OF COLUMBIA

Because I believe that the people all over the United States want the city of Washington, the Nation's Capital, maintained at a high standard, I have taken a proportionate interest in the affairs of the District of Columbia. On February 24, 1930, I made a speech in the House especially condemning the use of soft coal and oil in the Government buildings at Washington and recommending the use of anthracite, which would be found just as cheap, if not cheaper, and eliminate the black smoke that is spoiling works of art as well as the lungs of the people.

The reaction to that movement which I started then has been most favorable, though, of course, a campaign of education always takes a certain amount of time before concrete results are obtained. If it is possible to have all the Government buildings at Washington change over to hard coal as a fuel, I believe it will open up a market for an additional tonnage of anthracite, and will be a most progressive step toward the realization of Washington as a 100 per cent city beautiful. On April 10, 1930, I made in the House an address commenting on the existing relationship between the Congress and the District of Columbia, by which Congress acts as a sort of town council for the District, and suggesting a study by a joint committee as a means of getting the solution. I am happy to say that I understand the appointment of such a committee is now in prospect and the members will be designated in a few days. I am hopeful that their labors will result in the answer to the problem.

FISH AND GAME

A large part of the men, and, indeed, not a few of the women, in this district are interested in the maintenance of good fishing conditions in our lakes and streams. It has been my pleasure to procure, from the Bureau of Fisheries, a very substantial consignment of trout during the month of June, with some of these fish for every trout stream in the three counties which is open to public fishing. One of the problems in front of us lovers of outdoor life is the maintenance of the unspoiled recreation area that lies along both sides of the Blue Ridge in Pennsylvania. I have had the cooperation of all the associations whose aim is to keep the woods and streams stocked with wild life, and the benefit of this work should be increasingly apparent as the years go by. I have always been interested in an endeavor to get the sportsmens' associations to establish satisfactory waters for the feeding and care of the small fish until they can be raised to a size sufficient to turn them loose without fear of their becoming food for the fish already in the waters. Some progress has been made along this line. It was my privilege in June to issue an invitation, from the floor of the House, to the Members of Congress to stop in the thirtieth district as they drove home from Washington in July. A number of them were interested in the invitation and asked for route maps and tourist information, which was supplied to them. One inquiry came from as far away as the State of Kansas, where one of the readers of the CONGRESSIONAL RECORD had noted the speech, and said he and his family had expected to spend some time in the Poconoes in the month of July.

In a number of cases I have been able to aid industry in this section in establishing contact with the various departments of the Government using their products. This has been so in the case of building materials and some food products manufactured in this district.

I have endeavored to regard myself as your representative, not only in political matters but also in business matters, wherever I could be helpful.

DEPARTMENTAL WORK AND CORRESPONDENCE

Not the least of my duties has been the giving of prompt and careful attention to requests and letters from my constituents for assistance at the various departments of the Government. These matters cover a great variety of subjects. There were many requests and letters from ex-service men with reference to applications for pensions, compensation, and hospitalization. To such matters I have tried to give rather special and personal attention. There were requests in connection with patents, insurance, immigration, passports, reentry permits, naturalization,

military and naval enlistments and discharges, radio interference, publications, petitions for the establishment of rural mail routes and changes in existing routes, and letters, petitions, and telegrams concerning the numerous bills pending in Congress, some favoring the specific legislation and others protesting against it. My office at Washington is open throughout the year, and I am always glad to hear from the people at home in the district and am exceedingly pleased when it is possible for me to be of some service to them. I maintain another office, with an additional secretary, located at 528 North New Street, Bethlehem, Pa., which is also open the year around for service to my constituents, and at which I can be reached during the recess of Congress. The telephone number of my Bethlehem office is 2100, and it is available during business hours every working day. Both the Washington office and the Bethlehem office operate 12 months each year for the service of the people of the district, and have enabled me to handle thousands of requests and, I trust, will permit me to render increasingly effective and efficient service in the future.

SENIORITY

I have been especially impressed with the effectiveness which length of service gives to a Member in the Congress of the United States. Right or wrong, seniority has long been an important factor in the National Legislature, and this rule bids fair to continue. All the important places in the House go to the older Members. The chairman of every committee is, almost without exception, the longest-serving Republican member on the committee.

The following figures show better than anything else how seniority works in the House: Of Republicans who have served 10 terms—20 years or more—1 is Speaker, 1 is Republican floor leader, and 5 are chairmen of important committees—namely, Ways and Means, Agriculture, Foreign Affairs, Pensions, and Naval Appropriations. Legislation is unquestionably much influenced by the men who have served long, and greater influence at the departments is certainly felt by those who have had the advantage of knowledge and experience gained by years on the job. Long service in the House brings the Members in contact with the personnel of the Government departments and helps them to be of service in many little, and some big, ways to their constituents. While this is but my second term, and not continuous, I believe I can say that without doubt it has been possible for me to be much more effective in rendering service to my people than was possible during my first term.

CONCLUSION

It has been a point of pride with me to be in attendance constantly during the session of the House of Representatives, and in that way I have always been on hand when matters of importance to the people of the district were being considered. My record of attendance will, I think, compare favorably with that of any Member of the House.

The Seventy-first Congress met in special session on the 15th day of April, 1929, and continued until almost the time for the meeting of the regular session in December. The regular session met the first Monday in December, 1929, and continued in session until the 3d day of July, 1930. As a consequence it has been necessary for me to be in Washington a large part of the time since I took office. There I could best represent the desires and aims of this district. It has not been possible, as a consequence, for me to be at home in the district as frequently as I would have wished. I do believe that each one of you would prefer that your Representative should stay in Washington while Congress is in session.

My best judgment has been that the interest of all the people of the thirtieth district, regardless of party affiliation, would be best served if I maintained a fair and friendly contact with the President and with my own party leaders at Washington. This I have endeavored to do and believe I have done. It has been my constant aim and the aim of my assistants in the two offices to serve all of the people of the district to the best of our ability. In matters of legislation I am dominated by no group or class and have made no pledges except the one to work for the interest of the people of the district and to vote and work for the interest of and the fair name of America.

My contacts with and my work for the people of the district have been a source of personal gratification to me, and I am exceedingly grateful for the friendly cooperation that has been accorded me and for the confidence that the people have reposed in me while serving as their Representative. In return I pledge myself to continued efforts and hard work in their behalf.

A CONGRESSMAN'S SERVICE

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker and colleagues, it may not be inappropriate for a Member of the House to make in this way some reference to his labors. As a matter of fact, in one or another form, a Member's constituents are entitled to have placed before them this information. Influenced by these considerations, I venture now to set forth some of the things I have thus far accomplished or undertaken during the Seventy-first Congress, and to summarize some of the more important achievements which have been mine since I first entered the House as the Representative for the Fifth, or the Louisville, Ky., district at the beginning of the Sixty-eighth Congress.

MEMBER OF THE APPROPRIATIONS COMMITTEE

At the outset of my congressional service there came to me a very high and somewhat unusual honor, namely, membership on the great and important House Committee on Appropriations. During the nearly eight years I have been in the House I have served as a member of the subcommittee (of the Appropriations Committee) charged with the duty of conducting the hearings upon, and formulating, the annual appropriation bills for the Treasury and Post Office Departments. At the present session I was also named as a member of the subcommittee on the District of Columbia appropriation matters; and, as is well known, the work of this subcommittee in conducting the hearings on the annual supply measure for the District of Columbia, and in preparing the bill, is of a long-continued and most exacting character.

Hence the work imposed by my membership on these two subcommittees, and by my general duties as a member of the House Appropriations Committee, has been, and is, of a character requiring a great deal of time, study, and attention. But it is highly important work, and I am very grateful for the opportunity which is mine to perform it.

SOME THINGS ACCOMPLISHED DURING THE SEVENTY-FIRST CONGRESS

During the present, or Seventy-first, Congress I have been very glad to initiate and to press to successful conclusion a number of matters which are, I believe, of value and importance.

PANAMA CANAL FERRY-ROAD PROJECT

Thus I introduced and secured the enactment of H. R. 4293, a bill entitled "An act to provide for a ferry and a highway near the Pacific entrance of the Panama Canal."

This measure has for its purpose the establishment of a ferry service across the Panama Canal near its Pacific entrance, and the construction of a hard-surfaced roadway from the western terminus of this ferry across Canal Zone territory to the Panaman town of Arraijan, at the Canal Zone-Panama boundary line. The bill carries a total authorization of $1,000,000 for the ferry and roadway, one-half of which ($500,000) has already been appropriated to begin the work. Two Diesel-engine ferryboats, of adequate capacity for automobiles and passengers, are now being constructed under this authorization and will be ready for service within a year. The grading of the roadway is now commencing. The ferry and roadway will unite the two great portions of the Republic of Panama and will connect the city of Panama (the capital of the Republic), the eastern portion of the Republic, and the Canal Zone, with the western portion of the Republic and with the excellent system of hard roads recently constructed by the Panaman Government in the western portion—the great coffee, stock-raising, and agricultural region—of the Republic. The ferry service will be free of toll charges. The enactment of this legislation, and the carrying into effect of its provisions, will discharge a long-delayed moral obligation of the United States to the Panaman Republic; and the best interests of our own Government and the Panama Canal and Canal Zone will also be thereby served, both in a military and nonmilitary way.

BRIDGE LEGISLATION FOR KENTUCKY

A measure enacted recently, in the present session, is entitled "An act authorizing the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, to acquire, construct, maintain, and operate bridges within Kentucky and/or across boundary line streams of Kentucky." The same, known as the Barkley-Thatcher bill, was introduced in the Senate (S. 4269) by Senator BARKLEY, of Kentucky, and in the House (H. R. 12287) by me. Thus Senator BARKLEY handled the measure in the Senate, and I in the House.

This enactment is of the greatest importance to Kentucky in its program of road and bridge building. It authorizes the State highway commission to group certain Kentucky intrastate bridges as to tolls to be collected thereon as a basis of credit on which the State may secure loans with which to build such bridges. When these bridges are constructed and their cost of construction paid for by means of such tolls, all of them will thenceforth be operated free of tolls or charges. Under the authority of this act and, also, as a part of the State's com-

prehensive road and bridge program, the Kentucky State Highway Commission may construct and operate certain interstate bridges across the Ohio River, and may also acquire for the State certain bridges across that stream constructed by private enterprise. Each of these interstate bridges, under the act, must be handled as a distinct project and not grouped with other bridges, as may be the intrastate bridges, which lie, of course, wholly within the boundaries of the State.

Bonds have already been validated and floated by the State under this act to the extent of $15,000,000, and thus the construction of the greater number of these bridges has been provided for.

This legislation I regard as being of the greatest importance to the State of Kentucky, and I have been very glad, indeed, to aid in securing its enactment.

MAMMOTH CAVE NATIONAL PARK

During the present session I have continued my efforts in behalf of the Mammoth Cave National Park project, the necessary congressional legislation for which I have been very happy to sponsor. On February 11, 1930, I went to the Kentucky State capital at Frankfort, and together with certain other advocates of the proposal, addressed the joint session of the General Assembly in behalf of the enactment of State legislation appropriating one and a half million dollars of State funds with which to complete the purchase of the necessary cave units and lands for the establishment of this great national scientific, scenic, and recreational area, agreeably to the Federal act of May 25, 1926; of which act it was my honor to have been the author. The General Assembly promptly enacted the indicated legislation, and the success of the Mammoth Cave National Park project is assured.

Also, in the same general connection, I drafted and procured the enactment, by the Kentucky General Assembly at its recent session, of a measure ceding to the United States Government jurisdiction over the Mammoth Cave National Park area as, and when, it shall be conveyed to the United States for national-park purposes. In this act appropriate reservations for the benefit of Kentucky are made touching the questions of taxation of private property within the national-park area, the serving of State process, and the like.

In addition, at the recent session I took the necessary steps to secure an appropriation of $25,000 for the purpose of having made by the United States Geological Survey, of the Mammoth Cave National Park area, a topographic survey. Such survey is necessary in order that suitable outer boundaries of this area—in the aggregate containing 70,618 acres—may be laid down, and purchases of lands appropriate for national-park purposes made within these boundaries.

This topographic work—under the appropriation which was accordingly made—is now beginning, and will be completed in the fall.

Thus step by step the Mammoth Cave National Park project is approaching consummation, and the improvement and operation of this national park under the supervision of the National Park Service will prove of incalculable benefit to the State of Kentucky, and also to the great benefit and pleasure of the country at large. Kentucky as a national park State will advance in progress and betterment as it has never advanced before.

EASTERN NATIONAL PARK-TO-PARK HIGHWAY

Some weeks ago I initiated a movement for the establishment of an Eastern National Park-to-Park Highway. Such a highway would extend by convenient and attractive scenic and historical routes so as to connect the three great national parks east of the Mississippi, now nearing the time when they will be thrown open to the public: that is to say, the Mammoth Cave National Park, in Kentucky; the Great Smoky Mountains National Park, in Tennessee and North Carolina; and the Shenandoah National Park, in Virginia. My tentative suggestion has been for such highway to begin, for instance, at the Mammoth Cave National Park, and to extend thence, via Glasgow, Monticello, Cumberland Falls, and Middlesboro, Ky., through Cumberland Gap, via Knoxville, to the Great Smoky Mountains National Park; and thence, via Asheville and other points in North Carolina, via Bristol and Roanoke, to Natural Bridge, Va.; thence through the Shenandoah Valley to the Shenandoah National Park; thence describing a loop to Washington, the Nation's Capital; and, via Fredericksburg and Richmond, Va., by Appomattox and other historic points, to Lexington, Va.; thence over the Midland Trail, United States No. 60, through West Virginia via Charleston, Huntington, and other interesting places of that State; thence through Kentucky, via Ashland, Lexington, and Frankfort, to Louisville; thence, via Bardstown, and the Lincoln Farm, in Larue County, Ky., to the Mammoth Cave National Park, the point of beginning. This general route would constitute an irregular figure 8. The State highway commissioners and Federal Bureau of Roads, as well as the State national park commissions and the National Park Service, would, of course, have to cooperate in this matter. The officials of the National Park Service and of the Federal Bureau of Roads have indicated that they will be glad to cooperate; the State highway officials and various civic organizations and public-spirited citizens in Kentucky have expressed their commendation of the proposal, and will do what they can to aid in its realization. The Chamber of Commerce of Knoxville, Tenn., has also indicated its approval of the idea. In addition favorable responses have come from other States through which the proposed highway will pass.

The judgment and recommendations of the various highway commissions, national-park associtaions, and automobile and other civic clubs will be considered, and every effort made to bring about agreement upon the proposed Eastern National Park-to-Park Highway that will serve the purposes of convenient, gratifying travel to and from these great national playgrounds. If and when the route is selected, the gaps will have to be closed with road construction, existing links will have to be widened, and other necessary steps will have to be taken to establish and maintain an outstanding highway of the indicated character. I have been glad to receive any suggestions on the subject. I simply desire to see the best and most satisfactory route selected. The loop via Washington and through Virginia has seemed to be a wise one for the reason that the Shenandoah National Park is situated only about 80 miles from the Nation's Capital, and I believe that most of those who will visit these three national parks in tour will also desire to visit Washington and some of the more historic points of the Old Dominion.

ADDITIONAL APPROPRIATION FOR THE LOUISVILLE FEDERAL BUILDING

Through my efforts in a former session, and upon the recommendation of Treasury-Post Office Department officials, Congress authorized the purchase of a site and the construction of a new Federal building in Louisville at an estimated cost of $2,800,000. The Federal officials in negotiating for the necessary site for this new structure were obliged to resort to condemnation proceedings, with the result that the total of $2,800,000 was found to be inadequate for the indicated purpose. It appearing that the additional sum of $185,000 was required, during the present session I initiated and successfully pressed the matter of securing increased authorization for this site and building, and in the regular Treasury-Post Office Department appropriation bill for the fiscal year beginning July 1, 1930, the total authorization for this building and site has been increased from $2,800,000 to $2,985,000. The necessary appropriations are being made under this authorization; the new site, on the north side of Broadway, between Sixth and Seventh Streets, in Louisville, has been acquired; and it is expected that the preliminary work in the demolition of the existing structures, rough excavation, and the like will be started by the 1st of August. I have urged the Treasury officials to use every effort to expedite the work of constructing this new building, which is to be a handsome, modern, well-ventilated, well-lighted structure of five stories, with stone face and classical front. Expeditious action has been promised, and I expect that the actual work on the project will soon begin, and that it will be prosecuted to a speedy conclusion.

RELIEF FOR MANUFACTURERS AND DEALERS IN TOBACCO PRODUCTS

At the request and upon representations made by tobacco manufacturers and dealers of Louisville, Ky., and by other manufacturers and dealers of the country at large, I introduced in the present session H. R. 10658, entitled "A bill to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stats. p. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26)." The measure has for its purpose the allowance or granting of refunds on stamp taxes paid by manufacturers and dealers of the indicated character, where such products, through shipment or handling, become damaged or nonsalable and are withdrawn from the market. At present stamp-tax refunds on such products can be made only where the products are exported. The effect of exporting damaged or nonusable American tobacco is very bad from every standpoint. Moreover, not always are such damaged or withdrawn products available for export, or marketable when exported. Hence, the justice of amending the existing law in the manner mentioned. The Secretary of the Treasury made a favorable report on the bill, and the Ways and Means Committee of the House, after duly considering it, made to the House a unanimous report favoring its enactment. Because of the long-continued consideration of the tariff bill, this report was not made by the Ways and Means Committee until near the close of the

session. The bill now stands on the proper calendars of the House, and I am hopeful that early in the next session of Congress, which convenes the first Monday in December, it may be enacted into law.

SPECIAL BILLS

During this, as in other sessions of the Congress, I have introduced many bills of a special or private nature, only introducing them where I believe the facts justify. Some of these measures are for original or increased pensions, where general laws will not reach the equities involved. Others are for other forms of relief. In this session, as in the past, I have usually been fortunate enough to secure the enactment of such measures; and in cases of the indicated character I have always taken the greatest pleasure in securing for the beneficiaries the benefits sought.

VETERANS' LEGISLATION

Throughout my congressional service I have earnestly and consistently supported, worked, and voted for legislation in behalf of Civil War, Spanish-American, World War, and other veterans, and their dependents. The reasons for and justice of such a course, I am sure, will require, at the hands of the patriotic constituency which I have the honor to represent, no discussion or statement.

LEGISLATION FOR TOILERS AND PRODUCERS

Also, I have supported and voted for legislation designed to aid the Nation's toilers and producers—wherever placed—and every form of American enterprise.

DEPARTMENTAL WORK AND ROUTINE DUTIES

Since I have been a Member of the House I have always had to take care of a very heavy press of departmental and routine matters. This is true not only as regards my own district, but many requests come to me from points outside of my district, both within and outside of my State; and these requests are often of such character and identification that I feel that I should undertake to give the attention and aid asked for. The city of Louisville, the State's metropolis, very naturally has many individual and collective matters coming up to its Representative for consideration and action. My own work in this connection, like that of most of the Members of Congress, has enormously grown in the past few years.

It is needless for me to add, however, that all matters of this character have commanded the most earnest attention and effort of myself and my secretarial staff. It is a pleasure, always, to be of service; and I am glad to be thus called on.

SOME EARLIER CONGRESSIONAL ACHIEVEMENTS

I do not deem it necessary to give in any particular detail a statement of the other more important things I have been able to accomplish since I have been a Member of Congress. In this connection I shall simply summarize some of these items.

I have already referred to my connection with the enactment of Mammoth Cave National Park legislation, and to my work in behalf of a new Federal building for Louisville.

ZACHARY TAYLOR NATIONAL CEMETERY

I also secured the enactment of the necessary legislation by Congress, and drafted and aided in procuring the required enactments by the General Assembly of Kentucky, for the establishment and maintenance of the Zachary Taylor National Cemetery in Jefferson County, Ky., and within my congressional district. Under the Federal legislation thus involved this national cemetery was created, and a handsome mausoleum constructed wherein have been placed, and there now rest, the remains of "Old Rough and Ready," the hero of the Mexican War and the twelfth President of the United States, together with those of his beloved spouse. I may add that as a result of my efforts touching this matter, Federal appropriations have been made for the improvement of the necessary grounds and for the building of a handsome inclosing wall around these grounds; for the construction of a suitable home for the superintendent, and the necessary outbuildings, all of native stone; and for other features of betterment. The Federal appropriations thus far made on account of this national cemetery will run to more than $70,000. The State of Kentucky appropriated $20,000 for the purchase of 15 acres of land to be added to the Zachary Taylor burial grounds, the whole of which has become the Zachary Taylor National Cemetery; and the Jefferson County Fiscal Court appropriated $10,000 for the construction of a handsome carriageway from the main thoroughfare to these burial grounds. At Washington, at Louisville, and at the Kentucky State capital, at Frankfort, I have worked for the accomplishment of these results. To-day the Zachary Taylor National Cemetery is a very beautiful spot, and a sacred and patriotic shrine to which all Americans may come for inspiration. In this work, I should add, the Outdoor Art League, of Louisville, has rendered loyal and effective cooperation. Its members are women of the finest spirit and purpose. The League is an invaluable community asset.

NEW BRIDGE AT LOUISVILLE

Also, in an earlier session it was my privilege to introduce, and to secure the enactment of, the measure which authorized the construction of the new $5,000,000 highway bridge across the Ohio River at Louisville. This legislation enabled the city of Louisville to construct the bridge and to pay for its construction by funds borrowed upon the pledge of operating tolls; after which the bridge will be operated free of tolls, except such as may be necessary to be thenceforth charged to pay operating and maintenance expense. Last fall the structure was completed. It is over a mile in length, extending from Louisville to Jeffersonville, Ind., and it is one of the most imposing bridges anywhere to be found in the country.

The traffic over the bridge is very heavy, the income being derived from its operation is gratifying, and this municipally owned bridge is a credit to Louisville and the Louisville community. Especial commendation is due the city's mayor, William B. Harrison, and the members of the Louisville Bridge Commission, for their splendid services in this connection.

BRANCH OFFICE BUREAU FOREIGN AND DOMESTIC COMMERCE

Also, during a former session I was able to secure the establishment, at Louisville, of a branch office of the Bureau of Foreign and Domestic Commerce. This branch, under the effective supervision of Prentiss M. Terry, is functioning with fine efficiency, and is proving of real advantage to the merchants, manufacturers, and others of the Louisville region. The Bureau of Foreign and Domestic Commerce is one of the most useful agencies of the Federal Government.

NEW UNITED STATES COAST GUARD STATION

Also, at a former session, I sought, and aided in securing, an appropriation of $35,000 for the construction of a new Coast Guard station at the head of the Ohio River Falls at Louisville. This new station has been completed and is of model character. There is maintained at Louisville the only river Coast Guard station in the United States. For years, at this point, because of the great hazards brought about by the dam and falls there, it has rendered highly efficient service in the saving of life and property.

OHIO RIVER IMPROVEMENT

Touching Ohio River matters, I may say that ever since I have been a Member of Congress I have labored earnestly to secure adequate appropriations to complete the Ohio River canalization project. These appropriations have been made, and the project has been completed. Last fall, under appointment of the Speaker of the House of Representatives, I had the honor to serve as a member of a special House committee of three named to participate in the ceremonies, extending from Pittsburgh to Cairo, throughout the length of this great stream, signalizing the completion of this all-important project.

I may add that I have worked for and supported legislation intended to bring about expeditious river and harbor improvement for the country at large. I am a firm believer in the wisdom of such a policy.

NEW VETERANS' HOSPITAL FOR KENTUCKY

Also, during several sessions of Congress, and under many difficulties, I led the fight for legislation to authorize the construction of a new 250-bed, million-dollar Veterans' Bureau hospital in Kentucky. The need for such an institution in behalf of ex-service men in the Kentucky region was, and is, very great.

The required legislation was finally enacted and the necessary initial appropriations have been made; the site near Lexington has been selected; the contracts for the building of the hospital have been let, and the actual construction will soon be under way. Col. James D. Sory, jr., Gen. Ellerbe W. Carter, and Capt. Allen E. Denton, of Kentucky, effectively aided in this matter.

AIR MAIL SERVICE

As a member of the subcommittee, formulating annual supply bills for the Treasury and Post Office Departments, I have been very much interested in the creation and extension of national and international air mail lines. I have supported the policy of making the appropriations necessary for this purpose; and, with keen satisfaction, I have seen the creation and wide growth of these services. Not only does air mail operation prove of great convenience to the people of our country, but through and under it, and by reason of the improvements incident thereto, the general cause of American aviation has been immeasurably helped. Very naturally I have believed that my home city, because of its advantageous location and by reason of its commercial importance, should have air mail service. Largely through

my efforts, I may say, there was established, and for some time there has been in operation, an air mail route from Cleveland to Louisville. More recently I cooperated with the board of trade of the city of Louisville, and with other boards of trade, and Members of the two Houses, to secure extension of this Cleveland-Louisville route, via Nashville, Memphis, Little Rock, and Dallas to Fort Worth; and thence to San Diego and Los Angeles, Calif. In consequence, the necessary appropriations have been made for the establishment of this transcontinental route, and for its lighting. These appropriations were carried in the recent annual appropriation bills for the Treasury and Post Office Departments, and Department of Commerce. The Department of Commerce has already made a survey of this route from San Diego to Fort Worth, in order to arrange for the construction of the necessary lighting structures, and I am assured that this survey will continue without delay so as to cover the remaining portion of the route lying between Louisville and Fort Worth. In the meantime officials of the Post Office Department give the assurance that this extended transcontinental air mail service will be put into operation very soon. Thus Louisville will be placed on a great transcontinental air route beginning at New York and extending, via Cleveland, Cincinnati, Louisville, and the other indicated interior points, to San Diego and Los Angeles.

At Fort Worth another transcontinental air route extending from New York, via the southeastern Atlantic section, and by Atlanta and Birmingham, will make connection, as will also another transcontinental air route extending from New York westward via St. Louis and through Oklahoma. Thus three great air systems will unite at Fort Worth, and by the extension to southern California, just mentioned, each will constitute a transcontinental airway. The city of Louisville should greatly benefit by reason of these air mail operations, and I have been very glad to cooperate to bring about these results. The careful studies made, and the action taken, by officials of the Post Office and Commerce Departments, touching these matters, is appreciated and commended.

AMERICAN PRINTING HOUSE FOR THE BLIND

Also, during the session 1926-27, I introduced and secured the enactment of a measure increasing the annual appropriation for the American Printing House for the Blind from $50,000 to $75,000. This institution is located at Louisville, within my district; is operated only for the benefit of the blind pupils of America, and is doing highly beneficent work. The increased annual appropriation authorized by the measure was greatly needed, and because of the character of beneficiaries involved it was to me a matter of the greatest pleasure and gratification that I had the privilege of sponsoring this legislation.

GORGAS MEMORIAL LABORATORY

Another very important measure which it was my pleasure to introduce, and to secure enactment of, was the bill, H. R. 8128, passed during the first session of the Seventieth Congress, authorizing the establishment of the Gorgas Memorial Laboratory, and the annual appropriation of $50,000 of Federal funds for its operation and maintenance. This institution, under the general supervision of the Gorgas Memorial Institute of Tropical and Preventive Medicine (Inc.), is now in full operation in the city of Panama, and under the immediate direction of Dr. Herbert C. Clark, widely known physician and scientist. Doctor Clark has had many years of experience in dealing with tropical diseases, and the results which thus far have obtained through the work of this laboratory have been of great scientific value. In time this institution should become one of the very greatest of those devoted to research and study concerning the causes and prevention of tropical diseases.

CRUISER "LOUISVILLE"

Largely, and, as I have reason to believe, chiefly through my efforts, the then Secretary of the Navy, Hon. Curtis D. Wilbur, gave to one of the new 10,000-ton cruisers of the United States Navy, now building, the name *Louisville*, in honor of the city I am privileged to represent in Congress. The cruiser will be christened and launched at the United States Navy Yard at Bremerton, Puget Sound, near Seattle, in the State of Washington, on Labor Day, September 1, 1930. The mayor of Louisville has designated Miss Jane Brown Kennedy, of that city, as sponsor, and I have been named the city's official representative for the christening-launching ceremonies.

By all the people of Louisville the high compliment which has thus come to their city is greatly appreciated, and they have every reason to believe that this gallant ship of the line in the years to come will bring to their city, as well as to the Navy, the greatest honor and credit.

STOREKEEPER-GAUGER SERVICE

Another piece of legislation I had the honor to sponsor in the Seventieth Congress was that embodied in H. R. 16393, which received the approval of both Houses and became a law, with the President's approval, on March 2, 1929. I introduced and pressed this measure in order to have placed on a parity with other officials and employees of the Treasury Department the storekeepers, gaugers, and storekeeper-gaugers of the country at large. This branch of the Treasury service was operating under antiquated laws, with part-time employment and low per diem compensation. These faithful, greatly experienced, and efficient employees constituted the "under dogs" of the entire Treasury Department. By the terms of the indicated measure all these men have been classified as "storekeeper-gaugers"; per diem compensation and per diem employment have been abolished, and annual compensation, at much higher rates, and all-year employment, have been substituted therefor. Also, the act confers on these employees the same rights and benefits concerning sick and annual leave which the other Treasury employees have long enjoyed. The number thus affected is not large, but no finer, more deserving men in the entire Federal service may be found. Only by the enactment of such legislation could there be remedied the very unjust situation involved. A very large proportion of the entire storekeeper-gauger organization is in Kentucky. I took particular pleasure in bringing about the enactment of this legislation.

LINCOLN FARM

Mr. Speaker, another matter of nation-wide interest I may here mention. As is well known, the little farm on which Abraham Lincoln was born lies in Larue County, Ky., about 65 miles south of Louisville. In 1916 the land—about 110 acres—together with the handsome memorial building thereon, costing about $250,000, and erected by the Lincoln Farm Association, through popular subscriptions, was conveyed, without charge, by the Association to the United States Government, and the whole thereupon became the Abraham Lincoln National Park or Reservation. The years went by, and as no Federal appropriations were made to protect or preserve the property, it passed into a condition of decay. In consequence, in the Seventieth Congress I introduced, and secured the enactment of, a measure (H. R. 15657) to cure this neglect, which had become, under the circumstances, nothing less than a national scandal. The bill became a law on February 11, 1929. It authorized the appropriation of $100,000 for the improvement of the Farm, and already of that amount there has been appropriated the sum of $80,000; and this is now being expended by the Secretary of War, through the Quartermaster Department, in filling the gullies into which the land had washed; cutting the briers, bushes, and underbrush covering the greater portion of the farm; in building rest houses and other conveniences; and in constructing adequate approach roadways, and the like: all to the end that the property may be protected and preserved, and the opportunity provided our fellow citizens, and many from other lands, to visit this sacred spot under satisfactory conditions; and there to receive the inspirational benefits to be derived. The remaining $20,000 is available for appropriation as further need for improvement may arise. In addition, the act referred to authorizes all further appropriations which, in the future, may be necessary "for the proper protection, preservation, care, maintenance, and operation," of the property.

Thus, by reason of this enactment, the proper preservation and maintenance of this, one of the world's most noble shrines, has been assured so long as our Nation shall endure. I am very glad that I was thus able to render service in this matter; and I acknowledge with appreciation the assistance rendered by former Representative Moorman of the Fourth Kentucky district, officials of the Quartermaster General's organization, and others.

MATTERS AFFECTING THE COLORED RACE

Since I have been a Member of the House, I have ever been mindful of the interest and welfare of the colored race, and I have supported various measures designed to benefit them. Thus I have voted for the enactment of legislation, and for the making of appropriations, for the benefit of Howard University, the great educational institution of the colored people, located in the Nation's Capital. Also, I might suggest that in the Seventieth Congress I supported, voted for, and in the House spoke in behalf of, and aided in the successful fight for, the enactment of a measure, known as S. J. Res. 132, which became a law upon receiving the President's approval on March 4, 1929. This act authorizes, under certain conditions, the appropriation of $50,000 for the purpose of defraying the necessary expenses of the commission appointed under the provisions of the measure, and the cost of providing plans and designs, site, and other incidentals necessary to the construction of a memorial building to be erected in Washington. Such structure, as indicated in the act, is to provide a suitable place "for meetings of patriotic organizations, public ceremonial events, the exhibition of art

and inventions," and the "placing of statues and tablets for the National Memorial Association (Inc.) in the city of Washington as a tribute to the Negro's contribution to the achievements of America." It is the purpose of the Association to raise, by popular subscription, more than a million dollars, to pay the cost of erecting the memorial building.

The inspirational value of such a memorial, if and when created and maintained, will be of an inestimable character, not only to those of the colored race, but to all others as well.

CONCLUSION

Whatever I may have been able to accomplish touching the indicated matters, has been largely because of the kind and effective aid and cooperation given me by Members of the House and Senate and, in certain instances, by executive officials of the local, State, and Federal Governments, as well as by citizens and civic bodies. Without such assistance little might have been done. I wish time and space might permit a mention of all these.

There are certain other measures which I have introduced or sponsored which are yet pending in Congress, and there are certain other matters of departmental or other general character which I am seeking to effect, but I do not deem it necessary here to present them. The newspaper readers of my district and of my State are generally familiar with them. I need only say that I shall continue to use my very best efforts to bring about a realization of these other endeavors—some local, and some of more than local import and significance. I am grateful beyond the power of expression for the extreme kindness shown me by the citizens of my district in electing and reelecting me to this great body. To the best of my ability and to the utmost of my energy, I have sought to serve them. I can never hope to repay the obligation which has come to me by reason of the votes of confidence thus given me. I have sought to repay the debt thus incurred, as far as I could hope to repay it, by untiring, and, as I believe, by unselfish service for my district, for my State, and for my country. So long as I may keep the confidence of the people of my district, and so long as they may retain me as their Representative, I hope and expect to render this character of service.

FLOOD CONTROL BILL

Mr. SEARS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SEARS. Mr. Speaker, after years of effort, it appears that light is breaking ahead on the greatest question ever presented to Congress, in the way of internal improvements, a promise given by our Board of Army Engineers, that by December 1, 1930, we shall have a comprehensive report on our run-off waters. We must bear in mind that never in our Nation's history has either the study been made, or the promise given that it should be made.

The friends of that great question are confident that the study will disclose the economic value of those waters in the following particulars, especially having application to the great valley between the Rocky and Allegheny Mountain systems:

That we should not waste our time and money in continuing great floods, and trying to find ways of throwing those valuable waters into the Gulf of Mexico, at the cost of billions of dollars, and the millions of annual cost of upkeep, but that we should do away with them as flood waters, and put them to economic uses, in the minor flood areas where they originate.

Those of us who have been laboring to that end are confident that there will be established the following benefits:

(a) That there will be no great floods when the minor flood areas have been reservoired.

(b) That there will be ample water supplied for our rivers, so that we will have long-time river navigation.

(c) That the rivers will be stabilized in their flow, almost without flood peaks, and without the former low-water period, and that soil erosions will largely cease.

(d) That railroad freight rates will be equalized, so that injustice will be discontinued.

(e) That reforestation will be natural to our streams.

(f) That fish and game life will be greatly increased.

(g) That agriculture will be greatly benefited, and a higher water level maintained in our soils.

(h) That the people of the Southland will lose their fear of floods, as it is the rapid water of the tributaries catching up with the slower water in front, that piles up and over the slower water in front, that breaks the levees and brings ruin to the flooded districts.

(i) That it is an economic crime to waste the people's money in throwing those wonderfully valuable waters into the Gulf, when they can be put to so many and valuable uses and so greatly increase the wealth of the people and of the Nation.

(j) That much valuable electrical power will also come to the people of the Nation.

And so I say, that there seems to be a brighter way ahead. And the employment that will be given to men who need it is well worth considering. For unemployment is a crime that must be atoned for.

POWERS OF COMMISSIONERS OR MEMBERS OF INTERNATIONAL TRIBUNALS

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2828 and put it on its passage. There was an objection made to it yesterday which has been withdrawn.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill S. 2828. The Clerk will report it.

The Clerk read as follows:

A bill (S. 2828) authorizing commissioners or members of international tribunals to administer oaths, to subpœna witnesses and records, and to punish for contempt.

Mr. CRAMTON. Mr. Speaker, reserving the right to object—which I do not intend to do—I take advantage of this opportunity when the conferees are present to ask if there is any possibility of a report on the bill with reference to Government liens, which is now in conference.

Mr. GRAHAM. There is no immediate prospect of a report.

Mr. CRAMTON. When that bill is taken up in conference I hope the gentleman will give consideration to the effect of the bill upon Government liens in reclamation projects. The bill as it stands does not properly protect the Government's interests. I hope the gentleman will give that consideration in conference.

Mr. SUMNERS of Texas. Will the gentleman indicate to the conferees in what regard the bill does not protect the Government's interests? I do not mean on the floor now, but later.

Mr. CRAMTON. During the absence of the gentleman from Pennsylvania [Mr. GRAHAM] I gave a letter from the Commissioner of Reclamation to the gentleman from Indiana [Mr. HICKEY], who is also one of the conferees, and he no doubt will present it in conference.

Mr. JENKINS. Reserving the right to object, Mr. Speaker, I was much impressed with the explanation which the gentleman from Pennsylvania made yesterday, which removed my objection. I would like to have some assurance, if I may, as to whether the gentleman thinks that under the provisions of this bill an American citizen will ever be subject to punishment for contempt upon the whim of some foreigner who might be a member of some commission and be put under the ban of the law of some foreign country? I am interested in seeing that the rights of American citizens are not invaded.

Mr. GRAHAM. That is impossible under this bill.

Mr. DYER. Mr. Speaker, reserving the right to object, may I ask the gentleman if this bill has been reported with a favorable recommendation by the Committee on the Judiciary?

Mr. STAFFORD. It is on the calendar.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That whenever any claim in which the United States or any of its nationals is interested is pending before an international tribunal or commission, established pursuant to an agreement between the United States and any foreign government or governments, each member of such tribunal or commission, or the clerk or a secretary thereof, shall have authority to administer oaths in all proceedings before the tribunal or commission; and every person knowingly and willfully swearing or affirming falsely in any such proceedings, whether held within or outside the United States, its Territories or possessions, shall be deemed guilty of perjury and shall, upon conviction, suffer the punishment provided by the laws of the United States for that offense when committed in its courts of justice.

SEC. 2. Any such international tribunal or commission shall have power to require by subpœna the attendance and the testimony of witnesses and the production of documentary evidence relating to any matter pending before it. Any member of the tribunal or commission may sign subpœnas.

SEC. 3. Any failure to attend as a witness or to testify as a witness or to produce documentary evidence in an appropriate case may be regarded as a contempt of the authority of the tribunal or commission and shall be punishable in any court of the United States in the same manner as is provided by the laws of the United States for that offense when committed in its courts of justice.

SEC. 4. To afford such international tribunal or commission needed facilities for the disposition of cases pending therein said tribunal or

commission is authorized and empowered to appoint competent persons, to be named as commissioners, who shall attend the taking of or take evidence in cases that may be assigned to them severally by the tribunal or commission and make report of the findings in the case to the tribunal or commission. Any such commissioner shall proceed under such rules and regulations as may be promulgated by the tribunal or commission and such orders as the tribunal or commission may make in the particular case, and may have and perform the general duties that pertain to special masters in suits in equity. He may fix the times for hearings, administer oaths, examine witnesses, and receive evidence. Either party to the proceeding before the tribunal or commission may appear before the commissioner by attorney, produce evidence, and examine witnesses. Subpœnas for witnesses or for the production of testimony before the commissioner may issue out of the tribunal or commission by the clerk thereof and shall be served by a United States marshal in any judicial district in which they are directed. Subpœnas issued by such tribunal or commission requiring the attendance of witnesses in order to be examined before any person commissioned to take testimony therein shall have the same force as if issued from a district court and compliance therewith shall be compelled under such rules and orders as the tribunal or commission shall establish. Any person appointed as commissioner may be removed at the pleasure of the tribunal or commission by which he is appointed.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

DEPORTATION OF ALIENS CONVICTED IN VIOLATION OF THE HARRISON NARCOTIC LAW

Mr. FISH. Mr. Speaker, I desire to call up the bill H. R. 3394.

The SPEAKER. The gentleman from New York calls up the bill H. R. 3394, which the Clerk will report:

The Clerk read as follows:

A bill (H. R. 3394) to amend section 19 of the immigration act of 1917 by providing for the deportation of an alien convicted in violation of the Harrison narcotic law and amendments thereto.

Mr. BOX. Mr. Speaker, may I ask the gentleman whether this is the bill which the Committee on Immigration and Naturalization reported?

Mr. GRAHAM. Yes.

Mr. BOX. What amendments are added?

Mr. FISH. The amendment does not permit the deportation of a man merely because he is an addict.

Mr. BOX. Will an addict, when found guilty of selling narcotics, be subject to deportation?

Mr. FISH. Yes.

Mr. COCHRAN of Missouri. This bill provides for the deportation of certain aliens who violate the Harrison Act? Every law-abiding citizen favors that.

Mr. FISH. That is correct.

Mr. COCHRAN of Missouri. But, do not our laws to-day provide for the deportation of any alien who violates the Harrison Act? He commits a felony if he violates that law.

Mr. FISH. The law that the gentleman is thinking of is the export and import act of 1922, and there the man who sells the narcotic has to know that it is illegally imported into the United States.

Mr. COCHRAN of Missouri. If a man is convicted by a Federal court of a felony, would he be subject to deportation? I am thinking and speaking of the Harrison Act.

Mr. FISH. I think he would be.

Mr. COCHRAN of Missouri. The gentleman should devote his time to securing treaties with foreign countries which will provide that when we want to deport a man, deportable under the law, his country must provide him with a passport. We have many people in this country who are not desirable. What can we do to comply with a law of this character when the foreign country will not issue a passport?

Mr. FISH. Unless there is an act of Congress the State Department would not consider it.

Mr. COCHRAN of Missouri. I believe the bill is absolutely unnecessary to enforce the law to-day. As you know, and as I know, they are in the hospitals and in jails, aliens ordered deported, and we can not get passports to deport them.

Mr. FISH. I think this will help to bring it about.

Mr. JOHNSON of Washington. And we have a measure pending in another body which will help the situation.

Mr. BOX. Is there anything in the bill requiring a treaty agreement relative to the deportation of aliens?

Mr. FISH. Nothing whatever.

Mr. BOX. It does not in any manner limit the right of the United States to deport any alien subject to deportation?

Mr. FISH. None whatever.

Mr. BOX. That right is somewhat limited generally by international conditions, but it is not in any manner restricted in the gentleman's bill?

Mr. FISH. No, no. We want to encourage it.

Mr. BLANTON. Will the gentleman yield?

Mr. FISH. I yield.

Mr. BLANTON. The bill which the gentleman is calling up will help to remedy the very situation which the gentleman from Missouri [Mr. COCHRAN] mentioned, does it not?

Mr. FISH. It is to help that situation; yes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any alien who, after the enactment of this act, shall violate or conspire to violate any statute of the United States taxing, prohibiting, or regulating the manufacture, production, compounding, possession, use, sale, exchange, dispensing, giving away, transportation, importation, or exportation of opium, coca leaves, heroin, or any salt, derivative, or preparation of opium or coca leaves, shall be taken into custody and deported in manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States."

Mr. FISH. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 1, line 3, after the word "alien," insert "except an addict, if not a dealer or peddler."

Page 1, line 6, strike out the words "possession, use."

Page 1, line 7, strike out the word "transportation."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ORDER OF BUSINESS

Mr. GARNER. Mr. Speaker, I do not see the gentleman from Connecticut [Mr. TILSON] on the floor. I do not know what the program of the majority is, but it occurs to me that until we can get the conference report on the veterans' bill it may be a good idea to take up the Private Calendar where we left off and try to comply with the promise of the gentleman from Connecticut that the bills down to June 1 would be called. Bills are being taken up by unanimous consent now, and while they are probably very worthy, yet they can be taken up later on.

Mr. MICHENER. Will the gentleman yield?

Mr. GARNER. Yes; certainly.

Mr. MICHENER. There are one or two rules which I think are important.

Mr. GARNER. Of course, the Rules Committee has a right to report at any time, but up to this time, in 40 minutes, we have only considered matters by unanimous consent. The Rules Committee under a rule adopted yesterday may report at any moment, but why not consume the time now by calling the Private Calendar? Is there any reason why that should not be pursued?

Mr. MICHENER. The gentleman can object.

Mr. GARNER. What gentleman?

Mr. MICHENER. The gentleman from Texas.

Mr. GARNER. I am asking you, sir. I will make the request if the gentleman is a little delicate about it.

Mr. Speaker, I ask unanimous consent that we take up the Private Calendar where we left off.

The SPEAKER. The Chair would prefer not to recognize the gentleman for that purpose at this time.

Mr. GARNER. Very well. I did not expect to get recognition for that, but I was trying to intimate to the gentleman on the other side what they should do.

The SPEAKER. The Chair will state there are pending two rules of some importance. The District Committee has asked the Chair to recognize the gentleman from Illinois [Mr. REID] to present a unanimous-consent request for two bills and possibly a third from the District.

The Chair will state, so that nobody need feel there is any misunderstanding, that he has not promised and will not promise a single recognition for suspension of the rules. Members will have to take their chances, depending upon conditions as they arise. The Chair does not want to be informed again by Members on the floor that they have a distinct understanding that they would be recognized by the Speaker. [Applause.]

BONDS FOR MOTOR CABS IN DISTRICT OF COLUMBIA

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3615) to amend

section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the title of the bill does not tell us anything. What does the bill do?

Mr. REID of Illinois. It gives the Commissioners of the District of Columbia authority to compel anyone driving a taxicab, not now under their jurisdiction, to file a bond.

Mr. PATTERSON. Mr. Speaker, I object to the consideration of this bill until I hear something more about it. I want to know if it affects these independent taxicabs?

Mr. REID of Illinois. No; it helps them.

Mr. PATTERSON. I am going to object until I can have more time to consider it.

Mr. REID of Illinois. This will protect the gentleman and his family. If the gentleman should happen to ride home in one of these taxicabs and there should be an accident, and the man driving the taxicab has no money to pay for his injuries, the gentleman would have to go to work instead of coming to Congress.

Mr. PATTERSON. Let us have the bill reported so we may know what it is.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913 (37 U. S. Stat. 974), be amended by adding a new paragraph, numbered 2a, to read as follows:

"PAR. 2a. That the commission is hereby authorized and empowered to require any and all corporations, companies, associations, joint-stock companies or associations, partnerships, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, operating, controlling, or managing any motor cabs or other vehicles for the conveyance of persons within the District of Columbia for hire, except such common carriers as have been expressly exempted from the jurisdiction of the commission, to satisfy the commission, of their ability to discharge any claims for damages adjudged against them by filing with the commission a bond, policy or policies of insurance of such amount or amounts as may be required by the commission."

Mr. PATTERSON. Is this the bill which the gentleman from Michigan [Mr. MCLEOD] tried to call up the other afternoon right at the close of the day?

Mr. REID of Illinois. It may be.

Mr. BOX. Mr. Speaker, I am going to cut this short. I object.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 12923. An act to authorize appropriations for construction at military posts, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12906) entitled "An act to authorize appropriations for construction at military posts, and for other purposes."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 205. Joint resolution relating to the sale of power generated by the Government at Dam No. 2, Muscle Shoals, Ala., and the steam plant in that vicinity.

The message also announced that the Senate had passed the following concurrent resolution:

House Concurrent Resolution 43

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the letting of contracts and the beginning of construction under the several acts of Congress heretofore enacted authorizing the construction of public buildings and the prosecution of other public works and improvements throughout the United States and appropriation acts enacted pursuant thereto, shall be expedited to the fullest extent possible, within the limitations provided by law, to the end that unemployment prevailing throughout the country may be relieved.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate Nos. 13 and 31 to the bill (H. R. 12902) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes"; that the Senate agrees to a further conference with the House on the amendments of the Senate Nos. 3, 11, 21, 22, 27, 30, 33, 42, 43, 47, 70, and 76 to said bill and appoints Mr. JONES, Mr. HALE, Mr. PHIPPS, Mr. OVERMAN, and Mr. GLASS to be the conferees on the part of the Senate; and that the Senate agrees to the amendment of the House to the amendment of the Senate No. 12 to said bill.

OPERATION AND MAINTENANCE OF BATHING POOLS

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of S. 4224, to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital. This will give the Director of Public Buildings and Parks the right to run the bathing pools for the Welfare and Recreational Association of Public Buildings and Grounds.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of Senate bill 4224. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of Public Buildings and Parks of the National Capital, in his discretion, is authorized to operate, through the Welfare and Recreational Association of Public Buildings and Grounds, bathing pools under his jurisdiction, and thereupon there may be deposited in the Treasury under the special fund to the credit of said association moneys received for the operation of such pools and be there available for the purposes of said special fund and this shall be a compliance with the provisions of the act approved February 28, 1929 (45 Stat. 1411–1412).

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, what are the reasons for the enactment of this bill?

Mr. REID of Illinois. At the present time the law provides that the Director of Public Buildings and Parks may, with the consent of the Commissioners of the District, transfer the jurisdiction of the bathing beaches to the commissioners. They think it is advisable to turn them over to the Welfare and Recreational Association of Public Buildings and Grounds, a non-profit organization, so that they may proceed with the work this summer. There is no money involved in any way. The bill has been O. K'd by Colonel Grant, the commissioners, and every one else.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. CLARKE of New York. Do I understand this provides for compulsory bathing?

Mr. REID of Illinois. It does not, except on Saturday night.

Mr. SCHAFER of Wisconsin. Was this bill reported unanimously by the District Committee?

Mr. REID of Illinois. I think it was; yes.

Mr. PATTERSON. Reserving the right to object, what is it about? What right does this bill give that does not now exist?

Mr. REID of Illinois. I call your attention to the fact that the present law provides that the only authority the Director of Public Buildings and Parks shall have is to turn the bathing beaches over to the Commissioners of the District of Columbia. The Commissioners of the District of Columbia do not want them, and this bill gives the director authority to permit the operation of these pools and bathhouses by the Welfare and Recreational Association of Public Buildings and Grounds, a non-profit-making organization, officered by public officials, and the agency which operates all of the recreational facilities in the District which are under Government jurisdiction. What could be better than that?

Mr. PATTERSON. The gentleman said something about money. Is any charge made for these facilities?

Mr. REID of Illinois. Yes; there is. When anybody goes to one of the bathing beaches and uses a towel or a bathing suit a charge is made for that use. This bill does not change that in any regard.

The regular order was demanded.

The SPEAKER. The regular order has been demanded. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ILLINOIS AND THE MISSISSIPPI BASIN

Mr. ARNOLD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman's own remarks?

Mr. ARNOLD. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARNOLD. Mr. Speaker, the passage of the rivers and harbors bill of 1930 by Congress, containing as it does provision for a deep waterway south from Chicago to the Gulf and east through the Great Lakes and the Erie Canal to the Atlantic, is of interest to the people of the Middle West, and especially to those of Illinois.

Since the days when Father Marquette and Louis Joliet explored the portage between the Des Plaines and Chicago Rivers, in 1673, men have talked and dreamed of the advantages of connecting through a navigable channel the waters of the Great Lakes with the Gulf of Mexico by way of the Illinois River and the Father of Waters. The realization of that vision and the translation of the dream of other years into an actual reality is nearing fulfillment. What this means to the future development of Illinois and the great empire of the Middle West challenges the imagination.

If you will gaze at the map of the United States you will see the outlines of the great State of Illinois in shape somewhat resembling that of a heart. Further inspection will show its central location in our national domain similar to the position of the heart in the human body. Its base at the top, its apex to the south, caused by the confluence of two mighty rivers, the Ohio and Mississippi.

What the heart is to the human body Illinois bids fair to be to the American Nation. A land through and along which great arteries of commerce, throbbing and pulsating with activity, carrying trade and commerce, not only of the Middle West but of the Nation at large to and from the markets of the world.

The greatest length of the State north and south is 385 miles, its extreme width east and west 218 miles. It has an area of 56,665 square miles. It lies within the great prairie region and has the appearance of a broad plain, sloping slightly toward the south and southwest. One thousand six hundred and seventy-four square miles of its area are waters of Lake Michigan at the northeast corner of the State. The Mississippi courses along its entire western side, and the Wabash and Ohio along the eastern and southern boundary, while their tributaries reach out and drain practically the entire State, many of them with most favorable possibilities for development of power and for navigation and irrigation purposes.

The position the State occupies in the Mississippi Basin and in the Union, with this great artery of commerce leading to the Gulf on the south and the Atlantic on the east, with its network of railroads and hard-surfaced highways, with its inland rivers, its fertile soil, its great mineral resources and delightful climate gives it natural advantages for economic development and growth surpassed by none.

Illinois, rich in natural resources, manufacturing, and agriculture, now contributes in a vast degree to the standing of the United States as the wealthiest Nation in the world. It ranks third in wealth, exceeded only by New York and Pennsylvania, with a total property value of $22,232,794,000. Its wealth is one-fourth as large as the total wealth of Great Britain, one-third that of France, and almost equals Italy and Spain. It is greater by many millions than the total wealth of the Dominion of Canada. In 1928 its citizens paid into the Federal Treasury through internal-revenue collections over $222,000,000.

Illinois ranks third in manufacturing and fourth in agriculture. No other State in the Union is so well balanced in its production of raw materials, food supplies, and manufacturing facilities. Its population is approximately 7,650,000, exceeded only by New York and Pennsylvania. In farm production, it is exceeded only by Texas, Iowa, and California in the value of farm crops, and is surpassed only by the State of Iowa in the livestock produced on its farms. It pays in wages nearly a billion dollars a year. It takes seventh place in its mineral production. It produces more fluorspar and silica sand than any State in the Union. It is third in production of bituminous coal, Portland cement, pig iron, mineral paints and pigments, and fourth in clay products and fuller's earth. It leads the world in the production of farm machinery. It produces 65 per cent of the pianos manufactured in the United States.

It has completed, or nearing completion, 9,800 miles of hard-surfaced highways at an expenditure of something like $234,000,000. Two bond issues aggregating one hundred and sixty millions have been floated. Money to carry on the work and repay maturing bonds and interest is raised through automobile license fees and a 3-cent gas tax.

Nature has played her part well in shaping and planting this Commonwealth of ours. It is in the heart of the agricultural, industrial, and commercial life of America. With its favored position, its boundless resources, and natural advantages, the development of a system of transportation by water will give an impetus that will add most materially to its future growth and to the welfare, happiness, and prosperity of the people of the Middle West and the Nation at large.

Illinois is a veritable network of railroads. It is crossed and crisscrossed by the iron bands of commerce reaching out into and carrying the commerce from the four corners of the Nation. Chicago, its chief metropolis, is the second largest city in the United States and the fourth largest city in the world, with an estimated population of almost 4,000,000. It is the largest transportation center in the world. About 40 per cent of the railroads of the United States enter here and over 50,000,000 people—nearly half the population of the country—live within a night's ride of the city by rail. It is said a passenger train arrives and departs on an average of every 40 seconds, and a freight train on an average of every 35 seconds. What this gateway to commerce and industry will be in the future, with the deep-waterway system, contemplated in this bill completed and in operation, is beyond the realms of fancy.

The land is dotted with schools and churches. It has more than 2,000,000 boys and girls of school age. It has facilities for instructing the youth of the land second to none, and a most efficient corps of teachers training our boys and girls and developing them into good, useful, patriotic American citizens.

If you will again look at the map of the United States you will see in this great region a river system resembling in appearance the trunk and broad spreading branches of a tree, the mighty Mississippi representing the trunk and its tributaries and the tributaries of tributaries the branches. Its principal tributaries on the west are the Red, Arkansas, and Missouri, while from the east come in the waters of the Wisconsin, the Illinois, and the Ohio, bringing in with it the Cumberland and Tennessee, while numerous smaller rivers on both sides discharge their waters through it into the sea. These rivers and their tributaries spread out fan shape over and into 31 States and 2 Provinces of Canada. The entire watershed of the Mississippi Basin is equal to about 41 per cent of the total area of continental United States, approximately 1,250,000 square miles.

Its western tributaries are fed by the melting snows from the crest of the Rockies. Its tributaries from the north flow from the icy wind-swept regions of Canada and form an outlet for the waters from many of her numerous lakes, while its eastern tributaries carry the waters from the western slopes of the Appalachian Mountain system from New York to Alabama.

Within this vast river system are potential power and transportation possibilities awaiting development that will revolutionize our industrial, commercial, and agricultural life. We are just entering the mechanical age. Electricity is the magic energy that will to a large extent propel the machinery in this age, immeasurably relieve the drudgery and burdens of life and add to the convenience, comfort, and pleasure of our people. Some seem to think we are far advanced in this mechanical age, but science and invention have in store for us undreamed of possibilities. We have but crossed the threshold. Power, so essential to this mechanical age, is becoming more so year by year. To harness these rivers, to develop and transform into electrical energy the power now going to waste for use on the farm, in the factory, in the mine, and in the home invites our most earnest consideration.

In this development the possibilities are fourfold—power, navigation, flood control, and irrigation. Each is more or less dependent upon the others and all blend into a complete picture.

This vast domain lying between the Rockies on the west and the Alleghenies on the east, and extending from the Canadian border on the north to the Gulf of Mexico on the south, is the chief producing section of the United States. Within its confines is 54 per cent of the entire population of this great country of ours. Here are produced 68 per cent of our total exportable products, 44 per cent of our manufactured goods, and 70 per cent of our total agricultural commodities.

Eighty-one per cent of our wheat, 86 per cent of our corn, 87 per cent of our oats, 62 per cent of our cotton, 53 per cent of our lumber, 75 per cent of our livestock, 95 per cent of our coal, 65 per cent of our gas, 71 per cent of our petroleum, and 97 per cent of our iron ore are produced in this Mid-West empire. It contains now, and always will contain, the center of our population. It has a well-balanced production of all the vital necessities for human kind. It is the bread basket of the Nation. It produces raw products for the factories and has the

industrial facilities to transform those raw materials into the finished product for the comfort and convenience of mankind.

The cheaper transportation this development will bring to this vast section is bound to be of inestimable benefit to this whole region. It will make it possible for the farmer, the merchant, the manufacturer, the miner, and the business man of the Middle West to compete on equal terms with his competitors of the seaboard. Such competitors have been greatly favored by the cheap water transportation afforded through the building and operation of the Panama Canal.

Strange as it may seem, the Panama Canal has handicapped the producers of this region. It has enabled producers nearer the seacoasts to transport their products by water to the markets of the world at a less cost than the producers in the Mississippi Valley can get their products to the seaboard by rail for shipment by water to foreign markets. Cheap transportation is a most important factor in modern-day competition. Quite often it marks the difference between success and failure.

It is interesting to note that originally the Great Lakes had two outlets, one from Lake Ontario by way of the St. Lawrence River to the Atlantic Ocean, the other from Lake Michigan through the Chicago, Des Plaines, Illinois, and Mississippi Rivers to the Gulf of Mexico. For some unaccountable reason, away back in the misty past, the outlet to the Gulf was closed, and when white men first visited the Illinois region in 1673, there remained only a shallow water trail to mark the route of what had once been a vast river from Lake Michigan to the Gulf.

Some reference to history may be of interest in this connection.

The State is rich in tradition and history. It originally belonged to the Indians, whose title rested on the claim of occupancy and use of the soil.

Spain claimed it by the discovery of Columbus in 1492, by De Leon's discovery of Florida in 1513, through De Soto's landing on the Mississippi in 1541, and under Menendez's proclamation in 1565.

France claimed it under treaty with the Indians in 1671, by the discovery of Marquette in 1673, and the La Salle ceremony at the mouth of the Mississippi in 1682.

England claimed it by Cabot's discovery in 1498. By the treaty of Paris in 1763 it became an English colony, part of the Province of Quebec under George III. The Colony of Virginia acquired it by patent from England in 1606 and 1609. It was likewise claimed by Massachusetts and Connecticut by grants from the British Crown.

The Legislature of Virginia in 1778 created the County of Illinois, which included all of the territory north and east of the Ohio River. George Rogers Clark, a young Virginian, in 1778 undertook an expedition to capture the British forts of Kaskaskia on the Mississippi and Fort Sackville on the present site of Vincennes, Ind., on the Wabash, to put an end to the Indian raids incited by the British on settlements in Kentucky and on the frontier. The British forces were coming down from Quebec to attack our frontiersmen west of the Alleghenies and fan into flame the savage instinct of the Indians to commit depredations on the white settlers. They sought to create a reign of terror in our back yard to weaken Washington's forces fighting against the British in the east by forcing the withdrawal of troops to protect the frontier settlements.

The march of George Rogers Clark and his small band of patriots from Kaskaskia across the southern part of the State in the winter and early spring of 1778 through ice and snow and swollen streams, necessitating wading waist-deep through icy waters, to old Fort Sackville and his capture of that fort from the British is one of the most stirring and colorful campaigns in American history.

That expedition and the capture of old Fort Sackville had a more far-reaching effect in bringing victory to our soldiers in the Revolutionary War than is generally understood.

The British were driven out. The American flag was hoisted over this vast region, never to be hauled down.

Indian attacks were allayed, and the whole strength and resources of our Revolutionary forefathers were left intact for General Washington in fighting our battles for independence from the British Crown. It secured to America this vast territory that has enabled the American Nation to reach from ocean to ocean and take her place as the greatest and richest Nation in the world. Virginia ceded it to the United States in 1784. Massachusetts released her claim to the United States in 1785, and Connecticut in 1786.

It was a part of the Northwest Territory by the ordinance of 1787. By an act of Congress in 1800 it became part of the Indiana Territory, and by later act of Congress in 1809 it became the Illinois Territory, extending from the Ohio to the Canadian border. By act of Congress in 1818 Illinois was admitted into the Union as the twenty-first State. Our first constitution was that of 1818; the next, that of 1848; and the third, that of 1870, our present constitution. The first legislature convened at Kaskaskia, October 5, 1818. Shadrach Bond was the first governor. In 1820 the capital was moved from Kaskaskia to Vandalia, and through the influence of the "long nine," two senators and seven representatives, led by Abraham Lincoln, then a member of the general assembly, the legislature in 1837 moved the capital from Vandalia to Springfield, where it has since remained.

The glory of Illinois is not to be found alone in her material welfare and progress nor in her traditions of the past. It is rather in her noble men and women, a sturdy stock imbued with high ideas and ideals of life. Her early pioneers felled the forests, built their homes, and transformed her broad prairies into productive farms. Her people have been leaders in the march of civilization. They have been in the vanguard of every great movement for the betterment of mankind. Their love of home, love of country, and of their fellow man is surpassed by none.

They are peace loving and patriotic. In every great war in which our Nation has been engaged since the State became a part of the American Union, Illinois has contributed her full share of patriotic men and women. We are proud of our State, its people, its traditions, its ideals.

The people in all sections of the State and throughout the valley will share in the benefits of this great development, some more than others, of course. The completion of this deep-waterway project and the improvement and development of our water resources will usher in the dawn of a new era for Illinois, for the Mississippi Basin, and for the Nation.

PERMISSION TO ADDRESS THE HOUSE

Mr. GREEN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for two minutes. Is there objection?

Mr. PURNELL. Mr. Speaker, I shall have to object for the present.

PRODUCTION OF FOREST PRODUCTS IN NORTHERN MINNESOTA

Mr. PURNELL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 277.

The SPEAKER. The gentleman from Indiana calls up a resolution which the Clerk will report.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2498, an act to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Public Lands, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. PURNELL. Mr. Speaker, this resolution will make in order consideration of the bill (S. 2498), the purpose of which is to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes, and I yield to the gentleman from Iowa [Mr. LETTS] five minutes in order that he may make a brief statement with reference to the purposes of the bill.

Mr. LETTS. Mr. Speaker, ladies and gentlemen of the House, this bill is commonly known as the Shipstead-Newton-Nolan bill. It is legislation earnestly desired by all of the outdoor societies as far as I know. The recreational purposes back of the bill are most prominent. Conservationists, not only in Minnesota, but throughout the Nation, are very much interested in the passage of the legislation.

The legislation will accomplish three things. In the northeastern part of Minnesota lies what is commonly known as the lakes land. This region is in the northern part of Cook, Lake, and St. Louis Counties, and is immediately contiguous to the international waters.

The purpose of the legislation is to prevent any further destruction of this great natural wilderness, which perhaps



is the only wilderness of the character in the country; certainly, it is the only one in the Mississippi Valley.

It is desired to retain it as near as possible in its state of nature. There are certain interests that would build dams and change the lake levels and produce power and divert these great natural resources to the purposes of industry to the point where they would destroy the region for its recreational advantages.

The legislation is designed to do three things: First, to withdraw from entry the public lands that are within the described areas; second, to prevent any change in the lake levels; and, in the third place, it will prevent logging for a distance of 400 feet back of the shore line of these lakes.

It is thought by accomplishing this we will make it impossible for those who are interested to divert these great natural waterfalls and watercourses to the purpose of producing power and commercializing this region to the disadvantage and disappointment of the whole country.

Mr. YON. Will the gentleman yield?

Mr. LETTS. I yield to the gentleman from Florida.

Mr. YON. I was not in the committee when this bill was reported out. Being a member of the committee, I was very anxious about the interest of our international neighbors in the control of the water levels on these international waters.

Mr. LETTS. I will say to the gentleman that we have a provision in the bill which will prevent any possible conflict with any international duty which arises under the treaties with respect to the Lake of the Woods matter, the treaties of 1909 and 1925.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. LETTS. Yes.

Mr. O'CONNOR of Louisiana. Will not the administration of this bill, if enacted into law, contribute in a way to the solution of the flood problems of the valley?

Mr. LETTS. No; perhaps not; because the watershed is the other way. The watershed is to the north through the Lake of the Woods. It is toward Hudson Bay.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. LETTS. I yield.

Mr. OLIVER of Alabama. I am very much interested in this legislation, especially if it will accomplish the purposes which the gentleman has just announced it is designed to accomplish.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. PURNELL. Mr. Speaker, I yield the gentleman three more minutes.

Mr. OLIVER of Alabama. May I ask whether legislation contains specific language that will prevent the International Boundary Commission from doing what the gentleman says it is the purpose of this legislation to prevent?

Mr. LETTS. No.

Mr. OLIVER of Alabama. There is now pending before that commission some applications by power companies that will destroy valuable property rights in northern Minnesota.

Mr. LETTS. That is true, and if the conflict is actual between this legislation and our duties under the treaty, which created the International Boundary Commission, then our duties under our international obligations must prevail.

Mr. OLIVER of Alabama. I do not understand there is any insistence on the part of those who have applications pending before the commission, that any treaty obligations require the commission to grant those petitions; in other words, the State Department must first give consent that the joint commission shall take the matter up before the commission is authorized to do so.

Mr. LETTS. Yes.

Mr. OLIVER of Alabama. And if the State Department is furnished with information such as this bill contains, of the policy outlined by Congress, surely they will not consent that the international commission should take action in matters of the kind complained of.

Mr. LETTS. Yes.

Mr. OLIVER of Alabama. And it is the gentleman's belief, assuming there are no absolute treaty obligations that require favorable action on power application now pending, that this bill would prevent that.

Mr. LETTS. Yes; the gentleman is correct.

Mr. LOZIER. Will the gentleman yield?

Mr. LETTS. Yes; I yield to the gentleman.

Mr. LOZIER. I am in sympathy with the gentleman's argument and with the purposes of the bill. If the gentleman will permit me to say so, I think one of the greatest crimes of tse American people against posterity is the destruction of areas of this character throughout the United States.

Mr. LETTS. Yes; the gentleman is certainly right about that.

In 1909, President Roosevelt set aside Superior National Forest, in northern Minnesota. It lies in three sections, the outer boundaries embracing some 1,500,000 acres, of which some 850,000 acres are Federal lands, the rest private and State lands. Two of the sections extend for some distance along the international boundary. In the whole forested area there are thousands of rock-bound lakes extending in an unbroken network far into Canada, where Ontario has a similar forest reserve of a million acres. These lakes, because of their healthfulness, wild beauty, and romantic past, have become increasingly the goal of vacation seekers from all over the continent. No one, who has ever seen them, disputes that they are one of the proudest remaining possessions of our pioneer America.

The bill does not seek to create a new national park or to curtail the systematic management of national-forest lands for economic uses. It applies only to Federal lands and carries no appropriation.

Provisions in the bill specifically provide that it shall not be construed to interfere with existing treaties with Canada and that the Department of Agriculture, through its Forest Service, may grant all customary "use permits" and may make certain exceptions in the application of the principles to meet the needs of practical forestry operations. There is a further provision reaffirming the existing law providing for the return to entry of lands found more valuable for agriculture. And, finally, there is an amendment exempting any water-power project for which formal application had been filed before the Federal Power Commission prior to January 1, 1928.

The purpose is to guard the best lakes of northeastern Minnesota, which are admittedly a great national asset, from further waste and industrial encroachment. These include not the boundary lakes alone but their tributaries as well. Many thousands of lakes are connected in an intimate network extending far into Canada. It is hoped eventually to enter into treaty relations with Canada for protection of the entire lakeland.

The bill, in short, recognizes the recreational uses of the lakes and streams lying in the area of Superior National Forest and seeks to perpetuate their islands, beaches, rapids, waterfalls, and wooded shores for national use and enjoyment.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. PURNELL. Mr. Speaker, I will ask the gentleman from North Carolina [Mr. POU] if he desires to use any time on the rule.

Mr. POU. Only to say this, Mr. Speaker: This bill, we are informed, comes with a unanimous report from the Committee on the Public Lands, and this rule comes as a unanimous report from the Committee on Rules.

Mr. PURNELL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. COLTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2498) to promote the better protection and highest public use of land of the United States and adjacent lands and waters in northern Minnesota, for the production of forest products, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. BEEDY in the chair.

Mr. COLTON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. COLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman and members of the committee, I am taking time in favor of this bill for sentimental reasons, as well as because I believe it embodies legislation which should be enacted at this time.

Twenty-one years ago, a little earlier in the year 1909 than this, I was assigned to what is known as the Superior National Forest from the Fremont National Forest in Oregon. I was sent there as an experienced ranger to help put the new Superior National Forest, which roughly comprises the area mentioned in this bill, under administration.

I recall that area of beauty as it was 21 years ago. Within the last year or two I had an opportunity to return to it as a member of the Public Lands Committee of this House, and to witness the fact that the provisions of such a measure as this

now before us are necessary. If that most wonderful wilderness area, with lakes and rivers, primeval forests, innumerable deer and moose, game of all kinds natural to the north woods of this country, lakes filled with fish of many sorts, with white and Norway pines and various other species of conifers and of hardwoods covering those rocky hills—if that heritage of forest glory is to be preserved as a playground of this country, as it should be, the provisions in this bill must be enacted.

Mr. BOYLAN. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. BOYLAN. I am in sympathy with the bill and the purpose of it, but in reading the bill there seems to be an inconsistency. On the first page it says that all lands within the area are to be withdrawn from all forms of entry or appropriation under the public land laws of the United States.

Mr. LEAVITT. That is correct.

Mr. BOYLAN. And then, on page 4, it says:

Provided, That nothing herein shall be construed to prevent the Secretary of Agriculture from listing for homestead entry under the provisions of the act of June 11, 1906, any of the above-described lands found by him to be chiefly valuable for agriculture and not needed for public purposes.

It appears to me that if you really want to preserve that land and territory that that proviso should be stricken from the bill.

Mr. LEAVITT. It might seem so from a cursory examination of the bill, but the act of June 11, 1906, however, has to do with the allowance of restricted areas of more value for agricultural purposes than for forest purposes within the national forests, and in this case they must not be needed for public purposes. If they are, they can not be listed.

Mr. BOYLAN. If it is going to be a national forest, it ought to be a national forest without the right of homestead entry.

Mr. LEAVITT. This area does not become a national park. It remains a national forest. National-park areas are shut up from all kinds of entry. This remains a national forest, with the exception that a strip not to exceed 400 feet wide along the water courses, except in particular instances, shall be preserved as nearly as possible in its natural state. It is necessary in enacting and carrying out an act of this kind to recognize conditions as they exist. There are some settlers, homesteaders, in that section of the country at this time.

We desire to carry out the purposes of the conservation of this area without doing unnecessary harm or damage to the people who live there, and who depend upon that area for their livelihood. Therefore, the door has been left just a little open, so that if there are some areas necessary to round out the home units of some of these people, they can still be listed; but outside of that the public lands are closed to all forms of entry under the public land laws, and are dedicated to the purpose of conserving this wonderful recreational area for the future of this country. There is perhaps a seeming inconsistency, but in fact no inconsistency whatever.

Mr. FOSS. And this would prevent the carrying out of the project that has been under way for some years, intending to raise the level of the lakes.

Mr. LEAVITT. Yes; and at the same time will not interfere with legitimate logging operations back in the interior of the forest, away from the water.

Mr. HOOPER. It interferes with no vested rights.

Mr. LEAVITT. Not at all. Any rights that now exist will continue to exist, and are particularly protected in the wording of the bill.

Mr. MENGES. Has this land been cut over or is it original forest?

Mr. LEAVITT. It has been partly cut over under the conservation policy of the Government to some extent, and private lands have been severely cut in many instances. This stops that only to the extent of preserving the natural shore lines on Federal-owned lands and restoring them to their beauty. We must also keep in mind that considerable areas within the outline of the Superior Forest and surrounding country are in private ownership. This bill in no way affects them. The question of the gentleman from Massachusetts [Mr. Foss] as to stopping some intended raising of lake levels is an important one in this case. What this bill does in that regard is this: It provides that before permits can be granted to do any more than construct strictly temporary dams, necessary for legitimate logging operations, the Congress itself must act. It takes away from the Water Power Commission or any other agency of this Nation the right to grant such permits as would allow the permanent raising of those water levels to the destruction of the shore line, until the Congress itself acts in the matter, and decides itself what thing should be done in the public interest. This is a conservation measure of the utmost importance, preserving the last wilderness area of this character existing in the United States, saving it for the future, and making of it one of the great assets of this country of ours. It is close to centers of population and is accessible to millions of people and will offer that form of recreation and restoration of soul that comes only from contact with these beautiful and silent places of nature. [Applause.]

Mr. COLTON. Mr. Chairman, I yield seven minutes to the gentleman from Michigan [Mr. HOOPER].

Mr. HOOPER. Mr. Chairman and gentlemen of the committee, I do not see how this House can do a finer thing in the closing day of the session than to pass this bill and give to the people of the United States, of our whole country, a real heritage for all the years that are to come. I had the privilege of going with members of the Public Lands Committee up to this beautiful region two years ago. It is the last great American wilderness. It has been so termed, and it actually is, and unless one sees it, unless you go there as I have, you can form no adequate conception of the beauty of the region. It runs along the boundary between the United States and Canada—a country of rivers, streams, and forests, the streams flowing not into the Mississippi Valley but up to Hudson Bay, and you feel when you go there the silence of a region which is America's farthest north. This bill is going to take away no vested rights, it is going to take away no acquired interest, it violates no treaty obligation, it is simply going to set apart this region here to be a playground, a place of recreation for the people of America for all time to come, and as far as my experience has shown me I have never seen a region more fitted to be a playground. There are innumerable, wonderful little lakes, and in these lakes are islands of the rarest beauty. We camped on one island of particular beauty. I was told the island had not been named and that I would have the privilege of naming it if I desired to do so. I thought over a good many names during the canoe trip that we were taking at that time, and finally I said to the gentleman who proposed it to me that I thought the name should be given it of "Leavitt Island," on account of the fact that our good friend from Montana [SCOTT LEAVITT], in the years that have gone by, had traveled that country as a forest ranger, and I was told it would be named "Leavitt Island," and I hope you will all agree with me that that was the best possible name that could be given. [Applause.]

Mr. O'CONNOR of Louisiana. I am glad that the gentleman has made the statement that the wilderness drains toward the Hudson Bay, because I have received numbers of letters from prominent people who are under the impression that the administration of this bill, if enacted into law, would contribute to a solution of the flood problems of the Mississippi Valley.

Mr. HOOPER. I do not think that is true.

Mr. O'CONNOR of Louisiana. Of course, the bill is a good bill even if the region it affects does drain toward the Hudson Bay.

Mr. HOOPER. If the studious and poetically inclined gentleman from Louisiana had gone up to that region with me, and had seen the aurora borealis unroll its curtain across the sky night after night, I know that he would have quoted these lines:

There's a pine-built lodge in a craggy mountain glen
Of the shag-breasted motherland that bore me,
And the wind blows south, and I'm going back again
To the place where my heart has gone before me.
Where a lake laughs blue when the dipping paddles gleam,
Where the wild geese are following their leader,
Where the trout jumps up from the silver of the stream,
And the buck strikes his horns against the cedar.

And the gentleman, if he were up there, could hear the buck striking his horns against the cedar in the silence of the night, and once in a while he would see a dappled fawn come out of the woods and eat out of the gentleman's hand. Nothing finer or more splendid could be done by Congress in these closing days than to make sure that this heritage is not wasted.

Mr. O'CONNOR of Louisiana. I am glad that I asked our courteous and gracious colleague a question which agreeably aroused such a magnificent and stimulating flight into realms of reality that surpass anything in fancy. After that graphic, beautiful, historical, and poetical flight, if I were to make the trip suggested by the gentleman, I do not think the House would stand for the effusions the visit would inspire. [Laughter.] The gentleman has indeed shown us a region where one astride of Pegasus may pick apples of gold from pictures of silver.

Mr. HOWARD. Did he understand that that was the cause of his piscatorial reference?

Mr. HOOPER. It was not that kind of a reference.

Mr. HOWARD. The gentleman from Louisiana referred to the gentleman making a visit to a certain park.

Mr. HOOPER. No; he did not say that. [Laughter.]

Mr. CULKIN. Did the gentleman from Michigan intend to cure the gentleman from Louisiana of his delightful habit of quoting poetry by quoting stimulating poetry on appropriate occasions?

Mr. HOOPER. Oh, the gentleman from Louisiana is entirely incurable in that respect. [Laughter.]

Mr. YON. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. PATTERSON].

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. PATTERSON. Mr. Chairman and Members of the House, I am supporting this legislation because I feel that it is vital legislation and that it is important not only to that section of the country, but to the entire country. It means a great deal to our people to have certain parts of the country set apart in this way for the benefit of generations to come. I enthusiastically support this legislation.

I want to say in connection with these conservation bills that I feel we have another great problem of conservation—the conservation of the people of this country and the principles of our Government. I was hoping that before the close of this Congress we would have the Couzens resolution and other similar legislation passed, which would protect our laboring people from the situation in which we find ourselves.

Mr. ALMON. You should not forget Muscle Shoals.

Mr. PATTERSON. No; I would not forget Muscle Shoals for all the world; and I shall not support adjournment until both are completed.

Mr. YON. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BOYLAN].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. BOYLAN. Mr. Chairman and members of the committee, I am in favor of this bill. I think it should pass.

The great State of New York is one of the pioneers in the adoption of conservation measures. Many of you no doubt have enjoyed your vacations in the Adirondack section of New York, with its great natural parks and thousands of lakes and streams and brooks, every one of them holding out its alluring hands and inviting you to partake of the pleasures they afford. I think there is no greater duty or responsibility of government than to preserve our natural resources. In my own State, judging from an experience of 13 years, I have found that there are always certain people trying to encroach on the public domain. Some one wanted to cut timber or build a dam to make a trout pond, or something of that kind. We had to be vigilant year after year to thwart the designs of people who wanted to get a foothold in the beautiful Adirondack region of New York.

While I am in favor of this bill, I wanted to see this reserve carefully preserved. You say it will be a great natural preserve where people who are tired with the stress and tumult of the world can commune with Nature and entertain and refresh their minds with the poetry which the poet says is in every stone and in every babbling brook, in order that they may be revivified and enabled to take up again the battle of life.

If it is to be a forest preserve, let it be one in fact. Do not insert in this bill the provision that gives the power to the Secretary of Agriculture to grant entries for homesteads after you have reserved it. I think that provision should be stricken from the bill.

Mr. LETTS. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. LETTS. In defining the area to be affected by this legislation it was necessary that the language be more or less arbitrary, and by establishing an arbitrary line we felt that we would perhaps include some land that might appropriately be used for agricultural purposes. This provision in the bill would enable the Secretary of Agriculture to correct any such condition and extend the right of homestead entry.

Mr. BOYLAN. Are they now used for agriculture?

Mr. KNUTSON. Some of them are.

Mr. LETTS. Some of them are; yes.

Mr. KNUTSON. May I interpose?—the number is scattered.

Mr. LETTS. Within this area there are privately owned lands which are farmed. There are public lands which, perhaps, might be properly entered for agricultural purposes, and this reservation within the law will allow the Secretary to permit such agricultural lands as may be properly put under the plow, to be entered.

Mr. BOYLAN. Where lands are now occupied for agricultural purposes I think that should be permitted to continue, but no additional entry should be permitted after this is taken over.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YON. I yield the gentleman from New York five additional minutes.

Mr. KNUTSON. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. KNUTSON. There are some small scattered areas within this domain that are essentially agricultural lands.

Mr. BOYLAN. But, even so, why should entry be permitted there? No subsequent entry should be permitted after the lands are taken over for the public domain.

Mr. KNUTSON. Those lands will probably not be entered for a hundred years.

Mr. BOYLAN. It does not make any difference.

Mr. NOLAN. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. NOLAN. The lands that are referred to are Federal lands within this area that are withdrawn from entry so as to preserve the lake shores and streams upon which these lands are located. There is none of it that is agricultural land, but there is a fear that possibly some might be found to be agricultural land, and this provision was put in the bill at the suggestion of the Department of Agriculture. I do not think the fear which the gentleman entertains has any foundation. It is not going to injure the bill at all.

Mr. BOYLAN. But even if they are found to be agricultural lands, what of it? They are a part of the preserve and they should be continued in the preserve.

Mr. NOLAN. We have no fear that they will ever be found to be agricultural lands.

Mr. LEAVITT. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. LEAVITT. The situation is that there is no intention by this bill to withdraw from all kinds of use anything except a sufficient area along the shore lines of these waterways to preserve them as nearly as possible in their natural state. There are established lumber industries, and there are established industries of various kinds in that section now, and there is no intention by this bill to put an end to the legitimate industries of that section. It is not withdrawn in its entirety as would be a national park. It remains a national forest, but, because the travel through the country is along the waterways and along the streams and through the lakes, the preservation of the natural shore line back an average of 400 feet, which will generally take up to the sky line, accomplishes all that is necessary to be done in preserving that as a recreational area. Within the areas back from the shore line legitimate lumbering operations can go forward under the supervision of the Forest Service, with ways through to the shore. Areas that are agricultural in value and not needed for public uses, if there are any, could be so classified. I will state, in addition to what the gentleman from Minnesota [Mr. NOLAN] has stated, that, having been there for a year and having been in charge of that forest area at one time, I know that the real agricultural areas are extremely limited. Almost none of them could be classified properly as agricultural areas.

While this provision meets the fears of local people, it does not in any way interfere with the legitimate purposes of this legislation.

Mr. KNUTSON. And it is expected there will be some iron found up in this section?

Mr. LEAVITT. Oh, yes.

Mr. BOYLAN. Then, as a matter of fact, somebody will come in and claim the iron?

Mr. KNUTSON. No. That is Government land. But there will come a time, if there should be iron there, when we would want to use it. Of course, when all the other iron deposits are exhausted we would want to use that.

Mr. BOYLAN. The gentleman desires to sacrifice the beauty of nature and the beauty of this park for commercial purposes? Is that the gentleman's idea of a national park? It is not mine.

Mr. CULKIN. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. CULKIN. When the gentleman refers to the procedure in New York State he refers to section 7 of article 7 of the constitution, which provides that the State lands shall remain inviolate forever?

Mr. BOYLAN. Yes.

Mr. CULKIN. I would like to ask the gentleman the question if at this time it is not the expert judgment of foresters who are not allied with any special interests that there should be a modification of that section to permit scientific cutting upon those lands in the interest of their preservation, greater beauty, and utility? Is the gentleman familiar with that suggestion?

Mr. BOYLAN. Oh, yes. I have given quite a little attention to the study of the growth and care of trees. I am very much interested in it.

Mr. CULKIN. Does the gentleman not believe that that procedure under expert regulation would make the forests more beautiful and usable? The suggestion is that we follow the German and Swedish practice which we are told has worked out remarkably well.

Mr. BOYLAN. Absolutely. I agree with the gentleman.

The CHAIRMAN. The time of the gentleman from New York has again expired?

Mr. YON. I yield the gentleman from New York one additional minute.

Mr. COLTON. I yield the gentleman from New York two additional minutes.

Mr. BOYLAN. The gentleman from Montana has stated that the purpose is merely to preserve the shore line. Of course, if the purpose is merely to preserve the shore line and not to take the entire territory, then I would not see such serious objection to it; but I think that the mere preservation of a 400-foot area would not be sufficient for the purpose intended in this bill.

Mr. KNUTSON. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. KNUTSON. Four hundred feet will take the watershed back to practically the sky line. I assume the gentleman has never been up in this section of the country?

Mr. BOYLAN. No; but I have been in a section equally beautiful in the great State of New York, that of our magnificent natural forest reserve in the Adirondack Mountains.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. YON. Mr. Chairman, I yield three minutes to my colleague [Mr. GREEN].

Mr. GREEN. Mr. Chairman, this is a rather unusual bill in that under its terms the Government is getting something without having to pay an extortionate price for it. I am going to support this bill where the States are making their full contribution. Conservation is a thing which I believe we should all stress. Especially in this great industrial and mechanical age we must conserve our natural national reserves and resources. Along the line of conservation I have a little story of a few lines, taken from the Bradford County Telegraph, a splendid newspaper published in my home town, which I am going to ask the Clerk to read in my time. It is along the line of conservation and I believe the Federal Farm Board will find it of interest and that we will get some cooperation from them as a result of this.

The CHAIRMAN. Without objection, the Clerk will read the article.

There was no objection.

The Clerk read as follows:

VEGETABLES ARE GLUTTING MARKET—COMMISSION MEN ARE DUMPING HUNDREDS OF TONS IN RIVER

An oversupplied market has forced commission merchants to dump hundreds of truck loads of perfectly good vegetables into the East River during the past three days, a newspaper survey disclosed.

Bumper crops throughout the East and South have sent a flood of spinach, string beans, melons, tomatoes, and lettuce into the New York market, which the merchants declare is causing them to lose heavily on each carload lot.

Pointing out that they have only four hours in which to distribute a carload of vegetables before another and fresher car arrives, the dealers insist they are forced to dump their surplus supplies into garbage scows to keep their storage space clear.

Dozens of carloads of arriving vegetables are being turned down, the dealers revealed, leaving them on the hands of the railroads, with the farmer responsible for the freight bills.

Despite the oversupply on the wholesale market and waste of fresh vegetables retail prices have not been lowered. The commission merchants deny they are dumping the foodstuff in the river to keep the prices up.

Melons are still selling for 15 and 20 cents in some stores, tomatoes at 10 cents a pound, and string beans 2 pounds for a quarter.

Commission merchants blame the unorganized distribution of foodstuffs for the oversupply and waste.

Mr. GREEN. As this article states, there is unorganized distribution and there are thousands of people in our country desiring the foodstuffs which are being dumped into the river. I hope the Federal Farm Board can give us some assistance along the line of cooperative marketing, which is so sorely needed. Thousands of our own American people are hungry, and yet our inefficient marketing system fails to carry surplus produce to them. It is a shame, and I hope the Farm Board will come to the rescue.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEEDY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2498) to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes, and had come to no resolution thereon.

CONFERENCE REPORT—VETERANS' LEGISLATION

Mr. JOHNSON of South Dakota. Mr. Speaker, I present the conference report on the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, and ask for the immediate consideration of the same.

The Clerk read the title of the bill.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 6, 7, 9, 10, 13, 14, 15, 16, 20, and 23.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 8, 11, 12, 17, 18, 19, 21, 22, 24, and 25, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "No suit on yearly renewable term insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made or within one year after the date of approval of this amendatory act, whichever is the later date, and no suit on United States Government life (converted) insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made"; and the Senate agree to the same.

ROYAL C. JOHNSON,
ROBERT LUCE,
RANDOLPH PERKINS,
Managers on the part of the House.

JAMES E. WATSON,
DAVID A. REED,
SAMUEL M. SHORTRIDGE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13174) to amend the World War veterans' act, 1924, as amended, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The following amendments make clerical changes, and the House recedes: 8, 12, 17, 18, 19, 24, and 25.

On No. 1: This amendment provides that decisions of the director on questions of law, as well as of questions of fact, affecting any claimant to the benefits of Titles II, III, or IV of the World War veterans' act, 1924, as amended, shall be conclusive except as otherwise provided in the act. The effect of this amendment is to prohibit the Comptroller General from reversing decisions of the director on questions of law as well as of fact. The House recedes.

On No. 2: The Senate amendment extended the time for bringing suits on yearly renewable-term insurance under section 19 of the World War veterans' act for a period of one year after the date of the approval of the amendatory act, or within three years after final disallowance of the claim by the director, whichever was the later date, and also provided that suits on United States Government life (converted) insurance must be brought within six years after the right accrued for which the claim was made. The House recedes with an amendment retaining the provision with respect to United States Government life (converted) insurance, but limiting the time upon which suits must be brought on yearly renewable-term insurance to six years after the right accrued for which the claim

was made or one year after the date of the approval of the amendatory act, whichever is the later date.

On No. 3: This amendment provides that in the case of total permanent disability the right of the claimant shall be held to have accrued as of the date fixed by the claimant in his application to the bureau; and the Senate recedes.

On No. 4: This amendment makes a clerical change which was necessary by reason of the new paragraph (relating to compromises of suits) added by amendment No. 5. The Senate having receded on amendment No. 5, it also recedes on this amendment.

On No. 5: This amendment permits the Attorney General with the approval of the court to compromise suits instituted under section 19 of the World War veterans' act, 1924, as amended, in certain cases and provides for the manner of paying judgments entered in accordance with such compromises. The Senate recedes.

On Nos. 6, 7, 9, and 10: These amendments strike out the language which limits the presumption to an "active tuberculosis disease" and substitute merely the word "tuberculosis"; and the Senate recedes.

On No. 11: The Senate amendment strikes out the proviso of the House bill which restricted the application of the provisions of the act to ex-service men who were in the service prior to November 12, 1918, and which provided for the discontinuance after one year of compensation payments to ex-service men who entered the service after such date. The House recedes.

On No. 13: This amendment eliminates the provision restricting the payment of disability allowance to persons who have a permanent disability of 25 per cent or more. The Senate recedes.

On No. 14: This amendment increases the rates in the House bill for payments of disability allowance and also permits payments to be made to veterans who have a 10 per cent degree of permanent disability instead of those having a 25 per cent permanent disability as provided in the House bill. The Senate recedes.

On No. 15: This amendment permits the payment of disability allowance to a veteran suffering from venereal infection incurred during the period of World War service if the veteran entered the service before November 11, 1918, even though the disease was incurred as a result of the veteran's own willful misconduct. The Senate recedes.

On Nos. 16 and 20: These amendments provide that no person shall be paid a disability allowance who is not entitled to an exemption from the payment of a Federal income tax, and that the Secretary of the Treasury, upon request of the director, shall transmit to the director a certificate stating whether the veteran applying for disability allowance is entitled to an exemption from such tax. The Senate recedes.

On No. 21: This amendment in effect extends the payment of extra compensation to persons who suffered the loss of the use of a creative organ or one or more feet or hands to the cases where such loss was the result of injury received in the active service in line of duty between April 6, 1917, and November 11, 1918. The House recedes.

On No. 22: This amendment substitutes the word "injury" for the word "disability" and was made necessary by amendment No. 21. The House recedes.

On No. 23: This amendment provides that any person once awarded the $50 statutory award for arrested tuberculosis shall continue to receive it irrespective of any error which may have been made and that any person previously removed from the rolls should be restored as of the date of removal, irrespective of error. The Senate recedes.

ROYAL C. JOHNSON,
ROBERT LUCE,
RANDOLPH PERKINS,
Managers on the part of the House.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from South Dakota yield for a parliamentary inquiry?

Mr. JOHNSON of South Dakota. Yes; I will yield for a parliamentary inquiry, but not for any statement.

Mr. RANKIN. I just wanted to call the Chair's attention to the fact that that report is not signed by the managers on the part of the House, but only by the Republican managers on the part of the House. Mr. JEFFERIS and I did not sign it.

Mr. JOHNSON of South Dakota. It is signed by a majority.

Mr. RANKIN. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Not for a statement.

Mr. CHINDBLOM. Mr. Speaker, I believe a quorum of the House should be present to hear this discussion and, therefore, I make the point of order that there is no quorum present.

Mr. RANKIN. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Not for a statement.

Mr. RANKIN. I want to ask the Chair——

The SPEAKER. Does the gentleman from South Dakota yield to the gentleman from Mississippi?

Mr. JOHNSON of South Dakota. I will not yield for any statement, but I will yield so that a point of no quorum may be made.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and thirty Members are present—a quorum.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from South Dakota yield?

Mr. JOHNSON of South Dakota. I will yield for a parliamentary inquiry, but not for any speeches.

Mr. RANKIN. I want to ask whether or not we will be given some time on this side of the House.

The SPEAKER. That is not a parliamentary inquiry.

Mr. RANKIN. Then I will ask the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. I will yield for that purpose and say this matter has been debated and discussed and the gentleman from Mississippi has made 50 speeches on it. All I am going to do is to read one letter. I will not yield to anyone, but will immediately ask for a vote and see if we can not secure the passage of a law.

Mr. RANKIN. All right, if you want to carry the gag rules that far.

Mr. JOHNSON of South Dakota. Mr. Speaker and Members of the House, this is another one of the stages and almost the final one in the consideration of this veterans' legislation. The bill has been considered by the conferees, and an agreement has been reached. That agreement has just been read to the membership of the House. At the meetings of the conferees a question arose as to the attitude of the President. You will recall that on June 26 the President vetoed the bill which had been passed by Congress. Now, there are many of us who are much more interested in securing a bill signed by the President that will go into force and effect than we are to have a great deal of political controversy, with the result that the veterans will not secure any relief. [Applause.] So the chairman of the conference committee, Senator WATSON, of Indiana, was requested to communicate with the President, and the President wrote him as follows:

THE WHITE HOUSE,
Washington, July 3, 1930.

The Hon. JAMES E. WATSON,
United States Senate.

MY DEAR MR. SENATOR: You request my views on the effect of the Senate amendments to the House veterans bill.

I must say at once that these amendments again reestablish injustices and discriminations between veterans, impose unwarranted burdens on the taxpayer, and perpetuate entirely wrong principles in such legislation. There are many points of criticism in this direction.

For instance, under these amendments the average allowance to veterans whose disabilities were incurred in civil life subsequent to the war will work out very close to the same average payment as that given to veterans who actually suffered from battle and in the trenches. This is an injustice both to the men who suffered from the war and to the public. The amendments reverse the House action limiting allowances to men who are exempt from income tax. From this removal of the indication of necessity, a wealthy veteran, if he becomes permanently disabled, either partially or wholly, as the result of an automobile accident next week, may draw a life allowance from the United States Treasury. The Senate amendments seriously affect the men who were enrolled after the armistice and who never heard a shot fired; they seriously modify the clauses in respect to venereal diseases and impose a burden upon the Treasury therefor, which must be condemned from the point of view of family life.

General Hines estimates the cost the first year, of this bill as passed by the Senate, will be $70,000,000, rising to about $175,000,000 in five years and thereafter. This represents an increase on the House bill by about 250 per cent. These are sums wholly uncalled for by the need of the situation and probably imply an increase in taxes.

There are many other objections to the Senate amendments such as renewal of certain presumptions, but perhaps this will indicate my views. The bill as passed by the House, before amended by the

Senate, was in itself a generous national action, based upon sound principles. Except for some minor technical points the House bill met the entire approval of the representatives of the American Legion and the Veterans of Foreign Wars. They did not ask for any more. They have shown a sense of responsibility not only to the country but to the veterans, by unhesitatingly expressing their opposition to the major Senate amendments.

Yours faithfully,

HERBERT HOOVER.

The conferees had before them this letter. All of the conferees are not only men of wide legislative experience, but men who know that Presidents mean what they say, and they knew that this letter meant exactly what it said, and that the Senate bill would not be signed if it were adopted by this body. And I say, unhesitatingly, if the conference report is adopted as we have agreed to it, the President will sign it and we will have legislation [applause], and state just as unhesitatingly, that if the conference report is not agreed to we will not have legislation, and we will go from here not having kept our promise to the veterans of the country to give them fair, just, equitable legislation; legislation that is just and not discriminatory.

There is little more that I can say because I have tried to make my remarks so very plain that we would all understand the issue and understand it exactly, and correctly. We can get this bill, a good, fair, just bill, that will take the man who is permanently and totally disabled and enters a hospital and give him $40 a month, and it will give every man who is disabled payments in some degree, running from $12 a month to $40 a month. It is better that we secure these rates and secure this law, with its provisions for the introduction of lay testimony, with its extra payment to battle casualties and to accept it with the good things that are in it, based on principles that have always been adopted after every war in which the United States has engaged, than that we get nothing.

I urge the membership of the House not particularly to stand by the President but to stand by the President because in this case he happens to be right and because the legislation is fair.

Mr. BLANTON. Will the gentleman yield for one question?

Mr. JOHNSON of South Dakota. And, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. CONNERY) there were—ayes 242, noes 3.

So the conference report was agreed to.

On motion of Mr. JOHNSON of South Dakota, a motion to reconsider the vote by which the bill was passed was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

Mr. SPROUL of Illinois. Mr. Speaker, I object.

PRODUCTION OF FOREST PRODUCTS IN NORTHERN MINNESOTA

Mr. COLTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2498) to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2498, with Mr. BEEDY in the chair.

The Clerk read the title of the bill.

Mr. EVANS of Montana. Mr. Chairman, I yield 10 minutes to the gentleman from Florida [Mr. YON].

Mr. YON. Mr. Chairman, ladies and gentlemen of the committee, as a member of the Committee on Public Lands, I had the pleasure two years ago this summer, of visiting this border lake region of northern Minnesota and Ontario. I found this to be a most delightful section of the country, very interesting to me, not so much for the number of lakes that I saw there, not so much for the forest lands that I saw there, but by reason of the difference between that section and my own section of the country.

I happen to come from a forest country myself, where we have lakes and rivers, where we have the snow-white sands of the Gulf of Mexico's beach, bathed by a clear, crystal sea. No beauties can excell those of my own western Florida, and I want to say in this connection that I want you gentlemen, Members of the House, your families and friends, to pay me a visit down there this summer and fall. Florida is not only a winter playground, but western Florida is a splendid summer resort section.

But, ladies and gentlemen, I have inadvertently diverted my remarks from Minnesota and this bill. I may say to you that as a contrast to the snow-white, sandy beaches of my lakes, you find in Minnesota and in the Canadian woods, rock-ribbed shores, studded by the pine and the fir and the other growth of that section.

Ladies and gentlemen, it was not by reason of opposition that I assumed the attitude I did in the committee on this bill, when I asked some questions and interposed some remarks that you will find in the record of the hearings, but this was because I wanted to be sure that when a bill was passed, all international relations would be considered, because these waters that are affected by the provisions of this bill are not wholly American waters, and during the hearings on the bill, there was a communication from the Legation of the Canadian Government here in Washington, presented to us, expressing opposition to this legislation on account of treaties that now exist, and on account of the consideration that is now being given the matter of water levels on these international waters.

My fellow Members, there was another consideration I had in mind in my seeming opposition to this bill, and that was that we should not try to take away from a friendly neighboring power any of its rights, and another thing was that we had already, upon the recommendation of the committee, authorized $50,000, which had been appropriated, for a Federal Public Lands Commission, appointed by the President, to make a study of the public lands question, and to submit recommendations with respect to the disposition of the public domain of this country.

Now, I was attacked by the nation-wide conservation organizations of the country in an indirect way for the seeming attitude I assumed as a member of the committee during the hearings. There is not a more earnest advocate of conservation in this House than I am. I have recognized it from the devastation of forests of my own State and my own district. I believe it is one of the greatest crimes that has been committed against the generations that are here and those to come—the way the great lumber mills of this country have gone in and destroyed root and branch the forests of this Nation. I think we should have gone to this conservation policy years ago so that we might have something besides burned-over, barren plains, rocks, stumps, and other evidences of a reckless regard for the future.

Fellow Members, I say that I am for this bill because some of the things I hope to see have gone into it. The bill that we had before us in the committee originally was not the same bill as this is. This bill I am in favor of, and hope that it will pass.

Mr. LINTHICUM. Will the gentleman yield?

Mr. YON. I yield.

Mr. LINTHICUM. Why is it limited to the waters and lands in northern Minnesota?

Mr. YON. Because it is a local proposition up there. When you get right down to it it is a scrap between the power and lumber people on the one side, and some people of Minnesota, and conservationists and recreationists of the country on the other.

Mr. LINTHICUM. If it is a good thing here, why should it not be extended to other lakes?

Mr. YON. Because this is a peculiarly fitted section for such a purpose. It is somewhat set aside from civilization. They call it a great wilderness, but the most of it has been destroyed, but still the people of northern Minnesota and the conservation societies are in favor of this bill.

Mr. LINTHICUM. This section is the farthest north of any section of the United States, is it not?

Mr. YON. Yes; it is up on the border lake section and part of Hudson Bay Basin, where the watershed is northward instead of to the south. [Applause.]

Mr. LEAVITT. Mr. Chairman, I yield three minutes to the gentleman from Illinois, Mr. CHINDBLOM.

Mr. CHINDBLOM. Mr. Chairman, I shall support this bill because it is clearly the best that we can get at the present time. But I want to record my sincere regret that we do not have legislation before us which would make the territory here involved a real, genuine national park.

This is the only area in the great middle section of the country, in the Mississippi Valley, or in the Great Lakes region, which lends itself admirably and fully to the purposes of a national recreation park. In my opinion, the bill before us, while it will protect some features of the landscape in this northern territory, will not preserve the entire region as fully as those of us who are familiar with it desire in order to make of this land a national playground.

I am one of those who have had the pleasure of spending some summer months in this section of the country. It lies immediately north of Lake Superior along the Canadian border. It contains within its domain some of the finest tracts of land, lakes, rivers, rivulets, and creeks that we have within our borders, filled with teeming life in forest and in stream.

There may be Nimrods in this House who would be interested in finding some new kind of fishing. I would advise you to go up to these lakes and try your hand at deep fishing for landlocked salmon. You will get them at a depth of 100 feet to 150 feet, in water as cold as ice, and when they come to the surface they will give you as fine a problem as you ever had with any other fish.

Mr. McKEOWN. Where are these lakes?

Mr. CHINDBLOM. Directly north of Lake Superior in the State of Minnesota, along the Canadian border. I have traveled on lakes up there which are 700 feet deep, and in which the water is as cold in July and August as it would be elsewhere in mid-winter. Travel up there is by canoe. You can start near Grand Marais, Minn., in one of those small lakes, and travel by canoe continuously to Hudson Bay, and from there I apprehend you might even go around the world if the craft in which you are traveling would carry you that far. The forests, fauna, and flora are all magnificent. I have heard something said about deer and moose. We actually sat in our automobile and honked the horn to get a magnificent moose out of our way. I have seen fawns of which the gentleman from Michigan [Mr. HOOPER] spoke a while ago. The gentleman said that they would eat out of your hand. They will. They are not afraid of human beings yet. It is a virgin territory. I fished in a lake up there three years ago which for the first time was open for white men.

Mr. WILLIAM E. HULL. Did the gentleman catch any fish?

Mr. CHINDBLOM. Did I catch any fish, the gentleman asks! I certainly did. You are limited in the number you take, you can not take more than 10 of those salmon per day, and you can get your 10. I think it is the finest piece of country certainly throughout the Middle West, and I am very glad that we are taking this initial step toward its preservation and protection. I hope sincerely the day will come when we will acquire this whole territory before it has been denuded of its forests and of many of its present attractions, for a national park, so that it may continue to exist in its present virgin state.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. COCHRAN of Missouri. I do not take issue with what the gentleman says about this wonderful country and I fully agree that some action should be taken along the line suggested. However, has the gentleman from Illinois ever visited the Ozarks of Missouri?

Mr. CHINDBLOM. I have heard of the Ozarks of Missouri. The gentleman from Missouri [Mr. MANLOVE] invited all of us to the Ozarks of Missouri when he first came here some years ago, and I am sorry that I have not yet been there.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Minnesota, the author of the bill.

SHIPSTEAD-NOLAN BILL

Mr. NOLAN. This is a conservation measure, and when I say conservation, it is in the best sense that the term implies.

The purpose of this legislation is to protect and preserve as far as possible in their natural state, the lakes and streams in a territory lying between the north shore of Lake Superior and the Canadian border.

This territory is largely a wilderness, one of the last great wildernesses left in this country, and the only one in the North Central States. Within this area is the Superior National Forest, where the Forest Service, through proper forest management, is slowly bringing back the pine forests that have been depleted by man's wasteful methods and the ravages of the elements. This bill does not in any way change our forest laws, except in so far as it regulates the cutting of trees along the shores of lakes and streams within this area.

No one can overestimate the economic value of a wise policy of reforestation. To destroy our forests and make no provision for their restoration is not only stupid but indefensible in a civilized nation.

The forest resources of this section are not its only assets, however. The many beautiful lakes and streams within this area have a scenic and recreational value that I believe should be conserved for the use of the public, and that is the reason for this legislation.

North of the border in Canada is a similar territory that has been set aside as the Quetico Provincial Park. It is hoped that in the near future these two areas by international agreement will be combined as a great recreational center for both nations. The American Legion and the Canadian Legion in their national conventions have expressed themselves as strongly in favor of this plan and have urged that it be in the nature of a memorial to the World War veterans of both nations.

This legislation is necessary before any steps can be taken to carry out this plan.

This legislation sets up a policy so far as this region is concerned that will protect it against hasty or unnecessary alleged industrial development. It does not close the area against any future development of this kind, but leaves it to the wisdom of future Congresses to determine whether or not the policy herein established shall be changed.

The northern border between Minnesota and Ontario is formed by a chain of lakes unsurpassed in their beauty, with wooded shore lines, and containing thousands of wooded islands. There is nothing on the continent comparable with these border waters. The reason why there is an emergency that makes the passage of this bill necessary at this time is due to a pending application to dam these lakes for the benefit of one concern.

This application was made to the Canadian Government and is now before the International Joint Commission. If the project should go through, these lakes will be ruined so far as the scenic beauty is concerned. The shore lines and islands will be submerged, and an irreparable damage will be done to these beautiful waterways without any compensating benefit to the public.

It is the purpose of this bill, therefore, to protect these lakes and their tributaries against further wasteful exploitation. These lakes consist of two main groups—those that flow west to Rainy Lake and those that flow east and south to Lake Superior. They are intimately connected in one great network of canoe routes, which have been used since time immemorial as a link between the Great Lakes and the Canadian Northwest. They lie in a wild, wooded, glacial region unsuitable for agriculture and too rugged for settlement. In later years they have become the Mecca for a rising tide of tourists from all parts of the country, and are now recognized as one of the supreme recreational attractions of the continent.

The bill would keep inviolate a margin of timber along the shores of Federal lands and would guard the wooded shores, islands, beaches, waterfalls, and rapids which give the region its charm against the flooding caused by power development. It seeks to protect not the border lakes only—not a mere thoroughfare—but the tributaries as well—an entire lakeland—for the health and enjoyment of all our people.

In order to protect these lakes it is necessary to reserve and protect the Federal lands that lie around them. Many of the lakes lie within the boundaries of the present Superior National Forest created more than 20 years ago by President Roosevelt. Many of the most beautiful lakes lie outside these boundaries. It was necessary, therefore, to withdraw the remaining Federal lands that lie scattered about through the entire lakeland. These are in small parcels and amount to only 26,800 acres, as compared to some 850,000 acres of Federal lands already within Superior National Forest.

For purposes of description in withdrawing these Federal lands in our bill, to make it as simple and intelligible as possible, an arbitrary line was drawn straight across Cook, Lake, and St. Louis Counties, in which the main lakes are located. It was placed at the north boundary of section 60, just far enough south to include all the main lakes and their tributaries. North of this line, by section 1 of our bill, all Federal lands are withdrawn from entry or appropriation and have, in fact, been so withdrawn for more than two years by Executive order in aid of the pending legislation.

All Federal lands, including the Superior National Forest, comprise less than one-third of the lands north of this line in these three counties. The rest are private or State lands, mostly private, many of them tax delinquent. Though the provisions of our bill apply only to Federal lands, there has undoubtedly been some sincere alarm among private landowners lest the bill in some unexplained way restrict or harm their own holdings.

These fears, we are convinced, are without foundation. Nevertheless, if they can be allayed without harm to the bill, it is highly desirable to do so. It is for this reason that sponsors of the bill have consented to a change in the original arbitrary line that was drawn to mark the area, in which Federal lands are to be reserved. By agreement with the Congressman from the district it is proposed to substitute a more elaborate line for the present simple one, thus conforming more closely to the outlines of the lakeland itself. The new line remains the same in Cook and Lake Counties but leaves out some 36 townships in St. Louis County.

In so doing, sponsors of the bill feel that we are sacrificing none of its original scope or effectiveness. The townships omitted contain no Federal lands and practically no lakes. The only two lakes of importance—Vermilion and Burntside—are specifically protected by the wording of the agreement. Thus, one objection that has been raised against the bill can no longer be raised and, happily, the result is without damage to the purposes of the bill.

I make this explanation for the sake of those who may have had any sincere fears lest the bill harm their private property and for those who are even more concerned that nothing be done to impair the effectiveness of the protection granted to these wonderful lakes.

I should also like to explain very briefly one other feature of the bill. There is an amendment to the bill exempting from its provisions any proposed power development for which an application was pending under terms of the Federal water power act on or before January 1, 1928. There is only one such application of record—one by the Minnesota Power & Light Co. for a permit to store water in Gabbro and Bald Eagle Lakes. These lakes lie inside of Superior National Forest and are one of its main smaller resources in beauty and recreational value. The power company is a public utility of Duluth.

The proposed project is exactly the sort of development that the bill is intended to prevent. The company, however, already has had two small dams on these lakes for the last six years; dams, by the way, built without authority of the Federal Power Commission. The State of Minnesota, which likewise has State lands flooded by the same project, has protested vigorously. Similar trespasses have occurred in the region previously. Only such legislation as now proposed can prevent their recurrence and the final ruin of the whole lakeland.

Sponsors of the bill are in determined opposition to the granting of any further rights to the power company on these lakes. The company, however, in 1926, two years subsequent to the building of the present dams, applied to the Federal Power Commission for permission not only to maintain the present structures but to extend them and raise the water 14 feet farther. This application had been pending for two years at the time the present bill was first introduced in Congress.

Eminent jurists are of the opinion that the application must be regarded in the same light as an application to file upon a piece of Federal land. Unless an exemption is made, the proposed legislation might therefore be regarded as retroactive.

It is for that reason solely that the amendment has been accepted. In so doing the sponsors wish to make clear that they are admitting no rights of the company, setting no precedents, and making no exceptions to the principles of the bill; and it is their understanding that this is clearly the purpose of the Committee on the Public Lands in recommending the bill as amended. The fact that this amendment is in the bill does not prevent those who are opposed to this project prosecuting the case against the company.

The bill is a declaration of public policy in recognition of the national recreational value of the lakes and streams lying in the area of Superior National Forest. With the idea of preserving these natural waterways it lays down two simple principles—first, that there shall be no commercial cutting of timber on lands of the United States within a margin of 400 feet along lakes and streams; and second, that there shall be no further alteration of water levels affecting lands of the United States except by specific authority of Congress.

The bill does not enlarge or change the boundaries of Superior National Forest, though it is true that it protects shore lines of lakes and streams in a somewhat larger area.

It does not apply to private or State lands. All such lands lying in the area remain as before.

It does not restrict the use or occupancy of private or State lands, whether for agriculture, mining, recreation, or other developments, or in any way alter their present status or their availability for taxation.

It does not provide for the acquisition of any more lands. That matter is already covered by the McNary-Clarke law.

It does not seek to create a new national park or to curtail the systematic management of national-forest lands for economic uses.

It carries no appropriation.

At present the burden of proof for safeguarding the region is upon the public. It is assumed that, if commercial development is feasible, it should be permitted and encouraged. From the public point of view, however, the value of the social uses of the area and particularly of the wooded shores and other natural features of the lakes and streams far outweighs the value of their strictly commercial uses. This higher social value is immeasurable but none the less fundamentally economic. Its loss would be irreparable.

The bill is urgently needed (1) to guard the lake land against further damaging power developments, and (2) as a formulation of policy to reinforce the Forest Service in maintaining a proper balance between the larger national uses of the forest for recreation and private demands for commercial utilization. The intention is to place the burden of proof for changes where it belongs, on those who would exploit what remains, and to do so immediately before further harmful encroachments can occur. [Applause.]

Mr. EVANS of Montana. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, there is no opposition to this bill, and I ask unanimous consent to speak out of order and revise and extend my remarks and to insert in my remarks a short table of certain tax renditions in the District of Columbia.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman and members of the committee, much criticism has been made of the Members of Congress by the Washington Post respecting our position on making the people here in the District pay a fair rate of taxation. They pay now a total tax rate of only $1.70 on the $100 for everything, and assessed at about one-half valuation.

You will not be surprised at the reason for the Washington Post's taking that stand when I call your attention to this tax rendition, which I have had permission to insert, of the editor and owner of the Washington Post, Mr. Edward B. McLean.

He renders here for taxes $7,439,016 of real estate, for which he now, at $1.70 per hundred, pays a tax of $126,463.38. He also renders $480,000 of intangibles, and his Washington Post renders $229,956 of intangibles, and his wife renders $996,472 of intangible assets.

The four tracts, which come under the head of "parcels," in the rendition I am inserting, aggregate a rendition of about $600,000. That his Friendship property, out here west of Wisconsin Avenue, which he renders for $600,000, and which I am told is easily worth $5,000,000; and it is worth that because of the expenditure of the vast sums of money which this Government has spent here in the Nation's Capital for the last 70 years. The people of this country and the Congress have made his property worth this money.

I spoke of his two Rolls-Royce automobiles the other day. He gets them registered here at $1 apiece, under the law here, when they cost $40 in every other State. He has a Marmon car and a Cadillac, which he gets registered at $1 apiece, when citizens in States are charged $40 apiece in all the States.

That is the reason why the Washington Post has been hounding Members of this House here, because we have stood up and contended for a fair and equitable adjustment of taxes in this District. We will probably have to enlarge the amount of money which we will have to pay for District expenses. I see it because another body sits arbitrarily and says, "If you do not raise it we will keep you here all summer." Congress will probably have to raise it in order to appease them.

When you come back here in December I hope you will agree upon a bill that will require the people of the District of Columbia to pay a tax rate comparable to the tax rate in the States.

Mr. Chairman, I append here the statement I referred to:

Real estate assessed to Edward B. McLean in the District of Columbia

	Lot	Value of land	Value of improvements	Total	Tax
Square 222	1	$850,000.00	$42,800.00	$892,800.00	$15,177.60
	15	482,545.00	20,800.00	503,345.00	8,556.86
	17	121,458.00	18,200.00	139,658.00	2,374.18
	806	16,958.00		16,958.00	288.28
	808	294,234.00	8,600.00	302,834.00	5,148.18
Square 252	30	72,790.00		72,790.00	1,237.44
	31	78,484.00	19,500.00	97,984.00	1,665.72
	32	78,456.00		78,456.00	1,333.76
	33	72,790.00		72,790.00	1,237.44
	60	1,132,880.00	411,000.00	1,543,880.00	26,245.96
Square 254	806	100,170.00	37,100.00	137,270.00	2,333.60
Square 219	801	134,685.00	19,100.00	153,785.00	2,614.34
	802	567,480.00	34,800.00	602,280.00	10,238.76
	803	80,484.00	6,600.00	87,084.00	1,480.48
	804	83,334.00	12,500.00	95,834.00	1,629.12
	805	80,522.00	300.00	80,822.00	1,373.98
	806	243,390.00	24,200.00	267,590.00	4,549.04
	807	984,144.00	125,500.00	1,109,644.00	18,863.94
	808	235,788.00	14,600.00	250,388.00	4,256.60
Square 405	800	144,828.00	160,000.00	304,828.00	5,182.08
Parcels 33/9		165.00		165.00	2.80
Parcels 33/24		497,760.00	55,900.00	553,660.00	9,412.22
Parcels 33/25		50,915.00	1,200.00	52,115.00	885.96
Parcels 33/27		22,056.00		22,056.00	374.94
Total				7,439,016.00	126,463.28

Mr. COLTON. Mr. Chairman, I yield four minutes to the gentleman from Wisconsin [Mr. STAFFORD].

The CHAIRMAN. The gentleman from Wisconsin is recognized for four minutes.

Mr. STAFFORD. Mr. Chairman and members of the committee, my interest in the Lake of the Woods district dates back to the year 1908, when as a member of the so-called Mann Pulp and Paper Commission, appointed by the House to determine the policy of the Congress toward the importation of pulpwood and newsprint paper, the commission visited this district. A few of the Members here will remember the late James R. Mann. I knew him as well as any man, and I was his friend and his confidant; and while serving on the work of that commission, of which he was chairman, we visited different places throughout the country and in Canada. There we saw this wonderful territory in our quest for information as to whether there was enough wood pulp in this country to keep our newsprint paper mills running or whether it was necessary to import pulpwood from Canada. Later, after the election, we visited the Menominee Indian Reservation, and walked for miles and miles on the old military road toward Crandon. Then we went to Canada, away beyond Muskokas and up into the Hudson Bay country. At that time my interest was aroused in the conservation of these natural beauty spots; and if there is one vote that I regret more than any other vote I have cast in this House, it was when I followed the lead of the Representatives from the West and the Secretary of the Interior, the late Franklin K. Lane, granting to the city of San Francisco the right to flood that incomparable valley of Hetch Hetchy. When I cast my vote in favor of that bill, influenced partly by the opinion of Gifford Pinchot, who was a prominent conservationist, I had not seen that valley. A couple of years after I visited that beauty spot and discovered that it was rivaled only by the beauty of the incomparable Yosemite.

But after I had seen that valley and had seen the possibilities of what could be developed as a beauty spot my heart fell when I thought that I for one had cast a vote for the spoliation of one of America's greatest pleasure grounds.

Now, in this bill we are seeking to conserve a beauty spot which is similar to large areas in northern Wisconsin. It is characteristic of northern Wisconsin and Minnesota that little lakes are joined together by thoroughfares, whereby one can travel for miles and miles through a myriad of lakes in a canoe or rowboat, which it has been my privilege for many years to enjoy. Here is one of the last virgin forests, interspersed with lakes, that is largely within the national domain. No private interest should appropriate this property for its selfish profit, but this unrivaled lake region should be preserved for the thousands that will in increasing numbers as the years go on visit this natural scenic recreation park.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COLTON. Mr. Chairman, I yield two minutes to the gentleman from Minnesota [Mr. PITTENGER].

Mr. PITTENGER. Mr. Chairman, I do not intend to take the time of this House with any long discussion of this measure, in view of the fact that an early adjournment, perhaps to-day, is in prospect. I have heretofore expressed my views on this measure, and my position has been clearly stated before the Committee on Public Lands when hearings were had on the bill. Further, I set forth my views in my remarks in the House of Representatives on May 19, 1930, and again on May 29, 1930, and reference is made to the CONGRESSIONAL RECORD for those dates.

I fully realize that the Committee on Public Lands and the Committee on Rules intend to pass this measure to-day. Their program is all arranged. Congressman F. D. LETTS, on behalf of these parties, has conferred with Senator SHIPSTEAD, and they have agreed on certain amendments to this bill, which will obviate some of its objectionable features. The area will be considerably reduced. Recent developments which have led to the present consideration of this measure are set forth in a news item in the Duluth Herald, of Duluth, Minn., on June 26, 1930, and that item is as follows:

Passage of the Shipstead-Nolan bill in modified form appeared certain to-day, when it was learned that the authors of the measure had agreed to make certain changes in the boundary line of the original bill. The new boundary line follows the original line of township 60 north in Lake and Cook Counties, but adopts the boundary line of township 63 north in St. Louis County in the Pittenger bill and exempts the cities of Tower and Ely from the provisions of the bill. The agricultural land in the vicinity of Cook, Gheen, and Orr, in St. Louis County, is also exempted under the new boundary.

An amendment to the bill further provides that the shore lines of Lake Vermilion and Burntside Lake shall come within the terms of the bill. In effect, the new boundary line is a combination of a part of the Pittenger area line and the boundary provided in the Nolan bill.

MEANS BIG REDUCTION

The effect of the compromise, it is estimated, will be to reduce by nearly 800,000 acres, or more than one-fourth, the area to be included in the bill's provisions. As originally introduced the bill provided for the withdrawal of about 3,000,000 acres. In its present form it calls for the withdrawal of little more than 2,000,000 acres.

It became known yesterday that the party leaders have been working for some time to effect a compromise on the area involved, and Congressman F. D. LETTS, of Iowa, representing the conservation leaders of the House, conferred with Senator SHIPSTEAD, who has agreed to the boundary changes. Congressman W. I. NOLAN, of Minneapolis, has agreed to the changes as outlined by Senator SHIPSTEAD and Congressman LETTS, and the newly amended Shipstead-Nolan-Pittenger bill will probably come up for passage in the House this week.

For several months Congressman PITTENGER has stood "like Horatius at the bridge," and with the assistance of his colleagues has been able to block the passage of the measure. He has steadfastly insisted that the measure must be amended to take into account the "restricted area" of the Pittenger bill. The Rules Committee has protected him in this stand, in spite of powerful pressure from high official sources to ignore the Pittenger bill provision for a smaller area. At the same time the Rules Committee has insisted that the proponents and the opponents of the measure get together and effect a compromise. As a result of the agreement for new boundary area worked out by Senator SHIPSTEAD and Congressman LETTS, the Rules Committee gave Congressman PITTENGER a "Hobson's choice," and advised him that the new compromise area would be reported to the House for action. His only other alternative was to accept the original area in the Shipstead-Nolan bill.

OTHER CLAUSES UNCHANGED

All other provisions of the bill, including the various amendments adopted by the House and Senate committees, many of which are contained in the Pittenger bill, remain unchanged. They are designed to permit lumbering and industrial operations under the supervision of the forestry department.

Congressman PITTENGER made strenuous efforts to have the north line of the area in Lake and Cook Counties changed from township 60 in the Nolan bill to township 63 in the Pittenger bill, but was unsuccessful. Much of this land, however, is already within the confines of the Superior National Forest, which is now under Government supervision.

This action of the House leaders brings to an end a battle that has raged throughout the session of Congress relative to conservation legislation for northern Minnesota in the three counties.

IS EXPERIMENTAL

The new legislation is experimental, in that it departs from legislative policies establishing national forests or national parks. The Shipstead-Nolan bill does neither of these things, but is designed to prevent the raising or lowering of the levels of the lakes and streams in this section, and also to prevent the cutting of timber on the shore lines of the lakes and streams in Government-owned lands. Its proponents claim that privately owned lands will not be affected, in spite of claims of people in the locality to the contrary. The measure has been supported by Minneapolis sportsmen, who desire the territory for hunting and fishing.

Senator SHIPSTEAD expressed himself as highly pleased with the amendments, and believes that they will overcome most of the objections on the part of Congressman PITTENGER, and substantially improve the conservation bill. At the same time, the lake levels will be preserved against exploitation, he said.

I yield back the balance of my time, Mr. Chairman, and I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. COLTON. Mr. Chairman, I yield two minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman, I take this time only to present to the House some facts along the line presented by the gentleman from Illinois [Mr. CHINDBLOM], in which he suggested that the entire Superior Forest area should be acquired at this time and made into a national park.

The situation in that regard is that this is now largely a national-forest area. The purpose of a national forest is the conservation of the forest by wise use, rather than shutting it up from all kinds of use. Industries have grown up in that section that are dependent upon the use of these resources, but under the Clark-McNary Act, which is now in existence, the cut-over lands within the area of the Superior National Forest are now being gradually acquired by the Federal Government. There have already been approved, to the close of the fiscal year 1929, for purchase under the Clark-McNary Act 77,815

acres. There was a meeting of the commission on the 2d of November last and an additional 4,041 acres were approved for purchase under the Clark-McNary Act. On the 17th of last May an additional 25,377 acres were approved for purchase under the Clark-McNary Act. At the present time, within the Superior National Forest itself, there is an acreage of 1,654,145 acres. Of that area 808,739 acres are in private ownership, the remainder, 845,406 acres, being public land.

Under the Clark-McNary Act cut-over lands are gradually being acquired, so that the argument of greater public control is being gradually met under the present law.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. COLTON. Mr. Chairman, in the more careful consideration of this bill it has been found that there were included in the area some lands that are strictly agricultural and used for that purpose. They are largely privately owned lands, and at the proper time amendments will be offered excluding that area.

I ask that the bill be read.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That all public lands of the United States situated north of township 60 north, in the counties of Cook, Lake, and St. Louis, in the State of Minnesota, including the natural shore lines of Lake Superior and of the lakes and streams forming the international boundary, so far as they lie within this area, are hereby withdrawn from all forms of entry or appropriation under the public land laws of the United States, subject to prior existing legal rights initiated under the public land laws, so long as such claims are maintained as required by the applicable law or laws and subject to such permits and licenses as may be granted or issued by the Department of Agriculture under laws or regulations generally applicable to national forests.

Mr. LETTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LETTS: On page 1, line 4, strike out all after "of" down to and including "area" in line 8, and insert the following: "Cook and Lake, State of Minnesota, including the natural shore lines of Lake Superior within such area; all public lands of the United States situated in that part of St. Louis County, State of Minnesota, lying north of a line beginning at the northeast corner of township 63 north, range 12 west, fourth principal meridian, thence westerly along the township line to the southwest corner of township 64 north, range 18 west, fourth principal meridian, thence northerly to the northwest corner of township 65 north, range 18 west, fourth principal meridian, thence westerly to the southwest corner, township 66 north, range 21 west, fourth principal meridian, thence northerly along the township line to its intersection with the international boundary between the United States and the Dominion of Canada; all public lands of the United States on the shore lines of the lakes and streams forming the international boundary, so far as such lands lie within the areas heretofore described in this act; all public lands of the United States in that part of the Superior National Forest located in townships 61 and 62 north, ranges 12 and 13 west, fourth principal meridian; and all public lands of the United States on the shore lines of Burntside Lake and Lake Vermilion, State of Minnesota."

Mr. LETTS. Mr. Chairman, the effect of this amendment is to reduce the acreage described in the Senate bill. It was found that the area described in the Senate bill included a large acreage in St. Louis County, which was agricultural in its nature, and the proponents of the legislation do not feel that the exclusion of these agricultural lands will in any way destroy the purpose or effect of the legislation.

Mr. STAFFORD. Will the gentleman yield?

Mr. LETTS. I yield to the gentleman.

Mr. STAFFORD. Will the gentleman inform the committee as to what was the total acreage covered by the bill as reported by the committee, and the total acreage under the proposed amendment?

Mr. LETTS. About 3,000,000 acres as described in the Senate bill, and perhaps 2,000,000 acres in the area described by the description in the amendment.

Mr. STAFFORD. In the land withdrawn under the delimitation of the pending amendment is there any land which has lake boundary?

Mr. LETTS. No. Well, there are some small lakes, perhaps; but we have taken care of that by making express reference to Lake Vermilion and Burntside Lake.

Mr. COLTON. But there are no important waterways?

Mr. LETTS. No.

Mr. STAFFORD. Under the metes and bounds and general description in the amendment proposed, what is the general size of the property, other than by acreage? What is the size in linear measurement?

Mr. LETTS. It extends along the upper side of three counties. I think those counties are perhaps 30 or 36 miles each in width.

Mr. STAFFORD. Are the boundaries proposed in the pending amendment regular, or are they jagged?

Mr. LETTS. There is only one jog. The area through Lake and Cook Counties is above township line 60. Then there is a jog north, perhaps 20 miles north of that, and then the line goes almost due west to the west line of St. Louis County, and then up to the international boundary.

Mr. STAFFORD. Will the gentleman yield to the gentleman from Minnesota [Mr. NOLAN] to give a rather general picture of what is proposed in this amendment?

Mr. LETTS. I yield to the author of the bill.

Mr. NOLAN. To make it simple, they followed along township No. 60 through three counties. That made it a square formation. In the southwest corner there is considerable territory in which there are agricultural developments, and with no streams or lakes which would come under the provisions of this bill and no Federal land. This bill does not affect privately owned land, but the people of that section feared that it might affect them, so in agreeing to this amendment we have excluded that territory without injuring the bill, and made it a little more irregular in its formation.

Mr. STAFFORD. The bill then permits of entry under the homestead law of lands which are capable of agricultural development?

Mr. NOLAN. If it can be found that any of these Federal lands are agricultural lands, they may be entered.

Mr. STAFFORD. Now, that the boundaries have been delimited, it is not likely there will be any lands suitable for homestead entry within the boundary?

Mr. NOLAN. None of the Federal lands covered in this bill are in this territory that is excluded.

Mr. LETTS. May I say further that this amendment meets to a large extent the objections of the gentleman from Minnesota [Mr. PITTENGER], within whose district this area lies.

Mr. STAFFORD. I assume it does not meet the objection of the lumber companies who have been opposing this bill?

Mr. LETTS. No, not at all. We have not tried to satisfy them.

The CHAIRMAN. The question is on the amendment.

Mr. HOOPER. Mr. Chairman, I rise in opposition to the amendment.

Ladies and gentlemen, I am not opposing this amendment, but I do this merely for the purpose of getting time for a moment or two to call to the attention of the House a matter in which the Library Committee, of which I am a member, is deeply interested.

To-day, at the law library of the Capitol, there entered upon retirement a gentleman who for 33 years has faithfully and loyally served his Government in the capacity of a law librarian, Mr. William Henry Morse. It is a strange and very pleasant coincidence that in this law library in the Capitol, in which Mr. Morse has served for all of these years, his uncle, Samuel F. B. Morse, the inventor of the telegraph, sent the first message across the wires to Baltimore from Washington, "What hath God wrought?"

To-day this venerable man, 84 years of age, retires from a long, long service to his country. In these times of change; in this strange, new world in which we are living, we often wonder and we often ask ourselves the question: Is there anything sure? Is there anything fixed? Is there anything stable in this life we are living to-day? And the answer inevitably comes back to us, yes; there are still certain things as fixed and stable as the north star. Among these are loyalty and fine and devoted service, and this gentleman, Mr. Morse, has given such loyalty and such devotion to his country.

May I call upon the Members who are here to-day to join with me in saying to this fine example of a splendid public man, "Well done, good and faithful servant." [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks by publishing in the RECORD a statement as to the ceremony which was held in honor of this event to-day.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The statement referred to follows:

A short ceremony was held to-day at the law library in the Capitol to commemorate the retirement, after more than 33 years' continuous service, of Mr. William Henry Morse, now in his eighty-fourth year. Appropriate remarks were made by Mr. Vance, the law librarian, and at their conclusion he presented Mr. Morse with a desk pen, a gift from the members of the law library staff.

Mr. Morse came to Washington in the fall of 1896 to take the testimony of the library experts on how the Congressional Library should be governed. He entered the service of the Library on May 10, 1897, and has, with the exception of a few weeks, been employed at the law library in the Capitol since that time. It is of interest to note that the law library occupies the old Supreme Court chamber, and that it was from this room that the first telegraph message in the world was sent on May 24, 1844, by Mr. Morse's uncle, the late S. F. B. Morse, miniature artist and inventor. The window through which the wires passed is immediately adjacent to the desk that Mr. Morse has occupied for many years.

Mr. Morse is sprung from an old Massachusetts family. In addition to the inventor of the telegraph, S. F. B. Morse, it numbers amongst its distinguished sons Mr. Morse's grandfather, the Rev. Jedediah Morse, author of the first geography published in America. A graduate of Yale in the class of 1867, Mr. Morse has been secretary of his class for more than 60 years. He was admitted to the New York bar in 1869, and received his LL. B. degree from New York University in 1870. After several years in private practice Mr. Morse took up the then infant study of stenography, and was for many years occupied as a stenographer and law reporter in New York City. His knowledge of this subject brought him to Washington to serve the Library Committee in 1896. Mr. Morse's intimate knowledge of the law library has caused his being retained for a number of years beyond the compulsory retirement age.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That in order to preserve the shore lines, rapids, waterfalls, beaches, and other natural features of the region in an unmodified state of nature, no further alteration of the natural water level of any lake or stream within or bordering upon the designated area shall be authorized by any permit, license, lease, or other authorization granted by any official or commission of the United States, which will result in flooding lands of the United States within or immediately adjacent to the Superior National Forest, unless and until specific authority for granting such permit, license, lease, or other authorization shall have first been obtained by special act from the Congress of the United States covering each such project: *Provided*, That nothing in this section shall be construed as interfering with the duties of the International Joint Commission created pursuant to the convention concerning the boundary waters between the United States and Canada and concluded between the United States and Great Britain on January 11, 1909, and action taken or to be taken in accordance with provisions of the convention, protocol, and agreement between the United States and Canada, which were signed at Washington on February 24, 1925, for the purpose of regulating the levels of the Lake of the Woods: *Provided*, That with the written approval and consent of the Forest Service of the Department of Agriculture, reservoirs not exceeding 100 acres in area may be constructed and maintained for the transportation of logs or in connection with authorized recreational uses of national-forest lands, and maximum water levels not higher than the normal high water mark may be maintained temporarily where essential strictly for logging purposes, in the streams between lakes by the construction and operation of small temporary dams: *Provided, however*, That nothing herein shall be construed to prevent the Secretary of Agriculture from listing for homestead entry under the provisions of the act of June 11, 1906 (34 Stat. 233), any of the above-described lands found by him to be chiefly valuable for agriculture and not needed for public purposes: *Provided further*, That the provisions of this section shall not apply to any proposed development for water-power purposes for which an application for license was pending under the terms of the Federal water power act on or before January 1, 1928.

Mr. COCHRAN of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN of Missouri: Page 4, line 4, after the word "dams," strike out all down to and including the word "purposes" in line 9.

Mr. COCHRAN of Missouri. Mr. Chairman, this is a conservation measure. All Members who have spoken in favor of the measure have said that it is to conserve this territory for the benefit of the general public. My amendment seeks to strike from the bill the proviso which would enable the Secretary of Agriculture to list for homestead entry any of the lands described found by him to be chiefly valuable for agricultural purposes.

If you want to conserve this land for the general public, why permit homestead entries? If you do that, you will permit a person who makes an entry to post his field and keep people out.

Mr. COLTON. Will the gentleman yield?

Mr. COCHRAN of Missouri. Yes.

Mr. COLTON. This does not allow homestead entries under the general homestead law. This is a special forest homestead act, the act of June 11, 1906, and it only gives the Secretary of Agriculture authority to select those tracts of land that are more valuable for agricultural purposes and are not needed for public purposes. It is not a general opening of this area to homesteading at all, and I hope the gentleman will not press his amendment. Some of the people in that section of the country have been very much opposed to this bill because this line was more or less arbitrarily drawn and brought within the area a great deal of agricultural land, and this simply permits the Secretary of Agriculture, in such cases, to allow entries to be made under this special act. The language is plain that it must be lands not needed for public purposes.

Mr. COCHRAN of Missouri. In other words, the proviso is, in a large measure, inserted in the bill for the purpose of softening certain opposition.

Mr. COLTON. Well, where there is agricultural land primarily; yes.

Mr. COCHRAN of Missouri. I dislike very much to see homestead entries permitted on a reservation of this character which would permit an individual to post his land and keep people out.

Mr. COLTON. This does not destroy in any way the purposes of the bill.

Mr. COCHRAN of Missouri. I am willing to accept the gentleman's explanation, and, therefore, I withdraw my amendment. I am sure my friend from Utah realizes I have no desire to delay the passage of the bill. I favor the measure, and members of the Izaak Walton League in St. Louis have wired me pleading for final action at this session. I simply desired to make it certain that the land would not be open to homestead entry.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEEDY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 2498) to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes, under the resolution he reported the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The previous question is ordered under the rule.

The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLARA B. GLAZE

Mr. COCHRAN of Missouri. Mr. Speaker, I present a privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 289

Resolved, That there shall be paid out of the contingent fund of the House to Clara B. Glaze, dependent sister of B. Franklin Spates, late a laborer employed in the Capitol Building, a sum equal to six months of his compensation and an additional amount not to exceed $250 to defray the funeral expenses of said Spates.

The resolution was agreed to.

AMENDMENT OF THE GENERAL LEASING ACT

Mr. COLTON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4657) to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, sec. 226), as amended.

Mr. GARNER. Mr. Speaker, did not the Speaker announce a few moments ago that he did not intend to recognize any further motion to suspend the rules?

The SPEAKER. The Speaker said he had made no promises to that effect. This bill, the Chair is informed, is with respect to a very urgent and pressing matter and has the approval of the Department of the Interior.

Mr. GARNER. The only reason I asked the question was because there were a number of gentlemen who apparently misunderstood the Speaker, because they were under the impression there would be no more suspensions of the rules and that gentlemen would have to take their chances. I remember the Speaker using that expression.

The SPEAKER. The Chair said, or certainly intended to say, that he had made no arrangements or promises in that direction, and the Chair thinks there will be very few, if any, more such motions.

Mr. GARNER. I hope there will be very few of them.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 27 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437; U. S. C., title 30, sec. 226), as amended, are amended to read as follows:

"SEC. 17. That all unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding 640 acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per cent in amount or value of the production, and the payment in advance of a rental of not less than $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of 20 years, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That any lease heretofore or hereafter issued under this act that has become the subject of a cooperative or unit plan of development or operation of a single oil or gas pool, which plan has the approval of the Secretary of the Interior as necessary or convenient in the public interest, shall continue in force beyond said period of 20 years until the termination of such plan: *And provided further*, That the Secretary of the Interior shall report all leases so continued to Congress at the beginning of its next regular session after the date of such continuance. Whenever the average daily production of any oil well shall not exceed 10 barrels per day, the Secretary of the Interior is authorized to reduce the royalty on future production when in his judgment the wells can not be successfully operated upon the royalty fixed in the lease. The provisions of this paragraph shall apply to all oil and gas leases made under this act.

"SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage 2,560 acres for each of said minerals; no person, association, or corporation shall take or hold at one time oil or gas leases or permits exceeding in the aggregate 7,680 acres granted hereunder in any one State, and not more than 2,560 acres within the geologic structure of the same producing oil or gas field; and no person, association, or corporation shall take or hold at one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof, which, together with the area embraced in any direct holding of a lease or leases, permit or permits, under this act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal or to increase the acreage which may be acquired or held under section 17 of this act: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other or jointly or separately with others in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest, and the Secretary of the Interior is thereunto authorized in his discretion, with the consent of the holders of leases involved, to establish, alter, change, or revoke drilling, producing, and royalty requirements of such leases, and to make such regulations with reference to such leases with like consent on the part of the lessee or lessees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of such public interest: *And provided further*, That except as herein provided, if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of, or are in any wise controlled by, any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise, to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings.

SEC. 2. The amendments herein adopted to sections 17 and 27 of the general leasing act of February 25, 1920, as amended, shall expire at midnight on the 31st day of January, 1931.

The SPEAKER pro tempore (Mr. MAPES). Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. COLTON. Mr. Speaker——

Mr. GARNER. Will the gentleman yield for a brief statement inasmuch as I have to leave the Chamber for a few moments? Mr. Speaker, as I understand this bill, and as explained to me by Dr. George Otis Smith twice in my office, this is proposed to take care of a waste that is going on in the oil and gas fields of California.

Mr. COLTON. In Kettleman Hills.

Mr. GARNER. And the passage of this bill will simply authorize action by the executive branch of the Government until January——

Mr. COLTON. January 31, 1931.

Mr. GARNER. Or 60 days after the next Congress meets; and the authority in this bill would not authorize the executive branch of the Government to enter into any contract where there would be any vested rights that we could not change, if necessary, in February, 1931. Is that correct?

Mr. HASTINGS. Or at any time beyond that date.

Mr. COLTON. That is my understanding. That is the lifetime of these amendments expire January 31, 1931.

The Government owns about 30 per cent of the lands in Kettleman Hills and has leased its land. We can not enter into any contract to develop this area on the unit plan. This would simply amend the leasing act to permit us to do that, and the amendments themselves expire on January 31, 1931. Of course, the gentleman will understand that the lessees that are already there have rights that will extend beyond that period.

Mr. GARNER. But this will not give them any additional rights.

Mr. COLTON. No; it will not.

Mr. GARNER. Let me ask the gentleman one more question, if I may. As I understand it, Senator WALSH of Montana either drafted or contributed in the drafting of this proposed legislation with a view to conserving the resources of the United States, is that correct?

Mr. COLTON. I think that is correct. The bill was reported out from the Public Lands Committee by Senator WALSH, and he made the explanation of it on the floor of the Senate.

Mr. BARBOUR. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. BARBOUR. As I understand it, there is nothing compulsory about this bill. It enables them to enter into voluntary agreements out there with respect to the operations of the Kettleman Hills field.

Mr. COLTON. It is in no respect compulsory.

Mr. BARBOUR. And an operator need not go in unless he believes it is to his advantage to go in.

Mr. COLTON. That is correct.

Mr. McFADDEN. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. McFADDEN. Does this bill apply to any other section of the United States except Kettleman Hills?

Mr. COLTON. Not so far as we are advised. Of course, it is general law, but so far as we are advised, that is the only situation it is intended to cover.

Mr. Speaker, ladies and gentleman of the House, this bill seeks to amend sections 17 and 27 of the general leasing act of February 25, 1920. This legislation is requested by the Secretary of the Interior and is essential to meet an emergency. It applies particularly to the Kettleman Hills, oil and gas fields of California. It is estimated that there is a waste in gas reaching a total of 400,000,000 feet a day. The law compels the lessees to drill. Under the law they are required to keep on drilling, and there is no way to conserve the oil and gas unless we can enter into an agreement to develop it on a unit plan. At present the Government is a poor partner.

Mr. ABERNETHY. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. ABERNETHY. Is there any danger that another Teapot Dome disaster will result?

Mr. COLTON. The Senator who prosecuted the Teapot Dome case in the Senate is the champion of this bill and secured its passage in the Senate.

Mr. ABERNETHY. In its present terms?

Mr. COLTON. In its present terms.

Mr. Speaker, I reserve the balance of my time.

Mr. STAFFORD. Mr. Speaker, I ask recognition, not for the purpose of antagonizing the passage of this bill, but for the purpose of having the bill clarified by the chairman of the committee. I notice in following the reading of the Senate bill that it is different in many respects from the House bill of similar import reported by the Committee on Public Lands. That bill was on the Unanimous Consent Calendar and up for consideration and was passed over on the last call because some Members thought it was too broad in import to be considered.

Prior to its consideration on the Consent Calendar I had examined the bill and report very carefully and agreed that there was an emergency condition existing in the oil field which demanded immediate relief.

Later I was favored by a call from the Director of the Geological Survey, Mr. George Otis Smith, in which he explained the purpose of the bill and he stated that there was great danger that the oil fields would be drained by private users adjoining the Government lands.

Now I yield to the gentleman from Utah to explain wherein the Senate bill now before us varies from the House bill, which the committee reported.

Mr. COLTON. There are two main differences. The Senate bill provides that no arrangement after the unit agreement is completed shall be changed; that no order shall be revoked; in fact, no change of an agreement shall be made without the consent of all parties to the contract. In other words, it makes it purely optional on the part of the owners of land in that area as to whether they enter the agreement. If any change is later made, it must have the consent of all the parties. I understand that is the main point.

Second, the Senate amendment provides that the amendments herein made shall expire January 31, 1931, and that was not in the original bill.

Mr. STAFFORD. That amendment merely limits the authority prior to that definitive date.

Mr. COLTON. If I catch the gentleman's question correctly, that is not quite correct; that amendment would provide that no further action shall be taken under this bill after January 31, 1931.

Mr. STAFFORD. The authority ceases on that particular date?

Mr. COLTON. That is it.

Mr. STAFFORD. I notice in the report on the House bill the committee stated that there is at present a wastage of 400,000,000 feet of gas escaping from one certain field, the Kettleman field?

Mr. COLTON. Yes.

Mr. STAFFORD. The bill is broad enough to apply to other districts besides the Kettleman oil field?

Mr. COLTON. That is true, because it amends the general law.

Mr. STAFFORD. Does the gentleman know of any other districts wherein it is apt to be put into force?

Mr. COLTON. I do not. I had a telegram yesterday from a company operating in Wyoming, seeking information, but my understanding from the Director of the Geological Survey is that it applies now only to the Kettleman field area.

Mr. McFADDEN. Do I understand that this law may be applied in other fields throughout the country? Is it the gentleman's understanding that this is a part of the conservation program of the oil companies throughout the country, in which the Government is cooperating, to reduce the production of oil and gas?

Mr. STAFFORD. No; it is not a conservation program of the oil companies but it is a conservation program of the Government, to conserve its oil supplies on the national domain, so that it will not be drained by private oil companies, and so that the Government may get the benefits that belong to it.

Mr. McFADDEN. As a matter of fact, is it not synchronizing with the attempt of the oil companies to limit the production of oil?

Mr. COLTON. This applies only to those areas where the Government owns part of the land.

Mr. STAFFORD. It would not apply to any private operations at all.

Mr. McFADDEN. To that extent it would work in harmony with the program of the oil companies in the reduction of the production of oil.

Mr. STAFFORD. Not in the reduction so much as in the Government not having its oil on the public domain drained by private interests, thus losing all return from that oil.

Mr. COLTON. The Government now is receiving about $1,000 a day in royalties from this field. It will receive in the future a very much larger amount if we can conserve this gas and oil than if we allow this waste to continue.

Mr. STAFFORD. Without any additional amount being drained from the national domain. It is a conservation measure, pure and simple. It is more than that. It is a profitable measure for the Government in getting the proper return for its oil and gas veins on Government lands, rather than being tapped by private interests.

Mr. EVANS of Montana. I think the authorities testified before the Public Lands Committee that there was a large wastage of gas there, and that they were not prepared to consume the amount of gas that was escaping from those hills, that that went to nobody, it went off into the open air, and we would not only save that to the Government, but to the private owners so far as their share of it goes, if this legislation is enacted.

Mr. COLTON. We are losing about six-sevenths of the production of gas.

Mr. McFADDEN. Will the effect of this bill be to increase or reduce the production of oil and gas?

Mr. STAFFORD. From my reading of the report I do not think it would increase it, but it would give the Government just payment for the draining that would be coming out of the private lands which would be tapping the oil and gas from the adjoining public lands.

Mr. COLTON. The bill expressly provides:

> Any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings.

Mr. STAFFORD. Mr. Speaker, I yield now to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD with respect to the 4-H Club of boys and girls and to insert as a part of that an address by Doctor Smith, of the Agricultural Department, in the form of an original poem.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. Mr. Speaker, there are now enrolled in boys and girls 4-H Club work about 800,000 members,

and the Department of Agriculture selects every year from this number two boys and two girls in each State as winners in this important field of work and rewards them with a trip to Washington.

The 1930 winners were recently camped on the grounds of the Department of Agriculture at the Capital, and presented a most inspiring sight as they gathered there for helpful discussions, for inspirational lectures, and for music and singing. It was my pleasure to attend the camp-fire program on Sunday night, June 22, and by leave of the House, I extend my remarks by inserting some beautiful, original poems written by Dr. C. B. Smith, Chief of the Cooperative Extension Service, and which he read so effectively that evening. They were listened to with great interest and enthusiasm by this fine gathering of young people, and it is a pleasure to have the same printed in the RECORD for distribution. I here set out three of the poems recited by Doctor Smith, under the following titles: "Aim of Club Work," "What Do We See?" "The Farmer":

AIM OF CLUB WORK

To help lift the burden,
  Point the better way,
Give vision to toil
  And the hope of a better day.
To teach the larger life,
  Encourage a soul
To still greater tasks,
  A still higher goal.

To look beyond the plow,
  Teach a man's full part
In community and town,
  In assembly and mart.

Club work is training
  Of greatest value when
Its goal of achievement
  Is the inspiration, the making of men.

WHAT DO WE SEE?

What do we see as we till the soil,
Is it sweat and dirt and grime;
  Or do we see there
  A picture more fair,
A vision of bud and fruitage time?

Do we see there fields of ripening grain,
Catch the breath of the clover bloom;
  Or is it just soil
  And unending toil
As we follow the plow at noon?

Do we see there bread for a hundred homes
As we crumble the furrow's sod,
  See the teeming life
  With which earth is rife;
Or do we see there only a clod?

It is what we see as we till the soil,
The thing beyond the clod
  That lightens our task
  And leads us at last
Into closer communion with God.

THE FARMER

Have you lived the life of the farmer,
  Begun work with the rising sun?
Have you noted the modest income
  That was his when the year was done?

Have you sat in the family circle,
  Helped plan the crops for a coming need,
And noted the hope eternal
  That's part of the farmer's creed?

Have you seen him at work in the furrow,
  Shared his joys at the family hearth,
And felt the truth of the saying
  That he is the salt of the earth?

Away from the crowded city,
  Alone with his flocks and herds,
Refreshed by the winds of heaven
  And the music of singing birds?

He finds growth for the soul within him,
  Sees life in the overturned sod,
And while tilling the crops he has planted
  He humbly walks with his God.

Mr. STAFFORD. Mr. Speaker, I yield now to the gentleman from Alabama [Mr. PATTERSON].

Mr. PATTERSON. Mr. Speaker, ladies and gentlemen of the House, I come before you at this time to discuss as best I may matters affecting the interests of our great country. In my short service in Congress some things have attracted my attention and caused me very deep concern. Among these are matters of legislation which affect our people; and in speaking on this question I do not speak as a partisan, for it seems to me no one who wishes to be absolutely fair could accuse any one party of being entirely responsible for the tendencies we find in our Government to-day.

I have been looking up some statistics which show the growth of expenditures by the Government, and we realize that this increased expenditure affects the American people and adds to their burden, for the Government does not have a single dollar except what it gets from the people. In my judgment no people can be more justly proud of their Government and its founding than the American people; for it was founded, in my humble way of seeing it, on the principles of justice and righteousness, as was shown so clearly in the Constitutional Convention and also in that remarkable body of men who put the great Declaration of Independence into form, that God was acknowledged at every step; and we were given a Government whose purpose was to allow every person the largest possible freedom consistent with the good of the whole, and also to give every person an opportunity to reach the highest and noblest development to which he within himself could attain by talents, character, patience, and ambition. These points alone would make it a great and worthy Government, but it is remarkably interesting to study not only how much the cost of the people's Government has increased, but how far in many lines it seems to have been diverted or turned aside from its original purpose.

It will probably be interesting to some of you to reflect that we had reached the second or third year of the great War between the States before the expenses of the Government reached a billion dollars. This it held for three years and then gradually dropped back until it touched $379,044,398 in the year 1873. Then, with a gradual rise and then a decrease, until in 1886 it reached its lowest point since the great War between the States—$359,447,838. Then there was a more or less varying increase until in 1909 we had our first billion-dollar expenditure since the Civil War period. With varying increases and decreases, the Budget stayed around this figure until we entered the Great World War, and then, as we all know, it jumped to tremendous amounts in the years 1918, 1919, 1920, 1921, 1922, and 1923. During those six years our expenses were listed at $117,000,000,000, an amount equal to almost half our national wealth before we entered the World War—and may I pause here to say that this is part of the results of the war? It is easy enough to get up a great deal of excitement over war and armament, but the net result of these is death and destruction and increased burdens on mankind. Just think what the cost of the war before we have finished with it would have done for the construction of homes, libraries, roads, schools, churches, and the other noble institutions of peace and development. These alone should be sufficient, in my judgment, to cause any of us to stop and think before we get too much stirred up over war and armament; and we are now spending a much greater sum, according to the report of the Secretary of the Treasury, than any of us would think, and President Coolidge said a year or so ago that we had reached the bottom with our expenses and there would be a rise from now on. The appropriations and the Budget estimates have borne out his prediction. I am going to estimate that the cost of the World War will be more than $250,000,000,000 before we have finished with it and its aftermath—a sum so staggering and so tremendous that I shall not speculate on what it means to our people and what it would do toward making a more happy and prosperous people, further than to say that if loaned at 5 per cent interest it would give an annual income to every man, woman, and child in the country of approximately $102, which is more than some of our families earn during the year.

There is another phase of our Government which I feel should give every patriotic and conscientious person grave concern—the gradual drifting, as it seems to me, of the Government out of the hands of the great mass of the people and into the hands of a few of the privilege-seeking class. No person is stronger for private and individual development than I, and I also feel that ideas such as I hold are the best safeguards that we have along this line in America. In the past we are all aware of the shameless debauchery of public interests and the efforts to openly or secretly control government, both State and National, by railroads and corporations. It was a gigantic struggle for government to throw off this in many cases, and the battle reached over many years. Laws were passed prohibiting some

of the most open abuses, but we find that some of these corporations and interests are still seeking men to represent them in State and National Government. We often find in utility boards, as well as in legislative bodies, men who have even direct connection or some remote connection with these great bodies of corporate wealth, and I would not accuse anyone of a dishonest intent, but I am one of those who believe that a person is influenced largely by his environment; and, should we doubt this, to become convinced it would only be necessary to look around and see how often the people's interests are subverted to make way for some of the privilege-seeking group. We find great franchises of the people voted time and again to these great organizations for them to exploit, and it is shown that in many instances they take these grants and value them highly as intangible capital and charge the people a great extortionate income on them—something the people themselves gave. We also find interests seeking to escape in many instances their just share of taxes and support of the Government, and in surveying this country we find that the great God-given and natural resources of the country, with which we were so abundantly blessed, have drifted into the hands of the few. When the humble farmer or citizen who lives far out finds that he owns a few acres of coal or oil lands it soon drifts from his possession, with in many cases only a small remuneration, until to-day the great wealth of the country is being held and developed by only a few of our people. In many instances they are escaping their just share of taxation.

One of the last of these great natural resources founded on modern science, one of the most valuable and widespread in its use to modern civilization and the country—the country's water power—we find that the big interests have very nearly grasped the water power of the streams of the country, streams which the people and the Government owned and should own are now used by private corporations to force extortionate rates from the people on this essential article. As the gentleman from New York said a few days ago, light and power are nearly as essential in many parts of our country as bread and meat, and are becoming more and more so.

The great questions and issues which we face to-day in this country are great economic questions and questions of opportunity, and the question of preservation of the opportunities of our people. Some of our people get unduly excited because of certain liberal minds who oppose monopolistic control and the encroachment of wealth upon the rights and ambitions of the people, but I am here to say to-day that, in my humble judgment, the safety and stability of this country is in no danger from those who hold to the doctrine of a liberal government for all; and that the workingman, the small business and professional man, and the farmer are entitled to a larger share of the national income. If you wish to instill into the hearts of the people patriotism, love, and respect for their country, nothing will do it more than economic opportunities. No one takes more pride in the great resources and economic development of our country than I, and we are greatly indebted to many public-spirited industrialists, but I am one who does feel that it is not good for the great net income of the country to be in the hands of less than 10 per cent of our people or enjoyed by less than ten million out of the one hundred and twenty.

The Department of Labor in the past found that it took around $1,500 to support in reasonable comfort an American family. I estimate that to live with a reasonable standard now it will require around $1,700; and the average wages for all working families in the United States is about $1,200, far below this amount, and it is shown that a very large per cent of the working people as well as the farmers have an income of less than $500. Many of our business and professional men's income is less than the amount set as a standard of living.

We have a great country with many resources and no one has more pride in his country than I. No one is more firmly grounded in its fundamental principles and its fundamental purposes of giving reward for personal initiative than I, and I do realize, further, that among the many great questions which concern our people, one which reaches every home and every fireside regardless of faith, heritage, or surroundings, is the economic question. I am also one of those who believe that to preserve their ideals and perpetuate that splendid patriotism which has so often been demonstrated throughout our splendid history, both on the field of battle and in time of peace, our people must have economic opportunities.

I have always stood strongly for any legislation which had a moral tendency. No one has stood stronger for all the fundamental rights affecting our people as carried in the Bill of Rights, and no one will be more zealous in their continuation and support of these ideals and principles than I. In fact, in support of all of these I am enlisted for the duration of the war, both in private and public life, and I also recognize that this economic question every family and every person has with them every day in the year; and, too, more than 95 per cent of the legislation passed in this Congress and passed by all Congresses, so far as that is concerned, has to do with economics or is related to economics. Therefore it is of vital interest to us Members of Congress as we face our constituents and the country to-day to offer some economic program which carries with it not only a measure of relief but carries with it a measure of economic opportunity so that our people may be permanently provided with better opportunities.

In the last few years no one can deny that we have had the greatest upbuilding of trusts and monopolies that this country has ever seen. They have expanded until practically every material which enters into the economic life of the people is controlled by individuals or groups in many instances far removed from the place of consumption or distribution. I doubt there has ever been any time in the history of the country when there were more people who were in need of food and clothing and other necessities of life, and we have this condition in spite of the fact that America has the greatest national income in its entire history. It has the greatest per capita income of probably any country in history.

Our income is estimated at $90,000,000,000, a tremendous and staggering sum. A great deal of it due to our splendid resources but much more due to the efforts and ingenuity of our people.

The thing which concerns me to-day as I represent and attempt to speak for the people of my district, and I am trying to represent the people of my district and the people of the country as to that as best God will give me light to do, is the fact that so many of our people do not have an adequate income to provide them and their families with the necessities for comfortable living. I believe that a person who is willing to work and willing to serve his legitimate, honorable, and useful place in society and makes his contribution by doing whatsoever his hands find to do in the way of laboring, whether that is on an humble farm, or in the great factories, in the forest, or mine, or wherever he is called upon to take his place in the industrial machinery of our country; he is entitled to a reasonable income and one which will support him and his family and give him an opportunity to make the best of himself and his family as a citizen and a member of society. In other words, may I say it is as fundamental with me as life itself when I say that I believe that any person who gives his life, and has energy to carry on in a great country like ours with all of its splendid resources and its great national income, is entitled to a reasonable and just share of that income.

May I say again that no one is stronger for the reward of individual initiative than I, and no one commends more highly the good work being done for their employees by many industrialists, but I take the position that it is not best for our country, it is not best for the people, and surely it is not best for the millions that toil, that just a small per cent of all the people should have such a large per cent of the national income.

I realize that there is no chance to completely abolish poverty in this great country of ours or in any country, but I do feel, and I wish to speak for the millions who toil on the farms, in other industries, in the professions or their businesses, or those who wish to work and can not find work, wherever they are, and may I say that those without whom the wheels of industry would fail to turn and the prosperity of our country decay immediately, are entitled to economic opportunities.

Now, what do we find? We find a great national income which is adequate for our people. I wonder if any of you have ever figured what this income of $90,000,000,000 will do. The Depart of Labor figured out a few years ago that to enable the average family of 4.4 persons to live with reasonable necessities of life would take fifteen hundred and some odd dollars, although, to allow a reasonable increase since that time, I figured that $1,700 would give an average family a reasonably comfortable economic status and on the basis of 120,000,000 people and 4.4 persons per family, we find approximately 28,000,000 families in the United States and based on an estimate and calculation from the income tax report it might be pretty closely estimated that a little more than 2,300,000 families have and enjoy the approximate net income of this country. These may be astonishing figures to those of you who have not examined the economic conditions in which we find ourselves at the present time, but it is approximately true that the net income of the United States is enjoyed by approximately 2,300,000 families or by multiplying this by 4.4, approximately 10,000,000 of our people, and the other 110,000,000 are in the status of from comfortable living circumstances downward through every grade of reasonable living conditions and the different grades of poverty. Of course, from this number must be deducted 2,000,000 or more who are loafers or criminals

and are not entitled to an income from the nature of their actions.

Many of our professional people, small business people, farmers, and workers of every class, literally millions of them have an annual family income of less than this $1,700. The average for all farm families being less than $1,000 per family, which means that many of them run below $500, but since the average is around $900, you may see that the average of $1,700 taken would bring this class up $800 per family income. We find that the average income of the laborer is $1,200. We therefore find that my average income of $1,700 will give him an additional $500. We find by calculation that this 110,000,000 people or 25,700,000 families to be brought up to the average income of $1,700 apiece which would put them in reasonable living circumstances would take only $43,690,000,000 of the national income.

Now we still have the 2,300,000 families who have been rated in the net-income class, and to put them back in the class with an average of $3,500, which would bring them up to that class and in addition put them in comfortable circumstances, would take only $8,100,000,000, and now we have the entire 28,000,000 families in the United States provided for as follows: 25,700,000 families brought up on an average and reasonable standard of living and all the balance of the families, amounting to 2,300,000, put in reasonable and comfortable circumstances or still in the net-income class. To do this we have possibly used $52,000,000,000 of the $90,000,000,000 of the national income, leaving $38,000,000,000 as an open field for initiative and industry and rebuilding our economic structure and for further employment of those who are now not employed. This is truly a great program of development. I believe in the development of our country and its resources.

Now, what would be the effect of an income like this? You may talk about solving the farm problem and solving the workingman's problem, and there is no question but that both have problems which must be solved. Neither can be entirely solved by setting up a farm board or by passing tariff bills, and I am not a free trader either. I recognize that a reasonable tariff is necessary and I would not think about voting to-day to abolish tariffs, but I do say that my humble judgment leads me to believe that there are many problems affecting our people which can never be fully settled by such measures. You may talk about putting tariff on lumber to help out the sawmill people and some tariff may be essential in places, and you may talk about tariff on many other products, such as agricultural products as well as manufactured goods, but this will not within itself settle the problems in which the people are interested and looking toward us to settle to-day, and we as representatives of our people should be interested in these problems.

It has been brought out on the floor of the House the deplorable condition the sawmill man is in on account of the competition from abroad in the lumber industry, but that is not entirely the problem. A very large lumber-purchasing class of our people who would like to buy a very large amount of lumber, shingles, as well as hardware, to build homes are absolutely not financially able to purchase these necessary materials to build their homes and keep up their farms. It is the same way with lots of other working people who would like to build homes. The farmers of this country who have had homes heretofore on their little farms are absolutely making no income to-day in order to rebuild their homes, which are gradually falling in decay. The same thing is true of the workingmen. Our workingmen are entitled to have homes and bring up their families to love their homes. As the gentleman from Wisconsin [Mr. STAFFORD] said the other day in a splendid address delivered on the floor of this House, that the safest procedure for the American Republic was for the people to own homes, and no one will question that; but how will they own them and maintain them unless they are given the opportunity? Then I reiterate my position that all of these vital problems can not be settled by a farm board or by the tariff alone. The Farm Board at most can only be a temporary help, in my judgment. Then what would the division of the income as set out here do?

Let us take the 6,000,000 whose average annual income is below $1,000. Should the average be raised to $1,700, which would almost double the present income and would give the farmer an additional purchasing power of approximately $5,000,000,000, what effect would this have on manufacturing, labor, and industry generally? No one will deny that this would not only have a wholesome effect but would have a stimulating effect. The farmers would buy much more lumber, manufactured goods, and many other things, which would stimulate industry. This would cause farmers to build new homes and develop their farms, as well as to educate their children and produce homes of refinement and culture. There is no question in my mind but what at least $4,000,000,000 of this money would be spent in channels to stimulate industry.

Right on the other hand, should the average income of laborers be increased from $1,200 to $1,700 annually, this would give the 18,000,000 or more laborers $9,000,000,000 to spend. By far the largest per cent of this would be spent in buying the products of the farms, factories, and mines and would be a general stimulation of industry in all of its phases. I submit to you and to the country that one of the ways to unclog the wheels of industry in every line is to increase the purchasing power of the masses of the people.

It is known that up to a certain point practically all of the income of the people is spent for the things consisting of a livelihood, that when there is a large class of people whose income is depreciated so that they can not buy the necessities of life, or are out of employment, it tends to clog industry and the business world. If a person has an income of a billion dollars, and even if he is extravagant, he can only use so much food and so much clothing. It is, therefore, out of the question for great sums of money like this to do the maximum good in carrying on the commerce and the business of the country. I take the position that the greatest safety of this country lies in incomes sufficient for the great masses of our people to own and maintain homes and have a reasonable standard of living. This Congress may pass tariffs and set up boards and departments until these walls decay, but these alone will not solve the acute problems which face this country.

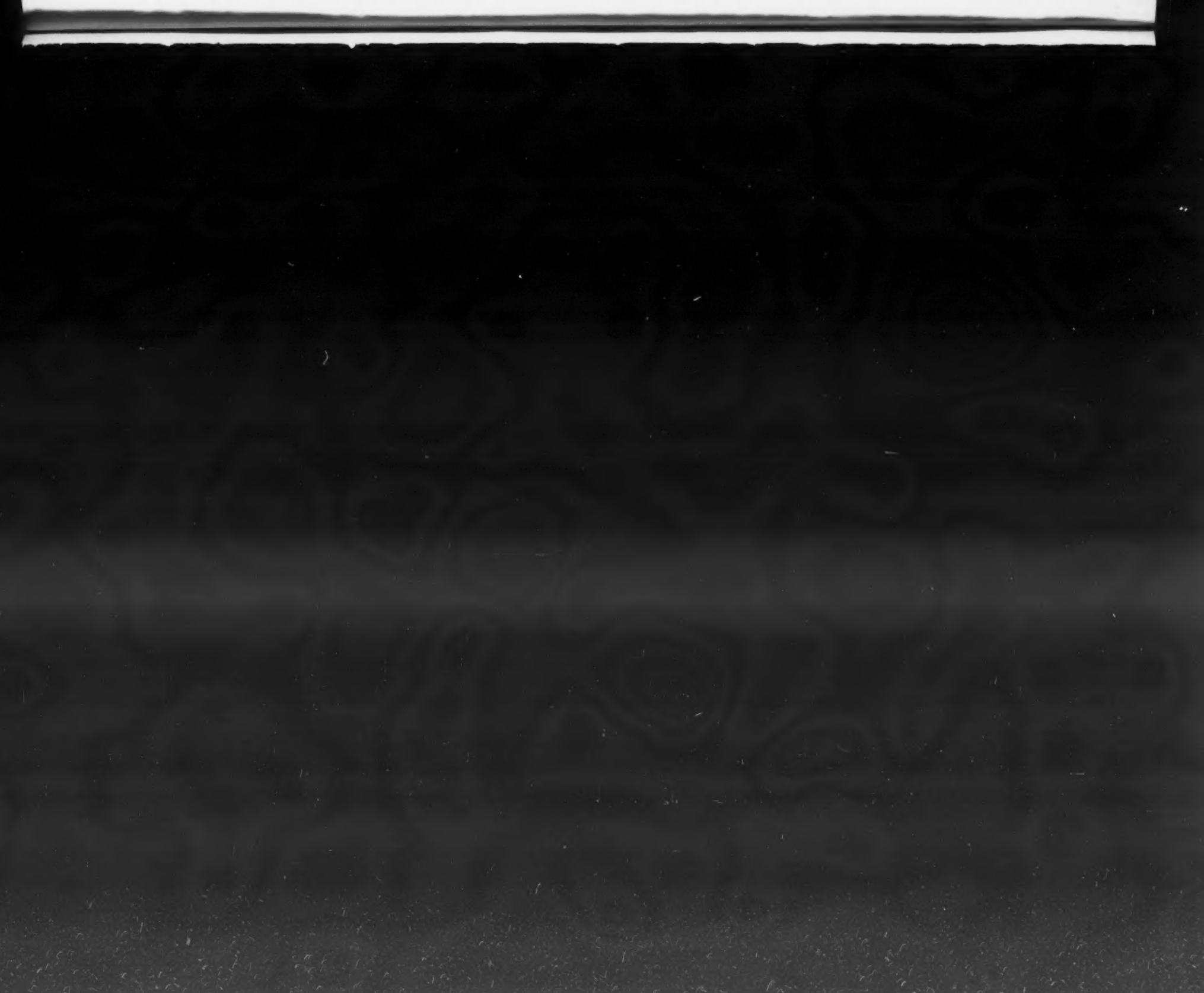
Near a hundred million people are holding out their hands to-day, and we should face this thing courageously and make a sincere effort to solve these problems which face us. These great economic questions vitally affect the homes and living conditions of our people. They may be dodged and stayed off for a while, but if we do not courageously face these issues that in time to come the people will send men here who will, men who have emerged from their ranks and understand their problems, their wants, and aspirations. I do feel that if this great Congress of the United States wishes to really deal with the question which faces us, our leaders should quit trying to solve these questions by proclamations and by skimming the surface.

Our country is founded on as fine principles in my judgment as any government God has permitted to come forth. I feel that the way to preserve it in its integrity is for the Government to provide opportunities for its people. The Government can not give its people money, the Government can not put the people on the pension roll, the great masses of our people who work do not ask for this. The Government does not have a single dollar except what it gets from the people. The purpose for which governments were instituted was to see that man had certain opportunities which would permit him to be his best and fulfill his place in society, and to do this it is essential that the Government guarantee certain and inalienable rights as is guaranteed by our Constitution and Bill of Rights. These no man and no set of men, not even the Congress itself, can change, but only the people themselves. This is necessary. It is equally the duty of the Government to preserve the economic opportunities for our people. No government should permit legislation which protects and harbors any interest of the country, which tries to get the entire wealth in their hands. If it does it will always find the wheels of industry clogged. We may pass tariff legislation and other legislation until we have passed and gone, and our successors have passed on, but these problems will still be with us unless we add other important legislation. The President of the United States has been quoted as saying to a delegation that poverty is widespread in this country. That is true and it has been widespread throughout the many years past, and for these conditions no one political party is entirely responsible, but it is a condition into which we have gotten and poverty will continue to be widespread so long as great utilities lay tremendous burdens on the backs of our people, which allocate themselves as high as 150 per cent dividends annually which they vote to increase their stock and are supported by utility commissions by levying additional burdens on the backs of our people, when these companies in many instances have not put one additional dollar in the enterprise.

I think we might all be astounded by the statement of Ambassador Sackett regarding the tremendous dividends laid on the backs of the public by some of these great utility corporations.

So long as all the great natural resources, such as coal, iron, gold, oil, silver, timber, water power, and all these go into the hands of the few, these great commodities which mean so much to our people, the great masses of common people are at the mercy of those who own these. When all the great tangible and intangible wealth of our people is so monopolized and so brought into the hands of the few until their use and income





are controlled by a very few, poverty will be widespread and poverty will continue to be widespread so long as these things exist, and it can not be solved alone by tariffs and boards.

I maintain and hold forth that the three great fundamental institutions of American civilization are the home, school, and church, and any man who is not in shape by reason of the lack of income or the lack of opportunity to make his contribution to these lacks that much of being able to perform his duties to that extent, and many of our working people and families have an income so low that they can not maintain a home, support their schools, and give their children the educational advantages to which they are entitled, and support his church or help carry on the spiritual side of life. Men who are qualified and equipped to do these things are then in shape to render their best to their Government. You will find him patriotic; in fact, if you will build a democratic government upon such a rock as this it will be like a great rock out in the ocean which stands out above the water. Oftentimes the waves and storms beat upon it and the fog blurs it from view, but it stands there still throughout the ages, and when the storm and fog clear away it stands shining in the sun. So it will be with the great government founded upon a citizenship such as I have tried to describe, and I fear, my countrymen and fellow colleagues, that our Government has drifted in some instances from this degree of its high calling and has allowed privilege and self-seeking interest to intrench itself within its borders. I do not speak on this question as a partisan.

There are men on both sides of the House who see this question similar to the way I see it, and there may be men on both sides of the House opposed to a view like this; but I say to you to-day, my colleagues, as I stand accountable to my constituents, my State, and my country—and God knows I love them all and have tried to give them the best that I have—there is not one fundamental principle or protection of our people entwined in the warp and woof of its Constitution and its Declaration of Independence but what I have cherished and dreamed of from earliest childhood, even though I, too, have gone through all the exigencies of life when I have been deprived of home, and many times with very little to eat, and all the conditions of poverty which face our people in almost every walk of life. These I have gone through and am acquainted with in some way. I call to witness as I stand here to-day that we should face the conditions and age in which we live, for I predict that within the next 25 years the 125,000,000 people which we have the honor and privilege to represent here to-day will demand that the common man and the man who contributes his brain and his brawn to carrying on the industry of the country will ask and see to it that his Government is brought more and more to seeing the necessity of zealously guarding and preserving not only these fundamental liberties which are written in our Constitution but those economic opportunities which affect so vitally the homes of our people. So I say to-day let us so serve and so give the best that we have that no selfish interest, or greed, power, or lust will stain or soil this heritage and this privilege.

Let us gird our loins for battle and put on our helmets and unsheath our swords and never sheath them until every vested interest or anything which would mar the purposes for which this Government was founded is driven out and it is returned to the people, the people whose hearts and ideals are like a great mountain peak which the scientists tell us is some place in the Himalaya Mountains, where it reaches out far above the snow and rain and points to the space of perpetual luster and beauty. As it shines there throughout the ages, we are told that even a book might remain there without a particle of dust to mar its pages. This is the beauty, ideals, and aspirations of our people to which we should give and consecrate ourselves forever.

Mr. COLTON. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. VESTAL].

Mr. VESTAL. Mr. Speaker, I rise to talk about a matter that came up last Saturday when we were considering the general copyright bill. I have been a Member of this House for 14 years, and I hope that I have the respect of the membership of the House. I do not believe that anyone would say that I would come into this body with a proposition that I do not absolutely believe in. As a matter of justice to myself and as a matter of justice to every member of the Committee on Patents, I want to call attention to some statements that were made in the course of the debate last Saturday, I hope not willfully.

Mr. O'CONNOR of New York. Is the gentleman going to refer to the gentleman from Mississippi [Mr. BUSBY].

Mr. VESTAL. Yes; to statements that he made, and he is here. I hope the gentleman did not make the statement willfully. In fact, I am confident he did not. But he was so positive and put the committee in such a position that in justice to the committee I think I should make this statement.

During the course of his remarks he stated that the Attorney General had recommended an amendment to the committee, to which the committee had paid no attention at all.

Mr. BUSBY. The gentleman is in error about that. In all courtesy, I think it is a little bit out of line to line me up as to what I should have said without referring to the discussion behind it.

Mr. VESTAL. I am only putting the committee in the position it ought to be put in.

Mr. O'CONNOR of New York. Mr. Speaker, I make the point of order that the gentleman is speaking out of order.

Mr. VESTAL. I did not say the gentleman made that statement willfully, but I think in justice to the Committee on Patents I should make this statement.

Mr. BUSBY. What committee does the gentleman have in mind when he speaks of what I was referring to?

Mr. VESTAL. The Committee on Patents.

Mr. BUSBY. It was made before the Committee on Rules.

Mr. VESTAL. Well, then, I will say the Committee on Rules. It did not happen in either one of those committees. I want to be absolutely fair to the gentleman, and I am stating this because of what the gentleman from Alabama [Mr. OLIVER] said on the floor.

Mr. OLIVER of Alabama. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana may be allowed to proceed out of order. We must assume that he always treats every Member with fairness.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the gentleman from Indiana may proceed for five minutes out of order. Is there objection?

There was no objection.

Mr. VESTAL. Mr. Speaker, quoting from the RECORD, I read:

Mr. BUSBY. Mr. Chairman, I offer an amendment which I send to the desk.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

"Amendment offered by Mr. BUSBY: Page 4, at the end of the amendment just adopted, insert 'It shall be unlawful for any copyright owner to contract, combine, or conspire with any other copyright owner or owners, either directly or through any agent or agents, to fix a price or royalty rate for the use of any copyrighted works upon parts of instruments serving to reproduce the same mechanically, and any such act shall be a complete defense to any suit, action, or proceeding for any infringement of any copyright of such copyright owner.'"

Mr. BUSBY. Mr. Chairman and members of the committee, the amendment read to you was prepared and recommended by the Attorney General of the United States. Complaint had frequently been made to his office that the Society of Composers, Authors, and Publishers of America was a monopoly in restraint of trade and contrary to the provisions of the Sherman antitrust law. I ask your attention just a moment. The Attorney General states that several special agents of the Bureau of Investigation were engaged in the investigation and that it was conducted almost continuously for a period of about two years.

He goes on to refer to a court decision of Harms v. Cohen (279 Fed. 276), decided in the district court of Pennsylvania, where it was held directly that the American Society of Composers and Authors and Publishers was not subject to the Federal antitrust law in dealing with copyrights because they did not handle a commodity that is shipped in interstate commerce.

The Department of Justice goes on to say that if we repeal the 2-cent limitation tax, as we are proposing to do in this bill, by all means this amendment ought to be written into the law. The Attorney General writes the amendment and submits it to the committee that is considering the copyright law. They simply sidestep it, that is all, and leave this monopoly to extort money out of the unsuspecting public when they find anyone performing a piece of music on a common Victrola who has not obtained the permission of this monopoly to do so.

I am offering the amendment written by the Attorney General of the United States, who has studied this subject for a period of two years through special agents, and I ask its adoption.

And during the speech of the gentleman from Texas, my good friend Mr. LANHAM, I read the following from the RECORD:

Now, there is one provision of law that we have eliminated, and I think properly so. The changes of our commercial structure have been such that we now hear no objection to eliminating this feature. This

is the only price-fixing provision that I can recollect anywhere in our statutes. It is in the present law and provides that when a musician or author licenses the use of his works to a mechanical-reproduction company he can not receive more than 2 cents per disk.

We have removed that objectionable feature and given to the author exactly the same free right of contract with reference to his work that every other American enjoys.

Mr. BUSBY. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. BUSBY. The Attorney General proposes an amendment which prevents any combination in the way of monopoly if we do repeal this section, does he not?

Mr. LANHAM. We have the antitrust statutes, and if they are not sufficient we can make them so. But that is foreign to what we are now dealing with. We are dealing with the copyright law, and I do not want to be diverted.

Mr. BUSBY. I asked the question because the Attorney General proposed it.

The Attorney General has never been before our committee and never proposed any amendment; and so I looked up the record and found that in the Committee on Rules the gentleman from Illinois [Mr. CHINDBLOM] presented a brief to the Committee on Rules, and my good friend from Mississippi [Mr. BUSBY], when he began to quote from that brief, not only quoted what the Attorney General said; but went on to quote the rest of the brief prepared by Mr. CHINDBLOM. Mr. CHINDBLOM is the man who proposed the amendment, and not the Attorney General; and none of the members of the Committee on Patents knew anything about it.

Mr. LETTS. Mr. Speaker, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. LETTS. And is it not true that the opinion attributed to the Attorney General was never seen by any member of the committee, but only by the gentleman from Illinois [Mr. CHINDBLOM]?

Mr. VESTAL. That is so. Now I want to read from the letter of the Attorney General on that proposition. This letter is dated July 2:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., July 2, 1930.

Hon. A. H. VESTAL,
Chairman of Committee on Patents,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Receipt is acknowledged of your letter of July 1, asking for a statement as to the activities of this office with reference to the following amendment to bill proposing a revision of the copyright act, H. R. 12549:

"It shall be unlawful for any copyright owner to contract, combine, or conspire with any other copyright owner or owners, either directly or through any agent or agents, to fix a price or royalty rate for the use of any copyrighted work upon parts of instruments serving to reproduce the same mechanically, and any such act shall be a complete defense to any suit, action, or proceeding for any infringement of any copyright of such copyright owner."

In reply I beg to advise you that no such amendment has been recommended by me and that a search of the files of this department fails to disclose any such recommendation by my predecessors. The annexed release issued by this department August 6, 1926, apparently contains a complete statement of the activities and the attitude of this department in regard to the investigation made of the American Society of Composers, Authors, and Publishers.

Yours very truly,

THOMAS D. THACHER,
Acting Attorney General.

STATEMENT FOR THE PRESS

DEPARTMENT OF JUSTICE, *August 6, 1926.*

In the matter of the American Society of Composers, Authors, and Publishers: As the result of a large number of complaints which were received by the Department of Justice with reference to the so-called music tax collected by the American Society of Composers, Authors, and Publishers from the owners of motion-picture houses and of other public places of entertainment where popular music is played, a thorough and comprehensive investigation was made of the organization and operations of that society. Several special agents of the Bureau of Investigation were engaged in that investigation, and it was conducted almost continuously for a period of about two years.

After all the facts elicited by the department's investigation and also the facts and arguments submitted both by the various complainants against the American society and by the representatives of the American society, had been very carefully considered by the department, the society has been advised that the department saw no reason for proceeding against it under the antitrust laws on account of its operations in collecting licenses for the public performance of copyrighted music from the owners of motion-picture houses, of hotels, of dance halls, and of similar places where copyrighted music is publicly performed for profit.

It was found that the rights conferred under the copyright act by Congress on the owners of copyrighted music had repeatedly been held by the Federal courts to be violated by the unlicensed performance of such music in motion-picture theaters, hotels, and similar places of amusement, where the performance of the music constituted at least part of the public entertainment from which the owner of the place of amusement derived profit through the charges made to his patrons.

The only question for consideration by the department, therefore, was whether the operations of the American society in receiving assignments from its members of the rights to the public performance of their copyrighted music and the issuance by the society to many places of amusement throughout the country of the right to publicly perform for profit all the copyrighted music of its members constituted a combination which restrained trade and commerce within the prohibitions of the Sherman Act.

It was found, however, that the American society has nothing whatsoever to do with the published music or with any physical objects which enter into the course of interstate commerce, and that it has been held repeatedly by the courts that acts similar to the granting of licenses for the local performance of music in a place of amusement do not constitute interstate commerce, even when the contracts are entered into in a different State from that where the performance may take place.

No decision has been reached in reference to the licensing of radio-broadcasting stations because of the unsettled state of the law relating to radio and the possibilities of legislation by Congress at the next session.

Mr. VESTAL. One other question I would like to clear up. I would like to have the attention of my friend from Alabama [Mr. OLIVER]. The gentleman has always been very kind, and in his speech he said that unless the question of the Attorney General and the question as to the State Department was sustained, he did not feel very kindly toward that bill.

Under date of May 19, 1930, I have this letter from the Secretary of State:

DEPARTMENT OF STATE,
Washington, May 19, 1930.

The Hon. ALBERT H. VESTAL,
House of Representatives.

SIR: The department has received your letter of May 16, 1930, in which you set forth the text of a draft paragraph to be inserted as the first paragraph of section 30 of H. R. 6990, Seventy-first Congress, second session, and inquire whether this text would meet the objections of this department to the first paragraph of section 30 as included in the printed bill. In reply, I take pleasure in informing you that the text to be used for the first paragraph of section 30, as set forth on page 3 of your letter, appears to contain no provision that is contrary to the treaty obligations of the United States. It is, consequently, satisfactory so far as this department is concerned.

Very truly yours,

H. L. STIMSON.

I merely wanted to clear these things up as a matter of justice to the committee, not in censure of the gentleman from Mississippi [Mr. BUSBY], because when he read in this statement he probably believed he was reading a brief from the Attorney General, when he was really reading a part of the brief from the gentleman from Illinois [Mr. CHINDBLOM]. I want to do him justice, but I also want to do justice to the committee.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Indiana yields back one minute.

Mr. BUSBY. Mr. Speaker, I would like to speak at this point. It will not be long.

Mr. STAFFORD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Speaker, I ask unanimous consent to speak for five minutes out of order.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BUSBY. Mr. Speaker and Members of the House, I have never had an antagonistic attitude toward proper principles of copyright law. I am entirely favorable to a proper copyright law which will do full justice to all the ingenuity that is exercised, possessed, or brought into play by authors and people who have received copyrights at the hands of our Congress, but I am unalterably opposed to any copyright law which would put a cudgel in the hands of any organization for the purpose of oppressing the people of our country. That is where my fight came in and where it is going to continue.

Mr. REID of Illinois. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. REID of Illinois. The gentleman is not opposed to any bill that would take care of the automatic copyright or the question of divisibility or the Berne convention?

Mr. BUSBY. I would rather not cover those points just now. I am not fighting any principle of copyright law which would make for a better situation for literature or publishing, or authors bringing us the fruits which the Constitution had in mind in stating they might have exclusive rights allowed them.

I want to refer particularly to the subject matter of the document commented upon by the chairman of the committee [Mr. VESTAL]. I find at page 18 in the hearings on the bill H. R. 13452, held before the Rules Committee on February 13 to 16, 1929, copies of which document may be had, the terms that were contained in the amendment I offered. It appears to have been written by the Attorney General of the United States. If it were not written by the Attorney General of the United States and were written by Mr. CARL CHINDBLOM, Mr. CHINDBLOM speaks entirely in the interest of the people. It makes no difference who wrote the language, it is a splendid addition to the law; it was adopted as one of the amendments to the bill, and I am glad to have had the honor of proposing it.

My attention was never called to anything amiss about the report in the hearings held before the Committee on Rules. I have referred to it. The Department of State said exactly what I said they said in rewriting section 30. You will find that in the hearings along with the present bill. The Department of State said that if the committee felt it was necessary for it to write somthing into the bill along that line, it should write the things which were proposed by the State Department in the amendment submitted by the State Department.

Of course, I can not vouch for the authenticity of all of the material contained in the hearings held by the gentleman or held on his application for a rule to consider his bill. I am bound to take the hearings as I find them. I take it that most of the things are straight and should be considered as they are submitted.

Mr. VESTAL. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. VESTAL. I think the gentleman understands I am not finding any fault with him. I am simply calling attention to the fact that the gentleman was in error about it and that it placed the committee in the position of having the Attorney General bring before the committee an amendment that the committee had not considered.

Mr. BUSBY. I never said the Attorney General appeared before the committee. I thought if he wrote a letter to the committee it was because the committee had written to him. I did not think he had any interest in the matter. He certainly said he had investigated the subject for several years by special agents and that something should be done to relieve the people from the monopoly which he found was being exercised by the organization to which I referred.

Mr. VESTAL. I do not find anything in his release to that effect. The only thing in the release is he finds that, as far as it being in violation of the Sherman antitrust law was concerned, they were not a monopoly; but he did not advise what should be done.

Mr. BUSBY. Well, we will take it that Mr. CHINDBLOM advised that. We believed that that was a wise provision, and I think that every gentleman in the House will agree with the statement that when a person is given a monopoly in the form of a copyright he should be restrained from combining with other copyright holders for the purpose of price fixing. That is all I meant to say.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. COLTON. Mr. Speaker, I yield one minute to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by my colleague, Representative EATON.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. WOLVERTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address by Hon. CHARLES A. EATON, of New Jersey, before a Republican mass meeting in the Republican Club, Tuesday, June 10, 1930:

OUR PRESENT POLITICAL SITUATION

Except for a few weeks last year Congress has been in continuous session since December, 1928, a period of almost 19 months. Needless to say it has been a trying experience for the Members, for the administration, and for the country.

After this prolonged absence at my post in Washington, I welcome this opportunity to meet my home folks and review some of the vital issues now before the country.

First of all I wish to make my own position clear. I am a candidate, without opposition, in the primary, June 17, for the Republican nomination as Representative in Congress from the fourth district to succeed myself.

When in 1924 the people of this fine district did me the honor to elect me as their Representative I laid down for myself two principles of service—first, since I was elected as a member of the Republican Party upon a Republican platform, in the large questions of general national policy, I believed it my duty to stand by the principles of the party platform upon which I was elected.

I have absolutely no sympathy with those in public life who use a party name and a party platform and a party's prestige in order to get themselves elected and then spend the rest of their time between elections obstructing, attacking, and weakening the party whose name they bear.

I have steadfastly refused and refuse now to represent any private organization financed and led outside my district. I have always declined and decline now to permit anyone to label me. The only political label I am willing to bear is that of Republican. I owe allegiance to no political boss, I am allied with no faction. My one ambition is to serve all the people in the interests of the whole country.

My second principle, which I enunciated six years ago and from which I have never deviated, covers the matter of personal service. When I was elected I became the only Representative that the 300,000 people of this district had in the House of Representatives in Washington. Whether you voted for me or not, I was your Representative. I determined to give, without stint, of my personal service to every man, woman, and child of my district who needed my help, regardless of politics, race, breed, or creed. I can truthfully say that no one in this district who needed my help in the last five years, as their Representative in Congress, has ever asked in vain. I have not always been able to do as much as I would like to do for the people of my State and district, but the limitation did not lie in my lack of desire or sense of obligation; rather, it lay in the limits of Government service itself.

Apart from this personal service I have worked to secure for various communities of our district and State their just share of Federal service. We have been able to secure appropriations of approximately $5,000,000—for Federal buildings, sorely needed, and for a great veterans' hospital in our district.

I come back to you to-night oppressed by the tremendous gravity and urgency of public problems now confronting not only our country but every country in the world. With these problems, directly or indirectly, Congress and the administration must deal. We can not evade them; we can not shut our eyes and deny their existence. We must do something with them if we are to play our part as the leading nation in the world and at the same time retain the high level of comfort and security enjoyed by our own people.

HUMAN WELFARE

First among these problems with which we have to deal is the world level of human well-being and our relation to it. My belief is that government and business and industry are not ends in themselves. They exist for the service of human beings. America has been for years an island of prosperity in an ocean of adversity. During the past winter we, too, have felt the chill shadow of depression upon us, but, in spite of unemployment, in spite of the slowing down of business, in spite of the crash in the stock market, our economic worst remains better than the economic best of any other country in the world, except Canada.

I have believed that these oceans of adversity beating continuously upon our shores would finally begin to eat away the foundations of our safety. That process is now going on. The cloud banks of pessimism and failure which threaten to envelop us to-day have their origin, in large measure, far beyond our national boundaries. In England a million and a half of citizens are living on a dole furnished by the British Government out of the earnings of the rest of the population. This ominous fact is more than a sample of social maladjustment. It contains within itself the germs of final dissolution of that great fabric of economic power which for hundreds of years made England a leader in world affairs.

In Germany a condition exists of which we hear little, but which eventually will test to the utmost the fabric of German civilization. According to a recent statement of the German Labor Minister, approximately 20 per cent of all Germans are living upon doles, charities, or pensions. He places the unemployed at 4,200,000. There are 4,800,000 on Government pensions. War disabled number 3,400,000. Accident victims are put at 1,000,000. That is to say, 12,000,000 Germans are living on the other 40,000,000. The expenditure in the care of this vast army of idle dependents reaches $4,000,000,000 a year out of a total national income of fourteen to eighteen billions. It is impossible for these diseased conditions to afflict the world without ultimately infecting us.

We were called together in April, 1929, in accordance with the platform of our party and its President, primarily to do two things. First,

to place upon the statute books a remedial law which would bring relief to the languishing agriculture of the Nation. This act was passed and the foundations of a great new organization for the orderly merchandising of farm products have been laid. It is the most gigantic experiment that we have injected into the economic structure of our Nation in 150 years. We think that we are on the right road. Whether we are or not, our experience will teach us what to do next.

After the passing of farm-relief legislation came the tariff. It is close to a national scandal that the legislative body of the United States Government under prevailing conditions should consume more than a year in the placing upon the statute books necessary tariff legislation. I will not weary you with details of this never-ceasing struggle. Suffice to say that I have fought day after day and month after month to secure even a modicum of needed protection for the great industries of this district and State, and especially of the city of Trenton.

Let me give one illustration. The need for proper protection in the pottery industry seems to me self-evident. The average pottery worker normally receives around 70 cents an hour in this country. The next highest wage paid in that industry in the world is in England at 22 cents an hour. Germany next with 17 cents an hour; France and Poland with 10 and 10½ cents an hour; Japan with 8 cents an hour, and China with 10 cents a day. Seventy cents an hour, even with continuous employment, places the pottery worker barely within the circle of a proper American standard of life. How is he going to retain this American standard of life if we permit a continuous flood of foreign pottery, every piece stained with the blood of sweated labor, to pour over our borders? And how are we to keep this flood out except by some form of tariff protection?

The Smoot-Hawley tariff bill has had a stormy career. It has two main purposes—first, to give agriculture the same tariff protection enjoyed by industry. And, second, to revise the schedules for industry where there was need.

The bill has met with determined opposition from the Democratic Party, aided in the Senate by a group of alleged Republicans whose one aim seems to be to embarass and destroy the administration of President Hoover. In its final passage the bill will be fairly satisfactory, and by the flexible provision the President has authority to rectify schedules which further study shows to be unfair.

GOVERNMENT AND BUSINESS

While we have been fighting to maintain the American standard of living so far as it can be done by tariff legislation we are confronting, all the time, the creeping paralysis of alien old world conceptions of government in business. The American ideal of private ownership, initiative, and independence guaranteed by Government as the umpire in the game, is under continuous attack in and out of Congress and we face to-day, whether we want to or not, this fundamental question: Can we keep America American in its standard of living; in its methods of industry and distribution; in its ideals of government, in all that makes our fair land the hope of the world?

UNEMPLOYMENT

Out of the murk and uncertainty of the past year has emerged a new consciousness throughout this Nation of the problem of unemployment. There are, of course, numbers of people incapable of steady employment any time, and it is a regrettable fact that a great number of citizens are unemployed continuously in every part of the country because of sickness. But over and beyond these normal conditions of unemployment stands the specter of industrious self-respecting citizens out of a job. We used to think that this condition was inevitable, like the law of gravitation or the coming of night after day. But with the application of science to the service of man there has grown up a conviction that unemployment is a social menace, unnecessary in a community properly organized and led. It disturbs, and it ought to, the Nation's conscience to have men and women who are willing and able to work without work to do. This type of unemployment slows down our economic progress. It saps our economic health. It lowers the moral tone of home, of church, and political life. Unemployment, except that caused by inability or disease, must be eliminated from our social experience, or we must admit, which I do not, that civilization is a failure.

I wish that I felt able to put into a phrase an answer to this searching and challenging question. It has been my chief study for a good many years, and in the great industrial organization to which I belong it is receiving more attention from the leaders than any other single problem. We may have to have a shortened labor week, or a shortened labor day, or both. Sooner or later we will evolve some form of insurance against unemployment. Whether this insurance will take the form of an entirely voluntary private enterprise on the part of the employer and employee in the industrials or a Government form of insurance can not now be predicted. We may have both. But one thing is certain, the conscience and intelligence of the American people will not rest until a solution of this most challenging problem has been discovered. And whether in or out of Congress, I shall continue to seek for a permanent cure for unemployment.

We have an excess productive capacity both in our industry and agriculture of about 25 per cent. If we could absorb this productive capacity in the foreign markets of the world, we need never have the specter of unemployment in our midst. But the foreign markets of the world are themselves cursed and blighted by the ever rising threat of unemployment of their own people, and every man out of work anywhere in the world lessens to that extent the consuming power of the world. And consuming power, buying power, is the supreme central problem in the economic development of mankind. We have mastered the problem of mass production. Our next step is to solve the problem of mass consumption.

VETERANS AND PENSIONS

We have before us the question of the aged, the infirm, and the veterans of our many wars. We recognize the obligation of society to those who have served us and in many cases who have served us by supreme personal sacrifice. But we are still far from meeting this obligation in a scientific, sane, and just way.

Our pension legislation is a striking illustration of the inability or at least the failure of American statesmanship to fearlessly grapple with a great complex problem; think it through and evolve a permanent principle and policy for the solution of the problem. We are spending around $800,000,000 a year on various pensions and the work of the Veterans' Bureau. I have fought in Congress and out, as have many others, for the veteran who is in need, who is in poor health. Congress has passed veteran legislation designed to meet temporarily, at least, these growing needs but eventually we shall have to reopen the whole question of our social relation and obligation to the veteran, the aged, and the unfortunate expressed in governmental aid, and we shall have to find some just, humane, and scientific method by which we can meet these obligations adequately without injustice to the productive forces of the land.

COST OF GOVERNMENT

We face the problem of the ever mounting cost of government, National, State, and municipal. The man you send to Washington from your district or your State, must have the equipment, the experience, the intelligence to grapple with the rising tide of taxation if he is to make any contribution to the science of good government.

The House of Representatives is the board of directors of the greatest corporation the world has ever seen, with 125,000,000 stockholders, everyone every day affected for good or ill by what Congress does or does not do. Congress raises and disburses every year around $4,000,000,000. Every dollar of this money represents the sweat and toil and sacrifice of some human being. Every dollar that is saved by governmental efficiency, by economy, by sound economic practice, by sane legislation lightens the burden of some human being, all of which goes to show that the gravest test of responsibility of our American people to-day lies in their choice of Representatives in their Government.

In this connection it is a simple statement of fact to say that New Jersey sends to Washington an unusually able group of Representatives. I know them all intimately. They are all my warm personal friends and I admire and honor them for their ability, their character, their devotion to duty, and for the fine service they gave their State and country.

CHAIN STORES AND BANKS

We have tremendous new tendencies in merchandising, creating new and acute problems for all classes of our people, as illustrated by the chain store, the chain bank, the drainage of money power to one center instead of holding it in many centers. This group of questions alone is a challenge to the highest statesmanship. If we are to keep the stream of American leadership rich and strong, if we are to encourage independent enterprise by individuals, we must have money centers of money power and industrial development. We must not separate the bank from the people, nor can we finally service society by impersonal, absentee methods of merchandising.

THE NEW ARMAGEDDON

In my judgment, the next great world-shaking conflict here and elsewhere will take the form of a struggle for supremacy between human beings and material things. The world, which includes the United States of America, faces to-day the supreme test of its civilization. We have, down the centuries, successfully met adversity. We have stood the gales of war, pestilence, and famine. We have struggled through the black shadows of ignorance and failure. To-day man with the scepter of complete dominion over nature in his hand, has become for the first time since creation secure in that dominion. With this new consciousness of power, with the growth of luxuries and services unheard of a few years ago, with ever higher standards of living, the question is, have we brains enough and character enough to sustain our material civilization? Or is the modern world doomed as was Rome, Babylon, and Greece, and countless lesser societies of the past, to crumble beneath the weight of its own social structure?

With these tremendous challenging problems which I have hastily sketched and which are only a few among many pressing upon us, I do not believe that the people of New Jersey and of the other sovereign States of this Republic will be satisfied to send as Representatives to Washington men shackled and cramped by little factional differences or

dwarfed to the narrow limits of some wretched fanatical label. Our great industries are clinics in civilization; so are our homes, our churches, our schools; so are our governments; so is civilization itself, and as a symbol of this great urge for freedom and safety, for justice, for economic progress, the governments of the States and of the Republic stand supreme.

What happens to this or that individual in public life may be of small moment. What happens to the masses of men is of infinite importance. I have given the best years of my life to find a solution to the problem of poverty. I believe with every atom of my being that nothing is worthy the name of progress which does not lift up, inspire, and bless the masses of men.

The end of the social process is that men may be free. We have achieved freedom in worship, in thought, in the right to make or unmake our own Government. In every land to-day the people are determined to find some way to be free from the curse of economic poverty. We have made some progress in America toward the elimination of poverty among the masses of men. We have done this by high wages coupled with low cost of production in industry; by the policy of a protective tariff; by a method of government and education designed to give equal opportunity to all. We can not, we dare not turn back. Rather we must think and act with such courage, intelligence, and moral enthusiasm that every citizen shall win for himself by his own efforts economic freedom and independence.

Centuries ago in the Roman forum a senator gave utterance to this sentiment, "I am for men, and all that has to do with men is of interest to me." That sentiment then was met with wild acclaim. It evokes the same passionate response to-day. It ought to, for it is the echo of the purposes of a good God for the men He has created in His own image and designed for freedom.

We can meet the challenge of the present only by a government of all the people, for all the people, and by all the people. No man is too good or too great to serve his fellow men. In that service alone can he find the fullest realization of all his divine gifts. Greatness is service raised to its highest power. In the campaign upon which we are now entering, I pray that the people of our district and our State may face the vast and sobering issues of the hour, free from the shackles of passion, prejudice, and ignorance, and choose for high office only those who have the vision, experience, ability, and the will to see the need and meet it.

Mr. COLTON. Mr. Speaker, I yield one minute to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the visit of the gold-star mothers, and to include a statement of one of the gold-star mothers who has recently returned from the visit to Europe.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. SUMMERS of Washington. Mr. Speaker, as a member of the Appropriations Committee, I have been in close contact with all legislation and appropriations for the beautification of our World War cemeteries in foreign lands and for the gold-star mothers' pilgrimage.

The reports of the Battle Monuments Commission are made annually to our committee and funds are provided for the construction of battle monuments and memorial chapels.

Mrs. Hilda A. Meystre, a gold-star mother from my district, who recently returned from France, expresses beautifully, in prose and verse, her gratitude to Congress and our country for having provided for the gold-star mothers' pilgrimage.

Believing she speaks for many others, I am inserting her letter and her poem in the RECORD:

NACHES, WASH., *June 26, 1930.*

Hon. JOHN W. SUMMERS,
House of Representatives, Washington, D. C.

DEAR FRIEND: I have been so happy on my pilgrimage to France that I must let you know how grateful I am. Everyone has treated us with so much kindness and consideration.

We all greatly appreciate the privilege of going to the cemeteries and also so many places of interest.

Sincerely yours,

HILDA A. MEYSTRE.

OUR HEARTS O'ERFLOW

We are the gold-star mothers,
Come from over the sea
To visit the graves of our loved ones
Who died to make the world free.
Free from the hands of the greedy,
Free from the war lord's sway,
Safe for the homes of our people,
Safe for democracy's way.

For the land of beloved la France
Lay gasping in agony's throe;
Our sons were called to the rescue
And gladly responded to go.
Their blood was offered for freedom,
Our tears for the love of mankind,
And now a sweet benediction
Rests over heart and mind.

We are the gold-star mothers
Back from La Belle France,
Back to our own loved country
That gave us this wondrous chance;
Gave us a time of pleasure
To ease our saddened hearts;
Things we never had dreamed of
We saw in those treasured marts.

We thank the Congress of U. S. A.
And all the others that helped the way
To give us Mothers a perfect day.

Mr. COLTON. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. STAFFORD. Mr. Speaker, whatever time I have remaining I also yield to the gentleman from Pennsylvania.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MCFADDEN] is recognized for seven minutes.

Mr. MCFADDEN. Mr. Speaker and gentlemen, time and events have arrived at a point where we should no longer deceive ourselves concerning the business situation. Continued statements of unfounded optimism will have only an unhappy effect upon the minds of the millions of our citizens who are now unemployed and who, in the circumstances, must continue to be unemployed for many months to come. The economic condition in which we find ourselves is too sustained and deeply seated to be met by pronouncements that it does not exist.

Let us face the truth—that we and the world are undergoing a major economic and business adjustment which is and will be both drastic and painful. These consequences will be particularly severe in the United States, because they will force many people to recede from the standards of living and expenditure attained during the past 14 years.

Some part of this condition is the natural consequence of the operation of basic economic laws which function with little regard for human legislation. A large part is due to mismanagement of our national affairs. A still larger part is due to a deliberately contrived and executed program which has as its object the impoverishment of the people of the United States.

The end of the World War found us with a greatly expanded industrial and credit structure, too large by far for the requirements of our national needs as the latter existed before the beginning of the war period of abnormal consumption. It was clearly a time to halt and to analyze fundamental economic facts. We did not do this.

Rather we chose to proceed with our abnormal production and to stretch the limits of credit still farther. War production and its profits had made Americans drunk with power, and ambition for more power. Luxuries developed in the disorganization of war became necessities with the reestablishment of peace.

The American people entered upon a decade in which the whole structure of their lives was to be based upon the principle of discounting the future. A vast system of installment credit sprang into life almost overnight, aided by the optimism of the Federal reserve system. The automobile industry expanded more rapidly and to greater size than any industry had expanded in history. The public was encouraged by advertising and propaganda to buy beyond its immediate means. Further industrial expansion was financed by the same expansion of credit which made installment buying possible. Consumption was expanded and financed upon the consumer's promise to pay and production was expanded by capitalizing the producer's hope that the consumer would keep that promise.

In the period between 1920 and the present time we experienced the full use and purpose of the credit machinery built up within the Federal reserve system. It was but a logical development that anticipated profits should be capitalized as anticipated production and consumption had been capitalized—and that the Federal reserve system should in turn finance this capitalization of anticipated profits.

The entry of millions of Americans of moderate means into stock-market speculation was a natural consequence of the policy of expansion to which we had committed ourselves. It was also a logical development that the Federal reserve should expand brokers' loans to make possible a huge inflation of the business of speculating in securities on margin.

All this brought the country to a point where the individual was living beyond his present means, buying more than he could afford on his hope that he could afford to pay for it in the future and then speculating in the hope that he could make enough profit to pay his debts when they came due. In brief, the greater part of the American business structure was built upon the anticipated profits of the next year's pay checks.

This circle of discounted hope could persist only while it was in motion. When the rotation of the system was stopped even for a moment the wheel disintegrated and its component parts answered the call of gravity and crashed to the ground.

The geniuses in the management of credit who presided over this defiance of the laws of economic gravitation were the world's greatest financiers and industrialists. They came to the realization that optimism could not forever serve as the basis of a constantly expanding credit. In 1928 these men convened themselves and decided that a readjustment was imperative; that the world's economic, industrial, and financial procedure should undergo a complete change or evolution. Since the date of that decision the machinery to perfect this accomplishment has been in full force and effect.

We are only beginning to feel the effect of this decision by the economic powers. Commodity price levels are being reduced to practically the 1913 basis; wages are being reduced through the creation of a labor surplus; by the slowing up of production to an extent which has thrown 4,000,000 or more of our people out of employment.

We must realize that we are going to a new price level, much lower than that which has prevailed during the past decade. We must also realize that before this change is fully accomplished to the entire satisfaction of those who are directing it much suffering and hardship will prevail. Unemployment and hardship always bring unsettlement in the public mind, sometimes to a degree which results in anarchy and revolution. It is natural and right that the average citizen should resent having his livelihood made the subject of manipulation.

The war resulted in bringing our industrial and financial leaders into contact with the industrial and financial leaders of the rest of the world. One of the consequences of this contact was the assumption by our industrial and financial leaders of control of such affairs throughout the world.

This control of the world business structure and of human happiness and progress by a small group is a matter of the most intense public interest. In analyzing it, we must begin with the international group which centers itself around J. P. Morgan & Co. Never before in the history of the world has there been such a powerful centralized control over finance, industrial production, credit, and wages as is at this time vested in the Morgan group.

The Morgan interest is able to exercise a high degree of control in international exchange, loans, and commerce through the fact that the parent Morgan company acts as fiscal agent for Great Britain, France, Belgium, and Italy, is the dominating influence in the new Bank for International Settlements, and is the most potential influence in the Federal reserve system, which last is virtually a pool of our national assets. The Morgan control of the Federal reserve system is exercised through control of the management of the Federal Reserve Bank of New York and the mediocre representation and acquiescence of the Federal Reserve Board in Washington.

This international association of financial organizations under a central control marks a new epoch in world financial history and is the basis of the greatest danger free government has had to face in centuries.

Hand in hand with this financial control marches an equally potent and dangerous organization of international political and industrial control. Politically this control has expressed itself in the United States by a control of the press and the executive departments of the Government with the object of bringing about the adoption of measures calculated to make the people and the resources of this country an acquiescent part in the international plan.

The primary object of these measures is to persuade our people to assume the cost of the World War and to pay Germany's much-disputed reparations to the Allies, we to assume the responsibility of collecting these reparations from Germany over a long term of years, if, as, and when Germany is willing or able to pay them. Through the sale of bonds to American investors the allied Governments are to receive cash for their claims against Germany. The burden of establishing the validity of these bonds and of collecting principal and interest would thus be shifted to the United States and a large part of the liquid capital of the United States would be shifted to Europe.

The current effort to sell German bonds in the United States under the seeming approval of the State Department and the Treasury is only another phase of the program which has persisted since our entry into the war. The endeavor to involve us in the complex settlements of the Versailles peace treaty was a part of this program, as was the effort to persuade us into membership in the League of Nations. The failure of these efforts was succeeded by the debt-cancellation campaign and that, in turn, was followed by the vigorous propaganda which had as its avowed object the purpose of securing our adherence to the Permanent Court of International Justice of the League of Nations, sometimes euphemistically styled the World Court.

Another phase of this program has been the continuing effort to induce us to take the right of determining the size and character of our national naval defense out of the hands of the Congress, in which it was placed by the Constitution, and to place it in the hands of some foreign tribunal such as the Washington conference of 1922 or the recent London naval conference. Once having left the hands of the Congress, it is almost a certainty that this control of our national defenses would be placed in the hands of the League of Nations by those in whose hands we first delivered it.

The SPEAKER pro tempore. All time has expired. The question is on the motion of the gentleman from Utah to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A similar House bill was laid on the table.

HOUSE RESOLUTION 282

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks on House Resolution 282.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. REID of Illinois. Mr. Speaker, on June 30, 1930, I introduced House Resolution No. 282 to require the Secretary of the Treasury, the Secretary of Labor, the Federal Trade Commission, the Federal Radio Commission, and the Attorney General to furnish to the House of Representatives information relative to the 33 persons who have been indicted for smuggling and the 14 watch-importing companies which have been apprehended in the act of violating the customs laws by false entries. Pleas of guilty of both the smugglers and United States customs employees indicate that more that a million Swiss watches have been absorbed by the jewelry trade.

The resolution also calls for data relative to the alleged watch-importers' ring and the conspiracy by the watch-smuggling criminals by whose operations the United States Government is being defrauded and millions of smuggled watches are being foisted on the American public.

RESOLUTION RECITES ILLEGAL ACTS OF IMPORTERS

In the preamble the resolution recites the unlawful acts of the watch importers' ring and lists the crimes which have been committed, showing the enormous number of Swiss watches smuggled into the United States. A reading of the resolution will show that there is ample justification for this inquiry and that the ramifications of the unscrupulous importers' activities are many and lead into strange places.

WHOLESALE AND RETAIL JEWELERS IN DANGER OF CRIMINAL PROSECUTION

In the preamble the resolution sets out that there is indisputable evidence of a gigantic watch importers' ring, and of an evil conspiracy by a gang of watch-smuggling criminals by whose wholesale operations the United States Government has been defrauded of immense sums of money in import duties.

The resolution continues that millions of smuggled, spurious, inferior foreign watches are being foisted on the American buying public and that many helpless wholesale and retail jewelers throughout the United States are in danger of criminal prosecution if smuggled watches are found in their possession, and the resolution asks for a report on the searches being made for the smuggled watches.

AMERICAN WATCH INDUSTRY SHOULD BE SAVED AND WATCH-BUYING PUBLIC PROTECTED

The information and data called for from the Government departments is intended to form the basis for the enactment of legislation to save the American watch industry, which is in serious danger of being destroyed by the unfair and unlawful practices of the watch importers' ring; also to protect the American watch-buying public from having foisted upon it millions of inferior, foreign-made watches, and prevent further defrauding the Government out of large sums of money in import duties.

The American watch-manufacturing industry is an important asset to the United States, both in peace and war. In peace time it employs thousands of skilled mechanics at high wages, while hundreds of thousands have resultant employment. Its

products are of higher quality and of greater value than like products anywhere else in the world.

This entire American watch industry is endangered by the fraudulent practices of the unscrupulous watch importers, who market their foreign-made watches in the United States by unfair methods, using misleading advertising in newspapers and magazines, and even resort to radio broadcasting to disseminate false propaganda. The quality of their product is misrepresented, its origin is attempted to be concealed, a meaningless guaranty is given, and high-sounding trade names are used. The retail jeweler and his clerks are encouraged to use deceit and trickery in the sale of foreign watches by larger profits.

GOVERNMENT DEPARTMENTS TO REPORT ON LAW VIOLATIONS

The resolution provides that the following Government departments shall report to the House of Representatives concerning violations of the laws as indicated:

Treasury Department: Smuggling of Swiss watches; undervaluations of watches and parts; false entry of Swiss watches; buying, selling, and so forth, of unlawfully imported Swiss watches.

Labor Department: Violations of contract labor law by bringing in Swiss watch workers when there are plenty in the United States.

Federal Trade Commission: Unfair methods of competition in sale of imported watches; unfair trade methods and practices of dealers in imported watches; misrepresentations of trade names, origin of goods, guaranty, and so forth, of imported watches.

Federal Radio Commission: False and misleading statements broadcast over radio by importers of Swiss watches.

Department of Justice: Prosecutions for smuggling of Swiss watches; prosecutions for undervaluations of Swiss watches; investigation of buying, selling, and so forth, of unlawfully imported Swiss watches; using mails to defraud to sell Swiss watches; contract labor law perjury violations; violations of Federal trade practices act by dealers in imported Swiss watches.

HOUSE RULES REQUIRE PROMPT REPORT ON RESOLUTION

The Rules of the House of Representatives of the Congress of the United States require that a resolution of inquiry addressed to the heads of the Government departments shall be reported back to the House by the committee within one week after its presentation. I therefore expect early and expeditious action by the Committee on Ways and Means on the resolution, and am confident that the House will approve the resolution and that the investigation will be under way in the very near future, and that the great American watch industry will be preserved, foisting of inferior Swiss watches on the American public will be stopped, and the United States will no longer be defrauded out of immense sums of money in import duties.

The resolution reads as follows:

House Resolution 282

[In the House of Representatives, Seventy-first Congress, second session]

MILLIONS OF WATCHES SMUGGLED INTO UNITED STATES

Whereas there was disclosed during the consideration by Congress of the 1930 tariff act, and particularly during the consideration of paragraphs 367 and 368, known as the watch and clock paragraphs, indisputable evidence of a gigantic watch-importers' ring, and of an evil conspiracy by a gang of watch-smuggling criminals by whose wholesale operations the United States Government has been and is being defrauded of immense sums of money in import duties; millions of smuggled, spurious, inferior foreign watches are being foisted on the American buying public; many helpless wholesale and retail jewelers throughout the United States are in danger of criminal prosecution for unwittingly having smuggled watches in their possession; and the whole American watch industry has been and now is imperiled by nefarious, secret practices of unscrupulous importers in evading the provisions of the tariff act and in causing the American market to be flooded with cheap, inferior Swiss watches sold through unfair and questionable trade practices with the design to destroy or seriously injure the watch and clock industry of the United States; and

Tariff laws evaded by watch importers

Whereas it has been disclosed that there have been wholesale systematic evasions of the tariff laws through importing knocked-down watches as parts; false marking; leaving a small part out of a movement to avoid duty on complete mechanism; gross undervaluations; stripping movements until they can not be identified as a clock or watch; and

Watch industry important asset to United States in peace and war

Whereas the American watch-manufacturing industry is an important asset to this country both in peace and war, in peace time employing thousands of skilled mechanics at high wages, while hundreds of thousands have resultant employment; the products are of higher quality and of greater value than like products anywhere else in the world; millions of dollars are spent in advertising and merchandising; other millions of dollars are invested in raw material; still other millions of dollars are invested in plants and equipment; and other millions of dollars are invested in real estate; and

War-time service of Waltham Watch Co.

Whereas the Waltham Watch Co. went into war work on a large scale and produced 375,000 time fuzes for hand grenades, and also furnished timepieces and chronometers for the military and naval services, its most signal contribution to the war service being the furnishing of skilled toolmakers, die makers, and mechanics to the ammunition plants; and

Illinois and Hamilton Watch Cos. furnished war apparatus

Whereas the Illinois and Hamilton Watch Cos. during the World War furnished fine jigs, tools, and dies to the arms and ammunition companies; specialized in making aviation camera shutter-control devices for use in airplanes, and also furnished tachometers, fine tools, timepieces, and chronometers to the War and Navy Departments; and

Elgin National Watch Co. active in national defense

Whereas during the World War the Elgin National Watch Co. furnished many products to the Government for the use of the military and naval services, namely, timers or stop watches for the Ordnance Department, torpedo-boat watches for the Navy for use as chronometers, ship watches for the Shipping Board, wrist watches for the Army Signal Corps, comparison watches for the United States Navy, chronometric tachometers for the United States Army, altimeters for the United States Army, oxygen gas masks which were developed and perfected just as the war ended, and turnbuckles for airplanes; and

Millions of inferior Swiss watches smuggled into the United States by unscrupulous importers

Whereas the unscrupulous importers of Swiss watches, with a product wholly inferior to the American-made product, produced by labor whose wage is hardly enough to furnish the bare necessities of life, even according to the European standard, and with millions of watches smuggled into the United States upon which no tariff duties have been paid, and other millions of watches so falsely undervalued as to evade the payment of the tax required by law, are enabled to land their spurious, foreign-made watches in New York at a cost that would not even begin to represent the real value of any watch honestly made, honestly imported, and honestly sold; and

Imported watches marketed in United States by unfair practices

Whereas these watches are marketed in the United States by unfair methods and practices, by false and misleading advertising in newspapers, magazines, and radio broadcasting, and every other modern method of advertising, whereby the quality of the product is misrepresented, attempt made to conceal its origin, a meaningless guarantee given, high-sounding trade names used, the retail jeweler and his clerks and employees encouraged to use deceit and trickery, and the inferior, foreign-made watches are sold to the American public at enormous and unconscionable profits, thereby furnishing the unscrupulous importers tremendous sums of money to be used by them in furthering their false and fraudulent merchandising propaganda and their extensive campaigns among the retail jewelers and their employees, whereby the entire American watch-manufacturing industry is endangered; and

Government appraisers bribed to smuggle watches

Whereas United States District Attorney Tuttle, of New York City, recently revealed that two Government appraisers had accepted bribes of $8,000 to smuggle more than a million dollars' worth of watch parts into this country within the last year; and

Watch smugglers defraud Government of $359,000

Whereas United States District Attorney Tuttle stated that by paying bribes of $8,000 the smugglers saved $359,000 in duties due the Government, which enabled them to sell the merchandise at prices against which legitimate merchants could not compete, and in some cases, Mr. Tuttle said, the smugglers sold the watches for less than the regular duty on them; and

"Watch-smuggling racket" extensive and persistent

Whereas the "watch-smuggling racket" is one of the most extensive and persistent with which the customs officials have to contend; and

Importers plead guilty to bribery and smuggling

Whereas the public press carries a report that three importers, Joseph Perleman, Paul Rabkin, and Solomon Rubman, who did business under their own names and also under the firm name of Federal Mail Order Co., pleaded guilty to bribing the aforesaid Government appraisers; and three other importers, Joseph Feinstein, Max Epstein, and Richard Biechuns, pleaded guilty of smuggling in $1,154,000 worth of watch parts concealed in boxes declared as containing chocolates and crockery dishes; and

Press reports of bribery and smuggling of Swiss watches

Whereas the New York World, in its issue of April 25, 1930, carried the following article:

CUSTOMS MEN TOOK $8,000 BRIBE TO PASS WATCHES WORTH MILLION

"Two Government appraisers accepted bribes of $8,000 to help smuggle more than $1,000,000 worth of watch parts into this country within the last year, United States Attorney Tuttle revealed last night.

Government appraisers confess bribery—Three official investigations launched into plot

"The Federal employees arrested yesterday on information supplied to Assistant United States Attorney Sylvester have confessed to their share of the plot, according to Mr. Tuttle. They are Samuel Stansfield and William F. Gilroy, dish experts at the appraisers' stores. Three official investigations are under way to determine whether other and higher Government officials are involved.

"The men were detained at the customhouse last night and will be arraigned before a United States commissioner to-day. It is expected they will be immediately suspended from duty.

Smuggled watches imported as "dishes"

"Last September Federal agents seized at the pier a shipment of 10 cases labeled "dishes" which actually contained parts of Swiss watches, on which heavy duties are levied. The merchandise was consigned to the Superfine Watch Co.

Importers plead guilty

"Joseph Y. Perlemen, Paul Rabkin, and Solomon Rubman, who did business under that name and as the Federal Mail Order Co., were arrested and pleaded guilty. They will be sentenced Monday.

Plot of smugglers extensive—Connive with customs officials

"Their activities, which had very wide ramifications, were investigated by Special Treasury Agent O'Keefe, in charge of smuggling; Mr. Sylvester; and the grand jury. The authorities learned recently that employees at the appraisers' stores had connived with the smugglers, but the allegations against Stansfield and Gilroy were first made to them yesterday.

Appraisers received bribe of $100 for each case of "dishes"

"According to the alleged confessions of the two appraisers, the cases of watch parts were marked "dishes" because the smugglers knew Stansfield and Gilroy would have to examine such merchandise. The appraisers are said to have admitted they were paid $100 for each case passed. It was hinted that a customs broker had established the connection between the smugglers and the appraisers.

Smugglers sell watches for less than tariff duty

"Mr. Tuttle explained that by paying bribes of $8,000 the smugglers saved $359,000 in duties to the Government. This saving enabled them to sell the merchandise at prices against which legitimate merchants could not compete. In some cases, Mr. Tuttle said, the smugglers sold the watches for less than the regular duty on them.

"OTHERS MAY BE INVOLVED

"'We are pursuing our inquiries,' Mr. Tuttle continued, 'to find out whether other Federal men were involved. Appraiser of the Port Kracke has been notified and Special Agent O'Keefe and the grand jury also are working on the case. The Watch Importers' Association has given us valuable assistance.'

Three other importers plead guilty of smuggling—Watches hid in boxes of candy

"The watch-smuggling racket is one of the most extensive and persistent customs officials have to contend with, it was revealed. Three other importers who have pleaded guilty of smuggling in $1,154,000 worth of watch parts, on which the duties average 40 per cent, will be sentenced Monday. They are Joseph Feinstein, Max Epstein, and Richard Biechuns. They hid their shipments in boxes apparently containing chocolates."

And

Federal grand jury working on case

Whereas three official investigations are under way to determine whether other and higher Government officials are involved; and Mr. Tuttle also states, "We are pursuing our inquiries to find out whether other Federal men were involved; Appraiser of the Port Kracke has been notified and Special Agent O'Keefe and the grand jury also are working on the case. The Watch Importers' Association has given us valuable assistance"; and

Whereas the New York Times in its issue of May 27, 1930, carried the following article:

Customs examiners indicted in smuggling—Two get $12,000 for saving $300,000 to importers of watches, it is charged

"William F. Gilroy and Samuel Stansfield, customs examiners in the office of the United States appraiser, who confessed recently, according to Federal Attorney Tuttle, that they had passed undeclared watch movements valued at $500,000 into this port, were indicted yesterday by a Federal grand jury on a charge of smuggling and conspiracy to smuggle.

Smugglers' conspiracy costs Government $300,000

"Mr. Tuttle said the Government had lost $300,000 in duties as a result of the alleged conspiracy. The investigation leading to the indictment was conducted by Alvin McK. Sylvester, assistant United States attorney, and has resulted in the dismissal of John De Valstedt, another agent, and the suspension of Frank Philan, a clerk in the watch department.

Customs officials indicted for accepting bribes

"The indictment charges that between March 10 and September 10, 1929, Gilroy recieved $7,000 and Stansfield $5,000 for allowing watches to enter the port as "crockery," though both agents, it is charged, knew that they were watches shipped in from Switzerland.

Importers connived with Government employees in plot

"The indicted men, it is charged, worked with Paul Rabkin, Joseph Perelman, and Sol Rubman, officers of the Superfine Watch Co. and the Federal Mail Order Corporation, both of 561 Broadway.

Importers plead guilty in Federal court

"Rabkin and the others pleaded guilty recently to their part in the conspiracy and will be sentenced on June 9 by Judge Francis T. Caffey, who will hear pleas from Gilroy and Stansfield next Monday."

And

Watch smugglers indicted—Fourteen importing companies violate law

Whereas the records of the Treasury Department, hereinafter set forth in detail, show that 33 persons have been indicted for smuggling watches, and 14 companies have been apprehended in the act of violating the customs laws by false entries; and

Bulova Watch Co. violate law by false entry

Whereas recently about $250,000 worth of watches imported into the United States from Switzerland by the Bulova Watch Co. were seized by the Government for attempted false entry of the shipment as parts of watches instead of watches, thereby escaping the payment of $30,424.50 in duty; and

Bulova Watch Co. paid Government $52,000 to mitigate penalty

Whereas the records of the Treasury Department show that the Bulova Watch Co. paid to the Government $52,000 in mitigation of the penalty prescribed by law for such false entry; and

Watch importers apprehended by Government in law violations

Whereas the records of the Treasury Department hereinafter set forth in detail, show that the following importers of foreign-made watches were apprehended by the Government in the act of violating the customs laws by false entry or smuggling watches or parts, viz: Bulova Watch Co., Superfine Watch Co., Benrus Watch Co., Federal Mail Order Corporation, Jenkins Corporation, Joseph Gottlieb, Weinstrum Watch Co., I. Tannenbaum & Co., Bernstein & Chatelain, Newark Clock Co., Preston Bros., Charles Kivel & Co., Arlington Watch Co., O. Maire & Co.; and

Two watch smugglers get 30 days in jail

Whereas the records of the Treasury Department show that:

In case No. 33-28-27, Maurice Julien and Joseph Julien were indicted on November 18, 1929, for smuggling 795 watch movements, valued at $4,107, pleaded guilty on December 12, 1929, and were sentenced to 30 days in jail.

Three smugglers get one year and one day in Atlanta Penitentiary

In case No. 33-1757-3, Louis Poller, Joseph Feinstein, Richard Bieshuns, Samuel Weisman, Max Epstein, and Henry Bernard were indicted on March 28, 1930, for smuggling watch movements valued at $46,523 concealed in shipments of candy. Poller, Feinstein, and Bieshuns pleaded guilty on April 11, 1930, and were sentenced to one year and one day in the Federal penitentiary at Atlanta, Weisman, Epstein, and Bernard still awaiting trial.

Eleven importers indicted for smuggling—Three plead guilty

In case No. 33-1757-2, Paul Rabkin, Solomon Rubman, Joseph Perlemen, Meyer Person, Henry Weidhorn, Vincent Valvo, Charles Valvo, Jules Mettez, Henry Bernard, Miss M. Salzman, and Leo Robinson, officers and employees of the Federal Mail Order Corporation and the Superfine Watch Co., were indicted on November 30, 1929, and February 26, 1930, for smuggling watch movements valued at $183,497 concealed in shipments of earthenware. Rabkin, Rubman, and Perlemen pleading guilty on February 17 and 18, 1930, the other defendants still awaiting trial.

Thirteen smugglers indicted—Two plead guilty and pay $1,000 and $400 fines—Two years at hard labor in Canada for one

In case No. 33-1757-1, Isidore Tarnow, Abraham Bloom, Isidore Milstein, Adolph Speyer, David Gilden, Joseph Jacobs, Paul Feldhuhn, Norman Flaxman, H. Perlman, Irving Victoroff, J. Lichtenfels, Sydney Mandel, and Max Spiro, were indicted on July 1, 1929, for smuggling of 387 watch parts, Flaxman and Perlman pleading guilty on August 7 and July 16, 1929, respectively, and being fined $1,000 and $400, respectively, the case against Victoroff being nolle prossed on July 18, 1929, Speyer having been sentenced in Canada to two years at hard labor for the same offense, the other defendants still awaiting trial.

Defendant fined $250 for smuggling watches in metal wheels

In case No. 33–1632, Werner Matter was indicted for smuggling 60 watch movements concealed in metal wheels, pleaded guilty on December 21, 1928, and was fined $250.

Bulova Watch Co. pays $52,000 for law violations

In case No. 95–282, the Bulova Watch Co., of New York City, on February 7 and March 5, 1930, violated the law by undervaluing 22,032 knocked-down watch movements, and thereby escaped the payment of $30,424.50 in duty, the penalty being mitigated by the payment of $51,557.20, the true duty.

Benrus Watch Co. pays $29,000 for undervaluing watches

In case No. 95–282, the Benrus Watch Co., on February 7 and February 27, 1930, violated the law by undervaluing 7,451 knocked-down watch movements, and thereby escaped the payment of $26,458 in duty, the penalty being mitigated by the payment of $29,207, the true duty.

Jenkins Corporation pays $2,837 to mitigate penalty

In case No. 95–282, the Jenkins Corporation on February 7, 1930, violated the law by undervaluing 3,562 knocked-down watch movements, and thereby escaped the payment of $1,891 in duty, the penalty being mitigated by the payment of $2,000, plus $837, the duty paid on entry.

Jenkins Corporation pays $12,350 to escape penalty for violating law

In case No. 95–282, the Jenkins Corporation, on February 15 and 19, 1930, violated the law by undervaluing 13,508 knocked-down watch movements, and thereby escaped the payment of $6,829 in duty, the penalty being mitigated by the payment of $12,350.

Joseph Gottlieb pays $8,450 to mitigate penalty

In case No. 95–282, Joseph Gottlieb, on February 7 and 19, 1930, violated the law by undervaluing 10,406 knocked-down watch movements, thereby seeking to evade the payment of $3,247 in duty, the penalty being mitigated by the payment of $8,450.

Weinstrum Watch Co. undervalues 1,907 watch movements—pays $2,500

In case No. 95–282, the Weinstrum Watch Co., on February 19, 1930, violated the law by undervaluing 1,907 knocked-down watch movements, thereby seeking to evade the payment of $849 in duty, the penalty being mitigated by the payment of $2,500.

I. Tannenbaum & Co. violates law by undervaluations—watches seized

In case No. 95–282, I. Tannenbaum & Co., on April 16, 1930, violated the law by undervaluing three cases of knocked-down watch movements, the duty that should have been paid being $4,051, the amount of duty sought to be evaded being unknown, the merchandise being still under seizure and no action taken.

Bernstein & Chatelain undervalues two cases of movements—pays $600

In case No. 95–282, Bernstein & Chatelain, on February 1 and 7, 1930, violated the law by undervaluing two cases of knocked-down watch movements, thereby seeking to evade the payment of $2,418 in duty, the penalty of forfeiture being mitigated on one case by the payment of $600.

I. Tannenbaum & Co. pays $600 to mitigate penalty

In case No. 95–282, I. Tannenbaum & Co., on April 16, 1930, violated the law by undervaluing four cases of watch parts, the merchandise not having been appraised as yet, and the penalty of forfeiture being mitigated on one case on payment of $600.

Newark Clock Co. smuggles 2,664 watches mixed in with clock parts

In case No. 33–2636, the Newark Clock Co., on July 17, 1929, violated the law by smuggling 2,664 watches mixed in with a shipment of 18 cases of clock parts, the merchandise being released on payment of $4,515.48, the forfeiture value.

Preston Bros. paid $25,000 for smuggling watches

In case No. 33–1028, Preston Bros., on September 25, 1925, violated the law by smuggling an unknown quantity of watches, the case being settled by a compromise payment of $25,000.

Watches falsely invoiced by Charles Kivel & Co.—seized by Government

In case No. 29–649, Charles Kivel & Co., on May 5, 1925, violated the law by invoicing 7-jewel watch movements as having six jewels, the duty that should have been paid being $37.50, the duty evaded being $15, and the duty sought to be paid being $22.50, the merchandise being seized.

Weinstrum Watch Co. falsely invoices watches—Goods seized

In case No. 95–63, the Weinstrum Watch Co., on January 19 and February 2, 1925, invoiced 7-jewel watch movements as having six jewels, the duty that should have been paid being $172.50, the duty evaded being $69, and the duty sought to be paid being $103.50, the merchandise being seized.

Arlington Watch Co. and O. Maire & Co. fraudulently enter watches as American goods returned—Pay $25,000

In case No. 77–156, the Arlington Watch Co. and O. Maire & Co., in September, 1924, and February, 1926, violated the law by fraudulently entering watch movements as American goods returned, thereby seeking to evade the payment of $16,969 in duty, the case being settled by a compromise payment of $25,453.50.

And

Only small percentage of smugglers and law evaders ever detected

Whereas it is common knowledge that only a small percentage of the violations of the laws against smuggling and evasions of the tariff law are ever detected; and

Federal criminal offense to conceal, buy, or sell smuggled watches—Maximum penalty $5,000 and two years

Whereas the laws of the United States provide severe penalties not only for the smugglers of merchandise but also for those who receive, buy, sell, or transport smuggled merchandise, the penal statute being as follows: "United States Code, title 19, section 497, page 603: If any person fraudulently or knowingly imports or brings into the United States, or assists in so doing, any merchandise, contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law, such merchandise shall be forfeited and the offender shall be fined in any sum not exceeding $5,000 nor less than $50, or be imprisoned for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have or to have had possession of such goods, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury"; and

Bulova Watch Co. imports contract alien laborers

Whereas the Bulova Watch Co. secured from the Secretary of Labor permits to bring into the United States foreign workmen who would compete with American workmen, thereby depriving American workmen of employment, by representing to the Department of Labor that there were not available in the United States craftsmen who were able to perform the type of work desired; and

Low-wage scale paid foreign workmen

Whereas foreign workmen were brought into the United States and were paid wages below the standard wage paid to American workmen performing similar work; and

Labor Department orders Bulova to return workmen to Switzerland

Whereas it was later discovered by the Department of Labor that the Bulova Watch Co. failed to carry out the representations made to the department, and the department thereupon ordered it to return the foreign workmen to the country whence they came; and

No lack of American workmen

Whereas there is not now nor has there been any scarcity of competent, skilled American watch and clock workmen in the United States; and

American wage scale for watch workmen lower than other skilled trades

Whereas the American standard of wages for competent, skilled watch and clock workmen are actually lower now than wages in other similar classes of skilled labor; and

AMERICAN STANDARDS OF WAGES AND LIVING SOUGHT TO BE LOWERED BY BULOVA

Whereas the Bulova Watch Co. has by its acts aforesaid sought to undermine and lower the American standards of wages and living, and has deliberately sought to evade the contract labor laws of the United States; and

WATCH AND CLOCK MAKERS' UNION PROTEST IMPORTATION OF ALIEN CONTRACT LABORERS

Whereas the following letter, dated April 25, 1930, showing in detail the foregoing facts, was received from the Chicago Watch and Clock Makers' Union:

Congressman FRANK R. REID,
Washington, D. C.

HONORABLE SIR: The inclosed is a copy of an article taken from the January, 1930, issue of the Keystone, a publication devoted to and having a large circulation among the jewelry trade. The facts disclosed therein clearly show an evil, which, if not effectively curbed, will incur considerable damage to the watchmaking trade in the United States.

BULOVA WATCH CO. DECEIVES SECRETARY OF LABOR

It appears that the offending party in the case cited, the Bulova Watch Co., of New York, through misrepresentations and misleading statements, succeeded in procuring from the Secretary of Labor a permit to import from Switzerland to the United States a number of watchmakers. It further appears that in order to get those watchmakers to come here similar tactics have been resorted to, namely, misrepresentations and misstatements of facts and intentions. We only learned of the mischief done from this Keystone article, when it was, of course, too late to do anything in the matter.

TWO OTHER WATCH IMPORTERS SEEK TO IMPORT SWISS CONTRACT LABOR

A similar attempt to import watchmakers from Europe to this country was made by another concern in Cincinnati, Ohio, to whom a permit had been issued, but revoked in time after the Secretary of Labor had been made acquainted with the true facts. Also a firm in this city applied for such a permit but has been refused it because we laid facts before Secretary Davis proving that the reasons presented for such permit did not exist.

FACTS OUTLINED BY WATCH AND CLOCK MAKERS' UNION

We respectfully submit that the facts in the case, briefly, are:

MANY UNEMPLOYED AMERICAN WATCHMAKERS

1. That there is no shortage of watchmakers in the United States. Although exact statistics to prove this statement are not available, we know, however, that in the city of Chicago—the second largest center of this industry in the United States—there are normally on an average of from 5 per cent to 15 per cent idle during the year. We can, therefore, assume that this condition prevails in the rest of the country.

UNITED STATES WATCHMAKERS CAPABLE AND EFFICIENT

2. That the watchmakers in the United States are fully as competent and efficient as those of any country in the world, barring none.

WAGE SCALE OF WATCHMAKERS LOW

3. That watchmakers' wages, considering the highly skilled nature of the trade, are considerably below what they should be.

UNSCRUPULOUS WATCH IMPORTERS SEEK TO LOWER WAGE STANDARDS

4. That the true reasons for the attempts made by some unscrupulous employers to import watchmakers from other lands is to increase the surplus of this particular labor and thereby lower the wage standard.

AMERICAN LIVING STANDARDS MUST BE PROTECTED

From the foregoing it is clear that in order to safeguard the living standard of the watchmakers in this country a means must be found to effectively curb the importation of watchmakers from abroad, which, however, under the existing method of issuing permits, seems to be impossible.

Union urges publication of applications to import contract alien labor

Therefore we, the Chicago Watch and Clockmakers Union, a labor organization with a membership of about 400, all citizens of the United States, demand that a law be passed requiring the Secretary of Labor, prior to the issuance of a permit for the importation of skilled artisans to the United States from any foreign country, to post a notice in three consecutive issues of at least two trade journals devoted to the trade for which the importation of skilled artisans may be sought in accordance with the law relating thereto now in existence. Such notice is to state the name of the applicant for such permit, his reasons therefor in detail, and the number of such artisans sought to be imported. This would enable the parties interested in opposing the issuance of such a permit to submit facts disproving claims which have no basis in fact.

Enactment of law sought to safeguard American workmen

We respectfully request that you use your official and personal influence in the promulgation and passage of such a law.

Union's letter sent to Senators and Congressmen

A copy of this letter and inclosure has been forwarded simultaneously to the following honorable gentlemen: CHARLES S. DENEEN, OTIS F. GLENN, WILLIAM E. BORAH, HIRAM W. JOHNSON, SMITH W. BROOKHART, HENRIK SHIPSTEAD, GEORGE W. NORRIS, LYNN J. FRAZIER, ROBERT M. LA FOLLETTE, E. M. IRWIN, WILLIAM W. ARNOLD, RICHARD YATES, RUTH HANNA MCCORMICK, OSCAR DE PRIEST, MORTON D. HULL, ELLIOTT W. SPROUL, THOMAS A. DOYLE, ADOLPH J. SABATH, JAMES T. IGOE, M. A. MICHAELSON, CHARLES ADKINS, HENRY T. RAINEY, STANLEY H. KUNZ, FRED A. BRITTEN, WILLIAM E. HULL, HOMER W. HALL, WILLIAM P. HOLADAY, FRANK M. RAMEY, THOMAS S. WILLIAMS, CARL R. CHINDBLOM, JOHN T. BUCKBEE, WILLIAM R. JOHNSON, JOHN C. ALLEN, EDWARD E. DENISON.

Very truly yours,

CHICAGO WATCH AND CLOCKMAKERS UNION,
F. R. SCHROEDER, *President.*

SK: ET
LEO MORGAN, *Secretary.*

PROTEST IMPORTATION OF SWISS WATCHMAKERS

When the Swiss consul in New York recently advised his home office in Geneva, Switzerland, that 18 watchmakers, brought to this country from Switzerland by the Bulova Watch Co., had asked him for assistance when their wages were reduced below the figure said to have been agreed upon in Switzerland, attention was drawn to a subject that may have far-reaching effects. Investigation disclosed that the Bulova Watch Co. had obtained permission from the United States Department of Labor to bring 25 Swiss watchmakers to this country to assist with the assembling of knock-down movements. In obtaining a waiver of the labor-contract clause, the Bulova Watch Co. set forth that the Swiss were needed to do work for which Americans had not been trained and that they would form the nucleus of a new industry.

Swiss laws violated by emigration of contract labor

Swiss-watch interests objected to the exodus of the watchmakers from Switzerland, two reasons being set forth. First, the press of that country pointed out that the emigration laws of Switzerland prohibit any subject of that country going to any other country for the purpose of doing any kind of work under a contract previously arranged in Switzerland. Second, horological publications stated that the taking of skilled watchmakers out of Switzerland tended toward decentralization of that nation's watch industry.

Swiss protest emigration of watchmakers

The Swiss press generally, and the horological publications in particular, devoted much space to the matter, and, as a result, the Swiss consul in New York has been advised that no more watchmakers will be allowed to leave under contract to do work in the United States.

American union labor aroused—United States workmen unemployed

The situation also aroused various elements of the watch industry in this country. Organizations of watchmakers have become interested in the question, especially with regard to the claim that American workmen are not equipped to do the work for which Swiss watchmakers are being used by the Bulova Watch Co. Both the Watchmakers' Union in New York City and the Watchmakers' Society have had watchmakers apply for work during the last several months and these workmen, it is claimed, are qualified to assemble knockdown movements. In fact, members of these organizations say that, with very little practice, the American workmen can assemble as many or more pieces than the average Swiss. In order to prevent further injustice to American watchmakers, many of whom have been out of work in recent months, the authorities have been asked to exclude foreign watchmakers regardless of what representation may be made to bring them here.

Law evaded by importing knockdown watch movements

Under the tariff act the importation of knockdown movements is legal. They are admitted at 45 per cent ad valorem and it is common report in the industry that this method of bringing watches into the United States saves the importer about half of the regular duty, which is $2 on a 15-jewel movement. The saving is said to depend upon the value placed on the parts in the consular invoice. It is also said that, in some cases, the value is as low as 60 cents for all of the parts that comprise a movement with 15 jewels.

Bulova's foreign workmen compete with American labor

In the United States much of the interest that attaches to the importation of Swiss watchmakers to assemble movements is found in labor circles where watchmakers have found it increasingly difficult in recent months to get employment. The watchmakers say that to make the situation still worse some of the men imported by the Bulova Watch Co. have left its employ and are competing in the open market for jobs that should go to Americans.

Bulova issues defense in Switzerland

In Switzerland the interest became so intense that the Bulova Watch Co. recently issued a statement which was printed in a number of Swiss newspapers and also in La Federation Horologers. In its issue of November 27 the latter publication quoted extensively from the Bulova bulletin. A part of the statement attributed to Mr. Bulova follows:

Imported workmen given nonquota visas

"None of the men who have departed for the United States is an emigrant, or counts on the list of the American quota. The American consulate in Berne has given them only a visitor's visa for a year and they have to return to Switzerland after that period. Therefore, it can not be said that this is a question of emigration.

Sixty Swiss workmen employed by Bulova in New York

"In our repair department in New York we employ 100 watchmakers, 60 of whom are Swiss. The foreman is also a Swiss, Oscar Buerki, of Bienne, who has been foreman of this department for the past 10 years. Last spring, when Mr. Buerki was visiting in Switzerland, he said we needed a number of watch repairers. I told him that it was impossible to get watchmakers into the United States because the Swiss immigration quota was complete for two years, but that we could perhaps obtain permission for these men to enter on visitors' passports, good for one year, to take care of the ever-growing quantity of repairs.

SWISS WORKMEN COMPLAIN OF TREATMENT

"I have learned from articles which have been published in Swiss newspapers that certain of these men complained that they have not been well treated, which is not correct.

BULOVA COMPLAINS OF SWISS ATTITUDE

"This propaganda is very discouraging. I myself, as well as the whole Bulova organization, which I represent, find that we are not treated loyally by the Swiss. We are fed up and find there is nothing else for us to do except to close our factories until these various questions are adjusted."

SWISS PUBLICATION ANSWERS BULOVA

In its comment on the Bulova statement La Federation Horologere states in part:

IMPORTED SWISS WORKMEN ASSEMBLE WATCHES—NO REPAIR WORK DONE

"The watchmakers sent by Bulova assemble movements in chablons, retouch the regulation, case them, and do finishing. Therefore this is not a question of repairs.

BULOVA SAYS IMPORTED WORKMEN INCAPABLE

"Further, it (the Bulova Co.) adds that not enough care was taken to find good watchmakers and good characters, and that Mr. Buerki has advised from New York that a large number of the watchmakers are not as capable as they claimed, and although they are paid $50 a week, they are lazy and do not want to work."

La Federation Horologere printed the following, which it said was information received from its correspondent in New York:

WAGE SCALE OF IMPORTED WORKMEN REDUCED TO $35 BY BULOVA

"The watchmakers have been engaged for one year at $50 a 48-hour week, second-class passage paid. The contracts are verbal only. Since their arrival there has been deducted from their pay $5 a week to repay the expenses of the trip. Bulova obtained visitors' visas for our compatriots, but had to give a guaranty of $500 for each one to assure his departure at the expiration of his permit to stay. Bulova had obtained beforehand from the Department of Labor permission to engage these workers abroad. On November 6 Mr. Buerki told the watchmakers that the first group would be put on piecework and that the other groups would follow in six weeks. The number of pieces to be made being very high, the wages were reduced to $35 a week. This was the principal cause of the dissatisfaction and led to demands for repatriation, if Bulova did not keep his promises."

WORKMEN APPEAL TO SWISS CONSUL FOR AID

The particulars stated in the foregoing paragraph correspond in substance with the statement made by the Swiss consul in New York to a Keystone representative at the time the 18 Bulova employees appealed to him for aid.

NATIONAL BETTER BUSINESS BUREAU FINDS BULOVA RADIO ADVERTISING FALSE

Whereas as a part of nation-wide selling campaigns to force the sale of foreign-made watches, unscrupulous importers have resorted to false and misleading statements over the radio, and those of the Bulova Watch Co. were so grossly and flagrantly violative of fair and ethical trade practices and business principles that the matter came to the attention of the National Better Business Bureau (Inc.), of New York City, affiliated with 48 local bureaus from coast to coast, which reported that the Bulova Observatory investigation shows that Bulova Watch Co. uses Western Union time in broadcasting Bulova time announcements, and Bulova watches are not "cased and timed" in an observatory, the report being as follows:

BULOVA OBSERVATORY ATOP FIFTH AVENUE SKYSCRAPER DESCRIBED

The national advertising of the Bulova Watch Co. was recently called to the attention of the National Better Business Bureau. The claims questioned involved:

(1) The use of the term "Bulova observatory."

(2) The illustration used in connection with the term "Bulova observatory."

(3) The statement, "Cased and timed at the Bulova observatory."

(4) The description of the "Lone Eagle" watch as 14-karat white-gold filled.

(5) The statement, "'Listen in' nightly for Bulova radio time announcements."

BULOVA OBSERVATORY SHEET-METAL BOOTH 5 FEET BY 8 FEET BY 6 FEET 2 INCHES

Through the courtesy of the Bulova Watch Co., bureau representatives were permitted access to their observatory. It was found that the observatory consists of a sheet-metal booth atop 580 Fifth Avenue, New York, the dimensions being about 5 feet wide, 8 feet long, and about 6 feet 2 inches high. Inside the booth was a transit anchored to a concrete pier. A section of the roof of the booth could be raised to permit celestial observations. The bureau representatives were informed that the Bulova astronomer carried a chronometer up to the booth from the Bulova offices and workshop on the eleventh floor of the building when astronomical readings were taken.

PICTURES IN BULOVA ADVERTISEMENTS MISLEAD AND DECEIVE

The head of the agency handling this copy frankly acknowledged that the observatory was created for the purpose of "dramatizing the client's Fifth Avenue address." We feel that readers of this advertising have a right to believe that the tower shown in the illustration is the Bulova observatory, and that it is equipped as an observatory. Actually the highest part of the tower houses a water tank, the sheet-metal booth being atop the roof shown below and to the left of the tower in the advertisement reproduced in this bulletin. As previously noted, the observatory consists of a small sheet-metal booth equipped with a transit. Ships use the same method of taking time readings, although they use two or more permanently fixed chronometers for the purpose, but one would not describe the bridge of a ship as an "observatory." While the showing of the skyscraper is quite effective for dramatizing the manufacturer's location on Fifth Avenue, it can not be said that it readily permits of an accurate understanding of the physical appearance and structure of the housing for the Bulova Co.'s transit.

BULOVA ADVERTISEMENT UNTRUE—WATCHES NOT "CASED AND TIMED" IN OBSERVATORY

The advertisement states that the watches are "cased and timed at the Bulova observatory." The company occupies the eleventh and part of the twelfth floors of the building. The watches are "cased and timed" on the eleventh floor. The agency executive handling this copy explained that his client's lease with the owners of the building permitted them to designate the building as the "Bulova observatory." He also mentioned that the building is known by two other names. The impression given the public that the watches are cased and timed in an observatory is not in accordance with the facts.

Bulova "Lone Eagle" watches not 14-karat gold filled

A circular recently sent to Bulova dealers advertising Bulova watches as graduation gifts referred to their "Lone Eagle" model as 14-karat white gold filled. Several watches were shopped by the bureau and found to be represented as 14-karat white gold filled by retailers. Assays made of the cases for the bureau showed that the cases were not 14-karat gold filled, in accordance with the trade practice conference rules of the watchmaking industry. An executive of the Bulova Co. acknowledged this fact but pointed out that the "Lone Eagle" model is now stamped "Bulova Quality." When attention was called to the misdescription of the "Lone Eagle" model in this circular the firm acknowledged the error and asserted that it was unintentional.

Bulova's radio program false—Time broadcast only Western Union time

By using the statement "'Listen in' nightly for Bulova radio time announcements" in advertisements showing the Bulova observatory, the Bulova Watch Co. gives readers the impression that they are broadcasting time signals determined by Bulova at their observatory. According to the executives of the company and of the agency handling the account the time signals broadcast by the Bulova Co. are based upon the time given by Western Union clocks in the various broadcasting stations from which the announcements are made.

Publishers, radio stations, and jewelers ask National Better Business Bureau to investigate Bulova

This report is made to publishers, broadcasting stations, and the jewelry industry because of requests from these sources to the bureau for a report of the bureau's investigation of Bulova advertising; and

Radio Commission's licenses prohibit broadcasting false and misleading statements

Whereas authority and control over all commercial radio broadcasting stations is vested by law in the Federal Radio Commission, which renews the licenses of the aforesaid stations every three months, each of such licenses issued by the commission containing a clause prohibiting the station from broadcasting or disseminating, or permitting to be broadcast or disseminated from it, false and misleading statements; and

Government loses millions by acts of unscrupulous watch importers

Whereas by reason of the smuggling, undervaluation, and evasions in the importation of watches and clocks, millions of dollars are lost by the Government yearly in import duties; and by reason of the loss of business by the American watch manufacturers and their reduced financial position the Government has lost large sums of money in income taxes, the loss of this revenue by the Government directly affecting every man, woman, and child in the United States and imposing additional tax burdens on the American people as a direct result of the alleged dishonest, illegal, and fraudulent conspiracy on the part of the watch importers' ring; the United States Government has a direct and vital interest in the subject matter of this resolution; and

Law gives Government departments control over illegal and unfair acts of importers

Whereas the following branches of the Government are charged by law with jurisdiction and control over the acts and practices complained of in the foregoing preamble:

Treasury Department: Smuggling of merchandise; undervaluations of imports; evasions of tariff laws; and buying, selling, etc., of unlawfully imported merchandise.

Labor Department: Violations of contract labor law.

Federal Trade Commission: Unfair methods of competition in commerce; unfair trade methods and practices; false advertising; and misrepresentations of trade names, origin of goods, guaranty, etc.

Federal Radio Commission: False and misleading statements broadcast over radio.

Department of Justice: Smuggling of merchandise; undervaluations of imports; evasion of tariff laws; buying, selling, etc., of unlawfully imported merchandise; using mails to defraud; violations of contract labor law by perjury, etc.; violations of Federal trade practices act.

Secretary of the Treasury to report violations of law by watch importers

Now, therefore, be it

Resolved, That the Secretary of the Treasury shall furnish to the House of Representatives at the earliest practicable date the following information with reference to any and all violations, evasions, or attempted evasions of the tariff laws by any importer, person, firm, or corporation, violating, evading, or attempting to evade the provisions of the tariff laws with reference to watches, clocks, or parts therefor, during the period between 1922 and the present date:

1. Name of person, firm, or corporation.
2. Date of violation, evasion, or attempted evasion.
3. Nature of violation, evasion, or attempted evasion.
4. Kind or type of goods or merchandise brought in or attempted to be brought in in violation or evasion of law.
5. Amount of duty that was or would have been levied or collected under the law.
6. Amount of duty evaded or attempted to be evaded.
7. Amount of duty paid or that was sought to be paid.
8. Indictments or convictions found or obtained for violating, evading, or attempting to evade the law.
9. Against whom indictments or convictions were found or obtained.
10. Date of each offense.
11. Date of indictment or conviction.
12. Nature of offense.
13. Sentence of each convicted person.
14. Reason for mitigation and compromise.
15. Why habitual violators were not prosecuted to the fullest extent of the law; be it further

Information requested on conniving of Government employees with importers

Resolved, That the Secretary of the Treasury shall inform the House of Representatives at the earliest practicable date what investigations have been made to determine whether any officials, officers, agents, or employees of the Customs Service, or any other office or bureau of the department, have accepted bribes, or conspired, or connived with any person, firm, or corporation in the unlawful importation of watches or clocks into the United States; be it further

Investigation by Treasury Department of concealing, buying, and selling smuggled watches and clocks

Resolved, That the Secretary of the Treasury shall furnish to the House of Representatives at the earliest practicable date full and complete information with reference to all violations of the aforesaid section 497, title 19, of the United States Code, and all efforts made by the Treasury Department to detect the violations of the same and to apprehend and discover the violations of the same, by any person receiving, concealing, buying, selling, or in any manner facilitating the transportation, concealment, or sale of watches, clocks, or parts therefor fraudulently or knowingly imported or brought into the United States during the period between 1922 and the present date; and what investigation has been made among the retail and wholesale jewelers of the United States to ascertain what smuggled watches, clocks, or parts therefor are in their possession and how many have been recovered and what penalties imposed or prosecutions instituted; be it further

Secretary of Treasury to recommend new laws against smuggling and buying and selling smuggled goods

Resolved, That the Secretary of the Treasury shall recommend to the House of Representatives at the earliest practicable date what new or additional legislation is needed to make more effective the laws of the United States prohibiting smuggling, and providing for the apprehension and punishment of persons engaged in smuggling or buying, selling, receiving, concealing, or in any manner facilitating the transportation, concealment, or sale of watches, clocks, or parts therefor imported or brought into the United States contrary to law; be it further

Labor Secretary to report cases of importing contract alien labor

Resolved, That the Secretary of Labor shall furnish to the House of Representatives at the earliest practicable date the following information with reference to all applications made by all importers, manufacturers, or dealers in watches, clocks, or parts therefor, for permits to import aliens under waiver of the contract-labor law during the period between 1922 and the present date:

1. Name of importer, manufacturer, or dealer.
2. Number of applications.
3. Number of aliens for whom permits were applied for.
4. Number of applications granted.
5. Number of applications denied.
6. Number of aliens for whom permits were granted.
7. Number of aliens for whom permits were denied.
8. Number of aliens admitted.
9. Upon what theory they were admitted.
10. Whether or not bond was required.
11. Character of service, employment, trade, or work.
12. Period of stay authorized.
13. Number of aliens admitted who are now in the United States.
14. Where employed.
15. Number of aliens who have left the United States and the reason for their leaving, if known.
16. If deported, the reasons for such deportation.
17. Wages paid to the aliens brought into the United States.
18. Wages paid by American manufacturers to American workmen for comparable work.
19. Estimated number of unemployed workmen in the United States capable of performing the work to be performed by the aliens when application was made for permission to import them.
20. If not deported by May 15, 1930, in accordance with your departmental order, why not?; be it further

Opinion asked of Labor Secretary re publishing notice of application to import alien labor

Resolved, That the Secretary of Labor shall inform the House of Representatives at the earliest practicable date of the desirability of the enactment by Congress of a law requiring the Department of Labor prior to the issuance of a permit for the importation of skilled artisans into the United States from any foreign country to post a notice in three consecutive issues of at least two trade journals devoted to the trade for which the importation of skilled artisans may be sought in accordance with the existing law relating thereto, such notice to state the name of the applicant for such permit, his reasons therefor in detail, and the number of such artisans sought to be imported; be it further

Radio Commission to report re false statements broadcast over air

Resolved, That the Federal Radio Commission shall inform the House of Representatives at the earliest practicable date what investigations have been made by it of any alleged false and misleading statements broadcast from radio stations under its jurisdiction, what these investigations disclosed, and what action the commission has taken or contemplates taking against the radio stations broadcasting alleged false and misleading statements; be it further

Radio Commission to recommend new legislation to prevent false broadcasts

Resolved, That the Federal Radio Commission shall inform the House of Representatives at the earliest practicable date what new and additional legislation is necessary in order to make more effective its authority and control over radio broadcasting stations so as to prevent the dissemination of false and misleading statements over the air; be it further

Federal Trade Commission to report on unfair trade practices of importers

Resolved, That the Federal Trade Commission shall furnish to the House of Representatives at the earliest practicable date all information and data relative to complaints made to it concerning the trade practices and methods of all importers of or dealers in watches, clocks, and parts therefor touching upon or relating to the following subjects:

1. Unfair method of competition in commerce.
2. Misrepresentation of quality, origin, guaranty, and/or trade names.
3. Misleading and deceiving advertisements.
4. Switching; be it further

Trade Commission to report on investigations of unfair competition by importers

Resolved, That the Federal Trade Commission shall furnish to the House of Representatives at the earliest practicable date what investigations have been made or are contemplated relative to the unfair methods of competition in commerce, the trade practices and methods of importers of or dealers in imported watches, clocks, and parts therefor; be it further

Trade Commission to recommend new legislation to make laws against unfair competition effective

Resolved, That the Federal Trade Commission shall recommend to the House of Representatives at the earliest practicable date what new or additional legislation is needed to make more effective the laws of the United States prohibiting unfair methods of competition in commerce, unfair trade practices and methods of importers of or dealers in imported watches, clocks, and parts therefor; be it further

Justice Department to report on law violations by importers and dealers in imported watches and clocks

Resolved, That the Department of Justice through the Attorney General shall furnish to the House of Representatives at the earliest practicable date all information and data relative to violations of any of the laws of the United States and all efforts made to apprehend the violation of same by importers of and dealers in imported watches, clocks, or parts therefor, or other persons, firms, or corporations, and particularly of laws on the following subjects:

1. Smuggling.
2. Bribing.

3. Using mails to defraud.
4. Federal trade practice.
5. Receiving, concealing, buying, selling, etc., of smuggled watches; be it further

New legislation to be recommended by Attorney General

Resolved, That the Attorney General shall recommend to the House of Representatives at the earliest practicable date what new and additional legislation he considers necessary in order to make more effective the laws regulating the offenses herein referred to.

TEN YEARS OF AGRICULTURAL LEGISLATION

Mr. KETCHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon agricultural legislation.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. KETCHAM. Mr. Speaker, when future historians shall write the legislative history of the United States for the 10 years now closing they will unquestionably give farm legislation a large place in it. Among the reasons for the emphasis on farm legislation during this particular period the most important appear to be: First, the remarkable shifts and changes in modern life due to new developments and discoveries in every field; second, the unusually disturbing economic effects these changes naturally have upon unorganized agriculture; third, legislative enactments in the preceding decade for the advantage of labor, industry, and commerce, with some unintentional but inevitable disadvantages to agriculture.

During 8 of these last 10 years I have had the honor of being a member of the Committee on Agriculture, now ranking fourth thereon, where most of the farm legislation of the period has been first considered. In this committee, as in other committees of Congress, the most effective legislative service is rendered and I have made it a rule to attend all my committee hearings and take an active part in framing all legislation reported therefrom.

During this period literally hundreds of proposals have been presented to our committee for consideration and all the leading farm organizations and farm leaders generally have appeared before us. Thus far for instance, in this one Congress, there have been 206 bills referred to the Committee on Agriculture, 37 of which have been reported to the House and 27 of them passed by the House.

Based upon this experience, it has occurred to me that a brief review of some of the more important laws in behalf of agriculture written during the past decade would be of interest and I have accordingly asked for this opportunity to record them, together with brief comments.

FIRST FEDERAL COOPERATIVE LAW

For many years previous to coming to Congress I was active in farm organization work, particularly the Grange, and in that connection helped in the pioneer work of cooperative marketing organizations. Previous to 1922 many States had recognized the new cooperative movement in State laws, but the Capper-Volstead Act of 1922 was the first Federal law on the subject. This act laid the foundation of "farmer owned and farmer controlled" agencies for marketing farm products around which principle the recent agricultural marketing act has been built. My vote and support of this first Federal cooperative law has always been deemed by me as one of the most significant and constructive things accomplished in my career.

PACKERS AND STOCKYARDS ACT

Answering the demand for regulatory legislation to control the operations of certain packers and stockyards, Congress passed what is known as the packers and stockyards act. General and well-founded complaints had been made against the packers giving price or other advantages to persons or localities, combining to apportion territory, purchases, or sales, and manipulating or controlling prices of livestock. The packers and stockyards act gives supervision and control of both packers and stockyards to the Department of Agriculture under very rigid rules and regulations. The effect of this legislation has been particularly helpful and wholesome.

GRAIN FUTURES ACT

Coincident with the demand for regulation of packers and stockyards came the demand for regulatory legislation to curb the evils of speculation in grain and the grain futures act of 1922 was passed. This act, it will be recalled, made it unlawful for persons other than owners or growers of grain to deal in futures. Certain markets in the country were designated by the Secretary of Agriculture as contract markets and dealers and owners of grain could protect themselves in their operations through the process commonly known as hedging through contracts with members of the board of trade of these operating contract markets. In this manner the excesses of speculation in grain have been curbed and unfair practices eliminated.

UNITED STATES WAREHOUSE ACT

In connection with the development of the cooperative movement in the marketing of farm crops the necessity of a Federal warehouse act became imperative. Congress accordingly enacted such a law in 1922 providing for a system of Federal warehouses under strict rules and regulations. Warehouse certificates issued upon farm products stored in these Federal warehouses have been of great use in enabling producers to finance their operations. The rapid growth of the canning industry and the admission of a number of canned products to Federal warehouses has materially increased the benefits to be derived from the warehouse act, and it has accordingly proven to be a most constructive bit of legislation.

COOPERATIVE MARKETING ACT

Following the enactment of the Capper-Volstead cooperative law in 1922, the growth of cooperative organizations was very marked. Inside of five years it was estimated that one-fifth of all the farm products of the country were marketed through cooperatives and that the total business transacted annually by such cooperatives totaled $2,500,000,000. A demand naturally arose for uniformity of practice in these cooperatives, and accordingly Congress passed the cooperative marketing act in 1926. Under its provisions the cooperative marketing division was created in the Bureau of Agricultural Economics and its duties were clearly set forth. It was commissioned to render many forms of service to cooperatives engaged in both the selling of farm products and the purchase of farm supplies, to make surveys of all forms of cooperative organizations and to make reports and recommendations to those desiring such information. It was authorized to acquire crop information from all available sources and analyze and disseminate the same among cooperative organizations. This act has been of especial value in enabling the new cooperative movement to organize itself upon sound business principles.

FILLED MILK

Of somewhat less general interest, but yet vitally important to the dairy interests of the country, was the enactment of the so-called filled milk bill of 1923. It will be remembered that filled milk was developed through the process of extracting the butterfat from whole milk and introducing in its place an equivalent amount of fat of much less value both in price and nourishing qualities. This filled-milk product was then condensed and sold in many sections of the country in containers practically identical with those in which unadulterated milk were sold. The motive back of it of course was very clear. The butterfat extracted from the original whole milk had a pound value of 50 cents, whereas the fats substituted therefor had a value of not exceeding 15 cents per pound. The filled-milk product was, therefore, deceptive so far as its actual value was concerned and particularly so because of its lack of food value. Many States had enacted legislation against the sale of this product, but Federal legislation was required to keep it out of interstate commerce. This measure was contested most vigorously by those who claimed to represent the best interests of consumers, but it was passed by an overwhelming vote.

SEED STAINING ACT

In the line of regulatory legislation passed within the period under consideration I am especially happy to refer to the so-called seed staining bill, which is in the form of an amendment to the adulterated seed act of 1912. My pleasure in this reference is because of the fact that this is one of the first bills I introduced in Congress and finally had the pleasure of seeing enacted. It is designed to correct the abuses that arose in the sale of alfalfa and red-clover seed coming from countries whose climatic conditions made the seed unsuited to use, particularly in higher altitudes and latitudes of the United States where both alfalfa and red clover are so important in crop rotations. Neither alfalfa nor clover seed coming from these countries could be identified in any way by the purchaser, and the result was that great losses occurred in the use of these seeds by the almost inevitable destruction of the crop during the first winter. The bill provided that a small proportion of the seed in each container coming from certain foreign countries should be stained a certain color in order that its origin might be easily determined by the purchaser. This gave the purchaser an advantage in both price and quality of seed. On the other hand, it has put a higher value upon the seeds coming from countries whose climatic conditions are similar to our own. In addition to these advantages it has increased the value of our own domestic alfalfa and clover seeds, particularly those grown in the northern section of the country.

4-H CLUB AGENTS

One of the most hopeful and interesting phases of farm extension work has been the nation-wide organization of farm boys and girls into what are known as 4-H clubs. Scarcely an issue of local newspapers passes without some reference being made to the activities of these 4-H clubs. The winning of the highest prizes in livestock and dairy contests by young people who have been enrolled in 4-H clubs has impressed the whole country with the substantial merit in this form of extension work.

Believing, therefore, that it should receive more substantial encouragement, the original act establishing the extension service was amended in 1928 by what is known as the Capper-Ketcham bill, providing $1,460,000 annually to further develop the extension system, giving particular emphasis to home economics and boys and girls' club work. While the original act provided funds for general extension work and this included work with boys and girls, yet the Capper-Ketcham bill was the first legislation particularly designating boys and girls as beneficiaries of the new service. Estimates have been made that approximately 800,000 farm boys and girls will be enrolled in 4-H clubs during the current year. The immediate results of this phase of extension work are exceedingly gratifying, and when the effect upon the future agriculture of the country is considered it will be conceded no more practical expenditure of public funds can be made.

REFORESTATION

The past 10 years have witnessed an unusual expansion of the reforestation program begun originally in the enactment of the so-called Weeks Act. This law, designed to protect and conserve the forest areas near the sources of navigable streams, has proven so popular as a conservation measure that public sentiment has demanded a very considerable expansion of the whole reforestation program.

Responding to this widespread public demand, our Committee on Agriculture has reported a number of important bills to the House in this decade which have been enacted into law. Among them may be mentioned the Clark-McNary bill providing substantial sums for the purchase of additional lands for reforestation, the act of May 22, 1928, providing for cooperative investigations, experiments, and tests by the Secretary of Agriculture to determine the best methods of reforestation and utilizing timber and other forest products. An extensive system of experiment stations suited to the various regions of the United States was also provided in this act. In addition to this program for expanding reforestation, increasing appropriations have been provided for roads and trails in our present national forests in order to better protect them against destruction by fire. Still more comprehensive forest protective measures are now under consideration by the committee and will undoubtedly be advanced to a legislative stage in the near future.

TARIFF LEGISLATION

No record of Federal legislation in behalf of agriculture would be complete without reference to changes in the tariff for the benefit of the farmer in the 10-year period under consideration. In 1920 a very large share of farm products were on the free list under the provisions of the Underwood tariff law. Early in 1921 the emergency tariff act was passed by Congress establishing substantial protective rates upon practically all farm products. These were written into the general tariff revision known as the Fordney-McCumber tariff law. The flexible provision of the 1922 tariff act whereby the President upon favorable recommendation by the Tariff Commission was given power to raise or lower rates fixed in the law to the limit of 50 per cent has been invoked to raise the rates on a number of agricultural products, notably butter from the original rate of 8 cents per pound to 12 cents per pound. In the Smoot-Hawley tariff act recently passed, the basic rates on practically all agricultural products have been substantially increased. In my opinion the new law is of material advantage to the farmers of the country in spite of the widespread propaganda to the contrary. The new law provides an increase of 2.37 per cent on industrial products and an increase of 10.82 per cent on agricultural products. Using the actual duties collected under the tariff act of 1922 for the year 1928 as a basis of calculation there would be an increase of $107,806,897 under the rates provided in the new tariff act. Sixty-eight per cent of this increase would be on agricultural products and 32 per cent on industrial products—or in round numbers $72,000,000 increase on agricultural products and $36,000,000 on industrial products.

While the Committee on Agriculture of course has no direct responsibility as a committee on tariff legislation, yet any review of agricultural legislation would certainly be incomplete without reference to its importance in the general program of legislation relating to agriculture.

AGRICULTURAL LEGISLATION IN THE SEVENTY-FIRST CONGRESS

In my opinion the Seventy-first Congress has touched the high-water mark in the character and the extent of farm legislation. Called in special session early in 1929 to give consideration primarily to farm legislation it first gave its attention to so-called farm relief, and the agricultural marketing act now in operation is the result. This act, as, indeed, all legislation bearing the title of "farm relief" must of necessity be experimental, because it is operating in a new field, and it is, therefore, too early to pass any mature judgment as to its final effects. One general statement will be sufficient to summarize present opinion as to the new agricultural marketing act. If money, brains, and power all united in perhaps the greatest combination the country or the world has ever known for the accomplishment of a specific purpose can do anything to solve the problem of farm relief, it is hoped the new agricultural marketing act will accomplish the purpose.

Congress and the country is ready to provide whatever sums of money may be found necessary for the use of the board. In the selection of the board itself President Hoover has been exceptionally fortunate in the men chosen, and, so far as power is concerned, it was the aim of Congress to put in the hands of the new Farm Board all the power that could be wisely vested for the accomplishment of the purposes of the bill.

FOREIGN SERVICE BILL

To enable the Department of Agriculture and the new Farm Board to have at hand reliable and current information as to the world situation in agriculture Congress has enacted the so-called foreign service bill. It was my privilege to introduce and sponsor this bill. It was passed by the House in three different sessions of Congress, but failed in the Senate, due to objection of one particular Senator. It passed both Houses in the present Congress and was recently approved by President Hoover. It places the foreign service of the Department of Agriculture on the same basis as that of the Department of State and the Department of Commerce and is strongly relied upon to assist the Farm Board in its marketing program. World crop, market, and price situations will be promptly determined and reported by this new agency.

LICENSING COMMISSION MERCHANTS

Losses running into millions of dollars have been sustained by the producers and shippers of perishable farm products over the whole country in recent years, due to unfair practices by irresponsible commission men. The situation became so notorious that finally the Association of Commission Merchants themselves joined with producers in asking remedial legislation. The Borah-Summers bill is the resulting legislation. It establishes a licensing system for commission merchants under the supervision of the Department of Agriculture and provides well-considered regulations for the conduct of the business and the revocation of license should these regulations be violated. It is the feeling of the Committee on Agriculture that this particular measure will be of far-reaching importance to every section of the country now that perishables constitute so large a part of farm production and so large a part of the business of cooperative shipping organizations.

THE CANNING BILL

Of especial interest to the fruit and vegetable industry of the country, and the canning industry so widely developed in connection therewith, is what is known as the Mapes canning bill. In brief, it sets up minimum standards for canned fruits and vegetables and requires a distinctive label to be placed on canned goods below the minimum. Consumers are thus protected both in the price and quality of the canned goods they purchase, and producers are benefited by the natural expanding of the canning industry, which it is expected this legislation will encourage.

TAXATION OF NUT MARGARINES

During the past five years the producers of butter have been seriously affected by the marketing of so-called "cooking compounds" under various trade names which have actually supplanted butter to an alarming degree.

A few years ago someone discovered that a combination of coconut oil, peanut oil, and coloring matter could be emulsified in salt water and made into a product that looked and tasted enough like butter to enable it to be placed on the market in competition. For all practical purposes it was nothing more than coloring matter and 10 per cent of water with a little salt added to the ordinary cooking compound, but sold at a price considerably above that of regular cooking compound and enough lower than butter to seriously affect the butter market. No license was required to manufacture it or to sell it as a wholesaler or retailer, and no tax was paid upon it, as is the case with oleomargarine. The dairy and oleomargarine interests, therefore, combined to enact legislation that would bring this

new product under the same taxing provisions as oleomargarine. As one Member of Congress strikingly phrased it, the issue was between the dairy cow and the coconut tree. After sharp debate the bill was passed by an overwhelming vote in both Houses and approved by the President. Its effect can not help but be beneficial to the dairy industry, and it is very much in the public interest both from the standpoint of health and price. It was my privilege to take a leading part in the House debate on this bill, as well as to aid in committee hearings and report.

FEDERAL AID FOR ROADS AND INTERMEDIATE CREDIT

As in the instance of the tariff, no record of Federal legislation for agriculture could omit emphasis of roads or intermediate credit legislation. The marvelous strides in road construction due to motor traffic would have been greatly retarded without the substantial cooperation of the Federal Government. Averaging $75,000,000 per year for several years the contribution this year amounts to $125,000,000.

The development of the intermediate credit system has been of untold benefit to farm organizations in financing marketing operations. Neither of these matters come within the jurisdiction of the Committee on Agriculture but both have been given most active support by every member of the committee because of their importance to agriculture.

CONCLUSION

There are those who maintain that Federal legislation can solve all farm problems. Others insist that such legislation will not help at all. Between these two extremes lies the truth. The mere enumeration of laws enacted by Congress in the past 10 years seems conclusive on this point, particularly when it is remembered that this entire program of legislation has been enacted by overwhelming votes and in several instances by unanimous action. Sound public policy has warranted every possible legislative assistance that could be given to agriculture.

Agriculture represents one-fifth of our total population as well as one-fifth of our national wealth. Its percentage of home ownership is high, and its buying power 35 per cent that of the Nation. Its progress and prosperity is therefore of first importance to the whole Nation. All Members of Congress and citizens generally will note with satisfaction the record herein written as indicative of the helpful attitude of Congress toward this great national interest. As a member of the Committee on Agriculture the privilege of helping to write this legislation and to present the record of it herewith is greatly appreciated.

THE FARMER AND THE TARIFF

Mr. AYRES. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. AYRES. Mr. Speaker, President Hoover in a speech made at St. Louis on November 2, 1928, said:

Adequate tariff is essential if we would assure relief to the farm. The first and most complete necessity is that the American farmer have the American market. That can be assured to him solely through the protective tariff.

The present tariff law, known as the Hawley-Smoot measure, no doubt was enacted to fulfill that prophecy. However, many leading agriculturists and many leading members of the President's own party do not agree with him. In New England, where the tariff is said to be most beneficial, the Boston Transcript, one of the leading Republican newspapers, stated editorially that:

The Republican Party has nothing to gain by accepting such a tariff law as the conference committee is framing, and it has much to lose. It will be charged with the evils of the measure and accredited with none of its merits, if there are any, for the coalitionists have taken care of that. Some of the States whose Representatives have been most blatant and mischievous in the tariff proceedings are showing signs of resentment which are causing many statesmen to back and fill. The national rebuke can come, however, only from the White House.

Suppose we now go to the agricultural West and see what a prominent Republican newspaper has to say. William Allen White, in the Emporia Daily Gazette of May 17, 1930, said:

STRANGLE IT

The Congress will do a great service to the American people if it will strangle the Smoot-Hawley tariff bill in conference. The existing tariff is better than anything that may reasonably be expected to come out of Congress. No piece of legislation in years has been so pock-marked with greed as this pending tariff bill. Competent economists believe that it will add to the cost of living a burden of nearly a billion dollars a year on the people. In return for this it increases the Government revenue less than a hundred million. It will raise average duties from 35 to 40 per cent.

President Hoover asked for a limited revision. The Smoot-Hawley bill is unlimited. It lifts the hair and peels the hide from thousands of agricultural consumers and gives them a stone where they asked for bread in duties upon their own products. It is no loyalty to President Hoover to vote for this bill, and the Congressman who votes for the bill as it seems now to be shaping up will be disloyal to his constituency, unless they be constituents in some small special industry, who have access to the cream jug of special privileges which is drained from the American people in this bill.

Particularly a Kansas Congressman or Senator will be justified in voting "no" on this bill. Mr. Fred Brenckman, Washington representative of the National Grange, says of it, "The rates of the bill which has been passed by the Senate and sent to conference fall far short of placing agriculture on a basis of equality with industry as was promised in the last presidential campaign."

Another leading Republican newspaper of the State of Kansas is the Kansas State Journal. In speaking of the tariff act, on June 21, 1930, it said:

Under the provisions of the new tariff bill it will cost $1,000 more to build a $5,000 house; a $30 suit of clothes will cost $35; for men and women the present $500 clothing bill will be $600; the $70 monthly grocery bill will be $75; the household furnishings that cost $1,000 will bring $1,200.

What does it mean? It means an increase of 20 per cent in the cost of living. And that isn't all. It means a great big chance for a Democratic victory in the next presidential campaign.

We hate to spoil your vacation for you, but this tariff bill went into effect at midnight Tuesday.

There are many farm journals throughout the country, and more especially in the agricultural West, which condemn this tariff measure in the most specific and emphatic terms. In addition to this, 1,028 leading economists throughout the Nation condemn it. They say that—

We are convinced that increased protective duties would be a mistake. They would operate in general to increase the prices which domestic consumers would have to pay. By raising prices they would encourage concerns with higher costs to undertake production, thus compelling the consumer to subsidize waste and inefficiency in industry. * * *

The vast majority of farmers also would lose. Their cotton, corn, lard, and wheat are export crops and are sold in the world market. They have no important competition in the home market. They can not benefit, therefore, from any tariff which is imposed upon the basic commodities which they produce. They would lose through the increased duties on manufactured goods, however, and in a double fashion. First, as consumers they would have to pay still higher prices for the products made of textiles, chemicals, iron, and steel which they buy. Second, as producers, their ability to sell their products would be further restricted by the barriers placed in the way of foreigners who wished to sell manufactured goods to us.

Farm organizations in all sections of the country protested against the enactment of this law, giving as one of the reasons for this protest that it did not carry out the pledge made in the last campaign that agriculture would be put on a basis of equality with industry. The all-absorbing question is, Will the Hawley-Smoot measure do it?

After the McKinley tariff measure had been passed, former Senator James G. Blaine, one of the greatest high-tariff advocates, said that while it conformed to the protective system, he was unable to find in it a single line that would enable the farmers to sell an additional bushel of grain. In the opinion of many editors of farm journals and outstanding leaders of farm organizations, what was said of the McKinley tariff measure can with greater force be said of the Hawley-Smoot bill. While it gives the farmer tariff rates on practically all of his products, and in some instances high tariff rates, it is conceded in the main that these rates are "paper rates" which can not be made effective for the reason that they cover products that are exported. For illustration, the duties on such products as corn, wheat, pork, and so forth, are mere political gestures.

The most reliable economists of the Nation, after a careful study, reached the conclusion that if an agricultural product is on an exportable basis, so that the quantity sent out of the country exceeds that brought into the country, to increase the tariff rate on such a product will have no appreciable effect upon the domestic price. They also found that if the imports are so small as to be practically negligible, even though the product sought to be protected may not be upon an exportable basis, the exclusion of imports of the commodity by higher tariff rates is absurd as it will have no appreciable effect upon the price.

It is sad, but nevertheless true, that the great staple farm products, the producers of which should receive help, received practically no benefit from the former tariff, and certainly can

not be benefited by the increase in the rates as provided in the Hawley-Smoot measure just enacted. There is only one way in which these high rates provided in the present tariff measure might be made effective, and that is by the adoption of the debenture. I shall speak of this plan later on. These staple products naturally compose the bulk of farm commodities.

In 1928 the total value of our staple products amounted to more than $10,000,000,000, and it is fair to state that had the tariff rates on these products been increased 500 per cent, the American agriculturist would not have received a copper cent more for his commodities by reason thereof.

I desire at this time to call attention to some of these staple products and to show why I make the statement that increased tariff rates are useless. Take the great staple grain crops of this country which have an annual farm value of from $3,800,000,000 to $4,000,000,000. We export on an average of $300,000,000 worth of these products annually, and import a little over $1,000,000, worth. The latest statistics I have on this are for 1928. That year we exported $298,792,000 worth and imported $1,176,000 worth. So it is obvious that the producers of these staple grains, such as wheat, did not receive any benefit from the 42 cents per bushel tariff. In 1928 we produced $2,341,462,000 worth of corn. We exported $28,527,000 worth and there was imported $628,000 worth. We produced $597,480,000 worth of oats, exported $10,000,000 worth, and imported $372,000 worth.

In 1928 we produced $1,387,122,000 worth of pork and pork products; we exported $154,753,000 worth, and imported the great amount of $3,683,000. Other staple products, too numerous to mention, production, exportation, and importation of which are in line with those I have mentioned.

The State of Kansas is typically an agricultural State. Its principal agricultural products are wheat, corn, oats, barley, pork, and pork products. The combined value of these products for 1929 was about $243,000,000. This was close to one-half of the total value of all Kansas farm products. As already stated, tariff rates on these commodities are of no practical benefit to the Kansas producers. If it stopped there it might not be so bad. But it does not. While the tariff rates on the above-named products are nominal, and should not within themselves create any feeling on the part of our European purchasers of such products, there is, in addition to these rates, the prohibitive customs policy of this country, which has engendered so much retaliation and a similar high-tariff policy on the part of our European customers that it has practically, if not completely, destroyed the market in those countries for our Kansas farm products. There is just as much demand in those countries for Kansas wheat as heretofore, but the retaliatory tariff rates make it impossible to go into those countries with our products. During last year, while the Hawley-Smoot measure was in the making and it was fairly well determined what the rate would be, European countries levied the following tariffs on our wheat: France, 53 cents per bushel; Germany, 42 cents per bushel; Italy, 73 cents per bushel; Spain, $1.10 per bushel; and some of these are in process of being increased. On our flour France placed a duty of $2.75 to $4 per barrel; Germany, $3.07 per barrel; Italy, $3.48 per barrel; and Spain, $3.60. On corn, France, 10 cents per bushel; Germany, 30 cents per bushel; Italy, 71 cents per bushel; and Spain, 27 cents per bushel. I could also show where similar rates of duty are imposed upon other farm products for export from Kansas.

The question may be asked, Where are these countries that have heretofore taken our farm products now going for such commodities? The answer is, to their own colonies and to other countries that have not erected a tariff wall so high as to make it prohibitive.

These conditions regarding the State of Kansas are applicable to other agricultural States similarly situated; so, after all, it seems that William Allen White was justified in making the statement—

> It is no loyalty to President Hoover to vote for this bill, and the Congressman who votes for the bill as it seems now to be shaping up will be disloyal to his constituency, unless they be constituents in some small special industry, who have access to the cream jug of special privileges which is drained from the American people in this bill. Particularly a Kansas Congressman or Senator will be justified in voting "no."

Entertaining that feeling concerning this bill, I could not conscientiously vote other than "no."

SENATOR CAPPER

Although Senator CAPPER voted for the bill, he made a pertinent statement in which I heartily concur, as follows:

TARIFF RATES INDEFENSIBLE

> Taking cement, lumber, shingles, and brick off the free list and increasing the tariff on sugar, in my judgment, was indefensible. The Senate tariff on lumber would have added from fifty to sixty million dollars a year to the cost of building construction in this country.
>
> The Senate increase of one-fourth cent a pound for sugar will increase the cost of living about $35,000,000 a year, nearly all of which will go to American interests owning sugar properties in the Philippines and our other island possessions. In no instance will the sugar-beet or cane-sugar growers of this country get any appreciable advantage.

During the coming campaign the farmers will be told by those who voted for this measure, and by political platform orators generally, that agriculture received a much larger per cent of the increased rates in the Hawley-Smoot bill than did industry. There are many articles, including both the raw and finished products, that are listed as farm products. It would take too much time to enumerate all of them, but, for instance, there are pineapples, Brazil nuts, bent-grass seed, mushrooms, and scores of similar products that go to make up the farm products as a whole, which it is claimed are benefited by the present tariff law. In my opinion, only the prohibitive tariff enthusiast, the rank partisan, and the simple-minded can be affected by such claims.

THE DEBENTURE PLAN

It was conceded by the proponents of the tariff bill that there was but one method of making the tariff effective for the benefit of the farmer on many, if not all, of the farm products produced in a quantity in excess of domestic consumption, as in the case of practically all staple products such as corn, wheat, and other grain crops, pork, cotton, and so on, and that was to have made the export debenture provision a part of the tariff measure. A majority of the presidents of the land-grant colleges, professors of our agricultural colleges, and eminent scientists have taken the position that with the export debenture plan it is possible to make the tariff effective on farm products where we produce an exportable surplus. This is also the verdict in countries operating under the debenture plan. In Sweden they were having the same trouble that we are having in this country. The manufacturers were getting greater protection than agriculture; so the debenture plan was invoked with success, and it placed agriculture on a parity with other industries. The history of this plan in a number of countries shows how successful it has worked for the benefit of agriculture, and that it has worked no harm to other industries.

One of the main objections urged against this plan was that it would stimulate production. The amendment offered by Senator NORRIS, of Nebraska, reducing the amount of the debenture as the volume of production increased, would have met this objection. Apparently, however, this objection is not made against industries which have received increase upon increase in tariff rates, and, by reason of such benefits, continue to increase their output, and likewise continue to make demands for further increased tariff rates. There were other objections urged against the debenture plan, such as whether or not the speculator would not beat down the value of the debenture certificate. This objection could, and would, have been overcome by providing that these certificates must be redeemed by the Treasury Department at a given amount, either par, or 98 cents on the dollar, as was deemed advisable. Another objection was that only those in the export business would receive these certificates. The theory of this plan, when put into operation, is that the price of the whole product, and not alone the exportable surplus, will react so that the result will be to bring the price to the level of the world price plus the debenture. As already stated, it has worked in other countries to the benefit of agriculture, and undoubtedly would work in this country also. All that is needed is a chance.

SUGAR

Included in the agricultural products benefited by the present tariff measure is sugar. It might be well at this time to point out who may be benefited and who may be hurt.

First, I want to call your attention to the fact that only a little more than 2 per cent of all of the farmers in the United States are engaged in producing sugar. From the noise made when this measure was under consideration one would think that there must be at least 52 per cent of all of the farmers producing sugar. It is estimated that the tax levied in favor of the sugar interests in this country during the past 20 years has cost the American sugar consumers nearly $3,000,000,000. What have the sugar interests of this country done for the consumers of sugar in return for this burden? Here is the record. Twenty years ago we produced in this country about one-fourth of the sugar consumed in the United States. In





recent years, including last year, the production was between one-fifth and one-sixth of our consumption. So, instead of responding to this wonderful treatment bestowed by a beneficent Government at the expense of all classes of people, the poor as well as the rich, the sugar interests have failed the sugar consumers of this country. I am not objecting to a reasonable tariff for the sugar producers if it will enable them to supply our domestic consumption. What I am objecting to is increasing these rates from time to time, and in so doing increasing the burden on the poor people of this country, for an institution that fails to make good.

We produce some beet sugar in Kansas, but nothing compared to what we consume. Statistics show that in 1929 we consumed in Kansas 198,180,000 pounds. It is estimated that the tax paid by Kansas people under the old Fordney-McCumber Act amounted to $3,963,600, and that under the present law this tax will be increased $495,450, or a total of $4,459,050, all in the name of an industry that produced so little sugar in Kansas that the Department of Agriculture does not keep a separate return, but groups it with a number of other States, all of which combined only produced in 1929 a little over 600,000 short tons. I want to reiterate I agree with Senator CAPPER when he says that "increasing the tariff on sugar is indefensible," and feeling that way about it I could not and did not vote for it.

HIDES

Hides are also another agricultural product. This article was taken from the free list and a duty prescribed. Let me say that this was not all that was taken from the free list. Leather, shoes, and so forth, were also taken from the free list because of the tariff being put on hides. I was anxious to help get something out of this bill for agriculture, and although I thought it was of doubtful benefit to the farmer who might have an animal to skin once in a while, I was willing to vote for it standing alone. However, when the makers of this measure brougth forth a compensatory duty on leather and shoes I could not bring myself to vote for the item. In order to get even a possibility of benefit for the farmer it meant that the demand for a compensatory duty on leather, shoes, and so forth, had to be satisfied, with the result that while the farmer might receive a little more for the few hides he sold, he would have to pay much more for shoes for his family and himself, for his harness, and for every strap used on his farm. I regret to say that many Congressmen from agricultural States of the Middle West and Northwest fell for this, and as a result the farmer, who will receive but little, if any, benefit from a tariff on hides, has had his burdens increased. It is estimated by experts that this tariff of 20 per cent on shoes will add anywhere from $100,000,000 to $150,000,000 a year to the cost of shoes. By giving a compensatory duty of 20 per cent on shoes, we got a 10 per cent ad valorem duty on green hides for the farmer. What is the situation? There is not a farmer who is so gullible as to think that this small duty on hides would make a cent's difference in the selling price of a steer or cow; but all shoe manufacturers and economists claim that the duty on hides will add materially to the costs of leather and shoes.

Statistics show that it takes 6 pounds of green cattle hides to make a pair of shoes. A 10 per cent ad valorem duty on hides valued at 15 cents per pound would amount to 1½ cents per pound of hides; therefore, as it takes 6 pounds of green hides to make a pair of shoes, the compensatory duty should not have been more than six times the 1½ cents, or 9 cents per pair. So it is easy to see that the shoe manufacturer has the best of it to the extent at least of 11 cents per pair. It is also easy to see who, in addition to the cow or steer, gets skinned. It is freely predicted by those who produce shoes that after this duty of 20 per cent gets to working it will increase the price of shoes as follows: A pair of shoes now selling for $2.50 will be increased at least 50 cents a pair, a pair of shoes now selling for $5 will be increased at least $1 per pair, shoes selling for $10 per pair will be increased at least $2 per pair, and so on. How much does the farmer benefit by this transaction? If the farmers on the whole derive much, if any, benefit from this tariff legislation, I have been unable to find it, and I am not alone in this, as leaders of farm organizations throughout the country have experienced the same difficulty.

CEMENT

Will it be contended that taking cement from the free list and giving it a tariff of 6 cents per hundred pounds is going to help the farmer or the construction of roads to his farm? I believe it is conceded even by those favoring this duty that it will benefit no one except the Cement Trust. The cement industry certainly did not need this tariff on account of the great importations of cement into this country. Government statistics show that in 1929 only 1,727,900 barrels of cement were imported, while we produced in this country 178,000,000 barrels. In the city of New York alone there was consumed last year about 13,000,000 barrels. It is easy to see how much foreign competition the cement interests of this country have had.

I do not know just how some of my western colleagues will satisfy their constituency that they were justified in voting to take from the free list such articles as cement, lumber, brick, and other such items for the benefit of agriculture, especially in view of the fact that we were called in extra session to vote for a tariff measure to equalize and put on a parity agriculture and industry.

DOES THIS TARIFF BENEFIT LABOR?

Is labor benefited by this tariff measure? History shows that in the framing of practically all tariff measures the claim was made that they were enacted to protect American labor. That is claimed to some extent for the Hawley-Smoot bill. In other words, it was a farm measure, and also a protection to American labor. The casual observer is led to believe that most, if not all, of the increases received by the industries favored by high duties, go to American labor in those industries. I want to furnish two or three illustrations to show the fallacy of this claim. These illustrations, I want it understood, are based upon the statistics of the United States Department of Commerce. That department takes a census of manufacturers every two years. Its report on what has happened in the various industries is very significant. A few comparisons to show what happened in some of these industries just before the Fordney-McCumber tariff law went into effect compared with the same industry after five years of a high protective tariff will be interesting.

In the industries furnishing dairymen's supplies, creamery, cheese-factory and butter-factory equipment, and so forth, there were in 1919, 244 industries employing 6,437 men. In 1927 there were only 152 establishments employing only 5,091 men, a decrease of 92 establishments and 1,346 workers thrown out of employment. The average wage per worker increased from $1,099 in 1919 to $1,252 in 1927, or an increase of $153 per year per worker; but at the same time the value added by the manufacturer increased from $2,931 per worker in 1919 to $4,151 per worker in 1927, or an increase of $1,220 per worker. In other words, the average worker produced $1,220 more for his employer and received $153 more for himself.

In the textile industries we will take women's clothing. In 1919 there were 7,711 establishments employing 165,649 workers. In 1927, after five years of a high-protective tariff, there were only 7,588 establishments employing 154,459 workers, a decrease of 123 establishments, throwing 17,190 workers out of employment. The average wage per worker in 1919 was $1,178, and in 1927 it was $1,368, an increase of $190 per year per worker. But at the same time the value added by the manufacturer increased from $3,188 per worker in 1919 to $4,434 per worker in 1927, or an increase of $1,246 for each worker. So you can see that the average worker produced $1,246 more for his employer and received only $190 more for himself.

I could give many more illustrations, such as the butter and cheese industries, button manufacturers, carpet manufacturers, tools, doors, shutters, and so forth, all telling the same tale of thousands of workers thrown out of employment, wages increased from $50 to $200 a year—which is not an increase when compared with increased costs of living—and with the values added by the manufacturers increasing from $300 to $1,500 for each employee for the same period.

The Bureau of the Census is now compiling statistics for the census of manufacturers taken in 1929. Few of these figures are yet available, but I will give two illustrations that seem to show that the situation is more pronounced in 1929 than in 1927. Take the linoleum industry. The number of establishments remained the same in 1927 and 1929. The number of employees increased somewhat from 5,364 in 1927 to 5,544 in 1929. The average wage increased from $1,524 a year in 1927 to $1,543 a year in 1929, or a gain of $19 a year per worker. But the value added by the manufacturer increased from $4,330 per worker in 1927 to $5,368 per worker in 1929, a gain of $1,038 per year for each worker. So the average worker produced $1,038 more for his employer in 1929 and received $19 more for himself.

Take the manufacturers of corn sirup, corn sugar, and starch. In 1927 there were 26 of these industries employing 6,972 workers, and in 1929 there were 34 industries employing 6,733 workers, an increase of 8 establishments but a decrease of 239 workers. In 1927 these workers received an average wage of $1,504, while in 1929 they received an average wage of only $1,466, or a decrease of $38 per year per worker. But did the

value added by the manufacturers show a like decrease? It did not. In 1927 the value added by the manufacturer for each worker was $6,247, while in 1929 it was $9,166, or an increase of $2,919 for each worker in these establishments. So each of these workers produced $2,919 more for his employer and for his labor he received $38 less than he received in 1927.

What is it these figures show? They show that thousands of workers are being dispensed with yearly, who have to seek other means of a livelihood, and that wages are not increasing in any way comparable with the increased costs of living or the profits of the manufacturers, with the result that unemployment is increased and the buying power of the worker is diminished. In commenting on this situation, Labor, in a recent editorial, said:

> There is the basic reason for hard times in the United States. The workers produce more, but do not get wages enough to buy more. Increased output, combined with stationary wages and unemployment, leaves a surplus of unsold and unsalable goods to clog the industrial machine and produce more unemployment.

If the present increases in the already high rates has the same effect on these industries that the Fordney-McCumber tariff seems to have had, I am unable to see wherein this measure is going to benefit labor in the way of increased wages, and certainly it adds to the workers' burdens through higher costs of living and inevitably must produce more unemployment.

And here is another factor that will contribute very materially to unemployment: Our high tariff rates are causing other countries to retaliate by imposing comparable duties. This has resulted in a very serious curtailment of America's foreign trade. It also means that many American concerns are establishing branch factories in foreign countries to manufacture products for sale in those markets. This for the reason that the retaliatory tariff makes it impossible for the American manufacturer to ship abroad. Therefore they are going to Europe and employing foreign labor that otherwise would be employed at home. Instead of being satisfied with a fair competitive tariff, which would afford ample protection to American labor and give the manufacturer fair profits, he has concluded that it is far more profitable for him to establish a branch factory in foreign countries and employ cheap foreign labor to produce for his foreign customers than it is to employ American labor to produce for his foreign trade. In other words, he has changed his European customers into laborers in an American factory established in a foreign country. So the cheap foreign labor, from which we have sought to protect our American labor, is taking the place of our protected American labor in hundreds of factories all over Europe. That is another reason for so much unemployment at this time.

ADDS TO THE HIGH COST OF LIVING

The farmer and the laborer, as well as all consumers, will have to bear the burdens caused by this measure. I have studied the various reports of economists, and also the predictions made by some manufacturers and experts on tariff making and its results relative to its increasing the costs of articles of common use to the average American family, and I must say that, when summed up, it presents rather a gloomy picture. I realize it is the habit of the proponents of a prohibitive tariff to ridicule and scoff at the conclusions reached by tariff experts and economists as to what may be expected in the way of increases in prices on commodities. It is their business, however, and I, for one, have more confidence in their judgment than I have in the extreme high-tariff advocates. We all know what has been our experience in the past regarding this matter. The conclusions reached by one of the best economists and experts regarding the increase in prices in the necessities of life, caused by the Hawley-Smoot tariff, are as follows:

WOMEN'S WEAR

Dress goods: Woolen, worsteds, etc., now costing $4 will cost about $6.25.

Dress goods: Silk now costing $5 will cost about $5.75.

Dress goods: Cotton now costing $3 will cost from $3.30 to $3.50.

Woolen underwear: Selling for $2 a suit will cost from $2.40 to $2.50, and a $4 suit from $4.80 to $5.

Hats: An untrimmed hat now costing $1 will cost $1.95, a $3 hat will cost $4.66, and a $3 felt hat, light weight, will cost about $5.45.

Gloves: A leather glove now costing $2 will cost about $3, and in that proportion for more expensive ones. Women's and children's gloves are increased from 50 cents to $1 a pair, according to length and quality.

Shoes: Bear a specific duty of 20 per cent, which makes a $5 pair of shoes cost $6 and a $10 pair of shoes cost $12. The shoe tariff is estimated to cost $7.50 per family.

MEN'S WEAR

Assuming that a standard suit or overcoat now sells for $35, the cost under the new tariff will be approximately $40, and the same increase will apply to overcoats.

The heaviest percentage of increase in men's clothing is in the cheaper priced suits made in large part of wool rags. The duty under the former act was 7½ cents a pound, which has been increased to 18 cents a pound—an increase of 140 per cent. It is estimated that this will add several dollars to the price of every suit of clothes by the time it reaches the consumer.

On the highest grade of imported woolens, one of the largest importing tailors has informed a customer that the new tariff will add $6 to every suit he makes. And this man, I am informed, buys from the British factories direct and avoids all middlemen profits.

Woolen knit outerwear, like sweaters, which now cost $3, will cost $3.50.

Woolen knit underwear: A $2 suit will sell under the new tariff from $2.40 to $2.50.

Shirts: Men's shirts, now selling for $1.50, will cost $2.20, and a shirt selling for $3, about $4.50. A workman's shirt, now costing 50 cents, will cost about 75 cents. A $5 silk shirt will cost $6.

Shoes: Bear a specific duty of 20 per cent, which makes a $5 pair of shoes cost $6 and a $10 pair of shoes cost $12. The shoe tariff is estimated to cost $7.50 per family.

Hats: Inexpensive straws will be increased about 75 cents per hat. Fur-felt hats—the imported fur-felt hat has sold for approximately $10, a few of the sport variety selling as low as $6. The domestic fur-felt hat sells from $3.50 to $10. It is estimated that the increase duty will cause an average increase of from $1 to $1.50 on the cheaper grades. These are the generally worn soft hats and also derbies.

MISCELLANEOUS

Linens: Tablecloths that now cost $5 will cost $5.75.

Blankets: A pair of wool blankets costing $10 will cost $11.50; a pair of wool blankets costing $5 will cost $5.75; a pair of cotton blankets costing $2.50 will cost approximately $3.50.

Quilts: A cotton quilt now costing $2 will cost $3.

Enamel wear: Articles now costing $1 will cost $1.30.

Glassware and crockery: The cheaper grades are sold in 5-and-10-cent stores, and all such articles now costing 10 cents will cost 12 cents.

Cement: The duty of 6 cents per hundredweight is estimated to add nearly $1,000 per mile to every mile of good roads hereafter built in the United States, based on mileage and cost in 1928. Senator Borah estimates that the cement tariff will cost the farmers $16,000,000.

Lumber: The duty of $1 per thousand feet on soft lumber is estimated to add from $56 to $105 on the humble home of the workman.

Sugar: The consumption of sugar per person is estimated at 108 pounds. Under the former tariff this cost the American people $216,000,000. The increase in the tariff adds approximately $54,000,000, making a total of $270,000,000, based on a population of 100,000,000 people, or $297,000,000 under the present estimated population. Under the former tariff this cost the farm family about $9 per annum and the urban or city family about $10 per annum. Under the new tariff the estimated cost is $13 per farm family and $14 per urban family.

The new tariff shows a 20 per cent increase over the Fordney-McCumber tariff of 1922, so that it can be said that the increased cost to consumers will be at least 20 per cent in the aggregate on the tariffs that are effective. Under the Fordney-McCumber tariff the level of prices on many highly protected articles has risen far above the general level and far above any justification of the excessive rates of that law. The same may therefore be expected of the new tariff when the present business depression shall have passed.

SPECIAL INTERESTS BENEFITED

The farmer is not benefited by this measure, and neither is labor; and most certainly the consuming public is not. Then who is? I am going to give some figures used by Senator BORAH in a speech, which, to my mind, tell the story:

A group of 403 manufacturing corporations increased their profits 29 per cent between 1923 and 1925. A group of 574 manufacturing corporations increased their profits 27 per cent between 1925 and 1928. In other words, between 1923 and 1928 there was an increase in the profits of these great manufacturing establishments of 64 per cent.

The National City Bank makes the statement that the earnings of 375 manufacturing corporations during the first quarter of 1929 were 37 per cent above the corresponding period in 1928. There is a constant increase of gain and of progress and a constant decrease of imports. I know of no better test as to the necessity for protection than those simple figures give. In the same report the bank says that "many concerns have in six months made more profits than in the year 1928."

The manufacturers of the United States have the home market; they are in control of the greatest market in the world, the market in the United States; and they are taking possession of the markets of the world. By strides almost indescribable we are not only going out and beyond our home supply but we are challenging every competitor upon the face of the earth.

Industrial production in this country was higher in May of this year than ever before in the country's history. The shipments of iron ore were larger than in any recent year. The production of pig iron attained a record unknown except in one instance. The average price of 338 industrial stocks was 95 per cent above the average of 1927.

Let us turn to steel. The income of the steel industry for the first six months of 1929 was 80 per cent greater than for the first six months of 1928.

Yet, as if increase of appetite had grown by what it fed on, they are asking and securing in this bill greater protection and greater advantage than any other single industry.

The earnings of the United States Steel Co. in 1928 were $193,202,173. The earnings for the first six months of 1929 were $132,100,842.

The Steel Co.'s earnings for the second quarter of 1929 were the highest in its history, to wit, $71,995,561. That amounts to $6.68 a share on 7,116,235 common shares outstanding on June 30, 1929, and $5.91 a share on 8,030,334 shares outstanding since the recent issue. The Bethlehem Co. had a gain of 160 per cent in earnings the first six months of 1929.

The Youngstown Sheet & Tube Co. showed 145 per cent increased earnings.

The Republic Iron & Steel Co. showed increased earnings of 208 per cent.

The Otis Steel Co. showed increased earnings of 78 per cent.

The Jones & Laughlin Co. showed increased earnings of 42 per cent.

This is the condition of an industry which has asked and is receiving additional protection under this bill. In all fairness, in all justice to the American people, how can we justify this bill; aye, how can we justify the present law?

This is the story in part. Much more could be related to show who receives the benefits, but the further it goes the more sickening it becomes. And this is the tariff measure enacted in response to President Hoover's call to pass a bill that would establish a parity between industry and agriculture.

THE FARM MARKETING ACT

In a campaign speech made by Mr. Hoover at Elizabethton, Tenn., October 6, 1928, he said:

We stand specifically pledged to create a Federal Farm Board of men sympathetic with the problem, to be clothed with powers and resources with which not only to further aid farmers' cooperatives and assist generally in solving the multitude of different farm problems which arise from all quarters of our Nation, but in particular to build up with initial advances of capital from the Government farmer-owned and farmer-controlled stabilization corporations which will protect the farmer from depressions and the demoralization of summer and periodic surpluses. Such an instrumentality should be able to develop as years go on the constructive measures necessary to solve the farmers' new problems that will inevitably arise. It is no proposal of subsidy or fee or tax upon the farmer. It is a proposal to assist the farmer onto his own feet into control of his own destinies. This is not a theoretic formula. It is a business proposition designed to make farming more profitable.

I supported—that is, I voted for this measure, as did almost every Member of both branches of Congress. There was nothing else to do except vote for it and then trust that the President, who was so confident that this plan was not a theoretic formula but a business proposition designed to make farming more profitable, was right. It has been in effect for more than a year. The Farm Board has been given $500,000,000 in that time to demonstrate to the world, and more especially to the sorely depressed farmer, that it is not a theoretic formula but a business proposition to make farming more profitable. The question is, Has it done it? Has it even made a favorable impression? The result so far is the best answer. We have a statement made recently by Mr. Hyde, Secretary of Agriculture and a member of the Farm Board, that for the next seven years the price of grain will be lower than it has been in the past seven years. This certainly is a tragic manner in which to inform the farmer that he need not expect much encouragement from the Farm Board. The Good Book relates how a young man by the name of Joseph interpreted a king's dream to mean that there would be seven years of great plenty to be followed by seven lean years. We now have a new interpretation which gives only the seven lean years.

At the time this bill was being considered it was distinctly understood that it was solely an administration measure, and no attempt was made to change it in the least. It provides many things: First, to prevent and control exportable surpluses of agricultural products; second, to establish the market for farm products; third, to give the farmer a price which would insure a reasonable wage above the costs of production; fourth, to place agriculture on a basis of economic equality with labor and industry; and, fifth, to extend to the farmer the benefits of the American tariff system. As already stated, it has had over a year's trial with an enormous amount of money at its command, and I am endeavoring to find how many of these five propositions it has accomplished. It certainly will not be claimed that it has disposed of the agricultural surplus. Nor has it stabilized the market. Who among its most ardent supporters will contend that it has given the farmer a fair price for his product? Does anyone claim that it has given agriculture equality with industry? And, last, how has it extended to the farmer the benefit of the tariff? The present tariff measure has erected a wall so high as to make it impossible for the foreigner to bring his wares into this country, sell them, and with the money received buy some of our surplus farm products and take back with him, and thus has destroyed what foreign markets he did have.

The only method so far advanced by the Farm Board is for the farmer to produce less. In the past the farmer has had to battle with the elements. When he planted a crop he did not know whether there would be floods or drouth to destroy it. And now here is an additional proposition that he must face; that is, the edict of the Farm Marketing Board to plant less, decrease his acreage, or else for the next seven years the price of grain will be lower than it has been for the past seven years. Why is it necessary for this great board to have $500,000,000 out of the United States Treasury to enable it to give such information and advice to the farmer?

I shall conclude by quoting an extract from a speech made by Milo Reno, president of the Iowa Farmers' Union, as follows:

It seems to me that if the President's Farm Board is sincere in its efforts to place agriculture on an economic equality with other groups, the very first declaration that it should have made was that that group of society engaged in the basic industry of this Nation is entitled to and must have production costs for the service that they render.

This is not revolutionary. It is simply carrying out for American agriculture the same program that the successful business institutions of the Nation have long since adopted. Any other program than this is the merest subterfuge, simply a gesture for political purposes.

The Farm Board is clothed with sufficient power and has at its command sufficient funds to accomplish this for the American farmer. It is only a question of sincerity of purpose.

It is the sincere wish and hope of all that the Farm Board may in its wisdom formulate some plan whereby farming can be put on a parity with industry and be made more profitable.

FEDERAL FARM BOARD

Mr. PURNELL. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to address the House for 15 minutes. Is there objection?

There was no objection.

Mr. PURNELL. Mr. Speaker, the agricultural marketing act is now one year old, having been approved by the President June 15, 1929. The Federal Farm Board authorized by that act and later appointed by the President assumed its duties one month later, and therefore has been in existence less than one year.

It seems fitting that something should be said at this time relative to the problems confronted by the Farm Board and the progress made up to date. It is also proper that something should again be said relative to the purposes of the act under which the board is functioning.

It was my privilege to have had an important part in the drafting and passage of the act. The bill came from my Committee on Agriculture and I was one of the House conferees appointed by the Speaker to assist in ironing out the differences between the House and Senate bills. I, therefore, feel a deep personal interest in its complete success. I was, at the time of its passage and still am, of the opinion that the agricultural marketing act is the most important piece of legislation ever passed by the Congress of the United States. [Applause.]

Many have declared its terms to be revolutionary, but to an unprejudiced mind it is perfectly clear that it seeks to do no more for agriculture than has already been done for the other major industries of the country. The Government many years ago adopted national programs for industry, later banking and transportation, and yet when any pressure was brought to bear on Congress to recognize agriculture as an industry and to adopt a national policy for it many business men thought it was an improper thing for the Government to do. Agriculture is not only an industry but it is our basic industry, and in my judgment the greatest industry from every standpoint in all the land. [Applause.]

Before proceeding further I want to say a word about the men chosen by the President to administer the act.

The Federal Farm Board is composed of eight members and the Secretary of Agriculture, an ex officio member. In selecting

this board the President called upon agriculture and others interested in agriculture to make suggestions as to the personnel. In nearly every instance those appointed had received the largest indorsement from farm organizations, farm people, colleges of agriculture, and farm leaders. The following is a list of the members of the board, with short biographies:

Alexander Legge, of Illinois, chairman, formerly president of the International Harvester Co.

James C. Stone, of Kentucky, vice chairman, formerly president of the Burley Tobacco Growers' Cooperative Association; representing tobacco.

Carl Williams, of Oklahoma City, editor of the Oklahoma Farmer-Stockman, and active for the past 15 years in the organization and management of cotton and other cooperative associations, and at one time president of the American Cotton Growers' Exchange, among other organizations; representing cotton.

C. B. Denman, of Missouri, formerly president of the National Livestock Producers' Association, which markets about $150,000,000 worth of livestock annually; owner and manager of a livestock farm near Farmington, Mo.; representing livestock.

Charles C. Teague, of California, formerly president of the California Fruit Growers' Exchange and the Walnut Growers' Cooperative Association of California, which markets more than $150,000,000 of agricultural products annually; representing fruits and vegetables.

William F. Schilling, of Minnesota, formerly president of the Twin City Milk Producers' Association, and active for many years in helping dairy farmers in various sections of the country to organize; representing dairy products.

Charles S. Wilson, of New York, formerly commissioner of agriculture in New York, and active for many years in the farmers' cooperatives of western New York; representing fruits and vegetables.

Samuel R. McKelvie, of Nebraska, formerly governor of that State, publisher of the Nebraska Farmer, and active in the organization of the Nebraska wheat pool; representing wheat and grains.

As you will recall, the purpose of the agricultural marketing act which this distinguished group of men has been chosen to administer, is to place agriculture on a basis of economic equality with other industries through the development of a better marketing system for agriculture. This is to be done through—

First. Minimizing speculation in agricultural products.

Second. Preventing, so far as possible, inefficient and wasteful methods of distribution.

Third. Encouraging the organization of cooperative marketing associations, producer-owned and controlled.

Fourth. Aiding in preventing and controlling surpluses in agricultural commodities through orderly production and distribution, so as to maintain advantageous domestic markets and prevent such surpluses from causing undue and excessive fluctuations or depressions in prices.

The legislation is based on a theory of the Government helping the producer solve his own economic problems. [Applause.] It provides Government assistance that will enable farmers, through collective action, to control production and marketing of their crops. It commits this country definitely to the principles of cooperative marketing of farm products, the action being taken after a majority of Congress reached the conclusion that permanent solution of the agricultural problem lies in collective action on the part of the farmers.

Speaking before the National Chamber of Commerce, April 30, Mr. Legge, chairman of the board, said:

The Farm Board believes that the principle of cooperative marketing is sound and the only one that really will give the farmer a chance to get his fair share of the national income.

Later, in a speech at Brookings, S. Dak., on June 13, Mr. McKelvie, a member of the board, said:

This law is predicated upon the ability of the farmer to manage his own business once he is organized to do so. Cooperation is the key to it, and only in exceptional cases can the Farm Board have any dealings with a farmer or anyone else who is not a member of a producer-owned and producer-controlled marketing unit. A lot of people do not understand this. Some think it was designed to afford a readier access to easier credit for the farmer. Others think it is the Government in business. It is neither. It is the farmer in business cooperatively, with the Government assisting to organize and finance farm marketing activities.

Earlier in the year Mr. Stone, also a member of the board, in a radio address on April 10, gave expression to the following views with respect to cooperative marketing:

A cooperative marketing association is to agriculture the same as a corporation is to business, and the operation is quite similar. It is the opinion of many business men that cooperative associations are organized for the purpose of setting aside the law of supply and demand, but this is untrue. There is no farmer who has given serious consideration to the development of a better marketing system for his product who does not realize that the price of the product necessarily depends largely upon the demand for it and the supply with which to meet that demand. However, it must not be overlooked that even when the law of supply and demand is taken into consideration, the price is affected largely by the time, manner, and place of the feeding of the supply to the demand. In other words, the supply must be fed to the demand in an orderly way and in such quantities as the demand can consume at a fair price.

The value of farm crops runs from twelve to fourteen billion dollars a year. These crops are produced by some 6,500,000 farmers scattered in all parts of the country and for the most part each paying no attention to what his neighbor is doing. Of these farmers, some two and a half million belong to 12,500 cooperatives. When the board undertook its work it found that most of these cooperatives were local units, operating independently and without regard to what other associations handling the same commodity were doing.

The board felt that its first task should be to help existing cooperatives handling a particular commodity federate or amalgamate into central associations, the purpose being to gain control of a sufficient volume for orderly marketing of the commodity. The board turned its attention first to grain. It called together representatives of all the cooperative groups handling grain, including the State pools, terminal commission agencies, and State elevator associations. All told, 36 groups were represented at a meeting in Chicago last July.

I again quote from Mr. Stone's radio speech of April 10:

Upon investigation we found that there were in existence approximately 45,000 separate and distinct farmer-owned and farmer-controlled cooperative marketing associations for grain, and very few of these units were handling the grain beyond the primary market, which was the local country elevator. From there it went into the normal channels of the grain trade, to compete with all the other cooperative units as well as private dealers and merchants. We came to the conclusion that it was not more than common sense and good business to suggest to these grain cooperatives that they organize a national grain sales organization which they would own themselves in proportion to the amount of grain that each unit sold through it, and that all grain received by all member cooperative units be sold through this one sales agency. The Farmers' National Grain Corporation was the result of this suggestion, and it is now operating with headquarters in Chicago.

For fifty years our farmers have been striving to secure control of their marketing system. So far they have gotten scarcely beyond the country elevator, with other agencies at the terminals taking charge of their grain en route to the purchaser or the consumer. Not until the Government gave its encouragement and assistance through this marketing act and the Federal Farm Board have they made any material progress. These farmer-owned, farmer-controlled primary organizations are now grouped under one head.

We expect to give to the farmer some control over his own products after they leave his farm and enter the markets of the world. We expect to give the farmer an organization which can bring to bear upon his problems the collective thought of his industry, can survey his probable markets, and on a nation-wide and businesslike basis profitably market his products as well as limit production to the probable demand. [Applause.]

The board found in its initial conferences with the grain cooperatives that in the case of one of the terminal associations with member cooperatives handling 30,000,000 bushels of grain, only one-tenth was marketed through the commission association. It was recognized that success of the Farmers' National Grain Corporation would depend largely on support of its member associations, and in turn those associations being supported by their grower members. Accordingly the board has made it a condition that any association or individual borrowing must market the commodity under the supervision of the central association. In the formation of the Farmers' National Grain Corporation, the board has assisted the cooperatives in setting up an organization on a sound financial basis, each cooperative member subscribing for stock, paying part in cash and the remainder to be taken from the earnings of the corporation over a period of years. Before any dividends can be paid to the stockholders from the earnings of the corporation, which is capitalized at $10,000,000, a reserve of $10,000,000 must be built up. The Farmers' National is owned and controlled by its member cooperatives. The Farm Board does make a condition that so long as the corporation borrows money from the revolving fund, its management and business policies shall be satisfactory to the board. To be a member of the Farmers' National, local cooperatives handling grain must be qualified under the Capper-Volstead Act. Any cooperative so qualified is eligible to membership. The board deals with grain cooperatives only through the Farmers' National.

The board has assisted wool and mohair, cotton, livestock, and dry-bean cooperatives to set up central marketing associations for their commodities. The problem in each was very similar to that of grain and just about as complex. The board is aiding cooperative groups in other commodities—fruits and vegetables, tobacco, dairy products, and so forth—with a view to helping them expand existing organizations and develop new ones to the point where they can establish central selling agencies.

It can readily be seen that the program undertaken by the Farm Board to help the farmers organize for collective action is not one that can be accomplished over night, but one that will require not only considerable time but much patience on the part of both those who are trying to help the farmers and the farmers themselves.

Time is required for these national sales organizations to become properly organized and officered. There will be many intricate problems which they will have to meet and solve, but I believe that with proper and efficient management they will eventually perfect an economical and efficient system of distributing farm products. [Applause.]

The immediate program of the Farm Board is to help farmers organize for collective action in producing and marketing their crops. It is assisting various existing cooperative groups, each handling a particular commodity, such as grain, cotton, wool, livestock, and other products of the farm, to establish national cooperative sales agencies for the unified marketing of those commodities. Through these central commodity cooperative associations, made up of State, regional, and local associations, producers are expected to gain control of a sufficient volume of the different products to have bargaining power in marketing them.

These cooperative associations are being formed, not to set aside the law of supply and demand and artificially raise prices to the consumer, as some critics would have the public believe, but to engage in a merchandising program that reflects prices to their grower members in harmony with the actual value of the products based on the potential buying demand. These central marketing associations are owned and controlled by the cooperatives that set them up. They are the marketing agencies of the farmers themselves.

They are not Government agencies, as some critics who cry "Socialism" would have the country believe, but instead are the instrumentalities of agricultural producers to market those crops in a way that will be to the best advantage of the grower and not some one else. The Government's part in this program is to assist farmers in the building of these cooperative marketing agencies, making sure they are constructed on a sound economic basis and to give guidance and financial aid temporarily in their operation until they become strong enough to stand alone. Thus the Government is not in the business of marketing agricultural products, but instead is helping farmers to set up their own commodity central sales agencies to do that job for themselves.

To be eligible for assistance from the Farm Board cooperative associations, whether local, regional, or national, must be organized under the terms of the Capper-Volstead Act and the agricultural marketing act, which means one of two kinds of cooperatives—first, a nonstock, nonprofit association doing business for its members with one man, one vote; or, second, a capital-stock cooperative, the by-laws of which provide that dividends on invested capital must be limited and must not be in excess of 8 per cent; that the association must not handle more of the commodity for nonmembers than it does for members; and that earnings above the dividends paid on the capital stock and after proper reserves have been set aside for future operation of the association, must be returned to the members on a patronage basis. For information and ready reference, I incorporate at this point in my remarks a copy of the Capper-Volstead Act.

[Public—No. 146—Sixty-seventh Congress]

H. R. 2373

An act to authorize association of producers of agricultural products

Be it enacted, etc., That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of persons so engaged. Such associations may have marketing agencies in common; and such associations and their members may make the necessary contracts and agreements to effect such purpose: *Provided, however*, That such associations are operated for the mutual benefit of the members thereof as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; or

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per cent per annum.

And in any case to the following:

Third. That the association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members.

SEC. 2. That if the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than 30 days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be taken under such rules and regulations as the Secretary of Agriculture may prescribe, reduced to writing, and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist from monopolization or restraint of trade. On the request of such association, or if such association fails or neglects for 30 days to obey such order, the Secretary of Agriculture shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

The facts found by the Secretary of Agriculture and recited or set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, or on any attorney authorized to appear in such proceeding for such association, and such service shall be binding upon such association, the officers, and members thereof.

Approved, February 18, 1922.

Under the loan provision of the agricultural marketing act the Farm Board has advanced to cooperative associations and the Grain Stabilization Corporation approximately $145,000,000, of which $30,000,000 has been repaid, leaving outstanding about $115,000,000 of the $250,000,000 revolving fund appropriated by Congress.

Four types of loans have been made to the cooperative associations, as follows:

First. Effective merchandising.

Second. Construction or acquisition by purchase or lease of physical marketing facilities.

Third. Educational loans for extension of membership.

Fourth. Supplemental commodity loans to enable the cooperative associations to advance to their members a greater share of the market value of the commodity delivered to the association than is practicable under other credit facilities.

In making these loans the board has adhered strictly to the limitations prescribed in the act.

Charges of Government price fixing and Government in business have been repeatedly lodged against the Federal Farm Board. The board has no intention of fixing the price of any commodity. The board is trying to operate within the limits of the inexorable law of supply and demand. Its powers will be called in play only upon emergencies to prevent panics and speculation from depressing prices below the point indicated by law. The preponderance of these charges of price fixing and governmental interference came as a result of the emergency measures taken by the Farm Board to protect the market of

farm commodities at the time of the crash in the stock market. There was no foundation whatever for these charges. The Farm Board, using the authority and means at its command, did nothing more for agricultural marketing than bankers and business men did to meet the emergency in the securities market crash. During October and November there was a stock panic, when probably 50 per cent of the supposed values of industrial stocks was squeezed out. The country has been suffering from the effects of that crash ever since, and to such an extent that wheat and cotton were headed in the same downward direction.

In an effort to prevent any further serious decline in these commodity prices, the Farm Board offered to loan to cooperatives $1.25 a bushel on wheat and 16 cents a pound on cotton with the customary grade, variety, and freight differentials to the various terminal markets. This proved effective for several months, but later when there was a sharp decline in the price of wheat the board, under the terms of the agricultural marketing act, authorized an emergency stabilization operation in wheat. The purpose of the stabilization operation was to take off the market whatever quantity of wheat was necessary to prevent any considerable decline in the price.

In accordance with its announcement last October, the board continued making these loans to the wheat and cotton cooperatives over a period of more than six months, regardless of the fact that during a part of this time the market price was below the loan values. The policy of fixed loan values on cotton and wheat, together with the subsequent stabilization operation in wheat, undoubtedly saved a panic in these commodities which would have cost the farmers of the country many millions of dollars and if this depression had been added to the business depression caused by industrial stock losses might perhaps have cost the country billions of dollars. This action was taken in a national emergency and in the opinion of the board was entirely justified and in the interest of all the people.

I am firmly convinced that these efforts on the part of the Farm Board assisted very materially in preventing a general crisis in the country. This fact alone, in my opinion, has fully justified the passage of the agricultural marketing act. I think it is generally conceded by unbiased parties in the grain trade that if such action had not been taken by the Grain Stabilization Corporation the price of wheat would have dropped to 75 cents per bushel. It is also recognized that the prices of other farm commodities are largely affected by the price of wheat. The Stabilization Corporation may lose some money in the wheat it has bought, but that loss, if any, will not be one-fiftieth as much as the losses would have been to the entire country if a complete collapse of farm prices had occurred.

Another problem of deep concern to the Farm Board is the matter of keeping production in line with the potential demand of the market both as to quantity and quality. As a matter of fact, this is regarded by the Farm Board as one of the first essentials in the success of cooperative effort in agriculture. In this regard, farmers are merely asked to follow the example of their brothers in business who do exactly the same thing. There is nothing new involved in the principle. Industry regulates production to meet demand and sells as the demand will take its product at a profitable price.

The board this year asked farmers to reduce acreage on only two crops—wheat and cotton—and warned them against increased production of a third, tobacco. In the case of wheat the board asked for a 10 per cent reduction, taking the position that wheat growing will not be on a profitable basis in this country until the quantity is brought down somewhere near to domestic requirements. The board is convinced that the American grower will be unable successfully to compete in world markets because producers in the chief competing countries have the advantage of cheap land, cheap labor, and cheap water transportation. So long as America grows its present surplus of wheat the price for the entire crop is determined largely by the world market and the farmer gets very little advantage from the 42-cent tariff. It is the judgment of the board that the only way to make the tariff on wheat effective is by getting production on a domestic basis.

Discussing this subject in a radio speech on April 16, Chairman Legge said:

> Some persons think a way should be found so that the world market would apply only to the surplus production and have the tariff effective on the wheat sold at home. To my mind this is impracticable. * * * All of the consuming countries of the world are watching us closely. I am satisfied that they would take prompt measures to retaliate in the event exporting was done on a basis which they believed to be unfair to their growers, just as we do in this country in such circumstances. Every one of them is trying to encourage production at home with the purpose of getting on a self-sustaining basis so far as possible.

It is a matter of common knowledge that the successful manufacturer does not produce an article blindly but gauges his production always by the demand. It was upon this basis that the Farm Board urged the farmers of the country to begin to study in a systematic way the demand for the products they are producing and try to produce an amount not greatly in excess of the demand. While it is true that the farmer has to deal with the elements and therefore takes risks not assumed by the manufacturer, it is believed that by giving this subject more consideration in the future than he has in the past much progress will be made toward solving his problem.

The Farm Board's wheat-reduction program drew the criticism of Henry Ford, who took the position that instead of producing the quantity that the market will take at fair prices farmers individually should increase their production to the limit, without regard to what his neighbors are doing. But while Mr. Ford was giving this advice to farmers, his own factories were running at only 70 per cent of capacity for the simple reason that Mr. Ford could not see a market for any greater production. If it is good business for Mr. Ford to limit his production to what it appears probable the market would take, why is it also not good business for the American farmer to adjust his production in the same manner? I wonder what Mr. Ford would say if he were asked to divide his business into 6,500,000 separate plants with the understanding that each plant should produce to its full capacity and sell its product to the highest bidder at the factory door? I dare say Mr. Ford would soon be reduced from his position as one of the world's richest men to not only that of the world's poorest but also the world's worst business man. [Applause.]

In urging farmers to pay more attention to production the Farm Board has stressed that they are not being asked to reduce their income by such action but that their return will be greater.

There is widespread misunderstanding of the aims and the program of the Federal Farm Board. This misunderstanding, I regret to say, has been increased by an insidious propaganda fostered by those who apparently are fearful lest the act may prove effective and do for agriculture that which was intended. [Applause.]

Repeatedly the chairman and other members of the Farm Board have announced publicly that they are administering the agricultural marketing act to help agriculture, not to hurt some one else. It is their opinion that the manufacturer and consumer will benefit from the cooperative marketing of farm products. Already most of the flour millers and many of the woolen and cotton manufacturers see a distinct advantage to them in the success of the national cooperative marketing associations set up for these commodities and are on friendly terms with them. The same is true of processors in some of the other commodities, notably livestock.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana may proceed for five additional minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the gentleman from Indiana may be allowed to proceed for five additional minutes. Is there objection?

Mr. ABERNETHY. Mr. Speaker, reserving the right to object, and I shall not object, I have voted every time with the gentleman and his party when they tried to do something for farm relief. I voted with you, but we find farm products going down daily. In all seriousness and without any politics in it at all, I ask the gentleman if he can tell us at what season of the year or what year we may expect to get any benefit from all this relief we were supposed to give the farmer? I would like to have the gentleman enlighten me and also the country. Our folks are dead broke under this Hoover prosperity. I do not know how your folks are situated but that is the situation we are in.

Mr. PURNELL. I shall be glad to answer the gentleman's question. I congratulate him upon the fact that he has followed those of us on this side of the aisle who have been making an honest effort to secure agricultural relief.

I will say to him also that I am trying to point out that this is a forward-looking policy, one that can not be consummated overnight, and that agriculture, our greatest basic and most important industry, can not be put on its feet by rubbing an Aladdin's lamp nor can it be done in a day. I am trying to appeal to the farmers of the country to have patience and bear with the honest efforts which are being made by the President of the United States, the Secretary of Agriculture, and the Farm Board, to put into effect a sound, forward-reaching policy which will ultimately restore American agriculture. [Applause.]

Mr. ABERNETHY. Is it not true that about all we have done for the farmer is to advise him as to how much he shall plant and how much he shall raise of different crops?

Mr. PURNELL. No. If the gentleman will read my speech in the RECORD he will find that I have pointed out the problems which the board has been confronted with and the efforts the board has made up to date to meet those problems. I believe the gentleman will find some of the things I have set out in my remarks interesting and, perhaps, informative.

As might be expected when a program of such vast proportions as this, directed by men of ability with a determination to make it succeed, actually get under way with full steam ahead there was some criticism. For the most part this came from the middlemen who feared that cooperative marketing of agricultural products, which is nothing more than the farmer selling what he grows, would interfere with their business.

Some of the grain exchanges were first to actively take the field against the efforts of the Farm Board to help agriculture organize cooperatively. This spread to other middlemen groups and reached its peak at the annual meeting of the Chamber of Commerce of the United States when on May 1, that organization adopted a resolution which drew the following comment from Chairman Legge:

> The chamber of commerce proposes to make the Farm Board impotent and would sponsor another national conference to adopt some more resolutions of sympathy for agriculture. That action simply confirms what we told the membership of that organization Wednesday—they are for something to help the farmer only until they find out it works. Naturally we had hoped they would support our efforts to aid agriculture, but if they are going to oppose us, we are glad they have come out in the open. It is much easier to deal with an enemy who is squarely against you than one who pretends to be friendly but fights you behind your back. Our client is the farmer and we are going to continue to serve him just as the agricultural marketing act intended we should—for his benefit, not the benefit of some one else.

I heartily concur in this sentiment. [Applause.] Chairman Legge has forcibly stated that which was in the minds of those of us who drafted the bill. I am convinced we can aid agriculture and do no injury to any other industry, and whether we can or not, it is still our duty to help revive this stricken industry.

The SPEAKER pro tempore. The time of the gentleman from Indiana has again expired.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five additional minutes.

Mr. SUMNERS of Texas. Mr. Speaker, reserving the right to object, if it could be arranged, I would like to have five minutes at the conclusion of the gentleman's remarks.

Mr. O'CONNELL. I ask unanimous consent that the gentleman from Indiana may have five additional minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin and the gentleman from New York ask unanimous consent that the gentleman from Indiana may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that at the conclusion of the address of the gentleman from Indiana, the gentleman from Texas [Mr. SUMNERS] may have five minutes to address the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PURNELL. I thank the gentleman from Wisconsin and the gentleman from New York.

At the chamber of commerce meeting it was interesting to note that all of the speakers who demanded the repeal of the agricultural marketing act represented national organizations of commercial and speculative operations banded together for mutual protection, who were attacking the attempt of the Government to assist the farmers in organizing so as to be in position to, in some measure, protect themselves.

I have no doubt that the same interests responsible for the chamber of commerce resolution are also responsible for the other propaganda with which Congress and the Nation have been bombarded. I refer particularly to the efforts which have been made to discredit the agricultural marketing act and the activities of the Farm Board by suggesting that this legislation will raise price levels to consumers of agricultural products. In this connection let me remind you that the main purpose of the act is not to raise prices to the consumers but to give the producer a larger share of the consumers' dollar. In fact the act directly charges the board not to support cooperative organization or stabilization operations to a point that brings on any distress to the consumers. Another reason that consumers need have no fear is that it is not possible to get a monopoly in food products because of the ease and quickness with which producers can get into agricultural production, and, further, because of the always available land inviting the producer wherever there is an opportunity for profit. Therefore, any attempt to arbitrarily raise prices to a level where unreasonable profits are given the producer is sure to bring a flood of production that will defeat the attempt and bring disaster to the producer.

I shall not take the time to recount the efforts of those who have sought to discredit the entire program, but suffice it to say that like every other great righteous movement, this effort to rehabilitate American agriculture has met and will continue to meet seemingly unsurmountable obstacles, many of which have been deliberately planted by those who are afraid the act may work.

Let me remind you in conclusion that this effort to organize the industry which feeds and clothes America is a pioneer movement just begun. [Applause.] In conformity with the expressed purposes of the law, the Federal Farm Board has laid down a forward-looking program which contemplates the cooperative organization of agriculture by commodity groups. By organizing the farmers of any locality into a local cooperative, by uniting these local cooperatives into regional cooperatives, and by the federation of regional cooperatives into a national commodity organization, it is hoped and believed that the farmers of America will be able to survey the demand and emulate their brothers in industry by producing to meet that demand. By so doing they will, in my judgment, maintain a price level that will insure them an adequate return as well as guarantee a fair price to the consumer. [Applause.]

However, if this program is to succeed, it must have, first of all, the sympathetic cooperation of the farmers themselves. The entire program is predicated upon the whole-hearted cooperation of individual producers. To this end I appeal to the farmers of America for support of this agricultural marketing act as well as the program of the Farm Board. I appeal to you Members of this House to explain fully to your constituents the aims and provisions of this act in order that there may be no misunderstanding of its purposes. To those of you who come from consuming centers, let me remind you again that this act does not contemplate an increase in the cost of living, but that it does contemplate an increase in the earning and buying power of the American farmer without whose prosperity industry and labor must suffer.

I am personally familiar with President Hoover's deep concern for the ultimate recovery of American agriculture. I have absolute confidence in the Secretary of Agriculture and the Federal Farm Board upon whom the President is leaning so heavily in this great undertaking. I have faith not only in the act itself but, above all, in the American farmer in whose behalf it was enacted. An industry of this magnitude can not be restored overnight, but I predict that in the very near future we shall see a decided upward trend that will result in the ultimate triumph of America's oldest and most important industry. [Applause.]

IMITATION FRUIT PRODUCTS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include certain excerpts from various papers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, the consumers of fruit preserves, jellies, and jams are now the victims of wholesale frauds from imitation products manufactured and sold as pure products under labels adroitly worded to deceive the purchaser. This fraud and deception in the manufacture and sale of fruit products through either false labeling or sale under deceptive trade names has been brought about by a Federal court decision which nullifies the pure food and drugs act. Deplorable as the fraud upon the consuming public may have been during the past three years, the loss suffered by the fruit growers of the United States is a matter of grave concern to them and to the country.

The only relief that can come to the consumer, the fruit grower, and the honest preserver is through congressional legislation to make effective the pure food and drugs act by establishing standards for fruit preserves, jellies, and jams and honest labeling that will warn and protect the consumer from substandard goods by branding them "imitation."

The census of agriculture taken in 1925, the latest available at this time, shows the importance of fruit growing as a part of farm production. The summary of this census shows that apples are grown on 2,982,226 farms in the United States; that peaches are grown on 1,881,469 farms; that pears are grown on 1,500,075 farms; that plums and prunes are grown on 1,236,416

farms; that grapes are grown on 1,459,218 farms; that oranges are grown on 57,065 farms; that lemons are grown on 15,852 farms; that grapefruit is grown on 21,865 farms; that strawberries are grown on 136,675 farms in the United States.

To be more specific, there are 6,371,640 farms in the United States, of which nearly 3,000,000 are devoted partly or wholly to the production of fruit. The importance of this bill to those engaged in fruit growing is set forth in a letter from the Secretary of Agriculture in which he states:

While we have available no recent statistics on the relative proportions of the various jams and jellylike substances on the American market, we believe that more than half of the total production of these articles is prepared with pectin and excessive sugar, and that fruit content is materially below the department's standards, particularly in the case of jam and preserves.

The deception becomes more apparent as we analyze the pure preserve with the imitation preserve. It requires 53 pounds of fruit to make 100 pounds of pure preserve. It requires only 21 pounds of fruit, if any, to make an imitation product. Let us analyze the pure preserve and imitation preserve further and make a few observations. The elements of cost that enter into a case of twenty-four 1-pound jars are as follows:

	Pure preserve	Imitation preserve
Cost of fruit	$1.33	$0.53
Sugar	.97	.97
Labor	.25	.25
Container	1.10	1.10

For each case of imitation preserves manufactured the grower loses the sale of 80 cents worth of fruit. It means that 60 per cent less fruit is used than should be used in the manufacture of a pure preserve. The consumer is deceived and defrauded by adroit advertising and the fruit grower is deprived of the sale of his fruit.

As early as January 14, 1930, I introduced H. R. 1013 with the view to correcting this injustice to the consuming public, the fruit growers, and the honest preservers of the country. This bill was submitted to the Secretary of Agriculture. The department suggested changes which were made and the bill reintroduced as H. R. 8571. I here insert Secretary Hyde's letter, indicating his approval and pointing out the necessity for this legislation:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 29, 1929.

Hon. DANIEL A. REED,
House of Representatives, Washington, D. C.

DEAR MR. REED: I have your letter of April 26 inclosing copy of H. R. 1013 and asking for an expression of the department's approval of the measure. I understand that since writing it you have conferred with members of the department who have explained the nature of the objections raised to the proposed measure in the department's report of last year to the chairman of the Senate Committee on Agriculture and Forestry. I understand, further, that as a result of these conferences a substantial agreement has been reached between yourself and the department's representatives on a new measure which will, in effect, establish standards for pure preserves, jams and jellies, and definitions for imitation products.

The department believes that such an enactment will afford a degree of protection to the public that is impracticable under the present terms of the food and drugs act. Precedent for the enactment of standards for the purpose of the food and drugs act has been established by the act of March 4, 1923, defining butter and providing a standard therefor (34 Stat. L. 768).

While we have available no recent statistics on the relative proportions of the various jam and jelly like substances on the American market, we believe that more than half of the total production of these articles is prepared with pectin and excessive sugar and that fruit content is materially below the department's standards, particularly in the case of jam and preserves.

It is true that these substandard products in general bear a labeling differentiating them from the standard articles, but the labeling which is now being required under the food and drugs act we have found in many instances does not serve as a complete warning to consumers that these articles are in fact substandard. The sale of these substandard articles we believe to be in general uneconomic. Certainly they reduce materially the amount of fruit which would be consumed if a larger proportion of the products on the market were of standard fruit content.

As a typical example we may cite the case of one manufacturer who is selling a pure preserve retailing for 25 cents per pound. He is also selling a product which would come within the classification of a fruit and pectin preserve in 15¼-ounce containers at the retail rate of 22.6 cents per pound. The latter article contains 55 per cent of pure preserves and 45 per cent of sugar solution with pectin and added acid. Calculating the price of the pure preserve constituent at 13¾ cents, the price asked the consumer for the sugar solution with pectin and acid is 11¼ cents. The food constituent in this sugar sirup with pectin and acid is the sugar itself, which is present to the extent of about 70 per cent. At this rate the consumer is paying for this sugar around 33 cents per pound.

The reason such an exorbitant price is paid by the consumer for this bit of sugar is, of course, the manipulation of that sugar in the factory with the preserve, and also the fact that it is packaged in an expensive glass container. From the consumer's standpoint it would obviously be advantageous to purchase the pure preserve as such and the sugar as such. Looking at the matter from the standpoint of the fruit delivered to the consumer in these two products, we find that in the pure preserve he receives 7.2 ounces, whereas in the fruit and pectin preserve he receives 3.96 ounces of fruit. If consumers really appreciated the economics of this situation it is quite obvious that they would prefer the pure preserve, and it is a fair assumption that they would consume materially more fruit, to the benefit of the fruit-producing industry of the country. The identical situation exists with respect to substandard jellies.

A correction of this uneconomic situation might be accomplished, we believe, by the enactment of this substitute measure discussed by you with the department, establishing definitions and standards for preserve or jam and for jelly and defining all product substandard in fruit, whether they contain pectin or not, as imitation jam, preserve, or jelly. I understand that the details of such a bill are now being worked out, and I see no reason, if these details conform to the suggestions made at the conferences, why the new measure will not be acceptable to the department. The question still remains, of course, as to whether, regardless of the desirability of such a bill, it constitutes emergency legislation such as the Congress was called to consider.

Sincerely yours,

ARTHUR W. HYDE, *Secretary.*

The bill H. R. 8571 contained a definition of corn-sirup preserve, jam, and jelly, which the Committee on Agriculture eliminated.

It is to be assumed that the committee did this without realizing the importance of these definitions to the trade and to the public.

Corn-sirup preserve and jelly have a special use for the bakeries, but are inferior for table use and are not desired in the home.

Without this definition and proper label the bakeries can not purchase what they specifically desire and the consumer will often purchase what he does not desire and can not use.

The National Grange, which has always been an ardent advocate of the pure food law, indorsed this bill, H. R. 8571, in a letter which I here insert:

THE NATIONAL GRANGE,
Washington, D. C., February 18, 1930.

Hon. DANIEL A. REED,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN: I regret that I shall be absent from the city on the date of the hearing with reference to your bill (H. R. 8571) establishing standards for preserved fruits. The Grange is in favor of this bill, and it will be appreciated if you will kindly file this letter in the record of the hearings.

This bill is most important to the growers of fruit. The fruit growers are dependent for a considerable part of their market upon the manufacturers of preserves and jellies. These manufacturers take the surplus of the fruit crops and materially assist in stabilizing the market. For a number of years practices of adulteration and misbranding have crept into the preserving industry and the Department of Agriculture under the pure food law is incapable of preventing the use of substitutes for fruit. The preserving industry can only increase the consumption of jams and jellies, fruits, butters, and marmalades by manufacturing products of high quality. The sale of the low-grade products, deficient in fruit and fruit juices, is tending to decrease the consumption of fruits, and consequently reduces the market of the growers.

The sale of these substandard products under names and labels which permit them to be passed off as genuine preserves and jellies is a fraud upon the public and hurtful to every farmer seeking a larger and more stable market for his fruit crop. Almost every State in the Union produces some fruit which is dependent upon the preserving industry for an outlet. When the market for fresh table fruit is glutted it is upon the preserving industry that the growers depend for relief. Unless consumptiton of preserved fruit products can be increased, the fruit growers will be required to continue taking their annual losses.

We are confident that the enactment of standards such as are contained in this bill will increase the amount of fruit used by the preserving industry and materially expand the market for the increasing acreage devoted to fruit culture.

The National Grange was a staunch supporter of the movement which gave us the pure food and drugs act, and we consider the bill now pending as a necessary supplement to the act.

Yours respectfully,

FRED BRENCKMAN,
Washington Representative.

On February 11, 1930, Chairman HAUGEN, of the Agricultural Committee of the House, introduced H. R. 9760, entitled "A bill to define fruit jams, fruit preserves, fruit jellies, and apple butter to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended."

The bill H. R. 1013 and the bill H. R. 8571, which I introduced and to which I have referred, did not authorize the use of corn sugar.

The bill H. R. 9760, introduced by Chairman HAUGEN, by its provisions authorized the use of corn sugar.

Hearings were had before the Agricultural Committee on the Haugen bill on February 20 and 21, and March 5, 6, 19, and 20, 1930, and that committee reported a new bill, H. R. 11514, which reads as follows:

H. R. 11514

[In the House of Representatives, Seventy-first Congress, second session]

A bill to define preserve, jam, jelly, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended

Be it enacted, etc., That for the purposes of the food and drugs act of June 30, 1906, as amended (U. S. C., title 21, secs. 1–15; U. S. C., Sup. III, title 21, sec. 11a)—

(1) "Preserve" or "jam" shall be understood to mean the clean, sound product possessing definite characteristic flavor of the fruit or fruits used in its preparation, made only by cooking to a pulpy or semisolid consistency properly prepared fresh fruit, cold-pack fruit, canned fruit, or a mixture of two or all of these, with one or more saccharine substances, in the proportion of not less than 45 pounds of such fruit or mixture thereof to each 55 pounds of such saccharine substance or substances, and with or without spice and/or vinegar and/or pectin and/or pectinous preparations and/or harmless organic acids; except that when vinegar or pectin or a pectinous preparation or harmless organic acid is used, the finished preserve or jam shall contain not less than 68 per cent by weight of water-soluble solids derived from the fruit and saccharine substances used in its manufacture.

(2) "Jelly" shall be understood to mean the clean, sound, semisolid, gelatinous product possessing definite characteristic flavor of the fruit or fruits used in its preparation, made only by concentrating to a suitable consistency the strained juice, or the strained water extract, from fresh fruit, from cold-pack fruit, from canned fruit, or from a mixture of two or all of these, with one or more saccharine substances, and with or without pectin and/or pectinous preparations and/or harmless organic acids; except that when pectin or a pectinous preparation or harmless organic acid is used, the finished jelly shall contain not less than 65 per cent by weight of water-soluble solids derived from the fruit and saccharine substances used in its manufacture, and its composition shall correspond to the proportion of not less than 50 pounds of pure fruit juice to each 50 pounds of one or more saccharine substances in the original batch.

(3) "Apple butter" shall be understood to mean the clean, sound product made only by cooking with one or more saccharine substances and/or apple juice, the properly prepared entire edible portion of apples, either fresh, cold-pack, canned, or evaporated, to a homogeneous semisolid consistency, with or without vinegar and/or salt and/or spice and/or harmless organic acids. Apple butter shall contain not less than 43 per cent by weights of water-soluble solids, and shall be prepared in the proportion of not more than 20 pounds of one or more saccharine substances to each 50 pounds of the properly prepared entire edible portion of fresh apples or the equivalent thereof in cold-pack, canned, or evaporated apples.

(4) "Honey preserve," "honey jam," "honey jelly," or "honey apple butter," shall be understood to mean preserve, jam, jelly, or apple butter, respectively, as defined in this act, in the manufacture of which honey is the only saccharine substance used.

(5) "Imitation preserve," "imitation jam," "imitation jelly," or "imitation apple butter," shall be understood to mean food products, except those defined in paragraphs (1) to (4), inclusive, which resemble preserve, jam, jelly, or apple butter, respectively, as defined in this act; except that citrus-fruit marmalade, fruit-pie filling, fruit sauce, and fountain-crushed fruit, labeled and sold as such, shall not be held to be imitation preserve, imitation jam, imitation jelly, or imitation apple butter.

SEC. 2. (a) The term "saccharine substances" as used in this act shall be understood to mean those products having a characteristic sweet taste, having nutritive value, and consisting wholly of the carbohydrates chemically known as sugars or of such sugars together with harmless nonsugar substances commonly occurring with them in their natural production or commercial manufacture.

(b) For the purposes of any provision of section 1, the weight—

(1) Of fruit, in case of the use of cold-pack fruit or canned fruit, shall be the weight of the properly prepared fresh fruit cold-packed or canned.

(2) Of pure fruit juice, shall be the weight of such fruit juice exclusive of added water, added saccharine substances, and other added substances.

(3) Of evaporated apples shall be the actual weight of the evaporated apples together with the weight of the water originally present in the properly prepared fresh apples and lost by evaporation in process of manufacture.

(4) Of saccharine substances, in case of the use of cold-pack fruit or canned fruit, shall include the weight of the added saccharine substances, if any, in such fruit.

SEC. 3. Section 8 of the food and drugs act of June 30, 1906, as amended (U. S. C., title 21, secs. 9, 10), is amended by adding at the end thereof the following paragraphs:

"Fifth. If it be preserve, jam, jelly, apple butter, honey preserve, honey jam, honey jelly, or honey apple butter, and—(1) the fruit or fruits used in its preparation be not plainly and conspicuously named on the label in the order of their predominance by weight, or (2) the saccharine substances used in its preparation be not plainly and conspicuously named on the label in terms of common usage (for example, 'cane sugar,' 'beet sugar,' 'corn sugar,' and so on) and in the order of their predominance by weight, or (3) pectin and/or pectinous preparations and/or harmless organic acids used in its preparation be not plainly and conspicuously named on the label.

"Sixth. If it be imitation preserve, imitation jam, imitation jelly, or imitation apple butter, and it be not plainly and conspicuously labeled 'Imitation preserve,' 'Imitation jam,' 'Imitation jelly,' or 'Imitation apple butter,' as the case may be, or the common names of the ingredients from which it was made be not plainly stated upon the label in the order of their predominance by weight."

SEC. 4. This act shall take effect on the 1st day of November, 1930.

I think it is a fair statement to say, and I am sure that the hearings disclose that the provisions of the Reed bill, H. R. 8571, had the approval of the entire country except the corn-sugar interests and the producers of imitation and substandard products.

The fruit growers throughout the country have given unqualified indorsement to the provisions embodied in the Reed bill, H. R. 8571, and have urged this relief for the past three years. Fruit exchanges and farm cooperatives have asked prompt action on the measure. The honest, legitimate preservers, representing over 80 per cent of the total tonnage of preserves, jellies, and jams manufactured in the United States, are behind the provisions to establish standards for preserves, jellies, and jams.

The following indorsements are only a few, but they indicate clearly the need for relief which only Congress can give;

United States Department of Agriculture.
National Grange.
New York State Farm Bureau Federation.
Florida Citrus Exchange, Tampa, Fla.
Fruit Growers Canning Co., Sturgeon Bay, Wis.
Iowa Fruit Growers' Association, Des Moines, Iowa.
National Preservers Association.
J. F. Thomas, county agent, agricultural and home economics, Waukesha, Wis.
E. R. Root, A. I. Root Co., Medina, Ohio.
Gordon C. Corbaley, American Institute of Food Distribution, New York, N. Y.
Edward P. Gillette, county agent, Suffolk, Pa.
Marcus Blakemore, Lutz & Schramm Co., Pittsburgh, Pa.
Jesse R. Harkness, managing secretary, Centralia Chamber of Commerce, Centralia, Wash.
J. Robert Hall, county agent, Linneus, Mo.
E. T. Marceau, Gold Dust Corporation, New York, N. Y.
H. A. Johns, Welch Grape Juice Co., Westfield, N. Y.
J. H. Boyd, county agricultural agent, Cincinnati, Ohio.
J. S. Richardson, C. S. Kale Canning Co., Everson, Wash.
E. C. Edwards, Za-Rex Co. (Inc.), Boston, Mass.
E. M. Burns, Northwest Canners Association, Portland, Oreg.
W. E. Smucker, J. M. Smucker Co., Orrville, Ohio.
Hart Glass Co., Dunkirk, Ind.
John Pappas, White Gate Products Co., New York, N. Y.
Jos. A. Ford, Ford & Co., Brooklyn, N. Y.
R. D. Bodle, R. D. Bodle Co., Seattle, Wash.
Wilson Rood, Chautauqua and Erie Fruit Growers' Cooperative Association, Westfield, N. Y.
United Grape Products (Inc.), Buffalo, N. Y.
Griggs-Cooper Co., St. Paul, Minn.
American Preserve Co., Philadelphia, Pa.
W. H. Pride & Co., Bellingham, Wash.
H. W. Cleveland, Quaker Maid Co. (Inc.), Brockport, N. Y.

E. H. Wiegand, Oregon State Agricultural College, Corvallis, Oreg.
Oregon Canning Co., Newberg, Oreg.
W. E. Braithwaite, Department of Commerce, Washington, D. C.
North Ontario Packing Co., Los Angeles, Calif.
Anchor Cap & Closure Corporation, New York, N. Y.
National Tea Co., Chicago, Ill.
R. U. Delapenha & Co., New York, N. Y.
Michigan Fruit Growers, Benton Harbor, Mich.
Jos. Middleby, jr. (Inc.), Boston, Mass.
Crescent Products Co., Salt Lake City, Utah.
Whatcom County Fruit and Vegetable Growers, Bellingham, Wash.
The Bama Co., Birmingham, Ala.
Everett Fruit Products Co., Everett, Wash.
Leonard H. Ballif Brokerage Co., Salt Lake City, Utah.
Baker, Kelly & McLaughlin, Salem, Oreg.

I insert here the statement of one of the outstanding chemists of the United States touching the question of the necessity for this legislation:

BRIEF SUBMITTED BY C. P. LATHROP, CHEMIST, CURTICE BROS. CO., ROCHESTER, N. Y., FORMERLY WITH NATIONAL PRESERVERS ASSOCIATION, WASHINGTON, D. C.

Mr. Chairman and gentlemen of the committee:

1. H. R. 8571 is sponsored both by the fruit-preserving industry through their National Preservers Association, which represents over 80 per cent of the tonnage production of the industry, and by all the leading fruit-growers' organizations, fruit growers, and packers throughout the entire United States who grow and supply the large assortment of fruits used by the preserving industry. These fruits are supplied from nearly every State in the Union.

2. One object of this bill is to provide the instrument which the general provisions of the Federal food and drugs act (pure food law) of 1906 have failed to accomplish, to protect this old established $40,000,000 food industry from loss of public confidence and good will in the high quality and character of its products, through the demoralizing activities of a proportionately small group of manufacturers. These, either through lack of manufacturing or merchandising ability, or because of intentional dishonesty for quick profits, resort in many ways, chiefly by reduction in their customary fruit content, to the adulteration and misbranding of the fruit products of our industry, debauch the character, composition, and quality of such products, then so label them as to deceive the purchaser relative to their true character and worth. These adulterated preserves and jelly like products by masquerading as the well-known high-quality products of our industry, meet in competition with and undersell the standard article. This situation forcefully calls to mind the little verse:

There never was a product made,
This truth you must confess,
But what some bird can make it worse,
And sell his junk for less.

The practice of making and selling substandard and even junk preserve and jellylike products as pure standard goods is often engaged in with almost certain impunity. The generally accepted trade customs, practices, and standards, and the conception of them by the food-enforcement officials under the Federal food and drugs act have no standing at the present time in court of law except as they can be established during the trial of each case, at great expense, through trade witnesses. This condition keeps the industry in constant uncertainty and jeopardy. Preserve and jellylike products are sold daily which contain only part of the customary quantity of fruit, are thereby lower in fruit flavor, character, and quality, yet are not clearly labeled to show their inferior character. In consequence our industry suffers in volume of production and sales due to loss of public good will. This reduction both in the fruit content of preserve products sold, and the tonnage produced, eliminates this outlet of fruit for the fruit grower.

3. A second object of this bill is to remedy this curtailed fruit consumption by the preserving industry and to provide a new outlet and greatly increased demand for all the popular flavored fruits, in the form of pure fruit jellies instead of the very few flavors now employed. This is accomplished by recognizing and establishing a definite minimum ratio of pure fruit juice to sugar as the basis of all pure fruit jellies, on the same principle as that found essential for pure preserves and jams. Then fruits riper and richer in fruit flavor and color can and will be used. Higher and more attractive natural fruit-flavored jellies of all the fruits, particularly the most popular, as strawberry, raspberry, cherry, peach, pineapple, as well as those commonly made now, as grape, currant, plum, quince, and apple, will be marketed.

The scientific study of all the old mysteries, problems, and failures of fruit jelly making shows that as nature made each kind of fruit different in taste and flavor, so likewise each kind of fruit is different in the quantity or quality of the essential constituents to make jelly of the required commercial firmness. Furthermore, as the fruit ripens and increases rapidly in the intensity and quality of its flavor and color, it loses quite as rapidly at the same time materially in the quantity and quality of its natural pectin upon which the setting ability and firmness of the jelly depend. Yet the best flavored and quality jellies require the high flavor of fully ripe fruits and the essential quantity and quality of pectin. Both of these are seldom present in any fruit at the same time. Furthermore, many fruits, as the cherry and pineapple, never, and the strawberry, raspberry, and peach rarely, contain sufficient pectin at any time to make a jelly, while the grape, blackberry, and currant very frequently contain sufficient pectin to make jelly only when some of the fruit used is still green or partially ripe and relatively low in fruit flavor.

Unless this natural pectin deficiency in these popular flavored fruits is secured and supplied from some other fruits rich in it, jellies of many of the popular flavored fruits can not be made. In most of the rest the jellies will not be of the highest and best fruit flavor due to the use either of partly green, unripe fruit, or long cooking and concentration of the fruit juice to concentrate sufficient to the essential pectin. In so doing the fruit flavor is largely evaporated, partly destroyed, and altered, the texture becomes gummy, while the fruit salts and sometimes fruit acids become so concentrated as to be decidedly objectionable. Inferior jellies of little public demand are the result.

Without supplying this natural pectin deficiency to the extent required neither best quality jellies in fruit flavor, texture, color, can be made, or jellies uniform in flavor, texture, or fruit-juice content produced, while most of them can not be made at all. Such is the present condition of the jelly industry. Consequently relatively only a small part of the products of the preserving industry consists of pure fruit jellies.

Pure fruit jellies where the natural pectin deficiency is supplied are seldom made because no enforceable standard for a minimum proportion of fruit juice to sugar exists and apparently no such standard could be enforced under existing food laws. Without such legal backing in proportion of pure fruit juice to sugar and degree of water content in the jelly, a constantly increasing proportion of the jelly made would be deficient in fruit juice, and be in reality a mixture of pectin jelly and fruit jelly. This is exactly what has occurred since the jelly industry in this instance lacks the backing and prestige of old-established custom and practice as to the exact minimum quantity of pure fruit juice to sugar and maximum water content. These improvements and progress in the art as the result of more recent scientific discoveries and knowledge are too new a development. They require the dignity and sanctity of specific law to establish them either in contested court cases or economically in the face of price competition with those jellies inferior and lower in fruit-juice content, but not clearly distinguishable before purchase by the label from the standard pure jelly.

4. The provisions in this bill are the product of the experience and knowledge of the preserving industry acquired over a long period of years of practical experience, extensive investigations, and research by the industry itself in its effort to satisfy its customers by furnishing them a uniform, dependable supply throughout the year of fruit preserves, jams, jellies, etc., which possess and exhibit to a high degree the fine natural fresh flavors of the fruits. That degree to which the preserving industry has failed to live up to this knowledge and the provisions in this bill is very largely directly traceable to the absence of protective, enforceable legal standards.

5. The exact wording of the standard for each type of product as written and provided for in this bill has been carefully scrutinized, approved, and indorsed by the executive committee of our association, by the scientific men, plant managers, and executive heads of all the main individual firms in the preserving industry. The fruit growers and fruit packers supplying fruits to the preserving industry see in the provisions of this bill the opportunity to greatly increase their tonnage of fruits. They are therefore very desirous to have Congress assist them by passing this bill.

6. The scientific facts, whose practical commercial application by the preserve industry constitute the basis for most of the provisions in this bill, are abundantly found in the publications by the various bureaus of the United States Department of Agriculture, by many well-known universities and State experiment stations, and in articles and published interviews by persons actively engaged in the preserving industry. Extracts from a few such publications are submitted later.

7. The basic principles on which these standards are written are: (a) Pure standard products to represent a uniform high standard of excellence under practical commercial conditions. They are distinctive products having very definite, uniform properties, characteristics, and appearance for specific uses. Uniformity in their fruit flavor, taste, color, appearance, and spreading properties is very desirable, and quite essential.

(b) Products lower in fruit content, poorer in quality and fruit flavor and characteristics, but supplying a definite demand for certain classes of people. These must be classified and clearly labeled, to readily distinguish them from the higher quality products.

Essentials for pure standard preserved fruit products: (a) To have a definite minimum content of fruit by weight in relation to the sugar used. Forty-five pounds of fruit to each 55 pounds of sugar for jam or preserves, and 50 pounds pure undiluted fruit juice to each 50 pounds of sugar for pure jellies have been proven by long series of experiments and by trade customs and consumer preference to be the

minimum quantity of fruit should be used to produce a first-class article.

(b) To have a soluble solids content between certain fixed limits attained by the proper cooking and concentration of the product. The lower limit is attained and exceeded by a direct concentration through cooking. When the upper limit is exceeded a rapid, material destruction and loss of fruit flavor, color, and attractive appearance results. In the case of some fruits naturally deficient in pectin, to attain the thickened consistency commercially required to make the products usable as spreads, exceeding the upper soluble solids limit with its disastrous results to the fruit flavor and color of the product, due to prolonged high heating and concentration, is avoided by supplying this natural pectin deficiency.

(c) To have the sweetness of the sugar counterbalanced or blended by the proper quantity of fruit acid. Some kinds and varieties of preserving fruits naturally contain sufficient fruit acid for this purpose. Other varieties of the same kind of fruit and some separate kinds of fruit are deficient in fruit acid for this purpose. This deficiency is supplied in purified form from fruits which have it in superabundance as the lemon, grape, and Japanese quince. When such is not done, the fruit preserve and jelly products will be too sweet, so that much of the finest of the fruit flavor will appear to be concealed; thus its value and attractiveness will be wasted and lost.

(d) To have part, but only part, of the sugar changed in the cooking process with the fruit to invert sugar. The fruit acid naturally present in the fruit normally produces this condition. Some fruits as the peach are often so low in acid content as to fail to change part of this sugar. Part of the sugar would granulate out and ruin the commercial value of the product if the fruit acid used to supply its natural deficiency in the fruit were omitted.

(e) To provide sufficient acidity in jellies to enable the pectin both naturally present or otherwise supplied, to function in setting the jelly to the required firmness. If the fruit juice is deficient in acidity for this purpose sufficient fruit acid is used to supply this need.

Purified concentrated pectin from apples and lemons, and pure fruit acids freed from interfering flavors and color are secured from lemons, grapes, and Japanese quince where they are found in abundance. These are excellently employed to supply natural deficiencies in these constituents in the fruits used. In so doing a great improvement in the character and attractiveness of preserves and jellies made from these fruits is produced. Nothing on the other hand can adequately or properly supply or substitute for the fruit flavor, color, or appearance resulting from a deficiency in the quantity of fruit used. The quality or intensity of fruit flavor, color, texture, and appearance in preserves and jellies must come and can only come from using the prescribed quantity as a minimum of good quality, sound, properly prepared fruit.

Varieties of fruits and some kinds of fruits most profitable to grow in some sections of this country because of high fruit yields and resistance to plant diseases seem to be peculiarly adapted to the climatic and soil conditions or fresh market demands. Frequently we find and are dependent upon such fruits for our chief source of supply for the needs of our industry. Yet such fruits would be unsuitable to or partly so for use in the preserving industry although excellent in all other qualities, if their natural deficiencies in fruit and pectin serves as a balance wheel and stabilizer of our manufactured product from commercial sources of supply of the purified substances from fruits particularly rich in them. Thus this commercial source of supply of fruit acid and pectin serves as a balance wheel and stabilizer of our manufactured products and enables growers in some fruit-growing sections to sell their fruits to the preserving industry who otherwise would be deprived of the opportunity.

8. The early passage of this bill is urgently needed by the preserving industry to enable it to continue to supply the public with high-quality preserved food products correctly and truthfully labeled and sold. The published public expressions of a few of the leaders in the industry showing this need are attached at the end of this discussion.

9. The public will benefit from the passage of this bill (a) by receiving protection from the now adulterated and misbranded preserve and jelly products on the market, and (b) by being guaranteed and insured their supply of jellies and preserves more uniformly high quality, better fruit flavor, better texture than they now can depend upon receiving.

10. The task of the food-enforcement officials will be materially lightened by removing the burden and great expense of preparing elaborate cases in court to establish each time the reasonableness and validity of a trade custom and practice covering each point. With the passage of this bill they merely need prove a violation of the standards in this bill, a far simpler and cheaper undertaking. This fact alone guarantees prompt prosecution of violators and will serve as a strong deterrent to many of those now engaged in demoralizing the preserving industry and reducing the consumption of fruit in preserved fruit products labeled and sold as pure standard articles.

11. No appropriation for the enforcement of this bill is required. The personnel and organization long established for the enforcement of the Federal food and drugs act is equipped to do this work without additional cost in connection with their activities in other food industries and products.

12. As in the past our National Preservers Association organization and laboratory as well as those of many individual firms will be employed to uncover violations and bring the facts, together with any further assistance desired by them, direct to the proper food officials.

13. Opposition to this bill, if any, will come from those engaged in the practices this bill is aimed to correct, namely, those who in this industry adulterate its products with excess sugar, and leave out part of the fruit necessary to produce the quality and fruit flavor the purchaser expects and has a right to receive. Yet they label and represent their wares to be the same as the higher-quality products and of higher fruit content than is actually present. Each 7 pounds of excess sugar added requires with it three extra pounds of water, both relatively cheap products compared to most of the preserving fruits. These extra 10-pound units of cheap sugar sirup have no fruit flavor or character. They merely make weight to reduce the cost of the product, and in direct proportion reduce the fruit character and quality of the product.

14. Those preserve and jellylike products deficient in fruit or fruit juice, respectively, for a pure standard article have provided for them in this bill distinctive classifications and methods of labeling according to their composition, character, and appearance to adequately and clearly distinguish them to the public for just what they are.

15. Due to lack of adequate standards the apple-butter industry is in as demoralized and deplorable a condition as that for the commercial manufacture and sale of pure-fruit jellies. This bill will greatly assist in the correction of this condition by establishing a definite minimum quantity of apples and a maximum water content and the prevention of the use of waste molasses, fruit pomace, etc., now used by some firms.

The preserve standards bill provides for statutory standards and definitions for jams, jellies, preserves, and fruit butters which will guarantee to the public the highest quality of product and permit the Department of Agriculture to exercise complete control over labeling. The enactment of this bill will materially raise the quality of preserved fruit products, and the manufacturers of these products are confident that a material increase in consumption will result. The growers of fruits will find a larger market for their produce not only because the standards require more fruit to be used in the manufacture of jams and jellies than are now being used but as a direct result of increased consumption.

At the present time under the existing pure food law there are no legal standards or definitions for these products. The Department of Agriculture has in the form of administrative rulings published definitions and standards, but these administrative rulings are not enforceable, as they merely express the opinion of the department. In the prosecution of a case involving misbranding or adulteration of preserves it is incumbent upon the department to first prove what a pure-fruit preserve is before a product deficient in fruit can be found to be in violation of the law. In a great many cases this requirement makes it almost impossible for the department to successfully prosecute unscrupulous manufacturers. Furthermore, a recent court interpretation of the imitation section of the food law permits the sale of imitation preserves under fanciful names and forms of labeling which do not apprise the purchaser of the fact that the product is an imitation, and thus there are being passed off upon the public, in the guise of pure preserves, imitation products containing very little fruit. The Department of Agriculture admits inability under the present law to correct this growing evil.

The result of the practice of substituting cheaper ingredients for fruit is a loss of confidence in commercial preserved fruits and a reduced consumption. These practices result in fraud upon the public, a restriction of the fruit growers' market, and are hurtful to the many honest manufacturers who maintain a high-quality standard for their products.

There are now upon the market great quantities of the imitation grade of preserves, which are labeled under fanciful names which do not indicate to the purchaser that the product is an imitation preserve, but as it looks like preserves and is generally advertised as such, the dealers are enabled to pass it off upon the public as genuine fruit preserves. This product contains 60 per cent less fruit than is used in the manufacture of the genuine preserves with which it competes. The housewife pays about as much for this imitation product masquerading under a fanciful name as she does for the genuine. It is of low quality and after a few purchases the members of her family have lost their taste for preserves and she discontinues buying all preserved fruit products. This type of product is destructive to the industry and to the fruit growers of the Nation. In each case of two dozen jars of this product the fruit grower loses the sale of approximately 90 cents worth of fruit. This standards bill would require such a product to be plainly labeled as "imitation strawberry preserves." Such a distinction in labeling would prevent this fraud upon the public and give to the genuine article its proper and legitimate place. Until the manufacturers of the imitation article are required to tell the truth the consumption of these fruit products can not be increased. It is a

remarkable fact that the per capita consumption of these products in Great Britain is eight times that of the United States. The fact that the British products are of a uniformly high grade unquestionably accounts for much of this difference in consumption.

The fruit growers of the country, and in fact every farmer growing some fruit for market, are affected by the preserve industry. The preserve manufacturers supply to the growers the most constant and dependable market for fruits. The fresh fruit or table market can absorb but a relatively small part of the production of the growers. In berry-growing sections throughout the country it is the common practice for growers to send their first pickings to the fresh-fruit market and the later pickings to the preserving industry. Without the latter outlet the fresh-fruit markets for table fruit would be glutted and price structures destroyed. The development of the art of cold packing of fruit, wherein fruit and sugar are mixed in barrels and frozen for later use in preserving, brings to the door of the farmer and fruit grower even in the most remote parts of our country a ready and dependable market for these products. Many thousands of acres of established orchards, vineyards, and berry patches are now entirely dependent upon this market. Many thousands of acres ideally suited for fruit culture and of little value for other uses may be put into production if this market is expanded. It can only be expanded by establishing legally enforceable standards which will guarantee the high-quality product which the public will like and eat more of.

This bill has the hearty support of the manufacturers of preserves. These manufacturers, through their national trade association, are petitioning Congress to make the requirements of the pure food law as applied to themselves more strict and more enforceable. As intelligent business men they realize that the future of their industry is dependent upon the quality of their product, upon which in turn public approval is based. The standards and labeling provisions of the bill are approved by the Department of Agriculture, which is charged with the duty of enforcing the pure food law. This bill has the hearty support of the fruit growers of the Nation, scattered in almost every State of the Union, because it will afford them a larger market for their production. The bill must have the approval of the buying public, because it guarantees to the consumer higher quality of product and provides for labeling which will permit the most ignorant and unwary to easily select the grade of product desired.

The American Fruit Grower, the national fruit journal of America, in its issue of March, 1930, voices the imperative need for legislation to correct an evil that is fast destroying the fruit industry:

THE REED-JONES BILL WOULD AID THE COMMERCIAL FRUIT INDUSTRY

No Federal legislation has been proposed in recent years which promises more effective aid to the fruit industry than the preserved fruit standards bill (H. R. 6805), introduced in the House by Congressman DANIEL A. REED of New York State and in the Senate by Senator WESLEY L. JONES of Washington.

This is the opinion of prominent fruit growers and of farm leaders who have given the matter consideration. It is in line with the fight which the dairy organizations and other agricultural groups are making to drive from the market substitutes and imitations which come into direct and highly injurious competition with farm products.

The Reed-Jones bill defines fruit preserves, jams, and jellies, providing standards thereof under the food and drugs act which have been approved by the fruit preserving as well as the fruit-growing industries. All preserves, jellies, and jams that fall below the established standard in fruit content will be classified as imitation products, and shall be deemed misbranded if they are not conspicuously labeled as "imitation" and the name of the ingredients of which they are composed plainly stated upon the label in the order of their predominance by weight in the product.

The outstanding object of this bill is to enlarge the demand for fruits that enter into the composition of jellies, jams, and preserves by replacing the enormous production of imitation preserves, jams, and jellies with a high quality pure fruit product.

Fully 60 per cent of the tonnage of jams, jellies, and preserves now on the market are substandard products, deficient in fruit. These imitation products, packed in containers identically like those used for the pure product, and sold in the stores as pure preserves, jams, and jellies, contain 21 pounds of fruit to the 100 pounds as compared with 53 pounds of fruit contained in 100 pounds of pure preserves, jellies and jams.

The cost of the containers for a case of twenty-four 1-pound jars is $1.10 for both standard pure preserves and imitations sold for preserves. The cost of labor is 25 cents and sugar 97 cents for each. The cost of the fruit, however, in the twenty-four 1-pound jars of standard pure preserves, according to a recent investigation, was found to be $1.33, while the cost of fruit in the 24 jars of the imitation product was 53 cents. This clearly indicates that the difference in cost of the pure and imitation preserves, jams, and jellies is due to the smaller quantity of fruit used in preparing the latter. The entire saving in cost is at the fruit grower's expense.

The fruit grower not only loses a vast market for his fruit because of the substitution of imitation for the pure products, but, owing to the inferior quality, the demand is greatly curtailed. In proof of the assertion that the demand for jellies, jams, and preserves would be greatly enlarged if it were not for the poor quality imitation products flooding the market is the fact that in Great Britain, where imitation products are outlawed, eight times as much jams, jellies and preserves are consumed per capita as in the United States.

This law would prove of inestimable benefit to the raspberry growers of Oregon and Washington; the cherry growers of Michigan, Colorado, New York, and Wisconsin; the strawberry growers of Arkansas, Missouri, Tennessee, Maryland, Virginia, the Carolinas, Oregon, and Washington; the peach and small fruit growers of Michigan, New York, and Georgia; and the fruit industry generally throughout the United States.

In Washington, Oregon, and other States it is the practice for the first picking of berries to be sent to the fresh-fruit market. One-half of the second picking goes to the preservers, and a large part or all of the third picking goes to the preservers. In the commercial strawberry-producing areas the berries are laid down in sugar, then frozen solid, and shipped to large preserving plants. The possibilities for development of the small-fruits industry under this system of preparation and shipment, even in remote areas, if the Reed bill becomes a law, are very great.

The United States Department of Agriculture is strongly supporting the Reed bill. In a letter to Representative REED, Secretary of Agriculture Hyde says the Department of Agriculture believes that enactment of the preserved fruit standards bill will afford a degree of protection to the public that is impracticable under the present terms of the food and drugs act. "While we have no available statistics on the relative proportions of the various jam and jellylike substances on the American market," says Secretary Hyde, "we believe that more than half of the total production of these articles is below the department's standards in fruit content, particularly in the case of jam and preserves. The sale of these substandard articles we believe to be generally uneconomic. Certainly they reduce materially the amount of fruit which would be consumed if a larger proportion of the products on the market were of standard fruit content."

The Reed-Jones bill requiring honest labeling of preserves, jams, and jellies, provides a plan of farm relief which will be effective in enlarging the market for such fruits as peaches, cherries, berries, and grapes. The large preserving companies are said to be waiting only for the enactment of this bill into law before making arrangements to secure larger supplies of fruit, which will enable them to confine their production to the pure products. It is believed that its prompt enactment by Congress this session would prove a very helpful and timely stimulant to the fruit industry the coming season.

A powerful lobby has been at work to prevent consideration of any measure that will interfere with the manufacture of "Imitation Fruit Products" and substandard fruit products. These concerns now have possession of a market that by all the rules of honest merchandising belong to the fruit grower. Every month that Congress delays action on legislation to correct the fraud upon the consumer, the fruit grower and the honest manufacturer, the more firmly entrenched and arrogant will these pirates of unconscionable trade become. Cunning ingenuity has prompted the exploiters of the public to create dissention and discord among those who should be a unit in combating these pirates who pilfer the public.

I have exhausted every effort to have this necessary legislation enacted to stop this wholesale fraud upon the consumer. The delay has already cost the American fruit grower millions of dollars. The honest manufacturer is being driven to the wall and to ultimate ruin. This fight will continue until legislative relief is obtained.

H. R. 11204—BORDER PATROL

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. STRONG of Kansas. Mr. Speaker, under permission to extend my remarks on the above date, I wish to say that on July 1, when the House had under consideration H. R. 11204 "to regulate the entry of persons into the United States and to establish a border patrol," and wet members were opposing the bill, the following colloquy occurred between the gentleman from New York [Mr. DICKSTEIN] and myself:

Mr. DICKSTEIN. I have read the reports, and have examined the law. If gentlemen would read the reports, we would not have such contemptible legislation as this brought on the floor of the House. Every now and then some one picks on the foreigner in the United States of America and I am sick and tired of it. And I think that the American people should be sick and tired of it.

Mr. STRONG of Kansas. Then I suggest the gentleman take a rest.

Mr. DICKSTEIN. The gentleman is a little older man than I, and I think he will have a rest more quickly.

Mr. STRONG of Kansas. But I am not so tired as my friend from New York.

Mr. DICKSTEIN. It is men like the gentleman from Kansas who bring discontent on the people of America.

Mr. STRONG of Kansas. I thank the gentleman.

Mr. DICKSTEIN. It is men like he who represent districts that are narrow-minded and bigoted.

Mr. STRONG of Kansas. I thank the gentleman. They are dry and law-abiding districts.

Mr. DICKSTEIN. I am just as dry as the gentleman is. I never took a drink, but I would be darned if I would turn around and represent bigotry in the Congress of the United States.

Mr. STRONG of Kansas. Oh, don't swear!

Mr. DICKSTEIN. I reserve the remainder of my time.

Seeing that the gentleman was somewhat sensitive, I did not seek to point out that after stating that the people of my district "were narrow-minded and bigoted," the gentleman should have refrained from saying that he also was a "teetotaler," but when the gentleman revised his remarks, lo! and behold! his side of the colloquy had grown over night, and the gentleman's wit and brilliant repartee had so improved that I reproduce it that the world may read:

Mr. DICKSTEIN. I have read the reports, and have examined the law. If gentlemen would read the reports, we would not have such contemptible legislation as this brought on the floor of the House. Every now and then some one picks on the foreigner in the United States of America and I am sick and tired of it. And I think that the American people should be sick and tired of it, too.

Mr. STRONG of Kansas. Then I suggest the gentleman take a rest.

Mr. DICKSTEIN. The gentleman is a little older man than I, and I think he will need a rest more quickly and besides he should get a rest after the next election with many more of his colleagues in the House who have helped the farmer and brought about prosperity in this country.

Mr. STRONG of Kansas. But I am not so tired as my friend from New York.

Mr. DICKSTEIN. It is men like the gentleman from Kansas who bring discontent to the people of America by his failure to understand the American problems outside of his own district.

Mr. STRONG of Kansas. I thank the gentleman.

Mr. DICKSTEIN. It is men like the gentleman from Kansas who represent a district that is narrow-minded and bigoted, if the action of the gentleman from Kansas is to be judged and taken for its face value.

Mr. STRONG of Kansas. I thank the gentleman. They are dry and law-abiding districts.

Mr. DICKSTEIN. I am just as dry; I have never taken a drink, but I wonder if the gentleman from Kansas can say as much for himself. However, I will be darned if I would turn around and represent the sentiments of prejudice and bigotry in the Congress of the United State where we all hope that a fair and square deal is guaranteed us by the Constitution of the United States.

Mr. STRONG of Kansas. Oh, do not swear!

Mr. DICKSTEIN. I am not swearing. But I just want to tell the gentleman from Kansas that there is more purity in the thickly populated districts where immigrants reside than in the community the gentleman represents. There is less crime among the foreign population than some of the native residents in the gentleman's district and the quicker the gentleman will get acquainted with our population in the United States he will feel like many of us feel, that every man, woman, and child has a right to live as long as they are law-abiding, although some of them have not yet become citizens but hope to be, and are really and truly in every sense of the word loyal to their adopted country.

Had the transcript of the colloquy between the gentleman from New York and myself been presented to me I, too, could have proved that the pen may be more eloquent than the tongue.

I regret that one difference between the able and eloquent gentleman from New York and myself is that while I am dry like himself, the fact that he represents a wet district causes him to vote wet, while the fact that I am honored by representing a district whose people believe in and support the Constitution of the United States, makes it possible for me to vote my own convictions.

THE AGRICULTURAL SITUATION

Mr. SUMNERS of Texas. Mr. Speaker, I am not right sure, but I would not be surprised if the speech of my distinguished friend from Indiana put it over again. He has made a big speech, and farmers like big speeches, while the other fellows demand results.

The other day a friend of mine on the Republican side made the statement that the tariff on wheat is responsible for 18 cents increase in its price. If they can get by with that now, it is no wonder that farmers are treated as though they were simple confiding children. I agree with the distinguished gentleman who just addressed the House that we are confronted with a serious situation in so far as agriculture is concerned and in so far as the country is concerned. I agree with him it is the basic business of the country in a very peculiar sense. Then why not deal with it as such? I address myself at this moment particularly to the men and women representing great industrial centers.

The chief difficulty in this country now grows out the fact that through the protective-tariff system we have had a force pump working upon this structure. Our industries are interrelated and interdependent. They make up an entity. If you can visualize it as a tree, you can not fail to note that agriculture in a very definite sense is the root and we are pumping the sap from the root that ought to go to increase the root structure if it is to make the necessary growth and retain the necessary vigor. We are pumping that sap into the superstructure. I believe this as fully and as certainly as I believe anything in the world, and now the superstructure is suffering. The factories are idle.

You will recall that the discussion of the distinguished gentleman who just addressed you has been to the effect that we have enacted legislation the purpose of which is to give the farmer some control over his business, but, as he says, one of the objects of which is to prevent any increase in the price to the consumer. That, then, is a merchandising proposition only with some vague scheme for reducing production.

It is an interesting fact that you may increase wheat 10 or 20 cents a bushel and you will not increase the price of a loaf of bread.

Mr. STRONG of Kansas. Or 50 cents.

Mr. SUMNERS of Texas. I think that is perhaps true. You can increase the price of a pound of cotton 2 cents and you will not increase the price of the shirt 1 cent to a man. But when you cut down the price of wheat from what it ought to be 10 or 15 cents per bushel, or you cut down the price of cotton from what it ought to be a few cents per pound, you paralyze the purchasing power of the great group of people who produce those commodities.

We might just as well meet the question. There is no use trying to fool anybody about this thing even if you can fool the farmers. The people in the cities from whom the farmers must purchase, if the people in the cities are to have work, are interested. When you gentlemen who come from the industrial centers, representing as you ought to your constituents, advocate a protective tariff you know the object of the protective tariff is to make the people pay more for what they buy from the factory than they would otherwise pay. Now, is not that the truth? Is not that the object you are working for? You want your manufacturers to get more money for what they sell than they otherwise would get, and how are you going to get it unless the people pay them for it? You come to the Government and get this tax levied upon consumers and this bounty paid to your producers. You get these wheat farmers to help you on the ground that if they pay you this bounty, if they will pay you more than they otherwise would have to pay you, will make them better customers. Now, when they say to you, "We can not benefit by this 42 cents on wheat—it is a sham, a fraud. Let the Government give us back what the Government forces us to pay and we will make you better customers." In the language of common slang, you give them the "horse laugh."

You want to keep the other fellow out of this market, because if you do not keep him out you think he would sell to these farmers at a lower price than your people can sell for. You talk about the necessity of protecting American manufacture and the American workingman, enabling them to get a higher price in order to take care of the difference between the cost of living of the American workingman and the cheaper cost of living of the European workingman.

Now, let us be fair about this, men. It is a serious situation. Let us not try to duck it or to dodge it.

In fairness and in common honesty, if you are willing to do that, if that ought to be done for the people who come from the great industrial centers, why ought it not to be done for the people who work beneath the sun in the fields of this country. [Applause.] Why ought it not to be done?

If that is a sauce which is good for the goose, why is it not good for the gander? The plan proposed actually is to starve these grain and cotton producers out of production until the exportable surplus which brings back to our balance of trade a billion of dollars annually is gone and these farmers have been

driven into the great centers of population. That policy should rank in statecraft with that of the old doctor whose policy was to throw his patients into fits, because he said he had a remedy which was a sure cure for fits.

We have got to deal with this situation, and it is not far off. You can not fool the American farmer much longer, and you ought not to fool him for a minute. His business is the basic business, and it is the paralysis of his business which is paralyzing industry.

Gentlemen and ladies from the industrial centers, the reason your people are walking the streets to-day unemployed is because the people in the wheat fields and in the cotton fields of this country can not buy your products. [Applause.] That is the truth. That is the plain, ordinary truth, and it is the result of a short-sighted policy. You are killing the goose that lays the golden egg.

Now, what can we do? Let us face it as practical people. Let us put the proposition right on the table. We recognize that the protective-tariff system is established. We recognize that we can not deal now with that problem academically. We are dealing with industries now. We can not deal now academically with the question of whether we ought to have a protective tariff or free trade.

The protective tariff is a tax and a bounty which compels these producers of exportable surpluses to pay more and tariff-protected industries to receive more. It is a tax levied upon these producers, and it is a bounty in which they do not share. Nobody can question that. You are not willing to give up that tax and that bounty.

In view of the fact, what are we to do, what are you willing to do, to give to these farmers? Everybody knows they sell in competition with the cheapest labor in the world, at a price for both the domestic market and abroad fixed in those markets where they have to meet this competition from the cheapest labor living under the lowest standards of living in the world.

I appeal to your sense of justice and to your sense of self-interest. Let us think of it. I appeal to your sense of justice for what is fair to the whole American people. If the American man who works in the factory ought to be protected from the cheapest labor, why should not the American man who works in the field have that protection? Must these farmers be driven by the partiality and injustice of the Government from these farms? Must these surpluses, which constitute our chief element of economic strength and security and which brings to us a billion of dollars annually to our balance of trade, be driven out of existence? Is that the answer of this administration to the challenge of this situation? Is the remedy for fits the only remedy it has?

I am willing to try the debenture plan. That proposes to give back to these producers of exportable surpluses a part of what they are compelled to pay for what they buy under the operation of this protective tariff. Do not go back home and tell your wheat farmers that they are protected, that you have protected the farmers by giving them 42-cent tariff on wheat. You do not want to die with that misstatement on your lips. Do not do it any more.

Let us talk sense in view of the fact that we can not get rid of the tariff even if it were desired to do so. In view of the fact that the grain and cotton producers must meet the cheapest competition, is it fair to tax them to provide a bounty for industry? Of course it is not. How can we do better, then, than to try to give back to the exporters of these surpluses that which the people are compelled to pay toward this bounty from the receipts of that which they sell in competition with the cheapest labor on earth? Let us give it back to them. Let us give back that which we force by the might of government these people to pay; let us give it back to them and give them an equal chance. Let us try it. It is as sound as the protective tariff. We will have to change it, no doubt. How often has the tariff been changed? The present policy of this Government toward these farmers is as unjust and discriminatory as it can be. Of course, they have stood for it, and that is not to their credit. If they will not insist upon justice for themselves it is necessary for others to do them justice in order to escape that penalty which injustice sooner or later inflicts upon those who are responsible for injustice. We are paying that penalty now in idleness and in industrial depression, largely because these farmers can not buy. We have plenty of money in this country. We have plenty of need now for the products of our factories and for the labor of our mechanics; plenty of food and material for clothing. Plenty of everything. It is congestion, paralysis—the lack of circulation. It started with agriculture. Eighty-odd per cent of our agricultural acreage is planted to surplus-producing crops.

It is no wonder they are paralized. They have been bled white and the rest of the economic body is suffering now. There are some laws which God has made which must be respected. Human slavery is wrong. We defied that law. We are paying the penalty yet. The economic slavery of agriculture is wrong. These wheat and cotton farmers sell where they can and they are met by the Government which compels them to hand over to those whom the Government chooses to favor, a part of the price received for the products of their labors. They get no compensatory advantage. That is wrong. Give that which is taken back to them and they will buy the products of your factories. Refuse to do it and they will abandon the farms by the millions as they are doing, and crowd your cities and crowd the people there out of their jobs.

Drive this surplus out of existence, destroy this margin of safety and element of economic strength, reduce the people to a hand-to-mouth supply, as is the deliberate purpose of those in charge of this Government, and you will pay a different sort of penalty. You will pay for as shortsighted a fallacy as ever discredited the statesmanship of our people. I want to preserve these exportable surpluses of agricultural products for our people against the days when the lean years come. I want to keep their produces in the country where in the great crises of nations and of civilization they find their chief element of conservative strength. I want to keep the billions of dollars which these surpluses bring to our balance of trade. Certainly every just person, every patriot, ought to be willing to go as far as justice requires toward making this possible. If anybody can propose a better plan than the debenture, I would welcome it.

DAISY O. DAVIS

Mr. DRANE. Mr. Speaker, I ask unanimous consent for the consideration of the bill (S. 182) for the relief of Daisy O. Davis, on the Speaker's table.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Daisy O. Davis, a former employee in the Treasury Department.

The SPEAKER pro tempore. Is there objection?

Mr. CLARKE of New York. Mr. Speaker, reserving the right to object, I suggest that we should have a full explanation of this lady's injury.

Mr. STAFFORD. Under reservation of objection, I wish to ask an explanation and also to inquire whether a similar bill has been reported from a committee of the House?

Mr. DRANE. Mr. Speaker, this bill has been reported from a committee of the House, as has the Senate bill. If the gentleman will not interrupt me, I shall explain the bill. The report, which I hold in my hand, says:

Daisy O. Davis, a former employee in the United States Treasury Department, Division of Loans and Currency, appointed November, 1919, received injuries to her back September 12, 1923, while in the performance of her duties. Injury was caused by handling heavy volumes which had to be lifted from steel file cases for the purpose of research work. On the date of her injury she was attended by Dr. Herbert H. Schoenfeld and was under observation at frequent intervals for acute back strain, having had her back strapped with adhesive tape and having various X-ray studies. In March, 1925, she was referred to Dr. Curtis Lee Hall for further observation and treatment. An X ray and steel brace were ordered, also repeated adhesive strappings of entire lower back.

The injury was reported to her immediate acting superior on the date of the injury, but no official report was made, as it was not generally known that it was necessary to do so. The following day, September 13, 1923, Miss Davis was unable to report for duty, and having used her sick leave prior to this time on account of tonsil operation, she applied for annual leave. Miss Davis was dropped from the Treasury roll in 1925 on account of reduction of force and disability. She returned to her home in Florida and consulted Dr. Sam R. Scott, of Ocoee, Fla., whose statement reads that she has been and is totally disabled for any active work, and is permanently disabled from said injury to back.

It appears from the records that on November 13, 1925, Miss Davis notified the Employees' Compensation Commission of her injury, and on November 19, 1925, submitted a written claim for compensation. At the same time report was made by the immediate official superior which stated that the injury had not been reported by Miss Davis until April 4, 1925.

Section 17 of the compensation act requires that written notice of an injury must be given to the immediate superior of the employee within one year after the injury and section 20 of the act requires that claim for compensation must be filed with the Compensation Commis-

sion within one year. These provisions are mandatory and the commission had to hold that the claim of Miss Davis was barred.

The chairman of the commission, under date of April 3, 1928, states, however, that "there appears to be no question that Miss Davis was disabled because of a back condition. Whether same was due to an injury as alleged can not be stated by the commission, since, as indicated above, it was not authorized to go into the merits of the case in view of the failure to file claim within the statutory period."

The sole purpose of the bill for her relief, as amended, is to permit Miss Davis to file her claim before the Compensation Commission regardless of the statute of limitations, leaving the question as to whether or not she is entitled to compensation to be determined by the commission.

Then follows the official correspondence.

Mr. STAFFORD. Under the reservation of an objection, I renew my inquiry as to whether this bill has been favorably reported by any committee of the House, and, if so, what number it bears on the Private Calendar, so that Members may be able to locate it and see if there is objection to it.

Mr. DRANE. The bill has never been before the House. It has been before the committee. The chairman of the committee knew that I was going to call the matter up.

Mr. STAFFORD. It is bad practice to take up a Senate bill that has never been regularly considered by a committee of the House. There are many similar bills on the calendar that have not been considered which have been reported by committees of the House, and I necessarily have to object.

TOBACCO-TAX REDUCTION—REVIEW OF ITS HISTORY

Mr. CRADDOCK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. CRADDOCK. Mr. Speaker, ladies and gentlemen of the House of Representatives, since the production of tobacco is one of the most important industries of this country of ours, and especially is it an important industry of my State and district, it is highly proper that I discuss the subject of the history of tobacco and the reasons why the present Federal tax should be lowered on this vitally important agricultural product.

The first time the Old World had knowledge of the existence of tobacco was when Columbus visited the West Indies Islands. He was met when he touched upon the shores of one of these islands by the natives, who were smoking. The natives at that time were smoking tobacco rolled in shucks of Indian corn or maize.

For centuries prior to the adventures of Columbus the Indians of the Western Hemisphere had discovered and utilized the herb called tobacco. At this point, it is very interesting to note the way in which this plant received its name. It is said upon reliable authority that the name of their pipe in which the natives smoked tobacco was "tobago," and from this word, through the medium of the Spanish, we have the name—tobacco. Various tribes of American Indians had different names for this plant. For example, the Carribees called it "cohiba." The Virginia Indians "uppowoc" and the Brazilian "petun." However, regardless of the Indian names, the one used by the Spanish has continued in use for all these centuries.

Tobacco was first introduced, it is said, to the Old World through Spain. That country, as early as 1558, sent a physician, Dr. Francisco Fernandes, to Mexico to investigate the products found there, and upon his return he delivered to his Queen a quantity of the plant. It appears that it met with the approval of the Queen, and other royal persons of the Spanish court. The royal reception it received gave it a permanent place in Spanish life. It is quite possible that tobacco and its use went from Spain to all countries of the mainland of Europe and Asia.

In the American viewpoint it is interesting to know when tobacco was first introduced in England. It seems to be the general opinion that Sir Francis Drake introduced this product to the mother country, which product he obtained from North American Indians in the latter part of the sixteenth century, over 400 years ago. After its introduction into England and the founding of the English colonies in America, the use of tobacco grew by leaps and bounds, and soon it was one of the chief exports from the New World to the Old. It is said that "the Old World discovered and conquered the New, and in turn tobaccco even more completely subjugated the Old." The English colonists came to America to find gold, but instead they found the "golden herb." For a period in the life of the colonies tobacco was used as we use money to-day. With it as a medium of exchange the necessities of life were purchased—and wives as well. It is recorded that the price of a sermon was 350 pounds of tobacco. The importance of the tobacco industry in the colonies grew to such an extent that the colony of Virginia passed a law which provided that every person planting 1 acre of tobacco should also plant 2 acres of corn. Regardless of the importance of the industry the smoking and chewing of this wild herb was fought as an enemy to society.

It is said that the early settlers would not plant other crops near tobacco, as it was thought to be injurious to other plants. Many leaders in England and other countries opposed its use on the ground of morals, and that it was injurious to the health. However, it is true that about the time it was introduced in England a few physicians contended that its use would not injure the user. It is said that some important church leaders issued edicts against its use. It does not seem, however, that the opposition was able to check its rapid spread over England and Europe.

It is well when speaking of the growth of the tobacco industry to stress the important part played in this by Sir Walter Raleigh. This far-seeing and gallant knight of Queen Elizabeth's Court had invested heavily in the settlement of the English colonies. During his stay in his possessions he learned by experience the soothing results of a good smoke, and also of the business possibilities of the New World product. With this information in mind he returned to England, and became one of the first advertisers of tobacco. By being in good graces with the mighty Queen Elizabeth, he was able to carry his message of tobacco to the high and mighty circle. It is said that the Court of England was soon a strong promoter of the tobacco industry. Some historians record that Sir Walter praised the soothing qualities of the herb so highly that Queen Elizabeth dared to try his pipe. The historian further adds that the Queen was slightly indisposed by her experience, but that she soon recovered and asked for the pipe the second time.

The opposition raised against the use of tobacco when the industry was in its infancy was one of the primary reasons why an import duty was levied. The first import duty recorded was imposed by England at the rate of 2 pence per pound. The second import duty which was imposed October 26, 1604, was 6 shillings 10 pence per pound on tobacco from Virginia only. This increase at this time was nearly 4,000 per cent. It is said that this heavy duty nearly ruined the Colonies. The fight that was waged against its use accounts largely for the idea that it is a luxury. In present times we find our Federal Government imposing a tax upon the manufactured product, partly on the grounds that its use is luxurious. But regardless of the moral opposition to the imposed duties, the tobacco industry grew and the money received by its sale was a chief factor in the astonishing commercial rise of the Colonies.

Due to its adaptability to certain soils and the increasing demand by the consumer, the tobacco industry in general has grown rapidly since the colonial days, and this is especially true within the last 20 years. The consumption of all tobacco products has grown to great proportions, but that of cigarettes has far exceeded all others. The demand for cigarettes has grown from 16,000,000,000 in 1915 to 110,000,000,000 in 1930. Most of the tobacco grown in the United States is produced in 19 States, these States producing in 1929 over one billion and a half pounds. The farmers that produced this enormous amount received about $285,169,000, while the Federal Government received in the form of an internal-revenue tax from the same tobacco in a manufactured state the approximate amount of $450,000,000. In other words, the Government received nearly twice as much money as the farmers who produced the commodity. In this connection, it is well to note that the Federal tax is only imposed on manufactured tobacco which is consumed in this country. The following table will show the Federal tax rates on tobacco products which are manufactured and consumed in this country:

Small cigarettes, $3 per thousand or 6 cents per package of 20; large cigarettes, $7.20 per thousand.

Chewing and smoking tobacco, 18 cents per pound.

Snuff, 18 cents per pound.

Cigars, from $2 to $13.50 per thousand, depending upon retail price. (If made to retail at not more than 5 cents each, $2 per thousand; if made to retail at more than 5 cents and not more than 8 cents each, $3 per thousand; if made to retail at more than 8 cents and not more than 15 cents each, $5 per thousand; if made to retail for more than 15 cents and not more than 20 cents each, $10.50 per thousand; if made to retail for more than 20 cents each, $13.50 per thousand.)

The two following tables are brought to your attention to show the percentage of the retail price of home-consumed tobacco products that is received by the Government as a tax:

APPROXIMATE RETAIL PRICES IN 1929

Small cigarettes, 12 to 15 cents per package of 20 (estimated 1929, average 13 cents).

Chewing and smoking tobacco, 75 cents to $1.25 per pound.

Snuff, $1 to $1.50 per pound.

Cigars, $50 to $125 per thousand.

APPROXIMATE FEDERAL TAX PERCENTAGES

Federal tax paid on cigarettes is approximately 45 per cent of retail price.

Federal tax paid on chewing and smoking tobacco is approximately 20 per cent of retail price.

Federal tax paid on snuff is approximately 15 per cent of retail price.

Federal tax paid on cigars is approximately 5 per cent of retail price.

In the tables just given it is noted that the average retail price per package of the more commonly used cigarettes is 13 cents, and that the Federal tax amounted to nearly half—to be exact, 45 per cent. Taking 13 cents as the average price per package of 20 cigarettes, we find that 6 cents goes to the Government as a tax, 3 cents to the manufacturer, 2 cents to the jobber and retailer, and 2 cents to the farmer. The producer of tobacco receives an average of 25 cents per pound for all tobacco used in the manufacture of cigarettes while the Government in taxes receives about $1 per pound. The Federal tax on other manufactured tobacco products is considerably less than that on cigarettes, but it must be realized that the consumption is considerably smaller. The greatest Federal tax has been imposed upon the most widely used manufactured product for the simple reason that more revenue would be derived.

A close study of the tobacco industry, and the Federal tax question as affecting this industry, discloses that the unorganized tobacco farmers are being imposed upon by their Government as well as by other organized interests. The tobacco growers have had, and still have, many enemies, and it seems so unfair for their own Government to add to their troubles. We can safely say that the tobacco industry is and has been one of the greatest agricultural industries of this country, and why, may I ask, should it be taxed any more than the others? The present Federal tax on tobacco was imposed in 1919 and was considered at that time to be a war measure. During this period taxes were imposed on other things, but all such taxes with a few exceptions have long since been removed. The Government must have revenue, I admit, but the distribution should be equitable. The unorganized and defenseless tobacco growers should not bear such an overwhelming burden. The theory of taxation is to make an equitable distribution of the tax burden, but in the case of tobacco, the theory has evidently been discarded, and this fact is most apparent when we understand that tobacco is only grown in 19 States and that the revenue from tobacco amounts to about one-eighth of the total revenue of our Government.

Unquestionably the tobacco industry is being taxed far more than is equitable, and it is high time that Congress was taking such action as will remedy this evil. The present tax rate is too high and should be lowered at least 50 per cent on all tobacco manufactured products. If the tax is reduced, the grower will be immediately benefited, since there can not be any question but that consumption will increase. If consumption is increased, it follows, naturally, that a better price will be received by the producers. The tobacco-tax history for the past 25 or more years, which records increases only, reveals that after each increase in tax there has been a decrease in consumption, and with these facts in mind it is ready to be realized that a tax reduction would result in increased consumption. The tobacco grower has always received a lower price after a tax increase, and he should be given an opportunity to receive a higher price by a tax reduction.

There are pending before Congress at this time several bills, which, if enacted into laws, will bring about a reduction of the tobacco tax. While it is too late to act on any of these this session, early action should be made at the next term. Congress has postponed this matter long enough, and I propose to use every effort toward obtaining a reasonable reduction of this unjust tax. We owe a duty to the tobacco grower and his industry, and in fulfilling this obligation we should carefully study the problems that confront them. We should study the social and economic questions affecting this great industry. A study of this nature is vitally important, since the relation between the producer, consumer, and the Federal Government is greatly misunderstood. If we carefully investigate the tobacco question from the social, economic, and Federal tax viewpoints, there can not be any doubt but that an important change will be made in our attitude toward it. We will reduce the tax, thereby placing several millions of dollars in the pockets of the tobacco growers and consumers. I can safely say that a tax reduction of 50 per cent will place over a half million dollars in the hands of the tobacco growers of my district, which produced in 1929 over 40,000,000 pounds of Burley tobacco. Since a material reduction in the tobacco tax would mean so much to the tobacco producer, it seems to me that we should take appropriate action at our earliest opportunity. We have said that we want to help the farmer, and now is the time to act in behalf of the tobacco growers and all other farmers.

FEDERAL TAXES AND DEBT REDUCTION

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for not exceeding five minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. JONES of Texas. Reserving the right to object, Mr. Speaker, I ask unanimous consent to follow the gentleman from Illinois immediately for five minutes.

Mr. COCHRAN of Missouri. Mr. Speaker, I would like to ask the acting chairman of the Committee on Rules whether any rules reported by the Committee on Rules are going to be called up this afternoon?

Mr. PURNELL. At the present time it is not contemplated to call up any, but if conditions are such as to permit the impeachment resolution may, perhaps, be called up.

Mr. COCHRAN of Missouri. Are you going to call up a rule on the Kelly-Capper bill?

Mr. PURNELL. I have no knowledge and no means of knowing exactly what the program will be, but the rule referred to by the gentleman from Missouri will be called up by the committee if time permits.

Mr. O'CONNOR of New York. The Committee on Rules has reported out several rules.

Mr. CHINDBLOM. Mr. Speaker, I hope this is not being taken out of my time.

Mr. O'CONNOR of New York. A few years ago, as some of the elder Members of the House will remember, Chairman Campbell, of the Committee on Rules, was charged with pocketing a rule and carrying it around in his pocket. In the case of Mr. Campbell, he stayed in this country, but a rumor around here is that the present chairman of the Committee on Rules has some rules that he intends to call up in the House of Commons. [Laughter.]

Mr. GARNER. Does not the gentleman from Michigan [Mr. MICHENER] intend to try to get at least 15 or 20 minutes' time in which to call up the Private Calendar, to make at least a gesture to carry out his leader's promise?

Mr. MICHENER. Every effort will be made to carry out every promise made by the leader.

Mr. GARNER. I do not object to my friend from Illinois [Mr. CHINDBLOM] taking five minutes, and I do not object to another request, that of the gentleman from Texas [Mr. JONES].

Mr. MICHENER. If the gentleman wants to object, that is his privilege.

Mr. GARNER. I do not want to object, but I do insist that the majority leader's promises should be carried out as far as possible. He has promised this House over and over again that he will call up the Private Calendar before this session of Congress adjourns. He should make some attempt to do it. It does not seem as if he was going to do it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. CHINDBLOM] to proceed for five minutes?

Mr. MICHENER. Mr. Speaker, I object.

Mr. O'CONNELL. The gentleman from Michigan does not really intend to object.

Mr. MICHENER. The gentleman from Michigan does not want to be arbitrary, but under the conditions that confront us, while I shall not object to this particular request, I shall object to any further requests of the kind.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, the economic depression of the last few months has been the inevitable result of agricultural and industrial overproduction and the inflation of values by inordinate stock speculation. However, the condition is not peculiar to our country but extends the world over. There is no doubt that, as always happens, the pendulum will swing back—in fact, it is already doing so—and our country will again soon enjoy the unprecedented prosperity which followed the return into power in the National Government of the Republican Party in 1921. In the midst of this extraordinary expansion for seven or eight years and the temporary setback of the last seven or eight months, we are likely to forget the fundamental contribution to our national welfare, by the retrenchment of Federal expenditures and the reduction of Federal taxes, of Republican administrations during their present continued tenure of office. [Applause.]

TOTAL FEDERAL TAX REDUCTION

Republican Congresses enacted the revenue acts of 1921, 1924, 1926, and 1928, and passed the tax reduction act of 1929. It would be difficult to determine the total reductions effected by these measures. For instance, the reductions of the act of 1921 have continued, in large measure, every year since that act became a law. So have also the reductions of the subsequent acts of 1924, 1926, and 1928. However, considering only the effect of the reductions of each of these acts during the first year of its operation, the totals reach the following stupendous figures:

Under the revenue act of 1921	$663,000,000
Under the revenue act of 1924	519,000,000
Under the revenue act of 1926	422,000,000
Under the revenue act of 1928	222,000,000
Under the tax reduction act of 1929	160,000,000
Total	1,986,000,000

It will thus be seen that, considering only the first year of the operation of each of these laws, the total savings to the taxpayers of the country have been approximately $2,000,000,000. These figures comprise reductions due not only to changes in income-tax rates but to all other changes in the several acts, including other internal-revenue taxes, such as stamp taxes, taxes on admissions and dues, excise taxes on automobiles and other products, and so forth. Some details of these reductions are stated herewith.

1921 REVENUE ACT

The revenue act of 1921 increased the exemption for married individuals or heads of families with income under $5,000 from $2,000 to $2,500 and increased the credit for each dependent from $200 to $400, effective in 1921.

It reduced the maximum surtax rates on individual incomes from 65 per cent to 50 per cent, effective for 1922, thus lowering the maximum tax rate—normal and surtax—from 73 to 58 per cent.

It permitted the taxpayer to elect a tax rate of 12½ per cent on capital net gains instead of the normal and surtax rates, effective for 1922.

It repealed the excess-profits tax as applied to corporations, effective for 1922, but as an offset the normal rate on corporation incomes was increased from 10 to 12½ per cent.

1924 REVENUE ACT

The revenue act of 1924, which became effective for the calendar year 1924, allowed all married individuals or heads of families $2,500 credit, without regard to amount of annual income.

It reduced and changed normal rates of individual incomes from 4 and 8 per cent to 2, 4, and 6 per cent, and reduced the maximum surtax rates from 50 to 40 per cent, thus lowering the maximum tax rate—normal and surtax—from 58 to 46 per cent.

It gave a 25 per cent credit against the tax on earned incomes up to a maximum of $10,000 income.

It further gave a 25 per cent reduction, credit, or abatement of income taxes paid by, or due from, individuals for the year 1923 under the revenue act of 1921.

1926 REVENUE ACT

The revenue act of 1926, which became effective for the calendar year 1925, increased exemptions for married individuals or heads of families from $2,500 to $3,500 and the exemptions of single persons from $1,000 to $1,500.

It reduced the normal rates on individual incomes from 2, 4, and 6 per cent to 1½, 3, and 5 per cent, and reduced the maximum surtax rates from 40 to 20 per cent, thus lowering the maximum tax rate—normal and surtax—from 46 to 25 per cent.

It increased the amount of income, which could be considered as earned income, from $10,000 to $20,000.

It repealed the capital stock tax on corporations, effective for 1926, but as an offset increased the rates on corporation incomes from 12½ to 13 per cent, effective for 1925, and to 13½ per cent, effective for 1926.

1928 REVENUE ACT

The revenue act of 1928, effective for the calendar year 1928, increased the income which could be considered earned from $20,000 to $30,000.

It reduced the tax rate on corporation income from 13½ to 12 per cent.

TAX REDUCTION ACT OF 1929

The joint resolution of 1929, effective for the calendar year 1929, reduced the normal rates on individual incomes for the calendar year 1929, payable in 1930, from 1½, 3, and 5 per cent to ½, 2, and 4 per cent.

It permanently reduced the corporation tax from 12 to 11 per cent.

FUTURE TAX REDUCTION

Whether the temporary reduction of the normal rates on individual incomes for the year 1929 can be granted for such incomes for 1930 or made permanent for future years, in whole or in part, will be contingent upon the future condition of the Treasury, which in turn will depend upon the expenditures and commitments authorized by Congress. "Eternal vigilance" is the price not only of "liberty," but also of economy and reasonable taxation. Fortunately for the country, President Hoover, with the cooperation of his department heads, notably Secretary of the Treasury Mellon, is bending his energies toward the maintenance of the present reduced Federal income-tax rates, with the hope of even further relief to the taxpayers of the Nation. In achieving that purpose, the President and the Congress may disappoint some groups of special beneficiaries of Federal expenditures, but the entire country will profit and the return of universal prosperity will be assured by strict adherence to that policy.

REDUCTION OF THE PUBLIC DEBT

It is noteworthy that while this marvelous tax-reduction program has been carried out by Republican administrations, the efficiency and usefulness of the Federal Government have been enhanced to serve the welfare of the people not only by improved policies and methods in the performance of official duty, but also by enlarged appropriations and allotments of funds out of the Federal Treasury. No necessary or valuable activity has suffered for want of proper means and support. In addition, the public debt of the National Government has been enormously diminished. Even during the last two years of the Democratic Wilson administration, the Republican Sixty-sixth Congress (1919–1921) forced the retrenchment of expenditures and reduction of establishments below the war-time levels, so as to make possible the lowering of the national debt, during those two years, by the sum of $2,129,424,000, below the peak of the debt, which on August 31, 1919, reached the prodigious sum of $26,596,701,000.

On March 4, 1921, when the Republican Party returned to power in both the executive and legislative branches, the total of the national debt amounted to $24,467,277,000. On July 1, 1930, after nine and a quarter years of Republican rule, this sum had been reduced to $16,185,309,000, a total debt reduction during this period of the vast sum of $8,281,968,100. No nation has equaled this achievement; no political party has surpassed this record. No people ever recovered so speedily and completely from a stupendous calamity as did our country from the ravages and losses of the World War. The people themselves made this accomplishment possible through their industry, patience, and patriotism, but their willingness to labor and forbear required guidance and direction and these indispensable requisites were supplied by the administration in power. [Applause.]

Mr. Speaker, I yield back the balance of my time.

FARM PRICES AND FREIGHT RATES

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JONES of Texas. Mr. Speaker and Members of the House, we might just as well face the actual conditions. On the third page of the United States Daily there is an article with the following headline.

Farm products at lowest level in eight years. Index of prices June 15 was 12 points below 1920—

And so forth.

On the first page of the same publication the Department of Agriculture, on July 2, is quoted as saying:

World wheat prices for the next seven years, possibly, will average lower than during the last seven years, and extensive adjustments must be made if production is to be profitable.

The date of this paper is July 3.

If these are the facts, it is a dark picture for agriculture. I hope the future may be better than these estimates would indicate. I have no criticism to offer of the Farm Board. I wish them every success. It is composed of men of ability. I am not seeking any political advantage here. As my colleague from Texas expressed it, it is a situation that we must face and face seriously.

I think the Farm Board has done the best it could under the circumstances, with the tools it has. The measure under which they are acting does not go to the heart of the problem. No marketing system, however perfect, can remove discriminations that now exist in our economic system. Farm-loan banks now

own many millions of dollars in farms which they have taken over. The joint-stock land banks own many millions in property which the farmers could not pay for. There are delinquencies. Those are the facts. There are reasons for those facts. There is a reason for that condition. Flowers have been placed upon the graves and soft music played over the graves of the economic hopes of many of those who have been endeavoring to make a living tilling the soil. There is a reason for this condition.

It was suggested some time ago that the tariff had something to do with the condition. I think it has. I am not going into the merits of the tariff, but there are certain farm products that are produced in surplus quantities that can not get the advantage of the tariff. Yet, they must carry their portion of its burdens. There is one other thing. The reason for the situation of the farmer is the special favors that certain groups have received. The tariff, no matter how wisely it may be drawn, will operate that way with reference to certain things. It may be wise or unwise. I shall not go into the merits of that. Another thing. Advice is given by the Farm Board and by the Department of Agriculture to reduce surplus crops to the point of domestic needs. Industry is not advised in that manner. Industry, instead of reducing its production to domestic needs, and I do not advocate that, has gone to the Interstate Commerce Commission and secured reduced rates for exports. When the United States Steel Co. and others producing iron and steel ship their steel abroad they get about a 30 or 40 per cent reduction in freight rates to the ports of exportation. If farm implements are shipped from Moline, Ill., to New Orleans, La., for use by Louisiana and Texas farmers, they pay 73 cents per 100 pounds freight rate. If it is going to foreign countries, they pay 41 cents per 100 pounds.

Mr. RAMSEYER. Will the gentleman yield for a question?

Mr. JONES of Texas. I will.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas be given two additional minutes.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. RAMSEYER. The gentleman on previous occasions has stated that same proposition.

Mr. JONES of Texas. Yes; and I have heretofore put many instances of that in the RECORD.

Mr. RAMSEYER. Has the gentleman the number of instances where industry has gone to the Interstate Commerce Commission and had their freight rates reduced in order to aid them to export their products? I think that is a serious charge. There must be some truth in it. I do not think that gentleman would make the charge without some basis in fact, but, I think we should know of specific instances of such action by the Interstate Commerce Commission.

Mr. JONES of Texas. I placed in the RECORD last year a great many instances. On June 7 and June 8, 1929, I listed many such reductions. I have a great many additional instances that I expect to place in the RECORD in due time.

Mr. RAMSEYER. I should like to have those instances, and I will take them up with the Interstate Commerce Commission myself.

Mr. JONES of Texas. My information as to rates was furnished by the Interstate Commerce Commission. I have also written to the Farm Board and told them about it. Speaking of the gentleman's objection to the debenture plan, it may not be an ideal remedy, but, the system of reduced freight rates operates just as surely as a premium. These reductions are allowed on iron, steel, farm implements, fertilizer, cement, and many other articles.

Mr. RAMSEYER. But I want the facts.

Mr. JONES of Texas. I have given the gentleman the facts, and I placed those facts in the CONGRESSIONAL RECORD. I have not time to repeat all those rates here, but I placed them in the RECORD last June. I hope the gentleman will read them.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. MOORE of Virginia. I can refer the gentleman to a great many cases where that question was presented to the Interstate Commerce Commission, in which the commission reached the conclusion that lower rates for export were justified in comparison with the higher domestic rates.

The SPEAKER pro tempore. The time of the gentleman from Texas has again expired.

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent to proceed for three additional minutes.

Mr. MOUSER. Reserving the right to object, it seems to me that the debenture question has been settled so far as this Congress is concerned.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas to proceed for three additional minutes?

There was no objection.

Mr. HOPE. Will the gentleman yield for a question?

Mr. JONES of Texas. No; I would rather not. I only have a few minutes.

I have given some instances. When steel is shipped from Chicago to San Francisco for export it pays 40 cents per 100 pounds. If it is to be used in California, it pays $1 per 100 pounds. When cement is shipped from St. Louis to Galveston for export the rate is only one-half of what it is for domestic use. There were a few temporary reductions made on wheat from the terminal centers last summer. Some substantial reductions were made from Wichita and Kansas City down to the Gulf ports; but from the production centers there were no substantial reductions made. Wheat from Panhandle points in my State to Gulf ports was temporarily reduced from 32 cents per 100 pounds to 29 cents per 100 pounds, but this was wholly insufficient. In order to get the reduction that was made from Kansas City, it was necessary to ship our wheat from the production center through the terminal points, and thus pay practically as much freight as if it were shipped direct.

That was only a temporary reduction. There never was any kind of a reduction made for cotton. It seems to me it would be very important for this Farm Board—and I am making this as a suggestion—to file with the Interstate Commerce Commission an application in favor of reduced freight rates on wheat and cotton, that from the production centers of those commodities the same proportionate reduction be allowed to the ports of export that is allowed for the major production of steel, iron, cement, fertilizer, farm products, and automobiles. They all have that reduction. If it is unsound to grant that premium to agriculture why is it not unsound for industry? If it is sound for industry—and it may be—why is it not sound for agriculture?

I wish the Farm Board would go into something that strikes at the heart of this problem, and I wish they would file with the Interstate Commerce Commission an application for a reduction from the production centers of wheat and cotton, at least, to the ports of export similar to the reduction granted to the products of industry. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has again expired.

EXTENSION OF REMARKS

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, first, upon economic conditions and, second, upon the record of the present national administration.

The SPEAKER pro tempore. The gentleman's own remarks?

Mr. LOZIER. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. RAMSEYER. Mr. Speaker, reserving the right to object, I am wondering whether it is contemplated before we adjourn this session that one of the leaders will ask unanimous consent to give all Members the right to extend their own remarks in the RECORD up until the last RECORD is printed?

Mr. O'CONNELL. Will the gentleman make that request right now? If he will, it will save a lot of time.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent that all Members may have unanimous consent to extend their own remarks in the RECORD up until the last RECORD of the session is published.

Mr. ALMON. Mr. Speaker, reserving the right to object, the membership will have no means of knowing when the last issue will be printed. For that reason I suggest to the gentleman to make it 10 days from the time the Congress adjourns.

Mr. RAMSEYER. I will say to the gentleman that the RECORD printed after the Congress adjourns will have printed on it in heavy black type just when the last issue will be printed.

The SPEAKER pro tempore. Is there objection?

Mr. MICHENER. Mr. Speaker, reserving the right to object, that request is always made, and it was contemplated it would be made after the resolution for adjournment passed. However, I have no objection to the gentleman making the request now.

The SPEAKER pro tempore. Is there objection?

Mr. CROWTHER. Mr. Speaker, reserving the right to object, and I shall not object, I call attention to the fact that when Members of the House are permitted to extend their remarks in the RECORD that very often they say they are their own remarks; but they are not very particular in printing only their own remarks, so that many times we find voluminous

matters extended in the RECORD, excerpts from speeches, editorials, and one thing and another. I have always been of the opinion that nothing should appear in the CONGRESSIONAL RECORD except that which was said on the floor, and I feel we should adhere to that rule.

Mr. ABERNETHY. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. ABERNETHY. The gentleman secured permission the other day to extend something about Alexander Hamilton, and I feel the gentleman should be the last one to object to such a request as this.

Mr. CROWTHER. I said I was not going to object, but I do think that when Members ask permission to extend their own remarks they should refrain from putting in excerpts from speeches, editorials, passages out of books, and things of that kind. They ought to be more careful and be sure they print only their own remarks.

The regular order was demanded.

Mr. O'CONNELL. The request of the gentleman from Iowa was that the Members should only extend their own remarks.

The SPEAKER pro tempore. The regular order is demanded. Is there objection to the request of the gentleman from Iowa?

Mr. LOZIER. I object.

PROCEDURE IN IMPEACHMENT CASES

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules, I call up House Concurrent Resolution No 41, providing for the creation of a joint committee to study procedure in impeachment cases.

The SPEAKER pro tempore. The gentleman from Michigan calls up a resolution which the Clerk will report.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there is hereby created a joint committee to be composed of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The committee is authorized and directed to make a study of the procedure followed by the House of Representatives, and by the Senate, in the exercise of their respective functions in impeachment cases, with a view to determining whether such procedure may be improved. The committee may sit at such times and places as it deems advisable, and shall report its findings to the Congress, including in such report such recommendations as it may deem advisable. Upon the filing of such report the committee shall cease to exist.

Mr. MICHENER. Mr. Speaker, this resolution provides for the appointment of a joint committee consisting of six persons, three Members of the House and three Members of the Senate, to be appointed by the Speaker of the House and the President of the Senate, respectively. The purpose of the committee is to study the procedure of impeachment as now conducted in the House and in the Senate. The committee has no other function or duty, and is to report to the House and the Senate after the study is completed.

The resolution carries no appropriation. It simply grants authority to make this study.

The original resolution was introduced by the gentleman from Texas [Mr. SUMNERS], and I shall yield to him, if he desires time.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. MICHENER. I yield five minutes to the gentleman from New York [Mr. O'CONNOR], a member of the Rules Committee.

Mr. O'CONNOR of New York. Mr. Speaker and Members of the House, this resolution, in my opinion, is deserving of favorable consideration.

Without attempting to trespass upon the explanation to be made by the gentleman from Texas [Mr. SUMNERS], who is exceptionally familiar with this subject, the present impeachment procedure is so cumbersome that Members fear to go to the extreme of impeaching a judge, for instance. Committees also hesitate to go into the cumbersome procedure of impeachment, and so it often happens that instead of impeaching, a Member files charges in the House. Those are referred to the Judiciary Committee. With the multiplication of Federal judges—and there will be about a dozen added this year—the basis for charges for wrongdoing will be more frequent, and there is a pressing need for some simpler method of considering such charges.

Within the past year a Member of the New York delegation in Congress had presented to him by his constituents certain serious charges against a Federal judge in the eastern district of New York. The charges were sufficiently serious to impress the Member with his obligation to submit them to the House, but he hesitated, as cautious Members will, to take the responsibility of standing on the floor and impeaching this judge. One of several reasons which impelled him to take the milder method was that he knew that the Congress is reluctant to engage upon an extraordinary impeachment proceeding unless some great scandal impels it. So the Member from New York filed the charges, and they were referred to the Committee on the Judiciary. That committee then called upon the Member for the proof. He thereupon had to go to the trouble and expense of furnishing substantiation of the charges. Not being an attorney himself, he was compelled to engage his own attorney. When I say he "had" to hire his own attorney, I mean he felt that was the only way he could properly present the charges. Although a Member of this House, he was also compelled, in his judgment, to employ his own investigators to collect proof of the charges so the committee might determine whether impeachment proceedings should be lodged against the judge.

Mr. MICHENER. Will the gentleman yield there?

Mr. O'CONNOR of New York. Yes.

Mr. MICHENER. As a matter of fact, the investigators were furnished by the committee and given to the gentleman from New York, and they made the investigation under his direction.

Mr. O'CONNOR of New York. I understand, however, that he found it necessary to engage his own investigators as well as his own lawyer to properly investigate and present the charges to the committee. In this way he incurred on his own account an expense of thousands of dollars, all of which he incurred in good faith and in the performance of what he considered his sworn duty.

So serious were his charges presented and proved and so justified was the position the Member had taken that the Judiciary Committee, while it did not impeach this judge, possibly because it was too much trouble to proceed under our present impeachment procedure, came in with a report severely censuring the judge. So severe was that censure that many people thought the judge would feel constrained to resign his honorable position, but he did not resign and he still sits on the bench. Although this Member of Congress, in good faith, with a basis for the charges, which were at least in part substantiated, expended thousands of dollars, so far no method has been found and no opportunity afforded for reimbursing him one dollar of that expense.

Mr. RAMSEYER. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. RAMSEYER. Do I understand that the Committee on the Judiciary investigated the conduct of this judge with the idea of preferring impeachment charges and then made a report to the House merely reprimanding the judge?

Mr. O'CONNOR of New York. They censured him quite severely.

Mr. RAMSEYER. Is that within the power of the committee? Is it within the jurisdiction of the committee to censure judges or censure any other official?

Mr. O'CONNOR of New York. I do not know about that. They certainly did it in this particular case.

I am not talking to get any money for this Member. He did not know I was going to talk on the subject. I am just calling it to the attention of the House as an instance that there is something wrong with this cumbersome impeachment proceeding, and that it should be simplified so that when any of these judges, the number of which we are constantly increasing, does anything wrong—and we know that in any herd of sheep there is always one or more black ones—we can go after him and yank him out of his judicial robe.

Mr. RAMSEYER. The gentleman is in favor of this resolution so that the judges may be impeached rather than censured?

Mr. O'CONNOR of New York. Yes; so it may be a simpler matter to impeach a judge rather than going through the cumbersome procedure we now have with the expensive preliminary.

Mr. RAMSEYER. It is now simpler to censure them than to impeach them.

Mr. O'CONNOR of New York. Yes; they now give the judge a slap on the wrist, because impeachment is too much trouble.

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker, all students of the American system of impeachment must agree that the procedure is ridiculous and that a study of that procedure should disclose how it may be improved.

It is not probable that within our day, except in rare instances, impeachment charges will be preferred against other than some member of the judiciary. This is not due to the fact that the members of the judiciary deserve being ousted from office any more than the rest of us. Impeachment is the only method by which a Federal judge may be ousted. All other officials are subject to removal by other methods. We, of course, as Members of Congress, are not subject to the power of impeachment, but we are subject to the power of removal by our colleagues

and we are subject to the power of removal by our own constituents every two years. The result of all this is that as a practical proposition the power and the procedure may be considered chiefly as they are related to the Federal judiciary.

There are two duties which we owe—one is to protect the judge against powerful influences and against disgruntled litigants seeking revenge, and the other to protect the people against a tyrannical, corrupt, or grossly incompetent judge.

The system of procedure we have now is the system as it had developed 200 years ago when impeachment was a criminal proceeding, and it was possible, following a judgment of conviction—and it was a real criminal trial—to confiscate the property of the person convicted and to execute him.

When we incorporated the power of impeachment in our constitutional system we withheld from the Senate the power to punish for crime, but we continued the old procedure which obtained at the time when judgment could extend to the confiscation of property and execution. Thus we have a situation where the consequences of judgment are limited to ouster with the possibility of a judgment also in bar, issues which properly and usually are assigned to the civil courts, being tried by the Senate proceeding under a procedure which is applied only in criminal cases. Of course, each of the Houses function in regard to impeachment as a separate unity and not as a part of legislation. In the beginning this was not important, though always absurd, but it is of the highest importance now. With the rapid increase of Federal officials who can be removed only by impeachment and the increase of the legislative and other duties of the Senate, to have a procedure which requires the entire Senate to suspend all other business while each witness testifies in person presents a practical situation which must be remedied.

I have considered this for some time, and this is the best plan I can devise for study of the question. Most of the procedure is in the Senate. If you will appoint three Members from the House and three from the Senate, they can study this question together. When they shall have concluded their study and determined on their recommendation, the Members from the House will report to the House and the Members of the Senate will report to the Senate. Whatever is done in either House can not bind the other, of course, but there should be, if possible, an agreement by each House with the procedure of the other.

It seems that this need is so urgent and what is suggested is so simple that I would not be justified in taking more of your time. [Applause.]

Mr. RAMSEYER. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. RAMSEYER. This is to study the simplification of procedure. Does the gentleman think the procedure could be simplified as far as the House is concerned?

Mr. SUMNERS of Texas. It can be improved, both for the protection of the public official and the people.

Mr. RAMSEYER. It now goes to the Judiciary Committee and the House has to act.

Mr. SUMNERS of Texas. The procedure in the House can be improved. The main part of the procedure is in the Senate. Great improvement could be effected there. I am certain that a study will convince everybody that with us impeachment is a civil and not a criminal action. I am sure I should not go further in this connection than to indicate by that opinion what may be done toward modifying and improving our procedure.

Mr. RAMSEYER. That is the main problem in the Senate.

Mr. SUMNERS of Texas. Yes.

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Speaker and gentlemen, I am heartily in favor of the resolution before the House, and I appreciate the time and thought of the gentleman from Texas [Mr. SUMNERS] has given to this matter.

Mr. Speaker, I ask unanimous consent to proceed out of order for the balance of my time.

The SPEAKER. Is there objection?

There was no objection.

Mr. DALLINGER. I desire, however, to reply very briefly to something that was said earlier this afternoon by the same gentleman from Texas [Mr. SUMNERS], on the subject of the debenture. The gentleman looked at me and some other Members that come from industrial districts and said: "You gentlemen ought to come around and favor the debenture and thus do something for the relief of agriculture and do justice to the farmer," or words to that effect.

I want to say to him that no Member of this House is more anxious to see the farmers of the country obtain a fair return for their labor than I do. I believe that, under the agricultural relief measure that was enacted by this Congress at its first session, that result is going to be ultimately attained without raising unduly the price of agricultural commodities to the consumer.

The gentleman from Texas also had something to say about the protective tariff. I desire, however, to call the attention of the House, and particularly the gentleman from Texas, to the fact that tariff duties would be of no avail to the manufacturers of the country if they overproduced the commodities that they manufacture. They have learned by experience by cooperation through their manufacturers' associations to limit their production, and thus to secure prices for their goods which will yield a reasonable return upon their capital investment. And that is precisely what the agricultural relief measure passed by this Congress is trying to do for the farmer.

The trouble with the debenture, which is really an export bounty so far as it is effective at all, is that it encourages overproduction which is the inevitable cause of prices which will not yield an adequate return. That is the reason that I am opposed to it.

Mr. JOHNSON of Texas. Is not the tariff in the nature of a bounty?

Mr. DALLINGER. The tariff is a method of raising the Nation's revenue, which, incidentally, protects the American producer and makes possible the maintenance of the American standard of living. But it would be of no use to the manufacturer if he did not curtail his production. If manufacturers of shoes who, I am glad to say, are now going to be benefited by a small tariff duty, produce more shoes than the community can consume at a price which will yield some profit, however small, the tariff will be of no benefit. The same is true of agriculture. If this farm-relief legislation which we have passed, and under which we are trying to get the farmers to cooperate, results, as we have every reason to expect, in their curtailing production and doing away with unnecessary middlemen, they will be able to get a fair price for their products.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. SUMNERS of Texas. If we do reduce our production of cotton and grain to American consumption, we cut off from this country over a billion dollars in its balance of trade. The surplus cotton and grain bring back $1,000,000,000 to this country in balance of trade.

Mr. DALLINGER. The gentleman is mistaken in supposing that I would limit production entirely to domestic consumption.

Mr. SUMNERS of Texas. Does not the gentleman think that is a valuable thing to conserve?

Mr. DALLINGER. I do not think it is of value to the country to have too large a surplus. The American market is the best market for the American farmer and the American manufacturer, and if by cooperation, the American farmers in the production of grain can do what the fruit growers have done in some parts of the country, they can so regulate their production and perfect their methods of distribution that they can get a fair price for their commodities, and at the same time the consumer will not necessarily be obliged to pay any larger price.

Mr. SUMNERS of Texas. Mr. Speaker, I have great respect for the gentleman's judgment, but does he not think it would be a better policy to let the producers of these exportable surpluses continue to produce and bring back a billion dollars a year in American balance of trade, and enable them to get a better price under that arrangement than it is to starve them out until we produce only to American consumption, and then boost the price to the American consumer by a protective tariff? Would it not be better for the American consumer to pay a little more now, even if it is a bounty, and let this billion dollars come back to our balance of trade than to drive the billion dollars from our billions of trade and pay more for these products than now because the price is increased by the operation of a protective tariff?

Mr. DALLINGER. I think that I have already answered the gentleman. I may say in closing that one other trouble with the debenture is that in the case of most foreign countries it will be simply taxing the American people to put money into the treasury of these foreign countries without any benefit whatever to the American farmer.

Mr. MICHENER. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to proceed one minute out of order.

The SPEAKER. Is there objection?

There was no objection.

Mr. LOZIER. Mr. Speaker, a moment ago I preferred a request to extend my remarks on two subjects. The gentleman from Iowa [Mr. RAMSEYER] preferred a request that all Mem-

bers of the House be permitted to extend their remarks in issues of the RECORD that may be published after adjournment of this session. Under reservation of the right to object, I desired to propound an inquiry, and my inquiry was this: Under the unanimous-consent request of the gentleman from Iowa, if it had been granted, would a Member have the right to extend his remarks upon more than one subject; that is, to place in the RECORD more than one extension of remarks? The right of a Member to place in the RECORD more than one extension of remarks under leave granted at the close of a session has been questioned by some of the able Members of this body.

It is claimed by some of my colleagues that when a Member inserts one extension of remarks in the RECORD, he can not exercise the right again and insert another extension, on the theory that the exercise of that privilege by a Member once exhausts his right to insert further extensions. In order that Members may understand their rights under blanket agreements for extensions of remarks, and in order to secure an authoritative ruling on this subject, Mr. Speaker, I propound this parliamentary inquiry: It has been a custom immediately before the adjournment sine die of the House, for the House by unanimous consent, to grant members the right to extend their own remarks in the RECORD up to the date of the last publication of the daily RECORD for the session. My inquiry is this: Under that unanimous-consent agreement, is that right exhausted when a Member exercises it once and puts in one extension, and whether or not, under that general blanket extension, he may, within the time limited, extend his own remarks upon other subjects and in other extensions?

The SPEAKER. The Chair thinks decidedly that it is unlimited if granted in that way.

Mr. LOZIER. The ruling of the Speaker is clear and unequivocal. Inasmuch as that ruling clarifies the situation, I say to the House that I have no objection to the request propounded a few moments ago by my friend the gentleman from Iowa [Mr. RAMSEYER], and I suggest that he renew his request.

Mr. MICHENER. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Speaker, the Senate a number of weeks ago passed the resolution introduced by Senator COUZENS to prevent the Interstate Commerce Commission until March 4, 1930, from approving consolidations of railroads.

There were several reasons for the passage of the Couzens resolution. It has been stated that many railroad consolidations which have been proposed would lessen competition by railroads for freight and passenger business and therefore would result in less satisfactory service to the people.

It is also true that consolidations of railroads very often do serious harm by putting out of use large sections of railroad and also railroad shops.

A moment's thought will make it clear to anyone that consolidations of railroads should not be permitted until the Government is sure that no large number of the American people will be injured by letting railroads be joined under the ownership of one company. Generally speaking, when railroads are consolidated whole branches or sections of road are torn up and removed, leaving many communities without railroad service. This does much harm to those who may have purchased property in a community from which a railroad may have been removed. The property lessens greatly in value as soon as it is known that the railroad or even railroad shops are to be removed.

As I have already said, the resolution to prevent the Interstate Commerce Commission from approving railroad consolidations passed the Senate weeks ago and is awaiting action by the House. This House should without further delay pass the resolution.

Certainly no injustice would be done anyone by the enactment into law of the resolution introduced by Senator COUZENS. It proposes only to stop consolidations until March 4 of next year, so that Congress may be able to pass laws which will safeguard the public when consolidations are allowed. The resolution even permits the Interstate Commerce Commission to approve consolidations if it at the same time orders that employees shall not be dismissed or laid off because of such consolidation and that the losses in property values of the community shall be paid for.

Mr. Speaker, at the present time the number of people unemployed is so great as to endanger the welfare of the country. Those who are now in power in Washington have been assuring us for a long while that the people would not be distressed by the unemployment evil. Notwithstanding their promises, however, there are more unemployed persons in the country than there were before.

Let me warn you, Members of the House, that it is not wise, in fact, it is not safe, to do anything that will further increase the army of unemployed. If we continue to permit railroad consolidations to take place, we are making sure that more men will be thrown out of work. As more people become unemployed, their ability to buy is lessened and so the demand for farm produce and for the output of factories becomes less, and that throws out of employment still more factory employees. Instead of now promoting consolidations of railroads, which will surely cause more unemployment among railroad men, we should discourage such consolidations, temporarily at least. And instead of making almost every country in the world unfriendly toward us, and so refusing to trade with us because of the foolish tariff law the party in power has just passed, we should pass a reasonable tariff law which would enable us to sell our products to the people of the other countries of the world.

We are facing a very serious situation in the United States at the present time. It is a situation which needs the most sincere thought and best efforts of true statesmen. At a time like the present, when people are suffering want, we can not safely pay attention to those who would have us believe that they are much concerned about less important questions when people can not find an opportunity to earn a living. The first and most important duty of every honest, right-thinking statesman is to try to find a solution for the unemployment problem. We should give no approval to those who, like the actor, pose and pretend to be excited about the question as to what way of spending money will give the most pleasure and also as to the right of the people to spend their money for whatever they want.

Before we need to worry about what is the best way for people to spend their money and their right to so spend it, we should give our attention and best thought to an effort to provide a cure for unemployment so that the people may have money to spend. Is it sincere, is it honest to rant and rave about how best to spend money and the right to spend it, when millions of people have no way of earning money?

Let us, therefore, my friends, prevent more unemployment by stopping the further consolidation of railroads until Congress shall have passed laws to protect the people. We must, however, do much more than this. If we are to prevent very serious trouble, we must adopt measures which will do away with general unemployment, which will put an end to enforced idleness.

Mr. MICHENER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

REGISTRATION OF ALIENS

Mr. McCORMACK of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of registration of aliens.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCORMACK of Massachusetts. Mr. Speaker, there are pending in Congress several bills relating to the registration of aliens. By an alien is meant a person who is not a citizen, either by birth or naturalization. I consider such legislation not only to be unnecessary but dangerous and vicious. Such legislation should be fought bitterly and mercilessly. It is the attempt to put into operation, by force of law, a principle which has no place under our theory of government. It is un-American, violates our traditional policy, and if enacted would result in persecution, bribery, and corruption. It would also place upon the shoulders of the taxpayers the cost of enforcement, which would be tremendous. It is also proposed at a time when we have inculcated the policy of restrictive immigration, when illegal entries will be greatly lessened. Its passage would result in the establishment throughout the land of the hated European espionage system, so thoroughly despised by Americans. Such a law would be incapable of satisfactory enforcement; as I have said before, it would bring about further corruption of public officials and also the bootlegging in certificates. Of course, if bootlegging has become a new legislative policy of ours, then it might be somewhat different.

A little over 35 years ago we diverted from our traditional policy of opposition to registration of individuals, and passed a temporary registration law affecting the Chinese only, of whom there were about 100,000 in the United States at that time. The conditions following the passage of that law, in its limited application, were disgraceful. Arrests were made wholesale and deportations were attempted in the same manner. The wholesale arrests were made of persons who were citizens, and some who were properly registered. The wholesale arrests were made to justify the passage of the law. The evidence of the effects of the Chinese registration act is important as bearing on the dangers of such legislation. In the case of the

Chinese, they were few in numbers, and easily capable of distinguishment because of racial characteristics from members of the white or black races. If such oppressive and unhealthy conditions existed with reference to such a small group, we can easily visualize the terrible and disgraceful conditions that would follow the passage of a law compelling the registration of about 8,000,000 aliens. The proponents of pending legislation contend that there are 1,500,000 aliens unlawfully in the United States. I consider such figures as high. But assuming that such a number are here, are we going to impose the presumption of suspicion and guilt upon the 6,500,000 aliens who are here lawfully, and submit them to possible wholesale arrest and attempted deportation? In order to reach or try to reach this group illegally here, are we going to take a legislative journey that will take us away from our traditional policy of opposition to registration? Are we also going to impose the presumption of suspicion and guilt upon millions of our own citizens? The burden of proof is upon the person arrested to show that he is either a citizen or that he is lawfully in the United States and has complied with the provisions of the proposed law.

Under the contemplated law the Federal, State, and local officers are intrusted with its enforcement. In them will be vested the power to stop any person that they suspect is an alien, to find out if he or she is registered. Assuming that the law is honestly enforced, with no corruption, bribery, or bootlegging in certificates, how is an officer going to determine, in absence of investigation, whether or not a person that he stops is a citizen or an alien? If investigations are made before any person is stopped the expense of enforcement will be prohibitive, and experience gained from the attempted enforcement of the Chinese act shows that investigations will not be made in many cases. If an officer stops a person whom he suspects of being an unregistered alien, and citizenship is claimed, but proof can not be produced at that time, or the officer disbelieves the proof produced, what will happen? Arrest, necessity of proving citizenship, or, if an alien, that he has registered, and if unable to maintain the burden of proof, imprisonment or deportation. In the case of the citizen, deportation to where? Nobody knows until the law is passed and the reign of terror starts.

It must be borne in mind that there are millions of citizens whose births are not recorded, or recorded incorrectly, or whose birth records have been lost or destroyed. If an officer depends in part upon physical appearances or speech or other outward signs or evidence to determine in his own mind whether a person is an alien or a citizen, there are hundreds of thousands, if not millions, of citizens who could and might feel the oppressiveness of such a law. If such a law passes, of necessity, citizens in a short time would demand, for their own protection, either its repeal or the passage of a law permitting them to register in order to show enforcement officers that they are citizens. Furthermore, we have recently passed legislation restricting immigration into the United States, the result of which, as time passes, will reduce whatever alien problem exists.

To conclude, such legislation is wrong in principle; is un-American in its character; will establish in America the hated spy system; is persecutory and oppressive in its operation; will increase the corruption and bribery that already exist to a disgraceful degree; will impose additional unnecessary burdens upon the taxpayers; will operate not only against the alien but against our citizens, and should be opposed by every thinking American, irrespective as to racial descent, color, or creed.

GENERAL LEAVE TO PRINT

Mr. GARNER. Mr. Speaker, I suggest to the gentleman from Iowa that he renew his request so that for the balance of the day gentlemen need not ask unanimous consent to extend their remarks, because they will have that unlimited permission until the end of the printing of the RECORD for this session.

Mr. RAMSEYER. Mr. Speaker, I renew the request I made some time ago that all Members of the House have leave to extend their own remarks in the RECORD up to the last issue of the CONGRESSIONAL RECORD for this session.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all Members may have leave to extend their own remarks from now until the last RECORD for this session is printed. Is there objection?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 30, 1930:

H. R. 47. An act for the relief of the State of New York;

H. R. 494. An act for the relief of Catherine White;

H. R. 913. An act for the relief of Belle Clopton;

H. R. 1063. An act for the relief of Alice Hipkins;

H. R. 1066. An act for the relief of Evelyn Harris;

H. R. 1110. An act for the relief of heirs of Warren C. Vesta;

H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;

H. R. 4206. An act authorizing the Secretary of the Navy, in his discretion, to loan to the city of Olympia, State of Washington, the silver service set formerly in use on the U. S. cruiser *Olympia*;

H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia;

H. R. 9628. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark., on State Highway No. 18;

H. R. 10376. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 10461. An act authorizing Royce Kershaw, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry, about 8 miles southwest of Gadsden, in Etowah County, Ala.;

H. R. 10490. An act for the relief of Flossie R. Blair;

H. R. 11409. An act to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861;

H. R. 11493. An act to reimburse Lieut. Col. Charles F. Sargent;

H. R. 12285. An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer; and

H. R. 12663. An act granting the consent of Congress to the Texas & Pacific Railway Co. to reconstruct, maintain, and operate a railroad bridge across Sulphur River in the State of Arkansas near Fort Lynn.

On July 1, 1930:

H. R. 495. An act for the relief of Katherine Frances Lamb and Elinor Frances Lamb;

H. R. 528. An act for the relief of Clarence C. Cadell;

H. R. 636. An act for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River;

H. R. 650. An act for the payment of damages to certain citizens of California and other owners of property damaged by the flood caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States;

H. R. 794. An act for the relief of C. B. Smith;

H. R. 917. An act for the relief of John Panza and Rose Panza;

H. R. 919. An act for the relief of the father of Catharine Kearney;

H. R. 2170. An act for the relief of Clyde Cornish;

H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only;

H. R. 3960. An act for the relief of Louis Nebel & Son;

H. R. 4110. An act to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army;

H. R. 4189. An act to add certain lands to the Boise National Forest;

H. R. 6113. An act for the relief of Gilbert Grocery Co., Lynchburg, Va.;

H. R. 6340. An act to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn.;

H. R. 6642. An act for the relief of John Magee;

H. R. 6694. An act for the relief of P. M. Nigro;

H. R. 7445. An act for the relief of J. W. Nix;

H. R. 7638. An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field;

H. R. 8723. An act for the relief of Rachel Levy;

H. R. 10826. An act to provide for the renewal of passports;

H. R. 11405. An act to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes"; and

H. R. 12599. An act to amend section 16 of the radio act of 1927.

On July 2, 1930:

H. R. 334. An act for the relief of Samuel Gettinger and Harry Pomerantz;

H. R. 576. An act for the relief of Matthew Edward Murphy;

H. R. 1159. An act for the relief of the Delaware & Hudson Co., of New York City;

H. R. 3431. An act for the relief of Charles H. Young;

H. R. 3889. An act for the relief of Albert A. Inman;

H. R. 3891. An act for the relief of Harry Martin;

H. R. 4161. An act for the relief of Isaac Fink;

H. R. 8438. An act for the relief of J. T. Bonner;

H. R. 8612. An act for the relief of Ralph Rhees;

H. R. 9279. An act for the relief of Henry A. Knott & Co.;

H. R. 10317. An act for the relief of Samuel S. Michaelson;

H. R. 10532. An act for the relief of Frank M. Grover;

H. R. 11608. An act for the relief of Jerry Esposito;

H. R. 11729. An act to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y.;

H. R. 12099. An act to apply the pension laws to the Coast Guard; and

H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes;

On July 3, 1930:

H. R. 573. An act for the relief of Barzilla William Bramble;

H. R. 2156. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479) Seventieth Congress;

H. R. 3395. An act authorizing the Commissioner of Narcotics to pay for information concerning violations of the narcotic laws of the United States;

H. R. 4176. An act for the relief of Dr. Charles W. Reed;

H. R. 4564. An act for the relief of E. J. Kerlee;

H. R. 5292. An act to authorize the city of Napa, Calif., to purchase certain public lands for the protection of its water supply;

H. R. 6127. An act to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands;

H. R. 8271. An act for the relief of Brewster Agee;

H. R. 8296. An act to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes";

H. R. 9347. An act for the relief of Sidney J. Lock;

H. R. 9638. An act to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the Northwest Pacific States;

H. R. 9707. An act to authorize the incorporated town of Ketchikan, Alaska, to issue bonds in any sum not to exceed $1,000,000 for the purpose of acquiring public-utility properties, and for other purposes;

H. R. 9990. An act for the rehabilitation of the Bitter Root irrigation project, Montana;

H. R. 10582. An act to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California;

H. R. 10630. An act to authorize the President to consolidate and coordinate governmental activities affecting war veterans;

H. R. 10813. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 10960. An act to amend the law relative to the citizenship and naturalization of married women, and for other purposes;

H. R. 11144. An act to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes;

H. R. 11781. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 12233. An act authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.;

H. R. 12235. An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes;

H. R. 12554. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;

H. R. 12586. An act granting an increase of pension to Josefa T. Philips;

H. R. 12602. An act to authorize an appropriation for construction at Carlisle Barracks, Pa.;

H. R. 12614. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island;

H. R. 12661. An act to authorize the acquisition of lands in Alameda and Marin Counties, Calif., and the construction of buildings and utilities thereon for military purposes;

H. R. 12696. An act authorizing an appropriation for the purchase of the Vollbehr collection of incunabula;

H. R. 12844. An act granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.;

H. R. 12902. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes;

H. R. 12919. An act granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing or at or near the point known and designated as Wilder Ferry;

H. R. 12920. An act granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Culbertson, Mont.;

H. R. 12923. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 12993. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River at One hundred and fifty-ninth Street in Cook County, State of Illinois;

H. R. 12996. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 13174. An act to amend the World War veterans' act, 1924, as amended;

H. J. Res. 372. Joint resolution authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island, dated July 5, 1918;

H. J. Res. 388. Joint resolution making provision for continuation of construction of the United States Supreme Court Building; and

H. J. Res. 389. Joint resolution making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress;

MUSCLE SHOALS

Mr. ALMON. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. ALMON. Mr. Speaker and Members of the House, I want to extend to each of you an invitation to visit Muscle Shoals sometime during the vacation. One reason I want you to come is to see this great development and to see the splendid fertilizer plants and the great hydroelectric development and to see power running to waste. There is at least $3,000,000 worth of power running to waste every year. The fertilizer plants are kept in a stand-by condition at a heavy expense to the Government.

To-day the United States Senate adopted by a unanimous vote Senate Joint Resolution No. 205, which reads as follows:

Senate Joint Resolution 205

Relating to the sale of power generated by the Government at Dam No. 2, Muscle Shoals, Ala., and the steam plant in that vicinity

Resolved by the Senate (the House of Representatives concurring), That until Congress makes some definite disposition of the Government property at Muscle Shoals in Alabama, the Secretary of War is authorized to sell the power generated by the Government at Dam No. 2, Muscle Shoals, Ala., and at the steam plant belonging to the Government in that vicinity, to States, counties, municipalities, public organizations, private corporations, and individuals under contracts providing for the termination thereof by the Government of the United States on notice of 12 months.

SEC. 2. In such sale of power there shall be no discrimination against any State, county, or municipality. All contracts for the sale of such power shall be uniform as to price and other provisions relating to kind and quality of the power sold.

There can be no objection to it. The leasing of the power in this manner would save the Government millions of dollars. This resolution is now on the Speaker's stand. I ask unanimous consent that this Senate Joint Resolution 205, which I have just read, be taken from the Speaker's desk and consider it at this time.

The SPEAKER. The Chair did not recognize the gentleman for that.

Mr. ALMON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ALMON. How can it be brought before the House if not in that way?

The SPEAKER. That is not a parliamentary inquiry.

Mr. ALMON. I move to suspend the rules and pass the resolution. Will the Chair recognize me for that purpose?

The SPEAKER. No.

Mr. ALMON. Ladies and gentlemen, I want each of you to come down this summer or fall and see Muscle Shoals and enjoy our southern hospitality. You have heard of southern hospitality, but you will not realize what it is and what it means unless you come down there and eat barbecue meat, peaches, and watermelons, and visit with us. I live at Tuscumbia, only 5 miles from Muscle Shoals. Let me know when you are coming. [Applause.]

Mr. CHINDBLOM. I think we shall all be glad to accept the invitation of the gentleman, but the gentleman should realize that he obtained unanimous consent to address the House for three minutes, and under those circumstances the gentleman can not complain that he was not recognized by the Speaker to call up that resolution.

Mr. ALMON. I asked unanimous consent to address the House for three minutes, and this request was granted, and then I asked unanimous consent that the Senate Joint Resolution 205 be taken up and passed at this time. The Speaker declined to put the question and refused to recognize me for that purpose. I then moved to suspend the rules and pass the resolution. The Speaker again declined to put the question and refused to recognize me for that purpose, so I can not proceed further and yield the floor. It is now evident that there will be no Muscle Shoals legislation enacted at this session. This is a great disappointment to me and to my constituents. The conferees will no doubt work out an agreement when Congress reconvenes next December. They will have time to consider the whole question and will more fully realize the importance and necessity of an agreement. I believe that they will then agree and that Muscle Shoals will be put in operation. [Applause.]

PROHIBITING ERECTION OF WHARVES, ETC., IN POTOMAC RIVER WITHIN DISTRICT OF COLUMBIA

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 182 with an amendment.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of Senate Joint Resolution 182. The Clerk will report it.

The Clerk read as follows:

Senate Joint Resolution 182

Joint resolution prohibiting location or erection of any wharf or dock or artificial fill or bulkhead or other structure on the shores or in the waters of the Potomac River within the District of Columbia without the approval of the Commissioners of the District of Columbia and the Director of Public Buildings and Public Parks of the National Capital

Resolved by the Senate (the House of Representatives concurring), That hereafter no wharf or dock or artificial fill or bulkhead or other structure shall be located or erected on the shores of the Potomac River and its tributaries, or in or over these rivers, within the District of Columbia without the approval of the Commissioners of the District of Columbia and of the Director of Public Buildings and Public Parks of the National Capital, both as to location and plans; nor without such permit therefor as may be required from the War Department in the exercise of its jurisdiction conferred by law over the navigable waters of the United States.

The SPEAKER. Is there objection?

Mr. MOORE of Virginia. I object.

Mr. CRAMTON. Will the gentleman from Virginia withhold his objection?

Mr. MOORE of Virginia. Yes; I will withhold it.

Mr. CRAMTON. I am sure the gentleman recognizes the important emergency character of this legislation, the importance of legislation at this time. If I were to make a more extended explanation of the measure, would there be any hope of overcoming the gentleman's objection?

Mr. MOORE of Virginia. The gentleman and I had some discussion on this subject before the House Committee on the District of Columbia, and I then stated fully my objections to the resolution. My friend from Michigan expressed an opposing view.

Mr. CRAMTON. I was in hopes the presentation of views might have mollified the gentleman.

Mr. MOORE of Virginia. I would be glad to gratify my friend, but I find that I am unable to do it.

GLEN D. TOLMAN

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which a conference was called for on the bill H. R. 936, discharge the conferees, and agree to the Senate amendment.

The SPEAKER pro tempore (Mr. MAPES). The gentleman from Illinois asks unanimous consent to vacate the proceedings by which a conference was called on the bill H. R. 936, discharge the conferees, and agree to the Senate amendment. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 936) for the relief of Glen D. Tolman.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, may we have the Senate amendment reported, or have some explanation of the purpose of the gentleman from Illinois?

Mr. IRWIN. The bill has passed the House several times and has passed the Senate with an amendment. A fellow Member asked me to make the request.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. May the amendment be reported?

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 1, line 6, strike out "$5,000" and insert "$2,000."

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

MARY B. LONG

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which a conference was called for the bill H. R. 887, discharge the conferees, and agree to the Senate amendments.

The SPEAKER pro tempore. The Clerk will report the bill with the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, after "pay," insert "out of any money in the Treasury not otherwise appropriated."

Page 1, line 5, strike out "$5,000" and insert "$3,500."

The Senate amendments were agreed to.

PRIVATE CALENDAR

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the House proceed to consider the Private Calendar, bills not objected to, beginning with the star, and that they be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. CHINDBLOM. Reserving the right to object, the intention is, I presume, that it may be in order during the balance of the day, even if there be interruptions of the call of the Private Calendar, and to proceed after the interruption with that call?

Mr. MICHENER. That is the intention. Of course, privileged matters would at any time displace the Private Calendar call.

Mr. CHINDBLOM. But it may be in order then to resume the Private Calendar call?

Mr. MICHENER. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FIREMEN'S FUND INSURANCE CO.

The first business on the Private Calendar was the bill (H. R. 2215) for the relief of Firemen's Fund Insurance Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorised and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $121.44 to Firemen's Fund

Insurance Co., of San Francisco, Calif., which sum is for the payment of judgment in connection with libel filed against one Dodge coupe automobile, engine numbered A-917-814.

With the following committee amendments:

Page 1, line 4, strike out the words "out of any money in the Treasury not otherwise appropriated," and insert in lieu thereof the words "out of the indefinite appropriation 'Refunding moneys erroneously received and covered.'"

Page 1, line 11, strike out "A-917-814," and insert in lieu thereof "A-917-841."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MRS. A. K. ROOT

The next business on the Private Calendar was the bill (H. R. 5523) for the relief of Mrs. A. K. Root.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Reserving the right to object, is the author of this bill on the floor?

Mr. STAFFORD. The author of this bill is out of the city.

Mr. ROWBOTTOM. Mr. Speaker, I object.

LILLIAN N. LAKIN

The next business on the Private Calendar was the bill (H. R. 5926) for the relief of Lillian N. Lakin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of the act of May 22, 1928 (45 Stat. 710), to settle, adjust, and certify the claim of Lillian N. Lakin as a person standing in loco parentis to the late Pvt. Raymond N. Lakin, United States Marine Corps, for the sums of $126 as six months' death gratuity and $40 as arrears of pay.

With the following committee amendment:

Page 1, line 9, strike out "$40" and insert in lieu thereof "$40.65."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANK BAYER

The next business on the Private Calendar was the bill (H. R. 8607) for the relief of Frank Bayer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire of the chairman of the committee what evidence was presented to the committee as to the value of this radio receiver. Five hundred dollars seems to be a considerable amount for reimbursing an officer for a radio receiver that was temporarily lost or appropriated during the war.

Mr. IRWIN. I will say that the Navy Department, in going over this claim, made the recommendation that this property was confiscated and could not be found, and they recommended that the bill be allowed. If the gentleman will notice the report, he will see they found that the value of the apparatus was $500. They report that.

Mr. PATTERSON. Reserving the right to object, does it not seem that the amount is rather large, if it is just a radio receiving set? I have no question that, if they took a man's radio set, they should reimburse him; but it seems to me the amount is a little large.

Mr. IRWIN. Of course, at that time, in 1917, a radio apparatus was more valuable than at the present time.

Mr. PATTERSON. More value as to money, but no more valuable as a radio?

Mr. IRWIN. But the cost of the apparatus was more. It cost more then than at the present time. I have no way to judge of the price, except what the Navy Department reports. They report that they have investigated and they feel that the price is just. That is the only evidence that I have.

Mr. PATTERSON. It looks to me as if one-half that would be ample.

Mr. STAFFORD. Viewed from conditions as they existed during the war, we all know that the price of radio receivers were manyfold the present price. I assume the Navy Department had some good reason for placing the value at $500, although I think $300 would be an adequate return for the taking of this radio-receiver set.

Mr. IRWIN. I will say that I am only taking the figures of the department, and they have advised that. They feel that is the proper value, and they have advised it.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, I have an amendment to offer at the proper time.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Frank Bayer, in payment for certain radio apparatus belonging to Frank Bayer and seized by officers of the United States Navy on August 9, 1917, at 2270 Bathgate Avenue, New York City.

Mr. ROWBOTTOM. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROWBOTTOM: In line 6, after the word "in," add the word "full," so that the line will read "in full payment."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN F. WILLIAMS AND ANDERSON TYLER

The next business on the Private Calendar was the bill (H. R. 9199) for the relief of John F. Williams and Anderson Tyler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to John F. Williams, of Aiken, S. C., the sum of $200, and to Anderson Tyler, of Wagner, S. C., the sum of $220, such sums representing the duty collected by customs officials from the said John F. Williams and the said Anderson Tyler, respectively, after each had been a bona fide purchaser for value, without notice, of a platinum (diamond) ring at a duly advertised execution sale by the sheriff of Aiken County, S. C.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JESSIE AXTON

The next business on the Private Calendar was the bill (H. R. 9215) for the relief of Jessie Axton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jessie Axton the sum of $165, in full settlement of her claim against the Government for services rendered in reporting and transcribing the record in the case of the United States against Horace Alderman.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD F. M'CARRON

The next business on the Private Calendar was the bill (H. R. 416) to equalize the basis for longevity pay and retirement of Warrant Officer Edward F. McCarron, United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. I object.

UNITED STATES BANK OF ST. LOUIS, MO.

The next business on the Private Calendar was the bill (H. R. 4084) for the relief of the United States Bank of St. Louis, Mo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I will ask to have this bill passed over, otherwise I shall object to the bill.

Mr. COCHRAN of Missouri. Will the gentleman reserve his objection?

Mr. STAFFORD. Mr. Speaker, I will reserve my objection.

Mr. COCHRAN of Missouri. I want to say to the gentleman from Wisconsin that I have talked with no less than 10 officials of the Treasury Department, and every one of them admits that this bank has paid this money to the United States Government twice. They paid the original taxes of $7,171; there was another assessment amounting to $15,000, or probably more.

They agreed to pay the balance, between the $7,171 and the $15,000, but paid it under protest. The Treasury Department, through its agents, stated to the bank officials that if they would pay the $15,000, the $7,171 would be refunded. The bank desired to deduct the $7,171, but the Goverument officials declined to agree to that. They absolutely refused to refund the money at a later date and stated that the statute of limitations had stepped in. This corporation, a bank of long standing in St. Louis, acted perfectly fair with the Government and paid the increase. In doing so it paid $7,171 more than the Government was entitled to.

Mr. STAFFORD. They did not pay the increase under protest?

Mr. COCHRAN of Missouri. They absolutely paid the increase under protest. All of the papers are in the files, and they show that they paid it under protest.

Mr. STAFFORD. I am acquainted with a number of attorneys who were formerly employed in the Income Tax Unit of the Treasury Department. Those attorneys have gone around the country requesting taxpayers, particularly corporations, to permit them to reopen their income-tax returns on the promise that they would save them large sums of money. I also am acquainted with instances where any number of persons have overpaid their taxes but have not made any claim for a refund because the time had expired. In my own individual case I could have made a claim for a considerable refund, and here these corporations, having paid the money, slept on their rights.

Mr. COCHRAN of Missouri. If they have slept on their rights, they did so solely because the agent told them the $7,171 was to be refunded. So far as attorneys are concerned, I will welcome an amendment by the gentleman stipulating that absolutely no part of this amount shall be paid to an attorney, because no attorney has entered into the case. The case is submitted solely upon its merits and there never has been an attorney in the case. I want such an amendment offered.

Mr. ROWBOTTOM. I may say to the gentleman that I have an amendment to that effect to offer.

Mr. STAFFORD. Yes; but I have objected to other bills of similar import and I will ask that the bill go over without prejudice so that we may further consider it at the next session.

The SPEAKER pro tempore. Objection is heard.

EARL F. HEIST

The next business on the Private Calendar was the bill (H. R. 6659) for the relief of Earl F. Heist.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have this bill marked for objection. I wish to inquire of the chairman of the committee who reported this bill whether the condition of this claimant was aggravated in any degree by the conditions of his employment.

Mr. ESTERLY. I will say to the gentleman that Mr. Heist has been incapacitated and is tubercular, which condition he claims is due directly to the kind of employment he was engaged in for the Government during the war.

Mr. STAFFORD. I read from a report by Mr. Westervelt, whoever he may be, found on page 3, a letter dated January 15, 1923:

> It is questioned that Mr. Heist's condition was brought about in the slightest degree by working conditions in the shop. So far as the factory is aware, work of this nature is not such as to induce pulmonary afflictions.

In the face of that statement, how can we be expected to pass this bill with a favorable recommendation?

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SCHAFER of Wisconsin. If he can not produce the medical evidence indicating that the disability was incurred during his Government service, there will not be any drain on the Treasury. The bill, as reported out of the committee, merely extends to the claimant the right to file his claim with the commission and have it adjudicated on its merits.

Mr. IRWIN. If the gentleman will yield, it simply waives the statute of limitation in this particular case and gives the claimant the right to go before the commission. It does not establish the fact of whether or not he had tuberculosis or whether or not it was due to service, but gives him the right to go before the commission by waiving the statute of limitations.

Mr. PATTERSON. I wish our good chairman of this committee, if he has jurisdiction of legislation of this kind, would bring in a general bill taking care of these cases. I think there is a good deal of merit in some of these bills.

Mr. IRWIN. The chairman recognizes that that should be done, but in view of the fact we have no general legislation at the present time, we have to consider the individual cases on their merits.

Mr. STAFFORD. Mr. Speaker, although the report shows almost conclusively this claimant did not receive this injury while in the service, yet as my colleague has pointed out, and as the chairman of the committee has confirmed, this is merely to waive the statute of limitations in the presentation of the claim, and it has been my rule in the consideration of these cases not to object merely because of the application of the statute of limitations. As I understand, he would still have to prove the origin of the complaint in the service.

I withdraw the reservation of objection.

There being no objection, the Clerk read the bill, as follows:

> *Be it enacted, etc.*, That in the administration of the United States employees' compensation act Earl F. Heist, formerly an employee at naval aircraft factory, Philadelphia, Pa., shall be held and considered eligible to receive compensation for illness contracted while employed at the aforesaid factory.

With the following committee amendment:

> Strike out lines 6 and 7 and insert in lieu thereof the following: "permitted to file and prosecute a claim against the Government with the same force and effect as if such claim had been filed within the period of one year, within which it is required by said act that claims must be filed."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CLARA E. NICHOLS

The next business on the Private Calendar was the bill (H. R. 11031) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, here, too, I have some difficulty in bringing myself around to favorable consideration of this case. I think some explanation should be made, while I am glancing over this report that I read some weeks ago, as to the facts in this case.

Mrs. LANGLEY. I may say to the gentleman that the same remark made by the chairman, in which the gentleman from Wisconsin acquiesced, with reference to the other bill is also true in this case. She must prove her case after she goes before the Compensation Commission, and the bill simply grants that privilege because the claim was not filed in time in the first instance.

Mr. IRWIN. I will say to the gentleman from Wisconsin I think this case has more merit than a great many of the cases. This girl was doing her ordinary work and then she was sent out after her working hours to look after the sick at that particular time, and during that time she certainly did this without compensation, or without extra compensation, but simply through the goodness of her heart, and we feel this case has special merit, and should at least be investigated by the commission. This is the view that the committee took on this particular claim.

Mr. STAFFORD. There is nothing to show that the flu was contracted as the result of her service—nothing to show that it was not contracted while a clerk in the department. Members of Congress contract flu but they do not ascribe it to service, on the floor of the House.

Mr. IRWIN. Being a physician I feel that I have authority to say that when a person is exposed to flu, being a contagious disease, in taking care of these people, it is most likely that she contracted this disease. She voluntarily took charge of these suffering people as a humanitarian act, and many of them died.

Mr. STAFFORD. Where does it show that she did outside work?

Mr. IRWIN. I think the gentleman will find it on page 2 of the report. It says:

Clara E. Nichols, a woman of about 30 years of age, without relatives, kin, or means upon which to depend, June 4, 1917, entered the Government service as a first-grade clerk, under civil-service classification, in the property section of the Ordnance Office, War Department, under Chief Clerk Hugh M. Purcell. She worked during the flu epidemic of 1917 and also of 1918, and in addition to her official duties as clerk was assigned to and did welfare work among the sick employees of the Government. In doing this welfare work she came in contact with many suffering with the flu, some of whom later died.

This work was voluntarily done, and I think the disease was brought about by her service.

Mr. STAFFORD. Here is another fact that gives an adverse slant to my eye, and that is this claim for relief has been here since the Sixty-eighth Congress.

Mr. IRWIN. I will explain that. There have been a number of bills before our committee since the Sixty-seventh and Sixty-eighth Congress. That is not the fault of the committee, the bills have been objected to, perhaps, or laid aside, and we have taken the bills as they come, and have tried to clean up the docket. We have been doing that for a number of years. I feel that the gentleman from Wisconsin ought not to object, as it merely gives her the right to present her claim to the commission so that she can get relief.

Mr. STAFFORD. Mr. Speaker, I withdraw my reservation.

Mrs. LANGLEY. I ask unanimous consent to substitute an identical Senate bill for the House bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, the bill that we considered prior to this referred a claim to the compensation commission to determine whether the claimant had the right to benefit under that act. I wish to inquire of the chairman whether under the phraseology of this bill the compensation commission is to pass upon the determination of whether the claimant suffered the injury within the purview of that act or whether by this bill we are assuming that she has suffered injury within the purview of the act?

Mr. IRWIN. I will say that the language of this bill does not go to the extent of approving the bill on its merits.

Mr. STAFFORD. Is it not a mandatory provision that thereby Congress says she has suffered an injury in the service?

Mr. IRWIN. Not at all; it means that they can waive any provisions that have not been complied with. We do not say that they must, but that they may.

Mr. GREENWOOD. Since she has been denied presentation of her claim under the basic law, we by this very act put our stamp upon this particular class of diseases and say to the commission with reference to this case we make an exception and say that tuberculosis resulting in flu shall be considered an occupational disease. I think if that is to be the policy of Congress the whole law ought to be amended so as to take in all of that particular class of diseases.

Mr. IRWIN. I will say that in a previous Congress, I being a Member, we passed two or three bills, so this is not a precedent.

Mr. GRENWOOD. I think there is some merit in this bill, but it is a bad policy for Congress to get into whereby we say that certain diseases shall be considered occupational, and then for Congress to make exceptions and put in additional diseases.

Mr. IRWIN. I have only to say this: I know positively that we had two or three bills of this nature which passed the House in the last session, so that this does not establish a precedent.

The SPEAKER pro tempore. Without objection, a similar Senate bill will be considered in lieu of the House bill, H. R. 11031.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Clara E. Nichols, a former employee of the education and recreation division, Adjutant General's office, War Department, Los Angeles, Calif.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

H. R. 11031 was laid on the table.

MARY S. HOWARD AND OTHERS

The next business on the Private Calendar was the bill (S. 1406) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Co.

The SPEAKER pro tempore. Is there objection?

Mr. PATTERSON. Mr. Speaker, I reserve the right to object. How did they get the evidence of the extent of the damages? Did these people make out their own expense accounts for these bills? Will the chairman please make a statement?

Mr. IRWIN. The evidence in the case was furnished by the War Department and they recommended that the amount be allowed the different claimants. That is really the only evidence we have. They did not present any itemized statement. They simply said that they were meritorious and advised their payment.

Mr. GREENWOOD. Mr. Speaker, I reserve the right to object. As I understand it, the United States Government maintained the canal and incidental to it furnished a certain water level for wells in the neighborhood of the canal for several years. The fact that the water supply out of the canal raised the water level of the adjoining wells was a mere incident, and if it was anything on the part of the Government it was a gratuity, so that when the canal was changed and the water level was lowered these people thought they had some vested right in that water that seeped out of the canal into the wells, and then expect the Government to extend a still further gratuity to them in order to make their wells correspond to a new water level that would have existed all these years if the Government had not maintained this canal.

Mr. IRWIN. There was contention that this water they were using in their wells came from springs, and there was nothing to show that the water seeped out of the canal.

Mr. GREENWOOD. If it came from springs, how is the canal connected with it?

Mr. IRWIN. If the level of the canal was lowered, the water naturally would seep to the lower level.

Mr. GREENWOOD. In other words, it went to its natural level with the canal lowered or gone as if it was not there.

Mr. BOX. The cutting of the deeper canal drained the water from its previous natural level. There have been quite a number of claims heretofore acted on by this Congress, in the cases of people situated exactly as these people are situated, on the same canal and under the same facts. They received compensation on this basis. The War Department makes a recommendation in favor of this payment.

Mr. STAFFORD. I assume the committee was following the practice that as Congress had taken definitive action which resulted in damages by lowering the height of the Chesapeake and Delaware Canal, therefore it was responsible for damages which ensued.

Mr. BOX. I think so.

Mr. GREENWOOD. Does the gentleman from Wisconsin or the gentleman from Texas think there is any legal liability upon the part of the Government under such circumstances as that to maintain this well level?

Mr. STAFFORD. If a private individual does an affirmative act which causes injury to abutting property owners, that individual is held liable in damages.

Mr. BOX. I think justly so.

Mr. STAFFORD. And if the National Government does it, although it can not be held responsible for torts, where the construction results in damages, I think it is morally responsible. If a State appropriates land for a highway, under the constitution, the State must necessarily reimburse the private landowner for the property taken, and here indirectly we are taking property, though it is remotely connected, by action of the Government in lowering the level of the canal. I think it is a parallel case.

Mr. BOX. There was a subsurface natural supply of water, a natural storage of water, and the Government cut the sea-level canal and it drained away the water from the well of the claimants. Their property rights were fixed in the natural state of the earth, in the water storage, and the action of the Government deprived them of it. It seemed to the committee to be a just claim such as the Government seems to have recognized heretofore.

Mr. STAFFORD. Mr. Speaker, I have been following these bills off and on always very closely for the last 18 years. As I think I mentioned once before when I first came into the

Congress, in my first session, the then Republican leader, Mr. James R. Mann, delegated to me the work of following these private claims bills, and at this session the present Republican majority asked me to assume that task also. I do not recall any cases where the Government has been held liable in damages to adjoining riparian owners on account of works of improvement by either constructing canals or deepening navigable waters and the like.

Mr. BOX. This very canal by act of Congress——

Mr. STAFFORD. Oh, I well remember that through the activity of Representative J. Hampton Moore, afterward mayor of Philadelphia, the Congress passed an act which sought to make this an ocean-level canal rather than a lock canal, and the Government expended many millions of dollars; and I believe the navigation has been improved considerably as a result of that improvement.

Mr. GREENWOOD. Mr. Speaker, under my reservation of objection, I have not been impressed with the arguments from a legal standpoint that the Government owed these people any obligation to maintain that water level. I do not think there is anything in the record to show that they did anything that changed the level from what it naturally would have been had the Government not maintained for years this level as a sort of gratuity. Therefore, I object.

CHARLES THOMAS AND EDGAR THOMAS

The next business on the Private Calendar was the bill (H. R. 303) for the relief of Charles Thomas and Edgar Thomas.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

The SPEAKER pro tempore. Objection is heard.

GALLUS KERCHNER, DECEASED

The next business on the Private Calendar was the bill (H. R. 762) for the relief of the legal representatives of Gallus Kerchner, deceased.

The title of the bill was read.

There being no objection to its consideraton, the Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the legal representative of the estate of Gallus Kerchner, deceased, for dimension stone furnished and used in the United States arsenal at Indianapolis, Ind., be, and the same is hereby, referred to the Court of Claims of the United States to hear and determine the same at the fair and reasonable value of the stone used by the United States, any statute of limitations to the contrary notwithsanding, and report to Congress.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

R. W. DICKERSON

The next business on the Private Calendar was the bill (H. R. 782) to extend the benefits of the United States employees' compensation act to R. W. Dickerson.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, what has become of the bill 765? Has that been passed?

Mr. ROWBOTTOM. Yes.

The SPEAKER pro tempore. That has been passed.

Is there objection to the consideration of the pending bill, H. R. 782?

Mr. STAFFORD. Reserving the right to object, I wish to inquire out of order as to the prior bill, and ask why the Committee on Claims took the jurisdiction of a bill that was really a war claims bill?

Mr. IRWIN. The bill was referred to us by the parliamentary clerk. His reference is enough to warrant us to act upon it.

Mr. STAFFORD. I say with all due deference and respect to the Committee on Claims, that it has taken jurisdiction of a war claims bill.

Mr. IRWIN. After these bills have been referred to us in the regular order, we will consider them; but if the gentleman from Wisconsin wishes to raise the matter of jurisdiction, he has that right.

Mr. ROWBOTTOM. Mr. Speaker, I call for the regular order. We have passed the other bill. Why talk about that now?

Mr. STAFFORD. Reserving the right to object, I only wish to make a very minor amendment, which I am confident will be acceptable to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. I accept the amendment.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, I would like to find out what this minor amendment is.

Mr. STAFFORD. The committee amendment provides that in place of the words "his injury and disability," the words "the final enactment of this act" be substituted. I intend to strike out the word "final" as surplusage.

Mr. SCHAFER of Wisconsin. I believe it is a good amendment, and I shall not object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to extend to R. W. Dickerson, a former employee of the United States Naval Academy Dairy Farm, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," compensation hereunder to commence from date of his injury and disability.

With a committee amendment, as follows:

On line 10, strike out the words "his injury and disability" and insert in lieu thereof the words "final enactment of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. ROWBOTTOM. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. ROWBOTTOM: In line 6, after the word "farm," insert the words "who was injured on the 15th day of January, 1915, while in the performance of his duty at the Naval Academy dairy farm."

In line 11, strike out the word "act" and insert in lieu thereof the word "bill."

Mr. STAFFORD. I rise in opposition to the amendment, particularly the last part of the amendment. There is no question but that when this bill becomes a law it will be an act, not a bill.

Mr. ROWBOTTOM. I withdraw the second part of the amendment.

The SPEAKER pro tempore. Without objection, the second part of the amendment will be withdrawn.

There was no objection.

Mr. STAFFORD. I move an amendment to the committee amendment by striking out the word "final," in line 11.

The SPEAKER pro tempore. The gentleman asks unanimous consent to vacate the proceedings by which the committee amendment was agreed to. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Line 11, strike out the word "final."

The SPEAKER pro tempore. Is there objection?

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ANDREW KLINE

The next business on the Private Calendar was the bill (H. R. 921) for the relief of Andrew Kline.

The title of the bill was read.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Andrew Kline, of Tompkinsville, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $92.65, on account of damage to and loss of privately owned property of the said Andrew Kline, occurring as a result of an explosion and fire at the quarantine station of the United States Public Health Service at Rosebank, Staten Island, N. Y., on July 19, 1927: *Provided*, That payment to and the receipt by the claimant of the sum herein appropriated shall be in full settlement of any and all claims and demands against the Government of the United States arising as a result of any loss or damage caused by said explosion or fire on July 19, 1927, as aforesaid.

With a committee amendment, as follows:

Page 1, line 6, strike out "$92.65" and insert "$91.65."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WILLIAM S. MURRAY

The next business on the Private Calendar was the bill (H. R. 922) for the relief of William S. Murray.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Reserving the right to object, there are several of these claims, are there not?

Mr. IRWIN. There are about five.

Mr. COLLINS. One statement from the gentleman will suffice for all of them. I think the gentleman should give a rather full statement.

Mr. IRWIN. These claims were recommended by the Secretary of the Treasury after going into the merits of the cases and having an itemized statement. I will ask the gentleman from New York [Mr. PRALL] to explain the merits of the cases.

Mr. PRALL. What is it the gentleman wants to know?

Mr. COLLINS. I would like a general explanation.

Mr. PRALL. These claims arise as the result of an explosion at the quarantine station, and these men who were employed there suffered the loss as the result of that injury.

Mr. COLLINS. Did they have no insurance?

Mr. PRALL. They had no insurance.

Mr. COLLINS. Does the gentleman know whether the insurance companies write such insurance or not?

Mr. PRALL. I believe they do.

Mr. COLLINS. But it is not common insurance that is carried by an ordinarily prudent person?

Mr. PRALL. Well these men, I do not believe, carry insurance in their places of business on their personal effects.

Mr. COLLINS. Mr. Speaker, I will withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William S. Murray, of the United States Quarantine Station, Rosebank, Richmond County, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $58.20 on account of damage to and loss of privately owned property of the said William S. Murray, occurring as a result of an explosion and fire at the quarantine station of the United States Public Health Service at Rosebank, Staten Island, N. Y., on July 19, 1927: *Provided*, That payment to and the receipt by the claimant of the sum herein appropriated shall be in full settlement of any and all claims and demands against the Government of the United States arising as a result of any loss or damage caused by said explosion or fire on July 19, 1927, as aforesaid.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LOUIS J. STROUD

The next business on the Private Calendar was the bill (H. R. 923) for the relief of Louis J. Stroud.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Louis J. Stroud, out of any money in the Treasury not otherwise appropriated, the sum of $170.15, on account of damage to and loss of privately owned property of the said Louis J. Stroud, occurring as a result of an explosion and fire at the quarantine station of the United States Public Health Service at Rosebank, Staten Island, N. Y., on July 19, 1927: *Provided*, That payment to, and the receipt by, the claimant of the sum herein appropriated shall be in full settlement of any and all claims and demands against the Government of the United States arising as a result of any loss or damage caused by said explosion or fire on July 19, 1927, as aforesaid.

With the following committee amendment:

Page 1, line 6, strike out "$170.15" and insert in lieu thereof "$170.13."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE CURREN

The next business on the Private Calendar was the bill (H. R. 925) for the relief of George Curren.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to George Curren, of 11 Cliff Street, Rosebank, in the borough and county of Richmond, city and State of New York, the sum of $1,361.32, for damages sustained caused by the explosion and fire at the quarantine station of the United States Public Health Service at Rosebank, Staten Island, N. Y., on July 19, 1927; and the said sum of $1,361.32 is hereby appropriated from any money in the Treasury of the United States not otherwise appropriated.

With the following committee amendments:

Page 1, line 6, strike out "$1,361.32" and insert in lieu thereof "$1,146.80."

Page 1, line 10, strike out "$1,361.32" and insert in lieu thereof "$1,146.80."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

I. L. LYONS & CO.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to take up out of order the bill (H. R. 2628) to authorize an appropriation for the relief of I. L. Lyons & Co., which is a very meritorious measure.

The SPEAKER pro tempore. The Chair does not care to recognize the gentleman for that purpose.

The Clerk will report the next bill on the Private Calendar.

MARTIN J. HAYES

The next business on the Private Calendar was the bill (H. R. 1109) for the relief of Martin J. Hayes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, the report in this case is almost incontrovertible that the claimant did not receive his injury during his employment. It seems that he claims his eyes were injured in the pouring of hot metal. I have followed many rôles in my time, in the interim while I have been out of Congress, among others, pouring metal. I know something about conditions in foundries.

When the superintending engineer in his letter of 1909—and by the way this is a very old claim—says, "In so far as this injury was caused by putting the eye close to hot iron, I would state that this is not a practice in inspecting iron or steel; flaws are detected after the iron has cooled, and not while it is hot."

I will confirm that statement myself, from my minor knowledge of the heat treatment of steel. There are men who have worked in rolling mills and blacksmith shops all their lives, and have never been injured in this way.

Now, I can not see where this man has any basis for a claim arising from his work.

Mr. JENKINS. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. JENKINS. I will say that I know about this case personally. I know this man personally. I followed this case closely before the Committee on Claims. I was at one time a member of the Committee on War Claims. I made a special request that this case be assigned to a subcommittee of lawyers, believing there were some intricate legal propositions involved, and the facts of the case were never disputed; but, as to the letter which the gentleman read, the gentleman from Texas [Mr. BOX], who made the report, consulted with me, and we decided there was only one bit of evidence that could be construed against the case, and that was this man's letter. And in order to present a report that was more than fair the letter was inserted in the report. The rest of the evidence introduced before the committee was overwhelming in favor of this case from the standpoint of law and fact. This man worked at a particular line of work, and he sent in a drawing showing what he did. That drawing was left with the committee. He inspected steel bars. The steel bars were put under high pressure and separated. They were separated into V shape and many other shapes. He must inspect those bars at the breaking point, and he had to look upon hot metal, as furnace men do, through a tuyère. This is no ordinary man. He had a very responsible position. He was a man of great natural ability.

Mr. STAFFORD. Does the gentleman know what tuyères are?

Mr. JENKINS. Yes. I know what they are. I have looked through them many times. I know this man's case, and I know this man's injury. His case is meritorious, and he is practically blind.

Mr. REID of Illinois. Will the gentleman state what a tuyère is?

Mr. JENKINS. In a blast furnace it is an opening through which the molten metal is watched in its process of manufacture. They are protected in most places, but this man had to look upon this metal without any protection to his eyes. There is no question but that he suffered an injury. He is a man of high character. The man has lost his eyesight. He was operated on by an Army surgeon, who recognized that his claim was meritorious.

I will say to the gentleman from Wisconsin that I know this is a case of genuine merit.

Mr. STAFFORD. I do not dispute he is injured now, but I do dispute that the injury was occasioned by his employment.

Mr. JENKINS. Of course, the record is voluminous, but the report is short. It is shown by many prominent citizens that he was the best pistol shot in that country before he went into this service, indicating that his eyes were perfect. During the service he was operated upon by the Army surgeon, and he also consulted a specialist, Doctor Vail, of Cincinnati, who is one of the leading specialists of the United States.

In that report he makes the statement that this man's eye trouble was the result of having his eye in close contact with heat.

Mr. STAFFORD. Where is that testimony?

Mr. JENKINS. At the top of the second page.

Mr. STAFFORD. Direct me to the testimony showing that this injury was the result of this man's occupation.

Mr. JENKINS. I will give the gentleman an epitome of Judge Box's findings:

This advice was the same as given claimant by a noted specialist in Philadelphia. A few years after this operation the claimant consulted Doctor Vail, a noted eye specialist in Cincinnati, who advised that his cataracts and his eye trouble were caused by too close contact with heat, light, and dust, and that he could do nothing further toward restoring claimant's eyesight.

Mr. STAFFORD. How old is this claimant?

Mr. JENKINS. He is about 60 years of age and he is in destitute circumstances.

Mr. STAFFORD. In view of the statement—of which I was not aware—made by an eye specialist in Philadelphia—and Philadelphia has the very best eye specialists in the country, as I know, because I have had them treat my eyes—that this injury might have resulted from his service in the Canal Zone, I will withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,500 to Martin J. Hayes for injuries sustained as a result of employment under the Isthmian Canal Commission.

With the following committee amendments:

Page 1, line 5, after the word "Hayes," insert the words "in settlement against the Government."

Page 1, line 7, after the word "Commission," insert the following proviso: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSIAH J. HOSTETLER

The next business on the Private Calendar was the bill (H. R. 2589) for the relief of Josiah J. Hostetler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be authorized to allow credit to Josiah J. Hostetler, postmaster at Shipshewana, Ind., for $9.96 in fixed credit funds, $326.80 in postage stamps, and $19.50 in postal funds lost in the burglary of the post office at Shipshewana, Ind., March 24, 1927.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PHILIP F. HAMBSCH

The next business on the Private Calendar was the bill (H. R. 6636) for the relief of Philip F. Hambsch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, reserving the right to object, it seems to me that when the Government sends a man to disburse money he ought to disburse it in such a way as not to cause the Comptroller General to disallow his disbursements, unless there is some special reason for it. I would like to have a statement about this case.

Mr. IRWIN. It is very often the case that the Comptroller General has certain rules and regulations with which it is practically impossible to comply. It is often the case that a disbursing officer can not strictly adhere to those rules and he disburses funds which afterwards the Comptroller General disallows but to which, under the peculiar circumstances of the case, the department interposes no objection. This is one of the cases where the department says there were some circumstances which made it impossible for the disbursing officer to go according to the letter of the law and, therefore, they recommend the payment of this claim.

Mr. PATTERSON. Of course, the committee considered each of these items separately and carefully and the chairman feels they are justified.

Mr. IRWIN. Yes; and because the Treasury Department recommended the allowance of this we felt it was a meritorious claim.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to credit the accounts of Philip F. Hambsch, formerly a special disbursing agent of the Bureau of Prohibition, with the sum of $622.58, such amount representing sums disbursed by him and disallowed by the Comptroller General in certificate of settlement of account No. K-40891-Ti, dated March 14, 1929.

SEC. 2. The surety on the bond of said Philip F. Hambsch, as such special disbursing agent, is hereby relieved of any liability on account of such disallowance.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARDEN F. TAYLOR

The next business on the Private Calendar was the bill (H. R. 8604) to authorize and direct the Comptroller General to settle and allow the claim of Harden F. Taylor for services rendered to the Bureau of Fisheries.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and allow the claim of Harden F. Taylor in the sum of $500 for services rendered to the Bureau of Fisheries in the preparation of a manuscript on the refrigeration of fish, notwithstanding provisions of existing law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALTON B. PLATNER

The next business on the Private Calendar was the bill (H. R. 9395) for the relief of Alton B. Platner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, reserving the right to object, there is a question in my mind about this bill. This man rendered this service while he was a postmaster.

Mr. IRWIN. I will say that in this case he was the postmaster, and he was drawing a very small salary. It became necessary to advertise for bids to carry the mail from the railway station to the post office. Legally, he could not hold both positions, but in this case it was very hard to get a man to do this work for $1 a day. He volunteered to do the work and, in fact, the department encouraged him to do it, although it was a little beyond the regulations. However, the department had the benefit of these services for much less than they could have had them from any other man. These services were rendered in good faith, and the Government certainly should not object to paying for them.

Mr. PATTERSON. I think there is no question about the gentleman's statement in that regard, but I do think this is going a little too far and will set a precedent. A postmaster or any other man who has a regular salaried position should not be allowed to carry on extra work on the side.

Mr. IRWIN. Well, he was drawing only a very small salary.

Mr. PATTERSON. What class post office was this?

Mr. IRWIN. I think a third or fourth class post office. He was only drawing a small salary. They were advertising for bids, and he was notified that his bid would be accepted. His bid was lower than anybody else could afford to make. Nobody else could afford to do this work for $1 a day. Therefore it was a convenience to the Government and to the Post Office Department. If he had not done this work it would have cost the Government much more. For that reason we felt it was a meritorious case, and I will say to the gentleman that this will not establish a precedent because in years past we have had a number of such cases.

Mr. PATTERSON. Since it is not a precedent I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Alton B. Platner, former postmaster at Linlithgo, N. Y., with the sum of $162.50, such sum representing compensation due him for services rendered as mail messenger at the said office from October 17, 1927, to May 1, 1928, inclusive.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANK J. SPENCER

The next business on the Private Calendar was the bill (H. R. 11911) for the relief of Frank J. Spencer.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank J. Spencer, of Port Huron, Mich., the sum of $40, said sum being due said Frank J. Spencer for coal furnished the custodian of the tug *Victory* while said tug was in the custody of the United States marshal, the said tug later being sold and the proceeds of such sale having been turned in to the Treasury of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PUBLIC LANDS IN NEVADA

The next business on the Private Calendar was the bill (S. 557) to authorize the disposition of certain public lands in the State of Nevada.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I do not think this is the proper way to sell public land, selling it to a railroad company without any competition and at a fixed price of $2.50 an acre, and I object.

ROBERT G. DICKSON

The next business on the Private Calendar was the bill (H. R. 1508) providing for the advancement of Robert G. Dickson on the retired list of the Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I object.

ALEXANDER M. PROCTOR

The next business on the Private Calendar was the bill (H. R. 10615) for the relief of Alexander M. Proctor.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alexander M. Proctor, who was a member of Company B, Twenty-third Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 1st day of May, 1878: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HARVEY H. PADGETT

The next business on the Private Calendar was the bill (H. R. 11091) for the relief of Harvey H. Padgett.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I would like some explanation by the author, or from some member of the committee reporting the bill, with reference to facts which would justify its passage.

It is my recollection that this man, according to the evidence, was a deserter, and unless we can have some information or facts or evidence which would indicate he was not a deserter, I do not see why we should pass a special act granting him a pension.

Mr. STRONG of Kansas. I will be pleased to tell the gentleman.

Mr. SCHAFER of Wisconsin. I yield for that purpose.

Mr. STRONG of Kansas. This man was in the Army, and received word that he had a very sick child at home and asked to go home. He was promised a furlough, was not given it, and got word that his child was very much worse, and he went home. When he sought to return he was in a part of the country where he was surrounded by the Confederate troops, and he could not get back. He finally learned that a Union colonel, as stated in the report, was in his vicinity, and he went to him and asked escort back to his regiment. The colonel told him to go to his home and come back in the morning. During the night the colonel and his entire company were captured, and he never got back to his regiment.

Mr. SCHAFER of Wisconsin. The report from the War Department indicates that the company of Capt. James Cary was never captured. The only evidence which indicates the facts as the gentleman has just related them is the uncorroborated affidavit of the beneficiary.

Mr. STRONG of Kansas. I beg the gentleman's pardon. If the gentleman will read the report of the War Department carefully, he will find that Colonel Cary's company was captured.

Mr. BLANTON. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. BLANTON. This happened in November, 1862. Why has he waited all these years to correct his military record? Why did he not get it corrected in 1863 or 1864 or 1865?

Mr. STRONG of Kansas. I can not tell the gentleman that. He moved out West. This man had a large family of 12 or 14 children, and was very poor and never took the matter up until now when he is over 90 years of age. It is not material from a monetary standpoint, gentlemen, because he will not live over a year or two.

Mr. BLANTON. Is there any "gold digger" connected with him?

Mr. STRONG of Kansas. No; there is no "gold digger" connected with it.

Mr. SCHAFER of Wisconsin. Is the gentleman fully convinced, after a personal and careful consideration of all the facts and evidence produced, that this man was not a deserter?

Mr. STRONG of Kansas. I am.

Mr. SCHAFER of Wisconsin. But due to causes over which he had no control he was unable to continue his military service?

Mr. STRONG of Kansas. Yes; I am. I also have a petition signed by two or three hundred of his neighbors.

Mr. SCHAFER of Wisconsin. In view of the statement made by the distinguished gentleman from Kansas [Mr. STRONG] I shall not put my opinion against his, and will withdraw my objection.

Mr. STRONG of Kansas. I thank the gentleman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Harvey H. Padgett, who was a member of Company G, Twenty-fourth Regiment Kentucky Volunteer Infantry, Civil War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 4th day of November, 1862: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ALEXANDER M. PROCTOR

The SPEAKER pro tempore. The Chair wishes to call attention to the fact that Calendar No. 780 (H. R. 10613), a bill for the relief of Alexander M. Proctor, was passed a few moments ago. There is a Senate bill on the Speaker's desk identical with the House bill. Without objection, the proceedings in passing the House bill will be vacated, and the Senate bill substituted and considered in lieu of the House bill. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

S. 3853

An act for the relief of Alexander M. Proctor

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Alexander M. Proctor, who was a member of Company B, Twenty-third Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 1st day of May, 1878: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The House bill was laid on the table.

The SPEAKER pro tempore. The gentleman has that right.

Mr. CANNON. Mr. Speaker, we have betrayed the farmer. Both political parties promised in the last campaign that this Congress would make amends for the losses suffered by agriculture in the farm deflation and increase farm incomes, reduce farm expenses, and insure the farmer a share in the Nation's prosperity.

Never since party platforms were first adopted has any campaign promise been so ruthlessly repudiated. The prices of farm products are lower to-day in purchasing power than they have ever been since Columbus discovered America. The farm bill, which was forced through the House and Senate in order to prevent the enactment of the McNary-Haugen bill, has not helped the farm situation in the slightest degree. It has not made the tariff effective on farm products. It has not controlled the surplus. It has not stabilized the market. It has not prevented overproduction. It has not increased the price of farm products. It has not placed agriculture on a plane of economic equality with industry. It has not contributed in any way to the alleviation of farm distress or to the solution of the farm problem.

Instead of raising farm prices it has lowered both farm prices and farm values. Since the day the bill became a law farm products have fallen in value more than a billion dollars. It is amusing to hear apologists for the bill say there has not yet been time to try the law. They explain that it is not a miracle worker; that it can not solve the farm problem in a night or a day or a year. But when they passed the transportation act the railroads increased their rates at once. When Congress passed the tariff law the manufacturers raised their prices the next day. When they enacted the Federal reserve act the banks took advantage of it the next morning. But when they pass a farm relief bill the farmers are not supposed to derive any benefit from it until they have all gone into bankruptcy or died of old age.

The McNary-Haugen bill would have become effective the instant the President signed it. The equalization fee would have increased the price of farm products the day it became a law. The debenture plan would have added 21 cents per bushel to the price of wheat within an hour after it was placed on the statute books.

But this makeshift bill palmed off on the American farmers to avoid giving them the equalization fee or the debenture must await the millenium to afford them any relief.

Twice Congress passed the equalization fee in order to give the farmer immediate relief, and each time it was vetoed. Twice the Senate passed the debenture, and each time it was defeated by statements from the White House. One of the messages issued by the White House denounced the debenture because it would increase the price of wheat 21 cents a bushel and result in overproduction. Wheat was selling at that time for $1.26 a bushel. If the debenture had been enacted, the price of wheat would immediately have advanced to $1.67 per bushel, according to the President's own statement. But the debenture was thrown into the scrap heap, and the price of wheat has fallen steadily from that day to this, until it is now selling for 65 cents a bushel. And the price of bread is as high to-day with wheat selling at 65 cents as it was when wheat was $2.40. Every other farm product has suffered a similar decline. When the President signed the farm bill cattle were selling for $14.25 a hundred. To-day the same grade of cattle is quoted at $9.50, and the price of beef at your butcher has not dropped a penny in that time. And we still have overproduction and a greater surplus than ever.

Not only has the promise of an increase in the farm income been shamelessly repudiated, but the burden of farm expenses has been peremptorily increased.

Freight rates, fertilizer, and farm machinery are to-day costing the farmer more than he paid for them when he was getting $2.40 for his wheat and $21.50 for his hogs. Wheat has dropped below a dollar, and hogs are selling below a dime. But the farmer is still paying war-time prices for his necessities.

To add to this record of broken faith, the Congress has passed a bill levying the highest tariffs in the history of the American Republic. It has increased the tariff on commodities which the farmer must buy beyond any schedule ever enacted in this or any other country in the world. And they are trying to fool the farmer, as usual, by claiming that he also is a beneficiary of the tariff bill through increased tariffs on agricultural products. The effrontery of such claims is apparent in the market reports of every daily newspaper. It is only necessary to compare the prices of farm products in the United States under a farm tariff and the price of the same product in foreign countries without a tariff to see at once the duplicity of such a claim. Supplementing the tables printed in the CONGRESSIONAL RECORD of May 24, 1929, and May 5, 1930, I am giving below the comparative prices of wheat in Minneapolis and Winnipeg:

Comparative prices of No. 1 northern spring wheat at Minneapolis and Winnipeg, as reported in the Chicago Tribune

Date	Minneapolis	Winnipeg
1930		
May 3	$1.04½	$1.05⅛
May 4	1.02⅞	1.04⅞
May 6	1.02¾	1.04½
May 7	1.04⅜	1.06¼
May 8	1.02¼	1.04⅞
May 9	1.03¼	1.04⅞
May 10	1.04⅜	1.05⅛
May 11	1.05⅜	1.06¼
May 14	1.05½	1.06½
May 15	1.04⅜	1.05⅝
May 16	1.05⅞	1.06⅝
May 17	1.08	1.08⅜
May 18	1.08½	1.09⅞
May 21	1.05¼	1.07½
May 22	1.05¾	1.07⅞
May 23	1.08⅝	1.10⅛
May 24	1.06¼	1.09⅛
May 27	1.07¾	1.11¼
May 28	1.07⅛	1.10⅜
May 30	1.07⅜	1.11⅜
June 1	1.08⅛	1.12¾
June 3	1.06⅛	1.11½
June 5	1.04⅞	1.10
June 6	1.05⅛	1.11⅛
June 7	1.05¼	1.12¼
June 8	1.05¼	1.11⅜
June 10	1.06¼	1.12¼
June 11	1.05¼	1.12
June 12	1.03⅝	1.10⅝
June 13	1.02¼	1.08⅜
June 14	1.00	1.05¼
June 15	.98⅝	1.03¼
June 17	.94⅞	.98¼
June 18	.97⅜	1.02⅛
June 19	.96¼	1.00¼
June 20	.96½	1.00⅝
June 21	.94⅝	.98⅞
June 22	.93½	.96
June 24	.94½	.96⅝
June 25	.91	.97⅛

This table and the two tables which preceded it in the CONGRESSIONAL RECORDS of 1929 and 1930 show conclusively that the farm tariff is wholly ineffective and that agricultural products are selling in Canada and other foreign countries, where they have no tariff and have no farm law or farm board, at a higher price than the American farmer is receiving for his product under the highest tariff bill in history and pnder the beneficent effect of all the legislation passed by this Congress for agricultural relief.

The farm legislation passed by this Congress has proved hopelessly ineffective. It has failed in every objective. Nothing remains but to return to the measures so laboriously formulated in the last Congress. We must again adopt the equalization fee or the debenture or both. Only through these carefully considered provisions may we hope to solve the farm problem and insure the rural family an American standard of living.

JAMES RIVER BRIDGE CORPORATION

The next business on the Private Calendar was the bill (H. R. 11121) for the relief of the James River Bridge Corporation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. PATTERSON. Reserving the right to object——

Mr. LANKFORD of Virginia. This simply gives the right to the bridge company to bring a suit in a Federal court that has admiralty jurisdiction. It is a case where there was a collision between a vessel and a bridge. Ordinarily the admiralty court would not have jurisdiction, and this is simply to give that court jurisdiction. It has been frequently done—there is nothing unusual about it.

Mr. PATTERSON. I withdraw the reservation.

Mr. STAFFORD. Reserving the right to object, I would like to inquire whether this is a matter that really pertains to admiralty.

Mr. LANKFORD of Virginia. Oh, yes; it is a collision between a ship and a bridge or the piers, and the admiralty court is much better equipped to try a case of this kind. There will be a special act passed sooner or later requested by the Maritime Association of America covering bridges and bridge piers, making them a subject of maritime jurisdiction.

Mr. STAFFORD. Can the gentleman explain why this claim was not referred to the department for report?

Mr. LANKFORD of Virginia. I can not tell you about that. It has been filed for a long time.

Mr. STAFFORD. We generally have a report from the department on these claims for damage to Government property.

Mr. LANKFORD of Virginia. This is simply giving the right to go into the United States court; there is no money to be spent; it is simply a question of a tribunal.

Mr. STAFFORD. The only question I had in mind was in view of the fact that the Navy Department has the right to settle claims of this character up to $3,000, why the claimant should be insistent upon getting $900 more, the maximum amount of his claim.

Mr. LANKFORD of Virginia. This is a claim against the Shipping Board.

Mr. STAFFORD. I do not know whether the law applies to the Shipping Board or not. Then, Mr. Speaker, as this is to refer the claim to an admiralty court, although I question whether it comes under admiralty jurisdiction, in view of the fact that admiralty is to take care of collisions between vessels, and not shore property, I withdraw the objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the James River Bridge Corporation, a corporation organized and existing under the laws of the State of Virginia, for damages suffered by reason of injuries alleged to have been inflicted upon the draw fender of the Newport News-James River Bridge, near Newport News, Va., by the steamship *Vittore Emmanuelle III*, belonging to the United States, in a collision with said fender by said steamship occurring on or about the 9th day of April, 1929, may be submitted to the United States court in the district in which said bridge is, under and in compliance with the rules of said court sitting as a court of admiralty; and the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collision, if any shall be found due either for or against the United States, upon the same principles and measure of liability, with costs, as in like cases in admiralty between private parties and with the same right of appeal: *Provided, however*, That any suit hereunder shall be instituted within four months after the passage of this act.

SEC. 2. That the mode of service of process upon the United States shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

With the following committee amendment:

Page 1, line 8, after the words "Vittore Emmanuelle III," strike out the word "belonging" and insert the words "alleged to belong."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARY S. HOWARD AND OTHERS

Mr. BOX. Mr. Speaker, I ask unanimous consent to return to Calendar No. 763 (S. 1406), for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Co., passed over this afternoon. The gentleman who interposed an objection has withdrawn it.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to return to S. 1406. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary S. Howard, $83; Gertrude M. Caton, $32.90; Nellie B. Reed, $182.96; Gertrude Pierce, $32.25; Katie Pensel, $75.28; Josephine Pryor, $50.50; Mary L. McCormick, $103.05; Mrs. James Blanchfield, $35.47; Sadie T. Nicoll, $125.61; Katie Lloyd, $25; Mrs. Benjamin Warner, $68.39; Eva K. Pensel, $38.70; Margaret Y. Kirk, $139.66; C. Albert George, $157.78; Earl Wroldsen, $19.20; Benjamin Carpenter, $23.85; Nathan Benson, $35; Paul Kirk, $50; Townsend Walters, $37.89; George Freet, $159.82; James B. Jefferson, $30; Frank Ellison, $175.62; Emil Kulchycky, $213; Harold S. Stubbs, $49.45; and the Bethel Cemetery Co., $166.51, out of any money in the Treasury not otherwise appropriated, by reason of the losses and damages caused, respectively, to the said Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Co., by reason of the damages to the wells on the properties of the said claimants caused by the lowering of the water level of the Chesapeake & Delaware Canal at the town of Chesapeake City, in Cecil County, in the State of Maryland.

Mr. ROWBOTTOM. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ROWBOTTOM: Page 2, line 13, after the word "appropriated," insert the words "in full settlement of all claims against the Government of the United States."

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HOMER J. WILLIAMSON

Mr. LUDLOW. Mr. Speaker, I ask to return to Calendar No. 522, a bill (H. R. 886) for the relief of Homer J. Williamson.

Mr. O'CONNOR of Oklahoma. Mr. Speaker, I object.

FAMILY OF HAROLD L. LYTLE

The next business on the Private Calendar was the bill (S. 1765) granting the sum of $5,000 to reimburse the family of the late Harold L. Lytle, for hospital and medical expenses and loss of salary due to an injury received in a collision with a Government truck in Portsmouth, N. H., May 10, 1927.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

Mr. HALE. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. I will reserve it, but the evidence of the officer that investigated it, taken right at the time, shows that it was not the fault of the Government operator of the truck.

Mr. HALE. Will the gentleman permit me to read briefly the affidavit of Mr. Lytle who was injured, who has since died, and also from the affidavit of a man who was right there, who,

while he did not see the actual collision, talked with the driver of the marine truck?

Mr. BLANTON. Has the gentleman carefully considered the evidence of the officer?

Mr. HALE. I have considered all of the evidence.

Mr. BLANTON. What insurance company is interested in this?

Mr. HALE. None whatever. The man was injured in this accident and has since died as a result of it. Since that time his wife has died, and there is remaining only a 4-year-old child without a penny to her name.

Mr. BLANTON. The gentleman himself investigated the case?

Mr. HALE. Absolutely.

Mr. BLANTON. In view of my colleague's investigation I shall put no further obstruction in the way of the bill. I was led to object by reason of the statement of the officer at the time who investigated the matter who said there was no negligence on the part of the Government, and I withdraw the objection.

Mr. HALE. I thank the gentleman.

Mr. STAFFORD. Mr. Speaker, further reserving the right to object, I would like to have the statement of the gentleman from New Hampshire in respect to the evidence to which he refers.

Mr. HALE. I shall be very glad to read the affidavits. They are as follows:

I, Harold Lytle, of Kittery, in the county of York and State of Maine, on oath depose and say that on May 10, 1927, I was employed by the American Railway Express Co. as truck driver. Some time between 3 and 3.30 I was operating an express company's truck along Islington Street, in said Portsmouth. Just before reaching the intersection of Cass and Islington Streets I was driving just a little to the right of the center of Islington Street, my left-hand wheels being in the car track, which is about the center of the street. As I approached the intersection of Cass and Islington Streets I saw a marine truck coming out of Cass Street on the left-hand side, coming at a high rate of speed. I immediately applied my brakes, and my truck was stopped, when the marine truck crashed into the right-hand side of my truck about at the step leading into the cab. The impact was so great that it forced my truck sideways across Islington Street and up over a foot curbing, breaking off the left forward wheel. I got out of the cab by climbing over the radiator of the marine truck, and then stated to the driver of the marine truck, "Well, you have done a pretty good job." And he replied, "If you are not satisfied I will back my truck and give it to you again." I told him I guess he done enough damage. I then started to write down his name and the number of his truck and then telephoned Mr. Abbott about the accident and returned to where my truck was.

I could see on the road the distance that my truck had gone after the brakes had been applied, and it was only a very short distance. The next thing I remember was when I came to in the Portsmouth Hospital.

HAROLD L. LYTLE.

APRIL 5, 1928.

STATE OF NEW HAMPSHIRE,
Rockingham, ss:

Personally appeared Harold Lytle and made oath that the statements contained in his above affidavit are true to the best of his knowledge and belief.

[SEAL.] MARGARET MCCAFFERY,
Notary Public.

I, Edwin S. Aubin, of 185 Middle Road, Portsmouth, N. H., on oath depose and say that my residence is Portsmouth, N. H., and I am route agent for the American Railway Express Co. That on May 10, 1927, I had just arrived home when I was called by Mr. Abbott, the local manager of the American Railway Express Co., and notified of an accident that had happened at the intersection of Cass and Islington Streets in said Portsmouth. This was around 3.30 or quarter of 4. I immediately proceeded to the scene of the accident. When I arrived Mr. Lytle, the driver of the truck, had been removed to the hospital. After viewing the accident I inquired who the driver of the marine truck was, and Mr. Abbott pointed him out and I asked him how the accident happened. He stated, "I ran into him all right." I then stated to the driver, "You must have been going pretty fast to have pushed the express company's truck across the street and up over a foot curbing"; and the driver replied, "I was going fast all right; as fast as the law would allow." The driver also stated, "I am to blame; it was my fault." From the marks on the road it was apparent that the express company's truck just before the accident was being driven just a little to the right of the center of Islington Street, its left wheel being over the car tracks, which are in the center of the street. The marks made by the marine truck clearly showed that it had come out of Cass Street and cut the corner at the intersection. The express company's truck had been struck about abreast of the step leading into the cab, and the American Express Co.'s truck had been pushed sideways across Islington Street and up over a foot curbing. After talking with the driver of the marine truck I repeated the question, asked him again if he was at fault for the accident, and he stated that it was his fault. He was coming out of Cass Street, making a left-hand turn and on the left-hand side of Cass Street, and was in a hurry, or I asked him why he was in such a hurry, and he stated he had to get back to the navy yard to report. I told him I wanted his statement in writing, but he could not give it to me there as he had no paper, but he promised to give me a statement in writing exactly as he had told me of the accident, and also had told Agent Abbott. I suggested to him that he go to the police station and report to the chief of police, which was his duty, and he told me that he would. After that he left for the yard, or left, as I supposed, for the police station, but apparently went to the yard. After giving instructions as to taking care of the wreck of the express company's truck I went to the hospital to see Mr. Lytle. When I arrived there I met Doctor Ladd and told him that I wanted to see Mr. Lytle, and he told me that he had just been put on the table for the taking of X rays to examine for broken bones and he was unconscious. I then inquired for his clothes and was shown where they were and took his valuables and the money belonging to the company and also his personal valuables.

EDWIN S. AUBIN.

APRIL 7, 1928.

STATE OF NEW HAMPSHIRE, *Rockingham, ss:*

Personally appeared Edwin S. Aubin and made oath that the statements contained in his affidavit are true to the best of his knowledge and belief.

MARGARET MCCAFFERY,
Notary Public.

Mr. STAFFORD. I was not advised of that last statement. I have been influenced in my reading of the report particularly by the letter of the Acting Secretary of the Navy, and by the fact it is there stated that the truck driver of the marine truck had the right of way.

Mr. HALE. No; he did not.

Mr. STAFFORD. I read from the letter of the Acting Secretary of the Navy:

The first board that investigated the accident found the Government driver not responsible and the second board was unable to fix the responsibility other than to say that it appeared that the Government vehicle had the right of way according to the traffic laws in force at the time, provided that said vehicle arrived at the intersection at approximately the same time as the truck driven by Mr. Lytle.

Mr. HALE. Of course, I am very familiar with the traffic laws of New Hampshire, and of the city of Portsmouth. Mr. Lytle was coming up Islington Street, and coming in from the left was a marine truck. Mr. Lytle had the right of way. He was on the right of the marine truck. He saw the marine truck coming at a high rate of speed and stopped his truck at the intersection of the middle of the street and the marine truck came aroufd like that and hit his right forward wheel.

Mr. STAFFORD. And the gentleman is positive that the marine truck did not have the right of way?

Mr. HALE. I am; and I am thoroughly convinced after mature investigation that Mr. Lytle was not to blame and the United States Government ought to pay a reasonable sum.

Mr. STAFFORD. I withdraw the reservation of objection.

Mr. HALE. I thank the gentleman.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the family of the late Harold L. Lytle, out of any money in the Treasury not otherwise appropriated, the sum of $3,500, in full settlement of all claims against the Government for hospital and medical expenses and loss of salary due to an injury he received in a collision with a Government truck in Portsmouth, N. H., on May 10, 1927.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I call the attention of the gentleman from New Hampshire [Mr. HALE] to the fact that this bill by its title carries $5,000 while in the body of the bill $3,500 is fixed as the amount.

Mr. HALE. This is a Senate bill. I would like very much to have it go through now. If there is any chance of misconstruction the title ought to be amended, but it seems to me there could not be more than $3,500 paid.

Mr. STAFFORD. I do not like to jeopardize the passage of the bill at this session. Yet when the title says "$5,000" and in the body of the bill only "$3,500" is carried, that might cause embarrassment.

Mr. HALE. The title would be of no determining value, as I understand.

Mr. STAFFORD. I will say to the gentleman that this discussion, in view of the fact that there may be some ambiguity as to which amount should prevail, will show that it was the

intention of Congress to approve $3,500, the amount stated in the body of the bill.

Mr. HALE. It will be $3,500 and no more.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

THE EFFECT OF THE NEW TARIFF RATES ON FARM COMMODITIES

Mr. PURNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PURNELL. Mr. Speaker, it is difficult, if not impossible, to predict with any degree of certainty the exact effect of any tariff rate. Other factors besides the tariff enter into the determination of the price level of a commodity. Not only the total supply and demand, but the supply and demand of various grades of the commodity are potent factors in price determination. The cost of labor is an important factor. Domestic competition may be much more severe than foreign competition. Economic conditions shift rapidly from week to week and from month to month, so that the particular set of conditions in their varying proportions which determine the price level of a commodity for one day or for one week may be different both in their proportion and in some of their elements from the conditions determining the price level of that commodity a few weeks previous. All of these things illustrate some of the difficulties which beset the calculation of the effect and influence of the tariff on the price level.

Nevertheless, there are broad influences which are exerted by tariff rates which can be definitely attributed thereto and in some cases can be measured at least roughly. Without attempting to be encyclopedic and with no pretentions to infallibility of prediction, what are the more important of these broad influences which may reasonably be expected to accrue to the farmers from the revision of agricultural rates in the new tariff bill?

But before taking up this question, let us consider the favorite theme of the opponents of this bill, namely, that the industrial rates have been raised so much that the farmers stand to lose far more than they will gain by the increases in agricultural rates. Such predictions have been largely speculative guesses and arbitrary assumptions. While everyone has the right and privilege of making whatever guesses he chooses, and to speculate as much as he pleases, the practical work-a-day experience of agriculture in the past has been that the maintenance of a home market for farm products by means of the preservation of the purchasing power of the industrial workers is of great importance. It is significant in this connection that during the recent tariff revision not a single national farm organization entered into an onslaught on industrial schedules with a view toward securing tariff equality with industry by tearing down industrial rates. Organized agriculture as represented by her great national organizations sought equality by urging the upward revision of agricultural rates.

Congress gave to agriculture what are probably the highest farm rates ever enacted on agricultural products, as a whole, in the history of tariff legislation in this country. True, not all of the rates requested by agriculture were given, but what large group received all that it asked for?

The extent to which agriculture's needs were given attention in the new bill as compared with the increases given to industry is shown by the analysis of the measure recently made public by the American Farm Bureau Federation after a careful study and appraisal of the new bill in comparison with the act of 1922.

This analysis shows that the average ad valorem rate on agricultural raw materials was increased from 22.37 per cent in the act of 1922 to 33.94 per cent in the new bill or an increase of 51.6 per cent above the 1922 base. On the first processed forms of these agricultural raw materials, the average rate was increased from 46.28 per cent in the act of 1922 to 56.69 per cent in the new bill, or an increase of 22 per cent above the 1922 base. On all other dutiable items or the purely industrial items in the bill, the average rate was increased from 33.85 per cent to 37.42 per cent or an increase of 10.5 per cent. If agricultural raw materials and their first processed forms be considered together, the average rate on all of these products was increased from 34.17 per cent in the act of 1922 to 45.12 per cent in the new bill, or an increase of 32.04 per cent above the 1922 base.

What does all this mean? It means that the percentage of increase in rates above the 1922 level was nearly five times as great on agricultural raw materials as on purely industrial items. It means that the rate on agricultural raw materials was increased greater than the rate on the first processed forms of these raw materials. It means that agricultural raw materials plus their processed forms have a higher rate in the new bill than purely industrial commodities. It means therefore that while Congress gave some further relief to industry, it also gave much greater relief proportionately to agriculture.

It means that instead of giving agriculture a sense of false security by hiking up the farm rates and destroying the industrial rates, it proceeded on the tested and tried basis of giving protection for all. It means not only that agriculture will be protected from destructive competition in her home markets from imported foreign-grown products of foreign farms but also that the purchasing power of the industrial community to buy farm products will be preserved by protective rates on industrial products.

So much for the treatment which agriculture as a whole received in the tariff readjustment. What about specific groups of farm commodities? How did they fare and what will be the effect of the new duties upon the producers of the commodities?

LIVESTOCK

No group of farmers in the United States has more at stake in the tariff bill than the producers of livestock. The imports of livestock and products of livestock totalled nearly $190,000,000 in 1928, or nearly one-third the combined total value of all imports of agricultural raw materials and their first processed forms. With these enormous importations pouring into domestic markets to displace American-produced products, there was no question but that the livestock industry needed help.

From Mexico the domestic producers of range cattle were encountering renewed and destructive competition. The Mexican cattle industry, stimulated by higher prices of cattle in the United States, suddenly went on a boom. Within five years the industry in that country doubled in volume. From inconsequential amounts the importations of cattle into the United States from Mexico jumped to 152,609 head in 1927 and 245,834 head in 1928.

Land in that country is plentiful and very cheap, being rented from 5 cents to 6 cents per acre in many instances. Labor costs range from 37½ cents to $1 per day in the northern plateau region, where the cattle industry is most largely concentrated.

Under such conditions it is not strange that cattle should be brought into the United States at levels of value far below those prevailing here. In 1927 the average value of imports from Mexico was 4.23 cents per pound and 1928, 5.56 cents per pound. Think what the offering of such cheap cattle on domestic markets meant when the domestic price level for small stockers and feeders at Kansas City for this same period was 7.07 cents per pound in 1927 and 9.42 cents per pound in 1928. The average difference in value for the 2-year period was 3.35 cents per pound.

Not only were the western range cattlemen faced with this cheap competition from Mexico but the feeders of cattle in the Corn Belt were struggling with competition from Canada, which had increased greatly within the past few years. Here again the scale of values of the imported product was much below that of the domestic product. The average value of imported cattle weighing 1,050 pounds each or more was 6.6 cents per pound in 1927 as compared with an average price of 14.2 cents per pound for choice steers weighing above 1,100 pounds at Chicago, or a difference of 7.6 cents per pound.

Faced with these conditions, Congress gave relief to the domestic producers of cattle by raising the duties from 1½ cents per pound to 2½ cents per pound on stocker and feeder cattle and from 2 cents per pound to 3 cents per pound on cattle suitable for slaughter. It also lowered the dividing line between these two groups from 1,050 to 700 pounds, thereby having the effect of raising the duties still further on cattle between 700 and 1,050 pounds.

To raise the duties on live cattle and leave the rates on beef and veal unchanged would have left the livestock producers without adequate protection. Instead of coming into the domestic markets in live form, the competition would have remained in the form of meat which would have displaced the sale of domestic cattle for meat purposes. The imports of beef jumped in 1927 and 1928 to about three times the imports in 1924 and 1925 and the imports of veal in 1927 and 1928 jumped to nearly double the imports in 1924 and 1925. With a difference of 7.89 cents per pound in the prices of beef in Australia and in Chicago in 1927 and a difference of 7.1 cents per pound between veal in the United States and imported veal, the destructive effect of these imports, if long continued, can be easily pictured.

Congress therefore raised the duties on beef and veal from 3 cents per pound to 6 cents per pound. Such conditions prevail-

ing in the livestock industry in this country make it evident that these new rates will save the domestic industry from a demoralization of its markets through cheap importations from abroad. If the domestic industry goes ahead and overproduces and thereby brings down its price levels, that is another matter and can not be charged to the tariff, but so far as the tariff is concerned, a great service has been rendered to the livestock producers in building up the tariff wall behind which the industry can proceed to enjoy the home market.

The rates on swine, pork, and pork products were also increased very generously. These rates have been attacked by low-tariff advocates as being "paper rates" and therefore of no benefit to agriculture. The answer to this is that organized agriculture, sensing the need for a higher level of protection on these products, demanded large increases in these rates, on the ground that the level of rates was far out of line with the protection afforded on other products.

In these days of rapidly shifting economic conditions, what may be termed as "paper rates" to-day may become effective rates to-morrow. Already there is a distinct trend in this direction in the case of swine and pork. The imports of these products have increased tremendously within the past three years. The inadequacy of the rates on these products as compared with level of rates on other products is apparent when it is realized that in the act of 1922 the equivalent ad valorem rate on swine was 4.44 per cent; on fresh pork, 3.76 per cent; on cured pork, 6.18 per cent; one pickled or salted pork, 5.42 per cent; and on lard, 6.07 per cent.

The increases which Congress gave on these products, while not needed so much now as in the case of some other products, will serve as an insurance to the domestic industry against fluctuating conditions of competition from abroad, so that it can go ahead and plan its program of production without fear of destructive competition undermining it from abroad. An adjustment of domestic production to domestic requirements would make these rates effective in raising the domestic price level. If domestic producers do not care to take advantage of this opportunity to enhance their domestic price level, that is their affair, but, at least, Congress has done its part and given to them this opportunity.

Similarly, the protective levels on sheep and goats, fresh mutton, goat meat, and fresh lamb were raised. With a difference of 7.1 cents per pound in the average value of imported mutton and the average price of mutton in the United States and with a difference of 13.71 cents per pound in the prices of fresh lamb in Chicago and in Australia, the need for raising the protection on these products is obvious. In the case of canned beef, the imports jumped from 7,000,000 pounds in 1924 to 52,735,000 pounds in 1928 or increasing by more than seven times in five years.

Who can successfully deny that these increases will not be beneficial to the livestock industry in protecting their home market and preserving it for them? Theorists may speculate all they please, but they will find it hard to convince the producer of livestock that he is not benefited by assuring him of protection from a flood of imports of cheap livestock and cheap meats from abroad. No matter how much of a surplus we may have here now, foreign producers in many countries can produce livestock and meats cheaper than we can here with our higher living standards. If we have a surplus now, we would have a still greater surplus if we had no tariff to protect the home market from these cheaper products. The new rates in the new bill tend to remove the competitive disadvantage of our livestock producers and to assure them the benefits of the home market.

It is unfortunate that a higher rate was not given on cattle hides, kipskins, and calfskins; but substantial progress has been made by the fact that Congress has recognized this industry as one which is entitled to protection by removing these hides and skins from the free list and making them dutiable at 10 per cent. I voted for a higher rate, and many of my colleagues did also. The higher rate was only defeated by one vote in this chamber. At any rate, by removing this product from the free list and giving it substantial recognition among dutiable products, the way has been paved for further increases at a later date—either through the flexible provision or through congressional action, as it becomes apparent that further protection must be given.

DAIRY PRODUCTS

The dairy farmers are among the most favored in the bill, and will be most benefited by the rates in the new tariff bill. Dairy products, such as butter, cheese, casein, are highly competitive from an international standpoint. Cream and milk are also competitive, but the international competition is restricted mainly to Canada so far as the United States is concerned.

Dairy products as a whole have an average rate of 36.09 per cent ad valorem in the new bill, as compared with a rate of 24.35 per cent in the act of 1922, or an increase of 11.74 or nearly 50 per cent above the 1922 level.

These rates will give the dairy farmers protection against the increasing competition from Canada on milk and cream, from Denmark, Australia, and other dairy countries in butter, from Argentina on casein, from Denmark and other countries in condensed milk and milk and cream powders, and from Switzerland, France, Italy, and Greece in cheese of various kinds.

Importations of milk have doubled since 1920. Importations of cream have more than doubled during the same period. The raising of the tariff on butter from 8 cents to 12 cents by President Coolidge had a helpful influence in stemming the tide of butter flooding our markets, but the increase was still inadequate to equalize the difference in the cost of production in the United States and in foreign countries, as ascertained by the commission. The President went the limit of the law, which only permitted an increase of 50 per cent above the existing statutory rate, but this rate was not enough. Hence when the dairy producers came to Congress for further relief, we gave it to them and raised the duty on butter to 14 cents per pound. The Tariff Commission found a difference of 14.92 cents per pound in the cost of producing butter in the United States and in Denmark. How could our dairy farmers hope to compete successfully with Denmark even in our own markets with this differential unequalized by tariff?

It is folly to raise the rates on fresh milk and cream and leave the gates wide open to the condensed forms of these products, namely, condensed or evaporated milk or cream and milk and cream powders. The raising of the rates on fresh milk and cream made imperative the raising of the rates on the condensed and powdered forms of these products; otherwise the higher duties on the fresh products would have been largely nullified by bringing in the product in condensed or powdered form to supply a large part of the trade demands.

The increase in the rate on casein from 2½ cents to 5½ cents per pound represents an increase of over 100 per cent in the duty. It will be of great help to the domestic casein industry in meeting competition from Argentina and thereby supply an additional outlet for the surplus skimmed milk. The dairy producers told Congress that 10,000,000,000 pounds of skimmed milk were going to waste in this country annually and that they desired a higher rate on casein to make possible the utilization of skimmed milk in greater quantities for casein manufacture.

Under the old rate of 2½ cents per pound, the domestic casein industry could not compete successfully with the cheaper Argentine product. Importations more than doubled since 1922. Something had to be done for the relief of this situation. So Congress raised the rate to 5½ cents per pound. The domestic producers asked for 8 cents and I for one would have been glad to have given them 8 cents. I voted for the 8-cent rate as did many other Representatives, but the majority opinion seemed to be that 5½ cents was sufficient and that a higher rate might be injurious by promoting substitution of other products.

POULTRY AND EGGS

Poultry and eggs are products which affect almost every farm home in America. In addition to the specialized poultry farms, nearly every farm woman in America has her flock of poultry, out of which she sells poultry and eggs in varying quantities from year to year.

Congress gave fine consideration to this great industry. The poultry producers, with but one or two exceptions, received everything they asked for in the way of tariff readjustment. Congress raised the rate on live poultry from 3 cents to 8 cents per pound or nearly three times the former rate; on dressed poultry from 6 cents to 10 cents per pound, or nearly double the former rate; on fresh eggs from 8 cents to 10 cents per dozen, and on frozen eggs from 7½ cents to 11 cents per pound. The average rate on poultry and poultry products was increased from 31.10 per cent in the act of 1922 to 38.39 per cent in the new bill.

The raise in the duty on live poultry has been criticized on the ground that it was unnecessary, that imports were decreasing under the old rates, and therefore the farmer would not be benefited by this increase in rates. The farmers who raise poultry did not agree with this statement. They were insistent upon this increase. They took the position, and rightly I think, that this increase was necessary as a measure of protection or insurance to the domestic industry. The imports of dressed poultry had nearly quadrupled in volume since

1922. Turkey producers particularly were suffering from cheap turkeys shipped into domestic markets from Argentina. Relief from this injurious competition was demanded and given.

The poultry producers took the position that an increase in duty on dressed poultry to 10 cents per pound, made necessary an increase in the duty on live poultry; otherwise they would encounter competition in their markets from importations of the live product instead of the dressed product and their last state would be as bad as the former. The raise in the rate on dressed poultry should afford ample protection to the dressed-poultry industry. The raise in the rate on live poultry should insure producers against destructive shifting in competition from the dressed to the live product. In other words the poultry producers are now assured of the full benefit of the domestic market for these products.

A situation similar to live poultry existed in the case of eggs in the shell. The rate was increased in order to assure domestic producers of the domestic market. Most of the competition for domestic eggs in domestic markets has come from frozen and dried eggs which have been imported into the United States in large quantities. The domestic freezing industry supplies an outlet for surplus eggs, thereby helping to relieve the pressure on the price level which this surplus exerts. The heavy importations of cheap frozen eggs and cheap dried eggs from China however, have greatly handicapped the domestic freezing industry and in fact imperiled its very existence. Hence Congress raised the rate on frozen eggs to 11 cents per pound. The rates which the producers requested on dried eggs were not granted, largely because some Members of Congress felt that the high rates which were requested were not warranted in view of the fact that there is no dried-egg industry in the United States at present. I voted for higher rates on dried eggs and am sorry that these rates were not approved, but perhaps this defect may be partially corrected through the flexible provision. We have protected the domestic freezing industry from the Chinese frozen eggs, thus maintaining an outlet for our surplus of fresh eggs.

The contention that the farmer will not be affected by these rates is ridiculous in view of these facts. The farmer is assured of the domestic market for his fresh eggs; he is assured of an outlet for at least a part of his surplus eggs through the protection given to the domestic egg-freezing industry.

GRAIN PRODUCTS

This group of products is the "piece de resistance" of the low-tariff advocates. No onslaught against the tariff is complete without pointing to the inadequacy of the duties on wheat, corn, oats, barley, and other grains. They describe these duties as "meaningless," as "gestures," and devices to fool the farmer. These are good rhetorical popguns and suitable for sham battles, but not for practical application.

What would happen if these duties were done away with? That is the real test of the efficacy of a tariff rate and not whether it is successful in holding the price level in the United States exactly to a point above the foreign price equal to the tariff rate. Because the difference in quoted wheat prices in Winnipeg and Minneapolis does not always equal 42 cents per bushel, the amount of the tariff, the low-tariff advocates are ready to say that the tariff is of no benefit.

They ignore protein premiums as an important factor in the situation. In 1928 domestic wheat producers received on the Minneapolis market protein premiums averaging approximately 11 to 12 cents per bushel per 1 per cent increase of protein above the basic 11 per cent protein content. Tests of 5,000 samples over a 4-month period at Minneapolis in that year, showed that 52 per cent of the wheat receiving proteins tested from 12 to 13 per cent and therefore received premiums ranging from 11 cents to 24 cents per bushel above the basic price quotation. Fifteen per cent of the wheat receiving protein premiums, tested from 14 to 15 per cent and therefore received premiums ranging from 33 cents to 48 cents per bushel above the basic price quotation (p. 1205, Summary of Tariff Information, 1929, U. S. Tariff Commission).

What would happen, if we tore down our tariff wall of 42 cents per bushel on wheat? Canadian wheat would pour into our markets by the hundreds of millions of bushels. The effect could not be otherwise than to greatly depress domestic prices. What would become of the protein premiums? They would probably disappear entirely in most years, because much of the Canadian wheat usually tests high in protein content, and the supply of high protein wheat would be so great that millers would no longer pay premiums for it, because they could get all they needed and more besides at current price quotations.

The tariff wall of 42 cents per bushel does not maintain domestic wheat prices for all kinds of wheat at all times at a level 42 cents above the Canadian price level. Nobody would be so foolish as to contend that or so naïve as to expect it, but this tariff wall does prevent the flooding of our markets with Canadian wheat which, but for this tariff could be offered at cheaper prices and thereby depress our general price level. The tariff also makes possible the payment of premiums of high protein wheat in this country and sometimes the premiums amount to more than the tariff.

Corn is another favorite point of attack by low-tariff advocates. The increase in duty on corn from 15 cents to 25 cents per bushel has been attacked by them as of no value and the statement made that it can not possibly help the farmer. It is easy to make such statements, but it is not so easy to defend them when they are subjected to factual analysis.

The critics of a tariff on corn usually point out that the importations are one-half of 1 per cent of our production and that our exports greatly exceed our imports in most years. This is cited as prima facie proof that a duty on imported corn is of no good to the farmers.

They ignore usually the fact that only 14 per cent of the annual corn crop in the United States is shipped out of the county where it is grown, and that is the cash corn crop—the portion which is shipped to market for sale and more especially that shipped from the Corn Belt into the Atlantic coast region and the Pacific coast region where most of the imported corn is sold, that comes into competition with the imported corn.

Imported corn, which comes principally from Argentina injures the domestic corn grower by displacing the sale of surplus domestic corn to the seaboard regions, where otherwise the Corn Belt farmers could sell part of their surplus corn.

On August 17, 1927, the Price Current-Grain Reporter reported that—

> No trade is passing with the Pacific coast territory at present, due to the importations from Argentina at prices under the Omaha basis.

In other words, the movement of surplus corn from that region of the Corn Belt (Nebraska) to the Pacific coast region had stopped on account of the importations of cheaper corn from Argentina.

But its injury is not confined to the coastal region but in some years the entire market level is depressed by importations of corn or threatened importations. During the investigation of the cost of production of corn conducted by the Tariff Commission evidence was submitted at the public hearing by witnesses which showed that imported corn constituted 51 per cent of the total supply of corn at San Francisco, 16.62 per cent of total receipts at Pacific ports, and 26.64 per cent of total receipts at Atlantic ports; that the importation of this cheap corn tended to drive domestic prices down to the level of the price of the imported corn; that reports of importations from Argentina or of a large available supply there depressed the general market level of cash corn in the primary markets where the basic price levels are determined. Quotations from trade quotations and market summaries were presented to the commission which showed how the domestic price level was depressed by the availability of cheap Argentine corn.

The difference in prices of domestic corn at Chicago and Argentine corn at Buenos Aires, plus the carrying charges to San Francisco in both cases, was 37 cents per bushel in 1927, 33 cents per bushel in 1926, 37 cents per bushel in 1925, and cheaper in the case of Argentine corn every year during the period 1920–1927. The Tariff Commission found the cost of producing and delivering domestic corn to San Francisco exceeded the cost of Argentine corn delivered to the same port by 34.8 cents per bushel during the two years, 1926 and 1927, and exceeded by 27.4 cents per bushel if weighted average transportation costs to San Francisco and New York are combined.

The maintenance of the 42-cent tariff on wheat will protect wheat growers from the ruin of their market and the destruction of the protein-premium system through floods of importations which would otherwise pour into this country from Canada. The increase in the rate on corn from 15 to 25 cents per bushel will provide a wider market for surplus corn from the Corn Belt in the coastal areas and will prevent undue price depressions at the primary markets through the threat of imports of cheap corn from abroad.

The duty of 16 cents per bushel on oats will protect domestic producers from the competition of cheap imported oats, which, for example, in 1927 averaged in value 17.2 cents per bushel less than the average price of No. 3 white oats at Chicago. The increase in the duty on buckwheat from 10 cents to 25 cents per 100 pounds will assure the domestic producers of the domestic market and enable them to go forward with more confidence and more of a certainty of a stabilized domestic demand for their product. The increases on rice in its various forms will virtually equalize the differences in prices of domestic rice and for-

cign-grown rice, which in 1925 ranged from 3 to 5 cents per pound cheaper abroad than in New York City.

FRUITS

Generous increases in rates were given on certain fruits on which further protection was needed, chiefly cherries, figs, dates, lemons, limes, grapefruit, and pineapples. The average rate on fruits in all forms was increased from 29.59 per cent to 40.80 per cent or 11.21 points, which is 43.8 per cent above the 1922 level.

The increase in the rate on dried apricots from one-half cent to 2 cents per pound has been attacked as "meaningless and silly" and of no value to the producers. Evidently the farmers thought otherwise, as the American Farm Bureau Federation sought a rate of 4 cents per pound but not less than 45 per cent ad valorem on this product. The rate of 2 cents per pound brings this rate in line with the rate on other dried fruits, such as dried apples, dried peaches, and dried pears all of which had rates of 2 cents per pound in the act of 1922. There is no reason why the producers of apricots should not have equal protection on their product, even though for the time being the rate should not be as acutely needed as it may be in the future.

The domestic cherry growers will be greatly aided by the increases in the duties on cherries, particularly the rates on cherries, sulphured or in brine, and maraschino cherries. The Tariff Commission found by its investigation that the 5-year average cost of production of cherries, pitted and sulphured or in brine, delivered to New York exceeded the cost of Italian cherries delivered to the same market by 9.877 cents per pound.

The new duty of 9½ cents on this product will virtually equalize the difference in cost of production. Proportionate increases were provided on unpitted cherries sulphured or in brine, on maraschino cherries, and on dried cherries. The cherry producers of the Pacific Coast States have been virtually shut out of the markets east of the Rocky Mountains, and the imported Italian product has virtually monopolized these markets by virtue of its cheaper price. Who can successfully deny that the equalization of costs will be a great boon to the domestic cherry growers by opening up to them this great market from which they have been denied?

The increase in duty on lemons from 2 cents to 2½ cents per pound will equalize the estimated difference in the cost of production of lemons in the United States and Italy, which has been estimated at 2.48 cents per pound delivered to New York by the California Citrus League, which was represented at that time by Mr. Teague, now a member of the Federal Farm Board. The increase in the duties on limes, pineapples, and avocados should stimulate the production of these products in our own borders and aid in building up these farming industries.

VEGETABLES

No other group of farmers received such generous increases as the vegetable producers, and particularly the growers of winter vegetables. The average rate on vegetables and their first processed forms was increased from 27.50 per cent in the act of 1922 to 60.07 per cent in the new bill. The new rates on the raw materials are higher than the new rates on the processed forms, being 65.32 per cent on the former and 49.68 per cent on the latter in the new bill.

The increase in the duty on white potatoes from 50 cents to 75 cents per bushel will help domestic producers meet competition from Canada, and will be of especial help to the producers of winter potatoes in the Southern States who meet competition of cheaper products from Cuba and the Bahamas.

The growers of fresh tomatoes, fresh peas, fresh beans, celery, eggplant, cabbage, and other fresh vegetables, particularly the producers of the winter vegetables in the Southern States, will find the increased rates on these products a boon to them in aiding them in meeting the flood of imports from Mexico, Cuba, and the Bahamas, where these products are produced with cheap labor and under cheap standards of living.

The winter vegetable industry in the United States was threatened with great curtailment, if not extinction, by the growing inroads of imported vegetables particularly from Mexico, which was rapidly taking away the domestic markets from the domestic producers of these crops. The imports of green peas increased from 4,981 bushels in 1919 to 14,325,528 bushels in 1928; fresh tomatoes from 54,000,000 pounds in 1923 to 120,000,000 pounds in 1928; fresh beans from 2,600,000 pounds in 1923 to 3,600,000 pounds in 1928. The total shipments of all vegetables from the west coast of Mexico alone to the United States increased from 2,194 carloads in 1922-23 to approximately 8,000 carloads in 1928-29. It is plain that the domestic industry could not survive such destructive competition without additional protection.

Now that Congress has given the protection to these distressed industries which they sought and needed, how can it be said that the farmers will not get any benefit therefrom? The farmers who are confronted with the reality of this competition will not be fooled by such generalities.

NUTS

The nut growers will be greatly aided by the new rates on nuts, particularly on almonds, peanuts, filberts, pecans, and walnuts. The average rate on nuts was increased from 35.59 per cent to 48.98 per cent, or an increase of 13.39 points. The domestic peanut grower struggling against the competition of millions of pounds of imported peanuts, produced by coolie labor in China and imported with a cost of production averaging 8.03 cents per pound cheaper than the cost of production in the United States, will be able to meet this competition more successfully with the new rates of 4¼ cents per pound on unshelled and 7 cents per pound on shelled peanuts.

The domestic almond growers will be greatly helped in their competition with the imports of almonds which in 1928 totaled 18,500,000 pounds, with a cost of production averaging 6.272 cents per pound cheaper than the domestic cost of production on unshelled almonds in bulk, 19.131 cents cheaper than shelled almonds in bulk. (Brief filed with Ways and Means Committee by California Almond Growers Exchange.)

We have an infant filbert industry in the northwestern part of this country. It could not compete successfully in price with the cheap imported product, which could be delivered to New York 7.85 cents per pound cheaper than the domestic product. Imports of filberts totaled over 15,000,000 pounds in 1928. The benefit of raising the rates from 2½ cents to 5 cents per pound on unshelled and from 5 cents to 10 cents per pound on shelled filberts, is apparent, in helping domestic producers to build up their industry and enjoy the benefit of the domestic market.

The increased rates on Brazil nuts, pignolia nuts, pistachio nuts, cashew nuts will not unduly burden the consumer and at the same time will help protect the domestic producers of pecans, almonds, walnuts, filberts, and other nuts from indirect displacement of these products by substitution of these foreign nuts.

Domestic walnut growers in 1928 had to compete with about 31,000,000 pounds of imported walnuts in the domestic markets of the United States. The California Walnut Growers' Association estimated that the cost of production was 10.67 cents per pound higher in the United States than in France, 12.78 cents higher than in China, and 10.95 cents higher than in Italy. The increase in rates from 4 cents to 5 cents per pound on unshelled and from 6 cents to 15 cents per pound on shelled walnuts, will obviously be a great boon to the walnut growers by assuring them of a larger outlet for their product in the home markets.

GRASS SEEDS

The growers of alfalfa seed, clover seeds, and other grass seeds will be greatly aided in building up an adequate domestic supply of seeds for domestic requirements. Extensive scientific research has proved conclusively the advisability of using seed which is adapted to the climatic conditions of the region in which it is to be sown. The fostering of a domestic supply of seed adapted to the climatic conditions of the United States is of far more value to the rest of the farmers who have to purchase this seed than the few cents per pound extra which they might have to pay on account of a tariff. The loss of the entire supply of seed, plus the labor cost, and the rental or interest value of the land in use, as a result of the sowing of imported unadapted seed is a far greater loss to the farmer who purchases seed than the few cents per pound he might gain if the tariff were kept low.

Moreover, the higher rates which have been given will greatly aid in fostering such a domestic supply of seeds. The increases in rates while of distinct and definite benefit to the growers of the seed, are nevertheless moderate in comparison with the rates on other farm products. The average rate on these seeds was increased from 19.24 per cent to 35 per cent. Dairy farmers with an average rate of 36.09 per cent on dairy products, poultry farmers with an average rate of 38.39 per cent, vegetable growers with an average rate of 60.07 per cent, and farmers generally with an average rate of 33.94 per cent on agricultural raw materials and 56.59 per cent on their first processed forms, can not with consistency complain against the increased protection given on these seeds.

COTTON

The removal of long-staple cotton from the free list and the placing of a duty of 7½ cents per pound will doubtless be far-reaching in its beneficial influence on the domestic cotton industry. It should be of great benefit in fostering the production of long-staple cotton which now brings a much higher price than the short staple. Instead of importing an average of four times the domestic production of Pima cotton as we have done in recent years, we may reasonably expect that the 7½-cent

duty will help foster the production of a domestic supply of this product in this country.

WOOL

The wool growers found that the rates in the act of 1922 did not adequately protect them from foreign competition in domestic markets; so they came to Congress and sought higher duties. The inadequacy of the old rates is shown by the fact that importations continued in somewhat lessened but still heavy volume after the passage of the 1922 act. In 1927 the imports of improved wools (not including carpet wools) totaled 133,000,000 pounds and in 1928, 89,800,000 pounds.

The domestic wool producers were hardest hit, however, by the flood of imports of shoddy, wool wastes, and wool rags, which were imported in enormous quantities. A total of 36,170,713 pounds of these products were imported in 1928, compared with an average annual importation of 9,950,525 pounds under the act of 1913, and 414,394 pounds annually under the act of 1909. These heavy importations were invited because rates on these products were proportionately lower than the rates on raw wool. It was therefore cheaper for domestic manufacturers to buy this foreign waste, or rags, or shoddy, and work it over into garments and woolen goods than to buy domestic raw wool for the same purposes. These heavy importations thus displaced the use of domestic raw wool. The new rates on these products are generously increased above the old rates and should be of great benefit in protecting the domestic market for raw wool, and thereby expand the consumption of domestic wool. The average rate on wool and its first processed form was increased from 68 per cent to 77.42 per cent.

A STATEMENT OF ABSURDITIES

On June 16 the Senator From North Carolina [Mr. SIMMONS] inserted in the RECORD a statement, the author of which he did not disclose, but which condemned as useless, the agricultural tariffs from soybean oil in Schedule I to wool in Schedule XI. I doubt if the Senator examined the statement carefully before he dignified it by having it placed in the RECORD, because it contained so many absurdities and erroneous conclusions, as to be worthy of designation as a veritable "Comedy of Errors," if the issues involved were not so serious.

The columns of statistical data might just as well have been omitted in most cases so far as their relationship to the conclusions are concerned because the author almost uniformly concludes, with but little variation that the agricultural rate is either "meaningless," or of "no benefit to agriculture." The varying conditions surrounding the long list of agricultural commodities which are cited seem to make little or no difference on the conclusion reached; the rate is no good to agriculture no matter what the conditions are, it seems.

The author seems to have taken as a refrain the slogan that the farm rates are no good and he sings this refrain after nearly every verse of statistics. It seems to have no effect on the conclusion whether the industry is on an import basis or an exports basis, whether the tariff rate equalizes or fails to equalize the difference in cost of production at home and abroad, or whether imports have increased or decreased.

For this reason it is not worth our time to take up each separate conclusion in this statement and analyze it separately. The unscientific treatment, the arbitrary and biased judgment which is exercised, and the absurdity of many of the statements and conclusions will be apparent, I believe, if we pause to consider briefly a few typical assertions from this statement.

Concerning the increase in duty on dressed poultry, he recites the fact that $5,811,742 worth of dressed poultry was imported in 1928, and that over 2,500,000 pounds of dressed turkeys alone were imported in one year, and then he reaches the strange conclusion that "this increase of 66 per cent in duty will not affect the farmer and means nothing to the consumer." By what process of reasoning this conclusion was reached I do not know, but I dare say the poultrymen who lost a market for nearly six million dollars worth of dressed poultry in one year on account of these imports will be able to tell very quickly whether or not an increase of 66 per cent in the tariff would help them or not.

He states that the increased duties on milk and cream will not be felt by agriculture, yet in 1928, 5,499,424 gallons of whole milk and 3,620,903 gallons of cream were imported into the United States to displace domestic milk and cream in our own markets. There is no question but that we could produce our entire requirements on American farms. In fact, since 1928 the domestic dairy industry has suffered a price slump, due to either overproduction or underconsumption. What folly it would be to invite continued importations from abroad by refusing to increase the tariff on these products, thus further aggravating the domestic price depression by imports of cheap supplies from abroad.

The increase in duty on dried cherries is criticized on the ground that it was increased "without any knowledge of the production or importation" of this product. As a matter of fact Congress had information about the production and importation. On page 5 of the report of the Tariff Commission to the President concerning cherries, it is stated: "There is also a considerable import of dried, sour cherries from Dalmatia, chiefly through the port of Trieste." Thus, while the exact quantities are not known, the Tariff Commission ascertained and reported to the President that a considerable quantity was coming in. Furthermore, the commission in its Summary of Tariff Information, page 1241, stated that "small quantities are dried in this country." With this picture before it, why should not the producers of sour cherries be given the benefit of this outlet for their product in dried form which now is being supplied to a considerable extent from Dalmatia?

Again the author of this statement declares that the duty on prepared cherries "was more than doubled without any reason or knowledge of existing conditions and will have no effect whatever upon farmers." It is obvious, from his statements, that the author had little knowledge of the subject, but his criticism of Congress in this regard is inaccurate. Congress had before it the detailed report of the Tariff Commission to the President in which the commission set forth in detail the extensive data which its experts had gathered over a period of many months concerning production and importation, prices, costs of production, and competitive conditions. This report dealt primarily with cherries, sulphured or in brine, but some data were also given with respect to maraschino and glacé cherries. Congress also had before it the data submitted by the commission in its Summary of Tariff Information concerning cherries in their various forms, including prepared cherries. Congress also had before it sworn evidence by domestic producers concerning the status of the industry. The data gathered by the commission showed that the cost of production of domestic cherries, sulphured or in brine, delivered to New York City over a 5-year period, was 9.877 cents per pound higher than the cost of Italian cherries.

The importations of enormous quantities of cheap Italian cherries had virtually monopolized the eastern markets so that practically no western cherries were sold to manufacturers east of the Rocky Mountains. The duty of 3 cents per pound was inadequate to equalize the advantage enjoyed by Italy. Now, with the new rates of 5½ cents on unpitted and 9½ cents on pitted cherries of this type, the domestic producers should be able to enjoy an expansion of the market for their product in the eastern markets, where more than 17,000,000 pounds of imported cherries were sold in 1927 and more than 11,000,000 pounds in 1928.

Those familiar with the maraschino-cherry industry know that the Royal Anne cherries, sulphured or in brine, are the raw materials for maraschino cherry manufacture. What folly it would have been to have increased the rates on the raw material and left an inadequate rate on the manufactured product. The result would have been that the importers would have bought the maraschino cherries direct from Italy, where the raw materials are cheaper and where labor for manufacturing is cheaper, and the American cherry grower still would have been without a market in the eastern part of this country for his cherries of this type. That is where the duty has meaning and where it will be a benefit to cherry growers. The duty was formulated, not only with a knowledge of existing conditions but with cogent and urgent reasons.

The increases in duty on citrus fruits are characterized as "meaningless" and of no aid to the growers, yet the facts are that the importations of these fruits from foreign countries in 1928 displaced the consumption of 69,747,000 pounds of lemons, 5,162,446 pounds of limes, and 7,252,000 pounds of grapefruit which might have been produced in the United States and sold to these same purchasers. The California Citrus League, represented then by Mr. C. C. Teague, now a member of the Federal Farm Board, presented detailed cost data showing that Italian lemons could be produced and delivered to New York 2.48 cents per pound cheaper than California lemons. We, therefore, raised the tariff rate from 2 cents to 2½ cents per pound, thereby equalizing the difference in cost of production, and opening up this wider market for domestic lemons.

The increased duties on almonds "will not be felt by the farmer," it is asserted. Yet the facts are that the imports of almonds totaled eighteen and one-half million pounds in 1928, or over 50 per cent of the total domestic production of almonds. According to estimates by Prof. R. L. Adams, professor of farm management, college of agriculture, University of California, the cost of production of domestic almonds delivered to New York exceeded the cost of imported almonds by 6.272 cents per pound in the case of unshelled and 19.131 cents per pound in the case

of shelled almonds. The almond grower would have to be unfeeling indeed if he is not pleased at the prospect of capturing some of the eighteen and one-half million dollar market in this country, which has been going to the foreign producers of almonds. This prospect is made possible only by increasing the tariff so as to curtail the competitive advantage enjoyed by foreign almonds with their lower costs of production.

Because the domestic production of filberts is small, Congress is criticized for aiding it by a tariff. Here the imports are far in excess of domestic production, and yet the astonishing conclusion is reached that an increase in the tariff will not benefit the farmer. With a cost of production 7.85 cents per pound higher than the cost of producing and delivering the foreign product to New York, and with imports totaling over 18,000,000 pounds in 1928, the struggling domestic producers will doubtless find it hard to accept the conclusion that the increase in tariff will be of no benefit to them.

The peanut growers will not feel the increase in tariff on unshelled peanuts, it is claimed, but the domestic growers who have to compete with peanuts imported from China where they are produced on the average of 8.308 cents per pound cheaper than in the United States (for the shelled peanuts) and who find the domestic market for over 10,000,000 pounds of unshelled and over 38,000,000 pounds of shelled peanuts taken away from them by imported peanuts, can hardly subscribe to this statement that they will not be benefited by raising the tariff.

The author of this statement doubts that flaxseed producers will get any further tariff benefits as a result of increasing the duty, yet he admits that 50 per cent of our consumption is now imported. He cites the difference in prices of flaxseed at Minneapolis and Buenos Aires, amounting to 57 cents in 1927 and 42 cents in August, 1928, as proof that the duty of 65 cents is unnecessary and too high. If we compare the prices on these two markets over the period 1920–1927, the Buenos Aires price averaged 79.5 cents per bushel lower than the Minneapolis price (p. 1351, Tariff Commission Summary). Moreover, data gathered by the commission in its study of costs of production of flaxseed indicated a difference of 83.3 cents per bushel in the cost of producing and delivering flaxseed to New York from domestic flax regions as compared with Argentina.

It is stated that fiber flax "is not and never has been produced here." The fact is, the Department of Agriculture has received estimates showing that 4,500 acres of fiber flax were grown in 1929 in Oregon with a total production of 1,125,000 pounds. It is estimated that something like 6,000 acres will be grown this year.

It is also stated concerning the wool industry, that "there was no evidence that further increases in duty would be advisable." This betrays either a woeful ignorance of the evidence presented to Congress concerning the wool industry or an inability to properly evaluate that evidence. A study by the Tariff Commission showed that the cost of production of domestic wools delivered to Boston, was 41.8 cents higher than the Australian cost and 53.4 cents higher than the Argentine cost, delivered to the same market. J. F. Walker, who recently made a special investigation of the wool industry in Australia for the Bureau of Agricultural Economics, presented data which showed that Australia has a price advantage of 42.7 cents per pound over American wools, South Africa an advantage of 42 cents, and Argentina an advantage of 40.9 cents.

Could Congress rightly deny the domestic wool grower further protection in the face of this situation, when the existing rate of 34 cents was insufficient to equalize this difference in cost of production? Furthermore, the importations of wool wastes, wool rags, and shoddy, had increased enormously since 1922, due to the fact that the rates on these products were too low in relation to the rates on raw wool. The importations of these products were sufficient in quantity in 1928 to displace 100,000,000 pounds of domestic grease wool, or one-third of the entire domestic production. In other words, instead of purchasing domestic raw wool, manufacturers were importing these rags and wastes and utilizing them for the same purposes, thereby depriving domestic wool growers of a market equal to one-third of their production. If such conditions do not merit increased duties, then it is hard to conceive of a situation which does.

It is not necessary to continue further the analysis of this statement. The typical illustrations which I have considered briefly, are sufficient to indicate the biased and unscientific character of this statement. It is easy to make bald assertions as to the ineffectiveness of this tariff rate and that tariff rate and to heap verbal condemnation upon them, but when such statements are not supported by facts or when the conclusions which are drawn are so obviously erroneous and biased, the sober judgment of the public takes them for what they really are, namely, expressions of opinion. The farmer, who for the past several years has been confronted with the reality of the competition from the foreign products and who has suffered losses in the sale of his products because of the offering of cheaper imported supplies, and who has received protection against these imports through the increased rates in the new bill, is not going to be deceived by rhetorical generalities and verbal anathemas. Results speak louder to him than words, and, therefore, the increased protection which he will receive under the new rates will carry much more weight with him than rhetorical opinions. [Applause.]

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair desires to make a statement. It is doubtful as to just what time a resolution of adjournment can be passed. The understanding, of course, has been that it will not be until the Senate has acted on the World War veterans' legislation. The Chair is informed that there may be more or less delay and more or less debate in the Senate before that conference report is agreed to. Following the action by the Senate, there will be action immediately on the second deficiency bill. The Chair is expecting every moment that the District of Columbia appropriation bill will be brought into the House. It is doubtful, therefore, whether the Chair, who is compelled to leave in 25 minutes, will be in the House at that time. The Chair will, therefore, designate the gentleman from Michigan [Mr. MAPES] to act as Speaker pro tempore for the rest of the day, and will ask, in case of a possible necessity, the approval of the House to the designation in order that the Speaker pro tempore may sign bills if some bills should come over.

Mr. MICHENER. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 290

Resolved, That the designation of the Hon. CARL E. MAPES, a Representative from the State of Michigan, as Speaker pro tempore, be approved by the House, and that the President and the Senate be notified thereof.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

PAYMENT OF PAGES FOR JULY

Mr. MAPES. Mr. Speaker, I offer a resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 291

Resolved, That the Clerk of the House is hereby authorized and directed to employ 41 pages for the House on the day following the adjournment of the present session of Congress until the end of the month during which such adjournment shall be taken, to be paid from the contingent fund of the House at the rate of $4 each per day.

Mr. MAPES. I may state that this is an exact copy of a resolution which was passed on the 2d day of July, 1926, with the exception that the amount named in the resolution at that time was $3.30 instead of $4. In introducing the resolution at that time Mr. Newton, of Minnesota, stated that it was the usual resolution which was passed for the pages at the close of the session on the 4th of March when the Congress adjourns automatically, and that it has frequently been passed at the end of the long session. In 1926 the session closed on the 3d of July.

Mr. SCHAFER of Wisconsin. Does this go to the pages that have been serving as pages, or is there a possibility that it will go to the pages who, perhaps, within a week or more in the future will be appointed?

Mr. MAPES. I understand it will go to the pages who are now serving.

Mr. SCHAFER of Wisconsin. It will not go to pages who are not now on the pay roll?

Mr. MAPES. I can not answer as to that, but I do not think it will. My colleague from Illinois says there will be no new pages put on, and, as a member of the patronage committee, he has a good deal to say before anyone is put on.

Mr. STRONG of Kansas. Will it apply to any of those pages who have deserted us in the last day's work?

Mr. MAPES. I am not informed that there are any such, I may say to the gentleman.

Mr. STRONG of Kansas. There are or have been such, and I would object to this resolution if I thought those who had left the House within the last two or three days would be beneficiaries under this resolution.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, in order to obtain some further information, I want to ask the gentleman from Illinois [Mr. HOLADAY] whether within the past two weeks or so there have been changes in the page pay roll, so that if this resolution is passed as it is now drawn additional compensation will be provided for pages who perhaps have served only one week, while pages who have been supplanted, who have served during the entire session, will not receive this pay.

Mr. HOLADAY. I may say that within the last 30 days four pages have left the service without notifying the committee and they have been replaced by others. I think that under the terms of this resolution the new pages will draw this compensation.

Mr. SCHAFER of Wisconsin. Within the past four weeks there have not been any pages separated from the pay roll by the Doorkeeper who have not left of their own volition. Is that true?

Mr. HOLADAY. There have been no pages separated from the pay roll except those who left without any excuse, and without notice to the committee.

Mr. SCHAFER of Wisconsin. They left voluntarily, and not at the request of those who had charge of them?

Mr. HOLADAY. No; they left voluntarily.

Mr. PATTERSON. Reserving the right to object, would it not be well to put in an amendment making provision for the emergency which the gentleman from Kansas suggested?

Mr. STRONG of Kansas. I do not think it is necessary. I have had assurance that those who deserted us will not be cared for.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

COUNCIL OF NATIONAL DEFENSE

The SPEAKER laid before the House the following message from the President, which was read, and, with the accompanying papers, was referred to the Committee on Military Affairs:

To the Congress of the United States:

In compliance with paragraph 5, section 2, of the Army appropriation act approved August 29, 1916, I transmit herewith the fourteenth annual report of the Council of National Defense for the fiscal year ended June 30, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, *July 3, 1930.*

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I present a conference report on the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 41, 45, 46, 48, 49, 50, 51, 56, 59, 63, 66, 67, 68, 70, 71, 73, 74, 80, 85, 91, 92, 97, 98, 100, 101, 102, 103, 105, 106, 107, 108, 110, 111, 112, 117, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 134, 137, 139, 140, 141, 142, 143, 144, and 145.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 20, 22, 23, 36, 40, 42, 43, 44, 47, 52, 53, 54, 55, 57, 58, 61, 65, 75, 79, 81, 82, 83, 84, 88, 89, 94, 95, 99, 104, 114, 115, 116, 130, and 136, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$9,500,000," and on page 2 of the bill, in line 12, after the numerals "1931," insert the following: "and this act shall be effective as of July 1, 1930, and any appropriations and authority contained herein shall have the same force and effect between June 30, 1930, and the date of the enactment of this act as though the same had become law on July 1, 1930; and the acts of any officer or employee performed during such period in anticipation of the appropriations or authority contained herein shall not be invalidated, declared ineffective, or questioned solely because of the lack of such appropriations or authority during such period"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,640"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,807,900"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: ", and shall defray the cost of excess construction occasioned by such use"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the construction of a subway and approaches thereto under the tracks and right of way of the Baltimore & Ohio Railroad Co. in the vicinity of Chestnut Street or of the intersection of Fern Place and Piney Branch Road, extended, in the District of Columbia on a line to be determined by the Commissioners of the District of Columbia and in accordance with plans and profiles of said subway and approaches to be approved by the said commissioners, including the purchase or condemnation, under chapter 15 of the Code of Law for the District of Columbia, as amended (45 Stat. 1437), of necessary land, construction of and changes in sewers and water mains, personal services, and engineering and incidental expenses, $250,000: *Provided*, That one-half of the total cost of constructing said subway and thereafter the cost of maintaining the structure within the limits of its right of way shall be borne and paid by the said Baltimore & Ohio Railroad Co., its successors and assigns, to the collector of taxes of the District of Columbia for deposit to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company, and shall constitute a legal indebtedness against the said railroad company in favor of the District of Columbia, and said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said commissioners in the Supreme Court of the District of Columbia, or by any other legal proceeding against the said railroad company: *Provided further*, That from and after the completion of the said subway and approaches, the highway grade crossing over the tracks and right of way of the said Baltimore & Ohio Railroad Co. at Chestnut Street shall be forever closed against further traffic of any kind."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$665,800"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "$6,200,000: *Provided*, That as teacher vacancies occur during the fiscal year 1931 in grades 1 to 4, inclusive, of the elementary schools, such vacancies may be filled by the assignment of teachers now employed in kindergartens, and teachers employed in kindergartens are hereby made eligible to teach in the said grades"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$19,000"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "No money appropriated in this act for the purchase of furniture and equipment for the public schools of the District of Columbia shall be expended unless the requisitions of the Board of Education therefor shall be approved by the Commissioners of the District of Columbia, or by the purchasing officer and the auditor for the District of Columbia acting for the commissioners"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78,

and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including not to exceed $4,500 for personal services, $235,500"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,350,000"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the word "north" and insert in lieu thereof the word "south"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,782,680"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$62,600"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$10,440; in all, $28,690"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$111,140"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$238,700"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "There is hereby reappropriated and made available for the purchase of a site for a children's tuberculosis sanatorium, and preparation of plans and specifications of a sanatorium building, nurses' and employees' home, and superintendent's quarters, including necessary approaches and roadways, heating and ventilating apparatus, equipment and accessories, $75,000 of the unexpended balance of the appropriation of $150,000 for the erection of a new health school and sanatorium for colored pupils contained in the District of Columbia appropriation act for the fiscal year 1930"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,050"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,050"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$690,555"; and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, after the word "operate," insert the following: "during the fiscal year 1931"; and the Senate agree to the same.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
M. H. THATCHER,
CLARENCE CANNON,
ROSS A. COLLINS,
Managers on the part of the House.

HIRAM BINGHAM,
LAWRENCE C. PHIPPS,
ARTHUR CAPPER,
JOHN B. KENDRICK,
Managers on the part of the Senate.

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to dispense with the reading of the report, and that I be permitted to make a short oral statement as to its contents.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. SIMMONS. Mr. Speaker, the conference report on the District of Columbia appropriation bill is a complete agreement between the two Houses, and calls for an appropriation of $9,500,000 as the Federal contribution, during the present fiscal year, to the upkeep of the District of Columbia.

In the main, it is what I consider one of the best District bills that have ever passed Congress. [Applause.]

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

FISCAL RELATIONS BETWEEN THE UNITED STATES AND THE DISTRICT OF COLUMBIA

Mr. SIMMONS. Mr. Speaker, I call up House Resolution 285 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 285

Resolved, That the Speaker is authorized and directed to appoint a select committee to be composed of seven Members of the House, whose duty it shall be to investigate the various elements, factors, and conditions which may be deemed pertinent and essential to the accumulation of data and information bearing upon the question of fiscal relations between the United States and the District of Columbia and to recommend to the House what amount, in their judgment, the United States should contribute annually toward the development and maintenance of the municipality.

SEC. 2. Such committee is also authorized and empowered to investigate fully the various forms of municipal taxation and sources of revenue of the District of Columbia and to recommend to the House such new forms of taxation and sources of revenue and/or such changes in existing forms of taxation and sources of revenue as to them may seem just and fair.

SEC. 3. The committee is authorized to sit during the sessions and recesses of the House, to hold hearings, to require the attendance of witnesses, to compel the production of books, papers, and documents, and to take testimony.

SEC. 4. The committee shall have the right to report to the House at any time by a bill or bills, or otherwise, the results of its investigations.

SEC. 5. The necessary expenses of the committee are hereby authorized, including the employment of personal services. Any printing and binding may be charged to the appropriation for printing and binding for Congress.

SEC. 6. The Commissioners of the District of Columbia and the other officers and employees of the municipal government are requested to furnish the committee such assistance as may be needed in connection with such investigations, and the United States Bureau of Efficiency may be reimbursed from any allotment made for carrying out the purposes of this resolution to the extent of actual expenditures made by such bureau for investigations made at the request of the committee.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

Thereupon the Speaker announced the appointment of Mr. MAPES, Mr. FREAR, Mr. HOLADAY, Mr. BEERS, Mr. CRISP, Mr. COLLINS, and Mr. PATMAN members of said committee.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, the House has just agreed to the conference report on the District appropriation bill. The House conferees have performed a long and arduous task and have performed their task notably well. They are entitled to the thanks of the House. [Applause.]

Here, in the closing minutes of the session—the Senate having taken the unprecedented position of refusing to pass a continuing resolution in case of an appropriation bill deadlocked—and in order that the business of the District of Columbia may proceed in an orderly way, the House conferees have made some concession in the way of an increase in the Federal contribution to the expenses of the District of Columbia. The Senate asked an increase of $3,000,000. The conferees agreed to one-half million dollars. It is true that it is a contribution of a half million dollars from the Federal Treasury for which no necessity whatever has been shown. [Applause.] It is simply an addition to the surplus in the District treasury. There is no logic back of it, but the House conferees and the House have wisely

yielded a compromise, because all legislation is built up on compromises, even though they are not always wise.

My purpose in rising is, first, to express my own personal appreciation of the splendid services of the House conferees, and, second, to emphasize that the compromise is purely a compromise, not a recognition that there is any basis of logic or justice for the increase. [Applause.] That being the case, it is not a precedent; it does not mean that in the future the House will agree to $9,500,000, or even to $9,000,000 as the contribution of the Federal Government to the expenses of the District, but will continue to safeguard the Federal Treasury. [Applause.]

The SPEAKER. The time of the gentleman from Michigan has expired.

RECESS

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the House may stand in recess, subject to the call of the Speaker pro tempore.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the House may stand in recess, subject to the call of the Speaker pro tempore. Is there objection?

Mr. MAPES. Mr. Speaker, permit me to say that as Speaker pro tempore I will ask the Clerk to ring the bell a few minutes before the House is called to reconvene.

Mr. MONTAGUE. Could the gentleman give us any idea at all?

Mr. MAPES. I think perhaps the present Speaker can give more information than I can.

The SPEAKER. The Speaker will never hazard a guess as to the length of debate in the other body. [Applause.]

Mr. MONTAGUE. I did not intend to engage the Speaker to make such a hazard.

Mr. MOORE of Virginia. May I inquire whether there is any purpose of returning to the consideration of the Private Calendar?

Mr. MAPES. None at all.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none. Before declaring the House in recess the Chair desires to wish for every Member a most happy and prosperous vacation. [Applause.]

Accordingly (at 6 o'clock and 5 minutes p. m.) the House stood in recess, to meet at the call of the Speaker pro tempore.

AFTER THE RECESS

The recess having expired at 9.25 p. m., the House was called to order by the Speaker pro tempore, Mr. MAPES.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13174) entitled "An act to amend the World War veterans' act, 1924, as amended."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12902) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 1406. An act for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Co.;

S. 2498. An act to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes;

ADJOURNMENT SINE DIE

Mr. PURNELL. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Concurrent Resolution 44

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Thursday, the 3d day of July, 1930, and that when they adjourn on said day they stand adjourned sine die.

The resolution was agreed to.

ORDER OF BUSINESS

Mr. PURNELL. Mr. Speaker, I ask unanimous consent that the House now stand in recess subject to the call of the Speaker.

Mr. ALMON. Mr. Speaker, reserving the right to object, and I shall not object, I simply want to announce that I was opposed to the adjournment resolution and voted against it for the reason that the Muscle Shoals legislation has not been enacted into law. [Applause.]

Mr. KVALE. Mr. Speaker, further reserving the right to object, for the sake of the good Republican friends who have recently signed petitions demanding that Congress stay in session until after the Couzens resolution shall have come to a vote, I want to say—and this is the first political speech that the Farmer-Labor Party leader has made in the House during this session—that inasmuch as there was obviously no possibility of bringing the original Couzens resolution to a vote, because of the attitude taken by the leaders, and inasmuch as the presentation of the so-called Parker substitute would have resulted in the defeat of that measure, there is no further incentive to hold the Congress in session, and for this reason that element of the House has subsided and collapsed. [Applause.]

Mr. ABERNETHY. Mr. Speaker, reserving the right to object, I want to make an observation. I have not spoken lately. I am very glad to know that you, gentlemen, are all going home. While I voted against adjournment, yet I realize if we do not hurry and get through with this Hoover prosperity, the country is going to the dogs. [Laughter and applause.]

Mr. HOWARD. Mr. Speaker, reserving the right to object, I would like to prefer a unanimous-consent request of my own. I would like permission to make a few observations on the subject of farm relief.

Mr. CHINDBLOM. Will the gentleman yield? During the recess? [Laughter.]

Mr. GASQUE. Mr. Speaker, reserving the right to object, I would like to know whether the President has signed the rivers and harbors bill.

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object, I ask unanimous consent that prior to agreeing to that motion the gentleman from Massachusetts [Mr. CONNERY], who desired earlier in the day to address the House, may have five minutes. [Applause.]

Mr. PURNELL. Mr. Speaker, I ask for the regular order.

Mr. COCHRAN of Missouri. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. COCHRAN of Missouri. Mr. Speaker, I now ask unanimous consent that the gentleman from Massachusetts [Mr. CONNERY] be permitted to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the gentleman from Massachusetts [Mr. CONNERY] be permitted to address the House for five minutes. Is there objection?

Mr. SPROUL of Illinois. Mr. Speaker, I object.

Mr. HOWARD. Mr. Speaker, I just want to convey the information that it seems very undesirable for any of the soldier boys to be permitted to speak here. The gentleman from Massachusetts [Mr. CONNERY] asked opportunity to speak to-day.

Mr. PURNELL. Mr. Speaker, I renew my request.

Mr. RANKIN. Reserving the right to object, Mr. Speaker——

Mr. COCHRAN of Missouri. I object, Mr. Speaker.

Mr. COCHRAN of Missouri and Mr. CRAMTON rose.

Mr. COCHRAN of Missouri. Mr. Speaker, I renew my request that the gentleman from Massachusetts be permitted to address the House for five minutes.

Mr. CRAMTON. Mr. Speaker, I present the conference report on the second deficiency bill.

Mr. COCHRAN of Missouri. Mr. Speaker, I was recognized before the gentleman from Michigan was recognized, and I ask to have my request put to the House.

The SPEAKER pro tempore. The Chair thinks the conference report would have preference.

Mr. COCHRAN of Missouri. The Chair recognized me in advance of the gentleman from Michigan.

The SPEAKER pro tempore. The Chair thinks the conference report should be received first.

DEFICIENCY APPROPRIATIONS

Mr. CRAMTON. Mr. Speaker, I present the conference report on the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, and ask for its present consideration.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 21, 22, 33, 47, and 76.

That the House recede from its disagreement to the amendments of the Senate numbered 27, 30, 42, and 43, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"LIBRARY OF CONGRESS

"Vollbehr collection of incunabula: For the purpose of acquiring for the Library of Congress the collection of fifteenth century books known as the Vollbehr collection of incunabula and comprising 3,000 items, together with the copy on vellum of the Gutenberg 42-line Bible, known as the St. Blasius-St. Paul copy, as authorized by law, fiscal year 1931, $1,500,000."

And the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "on the site of the existing post office and Federal office building as an addition thereto, or"; and the Senate agree to the same.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
W. A. AYRES,
Managers on the part of the House.

W. L. JONES,
FREDERICK HALE,
LAWRENCE C. PHIPPS,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12902) "Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes," submit the following statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 3: Strikes out the appropriation of $1,000, proposed by the Senate, for payment to Henry M. Barry, an employee of the Senate.

On No. 11: Appropriates $1,500,000 for the acquisition for the Library of Congress of the Vollbehr collection of incunabula, as proposed by the Senate, amended to improve the text.

On Nos. 21, 22, and 27, relating to the District of Columbia: Strikes out the appropriation of $2,440.80, proposed by the Senate, for care of free patients in the isolating wards of Garfield Memorial Hospital, fiscal year 1928; strikes out the appropriations, proposed by the Senate, of $2,000 for the fiscal year 1928 and $2,598 for the fiscal year 1929 for the care of free patients in the isolating wards of Providence Hospital; and appropriates, as proposed by the Senate, $20,000 for repairs and improvements to the Columbia Hospital for Women and Lying-In Asylum.

On No. 30: Appropriates $50,000 for the purchase of the collection of moths and butterflies of the late Dr. William Barnes, of Decatur, Ill., as proposed by the Senate.

On No. 33: Strikes out the appropriation of $25,000 for a market-news service in respect of cottonseed and cottonseed products, proposed by the Senate.

On No. 42: Appropriates $300,000, as proposed by the Senate, for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians.

On No. 43: Appropriates $5,000 for the construction of a fish ladder, Wapato irrigation project, Yakima Reservation, Wash., as proposed by the Senate.

On No. 47: Strikes out the appropriation of $250,000 proposed by the Senate for use in determining the lands in the State of Arizona that should be embraced within the Parker-Gila Valley reclamation project.

On No. 70: Relating to the Helena (Mont.) Federal office building: Provides, as alternate proposal, for construction on the site of the existing post office and Federal office building as an addition thereto.

On No. 76: Strikes out the authorization and reappropriation, proposed by the Senate, for rebuilding a road from the Shiloh National Military Park to the Corinth National Cemetery Road.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
W. A. AYRES,
Managers on the part of the House.

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the bill (H. R. 12902) and ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Mr. CRAMTON. Mr. Speaker, the agreement to this conference report, which completes action on the second deficiency appropriation bill, completes the fiscal program of this Congress. With the approval of this appropriation bill House action on all appropriation bills will have been completed.

This report is the second report on this second deficiency bill. Possibly I should state to the House, to those who were not able to closely follow the reading by the Clerk, the action taken on the several amendments that were in dispute in this second conference.

There was an item inserted by the Senate for an appropriation of $1,000 to H. M. Barry for services rendered in connection with the District airport investigation and two other joint investigations. The services not having been approved by Congress and the payment not having been approved by any one of the commissions involved, the House conferees insisted on a recession by the Senate and the Senate receded.

There is next an appropriation of a million and a half dollars for the purchase of the Vollbehr collection for the Library of Congress in accordance with the recent action of Congress.

With reference to the appropriation for the various hospitals, deficiency appropriations for maintenance for Garfield and Providence, the Senate receded, while on the appropriation for improvements at the Columbia Lying-in Hospital the House receded.

Upon the Senate item of $50,000 for the purchase of the notable Barnes collection of butterflies and moths the House receded.

Upon the item with reference to the Market News Service on cottonseed inserted by the Senate and protested against by all the Members of the House, from the cotton States who communicated with the House conferees, the Senate has receded.

Upon the item for the claim of the Sisseton and Wahpeton Bands of Sioux Indians of $300,000 in accordance with the recent legislation the House recedes, as was the case with reference to the construction of the Wapato project fish ladder.

Upon the item of $250,000 based upon section 11 of the Boulder Dam act for the investigation of the Parker-Gila Valley project the Senate recedes.

There was a slight modification of the language with reference to the Helena, Mont., public building, to which the House recedes with an amendment.

On the Shiloh Park Road, which was the subject of debate and a separate vote in the House yesterday, the Senate recedes.

Mr. Speaker, that states the principal items in controversy in this conference.

Mr. HOOPER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HOOPER. Is there any change as to the Vollbehr collection? Does the appropriation stand?

Mr. CRAMTON. The appropriation stands as ordered by Congress, at $1,500,000.

Mr. Speaker, I yield five minutes to the gentleman from Massachusetts, Mr. CONNERY.

Mr. CONNERY. Mr. Speaker, ladies and gentlemen of the House, I rise at this time as the ranking Democratic Member of all New England on behalf of my other three Democratic colleagues from Massachusetts Mr. MCCORMACK, Mr. DOUGLASS, and Mr. GRANFIELD, and I feel also I speak on behalf of my Republican colleagues from Massachusetts, to invite you all to

come up to the three hundredth anniversary of the founding of Massachusetts Bay Colony. [Applause.] We are going to have some big times up there. July 15 is perhaps our biggest day.

We have the American Federation of Labor Convention and the American Legion Convention coming, and we are striving now to get the Secretary of the Navy to send us up every available ship to make a great naval display so the boys at the Legion convention, especially those who trod the decks of those battleships, may be able to go aboard again feeling much at home while they are there at the convention.

I do not want to take up any of your time, but we extend a hearty and cordial invitation to you all to come up and make us a visit. We will certainly give you a great big time, especially my distinguished colleague from Chicago, Mr. SPROUL. [Applause.]

Mr. CRAMTON. Mr. Speaker, unless there are further requests for time I call for a vote.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, ladies and gentlemen of the House, the fiscal year's program of Congress having been brought to a close by the adoption of this report, it is only well deserved tribute that I bring to the attention of the House the notable record made during his first year of chairmanship by the chairman of the Committee on Appropriations, the gentleman from Indiana, Mr. WOOD. [Applause.] He has proven a worthy successor to his great predecessors in that onerous and important position.

I believe the House should appreciate the character of his service which has been most notably exemplified in connection with what was known as the Mediterranean fruit-fly campaign in Florida. In August last the plan was to ask Congress for $30,000,000. The estimate that came to Congress in December was something over $15,000,000 for the six months ending June 30. It was Chairman WOOD's insistence upon fullest development of the facts in the face of great opposition that enabled Congress to secure the facts which saved at least $12,000,000 to the Treasury. More than that, he saved tremendous property loss to the people of Florida, and, in my judgment, he saved lives as well. There had been conditions in the eradication program of Florida of such a character that if they had been continued as they would have been continued with the large appropriation, I believe some of the people of Florida would have resisted and there might have been loss of life. It was only his devotion to duty and his courage in his convictions that enabled Congress to save that situation. He has championed the Budget system and defended daily the Treasury against unwise and extravagant expenditures.

I might easily multiply examples of his outstanding accomplishment in his chairmanship ending now with the successful termination of the fiscal program. Completing the appropriations some $20,000,000 below the Budget estimate is eloquent tribute to his capacity and his fidelity to his trust. [Applause.]

COMMITTEE TO WAIT UPON THE PRESIDENT

Mr. PURNELL. Mr. Speaker, I offer the following resolution (H. Res. 292), which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States to inform him that the two Houses have completed the business of the present session and are ready to adjourn, unless the President has some other communication to make to them.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. The Chair appoints as a committee to wait upon the President the gentleman from Indiana, Mr. PURNELL, and the gentleman from Mississippi, Mr. COLLIER.

RECESS

Mr. PURNELL. Mr. Speaker, I ask unanimous consent that the House stand in recess until the call of the Speaker.

The SPEAKER. Is there objection?

There was no objection.

Accordingly (at 9 o'clock and 52 minutes p. m.) the House stood in recess.

AFTER THE RECESS

The recess having expired at 10.34 o'clock p. m., the House was called to order by the Speaker pro tempore [Mr. MAPES].

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT

Mr. PURNELL. Mr. Speaker, your committee, appointed to join with the committee on the part of the Senate to wait upon the President of the United States and inform him that Congress is about to adjourn and inquire if he has any further communication to make to the Congress, has performed that duty, and reports that the President says that he has no further communication to make to Congress at this time.

The SPEAKER pro tempore. The report is accepted, and the committee is discharged.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H. J. Res. 384. Joint resolution making appropriations available to carry into effect the provisions of the act of the Seventy-first Congress entitled "An act to fix the salaries of officers and members of the Metropolitan police force and fire department of the District of Columbia"; and

H. J. Res. 393. Joint resolution making an appropriation for the United States Massachusetts Bay Colony Tercentenary Commission.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10813) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes."

The message also announced that the Senate had passed the following resolution:

Senate Resolution 316

Resolved, That a committee of two Senators be appointed by the Presiding Officer of the Senate to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

Ordered, That the Secretary notify the House of Representatives thereof.

The message also announced that pursuant to the foregoing resolution, the Presiding Officer thereupon appointed Mr. WATSON and Mr. WALSH of Montana as the committee on the part of the Senate.

The message also announced that the Senate had passed the following concurrent resolution of the House:

House Concurrent Resolution No. 44

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Thursday, the 3d day of July, 1930, and that when they adjourn on said day they stand adjourned sine die.

The message also announced that the Senate had passed the concurrent resolution of the House (H. Con. Res. 31) to print 10,000 additional copies of the hearings held before the House Committee on the Judiciary on joint resolutions proposing to amend the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States, and it was considered by unanimous consent and agreed to.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 196. An act to provide for uniform administration of the national parks by the United States Department of the Interior, and for other purposes; to the Committee on the Public Lands.

S. 1264. An act for the relief of Joliet National Bank, Commercial Trust & Savings Bank, and H. William, John J., Edward F., and Ellen C. Sharpe; to the Committee on War Claims.

S. 1496. An act for the relief of Edith Barber; to the Committee on Claims.

S. 1533. An act to authorize the Secretary of the Interior to extend the time for payment of charges due on Indian irrigation projects, and for other purposes; to the Committee on Indian Affairs.

S. 2218. An act to authorize an appropriation for the relief of Joseph K. Munhall; to the Committee on Claims.

S. 2625. An act for the relief of the estate of Moses M. Bane; to the Committee on Claims.

S. 2854. An act for the relief of Mrs. A. K. Root; to the Committee on Claims.

S. 2863. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

S. 3178. An act to authorize the collection of additional postage on insufficiently or improperly addressed mail to which directory service is accorded; to the Committee on the Post Office and Post Roads.

S. 3273. An act to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor; to the Committee on the Post Office and Post Roads.

S. 3444. An act to amend the Federal farm loan act with respect to receiverships of joint-stock land banks, and for other purposes; to the Committee on Banking and Currency.

S. 3470. An act to define fruit jams, fruit preserves, fruit jellies, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended; to the Committee on Agriculture.

S. 3551. An act for the relief of William J. Cocke; to the Committee on War Claims.

S. 3836. An act for the relief of David McD. Shearer; to the Committee on Claims.

S. 4244. An act authorizing the continuance of William Tindall in the service of the government of the District of Columbia; to the Committee on the Civil Service.

S. 4307. An act to authorize the Commissioners of the District of Columbia to compromise and settle a certain suit at law resulting from the forfeiting of the contract of the Commercial Coal Co. with the District of Columbia in 1916; to the Committee on the District of Columbia.

S. 4584. An act for the relief of Ellwood G. Babbitt and other officers and employees of the Foreign Commerce Service of the Department of Commerce, who, while in the course of their respective duties, suffered losses of Government funds or personal property by reason of theft, catastrophe, shipwreck, or other causes, and for the relief of U. R. Webb, commander, Medical Corps, U. S. Navy; to the Committee on Foreign Affairs.

S. J. Res. 9. Joint resolution for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory or portion thereof, where a livestock or poultry disease is found to exist, which is not covered by regulatory action of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

S. J. Res. 205. Joint resolution relating to the sale of power generated by the Government at Dam No. 2, Muscle Shoals, Ala., and the steam plant in that vicinity; to the Committee on Military Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 887. An act for the relief of Mary R. Long;

H. R. 936. An act for the relief of Glen D. Tolman;

H. R. 8296. An act to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes";

H. R. 10813. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 12902. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes;

H. R. 12923. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 12996. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 13174. An act to amend the World War veterans' act, 1924, as amended.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 859. An act for the relief of Clara E. Nichols;

S. 1406. An act for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, and others, and the Bethel Cemetery Co.;

S. 1756. An act granting the sum of $5,000 to reimburse the family of the late Harold L. Lytle for hospital and medical expenses and loss of salary due to an injury received in a collision with a Government truck in Portsmouth, N. H., May 10, 1927;

S. 2498. An act to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes;

S. 2828. An act authorizing commissioners or members of international tribunals to administer oaths, to subpœna witnesses and records, and to punish for contempt;

S. 3064. An act to make permanent the additional office of district judge created for the eastern district of Illinois by the act of September 14, 1922;

S. 3853. An act for the relief of Alexander M. Proctor;

S. 4224. An act to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital;

S. 4657. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, sec. 226), as amended; and

S. 4735. An act to increase the salary of the Commissioner of Customs.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 887. An act for the relief of Mary R. Long;

H. R. 936. An act for the relief of Glen D. Thomas;

H. R. 8271. An act for the relief of Brewster Agee;

H. R. 8296. An act to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes";

H. R. 9347. An act for the relief of Sidney J. Lock;

H. R. 9707. An act to authorize the incorporated town of Ketchikan, Alaska, to issue bonds in any sum not to exceed $1,000,000 for the purpose of acquiring public-utility properties, and for other purposes;

H. R. 10813. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 12902. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropritions for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes;

H. R. 12923. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 12996. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 13174. An act to amend the World War veterans' act, as amended.

EXTENSION OF REMARKS

FIRE PREVENTION IN THE NATIONAL FORESTS

Mr. ENGLEBRIGHT. Mr. Speaker and Members of the House, a gracious Providence lavished upon America a bountiful supply of natural resources. Probably no natural resource has contributed more to our development as a Nation and in a greater variety of ways than the forests of this continent.

The United States was blessed by having within its borders the most superb and the most accessible stand of timber that ever existed in any country on the face of the earth. We, as a Nation, are only 154 years of age, yet we have traveled farther along the road of devastation and depletion of our forests than any other peoples that ever lived in a similar length of time. The timber supply of the United States will measure our Nation's progress in the centuries of to-morrow.

ORIGINAL AREA OF VIRGIN TIMBER

The total area of continental United States is about 1,900,000,000 acres. Of this area, when our forefathers landed on our eastern shores, it is estimated that 822,000,000 acres were of forest lands; 681,000,000 acres of these were located east of the Great Plains, and 141,000,000 acres west of the Great Plains. Of these original virgin timber areas, there remain to-day

61,000,000 acres east of the Great Plains and 77,000,000 acres west of the Great Plains, or a total of 138,000,000 acres. In other words, only one-sixth of the original virgin timber area of this country remains. Of this total of 138,000,000 acres of virgin timber, it is estimated that 80,000,000 acres are in private ownership and 58,000,000 acres in public ownership.

PRESENT AND FUTURE TIMBER SUPPLY OF THE UNITED STATES

In the combined private and public forests of the United States at the present time there are only twenty-two hundred billion board feet of all classes of timber left available for our future supply. We are drawing upon this supply through fire and use at the rate of 60,000,000,000 board feet per year. Eliminating the factor of increase by natural growth, the twenty-two hundred billion feet, at the present rate of consumption, is only sufficient to last 36 years. This condition in itself would not be serious or cause for alarm if it were not for the fact that the increase in the present timber supply by growth is only at the rate of about 15,000,000,000 board feet per year. We are, therefore, consuming our total timber supply by fire and use at an annual rate that is four times as great as that of our annual growth. If the survey of available timber supply is confined to the softwood saw timber, the situation is found to be still more acute. The total supply of softwood saw timber in the United States at the present time is placed at thirteen hundred and ninety-two billion board feet. Of the said amount, 470,000,000,000 board feet is in national forest reserves; 150,000,000,000 board feet in parks, Indian reservations, public domain and State lands; and 772,000,000,000 board feet in private ownership. The quantity in private ownership is being consumed taking into consideration reproduction, at a net rate of 36,000,000,000 board feet per annum. The supply in private ownership is therefore only sufficient at the present rate of consumption to last 21 years.

In a scant century our original vast virgin forests have almost disappeared—forests that took many centuries to complete their grandest specimens. The centers of lumber production have in this period moved from the Northeast to the Lake regions, then to the south, and now to the Pacific, which is the "last stand." The Cedars of Lebanon are spoken of in history, but they exist in memory only. The trees that flourished luxuriantly in biblical days are no more—for as they were consumed, no provision for the future was made. Ancient civilization passed with the destruction of their forests and we should feel deep concern at their fate, as there is no article of commerce in our amazing modern life in which wood is not a factor. Taken as a whole Europe grows each year considerable more wood than it consumes and cuts almost as much as it uses. Europe is therefore increasing its capital stock of wood while the United States is rapidly reducing its capital stock.

The depletion of our forests and timber lands is a direct menace to our national prosperity and even to our national defense and security. The problem of perpetuating our wood supply is of the greatest fundamental national importance. There is no direct substitute for wood. Nothing can directly take its place. In the United States it is the poor man's building material. If our timber becomes exhausted there is no foreign source to which we can turn with certainty, either of obtaining adequate supplies or of securing it at a reasonable cost. The forests of Mexico, Canada, and South America could at least afford only a partial and expensive supply. No elaboration of the picture of the conditions that would exist, is necessary, if we permit our forests to be wiped out. That our forests are disappearing at a rate that involves a most serious danger to the future prosperity of our country is not because we use or cut too much timber, but because we permit too much timber to be destroyed by fire and other causes, and grow too little.

FOREST FIRES

Fire is the arch-enemy of the forests and the timber that it destroys and prevents from being reproduced annually is enormous. Forest fires are steadily growing worse. According to the fire statistics of the United States Forest Service, covering both national forests and private timber holdings of all classes in the United States, there occurred in 1916 41,000 forest fires, which burned an area of 8,222,617 acres of forest lands.

In 1927 there occurred 158,000 forest fires, which burned an area of 30,625,460 acres of forest lands, or an area of about one-third the size of the entire State of California. From 1916 to 1927, inclusive, there were a total of 757,594 forest fires, which burned a total area of 173,391,131 acres of all classes of timberlands, and equivalent to an area of one and two-thirds times the size of the State of California. The average number of fires per year during this period was 63,133, which burned on an average per year 14,440,929 acres.

Too long have we as a Nation allowed our forests to be consumed by fire, and the time has arrived when adequate provision must be made for the protection of our national forest reserves from this ever-increasing menace, for it is to our national forests that the country must turn for its permanent and future timber supply.

VALUE OF NATIONAL FORESTS

The national forests are conservatively valued at over $1,000,000,000. This is an incomplete estimate. Scenic, esthetic, social, and economic values are represented by the national forests that can never be translated into the dollar sign. They are the public's great reservoir of timber, forage, water, and recreational resources. The national forests in continental United States contain 139,500,000 acres of land, which includes 58,000,000 acres of virgin timber.

At the present time the national forest reserves are furnishing annual range forage for nearly 8,000,000 head of cattle, horses, sheep, and other livestock, and supplies 70 per cent of all of the feed consumed by livestock in 11 Western States.

More than 50,000 independent irrigation enterprises, embracing 165,000 farms, with an aggregate irrigated area of 15,800,000 acres, are served by national-forest watersheds, and 782 municipalities, with a combined population of 3,750,000 people, depend upon watersheds wholly or partially within national forests for their water.

The national forests provide outdoor recreational facilities and are used by about 25,000,000 people annually.

The national forests reserves contain 470,000,000,000 board feet of timber, or approximately one-fifth of all the standing timber that is left in the United States.

ANNUAL LOSS BY FIRE

The Federal Government must face squarely and unequivocably the problem of saving this last dependable stand of trees. Fire prevention is the first great step. In his proclamation issued with reference to forestry work on March 3, 1926, President Coolidge said:

> We must stamp out the forest fires which still annually sweep many wooded areas, destroying timber that the Nation can ill afford to lose, and killing young growth needed to constitute the forests of the future. Forest fires are the greatest single obstacle to reforestation and effective forest management.

From the foregoing it will be noted that President Coolidge realized the necessity of stamping out the fire menace. I am convinced that neither Congress nor the public is fully alive to the extent which fire is annually eating into the resources of our national forests, nor of the damage and loss caused by it yearly. Could the people of the country be brought to the realization of the conditions that exist, there would undoubtedly be an instant and insistent demand that the Federal Government supply the necessary appropriations with which to provide adequate and systematic fire protection.

In an article recently published in one of the leading magazines, Col. William B. Greeley, former Chief Forester of the United States Forest Service, stated:

> If a modern city set about to provide the water mains, hose, and fire engines required for its protection at the rate of one-twentieth of the needed equipment each year in order to keep down expenditures, its course would be viewed with amazement and its property owners would speedily be heard from. Nevertheless, that is substantially how the Federal Government is providing forest-fire protection for the greatest property ever dedicated to public use and enjoyment—the national forests. For almost 20 years Uncle Sam has been slowly procuring his fire-protection equipment for the national forests; and it is still far from complete. In consequence, fire losses have been great, particularly in bad fire years. Pennies have been saved on one side of the ledger, to be sure; but on the other side, dollars have been lost. That will continue to be the situation until the present policy of providing forest protection piecemeal from year to year is changed.

Colonel Greeley's statement well expresses the policy being pursued by the Federal Government in the matter of fire prevention.

According to a statement recently furnished me by the United States Forest Service for the years 1910 to 1928, inclusive, there occurred within the boundaries of our national forests 114,576 fires, which burned over a total area of 17,125,944 acres, the average number of fires per year for the said period being 6,030 and the average number of acres burned per year being 901,365. During the indicated period of time of 19 years there has been destroyed by fire within the boundaries of the national forests 17,415,981,000 board feet of timber, having a lumber value at the mill of $522,479,430. Fire also destroyed and caused a loss during the same period of $14,230,622 worth of young timber and reproduction. For the past seven years fire has caused a loss

of $907,793 worth of forage and national forest improvement. During the last year fire destroyed $216,505 worth of protective timber on watersheds, thus making a total loss as the direct result of fire during the past 19 years of $537,869,330.

The average annual loss per year in the national forests, as the direct result of fire, is as follows:

Number of acres burned per year	901,365
Quantity timber destroyed per year, board feet	916,631,000
Lumber value at mill, loss per year	$27,498,930
Young tree and reproduction, loss per year	748,979
Forage and improvement, loss per year	110,727
Protective timber on watershed, loss per year	261,507
Making a total loss per year of	28,619,693

The figures mentioned do not, of course, take into consideration the cost of reproducing the timber that is burned or the time element of about 100 years that is required to produce a merchantable tree. Neither do the figures give consideration to the loss suffered by the stock industry by the destruction of forage or to a valuation of the loss caused to scenery, water supply, recreation, and other values inherent to the national forests.

For a number of years the Federal Government has been expending, and at the present time is expending, an average of $19,905,855 per year for the administration and development of our national forests. In other words, we are expending $19,905,855 per year to develop and build up our forests, and at the same time we are losing in value $28,619,693 per year through destruction by fire. Surely, this at least is not a sound business policy. To permit a property valued at over a billion dollars to go year after year inadequately insured against loss by fire is not in keeping with American business standards. No criticism for the conditions that prevail can be placed upon the United States Forest Service. The responsibility rests squarely upon the shoulders of Congress in not having appropriated sufficient amounts for adequate fire-protection work and activities.

More serious from a national viewpoint, however, than the large loss in value of dollars per year is the knowledge of the fact that fire is destroying 916,631,000 board feet of national forest timber per year and burning over annually 901,365 acres of forest lands. This great annual loss in timber and destruction of reproduction can ill be afforded from the comparatively meager supply existing in our national forests. The present rate of burning actually challenges the future existence of the national forests. To gamble with such an uncertain force of destruction as fire with the national forests at stake is not sound governmental policy. Neither is it good economy.

Mr. Speaker, let me call the attention of the House to the statement made by President Herbert Hoover in his message to Congress, transmitting the Budget of 1931. The President stated as follows:

> We have been spending in past years large amounts on the suppression of fires. In the last five years these expenditures have amounted to more than $8,000,000, and the best estimate is that $3,500,000 will be required the current fiscal year. We can not hope to eliminate entirely the necessity for spending money in the suppression of fires, but our efforts should be to minimize this necessity by more and more adequate protective measures. This is essential, not merely to effect a saving in the cost of suppressing fires but to prevent the incalculable loss which results from the destruction of our forests. Such loss involves not only timber itself but the protection which it affords against soil erosion and floods. As the custodian of the national forests, national parks, and other public lands the Federal Government is responsible for their protection. The obligation of this stewardship can not be met within the limits of the present appropriations, and it is for this reason that I am asking for an increase to commence a program of more adequate protection of our forests.

FOREST FIRE PREVENTION BILL

From 1920 to 1929 the Federal Government's expenditures in national forests for fighting or suppressing fires have averaged $1,616,121 per year, while the average expenditures for temporary fire-prevention work has only averaged $915,217 per year. That is to say, the policy has been as reflected in the appropriations, to expend $2 to put out a fire and only $1 to prevent a fire from starting. The truth of the matter is we have been forced to expend any amount necessary to suppress fires, but have expended very little to prevent fires from spreading over a large area and have had no definite financial fire-prevention program.

In order to establish a definite policy and program to provide the United States Forest Service with funds sufficient to protect the national forests from the wasting ravages of fire, I have introduced a bill (H. R. 3245) authorizing appropriations for the construction and maintenance of improvements necessary for protection of the national forests from fire, and for other purposes. The bill would make available "for the construction and maintenance of fire lanes, telephone lines, cabins, lookout houses, fences, fire-prevention roads and trails, and other improvements necessary for the proper economic protection of the national forests," the sum of $4,500,000 for each of the fiscal years 1931 and 1932; $4,200,000 for the fiscal year 1933, and $4,000,000 annually thereafter. Of these amounts, the United States Forest Service would be authorized to expend not to exceed $3,000,000 anually in building the many miles of roads and trails necessary to assure efficient fire protection to the more inaccessible and under-developed portions of the forests. The bill also authorizes $200,000 per year for the construction and maintenance of boundary and range division fences, counting corrals, stock driveways, stock-watering places, and for the eradication of poisonous plants and control of range-destroying rodents. This latter portion of the bill provides funds for the further development of stock grazing.

The amounts of money in annual appropriations as provided for in the bill are not merely arbitrary figures but are based upon definite estimates from detail plans that have been worked out by the United States Forest Service in order to give adequate protection to our forests from fire.

Among the outstanding features that these plans provide for are hundreds of miles of firebreaks or cleared strips, strategically located in the forests; hundreds of lookout towers; thousands of miles of telephone lines; hundreds of fireguard cabins; trucks; pumps, and all necessary fire-fighting tools; and a trained force of fireguards. In addition to these outstanding requirements, many hundreds of miles of purely fire-prevention roads and trails will have to be constructed in order to give proper accessibility to the forests and to connect the proposed permanent fire lanes with the present existing roads and highways. At the present time there are places in the national forests where, if a fire occurs, it requires three days on horseback, or five days on foot, to reach the locality after the fire has been discovered.

The success in the suppression of forest fires largely depends upon the rapidity with which the fire can be reached. The United States Forest Service has worked out for all of the national forests an "hour-control limit" for reaching fires. In other words, the safe "hour-control limit" would be the maximum predetermined period of time that should be required for forest rangers equipped to fight fire to reach a given point. In various States and localities, due to topography and type of timber, the hour control varies. In eastern Washington, Montana, and Idaho the hour control in white pine, cedar, fir, and hemlock is placed at two hours; that is to say, if you do not reach a fire after it has been detected within two hours, the chances are that it is going to be difficult to suppress and require a large force of men to put it out, and the fire itself cause a great amount of damage. In California, in yellow pine and mixed types of timber, one-half hour; in fir and lodgepole pine, two hours; and so forth. If a given area is without proper roads and trails the safe hour-control limit can not be applied, and therefore the area would be subject to serious fire hazards. In the national forests of the Western States 62 per cent of the area, or 42,000,000 acres, is without adequate roads and trails. There are 68 townships in four of the Western States with 73,000,000,000 board feet of standing timber which have no roads or trails of any character.

The use of the present Federal road appropriations in national forests can be divided somewhat under three headings. First, the construction of State or primary highways, furnishing a means for transcontinental travel, connecting up with various State highways and necessary to benefit the greatest amount of traffic. Second, the construction of forest highways connecting with county and community highways. Third, the construction of forest roads and trails to be used in the development of the national forests, which roads are used principally in logging operations and as an aid in forest protection. It will therefore be understood that only a relatively small amount of the Federal road money can be devoted under the present system of allocation to forest fire prevention purposes.

With the amount of timber to be protected in the national forests, and the large area without roads, no efficient system of fire protection can be worked out, unless sufficient roads and trails are constructed so as to make all portions of the national forests accessible. It is for this purpose that the bill carries the provision that $3,000,000 annually may be expended on fire-prevention roads and trails.

Considering the tremendous public and economic values represented by the national forests, and the current expenditures of public funds therein, and the annual losses being suffered by fire, the present policy of the Federal Government of not providing the necessary fire-protection funds is inexcusable.

Mr. Speaker and gentlemen of the House, the national forests are not owned by the State of California. They are not owned by the States of Oregon or Washington, or Idaho or Montana,





or Utah or Nevada. They are owned and are the property of all the people of these United States. The President of the United States, in his Budget message to Congress, forcibly called attention to the fact that the Federal Government was responsible for their protection, and that the obligation of the stewardship could not be met, unless adequate appropriations were provided by Congress. I am placing the facts squarely before you, that you may understand the seriousness of the fire situation in the national forests and the absolute necessity of enacting the legislation as suggested in the bill which I have introduced, H. R. 3245.

I intend to fight this issue through to a conclusion, that will give adequate protection from fire to the grandest conservation enterprise ever undertaken by this or any other country—our national forests.

In conclusion let me quote Joyce Kilmer's poem:

TREES

I think that I shall never see
A poem lovely as a tree,
A tree whose hungry mouth is pressed
Against the earth's sweet flowing breast,
A tree that looks at God all day
And lifts her leafy arms to pray,
A tree that may in summer wear
A nest of robins in her hair,
Upon whose bosom snow has lain,
Who intimately lives with rain.
Poems are made by fools like me,
But only God can make a tree.

PROHIBITION

Mr. MEAD. Mr. Speaker, a scientific approach to the study of the prohibition question is very necessary. Students of both sides of the question usually present points favorable to their own stand without giving due consideration to the opposite viewpoint, thereby failing to give a clear version of the situation. There are few known factors in this great problem. Before the prohibition law went into effect it was a simple matter to obtain an accurate estimate of the annual per capita consumption of liquor. Now the only information obtainable with regard to the continuance of intemperance and the amount of liquor available comes from the Federal-enforcement statistics and various indexes of intemperance. Such indexes, recording deaths from alcoholism, alcoholic insanity, acute alcoholic patients treated in public hospitals, and arrests for drunkenness, are accepted by both factions as valid. However, since records of alcoholic insanity and acute alcoholism are seldom available, an adequate idea of the growth of intemperance in the United States can only be obtained from the deaths from alcoholism and arrests for drunkenness.

Below is a brief summary of prohibition-enforcement statistics for the years 1920–1928, showing the rapid growth of the illicit-liquor industry. In 1929 the number of pieces of distilling apparatus seized was 15,416, whereas in 1928 the number had increased to 261,611. The amount of liquor seized in 1928 was 32,474,234 gallons in comparison with 5,805,297 gallons seized in 1921. The number of persons arrested for violation of the prohibition law has also increased, 34,175 being arrested in 1921, and 75,307 in 1928. Convictions in the Federal courts have increased by more than 40,000 since 1921.

TABLE I.—*A summary of prohibition enforcement*
[From annual reports of Prohibition Unit]

Year ended June 30—	Arrests	Convictions	Seizures	
			Distilling apparatus	Liquor, all kinds
1920	10,548	4,315	15,416	153,735
1921	34,175	17,902	95,933	5,805,297
1922	42,223	22,749	111,155	8,622,230
1923	66,336	34,067	158,132	14,346,632
1924	68,161	37,181	159,176	15,827,189
1925	62,747	39,072	172,537	18,716,259
1926	58,391	41,154	161,979	28,741,810
1927	64,986	36,546	208,073	29,170,831
1928	75,307	58,813	261,611	32,474,234

The Federal district courts have been reduced to the status of police courts due to the rapidly increasing number of prohibition cases. Prohibition violations constituted 70.4 per cent of all convictions secured in Federal courts in 1928; 46.3 per cent of all civil cases tried in the Federal courts were cases arising from prohibition enforcement. In 90 per cent of these cases the defendant obtains a conviction upon a plea of guilty and pays a fine instead of serving a jail sentence.

The figures in the above table would indicate either that prohibition enforcement is becoming more effective or that the illicit traffic is outstripping all efforts at control. The fact that all available indexes of intemperance—deaths from alcoholism, arrests for drunkenness, alcoholic insanity, and acute alcoholism—show a corresponding increase, indicates that so far efforts to curtail the spread of the liquor traffic have been to no avail.

FATALITIES RESULTING FROM ALCOHOLISM

The increasing number of deaths from alcohol since 1920 indicates the steady increase in the supply of contraband liquor. A sharp drop in the alcoholic death rate was reported by the United States Census Bureau in the two years prior to the enactment of the prohibition law and this decrease continued through the first year of prohibition, but since that time there has been a steady rise. In 1920 the rate for the 1910 registration States was 1.2 per 100,000; in 1927 it was 5, an increase of 318 per cent. The 1927 rate is 79.3 per cent of the 1916 rate, the peak year before prohibition.

ARRESTS FOR INTOXICATION

While no official tabulation of arrests for intoxication for the entire country is available, the annual figures of arrests for drunkenness for over 500 communities have been compiled by the Moderation League. The table below has been compiled from these records and indicates the arrests for drunkenness for 385 towns and cities for all years from 1914 to 1927. The annual population was estimated on the basis of the arithmetical increase from 1910 to 1920. I believe these figures are representative of the entire country, for they include about 26 per cent of the entire population of the country and 51.4 per cent of the urban population of the country. Chicago was omitted from the table because arrests for intoxication in that city are included with arrests for disorderly conduct. The cities and towns have been subdivided into four groups according to size, with the rate of arrests for each group of cities. For the entire group a decrease is shown in arrests for intoxication from 193 per 10,000 in 1916 to 71 per 10,000 in 1920. From that time a sharp rise is noticeable until 1923 when the figures are almost stationary up to 1925, followed by a slight rise in the next two years. The following year an increase of 106 per cent over 1920, the lowest year, is shown. The rate of increase has not been uniform. In towns under 20,000 and in towns between 50,000 and 250,000 there has been a slight decrease since 1923, while in towns from 20,000 to 50,000 and in cities over 250,000 there has been no decrease since 1923, though the increase has been much less marked.

TABLE II.—*Arrests for drunkenness and rates per 10,000 population in 385 cities, 1914 to 1927*

Year	All places		Under 20,000 population		20,000-50,000 population		50,000-250,000 population		Over 250,000 population	
	Arrests	Rate	Arrests	Rate	Arrests	Rate	Arrests	Rate	Arrests	Rate
1914	465,753	187	45,871	218	50,433	197	117,567	198	251,882	176
1915	465,730	183	44,665	209	53,141	203	119,979	197	247,945	170
1916	502,477	193	43,132	199	58,342	217	140,156	225	260,847	175
1917	482,053	182	41,738	189	53,266	193	127,232	199	259,817	171
1918	371,142	137	31,514	141	38,084	135	96,030	147	205,514	133
1919	281,005	102	30,433	134	27,338	95	71,071	106	152,163	96
1920	201,229	71	16,051	69	20,867	71	61,751	90	102,560	64
1921	266,576	93	20,779	89	27,226	91	82,829	119	135,742	83
1922	358,599	122	26,059	110	34,509	113	107,393	150	190,548	114
1923	421,631	141	31,449	130	41,341	132	126,051	173	222,790	131
1924	426,309	140	31,616	129	42,961	134	122,007	164	229,725	133
1925	436,743	141	31,316	126	46,035	141	121,410	160	237,982	135
1926	452,186	144	31,204	124	46,995	141	124,837	161	249,150	139
1927	466,806	146	32,051	126	47,425	140	129,449	164	257,881	142

Changes in police policy affect to a very large degree arrests for intoxication. Therefore deaths from alcoholism are a clearer indication of intemperance. The two should approximate each other if the police policy were consistent, but it has been found that since 1923 arrests for intoxication have tended to slacken while the number of deaths from alcoholism have continued to rise. This is illustrated in the accompanying chart, which gives the death rate from alcoholism for the registration States of 1910 and the rate of arrests for drunkenness for 385 cities. Variations in police policy of the different cities bring about differences in the number of arrests for intoxication. For instance, in New York City in 1927, 11,997 persons were arrested for drunkenness, while in Boston, which is about one-eighth the size of New York, 38,794 were arrested on this charge. In Pittsburgh, approximately one-tenth the size of New York, there were 31,759 arrests, and in Detroit, estimated at one-fourth the size of New York, 28,804 were arrested.

From the foregoing evidence it is assumed that arrests for drunkenness and, more particularly, deaths from alcoholism, are an index of liquor consumption. The dependable records of foreign countries bear out this assumption. They show that liquor consumption is declining and at the same time arrests for intoxication and deaths from alcoholism show a similar decline Such charts indicate not only the close correlation between liquor consumption and indexes of intemperance, but they show that in foreign countries, regardless of the particular form of liquor regulation, the tendency both in liquor consumption and in intemperance is consistently downward. The postwar level of consumption and intemperance is far below the pre-war level except in Finland, which has had prohibition since 1919.

It is impossible to estimate how much liquor is now being consumed in the United States. The only way in which an approximate estimate can be made is by deducting the amount of materials used in legitimate industries from the amount produced, leaving the amount which probably goes into the manufacture of intoxicating beverages. While this process is fairly reliable for wine and beer, in the case of spirits many baffling problems are presented. The estimate of beer production is based on the hop crop. After allowing for exports and for amounts used in near beer, the net balance available for real beer was 12,000,000 pounds in 1926 and 20,000,000 in 1928. Allowing 0.75 pound of hops for each barrel of beer, the probable annual output of real beer is somewhere between 425,000,000 and 630,000,000 gallons. The per capita production is about 5 gallons, one-fourth of the preprohibition rate.

In estimating the amount of grapes used in wine making, there has been deducted from the total crop 25 pounds per capita for all other uses. This is a liberal allowance, for in 1917 the per capita figure for table use and unfermented juice was less than 19 pounds. On the basis of this estimate, 980,000 tons were available for wine making. This accounts for 147,000,000 gallons of wine, which is over twice the pre-war quota.

Corn sugar, grain, and fruits are the ingredients from which most spirits are distilled. Production of the first commodity has increased from 150,000,000 pounds in 1921 to 905,000,000 in 1927. The per capita production in 1921 was 1.41 pounds, and in 1927 it was 7.63 pounds. The only new use to be found for corn sugar is 30,000,000 pounds used annually in the rayon industry. Allowing a per capita of from 1.5 to 1.8 pounds for legitimate use leaves a balance of from 680,000,000 to 725,000,000 pounds in 1927 to be used for distilled spirits. This would account for between 85,000,000 and 90,000,000 gallons of proof spirits.

For every gallon of mash seized, it may be assumed that at least 1 gallon of spirits was made and consumed illegally from grains and fruits. The minimum estimate of seizures of mash in 1928 is 27,000,000 gallons. Probably as much liquor is distilled from grains and fruits as is distilled from corn sugar. The total spirits consumption now is about equal to the pre-war rate.

The above accounts for the bulk of the illicit manufacture of beer, wine, and spirits. Allowance has also been made for small quantities of smuggled wine and spirits, of wine and spirits for medicinal and sacramental uses, and a very conservative estimate of the amount of denatured alcohol diverted into the illicit traffic, as well as a small allowance of spirits made from ordinary sugar, malt sirup, and molasses.

The Moderation League has also estimated the probable production of illicit liquor and retail prices thereof. This information is given in the following table:

TABLE VI.—*Estimated expenditure on alcoholic beverages, 1927*

	Quantity	Minimum		Maximum	
		Price	Expenditure	Price	Expenditure
	Gallons				
Beer	630,000,000	$0.50	$315,000,000	$1.50	$945,000,000
Wine	150,000,000	1.00	150,000,000	2.00	300,000,000
Spirits	180,000,000	5.00	900,000,000	15.00	2,700,000,000
Total	960,000,000	.....	1,365,000,000	.....	3,945,000,000

The cost to the consumer of various types of liquor has been estimated. Bootleg prices are not representative of the entire country. Homemade beer can be made for less than 50 cents a gallon, and wine can be made from grapes for from 80 cents to a dollar a gallon. To these minimum estimates has been added an allowance for liquor bought from bootleggers and in speak-easies.

According to the American Grocer, a trade paper, the estimated total drink bill for the country in 1917 was $1,817,000,000. Deducting Federal and State revenues from this amount, the net drink bill amounted to $1,474,000,000. With allowances made for the increase in population, it was estimated that if there were no prohibition the probable drink bill to-day would be $2,500,000,000. It is believed our minimum estimate of present expenditures is too low, but even this estimate indicates a saving of only $1,140,000,000.

The share of the wage earners of the country in the national drink bill, either before or after prohibition, has not been reliably estimated. The United States Labor Department budget estimates in 1891 and 1918 are obviously understatements of liquor expenditures by workmen's families, for they account for only one-fifth of the average per family expenditure. The abolition of the saloon may have brought about some net gain in temperance among wage earners, but it can not be assumed that this action has entirely eliminated excessive drinking among workers, who undoubtedly form a part of the estimated 1,000,000 arrested each year for intoxication. The alcoholic death rate for the 18,000,000 industrial policyholders of the Metropolitan Life Insurance Co., who represent a fair cross section of the wage-earning population, parallels that for the entire country, except for a slight slowing up in the rate since 1926.

Prohibition is also claimed to have effected the increased productivity of labor. However, since 1920 there has been a marked improvement in personnel management, improved machinery, shorter hours of work, and better standards of living, which factors are sufficient to account for the increase in productivity which has taken place. The report of the committee on recent economic changes, under the chairmanship of Mr. Hoover, which covers practically all the prohibition period, makes no mention of prohibition as a factor in increased productivity. In that study Leo Wolman gives an index of the output per worker for all years from 1899 to 1927. This index for the years 1899 to 1919 compared with liquor consumption shows little or no correlation.

No enormous increase in savings has been noted since 1920, particularly if time deposits be excluded, for these represent in large measure the funds of large corporations. They are not savings in the ordinary sense, though they are usually included in reports of savings deposits. There has been a marked tendency since 1919 for banks to solicit time deposits of corporations and large investors and for the latter to transfer demand deposits to time deposits. This followed the reduction in the reserve required for the deposits by the Federal Reserve Board.

The average annual percentage increase in all savings deposits from 1910 to 1919 was 7.4. From 1920 to 1929 it was 7.1, a slight decline during the prohibition period. The average annual per capita savings deposit shows a similar decrease. For the nine years before prohibition they were 6. Since prohibition they were only 5.5.

A marked increase in 1920 is attributed partly to the boom conditions of that year, partly to the fact that Liberty bonds were sold by small investors and part of such funds found their way back to savings banks, and probably also to the fact that liquor consumption was at its lowest ebb in 1920. At any rate, the increase noted in 1920 has not continued throughout the prohibition period.

The results of prohibition have not been as predicted. Records show intemperance has increased rapidly since the first year of prohibition. Liquor consumption and intemperance are now at least three-fourths of what they were in 1916, the peak year of the preprohibition period, and they are still going up.

Records of foreign countries prove the superiority of the system of regulated sale of liquor over a total abstinence law.

I am very glad at this juncture to pay my respects to Mr. John C. Gebhart, to whose splendid research work I am indebted for not only the statistics which I have freely quoted but much of the material contained in this speech.

UNITED STATES

Death rate per 100,000 from alcoholism, 1910 registration States, and arrests for drunkenness per 10,000 population, 585 places

Year	Death rate from alcoholism (rate per 100,000)	Arrests for drunkenness (rate per 10,000)	Year	Death rate from alcoholism (rate per 100,000)	Arrests for drunkenness (rate per 10,000)
1914	5.3	187	1921	2.0	93
1915	4.7	183	1922	3.0	122
1916	6.6	193	1923	3.9	141
1917	6.3	182	1924	3.9	140
1918	3.4	137	1925	4.4	141
1919	1.9	102	1926	4.7	144
1920	1.2	71	1927	5.0	146

CANADA

Per capita consumption of alcoholic beverages in Canada and convictions for drunkenness, 1912–1928

[Published by Dominion Bureau of Statistics]

Year	Spirits	Malt liquors	Wines	Drunkenness	Rate per 10,000 population
1912	1.032	6.649	0.122	53,171	72.1
1913	1.136	7.220	.145	60,975	81.0
1914	1.103	7.558	.138	60,067	78.1
1915	.886	6.234	.102	41,161	52.3
1916	.739	4.974	.064	32,730	40.7
1917	.703	4.279	.065	27,882	34.1
1918	.682	3.425	.101	21,026	25.2
1919	.395	3.070	.126	24,217	28.6
1920	.608	4.275	.143	39,769	46.1
1921 [1]	.723	4.048	.126	34,358	39.1
1922	.231	4.316	.136	25,048	28.1
1923	.204	4.081	.131	25,565	28.3
1924 [2]	.235	4.781	.186	27,338	29.9
1925 [3]	.225	5.200	.220	26,751	28.9
1926	.267	5.601	.361	28,317	30.2
1927 [4]	.304	5.459	.373	31,171	32.7
1928	.425	6.070	.357	33,095	34.3

[1] British Columbia and Quebec Liquor Commissions commenced sales.
[2] Alberta and Manitoba commenced sales.
[3] Saskatchewan Liquor Commission commenced sales.
[4] Ontario and New Brunswick Liquor Commissions commenced sales.

Except for the census year 1921, the population figures are the estimates of the Dominion Bureau of Statistics.

DENMARK

Deaths from alcoholism and cirrhosis classified into four types: (a) Chronic alcoholism, (b) delirium tremens, (c) acute alcoholism, (d) cirrhosis

[ABC=United States classification of deaths from alcoholism]

	All causes	Actual figures						Rates per 100,000 inhabitants		
		(A)	(B)	(C)	(D)	(ABCD)	(ABC)	All causes	(ABCD)	(ABC)
1876–1879	11,539	79	57	12	35	183	148	2,310	37	29
1880–1884	12,603	82	60	12	33	187	154	2,230	33	27
1885–1889	13,570	80	54	17	42	193	151	2,010	29	23
1890–1894	14,745	82	48	16	34	180	146	1,980	24	20
1895–1899	14,149	110	37	13	49	209	160	1,710	24	19
1900–1904	14,808	122	43	16	61	242	181	1,520	25	19
1905–1909	15,357	140	55	11	56	262	206	1,370	25	20
1910	14,798	147	41	11	63	262	199	1,350	24	18
1911	15,567	130	58	13	69	270	201	1,400	24	18
1912	14,995	153	21	6	56	236	180	1,340	21	16
1913	14,851	96	27	7	60	190	130	1,290	17	11
1914	15,344	115	22	8	68	213	145	1,310	18	12
1915	15,761	93	19	5	83	200	117	1,310	17	9.8
1916	17,552	121	51	3	94	249	155	1,450	21	12.8
1917	16,804	56	8	1	76	141	65	1,350	11	5.3
1918	18,001	18	1	1	49	69	20	1,420	5.4	1.6
1919	16,822	21	1	3	49	74	25	1,300	5.7	1.9
1920	17,910	31	3	2	47	83	36	1,350	6.2	2.7
1921	15,881	30	3	4	34	71	37	1,140	5.1	2.7
1922	17,115	32	1	4	35	72	37	1,210	5.1	2.6
1923	16,205	31	2	3	36	72	36	1,150	5.1	2.6
1924	16,648	34	6	4	27	71	44	1,170	5.0	3.1
1925	16,402	24	1	3	49	77	28	1,140	5.4	1.9
1926	16,742	30	3	3	36	72	36	1,150	5.0	2.5
1927	17,086	27	3	3	41	74	33	1,170	5.0	2.3

Annual per capita consumption, spirits, beer, and wine, in liters

Year	Spirits	Beer	Wine	Total
1911	5.10	1.90	0.18	7.18
1912	4.55	1.79	.18	6.50
1913	4.14	1.78	.20	6.12
1914	4.20	1.79	.17	6.16
1915	4.26	1.76	.21	6.23
1916	4.34	2.08	.26	6.68
1917	1.26	1.88	.21	3.35
1918	.20	1.38	.09	1.67
1919	.46	1.88	.18	2.52
1920	.76	2.09	.18	3.03
1921	.51	1.94	.21	2.66
1922	.56	1.80	.24	2.60
1923	.67	1.86	.28	2.81
1924	.74	1.89	.25	2.88
1925	.69	1.98	.19	2.86
1926	.60	1.84	.22	2.66
1927	.57	1.69	.20	2.46
1928	.54	1.62	.17	2.33

FINLAND

Arrests for drunkenness and rates per 10,000 of population

Year	Arrests	Rate per 10,000	Year	Arrests	Rate per 10,000
1914	33,729	103.2	1922	34,900	101.6
1915	10,220	31.0	1923	46,748	134.7
1916	10,179	30.6	1924	58,801	168.2
1917	9,261	27.7	1925	70,305	199.4
1918	5,474	16.4	1926	73,829	207.4
1919	11,475	34.4	1927	95,903	267.3
1920	27,236	81.0	1928	101,036	279.5
1921	33,964	99.8			

Seizures by customs officers of alcohol and other types of alcoholic beverages in Finland, rates per 10,000 population

Year	Alcohol (liters)	Other types (liters)	Total (liters)	Rate per 10,000
1919	4,360	4,081	8,441	25.3
1920	98,582	11,686	110,268	327.7
1921	58,932	13,964	72,896	214.2
1922	153,101	72,358	225,479	656.3
1923	488,767	15,036	503,803	1,452.1
1924	511,902	9,179	521,081	1,490.9
1925	550,626	9,276	559,902	1,587.7
1926	655,781	8,859	664,640	1,867.5
1927	629,814	7,544	637,358	1,776.3
1928	972,512	13,375	985,887	2,727.2

ENGLAND AND WALES

Convictions for drunkenness and deaths from alcoholism and per capita consumption of spirits for England and Wales

Year	Convictions	Rate per 10,000	Deaths	Rate per 100,000	Per capita consumption of spirits in proof gallons [1]
1911	172,130	47.6			0.61
1912	182,593	50.2			.60
1913	188,877	51.6	1,831	5.0	.58
1914	183,828	49.7	1,816	4.9	0.67
1915	135,811	[2] 36.7	1,451	3.9	[2] .64
1916	84,191	[2] 22.8	953	[2] 2.6	[2] .67
1917	46,410	[2] 12.6	580	[2] 1.6	[2] .45
1918	29,075	[2] 7.9	296	[2] .8	[2] .27
1919	57,948	15.8	369	1.0	.30
1920	95,763	25.5	591	1.6	.47
1921	77,789	20.5	493	1.3	.38
1922	76,347	20.0	471	1.2	.33
1923	77,094	20.0	410	1.1	.30
1924	79,082	20.4	395	1.0	.31
1925	75,077	19.3	372	1.0	.29
1926	67,126	17.2	366	.9	.28
1927	65,166	16.6	489	1.2	.25

[1] Per capita consumption given for fiscal years ending September 30.
[2] Figures are based on 1914 population.
[3] Actual count.

Mr. Speaker, I believe I am right in stating that not since the historic days of the Volstead legislative debate has the House devoted so much time to the question of the success or failure of the enforcement of the prohibition law. While I number among my friends Members both for and against the question, I personally agree with those who believe that prohibition has been a failure. Serious consideration of the problem, together with a fair impartial study of the facts will eventually result in a reasonable solution and the temperance and sobriety which the people of the country so ardently desire.

I have presented the facts to you. Does it appear that the law has been a success? Has it made for the elimination of drunkenness, of graft, of law defiance? After a 10-year thorough trial at enormous loss of revenue and tremendous enforcement cost and ever-increasing expense to the Government, has it obtained and does it now hold the approval and indorsement of the people of the land?

Our police forces spend 25 per cent of their time in apprehending burglars, highwaymen, and so forth. The other 75 per cent is spent in the futile attempt of hunting rumrunners and bootleggers in all sections of the land and sea. Agents of the enforcement bureau, in their efforts to locate and bring to justice the violators of the prohibition law, have not hesi-

tated to enter private homes upon unsupported evidence that liquor may be found in such a dwelling. It is alleged that the Government has employed, perhaps unintentionally, persons of shady reputation to detect criminals who are violating the Volstead Act, and permitted them to invade and search the homes of the decent people of the land. The statement has even been made that the skeleton key of the midnight marauder has been replaced by the badge of many a crooked enforcement agent. Following this comes the shooting down of suspected people in all parts of the country. The Association Against the Prohibition Amendment in a recent report estimates the number of killings by Federal and other enforcement officers at 1,000, while the Washington Herald raises the estimate to 1,300.

That it is impossible to enforce this un-American law is indicated by the tremendous increase in the number of deaths from alcohol, the steady increase in the number of arrests for intoxication, the constant demand for increased appropriations to enforce the law, the alarming crime wave that sweeps the Nation, the inadequacy of our present jails and penitentiaries, as well as the appointment of numerous additional judges to try men made criminals for committing an offense that is not a crime.

Prohibition has become a great burden to the Nation, as it has cut off a source of enormous revenue and increased by many millions the Federal appropriations. At the beginning of the new fiscal year the United States Coast Guard, which now has an armed naval fleet as well as an aviation squadron to enforce the law, will have a personnel greater than the United States Navy in the administration of President Cleveland.

In conclusion let me state that the present prohibition law will never solve the problem of temperance for the following reasons:

Prohibition enforcement lacks the support of a majority of the American people.

Its enforcement costs the people millions of dollars in increased taxation.

It is corrupting the morals of the people, making them lawbreakers.

It has resulted in widespread corruption and bribery of Government officials.

It is an infringement upon the liberty and freedom of the American people.

It is teaching young girls and boys to secretly indulge in alcoholic stimulants.

It forbids pure and harmless beer and wine and substitutes dangerous poisons.

It is the cause of increasing the pitiful army of victims of narcotic drugs—dope fiends.

It was enacted to carry out the wishes of a few and in disregard of the majority.

It has made the booze problem rather than economic problems the main political issue.

It has created a contempt for all law upon the part of a great majority of the people.

It is class legislation, depriving the poor of what the rich can easily obtain.

It is a violation of the Constitution, the fundamentals of government, and the Bill of Rights.

The Volstead Act is un-American, tyrannical, and liberty destroying.

A SQUARE DEAL FOR WORLD WAR VETERANS

Mr. LANKFORD of Georgia. Mr. Speaker, one of the real joys of living springs from the service we render our fellow man and when our service is to those who have served us and now need our help because of sacrifice made in our behalf, the joy of service is magnified many fold.

Our veterans have done their part and it is now time for us to do ours. They made the sacrifice of time, property, health, and even life for us and our Nation and it is but the duty of Congress now to provide for them and theirs. Untold millions are being spent and will be spent in their behalf and yet many veterans are not getting what is justly theirs.

As is always the case occasionally some veteran gets more than he is entitled to but I feel that this seldom happens. Their service was so great until I feel that even if an occasional instance arises where a veteran is overpaid under the technical rules of law that as a matter of morals we will never be able to adequately pay them for their services to our country in the hour of our peril and that there is no need to worry about any technical slight overpayment that may occasionally arise.

It is better for us to be concerned about the millions of those who as yet are uncompensated victims of the horrors of war.

I am very much disappointed over the World War veterans act which passed to-day. It contains some splendid provisions which were not in the veterans act which was vetoed by the President, but does not contain many good provisions which were included in that act. The vetoed act was a much better bill for the service connected World War veterans but gave no relief to non-service-connected disabled veterans. The vetoed act was a compensation act whereas the bill passed to-day is largely a pension act. Heretofore the Government has only attempted to pay disability compensation to World War veterans. Now the Government is embarking upon the pension policy as additional relief.

I welcome the pension plan but feel that the amounts should be the same as the amounts of the Spanish-American War veterans. I have always voted for reasonable increases for the Spanish War veterans and will do the same for the World War veterans. I predict that what the service connected disabled veterans lost by the defeat of the first bill will soon be regained and that the rates in the bill passed to-day will soon be raised to the same as those paid the Spanish-American veterans.

Those veterans that live will get all they are now asking for, but the poor fellow who is now suffering and dying is being deprived of fair and just compensation. I regret very much that the last bill was brought up under suspension thus preventing the proposal of amendments and limiting the debate to 20 minutes on each side. Those of us who wished to offer amendments could not do so and had to vote for or against the bill as offered without amendment.

So we have as law the bill just passed; let us study it briefly.

As is usual much is left to the discretion of the bureau officials and it is impossible for anyone to forecast the effect of the bill in advance of the promulgation of rules and regulations by the bureau as authorized in the bill. I shall not, therefore, at this time attempt a discussion of the administrative provisions of the bill.

Let us consider the pension rates which is new legislation and compare the rates in this bill with the Spanish War veterans' rates and rates of Civil War veterans.

In provisions of the bill granting pensions to World War veterans whose disability is not service connected there is a gross discrimination against World War veterans as compared with the veterans of other wars in at least two particulars: (a) As to rates of pensions so granted; and (b) as to degree of disability entitling to such pensions.

First. As to the rates of pensions granted therein to World War veterans, I quote from the bill:

> Twenty-five per cent permanent disability $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month.

Contrasting these rates with those granted to the veterans of the Civil War and the Spanish-American War are as follows:

All Civil War veterans who served in the Union Army for 90 days or more, regardless of the question of disability or financial condition of the veterans, receive $75 per month, or $100 per month where conditions of the Civil War veteran, by reason of disabilities, is such as to require the aid and regular attendance of another person.

The widows of Civil War veterans, under existing law, receive $40 per month.

Comparing the pensions granted Spanish-American War veterans under existing law and World War veterans under this bill, I quote below the comparative rates:

SPANISH-AMERICAN WAR VETERANS

	Per month
One-tenth disability	$20
One-fourth disability	25
One-half disability	35
Three-fourths disability	50
Total disability	60

WORLD WAR VETERANS

One-tenth disability	Nothing
One-fourth disability	$12
One-half disability	18
Three-fourths disability	24
Total disability	40

Regardless of disability, Spanish-American War veterans also receive pensions based upon attained age, as follows: 62 years, $30 per month; 68 years, $40 per month; 72 years, $50 per month; 75 years, $60 per month.

The widows of Spanish-American War veterans receive $30 per month. The widows of World War veterans under the bill receive nothing.

DEGREE OF DISABILITY

Second. The discrimination against World War veterans under the bill is not confined to the rates, but also to the degree of disability necessary to be shown to entitle them to a pension.

Under the law Civil War veterans are required to show no disability of any character to entitle them to a pension, and

Spanish-American War veterans are only required to show an existing disability, while under this bill World War veterans will be required to show the existence of a "permanent disability."

Another discrimination is to be found in the law that Spanish American veterans get a pension if they served 70 days or more whereas the World War veterans must have served 90 days or more.

It will be seen that the Veterans' Bureau is to determine what constitutes "permanent disability" and the amount thereof. Thus if the bureau is too strict many may be adjudicated as having a disability that is not permanent and then if it is permanent they may decide that the percentage is too low to justify a pension.

I am trusting the bureau will be liberal in the handling of these issues. Veterans who may be entitled to a pension under this act are anxious about the procedure to get their names on the pension roll.

It will be necessary for disabled veterans to make application on forms yet to be prepared by the bureau. It will also be necessary for the veterans to furnish such additional evidence as may be required by the bureau.

It is my purpose at this time to only discuss briefly the new pension features of the bill and leave for later consideration those provisions which deal with rules, regulations and matters which are more or less descretionary and which by usage will become more definite. I do want to call specific attention to one more provision in the bill just enacted, which is as follows:

"That regulations relating to the nature and extent of the proofs and evidence shall provide that due regard shall be given to lay and other evidence not of a medical nature."

This is a very important provision if the bureau will give it the interpretation intended by Congress and give to "evidence not of a medical nature" the same weight and credit which would be given to it by a court and jury in any court of justice so that many veterans who are not now getting relief, would under their record be awarded compensation or retirement pay. I have several cases I would feel safe to submit to a court and jury and yet my constituents are repeatedly denied relief because much of their evidence is of a lay nature and apparently ignored. Every other Member that I have discussed this matter with feels as I do about the situation.

Congress feels that the trouble with many cases in the bureau is caused by the bureau ignoring practically all evidence except that of a medical nature, and hope and believe that the bureau will remedy this injustice after the will of Congress has been definitely expressed by this provision. Congress does not feel that lay evidence is being given sufficient weight and is asking that this class of evidence be given such weight and credit as its truthfulness entitles it to receive.

I have faith in the bureau as being willing to comply with laws enacted by Congress. This faith on my part is shared by the majority of Congress, otherwise Congress would enact a law leaving nothing to the discretion of the bureau.

There are many of us who are very anxious for the enactment of reasonable, just, and fair legislation for veterans of the World War, for liberal construction in behalf of the veterans of that law, and that the same consideration be given their evidence and proof by the Veterans' Bureau as is given other people in the trial of their cases in the courts of the country. The veterans and those who are their friends will never be satisfied until they get a square deal in all these respects.

HELPING THE DISABLED WORLD WAR VETERANS OF THE SEVENTH INDIANA DISTRICT TO SECURE PENSIONS

Mr. LUDLOW. Mr. Speaker, by unanimous consent of the House I am using the instrumentalities of the CONGRESSIONAL RECORD to assist the sick and disabled veterans of the World War in my congressional district in order that they may secure, at the earliest possible moment, the benefits which have been provided for them in the new World War veterans' act of July, 1930.

As a Member of Congress I have devoted all of the patience, all of the persistency, and all of the fighting qualities I possess to the sacred duty of trying to improve the situation in life of the soldiers of all wars, their widows and dependents. I helped to the extent of my ability to pass the legislation liberalizing the pensions of the thin, vanishing ranks of Civil War soldiers. I fought every inch of the way for the Spanish War veterans and assisted in passing pension legislation for their relief over the presidential veto.

To the veterans of the World War I have shown equal devotion and to those of that war who are sick and disabled I now dedicate all of my ability, such as it is, and all of my energy in establishing their claims under the new act. I have been fortunately in a position as a member of the World War Veterans' Legislation Committee to be of service in assisting to bring relief to the homes of many thousands of veterans of the World War who served the Nation bravely and well in its time of peril and whose lives are now darkened by the specter of illness and destitution. I did all I could toward securing the establishment of a World War veterans' hospital in Indianapolis, where the sick and disabled survivors of the titanic struggles of 1917–18 may gather from all points in Indiana to receive the treatment and care that are so justly due them. The successful consummation of this project, I rejoice to say, is bound to lift the worries from many Indiana veterans and to add to their peace and contentment of mind.

It is now possible for me to be of further help to the disabled soldiers of the World War in the seventh Indiana district if they will fill out and return to me the form that will be found below. Under the new act pensions for non-service-connected permanent disabilities are allowed to all World War veterans who served 90 days or longer. The following disability allowances for non-service-connected cases are provided:

For 25 per cent permanent disability, $12 per month.
For 50 per cent permanent disability, $18 per month.
For 75 per cent permanent disability, $24 per month.
For total permanent disability, $40 per month.

As the pension in each instance is to date from the time of application it is important that disabled veterans shall get their claims presented as soon as possible. I wish to call the attention of veterans to their rights under the new legislation and to help them to get their claims established. Every veteran who considers himself qualified under the law is invited to fill out the following form and return it to me and I will deliver it to the director of the Veterans' Bureau with an expression of my interest and my hope that he will take whatever steps are necessary for early adjudication:

Date_____

Gen. FRANK T. HINES,
Director Veterans' Bureau, Washington, D. C.

SIR: I desire to make application for benefits under the act of 1930 providing pensions for disabled veterans of the World War.

Organization:
_____
(Carefully identify the unit in which you served)
Date and place of enlistment:
_____
Date and place of discharge:
_____
Brief description of service rendered:
_____
_____
State nature and extent of disabilities from which you are suffering:
_____
If claim is now pending with bureau give C number:
_____
Signature of applicant_____
Street address or rural route_____
City _____
State_____

WHO THREW THE MONKEY WRENCH INTO THE PEACE CONFERENCE?

Mr. McCLINTIC of Oklahoma. Mr. Speaker, when the Geneva conference failed it was not generally known that certain shipbuilding corporations of the United States had employed a representative to attend these meetings for the purpose of influencing the representatives from the United States charged with the responsibility of doing that which was best for their Nation. Because of a controversy over the salary their representative was to receive, much information of a secret nature became public property, and the people of the United States were amazed when it was found out that the shipbuilding corporations' representative had personal contact with and was in conference with every naval official representing the United States other than the ranking naval officer. For the reason the ranking officer, Admiral Hilary Jones, was bound to know of the presence of Mr. Shearer and the capacity in which he was serving, it is reasonable to conclude that should he have any objection with the other officers serving under him contacting the representative of the shipbuilding corporations it would have been an easy matter to give sufficient publicity as to either cause his removal or to have put an end to such conferences.

Anyhow, when this subject was completely aired it was shown that practically all the naval officials were highly elated because of the results obtained at the Geneva conference. I make the statement without fear of contradiction that there are not a half dozen people in the United States but what would naturally believe that all of the naval officials representing the

United States at the Geneva conference worked in perfect harmony and were acquainted with everything that took place. Therefore I have said that very few would believe that Admiral Hilary Jones knew nothing of Mr. Shearer's activities and did nothing to prevent his efforts to bring about a disagreement on this occasion.

It is such unholy combinations as have been made from time to time by a very small minority serving in official capacity in the Navy that have brought about a general feeling that the Navy has sunk to a low ebb, and I regret exceedingly that the many thousands connected with this branch of the Government have had to suffer because of certain officials charged with high responsibilities having failed to act honorably on all occasions. It will be remembered that certain admirals played poker with Harry Sinclair when plans were being made to secretly dispose of our oil reserves and to construct additions in Hawaii without authorization from Congress. It is such secret methods that cause our people to lose faith in our form of government, and I regret exceedingly that during the last 10 years some of the darkest pages ever written are those which relate to the misconduct of certain high officials of our Government.

PEACE CONFERENCE

When President Hoover proposed to have another conference for the purpose of adjudicating questions relating to the world's peace and the size of the different fleets, I was in full accord with him, as for the past six or seven years I had opposed various shipbuilding programs on the grounds that another conference should be called for the purpose of equalizing conditions with respect to shipbuilding and to stop what might be called a mad competitive race of construction, which was taxing the life-blood out of the citizens of many nations.

Therefore, when it was proposed that this same naval officer who was the ranking member during the Geneva conference was to be selected as one of the official representatives of our Government, I telegraphed the President a protest, feeling sure that by his conduct in the past should he be selected for a high position of this kind he would not be willing to ever agree upon any reduction program or anything that would make it possible for a proper solution or adjudication of this subject. I felt that he was acquainted with the fact that shipbuilders controlled the Geneva conference, and I still believe that he knew all about it. Therefore, I gave this information to the President in my telegram. Mr. Hoover answered my message by stating that I was entirely wrong, which showed that he had implicit confidence in the integrity of Admiral Hilary Jones and was willing to trust his judgment on matters of this kind. When I received the President's message stating that I was entirely wrong, I sent him another telegram in which I gave the names of several admirals who had cooperated with the representative of the shipbuilding corporations and others that knew that such an unholy combination had been made, reiterating my former statements as to certain naval officials cooperating with the shipbuilders, and at the same time suggesting that if he wanted to meet with success he should appoint men who did not have a selfish interest to serve.

The press on two occasions gave notice prior to the conclusion of the London conference that it was thought Admiral Hilary Jones was not cooperating with the President, and our representatives. I was not surprised when he returned to the United States and immediately arraigned himself against the President and the representatives of the United States who participated in these deliberations.

It will be remembered that Admiral Hilary Jones has been the pinch hitter for the Navy, and when there was any particular work to be done he has always been selected to do the job. I think he is the most expensive man that the Nation has ever produced. I think his ideas with respect to an up-to-date navy and modern equipment are as archaic as those relating to the stone age, and when it comes to new ideas, such utterances as I have heard from him have always showed that he was living in the past.

I especially refer to his statement before the Lampert Aircraft Board, in which he attempted to qualify as an aeronautic expert, also the service that he performed as a member of the Morrow board, and also when he was rushed to the aid of the officer who was conducting the *Shenandoah* disaster hearings, which resulted in what many termed a whitewash after he had taken charge of the situation. Then it was proposed that he should be selected to take care of the *S*–4 submarine disaster, and I made a speech on the floor protesting against any such action, prophesying what would take place should he be given this responsibility. I paid my respects to this officer in the CONGRESSIONAL RECORD in order that every person might know what could be expected as long as we charged men of this type with responsible duties in this connection with matters that affect the entire citizenship of the country, as follows:

Mr. MCCLINTIC. No. The Naval Affairs Committee had many naval officers before it. I remember that I asked Admiral McVey a question. I said in substance, if it is admitted that no nation on earth can land an army on our shores as long as we have adequate aircraft, do you think it is better to report out this naval bill now or to first take care of flood-control and agricultural relief and those measures that affect the economic conditions of the country? He answered, of course, that the Navy should come first.

I suppose if I were an officer in the Navy and had no knowledge of the conditions that exist in the interior of this country, I possibly would assume the same position. But I feel, as long as there is nothing confronting us at the present time that would warrant any apprehension or fear, that this Congress should proceed in an orderly manner, having in mind the taking care of the conditions that are most urgent; and that is the position I have taken from the beginning to the end.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. MCCLINTIC. Not now.

All of you know that the Geneva conference failed. It was prophesied when Admiral Hilary Jones was sent to this conference that it would fail. I heard an admiral say less than a week ago that it failed when Admiral Hilary Jones was selected as the head of those who represented the Navy of the United States at Geneva, and that there would be no agreement. I was amazed when I heard Admiral Hilary Jones testify before our committee and admit that he had been in England off and on for two years prior to the convening of that conference at Geneva. Doing what? What else would an admiral be doing over there if he was not conferring with the admiralty? I am surprised that this Nation would ever expect a naval officer to agree with a disarmament policy.

Who is this Admiral Hilary Jones? He is the one who appeared before the Lampert Aircraft Committee and tried to qualify as an aircraft specialist, reading a document or a speech containing more dynamite against aircraft than anybody I ever heard. I was present. This is the same admiral who was hurried over to the scene of the *Shenandoah* disaster and put in charge in order to rescue that situation. As I recall, he was also a member of the President's Aircraft Board and qualified there as an expert in aircraft.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. MCCLINTIC. Not yet. And yet this Nation selects this type of citizen and sends him over to Geneva to head the American representatives at the conference to agree with the other nations of the world.

In the Navy or in private life or anywhere else the most despicable character in life is the one who accepts responsibility for a given purpose or duty and then goes out and deliberately tries to do that which he is not expected to do. I hope in the future that those in our Government who are charged with the responsibility of selecting men to represent us in conferences of this kind will select men who really know something about the financial, economic, and agricultural conditions in this country, instead of naval officers who have no knowledge along those lines, because they are only trained to do a certain thing and to do it in a certain way.

What I have had to say concerning this admiral is not personal. I do not feel that he is fitted in any way or ever has been qualified to properly represent this Government, and it was for this reason I warned the President, but apparently he did not figure that I knew what I was talking about.

The conference has been concluded. Three of the nations have agreed upon a program, and certain of the naval officials are opposing the program for the reason they realize that if the same goes into effect they will not be able to have the great number of ships that were indorsed by Mr. Coolidge and Secretary Wilbur, which number 76, and would have caused, according to the Navy's figures, an expediture of $4,176,426,000. These figures were prepared by the Navy and put in the RECORD by me, and are to be found on page 3059 of the CONGRESSIONAL RECORD of February 15, 1928.

The present program calls for an expenditure of approximately $1,000,000,000 and is a saving of over $3,000,000,000, according to the Navy's figures. This is a perfect answer to anyone who advocates a rejection of this treaty based on the amount of money that will have to be expended. The representatives of the United States who participated in this treaty were Senator ROBINSON of Arkansas, Senator REED of Pennsylvania, Secretary of State Stimson, Ambassador Morrow, and Secretary of Navy Adams, a very distinguished group of citizens, and on the day they sailed I made the following speech, which was in line with my thoughts concerning this subject:

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for seven minutes. Is there objection?

There was no objection.

Mr. MCCLINTIC of Oklahoma. Mr. Speaker, at the present moment there rests in the harbor of New York a great ship called the *George*

Washington, named after a leader, the greatest of them all, who wrote his name so indelibly in the minds and hearts of the citizens of this country so as never to be forgotten. This ship carries from the shores of this Nation a very distinguished company of citizens, whose destination is London, England, and in going to that far-off country they carry with them the confidence and respect of every patriotic citizen of the land.

The President of the United States has proven to the world that he is a humanitarian. He probably more than any other one person has a full conception of the horrors of war because of the service he rendered during that period when death and desolation stalked over the lands of Europe. His act in initiating a move for the purpose of promoting peace and harmony should find favor in the hearts of every person that is interested in progress and those matters which affect humanity and is in line with the policy I have been advocating for several years. Therefore I feel that regardless of a person's political affiliation he should be sufficiently broad to give credit to those who are keeping step with progress and who seek to make this world a better place to live in.

The commission that he has appointed is composed of men of the highest integrity—Secretary of State Stimson; Ambassador to Mexico Morrow; Secretary of the Navy Adams; Senator ROBINSON of Arkansas; and Senator REED of Pennsylvania—all of whom have been given high callings in life, and at the present time are occupying positions of great trust. Therefore I am sure that the majority of our citizens have the same implicit confidence in their desires and their aims as those who are sponsoring this movement.

For the past six years I have opposed many naval ship construction programs on the grounds that competitive building in the time of peace, when it was mandatory on the part of this Government to participate in another disarmament conference in 1931 was not the proper method to proceed. Some have called me a little Navy man and others a pacifist. However, I have paid no attention to such comment, hoping that the time would come when some citizens in authority would inaugurate the kind of a movement which would make possible that which I have striven for so long. I am very frank to say to this House that I have confidence in the commission thus appointed, and should they agree with the other nations of the world upon a naval program, then I will without reservation support the same having in mind that we must keep faith with the other countries in the world if wars are to be prevented in the future.

In 1928 the approximate indebtedness of England was $37,200,000,000; of the United States, $18,284,000,000; France and her colonies, $12,872,000,000; Italy, $4,942,000,000; and Japan, $2,500,000,000 making a grand total of nearly $76,000,000,000 for the five nations of the world, most of which represented the terrible toll caused by war. At the present time there are more soldiers in the armies of the world than there were prior to the World War. The cost of maintaining military programs in the United States is a sum beyond the conception of the ordinary mind, and when it is taken into consideration that more than 80 cents out of every dollar collected is expended for war, war activities, and war results, no one but those that have a selfish interest to serve will ever oppose a movement that seeks to bring about peace and harmony among the nations of the world. Therefore, it now behooves every citizen who is interested in progress, Christianity, and brotherly love to give whole-hearted support to those who go to a foreign shore bearing in their hands the olive branch of friendship; so it can be said that the United States is one nation that seeks no unfair advantages against its neighbors and that it will always be our desire to promote the kind of good fellowship that will make peaceful conditions reign throughout the world.

I think this delegation did all it could; however, I am a little bit surprised at the present Secretary of the Navy, who was a member of this delegation, because he has recommended the reconditioning of certain battleships at a cost of approximately $29,000,000, when it is now known that the trend of the minds of the most up-to-date people of the world is that battleships are too slow and cumbersome to be used as an efficient fighting instrument in modern warfare in the future. I prepared a report against this proposed legislation, which was signed by myself and Congressman MORGAN G. SANDERS. We do not think the Secretary of the Navy is using good judgment in trying to foster on the taxpayers of this country such an expenditure when it is now known that the three ships that are to be scrapped according to the terms of the London Treaty were modernized at a cost of $11,176,000, all of which is a total loss.

MINORITY VIEWS

Modernizing a battleship can be properly compared to the overhauling of an old automobile. The more money one expends on the same the more certain he is that it will never be possible to make it as efficient as a new ship or a new car.

We have taken the position that nothing further should be done to our battleships until it is known whether or not the terms of the London treaty now under discussion in the United States Senate are going to be accepted or rejected. If the treaty should be rejected, then, according to the mandatory terms in Article XXI of the Washington agreement concluded in 1922, it will be necessary that the United States invite certain other major nations to participate in another conference, and it is very probable that the same will take place in 1931. The provision is as follows:

"In view of possible technical and scientific developments the United States, after consultation with the other contracting powers, shall arrange for a conference of all the contracting powers, which shall convene as soon as possible after the expiration of eight years from the coming into force of the present treaty to consider what changes, if any, in the treaty may be necessary to meet such developments."

The Washington conference resulted in a program which caused our new ships under construction to be scrapped and the old ones retained. Such a policy is considered by many to have been foolish and favorable to the shipbuilding interests, which, according to the views of many, have had a strangle hold on certain Navy officials up to the time this fact was brought out after the Geneva conference. Several hundred million dollars' worth of property was scrapped and the only persons benefited by such a program were the shipbuilding corporations.

We also wish to say that according to Article XXIII of the Washington agreement should any one nation who was a party to the same decide to withdraw from such an agreement, then it would be necessary for the other nations to meet in conference. The provision is as follows:

"Within one year of the date on which a notice of the termination by any power has taken effect, all the contracting powers shall meet in conference."

According to the terms of the London agreement, we are to scrap three battleships, with the privilege of retaining one for training purposes. The *Florida*, *Utah*, and *Wyoming* are the ones that have been tentatively selected for this purpose. These ships have been modernized at a cost of $11,176,000, which represents an expenditure of money that will do us no more good than if the same had been taken out and dumped in the sea. In addition a total sum of $64,023,177 has been used for the purpose of overhauling old battleships, and it is now proposed to expend approximately $30,000,000 in addition for the purpose of overhauling or modernizing the *New Mexico*, *Mississippi*, and *Idaho*.

During the World War, if we are correctly informed, all of our battleships with the exception of four were anchored as far up the York River as possible to protect the same from submarines, and the four that went across for the purpose of joining the Grand Fleet never left our shores until after the German fleet had been destroyed. Therefore it is reasonable to deduct that the thought uppermost in the minds of the Navy officials at that time was that battleships were so slow and cumbersome that it would be impossible for them to escape if attacked by submarines. We think it can safely be said that since the World War the tendency of thought in the minds of all progressive nations is that battleships are too slow to successfully combat an up-to-date fleet of the faster type of ships. It will also be remembered when the Battle of Jutland was fought bombing planes capable of carrying projectiles weighing as much as 500 pounds had not been constructed. In fact, no planes of this type were used by either the Germans or the English, and it is reasonable to conclude that if such had been available they would have played an important part in this engagement. Moreover, it is now known that any type of ship can be sunk with bombs dropped from heavier-than-air machines. Therefore, when it comes to modernizing a type of ship that has been proven to the satisfaction of many to be obsolete, we doubt the advisability of expending any more money for the so-called purpose of modernizing or overhauling a lot of old ships that are, in our opinion, only fit for peace-time maneuvers.

Prior to the convening of the London conference approximately 70 members of the House of Commons gave out a statement in which they voiced an opinion that battleships would no longer be used as a weapon of warfare, and when it is taken into consideration the very marked progress that has been made in aircraft and the further fact that no invading fleet can ever come within 100 miles of a major nation without being destroyed by a superior land air force, it seems foolish to continue wasting the people's money by patching up a lot of old ships that in case war was declared would immediately be put in some safe harbor until the hostilities were over.

Our battleships at the present time carry only small spotting and observation planes. If some kind of arrangement could be provided so as to make it possible for these ships to carry large bombing planes, then their efficiency would be greatly enlarged, as with planes capable of carrying 500 or 1,000 pound bombs, an enemy could be attacked at a distance of several hundred miles before it came within striking distance of our 14 and 16 inch guns. We first brought this idea to the attention of the committee on or about March 5, 1928, hoping that some of the progressive minds in Congress or elsewhere would assist me in sponsoring such an idea. However, nothing was done until recently, when the Associated Press carried the following article:

"Plans for a drastically different hybrid fighting ship are occupying the Navy's designers. It would be a complete combination cruiser and aircraft carrier, capable of engaging in a running battle as well as launching more than two dozen airplanes for scouting or combat.

"It would be of a radical design, in that its large guns and their number would place it in the fighting class, yet a landing platform on its deck would equip it to carry from three to six times as many airplanes as the most modern cruisers now afloat.

"Instead of launching its planes from a distance and running from an attack, as the existing carriers must, the proposed cruiser-carriers might get into the mêlée and let its brood bomb and harass the enemy while it joined orthodox cruisers and battleships in battle.

"While some 'old-line' naval officers have expressed opposition to the cruiser-carrier because its effectiveness might be lessened by a reduction in armor to allow for the weight of airplanes, the Bureau of Aeronautics said that a 10,000-ton or even a 7,050-ton cruiser-carrier is the vessel that all nations soon will be building because of the increased effectiveness of airplanes in battle.

"Tentative plans for the vessel provide for as many as ten 6-inch guns, as well as storage space of the planes. About 70 per cent of the deck would be devoted to a landing platform, while the necessary superstructure and two triple or quadruple gun turrets or houses would be grouped in the bow. Other guns would be at the stern, while the antiaircraft batteries would be on platforms at the sides of the landing platform.

"A ship of this type, naval designers say, would not come under the London naval treaty definition of a carrier. The treaty classifies as a carrier any ship 'designed for the specific and exclusive purpose of carrying aircraft.'

"By June of 1932 the 5-year naval aeronautics program will have been completed. There will be more than 1,000 useful airplanes available, more than 500 on ships. Completion of the authorized 13,800-ton carrier would increase the total fleet strength to 575 and the construction of cruiser-carriers would bring the total aerial strength afloat to a minimum of 800 airplanes."

For the reason our Navy is now considering carrying out in part our ideas along this line, we have suggested to the committee that if they would carry in this bill an amendment which would make it possible for the Bureau of Construction and Repair, if feasible, to place certain additions on battleships in order that bombing planes might be carried and launched that it would not be against any provision of the Washington treaty or the proposed London agreement, as no new idea would be involved in such additions other than storage facilities in the way of a skeletonized deck reaching out above the turrets, which could be properly hinged in such a way as to be removed away from the big guns in case it was necessary to use the same. The argument has been presented that the explosion from such guns would destroy this superstructure. However, when it is remembered that the turrets do not contact the deck and are separate units, such an opinion does not seem to be well founded, and even if such was the case, it must be remembered that if all our battleships could carry six or eight large bombing planes and could launch them from a skeletonized deck they would be able to contact an enemy at a distance of more than 100 miles, thereby, in all probability, destroying the enemy, and not make it necessary to depend on turrets, that only shoot a distance of approximately 20 miles.

It is to be regretted that the minds of those charged with certain responsibilities in the Navy are not willing to accept with favor new ideas for the purpose of bringing about efficiency, and this is probably the reason why no one in our Navy had any confidence in submarines at the beginning of the World War. Because of this fact Germany came awfully close to defeating what could be said practically the entire strength of the world. We have offered the following amendment with the hope that it would be adopted, thus justifying the support of the legislation if such additions were made, provided that the London treaty goes into effect:

"*Provided*, That the Bureau of Construction and Repair shall, if feasible, present recommendations for the construction of suitable facilities on each ship consisting of a skeleton deck or some similar addition for the carrying of bombing planes, and the term "modernization" shall be construed to include necessary equipment for the launching of such bombing planes."

However, the committee rejected the same, probably because all of the so-called experts in the Navy were opposed to any additions of this kind on battleships.

In conclusion, we desire to say that the hope for security of any nation in the future must depend upon those charged with certain responsibilities being willing to accept at all times new ideas, as this is an age of machination and speed will be the determining factor in the future. Therefore, instead of expending our money on a lot of old, superannuated, obsolete types of ships let us benefit by the lessons of the last war and only authorize the construction of such types of ships in the future as will be needed for the protection of our Nation.

In view of the fact that the committee is not willing to modernize these battleships in such a way as to take care of aircraft, and in all probability the other nations of the world will so equip their battleships, we do not feel that further expenditures of money should be made for this purpose.

J. V. McCLINTIC,
MORGAN G. SANDERS.

WORLD PEACE

Recently I received a letter from the Acting Secretary of the Navy, Mr. Jahncke, which in part related to the deliberations carried on or which were under discussion at that time when our representatives were in London dealing with the naval problems effecting the major nations of the world, and I am inserting the same at this point.

NAVY DEPARTMENT,
Washington, February 11, 1930.

Hon. JAMES V. McCLINTIC,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: With reference to your letter of January 29, 1930, I find there is in the confidential files of the Navy Department a paper entitled "Proposed Plans for Establishment of League of Nations Army and Navy." There is nothing on record to show what action was taken on this paper or what consideration was given to it, but it is perfectly evident that the paper was prepared as a confidential document, that it was never made public, and that it has been held as confidential until now.

In view of the fact that this paper has been held confidential up to this time and in view of the further fact that, as its subject indicates, it deals with matters some of which are now under discussion at the naval conference in London, I feel that it would not be consistent with the public interests to permit this paper to leave the department or to make it public until the London conference is over.

Yours very sincerely,

ERNEST LEE JAHNCKE,
Acting Secretary of the Navy.

Everyone knows that when the World War was over England, France, and several other nations were bled white, and that the humanitarians of the various nations of the world were anxious to put into effect some plan which would for all times settle the controversy without the necessity of killing each other. This movement was sponsored by our great President, Woodrow Wilson. He was probably far ahead of times in the promotion of his ideas for world peace. He believed that we should proceed by following the Biblical injunction, "Blessed are the peacemakers, for they shall see God," and he knew that as the nations of the world became better educated that they would listen more to reason and that their minds would be more amenable to settle controversies by arbitration rather than flying at each other's throats. He knew that it was the psychological moment to present some kind of idea which would cause his ideas to predominate, and while he was not successful in obtaining all that he promoted he is entitled to the credit for the different peace conferences that have been held from that date up to the present time.

While it has not been possible to outlaw war, yet it is the consensus of opinion that in the future—possibly several hundred years hence—as the people realize more and more the uselessness of fighting when they take into consideration the modern methods of destruction such as poison, gas, disease, germs, bombing planes, dirigibles, submarines, and the possibility of destroying life with harnessed electricity, that they will realize that it is useless to try to bring about settlements with force, as such a policy would mean the annihilation of all the combatants; and when this time arrives, then there will be no need for every major nation striving to excel the other in the production of superior fighting equipment, and then possibly there will be put into effect some kind of a cooperative plan of policing the places that need to be looked after without the necessity of burdening the people with a form of taxation that is pretty near unbearable. When it is taken into consideration that 80 or 95 per cent of all the money raised by this Government at the present time goes for war activities and the results of war, one can realize the economic loss that is caused by such a program. The expenditures along this line are going forward by leaps and bounds. We will soon be expending over a billion dollars yearly for the upkeep of our military bureau; and, in my opinion, when the time comes, the nations of the world will formulate a policy which will not make it necessary to maintain separate individual units for warfare; then this period we are now living in will be referred to as the dark ages.

I realize that it is not now possible to adjudicate peaceful programs with the other nations of the world without maintaining a proper amount of military equipment. Such a program might have been put into effect when the United States stood after the World War as the most powerful Nation on earth; but when our representatives rejected every overture along peaceful lines, it could be compared to scuttling a ship and leaving all on board to drown. Therefore, it would be perfectly foolish to persevere any further in this direction when many of the nations of the world have lost confidence in the integrity of our leaders. We must maintain our Navy and Army up to a certain standard until there has been brought

about a new readjustment of social, economic, and financial conditions sufficient to insure a fair deal to every nation of the world.

MY RECORD IN CONGRESS

Mr. CARTWRIGHT. Mr. Speaker, under permission given me by unanimous consent of the House, I take this opportunity, in view of my inability to visit the various communities of my district, to bring my record, in a brief way, to the attention of my constituents. As Congress has not yet adjourned, my official duties will not permit me to leave Washington.

Since I first came to Congress three years ago I have striven to respond promptly to every reasonable request made of me by my constituents, making it a rule to promptly answer all letters and inquiries, and, whenever possible, to try to carry out their wishes. This has necessarily increased my work, but I have always felt that my first duty was to my district. The people who have been served by me are the best witnesses as to whether or not my services as a Member of Congress have been satisfactory. While I have felt that my primary duty was to the people of my district, I have tried faithfully to serve Oklahoma and the Nation, and to measure up to the high ideals of a national representative.

Ever since I have been in Congress the Republican Party has had control of the executive and legislative branches of our Government, and while I am a Democrat and not in accord with all of their program, yet I have given constant attention to my duties on the floor of Congress, before the committees, in the various departments, and in service rendered my constituents.

EX-SERVICE MEN

I am sure the ex-service men will verify the statement when I say that I have been vigilant in season and out of season to advance their interests. I have always felt that our country owed these brave boys and their dependents every possible consideration, and I have worked and voted for every measure in Congress to take care of these men and their dependents in a most liberal way. I was glad to give my full support to the bill recently passed by Congress to liberalize the World War veterans' act of 1924, but vetoed by the President. To my mind it was a much fairer measure than the one finally enacted into law. I also voted to override the President's veto and pass the bill to increase pensions for our disabled Spanish-American War veterans.

I have observed during my three years in Congress that whenever a bill had to do with large financial interests it had an assured, easy passage, but whenever the human equation was uppermost it encountered rough seas.

I have supported the American Legion's legislative program, including the bill for a universal draft law, proposing to draft money, materials, and industries, as well as man power in case of future wars. Hundreds have written me indorsing my stand favoring conscription of wealth the same as men. I believe such a law would dry up the springs of ill-gotten gains of American millionaire munition makers and turn those same streams from death-dealing to life-giving channels.

INDIANS

I introduced and was instrumental in securing the passage of a bill re-leasing coal lands belonging to the Choctaw and Chickasaw Indians, thus keeping their mines open and preventing them from filling with water and being destroyed, and giving employment to thousands. Also a bill to sell all the coal deposits at the appraised value, if a buyer can be found. Heretofore it could only be sold in parts.

I have had pending a bill to sell the coal and asphalt deposits to the Government at the Government's appraised value, and the proceeds to be distributed per capita.

I have a bill on the calendar providing for the disposition of the "leased district" claim.

Contrary to what some believe, the Indians have but little money to their credit. However, I secured from the Indian Bureau a $10 per capita payment for the Choctaws, a total of about $210,000. There is now to the credit of the Choctaws $173,903, or about $8 per capita. The Chickasaws have no available funds to their credit at this time. But with the sale of the coal and asphalt, the settlement of the "leased district" claim, and settlement of the cases filed by the tribal attorneys and special attorneys in the Court of Claims, there will be millions to the credit of the tribes. That is what must be done before tribal affairs can be wound up, and that is what I have striven to do, and I have made some progress.

MISCELLANEOUS

I introduced and was instrumental in securing the passage of a bill making Durant a Federal court town, taking the court to the people instead of the people to the court, also a bill providing for the bridging of Red River, free of tolls. Wherever our public highways go, free bridges should go, because they are a part of the highway.

I have introduced and secured the passage of many smaller bills which would not be of particular interest to the general public.

SENIORITY COUNTS

In no other place, perhaps, in this broad land of ours does seniority or length of service count so much as it does in the Congress of the United States.

Although serving only my second term, I am one of the ranking members of the powerful Indian Affairs Committee and will be in line for chairmanship in case of a Democratic House next Congress, which at this time seems very probable. Only two Democrats are ahead of me on this committee. Both have few Indians in their districts and will ask for other chairmanships. I am also a member of the Committee on Roads, and as a member of that committee was active and instrumental in securing the $2,000,000 appropriation for Oklahoma public highways to be matched on a 50-50 basis for the year 1930. Last year Oklahoma's share was only $750,000. This is quite a relief to the local taxpayers and will greatly stimulate the construction of our highways. I am also a member of the Committee on War Claims, an important committee for the purpose of considering equity claims arising out of all wars.

THE FARMER

The first speech I made on the floor of Congress was in the interest of the down-trodden, tax-burdened farmer, and ever since I have worked for and voted for every farm-relief measure which had for its purpose the benefit of the farmer. The farmers' problems are many and varied. It has always been my aim and purpose in the past to endeavor to help work them out. I have earnestly striven to do so. I shall continue to work to this end.

This is the Congress under Republican administration which was called into session in April, 1929, for the purpose of passing a farm-relief measure and revising the tariff. We spent about a week relieving the farmer through the passage of the so-called farm relief bill. To-day the wheat market is lower and cotton is cheaper than it has been in many years. Then, this Congress spent the rest of 15 months passing the so-called Grundy tariff bill which increases the cost of practically everything the farmer must buy, and by the same token decreases the price of everything he has to sell. And now the poor old farmer—

> Bowed by the weight of centuries, he leans
> Upon his hoe, and gazes on the ground;
> The emptiness of ages in his face,
> And on his back the burden of the world.

MY VOTING RECORD

Since my tenure in office many important matters have been considered by the Congress, and my voting record in the House is open to all the people for inspection. Any of my constituents who so desire can secure the information as to how I have stood on all important questions affecting the American people, and particularly the people of my district and Oklahoma. For instance, I worked against and voted against the iniquitous tariff law, passed by the Republican Congress in the interest of the industrial East at the expense of the farmers of the West. I opposed the action of Congress in refunding to foreign governments more than $10,000,000,000 that they owed the United States.

I supported both the flood-control measure and the Muscle Shoals bill, believing them to be meritorious measures.

I have voted for some very good bills, and others not because they were good, but because they were the best to be had from a controlled majority, and were always so written that it was difficult to separate the good from the bad—one such example is the "farm relief" bill.

CONCLUSION

I have been impressed with the thought that in order to be a reasonably efficient Congressman it is essential for one to be a willing "errand boy." I have the satisfaction of knowing I have stayed on the job every day and have done my best to honestly represent all the people of the third congressional district, regardless of political affiliation or religious creed.

It is impossible for me to recount in this speech the various activities in which I have been engaged in my congressional capacity.

The work of a Member of Congress which is recorded in the CONGRESSIONAL RECORD is but a small part of his record. The major portion of his work has to do with the various departments and activities of the Government, but I feel that it will be of interest to give to my constituents this brief statement, since I am deprived of the pleasure of seeing them in person.

CANAL ACROSS SOUTH GEORGIA AND NORTH FLORIDA

Mr. LANKFORD of Georgia. Mr. Speaker, when the President signed the 1930 River and Harbor Act, authorization became effective for the complete survey of the entire territory from Macon, Ga., to Tampa, Fla., and from the Atlantic to the Gulf of Mexico to determine the most practical route for the canal connecting the intracoastal waterway of the Atlantic with that of the Gulf.

SURVEYS NECESSARY

The proper location of this canal can only be determined by a complete survey of the entire field. It is an engineering problem pure and simple, and I am glad it is to be settled so the combined efforts of all can be directed to securing the construction of the canal along the best route as shown by the official surveys.

WILL HASTEN CONSTRUCTION

Some fear complete study of all routes will retard the canal work. To my mind, this is an erroneous idea. The whole field can be studied as quickly as only one route. More men may be required but not more time. The survey of a single route at a time can only mean delay. This is an important matter and I am convinced that all possible information must be obtained before a bill can be enacted authorizing the construction of the canal along any particular route. There would be nothing but delay if only one survey is called for at a time. As interest in the canal increases demands would be made for additional surveys unless this problem is settled by a comprehensive study of every possible route as now authorized.

INTERESTING FIELD

I have lived all my life near the center of the section to be studied and when a boy walked over much of the region now to be surveyed. On several occasions in Congress I have described in detail the many routes which are to be studied by the engineers and at this time I shall content myself with a few brief observations of a general nature and list the various routes which are to be considered.

ONLY FAIR WAY

I respectfully submit that it would not be fair to the rest of south Georgia and north Florida or to the Nation as a whole for only one survey to be made. The best route should be found at the earliest possible moment and everybody should then get squarely behind that route and work vigorously and unceasingly.

NOT POLITICS BUT FACTS

The selection of the best route is not a question of politics but one of fact. It can only be properly settled by actual surveys by engineers. This is what Congress has decided to have done.

FRIENDLY STATE RIVALRY

Florida quite naturally would like to have the canal where that State would be most benefited. The people of Georgia are equally as anxious for the canal to benefit Georgia in every way possible. There are several surveys for this canal wholly within Florida authorized by this bill. I discussed these about two months ago when the river and harbor bill passed the House and went to the Senate. At that time I made more or less of a comparative study and statement concerning the canal routes of both States. At this time I shall call attention only to the surveys which are to be made in Georgia. Of course any canal will have to be partly in Florida as Georgia has no Gulf coast. What I am pleading for is that the eastern terminus of the canal be on the Georgia coast. All the Florida authorizations provide for the construction of the whole canal entirely within that State. Let's make it a Georgia and Florida canal. I am asking this because I honestly believe the best route runs through both States.

EGGS IN SEVERAL BASKETS

It is not at all safe to put all the eggs in one basket unless convinced that there is only one safe basket or that there is no danger in the use of the one basket. It is not safe nor fair for Georgia to pin all her faith to any one route until we find which is our best route. If there were to be an athletic contest between teams of the two States, Georgia would first determine which is her best team and then play that team. Let's use the same judgment in the canal contest. It is friendly but let's put our best foot forward and do our best.

NORTH FLORIDA SURVEYS

The present act authorizes the study of every possible canal route across Florida from the Atlantic to the Gulf. It is seriously and strongly urged that the canal connecting the intracoastal routes be located entirely in Florida at some place near Tampa or north thereof.

SOUTH GEORGIA ROUTES

The act also provides for the survey of all possible routes in South Georgia. Anything less than a survey of the whole field would be unfair.

DANGER OF ONE ROUTE CAMPAIGN

It has been urged that the people of Georgia should get squarely and solidly behind the St. Marys-St. Marks route and none other. I believe this policy would be dangerous and unfair. The Georgia part of this route might be practical and yet the Florida portion have to be abandoned on account of lime sink condition near St. Marks. In view of the well known lime sink condition in this part of Florida as generally known and as shown by Gilmores report this very thing is very probable, and if Georgia had no other route to offer the canal would not be built or if built at all would be located somewhere between Jacksonville and Tampa in the State of Florida.

ST. MARYS AS EASTERN TERMINUS

One of the surveys authorized by the present act is as follows:

From the mouth of the St. Marys River on the Atlantic Ocean, waterway for barge traffic to connect with the proposed Gulf intracoastal waterway by the most practicable route.

This would take care of St. Marys River as the eastern terminus of the canal. The engineers would select the most available terminus on the Gulf. The engineers I am assured, will study at least one route from St. Marys River near Folkston to the Apalachicola River at the southwest corner of the State of Georgia and thence to the Gulf. This authorization provides for one survey beginning at and using the St. Marys River. This is the only survey with a specific terminus authorized in the present act.

OCMULGEE-FLINT RIVER ROUTES

There is another survey authorized as follows:

Waterway connecting the Ocmulgee and Flint Rivers, Ga.

Of course this survey would use the Apalachicola River as the western end and the Altamaha River as the approach to the Atlantic Ocean. The engineers would select the best route between the rivers. I feel that it would be near Fitzgerald, Ocilla, Irwinville, Albany, and so forth. Others will advocate other routes. Macon and north Georgia, for instance, would like to see it farther north.

GENERAL AUTHORIZATION

Still another authorization is as follows:

Waterway for barge traffic across southern Georgia and northern Florida to connect the Atlantic intracoastal waterway with the proposed Gulf intracoastal waterway by the most practicable route.

Thus it will be seen every possible practical survey is authorized.

MAP

Nearly two years ago I had a map inserted in the RECORD, suggesting several routes. The present law authorizes a survey of all these routes and all other within the entire field. By a glance at the map it will be seen that the routes suggested by me could easily be extended so as to touch either the Atlantic or Altamaha on the east or the Flint or Apalachicola River on the west. Anyone who will study the map and the territory to be traversed will become convinced that the location of this canal is a most interesting question and can only be settled by a survey of all proposed routes.

SATILLA-FLINT RIVER ROUTE

The engineers might decide to use the Satilla River to a point near Folkston and thence westward through Clinch, Lowndes, Brooks, and other counties to the Flint. If this should happen there would be very little difference between this route and the St. Marys-Flint River or Apalachicola route just mentioned. The only difference would be in using the Satilla River as an approach to the Atlantic rather than the St. Marys River. The two rivers may be tied together near Folkston and both used. The Satilla River may be used as far as Mora, near Douglas, and thence to the Flint, or the engineers may decide to leave the Satilla at any point between Folkston and Mora.

TURTLE-SATILLA-FLINT RIVER ROUTE

An interesting route is in the suggestion to tie Brunswick Harbor and Turtle River, the Satilla River and the Flint River together. There are many reasons for the adoption of this route and leaving the Satilla River at or near Waycross and going westward through Clinch County, Lanier, near Lakeland, and so forth, to Flint.

OLD ATLANTIC AND GULF ROUTE

About 80 years ago some engineers were seeking the best route from the Atlantic to the Gulf for a new project. At least two surveys were made. One was along the present right of way of the Atlantic Coast Line Railway from Savannah via Jesup, Blackshear, Waicross, Homerville, Du Pont, Stockton, Naylor, Valdosta, Quitman, and on to the Flint River, and the other route through Clinch County was about 7 miles north of the route finally used by the railroad. The railroad, when first constructed along the former route, was called the Atlantic and Gulf Railroad.

The right of way along the route that was not used can still be seen, although during the intervening years much new timber has grown up in it and at places it has been almost obliterated by the cutting of all the adjacent large timber. This old abandoned right of way extends through the timber lands owned by my father during his life, and was near his farm and home in Clinch County. If the present Atlantic Coast Line Railroad had been built along this line through Clinch and on westward, it would have gone by Milltown, now Lakeland, about where Hahira is, or to the north thereof, and on to the Flint River.

I often feel that probably, after all, these first surveys are along what might be the best route for at least a part of the Atlantic and Gulf Canal.

GREAT IMPROVEMENT FOR BRUNSWICK

Happy as I am over the fact that Brunswick and other rivers and harbors in my district are receiving more authorizations than ever before, still I am convinced that this canal across south Georgia would mean more for Georgia and the people of my district in the near future than the expenditure of the one million and nearly five hundred dollars now carried for Brunswick and the district generally.

LINK IN CHAIN

This great harbor improvement at Brunswick is but a link in the great chain that is being forged from the Mississippi system to the Atlantic seaboard, New York, and New England.

It matters not whether the St. Marys, the Turtle, the Satilla, or the Altamaha River is used as the approach to the Atlantic, the canal will be constructed through Brunswick Harbor.

If the Altamaha is used, the canal will reach the Atlantic near the northern end of St. Simons Island at old Frederica, and furthermore it would be an easy matter to construct a canal from the Altamaha River via Pyles Marsh and Turtle River into Brunswick Harbor, as flood waters from the Altamaha River now often reach the Atlantic through this depression. Geologists tell us that Turtle River was once the mouth of the Altamaha and that for thousands of years the waters of the great Altamaha system scoured out what is now Turtle River and Oglethorpe Bay making in this way the great harbor at Brunswick.

CONCLUSION

In conclusion let me say that I am not opposing any route. I am only glad Congress has authorized a study of the whole territory. I am hoping the best route is through my district and State. I am whole-heartedly in favor of the canal and when the engineers tell us where the best route is, let us all join in and not stop until it is completed.

THE LIFE AND CHARACTER OF GEN. NATHANAEL GREENE

Mr. HAMMER. Mr. Speaker, under permission, by unanimous consent, I insert in the CONGRESSIONAL RECORD a speech prepared by me to be delivered at the annual celebration of Guilford battle ground July 4, 1930.

The speech is as follows:

Mr. Chairman, ladies and gentlemen, many changes have taken place on this battle field since I was here more than 40 years ago. Many monuments and markers have since been erected.

The bravery of the heroes who fought here and their fragrant memory have been largely preserved in the hearts of our people through the patient, untiring effort of Judge David Schenck, whose name will be revered for his unselfish and devoted patriotism. He has preserved to mankind the truth of history and brought justice to the North Carolina Militia, to whom grave injustice had been done, especially by Col. Henry Lee, whose history was so controversial and partial that his account of the battle is no longer considered as correct by fair-minded students of history.

In passing, there are others, such as the late Joseph M. Morehead; and among the living, such as Paul Schenck and the patriotic members of the Loyal Order of the Moose, to whom we owe the privilege, courtesies, and entertainment of this most enjoyable occasion.

I thank you for the opportunity of appearing before you to-day.

To Maj. CHARLES MANLY STEDMAN, that brave, gallant Confederate soldier who has so ably and faithfully represented this district in Congress we are indebted for the act of Congress which had made this a national park. Unable to be present with you to-day, he sends you a message of love and affection. No truer patriot or finer type of southern gentleman ever was sent by this or any other State as a Representative of the people in the Capital of the Nation.

It cheers my heart to greet such an audience of patriotic citizens as have assembled here to-day.

Before leaving Washington I visited the Rotunda of the Capitol and again gazed upon the four great Revolutionary paintings by John Trumbull—the Signing of the Declaration of Independence, the Battle of Brandywine, Washington Resigning his Commission, and the Surrender of Cornwallis at Yorktown. As I looked upon that depiction of the Surrender of Cornwallis, I thought of Guilford Courthouse.

When invited to address you on this occasion, I was told to select my own subject. It has been the custom on occasions of this kind for the speaker to select some historical character or subject in some way connected with the battle fought here March 15, 1781. This custom was established by Judge Schenck and kept up by Major Morehead, and I am advised is the rule to the present.

There were five leading local characters in the early days of the regulators and the Revolution—Harmon Husbands, James Hunter, Rednap Howell, William Butler, and Martha Bell.

Major Morehead prepared and has delivered here an exhaustive and instructive address on James Hunter.

I found that I could not in the limited time allotted gather from the great repositories of historical papers and correspondence, some of which have not been published, the information necessary to prepare such a historical essay as would be of any great value as a historical document, remembering my experience in the preparation of the brief showing conclusively that Andrew Jackson was born in North Carolina, that it took much work, occupying several months, and covering a period of more than two years. I found then the greater part of the proof I was looking for in the files of the State historical commission among the papers and letters and documents of Governor Swain, assembled by Judge Clark, now published and indexed by D. L. Corbitt, and of great historical value.

Caruthers has gathered much information about these four Revolutionary characters in the three volumes he has written. These volumes leave to posterity much valuable historical data relating to the Revolution and its heroes and heroines.

The next subject I thought of taking was the importance of preserving North Carolina history. I gathered some information as to the services rendered the State by Col. W. L. Saunders, Major Englehard, and Judge Walter Clark who rendered such valuable aid in compiling the colonial and State records.

S. A. Ashe, Doctors Weeks, Hamilton, Boyd, Connor, W. T. Whitsett, Hunter, and Caruthers, and others have served their State well.

Mrs. Martha Bell was a most remarkable woman of the Revolution. She lived on Deep River in what is now Randolph County, and was the mother (by her first husband, Col. John McGhee, who lived on Sandy Creek) of two of the most influential pioneer preachers, one a Methodist, the other a Presbyterian. The one who was a Methodist preacher established the first camp meetings in Tennessee and Kentucky, and was one of the organizers of the first camp meetings in this State. He was at Old Union camp meeting near his mother's home at the first or second camp meeting at that place. Mrs. Bell died September 9, 1820, and was buried beside her second husband in the Bell Cemetery, near Old Union Cemetery. In this graveyard repose the remains of Col. Thomas Dougan, and I have always heard that three or four of the five Clark brothers, all five of whom were Revolutionary soldiers, were buried in this cemetery; William, John, and Joe Clark were captains in the American Army. William, it is claimed, was at the Battle of Eutaw Springs.

Permit me again to say I prize highly the honor of being with you to-day in the celebration of the anniversary of American independence.

The American Revolution began with the agitation of the regulators. The first battle was at Alamance and on this battle field the Revolution virtually ended. Here was the last of it. Although Cornwallis did not lay down his arms until some six months afterwards, yet his fatal blow on this consecrated spot so crippled the red-coat commander he went limping to his final surrender at Yorktown.

Here the proud British soldiers as victors under their great British chieftain, nevertheless, marched to the dance of death. "One more such victory will ruin the British Army," exclaimed the Earl of Chatham.

Cornwallis, himself, told Mrs. Bell while encamped at her house some three days after this battle, according to Caruthers, page 319 (second series), "Well, Madam, to tell you the truth, I never saw such fighting since God made me, and another such victory would annihilate me."

Cornwallis's victory at Guilford courthouse is what, in military parlance, might be called a "Pyrrhic victory"—a victory won at a tremendous cost, and refers to the Battle of Asculum, in which Pyrrhus, King of Epirus, won a victory over the Romans while sustaining such heavy losses that he is said to have exclaimed, "Another such victory and Pyrrhus is destroyed!"

Thomas H. Benton, in his Thirty Years in the Senate of the United States, says that this battle justly ranks among the decisive battles of

the Revolution, and has been so considered by the historians of that war.

Our soldiers on this battle field knew the fame and reputation of troops under the greatest British commander that ever fought on American soil, as with determination they approached our lines.

The flower of the English Army here under Cornwallis was the famous Seventy-first or Frazer's Highlanders, a regiment that had distinguished itself at Louisburg in the French War—a regiment of which General Wolfe had said: "Amhurst's and the Highlanders alone, by their soldierlike and cool manner, would have beaten back the whole Canadian Army" if they had ventured to attack them, and who, with the Welsh Fusiliers, were the first to scale the Heights of Abraham under the eye of the intrepid Wolfe, made a charge that defeated Montcalm and gained for the regiment a world-wide fame.

At the Battle of Camden the Seventy-first and Welsh Fusiliers made the charge which broke the center of General Gates's Army, resulting in Gates's defeat. They signalized themselves in the vicinity of Savannah, and had pursued Greene from the west side of the Catawba and across the Yadkin and Dan Rivers, determined to engage Greene in a pitched battle.

In this one regiment five, who were officers at the time of this battle, lived long enough to become lieutenant generals in the British Army; one a general, two coloncls, three lieutenant colonels, and some majors. This is a remarkable record; yet this regiment, under the command of Tarleton at Cowpens, after having broken through the center, left unsupported and pressed on all sides, did what Capt. Dugald Stewart, of the Seventy-first Regiment, said no other Highland regiment ever did—"ran from an enemy." Ramsey cast the blame on Tarleton, says James Banks, who aided Caruthers in his The Old North State in 1776 (second series). Stewart also states the officers and men petitioned Cornwallis never to suffer Tarleton to command them again. In this battle General Leslie was in command of the Seventy-first.

Capt. Dugald Stewart, in a letter dated October 25, 1825, from his home in Scotland, said one-half of the Seventy-first Regiment dropped on the spot when fired upon by the raw militia lying on the ground behind the rail fence at this battle. Brown in his Hostory of the Highland Clan, said nearly one-third of Colonel Webster's brigade were annihilated, yet Lossing, in his Field Book, and Johnson, in his Life of Greene, held up the North Carolina Militia as disgraceful cowards, chiefly because they followed the orders of General Greene in falling back after firing two rounds, at which time the enemy would have reached them with bayonets on their rifles; our militia having no bayonets on their rifles, could only fall back behind the second line. These raw recruits had been in service only a week or two at the longest, and obeyed instructions implicitly by waiting until the enemy got within 30 or 40 paces before firing, and the havoc they played with the finest soldiers in the British Army was most remarkable, indeed.

General Davidson was dead and neither Graham nor Davis or any other North Carolinian was there in whom the militia had confidence, and Ramsey says this front line gave way—not that it ran away. A colonel called out that he would be surrounded; if there was a runaway by some or many of those raw recruits under these conditions is it surprising?

The British loss in this battle was 600, while the American loss was 372.

The rising spirit of the British was checked by this battle. Cornwallis had his first decisive reversal here since taking command in the South. Charleston and Savannah were in the hands of the British. Wilmington was also subjugated and garrisoned. Lord Rawdon had South Carolina and Georgia under his thumb, while Arnold with Phillips's aid was in the saddle in Virginia.

After this battle a reaction set in.

Sir Henry Clinton met defeat in the North, and Rawdon's authority in the South was reversed. Then in six months came the end.

American valor displayed on this battle field Thursday, March 15, 1781, will not suffer in comparison with that of any period—ancient or modern. Here the first decisive reversal was made to the encroachment of power of the British in the victorious campaign conducted by Lord Cornwallis.

Government which had become a machine of oppression in different parts of the earth was met here, as well as in other parts of America, by a daring spirit of intense opposition. This was in the period of the world's history when in many lands and dependencies the dignity of human nature was sunk in servile submission to the rule of the few who by rights of inheritance exercised dominion and power over their subjects.

In America the hour had come, the clock had struck. Those who had fled from oppression in many instances to seek the freedom from religious persecution in order that they could worship God according to the dictates of their conscience, declared themselves free and independent, and in one supreme united effort made a desperate attempt to throw off the yoke of bondage. Hardships were endured, dangers were encountered, and every consideration was sacrificed. The end attained was freedom, independence, and the peace which, in so large a measure we now enjoy secured to us by our forefathers who fought with such valor on this and other battle fields.

Immortal fame has been won by military achievements, and the fame thus achieved has not always served patriotic purposes. Many great military chieftains have waded through the carnage of war to the gratification of inordinant lawless ambitions and elevated themselves to the pedestals of power over the ruins of their country laid waste with blood and strife, as did Napoleon, Tammerlane, Cæsar, Alexander, and others of less renown.

Quite another kind of hero is the subject of our discourse to-day. It was at the call of his country that Nathanael Greene took up arms in defense of right. His was a brilliant career of brave and disinterested conduct. In his long service throughout the Revolution, exposed to the vicissitudes of seasons, the hard ground often being his bed, the sky his curtains, the drenching storm his bath, the bleak wind his stove, and the groans of the wounded filled his nights with waking hours. Thus it was that officers and soldiers of the American Army endured hardships unparalleled in the annals of war. A determined purpose of perseverance characterized his every act, notwithstanding the half-clad condition of his soldiers, often without sufficient food and paid a meager stipend earned by a severe and faithful service, and a pay that was before the end a currency much depreciated in value, and in the cheerless hard days of marching in the last years of the war with often only one blanket to three men, often with bare feet with blood-stained tracks on the frozen ground.

We have abundant evidence of the pain and anguish brought to General Greene by the hard life of his soldiers. Indeed, we can take great pride to-day in speaking of the great, good, and illustrious General Greene.

He was born on his father's farm on Narragansett Bay, May 27, 1742. His father being a Quaker preacher, like George Fox, did not look with favor on a literary education. General Greene died June 19, 1786.

Young Greene was born to the plow and anvil and was fairly well satisfied with his lot in life. He managed to get some schooling and considerable knowledge of geometry. One of his early manhood friends was Lindley Murray, afterwards the author of a well-known English grammar. Murray was also a Quaker by training and inheritance. The well-trained mind of General Greene was due no doubt to his interest in and study of Euclid. He was first called to duty to command the troops raised by what was then the colony of Rhode Island. His first military duty was to cooperate with the troops of other colonies in the siege of Boston, then garrisoned by the British.

This man, self-trained in the art of war, was an apt student of military affairs. His is an example that military attainments are not confined to those who make a trade of war, and play for years in training with the iron dice of war.

We read of an outstanding genius in Grecian history (Triptolemus) and another in Rome (Cincinnatus) who were called from the plow to the throne, and who when peace was restored returned to their humble place of abode. Our whole history of national defense demonstrates and justifies the effectiveness of our policy of relying upon our citizens in time of stress rather than maintaining a huge standing army.

Exact military discipline on the part of Greene first attracted the attention of Washington. The regiments under his command were considered the best disciplined in the American Army. His great ability soon attracted widespread attention, and General Washington reposed much confidence in his superior judgment. He early rose to the highest rank in command of the American military service at that time—lieutenant general.

In 1776 he commanded a large detachment on the Hudson River, near what is now New York City. At both Trenton and Princeton he sustained his growing reputation as a consummate master of military maneuvering, as was evidenced in one instance by his celebrated exploit in passing the rear of the British Army by a night march.

His was wonderful skill in saving the American Army when it gave way when routed and retreating in confusion at the Battle of Brandywine. His great service rendered on this occasion was in supporting the right wing of the American Army. The troops under his command showed the superior training and discipline for which he was noted.

His command of the left wing of the American Army at Germanton received much criticism, and the failure was first attributed to his lack of knowledge of superior generalship, but he was justly vindicated by General Washington himself.

After his participation in this engagement he was appointed by Congress, upon the recommendation of Washington, quartermaster general. In this new capacity he met fully the expectations formed of his ability, brought order out of chaos, and enabled the Army to move forward with celerity and exactness not before realized since the war began.

The behavior of Gen. Charles Lee at the Battle of Monmouth was so bad that Washington was disgusted, and he deposed Lee and appointed General Greene in command of the right wing where he greatly contributed "to retrieve the errors of Lee and to the subsequent events of the day."

In cooperation with LaFayette, his smoothing out of affairs in connection with the French fleet and Lord Howe in the engagement at Newport, is too long to enter into in any detail here. Sufficient to say that obviation of misunderstanding at this stage of the war was most fortunate.

After five years of service in the North, the transfer of Greene to the South where he had supreme command gave an opportunity for the most brilliant display of his superb military ability.

The capture of our Army under General Lincoln and the reduction of Charleston removed the last barrier to the encroachment of the march of the victorious British in the South.

Little effective resistance, it appeared, could be made under the conditions existing in the South against 10,000 British troops—aided in some instances by the renegade slaves and the friends and sympathizers of the royalists.

Governor Rutledge, of South Carolina, had been compelled to flee the State.

General Gates had a second large detachment of the Continental Army, a body of men collected under General Gates, but there was a complete defeat of troops under the brave Colonel Sumter at Camden. This brought gloom, darkness, and despair; many very despondent, and so encouraged were the royalists that the end was thought by many to be near.

Three States were completely in the power of the enemy. Attacks were made from Charleston and predatory troops operated in Virginia from Portsmouth and the James River under Phillips and Arnold.

The royalists felt themselves conquerors and committed great outrages upon the defenseless people. The murderous Lord Rawdon, savage Tarleton, and others were most cruel against individuals and outrageously wasteful in destruction of property.

Cruel and unusual deeds were perpetrated contrary to all the rules of war among civilized nations, and British conduct was savagely shocking. Dreadful was the situation.

The people were summoned by the British to take up arms against their own country, and on their refusal, or when they had borne arms in their own behalf, were thrust in loathsome jails or hanged by the wayside or in front of or beside their own doors. Sometimes they were inhumanly butchered in sight of their families.

Such was the condition when General Greene was placed in command at the head of 970 Continental troops—a few militia without pay, without adequate clothing, often without shoes, and in need of every necessity—yet with these he organized an army by the most surprising exertions.

In providing provender for his horses and mules and food for his troops he took from the people only a part of their scanty subsistence. Thus he gained in an unusual degree their good will. By his wise and prudent course not only the army but the people throughout the country were inspired with confidence.

In the march from beyond the Catawba across the Yadkin and the Dan the loss of Morgan as commander of part of Greene's troops by reason of a severe case of rheumatism, which prevented him from riding out of a walk, was sorely felt. Finally his condition grew so bad he was relieved of his command and was succeeded by General Williams, another South Carolinian, who was in command of the Morgan division at Gilford Courthouse.

During the three weeks' maneuvers of long marches there was a first complete trial of military skill in the native genius of the self-trained General Greene who "carried off" the palm from the arts and discipline of regular military education of the famous generals in command of the British Army.

The sons of freedom fought well on this battle field, and here was shown with bloody proof that this great hero could fight as well as maneuver, and so crippled the British troops that Cornwallis was compelled to retreat in the direction of Wilmington where he betook himself in security and refused to retain from the invasion of Greene the territory which he apparently had in control in South Carolina and Georgia. Before retreating Cornwallis issued a proclamation setting forth his great accomplishments and threats against those who bore arms against the British and offered protection to those who would submit to British rule. These pompous words about his prowess were uttered before his retreat under the shelter of British quarters on the coast where he would not have to be constantly terrorized with every noise he heard, as was the case when he was encamped at Bells Mill on Deep River on his retreat after this battle. Like a wounded lion, with pride and obstinacy, he growled in his proclamation as he retired from danger.

After a short pursuit General Greene resolved to do what later appeared to be divinely inspired, turned his arms southward to recover Georgia and the Carolinas, smashing the garrisons at the numerous posts established by Cornwallis to secure his acquisitions, and by this intense activity Greene prevented their retreat and by his brave, determined purpose rendered the garrisons unable to resist. To give in detail his successful campaign would take too much time here. I can not leave this subject without saying that at the Battle of Eutaw Springs was fought the bloodiest and best-contested battle that had ever occurred on the American continent.

In this battle the British were so beaten they betook themselves behind the barricades at Charleston and General Greene was left in control of the entire country in these three States.

General Greene was blamed for not retaliating after the battle at Eutaw Springs for the cruelties imposed by the British, and especially the inhuman and cruel death of Col. Isaac Hayne.

Such was the sane and humane course of this American hero in delivering a greatly oppressed and downtrodden country and gained honor which will endure until the last syllable of recorded time. When the war was over and peace had come to America, General Greene was hailed as the savior and deliverer of the country, and in the North he was known by many as the southern hero because of his successful military activities in the South. General Greene's glory is complete and the luster of his fame remains undimmed.

Bancroft's last volume covering the history of the war of independence from the middle of 1776 to the spring of 1778, a period terminating some two years before General Greene was transferred from the North to the South, cast aspersions upon the name and fame of General Greene by referring to what he is pleased to call Greene's refusal to acknowledge his glaring errors of judgment in a few instances. Bancroft failed to realize the truth of the statement attributed to Frederick the Great, who is credited with saying when told that a famous general had never made a mistake: "Then," said he, "he must have fought very few campaigns." As usual, Bancroft gave no authority in his charging General Greene with an "easy, sanguine disposition."

Bancroft had visited the battle field accompanied by David L. Swain. Swain was our greatest and most accurate authority on the history of the age in which he lived, although he died before committing to the printer or written page much of his vast fund of information. He was a friend of Bancroft, and his papers and letters are preserved in the Walter Clark collection of manuscripts in the Hall of History at Raleigh.

It was to Swain I have always felt was due the fact that Bancroft was so just and accurate in his history of North Carolina, for Bancroft, while a popular and fluent writer, was not painstaking and careful in his investigations as are some historians.

Swain not only had a remarkable mind and unusual memory, but had a genius for detail and accuracy, an accomplishment few are blessed with.

In free America let us unite in honoring the brave hero whose monument reminds us of the deeds done in the body, and his patriotic devotion is a testimonial which resounds his praise to us who inherit the freedom for which our forefathers fought, who have so long since passed over the river to rest under the shade of the trees.

The cypress there and bays shall form
A shelter from the driving storm;
There shall Columbia's sons be seen
To mourn the virtues of a Greene;
And her fair daughters there shall lave
With annual tears the hero's grave!

SUIT AGAINST THE BETHLEHEM STEEL CO.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, one of the most interesting developments brought to the attention of the public in connection with certain naval disclosures was a statement made which charged that the ex-Secretary of State, Mr. Kellogg, had threatened the Bethlehem Steel Corporation that if they did not get rid of the representative who threw the monkey wrench in the machinery at the Geneva conference in cooperating with certain naval officials that he would present a suit amounting to approximately $15,000,000 that was due the Government by this concern. An investigation of this fact showed that Mr. Schwab, president of this company, served our Government during the World War at $1 per year, and that a large number of ships, if not the largest number that was constructed during the war, was built by the Steel Corporation, of which he was the head. It was also shown that while serving in this capacity he attempted to charge the Government with an expense item of approximately $260,000, which would amount to more than $500 per day, during the time he acted in this capacity. These items were caught by an investigator working for the Government and disallowed. However, according to the information furnished to me by a representative of General McCarl, who made an investigation of this subject, this amount in cash was received by Mr. Schwab and charged up against certain kinds of construction. In other words, the stockholders lost the amount; that is, if they were never reimbursed by him. It will probably be interesting to read the correspondence that took place between Secretary Mellon, General McCarl, and myself, and some of the statements published with respect to the amount of expenses drawn by the so-called dollar-a-year men.

JANUARY 11, 1930.

Hon. J. R. McCARL,
Comptroller General of the United States,
General Accounting Office Building, Washington, D. C.

MY DEAR MR. COMPTROLLER GENERAL: Under date of January 6 I addressed the following communication to Hon. A. W. Mellon, Secretary of the Treasury:

"For the reason it is claimed that Mr. Charles M. Schwab, president of the Bethlehem Steel Corporation, signed two vouchers, one for $100,000 and the other for $160,000, covering his personal expenses while serving the Government at a salary of $1 per year during the World War, I respectfully request that you supply me with a list containing the names of all of those who worked for the Government during the World War at a salary of $1 per year and the amount of expense drawn by each.

"I will also be pleased to know if the vouchers executed by Mr. Schwab dated October 18, 1918, contained an itemized account covering such expenses as were claimed by him."

I have received a reply to this communication which contains the following program:

"With reference to the inquiry contained in the last paragraph of your letter concerning an itemized account covering expenses claimed by Mr. Schwab, you are advised that under the provisions of the Budget and Accounting Act, approved June 10, 1921, all vouchers formerly in the files of the several auditing offices of the Treasury Department were transferred to the General Accounting Office, an independent Government establishment under the jurisdiction and control of the Comptroller General of the United States, to whom it is suggested you may wish to address an inquiry"

I will therefore be much pleased to have you advise me if the records of your office contain the information desired, and, if so, I hope that you can furnish me with the same.

With great respect, I am

Yours very truly,

J. V. McCLINTIC.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 1, 1930.

Hon. JAMES V. McCLINTIC,
House of Representatives.

MY DEAR MR. McCLINTIC: Permit me to refer again to your letter of the 11th ultimo, making inquiry as to whether two vouchers totaling some $260,000, understood to have been paid to Mr. Charles M. Schwab in October, 1918, were supported by an itemized account covering such expenses as were claimed by him. A search of our files having failed to locate vouchers on the United States answering the description given by you, a representative of this office called upon you with a view to obtaining such additional detail as might aid in locating the vouchers in question. I understand from his report that the payments to Mr. Schwab in question were those mentioned during a committee hearing held in 1921 (reference H. R. 8–11, 1920–21, pp. 3966, 4468, and 4469; H. R. 12–14, p. 4716), and that examination of the reports of such hearings has made the matter clear. As I understand the testimony then given, it may be summarized as follows:

That payment of $269,543.53 "for special expenses" was made by the Bethlehem Steel Corporation to Mr. Schwab, but that no part of such payment was charged against Government contracts, as shown by copies of photostats of the original entries appearing on the Bethlehem Steel Corporation and Bethlehem Shipbuilding Corporation books, and by copy of a report of audit made by a traveling auditor of the United States Shipping Board Emergency Fleet Corporation, wherein it was stated that of this payment of $269,543.53 only $100,000 was apportioned to the shipbuilding corporation—the corporation with which the contracts of both the Fleet Corporation and the Navy Department were made—and was disallowed as an item of overhead applicable to work performed under Government contracts. If the facts so reported at the 1921 hearing are true, and there appears nothing therein to indicate otherwise, no part of the payment so made to Mr. Schwab by the Bethlehem Steel Corporation was charged to Government contracts.

In your letter of the 11th ultimo, there was quoted portions of correspondence had by you with the Secretary of the Treasury, wherein was mentioned in addition to the Schwab vouchers, your desire to obtain a "list containing the names of all of those who worked for the Government during the World War at a salary of $1 per year and the amount of expenses drawn by each." You did not give the Secretary's response, but I understand the representative of this office, when calling upon you respecting the Schwab vouchers, explained the difficultness and the volume of work that would be involved in now compiling such a list as you desire.

I assume the vouchers covering expenses of dollar-a-year men paid by the United States during the period of the World War were submitted to the respective auditors and came to the General Accounting Office on July 1, 1921, when the duties, files, records, etc., of the several auditors were brought together in this independent establishment created by the act of June 10, 1921, known as the Budget and Accounting Act, but the duty of the auditors being only to pass upon the legality and correctness of payments made, no records were maintained by them from which such a list as you desire may now be taken. As stated, no doubt the vouchers are to be found in the old files that came to this office from the auditors, but to ascertain in what accounts they appear, to find and segregate them and to compile therefrom a list with reasonable assurance that when completed it will contain a substantial portion of all dollar-a-year men so employed, and of amounts actually paid them, would be a task of such magnitude as to prohibit its being undertaken without a special appropriation for its accomplishment.

If there could be obtained from each of the several departments and establishments a complete list of all dollar-a-year men employed thereby during the period of the World War, showing, as to each man, the date of employment, length of service, and the voucher references of the disbursing officer or officers who made payments thereto, the accounts submitted to the auditors by the disbursing officers so named could be located and examined by this office and there could be ascertained therefrom the amounts so paid. Even in such connection, however, it is possible the list would not be complete, as it is likely some were appointed by the President or by agencies established only for the purposes of the war and which have long since gone out of existence.

However, if the need for the compiling of such a list as you have in mind is such as to warrant the expenditure of the time and money necessary to its preparation, I will be glad to cooperate in the matter.

Sincerely yours,

J. R. McCARL,
Comptroller General of the United States.

TREASURY DEPARTMENT,
Washington, January 9, 1930.

MY DEAR CONGRESSMAN: I have your letter of January 6, 1930, in which you request a list containing the names of all persons who worked for the Government during the World War at a salary of $1 a year, and the amount of expenses drawn by each, and also inquiring whether the vouchers referred to in your letter as having been executed by Mr. Charles M. Schwab under date of October 18, 1918, contain an itemized account covering such expenses as were claimed by him.

The Treasury Department does not have a list of the names of persons employed by the Government during the World War under other departments and establishments. The records of this department show that with the exception of the employees referred to in the fourth paragraph of this letter only two persons were given "dollar-a-year" appointments by the Treasury during the World War. One of these was in the Secret Service and received no expense allowance. The other served under the dollar-a-year appointment only from October 3, 1917, to October 11, 1917, from which latter date he served without compensation but subject to reimbursement for actual traveling expenses between New York and Washington in addition to $5 a day for living expenses while actually engaged in Washington on Government work. The records show that he drew $5 a day for living expenses from April 1, 1918, to September 5, 1918, and on September 6, 1918, he was appointed a member of the war loan staff at $3,500 per annum. The records do not show that he drew the $5 a day from October 11, 1917, to March 31, 1918, but he was paid actual expenses for several trips from December, 1917, to the end of his service. As indicated in the succeeding paragraph there were a few other cases where men served on a $5 per diem basis, without salary, but it is presumed that you are not interested in this class of cases.

At the request of Secretary McAdoo, made in April, 1917, the governors of the 12 Federal reserve banks organized Liberty loan committees, to supervise the work of distribution of Liberty loan bonds in the several Federal reserve districts. These committees, in time, organized State, county, township, and school district committees. Also, for the purpose of carrying on a campaign for the sale of war savings and thrift stamps throughout the country, the Secretary appointed a national war savings committee, which had an organization in every State. With the exception of clerical help and a few paid officers, virtually all this work was done without compensation. In a few cases reimbursements for expenses were made on a $5 per diem basis, and in other cases reimbursements were made only for actual and reasonable traveling expenses.

The Customs and Public Health Services employ a few men on a "dollar-a-year" basis. These appointments, however, are not the result of the war and apparently do not come within the scope of your inquiry. In the case of the Customs Service the men are appointed customs officers for the purpose of entering and clearing vessels in out-of-the-way places where conditions are not such as to warrant the employment of a regular officer. No allowances are made for living expenses. Collaborating epidemiologists under the Public Health Service, who are paid $1 a year, are employed for the purpose of furnishing statistics to the Public Health Bureau regarding morbidity and the prevalence of contagious and infectious diseases. These men are reimbursed for authorized and necessary travel expenses (infrequently) under the standardized Government travel regulations.

With reference to the inquiry contained in the last paragraph of your letter concerning an itemized account covering expenses claimed by Mr. Schwab, you are advised that under the provisions of the Budget and Accounting Act, approved June 10, 1921, all vouchers formerly in the files of the several auditing offices of the Treasury Department were transferred to the General Accounting Office, an independent Government establishment under the jurisdiction and control of the Comptroller Gen-

eral of the United States, to whom it is suggested you may wish to address an inquiry.

It is also suggested that you may wish to make inquiry of the several departments and establishments for information concerning the "dollar-a-year" men employed by them during the World War.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. J. V. McCLINTIC,
House of Representatives.

It is unfortunate that while the country was engaged in a death struggle that certain men under the guise of patriotism sought positions with the Government at a salary of $1 per year, and then attempted to fatten their own pocketbooks by drawing large expense accounts without the knowledge of the public.

A SLANDERER

This brings to my memory another incident in connection with the World War and that is an author by the name of Rupert Hughes, who is a very well-known author to the American people, recently severely criticized George Washington, the father of this country, claiming that his habits and his conduct in certain particulars was not what they should have been. In fact, his statements in this connection showed conclusively that he is not the type of a man who should receive the respect of the American people. Let us look at Mr. Hughes's war record. He was of eligible age to shoulder a gun and do his part toward the protection and preservation of the Nation, but instead obtained a bullet-proof job in the Intelligence Department and served in a swivel chair here in Washington during the time when he should have been over on the western front. He was what is generally called a sunshine patriot and a summer soldier, safely basking in the security of a special appointment which would not endanger him in any way. As I view him, he had a streak of yellow up his back so wide as to cause him to be unworthy of the notice of American people when he criticizes a man who more than any other person was responsible for our independence and the creation of this Nation.

MILLIONS DUE GOVERNMENT

A few months ago when Admiral Fiske joined hands with the representative of certain shipbuilding corporations for the purpose of delivering a lecture in New York City, I sent him a special telegram, in which the following questions were asked:

1. Explain in detail charge that Charles M. Schwab, of the Bethlehem Steel Corporation, while serving the Government during the World War at a salary of $1 per year, turned in an expense account of $260,000.

ASKED AMOUNT OF CLAIM

2. What is the amount involved in the claim pending against the Bethlehem Steel Corporation that was mentioned in connection with the charge that former Secretary of State Kellogg had advised Messrs. Hunter, Palen, and Smith, of said company, that it was necessary that your services be discontinued or said claim would be pressed by the Government?

3. State whether or not you were in the employment of the shipbuilders when serving the National Security League, Daughters of the American Revolution, American Legion, National Committee of Defense. Also, who was such service inspired by?

4. Who in the Navy authorized photographing of a secret document (afterwards said to be a fraud) relating to England and suggested its use in support of the then pending cruiser bill?

5. What naval officials cooperated with you in influencing Senator Reed, of Missouri, when he made his speech based on the secret document (afterwards claimed to be a fraud) in which he called Members of Congress traitors that voted against such measure?

6. Were you in the employment of the shipbuilders when a luncheon was arranged at the Union League Club in New York which was attended by Admirals S. S. Robison, Plunkett, Wiley, and Pratt for the purpose of making a fight for more cruisers?

MR. SCHWAB QUOTED

7. Mr. Charles M. Schwab, of the Bethlehem Steel Corporation, testified "nothing would suit them better than the scrapping of all battleships and sinking them to the bottom of the sea." Did any person connected with the shipbuilding corporations that employed you ever express any such sentiment in your presence?

8. When you were lobbying for the so-called cruiser bill, state whether or not such fact was known by the three shipbuilding corporations that employed you to represent them in Geneva during the peace conference in 1927.

9. Testimony was given that the Bethlehem Shipbuilding Corporation paid you out of a petty cash box, and that the Newport News Shipbuilding Corporation paid you out of a merchant marine fund. Were you requested to keep such methods secret; and if so, why?

10. It is so unusual for retired naval officers to appear on the same program in such a lecture as you are to give that the public would be interested in knowing if the services to be rendered by Admiral Fiske are on a compensative basis?

The answers given on this occasion in New York did not throw any particular light upon the subject other than to show that the Bethlehem Steel Corporation was due the Government approximately $15,000,000 because of a violation of an order made by Mr. Schwab while acting in the capacity of the head of the Shipping Board or the Emergency Fleet Corporation during the World War. If I am correctly informed these shipbuilding corporations were limited by an order of Mr. Schwab as to the amount of profit they should charge the Government during this year, and all of the shipbuilding corporations except his own complied with the regulations. The $15,000,000 represents the amount in excess that was paid the Bethlehem Steel Corporation or its subsidiaries, and is still due the Government. Recently I addressed a communication to the Attorney General for the purpose of ascertaining certain information in this connection, as I had been advised confidentially that (1) certain politicians were being kept on the pay rolls at a large salary to bring this suit; (2) that the suit before filed was submitted to the Bethlehem Steel Corporation to see if it was satisfactory; (3) that the Steel Corporation made certain changes in the papers as were drawn and recommended that the language in the suit be changed so as to meet their approval; and (4) that the suit was to be brought in Pennsylvania in order that the proper environments might be had when the same came to trial; all of which is very remarkable for never before in the history of the Nation has a suit been brought under such peculiar circumstances. I am inserting the correspondence in this case here in order that everyone may know the exact status:

MARCH 21, 1930.

Hon. WILLIAM D. MITCHELL,
Attorney General, Department of Justice,
Washington, D. C.

DEAR GENERAL MITCHELL: Some time ago I addressed a communication to a special investigating committee of the Senate in which I called attention to the fact that there was pending a claim against the Bethlehem Steel Corporation, which was the result of a controversy over the building of certain ships during the World War, and suggested that a proper investigation should be made of this subject.

Because of the publicity given to certain statements I made, Congressman W. B. OLIVER caused this subject to be revised in a hearing before the subcommittee of the House Committee on Appropriations, and on pages 157 to 159, inclusive, there are available several records which relate to the present status.

I have been given some information which relates to the conduct of this case by one of your predecessors, and for the reason I do not ever care to make a statement unless the same can be substantiated, I am enumerating this information for the purpose of giving your department the opportunity of making any comment concerning the same before I conclude my efforts in this connection.

First. I have been advised that prior to the time this suit was inaugurated the records were submitted to the attorneys of the Bethlehem Steel Corporation for their approval, and their objection to certain language caused the original form of the suit to be amended before it was filed. In other words, it would seem that the attorneys for the Bethlehem Steel Corporation drew the original legal papers in this case. Do you care to make any comment on this information which has come to me?

Second. I have been advised that the suit was removed from Washington to Philadelphia at the suggestion of the Bethlehem Steel Corporation. Do you care to make any comment in this connection?

Third. I have been advised that the attorneys representing the Government in this case were agreed upon by one of your predecessors. Do you care to make any comments on this statement?

Fourth. Do you care to make any statement as to the progress being made on the suit, and whether or not the same is going to be tried in Pennsylvania or Washington?

Fifth. It appears that Mr. Joseph J. Brown is at the present time receiving $5,000 per year for handling this case, and it is stated that he is doing this work at a personal sacrifice. Do you care to state whether or not Mr. Brown's entire time is engaged in this work, and, if so, has he made any recommendations for the purpose of bringing this suit to trial?

I wish to assure you that I do not desire to request any information that should not be given to the public. Neither do I care to make a statement without first giving your department the opportunity of advising me concerning the accuracy of the information that has come to me from time to time.

I am interested, as a Member of Congress and of the Naval Affairs Committee, in seeing that every matter relating to the Government

receives proper consideration, and I shall be much pleased to have you write me such facts as you are willing that the public should know.

Thanking you for any trouble you may go to in this connection, I am,

Very respectfully,

J. V. McCLINTIC.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 29, 1930.

Hon. JAMES V. McCLINTIC,
House of Representatives, Washington, D. C.

DEAR MR. McCLINTIC: Under date of March 21 you wrote me, making some inquiries about the case of United States against Bethlehem Steel Corporation. I have had the files examined for the purpose of answering your inquiries.

In the first place, your inquiry in paragraph 5 of your letter, as to whether Mr. Brown has made recommendations for the purpose of bringing this suit to trial, suggests that the progress which has been made in the conduct of this litigation has not been brought to your attention. The Hon. Owen J. Roberts, of Philadelphia, was appointed by the court as a special master to hear the evidence and make findings of fact and conclusions of law and to recommend a form of decree. The case has been tried before Mr. Roberts, all the evidence has been taken and submitted, and the main briefs of both the Government and the Bethlehem Steel Corporation have been printed and filed. I am informed by the general counsel for the Shipping Board, who has immediate supervision over the case, that some reply briefs by each side are now in course of preparation, and the Government's will be filed within one or two weeks from this date. I have not heard that the master expects to hear oral arguments, and if that is so, the case will be finally submitted to him during the month of May. If the master is able to give immediate attention to the case and make his findings to the court at an early date, the case ought to be disposed of, so far as the trial court is concerned, at an early date.

In answer to the question contained in paragraph 1 of your letter, I submit the following statement furnished me by Mr. James Talbert, special assistant to the Attorney General, who was at one time connected with the prosecution of this case:

"When the bill of complaint was prepared, it was sent to the attorneys for the Bethlehem companies with the suggestion that they waive service and enter appearance. The attorneys for the Bethlehem companies replied requesting that the bill be withheld from filing until they could present to the Attorney General their objections to certain language contained in the bill, which they asserted was without foundation in fact and would constitute an unwarranted allegation against the reputation and standing of one of Bethlehem's officials (Mr. Schwab). The Attorney General called a conference, at which were present the attorneys for Bethlehem and the attorneys for the Government who had drawn the complaint. The matter was fully discussed and it was decided to amend the bill in certain minor particulars as to the language used, but the substance of the allegations was not changed. That portion of the original bill of complaint which was amended was as follows:

"* * * During this same period said Charles M. Schwab, while acting as Director General of the Fleet Corporation as aforesaid, *upon the pretense that he was interested and exercised control over the defendant Bethlehem Shipbuilding Corporation (Ltd.)* took no official action with regard to the herein specified shipbuilding contracts, *but, contrary to his duty as a representative of the United States in that behalf, failed to disclose to the complainant his special knowledge aforesaid as to ship construction costs at the said plants,* refrained from at any time questioning the aforesaid provisions in said construction contracts with respect to the fixed fee for profit and also with respect to the sharing, as aforesaid, of the difference between the fictitious estimated cost and the actual cost, and suffered and permitted the said contracts to remain in full force and effect and new contracts of like tenor and effect to be entered into between complainant and Bethlehem Shipbuilding Corporation (Ltd.), and payments to be made thereunder, to all intents and purposes as if the same constituted valid and binding obligations of the United States.

"The language omitted from the amended bill is italicized."

The foregoing occurred in 1927.

In answer to the question in paragraph 2 of your letter, Mr. Talbert has submitted to me the following statement:

"The suit was brought in Philadelphia at the suggestion and request of the special assistant to the Attorney General who was handling the case, and not at the suggestion and request of Bethlehem's attorneys, who contended that the jurisdiction was properly in New York."

As to paragraph 3 of your letter, a detailed statement covering the appointment of counsel to represent the Government in this case is contained in a letter from me to the Hon. William B. Oliver, of the subcommittee of the House Committee on Appropriations, set forth at page 158 of the printed report of the hearing of the subcommittee of the House Committee on Appropriations covering the Department of Justice appropriation bill for 1931.

What I have already stated respecting the progress in the case shows that it has already been tried in the sense that all the evidence has been taken and submitted to the master. When the master makes his report it will go before the United States District Court for the Eastern District of Pennsylvania, and if an appeal is taken, it will go to the circuit court of appeals for the third circuit. I do not know whether Mr. Joseph J. Brown devotes all his time to this case. I am informed he is a lawyor of standing and ability, and, considering the nature of the case and the amount of work that has been involved, I am under the impression that the compensation he is receiving is very meager.

If there is any further information about the case you desire, please command me.

Sincerely yours,

WILLIAM D. MITCHELL,
Attorney General.

This suit should be brought in the city of Washington where the original order was given by Mr. Schwab, which caused the overcharge to be made by the shipbuilding company, and this is the place, if the Government was defrauded, where the transaction was consummated. Therefore, it would seem to me that if the Attorney General continues to act in good faith he will immediately appoint some one who has the interest of the Nation at heart sufficient to clean up this old matter so that the taxpayers may know the exact status of the case. Since receiving the letter from the Attorney General, the Hon. Owen J. Roberts, who was appointed by the court as a special master to hear the evidence and making findings of fact and conclusions of law, and to recommend a form of decree, has been appointed a member of the Supreme Court of the United States. Therefore, unless some one is appointed to take his place this matter will probably be dragged on for another period of years. It would seem to me in view of what has taken place in the past that the Attorney General should immediately appoint the kind of officials that would conclude this work so as to wind up this case.

MONEY-MAD MONOPOLIES

Mr. LANKFORD of Georgia. Mr. Speaker, as this session of Congress becomes history, it is well for the Members to ask whether or not this service has been truly helpful to our people and Nation. I fear it has not. I do not purpose discussing the thousands of bills that have been introduced nor the hundreds that have passed.

Each Member has handled thousands of detail matters, and discharged his duty to his district and Nation according to the dictates of his own conscience. I shall now question none of these matters. I do want to say, though, that nothing has been done to stem the mighty tide of monopolistic influence which is sweeping to certain destruction the independent farmer, the private or independent business man, the independent individual and the great masses of the common people. Everywhere is to be seen the wreckage caused by money-mad monopolies.

The great common people who gained our every liberty, maintained our independence all these years and without whom our Nation can not endure, are being ruthlessly destroyed. The patriot is being succeeded by the profiteer and the politician. The very existence of our Nation is at stake.

The rights of the people are being taken from the States and Congress is abjectly surrendering these rights to the executive branch of the Government to be exercised by bureau chiefs and other Federal appointees. Tremendous monopolies and aggregations of wealth are getting a strangle hold on the common people, destroying the sacredness of the ballot box and rapidly getting control of every activity which heretofore has functioned in behalf of our great free American citizenship. To me, the situation is alarming.

Since coming to Congress I have fought in every way possible to overcome these powerful forces which I believe, if not checked, will destroy our Nation. Instances where Congress has robbed States of rights to control their own affairs and then abdicated these rights to Federal commissions and bureaus are too numerous to mention. Let me name the Esch-Cummins Railroad Act as one. As an example of another similar outrage now being attempted, let me mention the so-called bus bill now pending. I opposed the Esch-Cummins Railroad Act and am opposing the present bus bill in so far as it robs the public utility commissions of the various States of rights which legally should be exercised by the States.

People of the various States blame the public utilities commissions with evils over which they now have no control. The members of the State commissions are not to blame; Congress is to blame for stripping them of powers which should be exercised by them in behalf of the citizens of the respective States.

I feel so strongly about this matter that four years ago when my brother, State Senator George W. Lankford of Lyons, Ga., mentioned to me his desire to run for public utilities com-





missioner of Georgia, I begged him not to run and told him if he was elected he would be disappointed because the Utilities Commission of Georgia can not do all that our people expect of it. The Esch-Cummins act transferred many of its powers to the Interstate Commerce Commission.

Again this year I heard that brother George was contemplating making the race for public utilities commissioner of my State, and I at once wrote him begging him not to run because I knew how anxious he was to serve his people and realized that if he was elected to an office where he could not do all that was expected of him by his friends, he would be disappointed and in the end see that the trouble is not in the State commissions but in the Congress of the United States where State rights are being obliterated and the power of Federal boards and commissions are being made supreme. Actuated solely and only by this desire to persuade my brother to not accept a position where he would be expected to do more than he would have power to even attempt, I finally prevailed and he decided not to run and to give his service where he could at least have some hope of lessening the burdens of his fellowman. Duly elected State officials are becoming helpless and Federal appointees more powerful.

One of the greatest and most laudable ambitions of any man is to so live and act as to be of service to the great common people. Of infinitely more value to the true Member of Congress than his salary is the knowledge that he is serving the people of his district.

I am always unhappy as adjournment of a session of Congress approaches, not because I have not done my best with all the powers God gave me, but because there are so many things I wanted done which have not been accomplished. Then again I always see the awful trend of my country toward bureaucracy and ultimate destruction of the fundamental rights of a free people.

All the while there is greater centralization of power and wealth and the inevitable resultant destruction of the rights and liberties of our people. I realize that this is not a bright picture. I wish it was possible for me to paint a brighter one. The thing that worries me is that the picture is true and as each Congress comes and goes, in spite of the best efforts of many of us, the carnage goes on and the end is yet somewhere ahead.

There has been legislation for the great interests but none to put the farmer on a parity with industry. We were told that the tariff was for the laboring man but find that the package was addressed to the manufacturer and the big interests and was speedily delivered to them.

The farmer got some help but others got much more. The Federal Farm Board was set up to help the farmer and prices of farm products are still going down. Again I say I don't blame the personnel of the board. I do, though, blame Congress for not giving the board power to solve this farm problem. But why continue to name laws that have been enacted for the benefit of the big interest without any reciprocal right or benefit for the common people and why continue to name laws which are claimed to be for the common people but which do not help them and ofttimes harm them.

Let us hope and pray that some time, somewhere, some way before it is too late there will be an awakening to the truth.

THE HOUSE AND SENATE RESOLUTIONS RELATIVE TO RAILROAD CONSOLIDATION

Mr. MEAD. Mr. Speaker, the House resolution, coming to us from the Committee on Interstate and Foreign Commerce, is reputed to be a substitute for the Couzens resolution which recently passed the Senate and which specifically prevents—

> Any consolidation or unification, or common control, or exercise of common control, of carriers by railroad engaged in interstate commerce, or the properties thereof, however, accomplished, whether directly or indirectly, through a holding company or holding companies, by a voting trust, or in any other manner whatsoever, which the commission is not empowered to approve and authorize, or which the commission, if empowered, has not approved and authorized, is hereby declared unlawful and may be enjoined by any court of competent jurisdiction at the suit of the United States, the commission, any commission or regulating body of any State or States affected, or any party in interest: *Provided*, That the provisions of this paragraph shall apply only to consolidations, unifications, and common control effected or exercised subsequent to February 28, 1930; and be it further
>
> *Resolved*, That the commission is hereby directed and authorized to execute and to enforce the provisions of this resolution in the same manner and to the same extent as though they were written into the interstate commerce act.

This is in part the language contained in the Couzens resolution, and the resolution which comes to us from the Interstate Commerce Committee of the House is not really a substitute. It is a subterfuge, one that proceeds in a direction entirely contrary to the Couzens resolution. The House resolution condemns control or consolidation brought about by holding companies, voting trusts and similar devices, unless, and herein we find the joker, "the same has been approved by the majority of the Interstate Commerce Commission." That is about all that is said on the subject of consolidation. The House resolution gives to those whose interest in railroads is a financial one, more privileges than they enjoy at the present time, and it likewise seeks to give congressional approval to holding companies, which is directly contrary to the purposes of the resolution we adopted sometime ago, which had for its purpose, the investigation of these selfsame holding companies. The House resolution gives the employees less consideration than does the resolution which recently passed the Senate. It is not only in conflict with the Senate resolution with regard to the protection of railroad employees, but it fails to protect the public welfare as does the Senate resolution. The House resolution should be defeated and the legislation it seeks to approve should not be considered until after the authorized investigation into railroad ownership is concluded and a report made to Congress. Those responsible for the House resolution realize full well that it has no chance whatever of passing the Senate and therefore it serves as an obstacle which will prevent the enactment of any legislation at this session of Congress, the result of which will permit the pending merger of the Great Northern and Northern Pacific Railroads.

Therefore, a vote in favor of the pending resolution can only be construed as a vote to permit the very merger that has provoked the demand in the present Congress for legislation. And let me say to my colleagues from the sections of the country not directly affected by the pending merger of the Northwestern railroads that, as certain as we neglect to put a stop to this evil program, it is bound, sooner or later, to affect railroads now competing in the other sections of the country, mergers that will bring about disastrous results in the communities you represent, and, therefore, it seems to me that this is the opportune time to put a stop to the policy of the Interstate Commerce Commission until such time that Congress, after carefully considering all the elements involved, can define a definite policy which will consider the public interests, above and beyond the financial interest that now demands haste, and will not tolerate delay. Let me ask, Members of Congress, why should the Erie Railroad absorb the Lackawanna Railroad? Why should the Wabash Railroad take over the Lehigh Valley Railroad? Why should the Baltimore & Ohio system merge with the Reading Railroad? Why should the Great Northern Railroad absorb the Northern Pacific Railroad? Surely Congress, representing the people and the public interest, should be positive that these mergers take place only when it can be proven to be for the general welfare of every element concerned and affected therein.

Before further action is permitted in this connection by the Interstate Commerce Commission a definite declaration of policy should be contained in the legislation to guide and control the commission in its activities. Among the principal requirements incident to final approval should be the following:

Consolidations should positively promote the public interests in economical, efficient, reliable, and reasonable transportation service.

Its aim should be to promote better service to the public.

That it will not substantially restrain or lessen competition. The commission should be directed by law in ascertaining the public interests, to determine, first, the effects of the proposed consolidation upon the enforcement of existing laws; second, the purposes of those promoting such unification; third, the character of ownership and management and its responsibility; fourth, the effect of such unification upon the employees; fifth, the commission should be directed to reject any proposed consolidation which does not include any carrier that should be included in order to promote the public interests; sixth, existing routes and channels of trade and commerce should be maintained. The contractual and legal obligations to shippers, creditors, vestors, employees, the public and the authorities, should be maintained; seventh, the hardships imposed, upon employees should be minimized and compensated for by the carrier. Assurances of reasonable rates resulting from consolidation should be furnished.

All these, and many other important considerations, should be included in any policy which the Congress might define as the future policy of the commission with regard to railroad

unification. All these important suggestions involve time and thorough study and therefore the House resolution, which in a haphazard way, attempts to cover everything, aside from the benefits it confers upon those financially concerned, affords but little protection to the employees, the communities, the shippers, the public authorities and others vitally affected by this serious problem.

While I agree with the purposes of the resolution adopted to investigate the ownership of certain financial devices, I believe this House resolution to be a drastic step in the wrong direction because it sanctions activities of these interests as it has in the past and will continue to do so in the future, provided these activities have received, or shall hereafter receive, the approval of a majority of the Interstate Commerce Commission.

Certain activities of these investment trusts and holding companies are clearly in defiance of the provisions of the Federal antitrust statutes as has been indicated in actions taken by the Department of Justice as well as by decisions of the Interstate Commerce Commission.

One of the reasons for this resolution is to legalize certain acts of these companies, thereby preventing the Department of Justice from jurisdiction under the Federal antitrust statutes. This is clearly set forth in the testimony of Commissioner Eastman before the Interstate Commerce Committee (p. 32 of the hearings).

Mr. HUDDLESTON. Is it made a criminal offense for a carrier to violate the prohibition of the Clayton Act?

Commissioner EASTMAN. It is my impression that it is.

Mr. HUDDLESTON. If the commission should approve, would that prevent the Department of Justice from instituting a prosecution under it?

Commissioner EASTMAN. The order of the commission under section 5 says any authority granted by the commission supersedes the Clayton Act—bars the operation of the Clayton Act.

Therefore, this innocent looking resolution not only approves the proposed merger of the Great Northern and Northern Pacific Railroads, but it also repeals the Federal antitrust statutes.

The nation is to-day faced with a most serious economic problem, and our prosperity will be promoted or retarded by our action in this all important question. If mergers are permitted to continue to increase, the present very serious unimployment situation which affects the entire country, and that is just what will happen unless we adopt the Couzens resolution, no one can estimate the far-reaching evil results. Any intelligent student of economic conditions must realize that the employees of railroads, numbering nearly 2,000,000 men and women, together with their families, must be considered, for they are a constitutent part of the public and any injury to them will likewise prove injurious to the public at large. Practically every merger or saving so far consumated by the carriers, has been at the expense of the railroad employees, and this is no time to further increase the growing army of the unemployed without some legislation to compensate the employees and the country for the losses involved.

CIVIL RIGHTS OF THE INDIANS

Mr. LEAVITT. Mr. Speaker, I have been frequently asked regarding what are the civil rights of the Indians who come in any way under the jurisdiction of the Department of the Interior, in accordance with existing law. The Commissioner of Indian Affairs, Hon. C. J. Rhoads, recently had occasion to reply to a letter written him discussing this question. A copy of that letter was furnished to me and, under permission of the House, I am having it printed, in the belief that it will greatly interest all Indians as well as all other people interested in this subject.

The text of the letter is as follows. It not only answers in some detail the question regarding the civil rights of the Indians but sets forth the attitude of the commissioner himself in his dealings with the Indians:

MAY 5, 1930.

The receipt is acknowledged of your letter of April 25 relative to the civil rights of the Indians. This term in its full sense covers a wide field of ordinary personal rights assured to every member of a civilized community. It has been defined as those rights which the municipality will enforce at the instance of private individuals for the purpose of securing to them the enjoyment of their means of happiness.

We find such rights summarized in various amendments to the Constitution: The prohibition of slavery; like privileges and immunities; due process of law; equal protection of the laws; and the right to vote irrespective of race, color, or sex. Among other things they include the right to travel about without let or hindrance, to engage in any lawful business, and to acquire and hold property.

I do not know of any law or regulation which restricts the civil rights of the Indians to a greater extent than in the case of anybody else for the common good; that is, the Indians have exactly the same civil rights as other persons with like remedies for their infringement or violation. The protection guaranteed by the Constitution to the ownership of private property extends to the individual property held by an Indian. His private rights are secured and enforced to the same extent and in the same way as other residents or citizens of the United States (Jones *v.* Meehan, 175 U. S. 1). His right of private property is not subject to impairment by legislation even while he is, as a member of a tribe, subject to the guardianship of the United States (Choate *v.* Trapp, 224 U. S. 665).

Indians can make contracts as freely as anybody else and with like validity except as to their restricted property under governmental supervision. That is, in addition to having the same civil rights as other citizens, the Indians enjoy the special protection of the Federal Government. Their restricted property is not subject to State taxation or process. An Indian can not be tried in the State court for an alleged offense committed on the reservation; and under certain circumstances he is entitled to be represented by the United States attorney in a civil case tried in the local court.

The basic authority for the administration of Indian affairs is found in section 463, Revised Statutes, to the effect that the Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations. The act of May 8, 1906 (34 Stat. L. 182), provides that until the issuance of fee-simple patents all allottees to whom trust patents shall be thereafter issued shall be subject to the exclusive jurisdiction of the United States.

By the act of June 2, 1924 (43 Stat. L. 253), all native-born noncitizen Indians were automatically made citizens of the United States. Citizenship is not inconsistent with guardianship; that is, an Indian may be both a citizen and a ward at the same time (United States *v.* Nice, 241 U. S. 598). Under the law, whenever an Indian demonstrates sufficient capacity to manage his own affairs, he may be given a fee patent to his land, which removes it from governmental control and supervision. In such cases it is customary to allow the recipient at the same time to withdraw his pro rata share of any tribal funds in the Treasury. Every case of this nature must be handled separately on its own merits. As you know, the results of the general or blanket release of Indian property from Federal supervision based on the degree of white blood or other arbitrary criteria, have not been uniformly successful.

Under the regulations the court of Indian offenses consists of three Indian judges, although in practice sometimes only one or two are available. The maximum guardhouse or jail term which can be imposed is 90 days. Any sentence is subject to review by the superintendent, this office, and the Secretary of the Interior. The superintendent, however, is not a member of the court, and has no authority to convict or punish, but he can and frequently does reduce a sentence. The jurisdiction of the courts is limited to offenses other than the eight major crimes triable in the Federal courts under section 328 of the Criminal Code. The courts have proved to be a very helpful influence in the maintenance of law and order on the reservations; and the Merriam report speaks of them in a very complimentary way. Their constitutionality was upheld in United States *v.* Clapox (35 Fed. 575). If he feels unlawfully punished, an Indian put in jail by the court may invoke the writ of habeas corpus.

The Indian courts were necessarily adopted as a temporary expedient, until the time arrives when the Indians can be properly made subject to the State tribunals as to other than the eight major crimes punishable in the Federal court. Even now there is a large class of offenses for which there is no adequate punishment because the State laws do not apply. A careful study is now being made of this whole matter by a committee appointed for the purpose, with the view of suggesting remedial legislation. It is hoped eventually to abolish the Indian courts on those reservations where the tribes have advanced sufficiently to be made subject to the State laws.

We encourage the fullest freedom of action by the Indians so as to develop the qualities of initiative and self-reliance necessary to success in the complicated civilization of the present day. In fact, it is the Secretary's declared policy that the Commissioner of Indian Affairs shall "work himself out of a job" by helping the Indians reach that point of independent citizenship where they no longer require the special protection of the Federal Government. However, the Indians themselves in many cases have hesitated to take advantage of the opportunity to have full control of their property. We constantly receive requests for the extension of the trust period on Indian allotments. Among others, since January 1 of this year the Nez Percé Tribe, one of the most advanced of the Northwest, through a delegation sent to this city primarily for that purpose, strongly urged that the trust period on the allotments of its members be extended for 25 years.

I mention this instance merely to show that the Indians themselves recognize the advantages of Federal protection. No doubt you recall the White Earth and Oklahoma debacles brought about by the premature withdrawal of Federal supervision. The process must be gradual. By educating the children and training the adults in the diversified pursuits of civilized life we hope to hasten the day when all the Indians

may stand on their own feet as independent, self-supporting residents of the various communities in which they live. We look upon the Indian primarily as a human being, to be treated as such, and given every chance to make the most of his opportunities, with the suggestive guidance and help of the Federal Government, and not as the subject of arbitrary administrative control by a superior power. The hand of the "Great White Father" should be over the Indians to guide, help, and protect; and not upon them to control.

The "problem," if such it be, can be solved only by the voluntary cooperation of the Indians themselves and with the support of the citizens of this country, especially those who, like yourself, have long been interested in Indian affairs. I appreciate your kindly personal expressions and can assure you that the work is having my best attention to the end that the Indians may be helped to "work out their own salvation" with only such supervision as may be necessary under the law to assist them along this path. Please consider this letter merely as an informal expression of my personal views and not as a technically accurate brief or exposition of Indian guardianship from a legal standpoint, such as would be appropriate in the trial of a case.

I shall always be glad to hear from you or to talk over matters personally whenever you find it convenient to call at this office.

Sincerely yours,

C. J. RHOADES, *Commissioner.*

THE NEW WORLD WAR PENSION BILL

Mr. COCHRAN of Missouri. Mr. Speaker, under the leave to extend my remarks I will include an analysis of the law just passed and signed by the President known as the World War pension act. This law contains some features which apply to the old veterans' act; the most important, I feel, so far as compensation is concerned, is section 1. This provision removes the comptroller's preaudit. The comptroller had on many occasions prevented the Director of the Veterans' Bureau from paying compensation, holding that the director's decisions were not in keeping with the provisions of the law. This has resulted in many controversies, and the amendment is sure to be of benefit to the veteran.

Section 1 further provides that lay and other evidence not of a medical nature can be considered in connection with a claim. Heretofore the bureau has required the submission of medical evidence in many cases where the veteran had not been attended by a physician. Now affidavits from friends and comrades of the soldier can be considered by the bureau in arriving at a decision.

Another important amendment is the removal of the time limit for filing evidence and applications for compensation.

It must be remembered that under the pension provision compensation can only be paid from the date of filing the application. Therefore every veteran who feels he is 25 per cent or more disabled should file his application immediately.

Any veteran shown to have an arrested case of tuberculosis comes under the new law and will receive a rating of not less than 25 per cent. This is a special provision in the act.

The following memorandum of explanation of the new law was furnished me by J. O'C. Roberts, assistant general counsel of the Veterans' Bureau:

Section 1 of the bill amends section 5 of the act by providing that the director's decisions of questions of fact and law affecting any claimant to the benefits of Titles II, III, or IV of the World War veterans' act shall be final.

Section 1 of the bill also amends section 5 of the act by directing that regulations relative to evidence provide that due regard be given to lay and other evidence not of a medical nature in connection with the adjudication of claims.

Section 2 of the bill amends section 10 of the act by authorizing the director to secure recreational facilities, supplies, and equipment for patients generally and for employees at isolated stations.

Section 3 of the bill amends section 16 of the act and authorizes the refund of premiums paid beyond the date of maturity on war risk term insurance.

Section 4 of the bill amends section 19 of the act by authorizing the courts as part of the judgment to direct the refund of premiums.

Section 4 of the bill also amends section 19 of the act which relates to the filing of suits on term-insurance contracts by extending the time during which suits may be instituted one year from the date of the approval of the amendatory act.

Section 4 of the bill also amends section 19 of the act in the following respects:

Authorizes that subpœnas be issued for witnesses who live at a greater distance than 100 miles from the place where the suit is to be tried; authorizes the payment of regular travel and subsistence allowance to attorneys assigned to assist in the trial of suits and to regular employees of the bureau when ordered by the director to appear as witnesses; permits the director to order part-time and fee-basis employees of the bureau to appear as witnesses in suits, and to pay them a fee in an amount not to exceed $20 per day; authorizes official leave for employees who are subpœnaed to attend trials as witnesses for veteran plaintiffs, and defines the term "claim" and the term "disagreement," which are technical terms used in the statute, to fix the time during which the limitation period for bringing suits is suspended.

Section 5 of the bill amends section 21 of the act by authorizing the director to pay compensation to the person having custody and control of an incompetent or minor beneficiary during the time compensation payments to a legally appointed guardian are suspended or withheld because of the misconduct of the guardian, and authorizes the continuance of a fund which the bureau is administering for the benefit of certain incompetent beneficiaries.

Section 6 of the bill amends section 28 of the act, as amended, to make it effective June 7, 1924. This section authorizes the director to waive recovery of overpayments under certain circumstances. The disallowances standing against disbursing officers which will be affected by this amendment are approximately $218,500.

Section 7 of the bill amends section 30 of the World War veterans' act, as amended, by providing that the director, subject to such regulations as he may prescribe, may permit the representatives of service organizations named in section 500 of the World War veterans' act to inspect bureau records in their capacity as representatives of the claimant.

Section 8 of the bill adds a new provision to the act whereby checks issued to beneficiaries which are undelivered shall be retained in the bureau for three full fiscal years rather than forwarded to the General Accounting Office after three months, as is now the practice under regulations of the General Accounting Office.

Section 9 of the bill authorizes the purchase of uniforms for all personnel employed as watchmen, elevator operators, and elevator starters in the Arlington Building, Washington, D. C.

Section 10 of the bill adds a new provision to the act directing the Secretary of War to assemble in the city of Washington all medical and service records pertaining to veterans of the World War.

Section 11 of the bill amends section 200 of the act by adding a paragraph authorizing the payment of a disability allowance to any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War, and who is suffering from a 25 per cent or more permanent disability, not the result of his own willful misconduct, which was not acquired in the service during the World War, or for which compensation is not payable. The disability allowance is as follows: Twenty-five per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month. The disability allowance provided by this paragraph is in no event to commence prior to the passage of the amendatory act, is to date only from the time of application therefor, and is not to be payable to any person not entitled to exemption of the payment of the Federal income tax for the year preceding the filing of application. The application for the benefit is to be made on such forms as the director shall prescribe. Provision is made whereby a person drawing either compensation or disability allowance who later becomes entitled to the other in a greater amount than the one he is receiving may elect to take the greater benefit, but in no event can one person draw the two benefits at the same time, and any payments previously made over the period covered by a new award are to be deducted from the amount payable under the new award.

The term "compensation" as used in Titles I and V is defined to include the disability allowance. This is for the purpose of making the guardianship provisions, the tax-exemption provision, and other similar provisions in Title I applicable to the disability allowance and to make the penal provisions of Title V applicable to the disability allowance.

The Secretary of the Treasury is directed to furnish the director with a certificate stating whether or not the applicant for disability allowance was entitled to exemption from the payment of the Federal income tax for the year preceding the date of filing his application.

Section 12 of the bill amends section 201 of the act by providing that if there is a dependent father and mother the amount paid them shall in no case be less than $20 per month. Under existing law dependent parents can not receive in excess of the difference between the total amount payable to a widow and children and the sum of $75.

Section 12 of the bill also amends section 201 of the act by providing for the payment of burial and funeral expenses, and transportation of the body to the home, for those veterans who die in national military homes. At the present time, these expenses are paid when a veteran dies in a Veterans' Bureau hospital. This section also amends the law by authorizing the furnishing of a flag to drape the casket of any veteran of any war regardless of the cause of death.

Section 13 of the bill amends subdivision (3) of section 202 of the act by providing additional compensation of $25 per month, independent of any other compensation which may be payable, to persons who suffered an injury resulting in the loss of the use of a creative organ or one or more feet or hands as the result of an injury received in the active service in line of duty between April 6, 1917, and November 11, 1918, with a proviso that if such disability occurred while the veteran was serving with the United States military forces in Russia the dates therein stated shall extend from April 6, 1917, to April 1, 1920. This amend-

ment is a recognition of disabilities incurred during actual hostilities as a preferred class.

Section 13 of the bill also amends subdivision (5) of section 202 of the act by removing the necessity for showing the "constant" need of a nurse or attendant where claim for nurse or attendant allowance is made.

Section 14 of the bill amends subdivision (7) of section 202 of the act so as to discontinue payments in all cases of hospitalized insane veterans who have no dependents where their estates equal or exceed $3,000.

Section 14 of the bill also contains an amendment directing that a minimum rating of permanent partial 25 per cent be included in the bureau rating schedule for arrested tuberculosis.

Section 15 of the bill authorizes the hospitalization of contract surgeons who served overseas in the Spanish-American War under the provisions of subdivision (10), section 202, when facilities are available.

Section 15 of the bill also amends section 202 of the act by defining the term "Spanish-American War" for the purpose of the section to mean the period between April 21, 1898, and July 4, 1902, and the term "veteran" is deemed to include those persons retired or not dishonorably separated from the active list of the Army or Navy.

Section 16 of the bill amends subdivision (15) of section 202 of the act, which provides that any person who is now receiving a gratuity or pension from the United States shall not receive compensation under this section unless he shall first surrender all claim to further payments of such gratuity or pension, by providing that where such surrender of pension is made any disability incurred in the military service of the United States by reason of which said pension would be payable shall be evaluated in accordance with the provisions of subdivision (4), section 202, and shall be payable as compensation under this act. Provision is also made for the combining of such rate with other ratings.

Section 17 of the bill repeals section 206 of the act, which required filing of evidence before a certain date. Evidence accepted at any time under new law.

Section 18 of the bill repeals section 209 of the act. Section 209 sets a date for filing claims. Now claims can be filed at any time, there being no time limit.

Section 19 of the bill amends section 210 of the act by the addition of a provision to the effect that nothing contained in that section shall be construed to permit the payment of compensation under the World War veterans' act, as amended, for any period prior to June 7, 1924.

Section 20 of the bill amends section 212 of the act by providing that a claim filed for compensation under the war risk insurance act or the World War veterans' act shall be deemed to be a claim for compensation under both acts and all subsequent amendments thereto.

Section 21 of the bill adds a new provision to the act authorizing the director in his discretion to pay to dependents of an incompetent veteran drawing compensation who disappears the same amount of compensation as is provided for the same class of relatives of a veteran who dies of a service-connected disability.

Section 22 of the bill amends section 301 of the act so as to authorize the reinstatement of insurance by a small class of veterans which is still permitted to carry term insurance.

Section 23 of the bill amends section 304 of the act for the same purpose as the previous amendment.

Section 24 of the bill amends section 307 of the act by making all contracts of insurance issued by the Government incontestable from date of issuance, except for fraud, nonpayment of premiums, or on the ground that the applicant was not a member of the military or naval forces.

Section 25 of the bill amends section 311 of the act by clarifying the provisions thereof relative to insurance against total disability to be issued by the Government at a premium rate commensurate with the risk.

CONDITIONS IN THE STATE OF TEXAS

Mr. RAYBURN. Mr. Speaker, some days ago the gentleman from Wisconsin [Mr. SCHAFER] was granted the right to extend his remarks in the RECORD on conditions in Texas since prohibition, and gave a statement to the press that Texas should be chastised for its attachment to prohibition while at the same time permitting negroes to be lynched by burning in the vault of the Sherman courthouse. He further states:

> In advertising their dry views in Texas, the drys always talk about law enforcement, nullification, and the Constitution.

And then accuses the people of forgetting the Constitution and violating the laws. It is known that Mr. SCHAFER is one of the wettest of the wets and can see no good coming out of any community in any State where the sentiment is for prohibition. I want to assure the gentleman from Wisconsin and all like him that the mob at Sherman was certainly not gathered, because the county and the State are for prohibition. A negro had committed an unspeakable crime against the virtue of a white woman. He was arrested and brought to trial in the district court of Grayson County. During the trial a mob gathered, the courthouse was set on fire, and the negro was killed by burning. This act, I feel sure, was regretted by 99 per cent of the people of Sherman and Grayson County. The mob was made up of less than 1 per cent of the people of Grayson County and composed of men who had had their reason dethroned on account of the heinousness of the negro's dastardly crime. I want to say that the citizenship of Grayson County is as high class, as noble, as Christianlike, as cultured and law-abiding as that of any other spot of the same size in the United States. They do not defend nor participate in mob violence nor in taking away from the regularly constituted authorities the execution of all the laws. If any county in the United States with 60,000 people was populated entirely by the citizenship of Mr. SCHAFER's violent and radical temperament, I feel that it would be in a state of riot continuously.

Such regrettable instances as that which happened at Sherman happen in many sections of the country. It is not just, it is not fair, it is not truthful to indict a whole people.

GENERAL COPYRIGHT BILL

Mr. LANHAM. Mr. Speaker, under leave given to extend my remarks I wish to bring the attention of the House to some of the people who appeared before the Committee on Patents in advocacy of the general copyright bill. Many individuals and the representatives of many organizations appeared at the hearings in support of this measure. One of these organizations was the American Society of Composers, Authors, and Publishers. In the heat of debate some disparaging things were said with reference to the members of this society. It is but fair, therefore, to pause and reflect and consider the manner of men and women they are. No member of the Committee on Patents will contend, I am sure, that in their appearances before the committee they failed to deport themselves in a way becoming American ladies and gentlemen.

This society was founded by the late Victor Herbert, of whose work in music all America is proud. He appeared at the hearings on several occasions, his last appearance being but two weeks before his death.

It is interesting to note the present officers of this society. The president is Gene Buck, who for 17 years has displayed his talent as the author of the Follies. The vice president is John Philip Sousa, whose marches have never lost their stirring appeal. Even the modern schoolboy delights to whistle The Stars and Stripes Forever. The secretary is Charles K. Harris, remembered by us all as the composer of After the Ball. The assistant secretary is Oley Speaks, a brother of our colleague, Gen. JOHN C. SPEAKS, of Ohio, and the composer of The Road to Mandalay and many other popular melodies. The treasurer is Joe Young, who has lately given America a haunting song in Cryin' for the Carolines.

I shall mention but a few of the many members of the society, and the very perusal of their names will be indicative of the class of people who make up this organization. On this list we find George M. Cohan, Carrie Jacobs Bond, Mrs. Ethelbert Nevin, Jerome D. Kern, Irving Berlin, Sigmund Romberg, George Gershwin, Harry Von Tilzer, Walter Donaldson, Raymond Hubbell, Mrs. Frank Stanton, Oscar Hammerstein, 2d, Otto Harbach, Rudolph Friml, Charles Wakefield Cadman, Gilbert Spross. These names bring memories of such songs as The End of a Perfect Day, The Rosary, Mighty Lak' a Rose, At Dawning, Rose Marie, Blue Heaven, Poor Butterfly, and they call to mind many operas which have delighted us all. Surely in calm deliberation we shall not be prone to think or speak disparagingly of these people and their work.

This society is the kind of trade organization which exists in all phases of American enterprise. Of the same nature is the Authors' League of America, which is sponsoring this bill. Among the members of this league are George Ade, Ring Lardner, Irvin Cobb, Booth Tarkington, Rex Beach, Augustus Thomas, Eugene O'Neill, Ellis Parker Butler, George Barr Baker, Octavus Roy Cohen, Mary Roberts Rinehart, Arthur Richman, Owen Davis, George Creel, Will and Wallace Irwin, O. O. McIntyre, George Kaufman, Marc Connelly, Floyd Gibbons.

I think the character of these organizations may be inferred from the mere recital of these distinguished names. Many of these very people appeared before the committee to urge the necessity of a copyright law adapted to modern conditions. It is natural that an author should be interested in copyright. It is his work and from it he must make his living. It is like the crop to a farmer or the law practice to an attorney. And realizing the necessity of stimulating cultural creative work, our Constitution and laws seek to make provision for its protection and development.

The copyright law affects all the ramifications of our aesthetic life. It is not surprising, therefore, that among the organizations which have sent representatives to plead for the enactment of an adequate copyright measure we find, in addition to the

authors of music and fiction and biography and philosophy and poetry and plays and scenarios, artists, lecturers, the book and music publishing organizations, periodical publishers, newspaper publishers, producers of the drama, motion-picture producers, American Pen Women, the American Federation of Labor, and so forth, and so forth. The list is set out at length in the report of the committee.

Surely it behooves us to give very careful and dispassionate consideration to the suggestions and recommendations of such representative groups.

THE SEVENTY-FIRST CONGRESS AND WHAT IT HAS DONE BY WAY OF LEGISLATION AFFECTING AGRICULTURE

Mr. HAUGEN. Mr. Speaker, on June 15, 1929, H. R. 1, by Mr. HAUGEN, was enacted into law, as Public, No. 10, Seventy-first Congress, under the title "An act to establish a Federal Farm Board to promote the effective merchandising of agricultural commodities in interstate and foreign commerce, and to place agriculture on a basis of economic equality with other industries."

The act establishes a Federal Farm Board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce. The act is similar in principle to the McNary-Haugen farm relief bill passed in the House three times and Senate twice, and the aim of the bill is to enable the farmer to market his commodities in his own way, at an American price level.

To relieve the depressed condition in agriculture; to do for the farmers what was done for others by the enactment of the Federal reserve act, the railroad act, the Adamson law, the restricted immigration act, and the many acts extending aid, assistance, and relief to numerous other activities, to afford the farmer the advantages of the American price level; in other words, to give the farmers the benefit of our protective laws and opportunities extended to others. In short, a fair and square deal to all, nothing more, nothing less.

Although the act does not set up a specific plan, as set up in the first three bills, it specifically directs that "advantageous domestic markets shall be maintained, and to prevent surpluses from causing undue and excessive fluctuations or depressions in the price of the commodity, and prevent speculation and waste," and leaves it with the board to work out its own plan to accomplish the desired results. The act does not provide a yardstick or specific plan, as provided in previous bills for compulsory cooperation, but the act gives the board power, makes $500,000,000 available, and places the responsibility on the board to adopt its own plan to carry out the declared policy.

In other words, it is up to the board, in cooperation with the producers, to adopt a plan to effect the 100 per cent cooperation, and control of the commodity necessary to "maintain advantageous domestic markets and to prevent the surplus from unduly depressing the price," as directed; in other words, to make the tariff effective.

Notwithstanding the great care and good judgment exercised by President Hoover in the selection of energetic men of high standing and experience to constitute the Federal Farm Board, all that was expected may not have been accomplished. The board has been helpful in maintaining prices over what they would otherwise have been.

If previous experience in money panics may be used as a criterion, had not the board been established, the prices stabilized, with the upset conditions of the stock and money markets last December, it is fair to assume that the prices of agricultural commodities would undoubtedly have gone much lower.

Congress, in its enactment of this and the many other acts, undoubtedly greatly helpful and beneficial to agriculture, has manifested time and again its intense interest in the rehabilitation of agriculture. With the many and varied interests, and the magnitude of the problem, if the board and the producers fail in their efforts to effect the required cooperation, additional legislation will be required to effect the necessary cooperation. It is fair to assume that Congress will speedily enact amendments necessary to carry out the declared policy, and redeem party platform pledges.

Unfortunately, because of our political and trade relationships with the Republic of Cuba and the Philippine Islands, adequate tariff protection to producers in the Corn Belt, and the dairy people, against the importation of sugar, blackstrap molasses, casein, vegetable and animal oils and food oils is not afforded, so that the corn acreage might be planted into sugar beets and thereby pay millions of dollars annually into the pockets of the American beet growers rather than to pay $161,191,100 for 6,651,892,703 pounds of sugar now paid to Cuba and the Philippines and foreign countries.

H. R. No. 6, introduced by Mr. HAUGEN, vigorously backed by the dairy industry and urged by the oleo interests, was approved by the President.

This act is to protect the producers and consumers of butter and oleomargarine. Recently a new substitute for butter and oleomargarine has been placed upon the market, made of the same materials as oleomargarine except that they are mixed and emulsified in water instead of in milk or cream. The processing and equipment used in the manufacture of oleomargarine and the so-called cooking compounds are identical.

Any plant equipped to manufacture oleomargarine can be changed over, without expense, to manufacture these cooking compounds. All the equipment that is required is a mixing machine and a molding machine. The fats are heated and then mixed in cold water in a comparatively inexpensive machine, which agitates the fats in cold water.

A firm in Kansas City started in making these products in an old barn and has developed a good-sized business, more than 100,000 pounds a month.

It is sold in large quantities, disguised and sold under numerous and various names, and generally referred to as cooking compounds, made largely from coconut oil, imported from outside the continental limits of the United States, mixed with a small portion of peanut oil, salted and colored, sold in pound, half-pound, and quarter-pound packages of the same size and appearance as butter and oleomargarine.

The purpose of the act is to do away with an unjust practice—the manufacture and sale of one product, the so-called cooking compounds, scot-free of tax and regulation, over another taxed product subject to Federal sanitary regulations and to remove the discrimination in favor of one product composed of ingredients produced outside the continental limits of the United States, as against products composed of ingredients produced within the United States. In order words, to do away with an apparent rank injustice to worthy and legitimate domestic industries, the cottonseed industry and the dairy industry of our country.

The substitute is made and sold free of taxes, sanitary regulations and supervision, and no license required. This butter substitute is composed principally of coconut oil, with a market price of 10 cents a pound, produced outside of the continental limits of the United States and, as stated, free from payment of tax—not subject to sanitary regulations in its manufacture and no license required for the sale.

A pound of yellow oleomargarine, a pound of yellow butter, or a pound of yellow nut products "cooking compounds" can not be distinguished from each other in appearance or in texture by the ordinary buyer. Cooking compounds have no regulations of any kind, such as are imposed upon oleomargarine or butter. The purpose of the act is to classify cooking compounds "nut products" as oleo and place it under the Internal Revenue and Department of Agriculture for regulation and supervision.

The current price of butterfat at the creamery throughout the country until recently has been from 40 to 50 cents a pound. The retail price of oleomargarine varies, according to the amount of cream or milk used, ranging from 20 to 40 cents a pound. These cooking compounds, supposed to be for the purpose of shortening and to take the place of lard, sell for from 25 to 35 cents a pound. Lard, a much superior shortening, ranges from 11 to 13 cents a pound.

According to the testimony of representatives of the Bureau of Internal Revenue and others, undoubtedly, much of these compounds have been sold as oleo or butter at exhorbitant prices and at enormous profits. Not because they are better than lard, but by virtue of their being made to imitate butter or oleomargarine. It is estimated that production has increased to 30,000,000 pounds of these so-called cooking compounds, which if taxed at 10 cents per pound would have enriched the Federal Treasury to the extent of $3,000,000 in taxes alone, not to mention the great amounts which would have been paid in licenses to manufacture and sell.

It seems a rank discrimination to permit the manufacture and sale of a product composed of ingredients produced outside of the continental limits of the United States, tax free, and free from supervision or regulation of any kind, and to tax products composed of ingredients produced in the United States and subject them not only to taxes, but Federal and State regulation.

It is unnecessary to say it is unfair that the American dairyman, setting out early and late, 365 days in the year with lantern in hand, feeding his cows, milking, churning, and hauling his cream to the market, and selling it in competition with foreign products produced by underpaid labor, as, for instance, the coconut picked by the Filipino in the tree, and selling it on the American market free of duty. It seems a rank injustice

to put the American farmer on his milking stool, up against the half-naked, underpaid Filipino in the coconut tree.

THE TARIFF AND AGRICULTURE

It is generally acknowledged that in case of a large exportable surplus of a commodity the tariff is not effective and is generally made effective in the case of commodities of which there are not exportable surpluses.

Hence, assuming that the tariff is made effective on commodities of which there is no exportable surplus, the 1930 tariff act will undoubtedly be helpful to the producers of agricultural commodities.

According to the Federal Trade Commission—

Agriculture will benefit to the extent of approximately 68 per cent of the increase in the total duties on imports of agricultural raw materials and on products made therefrom, as compared to 32 per cent increases in duties on industrial products.

In other words, if the declared policy of the Federal marketing act—

To maintain advantageous domestic markets and prevent surpluses from causing undue and excessive price fluctuations or depressions in the price of the commodity—

can be made operative, and the tariff is made effective on all, the farmer will receive more than twice that received by industrial activities, as pointed out by Secretary of Agriculture in press release as follows:

If duties affecting agriculture in the new tariff law should prove fully effective, the net balance in change of duties would be about $102 per farm in favor of the farmer. * * * On an equivalent ad valorem basis, the percentage of increase on agriculture products (Schedule 7) is more than twice as large as the increase upon other schedules in the bill.

It is also well to bear in mind that according to the Secretary—

Thirty-nine per cent of what the farmer purchases is for commodities on the free list, 50 per cent for commodities produced by the farmer himself, and only 11 per cent for commodities on the tariff list produced outside of the farm.

Much has been said with regard to the comparative increases in the industrial and agricultural rates of duties.

According to the statement of the American Farm Bureau Federation, which was published in the CONGRESSIONAL RECORD of June 28, pages 11970 to 11974—

The increase of protection on agricultural products in the act of 1930, compared to the act of 1922 is 11.57 points.

The increase of protection on industrial products in the act of 1930 compared to the act of 1922 is 5.48 points.

The percentages of increase above the 1922 bases are 14.6 per cent and 51.6 per cent, respectively, for industrial and agricultural products, or three and fifty-three one-hundredths times as fast for agriculture as for industry.

The elimination of spread of protection between all agricultural products and all industrial products is 40.6 per cent. The inclusion of sugar and butter as agricultural products, rather than as processed commodities shows as 100 per cent elimination of the spread of protection between agriculture and industry.

OTHER LEGISLATIVE ENACTMENTS DURING THE SEVENTY-FIRST CONGRESS OF INTEREST TO AGRICULTURE

H. R. 730, by Mr. MAPES, was approved and enacted into law, amends the general food laws, to the extent of authorizing the Secretary of Agriculture to require in the interest of the consuming public, and the producers of canned foods, distinctive and informative labeling of canned foods of grades below certain minimum requirements to be established; thus protecting the consumers and producers against impositions, by the sale of inferior food products, and short measures, encouraging the growth and expansion of the canning industry, and thereby increasing the market of the farmer, and permitting the farmer and the canner to move his perishables profitably.

On June 5, 1930, H. R. 2152, by Mr. KETCHAM, was approved and enacted into law. The act authorizes the expansion in the foreign field, the service now rendered by the Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and places the representatives of the Agricultural Department on an equal footing with employees of the Department of Commerce doing service abroad, and will promote a unified world service for American agriculture.

On June 10, 1930, S. 108 (H. R. 5663, by Mr. SUMMERS of Washington) was approved and enacted into law. The act is to protect honest commission merchants, dealers, and brokers, including retailers who handle more than 20 carloads of fresh fruit and vegetables in a calendar year against unfair practices on the part of irresponsible commission merchants, dealers, and brokers who make a practice of rejecting purchases of such commodities on a declining market, thus subjecting shippers and producers to unnecessary losses.

On June 9, 1930, S. 3531 (H. R. 5410, by Mr. KNUTSON) was approved and enacted into law. The act provides for establishment of forest tree nurseries, and establishes a policy on the scale on which tree planting on national forests shall be carried out. Provides for furnishing of seedlings or young trees for replanting of burned-over areas in any national park, and facilitates the work of the Forest Service, in caring for plantations, and promotes planting of timber-sale areas.

On March 3, 1930, Senate Joint Resolution 117 (H. Res. 103) was approved and enacted. The act authorizes an appropriation for making advances or loans to farmers in the storm, flood, and drought stricken areas of the various States, where an emergency for such assistance existed, for the purchase of seed, feed, and fertilizer.

On June 2, H. R. 10877, by Mr. CLARKE of New York, was approved and enacted into law. The act authorizes not to exceed $3,000,000 for each of two years 1932 and 1933 to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams. It is in furtherance of the established national policy for the reforestation of denuded areas.

On April 15, S. 3487 (H. R. 9900, by Mr. HAUGEN) was approved and enacted into law. The act provides for the acceptance of land and construction of suitable buildings to more effectively carry out work of the Forest Products Laboratory at Madison, in connection with use of waste forest products. The act authorizes an appropriation of $900,000, which will enable the Department of Agriculture to carry on its valuable and important activities in the utilization of waste forest products.

On May 21, H. R. 10173, by Mr. BUCHANAN, was approved and enacted. The act authorizes the Secretary of Agriculture to investigate the ginning of cotton, establish and maintain ginning plants and laboratories, with a view of developing improved ginning equipment.

On February 8, 1930, Public Resolution 232, by Mr. DOUGLAS of Arizona, was approved and enacted. The public resolution carries an appropriation of $2,500,000, and provides full compensation for actual losses sustained to the crop of 1930 through depredations of the pink bollworm.

On May 27, S. 3817 (H. R. 10464, by Mr. HAUGEN) was approved, an act to facilitate and simplify the national forest administration.

On June 12, 1930, S. 3950 was approved and enacted into law. The act authorizes the establishment of a migratory game refuge.

On May 2, 1929, House Joint Resolution 56 was approved and enacted into law. The act is to provide for the eradication of the Mediterranean fruit fly in certain infested areas, and authorizes an appropriation therefor.

On June 10, 1930, H. R. 7641 was approved and enacted into law, and authorizes the Secretary of Agriculture to establish and maintain a dairy and livestock experiment station and demonstration station.

AGRICULTURAL COMMITTEE A BUSY COMMITTEE

In addition to the above-mentioned bills, which have been enacted into law, 206 bills have been referred to the Committee on Agriculture, in the Seventy-first Congress, 37 of which have been reported to the House, of which 27 have passed the House, 21 of which have also passed the Senate.

REPUBLICAN FACTS VERSUS DEMOCRATIC MISREPRESENTATION

Mr. CROWTHER. Mr. Speaker, the charge that the Hawley-Smoot tariff bill will add $1,000,000,000 to living costs in this country is probably the most senseless of the many statements that have been made by Democrats. They present no figures to verify the charge, but simply make the bald statement with nothing to substantiate it.

After all, this is an extremely modest statement as compared to those made by Democrats in 1922. Hon. Norman H. Davis said before the Democratic Women's Luncheon Club at Philadelphia in 1922 that the Republicans were imposing a "forced collection from the tax-burdened masses to the amount of at least $6,000,000,000 per annum."

This statement was just six times as foolish and unreliable as the one made to-day concerning the added cost of $1,000,000,000 due to the present law. The Tariff Commission estimates that revenue from the new tariff bill will be increased by $106,426,796, and that $72,181,134 of that amount will result from the higher rates in agricultural products imported from foreign countries and the compensatory duties.

To begin with, let me bring to your attention the fact that tariff duties only apply to one-third of the articles imported into this country. Two-thirds of our imports are admitted free of duty. The figures are as follows: Our imports for 1929 were valued roughly at $4,500,000,000, and of this sum $3,000,000,000 were admitted free of duty. The balance of $1,500,000,000 paid varying rates of duty at the customhouse. The average rate would be about 40 per cent ad valorem, as the customhouse receipts have been in the neighborhood of $600,000,000. This is an important item of revenue for the support of the Government, and has helped to make tax reduction possible several times during the last few years.

LIMITED REVISION

Only one-third of the dutiable rates were changed in the Hawley-Smoot bill. There are 3,218 specifically mentioned dutiable items. Many more articles are imported, however, but come under so-called "basket clauses," without specifically naming the individual article. We find that 2,171, or 66⅔ per cent, of these 3,218 items remain as they were in the tariff law of 1922. So you see that only one-third of our imports are dutiable and only one-third of that third were changed in the Hawley-Smoot bill. Certainly this is nothing more than a limited revision.

FREE LIST

The present bill takes 47 products off the free list and makes them dutiable, but it also transfers to the free list 75 items on which we now collect duties. Instead of raising the tariff wall we have lowered it considerably.

CHANGES IN THE RATES

Many duties that were considered too high were lowered. Of the 1,122 items that were changed, 235 were decreases and 887 were increases. The net result of all the changes made by Congress is to increase the average ad valorem duty or its equivalent 2.8 per cent over present law.

AGRICULTURE

The increased duties allowed by this bill are mostly in favor of agriculture. Duties levied on agricultural raw materials and the compensatory rates allowed to industries using these raw materials amount to 68 per cent of the total increase. Agricultural rates are raised from 38.10 to 48.92 per cent, or 10.82 per cent.

On industrial rates the increase is only from 31.02 to 34.31 per cent, or 3.29. The Hawley-Smoot bill is most assuredly an agricultural bill, and the revision has been upward on all farm products.

I present a comparison of rates on farm products as written in the Underwood bill by the Democrats in 1913 and the Fordney-McCumber bill in 1922, and the Hawley-Smoot bill in 1930. In spite of their ardent protestations as to their solicitude for the farmers of the country, here is the evidence of their action in 1913. It is plain to be seen that the Democrats gave no consideration to the protection of farm products against cheap importations. You will note the great number of basic farm products that they placed on the free list.

Comparison of tariff rates

Commodity	Underwood Act, 1913, Democratic	Fordney-McCumber Act, 1922, Republican	Hawley-Smoot Act, 1930, Republican
Cattle weighing less than 700 pounds.	Free	1½ cents per pound.[1]	2½ cents per pound.
Cattle weighing more than 700 pounds.	do	2 cents per pound.[2]	3 cents per pound.
Beef and veal	do	3 cents per pound.	6 cents per pound.
Swine	do	½ cent per pound.	2 cents per pound.
Pork	do	¾ cent per pound.	2½ cents per pound.
Bacon, ham, and shoulders	do	2 cents per pound.	3¼ cents per pound.
Lard	do	1 cent per pound.	3 cents per pound.
Lard substitutes	do	4 cents per pound.	5 cents per pound.
Sheep	do	$2 per head	$3 per head.
Mutton	do	2½ cents per pound.	5 cents per pound.
Wool, scoured	do	31 cents per pound.	34 cents per pound.
Poultry, live	1 cent per pound	3 cents per pound.	8 cents per pound.
Poultry, dressed	do	6 cents per pound.	10 cents per pound.
Eggs, fresh	Free	8 cents per dozen.	11 cents per dozen.
Eggs, dried	10 cents per pound.	15 cents per pound.	18 cents per pound.

[1] Under 1,050 pounds. [2] Over 1,050 pounds.

Comparison of tariff rates—Continued

Commodity	Underwood Act, 1913, Democratic	Fordney-McCumber Act, 1922, Republican	Hawley-Smoot Act, 1930, Republican
Butter	2½ cents per pound.	8 cents per pound.	14 cents per pound.
Oleo and butter substitutes	20 per cent	do	Do.
Cream	Free	20 cents per gallon.	56.6 cents per gallon.
Milk	do	2½ cents per gallon.	6½ cents per gallon.
Cheese and substitutes	do	5 cents per pound.	8 cents per pound.
Honey	10 cents per gallon.	3 cents per pound.	3 cents per pound.
Potatoes	Free	50 cents per 100 pounds.	75 cents per 100 pounds.
Wheat	do	30 cents per bushel.	42 cents per bushel.
Corn	do	15 cents per bushel.	25 cents per bushel.
Oats	6 cents per bushel.	do	16 cents per bushel.
Rye	Free	do	15 cents per bushel.
Flaxseed	20 cents per bushel.	40 cents per bushel.	65 cents per bushel.
Buckwheat	Free	10 cents per 100 pounds.	25 cents per 100 pounds.
Alfalfa seed	do	4 cents per pound.	8 cents per pound.
Sweet-clover seed	do	2 cents per pound.	4 cents per pound.
Red-clover seed	do	4 cents per pound.	8 cents per pound.

Under the flexible provisions of the 1922 act, President Coolidge, by proclamation, increased the duty on wheat from 30 to 42 cents per bushel; butter and butter substitutes from 8 to 12 cents per pound; cream from 20 to 30 cents per gallon. Flax was increased from 40 to 56 cents per bushel by President Hoover in May, 1929.

FURTHER MISREPRESENTATION

The Democrats charge that this is the highest tariff in the history of the country. This charge is utterly false. Since the McKinley law of 1890, the percentage of imports allowed to enter free has been increased by nearly one-half. The Wilson law, the Dingley law, and the Fordney-McCumber law were all less liberal in this respect than the new tariff. The average ad valorem rate or its equivalent under the previous bills is as follows:

	Average ad valorem
McKinley tariff	48.39
Wilson tariff	41.29
Dingley tariff	46.49
Payne-Aldrich tariff	40.73
Underwood-Simmons tariff	26.97
Fordney-McCumber tariff	38.22
Hawley-Smoot tariff	41.14

So, based on the facts, the charge by the Democrats that it is the highest tariff ever enacted, is utterly false. The Democratic wail of anguish will be heard from now until election day in November, and they will keep hoping that folks will forget the disastrous Underwood bill. They will once more tell the farmers and the industrial workers how concerned they are as to their welfare, but when they last had a chance to protect them in their tariff bill they disowned them completely and wrote a tariff bill that made nobody happy except the importers in the United States and competing foreign countries.

The following is from the London Daily News:

When the Underwood tariff bill was passed it was hailed with satisfaction by the British press; the Daily News editorially welcomed it as "the heaviest blow struck at protection since Peel established free trade in England," and the Daily Express congratulated itself upon the fact that the changes proposed in the American tariff were "entirely consonant with the policy and ideas of English tariff reformers."

SUGAR

If ever there was a glaring example of Democratic inconsistency it is their constant howl regarding the duty on sugar. In 1913 they provided for the continuance of the Payne rates until March 1, 1914. Then the rate was reduced slightly and was to remain in effect until May 1, 1916, when sugar was to be put on the free list. But on April 27, 1916, the free-sugar proviso was repealed and their promise became a scrap of paper.

The real reason for the repeal of the free-sugar proviso was that revenues had decreased to such an extent at the customhouses due to the low rates in the Underwood bill that the administration found itself badly in need of money.

SUGAR REVENUE NEEDED BADLY

During the calendar year ending December 31, 1916, the imports under the Underwood bill were $2,391,716,335, and this amount was $571,000,000 in excess of the previous year of 1915.

In spite of this tremendous increase in imports, the rates were so low that the receipts at the customhouse were $100,000,000 less than the customs receipts under the Payne-Aldrich Act of 1909. The Democrats pleaded that the war had brought about this result, but as a matter of fact we did not go into the war until April 1917. And in the report of the Ways and Means Committee by the late Claude Kitchin, dated February 28, 1916, you will read the swan song of Democratic free sugar. Here it is:

REPORT BY MR. KITCHIN—NECESSITY FOR THIS LEGISLATION

Had the normal conditions existing at the time of the passage of the act of October 3, 1913, not been disturbed by the European war, it would not have been necessary to continue the present rates of duty on sugar after May 1, 1916.

This legislation is made necessary in order that the Treasury may have the benefit of the revenue receipts from sugar to assist in meeting the decline in customs and postal receipts, due to the disturbed conditions resulting from the European war, and also to assist in meeting the decline in ordinary internal-revenue receipts.

Your committee, therefore, recommends that the free-sugar provision of paragraphs 177 and 178 of the sugar schedule of the act of October 3, 1913, be repealed, in order that the present rates of duty upon sugar and its kindred products may remain in full force and effect, to the end that the Treasury may not under existing internal trade conditions be deprived of the receipts from sugar.

SUGAR PRICE LOW IN THE UNITED STATES

The outstanding fact is that the housewife buys sugar in this country cheaper than it can be purchased in the majority of the markets of the world. We ought to be willing to pay a fair price for so valuable a food commodity and allow the beet-sugar industry to thrive, and still further develop the cane-sugar industry in Louisiana, Florida, and Texas—and even extend it to Mississippi and Georgia.

Wholesale price of refined sugar as of July, 1927

Country	Price	Country	Price
	Cents		*Cents*
Russia	16.01	Germany	6.96
Italy	15.93	Austria	6.96
Spain	12.09	Newfoundland	6.75
Norway	10.31	Japan	6.65
Hungary	9.04	United Kingdom	6.62
Greece	9.02	Poland	6.58
Holland	8.82	Canada	6.32
Argentina	8.49	United States	5.87
Finland	8.46	New Zealand	5.68
France	8.09	Chile	5.66
Australia	7.94	Belgium	5.43
Sweden	7.26	Switzerland	5.27
Czechoslovakia	7.24	British India	4.77

Here is a list of the States and their production that are vitally interested in the sugar tariff as it means to them the further development of the beet-sugar industry:

	Short tons
Colorado	373,000
Michigan	103,000
California	76,000
Nebraska	134,000
Montana-Wyoming	112,000
Utah	91,000
Idaho	57,000
Ohio	36,000
Wisconsin	13,000
Other States	65,000
	1,060,000

One hundred sugar factories are producing beet sugar and by-products valued at $120,000,000 annually. Eight hundred thousand acres of land are annually devoted to sugar-beet culture, and more than 100,000 farmers are engaged in this activity. Eighty-five thousand field workers are employed in caring for the crop. During the season 35,000 agriculturists, mechanics, and laborers are employed in and around the factories, with an annual outlay in salaries and wages of over $20,000,000.

Each year the beet-sugar manufacturers pay to the farmers between fifty and sixty million dollars for beets, twenty millions in salaries and wages, and twenty-five millions to the railroads. There is a cash market at home for all the sugar beets this country can produce, which can not be said for many of our farm crops. In view of the constant increase of surplus crops, which are a serious farm problem, we ought to encourage and develop the production of sugar beets in the United States.

WE HAVE KEPT THE FAITH

Mr. Speaker, the Republican Party, under the leadership of President Hoover, has endeavored to fulfill its party platform promises as to industry, agriculture, and foreign affairs. The establishment of the Farm Board and cooperative marketing act, the tariff bill, and the limitation of naval construction treaty are all part of the program.

MET OPPOSITION

At every turn of the road the Republicans have met with opposition purely political in its character. To make the situation more embarrassing we have had to face a condition made more difficult by the desertion of psuedo-Republicans to form a coalition with the Democrats in the Senate. This action caused nearly a year's delay in the passage of the tariff bill and caused a stagnation in industrial activities that has been disastrous to both capital and labor.

Many of these so-called Republicans were most vociferous in their support of Mr. Hoover in 1928 and have lost no opportunity to embarrass him ever since his inauguration.

The House has been for the President's program consistently, and has expressed itself in no uncertain terms. The Democrats in 1928 notified the world in their national platform that they were for a protective tariff. They notified business that no longer need they be afraid of low tariff or free trade. Mr. Raskob pledged the telegraphic promises of 90 per cent of the Democratic candidates for Congress that they would stand by the party platform declarations on this important subject.

COOPERATION VANISHES

When revision of the tariff was begun the cooperation we expected from the Democrats vanished into thin air and in its place we had the same old opposition, the same destructive criticism, the same bitter attacks that have marked every tariff revision by the Republican Party. The promises of John J. Raskob and the declarations of Al Smith at Louisville were thrown into the discard, and instead of pillars of faith they more closely resembled the bruised and broken reeds of deception. At no time during the preparation of the bill did the Democratic Party offer even a constructive thought. Vituperation and malicious slander was heaped upon the members of the Ways and Means Committee in the House and the Finance Committee in the Senate. But the Democrats ran true to form and sought to have every industrial, agricultural, and mining activity in their own States accorded protective rates in the bill. Then they displayed their lack of what is recognized as fair play and voted against the bill on final passage.

But they always vote no with their fingers crossed and pray that there will be enough votes to pass it. Nobody knows the value of a protective tariff bill better than a Democrat, but he is as obstinate as the unlovely, long-eared animal that he uses as a party emblem and will not acknowledge its benefits.

BILL FINALLY PASSED

The bill is now a law, and industry and agriculture will both profit as a result of its passage.

Our return to prosperity may not be immediate, but it is as certain as to-morrow's sunrise. We are not alone as regards our temporary slump in business, for it is world-wide in its extent. Foreign nations have threatened us with reprisals in raised tariff rates, and the nations which are crying the loudest are the ones that at this hour have many higher rates against our exports than we levy against theirs.

We have never criticized other countries for raising their tariff rates, nor have our ambassadors to these countries attacked them in public speech or statements. We must guard against the destruction of our American standard of living.

Remember that the periods of low tariff under Democratic rule have been periods of acute business depression, accompanied by unemployment, and our workers were so in debt as a result that it took them years to recover. Many of our younger generation have never experienced the hardships endured during such disastrous times.

THOSE AGAINST

International bankers, Democrats, and the importers are against the tariff policy. Since the war the international bankers have loaned to European countries about $15,000,000,000.

This money has been used to rehabilitate industries in the various countries. We have built them new factories, restored the old ones, bought them raw material, bought them modern machinery, and now they are knocking at our door to sell the kind of merchandise that will displace American products.

The international bankers are much more concerned about their investments in Europe than they are regarding the continued activities of the American workmen. Their plan is to open the gates wide and flood the country with merchandise produced at a low wage level. Likewise the importers are against the tariff policy, and their spokesmen appear before the committees of the House and Senate and fight for low rates on their imports.

The criticism of the bill is of the type that has appeared in the press in connection with every tariff revision. It is the

same old anvil chorus that we have been listening to ever since the days of Grover Cleveland.

The business men of the country are not all Republicans. Probably half of them are Democrats, and they will benefit jointly in the passage of the legislation.

MELLON APPROVES

Secretary Mellon, for whose opinion the business men of the United States have the greatest respect, said in closing his recent comment on the Hawley-Smoot bill as follows:

In short, it seems to me that the final enactment of the tariff law, far from placing new obstacles in the way of business recovery, removes one by eliminating the uncertainty of the last 15 months, and by its promise of more businesslike revision in the future makes a definite contribution to business stability.

REPUBLICAN DOCTRINE

A Republican tariff bill is a message to the rest of the world that we intend to keep the standard of wages and living conditions high, that American men and women who supply the brains and brawn in industrial and agricultural production may prosper. A Democratic free-trade measure is a message to the world that they intend to drag the American workman and his family down to the level of his foreign competitors who work long hours for starvation wages.

WORLD WAR VETERANS' PENSION AND RELIEF

Mr. THOMPSON. Mr. Speaker, in commenting upon the recent legislation enacted by Congress for World War veterans, I wish to say that it is a relief, to some extent, from the conditions preceding it.

The first enactment, as we all know, was to grant compensation for injuries and diseases that were a result of military service in an effort to get away from the pension system, to which many were opposed. This sort of relief was good in theory, but it has been a distinct failure in practice. It is, as a practical thing, impossible to establish by medical and official and lay testimony just where the line is to be drawn between service-connected injuries and diseases and those that are not. Every veteran did not keep records of what he had passed through; in fact, most of them avoided treatment wherever possible in the effort to return to civilian life. The recent law, which contains a provision expressly providing that affidavits of comrades and other lay testimony be given great weight, will help a great deal, as heretofore the Veterans' Bureau has to all intents and purposes ignored this kind of evidence.

I voted for the Rankin amendment to the Johnson bill as first offered in the House because, although it was far from what was desired, it was a step toward liberalizing those features of the law which made claims so difficult to support. It was expected that the Senate when considering the bill would add amendments making it more desirable, but these did not appear. It was necessary, therefore, to vote for the bill as it stood and send it to the President for the benefit of his suggestions and to clear the record. This I did, and after his veto message showed his attitude a measure was prepared that not only met his wishes but which, I believe, will give relief to a greater number of veterans than would the vetoed measure. It also shows the way toward a return to the pension system, under which our veterans of other wars have been cared for, and which is the system upon which we have heretofore relied with success. Under these circumstances I was glad to vote to sustain the President and then to vote for the new bill, which is now a law.

THE TARIFF

Mr. MANLOVE. Mr. Speaker, the American people are educated and enlightened. What they want are facts. They do not ask anyone to think for them or present them conclusions. It is not incumbent that anyone arrive at the same viewpoint which may appear the most logical to some one else.

There is one thing, however, that the American people do demand, and that is sincerity. Those who substitute praise or denunciation for logic will not meet the demands of the people.

In presenting the following observations regarding the newly enacted tariff law, I shall, therefore, attempt to present certain facts and figures and leave it to my friends to draw their own conclusions.

In considering the subject of the tariff it may be well for us to bear in mind certain well-established facts.

Our total imports into the United States in the year 1929 amounted to $4,400,000,000 and our exports amounted to $5,241,000,000, bringing our world trade to the highest point in the peace-time history of the world and creating a trade balance of $841,000,000 in favor of the people of the United States.

We collected tariff duties in the sum of $522,649,383 in the year 1929 upon the imports which came into our country. Under the recently enacted law we would have collected $630,456,280 on the same basis of imports. These tariff collections all go into the United States Treasury.

A tariff is not levied upon all goods imported into the United States. Two-thirds of all the goods imported come in absolutely free of duty. The tariff, therefore, applies to only about one-third of the foreign products which enter our gates.

Out of a list of 10,000 items of imports we levy a tariff upon only about 3,300 items; of these 3,300 items which carry a duty, about 888 items were increased and 235 items decreased under the rates provided by the new tariff law, and 75 items were transferred from the dutiable list to the free list and 48 items from the free list to the dutiable list. The rates remained unchanged on about 2,175 items under the newly enacted law.

The average ad valorem tariff rates, or the equivalent thereof, under the new law, based upon 1929 importations, is 41.64 per cent; this rate being an average increase of only 3.42 per cent above rates carried in the law which is revised thereby.

Of this 3.42 per cent average increase in the general tariff rates, agriculture received a more favorable percentage thereof than industrial products.

Our home market within the boundaries of the United States absorbs annually more than $80,000,000,000 worth of the products of our factories, fields, and mines.

The pay roll to American labor amounts to over $200,000,000 every 24 hours.

It is estimated that 38 per cent of the cost of the processing of manufactured articles is represented by the food consumption incident to the processing thereof; the farmer, therefore, depending upon labor for an outlet for the products of his farm; and, in turn, the pay roll of labor depending to a great extent upon the farmer for the outlet of factory and mine.

TARIFF LEGISLATION IN BLOCK

Tariff legislation is built almost without exception through a general consideration and revision of the tariff schedules which apply to items of importation from other countries.

It is not possible to secure consideration, even in committee, of a tariff bill which deals alone with individual items. General revisions of tariff schedules have taken place at intervals of approximately 8, 10, or 12 years.

TARIFF REVISIONS

The revising and building of a new tariff law is a long, tedious task, entailing a tremendous number of long days of study and hard work upon the part of all of those who apply themselves thereto. No Congress would undertake such a job unless those intrusted with that particular duty should believe there was an urgent need on the part of our country for just such a rebuilding and rearrangement of the whole fabric of the then existing tariff laws.

THE PRESENT REVISION

The present revision came about after just such a demand on the part of agriculture. For many months before the Ways and Means Committee of the House began consideration of the present revision hundreds of letters and resolutions from farmers and farm organizations came piling in to Members of Congress asking for an increase in the rates of duty charged by our Government upon the farm products which were pouring in from other agricultural countries. This demand came from every agricultural section of our land and included those interested in every phase of agriculture, as well as embracing the fruit and vegetable growers.

SOUTHWEST MISSOURI

The district which I have the honor to represent in the southwest corner of Missouri is one of greatly diversified production.

We are blessed there with climate and soil which make it possible to produce almost any agricultural crop grown in America. With thousands of pure springs and clear, spring-fed streams, it is but natural that our dairy and poultry industries command high positions, while our fruit and berry output is well to the forefront of the world.

In southwest Missouri we also have manufacturing industries, and my home city of Joplin, Mo., is the center of the world's greatest output of lead and zinc. With a district dependent upon such a wide field of production, both agriculturally and industrially, we are given a close opportunity to study the interdependence of agriculture and industry.

With this "close-up" many mine operators, merchants, and manufacturers joined with my farmer friends in asking me, as their Representative in Congress, to insist upon increased rates of tariff upon products which were being imported into the United States from other countries.

Upon investigation I found, notwithstanding apparently well-advanced tariff rates already existing, that the farmers of other lands, even as far away as Australia, China, and Argentina, were sending large quantities of eggs, poultry, milk, cream,

butter, pork, bacon, cattle, beef, lard, potatoes, canned fruit, canned tomatoes, condensed milk, hides, sheep, fruit, and grain into our country.

With this picture before me, and as the representative of as splendid an American district as our country boasts, I began a study of these importations and the rates of duty charged threon at our gates of entry. I soon found my farmer friends had reason to complain. Our rates, though no doubt having seemed high enough when enacted, were not sufficiently high to protect agriculture from an unjust competition.

I therefore introduced an agricultural tariff bill, in which I asked increased rates of duty upon many different agricultural items.

In arriving at the rates carried in my bill I was greatly assisted by Mr. Chester H. Gray, legislative director of the American Farm Bureau Federation. Mr. Gray, who is one of the favorite sons of southwest Missouri, accorded me every courtesy possible in presenting me statistical information with which he and his associates are so well provided.

In order that you may have a general idea of the comparative agricultural rates carried in the three latest tariff laws as well as a comparative idea of how nearly the schedules included in my bill conform to the schedules contained in the recently enacted law, I submit the following table, indicating some of the items which were included in the bill which I introduced.

Differences in agricultural rates in certain acts

Commodity	Underwood-Simmons Act, 1913 (Democrat)	Fordney-McCumber Act, 1922 (Republican)	Hawley-Smoot Act, 1930 (Republican)	Rates proposed in Manlove tariff bill
Bacon and ham, pound	Free	2 cents	3¾ cents	4 cents.
Beans, dried, do	5/32 of 1 cent	1¾ cents	3 cents	5 cents.
Beef and veal, do	Free	3 cents	6 cents	6 cents.
Butter, do	2½ cents	8 cents	14 cents	16 cents.
Cattle:				
Weighing less than 700 pounds	Free	1½ cents per pound [1]	2½ cents	3 cents.
Weighing 700–1,049 pounds	do	2 cents per pound [2]	3 cents	Do.
Cheese and substitutes, pound	20 per cent	5 cents per pound	7 cents per pound but not less than 35 per cent.	10 cents per pound but not less than 40 per cent.
Corn, bushel	Free	15 cents	25 cents	30 cents.
Cream, gallon	do	20 cents	50 9/10 cents	40 cents.
Eggs:				
Fresh, dozen	do	8 cents	10 cents	15 cents.
Frozen, pound	2 cents	6 cents	11 cents	Do.
Dried, do	10 cents	18 cents	18 cents	53 cents.
Lard, do	Free	1 cent	3 cents	2 cents.
Lard substitutes, do	do	4 cents	5 cents	4 cents.
Milk, gallon	do	2½ cents	6½ cents	10 cents.
Milk:				
Condensed, evaporated, and unsweetened, pound	do	1 cent	1 3/10 cents	2 cents.
All other, do	do	1⅝ cents	2 2/5 cents	2¾ cents.
Condensed and sweetened, pound	do	1½ cents	2⅝ cents	3 cents.
Onions, do	1/4 of 1 cent	1 cent	2½ cents	Do.
Oleomargarine, do	2½ cents	8 cents	14 cents	16 cents.
Pork, do	Free	¾ of 1 cent	2½ cents	3 cents.
Potatoes, hundredweight	do	50 cents	75 cents	$1.
Poultry:				
Live, pound	1 cent	3 cents	8 cents	6½ cents.
Dressed, do	2 cents	6 cents	10 cents	12 cents.
Swine, do	Free	½ of 1 cent	2 cents	3 cents.
Cattle hides:				
Dry and salted, do	do	Free	10 per cent ad valorem	8 cents per pound.
Wet salted, do	do	do	do	6 cents per pound.
Meat: Fresh, prepared, and preserved, do	do	20 per cent ad valorem	6 cents (not less than 20 per cent ad valorem).	30 per cent ad valorem.
Bananas: Green or ripe, bunch	do	Free	Free	50 cents.
Tomatoes:				
Natural, pound		½ cent	3 cents	3 cents.
Preserved, do	25 per cent ad valorem	15 per cent ad valorem	50 per cent ad valorem	40 per cent ad valorem.
Hay, ton	$2 long ton	$4 long ton	$5 short ton	$6 short ton.

[1] Under 1,050 pounds.

[2] Over 1,050 pounds.

Because of the fact that importers have gone up and down the country with their organized and paid propaganda, attempting to influence the public against the rates contained in the recently enacted law, I will ask you to carefully study the foregoing lists.

One of the beauties of our form of government is that people are permitted the free expression of opinion. This very fact, however, should make us a little cautious about accepting everything that is told us.

Importers who buy cheap in the cheap markets of the world and desire to sell their purchases high in our American market, are trying to make the people of my district believe that Congress has done them an injustice in building this agricultural tariff fence a little higher than it was. Let us take a look before we accept the advice of these self-appointed guardians of agriculture. Let me say to you, Mr. Henry Ford, with your hundreds of millions of American dollars invested in your factories in Ireland and many other lands, and to you Mr. Raskob, with your millions and millions of American cash used to build General Motors' factories in foreign countries, I challenge you to try to fool the farmers of my district with your free-trade theories. Try as you may, you will not mislead Mrs. Farmer when she is gathering the eggs nor Mr. Dairyman when he is milking the cows down in our "Land of a Million Smiles"; and it will not matter what political party they may belong to, either.

It is true the Republicans believe in protection; real Republicans believe in the kind of protection that actually protects and not some makeshift of "equalizing the cost of production between home and abroad." Such a protection as "equalizing" the cost of eggs produced in America and those produced in China, does not "protect." A protective tariff puts the tariff high enough to hold down annoying foreign competition of importations from foreign countries.

I guarantee you, Mr. Ford, and you Mr. Raskob, that your free-trade pleading, so far as the producers of eggs, poultry, milk, butter, sheep, cattle, and fruit are concerned, will fall upon deaf ears in the splendid district from which I come.

AN EXAMPLE OF PROTECTION

In southwest Missouri we have a well-developed canned tomato industry. Its influence is felt in every avenue of our busy life. It is an industry which starts in the field and ends at the car door. It gives employment to men, women, and children alike.

More than 200 American manufacturers have established their factories and industries abroad and are crying out loud because we do not let them bring into our country, free of duty, their wares manufactured by cheap foreign labor. They have invaded every field. Their representatives complain because of of the fact that the newly enacted tariff law carries a duty of 50 per cent ad valorem on our canned tomatoes.

They argue that the women and children of Italy can produce canned tomatoes and send them to America cheaper than we can possibly produce them in southwest Missouri. So they can, but I am in Congress as the Representatives of Americans who grow tomatoes.

Shall we stand idly by and permit cheap foreign tomatoes to ruin our home market? No; of course not.

The ad valorem duty on tomatoes was inadvertantly fixed too low in the last tariff act. It was 15 per cent. Importations of canned tomatoes were increasing at a tremendous rate. In the year 1928 there were imported 93,646,672 dozen cans of tomatoes, valued at $5,236,361. The new law carries a rate of 50 per cent ad valorem. It will check this tide of tomatoes; it will insure the American market for Americans. I take pride in the part I have taken in helping to bring about this new tariff rate which will protect the tomato growers of my district against a rapidly gaining and destructive competition.

I have given this example only as an illustration of what the purpose of this new law really is.

The example of the tomato industry, only tersely given, is illustrative of practically all other agricultural items and rates carried in this new tariff law.

DAMAGING INFLUENCE OF A SURPLUS

Agriculture has learned the damaging influence of a surplus. Although the volume of imports may not appear large as compared to American production, yet, if the amount imported tends to produce, or add to a surplus, then the imported product becomes a real menace and has a tremendously damaging effect on the market price.

There have always existed several distinct schools of thought relating to the subject of the tariff.

There are those who believe that our ports of entry should be thrown open to the producers of the world, permitting other countries to bring into our land their food supplies, wares, and merchandise free of any charge on the part of our Government.

There are others who believe in opening our gates of entry sufficiently wide to permit what they are pleased to term "effective foreign competition."

There are others who believe in restricting importation of the things which they have to sell, yet who would open our doors to all that which they desire to purchase.

There are others who believe that the home market within the boundaries of the United States amounting to over $80,000,000,000 a year, is of so much greater magnitude than our foreign market, which amounts to a little more than $5,000,000,000 per year, that we, as a people, can not afford to permit the cheaply produced or manufactured products of the rest of the world to come into competition with the products of our own farms, factories, and mines.

There is a natural desire upon the part of everyone to purchase as cheaply as possible the things which they need; yet there is no section of the United States which does not insist upon tariff production for the things produced in their own community.

It is sometimes difficult to visualize the necessity of protecting an industry with which we are not individually familiar.

Those who adhere to the policy of protection must view the subject from the broad standpoint of believing in the protection of the whole fabric of American agriculture and American industry and in not treating the subject entirely from the local viewpoint. Those who believe in protection as an American policy have the idea that before agriculture can have an outlet for its product the wheels of our industries must be turning, the hoisters of our mining industry must be busy, and our American furnaces must be aglow.

It would, indeed, be difficult for us to conceive of a chamber of commerce going on record in favor of bringing a shoe factory of their city into "effective foreign competition" with a shoe factory in Czechoslovakia, or of bringing the workers of one of their busy overall factories into "effective foreign competition" with an overall factory operating in the Orient on a wage basis of 20 cents a day. It would be difficult to imagine the people of any mining section of our country desiring to bring the American miners of their community into "effective foreign competition" with the peon labor of Mexico. It would be difficult to imagine the people who live in the steel-mill sections of our country asking "effective foreign competition" with the cheaply paid furnace men of the British Empire.

If the people of the rest of the world were as well paid, as well clothed, and as well housed as the American people, we might come nearer meeting upon terms of "effective foreign competition." Considering, however, the great gulf which divides the American people, with their high standards of living, from the wooden shoes and poverty of other lands, can we approve such a policy?

CHAIN-STORE COMPETITION

When we hear some one preaching the doctrine of "effective competition," let us not forget the sad spectacle which our friendly home store meets when the "effective competition" of the chain store sets up business next door. When that merciless octopus of an enormous chain-store organization sets stakes close by, all the hope and ambition of a lifetime withers within the breast of the "home-town merchant." He knows his business doom is sealed. His cheeks turn pale as he sees the "effective competition" of mass production, mass buying, and undercut selling sap his business lifeblood day by day.

Strange as it may seem, some of those States which have fought the most courageously against the onslaught of the overwhelming forces of chain-store monopoly, have Representatives in Congress who openly advocate "effective foreign competition."

Personally, my heart is with the home-town merchant. I stand ready to help him drive chain stores and chain banking out of existence, whenever I learn how to do so. My heart also beats in sympathy with all Americans who put their life's work into things that are American, whether in field, factory, or mine; and as a Representative of a splendid American district, I feel I have reflected the sentiment of things really American when I voted to preserve our American market for Americans who support America.

IMMIGRATION

I have stood shoulder to shoulder with men who have fought for restricted immigration; who gave as one of their chief reasons therefor that they wanted to protect American labor against the foreign hordes of immigration. I have marveled to hear some of these same men advocate the free admission of the handiwork of these same foreigners whose entrance into our country they so stubbornly refuse. Is the effect not practically the same?

We would not countenance Mexican miners being imported to operate the zinc mines of the great tri-State mining district, yet, should we take down our tariff barrier, ore mined by Mexicans across the border would flood our markets. The effect would be the same; except that the farmer would not even have the opportunity of feeding the miner in Mexico while he would, at least, furnish him food should he do the work in our country. This illustration certainly holds good with every other line of industry.

FLEXIBLE PROVISIONS OF TARIFF LAW

The flexible provisions of the new tariff law are a revision of a similar law enacted in 1922. Through such machinery, a method is provided whereby individual tariff rates, or groups thereof, may be quickly and easily changed by the Tariff Commission upon the approval of the President.

Following the procedure provided by law, the rates fixed by Congress may be either raised or lowered to a point not in excess of 50 per cent of the amount thereof.

The purpose of this law is to make it possible to meet emergencies and changing economic conditions. The Tariff Commission, composed of six members, is given somewhat broader latitude under the new law, while the power of the President is limited as compared to that conferred upon him under the previous law.

PRICES INCREASED

There are those who would attempt to prejudice the people of our country against the newly revised tariff law upon the ground that commodities will be greatly increased in price. Simply holding the American market for Americans does not necessarily result in increases in prices of processed commodities.

On the other hand, when American factories are once closed by foreign competition and the foreign manufacturer and importer have taken possession of our market, we are necessarily at their mercy.

Let us not lose sight of the fact that we are not altogether without domestic competition. There are over 3,500 creameries in 45 States, over 3,000 furniture factories scattered over 40 different States, and competing factories making wearing apparel, machinery, cement, brick, automobiles, and every other imaginable commodity in almost every State.

It is true that the greedy hands of monopoly sometimes take advantage of the people, and no American should countenance such action. Our laws should be strong enough and our Government officials courageous enough to dissolve any such combinations and punish the violators. It may be well for us to observe, however, that monopolies and their avaricious mannerisms are not altogether confined to the United States. There might be such a thing as being more able to cope with American monopolies under a policy of protection than with foreign monopolies under a policy of free trade.

NO TARIFF WAR

Much has been said of late about the possible retaliation of other countries against the United States because of our increased tariff rates. When have the people of our country gotten to the place where they must bow in fear and trembling to the mandates and threats of the commercial barons of other nations? We do not discriminate. Our customhouses are open to foreign commodities regardless of their origin. We do not object to the tariffs levied by other nations for their own protection. Ninety per cent of the foreign countries have tariffs higher than the tariff rates of the United States.

If any other nation wants to start a tariff war, they must strike the first blow, but we can warn them beforehand that a coroner's jury will bring in a verdict of "commercial suicide" for them when the smoke has cleared away.

No tariff law was ever written that fully suited all of the American people, much less all of the foreigners.

TARIFF LAWS RESULT OF COMPROMISE

All tariff laws are more or less the result of a compromise of the differences of opinion of those who represent the different sections of our country.

Volumes of statistics and pages of tables might be printed on the subject of this new tariff law. Time alone will test the merits thereof. My ardent hope is that it will give the people of the United States about one jump ahead of the people of other nations in the mad race for our own home market, which is the greatest market in all the world. Then let us put Mexican immigration upon a quota basis and preserve the things American for those who call this country "home."

REDUCTION OF FEDERAL TAX ON TOBACCO

Mr. KENDALL of Kentucky. Mr. Speaker, ladies and gentlemen of the House, this session of Congress has been designated by some, and rightfully so, as one which accorded agriculture the recognition and aid which is due such an important industry. The passage of a bill during the extraordinary session providing for the creation and maintenance of a Federal Farm Board whose sole purpose is to aid and assist in every way possible and proper the agricultural industry of this country, and to place it on a parity with business and other industries. Not only does this board make a scientific and systematic study and survey of the problems with which agriculture is confronted, and to pass on to the farmers for their guidance and benefit this correlated information and helpful acquisition gained as a result of such study and survey, but it is also authorized to advance loans to the farmers on their products to the extent that they are not compelled to sell the entire crop at one time, but put it into the market as the demand justifies and at reasonable prices. This agency is only in an experimental stage, and with a sympathic application and administration, agriculture will derive immeasurable benefits.

During the extraordinary session a revision of the tariff law was begun and the rates thus revised are now effective. Under this revision approximately 68 per cent of the rates revised were for the protection of the American farmer against the competition of foreign-grown products which are produced at a cost that is far below that which is necessary to produce it on the American farm.

This has, indeed, been a session that has given sympathetic consideration and which recognizes the importance of one of the greatest industries—agriculture. Supplementing these measures there has been enacted other measures which tend to mitigate some of the perplexing problems with which agriculture has to contend. These I shall not elaborate upon at this time. However, I do desire to again bring to the attention of the House that a bill has been introduced which, if enacted, will be of paramount importance to agriculture. This bill provides for a substantial reduction of the Federal tax on tobacco, and as I come from a State in which the production of tobacco is one of the leading industries I can not refrain from discussing the subject of a reduction of the Federal tax imposed upon this product and endeavor to show why a material reduction should be made effective. Action should be taken immediately so as to relieve the conditions which surround the producers of tobacco and which is the principle cash crop of my State and district. I am fully conscious that many of you are of the opinion that this tax is paid by the consumers of the manufactured tobacco and is therefore not a direct tax upon the farmer. But it is an indirect tax, and the manufacturers, when they purchase the raw product, adjust their price scales to the extent that the farmer does not receive the price he would were it not that the Federal tax on the manufactured product is taken into consideration by the buyers.

The tax may be indirect in part, but the other part comes direct from the tobacco growers of my State, along with 18 other States that produce tobacco. This tax is designated as a luxurious tax. This I do not challenge; but bear in mind that the tax on tobacco was increased in 1917 along with increases and, in many instances, original tax upon other articles which were and are still luxurious, and all of these have now been decreased or reduced materially, with the exception of manufactured tobacco products. This is unfair and discriminatory to the tobacco growers. For the growers of tobacco in my State and district are just as loyal, patriotic American citizens as will be found anywhere, and are eager and willing to contribute their share of the expense of maintaining our Government; but they are of the opinion, and rightfully so, that with the prevailing price received by them for the raw product, that the tax which flows into the Federal Treasury as a result of their labors is not in proportion with other rates of taxation imposed by the Government on other industries and commodities. No other business, industry, or commodity carries a rate of taxation as high as that on tobacco, regardless of the earning capacity or selling price.

I am sure that very few are fully aware of the leading part which the tobacco industry has played in the social, economic growth and development not only on those States in which it is produced but on the whole of the United States. Cotton has been termed king, wheat a medium of exchange and the basis of money value, but it has been tobacco that has guided and sustained the producers during financial depressions and economic crises. Tobacco has led the way in the development of our foreign commerce, banking and bringing about compatible commercial relationship with the other countries of the world. It has led the way to our great system of interstate commerce and in the growth and expansion of our transportation facilities. It was tobacco that furnished the capital for the beginning and expansion of the railroads, of the iron, steel, coal, lumber, and sugar industries of our country, as well as many more important industries and businesses of to-day.

Many of these industries have forged ahead of tobacco in size and value, but we must remember that it was tobacco that at one time formed the basis of our national wealth. Nor must we cease to remember that none of these industries or commodities have paid into the Federal Treasury revenue that can compare with that paid by tobacco. Most of the tobacco grown in the United States is in 19 States, these States producing over one and a half billion pounds in 1929. Those farmers who produced this astounding quantity of tobacco received for their investment and labor approximately $285,169,000, while the Federal Government received revenue from the manufactured products for the year 1929 the enormous amount of over $475,000,000, or over twice the amount received by the producers of tobacco. There is no other commodity that bears a tax in like proportion, for the revenue from tobacco is about one-eighth of the total revenue received annually by the Government. The fact that tobacco is being taxed far more than is just and equitable is obvious, and the reduction of the tax thereon should not be a subject of controversy. There should be an immediate reduction of at least 50 per cent of the tax now imposed upon all manufactured products in order to bring the relief which is due the tobacco grower and the industry at whose breast some of the now leading industries of our country were nurtured during their infancy. With a reduction of the tax the farmer will at once be benefited by a substantial increase in the price received by him and by the increase in consumption of the manufactured product will most necessarily follow as a reduction can be made in the retail price. The tobacco history for the last quarter of a century reveals that following each increase in tax there has been a decrease in consumption and that the tobacco grower has invariably received a lower price for his product after such increase. He should and must be given an opportunity to receive a higher price for his tobacco by a tax reduction, a reduction that will bring to the tobacco growers millions of dollars annually. I believe I can say that a 50 per cent reduction will augment the amount received by the growers of my district by more than a half million dollars. It will mean a fair return on the investment and labor now engaged in producing a commodity at or below the cost of production.

LEGISLATION AFFECTING WORLD WAR VETERANS

Mr. JOHNSON of South Dakota. Mr. Speaker, since Congress convened in its present session on December 2, 1929, there has been continuous debate in the House, the Senate, and the press concerning legislation for veterans of the World War. Due to the fact that I have been chairman of the Committee on World War Veterans' Legislation since its organization it has been necessary for me to take considerable part in the debates on the legislation. In the closing hours of the session H. R. 13174, which I introduced on June 26, 1930, was passed by the House and Senate and signed by the President, and is now a law. During the process of legislation much controversy has existed and some acrimony developed because of the divergence in views of advocates of different proposed statutes.

In this discussion I shall avoid all personalities and attempt to analyze the provisions of the different bills which have been presented to the Congress, including the measure which was vetoed by the President and the new law. It has been the custom for many years for the three recognized veterans' organizations—the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans—to meet in annual convention and prepare a resolution for recommendation to Congress, and it has been my custom as chairman of the committee to introduce those proposed bills at the request of the organizations referred to in order that they may be brought before the committee for action.

As would be expected, there is much in common in the provisions of all of these measures, because veterans talk among themselves, as do other groups, follow closely and in much detail the activities of all veterans' organizations, and have much the same viewpoint on legislative matters.

The original American Legion program I introduced on January 7, 1930, and it became House bill No. 8133. It had a provision increasing compensation and giving further preferences to those suffering from tuberculosis; but the particular section of direct interest was an amendment to section 200 of the existing law, which provided that ex-service persons who could be shown to have had before January 1, 1925, certain specific diseases should have been presumed to have secured those diseases from their military service. The Legion named a long list of diseases, most of which are those which are extremely disabling, such as diabetes, arteriosclerosis, arthritis, cancer, and so forth.

There were several others which it is unnecessary to name.

There was justification for this amendment if we were to continue the policy which had been adopted by Congress of presuming that diseases came from war service, because such a presumption had already been given in favor of tuberculosis, encephalitis lethargica (sleeping sickness), spinal meningitis, paralysis agitans, neuropsychiatric diseases (mental troubles), and some other diseases which are by existing law presumed to have been received in service if contracted prior to January 1, 1925. The Legion bill had the virtue of consistency in so far as it led in the direction of placing on a parity all classes of veterans; but it was, of course, inconsistent to prefer a man with one disease over a man with another disease equally disabling. However, it did not attempt to extend dates for the presumptions. I also introduced the bill of the Disabled American Veterans, House bill No. 8134, which was much similar to the Legion bill except that it extended the presumption that a disability was received in the service to January 1, 1930. It also had many other provisions. I also introduced House bill No. 9801 at the request of the Veterans of Foreign Wars. The amendment sponsored by that organization was much like the one submitted by the Disabled American Veterans, but that organization later indorsed a straight-pension program.

A Member of the House of Representatives, Mr. RANKIN, of Mississippi, introduced House bill 7825, which selected a particular list of diseases and provided that it should be presumed that they had been secured in war service if contracted prior to January 1, 1930. These bills were all considered by the Committee on World War Veterans' Legislation, which, by divided vote on March 10, 1930, reported a bill known as House bill 10381. Each and every one of these bills was purely a pension bill based on World War disability rates for service-connected cases, and in practical effect gave a pension of from $80 to $150 a month, depending on the number of dependents of each veteran. This was given in addition to the hospitalization granted by the Government, which cost the Government approximately $120 a month, so that each one of the bills to which I have referred granted a pension of about $200 a month or more to every ex-service person affected who had dependents, if such person was hospitalized. In some cases the pension would be $250 a month.

The bill reported by the committee at least had the virtue of consistency in that it provided that any person suffering from any disability which could be shown to have existed prior to January 1, 1925, would receive exactly the same amount of money as the few classes already given the presumption of service connection if equally disabled. It was purely a pension measure at compensation rates. It contained many other provisions which were of great merit, but did include one discriminatory provision which provided that any man given hospitalization by the Government, which costs the Government $120 a month, should further receive an allowance while in the hospital for his dependents. This was $30 a month for the wife, $10 for the first child, and $6 for each additional child. That bill was presented to the House and violently amended. One amendment provided that a selective list of people suffering from certain diseases if contracted prior to January 1, 1930, should be deemed to have secured that disability in the service during the war. It contained many absurdities. For instance: It provided that a man who contracted the gout or had become so fat that he could not work, or suffered from hemophilia, a disease that could only be inherited; or rickets, a disease of childhood; or pellagra or scurvy, that can come only from a faulty diet, would be presumed to have contracted such disease in the service.

The House of Representatives made the bill more absurd by providing that the Government would practically be prohibited from showing that these diseases were not contracted in the service. It was further amended to provide that any person suffering from any disability contracted before January 1, 1930, should be deemed to have secured such disability in the World War. It would have cost somewhere between $181,000,000 and $400,000,000 each year in addition to the $511,000,000 which now is expended for veterans' relief. It would have established a permanent pension policy for non-service-connected cases at the same rate given a man who was actually injured in the war.

It was amended in the Senate so as to provide that a certain limited number of diseases contracted prior to 1930 should presumptively have been acquired in the service. As it came from the Senate it included the discriminatory hospital allowance to which I have referred.

The President vetoed this bill on June 26, 1930. In my judgment he could not have done otherwise. It was manifestly unfair and discriminatory. To the man who was fortunate enough to secure a bed in a hospital it gave an allowance of from $30 to $60, depending on his dependents. To the man not fortunate enough to secure a bed in a hospital, or who was willing to fight his way in the world outside the hospital, it gave nothing. To the man with gout, scurvy, rickets, pellagra, and some other diseases it gave full compensation. To the man with certain forms of heart trouble, phlebitis, bronchitis, dysentery, malaria, pleurisy, and other diseases, which were entirely disabling, it gave nothing. It took approximately 77,000 men unquestionably suffering from certain specific diseases and gave them everything. To 200,000 men equally disabled it gave nothing. Men suffering from diseases included in the bill might have enlisted in June, 1921, nearly three years after the close of the World War, served a few days, been perfectly sound as to health until December, 1929, and receive the same compensation as men who fought throughout the World War and suffered every disability.

It was so discriminatory that no President could fail to see the discrimination, and having seen it, could fail to veto the measure. If this bill had become a law, fairness, decency, and justice to the veterans would have demanded that at the next session of Congress every veteran be included in its provision, and no Government could have sustained the cost of such a bill. Not its cost but its discrimination, however, is its vital defect, because the Government has a right to expend whatever it desires on veterans. It does not, however, have a right to discriminate between veterans equally disabled. I do not know of a single intelligent World War veteran in the United States who attempts to justify the discriminations, preferences, and injustices of the bill President Hoover vetoed. Some of them may say that all veterans who became ill should be hospitalized at the cost of $120 a month to the Government and should receive a pension, which, with the cost of hospitalization, would cost from $200 to $250 a month. That is their privilege, of course, but I do not know of one who says that there should be discriminations against or preferences in favor of a group of veterans. The issue has been well drawn by the veto of the President, and the whole matter should be thoroughly discussed by the people of the United States, because upon this legislation depends the welfare of 4,200,000 living men and their dependents and also the economic condition of the Public Treasury in the future. The Government owes a duty to its ex-service men, but it also owes a duty to its other citizens, and the burden must not be unbearable to them. In my judgment, it is time that politics be eliminated in the discussion of veterans' relief, and no one can deny that there has been much politics in the discussion during the last session of Congress. No political party can eventually derive any benefit by advocating discriminatory legislation, and the members of no one political party can possibly be the only citizens who desire exact justice for those who defended the Nation. There has been a good deal of demagoguery in the discussions of this legislation. Men who previously have shown no desire whatever to fight for their country have become excessively enthusiastic in the promotion of discriminatory legislation. It has become the favorite argument of men who have proposed some of this legislation to cite men afflicted with tuberculosis and use that class of men as an illustration.

Our sympathies are extended to them just as it is to all who are suffering. In fact, Congress has been so sympathetic with men afflicted with that disease that it has already passed four separate provisions of law for their benefit. The first is the conclusive presumption of service origin, which is not extended to any other disease except spinal meningitis. The second one is the award of a temporary total rating for six months following discharge of the man with arrested tuberculosis from the hospital, section 202 (2). The third is in section 202 (3) whereby the tuberculous veteran with an active condition is given a rating of temporary total for three years following

discharge from the hospital. The fourth is the provision of a statutory award of $50 per month for arrested tuberculosis, in section 202 (7).

There is proposed in the House bill which was passed immediately after the presidential veto a fifth provision giving men cured of tuberculosis a minimum rating of not less than 25 per cent of disability. Manifestly, before any further preferences are given to this group, men suffering from all other diseases to which mankind is heir must be given equal consideration. Naturally, this brings me to a discussion of the House bill No. 13174, which I introduced immediately after the President's veto and which became a law on July 3, 1930. Like every one of the bills proposed by every veteran organization and in every bill presented to Congress this winter, it is frankly a pension measure. The other proposed laws grant pensions by presumption. This grants pensions as a matter of right.

The policy of pensions was adopted by the country immediately after the Revolutionary War, and it has been its policy after every war.

Once adopted, there will be a continuous struggle for higher rates. It is human nature to request an increase of any emolument. It is as natural for a veteran to wish to secure an increase in his pension as it is for a person who works to secure higher compensation for his labor. According to the insurance table, the last veteran will probably die in 1997. Between now and that date some one will be continually demanding an increase in pension.

It will be the favorite plaything of the politician. It will always be advocated by those in no way responsible for the conduct of the Government but who desire to become responsible for it. Such has been the history of the legislation. There will be more speeches on pensions during the next 50 years made by men who did less fighting in the war than on nearly any other subject. Through it all, regardless of the politics, the Government will treat its defenders fairly, as it has done in the past.

The new measure I am discussing does not change an iota of the law affecting men who we actually know received their disability in service except to further help them, and, in fact, extends the time for the filing of claims so that any man who can prove that he was disabled in the service of the United States during the World War has the right and opportunity of proving his case.

If he proves it, he will receive compensation at the present rates. Some strict rules of proof have been waived in this statute with this provision:

Provided, That regulations relating to the nature and extent of the proofs and evidence shall provide that due regard shall be given to lay and other evidence not of a medical nature.

We know that there were some doctors who treated men returning from the service without charge or fee and who consequently did not keep records of the treatment.

That missing evidence, under this measure, can be supplied by the testimony of people who know the facts.

It will service connect legitimate cases of tuberculosis that have been lacking in proof.

There have been cases of lost records by shell fire in France. If these records have been lost, men will have an opportunity of proving that fact under this measure.

Carrying out the historic policy of the Government of granting pensions, it provides:

On and after the date of the approval of this amendatory act any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War, and who is or may hereafter be suffering from a 25 per cent or more permanent disability, as defined by the director, not the result of his own willful misconduct, which was not acquired in the service during the World War, or for which compensation is not payable, shall be entitled to receive a disability allowance at the following rates: 25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month. No disability allowance payable under this paragraph shall commence prior to the date of the passage of this amendatory act or the date of application therefor, and such application shall be in such form as the director may prescribe.

It takes into consideration service, need, and disability. It does not seem fair that people who are making but little money should be compelled to pay a pension to individuals of war service who have great wealth when such disability was not secured in the service, and a provision was inserted in this measure providing that payments should only be made to those who do not pay income taxes. A married man with a net income of less than $3,500 a year will receive it. A single man with a net income of less than $1,500 a year is entitled to it. No soldier should be compelled to make a pauper's oath and no ex-service man will be compelled to make it under the provisions of this measure. Under this measure the time is extended for one year for the commencement of actions under the war risk act. Many people do not realize that war-risk insurance was to a great extent a gift by the Government. The proof of this is that that insurance will cost the Government a billion dollars. Some time further liability under this law must cease, but it was only fair and just for us to extend the time for another year so that every ex-service person will have an opportunity to make claim for this insurance.

During all these years since the World War, while legislating by presumption, we have in some degree lost sight of the men who actually fought, actually suffered, and actually were wounded. No one can say that a man who was on the front lines in France, who lived in the dugouts and trenches, went through the barrages, faced the machine guns, and then actually lost his limbs, did not suffer more than the man who enlisted after the World War, after the days of the armistice. This bill for the first time recognizes the difference in suffering and disability, and provides that any man who lost one or both feet or hands in the active service in line of duty between April 6, 1917, and November 11, 1918, shall be paid $25 per month in addition to all other compensation which he may receive under existing law. In all, the measure has 25 sections; every one of them gives something to the service men; no part of it takes anything away from them. When it is known that the President stood firmly against an unjust, discriminatory measure that gave preferences and great benefits to some groups and gave nothing to other groups equally disabled, and stood firmly for a measure that would give something to every man disabled to a degree of 25 per cent or more, his action will receive universal approbation.

Its passage was from the beginning advocated by the Veterans of Foreign Wars and its commander, Hezekiah N. Duff. He is a Spanish War veteran and a World War veteran.

He knows that this bill gives more than the Spanish War veteran was given for 22 years after the Spanish-American War, and that Spanish War veterans did not receive the hospitalization given World War veterans, on their return from the Spanish-American War.

In its final stages it was indorsed by the American Legion by its commander, O. L. Bodenhamer, who recognized the fact that it treated everyone alike and gave substantial benefits to all seriously disabled service men.

So far as I know, it has not been opposed by any veterans' organization. When the debate is all over, no man who advocated it will be ashamed of his action.

He will know that he did not advocate a statute that was discriminatory against one group of veterans and gave preferences to another; and in my judgment, as its provisions are more and more known, it will be approved by the American public.

Copies of the new law will not be available for several days, so I have had prepared a memorandum of explanation of the new law, H. R. 13174, which is as follows:

MEMORANDUM OF EXPLANATION OF H. R. 13174

Section 1 of the bill amends section 5 of the act by providing that the director's decisions of questions of fact and law affecting any claimant to the benefits of Titles II, III, or IV of the World War veterans' act shall be final.

Section 1 of the bill also amends section 5 of the act by directing that regulations relative to evidence provide that due regard be given to lay and other evidence not of a medical nature in connection with the adjudication of claims.

Section 2 of the bill amends section 10 of the act by authorizing the director to secure recreational facilities, supplies, and equipment for patients generally and for employees at isolated stations.

Section 3 of the bill amends section 16 of the act and authorizes the refund of premiums paid beyond the date of maturity on war-risk term insurance.

Section 4 of the bill amends section 19 of the act by authorizing the courts as part of the judgment to direct the refund of premiums.

Section 4 of the bill also amends section 19 of the act, which relates to the filing of suits on term-insurance contracts by extending the time during which suits may be instituted one year from the date of the approval of the amendatory act.

Section 4 of the bill also amends section 19 of the act in the following respects:

Authorizes that subpœnas be issued for witnesses who live at a greater distance than 100 miles from the place where the suit is to be tried; authorizes the payment of regular travel and subsistence allowance to attorneys assigned to assist in the trial of suits and to regular employees of the bureau when ordered by the director to appear as witnesses;

permits the director to order part-time and fee-basis employees of the bureau to appear as witnesses in suits, and to pay them a fee in an amount not to exceed $20 per day; authorizes official leave for employees who are subpœnaed to attend trials as witnesses for veteran plaintiffs, and defines the term "claim" and the term "disagreement," which are technical terms used in the statute to fix the time during which the limitation period for bringing suits is suspended.

Section 5 of the bill amends section 21 of the act by authorizing the director to pay compensation to the person having custody and control of an incompetent or minor beneficiary during the time compensation payments to a legally appointed guardian are suspended or withheld because of the misconduct of the guardian, and authorizes the continuance of a fund which the bureau is administering for the benefit of certain incompetent beneficiaries.

Section 6 of the bill amends section 28 of the act, as amended, to make it effective June 7, 1924. This section authorizes the director to waive recovery of overpayments under certain circumstances. The disallowances standing against disbursing officers which will be affected by this amendment are approximately $218,500.

Section 7 of the bill amends section 30 of the World War veterans' act, as amended, by providing that the director, subject to such regulations as he may prescribe, may permit the representatives of service organizations named in section 500 of the World War veterans' act to inspect bureau records in their capacity as representatives of the claimant.

Section 8 of the bill adds a new provision to the act whereby checks issued to beneficiaries which are undelivered shall be retained in the bureau for three full fiscal years rather than forwarded to the General Accounting Office after three months, as is now the practice under regulations of the General Accounting Office.

Section 9 of the bill authorizes the purchase of uniforms for all personnel employed as watchmen, elevator operators, and elevator starters in the Arlington Building, Washington, D. C.

Section 10 of the bill adds a new provision to the act directing the Secretary of War to assemble in the city of Washington all medical and service records pertaining to veterans of the World War.

Section 11 of the bill amends section 200 of the act by adding a paragraph authorizing the payment of a disability allowance to any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War, and who is suffering from a 25 per cent or more permanent disability not the result of his own willful misconduct which was not acquired in the service during the World War or for which compensation is not payable. The disability allowance is as follows: 25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month. The disability allowance provided by this paragraph is in no event to commence prior to the passage of the amendatory act, is to date only from the time of application therefor, and is not to be payable to any person not entitled to exemption of the payment of the Federal income tax for the year preceding the filing of application. The application for the benefit is to be made on such forms as the director shall prescribe. Provision is made whereby a person drawing either compensation or disability allowance who later becomes entitled to the other in a greater amount than the one he is receiving may elect to take the greater benefit, but in no event can one person draw the two benefits at the same time, and any payments previously made over the period covered by a new award are to be deducted from the amount payable under the new award.

The term "compensation" as used in Titles I and V is defined to include the disability allowance. This is for the purpose of making the guardianship provisions, the tax-exemption provision, and other similar provisions in Title I applicable to the disability allowance and to make the penal provisions of Title V applicable to the disability allowance.

The Secretary of the Treasury is directed to furnish the director with a certificate stating whether or not the applicant for disability allowance was entitled to exemption from the payment of the Federal income tax for the year preceding the date of filing his application.

Section 12 of the bill amends section 201 of the act by providing that if there is a dependent father and mother the amount paid them shall in no case be less than $20 per month. Under existing law, dependent parents can not receive in excess of the difference between the total amount payable to a widow and children and the sum of $75.

Section 12 of the bill also amends section 201 of the act by providing for the payment of burial and funeral expenses, and transportation of the body to the home, for those veterans who die in national military homes. At the present time these expenses are paid when a veteran dies in a Veterans' Bureau hospital. This section also amends the law by authorizing the furnishing of a flag to drape the casket of any veteran of any war, regardless of the cause of death.

Section 13 of the bill amends subdivision (3) of section 202 of the act by providing additional compensation of $25 per month, independent of any other compensation which may be payable, to persons who suffered an injury resulting in the loss of the use of a creative organ or one or more feet or hands as the result of an injury received in the active service in line of duty between April 6, 1917, and November 11, 1918, with a proviso that if such disability occurred while the veteran was serving with the United States military forces in Russia the dates therein stated shall extend from April 6, 1917, to April 1, 1920. This amendment is a recognition of disabilities incurred during actual hostilities as a preferred class.

Section 13 of the bill also amends subdivision (5) of section 202 of the act by removing the necessity for showing the "constant" need of a nurse or attendant where claim for nurse or attendant allowance is made.

Section 14 of the bill amends subdivision (7) of section 202 of the act so as to discontinue payments in all cases of hospitalized insane veterans who have no dependents where their estates equal or exceed $3,000.

Section 14 of the bill also contains an amendment directing that a minimum rating of permanent partial 25 per cent be included in the bureau rating schedule for arrested tuberculosis.

Section 15 of the bill authorizes the hospitalization of contract surgeons who served overseas in the Spanish-American War under the provisions of subdivision (10), section 202, when facilities are available.

Section 15 of the bill also amends section 202 of the act by defining the term "Spanish-American War" for the purposes of the section to mean the period between April 21, 1898, and July 4, 1902, and the term "veteran" is deemed to include those persons retired or not dishonorably separated from the active list of the Army or Navy.

Section 16 of the bill amends subdivision (15) of section 202 of the act, which provides that any person who is now receiving a gratuity or pension from the United States shall not receive compensation under this section unless he shall first surrender all claim to further payments of such gratuity or pension, by providing that where such surrender of pension is made any disability incurred in the military service of the United States by reason of which said pension would be payable shall be evaluated in accordance with the provisions of subdivision (4), section 202, and shall be payable as compensation under this act. Provision is also made for the combining of such rate with other ratings.

Section 17 of the bill repeals section 206 of the act.

Section 18 of the bill repeals section 209 of the act.

Section 19 of the bill amends section 210 of the act by the addition of a provision to the effect that nothing contained in that section shall be construed to permit the payment of compensation under the World War veterans' act, as amended, for any period prior to June 7, 1924.

Section 20 of the bill amends section 212 of the act by providing that a claim filed for compensation under the war-risk insurance act or the World War veterans' act shall be deemed to be a claim for compensation under both acts and all subsequent amendments thereto.

Section 21 of the bill adds a new provision to the act authorizing the director, in his discretion, to pay to dependents of an incompetent veteran, drawing compensation who disappears the same amount of compensation as is provided for the same class of relatives of a veteran who dies of a service-connected disability.

Section 22 of the bill amends section 301 of the act so as to authorize the reinstatement of insurance by a small class of veterans which is still permitted to carry term insurance.

Section 23 of the bill amends section 304 of the act for the same purpose as the previous amendment.

Section 24 of the bill amends section 307 of the act by making all contracts of insurance issued by the Government incontestable from date of issuance, except for fraud, nonpayment of premiums, or on the ground that the applicant was not a member of the military or naval forces.

Section 25 of the bill amends section 311 of the act by clarifying the provisions thereof relative to insurance against total disability to be issued by the Government at a premium rate commensurate with the risk.

It should be noted that payments will commence only from the date of the application.

FINANCIAL RESPONSIBILITY LAW

Mr. HOFFMAN. Mr. Speaker, in the discussion in Congress relative to the financial responsibility law which it is proposed to enact for the District of Columbia frequent reference was made to the operation of similar legislation in New Jersey, where motorists involved in accidents or convicted of practically every violation of the State motor vehicle or traffic acts are required to submit proof of financial responsibility—liability and property damage insurance—for a period of three years.

The claim is often advanced that this legislation is being administered successfully in New Jersey. After serving for three months as commissioner of motor vehicles for the State of New Jersey I do not hesitate to say that this is not true. Our law penalizes the innocent and careful driver with the guilty. It brings about wholesale revocation of licenses for trivial offenses, thus depriving many people of their means of livelihood, and it is filled with inequities that make it, to my mind, a legislative atrocity.

The act proposed for the District of Columbia, which has passed the House and which is upon the Senate calendar, will

provide legislation that is far superior to the New Jersey law. Our law is based upon the theory that "every dog is entitled to one bite." It does nothing for the motorist who is injured or whose car is damaged by another motorist who does not carry liability or property damage insurance, but it does require both the offending driver or car owner, as well as the innocent party, to write insurance against any future accidents.

The administration of the New Jersey act has compelled me to revoke as many as 200 driving licenses in a single week. Although it is held as a general principle of motor-vehicle legislation that licenses should be revoked only for the most serious motoring crimes, inability to prove financial responsibility has resulted in the revocation of licenses in our State for such minor offenses as driving with one light, at times an inadvertence; passing a "stop-street" sign; or parking with improper lights.

Most of the insurance companies have not been content with the great volume of new insurance written as a result of this legislation; they have taken advantage of the situation by charging a fee of 10 per cent for filing with our department a certificate showing that insurance is already carried by the motorist in the required amounts, and for many violations they advise their customer that he has lost his "merit rating" and add 10 per cent for each subsequent year to his premium. Our law requires only liability insurance of $5,000 against death or personal injury to one person and $10,000 for two or more persons. Thus, by another absurdity of the law, the motorist who carries a greater amount of insurance for the protection of the public, say, in the amounts of $100,000 and $200,000, is compelled to pay 10 per cent of his larger insurance, thereby being penalized to a greater degree than the motorist carrying insurance in lesser amounts.

I feel confident that the New Jersey Legislature will at its next session bring about major corrections in this law, while retaining its good features. Unless this is done the resentment of the motoring public against the legislation, brought about by its many injustices, will make necessary its repeal. My present opinion is that we should have a new law in New Jersey modeled along the lines of the proposed District act. This will make it sensible and effective legislation.

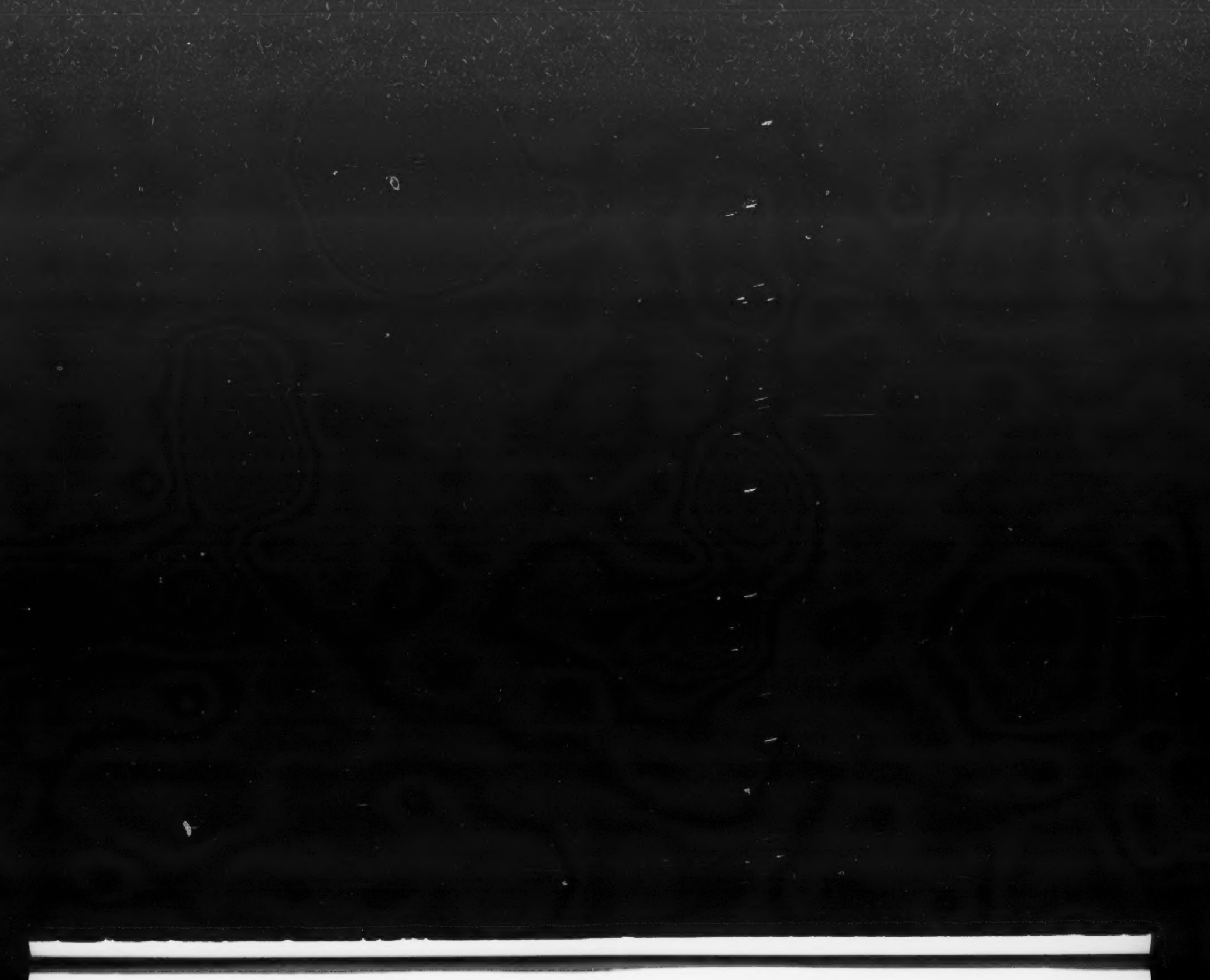
In the thought that it may be helpful to those interested in financial-responsibility legislation for motorists I am presenting the following analysis of the New Jersey and District of Columbia acts:

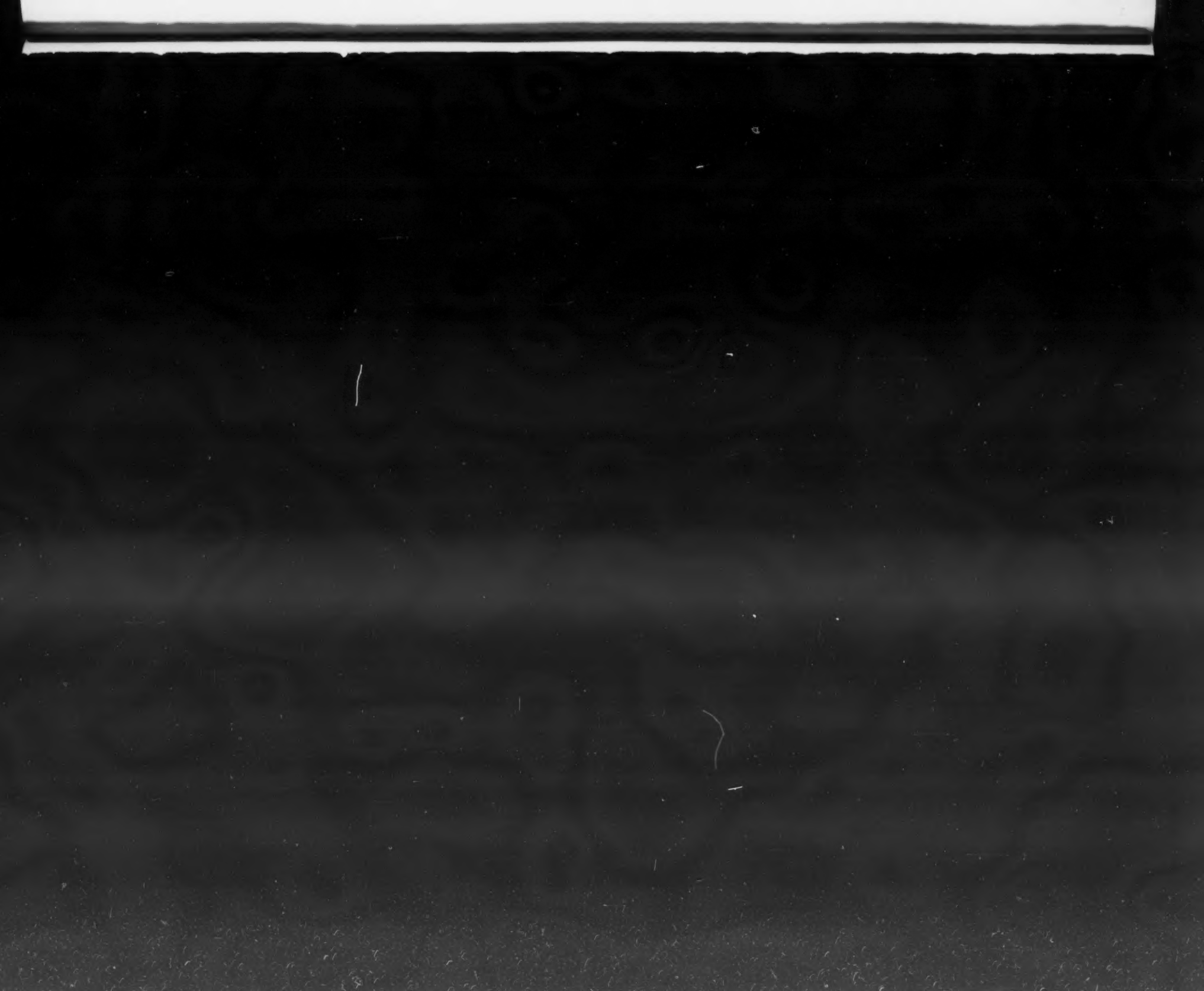
COMPARISON OF FINANCIAL RESPONSIBILITY LAWS OF NEW JERSEY AND DISTRICT OF COLUMBIA

NEW JERSEY	DISTRICT OF COLUMBIA
Causes for revocation of licenses	*Causes for revocation of licenses*
Practically all breaches of the motor vehicle act, including minor offenses, are grounds for revocation of licenses upon failure to file proof of financial responsibility.	Causes for which revocation is demanded are specified as follows: a. Driving while under the influence of intoxicating liquor or narcotic drugs. b. Leaving scene of accident in which personal injury occurs without making identity known. c. Such other violations as constitute cause for suspension or revocation in the District of Columbia or a conviction of an offense in any other State, which, if committed in the District of Columbia would be a violation of any of the aforesaid provisions of the traffic acts. The license shall be suspended because of such conviction and shall remain so suspended until the person involved shall furnish proof of his ability to respond thereafter in damages resulting from the ownership or operation of a motor vehicle and arising from personal injury to or death to any one person of at least $5,000, $10,000 for two or more persons, and damage to property of at least $1,000 resulting from any one accident.
Return of registration cards and plates	*Return of registration cards and plates*
Penalty $25, but not a misdemeanor.	Failure to turn in plates constitutes a misdemeanor, with a $100 penalty.
Who shall give proof	*Who shall give proof*
In a case of a chauffeur employed by the owner of a motor vehicle or where the offense is committed by a member of the household the commissioner has by inference ruled that proof of financial responsibility by the owner shall be construed as proof by the operator involved.	This is more specific, as it definitely states that a chauffeur or member of the household of the owner of the motor vehicle involved can qualify if said owner furnished proof of financial responsibility.
Who is liable when car is loaned	*Who is liable when car is loaned*
	The law specifies that where a car is being operated by any person other than the owner, with the consent of the owner, expressed or implied, the operator thereof shall in case of accident be deemed to be the agent of the owner.
How proof may be furnished	*How proof may be furnished*
Money or collateral in the sum of $11,000, or a bond in the same amount, or any insurance policy covering liability $5,000/10,000 and property damage $1,000.	Same as in New Jersey.
Cancellation	*Cancellation*
Ten days' notice to the department required.	Same as in New Jersey.
Time limit of evidence of financial responsibility	*Time limit of evidence of financial responsibility*
Three years, providing no subsequent violations have occurred since date of filing.	Same as in New Jersey.
Financial responsibility required for accident	*Financial responsibility required for accident*
Proof of financial responsibility required from any person who shall have been concerned in a motor-vehicle accident resulting in death of or injury to any person or damage to property in excess of $100. Does not await final judgment. Under New Jersey law, like New York, Connecticut, and several other States, licenses are not suspended upon the happening of the first accident, nor is it necessary to satisfy the judgment arising from the first accident in order to continue as a licensed motorist, financial responsibility being provided only for subsequent accidents.	Operator's license and all registration certificates shall be suspended in the event of failure to satisfy every judgment arising from accident or accidents happening subsequent to the effective date of this act, which have become final by expiration without appeal, or by final affirmance on appeal. Designated accidents are those causing death or personal injury or property damage in excess of $100. Licenses shall not be renewed until the existing judgment arising from accident happening subsequent to the effective date of the act has been satisfied and proof of financial responsibility for future accidents or violations given. NOTE.—The above does not give the motorist the so-called "one bite" before filing financial responsibility.
Status of insurance company issuing policy	*Status of insurance company issuing policy*
Paragraph 10 stipulates that policy will be accepted only when issued by a company authorized to transact business in the State.	A policy is construed to mean a liability policy issued to the person named thereon as insured by an insurance carrier authorized to transact business in the District of Columbia, or in the case of a nonresident, by an insurance carrier authorized to transact business in any of the several States, which policy shall designate by explicit description or by appropriate reference. (See sec. 12.)
Approval of policy by State	*Approval of policy by State*
Covers only companies licensed in State.	No motor-vehicle policy shall be issued or delivered in the District of Columbia until a copy of the form of the policy shall have been on file with the commissioner of insurance for 30 days, unless sooner approved.

SMOOT-HAWLEY TARIFF

Mr. SLOAN. Mr. Speaker, we have the tariff bill. What is our warrant for it? A successful line of tariff legislation from the first bill introduced and passed under the Constitution, with





occasional departures during the seventeen years of our national history. These were protectionists—Washington, Adams, Hamilton, Jefferson, Jackson, Lincoln, Blaine, McKinley, Roosevelt, Coolidge, and Hoover. These men did not stammer when they called themselves protectionists.

Our authority is the Kansas City Republican convention, and in a less emphatic degree the Democratic convention of Houston. Supporting these platforms and the candidates nominated thereon were the voting representation of those two parties constituting 90 per cent of the American people.

What feature of protection was emphasized in those platforms and the 1928 campaign? That agricultural rates should be brought up to a substantial parity with industry.

What was done? The House Ways and Means Committee, with months of study, using comprehensive and reliable information furnished by the Tariff Commission, equipped and functioning as it never had before, presented and fitted a bill on the 7th day of May, 1929. The House debated it at length; passed it, with a gain of 20 Democrats against a loss of 12 Republicans. The House had control of it 32 days, the Senate 309 days, and the President 1 day.

Did it fulfill the platform pledge? The House, Senate, and President said that was good and true tariff legislation, just such as the Kansas City platform prescribed. Who else among others have said so? Secretaries Hyde, of Agriculture, and Lamont, of Commerce; every Senator or Member of the House who have undertaken to measure rates and imports together with platform pledges, including HAWLEY, SMOOT, BACHARACH, WATSON, TREADWAY, CROWTHER, WILLIAMSON, KNUTSON, our American Farm Bureau, and many others.

Who, among others, condemn this law? Importers from nearly all nations, who know that the largest economic factor in the world, the pearl of international trade price, is the American market. It is from ten to eighteen times more valuable to the American producer than all the foreign markets of the world. It was in part this great market to which the sage of Northampton, Calvin Coolidge, referred when he wrote July 1 for the Washington Post:

> Our country, our people, our civil and religious institutions may not be perfect, but they are what we have made them. They are good enough, so that it has been necessary to build a high exclusion law to prevent all the world from rushing in to possess them. My countrymen, it is time to stop criticizing and quarreling and begin sympathizing and helping.

Importing interests abroad have with bumptious protest in private, public, in the press, and in diplomatic circles shown venomous opposition to it. In all my historical reading I do not recollect any great general rejoicing at receiving the approval of the enemy. It is not sought to be concealed that this bill was written for American and not foreign interests. They have said that we must reduce, or at least not increase our tariffs so that they can pay the debts they scaled under the plea that they could not pay them otherwise. They would like the United States to be Santa Claus to all of them, and then enter into an arrangement to have 365 Christmas Days in the year.

Who else, among others, criticize this law? The ultra-narrow-minded industrialists who never at heart approved the agricultural tariff parity plank.

Who else among others? The limited-visioned consuming nonproducers who in 1910 saw the increase in price of farm-product prices, elected a Democratic House. They attempted in 1911, succeeded in 1913 in removing practically all farm-product protection, with disastrous results to the farmers, especially of the Corn Belt. The key table used was the one showing the cause of price improvement under the Dingley law.

Here is the table:

Relative to wholesale prices and per cent of increase over 1897

Commodity	Price 1897	Price 1900	Increase over 1897	Price 1910	Increase over 1897
Farm products	85.2	109.5	28.5	164.6	93.2
Food	87.7	104.2	18.8	128.7	46.7
Clothing	91.1	106.8	17.2	123.7	35.8
Metals and implements	86.6	120.5	39.1	128.5	48.2
Drugs and chemicals	94.4	115.7	22.5	117.0	23.9
House-furnishing goods	89.8	106.1	18.1	111.6	24.2
Miscellaneous	92.1	109.8	19.2	133.1	44.5
All commodities	89.7	110.5	23.1	131.6	46.7

Who else? The Representatives in Congress of the great consuming centers, especially of New York City regardless of party.

Who else? The great metropolitan newspapers, speaking for their consuming patrons and caring nothing for the brawn and brain expended in production.

Who else? A number of labeled economists who, speaking as from a cloister, speak the old language of Cobden and Peel, Sumner and Perry. This great country and its stupendous market was built up by sound thinking and practical workers who faced actual facts, and handled serious conditions, and not through the dreamers and nightmares of doctrinaires.

Who else condemns this measure? Great masters of mammoth industries developed here under our system of good wages and favored conditions have branched their manufacturing plants in impoverished Ireland, and war-drained Germany, where men and material are cheap. They would throw the products of these branches upon this great American market, undersell our business men, throw our laborers out of employment, and set a flood tide of gold on its way to Europe. Of these Henry Ford for himself, and Alfred Sloan for General Motors, have spoken with all the emphasis of indignation and anger. There are, of course, those who from conviction do not approve the law but their names are not legion.

Who are now commending the act? Among those who have ascertained the rates of this measure and studied their relations are, first, the farmer coming in for his own so far as a favoring tariff can accomplish it. The farmer knows that favoring tariffs may not immediately or always raise the prices of his products in the American market. But like the efficient dike in time of flood, should be kept up through periods of drought that its efficiency may be present in time of need or danger.

What others commend it? The great mass of producing laboring men. They know, and their organizations believe, that their wages will be fair if the customers for their services and wares can purchase. The farmers of America are the great purchasers on the American market. If their purchasing power be reduced, it will sooner or later be reflected in reduction of wages. I herewith submit table of wages within and without our tariff wall. It should be carefully scanned. Let him who will to a laboring audience denounce the new tariff law as an "outrage." It might be all right if the audience were an European one. Among others approving the tariff act is the American Farm Bureau Federation, through its Washington representative, Chester H. Gray.

I present his summary based upon a critical and exhaustive investigation of rates and imports with comparison between the new act of 1930 and the old one of 1922:

SUMMARY

1. The increase of protection on agricultural products in the act of 1930 compared to the act of 1922 is 11.57 points. (See Summary of Tables I–A and I–B.)

2. The increase of protection on industrial products in the act of 1930 compared to the act of 1922 is 5.48 points. (See Summary of Tables I–A and I–B.)

3. The percentages of increase above the 1922 bases are 14.6 per cent and 51.6 per cent, respectively, for industrial and agriculture products, or three and fifty-three one-hundredths times as fast for agriculture as for industry. (See Summary of Tables I–A and I–B.)

4. The increase of protection on agricultural products plus their first processed forms in the act of 1930 compared to the act of 1922 is 10.95 points. (See Summary of Tables II–B and II–C.)

5. The increase of protection on industrial products, not including first processed forms of agricultural products, in the act of 1930, compared to the act of 1922 is 3.57 points. (See Summary Tables II–B and II–C.)

6. The percentages of increase above the 1922 bases are 10.5 per cent and 32.04 per cent, respectively, for industrial products, less first processed agricultural forms, and agricultural products plus first processed forms, or three and five one-hundredths times as fast for the latter as for the former. (See Summary of Tables II–B and II–C.)

7. The increase, 5.48 points (see Summary of Tables I–A and I–B), on all industrial products is greater than the increase, 3.57 points (see Summary of Tables II–B and II–C), on industrial products less the first processed agricultural forms; thus showing that more attention has been given to the first processed form of agricultural products than to the general run of industrial products.

8. The increase of 11.57 points on agricultural products (see Summary of Tables I–A and I–B) is greater than the increase, 10.95 points (see Summary of Tables II–B and II–C), on agricultural products plus first processed forms; thus showing that agricultural products have been given more attention than is accorded the first processed forms.

9. The elimination of spread of protection between all agricultural products and all industrial products is 40.6 per cent. (See Spreads from Tables I–A and I–B.)

10. The inclusion of sugar and butter as agricultural products rather than as processed commodities shows a 100 per cent elimination of the spread of protection between agriculture and industry. (See Spreads from Tables I–A and I–B.)

11. The elimination of spread of protection between agricultural products plus their first processed forms and industrial products less the first processed forms of agriculture is 8.12 points more than complete. (See Spreads from Tables II–B and II–C.)

12. Increases of varying sizes are given in the rates on every group of agricultural products. (See Summary of Tables III–A, III–B, and III–C.)

It is hoped the information contained in this letter may be of assistance to you in forming your conclusions relative to the tariff act of 1930.

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY,
Washington Representative.

I submit Tables A and B from Chairman HAWLEY's speech:

TABLE A.—*Standard hourly wages of adult male workers in various countries of the world, January, 1930,*[1] *by industry and occupation*

[All figures in cents, United States currency]

Industry and occupation	Australia, Melbourne	Austria, Vienna	Canada, Montreal	Czechoslovakia, Prague	Denmark, Copenhagen	Estonia, Tallinn	France, Paris	Germany, Berlin	Italy, Genoa	Netherlands, Amsterdam	Poland, Warsaw	Spain, Barcelona	Sweden, Stockholm	United States		
														Chicago	New York	San Francisco
Building:																
Bricklayers and masons	70.12	23.06	118.67	28.42	60.46	12.06	23.58	36.78	17.00	40.63	21.39	19.65	77.33	163	175	138
Carpenters and joiners	66.56	21.65	79.11	23.38	49.22	12.06	23.11	37.01	18.31	36.61	17.25	19.65	68.74	150	150	113
Plumbers	67.07	18.28	84.06	22.50	46.81	13.40	22.60	40.60	15.17	35.40	.....	16.38	52.89	163	150	125
Painters (general)	63.01	25.87	79.11	25.16	50.56	13.40	21.62	35.58	18.04	30.17	17.81	16.38	73.03	163	150	113
Structural iron workers	.....	21.37	98.89	35.52	.....	.....	21.62	30.81	.....	.....	.....	16.38	44.30	150	175	138
Concrete workers	.....	21.37	39.56	22.20	.....	.....	.....	36.78	14.64	36.21	.....	16.38	48.60	150	150	113
Laborers (general)	55.40	17.72	39.56	20.72	46.55	8.04	16.31	30.33	13.08	.....	10.98	13.10	48.60	90	120	69
Mechanical engineering:																
Fitters and turners	62.50	17.43	67.25	26.94	44.94	12.96	24.56	30.81	14.12	33.79	21.39	19.65	40.28	.....	.....	.....
Iron molders (sand)	57.43	16.87	69.22	27.68	51.36	12.33	.....	30.81	18.31	33.79	28.45	19.65	45.65	.....	.....	.....
Patternmakers	67.58	20.39	79.11	26.20	48.95	13.94	.....	30.81	.....	33.79	.....	19.65	44.30	.....	.....	.....
Unskilled laborers	48.25	12.37	44.50	13.32	35.31	7.50	16.31	20.06	11.51	24.94	10.75	13.62	33.56	.....	.....	.....
Furniture making:																
Cabinet makers	56.41	18.98	64.28	26.64	40.66	10.99	26.53	31.04	18.31	30.98	.....	19.65	40.28	.....	.....	.....
Upholsterers	.....	18.98	84.06	23.68	43.07	14.20	.....	32.00	.....	30.98	.....	16.38	42.96	.....	129	.....
French polishers	56.41	.....	69.22	19.83	.....	13.40	.....	31.04	18.31	.....	.....	14.80	40.28	.....	.....	.....
Printing and bookbinding:																
Hand compositors	63.01	20.67	84.06	33.38	48.15	15.28	24.56	29.13	21.81	.....	26.88	16.38	42.96	123	127	116
Machine compositors	69.61	20.67	84.06	30.78	48.15	19.03		34.86	23.43	.....	37.52	20.44	48.33	126	127	116
Machine minders	63.01	22.78	77.13	.....	46.28	16.35	.....	29.13	21.81	.....	.....	18.08	42.96	126	133	116
Bookbinders	63.01	19.26	72.19	20.72	47.88	14.47	20.04	27.22	21.81	.....	.....	14.80	37.59	107	102	114
Unskilled laborers	.....	13.36	.....	16.87	33.44	11.26	16.31	25.55	13.08	.....	12.77	13.10	32.22	.....	.....	.....
Electrical installation (building):																
Electrical fitters (skilled)	57.94	19.68	74.17	26.64	40.39	12.06	.....	35.82	18.83	32.18	19.60	16.38	48.33	.....	.....	.....
Electrical power distribution:																
Electrical fitters (skilled)	55.91	.....	.....	22.20	.....	13.94	.....	35.82	16.74	36.61	.....	14.80	40.28	.....	.....	.....
Unskilled laborers	.....	.....	.....	17.32	.....	12.60	16.31	29.85	13.08	.....	.....	13.10	.....	.....	.....	.....
Transport:																
Tram and bus drivers	49.31	24.75	50.43	27.38	36.38	11.79	.....	33.43	14.38	36.61	19.71	12.31	46.18	71	80	78
Tram and bus conductors	49.31	24.89	50.43	27.38	36.38	9.11	.....	30.09	13.55	33.39	19.71	11.53	46.18	71	60	78
Motor drivers (van and lorry)	50.83	20.53	43.51	20.72	33.17	12.60	.....	33.43	11.45	.....	.....	16.38	40.28	59	82	72
Horse drivers (one horse)	45.72	14.06	37.58	17.76	27.29	7.77	.....	27.22	10.72	.....	.....	16.38	36.25	52	70	63
Railway goods porters	47.75	.....	49.45	.....	.....	8.04	.....	23.16	16.21	18.10	.....	16.38	40.81	.....	.....	.....
Railway permanent way laborers	49.31	.....	44.50	.....	.....	7.24	.....	23.88	11.92	25.54	.....	12.31	42.96	.....	.....	.....
Food industry:																
Bakers	73.20	.....	.....	21.16	41.20	10.99	.....	29.85	.....	.....	26.88	18.08	.....	82	90	91
Local authorities:																
Unskilled laborers	42.16	.....	39.56	12.28	39.86	8.31	.....	25.55	.....	.....	14.34	13.10	48.33	69	69	82

[1] Except for Australia (June, 1928), Austria (December, 1929), France (October, 1929), and the United States (May, 1929).

Source: International Labor Review (published by the International Labor Office), April, 1930, table on pp. 562–566. Figures there given in foreign monetary units have been converted into cents of United States currency on the basis of foreign exchange rates from the United States Federal Reserve Bulletins, January, 1930, p. 28 and March, 1930, p. 130; as listed below: Australia, 1 shilling, 24.40 cents; 1 penny, 2.03 cents. Austria, 1 schilling, 14.06 cents. Canada, $1, 98.89 cents. Czechoslovakia, 1 crown, 2.96 cents. Denmark, 1 krone, 26.75 cents. Estonia, 1 kroon, 26.80 cents. (Encyclopaedia Britannica, 14th ed., article on Currency, vol. 6, p. 880.) France, 1 franc, 3.93 cents. Germany, 1 reichsmark, 23.88 cents. Italy, 1 lira, 5.23 cents. Netherlands, 1 florin, 40.23 cents. Poland, 1 zloty, 11.20 cents. Spain, 1 peseta, 13.10 cents. Sweden, 1 krona, 26.85 cents.

TABLE B.—*Prices of spring wheat at Minneapolis and Winnipeg, 1923–1929, per bushel*

Date	Minneapolis[1] dark northern No. 1	Winnipeg[2] northern No. 3	Amount Minneapolis price exceeds Winnipeg
1923—January	$1.28	$1.04	$0.24
April	1.33	1.16	.17
July	1.18	1.02	.16
October	1.25	.91	.34
1924—January	1.24	.89	.35
April[3]	1.26	.91	.35
July	1.47	1.27	.20
October	1.51	1.50	.01
1925—January	1.98	1.84	.14
April	1.60	1.47	.13
July	1.66	1.54	.12
October	1.58	1.20	.38
1926—January	1.78	1.46	.32
April	1.66	1.46	.20
July	1.75	1.49	.26
October	1.53	1.36	.17
1927—January	1.47	1.23	.24
April	1.41	1.33	.08
July	1.58	1.53	.05
October	1.34	1.27	.07
1928—January	1.43	1.23	.20
April	1.63	1.42	.21
July	1.47	1.20	.27
October	1.23	1.11	.12
1929—January	1.29	1.12	.17
April	1.29	1.15	.14
July	1.50	.....	.....

[1] From Crops and Markets, U. S. Department of Agriculture.
[2] From Monthly Bulletin of Agricultural Statistics; Dominion Bureau of Statistics.
[3] Change in duty from 30 cents to 42 cents per bushel effective Apr. 6, 1924.

I submit Tables A and B taken from the speech of Congressman WILLIAMSON, of South Dakota.

DUTIABLE FARM-PRODUCTS LIST

There can be no adequate discussion of the present tariff bill without a comparative table showing the duties levied upon the importation of the principal farm products. The following table has been compiled from the Underwood Act passed in the early part of the Wilson administration, the Fordney-McCumber Act passed during the second part of the Harding administration, and the Hawley-Smoot bill now being considered:

TABLE A.—*Comparison of protection afforded farm products under the Underwood Act, 1913, the Fordney-McCumber Act, 1922, and the Hawley-Smoot Act, 1930*

Commodity	Underwood Act	Fordney-McCumber Act	Hawley-Smoot Act
Wheat	Free	30 cents per bushel	42 cents per bushel.
Corn	do	15 cents per bushel	25 cents per bushel.
Oats	6 cents per bushel.	do	16 cents per bushel.
Barley	15 cents per bushel.	20 cents per bushel	20 cents per bushel.
Rye	Free	15 cents per bushel	15 cents per bushel.
Flaxseed	20 cents per bushel.	40 cents per bushel	65 cents per bushel.
Buckwheat	Free	10 cents per 100 pounds	25 cents per 100 pounds.
Alfalfa seed	do	4 cents per pound	8 cents per pound.
Sweetclover seed	do	2 cents per pound	4 cents per pound.
Red clover seed	do	4 cents per pound	8 cents per pound.
Cattle weighing less than 700 pounds.	do	1½ cents per pound[1]	2½ cents per pound.
Cattle weighing more than 700 pounds.	do	2 cents per pound[2]	3 cents per pound.

[1] Under 1,050 pounds. [2] Over 1,050 pounds.

TABLE A.—*Comparison of protection afforded farm products under the Underwood Act, 1913, the Fordney-McCumber Act, 1922, and the Hawley-Smoot Act, 1930*—Continued

Commodity	Underwood Act	Fordney-McCumber Act	Hawley-Smoot Act
Beef and veal	Free	3 cents per pound	6 cents per pound.
Swine	do	½ cent per pound	2 cents per pound.
Pork	do	¾ cent per pound	2½ cents per pound.
Bacon, ham, and shoulders.	do	2 cents per pound	3¾ cents per pound.
Lard	do	1 cent per pound	3 cents per pound.
Lard substitutes	do	4 cents per pound	5 cents per pound.
Sheep	do	$2 per head	$3 per head.
Mutton	do	2½ cents per pound	5 cents per pound.
Wool, scoured	do	31 cents per pound	37 cents per pound.
Poultry, live	1 cent per pound.	3 cents per pound	8 cents per pound.
Poultry, dressed	do	6 cents per pound	10 cents per pound.
Eggs, fresh	Free	8 cents per dozen	10 cents per dozen.
Eggs, dried	10 cents per pound.	18 cents per pound	18 cents per pound.
Butter	2½ cents per pound.	8 cents per pound	14 cents per pound.
Oleo and butter substitutes.	20 per cent	do	Do.
Cream	Free	20 cents per gallon	56.6 cents per gallon.
Milk	do	2½ cents per gallon	6½ cents per gallon.
Cheese and substitutes.	do	5 cents per pound	8 cents per pound.
Honey	10 cents per gallon.	3 cents per pound	3 cents per pound.
Potatoes	Free	50 cents per 100 pounds.	75 cents per 100 pounds.
Beans, dried	25 cents per bushel.	1¾ cents per pound	3 cents per pound.
Onions	20 cents per bushel.	1 cent per pound	2½ cents per pound.

NOTE.—The average increase of import duties in the 1930 act as compared with the 1922 act on the above-named farm products is 97 per cent.

Under the flexible provisions of the 1922 act, President Coolidge, by proclamation, increased the duty on wheat from 30 to 42 cents per bushel; butter and butter substitutes from 8 to 12 cents per pound; cream from 20 to 30 cents per gallon. Flax was increased from 40 to 56 cents per bushel by President Hoover in May, 1929.

TABLE B.—*Wheat*[1] *and flour: United States imports for consumption, 1919–1929*

	Wheat			Flour		
	Rates of duty	Quantity	Value	Rates of duty	Quantity	Value
		Bushels			*Barrels*	
1919	Free	7, 913, 589	$14, 916, 589	Free	16, 774	$174, 874
1920	do	35, 712, 036	75, 170, 509	do	800, 348	8, 663, 721
1921 (Jan. 1–May 27).	do	18, 132, 677	29, 774, 372	do	767, 799	6, 628, 656
1921 (May 28–Dec. 31).	35 cents per bushel.	3, 574, 164	4, 248, 263	20 per cent	198, 142	1, 096, 705
1922 (Jan. 1–Sept. 21).	do	7, 394, 989	8, 996, 382	do	484, 574	2, 699, 794
1922 (Sept. 22–Dec. 31).	30 cents per bushel.	3, 165, 026	3, 393, 207	$1.53 per barrel.	142, 243	745, 736
1923		8, 929, 749	8, 867, 124	do	264, 019	1, 366, 051
1924 (Jan. 1–Apr. 5)		6, 215, 465	5, 841, 153	do	55, 983	291, 610
1924 (Apr. 6–Dec. 31).	42 cents per bushel.	679, 160	736, 178	$2.038 per barrel.	8, 676	27, 232
1925	do	1, 308, 399	1, 701, 851	do	11, 086	71, 417
1926	do	451, 029	640, 140	do	9, 155	71, 587
1927	do	21, 299	27, 443	do	3, 579	30, 158
1928	do	224, 133	280, 690	do	3, 867	26, 917
1929	do	36, 263	29, 208	do	1, 945	13, 367

[1] Does not include wheat entered free of duty for milling in bond and reexport.

Listen to the most emphatic language of Congressman SULLIVAN, of New York City. He denounces the tariff bill as—

The most atrocious and iniquitous piece of legislation of its kind ever foisted on the American people. * * * Its consequence will be felt hardest by the workers in the large cities and their families. * * * This bill is pushed through Congress over the protests of more than 30 foreign nations.

Nowhere in the make-up of the bill does any attention seem to have been given to the average citizen—the too-often forgotten consumer. Everything that he or she needs to keep body and soul together is taxed, and for whose benefit? Food, such as sugar, fruits, vegetables, meats, and dairy products.

In like manner speak and vote New York City Members, Democrat and Republican.

What say some of the harshest farm Member critics?

WHITTINGTON (Democrat), of Mississippi, says:

PROTECTION

It matters but little what our theories on the tariff are. Protection now obtains in all countries. There must be protection for all or none. We are face to face with conditions and not theories to-day. Forty years ago it looked as if free trade would dominate the world. England had free trade before the war for 75 years. She was the great creditor nation of the world. But the World War changed conditions. The leading nations of the world have gone to protection.

The Democratic and Republican Parties recognize that the protective theory now obtains. The difference between the two parties, as I have said, is in the application rather than in principle. I favor a tariff that permits imports on a competitive basis. I oppose a tariff that prohibits imports. I advocate a tariff that promotes trade and commerce. I believe in America. The domestic producer, whether manufacturer or grower, with his undisputed efficiency, should be placed on equal or better terms than his foreign competitor.

Forgive him, shades of PAT HARRISON of his own State and some misguided Republicans who in 1911 voted for "free meats and cereals"; practically all the Corn Belt had.

Here is the statement of a western Democrat, EVANS of Montana, who voted to protect practically everything produced in his State and acknowledged the soundness of a tariff but voted against the bill, probably for regularity:

A WORD PERSONAL

While I have been, and am, critical of this bill, I do not want to be misunderstood by this House or the country. I am not a free trader; I am not opposed to a tariff. I voted for a tariff on wheat, flax, cattle, hides, dairy products, silver, manganese, wool, and a score of other raw products of my State, and shall continue to do so.

Now and then we hear an echo of the debenture. That strange process for paying a subsidy out of the people's Treasury if put in operation at the time it was proposed would have the Treasury drained dry without a dollar to meet the increased allowances in whatever forms for our Civil, Spanish-American, and World War veterans.

Frankly, where would the bulk of it have gone? One hundred million dollars to tobacco owners—product now largely in speculators' hands—second, $90,000,000 to cotton owners, same condition; third, to all other form of agricultural products, $90,000,000.

When we consider that all our farm products marketed amounts to $12,000,000,000, and tobacco and cotton amount to only $1,500,000,000, or only one-eighth of all agricultural products, and would receive of the total for distribution two-thirds. A dollar invested in cotton and tobacco would be favored sixteen times as much as the dollar invested in grains, livestock, dairy products, fruits, and so forth, or 16 to 1—the old sacred ratio.

The fish which trades its body for the bait has nearly as fair a bargain as was involved in the debenture so far as the Corn Belt was concerned. Nor did any of debenture's friends make any move to amend it.

Some criticism has been made for the high level of rates in the new law. Keeping in mind the fact that the elevation of average rates is largely due to increase in farm rates, it will be interesting to compare the average rates of several great modern tariff acts.

In fact, the large difference between the Underwood-Simmons Act of 1913 and the Fordney-McCumber Act of 1922 was the new and increased rates on farm products. And now the difference of level between the 1922 and the 1930 acts is due to the same cause.

The following tables taken from Mr. HAWLEY's speech of June 14 are of force and value:

The story of the relation between free and dutiable imports is told by the following table:

Popular name of law	Years in effect	Average free	Average dutiable	Per cent imports free	Per cent imports dutiable	Equivalent ad valorem rates on dutiable imports
McKinley	1890–1894	$408, 177, 925	$369, 977, 534	52.45	47.55	48.39
Wilson	1894–1897	375, 896, 679	384, 139, 056	49.45	50.55	41.29
Dingley	1897–1909	451, 487, 111	546, 942, 476	45.25	54.78	46.49
Payne-Aldrich	1909–1913	851, 700, 598	768, 916, 178	52.55	47.45	40.73
Underwood	1913–1922	1, 903, 267, 743	968, 210, 792	66.28	33.72	26.97
Fordney-McCumber	1922–1930	2, 585, 796, 622	1, 466, 016, 593	63.82	36.18	38.22

Although the average ad valorem under the Fordney Act was 38.75 per cent and that of the Underwood Act 26.97 per cent, or 11.78 per cent, the relation between dutiable and free imports was nearly the same.

Imports and exports, 1927–1929

	Total imports	Total exports	Duties collected	Per cent ad valorem on dutiable articles
1927	$4,184,742,000	$4,865,376,000	$591,946,000	39.9
1928	4,091,444,000	5,128,356,000	565,501,000	40.4
1929	4,400,126,000	5,241,262,000	602,698,000	41.7

Imports in 1929 exceeded those for 1927 by $215,384,000 and exports for 1929 were greater than those for 1927 by $375,886,000. The ad valorem for 1929 was 1.8 per cent higher than for 1927. Our foreign trade was $591,270,000 more in 1929 than in 1927.

	Imports dutiable	Imports free	Per cent free	Per cent dutiable
1927	$1,483,187,000	$2,685,138,000	64.4	35.6
1928	1,399,304,000	2,678,633,000	65.6	34.4
1929	1,444,690,000	2,886,591,000	66.7	33.3

That is, two-thirds of the imports in value come in duty free.

The fall of farm-product prices is quoted against the law. Our products at high or low prices must at least in part be marketed. The test is, Where is the best market, price and freight considered?

Our largest source of farm profit is the dairy. Examine the table taken from Congressman BRAND's speech:

Butter—Weekly quotations per pound on best Danish and New Zealand butter in London and 92-score butter in New York

	London		New York 92 score
	Danish	New Zealand	
1927	*Cents*	*Cents*	*Cents*
Jan. 6	39.3	37.8	50.00
Feb. 3	40.8	37.6	50.50
Mar. 3	40.1	35.8	50.00
Apr. 7	38.9	33.0	50.00
May 5	35.0	33.2	44.50
June 2	36.3	36.7	43.00
July 7	35.1	34.9	41.50
Aug. 4	36.3	36.1	40.50
Sept. 1	39.8	38.2	44.50
Oct. 6	42.4	39.1	49.00
Nov. 3	41.3	36.7	48.00
Dec. 1	42.2	36.7	51.50
1928			
Jan. 5	39.8	35.2	52.00
Feb. 2	38.9	35.2	48.00
Mar. 1	43.0	37.6	49.00
Apr. 5	41.1	36.5	45.50
May 3	39.0	35.6	44.50
June 7	37.2	36.9	44.00
July 5	38.0	38.4	44.00
Aug. 2	39.5	39.5	45.25
Sept. 6	41.5	39.6	49.00
Oct. 4	42.7	39.3	48.50
Nov. 1	42.8	38.4	49.00
Dec. 6	44.3	38.9	52.00
1929			
Jan. 3	42.4	40.0	49.00
Feb. 7	42.4	39.3	50.50
Mar. 7	40.6	37.2	50.00
Apr. 4	35.4	35.1	45.00
May 2	35.8	35.8	45.50
June 6	37.6	37.0	43.00
July 4	38.4	37.4	42.00
Aug. 1	37.5	37.0	43.50
Sept. 5	40.1	38.4	45.00
Oct. 3	44.2	39.5	46.00
Nov. 7	40.8	37.6	43.50
Dec. 5	39.5	35.8	43.50
1930			
Jan. 2	38.4	34.1	38.00
Feb. 6	38.5	33.3	36.00
Mar. 6	35.8	30.4	34.70
Apr. 3	30.6	27.4	38.00
May 1	29.8	28.9	37.00
June 6	28.9	27.6	33.00

Prices for the first week in the month.
Foreign quotations as cabled weekly by Agricultural Commissioner E. A. Foley, and converted to United States equivalent at par of exchange.
Source: U. S. Department of Agriculture.

Said President Hoover, in notifying the world that he would sign the tariff bill, and incidentally that his message would beat the outlying heavily laden liners to our ports in the interests of our Treasury:

I shall approve the tariff bill. The legislation has now been under almost continuous consideration by Congress for nearly 15 months. It was undertaken as the result of pledges given by the Republican Party at Kansas City. Its declaration embraced these obligations:

"The Republican Party believes that the home market built up under the protective policy belongs to the American farmer, and it pledges its support of legislation which will give this market to him to the full extent of his ability to supply it. * * *"

* * * * * * *

Platform promises must not be empty gestures. In my message of April 16, 1929, to the special session of the Congress, I accordingly recommended an increase in agricultural protection; a limited revision of other schedules to take care of the economic changes necessitating increases or decreases since the enactment of the 1922 law, and I further recommended a reorganization both by the Tariff Commission and of the method of executing the flexible provisions.

COMPARES OTHER BILLS

A statistical estimate of the bill by the Tariff Commission shows that the average duties collected under the 1922 law were about 13.8 per cent of the value of all imports, both free and dutiable, while if the new law had been applied it would have increased this percentage to about 16 per cent.

This compares with the average level of the tariff under—

The McKinley law of 23 per cent.
The Wilson law of 20.9 per cent.
The Dingley law of 25.8 per cent.
The Payne-Aldrich law of 19.3 per cent.
The Fordney-McCumber law of 13.83 per cent.

Under the Underwood law of 1913 the amounts were disturbed by war conditions varying 6 per cent to 14.8 per cent.

PRESENTS AVERAGES

The proportion of imports which will be free of duty under the new law is estimated at from 61 to 63 per cent. This compares with the averages under—

The McKinley law of 52.4 per cent.
The Wilson law of 49.4 per cent.
The Dingley law of 45.2 per cent.
The Payne-Aldrich law of 52.5 per cent.
The Fordney-McCumber law of 63.8 per cent.

Under the Underwood law of 1913, disturbed conditions varied the free list from 60 per cent to 73 per cent, averaging 66.3 per cent.

The increases in tariff are largely directed to the interest of the farmer. Of the increases, it is stated by the Tariff Commission that 93.73 per cent are upon products of agricultural origin measured in value, as distinguished from 5.25 per cent upon commodities of strictly nonagricultural origin.

HOW FARMERS BENEFIT

The average rate upon agricultural raw materials show an increase from 38.10 per cent to 48.92 per cent in contrast to dutiable articles of strictly other than agricultural origin which show an average increase of from 31.02 per cent. Compensatory duties have necessarily been given on products manufactured from agricultural raw materials and protective rates added to these in some instances.

Says Secretary of Agriculture Hyde:

For agriculture the tariff act is a distinct gain. Actually and potentially it increases tariff protection of American farmers. * * * For practical purposes, therefore, the new tariff is applicable to imports having a value of $620,000,000.

He quotes the American Farm Bureau in asserting that if there is included with raw agricultural products first processed forms of agricultural products, such as butter and meats, the parity is more than established, leaving the advantage of agriculture over industry.

He says further:

On an equivalent ad valorem basis the percentage of increase on agricultural products (Schedule 7) is more than twice as large as the increase upon other schedules in the bill. This increase was 54.43 per cent. Since the increase on all items covered in the bill is only 6.17 per cent, the increase of 54.43 per cent on agricultural products is significant.

Further, he says:

Despite the surplus in production, the duty on wheat is partially effective. It is most effective in protecting the hard spring wheat growers in seasons of short crops, but it benefits other classes of wheat by creating a stronger market.

Visualize the condition which would exist if no tariff whatever existed. Absent any tariff, our markets in the Northwest and on our seaboards would be open to both North and South American competition at a lower freight rate than is enjoyed by our own growers, and at a smaller cost for hauling than the present charge from the producing country to Liverpool. This competition would soon operate to pile up our surplus wheat at inland points and to lower prices. Despite the fact that the surplus American wheat prevents full protection from the tariff, it is none the less true that such tariff does hold the American

market for the American farmer. The degree of its effectiveness varies with market conditions.

Speaking further, the Secretary says:

To summarize, then, 50 per cent of the American farmer's purchases is for commodities produced by American agriculture. About 39 per cent of his expenditures is for commodities on the free list. This leaves only 11 per cent of his expenditures for commodities which have a tariff and in which he is not interested as a producer.

Stated in round figures and assuming that the rate increases on agricultural commodities were entirely effective, the average income per farm on the basis of 1928 production and prices would be increased by about $150. The average expenditures per farm would be increased about $48 by increases in duties on commodities purchased. The net balance in change of duties, therefore, would be about $102 per farm in favor of the farmer.

Of course, tariff duties are seldom if ever fully effective in correspondingly raising prices. The tariff on steel is less effective than the tariff on hogs and lard. The tariff on automobiles is less effective than the tariff on wheat or on corn. Neither the increases on the commodities the farmer buys nor on those he sells will be fully effective. But the foregoing analysis is sufficient to demonstrate that, so far as tariff protection can go, the farmer is in a stronger position by virtue of the 1930 act.

Closing, the Secretary said:

President Hoover in 1928 said, "An adequate tariff is the foundation of farm relief." The new tariff act provides this foundation. It will be largely operative in many agricultural commodities. It will be partially effective on nearly all agricultural commodities covered. It will be of maximum benefit to all agricultural commodities if agriculture can meet the plain economic conditions necessary to receive the full benefits. In any event, the foundation of an adequate tariff has been laid.

The act adds to the potentialities of the program of the Federal Farm Board. It affords the farmer of America adequate breastworks behind which he may, if he will, bring his production within the operation of the law, find profitable protection. More than this no law can do. It now lies in the power of agriculture to take the final step toward achieving economic equality.

Secretary Lamont, of the Department of Commerce, speaking of foreign protests, said:

RECALLS 1922 SITUATION

I have been asked what effect the new tariff will have on our foreign trade. Some light on this question may be gained from the experience after the passage of the tariff act of 1922. That act raised the level of duties, as compared with the Underwood Act, much more than has been done in the present revision. As many protests were received from foreign countries as have been received in the present year, and there were just as many predictions of disaster to our foreign commerce.

What actually happened: In the seven years under the 1922 tariff act our total imports increased 41 per cent. Imports of manufactured goods from Europe rose from $340,000,000 in 1922 to $581,000,000 in 1929, or by 45 per cent. These gains were not due to increased prices of commodities.

* * * * * * *

During the same period our exports of finished manufactured goods, the class most affected by the tariff of foreign countries, increased practically 100 per cent. Every year following the enactment of the 1922 act showed a marked gain until the present year.

It is obvious, of course, that the reductions in imports and exports which began in the latter part of last year are not to be attributed either to the discussion of our tariff or its enactment. There has been a recession in business and a reduction in prices throughout the world. Other countries, as well as ours, have seen their trade in both directions decline during recent months.

PROTESTS FROM ABROAD

Much has been made of the protests presented by various foreign nations during the course of the tariff discussion. There is nothing new in such protests. Every country, including our own, shows concern when other countries propose increasing their tariffs.

The United States is not alone among nations in making changes in its tariff levels. Forty or fifty other countries have made general upward revisions since 1925, including nearly all of those countries which have protested against the proposals to increase our rates.

Tariffs are designed to be defensive more than offensive. We have the great, capable, resourceful, home market. Our intelligent producers must depend upon that, or building in a more speculative way, produce for the limited foreign market. Congress can do little for them in that. Our large concern must be for those who undertake that the necessities of the Nation and the luxuries which can be afforded are produced within our border if possible.

The headstrong prodigal who prefers the foreign husks to the native veal must not expect too much.

We, of the Corn Belt, have practically all our products protected. Two-thirds of all products that we buy are on the free list, we sell as farmers much more of our protected products than we buy protected and free combined.

The established parity with industry is an achievement I have sought and advocated in and out of Congress for two score years. Often have I met cold reception, emphatic objection, and frequently fine scorn. But the purpose always has been the best interests of the Nation, and especially my State and district.

That this parity is now clinched just before agriculture loses its present proportion of congressional representation to the consuming centers is gratifying. The future struggle of agriculture will be to maintain it.

THE OFFICIAL OATH

Mr. STONE. Mr. Speaker, all nations require some form of oath for their public officials, and the stronger the oath the greater has become that nation. Any nation that allows its officials to disobey their oath will eventually perish.

In the beginning of the struggle to free this country from the rule of Great Britain there was need of confidence and a united stand for the principles of freedom. The men of that day bound themselves by an oath. They respected that oath even though it meant the sacrificing of their lives. The great leaders of the Revolution were men of honor and courage, and they demonstrated that an oath taken in support of a great cause can be kept. By their faithful adherence and fidelity to one another, and bound by this oath, they were successful in establishing the greatest nation in the history of the world.

I have had the privilege of personally examining the original oath taken by George Washington and the other great patriots when they pledged themselves to free this country from the rule of King George of Great Britain.

The following is a true copy of the oath binding our Revolutionary leaders and was one of the major forces in the establishment of the American Government:

THE OATH

I, ———, do acknowledge the thirteen United States of America, namely, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, independent, and sovereign States, and declare that the people thereof owe no allegiance or obedience to George the Third, King of Great Britain; that I renounce, refuse, and abjure any allegiance or obedience to him; and I do swear that I will, to the utmost of my power, support, maintain, and defend the said United States against the said King, George the Third, and his heirs and successors, and his and their abettors, assistants, and adherents, and will serve the said United States in the office of ———, which I now hold, and in any other office which I may hereafter hold by their appointment, or under their authority, with fidelity and honor and according to the best of my skill and understanding. So help me God.

This oath was very specific and definitely bound the party subscribing to certain obligations. This was for the purpose of calling attention to the seriousness of the situation at that critical time. This oath was the foundation of the Nation and one of our most sacred heritages. It testified to the sincere purpose that animated the founders of this Republic.

The first oath after the Government was organized was a simple oath adopted by the First Congress, which was as follows:

I, A. B., do solemnly swear or affirm that I will support the Constitution of the United States.

There have been many additions to this original oath. In 1861 the following words were added:

Support, protect, and defend the Constitution and Government.

In 1862 an elaborate oath was adopted, which declared, among other things—

That the person had not aided the rebellion against the United States—

And so forth.

This demonstrates that the oath of office of public officials of the United States has been changed many times in the past when the necessity arose, and will likely be changed in the future.

The present oath of a public official does not seem to be specific enough. There is a violation of the oath by those who should set an example instead of aiding and abetting in the

violation of the spirit and letter of the Constitution and laws of this country.

The following is the present oath of office administered to a Representative:

I, A. B., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

This oath was adopted before the eighteenth amendment became a part of the Constitution of the United States. Those who have little respect for the Constitution and laws of this country and who have practically no respect for the eighteenth amendment, do not feel bound by the present oath. In many instances they willfully violate their oath of office. The oath of office as at present administered is so general that it is not strictly observed and especially with reference to additional amendments which are now a part of the Constitution. If the officials of this Government wish to respect the Constitution and the amendments thereto, then they will not refuse to have incorporated into the official oath a statement specifying that they will comply with the Constitution and the laws enacted thereunder.

Any oath of office that is not specific will not satisfy the purpose for which the original oath was intended. The following oath if adopted and obeyed would to a great extent solve the prohibition question—and especially as to public officials—it would also aid in suppressing the drug evil. I have introduced a bill providing for the following oath, being H. R. 9233, "A bill to prescribe a certain oath."

Be it enacted, etc., That any person receiving money out of the Treasury of the United States shall be required to subscribe to the following oath: "I, A. B., do solemnly swear (or affirm) that I will support the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey all laws of the United States now in force or hereafter enacted; that I do not use nor will I use intoxicating liquor or narcotics in any form; that I take this obligation freely, without any mental reservation or purpose of evasion, that I will well and faithfully discharge the duties of office on which I am about to enter. So help me God."

This bill, creating a special oath of office, has been discussed by newspapers and leading magazines in every section of the United States and in many foreign countries. Some of the best-known newspapers have written special editorials and magazines have published articles commenting on this provision. I will insert at this time some of the statements made by these newspaper writers. The following article appeared in all the International News Service papers in the United States, written by Mr. William S. Neal, Washington correspondent:

DEMANDS ALL CONGRESSMEN QUIT DRINKING—HARD-HITTING OKLAHOMAN OPENS WAR ON HYPOCRITES

Representative STONE introduces bill requiring oath of abstinence; even the President would be required to sign; aims at those who vote dry and drink wet, he declares. A hard-hitting, straight-talking dry from Oklahoma to-day declared war upon wet drinkers and dry voters of Congress. He is Representative U. S. STONE, Republican, who came into Congress after a successful business career in the banking and oil-producing fields and after a turbulent career in Oklahoma politics. He is in the fight to a finish. The first gun in the campaign was fired by STONE when he introduced a bill in the House providing that every official and employee of the Federal Government must take a teetotaler's oath when he enters upon his duties.

Every Member of the Senate and House, even the President, would have to take the oath, STONE says. "I am getting at those Members of Congress who drink, in other words the hypocrites." "I want to put Congress on record to smoke them out." "I would like to know whether these people who vote one way and drink another actually believe in prohibition." "I would have the President, every Senator, and every Representative, and other Government employees take this oath." STONE attempted to persuade Attorney General Mitchell to back his idea, which resulted in the publication of Mitchell's letter, saying that drinkers and wet thinkers have no place in the Justice Department. "I don't think he went far enough," said STONE. STONE practices what he preaches; he declared that he wouldn't recommend anyone for a Federal job who does not obey the Constitution of the United States. He is no fanatic, but adds that he is against hypocrisy.

The above article will give you a general idea of the comments made by the press throughout the country—several hundred newspapers in the United States and other countries carrying special write-ups with reference to this particular bill. Time will not permit the reading of the hundreds of clippings from newspapers sent to me from persons vitally interested in this legislation.

These newspaper comments caused hundreds of people from all over the United States to write letters asking for copies of the bill and for blank petitions which they desired to circulate. I mailed out to those interested several hundred petitions, and they were returned with thousands of names signed and asking that Congress pass this bill. A great many letters were received in which the writers freely expressed themselves and at this time I will read a few of the many letters that were voluntarily written indorsing this particular class of legislation and commenting on the high type of official service demanded by the oath prescribed.

The following is a copy of letter from Mrs. Alice M. David, State organizer of the Oklahoma Woman's Christian Temperance Union:

FEBRUARY 8, 1930.

Hon. U. S. STONE,
House of Representatives, Washington, D. C.

DEAR MR. STONE: I am very much pleased in your interest in the enforcement of the eighteenth amendment, and your bill meets my hearty approval. I back it up with all my ability. I am not well at present and can not do much personally about the petition, but I have phoned others, urging they do so. Thanking you again, I am,

Cordially yours,

ALICE DAVID.

Copy of letter from Mr. H. T. Laughbaum, superintendent Anti-Saloon League of America, Oklahoma City, Okla.:

FEBRUARY 13, 1930.

Hon. U. S. STONE,
House of Representatives, Washington, D. C.

DEAR MR. STONE: I understand the prayers of Chaplain of the House Dr. James Shera Montgomery have been published by the House in book form for several sessions of Congress.

I would appreciate two copies of same if you can furnish them.

I hope the time will not be far distant when your bill may become a law. However, in my opinion, it will need some amendment along the line to include all officers who have to take an oath. In other words, a laborer who draws his pay from the United States Treasury and who is not required to take an oath should not be included in your bill. It should include every officer in the United States required to take an oath.

With kindest personal regards, I am very cordially yours,

H. T. LAUGHBAUM, *Superintendent.*

Copy of letter from Rev. J. Frank Norris, First Baptist Church, Fort Worth, Tex., dated March 21, 1930:

Hon. U. S. STONE,
House of Representatives, Washington, D. C.

MY DEAR MR. STONE: Yours to hand inclosing copy of bill, and it was kind of you to send me the same. I am intensely interested in this prohibition fight and am broadcasting a message about it every Sunday night and will discuss your bill next Sunday night.

Very truly yours,

J. FRANK NORRIS.

Copy of letter received from Rev. J. B. Rounds, corresponding secretary-treasurer, Baptist Building, Oklahoma City, Okla., dated February 19, 1930:

Congressman U. S. STONE,
House of Representatives, Washington, D. C.

DEAR MR. STONE: I notice your proposed bill compelling Government employees to pledge themselves not to drink liquor or use narcotics and to swear allegiance to the United States.

I very heartily indorse this action and hope you may be successful in making the bill a law.

I hope to mention it favorably in the Baptist Messenger and will send you a copy.

Sincerely,

J. B. ROUNDS.

Copy of letter of S. H. Stephens, State councilor of Oklahoma, Junior Order United American Mechanics, United States of North America, Oklahoma City, Okla., dated March 7, 1930:

Hon. U. S. STONE,
House of Representatives, Washington, D. C.

MY DEAR MR. STONE: At a meeting of Lincoln-Lee Council, No. 2, Junior Order United American Mechanics, last night I presented the bill you have introduced, House bill 9233. I was appointed to draft the night letter that went to you last night.

I intend to ask the State board of officers to get behind this, and when they give me their assurance that they will I will write every council in the State and ask them to put all their power behind it. The boys were very enthusiastic over the bill.

When you send us the copies asked for I will send a copy to each State officer of the State and ask their indorsement of it. I certainly wish you success in getting it through Congress.

With kindest personal regards to you and your secretary, I am,

Yours truly,

S. H. STEPHENS.

Copy of telegram from I. G. McGlasson, councilor, Oklahoma City, Okla., dated March 7, 1930:

Hon. U. S. STONE,

House of Representatives, Washington, D. C.:

Lincoln-Lee Council, No. 2, Junior Order United American Mechanics, Oklahoma City, to-night unanimously indorsed House bill No. 9233, and pledged their entire membership to help you put it through Congress. Send us 25 copies immediately. You may use this indorsement as your judgment may dictate.

I. G. MCGLASSON, *Councilor.*

Copy of letter from Mrs. Annie Alling, Guthrie, Okla.:

Mr. U. S. STONE.

DEAR FRIEND: I received your letter. I certainly do appreciate all you are doing to help hold our dry laws. I am heartily in favor of the bill that you have introduced.

I have my paper filled. I am sorry that I could not get it in to you sooner, but it was so cold at the time I received it; then so much sickness to contend with. I have done the best I could. I only wish I could do more. I do trust and pray for you that when you are tired and discouraged that you will remember that God is pleased with you; though the world goes wrong at times, you can never fail when you trust Him. The Woman's Christian Temperance Union knows what you are up against, and being a very active member I know you will have some very trying times, just the same as we do. If I can ever do anything else to help, just ask me and I will do my best.

The Woman's Christian Temperance Union was so proud that you came to our rescue and helped to get Mrs. Mundorf's pension granted.

Very sincerely,

Mrs. ANNIE ALLING.

Copy of letter from Mrs. A. H. Harlow, president of Woman's Christian Temperance Union, Norman, Okla., dated February 20, 1930:

Congressman U. S. STONE:

Your letter was received and your bill H. R. 9233, being one we are much interested in and anxious to see passed, I took it with me to the Woman's Christian Temperance Union meeting yesterday and got a number of signatures for it. Everyone present was in favor of it; and why shouldn't we be when it is asking only that which is right, and I sincerely hope it passes.

Mrs. A. H. HARLOW,

President Norman Woman's Christian Temperance Union.

Copy of letter from Mrs. Alice Fagin, Oklahoma City, Okla., dated February 24, 1930.

Hon. U. S. STONE,

Washington, D. C.

DEAR SIR: Inclosed you will find the petition. I had no trouble in getting the names, and the only thing they said was to voice my sentiments; that is, to make everything as dry as possible and make all officers take the oath and keep it, as well as other people, to make the dry law more binding and the seller, buyer, and maker be punished severely.

Very sincerely,

Mrs. ALICE FAGIN.

Copy of letter from Rev. J. H. O. Smith, pastor First Christian Church, Oklahoma City, Okla., dated April 1, 1930:

Hon. U. S. STONE.

DEAR SIR: Your speech upon the administration of the national prohibition act is before me. It is gratifying to have a Representative in Congress taking such a timely and righteous stand.

Mr. Mellon is either incompetent or unwilling to enforce the prohibition law and would embarrass Mr. Mitchell in its enforcement. We secured the amendment and took up other duties and have given too little attention to all enforcements of its provisions. The present attack will arouse the courtesy and create public sentiment which will demand of officials faithful discharge of their obligations under the Constitution. I thank you.

Sincerely,

J. H. O. SMITH,

Formerly Pastor First Christian Church.

Copy of letter received from Mrs. Ella A. Boole, president National Woman's Christian Temperance Union, Brooklyn, N. Y.:

Hon. U. S. STONE,

House of Representatives, Washington, D. C.

DEAR SIR: Thank you for sending me a copy of your bill No. 9233, introduced in the House of Representatives.

While I personally believe that loyalty to the Constitution requires obedience to its laws, and that without it being specifically mentioned, do not see how any official taking the oath of office, or anyone taking the oath of allegiance to the United States, can do so and either purchase or use intoxicating liquors for beverage, nevertheless, I should be obliged to consult our legislative committee before taking any stand on your bill.

Permit me, however, to call your attention to the fact that as you have included narcotics in the oath of office, your bill will be attacked by all users of tobacco and by a wet press as an indication that the drys are ready to work against tobacco in the same way we worked to secure prohibition of the beverage use of intoxicating liquor. Your bill will be hampered in securing support and in getting votes if those words are included.

We were greatly pleased with the statement of Attorney General Mitchell to the effect that he would not appoint as attorneys in his department or as United States commissioners men who were not in sympathy with the prohibition law and who themselves did not obey it. There is strong argument that if officials will violate one law they might be tempted to violate other laws.

Mrs. Ellis A. Yost, Hotel Driscoll, Washington, D. C., is our legislative representative. I expect to be in Washington in a couple of weeks and will get in touch with you.

Sincerely yours,

ELLA A. BOOLE.

Copy of letter received from Mrs. Charlotte B. Seaton, State organizer of the Oklahoma Woman's Christian Temperance Union, Mooreland, Okla.:

FEBRUARY 12, 1930.

Hon. U. S. STONE,

House of Representatives, Washington, D. C.

DEAR SIR: I am glad of the opportunity to secure signatures petitioning the passing of your bill H. R. 9233.

Everyone I asked was glad to sign, and if I had time could have gotten many more names; however, I am mailing it to-day as I do not wish to miss the chance of doing my bit for the temperance cause, realizing we must fight "spiritual wickedness in high places."

Wishing you success in your fight for the enforcement of all prohibition laws, I am

Very respectfully,

Mrs. CHARLOTTE B. SEATON.

Copy of letter from J. W. Garner, Evangelist Church of Christ, Perkins, Okla.:

MARCH 22, 1930.

Hon. U. S. STONE.

Washington, D. C.

MY DEAR SIR AND CONGRESSMAN: I have carefully read your very excellent speech in the House of Representatives February 7, and I assure you I am very much pleased with it. I am an old soldier of the Civil War, in my eighty-eighth year. Don't the wets know that Al Smith's defeat sounded once for all the death knell to that issue?

Respectfully,

J. W. GARNER.

Quoting from letter signed by Dr. J. M. Doran, commissioner:

FEBRUARY 5, 1930.

OFFICE OF COMMISSIONER OF PROHIBITION,

Treasury Department, Washington, D. C.

* * * * * * *

I appreciate the very high motive which prompts your introduction of this bill (H. R. 9233). I appreciate your interest in law enforcement and in the high standard of official character which you suggest for those called upon to enforce the law.

J. W. DORAN, *Commissioner.*

In answer to letter in which I ask if Mrs. Burger favored my bill (H. R. 9233), her answer was as follows:

[Missouri Woman's Christian Temperance Union, headquarters, Springfield, Mo., Mrs. Nelle Burger, president]

JUNE 23, 1930.

Hon. U. S. STONE,

House of Representatives, Washington, D. C.

MY DEAR MR. STONE: Yes.

Yours respectfully,

NELLE G. BURGER,

President Missouri Woman's Christian Temperance Union,

505 Boonville Avenue, Springfield, Mo.

VANCOUVER, BRITISH COLUMBIA.

Hon. U. S. STONE,

Washington, D. C.

MY DEAR CONGRESSMAN STONE: It is pleasing to know that you are sponsoring a movement to require everyone on the United States Government pay roll to take an oath to the effect that intoxicating liquor will not be indulged in. May God bless you in that meritorious move. As a Government officer and as a friend of prohibition I am in hearty

sympathy with what you are trying to do, for I realize that making the pledge obligatory—distasteful as it will be to so many—will give increased encouragement to those in the service who obey the law openly and privately! Congressman STONE, I think so much of this plan of yours that I am taking the matter up with Senator JONES.

With best wishes to you personally, I am,

Yours in confidence,

E. W. ZINGG.

I especially wish to direct your attention to those who are being elected to official office by the dry forces in this country and who vote dry but who are personally wet. This has been brought to my attention very forcibly since I have been in Washington, as I find those who parade as drys at home are very wet in Washington, D. C. They vote dry for public record, but in private life there is some reason to question their conduct. When I arrived in Washington and took over the duties of Congressman I was assigned to an office in the House Office Building, and the first act of my secretary was to wash the stickers off the large mirror which in bold letters advertises to the world a well-known brand of whisky, a special advertised brand of gin, and an internationally known brand of brandy. I will admit that this was a great surprise to find in this building, which is the property of the United States, advertisements that are a violation of the spirit and letter of the Constitution.

Those who deceive the public by their hypocrisy should be exposed and the real facts placed before the people. My reason for introducing the bill to require a special oath of office is for the purpose of exposing deceit and hypocrisy and to elevate the public official to that respect to which he is entitled. The Government official should set an example by his conduct and assist in the enforcement of the laws.

WORLD WAR VETERANS' LEGISLATION

Mr. CLANCY. Mr. Speaker, before the various relief measures for Great War veterans were made into law during the year 1930 over $8,000,000,000 had been spent by Congress for the relief of veterans of the Great War.

We did pass additional relief measures in 1930 providing for hundreds of millions of dollars per year additional, but if we had not done so the present laws on the books would have provided for $11,000,000,000 from the Treasury Department for Great War veterans' relief until 1935.

The adjusted-compensation certificates now outstanding to an amount above $3,000,000,000 will become due in 1945, and one can readily see how many billions are already provided for by existing legislation until 1945.

In the closing weeks of this session gigantic relief bills for Great War veterans fairly swirled between the House, the Senate, and the President. Out of that confusion has come and has been made into law the Johnson bill, which is frankly a pension measure and which means in oncoming years an outpouring of hundreds of millions of dollars additional for the 4,000,000 service men of the Great War and their dependents. Soon this relief will reach a billion dollars per year, Mr. JOHNSON says, and the cost now runs nearly $600,000,000 per year.

A gentleman's agreement was made with the officials of the American Legion when Congress passed the adjusted-compensation measure in 1924 appropriating about $4,000,000,000 for this so-called bonus measure that the American Legion would not ask until after 1945 for a pension system for Great War veterans.

Now, in 1930, and without the American Legion asking for it, the generous pension system has been granted by Congress.

I voted for liberal and generous treatment of the veterans during my three terms in Congress. I voted for the adjusted compensation bill in 1924, and then voted again to override the President's veto on this measure.

I was instrumental, with Representative C. J. MCLEOD, of Detroit, in getting the new Federal marine hospital at Windmill Point, to which veterans are eligible for entry. That was a hard battle and we were nearly defeated in the House.

I introduced several bills in Congress in 1930 for the payment, in whole or in part, or as much as the Treasury would stand, immediately in cash of the adjusted-compensation certificates.

I have a bill now pending in Congress killing the high rate of interest on loans made by veterans on their adjusted-compensation certificates.

Some misunderstandings exist regarding the Johnson bill which has just become a law. First, let it be clearly understood that the bill does not change or repeal the law affecting men now receiving compensation and who actually received their disability in service. It takes nothing away from these men but further helps them. It extends the time for the filing of claims, so that any man who can prove he was disabled in World War service has the right and opportunity of proving his case.

I have received letters from veterans who think that the bill cuts down the compensation they are now receiving.

These men will continue to get the compensation at their present rates, but the man who can not prove his service connection is helped by the new Johnson bill.

There has been some complaint that the rates provided for various degrees of disability are not as generous or as high as those of the Civil War veterans, of whom only a very small number are now living.

There has been some complaint that some 4,000,000 Great War veterans will not get as high a rate as the Spanish War veterans who after 22 years of effort by their friends were given a generous bill in this session of Congress, which bill I was glad to vote for originally and on which I voted to override the President's veto.

The answer to these complaints is that the friends of Great War veterans got just as much as possible from the President and the Treasury.

The pension system is now established, and it is absolutely certain that the rates will be increased and made more generous and more liberal and extend to greater classes of war veterans in the future.

The bill provides for more liberal rules of proof and interpretation. For instance, one clause reads:

Provided, That regulations relating to the nature and extent of the proofs and evidence shall provide that due regard shall be given to lay and other evidence not of a medical nature.

It is known that doctors treated veterans and kept no records. It is also known that some of the veterans' records were destroyed by shell fire in France and some were lost through other causes.

The missing evidence under this new measure can be supplied by the testimony of people who know the facts. It will connect with service legitimate cases of tuberculosis that have been lacking in proof.

The bill carries out the historic policy of the Government in granting of pensions. One of its provisions is:

On and after the date of the approval of this amendatory act any honorably discharged ex-service man who entered the service prior to November 11, 1918, and served 90 days or more during the World War, and who is or may hereafter be suffering from a 25 per cent or more permanent disability, as defined by the director, not the result of his own willful misconduct, which was not acquired in the service during the World War, or for which compensation is not payable, shall be entitled to receive a disability allowance at the following rates: 25 per cent permanent disability, $12 per month; 50 per cent permanent disability, $18 per month; 75 per cent permanent disability, $24 per month; total permanent disability, $40 per month. No disability allowance payable under this paragraph shall commence prior to the date of the passage of this amendatory act or the date of application therefor, and such application shall be in such form as the director may prescribe.

The bill is based on service, need, and disability. It is true there is a provision providing that payments should only be made to those who do not pay income taxes, but a married man who gets a salary of less than $3,500 a year will receive it. A single man with an income of less than $1,500 a year is entitled to it.

No soldier should be compelled to make a pauper's oath—

Said Representative ROYAL JOHNSON of his bill—

and no ex-soldier shall be compelled to make it under this bill.

The bill provides for the time to be extended for one year for commencement of actions under the war risk act. The bill is said to recognize for the first time the difference in suffering and disability, and provides that any man who lost one or both feet or hands in the active service in line of duty between April 6, 1917, and November 11, 1918, shall be paid $25 per month in addition to all other compensation which he may receive under existing law.

Representative JOHNSON said that the measure has 25 sections; every one of them gives something to the service man; no part of it takes anything away from them.

Representative JOHNSON holds the distinguished-service cross and was terribly wounded in action and is a sturdy supporter and true friend of the veterans. He said:

The passage of the bill was from the beginning advocated by the Veterans of Foreign Wars and its commander, Hezekiah N. Duff. He is a Spanish War veteran.

He knows that this bill gives more than the Spanish War veteran was given for 22 years after the Spanish-American War, and that the Spanish War veterans did not receive the hospitalization given World War veterans on their return from the Spanish-American War.

In its final stages it was indorsed by the American Legion by its commander, O. L. Bodenhamer, who recognized the fact that it treated everyone alike and gave substantial benefits to all seriously disabled service men.

So far as I know, it has not been opposed by any veterans' organization. No man who has advocated it will be ashamed of his action.

He will know that he did not advocate a statute that was discriminatory against one group of veterans and gave preference to another; and in my judgment, as its provisions are more and more known, it will be approved by the American public.

The bill may not be entirely perfect. It may not provide for veterans who have a just claim against the Government and who suffered terribly as result of their service. The country and the Congress will see to it in the near future that these men get their just dues.

The bill is the result of compromise and of pulling and hauling of fiercely contending agencies; but after all it will probably be admitted by the true friend of the service men of the Great War that it is a great step forward in providing relief to those veterans who are honestly entitled to it.

EDUCATION FOR POLITICAL SERVICE

Mrs. OWEN. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I include an address delivered by me before the National Education Association at Columbus, Ohio, July 2, 1930.

The address is as follows:

Mr. Chairman and friends, I want to acknowledge very briefly the graciousness of that introduction and tell you how grateful I am for the opportunity of speaking on a subject which is very near to my heart.

I am delighted that on a program such as this political service should be named amongst the fine arts. [Laughter.] There are times when it is not so classified. [Laughter.]

Before I began my service in Congress I had occasion to read a great many of the comments on service in Congress which scarcely elevated that service to the level of an art. There is a certain type of comment often encountered in the press of which perhaps this story will be typical:

The little boy said to his father, "Father, what is the congressional prayer they publish in the newspaper?"

His father answered, "That is the prayer the Chaplain delivers every morning in Congress."

And the little boy said, "Does the Chaplain pray for the Congressmen?"

His father replied, "The Chaplain stands where he can look at the Congressmen, but he prays for the United States." [Applause and laughter.]

Now, since I have had a chance to know just the quality of the service that is rendered in Congress, since I have had a chance to know the long hours, the selfless effort which is given by the Members of Congress, I have made myself a promise that I would never speak to any audience on any subject without first paying tribute to my colleagues. [Applause.]

I believe that if the real quality of congressional service were actually known throughout our whole country, that we would not only feel more certain about our own representation but I think we would feel much prouder that we are citizens of this Republic. I am delighted to review for a few moments this evening some of the elements which enter into preparation for political service.

Not so long ago a very great proportion of the electorate of our country was a new vote, when we suddenly admitted to citizenship a great many millions of women. There is a new class to consider. So that to-night I believe I shall just take this matter of training for citizenship and political service as an extension of the walls of the home.

I recall a phrase which seemed to recur very frequently in the speeches of the opposition when I first entered politics as a candidate. That phrase was, "Woman's place is in the home." Now, I am willing to admit that woman's place is in the home, and it always has been, but I believe we have come to extend the walls of the home from the limit of a few generations ago. I think there was a time when if a woman kept the inside of her house in order it was considered she had done her duty by her family, but I think my home is a place where my family and my children live, and I find my children do not stay inside four walls. I find that they move about in a space as big as an automobile can travel in every direction from the house itself. In fact, I heard some one say recently that with the coming of automobiles home is now the place where they refill and retire. [Applause.] Now, I think it would be a very useless thing for me to keep the inside of the house safe for my children, if the community in which I live is not a safe place for my boy and girl.

I remember the first time I had a glimpse of that wider definition of "home." It was when I was 21 years old and had two children of my own. A neighbor asked me to go with her down to the jail. She said, "There is a 12-year-old boy in the jail, and the crime for which he was locked up was stealing a watermelon." I said, "You couldn't possibly lock a 12-year-old child up in jail for stealing a watermelon, could you?" The idea made me very uneasy. My memory was good.

She said, "He is not only locked in jail, but he will have to stay there over the week-end amongst criminals, some of whom have a long record in crime."

I said, "Why do the mothers tolerate such things as that?"

She said, "Sometimes mothers pay no attention to the law until it touches their own children; then they pay attention."

I remember going with her to the jail that day and the work my friend was doing resulted in the formation of the first juvenile court in that city. And I realized then if it was possible to treat one child unjustly in my community that my child wasn't safe if I let that condition exist.

I wish it were possible to-night to trace all those laws which come so close to the actual physical safety of our children that we can not be very intelligent mothers unless we know something about them, the laws that regulate the purity of the food the children eat, the laws that take care of them as they go back and forth from the home to the school. Not so long ago, in Kansas City, the women there were very much disturbed by the number of accidents to children in traffic, and they set about to study this, as modern mothers. They took a map of the city and whenever an accident occurred, where a child was injured or killed in traffic, they marked the spot on the map. After a while a very striking situation appeared to become evident, that in parts of the city where there were supervised playgrounds there were very few accidents, but that most of those children who were injured or were killed in accidents in traffic met with the accident in parts of the city where they played in the streets. And so these mothers started out to get more supervised playgrounds for the children. And while they did it, it was necessary to work with the local political mechanism of the city. But I think they were actually better mothers than if they had stayed inside four walls.

It seems to me, too, we have come to realize during these last years that physical safety is not the most important problem that a mother has to consider in relation to her children. Not so long ago, here in our own country, the greatest force was invented for impressing the mind of childhood that the world has ever seen. When the motion picture was invented the mightiest propaganda force was unloosed that man ever knew. There is a force that not only speaks to all of our childhood, but speaks in terms the child remembers.

I was much interested in an experiment that was tried sometime ago in New York, when a class of children of the same age and the same standing in school was divided and half the children were taught the lesson in the old-fashioned way, with the textbook, and the other half were taught the same lesson with motion-picture film. The next day they examined the children, and the ones who had studied the book had forgotten part of the lesson, but the ones who had seen the motion picture remembered exactly what they had seen. Then they allowed a year to elapse and they gave the examination to the same children, at the same time, and the children who had studied the textbook had forgotten almost all of the lesson, but the children who had seen the motion picture were still remembering what they had seen the year before.

We have come to recognize that this force is stamping something indelibly on the minds of our children. I find all over the country women are beginning to try to guide this force. I find groups who are working with the local motion-picture exhibitors to bring special programs for the children, or groups who are viewing all pictures and then recommending the best for their children to see. And while we have been studying this problem, too, a very fascinating vista has been opened. I wish that I could make the films that would teach children geography. You know I think I could make geography absolutely painless if I could do that. You can take a child down and show him the boat ready to cross the ocean. Then he can follow the boat across, maybe to a foreign port. Then when he arrived at the port there would be the exports all piled up ready to ship. It would be so easy to remember the exports if you saw them on the wharf. And how easy to remember the animals in a foreign country! If you could watch the animals creep down to the waterhole in the jungle to drink, you would never forget them.

But if this is a fascinating speculation on teaching geography, I think science is even more fascinating when the processes required in nature's actions can be enacted in a few moments on the screen; when a pupil can watch the bud burst and the flower unfold; and when a great scientist can perform an operation that can be made available to the most distant student, who can watch it just as often as he cares to run the film in front of the eye of the projector.

But I believe that history is the most fascinating of all. Think what history will be when the newsreels of to-day are available 50 years from now! Why, when children in our country are as far away from the World War as our children are from the Civil War, they will be able to watch the troops marching down Fifth Avenue, with the flag at their head, ready to embark for France, and they will see the smoke rise over no man's land in the old authentic war pictures. Then they can see Pershing pin medals to the breasts of the returning heroes.

The children 50 years from now will know just how Lindbergh smiled; they will know just the tone of his voice. Why, what an intimate thing history will be when the actual personality of a great man of the period will be caught in the magic of the speaking motion picture!

I think, while we are speculating on some way to make this great new force speak in terms of beauty and truth to the children, we are wiser mothers than if we were staying inside four walls. I think we have come to realize long ago we want the mother's judgment as well as the father's to build a home; we want the mother's knowledge of school and children; we want the father's knowledge of his business or profession. I think we have found we want the mother's judgment and the father's in the community. We want the woman's love of beauty and the man's technical skill, and we build a community on that foundation. And I think it wouldn't do Uncle Sam any harm to have a wife! [Laughter.] If we could measure those very subtle elements that make for our civic understanding, I think we would find that one of the most extraordinary advances that has been made in the last 50 years is the knowledge which our women have gained about the work they can accomplish in their own communities.

I had a chance a few years ago to see the minutes of the first woman's club meeting that was ever held in our country, and that wasn't so long ago, seen against the background of history. It wasn't many years before the beginning of the Civil War. And I was so interested in the subject the women took to discuss at their first club meeting. The subject was, "Is it better to be good than to be beautiful?" [Laughter.] And it was recorded in the minutes that one of the women was to read an original poem at the club, but, unfortunately, she fainted before she could finish reading it. [Laughter.]

It is not such a long way from the time when a subject, "Is it better to be good than to be beautiful?" is chosen for club discussion to a time when every town and every little village in our country has groups of organized women, who see not only the power of the organized group but objectives that are worth their effort. So often in little communities I have been so impressed with the results of this awakened civic consciousness. I have seen a little park space down the middle of Main Street planted with trees and flowers, and when I have asked about it I have been told, "The women kept after us until they got the place planted." You know the men's voices sounded tired when they said, "They kept after us."

And then I have seen little libraries as distinctive as Greek temples, and I have found that the women had collected the books, one by one, and then after they had their books they worked to get a place to house the library—and all the oyster suppers that must have taken! You can just imagine all the benefit performances behind every one of those little libraries. But there they stand, changing the whole personality of the community.

I believe that all over our country, very subtly but very surely, that knowledge of the place the individual citizen can occupy in the community has made itself felt among our American women. I believe that a consciousness of the power of the organized group, the dignity of political service, has crept into the consciousness of our women. And you know I am proud when I see those evidences of it. It isn't so very long that we have been working. I was surprised when I saw the statement that it is within the century in which we live that women who studied geography were such an oddity that they could be pointed out and derided on the street, actually followed by crowds saying, "Geography girl! Geography girl!" We haven't had so long in which to develop a political conscience, and I am so glad to see just the progress that has been made.

It always seems to me that when one speaks of public opinion there is an error which is very commonly made. People speak of public opinion as if it were something that always remained the same, just a sort of a lump. Public opinion—something you just pick up and put down and count on finding exactly the same. Why, public opinion is changing all the time. This public-service consciousness of women has altered public opinion. And then there is something which alters it every year; that is, that great mass of young voters who become a part of each year's public opinion. I am so interested in the possibilities of bringing to our youth an awakened political conscience.

You know, I am always reading something in the newspapers about our young people. I think so often the newspapers say the wrong thing. I read about the way a girl wears her hair, or the way she wears her eyebrows, or something the press doesn't like. It seems so hard for young people to please the press. But I think it is well for them to remember it was a young American who proved to be the best ambassador this country ever sent abroad. And I think Lindbergh is far more characteristic of our youth to-day than the types that the newspapers criticize.

I think there is something a little bit wistful about the way very young people feel that they can put everything right if they are given a chance. I have noticed in my own family after a boy is given a high-school diploma he can tell me just how to run the family. He knows what is wrong with the city government, and he can tell just exactly how the National Government ought to be reformed at that age. And you know usually his suggestions are good. I would rather have the high-school students count the votes in some of our big cities than the men who usually count them. [Applause.]

I think there are two qualities all young people have. One is energy, and the other is idealism. And if it is just possible to translate government into the terms which appeal to that sense of idealism in youth, we not only give to youth the most wonderful interest in the world, but we bring a powerful aid to government. It has always seemed to me that when the school confers a diploma that marks the end of the school life there might well be some gesture from the Government when the responsibility to the school is exchanged for responsibility to the Nation. And I have had engraved as a diploma on sheets of parchment the American's Creed, in which William Tyler Page has so finely set out the attitude of the patriot. In the corner of each one is a gold seal with the dome of the Capitol, and underneath the seal a red, white, and blue ribbon and this message:

"Presented by your Representative in Congress in recognition of your graduation and to welcome you to participation in the affairs of government."

And that has gone to every graduate of high school or college in my congressional district at commencement. [Applause.]

I have been trying an experiment, which has proven so much more successful than my most optimistic hopes that I can scarcely believe it. I think so often one works and works and plans and dreams, and then reality falls just a little short somehow; but this plan to bring the youth of my district closer to the idealism of government I have found has exceeded all the hopes that I had for it. During this last session of school every high school in my district conducted citizenship contests. We had the students themselves select the three boys and the three girls in each school who had been the best citizens. On the ballots I had printed:

"Keep in mind these qualities: Service, dependability, patriotism, and leadership."

And the students voted, and in every high school they picked three boys and three girls as their best citizens. And then in every county the faculty of the school board chose from that group one boy and one girl to represent the county. And at Easter I took those 36 boys and girls to Washington as a reward for their good citizenship. They had shown that they understood being citizens in school, and we went there together to study what it is to be a citizen in a republic.

I wish that you could have shared that experience with me. They were so interested in picking their best citizens that when the contest was over they closed the schools in more than 20 cities to see the boys and girls leave for Washington; and in one town the fire engines came down to the station, and in another town the band came to the train, and in several places they carried the winning boy on the shoulders of the other students, down the main street to see him off. The whole district knew when the best citizens were being rewarded for the virtues of good citizenship.

And then when we reached Washingon we went first to the Library of Congress, where the Declaration of Independence hangs in the original. We read that together, because on that foundation is built our Republic. And then we went to Mount Vernon and walked in the footsteps of Washington. And then all together we visited the Senate and House of Representatives, and the Supreme Court, and medals awarded by the Sons of the American Revolution were presented to the boys and girls by their Vice President. And then we went to the White House. And when we were waiting there to meet the President I had a chance to talk with these young citizens about the weight of responsibility that rests on the shoulders of the President; how of all the men in our whole country he is probably the most burdened with care, probably the one who works the longest hours and carries the heaviest burdens. And I said, "He is stopping all this to greet you to-day." And the boys and girls said, "Are we going to be allowed to cheer?" You know, they had a cheer leader, and all the way up on the train they practiced giving 15 rahs, and they could give 15 rahs better than any crowd I have ever heard, and they wanted to give them for the President. I asked the President's secretary whether they would be permitted to cheer, and he said, "You couldn't stop anyone's cheering, could you?" And so, after we had gone in and the President had congratulated the boys and girls on their good citizenship and had said to them, "When you go back to your State help train more good citizens, because we need them." As soon as the boys and girls got outside they all wrote that in their notebooks. You would have thought they had a personal responsibility placed on each one of them. When they had received the message of the President the cheer leader gave the signal and they gave 15 rahs (laughter), and I don't think a sound like that was ever heard in the White House before. I know as we came out all the attendants came looking around the corners to see what had happened.

Then we obtained from the War Office the use of that old film that showed the burial of the unknown soldier at Arlington. There was an example of that strange power to recreate history. We watched that film and saw thereon characters who have now passed from the stage of living—great Americans paying their tribute at the coffin of the unknown soldier. And as we watched that funeral procession pass down Pennsylvania Avenue a detail from the Marine Band was playing

the same music that they had played at the time, and when the bugler on the screen raised his bugle and played taps at the grave the same man with the same bugle blew taps in the room where we sat.

The next day we made our pilgrimage to Arlington, and there in that marble ampitheater, where the students had watched the diplomats from all the foreign countries come and pin the medals to the flag over the coffin of the unknown soldier, to that spot came our young citizens and received their medals for good citizenship. And we had just paid our own tribute at the grave of the unknown soldier; we had a great flag made of flowers, and the boy from Key West and the boy from Jacksonville carried the flag, thus to symbolize the great stretch of our district, and a girl from Key West and a girl from Jacksonville each carried a great wreath, tied with red, white, and blue ribbon. They walked ahead with the flowers and we all followed, and as we stood there at the tomb we could look past it and see the city of Washington, could just see the dome of the Capitol and the white shaft of the Washington Monument, and I said to the boys and girls: "This means more to us than the Tomb of the Unknown Soldier; the soldiers in the Revolution, who gave their lives so that we could have the city of Washington, and all it stands for, and all the soldiers through the years, who have been willing to lay down their lives for it; it is all symbolized here." And as we turned away one of the boys said to me, "You know, it is curious; but I have taken my Government for granted before. I never thought about the sacrifices that bought it, and I never realized that all the time there are hundreds and hundreds of people working to provide it for me. There isn't any way that any one citizen can pay the debt that he owes to his Government, but all my life I am going to try to deserve it."

We hear a great deal about the need of government. I think any patriotic citizen wants us to have ships enough to defend us from enemies outside, but there are two ships we need inside a country—one is Citizenship, and one is Statesmanship. And those we can build ourselves. [Applause.]

You know, I believe that even more than I liked the reaction of those young people to the idealism of Washington, I liked the results after they got back into their own communities again. One of the girls got back home to her town late on Saturday afternoon. It is a little country town where the folk of the countryside come in and do the Saturday evening marketing, and you know she held forth in the drug store at the corner on government. The whole community gathered to listen to her, and that high-school girl addressed all of her neighbors and friends on the beauty and dignity of our Republic. And I heard about another one of the girls who was speaking to the high school after she came back, and it took her almost an hour to tell what she had seen in Washington, and then she began to interpret it. She said, "That is what I have seen, but I will tell you what it means to me"—but she could not get very far because tears came into her eyes and a lump into her throat and she had to stop. And you know I think that is the most eloquent interpretation of government I have ever known. [Applause.]

Next year when our 36 boys and girls come to Washington we are not going to disperse to our own homes at once when we return but we are going to go to some central point in the State and all of the best citizens of this year are going to come and meet the best citizens of next year and we are going to have a day's conference on the problems of our State. You know, I like to look forward to a time when hundreds and hundreds of young citizens will gather one day each year, when we will hang the great American flag as the symbol of their meeting, and those who have just visited Washington will meet those who have already made their pilgrimage, and dedicated to the beauty and dignity of government these young citizens will sit about planning a way to solve the problems of their immediate State and their neighborhood. You know, I have an ambition—it is so personal I almost hesitate to state it—but I would like to have a time come when the public would say the best young citizens in America are found in the fourth congressional district of the State of Florida. [Laughter and applause.]

But in surveying this widened home of ours, in which we have to include the affairs of the community and the Nation, I believe we could close the survey with an even wider vista. It astonished me, not many months ago, to discover Armistice Day had come again. You know, I am always surprised how rapidly anniversaries come around. My own birthday, for instance, comes oftener than other events, but they all come with increasing rapidity, I find, as the years go by, and I was astonished when Armistice Day came again. It stirred so many memories. I had been unpacking an old gramophone and some records that had been stored for a long time and I quite idly put some of them on the gramophone and tried them, and one of those tunes was Its a Long, Long Way to Tipperary, and you know, curiously, it was hard for me to hear that.

After a little while I stopped the gramophone, because those strains brought again to my mind a picture—the first troops marching along the wet streets of London under the dark skies. The first 100,000 whom I saw marching out to war. I found myself remembering the first woman amongst my friends whose son's name appeared on the casualty list. I knew that she was alone at the time that the news must have reached her, and I went at once to her house in London and I found this mother sitting with her hands spread out in her lap as if a child had been lifted from her arms and got a son grown to manhood. And she said, "He was so young to have been leading men, wasn't he?"

I said to her, "Let me take you back with me to-night." As we started out from the door toward my own house we met troops marching, and the band was playing It's a Long, Long Way to Tipperary. There was no cheering on the street. So certain were we that many of them were under sentence of death that the bystanders raised their hats and stood with bared heads as the troops marched. But this mother looked levelly at the marching troops. She said, "They are all so young, aren't they?"

There was born in my heart then and in the months and years that followed a wish that has gone on growing ever since. It was a wish that the nations of this world could find some way to settle their quarrels that didn't involve throwing the bodies of our boys into the balance to do it. [Applause.]

I believe that some place across the horizon of the years we are going to find a way to apply the same rules which have made for decency and order in our communities to that larger world community in which we live, because the most precious material that is wasted in war is not the battleship or cannon but human life; and because that, too, is the product of the home, I believe that women should have a place on every council of government which is to decide war and peace for the nations. [Applause.]

Oh, the walls of our homes have stretched very far in these modern years. I am so glad that I am a woman in the year 1930. I am so glad I am an American woman in the year 1930. [Applause.] I am so glad I live at a time and place when the dreams which have been in the hearts of women for ages can now be translated into fact.

It has always been the woman who taught political service. Why, when in our pioneer days a new frontier had been pushed out in this continent of ours and the covered wagons had come to rest, and sod houses were built, in the midst of the sod houses was a little schoolhouse, and over that schoolhouse was raised a flag, and it was a woman who gathered the children around her and taught them to salute that flag. The home and the school have been always the spot where the ideal and true side of political service have been taught. And I am so glad to have this chance of greeting you for a moment and to wish you Godspeed in the task we share jointly—the task of placing as a background for the political thinking of the youth of our country those pure white buildings, those high white columns that symbolize the ideal republic.

I thank you. [Applause.]

DEDICATION OF AIRPORT AT MOBILE, ALA.

Mr. McDUFFIE. Mr. Speaker, under permission granted the Members of the House to extend their remarks I wish to include the following address delivered by me on the occasion of the dedication of the airport at Mobile, Ala., on November 8, 1929:

Mr. Chairman, commissioners of the city and county, distinguished guests, ladies, and gentlemen, it is a high privilege to stand in your presence at an hour which marks the passing of another milestone in the onward march of the progress of Mobile—an hour for felicitations and congratulations. Situated at the mouth of more than 1,000 miles of navigable waterways, including the second longest canalized river in the world, with her five trunk-line railroads reaching into the great cargo-producing centers of the country; with deep water and the most modern port facilities in America, which are to-day attracting the merchant ships of all the seven seas, Mobile has become and is now recognized by the Federal Government as one of the great seaports of the Nation. The wide-awake citizenship of this city and county, realizing the importance of the motor car as a factor in transportation, have entered upon the construction of a network of hard-surfaced roads at an expense of $5,000,000, connecting this seaport with trunk-line highways entering here from every point of the compass. Keenly sensitive and always responsive to the need for the most modern transportation facilities they have also recognized the importance and possibilities of air transportation.

Our far-visioned, patriotic, and public-spirited people are to be congratulated upon their determination not only to have here a "world" seaport for the use of the "sails" of commerce but a "world" airport for the accommodation of the "wings" of commerce. Having already measured up to the standards fixed by the Department of Commerce at Washington this airport will continue to develop its facilities and equipment in keeping with the rapid growth of aviation and the ever-increasing demands for air transportation.

As evidence of the Government's interest in this new development of Mobile we find in our midst these splendid gentlemen and officers representing the War and Navy Departments, two of our great arms of national defense, as well as the Department of Commerce, whom we so warmly welcome, and whose presence lends great interest and much inspiration to the exercises of this day. The presence of so many visitors, whom we also welcome, from far and near, is most gratifying and indicates the country-wide interest in aviation.

While the limitations of this hour will not permit us to dwell at length upon all the progress of advancing civilization during the last century, the record of scientific achievement in the evolution of transportation and communication during that period surpasses that of all the centuries which have gone before. It is an enthralling theme and a most engaging study.

Within the lifetime of most of us here, and surely during the last 30 years, the inventive genius of man has outdistanced all other generations of all the ages in achievements for his comfort, his convenience, and enrichment. Strange as it may seem, in this speed-demanding age, in this age of mass production, the record shows that the public has not always been quick to accept new ideas of business and commerce, and in many instances the most important inventions have literally had to fight their way. When once established, however, no people have surpassed Americans in their use and promotion. Robert Fulton and Robert Livingston were scorned and ridiculed when they proposed to navigate the Hudson from New York to Albany against the current and without a sail. The idea was so impossible in the mind of one citizen, we are told, that he agreed to eat a stewed whale for his breakfast if they accomplished this feat. Yet we find within a quarter of a century the people were so enthused over the steamboat as a means of transportation that Congress donated 4,500,000 acres of land and millions of dollars for the construction of canals for the use of this new invention.

The steam wagon, when perfected to attain a speed of 30 miles an hour, was actually driven from the highways by legislation. Forced from the main roads, its promoters laid tracks and rails across the fields, and this was the genesis of railroads. When the first few miles of railroad in America were constructed men predicted its failure, believing our water courses were the only practical means of transportation. They scouted the idea that this instrumentality of commerce would ever be able to bridge our streams and bore its way through the mountains. Within a few years the possibility of rail transportation was established, and the Federal Government, as well as the States and cities, donated, in aid of its development, land equal in area to that of all the original thirteen States, as well as hundreds of millions of dollars. From the humble beginning of 20 miles of experimental railroad on the Baltimore & Ohio in 1828, we now have 250,000 miles of the finest railway system in the world.

The gasoline engine likewise met with suspicion, if not hostility, when it first appeared, and for more than a decade it struggled for its place in the transportation world. Adopted first as a luxury, then a necessity, the production of automobiles in America has amazed the world. With only 8,000 in 1900, one-half million in 1910, 9,000,000 in 1920, and reaching in 1928 the astounding figure of 24,000,000, we now have one motor vehicle for every five persons in the United States.

Following the expansion of this industry came the era of highway construction, and our concrete road system has grown from less than 10 miles in 1900 to more than 40,000 miles to-day, on which the Federal Government alone has expended $990,000,000.

Twenty-five years ago we had in America only one station generating electrical energy, with a capacity of 5,000 horsepower, and to-day there are more than 50 stations, with a capacity exceeding 100,000 horsepower. The production of "white coal," with its thousands of new uses, has multiplied our industries and brought us more and more comforts and conveniences of life.

When Alexander Bell invented the telephone he approached his friend, Joseph Cannon, then Speaker of the House of Representatives at Washington, urging him to invest in that new invention. So skeptical and doubtful that a telephone could ever be successfully used, the great statesman ridiculed such a suggestion.

In the year of the invention of the light by Edison, the great wizard of the electrical world, the human voice could be heard only at such a distance as it could be hurled by the vocal cords with the aid of the hands as a megaphone—and it is doubtful if megaphones were in use at that time. Only a few weeks ago upon the occasion of the celebration of his great achievement the voice of Mr. Edison was heard literally around the world, and a most remarkable coincidence is that a speech was made from Paris in response to Mr. Edison by the famous aviator, Doctor Eckener, who himself had flown around the world.

When we contemplate the marvelous achievements of recent years nothing now seems impossible. Reversing the heretofore immutable laws of nature and harnessing her forces; upsetting well-established chemical and physical properties, changing scientific formulæ and attaining the unattainable, man has not only become the master of the earth, the sea, and the waters beneath the earth, but has established his supremacy in the air.

It is no wonder that the invention by which man in a heavier-than-air machine can fly from place to place met with more ridicule and misgiving, more skepticism and doubt, than any new idea ever advanced during all the history of his inventive genius. Who in this audience has not oftentimes heard the expression, "He can no more do that than he can fly"? It was only a few years ago when a great newspaper wired its correspondent to "stop sending fake stuff, for no one believes those wild stories about men flying through the air." Yet in December of last year I witnessed the exercises at Kitty Hawk, N. C., in which the representatives of many nations participated, as well as Orville Wright himself, commemorating the twenty-fifth anniversary of his first successful flight in a heavier-than-air machine. At the foot of a large sand dune, Kill Devil Hill, near the Atlantic coast, facing a 27-mile wind, Orville Wright rose from the ground in a machine lifted by its own power, went a distance of 120 feet in a flight that lasted 12 seconds, and landed at a place as high as that from which he had flown. There the Aeronautical Association of America has erected a monument marking this first successful flight as the genesis of air transportation, and Kill Devil Hill as the cradle of aviation.

Having passed with marvelous rapidity from the experimental stage, we have seen the crude machine of the Wright brothers developed into the palatial "Pullman of the air," carrying more than 150 passengers. Within a few short years we have seen man with his artificial wings traverse the continents, span the oceans, encircle the earth, fly over both its poles, and wage battles in the sky for the honor and glory of his homeland. Despite the former lack of the public's confidence in this new and marvelous invention, the airplane has now become a messenger of international peace and good will, a harbinger of social and commercial intercourse, and indispensable as an arm of our national defense. Great nations of the world to-day would no more enter offensive or defensive warfare without airplanes than without rifles, machine guns, or battleships. Future wars will depend largely upon supremacy in the air, and while we pray never to be drawn into another conflict this Government should always maintain an air personnel and equipment equal, at least, to that of any other nation of the world.

Together with the telephone, telegraph, automobile, and radio, the airplane has made near-by neighbors of far-away nations. Within 10 years it has eliminated two-thirds the distance from New York to California, and reduced the time heretofore necessary to communicate with our Latin-American neighbors from that of weeks and months to hours and days. While the cutting of the Panama Canal brought the countries below the Rio Grande closer to us than ever before, the airplane has stimulated a commercial intercourse heretofore unknown. The growing network of air lines has encouraged road building as feeders for them and has quickened industrial development in the countries of Latin America where we have $5 invested for every four in Europe, and where there are 16 American dollars to-day where we had one in 1912, and where our trade has mounted to more than a billion dollars annually, greater than that with England, France, and Germany combined.

Public interest in aviation was stimulated by the World War, but enthusiasm waned until 1926, when the Congress, recognizing its importance both in peace and war, made the first appropriation of two and three-quarters millions of dollars for air-navigation facilities and the establishment of a bureau in the Department of Commerce to supervise the industry. It was one year later, however, in 1927, that an American boy aroused the enthusiasm of the world by the one outstanding feat in the history of aviation. When this modest but intrepid youth, an air-mail pilot of the Middle West, undaunted by the dangers of the deep, with a far vision, a superb courage, and a faith that was firm, darted out into space off the coast line of New York, and within 30 hours and 30 minutes landed his plane on the soil of France, he thrilled a breathless and waiting world. Men will continue to fly across the sea, planes will come and planes will go, but the world's hero of aviation will continue to be our "lone eagle" of the sky, Charles Lindbergh.

From that eventful day a world-wide interest in aviation began to crystallize, and the enthusiasm of America was rekindled. Aviation has now assumed in the United States the proportions of a major industry with an investment of $500,000,000, and the employment of thousands of men, and must be reckoned with by every community and every other form of transportation.

The airplane of the future, with its improvements further eliminating the elements of danger, bids fair to revolutionize our transportation system. In the business life of the Nation, like the motor car and the rail car, it is fast becoming a necessity. The railroads, awakening to its possibilities, as they did with the motor vehicle, are already coordinating their services with air lines, and on several great trunk lines, the Pennsylvania system being the pioneer, a through ticket may now be purchased for passage from the Atlantic to the Pacific by rail and air. Cargoes of greater tonnage, value, and variety are being carried daily by the plane as its new uses vary and increase. Bales of cotton have been transported to the mill and horses and cattle to the market place, while we learn from recent press reports that an airplane on one occasion became an altar place for a wedding, and on another the birthplace of a babe. The precision and accuracy of the airplane schedule is no longer surpassed by the rail or motor lines, and Americans are flying 100,000,000 miles a year. More than 10,000 pounds of mail in increasing volume are daily dispatched over 30,000 miles of airways. The number of planes licensed by the Government to fly interstate this year will increase to 6,000, while the licenses issued to active pilots are more than 5,000 and to student aviators at the rate of 20,000 annually.

In the olden days the gateway to the city was a narrow, dark, tortuous, and inhospitable hole in the city wall. Yesterday the gateway was the great railway terminal with its noisy hustling and confusion. The city gateway of to-morrow is the open, cheery, and welcoming airport.

The success of American aviation is founded not upon governmental bounties and subsidies as in the Old World, nor upon liberal contributions from our Public Treasury as in the case of the railways, waterways, and highways, but is builded upon the sound American principle that industrial development and business should be carried on by private initiative and private capital.

Since the broad expanse and magnificent distances of America lend themselves more readily to air navigation than is possible in the smaller and more congested countries of the world, transportation by air will develop more rapidly in the United States than anywhere else on earth. We can but hope that in the near future such vision and enterprise which has made Mobile the largest shipbuilding center south of Newport News, Va., will build here, where raw materials, energy, and transportation are so abundant and readily available, a large plant for airship construction.

Gratitude for honorable and heroic service has ever been one of the chief characteristics of the American heart. Cities and towns throughout the Nation are adorned to-day with figures of stone, marble, and bronze commemorating the service during peace and war of the living and the dead. Buildings, parks, and fields, as well as great organizations, bear their honored names. During the last great cataclysm, which shocked the civilization of the world, the citizen soldiery of Alabama, as brave a band as ever faced a cannon's mouth or drew the blade of battle, were not surpassed in upholding the standards of America's arms. Standing shoulder to shoulder with the sons of the North, East, and West at Belleau Wood, in the Argonne Forest, and all along the western front, they wrote in letters of blood and fire a new and deathless chapter in the annals of warfare. Amongst the sons of old Mobile who carry now the battle scars of those hectic days is one whom we are so glad to honor to-day. When he returned with his buddies to the outstretched arms of a grateful Nation and the happy hearts of family and friends, because of his outstanding ability and in appreciation of the service he rendered the flag, he was called to a position of high responsibility as a public servant. Having served so well his first term of office, within recent weeks his constituency, without opposition, has called him again to continue that service. It is fitting that in seeking a name for this new project the people here, through their chosen representatives, should honor a favorite son, a valiant soldier, and a commissioner of Mobile, the Hon. Cecil F. Bates.

In the name of the people of the city and county of Mobile, we dedicate this airport, forever to be known as Bates Field, not alone to the uses of local aviation, but for aeronautics everywhere. We dedicate it as a "world" port for all the navigators of the trackless air. As they come and go hither and thither let them carry from here the greetings of an enterprising and hospitable people. Let them tell the world of a climate, soil, and energy combining with all those elements which make the Mobile section an enchanting place for those who would either work or play. Let them carry to investors of capital everywhere the tidings of a favored and inviting field for the planting and growth of industries. We dedicate this field as a rendezvous for the "winged messengers" of commerce, peace, and prosperity throughout the world.

WORLD WAR VETERANS' LEGISLATION

Mr. HOPKINS. Mr. Speaker, by unanimous consent of the House, I am using the instrumentalities of the CONGRESSIONAL RECORD to assist the sick and disabled veterans of the World War to secure the benefits to which they are entitled under the new law.

One of the most pleasant tasks I have undertaken since coming to Congress has been that of aiding disabled veterans of our various wars to secure compensation. As a member of the World War Veterans' Legislation Committee, I have been brought into close contact with the laws and regulations affecting veterans. I wish to take this opportunity to again extend whatever help I can to veterans who are entitled to compensation under the new law.

Compensation pay, if allowed, becomes effective on the date that the application is received. Therefore let me urge every veteran to file the following blank at once.

The new law provides monthly compensation to any veteran who is disabled from any cause (except misconduct), provided he served 90 days during the World War.

The new law also liberalizes many sections of the old act, and I am getting reviews on all old cases that have hitherto been rejected. No doubt many veterans whose cases have been rejected will qualify under the new law. Nevertheless, let me urge all who have disabilities who are not now drawing compensation to fill out the following form and send it in.

Fill out the following form and send it to the regional office in Kansas City or return it to me here in Washington. I shall be pleased to help you in any way I can.

Date, ——— ———.

Gen. FRANK T. HINES,
Director Veterans' Bureau, Washington, D. C.

SIR: I desire to make application for benefits under the act of 1930 providing pensions for disabled veterans of the World War.

1. Organization: _____
(Carefully identify the unit with which you served.)
2. Date and place of enlistment: _____
3. Date and place of discharge: _____
4. Brief description of service rendered: _____
_____
5. State nature and extent of disabilities from which you are now suffering: _____
_____
6. If you have filed claim with Veterans' Bureau, give C number: _____
7. Signature of applicant: _____
Street address or route: _____
City: _____
Missouri: _____

VOCATIONAL EDUCATION FURNISHED BY STATE AND NATION FOR CRIPPLED AND DISABLED

Mr. PATMAN. Mr. Speaker, to my mind, the vocational rehabilitation work as being carried on by the Federal Government and the respective States is promoting the general welfare to the extent that it should have the serious and thoughtful consideration of every citizen of our great Nation. It is for the purpose of rehabilitating people who have become too disabled to follow the line of work for which they are trained or best suited by reason of some disability or disease. I have had considerable correspondence with Mr. J. J. Brown, supervisor of vocational rehabilitation for the State of Texas. Recently I inquired of Mr. Brown the present status of this work in Texas and the possibilities of the future. In reply he gave me the following information:

The vocational education in this State in home economics, trade and industries, and vocational agriculture is being fully matched at the present time with Federal funds. In other words, all Federal funds that are available are matched at the present time with these three departments. At the present time, the vocational rehabilitation department is receiving only $12,500 of the $44,500 available from the Federal Government; therefore, it will be a matter brought to the attention of the next legislature asking them to match dollar for dollar with the Federal funds. In fact, the State of Texas should more than match the funds of the Federal Government, as is done in a number of States.

I am sure that Texas is large enough, and the demand is great enough that we should have a vocational rehabilitation man in about 10 sections of this State in order to properly function to the greatest advantage. In case the State of Texas grants me $44,500, and I secure the $44,500 from the Federal Government, I should be able to put over a very satisfactory program with this $90,000 appropriation, and should be able to use at least five additional people in the field. Nearly all of the States have at least three or four people in rehabilitation work; in fact, New York has 25 people in the same type of work that I am engaged in in this State.

I might say that the number of applications for assistance from my department is growing by leaps and bounds, perhaps due to the terrific amount of unemployment in this State. I might say that to give you an idea of the demand for rehabilitation that the industrial accident board received reports of over 128,000 industrial accidents in the State of Texas during the year 1929. It has been estimated by Dr. W. B. Carrell, one of the leading orthopedic surgeons in this State, as well as a director of the Texas Society for Crippled Children, that we have at least 15,000 crippled children needing medical attention in the State of Texas.

I am sending to you the attached list of the directors of the Texas Society for Crippled Children, as well as people who attended our recent meeting in Dallas who are very greatly interested in crippled children, naturally also interested in disabled people. I imagine that the next good piece of legislation for the State of Texas will be legislation concerning crippled children.

I am further informed by Mr. Brown that he has had applications from over 600 people for assistance, and he has only been able to visit about 200 of these people. He realizes that he is in need of about 10 supervisors to properly reach those in need of being placed in a gainful, remunerative occupation.

The Texas Society for Crippled Children is composed of the following officers and directors:

Organization meeting, Texas Society for Crippled Children, at Dallas June 9, 1930.

By resolution adopted following names, together with those elected as officers and directors, constitute charter members of the Texas society:

Bruce Bogarte, president, 4217 Swiss Avenue, Dallas, Tex.; Abe Goldberg, first vice president, Port Arthur; Miss Margie E. Neal, second vice president, Carthage; R. L. Rutan, secretary and treasurer, Port Arthur; Dr. W. B. Carrell, medical adviser, 3701 Maple Avenue, Dallas; Dr. Sam Driver, 3701 Maple Avenue, Dallas; Dr. P. M. Girard, 3701 Maple Avenue, Dallas; George R. Angell, 118 Field Street, Dallas; N. W. Beach, Dallas; J. J. Brown, capitol, Austin; James N. Clark, Paris; Steve R. Cloyd, 517 North Texas Building, Dallas; Dr. S. A. Collom, Texarkana; H. B. Cummings, 200 New Jersey Avenue NW., Washington, D. C.; E. B. Doran, Dallas; Mrs. Ruth L. Duffy, Adolphus Hotel, Dallas; Col. Bill Easterwood, Dallas; W. C. Everett, 906 Southwestern Life Building, Dallas; John A. Erhard, Dallas; Joe N. Hamilton, 313 Franklin Building, Oklahoma City; J. B. Heinen, Dallas; W. E. Kingsbury, 309 North Preston Street, Dallas; David Lefkowitz, 2415 South Boulevard, Dallas; Kenor T. Levy, 1306½ Young Street, Dallas; Simon Linz, Linz Bros., Dallas; J. G. Lowdon, 1818 South Ervay Street, Dallas; E. Mayer, Sanger Hotel Apartments, Dallas; George C. Purl, 902 Dallas National Bank Building, Dallas; Mrs. James Moroney, Dallas; Dr. Lois Smith, 628 Medical Arts Building, Dallas; W. D. Phipps, 2000 South Ervay Street, Dallas; Edward Titche, Dallas.

These people are engaged in a very useful work. They are rendering an unselfish, patriotic service. The people of Texas are greatly indebted to them for taking the initiative in this wonderful work that is calculated to and will help thousands of people in need.

May 1, 1930, several newspapers in Texas carried the following statement made by me relative to training for disabled children and rehabilitation of those physically disqualified by reason of injury or disease:

HELP FOR THE CRIPPLED AND DISABLED

A farmer lost an arm. He was trained to be a milk tester and is making more money than he ever made. A blind man was taught salesmanship and became a successful salesman. A man who lost his hearing became an upholsterer A child, deaf since 3, learned to operate a linotype machine, and is now making $40 a week and is taking care of his widowed mother. A young man lost his right arm. He took vocational training and became a private secretary. Machine worker lost a leg and was trained to be a dental mechanic.

Crippled children over 14 years of age and people disabled by disease or injury and unsuited for the particular kind of work in which they were previously engaged, may receive from the States and the Federal Government vocational training under the terms of a bill that has recently passed the House of Representatives. The bill, known as the Reed bill, is extending the provisions of a similar law. It will, doubtless, pass the Senate and become a law in a short time.

Under the act the States will match dollar for dollar with the Federal Government and use the money to rehabilitate such disabled people and to educate crippled children in gainful occupations.

The law has been in effect about 10 years. All except four States have taken advantage of it—Texas has accepted its benefits. Thousands of crippled children have been taught useful and gainful occupations. Thousands of crippled employees who were disabled in the work for which they were specially trained, have become proficient in another work in which their physical disabilities are no handicap. All expenses are paid by the States and Federal Government.

Anyone knowing of a child over 14 years of age who is physically deficient for any reason and who is desirous of such training, should give the information to J. J. Brown, supervisor, Vocational Rehabilitation, Austin, Tex. Those who have been disqualified for the work in which they were trained or the occupation in which they have been engaged by reason of a disability, should also apply to this gentleman for all information concerning rehabilitation. I shall also be glad to furnish anyone information about this or any other matter upon request. Address me, 448 House Office Building, Washington, D. C.

WRIGHT PATMAN.

I have received a large number of inquiries about this work. I have furnished the inquiring parties all the available information on the subject. Their applications for aid have been filed with Mr. Brown and every consideration will be given them that is possible for them to receive under the law.

SEVENTY-FIRST CONGRESS

Mr. KENDALL of Kentucky. Mr. Speaker, ladies and gentlemen of the House, we are rapidly approaching the end of the second session of the Seventy-first Congress. Therefore, I deem it expedient and proper to avail myself of the opportunity to discuss and recount some of the most important legislation which has been passed by this Congress, and also to bring to your attention some of the pending bills that are of paramount importance, and as a result of the rapidly increasing sentiment in favor of adjournment, I fear, will not be acted upon at this session.

I shall not enter into any elaborate depiction of the legislation that has been enacted nor of the pending measures, even though time permitted. Serving my first term as a Member of this body, I may not be fully conversant with the proceedings and the work of former sessions; but I am firmly of the opinion that no session in recent years has conceived and wrought legislation which is more timely and vital than that passed by this session, especially the legislation that has been enacted for the relief of agriculture, for the protection of American business and industry, for the relief of veterans and widows and dependents of veterans of all wars, and for the benefit of labor and to mitigate unemployment. Legislation effecting these has not been excelled or in many instances has not been equalled in preceding sessions. During the extraordinary session we enacted a law providing for the creation of a Federal Farm Bureau for the purpose of making a scientific and systematic study and survey of the many and perplexing problems with which the farmer has to contend and surmount. Not only is the farmer to receive the benefits of the study and survey as correlated by this board but at the same time the board is authorized to grant loans on agricultural products. Then followed the revision of the tariff law, and which is now effective. This revision protects not only the American farmer but the American manufacturers, and guarantees the American workmen a job at reasonable wages, whereby he can maintain his family in accordance with the standards of true American living conditions. Our country has never been unmindful of and is always solicitous of the welfare of its disabled defenders and the dependents of those who paid the supreme sacrifice on the altar of the war god. This session has established a precedent that is without a parallel in the annals of the world's history as a friend of the disabled veterans and the dependents of those who lost their lives in the line of duty.

Another striking characteristic of the Congress is the liberal appropriation made for the construction and maintenance of highways, public buildings, and for the improvements of rivers and harbors, and for the prevention of floods. All of which provide employment, some of which will tend to lessen transportation cost and make secure those in flood areas.

Notwithstanding the passage of legislation which must necessarily carry with it large appropriations, we have materially effected a reduction in Federal taxes, and now at the close of the fiscal year we have a substantial surplus in the Treasury. This of itself is of sufficient import to establish the fact that we have a conservative administration, which at the same time has been liberal in recognizing the needs of our country.

I could go on and enumerate many other measures enacted by this Congress, and which are of material benefits to our country, but I do not deem it necessary, even though time permitted. I do desire, however, to mention some of the pending legislation that should receive favorable action, and no doubt would were it not for the fact that the increasing sentiment for adjournment is rapidly gaining momentum. We have the 44-hour week, or half holiday bill, in which labor is deeply concerned. There are two other measures in which labor is deeply interested and carefully watching. One is the Couzens resolution, which provides that no further mergers of railroads shall be effective until a thorough study has been made and a report submitted as to the effect such mergers have upon the business and economic conditions. The other which I shall mention is the bill authorizing alterations and repairs to certain naval vessels, and which the Secretary of the Navy has announced should be made. Consideration should be shown these two measures, as one affects the social and economic conditions of the country, and the other not only affects the social and economic conditions but our national security as well. I regret very deeply that no action can be taken on these measures at this time, for it will result in several thousands being out of employment before action can be taken at the short session, but I trust that action will be immediate and in favor of these measures when we convene in December.

This has been a very interesting and timely session, and I am proud of the opportunity which has afforded me the privilege of serving in this Congress, and representing the ninth Kentucky district.

REPORT TO MY CONSTITUENTS OF MY SERVICE IN CONGRESS

Mr. COCHRAN of Missouri. Mr. Speaker, upon my election to the Sixty-ninth Congress I adopted a policy of making a report of my activities to my constituents, and this policy has been followed during the Seventieth and Seventy-first Congresses. The interest that the people I represent have taken in this report is evidenced by the communications I have received in reply, and I am of the opinion that the exchange of correspondence has been beneficial both to the citizens of my district as well as to myself.

Due to the call issued by the President for an extra session of the Congress in the spring of 1929 the greater part of the last two years has required my presence in Washington.

At this writing I have been a Member of Congress nearly four years. My record of attendance is unbroken, I have missed

neither a session or a roll call since assuming my seat. This in itself shows I have kept the promise I made in my first campaign that if elected I would devote my entire time to the duties of the office.

The Seventy-first or present Congress assembled under the call of the President April 15, 1929. The first session continued throughout the summer and fall, and the regular session convened December 2, 1929, adjourning July 3, 1930. During that period there were introduced in the House and Senate 19,383 bills and resolutions. It would be hard for one to conceive of an idea not covered by the proposed legislation. Two thousand and sixty-four bills were reported by the House and 1,163 by the Senate. Naturally it is a physical impossibility for a Member to examine all this legislation, but I have studied with care bills reported by committees so that I could approach the subjects with some knowledge of the provisions of the measures when called up for decision. Of the 19,383 bills and resolutions introduced in the Seventy-first Congress, 540 bills have become public laws, 279 private laws were enacted, and 106 resolutions agreed to by both Houses. Thus it will be seen that the great majority of the bills fail to get further than the stage of introduction.

Many important laws were enacted, laws that will have a bearing upon the economic condition of the country in future years, whether for good or bad, however, remains to be seen. I regret exceedingly that the Congress did not consider many important measures, important because I feel that some of them would have been of great benefit to the masses of the people.

The House leaders have been criticized because they failed to permit the consideration of the Couzens resolutions, which would have prevented for the time being the further consolidation of railroads and would also have protected the employees of railroads; the Kelly-Capper fair price bill, so much desired by the retailers of the large cities; the unemployment bills, seeking to provide a program of public work in days of unemployment; a bill to modify the Volstead law so as to permit the manufacture of cereal beverages not intoxicating; the bill allowing Government employees a half holiday on Saturday; and many other measures favorably reported by committees, including the Muscle Shoals resolution and the Norris lame duck session resolution.

The President in calling the extra session of Congress asked for farm-relief legislation and a limited revision of the tariff law. I opposed the farm relief bill because I felt the set-up provided for would not be of benefit to the farmers. I stated then I desired to help the man who walked behind the plow and not the speculator. What has been the result? I would be happy if I found it necessary to admit I was mistaken in declining to support the bill, but to-day we find the farmer still appealing for help, with wheat and corn, hogs and cattle bringing prices far below that which prevailed prior to the enactment of the law, and unless a change for the better, which one can not visualize, occurs the results attained support my contention that the measure was unsound. Five hundred million dollars was appropriated to make the law work, but even with this vast sum of money at their disposal the Farm Board has been unable to meet the situation, my evidence being the price farm products are now bringing the producer, while the consumer continues to pay practically the same price for his food as he paid a year ago.

THE TARIFF LAW

In opposing the tariff law I contend I was supporting the President, who asked for a limited revision. Taking advantage of the opening of the tariff question, the tariff barons journeyed to Washington and, through a lobby seldom, if ever, equaled, succeeded in writing on the statute books the highest protective measure ever enacted in the history of the country. The law was signed June 17, 1930, and within a month we find foreign countries retaliating and the President sending the Assistant Secretary of the Treasury abroad to learn just how far our foreign customers are going to rebuke the United States for building a tariff wall which all but places an embargo on foreign-made goods. Our foreign trade, most necessary to absorb our surplus, has continually declined in the past year and a half.

There was a wild scramble among Members to secure for their localities an increase for the commodities manufactured by their constituents. The rates were increased when the bill was under consideration in committee, but many Members, Democrats as well as Republicans, who were responsible for these increases did not vote for the bill in the end. I did not follow this policy. Throughout the consideration of the bill and on the final vote I supported the view of the President when he asked for a limited revision. I regret the President signed the bill in the end. Under its provisions every article necessary for the home now carries a higher rate than in the old law. Shoes, leather, hides, cement, lumber, and other building material are all taken from the free list and a tariff placed thereon. Under its provisions, if a tariff means what its sponsors say it means, it will cost more to feed the family, to furnish the home, as well as construct the home.

REAPPORTIONMENT LAW

I supported the bill which provides for reapportionment, and if the Congress does not reapportion in December, then under this law the Department of Commerce will. We have had no congressional reapportionment since 1910 and the urban centers of the country have been denied proper representation. The result of the census in Missouri, just announced, shows that a majority of the people of the State live in the cities, but St. Louis and Kansas City, including St. Louis and Jackson Counties, have but 4 Members of Congress, while the remainder of the State has 12—most unfair, to say the least.

IMMIGRATION

We are now working under the act of 1924. Over 150,000 are allowed to come in under the quota, many more such as wives of American citizens, although foreign born, enter without regard to quota. In these days of unemployment when we do not have work for the people in the country it seems to me it would have been well if Congress had passed a bill further restricting immigration. The Mexican immigration bill which passed the Senate and was reported in amended form by the House committee was not given recognition by leaders and was not considered. Mexican immigration should be restricted, as it seriously affects the employment situation in the South, with the result that southerners come North seeking employment after their jobs have been taken by the Mexicans. This is especially true of railroad labor.

PROHIBITION AND LAW ENFORCEMENT

Discussion of these questions occupied days both in the House and Senate as well as committees. The activities of organizations and individuals favoring prohibition, both in politics and before the Congress and executive departments, were exposed. The Prohibition Department has destroyed thousands of stills, the majority being in the States dry before the enactment of prohibition. These stills turned out millions of gallons of illicit whisky annually, and statistics show when one was destroyed another was erected. The penitentiaries of the Government are overcrowded and Congress has made provisions for the construction of three additional penitentiaries, and a survey is now being made to determine the number of Federal jails that must be constructed. Most of these will be built in the large cities. At present the Federal prisoners convicted of violating the dry laws are housed in county jails, their upkeep being paid for by the Government. I reintroduced my resolution providing for the repeal of the eighteenth amendment and a bill to modify the Volstead law. I appeared before committees at every opportunity and advanced my views upon the prohibition question, feeling that the eighteenth amendment has brought intemperance rather than temperance.

GOVERNMENT EMPLOYEES

I have supported all legitimate measures affecting Government employees, appeared before the committee in support of the 44-hour bill as well as the retirement measure, the post-office laborers' bill, and the bill signed by the President last week correcting the injustices brought about by the passage of the Welch Act. This measure takes care of the employees receiving the lowest salaries.

WAR VETERANS' LEGISLATION

The United States now has on its statute books the most liberal legislation providing for the veterans of its various wars, as well as their dependents, ever enacted by any country in the world. During this Congress the pensions of the few surviving veterans of the Civil War was increased. Likewise the long-looked-for legislation increasing the pensions of the Spanish War veterans became a law. In the closing days of the Congress, after the President had vetoed a bill granting certain classes of veterans who served in the World War compensation, the Congress passed a World War pension bill.

Under this bill any veteran disabled 25 per cent, not the result of his own misconduct, whose income is not in excess of $3,000 a year is entitled to a pension. The disability does not have to be the result of the man's service. The veterans' act was liberalized, the time for filing applications is now unlimited and evidence can also be accepted at any date. Lay and other evidence not of a medical nature can now be considered in connection with a claim. Heretofore the bureau had required medical evidence, and the veteran not having been attended by a physician could not secure compensation. Now affidavits from friends and comrades can be considered by the bureau in arriving at a decision.

All veterans who come under the new law must file an application, as the pension dates from the day the application is received provided it is allowed.

I supported the President in his veto of the original bill because an investigation showed that only one out of every five veterans whose claims I have handled and who have been denied compensation would have been recognized under the bill. While I was not the author of the pension bill which became a law, I did introduce the first World War pension bill submitted in the Seventy-first Congress, on June 29, 1929. My only regret is that the bill which became a law did not take care of the widows and minor children of veterans who have passed away. I will introduce such a bill in the December session. I have handled thousands of claims for veterans and their dependents, secured many recognition as well as hospitalization. Our bill for taking care of all veterans now amounts to almost $1,000,000,000 a year.

I have continually advocated additional hospital facilities for the St. Louis district. The new 53-bed hospital has been opened at Jefferson Barracks during the last year and negotiations are now pending whereby the Veterans' Bureau hopes to secure additional ground from the War Department at the barracks to construct a 350-bed hospital to house patients suffering from nervous and mental disabilities. I have introduced a bill providing for $1,500,000 to construct this hospital and my bill has been approved by the Director of the Veterans' Bureau.

LABOR AND BUSINESS

I opposed the bill to conscript labor during war times and voted for the resolution to appoint a committee to consider the drawing of legislation to take profits out of wars. I opposed the use of stop watches and other such devices in Government arsenals and navy yards.

My opposition to measures putting the Government in business was evident at all times such legislation appeared, with the exception of Muscle Shoals and Boulder Dam. I feel that in respect to these two great power projects the Government should retain control and not the Power Trust.

TAX REDUCTION

I voted for the tax reduction bill, including a reduction of from 12 to 11 per cent on the corporation levy. The efforts to apply this reduction to corporations only was defeated. The man with an income of $5,000 received a 73 per cent reduction of his tax, while the man with an income of $50,000 received but 9 per cent reduction. More than half of the taxpayers of the United States benefited by this reduction. Those in the higher brackets were least affected.

FEDERAL AID AND CENTRALIZATION OF GOVERNMENT

I have continued my opposition to new Federal-aid projects. I have likewise continued to oppose legislation further centralizing power in the Federal Government.

LOCAL ACTIVITIES

I have devoted much time in behalf of our city and looked after its interests on all occasions. Ever since I have been in Congress I have worked for a new Federal building and a new post office for St. Louis. Both are now assured, the money being appropriated, and the building will go forward just as soon as the sites are secured. It is to be regretted that there has been a delay in getting the necessary property, but both sites should be in control of the Government within a few months. The new Federal building will be constructed at Twelfth and Market Streets, and the new post office, one of the finest in the country, on the ground bounded by Eighteenth, Moore, Market, and Clark.

I have cooperated at all times with the various civic organizations of St. Louis, appeared on numerous occasions before the department in support of the new direct air-mail route from St. Louis to New York, now being lighted and which will probably be opened this fall. I have supported appropriations for river and harbor improvement as well as for the barge line.

CONCLUSION

It has been my contention that it is the duty of a public official, especially when he seeks further support from his constituents, to make an accounting of his service and let the people he represents decide as to whether he has properly performed the trust imposed upon him. I have been frank at all times in expressing myself on pending legislation, never hesitating even if in disagreement to advise those corresponding with me of my views.

All legitimate requests made upon me have been handled faithfully, and if it was possible to secure the desired result it was attained.

I have served all regardless of politics, creed, or color. My long service as secretary to former Congressmen Igoe and Hawes and Senator Stone enabled me to acquire a personal friendship with many Members of Congress, some of whom are now leaders of both parties, and I am indebted to them—both Democrats and Republicans alike—for assistance they have rendered me in connection with matters of vital concern to my constituents.

As the late Hon. Champ Clark, of Missouri, remarked on many occasions, the value of a Representative in Congress to his constituents increases with length of service. Knowledge of how to perform is only gained through continuous service. Ordinarily it takes a new Member at least his first term to become acquainted with Government officials and the procedure in handling matters before Government departments. The leaders of both parties are men who have served 20 years or more. While my service as a Representative has been short, my training as a secretary enabled me to serve the people of the eleventh district from the day of my election.

I shall always cherish the friendship of the people who have honored me by sending me to Congress.

After disposing of a number of important matters pending before various departments which have accumulated in the closing days of the Congress I will return to St. Louis, where I will be available until required to return to Washington in December for the closing session of the Seventy-first Congress.

SPECIAL PRIVILEGE

Mr. JONES of Texas. Mr. Speaker, the greatest fundamental in any free country is equality. Liberty and equality are linked together as the mudsills of our Republic.

Legislation, therefore, which grants undue privileges to one group of citizens or which places an undue burden on another strikes at the very foundation of our institutions.

We decry communism, and properly so. Any person who, being unable to persuade the majority to accept his theories, advocates the use of the bomb or the torch or other violent means of forcing his ideas upon an unwilling majority should be deported. The further admission of such characters should be prevented under our immigration laws. About either of these propositions there is no difference of opinion among good citizens.

But while doing this without stint or limit we should use every effort to remove from our laws those injustices which are sometimes a fruitful cause of discontent. A country in which every citizen has equality of opportunity is not a fertile soil for wild theories.

The gravest danger to our country is not the soap-box orator, bad as he sometimes is. Let us not mistake the form for the substance. The most insidious danger is the selfish, complacent men who through combination, monopoly, merger, and the stifling of competition seek and secure an unfair advantage in the law and in the economics of our country. The man who would sell his country's birthright for a mess of pottage is a far more dangerous enemy than the theorist.

The real damages therefore—

First. Special privilege legislation.

Second. Monopolies, mergers, trusts, and unfair trade practices.

Special privilege is the meat on which monopolies, mergers, and trusts feed. The farmer has been the victim of these burdens.

For many years the manufacturing interests of America have been laboring under the banner of protection. Behind the tariff wall, they have prospered through the medium of increased prices. During all these years the farmer and ranchman have had very little protection. On certain commodities, which they produce in surplus quantities, no direct schedule can be given equality in any tariff system.

So long as we have a tariff system, and in spite of doubts and dogmas and tears and fears we still have it—that system should cover the raw and basic products of the farm just the same as the manufactured article. No reasoning on earth can justify placing the products of the farm and ranch on the free list, while manufactured articles are on the dutiable list.

Here, however, is where the hitch comes, and I am reasoning not from the political but from the economic viewpoint. We produce a surplus of cotton, a surplus of wheat, and a surplus of some other major farm commodities. No direct tariff can place these commodities on a basis of equality with other tariff-laden articles.

For these reasons many students of political economy are advocating the export premium or debenture as a part of our tariff system.

The debenture means an export premium of 21 cents per bushel on wheat, 2 cents per pound on cotton, and similar premiums on other surplus commodities.

It means an increased price on these commodities. That is what the farmer is interested in.

It is not a subsidy. As an independent proposition no one would advocate it. But as a part of the tariff system no one can





deny its logic and justice. It merely restores to the farmer what is now taken away from him by force of law in the form of increased prices on tariff-laden articles.

Is that unfair? Is that unjust? Why did the administration so strenuously oppose it? Are they opposed to equality?

Industry has a similar bounty now. They have reduced railway rates when manufactured articles are exported.

For instance, when iron and steel are shipped from Pittsburgh to New York for domestic use the railway rate is 34½ cents per hundred. When intended for shipment abroad the rate between the same points is 20 cents per hundred. On fertilizer shipped from St. Louis to Galveston the domestic rate is 36 cents per hundred; when intended for export the rate is reduced to 23 cents per hundred. On farm implements shipped from Chicago to New Orleans for domestic use the railway rate is 73 cents per hundred; when intended for export the rate to New Orleans is reduced to 47 cents per hundred.

What are these but bounties or debentures? Why is it sound for industry and unsound for agriculture?

If it is right to encourage the exportation of iron and steel, automobiles, and farm implements by reducing railway rates on exportation, why would it not also be wise to make these reductions apply to wheat and to cotton?

The ocean freight is so small that the combined rail and ocean rate on iron, steel, and farm implements is very little more than the domestic rate here. As a consequence, these manufactured articles are sometimes sold cheaper abroad than at home.

Thus by increased shipment of farm machinery abroad the foreign competition which the surplus farmer must meet is still further stimulated.

It is argued that the premium is justified in order to encourage trade. But, if so, let us give the same encouragement to agriculture. Let us have similar freight-rate reductions on agricultural products. Let us apply the doctrine of equal rights.

This favoritism, this discrimination is sowing the dragon's teeth in our country's fertile fields. Some people seem to think that a long-established vested wrong becomes a vested right.

Behind tariff discrimination, behind a discriminatory freight-rate system, in the very shadow of a nonfunctioning Department of Justice, in the presence of a silent Chief Executive this country has run riot on mergers, combinations, and trusts. The law is being flaunted and almost wholly disregarded.

These are not idle words. They are cold facts. We are face to face with a crisis—that of finding a way to curb the monopolies, combinations, trusts, and holding companies that are threatening the liberty of the American people.

Both wheat and cotton are now selling below the cost of production. Farm mortgages are being foreclosed throughout the country, and many farmers, even at present prices, are not able to pay the interest on loans made them by the various Federal farm-loan banks. In some instances these banks have taken over the property, and in many instances they have to carry loans on which there are delinquencies.

No amount of political talk or excuses can alter these facts. They must be met face to face. The promise to place agriculture on a basis of equality with industry has not been redeemed. It is important that this be done. Not only is it necessary for agriculture, but this restoration would help industry as well. The people who live on the farms furnish a large market for the products of industry. If the purchasing power of the country is taken away, industry must languish and die. In more than one sense is agriculture the basic industry of the country. It not only supplies industry with raw materials, but the producers furnish a market for many industrial products.

The present administration must bear the responsibility for this condition of affairs.

If the prices of agricultural products remain on the present low basis, the machinery of many factories must rust in idleness. If equality is restored to agriculture and the prices are placed at the proper level, the entire country will become prosperous.

SMALL LOANS IN THE DISTRICT OF COLUMBIA

Mr. LAMPERT. Mr. Speaker, there was before us for consideration a bill introduced December 16, 1929, by Mr. BOWMAN and which bears the number H. R. 7628 and which has for its object the licensing and regulating of the business of making loans in sums of $300 or less, secured or unsecured, prescribing the rate of interest and the charge therefor and penalties for the violation thereof. In its provisions it was sufficiently identical with its prototypes introduced in the State legislatures of other States, to be termed the "uniform small loan act."

This same legislation may be proposed next session, therefore it behooves us to consider facts and the experiences which various States have had since the enactment therein of acts similar to this proposed legislation.

The experience of the State of Connecticut, as demonstrated in the work entitled "The Small Loans Problem—Connecticut's Experience," by Clyde Olin Fisher, and published in the American Economic Review of June, 1929, is similar to that of other States which have adopted the proposed legislation.

The following extracts from Fisher's work are pertinent:

CONNECTICUT'S EXPERIENCE

In 1919 representatives of small-loan companies outside the State of Connecticut inaugurated a movement to have the Connecticut Legislature adopt the uniform small loan act. Largely because of the thorough manner in which the campaign was directed and through the support of the Russell Sage Foundation, the State legislature was induced to enact the law. This law has now been on the statute books for nearly 10 years and perhaps this period is of sufficient length to warrant a study of the law from a point of view of its objectives and the degree to which these have been attained—many attempts have been made to repeal the Connecticut law and to amend it. Only two amendments have been enacted (increased power for the bank commissioner and the creation of a board consisting of a bank commissioner, the State treasurer and the State comptroller as the licensing authority, 1923, and an amendment in 1927 giving the borrower an option to repay his loan at any time before maturity upon the payment of the interest for the actual number of days for which he had the loan).

The heart of this legislation lies in section 13, which authorizes a collection of interest at the rate of 3½ per cent per month for the period of the loan, or 42 per cent annually on loans the amount of which is not to exceed $300.

Mathematically, a loan at 3½ per cent monthly, if the interest is paid monthly, amounts to an annual interest charge of 51 per cent rather than of the 42 per cent mentioned in the law.

A bill as passed by the legislature in 1925 reduced interest rates to 3 per cent monthly. That was vetoed by the governor by a pocket veto.

The attention of the writer was first drawn to this type of loan something more than a year ago when he received a circular letter from a local company offering to lend him without security a sum of money not to exceed $300. The letterhead indicated that the company was "licensed by the State and bonded to the public." When, upon inquiry, it was learned that the interest rate permitted was 42 per cent per year, there was an immediate challenge to learn something about the operation of such companies and the reasons for their existence. The first reaction was naturally that of an outraged sense of justice at having placed on this rate of interest for necessitous borrowers the sanction of law. Hence an investigation to determine, if possible, whether such legislative sanction is warranted by the facts of the case.

It is interesting to observe that at the present time an attempt is being made by several States to repeal the uniform small loans act. Bills have recently been introduced in the Legislatures of Indiana, Missouri, and Ohio to make the maximum interest rate for small loans 18 per cent.

The small-loan proposal when first suggested to the banking committee of the Connecticut Legislature met practically unanimous opposition. Every member of the committee was opposed to it, and as the time went along, through the recommendation of the Russell Sage Foundation and the fact that this act was in effect in the other States, one by one the committee was sold to the idea. It was as cleverly presented as any bill, and there were 13 men who changed their minds.

The chairman of the committee, as well as the committee, became vigorous advocates of the repeal of the law in 1925.

Mr. Hilborn, of the Russell Sage Foundation, appeared before the committee and said: "It is our experience there is need for the small loan. There comes a time when a man has sickness, etc., and he does require a small loan, and if he is in a place like Connecticut he has no place to go except charity. This act has been drawn to meet that move."

Representatives of welfare organizations appeared before the committee and advocated the enactment of the bill. * * * The Morris plan banks, it was claimed, did not meet the need for a temporary loan for a person whose promise to pay was not indorsed by others.

The justification for the higher rate of interest was said to lie in the hazards of these loans and the heavy overhead expense involved in making loans for short periods. Mr. E. P. East, representing one of the larger chain companies operating in other States—incidentally, he was the moving spirit and manager back of the agitation to have the law enacted—testified that from 3 to 10 per cent of such loans proved to be no good. He insisted also that this law, if enacted, would drive the loan shark out of business.

In 1921 a representative of the bank commissioner asserted that eight companies, all chain companies, were doing business under the law in Connecticut and that the average loan made was for an amount between $70 and $75.

In 1923, 35 companies in the State, 20 of whom had been licensed within the year, made 61,484 loans, aggregating $1,000,000, an average loan of $162.50.

In 1927, 99 licensed companies loaned $4,643,511.78. In 1928, 128 licensed companies made aggregate loans of $5,942,229.69.

Massachusetts, which has a 3 per cent month law, for the year ending September 30, 1928, had 133 licensed companies, which made 205,386 loans, amounting to $19,716,605.94, an average loan of $96.

In the State of New York, which has a 2½ per cent monthly interest law since 1915, there was less money in the small-loan business in 1928 than in 1915, according to Mr. Henderson, of the Russell Sage Foundation.

The most controversial aspect of the small loan act has to do with the 3½ per cent monthly interest allowed on unpaid balances. In contrast with commercial banks, it is suggested these companies usually loan only their own capital and can not make money through the lending of funds deposited with them. However, the report of the bank commission for 1927 shows that the companies were borrowing $1,083,276.54. For 1928 they borrowed funds to the amount of $1,273,722.96.

The loan companies contend that the large overhead expense and the heavy losses in this kind of loan make it necessary to charge 3½ per cent monthly to insure earnings adequate to induce private capital to enter the business. In all the hearings on this legislation and proposals to change it the Russell Sage Foundation and the representatives of the loan companies have insisted that the high interest rate is necessary. In 1925, however, testimony was submitted to show that in New Jersey, Pennsylvania, and Illinois the average net losses for small-loan companies in each case was less than 1 per cent.

In Connecticut, the Equitable, a chain company, in 1923 reported a net gain of 12 per cent on its investment. The Beneficial, another chain company, reported net profits of 23 per cent on its investments. No company has urged a decrease in the rates.

Massachusetts permits a monthly rate of 3 per cent, and in 1927 the supervisor of loan agencies reported the business was sound and that because of the established nature of the business, money could be made at the lawful rates permitted there which are less than the rates charged under the uniform small loan law in many other States.

It is quite evident that the earnings of the chain companies in Connecticut are much larger than those of the small independent local companies.

The bank committee was refused data showing the earnings of companies organized under the law during 1925 with the statements by the companies that "it was none of their business."

It would seem that the giving of the heavy losses as a reason for high interest rates were putting the cart before the horse. With the large margin of profits made available by the present interest rate, there is temptation to take risks which, under a more conservative profit plan, would not be incurred by loan companies. This means, then, that the charge made against the honest borrower must be loaded to pay losses sustained by the failure of the shiftless to repay their loans—a failure which would not exist in such large measure if the companies were forced to select their clients more carefully. There is no reason why one series of poor men should pay another poor man's bill simply because he has to borrow in time of stress.

Another obvious explanation for the necessity for the high interest rate lies in the duplication of loan offices in any one city.

Some light may be thrown on the reasonableness of the interest charge by the experience of commercial banks in the making of small loans. The American Bank & Trust Co., of Bridgeport, makes loans of this type secured by indorsement. Interest of 6 per cent is deducted in advance and the borrower agrees to repay the loan in 25 weekly installments. At first this bank made an additional service charge of approximately 1 per cent and a small insurance charge. Both these charges have since been discontinued because of a feeling that they were unjust and that the 6 per cent interest for the length of time that the note was to run was ample remuneration. While this amounts to an interest charge between 12 and 13 per cent, this is far short of the 42 per cent authorized by law. The overhead connected with the keeping of accounts would seem to be as heavy for the bank as it is for the small-loan companies. It does not appear that the wide discrepancy in interest rates between the two types of loan can be explained solely by the smaller losses of the bank, the loans of which are indorsed by others than the borrower. The president of that bank stated that he felt that 42 per cent a year was excessive.

A similar plan has been adopted by the National City Bank of New York. In this case loans are made up to $1,000. A discount of 6 per cent is collected in advance. Repayment of the loan is made in weekly installments. A novel feature is the payment of compound interest of 3 per cent to the borrower on his weekly deposits. This is considered significant in that it intends to inculcate in the borrower the habits of thrift. It hardly seems that the security of indorsement by others is adequate to explain the difference between the charges made by the National City Bank and that collected by small-loan companies in Connecticut. The only effect here, as in the Bridgeport case, would lie in a decrease in the number of bad loans, not in a decrease of overhead, which is said to be one of the factors making the high rate necessary.

If experience demonstrates that these plans can make money, this will raise a serious question as to the necessity of permitting a 3½ per cent monthly interest rate as an inducement to private capital to enter the field.

The Household Finance Corporation, with offices in 68 cities and different States, has recently cut its monthly interest rate to 2½ per cent. This company has $13,000,000 loans outstanding and has recently sold through Lee, Higginson Co., of Boston, $7,000,000 new stock. Apparently the investment bankers think that consumers' loans can be made at a lower rate of interest than the law of Connecticut permits.

In the New York Times for January 13, 1929, Mr. William Hirsch, of Philadelphia, shows that the losses of small-loan companies have been very small, usually not exceeding one-half of 1 per cent of the loan. As to small-loan companies in general, he concludes: "The small loans act, operating in a number of States, and devised after an extended study by the Russell Sage Foundation in cooperation with the then usurer and the now licensed lender, is wrong basically. It is the one form of loan which must perforce bring about misery to the individual who is already oppressed. It may not be considered a remedial loan or an act to regulate the loan business as long as it exacts from the best risks eight times the interest charge the law permits to be charged for the less sure risk and the individual who requires money merely for gain and not for bread and butter."

GROSS INJUSTICE

The Manufacturers' Association of Connecticut in 1925 characterized the law as "a gross injustice and gross hardship to employees with limited means."

From an investigation of this type of business in Connecticut, the writer has concluded that probably 60 per cent of the customers of the loan companies become continuous borrowers. This constitutes a severe indictment of an organization dedicated to the promotion of thrift and the elevation of the economic status of the poor man. It suggests that the profit motive has been developed to the injury of any welfare impulse that may have been present at the time of the enactment of the law.

The above analysis points to the following conclusions:

More complete information is needed to show the justification of the high rate of interest now legalized. Some method of limiting the number of companies, as a means of reducing overhead costs and thus the cost of borrowers, should be worked out. A study of the operation of the law in Connecticut leaves one in doubt as to the wisdom of the continuance of the law on the statute books. The condition seems to warrant a conclusion that this law is better than the passive policy of making no provision for small-loan companies, but that the terms of the law should be modified, in the light of 10 years of experience, to the benefit of the small-loan borrower.

Considerable light is shed upon the subject by an exhaustive treatise appearing in the Dallas Craftsman, of Dallas, Tex., entitled "The Menace of the 42 per cent Loan Sharks." This article asserts that about 15 years ago the representatives of the Russell Sage Foundation met the principal loan sharks of the country at a conference where a working agreement was decided upon. I quote the article in part as follows:

"It was agreed that the interest rate of 42 per cent per annum was to be declared henceforth the 'scientific' rate of interest for necessitous borrowers to pay on loans of $300 or less. It was also agreed that the prestige and influence of the Russell Sage Foundation would always be available for the use of the loan sharks in their attempts to legalize their business. Plans were made to organize the loan sharks into State and national organizations and to establish a lobbying organization for promoting the passage of, in every State of the Union, the 42 per cent interest law, to be known in the future as the uniform small loan law. The lobbying organization planned at that time has since become so perfected that it is beyond question one of the largest and most efficient in the country.

"This law has been offered to the legislatures of the various States as a sort of panacea for the evils attributed to the illegitimate lender. Guaranteed to cure the loan-shark evil, it does so by merely legalizing that same loan shark and enabling him to multiply the volume of his business twenty or more times. When this vicious 42 per cent interest law was first brought out broad, sweeping claims were made by its proponents for it as a sort of semiphilanthropic remedial measure, and at that time there was no background of experience from which to judge the actual merits. But time has permitted a true estimate of the working of this law, and in the States where it has been in force for some years there is a tremendous tide of public sentiment against it."

Aroused and indignant, the people have come to realize the injurious effect of this 42 per cent interest law and the grievous burden it places on poor and needy workers. So, during 1929, between the attempts of the legalized loan sharks to pass their 42 per cent interest law and the attempts of an indignant people to throw off the onerous burden, this business of small loans to poor and needy workers came before the legislatures of 16 States.

During 1929 the legalized loan sharks were campaigning for the passage of their law in North Carolina, Arkansas, Texas, Oklahoma, Kansas, Minnesota, and Washington, and these seven States were unanimous in their rejection of this law.

Also, during 1929, much to their dismay, the legalized sharks found the wrath of organized labor rising against them and demanding that the law granting their vicious privilege be repealed. Particularly in Missouri and Wisconsin did they feel the strength of organized labor. All together in nine States, nearly half the States where their vicious law was in force, inflamed public sentiment was demanding further regulation or complete elimination. Those States were Maine, Connecticut, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, Wisconsin, and Missouri.

In Maine the interest rate was reduced from 42 per cent to 36 per cent.

In New Jersey the interest rate was reduced from 36 per cent to 18 per cent as the result of a thorough and exhaustive investigation of a special committee appointed by the State.

In West Virginia the interest rate was reduced from 42 per cent to 24 per cent.

THE LAW IN GEORGIA

In the October, 1926, issue of the Railroad Trainman and in the January, 1927, issue of the Brotherhood of Locomotive Firemen and Enginemen's Magazine is an interesting article concerning the operation of the law in Georgia. The Atlanta Journal declares that the operation of the law has brought about a nauseating condition. The legislative board of the brotherhood has endeavored to repeal the loan shark law, bring interest on loans down to a reasonable rate, and thus far it has not succeeded; but, says the publication, the fight is going to be undertaken with renewed determination to kill off a law that is a stench to the nostrils of every honest person within the State. Case after case of hardship is recited. The article further continues:

"You can readily see that the conditions since the passage of the act in 1920, instead of being helpful, have proven immeasurably worse, Atlanta having become virtually overrun with loan companies which are branch offices of concerns principally owned by outside capital and which have become enormous octopuses feeding on the earnings of our unfortunate poor and under the protection of our 42 per cent interest law."

In the Labor Union and the Kansas City Journal-Post, under date of December 9, 1926, we learn that the uniform small loan law was twice defeated in Missouri and will be again brought up. These publications characterize the proposed law as insidious. Professedly a measure for the relief of the oppressed and needy, it adds new dilemmas and afford stronger security for pseudo loan sharks. These publications assert that it has been demonstrated in Kansas City that a maximum rate of 2 per cent per month will support an organization engaged in making small loans.

Under date of November 25, 1926, in the Labor Union of Louisville, Ky., we are advised that the uniform small loan law was before the Kentucky State Legislature with persistent regularity for the past five sessions of that body, covering a period of 10 consecutive years. The attention of the membership of the 1920 session was directed to the illegal and questionable methods of its sponsors and an investigation was instituted which disclosed both bribe givers and bribe takers and caused a general exodus of the loan sharks and their agents from the capital city. This publication further asserts that the records of the United Trades and Labor Assembly are fairly teeming with data showing the activity displayed by the loan sharks themselves as well as those who were in the pay of the loan sharks.

In Missouri the interest rate was reduced from 42 per cent to 30 per cent. The Missouri Industrial Lenders Association, proponents and operators under the 42 per cent law, fought bitterly to defend their rate. Rumors of corruption and expenditures of huge sums of money in efforts to protect the 42 per cent interest rate finally resulted in a grand jury investigation.

In Wisconsin, in 1929, the labor interests, led by the railroad brotherhoods, waged a desperate fight to repeal the 42 per cent law. The senate accepted the repeal by the overwhelming vote of 23 to 5. The house rejected the repeal by a very narrow margin. The action of the house resulted from the publication of a report signed by a self-appointed citizens' committee, which completely whitewashed the loan sharks. It was proven later, at the senate investigation of lobbying conditions, that the citizens committee was in reality created by W. Frank Persons, a representative of the loan-shark combine, and that the report was written and the investigation conducted by Burr Blackburn, a paid representative of the loan sharks sent to Wisconsin for that purpose. Many of the prominent and well-known citizens who lent their names and prestige to this report testified before the senate that they had not even read the report. They further admitted that they relied solely on Persons and Blackburn and did not know that they were in the employ of the legalized loan shark. Burr Blackburn was rewarded with what is reputed to be a $6,000-a-year job with the Household Finance Corporation of Chicago. At the same time W. Frank Persons, who was the real instigator of the despicable deception, was rewarded by being made executive vice president of the national organization of loan sharks now known as the American Industrial Lenders' Association, and is reported to receive a salary of $25,000 a year.

During 1929 the proponents of the law attempted the most ambitious legislative program in history—to fasten their vicious law upon the people of seven States at once. The complete failure of this program, together with the rising tide of public indignation against them in nine States where they thought themselves firmly intrenched, has driven them to desperation.

One lesson learned from the disastrous campaign of 1929 was the fact that the Russell Sage Foundation had suffered such loss of prestige from their association with the 42 percenters that the foundation could no longer protect nor advance them.

The adoption of this 42 per cent law by more than 20 States proves nothing except the tremendous influence and power of their well-oiled and well-financed lobbying machine. The uniform small loan law has never passed in any State on its merits, as a popular measure by vote of the people. The enactment of this law and the efforts to maintain it after passage have so frequently been attended by rumors of corruption and rumors of the use of large sums of money, that the thinking observer may well come to the conclusion that the law is solely for the benefit of the lenders.

The 42 percenters have always used the prestige of the Russell Sage Foundation to gain the support of local welfare organizations wherever they attempt to pass the bill.

Only one comprehensive survey or inquiry into the working of the small loan law has ever been made by a disinterested public commission not in any way controlled or influenced by the loan sharks. That survey was made by an investigating committee appointed by the State of New Jersey and it recommended a reduction of the interest rate of 18 per cent per annum.

The Dallas Craftman uses the following prophetic language in its issue of January 24, 1930.

"The hungry eyes of the 42 per cent loan sharks are now feasting on the city of Washington, the Nation's Capital. They are intrenched with an office at 712 Tower Building and label themselves the American Association of Personal Finance Companies, in charge of Mr. W. Frank Persons, $25,000 a year executive vice president, notorious for having engineered the framed citizens committee report in Wisconsin. Can it be possible the gage of Persons job is whether he can repeat his Wisconsin performance and persuade Congress to pass the 42 per cent loan shark bill (H. R. 7628) now before it for the District of Columbia? Perhaps, on this accomplishment, rests his entire future as the prestige man for the $500,000,000 game of loan sharks known by the high sounding title of American Association of Personal Finance Companies. Persons boasts of his friendship with men prominent in all walks of life. Will he use them as he used his friends in Wisconsin to promote the business of the loan shark masters? Will his friends and acquaintances be asked to loan their influence to fasten this outrageous 42 per cent interest law upon the laboring people of the District of Columbia? Their audacity is appalling. The city of Washington with its many thousands of well-paid Government employees is a rich prize."

Further prophesying, the paper predicts that the proponents of the bill will be the same ones who have gone the land over advancing the same old arguments, principally Mr. L. C. Harbison, president, and Mr. Byrd Henderson, vice president, of the Household Finance Corporation, the successor of the Frank J. Mackey organization of Chicago; Mr. Hamilton B. De Wiese, whose little black bag of propaganda is known the length of the land; the Legal Reform Bureau; the Hodson interests; Mr. P. B. Leverich, associated with the Hodson interests; Dr. Franklin W. Ryan, with his book on Usury and Usury Laws; and concludes:

"But why continue? It is the same story of chicanery, misrepresentation, and corruption from the very inception of this 42 per cent loan shark law, always grasping greed cloaked as philanthropy. The bill now before Congress (H. R. 7628) was introduced by Representative Bowman, whose home State of West Virginia at the last meeting of the legislature threw out the 42 per cent interest law, and cut the interest rate to 2 per cent per month. Surely our national lawmakers will not permit the sharks to be turned loose to prey upon the people of the District of Columbia at 42 per cent per year. The passage of this uniform small loan law by Congress will create tremendous prestige for the sharks, a prestige which would be used effectively and liberally by them to browbeat into submission any State legislature which resisted their advances.

"The last regular session of the Texas Legislature decisively defeated this same law that is now before Congress. It was defeated in spite of the fact that Mr. Hamilton B. De Wiese, of the Legal Reform Bureau, with his little black bag of propaganda, spent many weeks at Austin and exerted every bit of power and influence his $500,000,000 organization could muster to pass this bill. Texans could not be browbeaten or misled by false propaganda, and neither can our national lawmakers. Surely Congress will rise as one man and denounce the privilege of taking 42 per cent per year interest from poor and needy workers for the vile and inhuman practice it is."

So great were the rumors of corruption in Wisconsin that it elicited newspaper comment from the leading papers in the State. Among others, the Capital Times, of Madison, Wis., bitterly denounced the activities of Burr Blackburn; William J. Abery, Madison attorney representing the Wisconsin Industrial Lenders' Association; W. Frank Persons; Eugene Wengert; and William J. Morgan, former attorney general of the State of Wisconsin, who had been doing legislative work for the American Industrial Lenders' Association.

On July 6, 1921, JOHN J. BLAINE, Governor of Wisconsin, returned without his approval a bill similar to the legislation proposed for the District of Columbia, characterizing the effect of the bill as legalizing the most unconscionable rate of interest, and stating that he could not approve any proposition legalizing and encouraging usury.

Again on July 6, 1923, the same governor returned without his approval bill No. 314A of the Wisconsin Legislature with the following:

"This bill is similar to bill No. 1483, which I disapproved two years ago. I understood then that that bill was promoted by some charity organization, and suggested that if that were true the organization had been misguided, for certainly that bill lacked every element of charity. Now the bill is promoted by the Russell Sage Foundation and a powerful organization of millionaire loan agencies. This bill permits what I then designated as a most unconscionable rate of interest. It has none of the elements of charity, generosity, or the protection to the small borrower, while, on the other hand, it legalizes usury."

According to the Neenah-Menasha Finance Co., of Neenah, Wis., many of the companies operating under the uniform small loan act advertised that they will help out a poor fellow who is in need of a few dollars, but, on the contrary, in many States in which they operate their smallest loan is $100. It was estimated by some members of the Wisconsin Legislature that the small-loan interests spent approximately $100,000 during the year 1929 in Wisconsin to secure favorable action of the law under which they operated.

The State banking departments of Massachusetts, New Jersey, and New York have demonstrated that the loss on this type of loan is less than 1 per cent, and this statement has been set forth by the Household Finance Co., a large national chain 3½ per cent a month loan company, in its pamphlets and literature, which it mails to prospective purchasers of its stock.

Many loan companies in Wisconsin, known as the character loan companies, being some forty-odd in number, know from experience that a rate of 1½ per cent per month provides a satisfactory return. They take the position that the class of people whom they serve, the wage earner in need of money on account of circumstances usually beyond his control, are a class of citizens least able to pay a high rate of interest, and should not be required to pay 30 or 42 per cent a year. The efforts of the small-loan group to keep the law upon the books in Wisconsin is such that it resulted in an investigation of lobbying conditions. Their rates of interest have been sufficiently high to permit the engaging of high-pressure attorneys and lobbyists and the purchase of considerable advertising space in newspapers, thereby influencing the editorial policy of the newspapers favorably to the law.

From the Capital Times of April 13, 1928, we are informed that social workers told the State Industrial Lenders Association that small-loan companies charging 42 per cent a year would have a long way to go before they would be considered desirable public institutions and that many who had previously supported the bill which passed the 1927 legislature are so displeased with the way it is working out that a determined effort will be made to have it repealed in the next session.

In Minnesota the Brotherhood of Railroad Trainmen indignantly opposed the passage of this act. In Minnesota the act was brought up in 1921, 1923, 1927, and 1929, and each year was defeated.

F. J. Lawton, representing the Order of Railway Conductors; John Corbett, representing the Brotherhood of Locomotive Engineers; and Gardner Withrow, representing the Brotherhood of Railroad Trainmen, in Wisconsin, strenuously opposed the law and urged its repeal. Mr. Lawton said that his organization opposed the small loan law not only in Wisconsin but nationally, asserting that any honest working man can borrow money for less than 42 per cent. The Wisconsin Federation of Labor went upon record opposing the law. The Wisconsin State Journal on the date of August 24, 1929, quotes Peter J. Koehler, president of the Wisconsin Industrial Lenders Association, at a meeting of the association in Milwaukee that he believed that the small loan act was "skating on thin ice" and that the companies should show some losses. "If we don't show some losses they are sure to trim us" he told the convention.

The La Follette Progressive Club has adopted a resolution urging that steps be taken to repeal the State small loan law. Under date of February 21, 1928, there appeared in the Daily Northwestern the statement that the action of this club in Oshkosh was taken to remove the so-called "legislative mistake" from the Wisconsin laws. That paper further advises that the small loan law has recently come into prominent discussion and has been the object of many bitter attacks. The resolution in substance recited that the club believed that the law results only in the further pauperizing of the poor people of the State and that the people borrowing the money are being imposed upon, and that the club further deplored that it has been made possible by a law of the State to victimize the poor people under the guise of being their friend and benefactors. An invitation was extended to all churches, lodges, societies, newspapers, and trades and labor councils to assist the club in securing the repeal of this unfair and unjust law, with authority to charge not more than 12 per cent per annum.

The Household Finance Corporation, operating in Wisconsin and other States, despite its reduction of interest rate from the legal 42 per cent, allowed by the law of Wisconsin, to 30 per cent per year, increased its earnings approximately 40 per cent, or $461,360, during the first six months of the year 1929, compared to the earnings for the same period during 1928. According to the Capital Times, under date of September 25, 1929, that company's own statement, issued through its publicity representatives, Doremus & Co., Chicago, states that the Household Finance Corporation's net income for the first six months of 1929 amounted to $1,602,347, compared with $1,140,987 for the first six months in 1928. These earnings are at the rate of $5.06 per share on the combined preferred and common stocks now outstanding. The statement said that approximately 90 per cent of the installment loans receivable were on the 2½ per cent monthly interest rate basis, which was established voluntarily by the company.

The East Side Business Men's Association, according to the Capital Times of July 16, 1929, has gone on record as favoring repeal of the small loans act in force in Wisconsin, condemning the practice of charging laboring people 42 per cent interest.

In a reprint from the November, 1926, issue of the Railway Clerk, the small loan act received severe condemnation. A. J. Pickett, general chairman of the Missouri-Kansas-Texas system, wrote a bitter denunciation of the act, asserting that no wage earner can afford to pay an interest of 42 per cent per annum, regardless of the circumstances in which he may find himself. Rather than pay such a rate of interest, he asserts that it would be just as well that the borrower avail himself of the benefits of the bankruptcy laws in the first instance. He states that from experience it is determined that the uniform small loan law does not meet the loan-shark evil, but, on the contrary, legalizes usury and is a vehicle by which wage earners may be exploited by law.

According to that writer, labor organizations should in every State seek the repeal of the law, and in States where the law has not as yet been enacted labor representatives should be active in opposing the enactment of the law.

WISCONSIN BATTLE NOT OVER

The battle for the repeal of this vicious law in Wisconsin is not over and will not be over until public indignation is assuaged by its elimination from the statute books of that State as shown by a letter written to me by Lieut. Gov. Henry A. Huber under date of April 9 last, in which he states:

MY DEAR CONGRESSMAN: I want to call your attention to the fact that after a hot battle the State of Kentucky has just defeated the 42 per cent law.

The one reason generally given for the enactment of the 42 per cent law is that it would curb the acts of the pawnbroker, but the pawnbroker is an angel in disguise compared with the devil that lurks with the 42 per cent law.

How different are the scandalous operations of the present authorized loan shark! For security, he takes a chattel mortgage on your furniture even to the cup from which the baby drinks its breakfast milk. Only recently there was a case in Milwaukee where the baby's doll was taken away from the baby because it was a part of the security the loan shark had.

The loan shark under the 42 per cent law takes his pound of flesh. The pawnbroker took your luxuries; the loan shark takes your necessities. What a difference between the two!

But that law in Wisconsin is going to be repealed by us as sure as the sun rises in the horizon this morning.

Very truly yours,

HENRY A. HUBER,
Lieutenant Governor of Wisconsin.

I wish to give the Congress the benefit of the views of the Kentucky State Federation of Labor, so I quote below a letter received by me from the secretary of that organization under date of April 23 last. The letter is dated at State federation headquarters in Louisville, and after the usual salutation is as follows:

MY DEAR MR. LAMPERT: My attention has been called to the fact that a bill has been introduced by Representative BOWMAN, of West Virginia, to authorize and legalize a maximum interest of 42 per cent a year on small loans up to $300 in the District of Columbia, and a hearing was conducted by the judiciary subcommittee of the District of Columbia Committee of the House on April 15, 1930.

It is also my understanding that on Tuesday, April 29, 1930, opponents of this bill will be given full opportunity to be heard by the subcommittee.

As secretary of the Kentucky Federation of Labor I have successfully opposed the passage and legalizing of this outrageous, usurious interest rate of 42 per cent per annum in Kentucky and have assisted

its opponents in other States to defeat its passage whenever my attention has been called to its introduction.

Inclosed you will find five copies of the transcript of shorthand notes of proceedings taken before the joint commission of the Senate and General Assembly of the State of New Jersey at Trenton, N. J. This testimony clearly shows that money can be made and capital obtained from investors and still maintain an interest rate of less than 15 per cent to the poor and necessitous borrower.

I would appreciate your placing these copies in the hands of members of the judiciary subcommittee of the District of Columbia at once so they will have ample time in which to read this testimony carefully before Tuesday, April 29.

With sincere regret that it is impossible for me to appear before the subcommittee on April 29 in opposition to this bill, I am,

Respectfully yours,

PETER CAMPBELL, *Secretary.*

The hearings mentioned by Mr. Campbell show clearly many facts which conclusively demonstrate the viciousness of this proposed law in practice in New Jersey.

Those hearings show that William F. Davis, for 13 years manager of the Provident Loan Association, Newark, N. J., testified that he was able to make money and was able to obtain all the capital he needed through the sale of stock to investors and still maintain an interest rate of less than 15 per cent to the poor and necessitous borrower who has only his character and household furniture as collateral.

This transcript also shows by the testimony of Harry Braverman, a certified public accountant of 20 years' experience in the examining field, and for 4 years up to July 1, 1926, chief examiner for the department of banking in the State of New Jersey and in charge of the 36 per cent interest per year loan companies of New Jersey, that it was necessary for some of the chain small-loan companies, in order to maintain a slender financial figure for public and official view, to use every type of loading in expenses, and in one case resorted to the payment to their president of a salary of $150,000 per year, to another official of the same company $75,000 a year, another official $70,000 a year, and still paid an unreasonable profit on bond issues and preferred and common stock.

James M. Sullivan, examiner in the department of banking and insurance in New Jersey, testifies at length in regard to the methods of the 36 per cent interest small-loan companies to hide, conceal, and confuse the enormous profits derived from preying upon the necessitous borrower.

I wish to urge upon this House the fact that every unbiased investigation in every State in the Union which has had this legalizing of usurers in operation has developed that the proposed law is a vicious, damnable method for blood-money gatherers to legally pilfer the pockets of the poor.

THOMAS JEFFERSON, A PRACTICAL PROTECTIONIST

Mr. RAMSEYER. Mr. Speaker, it is not uncommon for speakers and writers to refer to Thomas Jefferson as having been opposed to the policy of protection to American industries. Recently, in my study of writings of Mr. Jefferson, I discovered a very illuminating and interesting letter written by him January 9, 1816, to Benjamin Austin, Esq., in which he gave reasons for his position in favor of protection to domestic industries. Judging from the context of this letter, his attitude toward the development of domestic industries evidently changed during the period from 1785 to 1816. Mr. Jefferson was a scholar whose mind was always open to the truth, and he did not hesitate to change his mind when new conditions confronting him made such change wise or expedient. The following quotation from the letter gives one an idea of his open-minded attitude on economic problems:

> For in so complicated a science as political economy no one axiom can be laid down as wise and expedient for all times and circumstances and their contraries.

Mr. Jefferson approached the situations and the problems of his day by what is now known as the scientific method, which begins with a careful search for the facts, faces such facts frankly, and refuses to dogmatize, realizing that the truth of to-day may be superseded to-morrow by fresh evidence or by sounder interpretation of existing data.

The letter reads as follows:

THE WRITINGS OF THOMAS JEFFERSON (VOL. XIV, P. 387)

MONTICELLO, *January 9, 1816.*

TO BENJAMIN AUSTIN, Esq.

DEAR SIR: Your favor of December 21 has been received, and I am first to thank you for the pamphlet it covered. The same description of persons which is the subject of that is so much multiplied here, too, as to be almost a grievance, and by their numbers in the public councils have wrested from the public hand the direction of the pruning knife. But with us as a body, they are republican, and mostly moderate in their views; so far, therefore, less objects of jealousy than with you. Your opinions on the events which have taken place in France are entirely just, so far as these events are yet developed. But they have not reached their ultimate termination. There is still an awful void between the present and what is to be the last chapter of that history, and I fear it is to be filled with abominations as frightful as those which have already disgraced it. That nation is too high-minded, has too much innate force, intelligence, and elasticity to remain under its present compression. Samson will arise in his strength, as of old, and as of old will burst asunder the withes and the cords and the webs of the Philistines. But what are to be the scenes of havoc and horror, and how widely they may spread between brethren of the same house, our ignorance of the interior feuds and antipathies of the country places beyond our ken. It will end, nevertheless, in a representative government, in a government in which the will of the people will be an effective ingredient. This important element has taken root in the European mind, and will have its growth; their despots, sensible of this, are already offering this modification of their governments, as if of their own accord. Instead of the parricide treason of Bonaparte, in perverting the means confided to him as a republican magistrate, to the subversion of that republic and erection of a military despotism for himself and his family, had he used it honestly for the establishment and support of a free government in his own country, France would now have been in freedom and rest; and her example operating in a contrary direction, every nation in Europe would have had a government over which the will of the people would have had some control. His atrocious egotism has checked the salutary progress of principle, and deluged it with rivers of blood which are not yet run out. To the vast sum of devastation and of human misery, of which he has been the guilty cause, much is still to be added. But the object is fixed in the eye of nations, and they will press on to its accomplishment and to the general amelioration of the condition of man. What a germ have we planted, and how faithfully should we cherish the parent tree at home!

You tell me I am quoted by those who wish to continue our dependence on England for manufactures. There was a time when I might have been so quoted with more candor, but within the 30 years which have since elapsed, how are circumstances changed! We were then in peace. Our independent place among nations was acknowledged. A commerce which offered the raw material in exchange for the same material after receiving the last touch of industry was worthy of welcome to all nations. It was expected that those especially to whom manufacturing industry was important would cherish the friendship of such customers by every favor, by every inducement, and particularly cultivate their peace by every act of justice and friendship. Under this prospect the question seemed legitimate, whether, with such an immensity of unimproved land, courting the hand of husbandry, the industry of agriculture, or that of manufactures, would add most to the national wealth. And the doubt was entertained on this consideration chiefly, that to the labor of the husbandman a vast addition is made by the spontaneous energies of the earth on which it is employed; for one grain of wheat committed to the earth she renders twenty, thirty, and even fifty fold, whereas to the labor of the manufacturer nothing is added. Pounds of flax, in his hands, yield, on the contrary, but penny-weights of lace. This exchange, too, laborious as it might seem, what a field did it promise for the occupations of the ocean; what a nursery for that class of citizens who were to exercise and maintain our equal rights on that element! This was the state of things in 1785, when the "Notes on Virginia" were first printed; when the ocean being open to all nations, and their common right in it acknowledged and exercised under regulations sanctioned by the assent and usage of all, it was thought that the doubt might claim some consideration. But who in 1785 could foresee the rapid depravity which was to render the close of that century the disgrace of the history of man? Who could have imagined that the two most distinguished in the rank of nations, for science and civilization, would have suddenly descended from that honorable eminence, and setting at defiance all those moral laws established by the Author of nature between nation and nation, as between man and man, would cover earth and sea with robberies and piracies, merely because strong enough to do it with temporal impunity; and that under this disbandment of nations from social order, we should have been despoiled of a thousand ships, and have thousands of our citizens reduced to Algerine slavery. Yet all this has taken place. One of these nations interdicted to our vessels all harbors of the globe without having first proceeded to some one of hers, there paid a tribute proportioned to the cargo; and obtained her license to proceed to the port of destination. The other declared them to be lawful prize if they had touched at the port, or been visited by a ship of the enemy nation. Thus were we completely excluded from the ocean. Compare this state of things with that of 1785, and say whether an opinion founded in the circumstances of that day can be fairly applied to those of the present. We have experienced what we did not then believe, that there exist both profligacy and power enough to exclude us from the field of interchange with other nations; that to be independent for the comforts of life we must fabricate them ourselves. We must now place the manufacturer by the side of

the agriculturist. The former question is suppressed, or rather assumes a new form. Shall we make our own comforts, or go without them, at the will of a foreign nation? He, therefore, who is now against domestic manufacture must be for reducing us either to dependence on that foreign nation, or to be clothed in skins and to live like wild beasts in dens and caverns. I am not one of these; experience has taught me that manufactures are now as necessary to our independence as to our comfort; and if those who quote me as of a different opinion, will keep pace with me in purchasing nothing foreign where an equivalent of domestic fabric can be obtained, without regard to difference of price, it will not be our fault if we do not soon have a supply at home equal to our demand, and wrest that weapon of distress from the hand which has wielded it. If it shall be proposed to go beyond our own supply, the question of 1785 will then recur, will our surplus labor be then most beneficially employed in the culture of the earth or in the fabrications of art? We have time yet for consideration, before that question will press upon us; and the maxim to be applied will depend on the circumstances which shall then exist; for in so complicated a science as political economy, no one axiom can be laid down as wise and expedient for all times and circumstances, and for their contraries. Inattention to this is what has called for this explanation, which reflection would have rendered unnecessary with the candid, while nothing will do it with those who use the former opinion only as a stalking horse, to cover their disloyal propensities to keep us in eternal vassalage to a foreign and unfriendly people.

I salute you with assurances of great respect and esteem.

RESERVOIR CONTROL OF THE TRIBUTARIES—THE FEDERAL FARM BOARD—EXTENSION OF FEDERAL HIGHWAYS TO INCLUDE MAIN LATERAL ROADS

Mr. GARBER of Oklahoma. Mr. Speaker and Members of the House, in my speech in the House several days ago I discussed in detail the problems of tariff revision and veterans' legislation, the two most controversial questions that have occupied our attention during this Congress. In this report to the people of the eighth congressional district mention is made of the Garber flood control bill for the storage and conservation of waters through the reservoir system; extension of the Federal highway system to the building of lateral roads to reach the farmers living off the paved highways; the Garber bill authorizing an appropriation of $50,000 for an experiment station at the Panhandle Agricultural and Mechanical College at Goodwell, Oklahoma; the Garber bill granting benefits to the agricultural and mechanical college at Stillwater, Oklahoma, as provided in the acts of July 2, 1862, and July 23, 1866; and the Garber bill which passed the House during the last session providing for an additional Federal judge for the western district of Oklahoma, which embraces all 12 counties in the eighth district.

The major part of this report, however, will deal with the handicap of the accumulated surpluses with which the Federal Farm Board has had to contend in its administration of the agricultural marketing act; also, with the Federal warehouse act, as amended, and cheaper transportation for bulky farm products through the improvement and channelization of the Mississippi River to St. Paul and the Missouri River to Kansas City and as far west as Omaha.

Through an amendment we secured to the transportation act of 1920, the Interstate Commerce Commission is now authorized and directed to compel the railroads to grant joint rates connecting up with water transportation. This will force the distribution of cheap water transportation back through interior sections of the country reaching the high plateau of freight rates existing in the States of Kansas and Oklahoma.

NAVIGATION, FLOOD RELIEF, AND WATER CONSERVATION

An important phase of the transportation question is the development of our system of inland waterways which is so closely related to flood control and conservation of waters that they are inseparable.

It has been demonstrated at a tremendous cost of life and property that the levee system upon which millions have been expended is wholly inadequate to protect the inhabitants of the Mississippi Valley. Moreover, the system ignores every practical use of water in economic development, whether it be industrial, agricultural, for navigation, or for commerce. It is unscientific, unconcerned with the utilization of the flood waters in the upper regions where they might be extremely valuable in the reclamation of dry lands, development of power, and as an aid to navigation. Instead of beginning below, the work of prevention should begin above, at the sources of the water supply in all the tributaries of the Mississippi. Where the projects would be individual and smaller the impounding of the waters could be provided for and thus being held back would prevent their aggregation into raging floods so destructive to property and human life.

RESERVOIR CONTROL OF THE TRIBUTARIES

During the present session of Congress western representatives formed an organization known as the Mid-Continent Flood Control Association, of which I was privileged to be the chairman. We are advocating reservoir control of the tributaries, a plan that calls for navigation improvement as well as for subjugation of the waters.

The possible control of the flood waters of the Mississippi through the withholding of the overflow waters of its tributaries in reservoirs distributed at convenient points in the watersheds of the West, the waters to be used for power and irrigation purposes later on when our consumption catches up with our production, was forcibly presented to Congress in its consideration of flood-relief legislation in the late winter and spring of 1928.

SURVEYS BEING MADE

As a result, the Mississippi flood control act, approved May 15, 1928, included provision for the further investigation of the merit of such a plan and authorized the expenditure of $5,000,000 for investigations on streams of the Mississippi system, in addition to the $7,000,000 authorized by the act of January 21, 1927, for all streams throughout the country.

Pursuant to the authorizations of the act, the work is going forward with all possible dispatch, suitable projects being prepared wherever the investigation indicates improvement of the stream is justified for flood control, navigation, irrigation, or water power. The study, when completed, will include all of the major streams of the United States with the exception of the Colorado, on which investigations were already in progress in connection with the Boulder Dam project.

It is a stupendous undertaking, and its consummation in practical and effective control of the flood waters of the Mississippi will mark one of the greatest triumphs of modern scientific methods over the capricious power of the natural elements.

In a speech in the House on April 9 I suggested and urged the extension of the Federal-aid principle to the control of the flood waters of the tributary streams.

FEDERAL-AID PRINCIPLE ADVOCATED

"* * * We believe that supplemental legislation authorizing the extension of Federal aid to the several States contributing their share for the prosecution of the work is imperatively necessary to project the policy now in formation for the economic utilization of the waters for all purposes. Our present and rapidly developing system of Federal highways evidences the excellent satisfactory results of such cooperation. That cooperation has been on the arbitrary basis of an equal amount of funds furnished by the States and Federal Government. This cooperation on the part of the Federal Government is carried on under the commerce clause of the Constitution, and with equal force the Federal Government has jurisdiction of the development and maintenance of interstate navigability of our streams.

"The several States are demanding protection from the ravages of floods, which incur an estimated annual loss of $450,000,000. The reservoir system for the withholding of waters at their source would contribute to flood control and stabilize necessary channels in the rivers for navigation. Both Federal and State purposes would be promoted by such work. The withholding of such waters, therefore, should be a joint undertaking in which both parties are equally interested. The benefits should be fairly evaluated and the costs apportioned accordingly.

"The navigability of the Mississippi and its five great tributaries for cheaper transportation, adequate flood control for the protection of lives and property, and the stabilization of channels for navigation through the reservoir system are so closely related to one another that they must be carried forward together as the composite economic policy for the control and utilization of the waters of the Nation."

THE GARBER BILL AUTHORIZING FEDERAL AID

My bill, H. R. 11701, introduced on April 16, 1930, embodies the Oklahoma plan of controlling surplus water at the source and provides for the expenditure of $475,000,000 by the Federal Government over a period of 10 years to aid States in the construction of reservoirs to store the water of navigable streams. It includes the tributaries of the Mississippi River and contemplates a series of impounding dams along the streams of the States comprising the eastern Rocky Mountain slope. Under this plan, at suitable intervals, reservoirs of sufficient storing capacity to take care of the surplus water at flood times would be built near the heads of these streams, thus preventing the annual destruction of millions of dollars' worth of property in lands, crops, and buildings.

The measure was framed with a studied effort to minimize objections and to insure its passage. It creates no new boards or commissions. It employs agencies now in existence without additional expense and recognizes the authority of the War Department. It does not disturb the existing program, but fits

in to expand it into a national unity under one control. It is sound and equitable in its apportionment of costs based on the value of benefits derived, and utilizing them to effect the necessary cooperation between the Federal Government and the State or its political subdivisions.

In an editorial published soon after the introduction of the bill the Enid Events had the following to say in regard to its significance:

"The advantages to be gained by consummation of the program proposed by the Garber bill are of such tremendous proportions as to be almost incomprehensible. Every section of the plains country would be equally benefited; the lower Mississippi Valley, subject to annual overflow and cost of life and property, would gain millions in property and more from security of mind. The plan is feasible. Government engineers have been working over the territory for several years and pronounce it sound in principle. Engineers in private employment have surveyed the project and concur in the findings of the Government men. The cost is not prohibitive. In fact, it is figured out by students of the proposed plan that the saving in property over the 10-year period, in which it is proposed to spend the money, would multiply the appropriation at least three times. Here is a measure that should have the enthusiastic fighting support of every citizen of these western plains."

In this connection appropriations for channelizing the Mississippi River and the Missouri River to Kansas City and Omaha had my earnest support. Because of the provision in the Ohio River act authorizing the commission to compel the adoption of joint through rates which would spread the benefits of water transportation out into the remote sections of the country the railroads will be unable to strangle water transportation in the future as they have in the past.

GOOD ROADS LEGISLATION

Under the resistless compulsion of increased motor traffic the good-roads program in the United States has progressed by leaps and bounds. In 1904 our State and Federal Governments alone spent only a little more than two and one-half million dollars for rural highways. In 1928, the most recent year for which complete statistics are available, they spent three hundred and thirty times that much, or more than $827,000,000. In addition to the State and Federal expenditures for roads in 1928, the counties and other local governments spent a total of $832,000,000 on roads. During the last 10 years the aggregate expenditures for roads in this country have totaled more than a billion dollars annually. During the last session Congress authorized increased appropriations for Federal road building from $75,000,000 to $125,000,000 annually. Consistent with my support of the development of our highway system, I supported this measure—one of the most notable pieces of legislation in the highway history of our country.

OKLAHOMA'S PROGRESS IN ROAD BUILDING

Oklahoma, being one of the youngest of the States, is but in the developing stage of her good-roads program. In 1907, when she was admitted to statehood, the eastern part of the State, occupied by the Five Civilized Tribes of Indians, had no territorial organization and had only recently been surveyed and roads laid out. Since that time the State has made remarkable progress in road building. We now have approximately 6,200 miles of State roads, not including a large mileage of unimproved roads. The estimated total expenditure for 1930 for construction and maintenance of highways in Oklahoma is $37,400,000—$16,400,000 under State supervision and $21,000,000 under supervision of cities, townships, and counties. The estimated average cost for paving and draining is placed at $30,000 per mile.

Improved highways have benefited the farmers of the country by bringing them economically closer to their markets, thus reducing the cost of merchandising and making possible the shipment of many more perishable commodities than in the old days when the highways were often a barrier to efficient transportation rather than a convenience.

LATERAL ROADS NECESSARY FOR THOSE LIVING OFF THE PAVED ROADS

With the improvement and extension of the main arteries of our highway system, the need has become increasingly imperative for the development of the lateral roads to reach the farmers living off the paved highways, so as to give everybody the fullest possible benefit of the good-roads system. This must be the new project, supplementing the old; and it is one on which the farmers of the country are in a large measure dependent for a full realization on their investments in good roads.

THE PRESIDENT CONVENES CONGRESS IN SPECIAL SESSION

In his message to Congress convening it in special session on April 15, 1929, President Hoover said:

"The Government has a special mandate from the recent election to further develop our waterways, create and empower a Federal agency to aid in the solution of farm problems and revise the agricultural tariff, including some limited changes in the industrial rates where insurmountable competition had occasioned a substantial slackening of activity during the past few years, with a consequent decrease of employment in the industry."

The development of our waterways for cheaper freight transportation, the creation of a Farm Board to aid in the solution of farm problems, and a revision of the agricultural tariff were the major numbers on the Hoover program, and Congress was called in special session to consider them.

THE AGRICULTURAL MARKETING ACT

During the consideration in the House of the agricultural marketing bill I emphasized the complexity of the problems with which we were attempting to deal, pointing out that their solution could not be expected from any one piece of legislation but must come from a coordination of various measures and a developing legislative program as experience points the way. I said:

"We have been considering farm relief for a period of over six years. We have been divided, distracted, and defeated, but now we are united and will pass this bill. It will not be a "cure-all" for all the chronic ills of agriculture. Neither will it be a panacea for low prices. The marketing machinery created will not be perfect. These are defects which alone can be cured by time and experience. I do not want the farmers I represent to expect too much from the immediate results of the enactment of this bill. It will not immediately restore the purchasing power of their products to an equality with other industries; it will not make the tariff effective on all crops of which we have an exportable surplus—but it will be a start. It will afford a beginning and authority to proceed in the education and work of effecting the essential organizations for which it provides."

OVERLOADED WITH SURPLUSES TO BEGIN WITH

On May 27, 1929, in discussing the agricultural situation on the floor of the House, I again emphasized the magnitude of the task which would confront the Federal Farm Board in its work of regulating and controlling our domestic surpluses, making certain predictions with regard to wheat which subsequent events fully substantiated. The facts then stated exist to-day and are equally applicable:

"Just now the outlook for farm prices on the basic crops of which we produce an exportable surplus is not favorable, and Oklahoma is vitally interested in the prices for such crops. She is third in the production of cotton and likewise in the production of hard winter wheat. Just now we have 355,560,000 bushels of surplus wheat from preceding crops on hand awaiting disposal. It is estimated that the coming crop of winter wheat will yield 595,335,000 bushels, or 16,371,000 bushels in excess of the 1928 crop, or 46,078,000 bushels more than the 5-year average from 1923 to 1927, inclusive, representing the greatest surplus since 1919, when there were 362,947,000 bushels on hand. It is also reported that the acreage sown to wheat in 16 foreign countries, representing 50 per cent of the world's winter wheat in countries other than Russia and China, totaled 96,440,000 acres as against 95,403,000 acres for 1928. With the vast prospective surplus of wheat in foreign countries and surplus, both actual and prospective in our own market, the outlook for a compensatory price is extremely unfavorable.

"Oklahoma wheat will be making its appearance on the primary market during the next 30 days. I predict that the price will open as low as 80 cents a bushel, or 37 cents below the cost of production. It is a discouraging prospect and to be compelled to sell hard winter wheat of the finest milling quality produced, at such ruinous price, under such conditions, will precipitate a heavy load upon the experimental farm bill passed this session of Congress. It can not give immediate relief to such a situation. It is experimental and will take time, several years at the least, to effect the necessary organization to afford substantial relief to such conditions as are now confronting the wheat and cotton growers of the country."

Until our production is cut down within the limits of our domestic demand, the world's price will continue to depress the domestic price to its level, and no reasonable person can expect the Farm Board to raise the world's price of wheat or cotton above its economic level. Curtail our wheat production to the domestic demand and the 42 cents per bushel tariff rate then becomes effective to prevent the importation of foreign wheat, and the domestic price would raise to equality and yield to stabilization throughout the year through cooperative marketing agencies under the direction and assistance of the Farm Board.

FEDERAL FARM BOARD ACTIVITIES

Congress passed the agricultural marketing act in June, 1929, declaring that permanent solution of the agricultural problem lies in collective action on the part of the farmers themselves.

The Federal Farm Board, created to administer that law, began work a month later with the twofold task of, first, promoting the effective merchandising of agricultural commodities by the establishment and financing of a producer-owned and producer-controlled cooperative farm-marketing system; and, second, of aiding in the prevention and control of surpluses in agricultural commodities through orderly production and distribution.

At the first meeting of the Federal Farm Board, held at the White House on Monday, July 15, 1929, President Hoover said:

"I have no extended statement to make to the Federal Farm Board as to its duties. The wide authority and the splendid resources placed at your disposal are well known.

"I am deeply impressed with the responsibilities which lie before you. Your fundamental purpose must be to determine the fact and to find solution to a multitude of agricultural problems, among them to more nearly adjust production to need; to create permanent business institutions for marketing which, owned and controlled by the farmers, shall be so wisely devised and soundly founded and well managed that they, by effecting economies and giving such stability, will grow in strength over the years to come. Through these efforts we may establish to the farmer an equal opportunity in our economic system with other industry.

"I know there is not a thinking farmer who does not realize that all this can not be accomplished by a magic wand or an overnight action. Real institutions are not built that way. If we are to succeed, it will be by strengthening the foundations and the initiative which we already have in farm organizations, and building steadily upon them with the constant thought that we are building not for the present only but for next year and the next decade.

"In selecting this board I have sought for suggestions from the many scores of farmers' cooperatives and other organizations, and yours were the names most universally commended; you are thus in a sense the representatives of organized agriculture itself. I congratulate each of you upon the distinction of his colleagues and by your appointment I invest you with responsibility, authority, and resources such as have never before been conferred by our Government in assistance to any industry."

To help the farmers to help themselves through organization for efficient and economic production and orderly marketing was the duty of the Federal Farm Board, vested with guardianship rights toward agriculture by the agricultural marketing act. It has been functioning for a little more than 11 months. Edgar Markham, assistant to Chairman Legge, in a letter to me dated May 28, 1930, has summarized its activities and accomplishments in that time, as follows:

"The major efforts of the Farm Board since it was organized last July have been directed toward assisting cooperatives to centralize their selling activities on commodity lines; encourage the expansion of the cooperative movement among growers in various farm commodities, and extend to existing cooperatives the financial assistance contemplated in the loan provisions of the agricultural marketing act.

"Five national commodity marketing agencies have been set up by the cooperatives under the guidance of the Federal Farm Board. These include cotton, grain, livestock, wool and mohair, and beans.

"In the case of cotton the board found that there were State cooperatives, but that each State association was operating without regard to what the others were doing. These State associations have been federated into the American Cotton Cooperative Association for centralized selling in the future. Of the 1929 cotton crop, 1,600,000 bales were handled cooperatively, an increase of 30 per cent over the previous year, and reports coming to the board indicate that the amount will be substantially larger for the 1930 crop.

"Grain cooperatives were handling something like 40 per cent of the grain locally, but taking comparatively little of it to the terminal markets, and competing against each other when they did. The board has helped them set up the Farmers National Grain Corporation as a central sales agency, and it is expected that a large part of this volume will be sold under single direction in the new crop.

"A group of the livestock cooperatives have set up a central sales agency to be known as the National Livestock Marketing Association. The livestock cooperatives have been competing against each other in the terminal markets, but it is hoped this will be eliminated by all joining in the national marketing program. A number of large-scale livestock cooperatives have been organized in recent months, notably the Texas Livestock Marketing Association.

"The wool and mohair cooperatives have centralized their sales through the National Wool Marketing Corporation. They have reported a sign-up of 60,000,000 pounds, which is an increase of more than 100 per cent over last year, and expect to handle this year about 100,000,000 pounds, or approximately one-third of the clip.

"The dry-bean cooperatives have a national organization known as the National Bean Marketing Association, and will sell their 1930 crop through that organization.

"The board has assisted a number of the local and regional dairy associations, but it is felt that organization in this commodity must be expanded considerably before anything like a national-marketing program can be undertaken successfully. The same can be said in regard to fruits and vegetables. The board is working with the existing cooperatives in all these commodities with a view to helping them organize their industries on national or regional marketing bases.

"In the matter of loans, advances made to cooperatives by the board total approximately $135,000,000, of which $25,000,000 has been repaid.

"The board feels that fairly satisfactory progress has been made in its work with the result that a much larger percentage of farm commodities will be marketed cooperatively this year. Collective action, both as to production and marketing, seems to offer the best hope of farmers improving their relative financial position. Progress in this direction will depend chiefly on the willingness of individual producers to cooperate."

THE WAREHOUSE ACT

The agricultural marketing act is supplemented by the warehouse act, enacted in 1916. For the first five years after its passage but little use was made of it, but since that time its use has steadily increased until to-day 635 warehouses of various sizes and storing various agricultural products are operating under its provisions.

During the past eight years, farmers' cooperative marketing associations, handling products eligible for storage under the act, including the Southwest Wheat Growers' Association and the Oklahoma Wheat Growers' Association, have used these federally licensed warehouses on a large scale. In addition, thousands of handlers of agricultural products and tens of thousands of individual farmers are also using them.

An amendment to the act passed the House and is now pending in the Senate. In a speech in the House on May 12, 1930, on The Relation of the Federal Warehouse Act to the Federal Marketing Act, I indorsed the former and its proposed amendment, as follows:

"The proposed amendments now pending should be adopted. The act should be strengthened. It supplements the Federal marketing act. It is essential to storage. Storage is essential to orderly marketing. Orderly marketing is essential to the stabilization of the prices of farm products and their stabilization is essential to the exaction of reasonable prices to the producers. The Federal warehouse act is gradually winning its way into greater and wider usefulness."

THE AGRICULTURAL COLLEGE AT STILLWATER, OKLA.

The land-grant act of 1862 granted to each State 30,000 acres of public lands for each Member of Congress at the time of its admission into the Union. This act was undoubtedly the most important act for the promotion of higher education ever enacted in our history. To-day, 68 noble institutions are rooted in the soil of the several States as a result of this legislation promoting higher education and specializing in the arts of agriculture and mechanics. All the States in the Union, with but one exception, are enjoying the benefits of such endowment. That exception is the State of Oklahoma.

Since Oklahoma has never received the benefits to which she is entitled under its provisions, on March 26, 1930, I introduced a bill to grant to the State 210,000 acres of unappropriated nonmineral land for the benefit of its agricultural and mechanical colleges. Under its provisions, if there are not sufficient lands in Oklahoma to comply with the provisions of the act of 1862, then the Secretary of the Treasury would be authorized to pay the State the sum of $1.25 per acre for the number of acres due, or $262,500.

Should the bill become a law and the money appropriated in the amount stated, it will become a permanent endowment for Oklahoma's Agricultural and Mechanical College at Stillwater, the principal never to be impaired or diminished except to the extent of 10 per cent in sites for buildings, the interest only to be used for the promotion of the arts of agriculture and mechanics.

THE PANHANDLE AGRICULTURAL AND MECHANICAL COLLEGE

Under the constructive administration of Dr. Albert W. Fanning, supported by the progressive citizenship of northwestern Oklahoma and adjacent territory in the several States, this institution has rapidly developed into one of the substantial educational institutions of the State. The urgent need of the boys and girls on the farms for the advanced educational facilities this institution affords caused me to introduce a bill authorizing the appropriation of $50,000 to enable the Secretary of Agriculture to cooperate with the experiment station of the Panhandle Agricultural and Mechanical College "in making necessary investigations and experiments in dairying, livestock, and general agricultural and economic problems in northwest Oklahoma, and including adjacent territory located in the States of Texas, Kansas, Colorado, and New Mexico."

The college is located at Goodwell, Oklahoma, near the center of the Panhandle "strip," more than 200 miles from the nearest Oklahoma college and in close proximity to vast areas in the four other States mentioned, which in most cases are far remote from colleges in the respective States of which they form a part. It is thus in a peculiarly strategic position for rendering service in five States. In this area, extending over a radius of 100 miles from the college and as great as the combined area of New Hampshire, Vermont, Massachusetts, and Connecticut, more railroads have been built within the last five years, more new towns have arisen, more building has been done, more new land has been put into cultivation than in any other equal area in the United States.

Because the institution is situated within its borders, the State of Oklahoma has had the responsibility for its upkeep and maintenance. Its field of service, however, being regional, Federal aid is the only practical means of solving some of the complicated educational and agricultural problems of five States of the Union.

The passage of the Garber bill will make possible the further development of the college and experiment station, which will be of inestimable value not only to the students and the farmers of the region but to all classes of business represented in this area.

AN ADDITIONAL FEDERAL JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA

The western judicial district of Oklahoma includes all 12 of the counties of the eighth congressional district. Upon the request of the United States district judges of the State, I introduced a bill authorizing the appointment of an additional United States district judge for the western district, not only to relieve the congested docket in that district but in the others as well, the judge being subject to assignment to the other districts.

This bill was favorably reported by the committee and passed the House. It is now pending in the Senate and will receive favorable action at the next session. An additional judge will relieve the congested condition of the dockets of the several districts. At the close of the fiscal year 1929 there were 2,466 cases pending in Oklahoma. Law enforcement, as well as administration of justice in civil and private cases, demand that the dockets be kept current.

In addition to the measures specifically mentioned and the projects which it has been my privilege to initiate, there are many others which have had my support, but time will not permit of further reference and discussion.

In closing permit me to say that I deeply appreciate the honor of representing the people of the eighth congressional district of Oklahoma in the House of Representatives of the United States—a people industrious, intelligent, progressive, keenly discriminating, and loyal to their country. In return for their confidence and trust I have at all times endeavored to render them substantial service as their Representative, not from a partisan standpoint but from the standpoint of actual service in the discharge of a sacred trust for the benefit of all the people.

A DECADE OF GOVERNMENT FINANCES UNDER THE REPUBLICAN PARTY

Mr. WOOD. Mr. Speaker, the close of the second session of the Seventy-first Congress finds the Republican Party anxious and proud to place before the American people the constructive, honest, and efficient fiscal record which has been made during the sessions of this Congress and the administration of President Hoover. However, any report of stewardship of the finances which confined itself solely to the work of the past session would present an incomplete picture of the accomplishments of the party in power, for these acts of the present Congress are but a continuation of the successful administration and sound management of fiscal affairs which the Republican Party has given for nearly a decade, as it assumed full control of all branches of the Government more than nine years ago, and partial control more than 11 years ago. During these years we have passed through a very unusual period of Government, and a résumé of the accomplishments reveals a record unsurpassed in Government finance covering the broad field of tariff revision, tax reduction, reduction in expenditures, decrease in public debt, decrease in interest charges, refunding of foreign debts, the establishment of a budget system, and general good government.

THE POSTWAR PERIOD

The record dates back to the close of the World War and the resultant chaotic condition of Government activities and finances, and the desire of the American people to return again to power the Republican Party with its traditional capacity for managing national affairs successfully.

The Republican Party came into power in the Congress on March 4, 1919, as a result of the elections of the fall of 1918. The new Congress was summoned into extra session by President Wilson on May 19, 1919. President Harding took office on March 4, 1921, as a result of the elections of the fall of 1920. The record made by the Republican Congress during the two years from 1919 to 1921, while the administration was Democratic, and by the Republican Party in full control of the executive and legislative branches of the Government since 1921 under Presidents Harding, Coolidge, and Hoover, has been a constant succession of events of good administration and sound management.

Upon assembling in extra session in 1919 the Republican Congress was confronted with innumerable and difficult fiscal problems, both domestic and foreign. The country had just emerged from a devastating war, the administration of which had been characterized by gross waste and extravagance. Government expenditures were on a scale which no nation could long endure. Loans in huge and staggering sums had been made to foreign governments without any understanding as to the basis of repayment. Administrative officials were striving to hold at swollen strength many of the enlarged activities of the Government, particularly the military and naval arms. The host of Federal employees assembled during the period of the conflict was not being demobilized with the rapidity that the cessation of war activities would permit. The public debt and the annual interest charge were a burden upon the resumption of normal financing. Taxation was crushing the individual and stifling business. Tariff revision was urgently needed to protect American labor and industry and to readjust our tariff schedules to the changed economic conditions brought about by the war period and place them on a protective basis, and the American people were demanding a speedy resumption of normal conditions in the finances of the Government as an imperative relief to them and as an example and healthy impetus to industry.

The reduction of taxes, the curtailment of the public debt, the decrease of swollen Federal activities, and the return to a normal state of affairs could not be accomplished without a drastic reduction of expenditures, and that could only be had by a decrease in appropriations.

REDUCTION IN ESTIMATES OF THE WILSON ADMINISTRATION

Upon assembling in extra session May, 1919, the new Republican Congress was confronted with the duty of passing, before the commencement of the fiscal year on July 1, 1919, eight of the largest of the appropriation bills which the Democratic Congress had failed to enact into law before it went out of power. Those bills at the time of their failure were all pending in the Senate. The amounts carried in them at the time of their failure aggregated $3,768,000,000. The total of the same eight bills after their repassage was $2,828,000,000. The first legislative action of the new Congress resulted in the passage of these bills before the fiscal year began and in the decrease of the appropriations proposed by the Democratic Congress for the fiscal year 1920 by $940,000,000. The estimates for the fiscal years ending June 30, 1921, and June 30, 1922, respectively, and deficiency estimates for prior years, were prepared by the Wilson administration and submitted to the Republican Congress. They were predicated upon that same basis of extravagant administration which had characterized the conduct of the administration even during the war period. The reductions made by the Congress in these estimates aggregated slightly more than $2,950,000,000. The total reductions which the Republican Congress effected in the amounts proposed to it by the Democratic administration for the fiscal years 1920, 1921, and 1922 reach $3,890,000,000, a sum almost as great as the total ordinary expenditures of the entire Government for the fiscal year which closed on June 30th, last.

WAR APPROPRIATIONS REPEALED

In addition to the reduction effected in the estimates of the Democratic administration and the bills of the Democratic Congress, the succeeding Republican Congresses in connection with the appropriation bills have brought about the repeal of wartime appropriations, which were on the books and subject to expenditure, totaling approximately $1,500,000,000.

THE BUDGET SYSTEM ESTABLISHED

The new Congress at once realized that the conduct of the finances of the Government, according to safe principles, could not be accomplished without the inauguration of a systematic procedure. It accordingly prepared and presented to President Wilson the Budget bill. His veto of that legislation postponed until the advent of the Republican President the enactment of that important measure. The new law was signed by President Harding on June 10, 1921. Its operation has covered the period of 10 fiscal years of administration and the preparation of

Budgets for 9 full fiscal years. The initiation of the system under the leadership of President Harding, and the successful administration and faithful adherence to its principles by Presidents Coolidge and Hoover, take high place in the outstanding events in executive administration of the affairs of government.

The Congress has cooperated with the Executive in the operation of the Budget in the fullest sense. In only one year since the establishment of the new order has the Republican Congress exceeded the aggregate of the requests for funds submitted by the President and then only in a small amount, and on important points of difference involving matters of major policy there has been full consultation and adjustment and no serious or insurmountable differences in Budget policy. The full success of the Budget system through the years since its establishment has been due entirely to the complete accord between the President and the Congress on matters of fiscal policy.

Such a harmonious relationship can only be maintained when all branches are in control of the one party, for a division of responsibility between the legislative and executive branches would hinder the formulation of Budget policy and the carrying into effect of the Budget recommendations of the Executive. A continuance of the Republican Congress is an essential factor in giving full cooperation to the further successful maintenance and development of the Budget system under a Republican President.

DECREASE IN APPROPRIATIONS

The efforts of the Republican Party to decrease the expenses of the Government commenced in 1919. The last appropriations made by the complete Democratic administration, even after the Republican House at the succeeding Congress had eliminated $940,000,000 from certain of the bills, totaled $7,272,000,000. The appropriations made at this session—11 years later—are still $2,400,000,000 less than the final record of a Democratic administration.

DECREASE IN EXPENDITURES

Expenditures are directly dependent upon the appropriations. The decrease of the former can not be accomplished without a reduction of the latter. The actual expenditures for the fiscal year 1920, including public-debt retirements payable from ordinary receipts and excluding the Postal Service payable from the postal revenues, were $6,482,000,000. The expenditures during the fiscal year 1921, the first fiscal year in which Republican control came into all branches of the Government, were $5,538,000,000.

The expenditures for the fiscal year 1930, which closed on June 30, aggregated $3,994,000,000. The decreases in expenditures since 1920 and 1921, respectively, are $2,488,000,000 and $1,544,000,000.

TREASURY "SURPLUSES"

The reduction in appropriations and expenditures outlined above has been accompanied by a very favorable condition of the Treasury. Commencing with the fiscal year 1921 and including the fiscal year which just ended, the excess of ordinary receipts over ordinary expenditures is as follows:

Fiscal year:	
1921	$86,723,000
1922	313,801,000
1923	309,657,000
1924	505,366,000
1925	250,505,000
1926	377,767,000
1927	635,810,000
1928	399,000,000
1929	185,000,000
1930	184,000,000

The total of the surpluses in the Treasury for the 10 years under Republican control has amounted to $3,247,629,000.

PUBLIC DEBT CURTAILMENT

The reduction in Government expenditures and the recurring surpluses have resulted in two very gratifying financial operations; namely, tax reduction and decrease in the public debt. The gross public debt at its peak point, August 31, 1919, totaled $26,600,000,000. The gross debt on February 28, 1921, just a few days before the inauguration of President Harding, was $24,049,000,000. The gross debt on June 30, 1930, totaled $16,185,000,000. The reduction in the debt from the peak point has been $10,415,000,000, and the reduction calculated from the advent of the Harding administration has been $7,864,000,000. Full credit should be given to the Republican Congress—1919–1921—for the effect which its expenditure-curtailment program had upon the reduction of the debt during the period between the peak point of August, 1919, and March 4, 1921. The average yearly reduction during the nine years of complete Republican control has been $875,000,000.

DECREASE IN INTEREST CHARGES

The largest amount of interest paid on the public debt in any fiscal year was in 1920, when there was disbursed in interest payments $1,024,000,000. The estimated interest charge for the next fiscal year, which commenced on July 1, 1930, is $619,000,000. This will be a decrease in the amount of interest on the public debt from the fiscal year 1920 of $405,000,000. While the very great part of this decrease in the annual interest bill has been due to a decrease in the amount of the outstanding debt, there is a considerable proportion of it attributable to the splendid refunding operation, with accompanying lower interest rates, which have been conducted under the able direction of the Secretary of the Treasury, Hon. Andrew W. Mellon.

TAX REDUCTION

The aim of the Republican Party from its partial assumption of control of the Government in 1919 and throughout its full control since 1921 has been to grant relief from taxation. Decreases in appropriations, expenditures, public debt, interest charges, and other retrenchments lead to this natural sequence. Five substantial decreases in taxation have been effected. The revenue acts of 1921, 1924, 1926, and 1928, and the special reduction of 1929, have granted extensive relief both to the individual and the corporate taxpayer by the reduction of direct taxes on incomes, the elimination of many of the indirect taxes that constitute a burden on business and the individual, though not tangibly sensed, and the increase in the exemptions allowed both to individuals and corporations. The relief to the individual and to business, the stimulation of industry and private enterprise, due to the lifting of the burdens of taxation by the Federal Government, can readily be visualized and understood by a glance at the amounts removed from the American public by the enactment of these laws:

Revenue act of 1921	$663,000,000
Revenue act of 1924	519,000,000
Revenue act of 1926	422,000,000
Revenue act of 1928	222,000,000
Reduction of 1929	160,000,000
Total	1,986,000,000

While this lifting of burdens has been taking place in the Federal Government, both in the matter of debt reduction and tax relief, the tendency in State and municipal affairs has been in the other direction. To sense the beneficence of the suspension of this aggregate amount from the economic and financial life of America one need only to contemplate the drag that would be placed upon our material progress if there should be restored to our statutes a tax bill designed to raise approximately $2,000,000,000 a year more in revenue. Each successive act cutting tax rates has been productive of an impetus to business and a larger happiness and comfort for the entire American public.

REFUNDING OF LOANS TO FOREIGN GOVERNMENTS

The advent of Republican control found unsettled and in a chaotic condition the status of the loans made by the United States to foreign governments during the period of the war. Evidences of the loans were in most instances in memorandum form only and with little tangible evidence of any basis on which they were made. Agreements now have been entered into with all of our foreign debtors and the settlements have been ratified. These adjustments have been effected in sums less than the face value of the amounts loaned, which aggregated about $10,000,000,000. The United States has dealt honorably and fairly in these funding agreements. The nations with whom we negotiated suffered tremendously in loss of man power, material resources, and earning power, and the inevitable solution lay, not in the position of a harsh creditor insisting on a return of dollar for dollar, but in the more generous attitude based upon the ability of the nations to pay. In general, the terms of payment extend over a period of 62 years, and the aggregate of principal and interest to be received by the United States approximates $22,188,000,000. Payments have been received under these agreements, the amount aggregating to date $1,438,204,540.08, of which $391,752,610.50 represents principal, and $1,046,451,929.58 interest.

REDUCTIONS IN BUDGET ESTIMATES

It is appropriate to call attention to the reductions made by Congress in estimates of appropriations since the establishment of the Budget system. Nine sets of Budget estimates, including the regular annual Budget and the supplemental and deficiency Budget estimates, have been transmitted to Congress since the passage of the Budget and accounting act in 1921. The Congress has effected a net reduction in each of these years with the exception of one (1930), where there was a slight increase. The amounts of the reductions by years and in the aggregate net are as follows:

Fiscal year 1923 and prior years (67th Cong., 1st and 2d sess.)	$312,361,792.27
Fiscal year 1924 and prior years (67th Cong., 3d and 4th sess.)	10,741,504.15
Fiscal year 1925 and prior years (68th Cong., 1st sess.)	9,024,637.08
Fiscal year 1926 and prior years (68th Cong., 2d sess.)	12,596,495.90
Fiscal year 1927 and prior years (69th Cong., 1st sess.)	6,716,064.34
Fiscal year 1928 and prior years (69th Cong., 2d sess.)	7,752,939.03
Fiscal year 1929 and prior years (70th Cong., 1st sess.)	9,139,989.51
Fiscal year 1930 and prior years (70th Cong., 2d sess.)	[1] 8,142,294.71
Fiscal year 1931 and prior years (71st Cong., 1st and 2d sess.), estimated	23,784,185.61
Total reduction effected by Congress in estimates of appropriations since establishment of the Budget system	383,975,313.18

A widespread misapprehension prevails throughout the country that the Congress is grossly extravagant and has exceeded the recommendations made by the President for Government expenditure. The foregoing table is ample and accurate proof of the fact that in only one year since the Budget became operative has Congress exceeded the total of the requests of the President. Except in the first year of Budget procedure, the margin of difference between what the President requested and the amount Congress granted has not been great.

A reduction of $384,000,000 by Congress in Budget proposals in a period of nine years under the Budget law and a decrease of $3,890,000,000 by the Republican Congress during 1919–1921 under the proposals of the Democratic administration are satisfactory evidence of the part Congress has taken in restoring and keeping expenditures to a normal basis and in paving the way for debt reduction and tax relief. A comparison of the reductions in estimates for the two periods is further evidence of the soundness of Budget cooperation between the Republican President and the Republican Congress during the past nine years.

TARIFF REVISION

Two revisions of the tariff have taken place during this decade of Republican control. As an integral part of the financial operation of the Government they have an important bearing upon our national income from a revenue standpoint in addition to the economic influence their protective schedules have upon our workers, our industries, and our standard of living. The tariff act of 1922 gave the protection that was so urgently needed following the World War. By defending our economic structure against lower-priced labor and materials from abroad we saved our own labor and industry and produced an immeasurable national wealth that brought better homes and higher standards of living to our people and enabled them as individuals and our industries as corporations to contribute more largely to the support of Government through the payment of income taxes.

The 1922 act, through the collection of duties upon imports from foreign countries, was the most successful act as a revenue producer of any of the tariff laws in the history of the Government, the largest single collection of customs duties coming in the fiscal year 1927, when the aggregate reached $606,000,000. The tariff law of 1930 has been upon the statute books only a short time, but it is more important to the economic life of the United States than any previous revision, and I predict that the protective rates for the benefit of agriculture and industry will produce in more propitious times an annual revenue greater than the 1922 act and will bring to American homes and our national wealth a return that will place it in high rank with former legislation of this character.

LIMITATION OF ARMAMENTS

The American people desire to remain honorably at peace with all the countries of the world. We wish to settle any differences we may have with them without recourse to force. The greatest burden upon the world to-day by way of taxation is due to the maintenance of military and naval establishments in preparation for wars or for national-defense purposes and in meeting the obligations coming from past wars. It seems almost incredible that more than 70 per cent of the total outlay of our Government, exclusive of the Postal Service, is needed for these purposes. Our interest and public-debt retirements for next year are a little more than $1,250,000,000. Our needs for veterans for all wars of the past for compensation, insurance, pensions, hospitalization, and so forth, under present appropriations and legislation enacted at the past session, will exceed $800,000,000. The appropriations made for the next fiscal year for the Navy and for the military activities of the War Department are more than $720,000,000. These three items and other smaller amounts directly chargeable to the same purposes bring the total to more than $2,800,000,000, a sum which is approximately 70 per cent of our total governmental requirements, exclusive of the Postal Service.

No single factor has contributed more as a practical effort to keep these costs from mounting than the economies that have come from the Washington treaty limiting naval armaments. Out of the Washington conference, convened in the late autumn of 1921, a saving of approximately $255,000,000 was affected by discontinuing the construction of 11 capital ships, then in various stages of completion. This was not all, however. Had these 11 ships been completed, their maintenance and operation and that of the auxiliaries that would have been necessary to make them effective units of the fleet, to say nothing of the construction cost of such auxiliaries, would have imposed an additional annual charge of a sum approaching $200,000,000.

The Washington treaty did not accomplish complete limitation. The door was left open as to auxiliary combatant craft, and soon nations launched upon ambitious programs in unlimited categories. In order to bring about complete limitation the President in 1927 invited the principal naval powers to convene at Geneva to extend the principles of the Washington conference to all combatant craft. This move was not in vain, although no agreement was reached. The tonnages there advocated were of such dimensions, entailing, as they would have, such huge expenditures in their realization, that it became manifest that an acceptable program of complete limitation must come from a conference of statesmen who would not be guided alone by technical considerations. Hence, following informal discussions, in which the recently concluded Kellogg-Briand pact of peace outlawing war played a prominent part, another naval conference was convened at London in January last, and on April 22, 1930, a treaty was signed, the ratification of which will result in the establishment of complete limitation of naval armament, the further promotion of peace and good will among nations, and at the same time project itself in no small measure into the budgets of the treaty powers. That it will reflect large economies in our own Budget is an incontrovertible fact. In the first place, had there been no London conference it would have been necessary for us in time not only to build replacements of all existing tonnage but to add new tonnage, dictated largely by the expanding programs of other governments.

In replacement tonnage the treaty will save us the enormous expense that ultimately would need to be met of replacing some 76,000 tons of destroyers and approximately 35,000 tons of submarines, an item not far short of $200,000,000. The largest saving, however, will result from the postponement of capital-ship replacement. The Washington treaty program provides that, beginning with the year 1931, the United States would be permitted to lay down 10 capital ships prior to 1937 at a total estimated expenditure up to 1937 of approximately $281,250,000, using $37,500,000 as the unit cost. These two items represent clear savings if we assume, as we must, that our naval policy would be substantially maintained in the absence of the London treaty. Against these savings the only added expense occasioned by the new treaty would be that incident to building 23,000 tons of cruisers, costing something like $45,000,000. The London treaty allows us 23,000 tons of cruisers in excess of our cruiser tonnage now authorized.

Without treaty limitations, naval expenditures might and probably would soar to startling levels, with accompanying heavy taxation. With definite limitation in all categories, even if built up to, the extra cost can not exceed the cost of building the 23,000 tons of cruisers for which no authorization now exists, and this is considerably outweighed by the economies previously indicated.

From an economic standpoint it is quite evident that the London treaty is a distinct accomplishment. From the standpoint of international peace and good will it looms large among the effective agreements for international amity and good will.

THE SEVENTY-FIRST CONGRESS—A WORLD-WIDE ECONOMIC SITUATION

The Republican Party in its management of the finances of the Government, commencing in 1921, courageously and intelligently solved what seemed to many almost insuperable fiscal problems growing out of the war and arising during the reconstruction period, an experience that well prepared it to deal promptly and confidently with the present emergency.

The administration of President Hoover and the Seventy-first Congress soon were confronted with serious economic problems arising through no fault in their conduct of domestic or foreign affairs. Indeed, the economic depression was world wide and the result of a fall in commodity prices. This was the natural result of technical reorganization, increased efficiency, and larger productive power. Foodstuffs and raw materials have been produced in many countries in such abundance that the reduced prices have affected world purchasing power. As a result trade declined, industrial production was restricted, and unemployment increased throughout the world. The inter-

[1] Net increase.

national situation was aggravated by other factors, such as the unrest in China and India, the financial crises in some Latin-American countries discouraging to investors, the disproportion between wholesale and retail prices, increased taxation in some countries, and the high rates for long-time loans which persist although the official rates of discount have been lowered. The effect of this world depression upon the United States is well known. A collapse in security speculation was accompanied by reduced sales of many important products. Foreign trade declined sharply. The recession in business has been felt by farmers and producers in raw materials and workers in the industrial lines most affected. Construction could not take immediate advantage of lowered money rates. The President, in his executive capacity, did all that was humanly possible to relieve the situation, but a world-wide force of economic readjustment can not altogether be arrested in a short time and in one country of such broad international interests as ours.

The President and the Congress, acting in splendid cooperation, have aided the situation in the United States in so far as it is possible to do so by legitimate Government participation through the speeding up of Federal construction projects to help relieve unemployment through the public building, roads, rivers and harbors, and other public development programs. A further aid to the individual and to business was the enactment of tax reduction last winter, giving further relief to individuals and corporations.

The appropriations made during the first and second sessions of the Seventy-first Congress have been chiefly influenced by two factors—legislation in the agricultural marketing act and consequent appropriations to provide loans for cooperative-marketing purposes in the aid of agriculture and legislation and appropriations to carry on the policy of enlarging and expediting the various construction programs of the Government in the aid of employment. Whatever of increase the totals of the session just closed show over the totals of the last session of the Seventieth Congress is directly traceable in greater measure to these two elements.

From an administrative standpoint the United States closed a remarkable fiscal year on June 30 last. With a world-wide depression affecting our trade, our industry, and the recovery of agriculture we have closed the year with a Treasury surplus of $184,000,000, have carried on our normal debt reduction by the retirement of $746,000,000 of principal, and have accomplished at the same time a reduction in taxation of $160,000,000.

APPROPRIATIONS AT THE SPECIAL SESSION

The total appropriations made during the first or special session of this Congress were $199,310,597.12. This sum is $157,969.03 less than the Budget estimates submitted by the President. The amount of the appropriations consisted almost wholly of two sums, namely, $151,500,000 for carrying out the provisions of the new agricultural marketing act, and $43,023,000 to enable the Post Office Department to make retroactive payments to the railroads for carrying the mails in accordance with an order of the Interstate Commerce Commission, the validity of which had been determined by the courts.

THE BUDGET ESTIMATES, SEVENTY-FIRST CONGRESS, SECOND SESSION

The total of estimates submitted during the second, or regular session, by the President in the December Budget, and from time to time later in supplemental and deficiency Budget estimates, aggregated $4,897,555,449.74. The total appropriations made by Congress in all acts and including the amounts under the permanent and indefinite appropriations is $4,873,929,233.16. The total of appropriations is $23,626,216.58 less than the total of all estimates. The following recapitulation shows the reduction in the estimates for the regular annual and the deficiency bills and the net reduction in all estimates:

Estimates submitted in the Budget, transmitted in December, 1929, for the fiscal year 1931	$4,590,335,808.86
Supplemental estimates submitted during the session for consideration in connection with the regular annual bills for the fiscal year 1931	20,134,870.00
Total estimates for regular annual bills and under permanent appropriations	4,610,470,678.86
Total appropriations in regular annual bills and under permanent appropriations	4,585,279,520.46
Reduction effected by Congress in the estimates for regular annual bills	25,191,158.40
Supplemental estimates submitted during the session for consideration in connection with deficiency and other bills, primarily for the fiscal year 1930 and prior fiscal years	287,084,770.88
Total appropriations made in deficiency and other acts	286,338,740.01
Reduction made by Congress in estimates for deficiency and other acts	746,030.87
Total reduction made by Congress in estimates for regular annual and deficiency bills	$25,937,189.27
Deduct appropriations made in special acts for payment of claims and other special items for which estimates were not transmitted by the President (approximated)	2,310,972.69
Net amount by which total appropriations are less than total estimates	23,626,216.58

Congress in making this decrease in the Budget estimates has made three or four significant cuts. The amount of the agricultural appropriation bill is shown as $4,974,704 less than the Budget recommendations. This amount has been eliminated from the sums asked for a continuance of the work in Florida for eradication and prevention of the spread of the Mediterranean fruit fly. The action of Congress with respect to the large funds desired by the Department of Agriculture for this pest have markedly called attention to the inadvisability of following blindly the recommendations of enthusiastic scientific experts either in or outside the Department of Agriculture, has saved for the Government many millions which would have been wasted in useless expenditure, and has protected the people of the State of Florida, particularly the fruit and truck growers, from untold millions of property loss or damage. After getting an initial appropriation of $4,250,000 last year the Department of Agriculture later sent to the President a request for $26,000,000 more. As the result of congressional protest against such a program, this sum was scaled to $15,381,000, which amount was formally transmitted to Congress by the President. A further appropriation of $1,290,000 was then granted by Congress to carry on necessary inspection and quarantine work, and a special committee from the House of Representatives was sent to Florida to investigate the situation at first hand. As a result of the efforts of this committee, and the sentiment which the committee found on the part of the people of Florida against the campaign being carried on by the Federal Government and the State plant board, the President voluntarily reduced the pending estimate from $15,381,000 to $6,902,404, and against this sum Congress finally appropriated $1,740,000. This action of Congress in resisting such unjustifiable requests for appropriations for this purpose has resulted in making available a total of $3,030,000 where the Department of Agriculture originally desired $26,000,000, a difference of $22,970,000.

The legislative appropriation bill is $4,118,560.40 less than the estimates submitted by the proper officers of the legislative branch, due mainly to the elimination of the sum for completion of construction of a wing on the Senate Office Building.

The bill making appropriations for the Treasury and Post Office Departments is $13,314,634 less than Budget figures by the elimination of $10,000,000 from the figure asked for refunding of taxes illegally or erroneously collected, and the remainder from operating funds of the Post Office Department due to a belief that the condition of business did not justify the large increases which were submitted for personnel and other expenses.

The naval appropriation bill is $1,849,565 less than Budget figures, due to adjustments and eliminations which the Congress found possible to make in the appropriations for pay, public works, fuel, helium, and several other items, without any curtailment of service or efficiency in operation.

The second deficiency appropriation bill is $1,323,527.42 less than Budget recommendations chiefly by reason of a reduction in the appropriations for Porto Rican relief from $3,000,000 to $1,000,000. The figure asked comprised $2,000,000 for road construction and $1,000,000 for loans to planters to assist in rehabilitation on account of the hurricane devastation. Congress has already allowed substantial sums for loans, of which $1,000,000 was made at this session, and did not deem further amounts essential for this purpose. The road item was cut $1,000,000, in the opinion that such a sum would suffice for the present fiscal year and the granting of the other $1,000,000 could be postponed until later.

All the other appropriation bills were within the totals of their Budget estimates with the exception of the District of Columbia bill, where there was an increase of $209,004 to cover municipal improvements inserted by the Senate, and the first deficiency appropriation bill, which is $577,496.55 over the Budget, due to an item of $1,660,000 for flood relief in Alabama, authorized by law but for which no supporting Budget estimate was received.

The net reduction of $23,626,216.58 in total Budget estimates has not been arrived at by any arbitrary method. It is reached by a large number of small increases and decreases widely distributed over the entire service. The Budget estimates have not been accepted just as submitted. Each paragraph has been carefully scrutinized by the committee and full explanation and justification for the amount required from those defending the

requests. The preparation of a budget for a government with as diverse interests and ramifications as those of the United States is a complicated and difficult task. There must be denials and disappointments. The committees of Congress charged with preparing the Budget have handled faithfully and courageously the vast amount of detailed work which has been assigned to them. As chairman of the House Committee on Appropriations, I am particularly indebted and grateful to each member of that committee—majority and minority alike—for the earnest cooperation, the loyal support, and the good judgment which has characterized their performance of duty during the past session.

APPROPRIATIONS DURING THE SECOND SESSION—FARM RELIEF AND PUBLIC WORKS

The appropriations made during the second session of the Seventy-first Congress may be summarized as follows:

Total in regular annual acts	$3,168,256,665.46
Total in deficiency acts	243,649,712.70
Total in miscellaneous acts (estimated)	45,000,000.00
Total of permanent and indefinite appropriations	1,417,022,855.00
	4,873,929,233.16

Two factors primarily enter into the aggregate of the appropriations at this session, namely, farm relief appropriations and public works and development appropriations to assist in furnishing employment. The appropriations granted to the Federal Farm Board for operating expenses and for the making of loans to cooperative marketing associations aggregate $101,900,000. In addition to this sum there has been made available to the Department of Agriculture an additional $1,000,000 for aid to the States in the training of specialists in economics and marketing.

The appropriations for public works of national interest include increased funds which have been voted during the present session for the service of part of the last and all of the present fiscal year. The major amounts allowed for these purposes include $129,371,000 for Federal-aid roads, forest roads, national park roads, and special road construction; $60,885,000 for sites and construction of public buildings for post offices, courthouses, and other Government offices; $103,400,000 for rivers and harbors and flood-control works; $10,000,000 for construction of Veterans' Bureau hospitals; $10,660,000 for commencement of construction on the Boulder Dam project; approximately $20,000,000 for new public works under the Military Establishment; $11,000,000 for public works under the Navy, exclusive of ship construction; all approximating $350,000,000. In addition to these major projects there are innumerable special public-works items scattered through the budget under the various departments of the Government which, in the aggregate, will serve to bring this amount well up toward the $400,000,000 mark.

In addition to these building projects there has been made available to the Navy $57,000,000 for continuation of work on the cruiser-building program and ship-modernization work, and the Coast Guard has received $5,000,000 for continuing its program of construction of new vessels and remodeling of naval vessels to adapt them to the needs of the coast patrol to prevent smuggling.

Further assistance to the American merchant marine was granted by substantial appropriations under the Post Office Department for ocean mail contracts, which will have the effect of providing new ships flying the American flag. Under the increased funds made available during the past and the present fiscal years it is estimated that approximately 50 new vessels would be constructed during the next four or five years at a total cost of $259,000,000. While this work will not be carried on directly by the Government, the mail contracts which are made by the Post Office Department will insure the construction by private operators, and such projects will have a very wholesome effect in reviving our shipbuilding industry and furnishing employment in many other lines of industry contributing in a collateral way to the production of these ships.

It is fortunate, indeed, that our Government, through prudent management during past years, finds itself in a position to carry on these extensive undertakings without increasing taxation or resorting to borrowing, and particularly without being compelled to furnish relief by the doing of things which in themselves would have no useful value after the temporary emergency has passed. Every dollar which has been appropriated at this session as an additional measure of relief will be devoted to projects the accomplishment of which will immediately redound to the material and spiritual comfort and happiness of the American people.

COMPARISON WITH APPROPRIATIONS OF SEVENTIETH CONGRESS, SECOND SESSION

Comparing the appropriations of this session with those of the second session of the Seventieth Congress, which is the last comparable period, there is shown an increase of $208,692,465.12 over those of the last Congress. Included in this amount is a net increase of $38,343,119.18 under the permanent and indefinite appropriations which is automatic and occurs without any action by Congress, a sum which is the net difference between the decrease in the annual interest charge and the increase in the public debt retirement funds. Eliminating this figure from the total increase of $208,692,465.12, there remains a total of $170,349,345.94 due to the action of the second session of the Seventy-first Congress. This entire increase is accounted for by the items for farm relief and public works to which reference has heretofore been made. Comparing the appropriations of this session with those of the other session, there is shown an item of $101,900,000 for farm relief which is entirely new, an increase of $21,600,000 for rivers and harbors and flood control, $20,000,000 for public buildings, sites, and construction, $10,660,000 for commencement of work on the Boulder Canyon project, and $37,400,000 on account of Federal road aid and roads in forest reserves. These sums aggregate more than the $170,000,000 of increase, but the excess is offset by projects in the Budget of the second session of the Seventieth Congress which are not repeated in the present appropriations. I will append as a part of my remarks a table showing a comparison, bill by bill, of the appropriation acts of the two sessions.

The session just closed passed an act consolidating into one agency the Veterans' Bureau, the Pension Office, and the National Home for Disabled Volunteer Soldiers. The new department will be known as the Veterans' Administration, and will control all appropriations for the aid of veterans of all wars and their dependents, totaling approximately $800,000,000 a year. Legislation just enacted provides for new and additional benefits to the various classes of beneficiaries estimated to cost for the present year as follows: World War, $31,500,000; Spanish War, $11,500,000; and Civil War, $12,000,000, making a total additional outlay for these purposes of $55,000,000. These benefits will be paid from appropriations made prior to the enactment of the amendatory legislation and deficiency appropriations will need to be made at the next session to replenish and augment the funds of the new administration.

The Prohibition Bureau has been transferred to the Department of Justice, and additional legislation enacted to provide for additional prison facilities, a workable probation system, and the establishment of prison camps and industries for the employment of our growing prison population. Included at the present session, in addition to enlarged funds for purely maintenance purposes, are $1,700,000 for a new penitentiary to cost $3,850,000, $1,000,000 for new Federal jails, $500,000 for the establishment of prison industries, and $750,000 for the establishment and maintenance of prison camps.

The second deficiency act carried two indefinite appropriations for the payment of awards which may be made by the arbiter for ships, patents, and radio station seized during the war. While the amount appropriated is indefinite in character it can not exceed in the aggregate the sum of $51,000,000. The awards of the arbiter are final and conclusive and bear 5 per cent interest until paid. To wait until the next session of the Congress, when the total could be definitely known, would involve the payment of interest unnecessarily and good business judgment necessitates the making of an indefinite appropriation, the final total of which, when the judgments are handed down, will be a proper charge against the total of appropriations of the present session.

A special appropriation of $5,387,367, covering a period of three years, has been granted to meet the expenses of pilgrimages to American cemeteries abroad of the mothers and widows of our gallant soldiers, sailors, and marines who made the supreme sacrifice in the last war and whose final sleep is in hallowed soil in the countries of our Allies in that conflict. No nation in history has ever reached out with such sympathetic arms to so honor wives and mothers, and all who desire will have the great privilege and satisfaction of worshiping at the last resting place of their loved ones.

NEW PROGRAMS

The Congress at this session has passed a number of laws authorizing appropriations which will be felt for several years to come. These programs relate chiefly to public works and developments and will continue in a large way the additional construction projects which have been initiated at this session. Included in this list are the following enlargements: Public buildings, $230,000,000; veterans' hospitals, $16,000,000; Federal aid for good roads, $300,000,000—three years; forest roads and trails, $30,000,000—three years; veterans' legislation, all wars, $55,000,000; rivers and harbors, $139,000,000; Supreme Court building, $10,000,000; Washington City post-office annex, $4,000,-

000; National Museum annex, $6,500,000; military post construction, $20,000,000; parks and parkway development, Washington, D. C., $25,000,000—partly reimbursable; additional cost of legislation for retirement of civil-service employees, $16,150,000; Navy public-works program, $10,000,000; fish-culture stations, 5-year program, $1,885,000; reforestation, 2-year program, $6,000,000; additional penitentiaries, estimated, $7,700,000; and innumerable minor projects and authorizations, bringing the total to more than $900,000,000.

Three of these major programs, namely, good roads, rivers and harbors, and public buildings, will give to the country in a period of years in the near future immeasurable benefits through the facilities they will afford to commerce and industry, as well as to the employment they will provide through the expenditure of the sums.

The new river and harbor bill is the largest in the history of waterway development, and the improvements to be undertaken will be of significant value to the farmers of the country through cheapened freight rates on agricultural products.

The Federal-aid highway program for three years contemplates an expenditure of $125,000,000 for each of the years, which is an increase of $50,000,000 a year over previous programs. The outlay for roads in forest reserves is $30,000,000, or $12,500,000 a year, which is $5,000,000 in excess of the previous outlays.

The addition to the already ambitious public-building program for housing Federal activities in the National Capital and throughout the United States brings the aggregate of that plan to a total of $555,000,000 over a period of six to eight years. To date Congress has provided limits of cost and initial appropriations for over 450 separate projects, with the expectation that $65,000,000 will be expended during the current fiscal year from appropriations already made.

CONCLUSION

The Republican Party has met and fulfilled its promises for sound management of the financial affairs of the Government. It has effected retrenchment and economies, instituted efficient methods of management, and has provided increased funds for constructive development along lines of proper Government participation when the occasion demanded. Its record is complete and unassailable. From the assembly of the Republican Congress in May, 1919, to the present date every effort has been exerted to manage public affairs according to efficient, economical, and constructive business principles. How well these efforts have succeeded is epitomized in the following résumé:

A safe conduct of the Government during the postwar period, bringing order out of financial chaos and a return to normalcy in Government and business.

The establishment of a budget system for the orderly conduct of Government finances.

Two successful revisions of the tariff for the protection of American labor, American industry, and American standards of living, accompanied by increased revenue from duties on foreign importations.

Participation and leadership in two international conferences for the limitation of naval armament, resulting in substantial economies in expenditure and the curtailment of future outlays for naval expansion and replacement programs.

A reduction in total appropriations since the third session of the Sixty-fifth Congress (Democratic) of $2,400,000,000.

A reduction in annual expenditures under those for the fiscal year 1920 (Democratic) of $2,488,000,000.

A decrease in the public debt from its peak of $10,145,000,000 and from the advent of the Harding administration of $7,864,000,000, a yearly average for nine years of $875,000,000.

A decrease in the annual interest on the public debt since 1920 of $405,000,000.

Five reductions in taxation with an aggregate decrease of $1,986,000,000.

A total of Treasury surpluses in 10 successive fiscal years aggregating $3,247,629,000.

The repeal of war-time appropriations totaling $1,500,000,000.

The settlement of debts due from foreign countries on account of loans advanced during the World War, providing for repayment of principal and interest amounting to $22,188,000,000 and the collection to date under such agreements of $1,046,000,000.

A decrease by Congress in the estimates of appropriations submitted by the Executive from 1919 to date of more than $4,275,000,000.

A constructive program to meet the effect on the United States of the present world-wide depression by making liberal appropriations for the prosecution of public construction, the making of postal contracts to encourage the building of vessels in the American merchant marine, and the appropriation of $250,000,000 for making loans to cooperative agricultural marketing associations for the relief of agriculture.

This record and the traditional capacity of the Republican Party to provide efficient and sane management of the affairs of the Government should commend themselves to every thoughtful citizen.

Comparison of estimates and appropriations for the second session of the Seventy-first Congress

Title of bills	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Agriculture	$160,372,474.00	$155,397,770.00	−$4,974,704.00
District of Columbia	45,567,028.00	45,776,032.00	+209,004.00
Independent offices	553,685,388.00	553,523,166.00	−162,222.00
Interior	286,543,647.74	286,543,423.74	−224.00
Legislative	30,676,327.98	26,557,767.58	−4,118,560.40
Navy	382,422,676.00	380,573,111.00	−1,849,565.00
State, Justice, Commerce, and Labor	114,468,723.14	114,253,236.14	−215,487.00
State	17,224,926.14	17,020,469.14	−204,457.00
Justice	32,080,042.00	31,771,112.00	−308,930.00
Commerce	52,952,985.00	53,240,485.00	+287,500.00
Labor	12,210,770.00	12,221,170.00	+10,400.00
Treasury and Post Office	1,162,402,642.00	1,149,088,008.00	−13,314,634.00
Treasury	322,152,065.00	312,304,931.00	−9,847,134.00
Post Office	840,250,577.00	836,783,077.00	−3,467,500.00
War Department	457,308,917.00	456,544,151.00	−764,766.00
Military	339,511,465.00	339,106,459.00	−405,006.00
Nonmilitary	117,797,452.00	117,437,692.00	−359,760.00
Total, regular annual	3,193,447,823.86	3,168,256,665.46	−25,191,158.40
First deficiency, 1930	168,970,193.41	169,547,689.96	+577,496.55
Second deficiency, 1930	75,425,550.16	74,102,022.74	−1,323,527.42
Total, deficiencies	244,395,743.57	243,649,712.70	−746,030.87
Permanent and indefinite appropriations	1,417,022,855.00	1,417,022,855.00	
Miscellaneous	42,689,027.31	[1] 45,000,000.00	+2,310,972.69
Grand total	4,897,555,449.74	4,873,929,233.16	−23,626,216.58

[1] Estimated.

Comparison of appropriations made during the second session of the Seventy-first Congress with those of the second session of the Seventieth Congress

Title of act	Appropriations, Seventieth Congress, second session	Appropriations, Seventy-first Congress, second session	Increase (+) or decrease (−) of appropriations, Seventy-first Congress, second session, compared with same for Seventieth Congress, second session
REGULAR ANNUAL ACTS			
Agriculture	$144,511,554.00	$155,397,770.00	+$10,886,216.00
District of Columbia	38,472,615.00	45,776,032.00	+7,303,417.00
Independent offices	541,445,740.00	553,523,166.00	+12,077,426.00
Interior	285,585,463.02	286,543,423.74	+957,960.72
Legislative	18,660,645.00	26,557,767.58	+7,897,122.58
Navy	360,236,697.00	380,573,111.00	+20,336,414.00
State, Justice, Commerce, and Labor	111,880,887.43	114,253,236.14	+2,372,348.71
State	14,600,478.43	17,020,469.14	+2,419,990.71
Justice	27,937,370.00	31,771,112.00	+3,833,742.00
Commerce	58,577,609.00	53,240,485.00	−5,337,124.00
Labor	10,765,430.00	12,221,170.00	+1,455,740.00
Treasury and Post Office	1,118,290,199.00	1,149,088,008.00	+30,797,809.00
Treasury	303,674,474.00	312,304,931.00	+8,630,457.00
Post Office	814,615,725.00	836,783,077.00	+22,167,352.00
War Department	453,789,362.00	456,544,151.00	+2,754,789.00
Military	331,038,442.00	339,106,459.00	+8,068,017.00
Nonmilitary	122,750,920.00	117,437,692.00	−5,313,228.00
Total, regular annual	3,072,873,162.45	3,168,256,665.46	+95,383,503.01
DEFICIENCY ACTS			
First, 1929	97,613,461.61	----------	−97,613,461.61
Second, 1929	114,388,591.73	----------	−114,388,591.73
First, 1930	----------	169,547,689.96	+169,547,689.96
Second, 1930	----------	74,102,022.74	+74,102,022.74
Total, deficiency acts	212,002,053.34	243,649,712.70	+31,647,659.36
MISCELLANEOUS ACTS			
Miscellaneous relief and other acts	1,681,816.43	[1] 45,000,000.00	+43,318,183.57
Total, regular annual, deficiency, and miscellaneous acts	3,286,557,032.22	3,456,906,378.16	+170,349,345.94
PERMANENTS AND INDEFINITES			
Agriculture	11,048,436.00	11,618,436.00	+570,000.00
Commerce	3,000.00	3,000.00	----------
Independent offices	107,456,991.00	89,543,586.00	−17,913,405.00
Interior	25,712,000.00	20,963,700.00	−4,748,300.00
Labor	9,000.00	9,000.00	----------
Legislative	205,800.00	233,500.00	+27,700.00
Navy	1,824,550.00	1,851,550.00	+27,000.00
Post Office	220,000.00	220,000.00	----------
State	141,233.00	141,233.00	----------
Treasury:			
Interest on the public debt	640,000,000.00	619,000,000.00	−21,000,000.00
Sinking fund and other public debt retirement funds	553,067,629.02	635,324,000.00	+82,256,370.98
Ordinary permanents and indefinites	26,275,181.80	26,004,935.00	−270,246.80
Total, Treasury	1,219,342,810.82	1,280,328,935.00	+60,986,124.18
War:			
Military activities	1,365,900.00	1,365,900.00	----------
Nonmilitary activities	8,297,515.00	8,261,515.00	−36,000.00
Total, War Department	9,663,415.00	9,627,415.00	−36,000.00
District of Columbia	3,052,500.00	2,482,500.00	−570,000.00
Total, permanents and indefinites	1,378,679,735.82	1,417,022,855.00	+38,343,119.18
Grand total	4,665,236,768.04	4,873,929,233.16	+208,692,465.12

[1] Estimated

A FIVE BILLION DOLLAR SESSION—REPUBLICAN EXTRAVAGANCE IN APPROPRIATIONS AND EXPENDITURES

Mr. BYRNS. Mr. Speaker, appropriations made during the first regular session of the Seventy-first Congress, the session just closed, including not to exceed an estimated maximum of $51,000,000 under indefinite appropriations for the payment of awards under the settlement of war claims act of 1928, amount to $4,924,929,233.16. If there be added to this figure the $199,310,597.12 which was appropriated at the special session, the total appropriations of the present Congress will amount to more than $5,124,000,000. This amount exceeds by $459,003,062.24 the appropriations made at the last session of the Seventieth Congress, which were $4,665,236,768.04.

It is eminently fair in a comparison of appropriations of this and the last regular session—the last session of the Seventieth Congress—to include appropriations made during the special session of this Congress. If the President had not called Congress into extraordinary session the appropriations authorized and made at that session would have been postponed and brought forward at the first regular session of the Seventy-first. However, if the appropriations for the special session are eliminated in the comparison made it will be seen that the appropriations for the first regular session of the Seventy-first, just ended, exceed those of the last regular session of the Seventieth Congress by the sum of $259,692,465.12.

It will thus be seen that even the "myth" of Coolidge economy disappeared with his régime. Since Mr. Hoover entered upon the presidency there has been a complete reversal in the attitude of the Republican administration and Congress toward the expenditure of public money. From a semblance of economy under Mr. Coolidge, which was considered by many at that time a mere gesture, the Government has indulged in what may well be termed a riot of extravagance.

There have been meritorious and necessary increases for the disabled veterans of our wars which are entirely proper and to which no one should object. There have also been increases for the erection and improvement of public buildings badly needed throughout the country which will furnish employment to thousands who under this era of "Hoover prosperity" now find themselves out of employment. But these needed appropriations can not be charged with entire responsibility for such enormous increases as are shown at this Congress.

The record will show that Congress has, with the approval of the President and his Budget, passed a number of laws involving in the aggregate immense expenditures of public money. The present Congress has passed authorizations pledging future appropriations which will amount to approximately $1,000,000,000. This is in addition to the cost of ordinary peace-time operation of the Federal Government which, under Republican administration, has taken over many activities which should have been left with the States or should not be undertaken either by the Federal or State Governments. In a résumé of appropriations and expenditures the increasing tendency toward centralization of power and functions of government at Washington can not be adequately dealt with. But every student of government and economics recognizes this continuing centralization as a menace to our institutions and democratic Government. Certain it is that under Republican rule this tendency has become exceedingly costly.

Governmental expenditures to-day—in a time of peace and 12 years after the war—are far greater than ever before in the peace-time history of the Government. They are now within a few hundred million of what they were in 1921, just three years after the war and when the country was still maintaining troops in Europe and was paying off huge hang-over war expenses. A few years ago the late Hon. Martin B. Madden, who was one of the greatest chairmen of the House Committee on Appropriations, warned his Republican colleagues that unless there was a check on unnecessary appropriations, the expenditures of the Federal Government would soon reach the $5,000,000,000 mark. I am sure he little dreamed that his prophecy would so soon become an actuality.

Recently the President seems to have become aroused to the fact that appropriations are increasing under his administration to an unprecedented extent. Two White House statements calling attention to the necessity for retrenchment in appropriations and authorizations were issued. These statements set forth that unless there was retrenchment it would be necessary to increase taxes or issue bonds to meet the cost of the Government. Whether intended or not, these statements left the country under the impression that Congress was entirely to blame for this situation. This is by no means the true picture. The President himself is primarily responsible. Not a dollar has been appropriated or authorized which had not previously received his approval and that of his Budget Director.

As a matter of fact, the appropriations for the special and regular session of Congress just closed are $23,785,185.61 less than the President and his Budget Director asked Congress to appropriate. As evidence of the disregard of his own warning, he has three secretaries at a salary of $10,000 per annum each, whereas his predecessors considered that one was entirely sufficient. One of these is generally referred to as the secretary of political affairs. It is the first time the United States Treasury has been called upon to pay the salary of one whose duties seem to be that of steering the President clear of political shoals; or, in other words, to smooth out the political tangles and to act as political adviser, and whose services have nothing to do with the constitutional duties of the office of President.

The White House appropriations under Mr. Hoover were $529,020, as compared with $437,180, the last annual appropriations made under President Coolidge. This was an increase in the first year of President Hoover of $91,840, exclusive of reconstruction due to fire loss.

There has been an enormous increase in the number of Federal employees. According to a tabulation made on June 30, 1929, there were 587,665 employees under civil service. This is 18,950 more than the total number of employees on June 30, 1928, and only 330,095 fewer than were employed on November 11, 1918, when the armistice halted war-time expansion. It must be borne in mind that those employees under civil service by no means constitute the total number of persons employed in the activities of the Federal Government. Many governmental positions are not under civil service.

Burdensome expenditures of government have contributed their share in the present deplorable depression of business. High taxes do not result in prosperity. Despite widespread propaganda to the contrary, expenditures constantly increased year by year under the administration of Mr. Coolidge, but by no means in the extravagant manner and to the reckless extent which they have under Mr. Hoover. Under his administration they have reached their peak, and this increase is out of all proportion to the natural and steady growth of government.

I commend the statements of the President, saying that retrenchment and reduction in appropriations are of the utmost importance. I consider this a duty which both he and Congress owe the country. But something more than mere statements is needed. He should see that rigid economy is practiced by himself and all the departments of the Government. There is no evidence up to the present time that there has been any effort along this line. I need simply refer to the estimates submitted by him and the appropriations made at the regular session of the Seventy-first Congress as incontrovertible proof to the contrary.

The following statement shows in detail the appropriations made at this session of Congress:

Total appropriations Seventy-first Congress, second session

Agriculture, Department of		$155,397,770.00
District of Columbia		45,776,032.00
Independent offices		553,523,166.00
Interior Department		286,543,423.74
Legislative establishment		26,557,767.58
Navy Department		380,573,111.00
State, Justice, Commerce, and Labor:		
State	$17,020,469.14	
Justice	31,771,112.00	
Commerce	53,240,485.00	
Labor	12,221,170.00	
		114,253,236.14
Treasury and Post Office:		
Treasury	312,304,931.00	
Post Office	836,783,077.00	
		1,149,088,008.00
War Department:		
Military	339,106,459.00	
Nonmilitary	117,437,692.00	
		456,544,151.00
Total regular annual bills		3,168,256,665.46
First deficiency act		169,547,689.96
Second deficiency act		74,102,022.74
Total deficiency acts		243,649,712.70
Miscellaneous (estimated)		45,000,000.00
Permanent and indefinite appropriations		1,417,022,855.00
Grand total		4,873,929,233.16

NOTE.—To this grand total should be added $51,000,000, which represents the maximum amount which may be paid out under two indefinite appropriations in the second deficiency act for carrying out the provisions of the settlement of war claims act of 1928 in payment of awards allowed by the arbiter, whose decision is final. If this amount be added the grand total for the second session of the Seventy-first Congress becomes $4,924,929,233.16.



Congress passed three important laws for benefits to veterans and their dependents. These new acts were passed after the appropriations as set out above had been made. The cost of the first year for each of these measures is as follows: World War veterans, $31,500,000; Civil War pensions, $12,000,000; Spanish-American pensions, $11,500,000; totaling $55,000,000. Funds will have to be appropriated at the next session to make up for these increases. They will ultimately result in making the total appropriations for this single session not far from $5,000,000,000.

It will be seen from this table that the total appropriations for the session just closed are $4,924,929,233.16; and if the appropriations of $199,310,597.12, made at the special session are added, the total amount is $5,124,239,830.28. This figure does not include the item of $55,000,000, on account of veterans' relief just referred to, which should really be classed as appropriations of this session.

As showing some of the purposes for which these huge sums are being appropriated by a Republican Congress at the request of Republican Presidents, I call attention to the tax refunds which have been made under Republican administrations.

TAX REFUNDS

From 1922 down to June 16, 1930, the Federal Government, under the administrations of three Republican Presidents—Harding, Coolidge, and Hoover—but under the administration of a single Secretary of the Treasury, Andrew W. Mellon, has paid out of the public Treasury in tax refunds, including credits and interest, the enormous sum of $2,860,405,898.58. This is a revised figure and is exact except for certain claims allowed during the present year, but any revision covering them is not likely to affect the total more than a few dollars. At any rate, we may say with perfect accuracy that the tax refund claims paid out of the Federal Treasury since 1922 are in excess of $2,850,000,000. Furthermore, additional claims are being paid from time to time. There are approximately $1,000,000,000 of such claims still pending, and if they are settled on the same basis as those already allowed, they will increase the grand total of tax refund, credit and interest payments to approximately $4,000,000,000, or more than the total ordinary operating expenses of the Government for one year.

Among the refund payments are some involving great sums of money. To the United States Steel Corporation alone has already been paid a total of $96,384,865.93.

Other large claims which have been paid during the last year include:

Middle States Oil Co., New York, $4,300,000.
Eastman Kodak Co., Rochester, more than $2,500,000.
Philadelphia Rapid Transit Co., over $1,700,000.
Baldwin Locomotive Works, Philadelphia, $3,700,000.
American Window Glass Co., Pittsburgh, $2,100,000.

Another large claim paid in a prior year was upward of a million and a quarter dollars to the Aluminum Co. of America, a giant monopoly owned and controlled, according to general information, by the family of which Secretary of the Treasury Mellon is a member.

It is not possible to say whether all or a large part of these tax-refund payments are just and fair, because it is not possible for anyone outside the Treasury Department to get all of the facts. If these repayments are just, then it is a strange circumstance that giant corporations such as I have enumerated, employing the very best legal talent and the most expert accountants, would voluntarily pay out of their treasury in the first instance such huge sums of money in taxes and then await the lapse of the long period of time necessary to get this money refunded.

We must remember that approximately 83 per cent of this vast sum of money paid out of the Treasury in refunds and interest was collected in war excess profits taxes during the administration of Woodrow Wilson. It was collected with which to finance the vigorous prosecution of the World War. During that great struggle, which rocked the very foundations of our civilization, we heard much of the slogan "work or fight." We understood that those who stayed at home and worked, and especially those who made huge fortunes out of the war, were to pay the cost of the war in war taxes. That was why the war excess profits taxes were levied during the Democratic administration. That was why we collected the money of which three Republican administrations have now turned back nearly $3,000,000,000 and will, in all probability, turn back in all nearly four billions, much of it to those who made vast fortunes out of the war and some of whom, no doubt, did so by profiteering.

We should not forget, either, that some of this money being taken from the Treasury will be made up out of the pockets of the very men who fought in that war. The Government requires so much money for its operating expenses, for its contributions to road construction, to agriculture, to public health, and so forth. Whatever money is taken from the Public Treasury and paid to back-tax claimants must be made up by taxing others. The very men who fought the World War are now back here paying taxes to help meet the Government's needs, and they must pay a share, and a very considerable share, of this nearly $4,000,000,000 that is being taken out of the Public Treasury to satisfy back-tax claimants on payments made more than 10 years ago in war taxes.

It is my contention, and the contention of my Democratic colleagues, that there should be judicial determination of whether these back-tax claims are just and fair. We hold that such vast sums of money should not be taken from the people's pockets and paid out, in the main to giant corporations, on the judgment of only the Secretary of the Treasury and subordinates under him. At least one case, I insist, ought to be taken to the courts so that there may be a judicial determination of the merits of these claims. Until that is done, there will be a suspicion of favoritism and inequality, especially when we know that plain, everyday citizens of moderate means, when they attempt to recover on a back-tax claim dating back like those which are being paid, as I have outlined, are told that they are too late, that the statute of limitations operates against them, and that their claims, no matter how just, may not be even considered.

SURPLUS

The recent statement of the Secretary of the Treasury carried the information that the surplus for the fiscal year 1930 of receipts over expenditures totaled approximately $184,000,000. This is not so large a surplus as the figures seem to convey, due to the fact that interest and principal payments from foreign debtors June 16, 1930, were made in cash instead of United States securities, as they have usually been made heretofore. The amount of cash received on debt settlements was $117,000,000, of which $46,000,000 was on account of principal and $71,000,000 on account of interest. Had it not been for the present economic situation, which made it to the interest of our debtors to pay us in cash rather than buy our securities and pay us with them, the Treasury surplus for this fiscal year would be a rather nominal sum instead of the seeming satisfactory margin which is shown. The surplus of $184,000,000, instead of being entirely an excess of current revenues over expenditures, is largely made up of a realization on some of our war-time capital assets. While it is true that this surplus has been devoted to debt reduction and, therefore, cuts no figure in so far as results are concerned, it nevertheless has enabled the administration to claim credit for a surplus which is by no means justified in so far as actual revenue receipts are concerned.

Added to this overwhelming total of Federal expenditures are State, county, and municipal expenditures. The people are already staggering under the burden. In addition to these heavy increases in the cost of maintaining the Federal Government appropriated for at this Congress the Republican Party has moved heaven and earth and resorted to every conceivable political trickery to saddle upon the consuming public, for the benefit of a favored and protected few, the most vicious tariff bill ever passed in the history of this Nation. Only those who will not see can be blind to the inevitable result. Summed up in the words of a distinguished publicist, who has watched the progress of this monstrous measure, it means "that bare and bleeding feet will be seen this winter on city streets and country roads in far greater numbers than was ever witnessed at Valley Forge at the apex of the agony of the struggle against overseas oppression." Those who closely watch conditions and know the extent of the present depression are convinced that unless there is a decided improvement in business conditions over the country the large appropriations made by this Congress will result in a substantial deficit during the next fiscal year, or they will compel the use of revenues for current expenses of government which should be devoted to the retirement of the public debt.

The history of the past few years and the present condition of unemployment and unrest throughout the United States have demonstrated that relief can not be hoped for under Republican rule. There must be a return to Democratic policies and Democratic simplicity.

Comparison of estimates and appropriations for the second session of the Seventy-first Congress

Title of bills	Budget estimate:	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Agriculture	$160, 372, 474. 00	$155, 397, 770. 00	−$4, 974, 704. 00
District of Columbia	45, 567, 026. 00	45, 776, 032. 00	+209, 004. 00
Independent offices	553, 685, 388. 00	553, 523, 166. 00	−162, 222. 00
Interior	286, 543, 647. 74	286, 543, 423. 74	−224. 00
Legislative	30, 676, 327. 98	26, 557, 767. 58	−4, 118, 560. 40
Navy	382, 422, 676. 00	380, 573, 111. 00	−1, 849, 565. 00
State, Justice, Commerce, and Labor	114, 468, 723. 14	114, 253, 236. 14	−215, 487. 00
State	17, 224, 926. 14	17, 020, 469. 14	−204, 457. 00
Justice	32, 080, 042. 00	31, 771, 112. 00	−308, 930. 00
Commerce	52, 952, 985. 00	53, 240, 485. 00	+287, 500. 00
Labor	12, 210, 770. 00	12, 221, 170. 00	+10, 400. 00
Treasury and Post Office	1, 162, 402, 642. 00	1, 149, 088, 008. 00	−13, 314, 634. 00
Treasury	328, 152, 065. 00	312, 304, 931. 00	−9, 847, 134. 00
Post Office	840, 250, 577. 00	836, 783, 077. 00	−3, 467, 500. 00
War Department	457, 308, 917. 00	456, 544, 151. 00	−764, 766. 00
Military	339, 511, 465. 00	339, 106, 459. 00	−405, 006. 00
Nonmilitary	117, 797, 452. 00	117, 437, 692. 00	−359, 760. 00
Total, regular annuals	3, 193, 447, 823. 86	3, 168, 256, 665. 46	−25, 191, 158. 40
First deficiency, 1930	168, 970, 193. 41	169, 547, 689. 96	+577, 496. 55
Second deficiency, 1930	75, 425, 550. 16	74, 102, 022. 74	−1, 323, 527. 42
Total, deficiencies	244, 395, 743. 57	243, 649, 712. 70	−746, 030. 87
Permanent indefinite appropriations	1, 417, 022, 855. 00	1, 417, 022, 855. 00	
Miscellaneous	43, 689, 027. 31	[1] 45, 000, 000. 00	+2, 310, 972. 69
Grand total	4, 897, 555, 449. 74	4, 873, 929, 233. 16	−23, 626, 216. 58

[1] Estimated.

LESS THAN 10 PER CENT OF HOUSE MEMBERSHIP SIGN WET PETITIONS

Mr. CRAMTON. Mr. Speaker, that the ultraactive wet propaganda of the past several months has not served to advance the antiprohibition cause in Congress is graphically demonstrated by the failure of the wets to secure the signatures of 10 per cent of the Members of the House for either the LaGuardia bill for 2.75 beer, or the Norton resolution providing for a referendum on the eighteenth amendment.

For months the wets have been more active than ever before in their newspaper and magazine propaganda. Anyone reading the Literary Digest polls might have concluded the country was about unanimous for repeal of the eighteenth amendment or modification of the Volstead Act. The primaries which have been held, which have resulted in the renomination of every Member of the House who was a candidate for renomination, have demonstrated that this propaganda has not fairly represented the sentiment of the people of the Nation. The dismal failure of the wet bloc in the House to secure the signatures of any appreciable number of Members of the House for the LaGuardia-Norton petitions seeking to bring to the House from the Committee on the Judiciary the wet modification and repeal bills demonstrates with mathematical certainty the failure of the wets to make any progress in the House.

The voluminous hearings recently held by the Committee on the Judiciary of the House, at which the various bills of the wet program were discussed at length pro and con, made no impression on the Committee on the Judiciary, which failed to report any of them to the House. The wets in the House have formally organized, with Representative LINTHICUM, of Maryland, as chairman. The rules of the House provide that when a majority of the Members of the House shall have signed a motion for discharge of the committee from further consideration of a bill, that bill must be reported within 15 days and opportunity is given for its consideration in the House. Under that rule Representative LAGUARDIA, of New York, filed a motion for the discharge of the Committee on the Judiciary from further consideration of the LaGuardia bill, H. R. 130, for 2.75 beer, and Representative NORTON, of New Jersey, filed a similar motion for discharge of the committee from consideration of the Norton House Joint Resolution 219, proposing to amend the Constitution by providing for a national referendum on repeal of the eighteenth amendment.

The gentleman from Maryland brought these directly to the attention of the Members of the House by a speech which he made on May 6. In that speech he reminded the Members of the long hearings on modification or repeal of the eighteenth amendment, of the failure of the Committee on the Judiciary to report either of the bills, and the action taken by Representatives LAGUARDIA and NORTON in filing their petitions. He asked "all of those who are in favor of these propositions to sign these petitions instructing the Judiciary Committee to report these resolutions." He further stated:

I call this to the attention of those friendly to the modification of the Volstead Act and to those in favor of the repeal of the eighteenth amendment.

His direct appeal to the Members of the House closed with this request:

I hope that they will make their wishes known by signing the petitions which rest on the Clerk's desk.

This appeal on the floor of the House brought only very limited results. The wet organization of the House, at a meeting on May 14 last, instructed Chairman LINTHICUM to bring to the attention of the Members of the House these petitions. This he did in a circular letter dated May 21, and sent to all the Members of the House. In that letter he asked the Members of the House:

If you are in favor of either of these, will you be good enough to sign the petition you favor, or if you are in favor of both, kindly sign both petitions.

He explained that he had signed both because he believed a modification bill would largely relieve the present situation and that could be followed by the repeal of the eighteenth amendment. He further advised the Members of the House:

If you are opposed to these bills, kindly disregard this letter.

The gentleman from Maryland [Mr. LINTHICUM] can have the satisfaction of knowing that more than nine-tenths of the Members of the House followed his advice as given in this last paragraph. More than nine-tenths failed to sign either of the

petitions. All of this time the petitions each day the House was in session were lying on the Clerk's desk, very convenient of access for any Member of the House to sign either or both of them. Leaders of the wet bloc made personal appeals to those supposed to be sympathetic and occasionally led one to the act of signing.

But when the session closed on the 3d of July, after several weeks of such endeavor and collective effort and of appeal through a circular letter to the Members, through an address on the floor of the House, and in personal contact, the Norton petition for action on her resolution for a referendum on repeal of the eighteenth amendment had received the signatures of only 40 Members, and the LaGuardia petition for action on his 2.75 beer bill had the signatures of only 42 Members.

If these measures had been brought before the House for action, it would have taken a majority to pass the LaGuardia beer bill, and it would have taken a two-thirds vote of the House to pass the Norton resolution. But the organized effort of the wets was unable to secure even 10 per cent of the Members as signers to these petitions which represented the concrete program determined upon by the organized wet bloc of the House.

It is interesting to note in looking over the signatures to these petitions that 80 per cent of the signatures on each of the petitions come from cities of 500,000 population or more. Twenty of the 42 LaGuardia signers and 21 of the 40 Norton signers come from New York City and the adjacent metropolitan area in New Jersey. On each petition are members from 11 States and only 12 States are represented on either petition. Since even though Congress should submit such an amendment, 36 States must approve the Norton resolution for a referendum on repeal of the eighteenth amendment before such referendum can be held, and only 11 States were represented on this petition, the fact is emphasized that repeal of the eighteenth amendment, or a legal referendum vote thereon, is only a dream, its importance chiefly political at election time in certain metropolitan districts.

There is a real sentiment in the Nation supporting President Hoover's determined effort for enforcement of the eighteenth amendment. Elaborate newspaper and magazine publicity may for a time obscure but can not destroy this sentiment. Congress is responsive to real sentiment of the Nation, and more than 10 years after adoption of the eighteenth amendment less than one-tenth of the regularly elected Representatives in the popular branch of Congress actively adhere to the wet program of opposition to the eighteenth amendment.

WASHINGTON BLUE LAW BILL

Mr. LAMPERT. Mr. Speaker, the question of whether or not the Federal Government shall enact a Sunday blue law for the District of Columbia is a timely issue and fraught with great consequences. Quite recently a large delegation of clergymen, who style themselves "professional reformers" and "Christian lobbyists," called upon President Hoover and requested that he give aid and support to the Lankford Sunday bill which has been pending before the District of Columbia Committee for the past three sessions, and which I, as a member of this committee, have consistently and persistently opposed every time it has been considered by the committee. President Hoover, according to the press reports, has turned a deaf ear to their appeal for Federal aid and his support. When the delegation called a second time for the purpose of obtaining a definite reply as to his attitude, the President politely refused to receive them. He has since laid down a rule that the White House shall not be made a "sounding board" for the heralding of religious propaganda by those who want to use the White House as an advertising agency for their religious publicity work. I am glad the President, in his official capacity, refused to give sanction to this kind of blue law legislation.

WHY I OPPOSE BLUE LAWS

In discussing this issue I also desire to arrive at a correct understanding with my hearers so I may not be misjudged by anyone as to the reason why I am opposed to compulsory Sunday observance under the penal codes. When one opposes religious legislation he is generally accused of being nonreligious and hostile to Christianity; but I wish to go on record that I have the highest reverence and respect for God and Christ and the Christian religion and its institutions. I am a member of a Christian denomination. I believe in Christ's gospel of love, peace, and good will to men. I also believe that every man, woman, and child ought to observe the divine commands of God as well as the religious institutions that have been established by divine authority, but I do not believe that any of these divine institutions should ever be regulated by civil law. Religious obligations rest entirely upon the faith, piety, and religious convictions of the individual, and they should never be observed under duress of civil authority. There are, however, two ways in which you can observe religious institutions; one is by the conviction of the conscience and the other by the power of the policeman. I take my position that the only proper and divine way of observing religious obligations and institutions is by voluntary observance.

AIM OF THE FOUNDING FATHERS

The aim of the founders of this Republic was to separate completely the church and the state. They wanted every State in the Union before it came into the Union to repeal all its religious establishments, all its religious laws that had been enacted under the old régime of the union of church and state.

Many of the States refused to repeal their religious laws, and some of these religious laws are still upon the State statute books. In fact, Massachusetts never disestablished the church until 1835; and Connecticut in 1834; and there are still four States in the Union that require a religious test of every public officeholder. Of course, these old statutes are not being enforced, but they are on the statute books just the same. Nobody to-day believes in enforcing these old laws. These laws should be repealed in order that the people generally may have respect for laws that can and should be enforced.

The American Republic was the first Nation in the history of the world that recognized the inalienable rights of man. It was the first nation to recognize that universal principle of liberty—that all men everywhere were born free and equal, and that all men were endowed by their Creator with certain inalienable rights, "among which are life, liberty, and the pursuit of happiness." The most precious boon and cherished gift in all this world among all our temporal blessings is religious liberty. It is the strongest sentiment that God has planted in the soul of man.

LIBERTY MORE THAN LIFE

In order to enjoy these precious blessings and find an asylum where those blessings might be enjoyed, our forefathers were willing to encounter the dangers of crossing oceans, the fury of the tempest, the treachery of savages, the ravages of disease, the stigma of anathemas, and the horrors and terrors of the fagot and the rack. No tyrant has ever been able to invent an instrument of torture that could drive the love and sentiment of soul liberty out of the soul of man. No law has ever been made strong enough by the despot to be able to restrain it. Yes, my friends, liberty is more precious than life itself, for the gift of life without the gift of liberty is abject slavery.

Liberty comes before happiness, for a person can not be truly happy unless he is wholly free to worship God in harmony with the dictates of his own conscience unmolested. Of the three inalienable rights—life, liberty, and happiness, a God-given heritage of all men everywhere—the greatest is liberty. Patrick Henry struck the keynote of triumph in the great struggle for American freedom when he said, "Liberty, the greatest of all earthly blessings—give us that precious jewel, and you may take everything else."

Before Abraham Lincoln issued that wonderful emancipation proclamation, setting more than 3,000,000 slaves free with the stroke of his pen, there was a slave boy that ran away from his master. His master had furnished him with a beautiful home, he had all the food he wanted to eat, all the clothing he wanted to wear, all the pleasure he could enjoy as a slave, yet he ran away from his master. He was brought to dire want, and one morning he knocked at a planter's door and begged for bread, and told him his sad story. The planter said to him, "Why didn't you stay with your master, if you had such a good home and such a good master?" With tears streaming down his cheeks and pathos in his voice, he looked up and said, "Massa, I wanted to be free."

Away down in the depths of every human heart, no matter what his nationality or his color, God has planted an insatiable desire to be free at any cost or sacrifice. "Give me liberty or give me death" was the battle cry of our forefathers. By voice and pen and by the sacrifice of their lives they purchased our freedom and redeemed America from the chains and shackles of the Old World oppression and tyranny that had already fastened itself upon the New.

PURITAN PERSECUTIONS

No sooner had the Puritan forefathers fled from Europe, where they were persecuted and oppressed, and landed upon the shores of New England then they enacted their religious notions and convictions into civil law and enforced them upon everybody by the authority of the civil magistrate. A few years after they landed they were guilty of indulging in the same cruel persecutions against religious offenders as had been meted out to them by the established church in Europe.

The Puritans believed in religious liberty, but they believed in religious liberty only for themselves. The believed in a union of church and state as long as it was a union of their

church, but if it was a union with some other church, they did not believe at all in a union of church and state. We have some people like that to-day. They also believe in religious liberty, but they believe only in religious liberty for themselves and for their own church, and for their own doctrines, but they have no use whatever for the man who holds a divergent view. But the man who does not believe in religious liberty for his neighbor or for the dissenter does not know what religious liberty is.

The Puritans persecuted Roger Williams and the Quakers and the Baptists because they entertained different views on religion and were opposed to the civil magistrate enforcing religious obligations. Roger Williams taught that the civil magistrate had absolutely no right to enforce the duties that a man owed to God exclusively, and that the first four commandments of the Decalogue, which prescribe a man's duty to God, should never be enforced by the civil government. The Puritans called this rank heresy, and Roger Williams was tried twice before the court of Boston, and was finally sentenced to be exiled, and he had to flee from his wife and little baby in the middle of a cold winter and escape to the savage Indians of North America for protection; so the American Indians became the conservators of human liberty in America instead of the white man.

Roger Williams established a republic in Rhode Island. He made an asylum for the oppressed of Europe as well as for those in America. In a little while his colony grew more rapidly than the Massachusetts Colony, with the church and the state completely separated and every man given the right to worship God in harmony with the dictates of his own conscience. His little republic became a model for the great American Republic, and that is the reason why the historians to-day call Roger Williams the first great American.

Governor Endicott, of Massachusetts, feared that Roger Williams might retaliate, since his colony was growing so rapidly, and he sent two messengers to Roger Williams, inviting him to come back again to Massachusetts and establish friendly relations between his colony and the Massachusetts Colony. But Roger Williams did not trust the Puritans, so he sent this message back to the governor:

> I feel safer down here among the Christian savages than in Massachusetts among the savage Christians.

The Quakers and the Baptists were likewise persecuted. They were tied to the tails of carts and whipped from one plantation to another until they reached the last plantation, and then they were banished to the savage Indians. If a Quaker returned, he was sentenced to die. In fact, the Puritans in those days had 17 religious obligations which were enforced upon a dissenter, for the violation of which he was punished with the death penalty.

The violation of their Sunday laws in those days came under capital punishment. The court records of Massachusetts show that two sea captains were both fined and put in the stocks for kissing their wives on Sunday. One had been away for six months and the other for three years on a cruise to Europe.

When they arrived in Boston Harbor, their wives saw the ship come in and went down to the shore to meet their husbands. The husbands forgot that it was Sunday and they kissed their wives. The civil magistrate arrested both of them and put them in the stocks and fined them besides, because they kissed their wives on Sunday. I am glad that I did not live back in those days or I am afraid I would have been put in the stocks every Sunday.

New England tradition states that one Puritan went down into his cellar one Sunday morning and found his cider barrel working. It so stirred up his religious, intolerant spirit that he decided to roll his cider barrel out of the cellar, clear outside of the gates, because it was working on Sunday. But he rolled it back again on Monday morning and allowed it to resume operations for the rest of the week.

WHAT ARE HUMAN RIGHTS?

I wish to define what I consider are human rights, and also the true object of civil government in the world. Civil government, when exercising its legitimate powers, can only deal with civil matters or human affairs. It is purely a human government and entirely distinct from the Divine government. It was ordained of God to protect the right of man and not to deprive man of his rights. Our forefathers placed certain limitations on the lawmaking powers of Congress. One of these is expressed in the first amendment of the Constitution of the United States, which says:

> Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.

Congress so far has attempted to be loyal and true to this guaranty of civil and religious liberty, and consequently has refused to enact a single one of the Sunday bills into law that have been introduced into Congress.

Human rights also have limitations put upon them, and we must never get the idea that a certain European had when he arrived in America. He thought that he was at liberty in America to do everything he pleased without paying any attention to anybody else's rights. He decided to carry a ladder up Broad Street in Philadelphia, and as he turned the corner he swung the extremity of the ladder square on a man's nose. The injured party began to remonstrate with the European about his carelessness in carrying the ladder in a public highway. The European replied, "Well, ain't I in free America? Can't a man carry a ladder in America without being molested?" The American replied, "Yes; you are in free America, and you have the liberty to carry a ladder up Broad Street, but I want you to distinctly understand that your right to swing that ladder on the public highway ends where my nose begins."

That is a very good definition of human rights. Your and my rights end where another man's injury begins. I have no right to inflict an injury upon my fellow man unless it is for the commission of crime under due process of law.

A BLUE SUNDAY LAW BEFORE CONGRESS

I wish to discuss the Lankford blue Sunday bill before the last Congress, and let you understand what is involved in this kind of legislation. This religious measure prohibits all employment and all business of every kind on Sunday except works of necessity and charity. It also prohibits all innocent recreation, amusements, sports, entertainments, educational lectures, concerts, travelogues, and public assemblies of every kind where "an admission fee is directly or indirectly received." The Lord's Day Alliance Committee of professional reformers admits framing this bill, ostensibly for the District of Columbia only, but it is actually planned as a model law for the whole Nation.

For your edification I wish to point out a few of the many inconsistencies of this Sunday bill in its prohibitions and exceptions. The bill makes it a crime to sell a raw potato but not a crime to sell a cooked potato. It makes it a crime for a grocer to sell a can of corn but not a crime for a restaurant man to sell corn on the cob. It makes it a crime for a baker to sell a loaf of bread, but you can get all the sandwiches you want on Sunday. It makes it a crime to sell a pound of coffee, but you can buy as many cups of coffee as you can drink on Sunday. It makes it a crime to sell a gallon of kerosene in a grocery store, but the garage man can sell you a gallon of gasoline. A harness maker can not sell you a horse collar for your horse, if you need one on Sunday, but you can buy an automobile tire at any time for your auto. It makes it a crime to sell a magazine or a cigarette on Sunday but perfectly legal for the newsstand to sell a newspaper or a cigar. You can not buy a cabbage head, but you can buy all the cabbage slaw you want to eat on Sunday.

The Lankford Sunday bill allows the operation of sightseeing busses in Washington on Sunday, but it makes Sunday baseball, tennis, and golf playing a crime, where admission fees are charged. It even does not allow the participants in a sacred concert on Sunday to receive a compensation but permits the members of a church choir to receive pay. I should like to know why we should make it a crime for a baseball player to entertain for compensation and a righteous act for a chaffeur to drive his taxicab for pleasure seekers for hire on Sunday. The Lankford Sunday bill also guarantees the telephone girl 24 hours of rest each week but compels the housemaid to do 7 days of work a week. This proposed religious law is entirely devoid of equal justice and Christian charity. It also compels those who conscientiously observe another day to observe Sunday also "as holy time." I hold that this proposed bill is intolerant, selfish, partial, un-American, un-Christian, unjust, unfair, and unconstitutional. It is another attempt to Puritanize America by legalizing religious obligations and persecuting dissenters.

Sunday observance, in my judgment, is purely a religious act and not a civil duty. Civil law applies to the regulation of civil conduct on every day of the week. A Sunday law which requires certain things to be done or not to be done on Sunday is therefore religious and not moral or civil, for what is civil on Monday is civil on Sunday, and what is immoral on Sunday is also immoral on Monday from a civil standpoint. The only reason why certain things are not proper on Sunday or on any holy day is because of the religious aspects of the day, but we can not give a religious reason for the enactment of a civil law and we can not properly ask the civil authorities to enforce church discipline. The Congress of the United States should not seek by civil statute to stimulate churchgoing by prohibiting

innocent amusement or honorable labor on Sunday. It should only protect the people who worship on Sunday from being disturbed in their worship, but it should never require any person to observe Sunday in harmony with the religious ideas of certain individuals or sects.

The church as such has no business in politics. Unless the churches get out of politics and keep their hands off the state, one of these days the churches are going to lose their prestige and their influence. The public will not tolerate too much interference in civil affairs on the part of the professional reformers and clergymen. Religion by law is contrary to the plan of the Author of Christianity. God never intended that men should judge one another concerning matters of conscience and religion so far as the civil government is concerned. God never made a man wise enough or good enough or great enough to sit in judgment upon the motives of another man's heart. No man has a right to make his conscience the criterion for another man. God made the conscience free in the realm of religion and he never intended that any man or set of men should enslave it. Nothing but the power of love should ever dominate the human heart. In questions of religion and conscience the state should assume the part of absolute neutrality.

Christ made Christianity inspirational and legalistic, attractive and not repulsive. Christ never made any alliance with the civil authorities, nor did He ask that His teachings be incorporated into civil law or enforced by the civil magistrate. All elements of force introduced into the religious realm are contrary to the plan and teachings of Christ.

I have always taken the attitude, as a member of the District of Columbia Committee, when these bills have come up for our consideration, that Congress was prohibited by virtue of the first amendment of the Constitution from enacting this kind of legislation because of its religious aspects, and I shall continue to lift my voice in protest against every encroachment of the Government upon the rights of man, or to in any way interfere with the religious convictions of the individual as guaranteed under our Federal Constitution. My contention has always been that religious legislation knows no mercy, no limitations, no bounds; and if the church is again to dominate our political institutions in this country as it has in the past, if the rights of man and the rights of the conscience of the individual are again to be trampled underfoot, our free republican institutions in America are doomed. If America is to repudiate her guaranties of civil and religious liberty, vouchsafed to each individual citizen, if America is to ignore the rights of conscience, then the political future of America is doomed. When America loses her liberties the world is doomed, for America is still the political hope for the freedom of the world. As long as I remain in Congress and am a member of the District of Columbia Committee, before whom this bill comes for consideration, I shall raise my voice in protest, as I have in the past, against this un-American and un-Christian measure that would turn the wheels of progress and civilization backward.

I believe that God is able to defend His own truth and His own institutions without the aid of the civil authorities. And in closing I wish to quote one verse of that beautiful poem written by James Russell Lowell, who had a vision of the final outcome of the great struggle between truth and error and right and wrong, when he said:

Truth forever on the scaffold,
Wrong forever on the throne;
Yet that scaffold sways the future,
And behind the dim unknown
Standeth God within the shadow,
Keeping watch above His own.

PENSION LEGISLATION

Mr. NELSON of Wisconsin. Mr. Speaker, under leave to extend my remarks in the RECORD I am herewith inserting for the information of the Congress and the people of this country a résumé of what has been accomplished during this session by the Committee on Invalid Pensions, of which I have the honor to be chairman. I am justly proud of the work of this committee, and I take this opportunity to thank each and every member for making this record possible.

LEGISLATION SPONSORED BY COMMITTEE

During this session a prodigious amount of work has been done. The committee has held public hearings on the several bills which have been introduced in Congress on behalf of the Civil War veterans and their dependents. Representatives of the veterans' organizations, as well as representatives of other allied organizations, were heard in behalf of the pending legislation.

There have been referred to this committee 25 public bills, one of which, the Nelson bill, became a general law, and 6,113 private bills. During the session three omnibus bills have been passed by the Congress. The first included 1,186 cases from the House and 392 from the Senate; the second included 1,100 from the House and 153 from the Senate; and the third included 242 cases from the House and 45 from the Senate, making a total of 2,528 from the House and 590 from the Senate. In addition, the committee has to its credit the Civil War pension act of June 9.

COMMITTEE'S STUDY OF PENSION PROBLEMS

But outstanding, in my judgment, has been the work of this committee in instituting a scientific research into the whole field of pension legislation. A careful and painstaking study has been made of the history of pensions in the United States, including compensation, with a comprehensive research into the pension systems of foreign countries; the principles upon which both compensation and pensions are based; the evils or weaknesses of administration; proposed change from pension to other methods of compensation at the outbreak of the World War; the practice and justification of private pensions; Congress as an agency for pensions; the relationship of veterans' organizations to pension legislation; the line of demarcation between pensioners and nonpensioners; the cost of pensions for all wars; the probable cost of compensation for all wars on the basis of Civil War practices; methods of securing economy in the present pension system; soldiers' homes and the benefits they confer. This work has been done by the staff of the committee and my own research assistants in cooperation with the administrative officials of the Bureau of Pensions, under the direction of the late Col. Earl B. Church, commissioner; officials of the Veterans' Bureau, under the direction of Gen. Frank T. Hines, director; and officials of the War Department. The result of this study, so far as it has been completed, will be printed so that it may be available for the consideration of all interested in the question of pensions. And who is not interested either as a pensioner or as a taxpayer? The aim and object of this work has been to furnish information for a scientific consideration of the whole question, not alone as between pensioner and taxpayer but as between the veterans of the several wars, where lies a fruitful field for inequalities; and to ascertain, if possible, the effect of present legislation upon future pension policy.

BRIEF ANALYSIS OF SPANISH WAR LEGISLATION

That this Seventy-first Congress has been generous in its provision for the veterans of all wars and their dependents has been evidenced by the legislation enacted in their behalf. The provisions of the act of June 2, 1930, in behalf of the veterans of the War with Spain, passed unanimously in the House under suspension of the rules, have been carefully analyzed by my colleague, Mr. KNUTSON, chairman of the Committee on Pensions, in the extension of his remarks in the RECORD of June 5. Under the provisions of this law it appears that those suffering from greatest disability have received, as they should, the increased rates. Those now receiving $30 a month are increased to $35; those now receiving $40 a month are increased to $50; while those receiving $50 a month are increased to $60. No increase is provided for those now in receipt of $20 and $30 a month, except on account of increased disability. It appears, however, that the above increases are not automatic and may be obtained only by filing valid application in the Bureau of Pensions. A new medical examination, however, is not required in the classes in which the increased rates are provided.

It is also provided that those veterans pensioned on account of age, now in receipt of pension at the rate of $20 a month, are to be increased to $30 a month; those now receiving $30 a month are to be increased to $40; those pensioned at $40 a month will receive $50; and those now receiving $50 a month are to be increased to $60 upon filing a valid application in the Bureau of Pensions.

ANALYSIS OF CIVIL WAR VETERANS' LEGISLATION

The general pension bill (H. R. 12013), reported by this committee, to revise and equalize the rate of pension to certain soldiers, sailors, and marines, of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases, passed the Congress without a dissenting vote and was approved by the President and became law June 9, 1930.

This law automatically increases the rate for veterans, now in receipt of $65 a month under existing service pension law, to $75 a month. The law also grants $100 a month to those veterans who are now or who hereafter may become, by reason of age, or physical or mental disabilities, helpless or blind, or so nearly helpless or blind, as to require the regular aid and attendance of another person. In the case of veterans not already in receipt of the $72 or $90 rate a formal application for such increased rate is required to be filed in the Bureau of Pensions.

All veterans now in receipt of the $72 and $90 rate per month will be automatically increased to $100 a month.

All widows and former widows of Civil War veterans now on the pension rolls, who have attained the age of 70 years, will be automatically increased to $40 a month. Under existing law it is required that such widows and former widows shall have attained the age of 75 years before they are entitled to the $40 rate. This law further liberalizes the provisions relative to former widows in that it requires that such subsequent or successive remarriage be dissolved either by the death of the husband, or husbands, or by divorce on any ground except adultery on the part of the wife. Under existing law it is required that such former widow show that such divorce was without fault on her part.

The Commissioner of Pensions is also given discretionary power in certain overpayment cases where it is shown that such overpayment was without fault of the beneficiary.

The increased pension provided for under this law becomes effective July 4, and those then in receipt of pension and shown to be entitled to the increase shall receive such increase from that date; and those not entitled to such increase on July 4 shall, when the requisite condition is shown, be entitled to such increase upon filing an application in the Bureau of Pensions.

In the case of widows and former widows, who have not yet attained the age of 70 years, increase shall begin from the date they shall have attained the requisite age.

Veterans, widows, and former widows, not now on the pension rolls, but entitled to pension under this act, will receive pension from the date of filing application in the Bureau of Pensions. This law also provides for the deduction of $25 a month from the pension of a veteran, entitled to the benefits of this act, during the actual period he is a resident of the United States Soldiers' Home, or any National or State Soldiers' Home.

In brief:

Veterans receiving $65 increased automatically to $75.

Veterans receiving $72 and $90 increased automatically to $100.

Veterans receiving $65 requiring aid and attendance may upon application and proper evidence be increased to $100.

Widows and former widows, 70 years of age, on pension rolls automatically increased to $40.

Heretofore title to so-called service pensions has been based upon 90 days' service, coupled with an honorable discharge. The Knutson bill, however, introduces a new feature into pension legislation in that it provides for those veterans who rendered 70 days' service in the war with Spain and were honorably discharged. Based upon degrees of disability not of service origin, pension is granted in varying rates of $12, $15, $18, $24, $30, and $50 a month, while according to age pension at the rates of $12, $18, $24, and $30 a month is allowed. For benefits under this provision valid application must be filed in the Bureau of Pensions.

WORLD WAR VETERANS' LEGISLATION

The new World War veterans' act which has been the storm center of the closing days of the Congress became, frankly, after the veto of the Rankin bill, pension legislation. Originally I favored the Johnson bill as best, but when the Rankin bill was substituted I refused to vote to recommit the bill, believing that in conference some satisfactory compromise could be worked out. The Swick-Johnson bill, enacted July 3, however, does not seek to disturb the now existing compensation legislation except to liberalize some of the provisions relative to disabilities of service origin, giving lay and other evidence not of medical nature due regard; and men who lost one or more hands or feet between April 6, 1917, and November 11, 1918, are given $25 a month in addition to present compensation. It also extends the time for filing claims for compensation so that any man may have the right and opportunity to prove his case, when he will receive compensation at the present rates. The date for filing claims under the war risk insurance law is also extended one year. As compared with the bill against which the President took such an uncompromising stand, which gave large benefits to certain specified groups and gave nothing to other groups equally disabled, the law just enacted gives substantial benefits to all service men at least 25 per cent disabled on account of any disability, not of service origin and not the result of their own willful misconduct, who enlisted between April 6, 1917, and November 11, 1918, and who rendered 90 days' service. This pension will accrue from the date of filing application in the Veterans' Bureau subsequent to the passage of this act, provided that the veteran has not paid income tax the previous year.

The rates of pension per month according to the degree of permanent disability are:

25 per cent	$12
50 per cent	18
75 per cent	24
100 per cent	40

In conclusion, Mr. Speaker, let me say that I, as chairman of the Committee on Invalid Pensions, feel especially gratified that this Civil War pension bill passed without a dissenting voice. I am sure that I speak for the other members of the committee when I say that we believe that the measures here adopted are not extreme, but fair and in the cause of justice. When I say that I feel gratified at the response that this bill has received from the Congress I must add that it has met with the wholehearted approval of the veterans themselves. Letters and telegrams of commendation bespeak their attitude. I mention only this one from Edwin J. Foster, commander in chief of the Grand Army of the Republic, which was sent immediately following the President's approval of this bill on June 9. Commander Foster's telegram reads:

Right on time. God bless you.

RETIREMENT LEGISLATION

Mr. GIBSON. Mr. Speaker, soon after the passage of the amendment to the retirement act I called the attention of the House to the unselfish work of Robert H. Alcorn, chairman of the joint conference on retirement. I referred to the fact that Mr. Alcorn, while able to secure more liberal retirement annuities for thousands of workers, he could not participate in the benefits because he felt compelled to give up his position in the Government service some years ago in order that he might give his full time to work for the passage of retirement legislation. He now finds himself without a position and not eligible for an annuity.

Some of his friends have initiated a movement to raise a fund the income of which will be used to provide an annuity for him commensurate with the amount he would receive if he had retained his position in the service. This is a laudable movement and ought to have the loyal support of every person who will benefit from the legislation of the last 10 years.

My attention has been called to a letter that has been sent out and signed by Luther C. Steward, president of the National Federation of Federal Employees. It is one of criticism of the members of the joint conference on retirement, and I quote from this letter, written under date of June 16, 1930, as follows:

[National Federation of Federal Employees, Luther C. Steward, president; Gertrude M. McNally, secretary-treasurer]

JUNE 16, 1930.

To all Federal Employees' Unions:

Our attention has been called to the fact that a circular is being sent broadcast among Federal employees soliciting funds for Robert H. Alcorn for alleged services in connection with securing retirement legislation.

Members of the National Federation of Federal Employees should not subscribe to any such fund.

The joint conference on retirement, with its scab connections, has been an obstacle rather than a help in securing retirement legislation, and in connection with the new law enacted at the present session the joint conference displayed an ignorant opposition, and by no stretch of the imagination could it be said that it was in any way helpful. The National Federation of Federal Employees is a trade-union organization, and does not countenance or encourage dual or antagonistic movements, neither does it wish to see the credulity of Federal employees imposed upon with claims that are unfounded and unjustified. For details as to the unintelligent and destructive action of the Joint Conference on Retirement see printed copies of the hearing of February 18, 19, and 20, 1930, particularly the opening statement of Chairman LEHLBACH. This was also quoted in our circular of February 18.

Mr. Speaker, to my mind, and I am satisfied that I speak for many Members of this House and Members of the Senate, and especially for members of the Civil Service Committee of the House and Senate, this is a most absurd statement. I know a very great number of the members of the joint conference on retirement and the organizations they represent. I am well acquainted with its chairman, Robert H. Alcorn, who is a member of the trade organization, namely, the International Molders Union. I have made it my business to find out his connection with and his untiring efforts in behalf of his fellow men in securing retirement legislation. It is not pleasant to think any man or body of men will stand by and let anyone try to discredit or detract from what Mr. Alcorn has done through these many years, at his personal sacrifice, not only in dealing with Congress but in his efforts to have the various groups and organizations of civil-service employees harmonize their differences and work together for the betterment, not only of their fellow men but for a proposition that means much for a better civil service. I do not like to criticize or to take exception to what Luther C. Steward has said; on the other hand, I can not content myself to keep quiet and see such a statement go out, so that thousands of Government employees

may be mislead because of the fact that it is written by the head of an organization.

The statements made in the letter are not only unjust in the effort to discredit the joint conference but are misleading. It is an effort to take away that which belongs to another, and in effect is an endeavor to make people believe that the credit is due him and his small unit. If my judgment serves me correctly, Mr. Steward has not been a potent factor in advancing the cause of retirement legislation. When the retirement bill was introduced into the House it received the blanket indorsement of the National Federation of Federal Employees. It is a well-known fact that an indorsement does not get action on any particular measure. The bill introduced, known as H. R. 9679, was fully considered; and after extensive hearings the committee finally agreed on a favorable report, but this was not done until after several modifications and changes had been agreed to. The organization which Mr. Steward criticizes was, to my mind, responsible for all the changes. Had not these changes been made I am positive there would not have been a retirement bill passed by this session of Congress.

Is it possible that any group of people will allow their representative to try to discredit others and take unto himself that credit to which he is not entitled? There is no man who has appeared before the committee of Congress representing the Federal employees of the United States who deserves more credit than, or as much as, Robert H. Alcorn. The civil-service employees of the United States owe this man a debt that will be difficult to pay. I can not believe that any individual, group, organization, or set of people wish to keep from him even a portion of that credit which is rightfully his.

In conclusion, Mr. Speaker, should any more such misleading statements be sent out to Government employees the Senate committee investigating lobbyists and their methods should take cognizance of the situation. The case in hand presents the picture of the lobbyist who does little but holds onto his position by claiming everything.

THE LOSS TO FARMERS UNDER THE HOOVER FARM-RELIEF PROGRAM

Mr. LOZIER. Mr. Speaker, on June 25, 1930, under a Chicago date line, the United Press carried a statement to the effect that the American farmers face a loss of $1,125,000,000 in income this year with the slump of grain prices at new low levels. This computation was made by capable and experienced grain statisticians, and the enormous loss to American agriculture was not overstated. These figures are based on the difference between present prices and prices that prevailed one year ago for wheat, corn, oats, rye, and cotton, the staple crops of the Nation. On these crops the American farmers largely depend to meet their obligations, pay interest and taxes, and for money with which to buy their supplies and other commodities they are not able to raise.

On that date wheat was selling at about 88⅝ cents per bushel or less in every market in the United States, although the price in Canada at that time was considerably higher. The Chicago market closed the previous day with wheat selling at the price mentioned, which was about on a par with prices that prevailed before the World War, and was about 32 cents below the price of wheat on June 25, 1929. Wheat is now selling at the lowest price it has commanded in 16 years.

On June 25, 1930, corn was selling at a price that was 17 cents lower than the price that prevailed on the same date in 1929. Rye, oats, and cotton prices were far below the prices these commodities commanded a year ago. Within the last 12 months there was a corresponding decline in prices of all other farm commodities. Beef prices at Chicago on June 25, 1930, were from $2 to $3.50 per hundredweight lower than a year ago. There was substantially the same decline in the price of pork. The dairy industry is on the rocks with a glutted market and rapidly falling prices. Cotton prices continue to decline. Poultry and egg prices have fallen to new low levels.

The slump in the prices of these staple farm products spells disaster to the American farmers. Prevailing prices are far below the cost of production. And this fall in the prices of farm commodities was during the first year of the Hoover administration and during the first year the Hoover Federal farm marketing act was in operation. Obviously, the Hoover farm relief program has failed to stabilize prices of farm products, and farm values have steadily fallen from the day President Hoover signed his pet farm relief measure, although the Federal Farm Board was given $500,000,000 of Government money with which to stabilize farm commodities.

I am convinced the Federal Farm Board has in good faith endeavored to stabilize farm commodity prices, but their efforts have so far signally failed because the law they are administering is a milk-and-water measure and wholly inadequate to accomplish the purposes for which it was enacted. The ultimate failure of the Federal farm marketing act is inevitable because it is built around a plan that is impractical and unworkable. It does not go to the root of the problem. It does not reach the seat of the disease. It is not a constitutional treatment, but a salve or surface ointment. It is essentially a makeshift measure.

When Mr. Hoover in his campaign for the Presidency promised to call Congress in special session to enact legislation that would place agriculture on an economic equality with industry, I believe he was sincere and acting in good faith. I think he intended to carry out his promise; but when Congress convened the representatives of the manufacturing classes took charge and proceeded to write, not a genuine farm relief bill, but a counterfeit measure that would not even begin to solve the farm problem. Now, the President is a great engineer, a master of finance, and a captain of industry, but he has never understood and does not now understand the farm problem. I say this with all due respect for President Hoover. His training and experience was along lines far removed from agriculture. He was absent from the United States so long and returned here so seldom and for such short periods that he had no opportunity or occasion to study the causes that were sapping the life of agriculture.

As the President was not a specialist on agricultural subjects, prudence should have suggested that in framing his agricultural policies he should consult the leaders of the agricultural classes, and the Senators and Representatives that came from agricultural States and who were familiar with the agricultural problem. Unfortunately, President Hoover did not do this, but allowed the avowed enemies of adequate farm-relief legislation to write the farm relief bill. President Hoover turned down the advice of Senator BORAH and other leading western Republicans who understood the farm problem. The President commissioned the Representatives and Senators from the cities and from the great manufacturing districts to write the long-promised farm relief bill. Of course, their constituents were interested in not increasing the price of food products, and the men who formulated the Hoover farm relief bill saw to it that the bill would not do the thing the farmers wanted it to accomplish.

Representative FORT, of New Jersey, who, according to reports, does not have a single farmer in his district, was the chief author of the Hoover farm bill. It could not have been conceived in or brought forth from a mind more hostile to genuine farm-relief legislation. The CONGRESSIONAL RECORD will show that since he entered Congress he has been an aggressive opponent of every major legislative proposal advocated by the farming classes for the rehabilitation of agriculture. It was a fatal mistake for President Hoover to intrust to the representatives of the industrial and commercial classes the writing of the law that was intended to place agriculture on a parity with other industries.

Think of it, the Federal farm marketing act has been in operation for a year, and during that year the American farmers have suffered a loss of more than a billion dollars from the decline in the market value of farm commodities. President Hoover and the eastern Republicans forced this spurious measure on the American farmers over their protest, and in spite of their warning that it could not accomplish the desired results because of its inherent weakness. This Hoover farm-relief measure was conceived in the womb of industrialism, and its framers must have known from the beginning that it was a makeshift and could not possibly rehabilitate agriculture and place it on an economic equality with industry. President Hoover, not understanding the farm problem and having an industrial and commercial mind, allowed the industrial and commercial interests in the East to work this counterfeit farm bill off on the American farmers. By this time the President must be convinced that he was poorly advised and that his farm program has practically ended in failure.

The members of the Farm Board have practically confessed the failure of the Hoover farm marketing act. They have abandoned their efforts to administer its provisions as to wheat and other major farm commodities and are running over the country begging the American farmers to produce less, and Secretary Hyde adds that the farmers should eat what they produce. This is statesmanship and farm relief with a vengeance. The Farm Board is leaving wheat to fight its own battle, and the board announces that it will take no further action to support the price of wheat, except to advise a reduction of the acreage in the future. If this is all the Hoover Farm Board can do to help the American farmers, they do not need $500,000,000 Government money to advise the farmers to reduce

production. In effect, the members of the Federal Farm Board are saying that they can do nothing to stabilize the price of wheat and several other major farm commodities, except to advise the farmers to produce less, and it seems to me that this brand of advice ought not to cost half a billion dollars. If the Hoover Federal farm marketing act can not be made to work on wheat, it can not be made workable on any other major farm product.

COLONEL AND JUDGE ALBERT J. GALEN

Mr. LEAVITT. Mr. Speaker, so many Members of Congress in both the House and the Senate have evidenced their interest in the coming senatorial election in Montana by asking me about Judge Albert J. Galen as the Republican candidate that I have thought it advisable to place in the RECORD a statement about him.

I have known Judge Galen for a good many years, but our intimate acquaintance began four years ago when, during the campaign of 1926, I was the object of a concerted attack led by the two Montana Members of the so-called "Upper Body" and Judge Galen campaigned with me for two or three weeks. I learned then of his lovable personal qualities, of his honesty of purpose, and of his integrity.

One instance comes especially to my mind to demonstrate the honesty of mind with which Judge Galen meets his duties as a public official. Strangely enough, it is an incident which his political enemies have attempted to twist to make it score against him instead of recognizing, as the people of Montana do, that it proves his integrity as a public official.

The case is as follows: Shortly after the war the State of Montana passed by initiative a soldiers' bonus act. The act was attacked in the courts as being contrary to the provision in our State constitution. To Judge Galen, an ex-service man himself and with his sympathies all with his comrades, was given the task of preparing the supreme-court decision. He decided according to the State constitution, as was his plain duty in accordance with his oath. Still it is recorded that political opponents have since attempted to injure him because he had the courage to abide by his oath of office instead of attempting to curry favor by violating it. But the people of Montana have rewarded him for it by increasing majorities. The people of my State admire courage in public officials, and Judge Galen possesses that quality. He is not a trimmer nor a straddler.

In the event of the nomination of Judge Galen, the voters of Montana will have the opportunity in the coming election of voting for a splendid type of citizen and public servant in the contest for the United States Senate. I shall appreciate your indulgence while I set forth a few of the exceptional qualifications which so well fit him for service in that important legislative body, the Senate of the United States.

He was born on his father's ranch in Jefferson County, now embraced in Broadwater County, near Three Forks. His father, Hugh Galen, was a pioneer stagecoach operator and freighter before the advent of the railroads, and largely interested in stock raising. Judge Galen in his younger days rode the range and was known to many as a cowboy. Shortly after entering upon his business career he engaged in the ranching and livestock business, the home ranch being located near Wolf Creek in Lewis and Clark County, and his livestock being ranged in both Lewis and Clark and Teton Counties.

Judge Galen was educated at Notre Dame University, where he received his law degree, and subsequently was admitted to the bar of the State of Indiana. Later he pursued postgraduate studies at the University of Michigan and was also admitted to the practice of law in that State. His college education completed, he returned to his native State, where his unusual talents soon became apparent and he was first elected to public office as attorney general of the State in 1904. His services in that office were of such a character that he was reelected with increasing majorities. He was in 1921 elevated to a seat on the highest court of our State.

Judge Galen's many friends and admirers in every walk of life are accounted for, I believe, because of the exceptional loyalty of the man. His time is constantly taken up with the problems and troubles of others, but he is never too busy to lend such assistance.

Incidentally Judge Galen is a brother-in-law of the late United States Senator Tom Carter, of Montana, who will be recalled here in Washington, as in Montana, as one of the ablest statesmen of his time.

As to his public record in Montana, he first served our State for two consecutive terms of four years each as attorney general, from 1905 to 1913.

Judge Galen's record in the attorney general's office showed a fine pioneering courage in putting an end to the custom of the State treasurer making personal profit from State funds as they had done theretofore; also in maintaining the law requiring bonds upon public offices. During his occupancy of the office, the Montana Railroad Commission was created, and in this field he blazed a clear clean trail for the preservation of the rights of the people against monopolies. All in all, while serving as attorney general he made an exceptional record which was acclaimed by members of the bench and bar of Montana and adjoining States, regardless of political affiliations.

Following his service as attorney general of the State, Judge Galen was elected to the Supreme Court of Montana in 1921 by a substantial majority, and has served as an associate justice since that time. He was a member of the court when that body made the first effort to reform the unconscionable delays in our judicial practice. So effective have been these efforts during the nine years that Justice Galen has been a member of the court that they have decided more than one-third of all the decisions written by our supreme court since it was established 65 years ago.

Judge Galen served his country with such distinction during the World War that he was decorated by the Governments of both the United States and Japan. He was first appointed a member of a district draft board by President Wilson and as chairman of that body considered and acted upon approximately 16,000 individual cases. His contact with these cases, his loyalty to his Government, and his courage so moved him that he asked to be relieved in order that he might enlist in the Army.

He was soon commissioned a major and assigned to the office of the judge advocate general. Subsequently he was attached to the eighth division at Camp Fremont, Calif., and later served the western department of the Judge Advocate General's Department. In July, 1918, Gen. W. S. Graves, who had been designated as a commander of the American Expeditionary Forces in Siberia, requested that Judge Galen be assigned to his staff as judge advocate general of the expeditionary forces.

While serving in Siberia he was advanced to the rank of lieutenant colonel, which he held when discharged honorably in July, 1919. Subsequently he was awarded the distinguished-service medal by General Graves personally at appropriate ceremonies held in Helena in January, 1923. The Japanese Government later awarded him the decoration of the Order of the Sacred Treasure, Third Degree.

This same General Graves, now retired, who, probably more than any other man, was given an opportunity to observe Justice Galen under the most exacting and trying conditions, has this to say of his service in a letter to Judge Galen:

> The absence of any Russian government in Siberia, coupled with the presence of the representatives, civil and military, of eight different nations, all these representatives not only having but trying to apply their own national characteristics and desires to every common question that arose, all functioning without any directing head and without a common objective created many complex situations and difficult questions which I, as commanding general, referred to you for your advice and counsel. These questions were more far-reaching in their importance than they would have been had the decisions made applied only to American citizens. The decisions made on many questions had an important effect upon the reputation of the United States for honesty of purpose and fair and square dealing. Your ideals of service and justice were high. I had complete confidence that your advice on all questions submitted to you for advice would be based upon not only legal knowledge but upon good judgment and farseeing common sense. I am happy to say my confidence was never misplaced.
>
> It goes without saying that I wish you success with all my heart. At any rate, I will be in Washington March 4, 1931, to see you sworn in as United States Senator.

Throughout his public career Judge Galen has constantly refrained from forcing his services upon his fellow citizens. The office has actually sought the man and his present candidacy for the Senate of the United States has been no exception to that splendid rule. He was called to lead his party, not only by leaders in its ranks but also by public men and women of prominence known to be independent in their political affiliations.

Colonel Galen reached his decision to become a candidate only after a careful consideration of the problem and after many leading citizens of the State had used their best powers of persuasion upon him. When he did accept the call, however, his candidacy was received by the press of the entire State with hitherto unheard-of enthusiasm. The favorable and enthusiastic comment was not confined to the columns of the newspapers which invariably support the candidates of his party.

The statesmanlike qualities of the man may best be gaged, I believe, by his message of acceptance forwarded to the Re-

publican State central committee of Montana, after that body, with a view to insuring Republican success at the polls in November and seating an able Member in the Senate of the United States, drafted him as a candidate. After thanking the committee for the honor which had come to him unsolicited, he said, in part:

> You are assured that it will be my purpose to conduct a fair, clean, and gentlemanly campaign in both the primary and general election, looking to party victory. If elected, I promise vigorous support to President Hoover and Republican principles and policies. It will be my purpose to devote my time and energy to serving the best interests of Montana and her people, representing as best I am able the expressed will of the majority.
>
> Protection and advancement of Montana's agriculture, labor, and industrial interests shall be my purpose; and the rights and interests of my comrades who served in the World War, as well as those of ex-soldiers who served in any of the wars in which the United States has been involved, will be given my special attention. In the event that I should be elected, I venture to fondly cherish the hope that I may be able to secure for Montana and her people more substantial recognition from the Federal Government than has been accorded in recent years.

This, I venture to submit, is the utterance of a man about whose qualifications for the Senate there can remain no doubt. He does not, you will note, make intemperate or rash promises impossible of fulfillment. On the contrary, he assured his constituency only that if elected on the Republican ticket he will be a Republican when seated, uphold the Republican administration, and, while endeavoring to discharge his obligations to the entire country as a duly elected representative of the people, he will not fail to exert his best efforts in behalf of the interests of the people of his own State.

A STUDY OF THE EFFECT OF THE DUTIES OF THE TARIFF ACT OF 1930 AS COMPARED WITH THE TARIFF ACT OF 1922

Mr. RAMSEYER. Mr. Speaker, with the consideration and passage of every tariff bill there are always exaggerated statements and guesses by both the proponents and opponents of the bill on the effect of the proposed changes in duties on the price levels of the commodities affected. The tariff act of 1930, signed by the President June 17 last, is no exception to the customary exaggerations. What effect the increases and decreases of the rates in the new law will have on the price levels only time and experience will disclose. The tariff rate is only one of the many elements that determines the price level of a commodity. Conditions, both at home and abroad, are constantly changing. So the tariff rate may have one effect on the price level of a commodity in one year and quite a different effect in another year. I have called attention to these variations in the effectiveness of tariff rates on price levels in other addresses, and will not at this time pursue this discussion further.

During the consideration of the tariff bill recently enacted into law there came to my desk much propaganda from individuals and organizations setting forth various claims as to what the proposed rates would do in enhancing price levels. The usual method of these propagandists in computing the price levels on account of the tariff rates is to take the quantity of each commodity consumed in the United States and multiply it by the duty. This method of computation overlooks or disregards the fact that some rates are not effective in enhancing price levels, other rates are partially effective, and still other rates are effective in maintaining enhanced price levels in the amount of the duty.

During the consideration of the tariff bill I met many representatives of farmers, laborers, manufacturers, importers, and consumers and discussed tariff problems with them. I also had constantly the assistance of expert commodity men, economists, and statisticians. Several months ago in talking with some of these experts I suggested that it would be helpful and practical to make an estimate of the effect of the changed duties on the price levels of the different commodities affected by such changes in each of the 15 dutiable schedules of the tariff bill. With this idea in mind, a number of conferences were held in my office and elsewhere with these experts, and out of these interviews there gradually developed or crystallized the plans for estimating the effect of the changes in duties upon prices. At these conferences it was emphasized that the whole truth should be presented, irrespective of the results with reference to a particular commodity or in the aggregate for each schedule. If more time had been available, more could have been accomplished by way of details and supporting data, but such information as has been crystallized out of the mass of jumbled facts is presented for what it is worth.

Of course, no accurate computations or estimates can be based on conditions that are unknown. The estimates and computations must be based on a year of known importations and domestic productions and upon known economic conditions of which we have accurate information.

The tables hereinafter set out showing the estimated effect on price levels by schedules mean that if the changed duties had been in operation for the year in question under the economic conditions of that year the changed duties would have had the estimated effect on price levels as shown in the tables.

In these tabulations the production statistics for 1927 and the imports for 1928 have been used, except in two schedules, because these years are the latest for which the detailed statistics are readily available. In the case of sugar and agricultural products statistics of both production and imports were available for 1928, and they have been used. The estimates, therefore, of the effects on the price levels of the changes in duties under the new law are based upon the conditions of production and imports for the recent past. In a few cases some adjustments have been made in import figures to reflect the estimated conditions under the new rates of duty.

The reasoning, the figures, the tables, the findings, and conclusions in Part I and Part II of this discussion are the results obtained by the experts after the conferences referred to above. These findings and conclusions on a number of commodities are different from my own as presented in my speeches when the tariff bill was under consideration. If this study contributes in any degree to sensible, nonpolitical thinking upon tariff matters, it will serve a useful purpose.

The tabulations are presented in two parts. Part I covers the estimated effect of the increases and decreases in duties in the tariff act of 1930 as compared with the tariff act of 1922, and Part II is a more generalized statement with respect to certain important agricultural products of the effect of the total duties in the act of 1930 as distinct from the changes in the duties.

Part I lends itself to more detailed statistical tabulations than Part II. In this tabulation only those products have been listed by name upon which there is reason to believe that the domestic prices will be somewhat changed by the changes in the duties. In the textual discussion of each schedule, however, there are given the reasons for including or excluding certain products from the tabulation. A distinction has been made in estimating the effect of the changes in the duties between the effect on imported products and the effect on similar domestic products.

The increased costs of imported products, due to changes in the duties, are obtained by a method of simple arithmetic, namely, the changes in the duties in the act of 1930 from the act of 1922 are multiplied by the quantity or value—depending upon whether the duty is specific or ad valorem—of the imports of such articles for the calendar year 1928. This calculation leaves out of consideration several important factors, some of which have contrary tendencies with respect to the effect of the duty upon price. No allowance is made on the one hand for the extent to which foreign sellers or importers may absorb in whole or in part the increase in the duty. On the other hand account is not taken of the extent to which the increases in some of the duties may be "pyramided" by the successive vendors who may add a percentage on cost for operating expenses. It is useless to attempt to calculate the extent to which these two tendencies offset each other. Another factor which can not be calculated in many instances for want of information is the extent to which changes in the duties may change the amount of imports in subsequent years as compared with imports for the year used—1928. In a few cases, however, some estimates are made in the tables of the possible reductions in imports due to higher duties.

It is understood, of course, that the estimated net increased cost of imported products due to changes in the duties has its exact counterpart in the estimated increased revenues to the United States Treasury.

The figures of increased cost of domestic products due to the increases in the duties were more difficult to determine than the estimated increases for imports. They are based upon estimates of the possible strengthening of domestic prices upon the basis of productive conditions in the immediate past. The estimates usually have been made in the form of approximate percentages of the effectiveness of the increases in the duties. If, for example, the duty on a given product is increased 1 cent per pound, it has been estimated in particular cases that the domestic unit prices of similar products will be strengthened 10, 25, 50, 75, or 100 per cent of the amount of the increase. These estimates are given by items only for the products upon which the duty is supposed to be effective in increasing domestic prices. If the duty is effective, not in the form of higher prices, but in the form of giving a larger share of the domestic market to domestic pro-

ducers, such products are not listed because there are no increases of prices to calculate. In many cases the expanded domestic market for domestic products may result ultimately in lower prices because of the lower unit cost of competing producers in supplying the larger market.

Special consideration has been given to certain outstanding items, such as sugar, wool, hides, and wheat. More detailed comments will be found under each schedule.

SUMMARY OF CALCULATIONS RESPECTING THE EFFECT UPON PRICES OF CHANGES IN DUTIES IN THE TARIFF ACT OF 1930, AS COMPARED WITH THE TARIFF ACT OF 1922

Before presenting the details by schedules of the calculations of the possible effect upon prices of certain imported and domestic commodities due to the changes in the duties in the tariff act of 1930, as compared with the tariff act of 1922, a summary table is presented showing the results of the calculations. It will be observed from the table that alternate estimates have been made of the effect on prices of the increased duty upon sugar and the duty upon hides and skins. With the higher estimates for these commodities included in the tabulation, the total estimated increase in prices, due to the increases in duties for all schedules, is approximately $263,000,000. Using the lower estimates for sugar and hides, the total is $244,000,000. Of both totals about one-third of the estimated increase is upon imported products, and about two-thirds upon domestic products. The largest estimated increases are upon agricultural products. The increase for Schedule 7 is about $128,000,000. For Schedule 5, sugar, the estimated increase is about $33,000,000, or $17,000,000, depending upon whether the higher or lower estimated increase is used. In Schedule 11 the increase, partly accounted for by the increase in the duty upon raw wool, is $21,000,000. For Schedule 15 the increase with hides and skins at the higher estimate, is over $34,000,000, and at the lower estimate, about $31,000,000. The estimated increase in the prices of hides and skins, and leather, because of the duty, accounts for about $22,500,000 of the total estimated increase for the schedule. The highest estimated increase for a purely industrial schedule is that of over $13,000,000 for Schedule 2. Of this amount approximately $6,000,000 are accounted for by the duty upon cement.

Summary by schedules of calculations respecting changes in duty in the tariff act of 1930 as compared with the tariff act of 1922

Schedule number	Total estimated increase in prices		
	On imported products	On domestic products	On both imported and domestic products
1. Chemicals, oils, and paints	$1,579,000	$1,041,000	$2,620,000
2. Earths, earthenwares, and glassware	4,005,000	9,231,000	13,236,000
3. Metals and manufactures of	4,877,000	1,953,000	6,830,000
4. Wood and manufactures of	1,018,000	7,043,500	8,061,500
5. Sugar, molasses, and manufactures of:			
(a) Including increase in sugar prices estimated at 0.24 cent per pound	16,289,000	16,637,000	32,926,000
(b) Including increase in sugar prices estimated at 0.12 cent per pound	8,438,000	8,384,000	16,822,000
6. Tobacco and manufactures of	1,056,000	84,000	1,140,000
7. Agricultural products and provisions	31,647,000	96,126,776	127,773,776
9. Cotton manufactures	3,771,000	6,736,000	10,507,000
10. Flax, hemp, jute, and manufactures of	1,309,223	1,596,505	2,905,728
11. Wool and manufactures of	11,972,600	9,142,685	21,115,285
12. Silk manufactures	833,000	651,000	1,484,000
14. Paper and books	315,000	187,000	502,000
15. Sundries:			
(a) With prices of domestic hides and skins increased by 5 per cent	17,739,000	16,715,000	34,454,000
(b) With prices of domestic hides and skins increased by 2½ per cent	17,739,000	13,102,000	30,841,000
Total, including 5 (a) and 15 (a)	96,410,823	167,144,466	263,555,289
Total, including 5 (b) and 15 (b)	88,559,823	155,278,466	243,838,289

PART I

CALCULATIONS RESPECTING THE EFFECT UPON PRICES OF CHANGES IN DUTIES IN THE TARIFF ACT OF 1930 AS COMPARED WITH THE TARIFF ACT OF 1922

Schedule 1. Chemicals, oils, and paints

The annual value of products of the chemical industry in the United States, including oils, paints, and related products, is approximately $3,000,000,000.

Exports of chemicals and related products in 1928 were approximately $137,000,000.

Imports of products dutiable under the chemical schedule in 1928 on the basis of foreign value were about $93,000,000. Imports of chemicals and related products in the same year, including free-list items, were about $300,000,000.

The principal exports of chemicals and related products in the United States in the order of their importance are pigments, paints, and varnishes, amounting to $25,600,000 in 1928. Of almost equal importance in the export trade are industrial chemicals, including acids, alcohols, calcium, and sodium compounds, amounting to about $25,500,000 in 1928. Exports of fertilizers and materials amount to about $16,000,000, and of soap and toilet preparations to about $15,000,000. Coal-tar products are next in importance, with exports of about $14,000,000 in 1928. Exports of explosives were slightly over $5,000,000 in the same year.

The most important groups of chemicals and related products imported in 1928 in the order of their importance, not including animal and vegetable fats and oils, were fertilizers and materials, practically all of which were free of duty, amounting to $78,000,000 in value. The next in importance are industrial chemicals, valued at $24,000,000, and coal-tar products, valued at slightly less than $24,000,000. Imports of soap and toilet preparations were about $7,000,000; of pigments, paints, and varnishes, about $3,700,000; and of explosives, less than $1,000,000.

It will be seen by the above figures of imports and exports of chemicals and chemical products, that the United States is on a heavy import basis for fertilizer and material, practically all of which are free of duty, and also on an import basis for coal-tar products, most of which are dutiable. The United States is on a net export basis for pigments, paints, and varnishes, and for soaps. Imports and exports of industrial chemicals are almost equally balanced at about $25,000,000 annually. This classification covers a large number of products, and imports are of different chemicals, as a rule, than exports.

To the extent that the United States has a heavy production, with a surplus for export of many of the chemicals dutiable under the chemical schedule, the proposed increases in the duties in the tariff act of 1930 as compared with the tariff act of 1922 will not greatly affect the prices of the domestic products. The duties will be effective largely in the form of stabilizing factors against distress sales of temporary surpluses in foreign countries. For many of the other chemical products for which the United States is on a net importing basis, the rates of duty have not been increased in the pending bill. This is especially true of coal-tar products. Although the United States imports about $24,000,000 of coal-tar products as compared with exports of about $14,000,000, there have been no increases in the duties on important coal-tar items, but there have been decreases on some important items in this group, namely, sulphur black and indigo, reduced from 7 cents per pound and 45 per cent ad valorem, to 3 cents per pound and 20 per cent ad valorem.

For the reasons set forth above, namely, large production and export of standard chemicals, and few changes in the duties in the tariff act of 1930 as compared with the tariff act of 1922, on many important chemical products, the list of the chemical products upon which there is reason to believe the increases in the duties will be reflected in the price of the domestic article, is relatively limited. In the attached tabulation for the chemical schedule only 15 items are listed for which the proposed changes in duties may affect the price of the domestic article. Of these 15 items specifically mentioned, two have proposed decreases in duties. The tabulation, therefore, is in part significant for what it does not contain, namely, the outstanding items in the chemical schedule upon which the duty has either not been changed, or for which there is reason to believe a slight change in the duty will not affect the price of the domestic article. There are no coal-tar dyes and intermediates listed, for example, because such changes in duties as are proposed are reductions, but these reductions on sulphur black and indigo, as indicated above, are on products of which there are large exports, with no appreciable imports at the present time.

According to the tabulation for the chemical schedule, the total estimated increase in prices of imports and of articles of domestic production brought about by the proposed changes in duties in the tariff act of 1930 as compared with the tariff act of 1922 will be $2,620,000. Of this amount, $1,579,000 are for the changes in prices of imported products and $1,041,000 are for changes in the prices of domestic products. These figures include the estimated reduction in prices due to the proposed reductions in duties. The largest single item of the tabulation is casein, for which it is estimated the prices of the imported and domestic product will be increased about $1,188,000.

The estimated net increases in prices of imports are for the whole schedule and not merely for the items listed; that is to say, estimated changes in prices of imports due to proposed

changes in duties for items not listed in the tabulation are included at the end, under "all other." As shown on the table, the import figures for 1928 have been adjusted downward for purposes of this calculation in some instances, because of the possible reduction in imports on account of the increase in the duty. Imports of casein, for example, have been reduced for purposes of this estimate from about 28,000,000 pounds to 20,000,000 pounds, whiting from 80,000,000 to 50,000,000, tartaric acid from 1,800,000 to 1,000,000 pounds. The imports for soybean oil, listed at about 4,700,000 pounds, do not include that portion of the imports of crude oil which are refined and exported with benefit of drawback. The figure of 4,700,000 pounds has been adjusted down to 2,500,000 for this calculation because of the proposed increase in the duty of 1 cent per pound. One large item of import, namely, ammonium sulphate, dutiable at one-fourth cent per pound under the tariff act of 1922, is placed on the free list in the proposed bill. However, there has been no calculation of the possible reduction in the prices of the domestic product due to the removal of the duty, because there is a world's surplus of this and competing fertilizer materials, with the United States producers rapidly developing the synthetic process of manufacturing nitrogenous fertilizers, and in seeking foreign markets. Prices of ammonium sulphate are now, and probably will in the future, trend downward in both the United States and foreign countries due to a temporary surplus production by new processes, but such downward trend will probably not be directly related to the removal of the duty upon the product.

Schedule 2. Earths, earthenware, and glassware

Imports of products dutiable in Schedule 2 of the tariff act of 1922 were approximately $56,000,000 in 1928, with an ad valorem equivalent duty of over 45 per cent. The calculated ad valorem equivalent duty under the tariff act of 1930 on the basis of 1928 imports is 53.6 per cent. The largest items of import under this schedule in 1928, in the order of importance, are china and porcelain ware, $10,000,000; earthen, stone, and crockery ware, $5,000,000; plate glass, $3,300,000; kaolin, about $3,000,000; and window glass, $2,460,000.

In the tabulation of estimated price increases for Schedule 2, 14 items are listed for which it is estimated that the prices of the imported and domestic articles will be increased because of the increases in the duties by $13,236,000, of which $4,000,000 are on imports, and $9,000,000 on domestic products. The most important items for which increases are estimated are Portland cement, at $5,981,000; window glass, at $1,295,000; brick, at $785,000; and plate glass, at $556,000.

In the case of Portland cement it is estimated that the full amount of the duty, namely, 22.8 cents per barrel, will be reflected in the price of both the imported and domestic products at seaboard ports. In order to meet the competition from imports, domestic cement near the ports of entry of the imported product has been priced considerably lower than the average price for the country as a whole. Because of these competitive conditions it has been estimated that domestic prices at the seaboard will be strengthened by the full amount of the duty. In the case of plate glass the increase in the duty under the tariff act of 1930 averages about 1¼ cents per square foot over the tariff act of 1922. This increase is slightly less than the increase in the duty proclaimed by the President under the flexible tariff provisions on January 17, 1929. For purposes of this calculation it has been estimated that the increase in the duty of 1¼ cents per square foot will strengthen the domestic price of plate glass about one-half cent per square foot. Actually such increases in price have not occurred under the increased duty upon plate glass by the President, but temporary conditions of demand may account in part for the lack of change in prices under the higher duties.

The ad valorem rates of duty upon ordinary china and earthenware have not been changed by the act of 1930, but a specific rate of 10 cents per dozen pieces has been added. It is estimated that the 10 cents per dozen increase will not have an important effect upon either imports or domestic production of china and porcelain ware because of their relatively high unit value. With respect to earthenware and stoneware, however, an estimated increase in price is shown in the tabulations because of the 10 cents per dozen specific duty. The estimated total is $710,000, of which $170,000 are on imports, and $540,000 on domestic production. In the case of brick the duty of $1.25 per thousand will probably affect the prices of domestic brick made in the Hudson River Valley and sold in New York and vicinity. It has been estimated that domestic prices will be strengthened by about $1 per thousand on approximately 740,000 M, which is 60 per cent of the production in the Hudson River Valley district.

Schedule 3. Metals and manufactures of

The total value of production in the United States of products dutiable in the metals schedule is approximately $10,000,000,000 from the point of view of the total value added by manufacturing processes. The value of imports of similar products in 1928 was approximately $118,000,000. To the extent that domestic producers are supplying more than the domestic requirements of metal products with a surplus for export, and are competing with each other, the increases in the duties in the tariff act of 1930 as compared with the tariff act of 1922 will not materially affect the prices received by the producers or paid by the consumers of the domestic article.

For most of the large-scale metal products, such as steel rails, structural shapes, iron pipe, steel rods, nails, and wire, the steel mills of the United States supply the American market, with a surplus for export, at prices which are the result of competition among the various large producers. The duties upon these products, therefore, are stabilizing factors which prevent distress sales at low prices from foreign sources. This statement is not equivalent to saying that a duty upon these products is not beneficial to the industry. Some one of the many producing countries of the world usually has temporary surpluses of some metal products which are disposed of at distress prices. A few weeks of heavy importation at bargain prices may seriously affect a domestic industry for a considerable period.

None of the metal products for which there is a large surplus and the domestic prices of which will probably not be greatly affected by increases in the duties have been listed in the attached statistical tabulation for the metals schedule. It is not practicable to name, in a limited tabulation, the hundreds, and perhaps thousands, of metal products falling within this category. Only those are listed by name for which there is reason to believe that the changes in the duties will have some effect upon the prices of domestic products.

As previously stated in the general introduction to these tabulations, the increased cost of the duties on imported articles is obtained by multiplying the quantity or value of the imports of such articles in 1928 by the amount of the increase in the duty. It has not been practicable to estimate to what extent foreign producers or importers may absorb a part or all of the increases in some instances, and, on the other hand, to what extent the increases in the duties may, in some cases, be "pyramided" in the successive sales of the imported product. The figures for increased values of domestic products are obtained by calculations similar to that for imported products, except that estimated fractional parts of the increases in duties per unit have been applied to the total quantity or value of domestic production.

The total given in the table for the estimated increase in prices due to the proposed changes in duties for the metals schedule is $6,830,000, of which $4,877,000 are due to the estimated increased price of imports, and $1,953,000 to the estimated increased price of articles of domestic production. Attention is called to the fact that of the total estimated increases upon imports $992,000 are for "all other," that is, miscellaneous metal products upon which there are increases in duties but for which it is estimated there will be no increase in prices of similar domestic articles.

As shown by the figures in the table, the most important items of the metals schedule in which the duty may result in better prices to domestic producers of the articles, and therefore increase the cost to the consumer, are concrete reinforcement bars, cast-iron pipe, watches, clocks, and tungsten ore. On concrete reinforcement bars, for example, the increase in the duty of one-tenth cent per pound is estimated to strengthen the domestic price by about 10 per cent of the amount of the increase per unit, or one one-hundredth cent per pound. This increment of price applied to the approximate domestic production gives an increased cost to the consumer of the domestic product of approximately $213,000.

If the increase in the duty upon the bars is fully effective upon imports, the estimated increase in the price is $134,000, making a total added cost for the item of $347,000. In the case of ferrotungsten ore it has been estimated that the increase in the duty will be fully reflected in an increase in the price of the domestic product, of which production is equal to less than half of the imports. For watches the estimated increase in price because of proposed increases in the duties is $3,359,000, of which $2,941,000 are on imports, and $418,000 upon domestic production.

All of these calculations are based upon somewhat simple arithmetical assumptions, and do not take into account long-run tendencies of trade which may be brought about by changes in the duties. The estimates do not attempt, for example, to

take into account the extent to which expansion of the domestic market for the particular products listed, because of an increase in duties, may result in lower costs, and therefore lower prices, to the consumer. For the most part, however, the items here listed in the metals schedule probably are not susceptible to marked degrees of expansion in this direction because of increased duties. In the case of cast-iron pipe, for example, the entire elimination of the 68,000 tons of imports probably would not permit the domestic production of approximately 1,370,000 tons to expand sufficiently to affect unit costs and prices. Similar reasoning probably applies to many of the other products listed, such as concrete bars, aluminum foil, types, print rollers, for all of which the imports are not quantitatively large as compared with domestic production. In the case of a few products in the metals schedule upon which the duties have been increased in the tariff act of 1930, such as watches, clocks, and tungsten ore, the increase in the duty may permit a sufficient expansion of the domestic industry to be reflected in somewhat lower domestic prices in the long run than prevails at present. The immediate effect, however, in these cases will probably be to strengthen the domestic market prices, and such has been the estimate in this tabulation.

Schedule 4. Wood and manufactures of

Under the tariff act of 1922 dutiable imports under the wood schedule were valued at approximately $17,000,000 in 1928. On the basis of imports for the same year dutiable products in this schedule under the tariff act of 1930 would amount to approximately $53,000,000. The difference in the value of dutiable imports under the two acts is largely accounted for by the transfer of lumber to the dutiable list at $1 per M board feet in the tariff act of 1930. In 1928 imports of lumber were valued at something over $35,000,000. The question of additional prices to producers and to consumers for the lumber schedule is therefore almost entirely a question of the effect of the proposed duty upon the prices of lumber.

In the attached tabulation for Schedule 4 the net total estimated increase in price is approximately $8,000,000, of which about $7,000,000 are on domestic products and $1,000,000 on imported products. Two negative items appear in the tabulation, namely, the estimated decreases in the prices on imports because of the removal of the duty upon cabinet woods in the log, and on logs of fir, spruce, cedar, and western hemlock. Of the total net estimated increase in price of about $8,000,000, the estimates for lumber account for $7,750,000. It will be observed that the import figure on lumber of 1,300,000 M feet in 1928 has been adjusted downward to 1,000,000 M feet, because of the estimated effect of the proposed duty of $1 per M feet. Whether this figure is approximately right or not depends in part upon the extent to which imports of the kind of lumber now made dutiable may take the form of imports of logs of similar species placed on the free list in the proposed bill.

Schedule 5. Sugar, molasses, and manufactures

Of the total consumption of sugar in the United States of more than 13,000,000,000 pounds annually, almost exactly half is supplied by imports from Cuba and the other half by production in continental United States and shipments from Porto Rico, Hawaii, the Philippines and Virgin Islands. According to the tabulation respecting estimated increased prices for schedule 5, imports of sugar in 1928 were 6,640,000,000 pounds, and domestic production, including shipments from the islands, was about 6,880,000,000 pounds. The average duty on imports of raw sugar in 1928 was almost exactly 1.76 cents per pound. Under the act of 1930 this average, upon the basis of 1928 imports, is calculated at approximately 2 cents per pound, or an increase of about 0.24 cent per pound on 96-degree raw sugar, practically all of which is imported from Cuba.

It will be observed that two figures are given for estimated increases in the prices of imported and domestic sugar, due to the increase in the duty in the act of 1930. One figure is 0.24 cent per pound, which represents the full increase in the duty, and another figure is 0.12 cent per pound, which represents one-half the increase in the duty. The first figure assumes that the full increase will be passed on to the consumer, and the second figure that only one-half the increase will be passed to the consumer, and that the other half will be absorbed by the Cuban producers. Which one of these estimates will prove to be the more accurate depends upon a number of factors, one of which is the extent to which Cuban producers may find important markets for raw sugar outside the United States. The reported negotiations for purchase by the Russian government of 500,000 tons of Cuban raw sugar may have an important bearing upon this subject.

As indicated in the table, if it is assumed that the full increase in duty will be added to the price of imported and domestic sugar, the total estimated increase for Schedule 5 is approximately $33,000,000 annually, about one-half of which applies to imported sugar, and the other half to production, and shipments from domestic and insular sources. If the lower figure of 12 cents per 100 pounds increase is estimated on sugar, the total for the schedule, with the estimates for maple sugar and sirup remaining unchanged, is approximately one-half of the former figure, or nearly $17,000,000.

The effect on prices of the increase in the duty on sugar should not be considered apart from the price trends for raw and refined sugar in recent years. Both prices have been tending downward steadily. The average price quotations in Cuba for 96° raw sugar, for example, was about 2.67 cents per pound in 1927; 2.26 cents per pound in 1928; 1.73 cents per pound in 1929, and in April, 1930, 1.42 cents—probably the lowest monthly average in the history of the sugar industry. Wholesale refined-sugar prices in New York for the same periods, which cover the duty on raw sugar and the cost of refining, including the loss of sugar in the refining process, and profits to the refiners, were 5.81 cents per pound in 1927; 5.52 cents per pound in 1928; 5.04 cents per pound in 1929, and 4.78 cents per pound in April, 1930. The decline in the prices of both raw and refined sugar in recent years has been much greater than the increase in the duty under the tariff act of 1930.

Schedule 6. Tobacco and manufactures of

In 1928 imports of tobacco and tobacco products amounted to more than $62,000,000 at an ad valorem equivalent rate of about 63 per cent. The equivalent rate for the schedule under the pending bill is calculated on the basis of 1928 imports at 64.78 per cent. The only important changes in duty in the schedule are upon cigar wrapper tobacco. Unstemmed wrapper is increased from $2.10 per pound to $2.27½, and stemmed wrapper from $2.75 per pound to $2.92½ per pound.

As shown in the tabulations for Schedule 6 these increases in the duties are estimated to increase the price of the imported product $1,056,000 upon the basis of 1928 imports, and of the domestic product, $84,000, or a total for the schedule of $1,140,000.

Schedule 7. Agricultural products and provisions

According to the attached table the estimated increases in prices due to the changes in the duties upon products in the agricultural schedule (Schedule 7) amount to $127,773,776, of which $31,647,000 are estimated to be upon imported products in this schedule, and $96,126,776 upon domestic products. These calculations have been made in the same manner as those for other schedules, namely, by assuming that the changes in the duties will be fully effective in increasing the price of imports (upon the basis of the calendar year 1928), and that fractional parts of the changes will be effective in changing the price of the particular domestic products named in the table. In some instances where imports were relatively large in 1928, and the proposed increases in duties are substantial, the import statistics have been adjusted downward for the purpose of this calculation in estimating the total increased price of the imported products. As is indicated in the table, such adjustments have been made respecting cattle, beef, canned meat, cream, peanuts, flaxseed, dried beans, onions, potatoes, fresh tomatoes, green peppers, and long-staple cotton.

Those products for which it is estimated that the new duty will not appreciably increase the price of the domestic article are not named specifically in the tabulation. It is assumed, for example, that the increase in the duty upon corn and pork products will not increase prices to the farmers or to domestic consumers, but that any effect which the duties may have will be in the form of stabilizing influences against irregular importations. In some cases the increases in the duties may offer opportunities for a drift toward the production of those products which are now moderately profitable, and away from the production of those now on a surplus basis, with poor markets. In other instances the increases in the duties may extend the market for domestic products without increasing their prices, or permit of alternate forms of marketing the same products. In the case of frozen eggs, for example, the proposed increase in the duty probably will result in an extension of the freezing industry in the United States; that is to say, more domestic eggs will be consumed in the frozen state and slightly less in the form of eggs in the shell. Probably less frozen eggs will be imported, thus extending the market for domestic fresh eggs in the shell at surplus seasons. The increased duty, therefore, may have some stabilizing effect upon egg prices during the surplus season.

In some instances the duty, either present or proposed, may be effective in strengthening or increasing prices of domestic products, but the proposed increase in the duty may not appreciably increase the price. The present duty upon butter, for

example, of 12 cents per pound, enables the domestic producers of butter to obtain a better price than would be received under free-trade conditions, but the increase to 14 cents per pound probably may not affect prices appreciably more than the present duty. Approximately the same condition prevails with respect to Swiss cheese.

Important agricultural products, such as wool, tobacco, sugar, and hides, are not listed in the tabulations for Schedule 7 because they are dutiable under other schedules and so treated. These products are included also in a supplementary tabulation for important agricultural raw materials.

On the other hand, many of the products listed in the agricultural schedule are products of manufacture, such as canned tomatoes and tomato paste, or are fish products. This tabulation is significant, therefore, from the point of view of the so-called agricultural schedule as embodied in the bill rather than from the point of view of agricultural products as such.

Of the total estimated increase in prices of products dutiable in Schedule 7, of $127,773,776, 10 products account for $100,000,000, or about 78 per cent. These products are cattle—including beef and veal—canned beef, cream, lemons, flaxseed, dried beans, fresh tomatoes, peanuts, onions, and long-staple cotton. Of these 10 items the estimated increased price of imports is $16,000,000, and of domestic production, $84,000,000.

In the case of cattle and cattle products the estimated increased prices of imports have been calculated for live cattle and calves, for beef, and for veal. The estimated increase in the price of domestic production, however, have been calculated upon cattle and calves only, because the production of beef and veal is merely another form of the same commodity. It will be observed from the table that it is estimated that the increase in the duty on cattle of about 1½ cents per pound will strengthen the domestic price of cattle on the average one-third cent per pound. Imports of cattle and beef have been relatively heavy in recent years, amounting to more than 300,000,000 pounds, live-weight basis, in 1928. It is because of these relatively heavy imports that the proposed increase in the duty is estimated to strengthen domestic prices by a fraction of a cent per pound.

The next largest estimated increase in price after cattle and beef, due to the changes in duties, is that of long-staple cotton. It is estimated that the new duty of 7 cents per pound will be fully reflected in the price of the imported product and also in that portion of domestic long-staple cotton known as "Pima," produced in the Imperial Valley. It is estimated that the price of other domestic cotton having a staple of 1⅛ inches or longer will be strengthened on the average of 3 cents per pound because of the duty. Applying these figures to the quantity of imports and of domestic production gives an estimated increase of $14,005,000, of which $5,250,000 are upon imports and $8,755,000 upon domestic production.

The figures given in connection with Schedule 7 for "all other" represents the estimated increase in price of the imports of all products in the agricultural schedule in addition to the specific ones listed in the table. No corresponding figure is given for the increases in the prices of the domestic production of such products because it is estimated that the change in the duty will not be reflected in the form of increases in their prices.

Schedule 8. Spirits, wines, and other beverages

The principal change in the duties upon products in Schedule 8 were upon juices of citrus fruits fit for beverage purposes. Imports in the past have been relatively small upon these products—about 70,000 gallons, valued at about $86,000 in 1928—and no estimate has been made in the tabulations for increases in the prices of these products or other products in Schedule 8.

Schedule 9. Cotton manufactures

Imports of manufactures of cotton were about $48,300,000 in 1928, with an average ad valorem equivalent under the tariff act of 1922 of about 40 per cent. The equivalent ad valorem under the tariff act of 1930, based upon 1928 imports, is calculated at about 46 per cent.

According to the tabulation of price increases for Schedule 9, the total estimated increase in price for the cotton schedule on both imported and domestic products was approximately $10,500,000, of which $3,771,000 is estimated on imports and $6,736,000 on the increased prices of domestic products. These estimated increases do not include increases which may result from the duty upon long-staple cotton. This estimated increase is included under the item for such cotton in the agricultural schedule. To include an equivalent figure under the cotton schedule would duplicate the item of increase.

The most important item of increase is that of countable cotton cloth, for which it is estimated that the increase in the duty under the tariff act of 1930 averages about 13.6 cents per pound over the tariff act of 1922. This increase, when applied to imports for 1928, gives an estimated increase in price of $1,462,000. The estimated increase on domestic production of cotton cloths made of yarns finer than 40's is 2 cents per pound, or a total increased price on domestic fabrics of $2,672,000, making a total for both the imported and domestic products of $4,134,000. It has been estimated that the increase in the duty will not affect the domestic prices of domestic cloths made of yarns coarser than 40's, the production of which is about 93 per cent of the total for the United States. In other words, an estimated increase of 2 cents per pound has been figured on about 7 per cent of the total domestic production of countable cotton cloth, not including tire fabrics.

The next largest estimate of increase is cotton yarn, amounting practically to $2,000,000, and the next is cotton wiping rags, by which it is estimated that the increase in the duty of 1 cent to 3 cents per pound would increase prices of domestic and imported wiping rags by $1,800,000.

Schedule 10.—Flax, hemp, jute, and manufactures of

The value of total dutiable imports under Schedule 10, flax, hemp, jute, and manufactures of, in 1928, were about $133,200,000. The ad valorem equivalent rate under the tariff act of 1922 averaged, for the whole schedule, 18.16 per cent, and under the pending bill the average is 19.14 per cent. The net increases in the duties in the schedule, therefore, have been small.

In this tabulation the changes in the duties will result in an estimated increase in the prices of domestic and imported products of approximately $2,900,000, of which about $1,300,000 are on imports, and about $1,600,000 on domestic products. The largest estimated item of increase is that on inlaid linoleum, upon which the duty is proposed to be increased from 35 per cent ad valorem to 42 per cent. This increase is in part due to the increase in the duty upon linseed oil. The next largest estimated increase in the price of the foreign and domestic articles is upon cordage and hard fiber, amounting to over $600,000.

Schedule 11. Wool and manufactures of

The total imports in 1928 of dutiable items under the wool schedule, including manufactures of wool, were $116,343,000. The ad valorem equivalent rates were increased from over 49 per cent under the tariff act of 1922 to over 59 per cent under the tariff act of 1930. Much of this increase is accounted for, either directly in the form of compensatories, by the increase in the duty of 3 cents per pound on the clean content of wool, and by the increase in the duties upon wool waste, including rags. In the present tabulation the estimated increase in the price of the domestic and imported products dutiable under the wool schedule is approximately $21,000,000, of which about $12,000,000 is estimated on imports and about $9,000,000 on domestic production. The largest single item of increase is about $8,000,000, estimated on wool waste and rags, and the next item in size, of about $4,300,000, is the estimated increase on raw wool, due to the increase in the duty, averaging about 3 cents per pound. For purposes of this calculation it has been assumed that the entire increase in the duty will be effective on the price of imported wool, and about two-thirds, or 2 cents per pound, effective on similar domestic wool. In the case of wool cloth the increase of about 13½ per cent ad valorem in the duty upon imports is estimated to affect the price of domestic production of about $50,000,000 of similar cloth by about 2 per cent.

No attempt has been made in this tabulation to estimate to what extent, if any, imports of wool and wool fabrics may be reduced, nor to what extent the domestic production of them may be increased, because of the increases in the duties. In many cases it is estimated that the increase in the duty on the finished product reflects only the increase in the duty on raw wool, and therefore has been accounted for in the raw-wool calculations. Such increases are calculated, however, for the imported products.

Schedule 12. Manufactures of silk

The total imports in 1928 of articles dutiable in the silk schedule were approximately $32,400,000. This does not include the imports of raw silk, which are on the free list. The ad valorem rate of duty under the tariff act of 1922 for the silk schedule on the basis of 1928 imports was about 56½ per cent. Under the tariff act of 1930 the ad valorem equivalent upon the same basis is about 59 per cent.

In the tabulations of estimated price increases for the silk schedule the total estimated increase on both domestic and imported products due to the proposed increases in the duties is $1,484,000, of which $833,000 are estimated to be the increases on imports and $651,000 the increases on domestic production. Of the import items the largest figure is that for "All other," amounting to $416,000. This represents the estimated increase in price on numerous imported articles for which no correspond-

ing increase in domestic prices is estimated. Only two products, namely, spun silk and velvets, are listed for which it is estimated domestic prices will be appreciably affected by the increases in the duties. The changes in the duties for the other products in the silk schedule may take the form of a wider market than formerly for similar domestic products. In other instances the increase may be absorbed wholly or in part by importers, and detailed tabulations for such items are not feasible. In this table it has been calculated that the full increase in the duties will be effective on imports and a half of the increase effective on domestic prices for the two items given.

Schedule 13. Manufactures of rayon

Imports of rayon manufactures in 1928, dutiable under the silk schedule of the tariff act of 1922, were valued at about $16,000,000. In making a separate schedule for rayon in the tariff act of 1930 there are many noncomparable classifications, and therefore direct comparison of rates can be made for only about $11,425,000 out of more than $16,000,000 of imports. On comparable items the ad valorem equivalent rate under the tariff act of 1922 is calculated at 52.68 per cent and under the tariff act of 1930 at 53.62 per cent. It is not practicable to attempt to make a calculation of price differences caused by this small change in the duties. For that reason there are no statistics in the tabulations for Schedule 13.

Schedule 14. Paper and books

Dutiable imports in 1928 under schedule 14, paper and books, of the tariff act of 1922 were approximately $22,000,000. Relatively few important changes have been made in this schedule in the tariff act of 1930. The ad valorem equivalent for the schedule as a whole has been changed from about 25 per cent ad valorem in the act of 1922 to approximately 26 per cent ad valorem under the tariff act of 1930. According to the present tabulations of price increases it is estimated that the increases in the duty will add about $500,000 to the prices of imported and domestic products. Of this amount the largest item is the miscellaneous group of imports listed under "All other" in the table, amounting to $239,000. The next largest estimated figure is the possible increase in price of tapered textile tubes, amounting to $111,000. Transparencies and decalcomanias are the other items listed in the table upon which it is estimated there will be some increases in domestic prices.

Schedule 15. Sundries

The total imports in 1928 of products now dutiable in the sundries schedule were approximately $340,000,000. The ad valorem equivalent duty under the tariff act of 1922 was about 22 per cent and under the act of 1930 was about 27 per cent. These ad valorem rates for both acts include hides and skins, which were on the free list in the act of 1922.

According to the tabulation, estimated increases in prices on products in the sundries schedule due to the increase in the duties total approximately $31,000,000, of which nearly $18,000,000 are estimated increases in prices of imported products and about $13,000,000 are the estimated increases in prices on domestic products. The largest items of increase in this schedule are hides and skins and leather, which have been transferred from the free to the dutiable list. Two figures are given for hides and skins, one of $15,370,000, obtained by estimating that the 10 per cent duty upon hides and skins will increase domestic prices of them to the extent of 5 per cent, and the other figure, amounting to $11,757,000, is derived by estimating that prices of the domestic products will be increased by 2½ per cent. In both cases it is assumed that the price of imported hides and skins will be increased by 10 per cent, or $8,145,000, on the basis of 1928 imports. Attention is called to the fact that in estimating the possible increase in prices of domestic hides and skins no segregation has been attempted between the benefits to the immediate producers of the hides, namely, the packing houses, and to the farmer who raises the livestock.

In the case of leather it is estimated that prices of imported and domestic products will be increased by $10,761,000. This figure is obtained by allowing the full duty upon imports and assuming that domestic prices of leather will be increased by approximately 1 per cent in addition to the equivalent of the compensatory duty on the product. The increases in prices due to compensatory duties, both upon leather and boots and shoes, have not been added to these products because the equivalent of such compensatories has been counted once in the tabulation in estimating the increased price of hides. To count it again would duplicate the figure.

For the item of leather gloves no increase in domestic prices has been calculated, because of the slight increase in the duties and because nearly all women's gloves are imported, and practically all men's gloves are made in the United States. Therefore the duty should not appreciably increase the price of domestic-made gloves. A slight increase in prices of imports is calculated amounting to about $135,000.

DETAILED TABLES FOR ALL SCHEDULES

The detailed tables referred to in the preceding discussion in regard to the estimated effect on prices of changes in the duties in the tariff act of 1930, as compared with the tariff act of 1922, are presented below.

In these tables production statistics for the year 1927 and import statistics for the year 1928 have been used in the industrial schedules, because detailed production statistics for a later period are not readily available. For products in the sugar and agricultural schedules, however, production statistics for 1928 are available and have been used.

Calculations respecting changes in duty in the tariff act of 1930 as compared with the tariff act of 1922

SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
1	Acetic anhydride	Lb.	9,000	[1] 2,089,000	5c per lb.	3½c per lb.	1½c per lb.[3]	1c per lb.[3]	−$133	−$21,000	−$21,133
1	Tartaric acid	Lb.	1,810,000	5,781,000	6c per lb.	8c per lb.	2c per lb.	2c per lb.	20,000	116,000	136,000
	Adjusted imports	Lb.	1,000,000								
1685	Ammonium sulphate	Lb.	84,267,000	1,495,809,000	¼c per lb.	Free	¼c per lb.[3]	(?)	−211,000		−211,000
12	Barium chloride	Lb.	2,345,000	6,668,000	1¼c per lb.	2c per lb.	¾c per lb.	⅓c per lb.	18,000	33,000	51,000
19	Casein or lactarene	Lb.	28,216,000	23,516,000	2½c per lb.	5½c per lb.	3c per lb.	2¼c per lb.		588,000	1,188,000
	Adjusted imports	Lb.	20,000,000						600,000		
20	Dry ground or bolted whiting	Lb.	80,246,000	110,080,000	25%	0.4c per lb.	0.34c per lb.	¼c per lb.		28,000	198,000
	Adjusted imports	Lb.	50,000,000						170,000		
41	Glue, glue size, and fish glue:										
	Valued at less than 40¢ per lb.	Lb.	9,181,000	[4] 11,000,000	1½c per lb.+20%	2c per lb.+25%	0.94c per lb.	⅓c per lb.	86,000	55,000	141,107
	Valued at 40¢ or more per lb.	Lb.	2,000		7c per lb.+20%	8c per lb.+25%	5.4c per lb.		107		
49	Oxide or calcined magnesia	Lb.	301,000	300,000	3½c per lb.	7c per lb.	3½c per lb.	3c per lb.	11,000	9,000	20,000
52	Sperm oil refined or otherwise processed	Gal.	157,000	333,000	10c per gal.	14c per gal.	4c per gal.	3c per gal.	6,000	10,000	16,000
52	Spermaceti wax	Lb.	116,000	341,000	Free	6c per lb.	6c per lb.	4c per lb.	7,000	14,000	21,000
54	Soybean oil	Lb.	[5] 4,723,000	3,088,000	2½c per lb.	3½c per lb.	1c per lb.	1c per lb.		31,000	56,000
	Adjusted imports	Lb.	2,500,000						25,000		
67	Precipitated barium sulphate	Lb.	7,300,000	26,790,000	1c per lb.	1¼c per lb.	¼c per lb.	⅛c per lb.	18,000	33,000	51,000
81	Sodium phosphate, n. s. p. f.	Lb.	19,639,000	[4] 43,244,000	½c per lb.	¾c per lb.	¼c per lb.	¾c per lb.	40,000	108,000	157,000
81	Sodium sulphate, anhydrous	Lb.	6,840,000	5,376,000	$2 per ton	$3 per ton	$1 per ton	$1 per ton	3,000	2,000	5,000

Calculations respecting changes in duty in the tariff act of 1930 as compared with the tariff act of 1925—Continued

SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS—continued

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
83	Starch, potato	Lb.	17,216,000	7,078,000	1¾c per lb.	2½c per lb.	¾c per lb.	½c per lb.	$129,000	$35,000	$164,000
	All other								648,026		648,026
	Total, Schedule 1								1,570,000	1,041,000	2,620,000

[1] Production for sale in 1925 probably much larger at present.
[2] Decrease.
[3] Price trend probably downward due to temporary overproduction and to synthetic processes in United States and abroad.
[4] Production figures are for extracted bone glue similar to bulk of imports.
[5] Import figures do not include imports for refining and export.
[6] Production figures are for di-sodium phosphate, which constitutes the bulk of imports.

SCHEDULE 2.—EARTHS, EARTHENWARE, AND GLASSWARE

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
201	Brick	M.	79,000	[1] 741,000	Free [2]	$1.25 per M.	$1.10 per M.	$1 per M.		$741,000	$785,000
	Adjusted imports	M.	40,000						$44,000		
202	Earthen tiles, except quarry.	Sq. ft.	5,743,000	[3] 22,653,000	Various	Various	1.82c per sq. ft.	1.82c per sq. ft.	105,000	412,000	517,000
202	Quarry tile	Sq. ft.	391,000	[4] 1,000,000	Various	Various	4.5c per sq. ft.	3c per sq. ft.		30,000	43,000
	Adjusted imports	Sq. ft.	293,000						13,000		
205	Portland cement	Bbl.	2,286,000	[5] 25,000,000	Free [6]	22.8c per bbl.	22.8c per bbl.	22.8c per bbl.		5,720,000	5,981,000
	Adjusted imports	Bbl.	1,143,000						261,000		
208	Mica, unmanufactured	Lb.	484,000	1,512,000	25%	4c per lb+25%	4c per lb.	4c per lb.	20,000	60,000	80,000
212	Earthenware and stoneware.	Doz.	[7] 1,698,000	[8] 5,400,000	Various	Various	10c per doz.	10c per doz.	170,000	540,000	710,000
212	Bone china tableware		$921,000	$700,000	Various	Various	16.42%	10%	151,000	70,000	221,000
213	Graphite, lump, chip, dust, and flake.	Lbs.	19,740,000	5,224,000	Various	Various	0.274c per lb.	0.274c per lb.	54,000	14,000	68,000
218	Chemical and scientific glassware.		$545,000	[9] $2,250,000	Various	Various	19%	9.5%	104,000	213,000	317,000
218	Globes, shades, prisms, etc.		$1,011,000	[10] $2,875,000	60%	66.04%	6.04%	3.3%	61,000	95,000	156,000
218	Glass perfume bottles		$966,000	[11] $1,250,000	55%	75%	20%	10%		125,000	237,000
	Adjusted imports		$560,000						112,000		
219	Cylinder crown and sheet glass unpolished.	Lb.	67,870,000	[12] 375,196,637	Various	Various	8/10c per lb.	2/10c per lb.	545,000	750,000	1,295,000
222	Plate glass	Sq. ft.	15,624,000	[12] 87,823,000	Various	Various	1¾c per sq. ft. (average).	½c per sq. ft.		439,000	556,000
	Adjusted imports	Sq. ft.	9,374,000						117,000		
228	Prism binoculars		[14] $300,000	[14] $150,000	45%	60%	15%	15%	45,000	22,000	67,000
	All other								2,203,000		2,203,000
	Total, Schedule 2								4,005,000	9,231,000	13,236,000

[1] This figure of production represents 60% of the production in the Hudson River district.
[2] Conditionally free, but with countervailing duty amounting in 1928 to about $11,000.
[3] This figure of production represents 25% of the total domestic production.
[4] Figure for production represents 20% of total estimated domestic production.
[5] Shipments to seaboard markets.
[6] Free, but with countervailing duty amounting in 1928 to about $18,000.
[7] Estimated imports subject to increase in duty.
[8] Approximately 15% of the estimated total domestic production of relatively inexpensive earthenware and stoneware.
[9] 75% of the total domestic production.
[10] 25% of the total domestic production.
[11] 50% of the total domestic production.
[12] 60% of the total domestic production.
[13] 75% of the total domestic production.
[14] Estimated.

SCHEDULE 3.—METALS AND MANUFACTURES OF

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
302	Ferrotungsten ore	Lb.	2,800,000	1,200,000	45c per lb.	50c per lb.	5 c per lb.	5c per lb.	$140,000	$60,000	$200,000
302	Ferrotungsten, powder, and carbide.		$155,000	$74,000	60c per lb.+25%	60c per lb.+50%	25%	12½%	39,000	9,000	48,000
304	Concrete reinforcement bars.	Long ton	60,000	951,426	0.2c per lb.	0.3c per lb.	0.1c per lb.	0.01c per lb.	134,000	213,000	347,000
304	Hollow drill steel value over 4c per lb.	Short ton.	3,650	4,000	1.7c per lb.	2.45c per lb.	¾c per lb.	¼c per lb.	55,000	20,000	75,000
319	Auto claves, reaction chambers, etc.		$350,000	$3,500,000	25%	35%	10%	5%	35,000	175,000	210,000
325	Anvils weighing 5 pounds or more.	Lb.	908,000	835,000	1½c per lb.	3c per lb.	1½c per lb.	½c per lb.	12,000	3,000	15,000
327	Cast-iron pipe	Short ton.	68,000	1,371,000	20%	25%	$1 per ton	20c per ton	68,000	274,000	342,000

Calculations respecting changes in duty in the tariff act of 1930 as compared with the tariff act of 1922—Continued

SCHEDULE 3.—METALS AND MANUFACTURES OF—continued

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
351	Pens, metallic (except gold)		$299,426	$1,471,000	31%	43%	12%	2%	$36,000	$29,000	$65,000
358	Razors other than safety		$142,000	$374,000	132%	117%	15%[1]	3%[1]	−21,000	−11,000	−32,000
364	Bells (except church and carillons and parts		$200,000	$1,800,000	40 or 60%	50%	10%	1%	20,000	18,000	38,000
367	Watches		$11,763,000	$27,897,000	Various	Various	25%	1½%	2,941,000	418,000	3,359,000
368	Clocks		$1,131,600	$26,894,000	Various	Various	35%	2%	396,000	538,000	934,000
382	Aluminum foil		$848,000	$4,436,000	35%	37½%	2½%	1¼%	21,000	55,000	76,000
388	Types		$69,000	$2,300,000	20%	30%	10%	5%	7,000	115,000	122,000
395	Print rollers		$8,000	$745,000	72%	$5 each+72%	22%	5%	2,000	37,000	39,000
	All other								992,000		992,000
	Total, Schedule 3								4,877,000	1,953,000	6,830,000

[1] Decrease.

SCHEDULE 4.—WOOD AND MANUFACTURES OF

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and do mestic products
401	Lumber (fir, spruce, pine, hemlock, and larch)	M ft	1,300,000	27,000,000	Free	$1 per M ft	$1 per M ft	25 cents per M ft.	($1,000,000)	$6,750,000	$7,750,000
	Adjusted imports[1]	M ft	1,000,000								
402	Maple (except Japanese maple), birch and beech flooring		$165,000	$9,000,000	Free	8%	8%	1%	13,000	90,000	103,000
403	Cabinet woods in the log		$4,580,000	None.	10%	Free	10%[2]		−458,000		−458,000
1803	Logs of fir, spruce, cedar or western hemlock	M ft	66,000	10,000,000	$1 per M ft.[3]	Free	$1 per M ft.[2]		−66,000		−66,000
411	Baskets		$977,000	$1,650,000	35% 45%	50%	9.9%	5%	97,000	82,500	179,500
412	Spring clothespins	Gross	70,000	850,000	15c per gross	20c per gross	5c per gross	2c per gross	4,000	17,000	21,000
412	Bentwood chairs		[4] $650,000	$1,040,000	33⅓%	47½%	14⅓%	10%		104,000	175,000
	Adjusted imports[5]		$500,000						71,000		
	All other								357,000		357,000
	Total, Schedule 4								1,018,000	7,043,500	8,061,500

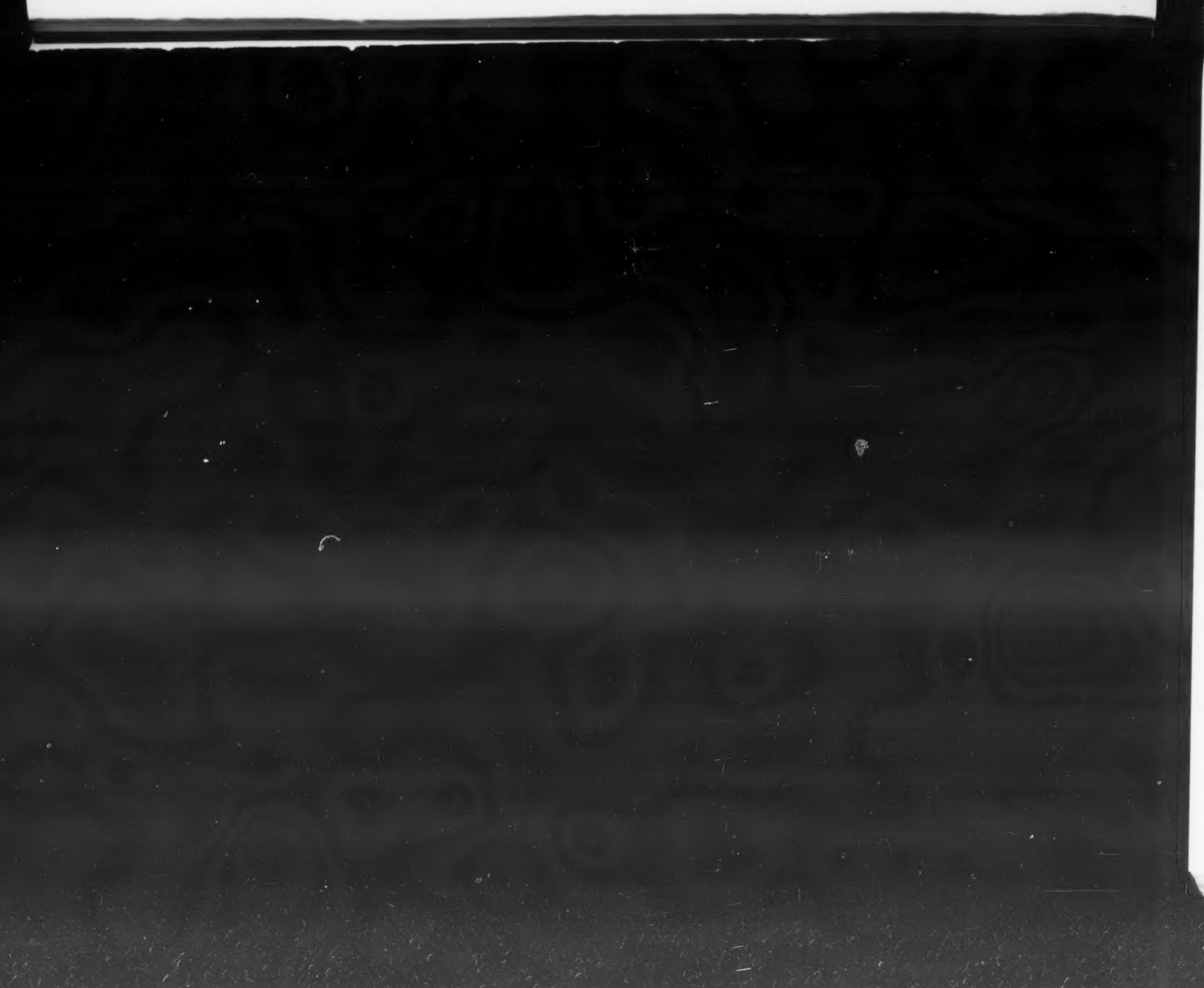
[1] Imports of this lumber are adjusted downward because of the possibility of imports in log form free of duty.
[2] Decrease.
[3] Conditionally dutiable at $1 per M.
[4] Estimated.
[5] Imports of bentwood chairs are adjusted downward.

SCHEDULE 5.—SUGAR, MOLASSES, AND MANUFACTURES OF

Act of 1930 paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1928	Act of 1922	Act of 1930	Of imported products if increased by amount of increase in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
501	Cane and beet sugar	Lb	6,643,191,000	[1] 6,878,078,000	1.76c per lb.[2]	2c per lb.[2]	0.24c per lb.[3] 0.12c per lb.[4]	0.24c per lb.[3] 0.12c per lb.[4]	$15,703,000 7,852,000	$16,507,000 8,254,000	$32,210,000 16,106,000
503	Maple sugar	Lb	6,955,000	2,388,000	4c per lb	8c per lb	4c per lb	2c per lb		48,000	248,000
	Adjusted imports	Lb	5,000,000						200,000		
503	Maple sirup	Lb	396,000	33,000,000	4c per lb	5½c per lb	1½c per lb	¼c per lb	6,000	82,000	88,000
	All other								380,000		380,000
	Total, Schedule 5: Including increases in sugar prices estimated at 0.24c per pound								16,289,000	16,637,000	32,926,000
	Including increases in sugar prices estimated at 0.12c per pound								8,438,000	8,384,000	16,822,000

[1] Production figures include raw sugar of Louisiana, shipments from Porto Rico, Hawaii, Philippine Islands, and Virgin Islands, and refined beet sugar.
[2] Duty on 96° raw sugar from Cuba. These are also practically the average rates for all degrees of dutiable sugar.
[3] If increase in duty increases the price of imported and domestic sugar by the full amount of the increase.
[4] If increase in duty increases the price of imported and domestic sugar by one-half the amount of the increase.





Calculations respecting changes in duty in the tariff act of 1930 as compared with the tariff act of 1922—Continued

SCHEDULE 6.—TOBACCO AND MANUFACTURES OF

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
601	Wrapper tobacco: General tariff—										
	Unstemmed	Lb.	5,879,104	[1] 1,680,000	$2.10 per lb.	$2.27½ per lb.	17½c per lb.	5c per lb.[2]	$1,029,000	$84,000	$1,140,000
	Stemmed	Lb.			$2.75 per lb.	$2.92½ per lb.	17½c per lb.				
	From Cuba—										
	Unstemmed	Lb.	195,986		$2.10 per lb. less 20%.	$2.27½ per lb. less 20%.	14c per lb.		27,000		
	Stemmed	Lb.			$2.75 per lb. less 20%.	$2.92½ per lb. less 20%.	14c per lb.				
	Total, Schedule 6.								1,056,000	84,000	1,140,000

[1] This figure of production represents 60 per cent of the reported Florida production of wrapper-type tobacco.

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1928	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties [3]	Of domestic products if increased by fractional parts of increases in duties [3]	On imported products	On domestic products	On both imported and domestic products
701	Live cattle and calves: Weighing less than 1,050 pounds.	Lb.	233,933,576	14,406,000,000	1½c or 2c per lb.[4]	2½c or 3c per lb.[4]	1½c per lb.[4]	½c per lb.	$1,238,000	$48,020,000	$49,258,000
	Weighing 1,050 pounds or more.	Lb.	16,463,776								
	Adjusted imports [5]— Weighing less than 1,050 pounds.	Lb.	100,000,000								
	Weighing 1,050 pounds or more.	Lb.	10,000,000								
701	Beef	Lb.	40,743,000	6,082,000,000	3c per lb.	6c per lb.	3c per lb.	(3)	300,000	(3)	300,000
	Adjusted imports [5]	Lb.	10,000,000								
701	Veal	Lb.	7,925,000	814,000,000	3c per lb.	6c per lb.	3c per lb.	(3)	238,000	(3)	238,000
701	Albumen: Light	Lb.	343,000	100,000	Free	12c per lb.	12c per lb.	6c per lb.	29,000	6,000	35,500
	Dark	Lb.		300,000	Free	6c per lb.	6c per lb.	1½c per lb.		4,500	
706	Canned corned beef	Lb.	52,736,000	[6] 165,000,000	20%	49.15%	3½c per lb.	2c per lb.	1,400,000	3,300,000	4,700,000
	Adjusted imports [5]	Lb.	40,000,000								
707	Cream	Gal.	3,621,000	[7] 20,000,000	20c per gal.	56.6c per gal.	36.6c per gal.	10c per gal.	732,000	2,000,000	2,732,000
	Adjusted imports [5]	Gal.	2,000,000								
712	Poultry, dressed or undressed.	Lb.	5,495,000	[8] 100,000,000	6c per lb.	10c per lb.	4c per lb.	1c per lb.	220,000	1,000,000	1,220,000
1756	Herring, frozen artificially.	Lb.	2,219,000	50,000	1c per lb.	Free	−1c per lb.	−1c per lb.	−22,000	−500	−22,500
717	Dried fish, unsalted, cod, haddock, etc.	Lb.	3,800,000	180,000	1¼c per lb.	2½c per lb.	1¼c per lb.	1¼c per lb.	48,000	2,250	50,250
719	Pickled or salted cod, containing more than 43 per cent moisture.	Lb.	7,000,000	[9] 14,400,000	1¼c per lb.	¾c per lb.	−½c per lb.	−½c per lb.	−35,000	−72,000	−107,000
720	Smoked filets and portions of cod, haddock, hake, pollock, etc.	Lb.	6,000,000	1,500,000	1¼c per lb.	3c per lb.	1¾c per lb.	1¾c per lb.	105,000	26,250	131,250
721	Other fish roe for food purposes.	Lb.	299,000	150,000	30%	20c per lb. (106 per cent).	76%	11c per lb.	43,000	16,500	59,500
727	Rice, clean	Lb.	20,147,000	[8] 145,210,000	2c per lb.	2½c per lb.	½c per lb.	½c per lb.	101,000	726,050	827,050
730	Soybean oil cake and soybean oil-cake meal.	Lb.	96,810,000	63,550,000	Free	7/10c per lb.	7/10c per lb.	$3 per ton	280,000	95,325	385,325
737	Maraschino cherries			20,000,000	40.00%	81.21%	9½c per lb.	9½c per lb.	53,000	1,900,000	1,953,000
740	Figs	Lb.	30,573,000	24,000,000	2c per lb.	5c per lb.	3c per lb.	3c per lb.	917,000	720,000	1,637,000
743	Lemons	Lb.	69,748,000	506,830,000	2c per lb.	2½c per lb.	½c per lb.	½c per lb.	349,000	2,534,150	2,883,150
744	Dried ripe olives	Lb.	5,123,000	1,000,000	4c per lb.	5c per lb.	1c per lb.	1c per lb.	52,000	10,000	62,000
753	Tulip, lily, and narcissus bulbs, and lily-of-the-valley pips: Tulips	No.	241,791,000	500,000	$2 per M.	$6 per M.	$4 per M.	$3 per M.	967,000	2,000	969,000
	Lilies			50,000				$3 per M.			
	Narcissus			45,000				$1.50 per M.			
	Lily pips			200,000				$1 per M.			
	Crocus			50,000				$0.50 per M.			
756	Almonds, sweet, not shelled.	Lb.	1,139,000	27,400,000	4¾c per lb.	5½c per lb.	¾c per lb.	¾c per lb.	9,000	205,500	214,500
757	Filberts, unshelled	Lb.	12,744,000	400,000	2½c per lb.	5c per lb.	2½c per lb.	2½c per lb.	319,000	10,000	329,000
759	Peanuts, shelled	Lb.	38,882,000	[10] 60,000,000	4c per lb.	7c per lb.	3c per lb.	2c per lb.	300,000	1,200,000	1,500,000
	Adjusted imports [5]	Lb.	10,000,000								
760	Walnuts of all kinds, unshelled.	Lb.	14,603,000	50,000,000	4c per lb.	5c per lb.	1c per lb.	1c per lb.	146,000	500,000	646,000
762	Flaxseed or linseed	Bu.	17,579,000	20,026,000	40c per bu.	65c per bu.	25c per bu.	15c per bu.	3,000,000	3,003,900	6,003,900
	Adjusted imports [5]	Bu.	12,000,000								

Footnotes at end of schedule.

Calculations respecting changes in duty in the tariff act of 1930 as compared with the tariff act of 1922—Continued

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS—continued

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1928	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties [1]	Of domestic products if increased by fractional parts of increases in duties [2]	On imported products	On domestic products	On both imported and domestic products
763	Alsike clover seed	Lb.	6,786,000	13,500,000	4c per lb.	8c per lb.	4c per lb.	2c per lb.	$271,000	$270,000	$541,000
763	Crimson clover seed	Lb.	2,869,000	350,000	1c per lb.	2c per lb.	1c per lb.	1c per lb.	29,000	3,500	32,500
763	White clover seed	Lb.	2,483,000	1,200,000	3c per lb.	6c per lb.	3c per lb.	2c per lb.	74,000	24,000	98,000
763	Hairy vetch	Lb.	3,430,000	1,000,000	2c per lb.	3c per lb.	1c per lb.	1c per lb.	34,000	10,000	44,000
763	Orchard grass	Lb.	1,252,000	3,150,000	2c per lb.	5c per lb.	3c per lb.	2c per lb.	38,000	63,000	101,000
763	Rye grass	Lb.	1,196,000	2,500,000	2c per lb.	3c per lb.	1c per lb.	¾c per lb.	12,000	18,750	30,750
764	Cabbage seed	Lb.	245,000	1,000,000	10c per lb.	12c per lb.	2c per lb.	1c per lb.	5,000	10,000	15,000
764	Radish seed	Lb.	589,000	743,000	4c per lb.	6c per lb.	2c per lb.	½c per lb.	12,000	3,715	15,715
764	Turnip seed	Lb.	1,526,870	500,000	4c per lb.	5c per lb.	1c per lb.	1c per lb.	15,000	5,000	20,000
764	Rutabaga (Swedish turnip seed)	Lb.	234,000	50,000	4c per lb.	5c per lb.	1c per lb.	1c per lb.	2,000	500	2,500
765	Green beans:										
	General tariff	Lb.	376,000	[11] 26,165,000	1½c per lb.	3½c per lb.	3c per lb.	½c per lb.	11,000	130,825	216,825
	From Cuba	Lb.	3,113,000		1½c per lb.—20%	3½c per lb.—20%			75,000		
765	Dried beans	Lb.	123,612,000	1,059,360,000	1¾c per lb.	3c per lb.	1¾c per lb.	¾c per lb.	[illegible]	7,945,200	8,883,200
	Adjusted imports [1]	Lb.	75,000,000						938,000		
765	Cowpeas	Lb.	87,300	42,780,000	Free	3c per lb.	3c per lb.	1c per lb.	3,000	427,800	430,800
768	Mushrooms, canned	Lb.	7,230,000	1,750,000	45%	10c per lb. drained weight+45%	5c per lb.	5c per lb.	361,000	87,500	448,500
769	Peas, green	Lb.	14,326,000	[11] 7,347,000	1c per lb.	3c per lb.	2c per lb.	2c per lb.	287,000	146,940	433,940
769	Peas, dried	Lb.	12,227,000	219,000,000	1c per lb.	1¾c per lb.	¾c per lb.	¼c per lb.	92,000	547,500	639,500
770	Onions	Lb.	125,359,000	[12] 227,200,000	1c per lb.	2½c per lb.	1½c per lb.	1c per lb.	[illegible]	3,272,000	4,397,000
	Adjusted imports [1]	Lb.	75,000,000						1,125,000		
771	White Irish potatoes	Lb.	215,061,000	[13] 2,400,000,000	50c per 100 lbs.	75c per 100 lbs.	25c per 100 lbs.	12½c per 100 lbs	[illegible]	3,000,000	3,375,000
	Adjusted imports [1]	Lb.	150,000,000						375,000		
772	Fresh tomatoes:										
	General tariff	Lb.	96,470,000	[14] 159,524,000	1½c per lb.	3c per lb.	2½c per lb.	2½c per lb.	[illegible]	3,988,100	5,438,100
	From Cuba	Lb.	23,548,000		1½c per lb—20%	3c per lb.—20%	2c per lb.				
	Adjusted imports [1]—										
	General tariff	Lb.	50,000,000						1,250,000		
	From Cuba	Lb.	10,000,000						200,000		
772	Tomato paste	Lb.	10,011,000	[15] 350,000	40%	50%	1c per lb.	$1 per case	104,000	350,000	454,000
774	Cabbage	Lb.	3,185,000	[16] 46,975,000	25%	2c per lb.	1.7c per lb.	1¼c per lb.	54,000	587,188	641,188
774	Horseradish	Lb.	846,000	7,000,000	Free	3c per lb.	3c per lb.	1½c per lb.	25,000	105,000	130,000
774	Peppers	Lb.	20,390,000	[14] 27,288,000	25%	3c per lb.	2½c per lb.	2c per lb.	[illegible]	545,760	795,760
	Adjusted imports [1]		10,000,000						250,000		
774	Egg plant:										
	General tariff	Lb.	8,657,000	[17] 1,003,000	25%	3c per lb.	2.3c per lb.	2¼c per lb.	200,000	2,568	222,568
	From Cuba	Lb.	5,709,000		25%—20%	3c per lb.—20%	1.8c per lb.		105,000		105,000
774	Cucumbers:										
	General tariff	Lb.	1,529,000	[16] 742,000	25%	3c per lb.	1.6c per lb.	1½c per lb.	21,000	11,130	35,130
	From Cuba	Lb.	946,000		25%—20%	3c per lb.—20%	1.3c per lb.		12,000		12,000
774	Squash:										
	General tariff	Lb.	614,000	[16] 702,000	25%	2c per lb.	1.1c per lb.	1¼c per lb.	7,000	8,775	15,775
	From Cuba	Lb.	291,000		25%—20%	2c per lb.—30%	1c per lb.		3,000		3,000
774	Celery	Lb.	3,270,000	[13] 22,080,000	25%	2c per lb.	0.7c per lb.	¾c per lb.	24,000	165,600	189,600
776	Acorn and chicory and dandelion roots:										
	Crude	Lb.	198,000	18,000,000	1½c per lb.	2c per lb.	½c per lb.	½c per lb.	1,000	90,000	91,000
779	Hay	L. ton	62,000	[18] 600,000	$4 per long ton.	$5 per short ton.	$1.62 per long ton.	50c per ton.	100,000	300,000	400,000
780	Lupulin	Lb.	37,000	3,000	75c per lb.	$1.50 per lb.	75c per lb.	50c per lb.	28,000	1,500	29,500
781	Mustard seed, whole	Lb.	15,443,000	2,000,000	1c per lb.	2c per lb.	1c per lb.	1c per lb.	154,000	20,000	174,000
783	Cotton, having a staple 1⅛" or more in length:										
	Pima (domestic)	Lb.	[illegible]	10,000,000	Free	7c per lb.	7c per lb.	7c per lb.		700,000	[illegible]
	Other long staple	Lb.	106,500,000	268,500,000				3c per lb.		8,055,000	14,005,000
	Adjusted imports [1]	Lb.	75,000,000						5,250,000		
	All other								9,298,000		9,298,000
	Total, Schedule 7								31,647,000	96,126,776	127,773,776

[1] In the case of some important commodities the import figures have been adjusted for purposes of these calculations by estimating some approximate changes in the quantity of imports due to changes in duties.

[2] The weight brackets are different in the two acts therefore the increase in duty is more than the 1c per pound obtained by comparing the rates above.

[3] It is assumed that the effect of the duty upon beef and veal is reflected in the price of cattle.

[4] Production figure is for estimated carcass equivalent of canned meats.

[5] Production figure is for New York and New England area.

[6] Production figure is for turkeys only.

[7] Production figure is for 60% of total United States production.

[8] Total production salted roe, n. s. p. f.

[9] Production, long-grained rices.

[10] Production of large Virginia type peanuts similar to imports.

[11] Production figure represents carlot shipments during importing season.

[12] Production of Bermuda and domestic Spanish, 1927.

[13] Maine production.

[14] Production figure represents total shipments during importing season.

[15] Cases.

[16] Production figure represents New York unloads, importing season.

[17] Production figure represents New York unloads, importing season.

[18] Production figure represents commercial shipments, New York and New England estimate (short tons).

Calculations respecting changes in duty in the tariff act of 1930 as compared with the tariff act of 1922—Continued

SCHEDULE 9.—COTTON MANUFACTURES

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increases in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties [1]	On imported products	On domestic products [1]	On both imported and domestic products
901	Cotton yarn	Lb.	2,609,144	[2] 79,156,244	36.1c per lb.	52.1c per lb.	16c per lb.	2c per lb.	$416,000	$1,583,000	$1,999,000
904	Countable cotton cloths (not including tire fabric).	Lb.	10,736,216	[3] 133,600,000	44c per lb.	57.6c per lb.	13.6c per lb.	2c per lb.	1,462,000	2,672,000	4,134,000
908	Tapestries, etc.		$5,008,147	$16,612,012	45%	55%	10%	5%	501,000	831,000	1,332,000
909	Velveteens and velvets		$2,408,477	$4,000,000	50%	66.66%	16.66%	7.50%	400,000	300,000	700,000
911	Single-fabric quilts:										
	Jacquard-figured		$300,000	$2,000,000	25%	40% [4]	15%	5%	45,000	100,000	145,000
	Blankets, not Jacquard-figured.		$263,227	$25,000,000	25%	50%	25%	1%	66,000	250,000	316,000
922	Cotton wiping rags	Lb.	40,000,000	200,000,000	1c per lb.	3c per lb.	2c per lb.	½c per lb.	800,000	1,000,000	1,800,000
	All other								81,000		81,000
	Total, Schedule 9								3,771,000	6,736,000	10,507,000

[1] The effect on prices of domestic cotton manufactures of the compensatory duty on products made of dutiable long staple cotton have not been included in these calculations because the estimated increase in the price of the raw material has been included in schedule seven where long staple cotton is dutiable. To include the equivalent figure here would duplicate the item. The effect of the compensatories have been included in the import estimates.
[2] Production figure represents production for sale of cotton yarn finer than 40s.
[3] Estimated production of cotton cloth made of yarns finer than 40s (7 per cent of total domestic production).
[4] Approximate.

SCHEDULE 10.—FLAX, HEMP, JUTE, AND MANUFACTURES OF

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
1001	Hackled flax	Ton	2,138	250	$44.80	$67.20	$22.40	$10 per ton	$95,603	$2,500	$98,103
	Flax tow	Ton	1,180	250	$16.80	$22.40	$5.60	$2 per ton	6,608	500	7,108
	Hackled hemp	Ton	1,356	500	$44.80	$78.40	$34.60	$10 per ton	46,918	5,000	51,918
	Hemp tow	Ton	18	500	$22.40	$44.80	$22.40	$10 per ton	403	5,000	5,403
1003	Jute, twist, twine, etc.: Bleached, dyed, etc.—										
	Coarser than 20-lb.	Pound	427,963		3½c per lb.	5½c per lb.	2c per lb.		8,559		
	20-lb to 10-lb.	Pound	1,241	38,745,239	5c per lb.	7c per lb.	2c per lb.	½6c per lb.	25	38,745	47,500
	10-lb. to 5-lb.	Pound	8,557		6½c per lb.	8½c per lb.	2c per lb.		171		
	5-lb. and finer	Pound	100		11c per lb.	11c per lb.					
1005	Cordage, and hard-fiber cords and twines.	Pound	6,466,260	192,991,638	0.96c per lb.	3.18c per lb.	2.22c per lb.	½c per lb.	154,190	482,479	636,669
1007	Hose for liquids or gases, of vegetable fiber.		$133,074	$6,390,498	33.66%	45.00%	11.34%	0.35%	15,091	7,247	22,338
1016	Handkerchiefs, of vegetable fiber, except cotton—Hemmed or hemstitched.		$3,500,781	$2,000,000	45%	50%	5%	5%	175,039	100,000	275,039
1020	Linoleum, inlaid		$589,431	$19,100,680	35%	42%	7%	5%	41,260	955,034	996,294
	Other								765,266		765,266
	Total, Schedule 10								1,309,223	1,596,505	2,905,728

[1] Production in 1921; latest available.

SCHEDULE 11.—WOOL AND MANUFACTURES OF

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual duty or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increases in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
1102	Wools, finer than 40s	Pound	[1] 49,882,413	[2] 139,123,700				2c per lb.		$2,782,474	
		Value	$35,550,025		43.40%	47.70%	4.30%		$1,527,400		$4,309,874
1105	Wool wastes and by-products.	Pound	35,077,855	133,509,459				4c per lb.		5,340,378	
		Value	$15,118,836		26.94%	47.02%	20.08%		3,035,138		8,375,516
1107	Yarns	Pound	212,429	[3] 147,366,825							
		Value	$403,465	$184,350,831	57.95%	68.37%	10.42%	[4]	42,058		42,058
1108	Woolens and worsteds	Pound	9,552,970	26,693,806							
1109		Value	$19,155,206	[5] $50,991,669	70.50%	84.07%	13.57%	2% [5]	2,599,223	1,019,833	3,619,056
1110	Pile fabrics	Pound	321,140	16,219,035							
		Value	$808,440	$29,845,899	65.89%	67.48%	1.59%	[4]	12,846		12,846
1111	Wool blankets	Pound	662,101	27,948,488							
		Value	$720,789	$24,758,663	61.65%	67.27%	5.62%	[4]	40,511		40,511
	All other								4,715,424		4,715,424
	Total, Schedule 11								11,972,600	9,142,685	21,115,285

[1] Clean content.
[2] Wool and mohair. Clean content.
[3] For sale.
[4] Included in the increased cost of raw materials.
[5] Based upon the assumption that the increase in ad valorem portion of the duty upon the bulk of imports of wool cloth from 50% to 60% will strengthen the price of about 10% of domestic production by about 20% of the increase in duty. Domestic production of woolen and worsted cloth in 1927 was $509,916,696.

Calculations respecting changes in duty in the tariff act of 1930 as compared with the tariff act of 1922—Continued

SCHEDULE 12—MANUFACTURES OF SILK

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
1202	Spun silk		$1,774,188	$15,696,165	{$793,000 44.71%	$873,000 49.21%	4.50%	2.25%	$80,000	$353,000	$433,000
1206	Pile (pile wholly cut) fabrics: Velvets		6,736,612	11,909,215	{$4,042,000 60.%	$4,379,000 65%	5%	2.50%	337,000	298,000	635,000
	All other								416,000		416,000
	Total, Schedule 12								833,000	651,000	1,484,000

SCHEDULE 14.—PAPERS AND BOOKS

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
1406	Decalcomanias, in ceramic colors:										
	Weighing not over 100 pounds per 1,000 sheets on a base of 20 by 30 inches	Lb	4,000	236,000	70c per lb.+15%	$1.25 per lb.+15%	55c per lb	8c per lb	$35,000	$19,000	$54,000
	Weighing over 100 pounds per 1,000 sheets, 20 by 30	Lb	415,000		22c per lb.+15%	30c per lb.+15%	8c per lb				
1406	Transparencies		$75,000	$450,000	25c per lb	40% or 50%	41½%	15%	31,000	67,000	98,000
1413	Tapered textile tubes	Lb	333,333	3,381,000	35%	3c per lb.+35%	3c per lb	1c per lb	10,000	101,000	111,000
	All other								239,000		239,000
	Total, Schedule 14								315,000	187,000	502,000

SCHEDULE 15.—SUNDRIES

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
1504	Hats of straw chip, etc. (except sewed and harvest), blocked or trimmed		$436,000	[1] $7,013,000	49.82%	81%	31.18%	8%	$136,000	$561,000	$697,000
1504	Men's sewed straw hats valued at $9.50 or less per dozen		338,000	[1] $11,097,000	{88.01%	159.22%	71.21%	10%	{241,000	1,110,000	1,954,000
1504	Other sewed hats		718,000		59.98%	143.92%	83.94%		603,000		
1511	Cork insulation		2,236,000	[1] 62,078,000	30%	61.45%	31.45%	½c bd. ft	703,000	310,000	1,013,000
1511	Cork tile		54,000	155,520	30%	85.63%	55.63%	15%	30,000	25,000	55,000
1528	Diamonds, cut but unset, suitable for jewelry		42,368,000	[2]	20%	10%	10% [4]	[2]	−4,238,000	[2]	−4,238,000
1529(a)	Embroideries and embroidered articles or fabrics, not including cotton gloves, cotton hosiery, and handkerchiefs		13,097,464	31,813,025	75%	90%	15%	5%	1,965,000	1,501,000	3,556,000
1529(b)	Handkerchiefs, embroidered or of lace		3,416,000	$10,000,000	75.97%	83.63%	7.66%	7½%		750,000	935,000
	Adjusted imports		2,416,000						185,000		
1529(c)	Elastic fabric		167,955	$2,000,000	35%	60%	25%	10%	42,000	200,000	242,000
1530	Hides and skins		81,447,000	[1] 144,498,572	Free	10%	10%	{5% [5] 2.5% [6]	8,145,000	[5] 7,225,000 [6] 3,612,000	[5] 15,370,000 [6] 11,757,000
1530	Leather		41,884,000	[7] 494,256,000	Free	13.89%	13.89%	1% [5]	5,818,000	[4] 4,943,000	10,761,000
1630	Boots and shoes		9,274,000	911,465,000	Free	20%	20%	None [8]	1,855,000		1,855,000

Footnotes at end of schedule.

Calculations respecting changes in duty in the tariff act of 1930 as compared with the tariff act of 1922—Continued

SCHEDULE 15.—SUNDRIES—continued

Act of 1930, paragraph No.	Commodity	Unit of quantity	Consumption supplied by—		Actual or equivalent ad valorem rate of duty		Estimated increases in unit prices—		Total estimated increase in prices—		
			Imports, 1928	Domestic production, 1927	Act of 1922	Act of 1930	Of imported products if increased by amount of increases in duties	Of domestic products if increased by fractional parts of increases in duties	On imported products	On domestic products	On both imported and domestic products
1532	Gloves wholly or in part of leather, n. s. p. f.	----------	[10] 11,115,000	[10] $36,662,000	50.18%	51.39%	1.21%	[10]	$135,000	[10]	$135,000
	All other	----------							2,119,000	----------	2,119,000
	Total, Schedule 15, with price of hides and skins increased—										
	By 5%	----------							17,739,000	$16,715,000	34,454,000
	By 2.7%	----------							17,739,000	13,102,000	30,841,000

[1] Production of men's hats only.
[2] Board feet.
[3] Data for domestic production not available.
[4] Decrease.
[5] Estimated on slaughter figures for 1928, converted to pounds at 45 lbs. per hide and 12 lbs. per calfskin; converted to value by using 21.59c per lb. for packer hides; 18.56c per lb. for country hides; 27.84c per lb. for calfskins.
[6] Alternate estimates.
[7] Production figure is value of all leather tanned, curried, or finished.
[8] Estimated increase in price due to protective portion of duty on leather. (The increase due to the compensatory portion of the duty is accounted for by the estimated increase in the price of hides and skins.)
[9] No increase in price of domestic boots and shoes is estimated because of the protective portion of the duty. (See note 5.)
[10] Imports are principally of women's gloves, domestic production is principally of men's gloves; therefore, it is estimated that the prices of the domestic products will not be increased by the change in the duty.

PART II

AN ESTIMATE OF THE EFFECT OF THE ENTIRE DUTIES, AS DISTINCT FROM THE INCREASES IN DUTIES, IN THE TARIFF ACT OF 1930

In Part I there have been given some estimates presented in tabular form of the possible increase in prices of both imported and domestic products due to the increases in the duties in the tariff act of 1930 over the act of 1922. No such tabular statement is practicable for the estimate of the effects of the entire duties in the tariff act, because there are so many cross currents of cause and effect that mere arithmetic is not especially helpful. In the following estimate, therefore, only a few outstanding cases will be discussed in any considerable detail.

In estimating the effect of the increases in duties it is possible to consider the subject from a dual point of view, namely, the benefits to producers and the increased cost to the consumers. In the case of the effect of the total duties, however, the dual point of view is not always significant. Under free-trade conditions the disadvantage to domestic producers may not have its counterpart in an advantage to domestic consumers, but the counterpart may take the form of advantage to foreign producers. That is to say, approximately the same supply may be available for domestic consumption, but a larger portion may be supplied by foreign producers under free-trade conditions than under a protective tariff. This general statement obviously must be modified greatly in individual cases, depending in part upon whether reduced domestic output can be supplied at higher or lower unit prices and to what extent foreign producers can obtain the equivalent of the remitted duties in the form of higher prices in the American market.

The effect of total duties upon prices depends, among other things, upon the conditions of production from the point of view of size and unit costs. If unit costs decrease, as in most manufacturing industries, with the increase in size of the factories, protective duties may in the long run reduce average prices to the consumer because of the expanded domestic industry. On the other hand, if there is small opportunity for economies of production with expanding supply, prices may be on a permanently higher level due to the protective tariff. It is from these two points of view that some general estimates will be made of the effect of the duties in the present tariff bill.

The effect of the tariff on major industrial products

Upon most of the major industrial products the tariff has the effect of preserving a large portion of the domestic market to domestic producers and to protect them against occasional distress sales from imported products. That is especially true of the major iron and steel products, heavy chemicals, low-yarn-count cotton textiles, motor vehicles, and thousands of miscellaneous products produced under conditions of large-scale operations in the United States.

An outstanding example of what a domestic industry can do by way of development when the pressure of foreign competition is relieved is that of the American chemical-dye industry. Almost every year since the beginning of 1918 the quantity of production of dyes has mounted and average unit prices have declined. An epitome of a large part of American industrial history is reflected in the following attached table of production and unit value of finished coal-tar products during the past 11 years:

Production and unit value of finished coal-tar products, 1918–1928

Year	Quantity	Unit value
	Pounds	
1918	76,802,959	$1.09
1919	82,532,390	1.02
1920	112,942,227	1.00
1921	51,457,565	.79
1922	88,368,131	.61
1923	122,950,171	.57
1924	97,730,211	.60
1925	120,554,228	.54
1926	122,752,021	.49
1927	133,357,423	.45
1928	143,563,099	.47

Beginning in 1918 with a production of 77,000,000 pounds, with an average value of $1.09 per pound, production has marched almost steadily upward to 143,000,000 pounds in 1928, having an average unit value of 47 cents. If one is fond of speculation he may guess as to what the unit prices of these dyes would have been in the United States during the past 11 years if we had been dependent upon Germany for the total supply as we were before the war.

In contrast to products produced in the United States by machinery upon the basis of large-scale production, there are numerous industrial specialty products, or products requiring a great deal of labor in their fabrication upon which duties are effective in sustaining or increasing prices. This fact should not be minimized, because in many cases the duties were placed on the article exactly for that purpose, namely, to enable domestic producers to stay in business and to obtain a better price for their product. It is unnecessary to go into a long discussion of the ultimate value to the country of a well-rounded industrial system in which not only the gross machine processes prosper, but also in which the finer results of hand labor is permitted to survive. Many of the finer specialized processes which are preserved and encouraged in the United States under a protective system cost money, but are they not worth it? Hand-blown glassware, for example, is precariously surviving as an old handicraft, many of whose products are works of art. Carefully made and highly decorated chinaware is worthy of a place in our industrial system, and so are the many intricate and beautiful designs of domestic textile products. As to the many highly complicated chemical

products, both for use as medicine and in the industrial arts, protective duties justify themselves every day as laboratory products emerge into commercial production.

To attempt a dollars-and-cents appraisal, therefore, of the effect of the tariff in the long run upon the great mass of industrial products is largely idle speculation and it is not undertaken here.

Effect of the duties on major agricultural products

In many cases agricultural products present an entirely different tariff problem from that of industrial products. The thousands of small farmers can not control their costs of production nor their prices nor even the quantity of their output. Their prices are fixed by the markets of the world, and their unit cost, as well as the quantity of their output, are determined largely by the weather. A farmer may calculate with some exactness how much a future crop will cost per acre, but the cost per unit is dependent almost entirely upon the yield per acre. Neither can the individual farmer reduce his production cost by great expansion programs. He can not "double his plant and reduce his cost" as industrials are always planning.

Until the beginning of the present century, and in some cases until the beginning of the war, duties on major agricultural products were largely nominal because we were on an exporting basis for most of them. The statistics of exports 25 years ago of corn, beef, cotton, wheat, and tobacco tell their own story of the ineffectiveness of import duties. However, conditions have greatly changed in recent years. Cattle and beef, except for a period during the war, have been on a net import basis since 1912. Corn and wheat exports are declining, and we are now on a deficiency basis for hard spring wheat. Long-staple cotton has been heavily imported for years, and wool and sugar have been on an import basis from the beginning of our industrial system. It is for the major agricultural products which are on an import basis that some estimate as to the effect of the duties will be attempted.

SUMMARY OF THE ESTIMATED EFFECT OF THE TOTAL DUTIES IN THE TARIFF ACT OF 1930 UPON THE PRICES OF 10 IMPORTANT AGRICULTURAL PRODUCTS

There is summarized in the table below the estimated effect of the duties in the tariff act of 1930 upon the prices of 10 leading agricultural products upon which there is reason to believe that the duties will result in increased prices under normal conditions. Other important agricultural products upon which there is reason to believe that the duties will exercise a stabilizing, rather than a positive influence on prices, are not listed here. Examples of these are corn and pork products.

According to the summary table, the total estimated increase in price due to the duties on these products is about $411,000,000 or $338,000,000, depending upon whether sugar and hides are included at the higher or lower estimates. Of the lower estimate over $77,000,000 is the estimated increase on the imported products and over $260,000,000 upon domestic products. The largest estimated increase is upon cattle, beef, and veal, amounting to a total of about $134,000,000; sugar, using the lower estimate, is next at $70,000,000; and wool is next at $47,000,000.

Estimated effect of duties in the tariff act of 1930 on the prices of 10 important agricultural products

Commodity	Total estimated increase in prices		
	On imported products	On domestic products	On both imported and domestic products
Wheat		$13,000,000	$13,000,000
Wool	$16,000,000	31,200,000	47,200,000
Sugar:			
(a) If duty increases price 1 cent per pound	70,000,000	70,000,000	140,000,000
(b) If duty increases price ½ cent per pound	35,000,000	35,000,000	70,000,000
Cattle, beef and veal	4,380,000	130,000,000	134,380,000
Long-staple cotton	5,250,000	8,750,000	14,000,000
Hides and skins:			
(a) If duty increases prices of domestic hides and skins by 5 per cent	8,145,000	7,225,000	15,370,000
(b) If duty increases prices of domestic hides and skins by 2.5 per cent	8,145,000	3,612,000	11,757,000
Peanuts	700,000	4,000,000	4,700,000
Butter	320,000	20,000,000	20,320,000
Flaxseed	6,000,000	11,000,000	17,000,000
Onions	1,500,000	4,000,000	5,500,000
Total:			
With sugar and hides and skins at (a)	112,295,000	299,175,000	411,470,000
With sugar and hides and skins at (b)	77,295,000	260,562,000	337,857,000

Wheat

As shown in the table below, the total domestic production of wheat in the United States averages about 800,000,000 bushels annually. This includes hard spring wheat, hard and soft winter wheat, white, mixed, and durum wheat. The tariff problem is more directly connected with hard spring wheat than with other types of wheat, because immediately across the border from Montana, the Dakotas, and Minnesota is the great hard spring wheat area of Canada.

Production of wheat in the United States and Canada

Year	United States			Canada
	Total all wheat	Total hard spring wheat	Total Nos. 1 and 2 hard spring wheat [1]	Canadian hard spring wheat
	Bushels	*Bushels*	*Bushels*	*Bushels*
1925	676,429,000		123,112,000	372,150,000
1926	831,040,000	159,967,000	80,523,000	385,351,000
1927	878,374,000	246,527,000	163,124,000	457,399,000
1928	914,876,000	238,912,000	147,588,000	546,672,000
1929 [2]	806,508,000	175,792,000		279,016,000

[1] Inspected receipts.
[2] Preliminary.

The domestic production of inspected grades of hard spring wheat in the United States averages around 150,000,000 bushels, of which approximately 100,000,000 are of grades 1 and 2. The Canadian production of spring wheat, practically all of which is above or equal in grade to the better grades of domestic spring wheat, is nearly 400,000,000 bushels, on the average.

Exports of wheat vary greatly from year to year, but average from 100,000,000 to 150,000,000 bushels annually. Most of these exports are of the winter and durum varieties.

Imports of dutiable wheat in recent years have been negligible. In 1929, for example, imports of dutiable wheat were 36,263 bushels and imports of free-in-bond for milling and export were 14,538,272 bushels.

Under the tariff act of 1922 wheat was made dutiable at 30 cents per bushel. On March 7, 1924, by proclamation of the President under the flexible provisions the duty was increased to 42 cents per bushel. This rate was accepted in the tariff act of 1930. The immediate question, therefore, for purposes of the present study is the extent to which the present duty of 42 cents per bushel affects the price of wheat in the United States.

The effect on prices of hard and soft winter wheat and soft spring wheat is indirect, and no arithmetical calculations will be made for these wheats. Some of them are on an export basis; therefore the prices are largely affected by world markets. The duty has, however, a direct effect upon the prices of northern spring wheat in the United States. Perhaps the best indication of the effectiveness of the duty upon northern spring wheat is the spread in prices between certain grades of domestic wheat in Minneapolis and Canadian wheat in Winnipeg. These grades of wheat are in strong demand by domestic millers for blending purposes in making bread flours, and premiums are paid for their high gluten content. Although there is some difference of opinion in regard to grade comparisons between Canada and the United States the prices of No. 1 dark northern spring wheat in Minneapolis and the prices of Canadian northern spring No. 2 and No. 3 are significant for comparative purposes.

There is given below a table of the comparative prices of these wheats from 1924 to the early part of 1930, inclusive. The monthly prices given are the average daily prices in Minneapolis and Winnipeg of the respective grades.

Wheat: Prices at Minneapolis and Winnipeg, and excess of Minneapolis over Winnipeg prices

Date	Minneapolis dark northern spring, No. 1	Winnipeg northern		Excess of Minneapolis over Winnipeg	
		No. 2	No. 3	No. 2	No. 3
	Cents per bushel	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*
1924—January	124	94	89	+30	+35
February	127	97	93	+30	+34
March	126	95	91	+31	+35
April [1]	126	95	91	+31	+35
May	130	101	98	+29	+32
June	137	110	107	+27	+30
July	147	132	127	+15	+20
August	138	137	135	+1	+3

Footnote at end of table.

Wheat: Prices at Minneapolis and Winnipeg, and excess of Minneapolis over Winnipeg prices—Continued

Date	Minneapolis dark northern spring, No. 1	Winnipeg northern		Excess of Minneapolis over Winnipeg	
		No. 2	No. 3	No. 2	No. 3
	Cents per bushel	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*
1924—September	135	139	136	−4	−1
October	151	155	150	−4	+1
November	154	159	153	−5	+1
December	171	168	162	+3	+9
Average	139	124	119	+15	+20
1925—January	198	190	184	+8	+14
February	194	191	187	+3	+7
March	180	171	167	+9	+13
April	160	151	147	+9	+13
May	173	179	174	−6	−1
June	169	167	162	+2	+7
July	166	159	154	+7	+12
August	167	164	154	+3	+13
September	158	135	132	+23	+26
October	158	124	120	+34	+38
November	167	139	136	+28	+31
December	177	153	149	+24	+28
Average	172	160	156	+12	+17
1926—January	178	151	146	+27	+32
February	173	149	144	+24	+29
March	167	143	138	+24	+29
April	166	151	146	+15	+20
May	164	149	144	+15	+20
June	167	149	144	+18	+23
July	175	154	149	+21	+26
August	156	146	138	+10	+18
September	148	138	133	+10	+15
October	153	140	136	+13	+17
November	148	136	131	+12	+17
December	148	129	123	+19	+25
Average	162	145	139	+17	+23
1927—January	147	131	123	+16	+24
February	146	135	127	+11	+19
March	143	138	130	+5	+13
April	141	141	133	----------	+8
May	153	152	146	+1	+7
June	157	157	149	----------	+8
July	158	158	153	----------	+5
August	150	155	145	−5	+5
September	137	141	131	−4	+6
October	134	137	127	−3	+7
November	134	138	124	−4	+10
December	137	135	124	+2	+13
Average	145	143	134	+2	+10
1928—January	143	137	123	+6	+20
February	142	137	124	+5	+18
March	147	143	131	+4	+16
April	163	152	142	+11	+21
May	164	150	141	+14	+23
June	153	138	130	+15	+23
July	147	128	120	+19	+27
August	124	116	108	+8	+16
September	126	112	106	+14	+20
October	123	117	111	+6	+12
November	124	116	111	+8	+13
December	122	114	109	+8	+13
Average	140	130	121	+10	+18
1929—January	129	117	112	+12	+17
February	136	124	120	+12	+16
March	132	124	119	+8	+13
April	129	120	115	+9	+14
May	121	110	106	+11	+15
June	123	115	112	+8	+11
July	150	157	152	−7	−2
August	138	154	152	−16	−14
September	137	146	144	−9	−7
October	132	138	134	−6	−2
November	130	130	126	----------	+4
December	132	135	130	−3	+2
Average	132	131	127	+2	+6
1930—January	131	127	123	+4	+8
February	125	114	110	+11	+15
Average	128	120	116	+8	+12
Simple average of all quotations	148	138	132	+10	+15

[1] Rate of duty upon wheat increased by proclamation of the President from 30 to 42 cents per bushel, effective Apr. 6, 1924.

It will be observed from the table that in most of the years Winnipeg prices for the two grades quoted averaged considerably lower than Minneapolis prices. Occasionally, however, Minneapolis prices are lower than Winnipeg. This is especially true at the beginning of the wheat season of 1927 and 1929. For the whole year 1929 the simple average of Minneapolis prices was 2 cents per bushel more than No. 2 Winnipeg northern, and 6 cents more than No. 3 Winnipeg northern. In 1926, however, the respective differences were 17 cents and 23 cents per bushel on the average for the year.

The simple average for all of the months given shows an excess of 10 cents for Minneapolis over No. 2 Winnipeg, and 15 cents over No. 3. These simple averages are not especially significant except that they happen to result in round numbers of 10 and 15 cents per bushel. If it be assumed that the quality of No. 1 dark northern spring falls somewhere between No. 2 and No. 3, Winnipeg northern, the differential in favor of Minneapolis is approximately 12 cents per bushel. That is to say, the duty on wheat probably affects the price of these particular grades as between Winnipeg and Minneapolis somewhere around 12 cents per bushel, on the average. This is not exactly equivalent to saying that the domestic price of spring wheat is increased 12 cents per bushel, on the average, because Canadian prices are probably somewhat less than they would be if Canadian producers had free access to American markets. In view, however, of Canada's alternate outlet in the Liverpool market, the strong demand by domestic millers for high-protein wheat, and the offsetting fact that much of the domestic northern spring-crop grades No. 2 or lower, the round figure of 10 cents per bushel has been used for purposes of this tabulation as the average increase in the price of domestic Nos. 1 and 2 hard spring wheat, due to the duty of 42 cents per bushel.

Assuming an average domestic production of Nos. 1 and 2 hard spring grades of 130,000,000 bushels, the 10 cents per bushel increase would amount to $13,000,000 annually, on the average.

Wool

The production of improved wools in the United States in 1928 was about 350,000,000 pounds. Imports usually average about 150,000,000 pounds annually, but in 1928 they were less than 90,000,000 pounds, and in 1929 they were about 104,000,000 pounds. These import figures do not include the imports of unimproved or carpet wools, which are noncompetitive and average something less than 150,000,000 pounds annually.

The duty on improved wool is 34 cents per pound clean content under the tariff act of 1930, and unimproved wools imported under bond for use in the manufacture of carpets and other floor coverings is free of duty. Since the United States imports 30 to 40 per cent of its consumption of improved wools, the duty may be expected to be effective in increasing the price of the domestic clip. There are many grades of wool sold in the world markets, but for purposes of determining an approximate price differential between the domestic and world markets there has been used the price in Boston of one-fourth blood territory combing and comparable foreign wools in London. These are standard grades from which are spun a medium yarn. The prices of these grades, and the excess of Boston over London prices are shown for the London auction dates in each month from the beginning of 1924 to April, 1930. The duty on wool during all of the time that these prices prevail was 31 cents per pound clean content under the tariff act of 1922. It will be observed that in 1924 the excess of Boston over London averaged less than 8 cents per pound. In 1925 the excess was about 24 cents per pound, and in 1929 about 26½ cents. The simple average for all the quotations is about 19 cents per pound. The increase in the duty on wool from 31 to 34 cents per pound clean content probably will slightly increase this differential, on the average. For purposes of this calculation, therefore, the round figure of 20 cents per pound has been used as the extent to which the duty on improved wools increases the price on the clean-content basis for the domestic clip. Assuming that the domestic production of improved wools in the grease of 350,000,000 pounds is equivalent to 156,000,000 pounds in the clean-content basis, the total estimated increased price of the domestic wool, at 20 cents per pound increase, is $31,200,000.

Comparative wool prices, Boston and London markets,[1] Boston one-fourth blood, Terr. combing and London 56's, January 25, 1924–April 8, 1930

Date	Boston, one-fourth blood, Terr. combing	London, 56's	Excess of Boston over London prices
1924			
Jan. 25	$0.9600	$0.8092	$0.1508
Feb. 12	.9600	.8427	.1173
Mar. 21	.9600	.8607	.0993
Apr. 1	.9600	.8425	.1175
May 9	.9350	.8364	.0986
May 20	.9250	.8175	.1075
July 4	.8100	.7939	.0161
July 11	.8100	.7981	.0119

Footnotes at end of table.

Comparative wool prices, Boston and London markets,[1] Boston one-fourth blood, Terr. combing and London 56's, January 25, 1924–April 8, 1930—Continued

Date	Boston, one-fourth blood, Terr. combing	London, 56's	Excess of Boston over London prices
1924			
Sept. 19	$0.9750	$0.9287	$0.0463
Oct. 9	1.0000	1.0071	−.0071
Nov. 28	1.1750	1.1008	.0742
Dec. 12	1.2000	1.1127	.0873
Average	.9725	.8959	.0766
1925			
Jan. 23	1.2650	1.0208	.2442
Feb. 3	1.2650	.9981	.2669
Mar. 20	1.1600	.8763	.2837
May 8	.8250	.6870	.1380
May 14	.8250	.7280	.0970
July 10	.9250	.7493	.1757
July 23	.9250	.7089	.2161
Sept. 18	.9100	.6664	.2436
Oct. 8	.9250	.6657	.2593
Nov. 27	1.0100	.6662	.3438
Dec. 16	.9900	.6062	.3838
Average	1.0023	.7612	.2411
1926			
Jan. 22	.9600	.6078	.3522
Feb. 9	.9250	.6080	.3170
Mar. 12	.8900	.6076	.2824
Mar. 25	.7900	.6078	.1822
Apr. 30	.7850	.5876	.1974
June 10	.7400	.5676	.1724
July 16	.7750	.5878	.1872
July 28	.7900	.5876	.2024
Sept. 18	.8000	.6068	.1932
Oct. 6	.8100	.6065	.2035
Nov. 20	.8150	.5657	.2493
Dec. 10	.8000	.5859	.2141
Average	.8233	.5939	.2294
1927			
Jan. 18	.8000	.5865	.2135
Jan. 25	.8000	.5863	.2137
Feb. 1	.8000	.6669	.1331
Mar. 15	.7750	.7078	.0672
Apr. 1	.7750	.6677	.1073
May 6	.7650	.6477	.1173
May 13	.7650	.6679	.0971
July 8	.8100	.6878	.1222
July 21	.8100	.6675	.1425
Sept. 16	.8100	.6890	.1210
Sept. 29	.8250	.7096	.1154
Nov. 22	.8450	.7315	.1135
Dec. 6	.8450	.7527	.0923
Dec. 13	.8450	.7529	.0921
Average	.8050	.6801	.1249
1928			
Jan. 20	.8950	.7718	.1232
Feb. 1	.9150	.7916	.1234
Mar. 16	.9750	.8132	.1618
Mar. 29	.9750	.8340	.1410
May 11	1.0250	.7730	.2520
May 22	1.0250	.7934	.2316
July 13	1.0100	.7695	.2405
July 20	1.0100	.7699	.2401
Sept. 21	.9900	.7073	.2827
Oct. 4	.9700	.6858	.2832
Oct. 24	.9500	.6870	.2630
Nov. 21	.9750	.7275	.2475
Nov. 27	.9750	.7279	.2471
Dec. 4	.9750	.7276	.2474
Average	.9761	.7558	.2203
1929			
Jan. 15	.9750	.7478	.2272
Jan. 30	.9750	.6894	.2856
Mar. 6	.9600	.6489	.3111
Mar. 21	.9400	.6286	.3114
Apr. 30	.8400	.6083	.2317
May 14	.7900	.5880	.2020
July 9	.7750	.5475	.2275
July 23	.7850	.5475	.2375
Sept. 17	.8150	.5069	.3081
Oct. 4	.8150	.4664	.3486
Nov. 19	.7750	.5069	.2681
Dec. 4	.7350	.5069	.2281
Average	.8483	.5828	.2655
1930			
Jan. 21	.6900	.4055	.2845
Feb. 4	.6430	.4055	.2395
Mar. 18	.5750	.3447	.2303
Apr. 8	.5730	.3548	.2202

[1] American wool prices from Commercial Bulletin, Boston, at dates as near as possible to those given for the English prices. English prices are averages compiled by Krelinger & Fernau for London auctions of colonial wool, and are converted at current rates of exchange. (U. S. Tariff Commission, Statistical Division.)

Imports during the past five years have averaged about 80,000,000 pounds annually on the clean-content basis. If it be assumed that the selling price in the United States of these imports has been increased 20 cents per pound, the same estimated figure as for the domestic clip, because of the duty on wool, the total added cost of imports would be approximately $16,000,000 annually, making a total cost on imported and domestic wool, because of the duty, of approximately $47,000,000.

Sugar

The total production of sugar in continental United States and Porto Rico, Hawaii, the Philippines, and the Virgin Islands has been about 3,500,000 tons annually in the past two years. Imports have averaged slightly more than this in recent years, but in 1928 declined to 3,320,000 tons, due in part to the imports from Cuba being limited by official decree to 3,000,000 tons in that year. In round figures, therefore, one-half of the domestic consumption of sugar of about 7,000,000 tons is supplied by imports, and the other half by domestic production, including the islands.

The principal source of imports of sugar into the United States is Cuba. These imports are in the form of raw sugar, averaging approximately 96° purity by the polariscope test. With the 20 per cent reduction in duty on imports from Cuba, the rate on 96° raw sugar from that island under the tariff act of 1922 was approximately 1.76 cents per pound, and under the act of 1930 it is 2 cents per pound.

One of the outstanding facts in the sugar industry in recent years is the world's surplus, with a consequent decline in price. Cuban production, for example, has increased from approximately 4,000,000 tons in 1923, to 5,000,000 tons in 1927, the limit permitted under a decree issued by the President of Cuba, and about 5,775,000 in 1929, which was not limited by decree. The increased production has been accompanied by constantly receding prices. The average price of raw sugar in Cuba in 1925, for example, was about 2.26 per pound. In 1927 the average increased to 2.67, but in 1928 it was down to 2.20; in 1929 to 1.73; and the monthly average for April, 1930, was 1.42 cents per pound. On June 17 the record low of 1.3 cents per pound was reached.

The prices of refined sugar in the United States have declined slightly less in proportion than the price of raws, but they have drifted down from about 5½ cents per pound in 1926 to about 4¾ cents in April, 1930. Further price details, including refiners' margins, are shown in the following table of sugar prices:

Sugar: Comparison of Cuban promedio prices with duty-paid New York raw and refined quotations[1]

[Cents per pound]

	Cuban	New York market		
	Promedio[2]	96° duty paid[3]	Refined sugar f. o. b.	Refiners' margin[4]
1925				
January	2.47	4.61	6.19	1.58
February	2.53	4.66	5.83	1.17
March	2.66	4.72	5.78	1.06
April	2.41	4.44	5.65	1.21
May	2.29	4.36	5.47	1.11
June	2.33	4.41	5.43	1.02
July	2.20	4.28	5.23	.95
August	2.28	4.34	5.38	1.02
September	2.19	4.20	5.18	.98
October	1.82	3.86	4.95	1.09
November	1.97	4.05	5.15	1.10
December	1.99	4.13	5.19	1.06
Average	2.26	4.34	5.45	1.11
1926				
January	2.07	4.17	5.16	0.99
February	2.08	4.21	5.10	.89
March	2.01	4.04	4.96	.92
April	2.08	4.11	5.22	1.11
May	2.12	4.20	5.44	1.24
June	2.09	4.14	5.42	1.28
July	2.07	4.15	5.59	1.44
August	2.15	4.24	5.54	1.30
September	2.31	4.43	5.64	1.21
October	2.43	4.57	5.70	1.13
November	2.56	4.66	5.96	1.30
December	2.98	5.07	6.10	1.03
Average	2.30	4.33	5.49	1.16
1927				
January	2.97	5.03	6.11	1.08
February	2.86	4.92	5.90	.98
March	2.73	4.80	5.80	1.00
April	2.69	4.76	5.83	1.07
May	2.77	4.83	6.08	1.25
June	2.60	4.64	6.03	1.41

Footnotes at end of table.

Sugar: Comparison of Cuban promedio prices with duty-paid New York raw and refined quotations [1]—Continued

	Cuban	New York market		
	Promedio [2]	96° duty paid [3]	Refined sugar f. o. b.	Refiners' margin [4]
1927				
July	2.48	4.53	5.81	1.28
August	2.46	4.56	5.56	1.00
September	2.74	4.80	5.78	.98
October	2.59	4.67	5.68	1.01
November	2.58	4.62	5.54	.92
December	2.52	4.59	5.59	1.00
Average	2.67	4.73	5.81	1.08
1928				
January	2.48	4.52	5.66	1.14
February	2.52	4.30	5.57	1.27
March	2.43	4.54	5.62	1.08
April	2.39	4.51	5.78	1.27
May	2.41	4.46	5.88	1.42
June	2.32	4.37	5.83	1.46
July	2.24	4.17	5.65	1.48
August	2.14	4.15	5.45	1.30
September	2.04	3.98	5.41	1.43
October	1.93	3.90	5.16	1.26
November	1.89	3.91	5.07	1.16
December	1.94	3.91	5.15	1.24
Average	2.20	4.23	5.52	1.29
1929				
January	1.78	3.81	5.01	1.20
February	1.68	3.74	4.90	1.16
March	1.67	3.71	4.75	1.04
April	1.61	3.66	4.80	1.14
May	1.54	3.60	4.79	1.19
June	1.49	3.54	4.85	1.31
July	1.83	3.90	5.15	1.25
August	1.80	3.82	5.39	1.57
September	1.93	3.95	5.32	1.37
October	1.97	3.96	5.11	1.15
November	1.71	3.74	5.01	1.27
December	1.71	3.77	4.97	1.20
Average	1.73	3.77	5.04	1.27
1930 [5]				
January	1.64	3.76	5.08	1.32
February	1.53	3.73	4.71	.98
March	1.53	3.59	4.86	1.27
April	1.42	3.48	4.78	1.30

[1] Basic data from Willett & Gray's Weekly Statistical Sugar Trade Journal.
[2] Average price of 96° centrifugal sugar in public warehouses from various sections of Cuba.
[3] The duty on 96° raw sugar from Cuba during this period was 1.76 cents per pound.
[4] Includes cost of refining, losses in process, and refiners' profit.
[5] Preliminary figures.

From the table of sugar prices some interesting calculations may be made with respect to the amount of duty on raw sugar necessary to keep the wholesale price of refined sugar approximately constant upon the basis of prevailing conditions in recent years. If, for example, the duty on raw sugar had been high enough to hold refined-sugar prices in New York at approximately 6 cents per pound, with the usual refiners' margin, the duty in 1925 should have averaged 2.27 cents per pound; in 1926, 2.23 cents; in 1927, 1.93 cents; in 1928, 2.21 cents; and in 1929, 2.65 cents. The raw-sugar rate necessary to hold a constant wholesale price of 5 cents per pound on refined sugar for the same years would have been 1.34 cents; 1.30 cents; 1 cent; 1.27 cents; and 1.72 cents.

During the first four months of 1930 the raw-sugar duty necessary to hold refined sugar at 6 cents, would have been approximately 2.83 cents, and to hold refined prices at 5 cents, the necessary duty would have been approximately 1.90 cents.

In view of the dominance of United States markets for sugar in the Western Hemisphere, and the reliance of Cuban producers upon the American market for the sale of their product, it is more or less idle to speculate what the prices of sugar would have been if there had been no duty upon it in recent years. Temporarily, of course, if the duty on sugar were removed, refined-sugar prices would fall precipitately, but probably not by the full amount of the duty, because of the more or less chronic Cuban surplus ready to be dumped upon any favorable market. In the long run, with world production and prices of sugar at approximately the same levels as those of recent years, the production of sugar, not only in continental United States, but in the islands, probably would greatly decline under free-trade conditions. Only lowest-cost plantations could survive were domestic raw-sugar prices at approximately 1½ cents per pound. Any estimates, therefore, as to the effect in the long run upon the prices of sugar in the United States because of the duty, is purely arithmetic. If it be assumed that the prices with the present duty will average one-half cent per pound higher than they would under free-trade conditions, the total additional cost on the basis of an annual consumption of about 7,000,000 tons would be $70,000,000. If it be assumed that prices average 1 cent per pound higher under present conditions than under free trade, the total increase in price upon the same assumption would be $140,000,000. If the surplus regions of Cuba and the East Indies should supply, under free trade, a large part of the consumption now supplied by domestic producers, including those in the islands; that is to say, if our domestic supply of sugar were largely eliminated from the market, prices in the long run might be as high or higher under free trade as under prevailing conditions. These problems, however, of a balance of supply and demand, no amount of arithmetic will solve.

Cattle, beef, and veal

Since the war the United States has been upon a net import basis for cattle and beef. Imports of cattle in 1923 were about 137,000 in number. In 1928 the number was approximately 524,000, and in 1929, 492,000. The imports in 1928 in terms of pounds were approximately 250,000,000.

Imports of beef and veal have averaged about 45,000,000 pounds annually in the last two or three years. The prices of cattle and beef in the United States as compared with prices in foreign countries, especially Canada, indicate that the duties have been somewhat effective in recent years. The Chicago prices of native beef steers have averaged about 11 cents per pound during the past several years, and the prices of good beef steers at Toronto have averaged about 8 cents per pound. The same type of cattle in Winnipeg have averaged about 6⅔ cents per pound, indicating a spread of 3 or 4 cents a pound for approximately similar cattle between the Canadian markets and Chicago.

The spread in beef prices between Canada and the United States have not been quite so great. The prices of good sides in New York, for example, have averaged in recent years about 17½ cents per pound, and in Canada about 15⅔ cents per pound. Chicago choice sides have averaged slightly less than 20 cents per pound for recent years. The average spread, therefore, has been 2 or 3 cents per pound on beef in the American and Canadian markets.

In recent years there has been an embargo in the United States against Argentine beef because of the foot-and-mouth disease. Therefore the price of Argentine beef is not quoted in American markets. Price quotations are available, however, in the London market. The price differential between medium western steer sides in New York and Argentine chilled sides in London averaged about 2½ cents per pound in 1921 and 1922. During 1923 to 1926, before the embargo in the United States was placed upon western beef, the London-New York differential averaged about 3½ cents per pound. During 1927 to 1929, inclusive, when the embargo supplemented the duty, the average price difference was about 6 cents per pound.

The duty upon cattle under the tariff act of 1922 was 1½ cents per pound if the weight was less than 1,050 pounds, and 2 cents per pound on cattle weighing 1,050 pounds or more. The present law changes the weight bracket and places the duty at 2½ cents below 700 pounds and 3 cents above 700. In recent years most of the imports have been of cattle weighing less than 1,050 pounds, and they have, therefore, been dutiable at 1½ cents per pound. It is probable that the bulk of imports will be above 700 pounds; if so, the duty will be 3 cents per pound under the tariff act of 1930.

The duty on beef in the tariff act of 1922 was 3 cents per pound, and in the tariff act of 1930 it is 6 cents per pound.

It is useless to attempt to calculate exactly the effect upon prices of domestic cattle of the duties upon cattle and upon beef. Much of the imports of cattle are of stocker and feeder grades for further finishing in the United States. Such imports, therefore, affect indirectly the fat-cattle market. In considering the effect of the duties upon the domestic products, the duty on both cattle and beef affect primarily the prices of cattle, and the calculations, therefore, should not include the domestic production of beef because this product is but another form of cattle.

As indicated above, the spread between cattle and beef prices in Canada and the United States averages 2 or 3 cents per pound. In the absence of a duty, Canadian prices would probably be somewhat higher, and domestic prices somewhat lower. For purposes of this calculation, therefore, an estimate of 1 cent per pound as the increased price of domestic cattle because of the duty on cattle and beef is used. This figure applied to the domestic slaughter of cattle and calves of approximately 13,000,000,000 pounds live weight gives an added increase in price of $130,000,000. It has been assumed in the tabulations regarding the effect of increases in the duties that the new duties upon cattle will reduce the imports to about 110,000,000

pounds annually, and that the increases in the duties upon beef and veal will reduce the imports to about 18,000,000 pounds annually. If the rates of duty upon these products, approximately 3 cents per pound upon cattle and 6 cents per pound upon veal, are applied to the estimated imports, the total increase in price due to the duties on the imported products will be approximately $4,380,000, or a total increase in prices upon both imported and domestic products, due to the duties, of approximately $134,380,000.

Long-staple cotton

Long-staple cotton has been included in the detailed estimates of the increase in prices due to the increases in the duty because such cotton has been transferred from the free list of the act of 1922 to the dutiable list of the act of 1930. According to that tabulation, it is estimated that the prices of imports of about 106,500,000 pounds, and the domestic production of pima cotton of about 10,000,000 pounds annually, will be affected by the full amount of the duty of 7 cents per pound. It is also estimated that the prices of other domestic cotton having a staple of 1⅛ inches or more in length, amounting to about 268,500,000 pounds, will be affected to the extent of 3 cents per pound. On the basis of these figures, the duty on long-staple cotton will increase prices of the domestic cotton about $8,750,000, and on the imported product about $5,250,000, or a total of approximately $14,000,000.

Hides and skins

The item of hides and skins has also been included in the detailed tabulation under increases in duty because of the transfer of these products from the free to the dutiable list at 10 per cent ad valorem. According to that tabulation, assuming the full 10 per cent increase in the price of imported hides and skins, and a 5 per cent increase in price of the domestic product because of the duty, the total increase in price is about $15,370,000, of which $8,145,000 is upon the imported product and $7,225,000 upon the domestic product. If, however, it is assumed that domestic prices of hides and skins will be increased only 2½ per cent because of the 10 per cent duty, then the total increase in prices will amount to about $11,757,000, of which $3,612,000 are on the domestic product. No attempt has been made to divide the estimated increase of domestic prices of hides and skins between the portion which may be received by the farmer, the producer of livestock, and the portion which may be received by the packers, the immediate producers of the hides.

Peanuts

The United States production of peanuts upon the basis of ungraded farm stock in the shell averages about 700,000,000 pounds annually. Imports on the unshelled basis are from 50,000,000 to 100,000,000 pounds annually. The tariff problem, however, is largely concerned with the Virginia type of peanut, of which total production is around 300,000,000 pounds annually, but of which about 100,000,000 pounds are of extra-large sizes, comparable with imports. Of this amount about 120,000,000 pounds are sold in the shell in various grades, and about 75,000,000 pounds are sold as graded shelled nuts.

Imports are largely in the shelled form, and average 35,000,000 to 40,000,000 pounds on the shelled basis in recent years, although the imports reached 62,000,000 pounds in 1925. Imports of nuts in the shell vary from 4,000,000 to 10,000,000 pounds annually. About 90 per cent of the imports originate in China.

The duty on unshelled peanuts was 3 cents per pound, and upon shelled nuts 4 cents per pound under the tariff act of 1922. On January 19, 1929, these duties were increased by proclamation of the President under the flexible-tariff provisions to 4¼ cents per pound and 6 cents per pound, respectively. Under the tariff act of 1930 the duty on unshelled nuts is retained at 4¼ cents per pound, and the duty on shelled nuts has been increased to 7 cents per pound.

It is unnecessary to attempt an estimate in detail of the effect of the duties upon shelled and unshelled nuts of the various types. The prices of the Virginia type of nuts will be more directly affected by the duties, but there will probably be some indirect effects upon the prices of Spanish peanuts, of which the domestic production is large. Without making separate calculations respecting the domestic production of shelled and unshelled nuts, but applying a straight 4 cents per pound estimate of increase in price to the domestic production of about 100,000,000 pounds of extra-large Virginia-type nuts, the total estimated increase in the domestic prices of peanuts is $4,000,000. The estimated increase in the prices of imported nuts due to the duties, after an allowance is made for a reduction in imports to about one-fourth of the present volume, due to the increase in the duties, is something over $700,000, making a total increase in the prices upon imported and domestic nuts of the Virginia type of $4,700,000.

Butter

The total production of butter in the United States has averaged about 2,000,000,000 pounds in recent years. Of this amount approximately 250,000,000 pounds is high-grade butter of 92 score or more. Imports have been from 4,000,000 to 8,000,000 pounds in recent years, but in 1920 there were 37,000,000, and 1923 nearly 24,000,000 pounds. For a number of years Denmark and Canada were the principal sources of imports, but since 1925 New Zealand has been the most important source. Exports of butter have averaged between 4,000,000 and 5,000,000 pounds annually in recent years.

Under the tariff act of 1922 the duty on butter was 8 cents per pound. On March 6, 1926 (effective April 5), the duty was increased by proclamation of the President under the flexible-tariff provisions to 12 cents per pound. Under the tariff act of 1930 the duty is 14 cents per pound.

Some indication of the extent to which the duty upon butter has affected the price in the United States in recent years is given by a comparison of the prices of high-grade creamery butter in New York with the prices of New Zealand and of Danish butter in London. In the attached table there is shown such prices by months from January, 1927, to September, 1929, inclusive. During the year 1927 the average excess of 92-score butter in New York over New Zealand butter in London was about 9.7 cents per pound; in 1928 it was about 9 cents, and for the 9 months of 1929 about 8 cents. The excess of New York prices over Danish butter prices in the London market for the same years were about 8.2 cents per pound, 6.8 cents, and 7.1 cents, respectively. From the above figures it appears that on the average the duty of 12 cents per pound on butter has increased the price in New York of approximately similar butter in London about 8 cents per pound on the average. If this figure of 8 cents is applied to the domestic production of approximately 250,000,000 pounds of high-grade butter, the estimated increase in domestic prices due to the duty of 12 cents per pound in force in recent years amounts to $20,000,000 annually. It is not expected that the increase in the duty under the tariff act of 1930 to 14 cents per pound will appreciably increase the price differential between the New York and London markets. If the same amount of 8 cents per pound is applied to the imports of about 4,000,000 pounds annually in 1928 and 1929, the total increase in price on imports due to the duty is $320,000.

TABLE I.—*Comparison of prices of 92-score creamery butter in New York with prices of New Zealand and Danish butter in London, 1927–1929* [1]

[Cents per pound]

	Creamery 92-score New York	New Zealand butter in London	Danish butter in London	Excess New York over New Zealand	Excess New York over Danish
1927					
January	49.15	37.69	38.70	11.46	10.45
February	51.54	38.00	40.98	13.54	10.56
March	50.17	34.93	39.22	15.24	10.95
April	50.34	33.04	38.65	17.30	11.69
May	43.46	35.02	35.29	8.44	8.17
June	42.51	36.16	35.82	6.35	6.69
July	41.72	35.44	34.68	6.28	7.04
August	41.88	36.81	37.55	5.07	4.33
September	46.46	39.89	41.54	6.57	4.92
October	48.39	38.67	42.09	9.72	6.30
November	49.79	38.45	43.48	11.34	6.31
December	51.87	36.67	41.28	5.20	10.59
1928					
January	48.76	35.04	38.25	13.72	10.51
February	46.62	35.91	39.63	10.71	6.99
March	49.44	37.91	42.90	11.53	6.54
April	45.49	37.38	39.91	8.11	5.58
May	44.93	37.31	38.29	7.62	6.64
June	44.13	38.56	37.53	5.57	6.60
July	44.93	40.39	38.92	4.54	6.01
August	46.93	40.56	39.92	6.37	7.01
September	48.75	40.28	42.17	8.47	6.58
October	47.79	39.94	41.59	7.85	6.20
November	50.57	38.88	42.89	11.69	7.68
December	50.46	39.97	44.91	10.49	5.55
1929					
January	47.94	40.40	41.85	7.54	6.09
February	49.89	38.83	41.67	11.06	8.22
March	48.45	36.61	38.37	11.84	10.08
April	45.35	35.86	35.21	9.49	10.14
May	43.54	36.25	35.97	7.29	7.57
June	43.54	37.23	37.34	6.31	6.20
July	42.42	37.47	37.87	4.95	4.55
August	43.45	37.04	37.39	6.41	6.06
September	46.22	39.18	41.26	7.04	4.96

[1] The duty on butter during this period was 12 cents per pound.

Flaxseed

In recent years the domestic production of flaxseed has averaged twenty to twenty-five million bushels annually, and imports have averaged about 20,000,000 bushels. More than 80 per cent of the imports come from Argentina. In general, Argentine seed supplies the oil mills upon the Atlantic seaboard. Mills in the interior around Minneapolis and Chicago are supplied by domestic and Canadian seed.

Under the tariff act of 1922 the duty on flaxseed was 40 cents per bushel. On May 14, 1929, duty was increased by proclamation of the President in the flexible-tariff provisions to 56 cents per bushel. Under the tariff act of 1930 the duty is 65 cents per bushel. A study of the prices of flaxseed in the Buenos Aires and Minneapolis markets indicates that the duty has been effective in supporting the domestic prices of flaxseed. During the crop year 1926–27 the difference in price in the two markets was nearly 60 cents per bushel in favor of Minneapolis, and in 1927–28 the differential is about 55 cents per bushel. Transportation upon flaxseed from Buenos Aires to the New York market is slightly less than from Duluth to New York. On the other hand, the rate from Duluth to Buffalo is less than from Buenos Aires to Buffalo. Much of the oil cake produced from imported seed is exported with benefit of drawback. This drawback, on the average, amounts to about 8 cents per bushel. Taking into consideration prices and freight differentials, the drawback for exported cake, and the fact that in recent years nearly half the domestic supply of flaxseed has been imported, it appears that the duty of 65 cents per bushel will increase the domestic price of flaxseed on the average by about 50 cents per bushel. Applying this figure to the domestic production of about 22,000,000 bushels gives a total increase in price of the domestic product of about $11,000,000. On the basis of reduced imports of 12,000,000 bushels annually, the increased cost to the mills using the same differential of 50 cents per bushel would be about $6,000,000, or a total additional cost of flaxseed of approximately $17,000,000.

Onions

The production of onions in the United States averages about 1,200,000,000 pounds annually. Of this amount about 900,000,000 pounds are of the strong type, 200,000,000 pounds are of the Bermuda type, and over 100,000,000 pounds are of the domestic Spanish type of onion.

Imports are about 100,000,000 pounds, of which 50 to 60 per cent are from Spain, 30 to 40 per cent from Egypt, and about 5 per cent from Chile.

The Spanish onions compete more directly with domestic Spanish and Bermuda than with other types. Egyptian onions are strong and somewhat similar to the domestic strong winter onions, but they come upon the American market in the spring after the bulk of domestic winter onions has been marketed, and at the time domestic Bermudas are being marketed. Most of the Spanish onions, both imported and domestic, are marketed during the fall and winter. Domestic Bermudas are marketed in the spring and early summer. The duty upon onions was 1 cent per pound under the tariff act of 1922. This was increased to 1½ cents per pound by proclamation of the President under the flexible tariff provision, effective January 1, 1928. Under the tariff act of 1930 the duty was increased to 2½ cents per pound.

Imported Spanish onions compete directly with domestic Spanish, both from the point of view of type and season of marketing and somewhat less directly with domestic Bermuda onions. The domestic production of Spanish-type onions has greatly increased in recent years, from about 47,000,000 pounds in 1924 to 114,000,000 pounds in 1927. Assuming that the duty of 2½ cents per pound will increase the price of domestic Spanish onions 2 cents per pound and of domestic Bermuda onions 1 cent per pound, and applying these figures to a domestic production of the Spanish type of 100,000,000 pounds and of Bermudas of 200,000,000 pounds, the total increase in price on the domestic crop of the two types would be $4,000,000.

If the new duty should reduce the imports to 75,000,000 pounds annually and increase the price of imports 2 cents per pound over free-trade conditions, the total increase on imports would be $1,500,000, making a total increase in price upon domestic and imported onions because of the duty of $5,500,000.

THE TARIFF ISSUE

Mr. LEAVITT. Mr. Speaker, I welcome the issue of the tariff in my campaign for reelection, because the new tariff law enacted raises the protective rates on practically every raw material and first-processed product of the farms and ranches of my State.

I welcome it further because the law as a whole will benefit likewise the industries of the Nation and thus restore and increase the purchasing power of labor, upon whose buying power the producers of farm products must depend.

Montana people know that no tariff law can be written by the representatives of all the country and be exactly what the representatives of just one section alone might write. But they will not doubt for a moment the words of President Hoover, spoken when signing the bill. He said:

> The increases in tariff are largely directed in the interest of the farmer.

At the close of these remarks of my own I will add the full text of the President's statement.

I welcome the tariff as an issue in my campaign because while the official records show that during my service in Congress I have both worked for and voted to increase the protection given to the products of our Montana ranches and farms, my opponent in this fall's election was a Member of Congress when the Democratic Underwood tariff law was written in 1913. He thus voted and supported that act to put practically everything we produce in Montana on the free list without any protection whatever.

The tariff on wheat has given us of late years a premium on our high-protein product. But my opponent, when a Member of Congress, voted for a bill to remove all the protection wheat had, and to put it on the free list.

He voted for a bill which let cattle, beef, and veal into this country free, coming from any place in the world.

He voted for a bill to let hogs and hog products in free.

He voted for a bill which put sheep, mutton, and wool on the free list, removing entirely the protection they already had.

He voted for the free entry of fresh eggs, milk, and cream.

I could extend the list along similar lines. He voted for a tariff bill on May 8, 1913, to reduce the protection upon, or let in entirely free, nearly all the things upon which Montana's prosperity depends.

That tariff bill was one of the chief causes of the ruin of agriculture as soon as war-time inflation was over. It left agriculture helpless, though it still gave assistance to other industries.

In contrast the record will show that I worked and voted to secure greater protection and higher tariff rates for the things Montana produces on her ranches and farms, tariff rates higher than have ever been given before. As an illustration I quote from the June number of the National Wool Grower, the official organ of the National Wool Growers' Association, and printed at Salt Lake City. In an article entitled "The New Tariff Law" these words are found:

> Conspicuous service in securing fair rates on wool and other livestock products was rendered by many western Members, including COLTON (Utah) and LEAVITT (Montana).

To further illustrate the difference in the tariff votes of my opponent when he was in Congress and of myself, I print here a comparative table showing the agricultural rates on things produced on Montana farms generally as contained in the Underwood law of 1913, for which Mr. Stout voted, and those under the new Hawley-Smoot law, for which I voted. To show also the progress under Republican leadership, I print between the 1913 act and the 1930 act the rates under the Republican act of 1922:

Comparison of protection afforded farm products under the Underwood Act, 1913, the Fordney-McCumber Act, 1922, and Hawley-Smoot Act, 1930

Commodity	Underwood Act (Stout)	Fordney-McCumber Act	Hawley-Smoot Act (Leavitt)
Wheat	Free	30 cents per bushel	42 cents per bushel.
Corn	do	15 cents per bushel	25 cents per bushel.
Oats	6 cents per bushel.	do	16 cents per bushel.
Barley	15 cents per bushel.	20 cents per bushel	20 cents per bushel.
Rye	Free	15 cents per bushel	15 cents per bushel.
Flaxseed	20 cents per bushel.	40 cents per bushel	65 cents per bushel.
Buckwheat	Free	10 cents per 100 pounds.	25 cents per 100 pounds.
Alfalfa seed	do	4 cents per pound	8 cents per pound.
Sweet clover seed	do	2 cents per pound	4 cents per pound.
Red clover seed	do	4 cents per pound	8 cents per pound.
Cattle weighing less than 700 pounds.	do	1½ cents per pound [1]	2½ cents per pound.
Cattle weighing more than 700 pounds.	do	2 cents per pound [2]	3 cents per pound.
Beef and veal	do	3 cents per pound	6 cents per pound.

[1] Under 1,050 pounds.
[2] Over 1,050 pounds.

Comparison of protection afforded farm products under the Underwood Act, 1913, the Fordney-McCumber Act, 1922, and Hawley-Smoot Act, 1930—Continued

Commodity	Underwood Act (Stout)	Fordney-McCumber Act	Hawley-Smoot Act (Leavitt)
Swine	Free	1½ cent per pound	2 cents per pound.
Pork	do	¾ cent per pound	2½ cents per pound.
Bacon, ham, and shoulders.	do	2 cents per pound	3¼ cents per pound.
Lard	do	1 cent per pound	3 cents per pound.
Lard substitutes	do	4 cents per pound	5 cents per pound.
Sheep	do	$2 per head	$3 per head.
Mutton	do	2½ cents per pound	5 cents per pound.
Wool, scoured	do	31 cents per pound	37 cents per pound.
Poultry, live	1 cent per pound.	3 cents per pound	8 cents per pound.
Poultry, dressed	do	6 cents per pound	10 cents per pound.
Eggs, fresh	Free	8 cents per dozen	10 cents per dozen.
Eggs, dried	10 cents per pound.	18 cents per pound	18 cents per pound.
Butter	2½ cents per pound.	8 cents per pound	14 cents per pound.
Oleo and butter substitutes.	20 per cent	do	Do.
Cream	Free	20 cents per gallon	56.6 cents per gallon.
Milk	do	2½ cents per gallon	6½ cents per gallon.
Cheese and substitutes.	do	5 cents per pound	8 cents per pound.
Honey	10 cents per gallon.	3 cents per pound	3 cents per pound.
Potatoes	Free	50 cents per 100 pounds	75 cents per 100 pounds.
Beans, dried	25 cents per bushel.	1¾ cents per pound	3 cents per pound.
Onions	20 cents per bushel.	1 cent per pound	2½ cents per pound.

NOTE.—The average increase of import duties in the 1930 act as compared with the 1922 act on the above-named farm products is 97 per cent.

Under the flexible provisions of the 1922 act, President Coolidge, by proclamation, increased the duty on wheat from 30 to 42 cents per bushel; butter and butter substitutes from 8 to 12 cents per pound; cream from 20 to 30 cents per gallon. Flax was increased from 40 to 56 cents per bushel by President Hoover in May, 1929.

When President Hoover announced he would sign the new tariff act he issued a statement which should be read by everyone wishing to know the true facts regarding the measure. Under the leave of the House I print that statement in full:

TEXT OF HOOVER MESSAGE ON DECISION TO SIGN TARIFF

I shall approve the tariff bill. This legislation has now been under a most continuous consideration by Congress for nearly 15 months. It was undertaken as the result of pledges given by the Republican Party at Kansas City. Its declarations embraced these obligations:

The Republican Party believes that the home market built up under the protective policy belongs to the American farmer, and it pledges its support of legislation which will give this market to him to the full extent of his ability to supply it.

There are certain industries which can not now successfully compete with foreign producers because of lower foreign wages and a lower cost of living abroad, and we pledge the next Republican Congress to an examination and where necessary a revision of these schedules, to the end that the American labor in these industries may again command the home market, may maintain its standard of living, and may count upon steady employment in its accustomed field.

MUST KEEP PROMISES

Platform promises must not be empty gestures. In my message of April 16, 1929, to the special session of the Congress I accordingly recommended an increase in agricultural protection, a limited revision of other schedules to take care of the economic changes necessitating increases or decreases since the enactment of the 1922 law, and I further recommend a reorganization both of the Tariff Commission and of the method of executing the flexible provisions.

A statistical estimate of the bill by the Tariff Commission shows that the average duties collected under the 1922 law were about 13.8 per cent of the value of all imports, both free and dutiable, while if the new law had been applied it would have increased this percentage to about 16 per cent. This compares with the average level of the tariff under the McKinley law of 23 per cent, the Wilson law of 20.9 per cent, the Dingley law of 25.8 per cent, the Payne-Aldrich law of 19.3 per cent, the Fordney-McCumber law of 13.83 per cent.

Under the Underwood law of 1913 the amounts were disturbed by war conditions varying 6 per cent to 14.8 per cent.

The proportion of imports which will be free of duty under the new law is estimated at from 61 to 63 per cent. This compares with averages under the McKinley law of 52.4 per cent, the Wilson law of 49.4 per cent, the Dingley law of 45.2 per cent, the Payne-Aldrich law of 52.5 per cent, the Fordney-McCumber law of 63.8 per cent.

Under the Underwood law of 1913 disturbed conditions varied the free list from 60 per cent to 73 per cent, averaging 66.3 per cent.

DIRECTED TO FARMERS' INTEREST

The increases in tariff are largely directed to the interest of the farmer. Of the increases, it is stated by the Tariff Commission that 93.73 per cent are upon products of agricultural origin measured in value, as distinguished from 6.25 per cent upon commodities of strictly nonagricultural origin. The average rate upon agricultural raw materials shows an increase from 38.1 per cent to 48.92 per cent in contrast to dutiable articles of strictly other than agricultural origin, which show an average increase of from 31.02 per cent to 34.31 per cent. Compensatory duties have necessarily been given on products manufactured from agricultural raw materials and protective rates added to these in some instances.

The extent of rate revision as indicated by the Tariff Commission is that in value of the total imports the duties upon approximately 22.5 per cent have been increased and 77.5 per cent were untouched or decreased. By number of the dutiable items mentioned in the bill, out of the total of about 3,300 there were about 890 increased, 235 decreased, and 2,170 untouched. The number of items increased was, therefore, 27 per cent of all dutiable items, and compares with 83 per cent of the number of items which were increased in the 1922 revision.

This tariff law is like all other tariff legislation, whether framed primarily upon a protective or a revenue basis. It contains many compromises between sectional interests and between different industries. No tariff bill has ever been enacted or ever will be enacted under the present system that will be perfect. A large portion of the items are always adjusted with good judgment, but it is bound to contain some inequalities and inequitable compromises. There are items upon which duties will prove too high and others upon which duties will prove to be too low.

RESPONSIBILITY ON CONGRESS

Certainly no President, with his other duties, can pretend to make that exhaustive determination of the complex facts which surround each of these 3,300 items, and which has required the attention of hundreds of men in Congress for nearly a year and a third. That responsibility must rest upon the Congress in a legislative rate revision.

On the administrative side I have insisted, however, that there should be created a new basis for the flexible tariff, and it has been incorporated in this law. Thereby the means are established for objective and judicial review of those rates upon principles laid down by the Congress, free from pressure inherent in legislative action. Thus the outstanding step of this tariff legislation has been the reorganization of the largely inoperative flexible provision of 1922 into a form which should render it possible to secure prompt and scientific adjustment of serious inequities and inequalities which may prove to have been incorporated in the bill.

This new provision has even a larger importance. If a perfect tariff bill were enacted to-day, the increased rapidity of economic change and the constant shifting of our relations to industries abroad will create a continuous stream of items which would work hardship upon some segment of the American people except for the provision of this relief. Without a workable flexible provision we would require even more frequent congressional tariff revision than during the past. With it the country should be freed from further general revision for many years to come. Congressional revisions are not only disturbing to business, but with all their necessary collateral surroundings in lobbies, logrolling, and the activities of group interests, are disturbing to public confidence.

FORMERLY PRESIDENT'S TASK

Under the old flexible provisions the task of adjustment was imposed directly upon the President, and the limitations in the law which circumscribed it were such that action was long delayed and it was largely inoperative, although important benefits were brought to the dairying, flax, glass, and other industries through it.

The new flexible provision established the responsibility for revisions upon a reorganized Tariff Commission, composed of members equally of both parties, as a definite rate-making body acting through semijudicial methods of open hearings and investigation by which items can be taken up one by one upon direction or upon application of aggrieved parties. Recommendations are to be made to the President, he being given authority to promulgate or veto the conclusions of the commission. Such revision can be accomplished without disturbance to business, as they concern but one item at a time, and the principles laid down assure a protective basis.

The principle of a protective tariff for the benefit of labor, industry, and the farmer is established in the bill by the requirement that the commission shall adjust the rates so as to cover the differences in cost of production at home and abroad—and it is authorized to increase or decrease the duties by 50 per cent to effect this end. The means and methods of ascertaining such differences by the commission are provided in such fashion as should expedite prompt and effective action if grievances develop.

When the flexible principle was first written into law in 1922, by tradition and force of habit the old conception of legislative revision was so firmly fixed that the innovation was bound to be used with caution and in a restricted field, even had it not been largely inoperative for reasons; now, however, and particularly after the record of the last 15 months, there is a growing and widespread realization that in this

highly complicated and intricately organized and rapidly shifting modern economic world the time has come when a more scientific and business-like method of tariff revision must be devised. Toward this the new flexible provision takes a long step.

MEETS DEMANDS OF LEADERS

These provisions meet the repeated demands of statesmen and industrial and agricultural leaders over the past 25 years. It complies in full degree with the proposals made 20 years ago by President Roosevelt. It now covers proposals which I urged in 1922.

If, however, by any chance the flexible provisions now made should prove insufficient for effective action, I shall ask for further authority for the commission, for I believe that public opinion will give wholehearted support to the carrying out of such a program on a generous scale, to the end that we may develop a protective system free from the vices which have characterized every tariff revision in the past.

The complaints from some foreign countries that these duties have been placed unduly high can be remedied, if justified, by proper application to the Tariff Commission.

It is urgent that the uncertainties in the business world, which have been added to by the long-extended debate of the measure, should be ended. They can be ended only by completion of this bill. Meritorious demands for further protection to agriculture and labor which have developed since the tariff of 1922 would not end if this bill fails of enactment. Agitation for legislative tariff revision would necessarily continue before the country. Nothing would contribute to retard business recovery more than this continued agitation.

As I have said, I do not assume the rate structure in this or any other tariff bill is perfect, but I am convinced that the disposal of the whole question is urgent. I believe that the flexible provisions can within reasonable time remedy inequalities; that this provision is a progressive advance and gives great hope of taking the tariff away from politics, lobbying, and logrolling; that the bill gives protection to agriculture for the market of its products and to several industries in need of such protection for the wage of their labor; that with returning normal conditions our foreign trade will continue to expand.

REPEAL OF THE PROHIBITION ACT

Mr. LAMPERT. Mr. Speaker, being a plain man of the plain people, and unversed in the technicalities of the law, but representing, as I have the honor to do, the citizens of the sixth district of Wisconsin, and believing I know the great majority sentiment of my people relative to the eighteenth amendment and the Volstead Act, I desire to submit to this honorable House of Representatives my position and views on the prohibition question.

My constituents are a law-abiding people, and they desire to be a law-abiding people. I believe every Member of the House of Representatives is a law-abiding citizen who desires to continue to be law-abiding. But we do not want, Mr. Speaker, to be oppressed by any law, and we feel that the law should be uplifting and not oppressive.

We feel, my constituents and I, that respect for the laws and obedience thereto are two of the foundation stones of this Republic. But we believe, too, that the eighteenth amendment, plus the Volstead Act, constitutes a mistake in law which should be rectified.

Many Members of the United States Senate and of the House of Representatives believe likewise.

I understand law—any law—to be a rule of action laid down by the majority of citizens of a republic as the best rule of action to be followed by all in the interests of the welfare of society and the good of the greatest number of people.

Such a rule of action I understand to evolve from usage and the experience of the people tried and found to be by common consent the best rule of action.

I have followed carefully the debates on the whole question of prohibition for several years. I have discussed this question and counseled with my constituents. I have endeavored to ascertain their views and their desires on this great question. I believe I voice the sentiment of the very great majority of my constituents when I say to you, Mr. Speaker, that we favor modification of the Volstead Act.

In studying the developments in the 10 years during which the eighteenth amendment and the Volstead Act have been in operation in this country I have been impressed with the fact that this law is irksome and has not the loyalty of a very large portion of our population. That indicates to me that there is something wrong with the law. Other laws, other rules of action, although violated by some—as all law always has been and always will be, perhaps—have not incurred the bitter censure and the long-sustained and widespread opposition that has marked the prohibition law. Which proves to my mind that our people in the United States are law-abiding, desire to obey all proper laws, and oppose prohibition because there is something fundamentally unsound in it as a rule of action.

I followed closely the arguments presented recently in the House of Representatives by the honorable Representative from New Jersey, Mr. FORT. I followed closely the subsequent arguments so ably presented in the House of Representatives by another Representative from New Jersey, the Hon. FREDERICK R. LEHLBACH. I read carefully the arguments presented by that distinguished Representative from Pennsylvania, the former Solicitor General, JAMES M. BECK.

From those arguments I viewed three sides of the prohibition question, but did not find the answer to the problem of enforcement, which seems to be what we are all seeking.

I can not agree with Mr. FORT, because I believe if any moral question is involved in the use of light wines and beer or in the manufacture and sale thereof then there necessarily must be some moral violation involved in the drinking of home-brewed light wines and beers. That premise I do not admit. I believe no moral turpitude is involved in the drinking of light wines and beer, whether home manufactured or otherwise, whether manufactured by one for one's own private use or purchased from some other manufacturer for one's private use.

I can not admit that there is any difference from the moral side of the question between light wines and beer being sold and/or being given away. The wrongful act, if wrongful act there be, is not in the manufacture or sale of a beverage but in the consuming of it.

Consequently I can not see in the arguments of Mr. FORT any solution to the question, because if we are to permit home-brewing of the lighter beverages, we will have the same degree of difficulty in preventing the manufacture for sale of those beverages as we do now. Besides which the householder would be under the onus of making for himself and consuming a beverage prohibited by law as to its manufacture and sale. Therefore, one or the other must be wrong, or else there is not wrong in it. If there be no wrong, no moral turpitude, gentlemen, involved in the home manufacture and consumption of light wines and beer, then there can be no moral turpitude in its manufacture and sale. Consequently such manufacture and sale should be legalized.

I can not agree with the arguments presented by Mr. LEHLBACH in their entirety. I do agree that he has expressed a fundamental truth when he asserts that if the prohibition law means anything, it means to prevent people from drinking any alcoholic beverages, and that so long as consumers can be found the supply will be found, because the demand will encourage that supply. If it is wrong to drink alcoholic beverages, then it is wrong to manufacture and to sell such beverages. If it is not wrongful to drink alcoholic beverages, then it certainly can not be wrong to manufacture and to sell such beverages.

As to Mr. LEHLBACH'S suggestion that the way to enforce prohibition is to apprehend, convict, and punish the consumer of alcoholic beverages, my view, gentlemen of the committee, is that we would have greater expense, more trouble, and less successful enforcement of such an attempt than we are now having in enforcing the Volstead Act. Where would we find enough jails to hold the citizens—good, law-abiding, respectable citizens, who in every other item of conduct are impeccable, who would have to be arrested, tried, punished? Where would we find enough law-enforcement officers whose own relatives were entirely innocent of the use of such beverages to enforce the law?

Yet that is what must be done if prohibition is to be fully enforced and if the prohibition law is to be carried out in its spirit and its letter.

I can not agree with Mr. BECK in his argument that the majority has not the right to impose its will upuon the minority.

Under our form of government we are a people living in a state of organized society based upon self-determination—which must mean, if it means anything, that the majority view must prevail; that the will of the greatest number must decide our course of action.

I hold it to be one of the foundation stones of this Nation, majority rule, and any attempt to depart from that fundamental course would mean the wrecking of this Government. For if the majority rule is discarded—which, of course, it never will be—in what manner short of a dictatorship could we establish and maintain law, order, government, society?

And how, short of rebellion, revolution, civil war, could we ever abandon majority rule in this Nation?

So, as I view it from the plain citizen's standpoint, the whole question hinges on whether or not there is any moral turpitude, any actual wrong, in the use of alcoholic liquor.

Since the history of man began we know that man has manufactured and used alcoholic beverages.

I am ready to admit that in this highly mechanized age, with the great numbers of automobiles and other mechanical contri-

vances now in use, conditions are different than they have ever been before in the history of man. Machinery has given the hand of man more power for good or for ill than man ever before possessed; and that added power has brought an added responsibility.

But I deny, gentlemen of the committee, that light wines and beer would bring the dangers seen by proponents of the prohibition act in drunkenness.

I believe no man has a right to destroy his moral inhibitions, distort his reason, nullify his judgment, and become a menace to the life, liberty, and happiness of his fellow man. But I deny that the manufacture, sale, and use of light wines and beer would bring about such a situation.

My constituents do not want to impose their will upon the people of Kansas, of Oklahoma, Maine, or any other State the people of which do not desire any alcoholic beverage made or used within their boundaries.

If it is a mistake for the majority of the people to impose upon the minority their will relative to the prohibition of the manufacture, sale, and use of alcoholic beverages in the Nation, then it must be as much of a mistake for the people of States to do so. Consequently, it seems to me, the only practicable, fair, American way to approach this question is by the modification of the Volstead Act and by leaving it to the States or the counties of States to determine whether or not they desire to legalize or to prohibit the manufacture, sale, and use of light wines and beer.

Local option with regard to light wines and beer seems to me to be the solution—and I declare for that course, the legalizing of the manufacture and sale of light wines and beer, except where by State or local action it may be prohibited.

The committee will note that I have dealt in this statement only with light wines and beer. I am not so concerned with hard liquor. Under modern conditions which have come about under the rapid evolution of the past two decades, conditions may have arisen making the manufacture, sale, and consumption of intoxicating liquor inadvisable. But I believe a majority of the people in this country would not object to the manufacture, sale, and use of stimulating light wines and beer. I believe the problem and the cost, as well as the bitterness attendant now upon attempted enforcement of the prohibition act would be to a great degree, if not wholly, eliminated by the legalization of the manufacture, sale, and use of light wines and beer.

I do not assert that to so modify the prohibition act as to make the question of manufacturing, selling, and consuming of light wines and beer legal would prevent all violation of the manufacture and sale of hard liquor. There will always be those who want to get drunk and those who wish to sell hard liquor for profit.

But by the same token, all laws are violated; and if there were no violations of laws, there would be no need for the laws.

I conceive that the force and integrity of all law in a republic rests upon the will of the majority to enforce it. I do not believe the majority of the people of this country want the law against light wines and beer enforced, if they knew the law against hard liquors would be enforced.

I do not believe it was the act of drinking that the majority of the people of this country wanted stopped, but the act of getting drunk that they wanted to prevent.

I believe in the modification of the law prohibiting the manufacture, sale, and consumption of light wines and beer—the stimulating, nonintoxicating beverages—not because it can not be enforced, but because it is a mistaken law which makes a crime of acts not involving moral wrong, not involving infringement upon the rights and liberties of the people, and not involving the safety or the well-being of the Government. Nobody would for a moment countenance the enactment of a law limiting the manufacture, sale, and consumption of food—yet there are many who use food so intemperately as to injure themselves.

Intemperance in the use of intoxicating liquors is harmful, and I favor enforcing temperance. But the use of light wines and beer does not come within this category. It is conceivable, but highly improbable, that anyone could consume enough light wine or beer to become intoxicated.

I fear, Mr. Speaker, that unless the prohibition act is so modified as to leave to local-option regulation the manufacture, sale, and use of light wines and beer, the expense, difficulty, and bitterness now attendant upon enforcement will increase, not because the people are not law-abiding, but because they feel that their personal liberty has been infringed, that an innocent act has by law been made wrongful, that those who do not desire to use light wines and beer themselves are imposing their will upon those who do, not because of right or justice, but because of might won through propaganda.

I deplore the growing sentiment throughout the country favoring making the law a dead letter. Dead letter laws, Mr. Speaker, are worse than no laws. If prohibition is right, it should be enforced. If it is wrong, it should be modified. I submit that if the law, in so far as it concerns the light wines and beers, were right and sound no such difficulty would ever have been experienced in enforcing it.

There are many religious sects in this country. The adherents of each sect disapprove of something in all the others—but nobody would suggest for a moment the enactment of a law by the majority imposing prohibition and hardship upon some minority who have their own ideas of worshipping the Creator. Indeed, Mr. Speaker, our Constitution forbids any law of this kind.

It is conceivable that because a great many persons—perhaps a majority—do not use garlic and resent its use, that a law might be passed making felonious the use of garlic. But no sensible person would countenance such a course.

Consequently, then, Mr. Speaker, I favor the modification of the prohibition act so as to permit by local option the decision as to whether or not light wines and beers may be manufactured, sold, and used, not because the law is not being enforced, can not be enforced, or is too expensive in its enforcement, but because I believe light wines and beers are not harmful, their manufacture, sale, and use not wrongful, and because I am convinced that a popular referendum would show the majority of the people in this country not unfavorable to the use of these mild alcoholic beverages.

The crux of the whole question, Mr. Speaker, is whether or not primarily there is any actual wrong, immorality, or danger to the citizens and to the Nation in the manufacture, sale, and use of light wines and beers. This also applies to foodstuffs.

Secondarily enters the question of the right of a majority to impose its will of prohibiting anything upon the minority.

In the third place, Mr. Speaker, what majority shall decide? Shall it be the majority of the Nation, of the State, of the county, or of the township?

All of these considerations will prove insurmountable problems unless we get down to real facts.

There is no question but that the great majority of the people of the Nation, of the States, of the counties, of the cities, and of the towns do not approve of drunkenness. But my contention is that in that disapproval as expressed in the eighteenth amendment the people did not mean for light wines and beers to be included. That is where the mistake in the law was made, and therein lies the difficulty, the expense, and the sources of the bitterness which have attended the attempted enforcement of the law.

I feel that all of the economic arguments, all of the moral arguments, all of the legal arguments which have been advanced against the manufacture, sale, and use of intoxicating liquors do not at all apply to light wines and beers.

We can not properly nor successfully attempt to legislate will power, moral inhibitions, and good judgment into individuals. And that is what was attempted in the prohibition act. It is as logical to legislate against the use of food, because some individuals lack the judgment necessary to prevent them overeating, as it is to prohibit the use of light wines and beers because some few individuals might conceivably drink enough to feel the influence, or because some other individual might drink hard liquor and get drunk.

We must apply the rule of reason—and the rule of reason shows us that light wines and beer stimulants are not in the same category with highly intoxicating liquors.

Reason shows us that any law which makes wrong of an act not involving moral turpitude can not be a just law and can not be supported by the will of the people to enforce it. Therein lies the trouble in prohibition enforcement.

And if the prohibition act were amended as I suggest this whole question would, in my opinion, be solved and the people would be content.

BEEF PRICES CONTINUE TO DECLINE NOTWITHSTANDING THE HOOVER FARM-RELIEF PROGRAM

Mr. LOZIER. Mr. Speaker, in a statement issued June 26, 1930, Mr. C. B. Denham, member of the Federal Farm Board, stated that—

Wholesale prices of dressed beef have declined during recent months, and, according to figures issued by the Bureau of Agricultural Economics of the United States Department of Agriculture, wholesale prices of beef at Chicago, for example, are $4.50 to $7 per hundredweight, or 20 per cent to 37 per cent lower than a year ago. The greatest reductions have been in the cheaper grades of beef, which run from 25 per cent to 37 per cent lower, while top and medium grades have been reduced from 20 per cent to 28 per cent below prices a year ago. Pro-

ducers of beef have taken severe losses in prices during the past months. Beef cattle are from $2 to $3.50 per hundredweight lower at Chicago than a year ago.

Here we have from a member of the Federal Farm Board a graphic description of the disaster that has overtaken the growers of beef cattle within the last 12 months. Reduced to dollars and cents, it means the loss in the last year of hundreds of millions of dollars by the producers of beef cattle in the United States, and this loss has been felt by every farmer whether he has 1 calf or 1,000 cattle.

During the year, while these stupendous losses were being sustained, the Hoover Federal farm marketing act has been on our statute books, and the Hoover Federal Farm Board has been in office with $500,000,000 of Government money to draw upon with which to stabilize prices of agricultural products. During this year the Hoover administration has had ample opportunities to demonstrate the workability of the Hoover Federal farm marketing act, if it can be made workable, but it will not now be contended by any well-informed person that any substantial benefits have accrued to the agricultural classes from the Hoover farm relief program.

Instead of stabilizing the prices of farm products, prices have steadily declined until many farm commodities are selling at the lowest levels for years—prices that are far below the cost of production—prices that spell bankruptcy for the American farmer. As an inevitable result the purchasing power of the farmer has been greatly reduced and in innumerable instances completely destroyed.

Everyone familiar with agricultural conditions will admit that the operations of the Federal Farm Board have been exceedingly disappointing. It has been unable to maintain prices of a single agricultural commodity at anything like the prices that prevailed when the Federal farm marketing act was passed. No one blames the members of the Federal Farm Board for the monumental failure of the farm marketing act. The members of the board are able, sincere, honest, and well-meaning men who are doing the very best they can to administer a law that is fundamentally weak and incapable of successful operation. The blame for the failure of the Hoover farm-relief program does not rest on the members of the farm board but on Mr. Hoover and his party who worked this counterfeit bill off on the American farmers.

In the Farm Board we have a group of strong men trying to administer a weak bill and make a milk and water act workable. It is regretable that Mr. Legge and his associates on the Farm Board do not have a better bill to administer. If a machine will not run, do not blame the man who is trying to operate it but place your criticism and condemnation on the man that built the machine. President Hoover and his party leaders built a farm-relief machine that will not run, even when lubricated with $500,000,000 of Government funds.

Every Member of Congress knows who wrote the Federal farm marketing act. It was not framed by the farmers of America. It was not written by the great farm organizations. It was not approved by the representatives of the American farmers. It does not embody the plans that students of agricultural conditions believe necessary in order to rehabilitate agriculture and equalize it with industry.

But this Hoover Federal farm marketing act was written by the men who for seven or eight long years had violently and relentlessly opposed every movement of the American farmers to secure legislative relief from the burdens and handicaps previously imposed upon them by discriminatory legislation in favor of the manufacturer and other special-privilege groups. In other words, the Hoover farm relief legislation was written by the representatives of the manufacturing and business classes, and by men out of sympathy with the agricultural classes.

I ask in what way has President Hoover's farm legislation helped the American farmer? Name one agricultural commodity the price of which has been increased or in any manner stabilized. Can you mention one farm product, the price of which has not fallen to exceedingly low levels since the Hoover farm relief legislation went into effect. Seemingly, the longer Hoover's farm marketing act stays on the statute books, the lower the prices of farm products. Down, down, down, lower and still lower, fall the prices of everything the farmer has to sell, while, under the provisions of the Hawley-Smoot tariff bill, the cost of everything the farmer buys is increased.

Verily, verily, I say unto you, the Hoover administration has given the farmers of America a raw deal and the hot end of the poker. The newspapers recently carried the statement that during the last 12 months the decline in the prices of farm products had cost the American farmers over $1,000,000,000. And think of it, this billion-dollar loss was suffered by the farmers of America during the first year President Hoover's farm marketing act was on the statute books! From the very day the Federal Farm Board was appointed to this good day the market price of farm products has been constantly downward, although the board had half a billion dollars of Government money to use in stabilizing the market! This ought to be proof enough to satisfy any reasonable person that the Hoover farm-relief plans are not workable and will not accomplish the desired ends.

THE GROWTH OF PRIVATE MONOPOLIES A MENACE TO THE CONSUMERS AND PRODUCERS

Mr. BROWNE. Mr. Speaker, we have chains in the dry-goods business, in the hardware business, in the drug business, and in the grocery business. We have mail-order houses handling every kind of a commodity. None of the profits of these chain corporations remain in the local community for taxation or for other purposes.

The local banks are also becoming chain or branch banks. These chain banks have already acquired approximately 17 per cent of the total banking resources of the United States, and the chain-bank system is rapidly extending itself in all parts of the United States. The profits of the business are escaping out of the local community in which the business is conducted.

The milk business, which used to be conducted by local distributors and creameries, is now conducted by large companies which have their headquarters in New York. It is estimated that 75 per cent of the fluid-milk business is conducted by New York companies, and the profits leave the local community and are distributed in New York.

Many industrial plants all over the Nation have been purchased and merged with their main offices in the large cities. The profits of all of these concerns no longer stay where they originated and no longer accumulate for the purpose of investment in the local community or to the development of the community, or even for taxation purposes for the maintenance of schools and other local activities.

The United States Treasury, through its income division, tells us that one-third of the income-bearing wealth of the United States is in one State, the State of New York; that there is one-half of the income-bearing wealth of the United States in 4 States, and three-fourths in 8 States, and the balance, or one-fourth, in 40 States. These figures prove conclusively that the wealth of the United States is fast moving into a very small section of the country, no longer to be used in the places where it was produced, and not even liable for taxation for any of the necessary activities of the various localities.

AMAZING GROWTH OF CHAIN STORES AND MAIL-ORDER HOUSES

The National City Bank of New York in its report on economic conditions, May, 1930, shows that the net profits returned on capital and surplus of 58 chain stores amounted in 1928 to $639,340,000; in 1929, to $773,502,000. That the gross sales of 67 chain stores and mail-order houses in 1928 amounted to $3,513,402,000; in 1929, amounted to $4,149,753,000; a gain in sales of 18 per cent in one year. The six largest national chain stores have increased the number of their stores 144 per cent from 1920 to 1928 and increased their national sales 176 per cent for the same period.

MONEY WENT AWAY

All of this enormous amount of money went out of the locality. None of the profits helped support your schools, your churches, your streets, or any of your civic institutions. These mail-order houses paid no tax whatever in your localities and a very small property tax anywhere.

Recently a group of students of the University of Wisconsin, working under faculty direction, made an exhaustive study of chain-store growth and progress in the United States. They accumulated an enormous amount of statistical information. Their conclusions, briefly summarized, are these:

We are on the verge of establishing, or allowing to be established, mercantile feudalism as well as individual feudalism. Thirteen per cent of the population of the United States owns 90 per cent of the wealth. Ninety-five corporations made 50 per cent of last year's profits. Five hundred thousand independent dealers, or one in every three, have gone down before the chains, and in the next four years at the present rate 90 per cent of the independents will be out of business.

The enormous concentration of the wealth of the country is a menace to our form of government and will be greatly accentuated by the chain stores and chain banks. At this very time a group of 25 men control 82 per cent of the country's steam-transportation system, operating 211,280 miles of railroad. These 25 men divide between them 193 directorships. This means that they average nearly 8 directorships apiece. These 25 men sit together on the board of directors of 99 class 1 railroads. These men also own 75 per cent of the coal mines in the United States, both anthracite and bituminous, and com-

pletely control the output of coal. They also control the largest banks and trust companies in the United States, including the National City Bank, the Chase National Bank, and the Guarantee Trust Co., and the United States Steel Co. and the New York Trust Co. They also control the greater portion of the developed water power in the United States, and are rapidly acquiring additional hydroelectric power.

I am giving a list of the public utilities and hydroelectric plants which are controlled by Martin J. Insull. The American ambassador to Germany, Mr. Sackett, at the World Power Conference recently held in Berlin publicly stated that the sale price of electricity established by these utilities was fifteen times the cost of producing it. I will attach this list at the close of my remarks. There are other great supercompanies which have divided up the country with Mr. Insull. I am also attaching to my remarks a list of the Borden Milk Products Co. holdings, which reach all over the United States and Canada and control over 100 large subsidiaries, which in turn control many other plants. The Borden Co. and Southern Dairies practically control milk, cheese, and butter prices.

NOT A SURPLUS OF DAIRY PRODUCTS

We have not a surplus of dairy products in the United States, and, therefore, the producer, if well organized, should control the price of his products, and could if it was not for these supercorporations which control the price of his products.

MILK PRICES LOWEST SINCE THE SLUMP OF 1922

Wisconsin is the largest dairy State, and I will give average prices paid for milk as shown by official statistics.

The years 1921 and 1922 were the low-price years in milk since the war, with an average of $1.64 per hundredweight on Wisconsin farms for both years. Following 1922, milk prices rose, and in 1923 the average price was $2.07. In 1924 the average price again declined to $1.73, but since then it rose steadily up to 1928, when the average of $2.15 for the year was reached.

In October of 1928 Wisconsin milk prices began to decline, and for the past 20 months this decline has continued.

Average monthly farm milk prices for the first five months of 1930 as compared with 1929 are as follows:

Month	1929	1930
January	$2.23	$1.81
February	2.17	1.74
March	2.13	1.72
April	2.06	1.68
May	1.98	1.62

The preliminary milk-price figure for May of this year in Wisconsin is $1.62 as compared with $1.68 in April. During May the average price of milk sold for city-market purposes was $2.26; for cheese factories, $1.62; for creameries, $1.68, according to the reports received from dairy reporters by the Wisconsin Crop Reporting Service.

GRAIN PRICES DECLINE AGAIN—FIND NEW LOW PRICES FOR THE PAST 17 YEARS AT TO-DAY'S OPENING

CHICAGO, July 8.—Grain prices slanted downward again to-day, finding new bottom prices for the last 17 years at the opening.

July wheat sold down to 86 cents a bushel, and September delivery fell below 90, while both corn and oats were at the season's minimum.

Wheat showed overnight losses of three-fourths to 1⅞ cents a bushel. The general selling at the opening was attributed to weakness at Liverpool, stock-market depression, and rains in the spring-wheat country. The Winnipeg market started relatively firm, however, and helped a rally in the day here.

Wheat opened here at 86 to 87 cents for July; September, 89⅝ to 90⅝; and December, 95½ to 96.

HAVE THE LAST 10 YEARS BEEN AN ERA OF PROSPERITY?

Those who speak with authority and who read the first-page headlines in our metropolitan papers have continually claimed in the last 10 years that the United States was enjoying the greatest era of prosperity in its history. They offer the undisputed evidence that in 1912 the Census Bureau estimated our national wealth at $186,300,000,000. In 1928 the estimate of our national wealth was $360,062,000,000. That the increase in wealth in the United States in 16 years has amounted to $173,762,000,000, an increase in 16 years of almost as much as the 136 years preceding. They rest their case upon these figures which at least makes out a prima facie case.

NOT AN EQUITABLE PROSPERITY

I maintain that the so-called prosperity was not an equitable prosperity; that this stupendous increase of wealth has not been equitably distributed, and that the present financial crisis is the result. That the men and women who did more than anyone else to produce this wealth have been denied a fair and equitable share in that which they have produced. It is a fact, which can not be controverted, that agriculture is the basic industry in the United States. That this industry in magnitude surpasses the combined wealth of all our railroad systems, our automobile industry, our steel industry, our coal mines, iron mines, gold and silver mines; that the major portion of the Nation's astounding increase in wealth has come from agriculture. The men who have tilled and cultivated the soil, who have been engaged in animal industry, dairying, and all of the branches of agriculture, have done more than any other class to produce our great wealth.

The laborer who converts the raw materials into the finished product, thereby enhancing the value of the same, sometimes many hundredfold, also contributes materially to the annual increase of the wealth of the Nation. The people engaged in other employments and professions are necessary and important in the economic life of the Nation and are entitled to fair and reasonable remuneration for their labor, and I do not underestimate in any way or minimize their importance, but they are not producers of wealth and are not at the present time so acutely affected by conditions as the producers of wealth.

CONCENTRATION OF WEALTH

Taking the figures from the Income Tax Bureau, we find there are 496 citizens having incomes of a million dollars per year and over, 24 citizens having incomes of $5,000,000 per year and over, while 40,000 citizens are millionaires.

In contrast to the two and one-half million citizens who pay an income tax there are more than 116,000,000 people who did not have sufficient incomes to bring them within the income tax.

In the first 140 years of the United States we produced 14,771 millionaires. In the last 14 years we have produced 25,229 millionaires, or over six millionaires per day for the last 14 years.

FARM PROSPERITY

The United States Department of Agriculture, an unquestionable authority, states that the value of farm property in 1920 was, in round numbers, $79,000,000,000, and that in 1925 the same property had fallen in value to $59,000,000,000. A shrinkage of over $20,000,000,000 in five years. This farm property is mortgaged for $12,500,000,000, and the interest which these farmers are paying amounts to over $750,000,000 annually.

What has happened to this missing $20,000,000,000 and the shrinkage of farm property? Has this twenty thousand million dollars been lost, strayed, or stolen?

Every farmer whose mortgage has become due, and he has tried to renew the loan, and every farmer who has tried to borrow money knows that a tremendous blight has struck farming and that he can not borrow half the amount he could in pre-war times. Until 1920 every farmer who had a good farm, well located, had the satisfaction of knowing that, with the growth of the locality and State where he lived, his farm was increasing in value. Now the reverse is true, which has put a blight on the once splendid and independent occupation.

CAUSE OF UNEMPLOYMENT

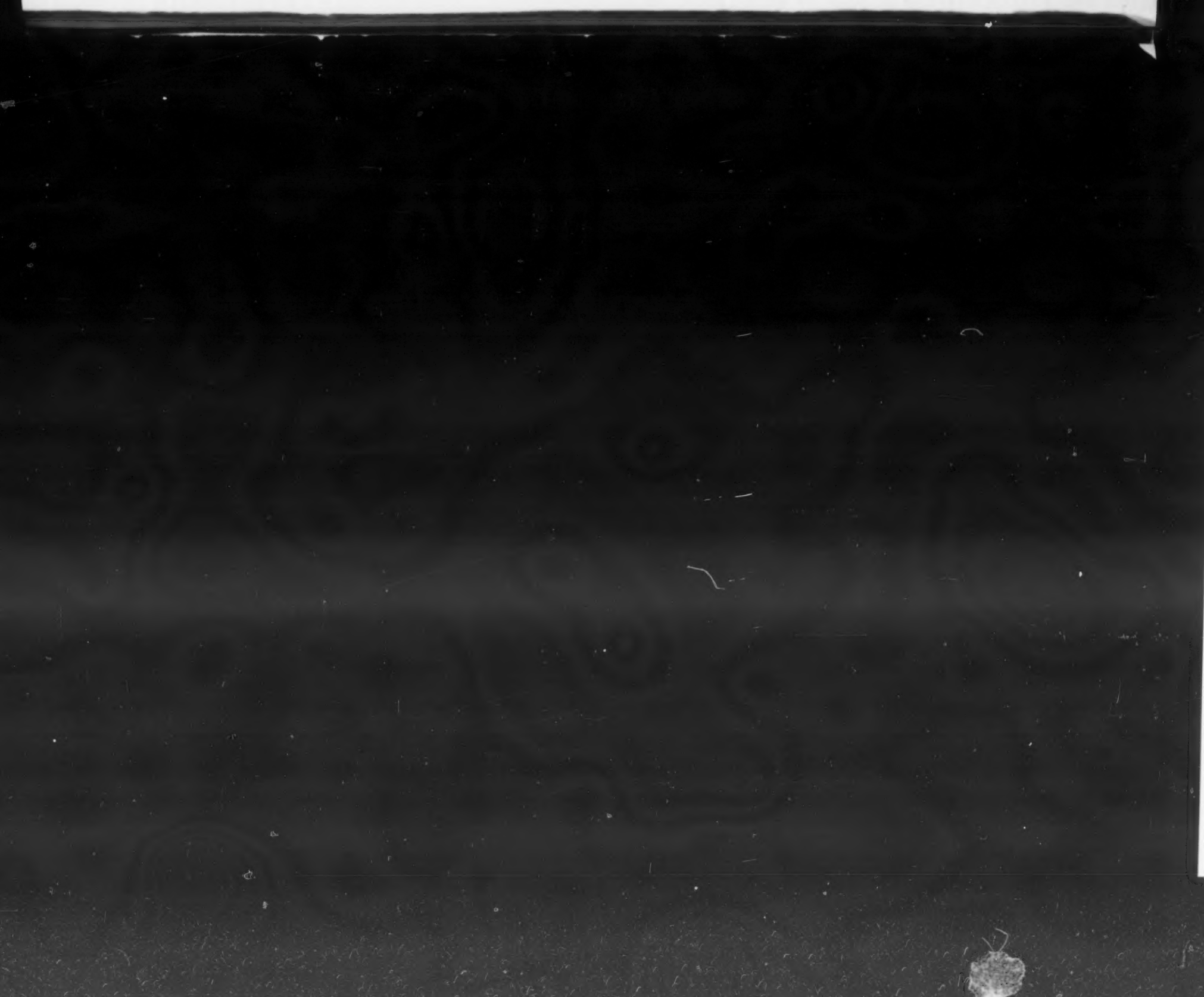
One of the principal causes of unemployment is the farm depression which has been going on for the last 10 years, several million farmers going to the cities. The farmers and their families, constituting almost one-third of our population, are not making a living wage and have not been able to purchase as formerly. Very little farm building has been going on in the last 10 years, or painting or repairing of farm buildings. The farmer buys only the new machinery absolutely necessary. All of these things have contributed to the business depression and unemployment.

Another cause has been the lack of confidence on the part of the small manufacturer and business man who believes it is not safe to expand his business in view of the large combinations and monopolies which are usurping all lines of business and eliminating smaller industries and who are destroying the possibilities of the individual to do business.

ALL INDEPENDENT BUSINESS CONCERNED

The farmer, the country merchant, the smaller manufacturer, the business man, and the banker are all more or less menaced by these supercorporations. The merchant and business man heretofore has not considered the farmers' problems his problems, and the farmers have paid very little attention to the business man's problems.

If all these various interests do not unite in a common cause to prevent these supercorporations from controlling business, it means that all business, including farming, will be in the absolute control of the large combinations of wealth, and the same conditions which prevail in many European countries will prevail here. The initiative of the country will become



an army of branch managers, and the welfare of the local community will be entirely intrusted to absentee capital.

HOPE OF AMERICA

The splendid independent middle class which has been the hope and strength of America and from which the Government and business has drawn for its best material is constantly growing smaller under the rapid and radical evolution which is taking place in business.

Equality of opportunity has been the boast of America. It has attracted to our shores the ambitious and worthy men and women from every country in the world. This is the only land where every child born who has the capabilities has the opportunity to rise to the highest position of honor in business and government.

I will repeat the words of an eminent judge, a member of the Supreme Court of Ohio, in the case of the State *v.* The Standard Oil Co. (49 Ohio, pp. 136–137):

Experience shows that it is not wise to trust human cupidity, where it has the opportunity to aggrandize itself at the expense of others. The claim of having cheapened the price to the customer is the usual pretext on which monopolies of this kind are defended. * * *

A society in which a few men are the employers and a great body are the employees or servants is not the most desirable in a republic; and it should be as much the policy of the law to multiply the number engaged in independent pursuits or in the profits of production as to cheapen the price to the consumer. Such policy would tend to an equality of fortune among its citizens, thought to be desirable in a republic, and lessen the amount of pauperism and crime.

REMEDY

The Sherman and Clayton Antitrust Acts were passed by Congress to prevent monopolistic oppression and unfair trade practices. If these laws are not sufficient the Attorney General of the United States should recommend to Congress amendments which will strengthen the antitrust laws so as to curb these combinations which are detrimental to the public interests.

The selling of wheat, cotton, and other commodities on the stock exchange by people who do not own a dollar's worth of these commodities; the buying on margins and all of these purely gambling operations on our stock exchange injuriously affect the real producers of these products and should be prohibited as other gambling is prohibited.

THE VOTER CAN BREAK THE POWER OF PRIVATE MONOPOLY

The voter has it in his hands to break the power of private monopoly. He can do this at the ballot box by uniting upon this one issue and not being diverted and divided on smaller issues which are magnified and brought to the front by these very interests to camouflage the real issues and divide the force of the opposition.

The prohibition question is being pushed to the front by these interests at this time. We see the Du Ponts and the Atterburys taking one side and the Rockefellers taking the other side of the prohibition issue. When it comes to voting and using their tremendous influence the forces pay no attention whatever to the issue. We see Atterbury, the president of the largest railroad system in the country—the Pennsylvania, and Vare, who have been the vociferous wets in the country, supporting Mr. Davis, a bone dry, for Senator from Pennsylvania.

Again the cry of party regularity is used as an appeal to serve the purpose of these interests which are seeking to divert the attention of the voters from the main issue and perpetuate themselves in power. Yet when it comes to getting the men in office who are friendly to their interests, they throw party regularity to the wind. These supercorporations that are practicing mass production in industries are also practicing mass production in politics. They control a large part of the press, and in many cases have purchased influential newspapers in various localities for the political influence it would give them.

If the forces opposed to these monopolies expect to be successful, they must present a united front and bring the Government back to the people.

The late Senator La Follette for many years and up to the time of his death maintained that the one dominant issue was the curbing of private monopoly and bringing the Government back to the people. In a speech in the Senate he said:

Where are the people to find protection from private monopoly? Will the Government furnish it? Bah! The private monopoly system is the government. The private monopoly makes and administers the law. Can the voters make their Government free again? Can they break the combined power of private monopoly? That is the issue.

Martin J. Insull: President and director Middle West Utilities Co.; president and director American Public Service Co.; president and director American Public Utilities Co.; president and director Central & Southwest Utilities Co.; director, Central Illinois Public Service Co.; director, Central Indiana Power Co.; director, Central Power Co.; president and director Illinois Northern Utilities Co.; president and director Insull, Son & Co.; director, Kansas Electric Power Co.; president and director Kentucky Hydroelectric Co.; president and director Missouri Gas & Electric Service Co.; president and director Mississippi Valley Utilities Investment Co.; president and director North West Utilities Co.; president and director Utah Gas & Coke Co.; vice president and director Great Lakes Power Co.; vice president and director Lake Superior District Power Co.; chairman and director Public Service Co. of New Hampshire; chairman and director Public Service Co. of Oklahoma; vice chairman and director New England Public Service Co.; vice chairman and director Utilities Securities Co.; director, Central Maine Power Co.; vice chairman and director National Electric Power Co.; director, Peoples Gas Light & Coke Co.

THE BORDEN CO.

The Borden Co., now a holding company, was incorporated under the laws of New Jersey on April 24, 1899, as Borden's Condensed Milk Co.; name changed October 29, 1919, to present title. The business was originally established in 1857. At the beginning of 1928 a policy of expansion was inaugurated, with a view to broadening and diversifying company's activities, which resulted in the acquisition of a large number of concerns. The consideration in practically all such acquisitions was stock of the Borden Co., except for the cash involved in the retirement of outstanding bonds and preferred stock.

As of July 1, 1929, company transferred the properties and business formerly operated directly by it to Borden's Milk Products Co. (Inc.), a subsidiary, incorporated in 1929, and thereby became solely a holding company. In addition, it transferred the capital stocks of existing operating subsidiaries, dividing them into four groups known as: (1) The manufactured products group; (2) the fluid milk and dairy products group; (3) the ice-cream group, and (4) the produce group, to Borden's Food Products Co. (Inc.), Borden's Dairy Products Co. (Inc.), Borden's Ice Cream & Milk Co. (Inc.), and Borden's Produce Co. (Inc.), respectively, which are subsidiary holding companies.

The Borden Co. is a holding company, owning the entire capital stocks of other companies, amongst which are four major subholding companies, owning in turn the entire capital stocks of a large number of operating companies. These operating companies are subdivided into groups comprising what are known as the four main divisions or groups of the company's activities.

The following schedule shows the four groups, the holding company controlling each group, the operating companies in each group, and the location of operations:

(1) MANUFACTURED-PRODUCTS GROUP (CONTROLLED BY BORDEN'S FOOD PRODUCTS CO. (INC.))

(a) Condensed milk, evaporated milk, malted milk, dried milk, caramels, etc.:

Borden's Milk Products Co. (Inc.), throughout the United States.
The Borden Co. (Ltd.), in Canada and Newfoundland.
The Borden Southern Co., throughout the South.
The Borden Western Co., throughout the West.
The Borden Co. of Pennsylvania, in Pennsylvania.
The Borden Co. of Texas, in Texas.
Maricopa Creamery Co. (Inc.), in Southwest, mainly Arizona.
Galloway-West Co. (Inc.), in Middle Western States.

(b) Klim, milk powder, None-Such mince meat, powdered fruit juices, lemon-pie filling:

Merrell-Soule Co. (Inc.), throughout the United States.
Canadian Milk Products (Ltd.), in Canada.
Merrell-Soule Co. (Ltd.), in England and Continental Europe.

(c) Malted milk:

Thompson's Malted Milk Co. (Inc.), throughout the United States.

(d) Cheese:

Lakeshire Cheese Co., throughout the United States.
F. X. Baumbert & Co. (Inc.), W. A. Lawrence & Son (Inc.), mostly in Eastern States.
Baumert Co. (Ltd.), in Canada.
Chateau Cheese Co. (Ltd.), in Canada and United States east of Mississippi River.
Moyneur Cooperative Creamery (Ltd.), in Canada.
Schmitt Bros. (Inc.), mostly in Central States.
A. H. Barber & Co. (Inc.), Grunert Cheese Co. (Inc.), in Central and Southern United States.
The Mourne Cheese Co. (Inc.), throughout the United States.
Hasselbeck Cheese Co., in Eastern United States.

(e) Dried skim milk in bulk, dried whole milk in bulk, "Dryco" infant food, sweet cream, dried casein, milk sugar, casein plastics, casein glues:

The Casein Manufacturing Co. of America (Inc.), the Dry Milk Co. (Inc.), National Milk Sugar Co. (Inc.), in United States, Canada, and export to Continental Europe and South and Central America.

(2) FLUID MILK AND DAIRY PRODUCTS GROUP (CONTROLLED BY BORDEN'S DAIRY PRODUCTS CO. (INC.))

Borden's Farm Products Co. (Inc.), New York metropolitan district.
Borden's Farm Products Co. (Ltd.), Montreal and suburbs.
Ottawa Dairy (Ltd.), Ottawa, Canada.
Cornwall Dairy Products (Ltd.), Cornwall, Canada.
Borden's Farm Products Co. of Illinois, Wieland Dairy Co. (Inc.), Chicago and suburbs.
Gridley Dairy Co., Milwaukee, Wis.
Gabel-Risdon Creamery Co. (Inc.), Belle-Isle Creamery Co. (Inc.), Detroit and suburbs.
Walker-Gordon Laboratory Co. (Inc.), New York, Boston, Philadelphia, and other eastern cities.
Averill Dairy Co. (Inc.), Akron, Ohio.
Laurentian Dairy Co. (Ltd.), Ottawa, Canada.
Kennedy Dairy Co., Mansfield-Caughey Co., Madison, Wis.
Racine Pure Milk Co. (Inc.), Racine, Wis.
Moores & Ross (Inc.), Hamilton Milk Co. (Inc.), Columbus and central Ohio.
Springfield Purity Dairy Co. (Inc.), Springfield, Ohio.
Terre Haute Pure Milk & Ice Cream Co. (Inc.), Terre Haute, Ind.
Dairy Delivery Co. (Inc.), Capital Dairy Co., Fresno Jersey Farm Dairy Co., Green Mountain Dairy, San Francisco, Sacramento, Fresno, and immediate vicinity.
Caulfield's Dairy (Ltd.), Toronto, Canada, and suburbs.
Standard Creameries Co. (Ltd.), Oakland, Sacramento, Fresno, and immediate vicinity.
Castanea Dairy Co. (Inc.), Trenton, N. J.
Plainfield Milk & Cream Co. (Inc.), Plainfield, N. J.
Borden's Farm Products Co. of California (Ltd.), Los Angeles, Calif.
The Mitchell Dairy Co. (Inc.), Bridgeport, Conn.
Boulevard Dairy Co. (Inc.), Albany, N. Y.
Willow Brook Dairy (Inc.), Mt. Vernon, New Rochelle, and White Plains, N. Y.
The Pure Milk Co. (Ltd.), Hamilton Dairies (Ltd.), Hamilton, Ontario.
Walkerside Dairy (Ltd.), Windsor City Dairy (Ltd.), Ballantyne Dairies (Ltd.), Windsor, Ontario.

(3) ICE CREAM GROUP (CONTROLLED BY BORDEN'S ICE CREAM & MILK CO. (INC.))

Reid Ice Cream Corporation, J. M. Horton Ice Cream Co. (Inc.), New York metropolitan district.
Dairy Made Ice Cream Co. (Inc.), Paterson, N. J.
The Noaker Ice Cream Co. (Inc.), Canton, Ohio.
The Furnas Ice Cream Co. (Inc.), Indianapolis, Terre Haute, and South Bend, Ind., and Akron and Columbus, Ohio.
The City Dairies Co. (Inc.), St. Louis, Mo.
Muldoon Dairy Co., Fort Wayne, Ind.
Wieland Ice Cream Co. (Inc.), Peoples Fuel & Supply Co. (Inc.), South Chicago Ice Cream Co. (Inc.), Jersey Ice Cream Co. (Inc.), John T. Cunningham Ice Cream Co. (Inc.), McBride Bros. Ice Cream Co. (Inc.), Chicago and suburbs.
Aurora Ice Cream Co. (Inc.), Aurora, Ill.
Sharpless-Hendler Ice Cream Co., Wilmington, Del., and vicinity.
The Purity Ice Cream & Dairy Co. (Inc.), Springfield, Ohio, and environs.
Hendler Creamery Co. (Inc.), The Supreme Ice Cream Co. (Inc.), The Horn Ice Cream Co. (Inc.), Baltimore, Md., and adjacent territory.
Trojan Ice Cream Corporation, Troy, Glen Falls, Saratoga Springs, and Hudson, N. Y.
Hosler Ice Cream Co. (Inc.), Albany, N. Y.
The Red Wing Corporation, Dayton, Ohio.
Westgate Ice Cream Co. (Ltd.), Windsor, Ontario.

(4) PRODUCE GROUP, CONTROLLED BY BORDEN'S PRODUCE CO. (INC.)

(a) Frozen eggs:
Titman Egg Corporation, H. J. Keith Co., throughout the United States and Canada.
(b) Eggs in shell, frozen eggs, egg powder:
The Amos Bird Co., in China, England, and Continental Europe, and throughout the United States and Canada.
(c) Butter and white eggs:
The Fox River Butter Co. (Inc.), in New York City and environs and the Pacific coast.
(d) Butter and ice cream:
Mistletoe Creameries (Inc.), Western Ice Co., Morning Glory Creameries (Inc.), Texas Creamery Cold Storage Co., Pool Creamery Co., El Paso Creamery Co., throughout the South and Southwest.
(e) Butter:
Hanford Produce Co., Kirschbraun & Son (Inc.), Willow Springs Creamery Co., throughout the West and eastern United States.
(f) Butter, cheese, eggs, poultry:
M. Augenblick & Bros. (Inc.), in northern New Jersey and Jersey shore resorts.
(g) Poultry and eggs:
Norfolk Poultry Co., in Middle West and eastern United States.
Dallas Milk Co. (Inc.), Dallas, Tex.

Negotiations have practically been completed for the acquisition of Hildebrecht Ice Cream Co. (Inc.), Trenton, N. J., and the Dairy Products Corporation, Dayton, Ohio, which have not as yet been definitely allocated.

Among other wholly owned subsidiaries are the Borden Realty Corporation, Borden's Premium Co. (Inc.), and the Borden Sales Co. (Inc.).

OLD-AGE PENSIONS

Mr. LAMPERT. Mr. Speaker, I desire to submit my views in favor of legislation to provide a pension for the indigent aged.

This question of caring for the rapidly growing number of needy aged persons in the United States has become acute, and in my opinion the time is not far distant when the Congress will be faced by a compelling necessity to enact such legislation.

This problem has arisen from many cumulative causes, and has been growing in importance throughout the last 20 years, with marked acceleration in the last 10 years.

The question now is not whether we should have a system of old-age pensions, but what sort of legislation will be constitutional; what sort of an organization and system for determining the amount of pension to be allowed in each individual case; what the method of raising the money shall be; and what sort of an organization shall be created by Congress for administering the law.

We Americans like to boast that we are generous. We also like to remember that we are what we are—the richest Nation on the globe. We like to point to our postwar relief for the starving millions of Europe; our quick response to foreign famine funds; our philanthropies and benefactions, which are much larger than those of other nations.

But much of our giving still is of the old personal charity type and too little is of the organized social relief type.

We dislike to face the fact the we, the richest Nation on the globe, in spite of our boasted humanitarianism, are the only industrial nation in the world which has made no national provision for the relief of its indigent aged.

Nations which many of us consider to be backward have gone ahead quietly about the business of providing for their needy aged while we have been busy in the more spectacular pursuit of creating great fortunes for the few. Nearly every other civilized country on the globe has some system for caring for its aged dependents, yet we have none.

Although this problem now is acute, it will be necessary to conduct a long and careful study of all the factors contributing to the causes of indigent old age in America, and for the system of pensioning, and the most effective method of administering relief, before final legislation can be enacted.

First, we must analyze the causes for the rapidly growing number of needy aged in this country.

As has been pointed out before your committee during the hearings by the representatives of the American Association for Old Age Security and other expert witnesses, the situation in this country not only is more serious than in any other country but the necessity for legislative relief is becoming more imperative year by year.

There are many contributing causes for this condition. But since it is my purpose to indicate my sentiments with regard to the principle, rather than to undertake an analysis of the causes making this legislation necessary, since analysis can be better handled by experts who have made long studies of these questions than is possible for a Member of Congress to do, I shall discuss only some of the most obvious reasons which appeal to me as indicating the necessity for the earliest possible legislation on this question.

Three prime causes have arisen under our modern civilization to produce this problem of indigent aged.

The one is the technological cause. The tremendous advances and discoveries made by science and applied to the increase of efficiency in industrial production in this country have brought about a condition in industry under which by the aid of machines the tasks formerly requiring many individuals to perform now are accomplished by a few individuals with greatly increased production. In other words, one man operating a modern machine to-day does the work which a dozen or even a hundred men were formerly required to accomplish. This has brought about a problem of unemployment which I regard as permanent. The element of the survival of the fittest enters into industrial work to such an extent that in the natural course of events the elderly workers are crowded out by the more youthful.

The operation of this vast and complicated machinery demands the physical agility, the mental alertness, and the physical stamina to withstand long periods of strain which are not possessed by elderly individuals.

This naturally results in the gradual shelving of the man or woman beyond the age of 45, because industry and commerce are unable to assimilate those past middle age thus displaced in their regular lines of work.

The modern educational system has also resulted in turning out each year many thousands of young men and women thoroughly trained in colleges or technical institutions for responsibilities and duties which formerly could be discharged only by those who had learned their jobs by long years of experience.

The graduates of these colleges and technical institutions are being turned out into the industrial and commercial world as thoroughly trained workers at an age at which a few years ago the individual was just completing his or her apprenticeship.

This all may be expressed in the statement that the age average of experts and executives in all lines of human endeavor is rapidly being lowered. Here again we have a condition under which the displaced elderly workers have no avenue left through which to find a comfortable income through their own mental or physical exertions.

The fact may just as well be faced that in this country the percentage of persons beyond the age of 45 engaged in industrial and commercial pursuits is constantly shrinking, while the per cent of persons beyond the age of 45 who are suffering from the pangs of poverty and who are unable to find any place in the economic scheme of things is increasing in the same rapid ratio.

Another great cause of this problem is the fact that in America we have by every method possible encouraged our people to live beyond their means, to mortgage their future through installment buying and to indulge themselves in the costly and complicated business of modern luxury-loving living with the result that as the individual finds himself displaced in the work of industry and commerce, he is also overtaken by the sad results of having lived up his income day by day.

Whether this condition is the fault of the Government, of the State, of industry, of commerce, or of the individual, or whether it is a combination of causes, is now beside the point. The great facts are that we have this problem; that it is intense; that it is growing greater year by year; that it can not be handled by the organized municipal charities; that it can not be handled by the State; and, finally, that it is now the problem of the National Government.

The whole question is so fraught with problems so difficult of solution that it seems at times to one studying the situation well-nigh hopeless of practical solution. It is so obvious that the studies of these problems will necessarily cover such an extended period of time before actual legislation may be made effective that it seems to be imperative that we adopt such measures as are necessary to begin a comprehensive survey of the problem with a view to as quickly as may be possible working out this relief legislation.

Another contributing factor is the increased longevity which has been accomplished through medical science.

While it is true that the diseases of old age, such as arteriosclerosis, heart disease, and other organic and usually fatal diseases incident to advanced age have not been appreciably reduced by medical skill and study, still remains the fact that former fatal diseases of infancy and early youth have been so conquered by modern medical science as to vastly increase the number of those who live to reach an age beyond 45 years.

In conclusion, then, I desire to urge such measures as may be necessary to facilitate a study of the problems surrounding this question and the enactment of adequate legislation to meet this great and pathetic need of our indigent aged in the United States.

PRESIDENT HOOVER'S ADMINISTRATION DISAPPOINTING

Mr. LOZIER. Mr. Speaker, in the 1928 presidential campaign Mr. Hoover was placed on a pinnacle and proclaimed a superman who as President would do wonders; that the economic forces of the Nation would instantaneously respond to his magic touch and an unprecedented wave of prosperity would sweep from Lakes to Gulf and from the turbulent Atlantic to the placid Pacific, bringing wealth and contentment to all vocational groups. It was boldly asserted and generally believed that his genius as an organizer and his expert knowledge of business affairs made him the best equipped man in the Nation for the Presidency, and with him at the helm the ship of state would sail stormless seas, business would be stabilized and stimulated, and that a hitherto unheard-of prosperity would come to all classes of our people. So sanguine and optimistic were his devoted followers that many firmly believed he would abolish poverty, solve the farm problem, keep our mills and factories running at full speed, open new markets for surplus products, increase our foreign trade, and multiply our wealth beyond the dreams of avarice.

But alas and alack, how miserably this prophecy has failed of fulfillment. No pot of gold has been found at the end of the Hoover rainbow. The perplexing farm problem is no nearer solution. Business has not been stabilized or stimulated. Our foreign relations have not been improved. Our domestic industries are languishing and many sick unto death. Banks continue to fail at an unprecedented rate. Rich and productive farm lands have no market value, though offered for sale for a song. Farm mortgages are being foreclosed by thousands. Commerce is stagnated and listless. Stocks, bonds, and securities have fallen to new low levels. Our foreign trade declines. Like the Arab, prosperity folds its tent and silently steals away. Unemployment has assumed alarming proportions. Mills and factories have shut down.

The purchasing power of the masses, especially farmers, has been tremendously reduced and in many instances destroyed. Commondity production shows unmistakable signs of falling off. The price of farm products has tumbled to levels so low as to spell disaster to the agricultural classes. Shuttles and looms are inactive. The stock and bond market has fallen so low that an investor has to look up to see the bottom. Bread lines are forming and lengthening. Millions of unemployed workmen walk the streets seeking jobs whereby they may save themselves and their wives and children from beggary and starvation.

No well-informed man or woman will assert that President Hoover has made good. Only the most benighted partisan will say that he has shown even mediocre qualities of leadership. His best friends acknowledge that he has been a disappointment. Only the blind will say business and economic conditions are normal or satisfactory. The much-heralded prosperity must have struck an air pocket and been sidetracked somewhere between the White House and Wall Street, between the Department of Agriculture and the millions of bankrupt American farms.

Instead of a master pilot at the wheel, a sad-eyed and sorely disappointed and sadly bewildered man sits, in almost seclusion, at the White House, surrounded by a few weakling sycophants, conscious of his failures and knowing not where to turn. Instead of being a bold, aggressive crusader, he has signally failed to lead his party on a single major policy or legislative program. Instead of displaying qualities of leadership he nods at the beck and call of a self-constituted party oligarchy, in whose hands he is as pliable as putty under a glazier's firm touch. He is not a bold navigator in affairs of state, courageously splitting charted and uncharted seas, establishing new and wholesome policies; not an intrepid pioneer blazing a new trail and establishing new landmarks, but a perplexed, irresolute, hesitating captain of a disabled ship in a becalmed sea, torn by preplexing emotions and distracted by conflicting counsels.

I respect President Hoover, but I can not escape the conclusion that as an administrator he has drifted dangerously close to the pit of failure. Why are the people of all political parties disappointed in President Hoover's administration? The answer is obvious: He failed to keep his campaign pledges; he gave us a milk-and-water farm relief bill that has been weighed in the balance and found wanting and will go down in history as a monumental failure, because the industrialists who wrote the bill and enacted the legislation knew that it was unworkable and they never intended that it should place agriculture on an equality with industry; he promised to call a special session of Congress primarily to enact legislation to relieve agriculture from the unjust burden and economic handicap under which it has so long labored, but as soon as Congress assembled the Republican leaders surrendered body and soul to the manufacturers, big business, and special-privilege classes, who proceeded to write a tariff law advancing tariff taxes to unprecedented levels, thereby imposing unbearable burdens on the American people.

As a net result of the Hawley-Smoot tariff the farmer will pay out a dollar for every dime of benefits that accrue to him under this act. The American people in the election of 1928 gave no mandate in favor of an increase of tariff taxes, except on farm products. Everybody knows there was no nation-wide demand for an upward revision of tariff schedules. Everyone knows that the Hawley-Smoot tariff bill will add hundreds of millions of dollars to the tax burden of the American people, especially the American farmers.

When President Hoover realized that the big-business buccaneers were writing an unconscionable tariff bill, he stood mute and allowed his party in Congress to fasten grossly excessive tariff rates on practically everything the masses or so-called

common people of America use and must buy. He missed the opportunity of a lifetime when he failed to tell his party leaders in Congress that there must be no general upward revision of tariff rates except on agricultural products, which was necessary to place agriculture on an equality with industry. He should have said to the greedy manufacturers, "There is no justification for these rates and no nation-wide demand for an upward revision of tariff schedules, and if you pass the proposed measure I will veto it." If he had taken this course, he would thereby have demonstrated his capacity for leadership and at the same time fulfilled the campaign pledges made by him and his party. If he had taken the bit in his teeth and refused the greedy demands of the manufacturers, he would have won the approval of nine-tenths of the American people without regard to their political affiliations.

But he failed to take advantage of the situation; failed to speak out boldly and condemn; failed to rebuke the greedy industrialists, who were using the agencies and instrumentalities of the Government to feather their own nests and to accomplish their selfish, sordid, and sinister purposes; failed to assume leadership of his party and the Nation; failed to protest against the violation of the platform pledges and covenants that he and his party had solemnly made to the American people; and as a result of his halting and hesitating action and his final surrender to the tariff lords, the President undeniably lost prestige and disappointed and alienated from his standard millions of men and women who looked to him for protection from the special-privilege classes, who by the Hawley-Smoot tariff bill are licensed to plunder a helpless, much-exploited, and long-suffering public.

PROHIBITION

Mr. CLANCY. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD I wish to discuss the prohibition question, as I have done several times on the floor this session of Congress.

A few months ago I was appointed by Representative CHARLES LINTHICUM as chairman of a subcommittee of three Members of the House to investigate the national convention of the Anti-Saloon League held in Detroit in January, 1930. Mr. LINTHICUM is chairman of the organized group of House Members opposed to the eighteenth amendment and the Volstead Act. The appointment of the subcommittee was made after a discussion and regular meeting of the wet group. The other two members of the subcommittee are Representatives FRED A. BRITTEN, of Chicago, chairman of the House Naval Affairs Committee, and Representative FIORELLO H. LAGUARDIA, of New York City.

The subcommittee will not report upon the Anti-Saloon League's propaganda put forth at the Detroit meeting and the probable effects of the sensational convention until after the congressional elections next November, when concrete conclusions can probably be more accurately reached. However, certain observations can properly be made now.

Many sensational statements were made by officials of the Anti-Saloon League, which were promptly flashed all over the country and which have been discussed with intense interest since. The Anti-Saloon League was audacious in holding its convention in the fourth city of the United States, as the league is much opposed to large American cities, and particularly to Detroit. Prompt reactions have undoubtedly damaged the cause of nation-wide bone-dry prohibitionists in this country.

Prominent Detroiters, such as Fred M. Alger, a philanthropist, who is a son of the former Secretary of War, Russell A. Alger, and Henry B. Joy, former president of the Packard Motor Car Co. immediately met the challenge of the league to convert Detroit by organizing a formidable wet movement. They estimate that by the end of eight years they will secure prohibition modification. They know they face a long, hard battle, but what they want to bring about is modification of the prohibition laws along lines which have been worked out successfully elsewhere. There are, for instance, the Quebec law, the Ontario law, and the Swedish system, all of which are better laws and bring better results for organized society than the eighteenth amendment and its accessory, the Volstead Act.

Queen Mary of England said "When I am dead you will find Calais written on my heart." The English captured Calais several times, but when Queen Mary finally lost it all hopes of England for territory on the mainland of Europe were gone.

Well might the last ruler of the Anti-Saloon League say when it is dead, and it must inevitably die, for it is an anti-American, supergovernmental agency, "You will find Detroit written on its heart."

The city of Detroit probably did more than any other city in the United States to put the eighteenth amendment in the Constitution as the law of the land. The "angel" of the Anti-Saloon League of America was S. S. Kresge, of Detroit, who induced automobile and other manufacturers of Detroit to give large amounts of money to the fund of that cause. These Detroiters aimed to increase the efficiency of the American workmen. Now they admit their mistake, and they are working just as feverishly to get the eighteenth amendment out of the law as they did to get it in the law. Mr. Kresge was one of the so-called "big nine" on the board of directors of the Anti-Saloon League of America and the affiliated organizations. He sat on the board for years. This board planned and secured the eighteenth amendment.

THE LEAGUE AND REAPPORTIONMENT

Some of the Anti-Saloon League officials have been bold enough to deny that they opposed reapportionment during the last 10 years. They knew, as everybody knew, that if reapportionment were had after the census of 1920, as required by the United States Constitution, big cities of the United States would have gained a number of Congressmen and the rural districts would have lost correspondingly.

I sat on the House Census Committee and participated in all the bitter fighting of the last two years which finally resulted in the reapportionment bill being passed in 1929. By this bill Detroit will gain three or four Congressmen. Detroit has been cheated out of three or four Congressmen for the past few years by the refusal of dry leaders of the House to allow reapportionment after the 1920 census.

There is much evidence to show that prominent dry leaders and officials of the Anti-Saloon League will continue their desperate efforts to prevent large cities of the United States from getting the additional Congressmen to which they are entitled under the 1930 census and under fair reapportionment. For instance, Bishop James Cannon, jr., on the eve of sailing aboard, issued a statement on July 6 last in which he demanded the passage through Congress of an amendment to the Constitution forbidding the counting of aliens as a partial basis for reapportioning Representatives in Congress.

Both the Hoch and Stalker alien amendment bills are pending in Congress and both are recognized as pretexts for cutting down the number of wet Congressmen from cities and increasing the number of dry Congressmen from rural districts.

BISHOP CANNON AGAIN

Bishop Cannon said:

These unnaturalized aliens are estimated to number 7,500,000 and give to wet metropolitan centers about 30 Congressmen and 30 electoral votes. Were they eliminated in the enumeration the basis of apportionment would be correspondingly lowered and States like Virginia, which now seem certain to lose a Congressman, might retain the present number.

There should be a prompt, sharp drive to get this resolution (the Stalker resolution for submission of a constitutional amendment to achieve the alien exclusion) through Congress before Christmas and then press it through the State legislatures during the winter of 1931. The time is short, but by persistent systematic work it can be done.

The Hoch alien exclusion bill actually did pass the House in 1929, but it was killed when the Members of the big cities also secured the passage of the Tinkham bill, providing for the enforcement of the fourteenth amendment.

THE TINKHAM ANTIDOTE

The Tinkham bill would have excluded from counting, for reapportionment purposes, all American citizens over 21 years who are not permitted to vote. This is aimed at the situation in the South, where the right to vote of some 15,000,000 of colored people is curtailed. A compromise was effected and both the Hoch and Tinkham bills were killed.

As a member of the Census Committee I was partly in charge of the reapportionment bill to which the Hoch and Tinkham amendments were attached. I was one of the first to vote that the Tinkham amendment be adopted when the drys forced the adoption of the Hoch amendment.

I have never felt any regret for voting and working for the Tinkham amendment, although I knew, as practically all the Members knew, that a number of Members of the House voted for the Tinkham amendment as a reprisal against the Hoch amendment, which aimed to deprive unjustly big cities of their rightful share of Congressmen.

More light is thrown on the alien exclusion question by the bitter debates in Congress in 1929 when the reapportionment bill was up for consideration. I participated in these debates.

Also I will quote a passage between the gentleman from Kansas [Mr. HOCH] and myself, which came out of the Hudson border bill debate, beginning on June 30, 1930:

Mr. CLANCY. Now, before I conclude, I will yield to the gentleman from Kansas [Mr. HOCH]. Does the gentleman want to ask me about

the matter of the Hoch alien amendment bill and its aim to cut down the number of Congressmen from big cities?

Mr. HOCH. I was just going to ask the gentleman if he favors counting aliens, men who have not sworn allegiance to this country, in determining the number of Congressmen a State should have and in determining the electoral vote a State should have?

Mr. CLANCY. Yes; I favor the counting of aliens, because the Constitution of the United States specifically provides for that and formerly the Constitution did for the counting of slaves. The principle is well recognized by court decisions and is fair. Those who oppose the Constitution on counting aliens and those who supported your bill did so frankly to deprive big cities of a number of Congressmen, to which they are justly entitled, and to give these Congressmen unjustly to the rural districts. The same people have aided in cheating Detroit out of three Congressmen, to which Detroit has been entitled for the past 10 years.

The drys did that.

In turn I will ask the gentleman from Kansas [Mr. HOCH] a question that goes to the very vitals of our representative government. When he secured the passage of the Hoch alien amendment bill last year, myself and others immediately secured the passage of the Tinkham bill on the fourteenth amendment. That was the cold steel, and the gentlemen and other drys were thunderstruck. They could not face the cold steel.

Is the gentleman from Kansas in favor of counting some 15,000,000 disfranchised negroes in the South for apportioning Congressmen, in strict violation of the fourteenth amendment? The effect is to give the drys many seats in the House to which they are not entitled. The gentleman knows the House finally compromised on both amendments by striking them both out on later votes.

Mr. HOCH. Oh, the gentleman talks about the Anti-Saloon League all the time, and I will say to the gentleman I never heard from the Anti-Saloon League, directly or indirectly, with reference to this measure; but I would assume they are in favor of a law the purpose of which is to help enforce the laws of this country.

Mr. CLANCY. Very well.

The gentleman, when he spoke of "this measure," meant the border act, which was up on June 30.

One of the vital points about the alien question is that aliens in the United States become citizens, as a rule, just as fast as they can qualify. This is mainly to protect themselves from deportation and to get jobs, as many manufacturers, particularly in Detroit, will hire only citizens.

MR. ANDERSON ENTERS

Briefly let us look further into the forces behind the Hoch and Stalker amendments. The former superintendent of the Anti-Saloon League in New York, William H. Anderson, claims credit for originating the idea. To say the least, Mr. Anderson does not enjoy a good reputation and spent some three years in Sing Sing Prison on charges of misappropriating funds. He said in the hearings before the House Judiciary Committee on February 13, 1929:

Now, as to the origin. * * * I say to you very frankly my interest was the prohibition interest. I was connected with the Anti-Saloon League at the time when I first made this proposal and brought it up in 1921. Now, I have not the slightest idea I am the first person who ever thought of it; I have not the slightest doubt but that a good many men thought of it before I was ever born. But it did originate with me in my own mind and so far as I know from the record I am the first person who got it into the Congress of the United States. I say that solely in order to negative any idea there is an ulterior idea behind it, aside from the natural benefit that would flow to the prohibition cause, because most of those Congressmen that would be cut out are opposed to the prohibition policy. * * * Now, respecting New York, according to this suggested apportionment that Mr. HOCH indicated was prepared for him, New York would have four fewer Representatives. * * *

MY COLLEAGUE ENTERS

One of the strangest features of these hearings was the appearance of my colleague from Michigan, Hon. GRANT M. HUDSON, in behalf of the bill. He admitted that if the bill became a law it would probably deprive Michigan of one Congressman. Mr. HUDSON represents a large part of Detroit in Congress, and the inference is clear that Detroit would lose that Congressman.

Among other things he said:

* * * And let me say it seems to me that we are not, by the passage of it—

Meaning the alien amendment bill—

working any injury to anyone. * * * I just simply wanted to add my own testimony to what I think is the saneness and constructive bearing of this joint resolution upon our American Government.

Mr. HUDSON was rather sharply cross-examined by his colleague from Michigan, Hon. EARL MICHENER, a member of the committee, also by other members of the committee. The following is a part of the dialogue:

Mr. HERSEY. Would this affect the delegation from Michigan if this became a law?

Mr. HUDSON. I apprehend it might cut down one. Now, this is a rough estimate without any basis for making it, and I do not know that it is wise to make it, but I presume in the district that is represented in the House by the two gentlemen from the city of Detroit—the gentleman from the sixth district and the gentleman from the second district—there may be as high as 300,000 aliens within those districts.

Mr. MICHENER. In the second district?

Mr. HUDSON. No; I say within the four districts—the first, the thirteenth, the second, and the sixth.

Mr. MICHENER. Well, a large part of those foreigners would be in your district, would they not?

Mr. HUDSON. No.

Mr. MICHENER. In Hamtramck and that country?

Mr. HUDSON. Hamtramck is a city of 100,000, of course, with an extremely large foreign population. West Detroit, in its Polish section, has another extremely large foreign population.

Mr. MICHENER. That is the thirteenth district?

Mr. HUDSON. And down there and across you will find another large section of foreign population.

Mr. MICHENER. Foreign. They are American citizens?

Mr. HUDSON. No; I think the proportion would hold—not quite as nearly as it would in Hamtramck, but nearly so.

Mr. HERSEY. You mean aliens?

Mr. HUDSON. I mean aliens.

Mr. YATES. Three hundred thousand aliens in a territory comprising four districts?

Mr. HUDSON. What would be known as the metropolitan district of Detroit. Now, the city of Flint, in the sixth district, would probably have more than these other districts, because of the great industrial centers. The city of Flint embraces a great number of aliens in the total population; Lansing not so large. The city of Pontiac has a great number; Pontiac has a great number of Mexicans that have come in there. Of course, all of these cities have a large negro population, but they are American citizens, they are not aliens. * * *

It is hardly necessary to elaborate on this testimony at this time, but it is well understood by public officials in Michigan that a terrific battle will rage in that State during the next year or two on the reapportionment of Representatives in Congress and for members of the State legislature.

THE SUPERGOVERNMENT AGAIN

The Anti-Saloon League is waging a strenuous and expensive fight in the present primaries in Michigan to control the election of public officials for Senator and governor and Representatives in Congress and right on down the line. The Michigan Anti-Saloon League has stated in the strongest terms that I must be defeated in the coming election. It has also emphatically indorsed my opponent, who is representing himself to the people of the east side of Detroit as a wet. The Anti-Saloon League at its State convention in Detroit a few days ago also demanded above all that my colleague from Michigan, Mr. HUDSON, be reelected. The Anti-Saloon League has always worked strenuously for my defeat and spent a great deal of money and of energy to bring about that happy result.

In 1926 Mr. HUDSON came into Detroit to a luncheon at the Book-Cadillac Hotel under the auspices of the Army and Navy Club, with Dr. Angus McLean presiding. Doctor McLean did not know it was to be a political meeting.

Mr. HUDSON, an ultra dry, indorsed my opponent who is running against me in the Republican primaries; and that opponent, representing himself as an ultra wet, indorsed Mr. HUDSON, the ultra dry, and helped to carry for him the city of Hamtramck, once declared by the Chicago Tribune to be the wettest city of the United States.

Again in 1928 the ultra dry and ultra wet of the league tried to defeat me, and now again in 1930 this strange alliance of this ultra dry and ultra wet is working harmoniously to secure my defeat.

The Anti-Saloon League has never been squeamish about its methods in Detroit. They follow any unethical or unscrupulous course which they think will bring about their results.

RAW POLITICAL TACTICS

In 1922 in trying to secure my defeat for Congress they called in one of my opponents, Edward McCarthy, quite a prominent attorney of Detroit, and told him they would support him with all their strength, and advised him to yell for beer for the workingman louder than CLANCY because the district was overwhelmingly wet. What they wanted from him was a written statement, which they would keep in their safe, that he would vote dry in Congress when called upon to do so by the league.

Mr. Leckliter, the county superintendent of the league, did the talking with Mr. McCarthy. Mr. Graham, the State superintendent, passed in and out of the room a couple of times, evidently to note the progress of the negotiations.

Mr. McCarthy demurred and said the course of holding himself forth to the people as a wet, whereas he had really signed a paper that he would vote dry when called upon to do so, was dishonorable.

Mr. Leckliter tried to break down his objections. He said the main thing for Mr. McCarthy was to get himself elected. Mr. Leckliter explained that he had gotten his training in Indiana politics, and that he knew how to deliver the Anti-Saloon League vote in Detroit to Mr. McCarthy without any undue publicity. The upshot of the matter was that Mr. McCarthy and Mr. Leckliter disagreed rather violently as to what is honest and honorable in the election of Members of Congress, and Mr. McCarthy went on the stump and told about the effort of the Anti-Saloon League to seduce him. He also made an affidavit of his conversations with Mr. Leckliter. The latter discreetly kept silent and made no denial; neither did Mr. Graham, the State superintendent.

It was about this time that Wayne B. Wheeler was the great power in the Anti-Saloon League. Mr. Wheeler was accused of forcing candidates for Congress to sign secret documents that they would vote dry when called upon. Mr. Wheeler denied the allegation, so far as he was concerned.

The Anti-Saloon League officials claim to be peerless masters of publicity and propaganda. But as soon as pitiless publicity is thrown on the skeletons in their closets, the death of the Anti-Saloon League as a powerful political agency and as the American supergovernment daring to control public officials from the President down is absolutely assured. Detroit will be in at the death as it was in at the birth of the Anti-Saloon League.

HOW LONG CAN THE AMERICAN FARMERS STAND THE PUNISHMENT THEY ARE RECEIVING UNDER THE HOOVER ADMINISTRATION

Mr. LOZIER. Mr. Speaker, under the big-business administration of President Hoover agriculture languishes and is sick unto death. Low prices for farm products have shattered all previous records for 16 years. Wheat is now lower than at any time since 1913 or 1914. Corn is at its lowest mark since 1926. Dairy products go begging. Cotton continues to decline. Oats are lower than at any time since 1922. Rye has not sold so cheaply since the depression of 1896. Eggs will hardly bring enough to pay for collecting them. The prices of other farm commodities continue downward. The decline in the prices of farm products has cost the American farmers in the last year more than a billion dollars. How long can they stand punishment such as they are receiving under the Hoover administration?

And to add to the discomforture of the farmers, Secretary Hyde announces, ex cathedra, that wheat prices for the next seven years will be considerably lower than the prices that have prevailed during the last seven years. If he believes what he says, and as he is my most distinguished constituent, I am sure he does, then he can not have much confidence in the Hoover Federal farm marketing act solving the farmers' problems. If that pet measure of the present administration is such a wonderfully constructive act, why should wheat prices be lower during the next seven years than they have been during the last 7-year period? If the Hoover farm-relief legislation is going to do anything to help the wheat farmers, it seems to me that it ought to get in its work without waiting for seven long years to come and go. I naturally supposed that this much-advertised farm-relief legislation was intended to help the people now on earth and not those in future generations.

If the Hoover farm-relief legislation does any stabilizing of farm prices, from the way it has been working so far, it would seem that its only effect will be to stabilize the price of farm products on the lowest level that has prevailed for years. President Hoover and his party leaders assured us that the farm marketing act was a wonderfully wise, economically sound, and entirely wholesome measure. They lead us to believe that it was workable, practical, feasible, and that it would stabilize farm commodities on higher and more satisfactory levels and usher in an agricultural millennium.

President Hoover and his industrial, financial, and commercial advisers and special-privilege satellites told the world that the McNary-Haugen plan would not work; that the debenture would not work, but that the formula embodied in the Hoover farm marketing act was the only genuine, name blown in the bottle, and workable farm-relief plan; that it was econonnically sound and would stabilize farm-commodity prices on higher levels if the Government would supply $500,000,000 to lubricate the machine and set its wheels going.

Having been denied the legislation they demanded, the farmers had to swallow the Hoover-Fort farm marketing act that was wished on them, or, rather, pinned on their backs by the point of a presidential bayonet. The administration has had ample time and unlimited funds with which to demonstrate the soundness of this legislation, if it is sound, and ample opportunity to make the plan workable, if it can be made workable. But, like Belshazzar, the last King of Babylon, it has been weighed in the balances and found wanting. Members of the Farm Board are now practically confessing that the farm marketing act is impotent and unworkable as an instrument for the stabilization of the prices of farm products.

It was generally agreed that this Hoover farm marketing act would work best when applied to wheat, and if it could be used to stabilize any commodity price it would work with wheat. But after a trial the Farm Board found that it would not even work when applied to wheat, and the board is now throwing up its hands confessing failure and admitting that they can not remedy the wheat situation. The Farm Board has abandoned its efforts to stabilize the price of wheat and is now barnstorming the Wheat Belt, telling the wheat farmers they must work out their own salvation with fear and trembling without any help from the Farm Board except a little free advice along the line of reducing acreage and production.

If advice to curtail production is the only help the wheat farmers are going to get from the Federal Farm Board, what is the need for such a board, with an army of officers and employees, and why take half a billion dollars of Government funds to maintain the Federal Farm Board, that is rapidly degenerating into a scolding committee.

The farmers of the United States have not forgotten that the prices of wheat and other farm products have steadily declined since the enactment of the Hoover farm marketing act, and they will remember that when the Farm Board entered the wheat market in an effort to stabilize prices, wheat was then selling around $1.25 per bushel. Everything the Farm Board has done to stabilize the wheat market has been futile and productive of no substantial results. Every time the Hoover Farm Board has touched the wheat market, a decline in prices has followed. Now, I am not blaming the members of the Federal Farm Board. They are able and, I believe, sincere and patriotic men who are trying to administer a law that is inherently weak and unworkable. I am sure they would get better results if they had a better law under which to operate. I am convinced they made a sincere effort to maintain the price of wheat, but the tools they had to work with were blunt, dull, and inadequate. They failed to stabilize the price of farm products at a worthwhile level for the simple reason that they were operating under a plan that is crude, inefficient, and unworkable.

The Farm Board is encountering one failure after another, because the Federal farm marketing act has no teeth. It makes no adequate provision for controlling the surplus farm commodities. It embodies no formula by which all producers of a certain commodity can be compelled to bear their just part of the cost of stabilizing the price of such commodity. It is a yes-and-no measure. In their efforts to administer it the Federal Farm Board can apply no pressure and inflict no penalties. The Farm Board has been traveling fast and furiously, but they have not been getting anywhere. They have been making about the same progress as the man who travels all day on a merry-go-round.

According to Old Tarlton's song, quoted as far back as 1620—

The King of France went up the hill
With twenty thousand men;
The King of France came down the hill,
And ne'er went up again.

And by reason of the inherent weakness of the Hoover farm marketing act, the Federal Farm Board has been compelled to duplicate the action of the ancient king of France—march up a hill and then march down again. With a flourish of trumpets, and with $500,000,000 of Government money to lubricate the gears, the Federal Farm Board marched into the wheat pit and then marched out again; marched into the packing houses and then marched out again; marched into the cotton exchanges and then with flying banners marched out again.

After a few days' contact with the bulls and bears in the Chicago wheat pit, the Farm Board escaped with tattered regalia and punctured hides. And when the wheat farmers appeal to Mr. Legge for relief from an arbitrary manipulation of the wheat market, Mr. Legge replies, "No, thank you; we have had enough; we will not try again to work the Federal farm marketing act hocus-pocus, presto change on the Chicago grain group." The Farm Board knows when it comes in contact with the business extremity of a bulldog. The members of the Chicago Grain Exchange knew the Federal farm marketing

act was a milk-and-water measure and a false alarm, and when Chairman Legge and his associates jumped into the wheat pit and shouted "wolf, wolf," the bulls and bears smilingly took them to a scientific trimming. When wheat is mentioned to the members of the Farm Board, their lips quiver and they mournfully say, "We know when we've got enough, and enough is entirely too much for us."

In short, the Farm Board has abandoned the fight to stabilize wheat prices, because they realize the machinery set up in the farm marketing act is grossly inadequate to accomplish the desired result. In the contest between the Farm Board and the Chicago grain gamblers my sympathies were with the Farm Board, although I realized the board was fighting a losing battle, because the farm marketing act which they were trying to administer was unworkable. And so the farmers of the Nation had to stand by and witness the humiliating spectacle of the Chicago grain gamblers flouting an agency of the United States Government that was created to assist American farmers in maintaining a decent price for their farm products.

It is to be hoped that President Hoover and his party associates will soon realize the utter inadequacy of his farm-relief legislation and permit Congress to enact a measure which has the approval of the great agricultural organizations, and which will, in truth and fact, rehabilitate agriculture, and place it on an economic equality with industry. Until this is done agriculture will continue to drift closer and closer to insolvency.

REPORT TO MY CONSTITUENTS OF MY SERVICE IN CONGRESS

Mr. GRANFIELD. Mr. Speaker, on February 11, 1930, the voters of the second congressional district of Massachusetts elected me to the office of Representative in Congress. Six days after, on the 17th day of February, 1930, I took the oath of office.

At the time of my election I promised the people of my district that if honored by their suffrage I would report to them an accounting of my work in Congress, both legislative and otherwise. I herewith submit a report.

On my arrival in Washington as your Representative, to succeed the late lamented William Kirk Kaynor, I took up the work where his capable hands had left it. My predecessor, true to his ideals in life, left a well-ordered house. Under certain circumstances to enter upon a legislative career in Washington in the midst of a session is bewildering. I found my course of action had been made easy by the splendid work of my predecessor, for which I shall ever be grateful to his memory.

The duties of a Congressman are manifold. The hours of service in Washington, according to the disposition of the occupant of the office, can be short or long. To render service of a high quality I have found that the time clock is a relic and that light and darkness is the measure of the day's work. During my service from noon time on February 17, 1930, to final adjournment at 10.35 p. m. on July 3, 1930, I endeavored to serve the best interests of my district, State, and Nation. I am happy at this time that the record of my services may be broadcast so that it may be known to every man, woman, and child throughout the Nation.

COMMITTEE

As I was honored by the people of this district, honor came to me on my arrival in Washington. Your Congressman was received and sworn into office without credentials; he was assigned to one of the major committees—Military Affairs—in the House. In this respect I had the honor to succeed my predecessor.

During my brief term of office many problems of vital importance to the people of this Nation received the attention of Congress. Foremost, and of prime importance, was the legislation that related to aviation, Postal Service, retirement, prohibition, veterans, tariff, unemployment, and navigation. While many other bills of legislative consequence and of interest to my constituents were considered, I believe that those which I have enumerated are of the greatest interest to you.

AVIATION

Our Government has been generous in its encouragement of commercial aviation. The Post Office Department sponsored a bill enabling the Postmaster General to increase the number of air mail lines as well as to improve existing air mail facilities. This measure received my whole-hearted support. Representing, as I do, a district which has demonstrated that it is foremost in the field of aviation, your Congressman urged the Post Office Department to consider Springfield as an air mail depot, possessing, as it does, two splendid and well-equipped air ports, it would have been a remission of duty had I failed to bring these matters to the attention of our Government.

POSTAL SERVICE

Springfield is the beneficiary, through the efforts of my predecessor, of a new post office. Your Congressman has urged the authorities in Washington to expedite the construction of this building. From my study and investigation I am confident that those in charge are carrying on this work with all dispatch possible.

The building program instituted by our Government is a stupendous one. It involves many projects which necessitates a large amount of detail. The supervising architect recently informed me that the Government architect was busy with plans, and I believe at the present time they are near completion. I am confident that construction will be commenced on this building within a reasonable time, and the work on the Springfield post office will be instituted without unnecessary delay.

In this connection your Congressman considered the needs of other cities and towns in our district. Chicopee, a city of 54,000 people, has just cause to complain to our Government. This city, with annual postal receipts of $92,000, has no Federal building. To remedy this condition your Congressman sponsored a bill for the purchase of a site, and the erection of a public building at Chicopee, Mass. This bill has been referred to the Committee on Public Buildings and Grounds, and the Treasury and Post Office Departments at the present time are making a survey for the purpose of executing this project. Chicopee is entitled to a new Federal building. After the governmental survey is completed I shall urge the passage of this legislation.

RETIREMENT

During this session of Congress the Dale-Lehlbach bill affecting Federal employees was enacted into law. This bill provides compensation for Federal employees who have upward of 30 years of service and who have reached the ages of 60, 63, 65, and 68, according to the particular class of work at which they are employed. This retirement system is maintained by contributions on the part of Federal employees and the Federal Government. I believe that it is the duty of public and private employers to provide adequate retirement for employees who grow old in the service. This measure received my support, and in my humble way I aided its enactment into law.

PROHIBITION

At this session of Congress conditions under prohibition have been investigated with thoroughness. The public attention has been attracted to the devitalizing and baneful influences which have entered into the administration of this law. The knowledge gained by these investigations is quickening our people to action. Arid drys and wringing wets are approaching this great controversy with toleration. The remedy is on the horizon; the repeal is inevitable. It is evident that the tendency of the Nation is toward repeal, with a return to State rights, in order to abolish corruption and disrespect for law. At this session of Congress the rigors imposed by the Jones law have been softened by legislative enactment. The signs of the time indicate, to my mind, that a change, gradual in its nature, is taking place throughout this country toward the repeal of this law.

VETERANS' LEGISLATION

Acknowledging our Government's gratitude to the soldiers of the Civil, Spanish, and World Wars, legislation was enacted which provided pensions and additional allowances. Your Congressman supported this legislation.

Many ex-service men are in dire need of hospitalization. The veterans' hospitals for the treatment of our soldiers throughout the country are crowded to their capacity. This condition prevails in our own veterans' hospital in Leeds, Mass. My investigation of conditions in this institution, which is overcrowded, influenced me in sponsoring a bill for the erection of an addition to the hospital at Leeds. At the present time this bill is receiving the consideration of the Committee on World War Veterans' Legislation. It is my intention to urge the passage of this legislation when Congress reconvenes in December.

TARIFF

About a year ago, in a special message to Congress, President Hoover urged certain necessary changes in the tariff schedules. It was his intention and purpose that Congress by legislative action should remedy certain iniquitous conditions which had grown up under the existing tariff law. The President urged limited revision of our tariff schedules. Heedless of his suggestion, Congress evolved the Hawley-Smoot tariff bill, which produced sweeping and drastic changes in all tariff schedules. I worked unstintingly in behalf of the industries in my district, and where protective duties were needed I urged protection. In cases where an industry in this district needed importations duty free these industries received my support.

During the course of this legislation I was impressed with the logrolling methods resorted to in order that districts, States, and sections of our country obtain certain advantages under this law. By these methods my mind was persuaded to the conviction that our Nation, if we were to continue our progress,

would gain no advantages by the enactment of the Hawley-Smoot bill. I voted against the final report of the conferees. I did vote, however, in support of the flexible provision in this tariff bill which empowered the President to approve rates of duty and changes in classification. I took this course so that the people of this country, through its Chief Executive, might escape from some of the burdensome provisions of this bill. I am confident that my course was the fair and proper one for me to follow. The President himself, Senators GRUNDY and REED of Pennsylvania, although supporting this legislation, offered apologies for its enactment. This tariff law provided benefits for a few industries, while imposing iniquitous duties on many industries, and excessive burdens upon the people of the Nation.

UNEMPLOYMENT

Recently Owen D. Young, head of the General Electric & Radio Corporation, in a speech, said:

The idleness of men who wish work is the most dangerous surplus which can exist in any country.

The truth of this statement is not subject to controversy.

In an effort to relieve unemployment throughout the Nation Senator WAGNER, of New York, sponsored three bills in Congress, known as the Wagner unemployment bills, one of which was enacted into law during the closing days of the session. This legislation, in addition to the creation in the Department of Labor of a nation-wide employment agency, provided for the advance planning and regulated construction of certain public works for the purpose of stabilization of industry and the prevention of unemployment during periods of business depression.

While these bills were pending in Congress they received my constant attention and earnest support. Their passage would have been a progressive step in the solution of this problem, and I regret two of them did not receive final approval. They will be considered again when Congress reconvenes in December.

Unemployment at the United States armory at Springfield, Mass., has been a source of great concern to me and the people of this district. I have communicated with the War Department many, many times in an effort to relieve this situation. Through the cooperation of Col. J. W. Joyes, the commanding officer of the United States armory, some progress has been made, and the number of employees has been consistently increasing, although not at a very rapid rate. My efforts to increase work at the United States armory will continue unabated as long as I am your Representative in Congress.

NAVIGATION

From time immemorial Members elected to Congress from this district have endeavored to obtain enactment of legislation which would bring to our community navigation on the Connecticut River. On the closing day of Congress President Hoover signed a bill which had passed both branches of Congress, known as the rivers and harbors bill. This legislation provides that the sum of $1,000,000 be appropriated for the improvement of the Connecticut River for purposes of navigation. This is the first time in the history of this long-drawn-out controversy that an appropriation of any character has become law. It is the first real step toward the consummation of navigation on our river. Needless to say, I worked indefatigably to bring about the passage of this appropriation.

The failure of our Government in the past to recognize our needs has interfered greatly with our economic and industrial progress. While there are some obstacles to overcome before the completion of this project, I am confident that within a reasonable time traffic on our river will be open to the towns and cities along its shores.

The cooperation received from public officials and public-spirited citizens in connection with this legislation deserves commendation from the people.

CONCLUSION

In conclusion it is my privilege to state to the voters of this district that the foregoing is a partial record of my service in Congress. I have endeavored to serve you well, faithfully, and to the extent of my capacity, and I shall continue my service to you in this manner until the expiration of my term on March 4, 1931.

My record, as your Representative, is an open book; it is there to be challenged by any opponent; I believe it is a record which needs no defense. On this record of service I announce my candidacy for Congress.

WORK OF THE COMMITTEE ON THE POST OFFICE AND POST ROADS OF THE HOUSE OF REPRESENTATIVES DURING THE SECOND SESSION OF THE SEVENTY-FIRST CONGRESS

Mr. SANDERS of New York. Mr. Speaker, during the Seventy-first Congress so far there have been referred to the Committee on the Post Office and Post Roads of the House of Representatives 149 bills and resolutions. Practically all of these measures have been sent to the Postmaster General for an expression of the department's views with regard to the proposed legislation, and it is the practice in this committee to have subcommittees give careful consideration to measures before they are acted upon in committee.

BILLS ENACTED INTO LAW

The following bills, favorably reported by the committee, have been passed by both the House and the Senate and approved by the President during this session:

Private Law No. 91 (H. R. 11082). Granting a franking privilege to Helen H. Taft.

This measure provides that all mail matter sent by post by Helen H. Taft, widow of the late William Howard Taft, under her written autograph signature, be conveyed free of postage during her natural life.

Public Law No. 178 (H. R. 11704). To amend the air mail act of February 2, 1925, as amended by the acts of June 3, 1926, and May 17, 1928, further to encourage commercial aviation.

The principal feature of this measure is that it authorizes the Postmaster General to award contracts for the transportation of air mail by aircraft to the lowest responsible bidder at fixed rates per mile for definite weight spaces instead of awarding contracts on the basis of poundage alone without regard to distance. It further authorizes the Postmaster General in cases where the volume of air mail moving between the designated points does not exceed 25 cubic feet, or 225 pounds, per trip to award to the lowest responsible bidder who has owned and operated an air transportation service on a fixed daily schedule over a distance of not less than 250 miles and for a period of not less than six months prior to the advertisement for bids, a contract at a rate not to exceed 40 cents per mile for a weight space of 25 cubic feet, or 225 pounds.

Public Law No. 183 (H. R. 7395). To extend to Government postal cards the provision for defacing the stamps on Government-stamped envelopes by mailers.

The act of February 20, 1925, authorized users of Government-stamped envelopes to deface the postage stamps thereon under certain conditions. In such cases the Postal Service is relieved from the time and expense involved in canceling the stamps on the envelopes at the time of mailing, and therefore where large quantities of mail are presented the handling and dispatch of such mail is materially facilitated and expedited. The new law extends the same facilities to Government postal cards.

Public Law No. 184 (H. R. 8650). To authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed.

This measure gives the Postmaster General authority for the sale of undeliverable parcels containing perishable matter, and after such sale to remit the proceeds to the sender or other rightful owner less a proper fee for such service. It also provides that the Postmaster General may charge a fee of 10 cents for postal services in effecting delivery of collect-on-delivery mail upon terms differing from those originally stipulated at the time of mailing.

Public Law No. 247 (H. R. 1234). To authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels.

This legislation is intended to control the practice of leaving collect-on-delivery parcels in post offices of address longer than is justified by imposing demurrage charges on undelivered collect-on-delivery parcels which the addressees have failed to accept within a reasonable period.

Public Law No. 316 (S. 3599; H. R. 10344). To provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues.

The purpose of this measure is to show in fair and accurate manner the service performed by the Post Office Department and give proper credit for certain services which are essentially nonpostal but are really public-welfare and national-policy projects.

Public Law No. 318 (S. 3272, H. R. 8651). To authorize the dispatch from the mailing post office of metered permit matter of the first class, prepaid at least 2 cents but not fully prepaid, and to authorize the acceptance of third-class matter without stamps affixed in such quantities as may be prescribed.

This measure provides for the treatment in the mail of short-paid metered mail matter of the first class, on which at least 2 cents postage is paid, in the same manner as is now provided for the treatment of short-paid first-class matter mailed with postage stamps affixed. It further provides that the Postmaster General may prescribe the quantities necessary for mailing metered permit matter of the third class at the regular rate for such matter, but this does not change the provisions for bulk mailing of third-class matter.

Public Law No. 336 (S. 3054, H. R. 740). To increase the salaries of certain postmasters of the first class.

This act remedies the inequity in the schedule of salaries for postmasters at those offices which have receipts of more than $1,500,000 per year.

Public Law No. 359 (H. R. 5190). To enable the Postmaster General to authorize the establishment of temporary or emergency star-route service from a date earlier than the date of the order requiring such service.

This measure provides for making payment for emergency star-route service performed prior to the issuance of the order in the Post Office Department authorizing such additional service, it being necessary in some instances for the department's field officials to arrange for such emergency service without awaiting the issuance of specific orders.

Public Law No. 385 (H. R. 9300). To authorize the Postmaster General to hire vehicles from village delivery carriers.

This measure amends existing law authorizing the hire of vehicles from letter carriers for use in the City Delivery and Collection Service, either under an allowance or on a contract basis, so as to extend its provisions to carriers employed in the village delivery and collection service.

Public Law No. 386 (H. R. 11007). To amend the act of August 24, 1912 (ch. 389, par. 7, 37 Stats. 555; U. S. C., title 39, sec. 631), making appropriations for the Post Office Department for the fiscal year ending June 30, 1913.

This measure extends the provisions of existing law requiring railway postal clerks assigned to duty on railway post offices to reside at some point on the route so as to permit them to reside at some point convenient to the line to which they are assigned, in the discretion of the General Superintendent of the Railway Mail Service. This change is believed to be justified by the improved facilities for rapid transportation now available.

Public Law No. 464 (H. R. 9227). To establish additional salary grades for mechanics' helpers in the motor-vehicle service.

This measure establishes three salary grades for mechanics' helpers in the motor-vehicle service at $1,600, $1,700, and $1,800 per annum in place of the former single grade at a salary of $1,600 per annum.

Public Law No. 486 (H. R. 12285). To authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer.

This measure permits the Postmaster General, whenever motor-truck parts are needed by the department in the operation of motor trucks, to enter into agreements with truck manufacturers for the purchase of such truck parts at a price not exceeding the truck manufacturer's list price, less regular discounts, without advertising.

BILLS PASSED BY HOUSE AND REFERRED TO SENATE

In addition to the bills which were enacted into law, the following bills were reported favorably to the committee, passed by the House, and are now pending in the Senate, having been referred in that body to the Senate Committee on Post Offices and Post Roads:

H. R. 101. For the award of the air mail flyer's medal of honor.

(Passed House June 24, 1930.)

Provides for the award of a medal of honor to any person who, while serving as a pilot in the air mail service since May 15, 1918, has distinguished, or who, after the approval of this act, distinguishes himself by heroism or extraordinary achievement while participating in such service.

H. R. 3087. Granting leave of absence with pay to substitutes in the Postal Service.

(Passed House June 10, 1930.)

Provides that hereafter, when substitute postal employees have worked a total of 1,224 hours they shall be entitled throughout their period of substitution in each fiscal year to leave with pay at the rate of one and one-fourth days for each 204 hours' service rendered, and sick leave with pay at the rate of five days for each 1,224 hours' service to be cumulative throughout period of substitution and continued, if not used, to the credit of the substitute after his appointment to the regular force.

Under a ruling of the Comptroller General substitutes in the Postal Service are not recognized as postal employees, and therefore do not obtain leave with pay as provided by existing law for regular postal employees.

H. R. 8806. To authorize the Postmaster General to impose fines on steamship and aircraft carriers transporting the mails beyond the borders of the United States for unreasonable and unnecessary delays and for other delinquencies.

(Passed House May 5, 1930.)

Authorizes the Postmaster General to impose fines upon carriers for failure to exercise due care in the protection of the mails while in their custody, and to make collection from the carriers, through civil suits if necessary, for reimbursement of the owners for lost, damaged, or rifled mail.

BILLS BEFORE THE HOUSE

Eight of the bills reported favorably by this committee are still before the House. One is the so-called 44-hour-week bill for postal employees—H. R. 6603. This bill has aroused considerable favorable attention and affects practically all postal employees. It reads, in part, as follows:

That when the needs of the service require supervisory employees, special clerks, clerks, and laborers in first and second class post offices, and employees of the motor-vehicle service, and carriers in the City Delivery Service and in the village-delivery service, and employees of the Railway Mail Service, to perform service in excess of four hours on Saturday they shall be allowed compensatory time for such service on one day within five working days next succeeding the Saturday on which the excess service was performed.

Five of the bills relate to improving and extending the Postal Service and compensating the department to some extent for additional duties imposed by the users of the mail system. These bills are as follows:

H. R. 5659. To authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail, and for postal money orders.

(H. Rept. No. 615. Union Calendar No. 133.)

H. R. 8568. To compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn.

(H. Rept. No. 1257. Union Calendar No. 320. Consent Calendar No. 599.)

H. R. 8569. To authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor.

(H. Rept. No. 617. Union Calendar No. 135.

Also see S. 3273, which passed the Senate May 7, 1930.)

H. R. 8649. To authorize the Postmaster General to collect an increased charge for return receipts for domestic registered and insured mail when such receipts are requested after the mailing of the articles.

(H. Rept. No. 1047. Union Calendar No. 256.)

H. R. 11096. To provide a postage charge for directory service.

(H. Rept. No. 1048. Union Calendar No. 257.)

In view of the many inquiries concerning the above bill, H. R. 11096, I would like to explain that it is contemplated amending the wording so that it will read as follows:

H. R. 11096

A bill to provide a postage charge for directory service

Be it enacted, etc., That under such regulations as the Postmaster General may prescribe, in cases where insufficiently or improperly addressed mail is accorded directory service in order to effect its delivery, the mailer, at his request, and upon payment of an additional charge of 5 cents, shall be notified of the completed or corrected address: *Provided*, That nothing in this act shall be construed to require or permit the withholding or delay of delivery of mail to the addressee pending the collection of such additional charge.

The committee has also reported the two following bills favorably to the House:

H. R. 10676. To restrict the expeditious handling, transportation, and delivery of certain mail matter where local or contractual conditions are inadequate.

(H. Rept. No. 2024. Union Calendar No. 505. Consent Calendar No. 759.)

H. R. 12412. Authorizing the Postmaster General to permit railroad and electric-car companies to provide mail transportation by motor vehicle in lieu of service by train.

(H. Rept. No. 1694. House Calendar No. 334. Consent Calendar No. 642.)

In addition to these measures the committee, through its subcommittees, is also giving consideration to a number of other

bills and has held public hearings on many of them. Prominent among them are a number of bills directly or indirectly affecting the salaries of postal employees, including bills to readjust the salaries of certain third-class postmasters (H. R. 109 and H. R. 11791); granting equipment allowance to third-class postmasters (H. R. 229); to increase the compensation of carriers in the village-delivery service (H. R. 1002, H. R. 10123, and S. 543); guaranteeing substitutes not less than 30 hours' weekly employment (H. R. 1228); to increase the salaries of post-office inspectors (H. R. 1242); to increase the salaries of railway mail supervisory officials (H. R. 1244 and H. R. 9226); to increase the salaries of watchmen, messengers, and laborers in the Postal and Railway Mail Service (H. R. 1647 and H. R. 2402); to extend the City Delivery Service (H. R. 8432); to give watchmen, messengers, and laborers in first and second class post offices and substitute laborers in the Railway Mail Service credit for time served as substitute (H. R. 12100); to pay laborers in the Railway Mail Service on the basis of 306 days per annum (H. R. 12346).

THE HOOVER PROSPERITY A MYTH

Mr. LOZIER. Mr. Speaker, President Hoover and his party leaders have not succeeded in convincing the American people that we are not in the midst of a serious business depression. Economic conditions are entirely too grave and threatening to justify the opinion that prosperity is just around the corner. A feeling of pessimism prevails in all lines of industry. Production in our mills and factories is slowing down. Commodity prices are steadily declining. Prices of farm products have reached the lowest level since 1914. Liquidations of farm mortgages by foreclosure sales are rapidly increasing.

Banks in all parts of the country are failing. In the textile industry, of the 34,000,000 spindles in place 6,000,000 are inactive. Agriculture is drifting rapidly toward a condition of peasantry. The railroads show reduced net earnings. In May of this year the net operating income of 54 railroads totaled $54,024,000, against $80,485,000 in May a year ago, a decrease of 32.8 per cent. The gross revenues of these same roads were $54,000,000 less in May, 1930, than in May, 1929. With the exception of a few railroads that can be counted on your fingers, coal carriers, roads serving the automobile industry, and other roads all over the country report decreasing revenues. And, of course, the poor showing of the railroads is a direct reflection of the exceedingly bad business conditions throughout the Nation. It is significant that in 1929 passenger receipts fell off $170,000,000.

Thousands of railroad employees have been separated from the service, and many thousands are facing discharge. Building operations are moving tardily. Industrial plants are being shut down or run only part time. Wages are being reduced in nearly all lines of employment. Probably six or seven million persons previously engaged in gainful occupations are now out of employment, walking the streets, begging for jobs, and a chance to earn a livelihood for themselves and families. I know Secretary Davis is trying to soft pedal the unemployment situation, and frantically asserting that there are only a few million persons out of employment, but he is not fooling anyone but a few unsophisticated fellows who swallow everything a Republican official hands out.

Everyone who has followed the career of Secretary Davis knows that he is a Republican partisan first, last, and all the time, and a professional labor leader only when the interests of labor do not conflict with the interests of the Republican Party. In the statistics issued by the Department of Labor the millions of men and women who are employed part time only, one, two, or three days a week, are not counted or listed as unemployed. If a man manages to get one day's work a week, Secretary Davis classes him as employed, although his wages for part-time employment are insufficient to keep body and soul together.

Stagnation pervades the channels of wholesale and retail trade. Chain stores flourish. The small shopkeepers and tradesmen are being forced out of business. Individual and community banks are being absorbed or forced into liquidation by branch and chain banks. The stock market is in a state of depression, demoralization, and confusion. The tax burdens of the masses continue to increase. In fact, practically every department of activity is passing through a protracted and serious depression. Discontent and unrest exist in an alarming and rapidly increasing degree among the agricultural, industrial, transportation, labor, financial, and commercial groups. It is folly to attempt to disguise the disagreeable fact that times are hard and conditions are not improving.

When President Hoover was inaugurated he and his party leaders boasted that the American people were enjoying an unprecedented prosperity. They shouted from the housetops that this phenomenal prosperity was the direct result of Republican policies and Republican control of our national affairs. They prophesied that under the administration of President Hoover, a superman, prosperity would continue, business thrive, poverty end, farm prices jump to hitherto unheard-of levels, mills and factories run full time, commerce expand, every wage earner have a job and a full dinner pail, and, in short, that all classes and groups of men and women would eat the white bread of prosperity and contentment. This great engineer-statesman, this master of finance, this captain of industry, this peerless organizer, this superb builder of commerce, this magic manipulator of trade, this superman—Herbert Hoover—was to deluge this land from ocean to ocean and, from Lakes to Gulf with peace, plenty, and a soul-satisfying prosperity, the like of which had never before come to a wondering world.

But seemingly fate had decreed otherwise. Destiny was to set at naught the prophesies of those who sold Mr. Hoover to the American people as a superman. His much-exploited genius as an administrator failed when the test came. Proclaimed a man of iron, experience demonstrated that his spinal column was largely constructed of putty. Hailed as a peerless organizer, under his leadership his great party fell like a house of cards. Advertised as a master leader who would boldly sail uncharted seas of statesmanship, he hugged the coastal curves and on every controversial question took orders from the little oligarchy that rules his party with a rod of iron.

Until subjected to the acid test his friends might well proclaim him a superman, but when brought face to face with live issues and perplexing problems his leadership has been weak, wavering, and disappointing. The high expectations of the American people have not been realized. But there comes a time in the life of every public man when the people will correctly appraise his merits and capacity for leadership. And—

What will happen will happen. It is all written right there on our foreheads before we are born. Allah writes it. We are all born with our fate on our foreheads, and nothing can wipe away the writings of Allah the Great.

I respect President Hoover. I appreciate his ability. I credit him with absolute honesty and sincerity of purpose. In the domain of commerce and business his ability will not be questioned. He appears to the best advantage at the head of a bureau, where his will is law and where the wisdom of his policies are not questioned or subject to review. But as President he is not a great administrator. When he is brought face to face with controversial questions, when he touches elbows with other branches of Government, when his policies under the Constitution must have the approval of Congress, a coordinate branch of our Government, when his party is torn by dissension and difference of opinion as to policies, it will not be denied that President Hoover has failed to display the qualities of leadership which were ascribed to him before he entered the White House.

From the day he became President times began to tighten, and we soon found ourselves in a serious business depression. Farm-commodity prices began to decline, earnings of railroads fell off, factory production slackened, unemployment increased, wage scales were reduced, banks continued to fail, trade languished, and the stock market went to pieces. In November, 1929, came the greatest stock panic in our history. Billions of dollars in values of stocks and bonds were wiped out in a few days. Thousands of fortunes, great and small, were swept away in a few hours or minutes. The millionaire of yesterday became a pauper to-day. Banks and brokerage houses closed their doors. This debacle while most disastrous in the great cities, nevertheless touched practically every city, town, and village in the United States.

This record-breaking panic could probably have been averted if President Hoover and Secretary Mellon had acted promptly and courageously. But the President's nonaction illustrates the point I have just made, namely, that while the President is a superb administrator when he is at the head of a bureau exercising unlimited power, and with no one to challenge and review his actions, yet when he comes face to face with controversial questions, and when there is a wide difference of opinion as to which one of two or more policies should be adopted, he displays weakness and lack of leadership, and seems unwilling to act promptly and vigorously if his action will occasion criticism, although such action may be eminently proper. And this indecision and failure to assert his leadership accentuated the conditions that eventually culminated in the disastrous stock-market panic in November, 1929.

Long before the panic came everybody knew that stocks were being pushed to unreasonably high levels. The assets and earnings of the companies did not justify the high prices at which these stocks were sold. Stocks were bought without regard to the earning capacity of the companies. They were

not bought for investment but for speculative purposes. Knowing that stocks had never paid a dividend and would probably never pay a dividend, the bulls of Wall Street and Main Street bought these stocks madly, hoping to sell them at an advanced price to some other sucker. This orgy of speculation, this drunken stock-boosting revelry was carried to such monstrous extremes that any sane or sensible man must have known that a reaction was inevitable and that in the rebound these speculative values would be wiped out and the stocks fall to low levels.

President Hoover and Secretary Mellon must have known these conditions, and realized that very serious consequences would certainly follow this reckless plunging and gambling in stocks, many of which had no substantial value when issued or at any time. And yet President Hoover and Secretary Mellon stood mute and allowed this craze to continue until the mirage lifted and ruin fell like a thunderbolt from the heavens.

For weeks and months before the crash safe and sane bankers, brokers, and business men gave warning that the orgy of insane speculation would inevitably react and breed a panic. Experienced financiers publicly and privately advised the people that there was no substantial basis for the speculative prices at which nonproductive stocks were being sold. The Federal Reserve Bank of New York City saw the danger and sought to avert the disaster. It raised the discount rate in an effort to hold speculation within reasonable bounds.

But the efforts of the New York Federal Reserve Bank to curb the speculative hysteria and prevent a complete collapse of the stock market was vetoed from Washington during the early months of the Hoover administration, and "preventive measures were not authorized until it was too late to avert the crash."

A statement from the President to the effect that speculations in stocks were being carried too far would have had a salutary effect and probably arrested the upward movement of stocks before they reached unreasonable levels. A suggestion from President Hoover through Secretary Mellon to the Federal Reserve Board would have been sufficient to align the Federal Reserve Board squarely behind the New York Federal Reserve Bank, and this influence would have arrested the speculative orgy before it passed beyond the bounds of reason, and by this action the President could have averted the greatest panic in history with its countless financial casualties.

No doubt the President saw the danger and contemplated taking action, but to do so he would have to go up against the criticism of the bulls and bears of Wall Street who wanted to continue their saturnalia of wild speculation indefinitely. It is regrettable that President Hoover and Secretary Mellon did not in a timely manner use their great power and influence to curb the senseless speculative mania before it became a destructive, suffocating financial simoon.

After the November panic had spent its fury President Hoover, Secretary Mellon, and Secretary Lamont would have us believe that the stock market had become stabilized and that prosperity would soon smile over our land. But a few weeks ago another panic hit Wall Street, and stock prices fell almost to the levels reached last November. The administration would have us believe that panicky conditions have passed and that stocks and bonds are now on a safe and sane basis. What are the facts?

The forces that are working for a decline in the stock market have the upper hand. Railroad-share averages have fallen to new low levels for the year. Commodity markets, especially grain, have developed fresh weakness. Statements of railroad earnings are exceedingly disappointing. In the 10 weeks from April 10 to June 30 there was a 72-point decline in industrial averages which brought the average within a few points of the low level of November 13, 1929. Railroad-share averages are now back to the lowest levels since March, 1927. A leading Wall Street journal, in commenting on a 72-point break in six weeks, said that the pessimism that hovers over Wall Street now is as pronounced as the optimism which prevailed last fall.

Ninety-cent wheat, 70-cent corn, and 13-cent cotton spell a loss in agricultural wealth this year of at least $1,000,000,000. The buying power of the agricultural classes has been destroyed or reduced to such an extent that they will not be able to purchase liberally the products of the mills and factories.

The President and his big business associates, by a conspiracy of optimism, by the use of mesmeric powers, and by creating artificial psychological conditions, are attempting to convince the American people that times are good and the country prosperous. Of course, the people know better and will not be fooled by shouts that the sun is shining when common sense and their own optics tell them that the heavens are clouded. It is foolish to deny that economic conditions are exceedingly unsatisfactory in all lines of business.

The men who know Wall Street, and who can read the signs of the times, are not deceived as to economic conditions. Barron's, a leading Wall Street journal, says that the conspiracy of optimism at Washington and elsewhere is not shared by most hard-headed industrial executives. The head of one of the largest corporations in the country is quoted as saying that worth-while improvement before next spring is impossible. Another financial wizard says privately that 1930 will be a "washout."

Another master of finance, whose name is a household word, goes so far as to say that in some respects the outlook is worse than in 1920, because of the refusal of business men and the public to admit the facts. To the watchman on the walls, to the shrewd observer of passing events, to students of economic and financial conditions, and to the plain, everyday man of ordinary common sense, it is quite evident that Hoover's prosperity has been sidetracked.

Instead of good times and nation-wide prosperity which our Republican friends promised would follow Mr. Hoover's election, we are experiencing a severe economic depression that threatens to destroy billions of dollars of our national wealth, wipe out thousands of fortunes, absorb the earnings and accumulations of former years, augment our great army of the unemployed, reduce agriculture to a condition of economic vassalage, increase penury, cripple our diversified industries, and weaken our economic life. If what we have now is Hoover prosperity, then may a benevolent Providence save us from its blighting effects.

THIRD ANNUAL REPORT TO THE VOTERS OF THE FOURTH DISTRICT OF CALIFORNIA

Mrs. KAHN. Mr. Speaker, in conformity with the custom which I established during my first term as a Member of Congress, I have prepared the following report, the purpose of which is to acquaint the voters of the fourth congressional district of California, which I have the honor to represent, with the legislative record of the Seventy-first Congress to date, and to inform them of my attitude and vote as their Representative on the major legislative items which have been brought before the present Congress thus far.

The printing of this report and the cost of the addressing of the envelopes have been paid out of my own funds. Being mailed as a public document, it has the advantage of the franking privilege and carries no postage, but I can not think of a more useful way to employ this franking privilege in behalf of the taxpayers than for the dissemination of information regarding the plans and achievements of their Government.

As stated in my first report to you, issued in June, 1926, I regard the voters, as stockholders of this greatest corporation, the United States Government, and as such you are entitled to know what the directors—the Members of Congress—are doing and what the condition of the corporation is.

Government is not a thing entirely outside the daily lives of the people, nor is it something in which only a part of the people are concerned; it affects each and every one of us—rich and poor, old and young, the schooled and the unschooled, the strong and the weak. The real purpose of a representative government such as ours is to give each and all the people the rights that belong to them as citizens. The rights of the poor and the weak are not disregarded nor are the strong and the rich without restraint.

March 4, 1929, marked the advent of the Seventy-first Congress and of a new administration. On that date President Hoover took over the reins of Government as the Chief Executive of the Nation. The new President inherited many unsolved, weighty, and controversial problems, and, despite certain temporary setbacks and circumstances which any fair-minded person will appreciate were entirely beyond his province or control, I am of the opinion that he has honestly and courageously undertaken the business at hand. Through inaugurating ways and means to solve and cope with these problems, he has met and dealt with each situation in a manner that is deserving of the highest commendation. I make this assertion as one intimately acquainted with the entire panorama which faces him and as a close and interested observer of all angles of each governmental problem confronting him. His leadership is conclusively demonstrated in the fact that the close of the session on July 3, 1930, saw the major portion of his legislative recommendations enacted into law.

THE PRESIDENT CALLS CONGRESS INTO EXTRAORDINARY SESSION—FARM RELIEF AND TARIFF REVISION LEGISLATION

In accordance with the pledges given by the Republican Party at its 1928 convention at Kansas City, and to make good the platform promises made during the campaign that followed, the President convened Congress in extraordinary session on April 15, 1929, for the express purpose of enacting the promised

farm relief and tariff revision legislation. The House gave its undivided attention to these two major problems during the special session by limiting its reorganization to only such committees as were required to deal with these two important and pressing questions.

AGRICULTURE

On June 15, 1929, a law was enacted known as "An act to establish a Federal Farm Board to promote the effective merchandising of agricultural commodities in interstate and foreign commerce, and to place agriculture on a basis of economic equality with other industries." Thus within 15 weeks after the advent o. the new administration its first pledge was made a reality and a fact.

The purpose of the Federal Farm Board is to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce. The aim is to enable the farmer to market his commodities at an American price level; to assist him through collective action in controlling the production and the marketing of his crops; to encourage the growing of quality crops instead of more crops; and to aid in adjusting production to demand. This act does for the farmer what was done for others in the enactment of the Federal reserve act, the Esch-Cummins Railroad Act, the Adamson law, the restricted immigration act, and the many acts extending relief to numerous other interests.

Due to the exigencies of the situation the Federal Farm Board act does not provide a specific plan, but it does give the board power, makes $500,000,000 available for agricultural relief, and places the responsibility on the board to adopt its own plan to carry out the declared policy.

To date California has benefited through negotiations with the Federal Farm Board to the extent of approximately $6,950,000. Two loans, amounting to $5,500,000, have been made to the raisin industry; a loan of $1,000,000 has been made to certain fruit interests; while California dairying interests have been loaned $450,000. The board has given assurance that it will aid, as far as it can with reasonable safety, the grape industry of California, and plans as to how this best can be accomplished are now under discussion.

The Federal Farm Board has encountered some opposition to its plans and has been assailed by various interests from time to time, but the President is standing squarely behind the board in its efforts to improve the agricultural situation. In solving the problem of the American farmer the board is faced with a stupendous task, but the work is now under way and should be allowed to proceed with as few hindrances as possible.

TARIFF

Tariff revision was undertaken as the result of pledges given by the Republican Party in the 1928 convention. Its declarations embraced these obligations:

> The Republican Party believes that the home market built up under the protective policy belongs to the American farmer, and it pledges its support of legislation which will give this market to him to the full extent of his ability to supply it * * *.
>
> There are certain industries which can not now successfully compete with foreign producers because of lower foreign wages and a lower cost of living abroad, and we pledge the next Republican Congress to an examination and, where necessary, a revision of these schedules to the end that the American labor in these industries may again command the home market, may maintain its standard of living, and may count upon a steady employment in its accustomed field.

Upon the convening of the special session of Congress, the Committee on Ways and Means of the House took under consideration the matter of tariff revision for the express purpose of providing relief for agriculture and to so adjust rates on items in other schedules as to afford them the necessary protection which changing conditions, new competitions, and new methods of manufacture necessitated.

On May 9, 1929, the committee reported to the House a tariff revision bill, which was passed by the House on May 28, 1929. The measure was then referred to the Senate Finance Committee for consideration. Most of us are familiar with the stormy discussion that accompanied this legislation on its way to final enactment, which occurred on June 17, 1930, when the President approved what is now known as the tariff act of 1930.

The new tariff act increases by approximately $107,000,000 the duties levied under the tariff act of 1922, which the present act supersedes. Basing the population of the United States conservatively at 120,000,000, this increase will mean less than a dollar per person, so far as the cost of living is concerned.

A statistical estimate of the bill by the Tariff Commission shows that the average duties collected under the 1922 tariff law were about 13.8 per cent of the value of all imports, both free and dutiable, while if the new law of 1930 had been applied it would have increased this percentage to about 16 per cent.

The increases in tariff are largely in the interests of the farmer. Of the increases it is estimated that 93.73 per cent are upon products of agricultural origin measured in value, as distinguished from 6.25 per cent upon commodities of strictly nonagricultural origin.

By the number of dutiable items mentioned in the new act, out of a total of about 3,300 there were about 890 increased, 235 decreased, and 217 untouched.

Because it affects so many interests, tariff is the most controversial of all legislation. The main opposition to the tariff-revision legislation came from international banking interests, manufacturers with plants abroad, and importers. Unfortunately, many unfair, misleading, and alarming statements have been circulated regarding the effect of the new tariff legislation. It was natural that such interests should oppose the bill, but I am in hearty agreement with Matthew Woll, of the American Wage Earner, who recently said:

> If the wages and living conditions of American workers are to be preserved, let alone improved, Congress can well afford to look to those Americans who have indicated their sincere interest in the welfare of their country by investing their moneys in America rather than those who have taken their profits received from the American purchasing public and used them to destroy American industries.

As the President so aptly stated—

> No tariff bill has ever been enacted or ever will be enacted under the present system that will be perfect.

However, with the machinery established under the amended flexible provision carried in the new act, we now have ways and means to adjust in a most expeditious manner any injustices or inequalities that the present law might contain.

On the eve of the final passage of the bill I received a number of communications from California urging me to vote against it. These requests I could not consider. I dare say that no State in the Union made such a concentrated and persistent drive for increased rates on its products and commodities as did the State of California, and I am happy to say that our State has fared very well under the provisions of the new act. Certainly after working day and night for months in behalf of the increased rates demanded by the various interests of California, and finally having such increases incorporated in the legislation, I could not consistently vote against this measure; nor did I ever consider such a move as being in the interests of the people of California or the country as a whole.

I believe that the tariff act of 1930 gives protection to agriculture for the marketing of its products and to several industries in need of protection for the wage of their labor. Furthermore, the final disposition of the subject, as accomplished by the enactment of this legislation, eliminated the uncertainty and agitation that was most disturbing and annoying to business generally.

It afforded me much pleasure to receive a letter, dated July 2, 1930, from Mr. C. C. Teague, the California member on the Federal Farm Board, reading as follows:

> DEAR MRS. KAHN: I desire to express to you appreciation for the important part that you took in the splendid consideration that California's products received in the new tariff bill. No doubt the fine teamwork of California's able delegation in Congress was largely responsible for the splendid results achieved.

The House, having considered and acted on the two legislative matters before it during the extraordinary session, recessed and finally adjourned on November 22, 1929.

THE REGULAR SESSION

The regular session of Congress convened on December 2, 1929, and the major accomplishments of the Congress to date can be summed up in the enactment of farm-relief legislation, tariff revision, a $160,000,000 tax-reduction program, extension of the public-building program, increasing Federal highway aid, liberalization of the laws affecting veterans, further aid for Federal employees, the settlement of French, German, and Austrian war-debt agreements, and the enactment of a broad rivers and harbors bill.

TREASURY SURPLUS

At the close of the fiscal year (June 30, 1930) the Secretary of the Treasury announced a surplus of $184,000,000, and reported the financial condition of the Government as satisfactory, receipts again being in excess of expenditures.

APPROPRIATIONS

I have consistently worked and voted against all unnecessary appropriations with a view to minimizing the tax burdens on the people. Rigid economy in all public expenditures for nonproductive purposes is a sound policy, because it is the surest

way to reduce and keep down taxes. I have favored those appropriations that yield actual returns to the people, such as highway aid, flood control, river and harbor improvements, radio and aviation development, and so forth.

The main appropriations for the fiscal year ending June 30, 1931, are as follows:

Interior Department	$286,543,423.74
Treasury and Post Office Departments	1,149,088,008.00
Navy Department	380,573,111.00
Agricultural Department	155,397,770.00
War Department	456,544,154.00
State, Justice, Commerce, and Labor Departments	114,253,236.14
Legislative establishment	26,557,767.58
District of Columbia	46,010,602.00
Independent offices	553,523,166.00
First deficiency, 1930	169,547,689.96
Second deficiency, 1930	74,102,022.94

TAX REDUCTION

On December 16, 1929, a measure was enacted into law under which a reduction of $160,000,000 was made in the income taxes for 1929, payable in 1930. The tax on individual taxpayers was reduced in the normal tax only in the first bracket from 1½ per cent to one-half per cent; in the second bracket from 3 per cent to 2 per cent; in the third bracket from 5 per cent to 4 per cent. The tax on corporations was reduced from 12 per cent to 11 per cent. The result was a reduction of taxes on individual taxpayers in the amount of $70,000,000, while stockholders of corporations were relieved of a tax burden amounting to $90,000,000. I voted for this tax-reduction measure.

REAPPORTIONMENT

The act providing for reapportionment under the new census, which is now in process of compilation, has been approved. Due to the tremendous increase in population in California it is estimated that eight, if not nine, new Members will be added to the California delegation in Congress, thus augmenting the voting strength of that delegation in the House and increasing the number of Representatives to 19 or 20. We have had no congressional reapportionment since 1910, and as a consequence the urban centers of the country have been denied proper representation, which was most unfair. In order to correct this injustice I voted for this bill.

FEDERAL HIGHWAY AID

The act of July 11, 1916, authorizing Federal cooperation in a road-building program, has proved of great benefit to the country at large. During the present Congress the amount to be contributed annually by the Government for Federal aid to road building was increased from $75,000,000 to $125,000,000. With the increasing use of the automobile by the masses of the people, good roads have become of great importance, and I am deeply interested in the forwarding of the road-building program as undertaken jointly by the States and the Federal Government. Of course, I voted for the increased allowance for this development.

RIVERS AND HARBORS IMPROVEMENT

The enactment of a law authorizing the final engineering work by which will be constructed and coordinated the Nation's system of waterways and harbors, approved July 3, 1930, is one of the outstanding achievements of the Seventy-first Congress. This inland waterway undertaking represents in the aggregate a project larger even than the Panama Canal. It will provide employment for thousands, and will result in decreased transportation charges on bulk goods and bring great benefits to the Nation's farms and industries. The cost of the projects incorporated in the bill are estimated at $130,000,000, while the ultimate total to which the Government is committed on the basis of projects sanctioned in the new act approaches $350,000,000.

This new act includes authorized improvements for rivers and harbors in California, at an estimated cost of $12,034,000. The act carries projects for San Francisco Harbor improvements amounting to $1,284,000. San Francisco Harbor, than which there is no finer natural harbor in the world and into which comes large and important commerce, is to be provided with a main channel across the outer bar 45 feet deep at mean lower low water and 2,000 feet wide. Provisions are also made for the removal of Blossom Rock and Alcatraz Shoal, westward of a north and south line 2,000 feet west of Alcatraz Light, to a depth of 40 feet at mean lower low water; the removal of Arch Rock, Shag Rocks Nos. 1 and 2, and Harding Rock to a depth of 35 feet at mean lower low water; and the removal of Raccoon Shoal and Point Knox Shoal westward of a north and south line through Point Stuart Light to a depth of 35 feet at mean lower low water.

It is almost needless for me to add that I worked and voted for this rivers and harbors legislation.

PUBLIC BUILDINGS

In the Seventieth Congress a public buildings bill was enacted covering a 5-year building program. This undertaking is now under way and provides for building activities all over the United States which, in the aggregate, are of tremendous proportions.

The Secretary of the Treasury recently issued a statement to the effect that the estimated public-building work for the next six months will embrace 71 building projects in 39 States, carrying an expenditure of $55,735,500. Over 3,800 contracts have been awarded for repair, remodeling, equipment, and miscellaneous projects aggregating a total of $4,480,000. It is estimated that a similar amount will be placed under contract from July to December 31, 1930. In addition, contracts are now being negotiated with private architects for complete plans for a limited number of monumental buildings, the total cost of which will amount to $70,000,000.

As a part of this public-building program the new marine hospital in San Francisco is now under construction. Certain legal technicalities are being ironed out in connection with the acquisition of the land in San Francisco on which to erect the new Federal office building, and arrangements are now under way by the Treasury Department to award the contract for architectural services to one of our prominent San Francisco architects.

ARMY AVIATION PROJECT IN ALAMEDA AND MARIN COUNTIES

I sponsored the bill for the acquisition of certain sites in the San Francisco Bay area for the development of a west coast Army air depot and for a bombardment wing headquarters and bombardment group. The site selected for the air depot is in Alameda on the eastern side of San Francisco Bay. The site proposed for the bombardment group is on the west shore of San Pablo Bay, about 18 miles north of San Francisco.

Expenditures are authorized for this project amounting to $453,000, and the construction will include the building of hangars, field warehouses and shops, paved aprons, preparation of a landing field, roads, drainage, and so forth.

In the enactment of this legislation I had the able cooperation of Congressmen ALBERT E. CARTER and CLARENCE F. LEA, in whose districts the project will be located. Representative HARRY C. RANSLEY, acting chairman of the House Committee on Military Affairs, and Senator D. A. REED, chairman of the Senate Military Affairs Committee, also gave their active support to the measure, which became a law when approved by the President on July 3, 1930. All of us interested in the development of the San Francisco Bay area have good cause to feel gratified over this accomplishment.

STABILIZATION OF EMPLOYMENT

The present Congress brought about the enactment of a bill the purpose of which is to provide statistics at least once a month to show the number of persons employed, the total wage paid, and the total hours of employment in the principal industries of the country, which information will aid in solving the problem of unemployment.

Two other bills, looking toward the solution of this very serious problem of unemployment, are pending before Congress. One of them provides for a system of cooperation between State and Federal employment agencies, while the other makes provision for the advance planning of public works to tide over periods of unemployment. It is expected that these will be taken up for further consideration during the next session of Congress.

The unemployment situation is one of the most difficult problems confronting the Government. While the depression is stressed at one time more than another, this is not a new problem by any means. At least a part of the unemployment existing to-day is directly due to radical economic changes that have taken place during the last few years. Because of the many labor-saving devices that have come into being in this machine age in which we are living, I believe that the hours of employment of our workers will have to be reduced eventually in order to cope with this condition.

REORGANIZATION OF THE FEDERAL POWER COMMISSION

A law to reorganize the Federal Power Commission is one of the important accomplishments of the Seventy-first Congress. The new act provides for the appointment of a 5-member commission, but does not add to the existing authority of the commission. Formerly the Federal Power Commission was constituted of the Secretaries of War, Interior, and Agriculture, plus an executive secretary. Undoubtedly, when the Federal water power legislation was adopted there was little realization of the problems and work which would follow. It has been shown conclusively by the evidence presented that the Cabinet members serving on the Federal Power Commission have been

so burdened with the tasks of their immediate departments that they have not had the time necessary for the work of the Power Commission; the net result of this situation was that practically all the duties of the commission devolved upon the executive secretary, which condition was not satisfactory, nor as it should be, for obvious reasons. The new commission will be bipartisan, and the President has announced that he will name the members thereof at the earliest possible date.

VETERANS

The present Congress has enacted legislation liberalizing the laws and increasing the pensions in certain cases of veterans of the Civil War, the Spanish-American War, and the World War.

Pensions for the Civil War veterans or their widows have been increased under the act approved June 9, 1930. The minimum pension for survivors of the Civil War was increased to $75 per month, and where they are so disabled as to require an attendant, $100 per month. All Civil War widows, if married prior to June 27, 1905, will receive $40 per month, and if married before or during the Civil War, widows will receive $50 per month.

Over the President's veto Congress passed an act known as the act of June 2, 1930, placing Spanish-American War veterans upon an equality with the veterans of other wars, and greatly liberalizing the law and increasing pensions.

Under the new World War veterans' act, approved July 3, 1930, the World War veterans have been placed on a pension basis. Pensions for non-service-connected disabilities are now granted to all World War veterans who served 90 days or longer prior to November 11, 1918.

I have given my sympathetic and whole-hearted support to all legislation looking toward the welfare of our veterans. The men and women who answered the call of the country in times of stress are deserving of every possible consideration, and I hold that those who suffered injury or whose health has been impaired as a result of their service are entitled to every benefit that a grateful Government can, and should, bestow upon them. I want to take this opportunity to assure our veterans or their dependents of my continued interest and efforts in their behalf.

FEDERAL EMPLOYEES

I have supported all legislation affecting the Federal employees. An act further liberalizing the retirement law for Federal employees was approved on May 29, 1930, to take effect July 1, 1930. An act making certain salary adjustments, which will benefit primarily the lower-salaried employees of the Government, was also passed. Other measures looking toward the welfare of the Federal employees have been carried over to the December session of Congress. At that time I shall renew my efforts in behalf of their enactment.

PUBLIC HEALTH

Public-health investigations by the Federal Government will be encouraged and extended under a new act, approved May 26, 1930, establishing the National Institute of Health. The main purpose of this act is to provide larger facilities for investigations of the diseases of humanity and to enable the United States Public Health Service to broaden its activities in connection with the prevention and control of disease. Scientific research is the most important function of the Federal Government as relates to the public health, and while steady progress has been made in this field the problems presented are becoming more complex, and there is need, therefore, that larger facilities should be provided. I voted for this legislation.

PASSPORTS

Lower fees for passports and liberalized regulations governing their renewal are provided in a law enacted during the session of Congress just ended. The passport fee is reduced from $9 to $5, although a fee of $1 will continue to be collected for the execution of an application for a passport. Consequently the total fee for the transaction will be $6, instead of $10. Under this act passports will be renewable for a period of six years instead of two years, as heretofore. A fee of $2 will be required for each 2-year renewal. This is an item in favor of the traveling public, and I supported the measure.

VOLLBEHR COLLECTION

A bill, in which much interest was expressed by residents of California, providing for the purchase of the Vollbehr collection of incunabula, was enacted into law. This bill authorizes an appropriation of $1,500,000 for the purchase of this collection for the Library of Congress. Between 1450 and 1455 John Gutenberg produced what is to be held the first book printed from movable metal type, a Bible, of which three copies printed in vellum have survived, and one of these, the surpassing one of the three in existence, is in the Vollbehr collection. The Bible alone is valued at $600,000. In addition, the incunabula constitutes a collection of some 3,000 books which can never be reproduced, illustrative of the latter half of the fifteenth century. The books set forth the manners, customs, interests, thoughts, and aspirations of the people of that period. The possession of this collection will add distinction and prestige to the Nation's library, and, it is hoped, inspire many gifts of value to that institution.

PENDING LEGISLATION—RAILROAD LEGISLATION

The Couzens resolution, providing to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties, passed the Senate, and while it was considered, amended, and reported to the House by the Committee on Interstate and Foreign Commerce, no action was taken on it by the House so that the matter has been carried over to the December session of Congress. However, during the adjournment period of Congress, the Committee on Interstate and Foreign Commerce will carry forward its investigation into the ownership and control by holding companies of railways.

When this investigation has been completed it will show, on the one hand, the ownership and control of stock, securities, or capital interests in any common carrier by holding companies, investment trusts, individuals, partnerships, corporations, associations, and trusts, and, on the other hand, will show the ownership and control by the carriers themselves of such holding companies and the like which participated in the control of railroads, and will enable the Congress to determine the effect of such ownership and control on interstate and foreign commerce. With this information properly summarized from these five lines of investigation and research, it is believed the House will have the data necessary as a basis for legislation.

In the amended House resolution carried over to the December session the interests of the railroad employees have been considered, and the resolution directs that any hardships or losses imposed upon any employees as a result of consolidations shall be minimized and compensated for by the carriers involved.

RESALE PRICE BILL

The Capper-Kelly resale price bill is now on the House calendar, and while a special rule was granted for its consideration in the House it was not reached and goes over to the December session.

Final disposition of the Muscle Shoals project has not yet been made, although the subject again received the attention of both House and Senate during the present Congress; no agreement having been reached, the question is carried over to the next session of Congress.

FOREST FIRE PREVENTION BILL

Of especial interest to California is the Englebright forest fire prevention bill. I most heartily favor this legislation, and as a friend of the bill I hope to see it enacted into law during the next session of Congress. California has within its borders the most superb and the most accessible forests that have ever existed on the face of the earth. Fire is the arch enemy of these forests, and the destruction that is wrought from year to year in our national forests is appalling. It behooves us to treasure and preserve what is left of these majestic tracts with which our State has been so bountifully blessed.

SUNNYVALE

Extensive hearings have been held before the House Committee on Naval Affairs on the question of an appropriate site for a naval dirigible base in California. I favor the Sunnyvale site for this project, and when the proposal is taken up further in the December session I shall continue my efforts in behalf of the selection of that site.

GENERAL

Numerous other bills of special interest to various groups and individuals are pending, and while it is impossible to cite them all here, upon request I shall be glad to define the status of legislation of particular interest to any individuals or groups.

PROHIBITION

My views on prohibition are so well known that it is hardly necessary for me to reiterate them here. I am against it. I believe that the adoption of the eighteenth amendment was a false step, and it is that which is obstructing the restoration of the temperance movement to the point toward which it was progressing so admirably in 1920. As a nation we are a temperate people, and I can understand the otherwise law-abiding citizen rebelling against the attempt to foist upon him such a law, and defying it. I contend that when an overwhelming majority of the people constantly and flagrantly violates any law it is evident there is something radically wrong with that law. I consider the conditions that have followed in the wake of prohibition most deplorable, and not the least of these is the development of an entirely new class of offenders, now congesting both Federal and State prisons. While public sentiment is growing against prohibition, I believe the repeal of the eight-

eenth amendment is not within the scope of possibility at this time. I am of the opinion, however, that the modification of the so-called Volstead Act, to the extent of permitting the manufacture, transportation, and sale of light wines and beer would do much to remedy conditions and bring about a more sane state of affairs.

COMMITTEE ASSIGNMENT

On December 18, 1928, I was appointed a member of the Committee on Military Affairs. Julius Kahn was a member of this committee for many years and served as its chairman for several years prior to his death. Upon my designation to the Committee on Military Affairs, which is one of the major committees of the House, it became necessary for me, under the rules, to relinquish my assignments on the minor committees, namely, the Committees on Education, War Claims, Census, Coinage, Weights, and Measures, and Expenditures in the War Department, on which I had been serving.

CONCLUSION

One of the real gratifications that I have found in public office is the bulk of mail coming to me daily from my friends and constituents, and the opportunity thus afforded me to help them with the various matters in which they are interested. It has been my pleasure to assist in the settlement of countless pension cases, veterans' claims, immigration matters, passport and visa requests, tax adjustments, and so forth, as well as to supply numerous Government publications and documents.

During the adjournment period of Congress I shall have an office in the Merchants' Exchange Building in San Francisco, where I shall be glad to see my friends and constituents and confer with them personally regarding problems in which I may be helpful.

I have been ever mindful of the principles and policies of Julius Kahn, and I am endeavoring to carry forward to the best of my ability his aims and plans for the public welfare and to prove myself a worthy successor. My every vote has been cast for what I deemed to be for the best interests of the constituency which I have the privilege of representing.

I am deeply grateful for the cooperation extended to me by the people of San Francisco, and I have been greatly heartened in my efforts by their loyal support.

I am a candidate for reelection, and I am willing to stand squarely on my record, which I believe has been a constructive one.

MUSCLE SHOALS

Mr. HILL of Alabama. Mr. Speaker, why has not the President and the Congress disposed of Muscle Shoals and put it to work for the benefit of agriculture and for the welfare of the people of the country? This is a question which thousands of people throughout the country are asking, and to which they have a right to an answer. The answer to the question is that the Republican Party for 10 years has acceded to the wishes of the Fertilizer Trust and the Power Trust rather than to the needs of the farmers and the people of the Nation. Muscle Shoals was built under the wise and constructive leadership of Woodrow Wilson, and the properties there were dedicated in the original act to the manufacture of fertilizers for the farmer in time of peace.

The Republican administration which succeeded that of President Wilson in 1920 immediately set about to defeat the purposes to which the properties were dedicated, and from then until now the effort has been continued either to junk the project or to prevent the completion of the development for the purposes set forth in the original act. This was shown clearly by the open efforts of the Harding administration and by the pocket veto of the Muscle Shoals bill by President Coolidge, and it has been shown by the present Hoover administration in its silence, its utter neglect, and its refusal to permit the enactment of a law which would carry out the purposes for which Muscle Shoals was constructed. When Mr. Hoover was a candidate for President he told the people of the United States that if he were elected he would call Congress into special session at once for the enactment of laws to give farm relief and to place agriculture on an equality with industry. Following Mr. Hoover's inauguration on March 4, 1929, he called Congress into session on April 15 of that year, ostensibly for the purpose of carrying out his promise and of giving the much-needed relief to agriculture. If there is any one measure that would give relief to the farmers of the South, it is the operation of Muscle Shoals and the production of cheap fertilizers for them. If there is any one piece of legislation that should have been considered and should have been enacted into law at the special session of Congress, it was a bill putting Muscle Shoals to work for the farmers of the country, and yet in spite of our pleas, in spite of our entreaties, Mr. Hoover absolutely refused to place Muscle Shoals on the program for action at the special session of Congress and steadfastly declined to permit the Congress at the special session to even consider the matter.

When Congress met in regular session last December, as soon as Senator NORRIS could get the Senate to consider his bill for the disposition of Muscle Shoals he called it up, and it was passed by the Senate by the vote of 45 to 23. The bill was in the identical form in which it passed both the Senate and the House in 1928. It came to the House and was referred to the Committee on Military Affairs.

If Mr. Hoover and the Republican leaders had desired to make the right and proper disposition of Muscle Shoals, they would have taken the Norris bill as it passed the Senate, amended it, perhaps, in some of its particulars, and sent it back to the Senate for final action. Instead of following this procedure the Republican majority of the Committee on Military Affairs under instructions from the Republican leaders and inspired by the White House washed their hands entirely of the Norris bill and reported out the Reece resolution, which would have turned Muscle Shoals over to the Power Trust and Fertilizer Trust. Under the leadership of the administration and the Republican leaders the Reece resolution passed the House. When it got to the conference committee of the two Houses Senator NORRIS offered a fair, a just, and a reasonable compromise between his bill and the Reece resolution. The compromise set up a board of three members to be appointed by the President and confirmed by the Senate, authorized the board to lease the nitrate plants upon terms and conditions which would have insured cheap fertilizers for the farmer, directed the board to furnish all power necessary for the operation of the nitrate plants at a very low rate, and then to sell the surplus power giving a preference in the sale of it to States, counties, and municipalities. If the compromise had been accepted and enacted into law, the nitrate plants at Muscle Shoals would have been put in operation for the production of cheap fertilizers for the farmer; the value of the Government's hydroelectric properties at Muscle Shoals would have been doubled; the great Cove Creek Dam would have been constructed by the Government; and an additional $42,000,000 of Government money would have been invested in the Tennessee River; the navigation of the Tennessee River would have been practically assured with its consequent savings to the consumer and shipper in freight rates and an example set for the development of the Coosa, the Tallapoosa, and the Alabama Rivers; hundreds of people and millions of dollars of property would have been protected from the distruction of flood waters, and the people of the Nation would have been given a standard with which to determine and to demand fair and reasonable power rates to protect themselves against the extortions of the Power Trust. One word from Mr. Hoover and the compromise would have been accepted. The compromise squared absolutely with the declaration that Mr. Hoover had made in his speech at Elizabethton, Tenn., in 1928, when he was a candidate for the Presidency. In that speech Mr. Hoover said:

> There are local instances where the Government must enter the business field as a by-product of some great major purpose, such as improvement in navigation, flood control, scientific research, or national defense, but they do not vitiate the policy to which we should adhere.

This was the first general statement of the Republican presidential candidate on Muscle Shoals. When asked by newspapermen to interpret that statement, Mr. Hoover said:

> You may say that means Muscle Shoals.

In a subsequent statement, to more thoroughly satisfy the people about his position, Mr. Hoover said:

> There is no question of Government ownership about Muscle Shoals, as the Government already owns both the power and nitrate plants. The major purposes which were advanced for its construction were navigation, scientific research, and national defense. The Republican administration has recommended that it be dedicated to agriculture for research purposes and development of fertilizers in addition to its national defense reserve. After these purposes are satisfied there is a by-product of surplus power. That by-product should be disposed of on such terms and conditions as will safeguard and protect all public interests. I entirely agree with these proposals.

The Norris compromise would have carried out this declaration of Mr. Hoover. It would have set no new policy. It would have established no new principle. It would have merely followed the precedent set in the enactment of the Boulder Dam bill, which Mr. Hoover espoused and advocated. If Mr. Hoover could champion the Boulder Dam bill for the relief and benefit of the people of California and of the West, why is it that to-day he is unwilling to do as much for the people of Alabama and of the South?

Mr. Hoover did not hesitate to send to Congress a special message and strike down the debenture plan, which offered more

hope for the farmers of the country than any other relief measure except Muscle Shoals itself. He did not hesitate to send to Congress a special message asking that the flexible provision be written in the tariff law giving him more power in matters of taxation than that ever accorded the head of a nation by an Anglo-Saxon people since Magna Charta. He did not hesitate to send to Congress a special message and strike down the measure which meant so much relief for the wounded, the disabled, the suffering veterans of the World War, and yet when beseeched to speak the word for Muscle Shoals, for the farmers and the people of the South, he sat mute and silent. The truth is that to those who know the background of the Muscle Shoals situation it is evident that the action of the Republican leaders of the House in killing the Norris bill and in insisting that the House members of the conference committee decline to accept the Norris compromise, was inspired by the White House.

To-day the great nitrate plants at Muscle Shoals stand idle as they have stood under Republican control for the past 10 years. Expert after expert testifying before the Committee on Military Affairs of the House of Representatives has declared that the operation of the Muscle Shoals plants would cut in half the cost of the farmer's fertilizers. The Muscle Shoals' inquiry of 1925, after a thorough study and investigation in 23 States of the country, reported to Congress that the operation of the plants at Muscle Shoals would cut the cost of the farmer's fertilizers at least 43 per cent. The Muscle Shoals plants stand idle, the only plants of their kind in all the world that are idle, while the farmers are absolutely at the mercy of the Fertilizer Trust. The New York Times, under date of December 17, 1927, in the following article tells us of the unusual and unprecedented movements looking to the formation of the trust:

PARIS, December 16.—The first international trade conference ever held upon the high seas will get under way within the next 10 days when the leaders of the nitrogen industries of the United States, Great Britain, France, Germany, Norway, and Italy leave Marseilles aboard a luxurious private yacht for a three weeks' cruise on the Mediterranean. Heads of the German nitrogen trust, who are promoting the unique meeting, hope that an international nitrogen entente will have taken definite form by the time the ship returns to the French port.

The yacht has just been chartered by Herr Bueb. Orders have been given to stock it with the finest wines, champagnes, and all the delicacies of the season. Nothing will be left undone to make the voyage a happy one. Although a considerable portion of each day will be spent in going over the outstanding issues between the various national groups, frequent stops will be made at attractive Mediterranean places to relieve the strain of the daily sessions.

It is understood that representatives from all nations mentioned above have accepted, with the exception of Italy, which is expected to join the others in a few days. According to very reliable information, the American synthetic nitrogen industry will join the cruise, although efforts are being made to give the impression that Americans are not participating, since American laws prohibit industries from becoming parties to international trade agreements.

If any additional evidence of Germany's eagerness to create a nitrogen trust were lacking, the international ocean meeting supplies that lack. The originality of the invitation so intrigued the national groups, it is said, that acceptance was almost immediately assured.

All but half a dozen points have been agreed upon between the respective members, but several of these are causing a delay which is irritating the Germans. Hence the idea of transporting all concerned to the salubrious atmosphere of the Mediterranean away from interruptions and routine life.

The Wall Street Journal, under date of June 29, 1929, tells of the success of the efforts to form the trust and says, "World's nitrate combine formed."

To-day the farmers of the country under the extortions of the trust are forced to pay $12.53 to the Chilean Government for every ton of Chilean nitrate imported from Chile. The farmers of Alabama alone are paying some $20,000,000 each year for their fertilizers when these fertilizers should be bought for not over $10,000,000. The annual fertilizer bill of the farmers of this country is $300,000,000 and Mr. Hoover and the Republican leaders permit the nitrate plants at Muscle Shoals to remain idle when their operation would cut this bill by some $150,000,000. We recall that Theodore Roosevelt, in speaking of the arid lands of the West, said:

It is water and not land that is the measure of agricultural production.

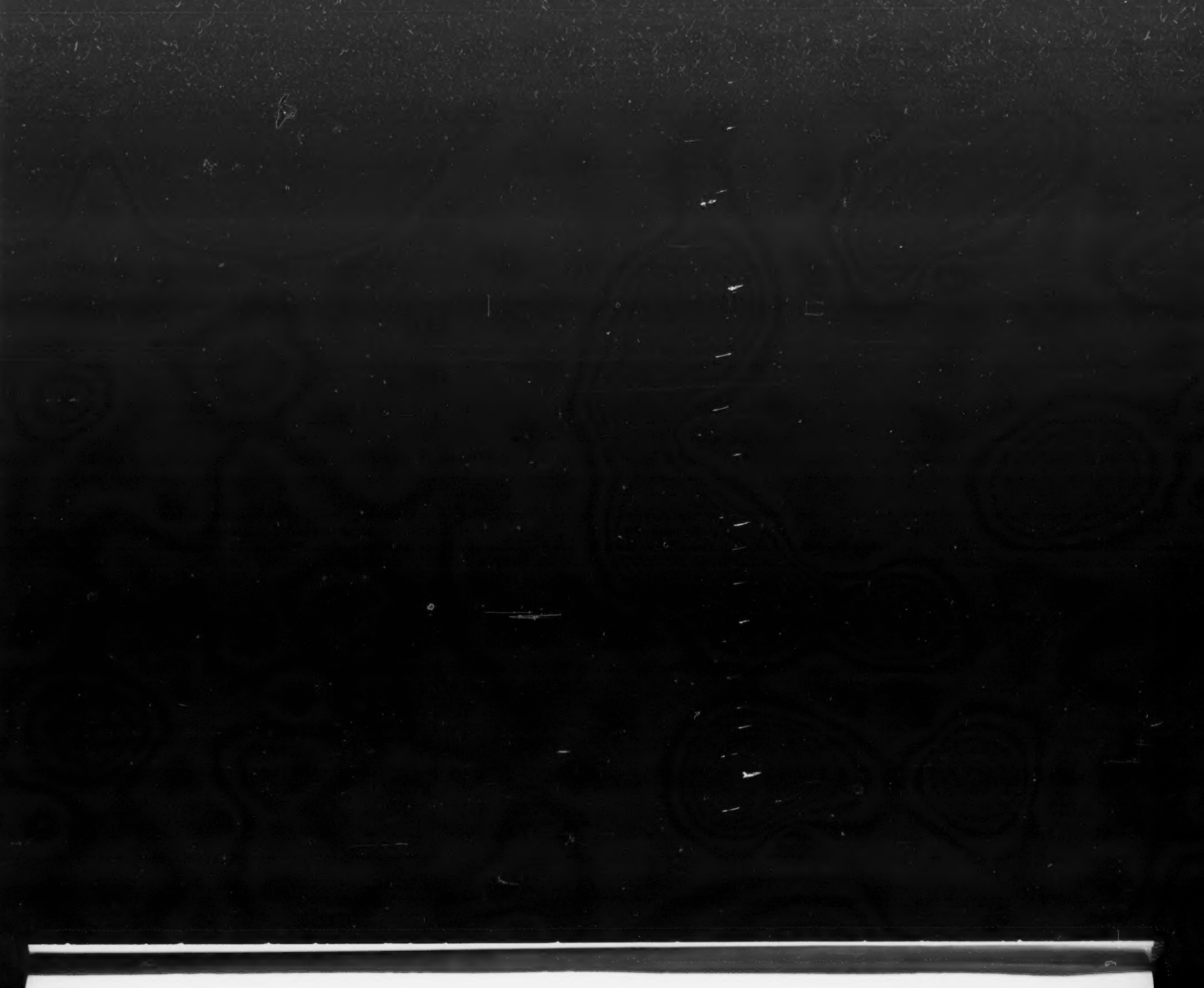
To-day, in the South, it is fertilizer and not land that is the measure of agricultural production.

To-day 88 per cent of the power at the great Wilson Dam at Muscle Shoals goes over the dam to waste. The other 12 per cent of the power is being sold to the power companies for a mere song. Estimated at the very lowest figures the waste of the power costs the Government of the United States and deprives the Treasury of the United States of not less than $3,000,000 a year. While this money is lost to the Government, while the power companies buy the power they want at a mere song, the people of the United States stand helpless before the extortions of the Power Trust and it piles up its enormous profits. According to the testimony before the Federal Trade Commission, the Southeastern Power & Light Co., which is allied with the power companies securing the power from Muscle Shoals, made a dividend of 3,102 per cent in the year 1927. If the Southeastern Power & Light Co. had been paid in advance a dividend of 8 per cent a year on its investment and had received this 3,102 per cent it would have been paid its 8 per cent dividend on its investment for a period of 388 years. If it had been paid a 6 per cent dividend in advance on its investment it would have received payment in advance for 517 years. A few days ago Hon. Frederick M. Sackett, former Senator from Kentucky and now American ambassador to Germany, speaking in Berlin to the World Power Conference on the cost of electric power, said:

I know of no other manufacturing industry where the sale price to the great mass of consumers is fifteen times the actual cost of production of the article sold.

While the farmers of the South pay tribute to the Fertilizer Trust, while the people of the Nation pay their tribute to the Power Trust, Muscle Shoals remains idle because of the unwillingness of Mr. Hoover and the Republican leaders to make any disposition of the properties other than that which would be for the benefit of the Fertilizer Trust and the Power Trust. The surrender of the Hoover administration to the Power and Fertilizer Trusts is but in keeping with the position and action of the administration on practically all of the other great measures which have come before it.

After promising to rewrite the tariff law so as to place agriculture on an equality with industry, the administration betraying this promise, writes the Grundy tariff law that puts an infamous tax on practically every article necessary for the life of the people, imposes an additional tax burden of $1,000,000,000 a year upon the farmers and consumers of our country, and that robs the South and her people of the products of their toil to fill the coffers of northern industry. If the tax on cement had been in effect in 1928, that tax alone would have cost the people of Alabama $139,617.60 for the roads built by the State during the year, and that would not have included the cost for bridges and curbing. This law slaps in the face foreign nations who are our best customers, invites reprisals from them, and will play havoc with our foreign trade. It will close foreign markets to our products, although the southern farmer must sell each year from 60 to 65 per cent of his cotton crop in these markets. A more sectional, a more unjust, a more vicious law has never been passed in the history of this country. The administration strikes down the debenture plan, which alone as a tariff measure held out sure and certain relief for the farmer. It continues to experiment and trifle with the enforcement of our laws; it goes into the Treasury of the United States, takes out $339,528,941.51 during the past year and gives it in tax refunds to the rich, the powerful, and the wealthy of the land; it permits Andrew W. Mellon, Secretary of the Treasury, to put one hand in the Treasury, take out $1,207,424 as tax refunds, and then take his other hand and place this money in the pockets of his own company, the Aluminum Co. of America, without supervision or review of the transaction by anyone; it gives us "Hoover prosperity" that has brought the panic with millions of men out of employment and one out of every four laborers of the land seeking a job, with banks failing on every hand, with the value of millions of dollars in stocks gone and lost forever, with millions of men, women, and children gaunt, hungry, and looking for food, while bread lines clutter the streets of great cities; it violates its pledge to the farmer to place him on an equality with industry, increases the bondage of his burdens, forces the price of his products far below the cost of production to new low levels, and drives him to the brink of financial ruin and economic slavery; it turns a deaf ear to the plea of labor and refuses to enact legislation for the benefit of the masses of the people, but passes laws to stifle the individual, to strengthen monopoly, and to rivet its chains for the exploitation of the toilers and laborers everywhere; it has endeavored to make the rich richer and the poor poorer; it attempted through its advocacy of the repeal of the national origins act to undermine and weaken our immigration laws, labor's surest bulwark and the Nation's surest defense; it retains as the head of the Republican National Committee the man who sought to use Muscle Shoals to pay his personal gambling debt and whose sole claim to distinction seems to be that he can raise more Republican campaign boodle than any





living man; it sets up a Federal Farm Board with nine members and refuses to give to the South even one of these members; it sets up a Cabinet without a single southern man in it; it fills numerous places of high importance in the Government without any recognition to the South; it continues to make appointments to office under the same old spoils system, so obnoxious and so unfair to the South; it passes in the House of Representatives the Tinkham amendment attempting to cut down the representation of the South in the Congress some 35 per cent because of the South's election laws; it passes a bill appropriating $50,000 for the erection of a monument to the negro in the city of Washington, while it delays for over a year the construction of a Veterans' Bureau hospital in Alabama for the care of Alabama's disabled and suffering soldiers; it carries its policies to a point where it shocks the people of the South and challenges not only our social institutions but even the civilization builded by our fathers.

In view of these facts, is it surprising that the proud old Commonwealth of Virginia with joyous heart and eager feet literally leaps back into the nurturing arms of the Democratic Party? Do we wonder that the old North State buries deep under a tidal wave of 72,000 majority the last vestige of Hooverism? Whatever may have been the differences of the people of the South in the past, however honest and sincere those differences may have been, whatever the causes or reasons for them, the people of the South now know from the written page of the record that the leopard does not change his spots; that the Republican Party to-day is the same party that was the ancient foe of their fathers; that the myth of the miracle man, Herbert Hoover, has been exploded; that even as he left the Democratic Party and forsook the standard of Woodrow Wilson to sit around the table with Fall, Daugherty, and Denby, so to-day he stands stark and naked in his embodiment of the Republican Party and its cold disregard if not open hostility to the South, her interests, and her people. Throughout the land of Dixie—

> Those opposed eyes,
> Which, like the meteors of a troubled heaven,
> All of one nature, of one substance bred,
> Did lately meet in the intestine shock
> And furious close of civil butchery,
> Shall now, in mutual well-beseeming ranks,
> March all one way, and be no more oppos'd
> Against acquaintance, kindred, and allies.

The sons and daughters of Dixie are back in the house of their fathers, the Democratic Party, there, thank God, to remain forever.

THE COMMON MAN IS HARASSED BY BUREAUCRACY AND GROUND BY TAXES TO AN UNBEARABLE EXTENT—THOMAS JEFFETSON POINTS THE WAY OUT

Mr. LUDLOW. Mr. Speaker, if I were ever to undertake to make a political speech that would embrace what I conceive to be the true philosophy of government, pointing the way to the highest perfection attainable in the social order that binds human beings together, I think I would start with the first sentence of the first chapter of Genesis and work from that base.

> In the beginning God created the heaven and the earth.

That sentence is the most startling and meaningful utterance to be found in all literature. The greatest story of all time is told in exactly 10 words, the story of cosmos emerging from chaos.

It is the story of God the Architect, the loving Father of us all, creating a cosmic commonwealth of infinite beauty and making it ready for His children. Vast, fertile plains to yield the things that sustain life, great rivers that flow in majesty to the seas, cascades that dance and sparkle in the sunlight, mountain slopes that rise in towering grandeur to the very feet of the Creator. In the depths of the earth God deposited untold billions of tons of coal to warm the human family, in the waterfalls he placed power without limit to drive the wheels of commerce. All things that make for prosperity, welfare, and happiness of the human race are embraced in God's gift to man on the morning of creation.

It is as presumptuous as it is futile for mortals to undertake to fathom the purposes of the Infinite, but it is inconceivable that this earth should have been created for any particular class of persons as, for instance, the strong, the rich, and the influential. Those whose minds penetrate farthest into the mysteries of God's fatherhood must agree that the Divine Architect intended the earth as a commonwealth to be enjoyed by all of His children on terms of equality.

On all sides to-day we see how the divine will is being thwarted by human selfishness. Those who are already rich beyond the dreams of avarice come to Washington for privileged enactments to make themselves still richer. The powers of government which ought to belong equally to all have been stripped from the masses and conferred upon favored individuals and groups for the enlargement of fortunes already colossal. As the exploitation of the people has proceeded, agencies of government have multiplied. Boards and commissions and independent establishments have sprung into existence as thick as mushrooms, each clothed with authority to tell the average citizen what he can do and what he can not do, when he can do thus and so and when he can not do that and the other thing.

Thus there has been saddled upon the citizenship of America a great Washington bureaucracy which is stifling local self-government everywhere, unjustifiably extorting from the people enormous sums of taxes, which have become an almost unbearable burden. No longer is government simple, resting lightly on the shoulders of each individual, but highly complex, staggering in its cost, paternalistic, and dictatorial. No longer is every citizen the equal of every other citizen before the law but there is too often one law for the rich and another for the poor. The common man seldom, if ever, gets a square deal under the existing order, for special privilege has a thousand hands and each hand has an itching palm to grasp the fruits of honest toil.

When I witness the avidity displayed by one of these typical seekers for governmental favors, whose sole thought is to make himself richer at the expense of the average man, I sometimes think what a just and awful retribution it would be if the Creator of this world would remove all of the inhabitants except him to some other planet—for there are many worlds in His universe—and permit this incarnation of selfishness to have the earth to himself forever. I can hear this heir to everything mundane in the exuberance of his first joyful reactions as he exclaims:

"Everything is mine! The wealth of the Indies, the mahogany and rosewood forests of the Tropics, the diamond fields of Africa, the gold of Alaska—all these are mine! Mine!"

In a little while I see his head droop and his countenance darken with a look of indescribable woe as he continues his musings:

"But I have no neighbors—no friends. I have no family, no children to take on my knee, no one to share with me these diamonds, these ambrosial delicacies. I own the earth but, O God! I am the poorest of the poor."

It often seems to me that it would take just such a shock as that to teach some of these selfish ones that society is interdependent and that the only source of real happiness lies in making others happy. We can do nothing better, we can do nothing finer, we can do nothing grander than to help our fellow mortals over the rough places of life and no one will ever know what true happiness is until he loses himself in service for others.

This is the dominant note in the philosophy of Thomas Jefferson, the greatest humanitarian that has trod this planet since Jesus of Nazareth. It is the thought that gripped him when he wrote in the immortal Declaration of Independence the assertion that "all men are created equal." Not equal in mentality as some have assumed he meant—oh, no! Jefferson himself was a living example showing that all men are not born with equal vision and natural endowments, for there was no man in the Colonies, not even Hamilton, with his great intellect, nor Washington, with his matchless military mind, who was the equal of Jefferson as a seer. What the Sage of Monticello meant was that all men are born with a right to equal treatment by the law and equality of opportunity in respect to life, liberty, and the pursuit of happiness. His concern was for the ordinary individual; the one whom Abraham Lincoln had in mind when he said:

> The Lord must love the common people for he made so many of them.

The beauty of the Jeffersonian philosophy is that it fosters comradeship. It makes brothers of you and me, and all of us. It binds men one to another with hoops of steel. It recognizes the eternal truth that a hickory shirt or calico dress may cover a heart as pure and true as any that beats beneath purple and fine linen; that virtue dwells as often in humble cottages and byways as in palaces. Unlike a government dominated by bureaucrats and catering to special privilege, it is no close corporation. At its table is always spread a feast of love, and whosoever will may come. It teaches that we should manifest an interest in people, not for the purpose of exploiting them but for the purpose of assisting them to higher and happier levels of living; that we should love our fellow men for what we can do for them and not, as the exponents of special privilege would have it, for what we can squeeze out

of them. The concern of this Nation should be to see that the average citizen prospers; that however hard and drab may be the surroundings of boys and girls, in whose breasts a righteous ambition burns, they shall have their chance to grow into the larger life; that their God-given right to reach the full stature of useful manhood and womanhood and to enjoy the fruits of honest toil shall not be barred or abridged by privileged statutes and practices that rob them of their birthright before they have fairly started on life's journey.

What America needs most of all in this twentieth century is a recrudescence of Jeffersonianism; a determination that ours shall not be a government of the few and for the few but a government of the people and for the people. Though Thomas Jefferson has been dead for 104 years he still lives. From out of the background of history he points the way through the wilderness of bureaucracy and special privilege to a glorious fulfillment of our national destiny if we have the vision to see and the courage to do.

MISSOURI'S GREATEST INDUSTRY, AGRICULTURE, WILL BE GREATLY BENEFITED BY THE TARIFF ACT OF 1930

Mr. HOPKINS. Mr. Speaker, I do not believe that there has ever been a subject so voluminously discussed in the press and over the radio that has been so greatly misunderstood as the "tariff of 1930."

I want to present here just a few facts and some convincing figures showing the benefits of the tariff act of 1930 to the State of Missouri.

NO TARIFF ON TWO-THIRDS OF IMPORTS

To begin with, it should be emphasized that two-thirds of all imports into this country pay no duties whatsoever. So the tariff applies only to one-third of the imports that come into the country. Of approximately 3,300 items in the tariff list only 890 received an increased rate, 235 were decreased, and 2,175 remained the same as they were.

Of the total value of all imports into the United States the increases in the new tariff apply to but 22½ per cent. So 77½ per cent of the total values of imports remain as they have been for eight years or are decreased.

Americans buy and sell $90,000,000,000 of American-made products each year in America while we buy and sell to people in foreign countries each year only one-third of this amount. Therefore, the new tariff increases affect less than 3 per cent of the things we buy and sell in America.

The total amount of tariff duties collected in 1928 was $522,649,383. If the rates in this new act had been applied on the same imports, the collections would have been $630,456,280. All of this money goes into the United States Treasury.

The increases in this new act are mainly on products from the Middle West—agricultural products. These increases are divided 68 per cent on agricultural products and 32 per cent on industrial items. So in money values of duties collected on 1928 imports the increase would have been $72,181,314 on agricultural products—mainly from the Middle West—and $36,402,057 on industrial items—mainly from large manufacturing centers on the coast.

Clearly, agriculture and the Middle West have the best of it under this tariff act. No tariff ever written has treated the products of the farm, the stock range, and the dairy so favorably.

MISSOURI AN AGRICULTURAL STATE

Missouri is one of the greatest agricultural States in America. Its cities and towns are largely dependent on agriculture.

Agricultural production for Missouri for 1928 from her farms, gardens, dairies, and stock ranges amounted to approximately $575,000,000. At this point it is interesting to note that the annual imports of competitive agricultural products into the United States is about $600,000,000. The greater part of this comes into competition with Middle Western products. Think what it will mean when this market is turned over to the American farmer instead of the Canadian, Australian, Argentine, or Chinese farmer.

Many, perhaps most, of the items of agriculture in that $575,000,000 yearly production will receive an increased benefit by this tariff act of 1930.

Look over this table furnished me by the Tariff Commission which will show you what the tariff on many products of Missouri farms was under the Democratic tariff act of 1913, was under the tariff act of 1922, and is now under the tariff act of 1930, and the increases made under this new law.

Comparison of tariff rates on Missouri products

Commodity	Value of Missouri production, 1928	Underwood Act, 1913, Democratic	Fordney-McCumber Act, 1922, Republican	Hawley-Smoot Act, 1930, Republican	Increase over 1922 law
Corn	$132,524,000	Free	15 cents per bushel	25 cents per bushel	$0.10
Hay	49,430,000	$2 per ton	$4 per long ton	$5 per short ton	1.60
Wheat	23,188,000	Free	30 cents per bushel	42 cents per bushel	.12
Oats	20,063,000	6 cents per bushel	6 cents per bushel	16 cents per bushel	.10
Potatoes	6,171,000	Free	50 cents per hundred	75 cents per hundred	.25
Beef cattle	53,011,000				
Weighing less than 700 pounds		Free	1½ cents under 1,050 pounds.	2½ cents per pound	.01
Weighing over 700 pounds		do	2 cents over 1,050 pounds.	3 cents per pound	.01
Beef and veal [1]		do	3 cents per pound	6 cents per pound	.03
Hogs	111,610,000				
Alive		do	½ cent per pound	2 cents per pound	.01½
Pork		do	¾ cent per pound	2½ cents per pound	.01¾
Bacon, ham, and shoulders		do	2 cents per pound	3¾ cents per pound	.01¼
Lard		do	1 cent per pound	3 cents per pound	.02
Lard substitutes		do	4 cents per pound	5 cents per pound	.01
Milk products	55,700,000				
Milk, whole		Free	2½ cents per gallon	6½ cents per gallon	.04
Cream (gallon)		do	20 cents	56.6 cents	.366
Milk powder		do	3 cents per pound	6½ cents per pound	.03
Butter		2½ cents per pound	8 cents per pound	14 cents per pound	.06
Poultry	30,541,000				
Live		1 cent per pound	3 cents per pound	8 cents per pound	.05
Dressed		do	6 cents per pound	10 cents per pound	.04
Eggs	41,745,000				
Fresh		Free	8 cents per dozen	11 cents per dozen	.03
Dried		10 cents per pound	18 cents per pound	18 cents per pound	
Alfalfa seed	140,000	Free	4 cents per pound	8 cents per pound	.04
Clover seed:					
Sweetclover		do	2 cents per pound	4 cents per pound	.02
Red clover		do	4 cents per pound	8 cents per pound	.04

[1] Many packing plants in Missouri.

The average increase of import duties in the 1930 act as compared with the 1922 act on the above-named farm products is 97 per cent. Under the flexible provisions of the 1922 act President Coolidge, by proclamation, increased the duty on wheat from 30 to 42 cents per bushel; butter and butter substitutes from 8 to 12 cents per pound; cream from 20 to 30 cents per gallon. Flax was increased from 40 to 56 cents per bushel by President Hoover in May, 1929. Most of the increases granted under the flexible clause were of material benefit to the Middle West. It should be noted that the products that Missouri produces the most of were given preferential treatment under the new 1930 tariff. The items listed above amount to more than $525,000,000 out of a total production for the entire State of all agricultural commodities of $575,000,000, or more than 90 per cent.

LIVESTOCK

One of the most important industries in Missouri is livestock. The value of our dairy cattle is estimated at $61,198,000, beef cattle $60,712,000.

The total United States imports of cattle during a recent year amounted to $20,000,000 in value. These cattle come chiefly from Canada. The duty on cattle in this new law carries an increase of about 60 per cent over the rates in effect at present under the 1922 act. Lightweight cattle come in at a lower rate than heavier cattle. This new law reduces the upper limit of the lightweight-cattle group from 1,050 pounds to 700 pounds, thus, under the new law, making all cattle weighing from 700 pounds to 1,050 pounds dutiable at a higher rate. Therefore, in effect, the new law virtually doubles the duty on cattle.

The rates on cattle have been raised as follows: Cattle weighing less than 700 pounds, from 1½ cents up to 2½ cents.

Cattle weighing 700 pounds and more, from 2 cents per pound up to 3 cents per pound.

The tariff on beef and veal, however, is more important and that rate has been raised from 3 cents to 6 cents per pound—a 100 per cent increase.

And hides have been given a protection for the first time since 1909—the rate being 10 per cent of their value.

DAIRY PRODUCTS

The dairy industry is growing to be of utmost importance all over the State. The income from milk and milk products from our Missouri farms and dairies in 1928 was $55,700,000.

We import a great deal more milk and cheese than we export. So that a tariff on these items is directly beneficial to our farmers. On dairy products the new tariff act has been very liberal.

Tariff on milk has been raised from 2½ cents per gallon under the act of 1922 to 3¼ cents per gallon by President's proclamation, and now to 6½ cents per gallon in this new law. Tariff on cheese was 5 cents under the old law and has been raised to 7 cents per pound, but not less than 40 per cent of its value. Butter was 8 cents per pound, then raised by presidential order to 12 cents, and now under this act it goes up to 14 cents per pound.

POULTRY

Poultry is a big product on most farms and many a housewife gets her spending money by raising chickens and eggs for the market. In addition to that source, many are going into the poultry business on a bigger scale and are making it pay. Missouri is especially well adapted for poultry raising. The tariff has a decided effect upon the price of poultry and eggs, and, strange to say, our heavy imports come from China.

In 1928 the income in Missouri for poultry—chickens—was estimated at $30,540,000; for eggs, $41,745,000.

This new tariff act has treated those who sell poultry, eggs, and so forth, very well, indeed. Duty on poultry, alive, has been raised from 3 cents per pound to 8 cents per pound; dressed, from 6 cents to 10 cents per pound. Turkeys, from 6 cents to 10 cents per pound. Eggs, fresh, have been raised from 8 cents to 11 cents per dozen.

POTATOES

Missouri potato crop is quoted at about 11,440,000 bushels, valued at $7,384,000.

Our imports and exports of potatoes run about equal in value, a little in excess of $3,000,000 annually. The tariff on this item is not always fully effective, especially when we produce much more than we can consume. The rate under the 1922 act was 50 cents per 100 pounds. It has been raised under the new act to 75 cents per hundred pounds, which is a 50 per cent increase. It will help stabilize the price and discourage imports from Canada.

CONCLUSION

Many erroneous and misleading statements have been and will be made about the tariff. Nothing new will probably be said about this act that was not said about the act of 1922 and previous tariff laws.

Millions of dollars have been spent by interested parties in spreading publicity and propaganda to discourage the passage of this bill and to make it unpopular in the country. Chief among these is the minority party which would profit by making any legislation passed by this Congress unpopular in the country at and near election time.

Big business men in the automobile business and other lines who are establishing factories in foreign lands to profit by low wages and escape taxation do not want a tariff on their imports.

Importers who like to buy low in foreign lands of cheap wages and low-living standards and sell high to the American trade have contributed to the propaganda.

International bankers who know no country and have their investments abroad (nearly $15,000,000,000) oppose the theory of protection. They are interested in collecting their loans and not interested in protecting the American market for Americans.

The opposition to the tariff has been systematized and well planned. No expense has been spared and the highest-paid publicity expert in Washington has managed the campaign of misrepresentation.

In the large cities the agricultural rates are attacked as too high. People are told that the rates on the things they manufacture are not high enough, but that the rates on articles produced in the Middle West are too high.

On the other hand, in the agricultural sections this well-planned propaganda takes the opposite side and states that industrial rates are too high. Efforts have been made to show that the farmer will be forced to pay more for the things he buys; that the price on harness and shoes, neckties and furniture, shaving mugs and wrist watches will go up. Most of the propaganda you hear about increased cost of living under a new tariff measure is largely exaggerated; and many complaints will be heard about the price of articles that are now on the free list and on which no duty is paid.

It is interesting to note that a great many items which the farmer is interested in are on the free list, entirely unaffected by the tariff.

This free list includes all agricultural implements and machinery, including cream separators up to a certain value, tractors, milk cans, all materials used chiefly for fertilizer, fuel oil and gasoline, harness and saddlery up to a certain value, binding twine, and numerous other items.

And finally the flexible provision of the act of 1922 is retained and improved so that the President on recommendation of the Tariff Commission can raise or lower the duty on any item 50 per cent at any time. This is a safeguard and offers opportunity for correcting any inequality or meeting any emergency that may arise. Under this same provision agriculture has benefited sometimes in the past—notably when the duties were raised by presidential proclamation on wheat, onions, milk, cheese, butter, frozen eggs, and so forth.

NO TARIFF WAR

Much has been said of late about the possible retaliation of other countries against the United States because of our increased tariff rates. When have the people of our country gotten to the place where they must bow in fear and trembling to the mandates and threats of the commercial barons of other nations? We do not discriminate. Our customhouses are open to foreign commodities regardless of their origin. We do not object to the tariffs levied by other nations for their own protection. Ninety per cent of the foreign countries have tariffs higher than the tariff rates of the United States.

If any other nation wants to start a tariff war, they must strike the first blow, but we can warn them beforehand that a coroner's jury will bring in a verdict of "commercial suicide" for them when the smoke has cleared away.

No tariff law was ever written that fully suited all of the American people, much less all of the foreigners.

Let us examine the tariff rates of other countries:

ARGENTINA

Argentina is one of our greatest competitors in agricultural commodities.

Article	Argentine tariff	United States tariff
Beef	32 per cent	6 cents per pound.
Pork	do	2½ cents per pound.
Bacon	11¼ cents per pound	3¼ cents per pound.
Hams	25½ cents per pound	Do.
Lard	3 cents per pound	4½ cents per pound.
Poultry	32 per cent	8–10 cents per pound.
Hides	do	10 per cent.
Leather	55 cents per pound	10–25 per cent.
Shoes	$21.50 per dozen	20 per cent.
Sugar	3 cents per pound	2¼ cents per pound.
Stationery	8–17 cents per pound	3 cents per pound and 20 per cent.

AUSTRALIA

Australia is another great competitor of the United States in agricultural products. Examine the tariff rates of this British Dominion. The following rates are charged all countries except Great Britain. Articles from Great Britain come in free:

Article	Australian tariff	United States tariff
Barley	23½ cents per bushel	20 cents per bushel.
Wheat	42 cents per bushel	29 cents per bushel.
Corn	40 cents per bushel	25 cents per bushel.
Alfalfa seed	18 cents per pound	8 cents per pound.
Clover seed	do	4 cents per pound.
Beef	5 cents per pound	6 cents per pound.
Pork	do	2½ cents per pound.
Bacon and hams	8 cents per pound	3¼ cents per pound.
Poultry	5 cents per pound	8 cents per pound.
Eggs	Prohibited	10 cents per dozen.
Cheese	do	6½ cents per pound.
Milk powder	do	Do.
Hides	Free	10 per cent.
Leather	35 per cent	10 to 25 per cent.
Shoes	90 per cent	20 per cent.
Stationery	63 cents per pound	3 cents per pound plus 20 per cent.
Sugar	3 cents per pound	2¼ cents per pound.

BRAZIL

Brazil is also a great competitor of the United States. Examine these tariff rates:

Article	Brazil's tariff	United States tariff
Wheat	14 cents per bushel	42 cents per bushel.
Corn	31 cents per bushel	25 cents per bushel.
Oats	26 cents per bushel	16 cents per bushel.
Barley	34 cents per bushel	20 cents per bushel.

Article	Brazil's tariff	United States tariff
Rye	166 per cent	15 cents per bushel.
Cattle	$12.67 per head	2½–3 cents per pound.
Bacon	5 cents per pound	3¼ cents per pound.
Hams	16 cents per pound	Do.
Lard	5 cents per pound	3 cents per pound.
Poultry	103 per cent	8 cents per pound.
Eggs	166 per cent	10 cents per pound.
Butter	18 cents per pound	14 cents per pound.
Cream	166 per cent	56 cents per gallon.
Potatoes	75 cents per 100 pounds	$1.28 per 100 pounds.
Hides	5 cents per pound	10 per cent.
Leather	28–41 cents per pound	10–25 per cent.
Shoes	$1–$2.60 per pair	20 per cent.
Sugar	16 cents per pound	2¾ cents per pound.
Stationery	13–16 cents per pound	3 cents per pound and 20 per cent.

CANADA

Canada is a close neighbor and a real and effective competitor of the Middle West. Study the following rates and see if Canada has any just complaint against our tariff:

Article	Canada's tariff	United States tariff
Wheat	42 cents per bushel	42 cents per bushel.
Flour	$1.04 per 100 pounds	$1.04 per 100 pounds.
Corn	Free	25 cents per 100 pounds.
Oats	16 cents per bushel	16 cents per bushel.
Barley	25 cents per bushel	20 cents per bushel.
Alfalfa seed	10 per cent	8 cents per pound.
Clover seed	do	4 cents per pound.
Cattle	2½–3 cents per pound	2½–3 cents per pound.
Beef	6 cents per pound	6 cents per pound.
Pork	3½ cents per pound	2½ cents per pound.
Bacon and hams	3¼ cents per pound	3¼ cents per pound.
Poultry	8 cents per pound	8 cents per pound.
Eggs	10 cents per dozen	10 cents per dozen.
Butter	14 cents per pound	14 cents per pound.
Milk	3½ cents per gallon	2½ cents per gallon.
Potatoes	75 cents per 100 pounds	75 cents per 100 pounds.
Hides	Free	10 per cent.
Leather	10–27½ per cent	10–25 per cent.
Shoes	30 per cent	20 per cent.
Stationery	25 per cent	3 cents per pound and 20 per cent.

NOTE.—Canada charges no tariff on anything from England but charges us the rates above listed.

FRANCE

France objected to some of our rates. Examine the following table and see if you think the objections justified. France also objects to paying her war debt:

Article	France's tariff	United States tariff
Wheat	85 cents per bushel	42 cents per bushel.
Corn	10 cents per bushel	25 cents per bushel.
Oats	9 cents per bushel	16 cents per bushel.
Barley	13 cents per bushel	20 cents per bushel.
Rye	15 cents per bushel	15 cents per bushel.
Pork	Prohibited	2½ cents per pound.
Hams and bacon	3⅒ cents per pound	3¼ cents per pound
Hides	Free	10 per cent.
Leather	5 cents per pound	10–25 per cent.
Shoes	22½–25 per cent	20 per cent.
Sugar	2½ cents per pound	2¾ cents per pound.
Stationery	4 cents per pound	3 cents per pound and 20 per cent.
Gasoline and oil	$1.11 per 100 pounds	Free.

ITALY

Italy objects to our tariff on tomatoes. Hundreds of canneries in Missouri will be able to can more tomatoes than before, due to new tariff. Examine Italy's tariff:

Article	Italy's tariff	United States tariff
Wheat	87 cents per bushel	42 cents per bushel.
Corn	81 cents per bushel	25 cents per bushel.
Oats	11 cents per bushel	16 cents per bushel.
Barley	16 cents per bushel	20 cents per bushel.
Rye	22 cents per bushel	15 cents per bushel.
Hides	Free	10 per cent.
Leather	5–42 cents per pound	10–25 per cent.
Shoes	28 cents per pair	20 per cent.
Sugar	12 cents per pound	2¾ cents per pound.
Stationery	1–3½ cents per pound	3 cents per pound and 20 per cent.
Gasoline and oil	$2 per 100 pounds	Free.

MEXICO

Compare Mexico's rates with ours:

Article	Mexico's tariff	United States tariff
Wheat	66 cents per bushel	42 cents per bushel.
Corn	12 cents per bushel	25 cents per bushel.
Oats	28 cents per bushel	16 cents per bushel.
Barley	42 cents per bushel	20 cents per bushel.
Rye	37 cents per bushel	15 cents per bushel.
Cattle	$10–$60 each	2½–3 cents per pound.
Hams and bacon	11 cents per pound	3¼ cents per pound.
Lard	3 cents per pound	3 cents per pound.
Poultry	15 cents per pound	8 cents per pound.
Butter	13 cents per pound	14 cents per pound.
Potatoes	$1.50 per 100 pounds	75 cents per 100 pounds.
Hides	1 cent per pound	10 per cent.
Leather	30–83 cents per pound	10–25 per cent.
Shoes	$2.50 per pair	20 per cent.
Sugar	4 cents per pound	2¾ cents per pound.
Stationery	10–65 cents per pound	3 cents per pound and 20 per cent.
Gasoline and oil	$1.28 per 100 pounds	Free.

Certain countries have objected to our tariff, yet these same countries in most cases have rates higher than ours. The following tables show—

Column 1, the percentage of our exports to these countries on which we must pay a tariff on entrance into the respective countries.

Column 2, the percentage of imports from these same countries on which we levy duties.

It is interesting to note that most of these countries charge on a higher percentage of imports than the United States. For example, "free-trade England" levies on a higher percentage of United States imports than we do on theirs.

Country	Per cent of dutiable exports from United States to foreign country	Per cent of dutiable imports from foreign country to United States
Spain	70	58
France	80	28
England	55	40
Russia	86	94
Argentina	44	83
Australia	53	87
Austria	53	33
Belgium	74	62
Canada	39	59
Czechoslovakia	75	40
Denmark	67	58
Germany	71	24
Hungary	71	59
Irish Free State	76	80
Italy	81	52
Japan	65	91
Mexico	23	65
Portugal	75	83
Switzerland	56	41
China	70	77

WHAT LABOR THINKS

Matthew Woll, of the American Wage Earner, recently said:

The protest of Henry Ford against the passage of the pending tariff bill can not go unchallenged.

Ford's protest is but another sign of the desperate plight which American capitalists, who with millions of American dollars invested in foreign countries, in order to curry favor with those in control find it convenient to embarrass their own countrymen in order to safeguard their foreign investments.

If the wages and living conditions of American workers are to be preserved, let alone improved, Congress can well afford to look to those Americans who have indicated their sincere interest in the welfare of their country by investing their moneys in America rather than those who have taken their profits received from the American purchasing public and used them to destroy American industries.

The Washington Post editorially declared:

For many months this unscrupulous coalition embroiled Congress in controversies that worked injury to the public. An attempt was made to strike down American industry and labor under the pretense that agriculture could not otherwise obtain its rights. The welfare of all Americans was jeopardized by this wanton attack. Business recovery has been delayed by it, and hundreds of thousands of families are hungry because of it.

The Republican Party, thanks to the House of Representatives and the skillful leadership of Senator WATSON in the Senate, finally passed the tariff bill, with the flexible provision in the form desired by President Hoover. The foundation of American prosperity, is, therefore, solid, and the work of recovery can now go on without further interference.

Americans are guaranteed possession of their own market. The greatest consuming market in the world belongs to them. Upon that asset they can proceed to conquer foreign markets by producing better goods by cheaper mass-production methods than any competitors can command.

Foreign nations can continue to sell enormous quantities of goods to the United States. This is their best market. But they can not send here cheap-labor goods to destroy American industries.

There is a world-wide depression, which is presumed to be an aftermath of the cremation of lives and wealth during the late war. The United States is feeling this depression in decreased exports, but only to a mild degree. Within the United States recovery from the stock-market crash would have been accomplished by this time if the would-be wreckers of prosperity had not delayed enactment of the protective tariff law.

The first country that will recover from the world-wide depression is the United States. It has no war losses to be wiped out by extreme toil on starvation rations. Its industries are not kept going by robbing workers of rightful wages.

Twenty billions of American dollars are at work in foreign countries, helping to restore world prosperity. When American manufacturers establish branches in foreign countries and pay high wages, they contribute powerfully to world welfare. When they attempt to exploit foreign workers in order to send cheap-labor goods back to the United States, they are stopped at the customhouse.

The way is now open for the United States to forge ahead under the constructive administration of a President whose instinct is to build up and not tear down.

AMERICAN FARM BUREAU'S OPINION

Complaint has been made that the farming population will be charged more for their purchases than they will receive benefit in their sales. Chester H. Gray, in his report of June 24, 1930, says:

The objective of the American Farm Bureau Federation in tariff adjustment matters has not been to destroy protection but to secure it for farm crops so that farmers might profitably enjoy supplying the domestic market.

The tariff policies of the American Farm Bureau Federation seems to accent the idea that farmers may sell themselves rich in the domestic market. Much less thought is given in the Farm Bureau to the idea of so adjusting tariff rates that farmers can buy themselves rich. The average American farmer seems to think that if he can be protected against his foreign competitors he need not be so much concerned about the buying end of the farm game.

The underlying purpose of the tariff is to keep the home market for the American producers whether on the farm or in the factories and industries of America.

For four-fifths of our national history we have followed the protective-tariff policy, and as a result the standard of living in the American homes is higher than any place else in the world.

BASIC PROMISES OF ENDURING PROSPERITY

With 7 per cent of the world's population, the United States consumes 48 per cent of the world's coffee, 53 per cent of its tin, 56 per cent of its rubber, 21 per cent of its sugar, 72 per cent of its silk, 36 per cent of its coal, 42 per cent of its pig iron, 47 per cent of its copper, 69 per cent of its crude petroleum, and owns twenty-three of the thirty million running automobiles. It operates 60 per cent of the world's telephone and telegraph facilities, 33 per cent of the world's railroads, and produces and consumes more than 35 per cent of the world's total electric power.

This Nation embraces 5 per cent of the world's area, but it produces 70 per cent of all the oil, 60 per cent of the wheat and cotton, 50 per cent of the copper and pig iron, and 40 per cent of the lead and of the coal output of the globe.

Holding approximately one-half of the world's monetary gold, the United States has two-thirds of the total banking resources of the earth.

While its population was increasing by 60 per cent, its industrial production increased by 300 per cent. The purchasing power of the 120,000,000 citizens of this country is greater than that of the 500,000,000 Europeans and is much greater than that of the more than a billion Asiatics.

The four hundred billions of national wealth will be one thousand billions before men now living die, and they will see the national income of ninety billions doubled. The national savings may run to ten billions a year.

FACTS ABOUT MISSOURI AGRICULTURE

As a matter of information, some may like to know more about what Missouri produces in various agricultural lines. I am inserting at this point some very interesting tables:

TABLE 1.—*Missouri crops: Acreage, production, and value, 1928*

Kind of crop	Production	Value	Acreage
Corn.....bushels	181, 540, 000	$132, 524, 000	6, 260, 000
All wheat.....do	19, 194, 000	23, 188, 000	1, 511, 000
Barley.....do	286, 000	229, 000	13, 000
Rye.....do	228, 000	242, 000	19, 000
Oats.....do	47, 768, 000	20, 063, 000	1, 706, 000
Buckwheat.....do	13, 000	12, 000	1, 000
Flaxseed.....do	56, 000	108, 000	7, 000
Rice.....do	400, 000	360, 000	10, 000
Soybeans (except hay).....do	1, 438, 000	2, 732, 000	115, 000
Cowpeas (except hay).....do	308, 000	647, 000	28, 000
Grain sorghums (for all purposes).....do	2, 178, 000	1, 742, 000	99, 000
Pecans.....pounds	144, 000	23, 000	.....
All hay.....tons	4, 724, 000	49, 430, 000	3, 714, 000
Clover seed.....bushels	30, 000	803, 000	23, 000
Sweetclover seed.....do	18, 000	97, 000	6, 000
Timothy seed.....do	248, 500	534, 000	71, 000
Broomcorn.....tons	900	81, 000	4, 000
Alfalfa seed.....bushels	9, 000	140, 000	3, 000
Cottonseed.....tons	65, 000	2, 275, 000	.....
Cotton lint.....bales	147, 000	13, 230, 000	334, 000
Tobacco.....pounds	4, 400, 000	1, 258, 000	4, 000
Potatoes.....bushels	10, 285, 000	6, 171, 000	85, 000
Sweetpotatoes.....do	1, 155, 000	1, 213, 000	11, 000
Apples.....do	3, 380, 000	4, 225, 000	.....
Peaches.....do	655, 000	1, 015, 000	.....
Pears.....do	171, 000	197, 000	.....
Grapes.....tons	14, 000	630, 000	.....
Sorgo sirup.....gallons	1, 870, 000	1, 870, 000	22, 000
Cabbage (market and kraut).....tons	5, 200	58, 000	950
Spinach (for market).....bushels	364	329, 000	1, 280
Strawberries.....quarts	28, 212	3, 103, 000	26, 490
Tomatoes (for market).....bushels	291, 000	207, 000	4, 480
Watermelons.....number	1, 430, 000	220, 000	5, 000
Cucumbers for manufacture.....bushels	76, 000	57, 000	1, 250
Tomatoes for manufacture.....tons	33, 700	425, 000	18, 700
Total value	.....	269, 136, 000	.....

TABLE 2.—*Livestock in Missouri: Estimated numbers and value, January 1, 1929*

	Number	Value
Horses and colts	574, 000	$30, 605, 000
Mules and mule colts	313, 000	23, 407, 000
Milk cows and heifers	827, 000	61, 198, 000
Beef cattle and calves	1, 282, 000	60, 712, 000
Sheep and lambs	967, 000	10, 351, 000
Swine, including pigs	4, 31[illegible], 000	52, 793, 000
Chickens	30, 003, 000	29, 073, 000
Total value	.....	268, 139, 000

TABLE 3.—*Estimated gross income from farm production in Missouri, by commodities, 1928*

Crops:	Value
Corn	$12, 746, 000
Wheat	18, 300, 000
Oats	1, 979, 000
Barley	27, 000
Rye	193, 000
Buckwheat	9, 000
Flaxseed	100, 000
Rice	358, 000
Grain sorghums	182, 000
Popcorn	9, 000
Cotton lint	13, 010, 000
Cottonseed	1, 739, 000
Tobacco	1, 258, 000
Hay	7, 350, 000
Clover seed (red and alsike)	424, 000
Sweetclover seed	70, 000
Alfalfa seed	123, 000
Timothy	488, 000
Soybean	512, 000
Cowpeas	252, 000
Broomcorn	81, 000
Potatoes (white)	6, 912, 000
Sweetpotatoes	1, 436, 000
Truck crops	2, 987, 000
Apples	3, 804, 000
Peaches	984, 000
Pears	191, 000
Plums (and prunes), cherries, and apricots	394, 000
Grapes	605, 000
Strawberries	3, 449, 000
Small fruits	1, 173, 000
Pecans	65, 000
Sorghum sirup	1, 403, 000
Maple sugar and sirup	35, 000
Forest products	10, 888, 000
Total crops	93, 542, 000

	Value
Livestock products:	
Cattle and calves	$53,011,000
Hogs	111,610,000
Sheep and lambs	5,173,000
Horses	891,000
Mules	2,412,000
Chickens	30,541,000
Eggs (chicken)	41,745,000
Milk	55,700,000
Wool	2,564,000
Mohair	69,000
Honey	174,000
Beeswax	5,000
Total, livestock products	303,895,000
Total, crops and livestock products	397,437,000

SUMMING UP THE RECORD

Mr. TILSON. Mr. Speaker, as the second session of the Seventy-first Congress closes, it is gratifying to realize that, in cooperation with President Hoover, we have fulfilled every major promise made to the people of the United States in the presidential campaign of 1928. The Republican Party has been retained in power in this country, with the exception of comparatively brief intervals, for a period of 70 years because, when it makes promises, it keeps them. It is a matter for congratulation, both to ourselves and to the country, that, in the face of bitter, at times fierce, opposition, we have been able to carry on this creditable record for another two years and that we can again submit to the people of the country a report of redeemed party pledges in the form of solid accomplishments by both the legislative and executive branches of the Government.

PROMISES MADE AND REDEEMED

I say that we have redeemed every major promise made to the people in the platform or the campaign of 1928. Let me recall exactly what some of those promises were, so that the truth of this assertion may be demonstrated.

The principal promises are found in the following quotations from the 1928 party platform:

(1) Such further reduction of the tax burden as the condition of the Treasury may from time to time permit.

(2) We realize that there are certain industries which can not now successfully compete with foreign producers because of lower foreign wages and lower cost of living abroad, and we pledge the next Republican Congress to an examination, and where necessary a revision of these schedules to the end that American labor in these industries may again command the home market, may maintain the standard of living, and may count upon steady employment in its accustomed field.

(3) We have steadfastly opposed and will continue to oppose the cancellation of foreign debts.

(4) The Republican Party pledges itself to the enactment of legislation creating a Federal Farm Board, clothed with the necessary powers to promote the establishment of a farm marketing system of farmer owned and controlled stabilization corporations or associations to prevent and control surpluses through orderly distribution. We favor adequate tariff protection of such of our agricultural products as are affected by foreign competition.

(5) Full and adequate relief for our disabled veterans.

These specific party pledges have been redeemed by, first, reduction of taxes collectible during the current year in the amount of $160,000,000; second, enactment of the new tariff law, the revision being a modified revision exactly along the lines promised; third, creation of the Federal Farm Board, with a $500,000,000 revolving fund and increased tariff protection for agricultural products; fourth, approval of the French debt settlement; and fifth, increase of pensions and compensation for the veterans and widows of veterans of all wars since and including the Civil War.

OTHER LEGISLATIVE ACCOMPLISHMENTS

Not only have the specific platform pledges to which I have referred been fulfilled but in addition a long list of accomplishments in many other fields of legislation may be noted, of which the following is a partial list:

Establishment of a permanent system for the reapportionment of Members of the House after each decennial census, a measure designed to correct serious and dangerous abuses which might arise from a continued neglect to reapportion according to population.

Settlement of war debts with Germany on a basis equitable alike to that country and our own.

Continuance for an additional three years of the authorization of $1,000,000 annually for the rehabilitation of persons disabled in industry.

Increase of the retirement benefits allowed to employees of the Government, the maximum being raised from $1,000 to $1,200 annually.

Transfer of prohibition enforcement to the Justice Department.

Relief of overcrowding in Federal prisons by the authorization of two new Federal prisons and a hospital for defective delinquents, coupled with increased appropriations to improve employment conditions in Federal prisons.

Encouragement of commercial aviation by the authorization of a more liberal policy for the carrying of air mail by private contractors.

Aid to the employment situation by a very substantial increase in the Government building program to a total of $553,000,000 and the approval of a much-increased program for the development of rivers, harbors, and inland waterways, the present Congress having authorized additional river and harbor expenditures of $145,000,000, the largest sum authorized for this purpose at a single Congress in our history, except in the session of 1910.

Authorization of an additional $15,590,000 for new veterans' hospitals.

Grouping of all agencies relating to war veterans, including the Veterans' Bureau, Pension Bureau, and National Home for Disabled Volunteer Soldiers under one head.

Legislation making permanent and reorganizing the Federal Radio and Power Commissions.

Establishment in the Department of Justice of a bureau for the collection and preservation of criminal records, including fingerprints, for the benefit of police throughout the country.

Increased authorization of $55,000,000 annually for public roads.

Let me repeat that every promise made in the 1928 party platform has been redeemed. Every specific recommendation made by President Hoover in his annual message has been complied with, except that for the disposal of Muscle Shoals, bills for which have been passed by both House and Senate and are now in conference. Three matters which the President called to the attention of Congress, but upon which he made no specific recommendations—railroad consolidation, branch banking, and departmental reorganization—are still under consideration in Congress and remain for action at the December session, if by that time the several committees in charge have completed the studies which have continued through the session now closing. I challenge the production of a better record anywhere in all our congressional history.

Let me now expand somewhat some of the items in the foregoing summary, although it is my purpose to go into one of these, the question of the tariff, at greater length later on in these remarks.

FARM RELIEF

In the 1928 campaign the two topics most dwelt upon and to which most discussion was directed, were farm relief and the tariff. In agricultural sections of the country it was, of course, emphasized that tariff revision would be along lines favorable to the farmer and that in addition special farm-relief legislation along the lines indicated in the party platform would be enacted. Both of these promises have been fulfilled.

The special farm-relief legislation enacted established the so-called Federal Farm Board, provided a revolving fund of $500,000,000, and endowed the board with large powers, for the express purpose of assisting agriculture in every possible way consistent with the principles of sound economics. It is a stupendous task with which this board is charged, and it is yet too early to form an opinion as to just how effective it is destined to be in securing the results desired; but at any rate those who helped to enact the law may go home with the assurance that there has been set up exactly the kind of agency promised in the party platform at Kansas City, and that every power and instrument at the disposal of the Government is being exerted in the interest of agriculture.

TARIFF REVISION

The promise to revise the tariff so as to aid agriculture also has been literally fulfilled. While reasonably fair to manufacturing industries and the workers employed in such industries, the tariff law recently enacted is more than fair to agriculture. An examination of the rates on agricultural products will furnish the final and sufficient proof of this statement. I call the membership of this House to witness that the disposition here in Congress throughout the consideration of the tariff measure, was to accede to every reasonable request made on behalf of this industry.

The tariff law of 1922 was a good law. Under its operation we enjoyed eight years of unprecedented prosperity, but changing conditions made certain modifications necessary. The tariff act of 1930 is an even better law, because it gives increased protection to labor and agriculture in a very considerable number of instances where sorely needed. Under it the United States will, in my judgment, eventually attain even greater heights of prosperity.

The Democratic Party in its Houston platform abandoned its time-honored opposition to protection and during the campaign posed as the friend of protection, but no one who has followed the debates and votes in Congress on the present law can be deceived as to that party's attitude on the tariff question. Every effort was made by the Democratic organization in both the House and Senate to reduce tariff rates, except in the case of duties on articles produced in the locality of the individual Democrats, to a point where they would not be protective, and in their attacks on the tariff bill the Democrats in Congress had the support and active cooperation of both international banking and international industrial groups, under "Wall Street" leadership.

Since its foundation the Republican Party has contended that the protective policy is in the interest of American labor. Democratic orators in and out of Congress have been loud in the past in claiming that the Republican Party has not been the honest friend of labor, but has supported the protective policy because of the interests of wealthy contributors to party campaign funds. The Democrats must now feel embarrassed to find themselves in alliance with the "Wall Street interests" which they have so bitterly denounced in the past, while we have the satisfaction of having written a tariff law with the aid and approval of those it is designed to protect, namely, those in this country who work for wages.

The Democrats now find themselves aligned on the tariff question with the internationalists, who are specially interested in foreign banking, foreign business, and the billions of American dollars invested abroad, while the Republican Party is eminently well satisfied to stand as the friend of American labor, American industry, and the American farmer.

RELIEF OF WAR VETERANS

As stated earlier in summarizing the fulfillment of platform pledges, the present Congress has increased the benefits allowed to the veterans and widows of veterans of all wars since and including the Civil War.

The law relating to the compensation of disabled veterans of the World War has been liberalized in many ways, and, in addition, for the first time there has been recognized an obligation to veterans of this war who are disabled from diseases or injuries not of service origin. Any veteran with a disability of more than 25 per cent may now be paid a pension ranging from $12 to $40 a month, according to the degree of his disability, even though the disability is not a result of the veteran's service. In this respect the law enacted goes even further than Congress was asked to go by the American Legion and other veterans' organizations.

The pensions of veterans of the Civil War and their widows and of Spanish War veterans and their widows were increased from 10 to 25 per cent, according to various classifications and disabilities.

No one can rightfully claim in view of these facts that this Congress has not been generous in the cause of veterans' relief.

REAPPORTIONMENT OF REPRESENTATIVES

One of the most notable accomplishments of this Congress has been the enactment of a permanent law for the automatic reapportionment of Members of the House of Representatives after each decennial census. I say permanent because, while it in nowise prevents a future Congress from making a reapportionment as provided by the Constitution immediately following the taking of a decennial census, it does provide that in case Congress neglects to reapportion it shall be done automatically, in accordance with the provisions of this law.

The Constitution requires that there shall be a reapportionment after each census, so that the House shall continue to reflect the will of the people according to population; but for nine years it was impossible to get through Congress a new reapportionment based on the census of 1920. I shall not go into the reasons for this failure. It is sufficient to say that the controversy revolved about the size of the House membership. The results of this failure were deplorable, because it threatened the very basis of popular representative government. In the closing days of the special session we were able to enact a law which makes it impossible for such a situation to occur again. The new law gives to the Secretary of Commerce the administrative duty of making a reapportionment after each census without special legislation on the subject. It means that unless the present Congress shall pass a reapportionment act we shall have a reapportionment on the basis of the census just completed, and that reapportionment will become automatic in the future unless the Congress specially charged with this duty shall take action.

DEPARTMENTAL REORGANIZATION

The present Congress has not yet proposed any plan for a general reorganization of the governmental departments, but this subject has received careful study by committees of the House, and some of the specific recommendations of the President on this subject have been carried out. The transfer of prohibition enforcement from the Treasury to the Justice Department and the grouping of all agencies relating to veterans' relief under one head have been provided for already.

FRENCH AND GERMAN DEBTS

Approval by Congress of the French debt settlement brought to a practical conclusion the work of funding the debts due the United States from our allies in the World War. The only foreign debts not now funded are those of Russia, with which this country has not resumed diplomatic relations, and Armenia. The total of foreign debts due this country which have now been funded and put in the way of ultimate payment over a period of years amounts to approximately eleven and a half billions of dollars, and the annual payments on these debts will be a material aid in the gradual extinguishment of our own war debt.

The present Congress has also approved a final settlement of the debt due the United States from Germany, the plan approved calling for the funding of that debt and its gradual payment over a period of years on much the same plan as that used in settlement of the allied debts. This settlement includes both the amount due for the expenses of our army of occupation and for the payment of private claims and clears away the final barrier for the carrying out of the war claims act and the return to German nationals of property and funds now held by the Alien Property Custodian.

TAX REDUCTION

Under the leadership of President Hoover the program of strict economy inaugurated by his predecessor has been rigidly followed, except where it has been deemed advisable to stimulate building and construction work by the Government to help take up the slack in employment.

In spite of the increased expenses due to the carrying out an expanded building program it has been found possible to reduce the income taxes collectible in 1930 by the sum of approximately $160,000,000. The reductions were made largely on small incomes, the tax on the lowest bracket being reduced by two-thirds, from 1½ per cent to one-half of 1 per cent.

The reduction of taxes also benefits corporations and insurance companies, as shown by the following table:

Description of tax	Rate collected in 1930	Rate under 1928 act
	Per cent	*Per cent*
Normal tax on individuals and on estates and trusts	½ of 1	1½
	2	3
	4	5
Tax on corporations	11	12
Tax on life-insurance companies	11	12
Tax on insurance companies other than life or mutual	11	12
Normal tax on nonresident aliens	½ of 1	1½
	2	3
	4	5
Withholding at source	½ of 1	1½
	4	5
	11	12

IMMIGRATION LEGISLATION

No action has been taken in this session of Congress with regard to the widespread demand for the further restriction of immigration. Two bills, each with a different plan, are on the House Calendar, and it is believed that during the winter session the Committee on Immigration and Naturalization will harmonize the two measures reported by it and present to the House a bill which will be restrictive and at the same time fair to all the countries of the Western World.

If additional restrictive legislation is enacted, it is hoped that some provision for the admission of additional close relatives of citizens may be incorporated in it.

INDEPENDENT CITIZENSHIP FOR WOMEN

The Cable Act, which was enacted in 1922, granting independent citizenship to women, was liberalized during the present Congress by an amendment which permits the repatriation, with a minimum of delay and red tape, of women of American birth and citizenship who lost their citizenship by reason of marriage to foreigners prior to 1922.

COOPERATION WITH THE PRESIDENT

It is apparent from the results to which reference has been made that there has been the closest cooperation between this House and the President of the United States. The President has shown a disposition to adjust differences of opinion in a fair spirit of compromise, and the record is sufficient to prove that there has been every disposition on the part of this body

to aid him in carrying out his administration program. President Hoover is making a remarkably fine record, especially when the unfavorable conditions which he has had to face are considered, and we have reason to be proud of the part we have played in making this record possible.

THE TARIFF

The enactment of a new tariff law is always a landmark in our political history.

From the earliest days of our Government political storms have been incident to tariff revision, and it can not be otherwise because of the many selfish interests necessarily involved in a change of customs duties. Every manufacturer, every importer, every storekeeper, every workman has a direct or indirect selfish interest in the subject. A new and more dangerous element was introduced in the recent revision as a result of our enormous investments abroad.

The United States has become the financial center of the world, and one of the prices we must pay for this distinction is that many of our great financiers and business men are losing their American viewpoint and becoming in a sense internationalists. I have no quarrel with those who seek to improve conditions in Europe and revive prosperity in the Old World, but as an American legislator my duty is to look out for America first. What has been done here at this session shows that an overwhelming number of the Members of this House concur in this view.

A customs duty or tariff is a tax on articles imported into the country from abroad. A protective tariff law is one which places heavier duties on imported articles which compete with similar articles produced in this country, the purpose of which is to give American products an advantage in our own market and to encourage our own industries.

The Republican Party does not claim and has never claimed that protective tariffs can of themselves maintain prosperity, high wages, and high living standards in the United States. We do claim, however, that without protective tariffs the high wages, high living standards, and high degree of prosperity which we have been enjoying for many years would not have been possible. In other words, protective tariffs are not the sole cause of these phenomena, but they are an element without which the other forces which produce these conditions would not be able to operate.

PROTECTION AND WAGES

The natural resources of this country are immense, and since the very beginning of our history there has been an unceasing demand for labor to develop these resources. We started with a country great in area and resources and a small population. Consequently labor was able from the beginning to demand and obtain a greater share of the wealth it helped to produce than in the older countries of the world. This advantage gained for labor by the early conditions in this country has been held as conditions changed by the protective-tariff policy which has perpetuated high wage scales and aided other forces in still further increasing them by preserving the American market for American products. The restrictive immigration policy now in force in this country has been advocated by labor for the same reason, and it has been well observed that no good purpose is served by barring foreign labor from our shores if we permit the products of their labor to be admitted without restriction.

Through many political campaigns it was heatedly denied by the opponents of protection that wages are actually higher in this country than abroad. Advocates of "free trade" contended that the mere fact that workmen in this country get twice or three times as much in money for their daily wages does not mean that they are better off, because the cost of living is twice or three times as great here as abroad. We do not hear this argument any more, because statistics gathered by our own Labor Department, under both Democratic and Republican heads and international agencies, show beyond question that the American workman receives not only higher wages, but that his wages have a vastly higher buying power than those prevailing in any other country in the world.

It is not how much money a man receives as wages or salary that counts, but how much he can buy with his weekly pay envelope. Unquestioned statistics prove that the average American workman can buy 90 per cent more than the average workman in any other competing industrial country. As a matter of fact statistics should not be needed to prove this, for it is a matter of common knowledge that Americans have automobiles, radios, and luxuries of every kind which are enjoyed abroad only by the wealthy, and this is possible only because wealth in this country is better distributed through the pay envelope and salary check.

PROTECTION AND FOREIGN COMMERCE

We now hear the argument that protective tariffs interfere with our foreign trade; that we can not expect to sell products abroad if those to whom we sell are not permitted to sell their products in our market. The fact is, however, that not more than 7 or 8 per cent of what we produce in this country is sold abroad, and a considerable part of this small percentage is composed of agricultural products which are sold abroad at a loss, which is the basic cause of the agricultural depression which has for some time existed in certain parts of the country. On the other hand, it is a fact that under the 1922 tariff act and also under the new tariff law more than 60 per cent of all articles imported into this country come in free of duty. It is also a fact, as the customs records show, that in periods of protection in the United States the amount of our imports have been relatively higher than in periods of partial free trade. We buy more from abroad in periods of protection because the people in those periods have more money with which to buy luxuries and semiluxuries, and a quite considerable percentage of our imports which are admitted free of duty are in this class.

Everyone admits that the people of this country have been prosperous under the protective policy for many years. In fact, our national prosperity and the prosperity of individuals, from the bottom to the top of the social and industrial structure, have been the wonder of the world. Consequently, all opposition to the protective policy may be reduced to the bald claim that under a free-trade policy we would have been even more prosperous. This is, of course, pure theory, and I doubt if the people of this country will be impressed by it until some one can point to another country in the world, working under free trade, where the people are more prosperous and have the means to enjoy life better than they do in this country. No such country can be pointed out at the present time, and history fails to furnish such an example. This applies to the farmer as well as to the worker in manufacturing and other pursuits.

Opponents of protection tell our workers that they are prosperous and receive higher wages because they are more intelligent and more skillful than those of any other country. They forget to point out that we are for the most part English or Irish or German or French or Italian by birth or descent, and of the same stock as the peoples abroad. They tell the manufacturers that the reason they are prosperous is because they are supermen and because they have been intelligent enough to install modern and up-to-date machinery, ignoring the fact that in Germany, France, England, and many other countries there are also superbusiness men and plants equipped with just as fine machinery as we have here. It is true that we are a great people, but we have no monopoly of greatness, and the advice of those who urge us to throw down our tariff barriers and invite the world into our domestic market on the assurance that we can beat the rest of the world at its own game should not be rashly followed.

Apropos of the argument of the free trader I am reminded of the story of an old-fashioned temperance reform lecturer who was urging his listeners not to drink, chew, or smoke.

"Ladies and gentlemen," he said, "these vile habits sap our very lifeblood. No one can expect a long life and a happy one who indulges in them."

"Just a moment, young man," said an old fellow in the front row, "I'm 96 years old and I've drunk liquor, chawed terbacker, and smoked segars all my life."

"That doesn't prove a thing," said the lecturer, "If you didn't have these bad habits you'd be much older."

THE QUESTION OF RATES

The most insidious opposition to the new tariff law has not come from those who are honest advocates of free trade, but from those who pose as protectionists, but who have tried to make the public believe that the rates in the new law are too high. It is a pleasure to meet the antiprotectionist in open argument, but I have little respect for those who try to kill protection while posing as its friends. The purpose of a protective tariff is to give the American product an advantage in the American market. If this advantage is sufficient to offset the handicap of higher labor costs, the domestic producer is then ready to meet all competitors.

When a protective duty is proposed on an article the first question to be answered is whether the article can be produced in this country with a reasonable degree of economy. If this question is answered in the affirmative, the next question should be: "Is the production of this article controlled by a domestic monopoly which can manipulate the price so that its sale price may become exorbitant?" If the second question is answered

in the negative, it is of comparatively little importance how high the tariff duty is placed, because competition within our own markets will automatically keep the price at a fair and reasonable figure.

On the other hand, if the second question is answered in the affirmative and there is a monopoly in this country in control of the article in question, great care should be used that the protective duty is as nearly the scientific equivalent of the difference in the cost of production here and abroad as it is possible to determine. As a matter of fact, however, there are few articles which come within this class. This is a great country, with ample capital and skillful workmen, so that competition is sufficiently keen within our own borders on those articles which we can economically produce to maintain prices at a reasonable level, except in a very few instances. As a matter of fact, statistics clearly prove that under protection commodity prices have been steadily going down and there is no evidence whatever to support the reckless charge repeatedly made that the protective policy fosters monopolies which exploit the public.

That the new tariff law is not perfect goes without saying. No perfect tariff law, or, in fact, any other law, has ever been written. If I were permitted to write a law without interference from anyone else, I should probably write one somewhat different from the present law. I presume every other Member of the House would make changes, and probably no two would exactly agree. The new law is the composite result of many conflicting views reasonably adjusted in a spirit of compromise. On the whole the result is excellent, and I predict for it a long period of successful and satisfactory operation without serious modification.

SOME TARIFF LAW FACTS

I here submit a few brief statements of facts based upon the new tariff law and statistics from various public sources which may be of interest:

The weighted average of ad valorem duties in the 1930 tariff act, based on the dutiable imports for 1928, is 41.14 per cent, an increase of only 2.39 per cent over the 1922 act.

The largest part of this increase is due to the increased duties in the agricultural schedule, which were raised on an average of 12 per cent, together with large increases on articles in other schedules which are of interest to agriculture.

The average of ad valorem duties in the new law is a trifle more than one-half of 1 per cent higher than those in the free trade Democratic tariff act of 1913, being merely distributed in a different manner.

Domestic trade in the United States amounts to approximately $90,000,000,000, as compared with foreign trade, including both imports and exports, of only $9,000,000,000.

The contents of the pay envelope of the American workman under the protective tariff policy will buy 91 per cent more than the wage of a comparable English worker and the American's advantage over the other great industrial countries of the world is even greater. (Statistics of the International Labor Bureau of the League of Nations.)

Prices of agricultural commodities have substantially advanced under tariff protection, as evidenced by the index figures of the Department of Labor.

While wages have been held at a high level, prices of manufactured commodities have decreased under tariff protection, which is again evidenced by the index figures of the Department of Labor.

According to partial figures of the Department of Commerce more than $2,000,000,000 of American money is now invested in American-controlled industries abroad, including the plants of Henry Ford, the General Motors Co., and other great American concerns whose leaders have opposed the tariff.

THE TARIFF AND LABOR

For the first time in tariff history, organized labor has taken a part in shaping a tariff law. During the past year and a half Congress has had the cooperation and help of a group of international labor unions, 20 in number, under the leadership of Matthew Woll, vice president of the American Federation of Labor, furnishing very helpful information. This group has presented the labor viewpoint on the various questions that have come up in connection with the tariff. This group, known as the American Wage Earners' Protective Conference, has represented here labor unions with a membership of more than 1,000,000, which I am informed is about 40 per cent of the total membership of the American Federation of Labor.

The bill finally enacted into law had the approval of this group. They did not get everything they asked for, any more than any other group did, but the fact that they are, on the whole, satisfied with the bill as being in the interest of labor has been made clear by the repeated declarations of their spokesmen.

I shall not attempt to say what has been accomplished for labor, but shall let labor speak for itself in the language of the American Labor Banner, a newspaper published here in Washington and pledged to the principles and policies of the American Federation of Labor. The following article appeared in that newspaper under the caption "Tariff Held to Save American Wage Standard," under date of June 21, 1930:

The Hawley-Smoot tariff bill is now a law. For many years trade-unionists have listened during every national campaign to the benefits which the workers received through tariff legislation, but only in a few cases were the workers really interested, as in most cases the product of their labor did not come into active competition in the American market with the product of the cheap labor of Europe and Asia.

However, with billions of American capital being invested in the upbuilding and the rehabilitation of European industries, directed by American engineers and with a market already in hand in America for the product of these foreign factories, with efficient labor available at wages from one-eighth to one-half the wages paid to American workers the officers of international unions were forced to, and, under the direction and leadership of Matthew Woll, did, get busy.

The results of this work, as written into the tariff law, just signed, are now manifest.

WIN SUBSTANTIAL RATES

The Boot and Shoe Workers' Union, with imports of shoes having increased from less than 50,000 pairs in 1922 to more than 8,000,000 pairs in 1929, secured a tariff duty of 20 per cent, which will help to offset the low labor cost of the foreign-made shoes. The tariff law of 1922 permitted the importation of boots and shoes without the payment of any duty.

The Brick and Clay Workers lost thousands of their members in the Atlantic Coast States, due to the heavy importation of bricks from Belgium, which, under the old law, were admitted free of any duty. Hereafter these foreign-made bricks will have to pay a duty of $1.25 per 1,000, which will partly offset the low labor costs in Belgium.

BOTTLE BLOWERS HELPED

The members of the Glass Bottle Blowers' Union, one of the oldest trade-unions in America, have virtually been unable to secure employment at their trade, due to the heavy importations of hand-made bottles from France and other foreign countries. The old law carried a duty of 55 per cent, but, through a flaw in the law, the importers were able to bring these bottles in at a duty of only 5 per cent. The new law carries a duty of 75 per cent, which will permit a large percentage of these American workers to secure steady employment at their trade.

For many years more than 60 per cent of all the table chinaware and crockery used in America each year has been the product of the workers of Japan, Czechoslovakia, and Germany. The product of the American workers could not compete, in the American market, with the product of the cheap labor of Europe and Asia. The new law carries duties ranging from 55 per cent to almost 90 per cent, which is an average increase of more than 20 per cent on all forms of tableware. These increases, if properly administered and if undervaluations are prevented, will permit employment of American potters who have been idle for many months.

NEW DUTIES ON HATS

With more than 60 per cent of all the straw hats used in America each year the product of the workers of Italy, produced at wages below belief, the straw-hat makers, members of the United Hatters of North America, could not hope to secure steady employment. Even when the officers of the United Hatters of North America prevailed upon the United States Tariff Commission to increase the duties on the cheaper straw hats from 60 per cent to 88 per cent the benefits which the American workers received were exceedingly small. With the Italian hatters reducing the supposed value of their product they soon wiped out the handicap of the increase in tariff rates.

The new law carries duties on straw hats of from 144 per cent to 160 per cent, an increase from the old rates of 60 and 88 per cent.

GAIN FOR GLASS WORKERS

The product of the members of the American Flint Glass Workers' Union, which comes into competition with the product of the workers of Czechoslovakia, Germany, and Belgium, also secured increases ranging from 5 per cent on some products to 20 per cent on chemical and scientific glassware. The effort of the representatives of American colleges to secure the free entry of scientific glassware, which they were successful in having the Senate approve, was also finally defeated.

The efforts of the Bricklayers, Masons, and Plasterers' International Union to protect the product of their members from the cheap labor of Italy were successful, in that they secured an additional duty of 6 cents per foot on polished marbles. They also were interested in securing the duty on brick. This organization was also aided by the new duties levied on monumental stones.

MARBLES NOW PROTECTED

The church leaders of America, who receive their support from American workers, have for many years sought to import into America stained-glass windows, church marbles of all kinds, and other articles, without the payment of any tariff duties. The officers of the Brotherhood of Painters, Paper Hangers, and Decorators, with which the American workers who produce stained-glass windows are affiliated, secured an increase from 50 per cent to 60 per cent. They also secured in the new tariff law the same duty on parts which were not included in the old law. The members of this organization also produce mosaics, which the church organizations and importers sought to have admitted free of any duty. However, the importers will have to pay a duty of 60 per cent on these imported mosaics under the new law.

For many years the officers of the Pattern Makers' League have been trying to secure the imposition of a tariff duty on patterns, produced by cheap labor in foreign countries. The old law carried duties on some patterns of 33⅓ per cent, while the great majority of the patterns were admitted free of any duty. Under the new law all patterns, produced in foreign countries, will pay a duty of 50 per cent upon entry into America in competition with the product of American workers.

UPHOLSTERY RATES CHANGED

The upholstery workers have for years been fighting against the handicap of competing with the cheap labor of Europe in the finer grades of cabinets and supposed antique furniture. The old law carried a duty of 33⅓ per cent, while the new law carries a duty of 40 per cent. In addition to the increase in duty the upholsterers also secured a protection in that hereafter supposed antique furniture will be permitted entry at only those ports where real experts can determine whether the antique is genuine or otherwise. The upholsterers are also interested in the matter of inlaid linoleum and on this product they secured an increase in duty of from 35 per cent in the old law to 42 per cent in the new law.

WALL-PAPER CRAFTS GAIN

The lithographers who have to compete with the cheap labor of Germany, Japan, and other foreign countries, secured increases in decalcomanias of from 33 per cent in the old law to 46 per cent in the new law. They also secured additional increases in other types of lithos, ranging from 10 to 25 per cent.

The United Wall Paper Crafts secured increases in the duties on print rollers of from 30 per cent, as in force under the old law, to 95 per cent in the new law. In addition, this organization secured the inclusion of language which will prevent the importers from having the Customs Court nullify the benefits of this increase.

The American Wire Weavers' Association, one of the few organizations affiliated with the American Federation of Labor which has a 100 per cent unionization, secured increases from 30 per cent to 40 and 45 per cent. In addition, this organization also secured the insertion of language which will prevent any reduction in these duties through action on the part of the Customs Court.

BARS CUBAN CIGARS

For many years the officials of the Post Office Department, the Department of Commerce, the State Department, aided by the United States Chamber of Commerce and others, who seemingly are governed by the wishes of foreign governments, have sought to secure the passage of legislation which would permit the entry of Cuban-made cigars in small lots, in effect, without the payment of tariff duties. The officers of the Cigar Makers' International Union, at times fighting almost alone, have successfully defeated this effort. As a result of hard work the Postmaster General has been forced to agree with the members of the Ways and Means Committee that when and if a parcel-post convention is entered into with the Cuban Government that a clause shall be inserted which will provide that no cigars, no matter how few in number, will be admitted without the payment of full tariff duty.

PRINTING INDUSTRY VICTORY

The printing-trades workers secured the insertion of a clause in the law which will prohibit hereafter American purchasers of printing from having their work done in Europe and sent into America free of any duty.

OBJECTS SOUGHT BY LABOR

The above organizations, other than the Typographical Union, the Printing Pressmen and Stereotypers' Union, are affiliated with and comprise the America's Wage Earners' Protective Conference, formed for the purpose of jointly seeking to secure the passage of and the enforcement of tariff legislation which will protect the product of American workers from the competition of the products of the cheaper-paid labor of Europe and Asia.

The position of the unions engaged in the struggle has been that the passing of restrictive immigration legislation would be of little benefit to American workers if the products of the foreign workers were admitted without tariff levies which would at least equalize the difference in costs of production. If American wages and standards were to be maintained then, the belief of those who comprise the America's Wage Earners' Protective Conference, headed by Matthew Woll, is, the organization held, that America must have adequate tariff protection for the products of the organized American workers.

Other organizations which secured benefits through the passage of the new tariff law are the ladies' garment workers, which secured an increase in the duty on embroidered handkerchiefs from 70 per cent to 99 per cent; the granite cutters, who secured additional duties on hewn and dressed stone; the united leather workers, who secured a duty of 15 per cent on leather now admitted free of any duty; the slate makers, who secured an increase from 15 per cent to 25 per cent; and the wood carvers, who will also benefit from the increases secured through the efforts of the upholstery workers.

ANOTHER LABOR BROADSIDE

The same paper in an earlier edition, May 24, 1930, made a forceful presentation of the tariff question from the labor viewpoint, under the heading "Plain Talk About Tariff." That article follows:

(An editorial)

It is high time there was plain talk about tariff and about some of those who are seeking to influence tariff legislation now pending.

For the first time in American history a large group of international unions have united to secure adequate tariff protection for the commodities they are engaged in making.

For the first time in American history an American tariff bill stipulates protection of American labor in its title.

These are important facts. There are many others.

American trade-unions have by no means been able to have written into the bill all they require for the protection of their standards and the needed improvement in their conditions. But they have made some progress.

American labor faces an unprecedented condition. Even with our tragic unemployment, wages, working conditions, and employment conditions are better than in either Europe or Asia.

TARIFF A VITAL ISSUE

Commodities made abroad by workers who get as low as one-fourth the American rate of wages are imported and put in competition with American-made commodities. Many of the European and Asiatic products are made on American machinery, and some of them are made in factories owned by Americans, their products bearing American trademarks and American patents.

To-day's situation never existed before. Tariff is no longer an academic matter to be debated by cloistered gentlemen, nor a political tool to be manipulated by those who have political ends to serve.

Tariff protection in a great many American industries is a necessity if the American industries are to be preserved. It is not a question of "infant industries," it is a question of big industries as well.

Without attempting to justify everything that is found in the tariff bill now under consideration, this newspaper asserts itself in behalf of everything that has been written into the bill to honestly protect American wage standards against the miserable wage levels of Europe and Asia. Moreover, it is better to overprotect than to underprotect.

There are those who assail the bill as a whole. Most of those who level these broadside attacks pretend to be "friends of labor." Labor has had altogether too much of that kind of friendship.

AN AMAZING SPECTACLE

A large group of college professors came to the rescue of European and Asiatic starvation-wage employers with a slashing attack on the tariff bill. They called themselves economists. The Scripps-Howard newspapers, whose amazing attack on organized labor last fall has not yet been forgotten, have attacked the bill steadily, without consideration for the necessary protective provisions written into the bill at the specific request of labor.

The New York World has attacked the bill about as ridiculously as it could be attacked. As an example, a World editorial went through the list of things used by the average man in a day—his toothbrush, his bathrobe, the cloth on his breakfast table, and so on. It asserted that each item would cost a given amount more under the new tariff bill. That was to assume that the average American would use nothing but imported commodities throughout his average day, a most absurd assumption. Whether under no tariff or high tariff, such a proceeding would soon obliterate all American industry, including the New York World.

FORD IS AN IMPORTER

Henry Ford has attacked the bill through the Scripps-Howard newspapers. Ford is rated as a manufacturer, but he also is an importer, and Ford will benefit by low duties on the many things he imports. The present law contains a 25 per cent duty on automobiles and Henry Ford needs no higher duty to protect the only commodity which might be imported in competition with him. A General Motors official attacks the bill, and what applies to Ford applies to General Motors.

Not only does Ford import many things used in making automobiles, but he manufactures tractors in Ireland, has them protected by American patents, and imports them duty free under a customs ruling—a ruling the fairness of which is open to challenge—that they are entitled to free entry as agricultural implements, a ruling that would not be changed under any new tariff legislation. Naturally Mr. Ford is satisfied.

Newspaper assailants of the bill proclaim their defense of that mythical person, "the consumer." There is no consumer unless there is a producer, and if there is a consumer who is not also a producer in some capacity, then he is a parasite about whom this newspaper is not much concerned, save to help see to it that his civil rights are protected.

DIPLOMATS ABUSE PRIVILEGE

Foreign diplomats accredited to the United States have publicly attacked the tariff bill, thus seeking to participate in the making of American legislation. The Swiss minister indulged himself in a radio speech. The Spanish ambassador made a public speech. At the outset of the struggle the Cuban ambassador had a great deal to say. Every foreign diplomat who has attempted to interfere with American legislation should be sent home. Their proper mission does not include the business of scaring American legislators into letting cheap-made foreign goods into the American market free of duty.

WHO GAINS?—THE ANSWER

The scholastic gentlemen, the diplomats, the big manufacturers like Ford, the newspapers like the Scripps-Howard newspapers and the New York World are, whether they want to or not, serving one powerful group of capitalists—the importers and the international bankers.

As against the importers, who are purely middlemen, and as against the international bankers, it is time the masses of the American people, the great armies who work for wages, be heard and protected. To stop immigration is of little avail if the would-be immigrant may send his competition through his manufactured output. He combats our standards without bettering his own.

WHAT EDWARD KEATING SAYS

Edward Keating, the noted labor leader and manager of Labor, which is undoubtedly one of the most influential labor publications in the United States, has not, so far as I know, indorsed the policy of protection, but he went as far as it was possible to go in that direction without mentioning the words "tariff protection" in the edition of his newspaper dated February 22, 1930. In an editorial in that newspaper on that date we find the following language:

A new financial journal, the National Sphere, has an article on its cover which begins as follows:

"With 7 per cent of the world's population, the United States consumes 48 per cent of the world's coffee, 53 per cent of its tin, 56 per cent of its rubber, 21 per cent of its sugar, 72 per cent of its silk, 36 per cent of its coal, 42 per cent of its pig iron, 47 per cent of its copper, 69 per cent of its crude petroleum; and owns 23,000,000 of the 30,000,000 running automobiles.

"While the population of the United States was increasing by 60 per cent, industrial production increased by 300 per cent. The purchasing power of the 120,000,000 citizens of this country is greater than that of the 500,000,000 Europeans, and much greater than that of the more than a billion Asiatics."

All of which is true. But then, on an inside page, is another article, headed "Export Trade Becomes Vital to American Prosperity." It urges the "stimulation" of foreign markets, because they take about 10 per cent of the output of this country each year.

It seems to Labor that the Sphere needs to learn on its inside pages the lesson taught on its cover.

If 90 per cent of our production is consumed at home and only 10 per cent goes abroad, then it is surely nine times as important to stimulate the home market as to stimulate the foreign market.

America's purchasing power is greater than that of a four times larger population in Europe and a ten times larger population in Asia, because American wages are relatively high.

Make these wages higher still and the buying power of the home market will increase in full proportion. Wipe out the periods of unemployment or half employment and there will be another increase in buying power.

A 1 per cent gain in consuming power of the home market is equal to a 9 per cent boost in the demands of the rest of the world; and the home market is in our sole control, while the foreign markets are ruled by the financiers, governments, and customs of other nations.

The thing really "vital to American prosperity" is steady employment at high wages. The foreign market is important, valuable, but the heart of our prosperity—when we have it—is at home.

WAGES HERE AND ABROAD

The latest official figures showing a comparison of the real wages paid in the United States and foreign countries is found in the Monthly Labor Review of the Department of Labor of December, 1929. The figures quoted are furnished by the International Labor Office of the League of Nations, so it can not be claimed that they come from a prejudiced source.

By real wages is meant the amount of the necessities of life which the wages will buy, for it is only in this way that there can be a real comparison.

Following is a table showing this comparison for workers in the building trades, engineering, furniture, printing and bookbinding, electrical installation, electric-power distribution, transportation, and the food industry, based on the amount of fuel, food, light, and soap which can be purchased with their pay:

TABLE 2.—*Index numbers of comparative real wages in the large towns of different countries generally, June–July, 1929*

[Great Britain=100]

Country	Towns covered		General average index numbers	
	Number	Names	Based on food	Based on food, fuel, light, and soap
United States	10	Baltimore, Boston, Chicago, Denver, Los Angeles, New Orleans, New York, Philadelphia, St. Louis, San Francisco.	187	191
Australia	2	Melbourne, Sydney	146	143
Denmark	1	Copenhagen	103	104
Sweden	3	Goteborg, Malmo, Stockholm	102	101
Great Britain	7	Birmingham, Bristol, Glasgow, Leeds, London, Manchester, Newcastle.	100	100
Irish Free State	3	Cork, Dublin, Dundalk	100	98
Netherlands	4	Amsterdam, The Hague, Rotterdam, Utrecht.	86	85
France	4	Lyon, Marseilles, Paris, Toulouse	54	53
Spain	4	Barcelona, Bilbao, Madrid, Valencia.	47	45
Austria	3	Graz, Linz, Vienna	46	45
Estonia	2	Tallinn, Tartu	42	41
Portugal	1	Lisbon	35	32

The foregoing table means that with his wages the American worker can buy practically twice as much as the Englishman, Dane, or Swede, more than twice as much as the Hollander, nearly four times as much as the Frenchman, and more than four times as much as the workmen in the other countries on the list. The only country in the list which even approaches our own standard is Australia, not an industrial competitor, and ours is nearly 40 per cent greater than theirs.

Our international business men and bankers who have factories in those countries and money invested in them tell us that we shall not lose by opening our markets to the products of their labor, but I doubt if they will ever make the people of this country believe it.

AMERICAN INVESTMENTS ABROAD

According to a publication issued by the Department of Commerce in 1929, entitled "The Balance of International Payments of the United States in 1929," private American investments abroad are estimated at between thirteen and fifteen billions of dollars.

The investments are grouped as follows:

	Millions of dollars
Latin America	5,051 to 5,807
Europe	3,970 to 4,564
Canada and Newfoundland	3,155 to 3,627
Asia, Australia, and rest of the world	1,190 to 1,368
Total	13,366 to 15,366

It is unofficially estimated that of this sum more than $2,000,000,000 are invested in manufacturing establishments which are either owned or controlled by Americans. According to Moody's Manual of Investments, the investment in domestic manufacturing plants is estimated at $55,000,000,000, so that it is indicated that nearly 4 per cent of our own manufacturing industry has been moved abroad within recent years by our own business leaders.

PRICE TRENDS UNDER PROTECTION

The index figures of the Labor Department show clearly that instead of causing an increase of the price of manufactured articles the tariff act of 1922 has caused a substantial decrease

of those prices. The price indices, which follow, show a steady tendency downward:

TABLE 8.—*Index numbers of wholesale prices of semimanufactured articles and finished products, 1913 to 1929*

[1926=100]

Year	Semimanufactured articles	Finished products
1913	74.9	69.4
1914	70.0	67.8
1915	81.2	68.9
1916	118.3	82.3
1917	150.4	109.2
1918	153.8	124.7
1919	157.9	130.6
1920	198.2	149.8
1921	96.1	103.3
1922	98.9	96.5
1923	118.6	99.2
1924	108.7	96.3
1925	105.3	100.6
1926	100.0	100.0
1927	96.9	94.5
1928	97.4	97.0
1929	96.5	96.2

On the other hand, farm products, which some of those opposing protection claim to be injuriously affected by this policy, have shown a substantial increase since the enactment of the protective law of 1922. The Labor Department's index figures for farm products since 1922 follow:

Index figures of prices of farm products, 1921 to 1929

[1926=100]

Year:	Index figure
1921	88.4
1922	93.8
1923	98.6
1924	100.0
1925	109.8
1926	100.0
1927	99.4
1928	105.9
1929	104.9

FARM AND OTHER PRICES

A comparison of the price movements of farm products and all commodities completely explodes the theoory that agriculture does not benefit equally with manufacturing and other industries from tariff protection.

In the following table the relationship between the index-price figure for farm products and the index-price figure for all commodities for 1913 is taken as the base, and the percentage figure after each year shows the amount by which the wholesale price of farm products was above or below this relationship:

	Per cent
Under McKinley Act of October 6, 1890, and prior protective tariff acts:	
1890	86
1891	94
1892	91
1893	92
Under Democratic tariff act of August 27, 1894:	
1894	88
1895	87
1896	82
Under Dingley protective tariff of July 24, 1897, and Payne-Aldrich Act of August 5, 1909:	
1897	88
1898	90
1899	85
1900	86
1901	94
1902	96
1903	90
1904	94
1905	92
1906	90
1907	93
1908	96
1909	100
1910	102
1911	100
1912	102
1913	100
Under Democratic tariff of October 3, 1913, from beginning of World War to demobilization:	
1914	105
1915	103
1916	97
1917	107
1918	112
1919	112
1920	96
Under Democratic tariff in peace time:	
1921	84
Under farmers' emergency tariff of 1921:	
1922	89
Under Fordney-McCumber protective tariff of September 21, 1922:	
1923	92
1924	95
1925	99
1926	97
1927	102
1928	106
1929	106

The farmers' emergency tariff act of 1921 was approved on May 27, 1921. The ratio between the index prices of agricultural productucts and all prices for the first five months of 1921 was 82 and for the balance of the year 85, showing that this act had an immediate beneficial effect.

This table shows beyond a doubt that agriculture has benefited even more than other industries under the tariff act of 1922. In the last year for which there are complete figures the average price of farm products was 6 per cent higher than they would have been if the 1913 relationship with all commodity prices had been retained.

NINE YEARS' ACCOMPLISHMENT

Before bringing this somewhat lengthy statement to a close I desire to call attention not only to our accomplishments here during the past year and a half, but also to what has been done under Republican control in the White House and in Congress during the 9-year period since March 4, 1921. The work of the party in power in that period may be summarized as follows, revising and bringing up to date a statement I made on the same subject some years ago:

First. Peace has been established and maintained with all the nations of the world, great strides toward cordial relations being made by the Washington conference for the limitation of armaments and the more recent naval conference at London, which was brought about largely through the efforts of President Hoover.

Second. Our loans to our Allies have been adjusted upon terms which are just both to ourselves and our debtors, assuring so far as possible the repayment of approximately $11,000,000,000.

Third. A budget system has been established and carefully developed, which has resulted in much greater efficiency and economy.

Fourth. Taxes have been reduced from $5,700,000,000 annually, as under the last year of the preceding Democratic administration, to approximately $3,600,000,000 annually, reductions in rates being regularly made by every Congress since the Republican Party came into control.

Fifth. The national debt has been reduced at the rate of nearly $1,000,000,000 a year, being decreased from $24,000,000,000 in 1921 to $16,000,000,000 on June 30 of the present year.

Sixth. Immigration has been rigidly restricted in the interest of American labor.

Seventh. Many laws in the interest of agriculture have been enacted, culminating in the establishment of the new Federal Farm Board with a $500,000,000 revolving fund, while the average prices of farm products have substantially increased in the wholesale market.

Eighth. Liberal increases have been made in the benefits allowed to the veterans of all wars, and the Government is now spending more than $800,000,000 annually in this work.

Ninth. The policy of tariff protection was restored by the tariff act of 1922 and increased protection has been granted to labor and agriculture by the act of 1930. The unemployment which prevailed in 1920 and 1921 under the Democratic free trade tariff law, when 5,000,000 persons were out of work, has not been approached even in the present period of world-wide industrial depression, the latest official estimate for present unemployment being approximately 2,300,000 based on census figures for one-fourth of the country. The census figures show approximately 3 per cent unemployment in the cities and 1½ per cent in the rural sections.

FINANCIAL STATISTICS

The following tables show the financial accomplishments of the past nine years. There is now a slight upward turn in expenditures, due to the large commitments for public building and public works, which have been expanded partly for the relief of unemployment, but these increases are being accomplished without stopping the tax-reduction program or inter-

fering with the payment of nearly a billion a year on the national debt. The tables follow:

Government expenditures—1920–1930

(Exclusive of postal expenditures payable out of postal revenues)

Fiscal year:	
1920	$6,482,000,000
1921	5,538,000,000
1922	3,795,000,000
1923	3,697,000,000
1924	3,506,000,000
1925	3,529,000,000
1926	3,585,000,000
1927	3,493,000,000
1928	3,643,000,000
1929	3,848,000,000
1930	3,994,000,000

National debt—1921–1930

National debt, Feb. 28, 1921	$24,049,000,000
National debt, June 30, 1930	16,185,000,000
Reduction in nine years	7,864,000,000

Taxes—1920–1930

Receipts from taxes, including customs, income, and profits taxes, and miscellaneous internal revenue, fiscal year 1920	$5,722,685,804
Estimated receipts, same sources, fiscal year 1930	3,626,295,916
Reduction, annual taxes	2,096,389,888

CONCLUSION

In closing my remarks on the work of the present Congress to date I wish to thank all the Members of this House for their kindly personal consideration of me in my work as floor leader and for their very helpful cooperation in carrying on efficiently the public business. Partisanship has its place, but it has not been permitted to interfere with the proper functioning of the House. For this I wish to specially thank the leadership of the minority.

On my own side of the Chamber loyalty to party as well as to public duty has characterized the work of the session. To those who have so ably and faithfully carried their full share of the burdens and responsibilities of our common task I am specially indebted.

And now as we separate for the time being I wish for all of you the best of health and good luck until we meet again next December.

THE TRUTH ABOUT THE TARIFF

Mr. WOOD. Mr. Speaker, the greatest political deception, and the most deliberate, ever sought to be imposed on the American people was the subtle but persistent attempt on the part of spokesmen of the Democratic party in the last presidential campaign to convince the voters that they had been won over to the Republican principle of protection, or at least that they would not disturb its application, the benefits being so apparent, if the Democratic party should be returned to power. The greatest outstanding fact in the political situation between the two parties as we bring this session of Congress to a close, and enter upon the congressional campaign of 1930, is that the Democratic Party stands where it has always stood, as opposed to the Republican party, on the tariff question, though covertly and with secret misgivings, and that the Republican party stands where it has always stood, openly and confidently.

DEMOCRATS STILL CLING TO FALSE ECONOMIC THEORY

The Democrats, nurtured for generations on the false economic theory of the virtues of free trade, can not control their inner yearnings for something approaching that discarded doctrine, though their better judgment warns them that these yearnings must not be indulged. Convinced against their will, they are of the same opinion still, and view with repugnance and alarm, not altogether feigned, any and all changes in tariff rates embodying the principle of protection to meet changed economic conditions—save and always excepted, of course, such rates as may benefit their own States and districts. They are not blind to the fact that it would be inadvisable to oppose such rates, even though they seem to be unable to appreciate that rates applied to the products of other States and districts are equally helpful, and that a combination of rates applying to the products of all States needing protection from the importation of cheap foreign products, produced by cheap foreign labor, in competition with our own products and labor, is immensely helpful to the Nation as a whole.

The evidence of this mental blindness is so obvious that no argument is necessary. One of my Democratic colleagues gave an illustration of it the other day when he complained that "since 1861 the Republican Party has largely had its own way with reference to the tariff," as it certainly has had, and then launched into an attack on the tariff, apparently quite oblivious to the fact that the period to which he referred has witnessed the most amazing progress of a people the world has ever known. Why, Mr. Speaker, if the mildest of the Democratic warnings regarding former tariff laws had been realized we would now be witnessing the fulfillment of the dreadful Macauley prophecy of 1857, and the Republican Party would long ago have been wiped out of existence as a blundering and unfaithful steward.

REPUBLICANS COMMITTED TO PROTECTIVE PRINCIPLE

Republicans, on the other hand, are still resolved that in dealing with competitive articles when writing a tariff bill they will never lose sight of the protective principle, and that it shall apply to the country as a whole, and not solely to those sections where votes must be had to return to Congress the men representing them.

However fluid the state of American politics to-day, this line of demarcation between the major parties again stands out with sufficient distinctness, despite the efforts put forth to becloud the issue. On the tariff question, with few exceptions, Democrats still remain Democrats, and Republicans, as shown by the vote on the tariff bill in this National House of Representatives, still stand staunchly as Republicans for the principle of protection for the products of the American farm, factory, and mine, as opposed to anything short of that great principle.

Republicans still regard the tariff question as a great national issue, of which nothing else can be made without inviting national disaster. Democrats still regard it as a local issue, so far as their personal political fortunes are concerned, and a national issue only to the extent that they can get by in national campaigns with their old familiar cry, voiced always when a tariff bill is in the making, that stark disaster and ruin await the country just around the corner.

DEMOCRATS IN SAME OLD RÔLE

In the debate just closed, Mr. Speaker, if we can dignify by such a term the portion of it to which I am particularly referring, Democrats again have demonstrated their capacity for the traditional Democratic rôle, which is to denounce and revile a Republican tariff bill when it is in the making and then to forget it so far as possible when it has had time to prove its worth.

In fact, I think our Democratic colleagues fairly outdid themselves this time and they ought to have credit for it as a matter of historical accuracy. It is hard deliberately to produce a masterpiece—even a masterpiece of invective and absurdity—and especially so when you have such a long line of the same kind of masterpieces preceding yours, couched in almost exactly the same words, though differently arranged. Shakespeare had an open field by comparison. No horde of Shakespeares had preceded him, generation on generation, turning out masterpieces, all along the same line and in practically the same language. If the Census Bureau had no other occupation for the next 10 years we could keep it busy scanning the CONGRESSIONAL RECORD covering the last 70 years to see how many times the word "iniquity" has been used by Democrats in connection with a Republican tariff bill, and the changes rung on it.

Many Democrats now claim, however, to be the real friends of protection. Yet they apply the same old terms to this bill. It is, according to them, "an iniquity," of course. It is "odious." It is "monstrous." It will bring not only stark ruin to this country but impede the progress of the world. I ask you, Mr. Speaker, is this the language of friendship? Do you apply such terms to anything you even faintly revere? No, Mr. Speaker, these are the frantic mouthings of partisan hate, malice, and chagrin. The Democrats who indulge in them are not the real friends of protection, or anything remotely resembling friends, as you may quickly disclose by getting one of them in an argument and prodding him hard enough. The attempt at the "great deception" in the 1928 campaign was but an attempt after all. It did not deceive any considerable number of the voters as the result of that election shows.

HOUSTON PLATFORM MASTERPIECE OF DUPLICITY

Their platform at Houston, however, was very cunningly devised. It fooled many editorial and head-line writers into announcing that the Democratic Party had come over to the Republican position on protection, overlooking the fact that the Democratic platform writers had not failed to embody and bury in its ambiguous phrases and among its "weasel words," a declaration that they favored duties that would permit "effective competition." Every business man knows what

"effective competition" is on the part of a competitor that has some form of advantage—such as cheaper rents, cheaper clerk hire, or cheaper goods as a result of quantity buying. It eventually puts him out of business, just as the cheaply produced products of Europe, in unrestricted competition with our products would paralyze our industries.

They put in that saving clause, Mr. Speaker, not for use, of course, in that campaign when they had to face an aroused electorate, but for use at some future period when the going with it should be better; say for instance in this congressional-election year, when a new tariff bill was to be enacted and the voters would likely not be so on guard as in a presidential year. Bottling up their emotions, therefore, they looked hopefully to the day when they could trot out their saving clause to show their consistency in attacking a new tariff bill, delay its enactment to so near the date of election that it might not have time to demonstrate its virtues, and then confuse the country by the very volume of their clamor.

Psychologists tell us that the effect of suppressing the emotions is something terrific. Perhaps this may account to some extent for the fury of the recent Democratic assault. When the dam burst the torrent of words poured forth like the Johnstown flood. And perhaps it was due to some extent to the fact that the Democrats had at their command, to give aim and direction to their efforts, and inspire them to new heights of invection and prophecy, the most highly organized and abundantly financed publicity organization in the history of their party. This was due to the beneficence of their Mr. Raskob and to the wisdom and organizing genius of his Mr. Shouse. We want the country to know more about this combination. It represents a coordination between "big business" and "Jeffersonian simplicity" that has not been attempted since Mr. Davis and Brother Bryan made their lamentable attempt to run on the same ticket in 1924.

MR. RASKOB A PRODUCER, MR. SHOUSE JUST A DEMOCRAT

But now it certainly works, due perhaps to the fact that Mr. Raskob seems to have at least one of the highly acclaimed Democratic attributes. As the friend of the downtrodden and oppressed, he is widely credited with having made more millionaires in Wall Street than is elsewhere recorded in all the annals of "frenzied finance." But the Democrats should remember that he has not yet proved himself to be a President maker, which is what they are really looking for—particularly, it now begins to appear, Mr. Shouse. I want to return to Mr. Shouse a little later on in my remarks, not only because he is a very interesting personality, but because he has some ideas on the tariff, so beautifully illustrative of the real Democratic attitude, that I want to develop them particularly, though briefly. Whatever Mr. Raskob is politically, there can be no doubt that Mr. Shouse is a Democrat.

CONDUCT GUERILLA WARFARE ON GREAT NATIONAL ISSUE

Just now I want to go along a little farther with the attitude of Democratic spokesmen in general on this tariff. Nurtured, as I have said, for generations on the theory of "free trade," a "tariff for revenue only," "effective competition," or whatever name they may have from time to time, as expediency may dictate, for practically the same thing, they could not be charged with political dishonesty for supporting a fallacious economic theory if they would only stand up and fight for what they really believe, instead of putting their party in the disgraceful rôle of continually conducting a guerilla warfare on a great national issue. To the extent that Democratic spokesmen are governed by their unfortunate complex on this subject, they are honest, and more to be pitied than censured, but to the extent that they are driven by their political fears into following such a course as they have been pursuing in late years they are thoroughly dishonest and unworthy to represent the political thought of one of the great political parties of the country.

In the campaign of 1928 their course was governed almost entirely by their political fears, and in the debate on the tariff bill in this Congress, as nearly as I can diagnose their queer ailment, not being a physician or a psychologist, they have been so torn between their inner yearnings to be honest with themselves and with the country on the one hand and their political fears and aspirations on the other, that it has produced the form of mental agitation and anguish, mounting at times to pure delirium, that has so astonished those who accepted as genuine their apparent belated acceptance in 1928 of the Fordney-McCumber Act as the most beneficial tariff act ever written, which in the three previous campaigns they had so whole-heartedly reviled.

IMAGINATIONS RUN RIOT IN OFF YEARS

Their wildest and most ridiculous charges and predictions about the tariff act were of course made in the 1922 campaign when the ink was hardly dry on it. They said in the Democratic Campaign Book issued in the congressional campaign of that year by the Democratic National Committee and the Democratic Congressional Committee that the Fordney-McCumber law would put "an additional tax upon the people of three billion to four billion dollars." Now they talk only about a "billion dollar tariff act," though they shout vociferously that the Hawley-Smoot Tariff Act is the highest ever written. They have evidently learned a little discretion when using figures, though the violence of their rhetoric is on the crescendo.

They said further in their celebrated 1922 work of fiction that the Republican tariff act of that year would be "practically an embargo upon foreign products," that it would "destroy what is left of our foreign trade * * * prevent the collection of the $11,000,000,000 foreign indebtedness * * * work irreparable injury to labor * * * not yield the Government itself more than $250,000,000 in revenue under the most favorable circumstances," and so forth, to quote only a few of the long list of indictments inspired by the fevered Democratic imagination.

What happened? Our foreign trade has grown enormously, funding agreements have now been entered into with all our foreign debtors by which the $11,000,000,000 is to be paid, meanwhile, concurrent with an enormous reduction in taxes, amounting to nearly $2,000,000,000, our public debt has been reduced by over $8,000,000,000, labor has enjoyed the highest wages ever known, and the tariff bill has never returned in revenue less than half a billion dollars a year and is now returning over half a billion. One way or another this country of ours, ruined in the morbid Democratic mind by the villainous Fordney-McCumber Act, has worried along and managed to conceal its bankruptcy. I predict that it will be no less successful in putting on a front under the Hawley-Smoot Act, and that under the operation of the act the ensuing years will witness the same amazing progress and growth.

CAUTIOUS IN 1924, DECEPTIVE IN 1928

In 1924, Mr. Speaker, when the Presidency was at stake—they are always more willing in the off years to take a "little flyer" on the tariff to see how far they can get by with it, and in fact returned to such of their wild charges in 1926 as could not instantly be disproved by the successful operation of the law—in 1924, as I started to say, they were much less specific in the actual tariff plank in their national platform than they were in their campaign book of 1922. Bear in mind, the Republican tariff act was already in successful operation. So they contented themselves with the general statement, followed by more along the same line, that it was "the most unjust, unscientific, and dishonest tariff act ever enacted in our history." But by 1928 they had apparently decided that outside of that, the Fordney-McCumber Act was perfectly all right. They did not mention it by name in their tariff plank in 1928, criticized it only inferentially, and from the time their candidate, Governor Smith, and their national chairman, Mr. Raskob, got on the job there was not a derogatory peep about it, or any of its schedules, out of any Democratic spellbinder prominent enough to get his name in the papers, unless it was accompanied by some insidious attempt to assure the country that the Republican tariff would be left alone if not further extended in its applications.

The attitude of the national Democratic leaders confused even some of the Democratic Members of this House who still give frank expression on occasion to their views on the tariff question. On May 14 of last year, in the early days of the tariff discussion in this body, the gentleman from Alabama [Mr. HUDDLESTON] did a very honest job of airing his views. Terming himself "an old-style free trader," and expressing the opinion, with which I am in thorough agreement, that "there are only two logical positions on the protective system, one for it, the other against it," and leaving us in no shadow of doubt that he was against it, he had a good deal of fun with his party floor leader [Mr. GARNER] and other outstanding Democrats.

AN APPEAL TO OLD-FASHIONED DEMOCRAT'S SENSE OF HUMOR

Quoting a description given by the minority leader [Mr. GARNER] of the difference between a Democrat and a Republican on protection, in which Mr. GARNER sought to show that the Democrats would apply protection fairly and that the Republicans apply it unfairly, Mr. HUDDLESTON said that Mr. GARNER'S description was the extreme appeal to his sense of humor. It certainly appeals to my sense of humor, too, after a year's debate on the subject.

In short, according to Mr. GARNER—

Said Mr. HUDDLESTON—

a Democrat is as good a protectionist as a Republican, the only difference being that the Democrat is honest and the Republican is otherwise. The Democrat is for protection for all industry whereas the Republican favors it for special classes and sections. The difference is not one of principle—it is merely of justice and fairness.

For instance, the Democrat who votes for his own schedules, and then against the bill in the confidence that a Republican Congress will manage to pass it, carrying its benefits for his State or district, in spite of all the obstructionist tactics in which his party may indulge for political purposes, is honest and fair, taking a broad national view, while the Republican who votes for schedules in which his constituents are not directly interested, because he believes they embody the protective principle, and then votes for the bill as a whole, is narrow and sectional—a creature of the special interests. The Democrat, according to their definition, is a public-spirited legislator, and the Republican is a "log-roller."

Mr. HUDDLESTON naturally saw the humor of this, anticipating, no doubt, exactly what the majority of his brethren would do when legislating on a tariff bill. After quoting Mr. GARNER, Mr. HUDDLESTON went on to say:

> Very much the same idea was expressed by Mr. Davis, our candidate in 1924, with his advocacy of "competitive tariffs." And during the recent presidential campaign Mr. Smith intimated very strongly that the protected interests had nothing to fear from the Democrats. Campaign Manager Raskob even went so far as to ask Democratic Members to then pledge themselves to accept Mr. Smith's interpretation of tariff policies, as made in his Louisville speech. He even did me the honor to wire me for such a pledge, and I promptly did myself the honor of passing his message into my waste basket without reply.

Of course an old-fashioned Democrat like Mr. HUDDLESTON was not "in on the know," as they say in racing circles, and if he had been, I must do him credit to say I do not think he would have sat in on the game. He need not have thrown into the wastebasket Mr. Raskob's telegram, which was, as will be remembered, sent to all Democratic candidates for the House and Senate. I think we now have abundant proof that Mr. Raskob was not attempting to convert Democrats to the policy of protection. He was merely trying to get votes. At least nothing that has emanated from the propaganda bureau he is now financing sounds anything like the advocacy of protection to an old-fashioned Republican protectionist like me. But, on second thought, I fear I have not done justice to Mr. HUDDLESTON'S intelligence. No doubt he threw Mr. Raskob's famous telegram into the wastebasket because of honest Democratic disgust with such tactics.

REAL ATTACK NOT ON BILL BUT ON PROTECTIVE PRINCIPLE

The Democratic Publicity Bureau has fathered a great many statements that ostensibly have been attacks only on the Hawley-Smoot bill, but one has not needed to be especially discerning to observe in practically every one of them a vicious attack on the principle of protection. That bureau has had the active cooperation of two great chains of newspapers that throughout this fight on the part of the Republican forces for a protective tariff, have followed exactly the same tactics. Their "ghost writers" have sought and obtained statements from leading international bankers and industrialists "whose hearts are abroad where their treasure lies," not one of whom has failed to make plain, before concluding his view, that he thinks the country has outgrown the need of protection.

Mr. Henry Ford, for instance, one of those quoted at length, who some time ago announced himself unequivocally a free trader, in a recent statement obtained by a representative of one of these chains of newspapers, which an admiring Democratic Senator has had placed in the RECORD, said: "There are certain barriers that may properly be set up. For example, the barriers against mass immigration," adding as cleverly as a politician: "We ought not to drain European countries, of their brains and man power." What he should have said, of course, was that cheap foreign labor can compete with American labor no less surely on its own shores than on our own. Then Mr. Ford added: "But the flow of goods should be free." Of course that last sentence did not even remotely represent the view of the Democratic friend of protection, Senator BARKLEY, of Kentucky, who put Mr. Ford's interview in the RECORD. He simply overlooked it in his frantic effort to help write a Democratic protective tariff bill, in spite of what Democrats are pleased to refer to as the machinations of scheming, designing, sectional, dishonest, log-rolling, special-interest-representing Republicans!

MR. SHOUSE'S PECULIAR IDEA OF PROTECTION

Returning to Mr. Shouse, executive chairman of the Democratic National Committee and Mr. Raskob's right-hand man, he complained recently in a statement issued through his publicity bureau, and recorded forever in the classic columns of our own CONGRESSIONAL RECORD by another admiring Democratic friend of protection, Senator WALSH of Montana, that Senator FESS, criticizing a speech he made in Columbus, Ohio, spoke of "the very major part which Democrats have had in writing the pending bill," and then went on to say that Senator FESS, in support of his declaration, had "cited the votes of a considerable number of Democrats on individual schedules." As is known, and will be better known as time goes on, it is a fact that without exception Democratic Senators voted for some increase in rates or against some decrease in rates. Many of them voted for a good many increases and against many decreases, but Mr. Shouse complains in his statement that "if a bill was to be passed extending protection favors, they wished their home industries to be placed on a par with other industries," further explaining that they "were against the bill as a whole and the votes of nearly all of them on the final passage will testify to this."

In other words—

Mr. Shouse went on to say—

> If there had to be a towering tariff, they wished their States to get a part of the favors, but they preferred to forego this rather than that the terrific additional burden involved in the Grundy bill should be inflicted on the whole people.

The plain inference of this is that if the Democrats had been writing the bill it would have been an altogether different kind of bill. The country now understands this very well, and for that reason, in my opinion, will not return the Democratic Party to power unless it shall succeed in its persistent efforts to becloud the issue.

But what does Mr. Shouse mean by saying that these Democratic votes record the desire of the Senators in question to "serve" their own people—to extend "favors" to them? How do you serve people and how do you favor them? By giving them something that they need and want. When a Democratic Senator or Representative is making an argument for protection for his own State, no Republican protectionist could do a better job. Our Democratic friends have in their ranks some of the foremost orators in the country. When they are pleading for protection they tell in graphic language of languishing industries and men out of work. If, without plagiarism, I could insert a composite draft of some of their efforts along this line, I could produce upon this floor the equal of some of the foremost Republican orations on the tariff question of both the present and the past.

Mr. Shouse evidently chose that word "favor" very advisedly, Mr. Speaker. I suspect he thought it would, in some way, convey the idea of the term "privilege" used in the usual Democratic sense. One of his Democratic friends had been so thoughtless as to speak of the "benefits" of the protective tariff when making a plea for protection for his State. We do not quarrel with any of these terms. The protective tariff is, in fact, a favor, a benefit to District, State, and Nation, and a privilege for all to enjoy. It would be an outrage only if established along the lines of the Democratic idea followed to its logical conclusion. A protective tariff covering only a relatively few schedules would be indefensible. Covering the Nation like a blanket, it is a great national safeguard which has helped immeasurably to put the American people in the forefront of the world

DEMOCRATS STILL ENEMIES OF PROTECTION

No, Mr. Speaker, the Democrats have not changed. The last tariff act they wrote, the Underwood Act, passed in 1913, gave practically no protection to agriculture as compared with the two later Republican tariff acts of 1922 and 1930. Just before the close of his administration in 1921, President Wilson vetoed the farmer's emergency tariff bill, passed by the Republican Congress, giving the traditional Democratic reasons that it was not needed and uneconomic. I am not attempting to quote him literally in my brief discussion of this subject, but I am sure I have not misrepresented him, because, as is well known, he had no sympathy with the Republican theory of protection, although as an honest historian, in his History of the American People, he had recorded "that during a single year of this high protective tariff," referring to a tariff act enacted in 1812 in which the existing rates were nearly doubled, "fully $50,000,000 was invested in the textile industry. Distinct manufacturing regions began sensibly to develop. Nearly everything in common use was added to the growing list." And, also, referring to conditions in 1816, after reviewing the disaster that had followed a later revision downward, he recorded in his history, "the remedy was a protective tariff such as Hamilton had recommended."

But, as I have said, in keeping with the attitude of the Democrats, of which he was the leader, he vetoed the emergency farm tariff bill, for which there was widespread demand in the agricultural regions, and the Democratic floor leader of the House at that period, the late Claude Kitchin, of North Carolina, ranking member of the Ways and Means Committee,

said in the debate on the reintroduced emergency tariff bill in the next Congress—

Sensible protectionists will go to the party that has taught and practiced protection 50 years and not to the party that has always opposed it.

The emergency tariff act which was immediately reenacted by the Republican Congress in the special session which followed, and signed by a Republican President, was later incorporated into the Fordney-McCumber Act of 1922, which increased enormously the scant benefits extended to agriculture in the Democratic Underwood Act of 1913, and placed on the free list practically everything that the farmer had to buy, and the official tabulations show that approximately 94 per cent of the total net increase in the Hawley-Smoot bill, just enacted, is on agricultural products and manufactures made from farm-grown raw materials.

Yet our Democratic colleagues, who profess so vehemently their friendship for the farmer, say that the 1930 tariff act is the most outrageous ever written, just as they said it of the 1922 act.

Tables already in the RECORD, showing a comparison of the farm rates carried in the Democratic Underwood-Simmons Act of 1913, the Republican Fordney-McCumber Act of 1922 and the Republican Hawley-Smoot Act of 1930, tell the story graphically enough without further comment from me. My remarks to-day are not made primarily to analyze the rates in the tariff bill. That has been done so fairly, thoroughly, and convincingly by Chairman HAWLEY of the Ways and Means Committee, and others, covering every phase of the subject, that it is not necessary for me to extend the matter further in the RECORD. What I am attempting to do is to analyze the present state of the Democratic mind on this subject. It is a somewhat intricate job yet I am confident the country will be able to get the picture if the Raskob-Shouse Publicity Bureau keeps everlastingly at its work of disseminating Democratic views. To paraphrase a classic utterance: "We did not ask them to dissemble their new-found love for a great American principle, but why did they try to kick it down stairs?"

SOME MORE EVIDENCE OF DEMOCRATIC TEAMWORK

Just one more thought in connection with Chairman Raskob's telegram, which was signed by most of the Democratic candidates for the House and Senate, pledging themselves to "approval of the constructive interpretation placed on the tariff plank by our standardbearer, Governor Smith, in his Louisville speech." Coincident with its circulation there was circulated in the sixth district of Maryland, to assist the Democratic candidate for Congress, David J. Lewis, a former member of this body who had also been a member of the United States Tariff Commission, a circular letter urging the need of his return to the House. This letter stated that—

He could render unequaled aid to his colleagues in solving the vexed problems of tariff legislation which lie ahead, and he would be particularly useful to us as members of the Ways and Means Committee, in which such congressional legislation always originates.

This circular letter was not sent out by Chairman Raskob—just then too busy trying to commit Democrats to "protection," Governor Smith's brand—but, as the language of my quotation indicates, was signed by Democratic members of the Ways and Means Committee of the House, headed by my friend from Texas [Mr. GARNER]. In fact, it was signed by every minority member of the Ways and Means Committee, with the significant exception of Mr. MARTIN, of Louisiana, an avowed and consistent protectionist. Mr. Lewis' public career had convinced many of us that he was about as near an old-fashioned Democratic free trader as Mr. HUDDLESTON, although he later denied that he was a free trader, so I would like to believe that my Democratic friends of the Ways and Means Committee were simply trying to bring about his return to Congress to aid Governor Smith and Chairman Raskob in placing their "constructive interpretation" on the Governor's plank on the tariff, as announced in his Louisville speech, but I simply can not bring myself to do it.

As a matter of fact, this apparent inconsistency was apparent only and not real. There was not, in my opinion, a word of real sympathy for a protective tariff in the Governor's Louisville speech, though so carefully had the stage been set that the headline writers hailed it quite generally as an "indorsement of a protective tariff." The Democratic members of the Ways and Means Committee evidently understood exactly what the Governor and Mr. Raskob were doing, though the headline writers did not, when they sought so earnestly for a return of Mr. Lewis to the House to help them write a Democratic tariff bill.

I am not unmindful, Mr. Speaker, that some Members on the Republican side in both branches of Congress have voted against the tariff bill, and that some Members on the Democratic side have voted for it. But they have been greatly in the minority. I am speaking of the main body of Republican Members and the main body of Democratic Members, particularly in this House, where orderly party lines are still drawn—the country may be grateful for it—and where there is a representation of the whole people, according to population. I can suggest only on this point that it might be well to arrange an honorable exchange of prisoners.

BUGABOOS WITH WHICH THEY AGAIN WILL SEEK TO AFFRIGHT US

But, Mr. Speaker, the end is not yet. It is evident that all the old "props and fittings" used in the debate on the tariff bill to affright doubtful Members and their constitutents, are going to be trotted out in the Great Democratic Road Show of the 1930 Congressional Campaign.

They will tell us in one breath that the farm tariff will be ineffective, and in the next add every farm rate in full to the price of the food we put on our dinner tables,

They will tell us one day there is no prosperity and the next that the Hawley-Smoot bill will destroy prosperity.

They will tell us, while calling it the Grundy bill, that it will close the manufacturing plants of the country, including, as a matter of course, we would naturally suppose, Mr. GRUNDY'S manufacturing plant.

They will reintroduce and ring all the changes on the Democratic fable about how the American workingman, from the time he is awakened in the morning by an alarm clock, price boosted by the tariff, will be burdened throughout the day by the tariff on all articles he uses, but will say nothing of the fact that he enjoys immeasurably the highest wage scale and the highest standard of living in the labor world. This amusing fantasy was old when Lee surrendered, and has been used in one form or another in every campaign since. It will be found embalmed on page 43 of the now justly famous Democratic Textbook of 1922. It has already this year been used by at least one great metropolitan Democratic newspaper, the New York Evening World, and has been placed in perpetuity in this session's CONGRESSIONAL RECORD of June 6, 1930, page 10187, being "a statement by Representative JOHN M. GARNER, of Texas," made somewhere or other, occasion not stated, and inserted in the RECORD by his grateful and admiring fellow citizen, Senator TOM CONNALLY, of that great State, who voted for so many increases and against so many decreases in the Hawley-Smoot bill.

They will seek to array section against section, the West against the East, the farmer against industry, unmindful of the fact that all must work in harmony together as every sensible American knows.

They will remind us again and again of the protests of foreign nations and the retaliatory measures these nations will take to ruin our foreign trade. But, as Secretary Mellon calmly remarked in his excellent statement on the tariff bill, issued June 21—

The United States will continue to buy a vast quantity of foreign products and to sell the products of its farms, mines, and factories all over the world.

For it should be remembered, in this connection, that under the new tariff act it is estimated that 64 per cent of our imports will continue to come in duty free, as they did under the act of 1922.

In so far as imports are concerned—

Continued Secretary Mellon—

foreign nations that do business with us would do well to remember that the all-important factor is the maintenance of the high purchasing power and standard of living of the American people.

Mr. Mellon, out of his vast experience as a financier and a business man of outstanding success, in that brief statement, has given the perfect answer. Foreign nations will do well to consider it.

NOTHING NEW ABOUT FOREIGN PROTESTS

There is nothing any newer about these foreign protests than there is about any of the other bugaboos paraded by the domestic enemies of protection when a tariff bill is being written. As pointed out by Secretary Lamont, of the Department of Commerce, in his statement of June 22, as many protests were received from foreign countries in connection with the passage of the act of 1922 as have been received in the present year, "and", said Mr. Lamont, "there were just as many predictions of disaster to our foreign commerce." Then, after reciting the amazing story of the development of our foreign



trade under the Fordney-McCumber Act, Secretary Lamont went on to say:

Every country, including our own, shows concern when other countries propose increasing their tariffs. The United States is not alone among nations in making changes in its tariff levels. Forty or fifty other countries have made general upward revisions since 1925, including nearly all of those countries which have protested against the proposals to increase our rates.

Of course foreign nations write their tariffs primarily to suit their own conditions and needs, as we write ours. Americans whose ears are deafened by the clamor about foreign retaliation should know that their new tariff law is one of the least burdensome and least costly that exist in the world to-day. The American tariff is the fairest in the world. Many of the protesting nations maintain tariff systems that erect a higher tariff wall than ours, and in addition to that, maintain additional trade barriers purely discriminatory, while our law discriminates against none.

It is difficult to make comparisons, but one way of arriving at it is by comparing the amount of money collected at the custom houses. Applying that measure, our tariff is singularly low. Even so-called "free-trade England," to cite a single example, with a population of some 45,000,000 collects almost as much annually at her customs houses as the United States, with a population of more than 122,000,000, collects.

SO-CALLED ECONOMISTS WILL AGAIN EXPOUND VIEWS

They will drag out again the protests—hoary with antiquity—of "the thousand and twenty-four economists,"—count them—and have them tell us anew, in the classic terms in which in the colleges they daily instruct American youth, the fearful abyss into which we will plunge if we do not immediately return to the free-trade teachings of Adam Smith, while affecting only to be pointing out the "iniquities" of the present law.

We will refer the Pittsburgh professor who let the "cat out of the bag" by winding up his dissertation with the statement that "it is a very debatable question whether the tariff ever helped to build up industry," to the testimony, previously quoted, of Woodrow Wilson, outstanding college professor, college president, and historian, recording events in the calm and unbiased way a historian should.

The opinions of economists in general, who would drag American labor down to the pauper wage scale of Europe, in perhaps a misdirected effort to drag foreign labor up, we will weigh in the balance against the words and writings of the long list of American statesmen, living and dead, who have expounded the great American doctrine of a protective tariff, including all but 5 of the 31 American Presidents.

As against the fevered fancies and academic vaporings of these so-called economists we will pit the mandate—overwhelming and unmistakable—of the American people, in the last election, that the tariff was to be revised in accordance with Republican principles. As against theories, we will rest our case upon facts, born of a nation's experience—upon the interpretation of that mandate put upon it by our great President of today, Herbert Hoover, conscious always of the welfare of the American people, who within twenty-four hours after the agreement of the two houses of Congress, announced in the opening sentence of his statement to the public, "I shall approve the tariff bill," and then went on to give his reasons in the dispassionate language of fact.

REPUBLICAN PARTY WILL FIGHT ENEMIES OF PROTECTION IN WHATEVER GUISE

Then there is a new and graver phase of this matter, Mr. Speaker, that I have merely touched upon, and I want to be fair about it—the growing demand not only of Mr. Ford, with his tractor factory in Ireland, and other plants abroad, but of other American industrialists, with billions invested in manufacturing establishments in many countries, for a leveling of American trade barriers. It can at least be said of Mr. Ford that he has now openly avowed himself a free trader.

The gentleman from Minnesota [Mr. KNUTSON] has inserted in the RECORD a long list of American corporations that have established branch factories in foreign countries. Their far-reaching activities in this country have contributed mightily to our growth and wealth. So I want to be fair to them. They employ vast numbers of American workmen in their American plants at the American scale of wages and to the extent that they may ever need protection with their American plants, employing American labor, from ruinous foreign competition they may confidently apply to a Republican Congress.

But in their plants established abroad they employ cheap foreign labor, and never while the Republican Party remembers its traditions and is worthy of its name, which has come to be identified with the progress of American industry and American labor, will it lend an ear to any plan, by whoever conceived, and for whatever purpose, to level the barriers and put in competition with the cheap labor of other lands, the American workman, who enjoys under the American system, the greatest comforts, the best educational advantages and everything that makes for the highest standard of living that the world has ever known.

Yes, Mr. Speaker, the tariff will be an issue in this campaign—the outstanding issue if our Democratic opponents continue in their ill-judged efforts to insult the intelligence of the American people. Most certainly so, if their efforts are aided and abetted by interests purely selfish and financial.

They tell us that the tariff should be taken out of politics. It can never be taken out of politics and it never will be, Mr. Speaker, in the face of an assault on the protective principle, whether such assault be of purely political origin, political animus and political design, or whether it be aided and abetted by interests swayed by something more selfish than a false economic theory, while the Republican Party, committed to the great principle of protection from the day of its birth, remains on guard.

THE ADMINISTRATION OF PRESIDENT HOOVER

Mr. TILSON. Mr. Speaker, in reviewing the work of the present administration during its first year and a half it is necessary to include both legislative and executive action in order to make the record accord with the facts. The separation between the legislative and executive branches of our Government is not so complete as is the case with the judiciary and the other two. Consequently, it is not practicable to draw a clear line of demarcation between legislative and executive results. Since there are, however, numerous functions of the executive in which the Congress does not participate, it seems best to treat the subject from two different angles, one dealing with the legislative side entirely, the other with the executive side, although such treatment will involve a certain amount of overlapping and duplication. In another place I have dwelt more at length upon the work of Congress exclusively. Here I shall refer to legislative matters only as they relate directly or indirectly to the President.

The country is indeed fortunate in having had as President during the period through which we have been passing a man of the integrity of purpose, the broad grasp of affairs, and the fearlessness of personal consequences that characterize Herbert Hoover. The American people believe that in every emergency, in season and out of season, he will bring to bear the accumulated results of his unique experience in world affairs, and use all the powers of his present great office to protect their interests great or small. Already they have had abundant evidence of this. The congressional elections are to be held in November of the present year at which it is but natural and reasonable to expect that the President's party will be judged in the light of the performance of the party since the coming in of his administration. In the elections we shall appeal for the return of a Republican Congress to support President Hoover in carrying out his policies during the next two years.

In order to form a proper background for even an outline of what has been accomplished during the present administration it is necessary to refer to the Kansas City platform and to recall that President Hoover has since emphasized the fact that platform pledges must not be made idle gestures.

PLATFORM PLEDGES

In June, 1928, the Republican Party, in convention assembled at Kansas City, made certain promises to the people of the United States, and, based on these promises asked to be continued in power for another four years. The convention nominated for President Herbert Hoover, and agreed that if his nomination should be ratified in the election he would faithfully endeavor as President of the United States to carry out the pledges given by the convention. By an overwhelming majority he was elected, and with him was also elected a Republican Congress. It is, therefore, fitting that a review of the work of the administration should be made in order to see whether the pledges given have been thus far substantially redeemed. I believe the judgment of any fair-minded person must be that they have been.

FARM RELIEF

Concerning farm relief, the Kansas City platform states:

We promise every assistance in the organization of the marketing system on sounder and more economical lines, and, where diversification is needed, Government financial assistance during the period of transition.

The platform also states:

We favor, without putting the Government into business, the establishment of a Federal system of organization for cooperative and orderly marketing of farm products.

In accordance with this pledge, under the leadership of President Hoover farm-relief legislation was enacted which, whatever may prove to be its ultimate effect upon agriculture, is an accurate compliance with platform pledges. By this legislation $500,000,000 as a revolving fund and very extensive powers for the relief of agriculture have been placed in the hands of a board comprised of men of preeminent qualifications for the performance of the duties of the board, and presided over by Mr. Alexander Legge. This board has already materially contributed to the assistance of agriculture and is making very commendable progress in organizing the farm industry on an effective basis along sound economic lines.

PROTECTIVE TARIFF

The Kansas City platform pledges the Republican administration and its candidate for President to a continuation of the principles of the protective tariff under which the people of the United States have prospered for more than a half century, and under which they enjoy a higher standard of living than has ever been known by any people. In accordance with the pledges made in the platform and reiterated during the campaign, a tariff bill has been enacted into law which adequately fulfills these pledges. This law also contains a step very much in advance in its flexible-clause provision by which through a reorganized Tariff Commission inequalities found to exist in the law may be remedied and changes made necessary by changed conditions may be made without the necessity of a general revision. In fact, it is believed that this flexible provision may obviate the necessity of a complete revision of the tariff for many years to come, thus eliminating the accompanying uncertainty during such revisions from which business invariably suffers. Probably no step taken in recent years is of greater importance than this, which, in effect, is the creation of a rate-making body for tariff purposes. It is hoped and believed that in its operation it will prove as important in its effects as was the establishment of the Interstate Commerce Commission.

RELIEF OF VETERANS

The Kansas City platform proclaims as its aim "full and adequate relief for our disabled veterans." In accordance with this pledge, legislation has been enacted which provides for disabled veterans on a generous scale. The law now provides that those whose earning power has been diminished as a direct result of military service shall receive appropriate compensation for this loss. It also provides relief for a still larger number of other veterans who are now suffering from disability incurred subsequent to their military service. Since the original war veterans' act there has been no step taken comparable to this for the assistance of veterans.

TAX REDUCTION

The platform adopted at Kansas City pledges the Republican Party and its nominees "to such further reduction of the tax burden as the condition of the Treasury may from time to time permit."

In accordance with this pledge a tax reduction bill of $160,000,000 was recommended by President Hoover and enacted into law for the year 1929. It provides for a 66 per cent reduction in smaller incomes, a 4 per cent reduction in larger incomes, and 8½ per cent reduction in corporation taxes.

SETTLEMENT OF INTERNATIONAL DISPUTES

In accordance with the professions of the party platform that "it is the policy of the Republican Party to substitute for war the peaceful settlement of international disputes," the President, through his representatives, has assisted in bringing about a final settlement of a bitter dispute of 40 years' standing between Peru and Chile, known as the Tacna-Arica dispute. This controversy has constantly involved the United States during that time.

Upon the recent outbreak of the military revolt in Mexico the President instantly placed an embargo on all arms being sent to the revolutionists and gave assistance from surplus war stocks to the Mexican Government. The result was the ending of the disturbance within 60 days. This action on the part of the President contributed greatly to the increased stability of the Mexican Government and prevented a repetition of previous extended disturbances between the United States and Mexico.

The administration was instrumental in bringing about a settlement of the dispute between China and Russia through its leadership in developing throughout the world a strong public opinion in approval and support of the Kellogg pact, to which pact both China and Russia are signatories. By this action on the part of the administration not only were gravely serious dangers avoided, but there was demonstrated an outstanding proof to the world that the Kellogg pact is a workable instrument for the peaceful settlement of international misunderstandings. The dangers to the nations of the world in a resort to arms involving China and Russia are so obvious and so manifold that the settlement of this controversy should be classed as one of the important accomplishments in the recent history of world peace.

VISITS OF PRESIDENTS ELECT

Because of the visit of President-elect Hoover to the South American States the bond of mutual interest and friendship between the United States and the countries south of our borders was greatly strengthened. While there is already ample proof that this is the case, it can be truly said that the benefits all Americans will derive from this visit will be cumulative and become an added factor in bringing about that solidarity of interest so necessary to the proper development of the Western Hemisphere. Already this visit has been returned by Presidents-elect Prestes of Brazil, and Olaya of Colombia. President-elect Rubio of Mexico has also recently visited the United States, giving convincing evidence of his country's appreciation of our friendship and interest in the welfare of our southern neighbors. These visits in each instance have elevated the plane of friendship already existing.

READJUSTMENT IN HAITI

Because of serious conditions which threatened to bring about a revolution in the Republic of Haiti, President Hoover appointed a commission of able men, under the chairmanship of W. Cameron Forbes, to seek a solution satisfactory to all parties in interest and also to recommend a method by which the United States could withdraw its authority from the Republic. The work of this commission was highly successful and our Government is now in process of withdrawal from Haiti. The result of this commission has increased the confidence in the disinterestedness of our own Government throughout the Western Hemisphere.

VISIT OF PREMIER RAMSAY MACDONALD

Of great importance to the peace of the world and as a means looking toward the ultimate banishment of war was the visit of Premier Ramsay MacDonald. This visit was made possible because of President Hoover's determination to do everything within his power to remove from among the nations a curse as old as the race itself. Premier MacDonald's visit and conferences with the President brought about the initiation of a program of naval limitation which met with favorable responses from other nations and resulted in the conference at London. One of the strongest delegations of American representatives ever sent abroad negotiated a treaty which is now before the Senate and which should be promptly ratified. This treaty is not only a step toward world peace but in its ultimate effect will save the American taxpayers during the next six years over a billion of dollars, which is the amount necessary to be spent to bring the American Navy to parity with the other nations concerned.

FOREIGN-DEBT POLICY

Agreeably to the Kansas City platform "to adhere to a foreign-debt policy now definitely established and clearly understood both at home and abroad," negotiations for the settlement of the French, German, and Austrian war debts were completed and submitted to Congress and ratified, thus practically completing the settlement of all war debts owed to the United States by European countries.

ATTACHING MEN OF PROVEN ABILITY TO GOVERNMENT SERVICE

There has never been a time in the history of our country when so many men of proven ability have been willing to leave the conduct of their personal affairs to enter high administrative positions in Government service. The President has chosen these men from all sections of the country. Many bureaus have been thoroughly reorganized and are headed by men who have been induced to give up lucrative positions for Government service. The administration of these bureaus is to-day functioning more effectively than ever before. Notably, definite reorganization has been undertaken in the Indian Bureau, the Pension Bureau, and some of the bureaus of the Post Office Department.

REORGANIZATION OF FOREIGN SERVICE

The Foreign Service of the United States has been reorganized along lines insuring increased efficiency and advancing prestige of our country abroad. Career men having experience in diplomacy and with a knowledge of the required languages have been installed in practically all of the Latin-American capitals, thus greatly adding to our ability to understand and to be understood in the many matters that are of mutual importance. Men of marked business reputation and ability have been chosen for many of the European diplomatic posts as vacancies have occurred.

INLAND WATERWAYS DEVELOPMENT

The Republican platform adopted at Kansas City declares:

We favor the continued development in inland and intracoastal waterways as an essential part of our transportation system.

In accordance with this declaration the President and Congress have worked out, both legislatively and administratively, an enlarged national program for the development of inland waterways. This comprehensive program had already claimed years of study and effort on the part of Mr. Hoover when he was Secretary of Commerce, and he has devoted himself to it since becoming President, in accordance with his promises during the campaign. Appropriations have been largely increased for this purpose and the engineering direction has been reorganized and improved. For the first time there is now in prospect a completed system of modern barge transportation throughout the vast network of waterways in the interior of the country. It is through this development that there should come the greatest measure of relief to the American farmer, as well as most far-reaching and important advantages to the American manufacturer. Another great benefit will result to the Nation in the more advantageous distribution of population. This whole problem of interior waterways is a project greater in the aggregate than the Panama Canal.

THE AMERICAN MERCHANT MARINE

President Hoover in his first budget presented to Congress was able to keep the total Federal expenditures down to the same net sum provided the year before under President Coolidge's admirable economy policy. By rearrangement of expenditures, however, President Hoover has been able to provide for the expansion of the American merchant marine, inland waterways, and also to expand the services of the Departments of Agriculture, Commerce, and Labor.

Acting through a committee consisting of Cabinet officers and Shipping Board members, the President worked out and Congress has sanctioned a program for the development of our merchant marine which has permitted the authorization to date of 350,000 tons of modern American merchant vessels, and which within 10 years, it is contemplated, will be increased to within the neighborhood of 700,000 tons. The completion of this program will render impossible the unfortunate predicament in which the country found itself at the outbreak of the World War, when on account of the withdrawal of foreign-flag merchant ships, on which our people were depending, our railroad sidings were crowded with rotting products of the farm, because we could find no means of transportation to customers in foreign ports. Because of this lack of American-flag ships our manufacturers suffered to the same extent as did our farmers. With suitable interior waterway development and an adequate merchant marine on the high seas America will become self-contained and independent in the distribution of the products of her farms and factories. All this is in fulfillment of the declaration in the Republican platform concerning our merchant marine.

LAW ENFORCEMENT AND CRIME PREVENTION

The President has taken notable leadership in arousing the Nation against increasing lawlessness, disobedience, and crime. He appointed a national commission of distinguished jurists to make an exhaustive examination and report recommendations for legislative and administrative action required to reestablish law observance and improve the law-enforcement agencies of the Government. As a result of careful investigation by this body and also by administrative agencies measures have been proposed to Congress for the improvement of the enforcement of the prohibition and other laws and to relieve court congestion in criminal and other matters. This searching investigation is being carried into all the causes of constantly increasing criminal activity, and it is hoped will suggest, as a contribution to the effort to reduce crime, methods for simplification and strengthening the judicial system.

President Hoover, in accordance with his oath of office, has taken a firm stand for the enforcement of the eighteenth amendment. In order to make this enforcement more effective on the part of the Federal administration he has reorganized the offices of district attorneys in addition to transferring the Prohibition Enforcement Bureau from the Treasury to the Department of Justice. Arrangements have been made with Canada looking toward the prevention of the export of liquor from that country to the United States. Already measures have been passed by the House of Representatives providing relief from congestion of the courts and for strengthening and improving the means of effective law enforcement. Results are already in evidence as witnessed in the greatly increased number of convictions for felonies and for crimes of every character.

PRISON REFORM

By direction of President Hoover the Department of Justice has organized a far-reaching program of prison reform. Congress has cooperated so that already a number of pieces of legislation intended to bring about these reforms have become law. New prisons are now in course of construction, prisoners are being segregated so as to prevent the corruption of youth and to isolate drug addicts. A modern parole and probation system has been established in order that prisoners may be self-supporting when released.

CONSERVATION OF NATURAL RESOURCES

The platform adopted at Kansas City states—

We believe in the practical application of the conservation principle by the wise development of our natural resources.

In accordance with this declaration President Hoover has established an important committee to aid in determining land and conservation policies in the far West. He has declared a positive oil conservation policy by prohibiting further permits on public lands, rigidly revoking permits in cases where there has been a lack of compliance with the law, as well as initiating other measures looking toward the conservation of the Nation's resources.

RADIO AND FEDERAL POWER COMMISSIONS

The Republican platform declares for the administration of the radio facilities of the United States under wise and expert Government supervision. Under the recommendation of the President, authority has been granted by Congress for the reorganization on a sounder basis and with broader powers of the Federal Radio Commission and also of the Federal Power Commission.

ECONOMIC STABILIZATION

When it became apparent that the crash on the stock exchange of October, 1929, might be followed by a general business depression and a condition of widespread unemployment, President Hoover took prompt and decisive steps to ayert dire calamity, not only by such financial measures as were practicable but also by bringing together the Federal Government, the several States, the counties, and municipalities in a united effort to ameliorate the resulting conditions. Under his leadership private industries also were organized to bring about an increase in construction work, thus providing continuing employment for labor. The President also brought about an agreement between employers and labor that during this critical period there should be no disturbance of wage scales and consequently no reduction in the consuming power of the country. The result of these efforts has been to avoid what might otherwise have been a serious panic and to keep the country on a basis for much earlier recovery than would otherwise have been possible.

Visible results in relief to employment through Federal construction work, by public utilities, and by public authorities are already apparent. The reports of the Department of Commerce show that the volume of public and public utilities construction work and betterments during the first six months of this year has exceeded the corresponding period of the boom year of 1929 by over $400,000,000, consisting of approximately $200,000,000 increase in Federal, State, and municipal construction and about $200,000,000 increase in public utilities construction. The funds provided and the organizations created bid fair to show even a larger increase during the last half of this year. The number of men given employment because of these measures necessarily runs into large figures.

HEALTH OF CHILDREN

One of the most far-reaching acts on the part of President Hoover has been the appointment of a committee of leading citizens to make an exhaustive study of the health and protection of children and to coordinate the voluntary and official agencies of the country looking to that end. The importance of this movement to the future of our country is not easily overstated and the success that will be attained from a faithful following out of the effort will add to the stability of the Nation in the creation of brighter minds, healthier bodies, and consequently better citizens.

INADEQUATE GOVERNMENT HOUSING

Our Government has suffered for a great many years from inadequate housing for its regular activities. To correct this situation public building acts have been passed by Congress which should result in great economies over the present method of renting quarters for governmental purposes and should increase the efficiency of governmental agencies. Under recommendations of President Hoover as embodied in the bills enacted into law during the session of Congress just adjourned, the Government in due time should be completely housed in a

manner contributing to efficiency and properly symbolizing the Government itself.

THE CITY OF WASHINGTON

The President, like all good Americans everywhere, has been much interested in the beautifying of the Capital City of the Nation. Aside from approving enlarged appropriations for building construction in the District of Columbia he has not failed to further measures before Congress, which have now become law, for the enlargement of parks as well as for other measures which, to the great satisfaction of the American people, will make our Capital the most attractive city in the world.

CENSUS OF UNEMPLOYMENT

The national census for 1930 was authorized, and on the President's recommendation it included a census of unemployment as well as a census of commodity distribution. The census of unemployment is of particular importance because it establishes a foundation upon which may be built an adequate determination of unemployment at all times. This will prove a most important advance in the stabilization of business. The census of distribution is based upon sampling censuses taken by the Department of Commerce over the past six years and which has proved of great value to distributors of merchandise, and is of distinct and positive value to American business.

EUROPEAN REPARATIONS BANK

The administration declined the proposal made to the United States to participate in the European Reparations Bank because of the possibility that compliance might seriously involve the United States in disputes and entanglements of a nature particularly concerning European nations.

REAPPORTIONMENT

After 10 years of failure to reapportion, during which time many sections of the country have been denied their constitutional right of proportionate representation in Congress, the present Congress has complied with the requirement of the Constitution and enacted a reapportionment law.

On these and the other accomplishments of a Republican President and Congress, far too numerous to be here set down, the Republican Party stands and makes it appeal to the calm, dispassionate judgment of the American people for the return at the coming elections of a Congress that will support President Hoover in his earnest efforts instead of trying to balk him at every step during the next two years.

THE TARIFF AND AGRICULTURE

Mr. HALL of Indiana. Mr. Speaker, on June 14 the House of Representatives, by a vote of 222 to 153, approved the Hawley-Smoot tariff bill. The President of the United States has given it his approval. Thus closed, after 17 months of study and discussion, a new chapter in our economic history. I am convinced, after a close study of its rates and the trend of both industry and agriculture over the past decade, that the law is fair and the results will be most beneficial.

Much damage to the country has been caused by delay in its passage. It should have been completed six months earlier at least. Had it not been for a strong coalition without party responsibility holding the balance of power and determined to embarrass the administration of President Hoover by delay, without regard for the welfare of labor or agriculture, this bill would have been law by January 1 and all would now be six months nearer stabilization, and the unemployment problem would have been largely solved.

I do not intend to present an argument for the protective-tariff policy. Our Nation, as well as other nations, is committed to this policy. It will be sufficient to present a few facts relative to the new law.

It is to be expected the Hawley-Smoot tariff law will remain in force for several years. If after it has been in operation for a short time rates are found unjust, the President has authority to change them to fit changing business conditions.

If the Democratic Party should by chance secure control of Congress, without doubt their first act would be to revise the tariff for political reasons. The country would again become unsettled. Labor and agriculture would suffer.

It should be emphasized that two-thirds of all the imports into the United States are on the free list; thus it will be seen that the tariff applies only to about one-third of our imports.

The tariff list contains about 3,300 items. Of these, 890 received an increased rate, 235 are decreased, and 2,175 items remain the same as they were under the Fordney-McCumber bill. In 1928 the customs officials collected under the 1922 tariff act $522,649,383. If the new rates had been applied on the same imports, the collections would have been $630,456,208. Thus it will be seen that the matter of increased revenue is not of the largest consideration.

The increases in the new act are divided 68 per cent on agricultural products and 32 per cent on industrial items.

It will be to the advantage of every farmer to study carefully the comparison of the rates under the last Democratic tariff act of 1913, the Fordney-McCumber Act of 1922, and the law now in force. On these rates comment is unnecessary.

Comparison of tariff rates

Commodity	Underwood Act, 1913, Democratic	Fordney-McCumber Act, 1922, Republican	Hawley-Smoot Act, 1930, Republican	Increase over existing law
Wheat	Free	30 cents per bushel.	42 cents per bushel.	$0.12
Corn	do	15 cents per bushel.	25 cents per bushel.	.10
Oats	6 cents per bushel.	do	16 cents per bushel.	.01
Barley	15 cents per bushel.	20 cents per bushel.	20 cents per bushel.	
Rye	Free	15 cents per bushel.	15 cents per bushel.	
Flaxseed	20 cents per bushel.	40 cents per bushel.	65 cents per bushel.	0.25
Buckwheat	Free	10 cents per 100 pounds.	25 cents per 100 pounds.	.15
Alfalfa seed	do	4 cents per pound.	8 cents per pound.	.04
Sweet clover seed	do	2 cents per pound.	4 cents per pound.	.02
Red clover seed	do	4 cents per pound.	8 cents per pound.	.04
Cattle weighing less than 700 pounds.	do	1½ cents per pound.[1]	2½ cents per pound.	.01
Cattle weighing more than 700 pounds.	do	2 cents per pound.[2]	3 cents per pound.	.01
Beef and veal	do	3 cents per pound.	6 cents per pound.	.03
Swine	do	½ cent per pound.	2 cents per pound.	.01½
Pork	do	¾ cent per pound.	2½ cents per pound.	.01¾
Bacon, ham, and shoulders.	do	2 cents per pound.	3¾ cents per pound.	.01¾
Lard	do	1 cent per pound.	3 cents per pound.	.02
Lard substitutes	do	4 cents per pound.	5 cents per pound.	.01
Sheep	do	$2 per head	$3 per head	1.00
Mutton	do	2½ cents per pound.	5 cents per pound.	.02½
Wool, scoured	do	31 cents per pound.	34 cents per pound.	.03
Poultry, live	1 cent per pound.	3 cents per pound.	8 cents per pound.	.05
Poultry, dressed	do	6 cents per pound	10 cents per pound.	.04
Eggs, fresh	Free	8 cents per dozen	11 cents per dozen.	.03
Eggs, dried	10 cents per pound.	18 cents per pound.	18 cents per pound.	
Butter	2½ cents per pound.	8 cents per pound	14 cents per pound.	.06
Oleo and butter substitutes.	20 per cent	do	do	.06
Cream	Free	20 cents per gallon.	56.6 cents per gallon.	.366
Milk	do	2½ cents per gallon.	6½ cents per gallon.	.04
Cheese and substitutes.	do	5 cents per pound	8 cents per pound	.03
Honey	10 cents per gallon.	3 cents per pound	3 cents per pound	
Potatoes	Free	50 cents per 100 pounds.	75 cents per 100 pounds.	.25
Beans, dried	25 cents per bushel.	1¾ cents per pound.	3 cents per pound	.01¼
Onions	20 cents per bushel.	1 cent per pound.	2½ cents per pound.	.01½

[1] Under 1,050 pounds.
[2] Over 1,050 pounds.

The average increase of import duties in the 1930 act as compared with the 1922 act on the above-named farm products is 97 per cent.

Under the flexible provisions of the 1922 act, President Coolidge, by proclamation, increased the duty on wheat from 30 to 42 cents per bushel; butter and butter substitutes from 8 to 12 cents per pound; cream from 20 to 30 cents per gallon. Flax was increased from 40 to 56 cents per bushel by President Hoover in May, 1929.

It is especially significant that for the first time in history organized labor came before Congress in support of tariff legislation.

Their representatives came before the Ways and Means Committee with a list of 141 rates which they desired enacted into law. Of these their wishes were met on 137.

It is safe to say that no other group, with the exception of agriculture and labor, received such favorable consideration at the hands of Congress.

SUGAR

The subject of an increased tariff on sugar has been much discussed recently, and the rates established are of much interest to the farmers of northern Indiana. Their interest arises largely because of the increased acreage under cultivation for sugar beets. One county in the eleventh congressional district this year has increased its acreage by 800 acres. This crop can

not be raised profitably without a protective tariff, due to the higher value of the land in Indiana in comparison with that in Cuba; also the difference in the price of labor. In addition, every acre planted in sugar beets is an acre withdrawn from wheat production, of which every year the American farmer produces a large surplus. A further reason for interest in the rate on sugar arises from the fact that if we should destroy our domestic producers of sugar we permit the capitalists, who own thousands of acres in Cuba and control the Cuban production of sugar, to monopolize our markets and then set their own price. Experience shows this means an increase in the retail price of sugar. If America builds up her own production, we control the price and it remains lower.

The 1922 rate on sugar was 1.76 cents per pound on Cuban raw sugar, while in 1930 it is 2 cents per pound. The average price of sugar is relatively low at this time. The increased rate should not materially affect the price to the consumer. Its purpose is largely to stabilize the market.

Another very definite tariff benefit of special interest to the farmers of the eleventh district arises from the increased tariff on casein. The rate was raised from 2½ cents to 5 cents. The way this has definitely benefited locally is set out in a letter recently received from C. R. George, of Marion, Ind., manager of the Producers Creamery, an organization which operates over seven counties in northern Indiana. The letter is as follows:

MARION, IND., *July 14, 1930.*

Mr. ALBERT HALL,
Marion, Ind.

DEAR MR. HALL: In reply to your request that I give you some information in reference to the effect of the recent tariff revision on dairy products, we have recently had a concrete experience that may interest you.

As soon as it became evident that the tariff would be passed on casein, we installed a casein drier and equipped our plant and personnel to make this product, feeling that the additional protection would make it possible to produce and sell this product profitably in this country. A few days ago we received word from the National Cheese Producers Federation, an agency that sells our cheese, that the cheese market was in bad condition, a big surplus was developing, and that the product was not moving in spite of very low prices. They advised us not to make any more cheese in order to help the situation as much as possible. Because of our being equipped to make casein we were able on the following day to quit making cheese and start to make casein. This will serve two purposes; first, to help the bad situation in which the cheese market has developed; second, to give a profitable outlet for our product in a form that would otherwise be supplied by imported products.

Very sincerely yours,

PRODUCERS CREAMERY,
C. R. GEORGE, *Manager.*

Without doubt, if time permitted, it could be shown that the changed rates of the present tariff law have just as definitely benefited some other agricultural and commercial interests, not to the detriment of the consumer, as I have shown have resulted from the changed rates in sugar and casein.

It is very much to be desired and is believed that when this law is in full operation we will, in a business way, have found a complete adjustment and have established what Carlysle has stated to be the relationship between citizenship and government. "A fair day's wage for a fair day's work is as just a demand as governed men ever made of governing; it is the everlasting right of man."

CIVIL SERVICE LEGISLATION

Mr. LEHLBACH. Mr. Speaker, under leave to extend remarks in the CONGRESSIONAL RECORD, I wish to include the following address delivered by me on Civil Service Legislation, made over a National Broadcasting Co. network:

The civil service of the United States Government, strictly speaking, includes all employees on the pay rolls except the military forces, the Army, Navy, Marine Corps, and Coast Guard. However, as in the common use of the term and in legislation, the executive civil service is considered, employees of the legislative and judicial branches may also be excluded.

This body of Government workers has grown through our history from a few hundred to a present force of over one-half million men and women. These people are engaged in practically every conceivable form of activity, from trench digging to the most specialized kind of scientific research. Obviously some sort of employment policy and some form of salary standardization is necessary if the business of the Government is to be carried on efficiently and the compensation of the employee is to relate reasonably to the value of his work and to the compensation paid others throughout the service for like work.

For many years positions in the Government were given to those who had rendered efficient political service to the party in power, and the fitness of the man to do the work of a position given him depended entirely on the sense of responsibility of the appointing power.

The Federal Party was in control of the administration during the first 12 years of our Government, and naturally the great majority of the officeholders were Federalists. When Thomas Jefferson led the Republican Party, later known as the Democratic Party, to victory he declared as his policy that he did not intend to make removals from office solely for political reasons, but as incumbents died or resigned he would replace them with Republicans. But later he began making such changes, and when he removed the Federal collector of customs at the port of New Haven and replaced him with a Republican it evoked loud criticism from his opponents, and he was reminded of his declaration of policy. His defense was that it was necessary to modify that policy, because, speaking of officeholders, "Few died and none resigned."

The absence of party strife from his administration until the turbulent days of Andrew Jackson resulted in little change of Government personnel. When General Jackson succeeded John Quincy Adams there was an upheaval that shook the Government services to their foundations. The spoils system was frankly inaugurated. Senator Marcy, of New York, in his defense of this policy laid down the doctrine, "To the victors belong the spoils."

From then on the spoils system flourished until about a generation ago. Agitation in behalf of a system under which Government employees should be selected on the basis of their fitness to do the work assigned them, and to be secure in their employment during good behavior and efficient service, became more and more insistent. At length in 1883 the Pendleton Act was passed, which is the basis for all modern Federal civil-service legislation.

With the stabilization of the civil service and its enormous growth in the last few decades came the need for a classification of the many diverse positions in the Government service and a revision and standardization of pay rates. After many years of research and deliberation the classification act of 1923 was enacted. This applies only to the employees in the District of Columbia, and divides the positions under the Government into broad services, such as the professional service, the subprofessional service, the clerical and fiscal service, the custodial service, and others. Each of these services is divided into grades ranging from the simplest kind of work within that service to the most difficult and responsible. Each of these grades has a range of salary rates for positions allocated therein. The allocation of positions to their appropriate services and grades is under the supervision and subject to revision by a central agency known as the Personnel Classification Board in order to insure uniformity of allocation of positions and thus uniformity of pay for like work throughout the various departments and establishments of the Government.

In 1928 these compensation schedules were amended by the Welch Act. But by a construction of the act two results followed. First, the pay increases of employees in the same grades and doing like work were unequal in many instances, some persons doing the same work in the same room receiving only one-half the increase the others received. Another result of this construction was stripping the Personnel Classification Board of its authority to revise allocations, thus removing the safeguard intended to secure uniformity of compensation throughout the departments. Accordingly, at the session of Congress just closed, the Brookhart bill was passed, by which the inequalities of pay were corrected, and by amendments to the bill added in the House the power finally to determine all allocations of positions to the proper services and grades in the classification was restored to the Personnel Classification Board. The administration, under authority of Congress, has just completed the most exhaustive survey of employment ever undertaken anywhere, and this information will doubtless be the basis of reclassification and salary revision legislation affecting the entire body of Government employees.

With permanent tenure of office there naturally arose in due time the question of superannuation. As these men and women permanently in the employ of the Government became aged their faculties became impaired and the resulting incompetency affected not only their own work but the work of others associated with them. In most cases these employees had not been able to lay aside a competency for their old age and the practice became prevalent to retain them on the pay roll, notwithstanding that they rendered little and in frequent instances no service at all in return. This was an extravagant, illegal, inequitable, unofficial pension system, to which, however, there was no alternative except turning these old people out into the street without any provisions whatsoever for their needs. The chiefs of the bureaus and divisions naturally refused to do. As far back as in President Taft's administration he appointed a commission to study this question, and they recommended the establishment of a system of retirement on annuities for the civil service. However, it was not until 1920 that the first retirement act was passed. This measure was faulty in its structure and inadequate in its provisions. The maximum annuity payable thereunder was $720. A revision of the retirement system was made in 1926 and the maximum annuity raised to $1,000. But this system contained many inequities. An employee contributed 3½ per cent of his salary to the retirement fund, and at the conclusion

of 30 years' service and when he had reached the age of 70 years, or 65 years in the Postal Service, he could retire on an annuity computed as follows: The average annual salary, disregarding everything above $1,500, multiplied by his years of service, disregarding all service over 30 years, and divided by 45. This provided a maximum annuity of $1,000. Here is an example of the inequities of this system: Two post-office clerks are working side by side. They each get $2,000 a year; each contributes 3½ per cent thereof to the retirement fund, which is $70 per year. One has entered the service at the age of 35, and after 30 years of service he will have contributed in cash toward his annuity $2,100. To this must be added the compound interest at 4 per cent which his money draws. The other clerk entered the service at the age of 20. He will have to serve and contribute 45 years before he can retire on an annuity of $1,000. He will have paid into the fund in cash $3,150 to the other man's $2,100, to say nothing of the increased accumulation of interest over the 45 years, and yet he receives not one penny more benefit.

When in this session of Congress it was proposed further to liberalize the system by merely increasing the benefits under the existing plan of retirement, President Hoover objected to any retirement legislation that did not uproot these inequitable provisions and establish a system that was economically sound. After much controversy the existing retirement act resulted. It provides, among other things, the following:

There will be set up for each employee coming within the provisions of the retirement system a personal account, to which will be immediately credited all his contributions in the past, together with the interest thereon. There will in the future be credited to such account of each employee his contributions with interest less the sum of $1 per month, which will remain in the retirement and disability fund without specific allocation. Consequently, all moneys in the retirement fund will be carried as the property of those contributing it except such moneys as have been and may hereafter be, from time to time, appropriated to the fund and the dollar monthly deduction. Out of this residue there will be paid to each annuitant the sum of $30 for every year of service, not exceeding 30, which constitutes, under the provisions of the law, a basic annuity of not less than $450 or more than $900. This basic annuity of $30 per year of service will be enjoyed by all retired employees, regardless of their salaries in active service or the amount of contributions to their credit in the fund.

In addition to this basic annuity there will be paid to annuitants an additional annuity which will be equal to whatever annuity the money to the credit of the retiring employee can purchase as ascertained by established tables of annuity values. This additional annuity obviously costs the Government nothing nor has any relation to or effect upon the annuities or contributions of any other person.

In the event of voluntary separation from the service before reaching retirement the employee receives back the amount to his credit in the fund as shown by the books. In every other case where an employee is not retired, either because of death before reaching retirement age or involuntary separation from the service not for cause, the employee receives back not only the amount to his credit but also the dollars deducted monthly from his contribution and placed in the general fund, including the interest thereon. In the event of death of an annuitant before the payments of that portion of the annuity provided by an employee's contributions has been exhausted the balance to his credit is paid to his legal representatives. An annuitant, however, is given the option to provide for himself an increased annuity by waiving the right to such refund. It is expressly provided in the amendment that whenever an annuity under these provisions should be less than under the provisions of the original bill for which this act is a substitute, the latter shall be substituted.

The effect of the foregoing provisions is at once to increase substantially the annuities of those who have and will hereafter be retired on an average salary of less than $1,200. It will make definite and certain the rights of all participants of the retirement system in the money they contribute. It will make definite and certain the obligation of the Government to appropriate for the purpose of meeting its obligations under the system. It will afford to each employee the opportunity to secure a retirement annuity comparable to the money he has paid in for that purpose.

SESQUICENTENNIAL CELEBRATION OF THE FOUNDING OF JONESBORO, TENN.

Mr. TILSON. Mr. Speaker, under the general leave granted to all Members to extend their own remarks in the RECORD, I wish to insert here a speech delivered by me at Jonesboro, Tenn., on July 4, on the occasion of the sesquicentennial celebration of the founding of that town.

The speech is as follows:

> Breathes there the man with soul so dead
> Who never to himself hath said,
> This is my own, my native land!

Few of the great throng assembled here on this our Nation's birthday will be able to fully realize the emotions that well up in my breast as I stand before you at this moment. I stand here in the presence of some who have known me from early childhood, watched me grow up, and have been kind enough to follow me in their thoughts and remembrance ever since. I was born a few miles to the south of you across the rugged hills, beyond the Nolichucky River, in what was then the most southerly corner of old Washington County, now in Unicoi; so that I can truly say that this is "my own, my native land."

Here in this mountain region I grew up. My father, mother, brothers, and sisters lived out their lives and lie buried here. Some members of my family still live in your midst. I went away to seek a higher education, and remained away, but through all my life have carried a warm spot in my heart for my birthplace and the people of these, my native hills. The fact that some of you knew me and were watching my steps with friendly interest from afar has exerted a wholesome influence upon my conduct. I simply could not afford to disappoint you if within my power to succeed. I come to you now from a somewhat distant State of the Union, a State which has continued to honor me with positions of public trust, and whose people I have striven constantly to serve faithfully and well. It was a wise philosopher who said, "Strive to honor the land of your adoption, but forget not the land of your nativity." So it has been with me. I love Connecticut not less but more, by reason of the fact that I still love the hills, the mountains, and the people of my native Tennessee.

We are met to-day to celebrate the one hundred and fiftieth anniversary of the founding of dear old Jonesboro, and to dedicate a monument in honor of its founders. The occasion, and my visit here to-day, carry me back in memory to my first visit to Jonesboro. We know that early impressions are always the most vivid, and that as a rule they endure longest. Without difficulty I have been able to-day to reenact in my own mind the scene of my first visit to this time-honored town. I lived at what seemed in those days a considerable distance from Jonesboro, just 25 miles, but was never permitted to make the journey until I was a lad attending the public schools. I came with my father on one of his periodical visits to buy such of the necessities of life as we did not produce on the farm, and such occasional luxuries, indeed somewhat rare, as we were able to afford. We came to the high ground off to the south of us where a good view was to be had of the town. I shall never forget that view. I have since seen New York, London, Paris, Berlin, Vienna, Peking, and many of the other capitals of the world, but I tell you truly that no one of these ever made anything like the impression that was made upon my youthful mind by that first view of Jonesboro. Remember that even then I was looking upon a town that had reached the ripe age of a hundred years.

Some of the cities I have mentioned have grown more rapidly in wealth and population than has Jonesboro. Even some of her sister towns in the State of Tennessee have outstripped Jonesboro in the race; that is, if measured only by size, wealth, and population; but I dare say that no town in the State or in the Union, or in the whole world for that matter, has continued more constant and true to the highest ideals of education, religion, refinement, culture, patriotism, and all the other qualities that go to make up a high-grade citizenship of a self-governing and liberty-loving people than has this historic town whose sesquicentennial we celebrate to-day.

In the presence of Judge Williams and others who are so familiar with the history of Tennessee from its early beginnings, and who have devoted years of study to the subject, I should fear to attempt more than a casual reference to the historical setting out of which arose this town and the great Commonwealth of which this east Tennessee valley is such an important part. In fact, knowing what Judge Williams has accomplished along historical lines in this direction I should be happy if I might sit, like Saul at the feet of Gamaliel, and learn of him the lessons of our early history which should be an inspiration to every son of Tennessee. So I shall touch but a few of the high spots, and barely refer to only a few of the more outstanding figures in that early history.

Let us picture for a moment the conditions surrounding the founding of this town, and the rather stormy period through which the people of this region passed before the State of Tennessee was finally established. Virginia had been settled, first in the tidewater region, and later in its southwestern and more mountainous region. The hardy pioneers had pushed their way up the rivers through the Shenandoah Valley, on across the upper waters of the Great Kanawha, and into the beautiful Holston Valley. North Carolina also had been settled in that portion of it east of the great Appalachian chain of mountains. It was but natural that the hardy sons of the Virginia pioneers should push on down the valleys of the Holston and Watauga. In doing so they supposed that they were still in the State of Virginia. The equally strong and daring sons of Carolina, with what proved to be a better title to the lands they came to occupy, pushed over the Allegheny Mountains, and joined with the Virginians in establishing homes for themselves and their descendants. Cut off, as they were, by mountains and trackless forests, they were far more distant in time of travel and infinitely more remote as to means of communication from the central authority of Virginia or North Carolina than we now are from Buenos Aires in southern South America.

Though in fact it was practically an unbroken wilderness into which they came, the settlers were not, however, free to take possession unmolested. The trackless forests were inhabited by wild beasts, and in many places by even wilder men. The pioneer must be prepared to

defend himself and his family, and in order to make this defense effective it was essential that he act in concert with his fellow settlers. Inherited from their English and Scotch-Irish ancestors these hardy pioneers had within them an intense love of liberty and a well-developed germ of the principles of self-government. It was not only necessary, it was the most natural thing in the world for them to form themselves into an organization of one kind or another to serve the purpose of a stable government in order that they might have law and order. The articles of the Watauga association adopted in the year 1772, are, so far as I know, the first written constitution prepared and promulgated by a community composed entirely of American-born free men. The adoption of these articles was in effect the establishment of a separate and independent nation. Whether it was within the colony of Virginia or North Carolina was of less importance than the fact that these men had banded themselves together in an embryo state for the purpose of securing for themselves the blessings of liberty and orderly self-government.

Others far better qualified than I have told and will doubtless further tell of the results of the earlier efforts toward the establishment of a new free Commonwealth. They have told and will tell of the bitter struggles between the parent State and the new Commonwealth, of the State of Franklin, which was for a few years a de facto State, and how it finally became the State of Tennessee. They bring to us a clearer view of the great figures of those days—of John Sevier, Shelby, Tipton, Arthur and David Campbell, and a long list of others whose names are worthy to be forever enrolled on the roster of our State heroes, and finally Maj. Jesse Walton, whose memory this monument is erected to perpetuate, and his colleagues who founded this very town. Each of these is deserving of an entire oration, which I wish that I were able to deliver. I wish that I might follow through the intervening years dwelling at some length upon a long list of noteworthy men in each succeeding generation spanning the 150 eventful years. I should like to make at least more than a passing reference to the three great Tennesseeans who served the Nation in its highest office—Jackson, Polk, and Johnson. Especially would I like to speak of the two Andrews—Jackson and Johnson—who both sprung from the mother State of North Carolina, made their homes, name, and fame in Tennessee, and finally were called to the highest post in the Nation, each in his turn there rendering courageously the highest possible service in preserving the Union and our constitutional form of government, the perpetuity of which were both in turn seriously threatened.

I should fail, however, to fully serve the purpose for which I came here if I did not leave off further reference to conditions and other material things, and cut short all reference even to the greatest of the individual figures of those earlier times, so as to refer, even though but briefly, to the qualities possessed by those who founded this Commonwealth, and their successors, qualities possessed to a degree that made them outstanding figures in their day and generation, and impressed them indelibly upon the pages of our history.

In looking back upon earlier eras in history and upon the characters who played their parts in those times there are two extreme and contradictory views, each widely entertained. One is to regard our forebears of the earlier age, especially if it happens to be a pioneer age, as rough, uncouth, unlettered, if not unworthy men; oftentimes reckless and sometimes irresponsible, certainly as men who did lots of things that the elite of our present day would not consider as stylish or up to date, and whose memory we should hasten to forget as quickly as possible. The other extreme type includes those who look upon the past as a sort of golden age in which our ancestors lived in a semimillennial state; and upon the fathers of this mythical age as a race of heroes or demigods from whom we have not only descended, but from whom we have also greatly degenerated. We know that both of these views are equally false. The entertainment of such views does serious injustice to the very human men and women from whom we have so truly and logically descended.

The conditions under which our forefathers and mothers lived, wrought, and established a new Commonwealth in the wilderness, were different from those under which we now live, 150 years later; but the men and the women who made up the citizenship of that time were much the same in heart, and soul, and mind, and spirit as we, their descendants now are; and we shall do well if we react to the environment of our own time as they did to the environment of that day, and perform our tasks equally well. Let me illustrate what I mean by a single instance. One of the problems our ancestors then faced has so completely changed as to require directly opposite treatment to that which was necessary 150 years ago. At that time the whole region was covered with virgin forest. In its trackless depths wild animals and Indians concealed themselves, ready to spring upon the unsuspecting settler. It was necessary to remove the forest in order that the settler might cultivate the ground. There was no market for the timber. It must necessarily be, and in fact was, deliberately rolled into heaps and burned. As we now look back upon it we might be inclined to chide our forefathers for their reckless waste, but we should not. Conditions were different. It was necessary then to do what they did. Now the forests have gone in large measure. The lands which they once covered and protected are now bare and subject to the erosion of storm and flood. The rains run off rapidly, swell the streams, and destroy the alluvial lands below. The problem of our forefathers is reversed, but we shall meet it, as they met their problems then. As I look out into the future, I see those denuded hills which can not produce crops, again covered with forests, the flow of the streams regulated by dams and storage reservoirs that will serve the double purpose of regulating the stream flow, thereby saving the alluvial bottoms from destruction by floods, and at the same time supply white coal in the form of hydroelectric power.

The Indians are gone, but other problems arise to take their places, so while we no longer strain our eyes to catch the first sight of the skulking red Indian before he uses the tomahawk, we must continue to be on guard against other dangers, such as the red anarchist, and even the pink parlor Bolshevist, who would seek to undermine and eventually destroy our most cherished American institutions.

Yes; the problems indeed have changed in a century and a half, but problems still exist and will continue to exist, different in character, but equally difficult, that must be met and solved, just as our forefathers met and solved the problems of their day. My faith is complete in the character and ability of the men and women of this wonderful section of our country, that true to their ancestry and their best traditions they will in no wise fail in their great task.

I have heretofore referred to things that change, such as material conditions, and the individuals who make and mold conditions, but I now refer to some of those intangible and spiritual qualities that change not, but flow on like a mighty stream through the succeeding generations.

The qualities which the founders of this town and all this mountainous section possessed and transmitted through their successors, that made them what they were, and the results of their toil and forethought, so highly beneficial in character, have become such an integral part of their descendants as to make reference to them almost unnecessary, but there are just a few of these qualities to which I now wish to refer before concluding.

I mention, first, self-reliance. It required a somewhat forceful and self-reliant soul to brave the hardships of migration through a howling wilderness into a new and unknown country. As a rule only the brave hearted were willing to attempt it, so that the settlers of this region were in effect a select group; natural selection, to be sure, as each one was a supreme individualist and made the choice for himself. The hardships and dangers of the journey further enhanced this quality. Having arrived in an isolated country, cut off from the rest of the world by mountains steep and high, streams turbulent and without bridges, and forests without roads, the cultivation of the virtue of self-reliance was indeed a necessity. In the possession of this quality the pioneers of this region surely ranked high.

The second quality I would mention is courage, which might well be included within the first, for a reverent and judicious self-reliance is surely a high form of courage. Our pioneer ancestors were indeed brave men and women. Self-reliant when alone, they were even more courageous when banded together with their fellows in a common cause. Those were unsettled times that included the establishment of this Commonwealth. It was the period of the Revolutionary War, and no reference to the founders of Tennessee would be complete that did not include the heroic services of the "overmountain men" during the invasion of the southern colonies by the British forces. The Battle of Kings Mountain stands out as the supreme test and the highest evidence of the valor of the "overmountain men." Sevier and Shelby led the men who won immortal laurels for American arms on the battle field and gave our mountain ancestors a peculiar place of honor high on the roll of those who fought for American independence. Nor was the valor lost or diminished in transmission to the next generation, as was shown so conclusively at New Orleans, when their sons, under Jackson, Carroll, and Coffee, met the picked troops of the British Army under Pakenham and vanquished them.

The hospitality of those who first established and maintained their homes here, and whose descendants still contribute so largely to the vigor of this Commonwealth, has been widely recognized; in fact, has become proverbial. In those early days there were few hotels, inns, or taverns, and yet there was little difficulty encountered by travelers from place to place throughout this region. It was generally accepted as the rule that travelers must be entertained, and all seemed to agree that the good name of the community should not suffer for lack of hospitality. Day or night the traveling stranger must be taken in, lodged, and fed. How often have I heard my revered father, now long since gone to his exceeding great reward, respond to the "Hello" of the stranger at his gate: "Alight, stranger, hitch your horse, and come in." This salutation was typical of the hospitality of the entire region. Nor did this hospitality always go unrewarded. News from distant places was brought, valuable information was communicated, and even a type of cultural education was thus transmitted. In my own case the hospitality of our home played a very important part in my early education, and the development within me of worth-while aspirations. At the humble fireside of my father's house on numerous occasions were entertained such men as Judge Gresham, Judge Brown, Judge Hacker, Judge Kirkpatrick, Judge Smith, and others from your own town of Jones-

boro; Judge McKinney, Judge Butler, the elder Nat Taylor, his two distinguished sons—Bob, whom everyone loved, and Uncle Alf, God bless him; long may he live to inspire and bless other young men—and a great number of others. From these men I received lessons that I could never have secured from books, schools, or colleges. It was a blessing to me that in the community where we lived the lack of facilities for lodging travelers made our home the stopping place of these distinguished men.

The sense of fair play has ever been an outstanding quality in the make-up of the people of this section. We should now call it good sportsmanship, and our ancestors possessed this quality to a remarkable degree. They carried it into their sports, their courtships; yes, and into their fights, for they were not a mollycoddle race, and not always angels in disposition. They never hit below the belt, literally or figuratively, and a man was disgraced for life in his community if he failed to respect the rules of fair play and good sportsmanship.

A saving sense of humor was one of the ingredients possessed by them which, compounded with other virtues of heart and mind, made life here at all times not only livable, but thoroughly enjoyable. We might almost speak of the people as a light-hearted and even a jovial people, who reveled in the very joy of living. It is one of the most fascinating, valuable, and useful of all the qualities, the blending of which has made the people of this region a notable people.

Thirst for education has been one of the absorbing qualities in each younger generation as they have succeeded each other. Among no other people on earth, so far as it has been my opportunity to observe and inform myself, is there so strong a natural desire to educate and train for higher and better service, as is manifested among the people of this section of the country. I wish that the opportunities for higher education might be increased and improved. I wish that some of our great American captains of industry, or captains of other business, who have accumulated fortunes and are searching for objects upon which to spend them wisely, might turn their thoughts toward the young men and young women of this particular region and help to build up and endow a number of the smaller colleges and other educational institutions in this part of the country.

Lastly, I would mention that the ancestors from whom we have sprung have always been fundamentally religious. I do not mean that they were always overly pious or unctious. Far from it. In the early days of this town and Commonwealth the Revolutionary War had just ended. Then, as always, after a great war, there was the breaking loose of habitual moral restraints, and considerable lawlessness manifested itself throughout the country. We are passing through a similar period to-day following the Great War, but the people in those early days were in fact fundamentally religious; yes, and I suppose that most of them would have been regarded as fundamentalists; but they believed sincerely and reverently in God and in the Bible—the King James version of it—as His revelation to man. The Presbyterians were the leaders in the earliest work of the church, but these were soon followed by the Methodists and Baptists; and under this triumvirate of religious supremacy, with additional groups of other denominations, the religious development of this region has been carried on.

The Almighty has done much for east Tennessee. Nature has, indeed, smiled upon us here. No region on earth has a finer climate in which to live comfortably, taking it all the year round. The mountains, the valleys, the streams, the hillsides, the alluvial bottoms, are all here for man's use. Timber for all local necessities and some to spare to outsiders still stands upon the hills, and mineral wealth abounds beneath the earth's surface. You are still rich in natural resources, while agriculture, growing industries, and trade combine to make you one of the progressive and rapidly growing sections of this wonderful Southland.

But above and in importance, far beyond all mere material things you have here a strong, virile, prosperous, contented, and happy people. They are proud of their ancestry, whose early deeds here we celebrate to-day; and well may they be proud of those who builded even better than they knew. May there come from this day's celebration of past deeds inspiration for even greater things in the future. And as we do honor to those who have served it well, may love of our common country abound and increase in all our lives. May we in our turn see to it that we hand this precious heritage down to our successors, its institutions unimpaired, its honor untarnished, its flag unsullied, and its glory undiminished.

ABOLISH THE ELECTORAL COLLEGE; DIVIDE THE STATE ELECTORAL VOTES AMONG THE PRESIDENTIAL CANDIDATES IN PROPORTION TO THEIR POPULAR VOTES THEREIN

Mr. LEA. Mr. Speaker, the people of the United States can not directly elect their President. We must do it by proxy. We elect a few men from each State to choose our President for us. We call them presidential electors.

The States are given presidential electors and presidential votes equal in number to their representation in Congress—two Senators for each State and Representatives in proportion to population with other States. The relative strength of a State in electing a President is thus determined by the number of its Senators and Representatives in Congress. A little State has the same number of Senators as a big State. Therefore the little States have an advantage over the big States in proportion to population. The 38 little States have an advantage of 56 electoral votes over the 10 big States in electing a President for this reason.

The number of electoral votes is otherwise determined by population, not by the number of voters. Outside of the two electoral votes represented by the Senators every State has equal strength in electing a President in proportion to its population. The number of persons out of a hundred who may vote in the different States varies greatly as between States and as between different elections in the same State. Nevertheless, the relative strength of the State in electing a President remains the same in proportion to population whether a small or a large percentage of its people vote at any given election.

I have introduced House Joint Resolution 106, proposing to do away with presidential electors, giving the people a direct vote for President, but preserving the relative strength of the States as at present by retaining State electoral votes. The fundamental purpose of this plan would be accomplished by dividing the electoral votes of each State among the candidates in exact proportion to their popular votes therein.

The electoral system is regarded by the man in the street as a peculiar institution, but he does not understand why it was adopted nor why it is no longer good. The method seems crude and complex; but the man on the street is unaware of the serious objections to it—its inherent injustice, its inability to reflect public sentiment accurately, the possibility of its resulting in the legal election of one candidate over one more preferred by the people, its unfitness where there are three sizeable parties, its likelihood of creating deadlocks in the election, and the deplorable results that may follow its crude ways of breaking deadlocks.

The Electoral College has been pretty generally regarded by students of our Government as "the one great failure" of the Constitution. The Electoral College was intended to be a sort of delegate convention in each State; a limited number of the best men were to use their free discretion to make the best possible selection of a President. Yet within 12 years of the first inauguration of Washington, the presidential electors were in practice deprived of all discretion. They became the pledged representatives of the respective parties nominating them. Deprived of their discretion, they became useless. They remain in compliance with the forms of the Constitution but in defiance of its intent.

Under the present practice the whole vote of each State is cast for the candidate receiving a plurality of the popular vote in that State. Votes for the minority candidates in the States are not counted in computing the aggregate vote in the Nation. Instead the minorities of all parties, whether Republican, Democratic, or other parties, are disfranchised. No; it is worse than that; the minority votes in each State, through electoral votes which they represent, are counted as if they were cast unanimously for the plurality candidate, which in fact they never are.

In all our elections, from constable to President, there is no other instance in the American system of government in which the minority votes in political subdivisions are eliminated in computing the total vote. Three times this vicious system has resulted in Presidents being elected by the Electoral College who had received fewer popular votes than their defeated opponents. These elections were in 1824, 1876, and 1888.

Three times, to the great harassment of the country in each instance, the country witnessed the greatest peril of civil strife and temptation to corruption in the breaking of the deadlocks—in the years 1800, 1824, and 1876.

A method of election that leads to a selection contrary to the expressed will of the people is an impeachment of the intelligence and integrity of government. Such a result is a political injustice of major proportions. It is out of such injustices that political decay and revolutions originate. Common foresight requires that such a system be displaced by a just and more efficient plan.

THE UNWARRANTED POWER OF "DOUBTFUL STATES"

Under the unit State vote of the Electoral College system, the "doubtful States" become the important and dominating concern in each presidential election. Every influence that can be exerted is put forth to win the few thousands of votes that may decide the whole electoral vote of a great State.

When 1 per cent of the popular vote decides which candidate shall receive the whole electoral vote of Massachusetts, and when 2 per cent of the voters at the polls decide who shall receive the total electoral vote of New York (our greatest State), these small blocks of votes assume a political importance out of all proportion to their just weight. A hundred thousand votes, one way or the other, may be of no consequence in Pennsylvania or

Texas; but a hundred thousand votes, or even 10,000, in New York may decide who shall be President.

Under the method proposed in the resolution now before Congress, House Joint Resolution No. 106, the electoral vote of each State will be divided in proportion to the number of voters supporting the respective candidates at the polls. In that way the vote of every citizen will be of equal consequence with that of every other. A few thousand votes in a State will no longer have such inflated values. The question of which side has the most votes in each doubtful State will no longer be of such consequence. On the other hand, the minority votes in the numerous sure States will no longer be worthless. A vote in any State will be valuable because it will help swell the total.

Thus the contest of the election will be transferred from the few doubtful States to every precinct in the Nation. The educational influences of the campaign will be carried into every State and locality. Voting will cease to be such a matter of habit as now. Voters will form convictions and vote convictions. The corrupt influences that might pervert a few thousand votes in a doubtful State will avail nothing. They will have no power to swing a whole State.

Make the presidential contest a fair and free contest everywhere, with all votes counted, and we will induce a more wholesome and widespread interest in the public affairs of the Nation. Such a method of election would in itself contribute to the educational, political, and moral welfare of the Nation.

LET US HAVE FAIR RULES FOR OUR GREATEST GAME

The crudeness of the Electoral College system is generally recognized. The remedy most commonly proposed has been the direct popular election of the President, without any regard to State lines. There are important and irresistible reasons, however, for retaining the electoral votes of the respective States, without the complication of having persons to cast the State presidential votes. Have State presidential votes but no presidential electors. It is obvious that the little States will not give up their electoral votes based on their Senators. The important thing is to make the votes of all citizens count, which at present they do not.

The fundamental evil and injustice of the present system is the unit State vote, the disfranchisement of the minority thereby, and the computation of the result as though all votes were cast for the majority or plurality candidate in that State.

New York cast 2,100,000 votes for Smith and 2,200,000 votes for Hoover. The whole 45 electoral votes of New York were counted for Hoover. Massachusetts cast 49 per cent of its vote for Hoover and 50 per cent for Smith. The entire 18 electoral votes of Massachusetts were counted for Smith.

Suppose we have two candidates running for President; one carries New York by 5,000 majority and the other carries Nevada by 5,000—in New York, 2,000,000 against 2,005,000; in Nevada, 25,000 against 20,000. The popular votes for the two candidates are exactly equal. Yet in the Electoral College the candidate who carries New York wins 45 electoral votes and the candidate who carries Nevada, with exactly the same popular vote in the two States together, gets only 3 electoral votes. The 2,000,000 minority voters in New York do not count. They are all disfranchised.

A system that so disposes of electoral votes is without any inherent quality of justice. It is a wrong that should be corrected.

I have introduced House Joint Resolution 106, proposing direct popular election of the President, but retaining the State electoral votes. Its fundamental purpose is the division of the electoral votes in each State among the candidates in proportion to their popular votes.

Another important feature is that the candidate receiving the largest number of electoral votes in the whole Union will be elected. This will make any election in the House of Representatives unnecessary. Now the House must elect when there is no majority in the Electoral College. The question will be settled at the polls. Let us have fair rules for our greatest game—the election of a President of the United States.

THE PRESIDENTIAL ELECTION IS OUR GREATEST POLITICAL EVENT

In brief, the constitutional amendment proposed in House Joint Resolution 106 provides for: (1) The abolition of personal electors; (2) the election of the President by a direct vote of the people; (3) the division of the electoral votes of each State among the candidates in proportion to their popular votes in the States; and (4) election of the President by a plurality of the State electoral votes, which, with other provisions, will remove the possibility of deadlocks as well as the necessity of any election in the House of Representatives or the selection of a Vice President by the Senate.

Had this plan been adopted at the beginning, we would never have had presidential elections which became doubtful after the votes were counted. In no instance would there have been a deadlock. There would never have been a succession to the Presidency determined by unconstitutional methods, as was necessary in 1876.

If this plan is adopted the inherent justice of its operation will be its dominating feature. The election will go to the candidate receiving the plurality of the electoral votes. There will be no disfranchisement of minorities; yet there will be no election of minority candidates.

During the last 40 years we have had no serious controversy concerning any election of President. The result in each case has been decisive and universally accepted. Political justice in the election has been accomplished. Yet 40 years of serenity should not blind us to the evils that lurk in the electoral system. A ship is not seaworthy merely because it will sail on a calm sea. The real test is whether it will bear its passengers and cargo to a safe harbor through storm and stress. We do not ask whether the ship on which we embark is safe only in calm weather. Rather we demand that it be able safely to weather a storm.

The contest for the Presidency is our greatest political concern. Around this the struggle for power rages. Every passion of our political life finds its expression in a presidential campaign. One of the greatest of our constitutional writers has declared in substance that in the deficiencies of this electoral system we may expect to find the greatest test of the ability of this Republic to endure. To what higher purpose can we devote ourselves, then, than to guard our country against this certain future danger and against the injustice that inevitably results from the present system of electing our President? Why shall we longer fail to give the country a system that will be secure, simple, and just?

THE TARIFF

Mr. JONAS of North Carolina. Mr. Speaker, unless the good people of North Carolina have given more thought to the subject than those of some other States, no very large majority have more than a nebulous idea of what all this tariff talk is about. In the hope of being of some assistance to my people, and possibly to others, I asked Governor Shaw, an admitted authority on the subject, for five years Secretary of the Treasury, a frequent visitor to this State, and the principal speaker at our last Republican State convention at Charlotte, to prepare for me a series of statements of fact, with his deductions. This he has done. I have read and approved them and make them now my own, with due acknowledgment of the great service rendered.

To me Governor Shaw's conclusions are irresistible. Those who think they discern errors in his logic must not question the facts he states, for they are of record and can be verified at the expense of a 2-cent stamp.

Every country in the world is a tariff country, and both political parties promised in their recent platforms that, if permitted, they would revise the tariff. The whole issue, therefore, relates to the kind of a tariff each party believes in and the end sought by each. In this discussion there is no room for abuse. Both parties are sincere. One party is economically correct and the other is in error, that is all, and it is the plain duty of each voter to search for truth. Politics has been too long a mere struggle for office. Is there not some room for statesmanship at the polls?

The key to party differences on the tariff is found in the fact that Democrats always make their appeal to the great consuming public and in absolute good faith seek to cheapen everything that the consumer buys. Republicans think they recognize that producers develop a country, producers create markets as well as wealth, and in good faith they seek in every legitimate way to secure for every producer, on farm and in factory, a fair return for the money invested and the labor expended. As consumer a man might remain poor though his supplies were free.

It was perhaps an Irishman who said, "Health is the greatest blessing, especially when you're sick." Republicans contend that work is the greatest blessing, especially when you are out of a job. Therefore Republicans restrict the inflow of foreign laborers, lest their presence in the labor market swell the ranks of the unemployed. In this many southern Democrats render valued assistance. Republicans also restrict the importation of the products of foreign labor, and for identically the same reason, and in this field receive very little assistance from the South. Logically every southern patriot should be a protectionist. Republicans think it better to admit the foreign laborer and feed him from our farms while he works than to invite the product of his toil while others have fed him.

If this seems to you logical and sensible, will you see that others read it and discuss it?

The first protective tariff ever passed in this country was written by James Madison, of Virginia, later President Madison; it was voted for by Senator James Monroe, of Virginia,

later President Monroe; and it was supported by every Member of Congress from North Carolina and by both her Senators, and it was the first legislative act signed by George Washington. Thomas Jefferson, who at the time of its passage was in France, was a protectionist and approved the bill. In fact, nearly the whole South as well as the North were originally protectionists.

Later, the slave-owning and cotton-growing States, compelled as they were to sell their cotton in England, took violent offense at a protective tariff law designed to force them to buy their cotton cloth in New England and all their other supplies either there or in some other Northern State. In that period the South was giving little thought, and less attention, to the development of industries. Thus slavery and protective tariffs became twin issues that resulted in conflict.

But slavery is now forgotten, and North Carolina has more spindle hours and consumes more raw cotton than all New England. Her factories, touching more than one hundred basic industries, have a combined pay roll of a million and a half dollars for every work day, over one-third of which is promptly spent for food, largely from North Carolina farms, while these same activities turn out more than a billion dollars' worth of finished merchandise every 12 months, two-thirds of the raw material for which comes from the soil of North Carolina.

> We stand at the end of the past.
> Where the future begins we stand.

What say you, my friend, if we study what is best for us now rather than then, and vote as statesmen should vote, our enlightened judgment.

In 1908 the Republican Party defined exactly what it means by a protective tariff and stated precisely what is seeks to accomplish thereby.

According to that platform, never since changed or modified, a tariff to be protective must impose duties "equal to the difference in the cost of production at home and abroad, together with a reasonable profit for American producers, the purpose being to preserve that security against foreign competition to which Americans are entitled." This simply means that the Republican Party promises every producer some slight advantage over the foreigner in the American market. Can I state the proposition more clearly and is it, in your judgment, reasonable and just?

In 1924 the Democratic Party just as distinctly stated its position. It promised "tariff duties that will promote effective competition." Where? In the American market, of course. By whom? By foreign producers of like commodities. Tariffs have to do only with importers.

And they just as specifically and as correctly stated what rates of duty would insure this "effective foreign competition" in all American markets. They said in that platform, and they repeated it in 1928: "The actual difference in the cost of production at home and abroad must be the extreme limit of every tariff rate." It must be clear to everyone that rates of duty thus measured, with no allowance for profit to any American producer, would subject every factory in North Carolina to exactly the same degree of "effective foreign competition" as her groceries now experience from foreign chain stores.

Perhaps it was a colored woman who said "I never thought of thinking of that before." Anyone who ever thought to think of the Democratic menace to American industry knows where his interests lie. He may not vote them, but he knows how he should vote.

With unselfish aid from no foreign country the American producer made the American market more than twice as large as all the export trade of the world. His industry supports it and for its defense he freely pledges his life, his fortune, and his sacred honor. Those who think he should expose this market, which he made and owns, to "effective foreign competition" should affiliate with the Democratic Party—if he has not already done so—and work with other Democrats to that end.

A few days before the passage of the Dingley tariff, in July, 1897, the Raleigh News and Observer said of it: "It is bad enough to be robbed. It is an insult to be told you are being helped while you see the thief rifling your pockets."

From the birth of this Nation to the date of that editorial this country had exported an aggregate of $100,000,000 (and a few thousand dollars), more than the aggregate of our imports. We therefore had an aggregate balance of trade of $100,000,000 to show for our 100 years of foreign commerce.

From the passage of the Dingley tariff, which Mr. Daniels compares to a thief "rifling our pockets," until the enactment of the Simmons-Underwood tariff in 1913, our average exports exceeded our average imports by more than $475,000,000 per year. Not $100,000,000 in 100 years, but a balance of trade of more than $475,000,000 per year, for 16 years at a stretch

This unprecedented excess of exports over imports was not because we were buying little from abroad and selling much. During the life of the Wilson-Gorman tariff, which immediately preceded the Dingley tariff, during the administration of Grover Cleveland, our average imports dropped to $10.82 per capita per annum. With 10,000,000 unemployed, a majority of them unable to exchange a day's work for a loaf of bread, three-fourths of our railroad mileage was in the hands of receivers, the pay roll cut in half, and we were too poor to consume even the little we produced, much less to import.

From the date of the Dingley tariff to the Simmons-Underwood bill our imports increased nearly 20 per cent, to an average of $12.81 per capita per annum. We always import more when our industries are adequately protected and our pay roll running high, for it is our ability to pay and not tariff rates that limit imports. Some foreign diplomats, all international bankers, most political economists, and not a few Democratic editors seem not to possess that type of intellect necessary to comprehend this great and to ordinary minds self-evident truth.

The above figures from the Treasury Department, easily verified, show what faith can be placed in Democratic estimates of Republican tariffs.

The day after the passage of the Fordney tariff in September, 1922, the Raleigh News and Observer said editorially:

> There was never any hesitation on the part of the President in signing the bill of abominations. Three billion dollars a year is the tax the new tariff imposes upon the consumer. It is the most indefensible tax measure that ever received an Executive signature. International trade is barter. This bill says we can not buy from others. By the very necessity of the case it shuts out our foreign markets.

Actual results afford the best test of what credence can be given mere newspaper denunciation of the national policy of simply giving every American some slight advantage over the foreigner in the American market. Note with care what did ensue.

During the administration of President Cleveland, and a tariff for "effective competition," our balance of trade averaged less than $180,000,000 per annum. From McKinley to Wilson, under the Dingley tariff and its Payne-Aldrich amendment, our balance of trade averaged $475,000,000 per year for 16 years, while for the 9 years of the Fordney tariff it has averaged $700,000,000 per annum and we have actually imported three times as much as ever before, except in war times. In 1894, the second year of the Wilson-Gorman competitive tariff, we imported only $9.32 per capita. Last year, 1929, under the "tariff of abomination," our imports exceeded $35 for every man, woman, and child in the Nation. Will the editor of the News and Observer admit his error and make his admission as prominent as his assertion that the Fordney tariff "by the very necessity of the case shuts out our foreign markets."

Elbert Hubbard defined a highbrow as one so learned that he can see everything except the obvious. Among the obvious things that the learned editor of the News and Observer seems unable to comprehend are (1) that other countries buy of us when, and only when, they can get what they want of us at acceptable prices. (2) That we buy both at home and abroad exactly in proportion as we are able to pay. Our ability to pay is measured more by the pay roll than by any other one element. The Democratic Party has no other remedy for unemployment but to lower tariff rates so that foreign countries may sell us what we now produce. They actually urge "effective foreign competition" as a cure for all our present economic and industrial ills, which affords a fair index to their capacity for public affairs and explains in part why the people so seldom place their Government in Democratic hands, and never for long periods.

The papers state that Governor Gardner recently wrote Mr. Legge, of the Federal Farm Board, that when the price of cotton and tobacco dropped, he started the "live-at-home idea" which simply means diversified production, and the papers quote Governor Gardner as saying:

> The "live-at-home" idea has become a fad in North Carolina.

For every State and every nation to produce everything appropriate to its soil, its climate, and the aptitudes of its people certainly constitutes the greatest statesmanship ever practiced. But, unfortunately for Governor Gardner, the thought is not original with him.

Republicans of the North are apt to give Alexander Hamilton credit for having first promulgated that conception, while some

of us of the South—and I for one—point with pride to the fact that the first tariff bill enacted for the specific purpose of encouraging "live-at-home idea" was written by Madison, voted for by Monroe and by every member of the North Carolina delegation, and approved by President Washington. In the preamble of that bill are these words: "For the encouragement and protection of manufactures." From that day to this "live at home" has been the central thought and the sole purpose of every protective tariff law, and it will so continue while the Nation exists.

Listen to what Thomas Jefferson said on the "live-at-home idea." I quote from the CONGRESSIONAL RECORD of May 16, 1894. In a letter to a friend Mr. Jefferson said:

> The prohibitive duties we lay on all articles of foreign manufacture which prudence requires us to establish at home, with the patriotic determination of every good citizen to use no foreign article that can be made within ourselves, regardless of price, insure us against foreign dependency.

Again, he says:

> My own idea is that we should encourage home manufacture to the extent of our own consumption of everything of which we raise the raw material.

What say you to that as "live-at-home" propaganda? Andrew Jackson, without whose aid President Monroe never could have secured the passage of his protective tariff bill of 1824, in advocating that measure said:

> Providence has filled our mountains and plains with iron, lead, and copper and has given us a climate and a soil for growing hemp, cotton, and wool. These ought to have extended to them adequate protection. It is time we should become a little more Americanized, and, instead of feeding the paupers of England, feed our own people or else we will become paupers ourselves.

That is "live-at-home idea" with true Jacksonian vehemence. He also said: "Build the cotton mill by the side of the cotton field." Now that North Carolina has done that very thing, do you think "Old Hickory" can be resting comfortably in his grave in Tennessee, while the party he so long controlled is striving to subject these cotton mills and the hundred other North Carolina industries to "effective foreign competition"?

So, my good friends and neighbors, permit me to say that I am a protectionist by tradition and a 1930 Republican, in part because the traditions of the early fathers are found only in the teachings and practices of that party.

Of course, the utterances I have quoted were made before slavery and protective tariffs by the irresistible logic of conditions, became joint and inseparable undertakers in burying the "live-at-home idea" for two full generations beneath the sods and clods of sectional misunderstandings. None more than Republicans welcomed its resurrection, and none so much as Republicans acknowledge their debt of gratitude to Governor Gardner for having so effectively rolled away the stone.

Every Democratic paper in America, most professors of political economy in our colleges and universities, all international bankers and importers have united in condemning every protective tariff enactment since 1824. They were never more pronounced and perhaps never as vicious in their denunciations of any previous Republican tariff as they were of the Fordney bill of 1922, which was the most successful of any. If these advisers of the people shall prove to be in error in their predictions concerning the recently enacted Hawley-Smoot tariff as they were with respect to the Fordney tariff, there is great occasion for rejoicing.

I have already noted the unprecedented growth in our foreign commerce both of exports and imports since the enactment of that most condemned tariff act. What it has done for the industries of North Carolina, Tennessee, Virginia, and others in the recently awakened and now wide-awake and God-favored Southland is graphically shown in a carefully prepared statement in 1929 by Governor Byrd, of Virginia, brother of Admiral Byrd, of international fame.

In this pamphlet the distinguished governor states that during the preceding eight years, which exactly covers the period of the Fordney tariff, more new industries have been established in Virginia than in any other Commonwealth.

Governor Byrd also said that new industries and additions to those already established then in process of construction in Virginia were costing over $275,000,000. He listed 41 industries in his State, each with an annual output of $3,000,000 or more which he declared would produce during that year fully $1,000,000,000, and Governor Byrd stated that more than two-thirds of the raw materials consumed would come from Virginia farms. He also stated that the factories of Virginia were selling three times as much as they did in the World War market of 1916.

What Governor Byrd said of Virginia, Governor Gardner, of North Carolina, could very nearly match if he would. It is doubtful, however, if he will be willing to certify corresponding facts lest they have influence in the forthcoming campaign. Governor Byrd made his statement in an off year, and for that reason it is all the more interesting and impressive.

THE HOOVER-GRUNDY TARIFF LAW

Mr. MILLIGAN. Mr. Speaker, it is my opinion that it is most inopportune that the tariff bill should have become a law. We have not only a surplus of farm commodities but also a surplus in all industrial lines, hence must have foreign markets. We can not afford to destroy our foreign trade in order to allow the American manufacturer to plunder the pockets of the consumer.

In January, 1929, the Ways and Means Committee of the House, anticipating an extra session of Congress, convened and began hearings on the tariff bill. Eleven hundred witnesses were heard. There was a general demand to increase the tariff rates on the commodities they produced.

After the hearings were concluded the 15 Republican members of the committee excluded the 10 Democratic members of the committee and considered the bill in executive session. For more than two months the rates and schedules were considered in these secret conferences in which no Democratic members of the committee were allowed to participate.

The bill was then reported to the House under a special rule that was formulated by the Republican members of the Rules Committee at a conference at which the Democratic members of this committee were excluded. This rule provided that no amendments could be offered or considered except amendments agreed upon by a majority of the Republican members of the Ways and Means Committee.

By this procedure the Republican members of the Ways and Means Committee were the absolute dictators in the drawing and passing the tariff bill in the House. Of course, this could have been prevented by defeating the special rule in the House and bringing the bill up under the general rules of the House, which would have allowed amendments to have been offered by every Member and proper consideration given to such amendments as might have been offered.

The tariff bill was under consideration for 17 months. During these 17 months the President had opportunity to inform Congress as to what he meant by "limited tariff revision for the benefit of agriculture." During these 17 months the President remained mute except to protest against the flexible provision and the debenture provision put in the bill in the Senate, which would have made the tariff effective on farm commodities. So the only logical conclusion that can be reached is that the bill was entirely indorsed by the President during its making. So I would not take credit from the President and the "Chief Manipulator" of this legislation in the Senate. I think the bill should be known as the Hoover-Grundy tariff bill. The President assumed full responsibility when he signed the bill, as it could not have become a law without his signature.

On the day the tariff bill became a law all grain prices fell to a new low level for the season. Wheat fell to the lowest price in a year, oats to the lowest price in 8 years, rye to the lowest price reached in 30 years. Cotton fell to the lowest price in more than three years.

Steel industry reported a further decline in operations to 69 per cent of capacity.

On the day the bill passed, the Department of Commerce announced that American exports dropped in May to the lowest point in the last six years.

Stocks dropped in value $2,000,000,000 the day the President announced he would sign the bill.

This tariff law carries a general average increase of 20.4 per cent over the Fordney-McCumber law of 1922, which means an additional burden each year to the consumers of this country. The farmers are told they will benefit by this law. The facts are that every dollar of benefit given the farmer will cost him $10 because of the increase in the rates on other than the agriculture rates. A protective tariff can not help agriculture as a whole because of 75 to 80 per cent of the crops raised in the United States we produce an exportable surplus, and a tariff can not be effective. For a number of years we have had a duty of 42 cents per bushel on wheat and 15 cents per bushel on corn, yet corn and wheat have sold below the cost of production.

A duty of 2 cents per pound was placed on sugar. This will cost the American people $200,000,000 each year. Under the flexible provision the President can increase this duty to 3 cents per pound, adding another $100,000,000 burden to the consumer.

A duty of 6 cents per 100 pounds was put on cement. This will effect every taxpayer directly because of the road-building programs in the different States, as it will add $1,000 per mile on roads built in the United States. In 1929 only 1.01 per cent of the cement used in the United States was imported.

Lumber was taken from the free list and now carries a tax which increases the tribute paid to the lumber trusts.

Rates on iron and steel were increased, which means an increase in farm implements; also an increase in freight rates.

Shoes were taken from the free list and a duty of 20 per cent substituted. This duty increases the price of every pair of shoes the farmer buys for his family.

There is an increase carried in this law upon practically every thing a person uses in everyday life from the swaddling cloth of the newborn babe to the tombstone he erects above his dead. This tariff law means an average increased cost of from fifty to one hundred dollars to every average householder in the United States each year. How the now overburdened masses can carry this additional burden I do not know.

We hear from certain quarters that prosperity is raging rampant in every corner of the land; that we are enjoying this unprecedented prosperity because Mr. Hoover is President. I am willing to give President Hoover full credit for the so-called Hoover prosperity we are now enjoying.

I understand that two new planets have been discovered and that some one suggested one be named "Hoover Prosperity" because it is invisible; the other "Farm Relief" because it is so far away.

Some one reported the other day that a farmer broke his back shouldering 50 cents worth of Hoover oats.

During the last nine years up to June of this year there has been 5,640 bank failures in the United States, involving $1,750,000,000 in deposits which brought loss and financial ruin to 7,264,957 depositors and 114,000 stockholders. Last year there were 640 bank failures, about 2 for every business day in that year. In the first seven weeks of 1930 there were 155 failures, nearly 4 a day. In the State of Missouri the average has been more than one per week so far this year. A great majority of these failures have been in the rural sections of the country. These bank failures, of course, reflect the real conditions as they now exist.

FEDERAL AID TO HIGHWAYS IN TEXAS AND THE COUNTIES OF THE SEVENTH CONGRESSIONAL DISTRICT THEREOF

Mr. BRIGGS. Mr. Speaker, it is a matter of great interest to note that since the beginning of Federal aid for highways the United States Government has apportioned to Texas the sum of $61,713,825, and that 6,835.6 miles of such road construction has been completed, with 496.1 additional miles being now under construction and 156.6 approved for construction, or nearly 7,500 miles in all.

Of the apportionment made approximately $4,000,000 has been allocated to the construction of highways in the counties composing the seventh congressional district of Texas, to wit: Anderson, Chambers, Galveston, Houston, Liberty, Montgomery, Polk, San Jacinto, Trinity, and Walker, and there has been completed within those counties 308.6 miles of Federal-aid highways and there is under construction 47.4 additional miles of roadway, or 356 miles in all.

The United States Bureau of Public Roads has supplied me with a statement in detail of such construction and the apportionments in the counties composing the seventh congressional district, and knowing of the deep interest which the citizenship has in good roads and their development I am taking occasion to publish such statement with these remarks.

Status of Federal highway construction in congressional district No. 7, Texas, as of July 1, 1930

Project	Name of road	Type	County	Total cost	Federal aid	Miles
	COMPLETED PROJECTS					
76	League City-Dickinson	Shell	Galveston	$23,602.79	$11,771.91	5.5
125	Houston Branch	Gravel	Liberty	148,574.21	61,424.60	8.5
134-A	Trinity River-Neches	do	Polk	169,493.42	37,840.35	10.6
134-B	do	do	do	414,065.25	206,709.62	22.1
134-C	do	do	do	236,820.40	61,311.00	9.7
157	Galveston-Virginia Point	Block, concrete base	Galveston	134,869.62	30,000.00	1.6
207	Highway No. 35	Shell	Chambers	98,625.76	38,000.00	11.3
225	Walker County line to Houston County line	Gravel	Trinity	181,651.50	58,567.00	16.3
252	Dickinson Bayou Bridge	Bridge	Galveston	30,593.97	13,405.07	.1
254-A	State Highway No. 21	Gravel	Houston	173,561.11	80,000.00	13.0
254-B	do	Concrete	do	325,274.65	107,990.08	6.9
290	Lufkin-Livingston	Bridge	Polk, Angelina	33,601.51	16,800.75	.1
352-A	Houston-Beaumont	Concrete and shell	Liberty	1,327,419.79	580,517.71	34.1
370	State Highway No. 19	Gravel	Montgomery	207,471.32	100,567.56	21.5
403-A	Athens-Crockett	Concrete	Anderson	325,534.09	162,767.04	9.7
403-C	Athens Road	Concrete and bridge	do	292,544.22	137,686.58	9.7
426-A	Cleveland-Livingston	Gravel	Liberty	48,217.21	20,000.00	4.2
426-B	do	Concrete	San Jacinto	[1] 355,599.21	160,000.00	13.3
453-C	Palestine-Jacksonville	do	Anderson	373,042.88	176,554.03	10.7
453-D	Over Trinity River	Bridge	do	161,730.11	80,865.05	.1
453-D	Buffalo-Palestine-Texas	Gravel	Anderson, Leon	[1] 36,004.65	16,350.00	1.0
453-E	Buffalo-Palestine-Jacksonville	Graded and drained	do	52,753.02	20,000.00	8.4
453-F	Palestine-Jacksonville	do	Anderson	34,020.07	14,500.00	3.9
453-G	Buffalo-Palestine-Jacksonville	Graded and drained, and bridge.	Anderson and Cherokee	123,062.26	52,858.89	1.5
460-A	Willis-Huntsville	Concrete	Montgomery	[1] 228,674.76	92,500.00	6.3
466-B	Conroe-Huntsville	do	Montgomery and Walker	426,235.82	207,401.99	15.3
466-AD	Houston-Galveston	Concrete, graded, bridge	Galveston and Harris	315,465.15	131,265.45	6.5
466-G	do	Concrete	Galveston	217,519.58	75,045.00	5.0
466-H	do	do	do	191,462.93	74,400.00	5.0
466-I	do	do	do	139,473.58	52,148.32	3.3
466-J	do	do	do	129,160.86	43,650.00	2.9
485-B	Palestine-Trinity	Graded and drained	Houston	44,955.79	16,055.34	6.6
485-C	do	do	Houston and Trinity	30,029.35	15,000.00	6.7
485-D	do	do	do	30,277.46	13,234.08	9.1
489	Huntsville-Madisonville	Concrete	Walker	552,588.88	258,201.95	18.0
519-B	Conroe Road	Bridge	Harris	64,537.24	32,268.62	.1
	Total			7,678,514.42	3,257,057.99	308.6
	PROJECTS UNDER CONSTRUCTION					
352-B	Houston-Beaumont	Bridge	Liberty	208,931.64	104,400.00	.6
403-D	Athens-Crockett	Graded and drained	Anderson	58,184.78	22,000.00	7.0
470	Huntsville-Trinity	Concrete	Walker, Trinity	444,106.12	135,773.58	12.0
485-A	Palestine-Trinity	Graded and drained	Houston	78,619.91	30,000.00	10.2
486-C	Clopps Ferry Bridge	Bridge	Houston, Madison	267,325.14	132,219.21	.7
514-A	Houston-Cleveland	Concrete	Montgomery, Harris	544,827.64	235,000.00	16.9
	Total			1,601,995.23	659,392.79	47.4

[1] The final voucher has not been paid on this project. The amounts shown may change slightly when final settlement has been made.

Apportionments and payments to Texas, by fiscal years, as of July 1, 1930

Fiscal year	Apportionments	Payments made
1917	$291,927.81	
1918	583,855.62	
1919	3,803,206.07	$204,295.59
1920	5,559,816.81	353,367.91
1921	5,861,598.46	3,164,850.18
1922	4,425,172.41	5,915,045.87
1923	2,950,114.94	5,843,077.67
1924	3,838,351.12	5,510,167.26
1925	4,410,169.76	5,136,128.59
1926	4,455,301.00	5,284,156.01
1927	4,426,917.00	4,710,228.42
1928	4,497,272.00	4,367,659.10
1929	4,502,576.00	4,191,191.70
1930	4,531,162.00	6,292,484.66
1931	7,576,384.00	
Total	61,713,825.00	50,972,652.96

There are approximately about 200,000 miles of public roadway in Texas, improved and unimproved.

But more and more the value of durable and more permanent road construction has become apparent and, as indicated, the Federal Government is taking a most substantial part in that program.

The growth of improved highways in Texas has been upon a larger scale than has occurred in any other State of the Union, and it has given me satisfaction to promote such growth wherever and whenever I could possibly do so.

PENSIONS FOR WORLD WAR VETERANS

Mr. CANNON. Mr. Speaker, how easy it is to secure legislation for the special interests, but how difficult it is to pass a bill for the farmers or the veterans.

When the great business interests send their lobbyists to Washington to get a law passed that will enable them to raise prices, they find every courtesy awaiting them, but when the farmer and the veteran come asking a living price for farm products or a pension sufficient to compensate for health and opportunities sacrificed in the defense of the Nation, they find the committees, the leaders, and the President not only unsympathetic but actively and determinedly opposing them.

When a tariff bill, a tax reduction bill, a subsidy bill, or any bill to increase the profits of great corporations at the expense of the people is before Congress the President maintains a benevolent silence, except to announce that he does not deem it proper for the Executive to interfere with the legislative branch of the Government. But both times that the McNary-Haugen bill was before the Congress, indorsed by farm clubs and farm bureaus, the President repeatedly interfered and sent down messages denouncing it in bitterest terms. And when it was twice passed in both House and Senate by overwhelming majorities he vetoed it each time with scathing vituperation. And again when the debenture, giving the farmer the benefit of the tariff promised by both political parties, was before Congress, unanimously indorsed by every farm organization in America, he called Members of Congress to the White House; he sent official and private messages to the Capitol demanding its rejection; and he used every resource at his command to defeat it.

Likewise, whenever a bill has been before Congress to pension those who have borne the brunt of battle in defense of the country the White House has vigorously opposed it. President Harding vetoed the bonus bill. President Coolidge vetoed the bill increasing Civil War pensions and also vetoed the adjusted compensation bill. President Hoover vetoed the Spanish-American pension bill, and when the Rankin bill for World War veterans was under consideration in Congress he sent word down to the Capitol even before it was passed that he would veto it when it reached him. It passed the House by a vote of 324 to 49 and passed the Senate with only 4 votes against it, but the President promptly vetoed it and used the vast influence of his great office to force the House to sustain the veto.

In brief, whenever any bill increasing the cost of living or taxing the people for the benefit of the predatory interests—or decreasing taxes on corporations and multimillionaires—has been under consideration the President has been content to express the opinion that the executive branch of the Government should not interfere with the legislative branch. But when the veteran or the farmer has asked for fair treatment and a decent standard of living for themselves and their children, he has been quick to dictate to the Legislature, and if the representatives of the people have still presumed to exercise the right granted under the Constitution to pass such a bill, he has promptly vetoed it.

A tariff bill levying toll on the necessities of life and taxing the people of the United States more than a billion dollars a year was passed; bills making the war makers of England, France, and Italy a present of more than $10,000,000,000 of war debts at the expense of the taxpayers of the United States were passed; bills were passed reducing the taxes of profiteering corporations; the Power Trust strangled the bill to give the people the use of Muscle Shoals; a ship subsidy was created to take hundreds of millions from the Treasury for millionaire shipowners; numerous other bills requested by Wall Street were enacted into law, and no word of protest or warning came from the White House. But when farm legislation was proposed in order to redeem the solemn promises made in the last campaign and when a few dollars were asked for the benefit of disabled and broken veterans who followed the flag to an alien land while profiteers at home preyed on those they left behind, then the sacred right of the legislative branch of the Government under the Constitution so glibly prated was thrown into the discard and the veto was used before the bills reached the White House.

The interference of the White House in pension legislation has been particularly flagrant in this session of Congress during the consideration of the World War veterans' bill. This bill sought to liberalize the policy of the Government and take care of disabled veterans who were unable to secure favorable action by the Veterans' Bureau because they could not show connection of their disabilities with their service. There are thousands of men broken in health, and spirit—many of them with dependent families—who are entitled to compensation but who are denied it because unable to comply with the technicalities and red tape required by the bureau under the old law.

It is a matter of common knowledge that when the armistice was signed and the demobilization of troops began, thousands of men were discharged who should have been in the hospitals. So eager were they to be released and get back to their families and their jobs that they subscribed to any statement of physical fitness required by the perfunctory examination and were sent home with discharge papers certifying to perfect health when they were suffering from all manner of disabilities. There were actually instances where service men changed the temperature reports on their hospital charts in order to secure discharge certificates.

In many cases the soldier did not realize himself that he carried potential maladies which would later become active. And long after his discharge when the seed, sown in the strenuous days of privation, exposure, and hardship, began to bear fruit, the Veterans' Bureau has had to report that there was no medical record of treatment and no compensation could be granted because there was no evidence that the disability was of service origin. Frequently in the vicissitudes attending army life the medical records were imperfectly kept or were lost or destroyed; and in such cases there is no recourse for the unfortunate veteran who can not produce them. But we do know that no man was accepted in the draft who did not pass a rigid examination and the men who were mustered in were physically fit and in perfect health. They were the pick of the Nation, the flower of the race, and they marched away to training camp and transport and to no man's land strong and well, both mentally and physically—the finest body of men th ever followed the flag. And now—12 short years after—when thousands of them are blind, paralyzed, and crippled; when tens of thousands are helpless and bedridden; when they are dying at the rate of 75 a day, uncompensated and unpensioned by the Government for whom they gave the most precious thing they possessed—their health—they are denied justice because of some hair-splitting technicality of the law or exacting regulation of the bureau.

After a long and bitter fight in the committee, a bill was reported to remedy this situation which would have provided relief for such cases. The President sent word down that he would not permit it to become a law. But sympathy for the veterans was so strong that, in spite of his opposition, it passed both the House and the Senate by large majorities. He vetoed it on June 26, but a veto could not kill the bill. The great fight made for it in the House had attracted nation-wide attention and the reaction was too strong, and the sentiment of the country in favor of the veterans was too pronounced to be ignored. So, by direction of the President, a makeshift bill was hastily thrown together and all rules of the House swept aside to pass it. It was not submitted to a committee. No opportunity was given to amend or improve it. It was said on the floor that few Members of the House had been given opportunity to read it before it was voted on. Only 20 minutes of debate were allowed on a side before it was forced through the House and rushed to the Senate.

The Senate, however, was not so subservient to the dictation of the White House as the House had been, and amended it

largely in the form of the first bill sent to the President. The amendments increased the pensions of the veterans to the rates paid Spanish War veterans, and also included their widows and minor children. But when the Senate amendments came back to the House a gag rule was put on and the steam roller was started and Members of the House were not even allowed to vote on the Senate amendments. It was sent to conference without allowing a vote on the rates or on pensioning the widows, and, of course, became a law exactly as it had come down from the White House. That explains why the new law denies veterans the pension rates given the veterans of other wars, and why the widows and minor children of veterans who die of non-service-connected disabilities are denied any pension at all.

There was no such interference from the White House when the tariff bill was up, or when the subsidy bill was passed, or when European war debts were canceled, or excess-profits taxes were repealed. There was no word from the White House when the farmers were urging the manufacture of fertilizer at Muscle Shoals or labor was asking that railroad mergers be delayed until Congress could investigate the holding companies, or when the country was insisting on the abolition of the "lame-duck" session of Congress. But of course that was different. The difference was that the great business interests of the country were on one side and the farmers and veterans were on the other side, and under the President's interpretation of the Constitution it was only proper for the Executive to interfere with the legislative branch of the Government when the interests of predatory wealth were to be served.

Had it not been for the determined opposition of the President the veterans of the World War would have received the same rate of pensions paid the Spanish War veterans. That is what the Senate voted and that is what the House would have voted if it had been allowed to call the roll on it. There can be no justification for any discrimination between veterans of the World War and the veterans of any other war. They risked life and limb as courageously, and they defended American rights and liberties as loyally and as patriotically as any veteran defended them from '76 to '98. And they are entitled to the same consideration and care from an appreciative Government and a grateful Nation. It is only fair and equitable that they should receive the same pension and that their widows and minor children should share equally with the widows and orphans of the veterans of the Spanish War. Life at best offers little for the widow and the orphan. No pension can compensate for the loss of husband and father. But they should at least receive the same treatment accorded their sisters whose husbands fought in other wars under the same flag and for the same country. The bill which the President vetoed would have given it to them. But the bill he signed makes no provision for them.

The United States is the wealthiest nation in the world. It drafted these men and took them 3,000 miles away to fight in an alien land at $30 per month while the men left behind received the highest wages and reaped the largest profits in the industrial and commercial history of the world. Surely the least a grateful country can do is to place on an equal footing with the patriots who founded the Nation at Yorktown, who preserved the Nation at Gettysburg, who idealized the Nation at San Juan Hill, the gallant veterans of the Great War who carried the flag to world renown at Chateau-Thierry and Belleau Wood.

FAILURE OF THE HOOVER ADMINISTRATION

Mr. GARNER. Mr. Speaker, two years ago this country witnessed one of the most extraordinary presidential campaigns in its history. It was a campaign in which the Republican Party, headed by its presidential candidate, Mr. Hoover, claimed credit to its policies for all prosperity that had accrued to the Nation in the eight years in which it had been in complete control. The Republican candidate and party spokesmen contended that only by perpetuating the Republican Party in power would it be possible to maintain in this country the prosperity following the World War when the devastated condition of European industries and agriculture provided almost unlimited markets for practically every product the United States could export.

The records of that campaign are replete with Republican promises and pledges. Industry was assured that the prosperity of the postwar period would be maintained. To agriculture, which for several years had felt the effects of severe depression, was extended the pledge that relief measures would be the first considered by the new administration; that agriculture would receive the same consideration as industry in the proposed revision of the tariff; and that farm-relief measures would be enacted that would assure equal prosperity.

Approximately a year and a half has elapsed since the reins of government were placed in the hands of the Hoover administration, with the Republican Party in complete control of both Houses of Congress. Congress has been in almost continuous session since April 15, 1929, and the pledges of the Republican Party still remain unfulfilled.

Revision of the tariff, accomplished without consideration of the bill in the House and after months of debate in the Senate, has, in fact, been a betrayal of the trust the American electorate placed in the Republican Party. The promised farm relief has failed to materialize. Instead of receiving relief the American farmers have seen the value of their major products decline to the lowest level in recent years, while the Republican Party, lacking efficient and constructive leadership, has devoted its efforts to securing special favors in the way of excessive tariff rates for those industries and interests that have been and still are the financial backbone of the party.

In no administration in American history has the lack of constructive leadership been more apparent or the results more disastrous to the economic and industrial welfare of the Nation. Shunning the responsibilities of high office, the titular head of the Republican Party has sought to function through commissions, committees, boards, and bureaus, with the result that the machinery of government is in a state of almost complete paralysis so far as constructive effort to meet changing conditions is concerned.

Both Houses of Congress are still dominated by the old reactionary forces seeking to apply the same old reactionary political remedies and policies, ignoring the fact that world-wide economic and industrial changes and adjustments have rendered obsolete and noneffective such panaceas for the Nation's ills. In fact, the Republican Party, though progressive in its platform pledges, is still the same old reactionary party with a leadership that is endeavoring to apply the time-worn policies of the nineteenth century to twentieth century problems.

To my mind, the outstanding indictment against the Republican Party is its lack of constructive leadership; its failure to recognize and meet changing conditions and apply those remedies which common sense alone would indicate as proper to be applied. With the acquiescence of the President, the leaders of the party have persisted in closing their eyes to the real situation at home and abroad.

As the machinery of industry has slowed down and agriculture plunged deeper into the depths of depression, each reverse has been met by new blasts of optimism from the party leaders, who apparently are imbued with the idea that the existing depression is merely a figment of the imagination, to be dissipated by their optimistic and misleading statements. Their utterances would indicate that they believe in the efficacy of applied psychology rather than in the application of common sense and sound statesmanship. But the condition of agriculture and industry has reached the point where something more efficacious than psychology and optimism must be applied if national prosperity is to be restored and maintained.

In 1924 the spokesmen for the Republican Party solemnly assured the farmers that prosperity for agriculture was "just around the corner," and that all that was needed to chase agricultural prosperity out into the open was the retention of the Republican Party in power. Again, in 1928, the Republican spokesmen were on the job and found the Americans farmers fully as credulous as in 1924. Once more many of the major agricultural States elected Republican Representatives and Senators, and their electoral votes went into the Republican column.

The Republican leaders in the Kansas City platform unequivocally pledged the agricultural interests of the country that if the party was given another opportunity it would fulfill its promises, long delayed, to place agriculture upon a basis of equal prosperity with industry.

President Hoover was inaugurated on March 4, 1929, and six weeks later Congress convened in special session to enact the promised farm-relief measure and revise the tariff "in the interest of agriculture." The special and regular sessions have passed into history, and the results of Republican mismanagement and lack of constructive leadership or statesmanship are reflected in the widespread depression in which agriculture, as usual, is bearing the brunt.

The condition of both agriculture and industry is in marked contrast to the roseate picture of great national prosperity in which all would have an equal share, as painted by the Republican spokesmen in the campaign of 1928 when they were claiming for the Republican Party all credit for the era of great prosperity in this country following the World War. The farm-relief measure has failed to bring the promised relief. The "limited" revision of the tariff, requested by President Hoover, degenerated into an orgy of rate boosting for those industries that have enjoyed huge profits through the discriminatory tariff policies of the Republican Party.

As a direct result of Republican inefficiency and failure to meet world-wide changes in economic conditions, the agricultural interests of the country have lost incalculable millions of

dollars, and farm products are now going onto the markets at lower price levels than at any time since the first years of the World War. The following table, comparing prices of the principal agricultural products in the major markets at the close of June this year and a year ago, is a fair criterion of the blow dealt agriculture as a result of Republican inefficiency in dealing with the great economic problems with which the country is confronted:

	End of June—	
	1929	1930
Cotton, July, New York, pound	$0.1813	$0.1352
Wheat, July, Chicago, bushel	1.11⅞	.9175
Corn, July, Chicago, do	.92	.76
Oats, July, Chicago, do	.435	.355
Rye, July, Chicago, do	.865	.48
Butter, extra creamery, New York, pound	.435	.33
Steers, average of good, Chicago, do	.1432	.1129
Hogs, heavy, Chicago, do	.1075	.895

These prices indicate that the producers of these commodities are not receiving the cost of production. The list embraces approximately 75 per cent of the farm production of the United States, and it is doubtful if there is a farmer who is not producing these commodities at a loss. It is certain that at these prices they can not maintain those much-vaunted living standards of which the American people are so proud, nor is it possible for them to, in any appreciable degree, lighten the burden of mortgages and interest which thousands of American farmers have been compelled to place upon their farms during the years of depression.

During the 16-year period, from 1913 to 1928, inclusive, the trade balance in favor of the United States was approximately $26,000,000,000, or more than $200 for every man, woman, and child. From Europe there poured a golden flood, reaching its maximum in 1919 when the trade balance in our favor exceeded $4,000,000,000. This flow of Europe's wealth to the United States was the real cause of the period of unprecedented prosperity the American people enjoyed following the World War. This prosperity was not due to Republican policies, but accrued to the United States as the natural result of the destruction of Europe's industries, the halting of Europe's agricultural operations, and the tremendous loss of man power sustained by the belligerent nations in that epochal struggle.

The policies and leadership of the Republican Party in no way contributed to this period of prosperity. The United States was prosperous, not because of the Republican Party, but in spite of it.

Almost the first move of the Republican leaders on assuming the reins of Government in 1921 was to enact legislation designed to satisfy the selfish industrial interests by granting them more liberal tariff favors and permitting them to further exploit the American consumers. One of their first acts, the Fordney-McCumber bill, was designed to virtually place an embargo upon the products of those European nations that for almost a century had provided the chief markets for the surplus products of American agriculture. The result of this folly was soon apparent. Our exports decreased from $8,228,016,307 in 1920, the last year of the Wilson administration, to $3,831,777,469 in 1922, the year the Fordney-McCumber Act went into effect.

The Republican leaders and special interests failed to heed the warning. Fortunately for American prosperity European industries were still in a chaotic condition as a result of the World War. That the Fordney-McCumber tariff spurred European nations to almost superhuman efforts to rehabilitate their industries and agriculture is obvious. In 1922 the great industrial countries of Europe were not in position to make effective such retaliatory policies as they sought to bring to bear against the excessive rates of the Fordney-McCumber bill.

In 1930 we are confronted with an entirely different situation. Europe with her industries rehabilitated, with the agriculture of her colonies and dominions well organized is in position to make effective any retaliatory policies that may be decided upon. The Republican leaders are aware of this fact. They were warned that any effort to extend to those industrial interests—which have been so generous in contributing Republican campaign funds—additional powers in the form of tariff rates to further exploit the American farmers and consumers would prove disastrous to our foreign commerce and would strike a severe blow at domestic markets, and that agriculture, to which the Republican Party had promised relief, would bear the brunt of foreign retaliatory policies.

Spurred by the party's financial backers the Republican Congress blindly followed its leaders and forced upon a protesting country the iniquitous rates of the Hawley-Smoot tariff bill. Practically every rate demanded by the industrial interests was granted. Under the guise of protecting American labor and maintaining American living standards the Republican leaders have imposed the highest tariff rates in American history. Instead of revising the tariff upon a scientific basis to meet the changing conditions and to give to agriculture and industry equal protection the Republican leaders permitted the selfish interests of powerful groups to virtually dictate the rates of the bill.

No cognizance was taken of the effects the bill would have upon the foreign outlets for our surplus production. No effort was made to place agriculture upon parity with industry. The "limited" revision requested by the President degenerated into an orgy of logrolling with each selfish interest endeavoring to acquire the most generous portion of the spoils.

President Hoover signed the Hawley-Smoot tariff bill with apologies, which came with poor grace at that late hour. During all the months the bill was under consideration he made no effort to redeem the party's pledges. Apparently, his only interest was to defeat the export debenture, which would have given to agriculture some measure of protection otherwise denied it, and to retain the flexible provision giving to the President the authority to increase or decrease tariff rates, a distinct usurpation of the constitutional powers of the Congress.

At no time did the President exercise his prerogative as the head of the party in power to eliminate the logrolling methods in which his party leaders in the House and Senate were engaged or to demand tariff rates in conformity with the party pledge to place agriculture on parity with industry. The President remained mute while the industrial interests put over their program in the House, and through a system of logrolling finally defeated in the Senate the coalition of Democrats and Progressives who were endeavoring to protect the farmers and consumers against their extortionate demands.

The President, had he been so disposed, had it within his power to completely change the course of tariff revision and direct it into the proper channels. Regardless of his apologies, he must assume the responsibility, together with GRUNDY and the rest of the party leaders, for this piece of indefensible legislation. He refused to accept the responsibility of giving to the country a tariff measure to remedy existing conditions. He refused to accept those responsibilities he was expected to assume when the American people elected him to the high office he holds. The only logical explanation for his action, or failure to act, is that he lacks the courage and qualities essential to leadership and is willing to meekly submit to the dictates of that small but powerful group that has virtually controlled the policies of the Republican Party since the election of Warren Harding.

In his speech of acceptance, on August 11, 1928, Mr. Hoover said:

> I would use my office and influence to give the farmer the full benefit of our historic tariff policies.

In the same speech he declared:

> We have pledged ourselves to make such revision of the tariff law as may be necessary to provide real protection against the shifting economic tides in our various industries.

Apparently there is a vast difference in the views of Candidate Hoover and President Hoover. In what way did the President use his "office and influence to give the farmer the full benefit of our historic tariff policies"? The only time the influence of his office was used—or, at least, so far as the public has knowledge—was to defeat the debenture, designed to give to the producers of surplus agricultural products at least a measure of the protection the industries of the country have enjoyed for years. Not a word came from the President with respect to paring down the indefensible industrial rates with a view of parity for agriculture.

It would seem that the President's conception of revision to "provide real protection against the shiftings of economic tides" is to make the tariff wall so high that, regardless of the shift of "economic tides," it would assure domestic industries the unrestrained privilege of exploiting the farmers and consumers.

When Mr. Hoover delivered that speech of acceptance he gave no intimation that he would be willing to sign a tariff bill increasing hundreds of industrial rates, a bill against which the entire country would protest and which would curtail the foreign markets for American growers of cotton, wheat, and other staple farm products. It is safe to say that if Mr. Hoover had on August 11, 1928, indicated to the American people that he would

sign such a measure he would not to-day be President of the United States.

In that same address Mr. Hoover said:

> At one time we demanded for our workers "a full dinner pail." We have gone beyond that conception. To-day we demand larger comfort and greater participation.

This was calculated to catch the worker's vote, and was successful. In less than two years after Mr. Hoover's election we find unemployment more widespread than at any time in a generation, with industries reducing production, the automobile industry lagging because of curtailment of both foreign and domestic orders, and business in the throes of the most serious depression since the outbreak of the World War. This condition is due, in no small degree, to the effort to apply obsolete remedies; to the discriminatory and unjustified industrial rates of the Hawley-Smoot bill, and the gradual decline in foreign trade which has resulted in decreasing the flow of new wealth into the United States and has caused a corresponding decrease in the purchasing power of the American public.

Mr. Hoover was fully aware of the responsibilities that fall upon the President of the United States, but he gave no indication during the 1928 campaign that he was not prepared to assume those responsibilities. On the contrary, he endeavored to impress upon the country that he was prepared to become an energetic and progressive leader in determining policies and solving the problems of government. In his address at Elizabethton, Tenn., Mr. Hoover, defining the duties of the President, said:

> The President also has the responsibility of cooperating with Congress in the enactment of laws and securing their enforcement. In the determination of policies he is not only the leader of the party. He is more than this. He is the President of the whole people.

There was no hesitancy at that time on the part of Mr. Hoover in defining the duties of the President. But the record since March 4, 1929, would indicate he has revised his definition. He gave the impression that he would be an aggressive, far-sighted leader. Instead he has proved a meek, blind follower. To-day the Republican Party is controlled by the same reactionary elements that controlled it during the Harding and Coolidge administrations. Hoover, the progressive candidate, has become Hoover, the reactionary President, blindly following the political course charted out for him by the reactionary groups that have defeated every effort of the Democrats and Progressives to wrest control from the hands of those interests which have been the beneficiaries of the discriminatory policies under Republican administrations.

Realizing that Republican inefficiency in dealing with the economic and industrial problems of the period, together with lack of able leadership, has plunged the country into the depths of the most serious depression since the dark days of the World War, the Republican leaders, aided by the President and members of his Cabinet, are making a frantic effort to create an artificial prosperity to tide the party over the November elections.

President Hoover, on March 7, fired the opening gun in the "psychological campaign" to stimulate business. He predicted that the business depression would be ended in 60 days, and, in effect, promised that the period of depression and unemployment would have passed within that time. At the end of 60 days business conditions and unemployment were worse than when the President fired his broadside of "psychology." The other big guns of the administration fired in turn, but business failed to respond to this rhetorical bombardment. On the contrary, each outburst of oratory has been followed by deeper gloom, and it is generally admitted that remedies more efficacious than oratory and optimistic predictions are necessary to restore national prosperity, provide employment for the millions of workers, and to give agriculture the "square deal" which it has been demanding for the past decade and to which it is justly entitled.

ECONOMIC DEPRESSION WORLD-WIDE

Mr. WOOD. Mr. Speaker, the economic depression is world-wide. It began in the early part of 1929 and has continued with increasing severity ever since. The United States was one of the last countries to experience this depression, and it is experiencing it in a lesser degree than many other countries.

The proof of this is found in the index figures of commodity prices of the world. These figures, as given in the monthly bulletin of the Federal Reserve Board, show that the slump in commodity prices began in the following countries at the periods named.

Canada, August, 1929; England, July, 1929; France, February, 1929; Germany, August, 1929; Italy, February, 1929; Japan, February, 1929; Australia, September, 1929; Belgium, March, 1929; Czechslovakia, March 1929; Sweden, February, 1929; the Netherlands, March, 1929; Switzerland, July, 1929.

The months indicated registered the high price of commodities in the countries named. From those months to the present time, commodity prices in the countries indicated have steadily, and in some cases drastically, declined. This has been accompanied by other logical and inevitable bad business conditions, as for example, unemployment. England's unemployment has steadily increased from March, 1929, to the present time. This is most noticeable in England's textile industries. She exported 383,000,000 square yards of cotton goods in January, 1929, but immediately following that there was a slump in the exports of cotton goods from the English mills, which has gone steadily down until her exports at the present time amount to approximately only 200,000,000 square yards. This is a decrease of nearly 50 per cent. Her exports of woolen and worsted goods declined even more severely in percentage. She exported 18,563,000 square yards of woolen and worsted goods in January, 1929, after which the decline was steady until the last figures of record, April, 1930, show her exports to have been only 6,985,000 square yards, or only about one-third of what they were in January, 1929.

Unemployment in Germany was at its lowest figure in May, 1929, at which time 8.5 per cent of the trade-union members were unemployed. The latest available figures are for March, 1930, which show that 21.7 per cent of trade-union members were unemployed. Government figures from Germany show that in May, 1929, over 929,570 unemployed were receiving State aid in Germany. This has steadily increased until the latest figures show that 2,347,000 are receiving State aid. Government statistics also show that business failures in Germany have steadily increased from August, 1929; in fact, from August, 1929, until April this year the number of business failures in Germany practically doubled.

Take Canada as another illustration. The index of industrial production in Canada reached a high point in January, 1929, when, based upon a 5-year period of 1919–1924, as representing 100, the industrial production of Canada was 209. It then began to slump, each month showing a decrease until the last available figures as of April, 1930, show the industrial production of Canada to be 169.8. Quite naturally unemployment has increased as industrial production has decreased. Unemployment in Canada has steadily increased since May, 1929; so, also, have business failures.

There are many reasons for these conditions, some of them economic, others political, and still others due to various conditions.

Although the world is supposed to be at peace, the facts are that it is in a state of ferment, which is destroying economic stability everywhere, causing a feeling of unrest and uncertainty in all lines of human endeavor in every country on the globe. Perhaps the most potent of these disturbing conditions is the boycott of British industries and industrial products which is being conducted in India under the leadership of Gandhi as a protest against some of the methods of the British Government in India. At first glance it may not appear that there is any, or could be any, connection between the refusal of millions of Gandhi's followers in India to purchase British products and the depressed business conditions in the United States. But the connection is real, direct, and vital. By far the largest outlet of British cotton goods is India. The Gandhi uprising has boycotted British cotton goods. One of the emblems of the Gandhi movement is the spinning wheel. As a result of the boycott of the British cotton manufacturers by tens of millions of rebellious Indians, England's cotton exports have decreased practically one-half since January, 1929.

The effect of this depression in England's cotton-manufacturing industry is immediately in evidence in her imports of raw cotton. She imported 241,000,000 pounds of raw cotton in January, 1929, and this has continuously decreased until the latest figures, as of March, 1930, show her imports of raw cotton to be only 76,000,000 pounds, a decrease of over 70 per cent. Inasmuch as she imports the bulk of her raw cotton from the United States, we immediately see the direct result upon our southern cotton planters and dealers in cotton, and exporters of cotton, and the railroads which handle cotton, of the Gandhi boycott of British products. Furthermore, the effect of this boycott has added tens of thousands to the unemployed of England, which has not only completely annihilated their buying power as consumers, but has quite naturally affected other English business enterprises and industries. The decrease in our exports of cotton has caused a crisis in our cotton States, a crisis with which the Federal Farm Board is contending. The decrease in the price of raw cotton in this country has by just that much decreased the consuming power of the cotton States, and this has had its repercussion in every American industry



which sells goods in those States, whether it be canned goods for the table, clothing for the people, motor cars, or agricultural implements.

Another great nation whose people are tremendous consumers of cotton goods—China—has been engaged in civil war for over two years. The result beggars description. Hundreds of thousands of Chinese are literally starving. In fact, the number who are dying of starvation runs into the millions. The Chinese as purchasers of cheap cotton goods are out of the world market. This has affected the textile industry of England some, that of France some, and that of Japan a very great deal. All this, in turn, has helped to add to the critical condition of the cotton planter and the cotton market in the United States. Moreover, the war in China has completely disorganized oriental trade of all kinds, and brought about a condition of acute depression throughout that part of the world.

Practically everyone is familiar with the attempt of the Brazilian Government to maintain a world price on coffee, and the monumental failure of that attempt. The result has been to seriously embarrass the finances of the Brazilian Government and all financial institutions within that country. This has curtailed a great many public improvements and the expansion and extension of private enterprises. It has utterly bankrupted the coffee industry, not only of Brazil but of other South American countries. It has taken the millions of people of those countries, whose buying power depended largely upon the prosperity of the coffee industry—whether they be the growers, the hundreds of thousands of employees who at various points in the trade handle it, or the dealers, exporters, and bankers, and, in turn, their employees—out of the market for the goods of the world. Inasmuch as the United States sold very liberally to those countries, it has resulted directly in a decrease of our export trade to those countries.

So, too, is practically everyone familiar with the Canadian wheat pool, whereby the Canadian wheat cooperative organizations of the grain Provinces of that nation, with the aid of the banks of Canada, sought to withhold from the markets of the world wheat until it could be sold at a price which those cooperatives thought was reasonable and necessary. England, the mother country, was the market of Canadian wheat—due to the fact that our tariff prevented that wheat from being dumped into this country. A strange and unexpected thing occurred. The Liverpool buyers of wheat refused to buy Canadian wheat. In short, they established what practically amounted to a boycott on the wheat of Great Britain's richest and most loyal dominion. Without attempting to go into the merits or demerits of this problem, without attempting to ascertain whether the Canadian wheat cooperatives were right and justified in their position, or the Liverpool buyers were right in their position, the fact remains that this boycott of Canadian wheat has brought about an economic crisis in the wheat Provinces of Canada, with a corresponding decrease in the consuming power of that great group of the Canadian people. This, too, has had its reaction in the industrial and commercial world not only of Canada but also of the United States, which exports a tremendous amount of goods to Canada.

Another factor has entered into the wheat problem—Mussolini, the dictator of Italy. Some say he is merely working to make Italy self-dependent, working to revive and make prosperous Italy's agriculture. Some say he is enforcing his rule that Italy must raise enough wheat to supply its needs in anticipation of war at no distant date, at which time he desires to be dependent upon no foreign country for Italy's food, nor running the risk of having the hostile navy of some of his enemies cut off Italy's supply of bread. At any rate, Mussolini has decreed that there shall be no importation of wheat except under a tariff which is practically prohibitive, amounting to about 80 cents a bushel, and because of this policy Italy is raising enough wheat to supply her needs. Italy bought some of her wheat from the United States. She bought the bulk of it, however, from the Argentine, because the price was lower and the transportation costs considerably less than from any other wheat-producing country. However, with Italy out of the market, Argentine wheat usually sold in that country had to find other markets, and it had to bid for those markets in the form of offering wheat for less than other wheat-producing and wheat-exporting countries offered. This has demoralized the wheat export business of other countries. On the other hand, the Argentine has not done any too well with her wheat-exporting business. The last figures, as of June 15, show that her total wheat exports for the harvest year were 55,000,000 bushels, as compared with 135,000,000 bushels for the harvest year of 1929. This, together with unfavorable climatic conditions which affected some of her crops and unfavorable financial conditions which affected her money market, caused the Argentine's currency to drop to an unusually low value in point of exchange. In order to offset this decrease in the exchange value of her currency the Argentine is endeavoring in every possible way to reduce her imports.

Across the Atlantic in Spain, the Spanish currency is at the lowest point it has been since the Spanish American War in 1898. Moreover, strikes are in existence throughout Spain. Ironworkers, agricultural laborers, and employees in general trades have left their work. This is largely attributable, according to Spanish statements, to the political unrest in that country. Spain has been undergoing a political revolution. Those now in political control attribute the depressed industrial, agricultural, and financial conditions to the excessive expenditures of the previous dictatorship, while those sympathetic with the previous régime attribute it to the present régime. In any event, the conditions have only aggravated the economic depression which exists throughout the world.

These are only a few of the high lights of conditions which contribute to the world-wide economic depression. They can be attributed to no one country, to no one group of individuals, to the policies of neither conservative nor radical in the European countries. Only two weeks ago, when an attempt was made to oust the MacDonald ministry in England by a vote of censure of that ministry because of its failure to relieve the unemployment problem, Premier MacDonald pointed out that the unemployment problem and the industrial depression which existed at that time in the United Kingdom was not the creature of his ministry nor of the British Government, but was only a part and parcel of the general industrial depression which was world-wide and brought about by a multitude of factors over which no one in the country had any control, or could of itself rectify and remedy. And the British Parliament sustained Premier MacDonald in his viewpoint by refusing to pass a vote of censure. Canada is approaching a national election July 28. A great outcry is being made against the present Canadian ministry.

Last week the great steel works at Sault Ste. Marie closed, and the opponents of the present Canadian Government immediately raised the cry that this shutdown was due to the maladministration of the present Canadian Government. The immediate reply of the Canadian Government was to point out that the conditions which brought about the shutdown of the steel plant and which had curtailed production in other Canadian industries and which was causing distress in the agricultural regions of Canada were due to a multitude of causes, many of them having their source and running their course in countries around the world from Canada.

In other words, the world appears to be undergoing not only a violent readjustment of values and conditions which inevitably follow every great war but it appears to be undergoing a readjustment which has been forced upon it by modern machinery, increased productivity, and political unrest and fear.

The people of the United States are particularly fortunate in that they are not suffering in any industry to the degree that peoples in similar industries are suffering in other nations of the world, and the outlook for improvement in the United States, due to our stable Government, due to our sound economic policies, due to the sane leadership of our President, is vastly more favorable than that enjoyed by any other country on the face of the globe.

THE TARIFF AND THE CONSUMER

Mr. GRIFFIN. Mr. Speaker, in a country such as ours—veritably a "land of milk and honey"—with its boundless resources in lumber, coal, iron, and useful metals; with natural and artificial transportation facilities unequaled elsewhere in all the world; with vast prairies for the growing of grains; with mountain slopes for grazing; with vast areas for the cultivation of cotton, tobacco, fruits, and garden products, there is no excuse for economic disturbances except such as we make for ourselves by unwise laws. In such a land as this there is no excuse for idleness, for unemployment, or for poverty. With all of its natural advantages this country can employ and amply feed a hundred times its present population. Java has a population of nearly 700 to the square mile. In continental United States our population is only 40 to the square mile. Yet, that comparatively meager figure is so inequitably and irrationally distributed that nearly one-third of our population is crowded into cities and towns.

The agricultural population is gradually diminishing year by year. In 1880 seven-eighths of our population was rural; to-day it is less than two-thirds. In other words, the population is gradually drifting into more or less nonproductive channels. Of course, manufacturing industries take up a material part of this drift of population; but not all manufacturing may be

deemed essential. A large part of it is undoubtedly devoted to luxuries or nonessentials. Another substantial element of the drift to cities is absorbed by certain factors in the processes of transportation, exchange, selling, handling, and banking.

All of this drift is not to be condemned. A large part of it is incidental and necessary in the carrying on of the Nation's business; but, the fact that over 3,000,000 people are idle in those channels of activity shows conclusively and mathematically that just so many are entirely out of place—not wanted and unnecessary in the general scheme of things. They ought never to have drifted from the essential productive activities into the maelstrom of urban competition.

There is plenty of employment on the farm, on the ranch, in the mine, and in the forest. The cure is to get back to the production of essentials. Every normal adult in good health is capable of producing the equivalent necessary to feed, clothe, and shelter himself—with a varying margin for education, recreation, and protection against sickness or old age. Idleness is a challenge to our civilization. In a well-ordered economic system every human unit should be utilized for his own good and for the welfare of the Nation.

WHERE THE GUILT LIES

For 140 years we have been trying to induce an artificial prosperity by processes of taxation, upon the vain and foolish theory that you can make a people rich by taking money out of their pockets.

The fundamental principle of sound taxation methods is that you must give the taxpayer his money's worth for every dollar of tax collected.

That principle must be observed as strictly in raising money for national needs as in purely local matters. For instance, it is no part of the duty, nor is it the right, of government to impose taxes for the purpose of benefiting any special class. While it is clearly justifiable to impose tariff rates on imports for the purpose of raising revenue, it transcends the duty and the obligation of government when those taxes are levied with the object in view of enabling certain industries to obtain or maintain a practical monopoly of the home market.

The imposition of customs duties or tariffs is primarily a process of taxation—a means of raising money for the Federal Government. The fact that it would furnish incidental encouragement to home industries was one of the strong arguments for its adoption. That argument was confirmed in practice. Infant industries were encouraged. They grew and prospered. The moderate 8½ per cent average duty of the first tariff was sufficient to offset the cheaper production costs abroad, and home industries were created. As soon as they were firmly established, however, they began a periodic, systematic, and organized propaganda for the increase of tariff duties to enable them to more effectually establish monopolies.

For 140 years we have gone along tinkering with the tariff. In that period we have had 32 different tariff acts, with an average duration of only four and one-half years.

The making of each new tariff brings a host of lobbyists to Washington, all fighting for increases in the respective schedules. Invariably the advocates of the new tariff praise the old: "It was all right—only it did not protect enough." In other words, a confession of its failure. What clearer refutation of the protective theory is necessary?

The duties of the tariff act of 1789 averaged 8½ per cent. In the tariff act of 1816 they averaged 19 per cent. The general average climbed up by degrees until the peak was reached in the McKinley Act of 1890, in which the average rates were about 49 per cent. The Underwood tariff of 1913 reduced the average to about 27 per cent. In the Fordney Act it was increased to 38 per cent, and in the present bill—the Hawley-Smoot contraption—we find the average rate to be 41.14 per cent.

The result has been a continuous rise in the cost of living, which is tantamount to saying that the purchasing price of the dollar has been depreciated. This condition has been the source of all our economic disturbances in the past 140 years. The propaganda for a new tariff creates uncertainty. The process of framing it involves the curtailment of manufacture. Unemployment follows—credit is shaken and new ventures are delayed or not undertaken. After the new tariff goes into effect further economic disturbances inevitably arise in the processes of readjustment.

It is very important to emphasize here that a comparison of the mere general average rates of the various tariff acts does not give a fair concept of their potency for either good or ill.

To ascertain precisely how a tariff is going to affect the cost of living we must examine and compare the specific tariff duties in those items which may be deemed the necessaries of life.

For instance, it is of very little moment economically if the average duties of the Hawley-Smoot tariff bill happen to be 41 per cent and that the increase over the Fordney bill is only 2.92 per cent, if we find, as we do find, that the duties on beef and veal are increased 100 per cent; the duty on pork 233 per cent; the duties on bacon, ham, and shoulders 62½ per cent; the duty on lard 200 per cent; the duty on mutton 100 per cent; the duty on live poultry 166 per cent; the duty on eggs 37½ per cent; the duty on butter 75 per cent; the duty on milk 160 per cent; the duty on cream 183 per cent; the duty on cheese 60 per cent; the duty on potatoes 50 per cent; the duty on onions 150 per cent; and the duty on wheat (bread) 40 per cent.

These are the things on which all men must live, whether they toil in the factory or work at a desk.

It is very little comfort to the man of meager salary to learn that this bill graciously reduces the duty on acetic anhydride from 5 to 3½ cents a pound or that it admits ammonium sulphate free.

The thing that stings him most, and that which exposes the utter heartlessness and hypocrisy dominating the construction of this measure, is that every essential—every indispensable necessary of life—is, in effect, taxed with increases in duty ranging from 40 to 233 per cent.

So as to help to keep these items in mind, I have arranged them in the following table, showing their treatment under the Underwood Act of 1913, the Fordney-McCumber Act of 1922, and the Hawley-Smoot Act of 1930, and in the last column I show the percentage of increase of the respective duties over the existing rates:

How the cost of living is increased under the Hawley-Smoot tariff

[Comparison of three tariff bills]

Commodity	Underwood Act, 1913	Fordney-McCumber Act, 1922	Hawley-Smoot Act, 1930	Per cent increase
FOOD				
Beef and veal	Free	3c per lb.	6c per lb.	100
Pork	do	1½c per lb.	2½c per lb.	233
Bacon and ham	do	2c per lb.	3¼c per lb.	62½
Lard	do	1c per lb.	3c per lb.	200
Mutton	do	2½c per lb.	5c per lb.	100
Poultry, live	1c per lb.	3c per lb.	8c per lb.	166
Poultry, dressed	do	6c per lb.	10c per lb.	66
Eggs, fresh	Free	8c per doz.	11c per doz.	37½
Butter	2½c per lb.	8c per lb.	14c per lb.	75
Cream	Free	20c per gal.	56.6c per gal.	183
Milk	do	2½c per gal.	6½c per gal.	160
Cheese	do	5c per lb.	8c per lb.	60
Potatoes	do	50c per 100 lbs.	75c per 100 lbs.	50
Onions	do	1c per lb.	2½c per lb.	150
Wheat	do	30c per bu.	42c per bu.	40
Buckwheat	do	10c per 100 lbs.	25c per 100 lbs.	150
CLOTHING				
Cotton yarn		36.1c per lb.	52.1c per lb.	44
Blankets		25% ad val.	50% ad val.	100
Woolens and worsteds		70.5% ad val.	84.07% ad val.	20
Straw hats		59.98 to 88.01%	143.92 to 159.22%	138 to 81
Boots and shoes		Free	20%	20

Let us translate this table of increases in the cost of living into actual dollars and cents. Taking, for example, an average wage-earner's family, consisting of a man and wife and two children, it is a moderate estimate to say that the Hawley-Smoot tariff will add to the table costs $110 a year and take from the wage-earner's pocket an additional $100 a year, due to increased costs in rent, clothing, medicine, and recreation. In other words, it will dig out of the pockets of such a wage earner at least $200 a year.

Now, to make this tariff a success the consumers of the land must have their earnings increased to that extent, at least. But that is not enough—if that is all that will happen they will be no better off than they were before. If this vaunted tariff is to be a success it will have to do more than put the consumer in the same relative position that he was in before its enactment. He will be lucky if his income is increased sufficient to meet the enhanced cost of living which this bill foreshadows. No such increase of the earnings of wage earners has ever been observed following the enactment of former tariffs. On the contrary, each step up in the cost of living has been followed by decreased production, idleness, and general depression. It is, indeed, a poor augury for the future that, even in the face of the present unemployment situation, Congress again makes the paradoxical attempt to help the unemployed by increasing their cost of living.

It seems strange that the orators of the protection school proclaim the wonderful results of the Fordney-McCumber tariff,

even though their praise belies their plaint that its revision is imperative. If it was so good, why change it? But, if it has not worked, the logical implication is that it ought to be scrapped.

Now, however, the excuse is, or was: "Let us protect the farmers' products by higher tariff rates to offset the advantages heretofore accorded to the industrial producers—and see how it works."

But, when the bill was finished, we find that the step up in rates for the farmer is entirely neutralized by more than proportional increases in the rates accorded to favored industrialists. So that what was intended to be a farmer's revision turns out to be for the benefit of the very class whose oppressions the farmer has been, and always will be, most anxious to evade.

OLD-AGE PENSIONS

Mr. ZIHLMAN. Mr. Speaker, for nearly a year the country has been suffering from a financial and industrial depression which has affected every element of our people.

It was inevitable that this should come, it having been repeatedly pointed out by students of our governmental affairs that the Nation could not continue to prosper, grow, and expand with nearly one-half of our people engaged in agriculture being forced to sell in a market which did not give them much more than a return of the bare cost of production.

Our industrial expansion, it was said, could not continue to go on indefinitely unless this condition was corrected.

The present Congress went to the very limit in creating machinery and in appropriating money to correct the evils from which agriculture was suffering.

The broadest possible grants of power were lodged in the Farm Relief Board, and Congress voted $500,000,000 to finance the board and assist in providing cooperative marketing agencies and storage facilities, but the artificial barriers we set up were swept aside by the inexorable law of supply and demand, the price of farm commodities continued to depreciate, and last fall the crash came. Coupled with this was the great inroads made by labor-saving machinery and the displacement of hundreds of thousands of men by the work of the mechanical genius and by the introduction of automatic and semiautomatic machines.

To add to this distress in industry the commercial world was affected by mergers of large corporations and the expansion of chain stores. So the army of unemployed continued to grow, and their return to productivity and their maintenance and support has become a pressing national problem.

A number of agencies of the Federal Government have attempted to relieve the situation, but more far-reaching authority must be established than exists at the present time.

Several years ago I introduced and had favorably reported by the Committee on Labor of the House of Representatives, of which I was chairman, a bill providing for the gathering of statistics and data, and a recommendation to the President and Congress of such steps as were necessary to bring about the coordinating and expansion of municipal, State, and Federal activities in times of industrial depression, it being estimated that the employment of 1 person in any field of activity would bring about the employment of 3 others in kindred and allied trades, and thus by the employment of 1 man 4 men would be provided for.

This legislation was not passed, and it now becomes necessary to establish a fact-finding body of this kind and bring about the cooperation of these three agencies in order that we might have relief at as early a date as is possible.

Further than that, we must provide that those who have given the best years of their lives in industry and trade shall not become a public charge in their declining years. The pace grows harder and more rapid and men are being thrown upon the industrial ash heap at an earlier age than ever before in the history of the world. Some provision must be made for their subsistence, and it is to that end the attention of Congress must be directed toward providing the agencies and facilities for that care.

In this connection I introduced the following bill, H. R. 13016:

A bill to encourage and assist the States in providing for pensions to the aged

Be it enacted, etc., That for the purpose of administering the provisions of this act, the Secretary of Labor is hereby authorized and directed to appoint a director of old-age pensions, and said director shall be the head of the old-age pension bureau in the Department of Labor, which is hereby authorized and created. The director of the bureau shall have power to appoint a bureau chief clerk and such special agents, assistants, clerks, and other employees at such rates of compensation and in such numbers as Congress may from time to time provide by appropriations.

SEC. 2. That in order to provide for the promotion of pensions for old age and for disabled persons by the various States there is hereby authorized to be appropriated out of the Treasury of the United States for the use of the State, subject to the provisions of this act, for the purpose of cooperating with them in the payment of old-age pensions and pensions to disabled persons for each fiscal year ending June 30 of each year thereafter for a period of three years, the sum of $10,000,000, said sum to be allotted to the States in the proportion which their population bears to the total population in the United States, not including the Territories, outlying possessions, and the District of Columbia, according to the last preceding United States census.

All money expended under the provisions of this act from appropriations hereby authorized shall be upon condition (1) that for each dollar of Federal money expended there shall be expended in the State under the supervision and control of the State board at least an equal amount for the same purpose: *Provided*, That no portion of any money authorized to be appropriated by this act shall be used to purchase, reserve, or repair any buildings, or for the purchase or rental of any lands.

SEC. 3. In order to secure the benefits of the appropriations provided in section 2 of this act, the governor of any State, so far as he is authorized to do so, shall accept the provisions of this act and designate a commissioner of pensions to act until the adjournment of the first legislature convened after the passage and approval of this act, and shall designate the State treasurer as the custodian of appropriations, who shall receive and provide for the proper disbursement of all money paid to the State from the appropriations under section 2 of this act: *Provided*, That if the legislative authority of any State shall fail to accept its provisions, no further money shall be paid to such State.

SEC. 4. It shall be the duty of the director of the old age pension bureau to carry out the provisions of this act and to that end—

(a) To make the necessary rules and regulations;

(b) To examine plans submitted by a State authority for the disbursement of an allotment to the State under this act and to approve such plans and any changes thereof;

(c) To make necessary investigations of the administration of any plan approved by it;

(d) To cooperate with State authorities and other agencies, public and private, for the purpose of improving the administration of old-age assistance, and of studying the problem of old age in the United States;

(e) To withhold from any State the payment of any allotment or installment thereof, when he decides that the money allotted is not being expended as provided in the plan;

(f) To certify to the Treasurer of the United States the amount of allotment to any State; and

(g) To take any other action necessary to carry out the purpose of this act.

SEC. 5. When any allotment or any installment thereof is withheld by the director of the old age pension bureau, the State affected may appeal to the Secretary of Labor, and from his decision to the President of the United States, who may either affirm or reverse the action by the director or the Secretary as he may judge proper. The director on receiving notice of the opinion of the Secretary or of the President shall take action to accord with it.

SEC. 6. The director shall not approve any plan submitted by the State authority which does not provide that—

(1) An old person entitled to relief under it: (a) Has been a citizen of the United States for at least 20 years and resident of the State for a period of years determined by the State law providing old-age assistance but in no case for less than 5 years; (b) is 60 years old or over; (c) does not possess real and/or personal property of a value in excess of $5,000; (d) has no child or other person responsible under the law of the State for his support and able to support him; (e) has not disposed of any property during the 5 years prior to his application for relief, unless the State authority has, under a power granted by the State statute, waived this requirement; (f) has been decided by the State authority to be of good moral character; and (g) so much of any sum paid as assistance, which shall be equivalent to the share paid from the allotment under this act, shall be a lien on the estate of the assisted person and upon his death shall be collected by the State and reported to the bureau provided in this act.

SEC. 7. The State authority may at any time submit proposed changes in the plan to the bureau, which may approve such changes if they are in accord with the provisions of this act.

SEC. 8. The State authority shall annually on or before the 1st day of May of each year, or as soon thereafter as possible, submit to the bureau a statement: (a) Of the amount of the appropriation made by the State for the period of the ensuing fiscal year for the purpose of assistance without including any part of the expenses of administration; (b) an estimate of the sum which must be contributed by any political subdivision of the State during such year for the purpose of assistance without including any part of the expenses of administration; (c) a statement of the amount collected, if any, from the estate of any assisted person for which the State is accountable to the United States under section 9, subsection (2); and (d) an estimate of the amount unexpended of any allotment made from appropriation under this act for the current year.

(2) (a) The director shall compute annually the amount of allotment to be given each State as provided in section 2. (b) If the amount of assistance to any aged person under the plan be at a rate in excess of $1 a day, then only so much of the appropriations by the State and the political subdivisions thereof shall be taken as a basis for computation, which when added to the Federal allotment will provide assistance at the rate of $1 a day. (c) If the sum of all allotments be in excess of the appropriations for the purpose, then the allotment to each State shall be diminished in the same percentage as the total allotments in excess of the appropriation bear to the total of the appropriation.

(3) The State authority shall report at such date to the director in respect to the administration of the plan, and shall make such other reports at such time as may be fixed by the director.

(4) Each State authority as soon as possible after the 30th day of June of each year shall notify the director of the exact amount unexpended of its allotment for the year ending on such 30th day of June, and the bureau shall adjust the allotment to each State in accordance therewith.

SEC. 9. The director shall annually notify the Treasurer of the United States of the States whose plans have been accepted and are in force and the amount of the allotment made to each State. The Treasurer shall thereupon pay to the treasurer of each such State the sum so allotted in quarterly installments, beginning the 1st of July of each year unless he is notified by the bureau to withhold or change the amount of any allotment, in which case he shall act in accordance with such notification.

SEC. 10. The Comptroller General is authorized and directed to allow credit in the accounts of the Treasury of the United States for payment of allotments in the amount notified him by the commission.

This bill, which is now pending before the Committee on the Judiciary, sets up machinery under which Federal appropriations may be allotted to the States in the proportion which their population bears to the total population in the United States. It is in line with the so-called State-aid plan of Federal assistance, and would put the burden equally upon the Federal Government and the States in the caring for their superannuated citizens.

This is the same plan that is followed in Federal appropriations for the extension of the State road system of the various States, in providing vocational education for those injured in industry, and in providing maternal care under the Sheppard-Towner law.

The question has been raised as to the constitutionality of the measure, but if this form of Federal aid is not constitutional, then we have gone far afield in the activities above referred to. This same argument has been raised against every forward and humane law that has ever been enacted wherein the broad powers of the Federal Government are exercised in behalf of some element of our people over which the Government seeks to throw the mantle of protection and care. The following article by H. C. Gilbert, of the legislative reference service, Library of Congress, is of interest in this connection:

CONSTITUTIONALITY OF OLD-AGE PENSION LEGISLATION

I. CONSTITUTIONALITY

The constitutional basis for pension legislation in general is to be found in Article I, section 8, the general-welfare clause: "The Congress shall have power to lay and collect taxes * * * to provide for the * * * general welfare of the United States * * *." It is beside the point at this day to argue the grammatical construction of this clause—a matter which gave rise to serious doubts and severe criticism in the early days; for, obviously, if the "general-welfare clause" is coordinate with the clause granting power to "lay and collect taxes," the section is grammatically defective, for the following clause requiring uniformity necessarily qualifies the taxing power.

It is enough to state that the recognized construction reads in, with Justice Story (Commentaries on the Constitution, secs. 907, 908) the words "in order," making the section run: "The Congress shall have power to lay and collect taxes * * * in order to provide for the * * * general welfare." (This view was argued in No. 41 of the Federalist; and is adopted by many commentators.) (See, e. g., Tucker on the Constitution, sec. 222; Hare, Lectures on the Constitution, Lecture XIV; Justice Miller, Lectures on Constitutional Law, pp. 229–230; and cf. United States v. Boyer, 85 Fed. 425, 432.)

Granting that the "welfare clause" is grammatically a limitation on the taxing power, the question still remains as to the effect of the limitations. Jefferson thus stated the reciprocal effect of the two clauses (Works, vol. 7, p. 557): "* * * the laying of taxes is the power and the general welfare the purpose for which the power is to be exercised. They are not to lay taxes ad libitum for any purpose they please but only to pay the debts or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose." This brings out the further point of controversy—whether the power to lay taxes (1) carries with it authority to expend the revenues so raised for any purposes deemed conducive to the general welfare, or (2) merely authorizes the collection of taxes for the execution of the powers enumerated in the Constitution.

The first of these alternatives was argued by Secretary Hamilton in his report on manufactures in 1791. To quote from that report: "The terms 'general welfare' were doubtless intended to signify more than was expressed or imported in those which preceded; otherwise numerous exigencies, incident to the affairs of the Nation, would have been left without a provision. The phrase is as comprehensive as any that could have been used, because it was not fit that the constitutional authority of the Union to appropriate its revenues should have been restricted within narrower limits than the general welfare, and because this necessarily embraces a vast variety of particulars which are susceptible neither of specification nor of definition. It is, therefore, of necessity left to the discretion of the National Legislature to pronounce upon the objects which concern the general welfare, and for which, under that description, an appropriation of money is requisite and proper. And there seems no reason for doubt that whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce are within the sphere of the national councils, so far as regards an application of money. The only qualification of the generality of the phrase in question which seems to be admissible is this: That the object to which an appropriation of money is to be made must be general and not local—its operation extending in fact, or by possibility, throughout the Union and not being confined to a particular spot. No objection ought to arise from this construction from a supposition that it would imply a power to do whatever else should appear to Congress conducive to the general welfare. A power to appropriate money with this latitude, which is granted in express terms, would not carry a power to do any other thing not authorized in the Constitution, either expressly or by fair implication."

It will be noted that this argument assumes that the power to levy and collect implies the power to appropriate, and a distinction is drawn between appropriation of money and legislation of other sorts. On the other hand, Madison took the stand that "whenever money has been raised by taxation and is to be applied to a particular measure a question arises whether the particular measure be within the enumerated powers of Congress. If it be, the money requisite for it may be applied to it; if it be not, no such appropriation can be made." (Rept. on the Virginia Resolutions of 1798.) It is quite evident that Hamilton's line of reasoning opens the door to expenditures by Congress not contemplated in the grant of enumerated powers by the Constitution. President Madison pointed this out in his message vetoing the bill for internal improvements on March 3, 1817: "* * * A restriction of the power 'to provide for the common defense and general welfare' to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of government, money being ordinary and necessary means of carrying them into execution."

But, without going further into the theoretical question of power, it will be noted that even the States' rights adherents, upon coming into power, did not adhere strictly to this idea that Congress is limited in the matter of expenditures to the execution of its enumerated powers. President Jackson, in his message vetoing the Maysville road bill (May 27, 1830), speaking of the language of the report on the Virginia resolutions quoted above, said (Messages and Papers of the Presidents, Vol. II, p. 1048): "The symmetry and purity of the Government would doubtless have been better preserved if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfill the general objects of its institution, an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent administration of the Government, embracing a period of 30 out of the 42 years of its existence, has adopted a more enlarged construction of the power." He then cited the Louisiana Purchase and the appropriations for the Cumberland Road as outstanding examples of this enlarged construction, adding (p. 1050): "This brief reference to known facts will be sufficient to show the difficulty, if not impracticability, of bringing back the operations of the Government to the construction of the Constitution set up in 1798 * * *." (The particular bill was vetoed because of its local character, adopting the test proposed by President Monroe that "Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State, benefit.") The message contained the following interesting comment (p. 1055): "If it be the desire of the people that the agency of the Federal Government should be confined to the appropriation of money in aid of such undertakings, in virtue of State authorities, then the occasion, the manner, and the extent of the appropriations should be made the subject of constitutional regulation."

The argument against this extension of the power of appropriation to objects not found among the enumerated powers of Congress is discussed at some length in Tucker on the Constitution (Vol. I, p. 480 et seq.). Briefly, he holds "the effect then would be that while Congress is denied the particular power it could effectually execute the power and invade the domain of State reservation by the expenditure of money; and conditioning the expenditure of money upon the substantial concession of

power would, through money, virtually absorb the autonomy of the States and consolidate the whole governmental system into centralism"; that if Congress furnishes the means essential to the exercise of an unenumerated power by another it is in effect exercising that power; that for Congress to appropriate without reservation of power to supervise is an unconstitutional abandonment of its discretion to use the money for the general welfare, and to appropriate with reservations of right to supervise is to that extent the exercise of an unenumerated power.

However the matter may stand, in strict logic the practical situation is undeniable that the right to appropriate is continually being exercised in furtherance of objects not specifically enumerated in the Constitution. And while Madison held in 1798 that if the particular measure to which it was proposed to appropriate money was not within the enumerated powers "no such appropriation can be made"; as President, he remarked in a veto message in 1817 "questions relating to the general welfare, being questions of policy and expediency, are unsusceptible of judicial cognizance and decision." And this practical aspect of the case is emphasized by the recent Supreme Court decision under the maternity act. (Massachusetts v. Mellon; Frothingham v. Mellon, 262 U. S. 447.)

The act there under consideration was substantially similar to the present bill—an authorization of appropriations by Congress to be spent in cooperation with State authorities, for objects not within the enumerated powers of Congress. Suit was brought by a State acting for its citizens, and by a private individual, to enjoin enforcement of the act. And the decision dismissed both suits for want of jurisdiction. The opinion confirms in a striking degree the forecast of Madison; cf. e. g., the language on page 483:

"In the last analysis the complaint of the plaintiff State is brought to the naked contention that Congress has usurped the reserved powers of the several States by the mere enactment of the statute, though nothing has been done and nothing is to be done without their consent; and it is plain that that question, as it is thus presented, is political and not judicial in character, and therefore is not a matter which admits of the exercise of the judicial power."

The court held, in turn, that the State could not sue in its own behalf, there being in the case no actual infringement of rights of person or property, etc.; and could not sue as the representative of its citizens, the protection sought being protection of citizens, in their status of citizens of the United States against the operation of a Federal statute. It held further that an individual could not be heard to restrain the enforcement of the act on the ground of its invalidity (p. 486): "The right of a taxpayer to enjoin the execution of a Federal appropriation act, on the ground that it is invalid and will result in taxation for illegal purposes, has never been passed upon by this court. In cases where it was presented, the question has either been allowed to pass sub silentio or the determination of it expressly withheld. Millard v. Roberts (202 U. S. 429, 438; Wilson v. Shaw, 204 U. S. 24, 31; Bradfield v. Roberts, 175 U. S. 291, 295)." A distinction was drawn between the case of a taxpayer enjoining a particular application of moneys by a municipality (which right is generally recognized) and the present, where the individual is one of a vast number of taxpayers, where the moneys in question come from various sources, not necessarily taxation, and the effect of the particular appropriation upon future taxation is remote, fluctuating, and uncertain. The court continues (p. 487): "It is of much significance that no precedent sustaining the right to maintain suits like this has been called to our attention, although, since the formation of the Government, as an examination of the acts of Congress will disclose, a large number of statutes appropriating or involving the expenditure of money for non-Federal purposes have been enacted and carried into effect. * * * The party who invokes the power (of the Supreme Court to review and annul an act of Congress on the ground of unconstitutionality) must be able to show not only that the statute is invalid but that he has sustained or is immediately in danger of sustaining some direct injury as the result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally * * *."

The case is not, it will be noted, an adjudication of the constitutionality of the maternity act. There is no discussion of the abstract right or power of Congress to make the appropriations contemplated in the act. But the opinion appears to go far toward rendering the question of constitutionality unimportant in the present and similar cases. It is not perceived how the matter could be more favorably presented. It was argued by private interests and by the official legal representatives of 11 States. Certainly no State which had accepted the terms of such an act would be in position to contest its validity. Only in an extreme case is it conceivable that the matter might be considered on its merits; e. g., if an act should be drawn making appropriations for a purpose similar to that involved in H. R. 3722 payable out of a particular fund raised for the purpose—and amounted to a very considerable sum, in relation to the total of Federal appropriations—and suit were brought by or on behalf of a great number of taxpayers; or if such a proposal should be restricted in scope otherwise than by the voluntary acceptance or nonacceptance by the several States. But such cases are purely hypothetical. The present bill is in its salient features similar to the maternity act; the appropriation authorized is $4,000,000 (out of total appropriations ranging from $3,000,000,000 to $4,000,000,000), dependent upon acceptance by the individual States, and payable out of the general funds in the Treasury.

The argument has been advanced that old-age pensions discourage thrift. This objection assumes that independence in old age is a matter of choice and that saving is a mere matter of will power. Dependence or independence in old age hinges upon whether the worker receives a wage large enough to permit of saving, and a period of employment long enough to accumulate a reserve fund. Millions of men and women in the United States do not receive a sufficient wage to allow for reasonably comfortable or even decent living and there is no margin to cover the emergencies of sickness, accident, or periods of unemployment. Millions who do receive a saving wage while working can not, because of modern industry's demand for clear eyes and a steady hand to guide its machinery, lay by enough for old age before they are discarded for younger employees.

Mass production and new inventions have shortened the productive years of men and their saving period is ended before they have had time to provide for old age.

Statistics prove that where the old age pension law has been put into effect the charge upon the public or taxpayer has not been as great as if the State was forced to maintain their dependents in a county home or poorhouse.

Old-age pensions in the States in which they are operative call for no additional machinery or administration, and the work is being taken over by county and State boards as part of their regular duties. Under this system the overhead is largely eliminated and a substantial saving has been effected.

Another objection that has been offered is that old-age pensions foster a system of paternalism. This is not true, because society has for generations acknowledged its duty toward unfortunates by providing educational facilities, hospitals, and care for the insane.

Old-age pensions are neither more nor less paternalistic than these other forms of relief, and they are more just, human, and economical than the antiquated and obnoxious county home and poorhouse.

Old-age pensions, as a means of taking care of superannuated workers and the abolishment of county homes and poorhouses, are becoming one of the great questions of the day. This is evidenced by the fact that 13 States have already passed some form of old-age pension legislation, namely, Alaska, California, Colorado, Kentucky, Maryland, Massachusetts, Minnesota, Montana, New York, Nevada, Utah, Wisconsin, and Wyoming. The pension age is 65 years in Nevada, Maryland, Utah, and Wyoming. In Alaska it is 65 for males and 60 for females. In the other States it is 70. In several of these States it is optional whether a county shall adopt the old-age pension plan instead of keeping up its poorhouses; a good many counties have not yet put the plan into effect. In Wyoming and California counties are compelled to issue pensions.

Gov. Franklin D. Roosevelt, of New York, in his message to the State legislature on January 1, 1930—approximately three months before New York passed its old age pension law—said:

Selfish and indifferent people should not longer be favored by exemption from the burden we now impose on the generous and charitable in providing for the care of those unable to support themselves in their old age. This is a common duty of all citizens, and should be borne, under a wise and systematic plan, by all taxpayers alike.

When Governor Roosevelt signed the old-age pension law for New York on April 10, 1930, one of the leaders of the cause made the remark to him that the old-age pension system had been called socialistic. The governor replied:

That's a pretty old-fashioned idea. If it is socialistic, all I can say is that the great State of New York wasn't the first among the States to go socialistic in this respect. There's California and Colorado, Kentucky and Maryland, Minnesota and Montana, Nevada and Utah, Wisconsin, Wyoming, and Alaska. But it isn't socialistic. Poorhouses aren't socialistic. The almshouse idea is 300 years old. It began in Queen Elizabeth's time in England. It's time we put the ancient, heartless, but expensive almshouse out of business. City hospitals that give free care to the ill and aged are not socialistic.

He stated further:

Giving money to dependent mothers to keep their families together is practiced in almost every State in the Union. This social welfare act, with mothers' pensions, is kicking the old-style public orphan asylum into oblivion. Money that used to go into public orphan asylums now goes, in many communities, toward keeping the children in the home after the bread-winner has gone or become helpless through illness.

When Horace Mann brought back the European public-school system to the United States and insisted that every American boy and girl be given a free education by the State they called his idea socialism. But

ideas change greatly as time goes by, and arguments that were once all-powerful against public improvement become weak and useless. That is what has happened to the ancient arguments against financial assistance for old age.

Now that the richest and most populous State in the Union has joined with 12 others in approving and adopting the old-age pension plan, there is no question that other States will follow suit.

Almost every great civilized nation has some form of State or Federal care for their indigent aged, and the following countries have laws which give financial security in greater or less degree to their old people: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Czechoslovakia, Denmark, Finland, France, Germany, Great Britain, Greece, Greenland, Iceland, Irish Free State, Italy, Yugoslavia, Luxemburg, Netherlands, Newfoundland, New Zealand, Norway, Portugal, Rumania, Spain, Sweden, South Africa, and Uruguay.

In addition to this form of relief for the indigent aged, the time is not far distant when we will meet the question of unemployment and all its attending miseries by providing for some form of insurance under which the worker can pay into a reserve fund in times of employment, that he may tide over the periods of unemployment which come into his and so many workmen's lives and homes.

This, too, has been termed socialistic, but it is just as practical and workable as the sick and accident insurance we now carry, whether it be in a stock company or in a fraternal organization to guard against illness and injuries.

It is just as much the duty and obligation of the States and the Federal Government as the compensation law which places upon industry the burden of the workers' injuries, instead of letting it rest upon his shoulders and that of his family. In interstate commerce, the Federal Government affords this protection and in nearly all of the States this protection for the workers is compulsory. There is no reason why such a system can not be found self supporting and workable, and it is my purpose to present a plan for Federal aid to State agencies which may be set up for this purpose.

Theodore Roosevelt said that when you lift up any element of our people the whole structure of government is benefited thereby, and when you push any element down, the whole structure of government is consequently lowered.

Let us, therefore, provide those safeguards which we, under our form of government, can offer to our people, so that the whole burden of old-age dependency and unemployment may fall upon the people of every class and not upon the shoulders of the underprivileged and unfortunate.

The average American citizen is opposed to what he has been taught is a governmental dole, but why can not he be the beneficiary of assistance from a fund to which he contributes in his years of employment for relief and help when old age or unemployment knocks at his door.

By aiding the unfortunate element in our body politic, the whole structure of government is strengthened and developed and we shall go forward to a higher, prouder place among the nations of the earth, and this generation and those who come after will arise and call us blessed.

Out of the wreck of ages
We grasped that truth divine
It fires us still
And by God's will
It shall to the end of time.

It shall lead and lift us upward
To a truer strength of soul;
It shall banish fear,
And bring us near
The freeman's destined goal.

BREAKDOWN OF ADMINISTRATION'S FARM-RELIEF PROGRAM

Mr. GREENWOOD. Mr. Speaker, there is but one word with which to describe the administration's farm-relief program, and that word is "failure." Agriculture in this country is in the most serious, indeed, the most critical plight within the memory of men now living. I believe this is not an overstatement of the situation.

Agriculture, as compared with other industries, has been slipping ever since the World War. During the last 10 years of Republican administrations the tariff has been decidedly geared against agriculture. Both the emergency tariff and the Fordney-McCumber Tariff Act have aggravated the disparity between agriculture and other lines of industry. Farm prices have been low, due to selling in an open and competitive market, while industry's tariff has been effective, allowing manufactured products to be sold in a closed and monopolized market. The farmer had reason to believe from the promises of Mr. Hoover as a candidate, and from his party's declarations, that these tariff iniquities would be removed. The hope was vain. The Grundy tariff increases the disadvantages of the farmer, wage earner, and the consumers generally. Can we hope for any permanent relief from the administration's farm relief bill?

Only the other day Secretary of Agriculture Hyde and Chairman Legge, of the Farm Board, returned from a tour of the Corn and Wheat Belt where they had gone, there is every reason to believe, in an effort to placate the farmers and soften, if they could, the bitterness which all know the farmers feel toward the present administration. If reports filtering from the White House are true—and I do not doubt that they are—it was a gloomy report which Secretary Hyde and Chairman Legge brought back to their chief. Of course it was a bitter report. Of course they found the farmers hostile to the administration and its policies. Of course they found the farmers bitter. Why should not they be bitter? Once again they had asked for bread and had been given a stone. It was another repetition of the old story of a maximum of promise and a minimum of performance.

With wheat, cotton, and other agricultural staples selling at the lowest levels in more than 15 years, at prices that are in many cases substantially below the cost of production, and with the farmer's dollar's buying power at about one-half what it was 15 and more years ago the farmers have reason to be bitter. They are seeing their crops harvested and sold at an actual loss, and in thousands of cases are actually losing their farms and homes through mortgage foreclosures brought about by conditions which they are powerless to correct. Of course they are bitter, and so would I be and you be. Let us, as briefly as we may, review what has occurred during the last few years.

Every Republican convention and presidential candidate since 1920 has pledged parity for agriculture, but no convention and no candidate has ever gone quite as far as did the Republican Convention at Kansas City in 1928, and its candidate, Mr. Hoover, in his campaign speeches of that year, in pledging not only equality for agriculture with other industries but the prompt enactment and enforcement of measures which the farmers were assured would make them prosperous. Let me give you a few citations. In the convention of 1928 the Republican Party said in its platform:

The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

PRESIDENT HOOVER'S PLEDGE

Candidate Hoover recognized the farm problem as the most acute before the American Nation, and in his first campaign speech, delivered at Palo Alto, Calif., on August 11, 1928, he pledged himself to make solution of the farm problem the primary concern of his administration, in the event of his election. In that speech he said, and I am quoting his exact words:

The most urgent economic problem in our Nation to-day is in agriculture. It must be solved if we are to bring prosperity and contentment to one-third of our people directly, and to all of our people indirectly. We have pledged ourselves to find a solution.

A little further along in the same speech Candidate Hoover said:

The working out of agricultural relief constitutes the most important obligation of the next administration. * * * So far as my own abilities may be of service, I dedicate them to help secure prosperity and the contentment in that industry where I and my forefathers were born and nearly all of my family still obtain their livelihood.

At another speech, delivered at Elizabethton, Tenn., on October 6, 1928, Mr. Hoover laid down a specific proposal for the solution of the farm problem. I quote from that speech. He said:

We stand specifically pledged to create a Federal Farm Board of men sympathetic with the problem, to be clothed with powers and means with which not only to further aid farmers' cooperatives and assist generally in solving the multitude of farm problems which arise from all quarters of our Nation but in particular to build up with initial advances and capital from the Government farmer-owned and farmer-controlled stabilization corporations which will protect the farmer from depressions and the demoralization of summer and periodic surpluses. * * * This is not a theoretic formula. It is a business proposition designed to make farming more profitable. No such far-reaching and specific proposal has ever been made by a political party on behalf of any industry in our history.

These are some of the promises which the present administration made prior to the 1928 election. Mr. Hoover's word was accepted at face value. We all recall how Senator BORAH, Senator BROOKHART, and other Republican leaders in the farm

sections gave Mr. Hoover their enthusiastic support because they professed to believe that he meant what he had said, and that upon his accession to the Presidency he would turn his mind to and use the prestige of his great office for the solution of the farm problem. I do not have to remind you of recent utterances by some of these same Republicans, notably Senators BORAH and BROOKHART, who do have a genuine interest in the welfare of the farmer, in which they leave not the slightest doubt of their conviction that the administration has repudiated its pledges and resorted to the old-time game of buncoing the farmer. Candidate Hoover even went so far as to pledge himself to call a special session of Congress immediately after his inauguration to pass legislation to solve the farm problem. That pledge contributed in no small degree to Mr. Hoover's election.

President Hoover did call a special session of Congress and he did recommend not only the enactment of farm legislation but also limited tariff revision in the special interest of agriculture. This special session of Congress was convened in April of last year. Two proposals grew out of that session. One was the export-debenture plan, which was intended to and I earnestly believe would have made the tariff at least partially effective on farm products. This plan was indorsed by every important farm organization in the country. It was approved by many of the ablest economists of the country. It undoubtedly had the approval of a majority of the Members of this House, but under pressure from the White House Members on the Republican side voted almost solidly against the plan and yielded their convictions before the threat of the big stick.

EXPORT DEBENTURE PLAN

The export debenture was a plan to assist the Federal Farm Board in disposing of crop surpluses which hold down the domestic prices. It was offered in lieu of the so-called equalization fee of the former farm relief measure which Congress passed and which President Coolidge vetoed. President Hoover turned the thumbs down on the debenture plan, although practically every farm organization in America indorsed it and asked that it be given a trial. It was enthusiastically supported by, for instance, Senator BORAH, who was the President's chief spokesman on the farm issue when the President was a candidate in 1928. But the Republicans of the East, who have been enjoying special privileges under the tariff for many years, branded the debenture as economically unsound. They proved to be nearer the throne of Hoover than the farm organizations, and so the debenture failed. Had it been accepted the Federal Farm Board could now be exporting wheat under the issuance of Government debenture to the amount of 21 cents per bushel, or one-half the amount of the tariff duty on wheat. This was the reason the industrial East opposed the debenture plan. Issuing debentures to assist the farmers would have amounted to placing an equal amount of imports on the free list. The duty would be paid with the debenture. True this would be depriving the Government of that much revenue, but there is nothing new about the Government being deprived of revenue through provisions in tariff acts. Every article listed in the Grundy tariff bill on which the tariff is so high that it prohibits or reduces the importation of that article deprives the Government of revenue. There are many duties that amount to an embargo. Makers of articles on which there are such duties enjoy a monopoly of the sale of such articles to domestic consumers. The Government loses revenue because of such embargo, while the producers enjoy special privilege to that extent, and this amounts to a Government bounty.

Did you ever hear a superprotectionist say that an embargo tariff on articles in which he is interested is "economically unsound"? The debenture would have been a concession, or an aid to the farmer. But it was tabooed. He must have no special privilege under the Hoover administration's scheme of things. Why could not this system of embargoes and free lists be expanded and extended to assist the farmers in the great emergency which now exists? The debenture plan could have been, and were it not for President Hoover, would now be an effective agency for helping the Farm Board to export farm-crop surpluses. Thus, while the embargo restrains trade and prevents importations, the debenture would have promoted the exportation of farm surpluses and stimulated trade. This is the policy that Mr. Hoover and administration leaders declared to be "economically unsound."

The debenture plan was adopted by the Senate, which wrote it into the farm bill over the protest of President Hoover, only to have it thrown out by the House because of the President's bitter antagonism. In a statement issued from the White House while the debenture plan was pending before the Senate, President Hoover was severely critical of the plan and its proponents. He made it clear that if the farm bill came to the White House containing the debenture plan he would veto it. In effect he issued an ultimatum that Congress must reject this plan which the farm organizations had evolved and accept his plan, or there would be no farm legislation whatever. Faced with this alternative, those of us in Congress who had insisted that the debenture be given a trial, at least, were compelled to abandon that insistence. We had to choose between Mr. Hoover's plan and nothing. Mr. Hoover's plan was enacted into law, and under the act the President was given the authority to choose a Farm Board of his own selection. That Farm Board has been given the stupendous amount of $500,000,000 with which to try to make the Hoover plan effective. Recently, there have been some rather broad intimations that, now that the Hoover plan has collapsed, the President is trying to shirk his responsibility and place the blame with Congress, although Congress finally did only and exactly what he wished it to do. He can not now escape his responsibility. The record is against him. The farm plan is his plan. Had it worked, he would have claimed the credit. It has failed, and he must accept the responsibility for that failure.

The Federal Farm Board, which President Hoover said was invested with "responsibility, authority, and resources such as have never before been conferred by our Government in assistance to any industry," was appointed by the President and held its first meeting on July 15, 1929. It thus has been in existence for more than a year. What have been the results? Part of the answer, at least, is to be found in current farm commodity prices. During this month the price of July wheat on the Chicago exchange dropped to less than 83 cents per bushel. On the same day the price of corn on that exchange dropped to below 69 cents per bushel. Oats tumbled to 34 cents and rye to 46. Actually on the Chicago markets sawdust has been selling for more than rye. A news dispatch from Chicago to the New York Times on June 18 last said that sawdust sold that day at 70 cents for a bag of 40 pounds, as compared with 49¼ cents for a bag of 56 pounds of rye. Out on the farms in Kansas and the other wheat-growing States the farmer has received for his wheat crop this year less than 65 cents per bushel, when it costs him approximately a dollar a bushel to produce it. These prices are lower than the farmer received for his wheat 17 years ago, although at that time the 65 cents which the farmer received for a bushel of wheat had a purchasing power substantially double what it has to-day. Thus, expressed in terms of the value of the farmer's dollar, the bushel of wheat for which the farmer is to-day getting 60 to 65 cents has a buying power about half as great as the 65 cents which the farmer received for his wheat 17 years ago. What is true of wheat is true of corn, of cotton, oats, rye, and all the other staple or "money" crops which the farmer produces. No wonder his plight is serious. No wonder he is bitter.

Recently a news dispatch from Chicago, sent out by one of the largest news associations of the country, said that at prices then prevailing the American farmers were faced with a loss of $1,125,000,000 in income this year as a result of the slump in grain prices. This estimate was made by market statisticians and was based on the difference in prices of wheat, corn, and other staples as compared with prices prevailing a year ago. The dispatch went on to say that the prices then prevailing on the Chicago Grain Exchange had shattered records of many years' standing. Rye broke that day to less than 35 cents per bushel, the lowest price in 34 years. The above estimate was made on June 25. Since that date farm prices have reached even lower levels, and it is probably a conservative estimate that the loss which the farmers now face as a result of the disastrous slump in prices is not less than a billion and a quarter dollars.

The situation resulting from the severe break in farm prices became so acute that recently the Secretary of Agriculture, Mr. Hyde, and the chairman of the Farm Board, Mr. Legge, made a tour of the Corn and Wheat Belts. It was from this tour that they returned a few days ago and made to the White House the gloomy report to which I have referred. What do they now have to offer?

Substantially they and their chief have admitted the absolute collapse of the administration's farm program. Despite the fact that they have $500,000,000 with which to purchase crop surpluses and prevent breaks in the market, their efforts have been puny and ineffective. They have purchased about 60,000,000 bushels of wheat, and on that transaction it is now apparent that the Federal Government will take a loss of a good many millions of dollars. Some of the wheat the board did purchase was recently resold at heavy loss to the Government and it had the effect of further breaking an already slumping market, and this is resulting in further losses to the farmers. When urged to purchase an additional amount of wheat and take it off the market, members of the Farm Board and the President declined to do so. The President is quoted as having said that the

responsibility is with the Farm Board and that he will do nothing. But we do not forget that the Farm Board is a creature of the President's own creation and that it is administering an act which he dictated.

Now that its program has collapsed and its policies have failed, the Republican administration asks for "just one more chance." Although that party has now been continuously in power for 10 years in every branch of the Federal Government, its spokesmen plead that their policies have not had time to manifest themselves or become effective. On the eve of the final vote in the Senate on the Hawley-Smoot tariff bill, Senator WATSON, of Indiana, Senate Republican leader, made this statement:

It is my prediction, deliberately made on the floor of the United States Senate, that after the passage of this bill this afternoon, the skies will clear and within a comparatively brief time the sun again will shine and bring prosperous conditions and happy days back to the people of the United States.

No wonder our folks out in Indiana sometimes refer to Senator WATSON as "Sunny Jim." But Senator WATSON has been singing these Pollyanna songs of prosperity in season and out for so long that he does not know how to sing in any other key.

But what has happened? The tariff bill was passed, but instead of the skies clearing, instead of farm commodity prices climbing, instead of the economic storm subsiding, darker and darker clouds have appeared in the skies, and on the very next day after Senator WATSON made his Pollyanna prediction, stock-market prices crashed to the lowest levels of the year and farm commodity prices continued to sink. More than a month has passed since Senator WATSON sang this song of sunshine, but stock prices are still down, farm prices are sinking lower and lower, our foreign trade continues to fall off at a ruinous rate, and widespread unemployment still prevails. By way of comparison, let me quote a few prices on farm products.

PRICE COMPARISON

In June, 1928, the month in which Mr. Hoover was nominated and the Kansas City Republican convention renewed its oft-made promise to "relieve" the farmer, the price of wheat was $1.40 per bushel. Two years later, in June, 1930, the month in which the Hawley-Smoot tariff bill was passed, the price of wheat was 87.9 cents per bushel. On July 11, 10 days ago, wheat broke to 82.6 cents per bushel, and is still selling at the lowest level within 17 years.

In June, 1928, cotton sold at 20.23 cents per pound. In June, this year, it was down to 13.2 cents per pound, while on July 11, 10 days ago, it sold as low as 12.1 cents per pound. Other farm products are selling at proportionately low figures. This illustrates how the Kansas City platform promise has been kept.

Recently the Department of Labor issued a statement intended to soothe the consuming public by informing it that there had been a slight decrease in living costs during the last year; that the dollar had a slightly greater purchasing power than it had a year ago. It is no comfort to the producer of foodstuffs, the grower of grain, and the man who raises beef cattle to know that the greater part of this decrease has been at his expense.

During their tour of the Corn and Wheat Belt Mr. Legge and Mr. Hyde urged upon the farmers that they reduce their acreage, so after all they come back to the expedient of asking the farmers to grow less wheat, less corn, less cotton in order that they may get higher prices for what they do grow. This is practically all they have to offer, although I do recall that a few months ago Mr. Legge made the further suggestion that the wheat growers take 5 per cent of the acreage devoted to wheat and plant it in trees. He proposed reforestation as a substitution for wheat growing. Secretary Hyde has been quoted as saying that the wheat growers of America were in for seven lean years; that it would be at least seven years before the production of wheat in America could be made profitable. Not only does this remind us of the old Biblical story of Pharoah and Joseph and the seven years of famine there foretold, but it suggests that if the wheat farmers of the country are going to have to wait until they can grow trees to get a profit out of their land their famine is likely to last seven times seven years.

Many of us are familiar with the controversies with the Governor of Kansas and other spokesmen for the grain growers of the Middle West into which Mr. Hyde and Mr. Legge became involved during their recent tour. We have read how the farmers resented the suggestion that they grow smaller crops. They know, as we know, that if they do not supply the world demand for bread, that Russia, Canada, and other grain-growing countries will supply it. They know that what Mr. Legge and Mr. Hyde are asking is that they take themselves out of the world market. They ask, in their turn, why it is, if it is fair for the farmers to be required to reduce their production, the producers of farming implements, for instance, should not also reduce their output. Neither can they understand why it is American producers of machinery and other things which the farmers must buy can export a part of their products and sell them in foreign markets at lower prices than they sell them to the farmers of America.

Indeed, consideration of this question raises the suspicion that, through the whole policy of the present administration and its predecessors, dating back to 1921, the farmer has been the victim of a vicious and unjustifiable discrimination which has brought him to his present critical plight.

WHEN DEPRESSION BEGAN

The depression in the farming industry had its beginning in the deflation policy to which the Republican Party was pledged by President Harding and the Republican National Convention of 1920. This course of deflation was embarked upon very early in the administration of President Harding. Under that policy of deflation the value of farm lands and buildings in the United States dropped from $60,316,003,000 in 1920 to $45,000,000,000 in 1929, according to an estimate by the Department of Agriculture. This is a decrease of more than $21,000,000,000 from 1921 to 1929. During the same period the value of livestock on the farms fell from more than eight billion to less than six billion dollars, and neither the Hoover administration nor any of its predecessors has tried to do or been able to do anything about it. The most alarming fact of all is that during the present year the drop in the value of the things which the farmer produces has been at a greater rate and to a lower level than during any possible like period in the country's history. In the face of this record, with sawdust worth considerably more than rye in Chicago, it is no wonder that Chairman Legge is advising the farmers to quit planting wheat and replace it with trees out of which to make sawdust.

It has been said by some that the administration is not sincere in its professed desire to solve the farm problem. I do not go that far. But I do charge that the administration has shown favoritism through the tariff and in other ways to other interests than agriculture and at agriculture's expense. Following the election campaign of 1928 the first severe break in the price of farm commodities occurred in April of last year, within a few weeks after the inauguration of President Hoover. If this break occasioned any alarm or concern in administration circles here in Washington, the fact escaped attention. The administration did nothing that we know about to bolster up the grain market or prevent a serious break in the price of wheat, cotton, and other farm commodities. But when the stock market broke in the panic of last November there was quite another story to tell. Prices went down and down, and panicky conditions prevailed. Thousands upon thousands of small investors and speculators were wiped out. Many of them lost the savings of a lifetime. Many thousands borrowed money on their life-insurance policies in an effort to protect their holdings. When the situation on the stock market grew acute the administration became deeply concerned. The President and Secretary Mellon recommended and Congress passed a resolution reducing the taxes on incomes for 1929 by $160,000,000. The sole purpose of this tax reduction was to "peg" the stock market. The unfortunate thing about it was that it came too late to do any good to the small investor or speculator. In many instances stocks had dropped to prices far below their real worth. The little fellows had been wiped out. Thereupon the rich operators and rich gamblers stepped in and bought at ridiculously low prices the securities which had been squeezed out of the hands of the little fellow. These rich operators and gamblers were the real beneficiaries of the stock market recovery which followed the recommendation of President Hoover and Secretary Mellon for a reduction in taxes. The silence of the administration when farm prices broke in April can not but be contrasted with the acute alarm and zealous activities in the same quarter when the stock crash came.

But there is other evidence that the administration is more kindly disposed toward certain big interests than it is concerned about the interests and the welfare of the unorganized farmer. The tariff is another example. When President Hoover called Congress into special session, he promised the country a limited revision of the tariff. The farmer was to be the special beneficiary. Other benefits were to be extended only to such industries as could show that they were actually suffering from foreign competition. We are all familiar with the story of what happened. We remember the scenes enacted in the committee rooms when great swarms of lobbyists descended upon them and demanded and got their pound of flesh. We know that instead of a limited we got an unlimited revision of the tariff, with the highest level of rates in the country's history.

In a great many cases these rates amount to an embargo. They have stimulated ill feeling in every country in the world with which we trade. They have been the principal factor contributing to a decrease in the total volume of our foreign trade during the first five months of this year amounting to approximately $900,000,000 dollars. They are causing other nations to set up tariff walls which are keeping out our farm and other products and thus making it impossible for the American farmer to sell abroad the surplus of what he produces. And who is getting the benefit of this tariff policy? Only those giant or self-contained, monopolistic industries which, under the shelter of this tariff wall, are able to charge just as high prices as they can possibly exact from the American consumer. Thus the farmer is being gouged both ways. Retaliation is shutting off his foreign markets, while the high tariff duties enable the domestic producers to charge exorbitant prices to the farmer for the things he must buy.

FREIGHT-RATE DISCRIMINATION

There is still another thing in which the farmer is the victim of very serious discrimination, and that is the matter of freight rates. My colleague, Representative MARVIN JONES, of Texas, who is a member of the House Committee on Agriculture, has made a particular study of this subject and placed in the RECORD of July 10 some remarks which I commend to every Member of this body, as well as to every farmer. As Mr. JONES shows, industry is enjoying a very substantial bounty in the form of discriminatory freight rates. For instance, as he points out, when iron and steel are shipped from Pittsburgh to New York for domestic use the railroad freight rate is 34½ cents per hundred pounds, but if it is intended for shipment abroad the railroad freight rate is only 20 cents per hundred pounds between the same points. On fertilizer shipped from St. Louis to Galveston, Tex., for domestic use the freight rate is 36 cents per hundred pounds. But if it is intended for export the rate is only 23 cents per hundred pounds. On farm implements shipped from Chicago to New Orleans for export the freight rate is 47 cents per hundred pounds. But if it is for domestic use, if it is to be sold to an American farmer, the railroad freight rate is 73 cents per hundred pounds, and the farmer pays the freight. I commend these facts to the careful consideration of those in this body and to the Chief Executive at the other end of the Avenue, who complained that the export-debenture plan of farm relief was a bounty and class legislation.

It was assumed that the President would select as members of the Farm Board men who would be sympathetic with the farmer and who would strive earnestly to solve the problems which are pressing him down to destruction.

If the members of the Farm Board were genuinely sympathetic with agriculture, if they were men of vision, they could have and would have gone early to the Interstate Commerce Commission and there sought the same advantage in rates on grain for export purposes which manufacturers of certain manufactured products, such as I have just mentioned, have been enjoying. Had these freight-rate advantages been obtained, and were the debenture plan in operation, giving the farmer some tariff benefits, then instead of huge surpluses of grains in our warehouses this grain would have been finding its way into the world markets, and the grain and cotton prices to-day, I have not the slightest doubt, would have been very much higher than they are.

These are among the more important discriminations which have contributed to the serious distress of American agriculture, and for the relief of which President Hoover's Farm Board can only suggest curtailed production and the growing of trees, possibly for conversion into sawdust to be sold at higher prices than rye is now bringing on the Chicago market.

Incidentally, this comparison of the value of rye and sawdust brings to mind a joint statement issued only last week by four agricultural experts of Michigan State Agricultural College. In this statement these experts directed attention to the fact that at present prices wheat is worth $5 more per ton as a dairy feed than it is as a commercial cereal.

Some of our friends on the other side of the House tell us that the salvation of the farmer is in the tariff. I inquire when it is his salvation through this plan is going to be brought about? Some justify themselves for voting for the Hawley-Smoot tariff bill, with its exorbitant duties on industrial products, by pointing out that in many instances the duty on farm products has been increased. Nobody knows better than they that in most instances these duties on farm products are either wholly ineffective or are, at the most, but partially effective. Raising rates on farm products that are not effective, while increasing the duties on things the farmer must buy, which duties are effective, is just gold bricking the farmer, and the farmer is finding it out. He knows that almost every day during the last year Canadian wheat, on which there is no tariff, has sold at higher prices in Winnipeg than American wheat has sold at either Chicago, Minneapolis, or Kansas City, notwithstanding the fact that it is supposed to benefit by a duty of 42 cents per bushel.

If the tariff on farm products is going to save the farming industry in America from destruction, I inquire when is it going to be brought about? The first important legislative act passed after the Republican Party was restored to control in the Nation in 1921 was the so-called emergency agricultural tariff act. It was displaced the succeeding year by the Fordney-McCumber Tariff Act of 1922, and now we have the Hawley-Smoot Act. Successively they have placed higher and higher duties on farm products, but instead of resulting in higher prices on these products the prices have gone steadily down from year to year until within the last two weeks they have reached levels lower than have prevailed at any time within the last 17 years, and have plunged the agricultural industry into abysmal depths of despair.

To you, Mr. Farmer, I address the inquiry, What are you going to do about it? You have been bilked. You have been bunkoed. The remedy is in your hands, and your hands only. You could have had a farm bill that would have been effective, that would have improved your condition, or, at least, I think it was worth the trial, if only the administration had kept faith with you, and if the men who are supposed to represent your interests in this body had stood firmly for your interests instead of cowering under the lash of the party whip. When President Hoover issued his ultimatum as between the two farm plans, the Members of Congress from the great farming States had the choice of standing with the President or standing for you and your interests. They chose to stand with the President. They submitted to his will. They voted against your interests and in accordance with his wishes. The day of judgment is near. You are soon to have the opportunity of determining whether or not you are going to send these men back to Congress or whether you will send in their stead men you know will keep faith with you.

It is no exaggeration to say that not only the prosperity of the farmer but of all the people will be affected by your decision. There are between six and seven million farms in the United States, and the farm population of the country is approximately 30,000,000. Agriculture is the basic industry of the country. When it is on a sound, profitable basis these 30,000,000 people will be prosperous and happy. Unless they are prosperous there can be no general or continuous prosperity for the country as a whole. If the farmers will see to it that they are represented in Congress by men who will work and vote in their interests, the farm problem can and will be solved and our whole country will then enter upon a new and unprecedented era of prosperity and happiness.

THE TARIFF

Mr. HAMMER. Mr. Speaker, the importance of the tariff legislation enacted by this Congress makes it necessary that every citizen should have all the information possible on a question of such consequence affecting the cost of living and the prosperity of all the people.

From the nature of the political propaganda by Republican campaign orators it is clearly evident that the Grundy-Hoover tariff bill is to be defended on the ground that it is necessary for the protection of agriculture and labor.

It ought to be evident to anyone who has made a study of economic conditions, not only in this period of business depression but under more normal conditions, that only a very small percentage of farmers, like those engaged in wool growing, raising of sugar beets, peanuts, early fresh vegetables, and citrus fruits derive any benefit whatever from high-tariff rates, and the benefit they derive is more than offset by the increased prices, due to high-tariff rates on the manufactured articles they are compelled to buy such as wool and cotton clothing, blankets, gloves, hosiery, shoes, tableware, china, and many other products consumed in large quantities by American farmers, on all of which products the tariff has been increased, and the cost to consumers will be increased, with the possible exception of shoes, the price of which may not be increased to any great extent due to the keenness of competition in manufacturing.

There are about 6,500,000 farmers in the United States; of these about 145,000 are cane and beet sugar growers, while there are about 430,000 farms reporting sheep, 42,000 of these grow two-thirds of the wool and, of course, reap the tariff benefit. There are from 75,000 to 100,000 commercial growers of peanuts, and those who grow citrus fruits and early fresh vegetables are limited in number and confined to small areas. On the other hand, the growers of 600,000,000 bushels of soft wheat every year get no tariff benefits whatever.

The disparity between agricultural producers who receive no benefit whatever from the tariff and the few who do is shown in another way. In 1927 there were 356,000,000 acres planted to crops, of these 339,000,000 acres were planted in staple crops, like wheat, corn, rye, oats, barley, buckwheat, hay, cotton, and so forth.

Only 2,400,000 acres were planted to truck products, and if we include peanuts and beet and cane sugar, the total was less than 4,500,000 acres. The growers of the staple crops experienced no tariff benefit but only tariff penalties. It seems superfluous to continue to repeat that the tariff is not effective on surplus exportable crops. One of the best tariff experts in the country estimates that on agricultural products on which the tariff is in part effective it is only about 10 per cent effective on the average. There is a tariff to-day of 42 cents a bushel on wheat, and wheat is selling at the lowest price in 16 years. The increase of 10 per cent tariff on corn has been followed by a heavy decrease in the price of corn, and the same condition applies to all the paper tariffs on agriculture.

ONLY A LIMITED NUMBER OF WAGE EARNERS ARE BENEFITED BY THE TARIFF

Let us consider the question of tariff benefits to wage earners or labor. There are about 8,500,000 wage earners in manufacturing industries, but it is a great mistake to assume that all of this limited number are getting tariff benefits in higher wages and higher living conditions.

The petroleum-refining industry employs about 65,000 wage earners, but they get no tariff benefits. The motor-vehicle industry employs upward of 200,000 wage earners who get no tariff benefits. The lumber and timber industry employs about 473,000 wage earners with no tariff benefits up to the present, and it may be doubted if those in the soft-lumber industry will receive any part or parcel of the $1 per thousand feet placed on soft lumber, such as pine, poplar, and so forth, by the Grundy bill. The 160,000 employees in bread and bakery products receive no tariff benefits. The boot and shoe industry, with 215,000 employees, have had no tariff benefits under the Fordney law and will probably receive none under the 20 per cent tariff in the Grundy bill, because of the competition in that business. In the industry of steam railroad cars, general construction and repair, the 425,000 wage earners have no tariff protection. The same is true of the book and job printing and publishing business with 256,000 employees; also of the newspaper and periodical publishing business with 117,000 wage earners; likewise, the 32,000 employees in flour mills and the 47,000 in gas companies.

And so it could likewise be shown that more than three and a half million wage earners in manufacturing industries receive no benefit whatever from the tariff. It is also a fact that workmen in many of the industries without tariff protection receive higher wages than many of those in the protected industries. One of the best illustrations of this is the difference between wages of employees in the automobile industry and those in the textile industry.

LABOR COSTS IN EUROPE AND AMERICA

It is a great fallacy to speak generally of the pauper labor of Europe and to assume that labor costs there are much less than in the United States. For instance, in 1925 the value of net production to each dollar paid in wages in the United States was $2.50; in England it was $2.14. In England labor was paid less than half what was paid in this country, but the value of the product turned out for each dollar paid was almost equal. That is the real test in comparing wages and labor costs. Let me give you another illustration about this claptrap of protecting American labor against the so-called cheap labor of Europe. The labor cost of a ton of pig iron is $1.13. The tariff on pig iron under the Fordney bill was $1.12½ a ton, so that if other countries could produce it without any labor costs whatever the tariff would more than offset the competition. The statement that high tariffs bring about increased wages is easily disposed of. High wages were initiated in the nontariff industries. The first step was taken by Henry Ford in 1919, and the present system of high wages and living standards was firmly established prior to the Fordney Tariff Act of 1922, since which time wages have increased not much more than 2½ per cent. The average factory worker in 1914 received $590; in 1921 he received $1,181; and in 1927 his earnings had only increased to $1,280 in a period of six years. Thus it will be seen the average earnings increased 100 per cent prior to 1922, when the Fordney Act was passed, and that the increase was under a Democratic administration.

The monthly review of the Department of Labor for February, 1928, supplies the evidence that the lead in wage increases has been in nontariff sheltered industries, while textile and iron and steel industries, heavily protected, were reducing wages under the Fordney tariff. The Labor Review, published by the United States Department of Labor, states:

> Heavy factors in the upward trends since 1922 are the trades engaged in banking, building, stonework, auto driving, freight handling, and printing. * * * On the other hand, there was a decrease of 32 per cent in our yearly earnings in cotton manufacturing, of 22 per cent in woolen manufactures, of 15 per cent in the iron and steel industry, and of 6 per cent in railroad wages between 1920 and 1926.

REPUBLICAN CLAIMS DISPROVED

Another fact that disproves the Republican claim that the country would be flooded with the products of cheap foreign labor is our exports of $2,000,000,000 worth of finished manufactured goods and $700,000,000 of semimanufactured products to countries of alleged cheap labor, where they successfully compete with the products of domestic labor of those countries to that extent. This, of course, is due to the superior productive capacity per man power in this country and to mass production, which keeps down labor costs.

There is a distinct difference between low wages and low costs. High wages with superior productive capacity result in low costs, and frequently, as abroad, low wages through inferior productive capacity result in high costs. This fact should always be kept in mind in discussing tariff rates based upon cost of production here and abroad.

Despite our large manufacturing exports the high tariff duties of Republican tariff laws shut out classes of foreign manufactures that are desired and needed in this country upon a competitive basis. Those that do come in must bear the added cost of tariff rates paid by the consumer. These manufacturing tariffs have been so high that our imports of foreign manufactures are less than 4 per cent of our domestic production.

One of the great boasts of Republican tariff spokesmen is that our exports and imports have increased in the last decade, but they always fail to state why these exports and imports show an increase, and they never refer to the fact that the normal increase of industries prior to the war, if continued, would have increased the amount of our exports and imports largely in excess of what they are now.

WHY HAVE EXPORTS AND IMPORTS INCREASED IN LAST DECADE AND SLUMPED UNDER COOLIDGE-MELLON BULL MARKET?

Why have exports and imports increased in the last decade? Leaving aside the growth in population and the increased demand for articles needed or desired under our improved standards of living, the increase in exports and imports is largely accounted for by what is called our capital exports; that is to say, by the amounts of our loans to foreign countries, which have enabled them to purchase our products, and in the increasing demand in the United States for raw materials and commodities not produced in this country.

Let me give a concrete illustration of how this operates. In 1929 our capital exports fell off $591,000,000. This was because foreign countries were unable to negotiate loans at suitable rates of interest, due to the fact that the money and credits, otherwise available, were used to support the Coolidge-Mellon bull market on the New York Stock Exchange. The result was that with huge sums of money poured into the stock market the bubble finally burst, and foreign countries, deprived of the financial aid that they had been receiving, could not maintain their purchases here. The climax came in the first four months of this year when American exports dropped $440,000,000.

TARIFF BOOSTERS IGNORE OUR CHANGE FROM DEBTOR TO CREDITOR NATION

Republican tariff spokesmen always ignore the fact that since 1914 we have changed from a debtor and small-surplus nation to the greatest creditor nation in the world with great actual or potential surplus producing power. The latter is not due to tariffs but to our superior labor machinery, horsepower, and to mass production which enables us to maintain higher wages and living standards and lower costs in many industries than any other country.

It is estimated that our productive capacity to-day is 25 per cent in excess of our ability to consume. Neither high tariffs nor the flexible tariff provision can save us from growing surpluses, either in manufactures or in agriculture. The various devices and efforts to curtail production, will not, in my opinion, be found effective, and if they were to become effective, could only result in additional unemployment.

Of what avail would it be, for instance, if Secretary Hyde and Chairman Legge could perform the seemingly impossible task of inducing the growers of exportable grain crops to curtail their acreage and plant the land so abandoned to diversified nonexportable crops? The inevitable result would be to cut down the surplus of exportable crops for the foreign markets and create a nonexportable surplus of other crops to be

sold in the domestic market and thus reduce the price of agricultural products in the home market. If the surplus land were permitted to lie idle, it is pertinent to observe that no farmer can make any money on idle land.

The Federal Farm Board was intended to provide an agency insuring the farmer a domestic market undisturbed by world prices. Instead, the Government is asking farmers to reduce acreage so that production will be only sufficient to supply domestic needs. It would be just as reasonable to ask the united steel industry to reduce their output to supply only domestic requirements. The steel industry is protected by the tariff and other devices, which gives it a home market little disturbed by conditions in the world market. Furthermore, between 1919 and 1928 national income increased from $67,000,000,000 to $89,000,000,000. During the same period agricultural income decreased from $16,000,000,000 to $12,000,000,000.

Prior to 1919 there were never less than 30 per cent of the population engaged in farming, and farmers never received in any year less than 20 per cent of the national increase. The income now of the American farmer is about 11 per cent of the national income.

The farmers are complaining that the Farm Board is not pursuing a course to maintain agriculture's position.

Our Republican high tariffs and administrative policies have resulted in the erection of tariff walls and other trade barriers in foreign countries, including our neighbor and best customer, Canada, where exports declined $62,000,000 the first four months of this year, besides breeding resentment and retaliatory acts against American products. Many manufacturers have been driven on account of our prohibitive tariff to locate plants abroad in order to supply their foreign trade, all of which operates to the injury of this country.

WHAT CAN BE DONE WITH OUR SURPLUS?

What, then, are we to do with the surplus? The best answer, it seems to me, is the creation of markets to absorb it through expansion of our foreign trade.

Farmers are not suffering from foreign competition; their trouble is a domestic surplus for which there is no foreign market.

The present depression in livestock, wheat, cotton, and so forth is not from foreign competition. The problem is to be able to sell in a foreign market, not so much, to protect the home market.

The necessity for foreign markets was pointed out by Mr. Hoover in the presidential campaign in a speech at Newark, N. J., on September 17, 1928. He said:

> Cease exporting automobiles to South America or Europe and automobile workers are thrown out of employment in Michigan. The suffering does not stop there. It only begins. The steel mills slacken in Pennsylvania and Indiana, the mines employ fewer workers at Lake Superior, and every farmer in the United States suffers from the diminished purchasing power and enforced stringency in thousands of homes.

This was a true picture as far as it went of the foreign-trade situation. But what happened after Mr. Hoover became President? He signed his name to a tariff bill by which exports of automobiles are threatened by numerous countries and others have already put embargo automobile tariffs into effect.

And yet, there are Republicans gullible enough to believe that President Hoover can correct the iniquities and injustices of the new tariff act by resorting to the flexible clause after he has actually surrendered to the Bourbon superprotectionists of the party of his latest political affiliation.

THE SAFEST AND SANEST SOLUTION OF OUR PROBLEMS IS TO EXPAND OUR FOREIGN TRADE—FEEDING AND CLOTHING AND SUPPLYING OTHER NATIONS

Where are additional foreign markets to be found? It has been pointed out by leading economists and statesmen that more than a billion people in the Far East and in South America are potential consumers of our surpluses, and that they could under the right kind of governmental policies, including, of course, a liberal trade policy, be converted into actual consumers of our surpluses. It is estimated that a purchasing power in these sections of the world could be developed to the extent of ten or more billions of dollars.

All of the great problems now facing the country—farm relief, agricultural surpluses, the utilization of manufacturing productivity, unemployment, maintenance of our standards of living, continued development and progress, international good will, with resultant international peace—all seem to me to be bound up in the solution of this problem of the expansion of our foreign trade.

Unless this country is to abandon its high standards of living; unless its great manufacturing plants are to remain partly idle, with accompanying unemployment; unless more and more farmers are to be driven from the land and forced to compete for a living with the surplus labor in the cities; unless progress and development are to cease and to be followed by a recession, the result of which no one can foretell, it seems to me that we must abandon the selfish and insular trade policies and set up a financial, commercial, economic policy that will be world embracing in its aims and achievements.

But the expansion of our foreign trade along the lines indicated in these remarks can never be the policy of the Republican Party, committed as it is to superprotection and economic isolation. It can come only through the ascendancy of the Democratic Party, with its broad and liberal tariff and trade policies and world-wide vision.

THE FULL-FASHIONED HOSIERY INDUSTRY AND THE TARIFF

Mr. ESTERLY. Mr. Speaker, enough has been said and printed recently about the full-fashioned hosiery industry in the United States to safely assume that everyone is familiar with the present chaotic condition of this once highly profitable and flourishing business.

Scores of reasons are advanced as underlying causes, but only a few people realize to what extent the insufficient tariff protection on full-fashioned machines has a direct bearing on the full-fashioned hosiery business in the United States.

Most hosiery manufacturers erroneously think that they are enjoying protective-tariff legislation to the fullest extent, since, for example, there is a duty of 60 per cent on full-fashioned silk hosiery and because the raw material is sold on even terms and prices all over the world. This fact alone provides considerable protection, but how about the machines which produce this class of hosiery?

During the last three years approximately 2,500 full-fashioned knitting machines have been imported into this country from Germany, as follows:

	Machines
1927	805
1928	685
1929	1,013

This represents over 40 per cent of all the full-fashioned knitting machines sold and placed in operation during this period in the United States.

On account of low wages in Germany in the machine-building trade and the insufficient tariff protection, the importers are in a position to sell these machines on long-drawn-out terms which the domestic manufacturer is unable to meet. Further, the German Government insures the credit risks of their manufacturers who sell in foreign markets.

These extreme terms have enabled a good many concerns to enter the full-fashioned field who otherwise would not have been able to. The additional production of this type of inexperienced manufacturer has helped materially to bring about the present condition of overproduction. They have lacked, for example, definite channels of sales distribution and have sold their product at times on terms and prices just barely sufficient to enable them to pay silk bills and their machine installments.

The 2,500 imported machines represent an investment of over $20,000,000. Had American machines been bought, a large portion of this huge sum could have been distributed as wages to several thousand American workmen, thereby increasing the American purchasing power by this amount. And, incidentally, a goodly share of this income would certainly have been used to purchase hosiery.

Let us consider the import of these 2,500 machines from still another angle. Granted, if all these machines had been manufactured in the United States, deliveries would have been considerably slower. But this would have been an advantage and not a handicap to the industry for this reason:

Two thousand five hundred foreign machines produce about seven and one-half to ten million dozen pairs of stockings annually. Now, if this production could have been spread over six instead of three years the American hosiery-consuming public could have absorbed very readily such a gradual increase. The industry would have been on a stable basis and the law of supply and demand working in its favor. It would have been so much good insurance to the full-fashioned hosiery trade to have had it thus stabilized.

From the foregoing it is obvious that the tariff on full-fashioned hosiery machinery is of just as much importance to the hosiery manufacturer as the tariff on stockings. There is no doubt that insufficient tariff protection to the American full-fashioned hosiery machine builder has caused overproduction. It has caused a deplorable condition in the entire hosiery industry in the United States with a high peak of unemployment and part-time work of many skilled American men and women.

The law of compensation is always working, and all things in life are reciprocal; hence it is not surprising to note a decided change in the attitude of full-fashioned hosiery manufacturers in the United States toward a demand for greater protection for the machine builder.

NEED OF FEDERAL POLICY OF PREFERENCE TO CITIZEN LABOR—INSURANCE OF PUBLIC-BUILDING BENEFITS TO COMMUNITIES AFFECTED

Mr. BACON. Mr. Speaker, under leave to print, I attach hereto a letter I have addressed to the Secretary of the Treasury, urging his consideration of the need, desirability, and justice of a Federal policy of preference to citizen labor and the insurance of the public-building benefits to the communities affected, so far as possible and proper.

Since my letter to the Secretary of the Treasury, from studies I have made, I am convinced beyond any doubt that the executive branch of the Government has ample authority and power to fix preference requirements as part and parcel of the specifications of the contract.

As far as the persuasion of such a policy, in the interest of the citizens of the United States, and of bringing really "home" the benefits of the public-building program of the Government, the letter speaks for itself. It follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 9, 1930.

Hon. ANDREW W. MELLON,
Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: The burden of this letter to you, stated shortly, is really a plea on behalf of American-citizen labor affected by the public-works program of the Treasury Department. Of course, its persuasion, if there is any, likewise runs to the entire public-building program of the Government.

Your department and other bureaus of the Government are projecting construction work that runs into the hundreds of millions of dollars. Its purpose is twofold: To have our varied governmental activities housed in an economical way and to afford a direct, tangible, and concrete aid to labor, suffering as it is from unemployment. While tremendous benefits to labor will flow from the processes of manufacture that will be applied to this construction program, the direct aid to labor, in the employment of craftsmen in the physical work of construction itself, will be, in a great measure, misspent or the benefits will not be applied as beneficially as they should be.

It would seem natural that the labor employed on this construction program should certainly be drawn from the citizen supply first, and, secondly, from the local supply where possible. But in many cases it is not, and what is still more aggravating is the fact that various kinds of craftsmen who are citizens and ex-service men, in need of jobs and capable, are placed in the position of envious and disgruntled onlookers—without the gate—while aliens preempt the benefits that flow from the work. I have in mind an instance brought to my attention yesterday in connection with the construction program of the War Department, at Mitchel Field, Long Island. In this case 25 ex-service craftsmen—carpenters and the like—were refused employment because the demands had been filled with importations of aliens, at ridiculously low wages, from the city of New York.

And, generally, touching the Government-construction program as a whole, and particularly with reference to the erection of post offices, customshouses, marine hospitals, Federal courts, and other governmental activities throughout the country, there is the same complaint. I have heard it from many of my colleagues in the House. Local or State labor is not used. The alien often gets the preference over the citizen, simply because he is cheap. The contractor assembles his workmen wherever he can get them provided they are cheap. I am told they have come to some of the sites in box cars, and they are housed near the site in portable buildings until the work is finished, then either taken to other places or left to shift for themselves.

I have heard of instances in connection with post-office buildings in the Middle West, in Pennsylvania, and elsewhere, and also on Long Island, in the construction of a Veterans' Bureau hospital, where the contractor recruited his labor from remote points, bringing it to an already demoralized labor market and leaving the local labor supply in the rather sorry position of spectators. Even in the erection of a Veterans' Bureau hospital an ex-service man can not to-day get a job if the contractor wills that cheap aliens should fill his rolls.

These citizens and ex-service men are puzzled, to say the least, as to the justice of such a policy. They wonder if the building program is for the benefit of the citizen or the alien. They know that the Treasury Department lets the contracts and it is natural for them to presume that the Federal Government lends its approval to such rank discrimination. They can not appreciate why the citizen and the ex-service man should not receive preference in Government construction work the same as he does in the work of the civil service. They have been told that the Federal Government is bending its full efforts to relieve unemployment, and what they receive when they ask for jobs is a dismissal with the explanation that aliens are on the pay roll.

I do not want to be in the position of suggesting a criticism without also suggesting a possible remedy. My definite suggestion for the consideration of your department is that the specifications include a clause that the labor to be used in the performance of the work shall be citizen labor, and that it is the policy of your department to have contractors on construction work to give preference to ex-service men and citizens of the State or locality where the work is to be performed, provided that such citizen or State or local labor is available. This limitation is, of course, sufficiently flexible.

The adoption of such a clause would merely tie in, as a part of the specifications, the requirement that citizen labor shall be used wherever possible; the preference to ex-service men would be merely declaratory policy, but I believe it would be effective. Naturally I am not concerned with the precise form the objective should take. Any would be most agreeable. Should perchance legal obstacles definitely preclude the adoption of any such clause as part of the contract, then it is my suggestion that the Treasury Department declare as its policy that the labor to be employed on its construction work should be, as far as possible, citizen labor drawn from the State or locality where the work is to be performed, and that preferences shall run, first, to ex-service men; second, to citizens of the State or locality where the work is to be performed; third, to citizens of the United States; and fourth, to aliens.

The practical effect I feel sure would be that contractors in submitting their bids would have in mind the employment of citizen local labor. The cost to the United States would, of course, be greater; but the advantage to the public and to American labor directly affected and in meeting properly the unemployment problem would greatly outweigh the pecuniary disadvantage. The consideration for the requirement would be the stabilization of the local labor supply—a tremendously important factor.

The part that the Federal Government has taken as a quiet partner in the disruption of stable labor conditions has long been a matter of concern to me. In three successive Congresses I have introduced a measure which enunciates the policy that the Federal Government under its building construction program should not become a party contributing to a State's unemployment problem or to upsetting its stable labor conditions, which at present it does by the simple act of taking the lowest bid without further regard to the effect on the labor or unemployment problem.

It is not necessary, having in mind the more restricted object of this letter, to burden you with a full résumé of the purposes of my proposal. When all the points in this bill are simmered down, it will be seen that its aims are to assure against a monopoly of the benefits of labor by a special few, and to give a fair and equal and benefiting distribution of these benefits to all of the labor in every State of the Union; but, first of all, to veterans of our wars and citizens of the United States. It declares, in practical effect, the policy that no contractor shall bring with him on a Federal construction job a cheap, itinerant, bootleg labor supply when unemployment exists among the qualified citizens of the State where the work is to be performed. It declares for the principle, also, that on American institutions American labor, citizen labor, shall have the first preference. That is how it touches labor.

In its effect on contractors the bill does nothing more than to put them all on a fair competitive basis, and this result is secured by preventing a contractor from taking advantage of an imported-labor supply, gotten together at cheap prices, and using that advantage to club his way to the top of the list as the low bidder. By restricting the use of imported labor all contractors would immediately be put on an equal and fair competitive basis, and the present discrimination against those contractors not using this cheap, imported supply, would be eliminated. Using local labor and practicing the belief in the wisdom of meeting the local labor conditions, these contractors can not successfully compete.

This measure of mine was twice favorably reported by the Labor Committee of the House, but in this Congress another bill was favorably reported, which, as you know, goes very radically farther.

I know I can feel the assurance that you will give this problem your earnest consideration. We are faced with unemployment. The Federal Government, under the direction of the President, has taken the lead in efforts to help minimize its results. It has put in motion a vast public-building program to help relieve, primarily, not the Treasury, but unemployment; yet it has permitted itself to become a partner in approving a policy as to labor on Government work that is not countenanced by many of our States and by some foreign countries, of permitting the employment of aliens in preference to citizens. Certainly the efforts of the Government are directed for the benefit of its citizens first, or, rather, they should be.

There may be some confusion as to how far the Federal Government may go without express authority of law in the enunciation and practice of a policy that will result in the preferment of American-citizen labor in the State or locality where the work is to be performed. But, fundamentally, there should be none. That such a policy would be salutary I have no doubt. And it is my hope that you will lend of your cooperation in the establishment of it.

Such a policy, adopted now, at a time that is most ripe for it, would undoubtedly make unnecessary some of the measures that have been introduced in Congress and which go much farther in their aims, and as to which there may be considerable conflict of opinion, irrespective of what view may finally obtain as a matter of law.

I have written to the Secretary of War similarly.

With expressions of high regard, I am,

Sincerely yours,

ROBERT L. BACON.

RÉSUMÉ OF THE SEVENTY-FIRST CONGRESS

Mr. CROSSER. Mr. Speaker, the Seventy-first Congress, which is the present Congress, assembled on April 15, 1929. The first session continued throughout the summer and fall, and the second session began on December 2, 1929, and adjourned on July 3, 1930.

During the time from April 15, 1929, to July 3, 1930, there were introduced in Congress 19,383 bills and resolutions. During the same time 540 bills and 106 resolutions were passed by both Houses of Congress.

The tariff law which was signed on June 17, 1930, is certain to cause the general public great hardship. Already foreign governments have begun to prevent the shipment of American goods into their countries. Already the administration has become excited and agents have been sent abroad to learn to what extent our foreign customers are going to withhold orders for goods because the United States has passed a tariff law so unreasonable as to almost prohibit trade with other countries. The foreign demand for American-made goods has lessened continually during the last year and a half. This, of course, has hurt business in the United States and so has increased the number of people who are unemployed. This tariff law increases the duty and hence the price of practically every necessity of life. An unreasonable duty was placed on lumber, cement, and other building materials, and, of course, this increases the cost of building, and, therefore, discourages building of every kind. The discouraging of building throws out of employment many of those who belong to the building trades. This tariff law also increases the price of sugar and of shoes and leather. I might mention many other necessities of life upon which the duty has been increased. This all adds to the cost of living which the people must pay. I opposed the tariff bill because I regard it as unjust and economically unsound.

I favored the passage of the bill providing for a limit of 44 hours' work per week for Government employees.

The measure providing for retirement of Government employees had my hearty support, and I am glad to say that after a long struggle we have a reasonable retirement law which provides for the retirement of Government employees under conditions which will make it possible for these deserving employees to live during their old age without fear of want. The bill which amends the Welch bill by increasing the salaries of the lower paid employees also had my hearty approval. The pensions for the few surviving veterans of the Civil War have been increased. After a long battle the pensions of the Spanish War veterans were increased.

I supported the bill to increase the compensation of World War veterans. I was anxious to see this compensation made higher than is provided in the law, and I hope that Congress will soon see the justice of making better provision for those who suffered the agonies of war for our common country. I opposed the bill to conscript labor and am glad to say that the proposal was defeated.

I have opposed giving to private companies the great and valuable water power at Muscle Shoals and at Boulder Dam. These two great sources of power should be kept and controlled by the Government for the benefit of the people and not handed over to the Power Trust for its benefit.

It has been my earnest endeavor to comply with every request made to me by any person for any legitimate and proper service. I have endeavored to serve all without regard to the politics or race of those desiring such service.

Members of Congress frequently receive inquiries in regard to matters of legislation, and it is with pleasure that I make this brief statement.

The proper performance of his duties requires a Congressman to exert his best efforts. The welfare and happiness of millions of human beings depends, in part, upon each Congressman's sincere devotion to duty. His intelligence, wisdom, and judgment should be exercised conscientiously by the Congressman in regard to every governmental problem with which he must deal. He can not recklessly disregard the rights of anyone without doing harm.

The value of a Congressman's service both to the public as a whole and also to the individual requesting service depends altogether upon the degree of earnestness, intelligence, and experience which he brings to bear upon the problems which may be presented. The late Speaker, Hon. Champ Clark, often said in his lectures that the value of a Representative in Congress to his constituents increases with the length of his service. It has been remarked that the leaders of both parties in the House are men who have each served at least 20 years.

It is more important than all, however, that a Member of Congress be absolutely sincere, industrious, and free from the vicious tendency to pose or play for effect. Each one of us can do something to raise the standard of intellectual honesty. We can all do something to demonstrate the importance of genuineness. By all means emphasize the importance of the poet's words:

True worth is in being, not seeming.

Nothing is more harmful to the individual than attempting to appear what he is not.

FINAL ADJOURNMENT

Mr. PURNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p. m.), the House, in accordance with the concurrent resolution, adjourned sine die.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LUCE: Committee on the Library. H. R. 12922. A bill providing for medals of honor and awards to Government employees for distinguished service in science or for voluntary risk of life and health beyond the ordinary risks of duty; without amendment (Rept. No. 2061). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCLINTOCK of Ohio: Committee on the District of Columbia. H. R. 7884. A bill to prohibit experiments upon living dogs in the District of Columbia and providing a penalty for violation thereof; without amendment (Rept. No. 2063). Referred to the House Calendar.

Mr. PARKER: Committee on Interstate and Foreign Commerce. A report on the progress of the investigation into the ownership, control, etc., by holding companies of common carriers, under authority of House Resolution 114; without amendment (Rept. No. 2064). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BURDICK: Committee on Naval Affairs. H. R. 8620. A bill granting six months' pay to Annie Bruce; with amendment (Rept. No. 2062). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ESTERLY: A bill (H. R. 13291) to make dutiable tractors imported for other than agricultural purposes; to the Committee on Ways and Means.

By Mr. GIBSON: A bill (H. R. 13292) to change the name of Meridian Park in the city of Washington to Henderson Park; to the Committee on the District of Columbia.

By Mr. LEAVITT: A bill (H. R. 13293) to provide funds for cooperation with the school board at Frazer, Mont., in the construction of a high-school building to be available to Indian children of the Fort Peck Indian Reservation; to the Committee on Indian Affairs.

By Mr. HAUGEN: Joint resolution (H. J. Res. 394) to coordinate the fiscal business of the United States Department of Agriculture and the Alaska Game Commission in Alaska, and for other purposes; to the Committee on Agriculture.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 395) authorizing the President to appoint a world highway commission; to the Committee on Roads.

By Mr. THATCHER: Joint resolution (H. J. Res. 396) proposing an amendment to the Constitution of the United States providing for the method of amending it; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Joint resolution (H. J. Res. 397) to change the name of B Street NW. in Washington, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BACON: Resolution (H. Res. 293) concerning the costs of production of the articles specified in paragraph 401 of the tariff act 1930; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 13294) granting an increase of pension to Sarah E. Hoffner; to the Committee on Invalid Pensions.

By Mr. BEEDY: A bill (H. R. 13295) granting a pension to Mary M. Carr; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 13296) granting a pension to Pamela Hogie; to the Committee on Invalid Pensions.

By Mr. BRUNNER: A bill (H. R. 13297) for the relief of John Butler; to the Committee on Military Affairs.

By Mr. CABLE: A bill (H. R. 13298) granting an increase of pension to Emma D. Miller; to the Committee on Invalid Pensions.

By Mr. CRADDOCK: A bill (H. R. 13299) granting a pension to Nancy E. Akridge; to the Committee on Invalid Pensions.

By Mr. DOUGLASS of Massachusetts: A bill (H. R. 13300) for the relief of Julia Hennessey; to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 13301) granting a pension to Charles H. Edson; to the Committee on Pensions.

By Mr. GOLDER: A bill (H. R. 13302) for the relief of James L. Park; to the Committee on Claims.

By Mr. GUYER: A bill (H. R. 13303) granting a pension to Grace O. Barmore; to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 13304) granting an increase of pension to Rebecca Jackson; to the Committee on Invalid Pensions.

By Mr. HOLADAY: A bill (H. R. 13305) granting a pension to Laura L. Dow; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 13306) granting an increase of pension to Ida Amelia McLain; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 13307) granting a pension to Louisa Wainscott; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 13308) granting an increase of pension to Lucina Bush; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 13309) granting an increase of pension to Annie M. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13310) granting an increase of pension to Clara A. Poliard; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 13311) granting an increase of pension to Mary E. Hoover; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 13312) to place William H. Clinton on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. ZIHLMAN: A bill (H. R. 13313) granting an increase of pension to Rachel Logsdon; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7680. By Mr. GARBER of Oklahoma: Petition of Board of County Commissioners of Hennepin County, Minneapolis, Minn., in support of the Couzens resolution (S. J. Res. 161); to the Committee on Interstate and Foreign Commerce.